

# Notice of decision – Pitt Street South Over Station Development

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

<b>Application type</b>	State significant development
<b>Application number and project name</b>	SSD 8876
<b>Project Name</b>	Pitt Street South Over Station Development
<b>Applicant</b>	Sydney Metro
<b>Consent Authority</b>	Minister for Planning

### Decision

The Minister for Planning has, under section 4.38 of the *Environmental Planning and Assessment Act 1979* (**the Act**) granted consent to the development application subject to the recommended conditions

A copy of the Department of Planning and Environment's Assessment Report, development consent and conditions are available [here](#).

A copy of the development consent and conditions is available [here](#).

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### Date of decision

25 June 2019

### Reasons for decision

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

- the relevant matters listed in section 4.15 of the Act and the additional matters listed in the statutory context section of the Department's Assessment Report;
- the prescribed matters under the *Environmental Planning and Assessment Regulation 2000*;
- the objects of the Act;
- all information submitted to the Department during the assessment of the development application and additional information provided in the Response to Submissions report;
- the findings and recommendations in the Department's Assessment Report;
- the views of the community about the project (see Attachment 1).

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

The key reasons for granting consent to the development application are as follows:

- *Consistent with NSW Government and Local Policies* – the project is consistent with NSW Government and City of Sydney Council policies including the Greater Sydney Region Plan, the Eastern City District Plan. The proposal is permissible with consent and generally compliant with the key development standards that govern height and scale.
- *Benefits* – the project would provide a range of benefits for the region and the State as a whole, including significant employment generation (commercial scheme) or mix of housing choice (residential scheme) within the Sydney CBD within a site with excellent access to services and public transport.
- *Impacts can be managed* - the impacts on the community and the environment can be appropriately minimised, managed or offset to an acceptable level, in accordance with applicable NSW Government policies and standards
- *Community views considered* - the issues raised by the community during consultation and in submissions have been considered and adequately addressed within the Environmental Impact Statement, Response to Submissions and the recommended conditions of consent. Refer to Attachment 1 in this regard
- weighing all relevant considerations, the project is in the public interest.

## Attachment 1 – Consideration of Community Views

The Department exhibited the Environmental Impact Statement for the project from 16 August 2018 until 12 September 2018 (28 days) and received 78 submissions, including 75 objections and 2 supporting and 1 commenting on the project.

The Department also undertook a site visit and inspected several apartments within the adjacent Princeton Apartments to inform the view impact assessment within the Department's Assessment Report. The Department also met with representatives from Princeton Apartments on 22 March 2019 to discuss their objections.

The key issues raised by the community (including in submissions) and considered in the Department's Assessment Report and by the decision maker include loss of residential solar access, overshadowing of Hyde Park, loss of residential privacy, loss of residential views, ADG compliance, setbacks to Princeton Apartments and heritage impacts. Other issues are addressed in detail in the Department's Assessment Report.

<i>Issue</i>	<i>Consideration</i>
<p><i>Residential solar access</i></p> <ul style="list-style-type: none"> <li>loss of solar access to adjoining residential flat buildings in particular to Princeton Apartments</li> </ul>	<p><i>Assessment</i></p> <ul style="list-style-type: none"> <li>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</li> <li>for Century Tower, the additional setback modelling demonstrated no change to the solar compliance in Century Tower</li> </ul> <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"> <li>overshadowing of the ANZAC War Memorial and Hyde Park</li> </ul>	<p><i>Assessment</i></p> <ul style="list-style-type: none"> <li>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.</li> <li>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.</li> </ul> <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"> <li>loss of residential views</li> <li>loss of residential privacy</li> </ul>	<p><i>Assessment</i></p> <ul style="list-style-type: none"> <li>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)</li> <li>the Department's assessment concludes that the proposed building envelope will have reasonable view impacts to surrounding buildings, because:</li> </ul>

	<ul style="list-style-type: none"> <li>- the proposal will not affect the primary views from Princeton Apartments</li> <li>- the extent of view impacts to Century Tower and Greenland Centre can be reasonably anticipated under the planning controls applying to the site.</li> </ul> <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"> <li>• impacts of the bulk and scale of the building envelope on the heritage item known as the Edinburgh Castle Hotel and surrounding heritage items</li> <li>• significant change in podium scale</li> </ul>	<p><i>Assessment</i></p> <ul style="list-style-type: none"> <li>• 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.</li> </ul> <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"> <li>• building separation and ADG requirements</li> </ul>	<p><i>Assessment</i></p> <ul style="list-style-type: none"> <li>• 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.</li> </ul> <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>