



SYDNEY METRO PITT STREET SOUTH OVER STATION DEVELOPMENT (OSD)

CONCEPT SSD DA SECTION 4.55(2) MODIFICATION - PLANNING REPORT

12 MAY 2020
P17535
FINAL
PREPARED FOR PITT STREET SOUTH DEVELOPER PTY LTD



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DECLARATION

SUBMISSION OF PLANNING REPORT

This planning report has been prepared generally in accordance with Schedule 2 of the *Environmental Planning and Assessment Regulations 2000*.

Planning report prepared by:

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Applicant and Land Details:

Applicant	Pitt Street Developer South Pty Ltd
Address	Level 19, 126 Phillip Street, Sydney NSW 2000
Land Details	125 Bathurst Street (Lot 10 DP 1255507)
Project	Section 4.55(2) modification to the State Significant Development concept approval (SSD 8876) for a residential mixed-use over station development above the new Sydney Metro Pitt Street South station.

Declaration:

I/We certify that the contents of the planning report, to the best of our knowledge, has been prepared as follows:

- In accordance with the requirements of the *Environmental Planning and Assessment Act 1979*, *Environmental Planning and Assessment Regulation 2000* and *State Environmental Planning Policy (State and Regional development) 2011*;
- Containing all available information that is relevant to the environmental assessment of the development, activity or infrastructure to which the statement relates; and
- The information contained in this report is true in all material particulars and is not misleading.

Name	Jacqueline Parker, Director	Ashleigh Ryan, Associate Director	Nazia Pokar, Senior Consultant
Signature			
Date	26 April 2020	26 April 2020	26 April 2020

GLOSSARY AND ABBREVIATIONS

Abbreviation	Meaning
AHD	Australian Height Datum
BCA	Building Code of Australia
CIV	Capital Investment Value
CMP	Construction Management Plan
Consent	Development Consent
Council	City of Sydney Council
CPTED	Crime Prevention Through Environmental Design
CSMP	Construction and Site Management Plan
CSSI	Critical State Significant Infrastructure
CTMP	Construction Traffic Management Plan
DA	development application
DPIE	NSW Department of Planning, Industry and Environment
DRP	design review panel
EP&A Act	<i>Environmental Planning and Assessment Act 1979</i>
EPA	NSW Environment Protection Authority
EPBC Act	<i>Environment Protection and Biodiversity Conservation Act 1999 (Cth)</i>
ESD	Ecologically sustainable design
GANSW	NSW Government Architect's Office
GFA	Gross Floor Area
HIA	Heritage Impact Assessment
IAP	Interchange Access Plan
LGA	Local Government Area
NCC	National Construction Code
SDCP	<i>Sydney Development Control Plan 2012</i>
SLEP	<i>Sydney Local Environmental Plan 2012</i>
OSD	over station development
PIR	Preferred Infrastructure Report

Abbreviation	Meaning
RMS	Roads and Maritime Services
SEARs	Secretary's Environmental Assessment Requirements
SDPP	Station Design and Precinct Plan
SEPP	State Environmental Planning Policy
SEPP 55	<i>State Environmental Planning Policy No.55 – Remediation of Land</i>
SEPP 64	<i>State Environmental Planning Policy No. 64 – Advertising and Signage</i>
SRD SEPP	<i>State Environmental Planning Policy (State and Regional development) 2011</i>
SSD	State Significant Development
TfNSW	Transport for New South Wales
Urbis	Urbis Pty Ltd
WSUD	Water sensitive urban design

EXECUTIVE SUMMARY

This planning report has been prepared to accompany a Section 4.55(2) modification application to the state significant development (SSD) concept approval (reference **SSD-8876**) granted for an over station development (OSD) above the Sydney Metro Pitt Street South station.

This report has been prepared having regard to the Secretary's Environmental Assessment Requirements (SEARs) dated 26 July 2018 included at **Appendix A** and should read in conjunction with the supporting technical documents provided at **Appendix B – Appendix J**.

This report has been prepared in accordance with the *Environmental Planning and Assessment Act 1979* (EP&A Act) and provides an assessment of the proposed modification against the relevant considerations contained within Section 4.55(2) of the EP&A Act.

SYDNEY METRO

Sydney Metro is Australia's biggest public transport program. A new standalone railway, this 21st century network will revolutionise the way Sydney travels. There are four core components:

- **Sydney Metro Northwest (formerly the 36km North West Rail Link)**

This project is now complete and passenger services commenced in May 2019 between Rouse Hill and Chatswood, with a metro train every four minutes in the peak. The project was delivered on time and \$1 billion under budget.

- **Sydney Metro City & Southwest**

Sydney Metro City & Southwest project includes a new 30km metro line extending metro rail from the end of Metro Northwest at Chatswood, under Sydney Harbour, through new CBD stations and southwest to Bankstown. It is due to open in 2024 with the ultimate capacity to run a metro train every two minutes each way through the centre of Sydney.

Sydney Metro City & Southwest will deliver new metro stations at Crows Nest, Victoria Cross, Barangaroo, Martin Place, Pitt Street, Waterloo and new underground metro platforms at Central Station. In addition it will upgrade and convert all 11 stations between Sydenham and Bankstown to metro standards.

In 2024, customers will benefit from a new fully-air conditioned Sydney Metro train every four minutes in the peak in each direction with lifts, level platforms and platform screen doors for safety, accessibility and increased security.

- **Sydney Metro West**

Sydney Metro West is a new underground railway connecting Greater Parramatta and the Sydney CBD. This once-in-a-century infrastructure investment will transform Sydney for generations to come, doubling rail capacity between these two areas, linking new communities to rail services and supporting employment growth and housing supply between the two CBDs.

The locations of seven proposed metro stations have been confirmed at Westmead, Parramatta, Sydney Olympic Park, North Strathfield, Burwood North, Five Dock and the Bays Precinct.

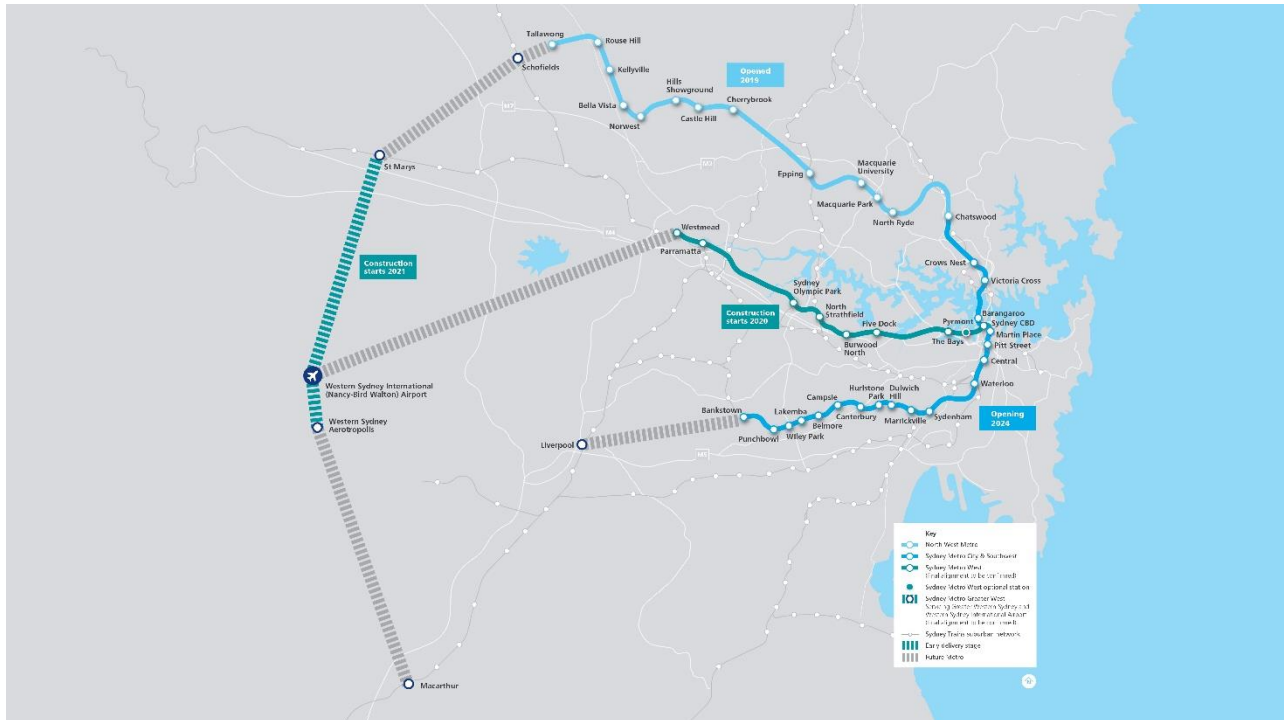
The NSW Government is assessing optional stations at Pyrmont and further planning is underway to determine the location of a new metro station in the Sydney CBD.

- **Sydney Metro Greater West**

Metro rail will also service Greater Western Sydney and the new Western Sydney International (Nancy Bird Walton) Airport. The new railway line will become the transport spine for the Western Parkland City's growth for generations to come, connecting communities and travellers with the rest of Sydney's public transport system with a fast, safe and easy metro service. The Australian and NSW governments are equal partners in the delivery of this new railway, which is earmarked to open in time for the airport's opening.

Additional information can be obtained from the Sydney metro project is illustrated overleaf.

With regards to CSSI related works, any changes to the “metro box envelope” and public domain will be pursued in satisfaction of the CSSI Conditions of approval and do not form part of the scope of the concept SSD DA for the OSD.



THE SITE

References within this report to the Sydney Metro Pitt Street South station site relate to the Sydney Metro Pitt Street southern site only. This concept SSD DA modification application does not relate to the Sydney Metro Pitt Street station northern site located on the north-eastern corner of the Pitt Street and Park Street Intersection.

THE PROPOSAL

Concept SSD DA – SSD-8876

- A maximum building envelope, including street wall and setbacks for the OSD;
- A maximum building height of RL 171.6 metres;
- Podium level car parking for a maximum of 34 parking spaces; and
- Conceptual land use for either one of a residential or a commercial scheme (not both).

Modification to Concept DA (SSD-8879) – MOD 1

On 28 October 2019, modification application (SSD- 8879-MOD 1) was approved by the Minister for Planning to correct a typographic error in Condition A24 and modify Condition B10 to amend the required environmental performance targets for a residential building.

Condition A24 sets out amendments required to the Sydney metro Pitt Street South over station development design guidelines. The applicant noted Condition A17 with respect to the structure reservation zone as referenced in Condition A24 is incorrect. The applicant noted that the correct reference should be Condition A18, which defined the structure reservation zone.

Condition 24 has been amended as follows:

A25. Prior to the lodgement of the first detailed development application, the applicant shall revise the Sydney metro Pitt Street South over station development design guidelines (November 2018), to the satisfaction of the Planning Secretary, as follows:

*(a) insert new **clause 12** in (Built Form above the Podium)*

(i) Side and rear setback above the podium of:

a) a minimum 3 m continuous setback to the eastern boundary

*b) a minimum 12 metres above the podium with the permitted reduction to minimum 3 metres within the structure reservation zone in accordance with Condition ~~A17~~ **A18** for essential structural support and service to integrate the over station development with the station below.*

Alternative options must be considered before any built form is proposed within the structure reservation zone. Any structure or built forms within the structure reservation zone must be designed to minimise its impacts to the outlook and amenity of the adjoining Princeton Apartments (304 – 308 Pitt Street, Sydney).

The applicant noted Condition A17 with respect to the structure reservation zone as referenced in Condition A24 is incorrect. The applicant noted that the correct reference should be Condition A18, which defined the structure reservation zone.

The updated Condition B10 reads:

B10. For future detailed development application(s), the proposed minimum performance targets for environmental performance are:

a) If the entire site is a residential building:

*(i) **Achieve minimum BASIX 35 30** Energy; and,*

(ii) Exceed minimum compliance with BASIX Water.

b) If the entire site is a commercial / office building:

(i) 5 Star NABERS Energy; and

(ii) 3.5 Star NABERS Water.

c) Green Star ratings:

(i) If the building is predominantly residential, then 5 Star Green Star; or

(ii) If the building is predominantly office / commercial, then 5 Star Green Star.

Proposed modification application

The scope of works to deliver the Pitt Street South integrated station development is generally separated into station works up to the transfer slab level, and OSD works above within the OSD building envelope. Sydney Metro appointed Pitt Street Developer South Pty Ltd (**the applicant**) as the preferred development partner to deliver the Pitt Street South station OSD.

The station works approved under the CSSI approval include the construction of below and above ground structures necessary for delivering the station and also enabling the construction of the integrated OSD. This includes but is not limited to:

- Demolition of existing development;
- Excavation;
- station structure including concourse and platforms;
- Lobbies;
- Retail spaces within the station;
- Public domain improvements;
- The station portal link;
- Access arrangements including vertical transport such as escalators and lifts; and
- Structure and service elements and relevant space provisioning necessary for constructing the OSD, such as columns and beams, space for lift cores, plant rooms, access, parking, and building services.

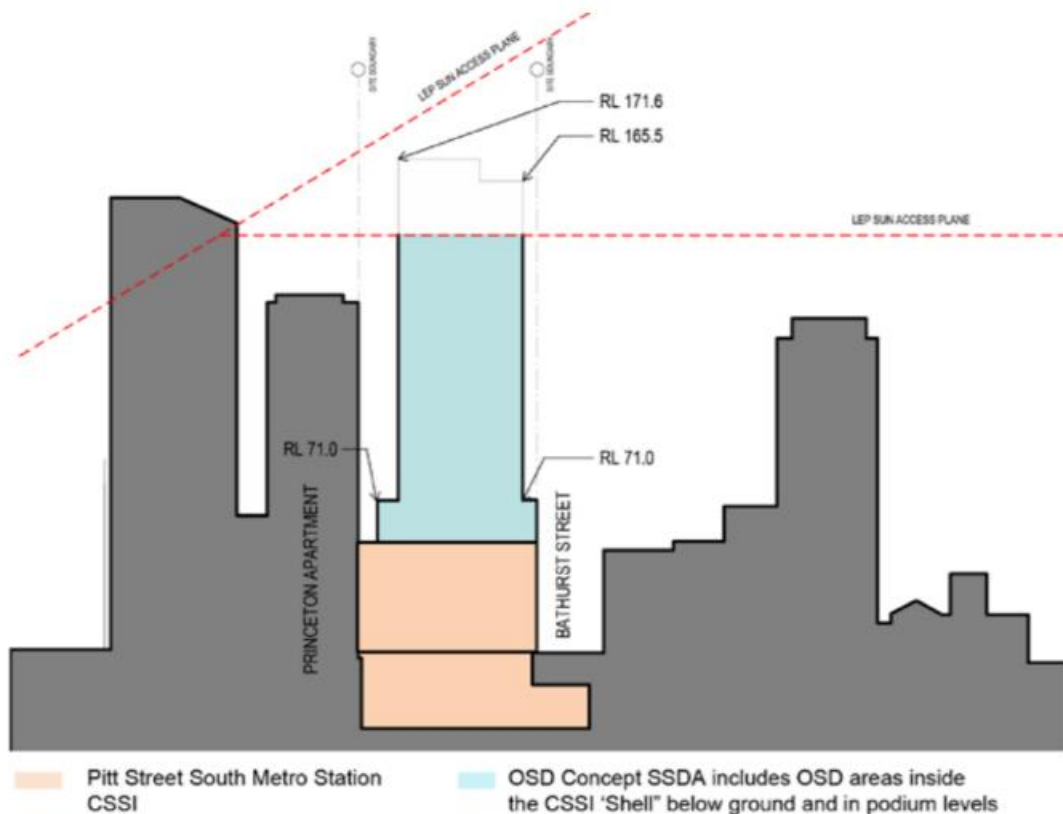
As a result of the interface between each application, it is noted that there has been an erroneous exclusion of conceptual approval for retail premises within the podium levels (below level 7), most relevant for ground-level or level 1, under either the CSSI approval or the concept SSD DA. This erroneous exclusion is required to be addressed under the subject modification application to the concept SSD DA. This does not undermine the approval for a predominantly residential or commercial scheme (not both) for the OSD.

This Section 4.55(2) modification application proposes to amend the concept approval for the Pitt Street South OSD in the following ways:

- Permit the inclusion of '*retail premises*' as an approved land use within the building podium, specifically at level 2; and
- Amend Condition A15 to allow for protrusion beyond the approved building envelope for:
 - architectural embellishments, to a maximum depth of 500mm at each elevation, and
 - awning and balustrade structures at level 35 terrace and balustrade structures at level 6 podium open space.

It is noted that the concept SSD DA instrument of approval does not approve any physical works commencing on site. A detailed SSD DA seeking consent for the detailed construction of the proposed development is lodged under a different cover concurrently with this concept SSD DA modification application.

The approved concept SSD DA includes the use of areas inside the CSSI "metro box" for the purposes of OSD related uses illustrated below. The envelope drawings denote the Pitt Street station CSSI approved works or "metro box" in pink, whereas the OSD envelope is shown in light blue.



Picture – Approved Pitt Street South metro station CSSI and OSD areas below ground and in podium levels of CSSI “metro box”.

Source: SSD-8879 Approved Building Envelope Plans

PLANNING CONTEXT

The EP&A Act establishes the assessment framework for SSD, and Section 4.36 indicates that State Environmental Planning Policy may declare a development to be SSD. The *State Environmental Planning Policy (State and Regional development) 2011 (SRD SEPP)* identifies development that is SSD, SSI (including critical) and regionally significant development. As the proposal is for the purposes of ‘residential development’ or ‘commercial premises’ associated with railway infrastructure and has a capital investment value (**CIV**) of more than 30 million, it is classified as SSD pursuant to clause 19(2), schedule 1 of the SRD SEPP.

The Minister for Planning, or their delegate, is the consent authority for the SSD DA. Accordingly, this modification application is lodged with the NSW Department of Planning, Industry and Environment (**NSW DPIE**) for assessment under Section 4.55(2) of the EP&A Act.

Section 7 of the planning report considers all applicable strategic and statutory planning legislation in detail.

KEY PLANNING ASSESSMENT

This planning report responds to the SEARs requirements issued for the concept development (refer **Section 1.6**) and provides an assessment of the relevant planning instruments, policies and guidelines and demonstrates that the proposal does not result in any unreasonable environmental impacts.

The assessment demonstrates that the impacts resulting from the proposed development are commensurate with the impacts resulting from the originally approved development. Specifically, the proposed modifications to the concept approval are considered reasonable because:

- The project remains consistent with NSW Government and City of Sydney Council policies including the Greater Sydney Region Plan, the Eastern City District Plan, *Sydney Local Environmental Plan 2012* and the Sydney Development Control Plan 2012.
- The proposed use of the podium level for 'retail premises' is consistent with the intended use of the tenancy spaces as approved under the CSSI approval.
- The project will continue to provide a range of benefits to the region and state as a whole, including potential employment generation on the site with retail premises permitted for either a commercial or residential scheme, within a site with excellent access to public transport and services.
- Notwithstanding the proposed modifications, the approved development remains primarily a residential or commercial office scheme (rather than a primarily mixed-use scheme).
- The proposed modifications to the OSD building envelope for the purposes of façade articulation only, do not result in any significant impacts on the community and environment beyond which was originally considered in the assessment of SSD-8876.
- The project remains suitable for the site maximising the integration with the new Sydney Metro Pitt Street South station, leveraging significant NSW Government investment in public transport to the site.

In light of the above, notwithstanding the two proposed changes to the approved concept SSD DA, the project remains in the public interest and the modification application warrants approval.

1. INTRODUCTION

1.1. OVERVIEW

This planning report has been prepared to accompany the Section 4.55(2) modification application to the state significant development (**SSD DA**) concept approval (reference **SSD-8876**) granted for a concept over station development (**OSD**) above the new Sydney Metro Pitt Street South station.

This report has been prepared in response to the requirements contained within the Secretary's Environmental Assessment Requirements (**SEARs**) dated 26 July 2018 included within **Appendix A** and should be read in conjunction with the supporting documents provided at **Appendix B - Appendix J**.

The Minister for Planning granted development consent to the concept SSD development application (**DA**) on 25 June 2019 under **SSD-8876**. The concept approval was granted for:

- A maximum building envelope, including street wall and setbacks for the OSD
- A maximum building height of RL 171.6 metres or 39 storeys
- Podium level car parking for a maximum of 34 parking spaces
- Conceptual land use for either one of a residential or a commercial scheme (not both).

Note: gross floor area did not form part of the application and was not approved by the consent.

Following the completion of a competitive bid process, Sydney Metro appointed Pitt Street Developer South Pty Ltd as the preferred development partner to deliver the Pitt Street South station OSD. Through ongoing design development between Pitt Street Developer South Pty Ltd and Sydney Metro, minor modifications to the approved concept SSD DA are required to respond to functional brief requirements and recommendations of the design excellence process.

As such, this report has been prepared by Urbis Pty Ltd on behalf of Pitt Street Developer South Pty Ltd, the applicant of the Section 4.55(2) modification application to the state significant development (SSD-8876).

This Section 4.55(2) modification application proposes to amend the concept approval for the Pitt Street South OSD in the following ways:

- Permit the inclusion of '*retail premises*' as an approved land use within the building podium, specifically at level 2;
- Amend Condition A15 to allow for protrusion beyond the approved building envelope for:
 - architectural embellishments, to a maximum depth of 500mm at each elevation, and
 - awning and balustrade structures at level 35 terrace and balustrade structures at level 6 podium open space.

It is noted that the concept SSD DA instrument of approval does not approve any physical works commencing on site. A detailed SSD DA seeking consent for the detailed construction of the proposed development is lodged under a different cover concurrently with this concept SSD DA modification application.

1.2. STRATEGIC PROJECT NEED

As identified in the *Greater Sydney Region Plan* (2018), Sydney's population is forecast to grow to eight million by 2056. Sydney Metro responds to the transport demand that will accompany this growth with its plan to deliver a new standalone railway with 31 stations and more than 66 kilometres of new rail. Once completed, Sydney Metro, along with other signalling and infrastructure upgrades across the existing networks, will increase the capacity of Sydney's train services from approximately 120 per hour today up to 200 services beyond 2024 – a 60 per cent increase resulting in an extra 100,000 train customers per hour in the peak. The project was endorsed by the NSW Government as a key component of *Sydney's Rail Future: Modernising Sydney's trains* (2012) and is a committed initiative within the *Future Transport strategy 2056*.

Pitt Street South station is a key new station on the Sydney metro network. This station will provide a new focal point for the Sydney CBD, extending the rail catchment north within the Sydney CBD and reduce overcrowding at Pitt Street station. The station will also improve access to Sydney's highly skilled job market and education facilities and improve pedestrian access in the area.

The modification application facilitates the lodgement of the detailed SSD DA which capitalises on the introduction of the Sydney Metro by providing for a potential residential or commercial office tower integrated with the future Pitt Street South station. As outlined in the detailed SSD DA lodged concurrently with the modification application, the applicant proposes to pursue a residential scheme. Additional residential apartments in this location will strengthen Sydney's role in providing housing in the global city and will align with a key action in the *Eastern City District Plan* by maximising residential accommodation opportunities provided by the new Pitt Street South station.

The modification application also supports the detailed SSD DA, which provides a retail tenancy on level 2 of the podium of the OSD and the Pitt Street South station. The provision of retail uses within the podium levels of the OSD will allow for further activation and economic use of the site, and the provision of complementary uses that will further improve the services available to the users of the station and surrounding locality.

The modification application's consistency with key strategic plans, strategies and policies is discussed in detail in **Section 7** of this EIS.

1.3. NEED FOR THE MODIFICATION

The modification application to the approved concept SSD DA 8876 forms part of a broader planning process to realise the vision for an integrated station development at the subject site.

It is noted that there has been an erroneous exclusion of conceptual approval for retail premises within the podium levels (below level 7), most relevant for ground level or level 2, under either the CSSI approval or the concept SSD DA. This erroneous exclusion is required to be addressed under the subject modification application to the concept SSD DA. This does not undermine the approval for a predominantly residential or commercial scheme (not both) for the OSD.

Further, as a result of detailed design development through the design excellence process and competitive bid process the detailed design of the building has evolved since the approval of the building envelope. As part of the strategy to achieve 'deep reveals' within the façade, creating visual interest and articulation for the building, the modification application seeks to amend Condition A15 to allow for minor architectural features, elements (including balustrades and awnings) and embellishments (no additional floor space) to protrude outside the approved building envelope.

The proposed building envelope and retail use amendments sought within the modification application seek to facilitate the following outcomes:

- Recognise the need to include tenancies for retail use within the building's podium, that will allow for the integration of the OSD podium levels with the new Pitt Street South metro station. This will improve the usability of the development by the surrounding community living or visiting the site;
- Allow minor elements to project outside the approved building envelope, to allow for façade fenestration and articulation, the design of which has been supported through the design excellence process;
- To allow minor elements to project outside the approved building envelope for balustrade and awnings; and
- To achieve design excellence in accordance with the endorsed design excellence strategy prepared in accordance with Condition A26 of the concept SSD DA.

1.4. DETAIL OF THE MODIFICATION

The modification application seeks to permit *retail premises* within the podium levels of the OSD (within the envelope of the approved "metro box") and to amend Condition A15 of the concept OSD development consent for the Pitt Street South station development to permit minor protrusions of the architectural features, elements (including balustrades and awnings) and embellishments (no additional floor space) outside of the approved building envelope.

Further design development of the OSD development as part of detailed development (stage 2) application has identified that minor façade projections on each of the elevations are likely to occur to allow for better fenestration and articulation of the building. The proposed amendment to Condition A15 of the stage 1 consent seeks to permit these minor façade projections which are proposed within the detailed SSD DA as:

- A maximum 250mm projection to the eastern and western façades;
- A maximum 500mm projection from the northern façade;
- A maximum 450mm projection to the southern façade.

As a result, Condition A15 of stage 1 (**SSD 8876**) consent will need to be amended, where it can be demonstrated through the design excellence process that the minor projections outside the building envelope will achieve excellence in design and will not result in any adverse environmental impacts on the subject site and adjoining properties. **Section 4** and **Section 8** of this report provides a detailed assessment of the modifications sought and the mitigation measures to address any potential impacts of the proposal.

No changes are proposed within this modification application to the approved maximum height of the building envelope at RL 171.6, approved maximum floor space, maximum car parking spaces, or strategies for design excellence.

1.5. REPORT STRUCTURE

This planning report provides the following:

- A description of the site and surrounding context, including identification of the site, existing development on the site and surrounding development;
- A description of the consultation undertaken with respect to the proposal and proposed amendments to the approved envelope;
- A detailed description of the proposed modifications to the approved development;
- A justification for the proposed modifications;
- An assessment of the development as proposed to be modified against the relevant strategic and statutory planning controls; and
- An assessment of environmental and community impacts of the proposed modifications and the proposed mitigation measures.

1.6. SECRETARY'S ENVIRONMENTAL ASSESSMENT REQUIREMENTS

This report has been prepared having regard to the SEARs dated 26 July 2018 (**Appendix A**). It is noted that the DPIE have confirmed that revised SEARs are not required in light of the scope of the proposed modifications.

Specifically, this report provides a response to the following relevant requirements.

Table 1 – Summary of SEARs Requirements

Relevant Requirement	Section Addressed
1. Environmental Planning Instruments, Policies and guidelines	Section 7
2. Land Use, Gross Floor Area and Floor Space Ratio	Section 8.1 ; Architectural and urban design report at Appendix C ; and as outlined within the concurrent detailed SSD DA (SSD-10294) which seeks consent for the construction of the development.
3. Design excellence and Built Form	Section 8.5 ; Section 8.1 ; Urban Design Report at Appendix C .

Relevant Requirement	Section Addressed
4. Integration with Sydney metro station infrastructure	Section 4.4; Section 8.6
5. Visual and Amenity Impacts	Solar access and overshadowing: Section 7.2.5; Section 8.4 ; urban design report at Appendix C . View impact: Section 8.2 ; Visual and View Impact Assessment at Appendix I .
6. Heritage	Section 8.7 and Heritage Impact Statement at Appendix E .
7. Ecologically Sustainable development (ESD)	Section 8.7 and ESD report at Appendix D .
8. Transport, Traffic, Parking and access (operation)	No change proposed; addressed within the concurrent detailed SSD DA (SSD-10376) which seeks consent for the construction and operation of the development.
9. Construction Management (including construction traffic).	No change proposed; addressed within the concurrent detailed SSD DA (SSD-10376) which seeks consent for the construction and operation of the development.
10. Biodiversity	Section 7.2.2 and within the BDAR Waiver
11. (SIC) Public Benefits, Contributions and/or VPA	Section 7.1.1
12. Utilities	No change proposed; addressed within the concurrent detailed SSD DA (SSD-10376) which seeks consent for the construction of the development.
13. Staging	No change proposed; addressed within the concurrent detailed SSD DA (SSD-10376) which seeks consent for the construction and operation of the development.
14. Consultation	Section 5 ; Stakeholder Consultation Pre Lodgement Summary Report at Appendix J .

1.7. OTHER APPROVALS

In addition to the approvals noted elsewhere in this document, other approvals will be required in the future to permit the construction of the OSD. These approvals may include, but are not limited to, the following:

- Approvals under the *Roads Act 1993* (including Section 138 approvals) may be required in the construction scenario where the station has been completed while OSD works are ongoing. A consent under Section 138 of the *Roads Act 1993* cannot be refused if it is necessary for carrying out SSD that is authorised by a development consent and is substantially consistent with the consent.
- An environment protection licence under the *Protection of the Environment Operations Act 1997*. An environment protection licence under Chapter 3 of the *Protection of the Environment Operations Act 1997* cannot be refused if it is necessary for carrying out SSD that is authorised by a development consent and is substantially consistent with the consent.
- A compliance certificate issued under Section 73 of the *Sydney Water Act 1994*.

- Approval for obstacle limitation surface (**OLS**) protrusion under the *Airports (Protection of Airspace) Regulations* to ensure construction and the proposed building do not interfere with operations and safety of Sydney airport.
- The outer horizontal surface of the OLS across the site is 171.6m AHD; the proposed maximum building height is consistent with the approved building height under the concept OSD SSD 8876.

2. BACKGROUND

2.1. SYDNEY METRO

Sydney Metro is Australia's biggest public transport program. A new standalone railway, this 21st century network will revolutionise the way Sydney travels. There are four core components:

- **Sydney Metro Northwest (formerly the 36km North West Rail Link)**

This project is now complete and passenger services commenced in May 2019 between Rouse Hill and Chatswood, with a metro train every four minutes in the peak. The project was delivered on time and \$1 billion under budget.

- **Sydney Metro City & Southwest**

Sydney Metro City & Southwest project includes a new 30km metro line extending metro rail from the end of Metro Northwest at Chatswood, under Sydney Harbour, through new CBD stations and southwest to Bankstown. It is due to open in 2024 with the ultimate capacity to run a metro train every two minutes each way through the centre of Sydney.

Sydney Metro City & Southwest will deliver new metro stations at Crows Nest, Victoria Cross, Barangaroo, Martin Place, Pitt Street, Waterloo and new underground metro platforms at Central Station. In addition it will upgrade and convert all 11 stations between Sydenham and Bankstown to metro standards.

In 2024, customers will benefit from a new fully-air conditioned Sydney Metro train every four minutes in the peak in each direction with lifts, level platforms and platform screen doors for safety, accessibility and increased security.

- **Sydney Metro West**

Sydney Metro West is a new underground railway connecting Greater Parramatta and the Sydney CBD. This once-in-a-century infrastructure investment will transform Sydney for generations to come, doubling rail capacity between these two areas, linking new communities to rail services and supporting employment growth and housing supply between the two CBDs.

The locations of seven proposed metro stations have been confirmed at Westmead, Parramatta, Sydney Olympic Park, North Strathfield, Burwood North, Five Dock and the Bays Precinct.

The NSW Government is assessing optional stations at Pyrmont and further planning is underway to determine the location of a new metro station in the Sydney CBD.

- **Sydney Metro Greater West**

Metro rail will also service Greater Western Sydney and the new Western Sydney International (Nancy Bird Walton) Airport. The new railway line will become the transport spine for the Western Parkland City's growth for generations to come, connecting communities and travellers with the rest of Sydney's public transport system with a fast, safe and easy metro service. The Australian and NSW governments are equal partners in the delivery of this new railway, which is earmarked to open in time for the airport's opening.

The Sydney metro project is illustrated in **Figure 1**.

On 9 January 2017, the Minister for Planning approved the Sydney Metro City & South-west - Chatswood to Sydenham project as a critical state significant infrastructure project (reference SSI 15_7400) (CSSI approval). The terms of the CSSI approval includes all works required to construct the Sydney metro Pitt Street South station, including the demolition of existing buildings and structures on both sites. The CSSI approval also includes the construction of below and above ground improvements with the metro station structure for appropriate integration with the OSD.

With regards to CSSI related works, any changes to the "metro box envelope" and public domain will be pursued in satisfaction of the CSSI Conditions of approval and do not form part of the scope of the concept SSD DA for the OSD.

[illegible]

2.2. CSSI APPROVAL SYDNEY METRO CITY & SOUTHWEST (SSI 15_7400)

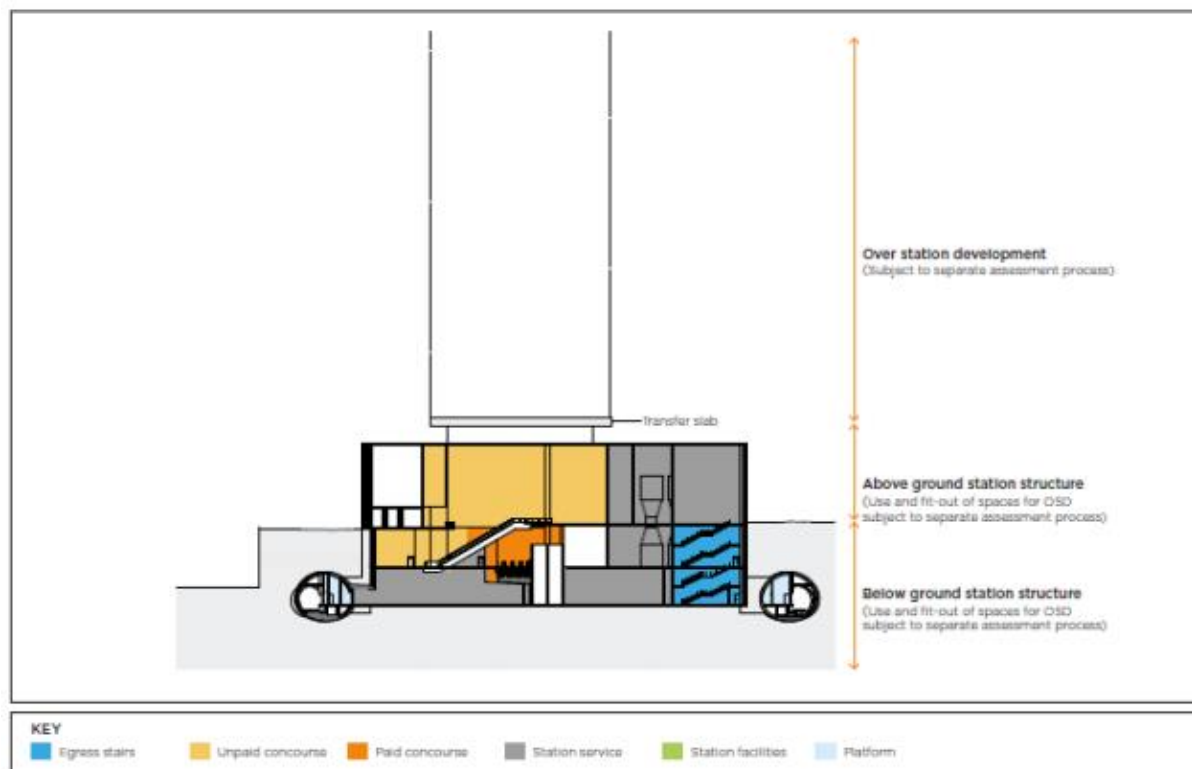
Construction and operation of a metro rail line, approximately 16.5 kilometres long (of which approximately 15.5 kilometres is located in underground rail tunnels) between Chatswood and Sydenham, including the construction of a tunnel under Sydney Harbour, links with the existing rail network, seven metro stations, and associated ancillary infrastructure.

The CSSI approval includes the construction of all below and above ground works required to deliver the Sydney Metro Pitt Street South station. The Sydney metro CSSI EIS and PIR outlines the integration between the future OSD and the Pitt Street South station.

- Structural elements (steel and / or concrete), building grids, column loadings and building infrastructure to enable the construction of future OSD; and
- Space for future lift cores, access, parking and building services for the future OSD.

16 BACKGROUND

Figure 2 – Typical over station development interface



Source: *Environmental Assessment report, Dec 2016*

As such the only components of the Sydney Metro Pitt Street South station OSD that have been approved within the CSSI approval includes structural elements to support the OSD, suitable spatial allocation within the 'metro box' envelope for OSD components, and public domain works and embellishment.

The construction of each of these components, such as the construction of any retail tenancies within the "metro box" therefore do not form part of the scope of the detailed SSD DA for the OSD. Use of these spaces however that do not relate to the operation of the station cannot, however, be assumed as granted within the CSSI approval and therefore consent for retail land uses is sought within the SSD DA.

2.3. CONCEPT SSD – SSD-8876

The Minister for Planning granted development consent to the concept SSD DA (SSD-8876) on 25 June 2019. concept approval was granted for:

- A maximum building envelope, including street wall and setbacks for the OSD;
- A maximum building height of RL 171.6 metres;
- Podium level car parking for a maximum of 34 parking spaces; and
- Conceptual land use for either one of a residential or a commercial scheme (not both).

2.4. MODIFICATION TO CONCEPT DA (SSD-8879) – MOD 1

On 28 October 2019, a modification application (SSD- 8879-MOD 1) was approved by the Minister for Planning to correct a typographic error in Condition A24 and modify Condition B10 to amend the required environmental performance targets for a residential building.

Condition A24 sets out amendments required to the Sydney Metro Pitt Street South OSD design guidelines. The applicant noted Condition A17 with respect to the structure reservation zone as referenced in Condition A24 is incorrect. The applicant noted that the correct reference should be Condition A18, which defined the structure reservation zone.

Condition 24 has been amended as follows:

A25. Prior to the lodgement of the first detailed development application, the applicant shall revise the Sydney metro Pitt Street South over station development design guidelines (November 2018), to the satisfaction of the Planning Secretary, as follows:

(a) insert new **clause 12** in (Built Form above the Podium)

(i) Side and rear setback above the podium of:

a) a minimum 3 m continuous setback to the eastern boundary

b) a minimum 12 metres above the podium with the permitted reduction to minimum 3 metres within the structure reservation zone in accordance with Condition ~~A17~~ **A18** for essential structural support and service to integrate the over station development with the station below.

Alternative options must be considered before any built form is proposed within the structure reservation zone. Any structure or built forms within the structure reservation zone must be designed to minimise its impacts to the outlook and amenity of the adjoining Princeton Apartments (304 – 308 Pitt Street, Sydney).

The applicant noted Condition A17 with respect to the structure reservation zone as referenced in Condition A24 is incorrect. The applicant noted that the correct reference should be Condition A18, which defined the structure reservation zone.

The updated Condition B10 reads:

B10. For future detailed development application(s), the proposed minimum performance targets for environmental performance are:

(a) *If the entire site is a residential building:*

(i) **Achieve minimum BASIX 35 30 Energy**; and,

(ii) **Exceed minimum compliance with BASIX Water.**

(b) *If the entire site is a commercial / office building:*

(i) **5 Star NABERS Energy**; and

(ii) **3.5 Star NABERS Water.**

(c) *Green Star ratings:*

(i) **If the building is predominantly residential, then 5 Star Green Star**; or

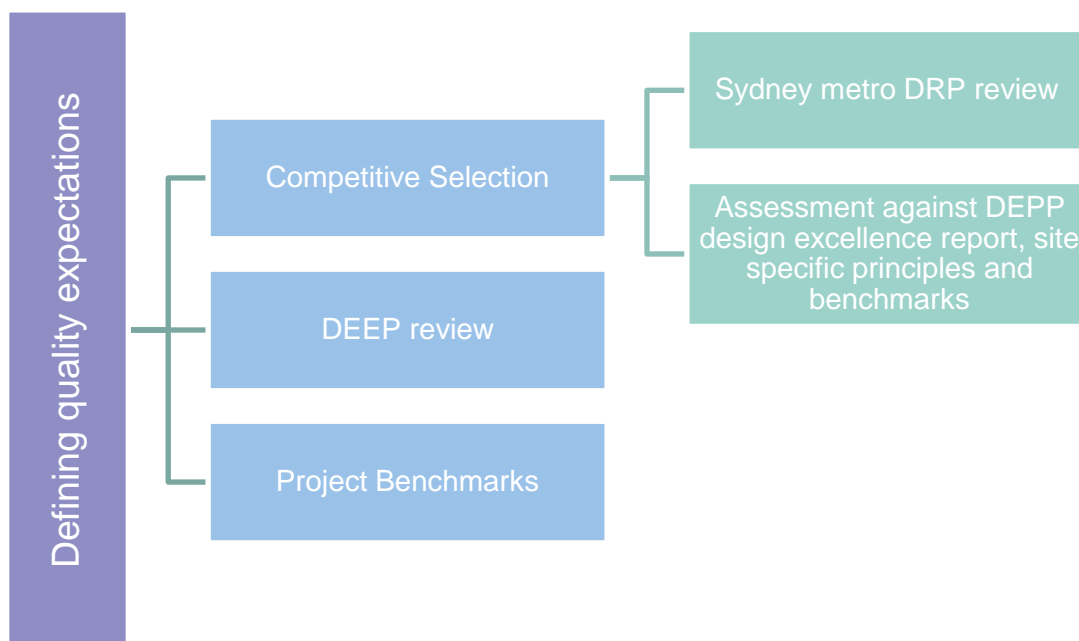
(ii) **If the building is predominantly office / commercial, then 5 Star Green Star.**

2.5. DESIGN DEVELOPMENT AND DESIGN EXCELLENCE PROCESS

The concept SSD DA included a design excellence strategy and a set of specific design guidelines for the Pitt Street South station OSD. These documents were established to guide the detailed design of the future OSD and ensure a high quality of design was achieved for the site and other OSDs.

The design excellence strategy comprises a multi-phase process including a competitive selection which involved an expression of interest (**EOI**) and request for tender process, benchmarking studies, and continued design review by a design excellence evaluation panel (**DEEP**) and subsequently the Sydney Metro Design Review Panel (**DRP**). A summary of the design excellence process undertaken is illustrated in the figure below.

Figure 3 – Design excellence process



Source: Urbis

A critical objective of the competitive tendering process was to review alternative approaches to the Pitt Street South station southern site and strive for design excellence for the OSD project. Following the approval of the concept SSD DA and completion of the EOI and request for tender process, the Pitt Street Developer South Pty Ltd and its architect Bates Smart (**the Architect**) were chosen as the successful development partner for the Sydney metro Pitt Street South station OSD.

Since the selection of Pitt Street Developer South Pty Ltd as the development partner for the Pitt Street South station OSD, the applicant has presented to the Sydney Metro DRP six times. Throughout this process, the DRP has provided ongoing design review of the proposed Pitt Street South station OSD proposal to ensure design excellence and integrity have been achieved.

The specific details of the consultation undertaken to achieve design excellence in accordance with the design excellence and design guidelines are outlined in **Section 5**, with a detailed discussion of the proposal's design excellence included at **Section 8.5**.

3. SITE ANALYSIS

3.1. SITE CONTEXT AND LOCATION

The site is situated on the south-east corner of Bathurst Street and Pitt Street intersection, Sydney (see **Figure 4**). The site is an irregular L shaped allotment with street frontages of approximately 32.03 metres to Pitt Street (west), and 24.05 metres to Bathurst Street (north), north-western internal boundary measuring 21.835m, northern internal boundary measuring 13.485m, southern boundary measuring 37.21m and eastern boundary measuring 54.235m resulting in an overall site area of approximately 1,710 square metres.

The Pitt and Bathurst Street frontages contain a series of streetlights, signage, bicycle racks, parking ticket machines within the footpath areas.

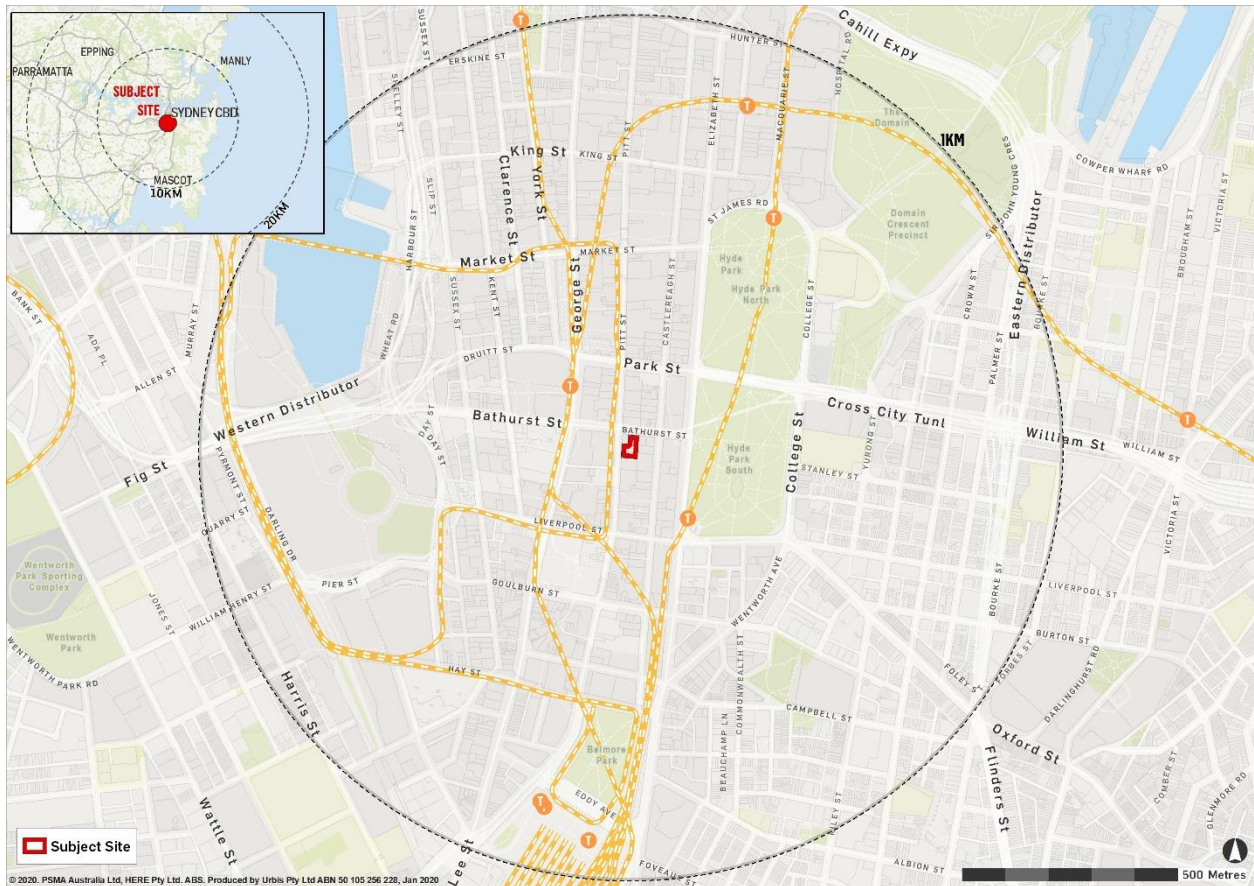
Figure 4 – Aerial of the subject site



The site is centrally located within the Sydney Central Business District (**CBD**) area which forms part of the Sydney City Local Government Area (**LGA**). The Sydney CBD is situated approximately 3 kilometres south of North Sydney CBD and 8 kilometres north-east of Sydney International Airport (refer **Figure 5**).

The Sydney CBD is identified as the “Harbour CBD” within Sydney’s overarching strategic plan, *A metropolis of three cities*. It is Sydney’s largest commercial precinct, followed by Parramatta CBD and North Sydney CBD, and is part of the eastern economic corridor from Macquarie Park to Sydney Airport functioning as a fundamental component of the state’s global economic corridor. The area is characterised by a consolidated commercial core and metropolitan centre (with key public open spaces), contributing to global financial, professional education and innovation sectors estimated to provide a skilled labour force of 500,000 jobs by the year 2036 through the innovation corridor and supported by surrounding high-amenity residential and mixed-use precincts.

Figure 5 – Location map of subject site

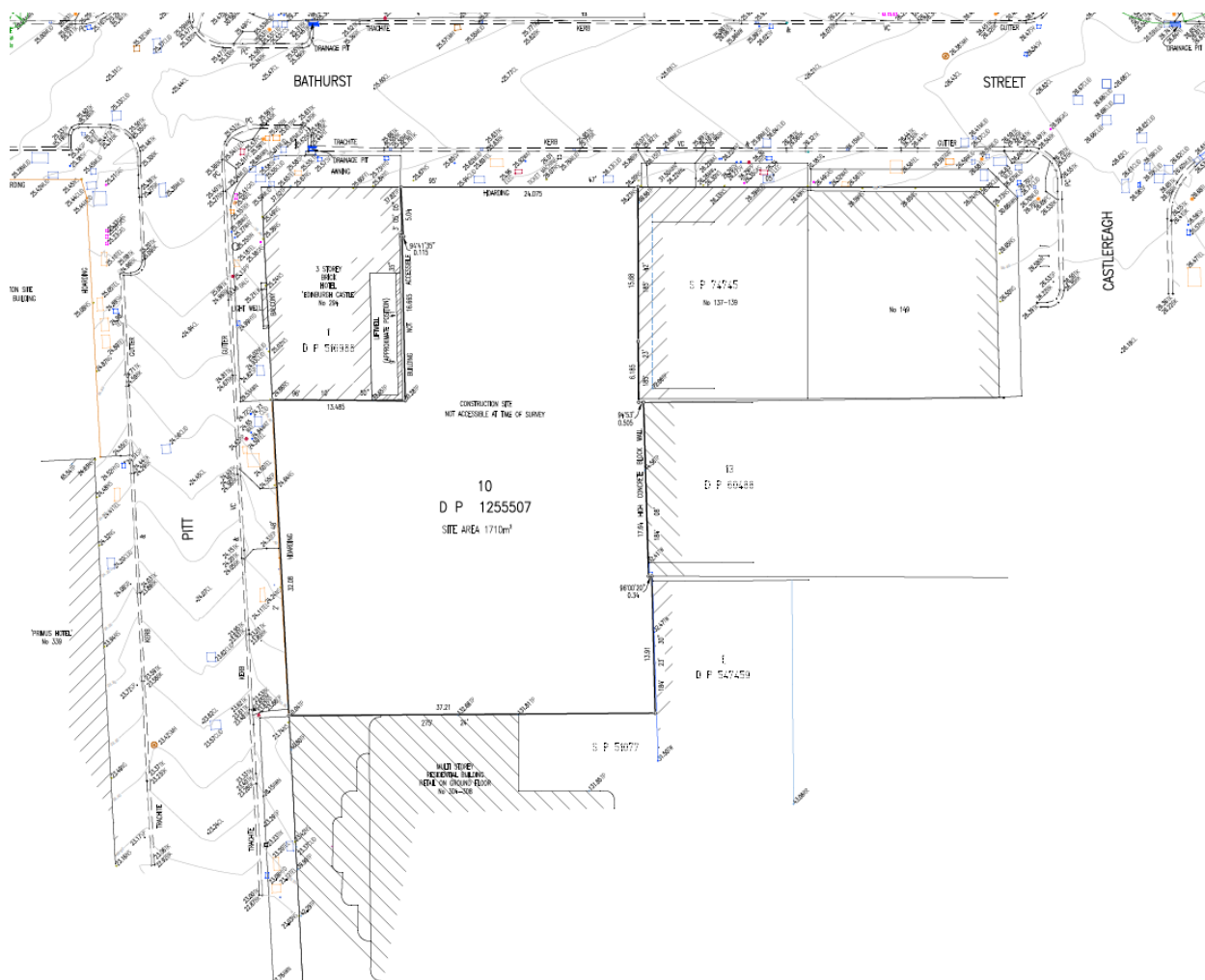


3.2. LEGAL DESCRIPTION

The site is generally described as 125 Bathurst Street, Sydney (**the site**). The site occupies one allotment and is legally described as Lot 10 DP 125507 as shown in **Figure 6**.

The allotment includes a series of easements affecting parts of the land for stormwater drainage and sewer, as outlined within the site survey (refer to **Appendix A**) and included within the concept SSD DA EIS. The existing easements however do not impede the approved development as proposed to be modified.

Figure 6 – Site survey



Source: Veris Australia

3.3. EXISTING DEVELOPMENT

Prior to the demolition of all buildings across the site under the terms of CSSI approval, the site was previously occupied by a mix of low-rise retail and mid-rise office developments. These are briefly discussed below:

- **302 Pitt Street** – a six (6) storey commercial building with ground-floor retail premises;
- **300 Pitt Street** – an eight (8) storey hotel operated by metro hotel with a café on the ground floor;
- **129 Bathurst Street** – an eight (8) storey commercial building with ground-floor retail premises; and
- **131 Bathurst Street** – a three (3) storey commercial building with ground-floor retail premises.

The previous site conditions displayed a pattern of development with very little consistency in scale, form or alignment. Mid-rise commercial buildings were abutting low-rise retail/food and drink premises.

Pitt Street and Bathurst Street are frequently used by pedestrians as a thoroughfare during peak times and are anticipated to support increased pedestrian traffic once Pitt Street South station is constructed. The current pathway conditions are narrow and illegible due in part to the presence of construction hoardings, and overall is considered to be a poor interface for pedestrians and vehicles using the road.

As discussed, all the buildings/structures previously on the site have now been demolished under the CSSI approval for the Pitt Street South station. Construction of the Pitt Street South station is currently underway on the site, and the site is presently being excavated (see **Figure 7**).

Figure 7 – Site photos



Picture 1 – View from Pitt Street looking north-east



Picture 2 – View from Pitt Street looking south-east



Picture 3 – View from Pitt Street looking south-east



Picture 4 – View from corner of Pitt and Bathurst Street looking south-east



Picture 5 – View from the corner Pitt Street and Bathurst Street looking south-east



Picture 6 – View from Bathurst Street looking south-west



Picture 7 – View from corner of Pitt and Bathurst Street looking south-east



Picture 8 – View from Bathurst Street looking south

3.4. SURROUNDING DEVELOPMENT

The surrounding context is characterised by a mix of mid to high density commercial and residential developments, interspersed with lower scale heritage items, retail developments and service providers such as the fire station. A range of residential building form exists in the centre, which is considered as varying in the broader context. The site is generally bound as follows:

- **North** – A high density serviced apartment development, a medium-density commercial building and heritage listed, three-storey pub.
- **South** – High density residential apartments and high-density commercial buildings.
- **East** – High density residential apartment buildings and the heritage-listed, Sydney fire station.
- **West** – A high density mixed-use building and a medium-density hotel.

Existing surrounding buildings are shown in **Figure 8** below.

Figure 8 – Key surrounding developments



Picture 9 – View of the corner of Pitt and Bathurst Street looking north-west (Meriton Suites Pitt Street Sydney)



Picture 10 – View of Bathurst Street looking north-east from the corner of Pitt and Bathurst Street (102 Bathurst Street)



Picture 11 – View of Pitt Street looking north-west from corner of Pitt and Wilmot Street (339 Pitt Street)

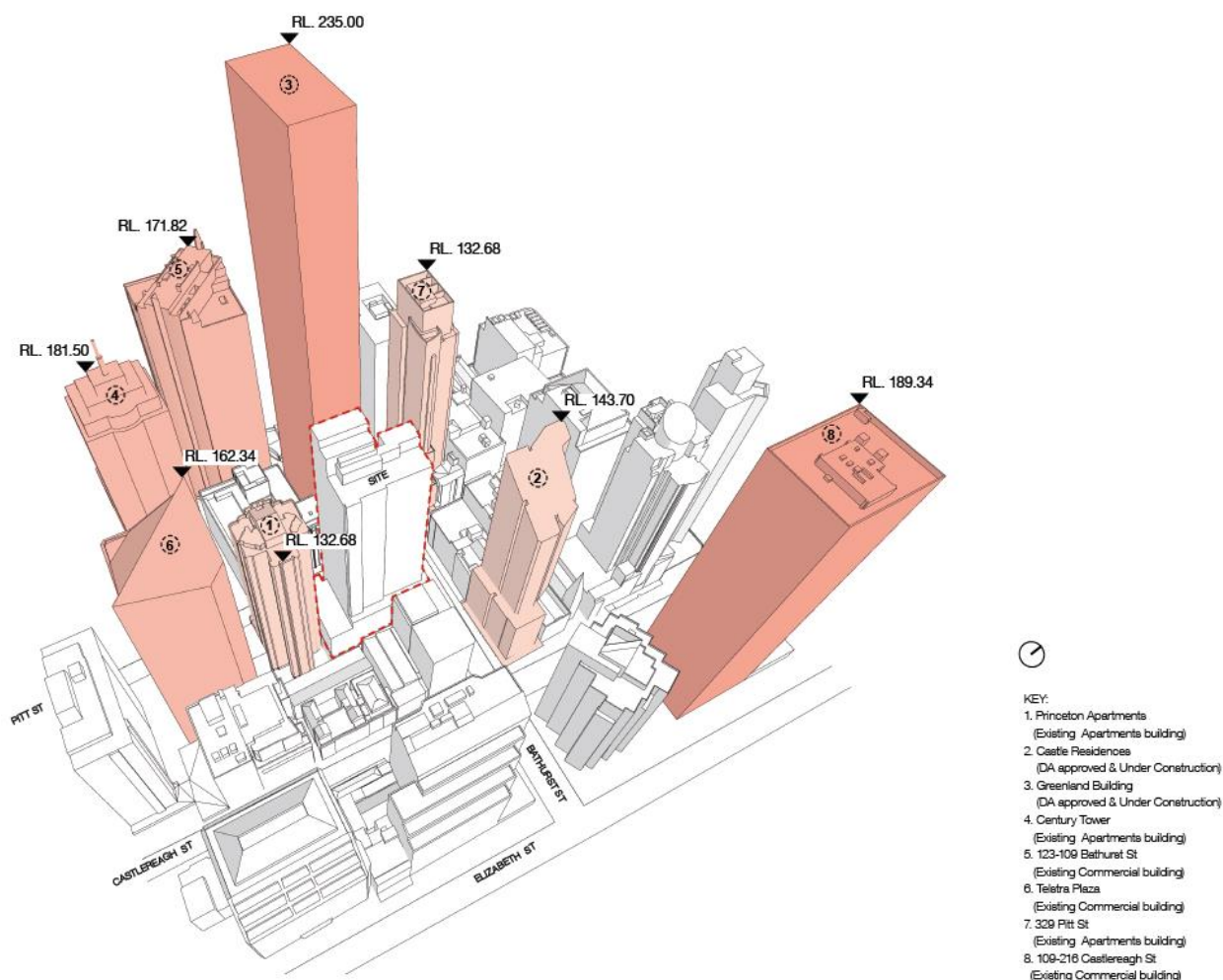


Picture 12 – View of Bathurst Street looking south-east from corner of George and Bathurst (580 George Street)

The recent emergence of a high-density residential and commercial built form typology within the Sydney CBD is strengthening a future high-rise residential core character to which this proposal will positively contribute. Large scale residential buildings that have been recently completed or are currently, under construction are illustrated in **Figure 9**, with notable high-rise developments listed below:

- **Greenland Centre (115-119 Bathurst Street):** is located east of the site and is currently under construction for a mixed-use 67 storey retail, commercial and residential building and heritage conservation and adaptive reuse of the former Sydney Water building for a hotel.
- **Castle Residences (116 Bathurst Street):** is to the north of the site. A 36-storey mixed-use retail, hotel and residential development has been approved on the site. It is currently under construction.

Figure 9 – Surrounding high rise built form



Source: Bates Smart

3.5. TOPOGRAPHY

The site has an area of approximately 1,710 sqm and a fall of approximately 2.6 metres towards the south west corner. This slope occurs from a high point on Bathurst Street of RL 26.2 m (AHD) to a low point on the Pitt Street frontage of RL 23.6 m (AHD). The corner of Bathurst and Pitt Street is approximately the site mid-level of the slope at RL 25.5 m (AHD).

3.6. BUILT HERITAGE

The site is not heritage listed or located within a heritage conservation area under the SLEP 2012. However, the site is located within proximity to several local and state-listed heritage items, as illustrated in **Figure 10**. The following local and state heritage items of particular significance to the proposal are detailed in Table 2.

Table 2 – Heritage Items in Proximity to the site

Item	Name and Address	Significance	Description
I1940	Edinburgh Castle Hotel 294 Pitt Street	Local	A modest three-storey face brick building in the Inter-War Georgian style located on the corner of Pitt and Bathurst Streets, with a flat roof concealed behind parapets, a splayed north-west corner is addressing the intersection and some aesthetically significant features motifs.

Item	Name and Address	Significance	Description
I1939	Former Speedwell House 284-292 Pitt Street	Local	The heritage item comprises two buildings, the earlier Speedwell House (c.1907), now called the Lincoln Building, on the north-east corner of Pitt and Bathurst Street, and a later L-shaped building (c.1924) to its east and north, fronting onto Bathurst Street and Pitt Street, now called International House.
I1672	Former Sydney Water Head Office 115-119 Bathurst Street	State	A large, visually dramatic building of approximately eight storeys, combining the art deco and inter-war functionalist styles, clad in granite and marble with a rounded south-east corner addressing the intersection of Pitt and Wilmot Street and tall steel-framed windows at ground level. The building stands directly opposite the Pitt Street side of the subject site.
I1942	Former Lismore Hotel façade 343-357 Pitt Street	Local	A three-storey face brick facade in the federation free classical style, behind which a contemporary apartment building of over 30 storeys has been erected. The retained facade has a splayed corner facing the intersection of Pitt and Wilmot Streets, Palladian pedimentation over every window and rich texturing achieved through the use of pilasters and cornices. The building stands diagonally across Pitt Street from the subject site.
I1703	metropolitan fire Brigade 211-217 Castlereagh Street	Local	Grand four-storey face brick and rendered brick building in the Victorian free classical style, with large arched vehicle doors at street level, rendered pilasters and string courses and windows either arched or pedimented producing a richly textured formal facade. A highly contemporary steel and glass extension adjoin it to the north.
I1704	Former City South Telephone Exchange 219-227 Castlereagh Street	Local	A handsome six-storey rendered brick building in the inter-war commercial palazzo style, with large arched windows at ground level, tall steel-framed windows above and a four-storey contemporary vertical addition.
I1941	Former YMCA 323-331 Pitt Street	Local	The remnant YMCA building is a five-storey face brick and stone example of the federation free style, with a dramatic entrance arch and extensive ornamentation. It fronts onto Pitt Street away from Bathurst Street, the corner of the listed site being occupied by the eight-

Item	Name and Address	Significance	Description
			storey podium of a contemporary high-rise apartment building of over 30 storeys.
I1702	Porter House 203 Castlereagh Street	Local	A five-storey brick building with a stone veneer front facade, in the Victorian free classical style, with arched windows emphasised by hood moulds, cornices at every level and a central pediment at parapet level.

Figure 10 – Surrounding heritage items



Source: Urbis / SLEP 2012

Potential impacts of the Pitt Street South OSD on the surrounding heritage items has been carefully considered in the detailed design of the proposal and specifically the proposed modification to the building envelope to ensure the built form and heritage significance of these items continues to be appreciated and enjoyed. These potential impacts have been discussed in further detail in **Section 8.7** of this planning report and within the heritage impact assessment in **Appendix E**.

3.7. TRANSPORT AND ACCESSIBILITY

3.7.1. Public Transport

Rail

The site currently benefits from proximal access to the Sydney train network, being located in a central portion of the Sydney CBD close to several major transport nodes. Town Hall station is located approximately 200m to the northwest of the site and. Providing access to the T1 North Shore, Northern and Western Line, T2 Inner West and Leppington Line, T4 Eastern Suburbs and Illawarra Line, T8 Airport and

South Line, T9 Northern Line, CCN Central Coast & Newcastle Line, SCO South Coast Line and the T3 Bankstown Line, with the Bankstown Line ultimately moving to the Sydney metro network.

Museum station is approximately 3050m south-east of the site which currently provides access to T2 Inner West and Leppington Line, T8 Airport and South Line and the T3 Bankstown Line.

On completion of the Sydney metro city and south-west project the site will also be directly connected to stations from Tallawong in the north-west to Bankstown in the south-west, ultimately offering one of the most rail-accessible locations within the Sydney metropolitan area. The proposed building envelope is located directly above the Pitt Street station southern portal. Pitt Street is one of seven new Sydney metro city and south-west stations. The future OSD would be integrated with the Pitt Street station and would provide commuters with access to both the Sydney metro network and a number of other key Sydney trains lines.

Light Rail

The site benefits from close proximity to the Sydney Light Rail (**SLR**) network, which provides a 12km, 19 stop light rail service through the city, extending from Circular Quay along George Street to Central station, then through Surry Hills and Moore Park to Kingsford and Randwick. The closest SLR stop is located on George Street in front of Town Hall.

Bus

Bus corridors throughout the CBD were recently reorganised in accordance with the Sydney City Centre access strategy, which sought to redesign the Sydney CBD bus network to include new and improved services through a number of key corridors.

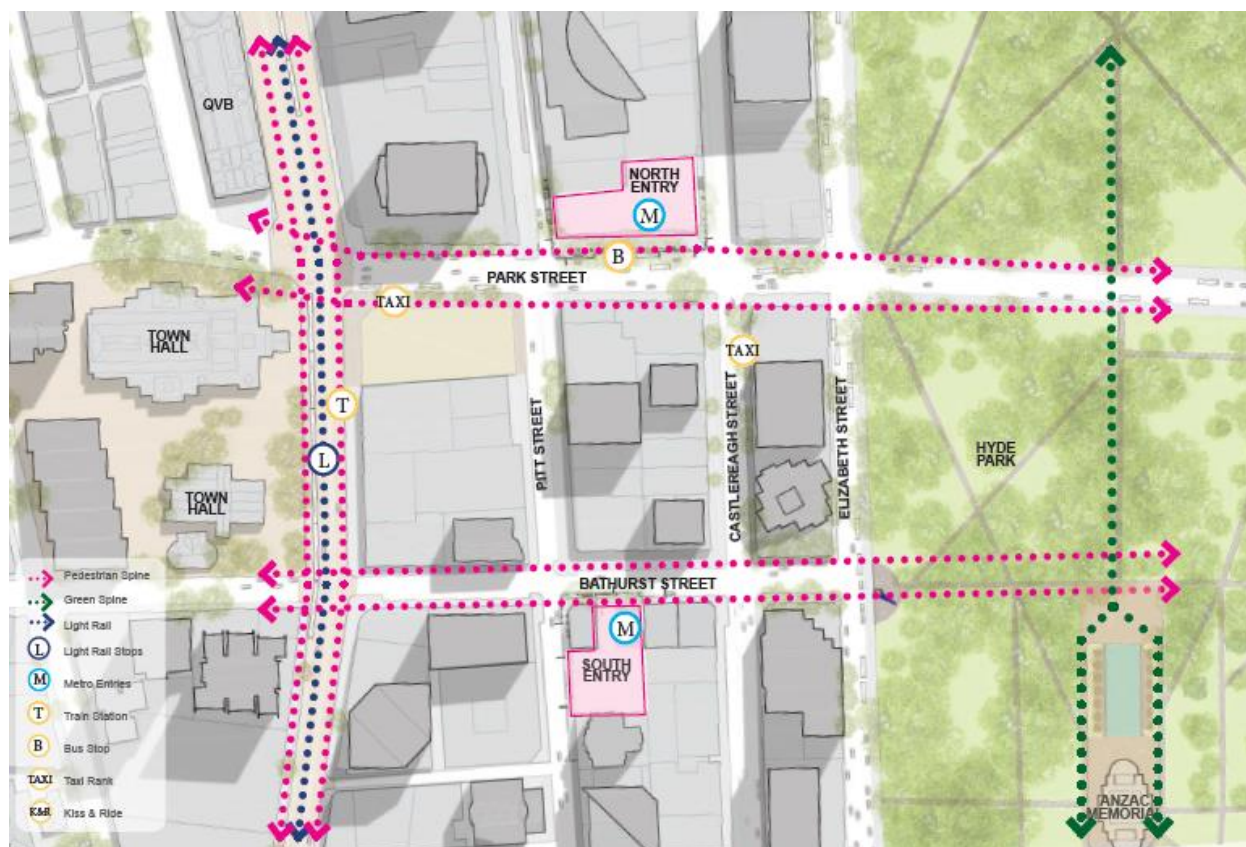
There are numerous bus services in the vicinity of the site, with the following key bus corridors close to the site:

- **Castlereagh Street** is a key corridor for southbound bus services travelling towards the Inner West and South.
- **Elizabeth Street**, one block east of the site, acts as a major north-south bus route through the CBD. Travelling north, Elizabeth Street provides access to Martin Place and Circular Quay, as well as the metrobus Network, which provides services to major nodes across Sydney. Travelling south, Elizabeth Street provides access to the Inner South and Eastern Suburbs.
- **Park Street** provides east-west bus access through the CBD, providing access to services across the Anzac Bridge to Victoria Road and the North West, as well as additional access to the Eastern Suburbs.

The site also benefits from proximity to the Queen Victoria Building bus interchange, which provides access to the North Shore, Northern Beaches, Inner West and Hills District.

A map demonstrating the public transport context of the site has been provided at **Figure 11**.

Figure 11 – Surrounding public transport opportunities



Source: Bates Smart

3.7.2. Road Network

The surrounding road network has provisions for vehicular access, loading and parking. In particular, a discussion is provided of the following two (2) roads which border the site.

- **Bathurst Street:** A one-way eastbound road comprising two general traffic lanes, with paid on-street parking and loading zones on either side.
- **Pitt Street:** A one-way northbound road, comprising two general traffic lanes, with paid, on-street parking and loading zones on either side.

There is no available unrestricted parking within 400m of the site, reflecting a constrained parking environment associated with the CBD context of the area.

3.7.3. Pedestrian Network

Pedestrians can access the site via dedicated footpaths on all street frontages. Pitt Street and Bathurst Street provide key north-south and east-west pedestrian spines

The area surrounding the site has a well-established pedestrian network and is characterised by high levels of pedestrian activity in recognition of the site's CBD location and proximity to a number of public transport nodes, as described above.

3.8. OPEN SPACE AND SPECIAL AREAS

The site is located in close proximity to three substantial public open space areas, and a future planned area of public open space, as follows:

Hyde Park

The closest significant area of consolidated open space to the site is Hyde Park, which is located approximately 100 metres to the east. Hyde Park comprises one of the key areas of public open space in the Sydney CBD and features a network of pathways, open grass areas, mature trees and decorative features.

At the south-western corner of Hyde Park is Museum station. The Anzac Memorial is located at the centre of the southern portion of the park.

Cook and Phillip Park

Cook and Phillip Park are located 500 metres north-east of the site, beyond Hyde Park. Cook and Phillip Park comprises a substantial area of public open space which provides an open space link between Hyde Park and the Domain and the Botanical Gardens beyond.

Tumbalong Park / Cockle Bay

Tumbalong Park is located approximately 600 metres east of the site and located within the Darling Harbour Entertainment Precinct. Tumbalong Park comprises a large circular lawn area, as well as several passive recreational, civic spaces and a children's playground.

Future Planned Open Space

Sydney Square and Pitt Street Mall are two areas of substantial civic open space located in proximity to the site, providing passive recreational opportunities and complementing the natural open space areas outlined above. An additional area of significant public open space is also proposed at the Town Hall SLR stop at George Street, approximately 100 metres to the northwest of the site. This comprises the existing Sydney Square, as well as a quantum of future pedestrian space to be delivered on George Street as part of the SLR project. Finally, the northern end of the block bounded by George Street, Park Street and Pitt Street is envisaged to be repurposed for an area of civic space in the future by Council, known as Town Hall Square.

3.9. UTILITIES AND INFRASTRUCTURE (SERVICES)

The site is located within an established urban area and currently contains all necessary services including electricity, gas, water, communications, drainage and sewerage. Furthermore, future development on the site can be connected to these services when required. The detailed SSD DA lodged concurrently with this modification application provides a detailed discussion of the required utility and service infrastructure provisions associated with the detailed design and future use of the OSD.

4. PROPOSED MODIFICATION

4.1. DESCRIPTION OF THE PROPOSED MODIFICATION

The Section 4.55(2) modification application seeks to amend the concept approval for the Pitt Street OSD in the following ways:

- Permit the inclusion of '*retail premises*' as an approved land use within the building podium, specifically at level 2;
- Amend Condition A15 to allow for protrusion beyond the approved building envelope for:
 - architectural embellishments, to a maximum depth of 500mm at each elevation, and
 - awning and balustrade structures at level 35 terrace and balustrade structures at level 6 podium open space.

As discussed in **Section 1.1** of the report, the proposal seeks amendments to A2 and A15 to permit minor projections of architectural features elements (including balustrades and awnings) and embellishments outside the building envelope. No amendments are required to the approved building envelope drawings as the projections are outside the approved envelope and can be addressed through the amendments to the conditions of consent.

It is noted that the modification proposed to the concept SSD DA building envelope does not seek consent for any physical works commencing on site. As discussed, a detailed SSD DA seeking consent for the detailed design and construction of the OSD has been submitted to the DPIE concurrently with this concept SSD DA modification application.

4.2. NUMERIC OVERVIEW OF PROPOSED CHANGES

The proposed maximum 500mm 'articulation zone' outside of the approved building envelope for the purposes of architectural features and embellishments provides flexibility for the features proposed within the concurrent detailed DA, are detailed within **Table 3**.

No change is proposed to the maximum gross floor area permitted on the site, or total maximum building height as part of this modification application.

Table 3 – Numerical overview

Component	Approved concept proposal (SSD 8876)	Proposed amended building envelope	Change
Site area	1,710sqm	1,710sqm	NIL
Articulation zone	No reference was established as part of the SSD approval.	East: 250mm proud of the approved building envelope	+250mm
	No reference was established as part of the SSD approval	West: 250mm proud of the approved building envelope	+250mm
	No reference was established as part of the SSD approval	North: 500mm proud of the approved building envelope	+500mm
	No reference was established as part of the SSD approval	South: 450mm proud of the approved building	+450mm

Component	Approved concept proposal (SSD 8876)	Proposed amended building envelope	Change
		envelope (measured as 12m from the boundary).	

4.3. MODIFICATIONS TO CONDITIONS OF CONSENT

The conditions of concept approval SSD 8874 outlined in **Table 4** below are required to be amended as part of this modification application. Text to be removed is shown by ~~strike through~~ and text to be added is shown in **red**. In summary, the amendments to conditions are necessary to support the modified building envelope.

Table 4 – Amendment to conditions of consent SSD 8876

Condition	Amendment Proposed
SCHEDULE 2	
PART A – CONDITIONS OF CONSENT FOR CONCEPT DEVELOPMENT APPLICATION	
<i>Terms of Consent</i>	
A15	<i>Future development application(s) for the development must demonstrate that the building is contained within the building envelopes consistent with the plans listed in Condition A2 and as modified by this consent, with the exception of architectural features, elements (including balustrades and awnings) and embellishments within the Articulation Zone.</i>
<i>Land Use</i>	
B6	Amend clause B6 (Land Use) as follows: <i>A future detailed development application(s) for the over station development must identify the proposed land use scheme as being either residential development or commercial development (one or the other, not both), notwithstanding that retail premises may be located within the podium of the development.</i>

4.4. RELATIONSHIP BETWEEN OSD (SSD) & STATION (CSSI) COMPONENTS

The CSSI approval provided a delineation between the station works approved under the CSSI approval and the OSD. **Section 2.2** of this report outlines the scope of works approved under the CSSI for Pitt Street station (**CSSI approval**), including:

- Demolition of all existing structures and vegetation removal;
- Bulk earthworks and excavation;
- Remediation activities;
- Primary station works, including both structural elements and service provisions below the ‘transfer slab’ (e.g. lift cores, access, parking etc.);
- Public domain works;
- Station retail tenancies; and
- Ancillary facilities relating to the operation of the Sydney metro.

Condition A4 of the CSSI approval states that “*except to the extent described within the CSSI EIS and PIR, any over station development, including associated future uses, does not form part of this CSSI and will be subject to the relevant assessment pathway prescribed by the EP&A Act*”.

‘over station development’ (**OSD**) is defined in the CSSI approval as follows:

Includes non-rail related development that may occupy land or airspace above, within or in the immediate vicinity of the CSSI but excluding spaces and interface works such as structural elements may be constructed as part of the CSSI to make provision for future developments.

The internal fit-out and use of the CSSI interface areas and the OSD areas are not covered under the CSSI approval. Page 16 of the CSSI PIR states the following:

The Environmental Impact Statement further indicates that over station development above the transfer slab would be subject to a separate assessment process. For clarity, the specific use and fit-out of the spaces below the transfer slab (above ground level, at ground level and below ground level – refer Figure 2-3) does not form part of the project and would be subject to a separate assessment process.

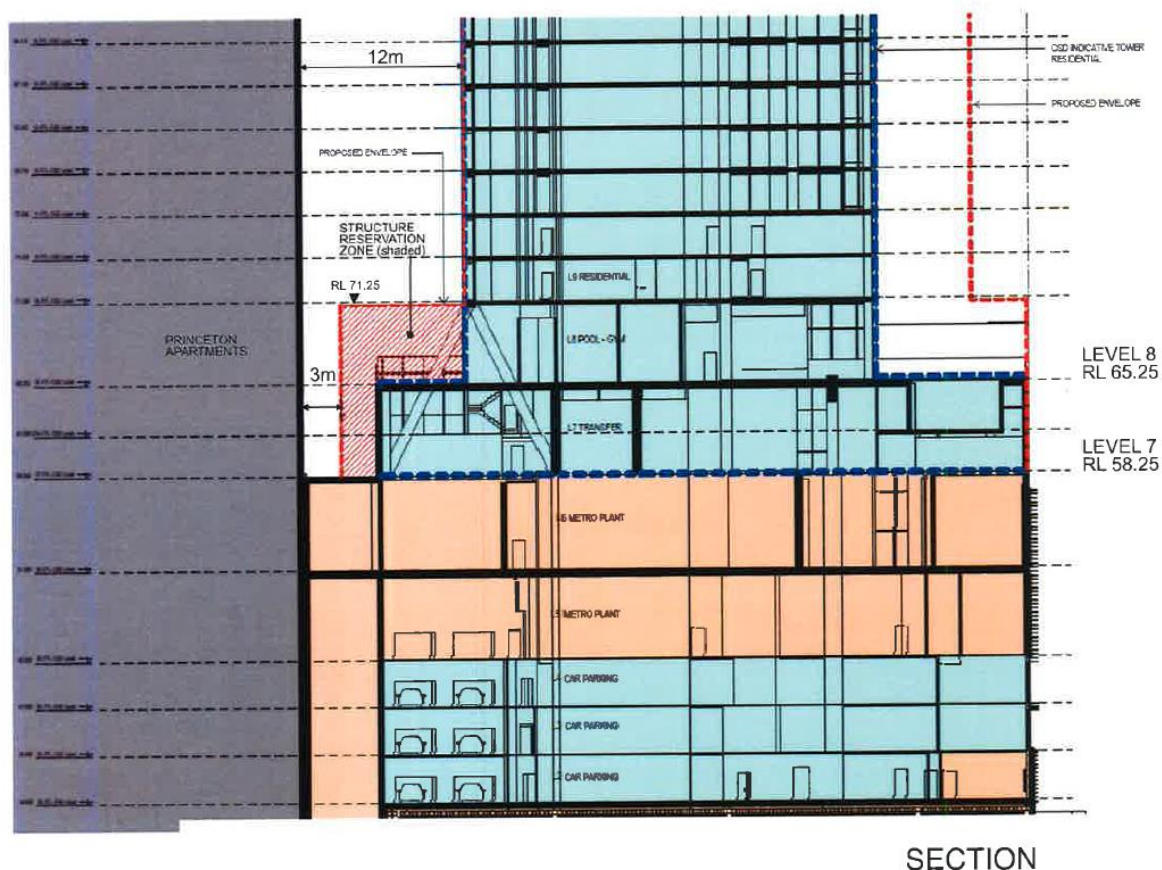
On 25 June 2019, a separate approval was granted by the Minister for Planning on for the concept SSD DA (SSD 8876) for the Pitt Street South OSD including:

- A maximum building envelope, including street wall and setbacks for the OSD
- A maximum building height of RL 171.6 metres
- Podium level car parking for a maximum of 34 parking spaces
- Conceptual land use for either one of a residential or a commercial scheme (not both).

The concept SSD DA, therefore, approved the OSD building envelope (maximum building height and property setbacks) and indicative land uses, but did not relate to the construction of the ‘metro box’ up to the transfer slab level as shown in **Figure 12**.

The height of the ‘metro box’ at RL 58.5 with a stepped height at RL 71 as shown in **Figure 12** is provided for under the CSSI approval and does not form part of the proposed modification of the concept SSD DA. All works above this transfer level form part of the OSD.

Figure 12 – CSSI approval and concept SSD DA delineation of approvals.



Source: GHD Woodhead

The modification to the concept SSD DA to include conceptual approval of ‘*retail premises*’ within the podium level of the OSD (within the “metro box”), will ensure the use of this space for the intended purpose as recognised in the concept approval is formalised. The CSSI consent requires that the use of these spaces is to be sought via the OSD SSD DA.

As the modification to the articulation zone relates to the concept OSD envelope, there is no change proposed to the CSSI approval.

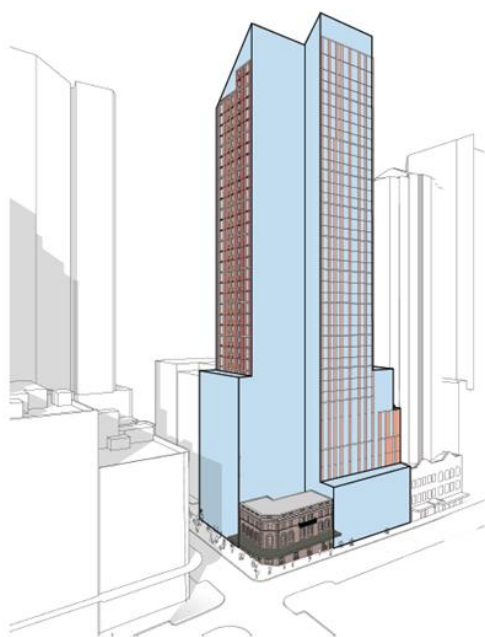
4.5. URBAN DESIGN DRIVERS

As illustrated within the Urban Design Report prepared by Bates Smart included at **Appendix C**, the proposed modification to allow architectural protrusions outside of the approved building envelope have been driven by the following rationale.

- Minor protrusions of the approved building envelope for non-habitable architectural detailing and expression provides greater animation and depth to the façade.
- As outlined in the concurrent detailed SSD DA, the proposed architectural elements enhance and emphasise the verticality of the façade and the building, contributing to its overall design and presence within the city skyline.
- The addition of louvres, and vertical elements outside of the envelope do not adversely impact on the amenity of adjoining properties.
- The proposed zone for architectural expression does not adversely impact upon the adjacent heritage items, as the proposed louvres and ‘piers’ have no physical connection to or impact on the adjacent heritage items, and the depth will not impact any identified significant views to or from any heritage item in the vicinity.

The proposed architectural protrusions outside of the approved building envelope are illustrated in **Figure 13** below.

Figure 13 – Proposed modifications to the building envelope relating to articulation zone.



Picture 13 – Embellishments outside envelope = 1%
Source: Bates Smart



Picture 14 – Proposed design within the approved envelope
Source: Bates Smart

4.6. BUILT FORM GUIDELINES

To realise the vision for an integrated station development for the Pitt Street South station site, a set of design principles relating to the built form, public domain and place, movement and connectivity, movement and legacy have been developed to guide the planning and design of the building envelopes (concept and modified envelope), and the future detailed design of the OSD.

As part of satisfying conditions of the CSSI approval and concept SSD DA, Sydney Metro has revised the Pitt Street South station OSD design guidelines (June 2019) which will inform the detailed design of the proposed mixed-use residential tower and OSD project. The guidelines for built form above the podium to be achieved for the Pitt Street South station OSD are set out in **Table 5**.

Table 5 – Built Form Guidelines

Design guideline	Modification design response
1. Recognition of the contextual relationship with the surrounding heritage-listed items.	Despite the minor protrusions and embellishments of the building as proposed in the detailed SSD DA, the introduction of an articulation zone will not impact on the surrounding heritage items.
2. Integration of the over station design to enhance podium articulation and improve legibility of the station entrance (See Figures 9 to 11: Indicative over station development design response).	The proposed modification sought in this application will not impact on the integration of the over station design. The approval of the retail premises on the podium level will further enhance the legibility of the station and the associated uses.
3. Creating a built form transition between Greenland Tower and other adjacent	The proposed modifications relating to the minor building protrusions and embellishments beyond the

Design guideline	Modification design response
developments, particularly Telstra Building (320 Pitt Street) and 116 Bathurst Street	concept approval envelope will not impact on the ability to create a transition between Greenland Tower and other adjacent developments, particularly Telstra Building (320 Pitt Street) and 116 Bathurst Street.
<p>4. Maximising solar access to the public domain, through:</p> <ul style="list-style-type: none"> a. Design and articulation of the built form above the podium to ensure no additional overshadowing to Hyde Park on June 21st, between 12 pm and 2 pm (required by SLEP2012 sun access plane controls). b. Creation of opportunities to protect solar access to surrounding pedestrian environments. c. Maximise solar access between 12 noon - 2pm throughout other times of the year. 	The proposed modifications will not create additional overshadowing impacts on Hyde Park or surrounding public domain areas.
5. Optimising views from the development to Hyde Park and Sydney Harbour.	The proposed introduction of an articulation zone of the building will not minimise views from the development to Hyde Park and Sydney Harbour.
6. Consideration of privacy implications to surrounding residential buildings, including the Princeton Apartments and 135-137 Bathurst Street.	The proposed introduction of an articulation zone will not reduce or impact on the privacy of surrounding residential buildings, including the Princeton Apartments and 135-137 Bathurst Street.
7. Maximise sunlight access and views for adjoining and surrounding properties.	The proposed introduction of an articulation zone will not reduce the sunlight access and views for adjoining and surrounding properties.
<p>8. Street setbacks above the podium (RL 71) of:</p> <ul style="list-style-type: none"> a. A minimum 4 metres to Bathurst Street. b. A varied setback be provided from Pitt Street to align with setbacks for the Princeton Apartments. c. Articulation of built forms from the Pitt Street boundary of the site should be designed to maximise solar access to the living rooms of Princeton Apartments between 9 am-3 pm at winter solstice. 	The proposed modifications will not result in the reduction of the predominant street setbacks. The articulated forms will present to create reveals in the façade, however the glazing line will still read as the predominant building line. Articulation of the building will continue to encourage solar access and visual privacy to adjacent buildings.
9. Use of materials that reflect the function of elements above the podium, distinguishing them	The detailed SSD DA will seek approval for the materials and finishes proposed for the OSD. The modifications sought in this application does not

Design guideline	Modification design response
from the surrounding context and providing a simple design resolution within the city skyline.	impact on material and finish selection for the proposed development.
10. Provision of landscaping throughout the design, laying spaces of relief and referencing landscaping of the precinct.	The detailed SSD DA will seek approval for the design of the landscaping and public spaces proposed for the OSD. The modifications sought in this application do not impact on the provision of landscaping for the proposed development.
11. Achievement of SEPP 65 & ADG requirements.	The proposed modifications will not impact on the compliance of the proposed OSD with the SEPP 65 and ADG requirements.
12. Design and articulation of roof forms must consider retention of view to St Mary's Cathedral from Century Tower (343 - 357 Pitt Street, Sydney).	The modifications sought in this application do not seek changes to the roof form and will not have impacts on views to St Mary's Cathedral from Century Tower (343 - 357 Pitt Street, Sydney).
13. Side and rear setback above the podium of: <ul style="list-style-type: none"> a. A minimum 3m continuous setback to the eastern boundary b. A minimum 12 metres above the podium with the permitted reduction to minimum 3 metres within the structure reservation zone in accordance with Condition A17 for essential structural support and service to integrate the over station development with the station below. c. Alternative options must be considered before any built form is proposed within the structure reservation zone. Any structure or built forms within the structure reservation zone must be designed to minimise its impacts to the outlook and amenity of the adjoining Princeton Apartments (304 - 308 Pitt Street, Sydney). 	The proposed modifications do not seek to amend the building setbacks as approved under the concept SSD DA and will not have impacts on the structure reservation zone and its purpose. The introduction of an articulation zone will provide for fenestration and building façade articulation which is consistent with the building design development supported through the design review process. The predominant building line will still read as the glazing line of the building. The proposed articulation zone will not affect outlook and amenity of the adjoining Princeton Apartments (304 – 308 Pitt Street, Sydney).

The minor protrusions to be modified will remain consistent with the built form design principles. Specifically, the proposed modifications within the articulation zone outside of the approved envelope will support the achievement of these design principles by:

- Allowing for improved building articulation and fenestration which will accommodate a mixed-use scheme that achieves design excellence and which has been supported through the design excellence process;
- Responding sensitively to adjacent heritage item and adjoining development; and
- Providing a podium that will be activated by the retail uses supporting the station development.

Furthermore, as part of the detailed SSD DA, a Design Integrity Report (**DIR**) will be provided. The Pitt Street South excellence strategy requires that the Sydney Metro DRP provide an endorsement that design

excellence has been achieved and that the specific condition of approval requirements have been addressed, noting the amendments proposed to the articulation zone as sought in this modification application.

Notwithstanding the modification of the proposed built form, the setbacks, articulation and fenestration as demonstrated in the detailed design will integrate with the streetscapes and street wall elements along the Bathurst and Pitt Street elevations. Due to the minor nature of the projections as detailed in **Section 4.2**, the proposed development will integrate with the context of the site and the existing and future character of the area.

The approval of the *retail premises* land use as defined under the SLEP 2012 for the podium level tenancies as sought in this modification application will have no impact on the built form of the proposed OSD.

4.7. INDICATIVE SCHEME

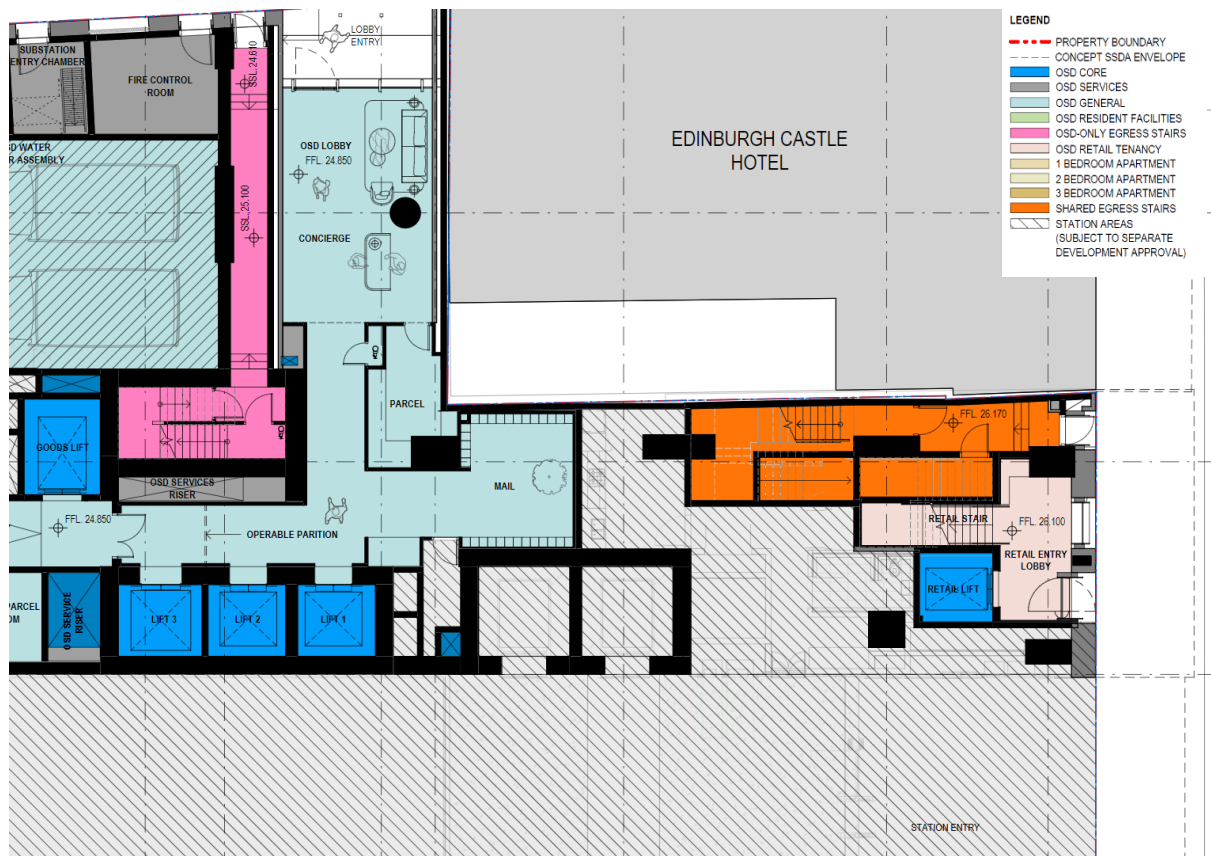
The detailed SSD DA, lodged concurrently with this modification application, seeks development consent for the construction and operation of:

- New residential tower with a maximum building height of RL 165.15, including residential accommodation and podium retail premises, excluding station floor space
- Use of spaces within the CSSI 'metro box' building envelope for the purposes of:
 - Retail tenancies;
 - Residential communal facilities, residential storage, bicycle parking, and operational back of house uses
 - Shared vehicle loading and service facilities on the ground floor
 - Landscaping
 - Utilities and services provision.
 - Stratum subdivision (station/OSD).
- Integration with the approved CSSI proposal including though not limited to:
 - Structures, mechanical and electronic systems, and services; and
 - Vertical transfers

The proposed retail tenancy within the podium is proposed to be located on level 2, accessed via a lift and stairs from ground level at Bathurst Street. Entrance to the proposed tenancy is separated from the residential lobby and general Sydney metro pedestrian entrances.

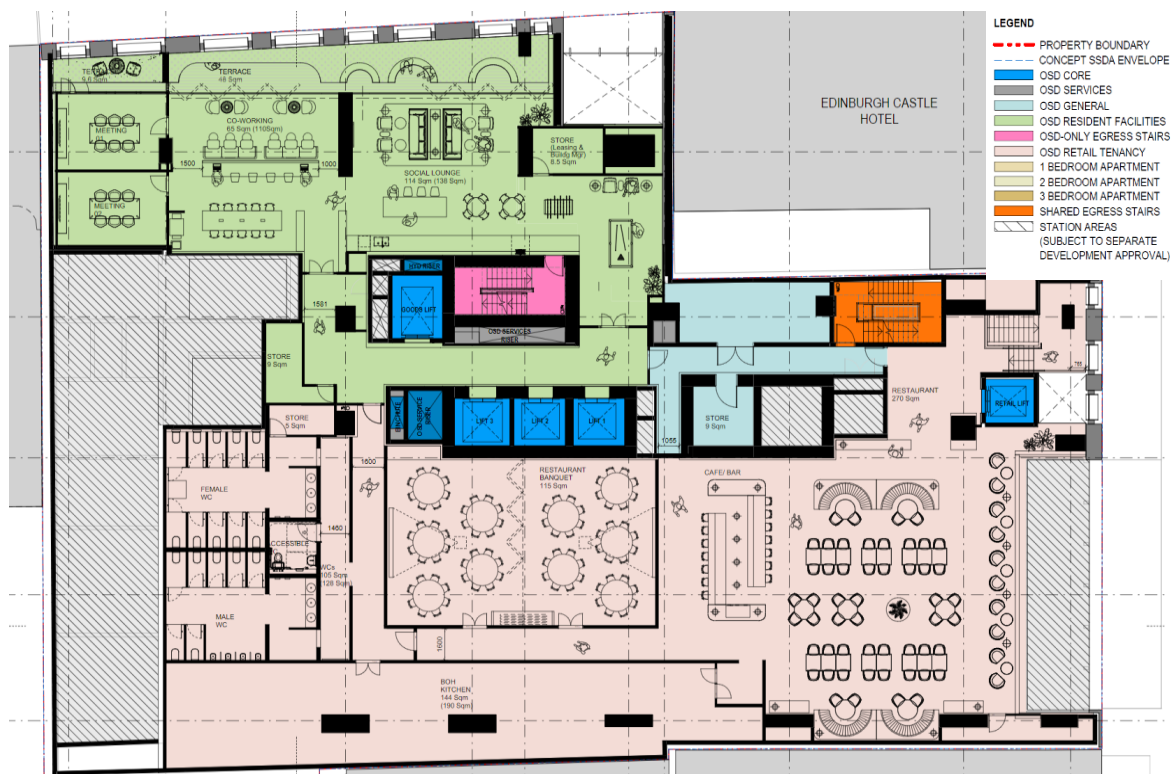
The proposed indicative design for the podium retail tenancy is illustrated in **Figure 14**. The indicative tenancy has an area of approximately 682sqm. The future compliance of the tenancy with the National Construction Code (**NCC**) is addressed at **Section 8**.

Figure 14 – Indicative layout of proposed retail tenancy



Picture 15 – Ground floor plan extract, retail entrance highlighted in salmon colour

Source: Bates Smart



Picture 16 – Level 2 plan extract, retail tenancy highlighted in salmon colour

Source: Bates Smart

5. CONSULTATION

To inform the preparation of the detailed SSD DA EIS and this modification application, the applicant and its consultant team have undertaken pre-lodgement consultation with key stakeholders, including though not limited to:

- Committee for Sydney
- Surrounding owners/occupiers, including residents and business owners
- Small Business Commissioner
- NSW Government Architect's Office (**GANSW**)
- NSW Department of Planning, Industry and Environment (**DPIE**)
- City of Sydney Council (**Council**)
- Sydney Airport Corporation Limited / Civil Aviation Safety Authority
- Sydney Water
- Transport for NSW (former officers from the Roads and Maritime Services)
- Sydney Trains
- Sydney Metro
- Sydney Coordination Office within Transport for NSW
- Former Office of Environment and Heritage
- Heritage NSW, Community Engagement Group, Department of Premier and Cabinet
- NSW Police
- Fire and Rescue NSW
- Sydney Metro Design Review Panel (**DRP**);

Community and stakeholder engagement sessions have been documented within the pre-consultation report included at **Appendix J** and are further detailed in the following sections.

Community consultation has been undertaken with the relevant community groups, including the local community, and surrounding landowners'/occupiers. This has occurred throughout all stages of the development approval process from CSSI to concept SSD DA, and all the way through to the detailed SSD DA.

Various strategies were implemented to ensure collaborative community involvement in the project. Including stakeholder briefings, community newsletters, and community information sessions. Specific community consultation actions undertaken are summarised in **Table 6** below.

Table 6 – Summary of community consultation activities

Activity	Content	Date
Email to stakeholders	Offered briefing with project team to discuss integrated station development project update as well as including proposed modifications to the concept SSD approval as well as the detailed design of the overall integrated station development.	January 2020
One on one stakeholder briefings	Carried out stakeholder briefings to present a project overview including proposed modifications to the concept SSD approval as well as the detailed design of the integrated station development. To discuss project status and relevant items	Various occurred January – March 2020

Activity	Content	Date
	coordination as well as to receive feedback on the integrated station development.	
Planning overview and Information booklet	The planning overview and information booklet aims provided information about the integrated station development detailed design, planning approvals pathways, planning timelines and project phases and how to provide feedback.	Post-lodgement

The consultation strategy and all content (responses) received during the throughout are included at **Appendix J**. A summary of the matters raised by the community and government agency consultation that may relate to the proposed modification to the approved building envelope and the proposal's response is included in **Table 7**.

Table 7 – Summary of responses to community and Government agency consultation matters

Matters Raised	Proposals response / Document Reference
<p>The proposed development aligns with the 'Future Sydney Plan' and will ultimately serve to benefit the area.</p> <p>Consideration of the impact the opening will have on pedestrian traffic was raised, particularly regarding how pedestrians are moving between Pitt St, Town Hall and Martin Place.</p>	<p>The proposed modifications to the concept approval do not amend the overall gross floor area or overall intensity of development compared to that originally assessed and approved within the concept SSD DA.</p> <p>The minor introduction of a retail tenancy is not expected to alter the overall pattern of pedestrian movements around the site, especially in consideration of the location within the CBD and the significant pedestrian movement generated by the metro station.</p>
The Edinburgh Castle Hotel (Solotel Group) appreciated the lengths that the OSD designers took to respect the historical aspect of the club, in particular stepping down the façade to avoid dwarfing the hotel.	This stepping of the façade is a key design feature retained through the design development and design excellence process.
<p>The Pitt Street Developer South Pty Ltd to provide images of the top of the OSD.</p> <p>The Pitt Street Developer South Pty Ltd to provide improved birds-eye drawings/pics of the south entrance (for pedestrian crossing purposes)</p> <p>The Pitt Street Developer South Pty Ltd to provide amended drawings for the galleries (firewall issues) – F&B entrance corner.</p> <p>The Pitt Street Developer South Pty Ltd to provide the street furniture diagram.</p> <p>The Pitt Street Developer South Pty Ltd to provide end of trip facilities diagrams.</p>	This additional imagery has been provided and is included as part of the detailed SSD DA.

Matters Raised	Proposals response / Document Reference
<p>Greenland/Primus raised the issue of timing regarding the sale of apartments in their Greenland building and the Pitt Street South OSD construction, potentially being sensitive to Greenland's sales process.</p> <p>Request for the Pitt Street Developer South Pty Ltd to send shadow diagrams.</p> <p>Request for the Pitt Street Developer South Pty Ltd to send dimensions of the loading dock (relative to the street).</p> <p>The Pitt Street Developer South Pty Ltd to confirm the mix of apartments (threes, twos and ones.) pre lodgement.</p> <p>Request for the Pitt Street Developer South Pty Ltd to provide the RLs of both OSDs.</p>	<p>Development sales are not a relevant matter for planning consideration.</p> <p>This additional imagery has been provided and is included as part of the detailed SSD DA.</p>
<p>Request for the Pitt Street Developer South Pty Ltd to send shadowing diagrams or a link to the submitted SEARS application.</p> <p>Mostly concerned with solar access and ensuring the building is compliant.</p> <p>Princeton requested details regarding privacy, shadowing etc. They want to make sure there are appropriate restrictions on ducting and services.</p>	<p>This additional imagery has been provided and is included as part of the detailed SSD DA.</p> <p>Solar access and overshadowing are addressed in detailed within the detailed SSD DA and Section 8.4 of this report.</p>

Under Section 4.55(2)(b) of the EP&A Act, the consent authority must consult with the relevant Minister, public authority or approval body in respect of a condition imposed as a requirement of concurrence to the consent. We, therefore, anticipate that the NSW DPIE will further consult with government agencies such as Ausgrid, TfNSW, and the RMS as part of the assessment of the modification application.

We also note that two community feedback information sessions are to be scheduled during the exhibition period at a time and location determined by Sydney metro following the lodgement of the detailed SSD DA and concept SSD modification application. Feedback forms will be available throughout both sessions.

For further discussion of one-on-one stakeholder briefings, please refer to the pre-consultation report at **Appendix J**.

5.1. SYDNEY METRO DESIGN REVIEW PANEL

To inform the preparation of the detailed SSD DA for the detailed design of the proposed OSD project, the scheme has been presented to the Design Excellence Evaluation Panel (**DEEP**) and DRP six times, since the appointment of Pitt Street Developer South Pty Ltd, as the development partner, to seek feedback and to confirm design integrity.

The matters raised by the DEEP and DRP that relate to the detailed architecture of the building are addressed within the detailed SSD DA and do not relate to the proposed modification application to the concept SSD DA; however they inform the proposed modification. The comments from the Sydney Metro DRP are provided as follows with respect to the modification application.

- **The panel accepts the presented envelope non-compliances as having very minor impacts and therefore reasonable (21 January 2020).**

- The panel supports that visual privacy is achieved through the noted vertical louvres to the apartment windows facing the Princeton Apartments.
- The panel supports the material selection in principle, and recommends all materials are presented again with samples and final finishes, including evidence of sign off by Sydney metro on sealing and maintenance regimes.
- The panel notes there has been a reduction in solar access on June 21st due to the New Castle Residences development, which has recently commenced on site. The panel notes the design teams advice that appropriate solar analysis testing to minimise this impact has been undertaken, which demonstrates that the current façade design remains as an appropriate solution along with relocation of upper level 3-bedroom apartments to the lower levels.
- **The panel accepts that Pitt Street South OSD meets design excellence parameters and is ready for submission to DPIE (17 March 2020).**

6. SUBSTANTIALLY THE SAME DEVELOPMENT

Under Section 4.55(2)(a) of the EP&A Act, the consent authority must be satisfied that the development as proposed to be modified by the modification application is substantially the same development for which consent was originally granted. The development as proposed to be modified can be considered 'substantially the same development' as the development for which consent was originally granted as:

- No changes are proposed to the approved predominant land uses for the OSD, being a residential or commercial scheme (not both);
- Retail premises are already approved on the site as part of the CSSI approval (reference SSI 15_7400) where the retail tenancies support the station;
- Retail premises were considered an appropriate land use for the development within the response to submissions report which states:
"The design guidelines have been prepared to encourage the provision of ground floor retail at future stages. As the design concept of the OSD and station is developments (sic), an outcome which makes use of any surplus street frontage space for retail uses is encouraged. (...) This design guideline is reflective of the commitment of Sydney metro to further investigate potential activation, including the provision of retail in the ground floor plane, as the design development continues."
- The proposed retail premises outlined in **Section 4.7** represents a minor proportion of the overall development, and a minor proportion of the overall podium;
- The development as proposed to be modified remains classified as SSD as it remains development for residential premises within a rail corridor or associated with railway infrastructure with a CIV of more than \$30 million;
- The proposal does not include any changes to the maximum gross floor area, maximum building height, or maximum car parking spaces permitted on the site;
- The proposed minor protrusions to allow architectural features, elements (including balustrades and awnings) and embellishments to project outside the approved building envelope are numerically minor (up to 500mm only) and have limited impact on the overall scale and built form of the approved development;
- The percentage of approved envelope occupied by built form is 85%, 15% below the maximum permissible. The proposed protrusions comprise a total of 1% of total approved envelope area; and
- The proposed development retains the ecologically sustainable development commitments required by the concept SSD DA.

Further, the key reasons provided for granting consent to the development application as documented by the Minister for Planning remain valid for the development as proposed to be amended. Specifically, the development as proposed to be modified satisfies the following points:

- The development is consistent with the NSW Government and Sydney City Council policies, including the Greater Sydney Region Plan, the Eastern City District Plan and the SLEP as described within **Section 7**. The proposal as proposed to be modified is permissible with consent and generally compliant with the key development standards or scale and form of the building envelope as originally approved.
- The formalisation and approval of the retail premises land use within the podium level tenancies would provide a range of benefits for the region and the State as a whole, including employment generation, compared to that approved, on a site within the Sydney CBD with excellent access to services and public transport.
- The impacts on the community and the environment can be appropriately minimised, managed or offset to an acceptable level as concluded in **Section 9**. Specifically, the proposed modification will not significantly impact on the proposed built form or any views to and from the OSD.
- The modifications sought in this proposal have been closely reviewed by the DRP, which has provided its support.
- Weighing all relevant considerations, the project is in the public interest.

As a result, the proposed modification is substantially or materially the same as the development for which consent was originally granted under the concept approval.

7. STRATEGIC AND STATUTORY CONTEXT

Under Section 4.55(3) of the EP&A Act, the consent authority must take into consideration the relevant matters to the application referred to in Section 4.15(1) of the EP&A Act. The following section provides an assessment of the development as proposed to be modified against the relevant environmental planning instruments.

7.1. STRATEGIC CONTEXT

The following strategic planning policies have been considered in the assessment of the development as proposed to be modified:

- NSW State Priorities
- Greater Sydney Region Plan: A Metropolis of Three Cities
- Eastern City District Plan
- Future Transport Strategy 2056 and supporting plans
- State Infrastructure Strategy 2018
- Sustainable Sydney 2030
- Better Placed – an integrated design policy for the built environment of NSW 2017
- Development near rail corridors and busy roads interim guideline
- Noise policy for industry
- Guide to traffic generating development (RMS)
- NSW planning guidelines for walking and cycling
- Heritage Council guideline on heritage curtilages 1996
- Heritage Council guideline, design in context – guidelines for infill development in the historic environment, 2005
- Guide to investigating, assessing and reporting on aboriginal cultural heritage in NSW (DECCW 2011)
- Central Sydney Development Contributions Plan 2013

Consistency with the relevant objectives contained within the abovementioned strategic policies is discussed in further detail below.

Table 8 – Consideration of proposed amendments against strategic planning context

Strategic Plan	Assessment
NSW State Priorities	<p>The NSW State priorities is the State Government's and Premier's plan to guide policy and decision making across the State. The proposed development, as modified, is consistent with the relevant key objectives contained within the plan. These include:</p> <p>Creating jobs: Create 150,000 new jobs by 2019</p> <p>The proposed modification to use podium level tenancies for retail premises associated with the OSD will help to encourage further job opportunities and meet the job creation targets set by the NSW State Government. The retail uses within the OSD will help to assist in the attractiveness and competitiveness of the Sydney CBD for businesses operating in NSW.</p>

Strategic Plan	Assessment
	<p>Delivering infrastructure: Key metropolitan, regional and local infrastructure projects to be delivered on time and on budget</p> <p>The NSW Government has committed to delivering ten significant infrastructure projects on time and on budget under the NSW State Priorities, including the Sydney metro to be opened in 2024.</p> <p>The concept SSD DA supports the delivery of the Sydney metro by facilitating employment growth which is coordinated with the new Pitt Street South OSD. The proposed modifications will not hamper achievement of this objective.</p> <p>Increasing housing supply</p> <p>The project will help to increase housing supply in suitable locations as identified by the NSW Government to address the issue of housing affordability and availability. The additional 234 dwellings in the Pitt Street South OSD will contribute to the delivery of further housing in a highly accessible CBD location with excellent transport links. Further, the proposed use of the residential dwellings as build to rent units provides additional diversity for the residential housing market within the CBD.</p> <p>Better services: Ensure on-time running for public transport</p> <p>The Sydney Metro Pitt Street South station OSD will provide additional infrastructure within the Sydney CBD to reduce commuter congestion and transport overcrowding for north and southbound services. The OSD once constructed, will contribute towards reducing travel and waiting times through the provision of a landmark development above the Pitt Street station south entrance which attracts the community and transport patrons, while providing additional workers in proximity to public transport.</p> <p>The proposed modifications to the building envelope remain consistent with the goals and objectives set out within the NSW State priorities.</p>
Greater Sydney Regional Plan – ‘A metropolis of three cities’	<p>‘A Metropolis of Three Cities’ is a bold vision for three, integrated and connected cities that will rebalance Greater Sydney – placing housing, jobs, infrastructure and services within greater reach of more residents, no matter where they live. Setting a 40-year vision (to 2056) and establishing a 20-year plan to manage growth and change for Greater Sydney in the context of social, economic and environmental matters.</p> <p>The vision for the plan is built on these 30-minute cities within Greater Sydney, the Western Parkland City, Central River City and Eastern Harbour City, providing improved access through different modes of transport to various job opportunities, services, entertainment and cultural facilities across the metropolitan area. The Eastern Harbour City is well-established, well-serviced and highly accessibly by its radial rail network, with half a million jobs and the largest office market in the region.</p> <p>The proposed Pitt Street South station OSD responds to the Harbour CBD’s focus on innovation and global competitiveness to underpin its continued growth, backed up by the significant Sydney metro city and south-west project. In accordance with objective 10 and objective 18, the proposal aligns explicitly with the regional plan by:</p> <ul style="list-style-type: none"> • Providing a considerable amount of high quality, high density residential accommodation in a highly accessible CBD location;

Strategic Plan	Assessment
Eastern City District Plan	<ul style="list-style-type: none"> Maximises opportunities presented by the Pitt Street South station to improve the home and work connections and support the 30-minute city. <p>The Eastern City District Plan covers the LGAs of Sydney, Woollahra, Waverly, Randwick, Bayside, Inner West, Burwood, Strathfield and Canada Bay. Planning Priorities that directly relate to the proposed Pitt Street South OSD include:</p> <p>E1 - Planning for a city supported by infrastructure</p> <p>The proposal directly benefits from the development of the Sydney Metro Pitt Street station by locating additional residential dwellings above transport infrastructure. The proposed building envelope accommodates facilities and dwellings for residents. The proposed modifications will not impact the ability of the development to deliver critical infrastructure.</p> <p>The development facilitated by the concept SSD DA aligns with the place-based infrastructure service which encourages active transit methods such as walking and cycling and the Sydney Metro Pitt Street South station.</p> <p>E5 - Providing housing supply, choice and affordability with access to jobs, services and public transport</p> <p>The OSD provides premium residential accommodation within a highly accessible CBD location, close to jobs, services and public transport.</p> <p>E10 - Delivering integrated land use and transport planning and a 30-minute city</p> <p>By locating additional residential dwellings above Pitt Street station, the proposal contributes to the vision for a 30-minute city. Further, the proposal is considered sustainable as it increases the proportion of trips by public transport, walking and cycling trips to reduce emissions and health.</p>
Future Transport Strategy 2056	<p>The NSW Government's Future Transport Strategy 2056 sets the 40-year vision, directions and outcomes framework for the transport system and customer mobility in NSW, which are divulged for Regional NSW and Greater Sydney. It will guide transport investment over the longer term delivered through a series of services and infrastructure plans and other supporting plans.</p> <p>The strategic location of high-quality residential dwellings above the future Sydney Metro Pitt Street station delivers economic benefits for Sydney by enhancing connectivity between businesses and people. The proposal provides an opportunity to boost the city's productivity by allowing residents to access jobs faster and more reliably. Pitt Street South OSD boasts proximity to future public transport opportunities for site users/visitors, which encourages the use of existing active transport networks to reduce automobile reliance, to decrease congestion and to reduce environmental impacts.</p>
State Infrastructure Strategy 2018	<p>The NSW State Infrastructure Strategy 2018 - 2038 sets out the NSW Government's vision for infrastructure over the next 20 years, focussing on aligning investment with sustainable growth. For metropolitan NSW, the primary goal is to provide residents with access to jobs and services within 30 minutes, known as the '30-minute city' model.</p> <p>The strategy sets out six directions for infrastructure in NSW, of which the following are relevant:</p>

Strategic Plan	Assessment
	<ul style="list-style-type: none"> • Better integrating land use and infrastructure – the proposal will deliver additional jobs and residential dwellings in coordination with the new metro station beneath so that capital investment keeps pace with new employment and housing demands. • Delivering infrastructure to maximise value for money – the development directly assists in the timely delivery of the new metro station and in achieving the priority to provide infrastructure projects on-time and on-budget. Through the provision of bicycle storage facilities and the provision of minimal car parking, the proposal will assist in promoting the use of the existing walking and cycling network. • Optimising asset management – the proposal has been designed with consideration of the life cycle of the asset so that the integrated station and OSD solution is ‘futureproofed’, and that the life, availability and use of railway infrastructure on the site are appropriately safeguarded. • Making our infrastructure more resilient – the proposal has been designed with regard to flooding and other environmental considerations, to ensure that the development is not vulnerable to hazards. • Using innovative service delivery models – the proposal brings together the best skills of the private sector in delivering the Sydney Metro Pitt Street station. It represents an innovative approach that supports the NSW Government in funding the cost of this step-change piece of public transport infrastructure and delivering a range of public benefits.
Sustainable Sydney 2030	<p>Sustainable Sydney 2030 and a long-term plan prepared by the City of Sydney to achieve a green, global and connected city. It contains ten strategic directions, of which the following are relevant:</p> <ul style="list-style-type: none"> • A globally competitive and innovative city • integrated transport for a connected city • A city for walking and cycling • A lively and engaging city centre • Housing for a diverse community <p>The proposal will facilitate the delivery of the Sydney metro infrastructure and additional housing in a highly accessible city centre, encouraging walking and cycling.</p>
Better Placed – an integrated design policy for the built environment of NSW 2017	<p>Better Placed (2017) is an integrated design policy for the built environment, prepared by the Government Architect of NSW, to create a transparent approach to ensure good design outcomes are achieved to deliver desired architecture, public places and environments throughout NSW (September 2017). The policy includes seven applicable objectives:</p> <ul style="list-style-type: none"> • Better fit – contextual, local and of its place • Better performance – sustainable, adaptable and durable

Strategic Plan	Assessment
	<ul style="list-style-type: none"> • Better for the community – inclusive, connected and diverse • Better for people – safe, comfortable and liveable • Better working – functional, efficient and fit for purpose • Better value – creating and adding value • Better look and feel – engaging, inviting and attractive. <p>In conjunction with the detailed SSD DA design, the modifications have been subject to an extensive design review that involved a collaborative, cyclical and iterative process which has resulted in a better-resolved envelope design solution.</p> <p>The proposed modifications will accommodate a built form that is sustainable, functional, sensitive to its context and visually distinctive as encouraged by objectives of Better Placed, in line with the approved concept SSD DA.</p>
Development Near Rail corridors and Busy Roads guideline	<p>The development Near Rail corridors and Busy Roads guideline assists in the planning, design and assessment of development which is in or adjacent to rail corridors and busy roads. The application of the guideline shares a close relationship with the <i>State Environmental Planning Policy (Infrastructure) 2007 (Infrastructure SEPP)</i>, supporting specific rail and road provisions contained within.</p> <p>The guideline relates to development impacted by rail corridors and busy roads, in terms of noise and vibration and air quality, as well as the potential impact of adjacent development on roads and railways, with regards to safety and design issues and excavation, earthworks and other construction-related issues. The Pitt Street South station OSD proposal capitalises on concentrating residential dwellings within easy walking distance above the future Sydney metro station, thus improving access and opportunities for increased rail patronage.</p> <p>The proposed modifications will not impact the findings of the Acoustic Statement that accompanied the approved concept SSD DA.</p> <p>The design principles which continue to be implemented for the modified concept SSD DA will contribute to the development's integration with the future station and broader public transport network. Specifically, the modifications do not compromise future integration of the detailed OSD design with the Pitt Street station.</p>
Noise Policy for Industry	<p>The Environment Protection Authority's (EPA) Noise Policy for Industry (2017) is a strategic document in relation to the assessment and management of industrial activities and associated noise sources. Section 1.5 of the Policy states that it does not apply to industrial uses related to transportation corridors or construction activities.</p> <p>Notwithstanding, potential noise impacts from the OSD is discussed in further detail in Section 8.6.</p>
RMS' Guide to Traffic Generating Developments	<p>The RMS' Guide to Traffic Generating Developments outlines all aspects of traffic generation considerations relating to developments. The Guide establishes the grounds for traffic impact assessment in terms of daily traffic volumes and peak traffic volumes for residential/retail land uses.</p>

Strategic Plan	Assessment
	<p>The modification proposed to the concept SSD DA building envelope does not introduce any new issues associated with traffic generation above what has previously been considered under SSD 17_8876. The detailed SSD DA to be lodged will include a traffic and transport impact assessment which considers the strategic context of this Guideline and the statutory context of the Infrastructure SEPP as the basis for assessment.</p>
NSW Planning Guidelines for Walking & Cycling	<p>These guidelines function to improve the consideration of walking and cycling and their role in the creation of sustainable neighbourhoods and cities. The modified concept DA proposal and ultimate Pitt Street South OSD will continue to align with these guidelines by improving walkability and bicycle access across Sydney CBD through the provision of new pedestrian routes and wayfinding signage. This will contribute to a high-quality pedestrian and cycling environment, which is conducive to use of active transport options by future OSD residents and visitors.</p>
Sydney's Bus Future 2013	<p>Sydney's Bus Future 2013 outlines the NSW Government's long-term plan to deliver an integrated bus network which is simpler, faster and better within Sydney to meet current and future customer needs. The overarching aim is to provide an integrated bus network which seamlessly connects to other transport services and opportunities.</p> <p>The modified envelope continues to align with the objectives by locating high density residential dwellings within walking distance of various key bus routes.</p>
Sydney's Cycling Future (2013)	<p>Sydney's Cycling Future (2013) provides a framework for the way cycling is planned and prioritised in Sydney. It aims to grow the number of people cycling for transport by investing in safe, connected networks, making better use of existing infrastructure and fostering the formation of partnerships to develop cycling infrastructure.</p> <p>The development provides high quality bicycle parking and resident amenities for future residents. The site currently has access to nearby cycle networks and is highly accessible.</p>
Sydney's Walking Future (2013)	<p>Sydney's Walking Future (2013) aims to promote walking as a means of effective transport within Sydney by encouraging investment in safe, permeable walking networks.</p> <p>The surrounding road network provides the site and OSD with pedestrian access. Public domain improvements will be included as part of the detailed design SSD DA and will be designed to meet any relevant requirements of Sydney's Walking Future.</p>

Strategic Plan	Assessment
Heritage Council guideline on heritage curtilages (1996)	The assessment of heritage impacts within the heritage impact statement in Appendix E has been undertaken in reference to the model questions given in the NSW Heritage Office's publication 'Statement of Heritage Impacts'. The responses assess the potential heritage impacts of the proposed OSD on heritage items.
Heritage Council guideline, design in context (2005)	
Guide to investigating, assessing and reporting on aboriginal cultural heritage in NSW	

7.1.1. Central Sydney Development Contributions Plan

The future OSD is subject to Sydney City Council's contributions requirements under the *Central Sydney development Contributions Plan 2013*. The levy aims to assist the funding of public facilities such as facilities, amenities and services required to meet the needs of an increasing workforce population.

For retail development, the plan calculates the levy according to the increase in workers. While the application of the levy is not relevant for the concept SSD DA, the application of the levy will be calculated on the basis of the concurrent detailed SSD DA based on the proposed additional residential floor space. The modification to the concept SSD DA will not impact on process by which development contributions are calculated and payable.

7.1.2. Local Strategic Planning Statements

In 2018 the NSW DPIE announced the review of all NSW Local Environmental Plans (**LEPs**) to ensure the vision and targets set in the Greater Sydney region plan: metropolis of three cities and the district plans for the five districts across NSW would be implemented and realised at the local level. To assist Council with this process and accelerate the review of the LEPs, the NSW Minister for Planning identified a number of Councils which would be considered as priority Councils and would receive funding up to \$2.5 million to undertake the required strategies to inform the new LEPs.

The general process undertaken by the City of Sydney for its LEP review has been divided into six key phases:

- Phase 1 – LEP review (including the Technical Working Groups)
- Phase 2 – Draft local strategic planning statement
- Phase 3 – Final local strategic planning statement
- Phase 4 – Prepare planning proposal / gateway
- Phase 5 – Draft LEP on exhibition
- Phase 6 – Plan making

The Council has prepared and exhibited its Draft local strategic planning statement – City Plan 2036 (**LSPS**) and the Draft local housing strategy – housing for all (**LHS**) in late 2019. The subject site and the proposed development will help to achieve the vision and objectives of the two strategic plans, refer to **Section 7.2.8** and **Section 7.2.9** for more details.

7.2. STATUTORY PLANNING CONTEXT

The EIS submitted with SSD 17_8874 assessed compliance against the relevant environmental planning instruments as follows:

- *Environmental Protection and Biodiversity Act 1979 (EP&A Act)*
- *NSW Biodiversity Conservation Act 2016*
- *Airports Act 1996*
- *State Environmental Planning Policy (State & Regional Development) 2011*
- *State Environmental Planning Policy (Infrastructure) 2007*
- *State Environmental Planning Policy No. 55 (Remediation of Land)*
- *State Environmental Planning Policy No.64 – Advertising and Signage*
- *State Environmental Planning Policy No.65 – Design of Residential Flat Buildings*
- *State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004*
- *Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005*
- *Draft State Environmental Planning Policy (Environment)*
- *Draft State Environmental Planning Policy (Remediation of Land) 2018*
- *Sydney Local Environmental Plan 2012.*

The proposal's compliance with the relevant statutory provisions is outlined in the following Sections. As outlined in the SEARs for the original concept DA, the statutory provisions contained in the planning instruments listed below have been addressed for the modified concept SSD DA.

7.2.1. Environmental Planning & Assessment Act 1979 (EP&A Act 1979)

The EP&A Act establishes the assessment framework for SSD, and in Section 4.36 indicates that a state environmental planning policy may declare a development to be SSD. Under Section 4.5(a) of the EP&A Act, the Minister is the consent authority for SSD DAs if the independent planning commission has not been declared to be the consent authority for the development by an environmental planning instrument.

The approved concept SSD DA is a staged development application as per Division 4.4 of the EP&A Act. A concept DA is one that sets out concept proposals for the development of a site, and for which detailed proposals for separate parts of the site are to be the subject of subsequent development applications. The modification application seeks consent to amend certain conditions of the approved concept SSD DA approved for the site, while a detailed SSD DA is concurrently lodged for the detailed design of the development.

The EIS and response to submission report submitted with the original concept SSD DA examined all matters affecting or that are likely to affect the environment by the proposed development. **Table 9** provides an assessment of the proposed building envelope as proposed to be modified against the objects contained within Section 1.3 of the EP&A Act.

Table 9 – Objects of the EP&A Act

Object	Comment / response
To promote the social and economic welfare of the community and a better environment by the proper management, development and	The proposal promotes the social and economic welfare of the community and a better environment through the

Object	Comment / response
conservation of the State's natural and other resources.	delivery of an integrated transport-oriented development above the Pitt Street South site.
To facilitate ecologically sustainable development by integrating relevant economic, environmental and social considerations in decision-making about the environmental planning and assessment.	The ESD commitments are consistent with those included within the concept SSD DA. This modification is committed to achieving high standards of ecologically sustainable development and is accompanied by a detailed ESD report (Appendix D).
To promote the orderly and economic use and development of land.	The proposal promotes the orderly and economic use and development of land through a staged planning process which delivers an integrated design response that responds to the site constraints and complexity of the development.
To promote the delivery and maintenance of affordable housing.	The Pitt Street South OSD will deliver additional housing supply to allow more people to live in a global city and meet the housing targets of the Greater Sydney Region Plan and Eastern City District Plan.
To protect the environment, including the conservation of threatened and other species of native animals and plants, ecological communities and their habitats.	The OSD is located within an established urban environment. In addition, a BDAR waiver has been issued from the DPIE which determined the proposal will have no impact on threatened species or their habitats.
To promote sustainable management of built and cultural heritage (including Aboriginal cultural heritage).	The proposal respects the significance of surrounding built heritage as outlined in Section 8.7 and the Heritage Impact Assessment (Appendix E).
To promoted good design and amenity of the built environment.	An endorsed design excellence strategy has been prepared to ensure the future development contributes to a well-design built environment.
To promote proper construction and maintenance of buildings, including the protection of the health and safety of their occupants.	Construction staging and impact management will be addressed in the detailed SSD DA.
To promote the sharing of responsibility for environmental planning and assessment between different levels of government in the State.	Relevant Government agencies have been consulted throughout the concept and detailed design processes. It is noted that the Minister for Planning is the consent authority as the development is considered SSD.
To provide increased opportunity for community participation in environmental planning and assessment.	An inclusive public consultation strategy has been implemented throughout the project design process (refer to Section 5 and Appendix J).

Overall, the proposed development as sought to be modified remains consistent with the objects and general terms of the EP&A Act.

7.2.2. Biodiversity Conservation Act 2016

The purpose of the *Biodiversity Conservation Act 2016* 'is to maintain a healthy, productive and resilient environment for the greatest well-being of the community, now and in the future, consistent with the principles of ecologically sustainable development.' Clause 2 of Section 7.9 of the *Biodiversity Conservation Act 2016* requires a DA for SSD to be accompanied by a Biodiversity Development Assessment Report (BDAR).

As part of the original concept SSD DA, on the 11 May 2018, the NSW Department of Planning and Environment (now DPIE) granted a waiver under Section 7.9(2) of the *Biodiversity Conservation Act 2016*, concluding that:

- The proposed development is not likely to have any significant impact on biodiversity values; and
- There is no need to submit a BDAR as part of the SSD DA.

A waiver to the requirement for a BDAR associated with the proposed detailed SSD DA was issued by the DPIE on 23 April 2020. The request was accompanied by an assessment of the detailed SSD DA proposal against the relevant provisions of the *Biodiversity Conservation Act 2016* and the *Biodiversity Conservation Regulation 2017*.

The proposal will not have any likely impact on the surrounding natural environment and abundance of species, habitat connectivity, threatened species movement and flight paths of protected animals, nor will it impact upon water quality surrounding the site (sustainability) and the site does not contain abundant vegetation.

Accordingly, a BDAR waiver was issued by the NSW DPIE and OEH and it was determined a BDAR is not required as part of the detailed SSD DA. Due to the direct correlation between the modification sought and the detailed SSD DA design, it is considered that clause 2 of Section 7.9 of the *Biodiversity Conservation Act 2016* has been satisfied.

7.2.3. Airport Act 1996

The introduction of a lateral articulation zone to the vertical extents of the approved building envelope as sought in this modification application will continue to result in a tower development that will breach the Obstacle Limitation Surface which is prescribed at a height of 156m AHD at the site, triggering a controlled activity under the *Airports Act 1996* (**Airports Act**). Under Section 183 of the *Airports Act*, a controlled activity (as defined in Section 182) cannot be undertaken unless that carrying out the activity is in accordance with the approval granted under the relevant regulations.

The detailed SSD DA application for the OSD will be subject to approval under the *Airports Act*. The building envelope as approved under the concept SSD DA sought concurrence and approval of the building envelope, which was deemed appropriate. The modifications sought in this application do not seek to amend the approved maximum building height under the concept SSD DA.

7.2.4. State Environmental Planning Policies (SEPPs)

The relevant *State Environmental Planning Policies* are addressed in **Table 10** below. overall, the modified concept SSD DA remains consistent with the relevant SEPPs as originally approved under SSD 8874.

Table 10 – Consistency with relevant SEPPs

SEPP	Comment
State Environmental Planning Policy (State and Regional development) 2011 (SRD SEPP)	<p>The SRD SEPP has the purpose of identifying development that is SSD, SSI (including critical) and regionally significant development. Pursuant to clause 19(2), Schedule 1 of the SRD SEPP indicates that the following development is SSD:</p> <p><i>Development within a rail corridor or associated with railway infrastructure that has a capital investment value of more than \$30 million for any of the following purposes:</i></p> <ul style="list-style-type: none">• Commercial premises or residential accommodation,• Container packing, storage or examination facilities,

SEPP	Comment
	<ul style="list-style-type: none"> Public transport interchanges. <p>As the proposal is for the purposes of a 'residential accommodation' associated with railway infrastructure and has a capital investment value of more than \$30 million, it is classified as SSD for the purposes of the EP&A Act. The modified concept SSD DA will be assessed under the relevant provisions of Part 4 of the EP&A Act.</p> <p>It is noted that clause 11 of SRD SEPP 2011 states that development control plans (DCPs) do not apply to SSD applications.</p>
State Environmental Planning Policy (Infrastructure) 2007 (Infrastructure SEPP)	<p>The relevant matters for consideration in the <i>Infrastructure SEPP 2007</i> include referral requirements for development. Clause 85 of Division 15 (Railways) indicates that development in or adjacent to a rail corridor must be referred to the relevant rail authority.</p> <p>As per clause 85, the consent authority must provide notice to the relevant rail authority within seven days after the application is made for their consideration prior to the determination of the detailed SSD DA. The proposal relates to development located within the Sydney metro city & south-west corridor will be referred to the relevant rail authority for comment.</p> <p>Pursuant to clause 104 (Traffic Generating development) and schedule 3 of the SEPP, the modification application also triggers consultation with the NSW Roads and Maritime Services, as the proposed residential accommodation exceeds 75 or more dwellings and will have access to a road that is less than 90m from a classified road. The approval of the podium level tenancies for retail uses is not considered to impact the surrounding road network. detailed traffic management is to be considered within the detailed SSD DA.</p> <p><i>Development near rail corridors and busy roads – interim guideline</i> is addressed within Section 7.1.</p>
State Environmental Planning Policy No. 55 – Remediation of Land (SEPP 55)	<p><i>State Environmental Planning Policy No.55 – Remediation of Land (SEPP 55)</i> provides a state-wide approach to the remediation of contaminated land, and primarily promotes the remediation of contaminated land for the purpose of reducing risk of harm to human health.</p> <p>As all demolition and excavation will be completed as part of the Pitt Street station works, SEPP 55 and potential site contaminants will be addressed in accordance with the relevant conditions of the CSSI approval. Therefore, provisions of SEPP 55 have been wholly addressed through that approval and are not relevant to the concept or detailed SSD DA.</p>
State Environmental Planning Policy No. 64 – Advertising and Signage (SEPP 64)	<p>The <i>State Environmental Planning Policy No.64 – Advertising and Signage (SEPP 64)</i> aims to ensure that signage is compatible with the desired amenity and visual character of an area, provides effective communication in suitable locations, and is of high-quality design and finish.</p> <p>The modified concept SSD DA does not seek consent for any physical signage. The concurrent detailed SSD DA includes an assessment of the indicative signage zones against SEPP 64.</p>

SEPP	Comment
State Environmental Planning Policy No. 65 – Design Quality of Residential Flat Buildings (SEPP 65)	The detailed SSD DA demonstrates compliance with the relevant provisions of SEPP 65, and the ADG. The approved use of the podium level under this modification for retail use would not impact the level of compliance with the requirements of the ADG and SEPP 65.
State Environmental Planning Policy (Building Sustainability Index) BASIX 2005	BASIX certification will be submitted as part of the detailed SSD DA. An ecologically sustainable development report has also been prepared as part of the detailed SSD DA, which for reference in relation to the proposed retail premises has been included at Appendix D .
Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005 (SREP) (deemed SEPP)	<p>The <i>Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005 (SREP)</i> is a regional planning instrument that aims to ensure the catchment, foreshores, waterways and islands of Sydney Harbour are recognised, protected, enhanced and maintained as a natural and public asset of national significance.</p> <p>The site is located within the Sydney Harbour catchment area but not within the foreshores and waterways area. Therefore, clause 26 of the SREP is relevant to the consideration of the proposed development with regards to the maintenance, protection and enhancement of views. Matters to be taken into consideration in relation to clause 26 include:</p> <ul style="list-style-type: none"> • <i>Development should maintain, protect and enhance views (including night views) to and from Sydney Harbour;</i> • <i>Development should minimise any adverse impacts on views and vistas to and from public places, landmarks and heritage items; and</i> • <i>The cumulative impact of development on views should be minimised.</i> <p>The modification to the SSD DA sought in this application to realise the retail use of the podium level tenancies will not have any negligible impacts on key views, including views to and from Sydney Harbour. Due to the distance of the site and depth of the proposed minor façade fenestration, the proposed introduction of an articulation zone beyond the approved building envelope is also considered unlikely to impact views to and from Sydney Harbour. Visual and view impacts are also discussed in further detail in Section 8.2 of this report.</p>
Draft State Environmental Planning Policy (Environment) 2017 (Environment SEPP)	<p>In October 2017 DPIE released an Explanation of Intended Effect (EIE) for the proposed <i>Draft State Environmental Planning Policy (Environment SEPP) 2017</i>. The overarching aim of the <i>Draft Environment SEPP</i> is to combine seven existing SEPPs into a simple, modern and accessible instrument which promotes the protection and improvement of key environmental assets for their intrinsic value and social and economic benefits.</p> <p>Only one of the affected SEPPs, notably the <i>Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005</i>, relates to the modified concept proposal as the site is located within this catchment area. The concept proposal as proposed to be modified remains consistent with the draft environment SEPP.</p>

SEPP	Comment
Draft State Environmental Planning Policy (Remediation of Land) 2018	The concept proposal does not necessitate the need to undertake remediation works, given the substantial works previously undertaken as part of the CSSI approval for the Pitt Street south station portal.

7.2.5. Sydney Local Environmental Plan 2012 (SLEP)

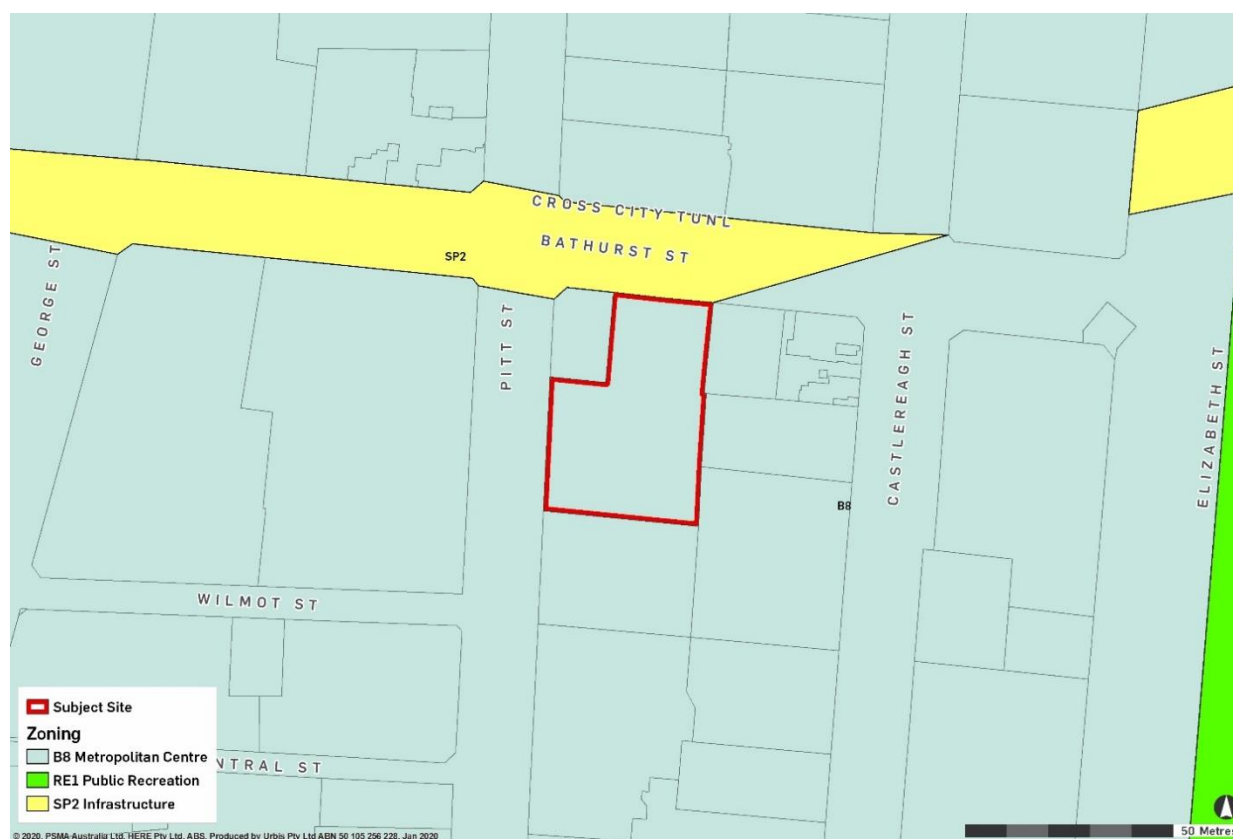
The *Sydney Local Environmental Plan 2012 (SLEP)* is the principal local planning instrument applying to the site, establishing the permissible land uses, key development standards, setbacks, visual impact, views and heritage conservation requirements.

Land Use Zoning and Permissibility

The site is located within the B8 metropolitan centre zone under the SLEP (refer **Figure 15**). The objectives of the zone are:

- *To recognise and provide for the pre-eminent role of business, office, retail, entertainment and tourist premises in Australia's participation in the global economy.*
- *To provide opportunities for an intensity of land uses commensurate with Sydney's global status.*
- *To permit a diversity of compatible land uses characteristic of Sydney's global status and that serve the workforce, visitors and wider community.*
- *To encourage the use of alternatives to private motor vehicles, such as public transport, walking or cycling.*
- *To promote uses with active street frontages on main streets and on streets in which buildings are used primarily (at street level) for the purposes of retail premises.*

Figure 15 – SLEP 2012 land zoning map



Source: SLEP 2012

The modification proposed to the approved concept SSD DA building envelope includes a mixed-use residential and retail OSD which is permissible with consent in the B8 metropolitan centre zone. The modified proposal remains consistent with the zone objectives as it:

- Provides retail (employment opportunities) land uses in a single tower form which serves the local and wider community including residential development;
- Encourages retail opportunities within proximity of public transport being located above the future Sydney metro Pitt Street station and intensity of land uses suitable for the site; and
- The modification will not result in adverse amenity impacts on existing and future developments.

Development Standards

The modification proposed to the concept SSD DA has been assessed against the relevant development standards contained within the SLEP 2012 and is discussed in **Table 11** below.

Table 11 – SLEP 2012 compliance of development standards

Clause	Proposal / Compliance
2.3 Zone objectives and Land Use Table	The inclusion of 'retail premises' within the podium is a permissible use under the B8 metropolitan centre zone and is consistent with the objectives of the zone. It is noted that the proposed retail premises outlined in Section 4.7 represents a minor proportion of the overall development, and a minor proportion of the overall podium.
4.4 Floor Space Ratio (FSR)	Consent for a specific GFA will be sought as part of the detail SSD DA. The proposed modifications do not change the anticipated GFA calculations included in the approved concept SSD DA.
4.5A Balconies on certain residential flat buildings	The proposed modifications will not change the potential GFA calculations as approved under the concept DA. Specific GFA will be sought as part of the detail SSD DA.
5.10 Heritage Conservation	The site is located within close proximity to a number of local and state heritage items listed under the SLEP 2012, as listed in Section 3.6 . The proposed modifications will not have any adverse impacts on the surrounding heritage items. These potential impacts have been discussed in further detail in Section 8.7 of this planning report and within the heritage impact assessment at Appendix E . The detailed SSD DA will further consider any potential impacts upon surrounding heritage items.
6.16 Erection of tall buildings in Central Sydney	The proposed modifications will not change the maximum building height as approved in the concept SSD DA. These issues are to be further addressed in the detailed SSD DA.
6.17 Sun access planes	The site is affected by the Hyde Park west sun access plane, with which the proposal as modified has been designed to comply.
6.19 overshadowing of certain public places	The proposed modifications will not result in a built form that will overshadow the nominated public spaces during any of the specified time periods.
6.21 Design excellence	Design excellence is addressed in Section 8.5 .

7.2.6. Sydney Development Control Plan 2012 (SDCP)

In accordance with Section 4.22 of the EP&A Act, a concept DA can be made to establish the concept proposal for the development of a site to which separate and future detailed proposals must comply. A concept DA may also be undertaken in lieu of the preparation of a site-specific DCP in accordance with Section 4.23 of the EP&A Act.

The approved concept SSD DA and the associated Pitt Street South OSD design guidelines set the built form parameters for the subject site and act as a site-specific DCP. Together, they establish the parameters for future development in the form of building envelopes and apply detailed objectives and design principles to shape the design development of buildings.

Further, clause 11 of the SRD SEPP states that development control plans do not apply to state significant development.

Notwithstanding, the Sydney Development Control Plan 2012 (**SDCP**) provides a reference point for the detailed design of buildings, including local design considerations such as waste management, access and loading, and local character. The key areas of the SDCP that relate to the proposed modification to the concept SSD DA are outlined below.

Table 12 – Consistency of the proposed development with key provisions of the SDCP

Section	response
3.2.1.1 Sunlight to Publicly accessible Spaces	Overshadowing impacts have been further discussed at Section 8.4 .
3.2.1.2 Public Views	View impacts have been further discussed at Section 8.2 .
3.3 Design Excellence and Competitive design process	Design excellence and the design development process is further discussed in Section 2.3 and Section 8.5 .
3.9.1 Heritage Impact Statements	Heritage impacts have been further discussed at Section 8.7 , and a Heritage Impact Statement provided at Appendix E .
5.1.1 / 5.1.2 Street Frontage Heights and Setbacks	Setbacks and frontage heights have been addressed in Section 8.3 .
5.1.10 Sun access Planes	Sun access planes are further addressed in Section 8.4 .

7.2.7. Draft Sydney Local Environmental Plan 2020

The Central Sydney Planning Strategy 2016-2036 (**CSPS**) is the City of Sydney's 20-year strategy to manage the growth of Central Sydney (i.e. Sydney CBD). The strategy seeks to prioritise employment capacity, implement genuine mixed-use development controls, support additional density in some locations, and introduce additional requirements for ESD initiatives and affordable housing contributions. The 10 key moves and their associated 'actions' were categorised in order of stages: short-term (1-2 years), medium-term (2017 to 2036) and ongoing.

The CSPS was originally released by the City of Sydney in 2016. On 6 December 2019, the Minister for Planning issued 'in principle' agreement for the CSPS and associated planning proposal (Central Sydney 2020), with three key changes to the exhibited package.

On 10 February 2020, the amended CSPS and associated planning proposal were endorsed by the City of Sydney for submission for gateway determination. Gateway determination was finalised for the Central Sydney 2020 planning proposal on 11 March 2020 and it is anticipated to be placed on public exhibition in April – May 2020.

The proposed changes to the SLEP 2012 proposed to be introduced by the Central Sydney 2020 planning proposal are:

- **Zoning**

The planning proposal includes an amendment to the B8 metropolitan zone objectives to reinforce the important role that employment floor space plays in the city. A key change includes an objective to promote the primary role of the zone as a centre for employment and permit residential and serviced apartment accommodation where they complement employment generating uses.

The proposed residential land use is appropriate for the site as outlined within the concept SSD DA. The site size and floor plates lend itself to an efficient and high amenity residential floor plate, whereas commercial office may not be suited to the site. As such, the proposed use does not undermine the ability for additional employment generating uses on appropriate sites elsewhere in the CBD. The proposed 'build to rent' operation does however include additional employment in terms of operation and management compared to a traditional build to sale residential building, contributing to the achievement of the new zone objective. Notwithstanding, the proposed residential land use is also appropriate within the locality in proximity to other residential apartment buildings and will complement the existing uses in the locality.

- **Land Use and FSR**

To strengthen employment-generating land uses, an amendment to the existing accommodation floor space provisions are proposed to encourage more commercial, hotel and cultural space and disincentivise residential floor space.

The proposal does rely upon residential floor space incentives as outlined and established as appropriate within the concept SSD DA.

- **Tower Clusters**

The amendment to the CSPS includes a design excellence bonus pathway for development in four tower clusters (near Barangaroo, Circular Quay, Central and Town Hall) for sites that demonstrate design excellence and meet a series of prescribed conditions.

Under the new pathway, sites within the four mapped tower clusters can benefit from up to 50% additional floor space and additional height under a new design excellence pathway, which introduces more stringent provisions for design excellence competitions.

The site is not located within a tower cluster and as such will not benefit from these draft provisions.

- **Height**

The CSPS proposes a refinement of the sun access planes to ensure the diagrams relevant to each protected park are accurate. The proposed development has been designed to comply with the Hyde Park west sun access plane.

7.2.8. Draft Local Strategic Planning Statement – City Plan 2036

The City Plan 2036: Draft City of Sydney Local Strategic Planning Statement sets out a 20-year land-use vision and the planning priorities and actions to achieve the vision. It unites the Greater Sydney commission's plans and Sustainable Sydney 2030, and the future Sustainable Sydney 2050, to develop new planning controls for the City of Sydney. The LSPS is intended to guide future changes to planning controls, informs decisions about infrastructure and sets out frameworks for collaboration with key stakeholders on planning matters.

The LSPS sets out 13 planning priorities to guide future changes to the City's planning controls of which the following relate to UND and its broader objectives under the themes of infrastructure, liveability, productivity and governance:

1. *Movement for walkable neighbourhoods and a connected city*
2. *Align development and growth with supporting infrastructure*
4. *A creative and socially connected city*
5. *Creating great places*
6. *New homes for a diverse community*
7. *Growing a stronger, more competitive Central Sydney*
11. *Creating better buildings and places to reduce emissions and waste and use water efficiently*

13. Open, accountable and collaborative planning

The LSPS also sets housing and jobs targets in response to the NSW Government's Eastern City District Plan.

The Council has set a vision for the City based on three distinct themes which include green, global and connected. The LSPS recognises three areas of vision which relate to the Pitt Street South OSD and integrated station development and the broader objectives envisaged for the site.

- **Green**

- The city's places and spaces will support the community's resilience to social, economic and environmental changes, including changing climate.
- excellence in the design of the city's places, spaces and buildings will attract people, encourage them to stay and make high density places healthy and enjoyable.

Comment: The detailed SSD DA and modification application will help to realise the vision for a greener global city that will improve the places, spaces and buildings serving the greater community and the residents that it serves by providing an energy-efficient building, providing residents with access to public transport and reducing car dependency and the location allows residents to walk and cycle to places of interest including Hyde Park and nearby cultural and entertainment hubs.

- **Global**

The Council seeks to ensure that *"Sydney will remain Australia's most significant global city, home to globally aware people, jobs and businesses and an international gateway with world-class tourism attractions and sustained investment in cultural infrastructure, icons, amenities and public spaces."*

- In economic orientation and partnerships, an open-minded outlook, and a diverse community.

Comment: The delivery of the Sydney metro and the OSD development as proposed in the detailed SSD DA and supported by the modification application will help to realise the Council vision, in which the partnership between the NSW Government and private developers, such as Sydney Metro and the Pitt Street Developer South Pty Ltd in collaboration will help to deliver the infrastructure and housing to serve a diverse and growing community.

- **Connected**

The Council vision for connectedness includes: Physically by walking, cycling and high-quality public transport, through culture, place and social wellbeing, and to those with interest in the city.

Comment: The detailed SSD DA and this supporting modification application will help to realise the Council vision for a more connected city with the delivery of high-quality public transport and housing within one development that will promote place, social well-being and opportunities to access services, and places by walking or cycling.

7.2.9. Housing for All – Draft Local Housing strategy

As part of informing the local strategic planning statement, the City of Sydney has prepared a draft local housing strategy – housing for all which helps to link the vision for housing with the housing objectives established by the NSW Government and the Greater Sydney commission strategic plans, including regional and district plans.

The City of Sydney has identified seven local housing priorities in the housing for all strategy, the Pitt Street South OSD and station development will achieve five of these priorities, including:

1. *Facilitating homes in the right locations*
2. *Coordinating housing growth with the delivery of infrastructure*
3. *Increasing diversity and choice in housing*
4. *Improving NSW Government controlled site outcomes*
5. *Increasing liveability, sustainability and accessibility through high-quality residential design*

The proposed modifications do not undermine the achievements of the draft local housing strategy by the inclusion of one retail tenancy and façade articulation zones. Further detail is provided within the detailed SSD DA submitted concurrently with the modification application.

8. ENVIRONMENTAL ASSESSMENT

Under Section 4.55(3) of the EP&A Act, the consent authority must take into consideration the matters referred to under Section 4.15(1) of the EP&A Act and the reasons given by the consent authority for the granting of the original consent. During the assessment of the SSD 8876, the DPIE considered several key issues, including those related to:

- Building height
- Setbacks and building separation
- Heritage
- Building envelope and land use options
- Design excellence
- Integration with metro station and public domain
- Other issues

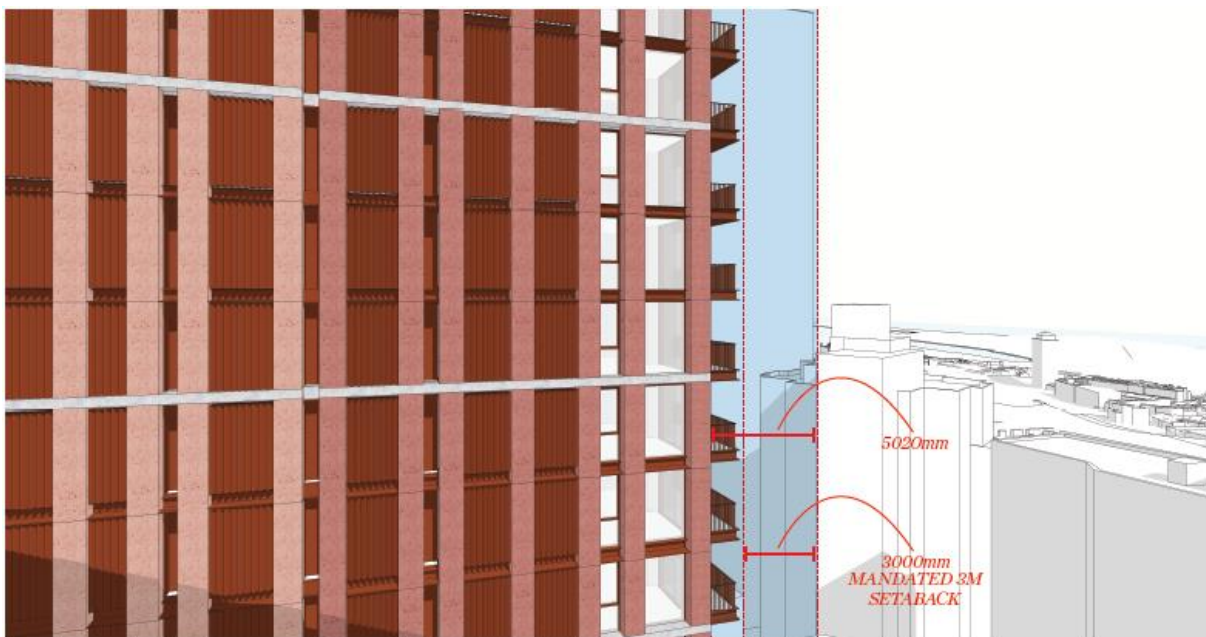
Each of these matters are considered in the following sections, in addition to the relevant matters prescribed by Section 4.15(1)(b)-(e) of the EP&A Act.

8.1. BUILT FORM AND URBAN DESIGN

The provision of a retail tenancy that is directly accessible from Bathurst Street provides negligible built form and urban design impacts compared to the development subject of the original consent. The proposed inclusion of a retail tenancy within the podium provides additional street activation and passive surveillance compared to an otherwise inactive podium previously utilised by building services and car parking. The proposed permissible uses are proposed to be functionally separated at ground level to assist in pedestrian circulation on Bathurst Street.

The proposed articulation zone beyond the approved building envelope for the purposes of architectural features and embellishments, where approved as part of a detailed DA, is minor and will result in a negligible overall built form impact compared to the approved building envelope. Specifically, the maximum 250mm projection to the eastern and western façades is unlikely to be perceptible from the public domain or adjacent properties as illustrated in **Figure 16** below.

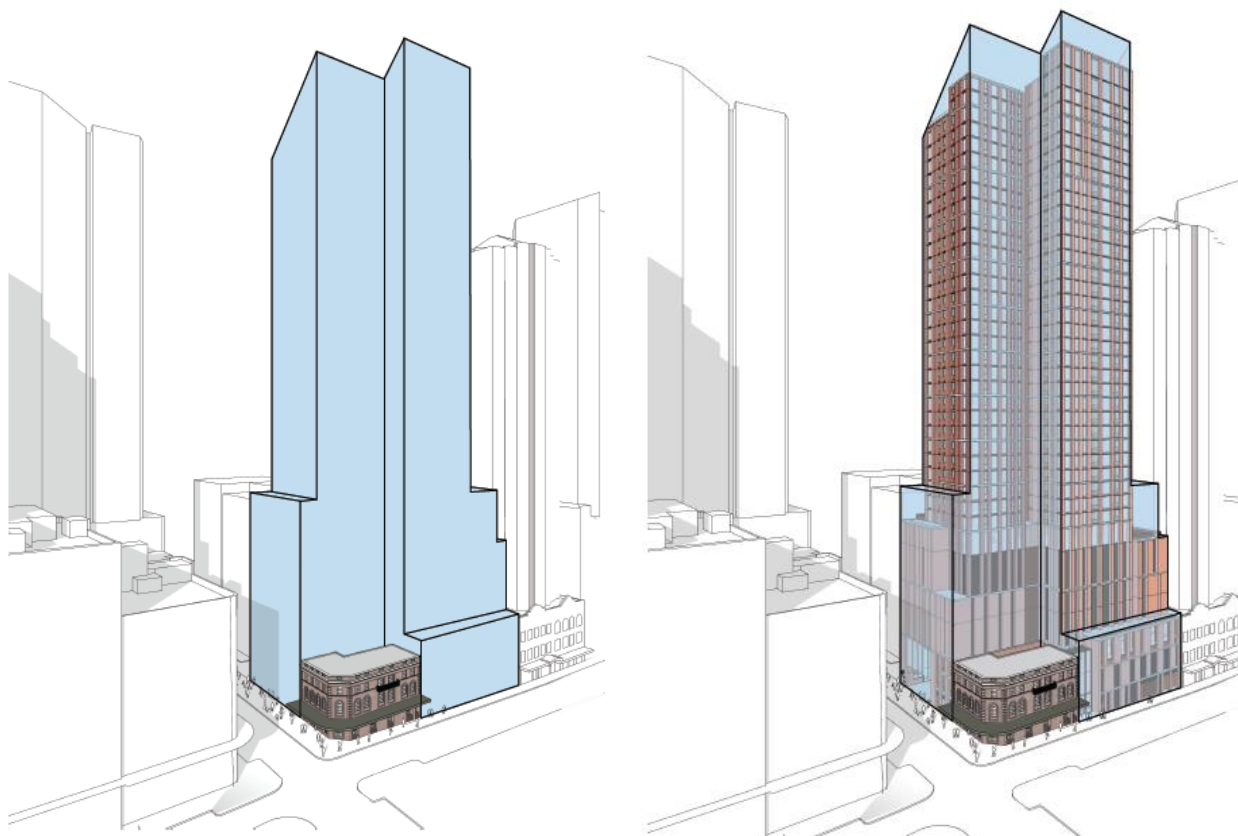
Figure 16 – Façade projections to east façade (water views and cityscape)



Source: Bates Smart

The proposed 500mm projection from the northern façade line fronting Bathurst Street will also have a negligible overall impact on the perceived bulk and scale of the development and alignment with adjacent buildings. As illustrated in **Figure 17**, the proposed architectural articulation along Bathurst Street does not undermine the achievement of a consistent streetscape with adjacent buildings. The proposed façade articulation zone provides sufficient flexibility for the detailed design to include façade features and embellishments that enhance the architectural qualities of the building.

Figure 17 – Comparison of approved building envelope and proposed façade projection (Bathurst Street)



Picture 17 – Approved building envelope as viewed from Bathurst Street (looking south-west)

Picture 18 – Approved building envelope as viewed from Bathurst Street (looking south-west), showing proposed maximum façade articulation and projection

Source: Bates Smart

The proposed 450mm articulation zone from the southern façade will have a negligible built form impact compared to the approved building envelope as it will have limited visibility from the public domain. A 12m building separation, designed in compliance with the apartment design guidelines is maintained to the glazing line on the southern façade.

As such, the proposed modifications are considered to have an acceptable built form and urban design impact compared to the approved development. The proposed façade projections are minor and will allow for additional building articulation as supported by the design excellence process.

8.2. VISUAL AND VIEW IMPACTS

As outlined in **Section 8.1**, the proposed modifications are unlikely to result in an adverse impact on the public domain as the proposed modifications are unlikely to be readily perceivable from the surrounding public domain compared to the approved building envelope.

A visual impact assessment is required to be prepared as part of the detailed SSD DA, which outlines any impact the proposed façade projections will have on the surrounding properties and the public domain, and specifically will demonstrate whether the design of the proposal is contextually appropriate.

The proposed modifications do include the ability for building elements to project outside of the approved building for architectural features and embellishments and therefore can result in additional view and visual impacts compared to the approved development.

The proposed architectural articulation zone and any potential additional visual and view impact has been assessed as outlined below.

- The visual impacts of the concept approval have been accepted as being acceptable and reasonable by the DPIE.
- The maximum 250mm projection to the eastern and western façades creates a negligible – minor visual impact to the adjacent Princeton Apartments.
- In analysing the viewer sensitivity of the proposed building it is unlikely that private views from Century Tower would be significantly affected by the proposed development, given the proposal's setting comprises of other buildings in the background (to the west of the view) and the proposed encroachment outside of the approved concept envelope occurs above RL 71m at tower level which is not easily discernible by the viewer. The proposal provides an overall improvement by way of stepping the articulated built form from podium to tower levels allowing for visual breaks, then would have otherwise resulted for the approved concept envelope
- The maximum 500mm projection to the northern façade creates a low visual impact to the adjacent properties to the east and west when viewed down Bathurst Street as the visual impacts of the concept approval have been accepted as being acceptable and reasonable by the DPIE. In analysing the viewer sensitivity of the proposed building it is unlikely that public domain views from Bathurst Street would be significantly affected by the proposed development, given the proposal's setting comprises of other building in the background and the proposed encroachment outside of the approved concept envelope occurs above RL 71m at tower level which is not discernible by a viewer on Bathurst Street. The detailed proposal also encroaches the approved concept envelope on the ground plane by way of a proposed awning which is deemed reasonable and acceptable, given the character and continuity of awnings along Bathurst Street.
- The proposal provides an overall improvement by way of stepping the articulated built form from podium to tower levels allowing for visual breaks, then would have otherwise resulted for the approved concept envelope.
- The maximum 450mm projection to the southern façade creates a negligible – minor visual impact to the adjacent properties to the south west (specifically the Century Tower Apartments).

The proposed ability to allow flexibility in the ultimate façade design is however considered appropriate to achieve the objectives of the design excellence process, where it can be demonstrated within the detailed SSD DA that the additional projections do not result in significant adverse impacts. This section outlines that visual and view impacts resulting from the maximum architectural articulation zone for architectural features and embellishments (no floor space) are negligible to minor and can be mitigated through the detailed design of the development.

8.3. SETBACKS AND BUILDING SEPARATION

It is noted that during the assessment of the concept SSD DA, the achievement of a minimum 12m building separation from the proposal to the southern site boundary (and Princeton Apartments) was a key matter for consideration. While the proposed articulation zone projects within this setback area, this will result in a negligible impact as:

- The proposed architectural features and embellishments can serve as screening to habitable and non-habitable rooms on the southern façade, resulting in improvements to visual privacy to the Princeton Apartments compared to a 'compliant' outcome.
- The proposed modification to the concept Plan does not allow the projection of glazing lines or habitable floorspace beyond the approved building envelope, retaining a minimum 12m separation from Princeton Apartments and maintaining compliance with the relevant provisions of the apartment design guide for privacy and building separation.
- Previous reduction in the building envelope by 3m to the eastern boundary provides improvements to solar access and visual amenity to dwellings within the Princeton Apartments previously unmodelled.

The proposed separation to the eastern and western site boundaries remains appropriate given the interface with non-habitable rooms and airspace over constrained sites for future development.

8.4. SOLAR ACCESS AND OVERSHADOWING

The inclusion of retail premises within the podium as an approved land use has no impact on solar access and overshadowing considerations.

The proposed allowance of minor architectural features and embellishments within an architectural articulation zone has the minor potential to increase overshadowing and solar impact to adjacent properties. As illustrated within the shadow diagrams included at **Appendix C**, the inclusion of façade articulation results in negligible additional shadowing to adjacent properties, including to the Princeton Apartments, compared to the currently approved building envelope. As such, the proposed shadow impacts of the proposed modifications are considered acceptable. Further detail is to be provided within the detailed SSD DA.

8.5. DESIGN EXCELLENCE

To inform the preparation of the detailed SSD DA for the detailed design of the proposed OSD project, the scheme has been presented to the DEEP and DRP. The DRP has provided ongoing design review of the proposed Pitt Street South station OSD proposal to ensure design excellence and integrity have been achieved.

The proposed inclusion of an architectural articulation zone around the approved building envelope for the purposes of architectural features and embellishments only (no floor space) enables the achievement of design excellence on the site in accordance with the terms of the approved design excellence strategy and the comments of the DRP.

As outlined within the EIS submitted with the detailed SSD DA, the proposed architectural design has been supported and encouraged by the DRP as the panel accepts the presented envelope non-compliances as having very minor impacts and therefore reasonable (21 January 2020).

8.6. INTEGRATION WITH METRO STATION AND PUBLIC DOMAIN

As stated within **Section 2.2**, the design and delivery of all public domain works within and surrounding the site will be subject to the satisfaction of conditions of the CSSI approval, notably within approval of the SDPP and IAP. Notwithstanding, it is noted that any modification to the approved Pitt Street South OSD building envelope could have an impact on the function and amenity of the metro station and the surrounding public domain.

The proposed modification to the concept SSD DA maintains an appropriate integration with the metro station and the public domain as:

- The proposed modifications to include an articulation zone beyond the approved building envelope are minor in nature and do not increase the approved floor space for the OSD development on the site. The weight of any additional architectural articulation is minor in the context of the overall building and the subsequent structural loading will be required to be considered and deemed appropriate within the detailed DA.
- As part of the assessment of the original concept SSD DA, Sydney Metro noted that the provision of ground floor retail would be encouraged at future stages. While the proposal does not include additional ground floor retail due to the spatial requirements of the Pitt Street South metro station and services, the proposed modifications achieves the objectives of the design guidelines by providing additional ground floor activation and additional retail uses on the site, which are accessed via a ground floor entrance from Bathurst Street.
- The introduction of a retail tenancy accessed from Bathurst Street will not undermine access to the Pitt Street South metro station as the overall width of the metro station entrance has been maintained from the IAP.
- The introduction of a retail tenancy accessed from Bathurst Street will provide further street activation and passive surveillance to Bathurst Street, improving the overall amenity and safety of the public domain.

As such, the development as proposed to be modified remains consistent with the general terms of the CSSI approval and will be effectively integrated within the metro station and detailed public domain.

8.7. OTHER MATTERS

An assessment of the proposed modification relating to other key matters considered as part of the concept SSD DA, is provided at **Table 13**.

Table 13 – Consideration of other matters

Matter	Discussion
Pedestrian wind	<p>The proposed retail tenancy does not include any outdoor seating that may be impacted by adverse wind conditions surrounding the site.</p> <p>The proposed façade projections have been modelled within a future pedestrian wind assessment to be submitted with the detailed SSD DA. It is anticipated that the provision of façade projections such as fins and embellishments will have a negligible or minor improvement to wind conditions surrounding the site.</p>
Ecologically sustainable development	<p>The inclusion of a retail tenancy within the proposed development is likely to have a negligible impact to the overall achievement of ecologically sustainable development targets for the site refer to Appendix D. The detailed SSD DA will include a section J assessment against the BCA and sustainability strategy to ensure that the design and operation of the retail tenancy achieves the relevant standards.</p> <p>The proposed introduction of an articulation zone beyond the building envelope for the purposes of façade features and embellishments may result in improvements to the overall thermal performance of the building by providing ‘self-shading’ elements to the façade.</p>
Heritage	<p>The proposed façade articulation zone provides sufficient flexibility for the detailed design to include façade features and embellishments that enhance the architectural qualities of the building and respond contextually to the heritage qualities of the locality. Further detail is to be provided within the detailed development (stage 2) application where the material and design of the architectural features is outlined.</p>
Fire safety	<p>As concluded within the updated fire engineering review (Appendix F), it is possible to satisfy the relevant performance requirements of the NCC without major changes to the proposed indicative design. As such, the proposed modifications are considered acceptable on fire engineering grounds.</p>
BCA and DDA compliance	<p>As concluded within the updated BCA compliance statement (Appendix G), and the DDA accessibility statement (Appendix H) it is possible to satisfy the relevant performance requirements of the NCC without major changes to the proposed indicative design. As such, the proposed modifications are considered acceptable on BCA compliance and accessibility grounds.</p>
Acoustic impacts	<p>The acoustic impacts associated with the introduction of a retail tenancy within the podium will be outlined and mitigated as part of a detailed SSD DA. It is anticipated that any retail noise will be managed in accordance with standard mitigation measures for mixed use developments.</p>

Matter	Discussion
Construction management	The proposed articulation zones beyond the building envelope do not include any required changes to anticipated construction management associated with the Pitt Street South OSD or metro station.
Social and economic impacts	The provision of a retail tenancy provides additional passive surveillance to the public domain. access to the tenancy will be secured through controlled lift and stair access from Bathurst Street. The provision of a retail tenancy within the podium enables additional economic use of the site and additional employment and economic benefits compared to the approved concept proposal. Further detail will be required as part of the detailed SSD DA.

8.8. SUITABILITY OF THE SITE

The proposed modification will not alter the suitability of the site for the development as established within the concept SSD DA. The proposed inclusion of an articulation zone beyond the building envelope to enable minor façade protrusions (up to 500mm in depth) does not alter the overall intensity or scale of the approved development. The proposal does not include any changes to the maximum height of the approved development nor the maximum floor space for the development, which remain compliant with the relevant planning controls as outlined in **Section 7.2**.

The proposal remains substantially the same as the development for which consent was granted as outlined in **Section 6**. Notwithstanding the proposed modifications and introduction of 'retail premises' as an approved use within the podium, the approved development remains primarily a residential **or** commercial office scheme.

The proposed retail tenancy is suitable for the site as it can be designed to be independently operated from the residential component of the building, including the provision of direct public access from the street.

The proposal to include a retail tenancy within the podium is not a new land use for the site, as retail tenancies are included within the metro station box, and were considered an appropriate land use for the development within the response to submission report which states:

"The design guidelines have been prepared to encourage the provision of ground floor retail at future stages. As the design concept of the OSD and station is developments (sic), an outcome which makes use of any surplus street frontage space for retail uses is encouraged. (...) This design guideline is reflective of the commitment of Sydney metro to further investigate potential activation, including the provision of retail in the ground floor plane, as the design development continues."

Further as outlined throughout **Section 8**, impacts associated with a retail tenancy on the residential amenity of the proposed development can be appropriately mitigated as per traditional methods for mixed use development.

8.9. PUBLIC INTEREST

The proposed modifications are in the public interest as they represent positive improvements made to the approved development including:

- The provision of a retail tenancy within the podium provides additional street activation and passive surveillance compared to an otherwise inactive podium previously utilised by building services and car parking.
- The provision of a retail tenancy within the podium enables additional economic use of the site and additional employment and economic benefits compared to the approved concept proposal.
- The proposed inclusion of an architectural articulation zone around the approved building envelope for the purposes only of architectural features and embellishments (no floor space) enables the

achievement of design excellence on the site in accordance with the terms of the approved design excellence strategy.

- The proposed facade protrusions remain within the site boundaries and do not project above the public domain.

As such, the proposed development as sought to be modified is considered to be in the public interest.

9. REVISED AND CONSOLIDATED ENVIRONMENTAL MITIGATION MEASURES

The SEARs require an environmental risk analysis to identify potential environmental impacts associated with the proposal. An environmental risk assessment was provided within the EIS submitted with the concept SSD DA, as adapted from Australian Standard *AS4369:1999 Risk Management and Environmental Risk Tools*.

Within the environmental risk analysis submitted with the EIS, and as further revised within Section 9.1 of the response to submission report, the residual impact of the key risks associated with the development remain low/medium to medium. The items contained within the environmental risk assessment and the potential environmental impact of those risks are not altered by the proposed modification of the development sought in the Section 4.55(2) modification application.

Furthermore, no significant changes are required to the mitigation measures consolidated within Section 9.2 of the response to submission report submitted with the concept SSD DA as a result of the proposed modifications to the approved development.

The only changes required to the proposed mitigation measures include the references to the supporting documentation as detailed in **Table 14**.

Table 14 – Proposed modified mitigation measures

	Proposed OSD-specific measure	Interface issue with CSSI approval
Public domain overshadowing	Future development is to be consistent with the proposed maximum building envelope (as detailed in Appendix C of the EIS modification application) so as to ensure that the overshadowing impacts are not worse than those assessed in this concept proposal as amended .	N/A
Solar access	Future development is to be consistent with the proposed maximum building envelope (as detailed in Appendix C of the EIS modification application) so as to ensure that the solar access impacts are not worse than those assessed in this concept proposal as amended . The future detailed SSD application should be accompanied by a detailed solar access analysis for the Princeton Apartments and Century Tower.	N/A
Visual and view impacts	Future development is to be consistent with the proposed maximum building envelope (as detailed in Appendix C of the EIS modification application) so as to ensure that the visual and view impacts are not worse than those assessed in this concept proposal as amended .	N/A

10. JUSTIFICATION AND CONCLUSION

The purpose of this concept SSD DA was to define the key planning and design parameters and establish the framework and strategies to guide the future delivery of a primarily residential or commercial office tower which would form a key component of the Pitt Street South station integrated station development. The Sydney Metro Pitt Street South station and the OSD would be designed and constructed as one overall building, with scheduled delivery in 2024 to align with the commencement of the operation of the Sydney metro.

Section 4.55(2) modification application proposes to amend the concept approval for the Pitt Street South OSD in the following ways:

- Permit the inclusion of 'retail premises' as an approved land use within the building podium, specifically at level 2;
- Amend Condition A15 to allow for protrusion beyond the approved building envelope for:
 - architectural protrusions, to a maximum depth of 500mm at each elevation, and
 - awning and balustrade structures at level 35 terrace and balustrade structures at level 6 podium open space.

The dimensions of the proposed architectural projections included in the detailed SSD DA are:

- East and west 250mm proud of the building envelope.
- North 500mm proud of the building envelope.
- South 450mm proud of the building envelope (measured as 12m from the boundary).

Overall, it is considered that this Section 4.55(2) modification application for the OSD warrants approval and remains consistent with the key reasons for granting consent to the concept SSD DA as:

- The project remains consistent with NSW Government policies including the Greater Sydney Region Plan, the Eastern City District Plan and SLEP 2012.
- The project will continue to provide a range of benefits to the region and State as a whole, including potential employment generation on the site with retail premises permitted for either a commercial or residential scheme, within a site with excellent access to public transport and services.
- Notwithstanding the proposed modifications, the approved development remains primarily a residential or commercial office scheme (rather than a primarily mixed-use scheme).
- As demonstrated through this planning report, the proposed inclusion of an articulation zone beyond the approved OSD building envelope for the purposes of architectural protrusions only, does not result in any significant impacts on the community and environment beyond which was originally considered in the assessment of SSD-8876.
- The percentage of approved envelope occupied by built form is 85%, 15% below the maximum permissible. The proposed projections comprise a total of 1% of total approved envelope area and is therefore negligible in the context of the overall building scale.
- The project remains in the public interest.

DISCLAIMER

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This report has been prepared with due care and diligence by Urbis and the statements and opinions given by Urbis in this report are given in good faith and in the reasonable belief that they are correct and not misleading, subject to the limitations above.

APPENDIX A SECRETARY'S ENVIRONMENTAL ASSESSMENT REQUIREMENTS

APPENDIX B SITE SURVEY

APPENDIX C ARCHITECTURAL PACKAGE

APPENDIX D ECOLOGICALLY SUSTAINABLE DEVELOPMENT REPORT

APPENDIX E HERITAGE IMPACT ASSESSMENT

APPENDIX F FIRE ENGINEERING REVIEW

APPENDIX G BCA COMPLIANCE STATEMENT

APPENDIX H DDA (ACCESSIBILITY) STATEMENT

APPENDIX I VIEW AND VISUAL IMPACT ASSESSMENT

APPENDIX J PRE-CONSULTATION REPORT

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