

An architectural rendering of a modern building. The lower portion of the building is constructed from red brick with decorative elements, including small arched windows and a cornice. Above the brick section, the building transitions into a modern design with light-colored stone or concrete panels and narrow vertical windows. The upper portion of the building is a glass curtain wall, reflecting the sky. A white diagonal line runs from the top right corner towards the center, ending in a small white circle that highlights the text 'State Significant Development Assessment (SSD 8876)'.

Pitt Street South Over Station Development

State Significant
Development Assessment
(SSD 8876)

June 2019

© Crown Copyright, State of NSW through its Department of Planning and Environment 2019

Cover photo

Indicative photomontage of Pitt Street South Over Station Development (Source: EIS)

Disclaimer

While every reasonable effort has been made to ensure this document is correct at time of printing, the State of NSW, its agents and employees, disclaim any and all liability to any person in respect of anything or the consequences of anything done or omitted to be done in reliance or upon the whole or any part of this document.

Copyright notice

In keeping with the NSW Government's commitment to encourage the availability of information, you are welcome to reproduce the material that appears in Pitt Street South Over Station Development Assessment Report. This material is licensed under the Creative Commons Attribution 4.0 International (CC BY 4.0). You are required to comply with the terms of CC BY 4.0 and the requirements of the Department of Planning and Environment. More information can be found at: <http://www.planning.nsw.gov.au/Copyright-and-Disclaimer>.



Glossary

Abbreviation	Definition
AHD	Australian Height Datum
ADG	Apartment Design Guide
BCA	Building Code of Australia
CIV	Capital Investment Value
CIP	Community Involvement Plan
Consent	Development Consent
Council	City of Sydney
CSSI	Critical State Significant Infrastructure
Department	Department of Planning and Environment
DPI	Department of Primary industries
EIS	Environmental Impact Statement
EPA	Environment Protection Authority
EP&A Act	<i>Environmental Planning and Assessment Act 1979</i>
EP&A Regulation	<i>Environmental Planning and Assessment Regulation 2000</i>
EPBC Act	<i>Environment Protection and Biodiversity Conservation Act 1999</i>
EPI	Environmental Planning Instrument
EPL	Environment Protection Licence
ESD	Ecologically Sustainable Development
FRNSW	Fire and Rescue NSW
LEP	Local Environmental Plan
Minister	Minister for Planning
OEH	Office of Environment and Heritage
RMS	Roads and Maritime Services
RtS	Response to Submissions
SEARs	Secretary's Environmental Assessment Requirements
Secretary	Secretary of the Department of Planning and Environment
SEPP	State Environmental Planning Policy
SLEP	Sydney Local Environmental Plan 2012
SRD SEPP	<i>State Environmental Planning Policy (State and Regional Development) 2011</i>
SSD	State Significant Development
SSI	State Significant Infrastructure



Executive Summary

The report provides the Department's assessment of a Concept Development Application seeking approval for an Over Station Development (OSD) above the southern entrance of the approved Pitt Street Metro Station.

The proposal seeks concept approval for a maximum building envelope including street-wall and setbacks for OSD above the transfer slab level of the approved Pitt Street Metro Station. The building envelope is inclusive of a podium height of RL 71m or approximately 8 storeys and car parking for 34 spaces. Approval for Gross Floor Area (GFA) is not sought under this concept application.

The Applicant is Sydney Metro and the proposal is located in the Sydney local government area. The Capital Investment Value (CIV) for the proposal is \$89.7 million and would generate 1,500 full time equivalent operational jobs for a commercial scheme and 350 construction jobs.

The Minister for Planning is the consent authority as more than 25 objections were received, Council objected to the proposal and the Applicant is a public authority.

Engagement

The Department publicly exhibited the Environmental Impact Statement (EIS) between 16 August 2018 to 12 September 2018 and received a total of 92 submissions, including:

- 13 from public authorities providing advice and comments
- Objection from Council
- 78 from the public (with 75 objecting, 2 supporting and 1 providing comments).

An additional two submissions from public authorities were received in response to the Applicant's Response to Submissions (RtS).

Many of the public submissions were received by owners/occupiers of Princeton Apartments, located immediately south of the subject site. Over 70% of the public submissions raised concern with solar access. 52% of submissions raised concern regarding overshadowing impacts of the proposal to public spaces, in particular Hyde Park. These concerns were shared by The City of Sydney Council (Council), who recommended the proposal should address amenity impacts to Princeton Apartments.

Concerns with amenity impacts, including a loss of residential privacy and views were each raised by over 40% of the submissions with 32% of the submissions specifically identifying concern with setbacks/separation to 308 Pitt Street (Princeton Apartments). These concerns were shared by Council who recommended a continuous 12 m tower setback to ensure amenity and outlook are maintained for Princeton Apartments' residents. The Department visited several apartment owners within the Princeton Apartments to inspect their current views and outlook on 11 September 2018 as further discussed in **Section 6.2.4** of this Assessment report.

Council also objected to the proposed design excellence strategy, citing that it would not meet the objectives of the Sydney Local Environmental Plan (SLEP). Council considered a competitive design process must be conducted for the proposal.

Several public submissions and Council raised concerns about the physical impacts on nearby heritage listed items, including the Edinburgh Castle Hotel and the Metropolitan Fire Brigade Station.

Other Council concerns included public art placement, street activation, placement and adaptability of parking, flooding, signage and environmentally sustainable design (ESD). Other issues raised in the public submissions included general concerns with ADG compliance, traffic impacts and concern with the bulk and scale (overdevelopment) of the site.

The Applicant's RtS responded to issues raised by Council, agencies and public submissions. Please refer to **Section 6** of this Assessment report.

NSW Government Architect (GANSW) supported the Design Excellence Strategy. Other public authorities provided further comments and advice which informed conditions in the Department's recommended conditions in **Appendix I**.

Assessment and response to engagement issues

The Department has carefully considered the issues raised in submissions and the Applicant's response to these issues as discussed below.

Building Height

The proposed building envelope complies with the applicable height standard defined by the relevant Sun Access Plane in the Sydney Local Environmental Plan 2012 (SLEP). The proposed envelope will not overshadow Hyde Park between 12 noon and 2 pm at any time of the year or overshadow the ANZAC War Memorial.

The Department accepts the scale of the proposed building envelope. The maximum height up to approximately 146 m is compatible with surrounding developments. It is noted the proposed building envelope is substantially lower than the height of the Greenland Centre directly opposite the site, at 235 m.

Building Envelope and Land Use

The proposed building envelope represents the maximum extent for future built forms to accommodate either residential (approximately 35 storeys) or commercial use (approximately 30 storeys). Both land uses are permissible in the B8 Metropolitan Centre Zone under the SLEP. The application does not seek approval for a maximum gross floor area, future detailed applications will need to demonstrate compliance with the Floor Space Ratio standard and accommodation floor space standard contained in the SLEP and be contained within the proposed building envelope (**Condition A15**).

Amenity Impacts (Solar Access, Setbacks, Building Separation and View Sharing)

The Department has carefully considered the amenity impacts of the proposal with respect to surrounding residential developments, including Princeton Apartments, Century Towers, Euro Tower and Greenland Centre. The Department's assessment concludes amendments to the building envelope and additional design guidelines and conditions are required to further mitigate the proposal's amenity impacts as outlined below:

Solar Access and Setbacks: The proposed building envelope would significantly reduce solar access to Princeton Apartments adjoining the site's southern boundary. Princeton Apartments constructed in the mid 1990's (before the ADG standards) has no setback from its common boundary with the site. Only three out of 116 apartments (2.6%) in Princeton Apartments would receive 2 hours direct sunlight between 9am and 3pm at mid-winter as required by ADG. A reduction from the 63 apartments (54%) that now receive ADG compliant solar access.

The Department's assessment considers the overshadowing impacts of the proposed building envelope should be further mitigated in response to key community issues including loss of residential solar access, ADG overshadowing non-compliance and Council's concerns.

At the request of the Department, the Applicant undertook further modelling to quantify the solar improvement from increased setbacks. The modelling demonstrated a 3 m tower setback from the eastern (rear) boundary will increase approximately 30 minutes of solar access to 26 east facing apartments from 11.00 am at mid-winter. Having considered the specific circumstances of the site and the established planning principles for solar access as detailed in **Section 6.2**, the Department concludes it is reasonable for the proposed tower building envelope be amended with a 3 m eastern (rear) setback to retain greater solar access to Princeton Apartments (**Condition A17**).

The Department also recommends an additional design guideline to encourage a varied tower setback from Pitt Street (**Condition B3**). The varied tower setback will allow for articulation and design variation and may provide the opportunity to retain more solar access to west facing units in Princeton Apartments, which are already overshadowed by other tower developments along Pitt Street.

Building Separation: The proposed 12 m building separation from Princeton Apartments complies with the requirements of the ADG, which requires 50 % of the minimum 24 m separation distance be provided to the common site boundary.

The Department accepts structural supports may need to encroach on the 12 m setback to ensure structural integration with the approved station, but no floorspace should be accommodated within this structure reservation zone in order to minimise potential amenity impacts to occupants of Princeton Apartments (**Condition A18**).

View Sharing: The Department's assessment concludes the extent of the proposed building envelopes view impacts to surrounding buildings will be reasonable, because:

- the proposal will not affect the primary views from Princeton Apartments
- the extent of view impacts to Century Tower and Greenland Centre can be reasonably anticipated under the planning controls applying to the site.

Notwithstanding this conclusion the Department recommends the detailed design of the built form should seek to achieve greater improvement to the view to St Mary's Cathedral from Century Tower (**Condition A24 d**). In particular the articulation of roof forms within the angled section of the proposed building envelope should be considered.).

The changes summarised above have been recommended to inform and enhance the detailed design of the building and address key concerns raised by the community and Council in submissions.

Heritage

The Department consulted with the Heritage Council, who supported the submitted Heritage Impacts Statement (HIS) noting it adequately assessed heritage impacts. The Heritage Council provided recommendations and suggested mitigation measures. The Department recommends incorporating the Heritage Council's advice as conditions and requires any future detailed design application (**Condition B7**) to:

- mitigate the impacts of the vertical street walls above the heritage item where the building footprint above podium wraps around the building
- provide materiality and façade articulation of the podium to respond to the heritage item to better integrate the two sites and to activate the facades
- minimise overshadowing impacts to Hyde Park.

The future detailed design will also be required to meet design guideline requirements related to retaining the prominence and landmark character of the Edinburgh Castle Hotel. The Department also recommends an

additional requirement for future detailed design to reinforce appropriate visual separation between the over station development and Edinburgh Castle Hotel and to ensure there will be appropriate transition of building heights between the proposed over station development, the approved station and Edinburgh Castle Hotel (**Condition A24 a**).

The Department's detailed assessment in **Section 6.3** also notes potential building additions above the heritage fabric of Edinburgh Castle Hotel would rely on being able to build to the common boundary with the subject site. The Department therefore considers a zero setback is appropriate subject to future detailed applications identifying necessary easements to maintain light and ventilation for any openings proposed on the common boundary (**Condition B3 b**).

Design Excellence

The Department accepts the proposal exhibits Design Excellence having regard to the requirements of SLEP as detailed in **Section 6.5**. The Department also supports Sydney Metro's Design Excellence Strategy as an appropriate process to satisfy the requirements of SLEP and considers the alternative of a competitive design process will be unreasonable and unnecessary in this case, because of:

- the Strategy includes process for competitive selection in place of a design competition
- the Strategy includes project benchmarks that are capable of delivering a high quality architectural and urban design outcome
- the design excellence benefits of integrated station development (integrating the design and construction of the approved station with the over station development) as supported by the Government Architect
- the need for consistent design advice to support both the approved station and the over station development, which have already been undergoing design review by the Sydney Metro DRP
- the complexity and technical expertise required for over station development are not conducive for design competition
- site constraints make it impractical to provide separate design responses for the approved station and the over station development
- the positive impact on delivery of critical infrastructure coupled with reduction in construction impacts.

The Department therefore recommends that the Minister exercises the discretion available under Clause 6.21(6) of SLEP 2012 and accepts the proposed Design Excellence Strategy subject to future detailed design applications being reviewed by the SDRP or similar independent Design Review Panel (**Condition A26**).

Summary of key conditions

Issues raised by Government agencies, Council and the community have been addressed in the proposal, the Department's assessment report or by recommended conditions of consent.

The Department recommends amendments to the building envelope consistent with the findings of the Applicant's additional solar impact modelling, which demonstrated a 3 m rear tower setback will improve solar access to Princeton Apartments (**Conditions A17**). The Department also recommends additional conditions which address other Council and community concerns including:

- a Design Excellence Strategy and Design Guidelines to support detailed development application(s) and ensure good quality urban design outcomes and further mitigate impacts to surrounding developments (**Conditions A24, A26 and B1**)

- an independent design review panel with the right expertise and the endorsement of the Government Architect to support integrated design excellence for the approved station and the over station development (**Condition A26**)
- requirements to improve/address boundary conditions, including restriction on encroachment within the required building separation to Princeton Apartments to avoid potential privacy conflicts (**Condition A18**)
- requirement to identify the need for any necessary easement to maintain light and ventilation if openings are proposed on the common boundary (**Condition B3 b**)
- requirement for the articulation of roof forms to further mitigate view impacts and consider opportunity to retain the view to the St Mary's Cathedral from Century Tower (**Conditions A25 d and B3 g**)
- requirements reflecting Heritage Council and Council advice to ensure future detailed design will respect the heritage items in the vicinity of the site and manage any physical impacts (**Conditions B3, B7 and B15**)
- future built form is required to reinforce the visual separation between the over station development and Edinburgh Castle Hotel and mediate the transition of street wall heights between the approved station and Edinburgh Castle Hotel (**Condition A24 a**)
- requirement to maximise solar access to Hyde Park (**Condition A24 f**)
- future application assessment requirements for mitigating traffic, construction and other impacts (**Schedule 2 – Part B**).

Conclusion

Following detailed assessment, the Department supports the proposed concept OSD building envelope. The proposal is responsive to the context of the site and generally in accordance with the SLEP development standards and desired outcomes. The Department's recommended conditions will further mitigate the proposal's impact by requiring additional setbacks and design development.

The proposal is consistent with key strategic planning objectives for the site and is consistent with the Eastern City District Plan in delivering opportunity for jobs and housing at a highly accessible location that will be serviced by the new Metro line.

For the reasons above, the Department considers the proposal is in the public interest.

The Department concludes the proposal is approvable, subject to the conditions of consent.



Contents

Glossary	iii
Executive Summary	iv
1. Introduction	1
1.1 Pitt Street Metro Station	1
1.2 Pitt Street South	2
1.3 Surrounding context.....	3
1.4 Previous approvals and related applications	4
2. Project	7
2.1 Site Description	7
2.2 Physical layout and design	8
2.3 Staging and related station development	10
3. Strategic Context	12
3.1 Greater Sydney Region Plan: A Metropolis of Three Cities	12
3.2 Eastern City District Plan	12
4. Statutory Context	14
4.1 State Significant Development	14
4.2 Permissibility	14
4.3 Mandatory Matters for Consideration	14
5. Engagement	16
5.1 Department's Engagement.....	16
5.2 Summary of Submissions	16
5.3 Key Issues – Government Agencies.....	17
5.4 Key Issues – Council/Community/Special Interest Groups.....	19
5.5 Response to Submissions	20
6. Assessment	22
6.1 Building Height.....	22
6.2 Setbacks and Building Separation.....	26
6.3 Heritage	41
6.4 Building Envelope and Land use options	45
6.5 Design Excellence	46
6.6 Other Issues	50

7. Evaluation	53
8. Recommendation	54
9. Determination	55
Appendices	56
Appendix A – List of Documents	56
Appendix B – Environmental Impact Statement	56
Appendix C – Submissions	56
Appendix D – Response to Submissions Report	56
Appendix E – Department’s consideration of <i>Tenacity</i> view sharing principles	56
Appendix F – Applicant’s compliance table for Solar Access to Hyde Park.....	65
Appendix G – Statutory Considerations.....	66
Appendix H – Community Views for Draft Notice of Decision	93
Appendix I – Recommended Instrument of Consent.....	94



1. Introduction

This report provides an assessment of a Concept Development Application for State Significant Development (SSD) seeking approval for an over station development (OSD) above the southern entrance of the approved Pitt Street Metro ('the Site').

Sydney Metro (the Applicant) lodged the application to seek approval for a building envelope for either residential or commercial uses with a maximum height of RL 171.6 (approximately 35 residential stories or 30 office stories).

The application seeks concept approval for:

- Land use comprising residential accommodation and commercial office premises, however, only one land use would proceed and this would be confirmed as part of a future detailed application/s
- Building envelope for a podium and tower with a maximum tower height of RL 171.6 (35 residential storeys or 30 commercial storeys), or 145.6 m above ground level and a maximum podium height of RL 71 or 45 m (approximately 8 storeys above ground)
- Car parking for a maximum of 34 spaces across three levels in a residential scheme or 11 spaces on one level in a commercial scheme
- Gross Floor Area is not sought under this application.

If the Concept Development Application is approved, a State Significant Development application or applications will be submitted for the detailed design and construction of the OSD. The Concept Development Application includes a design excellence strategy and design guidelines to support the detailed design of future applications.

The Pitt Street Metro station is one of seven new stations approved as part of the Critical State Significant Infrastructure Approval (CSSI 7400) for the Sydney Metro City and Southwest Metro between Chatswood and Sydenham. The CSSI Approval provides for construction of the station box as well as providing structural and service elements/spaces necessary for OSD components within the station box.

The proposed OSD is part of the Applicant's strategy to deliver an integrated station development for the new Pitt Street Metro station, which seeks the opportunity to construct the OSD together with the station and to promote better design integration between infrastructure and development.

1.1 Pitt Street Metro Station

The Pitt Street Metro Station is located approximately 160 m east of Sydney Town Hall and the Town Hall Railway Station in the Central Business District of the City of Sydney Local Government Area. There are two separate over station developments proposed, above the northern and southern entrance of the Pitt Street Metro Station respectively (**Figure 1**).

Pitt Street South (the Site) is located at the northern end of the street block bound by Bathurst Street to the north, Liverpool Street to the south, Castlereagh Street to the east and Pitt Street to the west. The two station entrances are connected by the underground Pitt Street Metro station and are located approximately 160 m apart.

The delivery of Sydney Metro City and South West will increase transport capacity and access to the Sydney CBD. Pitt Street Metro Station will be located in a pedestrian area with proximity to a number of public transport nodes to support interchange between transport modes.

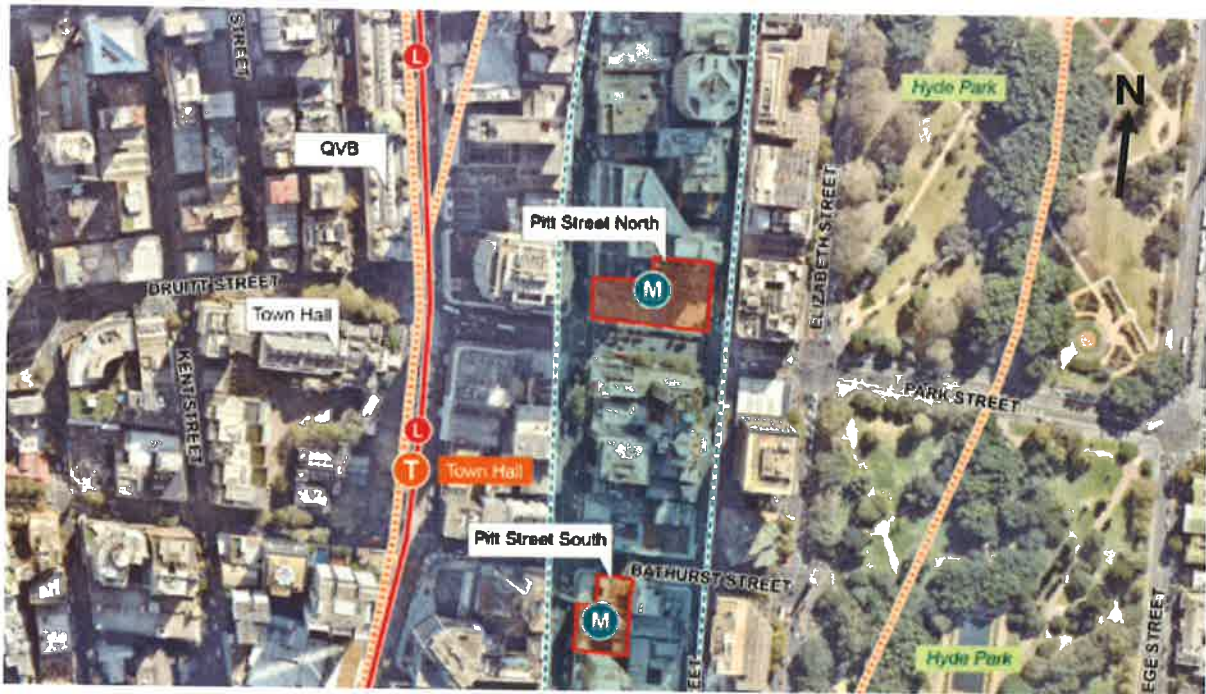


Figure 1 | The location of Pitt Street North and Pitt Street South OSDs in the CBD (Source: Applicant's EIS).

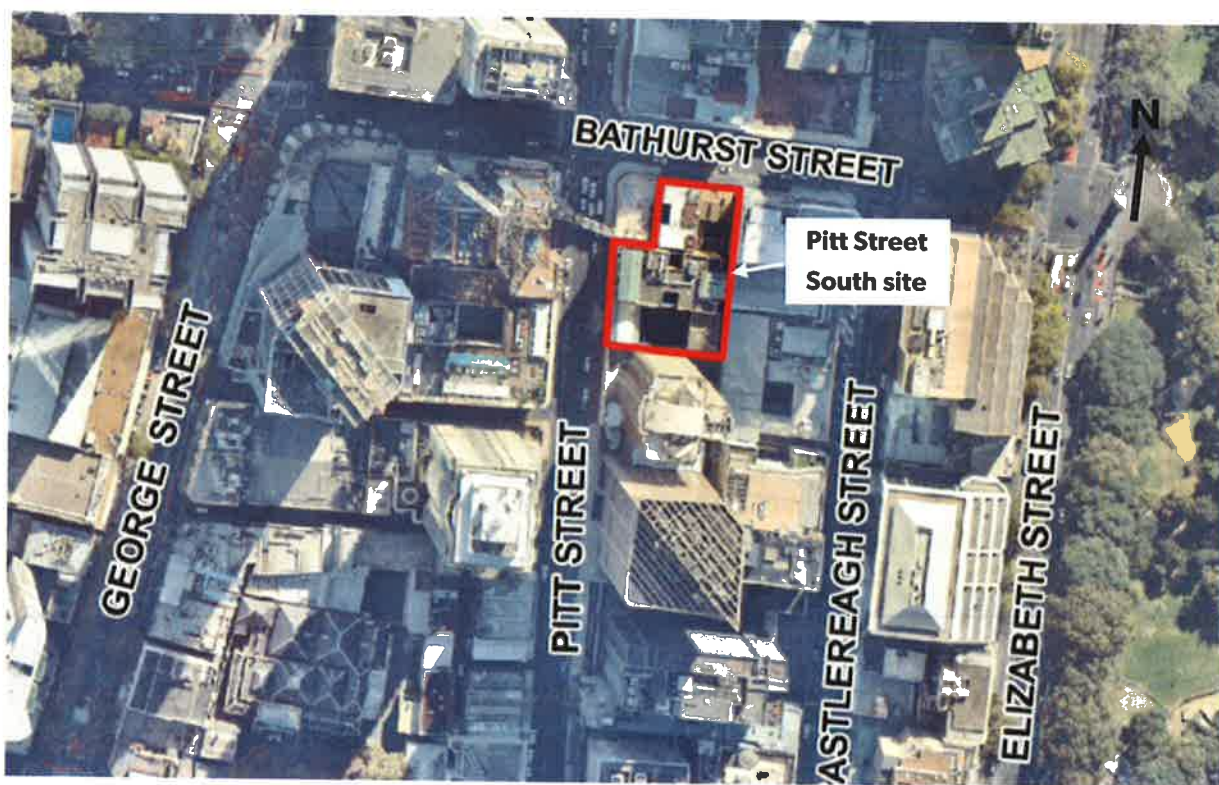


Figure 2 | Pitt Street South OSD site (source: Applicant's EIS).

1.2 Pitt Street South

The site is an L-shape with a total area of 1,708 m² with frontages of approximately 32 m along Pitt Street and 24 m along Bathurst Street. Bathurst Street is one of the main east-west thoroughfares through this part of the Sydney CBD, while Pitt Street and Castlereagh Streets are two of the key north-south thoroughfares. The site is reasonably flat with a very slight fall from north east to south west (**Figure 2**).

Previous developments at the site were three to nine storey commercial developments which have since been demolished for the construction of the Sydney Metro City and Southwest Metro.

1.3 Surrounding context

Adjoining both the northern and western boundaries of the site is the 3 storey, Edinburgh Castle Hotel. The building comprises commercial use and is heritage listed in the SLEP 2012 (**Figures 3 and 4**).

To the south of the site, along Pitt Street, is the Princeton Apartments, a mid-1990's 42-storey brick and concrete mixed-use building with apartments orientated to have primary views either to the east or the west.

The eastern boundary of the site is immediately adjacent to both mixed use and heritage listed buildings. At the north eastern corner of the site, addressing Bathurst Street, is the 14-storey mixed use Euro Tower which includes balconies to both the north and south. Located directly south of Euro Tower is the locally heritage listed Metropolitan Fire Brigade Building, a four-storey brick and stucco building which adjoins a refurbished fire brigade building to its north. Together they serve as the Sydney Fire Station.

On the opposite side of Pitt Street, directly west of the site is the Greenland Centre development, a multistorey residential flat building with a maximum height of 235 m (currently under construction). Located immediately to the south of the Greenland Centre is the State heritage listed Former Sydney Water building which now functions as the Primus Hotel. To the south of the Primus Hotel is the Century Tower, a mid-1990's 52-storey residential building (**Figure 5**). Construction is also underway on the Castle Residence, a 36-storey mixed use tower on the north side of Bathurst Street (**Figure 3**).

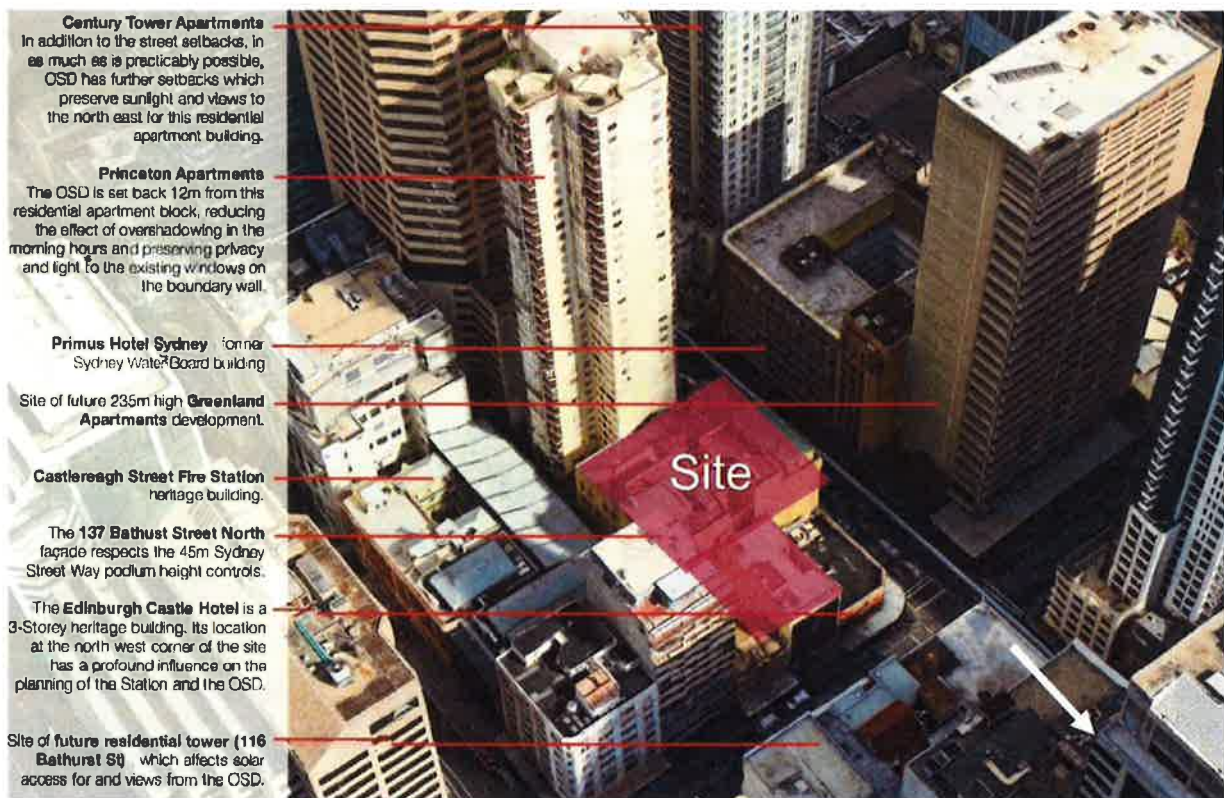


Figure 3 | Immediate site context. The Century Tower Apartments, Princeton Apartments, Greenland Centre and Century Tower are residential developments.

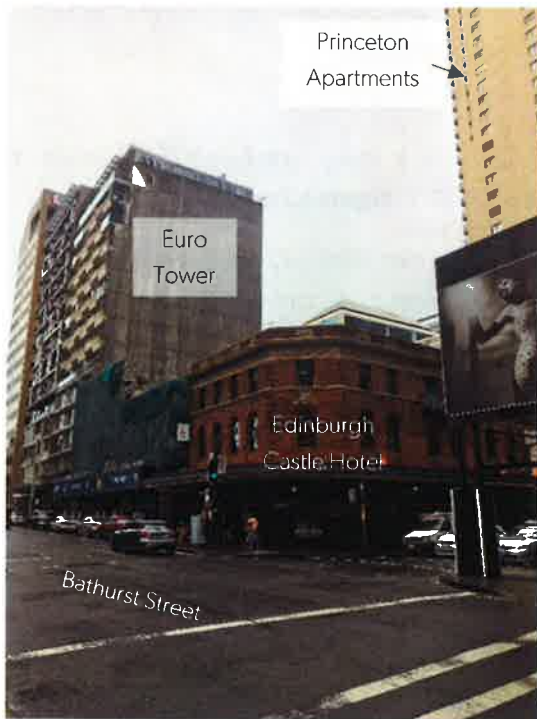


Figure 4 | View south east along Bathurst Street.

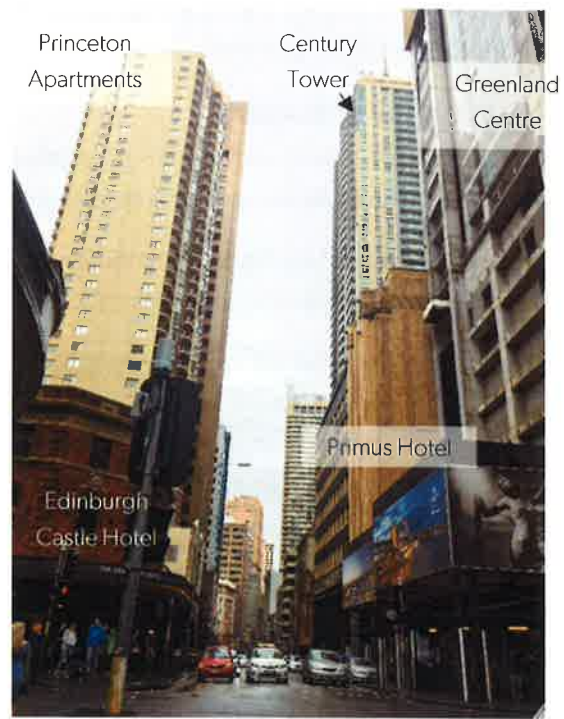


Figure 5 | View south along Pitt Street.

1.4 Previous approvals and related applications

1.4.1 Sydney Metro City and Southwest Metro (CSSI 7400)

On 9 January 2017, the Minister for Planning granted infrastructure approval (CSSI 7400) for the construction and operation of the Sydney Metro City and Southwest Metro between Chatswood and Sydenham, including approval for 16.5km of rail lines, a tunnel under Sydney Harbour, links with the existing rail network, metro stations and associated infrastructure (**Figure 6**).



Figure 6 | Metro Stations with Chatswood to Sydenham line identified opening 2024 (source: EIS)

The CSSI approval as it relates to the Pitt Street South Station provides for:

- demolition of existing buildings within the site
- excavation of the rail tunnel, concourse and platforms and therefore the setting of surrounding structural zones, services and accesses
- establishment of an aboveground station footprint (station box)
- non-rail related floor space within the station footprint for OSD uses
- station entry via a large pedestrian entrance on Bathurst Street
- a separate pedestrian entrance on Pitt Street for the OSD
- public domain works.

The CSSI approval conditions relevant to OSD at Pitt Street South Station include:

- **Condition A4** which notes that any OSD, including associated future use, does not form part of the CSSI and will be subject to the relevant assessment pathway
- **Condition E92** requires an Interchange Access Plan (IAP) to be prepared and approved for each station, in consultation with the Sydney Metro Design Review Panel (DRP), to inform the final design of transport and access facilities and services, including footpaths, cycleways, passenger facilities, parking, traffic and road closures, and integration of public domain and transport initiatives
- **Condition E100** requires the Sydney Metro Design Review Panel (DRP) be established to refine the design objectives for the development and provide advice on place making, architecture, heritage, urban design, landscape design and artistic aspects. The DRP comprises five members, chaired by the NSW Government Architect and includes a representative of the Heritage Council of NSW, with the opportunity for Council or other stakeholders to be invited to attend
- **Condition E101** requires the preparation and approval of Station Design Precinct Plans (SDPPs) for each station. The SDPPs are to present an integrated urban and place making outcome. The SDPPs must be prepared in collaboration and consultation with relevant stakeholders, including council, the local community and the DRP. The SDPP must identify and address specific design objectives, principles and standards as are identified in Condition E101.

Six requests to modify the CSSI approval have been determined. These requests are:

- Modification 1 – Victoria Cross Station and Artarmon Substation – Sydney Metro City & Southwest – Chatswood to Sydenham (SSI 7400 Mod 1 determined 18 October 2017). See below for further detail.
- Modification 2 – Central Walk – Sydney Metro City & Southwest – Chatswood to Sydenham (SSI 774 Mod 2 determined 21 December 2017)
- Modification 3 – Martin Place Metro Station – Sydney Metro City & Southwest – Chatswood to Sydenham (SSI 7400 Mod 3 determined 22 March 2018)
- Modification 4 – Sydenham Station and Metro Facility South – Sydney Metro City & Southwest – Chatswood to Sydenham (SSI 7400 Mod 4 determined 13 December 2017).
- Modification 5 – Blues Point Acoustic Shed – Sydney Metro City & Southwest – Chatswood to Sydenham (SSI 7400 Mod 5 determined 2 November 2018).
- Modification 6 – Administrative changes – Modification to Sydney Metro City and Southwest – Chatswood to Sydenham (SSI 7400 Mod 6 determined 21 February 2019).

None of these modifications have any direct relevance to the proposal and its assessment.

1.4.2 Related Applications

On 8 August 2018 the Applicant submitted a Concept Development Application (SSD 8875) for an over station development on the Sydney Metro Pitt Street (North) site, comprising:

- A maximum building envelope for a podium and tower form with a building height up to 43 storeys and a podium height of approximately 12 storeys
- A maximum gross floor area (GFA) of 50,310sqm (including the proposed over station development and station floor space)
- Two potential land use schemes for the building envelope
 - a mix of residential accommodation, hotel and office; or,
 - a mix of retail space at the ground floor with commercial offices above
- Car parking for a maximum of 50 car spaces for either a mixed use or commercial scheme.

The Department is currently assessing this application and it will be referred to the Minister for determination when complete.

2. Project

The application seeks approval for a building envelope for an OSD above the southern entrance of the approved Pitt Street Metro Station.

The project is for a building envelope up to RL 171.6, or approximately 146 m, providing approximately 35 residential storeys or 30 commercial office storeys and a podium height of RL 71. The application is accompanied by a Design Excellence Strategy and Design Guidelines to provide parameters to guide the detailed design of future development application(s).

The application also seeks approval for the use of non-rail related structure within the station footprint for OSD uses and indicative signage zones.

The key components of the project are provided in **Table 1** and further illustrated in **Figures 7 to 11**.

Table 1 | Main Components of the Project.

Aspect	Description
Built form	Residential or Commercial building envelope comprising: <ul style="list-style-type: none"> maximum tower building envelope height of RL 171.6 on the western side then tapers to RL 146 on the eastern side aligning with the SLEP Hyde Park West sun access plane Podium height of RL 71 (approximately 8 storeys)
Land uses	<ul style="list-style-type: none"> 35 storeys residential accommodation or 30 storeys commercial premises (either but not both land uses)
Vehicle access and car parking	<ul style="list-style-type: none"> loading and vehicular access from Pitt Street for a residential scheme, 34 parking spaces across three podium levels for a commercial scheme, 11 parking spaces on one podium level
Employment	<ul style="list-style-type: none"> 350 construction jobs Up to 1,500 operational jobs for a commercial scheme
Capital Investment Value (CIV)	<ul style="list-style-type: none"> \$89,725,577.

2.1 Site Description

The site has a total area of 1,708 m² and consists of four allotments as detailed in **Table 2**. All previous developments at the site have since been demolished under the CSSI 7400 Approval.

Table 2 | Legal description of the site.

Address	Lot(s)
125-129 Bathurst Street	<ul style="list-style-type: none"> Lot 1 DP 60293

131-135 Bathurst Street	• Lot 1 DP 59101
296-300 Pitt Street	• Lot 1 DP 436359
302 Pitt Street	• Lot 1 DP 62668

2.2 Physical layout and design

The proposed building envelope comprises a L-shaped podium measuring 32 m along Pitt Street and 24 m on Bathurst Street. Above the podium, the proposed building envelope takes the shape of a tower form (refer to **Table 1** for further details). The various proposed building RLs are shown on **Figures 7 to 11**.

The building envelope is proposed with a zero setback from the southern boundary up to RL 58.25 m which transitions to a 3 m podium setback up to RL 71. Above RL 71 the southern setback increases to 12 m.

The tower includes a setback at a minimum of 4.87 m to the west on Pitt Street to align with the western façade of Princeton Apartments (increasing to 5.9 m where it adjoins Edinburgh Castle Hotel). The building envelope depicts a tower setback of 4 m from the northern site boundary (to Bathurst Street), and a setback of 3 m from the eastern site boundary (to the Euro Tower), reducing to a zero setback south of the Euro Tower to align with the rear of the fire station on Castlereagh Street (**Figure 7**). The main entry to the new metro station is on Bathurst Street and the entrance to the OSD is proposed along Pitt Street.

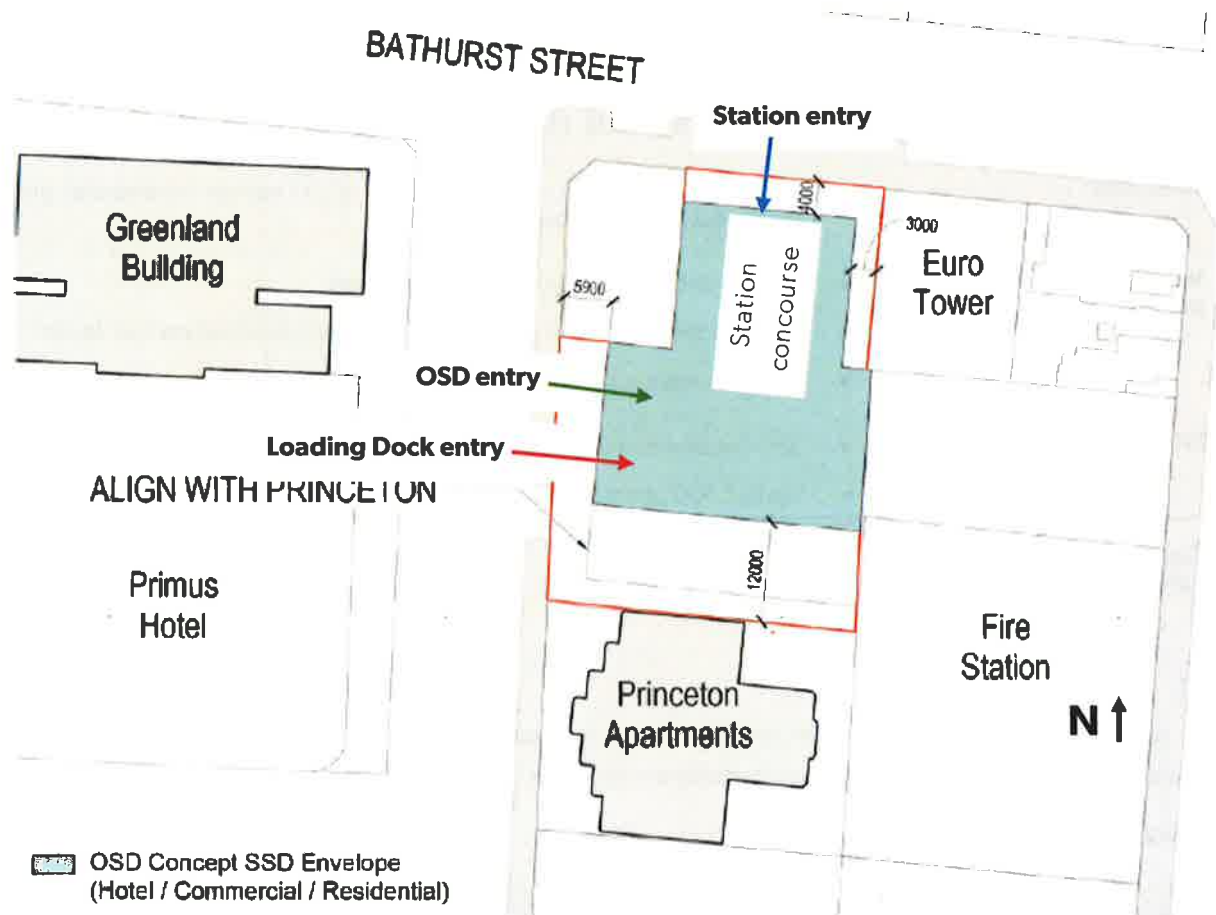


Figure 7 | Proposed site setbacks and station and OSD access (source: EIS).

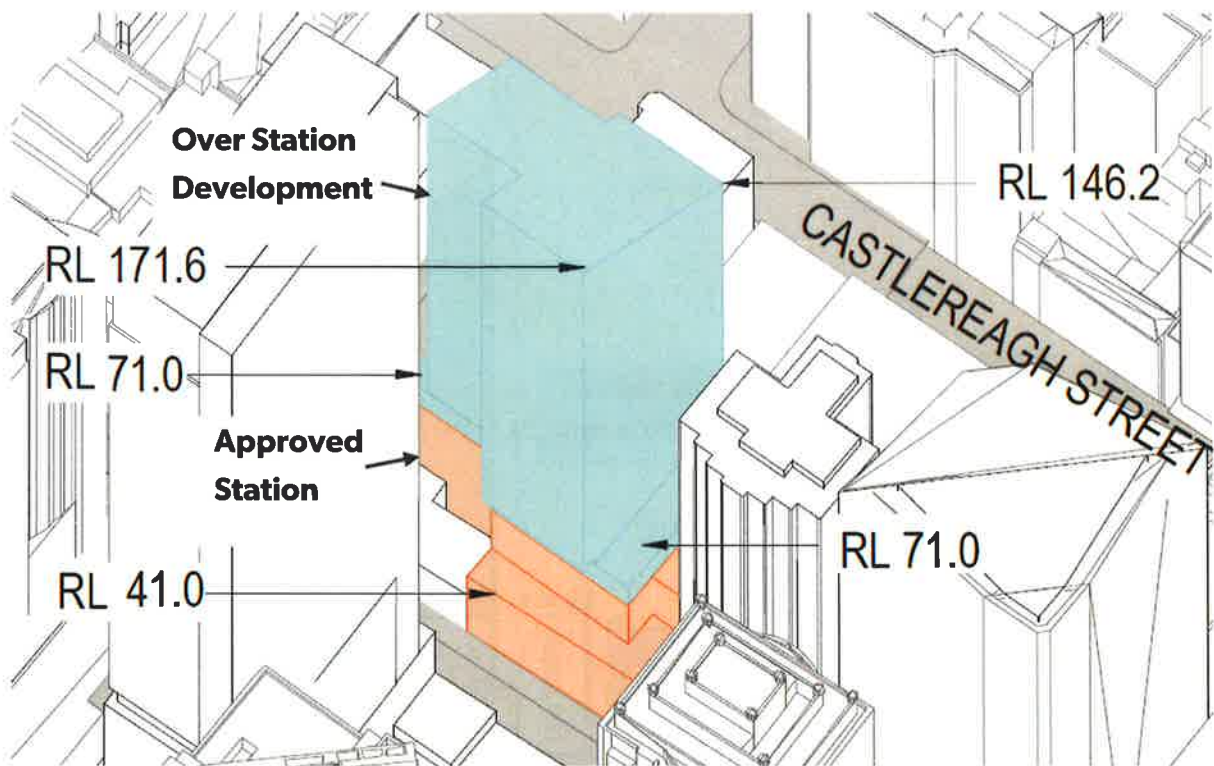


Figure 8 | Building envelope view from south west (source: EIS)

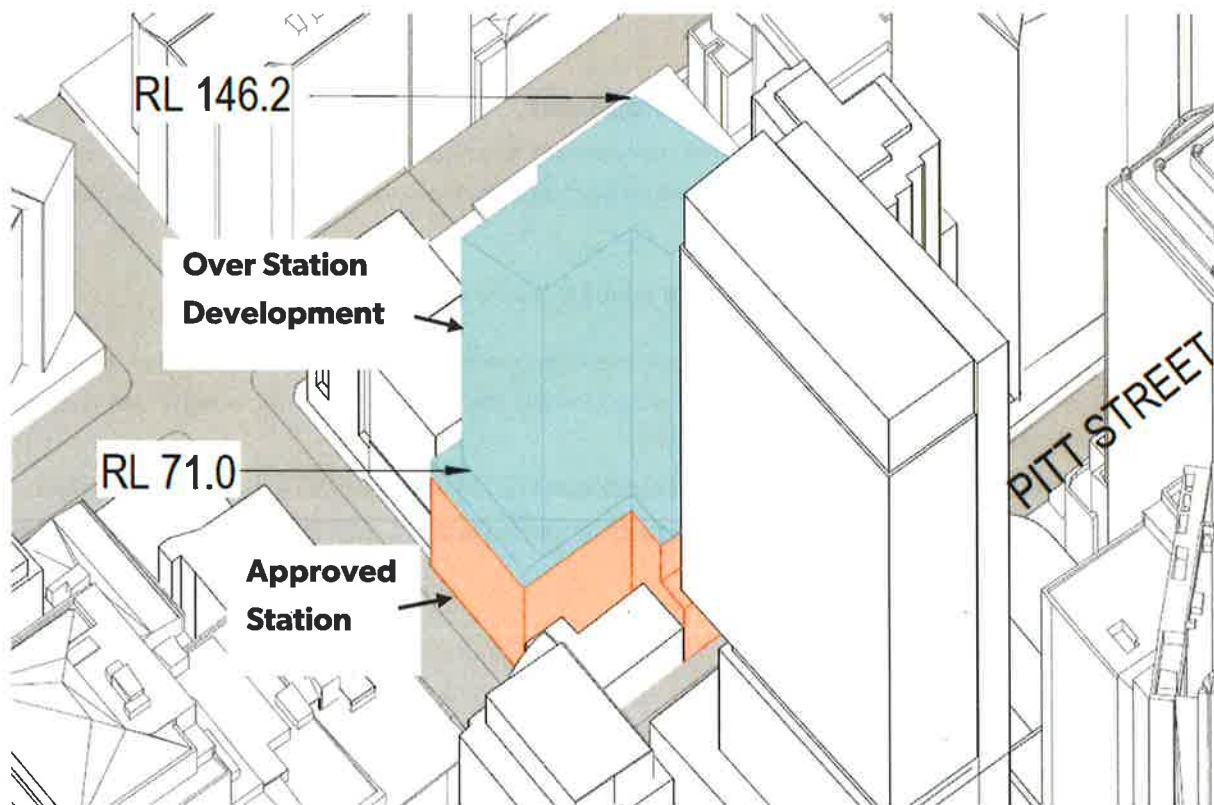


Figure 9 | Building envelope view from north west (source: EIS)

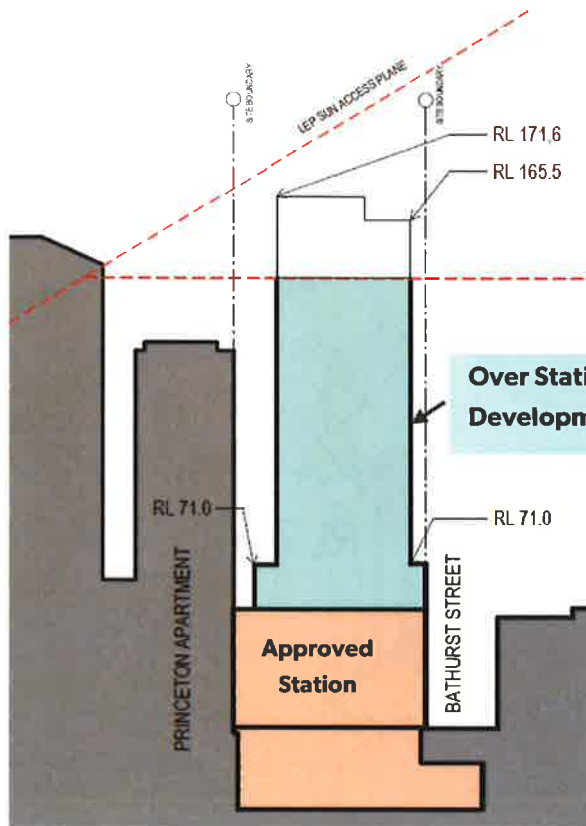


Figure 10 | Section north south (source: EIS)

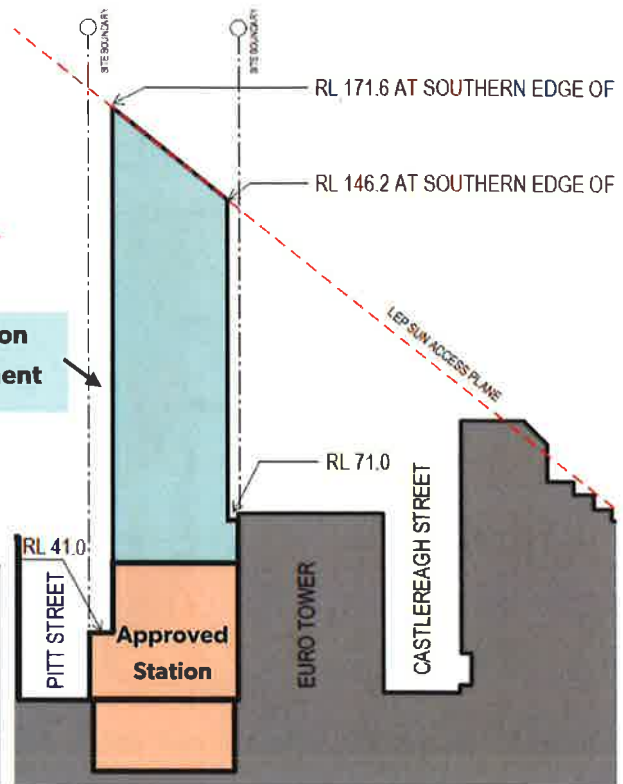


Figure 11 | Section east west (source: EIS)

2.3 Staging and related station development

The Concept Development Application does not seek approval for construction works. Should the application be approved, a future application, or applications, would be lodged for the detailed design and construction of the development.

The following staging options have been identified in the EIS (also refer to **Figure 12**):

- Scenario 1: the station and OSD are constructed concurrently and both are completed in, or prior to, 2024. Under this scenario construction would involve the construction of the transfer slab first, then building the OSD above and partly below.
- Scenario 2: the station is constructed and completed in 2024, with the OSD still under construction.
- Scenario 3: the station is constructed first and completed in 2024, with the OSD being built at a later stage.

Construction scenarios

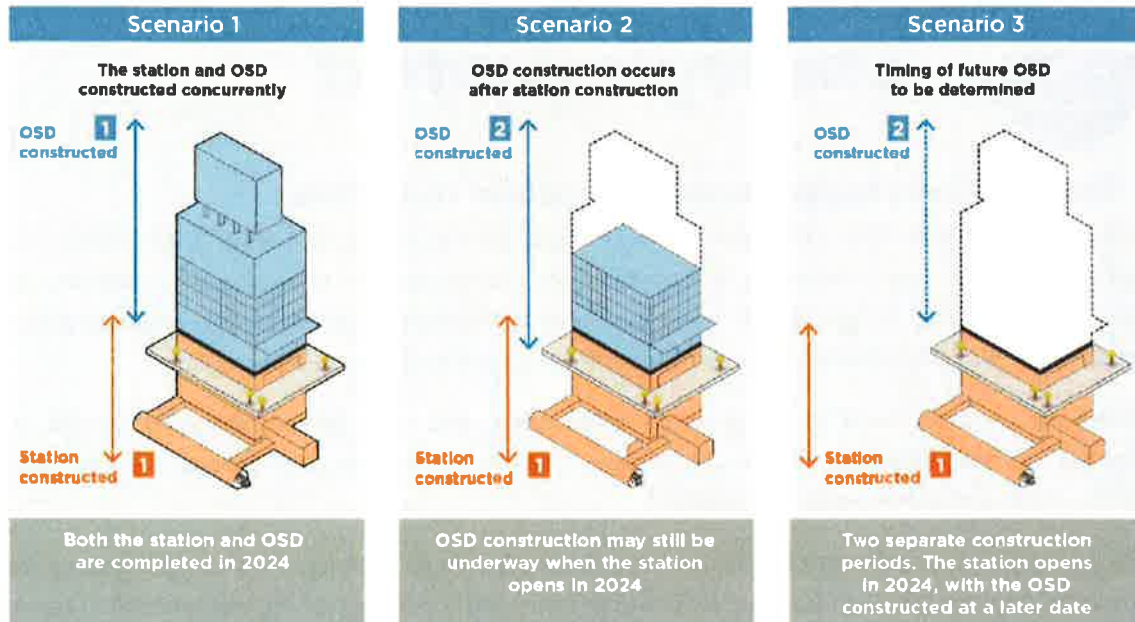


Figure 12 | Staging scenarios (source: EIS)

The vertical extent of the CSSI approved station works extends to a transfer level above which the OSD structure begins, as illustrated in thick black line in **Figure 12**. The areas highlighted orange relate to the CSSI approval for the station infrastructure. The areas highlighted blue relate to the OSD works. Structural, services and access allowances within the CSSI footprint have been made, and continue to be made in post-approval stages, for the OSD. In the event that Scenario 3 is adopted, with the CSSI built but the OSD to be built at a later stage, the CSSI footprint will have made spatial allowances for OSD.

The Applicant is targeting concurrent construction of the station infrastructure, public domain works and the OSD as per Scenario 1. The Applicant's preferred delivery model is to seek concept approval, invite tenders for the OSD from the private sector, allow for the successful bidder to seek approval for the detailed design and construction, then build the station and OSD within one construction period. The Pitt Street Metro Station is scheduled for completion in 2024.



3. Strategic Context

3.1 Greater Sydney Region Plan: A Metropolis of Three Cities

The *Greater Sydney Region Plan: A Metropolis of Three Cities* ('the Plan') sets out the NSW Government's vision, through the Greater Sydney Commission, for Sydney to be "...a metropolis of three cities where the people of Greater Sydney live within 30 minutes of their jobs, education and health facilities, services and great places." These cities are: the Western Parkland City, the Central River City and the Eastern Harbour City.

Ten directions underpin the Plan, focusing on infrastructure and collaboration, liveability, productivity, sustainability and implementation. The overall direction of the Plan is to manage population growth and support economic growth and environmental sustainability.

The site is located within the Harbour CBD and the Eastern Economic Corridor. This corridor extends from Macquarie Park through the North Sydney Centre to Port Botany and Sydney Airport. It generates over 41 per cent of the NSW Gross State Product. Sydney's knowledge jobs are heavily concentrated here including sectors such as communications, high-tech manufacturing and biotechnology.

The proposal is consistent with the directions and actions of the Plan, including:

In the case of a residential scheme:

- the proposed development supports the objective of greater housing supply and could support a variety of different dwelling sizes to cater for the diverse requirements of future residents
- the proposed development supports the strategic goals, directions and actions of the Plan by exemplifying transit-oriented development through the provision of housing within a CBD location with superior access to a high frequency train service, other public transport options and employment opportunities.

In the case of a commercial scheme:

- the proposal increases the national and international competitiveness of Sydney by providing additional job opportunities in a strategic employment centre supported by transport
- the proposal is in the Eastern Economic Corridor and provides for the economic use of land immediately above the future metro station
- the Harbour CBD is an important employment centre and the proposal will expand on the supply of employment space in the CBD

3.2 Eastern City District Plan

The Greater Sydney Commission has prepared District Plans to inform regional and local-level planning and assist the actions of State agencies. The aim of the District Plans is to connect local planning with longer-term metropolitan planning for Greater Sydney.

The Pitt Street South OSD is located within the Eastern City District. The Eastern City District Plan contains key priorities for infrastructure that are relevant to the proposed development including:

- Planning Priority E1 - Planning for a city supported by infrastructure
- Planning Priority E10 - Delivering integrated land use and transport planning and a 30-minute city

- Planning Priority E5 - Providing housing supply, choice and affordability, with access to jobs, services and public transport
- Planning Priority E6 - Creating and renewing great places and local centres and respecting the District's heritage.

The proposal is consistent with the above priorities as it facilitates the construction of either a high quality residential or commercial building in an area with strong public transport connections.

In a commercial scheme the proposal assists in meeting jobs targets for the Eastern City District, growing investment in the Centre and providing more commercial leasing opportunities to a more connected catchment along the Eastern Economic Corridor.

In a residential scheme the proposal assists in meeting housing targets for the Eastern City District and providing additional housing opportunities to a more connected catchment along the Eastern Economic Corridor.



4. Statutory Context

4.1 State Significant Development

The proposal is SSD under Section 4.36 of the *Environmental Planning and Assessment Act 1979* (EP&A Act) as the development has a CIV in excess of \$30 million and is for commercial premises associated with railway infrastructure under clause 8(1)(b) of *State Environmental Planning Policy (State and Regional Development) 2011*.

In accordance with Section 4.5(a) of the EP&A Act, Clause 8A of State Environmental Planning Policy (State and Regional Development) 2011 (SRD SEPP) and Instrument of Delegation dated 11 October 2018, the Minister for Planning is designated as the consent authority as the application has been made by a public authority and has received more than 25 objections.

4.2 Permissibility

The site is zoned B8 Metropolitan Centre zone under the SLEP 2012. Residential and commercial premises are both permissible with consent within the B8 zone, therefore, the Minister for Planning may determine the application.

4.3 Mandatory Matters for Consideration

4.3.1 Environmental Planning Instruments

Under Section 4.15 of the EP&A Act, the Planning Secretary's assessment report is required to include a copy of, or reference to, the provisions of any EPIs that substantially govern the project and that have been considered in the assessment of the project. The following EPIs apply to the site:

- State Environmental Planning Policy (State & Regional Development) 2011 (SRD SEPP)
- State Environmental Planning Policy (Infrastructure) 2007 (ISEPP)
- State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004
- Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005
- Draft State Environmental Planning Policy (Environment) 2017
- State Environmental Planning Policy No. 55 – Remediation of Land (SEPP 55)
- State Environmental Planning Policy No. 65 – Design Quality of Residential Flat Development
- Sydney Local Environmental Plan 2012 (SLEP).

The Department has undertaken an assessment of these EPIs in **Appendix G** and is satisfied the application is consistent with the requirements or provisions of these EPIs.

4.3.2 Objects of the EP&A Act

Decisions made under the EP&A Act must have regard to the objects as set out in Section 1.3 of that Act. A response to the Objects of the EP&A Act is provided at **Appendix G**.

4.3.3 Ecologically Sustainable Development

The EP&A Act adopts the definition of ESD found in the *Protection of the Environment Administration Act 1991*. Section 6(2) of the *Protection of the Environment Administration Act 1991* states that ESD requires the effective integration of economic and environmental considerations in decision-making processes and that ESD can be achieved through the implementation of:

- the precautionary principle;
- inter-generational equity;
- conservation of biological diversity and ecological integrity; and
- improved valuation, pricing and incentive mechanisms.

The development proposes ESD initiatives and sustainability measures, including targeting minimum environmental standards of 5 Green Star Office, 5-star NABERS Energy and 3.5-star NABERS Water.

The Department has considered the project in relation to the ESD principles. The Precautionary and Inter-generational Equity Principles have been applied in the decision-making process by a thorough assessment of the environmental impacts of the project. Overall, the proposal is consistent with ESD principles and the Department is satisfied the proposed sustainability initiatives will encourage ESD, in accordance with the objects of the EP&A Act.

4.3.4 Environmental Planning and Assessment Regulation 2000

Subject to any other references to compliance with the EP&A Regulation cited in this report, the requirements for Notification (Part 6, Division 6) have been complied with.

4.3.5 Planning Secretary's Environmental Assessment Requirements

On 30 November 2017, the Department notified the Applicant of the Planning Secretary's Environmental Assessment Requirements (SEARs) for the SSD application. On 26 July 2018, the Department modified the SEARs to reflect the Applicant's name change. The Department is satisfied that the EIS and RtS adequately address compliance with the SEARs to enable the assessment and determination of the application.

5. Engagement

5.1 Department's Engagement

The Department publicly exhibited the Environmental Impact Statement (EIS) from 16 August 2018 until 12 September 2018 (28 days). On 15 August 2018 notice of public exhibition was advertised in the Sydney Morning Herald, Daily Telegraph and the Central Courier. Adjoining landholders and relevant State and local government authorities were also notified in writing.

The Application was exhibited on the Department's website, at NSW Service Centres and at the City of Sydney Council office.

The Department invited apartment owners within the Princeton Apartments to allow access to Department staff to inspect their dwellings and see views and outlook for the view impact assessment in this report. The Department visited several apartments across a range of levels and orientations within the Princeton Apartments building on 11 September 2018. The Department also met with representatives from Princeton Apartments on 22 March 2019 to discuss their objections.

5.2 Summary of Submissions

The Department received a total of 92 submissions, including 13 from public authorities, the City of Sydney Council, and 78 from the public (with 75 objecting, 2 supporting and 1 providing comments). Two additional submissions from public authorities were received in response to the Applicants Response to Submissions (RtS). A summary of the issues raised in the submissions is provided in **Table 3** and **Table 4** and copies of the submissions may be viewed at **Appendix C**.

The Department has considered the submissions made by public authorities and the public during the assessment of the application (**Section 6**) and/or by way of recommended conditions in the instrument of consent at **Appendix I**.

Table 3 | Summary of Government Agency Submissions

Submitters	Number	Position
Government Agencies		
<ul style="list-style-type: none">Ausgrid	13	Agencies provided comments on the application as noted in Section 5.3
<ul style="list-style-type: none">Civil Aviation Safety Authority		
<ul style="list-style-type: none">Fire and Rescue		
<ul style="list-style-type: none">Government Architect NSW		
<ul style="list-style-type: none">NSW Office of Environment and Heritage		
<ul style="list-style-type: none">Heritage Council of NSW		
<ul style="list-style-type: none">NSW Environment Protection Authority		
<ul style="list-style-type: none">NSW Department of Industry		
<ul style="list-style-type: none">Sydney Airport Corporation		
<ul style="list-style-type: none">Transport for NSW		

Submitters	Number	Position
• Water NSW		
• NSW Roads and Maritime Services		
• Sydney Water		

Table 4 | Summary of Council, Individuals (from the public), Businesses and Special Interest Group Submissions.

Submitters	Number	Position
City of Sydney Council	1	Object
Community (individual members)	76	
	73	Object
	2	Support
	1	Comment
Businesses	1	
	1	Object
	0	Support
	0	Comment
Special interest groups	1	
	1	Object
• Alex Greenwich MP	0	Support
	0	Comment
TOTAL	79	

All of the submissions from public authorities provided comment on the proposal (**Table 3**). Of the public submissions excluding the City of Sydney, 75 out of 78 submissions objected to the proposal, one submission provided comment on the proposal and two supported the proposal.

A summary of the issues raised in the public submissions is provided in **Table 6** and copies of the submissions may be viewed at **Appendix C**.

In addition to the submissions received, a petition was presented to the Legislative Assembly of NSW (of under 500 signatures) which objected to the over station development above the Sydney Metro Pitt Street stations. The petition stated that the towers represented overdevelopments of the sites which would lead to unacceptable impacts including reductions in sunlight access to homes and overshadowing of Hyde Park. The petition also requested revisions to the projects to protect amenity to Hyde Park and neighbouring homes.

5.3 Key Issues – Government Agencies

None of the government agencies objected to the project, and the key issues raised by agencies have either been addressed through the provision of additional information or are able to be addressed through the recommended conditions of consent/approval. **Table 5** below is a summary of key issues raised in government agencies submissions.

Table 5 | Key Issues at EIS stage - Government Agencies

Government agencies and comments
Government Architects NSW
<p>The Government Architect NSW does not object to the proposal and provides the following comments:</p> <ul style="list-style-type: none">• Support for the inclusion of a local government representative in the Design Excellence Evaluation Panel (DEEP)• the EOI process for shortlisting teams should include a focus on diversity and innovation for design teams to ensure the best value for government and the public• strongly support and recommend engagement with the State Design Review Panel (SDRP) through the Stage 2 design development process for each station.
Heritage Council of NSW / NSW Office of Environment and Heritage
<p>The Heritage Council and NSW OEH Heritage Branch do not object to the proposal and provide the following comments:</p> <ul style="list-style-type: none">• the EIS includes an adequate heritage impact assessment (HIS)• future detailed design should be developed in line with heritage• the recommendations and mitigation measures provided in the HIS are considered appropriate, including:<ul style="list-style-type: none">- further design development should mitigate impacts of the vertical street walls- materiality and façade articulation of the podium to respond to the heritage item- minimize overshadowing to Hyde Park• the podium height should respond to the locally listed Edinburgh Castle Hotel.
Civil Aviation Safety Authority, Sydney Airport, Air Services and the Department of Infrastructure, Regional Development and Cities
<p>CASA confirmed their understanding that the proposed building envelope height had been resolved down to 171.6 RL AHD and that they provided advice to Sydney Airport on that basis. CASA has no issues, objections or concerns.</p> <p>CASA communicated to Sydney Airport that three buildings, 2 Park Street (269m AHD), Skytower (332m AHD) and Greenland Centre (268m AHD) shield the proposed building envelope and that there is no requirement for obstacle lighting for the proposed height.</p>
NSW Department of Industry (Lands and Water)
<p>NSW DPI commented that potential dewatering requirements should be addressed in accordance with the NSW Aquifer Interference Policy.</p>
Water NSW
<p>Water NSW commented that the proposal is not within scope of SCA lands or declared catchment areas, and not near Water NSW infrastructure or land. Water NSW indicated they were referring the matter to the NSW Natural Resources Access Regulator (NRAR).</p>
NSW Environment Protection Authority
<p>NSW EPA commented that the proposal is not required to have an Environmental Protection License under the Protection of the Environment Operations Act (POEO Act) as the proposal does not constitute a Scheduled Activity under Schedule 1.</p>
Fire & Rescue NSW
<p>NSW Fire & Rescue advised that this is a concept proposal and that they would not provide comment at this time.</p>
Sydney Water
<p>Sydney Water commented that the existing water servicing and wastewater servicing infrastructure has capacity to service the proposed development. Further details of requirements would be provided when the development is referred to Sydney Water for a Section 73 application.</p>
Ausgrid
<p>Ausgrid advised they consent to the development, noting that compatibility of the project with Ausgrid infrastructure is required. A design information package was provided to the Applicant for both SSD 8875 and 8876 to facilitate connection arrangements for a new high voltage supply.</p>

Government agencies and comments

Transport for NSW

Transport for NSW advised they would not be providing a response.

NSW Roads and Maritime Services

The RMS commented that they have correspondence directly with Sydney Metro and would not be providing a public response to the Department.

5.4 Key Issues – Council/Community/Special Interest Groups

5.4.1 Council key issues

Council's submission provided comments on the project. The submission stated that the submitted design excellence strategy for PSS did not describe an approach that included a competitive design process which involved an architectural design competition or the preparation of design alternatives on a competitive basis. Council considered that the proposed design excellence strategy would not achieve design excellence as specified in the SEARs. Council also suggested an SLEP design excellence process can be completed without impacting on timelines already contemplated, noting that almost all the examples provided as benchmarks were subject to design excellence competitions run in accordance with the Department or City of Sydney Council.

Council also raised concerns regarding the building separation and associated amenity impacts for the residents of 308 Pitt Street. Council recommended a continuous 12 m tower setback to ensure amenity and outlook are maintained.

Council also raised concerns about the physical impacts on heritage listed items, in particular the Edinburgh Castle Hotel and the Metropolitan Fire Brigade Station, public art placement, street activation, placement and adaptability of parking, flooding, signage and environmentally sustainable design (ESD).

5.4.2 Community issues

Key issues raised across all community submissions at the EIS stage are summarised in **Table 6**.

Of the 78 public submissions received in response to the exhibition of the EIS, 75 objected to the proposal, two supported the proposal, and one provided comments. Two of the public submissions represented the strata plan for the Princeton Apartment (SP 51077), one public submission was from an adjoining business (NGI Management as the owner of the Edinburgh Castle Hotel) and one from a local member of parliament (Alex Greenwich). All these submissions objected to the proposal.

The key issues raised by Princeton Apartments' residents were: bulk and scale of the tower, loss of residential views and solar access.

The Edinburgh Castle Hotel submission was concerned with the proposed zero setback from the common boundary and with the impacts to development potential of the hotel site.

Table 6 | Summary of public submissions. The percentage figures exceed 100% as many submissions discussed multiple issues.

Issue	Proportion of submissions (%)
Objections	
Loss of residential solar access	73
Overshadowing of Hyde Park	52
Loss of residential privacy	47

Loss of residential views	45
ADG building separation non-compliance	35
Insufficient setbacks to 308 Pitt Street (Princeton Apartments)	32
Heritage impacts	31
Increase in traffic congestion	17
ADG orientation and overshadowing non-compliance	17
Overdevelopment of the site	14
Support	
Support for the proposal	4

5.5 Response to Submissions

Following the exhibition of the application the Department placed copies of all submissions received on its website and requested the Applicant provide a response to the issues raised in the submissions.

The Applicant provided a Response to Submissions (RtS) report on 9 January 2019 and additional information on 5 March 2019 (**Appendix D**). The RtS and additional information were accompanied by the following:

- updated Design Guidelines with additional direction on design considerations for signage, landscaping within the tower, safety for cyclists and pedestrians at driveway crossings, integration of the station and OSD with surrounding heritage buildings, also additional information regarding the relationship between the CSSI Design Guidelines (and accompanying CSSI Approval conditions for Station Design Precinct Plan and Interchange Access Plan) and the OSD Design Guidelines
- additional building envelope sections
- supplementary Overshadowing Impact Sensitivity Analysis Report
- Ecological Sustainability Report Addendum.

The RtS was made publicly available on the Department's website and was referred to relevant public authorities. A total of three additional submissions were received, two from public authorities and one from Council. A summary of issues raised in submissions is provided at **Tables 7 and 8** and copies of the submissions may be viewed at **Appendix C**.

Table 7 | Summary of agency submissions to the RtS

Government agency and comments
<p>Government Architect NSW</p> <p>The Government Architect supports the Sydney Metro's Design Excellence Strategy, acknowledging the constraints of integrated station development and the opportunity for subsequent applications to be reviewed by the State Design Review Panel.</p>
<p>Heritage Council / NSW Office of Environment and Heritage</p> <p>NSW OEH Heritage Division acknowledged that the shadow study (Appendix H of the EIS) demonstrated there will be no overshadowing of the ANZAC War Memorial. They reiterated that overshadowing of Hyde Park should be minimised in the detailed design stages but that a specific condition was unnecessary as the Design Guidelines address maximising solar access to the public domain and the building envelope is compliant with the SLEP sun access plane controls.</p>

Table 8 | Summary of Council submission to the RtS

Council comments

Council confirmed the RtS has addressed some aspects of its original submission. However, Council reiterated the following comments and concerns from its original submission:

- the design excellence strategy does not satisfy the LEP requirements
- the Department should ensure non-residential floor space is allocated within the reduced setback facing Princeton Apartments (the 3m setback from RL 58 to RL 71)
- ESD targets should be definitive and support the NSW governments Net Zero carbon by 2050 position
- Conditions be imposed to minimize excavation and construction impacts on nearby heritage buildings
- To not approve the signage zones as part of the concept plan and suitable conditions be applied to ensure consideration as part of a Stage 2 DA.



6. Assessment

The Department has undertaken a comprehensive assessment of the merits of the project and considered the potential impacts, a summary of the conclusions relating to these impacts is provided in **Section 7**. The Department has considered the EIS, the issues raised in submissions and the Applicant's RtS in its assessment of the proposal. A list of key documents that informed the Department's assessment is provided in **Appendix A**.

The Department considers the key issues associated with the proposal are:

- Building Height including overshadowing of open space
- Setbacks and Building Separation (including solar access and view impacts)
- Heritage
- Building Envelope and Land Use Options
- Design Excellence.

Each of these issues is discussed in the following sections of this report, inclusive of some additional issues which were raised by the City of Sydney. Other issues were taken into consideration during the assessment of the application and are discussed at **Section 6.6**.

6.1 Building Height

The proposed building envelope is L-shaped. At the ground floor the footprint measures 32 m along Pitt Street with a 24 m frontage along Bathurst Street. The maximum height of the proposed tower building envelope rises from RL 146.2 along its rear or eastern boundary to a maximum height of approximately 146 m or up to RL 171.6 towards Pitt Street (**Figures 13 and 14**).

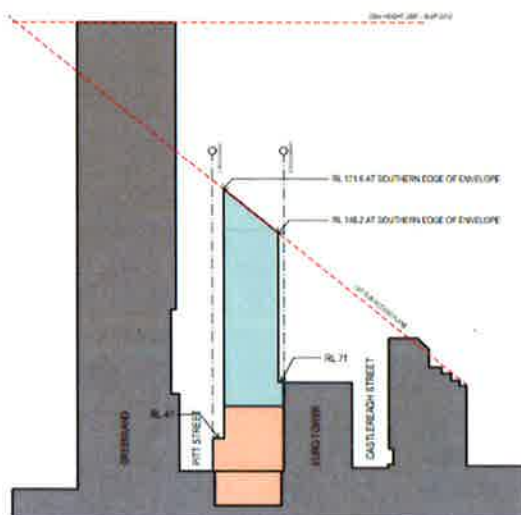


Figure 13 | Section east-west (scale 1:1000).

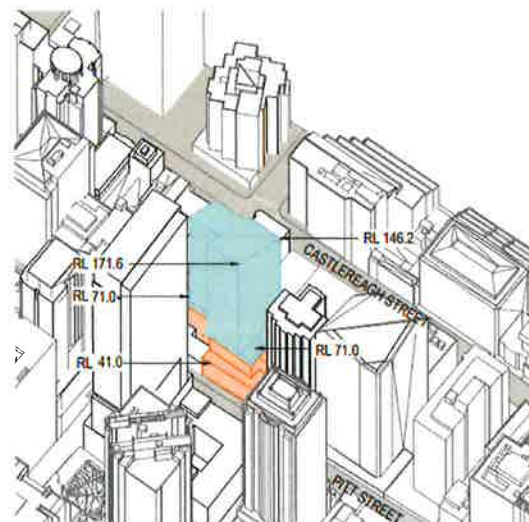


Figure 14 | Building envelope view from south west (source: EIS).

Solar Access to Hyde Park

Fifty-two percent of public submissions raised further concerns with the overshadowing impacts of the proposal to Hyde Park, particularly impacts to the ANZAC War Memorial area.

SLEP 2012 includes controls which are applicable to the protection of solar access to Hyde Park under Clause 6.17, an objective being to ensure buildings maximise sunlight access to public places. The consent authority must not grant consent to development if a building projects higher than a relevant sun access plane. The proposal is subject to the Hyde Park West sun access plane as defined in subclause 10 of the SLEP (in the SLEP a set of coordinates, a horizontal bearing and vertical angle define the sun access plane).

The proposed building envelope is designed to the maximum permissible building height set by the Hyde Park West Sun Access Plane (SAP) control in the Sydney Local Environmental Plan 2012 (SLEP). The Applicant consulted with Council who reviewed the digital model of the proposed building envelope and confirmed its compliance with the SAP (**Figure 13**).

The Applicant's shadow analysis also demonstrated the proposal will not cause additional overshadowing impacts to Hyde Park between 12 noon and 2 pm on any day of the year (**Appendix F**). The shadow analysis, which modelled hourly shadow impacts on the 21st day of each month, identified some additional impacts will occur during April around 3 pm, May between 2:30 - 3 pm, June around 3 pm, July between 2:30 - 3 pm, August around 3 pm and September between 2:30 - 3 pm (**Figure 15**).

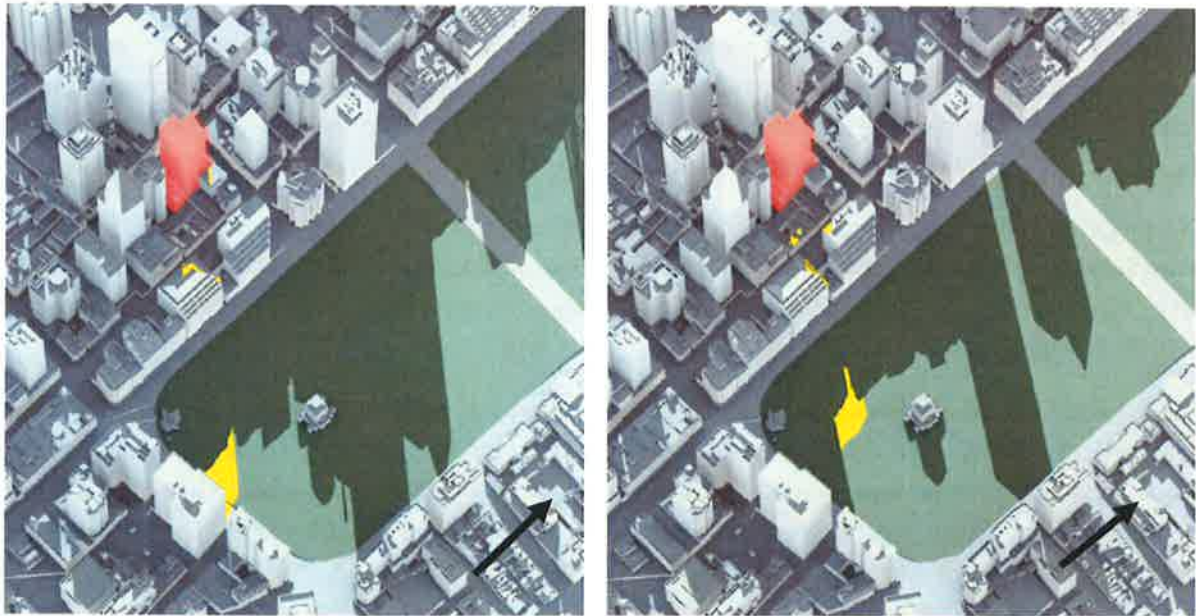
The Department notes most of the building envelope's shadow overlaps with shadows cast by existing buildings. The areas impacted by additional overshadowing are at the southern end of the park near Liverpool Street and do not overshadow the ANZAC War Memorial further to the north.

The Department notes the proposal will not cause additional shadow on Hyde Park between 12 noon – 2 pm on any day of the year, which will maintain the amenity of Hyde Park during high use lunch time periods.



April 3pm

May 3pm



July 3pm

August 3pm

Figure 15 | Overshadowing of Hyde Park (source Applicant's Shadow Study). The proposed OSD is depicted in red and the yellow shading on Hyde Park is the indicative overshadowing for the proposed OSD.

Building Scale and Visual Impacts

The Department considers the scale of the proposed building envelope is compatible with surrounding developments. It is a similar height to the Telstra Plaza (320 Pitt Street) (**Figure 18**) and substantially lower than the height of the Greenland Centre (currently under construction) which is up to 235 m in height (**Figure 16**).

The Department has reviewed the Visual Impact Analysis lodged by the Applicant to represent view impacts from public vantage points and streetscapes, including from sites such as from the north east corner of the ANZAC War Memorial pool in Hyde Park (**Figure 16**) and the corner of College and Oxford Streets (**Figure 17**).

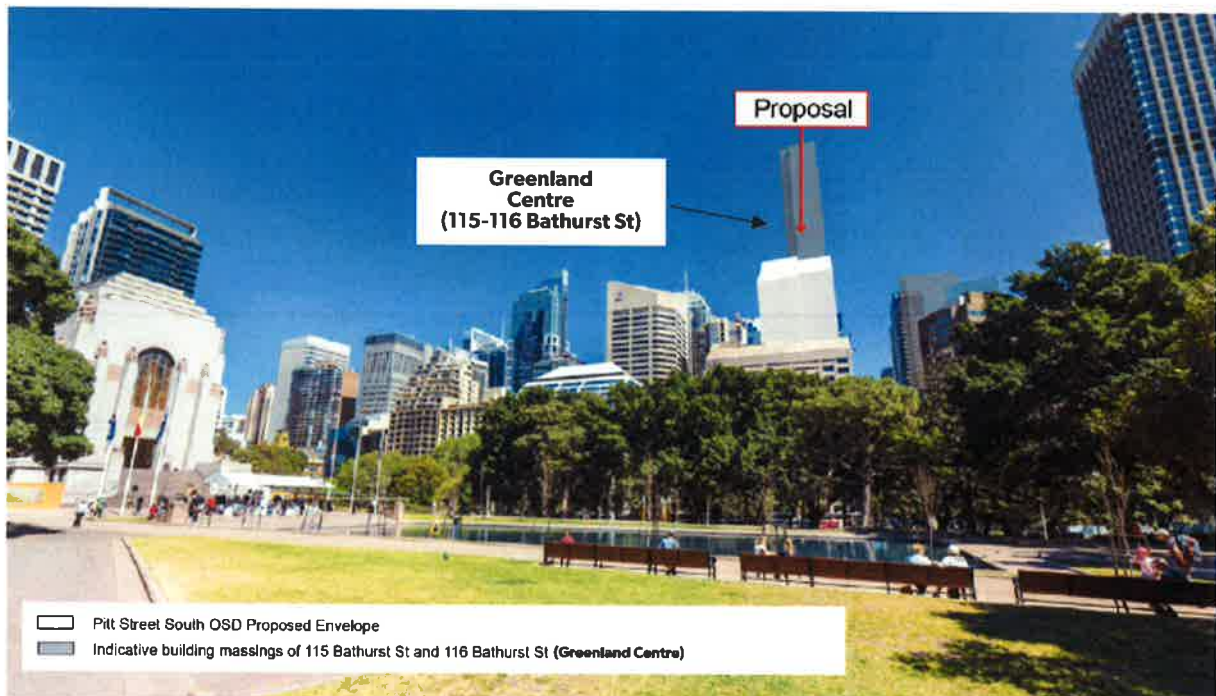


Figure 16 | Proposed view from Hyde Park (source: EIS)

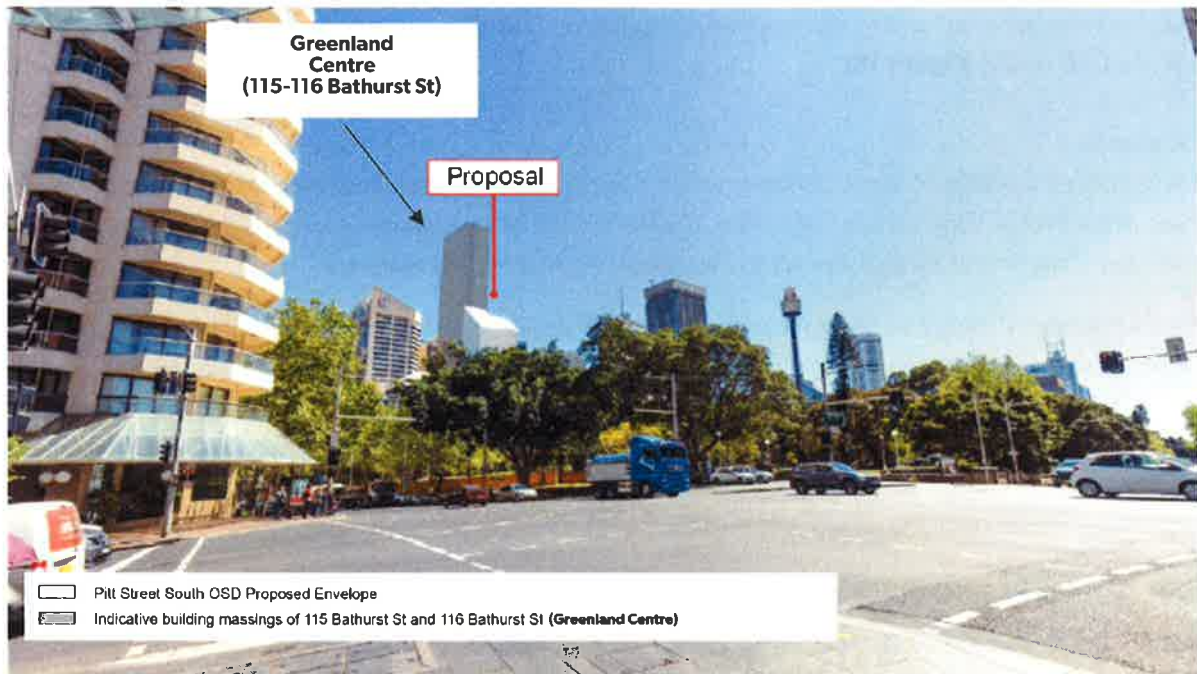


Figure 17 | Proposed view from College and Oxford Streets (source: EIS)

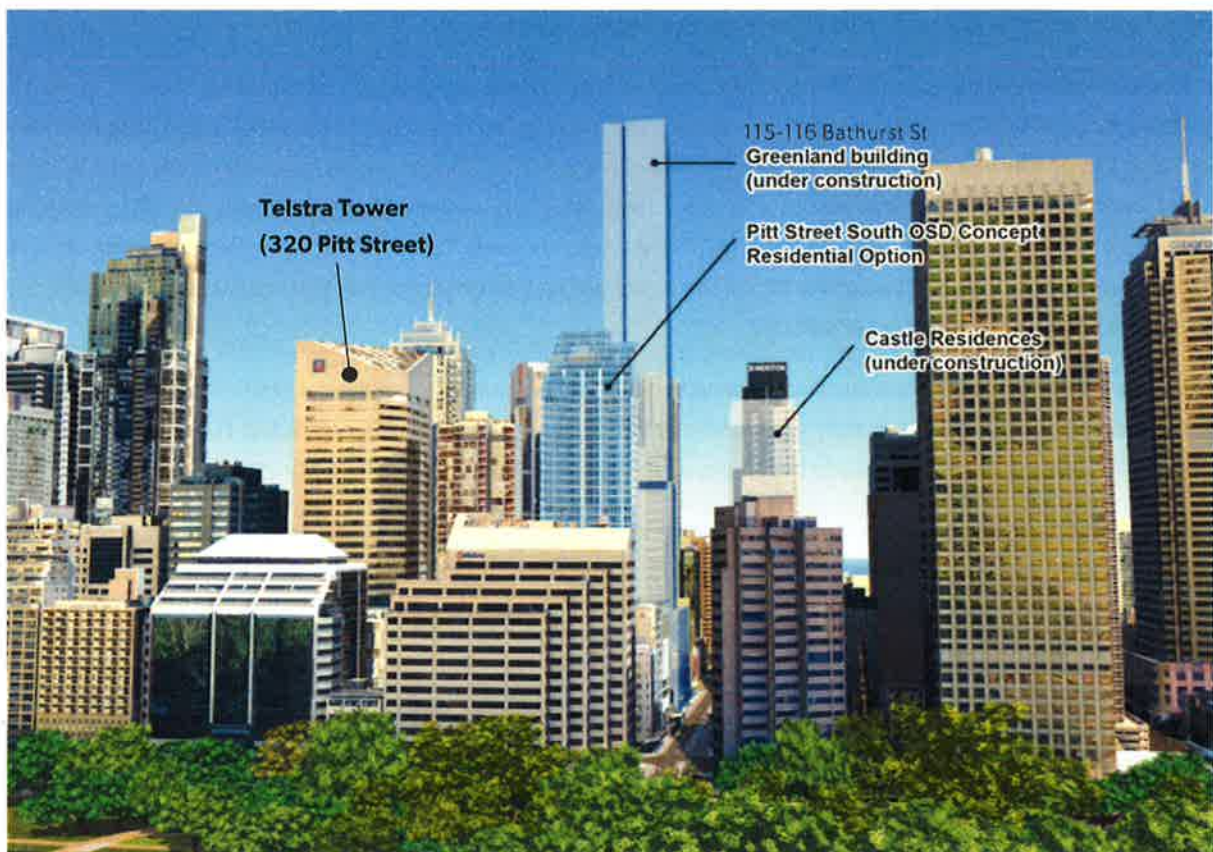


Figure 18 | Pitt Street South – Indicative design (in blue), as viewed from Hyde Park (Source: EIS).

The Department notes the proposed building envelope will form part of the CBD skyline from most view perspectives. It is not as dominant as the Greenland Centre, which is significantly taller, and it will not be visually dominant from the vantage points assessed. The Department considers the bulk and scale of the proposed

building envelope is similar or lesser than the existing Telstra Plaza when viewed from Hyde Park and is compatible with the CBD skyline (**Figure 18**).

Conclusion

The proposed building envelope complies with the applicable height standard determined by the Sun Access Plane in the Sydney Local Environmental Plan 2012 (SLEP) and will not overshadow Hyde Park between 12 noon and 2 pm at any time of the year, nor will it overshadow the ANZAC War Memorial.

The Department accepts the scale of the proposed building envelope with a maximum height up to approximately 145 m is compatible with surrounding developments. The proposed building envelope represents the maximum extent for future built forms to accommodate either residential or commercial use. As the application does not seek approval for a maximum gross floor area, future detailed applications will need to demonstrate compliance with the Floor Space Ratio standard and accommodation floor space standard contained in SLEP and be contained within the proposed building envelope (**Condition A15**).

6.2 Setbacks and Building Separation

6.2.1 Solar Access to surrounding residential properties

The proposal will affect solar access to Princeton Apartments immediately to the south of the site and Century Tower to the south west of the site. The loss of solar access is a key concern in 73% of public submissions including 39 submissions from Princeton Apartments owners and occupiers.

Princeton Apartments is located immediately south of the subject site and was constructed in the mid 1990's before the current ADG standards were developed. The department notes the northern elevation of the Princeton building is built partly to the boundary, whereas the current ADG standard would require it to be setback 12 m. The Department notes the absence of a setback limits building separation distance and the site's ability to contribute to the provision of adequate solar access to its units. Level 15 of Princeton Apartments is at approximately RL 55 (or 3 m below the top of the approved station box) and their solar access is directly affected by the proposed tower building envelope.

The Greenland Centre is currently under construction and includes a commercial podium, will be minimally impacted due to its location directly west of the site. Century Tower is mostly impacted by shadows from the Greenland Centre, located directly to the south, which has a maximum tower height of 235 m.

The proposed building envelope's overshadowing to Princeton Apartments and Century Tower as identified in the Applicant's Solar Impact Report are outlined below. **Figures 19 and 20** demonstrate the relationship of the proposed building envelope relative to Greenland Centre, Princeton Apartments and Century Tower.

Princeton Apartments

- 63 (54.3 %) apartments currently receive mid-winter solar access. The proposal as exhibited would result in three out of 116 apartments (2.6 %) receiving 2 hours direct sunlight between 9am and 3pm at mid-winter compared to target compliance of 70 % required by ADG for new developments.
- 17 apartments currently receive no direct sunlight at mid-winter and these would remain unchanged.

Century Tower

- The proposal as exhibited would have no impact on the existing situation (22 out of 296 apartments (7.4 %) receiving 2 hours direct sunlight as required by ADG) due to the Century Tower building being mostly impacted by the shadows cast by the Greenland Centre to the north.
- No change to the number of apartments receiving no direct sun light.

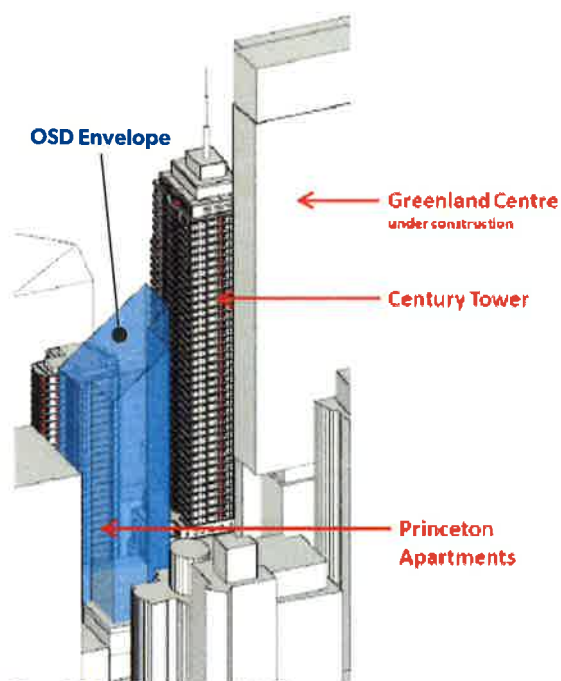


Figure 19 | 10 am view from the sun illustrating the impact of the proposed envelope (in blue) on the Princeton Apartments and Century Tower with Greenland Centre (Source: EIS)



Figure 20 | Plan view of surrounding residential developments

Additional Setbacks

The Department notes increasing the tower setback to the common boundary (southern site boundary) will not effectively improve solar access to Princeton Apartments. This is because the living rooms and balconies are orientated away from the site, either facing east (rear) or west (Pitt Street).

In order to explore opportunities to improve solar access the Department requested the Applicant increase the eastern or western tower setbacks. The Department suggested the applicant use an 8 m (west) and 3 m (east) tower setbacks referenced from controls for Central Sydney in the SDCP as these setback are nominated in the SDCP they provide a reasonable comparison tool.

The RtS included a Supplementary Overshadowing Impact Sensitivity Analysis Report (Analysis Report) as requested by the Department.

The Analysis Report modelled the applicants original scheme as Option 1 and the nominated 8 m tower setback from Pitt Street (western boundary) and a 3 m tower setback from the rear (eastern) boundary as Option 2 as shown in **Figure 21**.

The Analysis Report noted there will be no change to the solar access compliance in Century Tower if the setbacks tested in Option 2 were adopted.

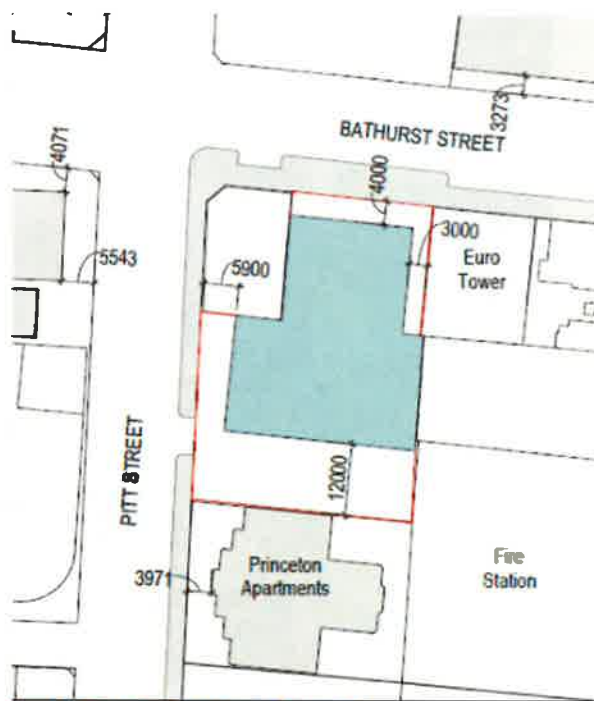


Figure 2: Model setbacks Option 1



Figure 3: Model setbacks Option 2

Figure 21 | Surrounding street setbacks above the building podium and Option 1 and Option 2 setbacks (source: RtS).

A comparison of solar access to Princeton Apartment between the original exhibited scheme (option 1) and a scheme with increased setbacks (option 2) is shown in **Table 9**.

Table 9 | Summary of solar access scenarios for Princeton Apartments

Scenario	Duration & apartment numbers					
	0 hours	>0 – 0.5 hours	0.5 – 1 hours	1 – 1.5 hours	1.5 – <2 hours	2 hours or more
Number of apartments required to achieve ADG Compliance	n/a	n/a	n/a	n/a	n/a	81 (70%)
Prior to redevelopment	17	15	7	14	0	63 (54.3%)
Exhibited scheme (Option 1)						
provided a 4.87 – 5.9m tower setback to Pitt Street and a nil to 3m setback from the rear (eastern) boundary	17	28	10	51	7	3 (2.6%)
Modelled scheme (RtS) (Option 2)						
8 m tower setback to Pitt Street and 3 m	17	28	10	22	33	6 (5.2%)

Scenario	Duration & apartment numbers					
	0 hours	>0 – 0.5 hours	0.5 – 1 hours	1 – 1.5 hours	1.5 – <2 hours	2 hours or more
tower setback from the rear (eastern) boundary						

Total number of apartments in all scenarios = 116

The Applicant contended the solar improvements to Princeton Apartments would not warrant the increased setbacks to the building envelope modelled in Option 2. The Applicant also contended that due to the city location, orientation and Princeton Apartments having no setback from its northern boundary adjoining the site, strict compliance with ADG cannot be achieved. The Applicant also contended 2 hours solar access will be retained for a further 17 apartments if sunlight access between 8 – 9 am was also considered.

The Analysis Report identified Option 2 would increase the number of apartments receiving 2 hours direct sunlight between 9am and 3pm at mid-winter as required by ADG from three apartments to six apartments. The three additional apartments that will achieve minimum sunlight as required by ADG are east-facing apartments between Level 31 - 36 benefiting from a 3 m tower setback from the eastern/rear boundary.

In addition to the 2-hour ADG standard, the Department also notes Option 2 will improve solar access to Princeton Apartments by providing additional solar access between 11.00 – 12.00 noon at mid-winter to (Figure 22).

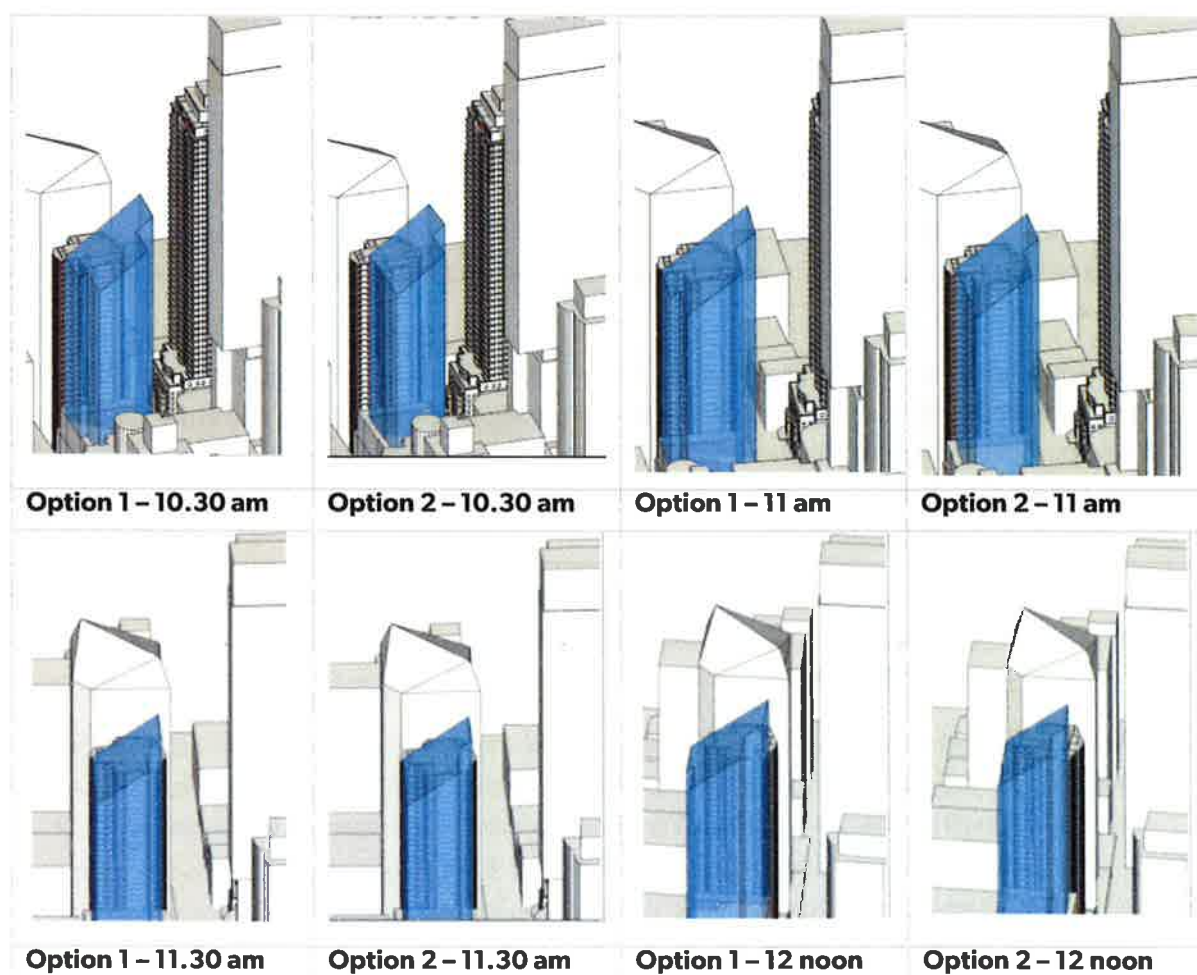


Figure 22 | Solar eye / view of the sun diagram at winter solstice comparing Option 1 building envelope as proposed versus Option 2 with an 8 m Pitt Street Setback and 3 m rear/ eastern boundary setback (Source: Applicant's RtS).

In discussions with the Department, the Applicant undertook further modelling with minute by minute analysis to quantify the solar improvement from the increased setbacks and demonstrated that:

- a 3 m tower setback from the rear or eastern boundary will increase approximately 30 minutes of solar access to 26 east facing apartments after 11 am at mid-winter (including three additional apartments achieving ADG compliance) as identified in **Table 9**
- a 8 m tower setback from Pitt Street will only increase 12 minutes of solar access to 11 west facing apartments between 11.25 – 11.37 am and does not contribute to the solar improvements identified in **Table 9**.

The further modelling also notes that a varied tower setback from Pitt Street of 7 m at the northern end reducing to 5 m at the southern end will deliver the same 12 minutes solar access gain to west facing apartments.

Consideration

The Department has considered the proposal with the established planning principles for sunlight in *The Benevolent Society v Waverley Council* [2010] NSWLEC 1082 at 133-144, which requires consideration of:

- development density and context
- the amount of sunlight lost, as well as the amount of sunlight retained
- shadows by other structures
- the sun should strike a vertical surface at a horizontal angle of 22.5 degrees or more to contribute to amenity
- the impact on what is likely to be built on adjoining sites should be considered as well as the existing development.

The Department notes where an adjoining property does not currently receive the required hours of solar access, the ADG requires solar access to neighbouring properties should not be reduced by more than 20%. The Department accepts due to Princeton Apartments lack of setback from its northern boundary and the permissible development density at the city location, achieving strict compliance with ADG solar access provisions is not a reasonable expectation.

The Department disagrees with the Applicant's contention in relation to the amenity benefits of an additional 30 minutes solar access between 8 – 9 am. Whilst solar access at this time is of some benefit, due to the very low sun angle at 8 am during the Winter Solstice (approximately 10 degrees) it will not deliver the same level of amenity and thermal comfort to the living rooms of Princeton Apartments as additional sunlight between 11 am – 12 noon with a sun angle at approximately 32 degrees.

The Department considers the solar access benefits that can be achieved through increased tower setback to 3 m from the eastern (rear) boundary is reasonable having considered the amount of potential sunlight loss from the original proposal as outlined in **Table 9**. Noting:

- the proposed (exhibited) envelope would result in 3 apartments (2.6 %) in the Princeton Apartments remaining compliant with minimum solar access requirements of the ADG. By comparison, a 3 m eastern tower setback will increase the number of 2 hour ADG compliant apartments to 6 apartments (5.2 %)
- a 3 m eastern tower setback will also provide an additional 30 minutes of solar access from 11 am at mid-winter to the living rooms of 26 apartments, increasing the number of apartments with a minimum of 1.5 hours of solar access to 33 apartments.

The Department also considers the additional solar access retained by Princeton Apartments is likely to be maintained in the future having regard to the adjoining properties to the east, the Metropolitan Fire Station and Euro Tower (further north) are unlikely to be redeveloped given the heritage listings of these sites.

The Department does not support the adoption of an 8 m tower setback from Pitt Street because it would:

- only provide 12 additional minutes of sunlight to 11 apartments
- not increase the number of apartments for ADG 2-hour compliance

The Department also recommends an additional design guideline to encourage a varied tower setback from Pitt Street (**Condition B3**). The varied tower setback will allow for articulation and design variation and may provide the opportunity to retain more solar access to west facing units in Princeton Apartments, which are already overshadowed by other tower developments along Pitt Street.

Conclusion

The Department considers the overshadowing impacts of the proposed building envelope to Princeton Apartments should be further mitigated in response to key community and Council issues including loss of residential solar access and ADG overshadowing non-compliance.

The Department accepts due to Princeton Apartments lack of setback from its northern boundary and the CBD development context, strict compliance with ADG solar access provision is not practical. The Department's assessment however considers the solar benefits of a 3 m tower setback from the eastern boundary as modelled is reasonable having regard to the established planning principles for sunlight. The Department therefore recommends the proposed tower building envelope be amended with a 3 m rear (eastern) setback (**Condition A17**).

6.2.2 Street setbacks

The proposed tower building envelope provides a varied setback along Pitt Street between 4.87 m – 5.9 m and a 4 m setback from Bathurst Street above the approved "station box". These proposed setbacks would define the street wall along the street frontages of the site (**Figures 23 and 24**).

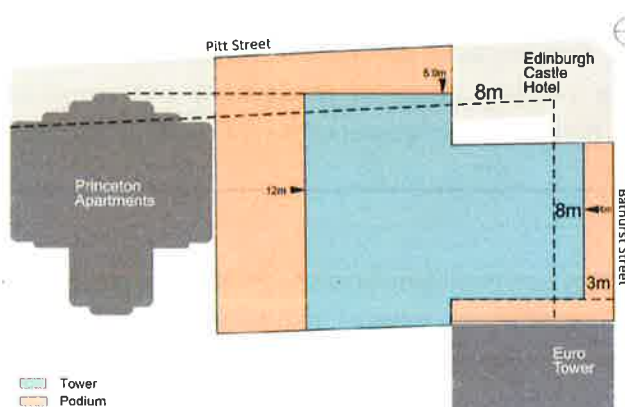


Figure 23 | Plan view of the tower setbacks from RL 71.0 (source: Applicant's EIS).

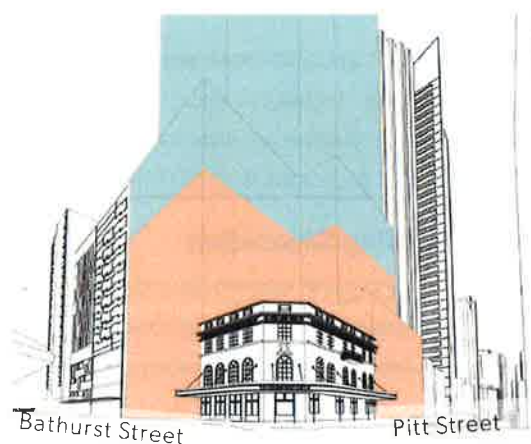


Figure 24 | Station and OSD setbacks

The Applicant's RtS provided additional analysis to consider the proposed tower setbacks from Pitt Street and Bathurst Street and argued they are appropriate because:

- the northern façade of the building envelope faces Bathurst Street where a 4 m setback is proposed to align with the future Greenland Centre to the west and mirror the setback of the Castle Residence development on the north side of Bathurst Street
- the proposed Pitt Street tower setback is informed by other tower setbacks in the area ranging from 3 m to 6 m, noting Greenland Centre with a 5.5 m setback along Pitt Street (**Figure 25**)
- the envelope aligns with Princeton Apartments and buildings further to the south, retaining the urban alignment and corridor sightline
- an 8 m SDCP complying setback will only deliver limited improvement to solar access to Princeton Apartments.



Figure 25 | Surrounding street setbacks above building podiums (source RTS).

Conclusion

The Department accepts there are inconsistent tower setbacks along Bathurst Street and Pitt Street and the proposed tower setbacks are compatible with the building alignments of adjoining and surrounding developments. However, as discussed in Section 6.2.1, the Department recommends a 3 m rear (eastern) setback to mitigate solar access impacts to Princeton Apartments.

6.2.3 Building Separation

The southern and north eastern boundary of the site adjoins residential developments, Princeton Apartments and Euro Tower respectively. The approved "station box" provides zero setbacks from these properties, but the proposed building envelope provides setbacks as illustrated in **Figure 26**.

The proposed building envelope provides zero setbacks from the rear or eastern boundary of the site which adjoins heritage items, the Metropolitan Fire Station and Edinburgh Castle Hotel and a 3 m setback from Euro Tower (**Figure 26**).

The Department notes these adjoining buildings are below the height of the approved station and proposed podium (RL 71) and will not have a direct interface with the proposed tower envelope. The Department has also considered the redevelopment potential of these buildings and the extent to which building separation from the proposed tower envelope should be considered.

The submission from Edinburgh Castle Hotel raised concerns the proposed zero setback from the common boundary with the Hotel will preclude its future development, particularly if windows or curtain wall is proposed at the boundary (referencing the indicative design). Community submissions raised concern with setbacks to Princeton Apartments (32%) and with ADG building separation non-compliances (35%).

Euro Tower, Edinburgh Castle Hotel and the Metropolitan Fire Station

The Edinburgh Castle Hotel and the Euro Tower sites are below the 800 m² SLEP standard for tall buildings in Central Sydney and have limited or no amalgamation potential.

The Applicant's EIS included an analysis of the development potential of Edinburgh Castle Hotel based on the applicable planning standards and controls as outlined below (**Figure 27**).

- Floorplates would be restricted by DCP requirements for a 10 m minimum street frontage setback applicable to developments above heritage items to less than 45 m²
- The surrounding commercial and residential towers in the vicinity would contribute to overshadowing creating uncertainty as to achieving satisfactory amenity and ADG compliance for a residential scheme
- A commercial scheme, assuming a more relaxed setback from Pitt Street to align with the proposed tower envelope, would still be highly restricted by the DCP setbacks specific for heritage items resulting in less than 90m² of developable area.



Figure 26 | The setbacks for the development showing plan view (left) and section views (middle and right) (source: RtS).

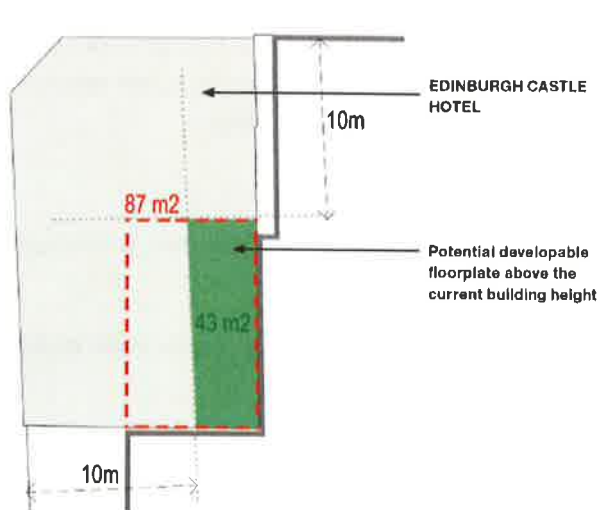


Figure 27 | Potential setbacks and floorplan of development above the Edinburgh Castle Hotel.



Figure 28 | The potential setbacks shown with the OSD massing strategy (source: Applicant's EIS).

Based on **Figure 27**, the Department notes that any future development above Edinburgh Castle Hotel will rely on being able to build to the common boundary with the subject site. Should building separation be required between Edinburgh Castle Hotel and the development site (which will need to be provided on both properties), it will preclude any development for Edinburgh Castle Hotel due to its small site area and necessary setback from the street and heritage facade. The Department therefore considers a zero setback is appropriate in this case subject to future detailed applications to identify the need for any necessary easement to maintain light and ventilation if windows are proposed on the common boundary.

The Department also accepts the proposed 3 m building separation from the common boundary with Euro Tower is sufficient in allowing for light and ventilation requirements for future built forms. The Department recommends detailed design of future built forms should further consider any potential amenity impacts to the rear facing residential apartments of Euro Tower with respect to ADG requirements and recommends additional requirements be incorporated in the Design Guidelines.

The Metropolitan Fire Station site area is greater than the minimum 800 m² required for tall buildings to be permissible under SLEP. The Department however has corresponded directly with Council's strategic planning group and confirmed that the site has sold off its heritage floor space and does not currently have any development potential to accommodate a tall building. The Department therefore accepts building separation between the proposed tower building envelope and the Metropolitan Fire Station is not necessary.

The Department notes the Heritage Council considered the project will have acceptable heritage impacts and supported the project subject to recommended conditions of consent. See **Section 6.3** on discussion of the proposal's heritage impacts to Edinburgh Castle Hotel and Metropolitan Fire Station.

Conclusion

The Department concludes the proposed tower setback relationship with Euro Tower, Edinburgh Castle Hotel and Metropolitan Fire Station are acceptable having regard to the existing building separation and redevelopment potential of the properties subject to recommended conditions with respect to:

- future detailed applications are to consider any necessary easement to maintain light and ventilation if windows are proposed on the common boundary (**Condition B3 b**)

- detailed design of future built forms will be required to address ADG requirements, which will address potential amenity impacts, such as privacy impacts to the rear facing residential apartments of Euro Tower (**Condition B3 c**).

Princeton Apartments

The proposed 12 m setback from (the southern boundary) Princeton Apartments complies with the building separation requirement of the ADG, which requires a minimum 24 m separation and specifies that half of the distance is to be provided on the development site to allow equal distribution of the building separation between sites. See **Appendix G** for detailed assessment of the proposal against SEPP 65 and ADG.

The Princeton Apartments has no setback from the boundary and does not provide the other half of the required minimum building separation required by ADG. Thirty five percent of the public submissions considered the proposed 12 m setback inadequate and requested a 24 m setback be provided within the development site. 45 public submissions also raised concerns with respect to amenity impacts such as privacy, views and solar access to Princeton Apartments which are also related to the proposed building separation distance.

Council also objected to the encroachment on the proposed 12 m setback between RL 58.25 m (23 m) to RL 71 (45 m), where the setback is reduced to 3 m from Princeton Apartments. Council recommended the area should not be used for any residential floorspace to minimise privacy and outlook impacts, should the reduced setback be supported by the Department.

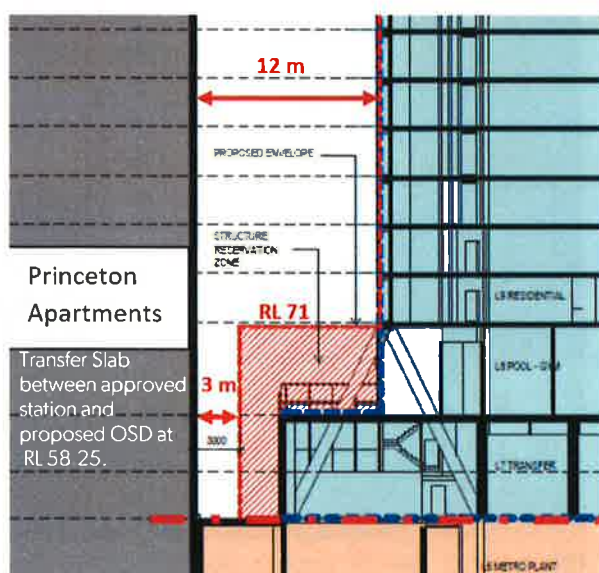


Figure 29 | Red hatched area identifying the section of the building envelope required for structural load transfer (source: RtS).

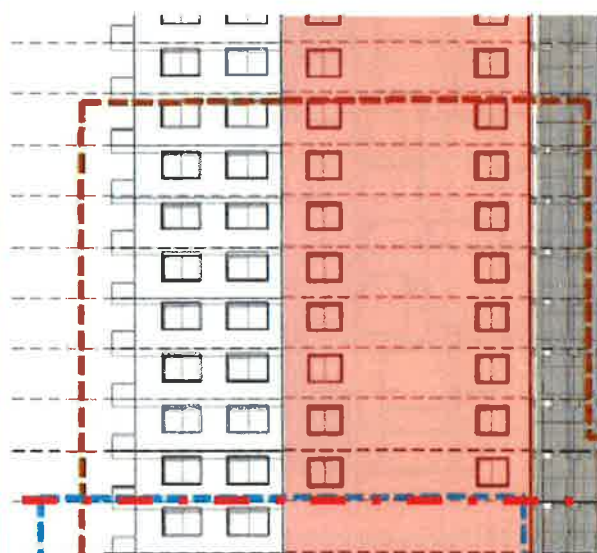


Figure 30 | View of the approved Pitt Street South station box (in blue) and transfer deck level (source: DPE).

The Applicant's RtS considered opportunity to increase the building separation with Princeton Apartments, particularly with respect to removing the encroachment on the 12 m setback between the approved station box and RL 71. The Applicant however noted that the reduced setback is to allow for structural elements, in particular the structural load transfer from the station to the OSD as illustrated by the submitted indicative design (See **Figure 29**).

The Applicant also contended that it would be unreasonable to impose a 24 m separation distance from Princeton Apartments which is built to the boundary. The Applicant noted a previous approval for a hotel development (D/2014/464) on the portion of the site immediately north of Princeton Apartments was approved by the Council with a 2.4 m setback from Princeton Apartments.

Consideration

The Department inspected several properties in Princeton Apartments to assess the potential amenity impacts. The northern elevation of Princeton Apartments with nil setback from the site contains windows for levels above the transfer slab of the approved station (**Figure 30**). The Department notes these north facing windows are secondary windows based on a typical floor layout with alternative windows and balconies facing the eastern boundary (some with water views) or Pitt Street.

Other apartments with north facing windows are setback approximately 7.5 m from the site (**Figure 31**). The Department notes these windows are also secondary windows with the main aspect to these living rooms facing the eastern boundary with water views above the roofs of lower buildings to the east (**Section 6.2.4**).

The Department notes the ADG's 24 m separation requirement is based on separation between habitable room/balconies and considers further measures to maintain a reasonable level of privacy between the developments can be achieved through the detailed design of the building in terms of location of windows, balconies and living rooms (**Condition B3 h**). ADG building separation requirements reduce to 18 m between habitable and non-habitable room and 12 m between non-habitable rooms.

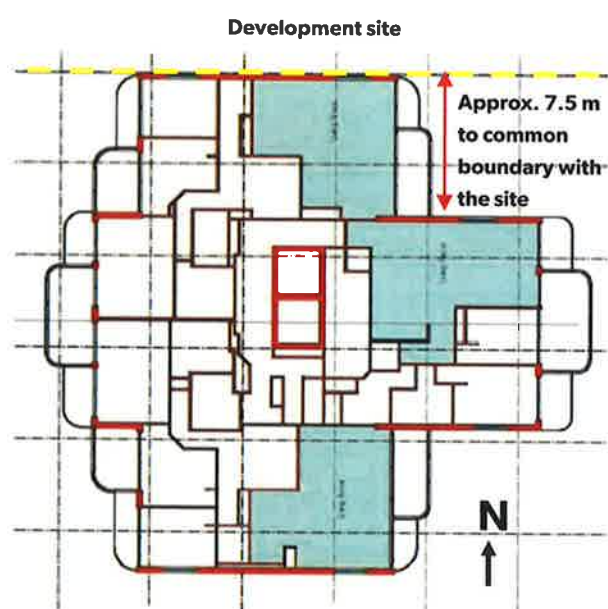


Figure 31 | Typical arrangement of an upper level floorplan with living areas in blue (source EIS).



Figure 32 | View of northern elevation of Princeton Apartments (source: DPE).

The Department considers increased building separation from the common boundary will not improve solar access to Princeton Apartments due to the orientation of the apartments, having living room windows and balconies orientated away from the site. The Department's assessment identified an additional 3 m eastern setback will further improve solar access to Princeton Apartments (See **Section 6.2.1 - Conditions A17 and B3**).

The Department accepts structural supports may need to encroach on the proposed 12 m setback due to the required integration with the approved station. The exact extent of encroachment will not be known until a detailed design is developed for the over station development. The Department supports Council's recommendation that no residential floor space should be accommodated within this structure reservation zone (**Figure 29**) to minimise potential amenity impacts to Princeton Apartments (**Condition A18**).

The Department recommends additional design guidelines be imposed with respect to the design of built forms within the structure reservation zone (**Condition A25 e**):

- restricting the utilisation of the structure reservation zone to non-gross floor area (which will allow for structural supports and plants/services relating to the integration with the approved station)
- alternative options should be considered before built form is proposed in the zone with the support of the advice of the State Design Review Panel (See **Section 6.5 – Design Excellence**).
- any structure or built forms within the structure reservation zone must be designed to minimise its impacts to the outlook and amenity of adjoining Princeton Apartments.

Conclusion

The Department's assessment notes the proposal will reduce the level of amenity currently enjoyed by Princeton Apartments, including the loss of direct solar access and outlook to its side boundary facing the site. The Department however accepts the proposed 12 m building separation from Princeton Apartments is reasonable because:

- it complies with the requirements of the ADG, which requires 50% of the minimum 24 m separation distance be provided to the common site boundary
- primary aspect of Princeton Apartments are to the east and west away from the development site
- protection of amenity to secondary windows built onto a side boundary is not reasonable having regard to the development potential of the site that can be reasonably anticipated under the Floor Space Ratio and Building Height standard of the SLEP
- solar access improvements to Princeton Apartments can be achieved through the Department's recommended **Conditions A17 and B3** (see **Section 6.2.1**).

The Department also recommends future detailed design applications will need to address the requirements of the ADG and condition to restrict the use the structure reservation zone to minimise potential privacy conflicts with Princeton Apartments (**Condition A24 e**).

6.2.4 View Sharing

The Department has assessed the impacts of the proposed building envelope to existing views (meaning the views which existed prior to any works associated with the CSSI approval) from apartments in the vicinity of the site, particularly with respect to:

- the Princeton Apartments situated to the south at 308 Pitt Street
- The Century Tower at 343-357 Pitt Street
- the Greenland Centre situation to the west at 115-119 Bathurst Street.

A detailed assessment against the planning principles established by the NSW Land and Environment Court in *Tenacity Consulting v Warringah Council (2004) NSWLEC 140* is in **Appendix E**.

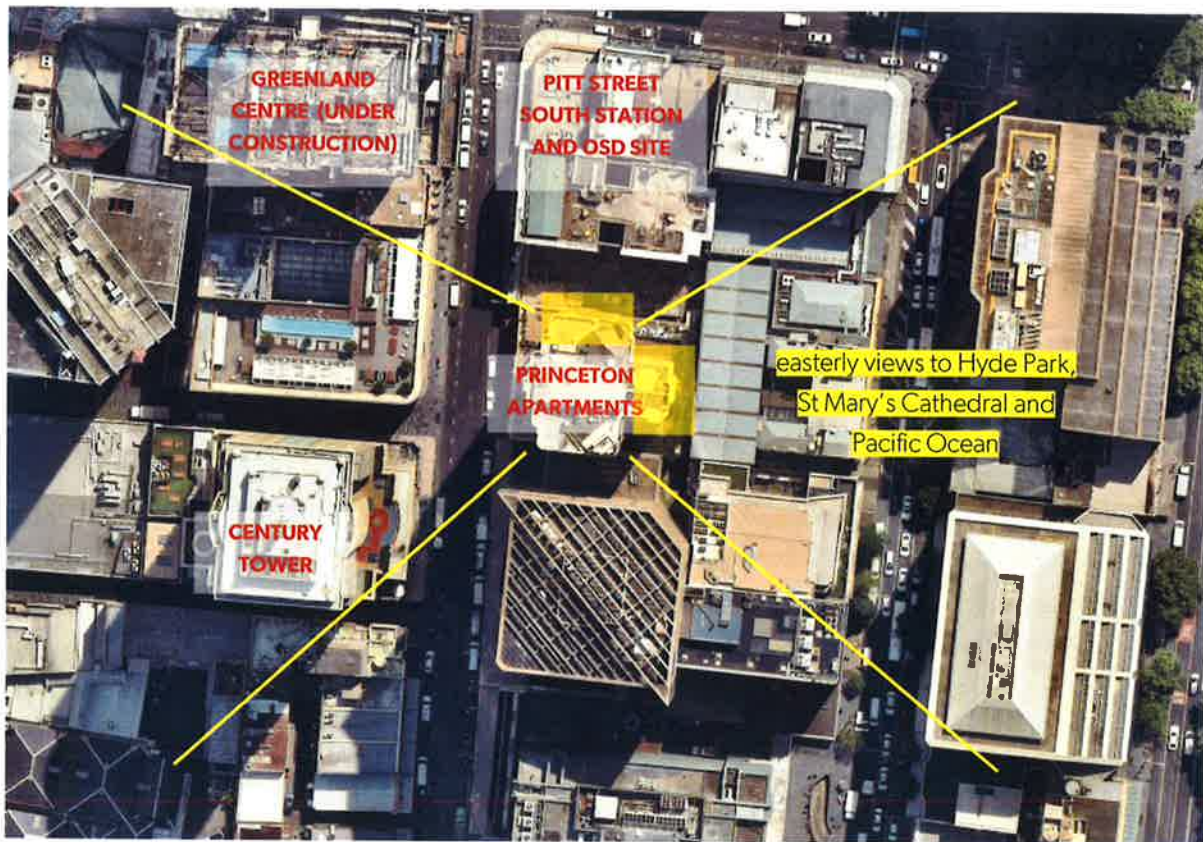


Figure 33 | Aerial photo showing view corridors from Princeton Apartments and yellow transparent boxes for northern and east wing apartments (Source Nearmap with added annotation)

Princeton Apartments

Princeton Apartments contain approximately 116 apartments across 41 levels, with 9 levels providing underground parking, storage and recreation facilities. Apartments are arranged in a four or three per floor configuration (with higher levels having less apartments). The building access and street frontage is to Pitt Street with apartments facing in an east or west orientation, meaning the balconies and primary views are either east towards Hyde Park /Sydney Harbour or west towards Pitt Street (**Figure 33**).

The Applicant's View Impact Assessment identified the proposed building envelope would impact views to the north east with views directly north considered an outlook in contrast to a view. The Applicant contended that the envelope impact at lower levels would not alter the composition or nature of this view which is to CBD buildings. For upper levels the impact was considered negligible as it would be to the left of the primary view and would not impact on the views to Hyde Park or Sydney Harbour.

Department staff visited eight apartments on Levels 13, 14, 18, 25, 33, 37, 40 and 41, the site and its surrounds to further assess the building envelope's view impacts. The apartments inspected provided a wide variety of viewing angles and heights from the building. Different viewing angles and heights produce different attributes, such as distance of view and features within that view (**Figures 36 and 37**).

A typical upper level floor plan identifying residential living spaces is provided below in **Figure 35**. All the affected apartments have primary views to either the east or west. The most northern apartments have living spaces with windows facing the property boundary, whereas the east wing apartments are setback approximately 7.5 m from the north boundary. The Department notes the proposed building envelope will not block the primary views to the east and the impacts are considered reasonable given the site's common boundary (southern boundary) with Princeton Apartments is a side boundary and all primary views to the west and east will not be impacted by the building envelope. The Department therefore concludes the view impact of the proposal to the Princeton

Apartment is acceptable and reasonable with respect to the established planning principles for view impact assessment (**Appendix E**).

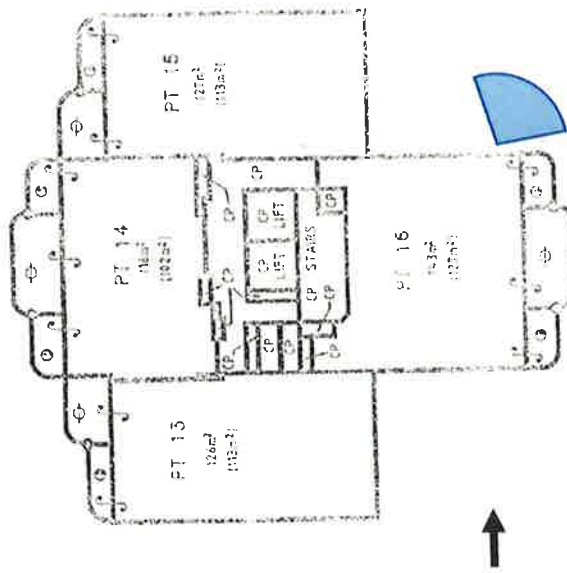


Figure 34 | Typical lower level floor plan of the Princeton Apartments with the blue arc indicating approximate field of view for Figure 36. (source: Applicant's EIS. Not to scale).

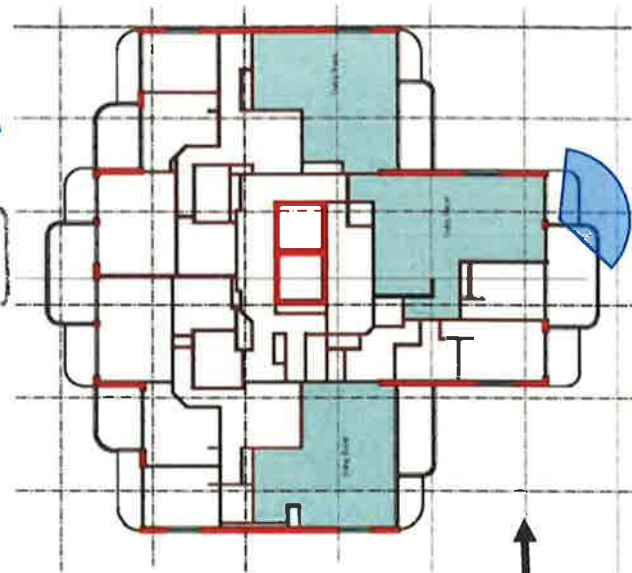


Figure 35 | Typical upper level floor plan of the Princeton Apartments with the blue arc indicating approximate field of view for Figure 37. The shaded areas depict the living areas (source: Applicant's EIS. Not to scale)



Figure 36 | Low rise view from a Princeton Apartment.



Figure 37 | High rise view from a Princeton Apartment which would be unaffected by the proposed envelope.

Century Tower

The Century Tower is a 52-storey residential building containing 296 residential units and ground level commercial uses. It is located approximately 30 m south west of the subject site and on the western/opposite side of Pitt Street.

The Department notes there is no significant view from the lower levels of Century Tower (**Figures 38 and 39**). From higher levels, views to the harbour are obtained over the Princeton Apartments directly opposite the site (**Figures 40 and 41**).

The Department notes the field of view for the higher levels of Century Tower will be reduced with the potential to lose views to St Mary's Cathedral. The Department considers the retention of views to St Mary's Cathedral may be difficult due to the oblique angle for which the view is obtained from Century Tower.

The Department however notes that due to the upper most part of the proposed building envelope angled to the Sun Access Plane for Hyde Park and unlikely to accommodate substantial floorspace, there is opportunity for the detailed design of the future built forms, including the articulation of roof elements, to consider opportunity to retain partial views to St Mary's Cathedral from some apartments of Century Tower.



Figure 38 | The existing view from the Century Tower. Low rise, north east.



Figure 39 | The proposed view from the Century Tower. Low Rise, north east.



Figure 40 | The exiting view from the Century Tower. High rise, north east.



Figure 41 | The proposed view from the Century Tower. High rise, north east.

Greenland Centre

The Greenland Centre is a 52-storey residential building containing 479 apartments currently under construction. It is located directly west of the subject site on the western side of Pitt Street.

The View Impact Assessment identified the building envelope would impact views to the east and north east. The Applicant contended that for low rise views the proposed envelope would bring larger buildings closer, however the nature of the view would be retained. Mid-rise levels were identified as having their views impacted with the harbour view retained and the Hyde Park portion obstructed (**Figures 42 and 43**). The higher levels in Greenland would not be impacted (**Figures 44 and 45**). The Department notes a large extent of potential views from Greenland Centre over the development site relied on the low-rise nature of the previous developments. The Department considers the retention of views from mid-levels and lower levels of the Greenland Centre cannot be practically achieved as the existing views are obtained directly over the central part of the development site. The extent of view impact can be reasonably expected with permissible height under the SLEP.

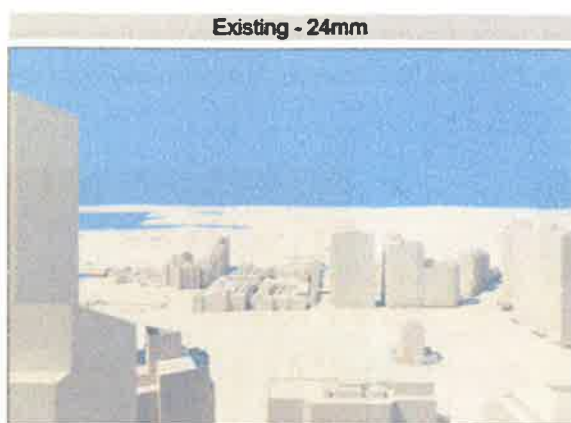


Figure 42 | The existing view from the Greenland Centre. Mid rise, east.

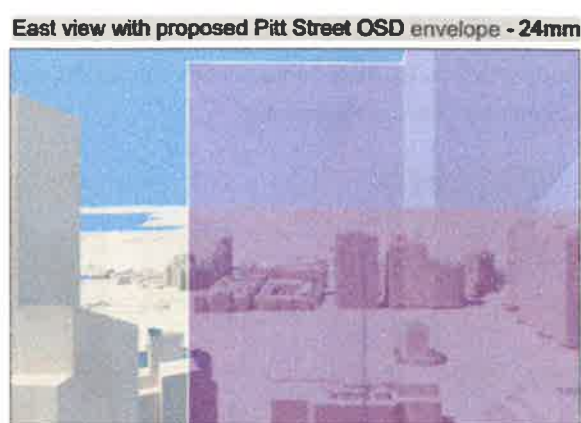


Figure 43 | The proposed view from the Greenland Centre. Mid rise, east.

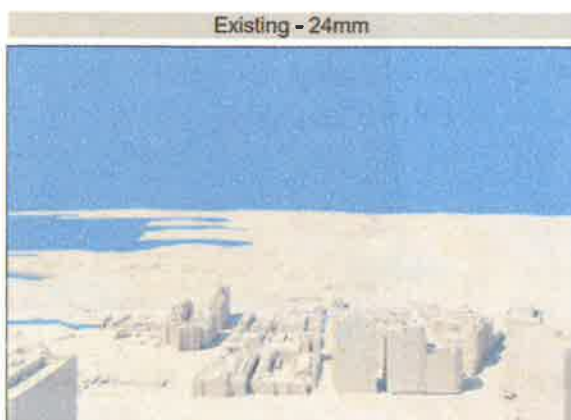


Figure 44 | The existing view from the Greenland Centre. High rise, east.



Figure 45 | The proposed view from the Greenland Centre. High rise, east.

Conclusion

The Department's assessment concludes the proposed building envelope will have reasonable view impacts to surrounding buildings, because:

- the proposal will not affect the primary views from Princeton Apartments
- the extent of view impacts to Century Tower and Greenland Centre can be reasonably anticipated under the planning controls applying to the site.

The Department recommends the detailed design of future built form, particularly the articulation of roof forms within the angled section of the proposed building envelope must further consider retention of the view to St Mary's Cathedral from Century Tower (**Condition A24 d**).

The Department notes its recommendation to require a 3 m setback from the rear/eastern boundary will have a positive impact to the outlook from the east facing apartments in Princeton Apartments (**Conditions A17**). The Department also supports the submitted design guidelines which requires consideration of view impacts to surrounding residential properties (**Condition B1**).

6.3 Heritage

The site adjoins two locally listed heritage items, the Edinburgh Castle Hotel at 294-294B Pitt Street (Item No I1940) (**Figures 46 and 49**) and the Metropolitan Fire Brigade at 211-217 Castlereagh Street (Item No I1703) (**Figures 46 and 50**). A State Heritage Item, former Sydney Water Head Office (now Primus Hotel) (1939 Building

SHR 01645) is also located directly opposite the site on Pitt Street. On Bathurst Street, opposite the approved station entrance is a local heritage item, the Speedwell House. There are also a number of other locally listed items located near the site (**Figure 46**).

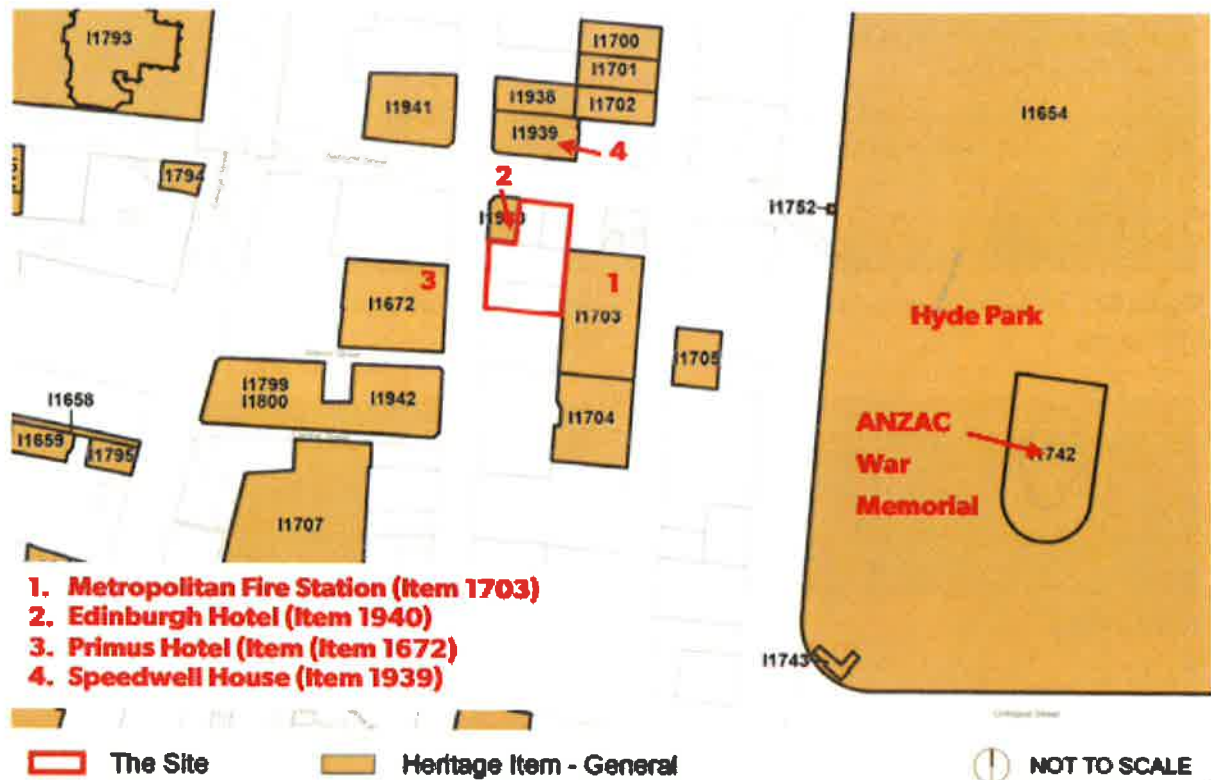


Figure 46 | Heritage items in the vicinity of the site (Source: EIS).

Consideration

The Department consulted with the Heritage Council on the application. Heritage Council considered the submitted Heritage Impacts Statement (HIS) included adequate heritage impact assessment and the recommendations and mitigation measures are appropriate. Heritage Council supported the recommendations in the HIS and recommended future detailed design should:

- seek to mitigate the impacts of the vertical street walls above the heritage item where the building footprint above podium wraps around the building
- provide materiality and façade articulation of the podium to respond to the heritage item to better integrate the two sites and to activate the facades
- minimise overshadowing to Hyde Park.

Heritage Council also recommended the height of the podium should respond to the adjacent local heritage item, the Edinburgh Castle Hotel.

The Department notes the building heights of the podium or street walls adjoining either side of Edinburgh Castle Hotel are defined by the approved station. The proposed over station development steps down from the tower element to the approved station entrance on Bathurst Street. The Department considers the proposed building envelope provides appropriate transition of building heights from the tower to the approved station and responds to the low scale Edinburgh Castle Hotel (**Figure 47**).

The submitted indicative design also illustrates that the proposed over station development will visually recede into the background of Edinburgh Castle Hotel in a similar manner as the previous developments at the site

(**Figure 48**). The Department accepts the proposal will not dominate the setting of the Edinburgh Castle Hotel or substantively change its visual context.

The Department notes the proposed entrance element to the over station development from Pitt Street will provide opportunity to improve visual separation between the approved station podium and Edinburgh Castle Hotel and will assist in mediating the change in street wall height. The Department therefore recommends an additional requirement should be included in the design guidelines to ensure the future detailed design of this entrance element to the over station development will achieve the desired visual separation and mediate the change in street wall height (**Condition A24 a**).

The Department also accepts the proposal will not adversely impact on the heritage significance of the Metropolitan Fire Brigade, Speedwell House and the former Sydney Water Head Office building. The proposed over station development will not visually relate to the appreciation of these items from their respect primary street frontages on Castlereagh Street (to the rear of the site) and Pitt Street (opposite the site) respectively. The Department considers the proposal will form part of the urban development context that defines the setting for these heritage items (**Figure 47 and 50**). The Department recommends conditions that require appropriate selection of materials to ensure the proposal will be complementary to the existing context (**Condition B3 f**).

The Department's consideration of overshadowing impacts to Hyde Park, including the ANZAC War Memorial, is provided in **Section 6.1** which concluded the proposal will have acceptable impacts.

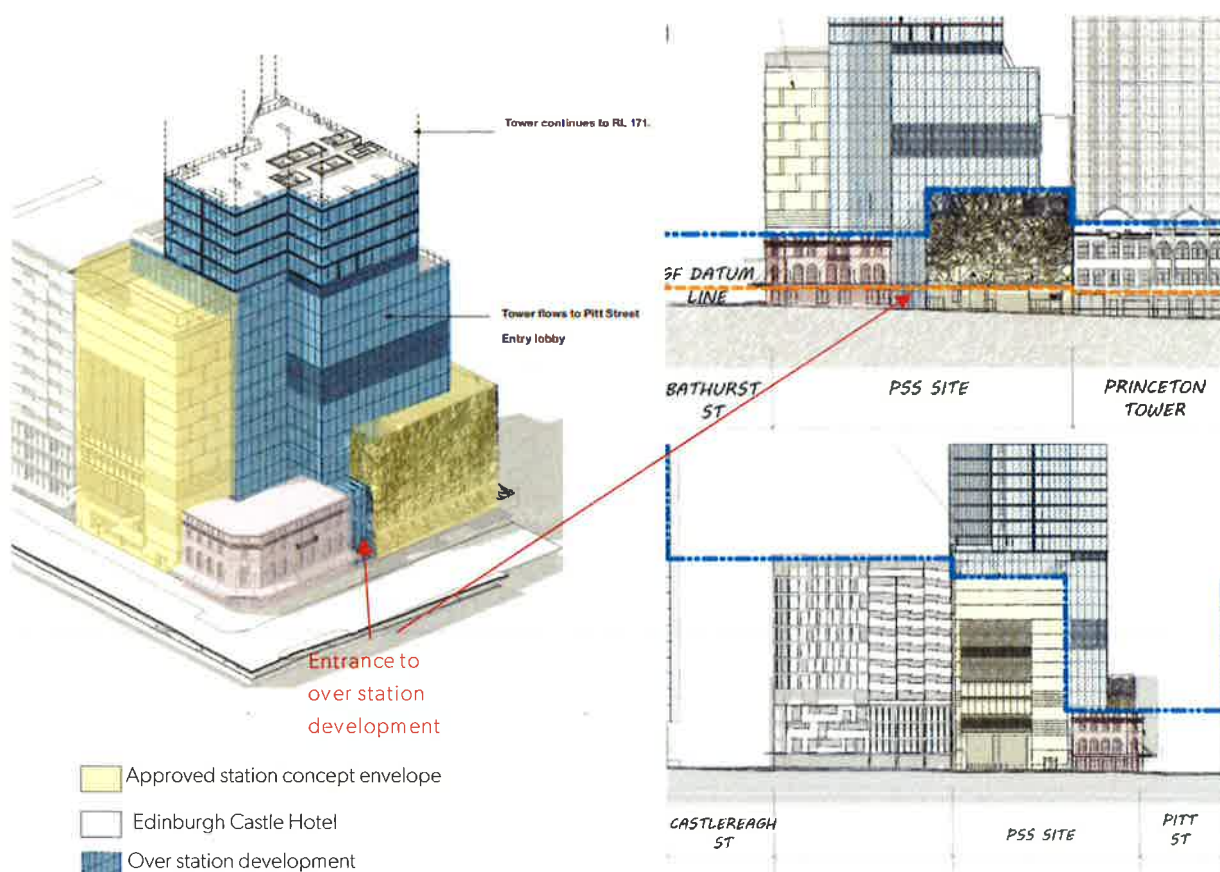


Figure 47 | Concept over station development showing the station box and the OSD. The Edinburgh Castle is shown in the foreground (pink colour).



Figure 48 | Indicative scheme of the station box and the over station development.



Figure 49 | The Edinburgh Castle with the pre-existing developments shaded in red. These developments were demolished under CSSI 7400.



Figure 50 | Indicative scheme from the Castlereagh Street elevation.

Conclusion

The Department's assessment concludes the proposal has acceptable impacts to adjoining and surrounding heritage items subject to appropriate conditions.

The detailed design of future built forms within the proposed building envelope will also be required to meet requirements in the design guidelines (**Condition B1**) with respect to heritage by:

- recognising the surrounding streetscape scale and providing an enhanced interface with adjacent heritage buildings, with direct reference to the height and articulation of these buildings
- mitigating the impacts of scale and massing on existing heritage items through the provision of a modulated podium and setbacks and responding to the built form
- retaining the prominence and landmark character of the Edinburgh Castle Hotel through exploring opportunities to seamlessly integrate the hotel into the OSD, addressing the scale difference between the established 45m podium height along Bathurst Street and the lower parapet line of the Edinburgh Castle Hotel
- designing vertical street walls above the Edinburgh Castle Hotel, especially where the footprint of the over station development wraps around the building, to prevent large, blank walls from dominating the building
- using appropriate materials and façade articulation of the podium responding to the hotel to better integrate the two sites and to activate the facades.

The Department also recommends additional design guidelines requiring future detailed design of the proposal must provide appropriate visual separation between the over station development and Edinburgh Castle Hotel and to ensure there will be appropriate transition of building heights between the proposed over station development, the approved station and Edinburgh Castle Hotel (**Condition A24 a**).

The Department notes excavation of the site has already commenced as part of the approved station and rail line with **Condition E28, E30 and E31** of the approval (CSSI 7400) requiring vibration control to protect identified heritage items, and **E52 and E54** requiring a blast management strategy that considers sensitive heritage buildings. The Applicant confirmed that blasting works, if required, would be undertaken as part of the CSSI Approval only and not for the over station development.

The Department recommends future assessment complementary to conditions for the approved station (**CSSI 7400**) should be included to address Council's concern on the protection of adjoining heritage items during construction work for the OSD component with respect to noise and vibration (**Conditions B15**).

6.4 Building Envelope and Land use options

The proposal includes two future land use scenarios, either residential, equating to approximately 35 storeys or commercial, equating to 30 office storeys. The application does not seek approval for a maximum gross floor area, however, the Applicant's indicative schemes illustrated gross floor area of approximately 15,282 m² for residential accommodation and 19,031 m² for commercial/office use can be accommodated within the proposed building envelope.

One submission viewed it as inappropriate for both residential and commercial land use options to be incorporated into a single SSD application and considered that insufficient information has been provided to enable a valid determination to be made.

The Applicant has identified that a preferred scheme has not been sought, citing that:

- the envelope proposed is capable of accommodating either a residential or commercial scheme which concurrently allows for an assessment of the maximum potential impacts
- the proposal has been supported by additional assessment of transport and traffic impacts for the two schemes (refer to 'other issues' **Section 6.6**)
- the RtS has provided additional assessment regarding the acceptability of the two schemes on ESD principles (refer to 'other issues' in **Section 6.6**)

- these two land use schemes are consistent with the strategic intent and market demand in a central Sydney location.

Considerations

The Department considers either a residential land use or a commercial land use can be accommodated within the proposed building envelope, noting:

- both land uses are permissible in the B8 Metropolitan Centre Zone under the SLEP
- A Built Form and Urban Design Report was submitted to demonstrate future built form will be capable of complying with Apartment design guide (ADG) for the residential scheme (**Appendix G**)
- Traffic generation of both land use schemes are acceptable as considered in the submitted Transport and Traffic Impact Assessment Report and reviewed by the independent traffic and transport consultant engaged by the Department and that satisfactory arrangements can be made for loading and servicing arrangements (see **Section 6.6 and Conditions in Schedule 2 – Part B**)
- The Department's assessment in Section 6.2 has considered the potential impacts and required building separation with respect to both schemes, which found them to be acceptable subject to recommended conditions (**Conditions A17 -18 and A24**).

The Department notes due to the L-shape of the site, the potential floorplate of future built form will be limited to less than 700 m² and is less than the minimum 1000 m² net floorplate identified in the Applicant's Strategic Land Use Analysis for a feasible commercial scheme.

The Applicant's RtS provided further information on potential market demand for smaller floorplates, noting 92 Pitt Street and 210 George Street which are approximately 300 m². The RtS also addressed ground floor frontage, emphasizing that this can be managed through design alternatives which would be addressed in a future detailed proposal (a sky lobby changeover was one idea presented to address additional servicing levels required in a commercial scheme).

Conclusion

The proposed building envelope represents the maximum extent for future built forms. The Department accepts either scheme is suitable for the site and within the proposed building envelope subject to various recommended future assessment requirements.

The Department recommends the proposed 35 car spaces be imposed as a maximum limit for both potential land uses to limit traffic generation impacts resulting from the provision of car spaces directly above a new metro station (**See Section 6.6 and Condition A19**).

Future detailed development applications will also be required to be supported by the Design Guidelines which set out design parameters in utilising the building envelope with respect to matters such as built form, podium and street wall, and public domain and place (**Condition B1**)

6.5 Design Excellence

Clause 6.21 of the Sydney Local Environmental Plan 2012 (Sydney LEP 2012) outlines the provisions for design excellence. Clauses 6.21(1) and 6.21(2) define the objective of delivering the highest standard of architectural, urban and landscape design being applicable to new buildings.

Clause 6.21(3) requires that development consent must not be granted unless the proposed development exhibits design excellence, considerations to determine if a development exhibits design excellence are defined by Clause 6.21(4). Clause 6.21(5) clarifies when a competitive design process is required.

The Applicant proposes a Design Excellence Strategy incorporating design review process *in lieu* of a competitive design process for the Sydney Metro Integrated Station Development sites within the City of Sydney, including the proposed over station development for Pitt Street South and Pitt Street North in respect to the provisions of Clauses 6.21(3) and (4) of the Sydney LEP 2012.

The application seeks to utilise Clause 6.21(5) of the Sydney LEP 2012 by demonstrating that the requirement to undertake a competitive design process is not reasonable or necessary for the project. The Applicant requested the consent authority should exercise its discretion available under Clause 6.21(6) of SLEP and accept the proposed Design Excellence Strategy as an appropriate process to achieve Design Excellence and in delivering the highest standard of architectural, urban and landscape design.

The submitted Design Excellence Strategy sets out a framework for design reviews and competitive selection process as summarised in **Table 6 (Appendix I of the EIS)**.

Table 6 | Summary of Key Processes in Sydney Metro Design Excellence strategy.

Design Phases	Design Review	Key elements
1. Design Quality Expectations	Sydney Metro Design Review Panel (DRP)	<ul style="list-style-type: none"> • Capture project requirements including design objectives and guidelines to inform the development of the project, including the concept development application • Set project benchmarks • Chaired by GA NSW • Also provide design advice to station design and associated public domain as required under CSSI 7400.
2. Competitive Selection	Design Excellence Evaluation Panel (DEEP)	<ul style="list-style-type: none"> • Inform a competitive selection process by producing a Design Excellence Report that identifies to the tender evaluation panel the elements of each tender scheme that contribute to design excellence and elements where further design refinement will be required. • Draws on members of the Sydney Metro Design Review Panel • Chaired by GA NSW • Include a nominee nominated by the NSW Government Architect (GANSW) on behalf of the Department • Include a member nominated by the local council.
3. Design Integrity	State Design Review Panel (SDRP)	<ul style="list-style-type: none"> • Independent design review • Chaired by GA NSW • Recommendation to draw on members of Sydney Metro DRP to ensure consistent design advice and sufficient technical expertise (Condition A26).

The Department notes Council has also made an objection to the design excellence strategy, citing that it does not consider the strategy meets the intent of the Design Excellence provisions in Sydney LEP 2012. The Council stated the proposed design excellence strategy does not involve either an architectural design competition or the preparation of design alternatives on a competitive basis as required by the Sydney LEP 2012. The Council

considered this prevents the proposal from demonstrating design excellence in accordance with their competitive design policy.

The Applicant stated in their EIS and RtS submissions that a design competition is unreasonable and unnecessary because:

- a competitive process which only applies to the over station development would compromise the benefits of an integrated design approach for the approved station and proposed over station development
- the proposed selection process provides sufficient competitive tension through the selection of highly experienced and competent design practices and a holistic design review process
- the SLEP process does not acknowledge the complexities of the metro infrastructure projects
- a design competition in context of a stations technical complexity could push out project milestones and unreasonably constrain the Sydney Metro delivery timeframe
- the design excellence benefits and project complexities of integrated station development were acceptable reasons to support a design review process in lieu of a competitive design process for other over station development projects, including Barangaroo and Martin Place Station Precincts.

Consideration

The statutory requirement for a competitive design process under the SLEP only applies to the proposed over station development. The applicant could elect to hold a competitive design process for the over station development only. However, this may reduce the level of design integration with the approved station and impact on overall design quality across the site compared to the applicant's approach for an integrated design of the station and over station development presenting as one single building.

The site area for Pitt Street South is highly constrained by its dimensions, adjoining heritage items and the approved "station box". The design of the ground plane, street walls and podium elements are dominated by the approved station's built form. More specifically:

- the street wall height is fixed by the approved station and will rely on the entry element of the proposed over station development to bring together the changes in street wall height that will occur along the Pitt Street frontage of the site
- the tower element of the over station development is conceptually designed to "flow" down to a series of modulating podiums, formed by both the approved station built form and over station development with clear design intent to for both elements to present as one integrated design
- separate design responses to the over station development and approved station with respect to landscaping, public art and public domain improvement would not be practical due to site constraints.

The Department has consulted with the Government Architect who supported Sydney Metro's proposed Design Excellence Strategy in lieu of a competitive design process required under the Sydney Local Environmental Plan 2012 (SLEP). In supporting Sydney Metro's Design Excellence Strategy, the Government Architect acknowledged the complexity in the delivery of integrated station developments where development is located above the "station box". The complexities include engineering requirements associated with the construction works above the metro station and coordination with critical infrastructure delivery.

The Government Architect accepted the benefits of the proposed integrated design process outweigh the risks to design excellence posed by a non-integrated competition held for the over station development only.

The Department notes Council's submission contended that there is an option to construct the approved station separate to the over station development (identified as option 3) with respect to the staging of the development, see **Section 2.3**. The Council submitted that, in this option 3 scenario, a design competition could be completed without impacting the timing of construction of the approved station.

The Department acknowledged there are clear benefits in concurrent construction of the approved station and the proposed over station development. This is in terms of activation of the station precinct as the station is opened, design and structural efficiency, construction management and divestment to fund the cost of infrastructure. The Department also considers the benefits of an integrated design approach will not be lost should the proposed over station development be constructed separately to the approved station, noting landscaping, public art and public domain improvement for the site will continue to benefit from an integrated design approach.

The Department considers the key consideration in ensuring design excellence will be successfully undertaking an integrated design approach. The benefits of an integrated design approach will not be lost because different construction scenario may occur.

The Department also notes the submitted Design Excellence Strategy addressed previous advice from the Government Architect with respect to local council representation on the DEEP and to support diversity and innovation of design, noting:

- the terms of reference for the DEEP require a member from the City of Sydney Council in its review of the Pitt Street over station developments
- the Design Excellence Strategy encourages non-listed design companies to partner with pre-authorised engineering companies to promote diverse design approaches from fields outside of rail development projects.

The Department also supports the Government Architect's recommendation to require subsequent Stage 2 detailed design applications to be reviewed by the State Design Review Panel (SDRP) to ensure design integrity. The Department considers the SDRP or similar panel is required to provide independent advice to subsequent applications, which are proposed to be lodged by private developers rather than Sydney Metro.

To ensure consistency of advice and sufficient technical expertise due to the specialised nature of integrated station development, the Department recommends the State Design Review Panel or similar Design Review Panel (should SDRP cease to operate after current pilot program) for subsequent development applications shall include at least one member of the Sydney Metro Design Review Panel as endorsed by GANSW (**Condition A26 a**).

Conclusion

The Department supports Sydney Metro's Design Excellence Strategy as an appropriate alternative to a competitive design process to satisfy the requirements of Sydney LEP 2012 and as such a competitive design process will be unreasonable and unnecessary in this case, because of:

- the Strategy includes process for competitive selection in place of a design competition
- the Strategy includes project benchmarks that are capable of delivering a high quality architectural and urban design outcome
- the design excellence benefits of integrated station development (integrating the design and construction of the approved station with the over station development) as supported by the Government Architect

- the need for consistent design advice to support both the approved station and the over station development, which have already been undergoing design review by the Sydney Metro DRP
- the complexity and technical expertise required for over station development are not conducive for design competition
- site constraints make it impractical to provide separate design responses for the approved station and the over station development
- the positive impact on delivery of critical infrastructure coupled with reduction in construction impacts.

The Department's assessment has considered the proposal against the matters specified in Clause 6.21(4) of SLEP as detailed in **Appendix G – Statutory Considerations**. The Department is satisfied that the proposal exhibits Design Excellence because:

- the proposed design excellence strategy will support an integrated design approach for both approved station and the proposed over station development
- the proposal will meet the objectives of the Design Excellence provision in SLEP in delivering the highest standard of architectural, urban and landscape design for the project and for the site having considered the specific site constraints and project complexities.

The Department recommends that the Minister:

- is satisfied that the proposal exhibits design excellence under Clause 6.21 (3) of Sydney LEP 2012 by adopting the reasons set out in this report; and
- exercise his discretion under Clause 6.21(6) of Sydney LEP 2012, that a competitive design process is not required because he can be satisfied that such a process would be unreasonable and unnecessary for this proposal and further that he accepts as appropriate the proposed Design Excellence Strategy subject to future detailed design applications to be reviewed by the SDRP or similar independent panel as it will deliver the highest standard of architectural, urban and landscape design as set out in Clause 6.21(1). (**Condition A26 a**).

6.6 Other Issues

The Department's consideration of other issues is summarised in **Table 10**. These are issues raised by Council or in public submissions which are not otherwise key issues addressed above.

Table 10 | Summary of other issues raised.

Issue	Findings	Recommended Condition
Traffic and Transport	<ul style="list-style-type: none"> • As the Applicant is Sydney Metro operating under the TfNSW cluster, the Department sought advice from an independent traffic assessor to undertake a peer review of the application. The Department notes that TfNSW, RMS and Sydney Trains did not comment on the application. • The Department's independent assessor noted that the traffic and transport assessment is thorough and covered all issues raised in the SEARs. • The Department supports the parking rates proposed and is satisfied that appropriate loading and services have been demonstrated for residential or commercial developments. Parking that can be adapted for future uses will be addressed at the detailed design stage. • The Department notes the site is an integrated station which would provide optimal access to rail services. The final location 	Conditions B16, B17 and B18

Issue	Findings	Recommended Condition
	<p>of the parking will be determined as part of the detailed design of the proposal.</p> <ul style="list-style-type: none"> The Department's independent assessor has made recommendations for further analysis of certain matters as part of the detailed design development. 	
ESD	<ul style="list-style-type: none"> The EIS identified several requirements to promote sustainability and best practice for future OSD construction and operation. Council considered it essential to provide definitive targets for specific environmental performance issues. The City requested participation in defining environmental performance outcomes for both sites. The RtS provided revised targets that slightly elevated the performance criteria and gave clarity for each land use scheme. The Department is satisfied that the proposed minimum performance targets are appropriate for a concept plan. ESD will be reconsidered at the detailed assessment stage which will involve consultation with the City of Sydney. 	Conditions B9 and B10
OSD and integration	CCSI	Condition A26
	<ul style="list-style-type: none"> Council considered further investigation was required to improve the orientation and location of building services and plant to mitigate visual impacts at street level. The placement of services and plant is part of the CCSI Approval. The entry to the station from Bathurst Street was approved as part of the CCSI 7400 infrastructure project. The Department notes the station portal will limit the available ground floor area to provide services for future residential or commercial land uses. The Department is satisfied with the proposed Design Guidelines which include requirements for a well-considered integration of the OSD and station box. The detailed DA stage will provide an opportunity for further integration consideration. 	
Covenants and Easements (Princeton Apartments)	<ul style="list-style-type: none"> The Applicant undertook a review of land titles and submitted evidence to the Department demonstrating that there are no easements over the Pitt Street South OSD site benefiting Princeton Apartments. The Applicant submitted the consent for Princeton Apartments includes a condition which clarifies a covenant applies to Princeton Apartments: <p><i>"(18) That a covenant shall be placed on all titles for the site known as 304-308 Pitt Street that requires the vendor of the property to notify all potential occupants that their views may be affected by developments on adjoining sites."</i></p> <p>The Department's view sharing assessment as detailed in Section 6.2.4 is independent of any easement or covenant. The Department found the proposal will not unreasonably affect primary views from Princeton Apartments to Pitt Street and to the water views to the east.</p>	No additional conditions or amendments are required
Art installations	Council raised concerns with the nominated locations for art installations.	No additional conditions or

Issue	Findings	Recommended Condition
	<p>The RtS outlined a public art strategy would be implemented to align with a Public Art Masterplan and Council strategies.</p> <p>The Department notes there is limited opportunity for public art as the over station development only has a small ground floor footprint for a lobby/entrance from Pitt Street. The Applicant's Public Art Masterplan predominately relates to the approved station.</p>	amendments are required
Future Assessment Requirements	<p>The EIS includes suitable assessment with respect to the following matters:</p> <ul style="list-style-type: none"> • Floodplain management • Construction management • Wind • Noise and Vibration • ESD principles • Signage <p>The Department considers it is appropriate to recommend conditions of consent setting out future assessment requirements for these matters consistent with the approved Concept Proposal.</p>	Schedule 2 – Part B
Negative impact on property values	The Department has no evidence to suggest that property values surrounding the site will decrease because of the development.	No additional conditions or amendments are required



7. Evaluation

The Department has assessed the merits of the proposal and all submitted documentation including taking into consideration the issues raised in submissions, as well as the Applicant's response to these. The Department is satisfied the impacts have been satisfactorily addressed by the proposal and through the Department's recommended conditions.

The development supports the achievement of the strategic aims and objectives of local, regional and State planning policies. At the State and regional level, the proposal is consistent with The Greater Sydney Commission's 'A Plan for Growing Sydney', the Eastern City District Plan. The proposal also contributes to local economic activity with approximately 1,500 new operational jobs for a commercial scheme or 159 dwellings directly above the new Pitt Street Metro Station.

The Department considers the recommended building envelope is appropriate in response to the development standards and environmental clauses that apply to the land. It is compatible in bulk and scale with surrounding developments at the central CBD location. The Department's assessment finds the proposal will not overshadow Hyde Park between 12 noon and 2 pm any time of the year and does not overshadow the ANZAC War Memorial.

The recommended building envelope represents the maximum extent for future built forms to accommodate either a residential or commercial use. The Department has carefully considered the suitability of the site and the impacts of the proposal with respect to site constraints, surrounding residential developments and heritage items. The Department's assessment concludes amendments to the building envelope and additional design guidelines are required to further mitigate the proposal's impacts. This includes an increased tower setback to 3 m from the eastern (rear) boundary to improve solar access to Princeton Apartments (**Conditions A17 and B3**).

The Department accepts the recommendations of the Heritage Council who supported the proposal and proposed mitigating measures to ensure future detailed design in its forms and materiality will respect adjoining and surrounding heritage items (**Condition B7**). The Department also recommends additional design guidelines to support the mediation of street wall heights between the approved station and Edinburgh Castle Hotel (**Condition A24 a**).

The Department and the Government Architect both acknowledged the complexity and technical expertise required for over station development and the interrelationship between these design processes are not conducive for the standard SLEP competitive design process. The Department supports the submitted Design Excellence Strategy, which will deliver design excellence from an integrated approach to the design and construction of the approved station and the proposed over station development. The Department recommends an independent design review panel (**Condition A26**) together with the Design Guidelines (**Condition A24**) to support the future detailed design applications.

The Department considers other impacts of the development are satisfactory and can be appropriately mitigated through the implementation of the recommended conditions of consent (**Schedule 2 Part B**).

The Department's Assessment concludes the proposal is approvable, subject to the conditions outlined within the report.



8. Recommendation

It is recommended that the Minister for Planning:

- **considers** the findings and recommendations of this report; and
- **accepts** and **adopts** all of the findings and recommendations in this report as the reasons for making the decision to grant to the application;
- **agrees** with the key reasons for approval listed in the notice of decision;
- **grants consent** for the application in respect of Pitt Street South OSD (SSD 8876), subject to the conditions in the attached development consent;
- **signs** the attached development consent and recommended conditions of consent (see **Appendix I**).

Recommended by:

David McNamara

Director

Key Sites Assessments

Recommended by:

Anthea Sargent

Executive Director

Key Sites Assessments

3/6/19



9. Determination

The recommendation is: **Adopted** / ~~Not adopted by:~~

The Hon. Robert Stokes

NSW Minister for Planning and Public Spaces



Appendices

Appendices should follow this layout

Appendix A – List of Documents

The following supporting documents and supporting information can be found on the Department of Planning and Environment's website as follows.

1. Environmental Impact Statement

http://majorprojects.planning.nsw.gov.au/index.pl?action=view_job&job_id=8876

2. Submissions

http://majorprojects.planning.nsw.gov.au/index.pl?action=view_job&job_id=8876

3. Applicant's Response to Submissions

http://majorprojects.planning.nsw.gov.au/index.pl?action=view_job&job_id=8876

4. Peer Review of Transport, Traffic and Parking Assessment, Samsa Consulting, 2018

http://majorprojects.planning.nsw.gov.au/index.pl?action=view_job&job_id=8876

Appendix B – Environmental Impact Statement

See Department's website at:

http://majorprojects.planning.nsw.gov.au/index.pl?action=view_job&job_id=8876

Appendix C – Submissions

See Department's website at:

http://majorprojects.planning.nsw.gov.au/index.pl?action=view_job&job_id=8876

Appendix D – Response to Submissions Report

See Department's website at:

http://majorprojects.planning.nsw.gov.au/index.pl?action=view_job&job_id=8876

Appendix E – Department's consideration of *Tenacity* view sharing principles

Princeton Apartments

The NSW Land and Environment Court in *Tenacity Consulting v Warringah Council (2004)* NSWLEC 140 established a four-step approach when considering view sharing and view loss issues with proposed development. The Department's assessment of view is structured in accordance with the Planning Principles established as follows:

- Step 1: Assessment of the views to be affected
- Step 2: Consider from which part of the property the views are obtained
- Step 3: Assess the extent of the impact
- Step 4: Assess the reasonableness of the proposal that is causing the impact.

Step 1: Assessment of views which are affected

Princeton Apartments - Lower level east facing

Apartments at the lower levels on the east wing of the building have a primary outlook to the east. This is the direction that the apartments are orientated. As evident in **Figures 51 and 52** below, these apartments have secondary northern outlooks directly at the podium of the approved CSSI envelope and towards existing buildings. The eastern primary outlook from these levels is obstructed by the existing 15 storey Telstra House at 231 Elizabeth Street.



Figure 51 | View to the north from a balcony at Level 13 (source: DPE)



Figure 52 | View to the north from a balcony at Level 14 (source: DPE)



Figure 53 | View to the north-east with the Telstra House visible on the right from a balcony at Level 13 (source: DPE)

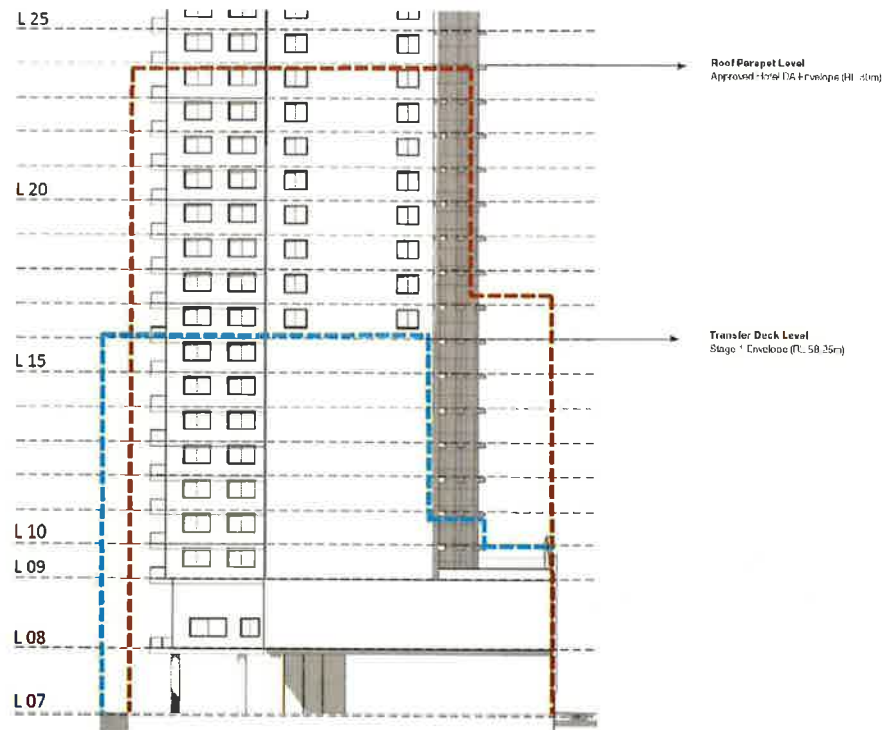


Figure 54 | View to the transfer deck (blue hatched line) and the northern façade of Princeton Apartments (source: RtS)

Princeton Apartments – Mid-level east facing

Mid-level apartments that are orientated east have secondary northern outlooks to existing buildings (**Figures 55 and 56**). The eastern outlook at these levels is similarly obstructed by the Telstra House building.



Figure 55 | View to the north from a window at Level 18 (source: DPE)



Figure 56 | View to the north-east from a window at Level 18 (source: DPE)

Princeton Apartments – upper level east facing

East orientated apartments in the upper levels have secondary northern views which are less obstructed and include the upper floors of existing buildings, including glimpses of Sydney Harbour (**Figures 57 and 58**). The primary view, to the east, for these apartments is unobstructed (above Telstra House) and includes the ANZAC Memorial in Hyde Park, St Mary's Cathedral and eastern suburbs (**Figure 59**).



Figure 57 | View to the north from a balcony at Level 37 (source: DPE)



Figure 58 | View to the north from a window at Level 40 (source: DPE)



Figure 59 | View to the east from a balcony at Level 33 (source: DPE)

Step 2: Consider from what part of the property are the views obtained

Lower level outlooks are obtained from north-facing windows, flush with the side boundary or from balconies and windows from apartments including those along the east wing of the building from both standing and sitting positions. These secondary views (outlooks) are across what may be regarded as the side boundary.

The Tenacity principles advise that the retention of views across side boundaries (i.e. across neighbouring properties to the sides) is often unrealistic. The Department considers it unrealistic to retain these outlooks by restricting the OSD envelope.

Step 3: Assess the extent of the impact

The extent of view impact is for apartments which include outlooks to the north from all levels of the building.

From site inspections conducted by the Department it was identified that apartments at the mid and upper levels include living rooms with north facing windows (facing the building envelope). West facing apartments also have outlooks north from their balconies, however, the principle outlook is towards Pitt Street. The Department

acknowledges that residents of Princeton Apartments were benefiting from the building envelope site being developed below its potential and that the OSD proposal is for an intensification of land uses.

The Department finds that the nature of the city outlook will remain the same for east facing apartments at lower and mid-levels. Apartments at the lowest levels include bedrooms along the northern boundary, views from bedrooms are considered as less significant than views from living areas.

For the upper levels, while the proposed envelope will impact the northern view, due to the wide ark of views available, these apartments retain their primary views to the east.

The figures below are extracted from the Applicant's view impact assessment, demonstrating the envelope's impact from a low rise and high rise perspectives.

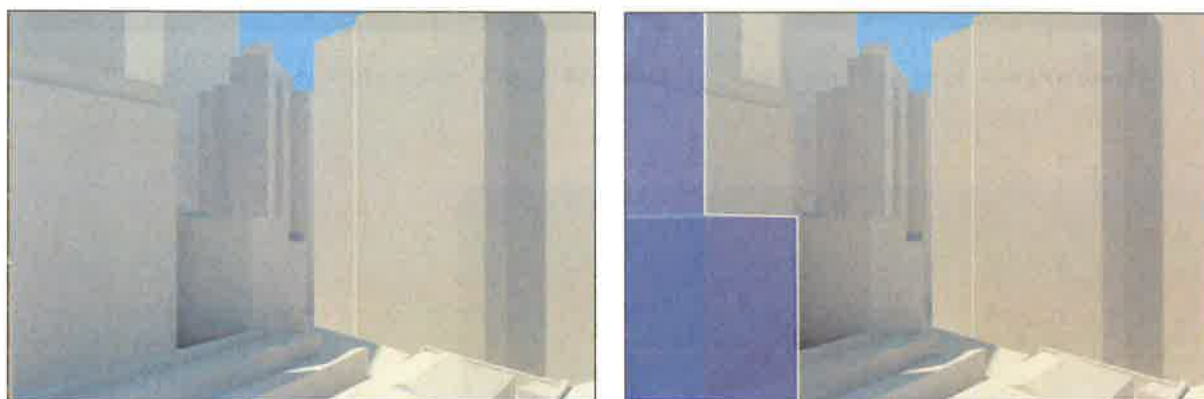


Figure 60 | Render of the north east view impact (right image) from a lower level in Princeton Apartments (source: EIS)

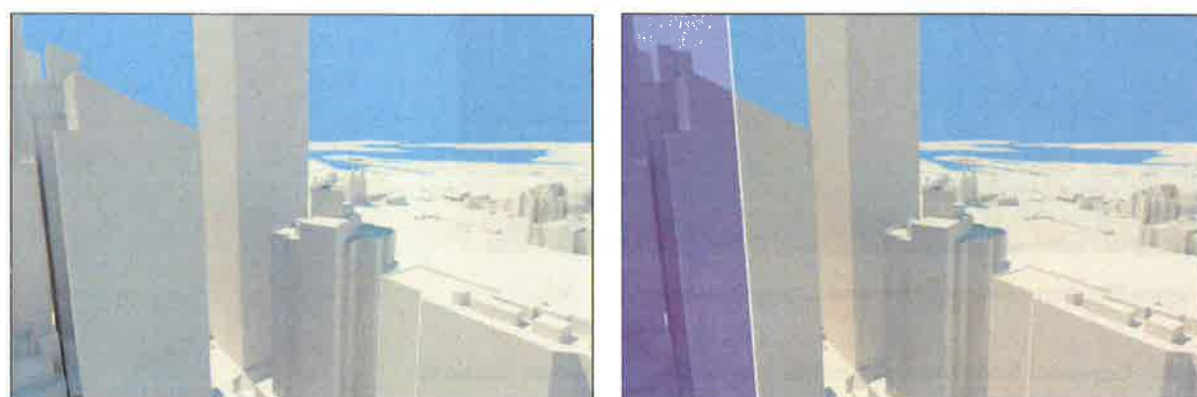


Figure 61 | Render of the north east view impact (right image) from an upper level in Princeton Apartments (source: EIS)

Step 4: Assess the reasonableness of the proposal which is causing the impact

The Department has considered whether there is a more skilful design capable of delivering the same development potential with reduced view impacts on the northern and east wing apartments, and consequently whether the impact is acceptable. The findings can be summarised as follows:

- the proposed building envelope is compliant with SLEP and the sun access plane
- alternative envelope massing was considered in the Applicant's EIS and RtS and the Department notes that there are no feasible alternatives that would produce similar floorspace outcomes but have reduced view loss impacts
- the Department notes the proposed building envelope will not block the primary views to the east and the impacts are considered reasonable given the site's common boundary (southern boundary) with

Princeton Apartments is a side boundary and all primary views to the east and west will not be impacted by the building envelope

- the proposed envelope variations (**Section 6.2.1 and Condition A17**) do not result in any material changes to the view impacts already assessed

Century Apartments

Step 1: Assessment of views which are affected

Apartments in the lower and mid levels that face north or east have an existing outlook to the Telstra Building and Princeton Apartments and other office towers in the CBD. Apartments in the upper most levels, which are above the height of Princeton Apartments obtain views further to the east including Hyde Park, St Mary's Cathedral and Sydney Harbour.

Step 2: Consider from what part of the property are the views obtained

Lower level outlooks and high level views are obtained from northern and eastern facing windows and balconies from either a sitting or standing position. An angle at which the proposed building envelope is visible comprises an acute angle along Pitt Street (**Figure 62**).

Step 3: Assess the extent of the impact

The figures below, from the Applicant's view impact assessment, demonstrate views from Century Tower to the proposed building envelope from a low rise and high rise perspective. Only apartments with north or east views have the ability to view the proposed building envelope.

The Department considers the impacts to lower level outlooks as reasonable as there is no significant view from these levels, the nature of the city outlook will remain the same.

The Department notes the field of view for the higher levels of Century Tower will be reduced with the potential to lose views to St Mary's Cathedral. However, the Department also notes that the majority of the principle view, including views of the harbour and beyond, will be retained.

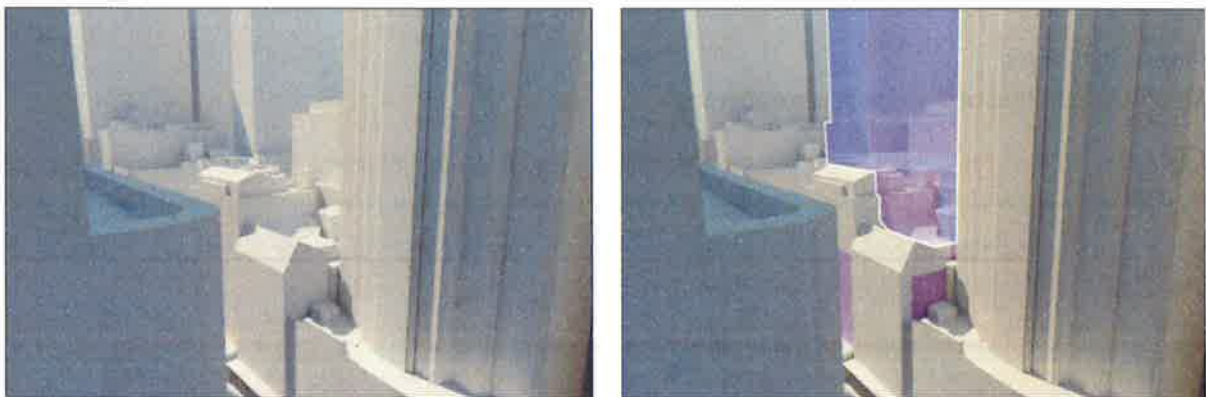


Figure 62 | Render of north east view impact (right image) from a lower level in Century Tower (source: EIS)

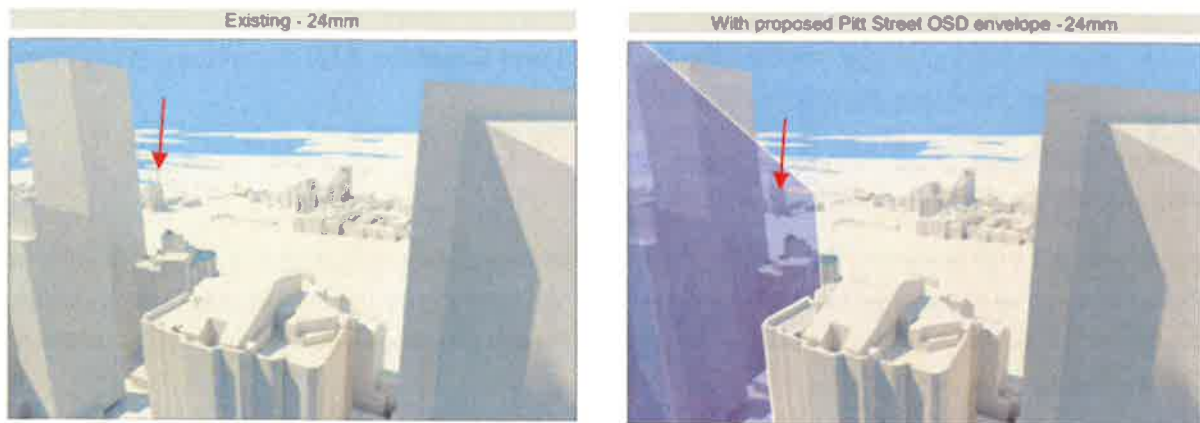


Figure 63 | Render of north east view impact (right image) from an upper level in Century Tower (source: EIS)

Step 4: Assess the reasonableness of the proposal which is causing the impact

The Department has considered whether there is a more skilful design capable of delivering the same development potential with reduced view impacts, and consequently whether the impact is acceptable. The findings can be summarised as follows:

- the proposed building envelope is compliant with SLEP and the sun access plane
- alternative envelope massing was considered in the Applicant's EIS and RtS. The Department notes that there are no feasible alternatives that would produce similar floorspace outcomes but have reduced view loss impacts
- the Department considers the retention of views to St Mary's Cathedral may be difficult due to the oblique angle for which the view is obtained from Century Tower over the site, however, consideration for the retention of the view to St Mary's from the upper levels of Century Tower is considered through an amendment to the Design Guidelines **Condition A24 d**
- the proposed envelope variations (**Section 6.2.1 and Condition A17**) do not result in any material changes to the view impacts already assessed

Greenland Centre

Step 1: Assessment of views which are affected

East facing apartments in the lower levels have outlooks to the Telstra Building and Princeton Apartments as well as other office towers in the CBD. Apartments in the mid and upper most levels have views to the ANZAC Memorial in Hyde Park, Sydney Harbour and the eastern suburbs in the background. Levels above the height of the proposed building envelope obtain uninterrupted views to the east.

Step 2: Consider from what part of the property are the views obtained

Lower level outlooks and higher level views are obtained from eastern facing windows and balconies from either a sitting or standing position. At all elevations the view can be categorized as a side view as apartments are orientated north or south.

Step 3: Assess the extent of the impact

The figures below, from the Applicant's view impact assessment, demonstrate views from Greenland Centre to the proposed building envelope from a low rise, mid rise and high rise perspective. Only apartments with east views have the ability to view the proposed building envelope.

The Department considers the impacts to lower level outlooks as reasonable as the outlook from these levels is of CBD buildings and the nature of the city outlook will remain the same.

The view impact from mid levels is considered reasonable having regard to the existing obstruction of available views, the loss of partial views to Hyde Park and retention of partial harbour views.

The Department considers the impacts to upper level views as reasonable as the principle view, including views of the harbour and beyond, will be retained.



Figure 64 | Render of east view impact (right image) from a lower level in the unfinished Greenland Centre (source: EIS)

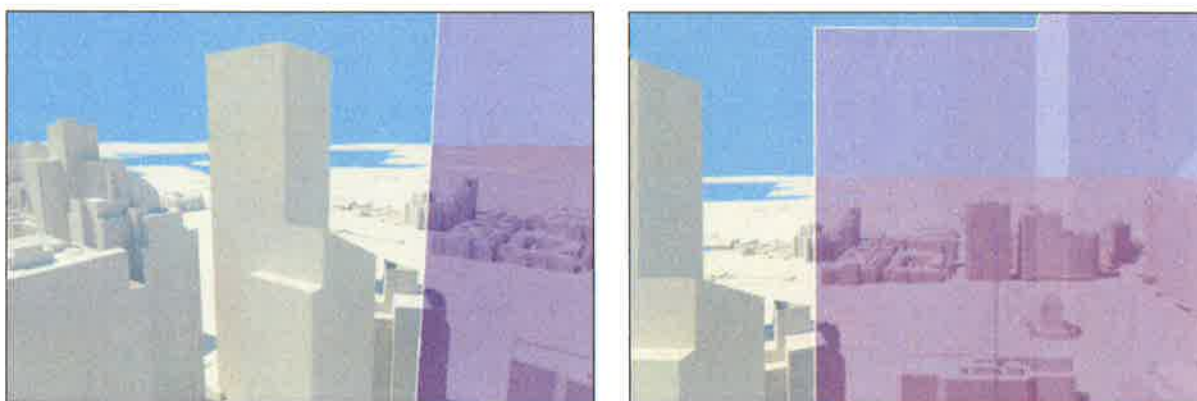


Figure 65 | Render of north east view impact from a mid rise level in the unfinished Greenland Centre (source: EIS)

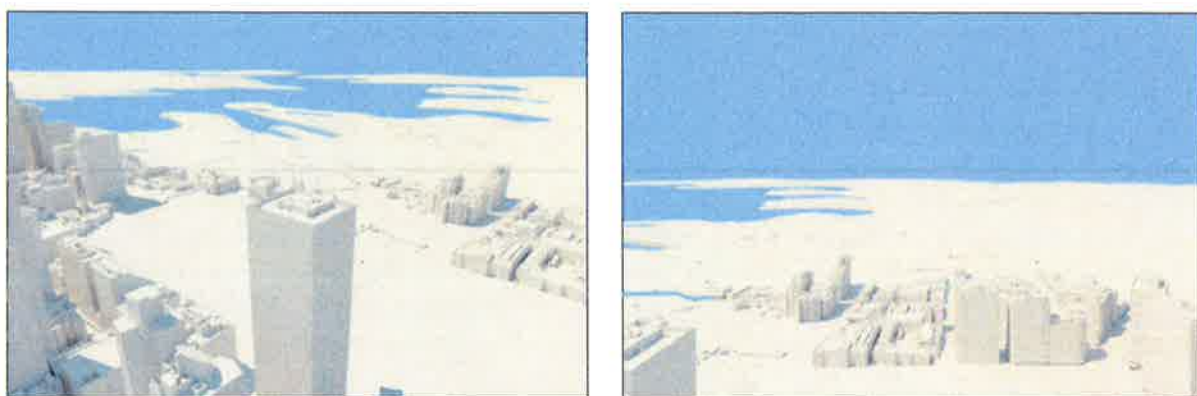


Figure 66 | Render of north east view impact from an upper level in the unfinished Greenland Centre (source: EIS)

Step 4: Assess the reasonableness of the proposal which is causing the impact

The Department has considered whether there is a more skilful design capable of delivering the same development potential with reduced view impacts, and consequently whether the impact is acceptable. The findings can be summarised as follows:

- the proposed building envelope is compliant with SLEP and the sun access plane
- alternative envelope massing was considered in the Applicant's EIS and RtS. The Department notes that there are no feasible alternatives that would produce similar floorspace outcomes but have reduced view loss impacts
- the Department considers the retention of views from mid-levels and lower levels of the Greenland Centre cannot be practically achieved as the existing views are obtained directly over the central part of the development site
- the Department notes a large extent of potential views from Greenland Centre over the development site relied on the low-rise nature of the previous developments
- the extent of view impact can be reasonably expected with permissible height under the SLEP
- the higher levels in Greenland would not be impacted.

Appendix F – Applicant's compliance table for Solar Access to Hyde Park

Month	12.00pm	12.30pm	1.00pm	1.30pm	2.00pm	2.30pm	3.00pm
January	Nil	Nil	Nil	Nil	Nil	Nil	Nil
February	Nil	Nil	Nil	Nil	Nil	Nil	Nil
March	Nil	Nil	Nil	Nil	Nil	Nil	Nil
April	Nil	Nil	Nil	Nil	Nil	Moderate	Minor
May	Nil	Nil	Nil	Nil	Nil	Minor	Minor
June	Nil	Nil	Nil	Nil	Nil	Negligible	Negligible
July	Nil	Nil	Nil	Nil	Nil	Minor	Minor
August	Nil	Nil	Nil	Nil	Nil	Nil	Minor
September	Nil	Nil	Nil	Nil	Nil	Negligible	Negligible
October	Nil	Nil	Nil	Nil	Nil	Nil	Nil
November	Nil	Nil	Nil	Nil	Nil	Nil	Nil
December	Nil	Nil	Nil	Nil	Nil	Nil	Nil

Figure 67 | Applicant's interpretation of the overshadowing on Hyde Park (Source: EIS)

Appendix G – Statutory Considerations

Objects of the *Environmental Planning and Assessment Act*

Decisions made under the EP&A Act must have regard to the objects set out in **Section 1.3** of the Act. A response to the objects is below.

Object of Section 1.3 of EP&A Act	Department's Response
a) to promote the social and economic welfare of the community and a better environment by the proper management, development and conservation of the State's natural and other resources	<p>The proposal promotes the social and economic welfare of the community by providing significant employment within a highly accessible site for transport and urban services, and, in doing so, contributing to the achievement of State and regional planning objectives.</p> <p>The proposal comprises development above the approved station infrastructure and does not have any impacts on the State's natural or other resources</p>
b) to facilitate ecologically sustainable development by integrating relevant economic, environmental and social considerations in decision-making about environmental planning and assessment	<p>The proposal has integrated ESD principles as discussed in Section 4.</p>
c) to promote the orderly and economic use and development of land	<p>The proposal represents the orderly and economic use of the land primarily as it will increase employment opportunities near services and public transport. The proposed land uses are permissible and the form of the development has regard to the planning controls that apply, the character of the locality and the context of surrounding sites.</p>
d) to promote the delivery and maintenance of affordable housing	<p>This objective is not relevant to the concept proposal</p>
e) to protect the environment, including the conservation of threatened and other species of native animals and plants, ecological communities and their habitats	<p>The proposal, comprising a residential or commercial development above the metro station, will not have any adverse impacts to the natural environment.</p>
f) to promote the sustainable management of built and cultural heritage (including Aboriginal cultural heritage)	<p>The Department considers that the heritage impacts of the development are acceptable, as set out in Section 6.3</p>
g) to promote good design and amenity of the built environment	<p>The proposal demonstrates a good design approach to the relevant planning controls and in relation to the context of the site. The proposal demonstrates a good design approach to the relevant planning controls and in relation to the context of the site. Amenity impacts are managed by either the form of the development or by the recommended conditions of consent for mitigation measures during the detailed design applications.</p>

Object of Section 1.3 of EP&A Act	Department's Response
h) to promote the proper construction and maintenance of buildings, including the protection of the health and safety of their occupants	The application is for concept approval and does not include construction, however, construction impacts of the concept have been taken in consideration in the assessment.
i) to promote the sharing of the responsibility for environmental planning and assessment between the different levels of government in the State	The Department publicly exhibited the proposal as outlined in Section 5 . This included consultation with Council and other public authorities and consideration of their responses.
j) to provide increased opportunity for community participation in environmental planning and assessment.	The Department publicly exhibited the application which included notifying adjoining landowners, placing a notice in the local press and displaying the application on the Department's website and at the Council's office and Service NSW Centres. The Department also provided the RtS to Council and other relevant agencies and placed the RtS on its website. The engagement activities carried out by the Department are detailed in Section 5 .

Environmental Planning Instruments (EPIs)

To satisfy the requirements of Section 4.55(2) of the Act, this report includes references to the provisions of the EPIs that govern the carrying out of the project and have been taken into consideration in the Department's environmental assessment of the project.

The EPIs that have been considered as part of the assessment of the proposal are:

- State Environmental Planning Policy (State & Regional Development) 2011
- State Environmental Planning Policy (Infrastructure) 2007
- State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004
- State Environmental Planning Policy No. 55 – Remediation of Land
- State Environmental Planning Policy No. 65 – Design Quality of Residential Flat Development
- State Environmental Planning Policy No. 64 – Advertising and Signage
- Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005
- Draft State Environmental Planning Policy (Environment)
- Sydney Local Environmental Plan 2012

State Environmental Planning Policy (State and Regional Development) 2011

The development is State Significant Development under Clause 19 of Schedule 2 of SEPP. The Minister for Planning is the consent authority for the application.

Relevant Section	Department's Consideration
3 Aims of Policy The aims of this Policy are:	

- (a) to identify development that is State significant development,
- (b) to identify development that is State significant infrastructure and critical State significant infrastructure,
- (c) to identify development that is regionally significant development.

The proposed development is identified as State significant development

8 Declaration of State significant development: Section 4.36

Proposed development is permissible with consent and is specified in Schedule 1.

- (1) Development is declared to be State significant development for the purposes of the Act if:
 - (a) the development on the land concerned is, by the operation of an environmental planning instrument, not permissible without development consent under Part 4 of the Act, and
 - (b) the development is specified in Schedule 1 or 2.

Schedule 1 State significant development — general (Clause 19 (2))

19 Rail and related transport facilities

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:

- (a) commercial premises or residential accommodation

The development has a CIV of more than \$30 million and is development associated with railway infrastructure for the purpose of commercial premises or residential accommodation.

State Environmental Planning Policy (Infrastructure) 2007 (ISEPP)

The ISEPP aims to facilitate the effective delivery of infrastructure across the State by improving regulatory certainty and efficiency, identifying matters to be considered in the assessment of development adjacent to particular types of infrastructure development, and providing for consultation with relevant public authorities for certain development during the assessment process.

The ISEPP is applicable as the concept proposal involves development in or adjacent to a rail corridor (Division 15 Railways), being the Sydney Metro City and Southwest corridor. Under the provisions of Clause 86 – *Excavation in, above, below or adjacent to rail corridors*, the application is required to be referred to Sydney Trains and RMS.

Sydney Trains advised that it has no comment to the application. RMS commented that they correspond directly with Sydney Metro and would not be providing a public response to DPE.

State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004

BASIX encourages sustainable residential development across NSW by setting targets that measure the efficiency of buildings in relation to water, energy and thermal comfort. BASIX requires all new dwellings to meet sustainable targets of a 20 per cent reduction in energy use (building size dependent) and 40 per cent reduction in potable water.

The application is for a concept proposal which provides only indicative schematic floor plans. As such an assessment of the proposal's compliance against the BASIX requirements is not required at this stage of the development. Notwithstanding this, the development will be required to achieve the relevant BASIX targets in the detailed development application(s).

Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005

The land is within the mapping of the Sydney Harbour Catchment REP. However, the only relevant matters for consideration are scenic quality and views to and from the Harbour. In response to these matters, the Department notes that the proposal is generally compliant with the envisaged scale, form and siting of the building envelope under the SLEP and has no adverse impact on the maintenance or protection of views to and from the Harbour from public places, landmarks or heritage items. View impacts from key public vantage points and streetscapes are considered in detail in **Section 6.3** of the Assessment Report.

Draft State Environmental Planning Policy (Environment) (draft SEPP Environment)

Draft SEPP Environment proposes to consolidate seven existing SEPPs and SREPs including SREP (Sydney Harbour Catchment) 2005.

The proposal is consistent with the intended effect and provisions of the draft SEPP as there are no proposed changes to the content of SREP (Sydney Harbour Catchment) 2005 relating to the application.

State Environmental Planning Policy No. 55 – Remediation of Land

SEPP 55 aims to ensure that potential contamination issues are considered in the determination of a development application. The proposed development will not affect soils on the land as the OSD occurs above the approved CSSI station box. The CSSI approval covers all demolition and excavation works on the site. Accordingly, SEPP 55 is satisfied as the proposal is suitable for the site.

Draft Remediation of Land State Environmental Planning Policy

The Department is reviewing all State Environmental Planning Policies to ensure they remain effective and relevant and SEPP 55 has been reviewed as part of that program. The Department has published the draft Remediation of Land State Environmental Planning Policy (Remediation SEPP), which was exhibited until April 2018.

Once adopted, the Remediation SEPP will retain elements of SEPP 55, and add the following provisions to establish a modern approach to the management of contaminated land:

- require all remediation work that is to be carried out without development consent, to be reviewed and certified by a certified contaminated land consultant
- categorise remediation work based on the scale, risk and complexity of the work
- require environmental management plans relating to post-remediation management or ongoing management of on-site to be provided to Council.

The new SEPP will not include any strategic planning objectives or provisions. Strategic planning matters will instead be dealt with through a direction under Section 117 of the EP&A Act.

The Department considers the development is consistent with the draft Remediation SEPP subject to the conditions for CSSI approval discussed above.

State Environmental Planning Policy 64 – Advertising and Signage

The application includes conceptual signage zones at this stage. They comprise two signage zones, one at the top of the tower and one at the podium level on the Pitt Street elevation of the OSD, near the OSD lobby. The EIS advised that these signage zones are indicative and that specific signage within the zones including their design and materials would be proposed and refined in a future application.

The Department has considered the proposed signage zones and finds that:

- there is a lack of detail on the design, materials and content of that signage on which to carry out a full and proper assessment against SEPP 64
- it is not clear at this stage whether the proposed signage zones will be compatible with the CSSI Sydney Metro Wayfinding Strategy and further work on ensuring the two purposes of the signage are harmoniously integrated is necessary
- the signage zones are shown on the indicative OSD design which is too specific for a concept application seeking to establish a building envelope. For example, the detailed design of the OSD in future applications may not approach the design of the podium or tower in the same or similar manner as the indicative OSD design which seeks to set the signage zones.
- the dimensions of the signage zones shown with the indicative design of the OSD are excessive at this concept stage and are not supported as seeking a possible entitlement for future OSD detailed design
- signage design including its position, size and materials is best integrated into the detailed design phase of the OSD where the architecture of the building directs suitable signage placement and visual impact
- the Design Guidelines amended through the RtS include the following which is an appropriate approach: *Signage must integrate with City of Sydney DCP 2005 – Signage and Advertising Structures.*

The Department considers it appropriate that the proposed signage zones not be approved in concept at this stage and be subject to approval at the detailed design phase. The recommended conditions address this.

State Environmental Planning Policy No 65 – Design Quality of Residential Apartment Development

SEPP 65 seeks to improve the design quality of residential developments and encourage innovative design. The Apartment Design Guide (ADG) is closely linked to the principles of SEPP 65 and sets out best practice design principles for residential developments. As the proposal is concept only the assessment of design principles is focused on whether the proposal demonstrates the potential to satisfy the design quality principles (**Table 3**). An assessment of the indicative residential scheme is provided against the broader ADG criteria in **Table 4**.

Table 3 | Comparison of the proposal against the ADG design principles.

Design Quality Principle	Department’s Response
1. Context and Neighbourhood Character	The site is in a CBD context with other large buildings of a similar height and scale in proximity of it. The concept proposal demonstrates capacity for a

Design Quality Principle	Department's Response
	<p>future building to respond to the character of the area with the OSD Design Guidelines providing structure around heritage and contextual sensitivity.</p>
<p>2. Built Form and Scale</p>	<p>The concept proposal demonstrates the overall massing and scale of the proposed building envelope is consistent with the SLEP sun access plane and required street frontage height controls in the SDCP.</p> <p>The OSD Design Guidelines provides scale and massing guidance. These objectives will inform the detailed design of the proposal.</p> <p>The Department considers the built form of the proposal acceptable having regard to its location adjoining the Metro station and exemplifying the principles of transit-oriented development.</p>
<p>3. Density</p>	<p>The concept proposal does not specify an FSR. The Applicant, however, does provide calculations that demonstrate capacity for a future development to support density appropriate to a site which benefits from direct access to public transportation.</p>
<p>4. Sustainability</p>	<p>The development proposes ESD principles and sustainability measures as detailed in Section 6 of this report.</p>
<p>5. Landscape</p>	<p>The concept proposal demonstrates capacity to support good landscape design although public domain landscaping is not within the scope of the OSD proposal.</p> <p>The Department notes that the proposal will have good access to a range of local open spaces within Central Sydney.</p>
<p>6. Amenity</p>	<p>The concept proposal demonstrates capacity for a future building to positively influence internal and external amenity for residents and visitors by satisfactorily achieving levels of privacy, solar access and natural ventilation.</p> <p>Indicative drawings have been provided with the application showing between 2 and 7 apartments per floor of the residential tower option with orientations to the north, east and west. While the indicative drawings demonstrate that an acceptable level of residential amenity is achievable, the apartment numbers and layout may need to be altered to ensure that the relevant standards are met in respect of apartment size and mix, cross-ventilation and solar access. Details will be considered in future detailed development applications.</p>
<p>7. Safety</p>	<p>The proposal promotes the principles of Crime Prevention Through Environmental Design through appropriate design which provides an active street frontage that encourages the activation of spaces by residents,</p>

Design Quality Principle	Department's Response
	workers and visitors to the site and through accessible and legible links to the Metro station,
8. Housing Diversity and Social Interaction	<p>The proposed development supports the objective of greater housing supply through indicative plans which support a variety of different dwelling sizes to cater for the diverse requirements of future residents</p> <p>Issues regarding social dimensions and appropriate apartment mix will be considered as part of a detailed development application phase.</p>
9. Aesthetics	<p>The overall massing and scale of the indicative residential built form provides an appropriate transition to the surrounding CBD buildings.</p> <p>The indicative concept plans provide a building envelope which will be articulated and refined through the Design Excellence Strategy and accompanying Design Guidelines to contribute to the existing site context.</p>

Apartment Design Guide

Table 4 | Comparison of the proposal against the ADG.

ADG – Relevant Criteria	Department's Consideration
3A Site Analysis	
<ul style="list-style-type: none">• Site analysis illustrates that design decisions have been based on opportunities and constraints of the site conditions and their relationship to the surrounding context	<ul style="list-style-type: none">• The proposal is accompanied by context plans and a strategic land use analysis study which identify opportunities and constraints on the site and surrounding context.
3B Orientation	
<ul style="list-style-type: none">• Building type/layouts respond to streetscape, optimising solar access• Overshadowing of neighbouring properties is minimised during mid-winter• Ensure solar access to existing buildings which don't achieve ADG sun access criteria is not reduced by more than 20%	<ul style="list-style-type: none">• The proposal will impact solar access to Princeton Apartments as discussed in Section 6.2.1.• The Department considers the solar benefits as modelled are reasonable having regard to the established planning principles for sunlight. The Department proposes to increase setback to the rear boundary to 3m and require additional built form considerations.
3C Public Domain Interface	
<ul style="list-style-type: none">• Transition between public/private without compromising security• Amenity of public domain is retained and enhanced	<ul style="list-style-type: none">• The approved CSSI includes the design and construction of the station footprint and surrounding public domain below the OSD.• Entry points to the OSD are located away from main station circulation areas.
3D Communal and Public Open Space	
<ul style="list-style-type: none">• An adequate area of communal open space is provided to enhance residential amenity and to provide opportunities for landscaping• Communal open space has a minimum area equal to 25 per cent of the site or where constrained:	<ul style="list-style-type: none">• The CBD location is constrained, the concept residential design incorporates a pool deck and quiet garden area.• The site is approximately 140 m from Hyde Park which provides accessible public space.

- provide communal spaces elsewhere such as a landscaped roof top terrace or a common room
- provide larger balconies or increased private open space for apartments demonstrate good proximity to public open space and facilities and/or provide contributions to public open space

3E Deep Soil Zones

- For sites greater than 1,500 m² a minimum of 7 per cent of the site should provide for deep soil zone(s) and a minimum dimension of 6 metres.
- Where this is not possible, options for acceptable storm water management strategies should be achieved.
- A flooding and stormwater management plan accompanied the EIS which demonstrates how a future building can comply with the intent of this design criteria.

3F Visual Privacy

Setback to Neighbouring Land and Buildings within the site:

- Adequate building separation distances are shared equitably between neighbouring sites, to achieve reasonable levels of external and internal visual privacy
- Minimum separation distance from building to side boundary:

Height	Habitable rooms and balconies	Non-habitable rooms
Up to 12m (4 storeys)	6m	3m
Up to 25m (5-8 storeys)	9m	4.5m
Over 25m (9+ storeys)	12m	6m

Setbacks are discussed in detail in **Section 6**.

OSD setbacks to the adjoining Princeton Apartments to the south are as follows:

- From RL 59 to RL 71 a setback of 3 m is proposed
- above RL 71 a setback of 12 m is proposed

Setbacks to the Euro Tower (blank wall) to the east are as follows:

- a tower setback of 3 m

Setbacks to the rear of the Metropolitan Fire Brigade to the east are as follows:

- a 3 m setback (conditioned)

3G Pedestrian Access to Entries

- Building entries and pedestrian access connects to and addresses the public domain.
- The concept designs provided do not propose residential at ground floor. The ground floor is part of the station box which was approved as part of CSSI 7400.

- Access, entries and pathways are accessible and easy to identify.

3H Vehicle Access

- Vehicle access points are to be designed to achieve safety, minimise conflicts between pedestrians and vehicles and create high quality streetscapes.
- Loading and vehicular access is from Pitt Street.
- Compliance with the ADG is included as a requirement in the OSD Design Guidelines.
- The CSSI Approval establishes the general concept for the ground plane of Pitt Street Station including separation of vehicular and pedestrian movements.

3J Bicycle and Car Parking

- Car parking is provided based on proximity to public transport in metropolitan Sydney and centres in regional areas
- The concept design incorporates 34 parking spaces for a residential scheme (or 11 in a commercial scheme) and is consistent with SLEP controls.
- For development in the following locations:
 - on sites that are within 800 metres of a railway station or light rail stop in the Sydney Metropolitan Area or
 - on land zoned, and sites within 400 metres of land zoned, B3 Commercial Core, B4 Mixed Use or equivalent in a nominated regional centre
- the minimum car parking requirement for residents and visitors is set out in the Guide to Traffic Generating Developments, or the car parking requirement prescribed by the relevant council, whichever is less
- The car parking needs for a development must be provided off street

4A Solar and Daylight Access

- To optimise the number of apartments receiving sunlight to habitable rooms, primary windows and private open space
- The indicative plans identify that 74 % of the 159 apartments would receive at least 2 hours of direct sunlight between 9 am – 3 pm June 21.
- Minimum of 70 per cent of apartments' living rooms and private open spaces receive 2 hours
- The indicative plans identify that 11 % of the 159 apartments would receive no direct sunlight

direct sunlight between 9 am-3 pm in mid-winter in the Sydney Metropolitan Area

- Maximum of 15 per cent of apartments have no direct sunlight between 9 am-3 pm in mid-winter

4B Natural Ventilation

- At least 60 per cent of apartments are cross ventilated in the first nine storeys (apartments 10 storeys or greater are deemed to be cross ventilated)
- Overall depth of a cross-over or cross-through apartment does not exceed 18m
- The indicative plans identify 124 or 71 % of the apartments would receive natural cross ventilation.
- The development can achieve appropriate depths for cross-over or cross-through apartments

4C Ceiling Heights

Measured from finished floor level to finished ceiling level, minimum ceiling heights are:

- Habitable rooms 2.7 metres
- Non-habitable rooms 2.4 metres
- Floor to floor Residential 3.1 metres

- Indicative ceiling heights are proposed between 2.7 and 2.8 m

4D Apartment Size and Layout

- Minimum apartment sizes
 - Studio 35sqm
 - 1 bedroom 50sqm
 - 2 bedroom 70sqm
 - 3 bedroom 90sqm
- Every habitable room must have a window in an external wall with a total glass area of not less than 10 per cent of the floor area. Daylight and air may not be borrowed from other rooms.
- Habitable room depths are limited to 2.5 x the ceiling height.
- In open plan layouts the maximum habitable room depth is 8 metres from a window.
- The width of cross-over or cross-through apartments are at least 4 metres internally.
- The concept proposal provides apartment sizes which achieve minimum sizes defined by the ADG.
- Compliance with the ADG is included as a requirement in the OSD Design Guidelines.

4E Private Open Space and Balconies

- Primary balconies are provided to all apartments providing for:
 - Studios apartments min area 4m²
 - 1 bedroom min area 8sqm min depth 2m
 - 2 bedroom min area 10sqm min depth 2m
 - 3 bedroom min area 12sqm min depth 2.5m
- For apartments at ground floor level or similar, private open space must have a minimum area of 15m² and depth of 3m²
- The concept plans identify a small number of apartments (less than 10%) where a balcony has potential to interrupt amenity, in these instances a Juliet balcony is proposed.

4F Common Circulation and Spaces

- Maximum number of apartments off a circulation core is eight – where this cannot be achieved, no more than 12 apartments should be provided off a single circulation core.
- For buildings 10 storeys and over, the maximum number of apartments sharing a single lift is 40
- The concept proposal identifies a maximum of 7 apartments per floor.
- Indicative plans provide 5 lifts to support 159 apartments which demonstrates a service level of 1 lift per 32 apartments.

4G Storage

- The following storage is required (with at least 50 per cent located within the apartment):
 - Studio apartments 4m³
 - 1 bedroom apartments 6sqm
 - 2 bedroom apartments 8sqm
 - 3 bedroom apartments 10sqm
- As this is a concept design, details on storage space are not defined. Design guidelines for a future building require compliance with the ADG.

4H Acoustic Privacy and 4J Noise and Pollution

- Noise transfer is minimised through the siting of buildings and building layout and minimises external noise and pollution.
- Noise impacts are mitigated through internal apartment layout and acoustic treatments.
- As this is a concept design, acoustic privacy and noise transfer are not defined.
- Matters of noise transfer and acoustic privacy will be considered during the detailed design of the proposal.

4K Apartment Mix

- Provision of a range of apartment types and sizes
- Apartment mix is distributed to suitable locations within the building.
- The concept design provides a mix of apartment types with studio, 1, 2 and 3 bedrooms apartments.
- As this is a concept proposal details on the apartment mix are not defined. OSD design guidelines include a requirement for compliance with the ADG.

4L Ground Floor Apartments

- Street frontage activity is maximised where ground floor apartments are located
- Design of ground floor apartments delivers amenity and safety for residents
- The ground floor is part of the station box which was approved under the CSSI 7400 approval.

Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005

The land is within the mapping of the Sydney Harbour Catchment REP. However, the only relevant matters for consideration are scenic quality and views to and from the Harbour. In response to these matters, the Department notes that the proposal is generally compliant with the envisaged scale, form and siting of the building envelope under the SLEP and has no adverse impact on the maintenance or protection of views to and from the Harbour from public places, landmarks or heritage items. The Department supports the Applicant's Visual Impact Assessment Report finding that there are no adverse visual impacts as a result of the proposal.

Draft State Environmental Planning Policy (Environment) (draft SEPP Environment)

Draft SEPP Environment proposes to consolidate seven existing SEPPs and SREPs including SREP (Sydney Harbour Catchment) 2005.

The proposal is consistent with the intended effect and provisions of the draft SEPP as there are no proposed changes to the content of SREP (Sydney Harbour Catchment) 2005 relating to the application.

Sydney Local Environmental Plan 2012 (SLEP)

An assessment of the proposal against the aims, objectives, standards and relevant provisions of SLEP is set out in the table below.

SLEP Clause	Relevant controls/ criteria	Department's Assessment
1.2 Aims of the Plan	<p>The Plan aims to:</p> <ul style="list-style-type: none">• reinforce the role of the City of Sydney as the primary centre for Metropolitan Sydney,• support the City of Sydney as an important location for business,	<p>The proposal seeks approval for a residential or commercial building envelope in an area with excellent public transport access within the Sydney CBD, will reinforce the City's role as the primary centre for Metropolitan Sydney, support</p>

SLEP Clause	Relevant controls/ criteria	Department's Assessment
	educational and cultural activities and tourism,	the City as an important location for business and encourage economic growth.
	<ul style="list-style-type: none"> • promote ecologically sustainable development, • encourage the economic growth of the City of Sydney by: <ul style="list-style-type: none"> - providing for development at densities that permit employment to increase, and - retaining and enhancing land used for employment purposes that are significant for the Sydney region, • encourage the growth and diversity of the residential population of the City of Sydney by providing for a range of appropriately located housing, including affordable housing, • enable a range of services and infrastructure that meets the needs of residents, workers and visitors, • ensure that the pattern of land use and density in the City of Sydney reflects the existing and future capacity of the transport network and facilitates walking, cycling and the use of public transport, • enhance the amenity and quality of life of local communities, • provide for a range of existing and future mixed-use centres and to promote the economic strength of those centres, • achieve a high quality urban form by ensuring that new development exhibits design excellence and reflects the 	<p>The proposal promotes ESD, and a condition is recommended requiring the proposal to achieve and explore opportunities to exceed the identified environmental performance targets.</p> <p>The proposal benefits from being located above the new Sydney Metro station, providing access between homes and jobs, reflecting current and future public transport capacity within the City and benefiting from existing walking and cycling networks.</p> <p>The proposal fits within the desired character of the area and any heritage impacts are supported in principle. The concept proposal sets out how future applications will achieve design excellence, with a condition recommending that a DRP be established.</p> <p>The proposal has minimal and reasonable solar access, visual and wind impacts on surrounding amenity, subject to a recommended condition reducing solar access impacts on Hyde Park.</p>

SLEP Clause	Relevant controls/ criteria	Department's Assessment
	<p>existing or desired future character of particular localities,</p> <ul style="list-style-type: none"> • conserve the environmental heritage of the City of Sydney, • protect, and to enhance the enjoyment of, the natural environment of the City of Sydney, its harbour setting and its recreation areas. 	
2.3 Land use zoning	<p>The site is within the B8 Metropolitan Centre. The objectives of the B8 zone include:</p> <ul style="list-style-type: none"> • 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. 	<p>The proposal achieves the objectives of B8 Metropolitan Centre zone by providing diverse land uses that serve the workforce, visitors and wider community in the Sydney CBD.</p> <p>The proposed land uses are permissible with consent within the B8 Metropolitan Centre zone.</p>
4.3 Height of buildings	<p>The relevant objectives of this clause are as follows:</p> <ul style="list-style-type: none"> • to ensure the height of development is appropriate to the condition of the site and its context, • to ensure appropriate height transitions between new development and heritage items 	<p>The maximum height of the development is RL 171.6 on the western part of the site where the height control is defined by the Hyde Park West sun access plane (Section 6.2.1).</p> <p>On the eastern boundary of the site, the maximum height is RL 146 which complies with the sun access plane.</p>

SLEP Clause	Relevant controls/ criteria	Department's Assessment
	<p>and buildings in heritage conservation areas or special character areas,</p> <ul style="list-style-type: none"> • to promote the sharing of views, • to ensure appropriate height transitions from Central Sydney and Green Square Town Centre to adjoining areas • The height of a building on any land is not to exceed the maximum height shown for the land on the Height of Buildings Map. 	
4.4 Floor space ratio	<p>The objectives of this clause are as follows:</p> <ol style="list-style-type: none"> a) to provide sufficient floor space to meet anticipated development needs for the foreseeable future, b) to regulate the density of development, built form and land use intensity and to control the generation of vehicle and pedestrian traffic, c) to provide for an intensity of development that is commensurate with the capacity of existing and planned infrastructure, d) to ensure that new development reflects the desired character of the locality in which it is located and minimises adverse impacts on the amenity of that locality. <p>The maximum floor space ratio for a building on any land is not to exceed the floor space ratio shown for the land on the Floor Space Ratio Map.</p>	<p>The concept proposal does not seek FSR approval, however, the Applicant provided calculations to demonstrate the level of GFA which could be achieved as part of a future building application. The indicative calculations demonstrated compliance with FSR controls which included consideration of additional accommodation floor space FSR that would be eligible through Clause 6.4 of SLEP.</p>
5.10 Heritage conservation	<p>The consent authority must consider the effect of the proposed development on the heritage significance of a heritage item or conservation area.</p> <p>The consent authority may require a heritage assessment before granting consent to any development on land</p>	<p>The Department consulted with the Heritage Council on the application. Heritage Council considered the submitted Heritage Impacts Statement (HIS) included adequate heritage impact assessment and the recommendations and mitigation measures are appropriate.</p> <p>The Department concluded the proposal has acceptable impacts to adjoining and</p>

SLEP Clause	Relevant controls/ criteria	Department's Assessment
	that is within the vicinity of a heritage item or conservation area.	<p>surrounding heritage items subject to appropriate conditions.</p> <p>The Department considers that any heritage impacts of the detailed design stage are most appropriately resolved through implementing appropriate conditions on future development and having appropriate OSD guidelines to ensure heritage impacts are minimised or mitigated (Section 6.3).</p>
6.10 Heritage floor space	The purpose of this clause is to provide an incentive for the conservation and on-going maintenance of heritage buildings.	The Department received advice from the City of Sydney indicating that the Edinburgh Castle Hotel has not received an award for heritage floor space. The City of Sydney has also advised that the Metropolitan Fire Brigade has sold their heritage floor space award.
6.16 Erection of tall buildings in Central Sydney	This clause applies to buildings of greater than 55 metres above ground level. The consent authority must ensure that a tower development provides amenity for the occupants of the tower, does not adversely affect the amenity of public places, is compatible with its context, provides for sunlight to reach the sides and rear of the tower, promotes ventilation of Central Sydney and encourages uses with active street frontages.	<p>The proposal seeks concept approval for a building envelope.</p> <p>The Department's assessment of the proposed building envelope concludes that the proposal is compatible with its context and any impacts, such as, solar access, visual and wind impacts, on surrounding amenity and public spaces are minor and reasonable, subject to detailed design, future assessment requirements and conditions (Section 6).</p> <p>Impacts of the detailed building design, such as internal amenity, will be considered as part of a detailed development application phase. Street level activation will be considered in the detailed design of the station.</p>
6.17 Sun access planes	The consent authority must not grant development consent to development on land if the development will result in any building on the land projecting higher than any part of a sun access plane taken to extend over the land under this clause.	The building envelope complies with the Hyde Park West sun access plane.

SLEP Clause	Relevant controls/ criteria	Department's Assessment
6.21 Design excellence	The consent authority must not grant development consent unless in the opinion of the consent authority the proposed development exhibits design excellence. A competitive design process is required unless the consent authority is satisfied that such a process would be unreasonable or unnecessary in the circumstances.	<p>The Department reviewed the proposed Consolidated Design Guidelines and considers them appropriate subject to amendments outlined in the development consent.</p> <p>Further assessment of design excellence under Clause 6.21(4) is provided below.</p>
7.3 Car parking spaces not to exceed maximum set out in this division	Consent must not be granted to development if the total number of car parking spaces is greater than the maximum permitted by this Clause.	The Department's independent traffic assessor has reviewed car parking including compliance with the SLEP and finds the assessment satisfactory.
7.15 Flood planning	<p>Development consent must not be granted to development on land to which this clause applies unless the consent authority is satisfied that the development:</p> <ul style="list-style-type: none"> • is compatible with the flood hazard of the land, and • is not likely to significantly adversely affect flood behaviour resulting in detrimental increases in the potential flood affectation of other development or properties, and • incorporates appropriate measures to manage risk to life from flood, and • is not likely to significantly adversely affect the environment or cause avoidable erosion, siltation, destruction of riparian vegetation or a reduction in the stability of river banks or watercourses, and <p>is not likely to result in unsustainable social and economic costs to the community as a consequence of flooding.</p>	<p>A Flooding and Stormwater Management Plan was submitted as part of this application. The Department considers the Plan satisfactory for the purpose of a concept proposal.</p> <p>The Plan states the OSD component will not be affected by the probable maximum flood (PMF) and that the flood risk is isolated to Bathurst Street where mitigation measures have been approved as part of the Station Design Precinct Plan under the CSSI 7400 Approval.</p> <p>Flooding considerations will be further considered as part of the detailed development application phase, including potential mitigation measures if any future proposals include egress from the OSD component to Bathurst Street.</p>
7.16 Airspace operations	The consent authority must not grant development consent for the development, if the relevant Commonwealth body advises that the development will penetrate the	The Commonwealth Department of Infrastructure and Regional Development (CDIRD) and Sydney Airport (as delegate of the CDIRD) have assessed the proposed building

SLEP Clause	Relevant controls/ criteria	Department's Assessment
	Limitation or Operations Surface and should not be constructed.	envelope and support the proposal subject to conditions.
7.20 Development requiring or authorising preparation of a development control plan	– Development consent must not be granted to development in Central Sydney for a site of more than 1,500m ² or height greater than 55 metres unless a development control plan has been prepared for the land addressing	DCP controls are not applicable to SSD projects, however the Applicant's EIS provided responses to all matters that would normally be required to satisfy this clause. The Department is satisfied with the responses provided. Additionally, an SDCP assessment is included as part of this assessment report.

Section 6.21 (4) – Design Excellence

Section 6.21 (4)	Consideration /Recommendations
(i) whether a high standard of architectural design, materials and detailing appropriate to the building type and location will be achieved	The Department is satisfied future built forms within the proposed building envelope will achieve a high standard of architectural design, materials and detailing subject to the proposed Design Excellence Strategy (see Section 6.5) and the submitted Design Guidelines to support the detailed design of future built forms.
(ii) whether the form and external appearance of the proposed development will improve the quality and amenity of the public domain	<p>The proposal is a concept development application only. The form and external appearance of the proposed development will be determined through future detailed design applications.</p> <p>The submitted Design Guidelines include design criteria with respect to public domain and place, movement and connectivity. The Department also recommends future assessment requirements, including wind and reflectivity assessment to ensure the form and external will not adversely affect the quality and amenity of the public domain.</p> <p>The site's public domain is also subject to the Station Design Precinct Plan (Condition E101 of CSSI 7400) of the separate infrastructure approval (CSSI 7400) for the Metro Station.</p>
(iii) whether the proposed development detrimentally impacts on view corridors	The Department's assessment concludes the proposal will have acceptable view impacts and recommends the detailed design and articulation of roof form should consider opportunity to retain iconic view to St Mary's Cathedral from Century Tower (Condition B3).
(iv) how the proposed development addresses the following matters:	

(v) the suitability of the land for development,	<p>The site is located in the Sydney CBD and directly above the approved southern entrance to the new Pitt Street Metro Station. The Department also considers the land is suitable for the proposed over station development having regards to its dimensions, site area, location, context and environmental constraints.</p>
(vi) the existing and proposed uses and use mix	<p>Previous developments at the site have since been demolished as part of approved works for the new Metro Station (CSSI 7400).</p> <p>The site is located in the B8 Metropolitan Centre zone, where the proposed uses for residential and retail/commercial uses are permissible with development consent.</p> <p>The Department accepts both the proposed residential or commercial use scheme as discussed in Section 6.4 of this report.</p>
(vii) any heritage issues and streetscape constraints,	<p>The Department notes the building heights of the podium or street walls along both Pitt Street and Bathurst Street frontages of the site are defined by the approved station built forms. The proposed over station development steps down from the tower element to the approved station entrances on Pitt Street and Bathurst Street. The Department considers the proposal provides appropriate transition of building heights from the tower to the approved station and respond to the low scale adjoining heritage item, Edinburgh Castel Hotel.</p> <p>The Department's assessment concludes the proposal has acceptable impacts to adjoining and surrounding heritage items (see Section 6.3) subject to the submitted Design Guidelines (as supported by the Heritage Council) and requirement for future detailed design of the proposal to provide appropriate visual separation between the over station development and Edinburgh Castle Hotel and to ensure there will be appropriate transition of building heights between the proposed over station development, the approved station and Hotel (Conditions A24 and B7).</p>
(viii) the location of any tower proposed, having regard to the need to achieve an acceptable relationship with other towers (existing or proposed) on the same site or on neighbouring sites in terms of separation, setbacks, amenity and urban form	<p>The Department's assessment concludes the proposed tower building envelope will achieve acceptable building separation with adjoining towers as discussed in Section 6.1.</p>
(ix) the bulk, massing and modulation of buildings	<p>The height of the building complies with the Hyde Park West Sun Access Plane contained in SLEP.</p> <p>The bulk and scale of the proposed building envelope is compatible with surrounding developments, noting the proposed tower is substantially lower than the height of the Greenland Centre directly opposite the site on Pitt Street, which is up to 235 m in height (See Section 6.1).</p>

Detailed articulation and modulation of future built forms within the proposed building envelope are subject to the submitted Design Guidelines and further assessment against Floor Space Ratio standard under SLEP (**Condition B1**).

(x) street frontage heights	The proposed podium height steps down to integrate with the approved “station box” and suitably addresses the existing streetscape conditions and transition of street walls heights along Pitt Street, between Edinburgh Castle Hotel and Princeton Apartments, which has a lower podium (See Section 6.1.1).
(xi) the achievement of the principles of ecologically sustainable development	<p>The Department is satisfied the proposal is consistent with the principles of ecological sustainable development as discussed under Section 4.3.3 and Section 6.6.</p> <p>The Department recommends a future assessment requirement requiring the framework, targets and visions of the ESD Report lodged with the EIS prepared by GHD (August 2018) be considered as baseline benchmarks and future detailed design application must consider opportunities to achieve higher targets (Conditions B9 and B10).</p>
(xii) pedestrian, cycle, vehicular and service access and circulation requirements, including the permeability of any pedestrian network	<p>The Department is satisfied the proposal has suitable arrangement for pedestrian, cycle, vehicular and service access and circulation (see Section 6.6).</p> <p>The design of public domain and pedestrian access for the site is subject to the Station Design Precinct Plan (Condition E101 of CSSI 7400) and Interchange Access Plan (Condition E92 of CSSI 7400) of the separate infrastructure approval (CSSI 7400) for the Metro Station.</p>
(xiii) the impact on, and any proposed improvements to, the public domain	The submitted Design Guidelines includes principles and parameters on how the proposed over station development should integrate with the approved station to ensure an overall good urban design and public domain outcomes (Condition B1).
(xiv) the impact on any special character area	The site is not located within a special character area.
(xv) achieving appropriate interfaces at ground level between the building and the public domain	<p>The submitted Design Guidelines includes principles and parameters on how the proposed over station development should integrate with the approved station to ensure an overall good urban design and public domain outcomes (Condition B1).</p> <p>The Department however notes there is limited interface between the over station development and the public domain, which only has a small ground floor footprint for a lobby/entrance from Pitt Street.</p>
(xvi) excellence and integration of landscape design	There is limited landscaping opportunities for the proposal due to limited site area and the CBD development context. The submitted Design Guidelines includes principles provide landscaping throughout the podium design (Condition B1).

Sydney Development Control Plan 2012 (SDCP)

It is noted that Clause 11 of State Environmental Planning Policy (State & Regional Development) 2011 provides that development control plans do not apply to SSD. Notwithstanding this, consideration of relevant controls under the SDCP is provided in the table below.

SDCP Section	Relevant controls / criteria	Department's Assessment
s.3.1 – Public domain	The DCP provides guidance on the design of public domain works to ensure that development makes a positive contribution to the public domain.	The approved CSSI includes the design and construction of the station footprint and surrounding public domain below the OSD.
s.3.1.5 – Public art	The DCP provides guidance on integrating public art into the fabric of the building and the public domain.	The Department considers the proposed OSD Design Guidelines which include provisions to address public art to be satisfactory.
s.3.2 – Defining the public domain	This DCP aims to enhance the public domain by providing adequate sun access to publicly accessible spaces and protecting significant views from public places.	See below
s.3.2.1 – Improving the public domain	The DCP aims to enhance the public domain by ensuring adequate sun access to publicly accessible spaces and protecting significant views from public places.	Solar access impacts of the proposed envelopes are considered in Section 6.2. The Department considers overshadowing impacts on Hyde Park and surrounding roads to be minor and reasonable.
s.3.2.2 – Addressing the street and public domain	The DCP aims to provide a public domain and pedestrian environment that provides excellence in design, high quality materials and well integrated public art.	As this is a concept proposal for a building envelope only, consideration of the public domain and the pedestrian environment will be undertaken as part of the detailed development application phase.
s.3.2.3 – Active frontages		See below
s.3.2.5 – Colonnades	Discourage the provision of colonnades, except in exceptional circumstances.	No colonnades proposed.
s.3.2.6 – Wind effects	The DCP aims to ensure that new developments satisfy nominated wind standards so as to maintain comfortable conditions for pedestrians and encourage the growth of street trees.	The Department is satisfied that the wind impacts are acceptable, subject to a condition requiring further wind modelling.

SDCP Section	Relevant controls / criteria	Department's Assessment
s.3.2.7 – Reflectivity	The DCP aims to minimise the reflection of sunlight from buildings to surrounding areas.	The application is for a concept and does not include construction, reflectivity will be assessed further at the detailed design phase.
s.3.3 – Design excellence	<p>(a) Ensure high quality and varied design through the use of competitive design processes for large and prominent developments.</p> <p>(b) Ensure development individually and collectively contributes to the architectural and overall urban design quality of the local government area.</p> <p>(c) Encourage variety in architectural design and character across large developments to provide a fine grain which enriches and enlivens the City's public realm.</p>	<p>Design excellence is considered in Section 6.5. The Department notes that the proposal is a concept proposal for a building envelope only. Consideration of design excellence in the detailed building design will be undertaken as part of the detailed development application phase.</p> <p>The Department reviewed the Design Excellence Strategy and GANSW's advice and supports the proposed approach to achieving design excellence. The Design Excellence Strategy provides a governance structure and project benchmarks that are capable of realising a high quality architectural and urban design outcome.</p>
s.3.6 – Ecologically sustainable development	The DCP specifies a number of ESD objectives and provisions aimed at reducing the impact from development on the environment.	<p>An assessment of the proposal in terms of ESD is provided in Section 6.6.</p> <p>The Department is satisfied that the minimum environmental performance targets and other sustainability initiatives are achievable in accordance with the objects of the EP&A Act.</p>
s.3.7 – Water and Flood Management	Various objectives and provisions in relation to the study requirements, standards and management of water quality and flooding	<p>A Flooding and Stormwater Management Plan has been submitted as part of this application, the Department considers the Plan submitted satisfactory for the purpose of a concept proposal.</p> <p>Flooding considerations will be further considered as part of the detailed development application phase.</p>
s.3.9 Heritage	Ensure that heritage significance is considered for heritage items, development within heritage conservation areas, and development	<p>An assessment of the proposal in terms of heritage is provided in Section 6.3.</p> <p>The Department considers the heritage impacts to be acceptable subject to further</p>

SDCP Section	Relevant controls / criteria	Department's Assessment
	<p>affecting archaeological sites and places of Aboriginal heritage significance.</p> <p>Enhance the character and heritage significance of heritage items and heritage conservation areas and ensure that infill development is designed to respond positively to the heritage character of adjoining and nearby buildings and features of the public domain.</p>	consideration in the detailed development application phase.
s.3.11 – Transport and parking	The DCP prescribes the Council's detailed requirements for car parking quantum, loading and unloading, accesses, bike parking and travel planning.	The Department's independent traffic assessor has reviewed car parking and transport impacts, including compliance with the DCP, and concludes that the assessment is satisfactory.
s.3.12 – Accessible design		The Department accepts the Applicant's conclusion that the proposed drawings and ongoing inclusion of the recommendations can meet the objectives of the Disability Discrimination Act.
s.3.13.1 – Crime prevention through environmental design		The EIS was accompanied by a CPTED report, the recommended conditions include integration of CPTED principles into the OSD Design Guidelines to promote public safety.
s.3.13.2 – Air quality		Not applicable – the site is outside of the land affected by the cross-city tunnel ventilation stack
s.3.13.3 – Social impact		The Department is satisfied with the information submitted for purposes of a concept plan application.
s.3.14 – Waste	Reduce waste and ensure waste management is properly considered in construction and operational stages of development.	A waste management plan was submitted with the EIS. The Department is satisfied with the information submitted for purposes of a concept plan application.
s.4.2.1.2 – Floor to ceiling height and floor to floor heights		The concept plan satisfactorily demonstrates how a future building could address this control.

SDCP Section	Relevant controls / criteria	Department's Assessment
s.4.2.3 - Amenity	The DCP seeks to ensure that residential amenity is enhanced with landscaping, private and common open space, sun access, ventilation and acoustic privacy	Amenity considerations are discussed in detail in Section 6. Further consideration of amenity will be undertaken as part of the detailed development application phase.
s.4.2.3.8 – Common open space	The DCP seeks an area of at least 25% of the total site area	The site is approximately 140 m from Hyde Park which provides accessible public space.
s.4.2.3.12 – Flexible housing and dwelling mix	Encourage a range of dwelling types and design	The concept residential design provides for a variety of dwelling types.
s.4.2.3.13 – Wind affected balconies		The concept design includes measures to address wind affected balconies. Further consideration of this control will be undertaken as part of the detailed development application phase.
s.4.2.4 – Fine grain, architectural diversity and articulation		Section 6.2 of this report includes a detailed assessment of the building setbacks and concludes that the proposal is considered suitable.
s.4.2.6 – Waste minimisation		<p>The Department is satisfied that the two concept designs (residential and commercial) have adequately addressed waste minimisation.</p> <p>Further assessment will be undertaken as part of the detailed development application phase</p>
s.5.1.1 – Street frontage heights and setbacks	<p>The DCP aims to achieve comfortable street environments for pedestrians with adequate daylight, scale, sense of enclosure and wind mitigation, and ensure that the built form is compatible with heritage items and the desired streetscape character.</p> <p>Provision: Street frontage heights of 20 m to 45 m, with the specific height having regard to the dominant street frontage height of adjacent and nearby buildings.</p>	Section 6.2 of this report includes a detailed assessment of street frontage heights and setbacks. The Department's assessment supports the proposed street frontage height and setbacks, subject to conditions.

SDCP Section	Relevant controls / criteria	Department's Assessment
s.5.1.2 – Building setbacks	<p>The DCP seeks development that enhances the quality of the public domain in terms of wind mitigation and daylight access.</p> <p>Provision:</p> <p>building setbacks with an average of 8 m, which may be reduced in part to 6 m, on north south streets and major pedestrian streets.</p>	<p>The proposal is for a building envelope only, the proposal is considered acceptable subject to the detailed design as part of the detailed development application phase.</p> <p>Section 6.4 of this report includes a detailed assessment of the building envelope setbacks and concludes that the proposal is considered suitable.</p>
s.5.1.2.2 – Side and rear setbacks	<p>Above 45 m, commercial buildings are to be setback at least 3 m from side and rear property boundary</p> <p>Separate principal windows and balconies of residential buildings from windows or balconies of commercial buildings by at least 9 m achieved by</p> <p>6 m for residential buildings, serviced apartments or hotels</p> <p>3 m for commercial buildings</p> <p>In new commercial buildings, windows at the same level as the principal living room windows or balconies or adjacent residential buildings, or above a height of 45m are to be set back from side and rear boundaries by at least 3m</p> <p>Walls without windows do not need setbacks</p> <p>Up to a height of 45 m, a minimum of 6 m is required from side or rear property boundary for principal windows or balconies for residential buildings or hotels</p> <p>Above a height of 45 m a setback of 12 m is required from the side or rear boundary for principal windows or balconies for residential buildings or hotels</p> <p>Setbacks of principle windows or balconies of residential buildings are to</p>	<p>The side and rear setbacks are assessed in detail in Section 6.2 of this report and in the ADG assessment table. The Department supports the proposed setbacks subject to conditions.</p>

SDCP Section	Relevant controls / criteria	Department's Assessment
	<p>be the distance specified for particular uses</p> <p>Side and rear setback distances to the property boundary can be reduced where architectural features such as bay windows, or splayed windows with oblique outlooks provided that</p>	
s.5.1.3 – Street frontage heights and setbacks		Not applicable – the site is not in a special character area
s.5.1.5.1 – Commercial buildings	<p>Above 120 m in height, commercial floor plates must not exceed 1,400 m² GFA or 25% of site area, whichever is greater.</p> <p>A maximum horizontal dimension of 65m</p>	<p>The concept commercial floor plans comply, providing approximately 800 m² GFA. The detailed design phase will further consider this control.</p> <p>The maximum horizontal dimension complies.</p>
s.5.1.5.2 – Residential buildings	<p>Above 45 m a residential floor plate must not exceed 1000 m² GFA</p> <p>A maximum horizontal dimension of 40m</p>	<p>The concept residential floor plans comply, providing a GFA ranging from 297 m² to 546 m². The detailed design phase will need to further consider this control.</p> <p>The maximum horizontal dimension complies.</p>
s.5.1.6 – Building exteriors		Not applicable – the proposal is for a building envelope
s.5.1.9 – Award and allocation of heritage floor space	The DCP includes provisions to promote the conservation and maintenance of heritage items within Central Sydney	An assessment of the proposal in terms of heritage is provided in Section 6.3. The Department and the NSW Heritage Council are satisfied that the proposal will have acceptable heritage impacts in the locality. The detailed design phase will need to further consider surrounding heritage items.
s.5.1.10 – Sun access planes	To maximise sunlight to public places by establishing sun access places for Hyde Park West, a building must not project above any part of a sun access plane.	The building envelope complies with the Hyde Park West sun access plane. Further consideration is provided in the solar

Appendix H – Community Views for Draft Notice of Decision

<i>Issue</i>	<i>Consideration</i>
<p><i>Residential solar access</i></p> <ul style="list-style-type: none"> loss of solar access to adjoining residential flat buildings in particular to Princeton Apartments 	<p><i>Assessment</i></p> <ul style="list-style-type: none"> the RtS included an Analysis Report as requested by the Department, modelling an 8 m tower setback from Pitt Street and a 3 m tower setback from the rear (eastern) boundary (Option 2). The Analysis Report identified that Option 2 would result in improved solar access to several of the Princeton Apartments and supported additional dwellings achieving 2 hours direct sunlight as defined by the ADG for Century Tower, the additional setback modelling demonstrated no change to the solar compliance in Century Tower <p><i>Conditions</i></p> <p>The Department requires the proposed tower building envelope be amended with a 3 m eastern (rear) setback to retain greater solar access to Princeton Apartments and recommends additional design guidelines requiring that any future detailed design must seek to maximise the retention of solar access to the living rooms of apartments in Princeton Apartments between 9 am – 3 pm at midwinter.</p>
<p><i>Sun Access to Hyde Park</i></p> <ul style="list-style-type: none"> overshadowing of the ANZAC War Memorial and Hyde Park 	<p><i>Assessment</i></p> <ul style="list-style-type: none"> the height of the building complies with the Hyde Park West Sun Access Plane and will not cause additional shadow to Hyde Park between 12 noon and 2 pm all year around. the Department consulted with the Heritage Council and the City of Sydney and considers that most of the building envelope's shadow overlaps with shadows cast by existing buildings. The proposal does not overshadow the ANZAC War Memorial. <p><i>Conditions</i></p> <p>The Design Guidelines include requirements for the detailed design to ensure no additional overshadowing to Hyde Park on June 21st, between 12pm and 2pm (required by SLEP 2012 Sun Access Plane controls).</p>
<p><i>Amenity impacts</i></p> <ul style="list-style-type: none"> loss of residential views loss of residential privacy 	<p><i>Assessment</i></p> <ul style="list-style-type: none"> the Department assessed the impacts of the proposed building envelope to existing views from apartments in the vicinity of the proposed building envelope. Apartments that were considered in detail were: the Princeton Apartments (308 Pitt Street), the Century Tower (343-357 Pitt Street) and the Greenland Centre (115-119 Bathurst Street) the Department's assessment concludes that the proposed building envelope will have reasonable view impacts to surrounding buildings, because:

	<ul style="list-style-type: none"> - the proposal will not affect the primary views from Princeton Apartments - the extent of view impacts to Century Tower and Greenland Centre can be reasonably anticipated under the planning controls applying to the site. <p><i>Conditions</i></p> <p>Conditions include requirements for the detailed design of future built form to address the articulation of roof forms within the angled section of the proposed building envelope and to consider improvement to the view to St Mary's Cathedral from Century Tower. The design guidelines require consideration of privacy implications to surrounding residential properties.</p>
<p><i>Heritage impacts</i></p> <ul style="list-style-type: none"> • impacts of the bulk and scale of the building envelope on the heritage item known as the Edinburgh Castle Hotel and surrounding heritage items • significant change in podium scale 	<p><i>Assessment</i></p> <ul style="list-style-type: none"> • the Department consulted with the Heritage Council, who supported the submitted Heritage Impact Statement (HIS) for adequately assessing heritage impacts and providing recommendations and mitigation measures considered appropriate. <p><i>Conditions</i></p> <p>Conditions include requirements for the detailed design of future built form to mitigate impacts of the vertical street walls above the Edinburgh Castle Hotel and provide materiality and façade articulation of the podium to respond to the heritage item. The Design Guidelines include a requirement for the entrance element of the over station development to achieve the desired visual separation and mediate the change in the street wall height.</p>
<p><i>ADG Building Separation</i></p> <ul style="list-style-type: none"> • building separation and ADG requirements 	<p><i>Assessment</i></p> <ul style="list-style-type: none"> • the building envelope proposes a 12 m building separation from Princeton Apartments which complies with the requirements of the ADG (requiring 50 % of the minimum 24 m separation distance be provided to the common site boundary). The Department accepts structural supports may need to encroach on the proposed 12 m setback due to the required integration with the approved station, but no floorspace should be accommodated within the required structure reservation zone to minimise potential amenity impacts to Princeton Apartments. <p><i>Conditions</i></p> <p>Conditions include a requirement that alternative options are to be considered before built form is proposed in the structure reservation zone to minimise its impacts on the outlook and amenity of the adjoining Princeton Apartments. Conditions also include a requirement to consider any potential amenity impacts to the rear facing residential apartments of Euro Tower (135-137 Bathurst Street).</p> <p>'Above podium' design guidelines include a requirement for a 12 m setback to the southern boundary, in recognition of windows in the northern wall of Princeton Apartments as well as a requirement for compliance with the ADG.</p>

Appendix I – Recommended Instrument of Consent

See the Department's website at:

http://majorprojects.planning.nsw.gov.au/index.pl?action=view_job&job_id=8876