

Notice of Decision

Section 2.22 and clause 20 of Schedule 1 of the *Environmental Planning and Assessment Act 1979*

Application type	State significant development modification
Application number and project name	SSD-8875-Mod-1 Sydney Metro Pitt Street North Over Station Development Concept
Applicant	Pitt Street Developer North Pty Ltd
Consent Authority	Minister for Planning and Public Spaces

Decision

The Executive Director under delegation from the Minister for Planning and Public Spaces has, under 4.55(2) of the *Environmental Planning and Assessment Act 1979* (**the Act**) modified the consent subject to the recommended conditions.

A copy of the instrument of modification and conditions is available [here](#).

A copy of the Department of Planning & Environment's assessment report is available [here](#).

Date of decision

26 February 2021

Reasons for decision

The following matters were taken into consideration in making this decision:

- the relevant matters listed in section 4.15 of the Act and the additional matters listed in the statutory context section of the Department's Assessment Report;
- the prescribed matters under the *Environmental Planning and Assessment Regulation 2000*;
- the reasons given by the consent authority for the grant of the original consent;
- the objects of the Act;
- all information submitted with the modification application during the assessment and information considered in the Department's Assessment Report;
- the findings and recommendations in the Department's Assessment Report;
- the submissions made concerning the modification; and
- the views of the community about the project (see Attachment 1).

The findings and recommendations set out in the Department's Assessment Report were accepted and adopted as the reasons for making this decision. The Department's Assessment Report also identifies additional reasons for making the decision.

The decision maker was satisfied that the development to which the consent as modified relates is substantially the same development as the development for which consent was originally granted was modified.

The key reasons for granting the modification are as follows:

- the modification is consistent with the strategic planning framework for the Sydney CBD as it would strengthen national and international competitiveness of Sydney as an economic hub and takes advantage of the Government's investment in public transport by locating commercial office space, accommodating up to 4,000 ongoing operational jobs, as well as retail tenancies immediately above the new Pitt Street Metro Station.
- the modification is permissible with consent, and is consistent with NSW Government policies
- the impacts on the community and the environment can be appropriately minimised, managed or offset to an acceptable level, in accordance with applicable NSW Government policies and standards.
- the issues raised by the community during consultation and in submissions have been considered and adequately addressed through changes to the project and the recommended conditions of consent.
- weighing all relevant considerations, the modification is in the public interest.

Attachment 1 – Consideration of Community Views

The Department exhibited the modification from 23 July until 19 August 2020 (28 days) and received three submissions, including two objections and one in support.

The Department also undertook the following consultation activities:

- site visit

The key issues raised by the community (including in submissions) and considered in the Department's Assessment Report and by the decision maker include privacy, view loss and overshadowing. Other issues are addressed in detail in the Department's Assessment Report.

<i>Issue</i>	<i>Consideration</i>
<i>Overshadowing</i> • The proposal results in additional overshadowing impact on adjoining residential development	<i>Assessment</i> • The Department acknowledges the proposal results in overshadowing of apartments within the Park Regis between 9 am and 3 pm, mid winter. • The extent of the impact is considered acceptable in the context of the sites CBD location, the relative location of the buildings (Park Regis located immediately to the south) and as the proposal complies with the applicable planning controls for building height and setbacks. • Further, the extent of the impact is less than anticipated by the approved building envelope on the site, and the Department is satisfied the building has been appropriately designed to reduce bulk in key areas in order to minimise shadowing of the neighbouring premises. • The Department is also satisfied the proposed additional 5,433 m² GFA does not result in any additional amenity impacts compared to a Concept Approved compliant scheme. • In this regard, the Department is satisfied the Applicant has explored alternative design options to ensure the proposed scheme minimises overshadowing of the neighbouring dwellings, consistent with the Design Guidelines and complies with the conditions of the Concept Plan.
<i>Privacy impacts</i> • The proposal will result in adverse privacy impacts on adjoining residential developments	<i>Assessment</i> • The Department notes the separation between the proposed office tower and the nearest residential property (Park Regis) is over 43 m, which exceeds the minimum 24 m recommended building separation under the ADG. The Department is satisfied the proposal will not unreasonably impact on the privacy of adjoining residential developments.
<i>View loss</i> • The proposal will result in a loss of views and outlook from adjoining buildings	<i>Assessment</i> • View loss and outlook impacts are a function of the building envelope which has already been established through the Concept Approval. The previous assessment of the envelope concluded view impacts were acceptable as primary views from affected properties are orientated to the northwest, towards Hyde Park and water views beyond. Additionally, the redevelopment of other surrounding sites in accordance with Council's controls would obstruct similar views. • The Department considers the proposal adequately demonstrates that view impacts on surrounding residential development have been minimised and outlook towards Hyde Park from the Park Regis apartments has been improved, compared to the Concept Approval.