
Appendix B

Statutory Compliance Table

STATUTORY COMPLIANCE TABLE

Statutory Reference	Relevant Considerations	Relevance	Section in EIS
<i>Environmental Planning and Assessment Act 1979</i>			
Section 1.3	<i>To promote the social and economic welfare of the community and a better environment by the proper management, development and conservation of the State's natural and other resources</i>	The proposal comprises land uses and built form which would promote the social and economic welfare of the community and a better environment, through the provision of a vibrant commercial precinct, designed to be compatible with the surrounding Sydney CBD core. As is further discussed in section 6 of the EIS, the proposal would deliver substantial social and economic benefits whilst also ensuring that any adverse environmental impacts would be minimised.	Addressed throughout section 6 of the EIS.
	<i>To facilitate ecologically sustainable development by integrating relevant economic, environmental and social considerations in decision-making about environmental planning and assessment,</i>	The proposal has been designed in accordance with the principles of ecologically sustainable development, as outlined in section 6.7 and Appendix P of the EIS and has addressed the relevant economic, environmental and social considerations.	
	<i>To promote the orderly and economic use and development of land</i>	The concept proposal results in the orderly and economic use of land and has been the subject of a robust alternatives analysis which has resulted in the progression of the proposed development. The staged planning process would ensure the identification and resolution of key planning issues at an early stage, allowing the detailed design for the future OSD to be coordinated to deliver an integrated station development which responds to the scale and complexity of the project.	

Statutory Reference	Relevant Considerations	Relevance	Section in EIS
	<i>To promote the delivery and maintenance of affordable housing,</i>	N/A	
	<i>To protect the environment, including the conservation of threatened and other species of native animals and plants, ecological communities and their habitats</i>	Protection of the environment has been considered as part of this proposal, with a detailed environmental impact assessment and mitigation identification undertaken as described in this EIS. The concept proposal relates to land within an existing urban context, on a site which will be cleared for the construction of the Sydney Metro Hunter Street Station. In this regard, the project would not have an impact on threatened or other species or their habitat.	
	<i>To promote the sustainable management of built and cultural heritage (including Aboriginal cultural heritage),</i>	<p>The site is located in proximity to several state and local listed heritage items however it is not located within a conservation area or special character area.</p> <p>The proposed development envelope responds to the immediate context and heritage buildings in the vicinity of the site through modulation of podium heights and appropriate setback and articulation to the tower envelopes to minimise impacts on nearby heritage items.</p> <p>The proposed building envelope relates to development within and above the Hunter Street Station proposed as part of the Stage 3 CSSI Application on the site and additional excavations are not required to construct the proposed development. The proposal will not impact on any Aboriginal archaeology beyond that which will be assessed under the Stage 2 CSSI Application for the excavation and construction of the Hunter Street Station.</p>	

Statutory Reference	Relevant Considerations	Relevance	Section in EIS
		<p>The Heritage Impact Assessment submitted with the Concept SSDA includes recommendations for archaeology, which are summarised in section 6.15 of the EIS.</p>	
	<p><i>To promote good design and amenity of the built environment,</i></p>	<p>A pathway to the achievement of design excellence is included as part of this proposal, ensuring that the buildings proposed in the Detailed SSDA(s) to follow would achieve a high standard of architectural design. The Draft Hunter Street Station OSD Design Guidelines and a Design Excellence Strategy, submitted as part of the concurrent Planning Proposal (PP-2022-867) have been prepared to ensure future development contributes to a well-designed built environment.</p> <p>The Design Excellence Strategy has been prepared as part of the concurrent planning proposal to the City of Sydney, and any variation proposed to clause 6.21D of the Sydney Local Environmental Plan 2012 and the City of Sydney Competitive Design Policy is expected to be remedied by the adoption of the Hunter Street Station OSD Design Guidelines and Sydney Metro Design Excellence Strategy.</p>	
	<p><i>To promote the proper construction and maintenance of buildings, including the protection of the health and safety of their occupants,</i></p>	<p>The proposal is a concept only and proposes no physical works. Nonetheless, a Preliminary Construction Management Statement has been prepared to outline the methods for ensuring future construction impacts are managed and mitigated. The future maintenance of the building and the protection of the health and safety of the</p>	

Statutory Reference	Relevant Considerations	Relevance	Section in EIS
	<p data-bbox="488 368 1084 475"><i>To promote the sharing of the responsibility for environmental planning and assessment between the different levels of government in the State,</i></p> <p data-bbox="488 544 1061 651"><i>To provide increased opportunity for community participation in environmental planning and assessment.</i></p>	<p data-bbox="1106 268 1742 336">occupants would be addressed at the Detailed SSDA stage.</p> <p data-bbox="1106 368 1794 512">The proposal comprises a single Concept SSDA, which has been developed by Sydney Metro in consultation with the relevant stakeholders, government agencies and the City of Sydney Council.</p> <p data-bbox="1106 544 1783 727">Sydney Metro is committed to a broad and inclusive public consultation process as outlined in the EP&A Act. Engagement with the local community has been ongoing as part of the planning process, which forms the basis of the Concept SSDA.</p>	
Section 4.15	<p data-bbox="488 764 1037 794">Relevant environmental planning instruments:</p> <ul data-bbox="488 823 1068 1331" style="list-style-type: none"> <li data-bbox="488 823 1068 927">▪ State Environmental Planning Policy (Planning Systems) 2021 (Planning Systems SEPP) <li data-bbox="488 959 1043 1062">▪ State Environmental Planning Policy (Resilience and Hazards) 2021 (Resilience and Hazards SEPP) <li data-bbox="488 1094 969 1198">▪ State Environmental Planning Policy (Transport and Infrastructure) 2021 (Transport and Infrastructure SEPP) <li data-bbox="488 1230 987 1331">▪ State Environmental Planning Policy (Biodiversity and Conservation) 2021 (Biodiversity and Conservation SEPP) 	<p data-bbox="1106 764 1771 868">See detail below under State Environmental Planning Policies (SEPPs) and Sydney Local Environmental Plan (Sydney LEP) 2012.</p>	<p data-bbox="1821 764 2029 868">Section 4 and addressed in the table below.</p>

Statutory Reference	Relevant Considerations	Relevance	Section in EIS
	<ul style="list-style-type: none"> ▪ Sydney Local Environmental Plan 2012 (SLEP) ▪ State Environmental Planning Policy (Sustainable Buildings) 2022 (This Policy commences on 1 October 2023) 		
	<p>Draft environmental planning instruments:</p> <ul style="list-style-type: none"> ▪ State Environmental Planning Policy (Sustainable Buildings) 2022 (This Policy commences on 1 October 2023) 	<p>Consideration has also been given to the draft provisions proposed as part of the concurrent Planning Proposal to Sydney LEP 2012 [PP-2022-867].</p>	<p>Addressed in the table below.</p>
	<p>Relevant planning agreement or draft planning agreement</p>	<p>None yet relevant to the proposal. It is noted that the Planning Proposal [PP-2022-867] is accompanied by a Public Benefit Offer to enter into a future Voluntary Planning Agreement. The proposal is consistent with the commitments made in the Public Benefit Offer submitted by Sydney Metro to the City of Sydney Council.</p>	<p>N/A</p>
	<p><i>Environmental Planning and Assessment Regulation 2021 – Schedule 2</i></p>	<p>This EIS has been prepared in accordance with Schedule 2 of the Regulations.</p>	<p>EIS</p>
	<p>Development control plans</p>	<p>Clause 2.10 of the Planning Systems SEPP states that development control plans (DCPs) do not apply to SSD. Hunter Street Station OSD Design Guidelines have been prepared and submitted with the planning proposal request for both the eastern and western Hunter Street Station sites, which applies to the eastern site.</p> <p>Specifically, these Design Guidelines (where applicable to the east site) are proposed to inform the building</p>	<p>N/A</p>

Statutory Reference	Relevant Considerations	Relevance	Section in EIS
		<p>envelope in relation to tower setbacks, building separation, street wall heights, the interface with heritage items, building articulation, and measures to mitigate wind impact.</p> <p>The Hunter Street Station OSD Design Guidelines also include objectives and guidance relating to urban design strategies, station podium and massing, design excellence, landscaping, wind conditions, heritage interpretation, the pedestrian and bicycle network, vehicular access, flooding and stormwater, waste management and ESD.</p>	
	<p>The likely impacts of that development, including environmental impacts on both the natural and built environments, and social and economic impacts in the locality.</p>	<p>The likely impacts of the development including the environmental impacts on the natural and built environments, and social and economic impact on the locality are assessed in detail within the EIS.</p>	<p>Section 6</p>
	<p>The suitability of the site for the development</p>	<p>The suitability of the site for the proposed development is demonstrated in the EIS</p>	<p>Section 7.5</p>
	<p>Any submissions made in accordance with the EP&A Act or the EP&A Regulation</p>	<p>Submissions will be considered following exhibition of the application.</p>	<p>Section 5</p>
	<p>The public interest</p>	<p>The public interest of the proposed development is demonstrated in the EIS.</p>	<p>Section 7.6</p>
Environmental Planning and Assessment Regulation 2021			
<p>Part 8, Division 2</p>	<p>Part 8, Division 2 of the Regulations provides that environmental assessment requirements will be</p>	<p>This EIS has been prepared to address the requirements of Schedule 2 of the Regulations and SEARs.</p>	<p>SEARs compliance table</p>

Statutory Reference	Relevant Considerations	Relevance	Section in EIS
	issued by the Secretary with respect to the proposed EIS		attached at Appendix A
Biodiversity Conservation Act 2016			
Section 7.9	<p>Section 7.9 of the BC Act requires preparation of a biodiversity assessment for SSD that is assessed under Part 4 of the EP&A Act.</p> <p>Section 7.9(2) of the BC Act allows for exemption from the requirement where the development is not likely to have any significant impact on biodiversity values.</p>	This Concept SSDA will be assessed under Part 4 of the EP&A Act, and, therefore, would normally be required to include a biodiversity development assessment report. A waiver under section 7.9(2) of the <i>Biodiversity Conservation Act 2016</i> was issued on 15 August 2022 and is available at Appendix R. Accordingly a full biodiversity assessment has not been submitted with this EIS.	Appendix R
Section 7.14	The likely impact of the proposed development on biodiversity values as assessed in the Biodiversity Development Assessment Report (BDAR). The Minister for Planning may (but is not required to) further consider under that BC Act the likely impact of the proposed development on biodiversity values.	A BDAR Waiver confirmed that the development is not likely to have any significant impact on biodiversity values.	Appendix R
State Environmental Planning Policies			
<i>State Environmental Planning Policy (Planning Systems) 2021 (Planning Systems SEPP)</i>	In accordance with clause 19(2) of schedule 1 of the Planning Systems SEPP, development for commercial premises or residential premises that has a CIV of more than \$30 million and is located within a rail corridor or is associated with railway infrastructure is assessed as SSD	The proposed works have a total CIV of more than \$30 million (excl. GST) and are located within a railway corridor being the Sydney Metro West line. In addition, as the development is not permissible without development consent under Part 4 of the EP&A Act, it is therefore declared to be SSD under the Planning Systems SEPP.	A Capital Investment Value Report has been provided to DPE under a separate cover.

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<p><i>State Environmental Planning Policy (Resilience and Hazards) 2021</i> (R&H SEPP)</p>	<p>Clause 4.6(1) states that land must not be rezoned or developed unless contamination has been considered and, where relevant, land has been appropriately remediated.</p>	<p>The proposed development will sit upon the station shaft and podium and no additional excavation is proposed within this Concept SSDA. Any contamination issues on the site will be resolved with the excavation and the construction of the station box under the relevant CSSI application.</p> <p>Further it is noted that the historic use of the land is for commercial purposes, and this is not proposed to be altered by the proposal. Therefore, the contamination risk is considered very low and the site is suitable for the proposed commercial use.</p>	<p>Appendix W and Section 6.12</p>
<p>State Environmental Planning Policy (Transport and Infrastructure) 2021 (T&I SEPP)</p>	<p>The relevant clauses of within the Transport and Infrastructure SEPP are:</p> <ul style="list-style-type: none"> ▪ major development within the Interim Metro Corridor (clause 2.102). ▪ traffic generating development (Schedule 3). 	<p>Major development within the Interim Metro Corridor</p> <p>Clause 2.102 applies to land within the City of Sydney that is within the Interim Metro Corridor. As at the date of this application, the rail corridor maps identifying the Interim Metro Corridor do not capture the CSSI Approval, and, therefore, clauses 2.102 do not apply to the site. Regardless, given the nature of the proposal located above a future metro station, these provisions have been considered. The proposed development would not have any adverse impacts on the viability of the proposed metro station, with minimisation of impacts on the metro being a core priority of the OSD design. Impacts arising from the interface of the OSD and the station have been further discussed at section 6.5.</p>	<p>Section 6.5</p>

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		<p>Traffic generating development</p> <p>The Hunter Street Station east site interfaces with the existing Wynyard Station Precinct and the existing Hunter Tunnel (also known as the George Street Subway).</p> <p>The proposal is defined as ‘traffic generating development’ in accordance with the provisions of the T&ISEPP, as it would include more than 10,000sqm in commercial gross floor area.</p> <p>On this basis, the Guide to Traffic Generating Developments is a relevant consideration and is addressed in the Transport Impact Assessment provided at Appendix Q. Further discussion regarding traffic impacts has been provided at section 6.8 of the EIS.</p> <p>The application will also be referred to TfNSW and address any submission received to address any potential traffic safety, road congestion or parking implications of the development.</p>	Appendix Q and Section 6.8.
<p><i>State Environmental Planning Policy (Biodiversity and Conservation) 2021 (B&C SEPP)</i></p>	<p>The provisions may be relevant for this project includes:</p> <ul style="list-style-type: none"> ▪ Chapter 2 Vegetation in non-rural areas ▪ Chapter 3 Koala habitat protection 2020. ▪ Chapter 6 Bushland in urban areas 	<p>The site does not comprise remnant native vegetation and the proposal will be constructed above the station box, therefore will not impact on vegetation.</p> <p>The proposed development is not located within a Local Government Area to which the Biodiversity and Conservation SEPP applies in relation to Koalas.</p> <p>The site is not identified as bushfire prone area.</p>	Biodiversity and Conservation SEPP is not applicable.

Statutory Reference	Relevant Considerations	Relevance	Section in EIS
		Accordingly, the Biodiversity and Conservation SEPP does not apply to this proposal.	
State Environmental Planning Policy (Sustainable Buildings) 2022	The SEPP was notified on 29 August 2022 and will come into effect on 1 October 2023.	The SEPP is not yet in effect and does not apply to development applications or modification applications that have been submitted but not yet determined by the commencement date (1 October 2023). Consideration under the SEPP will need to be addressed as part of the Detailed SSDA(s) if it is lodged after the 1 October 2023.	N/A
Sydney Local Environmental Plan 2012			
Zoning and Land Use	The site is located on land zoned B8 Metropolitan Centre under the SLEP 2012. The proposed commercial and retail land uses are permissible with consent in the B8 Metropolitan Centre zone.	<p>The proposal is entirely consistent with the objectives of the zone given:</p> <ul style="list-style-type: none"> ▪ The proposal contributes to the pre-eminent role of Australia’s participation in the global economy and commensurate with Sydney’s global status by providing new commercial and retail opportunities. ▪ The proposal provides compatible land uses that is consistent with the Central CBD core characteristic of Sydney’s global status and serve the workforce, visitors and wider community. ▪ The proposal is associated with a transport orientated development that encourages the use of alternatives to private motor vehicles, such as public transport, walking or cycling. 	Section 4

Statutory Reference	Relevant Considerations	Relevance	Section in EIS
		<ul style="list-style-type: none"> ▪ The proposal will provide opportunities for active street frontages within the podium that contribute to the character of the street. ▪ The proposal promotes the efficient and orderly development of land in a compact urban centre. ▪ The proposal provides the opportunity for a diversity of commercial opportunities varying in size, type and function, which will be incorporated as part of the future Detailed SSD. ▪ The proposal recognises and responds to the important role that Central Sydney’s public spaces, streets and their amenity play in a global city. ▪ The proposal promotes the primary role of the zone as a centre for employment by providing additional commercial floor space. 	
4.3 Height of Buildings	<p>The height of a building is not to exceed the height illustrated on the height of building map.</p> <p>The site has a maximum building height of 235m..</p>	<p>The proposed maximum building height is RL 269.1m (approximately 257.7 metres in height from existing ground level).</p> <p>While the proposed building height exceeds the maximum height of building standard in clause 4.3, it complies with the proposed new height of building standard sought in the concurrent Planning Proposal request which rationalises the various height of building controls currently apply to the site and seeks to increase the maximum height of building control on the site to RL269.1m</p>	<p>Refer section 1.1.3, section 1.2, section 3.1 and section 3.2.</p> <p>Section 6.3.2 provides solar access analysis of the overshadowing impacts of the development</p>

Statutory Reference	Relevant Considerations	Relevance	Section in EIS
		<p>A request to vary the height of building development standard under clause 4.6 of Sydney LEP 2012 has been submitted with this Concept SSDA, however it is intended to be withdrawn upon finalisation and gazettal of the Planning Proposal</p> <p>It complies with the sun access planes that are taken to extend over the land by protecting Martin Place for 1 September–31 May at Midday to 2pm.</p>	<p>within the site and on public spaces.</p> <p>Appendix J</p>
4.4 Floor Space Ratio	<p>The maximum floor space ratio (FSR) is not to exceed the FSR shown on the FSR map.</p> <p>The site is subject to a base FSR of 8:1. As the site is located within Area 1 on the FSR map, it is also eligible for additional floor space of 4.5:1 for commercial uses.</p> <p>Pursuant to clause 6.6 of the SLEP 2012, development for the purposes of commercial premises only is eligible for an additional amount of floor space up to 0.3:1 to be used for the purposes of end of journey facilities, where bicycle storage, lockers, changerooms, and showers are all proposed to be located together in one area of the building.</p>	<p>The proposed concept envelope seeks consent for a maximum gross floor area (GFA) that exceeds the maximum combined 12.8:1 FSR available for the site under the existing SLEP 2012 (excluding a 10% design excellence bonus).</p> <p>A request to vary the FSR development standard under clause 4.6 of Sydney LEP 2012 has been submitted with this Concept SSDA, however it is intended to be withdrawn upon finalisation and gazettal of the Planning Proposal which seeks to increase the maximum permitted GFA on the site to 84,287sqm (FSR of 22.8:1).</p> <p>The proposed GFA (84,223sqm) within the Concept SSDA will comply with the proposed development standards.</p>	<p>Refer to Table 3-1, and Section 7.3 of the EIS.</p> <p>Appendix J</p>
5.10 Heritage Conservation	<p>The consent authority must consider the effect of the proposed development on the heritage significance of the item or area concerned.</p>	<p>The site is located in proximity to several state and local listed heritage items however it is not located within a conservation area or special character area.</p>	<p>Section 6.15 and Heritage Impact Statement at Appendix Z</p>

Statutory Reference	Relevant Considerations	Relevance	Section in EIS
	<p>The consent authority must consider the effect of the proposed development on the heritage significance of the place and any Aboriginal object known or reasonably likely to be located at the place.</p>	<p>The proposed development envelope responds to the immediate context and heritage building in the vicinity of the site through modulation of podium heights and appropriate setback and articulation to the tower envelopes to minimise impacts on nearby heritage items.</p> <p>As the proposal does not include any additional excavation than proposed for the station construction, the proposal will not result in any additional impact on any Aboriginal archaeology beyond that which will be assessed under the Stage 2 CSSI Application for the excavation and construction of the Hunter Street Station.</p>	<p>Section 6.14 and ACHAR at Appendix Y</p>
<p>Clause 5.21 Flood Planning</p>	<p>Development consent must not be granted to development on land the consent authority considers to be within the flood planning area unless the consent authority is satisfied relevantly that the development is compatible with the flood function and behaviour on the land and will not adversely affect flood behaviour in a way that results in detrimental increases in the potential flood affectation of other development or properties, among other matters.</p>	<p>The City Area Catchment Flood Study (BMT WBM, 2014) and the City Area Catchment Floodplain Risk Management Plan (WMAwater, 2016) confirmed that the site is subject to the following flooding risks:</p> <ul style="list-style-type: none"> ▪ Hunter Street, O’Connell Street and Bligh Street experience flooding in all events considered as part of the flooding assessment. ▪ Hunter Street and the southern portion of the site have flood depths of up to 0.3m whilst O’Connell Street has depths up to 0.15m in the Probable Maximum Flood (PMF) flood event. <p>Flood protection measures would be employed to protect critical infrastructure for the Hunter Street Station. Any residual risks to the proposed development will be managed by operational emergency response plans. This</p>	<p>Section 6.11 and Appendix V</p>

Statutory Reference	Relevant Considerations	Relevance	Section in EIS
		is detailed in section Error! Reference source not found. and in the flood assessment at Appendix V.	
Clause 6.11 Utilisation of certain additional floor space requires allocation of heritage floor space	Development consent must not be granted to development in Central Sydney that utilises any amount of additional floor space (including accommodation floor space and design excellence bonus floor space), unless the consent authority is satisfied that an amount of heritage floor space is allocated to the site that is equal to 50% of the relevant bonus floor space to be utilised.	As outlined in the Planning Proposal, it is intended that 8,311.5sqm of heritage floor space will be required to be allocated to the development. This provision of heritage floor space is consistent with the provision outlined in clause 6.11.	Section 1.1.3
Clause 6.16 Erection of tall buildings in Central Sydney	<p><i>Clause 6.16(3)(a)</i></p> <p><i>Development consent must not be granted unless the consent authority is satisfied that the building will not adversely impact on:</i></p> <p><i>(i) the wind conditions of public places and important publicly accessible places, or</i></p> <p><i>(ii) key views from public places, or</i></p> <p><i>(iii) the curtilage of heritage items, or</i></p> <p><i>(iv) the setting and character of buildings and heritage items in conservation areas and special character areas, or</i></p> <p><i>(v) the free movement of air to provide ventilation around tower forms.</i></p>	<p>Wind:</p> <p>Wind speeds around the development have been assessed against the Sydney DCP 2012 wind criteria and are compliant with the intended use of each area and with the requirements of the Central Sydney Planning Strategy (CSPS) and the draft Design Guidelines applying to the site.</p> <p>All public locations fall below the City of Sydney safety criteria and the indicated City of Sydney comfort criteria.</p> <p>Views:</p> <p>The proposed development building envelope is not situated within any protected public view corridor identified within the CSPC for the Sydney CBD. A Visual Impact Assessment has been prepared and finds that view impacts are acceptable and to be expected with the</p>	<p>Section 6.3.5 and Appendix N</p> <p>Section 6.4 and Appendix O</p>

Statutory Reference	Relevant Considerations	Relevance	Section in EIS
		<p>redevelopment of the site in accordance with the planning controls that apply.</p> <p>Heritage:</p> <p>The site is proximate to several state and local listed heritage items however it is not located within a conservation area or special character area.</p> <p>The proposed development envelope responds to the immediate context and heritage buildings in the vicinity of the site through modulation of podium heights and appropriate setback and articulation to the tower envelopes to minimise impacts on nearby heritage items.</p> <p>Movement of air:</p> <p>The proposed building envelopes include setbacks to all site boundaries to allow for the movement of air around the building.</p>	Section 6.15 and Appendix Z
Clause 6.16 Erection of tall buildings in Central Sydney	<p>Clause 6.16(3)(b)</p> <p>The consent authority must also be satisfied that the building will provide for high levels of:</p> <p>(i) sun and daylight access to public places and significant publicly accessible places, and</p> <p>(ii) outlook for the proposed development, and</p>	<p>Sun and daylight access to public places:</p> <p>The proposed development envelope is below the Martin Place West sun access plane and the Pitt Street Mall 'No Additional Overshadowing' plane.</p> <p>The proposal does not impact on solar access to the Domain, Wynyard Park within the time period protected by the sun access plane provisions.</p> <p>Outlook:</p>	Section 6.3.2 and Appendix E

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	(iii) appropriate height transitions between new development and buildings and heritage items in conservation areas and special character areas	<p>The site is located within Sydney CBD and a cluster of tower sites, which has high capacity to absorb physical change, and the proposal will not result in a high or significant visual impact on the public domain</p> <p>Height transition:</p> <p>The maximum height of the proposed envelope is RL269.1 (257.7m above ground), which is consistent with the scale of development in the surrounding CBD area. The proposed setbacks for the future tower have been designed with regard to surrounding development and provide an appropriate interface to the adjoining buildings.</p>	<p>Section 6.4 and Appendix O</p> <p>Section 1.1.3, Section 1.2, Section 3.1, and Section 3.2</p>
Clause 6.16 Erection of tall buildings in Central Sydney	<p>Clause 6.16(4)</p> <p>Development consent must not be granted to development to development with a building height greater than 55m above ground level (existing) applies unless the site area is at least 1000sqm.</p>	The east site has an area greater than 1000sqm therefore a tower greater than 55m in height is permitted on the site.	Table 2-4, Table 3-1, and Section 2.4
Clause 6.17 Sun access planes	The consent authority must not grant consent to development that would project higher than any part of a sun access plane identified in Schedule 6A.	The proposal complies with the sun access planes that are taken to extend over the land by protecting Martin Place for 1 September–31 May at Midday to 2pm, and Hyde Park from 10am to 2pm all year.	Section 6.3.2 and Appendix E
Clause 6.18 Overshadowing of certain public places	The consent authority must not grant consent to development that would cause additional overshadowing to places identified in the Sun Access Protection map.	The proposal complies with the no additional overshadowing provisions protecting Martin Place, between Pitt Street and George Street for 14 April–31	Section 6.3.2 and Appendix E

Statutory Reference	Relevant Considerations	Relevance	Section in EIS
		<p>August at Midday to 2pm, and Pitt Street Mall for 14 April–31 August at 10am to 2pm.</p>	
<p>Clause 6.21C Design excellence</p>	<p>Development consent must not be granted to development unless, in the opinion of the consent authority, the proposed development exhibits design excellence.</p>	<p>The Sydney Metro West Design Excellence Strategy for Hunter Street Station establishes a process to demonstrate how the proposal achieves design excellence taking into consideration the matters outlined in clause 6.21C of SLEP 2012 (among other matters).</p> <p>The concurrent Planning Proposal request requires the mandatory consideration of a site-specific Design Guideline and associated Design Excellence Strategy within the site-specific SLEP 2012 controls to ensure that future development on the site responds to a process for achieving design excellence. Upon gazettal of the proposed planning controls for the site, the Concept SSDA will be consistent with the submitted Design Excellence Strategy and will satisfy the site-specific provisions in the SLEP 2012.</p>	<p>Section 6.1.2</p>
<p>Clause 6.21D Competitive design process</p>	<p>A competitive design process must be held for development that will have a height of greater than 55m in Central Sydney, and that has a CIV of greater than \$100,000,000.</p>	<p>Under clause 6.21D(2), a competitive design process is not required if the consent authority is satisfied that such a process would be unreasonable or unnecessary in the circumstances.</p> <p>The Concept SSDA proposes an alternative design excellence process in accordance with the planning proposal request and the Sydney Metro West Design Excellence Strategy for Hunter Street Station. This includes an alternative process to completing a</p>	<p>Section 6.1.2</p>

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		<p>competitive design process in accordance with the City of Sydney processes.</p> <p>Further, within the Planning Proposal request it is stated that as future development will be the subject of a competitive selection (tender) process and a specialised approach to design excellence, it is proposed that clause 6.21D and 6.21E of the Sydney LEP 2012 will not apply in this instance.</p>	
Clause 6.21E Tower cluster areas	<p>The site is partly located within the mapped tower cluster areas, and therefore the site may be eligible for additional height and FSR provisions (up to 50% FSR bonus) available under clause 6.21E, dependent on the completion of an architectural design competition in accordance with the City of Sydney Competitive Design Policy.</p>	<p>The proposed Concept SSDA does not rely upon the tower cluster area provisions to secure additional development uplift on the site.</p>	Section 6.1.2
Clause 7.3 Car parking spaces not to exceed maximum set out in this Division	<p>Development consent must not be granted to development that includes car parking spaces greater than the maximum set out in Division 1 of Part 7 of the LEP.</p> <p>For office premises, business premises and retail premises, the following formula is to be used:</p> $M = (G \times A) / (50 \times T)$ <p>Where:</p>	<p>Based on the proposed GFA on the site, the maximum car parking spaces permissible on the site under clause 7.3 is 72 spaces (total 148 across both the Hunter Street Station east and west sites).</p> <p>The proposed Concept SSDA proposes to limit car parking on the site to a maximum of 70 on both the Hunter Street Station east and west site, significantly less than the maximum permitted under SLEP 2012.</p>	Section 3.1 and Section 6.8 and Appendix Q

Statutory Reference	Relevant Considerations	Relevance	Section in EIS
	<ul style="list-style-type: none"> – M is the maximum number of parking spaces, and – G is the GFA of all office premises / business premises / or retail premises in the building in square metres, and – A is the site area in square metres, and – T is the total GFA of all buildings on the site in square metres. 		
<p>Clause 7.16 Airspace operations</p>	<p>Development consent must not be granted unless the consent authority has consulted with CASA where the development would penetrate the Limitation or Operations Surface.</p>	<p>The proposed maximum height for the Hunter Street West OSD is currently 269.1m AHD. At this height, the proposed development penetrates the Sydney Airport Obstacle Limitation Surface's (OLS) within the Outer Horizontal Surface (OHS) by 113.1m and the proposed development would penetrate the Royal Prince Alfred Hospital Heliport OLS. The development does not penetrate PANS-OPS surfaces.</p> <p>As the proposed OSD infringes upon the Sydney Airport OHS, aviation approval will be required from the Department of Infrastructure, Transport, Regional Development and Communications (DITRDC).</p> <p>Height approval applications should be submitted to DITRDC in parallel with future Detailed SSDA processes, as additional project detail including temporary crane heights and overall building envelope inclusive of services plant, exhausts, towers, masts, building maintenance units and other ancillary features must be included.</p>	<p>Nil</p> <p>As part of the future Detailed SSDA, height approval applications should be submitted to DITRDC.</p>

Statutory Reference	Relevant Considerations	Relevance	Section in EIS
		<p>Notwithstanding it is noted that within the Planning Proposal which seeks approval for site-specific clauses for the site, an Aeronautical Impact Assessment has been prepared and submitted in support of the planning proposal and the proposed building envelope.</p> <p>This Aeronautical Impact Assessment states that approval is considered likely, as there are existing tall buildings which penetrate the Sydney Airport OHS near the site, such as the Citigroup Centre building, which has an elevation of approximately 260m AHD. Construction of additional tall buildings near existing obstacles is unlikely to be perceived as negatively impacting aeronautical safety.</p>	
<p>Clause 7.20 Development requiring or authorising preparation of a development control plan</p>	<p>Development consent must not be granted unless a DCP has been prepared for the land.</p>	<p>Section 4.23(2) of the EP&A Act provides that an obligation to prepare a DCP for land may be satisfied by the making and approval of a staged development application in respect of that land.</p> <p>A Hunter Street Station OSD Design Guidelines has been prepared for Hunter Street East and West sites, which will guide future detailed development at the site. This Concept SSDA also satisfies this requirement.</p>	<p>Draft Hunter Street Station OSD Design Guidelines have been prepared as part of the Planning Proposal</p>

Draft Sydney LEP provisions under the Concurrent Planning Proposal (PP- 2022-867)

The following items in this section are subject to the concurrent Planning Proposal (PP-2022-867) being formally adopted by the City of Sydney.

Statutory Reference	Relevant Considerations	Relevance	Section in EIS
6.XX Certain Land at O'Connell, Bligh, George and Hunter Streets, Sydney (Hunter Street Station)	(3) For the purposes of calculating a FSR in respect of any building on the land to which this clause applies, despite any other provision of this Plan, any GFA required for the purposes of passenger rail infrastructure and ancillary land uses (such as but not limited to retail premises and end of journey facilities) proposed in a basement level is excluded from the total FSR proposed on the site.	The proposed total FSR excludes the GFA required for the purposes of passenger rail infrastructure and ancillary land uses proposed in the basement level(s). This Concept SSDA satisfies this requirement.	Table 3-1
6.XX Certain Land at O'Connell, Bligh, George and Hunter Streets, Sydney (Hunter Street Station)	(4) Despite any other provisions of this Plan, a building on land to which this clause applies may have a maximum FSR of 22.8:1, on the site. (5) A building on land to which this clause applies is not entitled to any other additional floor space permitted by this Plan except as provided by this clause.	The proposed FSR of the site is 22.8:1 (84,223m ²), which excludes the GFA required for the purposes of passenger rail infrastructure and ancillary land uses proposed in the basement level. The proposed Concept SSDA does not rely upon any additional FSR bonuses on the site beyond the total outlined in the site-specific provisions. This Concept SSDA satisfies this requirement.	Section 3.3
6.XX Certain Land at O'Connell, Bligh, George and Hunter Streets, Sydney (Hunter Street Station)	(6) Development consent must not be granted for development under subclause (4) unless the consent authority is satisfied that: (a) building on the site has a building height no greater than RL269.1m	The proposed development building envelope complies with the proposed maximum building height control of RL 269.1m.	Section 3.1
6.XX Certain Land at O'Connell, Bligh, George and Hunter	(c) the building includes end of journey facilities,	The proposed building envelope includes provision for end of journey facilities to be proposed within the building. End of journey facilities are indicated on the Indicative	Section 3.5

Statutory Reference	Relevant Considerations	Relevance	Section in EIS
Streets, Sydney (Hunter Street Station)		Concept reference design. End of journey facilities are indicated on the concept reference scheme and will be further refined as part of the Detailed SSDA.	
6.XX Certain Land at O'Connell, Bligh, George and Hunter Streets, Sydney (Hunter Street Station)	(d) the building will not be used for the purposes of residential accommodation or serviced apartments, and	No residential or serviced apartments are proposed on the site.	Section 3
6.XX Certain Land at O'Connell, Bligh, George and Hunter Streets, Sydney (Hunter Street Station)	(e) will not exceed a maximum of 70 car parking spaces, and	A total of 70 spaces are to be provided between the eastern and western Hunter Street Station sites, with the number on each site to be determined in a future Detailed SSDA	Section 3.1 and Section 6.8 and Appendix Q
6.XX Certain Land at O'Connell, Bligh, George and Hunter Streets, Sydney (Hunter Street Station)	(g) has considered Hunter Street Station Over Station Development Design Guidelines endorsed by the Planning Secretary.	The application is accompanied by the site specific Hunter Street Station OSD Design Guidelines to which future detailed design would need to respond.	Draft Hunter Street Station OSD Design Guidelines has been prepared and will be endorsed as part of the Planning Proposal