



**STATE SIGNIFICANT DEVELOPMENT  
ASSESSMENT REPORT:**

***Concept proposal for commercial development in the  
Martin Place Station Precinct***

**SSD 8351**



Environmental Assessment Report  
Section 89H of the  
*Environmental Planning and Assessment Act 1979*

December 2017

## ABBREVIATIONS

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Applicant	Macquarie Corporate Holdings Pty Ltd, or anyone else entitled to act on this consent
AS	Australian Standard
CIV	Capital Investment Value
Commission	Planning Assessment Commission
Consent	Development Consent
Council	City of Sydney Council
DCP	Development Control Plan
Department	Department of Planning and Environment
DRP	Design Review Panel
EIS	Environmental Impact Statement
EP&A Act	<i>Environmental Planning and Assessment Act 1979</i>
EP&A Regulation	Environmental Planning and Assessment Regulation 2000
EPA	Environment Protection Authority
EPI	Environmental Planning Instrument
ESD	Ecologically Sustainable Development
FEAR	Future Environmental Assessment Requirement
FSR	Floor space ratio
GANSW	Government Architect of NSW
GFA	Gross floor area
LEP	Local Environmental Plan
LGA	Local Government Area
Minister	Minister for Planning
NCC	National Construction Code
OEH	Office of Environment and Heritage
PFM	Planning Focus Meeting
Proponent	Transport for NSW (TfNSW), being the proponent for the Sydney Metro infrastructure approval (CSSI 7400)
RMS	Roads and Maritime Services
RtS	Response to Submissions
SEARs	Secretary's Environmental Assessment Requirements
Secretary	Secretary of the Department of Planning and Environment
SEPP	State Environmental Planning Policy
SRD SEPP	State Environmental Planning Policy (State and Regional Development) 2011
SSD	State Significant Development
TfNSW	Transport for New South Wales

Cover Photograph: Artist impression of the north site, with illustrative commercial tower behind 50 Martin Place (Source: Applicant's EIS)

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*NSW Government  
Department of Planning & Environment*

## EXECUTIVE SUMMARY

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This report provides an assessment of a Stage 1 (concept) State significant development (SSD) application for two commercial building envelopes integrated with the Sydney Metro station at Martin Place (SSD 8351). It relates to two sites within the Martin Place Station Precinct, being north and south of Martin Place, between Castlereagh and Elizabeth Streets. The Applicant is Macquarie Corporate Holdings Pty Ltd and the proposal is located within the Sydney local government area.

The proposal seeks approval for two commercial building envelopes of approximately 40 storeys and 32 storeys on the north and south sites respectively, with a total maximum gross floor area of 125,437 square metres. The proposal also seeks approval for the Sydney Metro Martin Place Station Precinct Consolidated Design Guidelines (Guidelines) and an alternative design excellence strategy.

The proposal has a Capital Investment Value (CIV) of \$637 million and would generate 8,500 new operational jobs and 1,900 construction jobs. The proposal is SSD under clause 19(2)(a) of *State Environmental Planning Policy (State and Regional Development) 2011*, as it is development for commercial premises within a rail corridor or associated with rail infrastructure with a CIV of more than \$30 million. Therefore, the Minister for Planning is the consent authority.

The application was publicly exhibited between Thursday 1 June 2017 and Friday 30 June 2017. The Department of Planning and Environment received 17 submissions, including ten from public authorities and seven from the public. A further six submissions from public authorities were received in response to the Applicant's Response to Submissions.

Council objects to the proposal due to the extent of floor space in the north tower above what is provided for in the Sydney Local Environmental Plan 2012 (SLEP), the alternative design excellence strategy and overshadowing impacts. Council also comments on the heritage, amenity, visual and wind impacts associated with the proposed envelopes. Three of the seven public submissions object to the proposal, raising concerns in relation to floor space non-compliance, overshadowing, wind and design excellence. The Government Architect NSW (GA NSW) and Heritage Council NSW support the proposed envelopes, noting opportunities to further reduce impacts and enhance the design during the stage 2 development applications.

The Department's assessment has considered issues associated with design excellence, the bulk and scale of the building envelopes (including consistency with desired character of the area, solar access and visual impacts), heritage, and transport, traffic and access impacts. The Department has considered the merits of the proposal in accordance with relevant matters under Section 79C, the objects of the *Environmental Planning and Assessment Act 1979*, the principles of Ecologically Sustainable Development, and issues raised in all submissions as well as the Applicant's response to these.

Based on the advice of the GA NSW, the Department also supports the Applicant's request to not hold a design competition, subject to establishing a site specific Design Review Panel (DRP) to ensure design excellence in the future the stage 2 development applications. The DRP will be specifically required to consider how the north building integrates with 50 Martin Place and clearly articulates the street wall height on the Castlereagh and Elizabeth Street elevations, improves wind conditions at the station entrances and improves the environmental performance in the detailed building design.

The Department notes that the large envelope of the north site, together with the FSR exceedance, gives rise to concerns about potential bulk, scale, overshadowing and adverse visual impacts. However, the Department supports both building envelopes as they comply with the SLEP height control, are consistent with the character of buildings in the area, do not overshadow Pitt Street Mall, with only minor overshadowing to surrounding streets and Martin Place, and do not result in unacceptable visual impacts. In addition, building envelopes establish a starting point for design refinement. This will be informed by a design excellence process and offer further opportunities to resolve impacts associated with the proposed building envelopes.

However, given the important and largely unshadowed public amenity provided by Hyde Park, the Department recommends a condition requiring that the detailed building design does not result in additional

overshadowing to Hyde Park during critical times, when compared to the shadow cast by existing buildings and a building that complies with the setbacks in Council's planning controls / guidelines.

Based on the advice of the Heritage Council NSW, the Department also considers that the heritage impacts of the proposal are acceptable. Given the excellent public transport and likely reduction in parking, the proposal is unlikely to result in traffic impacts. However, the stage 2 development applications will consider further the loading dock arrangements.

The Department concludes the proposal is in the public interest, as it will be integrated with the delivery of the new Sydney Metro station at Martin Place and contribute to a competitive economy with world class services and transport, and recommends that the application be approved subject to conditions.

# TABLE OF CONTENTS

<b>1.</b>	<b>BACKGROUND.....</b>	<b>1</b>
1.1	Introduction .....	1
1.2	Martin Place Station Precinct .....	1
1.3	The north site.....	2
1.4	The south site .....	4
1.5	Surrounding context .....	5
1.6	Previous approvals and other relevant applications .....	6
1.7	Macquarie's unsolicited proposal .....	8
<b>2.</b>	<b>DESCRIPTION OF PROPOSAL .....</b>	<b>8</b>
2.1	Description of proposal.....	8
2.2	Project need and justification.....	11
<b>3.</b>	<b>STATUTORY CONTEXT .....</b>	<b>12</b>
3.1.	State Significant Development .....	12
3.2.	Permissibility.....	13
3.3.	Environmental Planning Instruments.....	13
3.4.	Objects of the EP&A Act.....	13
3.5.	Ecologically Sustainable Development .....	14
3.6.	Secretary's Environmental Assessment Requirements .....	15
<b>4.</b>	<b>CONSULTATION AND SUBMISSIONS .....</b>	<b>15</b>
4.1.	Exhibition .....	15
4.1.1.	Public authority submissions .....	16
4.1.2.	Public submissions .....	17
4.2.	Response to Submissions .....	18
<b>5.</b>	<b>ASSESSMENT .....</b>	<b>19</b>
5.1	Section 79C(1) matters for consideration.....	19
5.2	Key assessment issues .....	20
5.3	Design excellence .....	20
5.4	Building envelope .....	22
5.5	Heritage .....	38
5.6	Transport, traffic and access .....	41
5.7	Other issues .....	42
5.8	Public interest .....	44
<b>6.</b>	<b>CONCLUSION.....</b>	<b>44</b>
<b>7.</b>	<b>RECOMMENDATION.....</b>	<b>46</b>
<b>APPENDIX A</b>	<b>RELEVANT SUPPORTING INFORMATION</b>	
<b>APPENDIX B</b>	<b>CONSIDERATION OF ENVIRONMENTAL PLANNING INSTRUMENTS</b>	
<b>APPENDIX C</b>	<b>EXCEPTION TO THE DEVELOPMENT STANDARD: FSR</b>	
<b>APPENDIX D</b>	<b>ADVICE OF THE GOVERNMENT ARCHITECT NSW</b>	
<b>APPENDIX E</b>	<b>RECOMMENDED CONDITIONS OF CONSENT</b>	

## 1. BACKGROUND

### 1.1 Introduction

This report provides an assessment of a Stage 1 (concept) State significant development (SSD) application for two commercial building envelopes integrated with the new Sydney Metro station entrances at Martin Place, Sydney (SSD 8351). 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 application seeks approval for:

- building envelopes on the north and south sites (**Figure 1**) with maximum heights of RL 214 (approximately 40 storeys) and RL 155 (approximately 32 storeys) respectively
- maximum gross floor area (GFA) of 125,437 square metres (m<sup>2</sup>)
- Martin Place Station Precinct Consolidated Design Guidelines (MPSP Guidelines), providing urban design and heritage guidelines to inform the detailed building design.

The Sydney Metro station at Martin Place is approved as Critical state significant infrastructure as part of the Sydney Metro City and Southwest between Chatswood and Sydenham (CSSI 7400). This includes provisions relating to the future design of the station, including requirements for a station design and precinct plan for each station, considering for example the station entrances and integration of the building to the street and surrounding public domain.

### 1.2 Martin Place Station Precinct

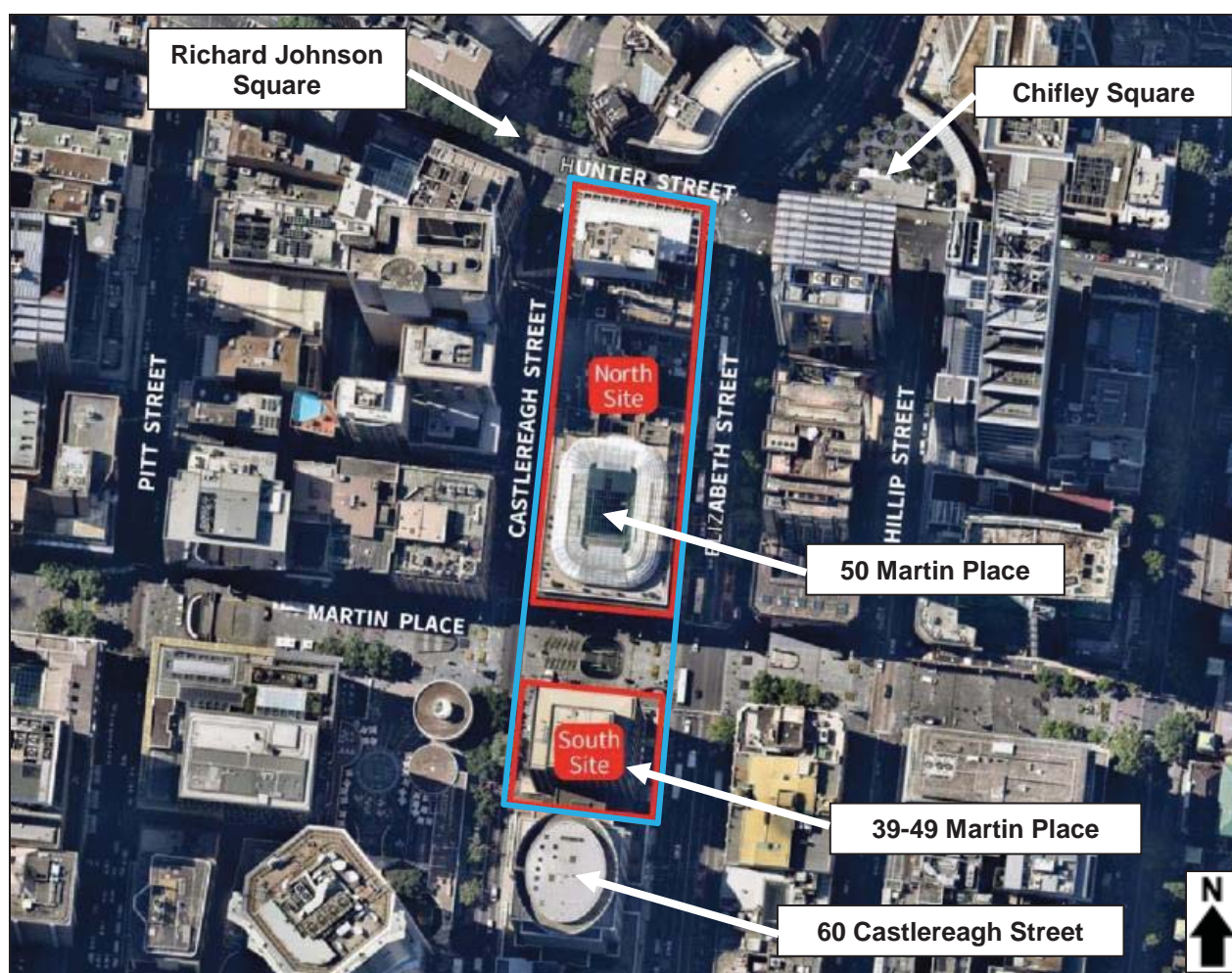
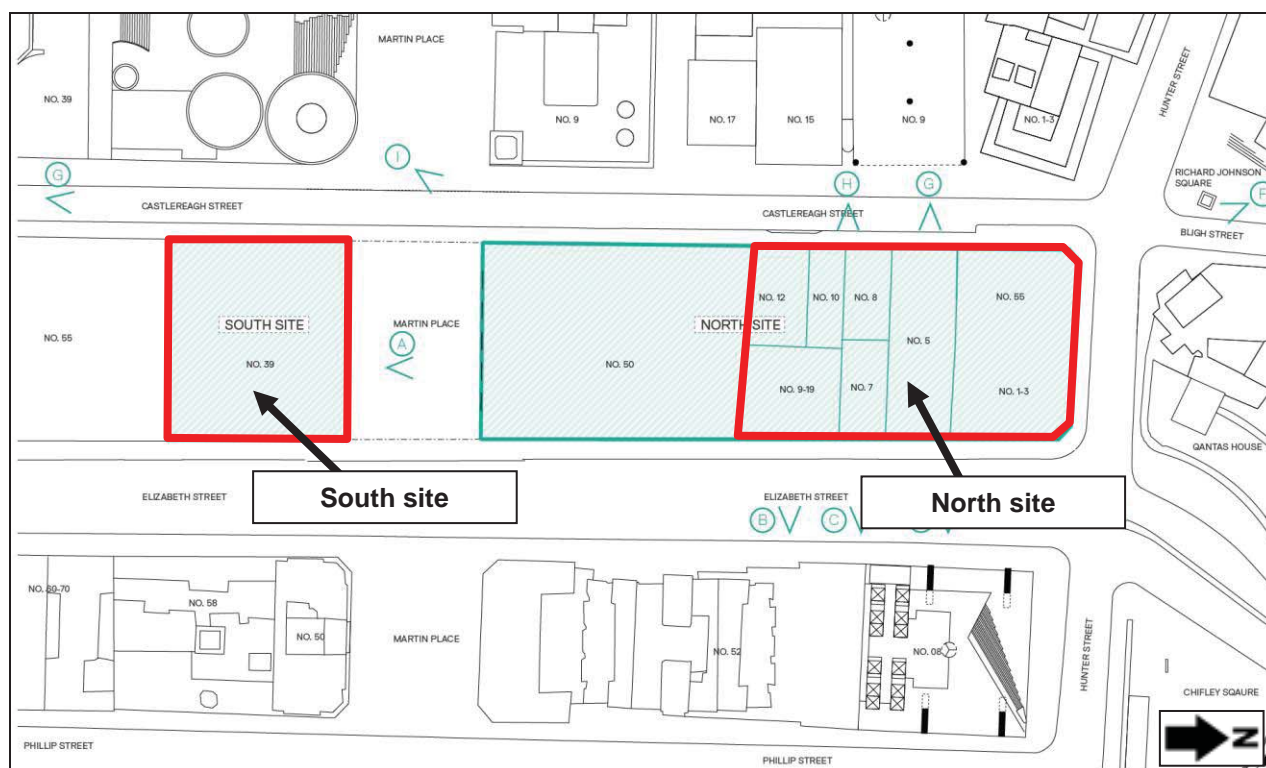


Figure 1: Martin Place Station Precinct shown in blue, with the north and south sites shown in red (Base source: Applicant's EIS)

The Martin Place Station Precinct includes Martin Place between Castlereagh and Elizabeth Streets and two separate sites to the north and south of Martin Place, bound by Hunter Street to the north, Elizabeth Street to the east, the neighbouring development at 60 Castlereagh Street to the south and Castlereagh Street to the west (**Figures 1 and 2**).

The Precinct is located within the Sydney central business district (CBD) and has excellent public transport accessibility throughout Sydney, particularly by bus, train, ferry, walking, cycling and the future Sydney Metro station within the site.

Martin Place is a key pedestrian link through the CBD, linking the government buildings (Parliament of NSW, State Library and Sydney Hospital) and major green open space to the east of the CBD with the City's commercial core. It is one of Sydney's great public and commemorative spaces, and is listed as a local heritage item in the Sydney Local Environmental Plan 2012 (SLEP). Various Commonwealth, state and locally significant heritage items are located on Martin Place, including the Former Government Savings Bank of NSW (50 Martin Place) within the site boundary. No works are proposed to Martin Place as part of the proposal.



**Figure 2:** Site plan, showing the north and south sites in red and land parcels making up the north site  
(Source: Applicant's EIS)

### 1.3 The north site

The north site (**Figure 2**) has an area of 6,022 m<sup>2</sup> and comprises the entire street block bound by Hunter Street to the north, Castlereagh Street to the west, Elizabeth Street to the east and Martin Place to the south. Land within the north site is owned by the Applicant and Transport for NSW (TfNSW).

The north site falls by approximately 3.5 to 4 metres (m) from east (Elizabeth Street) to west (Castlereagh Street), and approximately 1.3 m from the south (Martin Place) to north (Hunter Street).

The north site comprises the following (**Figure 2**):

- **50 Martin Place:** 10 storey (approximately 55 m) State heritage listed commercial building, originally accommodated the Former Government Savings Bank of NSW and now occupies the headquarters of Macquarie Bank with the ground floor occupied by the Commonwealth Bank of Australia. The building façades are characterised by large iconic 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
- the following parcels forming part of the north development site:
  - **9-19 Elizabeth Street:** 12 storey commercial building (**Figure 4**). Located adjacent to 50 Martin Place, with a similar street wall height and physically connected to provide end of trip facilities for Macquarie employees
  - **7 Elizabeth Street:** 10 storey residential apartment building. Listed as a local heritage item
  - **5 Elizabeth Street:** 13 storey commercial building. Fronts both Elizabeth and Castlereagh streets, with a small three storey podium and upper level setback to Castlereagh Street (**Figure 4**)
  - **55 Hunter Street:** 18 storey commercial building. Fronts Castlereagh, Elizabeth and Hunter streets and contains a double height entrance atrium, supported by large columns (**Figure 4**)
  - **8-12 Castlereagh Street:** 14 storey commercial building, adjacent and with a consistent street wall height to 50 Martin Place.

Except for 50 Martin Place and 9-19 Elizabeth Street, demolition of each building is approved under CSSI 7400 for the station works. Demolition of 9-19 Elizabeth Street is proposed under a modification to CSSI 7400 (**Section 1.6**).



**Figure 3:** Former Government Savings Bank of NSW (50 Martin Place) (Source: Applicant's EIS)

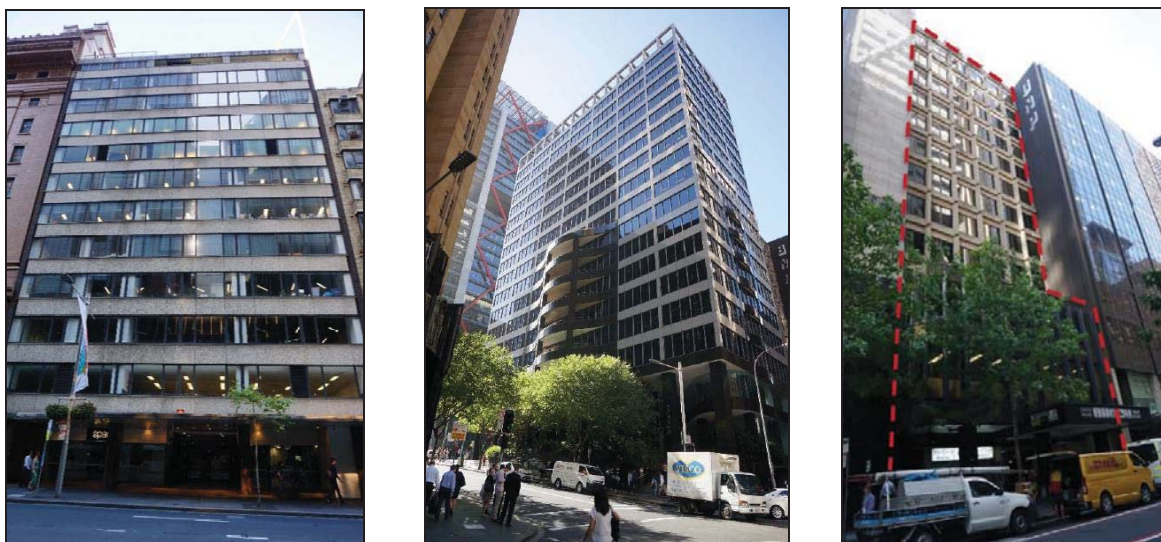


Figure 4: Existing buildings on the site: 9-19 Elizabeth Street (left), 55 Hunter Street (centre) and Castlereagh Street frontage of 5 Elizabeth Street (right) (Source: Applicant's EIS)

#### 1.4 The south site

The south site has an area of 1,897 m<sup>2</sup> (Figure 2). It contains a 22 storey commercial building (39-49 Martin Place), with retail on the ground floor (Figure 5). The building fronts Castlereagh Street, Elizabeth Street and Martin Place, and is setback from the site boundary on these three sides by approximately 5 m. This building will be demolished to accommodate the south entrance of the Sydney Metro station in accordance with the CSSI 7400 approval (Section 1.6).

The site falls by approximately 4 m to 4.5 m from east (Elizabeth Street) to west (Castlereagh Street).

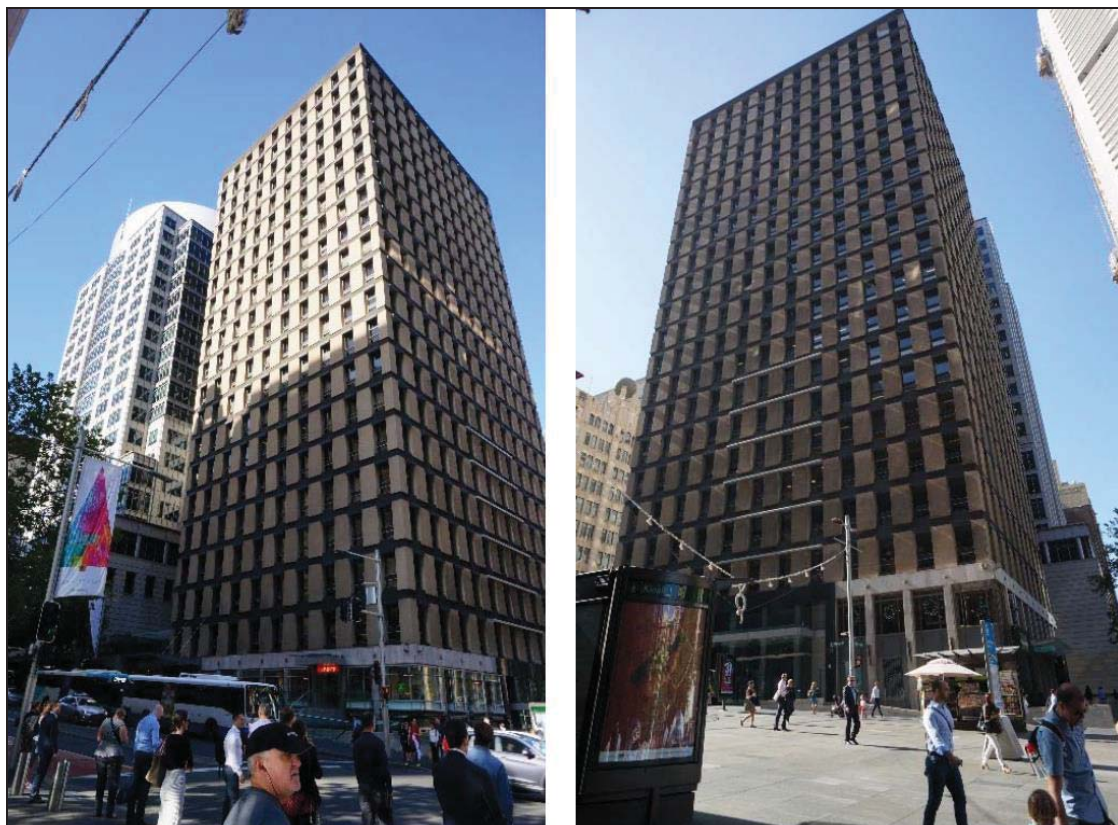


Figure 5: South site building (39-49 Martin Place), viewed from the east on Martin Place (left) and north on Martin Place (right) (Source: Applicant's EIS)

## 1.5 Surrounding context

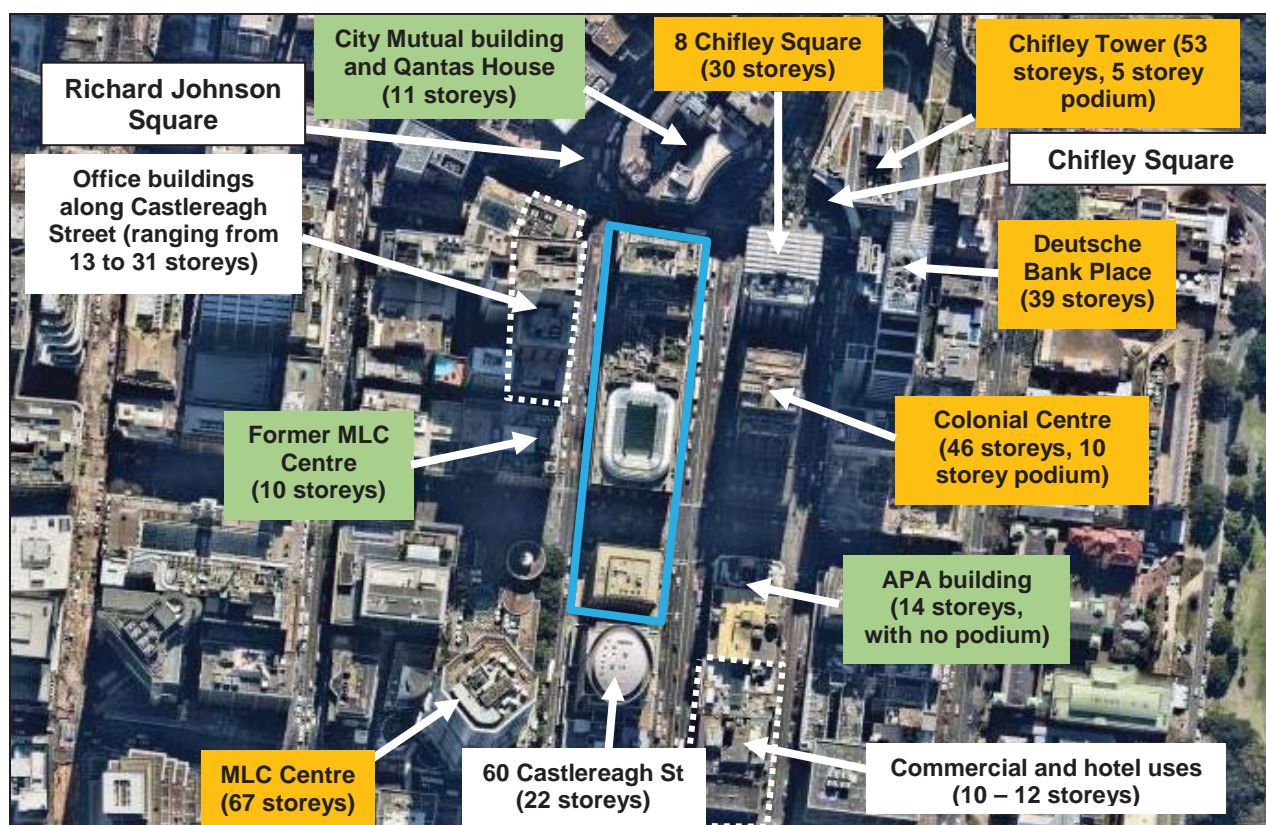
Buildings in the surrounding area vary in form and architectural style (**Figure 6**). There are two distinctive character areas within proximity of the Precinct:

- the area immediately to the north and south of Martin Place has a low-scale character of approximately 10 storeys
- the area of Hunter Street, to the north and east of the Precinct is characterised by taller towers up to 53 storeys.

Notable heritage listed buildings in the locality include the Former MLC Centre, APA building, Qantas House and City Mutual building. These buildings are low in scale with heights between 10 to 14 storeys establishing distinct street frontage heights along Elizabeth and Castlereagh Streets.

By contrast, 8 Chifley Square and Deutsche Bank Place fronting Hunter Street are 30 and 39 storeys in height respectively and include distinct 'tower to ground' (or zero tower setbacks) building forms with generous ground level atriums. Chifley Tower and the Colonial Centre are 53 and 46 storeys in height, but feature more traditional building forms with distinct podiums with generous tower setbacks.

To the north of the Precinct is Chifley Square and Richard Johnson Square, providing public open space at the northern ends of Phillip / Elizabeth Streets and Castlereagh Street respectively (**Figure 6**). Both squares are locally listed heritage items in the SLEP.



**Figure 6:** Analysis of approximate building heights (in storeys), with taller buildings labelled in orange, mid height buildings labelled in white and low scale buildings labelled in green (Martin Place Station Precinct outlined in blue) (Base source: nearmap)

## 1.6 Previous approvals and other relevant applications

### 1.6.1 Sydney Metro infrastructure approval (CSSI 7400)

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

Martin Place is one of the seven metro stations, with north and south station entrances within the Precinct (**Figure 7**). The approval as it relates to the new station at Martin Place allows:

- demolition of existing buildings within the Precinct to facilitate the construction of the station (excluding 50 Martin Place and 9-19 Elizabeth Street)
- removal of an existing station entrance on Martin Place, which provides access to the T4 Eastern Suburbs line
- construction of two new station entrances (height of approximately two to three storeys)
- non-rail related floor space within the station envelope (GFA of approximately 6,500 for the north site and 2,500 for the south site), which will be used for retail and other similar uses.



**Figure 7: Martin Place station indicative layout (insets showing potential station cross section and south station entrance) (Base source: Sydney Metro EIS for CSSI 7400)**

While the approval acknowledges the potential for over station development (OSD) and provides for the future development above the two station entrances, it does not grant approval for OSD. The CSSI approval acknowledges that OSD *'includes non-rail related development that may occupy land or airspace above, within or in the immediate vicinity of the CSSI but excluding spaces and interface works such as structural elements may be constructed as part of the CSSI to make provision for future developments'*.

The infrastructure approval (CSSI 7400) conditions relevant to OSD at Martin Place include:

- **Condition A4** notes that any OSD, including associated future use, does not form part of the CSSI and will be subject to the relevant assessment pathway
- **Conditions C1 to C17** establish the framework for construction of the station, including requirements for a Construction Environmental Management Plan and associated sub plans
- **Conditions E10 to E27** establish the framework for managing heritage impacts of the project, including requirements for a Heritage Archival Recording Report, a Salvage Report (specifically relevant to the approved demolition of 7 Elizabeth Street) and Heritage Interpretation Plan (which must inform the Station Design and Precinct Plan (SDPP))
- **Conditions E58 to E63** require a Building Condition Survey Report offered for any properties at risk from the project (relevant to 50 Martin Place)
- **Condition E92** requires an Interchange Access Plan be prepared for each station, in consultation with the Sydney Metro Design Review Panel (DRP), to inform the final design of transport and access facilities and services, including footpaths, cycleways, passenger facilities, parking, traffic and road closures, and integration of public domain and transport initiatives
- **Condition E100** requires that the Sydney Metro DRP be established to refine the design objectives for place making, public realm, urban design and heritage, and provide advice on the application of the objectives in relation to place making, architecture, heritage, urban and landscape design and artistic aspects. The DRP comprises five members, chaired by the NSW Government Architect and includes a representative of the Heritage Council of NSW, with the opportunity for Council or other stakeholders to be invited to attend
- **Condition E101** requires the preparation of the SDPP presenting an integrated urban and place making outcome for each station. The SDPP must be prepared in collaboration and consultation with relevant stakeholders, including council, the local community and the DRP. The SDPP must identify specific design objectives, principles and standards, identified in the condition.

### 1.6.2 Modification to the Sydney Metro infrastructure approval (CSSI 7400 MOD 3)

On 21 June 2017, TfNSW (Proponent of CSSI 7400) lodged a request to modify the infrastructure approval as it relates to Martin Place (SSI 7400 MOD 3). The modification seeks approval for:

- a larger, reconfigured station layout, including 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 pedestrian link and works to connect it to the Sydney Metro station.

Given the design synergy and built form relationship between the station design (considered under CSSI 7400 MOD 3) and proposed OSD (considered under this application), these two applications are being assessed and determined concurrently.

### 1.6.3 Planning proposal to amend the local planning controls

On 19 June 2017, the Applicant lodged a planning proposal with the Department (as Relevant Planning Authority) seeking to amend the planning controls in the SLEP 2012 to:

- 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.

The planning proposal is being publicly exhibited between Thursday 2 November 2017 and Friday 1 December 2017, prior to a recommendation being made to the delegate of the Greater Sydney Commission. Should the planning proposal be supported and an enabling amendment to the SLEP gazetted, the Applicant will need to seek further development consent for the proposal consistent with the amended planning controls.

As the planning proposal has been published for exhibition, it is a draft Environmental Planning Instrument (EPI), and therefore the Department has considered the proposal against its draft provisions (**Appendix B**).

## 1.7 Macquarie's unsolicited proposal

Macquarie Group has submitted an unsolicited proposal (USP) to the NSW Government to deliver a single fully integrated station / OSD at Martin Place. The USP proposes to deliver the Sydney Metro station at Martin Place within an integrated civic, retail and commercial development. Key components of the USP include:

- 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 link below Martin Place linking the new north and south station entrances
- construction of two commercial OSD buildings above the new north and south station entrances
- public domain improvements to Martin Place between Elizabeth and Castlereagh Streets.

In addition to seeking NSW Government approval of the USP, the Applicant's vision for the Precinct relies on this Stage 1 concept proposal, the modification to CSSI 7400 and the planning proposal. These applications will be considered on their individual merits, having regard to all relevant matters for consideration, separately to the Government's consideration of the USP.

## 2. DESCRIPTION OF PROPOSAL

### 2.1 Description of proposal

The key components and features of the Stage 1 SSD proposal are provided in **Table 1** and shown in **Figures 8 to 11**.

**Table 1: Key components of the proposal**

Aspect	Description
<b>Summary</b>	<b>Two commercial building envelopes integrated with the Sydney Metro station entrances at Martin Place, with a total GFA of 125,437 m<sup>2</sup> within the Precinct.</b>
North site	Commercial building envelope comprising: <ul style="list-style-type: none"> <li>• maximum height of RL 214.27 (approximately 40 storeys) on the northern boundary, tapering to RL 132.58 on the southern boundary</li> <li>• maximum GFA of 104,270 m<sup>2</sup> (including 24,422 m<sup>2</sup> of existing floor space within 50 Martin Place)</li> <li>• maximum floor space ratio (FSR) of 18.39:1 (including a notional 6,500 m<sup>2</sup> which will be provided under CSSI 7400)</li> <li>• conceptual internal connections into 50 Martin Place.</li> </ul>
South site	Commercial building envelope comprising: <ul style="list-style-type: none"> <li>• maximum podium height of RL 76.95 (or 55 m)</li> <li>• maximum tower height of RL 155.395 (approximately 32 storeys) setback 25 m from the northern boundary on Martin Place, tapering to RL 147.191 (approximately 29 storeys) on the southern boundary</li> <li>• maximum GFA of 21,167 m<sup>2</sup></li> <li>• maximum FSR 12.47:1 (including a notional 2,500 m<sup>2</sup> of floor space which will be provided under CSSI 7400)</li> </ul>

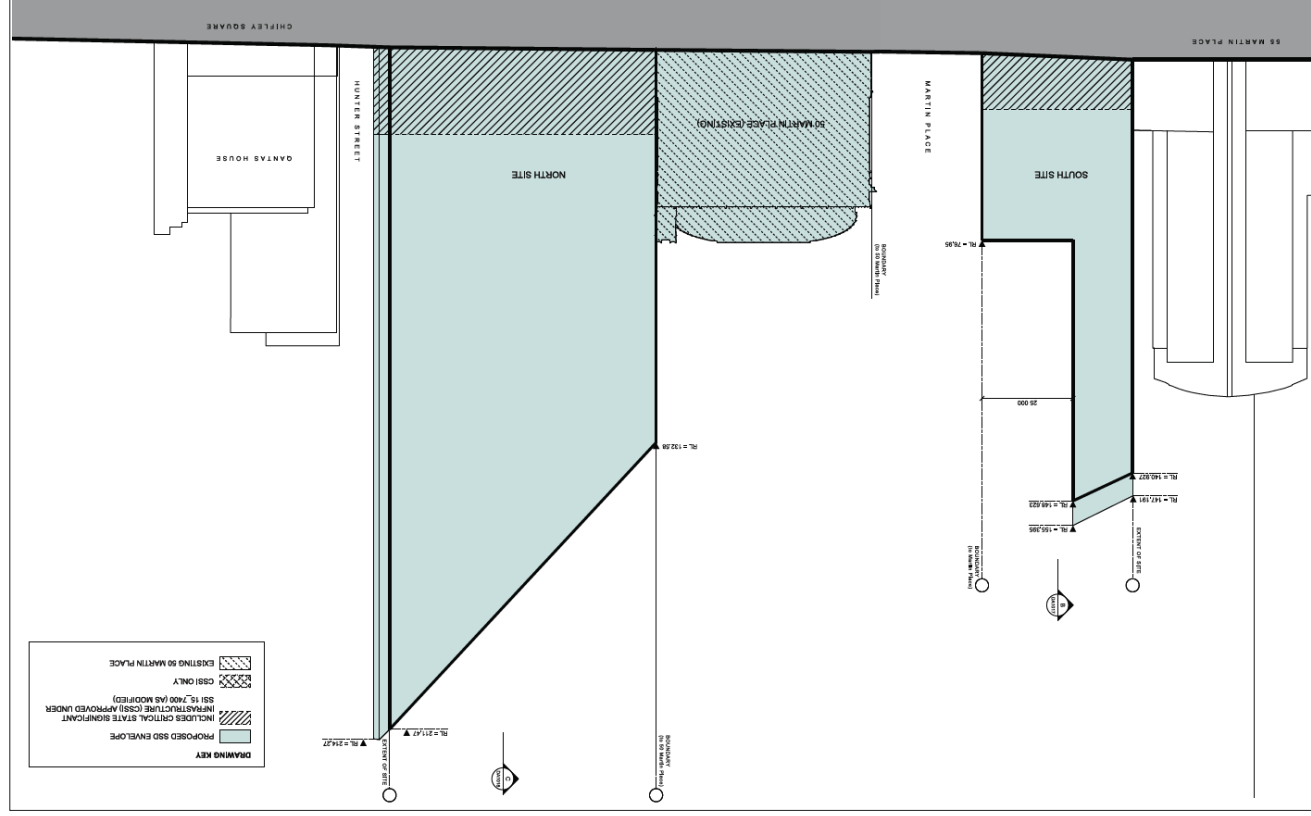


Figure 8: Proposed building envelopes, Elizabeth Street elevation (Base source: Applicant's EIS)

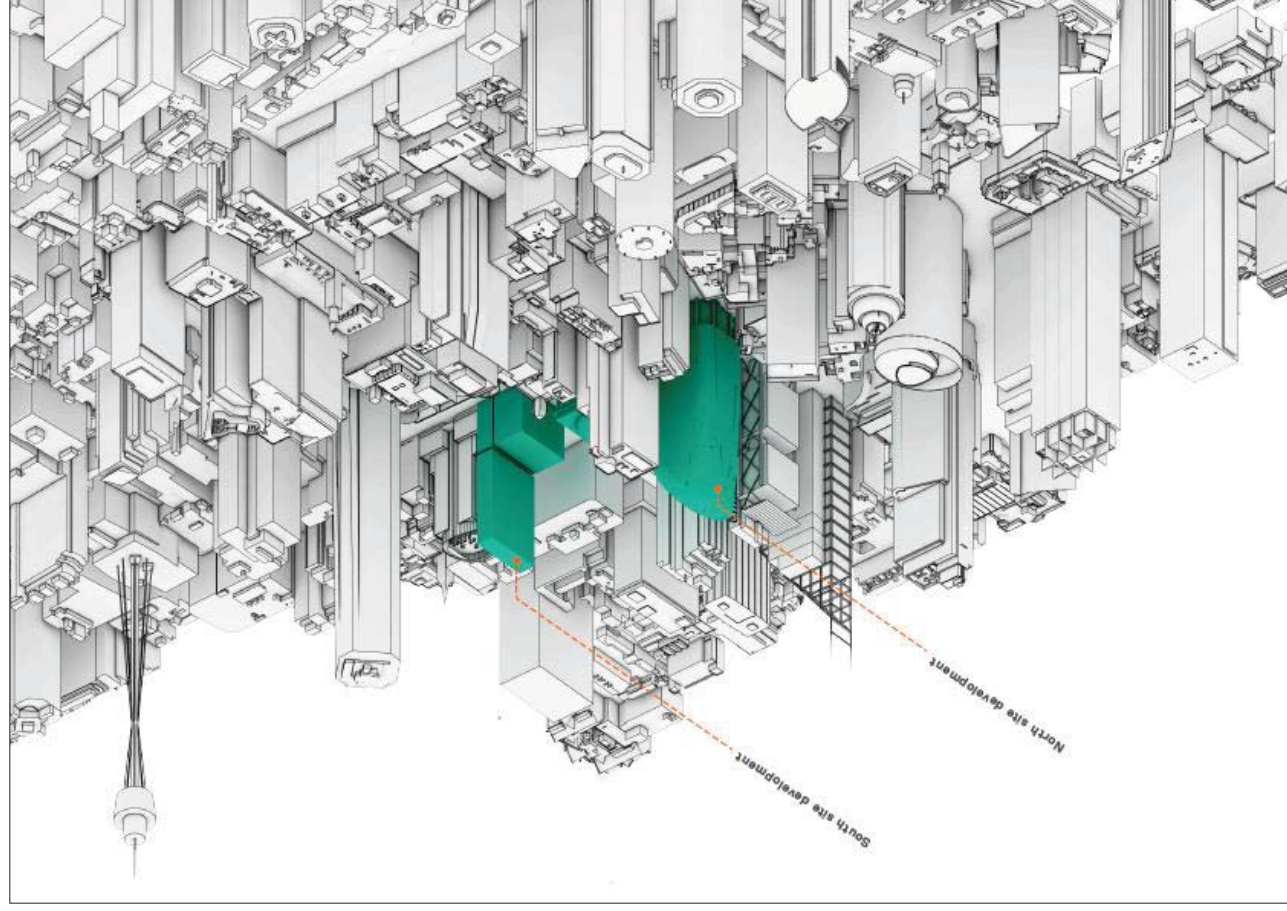


Figure 9: Bird's eye view of the Applicant's illustrative scheme from the north-west in the context of the Sydney CBD (Source: Applicant's EIS)

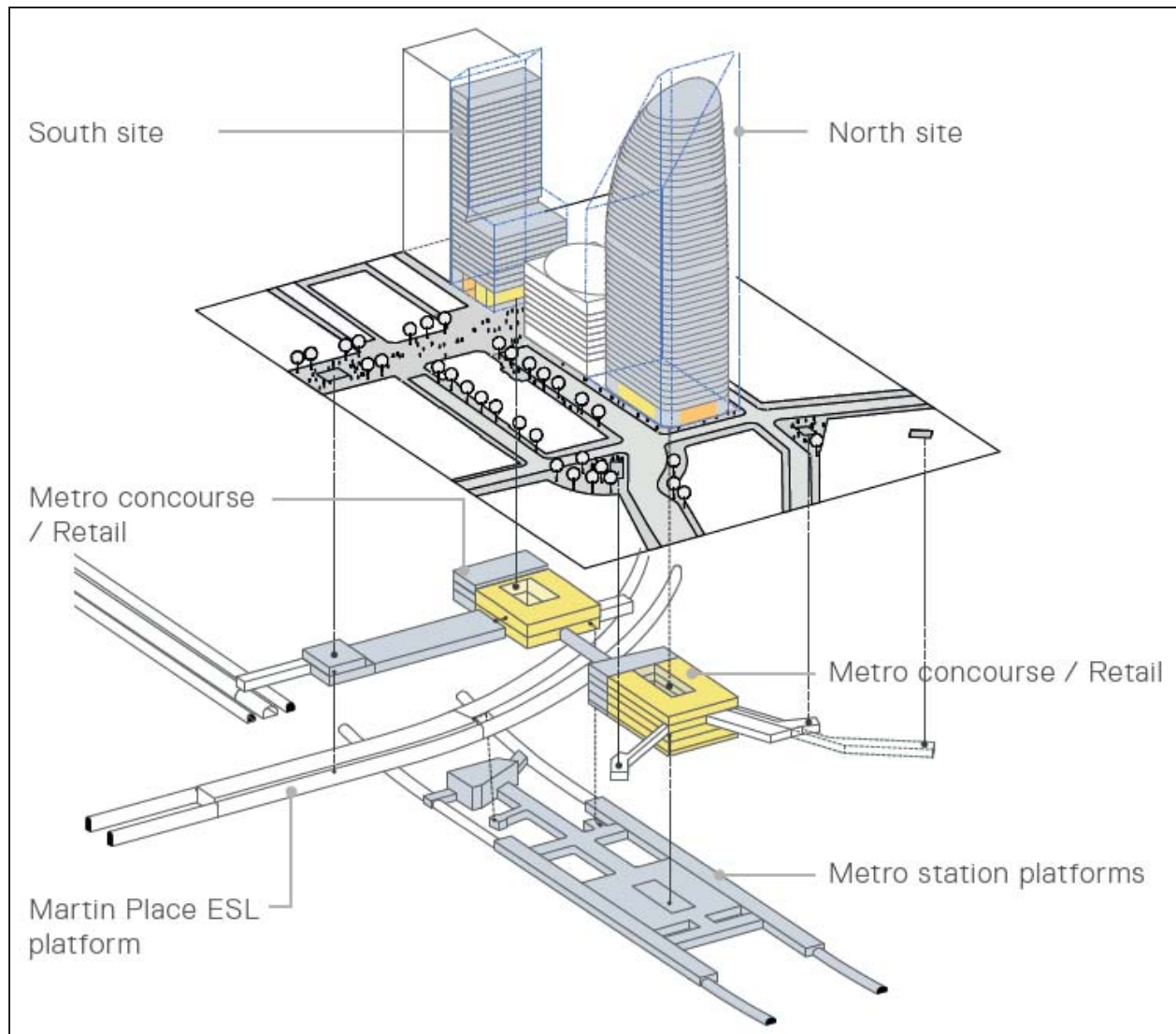


Figure 10: Integration of the OSD with the CSSI station concourse / platforms (Source: Applicant's EIS)

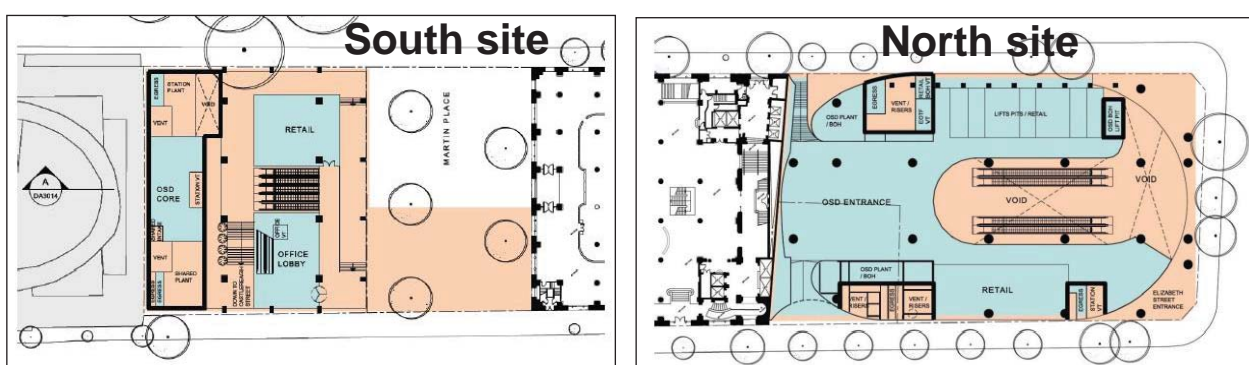


Figure 11: Example of the delineation of floorspace at street level, with OSD shown in blue and CSSI station space shown in orange (Source: Applicant's EIS)

The Applicant seeks approval of the MPSP Guidelines, which provide urban design and heritage guidelines to inform the detailed design of buildings on the north and south sites. The Applicant also proposes a Design Excellence Framework, which establishes a design excellence process that will be implemented following any determination of the currently proposed stage 1 SSD application.

The SSD application has a Capital Investment Value (CIV) of \$637 million and is expected to generate 1,900 construction jobs and approximately 8,500 new operational jobs (or 13,000 total operational jobs) once fully developed.

## 2.2 Project need and justification

### Premier's and State's Priorities

The Premier has set 12 Priorities to improve outcomes for the people of NSW. Of the 12 priorities, creating jobs and delivering infrastructure are relevant to this application.

While the Premier's target of creating 150,000 new jobs by 2019 has already been met, the proposal will accommodate a further 8,500 operational jobs (or total 13,000 jobs) within the broader area.

Although not included in this specific application, the Applicant's wider proposal to deliver an integrated station and OSD solution will deliver Martin Place station component of the Sydney Metro City and Southwest, identified by the Premier as a major infrastructure project.

The NSW Government has also identified 18 State priorities in relation to the economy, infrastructure and housing, social welfare, services and safer communities.

The proposal will contribute to encouraging business investment through the delivery of significant new employment floorspace and new jobs, some of which will be used by Macquarie Bank. The proposal will help to position NSW as Australia's prime location for business growth and investment.

### A Plan for Growing Sydney

*A Plan for Growing Sydney* (the Plan) sets out the NSW Government's vision for Sydney to be 'a strong global city, a great place to live' and includes a number of supporting goals and directions. The Plan's key goals are to provide:

1. a competitive economy with world-class services and transport
2. a city of housing choice with homes that meet our needs and lifestyle
3. a great place to live with communities that are strong, healthy and well connected
4. a sustainable and resilient city that protects the natural environment and has a balanced approach to the use of land and resources.

The City of Sydney LGA is located within the Central Subregion. The site is located within Global Sydney (in an area identified for financial services), which is identified as the heart of the Global Economic Corridor.

The proposed development supports the strategic goals, directions and actions of the Plan by contributing to a competitive economy by significantly increasing new employment opportunities within the Sydney CBD, with excellent access to public transport being integrated with the Sydney Metro station.

There are a number of Directions and Actions of particular relevance to the proposal, including:

- the proposed redevelopment of this site within Sydney's CBD for a significant increase in new employment floor space will strengthen the international role of Sydney's CBD, consistent with:
  - Direction 1.1: Grow a more internationally competitive Sydney CBD
  - Action 1.1.1: Create new and innovative opportunities to grow Sydney CBD office space by identifying redevelopment opportunities and increasing building heights in right locations
  - Direction 1.6: Expand the Global Economic Corridor

- Action 1.6.1: Grow high-skilled jobs in the Global Economic Corridor by expanding employment opportunities and mixed-use activities
- Direction 1.7: Grow strategic centres - providing more jobs closer to home
- Action 1.7.1: Invest in strategic centres across Sydney to grow jobs and housing and create vibrant hubs of activity
- the proposed increase in employment floorspace for use partly by Macquarie Bank will support the growth of the financial services cluster within the Sydney CBD, consistent with:
  - Direction 1.9: Support Priority Economic Sectors
  - Action 1.9.1: Support the growth of priority industries with appropriate planning controls
- the proposed development, being part of the Applicant's wider vision for the Precinct, will support future growth in transport capacity, consistent with:
  - Direction 1.11: Deliver infrastructure
  - Action 1.11.1: Preserve future transport and road corridors to support growth.

The proposed increase in employment floor space contributes to the delivery of several priorities identified in the Central Subregional, including:

- provide capacity for long-term office growth in Sydney CBD
- support the land use requirements of the financial services knowledge hub in the CBD.

### **Draft Greater Sydney Region Plan and draft Eastern City District Plan**

The Greater Sydney Commission's (GSC) role is to coordinate and align planning to shape the future of Metropolitan Sydney. The GSC has recently published the draft Greater Sydney Region Plan and draft District Plans, which are on exhibition until 15 December 2017.

The proposal is consistent with the draft Greater Sydney Region Plan, as it supports productivity through a 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 draft 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).

### **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).

## **3. STATUTORY CONTEXT**

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### **3.1. State Significant Development**

The proposal is SSD under Section 89C of the *Environmental Planning and Assessment Act 1979* (EP&A Act) as the development has a CIV in excess of \$30 million (\$637 m) for commercial premises within a rail corridor or associated with railway infrastructure under clause 19(2)(a) of State Environmental Planning Policy (State and Regional Development) 2011. The Minister for Planning is therefore the consent authority for the proposed development.

### 3.2. Permissibility

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

### 3.3. 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
- Sydney Local Environmental Plan 2012 (SLEP)
- proposed amendments to the SLEP.

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

### 3.4. Objects of the EP&A Act

Decisions made under the EP&A Act must have regard to the objects as set out in section 5 of that Act. A response to the Objects of the EP&A Act is provided at **Table 2**.

**Table 2: Response to the objects of section 5 of the EP&A Act**

<b>Objects of section 5 of the EP&amp;A Act</b>	<b>Department's Response</b>
(a) <i>to encourage:</i> (i) <i>the proper management, development and conservation of natural and artificial resources, including agricultural land, natural areas, forests, minerals, water, cities, towns and villages for the purpose of promoting the social and economic welfare of the community and a better environment,</i>	The proposal involves the efficient use of land through the redevelopment of two inner city sites, which would otherwise be vacant following demolition to accommodate the new Sydney Metro station. The proposal will promote social and economic welfare by increasing employment opportunities in close proximity to services and public transport.
(ii) <i>the promotion and co-ordination of the orderly and economic use and development of land,</i>	The proposal represents the orderly and economic use of the land primarily as it will increase employment opportunities in close proximity to services and public transport. The proposed land uses are permissible and, apart from the request to exceed the floor space ratio (FSR) in accordance with Clause 4.6 of the SLEP 2012, the proposal complies with all relevant planning controls.
(iii) <i>the protection, provision and co-ordination of communication and utility services,</i>	The proposal will protect, provide and co-ordinate communication and utility services in consultation with service providers, to be assessed in detail during the subsequent Stage 2 development applications.
(iv) <i>the provision of land for public purposes,</i>	The wider proposal delivers the new Sydney Metro station and a publicly accessible pedestrian concourse linking the new station entrances with the existing station (CSSI 7400 and CSSI 7400 Mod 3).
(v) <i>the provision and co-ordination of community services and facilities, and</i>	The wider proposal delivers the new Sydney Metro station and a publicly accessible pedestrian concourse linking the new station entrances with

	the existing station (CSSI 7400 and CSSI 7400 Mod 3).
(vi) <i>the protection of the environment, including the protection and conservation of native animals and plants, including threatened species, populations and ecological communities, and their habitats, and</i>	The proposal, being commercial development above the Sydney Metro station, will not have any material natural environmental impacts.
(vii) <i>ecologically sustainable development, and</i>	The proposal includes measures to deliver ESD ( <b>Section 3.6</b> ).
(viii) <i>the provision and maintenance of affordable housing, and</i>	The proposal is for commercial floorspace, and is not required to provide or maintain affordable housing.
(b) <i>to promote the sharing of the responsibility for environmental planning between the different levels of government in the State, and</i>	The Department publicly exhibited the proposed development as outlined in <b>Section 4.1</b> , which included consultation with Council and other public authorities and consideration of their responses.
(c) <i>to provide increased opportunity for public involvement and participation in environmental planning and assessment.</i>	The Department publicly exhibited the application as outlined in <b>Section 4.1</b> , which included notifying adjoining landowners in writing, placing a notice in local newspapers and displaying the application on the Department's website and at Council's office.

### 3.5. Ecologically Sustainable Development

The EP&A Act adopts the definition of ESD found in the *Protection of the Environment Administration Act 1991*. Section 6(2) of 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 ESD initiatives and sustainability measures, including targeting minimum environmental standards of 6 Green Star Office, 5 star NABERS Energy and 3.5 star NABERS Water. The Applicant has identified the following measures to achieve this:

- reduce carbon emissions by using recycled materials, renewable energy, reducing waste to landfill (via a centralised waste strategy) and reducing potable water use
- on-site and off-site renewables used to offset carbon emissions
- a Precinct wide strategy to optimise water reclamation, such as rainwater harvesting and ground water reuse systems
- various strategies to achieve world leading comfort, such as using 'spill air' to cool the public concourse and high performance facades with mixed mode solutions
- optimise daylight access penetration into the building and the underground station (although not part of the proposal)
- state of the art, Precinct wide end-or-trip facility located within the development
- digital infrastructure provided to occupants to meet energy, waste and water targets, and educate users on their impacts on the space to reduce the use of resources.

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

### 3.6. Secretary's Environmental Assessment Requirements

On 21 April 2017, the Department notified the Applicant of the Secretary's Environmental Assessment Requirements (SEARs) for the SSD application. The Department is satisfied that section 1.5 of the EIS, together with the Response to Submissions (RtS), adequately addresses compliance with the SEARs to enable the assessment and determination of the application.

## 4. CONSULTATION AND SUBMISSIONS

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### 4.1. Exhibition

In accordance with Section 89F of the EP&A Act and Clause 83 of the Environmental Planning and Assessment Regulation 2000 (EP&A Regulation), the Department publicly exhibited the application from Thursday 1 June 2017 to Friday 30 June 2017 (30 days). The application was exhibited on the Department's website, at the NSW Service Centre and the City of Sydney Council's office.

The Department placed a public exhibition notice in the Sydney Morning Herald, Daily Telegraph and Central Courier on 31 May 2017, and notified adjoining landholders and relevant State and local government authorities in writing.

The Department received seventeen submissions, comprising ten submissions from public authorities and seven public submissions (including a submission from Alex Greenwich, the local Member of Parliament for Sydney). A summary of the issues raised in the public authority submissions is provided at **Table 3** and a summary of issues raised in public submissions is provided in **4.1.2** below. Copies of the submissions may be viewed at **Appendix A**.

The Department has considered the comments raised in the public authority and public submissions during the assessment of the application (**Section 5**) and / or by recommended conditions / future assessment requirements (FAR) in the instrument of consent at **Appendix E**.

#### 4.1.1. Public authority submissions

**Table 3: Summary of public authority submissions to the EIS exhibition**

<b>City of Sydney Council (Council)</b>
<p>Council objects to the proposal specifically in relation to the proposed floor space within the north building and design excellence. Council requested the Minister reject the Applicant's:</p> <ul style="list-style-type: none"> <li>• Clause 4.6 variation to the FSR development standard (noting the increase in floor space should be considered through a planning proposal)</li> <li>• alternative design excellence framework in lieu of a competitive design process.</li> </ul> <p>Council raised the following key concerns in relation to the north building envelope:</p> <ul style="list-style-type: none"> <li>• inconsistency with the desired built form envisaged in the SLEP and SDCP, including bulk and scale, street frontage heights and setbacks</li> <li>• amenity impacts to surrounding streets and impact on views and outlook from surrounding buildings as a result of the SLEP and SDCP non-compliances</li> <li>• the relationship with the surrounding street wall heights and heritage buildings and impacts on 50 Martin Place</li> <li>• the need for Commonwealth approval relating to airspace</li> <li>• the desire to activate the Hunter Street frontage through retail tenancies.</li> </ul> <p>Council also raised other concerns in relation to:</p> <ul style="list-style-type: none"> <li>• the USP and ensuring objectivity of the planning process</li> <li>• any overshadowing of Hyde Park and Pitt Street Mall</li> <li>• construction impacts</li> <li>• impacts arising from the proposed modification to the infrastructure approval (CSSI 7400 Mod 3)</li> <li>• the previously proposed colonnade on the south site frontage to Martin Place.</li> </ul>
<b>Heritage Council of NSW</b>
<p>The Heritage Council advises the heritage impacts of the proposal are acceptable, subject to further consultation on the detailed design and FAR in relation to:</p> <ul style="list-style-type: none"> <li>• archaeological assessment as part of the Stage 2 application</li> <li>• archival photographic recording of 7 Elizabeth Street (approved for demolition through CSSI 7400).</li> </ul>
<b>Transport for NSW (TfNSW)</b>
<p>TfNSW does not object to the proposal, and requested:</p> <ul style="list-style-type: none"> <li>• further consultation on potential impacts to the existing railways and future projects</li> <li>• analysis of future pedestrian movements to confirm adequacy of pedestrian facilities providing access to public transport</li> <li>• consideration of cumulative increase in construction vehicle movements.</li> </ul>
<b>Roads and Maritime Services (RMS)</b>
<p>RMS does not object to the proposal, and requested further information in relation to:</p> <ul style="list-style-type: none"> <li>• loading dock and parking areas, including access arrangements</li> <li>• pedestrian facilities, including modelling, providing access to the public transport network</li> <li>• a Construction Traffic Management Plan as part of the Stage 2 application.</li> </ul>
<b>Fire &amp; Rescue NSW (FR NSW)</b>
<p>FR NSW does not object to the proposal, but recommends FAR requiring:</p> <ul style="list-style-type: none"> <li>• serving the Precinct with several independent fire systems</li> <li>• consultation on the proposed fire and life safety systems and design of fire hydrant systems for towers exceeding 135 m</li> <li>• assessment of pedestrian connections within the Precinct by fire engineering analysis</li> <li>• analysis of fire hazards associated with the rolling stock and adequacy of mitigate measures.</li> </ul>
<b>Sydney Airport / Department of Infrastructure and Regional Development</b>
<p>Sydney Airport and the Department of Infrastructure and Regional Development have approved the intrusion of the south and north envelopes into the prescribed airspace for Sydney Airport.</p>

<b>Office of Environment and Heritage (OEH)</b>
OEH does not object to the proposal, as the site does not contain biodiversity, natural hazards or Aboriginal cultural heritage impacts.
<b>Environment Protection Authority (EPA)</b>
The EPA does not object to the proposal, as it does not constitute a scheduled activity and will not require an Environmental Protection Licence.
<b>Ausgrid</b>
Ausgrid does not object to the proposal, noting that the proposed treatment of its assets and proposed new connections will be subject to a formal application via Ausgrid's contestable works process.
<b>Sydney Water</b>
Sydney Water does not object to the proposal, providing further detail on planning the water and wastewater serving needs of the development.

#### 4.1.2. Public submissions

The Department received seven public submissions in response to the exhibition of the EIS, comprising:

- three objecting to the proposal, including
  - one submission from Alex Greenwich MP to the Minister for Planning
  - one submission from the Australian Institute of Architects
  - one other public submission
- three supporting the proposal
- one providing general comments.

The local MP, Alex Greenwich, made a submission objecting to the proposal on the basis of overshadowing and wind impacts on Martin Place and on surrounding streets and public places.

The Australian Institute of Architects object to the proposal on the basis of:

- use of the USP process, instead of a competitive tender process following the preparation of a concept plan
- the ability for the proposal to be considered outside of Council's design excellence requirements
- Council being best placed to review the acceptability of the variation to the FSR development standard.

The third public submission objected to the proposal due to building height and floor space.

The submissions provided in support of the project raised the following comments:

- the development will revitalise the area
- the proposal will improve public transport capacity from the Sydney Metro
- support for the underground pedestrian connection between the north and south buildings
- the need to protect the interior and exterior heritage fabric of 50 Martin Place
- general comments about disabled access, evacuation procedures and wayfinding, although not related to this Stage 1 application
- affordable housing provision
- concerns about construction impacts, use of recycled materials and dust impacts.

The one public submission providing general comments identified an omission in the Heritage Impact Statement (HIS) relating to a commemorative plaque outside 5 Elizabeth Street.

## 4.2. 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) (**Appendix A**) on the issues raised during the exhibition of the proposal. The RtS provided further justification to support the north and south building envelopes, including:

- further analysis of overshadowing, wind and view and outlook impacts
- further justification for the alternative design excellence framework
- the consolidated MPSP Guidelines for both the Sydney Metro and the OSD, including urban design and heritage guidelines
- an updated HIS.

The RtS was made publicly available on the Department's website and referred to relevant public authorities. An additional six submissions were received from public authorities. No public submissions were received on the RTS. A summary of the issues raised in the submissions is provided at **Table 4** and copies of the submissions may be viewed at **Appendix A**.

**Table 4: Summary of public authority submissions to the RtS**

<b>City of Sydney Council (Council)</b>
<p>Council maintains its objection to the proposal in relation to the proposed floor space in the north building and design excellence. Council also confirmed it specifically objects to any additional overshadowing of Martin Place and the adjoining road reserves beyond that of an SLEP and SDCP compliant scheme.</p> <p>Council also provided comments on north building envelope in relation to:</p> <ul style="list-style-type: none"> <li>• the need to address widening of the footpath to Hunter Street to improve capacity and amenity for station users*</li> <li>• resolution of the sloping frontage of Hunter Street*</li> <li>• activation of Castlereagh and Elizabeth Streets through retail frontages*</li> <li>• weather protection at ground level station entrances*</li> <li>• daylight access to public pedestrian areas</li> <li>• the need to retain current wind comfort conditions at station entries</li> <li>• the need for design development at the interface of the north tower with 50 Martin Place</li> </ul> <p>Council provided additional comments on the south building envelope in relation to:</p> <ul style="list-style-type: none"> <li>• the ground level interface between the south building and Martin Place, including requirement for a more defined street edge*</li> <li>• the importance of the 25 m south tower setback to Martin Place</li> <li>• inadequate justification for the variation to the tower setbacks to Castlereagh and Elizabeth Streets.</li> </ul> <p><i>* The Department notes these issues are relevant to the CSSI approval and modification (CSSI 7400 MOD 3) under assessment.</i></p>
<b>Heritage Council of NSW</b>
<p>The Heritage Council notes that:</p> <ul style="list-style-type: none"> <li>• its previous comments in relation to archaeology and archival recording are addressed through the CSSI approval</li> <li>• the Applicant will continue to refine the building envelopes through detailed design to minimise or mitigate environmental impacts</li> <li>• continued consultation is recommended on the Stage 2 detailed designs, including consultation on the physical connections to 50 Martin Place.</li> </ul>
<b>Transport for NSW (TfNSW)</b>
<p>TfNSW does not object to the proposal, recommending conditions / FARs in relation to:</p> <ul style="list-style-type: none"> <li>• existing and future rail corridors (consultation with TfNSW and Sydney Trains)</li> <li>• compliance with Development Near Rail Corridors and Busy Roads – Interim Guideline 2008</li> <li>• consultation with TfNSW and further information on pedestrian facilities, including further modelling</li> </ul>

demonstrating adequacy of pedestrian facilities accessing public transport (light rail and bus)
<ul style="list-style-type: none"> <li>requirements for draft Loading Management Plan, Security Risk Assessment and draft Construction Pedestrian and Traffic Management Plan to be submitted with Stage 2 SSD applications.</li> </ul>
<b>Roads and Maritime Services (RMS)</b>
RMS does not object to the proposal, recommending conditions / FARs in relation to: <ul style="list-style-type: none"> <li>requirements for draft Construction Pedestrian and Traffic Management Plan</li> <li>requirements for further detailed pedestrian impact assessment to demonstrate adequacy of pedestrian facilities accessing public transport</li> <li>location of loading docks away from traffic signals on Castlereagh Street, compliance of parking areas / loading docks in accordance with relevant Australian Standards and requirements for a draft loading dock management plan.</li> </ul>
<b>Sydney Water</b>
Sydney Water advised that it had no further comments.
<b>Ausgrid</b>
Ausgrid advised that it had no further comments.

## 5. ASSESSMENT

### 5.1 Section 79C(1) matters for consideration

**Table 5** identifies the matters for consideration under section 79C of the EP&A Act that apply to SSD in accordance with section 89H of the EP&A Act. The table represents a summary for which additional information and consideration is provided in **Section 5** (key and other issues) and relevant appendices or other sections of this report and EIS, referenced in the table. The EIS has been prepared by the Applicant to consider these matters and also those required to be considered in the SEARs, section 78(8A) of the EP&A Act and Schedule 2 of the EP&A Regulation.

**Table 5: Section 79C(1) Matters for Consideration**

Section 79C(1) Evaluation	Consideration
(a)(i) any environmental planning instrument	Satisfactorily complies. The Department's consideration of the relevant EPIs is provided in <b>Appendix B</b> of this report.
(a)(ii) any proposed instrument	Satisfactorily complies with the draft controls in the Planning Proposal ( <b>Appendix B</b> ). Note that the draft Central Sydney Planning Strategy is not a matter for consideration as it has not been published for exhibition.
(a)(iii) any development control plan	Under clause 11 of the SRD SEPP, development control plans (DCPs) do not apply to SSD. Notwithstanding, consideration of relevant DCP provisions is provided at <b>Appendix B</b> .
(a)(iia) any planning agreement	Not applicable.
(a)(iv) the regulations <i>Refer Division 8 of the EP&amp;A Regulation</i>	The application satisfactorily meets the relevant requirements of the EP&A Regulation, including the procedures relating to applications (Part 6 of the EP&A Regulation), public participation procedures for SSD and Schedule 2 of the EP&A Regulation relating to EIS.
(a)(v) any coastal zone management plan	Not applicable.
(b) the likely impacts of that development	Appropriately mitigated or conditioned - refer to <b>Section 5</b> of this report.
(c) the suitability of the site for the development	The site is suitable for the development as discussed in <b>Sections 3 and 5</b> of this report.
(d) any submissions	Consideration has been given to the submissions received during the exhibition period. See <b>Sections 4 and 5</b> of this

	report.
(e) the public interest	Refer to <b>Section 5</b> of this report.
Biodiversity values impact assessment not required if: (a) On biodiversity certified land (b) Biobanking Statement exists	Not applicable.

## 5.2 Key assessment issues

The Department has considered the EIS, the issues raised in submissions and the Applicant's RtS in its assessment of the proposal. The Department considers the key issues associated with the proposal are:

- design excellence
- building envelope
- heritage
- transport, traffic and access.

Each of these 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 at **Section 5.6**.

## 5.3 Design excellence

The Department notes that the proposal seeks concept approval for maximum building envelopes, gross floor area and the MPSP Guidelines. The SLEP provides design excellence requirements to ensure future buildings are designed to achieve the highest standard of architectural and urban design. The SLEP requires a competitive design process (competition) be held for the proposal as it exceeds a height of 55 m and has a CIV over \$100 m, unless the consent authority is satisfied that it would be unreasonable or unnecessary in the circumstances.

The Sydney Metro approval (CSSI 7400) requires that the Sydney Metro DRP be established to ensure design excellence in the station design across the City and Southwest Metro line, including Martin Place. The Sydney Metro DRP's role is to refine the design objectives for placemaking, urban design and heritage (as identified in the Station Design and Precinct Plan) and advise on the application of those objectives. Although this role does not extend to OSD. The Sydney Metro DRP comprises five members who are experts in design, including a representative of the Heritage Council.

The Applicant proposes an alternative design excellence framework (ADEF), in lieu of a competition, to ensure the Stage 2 detailed building design achieves design excellence in accordance with the SLEP. The Applicant's ADEF comprises:

- using the Sydney Metro DRP, or sub-committee of that DRP comprising four members of the Sydney Metro DRP (including the chair) and one independent member
- the proposed MPSP Guidelines, which simplifies and consolidates the various design and heritage principles relating to the Precinct, including the station design guidelines
- developing a Competitive Design Opportunities Program (for submission with the stage 2 development application) identifying opportunities for design competitions, for example design of the end of trip facilities, workplace design for co-work hub and art, landscaping and lighting.

The Applicant contends that requiring a design competition in this instance is both unreasonable and unnecessary, for the following reasons:

- unreasonable, as it would:
  - not add value to the design outcome, as the competition would only apply to the façade of the OSD and not the station levels and the need to 'lock in' design elements of the station (including the tower cores and structures within the 'station box')

- constrain opportunities for a fully integrated station and OSD solution, as there is insufficient time to recommence the design process for the OSD to meet the critical design timeframes for the station
- involve an extremely complicated and restrictive brief for competitors, as the OSD is one part of a specialised and complex building largely informed by the technical requirements of the Metro station
- result in an approach and design response that is more disjointed and conflicted if a different team were employed for the OSD component
- unnecessary, as the proposed ADEF is a more comprehensive, interactive and critical design process than would otherwise occur following a competition.

Council objects to the Applicant's ADEF, in lieu of a competition, as:

- the original principle of the OSD and Sydney Metro being delivered separately (to not interfere with the delivery of the Metro) still prevails
- it is possible for the OSD to comply with the required competitive design process in the SLEP
- the Sydney Metro DRP does not have jurisdiction for the OSD and any concerns / strong views expressed by Sydney Metro DRP are not necessarily taken on board by the Applicant.

The Australian Institute of Architects also raises concern with the proposal being assessed outside of Council's design excellence framework.

The Department sought advice from the GA NSW, which supports the principle of the Applicant's request to waive the requirement for a competition, subject to forming a site-specific DRP (**Appendix D**). In providing this advice, the GA NSW notes that a competition for an integrated station and OSD is possible. However, as a competition is not required for the station, a competition for the OSD only would reduce the level of design integration and negatively impact on the design quality of the final project.

The GA NSW have further clarified that a site specific DRP would ensure design excellence in the detailed building design, have an ongoing role during and after the determination of stage 2 development applications. The GA NSW also advise that the DRP panel membership should align with the approach set out by the Director General's Design Excellence Guidelines for establishing a competition jury.

The Department agrees with the advice of the GA NSW that whilst the circumstances of the proposal do not necessarily preclude a design competition, accepts that holding a competitive design process in this instance is unreasonable and unnecessary. This is because any competition requirement could only extend to the OSD component of the future building and not to the station structure at its base. This approach would therefore preclude a genuinely integrated design approach between the station and OSD.

Consistent with the advice of the GA NSW, the Department's support to waive the requirement for a design competition is subject to the Applicant establishing a site-specific DRP in accordance with the Director General's Design Excellence Guidelines. The Department notes the Sydney Metro DRP was constituted as a post approval requirement of the CSSI 7400 approval to oversee the detailed design of the metro stations within the broader Sydney Metro project. Importantly, the Sydney Metro DRP has not been constituted under the Director General's Design Excellence Guidelines and therefore the Department does not consider it appropriate to use the existing DRP as an alternative to a competitive design excellence process.

The Department considers that, as the Sydney Metro DRP is constituted under the infrastructure approval, its focus is broad ranging across the entire City and Southwest Metro line. Whereas, a site specific DRP with a clearly defined and specific scope will focus on achieving design excellence, having regard to the specific design excellence considerations in the SLEP, the Applicant's timescales and the stage of the project in the detailed design stage. The DRP's role

will also include overseeing the achievement of design excellence in the preparation of the Applicant's stage 2 development applications, commenting on issues raised in submissions and during the post approval stages of the project.

Given the importance of an integrated design approach between the station and OSD, the Department recommends the terms of reference of the DRP would need to establish a relationship with the Sydney Metro DRP. However, while being clearly aligned, the constitution of the DRP in terms of both scope and panel membership would differ from the Sydney Metro DRP and would also provide an independent governance structure for the design excellence of the project.

The Department therefore recommends a condition requiring that a site-specific DRP be established to ensure design excellence in the OSD and its integration with the station. This condition will require the scope (or terms of reference) for the DRP be finalised in consultation with the GA NSW and approved by the Secretary before the DRP meets and prior to lodging a stage 2 development application. The DRP will remain engaged to oversee the project through the assessment process, including consideration of issues raised in submissions and the Applicant's response to submissions. The terms of reference will also include the panel membership, to be agreed in consultation with the GA NSW having regard to current Department advice for establishing a competition jury in the Director General's Design Excellence Guidelines.

## 5.4 Building envelope

The proposal seeks concept approval for two commercial building envelopes, with a combined maximum GFA of 125,437 m<sup>2</sup>, integrated with the two new Sydney Metro station entrances at Martin Place.

The proposed north site building envelope (**Figure 8**) has a maximum GFA of 104,270 m<sup>2</sup> (or 79,848 m<sup>2</sup> excluding 50 Martin Place). It has a maximum height of RL 214.27 (approximately 40 storeys) at the northern boundary on Hunter Street, tapering to RL 132.58 (approximately 26 storeys) at the southern boundary (adjacent to 50 Martin Place).

At ground level, the building envelope footprint (excluding 50 Martin Place) is rectangular covering the entire site. It has a footprint area of approximately 3,750 m<sup>2</sup>, measuring approximately 70 m between Hunter Street and 50 Martin Place and 45 m between Castlereagh and Elizabeth Streets. The building envelope comprises a 'tower to ground' (or zero tower setback) building typology, with no discernible podium or associated upper level building setbacks.

The proposed south site building envelope (**Figure 8**) has a maximum GFA of 21,167 m<sup>2</sup>, comprising:

- tower, setback from the site's northern boundary to Martin Place by 25 m, with a maximum height of RL 155.395 (approximately 32 storeys) tapering to RL 147.191 (approximately 29 storeys) on the site's southern boundary
- podium covering the entire site with a maximum height of RL 76.95 (or 55 m / approximately 11 storeys).

The south site building envelope footprint (at ground level) is generally square, with a footprint area of approximately 1,865.5 m<sup>2</sup> and a length of 45 m to Martin Place and 41 m to Castlereagh and Elizabeth Streets. The tower component has a footprint area of approximately 720 m<sup>2</sup> (being 45 m x 16 m).

Whilst the Applicant does not seek approval for actual building forms it has provided an indicative design illustrating how the proposed GFA can be accommodated within each of the building envelopes (**Figure 13**). The Department notes from this illustrative scheme the proposed GFA for both sites fits comfortably within the proposed building envelopes and does not occupy their

entire volume. Both buildings are lower in height than the envelopes, and the sculptural and contoured form of the north building also reduces its scale and bulk when compared to the envelope.

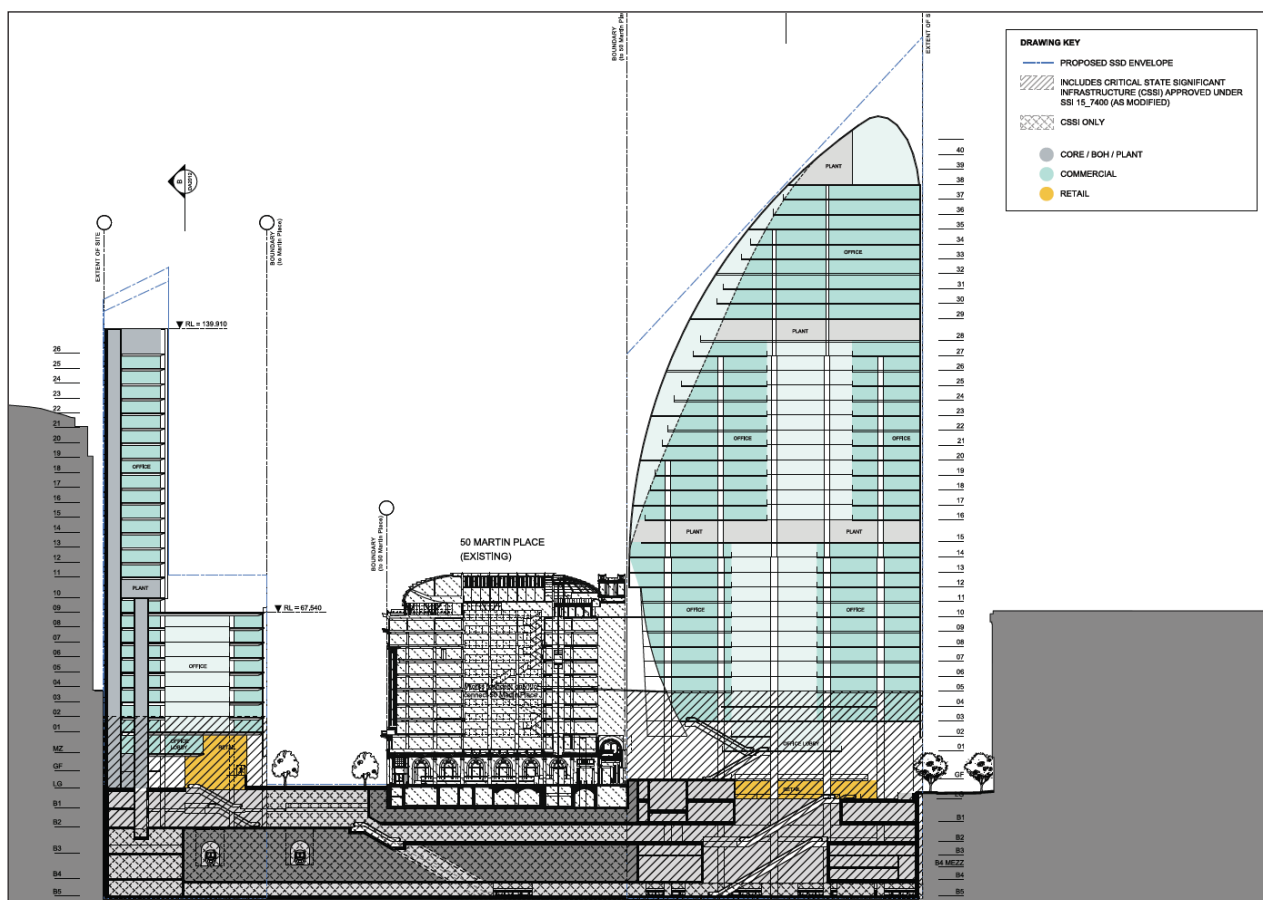


Figure 13: Illustrative scheme within the building envelopes (Base source: Applicant's RtS)

The Applicant also seeks approval of the MPSP Guidelines, which will inform the detailed design of buildings within the envelopes (to be assessed in the stage 2 development applications). These provide specific guidance on a range of building design considerations, such as podium street wall, tower setbacks, street wall articulation, materials, scale and relationship to 50 Martin Place.

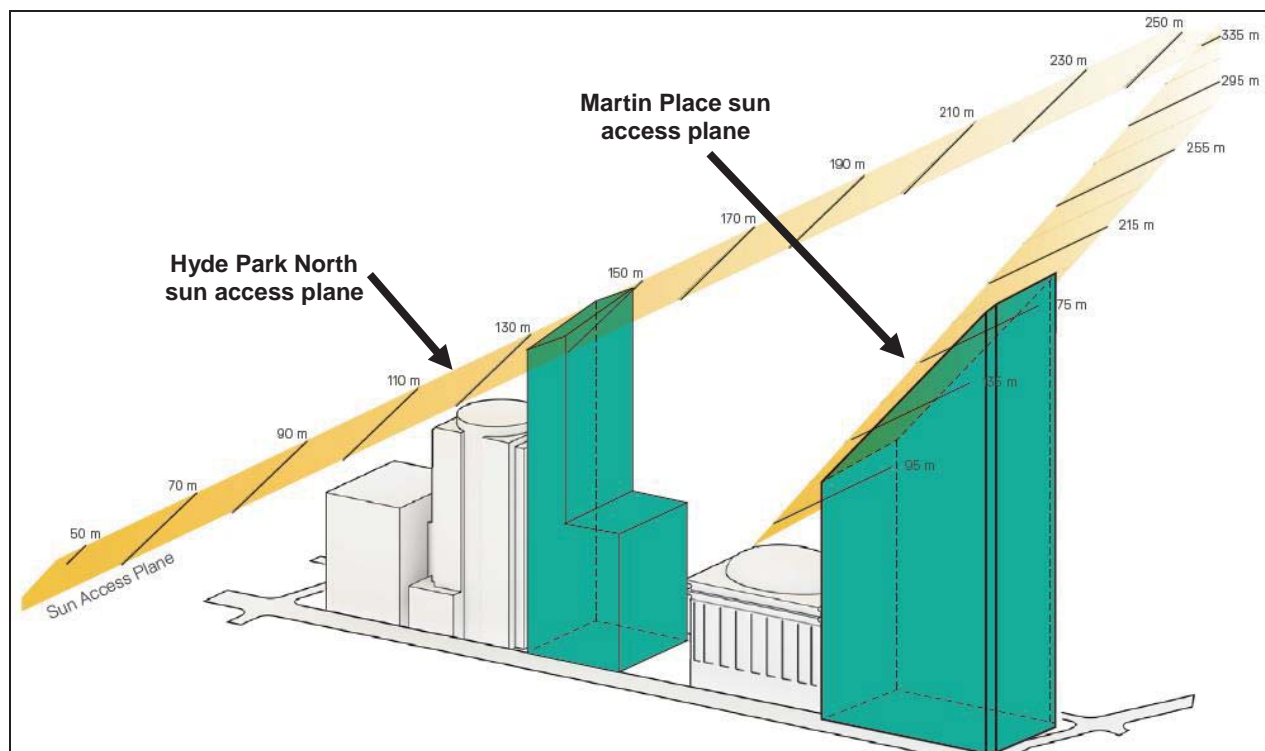
The SLEP contains two principal development standards applying to the site, namely building height and FSR. The building envelopes comply with the building height development standards, as they do not project higher than the Martin Place and Hyde Park North sun access planes in the SLEP respectively and the south building envelope includes a 25 m building setback to Martin Place above the required 55 m podium height (**Table 6** and **Figure 14**). The south building envelope complies with the FSR development standard, however the north building envelope exceeds the FSR development standard by 35,495 m<sup>2</sup> (or 47%) (**Table 6**).

Table 6: Proposed building height and FSR compared with SLEP development standards

Building Height			
Site	Proposed height	Height control	Complies
North	RL 214.27, tapering to RL 132.58 (to reflect the Martin Place sun access plane)	Martin Place sun access plane	Yes
South	Tower: RL 155.395, tapering to 147.191 (to reflect the Hyde Park North sun access plane) Podium: 55 m	Tower: Hyde Park North sun access plane Podium: 55 m	Yes

Gross Floor Area (GFA) and Floor Space Ratio (FSR)						
Site	Site area	Proposed GFA sought for OSD	Station GFA*	Proposed GFA to calculate FSR*	Development standard	Complies
North	6,022 m <sup>2</sup>	104,270 m <sup>2</sup>	6,500 m <sup>2</sup>	110,770 m <sup>2</sup> (18.4:1)	12.5:1 (75,275 m <sup>2</sup> )	No (+5.9:1 / 35,495 m <sup>2</sup> / 47%)
South	1,897 m <sup>2</sup>	21,167 m <sup>2</sup>	2,500 m <sup>2</sup>	23,667 m <sup>2</sup> (12.47:1)	12.5:1 (23,712 m <sup>2</sup> )	Yes

\* In accordance with Clause 4.5 of the SLEP, the FSR is the ratio of the GFA of all buildings within the site to the site area, and although not proposed within this application, the overall GFA must include the GFA associated with the station approval.



**Figure 14: Proposed building envelopes shown against the Martin Place and Hyde Park North sun access planes (Base source: Applicant's RtS)**

The Applicant has submitted a request under Clause 4.6 of SLEP to justify the exceedance of the FSR development standard. The Department supports this request (**Appendix C**), as it is satisfied the proposal is consistent with the objectives of the development standard and zone, delivers commercial floorspace to accommodate 8,500 new employment opportunities in a highly accessible location, has merit on environmental planning grounds and any impacts of the proposal on surrounding amenity are considered minor and reasonable (subject to recommended conditions). In addition, the Department notes that the amount of GFA provided above ground amounts to an exceedance of approximately 35%, as some of the floorspace that contributes to the FSR exceedance is below ground.

The Department has also considered the proposal against the draft amendments to the SLEP in the planning proposal (**Section 1.6.3**), and is satisfied that both the north and south building envelopes are consistent with the proposed planning controls.

The Department sought advice from the Government Architect NSW (GA NSW) who supports the proposed building envelopes, noting that to achieve design excellence the final designs will need to respond to the context and MPSP Guidelines, and to the satisfaction of a design review panel (DRP) (**Appendix D**).

Council supports some land use intensification for the north tower (subject to modelling and setbacks). However, it objects to the proposed extent of the FSR non-compliance and also to any

overshadowing of Martin Place and adjoining road reserves beyond that of scheme that complies with the SLEP and Sydney Development Control Plan 2012 (SDCP).

A public submission notes that the building height and FSR must comply with the SLEP controls, and the Local MP has raised concern that the proposal is too large and will erode the adjacent public space, including Martin Place and footpaths, through shadow and wind impacts.

The Department acknowledges the advice and concerns raised in these submissions. Further, it notes that due to the expanse of the north site (and its relatively large size compared to other nearby sites), the bulk and scale of the northern building envelope could potentially result in a visually dominant building with adverse amenity impacts.

The Department has therefore carefully considered the form and size of the proposed building envelopes having regard to the various views expressed in submissions and the provisions of the SLEP. The Department has also considered the proposed envelope form against the SDCP guidelines relating to podium heights and tower setbacks (**Appendix B**), as these provide a useful guide to the desired future of the locality.

In this regard, key issues in the consideration of the building envelopes include:

- consistency with the desired character of the area
  - north building envelope
  - south building envelope
- overshadowing and solar access
- visual impacts and outlook.

#### **5.4.1 Consistency with the desired character of the area**

##### North building envelope

Noting its location and size, the north site is capable of accommodating development that will be important in defining the character of the area. The site occupies the entire street block and on its north-south axis buildings span between the low-scale character of buildings along Martin Place and the taller tower form of buildings fronting Hunter Street (**Figure 15**). Buildings currently on the site also play an important role in reinforcing the street wall height along Castlereagh and Elizabeth Streets (**Figure 17**).

As outlined in **Section 1.5**, the built form character to the north of the Precinct is defined by a range of varied building forms and heights, including several tall towers on the southern side of Hunter Street (**Figures 15 and 16**). The taller towers are approximately 40 storeys in height, with a predominant 'tower to ground' (or zero tower setback) typology and void spaces / atria at the ground levels. This area also comprises lower scale buildings of approximately 10 storeys, such as 66 Hunter Street and 1 Chifley Square (the Qantas Building).

The predominant built form character further south on Martin Place is defined by several high-quality heritage buildings, with low-scale building heights fronting Martin Place of approximately 10 storeys (**Figure 15**).

To the west on Castlereagh Street and east on Elizabeth Street, existing buildings range in height and typology (**Figure 15**). The character of buildings in this location form a midblock transition in scale and height from the taller towers on Hunter Street to the lower scale of buildings on Martin Place.

The Department considers the proposed building envelope at its northern end is consistent with the character of buildings in this area, as it provides for a 40 storey building with a 'tower to ground' typology fronting Hunter Street. The maximum height of the building envelope complies with the height control in the SLEP and is also consistent with the height of several surrounding

buildings (**Figure 16**). The Department therefore supports the proposed envelope at its northern end.

The Applicant's illustrative scheme and MPSP Guidelines provide for the lower levels (up to Level 4) of north elevation being setback from Hunter Street by approximately 2 m (also known as a 'reverse podium') (**Figure 16**). While this will be confirmed through the detailed station design, the Department supports this approach as it will create a generously proportioned entrance to the Sydney Metro station, and consistent with the character established by buildings on the southern side of Hunter Street.

At the southern end, the retained 50 Martin Place reflects the low scale character of buildings fronting Martin Place and reinforces the dominant street wall height on Castlereagh and Elizabeth Streets, through its high-quality heritage features and 10 storey height fronting Martin Place.

The Department considers that a key issue is how the envelope creates a scale transition that appropriately integrates the taller towers on Hunter Street to the lower scale heritage building at 50 Martin Place. The Department considers this transition is partly achieved by tapering of the building envelope height from RL 214 (approximately 40 storeys) at its north elevation to RL 132 (approximately 26 storeys) at its south.

The Department also notes the MPSP Guidelines require the architectural form and expression of a future building on the north site should allow 50 Martin Place to be understood as a distinct and independent architectural element in the streetscape. The Applicant's illustrative scheme provides an example of how this can be achieved, showing the north tower form being setback from 50 Martin Place and integrated with it and the podium below (**Figure 13**).

The Department however notes the southern elevation of the envelope is approximately 50 m taller than 50 Martin Place (or nearly double its height) directly adjacent on its northern boundary. The Department considers this creates a sudden and contrasting scale shift to 50 Martin Place, whereas a refined and sensitive scale transition would integrate with the lower scale of 50 Martin Place.

In addition, the scale of the envelope appears bulkier than the nearby tower structures, which are more slender and modular than what is proposed (**Figure 16**).

The proposed envelope and MPSP Guidelines also provide for a 'tower to ground' typology (or zero tower setback) on Castlereagh and Elizabeth Streets, and the MPSP Guidelines require that future buildings reinforce and articulate the street wall height through a change in materials and façade treatment (indents) (**Figure 17**). The Department considers this goes some way to reinforcing the consistent street wall height in a future building along Castlereagh and Elizabeth Streets.

While the Department supports the proposed 'tower to ground' (or zero setback) typology on the Hunter Street elevation, it considers the MPSP Guidelines should not preclude consideration of a setback to Castlereagh and Elizabeth Streets in the detailed building design. This is important so that the lower levels at the south of the north envelope can appropriately integrate with the street wall height of 50 Martin Place.

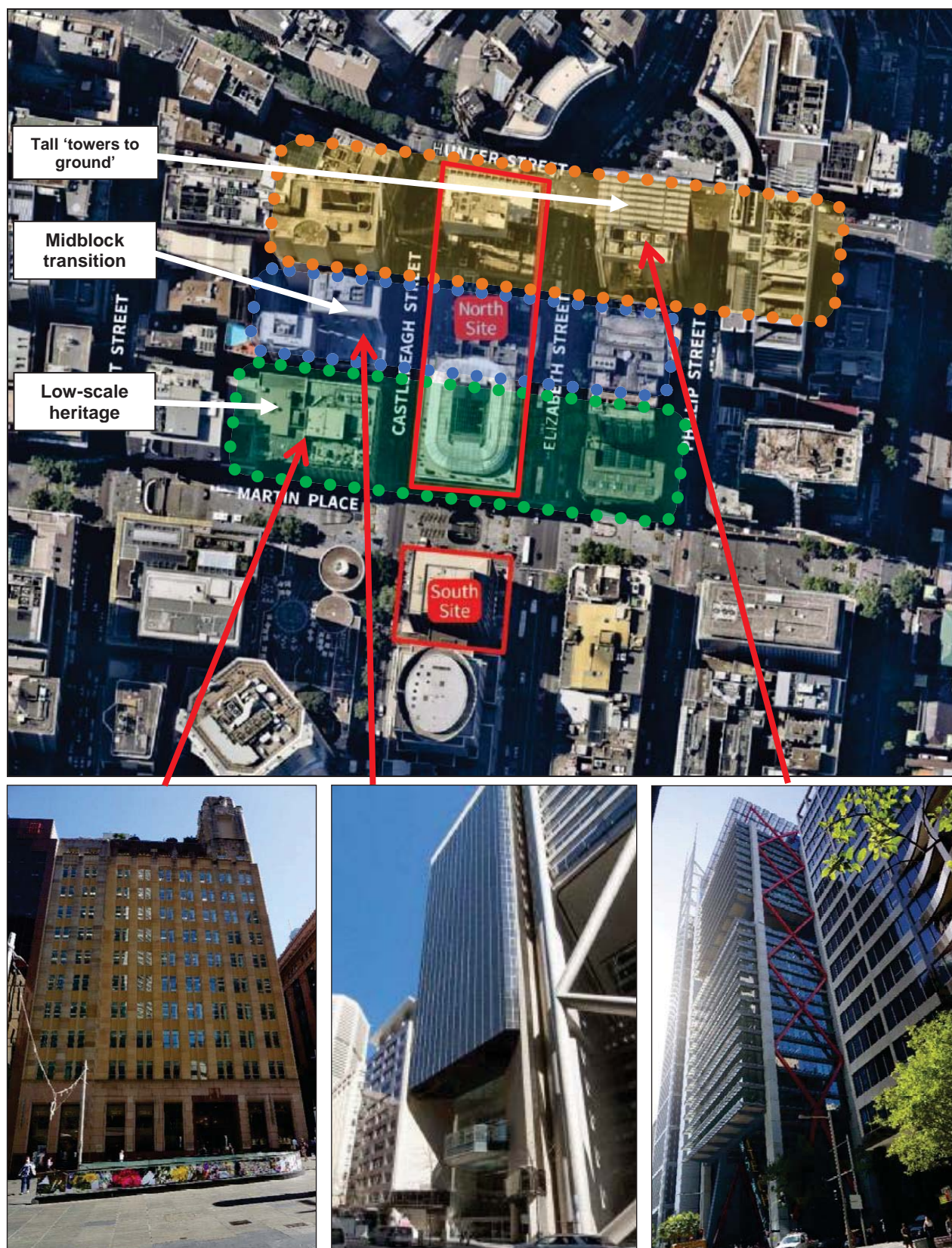
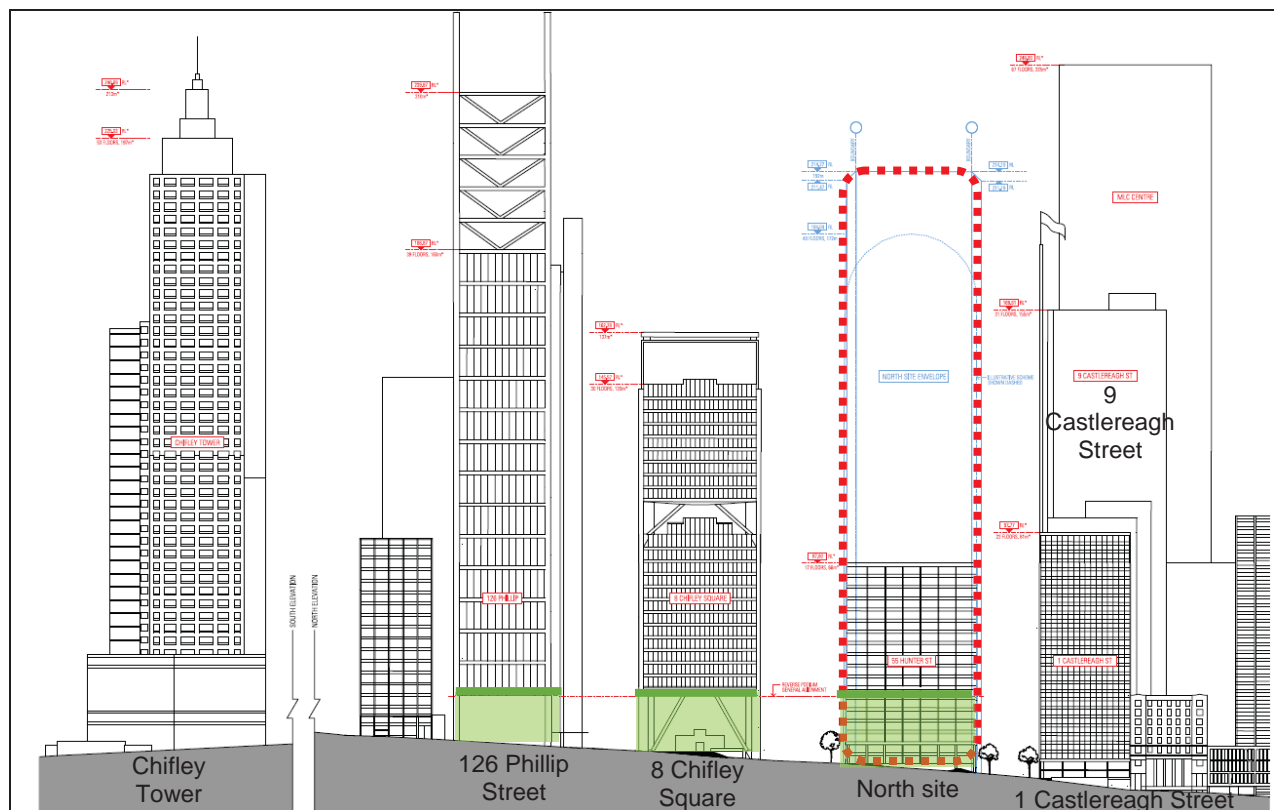


Figure 15: Analysis of the character of the area (Base source: Nearmap)

The Department acknowledges there is still a significant amount of work to be carried out in the detailed design of the buildings. The Department considers the proposed building envelope is the maximum of what can be supported on the site, and the final form of the building at the south of the envelope should create a gradual and sculptural response that integrates with and articulates the street wall height of 50 Martin Place.

The Department therefore recommends amendments to the MPSP Guidelines so that the DRP and future stage 2 development applications specifically consider how the north tower and podium / base (at its south) appropriately integrates with the low scale of 50 Martin Place, and clearly articulates its street wall height on the Castlereagh and Elizabeth Street elevations.



**Figure 16: Proposed building envelope (shown in red) in the context of existing buildings fronting Hunter Street, with the large entrance atria shown in green (Source: Applicant provided)**

### South building envelope

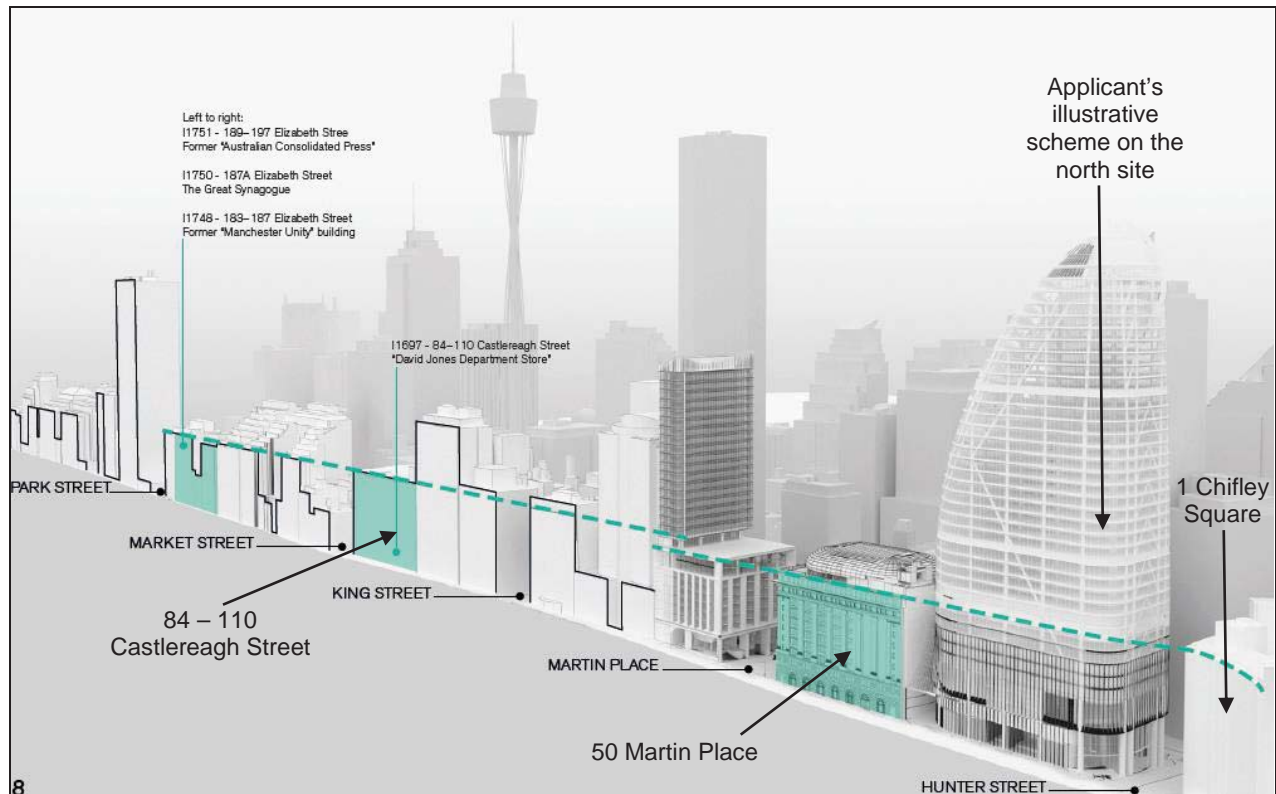
The predominant built form character of Martin Place is defined by several high-quality heritage buildings, with consistent low-scale building heights fronting Martin Place (of approximately 10 storeys). These lower scale buildings provide a strong urban edge to Martin Place and, together with the MLC forecourt, give it a sense of openness to the sky enhancing its amenity and civic importance. There is however some variety in building form along Martin Place, in particular directly to the east of the site is a 14 storey building with no podium. Buildings fronting onto Castlereagh and Elizabeth Streets in this area also provide an intermittent street wall height of approximately 10 storeys (**Figure 17**).

The Department considers the existing building on the site (**Figure 5**), comprising a 22 storey tower is largely uncharacteristic of buildings on Martin Place and does little to respond to the character and amenity of Martin Place.

The proposed envelope complies with both the height and FSR controls in the SLEP. This includes the current SLEP requirement to setback the tower element 25 m from the Martin Place frontage. However, the Department notes the envelope does not provide any setback for the tower above the podium level to Castlereagh and Elizabeth Streets. Council has pointed to the

SDCP, which requires a minimum setback of 8 m, and notes that there is inadequate justification for a variation to this provision.

The Applicant contends that buildings in the area do not have clearly defined building setbacks, and the proposed building form will create a sense of arrival to Martin Place. The Applicant's MPSP Guidelines require the podium / tower relationship on the south site be differentiated through façade articulation (recess), colours, materials, with a more pronounced recess and setback to Martin Place, to further reinforce the street wall height (**Figure 17**).



**Figure 17: Typical street wall height along Elizabeth Street (Base source: Applicant's RtS)**

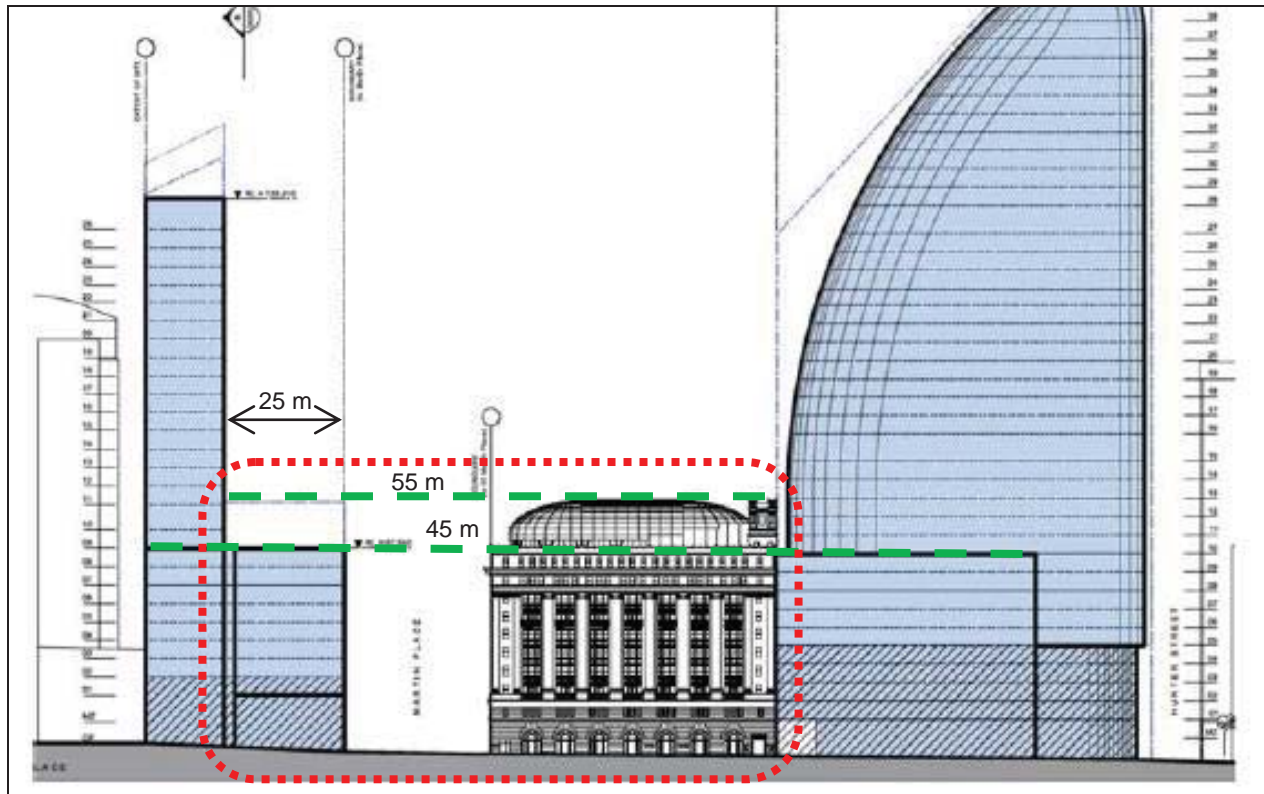
The Department supports the proposed 55 m podium height as the maximum for this element as it reinforces the predominant lower scale building pattern fronting onto Martin Place. The Applicant's MPSP Guidelines and illustrative scheme further enhance the height relationship with 50 Martin Place with a height of 45 m, consistent with the 50 Martin Place parapet height. This 45 m podium height will also help to reinforce the consistent street wall height fronting Martin Place and along Castlereagh and Elizabeth Streets (**Figure 18**).

The Department considers that in order to maintain a sympathetic relationship to the surrounding context, the building should maintain a clear podium and tower distinction. The Department notes the tower element presents as a distinct element above the podium when seen from the street. This is primarily due to its comparatively slender form (16 m width) when seen in comparison with the much wider podium element (41 m width) that itself forms a clear street wall element along the entirety of the site frontage. In addition, the Applicant's MPSP Guidelines will ensure that the podium / tower relationship on the south site is differentiated through colours, materials, with a more pronounced recess and setback to Martin Place. On this basis, the Department does not agree with Council and accepts the Applicant's justification that a zero setback to Castlereagh and Elizabeth Streets is not necessary for the future building to maintain a sympathetic relationship with the character of these street frontages.

The Department accepts there are a range of building treatments and architectural design solutions available to ensure this distinction is maintained and enhanced as part of any future

detailed design of this building. For example, the Applicant's illustrative scheme provides a pronounced recess between the podium and tower elements on these elevations (**Figure 17**). The Applicant's MPSP Guidelines seek to achieve this distinction through similar articulation as well as the use of complementary façade materials.

Whilst these solutions are not considered to be exhaustive, the Department considers that the proposed south building envelope, when considered as a starting point for further detailed design and having regard to the Applicant's MPSP Guidelines, is capable of achieving a positive relationship with the surrounding built form context.



**Figure 18: South building consistency with the height of 50 Martin Place (Source: Applicant's EIS)**

#### 5.4.2 Overshadowing and solar access

The SLEP controls building height through sun access planes to ensure that buildings maximise sunlight access to important public places and the facades of sandstone buildings in special character areas (**Figure 14**). The SLEP also prohibits development that results in any additional overshadowing of Pitt Street Mall (the Mall) between 10 am and 2 pm between 14 April and 31 August, beyond that of existing buildings and a shadow cast by a 20 m street wall on either side of the Mall.

The proposed building envelopes are consistent with the Martin Place and Hyde Park North sun access planes in the SLEP. The Applicant also notes the proposal will not cause any additional overshadowing of the Mall.

Council and a submission from the local MP raise concern about potential overshadowing of the building envelopes on public places, including Martin Place, the adjoining road reserves, Hyde Park and the Mall.

The Department has reviewed the Applicant's comparative solar access analysis of existing shadows, the proposed envelopes and an alternative building envelope which provides tower setbacks to Castlereagh and Elizabeth Streets (consistent with the SDGP). The Department has particularly considered the overshadowing impacts of the proposal on the key public areas

between 14 April and 31 August, as this represents the most sensitive time of the year for overshadowing due to the angle of the sun.

The Department's consideration of overshadowing impacts associated with the proposed building envelopes are set out below.

### Martin Place

Martin Place is a key pedestrian link through the CBD and provides one of Sydney's great public and commemorative spaces. Martin Place provides an important space for passive recreation through its formal and informal seating areas. Due to its east west orientation, Martin Place is already significantly overshadowed by existing buildings to the north for much of the day and year, especially at mid-winter.

The Applicant's solar access analysis shows that the south building envelope will not overshadow Martin Place. The north building envelope overshadows Martin Place at various times throughout the year, although much of the overshadowing is consistent with the shadow cast by existing buildings or a scheme that provides tower setbacks to Castlereagh and Elizabeth Streets (as required in the SDCP) (**Figure 19**).

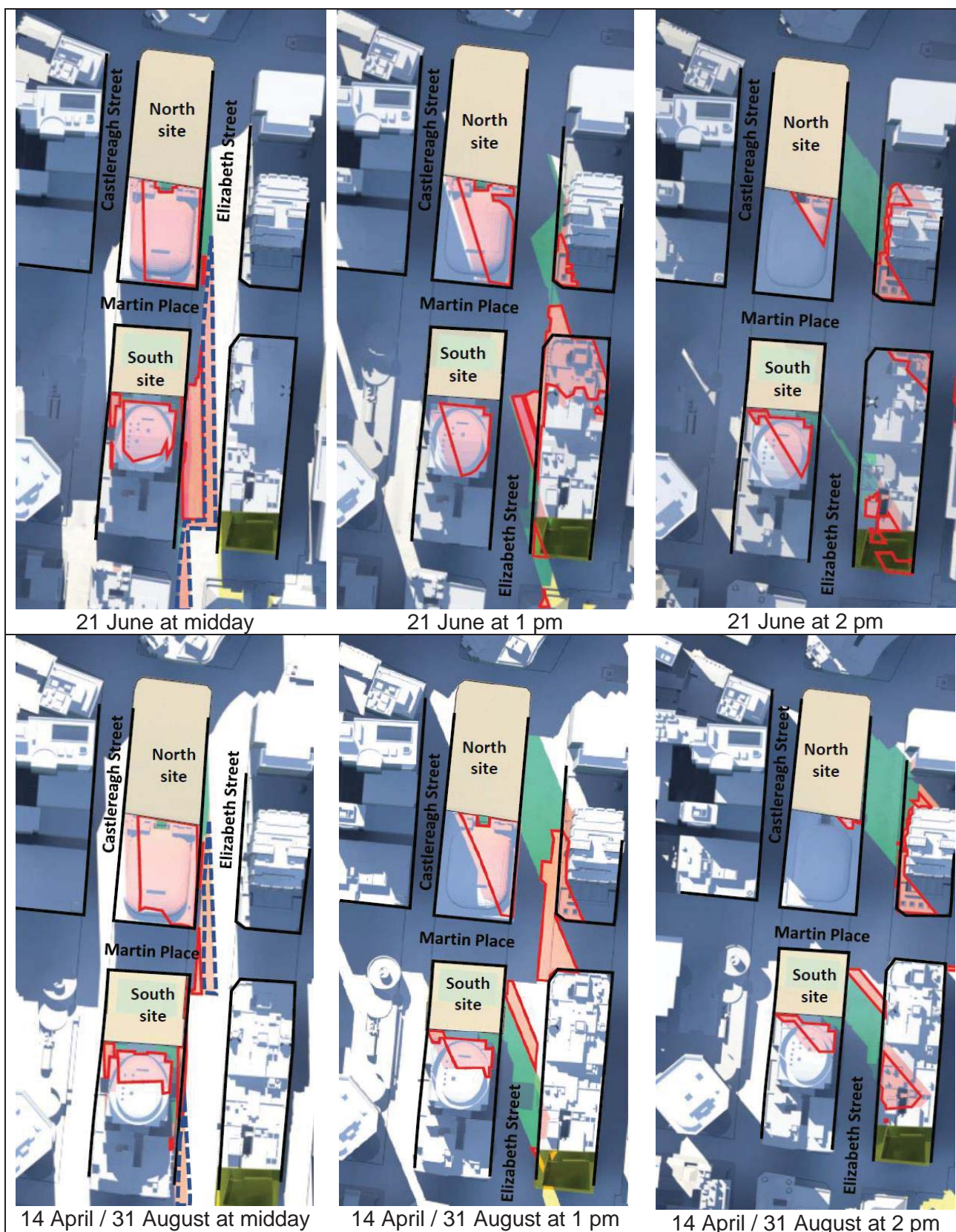
However, the proposal on the north site casts an additional shadow on two narrow strips of Martin Place (to the west of Castlereagh Street and east of Elizabeth Street) at certain times between 11 am and 2 pm between 14 April and 31 August (**Figure 20**). This is largely due to the proposed tower to ground typology on Castlereagh and Elizabeth Street elevations.

The Department notes that the proposal complies with the Martin Place sun access plane and the SLEP does not protect solar access to this part of Martin Place. In addition, Council's requirements for tower setbacks and protection of sun access to Martin Place in the SDCP do not apply to SSD. Notwithstanding, the Department raised concerns with the extent of additional overshadowing of Martin Place during the sensitive lunch time period (of between 12 and 2 pm), as a result of the width of the building envelope and absence of tower setbacks anticipated in the SDCP.

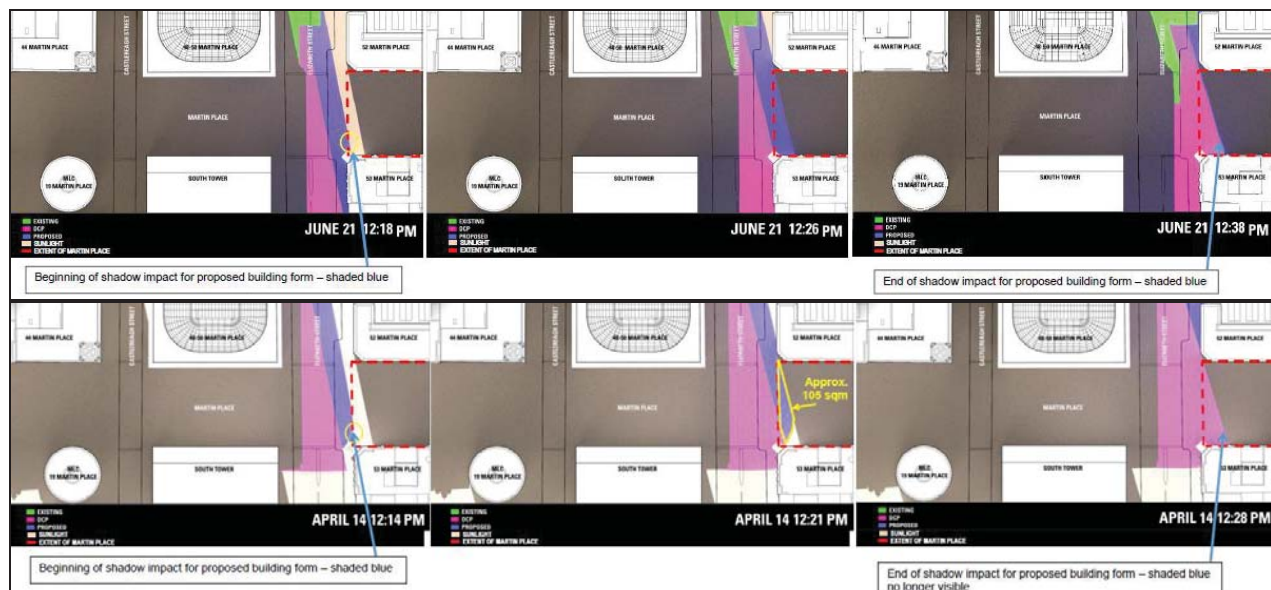
In response, the Applicant provided the following additional justification and clarification on the extent of overshadowing to Martin Place, having particular regard to its illustrative scheme:

- approximately 97% of Martin Place is already overshadowed by existing buildings on 21 June
- on 21 June the illustrative scheme overshadows Martin Place for a maximum of 20 minutes between 12:18 and 12:38 pm, casting a shadow on approximately 1.14% of Martin Place at 12:26 pm at its greatest extent (**Figure 20**)
- Council's proposed Central Sydney Planning Strategy (CSPS) specifies that the intended period of protection provided by the sun access plane to Martin Place is outside of winter months, being 31 August to 14 April (with the relevant date being 14 April, and not 21 June)
- on 14 April, overshadowing of Martin Place from the illustrative scheme reduces to 14 minutes between 12:14 and 12:28 pm, casting a shadow on approximately 0.9% of Martin Place at 12:21 pm at its greatest extent (**Figure 20**)
- the area of Martin Place affected is used for pedestrian movement, and not sitting.

The Department has carefully considered the impact of the proposal on solar access to Martin Place, having regard to the Applicant's solar access analysis and further clarification based on its illustrative scheme. The Department has reviewed the proposed CSPS (together with historical versions of the SLEP) and accepts the Applicant's contention that the Martin Place sun access plane is intended to protect solar access to Martin Place outside of mid-winter, which is reasonable as in mid-winter approximately 97% of Martin Place is already overshadowed.



**Figure 19:** Additional shadow cast on Martin Place and surrounding streets (outlined in blue), compared to the shadow cast by existing buildings on the site (shaded green), existing surrounding buildings (shaded grey) and a SLEP / SDCP compliant scheme (outlined in red) (Source: Applicant provided)



**Figure 20: Overshadowing of Martin Place on 21 June (top) and 14 April (bottom), with the shadow cast by existing buildings (shaded green), a SLEP / SDCP compliant scheme (shaded pink) and additional shadow cast by the Applicant's illustrative scheme (shaded in blue) (Source: Applicant provided)**

The Department supports the proposed building envelope on the north site in terms of overshadowing impacts to Martin Place for the following reasons:

- during Council's intended period of protection (12 to 2 pm outside winter months), the shadow cast by the illustrative scheme on Martin Place is (**Figure 20**):
  - has a duration of only 14 mins from 12:14 to 12:28 on 14 April
  - covers 0.9% the area of Martin Place at 12:21 pm at its greatest extent and Martin Place is already significantly overshadowed by existing buildings to its north
- the overshadowing will not significantly impact on pedestrian amenity and use of the space, as the area affected is adjacent to the roadway and footway, and largely used for pedestrian movement as opposed to pedestrian sitting
- there are several examples of approved and constructed developments, including 126 Philip Street (Deutsche Bank Place) that, while complying with the sun access plane, result in some additional overshadowing of Martin Place, including overshadowing caused by building elements which would not strictly comply with the SDCP setback controls.

Therefore, the Department considers the overshadowing impact is relatively minor in duration (14 minutes) and indiscernible as it covers an area of 0.9% of Martin Place at its greatest extent. However, the Department considers it reasonable that the Applicant be required to explore opportunities to improve solar access to Martin Place in the detailed building design during the lunch time period between 12 and 2 pm on 14 April, when compared to the shadow cast by the building envelope.

#### Adjoining road reserves

The Department notes that the proposal results in overshadowing to Castlereagh and Elizabeth Streets, which are overshadowed at various locations across the day by existing nearby buildings to the east and west.

The Applicant's solar access analysis shows both building envelopes cause some overshadowing to the Castlereagh and Elizabeth Street road reserves between 14 April and 31 August (**Figure 19**). However, at its greatest extent (in mid-winter / 21 June), these overshadowing impacts are comparable with the alternative envelope which provides tower setbacks to Castlereagh and Elizabeth Streets. Minor additional impacts are also limited to the road way and small parts of the footpath for a short duration in any one location.

The Department notes the SLEP does not specifically protect sunlight to the Castlereagh and Elizabeth Street road reserves. While the Department acknowledges Council's concerns, it considers these streets primarily serve a utility function and a level of overshadowing caused by tall buildings in the CBD on the actual roadway is acceptable.

The Department is therefore satisfied the overshadowing of the roadway and footpaths is limited for a short part of the day for a short duration in any one location along Castlereagh and Elizabeth Streets, and therefore acceptable.

#### Hyde Park North

The south building envelope complies with both the Hyde Park North sun access plane and the FSR development standard in the SLEP, however the Applicant's solar access analysis shows that it will create some minor additional overshadowing of Hyde Park at 2 pm at mid-winter (21 June), which will pass by 3 pm (**Figure 21**).

The Applicant's analysis shows that minor overshadowing impacts in this instance marginally exceeds the shadow cast by the existing buildings and the approved building at 148 King Street.

The Department notes this additional overshadowing is largely due to the maximum envelope height and zero setback to Castlereagh and Elizabeth Streets at the upper levels, which will be further refined in the detailed building form. In this regard, the Department accepts this analysis represents the unlikely greatest extent of overshadowing.

However, the Department acknowledges the importance of Hyde Park as a public open space and agrees with Council that the amenity of this area should be sensitively managed. The Department also considers that, unlike Martin Place which is already significantly overshadowed by existing buildings, especially in mid winter, Hyde Park is largely not overshadowed.



**Figure 21:** Additional shadow cast on Hyde Park (outlined in blue), compared to the shadow cast by existing buildings (shaded in grey), the approved building at 148 King Street (shaded in yellow) and a SLEP / SDCP compliant scheme (outlined in red) (Source: Applicant)

The Department therefore recommends a FAR that any future building demonstrates that it does not cause any additional overshadowing during the times that the park is likely used for passive recreation, being between 12 and 2 pm on 14 April, when compared to the shadow cast by existing buildings, approved buildings and a building consistent with the SLEP and SDCP. The Department also recommends revisions in the Applicant's MPSP Guidelines so that the DRP

considers any solar access implications to Hyde Park as part of its consideration of the detailed building design.

### Pitt Street Mall

In response to the SLEP requirements and Council's concerns about overshadowing of the Mall, the Applicant has provided a detailed solar access analysis. This analysis demonstrates the proposed envelopes do not cause any additional overshadowing of the Mall when compared to the shadow cast by existing buildings and a 20 m street wall, between 10 am and 2 pm, between 14 April and 31 August (**Figure 22**). This analysis shows that the shadow will pass Pitt Street Mall by approximately 10.10 am.

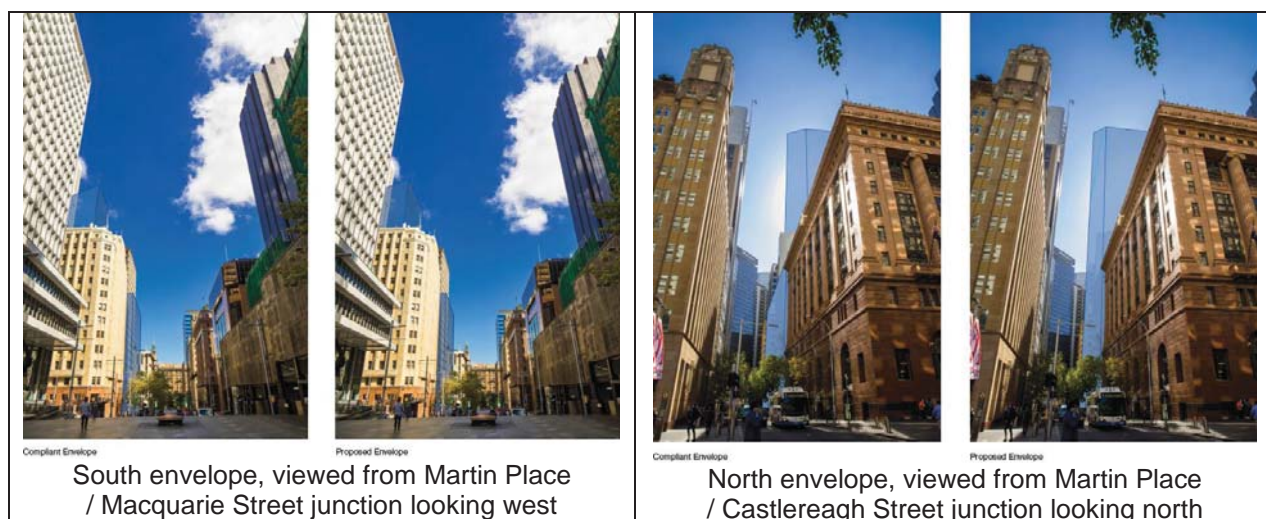
The Department has considered the Applicant's analysis and is satisfied it demonstrates no additional impacts at the key times of day and year and complies with the SLEP requirements.



**Figure 22: Solar access analysis of Pitt Street Mall between 9:30am and 10:10am on 21 June, comparing the shadow cast by the proposal (shaded in green), existing buildings (shaded in grey) and the 20 m street wall height (shaded in red) (Source: Applicant provided)**

### 5.4.3 Visual impacts

The Applicant has provided a view impact analysis examining the visual impacts of the proposed envelopes compared to existing buildings from 22 locations surrounding the Precinct. These locations are grouped around Martin Place, Chifley Square, Elizabeth Street, Castlereagh Street and City skyline views. The Applicant has also compared the visual impact of the proposal against alternative building envelopes which include tower setbacks to Castlereagh and Elizabeth Streets at 13 of these locations nearest to the Precinct (**Figure 23**).





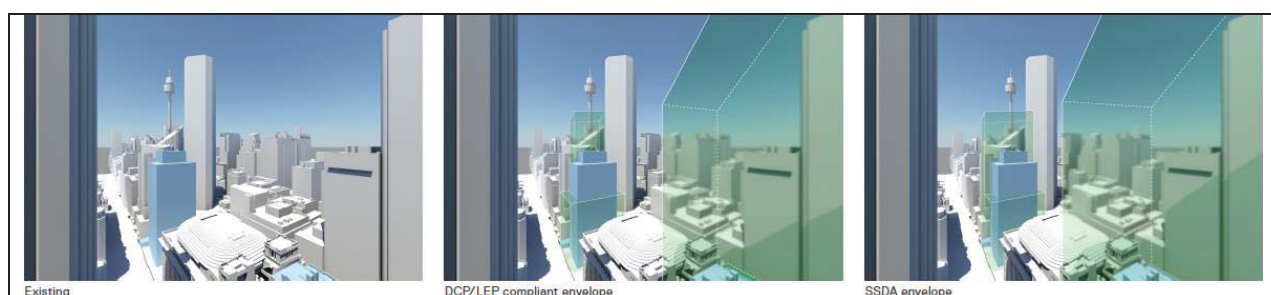
**Figure 23: Examples of the Applicant's view impact analysis comparing the proposed building envelopes to a SLEP / SDCP compliant envelope (Source: Applicant's RtS)**

Council has raised concern about the lack of tower setbacks to Castlereagh and Elizabeth Streets on the north and south building envelopes, and the impact of the proposal on views from surrounding buildings. Council has also provided a comparative view analysis of the proposed north building envelope and alternative building envelopes which comply with the FSR development standard and tower setbacks which are required by the SDCP (**Figure 24**).



**Figure 24: Council's view analysis from the east side of Elizabeth Street south of Martin Place looking north (Source: Council's submission on the EIS)**

In response to Council's concerns, the Applicant has also provided an assessment of the visual impacts of the proposal, when viewed from seven buildings surrounding the site, including 8 Chifley as shown in **Figure 25**.



**Figure 25: Example of the Applicant's view and outlook assessment of the proposed envelopes from approximately level 25, 8 Chifley looking south (Source: Applicant's RtS)**

Having reviewed the Applicant's and Council's view analysis, the Department notes:

- the south building envelope is visually indiscernible, when compared an alternative envelope with tower setbacks to Castlereagh and Elizabeth Streets, as viewed from the east and west on Martin Place, and the podium height and tower setback from Martin Place reinforces the strong urban edge of Martin Place
- any redevelopment of the north site, notwithstanding any tower setbacks, will be highly visible from key vantage points and neighbouring buildings given the size of the site and the height permitted under the SLEP
- the proposed 'tower to ground' north envelope fronting Hunter Street reinforces the building form in this area, while not dominating the streetscape and skyline
- visual impacts associated with the unarticulated building envelope and 'tower to ground' typology on the Castlereagh and Elizabeth Street elevations will be improved through the detailed building design
- any impact on views and outlook from neighbouring buildings is largely as expected when considering the redevelopment of an inner city site and indiscernible when compared to an alternate building envelope with tower setbacks
- any additional outlook impacts result in minor reductions to sky views, will not impact significant harbour views and will be reduced in the detailed building form overseen by the DRP.

The Department acknowledges Council's concerns, however is satisfied the visual impacts of the proposed north and south building envelopes are acceptable in the context of the site's inner city location and also noting any visual impacts will be further reduced as the building envelopes are articulated through the Applicant's detailed design and through the involvement of the DRP.

#### 5.4.4 Conclusion

The Department has considered the appropriateness of the proposed building envelopes having regard to the views expressed in submissions and advice received from the GA NSW. In doing so the Department has carefully reviewed the relationship of the building envelopes with the character of the area and associated visual and shadowing impacts.

The Department acknowledges the large envelope on north site, together with the FSR exceedance, gives rise to concerns about potential bulk, scale, overshadowing and adverse visual impacts. However, the Department considers:

- it is integrated with the new Sydney Metro station at Martin Place, with some of the floorspace attributable to the FSR located below ground and therefore not contributing to the building bulk
- the building envelope establishes maximum initial parameters which, in conceptual terms, fits with its varied surrounding context between Hunter Street and Martin Place
- the proposed envelope does not overshadow Pitt Street Mall and results in minor and reasonable overshadowing impacts to surrounding streets and Martin Place (noting a condition is recommended to ensure no additional overshadowing to Hyde Park during critical times)
- the visual impacts associated with the envelope are reasonable in that they are consistent with other buildings in this part of the CBD.

The south building envelope complies with the relevant height and floor space controls in the SLEP. It provides an initial envelope which, in conceptual terms, sympathetically fits in with its surrounding context and results in shadowing impacts only marginally exceeding existing conditions in the CBD.

The Department has not considered the proposed building envelopes in isolation, rather it supports the envelopes noting that they establish a starting point for a significant amount of further design refinement and resolution. The Department notes that the Applicant's illustrative

scheme demonstrates there is significant scope for design refinements within the proposed envelopes whilst accommodating the proposed floor space.

The Department's assessment notes Martin Place and Hyde Park are important public amenities for a range of active and passive recreation purposes. The Department considers that any additional overshadowing to Martin Place is minor, as it is already significantly overshadowed by existing buildings to the north and will only affect areas used for pedestrian movement. However, as Hyde Park is largely unshadowed, the Department recommends a FAR so that future buildings on both sites do not result in any additional overshadowing of Hyde Park from 12 to 2 pm on 14 April, when compared to the shadow cast by existing buildings, approved buildings and a building that complies with the SLEP and SDCP.

The Applicant's MPSP Guidelines contain measures that will assist in informing the further design resolution. To ensure the recommended design excellence process (**Section 5.3**) is well informed and effectively resolves key design issues, the Department recommends that the Applicant's MPSP guidelines be amended to include the following:

- the north tower and podium (at its south) is to appropriately integrate with the low scale of 50 Martin Place, and clearly articulate its street wall height on the Castlereagh and Elizabeth Street elevations
- buildings on the north and south sites shall not result in additional overshadowing of Hyde Park between 12 and 2 pm on 14 April, when compared to the shadow cast by existing buildings, approved buildings and a building that complies with the SLEP and SDCP.

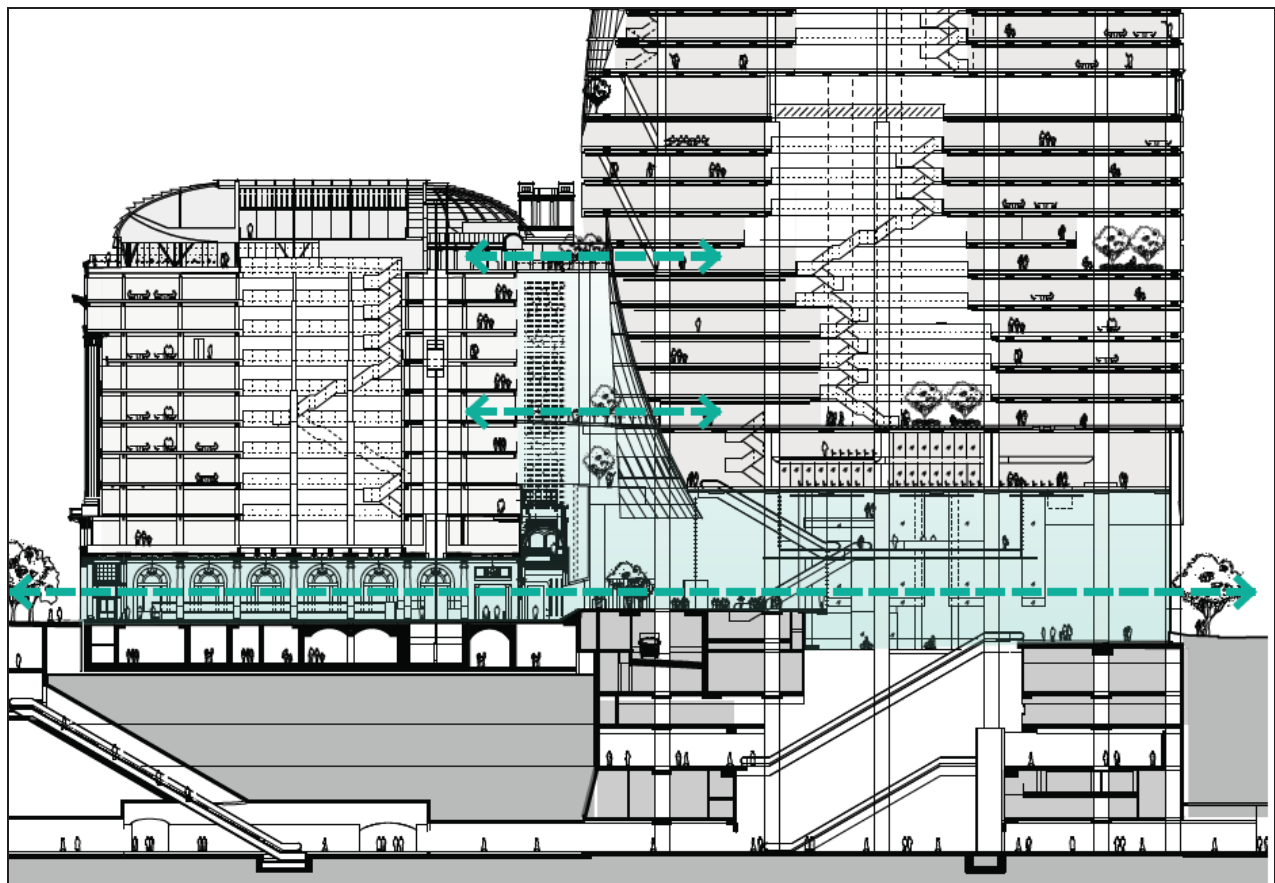
## 5.5 Heritage

The north site incorporates the 10 storey State heritage listed Former Government Savings Bank of NSW at 50 Martin Place (**Figures 8 and 9**), which is directly adjacent to the south elevation of the proposed envelope. The proposal also seeks in-principle support for internal connections between the future commercial building and 50 Martin Place at ground level (through the Grand Hall) and levels 5 and 10 (at roof level) (**Figure 27**).

The Applicant's Statement of Heritage Impact (SHI) notes that the proposal has the potential to impact on heritage within and surrounding the Precinct through physical changes to significant heritage fabric and changes to streetscape, views and the setting of heritage items.

The proposed MPSP Guidelines also contain various heritage development guidelines to inform the future detailed design of the buildings, maintain the significance of heritage items and minimise / mitigate potential heritage impacts, including:

- the architectural form and expression of a building on the north site should allow 50 Martin Place to be understood as a distinct and independent architectural element in the Elizabeth and Castlereagh Street streetscapes
- a building on the north site should retain visibility of the historic north-east and north-west lift overrun towers as detached elements from streetscape vantage points from Elizabeth and Castlereagh Streets
- a building on the north site should relate in scale to the former Qantas House and City Mutual Building on Hunter Street
- any connection through the north wall of the Grand Hall should avoid alteration of significant original elements and be modest in scale and extent
- the podium of the south building should relate in height to 50 Martin Place and its expression to the historic buildings of Martin Place.



**Figure 27: Indication of potential internal connections between 50 Martin Place and the future north building (Source: Applicant's RtS)**

The Heritage Council NSW has advised that the heritage impacts of the proposal are acceptable, subject to ongoing consultation on the future detailed design. Council considers the large building mass (of the north tower) within the building envelope requires further development to ensure an appropriate fit with 50 Martin Place.

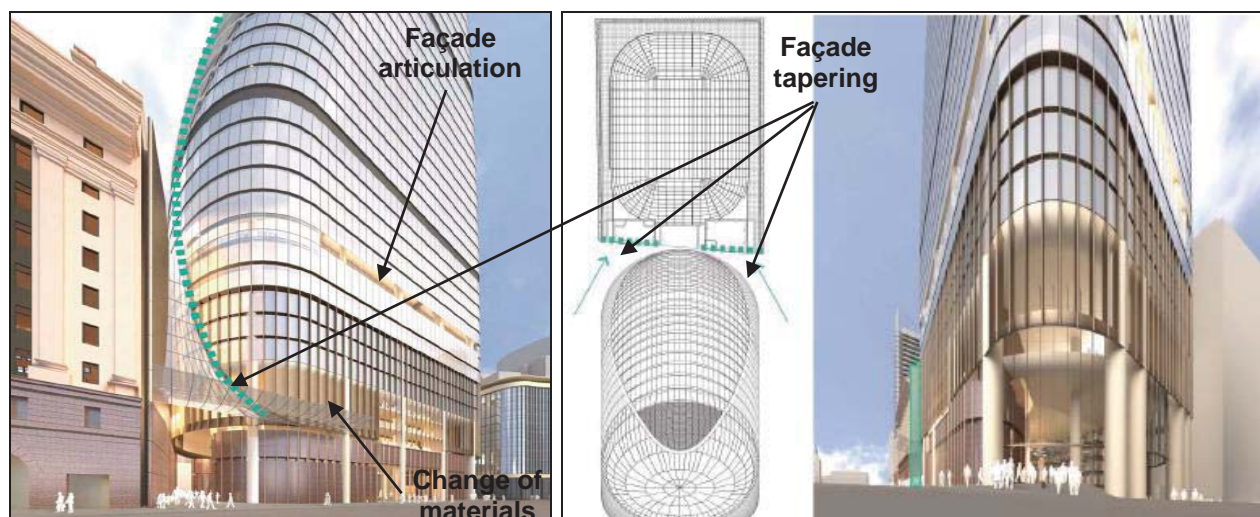
Heritage impacts are also raised in two public submissions. One identifies the need to protect the interior and external heritage fabric of 50 Martin Place. The other raises concern about the commemorative plaque on the footpath outside 5 Elizabeth Street, although the Department notes this relates to the CSSI approval.

The Department considers the assessment issues relating to heritage impacts are the relationship of the building envelope to 50 Martin Place and the internal connections. These are considered in turn below.

#### Relationship to 50 Martin Place

The proposed north building envelope, at a height of approximately 40 storeys, is directly adjacent to the northern elevation of 50 Martin Place. The Applicant contends the MPSP Guidelines and illustrative scheme will ensure that the visual prominence of 50 Martin Place within Castlereagh and Elizabeth Streets is maintained (**Figures 28**) through:

- use of a tapering building form, façade articulation and materials to respect the scale of 50 Martin Place and allow it to be understood as a distinct and unique entity
- retaining the visibility of the historic lift overruns (designed as attached classical pavilions above the building parapet)
- the curved tower form will taper to reveal the heritage building (including historic lift overruns).



**Figure 28: Applicant's illustrative scheme showing potential relationship with 50 Martin Place, including the tapering, when viewed on the eastern elevation (left), roof plan (centre) and from the north along Castlereagh Street (right) (Source: Applicant's RtS)**

The Department notes that the proposed envelope replaces an existing building in this location and provides the maximum extent for a building within the envelope. The Applicant's MPSP Guidelines are reasonable to ensure that the heritage significance of 50 Martin Place is protected and any heritage impacts associated with the detailed design are minimise or mitigated. Consistent with the advice of the Heritage Council NSW, the Department considers that the heritage impacts of the proposed envelope are acceptable.

However, as advised by the Heritage Council NSW and Council, the detailed design of the building will be important considerations in the stage 2 development applications to ensure both the tower and lower levels of the north building integrate appropriately with the scale and setting of 50 Martin Place. The Department considers the recommendation for refinements to the detailed design of the south of the north envelope (**Section 5.4**) will improve the heritage integration of the north building with 50 Martin Place.

#### Internal connections

The Applicant proposes to replace five existing internal connections between 50 Martin Place and the current building on the north site with three new connections (**Figure 27**). The proposed connections are:

- at ground floor (within the Grand Hall), identified as having exceptional heritage significance, with the connection to be designed to maintain the spatial quality of the hall and minimise alteration of historic fabric
- through the northern lightwell on level 5, identified as having high heritage significance, but not involving the removal of historic fabric
- at the rooftop on level 10, identified as having exceptional heritage significance, with the connection involving the enlargement of a non-original window within the rooftop colonnade.

Consistent with the advice of the Heritage Council NSW, the Department considers that any heritage impacts of the detailed design stage are mostly appropriately resolved through consultation with the Heritage Council. In addition, the Department considers that the Applicant's heritage principles are reasonable to ensure that any heritage impacts on 50 Martin Place are minimised or mitigated.

Noting the above, the Department supports the principle of the new connections, subject to further consultation with the Heritage Council NSW.

## 5.6 Transport, traffic and access

The proposal is expected to accommodate approximately 13,000 employees (or an additional 8,500 employees). The Applicant predicts a high proportion of employees will use public transport (81%) rather than private vehicles (5%), with the remainder walking and cycling (14%).

There are currently four vehicle access points servicing existing buildings on the site from Castlereagh Street. This is likely to be reduced to three in the Applicant's detailed design, and predominantly used to access the loading dock. The Applicant also notes that on-site car parking is likely to decrease in the Precinct (from approximately 116 spaces to 16 spaces), with associated vehicle trips expected to decrease accordingly.

Council requested further consideration be given to improving pedestrian capacity and amenity on Hunter Street, including the widening of the footpath. TfNSW and RMS recommend FAR requiring further consideration and modelling of pedestrian access to public transport and further details on parking and loading dock arrangements. TfNSW also recommends FARs relating to development near rail corridors.

The Department has considered the proposal in terms of transport, traffic and access, having regard to submissions from Council, TfNSW and RMS.

### Transport

Given the inner city location and excellent public transport accessibility, the Department supports the minimal provision of on-site car parking and the Applicant's targets for the use of public transport, walking and cycling. The Department recommends a FAR requiring future applications to include travel plans, which identify opportunities to maximise the use of sustainable transport choices, such as identification of incentives and provision of cycle parking and end of trip facilities in the detailed building design.

### Traffic and loading arrangement

The Department also considers the reduction in on-site car parking will improve traffic and parking related impacts from the proposal when compared to the existing situation.

The Department has also considered the comments by RMS and TfNSW regarding vehicle site access, parking and loading arrangements, and in particular the availability of on-site service vehicle parking to meet the expected demand generated by the development. Vehicle site access, parking and loading arrangements will be considered in the assessment of the stage 2 development applications. The Department therefore recommends a FAR that provides details of vehicle access, parking and loading, together with a loading dock management plan and details of certification with relevant standards, are provided with stage 2 development applications.

### Pedestrians

The Department notes comments by RMS and TfNSW requiring an assessment of the detailed design on pedestrian facilities and movement networks in the surrounding area, and comments by Council regarding pedestrian capacity and the footpath width on Hunter Street.

The Applicant has provided pedestrian modelling that concludes the proposed additional pedestrian movements will cause only minor and manageable impacts on local footpath conditions. In addition, the Applicant's MPSP Guidelines include a range of provisions to create a legible, easy to use and integrated transport interchange, including appropriate scaling of public domain for predicted pedestrian movements.

The Department considers that any impacts of the OSD on pedestrian capacity and networks will be minor in the context of being located above a new station, and impacts of both the station and the OSD are adequately addressed in the Applicant's MPSP Guidelines.

Based on the above, and noting that the detailed transport, traffic and access implications of the proposal will be assessed in the stage 2 development applications, the Department supports the proposal, subject to the recommended FARs.

## 5.7 Other issues

The Department's consideration of other issues is provided at **Table 7**.

**Table 7: Department's assessment of other issues**

Issue	Consideration	Recommendation
Wind Impacts	<p>The Applicant provided a Wind Tunnel Test Report of the pedestrian level wind environment on Elizabeth, Hunter and Castlereagh Streets and Martin Place. The report identifies that the most frequent high winds are from the south and to a lesser extent the west and north-east, and the central location of the site provides some shielding from all wind directions.</p> <p>The Wind Report tested wind speeds at 29 locations surrounding the site using the following three building envelopes:</p> <ul style="list-style-type: none"> <li>existing development</li> <li>proposed building envelope</li> <li>alternate envelope, which complies with the SLEP and provides setbacks to Castlereagh and Elizabeth Streets (consistent with the SDCP).</li> </ul> <p>Submissions from the public, Council and the local MP raised concerns that the development will have significant wind impacts on Martin Place and surrounding streets, adversely impacting on pedestrian amenity. Of concern is that the impact of wind in Martin Place and Hunter Street will be intensified and the expected increase in wind velocity will reduce the street comfort level for pedestrians. Council comment that consideration should be given to design options that retain the current comfort rating (including weather protection) at the station entrances.</p> <p>The Wind Report notes that development of the site will change the wind flow patterns in the area, but wind conditions on the ground resulting from both the proposal and the alternative envelope are projected to remain comparable to existing conditions in most locations and will be suitable for pedestrian standing and walking activities.</p> <p>When compared to the existing situation, the Department notes from the Wind Report that of the 29 locations tested:</p> <ul style="list-style-type: none"> <li>17 locations will result in marginally worse wind speeds (maximum 1.7 metre per second increase)</li> <li>10 locations will result in reduced wind speeds</li> <li>in two locations wind speeds are unchanged as a result of the proposal.</li> </ul> <p>The Department notes Council's concerns about wind conditions at future station entrances, and notes three locations near station entrance entrances (on Hunter Street, corner of Hunter / Elizabeth Streets and Martin Place / Elizabeth Street) experience slightly worse wind conditions and a change in comfort level from standing to walking. However, these impacts are largely consistent with the alternate building</p>	<p>A condition is recommended to require improvements to comfort and safety ratings to be comfortable for at least pedestrian standing at the station entrances within the Applicant's MPSP guidelines.</p>

Issue	Consideration	Recommendation
	<p>envelope modelled by the Applicant, which also causes marginal increases in wind speed resulting in a change in comfort levels at these locations.</p> <p>The Department considers the proposal is acceptable in terms of wind impacts for pedestrian standing and walking around the site, however it considers that the wind speeds at the station entrance (including on Hunter Street) need to be confirmed and improved at the detailed Stage 2 design stage to ensure the wind environment is safe and comfortable for people congregating at station entrances.</p> <p>The Department notes that further wind tunnel testing on the detailed designs would be undertaken at the stage 2 development application stage to define mitigation measures for various locations, including the station entrances, to ensure the wind conditions are mitigated to enable the intended use of the space around the future buildings. The Department recommends the Applicant's MPSP guidelines are amended to require improvements to comfort and safety ratings to be comfortable for at least pedestrian standing at the station entrances.</p>	
ESD	<p>The Applicant has provided an Ecologically Sustainable Design Strategy, outlining initiatives for the proposed development. The proposal will target minimum environmental standards of 6 Green Star Office, 5 star NABERS Energy and 3.5 star NABERS Water, and identifies several features and strategies to achieve these targets (set out in <b>Section 3.5</b>).</p> <p>In addition, the strategy outlines a number of aspirational 'stretch targets' which the Applicant will consider in the detailed design of stage 2 development applications. These include:</p> <ul style="list-style-type: none"> <li>• further extension of green infrastructure to celebrate culture and wellbeing</li> <li>• digital infrastructure considerations, such as mobile applications to promote an integrated precinct</li> <li>• community facilities, such as support facilities and retail spaces for cyclists, buskers and active commuters to further promote active lifestyles, arts and culture.</li> </ul> <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&amp;A Act, and the Applicant has also undertaken to explore further opportunities to deliver the highest standards of environmental sustainability.</p> <p>However, the Department considers this project, which will provide premium grade commercial floor space integrated with the new Martin Place Metro Station, should strive to lead the way in best practice ESD initiatives in the final building design, construction and operation. The Department therefore recommends a number of FARs in the recommended approval, to ensure that the Applicant's targets for a 6 Star Green Star building are realised and all opportunities are explored and implemented through the future stage 2 development applications to achieve not only the base but the stretch targets outlined in the Applicant's Ecologically Sustainable Design</p>	<p>Minimum environmental targets accepted, but FARs recommended to ensure targets are met and identify further opportunities that these be increased.</p>

Issue	Consideration	Recommendation
	<p>Strategy.</p> <p>In addition, the Department also recommends the DRP consider how the detailed design and operation of the buildings will meet and where possible exceed the stated ESD and environmental performance standards, targets and stretch targets having particular regard to identifying precinct-wide sustainability outcomes to achieve and exceed national and international best practice.</p>	
Construction Impacts	<p>Council has raised concerns that the construction related impacts have not been assessed, notwithstanding that this application seeks approval for a Stage 1 Concept Proposal and does not involve any construction works.</p> <p>In the EIS, the Applicant considered preliminary construction impacts to the extent that they related to the Concept Proposal and the preliminary stage of the development. The EIS was accompanied by a Construction Pedestrian and Traffic Management Plan, Transport, Traffic, Pedestrian and Parking Report, and Acoustic Assessment Report.</p> <p>Additional reports accompanied the RtS to further address the potential cumulative impacts of future construction works.</p> <p>The Department has reviewed the proposal and submissions, and considers that the key issues in relation to construction impacts will require further assessment of the stage 2 development applications, where approval for construction works will be sought.</p>	Approval for construction not sought, but will be considered in stage 2 development applications.

## 5.8 Public interest

The proposal is considered to be in the public interest, as it:

- will contribute to increasing commercial floorspace within the Sydney CBD with excellent access to sustainable transport opportunities
- is integrated with the delivery of the new Sydney Metro station at Martin Place, providing a significant increase in the public transport capacity
- will contribute to a key goal within A Plan for Growing Sydney through its contribution to a competitive economy with world-class services and transport
- provides the maximum building envelope parameters, together with a design excellence framework, to deliver buildings that can exhibit design excellence in a prominent location within the Sydney CBD.

As set out in **Section 2.2**, the proposal would also address State priorities by encouraging business investment through the delivery of commercial floorspace within the Sydney CBD and integrated with the delivery of infrastructure being the Sydney Metro rail station at Martin Place. The proposal will also help to position NSW as Australia's prime location for business growth and investment.

## 6. CONCLUSION

The Department has reviewed the EIS, RtS and assessed the merits of the proposal, taking into consideration the advice from the public authorities, including the GA NSW, Heritage Council NSW and Council. Issues raised in public submissions have been considered and all environmental issues associated with the proposal have been thoroughly addressed.

The Department concludes that the proposal is appropriate, as it will deliver significant growth in commercial floor space integrated with the new Sydney Metro Station at Martin Place, and therefore benefit from excellent public transport accessibility. In this regard, the proposal will contribute to a key goal in A Plan for Growing Sydney, being to strengthen a competitive economy with world-class services and transport.

The proposed development forms part of an Unsolicited Proposal to Government to deliver the Sydney Metro station at Martin Place. The proposal sets the maximum parameters for development above the new station entrances at Martin Place, and establishes a framework to ensure that these developments are integrated with the station and their surrounding context.

Based on the advice of the GA NSW, the Department also supports the Applicant's request to not hold a design competition, subject to establishing a site specific DRP to ensure design excellence in the future the stage 2 development applications. The DRP will be specifically required to consider how the north building integrates with 50 Martin Place and clearly articulates the street wall height on the Castlereagh and Elizabeth Street elevations, improves wind conditions at the station entrances and improves the environmental performance in the detailed building design.

The Department acknowledges the large envelope on the north site, together with FSR exceedance, gives rise to concerns about potential bulk, scale, overshadowing and adverse visual impacts. However, the Department considers that the north envelope is appropriate for the following reasons:

- it complies with the height control in the SLEP
- some of the floorspace attributable to the FSR is located below ground, integrated with the station, and therefore not contributing to building bulk
- it is consistent with the proposed FSR being considered through the planning proposal to amend the SLEP
- the building envelope establishes maximum initial parameters, which in conceptual terms fits with its varied surrounding context between Hunter Street and Martin Place
- the proposed envelope does not overshadow Pitt Street Mall and results in minor and reasonable overshadowing impacts to surrounding streets and Martin Place (noting that a condition is recommended to ensure no additional overshadowing to Hyde Park during critical times)
- the visual impacts associated with the envelope are reasonable in that they are consistent with other buildings in this part of the CBD.

The Department is satisfied that the south envelope is appropriate, as it complies with the height and FSR controls in the SLEP. The lower scale height of the podium envelope fronting Martin Place reflects the height of 50 Martin Place opposite, and also the character of buildings on Martin Place. The Applicant's MPSP Guidelines will ensure that the tower and podium forms are differentiated through façade treatment, colours and materials, with the podium height reinforcing the street wall height on Castlereagh and Elizabeth Streets.

The Department's assessment notes Martin Place and Hyde Park are important public amenities for a range of active and passive recreation purposes. The Department considers that any additional overshadowing to Martin Place is minor, as it is already significantly overshadowed by existing buildings to the north and will only affect areas used for pedestrian movement. However, as Hyde Park is largely unshadowed, the Department recommends a FAR to ensure future buildings on both sites do not result in any additional overshadowing of Hyde Park from 12 to 2 pm on 14 April, when compared to a SLEP / SDCP compliant scheme.

Based on the advice of the Heritage Council NSW, the Department also considers that the heritage impacts of the proposal are acceptable. Given the excellent public transport and likely reduction in parking, the proposal is unlikely to result in traffic impacts. However, the stage 2 development applications will consider further the loading dock arrangements.

The Department concludes the impacts of the development are acceptable and can be appropriately mitigated through the implementation of the recommended conditions of consent / FARs. Consequently, the Department considers the development is in the public interest and should be approved subject to conditions / FARs.

## 7. RECOMMENDATION


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It is recommended that the Minister for Planning:


- a) **considers** the recommendations of this report; and
- b) **is satisfied** that, in relation to the application to grant development consent which contravenes the FSR development standard in clause 4.4 of the SLEP in the manner set out in the Applicant's written request:
  - i. the Applicant's written request adequately addresses matters required to be demonstrated by clause 4.6(3) of the SLEP; and
  - ii. the proposed development will be in the public interest, because it is consistent with the objectives of the FSR development standard and the objectives for development within the B8 Metropolitan Centre zone in which the development is proposed to be carried out.
- c) **is satisfied** that, under clause 6.21(6) of the SLEP, a competitive design process would be unreasonable or unnecessary in the circumstances, and therefore not required under clause 6.21(5) of the SLEP; and
- d) **approves** the SSD application (SSD 8351), under section 89E of the EP&A Act, having considered the matters in accordance with (a) to (c) above; and
- e) **signs** the attached development consent at **Appendix E**.

Brendon Roberts  
Principal Planning Officer, Key Sites Assessments

Endorsed by:

  
Ben Lusher  
**Director**  
**Key Sites Assessments**

Endorsed by:

  
Anthea Sargeant 5/12/17  
**Executive Director**  
**Key Sites and Industry Assessments**

## **APPENDIX A      RELEVANT SUPPORTING INFORMATION**

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

1. Environmental Impact Statement

[http://majorprojects.planning.nsw.gov.au/?action=view\\_job&job\\_id=8351](http://majorprojects.planning.nsw.gov.au/?action=view_job&job_id=8351)

2. Submissions

[http://majorprojects.planning.nsw.gov.au/?action=view\\_job&job\\_id=8351](http://majorprojects.planning.nsw.gov.au/?action=view_job&job_id=8351)

3. Applicant's Response to Submissions

[http://majorprojects.planning.nsw.gov.au/?action=view\\_job&job\\_id=8351](http://majorprojects.planning.nsw.gov.au/?action=view_job&job_id=8351)

## APPENDIX B CONSIDERATION OF ENVIRONMENTAL PLANNING INSTRUMENTS

### ENVIRONMENTAL PLANNING INSTRUMENTS (EPIs)

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.

Controls considered as part of the assessment of the proposal are:

- 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
- Sydney Local Environmental Plan 2012 (SLEP)
- proposed amendments to the SLEP.

While not necessarily 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).

### COMPLIANCE WITH CONTROLS

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

The Department has considered the proposed development against the relevant provisions in the SRD SEPP (**Table 1**), and considers that the proposal is consistent with the SRD SEPP.

**Table 1: SRD SEPP compliance table**

Relevant Sections	Consideration and Comments	Complies?
<b>3 Aims of Policy</b> The aims of this Policy are as follows: (a) to identify development that is State significant development	The proposed development is identified as SSD.	Yes
<b>8 Declaration of State significant development: section 89C</b> (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 development consent and development is specified Schedule 1.	Yes
<b>Schedule 1 State significant development —general</b> (Clause 19 (2)) <b>19 Rail and related transport facilities</b> 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 proposed development is for commercial premises within a rail corridor that has a CIV in excess of \$30 million.	Yes

### **State Environmental Planning Policy (Infrastructure) 2007**

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

The ISEPP is applicable as it involves development within, above or adjacent to a rail corridor (Division 15 Railways), being the Eastern Suburbs Rail Corridor and within the Interim Metro Corridor. The proposal is therefore required to be referred to TfNSW.

The ISEPP is also applicable as the proposed development constitutes traffic generating development in accordance with clause 104 of the ISEPP, as it generate over 10,000 m<sup>2</sup> of commercial floorspace. The proposal is therefore required to be referred to RMS.

The application was referred to TfNSW and RMS in accordance with the ISEPP. Both TfNSW and RMS do not object to the proposal, but require consideration of the following in the future stage 2 development applications: development near existing and future rail corridors, pedestrian movement and facilities, loading dock arrangements and security assessments. The Department has recommended these as future assessment requirements, except for the required detail in relation to the existing and future rail corridors and pedestrian movement and facilities as these are related to the infrastructure approval for the station.

The proposal is therefore consistent with the ISEPP

### **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 EIS notes that a Phase 1 Contamination Investigation was undertaken by Jacobs for the Sydney Metro Stage 2 Chatswood to Sydenham CSSI project, which included nearly all of the site of this application (except 9 – 19 Elizabeth Street and 50 Martin Place). The Phase 1 Contamination Investigation did not identify the site as being an area of environmental interest. The investigation concludes that the site is/can be made suitable for the proposed development and future uses, consistent with the requirements of SEPP 55.

As the proposal is above and integrated within the station at Martin Place, approved under CSSI 7400, any contamination impacts have been identified and addressed in accordance with that approval. The Department is therefore satisfied that the proposal is consistent with SEPP 55.

### **Sydney Local Environmental Plan 2012 (SLEP)**

The SLEP aims to encourage the development of housing, employment, infrastructure and community services to meet the needs of the existing and future residents of the Sydney LGA. The SLEP also aims to conserve and protect natural resources and foster economic, environmental and social well-being.

The Department consulted with Council throughout the assessment process and has considered all relevant provisions of the SLEP (**Table 2**) and those matters raised by Council in its assessment of the development (**Section 5**). The Department concludes the development is consistent with the relevant provisions of the SLEP.

**Table 2: SLEP compliance table**

Relevant Sections	Consideration and Comments	Complies?
<p><b>1.2 Aims of Plan</b>  The aims of the plan are as follows:</p> <ul style="list-style-type: none"> <li>a) to reinforce the role of the City of Sydney as the primary centre for Metropolitan Sydney,</li> <li>b) to support the City of Sydney as an important location for business, educational and cultural activities and tourism,</li> <li>c) to promote ecologically sustainable development,</li> <li>d) to encourage the economic growth of the City of Sydney by: <ul style="list-style-type: none"> <li>(i) providing for development at densities that permit employment to increase, and</li> <li>(ii) retaining and enhancing land used for employment purposes that are significant for the Sydney region,</li> </ul> </li> <li>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,</li> <li>f) to enable a range of services and infrastructure that meets the needs of residents, workers and visitors,</li> <li>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,</li> <li>h) to enhance the amenity and quality of life of local communities,</li> <li>i) to provide for a range of existing and future mixed-use centres and to promote the economic strength of those centres,</li> <li>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,</li> <li>k) to conserve the environmental heritage of the City of Sydney,</li> <li>l) to protect, and to enhance the enjoyment of, the natural environment of the City of Sydney, its harbour setting and its recreation areas.</li> </ul>	<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 located above the new Sydney Metro station, providing access between homes and jobs, reflecting current and future public transport capacity within the City and benefiting from existing walking and cycling networks.</p> <p>The proposal fits within the desired character of the area and any heritage impacts are supported in principle. The Stage 1 concept proposal sets out how future applications will achieve design excellence, with a condition recommending that a DRP be established.</p> <p>The proposal has minimal and reasonable solar access, visual and wind impacts on surrounding amenity, subject to a recommended condition reducing solar access impacts on Hyde Park during critical times.</p>	<p>Yes</p>
<p><b>2.3 Land Use Table – Zone B8 Metropolitan Centre</b></p> <ul style="list-style-type: none"> <li>• 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.</li> <li>• To provide opportunities for an intensity of land uses commensurate with Sydney's</li> </ul>	<p>The proposal achieves the objectives of B8 Metropolitan Centre zone (see <b>Appendix C</b>).</p> <p>The proposed land uses are permissible with consent within the B8 Metropolitan Centre zone (<b>Section 3.2</b>).</p>	<p>Yes</p>

<p>global status.</p> <ul style="list-style-type: none"> <li>• To permit a diversity of compatible land uses characteristic of Sydney's global status and that serve the workforce, visitors and wider community</li> <li>• To encourage the use of alternatives to private motor vehicles, such as public transport, walking or cycling.</li> <li>• 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.</li> </ul>		
<p><b>4.3 Height of buildings</b> The relevant objectives of this clause are as follows:</p> <ol style="list-style-type: none"> <li>a) to ensure the height of development is appropriate to the condition of the site and its context,</li> <li>b) to ensure appropriate height transitions between new development and heritage items and buildings in heritage conservation areas or special character areas,</li> <li>c) to promote the sharing of views,</li> <li>d) to ensure appropriate height transitions from Central Sydney and Green Square Town Centre to adjoining areas</li> </ol> <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 proposal complies with the building height development standard (see <b>Section 5.3</b>).</p>	<p>Yes</p>
<p><b>4.4 Floor space ratio</b> The objectives of this clause are as follows:</p> <ol style="list-style-type: none"> <li>a) to provide sufficient floor space to meet anticipated development needs for the foreseeable future,</li> <li>b) to regulate the density of development, built form and land use intensity and to control the generation of vehicle and pedestrian traffic,</li> <li>c) to provide for an intensity of development that is commensurate with the capacity of existing and planned infrastructure,</li> <li>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.</li> </ol> <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 South Site has an FSR of 12.47:1, and therefore complies with the FSR control (12.5:1) (<b>Section 5.4</b>).</p> <p>The north site exceeds the FSR control (see <b>Section 5.4</b>). Consideration of the proposal against the objectives of FSR development standard and the Applicant's written request to justify the contravention under Clause 4.6 are set out in <b>Appendix C</b>.</p>	<p>No, see <b>Section 5.4</b> and <b>Appendix C</b>.</p>
<p><b>4.4 Exceptions to development standards</b> The objectives of this clause are as follows:</p> <ol style="list-style-type: none"> <li>a) to provide an appropriate degree of flexibility in applying certain development standards to particular development,</li> <li>b) to achieve better outcomes for and from development by allowing flexibility in particular circumstances.</li> </ol>	<p>The north site exceeds the FSR control (see <b>Section 5.4</b>). Consideration of the proposal against the objectives of FSR development standard and the Applicant's written request to justify the contravention under Clause 4.6 are set out in <b>Appendix C</b>.</p>	<p>Yes</p>

<p><b>4.5 Calculation of floor space ratio and site area</b></p> <p>(2) Definition of “floor space ratio” - The floor space ratio of buildings on a site is the ratio of the gross floor area of all buildings within the site to the site area.</p> <p>(3) Site area - In determining the site area of proposed development for the purpose of applying a floor space ratio, the site area is taken to be:</p> <p>(a) if the proposed development is to be carried out on only one lot, the area of that lot, or</p> <p>(b) if the proposed development is to be carried out on 2 or more lots, the area of any lot on which the development is proposed to be carried out that has at least one common boundary with another lot on which the development is being carried out.</p> <p>(6) Only significant development to be included - The site area for proposed development must not include a lot additional to a lot or lots on which the development is being carried out unless the proposed development includes significant development on that additional lot.</p>	<p>The south site comprises one lot.</p> <p>The north site comprises several lots, bound by Martin Place, Castlereagh Street, Elizabeth Street and Hunter Street. This includes the lot containing 50 Martin Place, as the proposal seeks in principal support for internal connections between the future building and state listed 50 Martin Place at several levels (<b>Section 5.5</b>).</p>	<p>Yes</p>
<p><b>5.10 Heritage conservation</b></p> <p>The objectives of this clause are as follows:</p> <p>a) to conserve the environmental heritage of the City of Sydney,</p> <p>b) to conserve the heritage significance of heritage items and heritage conservation areas, including associated fabric, settings and views,</p> <p>c) to conserve archaeological sites,</p> <p>d) to conserve Aboriginal objects and Aboriginal places of heritage significance.</p>	<p>Based on the advice of the Heritage Council NSW and Council, heritage impacts of the proposal are considered acceptable subject to the detailed design in the stage 2 development applications (<b>Section 5.5</b>).</p>	<p>Yes</p>
<p><b>6.1 Objective of Division (Floorspace in Central Sydney)</b></p> <p>The objectives of this Division are as follows:</p> <p>a) to provide for additional floor space to be granted as an incentive for certain development in Central Sydney,</p> <p>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>	<p>The north and south sites rely on the available floorspace for accommodation floorspace under Clause 6.4 (of 4.5:1) in addition to the ‘base’ FSR of 8:1, proving a maximum FSR of 12.5:1 (see above regarding the FSR exceedance for the north site).</p>	<p>Yes</p>
<p><b>6.4 Accommodation floor space</b></p> <p>(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:</p> <p>(b) Area 1, office premises, business premises, retail premises, residential accommodation or serviced apartments—4.5:1</p>	<p>The proposal includes office and retail premises and is therefore eligible for an FSR bonus of 4.5:1.</p>	<p>Yes</p>

<p><b>6.16 Erection of tall buildings in Central Sydney</b></p> <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"> <li>a) provides amenity for the occupants of the tower and neighbouring buildings, and</li> <li>b) does not adversely affect the amenity of public places, and</li> <li>c) is compatible with its context, and</li> <li>d) provides for sunlight to reach the sides and rear of the tower, and</li> <li>e) promotes the ventilation of Central Sydney by allowing the free movement of air around towers, and</li> <li>f) encourages uses with active street frontages.</li> </ul>	<p>The proposal seeks stage 1 concept approval for building envelopes.</p> <p>The Department's assessment of the proposed building envelopes concludes that the proposal is compatible with its context and any impacts, such, solar access, visual and wind impacts, on surrounding amenity and public spaces are minor and reasonable, subject to detailed design, future assessment requirements and conditions (<b>Section 5</b>).</p> <p>Impacts of the detailed building design, such as internal amenity, will be considered in the stage 2 development applications. Street level activation will be considered in the detailed design of the station.</p>	<p>Yes</p>
<p><b>6.17 Sun access planes</b></p> <p>(1) The objectives of this clause are:</p> <ul style="list-style-type: none"> <li>a) to ensure that buildings maximise sunlight access to the public places set out in this clause, and</li> <li>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</li> </ul> <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 north and south building envelopes will not project higher than the Martin Place and Hyde Park North sun access planes respectively.</p>	<p>Yes</p>
<p><b>6.17 Overshadowing of certain public places</b></p> <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 following locations (as shown with blue hatching on the <a href="#">Sun Access Protection Map</a>) during the times specified in relation to those locations:</p> <p>(g) Pitt Street Mall (beyond the shadow that would be cast by a wall with a 20 m street frontage height on the eastern and western alignments of the Mall) between 10.00–14.00</p>	<p>Solar access impacts of the proposal on Pitt Street Mall are considered in <b>Section 5.4</b>.</p>	<p>Yes</p>
<p><b>6.21 Design Excellence</b></p> <p>(1) The objective of this clause is to deliver the highest standard of architectural, urban and landscape design.</p> <p>(2) Development consent must not be granted to development to which this clause applies unless, in the opinion of the</p>	<p>The Department notes that the proposal is a stage 1 concept proposal for building envelopes only. Consideration of design excellence in the detailed building design, including the matters for consideration in subclause 3, will be undertaken in the assessment of the</p>	<p>Yes</p>

<p>consent authority, the proposed development exhibits design excellence.</p> <p>(3) In considering whether development to which this clause applies exhibits design excellence, the consent authority must have regard to the following matters:</p> <ul style="list-style-type: none"> <li>(a) whether a high standard of architectural design, materials and detailing appropriate to the building type and location will be achieved,</li> <li>(b) whether the form and external appearance of the proposed development will improve the quality and amenity of the public domain,</li> <li>(c) whether the proposed development detrimentally impacts on view corridors,</li> <li>(d) how the proposed development addresses the following matters: <ul style="list-style-type: none"> <li>(i) the suitability of the land for development,</li> <li>(ii) the existing and proposed uses and use mix,</li> <li>(iii) any heritage issues and streetscape constraints,</li> <li>(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,</li> <li>(v) the bulk, massing and modulation of buildings,</li> <li>(vi) street frontage heights,</li> <li>(vii) environmental impacts, such as sustainable design, overshadowing and solar access, visual and acoustic privacy, noise, wind and reflectivity,</li> <li>(viii) the achievement of the principles of ecologically sustainable development,</li> <li>(ix) pedestrian, cycle, vehicular and service access and circulation requirements, including the permeability of any pedestrian network,</li> <li>(x) the impact on, and any proposed improvements to, the public domain,</li> <li>(xi) the impact on any special character area,</li> <li>(xii) achieving appropriate interfaces at ground level between the building and the public domain,</li> <li>(xiii) excellence and integration of</li> </ul> </li> </ul>	<p>stage 2 development applications.</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 <b>Section 5.4</b>.</p> <p>The Department also supports the Applicant's request to waive a competitive design process as it is unnecessary and unreasonable in the circumstances of the case (in accordance with subclause 6), subject to a condition that the Applicant establishes a site specific DRP (<b>Section 5.3</b>).</p>	
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<p>landscape design.</p> <p>(5) Development consent must not be granted to the following development to which this clause applies unless a competitive design process has been held in relation to the proposed development:</p> <ul style="list-style-type: none"> <li>a) development in respect of a building that has, or will have, a height above ground level (existing) greater than: <ul style="list-style-type: none"> <li>(i) 55 metres on land in Central Sydney, or</li> <li>(ii) 25 metres on any other land,</li> </ul> </li> <li>b) development having a capital investment value of more than \$100,000,000,</li> <li>c) development in respect of which a development control plan is required to be prepared under clause 7.20,</li> <li>d) development for which the applicant has chosen such a process.</li> </ul> <p>(6) A competitive design process is not required under subclause (5) if the consent authority is satisfied that such a process would be unreasonable or unnecessary in the circumstances or that the development...</p>		
<p><b>7.15 Flood planning</b></p> <p>(1) The objectives of this clause are as follows:</p> <ul style="list-style-type: none"> <li>a) to minimise the flood risk to life and property associated with the use of land,</li> <li>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,</li> <li>c) to avoid significant adverse impacts on flood behaviour and the environment.</li> </ul> <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"> <li>a) is compatible with the flood hazard of the land, and</li> <li>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</li> <li>c) incorporates appropriate measures to manage risk to life from flood, and</li> <li>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</li> <li>e) is not likely to result in unsustainable</li> </ul>	<p>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, which will be considered in the detailed station design and in the assessment of the detailed building design in the stage 2 development applications.</p> <p>In line with the recommendation in the EIS, a FAR will require flood modelling and identification of any associated mitigation measures in the stage 2 development applications.</p>	<p>Yes</p>

social and economic costs to the community as a consequence of flooding.		
<b>7.16 Airspace operations</b> (1) The objectives of this clause are as follows: 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. (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. (3) The consent authority may grant development consent for the development, if the relevant Commonwealth body advises that: 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.	The Commonwealth Department of Infrastructure and Regional Development (CDIRD) and Sydney Airport (as delegate of the CDIRD) have approved the proposed penetrations of the Limitation or Operations Surface for Sydney Airport for the north and south sites respectively.	Yes

### Proposed amendments to the SLEP

On 19 June 2017, Macquarie Group lodged a planning proposal with the Department (as Relevant Planning Authority) seeking to amend the planning controls in the SLEP. This planning proposal is being publicly exhibited between Thursday 2 November 2017 and Friday 1 December 2017, prior to a recommendation being made to the delegate of the Greater Sydney Commission.

As the planning proposal has been published for exhibition, it is a draft Environmental Planning Instrument, and therefore the Department has considered the proposal against its draft provisions (**Table 3**). The Department is satisfied that the proposed development is consistent with the planning proposal to amend the SLEP.

**Table 3: Planning proposal to amend the SLEP compliance table**

Relevant Sections	Consideration and Comments	Compliance
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.	The proposed development on the south site is setback more than 8 m to Martin Place (25 m), above the 55 m height limit.	Yes
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.	The proposed FSR of the south site is 12.47:1 and the proposed FSR of the north site is 18.39:1, to be used for commercial development.	Yes

## Sydney Development Control Plan 2012 (SDCP)

In accordance with Clause 11 of the SRD SEPP, the SDCP does not apply to State significant development. Notwithstanding, the Department has considered the proposed development against the relevant guidelines in the SDCP (**Table 4**), and considers that the proposal is appropriate in this regard.

**Table 4: SDCP consideration table**

Relevant Sections	Consideration and Comments	Complies?
<p><b>2.1.7 Martin Place Special Character Area</b></p> <p>(a) Development must achieve and satisfy the outcomes expressed in the character statement and supporting principles.</p> <p>(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.</p> <p>(c) Retain and enhance the urban character, scale and strong linear enclosure of Martin Place by requiring new buildings to:</p> <ul style="list-style-type: none"> <li>i. be built to the street alignment</li> <li>ii. have street frontage heights consistent with the prevailing form of buildings in the area</li> <li>iii. to have building setbacks above those street frontage heights.</li> </ul> <p>(d) Protect and extend sun access and reflected sunlight to Martin Place during lunchtime hours from mid-April to the end of August.</p> <p>(e) Provide sun access to significant sandstone buildings in Martin Place to improve the ground level quality of the public space.</p> <p>(f) Protect existing significant vistas to the east and west and ensure new development will not detrimentally affect the silhouette of the GPO clock tower.</p> <p>(g) Retain human scale at street level, while respecting and positively responding to the monumental nature of the place.</p> <p>(h) Conserve and enhance the heritage significant of the nineteenth and twentieth century institutional and commercial buildings and their settings.</p>	<p>The proposed form of the south envelope will allow a future building with a consistent street wall height of up to 45 m and provides a strong linear enclosure to Martin Place (<b>Section 5.4</b>).</p> <p>The proposal retains 50 Martin Place.</p> <p>The Department's assessment considers that any additional overshadowing impacts to Martin Place are reasonable and minor (<b>Section 5.4</b>).</p>	<p>No, sun access impacts to Martin Place are considered in <b>Section 5.4</b>)</p>
<p><b>2.1.12 Chifley Square Special Character Area</b></p> <p>(a) Development must achieve and satisfy the outcomes expressed in the character statement and supporting principles.</p> <p>(b) Recognise and enhance Chifley Square as one of the important public open spaces in the heart of the financial centre of the city</p> <p>(c) Promote and encourage the use of the space as a destination and meeting place for people.</p> <p>(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.</p> <p>(e) Reinforce the urban character and distinct sense of enclosure of Chifley Square by:</p> <ul style="list-style-type: none"> <li>i. emphasising and reinforcing the semi-circular</li> </ul>	<p>The proposed north envelope reflects the alignment of Hunter Street, and the height and scale fronting Hunter Street is consistent with the large-scale high rise tower buildings located on the south of Hunter Street (<b>Section 5.4</b>).</p> <p>Being located to the south of the square, the proposed envelope does not impact on the amenity of the square in terms of solar access.</p>	<p>Yes</p>

<p>geometry of the space;</p> <p>ii. requiring new buildings to be integrated with the form of existing buildings; and</p> <p>iii. limiting the height of new buildings.</p> <p>(f) Protect and extend sun access to Chifley Square during lunchtime hours from mid-April to the end of August.</p>		
<p><b>3.2.1 Improving the Public Domain</b></p> <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 of the proposed envelopes are considered in <b>Section 5.4</b>. Overshadowing impacts on Martin Place and surrounding roads are considered minor and reasonable, and a recommended condition requires no additional overshadowing of Hyde Park during the lunch time periods.</p>	<p>Yes</p>
<p><b>3.2.5 Colonnades</b></p> <p>Discourage the provision of colonnades, except in exceptional circumstances.</p>	<p>The proposed colonnade on the south site frontage to Martin Place has been removed in response to submissions.</p>	<p>Yes</p>
<p><b>3.2.6 Wind effects</b></p> <p>Ensure that new developments satisfy nominated wind standards so as to maintain comfortable conditions for pedestrians and encourage the growth of street trees.</p>	<p>Wind impacts of the proposed envelopes are considered in <b>Section 5.7</b>, and the Department is satisfied that the wind impacts are acceptable, subject to a condition requiring further wind modelling and improvements to wind conditions at the station entrances.</p>	<p>Yes</p>
<p><b>3.3 Design excellence and competitive design Process</b></p> <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 a stage 1 concept proposal for building envelopes only. Consideration of design excellence in the detailed building design will be undertaken in the assessment of the stage 2 development applications.</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 <b>Section 5.4</b>.</p> <p>The Department also supports the Applicant's request to waive a competitive design process as it is unnecessary and unreasonable in the circumstances of the case (in accordance with subclause 6 of the SLEP Clause 6.21), subject to a condition that the Applicant establishes a site specific DRP (<b>Section 5.3</b>).</p>	<p>Yes</p>
<p><b>3.6 Ecologically Sustainable Development</b></p> <p>(a) Apply principles and processes that contribute to ecologically sustainable development (ESD).</p>	<p>An assessment of the proposal in terms of ESD is provided in <b>Section 5.7</b>.</p>	<p>Yes.</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>(g) Increase the use of cogeneration and tri-generation systems.</p> <p>(h) Replace intensive carbon power sources with low carbon and renewable energy.</p> <p>(i) Reduce the use of potable water.</p> <p>(j) Ensure that development can adapt to climate change.</p> <p>(k) Ensure that waste will be reduced.</p> <p>(l) Increase the use of products from recycled sources.</p> <p>(m) Improve indoor environmental quality.</p> <p>(n) Reduce the environmental impact from building materials through reduction, re-use and recycling of materials, resources and building components.</p> <p>(o) Improve the biodiversity.</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&amp;A Act. A Condition is also recommended requiring that the Applicant implement the additional ESD initiatives identified and explores further opportunities to exceed the proposed environmental performance in the stage 2 development applications.</p>	
<p><b>3.7 Water and Flood Management</b></p> <p>(a) Ensure an integrated approach to water management across the City through the use of water sensitive urban design principles.</p> <p>(b) Encourage sustainable water use practices.</p> <p>(c) Assist in the management of stormwater to minimise flooding and reduce the effects of stormwater pollution on receiving waterways.</p> <p>(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.</p> <p>(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.</p> <p>(f) Ensure that flood risk management addresses public safety and protection from flooding.</p>	<p>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, which will be considered in the detailed station design and in the assessment of the detailed building design in the stage 2 development applications.</p> <p>In line with the recommendation in the EIS, a FAR will require flood modelling and identification of any associated mitigation measures in the stage 2 development applications.</p>	<p>Yes</p>
<p><b>3.9 Heritage</b></p> <p>(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.</p> <p>(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.</p>	<p>Based on the advice of the Heritage Council NSW and Council, heritage impacts of the proposal are considered acceptable subject to the detailed design in the stage 2 development applications (<b>Section 5.5</b>).</p>	<p>Yes</p>
<p><b>3.11 Transport and Parking</b></p> <p>(a) Ensure that the demand for transport generated by development is managed in a</p>	<p>Transport, traffic and access implications of the proposal are</p>	<p>Yes</p>

<p>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>considered in <b>Section 5.6</b>.</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 future development applications will include travel plans and identify opportunities to maximise the use of sustainable transport choices, such as incentives and provision of cycle parking and end of trip facilities. Future development applications will also need to include information on loading dock arrangements.</p>	
<p><b>5.1.1 Street frontage heights – Central Sydney (north site)</b></p> <p>Achieve comfortable street environments for pedestrians with adequate daylight, scale, sense of enclosure and wind mitigation, and ensure that the built form is compatible with heritage items and the desired streetscape character.</p> <p><u>Provision:</u> Street frontage heights of 20 m to 45 m, with the specific height having regard to the dominant street frontage height of adjacent and nearby buildings.</p>	<p>The proposed envelopes do not include street frontage heights and setbacks to Hunter, Elizabeth and Castlereagh Streets.</p> <p>The Department's assessment supports the proposed envelopes, subject to conditions requiring improvements to wind conditions at the station entrances, no additional overshadowing of Hyde Park and ensuring that the detailed design of the north building clearly articulates the street wall and integrates with 50 Martin Place (<b>Section 5.4</b>).</p>	<p>No, see <b>Section 5.4</b>.</p>
<p><b>5.1.2 Building setbacks – Central Sydney (north site)</b></p> <p>Enhance the quality of the public domain in terms of wind mitigation and daylight access.</p> <p><u>Provision:</u> building setbacks with an average of 8 m, which may be reduced in part to 6 m, on north south streets and major pedestrian streets.</p>	<p>The Department's assessment supports the proposed envelopes, subject to conditions requiring improvements to wind conditions at the station entrances, no additional overshadowing of Hyde Park and ensuring that the detailed design of the north building clearly articulates the street wall and integrates with 50 Martin Place (<b>Section 5.4</b>).</p>	<p>No, see <b>Section 5.4</b>.</p>
<p><b>5.1.3 Street frontage heights and setbacks – Martin Place Special Character Area (south site / 50 Martin Place)</b></p> <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"> <li>no additional height above 50 Martin Place</li> <li>25 m setback to Martin Place on the south site, above the street frontage height of 45 m to 55 m or the height of a heritage item on the site.</li> </ul>	<p>No additional height is proposed above 50 Martin Place on the north site.</p> <p>The south site tower envelope is setback to Martin Place by 25 m, above a street frontage height of 55 m consistent with the maximum height of 50 Martin Place (<b>Figure 5.4</b>).</p>	<p>Yes</p>
<p><b>5.1.5 Building bulk</b></p> <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"> <li>above 45 m, the maximum horizontal dimension of any commercial building façade must not exceed 65 m</li> </ul>	<p>The maximum horizontal dimension on the south site does not exceed 65 m (at approximately 45 m) above a height of 45 m and does not exceed 1,400 m<sup>2</sup> (at approximately 720 m<sup>2</sup>) above a height of 120 m.</p> <p>The maximum horizontal dimension</p>	<p>No, see <b>Section 5.4</b>.</p>

<ul style="list-style-type: none"> <li>above 120 m in height, commercial floor plates must not exceed 1,400 m<sup>2</sup> GFA or 25% of site area, whichever is greater.</li> </ul>	<p>on the north site exceeds 65 m (at a maximum of 75 m) above a height of 45 m and exceeds the commercial floor plate GFA of 1,400 m<sup>2</sup> (at between 1,452 m<sup>2</sup> and 2,700 m<sup>2</sup>) above a height of 120 m. The Department supports the proposed bulk of the north envelope, noting it is the outer extent of a building envelope and subject to conditions, such as no additional overshadowing of Hyde Park and ensuring that the detailed design of the north building clearly articulates the street wall and integrates with 50 Martin Place (<b>Section 5.4</b>).</p>	
<p><b>5.1.10 Sun access planes</b> 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.</p>	<p>The north and south envelopes do not project higher than the Martin Place and Hyde Park North sun access planes.</p>	<p>Yes</p>

## **APPENDIX C      EXCEPTION TO THE DEVELOPMENT STANDARD: FSR**

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Clause 4.4(2) of the SLEP provides that buildings are not to exceed the floor space ratio (FSR) specified in the SLEP. The maximum FSR for the subject site is 12.5:1, whereas the proposed north envelope has an FSR of 18.4:1. The proposal therefore exceeds the FSR control in the SLEP by 5.9:1 (or a GFA of approximately 35,495 m<sup>2</sup>) (**Section 5.3** of the assessment report).

Clause 4.6(2) of the SLEP permits the consent authority to consider a variation to a development standard imposed by an EPI. The aims of Clause 4.6 are to provide an appropriate degree of flexibility in applying certain development standards and to achieve better development outcomes. In consideration of the proposed variation, Clause 4.6 requires the following:

*Development consent must not be granted for development that contravenes a development standard unless the consent authority has considered a written request from the applicant that seeks to justify the contravention of the development standard by demonstrating:*

- a) that compliance with the development standard is unreasonable or unnecessary in the circumstances of the case, and*
- b) that there are sufficient environmental planning grounds to justify contravening the development standard.*

*Development consent must not be granted for development that contravenes a development standard unless:*

- a) the consent authority is satisfied that:*
  - (i) the applicant's written request has adequately addressed the matters required to be demonstrated*
  - (ii) the proposed development will be in the public interest because it is consistent with the objectives of the particular standard and the objectives for development within the zone in which the development is proposed to be carried out*
- b) the concurrence of the Secretary has been obtained (although not required for SSD).*

The Department has considered the proposed exception to the FSR development standard under Clause 4.6 of the SLEP, applying the tests arising from *Randwick City Council v Micaul Holdings Pty Ltd [2016] NSWLEC 7* (as summarised by *Gabriel Stefanidis v Randwick City Council [2017] NSWLEC 1307*) and *Bates Smart Pty Ltd v Council of the City of Sydney [2014] NSWLEC 1001*.

### **1. Is the consent authority satisfied that the proposed development will be consistent with the objectives of the zone?**

The objectives of the B8 Metropolitan Centre zone are:

- *to recognise and provide for the pre-eminent role of business, office, retail, entertainment and tourist premises in Australia's participation in the global economy.*
- *to provide opportunities for an intensity of land uses commensurate with Sydney's global status.*
- *to permit a diversity of compatible land uses characteristic of Sydney's global status and that serve the workforce, visitors and wider community.*
- *to encourage the use of alternatives to private motor vehicles, such as public transport, walking or cycling.*
- *to promote uses with active street frontages on main streets and on streets in which buildings are used primarily (at street level) for the purposes of retail premises.*

The Department recommends that the Minister be satisfied that the proposed development is consistent with the objectives of the B8 Metropolitan Centre zone in the SLEP, as it:

- provides for the pre-eminent role of business and office in Australia's participation in the global economy, by providing a significant increase in commercial floor space centrally within Sydney's CBD and supporting the growth of the financial services cluster within the CBD
- provides opportunities for an intensity of land use commensurate with Sydney's global status, by intensifying commercial floorspace and providing approximately 13,500 operational jobs, while complying with the SLEP height control and with reasonable impacts on surrounding amenity (subject to recommended conditions), in a location well served by current and future sustainable transport choices

- permits a diversity of compatible land uses character of Sydney's global status and that serves the workforce, visitors and wider community, as it provides employment floorspace within a highly accessible location above a new station, while also providing opportunities for retail and other food and beverage uses on the lower levels
- encourages the use of alternatives to private motor vehicles, such as public transport, walking or cycling, by integrating the development with the Sydney Metro station, will reduce onsite parking provision for private vehicles and through requirements that the stage 2 development applications include opportunities for end of trip facilities
- while being a concept proposal and the street level layout being confirmed through the CSSI approval, provides opportunities to active street frontages in the form of the station entry as well as retail tenancies.

**2. Is the consent authority satisfied that the proposed development will be consistent with the objectives of the standard?**

The objectives of the FSR clause in SLEP are:

- *to provide sufficient floor space to meet anticipated development needs for the foreseeable future*
- *to regulate the density of development, built form and land use intensity and to control the generation of vehicle and pedestrian traffic*
- *to provide for an intensity of development that is commensurate with the capacity of existing and planned infrastructure*
- *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.*

The Department also recommends that the Minister be satisfied that the proposed development is consistent with the objectives of the floor space ratio standard in the SLEP, as it:

- provides a significant increase in commercial floorspace and provides approximately 13,500 operational jobs within the Sydney CBD, in an area highly accessible to sustainable forms of transport, which will contribute to meeting future commercial floorspace needs
- provides a density, building form and land use intensity that is generally consistent with the desired character of buildings and land use intensity within this part of the Sydney CBD and does not result in unreasonable impacts on the surrounding amenity (subject to recommended conditions), while benefiting from the planned increase in public transport capacity on the site
- is integrated with the Sydney Metro station and reduce onsite parking provision for private vehicles, and therefore likely to reduce pedestrian and vehicle traffic, and modelling shows that the proposal will result in minor and manageable impacts on local footpath conditions
- intensifies commercial floorspace on two sites within the Sydney CBD being cleared to accommodate the new Sydney Metro station at Martin Place, and therefore benefiting from existing and planned infrastructure upgrades
- reflects the desired character of the locality, with tall towers to ground fronting Hunter Street reflecting this typology on Hunter Street, and a tapering envelope to the south forming a reasonable transition to the lower scale of 50 Martin Place (subject to the recommended conditions)
- results in acceptable impacts on the amenity of the locality in terms of overshadowing, visual and wind impacts (subject to recommended conditions).

**3. Has the consent authority considered a written request that demonstrates compliance with the development standard is unreasonable or unnecessary in the circumstances of the case and they are satisfied that the matters required to be demonstrated have adequately been addressed?**

The Applicant's written request seeking to justify the contravention of the FSR development standard under Clause 4.6(3)(a) of the SLEP, being that compliance with the development standard is unreasonable or unnecessary in the circumstances of the case, is included in Appendix K of the EIS.

The Applicant demonstrates that compliance with the development standard is unreasonable or unnecessary in the circumstances of the case, having regard to the five tests outlined in *Wehbe v Pittwater Council [2007] NSWLEC 827*. It establishes that compliance with the development standard is unreasonable or unnecessary in the circumstances, as the proposal achieves the objectives of the standard and accordingly justifies the variation to the FSR control, meeting the First Test outlined in *Wehbe*.

The Department supports the Applicant's conclusions that the proposal achieves the objectives of the standard. While the Department agrees with Council that the Central Sydney Planning Strategy has not been exhibited and is therefore not a matter for consideration, the Department considers that A Plan for Growing Sydney and the draft Central District Plan (used by the Applicant, but recently updated by the CSG) provides sufficient strategic justification for the FSR exceedance. The Department also notes that the Applicant's FSR exceedance is consistent with the draft amendments to the FSR control in the planning proposal to amend the SLEP.

Having considered the Applicant's written request, the Department recommends that the Minister can be satisfied that it demonstrates compliance with the development standard is unreasonable or unnecessary in the circumstances of the case and the matters required to be demonstrated have adequately been addressed.

**4. Has the consent authority considered a written request that demonstrates there are sufficient environmental planning grounds to justify contravening the development standard and the matters required to be demonstrated have adequately been addressed?**

The Applicant's written request seeking to justify the contravention of the FSR development standard under Clause 4.6(3)(b) of the SLEP, being sufficient environmental planning grounds to justify contravening the development standard, is included in Appendix K of the EIS.

The Applicant's written request justifies contravention of the development standard on the following environmental planning grounds:

- the FSR standard in SLEP pre-dates the new metro line and station, which is the key driver to the changing circumstances of the site, including its development potential
- the station includes a notional 6,500 m<sup>2</sup> GFA, which although used for the station and not the OSD, contributes to the FSR exceedance in accordance with the SLEP requirements for calculating FSR
- the application is a Stage 1 concept proposal, with the FSR being a maximum for a building within the building envelopes. As such a degree of flexibility is required for the future detailed design process.

The Department supports the Applicant's conclusions that the proposal achieves the objectives of the standard. In response to the Applicant's third point, the Department notes that the Stage 2 development applications will be required to demonstrate design excellence in accordance with the conditions of approval, by establishing a design review panel.

Having considered the Applicant's written request, the Department recommends that the Minister can be satisfied that sufficient environmental planning grounds justify the contravention of the development standard and the matters required to be demonstrated have adequately been addressed.

The Department therefore concludes that the Minister can be satisfied that the Applicant's written request adequately addresses the matters required to be demonstrated under Clause 4.6 of the SLEP and the proposal will be in the public interest because it is consistent with the objectives of the particular standard and the objectives for development within the zone.

In supporting the Applicant's request, the Department also considers that the development will deliver an overall better planning outcome for the site, for the following reasons:

- the proposal makes a significant contribution to delivering several important goals and objectives in *A Plan for Growing Sydney* and the GSC's recently published draft Greater Sydney Region Plan and Draft Eastern City District Plan, through an increase in commercial floor space within the Sydney CBD, integration of land use and transport planning and contribution to a 30-minute city
- the commercial floor space proposed in the north envelope will accommodate an additional 8,500 jobs in a highly accessible area of the Sydney CBD, with a FSR compliant scheme providing approximately 4,000 fewer jobs
- the north envelope complies with SLEP height control established by the Martin Place sun access plane
- the proposed envelope is consistent with the desired character of the area, and results in minor and reasonable solar access, visual and wind impacts on the surrounding amenity (subject to the recommended conditions), when compared to a compliant scheme
- when discounting the GFA provided below ground (of approximately 9,200 m<sup>2</sup>), which does not contribute visually to the envelope mass, the FSR exceedance of the above ground envelope reduces to approximately 35%.

## **APPENDIX D    ADVICE OF THE GOVERNMENT ARCHITECT NSW**

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## **APPENDIX E      RECOMMENDED CONDITIONS OF CONSENT**

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The recommended conditions of consent / FARs can be found on the Department of Planning and Environment's website as follows.

[http://majorprojects.planning.nsw.gov.au/?action=view\\_job&job\\_id=8351](http://majorprojects.planning.nsw.gov.au/?action=view_job&job_id=8351)