



Pitt Street South Over Station Development Stage 2 Modification 1

Minor internal and external design changes
State Significant Development Modification Assessment (SSD 10376 MOD 1)

November 2021



Published by the NSW Department of Planning, Industry and Environment

dpie.nsw.gov.au

Title: Pitt Street South Over Station Development Stage 2 Modification 1

Subtitle: Minor internal and external design changes

© State of New South Wales through Department of Planning, Industry and Environment 2021. You may copy, distribute, display, download and otherwise freely deal with this publication for any purpose, provided that you attribute the Department of Planning, Industry and Environment as the owner. However, you must obtain permission if you wish to charge others for access to the publication (other than at cost); include the publication in advertising or a product for sale; modify the publication; or republish the publication on a website. You may freely link to the publication on a departmental website.

Disclaimer: The information contained in this publication is based on knowledge and understanding at the time of writing (November 2021) and may not be accurate, current or complete. The State of New South Wales (including the NSW Department of Planning, Industry and Environment), the author and the publisher take no responsibility, and will accept no liability, for the accuracy, currency, reliability or correctness of any information included in the document (including material provided by third parties). Readers should make their own inquiries and rely on their own advice when making decisions related to material contained in this publication.

Glossary

Abbreviation	Definition
Council	City of Sydney Council
Department	Department of Planning, Industry and Environment
EIS	Environmental Impact Statement
EP&A Act	<i>Environmental Planning and Assessment Act 1979</i>
EP&A Regulation	<i>Environmental Planning and Assessment Regulation 2000</i>
ESD	Ecologically Sustainable Development
Minister	Minister for Planning and Public Spaces
SEARs	Planning Secretary's Environmental Assessment Requirements
Planning Secretary	Secretary of the Department of Planning, Industry and Environment
SEPP	State Environmental Planning Policy
SRD SEPP	State Environmental Planning Policy (State and Regional Development) 2011
SSD	State Significant Development
SSI	State Significant Infrastructure

Contents

1	Introduction	1
1.1	Background	1
1.2	Approval history.....	4
2	Proposed modification	5
3	Statutory context	8
3.1	Scope of modifications	8
3.2	Consent authority	9
3.3	Mandatory matters for consideration.....	9
3.4	Objects of the Act	10
3.5	Reason for Granting Consent	10
4	Engagement.....	11
4.1	Department's engagement.....	11
5	Assessment	12
6	Evaluation.....	14
7	Recommendation.....	15
8	Determination.....	16
	Appendices	17
	Appendix A – List of referenced documents	17
	Appendix B – Notice of Modification	17

1 Introduction

This report provides the NSW Department of Planning, Industry and Environment's (the Department's) assessment of an application to modify the State significant development (SSD) consent SSD 10376 for Pitt Street South Over Station Development Stage 2 (SSD 10376 MOD 1).

The modification application seeks approval to:

- amend Condition B11 to permit a maximum building height of RL 166.35 in lieu of RL165.35
- relocate the louvres from the southern elevation to western elevation of the plant enclosure on level 6
- reconfigure the internal layout of five adaptable apartments on levels 11 to 13, and levels 33 to 34 to address the relevant Australian Standards
- provide an additional window on the northern elevation of Unit 7.05 on level 7

The modification application was lodged by Pitt Street Developer South Pty Limited (the Applicant) pursuant to section 4.55(1A) of the *Environmental Planning and Assessment Act 1979* (EP&A Act).

1.1 Background

Pitt Street South Over Station Development is located in the central business district of the City of Sydney Local Government Area (LGA), on the south-east corner of Bathurst Street and Pitt Street Intersection, Sydney (see **Figure 1**).

The L-shaped site occupies one allotment of approximately 1,710 m² and wraps around the heritage listed, three-storey Edinburg Castle Hotel (**Figure 2**). The area is characterised by combination of medium to high density commercial and residential developments, mixed with lower density heritage and retail developments.

South of the site is the high-density residential development (Princeton Apartments) and the east comprises of high-density residential developments including the heritage listed Sydney Fire Station (see **Figure 3**). Other significant high-density developments in the locality are illustrated in **Figure 4**.



Figure 1 | Local context map (Source: EIS)

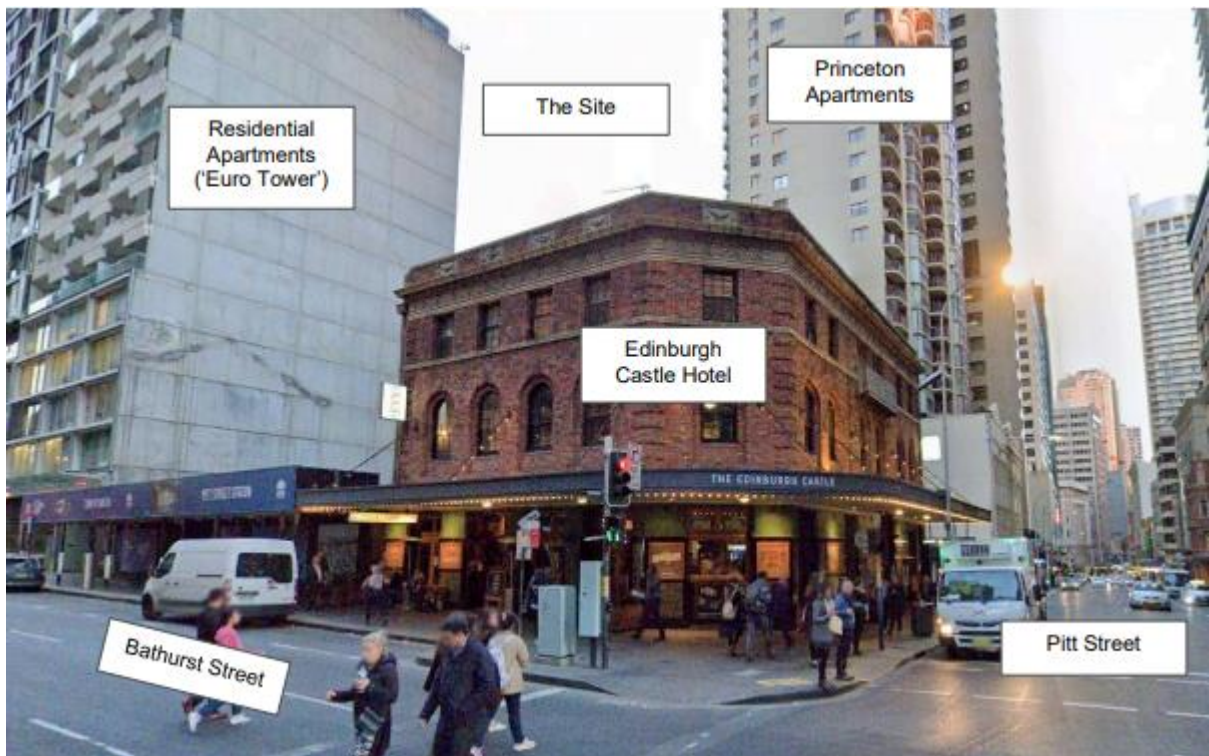


Figure 2 | Local context (Source: Google Street View)



Figure 3 | Local context (Source: Google Maps)

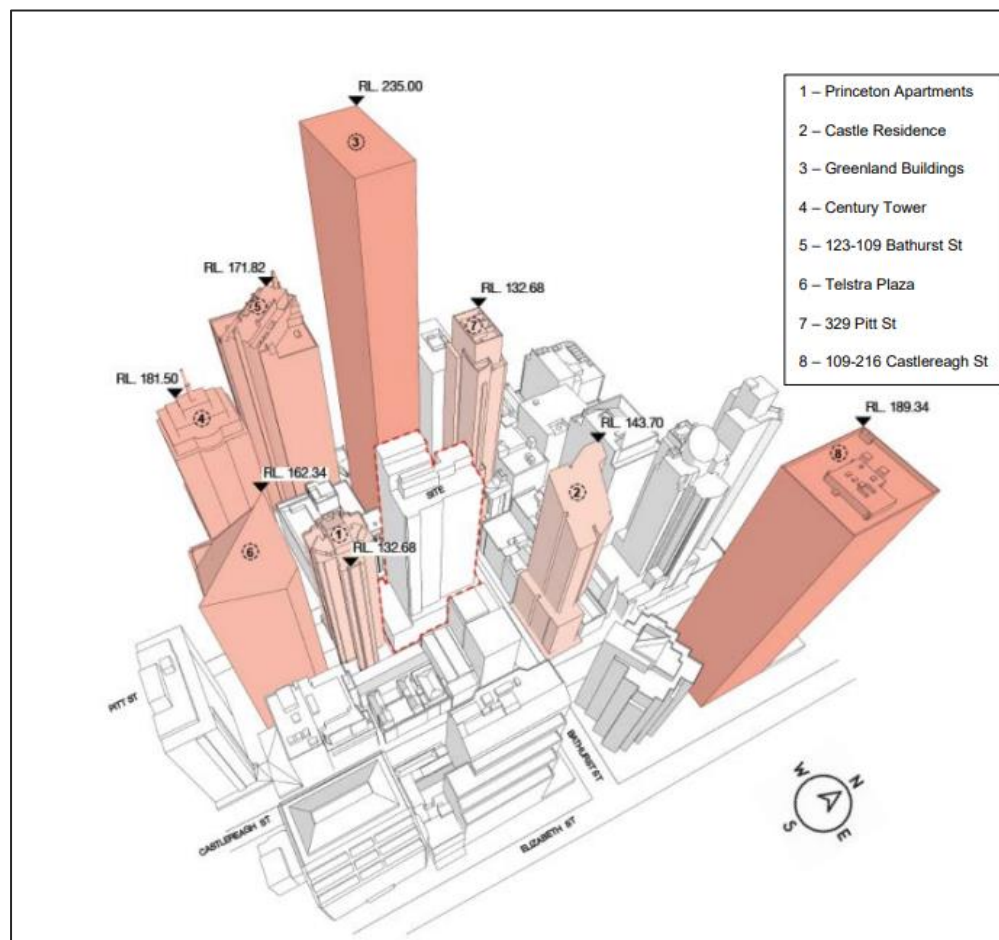


Figure 4 | Neighbouring high density developments (Source: EIS)

1.2 Approval history

Concept Application (SSD 8876)

On 25 June 2019, the Minister for Planning approved the concept development application for Pitt Street South OSD (SSD 8876). The approval established:

- a maximum building envelope, including street wall and setbacks for the over station development
- a maximum building height of RL 171.6
- 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).

On 28 October 2019, SSD 8876 MOD 1 was approved under delegation to correct an administration error and to amend the environmental performance targets.

On 14 April 2021, SSD 8876 MOD 2 was approved by the Independent Planning Commission to permit architectural embellishments, including awnings and balustrades to project beyond the approved building envelope and permit retail premises within the metro box.

Detail Design and Construction Application (SSD 10376)

On 14 April 2021, the Independent Planning Commission granted development consent for the detail design and construct development for the Pitt Street South OSD (SSD 10376). The approval permits the following works:

- a residential tower with maximum building height of RL 165.15
- 234 dwellings to be used for build-to-rent housing, a maximum gross floor area of 21,995 m² (excluding gross floor area approved under CSSI 7400)
- staged stratum subdivision
- use of podium (approved under CSSI 7400) for
 - Residential entry and residential communal spaces
 - Retail entry and food and drink premises on level two
 - Bicycle and end of trip facilities
 - Loading docks and associated facilities
 - Plant and circulation
 - Landscaping

This modification application represents the first modification of the consent (SSD 10376).

2 Proposed modification

The application seeks the following modifications:

- amend Condition B11 to permit a maximum building height of RL 166.35 in lieu of RL165.35
- relocate the louvres from the southern elevation to western elevation of the plant enclosure on level 6
- reconfigure the internal layout of five adaptable apartments on levels 11 to 13, and levels 33 to 34 to address the relevant Australian Standards
- provide an additional window on the northern elevation of Unit 7.05 on level 7

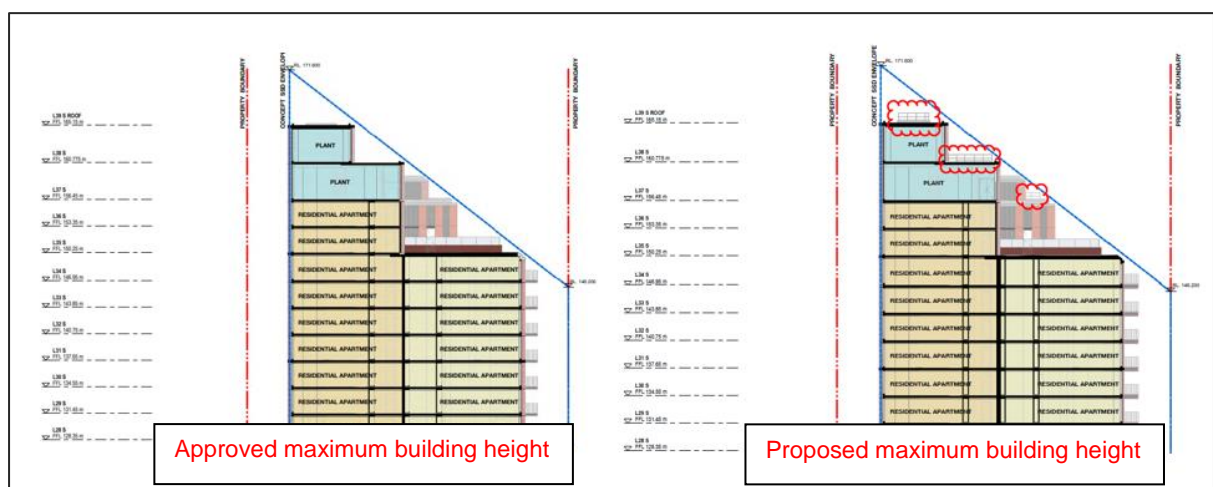


Figure 5 | Proposed building height increase to include minor roof top protrusions (Source: approved and proposed plans)

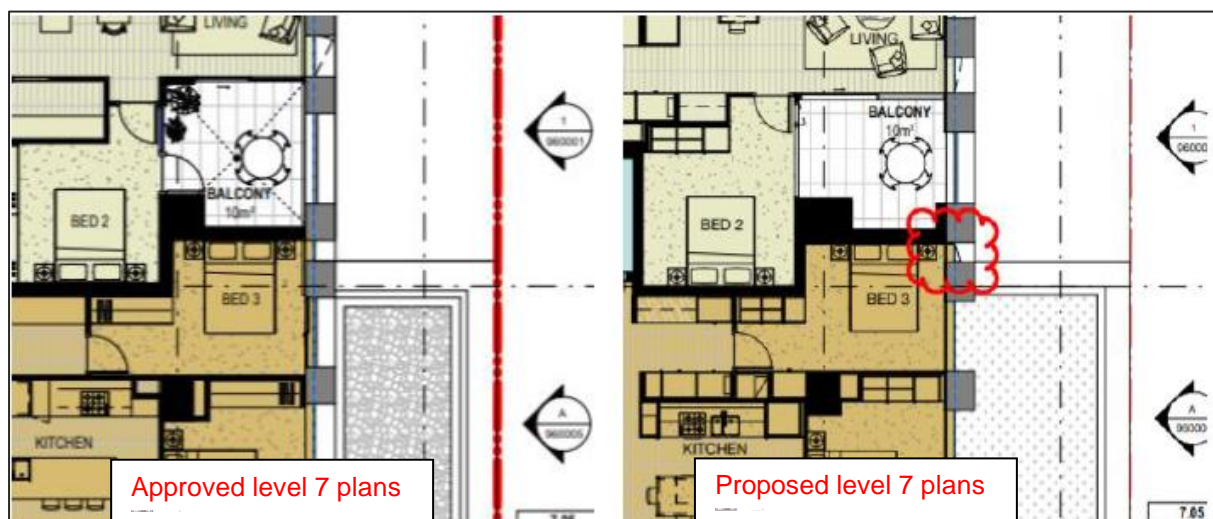


Figure 6 | Proposed additional window to level 7 of unit 7.05 (Source: Applicant's modification report)

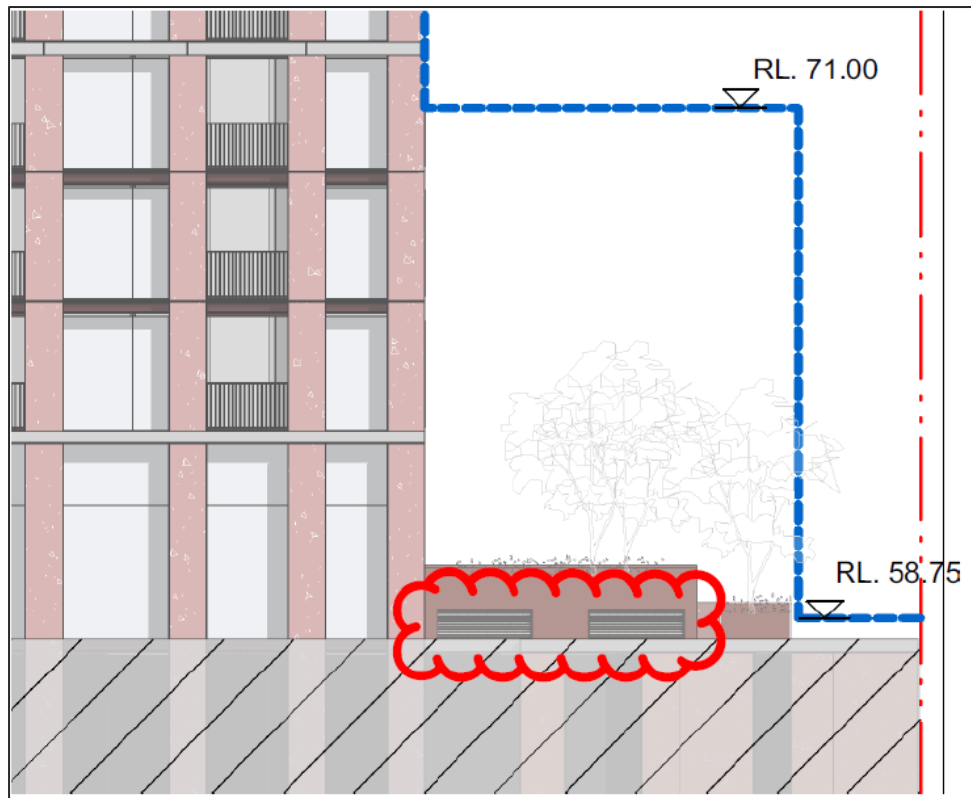


Figure 7 | Proposed relocated louvres on level 6 (Source: Applicant's modification report)

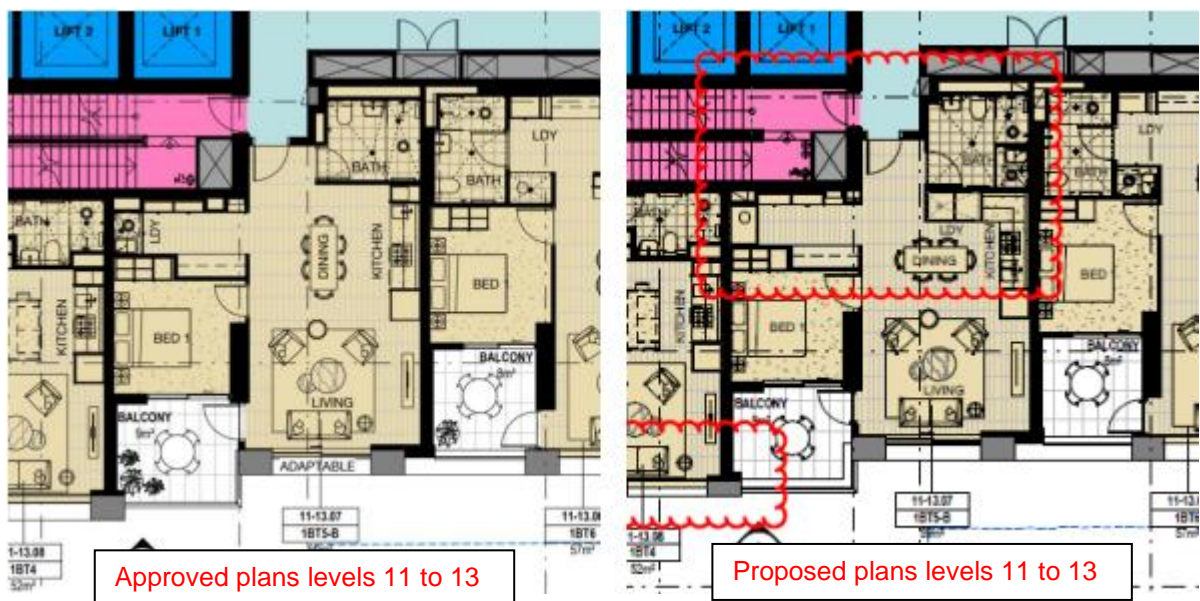


Figure 8 | Adaptable apartment bathroom reconfiguration (Source: Applicant's modification report)

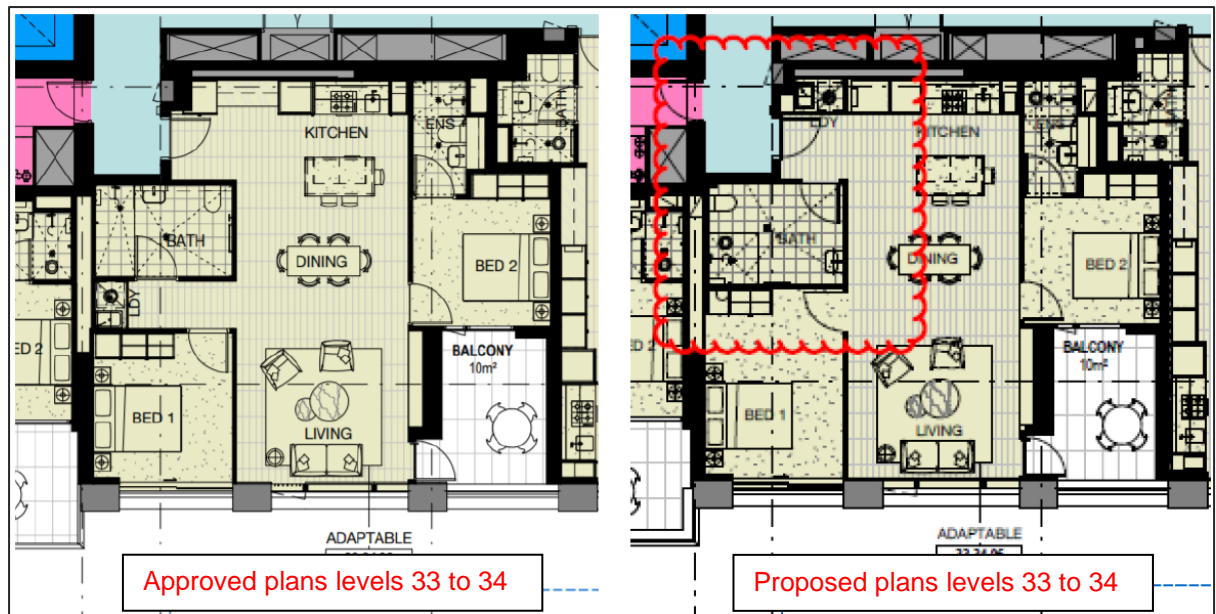


Figure 9 | Adaptable apartment relocation of laundry (Source: Applicant's modification report)

3 Statutory context

3.1 Scope of modifications

Section 4.55(1A) of the EP&A Act outlines the matters that a consent authority must take into consideration when determining an application that seeks to modify an SSD application. The matters for consideration under section 4.55(1A) of the EP&A Act that apply have been considered in **Table 1**.

Table 1 | Assessment against section 4.55 of the EP&A Act

Section 4.55 (1A) Evaluation	Consideration
a) that the proposed modification is of minimal environmental impact, and	<p>The Department is satisfied the proposed modification will have minimal environmental impacts. The proposed modification is to allow for minor internal and external changes that are of minimal environmental impact, including minor protrusion, changes to apartment internal layouts, relocation of the plant louvres and an additional window.</p> <p>Section 5 of this report provides an assessment of the impacts associated with the modification application.</p>
b) that the development to which the consent as modified relates is substantially the same development as the development for which the consent was originally granted and before that consent as originally granted was modified (if at all), and	<p>The Department is satisfied the modification application is substantially the same development as the proposed modifications. The modifications proposed do not alter the key aspects or elements of the original development as approved.</p>
c) the application has been notified in accordance with the regulations, and	<p>In accordance with the EP&A Regulation, due to the minor nature of the proposed modifications, the Department did not formally notify the application. However, the Department made the application publicly available on the Department's website.</p>
d) any submission made concerning the proposed modification has been considered.	<p>No Submissions were received for this proposal</p>

3.2 Consent authority

The Minister for Planning and Public Spaces is the consent authority for the application under section 4.5(a) of the EP&A Act. Under the Minister's delegation, dated 26 April 2021, the Team Leader, Key Sites Assessments, may determine the application as:

- no political disclosure statement has been made
- no submissions in nature of an objection have been received.

3.3 Mandatory matters for consideration

The Department conducted a comprehensive assessment of the project against the mandatory matters for consideration as part of the original assessment of SSD 10376. The Department considers the modification application does not result in any significant changes that would alter the mandatory matters for consideration under section 4.15 of the EP&A Act and conclusions made as part of the original assessment.

Table 2 | Section 4.15 Evaluation

Section 4.15 (1) Evaluation	Consideration
(a)(i) any environmental planning instrument	The modified proposal is consistent with the relevant legislation and the Sydney Local Environmental Plan 2012.
(a)(ii) any proposed instrument	The draft Central Sydney Planning Strategy applies to the site. However, there are no specific provisions under the strategy that affect the modification.
(a)(iii) any development control plan	Development Control Plans do not apply to SSDs.
a)(iv) any planning agreement	Not applicable.
(a)(iv) the regulations	The proposal satisfies the relevant requirements of the EP&A Regulation, including the procedures relating to applications (Part 6), the requirements for notification (Part 6, Division 6) and fees (Part 15, Division 1AA).
(b) the likely impacts of that development including environmental impacts on both the natural and built environments, and social and economic impacts in the locality	The Department considers the likely impacts of the development are acceptable and have been appropriately addressed (refer to Section 5 of this report).

c) the suitability of the site for the development	The site remains suitable for the development as assessed in the original application.
(d) any submissions	No submissions were received for this proposal
(e) the public interest	The Department considers the modified proposal continues to be in the public interest as the changes are minor and will enable the delivery of the Pitt Street Over Station Development.

3.4 Objects of the Act

The Minister or delegate must consider the objects of the EP&A Act when making decisions under the EP&A Act. The Department is satisfied the proposed modifications are consistent with the objects of the EP&A Act.

3.5 Reason for Granting Consent

The proposed modification does not detract from the reasons for which the original consent was granted.

4 Engagement

4.1 Department's engagement

Clause 117(3B) of the EP&A Regulation specifies that the notification requirements of the EP&A Regulation do not apply to section 4.55(1A) modifications with minimal environmental impact applications.

Accordingly, due to the minor nature of the proposed modifications, the application was not publicly exhibited. The modification application was made publicly available on the Department's website. The Department received no submissions from the public.

The modification application was not referred to Council due to the minor nature of the proposed modification.

5 Assessment

In assessing the merits of the proposal, the Department has considered:

- the modification application and associated documents
- the Environmental Assessment and conditions of approval for the original application
- relevant environmental planning instruments, policies and guidelines
- the requirements of the EP&A Act and Regulation

The Department's assessment of the proposal is provided in **Table 3**.

Table 3 | Assessment of proposed changes

Modifications	Findings	Recommendations
Building height (RL)	<ul style="list-style-type: none"> • The modification application seeks to amend the building height from RL 165.35 to RL 166.35 to accommodate flues, plant and handrails. • The Applicant's Design Statement demonstrates there is no substantial change on the solar access to the living rooms of Princeton Apartments or any adverse impacts on the view to St Mary's Cathedral from Century Tower. • The Department notes the proposed increase in the maximum building height to RL 166.35 will not have any adverse impacts on surrounding developments or any quantifiable increase in any overshadowing to Hyde Park. • The Department supports the proposed changes to increase the building height as the proposed projections are considered minor roof top items that do not alter the approved architectural style of the development (Figure 5). • Further, the Department recommends Condition B11 is amended to align with the definition of building height in Sydney Local Environmental Plan 2012, which excludes communication devices, antennae, satellite dishes, masts, flagpoles, chimneys, flues and the like when measuring the height of a building. 	Condition B11 be modified to reflect the proposed changes.
Louvre relocation	<ul style="list-style-type: none"> • The Applicant seeks to relocate the louvres on the southern elevation at level 6 to the western elevation of the plant on level 6 (Figure 6). 	Condition A2 to be amended to reflect the modified drawings.

	<ul style="list-style-type: none"> • The Applicant notes this change is required due to the stair pressurisation intake being altered. • The Department supports the relocation of the louvres as the change is discernible and reduces impacts on the adjacent building to the south. 	
Additional window	<ul style="list-style-type: none"> • The Applicant seeks approval to add an additional window to Unit 7.05 (Bedroom 3) on the northern façade (Figure 7). • The Applicant notes this addition is required for NCC compliance. • The Department is satisfied the additional window will not have any adverse impacts on the amenity of the neighbouring properties or to the public domain. 	Condition A2 to be amended to reflect the modified drawings.
Adaptable apartment reconfiguration	<ul style="list-style-type: none"> • The Applicant seeks minor amendments to the internal configuration of five adaptable apartments to comply with Australian Standards AS2499. • The Department supports the modification to the adaptable apartments as the proposed changes are internal only, are required to be consistent with relevant Australia Standards, and remain consistent with the requirements of the Apartment Design Guidelines. 	Condition A2 to be amended to reflect the modified drawings.

6 Evaluation

The Department has assessed the modification request and supporting information in accordance with the relevant requirements of the EP&A Act.

The Department's assessment concludes that the proposed modifications are appropriate as:

- the proposal is substantially the same development as the originally approved development and consistent with the Concept Approval
- the proposed changes are of minimal environmental impacts
- it complies with the relevant statutory provisions and remains consistent with relevant EPIs

Consequently, the Department concludes the proposal is in the public interest and should be approved, subject to the recommended changes to existing conditions of consent as outlined in **Appendix B**.

7 Recommendation

It is recommended that the Team Leader, Key Sites Assessments, as delegate of the Minister for Planning and Public Spaces:

- **considers** the findings and recommendations of this report
- **determines** that the application SSD 10376 MOD 1 falls within the scope of section 4.55(1A) of the EP&A Act
- **accepts and adopts** all of the findings and recommendations in this report as the reasons for making the decision to approve the modification
- **modifies** the consent SSD 10376
- **signs** the attached approval of the modification (**Appendix B**).

Recommended by:



Dorafa Chan
Planning Officer
Key Sites Assessments

Recommended by:



James Groundwater
Senior Planning Officer
Key Sites Assessments

8 Determination

The recommendation is **Adopted** by:



Annie Leung

Team Leader

Key Sites Assessments

as delegate of the Minister for Planning and Public Spaces

Appendices

Appendix A – List of referenced documents

Modification Request

<https://www.planningportal.nsw.gov.au/major-projects/project/25471>

Appendix B – Notice of Modification

<https://www.planningportal.nsw.gov.au/major-projects/project/25471>