



Martin Place Station Precinct North Site

*State Significant
Development Assessment
(SSD 9270)*

July 2019

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Cover photo

Photomontage of proposed North Site tower and existing 50 Martin Place (source: Applicant's RtS)

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Glossary

Abbreviation	Definition
AHD	Australian Height Datum
BCA	Building Code of Australia
CIV	Capital Investment Value
Consent	Development Consent
Council	City of Sydney
CSSI	Critical State Significant Infrastructure
Department	Department of Planning, Industry and Environment
EESG	Environment, Energy and Science Group of the Department of Planning, Industry and Environment (former NSW Office of Environment and Heritage)
EIS	Environmental Impact Statement
EPA	Environment Protection Authority
EP&A Act	Environmental Planning and Assessment Act 1979
EP&A Regulation	Environmental Planning and Assessment Regulation 2000
EPBC Act	Environment Protection and Biodiversity Conservation Act 1999
EPI	Environmental Planning Instrument
ESD	Ecologically Sustainable Development
FRNSW	Fire and Rescue NSW
ISD	Integrated Station Development
Minister	Minister for Planning and Public Spaces
OSD	Over Station Development
RtS	Response to Submissions
SEARs	Planning Secretary's Environmental Assessment Requirements
Secretary	Planning Secretary of the Department of Planning, Industry and Environment
SEPP	State Environmental Planning Policy
SDCP	Sydney Development Control Plan 2012
SLEP	Sydney Local Environmental Plan 2012
SRD SEPP	State Environmental Planning Policy (State and Regional Development) 2011
SSD	State Significant Development
Transport for NSW (RMS)	Transport for NSW (Roads and Maritime Services)



Executive Summary

This report provides assessment of the State Significant Development (SSD) Application seeking approval for the construction and use of an Over Station Development (OSD) above the northern entrance to the Martin Place Station Precinct.

The OSD is integrated with the new Martin Place Metro Station approved by Critical State Significant Infrastructure Approval (CSSI 7400) for the Sydney Metro City and Southwest between Chatswood and Sydenham.

The SSD is for the construction of a 39-storey commercial office tower above the approved 2-3 storey station "box" on the site bound by Hunter Street to the north, Martin Place to the south, Elizabeth Street to the east and Castlereagh Street to the west.

The SSD is a Stage 2 Detailed development application following the Minister's approval of a Stage 1 Concept Application (SSD 8351) and the modification application (MOD 3 – to include 50 Martin Place and 9-11 Elizabeth Street) to Critical State Significant Infrastructure Approval (CSSI 7400) for Sydney Metro City and Southwest.

The Applicant is Macquarie Corporate Holdings Propriety Limited. The proposal is located within the City of Sydney local government area. The Capital Investment Value (CIV) for the proposal is \$475,244,665 million and would generate 6,500 operational jobs and 1,650 construction jobs.

The Minister for Planning is the consent authority for the application which is declared state significant infrastructure-related development. The application can only be determined by the Minister as an objection from Council was received.

Engagement

The Department publicly exhibited the application from 11 October 2018 until 7 November 2018. The Department received 11 submissions from agencies providing advice and an objection from the City of Sydney Council (Council). No public submissions were received.

Council reiterated their reasons for objecting to the recent LEP amendment to the Martin Place Station Precinct. Council considered the LEP amendment and the proposal are inconsistent with the special character of Martin Place. Council continued to recommend setbacks of 8 m or more above the podium height of 50 Martin Place along all street frontages, especially along Elizabeth Street to reduce overshadowing to Martin Place. Council also maintained its view that a competitive design process will deliver a superior design outcome for the site.

Council provided comments on other aspects of the proposal, including pedestrian amenity and accessibility along Elizabeth Street, integration with the public domain and the approved station, the shared use of basement services across the Martin Place Station Precinct, landscaping, public art and building signage.

The Heritage Council of NSW (Heritage Council) advised that they were satisfied with the proposal and provided recommended conditions which have been incorporated into the Department's recommended conditions.

The Government Architect NSW (GANSW) supported the proposed response to the established street wall and existing heritage building at 50 Martin Place and the proposed form and massing of the podium and tower. GANSW acknowledged the advice provided by the OSD Design Review Panel (DRP), established under the Concept Approval SSD 8351 and identified elements of the proposal that contributed to its design excellence.

Other public authorities provided further comments and advice which informed conditions in the Department's recommended conditions in **Appendix G**.

The Applicant's Response to Submissions (RtS) responded to issues raised by Council and agencies. Please refer to **Section 6** of this Assessment report.

Assessment issues

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

Building Form

The proposed building complies with the height and floor space standards in the Sydney Local Environmental Plan 2012 (SLEP 2012), which contains specific controls for the Martin Place Station Precinct. The controls are the result of recent amendments to the SLEP that increased the height and floor space standards for the site in response to the additional transport capacity delivered by Sydney Metro.

Council's recommendation to include tower setbacks along all street frontages is acknowledged. The Concept Approval considered the recommendation for 8 m setbacks and concluded it is not characteristic along the existing streetscape in the immediate surrounds.

Independent urban design advice was obtained following the Concept Approval that concluded prescribed tower setbacks would disrupt the elegance of the sculptured tower form of the proposal.

The Department notes the Concept Approval does not prescribe setbacks for the approved tower but provides Design Guidelines to support the design of built form in response to the site's attributes and the special character of the precinct. The implementation of the endorsed Design Guidelines was informed by advice of the DRP. The DRP supported the proposed tower and podium form in lieu of building setbacks, including delineation of street walls from the existing heritage item at 50 Martin Place, along Elizabeth and Castlereagh Streets and transition of the tower to ground at Hunter Street.

The Department is satisfied the proposed podium and tower articulation respects the form and qualities of 50 Martin Place and responds appropriately to the varied and distinctive streetscape without adopting a prescriptive 8 m tower setback from Council's DCP controls.

Overshadowing Impacts

The approved building envelope complies with the Martin Place Sun Access Plane as required by the SLEP. ←
Council recommended the tower be setback from the podium along Elizabeth Street to reduce overshadowing on Martin Place. The Department acknowledged Council's recommendation and noted the proposed building meets the conditions of the Concept Approval to reduce shadow to Martin Place when compared to the approved building envelope.

Compared to the Concept Approval, the proposal delivers 18% more sunlight in Martin Place at 14 April between 12noon and 2pm, which is the control time associated with the Sun Access Plane resulting in the achievement of sunlight for 8 months of the year from August to April. The increased sunlight arises because the height of the proposed building is 23 m lower than the maximum height of the approved building envelope and the tower is tapered to reduce bulk and scale compared to the approved envelope.

Heritage Impacts

The Department is satisfied the proposal has acceptable heritage impact on Martin Place, 50 Martin Place and other surrounding heritage items. The Department notes the proposed tower is setback 30 m from Martin Place behind the existing building at 50 Martin Place and therefore has minimal visual impacts when viewed from Martin

Place. The Department accepts the curved form of the tower compliments the dome roof of 50 Martin Place with its faceted glass facade. The proposal has been amended in response to DRP advice to provide a minimum separation of 6 m from the dome roof to retain views to the historic lift shaft from both Elizabeth and Castlereagh Streets.

The Heritage Council requested further information on heritage interpretation including details of consultation held between the Applicant and the Heritage Council. The Applicant's RtS provided the required information.

The Heritage Council was satisfied with the proposal and requested to be consulted during the detailed design for the Construction Certificate phase and in the preparation of the Heritage Interpretation Plan. The Department's recommended conditions include requirements for the Applicant to further consult with the Heritage Council as requested (**Conditions A26 to A29**).

Public Domain

The Department considers the proposal will positively contribute to the public domain of the Martin Place Station Precinct, including the provision of a new east-west through-site pedestrian link that also internally integrates with the Metro Station concourse and main entrance from Hunter Street. The design of the through-site link was supported by DRP advice on the incorporation of public art and recommendations on reinforcing the public character of the space with appropriate high-quality materials and finishes (**Condition B13**).

The Department acknowledges Council's concern on the extent of services along the street frontages of the site may impact on streetscape activation. The Department, however, notes the location of these services are mostly predetermined by the approved station under the separate infrastructure approval (CSSI 7400). The Department accepts the Applicant's approach to consolidate OSD services with station services to maximise publicly accessible space on the ground plane to support pedestrian amenity around the northern concourse of the Metro station. The Department also accepts where services are proposed along the street frontage of the site, they are integrated into the architectural design of the building and do not adversely affect the streetscape.

Design Excellence

The application adopts and implements the Design Excellence Strategy endorsed by the Concept Approval, which requires the establishment of an independent Design Review Panel (DRP) chaired by the Government Architect and with a representative from Council. The Panel's advice added value to the design of the proposal, in particular the tower form, transition of the podium to tower, relationship with 50 Martin Place, materials and finishes and attributes of the public through-site link. The Applicant accepted and revised the proposal in response to the advice of the DRP.

The Department acknowledges Council's recommendation that a competitive design process should be held for the OSD. The Concept Approval however already endorsed the DRP process in lieu of a competitive design process because of the need to deliver an integrated design outcome for both the approved Martin Place Metro Station and the OSD. The Department's assessment concludes the proposal exhibits design excellence having regard to the requirements of SLEP 2012 (**Section 6.5**). The Department accepts the advice of the DRP and GANSW which concluded the proposal achieves design excellence, particularly with respect to the:

- elegant form and massing of the podium and tower, including the transition of a tower to ground form at Hunter Street and an articulated podium that responds to the existing building at 50 Martin Place
- sculptured tower form references the glass dome roof of 50 Martin Place and reduces the perception of building bulk as viewed from Elizabeth and Castlereagh Street
- inclusion of a generous public through site link with the installation of heritage art work
- demonstration of an activation strategy that informs the design of retail spaces and their relationship to the public realm and Metro station.

Following the assessment process, the Department also recommends procedures for maintaining the integrity of the design including referral to the DRP for any future design changes, for construction details of the public through-site link and retail strategy for the site (**Conditions B5, B13 and B15**).

Conclusion

Following detailed assessment, the Department supports the proposed development which complies with the SLEP and the Concept Approval. The Department is satisfied the impacts of the proposal are acceptable or can be appropriately mitigated.

The proposal is consistent with key strategic planning objectives for the site in delivering additional jobs at a major transport hub and prime business location in the Sydney CBD, consistent with the Greater Sydney Region Plan and the Eastern City District Plan. The proposal would contribute up to 6,500 full time equivalent jobs in the operational phase and 1,650 full time equivalent jobs in the construction phase.

The Department concludes the proposal is approvable, subject to the conditions of consent outlined within this report.



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1. Introduction

This report provides an assessment of a State Significant Development (SSD) application for the construction and use of an Over Station Development integrated with the northern entrance of the Sydney Metro Martin Place Station (SSD 9270).

The application has been lodged by Macquarie Corporate Holdings Pty Ltd (the Applicant). The site is located within the City of Sydney local government area (LGA).

The Martin Place Metro Station is one of seven new Metro stations approved by the former Minister for Planning as part of Critical State Significant Infrastructure Approval 7400 (CSSI 7400) for the Sydney Metro City and Southwest between Chatswood and Sydenham.

The former Minister for Planning also granted approval for the Stage 1 Concept Application for building envelopes for Over Station Development. The approved building envelopes provide for commercial developments with towers and podiums above the northern entrance (North Site) and southern entrance (South Site) of the Martin Place Metro Station.

The SSD is a Stage 2 application containing the resolved architectural design and land uses within the approved building envelope. The application seeks approval for the following:

- construction of a 39-storey tower (plus rooftop plant) with a maximum height of RL 194 AHD
- use of the development for office premises and retail premises on the ground and lower ground levels
- a maximum gross floor area (GFA) of 75,498 m² comprising 1,017 m² for retail premises and 74,481 m² for office premises
- works to integrate with the Station design including use and fitout of OSD-related areas within the Station building footprint for plant, services, end of trip facilities, retail and office space
- pedestrian connections between the proposed building and the existing building at 50 Martin Place
- basement vehicle loading, car parking, bicycle parking for both the North Site and the South Site including subterranean pedestrian connection to the South Site
- signage for building identification
- installation of public art.

1.1 Martin Place Station Precinct

The Martin Place Station Precinct comprises two sites located on either side of Martin Place in the Central Business District of the City of Sydney Local Government Area between Castlereagh and Elizabeth Streets. The over station developments are located on two separate sites to the north and south of Martin Place above the respective entrances to the new metro station (**Figure 1**).

The South Site is vacant as the former building was demolished under the CSSI approval. However, the North Site includes an existing heritage-listed building at 50 Martin Place owned by the Applicant. The building is included in the North Site because it is currently the Applicant's head office and the over station development incorporates new pedestrian links into the building.

The two sites comprise:

- The North Site: 50 Martin Place, 9 - 19 Elizabeth Street, 8 - 12 Castlereagh Street, 5 Elizabeth Street, 7 Elizabeth Street, and 55 Hunter Street
- The South Site: 39 - 49 Martin Place.

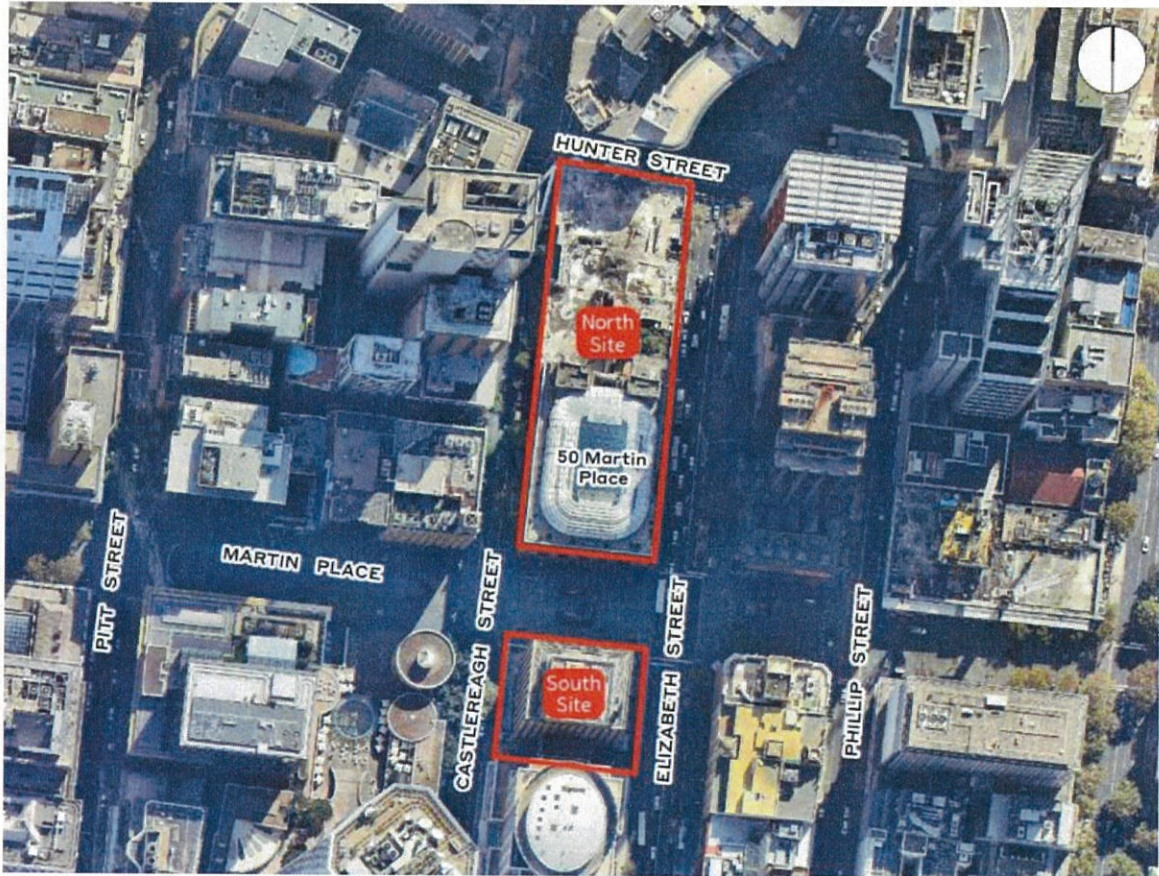


Figure 1 | Location of Martin Place Station Precinct (Source: Applicant's EIS)

1.2 The North Site

The North Site has an area of 6,022 m² in one street block between Hunter Street to the north, Elizabeth Street to the east, Martin Place to the south and Castlereagh Street to the west (**Figure 2**). The land is partly owned by the Applicant and partly owned by Sydney Metro.

The site falls approximately 4 m between Elizabeth Street and Castlereagh street, and 1.3 m from Martin Place to Hunter Street.

The site contains 8 separate lots. All buildings have been demolished as part of the CSSI Approval apart from 50 Martin Place. Previously the site had several buildings with a scale between 11 and 18 storeys. 50 Martin Place is a 10 storey State heritage-listed commercial building, originally accommodating the Government Savings Bank of NSW. It is now used as the main Australian headquarters of Macquarie Group with the ground floor occupied by the Commonwealth Bank. The building façades are characterised by large columns, detailed relief panels and other neoclassical wall and roof details (**Figure 3**). It is predominantly clad in terracotta and pink coloured granite. In 2015, it was refurbished with a new contemporary glass rooftop addition.



Figure 2 | North Site location and surrounds (Source: Nearmap with annotations)

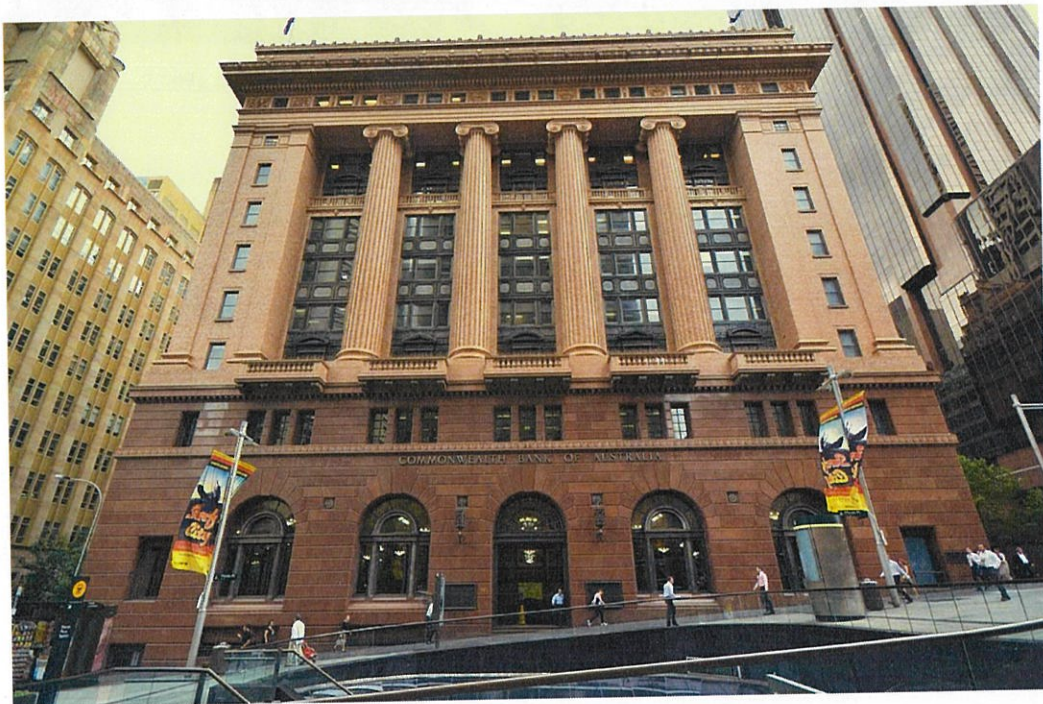


Figure 3 | 50 Martin Place viewed from Martin Place (Source: DPE)



Figure 4 | Site viewed from corner Hunter Street and Castlereagh Street, currently with hoarding around (Source: DPE)



Figure 5 | Site viewed from Elizabeth St with 50 Martin Place in foreground and Qantas House in background (Source: DPE)

1.3 Surrounding Context

The site has a frontage to Martin Place, Elizabeth Street, Castlereagh Street and Hunter Street, and the context is varied for each frontage. Surrounding notable buildings around the Martin Place Station Precinct are shown in **Figure 6** below.

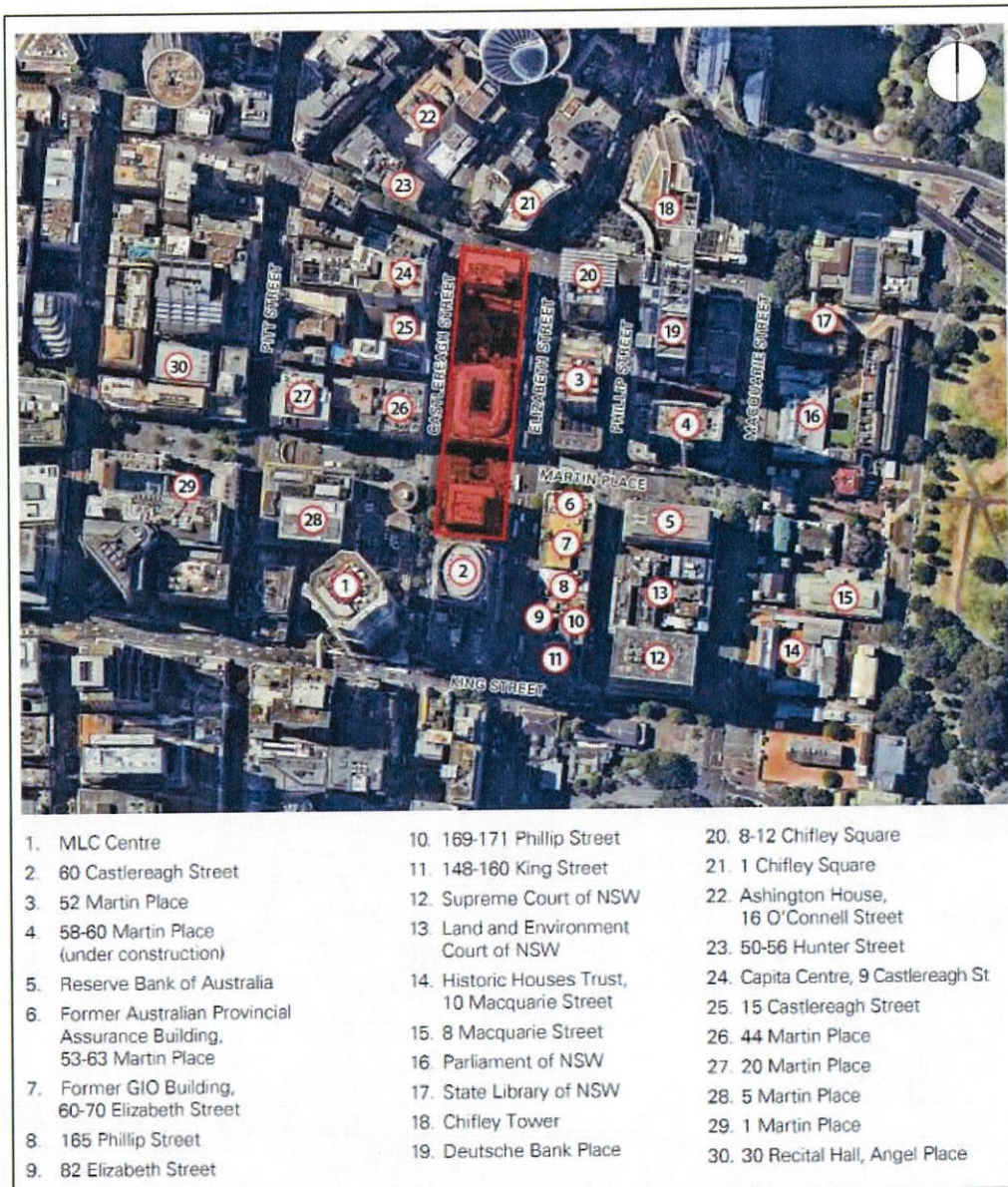


Figure 6 | Surrounding developments to the Martin Place Station Precinct (Source: Applicant's EIS)

Martin Place is a key public space and civic area for the Sydney CBD, providing an important east-west pedestrian connection. The Precinct is predominantly characterised by office towers, however other development includes retail uses, restaurant uses and hotels.

There is a wide diversity in the built form of development along Martin Place, with buildings at varying scale, proportions and setbacks.

Martin Place itself and a number of the buildings fronting Martin Place are heritage items. Heritage-listed buildings, such as 50 Martin Place, have finer architecture and detailing than contemporary buildings. Stonework and the treatment of apertures on many of the building facades is intricate and highly decorative.

50 Martin Place within the North Site is a State listed heritage item. Other notable heritage listed buildings in the locality of the site include the MLC Centre, APA building, Qantas House and City Mutual building. Heritage

buildings with heights between 10 to 14 storeys establish a streetscape character and podium heights along Elizabeth Street and Castlereagh Street.

1.4 Previous Approvals and Related Applications

Martin Place is one of the seven metro stations subject to the Critical State Significant Infrastructure approval for Sydney Metro City and Southwest between Chatswood and Sydenham (CSSI 7400). On 12 September 2018, the Government accepted the unsolicited proposal (USP) from the Applicant to deliver a single Integrated Station Development for the new Sydney Metro Martin Place Station. The proposal includes:

- delivery of the internal structure and fit out works of the new station
- connections to the existing station at Martin Place, including pedestrian links and public domain upgrades
- construction of a new publicly accessible (non-ticketed) concourse below Martin Place linking the new north and south station entrances
- construction of two commercial developments above the new north and south station entrances and public domain improvements to Martin Place between Elizabeth and Castlereagh Streets.

1.4.1 Previous Approvals

The Integrated Station Development proposal is subject to several planning approvals and applications. On 22 March 2018, the Minister for Planning granted approval for the Stage 1 State significant Concept Development Application for Martin Place Station Precinct (SSD 8351) providing for building envelopes for both the North Site and South Site. Concurrently, Modification 3 to CSSI 7400 was approved to allow for the inclusion of the Applicant's sites at 50 Martin Place and 9-19 Elizabeth Street and to integrate the station design with the over station development.

Since the approval of SSD 8351, a site-specific amendment was made to the Sydney Local Environment Plan 2012 (SLEP) for the Martin Place Metro Precinct (Amendment No. 42). This amendment allowed for increased maximum Floor Space Ratio (FSR) for the Martin Place Station Precinct and increased the maximum building height for the South Site subject to the Hyde Park Sun Access Plane. The increased FSR and height was created by reducing the previous tower setback to Martin Place from 25 m to 8 m.

On 25 February 2019 an Amending Concept Approval (SSD 8351) was approved by the Minister which modified the building envelopes for the South Site in response to the new planning controls.

The details of the relevant previous approvals are provided in **Table 1** and the relationship between the approvals and applications is illustrated in **Figure 7**.

Table 1 | Summary of Previous Approvals

Approval	Description	Determination Date	Authority
CSSI 7400 Sydney Metro City and Southwest (Chatswood to Sydenham)	<p>Critical State Significant Infrastructure approval for the construction and operation of the Sydney Metro City and Southwest.</p> <p>The approval as it relates to the station at Martin Place allows:</p> <ul style="list-style-type: none"> • demolition of existing buildings within the Precinct to facilitate the construction of the station (excluding 50 Martin Place and 9-19 Elizabeth Street) 	9 January 2017	Minister

	<ul style="list-style-type: none"> removal of an existing station entrance on Martin Place, which provided access to the T4 Eastern Suburbs line construction of new station entrances non-rail related floor space within the station envelope (GFA of approximately 6,500 m² for the North Site and 2,500 m² for the South Site), which will be used for retail and other similar uses. 		
CSSI 7400 MOD 3 Martin Place Station (to include 50 Martin Place and 9 – 19 Elizabeth Street)	<p>Reconfiguration of Martin Place Metro Station layout allowing for a larger, reconfigured station design, including:</p> <ul style="list-style-type: none"> the addition of 9-19 Elizabeth Street and alterations to the street level layout of the station entries provision of a new unpaid concourse link between the northern and southern station entries, extending beneath 50 Martin Place retention of the existing MLC Centre pedestrian link and works to connect it to the Sydney Metro station. 	22 March 2018	Minister
SSD 8351 Stage 1 Concept Approval	<p>Stage 1 Concept Approval for Sydney Metro Martin Place over station development, providing:</p> <ul style="list-style-type: none"> a maximum GFA of 125,437 m² a building envelope on the North Site, with a GFA of 104,270 m² and a maximum height of RL 214.27 a building envelope on the South Site, with a GFA of 21,167 m² and a maximum height of RL 155.395. 	22 March 2018	Minister
SLEP 2012 Amendment No. 42	<p>Planning Proposal to:</p> <ul style="list-style-type: none"> increase the building height for part of the South Site up to the Hyde Park North sun access plane by amending the existing 55 m height limit adjoining Martin Place from a 25 m setback to 8 m insert a new site-specific clause that provides for additional floor space of up to 22:1 (on the South Site) and 18.5:1 (on the north site) only where it is to be used for employment purposes. 	4 May 2018	Department as delegate for the Greater Sydney Commission
SSD 9347 Amending Stage 1 Concept Approval	<p>Amending DA to align the Concept Application (SSD 8351) with the key development standards applying to the South Site from the SLEP Amendment above.</p> <p>The approval amended the South Site to:</p> <ul style="list-style-type: none"> reduce the setback to Martin Place to 8m, from 25m increased the maximum tower height to 163.83 RL, from 155.39 RL increase the maximum floor area to 39,234 m², from 21,167 m². 	25 February 2019	Minister

The application amended the total floor area for the Martin Place Station Precinct from 125,437m² to 143,504m².

This application sought no changes to the North Site.

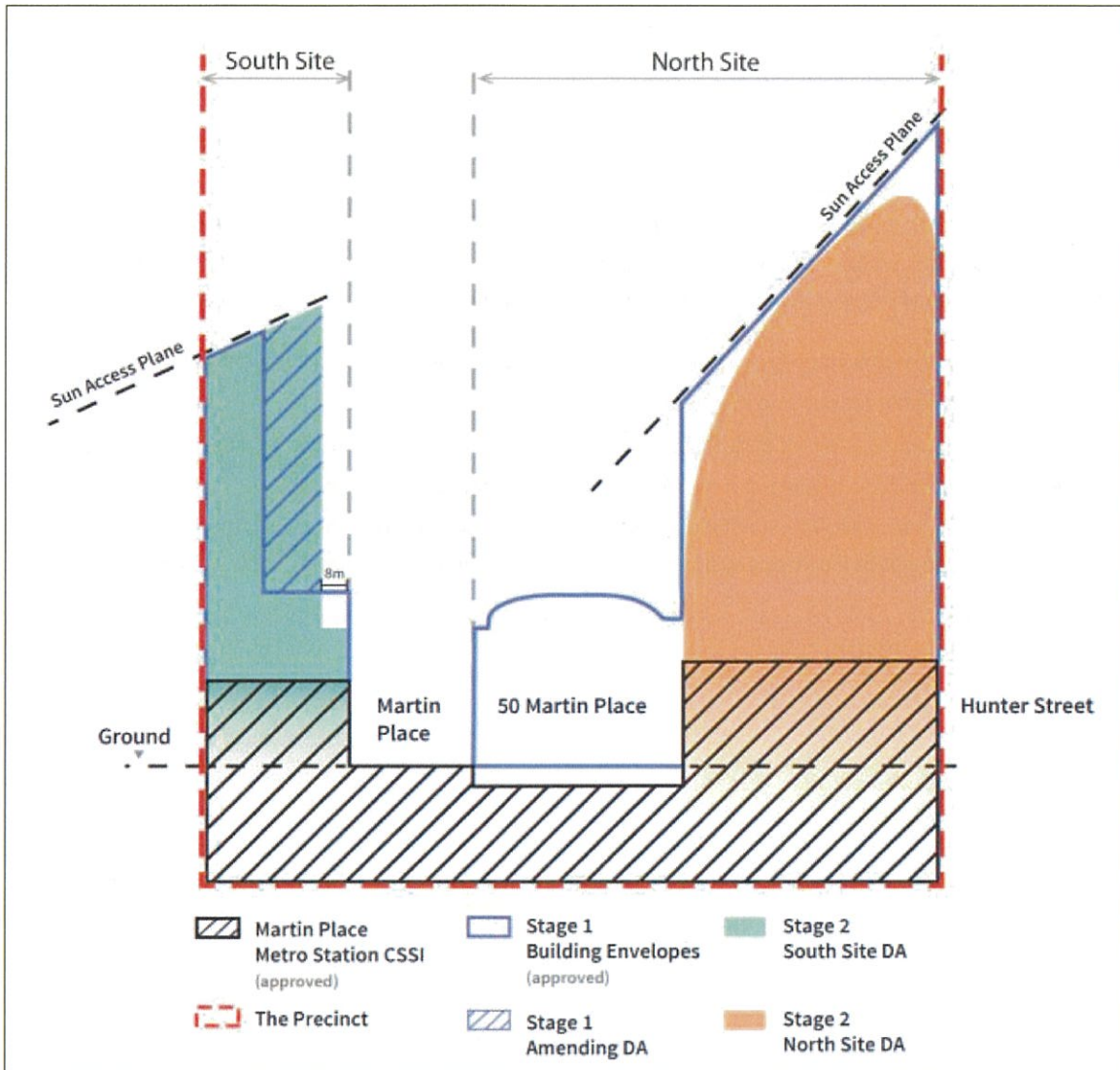


Figure 7 | Relationship between key applications (Source : Applicant's EIS)

Amending Stage 1 Concept Application (SSD 9347)

The Concept Approval (SSD 8351), as amended (SSD 9347), approved building heights and envelopes for the site as detailed in **Table 2**.

Table 2 | Approved GFA, FSR and setbacks in the amended Stage 1 Concept

	North Site	South Site
Building height (Tower)	214.27 RL	163.832 RL*
Tower setback from Martin Place above podium / 55m (RL 76.95)	30 m (above 50 Martin Place)	8 m

GFA for over station development	104,270 m ²	39,234 m ² <i>(including additional 18,067 m² in Amending DA)</i>
Floor Space Ratio (FSR) (over station development only)	17.314:1	21.06:1
Total FSR (including approximately 2,500m ² station floor space)	18.5:1	22:1

* subject to sun access plane restriction

1.4.2 Related Application

On 4 October 2018, the Applicant also submitted a separate Stage 2 application (SSD 9326) seeking approval for the construction and use of a 29 storey (plus rooftop plant) commercial tower with a nine storey podium above the southern entrance of the new Martin Place Metro Station providing:

- 37,553m² Gross Floor Area including 1,222m² for retail use and 36,331m² for office use
- signage zones for building identification
- vehicle loading and service facilities within the basement and shared use of facilities on the North Site
- the use of bicycle parking and end of trip facilities located on the North Site
- works to integrate with the Station design, including use and fit-out of over station development areas within the station building envelope for plant, services, end of trip facilities, retail and office spaces.

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



2. Project

The application seeks approval for the construction and use of a commercial building integrated with the northern entrance of the Sydney Metro station at Martin Place, Sydney (SSD 9270).

The key components of the project are outlined in **Table 3** below.

If the application is approved, future development applications will be submitted seeking consent for the detailed use and fitout of the retail spaces created under this application.

Table 3 | Main components of the Project

Aspect	Description
Demolition	No demolition proposed as this has been carried out under the CSSI approval
Built Form	A commercial tower with height RL 194 integrated with the future Martin Place Metro Station
Site area	6,022 m ²
Gross Floor Area	75,521 m ² not including 24,422m ² within the existing 50 Martin Place building, and comprising: <ul style="list-style-type: none">• 1,017 m² retail• 74,504 m² commercial office
Uses	Commercial office, with retail at the lower levels
Car parking	6 loading spaces
Bicycle parking and end-of-trip facilities	711 bicycle parking spaces, of which: <ul style="list-style-type: none">• 549 are for the North Site• 162 are for the South Site
Signage	Signage for building identification comprising two Macquarie tower logos
Servicing	Service vehicle loading arrangements on both the North Site and South Site.

2.1 Site Description

The site has an area of 6,022 m² in one whole street block and consists of eight allotments as described in **Table 4** below. All previous buildings have been demolished under the CSSI approval except for 50 Martin Place.

Table 4 | Legal description of the site

Address	Lot and Deposited Plan (DP)
50 Martin Place	<ul style="list-style-type: none">• Lot 1, DP 182023
5 Elizabeth Street	<ul style="list-style-type: none">• Lot 2, DP 548142

7 Elizabeth Street	<ul style="list-style-type: none"> • SP 13171
9-19 Elizabeth Street	<ul style="list-style-type: none"> • Lot 1, DP 526161
8-12 Castlereagh Street	<ul style="list-style-type: none"> • Lot 1, DP 929277 • Lot 2, DP 929277 • Lot 1, DP 173027
55 Hunter Street	<ul style="list-style-type: none"> • Lot 1, DP 222356

2.2 Physical Layout and Design

The application seeks consent for a podium and tower at the southern elevation, south-east and south-western corners. The podium form extends from the existing building at 50 Martin Place and the proposed horizontal building 're-entrants' or returns along the eastern and western elevations. At the northern elevation the tower form continues to ground level with a zero setback. The tower form is faceted in an elliptical shape from all sides, terminating at a 'crown' at the top.

The overall height of the proposal is RL 194 to the top of the tower crown. The top of podium height toward the southern end of the site is RL 67 to match the parapet height of 50 Martin Place. See **Figure 8** to **Figure 10**.

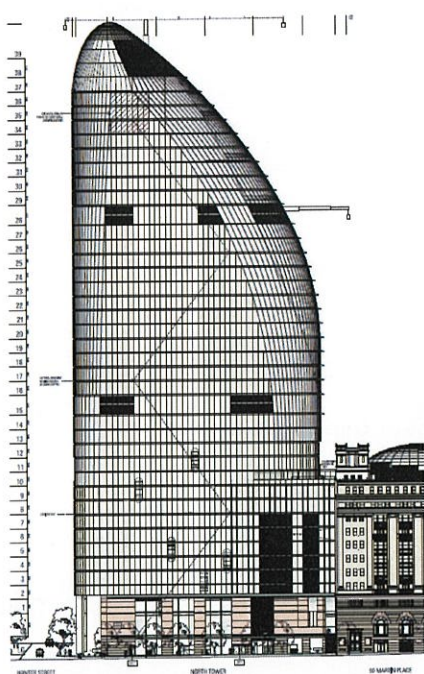


Figure 8 | Part Elevation (Elizabeth Street)
(Source: Applicant's RtS)



Figure 9 | Elevation (Martin Place)
(Source: Applicant's RtS)

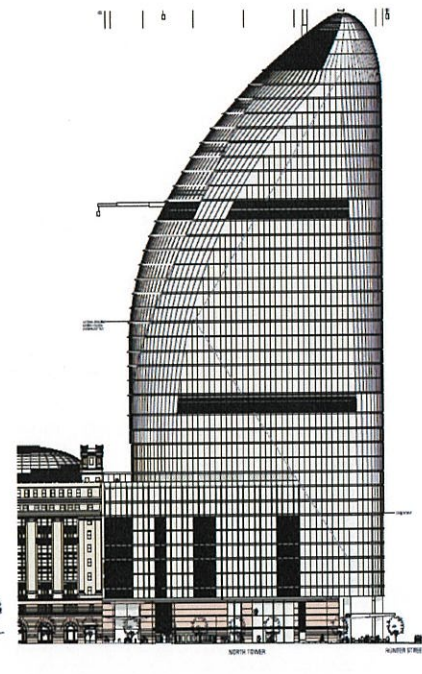


Figure 10 | Part Elevation (Castlereagh Street)
(Source: Applicant's RtS)

The OSD has been designed to integrate with the approved CSSI for station works (CSSI 7400). The approved station works include aboveground structure for access to and from the station and loading, services and plant. The OSD relies on the station works for structural support and the station works influence the location of OSD access, services, street activation and other design elements. The station works also include pedestrian connections between the OSD and station, as well as a connection between the North Site and South Site for shared loading dock and bike parking access and for building occupants to easily travel between buildings

Figures 11 and 12. The application also includes three pedestrian connections into the existing heritage-listed building at 50 Martin Place. The connections occur at ground level via a new door and at Levels 5 and 10 via glazed bridges. These works are further explained in **Section 6.3 - Heritage**.

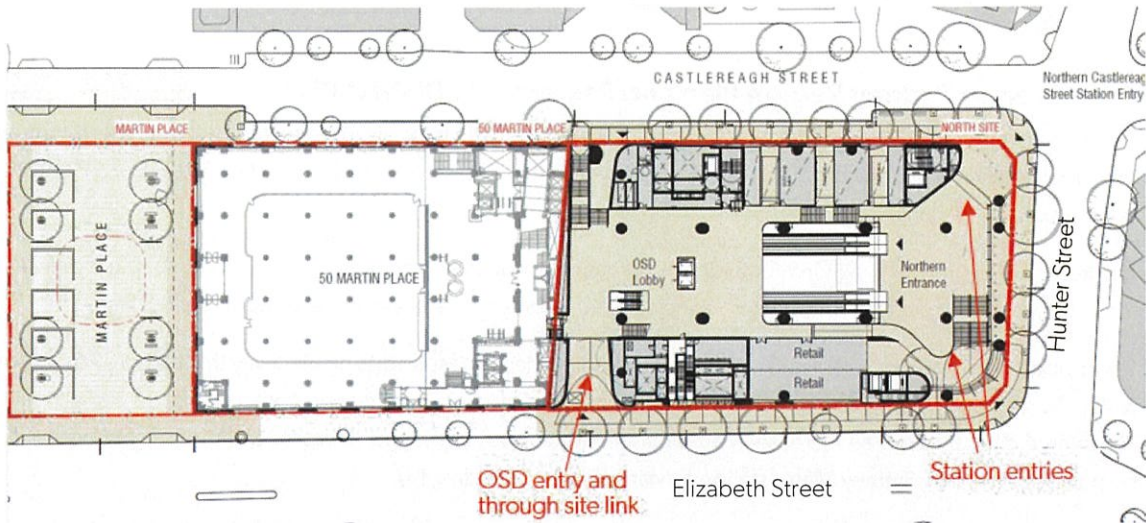


Figure 11 | Ground Floor Plan showing station entry, OSD lobby, vehicle entry and retail (Source: Applicant's RTs)

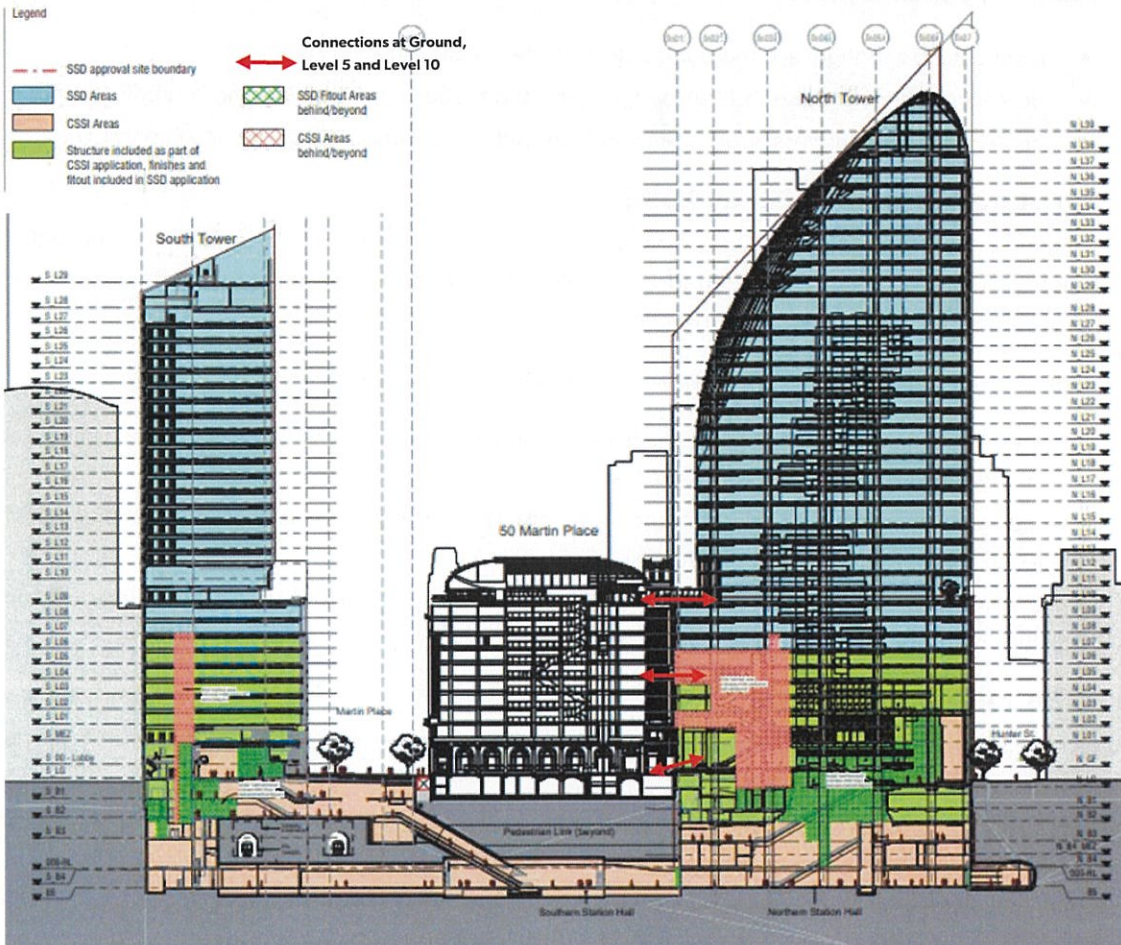


Figure 12 | Section plan showing proposed OSD above CSSI station works (Source: Applicant's RTs)



3. Strategic Context

3.1 Greater Sydney Region Plan and Eastern City District Plan

The Greater Sydney Commission's (GSC) role is to coordinate and align planning to shape the future of Metropolitan Sydney. In March 2018, the GSC published the Greater Sydney Region Plan (the Region Plan) and associated District Plans.

The Region Plan outlines how Greater Sydney will manage growth and change and guide infrastructure delivery. It sets the vision and strategy for Greater Sydney to be implemented at a local level through District Plans.

The proposal is consistent with the Greater Sydney Region Plan, as it supports productivity through growth in jobs within the Harbour CBD. In doing so, it supports integrating land use and transport contributing to a walkable and '30 minute city', through an increase in employment floorspace in a highly accessible part of the Harbour City, being above the new Sydney Metro station at Martin Place (Objective 14).

The Precinct is located within the Eastern City District Plan area. The proposal is consistent with the objectives of the Eastern City District Plan, as it will:

- contribute to a stronger and more competitive Harbour CBD (Planning Priority E7)
- deliver integrated land use and transport planning and a '30-minute city' (Planning Priority E10); and
- grow investment, business opportunities and jobs within the Harbour CBD (Planning Priority E11).

3.2 Future Transport Strategy 2056

The Future Transport Strategy 2056 is an update to the NSW Long Term Transport Master Plan 2012 and outlines a planned and coordinated set of actions to address challenges faced by the NSW transport system to support the State's economic and social performance over the next 40 years.

The proposed development is considered consistent with the key outcomes of the Plan as:

- the site is located within walking distance to a number of public transport services including immediate connection into the Martin Place Metro Station
- the proposal provides for active transport options by providing bicycle parking spaces and end-of-trip facilities for walkers, runners and cyclists
- the proposal does not include on-site car parking spaces which will encourage the use of public transport and active transport.

3.3 Sustainable Sydney 2030

Sustainable Sydney 2030 sets out City of Sydney's vision to make Sydney a more Global, Green and Connected metropolis by 2030.

The proposal will contribute to several strategic directions in *Sustainable Sydney 2030*, as it will deliver significant job growth to contribute to a globally competitive and innovative city (Strategic Direction 1) and benefit from public transport improvements through the Sydney Metro to deliver integrated transport for a connected city (Strategic Direction 3).



4. Statutory Context

4.1 State Significant Development

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

On 10 September 2018, the Minister made the *State Environmental Planning Policy (State and Regional Development) (Martin Place Precinct) Order 2018* and declared the three State Significant Development applications for the Martin Place Station Precinct (the Amending Concept DA, SSD 9347 and the detailed design development applications, SSD 9270 and SSD 9326) to be State significant infrastructure related development for the purposes of Clause 8A(1A) of *State Environmental Planning Policy (State and Regional Development) 2011*.

The Minister is the consent authority for State Significant Infrastructure related development. The application may only be determined by the Minister as an objection from Council was received.

4.2 Permissibility

The site is within the B8 Metropolitan Centre zone in the SLEP 2012. Commercial uses (comprising offices, business premises, shops and food and drink premises) are permissible with consent within the zone. Therefore, the Minister for Planning may determine the carrying out of the development.

4.3 Mandatory Matters for Consideration

4.3.1 Environmental Planning Instruments

Under Section 79C of the EP&A Act, the Secretary's assessment report is required to include a copy of, or reference to, the provisions of any EPIs that substantially govern the project and that have been taken into account in the assessment of the project. The following EPI's apply to the site:

- State Environmental Planning Policy (State & Regional Development) 2011 (SRD SEPP)
- State Environmental Planning Policy (Infrastructure) 2007 (ISEPP)
- State Environmental Planning Policy No. 55 – Remediation of Land
- State Environmental Planning Policy No. 64 – Advertising and Signage
- Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005
- Draft State Environmental Planning Policy (Environment)
- Sydney Local Environmental Plan 2012 (SLEP 2012).

The Department has undertaken a detailed assessment of these EPIs in **Appendix E** and is satisfied the application is consistent with the requirements of the EPIs.

4.3.2 Objects of the Act

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

4.3.3 Ecologically Sustainable Development (ESD)

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

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

The development proposes to maintain the ESD initiatives and sustainability measures that form part of the Concept Approval. These ESD initiatives and sustainability measures include targeting minimum environmental standards of 6 Green Star Office and As-Built, 5-star NABERS Energy and 3.5-star NABERS Water.

The Department considered the project in relation to the ESD principles. The Precautionary and Inter-generational Equity Principles have been applied in the decision-making process by a thorough assessment of the environmental impacts of the project. Overall, the proposal is consistent with ESD principles and the Department is satisfied the proposed sustainability initiatives will encourage ESD, in accordance with the objects of the EP&A Act. See recommended **Conditions B23 and B24** in relation to the enforcement of ESD targets.

4.3.4 Environmental Planning and Assessment Regulation 2000

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

4.3.5 Secretary's Environmental Assessment Requirements (SEARS)

On 8 May 2018, the Department notified the Applicant of the Planning Secretary's Environmental Assessment Requirements (SEARs) for the SSD application. The Department is satisfied that the EIS and RtS adequately address compliance with the SEARs to enable the assessment and determination of the application.

5. Engagement

5.1 Department's Engagement

In accordance with clause 10 of Schedule 1 to the EP&A Act and clause 118 of the *Environmental Planning and Assessment Regulation 2000* (EP&A Regulation), the Department exhibited the application from 11 October 2018 until 7 November 2018 (28 days):

- on the Department's website
- at the NSW Service Centre
- at City of Sydney Council.

The Department inspected the site and the surrounds on 24 January 2019 and 29 May 2019.

The Department placed a public exhibition notice in the *Central Courier*, the *Daily Telegraph* and the *Sydney Morning Herald* on 10 October 2018. Adjoining landholders were notified in writing.

The application was referred to:

- City of Sydney Council (Council)
- Transport for NSW (TfNSW)
- Transport for NSW (Roads and Maritime Services (RMS))
- Sydney Trains
- Government Architect NSW (GANSW)
- Environment, Energy and Science Group of the Department of Planning, Industry and Environment (former NSW Office of Environment and Heritage)
- Heritage Council of NSW
- Environmental Protection Authority
- Civil Aviation Safety Authority (CASA)
- AirServices Australia
- Sydney Airport Corporation
- Sydney Water
- Ausgrid
- NSW Police
- Fire and Rescue NSW.

5.2 Summary of Submissions

During the exhibition period, the Department received 12 submissions on the proposal from government agencies and Council. No public submissions were received. A summary of the submissions is provided in **Table 5**, and a full copy of the submissions is provided in **Appendix C**.

Table 5 | Summary of Government agency submissions

Submitters	Number	Position
Government Agencies	11	
<ul style="list-style-type: none"> NSW Government Architect Transport for NSW and Sydney Trains (joint submission) Transport for NSW (RMS) Fire and Rescue NSW Heritage Council of NSW Environmental Protection Authority Civil Aviation Safety Authority Sydney Airport Corporation AirServices Australia Sydney Water Environment, Energy and Science Group of the Department of Planning, Industry and Environment (former NSW Office of Environment and Heritage) 		All agencies provided comments or advice

5.3 Key Issues – Government Agencies

No government agencies objected to the project. The key issues raised by agencies were either addressed through the provision of additional information or addressed through the recommended conditions of consent/approval. **Table 6** summarises the key issues raised in government agency submissions.

Table 6 | Key Issues at EIS stage - Government agencies

Government Architect NSW

The Government Architect supported the proposal and provided the following comments:

- the podium/tower response to the street wall and existing building at 50 Martin Place is generally supported
- details of the response of the form and massing to the heritage fabric of the surrounding context required further clarification
- architectural expression is generally supported but the GANSW acknowledge that finer details are being considered in the articulation of the façade and its materiality
- concern about the spaces between the building and columns on the northern elevation on Hunter Street
- wayfinding and connections between the through site link and the station entrance must be intuitive and legible
- public art strategy is supported
- a design response to the junction and scale between the existing buildings and the proposal needs further development
- further guidance and strategies to define the Hunter Street entrance and activate the Castlereagh and Elizabeth Street frontages requires ongoing discussions with the DRP.

Heritage Council

Heritage Council did not object to the proposal and provided the following recommendations:

- update the pre-submission Consultation Statement to include all consultation with the Heritage Council
- provide a schedule of design/construction milestones and timeframes, to provide the Heritage Council an opportunity to highlight matters they wish to comment on
- develop a Heritage Interpretation Plan in collaboration with Sydney Metro, which reflects on the heritage character and significance of the site and surrounding area, including Martin Place. The Interpretation Plan should be guided by the Sydney Metro Interpretation Strategy.

Transport for NSW and Sydney Trains (joint response)

TfNSW and Sydney Trains commented that:

- conditions of consent should be imposed for protection of Sydney Trains structures and easements
- the Traffic Report lodged should include consideration of point-to-point transport services in consultation with Sydney Coordination Office
- support the use of measures which improve the efficiency of servicing within the site such as supply chain consolidation and contingency planning. Recommend conditions of consent be imposed to enforce these measures.
- as a condition of consent, the Loading Dock Management Plan needs to include management of conflicts between pedestrians and service vehicles
- the Construction Pedestrian and Traffic Management Plan should be updated in consultation with the Sydney Coordination Office and be consistent with the framework provided by the CSSI approval.

Transport for NSW (RMS)

Transport for NSW (RMS) raised no objection to the proposal and provided advisory comments on the EIS documentation for the Applicant to clarify.

Fire and Rescue NSW

Fire and Rescue did not object to the proposal, provided recommended conditions of consent and they recommended continuing consultation during design and construction.

Civil Aviation Safety Authority (CASA) and Sydney Airport

CASA had no objections or comments and concurs with the Applicant's Strategic Airspace Reports.

Sydney Airport Corporation comment that a previous approval was issued at SEARs stage by the Federal Department of Infrastructure and Regional Development in relation to the proposed building envelope. The Stage 2 proposal is within the parameters of this approval.

NSW EPA

NSW EPA advised that proposal does not constitute a Scheduled Activity under Schedule 1 of the Protection of the Environment Operations Act 1997. As such, no further comments from the EPA are required.

5.4 Key Issues – Council

Council's objection provided the following matters:

- it is pre-emptive to progress the assessment of the application until the Concept Application Amending SSD 9351 has been determined (which has since been approved by the Minister on 25 February 2019)
- the proposal is considered incongruous to the character of Central Sydney and the Martin Place Special Character Area and recommend that the tower is setback by at least 8m from all street frontages above the podium height of 50 Martin Place
- an 8m setback above podium along Elizabeth Street should be applied to reduce overshadowing of Martin Place
- concern with amenity of public streets which have external services, lifts and ducting

- a competitive design process under SLEP 2012 would achieve a superior outcome for design excellence compared to the proposed alternative design review process
- the path of travel for the north entrance to the metro platform is unnecessarily circuitous and should be made more direct
- concerns with accessibility along Elizabeth Street with steps and ramp and recommend floor levels be reviewed
- alternative options to the use of flood gates should be presented
- concern with separate consideration of public domain details under the CSSI and OSD and recommend public domain design should be part of the SSD or resolved concurrently with the SSD
- do not support the use of the North Site basement for South Site servicing
- low extent of green landscaping in the proposal and the proposed terraces are a small gesture
- proposal should incorporate public art
- top of building signage should be limited to two signs and the design should be provided with the SSD
- a condition should be applied requiring payment of Section 61 Contributions.

5.5 Response to Submissions

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

The Applicant provided a Response to Submissions (RtS) report on 2 April 2019 and additional information for the Department's assessment on 17 May 2019 and 4 June 2019. The RtS and additional information were accompanied by the following:

- amended architectural drawings containing updates arising from the Design Review Panel process and as a result of the Department's and agency comments
- addendum consultant reports, such as an addendum Traffic and Parking Report, as a result of the amended design and a result of the Department's and agency comments.

The RtS was made publicly available on the Department's website and was referred to relevant public authorities. An additional 4 submissions were received from public authorities and 1 from Council. A summary of issues raised in submissions is provided at **Tables 7 and 8** and copies of the submissions may be viewed at **Appendix C**.

Table 7 | Key Issues at RtS stage - Government agencies

Government Architect NSW

The Government Architect supported the proposal and provides the following comments:

- attributes that support the design excellence capability of the proposal are:
 - elegant form and massing of the podium and tower
 - architectural expression and materials
 - generous through-site link
 - approach to heritage artworks
 - holistic activation of the site including the CSSI station works and public realm.
- matters requiring further detailed resolution are reflectivity/glare, final materials and finishes, the expression of the through-site link and a site-wide retail strategy
- recommend continuity of the design team through the construction phase to enable resolution of outstanding issues and ensure design excellence is achieved.

Heritage Council

Heritage Council advised that the RtS and updated Heritage Impact Statement adequately outlines consultation to date and provides a schedule of key milestones to consult with the Heritage Council.

Heritage Council also noted the RtS included a Heritage Interpretation Strategy and recommends that a Heritage Interpretation Plan be prepared in consultation with Heritage Council and OEH in accordance with the Interpretation Strategy and the existing Sydney Metro City and South West Interpretation Strategy.

Heritage Council recommend that the Applicant book ahead for Heritage Council Approvals Committees to present the design and receive detailed comments, including on the Heritage Interpretation Plan.

Transport for NSW and Sydney Trains

TfNSW and Sydney Trains provided recommendations for conditions of consent regarding rail corridor protection, loading dock management and construction traffic management. TfNSW requested the Applicant consult with the Sydney Coordination Office.

Transport for NSW (RMS)

Transport for NSW (RMS) advised that it had reviewed the RtS and had no further comments.

Table 8 | Key Issues at RtS stage - Council

City of Sydney Council

Council supported the reduction of proposed signage zones, reiterated other previous grounds of objection raised during the exhibition of the EIS and advised that the following items were unresolved and required an amended response:

- concern the tower maximises internal amenity (in the form of voids and linking stairs) at the expense of the public streets which are faced by services, lifts and ducts
- separate consideration of the public domains and services between the CSSI approval and the proposed OSD will result in significant compromises to the public domain delivery
- the adequacy of loading facilities for each site with the proposed shared arrangements
- reduction in bicycle parking and end-of-trip facilities compared to Sydney DCP rates
- a contribution should be made to public art by additional public art pieces or a monetary contribution
- a condition should be applied requiring payment of Section 61 Contributions.



6. Assessment

The Department has undertaken a comprehensive assessment of the merits of the project and considered the impacts of the project. This report provides a detailed assessment of the key issues identified and forms the basis of the evaluation, recommendation and draft recommended conditions. A summary of the conclusions of the assessment is provided in **Section 7**.

The Department has considered the EIS, the issues raised in submissions and the Applicant's RtS in its assessment of the proposal. A list of key documents that informed the Department's assessment is provided in **Appendix A**.

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

- building form
- shadow impact to Martin Place
- heritage impacts
- public domain interface
- design excellence.

Each of these key issues is discussed in the following sections of this report. Other issues were taken into consideration during the assessment of the application and are discussed in **Section 6.6**.

6.1 Building Form

The approved building envelope complies with the Martin Place Sun Access Plane in the SLEP 2012 and provides for a maximum gross floor area of 104,270m² for over station development.

The Department accepts the proposal is wholly within the approved building envelope established by the Concept Approval and approved gross floor area (**Figure 13**), noting:

- the proposed maximum building height at RL 194 is 23 m below the maximum height of the approved envelope
- the proposed OSD has a GFA of 99,968m² (including 24,449 m² in 50 Martin Place), which is 4,302 m² less GFA than the Concept Approval.

The North Site has an overall FSR of 17.7:1 (including 6,899m² of station floor space) and complies with the site-specific FSR standard of 18.5:1 in SLEP 2012.

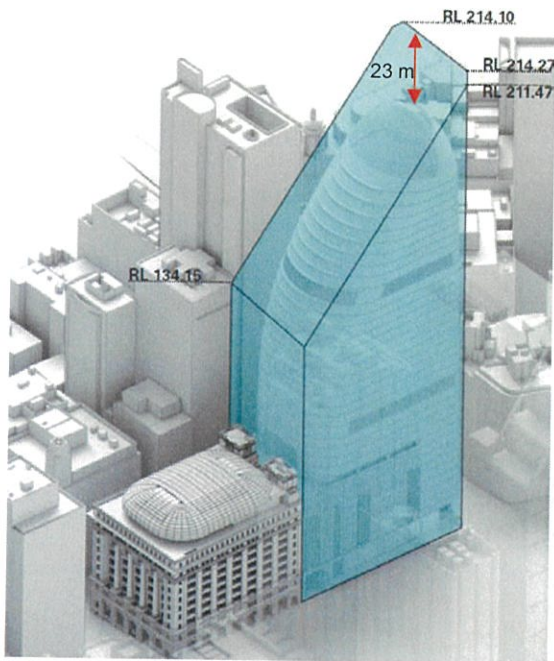


Figure 13 | 3D modelling of proposal sitting within the approved building envelope in green (Source: Applicant's RtS)



Figure 14 | Photomontage of the proposed tower to ground built form at corner of Hunter Street and Castlereagh Street (Source: Applicant's RtS)

6.1.1 Tower Setback

The proposed tower has zero setback from its podium along Elizabeth Street and Castlereagh Street and connects directly to the ground plane on Hunter Street (**Figure 14**). From the tower to ground connection at Hunter Street, the proposed built form transitions into a podium form to connect with 50 Martin Place along both the Elizabeth Street and Castlereagh Street frontages of the site. The proposed podium is delineated by the southern terrace area located at the same height as the parapet level of 50 Martin Place (**Figure 14**).

Council's submission requested an 8 m tower setback be applied to all street frontages, particularly along Elizabeth Street to minimise overshadowing to Martin Place. Council considered an 8 m tower setback would allow the building to integrate better with the character of Central Sydney and Martin Place. The Department notes Council's request relates to controls in the Sydney DCP, which require a minimum weighted average setback of tower setback 8 m, envisaging a conventional tower form above a podium.

Concept Approval

The Department's assessment of the Concept Approval considered the Council's recommendation for 8 m tower setbacks. The Department however noted an 8 m setback is not characteristic for the Martin Place Station Precinct. The Precinct spans an extensive section of the CBD (being approximately 200m from north to south), containing a range of varying building character between the lower scale heritage buildings along Martin Place such as 50 Martin Place and the former MLC Building, and significantly taller tower buildings with no podiums including the Deutsche Bank Building and 8 Chifley Square along Hunter Street (**Figures 15, 16 and 17**).

The Concept Approval, therefore, did not prescribe setbacks for the proposed tower, but endorsed Design Guidelines that require the built forms to respond to the distinctive but varied character of the precinct.

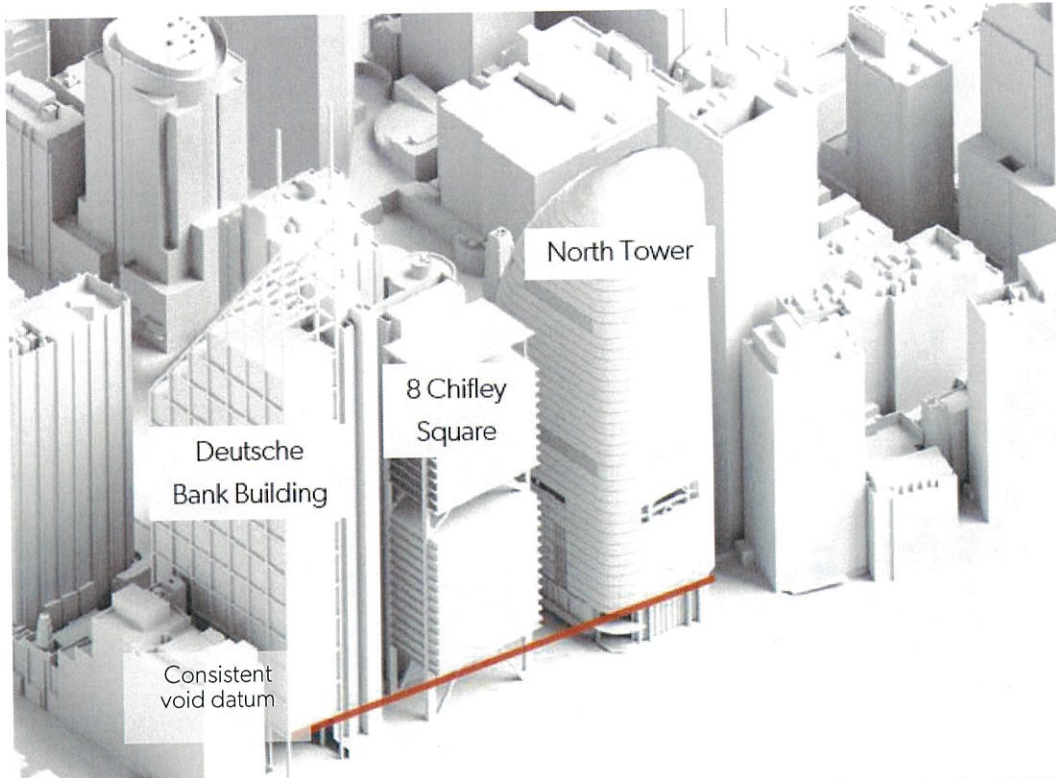


Figure 15 | Modelling of ‘reverse podiums’ and towers along south side of Hunter Street (Source: Applicant’s RTS)



Figure 16 | Photomontage from corner Castlereagh Street and Hunter Street. The proposal has a consistent void height and proportions with 8 Chifley Square and Deutsche Bank, creating a strong visual connection along Hunter Street (Source: Applicant’s RTS)



Figure 17 | Looking east along Hunter Street from corner Elizabeth Street. The “reverse podium” atria spaces and “tower to ground” format of 8 Chifley Square and Deutsche Bank building are shown (Source: DPE)

Independent urban design advice

Following the determination of the Concept Approval, the Department also adopted recommendations by the GANSW and engaged an independent urban design analysis to further examine the effectiveness and appropriateness of setbacks to manage the bulk and scale of the building forms.

The advice concluded a prescribed tower setback from Elizabeth Street and Castlereagh Street would adversely affect the elegance of the sculptured tower form which effectively reduced the perception of its building bulk as viewed from the streetscape.

The advice also supported a tower to ground relationship at Hunter Street consistent with surrounding tower developments, such as the Deutsche Bank and 8 Chifley Square buildings (**Figure 15**). The independent advice was subsequently provided to the Department and DRP for consideration.

Design Review Panel

Consistent with the independent urban design advice, the DRP also supported the proposed tower and podium form, including its delineation of street walls from the existing heritage item at 50 Martin Place, along Elizabeth Street and Castlereagh Street and its transition to the tower to ground connection at Hunter Street. A reverse podium is proposed to reinforce the existing streetscape and human scale along the streetscape of Hunter Street (**Figures 16 and 17**).

The design of the proposed tower form and its transition to the lower scale of 50 Martin Place, Elizabeth and Castlereagh Streets was refined with the advice of the DRP. For instance, the horizontal terraces on the east and west elevations that reflect the parapet height of 50 Martin Place were revised to give greater visual presence as a result of DRP feedback.

GANSW also supported the architectural expression of the proposed tower, citing the curvature of the tower form reduces the extent of flat surfaces along Elizabeth and Castlereagh Street elevations and therefore also the perception of building bulk from the street (**Figures 18 and 19**).

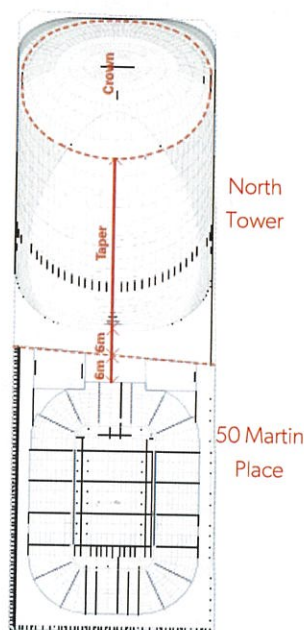


Figure 18 | Roof plan showing tapering curves of the proposed tower (Source: Applicant's RtS)



Figure 19 | Photomontage (part elevation Castlereagh Street) showing curved/tapering form reducing sense of bulk (Source: Applicant's RtS)

Design Guidelines

The Department agrees with GANSW and supports the proposed tower form. The Department supports the proposed reduction in visual bulk and scale achieved by the sculptured tower from its base and agrees that tower setbacks would negatively disrupt the form of the tower. The Department also considers the proposed contemporary facade maintains the integrity of 50 Martin Place and at the same time reflects the key height and proportions of surrounding buildings (**Figures 20 and 21**). The Department notes the articulation of the podium presents a strong relationship with 50 Martin Place, but also extending a consistent podium height datum to the former Qantas House and City Mutual Building to the north along Elizabeth Street and the proposed podium for the South Tower on the opposite side of Martin Place (**Figure 22**).



Figure 20 | Photomontage of 50 Martin Place with the height datum of its parapet. The proposed podium as defined by the southern terrace also matches the height of the proposed South Site podium (Source: Applicant's RtS)



Figure 21 | Photomontage of corner of Hunter and Castlereagh Streets showing southern terrace level and transition to tower to ground connection at Hunter Street (Source: Applicant's RtS)

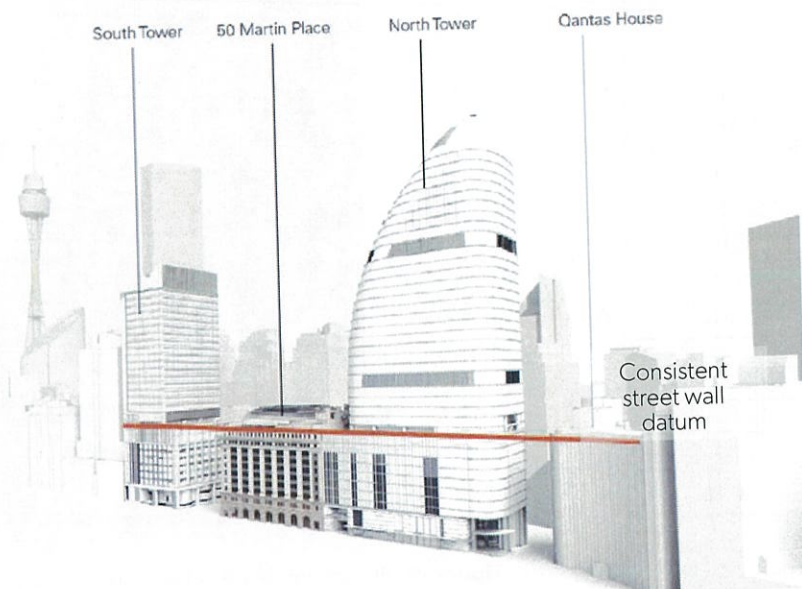


Figure 22 | Modelling of parapet heights along Elizabeth Street (Source: Applicant's RtS)

The DRP also supported the implementation of the endorsed Design Guidelines of the Concept Approval, which established design objectives and principles for the podium and tower for the Martin Place Station Precinct. The Department's assessment concludes the proposal, which adopted the advice of the DRP, is consistent with the approved Design Guidelines as outlined in **Table 9** below.

Table 9 | Design guidelines relating to tower setbacks

Guideline	Consideration
<p>Enhance built form relationships on Hunter Street</p> <p>The setback of the built form on Hunter Street is to generally align with the predominant setback of adjoining conditions to the east to establish a consistent streetwall and to maintain the character of Hunter Street as a connecting element between Chifley and Richard Johnson Squares.</p>	<p>The Department notes the tower is built to the Hunter Street boundary in line with the adjoining buildings to the east. At the base of the tower is a streetwall condition created by a large void in the building, often referred to as a 'reverse podium', that aligns with the building to the east. As such, the Department considers the proposal maintains the existing character of Hunter Street and frames the public squares to the north (Figure 15).</p>
<p>Maintain and enhance the streetwall character of Elizabeth and Castlereagh Streets</p> <p>Recognise the aligned height between 50 Martin Place and the former Qantas House to reinforce the distinctive characteristics of this block within the City of Sydney.</p>	<p>The Department considers the proposal responds suitably to the streetwall conditions (height and proportions) already created by 50 Martin Place and Qantas House (Figure 22).</p>
<p>A balanced and contextual response to development potential and density</p> <p>Ensure that the maximisation of Gross Floor Area within the Stage 1 SSDA proposed envelopes is balanced with the creation of building forms that are proportionally elegant and that exhibit appropriate façade articulation.</p>	<p>The proposed building reduced its height and gross floor area (less than the maximum approved under the Concept Approval) to allow for articulation of the built form and building façade (Figure 13).</p>
<p>Create distinctive architectural designs appropriate to each site, with the scale of buildings responding appropriately to the character of the area and the building form and articulation of the locality, such as the street wall height and relationship to 50 Martin Place.</p>	<p>The Department considers the design is distinctive with its tall tapering tower form and podium response to the surrounding buildings. The Department finds that the proposal exhibits design excellence, as set out in Section 6.5 below.</p>

Conclusion

The Department is satisfied the proposed built form complies with the height and floor space standards in SLEP and is consistent with the Concept Approval, including the endorsed Design Guidelines.

The Department notes previous assessment of the Concept Approval and further independent urban design advice acknowledged a prescriptive 8 m tower setback from Council's DCP controls is unsuitable due to the varied and distinctive streetscape of the precinct. The Department supports the proposed architectural expression of tower and podium which responds to the attributes of the varied and distinctive streetscape of the Martin Place Station Precinct.

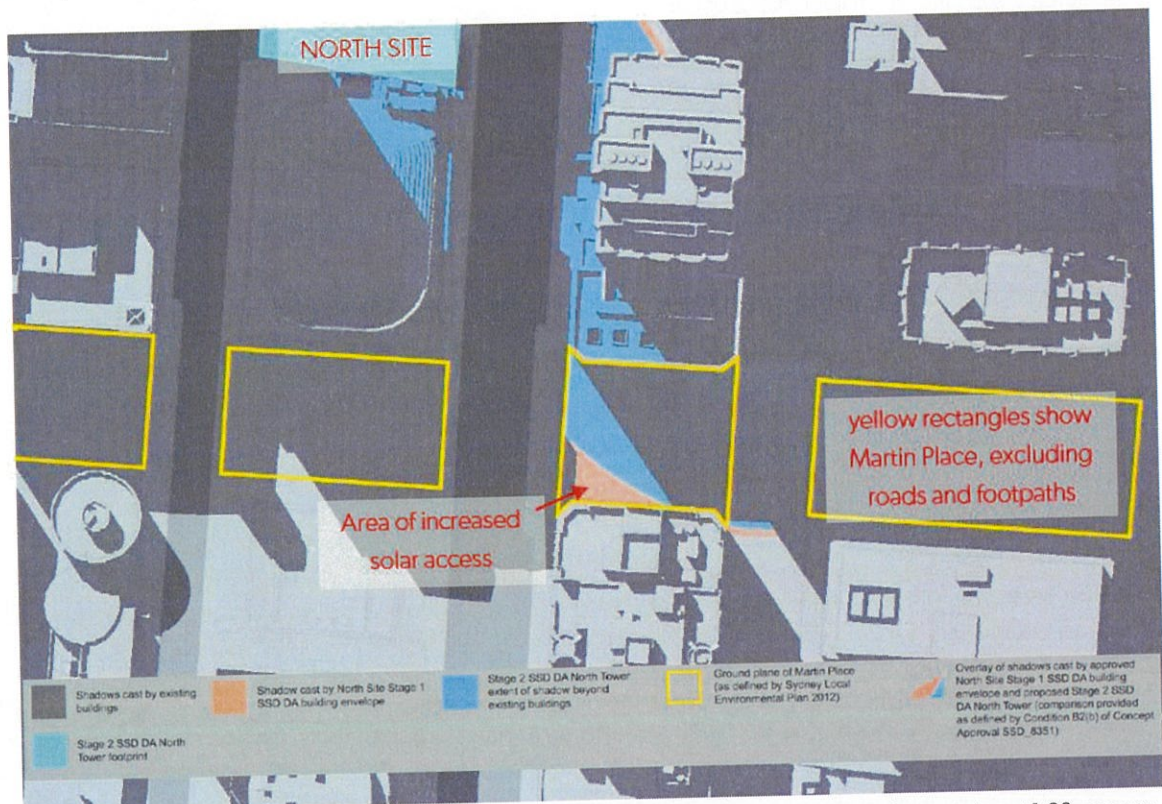
The Department acknowledges the proposal adopted the advice of the DRP and refined its architectural design in response. The Department considers the proposed podium and tower is compatible with the character of Martin Place and responds appropriately to the varied existing streetscape conditions without adopting a convention tower setback above a podium form.

6.2 Shadow impact to Martin Place

Shadow impact to Martin Place was a key consideration in the Concept Approval, which resulted in a specific condition of approval and Design Guidelines for the design of the built forms in the detailed design application. Condition B2(b) of the Concept Approval requires the Stage 2 application to "identify opportunities to improve solar access to the ground plane of Martin Place (excluding the roadways and footpaths) between the hours of 12 and 2 pm (14 April), when compared to the shadow cast by the approved building envelope".

The date of 14 April was nominated in the Concept Approval as this is control time in the Martin Place Sun Access Plane enabling a building which complies to generate sunlight in Martin Place for 8 months of the year over summer from 14 August (start date) to 14 April (end date). The Sun Access Plane recognises it is not realistic for Martin Place to maintain solar access all year round when the sun's angle is relatively low in the sky and in the midst of tall city buildings already built.

The proposed built form meets the requirement of Condition B2(b) above. Shadow diagrams within the Applicant's RtS demonstrate that the proposal reduces shadows cast onto Martin Place during 12 noon and 2 pm in mid-April by 299m² (18%) when compared to the Concept Approval building envelope. A snapshot of this increase, taken at 1:30pm on 14 April as an example, is provided at (Figure 23). There are varying amounts of increase measured in 15 minute intervals within the Applicant's RtS, with the most benefit arising between 1 pm and 2 pm.



The Department notes the additional solar access relates to the south-east corner of Martin Place and Elizabeth Street and the southern edge of Martin Place between Elizabeth and Phillip Streets. The Department considers the additional solar access will be beneficial for lunchtime use of Martin Place by surrounding workers and visitors.

The Department accepts the proposed reduction in overshadowing to Martin Place compared to the Concept Approval. The Department notes that the proposed improvement arises due to the elliptical shape of the tower and the maximum height of the proposed building is 23 m lower than the approved building envelope.

6.3 Heritage

The Martin Place Station Precinct is within an area containing numerous heritage items in the surrounding blocks and visual catchment. Examples include the former Qantas House, City Mutual Building, Chifley Square and Richard Johnson Square to the north, Martin Place to the south, the former GIO Building to the south-east and former MLC Building to the west (**Figure 24**). These items have differing heritage significance on National, State or Local heritage listings.



Figure 24 | Location of heritage items near the site (Source: Applicant's RtS)

The Department consulted with the Heritage Council on the application. Heritage Council considered the submitted Heritage Impact Statement (HIS), including additional information provided in the Applicant's RtS, adequately addressed potential heritage impacts from the proposal and recommended further consultation as part of the Construction Certificate phase (**Conditions A26 to A29**).

The Department has also reviewed the submitted Heritage Impact Statement (HIS) and considered the impacts of the proposal, particularly with respect to Martin Place and 50 Martin Place as further discussed below.

Martin Place

The proposed tower is setback 30 m behind the built form of 50 Martin Place and has a scale that tapers away from the south to the north. The curved facade of the tower terminates at a crown which is distant from Martin Place. The Visual Impact Assessment lodged with the EIS demonstrates there will be no view of the tower from a sitting or standing position within Martin Place, above the parapet of 50 Martin Place. The Department accepts the proposed built form has minimal visual and heritage impact on Martin Place.

The Department notes the northerly views to the new built form from the junctions of Martin Place with Elizabeth Street and Castlereagh Street are oblique viewing angles. The Department considers glimpses of the podium and tower will be gained in the backdrop of the dominance of 50 Martin Place and the recessive form of the tower will minimise the visual and heritage impacts (**Figures 25 and 26**).

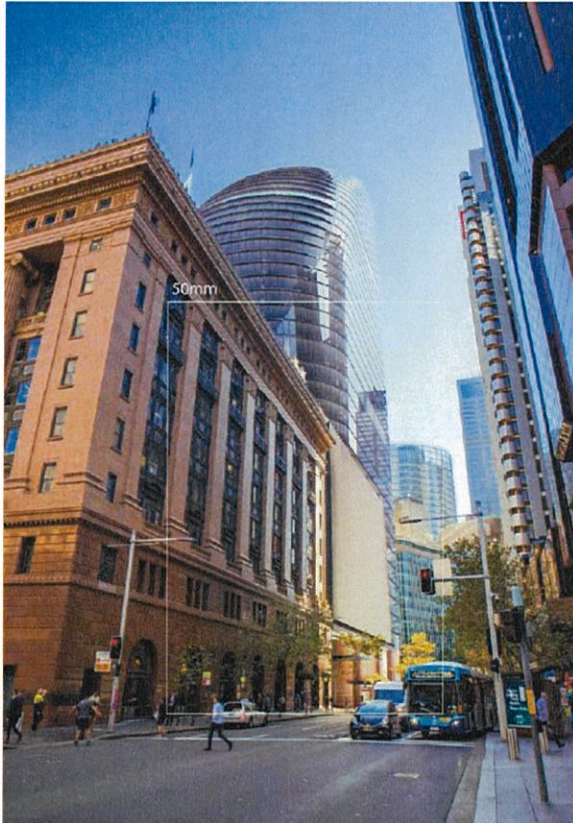


Figure 25 | Photomontage of proposal from corner Elizabeth Street and Martin Place. The 50 mm lens view is representative of pedestrian view (Source: Applicant's EIS)

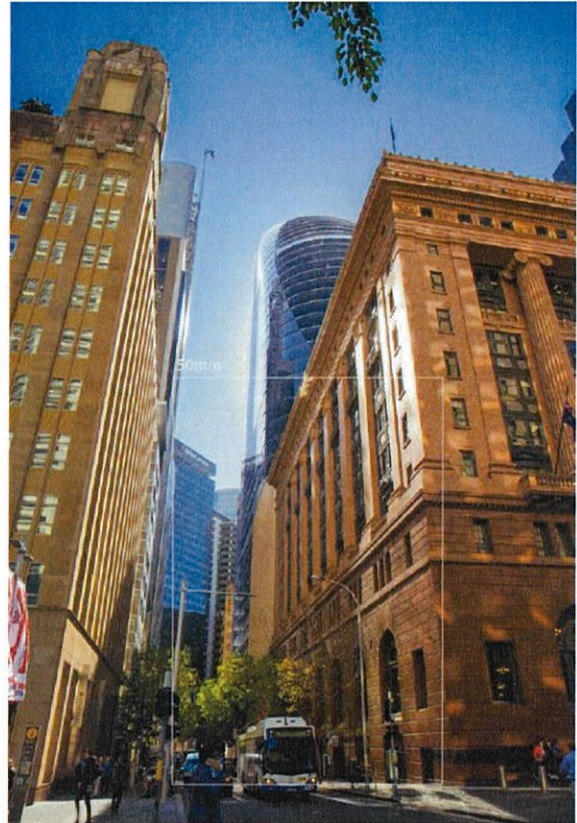


Figure 26 | Photomontage of proposal from corner Castlereagh Street and Martin Place. The 50 mm lens view is representative of pedestrian view (Source: Applicant's EIS)

50 Martin Place – proposed podium and tower interface

The proposal seeks to integrate the proposed development with the Applicant's (Macquarie Group's) existing headquarters at 50 Martin Place to provide physical connections and a cohesive composition to the whole block. The Department considers it is important for heritage and streetscape grounds how the proposal relates to the proportions, form, detailing and immediate interfaces with 50 Martin Place.

The proposed podium aligns with the street boundaries. The proposed terrace and deep recesses in the building facade define the street wall height of the podium, by emphasising and referencing the parapet height of 50 Martin Place to create a consistent street wall height (**Figure 27**). The Department accepts the podium elements complement the scale and height proportions of 50 Martin Place, with a strongly defined base, upper levels and alignment with the parapet of 50 Martin Place as discussed in **Section 6.1**. The Department also considers the

proposed stone cladding and bronze anodised framing to the base of the podium complements the granite base of 50 Martin Place and the use of projecting fins finished in a terracotta colour makes reference to the repetition of columns on the upper podium of 50 Martin Place (**Figure 28**).



Figure 27 | Photomontage of proposal and 50 Martin Place looking North - Elizabeth Street (Source: Applicant's RtS)



Figure 28 | Photomontage of proposal and 50 Martin Place looking south along Elizabeth Street (Source: Applicant's RtS)

Above the podium level, the tower curves away from 50 Martin Place, providing a visual and physical separation. The separation between the tower element and the roof form and lift shaft were increased in response to advice of

the DRP. The amended tower form has a building separation of a minimum of 6 m at any one point to allow sufficient separation of the tower from the dome roof of 50 Martin Place and also retain key views to the historic lift overrun structures of 50 Martin Place along Elizabeth Street and Castlereagh Street (**Figures 29 and 30**).

The Department considers the predominantly glazed tower, the architectural form, materiality and expression of the North Tower allows 50 Martin Place to remain as a distinct and independent architectural element within the streetscapes of Martin Place, Elizabeth Street and Castlereagh Street. The Department also accepts the curved form of the tower compliments the material and form of the contemporary dome on the roof of 50 Martin Place with its faceted tower glazing and southern lens (**Figures 29 and 30**).

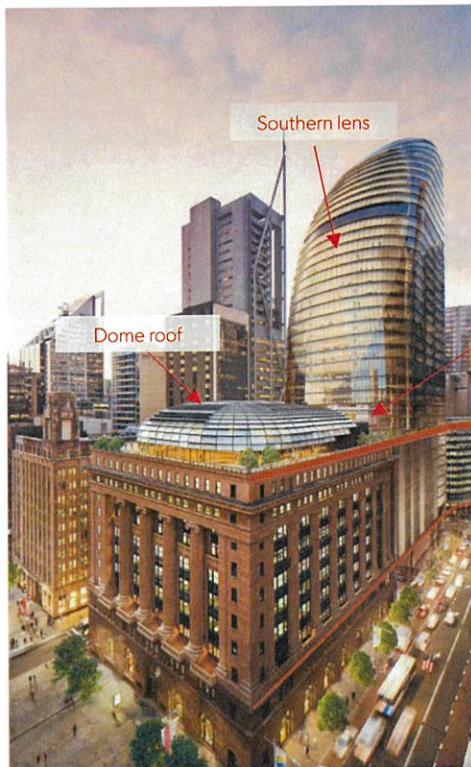


Figure 29 | Photomontage illustrating the Tower curves away from dome roof of 50 Martin Place (Source: Applicant's RtS)



Figure 30 | Perspective showing proposed 6m setback to 50 Martin Place lift overrun (Source: Applicant's RtS)

50 Martin Place – podium works connecting to North Tower

The proposal includes the construction of three pedestrian connections to and from 50 Martin Place at the ground floor level, Level 5 and Level 10 (**Figures 31 and 32**). The ground floor level connection is a publicly-accessible doorway off the proposed through-site link with staircase and lift through to the Grand Hall and Banking Chamber of 50 Martin Place. The Level 5 and Level 10 connections are glazed bridge links. The Level 5 bridge spans a lightwell between the proposal and 50 Martin Place. The Level 10 connection is visible externally and connects the proposed podium terrace with the former roof level of 50 Martin Place which recently has been covered by a faceted glazed roof.

The three proposed connections will replace five previous connections between 50 Martin Place and the former building at 9-19 Elizabeth Street at Levels 1, 3, 4, 5 and 7.

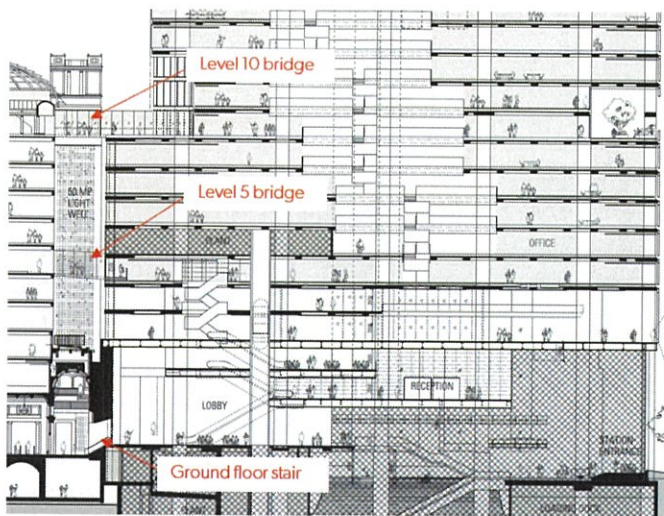


Figure 31 | Section Plan showing proposed works to 50 Martin Place with station entry from Hunter Street shown hatched (Source: Applicant's RtS)

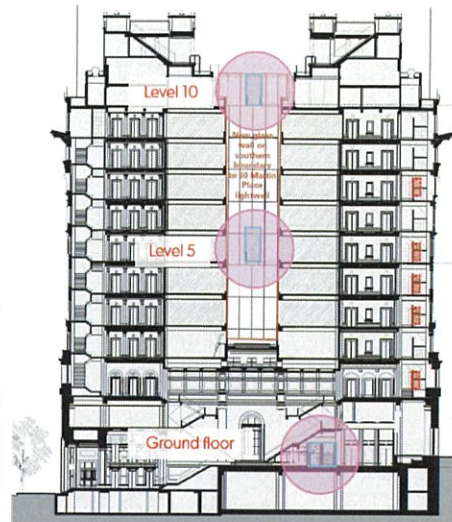


Figure 32 | Section Plan showing proposed works to 50 Martin Place with the through site link on ground floor (Source: Applicant's RtS)

The proposed openings occur in areas described by the Applicant's heritage architect as having "exceptional" heritage significance (ground floor and Level 10) and "high" heritage significance (Level 5). The Applicant however, contended the proposed works clearly delineate the separation between historic and proposed elements through the use of contemporary materials and detailing. Further, the Applicant argued the works are reversible and minimise the loss of heritage fabric and that the former five connections into 50 Martin Place were intrusively located in the original and significant staircase.

The Department notes the connections replace previous and relatively more intrusive links between the former building, now demolished. The Department supports the proposed connections and their design because they have been designed to be reversible and their heritage impact will be mitigated through the selection of materials and finishes as described in the RtS. The Department notes Heritage Council support the proposal and has included its recommendations in the recommended conditions (**Conditions A26 to A29**).

Other heritage items

At Hunter Street, the proposed tower form and alignment to the site boundary provides a strong southern edge to Chifley Square and Richard Johnson Square, reinforcing the views and interpretation of these significant public spaces amongst the city grid and skyline.

The proposed tower will not detract from the setting or views of the Former MLC Building or City Mutual Building and provides a positive heritage impact for Qantas House through the relationship of the scale of the podium (**Figure 22**) and by reinforcing the spatial enclosure of Chifley Square.

Conclusion

The Department's assessment concludes the proposal will have acceptable heritage impacts to 50 Martin Place, Martin Place and surrounding heritage items. The proposed tower is setback away from Martin Place and does not obstruct key public views to significant heritage buildings in the vicinity of Martin Place and the site.

The Department considers the design and details of the proposal adopted the advice of the DRP and complements the heritage significance of 50 Martin Place. The Department accepts the proposal is consistent with the Design Guidelines of the Concept Approval as relevant to heritage, which require the retention of the exceptional aesthetic significance of 50 Martin Place's exterior, the retention of the identity of the building as one of the finest

purpose-designed bank buildings in Australia and the substantially intact fabric and spatial qualities of the significant interiors of the building to be largely unaltered.

The Department supports the Heritage Council's recommendations requiring:

- the Applicant to further consult and seek feedback from the Heritage Council's Approvals Committee during the Construction Certificate phase of the development (**Condition A26**)
- the preparation of a Heritage Interpretation Plan in consultation with the Heritage Council and in accordance with the Heritage Interpretation Strategy lodged with the application and the broader Sydney Metro City and Southwest Interpretation Strategy. A consideration in the Heritage Interpretation Plan will be building upon recent interpretation implementation associated with 50 Martin Place in 2012 and 2013.

The Department also recommends a condition requiring oversight of the proposed works by the project heritage architects, as is a standard condition on heritage-related projects to ensure the detailed Construction Certificate phase has expert heritage advice (**Condition B10**).

6.4 Public Domain Interface

The proposed development is subject to a contract with Sydney Metro to construct the station and OSD as one integrated development. Accordingly, the OSD has been designed to integrate with the building envelope and detailed design of the Metro station works. This includes a large passenger entry portal from Hunter Street, an east-west through site link connecting Elizabeth Street and Castlereagh Street, internal publicly accessible spaces, retail areas, structural supports and services and surrounding public domain (**Figure 33**).

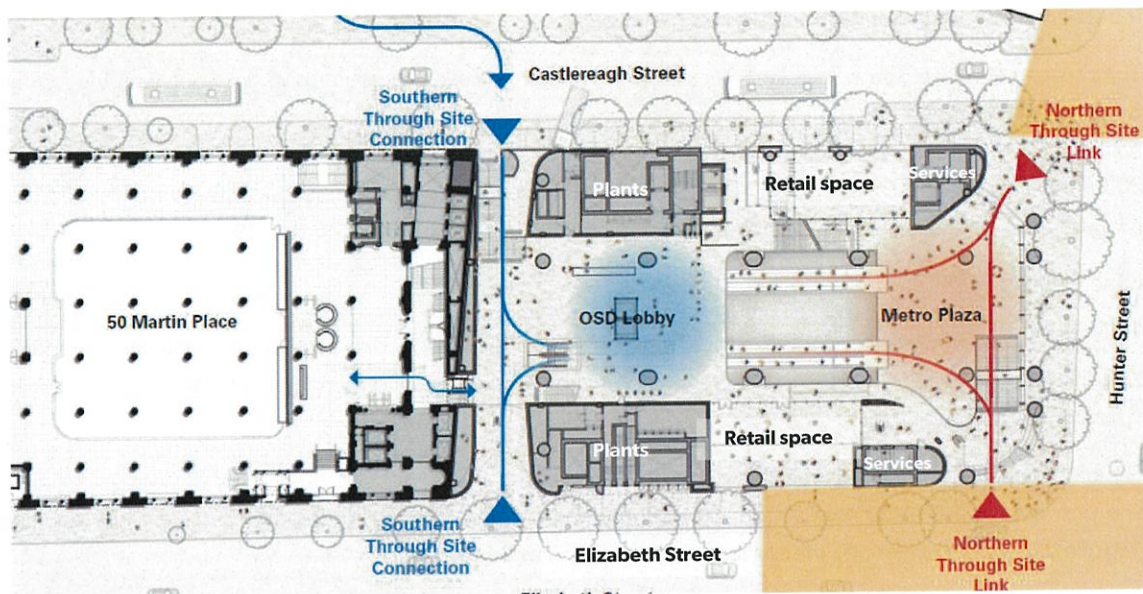


Figure 33 | Floor plan showing ground floor circulation, including proposed east-west through-site link. Plant and services are coloured grey (Source: Applicant's RtS)

The infrastructure approval (CSSI 7400) sets requirements for the detailed design of the public domain and pedestrian access for the site including a Station Design Precinct Plan (**Condition E101 of CSSI 7400**) and an Interchange Access Plan (**Condition E92 of CSSI 7400**). The Department, however, considers it is necessary for both the over station development and the approved station to provide an integrated design resolution to positively contribute to the public domain and streetscape as further discussed below.

6.4.1 Ground plane activation

The submitted EIS and RtS included demarcation drawings illustrating the relationship between the approved station and the OSD on the ground plane (Figures 34 and 35). The drawings illustrate a number of plant and service areas for both the proposed OSD and the approved station will be located along the street frontage of the site.

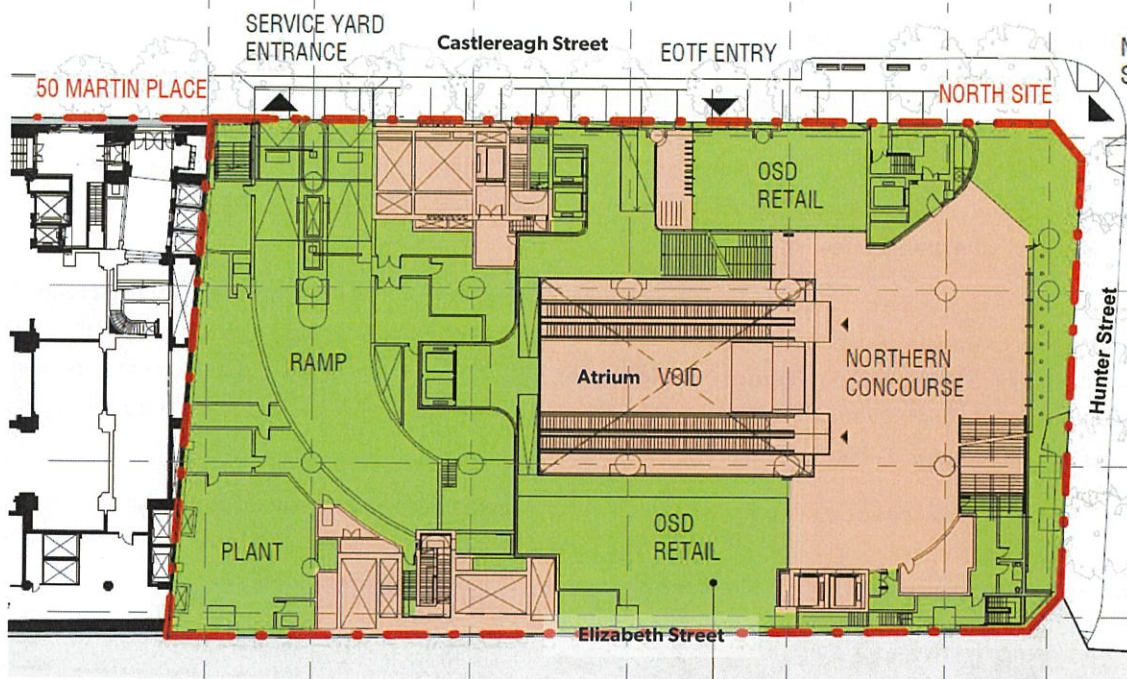


Figure 34 | Demarcation drawing of lower ground floor level (Castlereagh Street level). Green highlighted areas are considered OSD-related works. Pink highlighted areas are considered CSSI-related works (Source: Applicant's RtS)

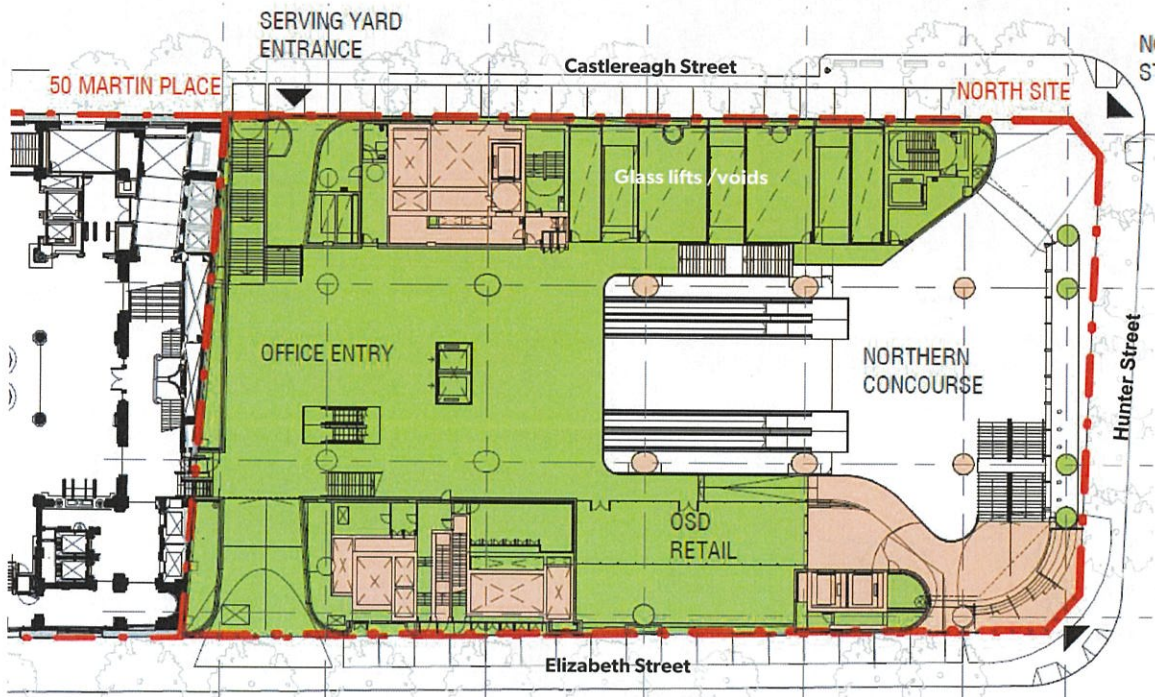


Figure 35 | Demarcation drawing of upper ground floor level (Elizabeth Street level) Green highlighted areas are considered OSD-related works. Pink highlighted areas are considered CSSI-related works (Source: Applicant's RtS)

Council’s submission raised concerns that there are services, lifts and ducting along the streetscapes which reduce the extent of active frontage and prioritise internal amenity of the office users, particularly along Elizabeth Street.

The Applicant argued the proposal has made allowance for the consolidation of CSSI station services with OSD services resulting in a coordinated approach which minimises inactive frontage onto the public domain. The Applicant argued where services and plant are located along the street frontages, they have been enclosed by the external granite wall and the proposed fins on the podium.

The Department notes the location of plant and services along the street frontages are predominantly dictated by services and access requirements of the approved station. The Department accepts the Applicant’s approach to co-locate the OSD services and plant with those of the approved station. The Department considers this approach will better support opportunity to integrate these areas into the architectural design of the building and minimise their impacts to the streetscapes.

The Department notes the proposed large booster, fire egress, ventilation shaft and plant room fronting Elizabeth Street are enclosed with the stone base element and the required vents for both the approved station and the OSD are veiled behind the vertical fins (**Figure 36 and Figure 37**). The solid architectural expression of the podium and the selected materiality are also required to respect the heritage significance of 50 Martin Place as previously discussed in **Section 6.3 - Heritage**.

The Department also considers the proposal will deliver an acceptable level of street activation along the street frontages of the site, including Elizabeth Street. The Department notes the extent of active street frontage as a proportion of the proposed Elizabeth Street elevation is approximately 55% (**Figure 38**).

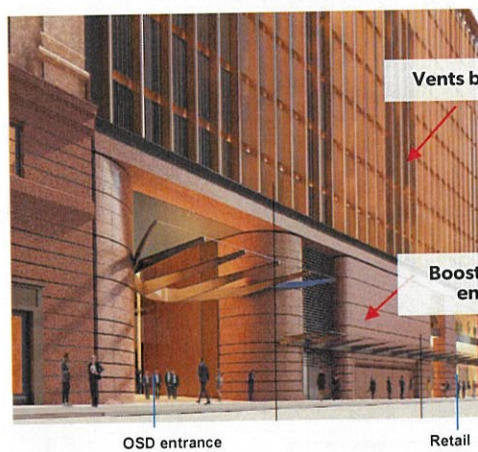


Figure 36 | View along Elizabeth Street frontage showing enclosed plant and services (Source: Applicant’s Rts)

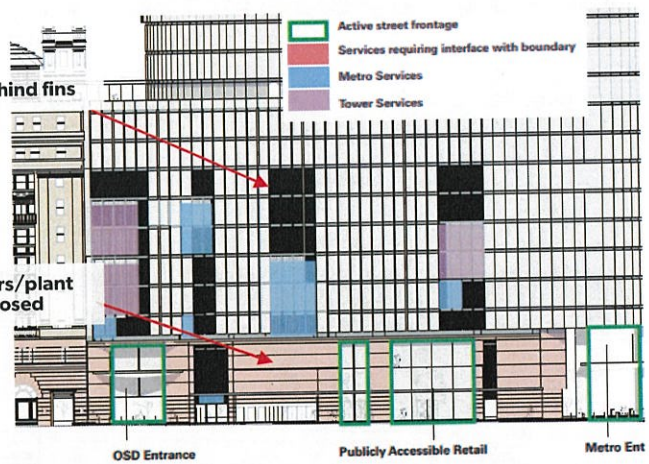


Figure 37 | Elevation plan showing enclosed plant and services along Elizabeth Street (Source: Applicant’s Rts)

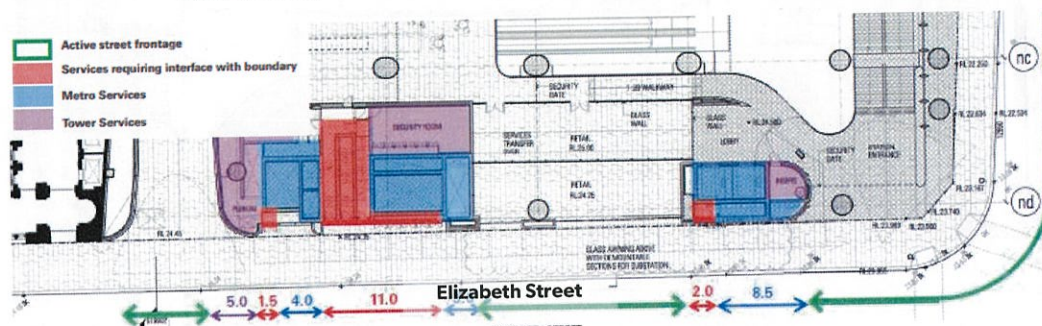


Figure 38 | Floor plan showing Elizabeth Street conditions including active frontages in green arrows and services/access in blue, red and purple arrows (Source: Applicant’s Rts)

The Department accepts that louvers, doors and panels have been minimised along the street frontages. The Department considers where services are proposed along the street frontage of the site, they are integrated into the architectural design of the building and do not adversely affect the streetscape. The Department accepts the Applicant's approach to co-locate OSD services with station services to maximise publicly accessible space on the ground plane to support pedestrian amenity around the northern concourse of the Metro station. The Department further recommends the imposition of conditions of consent requiring the final materials, colours and finishes to be endorsed by the Planning Secretary (**Condition B11**).

6.4.2 Though-site links

The proposal includes an east-west pedestrian through-site link between Elizabeth Street and Castlereagh Street at mid-block, between the proposed OSD and 50 Martin Place. The proposed link is publicly accessible and also connects internally to the Metro northern concourse and Hunter Street entrance. The link is at grade along Elizabeth Street but is only accessible by stairs or elevator along the Castlereagh Street frontage due to the significant fall across the site. The proposed link will be open to the public from 6:00am to 10:00pm daily. Beyond these times, the through-site link has gates at either end for security control. See **Figures 39 to 42**.

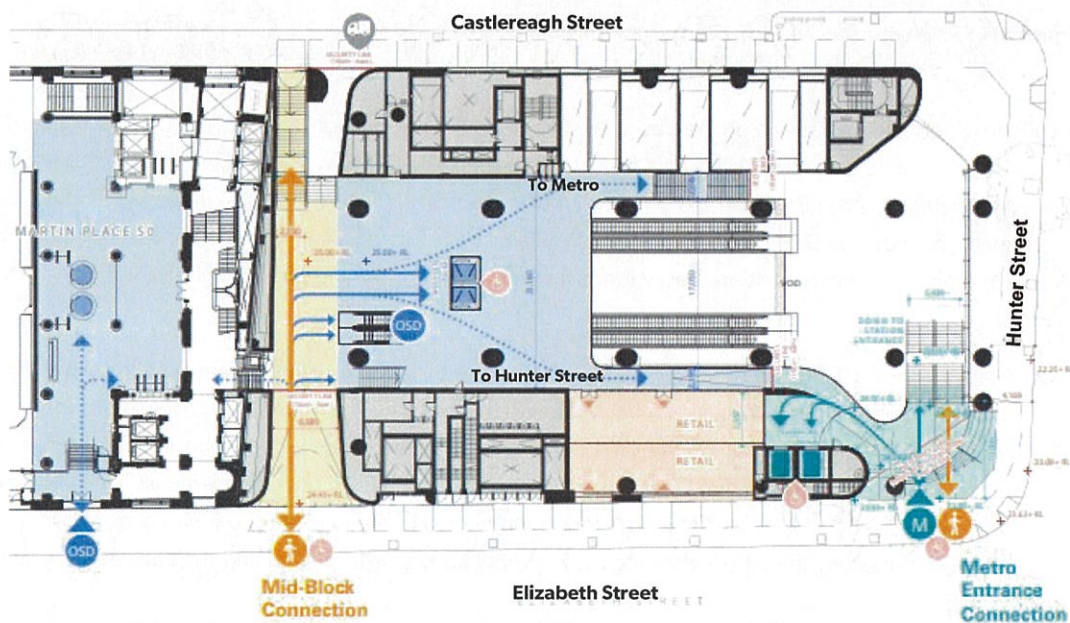


Figure 39 | Floor plan showing proposed mid-block through-site link (Source: Applicant's RTS)



Figure 40 | Section of proposed east-west through-site link, looking towards Hunter Street (Source: Applicant's RTS)

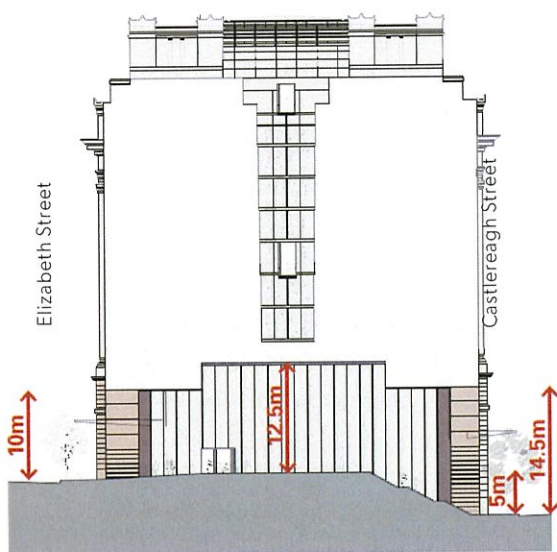


Figure 41 | Section plan showing proposed height dimensions of through-site link (Source: Applicant's RtS)



Figure 42 | Elizabeth Street entrance to through-site link (Source: Applicant's RtS)

The DRP provided detailed advice on the design and operation of the through-site link. The DRP focused on how to maximise the public character and public feel of the space. The DRP gave advice with respect to proposed dimensions, materials and finishes, accessibility, weather protection at the thresholds, signage, wayfinding, public art and retail offering. The DRP recommended high-quality materials on all surfaces, extensive opening hours, generous dimensions, entries that are easily identifiable from the street and the minimisation of any corporate signage.

The Applicant amended the design and finishes of the through-site link in response to feedback from the DRP. The Applicant described the proposed link as a "grand public room". The Applicant also proposed to install three public art works that were previously on the site prior to the CSSI demolition works. These works comprise the Tom Bass "P&O Wall Fountain" and two Douglass Annand sculptures "Four Continental Animals" and "Mermaid". The Applicant proposed the artworks be integrated into the walls of the through-site link and be shown as they were originally intended by the artist, including their heights above walls/entries and the nature of surrounding materials and finishes.

GANSW also considered the through-site link is generous and will have the feel of a grand public room and is distinguishable from the office lobby. GANSW supported the proportions of the through-site link, materials selection within the through-site link and the placement and details of the artworks.

The Department accepts the advice of the DRP and GANSW and considers the through-site link will deliver public benefits and have good amenity. The Department notes the proposed link will increase the amount of the publicly accessible space of the Martin Place Station Precinct and supports weather protected pedestrian circulation around the northern entrance of the Metro Station. The Department also supports the generous dimensions of the proposed link and the installation of public artworks.

The Department therefore recommends conditions requiring details of materials for the through site link (including the installation of public art) be finalised with the support of further advice from the DRP prior to the issue of the relevant Construction Certificate (**Conditions B13 and B14**).

6.5 Design Excellence

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

The application is required to adopt and implement the Design Excellence Strategy endorsed by the Concept Approval, which included the establishment of an independent Design Review Panel chaired by GANSW and with a representative from Council. The Design Excellence Strategy endorsed the DRP process in lieu of a competitive design process under SLEP 2012.

Council objected to the Design Excellence Strategy during assessment of the Concept Approval and recommended a competitive design process should be held. Council's submission for the current application also contended that a competitive design process would achieve a better outcome for design excellence when compared to the proposed design review process.

The Concept Approval established the requirement for the Design Review Panel (**Condition A14 of SSD 8351**) and endorsed the Martin Place Station Precinct Consolidated Design Guidelines (**Condition A13 of SSD 8351**) to direct the detailed design of the Station and OSDs. The Department notes the Sydney Metro DRP established under the infrastructure approval (CSSI 7400) was convened concurrently with the DRP to assist with achieving an integrated design outcome for the Martin Place Station Precinct. The DRP also has common panellists with the Sydney Metro DRP to ensure consistent advice and adequate expertise.

The Design Excellence Strategy stated the key benefits arise from an integrated design review include:

- enhanced architectural opportunities and benefits for the station such as the creation of grand civic entrances that are fully coordinated with the OSD
- comprehensive structural and services integration to co-locate convergent areas
- clearer legibility of street level functions through coordination of entrances, retail areas and other functions.

The DRP has met on ten occasions since the Concept Approval. The Department attended and observed each session. Minutes of the meetings prepared by GANSW are referenced in the Applicant's EIS and RtS and further information.

Consideration

The DRP advised the proposal can achieve design excellence. GANSW acknowledged the work of the DRP and advised the attributes summarised in **Table 10** below contribute to the proposal's design excellence.

Table 10 | GANSW advice on elements of the proposal contributing to design excellence

Design Aspect	GANSW advice on attributes of the proposal
Built form	Elegant form and massing of the podium and tower including the transition of a tower to ground form at the northern end of the site and an articulated podium element that responds to the existing building at 50 Martin Place, a setback of the tower from the lift over-runs above 50 Martin Place, a recessed terrace where the tower meets the podium, corner curvature reducing the extent of flat surface on the east and west elevations, and reference to the oculus of 50 Martin Place expressed in the southern elevation.
Architectural expression	Architectural expression and materials, including the language of curved elements and use of curtain wall and faceted glass to the tower such that a smooth curvature is always achieved where curved surfaces are proposed, and expressed fins to the podium that are articulated to demonstrate and express the differing conditions of the Elizabeth and Castlereagh Street facades

Through-site link	Inclusion of a generous through site link that provides a grand public room distinguishable from the Macquarie lobby, that is open from early morning to late at night, with a material selection appropriate to such a significant public and civic space.
Heritage artworks	Mounting of the Tom Bass sculptures on stone, and the placement of the Bass and Douglas Annand works relative to each other that reflects their historic relationship
Activation	Demonstration of a holistic activation strategy that informs the design of retail spaces and their relationship to the public realm and Metro station

The Department is satisfied the proposal followed the design excellence process endorsed by the Concept Approval and responded to the advice of the independent DRP. The Department accepts the recommendation of the DRP that the proposal exhibits design excellence. The Department also considers the DRP process held concurrently with the Metro DRP facilitated integrated design resolution that would otherwise be difficult to achieve if a competitive design process were held for the OSD only.

The Department further recommends a Design Integrity Review (DIR) process should be put in place where any future design changes, particularly on the key aspects contributing to design excellence (as identified in **Table 10**) can be referred for further advice from the DRP (**Condition B6**). For instance, and without limiting the discretion recommended, if the podium articulation is proposed to change such that its relationship with 50 Martin Place is altered, the DRP can be engaged to provide advice to the design team and ensure design integrity is maintained.

The Department's assessment concludes the proposal satisfies the Design Excellence requirements of the SLEP as detailed in **Appendix E**. The Department has also considered the proposal against the matters specified in Clause 6.21(4) of SLEP 2012 as detailed in **Appendix E**. The Department is satisfied that the proposal will deliver a high standard of architectural, urban and landscape design outcome for the site.

6.6 Other Issues

The Department's consideration of other issues is summarised in **Table 11**. These are issues raised by Council or in agency submissions which are not otherwise key issues addressed above.

Table 11 | Summary of other issues raised

Issue	Findings	Recommended Condition
Building signage	<ul style="list-style-type: none"> Council did not support the initial proposal having 3 tower signage zones. Council also recommended the detail of signage be subject to a further development application. The RtS reduced tower signage to two signage zones and included design details showing how signage would be affixed to the tower. The Department notes that the signage strategy as amended is compliant with the Sydney DCP 2012 and considers the proposed signage zones are suitable and appropriate to the building form. The Department considers the proposed signage zones are appropriate subject to conditions. 	A condition is recommended that the design details of the signage within the signage zones be subject to approval of the Planning Secretary prior to the issue of the relevant Construction Certificate (Condition B17).

Retail use and activation	<ul style="list-style-type: none"> • The proposal includes creation of retail spaces at the lower ground floor and upper ground floor with access from the internal lobby or Elizabeth and Castlereagh Streets. • The EIS and RtS confirmed retail use and fitout does not form part of the application and will be subject to further applications. • The RtS included a Retail Strategy providing some direction on the type of uses that may be appropriate for each proposed tenancy. • The DRP wanted further information how the Retail Strategy relates holistically to the activation and retail spaces within the CSSI station areas. The DRP also wanted to see greater social inclusion in retail choices so that low price options are distributed. 	<p>Conditions are recommended that:</p> <ul style="list-style-type: none"> (a) the detailed fitout and use of the retail tenancies are subject to separate development consent (Condition A6). (b) a revised Retail Strategy is prepared in consultation with the DRP and submitted to the Planning Secretary for approval including consideration of the broader Precinct, diversity and social-inclusiveness (Conditions B15 and B16)
Shared loading, bicycle parking and end of trip facilities	<ul style="list-style-type: none"> • Council did not support the use of the North Site loading, bicycle parking and end of trip facilities by the South Site occupants due to the distance between. Council recommends the South Site basement be redesigned to allow these uses. Council also raised issue with the number of loading facilities. • Transport for NSW (RMS) and Transport for NSW did not raise any issues about the loading dock arrangement or the number of spaces proposed. • The Department notes the South Site does not have any basement OSD uses as the station occupies the site footprint. However, the South Site does have a small loading dock with access off Castlereagh Street. • The Department considers it preferable to have shared loading facilities where the North Site can handle larger vehicles. Consolidation to one site will minimise pedestrian and cyclist impacts and maximise active frontage to the South Site. 	<p>Conditions are recommended in relation to the operation of the shared facilities. An easement for access across the land parcels is to be created and opening times are to be in line with business hours of the office and retail land uses (Condition E2).</p>
Bicycle parking and end-of-trip facilities	<ul style="list-style-type: none"> • Council raised issue in relation to the number of bicycle parking spaces proposed. Council argued bicycle parking and end-of-trip facilities should be provided per Sydney DCP 2012 rates. • The Applicant argued the bike parking and end-of-trip facilities are appropriate because of the central location of the site, the accessibility to public transport and the allowance for 7.5% of cycling mode share in the scheme compared to 2% current mode share in the CBD. The Applicant also noted that DCPs do not apply to SSD applications. • Transport for NSW (RMS) and TfNSW did not raise issues with the bicycle and end-of-trip facilities proposed. • The Department is satisfied with the number of bike parking spaces for the proposal (674 staff and visitor spaces for the North Tower 	<p>The recommended conditions include a requirement to provide a Green Travel Plan and transport access guide for employees and visitors to assist in achieving maximum public transport and active transport use.</p> <p>Conditions are also recommended requiring the number of bicycle parking spaces and end-of-trip facilities committed to in the application (Conditions B30 and B31).</p>

	and 50 Martin Place) and end-of-trip facilities (764 lockers and 72 showers).	
OSD and CSSI integration	<ul style="list-style-type: none"> • Council raised issues in relation to coordination of the CSSI and the OSD. These included the customer path of travel within the station, ground conditions along Hunter Street, flood gates at ground level and separate consideration of the public domain between the CSSI and OSD. • The Department is satisfied the conditions of the CSSI approval will resolve the public domain outcomes of the site and that the CSSI DRP has oversight of the detailed design of the station works and ground plane integration, including integration with the OSD. 	No conditions are necessary in relation to this issue.
Environmental Performance	<ul style="list-style-type: none"> • The DRP requested an independent review of the thermal performance of the building. The review was carried out by Flux Consultants and confirmed that thermal performance was satisfactory with the proposed internal and external shading devices and high performance glazing. Combined with other passive and active sustainability measures, the façade design enables the project sustainability targets to be achieved. • The scope of the independent façade review was expanded to include the review of glare from the facades onto pedestrians and drivers, and reflected solar heat from the facades onto the public domain. Glare and reflected heat were found to be acceptable and the DRP was briefed on the findings. 	The Department recommends a standard condition be applied to require compliance to be achieved with the Sydney DCP standard of normal specular reflectivity of all façade materials being limited to 20% (Condition B12) .
Construction Management	<ul style="list-style-type: none"> • The EIS and RtS includes suitable assessment with respect to construction impacts including construction traffic management, noise, vibration and air quality. 	The Department recommends conditions for future management plans to be lodged for construction management matters. For example, TfNSW and the Department require the Applicant to consult the Sydney Coordination Office in relation to construction traffic, pedestrian and cyclist management (Conditions C16 to C22) .



7. Evaluation

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

The development supports the achievement of the strategic aims and objectives of local, regional and State planning policies. At the State and regional level, the proposal is consistent with The Greater Sydney Commission's 'A Plan for Growing Sydney', the Eastern City District Plan. The proposal will deliver 6,500 additional jobs directly above the new Martin Place Metro Station.

The Department's assessment concludes the proposed built form of the development is consistent with the Stage 1 Concept Approval and the height and floor space standards in SLEP, specific to the Martin Place Station Precinct. It also confirms the proposed building will result in an increase in solar access to Martin Place when compared to the approved building envelope.

The Department considers the proposal respects the heritage and architectural integrity of 50 Martin Place in its form, articulation, setbacks and materials. The Heritage Council supported the proposal subject to further consultation in the Applicant's preparation of a heritage interpretation plan for construction. The Department accepts the height, form and proportions of the proposed tower and podium responded appropriately to the varied and distinctive streetscape of the Martin Place Station Precinct and is compatible with surrounding built forms, including the former Qantas House and City Mutual Building to the north and the tower forms of 8 Chifley Square and the Deutsche Bank Building to the east along Hunter Street.

The design of the proposal adopted the advice of the independent Design Review Panel (DRP). The panel supported the design resolution of the elegant tower form, its transition and relationship to 50 Martin Place, and a public through site link integrating with the Metro Station entrance. The Department agrees with the recommendation of the DRP that the proposal will achieve Design Excellence. The Department recommends conditions to maintain design integrity of the proposal, including procedures to seek further advice from the DRP, particularly on the public through-site link and retail strategy (**Conditions B13 and B16**).

The Department considers other impacts of the development are satisfactory and can be appropriately mitigated through the implementation of the recommended conditions of consent.

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



8. Recommendation

It is recommended that the Minister for Planning:

- **considers** the findings and recommendations of this report; and
- **accepts and adopts** all of the findings and recommendations in this report as the reasons for making the decision to grant approval to the application;
- **agrees** with the key reasons for approval listed in the notice of decision;
- **grants consent** for the application in respect of Martin Place Station Precinct North Site (SSD 9270), subject to the conditions in the attached development consent;
- **signs** the attached development consent and recommended conditions of consent (see **Appendix G**).

Recommended by:

David McNamara

Director

Key Sites Assessments

Recommended by:

11/07/2019

Anthea Sargeant

Executive Director

Key Sites and Industry Assessments



9. Determination

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

The Hon. Robert Stokes

NSW Minister for Planning and Public Spaces



Appendices

Appendix A - List of documents

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

1. Environmental Impact Statement

<https://www.planningportal.nsw.gov.au/major-projects/project/9616>

2. Submissions

<https://www.planningportal.nsw.gov.au/major-projects/project/9616>

3. Applicant's Response to Submissions

<https://www.planningportal.nsw.gov.au/major-projects/project/9616>

Appendix B - Environmental Impact Statement

See the Department's website at:

<https://www.planningportal.nsw.gov.au/major-projects/project/9616>

Appendix C – Submissions

See the Department's website at:

<https://www.planningportal.nsw.gov.au/major-projects/project/9616>

Appendix D – Response to Submissions Report

See the Department's website at:

<https://www.planningportal.nsw.gov.au/major-projects/project/9616>

Appendix E – Statutory Considerations

Objects of the Environmental Planning and Assessment Act

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

Table 12 | Response to the Objects of Section 1.3 of the EP&A Act

Objects of Section 1.3 of the EP&A Act	Consideration
(a) to promote the social and economic welfare of the community and a better environment by the proper management, development and	<ul style="list-style-type: none">• the proposal promotes the social and economic welfare of the community by providing significant employment within a highly accessible site for transport and urban services, and, in doing so, contributing to the achievement of State and regional planning objectives.• the proposal comprises development above the approved station infrastructure and does not have any impacts on the State's natural or other resources.

Objects of Section 1.3 of the EP&A Act	Consideration
conservation of the State's natural and other resources	
(b) to facilitate ecologically sustainable development by integrating relevant economic, environmental and social considerations in decision-making about environmental planning and assessment	<ul style="list-style-type: none"> The proposal has integrated ESD principles as discussed in Section 4.3.3.
(c) to promote the orderly and economic use and development of land	<ul style="list-style-type: none"> the proposal represents the orderly and economic use of land primarily as it will increase employment opportunities in close proximity to services and public transport. The proposed land uses are permissible, and the form of the development has regard to the planning controls that apply and the character of the locality.
(d) to promote the delivery and maintenance of affordable housing	<ul style="list-style-type: none"> not applicable.
(e) to protect the environment, including the conservation of threatened and other species of native animals and plants, ecological communities and their habitats	<ul style="list-style-type: none"> the proposal, comprising commercial development above the Metro station, will not have any natural environmental impacts.
(f) to promote the sustainable management of built and cultural heritage (including Aboriginal cultural heritage)	<ul style="list-style-type: none"> the Department considers that the heritage impacts of the development are acceptable, as set out in Section 6.3.
(g) to promote good design and amenity of the built environment	<ul style="list-style-type: none"> the proposal demonstrates a suitable design approach to the relevant planning controls and local character. Amenity impacts in the locality are managed by the form of the development and recommended conditions.
(h) to promote the proper construction and maintenance of buildings, including the protection of the health and safety of their occupants	<ul style="list-style-type: none"> construction impacts are considered in this assessment.
(i) to promote the sharing of the responsibility for environmental planning and assessment between the different levels of government in the State	<ul style="list-style-type: none"> The Department publicly exhibited the DA as outlined in Section 5. This included consultation with Council and other public authorities and consideration of their responses.
(j) to provide increased opportunity for community participation in	<ul style="list-style-type: none"> The Department publicly exhibited the DA which included notifying adjoining landowners, placing a notice in the press and displaying the application on the Department's

Objects of Section 1.3 of the EP&A Act	Consideration
environmental planning and assessment.	<p>website, Council's office and Service NSW Offices. The Department also provided the RtS to Council and agencies for further review and placed the RtS on its website.</p> <ul style="list-style-type: none"> All engagement carried out by the Department is detailed in Section 5 of this assessment.

Environmental Planning Instruments

To satisfy the requirements of section 79C(a)(i) of the EP&A Act, this report includes references to the provisions of the EPIs that govern the carrying out of the project and have been taken into consideration in the Department's environmental assessment.

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

- State Environmental Planning Policy (State & Regional Development) 2011
- State Environmental Planning Policy (Infrastructure) 2007
- State Environmental Planning Policy No. 55 – Remediation of Land
- Draft State Environmental Planning Policy (Remediation of Land)
- State Environmental Planning Policy No. 64 – Advertising and Signage
- Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005
- Draft State Environmental Planning Policy (Environment)
- Sydney Local Environmental Plan 2012 (SLEP 2012).

While not applicable to State significant development, the Department has also considered the proposed development against the relevant guidelines in the Sydney Development Control Plan 2012 (SDCP 2012).

State Environmental Planning Policy (State and Regional Development) 2011 (SRD SEPP)

The development is State Significant Development under Clause 19 of Schedule 2 of SEPP. The Minister for Planning is the consent authority for the application. The table below considers clauses of the SEPP relevant to this application.

Table 13 | Response to SRP SEPP

Relevant Section	Department's Consideration
<p>3 Aims of Policy The aims of this Policy are:</p> <p>(a) to identify development that is State significant development,</p> <p>(b) to identify development that is State significant infrastructure and critical State significant infrastructure,</p> <p>(c) to identify development that is regionally significant development.</p>	<p>The proposed development is identified as State significant development.</p>

**8 Declaration of State significant development:
Section 4.36**

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

The proposed development is permissible with consent and is specified in Schedule 1 (see below).

8A Designation of Independent Planning Commission as consent authority for certain State significant development

- (1) The Independent Planning Commission is declared under Section 4.5(a) of the Act to be the consent authority for [sub-clauses (a), (b) and (c):- development where Council objects, development where at least 25 objections have been made, development where a political donation has been made] unless the application is made by or on behalf of a public authority or unless the development is declared to be State significant infrastructure related development under subclause (1A).
- (1A) The Minister may, if of the opinion that any State significant development is related to State significant infrastructure, declare, by Ministerial planning order, that the development is State significant infrastructure related development for the purposes of this clause.

On 10 September 2018, the Minister made the *State Environmental Planning Policy (State and Regional Development) (Martin Place Precinct) Order 2018* and declared the North Site SSD 9270, as well as two other State Significant Development applications for the Martin Place Station Precinct (the Amending Concept DA SSD 9347 and the South Site SSD 9326) to be State significant infrastructure related development for the purposes of Clause 8A(1A). As such, the Minister is the consent authority for this application.

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

19 Rail and related transport facilities

Development within a rail corridor or associated with railway infrastructure that has a capital investment value of more than \$30 million for any of the following purposes:

- (a) commercial premises or residential accommodation

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

State Environmental Planning Policy (Infrastructure) 2007

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

The application was referred to Transport for NSW and Sydney Trains subject to the requirements of Clause 86 of the SEPP. Transport for NSW and Sydney Trains provided joint submissions to the EIS and RfS giving comments and recommended conditions.

State Environmental Planning Policy No. 55 – Remediation of Land

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

Draft State Environmental Planning Policy (Remediation of Land)

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

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

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

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

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

State Environmental Planning Policy No. 64 – Advertising and Signage

The application includes two top of building signage zones at the north and south elevations of the tower.

The Applicant has provided details of the proposed fixing of the signage to the tower to demonstrate that signs can be suitably installed within the overall architecture, including the curvature of the tower 'crown'. The signage zones are recommended for approval as they are consistent with the provisions of SEPP 64 (see below) and Sydney DCP 2012. However, the detailed design and installation of signage is subject to future approval of the Planning Secretary when the details are known, as set out in the recommended conditions (**Condition A5**).

Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005

The land is within the mapping of the Sydney Harbour Catchment REP. However, the only relevant matters for consideration are scenic quality and views to and from the Harbour. In response to these matters, the Department notes that the proposal is compliant with the scale, form and siting of the building envelope under the SLEP and Stage 1 Concept Approval and has no adverse impact on the maintenance or protection of views to and from the Harbour from public places, landmarks or heritage items. The Department supports the Applicant's Visual Impact Assessment Report finding that there are no adverse visual impacts as a result of the proposal.

Draft State Environmental Planning Policy (Environment)

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

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

Sydney Local Environmental Plan 2012 (SLEP 2012)

An assessment of the proposal against the aims, objectives, standards and relevant provisions of Sydney LEP 2012 is set out in the table below.

Table 14 | Response to SLEP 2012

Clause		Consideration and Comments
1.2 – Aims of Plan	<p>The aims of the plan are as follows:</p> <ul style="list-style-type: none"> a) to reinforce the role of the City of Sydney as the primary centre for Metropolitan Sydney, b) to support the City of Sydney as an important location for business, educational and cultural activities and tourism, c) to promote ecologically sustainable development, d) to encourage the economic growth of the City of Sydney by: <ul style="list-style-type: none"> (i) providing for development at densities that permit employment to increase, and (ii) retaining and enhancing land used for employment purposes that are significant for the Sydney region, e) to encourage the growth and diversity of the residential population of the City of Sydney by providing for a range of appropriately located housing, including affordable housing, f) to enable a range of services and infrastructure that meets the needs of residents, workers and visitors, g) to ensure that the pattern of land use and density in the City of Sydney reflects the existing and future capacity of the transport network and facilitates walking, cycling and the use of public transport, h) to enhance the amenity and quality of life of local communities, i) to provide for a range of existing and future mixed-use centres and to promote the economic strength of those centres, j) to achieve a high quality urban form by ensuring that new development exhibits design excellence and reflects the existing or desired future character of particular localities, k) to conserve the environmental heritage of the City of Sydney, l) to protect, and to enhance the enjoyment of, the natural environment of the City of Sydney, its harbour setting and its recreation areas. 	<p>The proposed increase in commercial floorspace and jobs with excellent public transport access within the Sydney CBD, will reinforce the City's role as the primary centre for Metropolitan Sydney, support the City as an important location for business and encourage economic growth.</p> <p>The proposal promotes ESD, and a condition is recommended requiring the proposal to achieve and explore opportunities to exceed the identified environmental performance targets.</p> <p>The proposal benefits from being above the new Metro station, providing access between homes and jobs, reflecting current and future transport capacity within the City and benefiting from existing walking and cycling networks.</p> <p>The proposal fits within the desired character of the area and heritage impacts are considered reasonable and mitigated.</p> <p>The proposal has minimal and reasonable solar access, visual and wind impacts on surrounding amenity.</p>

Part 2 – Permitted or prohibited development

2.3 – Land Use Table – Zone B8 Metropolitan Centre	<p>The site is within the B8 Metropolitan Centre zone. The objectives of the B8 zone are as follows:</p> <ul style="list-style-type: none"> a) To recognise and provide for the pre-eminent role of business, office, retail, entertainment and tourist premises in Australia’s participation in the global economy. b) To provide opportunities for an intensity of land uses commensurate with Sydney’s global status. c) To permit a diversity of compatible land uses characteristic of Sydney’s global status and that serve the workforce, visitors and wider community d) To encourage the use of alternatives to private motor vehicles, such as public transport, walking or cycling. e) To promote uses with active street frontages on main streets and on streets in which buildings are used primarily (at street level) for the purposes of retail premises. 	<p>The proposal achieves the objectives of B8 Metropolitan Centre zone by providing commercial floor space in the Sydney CBD.</p> <p>The proposed land uses are permissible with consent within the B8 Metropolitan Centre zone.</p>
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Part 4 – Principal development standards

4.3 – Height of buildings	<p>The relevant objectives of this clause are as follows:</p> <ul style="list-style-type: none"> a) to ensure the height of development is appropriate to the condition of the site and its context, b) to ensure appropriate height transitions between new development and heritage items and buildings in heritage conservation areas or special character areas, c) to promote the sharing of views, d) to ensure appropriate height transitions from Central Sydney and Green Square Town Centre to adjoining areas <p>The height of a building on any land is not to exceed the maximum height shown for the land on the Height of Buildings Map.</p>	<p>The proposed maximum height of RL 194 complies with the building height development standard (Section 2.2).</p>
4.4 – Floor space ratio	<p>The objectives of this clause are as follows:</p> <ul style="list-style-type: none"> a) to provide sufficient floor space to meet anticipated development needs for the foreseeable future, b) to regulate the density of development, built form and land use intensity and to control the generation of vehicle and pedestrian traffic, c) to provide for an intensity of development that is commensurate with the capacity of existing and planned infrastructure, d) to ensure that new development reflects the desired character of the locality in which it is located and minimises adverse impacts on the amenity of that locality. <p>The maximum floor space ratio for a building on any land is not to exceed the floor space ratio shown for the land on the Floor Space Ratio Map.</p>	<p>The proposal has an FSR of 17.3:1, and therefore complies with the FSR control (18.5:1) (Section 1.4).</p>

4.6 – Exceptions to development standards	<p>The objectives of this clause are as follows:</p> <ul style="list-style-type: none"> a) to provide an appropriate degree of flexibility in applying certain development standards to particular development, b) to achieve better outcomes for and from development by allowing flexibility in particular circumstances. 	<p>The proposal complies with the controls on the site and therefore a request for a variation under Clause 4.6 is not required.</p>
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Part 5 – Miscellaneous provisions

5.10 – Heritage conservation	<p>The objectives of this clause are as follows:</p> <ul style="list-style-type: none"> (1) to conserve the environmental heritage of the City of Sydney, (2) to conserve the heritage significance of heritage items and heritage conservation areas, including associated fabric, settings and views, (3) to conserve archaeological sites, (4) to conserve Aboriginal objects and Aboriginal places of heritage significance. 	<p>The Department consulted with the Heritage Council on the application. Heritage Council considered the submitted Heritage Impacts Statement (HIS) was satisfactory and recommend further consultation during key stages of the construction documentation for the project.</p> <p>The Department concluded the proposal has acceptable impacts to adjoining and surrounding heritage items subject to appropriate conditions (Section 6.3)</p>
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Part 6 – Local provisions – height and floor space

6.1 – Objective of Division (Floorspace in Central Sydney)	<p>The objectives of this Division are as follows:</p> <ul style="list-style-type: none"> a) to provide for additional floor space to be granted as an incentive for certain development in Central Sydney, b) to establish a framework for the transfer of development potential from the site of a heritage building to another site in Central Sydney. 	<p>The proposal does not seek bonuses for FSR beyond the site control of 18.5:1.</p>
6.4 – Accommodation floor space	<ul style="list-style-type: none"> (1) A building that is in an Area, and is used for a purpose specified in relation to the Area in paragraph (a), (b), (c), (d), (e), (f) or (g), is eligible for an amount of additional floor space (<i>accommodation floor space</i>) equivalent to that which may be achieved by applying to the building the floor space ratio specified in the relevant paragraph: <ul style="list-style-type: none"> (b) Area 1, office premises, business premises, retail premises, residential accommodation or serviced apartments—4.5:1 	<p>The proposal does not seek bonuses for FSR beyond the site control of 18.5:1.</p>

6.16 – Erection of tall buildings in Central Sydney	<p>(1) The objectives of this clause are to ensure that tower development on land in Central Sydney:</p> <ul style="list-style-type: none"> a) provides amenity for the occupants of the tower and neighbouring buildings, and b) does not adversely affect the amenity of public places, and c) is compatible with its context, and d) provides for sunlight to reach the sides and rear of the tower, and e) promotes the ventilation of Central Sydney by allowing the free movement of air around towers, and f) encourages uses with active street frontages. 	<p>The proposal seeks approval for a tower which complies with the provisions of this Clause. building envelope.</p> <p>The Department's assessment of the proposed building concludes that the proposal is compatible with its context and any impacts, such as, solar access, visual and wind impacts, on surrounding amenity and public spaces are minor and reasonable, subject to, conditions (Section 6).</p>
6.10 – Heritage floor space	<p>(1) Despite any other provision of this Part, development consent must not be granted to development in respect of a building on a site in Central Sydney that utilises any amount of additional floor space specified in paragraph (a), (b) (c), (d) or (e) unless the consent authority is satisfied that an amount of heritage floor space will be allocated to the site (whether because of a condition of consent or otherwise)</p>	<p>The proposal does not seek additional accommodation, opportunity site, design excellence or other floorspace beyond the site control in Clause 6.38.</p>
6.17 – Sun access planes	<p>(1) The objectives of this clause are:</p> <ul style="list-style-type: none"> a) to ensure that buildings maximise sunlight access to the public places set out in this clause, and b) to ensure sunlight access to the facades of sandstone buildings in special character areas to assist the conservation of the sandstone and to maintain the amenity of those areas <p>(2) The consent authority must not grant development consent to development on land if the development will result in any building on the land projecting higher than any part of a sun access plane taken to extend over the land under this clause.</p>	<p>The building envelope will not project higher than the Martin Place and Hyde Park North sun access planes respectively.</p>
6.17 – Overshadowing of certain public places	<p>(1) 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 specified locations (as shown with blue hatching on the Sun Access Protection Map) during the times specified in relation to those locations.</p>	<p>Solar access impacts of the proposal on Martin Place and Hyde Park are considered in Section 6.5.</p>
6.21 – Design Excellence	<p>The consent authority must not grant development consent unless in the opinion of the consent authority the proposed development exhibits design excellence. A competitive design process is required for large developments that trigger the thresholds in the Clause unless the consent authority is satisfied that such a process would be unreasonable or unnecessary in the circumstances.</p>	<p>The Department notes that the proposal has been subject to review by the Martin Place DRP and GANSW. Both find the proposal is capable of exhibiting design excellence, subject to resolution of certain detailed</p>

design matters before construction.

The Department considers that a competitive design process is unreasonable and unnecessary due to the design having been reviewed by the DRP as required by the conditions of the Concept Approval. This process has enabled the resolution of design matters efficiently and with greater integration with the approved station works than a single competitive process for the OSD.

The Department is satisfied that the proposal demonstrates design excellence and that the objective to deliver the highest standard of architectural, urban and landscape design is achieved. The Department's assessment of design excellence under Clause 6.21(4) is provided at the end of this table.

<p>6.38 – Certain land in the vicinity of Martin Place</p>	<p>(1) This clause applies to the following land: (a) 8–12 Castlereagh Street, Sydney, being Lots 1 and 2, DP 929277 and Lot 1, DP 173027, (b) 5 Elizabeth Street, Sydney, being Lot 2, DP 548142, (c) 7 Elizabeth Street, Sydney, being SP 13171, (d) 9–19 Elizabeth Street, Sydney, being Lot 1, DP 526161, (e) 55 Hunter Street, Sydney, being Lot 1, DP 222356, (f) 39–49 Martin Place, Sydney, being Lots 1 and 2, DP 1103195, (g) 50 Martin Place, Sydney, being Lot 1, DP 182023.</p> <p>(2) Despite clause 4.3, the maximum building height for any part of a building on land referred to in subclause (1) (f) that is not less than 8 metres from the boundary adjoining Martin Place is the height of the Hyde Park North 2B sun access plane (as determined in accordance with clause 6.17 (9)).</p> <p>(3) Despite clause 4.4, the maximum floor space ratio for a building is as follows: (a) in relation to a building on land referred to in subclause (1) (f)—22:1, (b) in relation to a building on any other land to which this clause applies—18.5:1.</p> <p>(4) Despite any other provision of this Plan, a building erected on land to which this clause applies must not be used for the purpose of residential accommodation or serviced apartments</p>	<p>The proposal is for the land referred to in sub-clauses 1(a) to (g) excluding 1(f): 39-49 Martin Place.</p> <p>As such, the maximum FSR standard is 18.5:1 and there is no maximum height control in Clause 6.38.</p> <p>The proposal complies with the maximum FSR standard as it has an FSR of 17.7:1 including the station GFA.</p>
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Part 7 – Local provisions – General

7.15 – Flood planning	<p>(1) The objectives of this clause are as follows:</p> <ul style="list-style-type: none"> a) to minimise the flood risk to life and property associated with the use of land, b) to allow development on land that is compatible with the land's flood hazard, taking into consideration projected changes as a result of climate change, c) to avoid significant adverse impacts on flood behaviour and the environment. <p>(2) This clause applies to land at or below the flood planning level.</p> <p>(3) Development consent must not be granted to development on land to which this clause applies unless the consent authority is satisfied that the development:</p> <ul style="list-style-type: none"> a) is compatible with the flood hazard of the land, and b) is not likely to significantly adversely affect flood behaviour resulting in detrimental increases in the potential flood affectation of other development or properties, and c) incorporates appropriate measures to manage risk to life from flood, and d) is not likely to significantly adversely affect the environment or cause avoidable erosion, siltation, destruction of riparian vegetation or a reduction in the stability of river banks or watercourses, and e) is not likely to result in unsustainable social and economic costs to the community as a consequence of flooding. 	<p>A Stormwater Management and Flooding Report was provided as part of the EIS. This shows that flood risk to the site is generally isolated to Hunter Street and provides mitigation measures. The pedestrian and vehicle accesses to the OSD are subject to flood planning levels compliant with the City of Sydney Interim Floodplain Management Policy. The Stormwater and Flooding Report confirms that these entries have compliant levels.</p>
7.16 – Airspace operations	<p>(1) The objectives of this clause are as follows:</p> <ul style="list-style-type: none"> a) to provide for the effective and on-going operation of the Sydney (Kingsford-Smith) Airport by ensuring that such operation is not compromised by proposed development that penetrates the Limitation or Operations Surface for that airport, b) to protect the community from undue risk from such operation. <p>(2) If a development application is received and the consent authority is satisfied that the proposed development will penetrate the Limitation or Operations Surface, the consent authority must not grant development consent unless it has consulted with the relevant Commonwealth body about the application.</p> <p>(3) The consent authority may grant development consent for the development, if the relevant Commonwealth body advises that:</p> <ul style="list-style-type: none"> a) the development will penetrate the Limitation or Operations Surface but it has no objection to its construction, or b) the development will not penetrate the Limitation or Operations Surface. 	<p>The Commonwealth Department of Infrastructure and Regional Development (DIRD) and Sydney Airport (as delegate of the CDIRD) have approved the proposed penetrations of the Limitation or Operations Surface for Sydney Airport for the site.</p>
7.20 – Development requiring or authorising preparation of a	<p>Development consent must not be granted to development in Central Sydney for a site of more than 1,500m² or height greater than 55 metres unless a development control plan has been prepared for the land.</p>	<p>The proposal is in accordance with Sections 4.22 and 4.23 of the EP&A Act which allows for the lodgement of a staged</p>

development
control plan

development application in lieu of
a site-specific DCP.

Consideration of SLEP Clause 6.21(4) – Design Excellence

The Department has assessed the proposal against the matters for consideration in Clause 6.21(4) of SLEP 2012 in the table below. The Department considers the proposal exhibits design excellence as it addresses the requirements of the Clause and has been subject to the Design Excellence Strategy including detailed advice from the Martin Place Design Review Panel.

Table 15 | Response to Design Excellence clause in SLEP 2012

Clause 6.21 (4)	Consideration /Recommendations
(a) whether a high standard of architectural design, materials and detailing appropriate to the building type and location will be achieved	<p>The design, materials and detailing of the proposal is of a high standard and has been subject to review and feedback from the Design Review Panel. The DRP confirmed on 30 April 2019 they are confident the project is capable of achieving design excellence.</p> <p>The recommended conditions include the requirement for the final selection of the detailed external materials and finishes to be subject to approval prior to the release of a Construction Certificate (Condition B11).</p>
(b) whether the form and external appearance of the proposed development will improve the quality and amenity of the public domain	<p>The form and external appearance of the proposal is befitting of its location and context around Martin Place and the Sydney CBD and will improve the visual outlook from the public domain. The proposal also integrates with the station entrances and infrastructure below to deliver a resolved and activated streetscape outcome.</p> <p>The public domain is also subject to the Station Design Precinct Plan (Condition E101) of the infrastructure approval for the Metro Station (CSSI 7400).</p>
(c) whether the proposed development detrimentally impacts on view corridors	<p>The proposal complies with the maximum building envelope assessed with the Stage 1 Concept and does not impact on any existing view corridors or landmarks. In particular, views to the GPO Clock Tower, the Sydney Eye Hospital and the sky above Martin Place are not affected.</p>
(d) how the proposed development addresses the following matters:	<i>see below</i>
(i) the suitability of the land for development,	<p>The site is suitable for the proposed development. The land benefits from the approved Stage 1 Concept for an office tower of the proposed bulk, scale and general configuration.</p>
(ii) the existing and proposed uses and use mix	<p>Previous developments at the site have since been demolished as part of approved works for the new Metro Station (CSSI 7400).</p>

The site is located in the B8 Metropolitan Centre zone, where the proposed commercial uses are permissible with development consent.

The use of the site for a commercial office tower with some retail uses is highly suitable for the site. The proposal is directly above the new Metro station and in the heart of Central Sydney.

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|--|---|
| (iii) any heritage issues and streetscape constraints, | The Department's assessment concludes the proposal has acceptable impacts to adjoining and surrounding heritage items (see Section 6.3) subject to the further consultation with the Heritage Council (Conditions A26) and oversight by the project heritage architect (Condition B10). |
| (iv) the location of any tower proposed, having regard to the need to achieve an acceptable relationship with other towers (existing or proposed) on the same site or on neighbouring sites in terms of separation, setbacks, amenity and urban form | The Department's assessment concludes the proposed tower has an acceptable form and relationship within its context and with adjoining towers as discussed in Section 6.1 . |
| (v) the bulk, massing and modulation of buildings | <p>The height of the building complies with the Martin Place Sun Access Plane contained in SLEP.</p> <p>The bulk and scale of the proposed building envelope is compatible with surrounding developments (See Section 6.1).</p> |
| (vi) street frontage heights | The Department is satisfied the street frontage height of the development reflects the heritage context of 50 Martin Place toward the south and an integrated contemporary tower form toward the north (see Section 6.3). A horizontal recess along Castlereagh Street and Elizabeth Street gives the proposal a strong street wall condition. The stone materials and finish provide a consistent base with surrounding buildings including 50 Martin Place. |
| (vii) environmental impacts, such as sustainable design, overshadowing and solar access, visual and acoustic privacy, noise, wind and reflectivity | The Department is satisfied that the proposal has been designed to minimise environmental impacts within the site and surroundings. The Department's assessment has carefully considered sustainability, overshadowing, visual and acoustic privacy, noise, wind and reflectivity. The DRP has also reviewed each of these matters and is confident the proposal is capable of achieving design excellence subject to conditions (Conditions B1 to B8). |
| (viii) the achievement of the principles of ecologically sustainable development | The Department is satisfied the proposal is consistent with the principles of ecological sustainable development as discussed under Section 4.3.3 . |

(ix) pedestrian, cycle, vehicular and service access and circulation requirements, including the permeability of any pedestrian network	The Department is satisfied the proposal has suitable arrangement for pedestrian, cycle, vehicular and service access and circulation (see Section 6.6). The design of public domain and pedestrian access for the site is subject to the Station Design Precinct Plan (Condition E101 of CSSI 7400) and Interchange Access Plan (Condition E92 of CSSI 7400) of the separate infrastructure approval (CSSI 7400) for the Metro Station.
(x) the impact on, and any proposed improvements to, the public domain	The submitted application includes details on how the proposed over station development integrates with the approved station to ensure an overall good urban design and public domain outcome.
(xi) the impact on any special character area	The proposed tower is not located within a special character area. Whilst 50 Martin Place is within the Martin Place Special Character Area, there are no proposed external works that have an impact on the area.
(xii) achieving appropriate interfaces at ground level between the building and the public domain	The Department is satisfied the design addresses how the proposed over station development integrates with the approved station to ensure an overall good urban design and public domain outcomes.
(xiii) excellence and integration of landscape design	There is limited landscaping opportunities for the proposal due to limited site area and the CBD development context. The proposal includes a landscaped terrace facing Martin Place above the podium. Appropriate landscaping details have been provided for this terrace.

Sydney Development Control Plan 2012 (SDCP 2012)

In accordance with Clause 11 of the SRD SEPP, the SDCP 2012 does not apply to State significant development. Notwithstanding, the Department has considered the proposed development against the relevant guidelines in the SDCP 2012 below and considers that the proposal is appropriate in this regard.

Table 16 | Response to SDCP 2012

Section	Relevant control / criteria	Consideration and comments
2.1.7 – Martin Place Special Character Area	<ul style="list-style-type: none"> a) Development must achieve and satisfy the outcomes expressed in the character statement and supporting principles. b) Conserve and enhance the significance of Martin Place as one of Central Sydney’s grand civic and ceremonial spaces, and as a valued business location. c) Retain and enhance the urban character, scale and strong linear enclosure of Martin Place by requiring new buildings to: <ul style="list-style-type: none"> i. be built to the street alignment ii. have street frontage heights consistent with the prevailing form of buildings in the area iii. to have building setbacks above those street frontage heights. 	<p>The form of the proposal provides a building with a consistent street wall height of up to 45 m and provides a strong linear relationship with the height datum of 50 Martin Place (Section 6.1).</p> <p>The proposal retains 50 Martin Place and includes pedestrian connection works to the</p>

	<ul style="list-style-type: none"> a) Protect and extend sun access and reflected sunlight to Martin Place during lunchtime hours from mid-April to the end of August. b) Provide sun access to significant sandstone buildings in Martin Place to improve the ground level quality of the public space. c) Protect existing significant vistas to the east and west and ensure new development will not detrimentally affect the silhouette of the GPO clock tower. d) Retain human scale at street level, while respecting and positively responding to the monumental nature of the place. e) Conserve and enhance the heritage significant of the nineteenth and twentieth century institutional and commercial buildings and their settings. 	<p>northern elevation of the building.</p> <p>The Department's assessment considers that overshadowing impacts to Martin Place are reasonable, minor and compliant with the conditions of the Stage 1 Concept Approval (Section 6.1).</p>
2.1.12 –Chifley Square Special Character Area	<ul style="list-style-type: none"> a) Development must achieve and satisfy the outcomes expressed in the character statement and supporting principles. b) Recognise and enhance Chifley Square as one of the important public open spaces in the heart of the financial centre of the city c) Promote and encourage the use of the space as a destination and meeting place for people. d) Interpret the history of the place and its evolution in the design of both public and private domain and create a distinct sense of place inherent in the character of Chifley Square. e) Reinforce the urban character and distinct sense of enclosure of Chifley Square by: <ul style="list-style-type: none"> i. emphasising and reinforcing the semi-circular geometry of the space; ii. requiring new buildings to be integrated with the form of existing buildings; and iii. limiting the height of new buildings. f) Protect and extend sun access to Chifley Square during lunchtime hours from mid-April to the end of August. 	<p>The proposal does not impact on the amenity of the square in terms of solar access.</p>
s 3.1 – Public domain	<p>The DCP provides guidance on the design of public domain works to ensure that development makes a positive contribution to the public domain.</p>	<p>The approved CSSI includes the design and construction of the station footprint and surrounding public domain below the OSD. The Department is satisfied that the OSD design is integrated with the CSSI works.</p>
s.3.1.5 – Public art	<p>The DCP provides guidance on integrating public art into the fabric of the building and the public domain.</p>	<p>The Department considers the proposed approach to public art to be satisfactory. This includes relocation of three heritage artworks to the public through-site link and new OSD public art.</p>
3.2.1 –Improving the Public Domain	<p>(a) Enhance the public domain by ensuring adequate sun access to publicly accessible spaces and protecting significant views from public places.</p>	<p>Solar access impacts are considered in Section 6.4. Overshadowing impacts on</p>

		Martin Place are considered and satisfactory.
3.2.5 – Colonnades	Discourage the provision of colonnades, except in exceptional circumstances.	No colonnade is proposed.
3.2.6 – Wind effects	Ensure that new developments satisfy nominated wind standards so as to maintain comfortable conditions for pedestrians and encourage the growth of street trees.	The Department is satisfied with the Wind Assessments provided with the EIS and RtS in terms of the amenity of pedestrians and internal amenity of future occupants of the building.
3.3 – Design excellence and competitive design Process	<p>(a) Ensure high quality and varied design through the use of competitive design processes for large and prominent developments.</p> <p>(b) Ensure development individually and collectively contributes to the architectural and overall urban design quality of the local government area.</p> <p>(c) Encourage variety in architectural design and character across large developments to provide a fine grain which enriches and enlivens the City’s public realm.</p>	<p>The Department notes that the proposal is subject to an endorsed Design Excellence Strategy from the approved Stage 1 Concept and the proposal complies with that Strategy.</p> <p>The appropriateness of the building envelopes, for example in terms of consistency with the desired character of the area, is set out in Section 6.1.</p>
3.6 – Ecologically Sustainable Development	<p>(a) Apply principles and processes that contribute to ecologically sustainable development (ESD).</p> <p>(b) Reduce the impacts from development on the environment.</p> <p>(c) Reduce the use of resources in development and by development over its effective life.</p> <p>(d) Reduce the cause and impacts of the urban heat island effect.</p> <p>(e) Increase the resilience of development to the effects of climate change.</p> <p>(f) Ensure that greenhouse gas emissions will be reduced.</p>	<p>An assessment of the proposal in terms of ESD is provided in Section 4.5.</p> <p>The Department is satisfied that the minimum environmental performance targets and other sustainability initiatives are able to achieve the principles of ESD in accordance with the objects of the EP&A Act.</p> <p>A condition is recommended requiring the Applicant implement the ESD initiatives identified.</p>

- (g) Increase the use of cogeneration and tri-generation systems.
- (h) Replace intensive carbon power sources with low carbon and renewable energy.
- (i) Reduce the use of potable water.
- (j) Ensure that development can adapt to climate change.
- (k) Ensure that waste will be reduced.
- (l) Increase the use of products from recycled sources.
- (m) Improve indoor environmental quality.
- (n) Reduce the environmental impact from building materials through reduction, re-use and recycling of materials, resources and building components.
- (o) Improve the biodiversity.

3.7 – Water and Flood Management	<ul style="list-style-type: none"> (a) Ensure an integrated approach to water management across the City through the use of water sensitive urban design principles. (b) Encourage sustainable water use practices. (c) Assist in the management of stormwater to minimise flooding and reduce the effects of stormwater pollution on receiving waterways. (d) Ensure that development manages and mitigates flood risk, and does not exacerbate the potential for flood damage or hazard to existing development and to the public domain. (e) Ensure that development above the flood planning level as defined in the Sydney LEP 2012 will minimise the impact of stormwater and flooding on other developments and the public domain both during the event and after the event. (f) Ensure that flood risk management addresses public safety and protection from flooding. 	A Stormwater Management and Flooding Report was provided as part of the EIS. This shows that flood risk to the site is isolated to Hunter Street and provides mitigation measures.
3.9 – Heritage	(a) Ensure that heritage significance is considered for heritage items, development within heritage conservation areas, and development affecting archaeological sites and places of Aboriginal heritage significance.	Based on the advice of the Heritage Council and the DRP, heritage impacts of the proposal are considered acceptable (Section 6.3).

		Martin Place are considered and satisfactory.
3.2.5 – Colonnades	Discourage the provision of colonnades, except in exceptional circumstances.	No colonnade is proposed.
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3.6 – Ecologically Sustainable Development	<p>(a) Apply principles and processes that contribute to ecologically sustainable development (ESD).</p> <p>(b) Reduce the impacts from development on the environment.</p> <p>(c) Reduce the use of resources in development and by development over its effective life.</p> <p>(d) Reduce the cause and impacts of the urban heat island effect.</p> <p>(e) Increase the resilience of development to the effects of climate change.</p> <p>(f) Ensure that greenhouse gas emissions will be reduced.</p>	<p>An assessment of the proposal in terms of ESD is provided in Section 4.5.</p> <p>The Department is satisfied that the minimum environmental performance targets and other sustainability initiatives are able to achieve the principles of ESD in accordance with the objects of the EP&A Act.</p> <p>A condition is recommended requiring the Applicant implement the ESD initiatives identified.</p>

- (g) Increase the use of cogeneration and tri-generation systems.
- (h) Replace intensive carbon power sources with low carbon and renewable energy.
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3.9 – Heritage	(a) Ensure that heritage significance is considered for heritage items, development within heritage conservation areas, and development affecting archaeological sites and places of Aboriginal heritage significance.	Based on the advice of the Heritage Council and the DRP, heritage impacts of the proposal are considered acceptable (Section 6.3).

(b) Enhance the character and heritage significance of heritage items and heritage conservation areas and ensure that infill development is designed to respond positively to the heritage character of adjoining and nearby buildings and features of the public domain.

3.11 – Transport and Parking	<p>(a) Ensure that the demand for transport generated by development is managed in a sustainable manner.</p> <p>(b) Ensure that bike parking is considered in all development and provided in appropriately scaled developments with facilities such as change rooms, showers and secure areas for bike parking.</p> <p>(c) Establish requirements for car share schemes for the benefit of people living and or working within a development.</p> <p>(d) Design vehicle access and basement layouts and levels to maximise pedestrian safety and create high quality ground level relationships between the building and the public domain.</p> <p>(e) Provide accessible car parking.</p>	<p>Transport, traffic and access implications of the proposal are considered in Section 6.6.</p> <p>The proposal benefits from high levels of public transport accessibility, especially by being located above the new Sydney Metro station at Martin Place.</p> <p>Traffic and parking impacts are considered acceptable, and the recommended conditions require future travel plans to identify opportunities to maximise the use of sustainable transport choices.</p> <p>Loading dock arrangements are also acceptable and subject to recommended conditions to maximise efficiency and reduce pedestrian and cyclist impacts.</p>
5.1.3 – Street frontage heights and setbacks – Martin Place Special Character Area (south site / 50 Martin Place)	<p>Enhance and complement the distinctive character of Special Character Areas with compatible development.</p> <p><u>Provisions:</u></p> <ul style="list-style-type: none"> no additional height above 50 Martin Place. 	<p>No additional height is proposed above 50 Martin Place.</p>
5.1.5 – Building bulk	<p>Reduce adverse visual and daylight impacts on the public domain by controlling the size and horizontal dimensions of the upper level floor plates of buildings</p> <ul style="list-style-type: none"> above 45 m, the maximum horizontal dimension of any commercial building façade must not exceed 65 m 	<p>The maximum horizontal dimension does not exceed 65 m (at approximately 46 m) above a height of 45 m however it does exceed 1,400 m² floor area (at approximately 1500 m²) above a height of</p>

- above 120 m in height, commercial floor plates must not exceed 1,400 m² GFA or 25% of site area, whichever is greater.

120m. The Department considers this minor non-compliance is acceptable.

5.1.10 – Sun access planes

To maximise sunlight to public places by establishing sun access places for Hyde Park and Martin Place, a building must not project above any part of a sun access plane.

The proposal does not project higher than the Martin Place sun access plane.

Appendix F – Community Views for Draft Notice of Decision

Appendix G – Recommended Instrument of Consent

See the Department’s website at:

<https://www.planningportal.nsw.gov.au/major-projects/project/9616>