sydney METRO | city & southwest

PITT STREET NORTH OVER STATION DEVELOPMENT

SUBMISSIONS REPORT

NSW GOVERNMENT

NSW MAKING IT HAPPEN

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Executive Summary

Sydney Metro

Sydney Metro is Australia's biggest public transport project. A new stand-alone metro railway system, this 21st century network will deliver 31 metro stations and 66 kilometres of new metro rail for Australia's biggest city - revolutionising the way Sydney travels. Services start in the first half of 2019 on Australia's first fully-automated railway.

Sydney Metro was identified in *Sydney's Rail Future*, as an integral component of the *NSW Long Term Transport Master Plan*, a plan to transform and modernise Sydney's rail network so it can grow with the city's population and meet the future needs of customers. In early 2018, the *Future Transport Strategy 2056* was released as an update to the *NSW Long Term Transport Master Plan* and *Sydney's Rail Future*. Sydney Metro City & Southwest is identified as a committed initiative in the *Future Transport Strategy 2056*.

Sydney Metro is comprised of four projects:

Sydney Metro Northwest - formerly the 36-kilometre North West Rail Link. This $8.3 billion project is now under construction and will open in the first half of 2019 with a metro train every four minutes in the peak.

Sydney Metro City & Southwest - a new 30-kilometre metro line extending the new metro network from the end of Sydney Metro Northwest at Chatswood, under Sydney Harbour, through the central business district (CBD) and south west to Bankstown. It is due to open in 2024 with an ultimate capacity to run a metro train every two minutes each way through the centre of Sydney.

Sydney Metro West - a new underground railway connecting the Parramatta and Sydney CBDs. This once-in-a-century infrastructure investment will double the rail capacity of the Parramatta to Sydney CBD corridor and will establish future capacity for Sydney's fast growing west. Sydney Metro West will serve five key precincts at Westmead, Parramatta, Sydney Olympic Park, The Bays and the Sydney CBD. The project will also provide an interchange with the T1 Northern Line to allow faster connections for customers from the Central Coast and Sydney's north to Parramatta and the Sydney CBD.

Sydney Metro Western Sydney Airport - servicing the city's new international airport and connecting customers and travellers with the rest of Sydney, it will open in 2026 at the same time as the airport.

Sydney's new metro, together with signalling and infrastructure upgrades across the existing Sydney suburban rail network, will increase the capacity of train services entering the Sydney CBD - from about 120 an hour currently to up to 200 services beyond 2024. That's an increase of up to 60 per cent capacity across the network to meet demand.

Sydney Metro City & Southwest comprises two core components - the Chatswood to Sydenham project, and the Sydenham to Bankstown conversion.

Planning approval for Chatswood to Sydenham was granted in January 2017, and construction has commenced under a Critical State Significant Infrastructure (CSSI) Approval. The CSSI Approval enables construction of buildings which will be integrated with and will sit above the station developments, including at Pitt Street Station in the Sydney CBD.

Sydney Metro is also currently seeking approval to construct and operate the Sydenham to Bankstown component of Sydney Metro City & Southwest. This project is subject to a separate CSSI Application currently being considered by the NSW Department of Planning and Environment (DPE).

The Project

The Pitt Street North over station development (the Project) comprises a concept State Significant Development Application (concept SSD Application) for the construction of an over station development (OSD) above the northern portal of the approved Pitt Street Station (SSD 8875.

The concept proposal includes a building envelope and development parameters and strategies for building within the envelope and the use of the OSD spaces approved within the station under the CSSI Approval. No physical works are proposed under the concept SSD Application. Approval for the final building design and construction of the project will be the subject of a future detailed SSD Application.

The concept proposal would result in the OSD being fully integrated within the station development, the associated ground plane, and public domain works which will be delivered under the terms of the CSSI Approval.

The delineation of works to be delivered under this concept SSD Application and the CSSI Approval is further discussed in Section 2.2 of this Response to Submissions Report (Submissions Report).

An Environmental Impact Statement (EIS) titled *Pitt Street North Over Station Development - Concept State Significant Development Application* was prepared to support Sydney Metro's application for concept approval of the Project in accordance with the requirements of section 4.22 of the *Environmental Planning and Assessment Act 1979* (EP&A Act).

Further information on the Project is provided in Chapters 1 (Introduction and Project overview) and 2 (Overview of the exhibited development) of this Submissions Report and Chapter 4 of the exhibited EIS.

Consultation on the Environmental Impact Statement

The EIS supporting the concept SSD Application was placed on public exhibition by DPE for a period of 28 days, from 16 August - 12 September 2018.

During the exhibition period, members of the community, relevant government agencies and key stakeholders were able to review the EIS and its accompanying studies online or at the static display locations at the City of Sydney Council (Council) and Customs House.

DPE will consider submissions in its assessment of the Project. During the public exhibition period, the community was also able to participate in consultation and engagement activities undertaken by Sydney Metro.

The consultation activities undertaken by Sydney Metro included:

- Tuesday 28 August, 11am – 2pm at the Wesley Conference Centre, 220 Pitt Street, Sydney
- Thursday 30 August, 4pm – 7pm at the Primus Hotel, 339 Pitt Street, Sydney
- Tuesday 4 September, 11am – 2pm at the Primus Hotel, 339 Pitt Street, Sydney
- Thursday 6 September, 4pm – 7pm at the Wesley Conference Centre, 220 Pitt Street, Sydney

During the preparation of the Submissions Report, further consultation has been undertaken with Council and DPE.

Further information on consultation undertaken is provided in Chapter 3 (Community and stakeholder consultation) of this Submissions Report.

Overview of submissions

During public exhibition of the concept SSD Application, 23 submissions were received by DPE. Of these submissions, 11 were from government agencies, Council and other key stakeholders, and the remaining 12 were received from members of the local community, interest / community groups and businesses.

Key issues for government agencies, Council and key stakeholders includes:

- comments about the achievement of design excellence through the proposed *Design Excellence Strategy*
- comments about the nature of the proposed flexibility, in relation to Gross Floor Area (GFA)
- comments about impact of the proposal on nearby heritage items, including the Masonic Club

Sydney Metro's response to key issues raised in each government agency, key stakeholder and Council submission is provided in Chapter 5 (Response to government agency, key stakeholder and Council submissions) of this Submissions Report.

Key issues for the community include:

- comments about loss of private views
- comments about overshadowing of neighbouring properties
- comments about loss of privacy

Sydney Metro's response to the key issues raised in the community submissions is provided in Chapter 6 (Response to the issues raised in community submissions) of this Submissions Report.

A number of issues raised in the submissions fall outside of the scope of this concept SSD Application and under the CSSI Approval. These include the following issues:

- clarification of project scope and the delineation of the OSD and the Station works approved under the CSSI
- the proposal's classification as a 'concept' development application
- the detailed design and extent of station and public domain works

These matters are discussed in further detail in Section 2.2 (Clarification of Project Scope) of this Submissions Report.

The amended Project

In response to the submissions received, Sydney Metro has made the following amendments to the project:

- amendment to the concept proposal such that it includes two potential land use outcomes at the site, rather than a flexible land use approach. This comprises a fixed version of the previous office / visitor accommodation / residential use scheme, as well as an additional commercial scheme which comprises ancillary retail space at the ground floor / lower podium levels, with commercial office above. This has been undertaken with the intention of providing further certainty regarding the impacts of the two potential land use outcomes
- the provision of additional information regarding the proposed signage, accompanied by a commitment that detailed design work and assessment of signage will occur at the detailed SSD Application stage

- the provision of updated *Pitt Street North Design Guidelines* (Appendix A), to help shape the future OSD and its integration with the station and public domain

Further information regarding the amended Project is provided in Chapter 7 (Amended Project) of this Submissions Report.

Additional information

To assist in the final assessment of the concept SSD Application, DPE requested additional information to be provided on the following matters:

- the nature of the Clause 4.6 variation request proposed, and how this relates to the concept design and proposed flexible mix of land uses
- further exploration of the proposal's impacts on 197 Castlereagh Street (Victoria Tower)
- further analysis regarding potential overshadowing from the proposal on Sydney Town Hall Steps and Sydney Square
- further justification on the setbacks of the proposed building form, with specific regard to the scale of the podium, impacts on adjoining heritage items
- a number of clarifications regarding the Design Guidelines and how they would relate to the OSD, as well as the integrated station development

These matters are addressed in Chapter 8 (Additional information and assessment) of this Submissions Report.

In order to respond to issues raised in submissions and by DPE, this Submission Report also includes the following:

- Solar access impact addendum (Appendix C)
- Ecologically Sustainable Development Report Addendum (Appendix D)
- Additional drawing package to demonstrate a commercial reference scheme (Appendix L)
- Supplementary traffic report (Appendix M)
- Supplementary waste report (Appendix N)
- Revised Clause 4.6 Variation Request for a mixed use option (Appendix O)
- Revised Clause 4.6 Variation Request for a commercial option (Appendix P)

Environmental Impact Statement

Potential impacts resulting from the amended Project would generally be reduced or be consistent with impacts of the exhibited Project as described in the EIS. The environmental impacts are considered in Chapter 8 (Additional information and assessment) and Chapter 9 (Environmental impact assessment of the amended Project) of this Submissions Report.

Next steps

On behalf of the Minister for Planning (the Minister), DPE will review the EIS, submissions received, and this Submissions Report. Once DPE has completed its assessment, a draft assessment report will be prepared for the Secretary of DPE.

The assessment report will then be provided to the Minister for consideration and determination. The Minister will then make a determination, with any conditions considered appropriate.

The Minister's determination, including any conditions of approval and the Secretary's report, will be published on DPE's website immediately after determination, together with a copy of this Submissions Report.

1. Introduction and Project Overview

This chapter provides an overview of the concept State Significant Development Application (Concept SSD Application) and outlines the purpose and content of this Submissions Report.

1.1. Introduction

Sydney Metro is Australia's biggest public transport project. A new stand-alone metro railway system, this 21st century network will deliver 31 metro stations and 66 kilometres of new metro rail for Australia's biggest city - revolutionising the way Sydney travels. Services start in the first half of 2019 on Australia's first fully-automated railway.

Sydney Metro was identified in *Sydney's Rail Future* as an integral component of the *NSW Long Term Transport Master Plan*, a plan to transform and modernise Sydney's rail network so it can grow with the city's population and meet the future needs of customers. In early 2018 the *Future Transport Strategy 2056* was released as an update to the *NSW Long Term Transport Master Plan* and *Sydney's Rail Future*. Sydney Metro City & Southwest is identified as a committed initiative in the *Future Transport Strategy 2056*.

Sydney Metro is comprised of four projects (shown in Figure 1):

Sydney Metro Northwest - formerly the 36-kilometre North West Rail Link. This $8.3 billion project is now under construction and will open in the first half of 2019 with a metro train every four minutes in the peak.

Sydney Metro City & Southwest - a new 30-kilometre metro line extending the new metro network from the end of Sydney Metro Northwest at Chatswood, under Sydney Harbour, through the CBD and south west to Bankstown. It is due to open in 2024 with an ultimate capacity to run a metro train every two minutes each way through the centre of Sydney.

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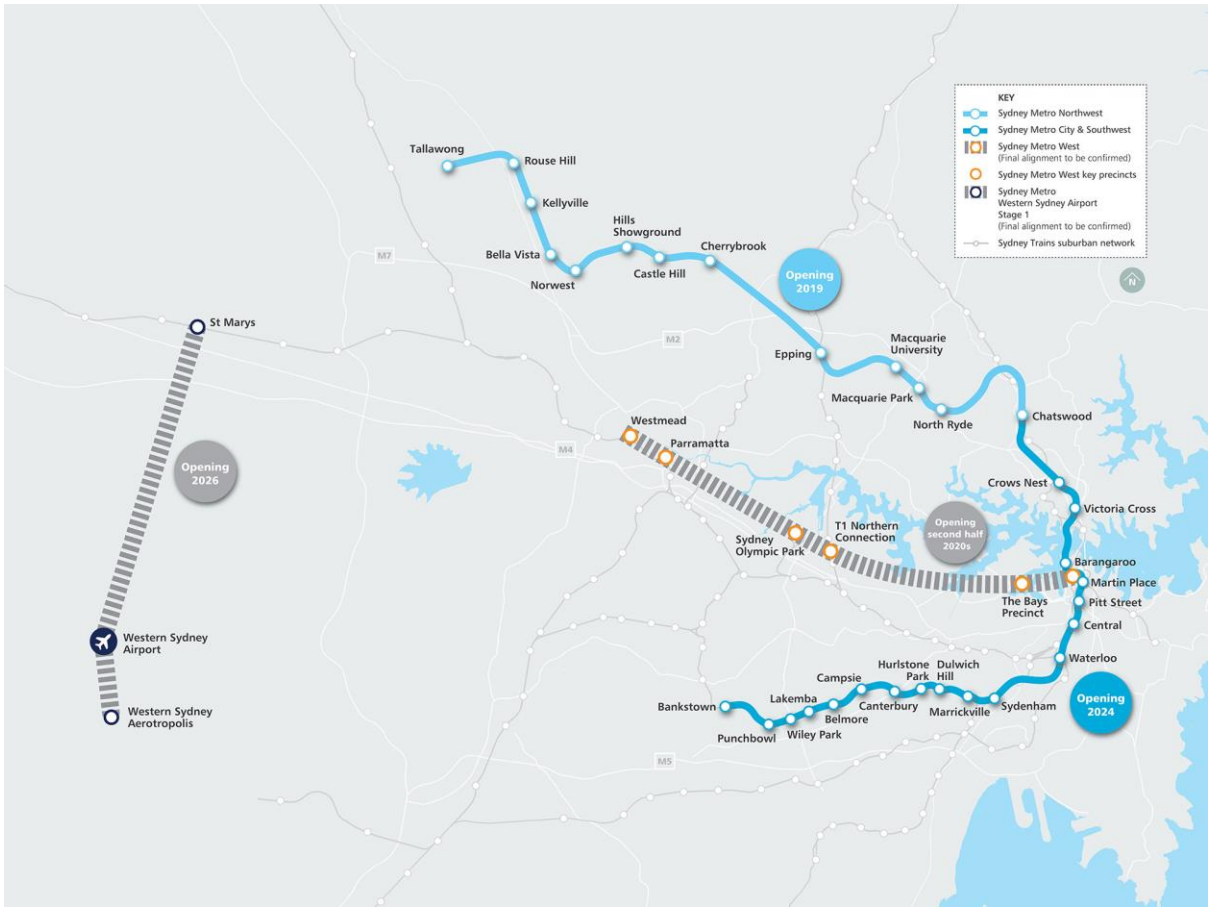


Figure 1 – Sydney Metro alignment

Sydney Metro City & Southwest comprises two core components - the Chatswood to Sydenham project, and the Sydenham to Bankstown upgrade.

A Critical State Significant Infrastructure (CSSI) Application for the Chatswood to Sydenham component was approved by the Minister for Planning in January 2017 and construction has commenced.

This component includes delivering new 15.5-kilometre twin tunnels from Chatswood, under Sydney Harbour through Sydney's CBD to Sydenham, with six new metro stations, together with new underground platforms at Central.

The CSSI Approval includes below and above ground structures necessary for the delivery of each station. The approval also enables the construction of over station development (OSD) which will be integrated with and will sit above the stations, including at Pitt Street Station in Sydney.

The CSSI Approval also includes the delivery of all public domain works, pedestrian and vehicular access and circulation through the site to ensure the development appropriately integrates with the surrounding public domain and road network.

Sydney Metro is also seeking approval to construct and operate the Sydenham to Bankstown component of Sydney Metro City & Southwest project. This project is subject to a separate CSSI Application currently being considered by the NSW Department of Planning and Environment (DPE).

The Pitt Street North OSD Project (the Project) comprises a concept State Significant Development (SSD) Application for the construction of an OSD at the northern portal of Pitt Street Station and includes a building envelope and development parameters and strategies for a future building at this location. It also includes the use of OSD spaces approved within the station under the CSSI Approval and for the OSD to be fully integrated with Pitt Street Station. No physical works are proposed under this concept SSD Application.

1.2. Planning context

While the Pitt Street Station northern portal and OSD will form a single integrated station development, the planning pathways defined under the *Environmental Planning and Assessment Act 1979* (EP&A Act) require separate assessment for each component of the development. The approved station works (CSSI Approval) are subject to the provisions of Part 5.1 of the EP&A Act (now referred to as Division 5.2). This concept SSD Application is being made under Part 4 of the EP&A Act and comprises a 'concept application' in accordance with section 4.22 of the EP&A Act. It forms the first stage of the Project and sets the planning framework against which a future detailed SSD application for the Pitt Street North OSD will be assessed. The detailed SSD Application will be lodged in the future for the final design and construction of the development.

State Environmental Planning Policy (State and Regional Development) 2011 (SRD SEPP) identifies development considered to be State significant. Under the criteria in Clause 19(2) of Schedule 1 of the SRD SEPP, this concept application is SSD as it is within a rail corridor, is associated with railway infrastructure, is for the purpose of residential or commercial premises and has a capital investment value which is over $30 million. This development is therefore State significant development for the purposes of section 4.36 of the EP&A Act.

The EP&A Act requires that an Environmental Impact Statement (EIS) be prepared for SSD Applications, including particulars of the location, nature and scale of the development and an assessment of the development's environmental impacts under section 4.15 of the EP&A Act. The EIS must be prepared in accordance with the requirements referred to in the EP&A Act and the *Environmental Planning and Assessment Regulation 2000* (EP&A Regulation) including the Secretary's Environmental Assessment Requirements (SEARs) for the preparation of the EIS.

The EIS associated with this application has been exhibited by DPE and is now under assessment by DPE.

A graphic illustrating the CSSI and SSD development process and the associated development applications is provided in Figure 2 below.

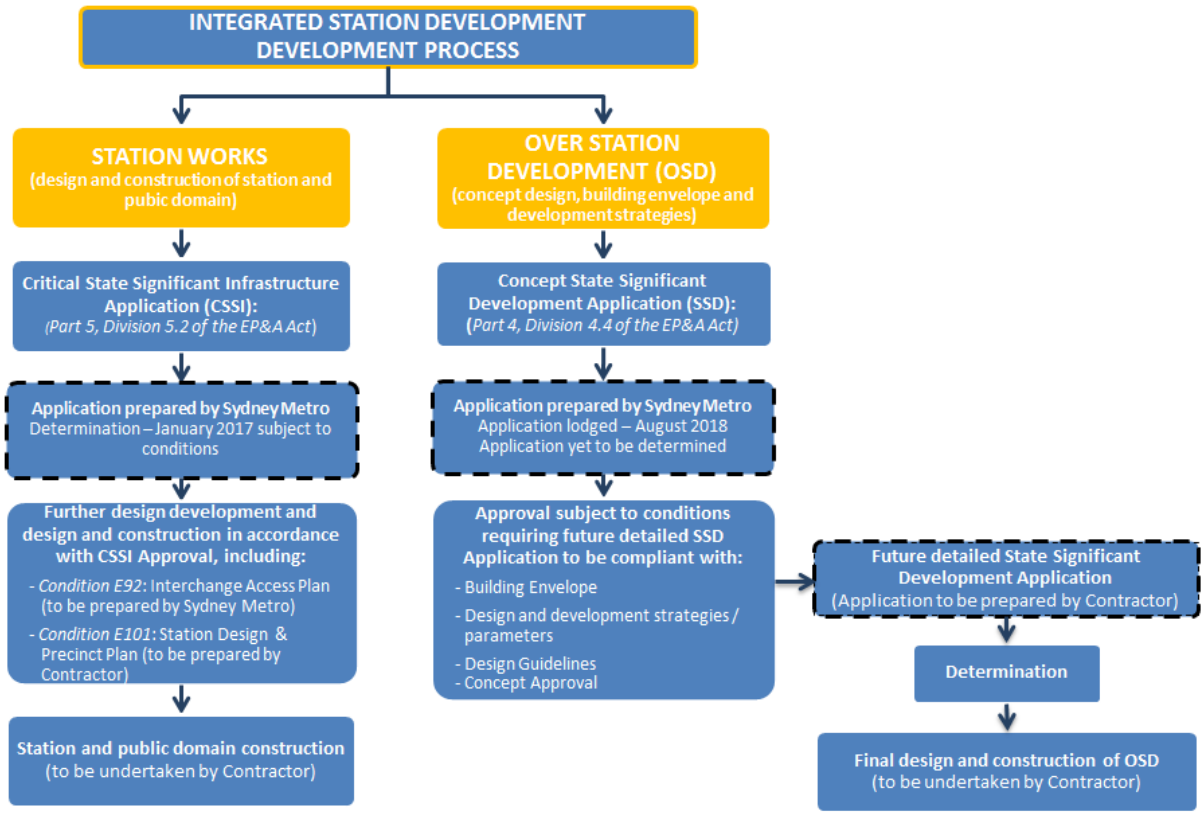


Figure 2 – CSSI and SSD development process

1.3. Overview of the Project

The exhibited EIS for the Pitt Street North OSD concept SSD Application included the following development description:

- a maximum building envelope
- a maximum building height of approximately Relative Level (RL) 189 which equates to approximately 43 storeys including a podium height of RL 68 (approximately 45 metres), which equates to approximately 12 storeys above ground
- a maximum Gross Floor Area (GFA) of 49,120 square metres for the OSD component, which equates to a Floor Space Ratio (FSR) of 15.59:1, resulting in a total maximum GFA at the site (including station floorspace) of 50,310 square metres and a total maximum FSR of 15.97:1. This included flexibility to enable a change in the composition of land uses within the maximum FSR sought.
- conceptual use of the building envelope for a range of land uses including commercial office space, visitor accommodation and residential accommodation (subject to further refinement during the detailed SSD Application stage).
- use of the conceptual OSD space provisioning within the footprint of the CSSI Approval (both above and below ground), including the OSD lobby areas, podium car parking, storage facilities, services and back-of-house facilities
- car parking for approximately 50 spaces located across five levels of the podium

This description also included approval for the future subdivision (if required) and strategies to guide the detailed design of the future OSD, including pedestrian and vehicular access, utility service provision, management of stormwater and drainage, public art and the achievement of ecologically sustainable development. The application is also accompanied by a Design Excellence Strategy (July 2018) and Design Quality Guidelines (Appendix I) to which the future detailed design would need to respond.

The building envelope as proposed in the EIS and a photomontage of the indicative OSD design are shown at Figure 3 and Figure 4 respectively.

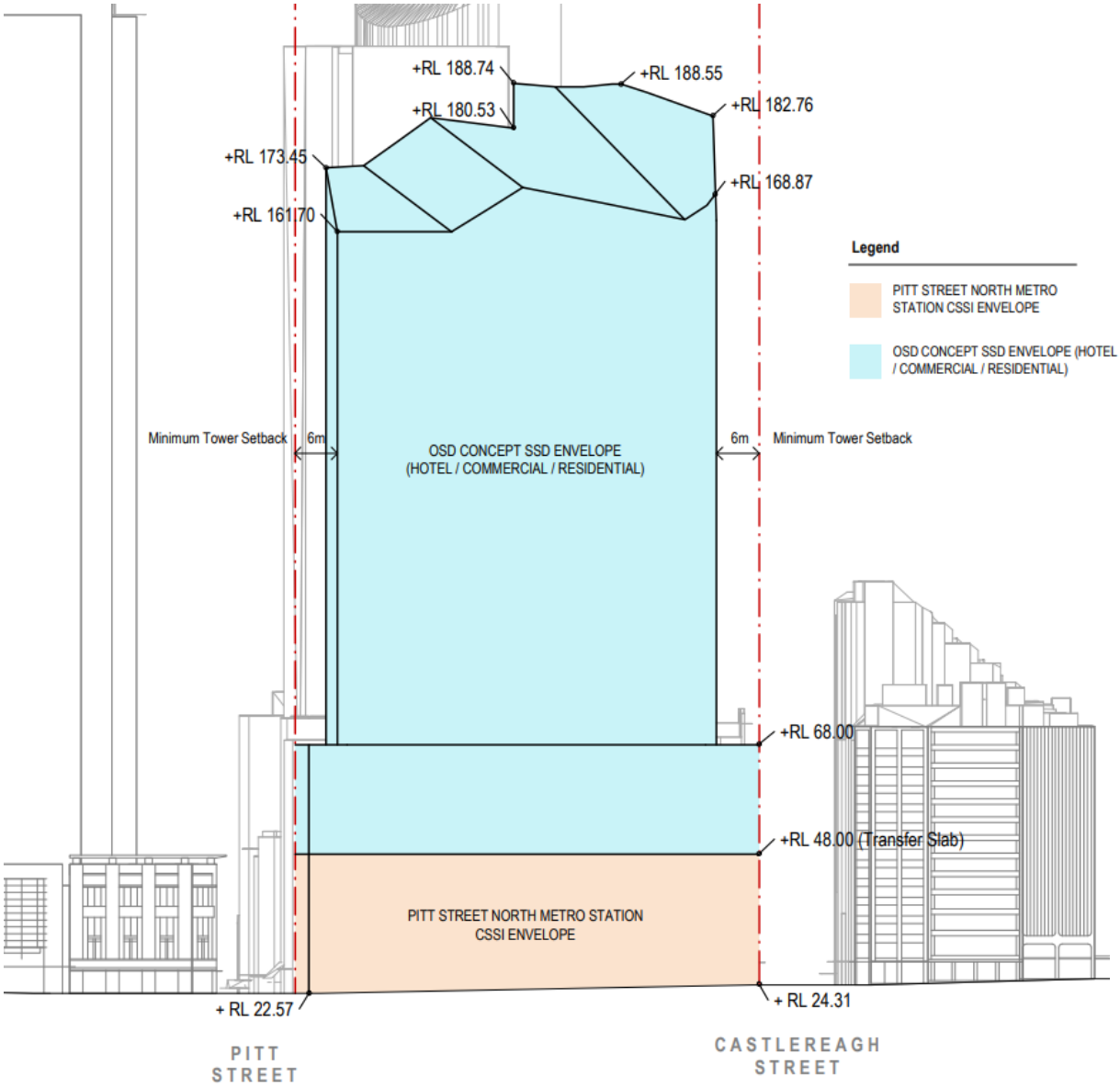


Figure 3 – The proposed OSD building envelope

Figure 4 – Photomontage of the indicative OSD design (as exhibited)

1.4. Changes to the Project as exhibited

In response to a request for further information by DPE and in order to respond to key issues raised in submissions, the following has been provided:

- amendment to the concept proposal such that it reflects two potential floor space outcomes at the site, being a fixed version of the previous office / visitor accommodation / residential use scheme (as per the exhibited EIS) as well as an alternative commercial scheme which comprises retail space at the ground floor / lower podium levels with commercial office above

- a revised and consolidated approach towards the Masonic Club interface
- updated *Pitt Street North Design Guidelines*
- an update to consider signage at the detailed SSD Application stage

These changes are discussed further below.

1.4.1. Updated land use approach

DPE has requested an alternate development scenario for a commercial scheme be provided for the concept proposal. This is to enable the impact analysis to be undertaken with more certainty, relative to the previously proposed more flexible land use approach.

As such, Sydney Metro proposes an amended and an alternate land use scheme for the proposal, which comprises:

- an updated version of the exhibited scheme (comprising visitor accommodation, commercial use and residential storage above the station portal within the podium, as well as residential use above the podium). Unlike the exhibited scheme, this amended version commits to the previously proposed land uses to enable a more definitive assessment of the floor space outcomes and potential impacts
- an alternate potential scheme comprising commercial office uses above the station portal, with minor ancillary retail (up to 500 square metres) within the podium.

To support the amended proposal, two revised Clause 4.6 Variation Requests have been provided as part of this Submissions Report (Appendix O & P). This comprises an amended version of the existing variation request to provide greater certainty as to the potential floor space impacts from a mixed use scheme and an additional Clause 4.6 Variation Request for the alternate commercial office scheme. Additional information regarding waste, traffic and Ecologically Sustainable Development (ESD) has also been submitted with respect to the alternate scheme.

Both the amended scheme and the alternate scheme would be located wholly within the proposed concept building envelope as per the exhibited EIS.

Further information and assessment has been provided as part of this Submissions Report to confirm that a commercial scheme at the site would generally result in similar or less intense impacts on the surrounding area than the exhibited mixed use scheme. Further discussion is provided at Section 7.1.

The exhibited and revised concept schemes have been reproduced at Figure 5.

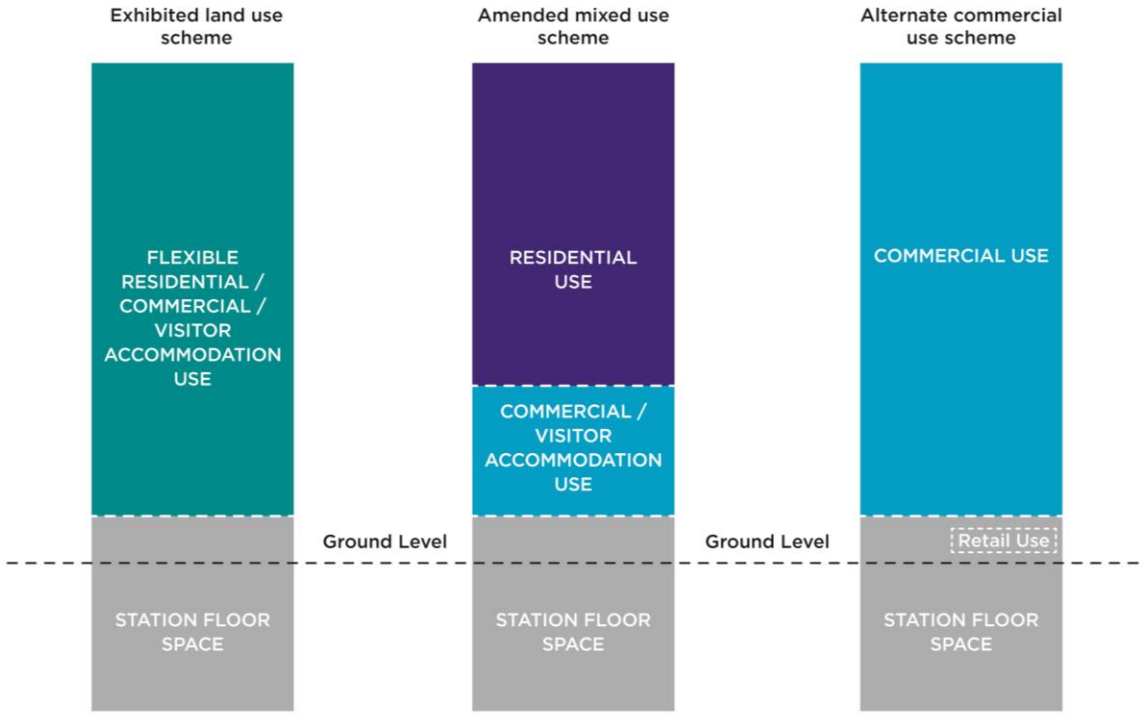


Figure 5 – Comparison of exhibited and amended land use schemes

1.4.2. Masonic Club

DPE, Council and the Masonic Club have each requested additional information regarding the relationship between the concept proposal and the Masonic Club building to the north of the site. This additional information and clarity is provided as part of this Submissions Report. To ensure an appropriate response to the Masonic Club in the final OSD building at the Pitt Street North site, the following measures have been included as part of the concept SSD application:

- reinforcing the existing commitments in the submitted Design Quality Guidelines, including the commitment to achieve an appropriate development outcome *"through appropriate setbacks to protect adjoining light wells of Ashington Place (National Building) (284A-250 Pitt Street) and NSW Masonic Club (169-173 Castlereagh Street)*
- additional commitment within the revised Design Guidelines (Appendix A) to ensure that the use of reflective or light coloured materials to encourage light penetration to the Masonic Club is considered during detailed design
- additional commitment to ensure continued consultation is undertaken with the Masonic Club during the detailed design stage of the proposal

1.4.3. Pitt Street North Design Guidelines

To ensure that the detailed design of the building form at the site adequately responds to the surrounding context, the *Pitt Street North Design Guidelines* have been updated. The updated Design Guidelines are provided at Appendix A.

The guidelines now include additional information to explain their relationship to the *Sydney Metro City & Southwest: Chatswood to Sydenham Design Guidelines* and to further emphasise the importance of integration between the station and OSD elements and surrounding heritage buildings, including the Masonic Club.

The updated guidelines include additional design considerations with respect to signage, landscaping within the building form and safety for cyclists and pedestrians at driveway crossings. Further detail regarding these updates is provided in Chapter 7.

1.4.4. Signage

DPE has requested that a review of the proposed signage strategy be undertaken in response to Council's submission. The size and detail of signage will be reviewed at the detailed design stage in consideration of Council's comments, with details provided as part of a future detailed SSD Application.

1.5. Additional information supporting this report

In response to a request for further information by DPE and in order to respond to key issues raised in submissions, the following additional studies have been prepared by Sydney Metro to illustrate and supplement the Submissions Report:

- Solar access impact addendum (Appendix C)
- Ecologically Sustainable Development Report Addendum (Appendix D)
- Additional drawing package to demonstrate a commercial reference scheme (Appendix L)
- Supplementary traffic report (Appendix M)
- Supplementary waste report (Appendix N)
- Revised Clause 4.6 Variation Request for a mixed use option (Appendix O)
- Revised Clause 4.6 Variation Request for a commercial option (Appendix P)

Further detail on the above additional information is provided in Chapter 8 (Additional information and assessment) of this Submissions Report.

1.6. Purpose and structure of the report

During public exhibition of the concept SSD Application, 23 submissions were received by DPE. The Secretary of DPE provided copies of the submissions to Sydney Metro with a formal request for a written response to the issues raised.

This Submissions Report responds to the issues raised during the exhibition period, proposes changes to the concept proposal as exhibited (Chapter 7), and responds to additional information requests from DPE (Chapter 8).

Sydney Metro has considered all submissions made pursuant to the requirements of the EP&A Act. This report provides Sydney Metro's formal Response to Submissions from government agencies, stakeholders and the community in accordance with clause 85A of the EP&A Regulation.
The structure and content of this Submissions Report are outlined in Table 1.

Table 1 – Submissions Report structure

Chapter	Description
Chapter 1	**Introduction and Project overview (this chapter)** Provides an overview of the concept SSD Application and outlines the purpose and content of this Submissions Report.
Chapter 2	**Overview of the exhibited development** Provides an overview of the Project as exhibited, including associated clarifications regarding the scope of the concept proposal and the Project elements approved under

Chapter	Description
	the terms of the CSSI Approval.
Chapter 3	**Community and stakeholder consultation** Provides details of the consultation, and community and stakeholder engagement activities carried out by Sydney Metro during the exhibition of the concept SSD Application.
Chapter 4	**Submissions received** Provides a summary of the submissions received during public exhibition of the concept SSD Application.
Chapter 5	**Response to government agency, key stakeholder and Council submissions** Identifies issues raised by government agencies, key stakeholders and Council, and provides responses to those submissions.
Chapter 6	**Response to the issues raised in community submissions** Identifies issues raised by the community, including businesses and other stakeholders, and provides responses to those submissions.
Chapter 7	**Amended project** Provides detail on the changes to the concept proposal as exhibited, including a description of the amended Project compared to the Project described in the exhibited EIS.
Chapter 8	**Additional information and assessment** Provides additional information in response to key issues raised in submissions and responds to the request from DPE for additional information, together with an assessment of environmental impacts.
Chapter 9	**Environmental impact assessment of amended Project** Provides an amended environmental risk rating and revised mitigation measures for the amended Project.
Chapter 10	**Conclusion** Provides concluding statements on Sydney Metro's response to submissions to the concept SSD Application.

Acronyms and Abbreviations
A full list of acronyms and abbreviations is provided after Chapter 10.

2. Overview of the exhibited development

2.1. Overview of the development proposal as described by the Environmental Impact Statement

2.1.1. Location of the site

The site is located across the full southern extent of the Sydney CBD block bounded by Pitt Street, Park Street and Castlereagh Street and is located directly above the northern portal of Pitt Street Station (Figure 6). Park Street is one of the main east-west thoroughfares through this part of the Sydney CBD, while Pitt and Castlereagh Streets are two of the key north-south thoroughfares.

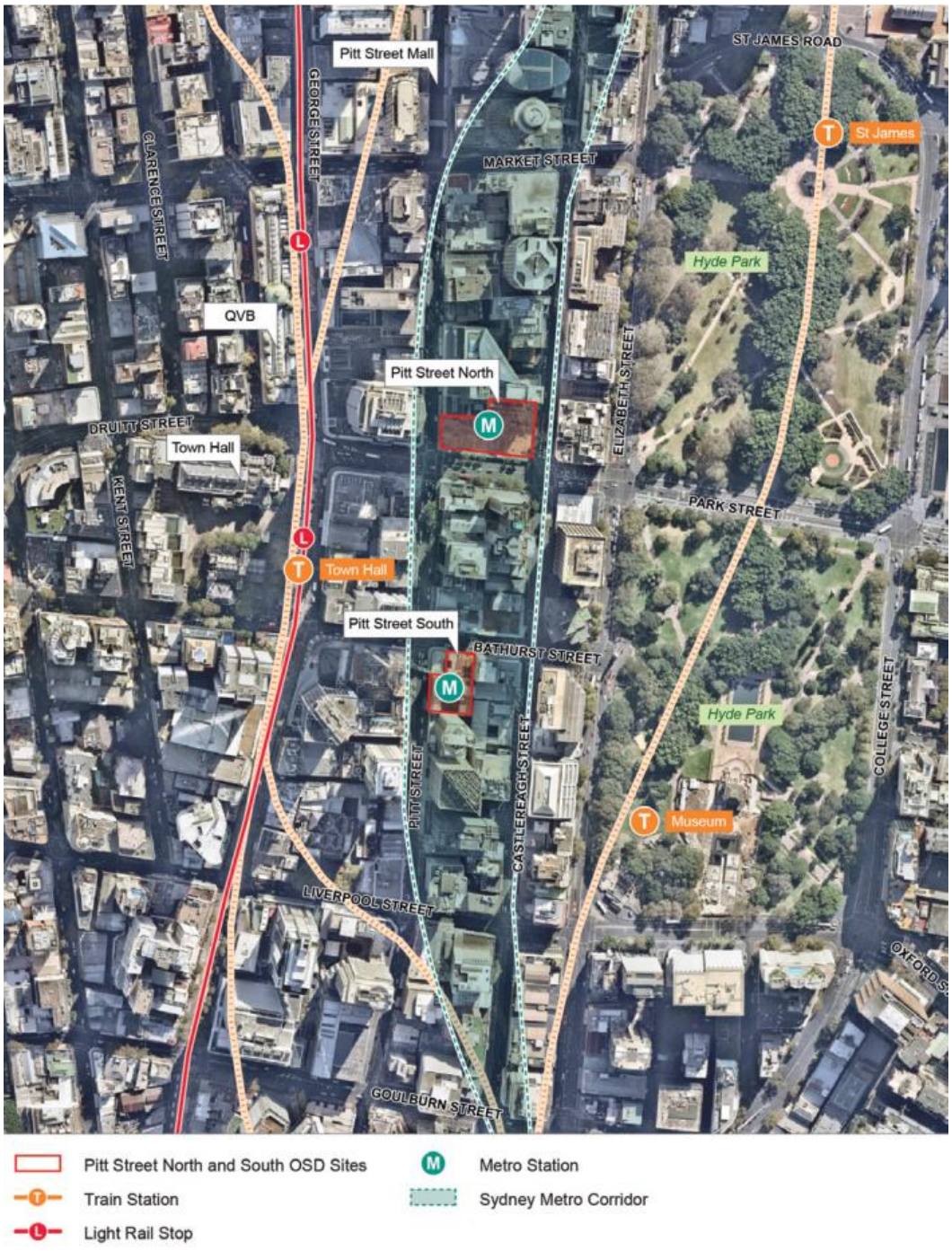


Figure 6 – Location Plan

2.1.2. Project objectives

The following objectives have been identified for this concept SSD Application following an assessment of the site opportunities and constraints:

- support the NSW Government's planning strategies and objectives, including the *Greater Sydney Region Plan* (2018) and the *Eastern City District Plan* (2018)
- enable the development of a building envelope at the site which has the flexibility to enable appropriate uses to activate and integrate Pitt Street Station, contributing to a fully integrated station precinct at the heart of the Eastern City
- provide a development outcome commensurate with the status of Central Sydney as a leading economic and cultural centre
- enhance the customer experience and urban amenity through the development of an integrated design concept that ensures delivery of a quality public domain area with strong connections to the site's surroundings
- create an urban environment that drives high usage of the Sydney Metro network
- provide the opportunity to deliver the OSD as early as possible with the aim of opening concurrently or shortly following completion of the Pitt Street Metro Station
- enable a building form which works to minimise, to the maximum extent possible, overshadowing impacts on public open spaces including Hyde Park
- provide a sensitive relationship between the site and the surrounding heritage context
- create a framework to achieve design excellence in the final development outcome

2.1.3. Description of the development (as exhibited)

The concept SSD Application seeks concept approval in accordance with section 4.22 of the EP&A Act for the OSD above the approved Pitt Street Station (northern portal). The exhibited EIS for the concept SSD Application specifically noted the following description of the development, which included parameters for:

- a maximum building envelope, including street wall and setbacks
- a maximum building height of approximately RL 189 which equates to approximately 43 storeys including a podium height of RL 68 (approximately 45 metres), which equates to approximately 12 storeys above ground
- a maximum GFA of 49,120 square metres for the OSD component, which equates to a FSR of 15.59:1, resulting in a total maximum GFA at the site (including station floorspace) of 50,310 square metres and a total maximum FSR of 15.97:1. This included flexibility to enable a change in the composition of land uses within the maximum FSR sought.
- conceptual use of the building envelope for a range of land uses including commercial office space, visitor accommodation and residential accommodation (subject to further refinement during the detailed SSD Application stage). Note: For the purposes of the indicative design the land use mix comprises approximately 300 residential apartments, 200 hotel rooms and 1,500 square metres of commercial floor space, which equates to the maximum FSR sought above.

- use of the conceptual OSD space provisioning within the footprint of the CSSI Approval (both above and below ground), including the OSD lobby areas, podium car parking, storage facilities, services and back-of-house facilities
- car parking for approximately 50 spaces located across five levels of the podium
- loading and vehicular access arrangements from Pitt Street
- pedestrian access from Pitt Street, Park Street and Castlereagh Street
- strategies for utilities and service provision
- strategies for the management of stormwater and drainage
- a strategy for the achievement of ecologically sustainable development
- indicative signage zones
- a strategy for public art
- a design excellence framework
- the future subdivision of parts of the OSD footprint (if required)

As this concept SSD Application is a staged development pursuant to section 4.22 of the EP&A Act, future approval would be sought for detailed design and construction of the OSD.

Architectural drawings illustrating the exhibited proposed building envelope and OSD design are provided at Appendix C and D respectively of the EIS.

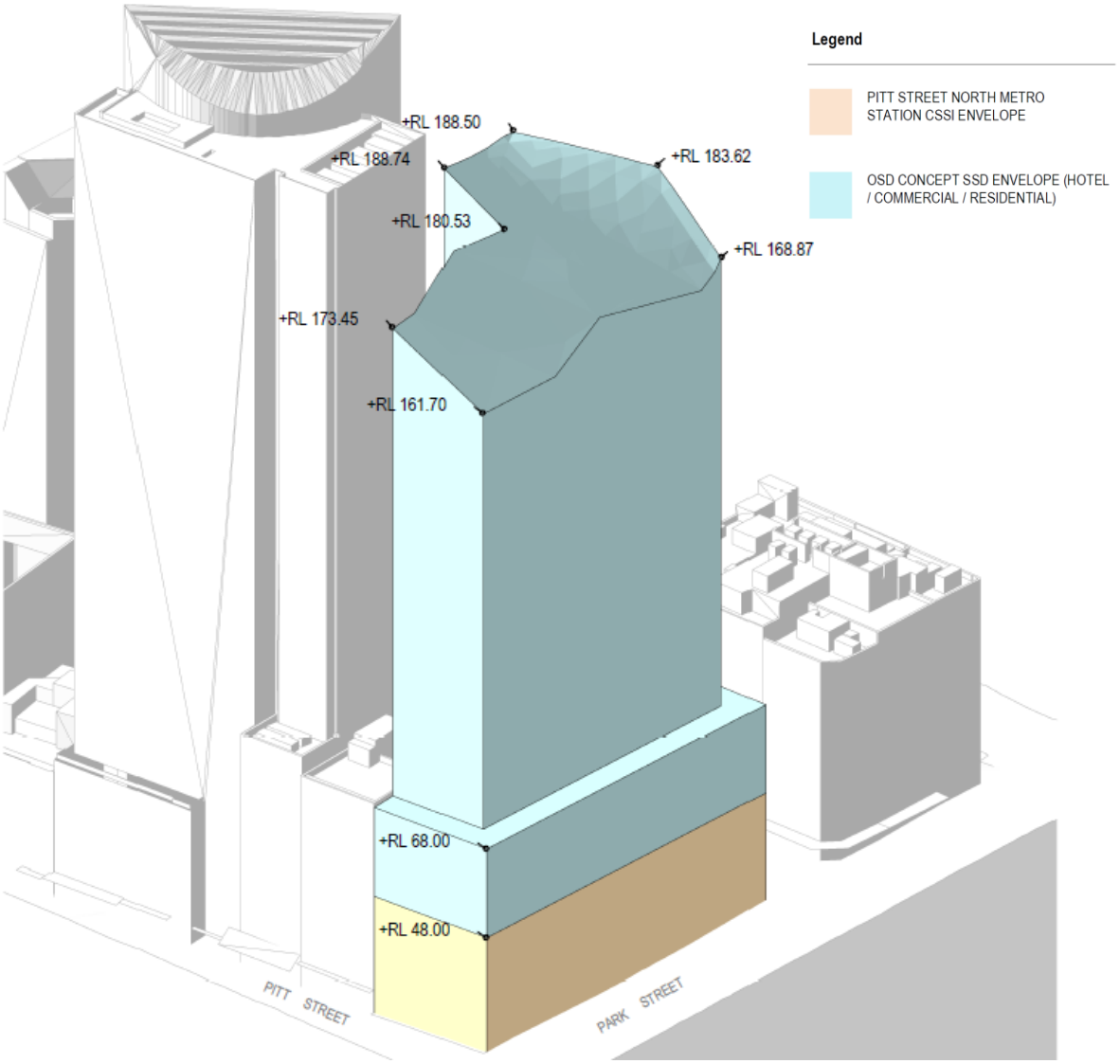


Figure 7 – Proposed Pitt Street North OSD building envelope

2.1.4. Project need and benefits

Pitt Street Station is a key CBD station on the future Sydney Metro network and will play a key role in transporting people to and from Central Sydney, as well as providing a range of transport connections to other modes, including the heavy rail, bus networks and the future Sydney Light Rail (SLR) network.

The concept SSD Application for OSD capitalises on the benefits of the future Pitt Street Station by proposing a building envelope directly above the northern portal of the station.

Specifically, the residential, visitor accommodation and commercial components of the mixed use floor space option would all provide various different benefits to the surrounding area. A residential use at the site would work to increase the permanent population near this key transport hub and more broadly in the Sydney city centre, which would have positive impacts on activation both in and out of traditional business hours. Visitor accommodation use at the site could also contribute to the current shortage of visitor accommodation in Central Sydney, contributing to the overall visitor accommodation capacity in Sydney.

Alternatively, commercial office use at the site would provide for a unique commercial floorspace in a highly sought-after location, which could contribute to additional employment in the Sydney CBD.

The proposal also has key environmental benefits, with impacts on the site's surroundings being a key consideration in the design of the development. Specifically, the proposed envelope has been modelled to ensure that overshadowing to the public domain, including Hyde Park is minimised.

The EIS submitted with the concept SSD Application also demonstrates how the future OSD would be integrated with the structure, architecture and public domain works to be delivered under the terms of the CSSI Approval. As a concept, this integrated station development would provide substantial benefits to the Sydney CBD by:

- improving accessibility to fast and reliable public transport
- providing for a development outcome which is vertically integrated between the station and the OSD components.

Further discussion regarding the benefits of the proposed development has been provided at Chapter 9.

2.1.5. Summary of potential environmental impacts and mitigation measures

The potential impacts identified in the EIS for the exhibited Project are summarised in Table 2. Relevant strategies and mitigation measures to address these potential impacts have been included at Chapter 9 (Assessment of environmental impacts), Section 9.1 (Framework for the management of design and environmental impacts) and Section 9.2 (Mitigation measures).

Table 2 – Summary of potential environmental impacts for the exhibited proposal

Issue	Potential impact
Visual and view impacts	• Visual / view impacts from surrounding streetscape and key public vantage points • View impacts on neighbouring residential building
Public domain overshadowing	• Increase in shadowing to surrounding public domain, including Hyde Park
Private domain overshadowing	• Increase in shadowing to apartments to the south (27 Park Street and 197 Castlereagh Street)
Traffic and transport	• Increased traffic on surrounding roads during construction • Increased traffic on local roads during operation • Potential queueing of traffic onto Castlereagh Street during operation • Conflict with pedestrians during construction and operation
Non-Indigenous heritage	• Structural impact on adjacent heritage items during construction • Impact on heritage items in the vicinity during operation
Noise and vibration	• Increase in noise and vibration associated with construction including from vehicles and machinery • Increase in noise and vibration associated with emissions from building plant and services • Increase in noise and vibration associated with future operations associated with vehicle movements
Infrastructure and utilities	• Adequate connection to infrastructure and utilities • Adequate capacity to service building
Flooding	• Potential flooding of development • Adequate stormwater management for development
Reflectivity	• Adverse social reflectivity glare to motorists and pedestrians
Contamination	• Exposure of contamination of hazardous materials during construction
Wind impact	• Adverse wind environment along surrounding streets and station entries • Adverse wind environment to outdoor areas in the OSD, including to

Issue	Potential impact
	private balconies and communal areas
Crime and public safety	• Antisocial and criminal behaviour
Environmental and construction management	• Noise, dust, air quality, waste management and traffic impacts
Waste	• Waste production associated with construction activities. • Waste production associated with operation of OSD
Ecologically Sustainable Development (ESD)	• Carbon emissions • Energy consumption • Thermal comfort of building occupants
Accessibility	• Adequate access for people with a disability
Social impact	• General disruption to community associated with large scale construction • Potential anti-social behaviour associated with operation of the development
Property and land use	• Acquisition of site for development (undertaken through CSSI Approval) • Compatibility between OSD uses and station / surrounding uses
Business impacts	• Permanent loss of established tenants on site • Altered access and visibility to surrounding businesses • Impacts on surrounding business during construction and operation (due to loss or change in amenity)
Water quality	• Potential erosion and sediment impacts on drainage system during construction • Impacts on quality of stormwater discharge into drainage system during operation
Air quality	• Dust associated with construction activities • Emissions associated with construction vehicles • Emissions associated with entering and exiting vehicle traffic during operation • Plant and equipment emissions during operation
Cumulative impacts	• Cumulative impacts (traffic, noise emissions, dust, etc.) associated with concurrent development and operation of the station and OSD, as well as with other development in the area

2.2. Clarification of Project scope

A number of submissions indicated that the scope of the Project and its interface with the scope of the station works required further clarification. The following section provides this additional clarification.

2.2.1. Delineation between station and OSD

Since exhibition of the EIS, it has been identified that further discussion is required to detail the scope of the Project, specifically the statutory planning delineation between the approved metro station and the OSD subject of this concept SSD Application.

Chapter 4.10 of the EIS outlines the planning relationship between Pitt Street Station and the OSD. The CSSI Approval includes construction of below and above ground structures necessary for delivery of the station (northern and southern portals of Pitt Street Station) and also enabling work for an integrated OSD above each portal. Works approved under the CSSI Approval include, but are not limited to the following:

- demolition of existing development

- excavation
- station structure including concourse and platforms
- lobbies
- public domain improvements
- station portal link (between the northern and southern portals of Pitt Street Station)
- access arrangements including vertical transport such as escalators and lifts
- structural and service elements and the relevant space provisioning necessary for construction OSD, such as columns and beams, space for lift cores, plant rooms, access, parking, retail and building services

The proposed OSD building envelope, which is the subject of this concept SSD Application, is located entirely above the already approved station envelope. The base of the building envelope allows for the integration of the station and OSD from architectural, structural and operational perspectives. The OSD is influenced by the design of the station, in particular, the location of structural elements such as columns, lift cores and main service duct layouts.

The delineation between the station works approved under the CSSI Approval and OSD (which is defined by this concept SSD Application) is generally defined by the 'transfer slab', which is located at RL 48.00, as illustrated at Figure 8 below.

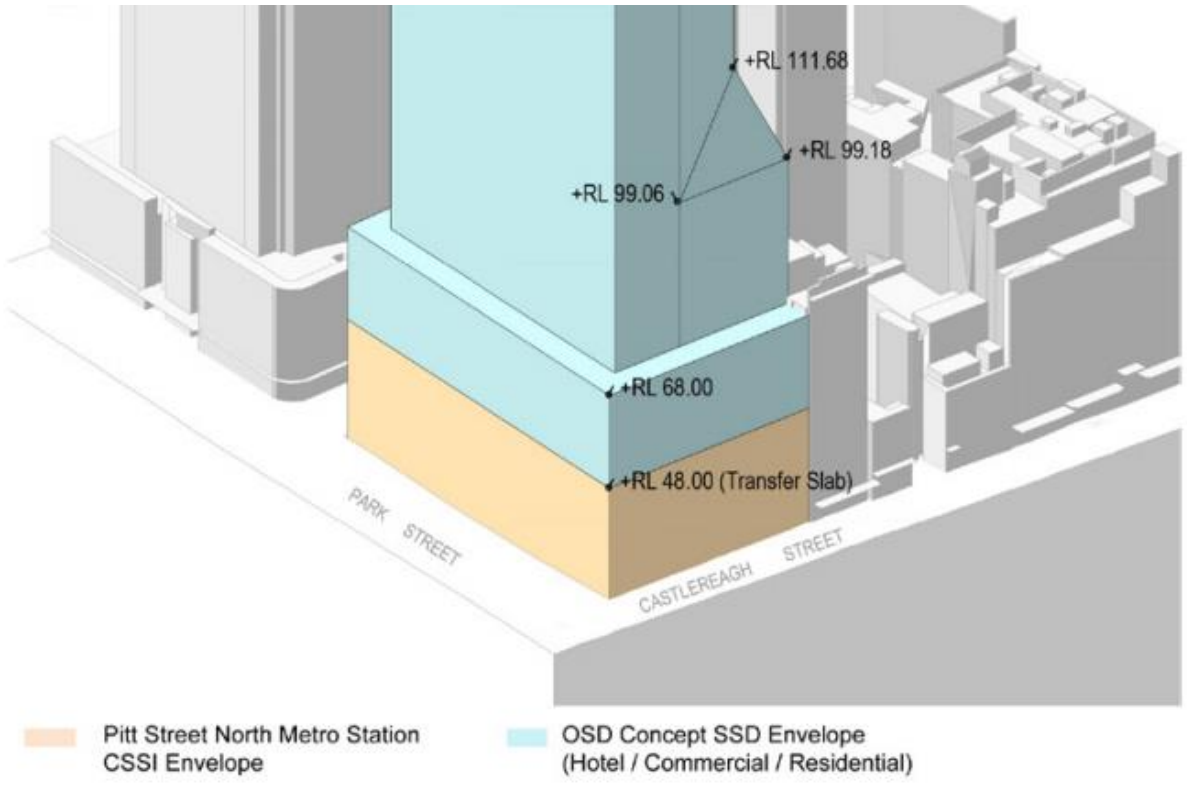


Figure 8 – Plan of proposal demonstrating location of transfer slab at RL 48.00

The relationship between the CSSI Approval and the concept SSD Application was described in the EIS and is detailed below at Table 3. This table identifies what components of the overall Project would be undertaken as part of the SSD Application and the CSSI Approval.

Table 3 – Planning pathway relationship between concept SSD Application and CSSI Approval

Component	Concept SSD Application	CSSI Approval
Building envelope above station (i.e. above transfer slab)	X	
Uses within OSD envelope (residential apartments, commercial office premises and tourist and visitor accommodation)	X	
Fit out and use of OSD spaces conceptually approved within the station (below and above ground) including: • OSD lobby • OSD parking and loading • OSD end-of-trip facilities • back-of-house facilities including building plant, waste and service rooms	X	
Demolition and excavation		X
Station and OSD structure (i.e. structural elements, building grids, column loadings, building infrastructure and services up to the transfer level)		X
Non-OSD uses within the station including station retail		X
Public domain works and landscaping		X
Space for future lift cores, access, parking and building services for OSD		X
Provision for the connection of OSD utilities		X

2.2.2. Station design and public domain work

As identified in Table 3, all built form, up to the transfer level - including the station design and public domain work - would be designed and delivered under the CSSI Approval. The design resolution of these station elements would be addressed through preparation of an Interchange Access Plan (IAP) and Station Design and Precinct Plan (SDPP). These plans are required by Conditions E92 and E101 respectively of the CSSI Approval. Under the terms of these conditions, the final design of the public domain, building form (including footprint and architecture) and entries / access, station design and spatial arrangements for the OSD will be resolved and approved.

Conditions E92 and E101 require the following (as summarised):

- **IAP - Condition E92:** the preparation of a IAP for the station to inform the design of transport and access facilities and services, including footpaths, cycleways, passenger facilities, parking, traffic and road changes, and integration of public domain and transport initiatives around and at each station. The IAP is required to be prepared in consultation with the Traffic Transport Liaison Group (comprising representatives from Roads and Maritime Services [Roads and Maritime], Council, transport operators, emergency services) and the Sydney Metro Design Review Panel (DRP). Given the station is only one component of the integrated station development at Pitt Street North and all public domain and interchange access works would be delivered under the CSSI Approval, the IAP will need to demonstrate that it represents an appropriate end-state solution i.e. it satisfies the requirements of both the station and OSD.

- **SDPP - Condition E101:** requires that the SDPP present an integrated urban and place-making outcome for each station / end-state element, including but not limited to: the identification of specific design objectives, principles and standards for the Project (including to maximise the amenity of public spaces and minimise the footprint of the Project); landscaping and building design; and opportunities for public art and interpretation. The

SDPP is to be prepared in collaboration and consultation with relevant stakeholders including but not limited to Council, DPE and the local community.

Sydney Metro will prepare the IAP, while the SDPP for Pitt Street Station will form part of the detailed design of the integrated station development prepared by the contractor. Sydney Metro has undertaken sufficient design work for Pitt Street North to determine the space planning, general layout and technical requirements for the structural integration of the OSD and station. The final design for the station and its integration with the OSD will be subject to further refinement in accordance with the terms of the CSSI Approval. The final design for the OSD will also be subject to a future detailed SSD Application where its integration with the station and public domain will need to be demonstrated.

2.2.3. Concept versus detailed development application

A number of submissions identified that further clarification was required regarding the application's classification as a 'concept' development application.

A concept development application (this application) under section 4.22 of the EP&A Act, proposes no physical works, materials or finishes. It seeks to establish a building envelope, defined by heights and setbacks, in which future physical works can occur.

Indicative OSD designs including architectural drawings and photomontages were prepared as part of the concept SSD Application (Appendix D of the EIS) for information purposes, and to illustrate a possible design solution for a development that could fit within the proposed envelope. This concept SSD Application does not seek approval for the indicative OSD design.

A detailed SSD Application would be submitted for the physical OSD building in the future. This application would be required to fit within the envelope proposed by this concept SSD Application and would be subject to development assessment and consultation processes under the relevant approval pathway.

Future detailed design for the OSD would be required to comply with strategies detailed in the EIS, (including those in relation to environmental sustainability, stormwater and drainage, utility and services provision and public art) and would be subject to the terms of Sydney Metro's Design Excellence Strategy.

Compliance with Project-specific Design Guidelines (as amended by this Submissions Report - refer to Chapter 7) would also be required. The OSD design would need to demonstrate full integration with the station design and final ground plane arrangements, which are to be resolved through the preparation of the SDPP and IAP, as detailed in Section 2.2 above.

2.2.4. Pitt Street Station

Some submissions contained information which related to other stations which form part of the Sydney Metro City & Southwest project. This included comments which related to other OSD, such as at Waterloo Station. Assessment of OSD at other Sydney Metro stations does not form part of this application, and will be subject to separate assessment.

3. Community and stakeholder consultation

This chapter describes community and stakeholder consultation undertaken during and following the exhibition period, and future consultation proposed. A summary of key issues raised during consultation is also provided.

3.1. Overview

Sydney Metro has implemented a comprehensive community and stakeholder consultation program to engage proactively with local communities and key stakeholders. Stakeholder and community consultation for Sydney Metro is an ongoing process that commenced with the release of *Sydney's Rail Future* in 2012.

Sydney Metro City & Southwest has been consulting with the community and key stakeholders since June 2014. Feedback from consultation activities has played an important role in informing and scoping the design of the concept proposal for the Pitt Street North OSD and the EIS.

Sydney Metro's approach to consultation is described in Section 6 (Community consultation) of the EIS. Consultation activities undertaken prior to the EIS exhibition period are described in Section 6.4 (Consultation during preparation of this SSD Application) and Section 6.6 (Outcomes of consultation) of the EIS.

The following sections describe consultation undertaken by Sydney Metro during public exhibition of the EIS, and consultation that would be undertaken during future project stages.

3.2. Consultation associated with the public exhibition of the EIS

The EIS was placed on public exhibition by DPE for a period of 28 days from 16 August to 12 September 2018. The EIS, accompanying technical reports and plans were made available on DPE's website at majorprojects.planning.nsw.gov.au and on the Sydney Metro project website at sydneymetro.info

Hard copies of the EIS were available at the following locations:

- City of Sydney Council, Town Hall House
- Customs House, Sydney

Copies of the EIS were also available at community information sessions, and a Project model was on display at City of Sydney Council, Town Hall House.

Submissions on the proposed concept were received by DPE during the exhibition period and responses to the issues raised in these submissions are presented in Chapter 5 of this Submissions Report.

3.2.1. Consultation Activities

The following consultation activities were undertaken to support exhibition of the EIS:

- letterbox drop to properties within 500 metres of the sites advertising the exhibition period and community information sessions
- four community information sessions
- stakeholder briefings
- email updates to Project database
- direct engagement with local communities by Sydney Metro place managers

- community contact and information points (Project phone and email). Further details of the above activities are outlined below.

3.2.2. Community contact and information points

Table 4 – Community contact and information points

Activity	Detail
Community information line (toll free)	1800 171 386
Community email address	sydneymetro@transport.nsw.gov.au
Website	www.sydneymetro.info
Postal address	Sydney Metro City & Southwest: PO Box K659 Haymarket, NSW 1240

3.2.3. Community information sessions

The Project team hosted four community information sessions where information about the concept proposal was made available.

The community was invited to attend these events and meet expert members of the Project team and have any questions answered.

Table 5 outlines the date, time and location of the information sessions. A total of 76 stakeholders attended the sessions.

Table 5 – Community information sessions

Date	Location	Attendance
Tuesday, 28 August 2018 11am – 2pm	Wesley Conference Centre 220 Pitt Street, Sydney	22
Thursday, 30 August 2018 4pm – 7pm	Primus Hotel 339 Pitt Street, Sydney	20
Tuesday, 4 September 2018 11am – 2pm	Primus Hotel 339 Pitt Street, Sydney	19
Thursday, 6 September 2018 4pm – 7pm	Wesley Conference Centre 220 Pitt Street, Sydney	15

3.2.4. Engagement summary

- **Letterbox drops:** Approx. 9200 project flyers were distributed on 20 August 2018 to residents and businesses within a 500-metre radius of the Pitt Street North site and a 500-metre radius of the Pitt Street South site. A copy of the flyer is located at Appendix K.

- **Email alerts to the Project mailing list:** an email was sent to the more than 6700 community members on the Sydney Metro City & Southwest project database list for the entire project and the more than 900 community members registered on the Pitt Street North

and South distribution list on 16 August 2018. The email advised of the EIS exhibition dates and encouraged recipients to visit the Project website for more information. A reminder email was sent to the same distribution list on 3 September 2018 to advise of the end of the exhibition.

- **Project website update:** Information about the EIS exhibition and associated consultation activities was made available on the Project website at sydneymetro.info and Facebook page

- **Media release:** a media release was issued prior to the exhibition of the concept SSD Application.

- **Newspaper advertisements:** advertisements were placed in the newspaper by Sydney Metro to advise the public of the community information sessions:

    - Sydney Morning Herald
    - Sydney Central Courier
    - Australian Chinese Daily

    All ads were displayed in each newspaper on **22 August 2018** and **29 August 2018**.

3.2.5. Display materials

A range of display materials were prepared and made available at the community information sessions. These included:

- information boards providing general information on Sydney Metro City & Southwest, the concept proposal including key features, the planning process and how to make a submission. A copy of the information boards is provided at Appendix F.

- Sydney Metro video

- copies of the EIS

- Sydney Metro newsletters and brochures

- project flyer

- an EIS overview document (refer to Section 3.2.6 below for details).

3.2.6. EIS overview document

A summary of the EIS was prepared to support the community information sessions. The EIS overview document included:

- information on the Project and Sydney Metro

- a summary of the EIS assessment

- a series of diagrams and artist impressions for the Pitt Street North OSD to provide an indication of the scope, scale and key features of the concept proposal and its integration with Pitt Street Station and the surrounding public domain.

A copy of the EIS overview document is provided at Appendix G.

3.3. Key issues raised at community information sessions

Issues or comments raised by visitors at information sessions are captured and summarised in Appendix H of this Submissions Report.

Feedback from the public was both in support of and objecting to various aspects of the proposal. The issues raised in objection generally reflect the feedback documented in Chapter 6 of this Submissions Report.

3.4. Consultation during the preparation of this report

During exhibition of the EIS and the preparation of this Submissions Report, Sydney Metro continued to undertake consultation with a number of stakeholders and community groups as described below:

- **DPE:** Consultation with DPE has been undertaken prior to, during and following exhibition of the EIS. Following the exhibition period and during the preparation of this Response to Submissions, Sydney Metro met with DPE to discuss the key issues raised in submissions and Sydney Metro's proposed responses.

- **Government Architect NSW** (GANSW)**:** Sydney Metro continued to consult with the GANSW regarding refinement of the Sydney Metro's Design Excellence Strategy, which was submitted as part of the EIS. Immediately prior to exhibition of the EIS, changes were made to clarify the role of the Design Excellence Evaluation Panel (DEEP) and to incorporate benchmark projects as the reference for the future design at Pitt Street.

- **City of Sydney Council:** Further consultation has been undertaken with the City of Sydney Council following lodgement of the concept SSD Application. A meeting was held on 6 November 2018 to provide an update on the proposal and discuss how the issues raised by Council will be addressed through the Response to Submissions report.

- **Sydney Coordination Office** (SCO): Additional consultation has been undertaken with the SCO during the preparation of this Submissions Report. Several meetings were held in relation to the proposed alternate commercial land use scheme. The SCO undertook a review of the alternate scheme, particularly an assessment of the loading dock activities and provided feedback. This feedback regarding the loading and servicing requirements of the alternate commercial land use scheme has been incorporated in the Additional Commercial Scheme Drawing Package at Appendix L and the Supplementary Traffic Report at Appendix M.

- **Sydney Metro DRP:** Consultation with the Sydney Metro DRP has been ongoing during and since the exhibition of the EIS. A Pitt Street DEEP has been convened and will provide independent evaluation of the design proposals. The DEEP includes members of the Sydney Metro DRP, a nominee of the DPE and the City of Sydney.

3.5. Ongoing consultation and engagement activities

Sydney Metro will continue to work with stakeholders and the community to ensure they are informed about the Project and have opportunities to provide feedback to the Project team.

A list of the proposed activities and timing is provided in the table below:

Table 6 – Proposed ongoing engagement activities

Activity	Timing	Design	Delivery	Operation
Awareness and marketing campaign to engage future customers	**Ongoing**	●	●	●
Community events	**Ongoing**	●	●	
Community information sessions	**As required**	●		
Community communications strategy	**Prior to construction**	●	●	
Construction complaints management system	**Prior to construction**	●	●	
Construction notifications	**Seven days prior to construction starting**		●	
Doorknocks	**As required**	●	●	

Activity	Timing	Design	Delivery	Operation
Email updates	**Relevant milestones**	●	●	
Enquiries and complaints hotline	**Ongoing**	●	●	●
Fact sheets	**As required**	●	●	●
Engagement with stakeholders including government, peak bodies and local businesses	**As required; relevant milestones**	●	●	
Media releases	**Relevant milestones**	●	●	
Newsletter	**Relevant milestones**	●	●	
Newspaper advertising	**Relevant milestones**	●	●	
Operation communications plan	**Prior to operation**			●
Place managers	**Ongoing**	●	●	
Project briefings and presentations	**Relevant milestones**	●	●	
Project overview document	**Relevant milestones**	●	●	
Site signage	**Prior to construction**		●	
Social media updates	**As required; relevant milestones**	●	●	●
Website, animations and online forums	**Ongoing**	●	●	

3.6. Next steps

Sydney Metro will continue to engage with the community about the concept SSD Application including design development, staging of works and integrated relationship between the Pitt Street Station and the OSD.

The tenderer awarded the contract to deliver the integrated station development at Pitt Street will be responsible for preparing the future detailed SSD Application for the OSD and for resolving the design integration with the station through the preparation of the SDPP required by Condition E101 of the CSSI Approval. A final IAP would also need to consider the SDPP to satisfy Condition E92 of the CSSI Approval. The community will continue to be provided with opportunities to make enquiries and provide feedback during these stages of the Project development.

4. Submissions received

This chapter provides a summary of the submissions received, including a breakdown of respondent type, number of submissions received, and key issues raised in submissions.

4.1. Respondents

During the exhibition period the community and stakeholders were invited to provide feedback in the form of submissions on the concept SSD Application. Submissions were coordinated and managed by DPE and registered and uploaded onto the DPE website. Submissions were accepted by electronic online submission or post and were forwarded to Sydney Metro for review and consideration. A total of 23 submissions were received.

A breakdown of submissions by respondent type is provided at Table 7.

Table 7 - Submissions received by respondent type

Submitter type	Number of submissions
Government agencies and key stakeholders	
NSW Government departments / agencies	8
City of Sydney Council	1
Other key stakeholders	2
Subtotal	11
Community	
Community members	9
Community or interest groups	2
Businesses	1
Subtotal	12
Total submissions	**23**

4.2. Overview of submissions – government agencies and key stakeholder submissions

Ten submissions were made by government agencies and key stakeholders during the exhibition period. Feedback included a range of issues relevant to their respective areas of interest and responsibility. A summary of each agency's submission is provided below.

4.2.1. Government Architect NSW

A submission was not received from the Government Architect NSW during the exhibition of the EIS. However, separate correspondence has been provided to Sydney Metro, supporting the Design Excellence Strategy as submitted with the EIS. This has been provided at Appendix J.

Specifically, this correspondence notes the following:

- an acknowledgement of the commitment to design excellence demonstrated by Sydney Metro and the complexity of delivering integrated station development.
- support for the inclusion of local government representation in the DEEP.

- that Authorised Engineering Organisation requirements place limitations on the range of firms able to participate in tenders for integrated station development projects. On this basis, the move to encourage the partnering of non-Authorised Engineering Organisation with authorised teams as a means to overcome this limitation is strongly supported

- the continued involvement of the Sydney Metro DRP in the design development of each station is supported, and the Government Architect NSW would strongly support and recommend engagement with the State Design Review Panel (SDRP) through the detailed design development process for each station

4.2.2. NSW Office of Environment and Heritage

The submission from the NSW Office of Environment and Heritage (OEH) advised that a formal response is not required as the proposal does not include any biodiversity, natural hazards or Aboriginal cultural heritage.

4.2.3. Fire and Rescue NSW

Fire and Rescue NSW noted that a formal submission will not be provided for the concept SSD Application regarding fire safety and emergency response management to provide a response at this stage in the approvals process. This will be a matter for further assessment at the detailed design stage.

4.2.4. NSW Environment Protection Authority

The submission from the NSW Environment Protection Authority (NSW EPA) advises that an Environmental Protection Licence (EPL) under the *Protection of the Environment Operations Act 1997* (POEO Act) is not required and furthermore, confirms that the NSW EPA is not the appropriate regulatory authority for the Project under the POEO Act.

4.2.5. NSW Department of Industry

The submission from NSW Department of Industry noted that potential dewatering requirements should be addressed in accordance with the NSW Aquifer Interference Policy.

4.2.6. Heritage Council of NSW

The submission from the Heritage Council of NSW notes that the documentation provided as part of the EIS complies with the SEARs, and acknowledges that the OSD will be subject to further detailed design, including the form, architectural detailing and materials. The Heritage Council of NSW recommends that the detailed design is developed in line with the heritage recommendations noted within the EIS and the Heritage Impact Assessment.

4.2.7. Civil Aviation Safety Authority

The submission from the Civil Aviation Safety Authority (CASA) provided technical advice, noting that the proposed building will infringe the outer horizontal surface by 32.6 metres. CASA determined that the building will be shielded and will not be a hazardous object under the regulation 139.370(1) of the *Civil Aviation Safety Regulations 1998*. Therefore no marking or lighting requirements would be required for the development.

4.2.8. Sydney Airport

Sydney Airport has made an additional submission, noting that the development is under reassessment with the relevant authorities. This is to be read in conjunction with the submission from CASA above.

4.2.9. Sydney Water

The submission from Sydney Water confirmed that Sydney Water had reviewed the documentation, and provided detailed comments in relation to water and wastewater servicing. Sydney Water also

confirmed that existing water and sewer systems close to the site have the capacity to service the proposal.

4.2.10. Water NSW

The submission from Water NSW noted that a referral to NSW Department of Industries/Natural Resources Access Regulator had been made. This submission is at Section 4.2.5 above. No other comments were made.

4.2.11. Ausgrid

The submission from Ausgrid advised that it consents to the development and notes that the compatibility of the development with Ausgrid infrastructure is required to be considered during detailed design.

4.2.12. City of Sydney Council

Council made a submission to the concept SSD Application. The submission outlines a number of key issues which need to be addressed within the proposal. Of the issues raised, Council's comments regarding design excellence was identified as an objection, with a number of other comments provided in relation to the development.

Specifically, the submission from Council raised the following areas of concern or suggestions in relation to the proposal:

- that the proposed Design Excellence Strategy submitted with the EIS does not comprise a competitive design process which would achieve excellent design outcomes
- that the submitted staging scenario options contradict the merit of waiving the need for a competitive design process
- that the clause 4.6 variation request should not be supported due to the conceptual nature of the application, the structure of the SLEP 2012, and the need to pro-rata any additional allowable floor space based on land use. Additionally, any 'bonus' GFA is dependent on demonstrating design excellence following a LEP endorsed competitive design process
- that any above ground parking should be located towards the rear of the site, screened by other active uses and not be visible from the public domain
- that any future consent be conditioned to align with the City of Sydney's flooding requirements at the detailed SSD Application stage
- that there are concerns about the physical impacts on the adjacent heritage buildings including the National Building and NSW Masonic Club during excavation and construction works
- that the building envelope footprint along the northern boundary should be modified to match the existing 'indent' of the NSW Masonic Club building
- that the vertical projecting wall signage zones proposed are not supported unless the top of building signage zones are reduced to one sign per elevation with a maximum of two in total, and have a maximum vertical height equivalent to one typical floor of the building
- that Council's preference is for a combined Metro / OSD public artwork approach
- that the frontages on Park Street and Castlereagh Street would benefit from retail tenancies
- that a colonnade is to be a minimum height of 6m floor ceiling and with a minimum width of 3m clear from the outer face of the building to the inside face of the column
- that an awning should be provided to Pitt Street, Park Street and Castlereagh Street

- that future development have a high regard for future sustainability, including noting that the current framework cannot be applied to a mixed use development outcome

An assessment of each government agency, Council and key stakeholder submission has been undertaken. The assessment presented in Chapter 5 of this Submissions Report includes the identification of key issues raised in each submission and a detailed response to each issue.

4.3. Overview of submissions – community submissions

The community, including individuals, businesses and community groups, raised a range of issues. Detailed responses are provided in Chapter 6 of this Submissions Report.

Of the 12 submissions received, 5 were comments, 4 were objections, and 3 were supportive. Chapter 6 of the report has been structured into three key sections to reflect the nature of the submission (i.e. support, comment or objection).

Of the four community submissions objecting to the proposal, two were from local residents, one was from a local business, and one was from a New South Wales Member of Parliament.

4.3.1. Summary of issues raised in community submissions

Community submissions were coded into key issues (e.g. overshadowing) and sub-issue categories. A total of 11 key issues were identified in relation to the 4 submissions lodged as objections.

The key issue and sub-issue categories used for coding submissions lodged as objections are provided in the table at Appendix I.

Table 8 provides a breakdown of the key issues raised in community submissions which objected to the proposal. Since most submissions raised more than one issue or raised the same issue more than once, the number of issues identified at Table 8 is greater than the total number of submissions received. Key issues were raised a total of 23 times. The three most frequently raised key issues in the community submissions were:

- loss of private views
- overshadowing of neighbouring properties
- loss of privacy

Table 8 - Summary of key issues raised in community submissions (objections only)

Key issue	Number of times key issue was raised	Percentage of total key issues
Loss of private views	4	17%
Overshadowing of neighbouring properties	4	17%
Loss of privacy	3	13%
Impact on adjacent heritage buildings	2	9%
Overshadowing of public open space	2	9%
Floor Space Ratio	2	9%
Building height	2	9%
Building separation	1	4%
Impact of noise and vibration from proposed car park	1	4%

Key issue	Number of times key issue was raised	Percentage of total key issues
Economic impact on local businesses	1	4%
Impact of construction noise and vibration	1	4%
Total:	**23**	**100%**

As detailed in Section 2.2 of this Submissions Report, a number of issues raised in the community submissions fall outside of the scope of this concept SSD Application. This includes issues in relation to the following:

- the provision of additional underground station connections through the Sydney CBD, and other such issues with the wider Sydney Metro alignment
- matters relevant to the Waterloo Station proposal, such as character impact on Alexandria Park
- the detailed design of the future Pitt Street North portal, which is covered by the CSSI Approval

Submissions that raised issues outside the scope of the EIS account for approximately 25 per cent of all issues raised in community submissions that lodged an objection.

Despite being outside the Project scope, these issues are captured in Table 8 and are also addressed in the submissions summary at Appendix H.

5. Response to government agency, key stakeholder and Council submissions

This chapter provides responses to the issues raised in submissions provided by government agencies, key stakeholders and Council.

5.1. Overview

Submissions were received from the following government agencies and key stakeholders:

- **NSW Government departments / agencies**
  - NSW Office of Environment and Heritage
  - NSW Department of Industry
  - NSW Environment Protection Authority
  - Heritage Council of NSW
  - NSW Fire and Rescue
- **Australian Government departments / agencies**
  - CASA
  - Sydney Airport
- **Utility providers**
  - Ausgrid
  - Sydney Water
  - Water NSW
- **Council**
  - City of Sydney Council

A letter was provided from the Government Architect NSW separately to the submissions above, which has been included at Appendix J.

Government agencies and key stakeholder submissions are addressed individually below, and responses are provided in the following sections.

The issues listed are a summary of key issues raised in each submission. Full details of the issues raised are provided in the complete submissions available on DPE's major projects website.

Unless otherwise indicated, the mitigation measures referred to in this section are the revised mitigation measures for the amended Project, provided in Table 14 of this Submissions Report.

5.2. NSW Office of Environment and Heritage

Issue

The submission advises that having reviewed the EIS and relevant documents for the Pitt Street North OSD, the OEH does not have any comments in relation to the proposal and has no further need to be involved in the assessment of the Project.

Response

The comments of the OEH are noted.

5.3. Fire and Rescue NSW

Issue

Fire and Rescue NSW noted that a formal submission will not be provided for the concept SSD Application and is not required, given that fire safety and emergency response management measures have not been detailed at this stage in the approvals process.

Response

The comments of Fire and Rescue NSW are noted.

5.4. NSW Environment Protection Authority

Issue

The submission from the NSW EPA advises that the proposal does not constitute a Scheduled Activity under Schedule 1 of the POEO Act and that an EPL under the POEO Act is not required.

Response

The comments of the NSW EPA are noted.

Issue

The submission advises that the NSW EPA is not the appropriate regulatory authority under the POEO Act for this proposal and therefore, it has no comments to make.

Response

The comments of the NSW EPA are noted.

5.5. NSW Department of Industry

Issue

NSW Department of Industry notes that dewatering requirements should be addressed in accordance with the NSW Aquifer Interference Policy.

Response

The comments of the NSW Department of Industry are noted. This is a matter which is relevant to the CSSI Approval and is therefore outside the scope of the concept SSD Application.

5.6. Heritage Council of NSW

Issue

The submission identifies that the development of the Pitt Street North OSD includes adequate heritage impact assessment and the recommendations and mitigation measures are considered appropriate. The Heritage Council of NSW recommends that the future detailed design be developed in accordance with the heritage recommendations of the EIS.

Response

The abovementioned recommendations are included as Mitigation Measures at Section 9.2.

5.7. Civil Aviation Safety Authority

Issue

CASA noted that the proposed building will infringe the outer horizontal surface by 32.6 metres. CASA determined that the building will be shielded and will not be a hazardous object under the regulation

139.370(1) of the *Civil Aviation Safety Regulations 1998*. Therefore no marking or lighting requirements are recommended for the development.

Response

The response by CASA is noted.

Issue

Any future addition to the building's height will increase the penetration of the OLS (including the installation of additional antennas) and a separate assessment will be required.

Response

This comment is noted. Any addition to the building's height beyond that contemplated by this application would be subject to the appropriate approvals pathway and (if required) subject to separate assessment.

5.8. Sydney Airport

Issue

Sydney Airport noted that the development is currently under reassessment with the relevant authorities.

Response

The comments of Sydney Airport are noted. An updated response has been provided by CASA, which has been addressed above.

5.9. Sydney Water

Issue

In relation to water servicing, Sydney Water confirmed that the existing 300 millimetre watermain on Park Street has the capacity to service the proposed development.

Response

The comments of Sydney Water are noted.

Issue

In relation to wastewater servicing, Sydney Water confirmed that the existing 609 millimetre x 406mm millimetre oviform sewer on Park Street has the capacity to service the proposed development. Additional information was also provided by Sydney Water regarding the water approvals process as part of this submission.

Response

The comments of Sydney Water are noted.

5.10. Water NSW

Issue

The submission from Water NSW noted referral to the Department of Industries / Natural Resources Access Regulator.

Response

This referral by Water NSW is noted.

5.11. Ausgrid

Issue

The submission from Ausgrid advises that it consents to the development.

Response

This consent is noted.

5.12. City of Sydney Council

5.12.1. Design Excellence

Issue

The submission from Council states that the Design Excellence Strategy submitted as Appendix H of the EIS does not specify a competitive design process that involves either an architectural design competition or the preparation of design alternatives on a competitive basis. Council notes that any detailed designs to emerge from the process would therefore be precluded from demonstrating design excellence in accordance with the *City of Sydney Competitive Design Policy*.

Response

The Sydney Metro Design Excellence Strategy establishes a framework within which Sydney Metro will achieve design excellence for integrated station developments, including Pitt Street North. This framework operates within a competitive selection process, measuring design development and final concepts against site specific benchmark projects and assessed by an expert, independent and objective evaluation panel (the DEEP).

The Panel is chaired by the NSW Government Architect and includes representatives from the Sydney Metro DRP together with nominees of DPE and the City of Sydney.

The interactive nature of the competitive selection process creates competitive tension where alternative designs are developed and tested. The evaluation of alternatives by the DEEP ensures that the selection process benefits from the independent, objective and expert advice of the DEEP. As such the Sydney Metro Design Excellence Strategy provides a suitable alternative to a Design Competition.

The Design Excellence Strategy importantly facilitates the integrated design of the station and the OSD elements into a unified resolution. A stand-alone competition for the OSD would create a potential barrier for integration owing to the separate processes and time-frames for design development and evaluation.

Additionally, the Government Architect NSW has supported the proposed Design Excellence Strategy (refer to Appendix J), and acknowledges the unique constraints of the project, as well as the substantial work undertaken by Sydney Metro to ensure the final development proposed is capable of exhibiting design excellence.

Issue

The proposed Design Excellence Strategy may improve tenderer's design submissions to achieve better design, but fails to set out an approach that entails a competitive design process to achieve excellent design outcomes. A competitive design process is a prerequisite to design excellence as it serves to demonstrate the superior quality of a proposed development through comparative evaluation of several competing design concepts. Without alternatives for comparison there is no way to know if a particular design is superior.

Both the City of Sydney Competitive Design Policy and the *Sydney Local Environmental Plan 2012* (SLEP 2012) are identified in the SEARs as the relevant LEP and policy pertaining to design excellence applicable to these projects.

Response

The Design Excellence Strategy has been developed to ensure the comparison of alternative designs as part of the competitive selection process, which will form part of the overall evaluation of the process.

The proposal has been assessed against the *City of Sydney Competitive Design Policy* and the SLEP 2012, including an assessment against the design excellence provisions (clause 6.21). To supplement the EIS, additional information regarding the proposal's consistency with clause 6.21 was provided at Appendix C of the exhibited Design Excellence Strategy, which demonstrates that the imposition of the design excellence process prescribed under the *City of Sydney Competitive Design Policy* is unnecessary in the unique circumstances of this application. This includes:

- the provision of an alternate strategy which will result in a highly coordinated, integrated design to deliver design excellence
- the substantial structural integration between the station and OSD components, with the station component subject to the CSSI Approval
- the unique constraints and technical complexity of integrating station developments, due to the impact of the City of Sydney Design Excellence process on engineering assurance requirements and Sydney Metro infrastructure

Although both of the above policies are identified in the SEARs, neither the SLEP 2012 or the *City of Sydney Competitive Design Policy* are listed under the design excellence section of the SEARs (Section 3 – Design Excellence), which states that a design excellence strategy is to be separately provided for the EIS. Additional discussion regarding the consistency of the proposal with clause 6.21 of the SLEP 2012 has also been provided at Section 8.6.

Issue

Neither the EIS nor the SEARs identifies the Government Architect NSW's draft *Design Excellence Competition Guidelines* as a relevant matter for consideration in any assessment

Response

Further discussion regarding the proposed development in relation to the Government Architect NSW's draft *Design Excellence Competition Guidelines* has been provided at Section 8.6.

Issue

Any concerns that Council's design excellence process might extend the duration and completion of the OSD and station development directly contradicts the staging scenarios presented in the EIS documents and the Sydney Metro Pitt Street community handout. These documents refer to three options for the staging of construction, including an option where the station is completed ahead of construction of the OSD. Accordingly, this demonstrates that a design excellence competition can be contemplated without impacting on timelines already contemplated by the proponent for the delivery of projects.

Response

Three construction scenarios are presented as part of the Construction Management Statement at Section 8.20 and Appendix Z of the exhibited EIS.

These construction scenarios comprise the following:

- **Scenario 1** - The station and OSD are both constructed concurrently, and both completed in 2024
- **Scenario 2** - The station is constructed and completed ahead of the OSD, with the OSD remaining under construction by opening of the station in 2024
- **Scenario 3** – The station is constructed and completed ahead of the OSD, with the OSD yet to have commenced construction by the opening of the station in 2024

These options have been reproduced in Figure 9 below.

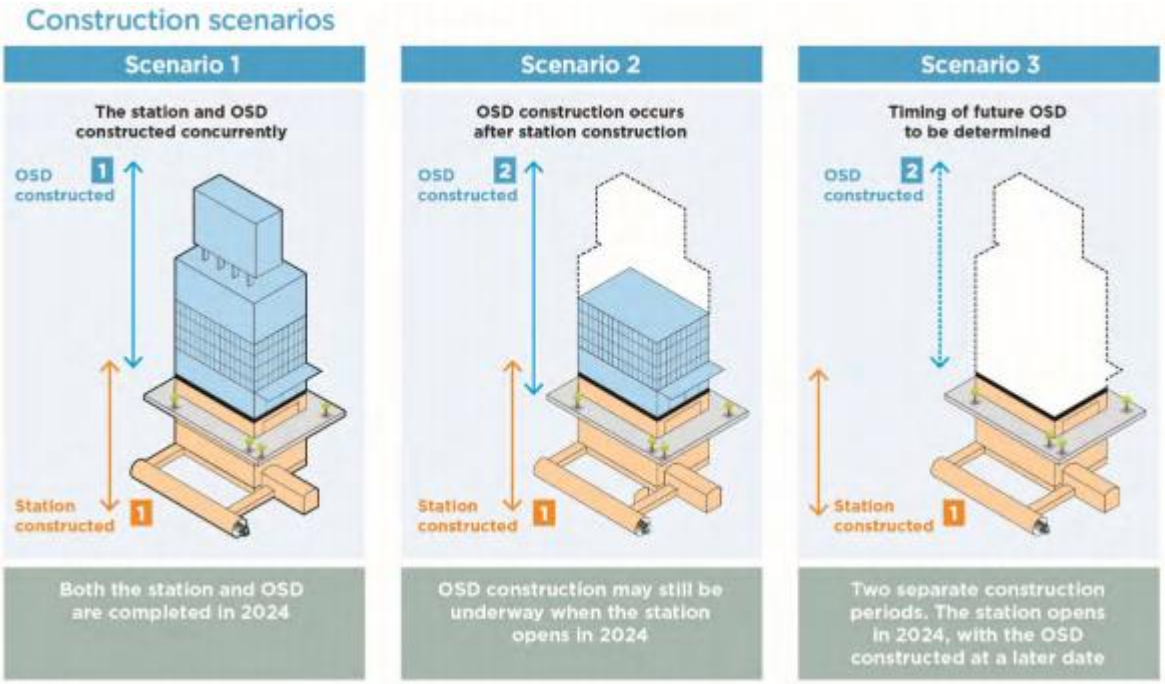


Figure 9 – Three contemplated construction scenarios in relation to construction of the integrated station development

Of the above, Council's issue pertains to Scenario's 2 and 3. Council asserts that by contemplating these scenarios, Sydney Metro is confirming that there would be an adequate degree of flexibility in the program to allow for the undertaking of a design competition in accordance with the *City of Sydney Competitive Design Policy*.

This is not the case. It is stated throughout the EIS and Construction Management Statement that *"Scenario 1 represents Sydney Metro's preferred option as it would provide for completion of the full integrated station development and therefore the optimum public benefit at the site at the earliest date possible (i.e. on or near 2024 when the station is operational)*". Additionally, one of the key objectives of this concept SSD Application is to *"provide the opportunity to deliver the OSD as early as possible with the aim of opening concurrently or shortly following completion of the Pitt Street Metro Station"*.

It is Sydney Metro's strong preference for Scenario 1 to be pursued, rather than Scenario 2 or Scenario 3. Scenario 1 is preferred because of the unique time related constraints of the Sydney Metro project, and to ensure the delivery of the optimum public benefits. In the case of Scenario 1, the full scope of the Sydney Metro project integrated station development would be delivered concurrently, which would provide passengers with a world class metro experience when services start in 2024.

The above consideration of Scenarios 2 and 3 by Sydney Metro is necessary from a planning impact analysis perspective. Sydney Metro notes Scenario 1 as the preferred option, but has considered alternate scenarios to ensure that, in the event the OSD is delayed, a framework would continue to exist to ensure that no adverse impacts arise from the delayed construction. This is an appropriate response, given that external impacts outside of Sydney Metro's control could inhibit the ability for Scenario 1 to be achieved.

The consideration of Scenarios 2 and 3 is a direct application of the precautionary principle identified at Part 3(7)(4) of the EP&A Regulation, which states that an EIS must have regard to the principles of ecologically sustainable development. The precautionary principle is taken under the EP&A Regulations to mean the following:

> *If there are threats of serious or irreversible environmental damage, lack of full scientific certainty should not be sued as a reason for postponing measures to prevent environmental degradation. In the application of the precautionary principle, public and private decisions should be guided by:*

…

(ii) an assessment of the risk-weighted consequences of various options

With consideration to the above, and the potential for uncertainty in the timing of the OSD, there needs to be contemplation of all potential scenarios. To not acknowledge these potential construction scenarios would lead to areas of insufficient assessment regarding the OSD, as it would not provide for the management of construction if the OSD is completed following the completion of the station in 2024. This does not diminish the urgency of Scenario 1, rather it represents a fully explored scenario staging assessment in accordance with the precautionary principle.

Although Scenario 1 is preferred, it must not be ignored that there may be unforeseen factors whereby the station is completed ahead of the OSD. Not the least of these factors is that the station itself is already approved under the CSSI Approval, and will be delivered irrespective of this OSD application. To not consider and assess potential options would be contrary to the meaning of the precautionary principle under the EP&A Act. There are a number of other key reasons for the proposed alternative design excellence process, which have been further discussed below.

Issue

The benchmark examples located in the City of Sydney were all subject to design excellence competitions either run according to the requirements of DPE or Council. The only exceptions to this were the AHL headquarters at 478 George Street Sydney and Wynyard Walk. Other benchmark examples are located in areas where design excellence is not a planning requirement. Notwithstanding this, Federation Square in Melbourne is the result of an open international design competition.

In light of the above, Sydney Metro has completely failed to make the case for a waiver through their choice of benchmarks, and have undermined their rationale through their own published Options shown above. Council considers that the submitted Design Excellence Strategy (July 2018) does not provide a suitable framework for the achievement of design excellence as defined in the relevant planning controls specified in the SEARs for the concept SSD Application.

Response

The reasoning behind the selection of the proposed benchmark projects was based on two key factors, being:

- the provision of developments which are within Australia
- the provision of developments which have received objectively judged awards

The aim of this approach was to provide benchmark examples which were objectively considered to exhibit design excellence, and encourage the delivery of a similar quality of development outcomes at the OSD sites (including Pitt Street North). This has resulted in the benchmark projects chosen for the OSD.

In this case, the exhibited Design Excellence Strategy would continue to deliver development which is of a very high standard of design. Importantly, this would deliver development outcomes which are truly holistic in nature, spanning across the CSSI Approval and this proposal to deliver a truly integrated station development outcome, whilst also ensuring that benefits from such integration can be delivered.

Additionally, 5 Martin Place was not subject to a design competition, which in conjunction with the referenced development at 478 George Street (also not subject to a design competition) demonstrates that situations exist whereby development can achieve design excellence under processes different to the *City of Sydney Competitive Design Policy*. The Pitt Street proposals are considered to exhibit unique circumstances, as outlined in this proposal, such that a waiver to a design competition aligned with the *City of Sydney Competitive Design Policy* should be provided.

In light of the above, the proposed Design Excellence Strategy is an appropriate alternative to the *City of Sydney Competitive Design Policy*. The Design Excellence Strategy provides a tailored framework given the unique constraints of development at the site and the integrated nature of the OSD projects

in the Sydney Metro project. As discussed at Appendix C of the Design Excellence Strategy (July 2018), the request for an alternative design process is underpinned by eight key rationale.

These are summarised as follows:

- ***Rationale 1 - Enhanced design outcomes through and integrated design process***

  A design competition is in this case unnecessary given that Sydney Metro's iterative design process embeds competition through the selection of highly experienced and competent design practices and a holistic design review process. The concurrent procurement of the station and OSD as integrated station developments is world best practice for infrastructure delivery and enables design benefits which would otherwise not be possible if the station and OSD components were separated.

  Imposing a competitive design process on the OSD component of the integrated station developments would risk compromising the benefits being realised through the integrated design approach.

- ***Rationale 2 - Limited ability to meaningfully influence design***

  Given the nature and relationship between the proposed development and the CSSI Approval, a competitive design process is unlikely to be able to have significant impact on the design of the OSD. This is due to the SLEP 2012 competitive design provisions (contained at clause 6.21 of the SLEP 2012) only being applicable to the development subject to the concept SSD Application. This means that the station, structural and service elements / spaces for OSD within the station envelope, and the public domain would not be included, given that these are covered by the CSSI Approval.

  A competitive design process for the OSD component is therefore not considered appropriate due to the following:

  - any design competition would apply primarily to the 'skin' or façade of the OSD component. This is because the design of station servicing at the podium levels, public facing station areas, and engineering assurance processes have been previously undertaken. On this basis, the imposition of a design excellence process would be unreasonably restrictive, resulting in additional process, time and cost while reducing the effectiveness of the integrated design solution

  - a design competition would extend the duration of the design work for the OSD component, which would risk compromising Sydney Metro's delivery

  - a design competition would ultimately require substantial time and resources which would have limited ability to materially influence the building form or architectural composition. Given the substantial time risk, as well as the complex and specialised nature of the Project, risks would outweigh any benefits associated with the completion of a design competition

- ***Rationale 3 - Complex, highly technical and integrated design***

  In the context of the Sydney Metro project, a requirement for a competitive design process would jeopardise the design and delivery of the highly complex integrated station developments at Pitt Street. The interwoven nature of works across the Sydney Metro projects means that this will have untenable risks to the broader Sydney Metro delivery program.

  Additionally, the competition process would also be unnecessary and potentially problematic due to the technical complexity of the integrated station design. Engineering assurance requirements are such that changes to the development above may impact on the integrated station delivery and extend project delivery milestones. Substantial design work has been undertaken to facilitate integration of the two components and there is limited potential for substantial change due to the significant engineering and design constraints of the station located beneath the development.

The complex nature of the project, including the context of the Pitt Street North integrated station development in the wider Sydney Metro City & Southwest Chatswood to Sydenham project is detailed at Figure 10. The imposition of a competitive process in accordance with the *City of Sydney Competitive Design Policy* would result in a substantial disruption to this project, which could risk flow on effects to other parts of the project.

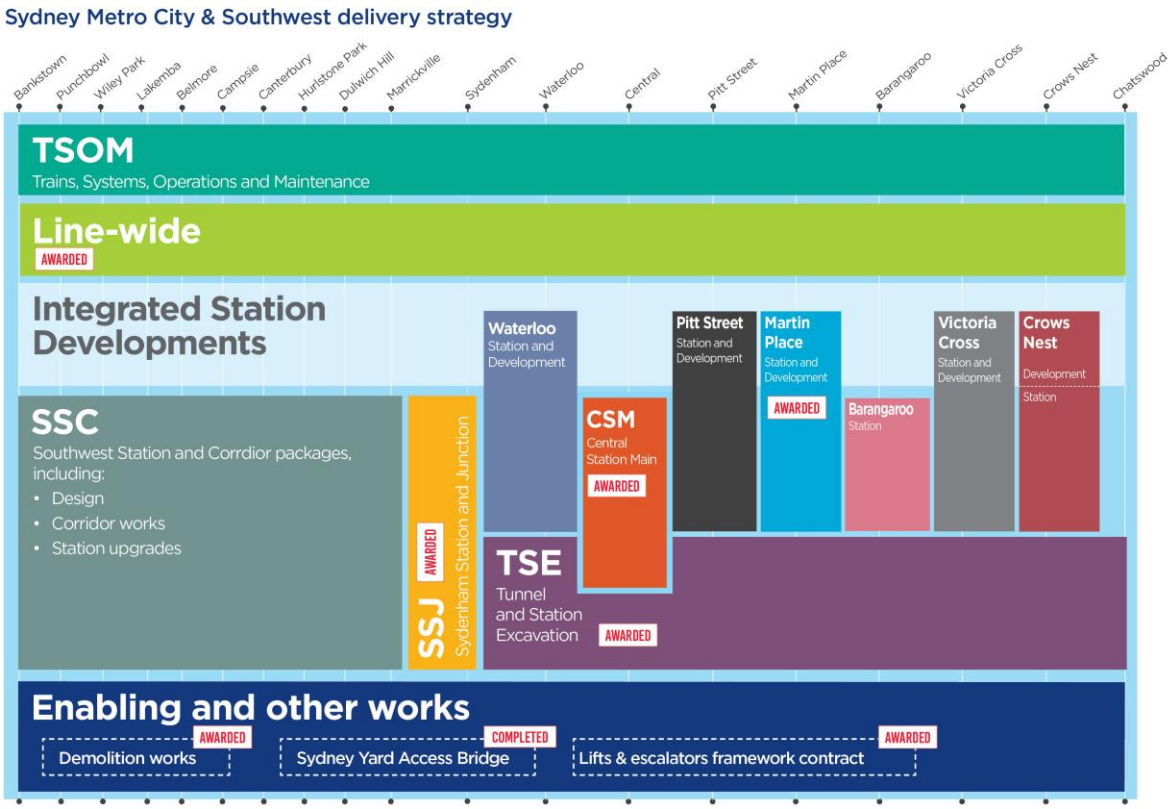


Figure 10 – Sydney Metro delivery strategy

- ***Rationale 4 - Extended duration of construction and completion of OSD and station***

  The requirement of a design competition process in accordance with clause 6.21 of the SLEP 2012 would be unreasonable in that it would have a direct impact on the ability for the station and OSD components to be delivered in a concurrent manner. The integrated station development model provides substantial benefits in regards to the concurrent delivery of the station and OSD components at each site. This includes the shortened timeframe of construction impacts, as well as an increased certainty regarding completion of the project by 2024.

- ***Rationale 5 - Robust design review and development process to date***

  Extensive review of the integrated station developments has been undertaken, which is intrinsic to the design process to date. This has included rigorous testing of options for land use, building heights, envelopes and form, articulation and integration, all within the technically demanding framework of Pitt Street Station and the Sydney Metro network.

- ***Rationale 6 - Independent review***

  Sydney Metro's design process has benefited from independent design review by the Sydney Metro DRP over the course of the last two years. In addition, the DEEP identified under this application is a new initiative which will contribute to the competitive selection process. Design integrity obligations for the OSD components would then be transferred to the SDRP following approval of the detailed SSD Application.

- ***Rationale 7 - Consistency with Government Architect NSW's design excellence initiatives***

  The Sydney Metro Design Excellence Strategy directly responds to, and is consistent with, the recently adopted 'Better Placed' design policy for NSW prepared by the Government Architect NSW. Better Placed supports the use of DRPs for complex state significant projects.

- ***Rationale 8 - Consistency with precedent OSD projects***

  Many of the reasons sought in this case regarding a waiver from a design competition as defined under the SLEP 2012 are consistent with the Sydney Metro Martin Place OSD (SSD 17_8351). This Project similarly comprises an integrated station development, with technically complex and unique project requirements owing to the station below. In the case of the Sydney Metro Martin Place OSD, the design excellence process has resulted in the provision of a high quality building which is strongly integrated between the station and OSD.

There is a clear rationale for the provision of an alternative process in this case, which is specific to the Sydney Metro OSD projects and has wider implications on the Sydney Metro project. Separate discussion has been provided in response to the issue of the proposed benchmarks, as well as the construction scenarios above. The Design Excellence Strategy has also been developed to the satisfaction of the Government Architect NSW, as demonstrated by a letter included at Appendix J.

Further discussion pertaining to the compliance of the proposal against Clause 6.21 of the SLEP 2012, as well as consideration of the proposal against the Government Architect NSW's draft *Design Excellence Competition Guidelines* has been provided at Section 8.6.

5.12.2. Gross Floor Area

Issue

The submission from Council raises concerns regarding the Clause 4.6 variation request submitted with the application for the Pitt Street North OSD. Specifically, this concern is raised given the conceptual nature of the application, the flexible mix of land uses proposed, creating uncertainty as to the manner in which floor space calculations and bonuses under the SLEP 2012 would be applied.

Response

The approach to land use and hence floor space as part of the application has been amended in order to provide additional certainty in impact assessment. Two potential land use options are now proposed, as follows:

- the provision of an option whereby the mixed use (residential, commercial and visitor accommodation) reference scheme as proposed in the exhibited EIS is retained,

- the provision of an alternate option whereby a commercial office scheme, with ancillary retail within the podium is proposed

The amended Project is further addressed at Chapter 7. The following responses are provided to Council's comments:

- the amended concept proposal has been revised such that, although it remains a concept SSD Application, it provides more certainty as to the impacts and distribution of floor space that could be provided within the proposed building envelope, thereby providing greater certainty on the mix of land uses, the nature of the floor space proposed and associated impacts

- the provision of two potential land use outcomes (rather than a flexible land use approach) enables more certainty as to the calculation of floor space and application of floor space bonuses under the SLEP 2012.

On the basis of the above, the amended concept proposal is considered to provide an additional degree of certainty for DPE in its assessment, and is on this basis an appropriate outcome.

5.12.3. Transport

Issue

Council's submission notes that any car parking provided within the podium of the development is to be designed such that it can be adapted to future uses. Council encourages DPE to ensure that the height of the proposed podiums and number of levels envisaged within appropriately safeguards for future uses within the podiums other than car parking.

Response

This is a mitigation measure for consideration during detailed design, and has been prescribed as such (see Section 9.2 Mitigation Measures).

Issue

Council's submission notes that any above ground parking should be located towards the rear of the respective sites, be screened by other active uses, and not be visible from the public domain.

Response

The car parking identified in the indicative scheme as exhibited is screened from all street frontages by the hotel use, and is substantially smaller than the overall site footprint, meaning that ability is retained for screening during detailed design and for other active uses to screen the car parking areas, irrespective of land use outcomes. The proposed alternate commercial scheme also includes the provision of car parking which would be screened from the surrounding frontages. This matter can be further addressed during the detailed design stage and future detailed SSD Application.

5.12.4. Flooding

Issue

Council's submission requests a condition that the applicant demonstrate compliance with the City of Sydney's *Interim Floodplain Management Policy* by submitting a Flood Assessment Report prepared by a suitably qualified and practicing floodplain management professional as part of future detailed SSD Applications. The report must include the flood impact assessment on existing conditions from the proposed development.

Response

Issues relating to flooding are generally related to the CSSI Approval given the nature of the OSD application. However, where relevant to the OSD (such as in relation to the ground floor exits or the provision of on-site detention) these can form part of the future detailed SSD Application considerations.

Issue

Council's submission also requests a condition requiring that detailed stormwater and drainage design documentation, including overland flow assessment and maintenance, be submitted with the detailed SSD Application.

Response

Issues relating to flooding, including overland flow and maintenance are generally related to the CSSI Approval given the nature of the OSD application. However, where relevant to the OSD (such as in relation to the ground floor exits or the provision of on-site detention) these can form part of the future detailed SSD Application considerations.

5.12.5. Heritage

Issue

Council notes that the Pitt Street North site adjoins the National Building and the NSW Masonic Club building, both of which are heritage listed. Council raises concerns regarding the physical impacts of the development on the adjoining buildings during excavation and construction works. Council

encourages DPE to require that specific consideration be given to those impacts which are to be addressed with the future detailed SSD Applications to ensure that heritage significant buildings adjoining the site are protected.

Response

Construction impacts on adjacent heritage buildings are primarily a matter for the CSSI Approval. No excavation is required for the OSD component and construction up to the transfer level is approved under the CSSI. Construction impacts related to the CSSI Approval (i.e. below the transfer level) are subject to the existing conditions and protections prescribed as part of the construction of the station component of the development.

Where relevant to the OSD application, further consideration can be provided at the detailed SSD Application stage, in relation to construction management matters of the future OSD.

Issue

Council recommends that the building footprint along the northern boundary of the Pitt Street North OSD be modified to match the existing 'indent' of the NSW Masonic Club building.

Response

As part of this Submissions Report, additional detail on the relationship of the proposal to the NSW Masonic Club building is provided. Broadly, the updated approach comprises:

- reinforcement of the existing commitments in the submitted Design Guidelines, including the commitment to achieve an appropriate development outcome *"through appropriate setbacks to protect adjoining light wells of Ashington Place (National Building) (284A-250 Pitt Street) and NSW Masonic Club (169-173 Castlereagh Street)*
- additional commitment within the revised Design Guidelines (Appendix A) in order to ensure the use of reflective or light coloured materials to encourage light penetration is considered during detailed design
- additional mitigation measure to ensure continued consultation is undertaken with the Masonic Club during the detailed design stage of the proposal

It is noted that the bulk and scale of the envelope below the transfer slab, including the component where the 'indent' would be provided, is subject to the CSSI Approval and cannot be modified under this concept SSD Application (further discussed at Section 8.4). Given this, the above response is a reasonable outcome which ensures that the Masonic Club will continue to be consulted in the preparation of a detailed design, whilst also acknowledging the constraints on any potential design solution imposed by the Sydney Metro infrastructure at the site.

5.12.6. Signage

Issue

The vertical projecting wall signage zones proposed at Pitt Street North are not supported, and should be deleted from the respective signage strategies. Council noted the SDCP 2012 as being an instrument for the regulation of signage, and recommended that the signage proposed be altered in order to align with the relevant provisions.

Response

The size, location and specific dimensions of signage will be reviewed at the detailed design stage with consideration of Council's comments. Details regarding future signage will be submitted as part of a future detailed SSD Application. A requirement has also been included in the amended Design Quality Guidelines at Appendix A to integrate any signage with SDCP 2012.

5.12.7. Public art

Issue

Council notes a preference for a combined Metro / OSD public art approach across the five stations in the City of Sydney local government area (LGA), with funds allocated for the Sydney Metro and OSD projects consolidated towards a single curated public art strategy.

Council does not support art installations in the footway due to the function of the future Pitt Street Metro Station and the interchange with other modes. Council also raises concern for other located areas for public art such as interior lobbies, soffit and façade locations which are not considered sufficiently 'public'. Council notes a preference for public art to be located in the Metro entrance halls, and suggests the consolidation of funds and development of a curated approach to public as being the best way to achieve strong identifies for the metro stations provided by significant works of art to these vital new public spaces.

Response

It is the strong preference of Sydney Metro for an integrated public art offering to be provided. Sydney Metro will endeavour to promote an integrated public art offering throughout the design and delivery stages of the development.

A Public Art Strategy would be developed for the future detailed SSD Application for OSD at Pitt Street North to align with the broader approach to public art outlined in the Public Art Masterplan and the relevant Council Strategies. Public art would be commissioned based on standards of excellence and innovation, integrity of work, relevance to the site context and consistency with planning policy.

A Public Art Management Plan would be developed and implemented by the contractor responsible for delivery of the integrated station development. A Public Art Working Group would also be implemented for the entire integrated station development to oversee the execution of the Public Art Masterplan. The Working Group would provide a forum for considering and approving the best approach to curating, procuring, integrating, installing and decommissioning public art as outlined in the Public Art Masterplan and Management Plan, including potential consideration of integration of public art offering.

5.12.8. Street activation

Issue

Council notes that the activation levels of the development are generally poor, comprising only the lobby entries activating to the highly pedestrian street frontage. Council suggests that further investigation be carried out into improved orientation of fire stairs, location of OSD risers and other back of house services and plant to try and alleviate visual impacts at street level.

Council makes specific reference to the frontages along Park Street and Castlereagh Street, which Council states would benefit from inserting retail tenancies to break up very long and inactive frontages.

Response

Sydney Metro itself is a major activation point, which will catalyse other activation through the Sydney CBD. The pedestrian flows achieved at both portals of the Pitt Street Station will lead to levels of activation common around other Sydney CBD stations including Circular Quay, Wynyard, Town Hall and St James. The location of a station portal within the site will have lasting impacts, and lead to further active development of the surrounding streets, including promotion of additional retail and services surrounding the site. This will have a substantially greater impact in regards to activation than any individual development. The proposed alternate commercial scheme also makes allowance for retail space, which would work to further activate the site.

Also relevant are the significant servicing requirements of the Sydney Metro integrated station development, including both the OSD and the station components. These components together require a substantial area to enable the different components of the building to function efficiently and safely. The indicative scheme represents one potential outcome at the site in regards to activation, with key design principles to ensure activation and efficient use of the ground plane provided to guide future design. The substantial occupation of the ground floor components by the station is visually demonstrated at Figure 11 below. Plant and ventilation requirements for the metro station are also not covered by this concept SSD Application, given that they form part of the CSSI Approval.

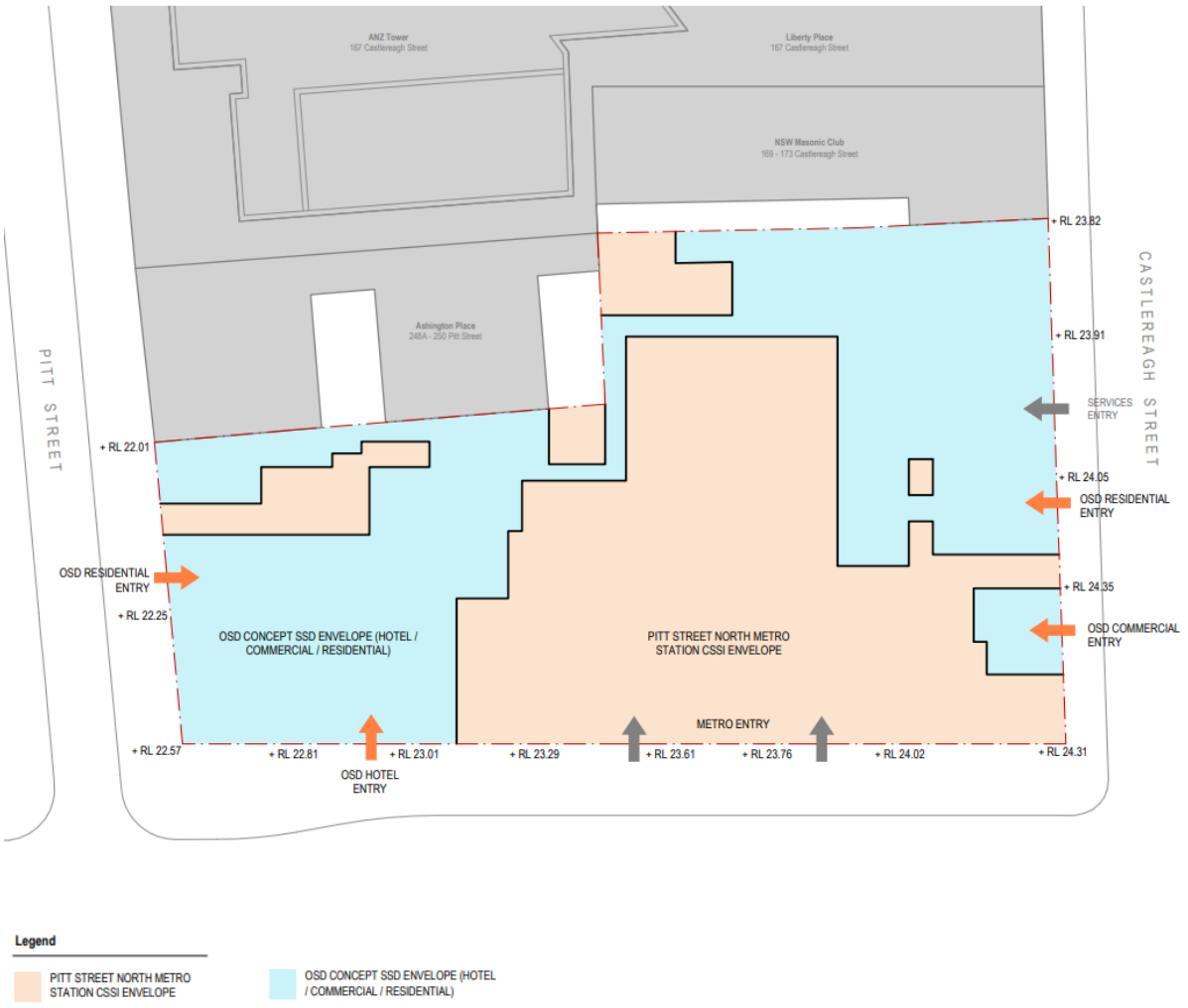


Figure 11 – Envelope drawings, identifying the allocation of substantial space to Pitt Street Station uses

The Design Guidelines have been drafted to encourage the provision of ground floor retail at future stages. As the design concept of the OSD and station is developed, an outcome which makes use of any surplus street frontage space for retail uses is encouraged.

It is for this key reason that Design Guideline No. 5 has been included under 'Public Domain and Place', which states as follows:

> [A desired outcome] *can be achieved through innovative design solutions to maximise activation within a constrained street frontage, including capturing opportunities along Castlereagh Street and Pitt Street. Activation opportunities should investigate a range of offerings that attract users to the place and including a mix of building entrances and retail uses.*

This design guideline is reflective of the commitment of Sydney Metro to further investigate potential activation, including the provision of retail in the ground floor plane, as the design development continues. This work will be finalised at later stages of the development process, and Sydney Metro will continue to work closely with Council as part of this process.

5.12.9. Awnings and colonnades

Issue

Council notes that the future colonnade fronting Park Street is to be a minimum height of six metres from finished floor level to underside of the roof of the colonnade with a minimum width of three metres clear from the outer face of the building to the inside face of the column to ensure appropriate

pedestrian clearances are made available along the busy thoroughfare. This three metre area is to be clear of all structures inclusive of any future outdoor dining.

Response

The provision of the colonnade at the site forms part of the CSSI Approval, and is outside of the scope of the OSD.

Irrespective of this, the colonnade will be designed and built to ensure maximum pedestrian flow. In effect, the colonnade works to directly increase the pedestrian footpath width along the northern side of Park Street within the property boundary, which will in turn substantially benefit the circulation of the site surroundings commensurate with the development of a new station portal in a central business district.

Issue

Council requests that a future detailed SSD Application provide a continuous awning to Pitt Street, Park Street and Castlereagh Street in accordance with the Awnings and Colonnades Map under the *Sydney Development Control Plan 2012* (SDCP 2012). While the SDCP 2012 is not applicable to SSDs, the proponent is encouraged to be guided by the relevant provisions for awnings and colonnades for appropriate development outcomes.

Response

Provision of an awning at the site forms part of the CSSI Approval and is outside the scope of the OSD. Specifically, awning provision will be included in the Pitt Street SDPP.

This will be reinforced within the Design Guidelines approved as part of the CSSI Approval, which identify that *"station entries are to incorporate canopies / awnings as appropriate to provide weather protection for customers, community information, amenities and ticketing equipment, gateline and appropriate queuing zones"*. The guidelines also require that awning cover relates to surrounding buildings to create continuous weather protection. This demonstrates a clear objective by Sydney Metro to include such a component in the final design of the station.

5.12.10. ESD

Issue

Council considers it essential that performance targets be established for specific environmental performance issues. Council also considers that International Best Practice (6 Star) is a more appropriate target than the well-established 5 Star target.

Council notes that the ESD report proposes no more than base compliance for the residential component via BASIX. Council notes that the development can accommodate higher targets, consistent with the higher BASIX targets adopted for apartment development over six storeys along the Parramatta Road Corridor

Response

An updated ESD Addendum letter has been provided as part of this Submissions Report, which identifies the following targets:

- for a mixed use scheme:
    - 5 Star Green Star
    - BASIX 40 Energy (for the residential portion)
    - Exceed minimum compliance with BASIX Water (for the residential portion)
    - 4 Star NABERS Energy, or equivalent energy efficient performance (for the hotel portion)
    - 3 Star NABERS Water, or equivalent water efficient performance (for the hotel portion)

- for a commercial scheme:
    - 6 Star Green Star
    - 5 Star NABERS Energy
    - 3.5 Star NABERS Water

This addendum has been provided at Appendix D, and provides additional clarity regarding the nature of the targets proposed. The addendum also responds to the two schemes for which approval is being sought at the site.

6. Response to the issues raised in community submissions

This chapter provides responses to the issues raised in submissions from the community, including community members, local businesses and community/interest groups.

6.1. Overview

The approach to processing and responding to community submissions is described in Chapter 3. Community submissions making comment, in support and in objection to the concept SSD Application are addressed separately below.

Issues listed in each section are a summary of key issues raised in community submissions. Full details of the issues raised are provided in the complete submissions, available on DPE's major projects' website at majorprojects.planning.nsw.gov.au (Application Number: 17_8875).

Unless otherwise indicated, the mitigation measures referred to in this section are the revised mitigation measures for the amended Project, provided in Table 14 of this Submissions Report.

6.2. Submissions making comment

This section addresses key comments made in community submissions. As detailed in Section 4.3, five submissions were registered with DPE as making a comment on the application.

6.2.1. Pedestrian accessibility

Comment

Comments noted that there should be underground connections from the new station to Town Hall and Museum stations, as well as a connection via The Galeries. Good pedestrian access from the new station to the rest of the CBD should be considered.

Response

The scope of this concept SSD Application, as identified in Section 2.2 of this Submission Report, does not include works associated with Pitt Street Station, ground plane arrangements or associated underground connections.

Notwithstanding, Pitt Street Station is not intended to provide a significant interchange function with the Sydney Trains network, but instead improve connectivity, capacity and support growth in the Sydney CBD. The interchange function with the Sydney Train network is encouraged at other stations on the Sydney Metro network, including Sydenham, Central, Martin Place and Chatswood. As a result, the interchange function to rail is expected to be minor and is proposed to be accommodated through existing underground and street-level connections between the sites.

6.2.2. Design Excellence

Comment

Comments were received which noted that the Design Excellence process should encourage 'statement' buildings.

Response

Design Guidelines and a Design Excellence Strategy have been prepared to support the concept SSD Application, providing a framework to enable the delivery of an integrated station development which responds to the opportunities and constraints at the site, and exhibits design excellence.

The Design Guidelines prepared as part of the concept SSD Application have been updated and are further detailed at Section 7.3. The guidelines are informed by the detailed site analysis set out in the

Design Report and the strategic planning and development objectives for the OSD. The guidelines provide a reference document for the assessment of future detailed design outcomes, and include parameters for built form, heritage, integration with the public domain and Sydney Metro station, movement and connectivity and legacy outcomes of the development. This includes delivery of a high-quality built-form that "is identifiable as a landmark building".

Additionally, Sydney Metro has had a long-standing commitment to design excellence as an outcome and has led the way in setting new benchmarks for delivery of excellence in design for major infrastructure projects. Consistent with best practice, Sydney Metro has engaged highly experienced, multi-disciplinary design practices to inform reference documents and has been at the forefront of using Design Excellence Panels.

6.2.3. Open spaces

Comment

One submission noted that the proposal should provide for open spaces with ample greenery and public seating.

Response

As clarified in Section 2.2 of this Submissions Report, the scope of this concept SSD Application is limited to the OSD and does not include works associated with the ground plane or the public domain. Matters in relation to the ground plane and the provision of open space will be resolved during the detailed design stage under the terms of Condition E101 of the CSSI Approval.

The Design Quality Guidelines (Appendix I of the exhibited EIS) include a requirement to encourage the retention of existing and incorporation of new street trees to reduce the heat island effect and supplement existing avenue planting. These guidelines have also been updated (Appendix A) to include a requirement for the provision of landscaping throughout the design, the laying spaces of relief and referencing landscaping carried through from Hyde Park.

Notwithstanding, analysis has been undertaken to understand the public amenity of the OSD and surrounding pedestrian networks. The site is located within close walking distance of Hyde Park (with the Domain and Botanic Gardens beyond) which provides a substantial network of active and passive open spaces for the use of future residents, visitors and employees to the north east of the site. Likewise, to the west of the site lies Tumbalong Park and Darling Harbour, providing additional recreation space. Tumbalong Park and Cockle Bay also comprise some of the key tourist precincts in NSW, and the proposed visitor accommodation benefits from proximity to these.

6.3. Submissions in support

6.3.1. Land-use

Comment

The proposed mixed-use development is supported.

Response

The submission's recommendation is noted. The key objective of the development is to achieve a building form which is suitable in the context of the site, and activates the surrounding street frontages. This could be achieved through either a commercial or mixed use outcome.

The concept proposal comprises a building form which would promote the social and economic welfare of the community and a better environment, through the provision of appropriate land use outcomes and a vibrant building which has been designed to be compatible with the surrounding environment.

6.3.2. Building height

Comment

Suggestion that the proposed height should be increased to 85 storeys.

Response

The submission's recommendation is noted. The maximum height for the building envelope of RL 189 (approximately 43 storeys) is proposed to align with maximum height nominated in SLEP 2012 including the Sun Access Plane provisions contained at Clauses 6.17 and 6.18 of the SLEP 2012. The envelope has been specifically tailored with the intention of preserving sunlight to important public open spaces, including Hyde Park, which has resulted in the proposed envelope.

6.4. Submissions in objection

This section provides responses to the issues raised by objectors. As detailed in Section 4.3, four submissions were registered with DPE as objecting to the concept proposal. The issues raised in these submissions relate to the following general matters:

- Loss of private views
- Overshadowing of neighbouring properties
- Loss of privacy
- Impact on adjacent heritage buildings
- Overshadowing of public open space
- Floor Space Ratio
- Building height
- Building separation
- Impact of noise and vibration from proposed car park
- Economic impact on local businesses
- Impact of construction noise and vibration

These issues are addressed in further detail below:

6.4.1. Loss of private views

Issue

Submissions noted that residents of 27 Park Street and 197 Castlereagh Street will be impacted by the proposed development, in relation to view loss. This is particularly in relation to view loss towards the north, where the envelope will obscure views to Sydney Tower.

Response

The proposed development has been subject to a detailed assessment of view impacts, which incorporates low, medium and high level views from 27 Park Street and north facing balconies at 197 Castlereagh Street. This assessment has been provided in the form of perspectives (provided at Appendix U of the exhibited EIS) and supported by a detailed analysis (Appendix W of the exhibited EIS) and assessment regarding the setback of the building has been provided below. Only one submission has been received from each of the 27 Park Street and 197 Castlereagh Street buildings.

27 Park Street

The submission received from 27 Park Street notes a general loss of views, from the perspective of a high floor apartment (demonstrated in the photograph attached to the submission). The submission does not mention the specific views lost, rather talks about the matter in a general sense alongside other issues including overshadowing and privacy (addressed separately).

The view loss of high level apartments at 27 Park Street has been specifically assessed, and determined to be acceptable in nature. Specifically, Figure 12 demonstrates that views towards the north-east, including to St Marys Cathedral, the Botanical Gardens and Sydney Harbour would not be affected by the proposed development.

This is an acceptable outcome at the site, given the substantial retention of views towards the north-east.

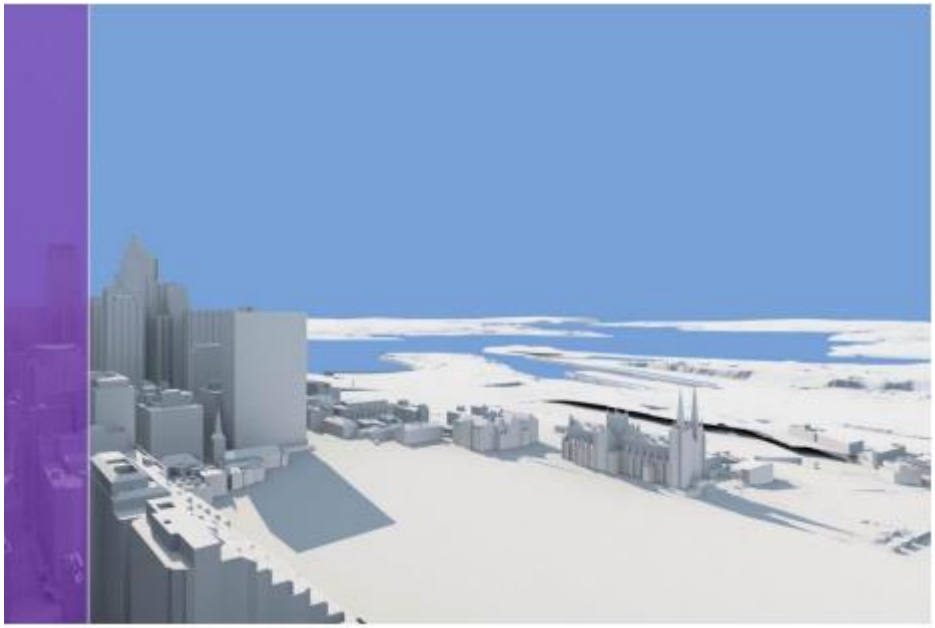


Figure 12 – Views from high rise apartments at 27 Park Street to the north-east (OSD envelope in purple)

197 Castlereagh Street
The submission received from 197 Castlereagh Street makes specific note of the loss of Sydney Tower in views to the north by the proposed development. This view loss comprises the secondary northern aspect to these apartments, with these apartments also privy to views towards the east and north-east by virtue of apartment orientation.

This submission also makes reference to the cumulative view impact at the site between the proposal and 201 Elizabeth Street. As demonstrated at Appendix B, when the approved envelope of 201 Elizabeth Street is included, there is minimal change to the previously provided view impact perspectives.

Issue

The Private View Analysis report by Sydney Metro is inconclusive and does not offer any solution to resolve a 'view sharing' policy as stated in Sydney LEP.

Response

View impacts of neighbouring properties have been subject to a Private View Impact Analysis (Appendix U of the exhibited EIS), as well as a Visual Impact Assessment Report (Appendix W of the exhibited EIS). 27 Park Street and 197 Castlereagh Street were identified as nearby residential buildings that could potentially be impacted by the proposal. This included the preparation of a view impact assessment in accordance with the principles outlined under *Tenacity Consulting Pty Ltd v Warringah Council [2004] NSWLEC 140* (Tenacity).

The steps involved in the assessment included:

- assessment of views to be affected
- consideration of what part of the affected property the views are obtained
- assessment of the extent of the impact
- assessment of the reasonableness of the proposal that is causing the impact.

The assessment concluded that the impact of the proposal on the value of existing views from 27 Park Street is minimal, and that the impact of the proposal on 197 Castlereagh Street is low to moderate. This is based on the nature of the view loss in the context of the larger views to the east and north-east. Other relevant factors in this assessment included the urban high rise character of the Sydney CBD and the consistency of the proposal with this character, compliance of the proposal against the SLEP 2012, consistency of the proposal with the SDCP 2012, and compatibility weighting factors which results in an overall low visual impact.

Notwithstanding, further analysis has been undertaken to assess the cumulative impact of the approved development at 201 Elizabeth Street (Appendix B). This analysis concludes that the impact of this development will be negligible due to the siting of the approved building.

6.4.2. Overshadowing of nearby residential properties

Issue

Residences at 27 Park Street will be overshadowed by the proposed OSD envelope.

Response

As part of this response to submissions, additional solar access assessment has been provided to determine the impact of the OSD proposal to 27 Park Street. This has been discussed at Section 8.2.

6.4.3. Solar access to Masonic Club

Issue

The proposal will completely block sunlight to the NSW Masonic Club building with negligible setbacks.

Along the northern elevation of the proposed podium, reflective material is to be incorporated in the design to maximise indirect light into the Cellos Grand Dining Room and hotel rooms above to create a light well.

Response

The retention of solar access to the Masonic Club has been a key consideration through this submissions response process. Given the location of the Masonic Club to the north of the site, there is limited potential for the concept proposal to overshadow or influence the level of solar access to the Masonic Club, with shadows in Sydney cast towards the south, east and west.

In relation to the use of reflective materials, the below additional guideline has been included as part of the response:

> *"Appropriate setbacks to protect light access to adjoining light wells of Ashington Place (National Building) and NSW Masonic Club* ***and use of reflective or light coloured materials to encourage light penetration****"* (emphasis demonstrating additional wording)

The impact of this is that the use of reflective materials will be investigated during the detailed design process, which would potentially work to increase the level of solar access to the Masonic Club

During the further design stages of the project, Sydney Metro will continue to consult with the Masonic Club regarding the design of the integrated station development.

6.4.4. Loss of privacy – Masonic Club

Issue

A submission noted that the proposed development does not provide adequate building separation from the Masonic Club in accordance with the provisions of the *Apartment Design Guide* (ADG). A separation between the OSD building and the Masonic Club of between six and nine metres should be provided. Further details were requested regarding the potential overlooking impacts between the proposed building and the NSW Masonic Club. Details such as privacy screens and landscaping should be incorporated in any future application.

Response

The request for six to nine metres of separation is based on the provisions of the ADG, which relates to residential development separation. As discussed further at Chapter 7, the amended Project has confirmed that the building has two potential land use outcomes, being:

- mixed use commercial / visitor accommodation within the podium of the envelope, and residential above
- commercial use below and above the podium of the envelope, with ancillary retail uses at the lower levels of the podium

Page 9 of the ADG states that *"SEPP 65 and the Apartment Design Guide apply to residential flat buildings, shop top housing and the **residential component of mixed use developments**"* (our emphasis). The mixed use concept proposal does not include any residential development within the podium, and therefore SEPP 65 and the ADG do not apply at this portion of the concept proposal. The components which do comply are in relation to the residential towers above the podium, which are vertically offset from the Masonic Club in such a manner which ensures that there will be no adverse privacy impacts arising from the development.

Similarly, a commercial concept would not be subject to SEPP 65 and the ADG at all, and would not require any separation under the above policies.

In addition to this, the exhibited Design Guidelines state that the detailed design would be achieved *"through appropriate setbacks to adjoining light wells of Ashington Place (National Building) (284A-250 Pitt Street) and NSW Masonic Club (169-173 Castlereagh Street)"*. The intention of this provision is to ensure that measures to preserve light to the two mentioned items are considered as part of the detailed SSD Application and design development.

With consideration to the above, the amended concept proposal is an appropriate outcome at the site. Additional certainty regarding the nature of the uses within the podium compared to the exhibited concept proposal would ensure that residential dwellings would not be included within the podium which could lead to potential overlooking impacts to the Masonic Club.

6.4.5. Loss of privacy – residential developments

Issue

A submission noted that the proposal will result in an adverse impact on the privacy of nearby residential uses, including 27 Park Street and 197 Castlereagh Street.

Response

The proposed development is substantially separated from the nearest residential buildings by Park Street, which is thirty metres wide and provides ample separation in excess of the separation provisions of the ADG. In addition to this, both 27 Park Street and the concept proposal provide additional setbacks above the respective podiums. This level of separation is significantly greater than that typically encountered in highly urbanised contexts such as the Sydney CBD. The proposed development would therefore not result in any adverse impacts in relation to privacy.

6.4.6. Impact on adjacent heritage buildings

Issue

A submission sought additional clarification regarding the relationship of the NSW Masonic Club and the horizontal elements of the proposed building.

Response

The *Pitt Street North Design Guidelines* (Appendix I of the EIS) provide the guiding principles which will drive appropriate design outcomes during detailed design. The relationship between the proposal and the NSW Masonic Club is an important consideration, given the context of the building immediately adjacent to the north of the site, and being listed as a heritage item in the SLEP 2012.

The Design Guidelines recommend that the design responds to the major horizontal and vertical elements of the Masonic Club, including the second and third floor cornices of the former Masonic Club as well as upper cornices. Additionally, the Design Guidelines recommend that the form of the podium interprets the subdivision pattern established during the late-nineteenth and early twentieth century through the modulation and articulation of the street frontages, noting the significance of the National Building and the Masonic Club.

Having been included in the Design Guidelines, any future detailed SSD Application will be required to address this matter as part of a future EIS.

Issue

Submissions noted that the impact on the heritage values of the Masonic Club building is unclear. The heritage report implies that there will be minimal impacts, yet no setback is proposed with the 12-storey podium located at the boundary of this heritage 12-storey building. There is no information on how light and brightness, or views and outlooks will be affected.

Response

The Heritage Impact Statement (Appendix R of the EIS) concludes that the nature and extent of potential impacts arising from the development within the envelope on heritage items in the vicinity has been assessed and can be mitigated. Effective mitigation (as outlined in the Heritage Impact Statement) would ensure that the development has a minimal adverse impact upon heritage. However, potential impacts and mitigation efforts will be further assessed in the detailed design stage.

Notwithstanding, the design will respond to the heritage significance of the NSW Masonic Club, which is addressed through different provisions of the Design Guidelines. This is further discussed at Section 8.4.

6.4.7. Overshadowing of public open space

Issue

Submissions noted that the proposed development would increase shadows on Hyde Park between April and November to degrees that the application describes as varying from negligible to moderate. Around both equinoxes, particularly in September, new shadowing would be substantial and across the afternoon. Approval of any additional shadowing of Hyde Park in breach of the access plane on the grounds that it is only small sets a precedent for the cumulative loss of all winter sun from multiple developments over time.

Response

The maintenance of solar access to Hyde Park has been a central element in the development of the proposal, in accordance with the key public open space role that Hyde Park plays in the context of the City of Sydney. Specifically, the proposed development has been designed to comply with clauses 6.17 and 6.18 of the SLEP 2012, with the intention of minimising the solar access impact to Hyde Park beyond that required under the SLEP 2012.

Although the proposal would overshadow Hyde Park at some times of the year, it is considered that the impact of this would be minor and would generally occur in the late afternoon at the two equinox periods. This is considered to be reasonable given that the intent of the SLEP 2012 provision is to protect sunlight during the period of year when it is most limited and sought-after (i.e. mid-winter) without unduly constraining development within the Sydney CBD.

For the periods which have the largest overshadowing impact, being at 3.00pm on 21 April, 3.00pm on 21 August and 3.00pm on 21 September, the overshadowing caused by the development comprises only a small portion of the overall park area, ensuring that considerable space remains available and with high levels of amenity.

In addition to the above, the development is considered to have an acceptable overshadowing impact on Hyde Park by way of the following:

- The proposed building envelope has been designed to comply with the provisions of the SLEP 2012 and generally comply with the SDCP 2012. This has included the provision of minimum six metre setbacks to all street frontages, which has been reflected in the tested scenario, representing a worst case. Because of the Weighted Average Setbacks prescribed under the SDCP 2012 and noted in the envelope drawings submitted at Appendix C of the exhibited EIS, the actual impact on Hyde Park is likely to be less than that demonstrated in the shadow diagrams at the concept stage.

- The development does not overshadow Hyde Park at all prior to 1.30pm on 21 June, and the majority of overshadowing resulting from the development occurs in the period of 2.30pm to 3.00pm. The impact of this is that the critical lunch hour period remains largely unaffected by the development, with overshadowing only to occur later in the afternoon period.

- The envelope has been amended between the issue of the SEARs and the lodgement of the concept SSD Application with the specific intention of further reducing the overshadowing impact on Hyde Park.

- In the periods where the building envelope does cause overshadowing, this is generally limited to the park edge, being located between the shadows cast by other buildings such as 16 Castlereagh Street, 201 Elizabeth Street and 27 Park Street.

- For the periods which have the largest overshadowing impact, being at 3.00pm on 21 April, 3.00pm on 21 August and 2.30-3.00pm on 21 September, the overshadowing caused by the development comprises only a small portion of the overall park area, ensuring that considerable space remains available and with high levels of amenity. The overshadowing is limited to small periods in the late afternoon, and is considered to be an acceptable outcome having regard to the significant development that is occurring on the Pitt Street North site.

Correspondence demonstrating compliance with solar access requirements under the SLEP 2012 has also been provided at Appendix K.

Issue

The Shadow Study report submitted by Sydney Metro does not take into account the approved DA at 201 Elizabeth Street, which is a requirement stated under Section 6 Amenity of SEARs. The proposal will add more shadows into Hyde Park which ignores the principle of reducing overshadowing of Hyde Park under Sydney's LEP.

Response

As outlined at Chapter 8.2.1 of the exhibited EIS, the proposed envelope has been designed to respond to the approved DA at 201 Elizabeth Street. The indicative building envelope submitted with the Request for SEARs for the Pitt Street North OSD on 1 November 2017 was designed to ensure that shadows cast by the OSD were entirely contained by the (then) proposed envelope of 201 Elizabeth Street on 21 June.

However, during the development of the EIS, the building envelope above the podium at 201 Elizabeth Street was shifted to the south. The impact of this shift would have seen the maximum building envelope set out in the OSD Request for SEARs resulting in some minor overshadowing of Hyde Park between 1.30pm and 2.00pm on 21 June. Although not required to under the SLEP 2012, Sydney Metro has reduced the proposed building envelope as illustrated at Figure 13 to ensure that shadows cast are contained entirely within the envelope during the nominated period. Specifically, this comprises an amendment to the north east portion of the envelope, whereby the envelope is reduced by approximately 90 square metres per level at the mid-rise and high-rise levels of the OSD envelope. This is discussed further at Chapter 9.3.2 of the EIS.

In addition to the above, it has since been confirmed with the Council that the proposal complies with the relevant provisions of the Sun Access Plane under the SLEP 2012 (Appendix K).

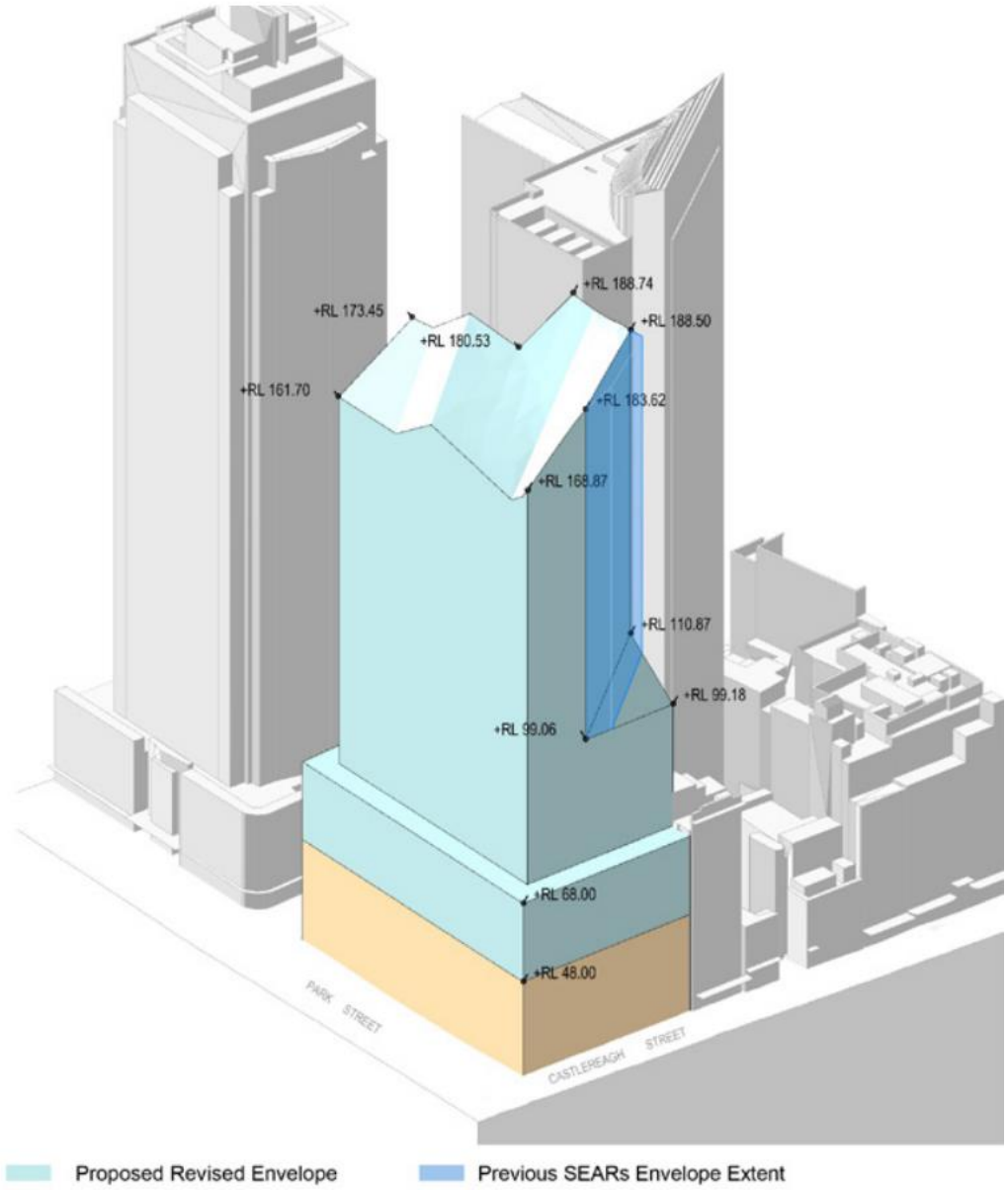


Figure 13 – Reduction in maximum building envelope to ensure no additional overshadowing of Hyde Park between midday and 2.00pm on 21 June (mid-winter)

Issue

A submission noted that there is inadequate information about shadowing impacts on Town Hall Square. Further investigation is needed to ensure that sun access is protected.

Response

The proposed development has been designed to comply with the site specific overshadowing requirement prescribed by Clause 6.19(1)(i) of the SLEP 2012. Detailed analysis of overshadowing of public spaces has been undertaken and is outlined in detail in Section 8.3. Specifically, Town Hall Steps and Sydney Square are not overshadowed by the proposed development during any of the nominated periods.

The future Town Hall Square (as envisaged under *Sustainable Sydney 2030*) is not subject to overshadowing controls under the SLEP 2012. This has been further discussed at Section 8.3.

6.4.8. Floor Space Ratio

Issue
The proposal seeks a Clause 4.6 variation to increase the current FSR by 2.16:1 which equates to a 15.6% increase or 7500m2 in floor area. This is excessive and should be scaled back to reduce the impact on solar access and overshadowing.

Response
An amended floor space proposal has been detailed at Section 7.1, which provides additional detail and justification of two potential land use and hence floor space outcomes on the site. The proposed floor space has been further discussed at Section 8.1 of this Submissions Report. There has been no change in the total floor space proposed, with the two schemes detailed as part of this Submissions Report to provide additional certainty on the land uses under each scheme.

In addition to the above, detailed assessment of the proposed development has been undertaken in order to ensure that the development at the site does not result in any adverse impacts in regards to solar access or overshadowing. It is also relevant to note that the floor space proposed, in and of itself, does not result in solar access and overshadowing impacts. These impacts have been assessed against the envelope..

6.4.9. Building height

Issue

The Park Regis is the oldest high-rise development to have been built in the Sydney CBD, and it is acclaimed and praised by the City of Sydney. Allowing more high rise buildings to dwarf it, particularly a 43 storey mixed-use building in this location, will affect the heritage, outlook and location of the Park Regis.

Response

The Park Regis is not a listed heritage item under the SLEP 2012 and is not required to be assessed in a heritage context. However, it is also considered that the proposed development would not adversely affect the Park Regis building, given the substantial separation between the sites as a result of Park Street.

The Pitt Street North OSD would redefine the local urban fabric, contributing to the renewal of an evolving CBD precinct. The design would reflect the local context and make a significant contribution to the surrounding visual context. The considered nature of the proposed envelope has been designed in such a manner which would not result in any adverse impacts on the Park Regis building. Further discussion has been provided at Section 8.4 of this Submissions Report.

6.4.10. Building separation

Issue

The most affected neighbour at 169-173 Castlereagh Street (the NSW Masonic Club) was not adequately considered in the selected development option.

Response

The impact of the proposed development on the NSW Masonic Club has been a key consideration of the planning process and is addressed in extensive detail in the EIS.

The key potential heritage impact identified in the HIS was the possible inconsistency of the new proposal with the vertical articulation and fenestration of the building street wall. Whilst this specific detail will be considered in the detail design stage, the building envelope mitigates the impact of scale at the concept proposal stage by establishing a street wall of comparable height to the NSW Masonic Club.

Additionally, the OSD Design Guidelines included in Appendix I of the EIS details measures to be undertaken to mitigate negative impacts upon the NSW Masonic Club. These measures include replicating the major horizontal and vertical building elements of the Masonic Club, including the second and third floor cornices, as well as the upper cornices, podium design that interprets the subdivision pattern established during the late-nineteenth and early twentieth centuries through the modulation and articulation of the street frontages, and provision of appropriate setbacks to protect light access to adjoining the light well of the Masonic Club.

Additional discussion has also been provided in the amended Design Guidelines at Appendix A to ensure the future consideration of reflective materials and the like to provide for additional light to the Masonic Club. This has been reproduced below:

> *"Appropriate setbacks to protect light access to adjoining light wells of Ashington Place (National Building) and NSW Masonic Club* ***and use of reflective or light coloured materials to encourage light penetration****"* (emphasis demonstrating additional wording)

An additional mitigation measure has also been proposed as part of this response, which will work to ensure that the Masonic Club is consulted through the detailed design of the OSD.

Issue

A 7.6 metre building separation on the proposed ground level up to the podium terrace on level 12, consistent with the ADG design criteria should apply only to the central part of the building with a length of approximately 21 metres along the south facing windows.

Response

The mentioned request for separation is based on the provisions of the ADG, which relate to residential development. As discussed further at Chapter 7, the amended Project includes two potential land use outcomes, being:

- mixed use commercial / visitor accommodation within the podium of the envelope, and residential above
- commercial use below and above the podium of the envelope, with ancillary retail within the podium only

As identified at Section 2.2, the building envelope up to the transfer level (RL 48.00) is not subject to this application and is covered by the CSSI Approval. Accordingly, there is no ability to impose a setback up to the transfer level under this application.

Additionally, Page 9 of the ADG states that *"SEPP 65 and the Apartment Design Guide apply to residential flat buildings, shop top housing and the* ***residential component of mixed use developments****"* (our emphasis). The mixed use concept proposal does not include any residential development within the podium, and therefore SEPP 65 and the ADG do not apply at this portion of the concept proposal. The components which do comply are in relation to the residential towers above the podium, which are vertically offset from the Masonic Club in such a manner which ensures that there would be no adverse privacy impacts arising from the development.

Similarly, a commercial concept would not be subject to SEPP 65 and the ADG and would therefore not require any separation under the above policies.

The amended concept proposal is an appropriate outcome at the site, which is furthered by additional certainty regarding the nature of the uses within the podium.

6.4.11. Impact of noise and vibration from proposed car park

Issue

The proposed development incorporates parking for approximately 50 spaces located across five levels of the podium. These car spaces will be approximately 7.6 metres from the Castlereagh Boutique Hotel windows and this could give rise to unacceptable levels of noise from cars manoeuvring throughout the car park on steel float concrete. The proposal also incorporates plant rooms in close proximity to the hotel rooms which could give rise to noise impacts for guests.

Response

The scope of this concept SSD Application does not pertain to detailed design of a future building, which would be subject to separate assessment as part of a future detailed SSD Application.

A Noise and Vibration Assessment has been provided at Appendix O of the EIS to assess the potential construction and operational noise and vibration impacts associated with the OSD, as well as consider the amenity of future occupants of the building.

The assessment concludes that, subject to detailed design and the incorporation of the recommendations of the acoustic assessment it is considered that the proposal would be capable of being acceptable from an operational acoustic impact perspective by operating within the established operational noise criteria.

6.4.12. Economic impact on local businesses

Issue

Economic impacts of the proposed OSD on the viability of the hotel and club uses need to be taken into consideration. Transparent and on-going consultation with the management of the hotel is necessary to ensure the existing businesses supporting the NSW Masonic Club can remain viable and relevant during the construction stage and post-construction. Due to the extent of the direct impacts to the NSW Masonic Club, including loss of sunlight, noise and loss of income, the Sydney Metro should consider some form of compensation to the club.

Response

A robust assessment of the economic impacts of the proposed development has been undertaken at Chapter 10 of the submitted EIS. The concept proposal would have substantial and direct economic benefits to the site and business in the immediate vicinity and would complement rather than compete with existing surrounding businesses.

More broadly, the OSD would contribute to direct economic benefits at the site and the immediate locality through employment and visitation of local businesses as well as flow-on economic benefits to the broader CBD and Sydney metropolitan area. These benefits are in addition to those delivered by the Sydney Metro station at the site.

Whilst it is acknowledged that some impacts may arise on the Masonic Club from the OSD construction and operation, a detailed environmental assessment has been undertaken and has determined that the proposed envelope would not result in any adverse impacts on existing surrounding buildings. Further detailed assessment will be undertaken regarding impacts of the proposal at the detailed SSD Application stage.

6.4.13. Impact of noise and vibration from construction

Issue

Construction noise and vibration impacting the NSW Masonic Club is to be controlled by the various conditions of consent.

Response

The submission's recommendation is noted. As discussed at Appendix O of the EIS, a Noise and Vibration Assessment was undertaken to assess the potential construction and operational noise and vibration impacts associated with the OSD. The assessment concludes that, through the incorporation of the recommendations of the acoustic assessment during detailed design it is considered that the proposal would be capable of having acceptable operational acoustic impacts by operating within the established operational noise criteria.

The development would adhere to the acoustic framework set out in the Acoustic Report at Appendix O of the EIS. This framework recommends that a Construction Noise and Vibration Management Plan (CNVMP) should be undertaken for the Project during the detailed design stage, to outline the likely impacts and effective mitigation measures. Construction noise in relation to the station infrastructure is covered by the CSSI Approval, and has been previously assessed.

Issue

The proposed development is to ensure compliance with the relevant construction traffic management principles and other relevant requirements in association with the Pitt Street OSD.

Response

This is noted. A Construction Management Statement has been provided at Appendix Z of the exhibited EIS. Detailed construction management measures will be detailed as the proposal is further developed through the relevant approvals processes.

7. Amended Project

The term 'amended Project' refers to the Pitt Street North OSD with amendments as a result of the submissions received. This chapter provides detail on the changes to the concept proposal as exhibited, including a description of the amended Project compared to the Project described in the exhibited EIS.

7.1. Floor Space Ratio

7.1.1. Exhibited development proposal

The exhibited EIS included the following development description:

- *a maximum building envelope, including street wall and setbacks, as indicated in the architectural drawings at Appendix C* (of the EIS)
- *a maximum building height of approximately Relative Level (RL) 189 which equates to approximately 43 storeys including a podium height of RL68 (approximately 45 metres), which equates to approximately 12 storeys above ground*
- *a maximum GFA of 49,120 square metres for the OSD component, which equates to a FSR of 15.59:1, resulting in a total maximum GFA at the site (including station floorspace) of 50,310 square metres and a total maximum FSR of 15.97:1. This includes flexibility to enable a change in the composition of land uses within the maximum FSR sought*
- *conceptual use of the building envelope for a range of land uses including commercial office space, visitor accommodation and residential accommodation (subject to further refinement during the detailed SSD Application stage). A number of facilities for the use of future occupants are also contemplated throughout the building envelope*

  Note: For the purposes of the indicative design, the land use mix comprises approximately 300 residential apartments, 200 hotel rooms and 1,500 square metres of commercial floor space, which equates to the maximum FSR sought above. Refer to Chapter 4.4 (of the EIS) *for further detail*
- *use of conceptual OSD space provisioning within the footprint of the CSSI Approval (both above and below ground), including the OSD lobby areas, podium car parking, storage facilities, services and back-of-house facilities*
- *car parking for approximately 50 spaces located across five levels of the podium*
- *loading and vehicular access arrangements from Castlereagh Street*
- *pedestrian access from Pitt Street, Park Street and Castlereagh Street*
- *strategies for utilities and service provision*
- *strategies for the management of stormwater and drainage*
- *a strategy for the achievement of ecologically sustainable development*
- *indicative signage zones*
- *a strategy for public art*
- *a design excellence framework*
- *the future subdivision of parts of the OSD footprint (if required)*

7.1.2. Exhibited floor space proposal

As part of the proposed development outlined above, a maximum FSR of 15.59:1 was sought, which equates to a total GFA of 50,310 square metres. This exceeded the maximum allowable FSR at the

site in accordance with the SLEP 2012, and accordingly a Clause 4.6 Variation Request was prepared for the development, and submitted at Appendix J of the EIS.

In accordance with the SLEP 2012, and based on the scheme proposed as part of this concept SSD Application, the maximum FSR permissible for the residential component comprises the sum of the following:

- the 'base' FSR for the site of 8:1 (clause 4.4 of the SLEP 2012)
- accommodation floor space of up to 4.5:1 for office premises, business premises or retail premises and up to 6:1 for residential accommodation, serviced apartments, hotel or motel accommodation, community facilities or centre based child care facilities (clause 6.4 of the SLEP 2012), calculated based on the maximum accommodation floor space allowance
- up to 1.4:1 (10% above the base and accommodation FSRs) which is awarded when design excellence is achieved (noting that this clause is not applicable in the current proposal)

At the site, this would result in a provision of a maximum permissible FSR of 14:1 based on a scheme comprising residential and hotel accommodation only. This maximum is slightly reduced based on the inclusion of the commercial office component of the indicative land use mix.

When the proposed mix of land uses is applied (1,482 square metres commercial office; 33,416 square metres residential accommodation; 13,453 square metres hotel accommodation; 1,189 square metres station floor space) and having regarding to clause 6.4 of the SLEP 2012, the maximum FSR available for the proposed development of the site is 13.81:1 (without the design excellence bonus), which equates to 43,521 square metres.

As noted in the originally submitted Clause 4.6 Variation Request, the location of the station at the site has the effect of reducing the maximum permissible FSR for any OSD building form. Broadly, these include:

- **Station floor space penalty** - floor space for the station itself equating to 1,189 square metres, must be included in any GFA calculations to determine density at the site
- **Residential storage** - the definition of GFA under the SLEP 2012 does not exclude residential storage if it is provided above ground. This is as opposed to basement residential storage which is excluded from calculations. Accordingly, the 769 square metres of residential storage which cannot be accommodated in the basement area by virtue of the unique circumstances of the site must be included in density calculations
- **Lost floor space bonus potential** - the station floor space mentioned above provides an additional, secondary disbenefit to the OSD component of the development. Specifically, the station floor space GFA does not attract any accommodation floor space bonus despite the significant public benefit arising from the station, in the calculation of the maximum FSR attainable having regard to the SLEP 2012 provisions. This GFA potential lost equates to 478 square metres.

Finally, given the provision of an alternate Design Excellence process (submitted at Appendix H of the EIS), an amount equivalent to the design excellence bonus of 1.38:1 is proposed, based on the land uses outlined above. This bonus is not included in the maximum permissible FSR for the proposal (13.81:1) but the Clause 4.6 seeks a variation which includes this equivalent amount.

The submitted Clause 4.6 Variation Request was submitted with the EIS and established that a variation to the SLEP 2012 FSR development standard was acceptable in the circumstances for the following reasons:

- compliance with the development standard is unreasonable and unnecessary in the circumstances of the proposed development
- there are sufficient environmental planning grounds to justify the contravention of the development standard
- the proposed development is consistent with the objectives of the B8 Metropolitan Centre zone, as well as clause 4.4 (read in conjunction with clause 6.4) of the SLEP 2012

- the concept proposal is in the public interest
- there are no matters of State or regional planning significance and no significant public benefits in requiring adherence to the FSR in this case

7.1.3. Revised land use proposal

Both Council and DPE have noted the conceptual or flexible nature of the uses proposed under the concept SSD Application and have sought greater certainty as to the extent and impacts of potential FSR outcomes at the site. On this basis, DPE has requested additional information regarding the nature and quantity of each proposed land use.

In response to this, the proposal has been amended to provide additional certainty as to the impacts of the floor space proposed, by defining two land use options within the proposed envelope, comprising:

- an updated version of the exhibited scheme (comprising visitor accommodation, commercial use and residential storage above the station portal within the podium, as well as residential use above the podium). Unlike the exhibited scheme, this amended version affixes the previously proposed land uses to enable a more definitive assessment of the floor space outcomes and potential impacts
- an alternate potential option which comprises a commercial offices above the station portal, with ancillary retail within the podium only

The first of the two options is consistent with the indicative scheme prepared as part of the concept proposal. However the mixed land uses proposed in the exhibited option are now proposed to be sought on a fixed basis. This ensures the same environmental impacts as those previously assessed under the exhibited EIS, with additional certainty in that the uses would not be flexible, and would be fixed under the concept approval. An amended Clause 4.6 Variation Request which addresses this has been provided at Appendix O.

The second of the two options is also fixed in nature, being a commercial development above the station as well as some associated ground and lower level retail. This scheme is fixed in regards to the GFA sought (based upon landuse), and similarly allows for greater certainty in the assessment process. An additional Clause 4.6 Variation Request which addresses this has been provided at Appendix P.

A comparison has been provided between the exhibited and the amended floor space distributions at Figure 14 below.

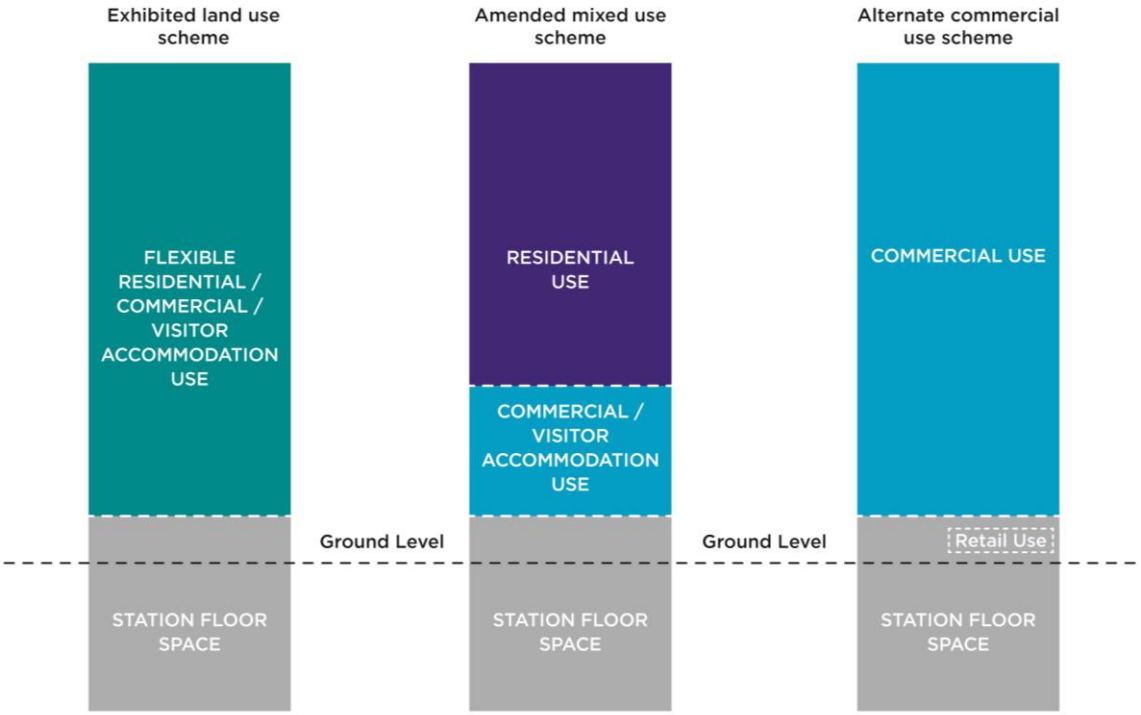


Figure 14 – Exhibited versus amended floor space ratio allocations

The impact of this change on the exhibited concept SSD Application has been identified below. Additional components are highlighted in **bold**, with sections to be removed written in ~~strikethrough~~.

- *a maximum building envelope, including street wall and setbacks*

- *a maximum building height of approximately Relative Level (RL) 189 which equates to approximately 43 storeys including a podium height of RL 68 (approximately 45 metres), which equates to approximately 12 storeys above ground*

- ***conceptual use of the building envelope for either a commercial office scheme (comprising commercial use and ancillary retail within the podium only) or a mixed use scheme (comprising commercial, visitor accommodation and residential use), in accordance with the following maximum OSD floor space areas:***
    - ***Commercial scheme: Maximum GFA of 49,120 square metres of commercial use for the OSD component (including approximately 500 square metres of retail space within the podium only), which equates to a FSR of 15.59:1, resulting in a total maximum GFA at the site (including station floorspace) of 50,310 square metres and a total maximum FSR of 15.97:1.***
    - ***Mixed use scheme: Maximum GFA of 49,120 square metres for the OSD component, comprising a maximum GFA of 33,416 square metres for residential use, 769 square metres of OSD storage for residential dwellings, 13,453 square metres for visitor accommodation use, and 1,482 square metres for commercial use. This equates to a FSR of 15.59:1, resulting in a total maximum GFA at the site (including station floorspace) of 50,310 square metres and a total maximum FSR of 15.97:1.***

- ~~**a maximum Gross Floor Area (GFA) of 49,120 square metres for the OSD component, which equates to a Floor Space Ratio (FSR) of 15.59:1, resulting in a total maximum GFA at the site (including station floorspace) of 50,310 square metres and a total maximum FSR of 15.97:1. This includes flexibility to enable a change in the composition of land uses within the maximum FSR sought.**~~

- ~~**conceptual use of the building envelope for a range of land uses including commercial office space, visitor accommodation and residential accommodation, the land use mix comprises approximately 300 residential apartments, 200 hotel rooms and 1,500 square metres of commercial floor space, which equates to the maximum FSR sought above.**~~

- *use of the conceptual OSD space provisioning within the footprint of the CSSI Approval (both above and below ground), including the OSD lobby areas, podium car parking, storage facilities, services and back-of-house facilities*

- *car parking for approximately 50 spaces located across five levels of the podium*

- *loading and vehicular access arrangements from Castlereagh Street*

- *pedestrian access from Pitt Street, Park Street and Castlereagh Street*

- *strategies for utilities and service provision*

- *strategies for the management of stormwater and drainage*

- *a strategy for the achievement of ecologically sustainable development*

- *indicative signage zones*

- *a strategy for public art*

- *a design excellence framework*

- *the future subdivision of parts of the OSD footprint (if required)*

The environmental impacts of the mixed use scheme remain generally the same as those identified through the exhibited EIS.

A description of a commercial scheme at the site has been provided below, which demonstrates the manner in which a commercial outcome at the site could be achieved. Reference drawings of a commercial scheme have also been provided at Appendix L, which demonstrate the manner in which a commercial scheme could be accommodated within the envelope. Additional discussion regarding any changed impacts as a result of a commercial scheme at the site is provided at Section 8.1.

7.2. Heritage response

Additional detail regarding the response of the proposal to the NSW Masonic Club building is provided. Broadly, the updated approach comprises:

- reinforcement of the existing commitments in the submitted Design Guidelines, including the commitment to achieve an appropriate development outcome *"through appropriate setbacks to protect adjoining light wells of Ashington Place (National Building) (284A-250 Pitt Street) and NSW Masonic Club (169-173 Castlereagh Street)*

- additional commitment within the revised Design Guidelines (Appendix A) in order to ensure that the use of reflective or light coloured materials to encourage light penetration is considered during detailed design

- additional mitigation measure to ensure continued consultation is undertaken with the Masonic Club during the detailed design stage of the proposal

7.3. Design Guidelines

The *Pitt Street North Design Guidelines* were submitted with the EIS and have been prepared to provide guidance on the future design of the OSD with respect to built form, the OSD composition and

relationship to Pitt Street Station, the public domain and neighbouring development including the National Building and Masonic Club.

Specifically, these guidelines reflect the desired future character of the OSD, including key responses to ensure future development would relate to the surrounding context.

Sydney Metro proposes a number of amendments to the *Pitt Street North Design Guidelines* in response to the submissions received. These amendments relate to:

- Clarifying the relationship of the *Pitt Street North Design Guidelines* to the *Sydney Metro City & Southwest: Chatswood to Sydenham Design Guidelines as well as the complementary role of the Station Design and Precinct Plan and the Integrated Access Plan*
- Highlighting applicability of the design guidelines, and associated outcomes, irrespective of final land use
- additional information regarding the proposed approach between the concept proposal and the Masonic Club
- integration of the OSD elements with the station and surrounding development, including well considered transitions of bulk and scale between the station box and the over station development design;
- the requirement for landscaping within the taller building design
- safety considerations with respect to driveways and cyclists
- signage design considerations, to be addressed during detailed design

7.3.1. Amendment 1

Additional information has been provided on page 3 of the *Pitt Street North Design Guidelines* to explain how the guidelines relate to the *Sydney Metro City & Southwest: Chatswood to Sydenham Design Guidelines*.

The requirement to obtain separate planning approvals for the station and OSD has necessitated the preparation of separate design guidelines for each component. The *Pitt Street North Design Guidelines* build upon the *Sydney Metro City & Southwest: Chatswood to Sydenham Design Guidelines* and as such should be read in conjunction with them. Both guidelines have the common objective of promoting integration between the station and OSD elements.

A key focus of the *Pitt Street North Design Guidelines* is to set clear design objectives for the OSD elements that integrate with the station, and to ensure consistency in the design approach for both elements. It is intended that the guidelines also inform and complement the future SDPP and IAP and are to be considered as part of the Sydney Metro Design Excellence Strategy for the site.

7.3.2. Amendment 2

In order to reinforce the relationship between the Pitt Street North site and the Masonic Club and encourage light penetration to the light wells, additional text has been included on page 14 to encourage the use of reflective or light coloured materials.

7.3.3. Amendment 3

In response to concerns regarding the inclusion of landscaping within the OSD, additional text has been included on page 14 regarding the inclusion of landscaping within the taller building design and throughout the development, including the laying of spaces of relief and referencing the landscaping of the precinct through to Hyde Park.

7.3.4. Amendment 4

Driveways and cyclists have been included as an additional consideration with respect to movement and connectivity to address comments regarding safety. This includes the provision of adequate pedestrian space at driveway crossings and a design objective to minimise cyclist conflict points with vehicles and pedestrians.

7.3.5. Amendment 5

Additional text regarding signage design has been included in the updated design guidelines, which is discussed further in section 7.4 below.

7.4. Signage

DPE has requested that a review of the proposed signage strategy be undertaken in response to Council's submission. On this basis, the size and detail of signage will be reviewed at the detailed design stage with consideration of Council's comments. Details regarding future signage will be submitted as part of a future detailed SSD Application for consideration.

The *Pitt Street North Design Guidelines* require the seamless integration of signage with the architectural character of the scheme and surrounding context, providing an uncluttered and coordinated approach with the station and public art. The guidelines have been updated to include an additional requirement for signage to integrate with the SDCP 2012 – Signage and Advertising Structures.

8. Additional information and assessment

Sydney Metro has prepared additional information to support this Submissions Report. This additional information has been prepared to respond to key issues which have been raised in submissions and a request from DPE in relation to:

- the proposed flexible mix of land uses
- amenity and visual impacts of the envelope
- overshadowing of public spaces
- built form impacts
- the submitted Design Guidelines
- responses to other issues raised during consultation

This chapter documents this additional information and provides a response to the various issues raised, where relevant.

8.1. Proposed flexible mix of land uses

DPE has requested further information and consideration regarding the flexible nature of land uses proposed. Specifically, this relates to the component of the proposed development which comprised *"flexibility to enable a change in the composition of land uses within the maximum FSR sought"*. DPE raised a number of areas for consideration in relation to the impacts of the proposed envelope in light of this flexibility.

In order to provide additional certainty to the assessment process, the proposal has been amended in response to this request from DPE to no longer contain a flexible range of land uses across the full extent of the envelope. The development proposal has been clarified to assign floorspace to specific uses which align with the different uses contemplated by the SLEP 2012, resulting in the preparation of two potential land use schemes for the site, detailed in Table 9.

Table 9 – Comparison of exhibited and amended concept proposal

Component	Exhibited flexible mixed use scheme	Amended fixed mixed use option	Alternate commercial option
OSD uses within the podium	Residential storage, flexible residential, commercial and visitor accommodation	Residential storage, commercial, visitor accommodation	Commercial, ancillary retail
OSD uses above the podium	Flexible residential, commercial and visitor accommodation	Residential	Commercial
Station GFA	1,189 square metres		
OSD Total GFA	49,120 square metres		
OSD Commercial GFA	Combined flexible maximum GFA between the three uses of 49,120 square metres	1,482 square metres	49,120 square metres (including approximately 500 square metres of retail)
OSD Visitor Accommodation GFA		13,453 square metres	Nil
OSD Residential GFA		33,416 square metres, plus 769 square metres for residential storage in the podium	Nil
OSD FSR	15.59:1		
Integrated station development GFA	50,310 square metres		
Integrated station	15.97:1		

Component	Exhibited flexible mixed use scheme	Amended fixed mixed use option	Alternate commercial option
development FSR			

The above changes have been proposed in order to allow for additional certainty in the impact assessment by DPE.

This change has been proposed as a manner of providing a more definite conceptual framework for assessment of the proposed floor space. Further discussion regarding specific implications of the amended GFA proposal has been provided below.

8.1.1. Development bulk and scale

DPE has requested further consideration of the bulk and scale of the proposed built forms, including substantive above ground components of the approved station. Further clarification has been provided in this respect.

As discussed in Chapter 4 of the exhibited EIS, as well as in Section 7.1 of this Submissions Report, any development within the podium which is associated with the future metro station is subject to the CSSI Approval and is not subject to this application. This is relevant to any above ground components of the approved station, such as pedestrian entrances, public domain, plant, station loading or the like.

Regarding the proposed building form above the podium, the envelope has been designed to allow for a future building form which is aligned with the SDCP 2012 provisions for street setbacks. Clause 11 of the SRD SEPP is noted which states:

> *11. Exclusion of application of development control plans*
>
> *Development control plans (whether made before or after the commencement of this policy) do not apply to:*
>
> > *(a) State significant development*
>
> *…*

Section 4.15(3A) of the EP&A Act is additionally noted in this case, which states as follows:

> *(3A) Development Control Plans*
>
> *If a development control plan contains provisions that relate to the development that is the subject of a development application, the consent authority:*
>
> > *(a) if those provisions set standards with respect to an aspect of the development and the development application complies with those standards – is not to require more onerous standards with respect to that aspect of the development,…*

Although the SDCP 2012 does not apply, the above clause indicates that compliance with the DCP provisions should be considered an acceptable outcome at a development site, which is relevant to this proposal.

In relation to the issue of bulk and scale, the following additional points are noted:

- In relation to the podium height, further justification is provided at Section 8.4. However, despite the DCP not applying, the podium height is aligned with that contemplated by the SDCP 2012
- In relation to the street and side setbacks, these have been provided in a manner which aligns with the SDCP 2012
- In relation to the proposed envelope extent above the podium, this has been provided in a manner which aligns with the SDCP 2012

The extensive assessment undertaken at Chapter 8.4 of the EIS demonstrates this as an appropriate

building form outcome at the site, including the proposed envelope height, as well as setbacks above the podium.

The relationship between the concept proposal and the Masonic Club has also been discussed further at Section 8.4.

8.1.2. Flexibility of land uses

DPE has requested additional clarification regarding the uncertain extent of the exceedance of the FSR development standard applicable to the site and associated impacts due to the flexible nature of the floor space proposed. As discussed in Section 7.1, the proposed development has been amended in response to this request to clearly provide for two potential land use options and associated floor space outcomes.

The effect of this is that the development can be more definitively assessed at the concept SSD Application stage. The maximum extent of the building form impacts has been previously prescribed under the exhibited EIS, with an extensive assessment undertaken of the proposed setbacks as well as the maximum building height.

The exhibited EIS assessed potential impacts of the indicative scheme, or impacts of the FSR quantum sought, which was identified as being a commercial / hotel base with a residential quantum above the podium. This remains relevant to the amended proposal. The main difference in relation to the amended proposal is the provision of an alternate commercial development scheme with supporting FSR. In order to demonstrate that this approach is similarly acceptable in regards to environmental impacts, a breakdown of the key impacts is provided at Table 10. A commercial option generally results in the same or less intensive impacts than the mixed use scheme, as detailed in the assessment below.

Table 10 – Environmental impacts of the amended concept proposal

Component	Mixed use option	Commercial option
Built form and urban design impacts – physical envelope parameters	There is no change in the envelope between the submitted EIS and this Submissions Report. Accordingly, the previous assessment regarding podium height, setbacks or envelope height continues to remain relevant to the amended proposal. Both options make use of the relatively 'loose fitting' envelope, meaning that the envelope assessed under this application would comprise a 'worst case', irrespective of the use pursued.	
Solar access to Hyde Park	No amendments are proposed to the maximum building envelope assessed as part of the exhibited EIS. Accordingly, the existing findings remain relevant to the amended concept proposal, including: • The proposed building envelope has been designed to generally comply with the provisions of the SLEP 2012 and SDCP 2012. This has included the provision of minimum six metre setbacks to all street frontages, which has been reflected in the tested scenario, representing a worst case. Because of the Weighted Average Setbacks prescribed under the SDCP 2012, the actual impact on Hyde Park is likely to be less than that demonstrated in the shadow diagrams provided for the concept SSD Application. • The development does not overshadow Hyde Park at all prior to 1.30pm on 21 June, and the majority of overshadowing resulting from the development occurs in the period of 2.30pm to 3.00pm. The impact of this is that the critical lunch hour period remains largely unaffected in regards to solar access by the development, with overshadowing only to occur later in the afternoon period. • Following the issue of the SEARs and prior to the lodgement of the concept SSD Application, the envelope was amended to further reduce the potential overshadowing impact of Hyde Park, with the eastern edge of the envelope being altered to enable this by aligning with potential future development. • For the majority of periods within the year where the development does overshadow Hyde Park, the extent of new overshadowing is negligible or minor in nature. In the context of Hyde Park, the development would only shadow a very small portion of the overall park, and would not adversely affect the potential enjoyment of the public open space. • In the periods where the building envelope does cause overshadowing, this is generally limited to the park edge, being located between shadows cast by other buildings such as 161 Castlereagh Street, 201 Elizabeth Street and 27 Park Street. • For the periods which have the largest overshadowing impact, being at 3.00pm on	

Component	Mixed use option	Commercial option
	21 April, 3.00pm on 21 August and 2.30pm-3.00pm on 21 September, the overshadowing caused by the development comprises only a small portion of the overall park area, ensuring that considerable space remains available and with high levels of amenity. This overshadowing is limited to small periods in the late afternoon, and is considered to be an acceptable outcome having regard to the significant development that is occurring on the Pitt Street North site. Given the above, the amended proposal does not result in any changes in regards to the overshadowing impact, and continues to be appropriate.	
Visual and view impacts	As there are no changes in regards to the proposed maximum envelope, the visual and view impacts of the amended concept proposal remain consistent with those originally submitted, including the view impact perspectives which include the cumulative impact of the approved envelope at 201 Elizabeth Street at Appendix B.	
Streetscape and public domain	Streetscape and public domain impacts for the mixed use scheme have been previously assessed as part of the exhibited EIS. No further changes are proposed in relation to the amended concept proposal.	A commercial scheme at the site would result in a substantially simplified ground floor plane, compared to a mixed use scheme. Principally, this is due to the fewer vertical core components required under a single use scheme. This would result in the creation of additional space at the ground floor which could be used for: • the provision of ancillary retail (as envisaged in the amended concept proposal description) • the provision of enlarged ground floor lobby / entrance spaces for the OSD, which could improve the ground floor presentation of the concept proposal • other potential uses which would improve ground floor activation A commercial scheme at the site would not result in any changes to the previously identified maximum building envelope, and would result in no change regarding public domain daylight impacts from the exhibited EIS.
Residential amenity	Discussed at Chapter 8.6 of the exhibited EIS.	SEPP 65 and the associated ADG do not apply to commercial development.
Solar access impact on adjoining properties	As there are no changes in regards to the proposed maximum envelope, the solar access impact of the concept proposal would not change irrespective of whether a mixed use or commercial scheme is proposed. Notwithstanding this, in response to the DPE's information request additional assessment regarding the solar access impact of the building envelope has been provided at Section 8.2.	
Integration with Sydney Metro station infrastructure	A framework has been established under the concept SSD Application which ensures that development above the future station portal would not result in any adverse impacts on station operations. The specific use of the OSD component does not change this assessment, and will be subject to further assessment and analysis at the detailed SSD Application stage.	
Heritage impacts	As there are no changes in regards to the proposed maximum envelope, the heritage impact of the concept proposal will not change irrespective of whether a mixed use or commercial scheme is proposed. Additional assessment regarding the response of the concept proposal to the Masonic Club has been provided at Section 8.4.2.	
Transport and accessibility	The Traffic Assessment previously provided for the concept proposal was based on the subject mixed use scheme. The findings of this assessment continue to be relevant to the amended proposal.	A supplementary Traffic Report has been prepared for the alternate commercial scheme and is provided at Appendix M. The proposed alternate commercial scheme would generate more peak hour traffic than the exhibited mixed use scheme, due largely to the associated commercial car parking being destination parking rather than trip origin parking for the residential land uses proposed as part of the mixed use scheme. However, both the commercial and mixed use development schemes would represent a significant

Component	Mixed use option	Commercial option
		reduction in site traffic generation compared to the previous uses of the site. As such, the conclusions of the EIS transport assessment for the Pitt Street North OSD remain unchanged. Namely, that no adverse impacts on the broader road network are anticipated when the development is operational. A higher proportion of courier vehicles would be anticipated for the commercial scheme. Through consultation with SCO and TfNSW, it was determined that the servicing demands for a Commercial Scheme would generate a peak demand of 13 bays for an unmanaged situation. Through the implementation of management measures, such as a dock manager and the provision of a central storage area / mail room, it is considered that delivery vehicle dwell time can be sufficiently managed to ensure effective dock activity. The proposed provision in the indicative commercial scheme of 7 loading bays and 3 courier bays would exceed the dock requirements of peak demand. Consistent with the mixed use scheme assessed in the EIS, a combined entry / exit vehicle driveway on Castlereagh street to service the on-site car parking and loading dock facility is proposed. The resultant vehicle access, pedestrian and bicycle interactions, queuing implications and corresponding management measures are anticipated to be the same for a commercial scheme as per the mixed use scheme. As the hotel use would be removed from the concept design for a Commercial Scheme, there will be no demand for bus and coach parking facilities. It is noted that the taxi / vehicle drop off and pick up bay on Pitt Street would be retained to facilitate taxi demand associated with commercial uses. The addendum Traffic Report at Appendix M demonstrates that the level of impact is no worse (if not improved) for a commercial scheme with the implementation of the following conceptual design modifications: • inclusion of 3 additional courier bays within the ground floor dock area • removal of demand for coach / bus parking areas • maintaining the various traffic and transport management measures set out in the EIS Based in the above analysis, it is concluded that the findings of the transport and traffic assessment of a mixed use scheme for the Pitt Street North OSD will be similar to those of a commercial scheme.
Environmental sustainability	Environmental sustainability of the amended concept proposal, including each of the reference designs, has been provided at Section 5.12.10. This includes the provision of a framework which would be potentially applicable to either scheme, which has been provided at Appendix D.	
Ecologically Sustainable Development	The alignment of the concept proposal with the principles of Ecologically Sustainable Development does not change whether a mixed use or commercial scheme is proposed. Both potential land use outcomes are consistent with the principles prescribed under the EP&A Regulations, including: • the precautionary principle • intergenerational equity	

Component	Mixed use option	Commercial option
	• conservation of biological diversity and ecological integrity • improved valuation and pricing of environmental resources	
Prescribed airspace for Sydney Airport	As there are no changes in regards to the proposed maximum envelope, the impact of the concept proposal on prescribed airspace for Sydney Airport would not change irrespective of whether a mixed use or commercial scheme is proposed.	
Wind impacts	As there are no changes in regards to the proposed maximum envelope, the wind impact of the concept proposal would not change irrespective of whether a mixed use or commercial scheme is proposed.	
Utilities, infrastructure and services	The utilities, infrastructure and services would be available to either a commercial or mixed use building at the site, and can be subject to additional assessment at the detailed SSD Application stage.	
Stormwater and flooding	As there are no changes in regards to the physical dimensions of the proposal (envelope, setbacks, podium height, etc.), the flooding impact of the concept proposal would not change irrespective of whether a mixed use or commercial scheme is proposed. Further assessment regarding stormwater and flooding would form part of a future detailed SSD Application.	
Noise and vibration impacts	As discussed at Section 9.17 of the exhibited EIS, the Acoustic framework contemplated the relevant standards for commercial use and accordingly these standards would be applicable to a commercial outcome at the site.	
Construction management	As there are no changes in regards to the proposed maximum envelope or to the proposed framework of construction management, the construction management impact of the concept proposal would not change irrespective of whether a mixed use or commercial scheme is proposed. The findings submitted as part of the exhibited EIS would continue to be relevant to a commercial scheme at the site.	
Contamination	Contamination was previously discussed at Chapter 8.22 of the exhibited EIS. Given that the concept proposal comprises OSD only, and does not include any additional excavation or ground disturbance beyond that undertaken in accordance with the CSSI Approval (which was subject to substantial additional assessment), it is considered that the site would be suitable for either concept proposal in accordance with the requirements of *State Environmental Planning Policy No. 55 – Remediation of Land*.	
Crime Prevention Through Environmental Design	Discussed at Chapter 8.23 of the exhibited EIS	The exhibited EIS included the provision of a number of key principles to guide any future development, which would continue to apply should a commercial land use option be pursued. These include recommendations related to: 1. surveillance 2. lighting / technical supervision 3. territorial reinforcement 4. environmental maintenance 5. activity and space management 6. access control 7. design, definition and designation
Waste management	Discussed at Chapter 8.24 of the exhibited EIS	A supplementary Waste Report for the commercial scheme has been prepared and is included at Appendix N. The report concludes that although the waste volumes for the two land use options are very similar, the recyclables volume for a commercial scheme is almost double that of the mixed use scheme. The report concludes that the waste enclosure for the commercial scheme can remain the same as that identified for the mixed use scheme provided that the frequency of waste collection be increased from approximately 3 to 5 times per week.
Accessibility	A commercial scheme at the site would continue to be subject to accessibility analysis at the detailed SSD Application stage.	
Social impacts	Discussed at Chapter 9.1 of the exhibited EIS	A commercial scheme at the site would result in many of the social impacts previously discussed at Chapter 9.1 of the EIS, and includes the following: • the proposed commercial option would complement the Pitt Street Station northern portal and create a focal point for activity at a key site in the Sydney CBD • the proposed commercial option would continue

Component	Mixed use option	Commercial option
		to be subject to the Design Excellence Framework and Design Guidelines, which would ensure that the future design of the OSD building would continue to provide a memorable landmark that is commensurate with the important role of the site within the Sydney CBD and broader Eastern Sydney. • the proposed commercial scheme would continue to provide for the integration of public art during detailed design, in addition to that required under the CSSI Approval, and would continue to contribute to the cultural qualities of the site and the locality, improving the social experience of future visitors to and occupants of the site • a commercial option at the site would provide additional employment capacity within a highly accessible location, increasing the capacity of the Sydney CBD to accommodate economic growth and collaboration • a commercial scheme would also contribute towards a vibrant transport precinct that is safe, well-utilised and acts as a focal point for the city in regard to both transport and land use
Economic impacts	Discussed at Chapter 9.2 of the exhibited EIS	A commercial option would have positive economic impacts. These benefits would include: • the provision of approximately 2,500 full time equivalent jobs on an ongoing basis accommodated within the commercial office • the provision of between 1,000 and 1,200 full time equivalent jobs during the construction period • the provision of a substantial number of skilled jobs, consistent with the key role of the Eastern City. The Sydney CBD office market is larger than all other major metropolitan office markets in NSW, and makes the largest contribution to Australia's gross domestic product of any other Australian city. The *Greater Sydney Region Plan 2018* and *Eastern City District Plan 2018* emphasise the need to provide additional capacity to support employment growth within the Sydney CBD to continue this significant economic role. The commercial land use outcome provides a substantial quantity of such floor space in an ideal CBD location • the provision of substantial employment in a location which will benefit from the excellent public transport accessibility of the site through the Sydney Metro network
Site suitability	Discussed at Chapter 10.1 of the exhibited EIS	A commercial option would be suitable for the site. Additional consideration has been provided as part of the amended Strategic Land Use Analysis at Appendix Q. The following key additional reasons have been nominated as being suitable for a commercial scheme: • the proposal comprises a single prime consolidated site in the Sydney CBD, which would be highly suitable for a commercial development outcome • the size of the site, combined with the rationalisation of a single use would enable a commercial envelope to be accommodated • a single use commercial option would also involve a more simplified layout, providing more opportunities for activation by reducing

Component	Mixed use option	Commercial option
		competing needs for space • the site would be capable of providing commercial lobby facilities which are separated from the station entrance • commercial use of the site has been demonstrated as being appropriate and feasible through this table and the amended Strategic Land Use Analysis • the proposed scale and density of a commercial scheme at the site would be highly appropriate in the context of the Sydney CBD, and remains commensurate with the role of Sydney as Australia's global city • the proposed envelope would be consistent between either scheme, and would be appropriate in regards to either a mixed use or commercial outcome
Public interest	Discussed at Chapter 10.2 of the exhibited EIS	A commercial option would continue to be in the public interest by way of the following: • the proposal would deliver substantial commercial floor space in a central CBD location, which would contribute to Sydney's status as Australia's global city • a commercial outcome would enable the provision of substantial further employment potential at the site, directly contributing to the provision of approximately 2,500 jobs on an ongoing basis • the proposal would continue to contribute to the provision of 1,000 to 1,200 additional jobs during the construction period • additional economic benefits would be generated by employees using surrounding services following completion of the development • the proposal would continue to work alongside Pitt Street Station (under the CSSI Approval) in order to create an overall station precinct which is integrated, high quality, enjoyable and safe for future public transport users • the development would work to activate the station precinct, including the provision of retail space within the podium only The proposed commercial option would include the provision of the same building envelope as a mixed use option, meaning that the public benefits of the original envelope would continue to be delivered in the case of a commercial development outcome. Likewise, strategies relating to design excellence, the design guidelines and public art would be relevant to either floorspace option delivered at the site.

As detailed above, the impact of the revised land use approach is that additional certainty is provided as to the degree of impacts from the development. The above assessment demonstrates that:

- the physical extents of the concept proposal, including the proposed envelope and setbacks are consistent for both schemes with the extents previously sought and require no further assessment
- many of the impacts of the concept proposal are consistent between the two schemes, given the assessment is based on the envelope

- where substantially different impacts result from a commercial scheme, these have been separately described at Table 10

Any future application to further change the land use mix would be subject to separate assessment under the appropriate legislative pathway.

8.1.3. Design excellence

DPE has requested further consideration of the proposed floor space, with consideration to the Design Excellence Strategy submitted as part of the concept SSD Application. In response to this, a letter of support for the Design Excellence Strategy has been provided by the Government Architect NSW at Appendix J. This letter demonstrates support for the strategy proposed, including a specific acknowledgement that the proposed developments are *"an alternative to a design competition run in accordance with the Sydney LEP"* which is capable of achieving design excellence.

In conjunction with this, detailed assessment has been undertaken at Section 8.6 which confirms that the proposed Design Excellence Strategy meets the requirements of clause 6.21 of the SLEP 2012, and achieves the intent of the clause by demonstrating that development includes a strategy which will deliver design excellence.

8.2. Amenity and visual impacts of the envelope

8.2.1. Solar access impacts to 27 Park Street

As part of the assessment, DPE requested further information regarding the impact of the concept proposal to the apartments at 27 Park Street.

Tabulated information detailing the impacts of the proposal on 197 Castlereagh Street (Victoria Towers) has been provided at Appendix C. This demonstrates that the proposal (in conjunction with the approved envelope at 201 Elizabeth Street) would result in 47 of 182 dwellings (26 per cent) no longer meeting the two hours detailed under the ADG.

This results in a minor non-compliance with the provisions of the ADG of six per cent. Notwithstanding this non-compliance, the concept proposal is acceptable on the basis of the following:

- the concept proposal comprises a building envelope which complies with the SLEP 2012 building height provisions, resulting in a building form which is shorter than the maximum permissible height. This has been proposed in order to ensure that an appropriate level of solar access is maintained at the site, particularly to Hyde Park
- the concept proposal also complies with the street frontage setback controls of the SDCP 2012, which provides additional solar access at the eastern and western frontages of the envelope. Given that the proposal complies with these key LEP and DCP provisions, it could be argued that any tall building at the site would potentially result in such impacts on solar access to surrounding buildings
- the concept proposal comprises a 'loose fitting' envelope, within which the final detailed design will be refined. To this respect, the concept proposal comprises a 'worst case', within which the detailed building design will be placed
- the solar impact of the concept proposal during mid-winter comprises the largest impact through the year. At other times of year, this impact is lessened, given the substantial distance between the concept proposal and properties to the south
- the concept proposal is located in a high rise CBD environment, and it can be expected that new buildings in a CBD context would inevitably impact on solar access of adjacent buildings

8.2.2. Proposed mitigation measures

It is considered that the eastern building setback to Castlereagh Street is appropriate in nature, and no further mitigation measures or increased setbacks are required as part of the development.

Although the SDCP 2012 does not apply to SSD, in this case the eastern setback of the development has been designed in accordance with the setback provisions, which comprises a minimum setback of six metres, and a weighted average setback of eight metres. This is considered to be a highly reasonable development outcome in the context of the site.

8.3. Overshadowing of public spaces

DPE raised the issue of public domain overshadowing in its submissions letter, requesting that further analysis be provided to determine that the proposal complies with Clause 6.19(1) of the SLEP 2012 which is designed to minimise overshadowing to specific public places at certain times of year.

Clause 6.19(1) of the SLEP 2012 states as follows:

> *Despite Clause 4.3, development consent must not be granted to development that results in any part of a building causing additional overshadowing, at any time between 14 April and 31 August in any year, of any of the following locations (as shown with blue hatching on the Sun Access Protection Map) during the times specified in relation to those locations:*
>
> *(i) Sydney Town Hall steps - between 10.30 - 16.00*
>
> *(j) Sydney Square - between 11.00 - 16.00*

Figure 15 demonstrates the location of the site relative to the nominated areas geographically, with the site to the east-north-east of both of Sydney Town Hall steps and Sydney Square.

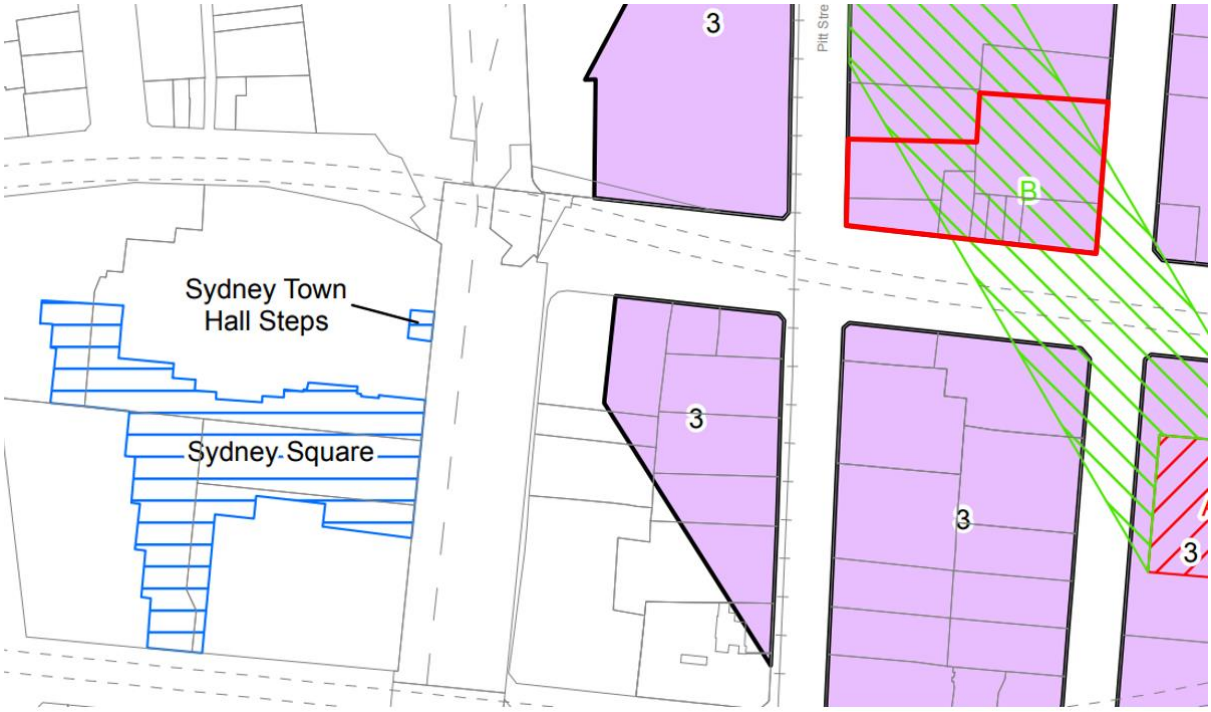


Figure 15 – Excerpt of the SLEP 2012 Sun Access Protection Map, with the site identified in red

Under the originally submitted EIS, a detailed assessment of the overshadowing of the proposed development, at half hourly intervals at the 21st day of each month was provided. This provided a clear assessment of additional overshadowing caused by the development between 9.00am and 3.00pm. The clause only applies between 10.30am and 4.00pm for Sydney Town Hall steps, and between 11.00am and 4.00pm for Sydney Square. Additionally, the clause only applies between 14 April and 31 August each year.

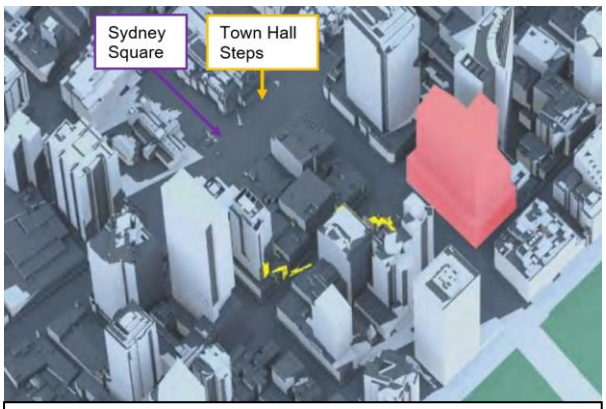
In response to DPE's request for further analysis regarding whether the proposal complies with Clause 6.19(1), extracts from the submitted shadow diagrams have been reproduced below. These specifically comprise:

- 21 April at 10.30am;
- 21 May at 10.30am;
- 21 June at 10.30am;
- 21 July at 10.30am;
- 21 August at 10.30am; and
- 21 September at 10.30am.

These dates have been analysed as being the earliest active period in the subject months to which the clause applies in relation to Town Hall steps. The Sydney Square overshadowing control only activates at 11.00am, making 10.30am a more stringent test than the clause provisions in respect to Sydney Square. Additionally, the control only applies until 31 August each year, however for completeness 21 September has been included in the below analysis.

21 April: 10.30am

21 May: 10.30am



21 June: 10.30am

21 July: 10.30am

21 August: 10.30am	21 September: 10.30am

Figure 16 – Overshadowing diagrams of the proposal during the periods relevant to SLEP Clause 6.19(1), with envelope (red), additional overshadowing (yellow), Sydney Town Hall steps (orange) and Sydney Square (purple)

Full versions of these images are provided with the originally submitted EIS, at Appendix G. On the basis of the above assessment, it is clear that the proposed development does not overshadow either Sydney Town Hall steps or Sydney Square during the nominated periods. The proposal therefore complies with Clause 6.19(1) of the SLEP 2012.

Some submissions mentioned overshadowing of the future Town Hall Square, as referenced under *Sustainable Sydney 2030*. There are no overshadowing requirements in regards to Town Hall Square, however additional discussion has been provided at Section 8.5.

8.4. Built forms

8.4.1. Podium scale

DPE has requested that further justification be provided on the scale of the Galeries Victoria podium and streetscape along Park Street. Specific note is made of the impact from the development on views to and from Sydney Town Hall. As demonstrated at Figure 17, the Galeries features a podium height which is of lower scale than that proposed as part of this application.

Figure 17 – Elevation demonstrating the scale of the building to the Galeries, located to the west of the site

Station plant requirements

Part of the reasoning behind the proposed podium height is due to the required plant, facilities and constraints on the development imposed by the future Pitt Street Station beneath the site.

There are also a number of indirect impacts from the station on the OSD above. In this context, the concept proposal is subject to a number of unique constraints, which have influenced the proposed envelope design. These include:

- the inability to provide a basement in the development requiring the provision of any car parking in the podium of the development, including the provision of car lifts to parking levels
- the occupation of a substantial portion of the ground floor plane with pedestrian access to the future station
- the requirement for all waste management, servicing and loading to occur at the ground level due to the rail infrastructure prohibiting the provision of underground loading
- the inability for OSD plant or residential storage to be located underground due to the location of rail infrastructure at the site

- the imposition of substantial rail plant and building requirements (such as emergency access) at the ground level and in the podium, displacing other components which would usually be located at the ground floor

The proposed podium height reflects these constraints, which have been acknowledged in the EIS and reflected in the envelope and reference designs.

In this context, the proposed podium height delivers key benefits in the context of the site, including:

- communication of the primacy of the station entrance as a key transport node in Sydney through the scale and design of the building podium, contributing to the lasting legacy of the Sydney Metro project
- use of an important and consolidated block end location in a prominent part of the Sydney CBD to provide for a high quality building form
- the provision of additional uses in the podium, which would contribute to passive surveillance of the surrounding streets and activation both in and out of business hours
- enabling the development to contribute strongly to the urban fabric in a manner which is consistent with the character of the surrounding area

This has been further discussed below.

Consistency with SDCP 2012

The proposal has been designed to be consistent with Provision 5.1.1 of the SDCP 2012, providing a 45 metre street frontage height consistent with the approach contemplated by the SDCP 2012. In order to determine that the proposal is consistent with the objective of the SDCP 2012 street frontage height control, an assessment has been provided against the objectives of Provision 5.1.1 at Table 11. Noting that this control does not apply to the proposed development, this assessment still provides some indication as to the appropriateness of the 45 metre street frontage in the context of the site.

Table 11 – Consistency of proposed development against Provision 5.1.1 of the SDCP 2012

Objective	Comment
(a) Achieve comfortable street environments for pedestrians with adequate daylight, scale of enclosure and wind mitigation	The proposed development has included a detailed assessment to ensure that there are no adverse impacts on pedestrians. This includes the following additional assessment: **Public domain daylight** A detailed assessment has been undertaken demonstrating that there would be no adverse impacts on daylight levels in the public domain. This was provided at Chapter 9.5.2 of the exhibited EIS. The proposal would result in a reduction of approximately 5,000 Lux along Park Street, and a very slight reduction of approximately 2,500 Lux along Castlereagh Street, in selected areas. This was determined to be an appropriate outcome at the site, which would not result in any adverse impacts on the surrounding public domain. **Scale of enclosure** The proposal adjoins one of the key east-west streets through the Sydney CBD, with Park Street also one of the widest streets in the Sydney CBD. By virtue of the location of the site within the Sydney CBD, as well as the context of the development in Park Street, the proposal would not result in an unreasonable scale of enclosure on the surrounding context. Additionally, the site is located at a block end location with streets on three frontages of the development. In accordance with Provision (1)(b), this site is an important block end site in the Sydney CBD, as well as being a future key transport hub in Sydney. Accordingly, this is a highly appropriate location for a taller podium building form, which would reinforce the legacy of the Sydney Metro project, and

Objective	Comment
	the key role that Pitt Street Station will fulfil in this. **Wind mitigation** In relation to wind mitigation, detailed assessment regarding wind impacts of the development has been undertaken, including the use of wind tunnel testing. This was provided at Chapter 9.14 of the exhibited EIS. In this assessment it was determined that, to the level necessary for a concept SSD Application, the development would result in potential impacts for pedestrians in the surrounding public domain. Further mitigation and analysis would occur during the detailed design stage, and will form part of a future detailed SSD Application.
(b) Physically define the public domain and provide opportunities for street front activities that enhance the public domain	The proposed development would effectively define the public domain. Through the substantial public domain upgrade works under the CSSI Approval, the development would continue to enhance the public domain, and would ultimately deliver a world class metro station at the site. This includes the provision of a colonnade on the site, which works to improve the public domain at the site whilst also minimising the available floor space at the ground floor of the development.
(c) Encourage flexibility in building design and reinforce the character of Central Sydney and ensure built form is compatible with heritage items and the desired streetscape character	This concept SSD Application comprises an application of this principle, comprising a concept envelope which retains flexibility on detailed design to a future stage. Design excellence will be achieved through the Design Excellence Strategy discussed at Section 8.6. The proposed development is also compatible with surrounding heritage items.

Surrounding visual context

DPE has also requested additional consideration of views of the proposed development to and from Town Hall. The proposed envelope, including the podium height would have minimal, if any impact on views to or from Town Hall.

As demonstrated in Figure 18, the site is currently obscured when viewed from Sydney Town Hall, and the proposed podium (over and above the scale which will be delivered irrespective due to the nature of the CSSI Approval) would have minimal impacts on views to or from Town Hall. In effect, this comprises only the 20 metre section between the top of the CSSI Approval envelope and the proposed maximum street frontage height. Although some bulk would be visible from Town Hall, it would be commensurate with the surrounding CBD character and would not be out of place in the context of surrounding development.

Figure 18 – Photograph identifying the site, as viewed from Town Hall steps

Surrounding character

DPE has also requested specific assessment of the proposed podium in the context of the site, with specific note of the height of the podium of the Galeries Victoria which features a lower scale podium height aligned with the Queen Victoria Building to the west. In response to this, Galeries Victoria is an exception to an otherwise strong street wall character. The Galeries podium matches the alignment along George Street (including the Queen Victoria Building), rather than the Park Street podium character.

The surrounding character encompasses a number of surrounding street frontages including Elizabeth Street, Park Street, Castlereagh Street and Pitt Street. The proposed podium height also matches the buildings in the vicinity of the site, which include:

- the Woolworths building at 532 George Street, Sydney
- 250 Pitt Street (The National Building)
- 303 Pitt Street
- 169 Castlereagh Street
- 197 Castlereagh Street
- 50 Park Street
- 185 Elizabeth Street
- 189 Elizabeth Street (54 Park Street)
- 201 Elizabeth Street (approved with a podium of 45 metres)

The recently approved design of 201 Elizabeth Street includes a 45 metre podium height to Park Street and Castlereagh Street. The approved development features an appropriate podium height in relation to the surrounding character.

The only other major buildings in this precinct are 27 Park Street and the Criterion Hotel. 27 Park Street is not a suitable case study in the measurement of an appropriate street frontage height on the basis that it does not reflect the current controls at the site, having been approved prior to the establishment of these controls. The Criterion Hotel is a heritage item and is generally limited in regards to any ability to increase podium or building height further.

The proposed podium is considered an acceptable outcome at the site, for the following reasons:

- the proposed podium height is a reflection of the unique nature of the site as being located above a future metro station, encompassing both the key constraints that metro station infrastructure imposes on the OSD, as well as the unique opportunities for the integrated station development to contribute to the legacy of Pitt Street station
- the podium is consistent with the relevant objectives of the SDCP 2012 regarding street podium height
- the development would not result in any adverse impacts on the surrounding visual context
- the proposal is consistent with the surrounding character

8.4.2. Heritage item impacts

DPE has requested additional discussion in relation to the relationship between the site and the Masonic Club. As part of this submissions response process, an updated approach has been provided to the Masonic Club. Broadly, the updated approach comprises:

- reinforcement of the existing commitments in the submitted Design Guidelines, including the commitment to achieve an appropriate development outcome *"through appropriate setbacks to protect adjoining light wells of Ashington Place (National Building) (284A-250 Pitt Street) and NSW Masonic Club (169-173 Castlereagh Street)*
- additional commitment within the revised Design Guidelines (Appendix A) in order to ensure that the use of reflective or light coloured materials to encourage light penetration is considered during detailed design
- additional commitment within the revised Design Guidelines to ensure continued consultation is undertaken with the Masonic Club during the detailed design stage of the proposal

In addition to the above, the previous findings of the HIS remain relevant to the proposal, whereby it is determined that the development is capable of having acceptable heritage impacts if mitigated in detailed design. In addition to the above, the following heritage recommendations continue to be captured in the mitigation measures (see Section 9.2):

- *the future detailed design of the building, including services and balconies, are to be contained wholly within the building envelope proposed under the concept SSD Application*
- *future SSD Application(s) should include detailed streetscape elevations that extend to the heritage items on Pitt Street and Castlereagh Street to ensure contextual impacts of the development can be assessed and understood*
- *a Design Excellence Strategy be prepared for the site which takes into account the mitigation measures recommended in the HIS*
- *a Heritage Interpretation Strategy detailing the history and significance of the site be prepared and included as part of future development applications*

The HIS additionally provided specific additional recommendations relating to the Masonic Club, that *"The Castlereagh Street frontage of the podium should respond to major horizontal and vertical*

elements of the former Masonic Club. This should include, in particular, the second and third floor cornices of the former Masonic Club as well as the upper cornices."

It is also reinforced that the bulk and scale of the envelope below the transfer slab, including the component where the 'indent' would be provided, is subject to the CSSI Approval and cannot be modified under this concept SSD Application (further discussed at Section 2.2.1). In addition to this, the provision of a setback on the basis of the provisions of the ADG is not applicable in the case of the amended proposal, given that neither floorspace scheme includes the provision of residential apartments adjacent to the Masonic Club. Given that the ADG states as only applying *"to the residential component of mixed use developments"*, it can be concluded that the ADG does not apply to the commercial / visitor accommodation podium of the mixed use floor space scheme, or to any of the commercial floorspace scheme.

Given this, the above response is a reasonable outcome which ensures that the Masonic Club will continue to be consulted in the preparation of a detailed design, whilst also acknowledging the constraints on any potential design solution imposed by the Sydney Metro infrastructure at the site.

8.4.3. Station design influence on podium height

Up to RL 48.00, the envelope is covered by the CSSI Approval, although use of nominated parts of this portion of the development is subject to this approval. Above RL 48.00 the envelope is part of the OSD and is the subject of this application. This is demonstrated at Figure 19 below, and is explained in detail at Chapters 5.10 and 5.11 of the exhibited EIS. Table 8 of the exhibited EIS provides a breakdown of the building form as it is applied to either the CSSI Approval or the concept SSD Application.

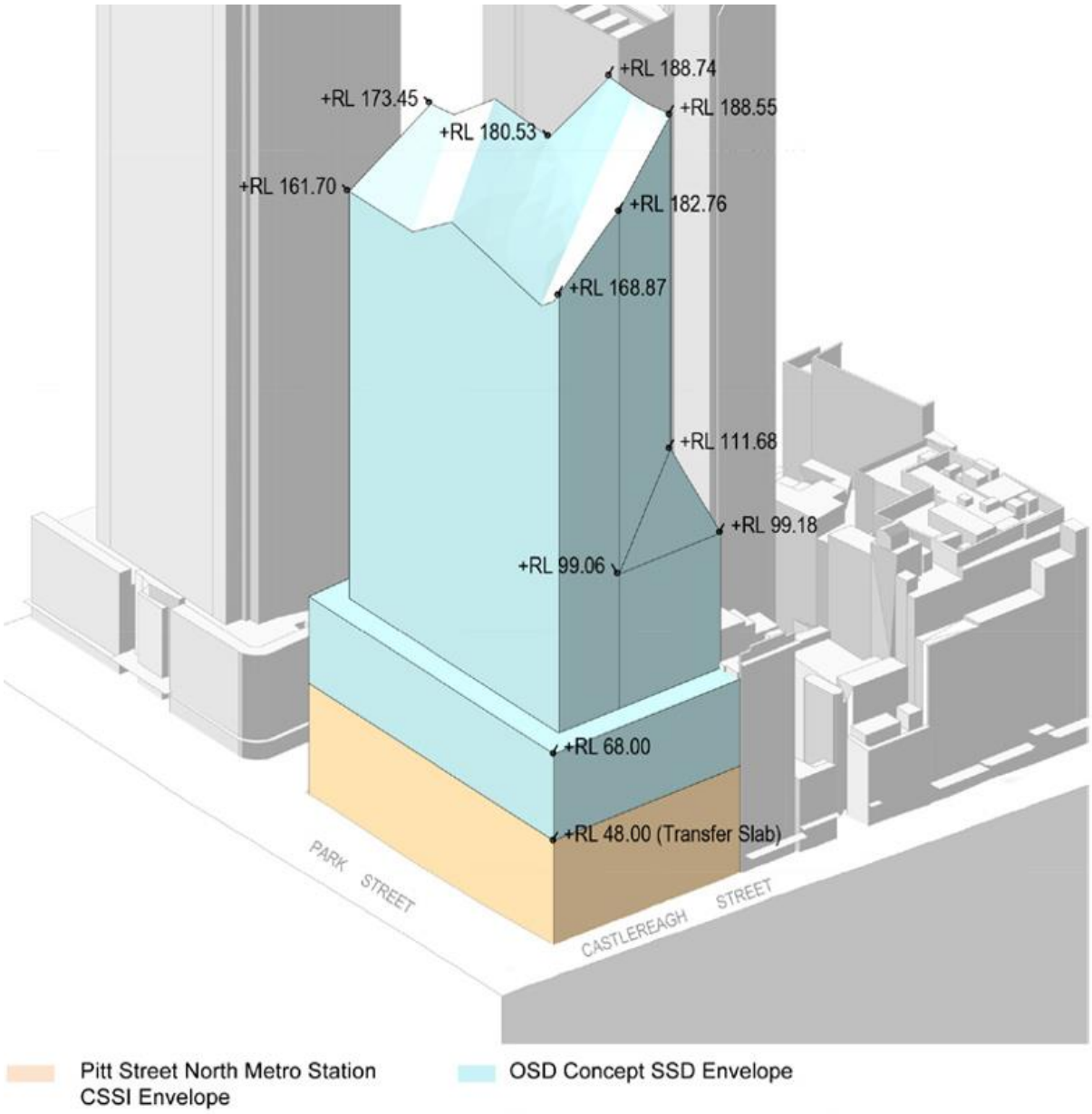


Figure 19 – Axonometric diagram of the development, demonstrating the relationship between the CSSI Approval envelope and the concept SSD Application envelope

The station requires full occupation of the podium area up to RL 48.00. Between RL 48.00 and RL 68.00, the proposed OSD is located to match the surrounding visual context, as well as provide for OSD services, planting and other services which cannot be accommodated elsewhere in the absence of a basement, such as car parking. Finally, the OSD podium allows for the provision of indicative uses in the podium such as commercial and visitor accommodation uses (previously discussed at Section 2.2), which increase activation and surveillance on the surrounding public domain, and assist in integrating the building above with the substantial plant area required by the integrated station development.

8.5. Design Guidelines

8.5.1. Relationship with Station Design Precinct Plan

DPE has requested clarification as to whether the over station development Design Guidelines submitted at Appendix I of the concept SSD Application package are intended to be read in a consolidated or complementary manner to the required SDPPs prescribed under the CSSI Approval.

The SDPP is required by Condition E101 of the CSSI Approval, and is to be prepared prior to the commencement of permanent above ground work. This work is to be undertaken in relation to the CSSI Approval component of each station, including the areas around station entrances, the amenity of the areas surrounding rail infrastructure, artistic elements around stations, proposed station landscaping and the like. However, the SDPP does not directly relate to the OSD, given the nature of Condition A4, which states:

> *A4. Any over station development or any development above or within the Sydney metro Trains Facility South, including associated future uses, does not form part of this CSSI and will be subject to the relevant assessment pathway prescribed by the EP&A Act.*

The Design Guidelines were developed for Pitt Street North to reflect key components of the OSD during the detailed design phase. This has been intended to ensure that the OSD at Pitt Street North does not result in any adverse impacts, and responds to the site in a positive manner. The Design Guidelines additionally collate and detail how the OSD would relate to and respond to the station constraints at the site.

On the basis of the above, the two documents generally relate to different components of the development, with the SDPPs relating primarily to the design of the station component, and the Design Guidelines relating primarily to the OSD. Given that the integrated station development is covered by two legislative pathways, two documents are required. Integration of these two components in the final development is being progressed by Sydney Metro irrespective of this legislative decision.

The two documents have been prepared to be complementary in the delivery of the overall integrated station development to result in a single integrated outcome. This is particularly in regards to areas of crossover between the two approvals, such as OSD lobbies.

To ensure this outcome, a specific section of the Design Guidelines for integration has been included. The listed objective of this section is to *"provide an OSD that seamlessly integrates all components of the development and is a positive legacy for future generations"*. Guideline 3 details this further, stating:

> *3. Delivering an over station development that:*
>
> > *a) Does not have any adverse impact on the design and/or operation of the metro Station;*
> >
> > *b) Is capable of complete demolition and reconstruction, or major maintenance or modification, without significant interference to the operation of the metro station;*
> >
> > *c) Will allow independent access, servicing and maintenance from normal station activities and operation;*
> >
> > *d) Integrates efficiently with the station structure;*
> >
> > *e) Achieves unity in design through connecting the station entry, podium and over station development, as a single readable piece of architecture including to provide continuity in the façade design;*
> >
> > *f) Provides visual connectivity between the OSD lobby and the public domain.*

This seeks to ensure a highly integrated development outcome at the site, and ensure that despite having two applicable legislative approvals pathways a coordinated building outcome will result. This

is consistent with the principles of integrated station development, which is best practice for this type of development and a core component of the Sydney Metro project delivery.

8.5.2. Activation

As previously discussed at Chapter 5, matters regarding the activation, including the provision of potential additional uses (such as station retail), have not been precluded by the development proposed. Sydney Metro is itself a major activation point, which will catalyse other activation through the Sydney CBD. This must be considered as part of any discussion regarding activation. Any OSD building form will also provide for additional activation at the site.

Also relevant to any discussion relating to activation are the significant servicing requirements of the Sydney Metro integrated station development, including both the OSD and the station components. These components together require a substantial area to enable the different components of the building to function efficiently and safely. However, the Design Guidelines have been drafted to encourage the provision of ground floor retail at future stages. As the design concept of the OSD and station is developed, an outcome which makes use of any surplus street frontage space for retail uses is encouraged through Design Guideline No. 5 under 'Public Domain and Place', which states:

> [A desired outcome] *can be achieved through innovative design solutions to maximise activation within a constrained street frontage, including capturing opportunities along Castlereagh Street and Pitt Street. Activation opportunities should investigate a range of offerings that attract users to the place and including a mix of building entrances and retail uses.*

This design guideline is reflective of the commitment of Sydney Metro to further investigate potential activation, including maximising the provision activation activities along all street edges as the design development continues.

8.5.3. Preservation of high amenity public domain

Components of the integrated station development such as awnings and colonnades are outside of the scope of this application, being covered by the CSSI Approval.

However the delivery of high quality public domain is required around the future metro station sites, which is prescribed under the conditions of the CSSI Approval. This includes the provision of a colonnade which will be built and designed to achieve maximum pedestrian flow to and from the future Pitt Street Station northern portal, as a key transport node in Sydney.

Additionally, provisions have been made such that the OSD is well integrated with the CSSI Approval, which are reiterated in the Design Guidelines and are further explored at Chapter 5.11 of the exhibited EIS.

8.5.4. Potential conflict between vehicle, cyclist and pedestrian movements

As part of the exhibited EIS, a detailed Transport Impact Assessment was prepared, which comprised a framework to ensure that the loading and parking requirements of the OSD are capable of being achieved in a manner which does not unreasonably disrupt the surrounding network. This included detailed assessment regarding the Pitt Street consolidated entrance / exit point to the site for OSD and station vehicles. This was provided at Appendix T of the EIS, and included a number of recommendations to ensure that future detailed SSD Applications result in an appropriate traffic outcome for the site, minimising any potential conflicts between vehicles, pedestrians and cyclists.

The development has been subject to extensive consultation in the form of meetings and workshops with Transport for New South Wales, as well as the SCO, with both agencies indicating their support for the proposed arrangements via these forums.

Specific design elements regarding conflict between vehicles, pedestrians and cyclists are premature at this stage in the development process. The erection of signage, or other such detailed design measures are a matter to be dealt with at the detailed SSD Application stage, which can be dealt with at this time.

8.5.5. Use flexibility

As discussed previously at Section 8.1, the uses at the site have been refined such that two fixed land use options are now proposed, which comprise either a mixed use outcome or a commercial outcome at the site.

The *Pitt Street North Design Guidelines 2018* have been updated to clarify that the guidelines apply to either a commercial or mixed use concept at the site. On this basis, the amended development is considered to be a suitable outcome which resolves DPE's concerns regarding impacts of use flexibility.

8.5.6. Apartment Design Guide compliance

DPE has requested additional justification regarding non-compliances of the indicative design provided with provisions of the ADG, with respect to solar access provisions and building separation.

The concept proposal also complies with the key controls regarding solar access (70 per cent of apartments receiving two hours of solar access), as well as minimum apartment sizes and natural ventilation requirements under the ADG. This provides a strong basis regarding demonstration of the potential for the site to achieve high levels of residential amenity.

It is noted that should a commercial floorspace scheme be pursued, then the ADG would not be a relevant matter for consideration. Accordingly, this only applies to the residential component of a mixed use scheme at the site, which would be located above the podium.

Solar access

As part of the design development for the concept SSD Application, the indicative concept design has been tested against the solar access criteria contained within the ADG. The proposed development demonstrates that a future development outcome could comply with the 70% solar access requirement, however may result in more than 15% of apartments receiving no solar access in mid-winter.

Irrespective of this non-compliance, the concept proposal is an appropriate outcome due to the following:

- the indicative design complies with the 70 per cent solar access control, which is a key measure of solar access amenity in the ADG
- the proposal only complies a relatively small non-compliance of less than ten per cent
- the proposal comprises an indicative concept reference design only, which is subject to future refinement and further design work during the detailed design stage. The use of a flexible envelope such as this would enable further design refinements through the detailed design stage
- the site comprises a full southern block end, which has the impact of making solar access difficult to achieve. This is due to the site's main street frontage being towards the south (to Park Street), which any development above the podium would inevitably face some apartments towards
- the site is located in the Sydney CBD, being a highly urbanised context whereby there would always be difficulties in achieving compliances with solar access requirements. The imposition of existing tall buildings in close proximity to the site (including 161 Castlereagh Street and the Citigroup building) work to further limit the maximum possible amount of solar access at the site. This is particularly relevant to apartments at lower levels
- the proposed envelope has been specifically designed to minimise overshadowing to Hyde Park, which has been achieved by locating large parts of the building in existing shadows case by other buildings. In turn, this limits the potential solar access which can be provided to the building at Pitt Street North. This includes the provision of a maximum building height less than that technically available under the SLEP 2012, which was undertaken with the intent of minimising public domain overshadowing

- The proposed envelope complies with the street setback requirements of the SDCP 2012, resulting in a substantial area of the envelope above the podium being shadowed by the development at 161 Castlereagh Street. The most sunlight available at the site is beyond the street setback at the eastern frontage of the site, however this would in turn result in impacts on public domain daylight, public domain amenity and the like. On this basis, the proposal was considered a more appropriate outcome

Separation

The indicative design also comprises a minor non-compliance with the building separation control, given that the mixed use reference design includes a two tower scheme with a separation of 11.5 metres. This separation distance is considered to be acceptable in the case of the site, given the following:

- the indicative design has been proposed as a way of ensuring that solar access is maximised to apartments, and is partially how the development can comply with the 70 per cent solar access provisions of the ADG. In effect, by providing for two buildings at the site, the number of apartments which receive sun during mid-winter are maximised

- the indicative design comprises only one potential design solution at the site, which would be subject to further refinement during the detailed design stages

- the proposed separation distance only comprises a small (0.5 metre) separation non-compliance

- given the concept proposal status of the application, and the nature of separation distance controls, there is substantial possibility for the use of privacy measures during the detailed design stage of the development to assist in ameliorating potential privacy impacts. This includes the use of high level windows, opaque glass, offsetting of windows or habitable rooms from one another

Summary

Given that the development is capable of complying with the overall 70 per cent solar access provision as well as the natural ventilation requirements of the ADG, a highly amenable building form has been demonstrated as being possible. Detailed assessment of a future building form against the provisions of the ADG will be provided at the necessary stage, to the extent relevant to a future proposal.

The inclusion of an indicative design in the concept SSD Application is for reference purposes only, and does not comprise the final proposed building form. Any variations to the ADG will be subject to further detailed assessment and justification as part of the detailed SSD Application.

8.5.7. Landscaping

DPE has requested consideration to the provision of additional planning principles and design parameters with respect to the provision of landscaping and open space, including treatment of podium spaces and rooftops.

Given the status of the concept SSD Application, components such as the provision of landscaping on podiums and rooftops is a design matter which would be determined at the detailed design stage of the development. However, the provision of landscaping in the podium is reflected in the Design Guidelines through the following:

> *Podium and Street Wall (3)*
>
> *Provision of landscaping throughout the podium design, layout spaces of relief and activation and referencing landscaping carried through from Hyde Park.*
>
> *Built Form above the Podium (8)*
>
> *Provision of landscaping throughout the design, laying spaces of relief and referencing landscaping carried through from Hyde Park*

This would encourage the provision of landscaping as a consideration during design development of the detailed SSD Applications, particularly regarding the contribution of the OSD to the character of the surrounding area, including Hyde Park. The above provision has been included both below and above the podium of the development to ensure that it is considered right through any detailed design.

With consideration to the above, no further provisions or mitigation measures are required in this case. Detailed design, including the provision of landscaping, will be subject to the detailed SSD Application stage.

8.5.8. Applicable solar access controls

DPE has requested consideration regarding additional planning principles and design parameters with respect to the applicable solar access controls in the SLEP 2012. Specifically, DPE makes mention of Hyde Park, Town Hall Steps and Sydney Square. Specific responses in regards to each of these public spaces have been provided below.

Regarding the protection of solar access to Town Hall Steps and Sydney Square, this is required at specific times through the year in accordance with the SLEP 2012. A detailed assessment of this has been undertaken at Section 8.3 above. Given that the development does not overshadow either of these spaces at the nominated times, no further planning principles or design parameters are required.

However, irrespective of the above, the protection of solar access is reflected in the Design Guidelines, through the following:

> *Built Form above the Podium (6)*
>
> *Maximise solar access to the public domain, through:*
>
> > *a) Design and articulation to ensure no additional overshadowing to Hyde Park on June 21st, between 12pm and 2pm required by SLEP 2012 Sun Access Plane controls*
> >
> > *b) Responding to the reduced shadow cast by the redevelopment of 201 Elizabeth Street on Hyde Park on June 21st, between 12pm and 2pm – Sydney Metro preliminary design work propose an angled offset of the north eastern corner of 4.1m to achieve this outcome.*
> >
> > *c) Creation of opportunities to increase solar access to the proposed Town Hall Square.*

The future Town Hall Square envisaged by Council in *Sustainable Sydney 2030* is not subject to any solar access protection controls under the SLEP 2012. The above Design Guideline is therefore considered to be an appropriate outcome in relation to the matter of overshadowing of the proposed Town Hall Square.

With consideration to the above merit assessment, combined with the already existing Design Guidelines relevant to the protection of solar access, no further provisions or mitigation measures are required in this case.

8.5.9. Signage strategy

DPE has requested that a review of the proposed signage strategy be undertaken in response to Council's submission. On this basis, the size and detail of signage will be reviewed at the detailed design stage with consideration of Council's comments. Details regarding future signage will be submitted as part of a future detailed SSD Application for consideration.

8.6. Design excellence

Although not directly raised in DPE's submission, given the nature of the submission received by Council further consideration has been provided in relation to design excellence. This is in addition to the response to Council provided at Section 5.12 above.

Further detail and justification is provided in this section in relation to:

- additional discussion regarding the unreasonable and unnecessary nature of the imposition of a competition design process in this case
- discussion as to how the development achieves the intent of the SLEP 2012 in regards to Design Excellence, and would be capable of delivering a development outcome of the *"highest standard or architectural, urban and landscape design"*
- additional assessment against the Government Architect NSW's draft *Design Excellence Competition Guidelines 2018*

Further discussion regarding each of these issues is provided below.

8.6.1. Unnecessary nature of competition design process

In accordance with clause 6.21(6) of the SLEP 2012, a competitive design process is not required if the consent authority is satisfied that such as process would be unreasonable or unnecessary in the circumstances of the proposal. This section provides additional discussion as to why such a process would be unreasonable or unnecessary. This builds upon the previous discussion which further explores the eight rationale of the Design Excellence Strategy, provided at Section 5.12.

Imposition of a design competition would be unreasonable

- imposition of such a process would present risks to the broader Sydney Metro delivery program which comprises multiple packages of works which have highly complex and sensitive interfaces. This risk is untenable within the broader context of the Sydney Metro City & Southwest Chatswood to Sydenham project
- requirement of a competitive design process would constrain the opportunity to realise the benefits of a consolidated construction window and concurrent delivery for the station, metro infrastructure and OSD. The integrated station development construction process allows for a reduced overall construction timeframe, as well as increased certainty of completion, and a competitive design process would unreasonably impact on this timeframe
- a competitive design process would add further technical challenges to the Sydney Metro project. Already Sydney Metro is Australia's largest public transport project, spanning across multiple LGAs and sites. The imposition of a competitive design process, which is only one way of achieving design excellence, is unreasonable given the substantial additional complexity which this specific process provides to the integrated station developments, and the Sydney Metro project more broadly

Imposition of a design competition would be unnecessary

- the Design Excellence Strategy embeds competitive tension through the selection of highly experienced and competent design practices and a holistic design review process. The use of an integrated station development approach is world best practice and the imposition of a competitive design process on this would unnecessarily risk compromising the benefits realised through this approach
- by nature of the extent of this application, a competitive design process would only apply to the SSD OSD component. Given the intrinsic relationship between the CSSI Approval and the concept proposal, such a competition would apply to the 'skin' or façade of OSD buildings. Given the substantial time cost of such a process, combined with a limited potential impact and the availability of a robust alternative process, this is an unnecessary outcome
- a robust design review and development process has been undertaken to date, which includes the provision of site specific benchmark case studies, as well as extensive testing of options for land use, building heights, envelopes and form, articulation and integration, with regard to the unique and complex parameters of the site. Imposition of a competitive design process would be only one way of achieving design excellence, and given the extensive work undertaken regarding Pitt Street North design development to date, is an unnecessary process

- the Sydney Metro design process has benefitted from independent review by the Sydney Metro DRP over the course of the past two years, which has materially lifted the design quality of the metro product. In conjunction with this, the DEEP would additionally contribute to the competitive selection process, which would continue to shape and ensure that design excellence is exhibited in the final building form. Given the ongoing critical role of the DRP and the DEEP, a competitive design process is unnecessary

- the Design Excellence Strategy directly responds to, and is consistent with the *Better Placed* design policy prepared by the Government Architect NSW. *Better Placed* supports the use of Design Review Panels for complex State significant projects. The Government Architect NSW has also stated support for the Design Excellence Strategy, as demonstrated at Appendix J.

Given the above consideration, the imposition of a design excellence process in line with clause 6.21 of the SLEP 2012 is both unreasonable and unnecessary at the site.

8.6.2. Achievement of intent of SLEP 2012

The objective of clause 6.21 of the SLEP 2012 is as follows:

> *The objective of this clause is to deliver the highest standard of architectural, urban and landscape design*

This directly aligns with the intent of the integrated station development delivery strategy, which draws together design and construction of fully integrated and interconnection OSD and station components to ensure excellence and coordinated design outcomes. This approach is an evolution of Sydney Metro's previous approach to deliver city stations, and is an innovation which is specifically intended to deliver a project of the highest standards of architectural, urban and landscape design.

The delivery of design excellence through this process is described across the three phases of the Design Excellence Strategy below:

- Phase 1: Defining design quality expectations - Sydney Metro will capture the Project's expectations and requirements in a suite of statements, guidelines and contract requirements. This includes design objectives and principles which have been in place for some time. Concept SSD approvals for the each OSD will set the development concept and building envelopes in each location. Benchmark projects will also be used to set the minimum design quality standard for specific design elements of the integrated station developments, that is, the stations, public domain areas and OSD.

- Phase 2: Competitive selection of design - the two stage procurement process is designed to ensure that interest is captured from the industry, and to encourage the broadest range of design practices to participate. This selection process includes the selection of the DEEP, which will work with tendering teams to provide positive guidance with the intention of:

    - helping the teams to submit schemes that meet or exceed the benchmarked quality level

    - improving the design quality of final submissions without adversely affecting other aspects of the proposal

    - achieving an outcome where the other aspects of each solution have been balanced within engineering, buildability and cost constraints, to ensure the proposal demonstrating the highest design merit can be selected within the framework of the *NSW Government Procurement Guidelines* and obligation to obtain value for money

  The DEEP will prepare a Design Excellence Report outlining how the submissions perform in relation to the suite of documents that define the design quality expectations and the quality benchmarks. This is a critical element of the Strategy and serves the role of the Jury Report.

  The final Design Excellence Report will provide a summary of each tenderers design including an overview of the assessment and design merits of each entry. The report will document the Panel's recommendations, including the rationale for their views, noting the key

design elements and justification for how design excellence has been achieved. The report will also identify those elements of each design which require further review and design refinement. In the case that none of the entries can be supported, this report will justify and provide reasons for this.

- Phase 3: Design integrity regime - Sydney Metro will manage design integrity by binding elements of the successful tenderer's submitted design into the contract documents. In addition, the project team will work with the successful tenderer to improve elements of the contracted design that the Design Excellence Report identifies as needing further design development.

  The design review task of this phase would be handed back to the Sydney Metro DRP who would continue to be responsible for design integrity until any detailed SSD determination for the OSD and until Stage 3 design for the station. In this period, the Sydney Metro DRP would also be responsible for reviewing any significant changes to the planning approval that would require a modification to the planning approval or materially affect the station or customer experience.

Considering the above, the proposal provides a framework which will enable and ensure the delivery of design excellence in the future detailed building design.

8.6.3. Assessment against the Government Architect NSW draft Design Excellence Competition Guidelines 2018

Considered as part of this proposal is an additional assessment against the Government Architect NSW's draft *Design Excellence Competition Guidelines 2018*. These guidelines were exhibited in draft form in May 2018 and are accordingly a relevant consideration for assessment.

Section 2.5 of the guidelines includes specific circumstances whereby a competition is not required:

> *In some cases, an EPI may contain specific conditions for when a Design Excellence Competition is not required. Where this Is the case, and these guidelines apply and the Proponent wishes to use this condition, they must demonstrate to the Government Architect NSW and the consent authority that such a process would be unreasonable and unnecessary in the circumstances or that the development:*
>
> - *involves only alterations or additions to an existing building, and*
> - *does not significantly increase the height or gross floor area of the building, and*
> - *does not have significant adverse impacts on adjoining buildings and the public domain, and*
> - *does not significantly alter any aspect of the building when viewed from public places, and*
> - *satisfies the specific conditions of the relevant EPI when considering whether a competition is required.*

The concept proposal is consistent with this policy, given that it has been demonstrated that a design competition is unnecessary in the circumstances of the project. The proposal would be consistent with this, given the demonstration above that the proposed Design Excellence Strategy would provide an alternate process of achieving design excellence which results in a Design Excellence Competition (as defined within the guidelines). On this basis, the proposal is consistent with the draft *Design Excellence Competition Guidelines 2018*.

8.6.4. Summary

The above information, combined with the response to Council's submission at Section 5.12, as well as the relevant documentation within the exhibited EIS, demonstrates that the proposed Design Excellence Strategy is an appropriate pathway to achieving design excellence, given that it achieves the intent of Clause 6.21 of the SLEP 2012. On this basis, the requirement of the SLEP 2012 information is in this case unreasonable and unnecessary.

8.7. Other issues

8.7.1. Compliance with Clause 6.18 of SLEP 2012

DPE has requested that visual illustrations be submitted which demonstrate the proposal's compliance with the Hyde Park Sun Access Plane. Demonstration of the development's relationship to the Sun Access Plane is provided at Appendix K.

Additionally, a detailed discussion of the proposal's compliance with Clause 6.18 of the SLEP 2012 has been provided at Chapter 9.3 of the originally submitted EIS. As discussed in the EIS, the proposal does not comply with the Hyde Park Sun Access Plane, by virtue of the exceptions to the Hyde Park Sun Access Plane permitted under Clause 6.18 of the SLEP 2012. This has been visually demonstrated at Figure 20 below.

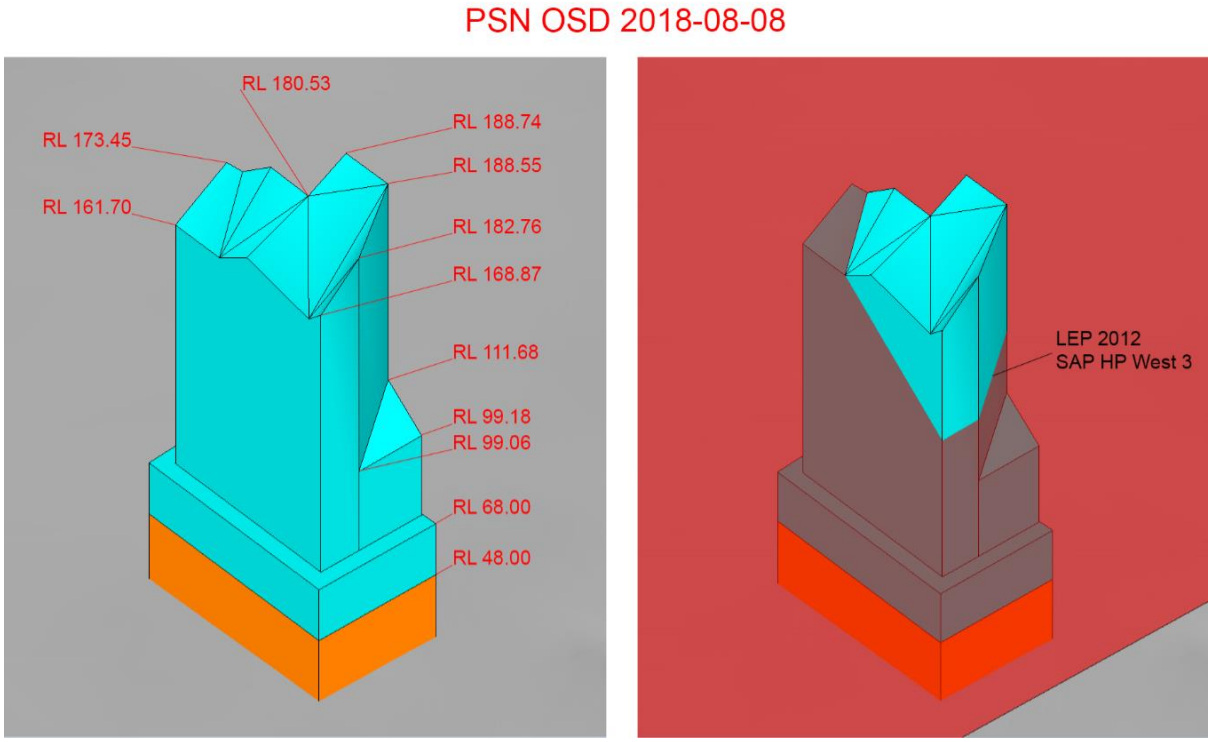


Figure 20 – Demonstration of the OSD envelope in relation to the Hyde Park West 3 Sun Access Plane

The proposal complies with Clause 6.18(b), which states the following:

> *(1) Development consent may be granted to development that will result in a building on land projecting higher than a sun access plane that is taken by this Part to extend of the land if any one or more of the following apply:*
>
> *…*
>
> > *b. the parts of the building that project higher than the sun access plane are on category B land that adjoins category A land and will not exceed the height of an existing building on the category A land.*

On this basis, it becomes a matter of demonstrating that the development does not breach the maximum height of 201 Elizabeth Street, and only exceeds the Sun Access Plane in the land nominated as category B under the SLEP 2012.

Regarding the maximum height of the development, this is RL 188.74, which is substantially shorter than the maximum height of 201 Elizabeth Street of RL 198.22. Regarding the requirement

for land above the Sun Access Plane to be located in the category B land under the SLEP 2012, the attached correspondence from Council confirms this (Appendix K).

In addition to being compliant, the proposal also achieves the intent of the control as has been previously discussed at Chapter 9.3 of the originally submitted EIS. The cumulative impact of the proposal in the context of the redevelopment of 201 Elizabeth Street was specifically considered in the EIS, including the assessment of cumulative shadows between the development and the approved envelope of 201 Elizabeth Street under D/2017/349. From the originally submitted EIS assessment, Council's conclusions in D/2017/349 state that *"the proposal therefore achieves the intent of Clause 6.18 which provides for exceptions to sun access planes, and is considered to result in an acceptable level of solar access to Hyde Park in mid-winter".* This demonstrates that the intent of this clause is to provide an acceptable level of solar access to Hyde Park in mid-winter, which the proposal achieves. Specifically, the proposed envelope has been designed to ensure that between the OSD building envelope and the approved 201 Elizabeth Street building envelope, the coordination of design under this proposal would ensure that the OSD does not result in any unacceptable cumulative impacts and contributes to an improvement in solar access to Hyde Park.

8.7.2. Capital Investment Value estimate

DPE has requested that a Capital Investment Value (CIV) estimate be provided for the development.

This has been submitted to DPE under separate cover.

8.7.3. Crime Prevention Through Environmental Design

Although not an issue directly raised by DPE, Council or any public submissions during consultation, as a result of further assessment the Crime Prevention Through Environmental Design (CPTED) findings have been refined to more specifically relate to the OSD.

Previously, some of the findings related to both the OSD and the station components, or only the station concourse. Given the extents of this application not applying to areas already covered by the CSSI Approval (Section 2.2.1), there is no ability for this proposal to control components of the development which are not subject to this application. On this basis, the mitigation measures have been amended to reflect this, either being edited to more specifically relate to the OSD, or removed altogether.

These findings are detailed at Section 9.2.

9. Environmental impact assessment of the amended Project

This chapter provides an environmental risk rating of the Project proposed under this concept SSD Application, as amended by this Submissions Report. It also provides revised mitigation measures.

9.1. Revised environmental ratings

The Environmental Risk Assessment (ERA) identifies all potential impacts, the significance of each impact, the manageability of each impact and any potential residual impacts following mitigation. The revisions to the ERA are identified in **bold** text, otherwise the ERA remains consistent with the ERA contained in Chapter 14 of the exhibited EIS. A full list of updated mitigation measures is presented in Section 9.2 of this Submissions Report.

As detailed in Chapter 14 of the EIS, the significance of impact is assigned a value between one and five based on the:

- the receiving environment
- the level of understanding of the type and extent of impacts
- the likely community response to the environmental consequence of the Project

The manageability of environmental impacts is assigned a value of between one and five based on:

- the complexity of mitigation measures
- the known level of performance of the safeguards proposed
- the opportunity for adaptive management

The sum of the significance and manageability values provides an indicative rating (between 1 and 10) of the potential residual impacts after the mitigation measures are implemented, in accordance with the risk assessment matrix in Table 12.

The ERA has been adapted from Australian Standard AS4369:1999 Risk Management and Environmental Risk Tools.

Table 12 – Risk assessment matrix

Significance of impact	Manageability of impact				
	5 – Complex	4 – Substantial	3 – Elementary	2 – Standard	1 – Simple
1 – Low	6 – Medium	5 – Low/Med.	4 – Low/Med.	3 – Low	2 – Low
2 – Minor	7 – High/Med.	6 – Medium	5 – Low/Med.	4 – Low/Med.	3 – Low
3 – Moderate	8 – High/Med.	7 – High/Med.	6 – Medium	5 – Low/Med.	4 – Low/Med.
4 – High	9 – High	8 – High/Med.	7 – High/Med.	6 – Medium	5 – Low/Med.
5 – Extreme	10 – High	9 – High	8 – High/Med.	7 – High/Med.	6 – Medium

Table 13 – Environmental Risk Assessment

Item	Phase	Potential Environmental Impact	Significance of impact	Manageability of impact	Residual impact
Visual and views	Operation	• Visual / view impacts from surrounding streetscape and key public vantage points • View impacts on ~~neighbouring~~ **surrounding** residential building**s**	2	2	4 Low / Medium
Public domain overshadowing	Operation	• Increase in shadowing to surrounding public domain, including Hyde Park	3	2	5 Low / Medium
Private domain overshadowing	Operation	• Increase in shadowing to apartments to the south (27 Park Street and 197 Castlereagh Street)	3	2	5 Low / Medium
Traffic and transport	Construction	• Increased traffic on surrounding roads • Conflict with pedestrians	2	2	4 Low / Medium
	Operation	• Increased traffic on local roads • Potential queueing of traffic onto Castlereagh Street • Conflict with pedestrians	2	2	4 Low / Medium
Non-Indigenous heritage	Construction	• Structural impact on adjacent heritage items	3	2	5 Low / Medium
	Operation	• Impact on heritage items in the vicinity	2	2	4 Low / Medium
Noise and vibration	Construction	• Increase in noise and vibration associated with construction including from vehicles and machinery	3	2	5 Low / Medium
	Operation	• Increase in noise and vibration associated with emissions from building plant and services • Increase in noise associated with vehicle movements	2	2	4 Low / Medium
Infrastructure and utilities	Operation	• Adequate connection to infrastructure and utilities • Adequate capacity to service building	2	2	4 Low / Medium

Item	Phase	Potential Environmental Impact	Significance of impact	Manageability of impact	Residual impact
Flooding	Operation	• Potential flooding of development • Adequate stormwater management for development	2	2	4 Low / Medium
Reflectivity	Operation	• Adverse solar reflectivity glare to motorists and pedestrians	2	2	4 Low / Medium
Contamination	Construction	• Exposure of contamination of hazardous materials during construction	1	2	3 Low / Medium
Wind impact	Operation	• Adverse wind environment along surrounding streets and station entries • Adverse wind environment to outdoor areas in the OSD, including to private balconies and communal areas	3	2	5 Low / Medium
Crime and public safety	Operation	• Antisocial and criminal behavior	2	2	4 Low / Medium
Environmental and construction management	Construction	• Noise, dust, air quality, waste management and traffic impacts	3	2	5 Low / Medium
Biodiversity	Construction	• Impacts on nearby Endangered Ecological Communities	1	1	2 Low
Waste	Construction	• Waste production associated with construction activities	2	2	4 Low / Medium
	Operation	• Waste production associated with operation of OSD	2	2	4 Low / Medium
ESD	Operation	• Carbon emissions • Energy consumption • Thermal comfort of building occupants	2	2	4 Low / Medium
Accessibility	Operation	• Adequate access for people with a disability	1	2	3 Low

Item	Phase	Potential Environmental Impact	Significance of impact	Manageability of impact	Residual impact
Social Impact	Construction	• General disruption to community associated with large scale construction	2	2	4 Low / medium
	Operation	• Potential anti-social behaviour associated with operation of the development	1	1	2 Low
Property and land use	Construction	• Acquisition of site for development (undertaken through CSSI Approval)	1	2	3 Low
	Operation	• Compatibility between OSD uses and station/surrounding uses	1	2	3 Low
Business impacts	Construction	• Permanent loss of established tenants on site under the CSSI Approval • Impacts on surrounding business during construction (due to loss of amenity)	2	2	4 Low / medium
	Operation	• Permanent loss of established tenants on site • Altered access and visibility to surrounding businesses • Impacts on surrounding business during operation (due to changes in amenity)	1	2	3 Low
Water quality	Construction	• Potential erosion and sediment impacts on drainage system	2	1	3 Low
	Operation	• Impacts on quality of stormwater discharge into drainage system	2	1	3 Low
Air Quality	Construction	• Dust associated with construction activities • Emissions associated with construction vehicles	2	2	4 Low / medium
	Operation	• Emissions associated with entering and existing vehicle traffic • Plant and equipment emissions	2	1	3 Low
Cumulative Impacts	Construction	• Cumulative impacts (traffic, noise, dust, etc.) associated with concurrent construction of station and OSD, and other development	2	2	4 Low /

Item	Phase	Potential Environmental Impact	Significance of impact	Manageability of impact	Residual impact
		in the area			medium
	Operation	• Cumulative impacts (traffic, noise emissions, etc.) during concurrent operation of station and OSD, and other development in the area	1	2	3 Low

9.2. Revised mitigation measures

The list of mitigation measures presented in Chapter 12 of the exhibited EIS have been revised based on submissions.

A full list of revised measures to mitigate the potential impacts associated with the concept proposal is provided at Table 14. The revisions to the mitigation measures respond to a number of key issues raised in submissions as detailed in Chapter 7 (Project amendments) and Chapter 8 (Additional information and assessment) of this Submissions Report. In addition, the revisions include:

- refinement regarding the nature of the land use proposed, providing for two 'fixed' floor space outcomes at the site
- a number of minor corrections and additions to the content to reference either the EIS or the Submissions Report (as relevant), including where the technical reports are mentioned
- a requirement for signage details to be submitted with the future detailed SSD Application, having regard for the requirements of Council
- reference to the updated version of the *Pitt Street North Design Guidelines*

The revisions to the mitigation measures are shown in **bold** text, with deletions shown with a ~~strikethrough~~, otherwise mitigation measures remain consistent with the exhibited mitigation measures contained in Chapter 12 of the exhibited EIS.

Table 14 – Revised mitigation measures

	Proposed OSD-specific measure	OSD Interface issue with CSSI Approval
Operation (detailed design) measures		
Built form and urban design	The detailed design of the OSD is to be undertaken in accordance with the **updated** *Pitt Street North Design Guidelines* **included at Appendix A of the Submissions Report** ~~at Appendix I~~. The future detailed SSD Application(s) must address the manner in which the design/proposal has responded to the detail within this concept SSD Application and the Design Guidelines. The future detailed SSD Application must implement the process outlined in the Design Excellence Strategy provided at Appendix H **of the EIS**.	The detailed design of the OSD and its integration with the design of Pitt Street Station is to be reviewed by the Design Review Panel established under Condition of Approval E100 of the CSSI Approval. The design of the OSD is to be prepared having regard to the Station Design Precinct Plan required by Condition of Approval

	Proposed OSD-specific measure	OSD Interface issue with CSSI Approval
		E101 of the CSSI Approval.
Public domain overshadowing	Future development is to be consistent with the proposed maximum building envelope (and detailed in Appendix C **of the EIS**) so as to ensure that the overshadowing impacts are not worse than those assessed in this concept proposal.	N/A
Solar access	Future development is to be consistent with the proposed maximum building envelope (and detailed in Appendix C **of the EIS**) so as to ensure that the solar access impacts are not worse than those assessed in this concept proposal. The future detailed SSD Application should be accompanied by a detailed solar access analysis for 27 Park Street, and 201 Elizabeth Street should further information regarding future development of this site be available.	
Visual and view impacts	Future development is to be consistent with the proposed maximum building envelope (and detailed in Appendix C **of the EIS**) so as to ensure that the visual and view impacts are not worse than those assessed in this concept proposal.	N/A
Privacy	Future detailed SSD application is to address the relevant provisions of the Apartment Design Guide to demonstrate that appropriate levels of visual privacy are achieved for existing and future residential dwellings.	N/A
Heritage	Future detailed SSD application must address how the recommendations made in the Statement of Heritage Impact Report (Appendix R **of the EIS**) have been addressed to ensure the development achieves a positive heritage outcome for the site: • the future detailed design of the building, including services and balconies, are to be contained wholly within the building envelope proposed under the SSD concept application • future development application(s) should include detailed streetscape elevations that extend to the heritage items on Pitt Street and Castlereagh Street to ensure contextual impacts of the development can be assessed and understood • a Design Excellence Strategy be prepared for the site which takes into account the mitigation measures recommended in the HIS and the requirements of clause 6.21 of the SLEP 2012 (Design excellence) • a Heritage Interpretation Strategy detailing the history and significance of the site be prepared and included as part of future development	N/A

	Proposed OSD-specific measure	OSD Interface issue with CSSI Approval
	application(s). • frontages of the podium / street wall are to incorporate high proportion of masonry compared to window glazing, strong visual depth, a high degree of architectural modelling and articulation, and high quality materials. The preferred masonry material is Sydney sandstone. Window glazing is to be deeply recessed. • the Pitt Street frontage of the podium should respond to major horizontal and vertical elements of the National Building and the Criterion Hotel. This should include, in particular, the second floor cornice of the National Building as well as upper cornices. • the Castlereagh Street frontage of the podium should respond to major horizontal and vertical elements of the former Masonic Club. This should include, in particular, the second and third floor cornices of the former Masonic Club as well as the upper cornices. • the form of the podium should interpret the subdivision pattern established during late nineteenth and early twentieth century through modulation and articulation of the street frontages. The early twentieth century pattern is predominantly characterized by the lot widths of the National Building and the former Masonic Club. **Additional consultation is to be undertaken with the Masonic Club during the detailed design process of the OSD.**	
Transport, traffic, parking and access	The future SSD Application must adopt the recommendations of the Transport Impact Assessment provided at Appendix T **of the EIS as well as Appendix M of the Submissions Report**, including: • Servicing planning principles and commitment to develop servicing plans to manage loading dock operations are to be adopted as part of the detailed planning application process. • On site car parking is not to exceed the maximum allowable limits set out under SLEP 2012 for the various intended uses of the site. • The inclusion of accessible parking spaces in accordance with SLEP 2012 and AS 2890 and situated within easy access of lifts. • Pedestrian access points and corridors are to be designed to comply with AS1428.1 and 1428.2.	The detailed design of the OSD should be in conjunction with the Interchange Access Plan required to be prepared in accordance with Condition of Approval E92 of CSSI Approval No. 15_7400 for the Sydney Metro City & Southwest Chatswood to Sydenham project. The detailed design of the OSD and assessment of its impact is to be undertaken in consultation with the Traffic and Transport Liaison Group(s) established under Condition of Approval E77 of CSSI Approval No. 15_7400 for the Sydney Metro City & Southwest Chatswood to Sydenham project. Beyond completion of Pitt Street Station,

	Proposed OSD-specific measure	OSD Interface issue with CSSI Approval
	• Parking areas are to be designed to comply with the relevant Australian Standards including AS 2890.1, 2890.2, 1428.1 and 1428.2. • Bike parking spaces are to be delivered in accordance with City of Sydney Council requirements, which are easily accessed and are supported by end of trip facilities. • Provide for safe access, secure and conveniently located bike parking facilities for residents within the building. • Adoption of the green travel plan and associated measures to help manage travel demand by supporting and promoting travel by non-car modes of travel. • Pedestrian access points and corridors are to comply with AS1428.1 and 1428.2. • Detailed SSD Application(s) are to develop a strategy and technology solutions that will help manage conflict between loading dock, parking area access and bike parking access. • The adoption of Construction Traffic Management Principles, staging options and construction traffic management documentation with a focus on managing the subsequent impact on the CBD public domain and road environment as part of detailed planning of construction.	the detailed design of the OSD and its traffic, parking, pedestrian and cycle accessibility impacts would require consultation with and the approval of the relevant roads authority in accordance with the terms of the relevant approval.
ESD	The detailed SSD Application must include a detailed ESD Strategy which outlines the best practice sustainability initiatives which will be implemented during design and construction of the development. The Strategy must be generally consistent with the proposed targets and indicative features in the ESD Report (Appendix ~~Q~~ **D of the Submissions Response**), including: • **For a mixed use scheme:** – **5 Star Green Star** – **BASIX 40 Energy (for the residential portion)** – **Exceed minimum compliance with BASIX Water (for the residential portion)** – **4 Star NABERS Energy or equivalent energy efficient performance (for the hotel portion)** – **3 Star NABERS Water, or equivalent water efficient performance (for the hotel portion)**	N/A

	Proposed OSD-specific measure	OSD Interface issue with CSSI Approval
	• **For a commercial scheme:** – **6 Star Green Star** – **5 Star NABERS Energy** – **3.5 Star NABERS Water** • ~~5 Star Green Star Rating~~ • ~~Building envelope and services design to exceed BCA Section J minimum requirements~~ • ~~BASIX Certification for residential apartments~~ • ~~5 Star NABERS Energy (Office)~~ • ~~3 Star NABERS Water (Office)~~ The ESD Strategy nominates initial sustainability strategies for the future detailed design of OSD which include: • High-performing building envelope elements and façade materials • Energy-efficient lighting devices and smart control systems • Comprehensive building operations and facilities management practices • Extensive energy and water metering and monitoring systems • Appropriate stormwater and potable water reduction measures • Utilisation of low-emissions materials and use of recycled materials • Implementation of responsible construction practices that manage environmental impacts and reduce construction and demolition waste • Recycling and waste handling facilities and procedures.	
Prescribed airspace	The detailed SSD Application will need to comply with any requirements set by Sydney Airports Corporation Limited.	N/A
Utilities, infrastructure and services	In accordance to the specific requirements of the individual utility service providers, the developer of the OSD must undertake detailed enquiries and arrange for final connections and associated approvals based on	The provision of all utility services to the Integrated Station Developed are to be assessed and undertaken (including all

	Proposed OSD-specific measure	OSD Interface issue with CSSI Approval
	the final design. A water servicing coordinator must be engaged to make application for section 73 Notice of Requirements (NOR) and confirm specific connection requirements.	approvals and reconfiguration of trunk infrastructure) as part of the station works under Condition of Approval E2 of the CSSI Approval. Where practicable, and having regard to the timing for the delivery of the OSD, permanent utility connections are to be provided to the OSD and capped off within the site. Where this is not practicable, suitable provision of connection pits and conduits shall be provided to avoid the need for future disruption to roadways and pavements as a result of these works.
Storm water and flooding	*Storm water* • Council and Sydney Water must be consulted as part of the future detailed development SSD application in order to finalise the OSD storm water management plan strategy • Permissible site discharge rates must be confirmed with Sydney Water and Council as part of the future detailed SSD application • The future detailed SSD Application must achieve Council's water quality targets *Flooding* The detailed design must be undertaken to ensure that OSD entrances must be set to a minimum of 0.50 millimetres above the 1 in 100 year ARI flood-level.	All flood modelling, impact assessment and mitigation measures for the site are to be undertaken as part of the station works under the CSSI Approval. The detailed design of the OSD should be developed having regard to the flooding requirements in Conditions of Approval E8 and E9 of the CSSI Approval.
Noise and vibration	The detailed design of the OSD is to be undertaken in accordance with the Report included as Appendix O **of the EIS**. The future detailed SSD Application(s) must address the manner in which the design/proposal has responded to the criteria established within this Concept SSD application including the Technical Assessment at Appendix O **of the EIS**.	The detailed design of the OSD is to consider cumulative impacts having regard to the noise and vibration requirements under Condition of Approval E41 and E42 of the CSSI Approval.
Wind impacts	Wind tunnel testing and detailed computational analysis must be undertaken as part of the detailed SSD Application in order to quantify expected wind speeds and inform a mitigation strategy. The recommendations of the Wind Assessment Report (Appendix M **of the EIS**) should be considered when developing the detailed OSD design with respect to the potential inclusion of a street-level awning or colonnade corner and/or other design elements extending around	N/A

	Proposed OSD-specific measure	OSD Interface issue with CSSI Approval
	the south-eastern, to mitigate the and ensure conditions remained largely similar to or improved from existing wind levels.	
CPTED	The detailed SSD Application must incorporate CPTED principles relating to natural surveillance, access control, territorial reinforcement and space management. The detailed SSD Application is to have regard to the recommendations contained at section 6.1 of the CPTED Assessment Report (Appendix BB **of the EIS**): • Maintain sightlines to and from the **concept** proposal and the surrounds by ensuring signage and equipment do not create a significant visual obstruction. • Ensure **OSD** circulation spaces are unobstructed by structures, to remove opportunities for concealment and ensure that pedestrians can move freely with clear sightlines of their surrounds. • The glazed facades of the ~~**building**~~ **OSD** at street level should be free of clutter and signage to allow sightlines between the development and the public domain. • Ensure the concierge desk within the hotel foyer **(should a hotel be proposed)** is clearly visible from the street frontage to assisting in maximising surveillance. • A CCTV network is essential for the back of house areas and overall **OSD** development. The CCTV network is to be designed in consultation with a suitably qualified security consultant with a Class 2A license under the Security Industry Act 1997 who can provide specific advice on the placement, installation, monitoring and maintenance of the CCTV network. • The **OSD** CCTV network should endeavour to ensure blackspots of coverage are not created. • The **OSD** CCTV network strategy should be partnered with the internal and external lighting strategy to ensure facial recognition is achieved in all lighting conditions and a minimum colour rendering index of 60 is achieved. • Discrete CCTV systems such as small dome cameras are recommended. • A lighting strategy **for the OSD** should be developed by or in consultation with a suitably qualified and experienced lighting expert.	N/A

	Proposed OSD-specific measure	OSD Interface issue with CSSI Approval
	• ~~**Ensure public furniture is durable and of high quality design.**~~ • Ensure that **OSD** building portals remain free of clutter to ensure entry points are highly visible from the street frontages. • ~~**Provide signage within the concourse to direct pedestrian movements and deter loitering.**~~ • Ensure that pathways within **OSD** lobbies and corridors are unobstructed at all times to avoid blind spots. • Provide **OSD** wayfinding signage and building / business identification signage where appropriate to reinforce perceptions of safety and legibility. • Ensure mechanisms are in place to facilitate the on-going maintenance of the building, including the implementation of a rapid removal policy for vandalism repair and the removal of graffiti. • Ensure **OSD** business, building and wayfinding signage is appropriate to deter access to private spaces and direct pedestrian movements to desired locations. • Maximise the inclusion of glazed facades **of the OSD** with anti-graffiti coatings wherever possible to maximise lines of sight and mitigate the risk of damage. • Provide secure electronic access (card / key controlled entries / lifts etc.) to all private portals of the ~~**building**~~ **OSD** and lifts to facilitate in demarcating ~~**the**~~ **any** residential and non-residential uses of the building and providing a delineation between public and private spaces. • Install a security door at an appropriate location to prevent unauthorised individuals from entering the back of house areas from the loading dock. • ~~**Install an appropriate bollard/barrier system at the main portal to the Metro Concourse to prevent vehicles driving into this area. A security consultant with a Class 2A license under the Security Industry Act 1997 is recommended to be engaged to provide specific advice on the type, placement and installation of this bollard/barrier system to ensure vehicles moving at high velocity cannot enter the main street level entry concourse area of the Metro Station.**~~ • Ensure concierges / receptions and formal	

	Proposed OSD-specific measure	OSD Interface issue with CSSI Approval
	guardians occupy publicly accessible **OSD** spaces such as the lobbies and the hotel foyer. • ~~**Security and general station personal are advised to parole / occupy the metro concourse to minimise opportunities for antisocial behaviour.**~~	
Signage Details	**The future detailed SSD Application is to include details of signage at the OSD, and is to be accompanied by an assessment of compatibility of the signage against the SDCP 2012.**	
Waste management	A Waste Management Plan (WMP) is to be prepared and submitted as part of the detailed SSD Application addressing the following: • Relevant legislative and Council requirements • Type of waste to be generated • Expected volume per week • Proposed on-site storage and treatment facilities • Destination of waste • Information about the ongoing management of waste on-site The WMP must address the objectives, principles and strategies outlined in the Waste Management Strategy (Appendix Y **of the EIS and Appendix N of the Submissions Report**) to deliver effective waste management.	N/A
Accessibility	The detailed SSD Application must take into consideration the Australian Standards, Building Code of Australia, Federal Disability Discrimination Act (DDA) and Disability (Access to Premises – Buildings) Standards 2010), as relevant, and comply with the recommendations of the Accessibility and DDA Impact Statement (Appendix S **of the EIS**).	N/A
Reflectivity	The detailed SSD Application must confirm façade treatment and the impact of this in terms of solar reflectivity glare to motorists and pedestrians. Details are to be provided in detailed SSD applications.	N/A
Construction Measures		
General	Construction Environment Management Plans must be prepared in accordance with the Sydney Metro Construction Environmental Management Framework up until completion of Pitt Street Station. Beyond that time, Construction Environmental Management Plans	N/A

	Proposed OSD-specific measure	OSD Interface issue with CSSI Approval
	must be prepared in accordance with best practice guidelines and conditions of approval. Details regarding the approach and impacts to be managed during construction are to be submitted as part of the detailed SSD Application.	
Heritage	Details to mitigate impacts to surrounding heritage items, with specific regard to The National Building and the Masonic Club, must be submitted as part of the detailed SSD Application.	N/A
Transport, traffic, parking and access	Construction traffic and transport related impacts of the OSD must be managed in accordance with the Construction Traffic Management Framework (CTMF) established under Condition of Approval E81 of the CSSI Approval, until such time as completion of Pitt Street Station has been reached. In accordance with the process established for Pitt Street Station, Construction Traffic Management Plans (CTMPs) must be prepared to address the potential traffic and transport related impacts associated with construction and how these impacts will be managed. In the event that construction activities for the OSD occur beyond the completion of Pitt Street Station, a detailed Construction Pedestrian and Traffic Management Plan must be developed by the proponent in consultation with the relevant roads authority and council during the detailed design stage and details are to be submitted with the detailed SSD Application. Preparation of Construction Traffic Management Plans or Construction Pedestrian and Traffic Management Plans must take into consideration the preliminary mitigation measures identified in the Preliminary Construction Management Statement (Appendix Z **of the EIS**)	The detailed design of the OSD and assessment of its impact is to be undertaken in consultation with the Traffic and Transport Liaison Group(s) established under Condition of Approval E77 of the CSSI Approval, until such time as completion of Pitt Street Station has been reached. Beyond completion of Pitt Street Station, detailed design of the OSD and its traffic, parking, pedestrian and cycle accessibility impacts would require consultation with and the approval of the relevant roads authority in accordance with the terms of the relevant approval.
Noise and vibration	The Construction Noise and Vibration Strategy (CNVS) must be implemented up until the time of completion of the Pitt Street Station with the aim of achieving the noise management levels/ criteria established within this concept SSD Application including the Noise and Vibration Assessment Report at Appendix O **of the EIS**. In accordance with the CNVS, Construction Noise Impact Statements must be prepared to address the potential noise impacts associated with construction and how these impacts will be managed. In the event that construction activities for the OSD occur beyond the completion of Pitt Street Station, a Construction Noise and Vibration Management Plan (CNVMP) must be developed by the proponent in consultation with the stakeholders and an acoustic engineer during the detailed design stage and details	Construction Noise and Vibration Impact Statements prepared for the OSD must consider cumulative impacts having regard to the Construction Noise and Vibration Impact Statements prepared under Condition of Approval E33 of the CSSI Approval.

	Proposed OSD-specific measure	OSD Interface issue with CSSI Approval
	are to be submitted with the detailed SSD Application. In this instance, the CNVMP must be developed in accordance with ICNG or applicable guidelines in force at the time.	
Waste	A Waste Management Plan must be prepared as part of the Construction Environment Management Plan, having regard to the provisions included in the Sydney Metro Construction Environmental Management Framework up until completion of the Pitt Street Station. Beyond that time, a Construction Waste Management Plan must be prepared in accordance with best practice guidelines and conditions of approval. Details regarding impacts to be managed during construction are to be submitted as part of the detailed SSD Application and should include: • The waste management and recycling mitigation measures as detailed in the Waste Management Strategy (Appendix Y **of the EIS and Appendix N of the Submissions Report**) • The responsibility of key project personnel with regard to implementation of the plan • Waste management and recycling monitoring requirements • Procedures for the assessment, classification, management and disposal of waste in accordance with the NSW EPA Waste Classification Guidelines (EPA, 2014) • Compliance record generation and management	N/A

10. Conclusion

This chapter provides concluding statements on Sydney Metro's response to submissions and amendments to the concept SSD Application.

Sydney Metro has considered submissions made in relation to the public exhibition of the concept SSD Application for Pitt Street North OSD. This Submissions Report represents a considered and detailed response to all submissions received from members of the community, relevant government agencies and key stakeholders.

In response to the issues raised in submissions and request for further information by DPE, Sydney Metro has amended the Project as follows:

- Amendments to the land use approach so as to provide two potential land use outcomes, being a mixed use concept and a commercial concept
- Updated *Pitt Street North Over Station Development Design Quality Guidelines,* November 2018 (Appendix A)
- A commitment to review the size and form of signage with consideration of Council's comments, with details regarding future signage to be submitted as part of a future detailed SSD Application for consideration

Further to the above, Sydney Metro has made minor updates to the mitigation measures to ensure they relevantly address the cumulative impacts of the amended Project.

On balance, the EIS and this Submissions Report collectively demonstrate that the concept proposal is consistent with State, regional and local strategies and policies which apply to the site, and that the future integrated station development would provide significant social and economic benefits to the surrounding CBD context.

This concept SSD Application comprises the first stage in the planning process for the Pitt Street North OSD Project. The Sydney Metro Design Excellence Strategy will ensure appropriate consideration and scrutiny of the future building form. Sydney Metro is confident this process would result in an integrated station development which achieves the highest standard of architecture and urban design befitting the site's location and context and that associated environmental impacts can be appropriately mitigated and minimised through this design development process.

It is considered that this concept SSD Application for OSD above the future Pitt Street Station northern portal, as amended by this Submissions Report, warrants approval, consistent with the following reasons:

- a full assessment has been undertaken of the environmental impacts of the proposal which demonstrates that potential impacts have been avoided, adequately justified or appropriately mitigated. On this basis, the proposed envelope, which represents a maximum potential building form, has been demonstrated to be appropriate within the CBD context and the specific circumstances of the site
- the large, consolidated land area upon which the OSD has been developed enables the future detailed building design to comprise a mixed use or commercial land use outcome, both of which have been demonstrated as facilitating a high quality development
- the proposal retains the potential to facilitate the provision of a future potential hotel with capacity of approximately 200 rooms. This would assist in contributing to the ongoing development of the visitor accommodation capacity of Central Sydney, as well as assisting in the overall continued growth of the tourism sector, and providing additional direct employment on the site

- an additional commercial floorspace option has been included in the submissions response, which provides substantial additional economic benefits to the city and is commensurate with the role of Central Sydney as a regional economic hub

- potential impacts of any future building on surrounding public domain areas have been a central consideration of the development of the concept SSD Application, including the minimisation of overshadowing to Hyde Park and improved connectivity to the future Town Hall Square, ensuring that potential impacts are appropriately mitigated

- an extensive program of consultation has contributed to the formation of this application, which has led to the provision of a development form which reflects the comments of relevant stakeholders

- the proposal includes a robust framework for the attainment of design excellence

- the concept proposal would not result in any adverse social or economic impacts, and would result in a number of significant benefits including the provision of 1,000 to 1,200 full time-equivalent construction jobs and 300 full time-equivalent ongoing jobs at the site

- the site is suitable for the proposed development

10.1. Next steps

DPE will on behalf of the Minister review the EIS, submissions received, and this Submissions Report. Once DPE has completed its assessment, a draft assessment report will be prepared for the Secretary of DPE.

The assessment report will then be provided to the Minister for consideration and determination. The Minister for Planning will then make a determination, with any conditions considered appropriate.

The Minister for Planning's determination, including any conditions of approval and the Secretary's report, will be published on DPE's website immediately after determination, together with a copy of the Submissions Report.

Glossary and Abbreviations

Term	Definition
ADG	Apartment Design Guide
AHD	Australian Height Datum
CASA	Civil Aviation Safety Authority
CBD	Central business district
Concept SSD Application	Concept State Significant Development Application
Council	City of Sydney Council
CPTED	Crime Prevention Through Environmental Design
CSSI	Critical State Significant Infrastructure
CTMF	Construction Traffic Management Framework
CTMP	Construction Traffic Management Plan
DDA	Disability Discrimination Act 1992
DEEP	Design Excellence Evaluation Panel
DIRDC	NSW Department of Infrastructure Regional Development and Cities
DPE	NSW Department of Planning and Environment
DRP	Design Review Panel
EIS	Environmental Impact Statement
EP&A Act	Environmental Planning and Assessment Act 1979
EP&A Regulation	Environmental Planning and Assessment Regulation 2000
ERA	Environmental Risk Assessment
ESD	Ecological sustainable development
GANSW	Government Architect NSW
GFA	Gross floor area
HIA	Heritage Impact Assessment
IAP	Interchange Access Plan (i.e. Condition 92 of CSSI Approval)
ICNG	Interim Construction Noise Guideline
LED	Light emitting diode
LEP	Local Environmental Plan
LGA	Local government area

Term	Definition
NABERS	National Australian Built Environment Rating System
NML	Noise management levels
SDCP 2012	Sydney Development Control Plan 2012
SLEP 2012	Sydney Local Environmental Plan 2012
NSW EPA	NSW Environment Protection Authority
NSW OEH	NSW Office of Environment and Heritage
OLS	Obstacle Limitation Surface
OSD	Over station development
Project	The Pitt Street North over station development as presented in the EIS
RL	Reduced level
Roads and Maritime	Roads and Maritime Services
SACL	Sydney Airport Corporation Limited
SCO	Sydney Coordination Office
SDPP	Station Design and Precinct Plan (i.e. Condition 101 of the CSSI Approval)
SEARs	Secretary's Environmental Assessment Requirements
SEPP 64	State Environmental Planning Policy 64 — Advertising and Signage
SRD SEPP	State Environmental Planning Policy (State and Regional Development) 2011
SSD	State Significant Development
Submissions Report	Response to Submissions Report (this report)
Sydney Metro DRP	Sydney Metro Design Review Panel
Tenacity	Tenacity Consulting Pty Ltd v Warringah Council [2004] NSWLEC 140
WMP	Waste Management Plan

Appendices