

## Appendix A- Record and Response to Submissions

Extracts from Government agency and authority submissions and submissions from the general public received in relation to SSD 17\_8351, and a response to each of these matters, has been outlined in the **Table below**.

### List of Abbreviations

Council	City of Sydney Council
Department	Department of Planning and Environment
DRP	Design Review Panel
EIS	Environmental Impact Statement prepared for SSD 17_8351
EP&A Act	Environmental Planning and Assessment Act 1979
EPA	Environment Protection Authority of NSW
FR NSW	Fire and Rescue NSW
OGA	NSW Office of Government Architect
OEH	Office of Environment and Heritage
RMS	Roads and Maritime Services
TfNSW	Transport for NSW
RTS	Response to Submissions Report for SSD 17_8351
SSD	State Significant Development

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# 1.0 Government Agency and Authority Submissions

Extract	Response
<b>1. Department of Planning and Environment</b>	
<b>Design Excellence</b>	
Review the Design Excellence Framework to identify additional opportunities for a competitive process which would achieve design excellence consistent with the objectives of Clause 6.21 of Sydney Local Environmental Plan 2012 (SLEP 2012). The Framework should deliver a robust, coordinated and independent design excellence process, having regard to the advice of the Government Architect NSW and comments provided by City of Sydney Council.	In accordance with the Department's request, and having regard to the advice from the OGA provided to the Department and the submission from Council, the applicant has augmented the proposed Design Excellence Framework, with a revised version included in <b>Appendix H</b> of the RTS. The Framework, developed in consultation with the OGA, considers opportunities for competitive processes in the redevelopment of the Precinct. The revised framework will ensure a robust, coordinated and independent design excellence process. Refer to Section 2.1 of the RTS for further details.
Provide the meeting notes from all occasions when the proposal has been presented to a design review panel, together with commentary on how the issues raised by the panel have been addressed in the proposal and/or justification where changes have not been made.	A summary of actions from DRP meetings undertaken so far is included in Section 2.1.2 the RTS. Refer to the RTS for an overview of how relevant feedback provided by the DRP has been/is being considered/addressed.
<b>Building Form (Northern Tower)</b>	
<p>The Department notes the scale of the building envelope is far greater than surrounding buildings by virtue of the expanse of the city block between 50 Martin Place and Hunter Street. This unrelieved scale results in a mass and bulk that creates a visual dominance which is out of character with the local context with associated visual and amenity impacts. Further refinement of this aspect of the development should be considered in order to support the gross floor area (GFA) above what would be permitted under the SLEP 2012.</p> <p>In light of this, the Department suggests the total quantum of floor space and bulk of the building envelope be reviewed, including a comparative assessment against a development which would comply with the floor space ratio control and the setbacks within the Sydney Development Control Plan 2012 (SDCP 2012), in terms of:</p> <ul style="list-style-type: none"> <li>view impacts from key vantage points;</li> <li>wind impacts;</li> <li>daylight to streets;</li> <li>outlook from surrounding buildings.</li> </ul>	<p>As discussed further within the RTS and the Supplementary Design Report, the scale of the future North Tower building is considered to be consistent with surrounding development and will achieve a form that is not out of character with the existing and future local context (noting the context of the site above a new major piece of public transport infrastructure and located within the commercial and financial heart of Global Sydney).</p> <p>In order to address concerns regarding the impacts from the proposed building envelopes, further modelling and testing has been completed to compare the existing context, proposed envelopes, and an LEP/DCP compliant envelope to confirm the relative impact of the proposed building envelopes on shadows, wind, public domain views, daylight and outlook from surrounding buildings. This is discussed in detail in the RTS and accompanying consultants reports that confirm that the proposal</p>

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	will not result in adverse environmental impacts and that the degree of impact is consistent with that of a complying LEP/DCP development.
<p>Further consideration should also be given how the proposal will reinforce the heritage street frontage height through setbacks to enhance the relationship with the public domain and surrounding buildings, having regard to:</p> <ul style="list-style-type: none"> <li>the heritage significance of 50 Martin Place and the need to give the building space and prominence; and</li> <li>established setbacks above the heritage street wall height along Elizabeth Street and Castlereagh Street.</li> </ul>	This is addressed in the supplementary heritage statement prepared by TKD ( <b>Appendix K</b> ), the supplementary Design Report ( <b>Appendix B</b> ), and discussed in detail in the RTS.
<b>Building Form (Southern Tower)</b>	
Similar to the northern tower, review the relationship of the southern tower building envelope with the heritage street frontage height along Elizabeth and Castlereagh Streets and give consideration to providing setbacks to the tower from Elizabeth and Castlereagh Street.	This is addressed in the supplementary heritage statement prepared by TKD ( <b>Appendix K</b> ), the supplementary Design Report ( <b>Appendix B</b> ), and discussed in detail in the RTS.
Review the impact of the proposal on solar access to Hyde Park in mid-winter, and how the proposal is consistent with the objectives within the SLEP 2012 to protect the amenity of public places. This should include an analysis of the overshadowing impacts on Hyde Park in comparison to a development which would apply the setbacks of SDCP 2012.	The revised overshadowing analysis at <b>Appendix C</b> confirms the relative impact of the proposed building envelopes when compared to a LEP/DCP compliant scheme. It demonstrates that in addition to the proposed envelopes being consistent with both the existing and potential future Sun Access Planes applying to the Site, these building envelopes will also not generate substantial or long-lasting shadows on Hyde Park consistent with the objectives and requirements of Cl. 6.16 of the Sydney LEP 2012. It is further demonstrated that minor overshadowing generated by the proposed envelopes is comparable to the compliant scheme, and as such are comparable to what would otherwise be expected under the controls as smaller, older buildings are replaced with new buildings designed to the City's height limits. The degree of additional shadow is also consistent with that which results from development in which the City of Sydney Council readily supports and approves (e.g. 148 King Street). Refer to the RTS for further discussion.
Demonstrate that the southern tower is capable of delivering a workable / functional commercial floorplate, which will be attractive to prospective tenants and provides a high level of internal amenity for employees, without relying on the outcome of the Planning Proposal.	Grimshaw have prepared a Test Office Fit Out ( <b>Appendix B</b> ) for the South Tower based on the parameters of the Concept Proposal building envelope, along with precedent developments with similar sized floorplates. Savills have also prepared a commercial market analysis ( <b>Appendix I</b> ). This material demonstrates that although the floorplate does not represent the optimal solution for the South Site, it remains

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	capable of supporting a workable and functional commercial development.
The urban framework within the Tzannes Urban Design Report should be amended reflect the proposed building envelope (Section 3.3.3.4.1 and the graphic representation of the design principles).	The revised Urban Design Report provided at <b>Appendix N</b> has been updated to acknowledge the building envelope being proposed under the Concept Proposal.
Provide further design justification for the proposed colonnade on the south building, having regard to City of Sydney Council's concerns. This must balance the operational needs of the station entry with the predominant street wall facade with zero setback on Martin Place.	The illustrative design scheme has been further developed and in light of feedback by key stakeholders, including City of Sydney, the colonnade has since been removed. Refer to RTS and Supplementary Design Report at <b>Appendix B</b> for further details.
<b>Heritage</b>	
Provide details showing how the north tower building envelope will physically connect into 50 Martin Place. This should include indicative plans and/or illustrations showing the existing and proposed connections, and an assessment of these connections on the heritage significance of 50 Martin Place.	The proposed physical connections to 50 Martin Place will follow the precedent established by the existing connections with the adjoining 9-19 Elizabeth Street, which allow staff and visitors to freely move between these two buildings. These connections, discussed and detailed further in the RTS (refer to <b>Appendix B</b> and <b>K</b> ), will be subject to detailed design as part of a future Stage 2 application(s) and will be informed by specialist heritage impact assessment and appropriate consultation processes.
<b>Additional Information Required</b>	
Provide further consideration and examples of best practice sustainable building principles, to identify opportunities to improve the proposed environmental performance of the buildings	A key outcome for the redevelopment of the Precinct is to deliver more sustainable development than presently provided. Arup have prepared a revised ESD strategy ( <b>Appendix T</b> ), identifying the specific suite or rating systems and supporting design features to be adopted by the North and South Towers. These specific initiatives clearly demonstrate there are opportunities to implement best-practice sustainable building principles and improve the environmental performance of the buildings.
Confirm the proposal does not result in any overshadowing of Pitt Street Mall (beyond the shadow cast by a 20m high wall on either side of the Mall) between 10 am and 2 pm, between 14 April and 31 August in accordance with Clause 6.19 of SLEP 2012.	Updated overshadowing modelling has been completed by Grimshaw and included at <b>Appendix C</b> . This modelling confirms that the proposal will not create any additional overshadowing during the control period on Pitt Street Mall than would otherwise be cast by a 20m wall on either side of the mall, and as such the proposal is consistent with the provisions of Clause 6.19 of the Sydney LEP 2012. These results have also been independently verified by PSN Matters (refer <b>Appendix C</b> ).
Provide further details about the interface between the proposal and the metro station, including how the towers will be integrated with the station, yet independent to allow for	The Station and OSD Integration/OSD Lifecycle Approach report prepared by Arup ( <b>Appendix E</b> ) is discussed in the RTS and

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upgrade/redevelopment of individual elements in the future.	demonstrates how the integrated Station and OSD can be 'future-proofed' and upgraded/reconstructed separately. Grimshaw have also prepared at <b>Appendix E</b> integration diagrams to demonstrate how the two elements of the station and OSD integrate, interact, and relate.
Confirm the proposed staging of future applications for the north and south towers.	The nature of the application relates to a Concept Proposal. As noted within the EIS, there may be a single future Stage 2 (detailed) DA which covers the precinct (North Site and South Site) or alternatively separate Stage 2 DAs for the North and South Sites. The future request for SEARs related to the Stage 2 DA/s will make it explicit the final approach adopted.
Provide an assessment of construction impacts, including cumulative impacts with the metro construction works.	The cumulative construction impacts incorporating works associated with the Metro Station have either been assessed as part of the original EIS or within new/updated appended to the RTS. Notwithstanding this, at this preliminary stage of the development there remains limited detail available (as it expected given the conceptual nature of a Concept Proposal DA) regarding construction methodologies, equipment or scheduling of works etc. Accordingly, it is expected that further analysis and detailed modelling will be completed as part of the subsequent Stage 2 applications and upon the engagement of the relevant contractors.
<b>2. Transport for NSW</b>	
<b>Existing &amp; Future Rail Corridors</b>	
<p>It is advised that the existing Eastern Suburbs Railway is located in close proximity to the proposed development. Any works within 25m of the rail corridor should comply with the relevant ASA standards.</p> <p>TfNSW requests that the applicant be conditioned to the following as part of the Stage 1 Development Application:</p> <ul style="list-style-type: none"> <li>▪ Prior to the lodgement of the Stage 2 development application: <ul style="list-style-type: none"> <li>– The applicant is to consult with TfNSW and Sydney Trains;</li> <li>– All supporting design documentation, architectural plans and supporting expert consultant reports shall be prepared in accordance with the ASA standards including, Development Near Rail Tunnels THR CI 12051 ST and to the satisfaction of TfNSW and Sydney Trains;</li> <li>– The applicant shall confirm with TfNSW whether an engineering assessment of the ground/structure interaction associated with the future tunnel construction is required. The assessment is to confirm movements and stresses are within expected limitations for the</li> </ul> </li> </ul>	<p>Noted. Consultation will continue to occur with Sydney Metro and TfNSW through the detailed design process, as outlined in the proposed Design Excellence Framework at <b>Appendix H</b>.</p> <p>The detailed design and documentation of the proposed development as part of Stage 2, will be completed in accordance with the relevant standards where applicable.</p> <p>A structural engineering assessment will accompany the detailed design DAs confirming that the design of the proposal is appropriate, as developed around the requirements of the transport authorities for the station development and the requirements of Macquarie for the retail and commercial office tower components of the buildings.</p>

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<p>proposed foundations, the rail corridor rock mass, and the future excavation of the rail tunnels. The ground/structure interaction modelling and analysis should be completed using appropriate empirical and/or numerical methods (e.g. finite element analysis); and</p> <ul style="list-style-type: none"> <li>– The design and construction of the basement levels, foundations, retaining walls and ground anchors for the approved development are to be completed to the satisfaction of TfNSW.</li> <li>▪ TfNSW, and persons authorised by it for this purpose, are entitled to inspect the site of the approved development and all structures to enable it to consider whether those structures on that site have been or are being constructed and maintained in accordance with these conditions, on giving reasonable notice to the principal contractor for the approved development or the owner or occupier of the part of the site to which access is sought.</li> </ul>	
<b>Development Near Rail Corridors and Busy Roads</b>	
<p>The proposed development is located in close proximity to existing and future corridors including Sydney Metro City and Southwest rail corridor and existing Eastern Suburbs Railway. TfNSW requests that the applicant be conditioned to the following as part of the Stage 2 development application:</p> <ul style="list-style-type: none"> <li>▪ The applicant shall design and construct the development in accordance with the 'Development Near Rail Corridors and Busy Roads — Interim Guideline' (2008) prepared by Department of Planning and Environment.</li> </ul>	<p>Noted. The detailed design and documentation of the proposed development as part of Stage 2 will be completed in accordance with the relevant standards where applicable. Consideration of the Interim Guideline has already been made as part of the design of the Concept Proposal.</p>
<b>Pedestrian Facilities</b>	
<p>It is advised that:</p> <ul style="list-style-type: none"> <li>▪ Future mode share is likely to change with the Sydney Metro City and Southwest in place. Future mode share information needs to include trips to Martin Place Metro Station, Sydney Train Stations and buses separately; and</li> <li>▪ Future pedestrian movements be analysed to confirm that the pedestrian facilities to public transport network are adequate. This analysis needs to consider the demand created by other new transport infrastructures such as the Sydney Metro City and Southwest and the Sydney Light Rail on the pedestrian network.</li> </ul> <p>TfNSW requests that the applicant undertakes the following as part of the Stage 2 development application:</p> <ul style="list-style-type: none"> <li>▪ Consult with TfNSW to obtain future mode share with the Sydney Metro City and Southwest and Sydney Light Rail in place;</li> <li>▪ Undertake pedestrian modelling in consultation with the Sydney Coordination Office within TfNSW to confirm that the pedestrian facilities to the public transport network are adequate. Consideration should be given to the facilities at the bus stops located adjacent to the proposed development and changes to access to the heavy rail network as a result of Sydney</li> </ul>	<p>Noted.</p> <p>Arup have undertaken pedestrian modelling, addressing the cumulative impact of the proposal on the pedestrian environment once operational in 2026 (included at <b>Appendix R</b>). Whilst the increase in the capacity of the development within the Precinct will inevitably generate additional pedestrian movements and consequently impact on local footpath conditions, these impacts will be minor and manageable.</p>

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<p>Metro and providing subterranean pedestrian paths to accommodate the additional demand where required; and</p> <ul style="list-style-type: none"> <li>Provide details of operational issues (DDA compliance, hours of operations for paid and unpaid concourse, BCA and fire and life safety).</li> </ul>	
<b>Light Rail and Bus Services</b>	
<p>The proposal would likely increase the number of people accessing light rail and bus services. TfNSW requests that the applicant undertakes a detailed analysis on the light rail and bus services to accommodate the additional demand generated by the proposed development undertaken in consultation with TfNSW as part of the Stage 2 development application.</p>	<p>The proposed building envelopes are located directly above two railway stations that would be expected to accommodate much of the demand created by the proposal. Notwithstanding this, Arup will complete further detailed modelling and assessment as part of the relevant Stage 2 applications.</p>
<b>Vehicular Site Access and Loading Dock</b>	
<p>The development proposal includes two (2) loading docks for service vehicles via Castlereagh Street. The proposed loading docks would accommodate a total of 3 spaces for Medium Rigid Vehicles (MRV) and seven (7) spaces for Small Rigid Vehicles (SRV). Based on the Traffic Report, the peak demand for the service vehicle parking is 15 vehicles, which exceeds the service vehicle parking on site.</p> <p>TfNSW requests that the applicant prepares a draft loading management plan in consultation with the Sydney Coordination Office within TfNSW, as part of the Stage 2 development application. The draft loading management plan needs to include, but not be limited to, the following:</p> <ul style="list-style-type: none"> <li>Detailed swept path analysis of service vehicles accessing the loading docks;</li> <li>Ensuring that queuing does not occur along Castlereagh Street;</li> <li>Management of incidents at the access to the loading docks;</li> <li>Loading bay management details including service vehicle movements during peak periods;</li> <li>Management of conflicts between pedestrians walking along Castlereagh Street and the service vehicles using the loading bays;</li> <li>Management of conflicts between pedestrians and the movement of goods between loading docks;</li> <li>Alternative arrangements to accommodate the development's freight and servicing profile, including off-site consolidation; and</li> <li>Details of a pre-booking system.</li> </ul> <p>TfNSW also requests that the applicant investigate and consider implementing options to support precinct logistics activity. A precinct or neighbourhood approach has the capacity to support retimed freight and servicing activity, maximise the dock utilisation during shoulder and off-peak periods, support consolidated deliveries, minimise vehicle movements, reduce demand on kerbside space and improve network efficiency. Features of a precinct or neighbourhood approach that the</p>	<p>A Draft Loading Management Plan will be prepared at the appropriate time in consultation with relevant stakeholders, with due consideration afforded to precinct logistics.</p>



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<p>applicant is requested to consider include:</p> <ul style="list-style-type: none"> <li>▪ Providing direct connectivity for foot traffic between loading docks;</li> <li>▪ Providing space for secure on-site storage of goods both to reduce peak demand on loading dock use and to support freight consolidation and alternative last mile delivery modes;</li> <li>▪ Developing a system for the management and commercialisation of this space;</li> <li>▪ Providing separated dock access for foot, bicycle and vehicular traffic; and</li> <li>▪ Providing direct access points between the dock and surrounding streets which provide limited servicing of buildings and businesses.</li> </ul>	
<b>Security Assessment</b>	
<p>The development application includes limited information in relation to the application of Crime Prevention through Environmental Design (CPTED) principles and the security risk assessment. TfNSW requests that the applicant prepare Security Risk Assessment Reports, detailed concept design in accordance with NSW Police Publication <i>"Safe Places" Comprehensive Guide for Owners, Operators and Designers</i> for protecting public places from terrorism and OPTED in consultation with NSW Police and TfNSW as part of the Stage 2 development application. These reports need to include, but not be limited to, the following:</p> <ul style="list-style-type: none"> <li>▪ Details of threat environment or vulnerabilities;</li> <li>▪ Details of blast modelling and appropriate protections;</li> <li>▪ Details of counter terrorism measures;</li> <li>▪ Details of preferred lighting standards;</li> <li>▪ Details of glazing that is required for caveating around treating glass; and</li> <li>▪ Details of potential vehicle incursions into pedestrian spaces and measures to prevent vehicle incursions.</li> </ul>	<p>The CPTED assessment prepared by Arup that accompanied the EIS analysed the policy and crime context of the Precinct and recommended strategies to reduce the opportunity for crime to be addressed in subsequent Stage 2 DA(s). It was recommended that a CPTED review of any detailed proposal be undertaken at the appropriate stage, once the detailed design of the proposal is confirmed.</p> <p>The relevant Stage 2 DA(s) will also be accompanied by a Security Risk Assessment Report.</p>
<b>Construction Pedestrian and Traffic Management</b>	
<p>Several construction projects, including the Sydney Light Rail Project and Sydney Metro City and Southwest are likely to occur at the same time as this development within the CBD. The cumulative increase in construction vehicle movements from these projects could have the potential to impact on general traffic and bus operations within the CBD, as well as the safety of pedestrians and cyclists particularly during commuter peak periods.</p> <p>TfNSW requests that the applicant prepares a draft Construction Pedestrian and Traffic Management Plan in consultation with the Sydney Coordination Office within TfNSW as part of the Stage 2 development application. The draft Construction Pedestrian and Traffic Management Plan (CPTMP) needs to include, but not be limited to, the following:</p> <ul style="list-style-type: none"> <li>▪ Location of all proposed work zones;</li> <li>▪ Haulage routes;</li> </ul>	<p>Noted. The EIS included a Construction Pedestrian and Traffic Management Plan, where it acknowledged that given the large number of construction projects in the vicinity, a coordinated approach to the management of truck routes, traffic, pedestrians, cyclists will be required. Further assessment and details will be provided as part of the relevant Stage 2 DA(s).</p>

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<ul style="list-style-type: none"> <li>Construction vehicle access arrangements;</li> <li>Proposed construction hours;</li> <li>Estimated number and type of construction vehicle movements including morning and afternoon peak and off peak movements;</li> <li>Construction program highlighting details of peak construction activities and proposed construction Staging';</li> <li>Any potential impacts to general traffic, cyclists, pedestrians and bus services within the vicinity of the site from construction vehicles during the construction of the proposed works;</li> <li>Cumulative construction impacts of projects including Sydney Light Rail Project and Sydney Metro City and Southwest. Should any impacts be identified, the duration of the impacts; and</li> <li>Measures proposed to mitigate any associated general traffic, public transport, pedestrian and cyclist impacts should be clearly identified and included in the draft CPTMP.</li> </ul>	
<b>3. Office of Environment and Heritage</b>	
<p>After reviewing the proposal, OEH's Greater Sydney Planning Team has concluded that the matter does not contain biodiversity, natural hazards or Aboriginal cultural heritage issues that require a formal OEH response. We have no further need to be involved in the assessment of this project.</p>	Noted.
<b>4. Ausgrid</b>	
<p>Ausgrid has specifically reviewed Section 8 of Appendix E 'Utility Services Infrastructure Assessment' of the submission and notes that the proposed treatment of existing Ausgrid assets and proposed new connections will be subject to formal application by the proponent via Ausgrid's contestable works process.</p> <p>Ausgrid looks forward to receiving those applications to progress the proposal should consent be granted. We have no further comment to make regarding the proposal or conditions of consent.</p>	<p>A formal application will be made to Ausgrid in accordance with their contestable works process as part of the Stage 2 application(s), when the detailed design and therefore servicing needs of the proposal are confirmed.</p>
<b>5. Environmental Protection Agency NSW</b>	
<p>Based on the information provided, the proposal does not constitute a Scheduled Activity under Schedule 1 of the <i>Protection of the Environment Operations Act 1997</i> (POEO Act), and will not require an Environment Protection Licence (EPL) under the POEO Act. The EPA understands that the proposal is not being undertaken by or on behalf of a public authority.</p>	Noted.
<b>6. Fire and Rescue NSW</b>	
<p>If the entire precinct was served by common fire systems it is FR NSW experience and judgment that there would be potential for safe and efficient management of an emergency fire incident to be compromised and delayed. The reasons for the potential hindrance to efficient fire incident management are primarily due to likely confusion with respect to quickly</p>	<p>It is emphasised that this Concept Proposal DA seeks consent for a broad building envelopes, with detailed design and testing to occur as part of the Stage 2 DA/s. In view of this, the requested modelling and analysis is not a consideration for the Concept Proposal and cannot be</p>

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<p>locating and identifying critical fire safety systems' infrastructure controls (such as hydraulic fire service boosters, fire control rooms etc) and fire system control locations relative to the various sectors of the precinct served.</p>	<p>completed at this stage. It is expected than any future detailed application for the Precinct will give due consideration to best-practice fire engineering principles with regard to the comments of Fire and Rescue NSW.</p>
<p>For reasons of operational efficacy, it is also important that resources deployed to critical fire system controls are located within reasonable proximity to the incident command centre. The following recommendations are therefore submitted for consideration. Should development consent be granted, FR NSW advocates for the Department to consider including the following recommendations as conditions attached to the relevant instrument of development consent:</p>	
<p>1) That the various Martin Place Station Precinct sectors (such as over station development towers, underground Metro sector etc) are served by independent fire systems.</p>	
<p>2) That Fire &amp; Rescue NSW be consulted with respect to the operational compatibility of the Precinct's proposed fire and life safety systems and their configuration at the project's preliminary and final design phases.</p>	
<p>3) That the pedestrian connection interfaces between the various sectors of the precinct (i.e. Sydney Train's Martin Place Station, the Sydney Metro's Martin Place Station and over station developments), and the sectors of the precincts themselves, are appropriately assessed by fire engineering analysis with respect to emergency occupant egress, fire and smoke compartmentation, smoke hazard management and firefighting intervention.</p>	
<p>4) In addition to Sydney Metro rolling stock, that such analysis considers the fire hazards associated with Sydney Train's rolling stock and the adequacy of fire and life safety systems of the Martin Place Metro Precinct to mitigate the identified potential hazards associated with such interconnection.</p>	
<p>5) It is recommended that the preliminary design of the fire hydrant system for any over station development tower that exceeds 135 metres in effective height is specifically designed in consultation with FR NSW. In addition, that fire hydrant system's final design meets the satisfaction of FR NSW.</p>	
<p>6) That FR NSW also be listed as a stakeholder and be consulted during the design and construction of the buildings, as well as any relevant stages post construction.</p>	Noted.
<b>7. NSW Office of Government Architect</b>	
<b>Public Domain</b>	
<p>Note that achieving the highest standard level of design quality and amenity at street level, particularly Martin Place but also Elizabeth, Hunter and Castlereagh Streets, will be critical the success of the proposal.</p>	Noted.
<b>Height and Mass</b>	

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Note that the proposed building envelopes for the new commercial buildings on the north and south sites, comply with the Sydney LEP 2012 'Sun Access Planes' and 'No Additional Overshadowing' controls.	Noted.
The proposed Design Principles provide detailed analysis of opportunities for the design development to respond to existing context which is generally supported. However, it is noted that the analysis of tower setbacks (Urban Framework 3.3.3.4.1) suggest the opportunity to achieve a 6m setback above the podium of the south tower which is not supported and is at odds with the envelopes indicated in the Stage 1 concept proposal.	The revised Urban Design Report provided at <b>Appendix N</b> has reviewed the graphical representation of the design principles and proposed building envelopes. Whilst there may be an opportunity to reduce the proposed setback for the South Tower, this will be subject to the outcome of a separate planning process.
<p>Our general position of support for the concept proposal assumes that the next stage of design development will respond to advice to date from the Sydney Metro DRP (and any subsequent Design Review advice) with particular reference to the following:</p> <ul style="list-style-type: none"> <li>▪ setbacks to Martin Place that protects sunlight and daylight access</li> <li>▪ pedestrian amenity (sunlight &amp; wind impacts), including Elizabeth, Hunter and Castlereagh Street pedestrian areas as well as Martin Place.</li> </ul>	A summary of action items from DRP meetings is included in Section 2.1.2 of the RTS. The subsequent Stage 2 DA(s) will continue to address the advice of the DRP and confirm how the design and documentation has addressed any comments, as relevant.
<b>Design Excellence Process</b>	
<p>The proponents have responded to the requirements of the SEARs in relation to consulting with the Government Architect during preparation of the design excellence strategy.</p> <p>The commitment to expand the Sydney Metro Design Review process for this proposal in response to advice from OGA and the creation of a site-specific design review panel is supported, as well as the proposal that the specifically convened panel should be provided with sufficient information to be conversant with both stations and OSD elements to ensure that advice is coordinated and consistent. OGA anticipates that the site-specific Design Review Panel will be chaired by the Government Architect (or their nominee). Acknowledging the relationship between the proposed site-specific Panel and the established Sydney Metro DRP, it is noted that the advice of the Sydney Metro DRP to date is not included or addressed in the application.</p>	The Draft Terms of Reference for the DRP have been provided as part of the revised Framework at <b>Appendix H</b> , confirming the role of the Government Architect. Refer to Section 2.1.2 the RTS for an overview of how relevant feedback provided by the DRP has been/is being considered/addressed.
Overall, the intent of the proposed Urban Design Objectives and Principles is supported. To support coordinated and consistent design review advice, OGA recommends further preparation of an overarching set of site-wide design principles that consolidate the <i>Chatswood to Sydenham Design Guidelines</i> and the SMMPSP Urban Design Objectives and Principles.	In accordance with this request, a consolidated and integrated Urban Design Principles document has been collated by Tzannes ( <b>Appendix D</b> ), which includes all of the site-specific urban design objectives and principles and heritage design guidelines formulated for this project, and the design guidelines for the Sydney Metro and Southwest Chatswood to Sydenham project. Together, these form the 'site-wide principles', which will inform both the detailed design of OSD and the greater Precinct.
The proponent's internal design excellence processes to date, including the appointment of	The updated Design Excellence Framework ( <b>Appendix H</b> ) demonstrates

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<p>highly skilled and award-winning design teams as well as urban design and heritage advisors is supported. The OGA role is to advocate for independent, robust and defensible design excellence processes to support the evaluation and assessment of State Significant Development, as reflected in the SEARs. While the principle members of the design team as well as the urban design and heritage consultants are acknowledged to be experts in the design, documentation and delivery of projects of this complexity, their input does not equate to an independent or competitive design excellence process.</p>	<p>how the proposed development will set about achieving design excellence and identifies opportunities for competitive design excellence processes to be pursued by Macquarie. Whilst it is demonstrated that the detailed design of integrated OSD is too complex and time critical to undertake a formal architectural design competition, the proposed design excellence process represents a more comprehensive, iterative, and critical design development and assessment process than would otherwise be required. It ensures the proposal can meet its commitment for achieving design excellence, and identifies opportunities for competitive design without unduly compromising the delivery of the integrated Station and OSD.</p>
<b>8. Roads and Maritime Services</b>	
<p>Roads and Maritime has reviewed the submitted application and raises no objection to the Stage 1 concept proposal for the State Significant Development. Roads and Maritime provides the following comments for the Department's consideration in the determination of the Application:</p> <ol style="list-style-type: none"> <li>1) The layout of any proposed loading/parking areas associated with the subject development (including, driveways, grades, turn paths, sight distance requirements in relation to landscaping and/or fencing, aisle widths, aisle lengths, and parking bay dimensions) should be in accordance with AS 2890.1- 2004, AS2890.6-2009 and AS 2890.2 – 2002 for heavy vehicle usage.</li> </ol>	<p>Refer to the RTS letter prepared by Arup at <b>Appendix R</b>.</p> <p>Noted. The loading dock will be designed to accommodate the design vehicles in accordance with AS2890.2.</p>
<ol style="list-style-type: none"> <li>2) The proposed loading dock capacity should be adequate to cater for the full service vehicle demands of the ultimate development.</li> </ol>	<p>Noted. The logistics assessment will determine the loading requirements for the development. A loading dock management system will be used to schedule all deliveries to ensure dock capacity is utilised efficiently.</p>
<ol style="list-style-type: none"> <li>3) The proposed vehicular access points for the loading dock should be located as far as reasonably practical away from the traffic control signals on Castlereagh Street.</li> </ol>	<p>The loading dock vehicle access is located mid-block between traffic signals on Castlereagh Street to minimise impacts on traffic flow.</p>
<ol style="list-style-type: none"> <li>4) All vehicles should enter and exit the site in a forward direction. The swept path of the longest vehicle (including garbage trucks, building maintenance vehicles and removalists) entering and exiting the development, as well as manoeuvrability through the site, should be in accordance with AUSTROADS. In this regard, a plan shall be submitted to Council for approval, which shows that the proposed development complies with this requirement.</li> </ol>	<p>Swept paths have carried out based on the current layout which comply with AUSTROADS in terms of accessing the development and manoeuvrability. As part of the Stage 2 DA, swept paths will be provided which clearly show compliance with AUSTROADS requirements</p>
<ol style="list-style-type: none"> <li>5) The proposed development will generate significant additional pedestrian movements in the area. The applicant should demonstrate that proposed pedestrian facilities for access to the public transport network will be adequate to cater for future demands on key pedestrian desire lines. Pedestrian modelling should be undertaken in consultation with the</li> </ol>	<p>This has been addressed through the pedestrian modelling technical note included within Appendix R, considering the implication and acceptability of the designed path-width with the forecasted pedestrian loading. It is noted that the scope of the Metro Martin Place works</p>

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TfNSW Sydney Coordination Office and Council. Consideration should be given to providing subterranean pedestrian links to accommodate the additional demand where required.	extends only to the boundary of the site as stipulated by the CSSI and SSDA approvals.
6) In due course a Construction Traffic Management Plan detailing construction vehicle routes, number of trucks, hours of operation, access arrangements and traffic control would need to be submitted to Council and the TfNSW Sydney Coordination Office for review and approval, prior to the commencement of any works. This will need to consider the altered access arrangements for existing Martin Place rail users during construction. The proposed construction staging methodology will need to consider how customers get to and from bus services and taxis in Castlereagh Street and Elizabeth Street and across their respective Martin Place mid-block pedestrian crossings. It will need to be demonstrated that the proposal can be constructed while the impacts to rail users (and their connections) are appropriately managed.	A outline CPTMP plan has been prepared as part of the Stage 1 SSD DA, however a more detailed CPTMP along with traffic control plans, work zones etc. will be prepared at the relevant time considering the latest construction planning.
<b>9. City of Sydney Council</b>	
<b>Competitive Design Processes</b>	
While it is proposed in the JBA documents to integrate construction, from inception of the Metro the OSD associated with the Metro project has been required to be capable of being delivered separately without interfering with the delivery of the State Infrastructure approved Metro. That principle still prevails. It is also possible to ensure the OSD complies with the competitive design process provisions of the Sydney LEP 2012, which remains a prerequisite for this development's consent.	The subject Concept Proposal encompasses an integrated design, construction and delivery approach to the Sydney Metro Martin Place Station and OSD.  The Revised Competitive Design Process Waiver at <b>Appendix G</b> discusses how the proposal will achieve its statutory obligations under the Sydney LEP 2012 for 'Design Excellence'.
While the January 2017 Metro (CSSI) approval "is not bound by any Local Environmental Plans including the <i>Sydney Local Environmental Plan 2012</i> ", JBA asserts "the SLEP 2012's 'design excellence' requirements are therefore not applicable to the Metro project." But JBA fails to articulate that the OSD is excluded from the Metro project approval and is subject to the Design Excellence provisions of Division 4 of the Sydney LEP 2012 involving competitive design processes.	It is noted that the CSSI Approval does include construction of key OSD elements, such as below and above ground structural and interface works (with the fit-out of these spaces to be the subject of a separate approval). As recognised within the EIS, Clause 6.21 of Sydney LEP 2012 applies to OSD not captured by the CSSI approval.
With the OSD excluded from the infrastructure approval and the OSD subject to the requirements of Sydney LEP 2012, JBA is effectively seeking a waiver of the competitive design process and in its place an 'alternative design excellence framework' which relies on the operation of a design review panel (DRP). Such a waiver under the circumstances should not be granted.	The Revised Competitive Design Process Waiver at <b>Appendix G</b> demonstrates the appropriateness and necessity of a design competition waiver in view of the unique circumstances of the development, and the robust alternative design excellence process proposed.
While an existing DRP was required by conditions E100 and E101 of the State Infrastructure Approval dated 9 January 2007, the jurisdiction of the DRP is the Metro infrastructure approval and, as aforesaid, specifically excludes the OSD.	The scope of the Sydney Metro DRP (as outlined within the Terms of Reference dated 29 March 2017) includes the review of OSD designs to facilitate the achievement of design excellence.

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<p>According to cl. 6.21 (5) LEP 2012 "Development consent must not be granted...(for development meeting the criteria listed)...unless a competitive design process has been held in relation to the proposed development". This means the Macquarie proposal cannot be granted consent unless it meets the requirements of this clause.</p>	<p>The revised Design Excellence Framework (<b>Appendix H</b>) demonstrates how the proposed development will set about achieving design excellence, including the role and operation of a DRP.</p> <p>This is an inaccurate statement. Clause 6.21(6) goes on to say that:  <i>(6) A competitive design process is not required under subclause (5) if the consent authority is satisfied that such a process would be <b>unreasonable or unnecessary in the circumstances</b> or that the development:</i>  <i>(a) involves only alterations or additions to an existing building, and</i>  <i>(b) does not significantly increase the height or gross floor area of the building, and</i>  <i>(c) does not have significant adverse impacts on adjoining buildings and the public domain, and</i>  <i>(d) does not significantly alter any aspect of the building when viewed from public places.</i>  Accordingly, consent can be granted notwithstanding the proposal's non-compliance with Clause 6.21(5) as the above provision clearly provides flexibility and allows the consent authority to waive the requirement for a 'competitive design process'.</p>
<p>The LEP is clear about the circumstances where a departure can be made from the requirement for a competitive design process. The competitive design process provisions may only be waived if the consent authority is satisfied that such a process would be unreasonable or unnecessary in the circumstances or that the development:</p> <ul style="list-style-type: none"> <li>a) involves only alterations or additions to an existing building, and</li> <li>b) does not significantly increase the height or gross floor area of the building and,</li> <li>c) does not have significant adverse impacts on adjoining buildings and the</li> <li>d) public domain, and</li> <li>e) does not significantly alter any aspect of the building when viewed from public places</li> </ul> <p>Having regard to the above, the City contends that it does not meet these cumulative tests, and so the competitive design process cannot be waived in favour of an "alternative design excellence framework" which, in any case, appears to be less effective.</p>	<p>The revised Competitive Design Process Waiver at <b>Appendix G</b> clearly demonstrates how the requirement for a design competition for the proposed OSD would be unreasonable and unnecessary in the circumstances, and as such a waiver under Clause 6.21(6) would be reasonable in these circumstances.</p> <p>This is an inaccurate statement. The tests for securing a waiver from a competitive design process are not cumulative. The consent authority need only be satisfied that one of the tests are achieved, in this case it is contended that such a process is both unreasonable and unnecessary.</p>
<p>The influence of a DRP to exercise the equivalent design excellence control and outcome that the tension of competitive design process delivers is not proven. A record of the DRP meetings to date</p>	<p>The revised Competitive Design Process Waiver outlines previous occasions where DRPs have been utilised to inform complex state</p>

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<p>for the CSSI, indicate that where the DRP has concerns and expressed strong views, the concerns are not necessarily taken on board by the Proponent. A contemporaneous example is the DRPs concerns with Macquarie's Planning Proposal seeking to reduce Martin Place setback to the South Tower – despite the lack of support by the DRP, the application was lodged unamended.</p>	<p>significant development, and confirms the support of the OGA for DRPs in these circumstances in accordance with their <i>Design Policy</i>.</p>
<b>Clause 4.6 Variation Request</b>	
<p>The application relies on limited justifications under cl. 4.6 of the LEP to seek an inappropriate degree of flexibility in applying the principal development standard for maximum floor space. This is not supported by the City and relies on a misinterpretation of common law and reliance on a draft strategy that cannot be given statutory weight (and is not a matter for consideration until Gateway Approval).</p> <p>A Cl. 4.6 variation requires a test against the objectives of the control and the zone in the current Sydney LEP 2012. A cl. 4.6 assessment cannot rely on other 'draft proposals' which may or may not become objectives of 'some future' control (CSPS). It is a matter for the consent authority to assess consistency with the existing objectives, however, the applicant's approach of relying on uncertain 'proposed draft' instruments which have not even been on formal public exhibition is not supported in current legal planning pathways. Also, to state that the Sydney LEP 2012 (LEP) is not a current instrument in relation to FSR controls is a clear falsehood manufactured to support the case for a variation. The site is capable of accommodating floor space for employment in the current existing controls reflected by the zoning and floor space of the 2012 LEP.</p>	<p>There is nothing in the wording of Clause 4.6 which imposes any limit on the magnitude of any exceedance of a development standard which may be authorised provided that the consent authority is otherwise satisfied that the development is in the public interest because it is consistent with the objectives of the zone and relevant development standard. The Land and Environment Court has also previously approved significant exceedances of development standards. For example, in <i>GM Architects v Strathfield Council</i>, the Court approved, in response to a Clause 4.6 request, a 22.7m exceedance of a 22m height limit (i.e. 103% exceedance) and a significant exceedance of the FSR limit (i.e. 157% exceedance).</p> <p>The Clause 4.6 Variation Request that accompanied the EIS accurately addressed the nominated considerations under the relevant case law, demonstrating compliance with the objectives of the B8 Metropolitan Centre land use zone (Section 3.3.2), compliance with the objectives of the Floor Space Ratio development standard (Section 3.1.1), and providing a written request demonstrating that compliance with the development standard was unreasonable and unnecessary in the circumstances. In light of this, the request can be granted despite the variation if the consent authority is satisfied that the request has reasonably addressed the matters required under case law and is in the public interest.</p> <p>The CSPS is a relevant public interest matter for consideration under 79C of the EP&amp;A Act (as cited in <i>Ceeroose Pty Ltd V Council of the City of Sydney</i>). It represents Council's intended direction for the Sydney CBD over the next 20 years. Whilst this Strategy may be of little weight until it is publicly exhibited, it represents the expected future changes to legislation that would affect the Precinct, and as such the proposal would be remiss and not in accordance with best-practice</p>



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	<p>planning to ignore these policy changes, especially when such changes have specifically sought to address the need for commercial floor space within the CBD.</p> <p>It remains valid that the most recent LEP review in 2012 (which essentially maintained the historic FSR since the 1970s) did not anticipate or plan for additional floor space capacity released by recent investments in public transport infrastructure, and as such when viewed in addition to the unique circumstances and opportunities afforded by the Metro, the proposed variation is considered to be fully justified in the context.</p> <p>The suggestion that the OSD (North Site) could accommodate floor space as per the existing controls is considered to be at odds with the objects of the EP&amp;A Act, where the promotion and co-ordination of the orderly and economic use and development of land is encouraged.</p>
<p>The Department of Planning and Environment should be concerned about transparency in planning processes and the precedent this sets regarding the inappropriate use of cl. 4.6. We believe that the defensible process for reviewing the floor space standards of this magnitude is via a public planning proposal process. At this stage, the application should only be granted consent for a concept incorporating floor space consistent with the Sydney LEP 2012, and the planning proposal be amended as necessary.</p>	<p>The proposed Stage 1 DA has been subject to public consultation and exhibition periods, ensuring the public and government agencies alike have full transparency over what is proposed and an opportunity to comment. There is no basis to suggest that there is a lack of transparency, or that there has been an inappropriate use of Clause 4.6 that expressly enables an appropriate degree of flexibility in applying certain development standards, including the FSR control, to achieve better outcomes that are in the public interest. This is addressed in detail in the Clause 4.6 Variation Request that accompanied the EIS. Full transparency has also been provided through the concurrent submission of the Planning Proposal (which seeks to formally amend the FSR controls for the North and South Sites and building height for the South Site) and submission of the modification application to the Sydney Metro CSSI approval in order to accommodate the Macquarie proposal. Concerns regarding precedent are also not considered to be valid, especially when considering the context for this once in a generation form of development (being OSD above a new train line).</p>
<p>Other issues that require attention:</p> <ul style="list-style-type: none"> <li>▪ The envelopes must be verified that they do not overshadow Hyde Park and Pitt Street Mall, which is prohibited by the Sydney LEP 2012.</li> </ul>	<p>Updated overshadowing modelling has been completed by Grimshaw and included at <b>Appendix C</b>. This modelling confirms that the proposal is consistent with the provisions of Clause 6.19 of the Sydney LEP.</p>

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	PSN Matter (refer <b>Appendix C</b> ) has also verified the shadows and confirm it complies with the requirements of Sydney LEP 2012. It is clarified that there is no overshadowing prohibition to Hyde Park under Sydney LEP 2012, rather there is a sun access plane – where compliance with the plane does result in some additional overshadowing.
<ul style="list-style-type: none"> <li>There will be significant heritage impacts on 50 Martin Place, with the northern proposed tower being too close to the item. This can be remedied by appropriate modelling.</li> </ul>	The visual prominence of 50 Martin Place is derived from its distinctive architectural expression and building character, and not building spacing. The building has a blank wall to the north that is intended to accommodate neighbouring buildings directly abutting the northern property boundary line. The potential to enforce the prominence of 50 Martin Place is therefore routed in the detailed design and architectural expression of the proposal rather than building separation. This is addressed in detail within the Supplementary Design Report at Appendix C and the heritage statement prepared by TKD at <b>Appendix K</b> .
<ul style="list-style-type: none"> <li>The proposed envelopes will overshadow and create significant wind impacts to the City streets due to its unrelieved form, particularly the lack of setbacks above heritage street wall height and likely impacts on pedestrian amenity.</li> </ul>	Further testing and modelling has been completed for the proposed building envelopes to address the potential impacts on wind ( <b>Appendix L</b> ) and overshadowing ( <b>Appendix C</b> ), demonstrating that the proposal will not adversely impact pedestrian amenity than would otherwise be expected from a 'complying' development adopting setbacks.
<ul style="list-style-type: none"> <li>The construction related impacts have not been assessed.</li> </ul>	Construction impacts were in part considered as part of the EIS to the extent that it related to the Concept Proposal and preliminary stage of development. A more comprehensive assessment of relevant construction impacts has been undertaken as part of the RTS. Further details have been provided in the revised reports accompanying the RTS, with still further testing to occur as part of the design development for the Stage 2 applications.
<ul style="list-style-type: none"> <li>No approval is in place from the Commonwealth relating to airspace.</li> </ul>	An application for approval of a controlled activity pursuant to Section 183 of the <i>Airports Act</i> has been made to the Sydney Airport Corporate Limited (SACL) with regards to the North Tower (17/0469) and South Tower (17/0454). SACL have confirmed that the South Tower does not penetrate the OLS or PAN-OPS surface for Sydney Airport and as such an authorised person of the Civil Aviation Safety Authority (CASA) has approved the height of the building envelope. The application for the North Tower is progressing but has not been determined at the time of writing this response. Notwithstanding this,

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<ul style="list-style-type: none"> <li>▪ Analysis of views and outlook impairment from surrounding buildings.</li> </ul>	<p>a determination will be required prior to the issuance of a determination for the Stage 1 DA.</p> <p>An outlook analysis from key surrounding buildings has been completed and provided at <b>Appendix F</b>. It is noted that Precinct is located in the heart of the Sydney CBD and is characterised by this high-density commercial setting.</p>
<b>Further Environmental Considerations</b>	
<p>At this stage, and as required by the decision of <i>Bay Simmer Investments Pty Ltd v State New South Wales</i> [2017] NSWCA 135, no discussion or assessment of construction related or social impacts on surrounding uses have been included within the application, and must be provided in order for a thorough assessment of the proposal to be undertaken. It is also noted that no dilapidation report, environment management plan, geotechnical report, construction management plan linked to a construction traffic management plan, no construction noise and vibration management plan (as the assessment is based on “no physical works proposed”) or structural reports for the heritage building have been submitted with the application for a full assessment as they “are yet to be resolved”.</p>	<p>Construction impacts were considered as part of the EIS to the extent that it related to the Concept Proposal and preliminary stage of development. The EIS was accompanied by a Construction Pedestrian and Traffic Management Plan, Transport, Traffic, Pedestrian and Parking Report, and Acoustic Assessment Report; with due consideration given to access, operation and impacts of construction traffic and the pedestrian network, impacts to public transport services, construction noise and vibration, and the overall social and economic impacts of the proposal. It is also noted that owing to the integrated nature of the application, the CSSI provides approval for all structural elements to support future OSD and addresses the geotechnical environment for the Site (including requirements and expectations for dilapidation reporting). Notwithstanding this, this RTS is accompanied by new (including a social business impacts assessment)/updated reports and assessment as discussed in <b>Section 4.6</b> of the RTS, with further detailed reporting and testing to occur as part of the design development for the Stage 2 applications.</p>
<p>View analysis undertaken by Council indicates the detrimental impact the proposal will have on the streetscape due to lack of setbacks. This is due to its unrelieved bulk, scale, height and form and will result in reduced daylight to City Streets. The application has failed to demonstrate the impacts of a complying scheme and the difference between it and the current proposal, nor has it quantified these impacts.</p>	<p>The relative environmental impacts of a complying scheme have been addressed in the relevant sections of the EIS, RTS, and accompanying consultants reports where relevant.</p>
<p>Further, the application has failed to consider the impacts of the SSI 7400 Mod 3 application as part of the current application made for the OSD even though these aspects are inherently interrelated and tied together “for those interface” areas at the lower levels of the proposal.</p>	<p>The SSI 7400 Mod 3 prepared by TfNSW was placed on exhibition after the lodgement of the Stage 1 DA, and as such could not be addressed in detail in the subject application. The impacts of Mod 3 to the CSSI approval have been assessed as part of the documentation for Mod 3, or where relevant in the updated consultants reports accompanying the RTS where it is pertinent to the cumulative impacts of the proposal. As an integrated design, construction and delivery approach,</p>

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<p>At the time of preparing this submission, the proposal is inconsistent with Sydney LEP 2012 which specifies under cl. 7.16 'Airspace Operations' that the consent authority must not grant development consent if the relevant Commonwealth Body advises that the development will penetrate the Limitation or Operations Surface and should not be constructed. An application to the Commonwealth body in this instance appears to not have been made or, at least, has not been assessed as part of the Stage 1 (the City is not aware of any application being made or approved by the Commonwealth). Unlike Darling Harbour or Barangaroo where this Planning Control in the LEP was not in place, the application is to be made and comments adequately assessed prior to determination. This cannot be deferred to a later stage.</p>	<p>it is inherent that the OSD has taken into consideration the CSSI.</p> <p>An application for approval of a controlled activity pursuant to Section 183 of the <i>Airports Act</i> has been made to the Sydney Airport Corporate Limited (SACL) with regards to the North Tower (17/0469) and South Tower (17/0454). SACL have confirmed that the South Tower does not penetrate the OLS or PAN-OPS surface for Sydney Airport and as such an authorised person of the Civil Aviation Safety Authority (CASA) has approved the height of the building envelope. The application for the North Tower is progressing but has not been determined at the time of writing this response. Notwithstanding this, a determination will be required prior to the issuance of a determination for the Stage 1 DA.</p>
<p>The proposal as put is not acceptable and will result in a poor urban outcome for Sydney, reducing amenity levels with little regard to the surrounding built form.</p>	<p>Disagree. The evidence provided as part of the RTS disputes Council's claim that there will be reduced/poor amenity levels resulting from the proposal (especially when compared to a compliant scheme). The surrounding context (above and below ground), both existing and future has been a key driver to the adopted design and heritage principles.</p> <p>The Concept Proposal respects the objectives of the planning controls and achieves sound urban design, heritage, environmental and sustainability outcomes and aligns with the City of Sydney's aspirations to increase the productive capacity of Central Sydney to ensure Sydney's ongoing success.</p>
<b>Attachment A - Urban Design and Design Excellence</b>	
<p>The proposed concept represents a significant departure from the desirable built form for the site as envisaged by the City's current planning instruments (SLEP 2012 &amp; SDCP 2012). The non-compliances with the controls include, but are not limited to potential overshadowing, floor space departure, bulk and scale, street frontage heights and building setbacks.</p>	<p>As noted within the EIS, the foundation of the Sydney LEP planning controls stems from the 1970s and did not envisage a transformation public transport project such as Sydney Metro. There is clearly an acknowledged and justified departure from the planning controls for the North Site.</p>
<p>From a quantitative point-of-view, the uplift in floor space of the North Tower significant and substantial increase to what is permissible under the SLEP 2012. The inability of the proposal to deliver a built form that conforms to the relevant planning controls for the site may relate to the excessive floor area being sought.</p> <p>The maximum Floor Space Ratio (FSR) allowable on both the North Site and South Site when undertaking office/retail development is 12.5:1 as per the provisions of Clause 4.4 and Clause 6.4 (being the base FSR of 8:1 plus accommodation floor space of 4.5:1). Additional floor space (up to 0.3:1) maybe available for commercial office development under Clause 6.6 for the delivery of end</p>	<p>An appropriate architectural response for the site is considered to be a singular tower form, one that will compliment 126 Phillip Street and 8 Chifley Square, all of which mark the transition from the orthogonal to the topographical city grid and distinguish the south side of Chifley Square.</p> <p>The Concept Proposal aligns with recent approvals by Council and its</p>

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<p>of suitably located trip facilities.</p> <p>It is noted that the Applicant has expressed their intention to not undertake a competitive design process as required by the LEP (Clause 6.21 of LEP 2012). This translates to the exclusion of the subject proposal from the 1.25:1 bonus FSR potentially achievable under the policy. They seek to be awarded the additional floor space in any case.</p> <p>The proposal seeks approval for 104,270m<sup>2</sup> of predominantly commercial floor space for the North Tower, which constitutes an FSR of 17.314:1. This represents a variation to the 12.5:1 FSR control by 28,995m<sup>2</sup> (4.8:1) of 38.5%. It is noted that this calculation excludes the floor space associated with the Martin Place Metro Station approved as part of the CSSI Approval.</p> <p>However, in accordance with the definition of GFA in the SLEP 2012, all floor space is required to be included within the calculation. Therefore, when factoring in the CSSI GFA for the North Site (approx. 6,500m<sup>2</sup>) the North Site FSR increases to 18.394:1 (comprising a total GFA of 110,770m<sup>2</sup>) which equals to a 47.2% increase (excluding end of trip).</p> <p>The granting of additional floor space in relation to the delivery of end of trip facilities within the development would only marginally reduce the magnitude of the North Tower non-compliance with the applicable FSR control.</p> <p>The Concept Proposal for the North Tower seeks approval for an envelope with no setbacks to Hunter, Elizabeth and Castlereagh Streets and there is no tower setbacks to southern boundary to 50 Martin Place. The building envelope proposed for this site takes up an area the size of an urban block and produces a significant urban scale shift when compared to the local context.</p> <p>The concept scheme for the North Tower is contrary to the design intent for the area as anticipated by the local planning instruments which is to deliver the typical podium and tower form of buildings throughout the CBD.</p> <p>The disregard of the planning controls that guide the built form for the subject site are considered to be a contributing factor to the degradation of the level of comfort which is currently enjoyed by pedestrians in the public domain areas around the proposal. In particular, the submitted Pedestrian Wind Environmental Study prepared by CPP (Appendix P) indicates an increase of wind speed along Hunter Street and in Martin Place.</p>	<p>stated objectives to incentivise globally focussed non-residential development within Central Sydney.</p> <p>The zero setbacks to both Elizabeth and Castlereagh Streets provide distinctive thresholds into major public open spaces in the city, Chifley Square and Martin Place.</p> <p>The environmental impacts from the proposal have been proven to be consistent with that resulting from development that complies with current LEP/DCP planning controls.</p> <p>Further discussion is provided within the RTS.</p>
<b>Attachment A - Heritage</b>	
<p>The principle of integrating the design of the station with the tower above is not opposed in principle but any such proposal must optimise external and internal public spaces. It must deliver a clear public benefit and public spaces and amenity clearly delineated from private amenity.</p>	<p>Noted. Refer to the Supplementary Design Report at <b>Appendix B</b> for further details around the evolution of the design for the integration of the OSD with 50 MP, including how publicly accessible spaces will be optimised.</p>
<p>It is very important to bear in mind that the metro station is infrastructure with a 100+ design life whereas any commercial building above it would (looking at the history similar premium sites elsewhere in the city) be replaced up to three times during the next hundred years. The amenity of</p>	<p>The Station and OSD Integration/OSD Lifecycle Approach report prepared by Arup (<b>Appendix E</b>) and discussed in the RTS demonstrates how the integrated Station and OSD can be 'future-</p>

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the station must therefore be independent of the building above it.	proofed' and upgraded/reconstructed separately.
<ul style="list-style-type: none"> <li>▪ The proposal in its current form does not deliver this and may have an unacceptable impact on its context and, in particular, on the heritage listed 48-50 Martin Place.</li> <li>▪ The proposed tower to the north is too close to 48-50 Martin Place and is a poor contextual fit due to its bulk and lack of set-backs to north, east and west. It needs to be adjusted and competitive design processes would assist.</li> </ul>	The envelopes are deliberately designed as 'loose fit' with sufficient excess 'space' to allow for detailed building design and articulation. This detailed design and testing will occur as part of the alternative design excellence process outlined in the Design Excellence Framework, which will be informed by the design principles and heritage guidelines developed by Tzannes and TKD.
<ul style="list-style-type: none"> <li>▪ The envelope results in a poor relationship with the surrounding street wall heights and the heritage buildings at 48-50 Martin Place and in the vicinity of Chifley Square including the former QANTAS building, Wentworth (Sofitel) Hotel and the City Mutual Building. The Datum set up around Chifley Square by the last two decades of development is weakened by a lack of street wall or set back to the north.</li> </ul>	There is potential to increase the legibility of the block structure between Martin Place and Hunter Street through the recognition of the predominant street wall height and alignment in the proposed built form. Through the use of ceramic fins on the façade and a cut-out in the tower, the North Tower can create a positive relationship to key datum lines through the Precinct to create a more consistent streetscape, subject to further consultation, testing and detailed design as part of the Stage 2 DA.
<ul style="list-style-type: none"> <li>▪ A minimum 25m setback above the Martin Place street wall is essential to maintain the distinctive objectives of the Martin Place controls for new buildings, daylighting, sky views and pedestrian amenity of Martin Place. This tower set back has been retained in developments over the past twenty years.</li> <li>▪ In addition, the proposed envelope does not set back the east and west sides of the tower as required by the DCP and this is not adequately justified. It will have an impact on views, sun and daylighting from north and south.</li> </ul>	The appropriateness of the Concept Proposal setbacks, and particularly the Concept Proposal's interface with Elizabeth and Castlereagh Streets, is addressed with regard to its associated environmental impacts on wind, overshadowing, views, and daylight. These matters have been addressed with regard to DCP compliant envelopes, the proposed North Tower and South Tower envelopes, and the Concept Proposal within Section 2 of the RTS and the accompanying consultants' reports.
<b>Attachment A – Public Domain</b>	
As discussed above, the proposed built form envelopes do not allow for setbacks above street frontage heights, which will result in reduced daylight in relatively narrow City streets. This is not supported and underlines the need for a design competition to resolve the design of the towers. Of particular note is Clause 6.16 of the Sydney LEP 2012, which seeks to ensure that tower development does not impact on the amenity of public places; however, the proposal may overshadow a portion of Pitt Street Mall and Hyde Park in midwinter. In addition, Clause 6.19 prohibits overshadowing at this time of year.	Updated overshadowing modelling has been completed by Grimshaw and included at <b>Appendix C</b> . This modelling confirms that the proposal is consistent with the provisions of 6.19 of the Sydney LEP (i.e. Pitt Street Mall), and by extension meets the relevant objectives of Clause 6.16 of the Sydney LEP.  Any resulting additional overshadowing to Hyde Park complies with Sydney LEP 2012 through compliance with the Sun Access Plane. PSN Matters (refer also to <b>Appendix C</b> ) have also independently verified that the Concept Proposal complies with the provisions of Clause 6.17 and 6.19 of Sydney LEP 2012.

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<p>The SSD application documents include public domain plans, which refer to the Sydney Metro Urban Realm Design Guidelines as the source of colour and material palette. This is not supported. The City has a standard palette of materials and finishes for all public spaces, including Martin Place. It is expected that works to Martin Place will be consistent with the City North Public Domain Plan, and the City's Streets Code and Standard Technical Specifications.</p>	<p>As evident through the analysis undertaken, the adoption of setbacks provides little to no benefit to the amenity of the public domain.</p> <p>Whilst indicative public domain treatments are considered in the proposal as part of the conceptual vision for the Precinct, it is emphasised that all of the design and construction of public domain areas is to be considered under the terms of the CSSI approval and does not form part of this application. Specifically, the public domain works within and surrounding the station precinct are part of the design and delivery package for the Martin Place Metro Station and are identified in the Metro CSSI Approval as part of that project scope. The public domain strategy for the Martin Place Station Precinct will be resolved through the preparation of a Station Design and Precinct Plan (SDPP) and Interchange (Station) Access Plan by the proponent of the CSSI.</p>
<p>Removal of the existing station portals in Martin Place is supported, along with paving infill and kerb extensions at intersections. It is expected that these works will be completed with the development.</p>	<p>As addressed above, all public domain works within and surrounding the station precinct are part of the design and delivery package for the Martin Place Metro Station and are identified in the Metro CSSI Approval as part of that project scope. The removal of the existing station portals will not be completed as part of this DA.</p>
<p><b>Colonnade to Martin Place</b></p>	
<p>The colonnade represents a departure from the design principles identified in the Metro EIS and those long held by the City for Martin Place:</p> <ul style="list-style-type: none"> <li>▪ The City has been working to eliminate colonnades and setback spaces at ground level across the City. Currently the infilling of these spaces on existing buildings are incentivised through floor space controls (Clause 6.9 of the LEP). New colonnade and ground level setbacks are not permitted in new development.</li> <li>▪ These spaces create an ambiguous and untidy definition of the public domain, are unsafe at night and inactive during the day. Colonnades create a separation between ground floor uses and the public domain which are contrary to the objective of activating the edges of the public domain. On some older development sites at Martin Place, the street edge has been eroded by development. Each new development site offers an opportunity to reinstate that edge in line with significant heritage items that define the space.</li> <li>▪ Further, the colonnade is not architecturally appropriate to either the Special Character Area controls for Martin Place, or the heritage item opposite the southern tower at 50 Martin Place. That building becomes more solid as it meets the ground, and the proposed colonnade space is contrary to that.</li> </ul>	<p>The illustrative design scheme has been further developed and in light of feedback by key stakeholders, including City of Sydney, the colonnade has since been removed. Refer to RTS and Supplementary Design Report at <b>Appendix B</b> for further details.</p>

Extract	Response
<b>Street Activation</b>	
The Hunter Street frontage of the northern tower is not considered to be an active frontage. The development should include retail tenancies on this frontage and ground level.	Retail spaces can be investigated as part of the Stage 2 DA, however, it will be essential that such spaces do not compromise the pedestrian orientated station entry.
<b>Attachment A - Sydney LEP 2012 Clause 4.6 variation request</b>	
A Clause 4.6 objection has been lodged with the application to support the variation to the FSR development standard under the Sydney LEP 2012 for the North Tower. It should be noted that the characterisation of the Chief Judge's decision in <i>Randwick City Council v Micaul Holdings Pty Ltd</i> [2016] NSWLEC 7 by the Applicant's consultant at page 9 of the Clause 4.6 objection is incorrect.	Disagree. The Clause 4.6 Variation request correctly characterised the principle of the <i>Micaul</i> Appeal.
Although the cl. 4.6 objection refers to a number of cases explaining the process of applying cl. 4.6, it does not refer to the commonly cited approach to the clause set out by Commissioner Brown in <i>Bates Smart Pty Ltd v Council of the City of Sydney</i> [2014] NSWLEC 1001 at [39].	The <i>Bates</i> appeal essentially restates the same principles as the cases expressly referred to in Section 1.2 of the submitted Clause 4.6 variation request. There is also no requirement or practice that a variation request refer to <i>Bates</i> . Further the cases sighted in Section 1.2 were examples of the power contained in Clause 4.6 being correctly exercised. Three of the decisions cited were also upheld on appeal.
The Applicant has asserted that the Central Sydney Planning Strategy is a relevant matter for consideration when assessing the cl. 4.6 application. It is also submitted that this Strategy is not a relevant consideration when considering the merits of the application as a whole in accordance with s 79C of the Act. The Strategy is not a draft Planning Proposal, the associated draft Planning Proposal has not yet received Gateway determination from the Department and neither document has yet been on public exhibition. As such they cannot be considered in any way to be imminent and certain.	The CSPS is a relevant public interest matter for consideration under 79C of the EP&A Act (as cited in <i>Ceeroose Pty Ltd V Council of the City of Sydney</i> ).
<b>10. Heritage Council of NSW</b>	
It is noted that the Heritage Council Government sub-committee considered the proposal, and the delegate of the Heritage Council included the sub-committee's comments in the recommended SEARs which were provided on 13 April 2017. Most of these comments have been addressed in the EIS. The EIS does not address the archaeological potential as recommended in SEARs provided by the Heritage Council. It is understood that this proposal relates to the Stage 1 DA which is for the concept only. It is further understood that the SEAR for a historical archaeological assessment will be submitted as part of the EIS for the design development Stage 2 DA and is not necessary for the Stage 1 DA.	An assessment of the archaeological potential of the area has already been completed as part of the CSSI project for the Sydney Metro City & Southwest project, which granted consent for the demolition of this structure and the excavation of the Site. The Concept Proposal does not propose any excavation or demolition. The archaeological potential of the Precinct has therefore previously been assessed and appropriate mitigation measures have been formulated under the CSSI approval. In view of this, the recommended condition does not relate to the development for which approval is sought and would be invalid and unreasonable to impose.
The EIS does not include a schedule of consultation to discuss the mitigation of impacts to heritage	Noted. A meaningful consultation process to be adopted for the project



Extract	Response
with the Heritage Council. It was a SEAR that this be developed and agreed by the Heritage Council at 'early concept stages' and that further consultations shall follow this agreed schedule. The EIS anticipates a frequency of meetings with relevant stakeholders will be bi-monthly.	is still being developed between the applicant and the Heritage Council.
The heritage impacts of the Stage 1 DA are considered to be acceptable subject to the future detailed design being developed in line with the recommendations of the EIS.	Noted.
<p>It is recommended that the following conditions of approval be included:</p> <ul style="list-style-type: none"> <li>An archival photographic recording of the affected internal and external elements of a local heritage item, 7 Elizabeth Street, approved for demolition as part of Critical State Significant Infrastructure (CSSI 15_7400) application by the Planning Minister on 9 January 2017 is required prior to the commencement of works, in accordance with the Heritage Division document entitled, Photographic Recording of Heritage Items using Film or Digital Capture. The original copy of the archival record must be submitted to the Heritage Division.</li> </ul>	As is recognised in the Heritage Council submission, the demolition of the existing building at 7 Elizabeth Street has been approved under the CSSI project for the Sydney Metro City & Southwest and as such does not form part of the Concept Proposal. Furthermore, the archival recording of 7 Elizabeth Street is already required as part of the CSSI approval approving its demolition. Condition E13 of the CSSI consent (15_7400) requires the preparation of a Heritage Archival Recording Report by a suitably qualified heritage specialist in accordance with NSW Heritage Office's <i>How to Prepare Archival Records of Heritage Items</i> (1998) and <i>Photographic Recording of Heritage Items Using Film or Digital Capture</i> (2006).
<ul style="list-style-type: none"> <li>The Applicant must submit a historical archaeological assessment prepared by a suitably qualified and experienced historical archaeologist for the project site as part of the EIS for the Stage 2 DA. This assessment should be prepared according to Heritage Council of NSW Guidelines including Assessing Significance of Historical Archaeological Sites and Relics 2009 and Archaeological Assessments 1996. This assessment should identify whether historical archaeological resources (of local or state significance) may be present and impacted by the proposed development. If archaeological relics are likely to be present, it should outline what design alterations have been considered in whole or part and what appropriate mitigation measures may be required to manage these resources within the new development.</li> </ul>	As discussed above, the archaeological potential of the Site has already been assessed as part of the CSSI application that gave approval for demolition and excavation on the site. The assessment and mitigation measures in place under the CSSI have therefore already satisfied this condition, which would be invalid and unreasonable to impose. Archaeological impacts are not a relevant consideration and do not fall within the scope of works for either the Stage 1 or Stage 2 DAs.
<b>11. Sydney Water</b>	
<p>A Section 73 Compliance Certificate under the Sydney Water Act 1994 must be obtained from Sydney Water.</p> <p>The proponent is advised to make an early application for the certificate, as there may be water and wastewater pipes to be built that can take some time. This can also impact on other services and buildings, driveways or landscape designs.</p>	As identified in the EIS, the proposed envelopes sought under the Concept Proposal may require services and utilities in the surrounding area to be relocated, altered, augmented or protected in order to implement the envisaged development. Those items that will be subject to impacts or upgrades will be set out as part of the future application(s) once the detailed design is resolved. As part of this, the relevant applications and certification from service providers will also be sought.
The developer must have building plans stamped and approved before any construction is commenced. Approval is needed because construction/building works may affect Sydney Water's assets (e.g. Water, sewer and stormwater mains).	The proponent will seek approval prior to the relevant construction works occurring on site.

Extract	Response
<p>If this development is going to generate trade wastewater, the property owner must submit an application requesting permission to discharge trade wastewater to Sydney Water's sewerage system. You must wait for approval of this permit before any business activities can commence. It is illegal to discharge Trade Wastewater into the Sydney Water sewerage system without permission.</p> <p>A Boundary Trap is required for all developments that discharge trade wastewater where arrestors and special units are installed for trade wastewater pre-treatment.</p> <p>If the property development is for Industrial operations, the wastewater may discharge into a sewerage area that is subject to wastewater reuse. Find out from Business Customer Services if this is applicable to your development.</p>	<p>The relevant application will be completed at the appropriate time, once the detailed design is resolved.</p>
<p>Backflow is when there is unintentional flow of water in the wrong direction from a potentially polluted source into the drinking water supply.</p> <p>All properties connected to Sydney Water's supply must install a testable Backflow Prevention Containment Device appropriate to the property's hazard rating. Property with a high or medium hazard rating must have the backflow prevention containment device tested annually. Properties identified as having a low hazard rating must install a non-testable device, as a minimum.</p> <p>Separate hydrant and sprinkler fire services on non-residential properties, require the installation of a testable double check detector assembly. The device is to be located at the boundary of the property.</p>	<p>The detailed servicing requirements and design will be confirmed as part of the Stage 2 DA(s).</p>
<p>Water is our most precious resource and every customer can play a role in its conservation. By working together with Sydney Water, business customers are able to reduce their water consumption. This will help your business save money, improve productivity and protect the environment.</p> <p>Some water efficiency measures that can be easily implemented in your business are:</p> <ul style="list-style-type: none"> <li>▪ Install water efficiency fixtures to help increase your water efficiency, refer to WELS (Water Efficiency Labelling and Standards (WELS) Scheme, <a href="http://www.waterrating.gov.au/">http://www.waterrating.gov.au/</a></li> <li>▪ Consider installing rainwater tanks to capture rainwater runoff, and reusing it, where cost effective. Refer to <a href="http://www.sydneywater.com.au/Water4Life/InYourBusiness/RWTCalculator.cfm">http://www.sydneywater.com.au/Water4Life/InYourBusiness/RWTCalculator.cfm</a></li> <li>▪ Install water-monitoring devices on your meter to identify water usage patterns and leaks.</li> <li>▪ Develop a water efficiency plan for your business.</li> </ul> <p>It is cheaper to install water efficiency appliances while you are developing than retrofitting them.</p>	<p>The detailed servicing requirements and design will be confirmed as part of the Stage 2 DA(s). Notwithstanding this, Arup have prepared a revised ESD strategy (<b>Appendix T</b>), identifying the specific suite or rating systems and supporting design features to be adopted by the North and South Towers. These specific initiatives clearly demonstrate there are opportunities to implement best-practice sustainable building principles and improve the environmental performance of the buildings.</p>
<p>Under Sydney Water's customer contract Sydney Water aims to provide Business Customers with a continuous supply of clean water at a minimum pressure of 15meters head at the main tap. This is equivalent to 146.Bkpa or 21 .29psi to meet reasonable business usage needs.</p>	<p>The detailed servicing requirements and design will be confirmed as part of the Stage 2 DA(s), including any contingency planning as relevant.</p>

Extract	Response
<p>Sometimes Sydney Water may need to interrupt, postpone or limit the supply of water services to your property for maintenance or other reasons. These interruptions can be planned or unplanned. Water supply is critical to some businesses and Sydney Water will treat vulnerable customers, such as hospitals, as a high priority.</p> <p>Have you thought about a contingency plan for your business? Your Business Customer Representative will help you to develop a plan that is tailored to your business and minimises productivity losses in the event of a water service disruption.</p>	

## 2.0 Public Submissions

Extract	Response
<b>1. Alex Greenwich (Independent Member for Sydney)</b>	
The north building will be 40 plus storeys high and the south building will be 28 storeys high. Both towers are significantly higher than existing buildings, particularly the proposed north tower which would be up to 30 storeys higher than what is currently on the site.	Noted. Existing development is well below the current planning controls under Sydney LEP and was constructed at a time and under planning controls that did not envisage a new piece of transformative public transport infrastructure being delivered beneath. The heights of the proposed envelopes are reflective of the site's context within the heart of the commercial and financial heart of the Sydney CBD and are consistent with the existing and future character of the locality.
<p>The shadowing impacts are significant and may not comply with the City of Sydney Local Environment Plan sun access requirements for Martin Place. Martin Place between Castlereagh and Phillip streets will have additional shadowing in the afternoon in summer, and in the mid-afternoon in both autumn and winter. Martin Place adjacent to the MLC Centre where large numbers of people congregate will lose sunlight in the early morning in summer, and in the mid-morning in spring, autumn and winter.</p> <p>Martin Place provides essential public open space in the densely built central business district and offers much needed opportunities for people to congregate and get respite during breaks. It is also an important thoroughfare where people can walk away from the congested city footpaths. Any new development must not increase shadowing and wind in Martin Place so that it remains an attractive space to use.</p>	<p>The proposed building envelopes are compliant with the relevant 'Sun Access Planes' and 'No Additional Overshadowing' controls of the Sydney LEP 2012 as illustrated in the Architectural Plans submitted with the EIS and the additional shadow studies prepared by Grimshaw and verified by PSN Matters at <b>Appendix C</b>.</p> <p>Solar access to Martin Place is governed by these 'Sun Access Planes' and 'No Additional Overshadowing' controls, which shape the form of development and have been created to protect the amenity of significant public spaces. Notwithstanding this, the Sun Access Plan for Martin Place is a more 'simple' plane formulated to protect sun access between 12pm – 2pm outside of winter months. The east west orientation of Martin Place however limits sunlight access to the ground plane. The plane therefore seeks to enable sunlight to Martin Place through the north-south crossing streets and/or onto the facades of buildings on the south side.</p>
Wind impacts in Martin Place will also worsen between Elizabeth and Castlereagh streets from comfortable when standing to comfortable only when walking.	This change in the wind environment on Martin Place occurs for both complying building envelopes and the proposed building envelopes, demonstrating that any changes to the wind environment are commensurate with what would otherwise be expected under the current controls. Refer to the updated Wind Tunnel Assessment at <b>Appendix L</b> of the RTS.
I am also concerned that adjacent streets will experience significant shadowing from the proposed development, particularly Castlereagh and Elizabeth streets, where new shadowing would be cast throughout the year. These streets have busy bus stops and bus users often face long waits. The	The proposed building envelopes are compliant with the Sydney LEP 2012 'Sun Access Planes' and 'No Additional Overshadowing' controls and will have been designed to protect significant areas of the public

Extract	Response
loss of sun especially during winter will make waiting for the bus unpleasant.	domain, whilst understanding that the heart of the Sydney CBD will naturally be subject to change as old buildings replace new ones designed to the City's height limits. In view of this, whilst additional overshadowing will be cast on Castlereagh and Elizabeth Streets, the shadow modelling at <b>Appendix C</b> demonstrates that overshadowing is expected to occur in these areas even with a compliant building envelope and by virtue of the high-density context of the Precinct. It also is worth noting that shadow impacts created by the proposed envelopes represent the 'worst case' scenario, and that through the design development phase it is expected that impacts will be reduced when compared to the proposed building envelopes.
<b>2. Australian Institute of Architects</b>	
<p>We have no comment on the merits of the design concept or the design quality procedures outlined in the proposal documentation. We object, however, to the mechanism that enables such a major development to be put forward for assessment outside the design excellence framework of the City of Sydney Council.</p> <p>State significant development at a key city site and transport node such as Martin Place should be undertaken through a tender process following the production of a concept plan that outlines the options for proponents' consideration. Other developers should have had an opportunity to submit proposals for the Martin Place Metro and Station precinct on a competitive basis.</p>	<p>The Stage 1 DA establishes the framework for development that will be subject to future testing, innovation, and design development consistent with the intent of a 'concept plan' and the design excellence framework established by Council. Whilst the unique and complex nature of the integrated station/OSD development severely restricts the ability and opportunity to undergo a traditional architectural design competition, as detailed in the Section 2.1 of the RTS, there will be opportunities for designers and innovators to participate in the future of the Precinct. A project of this magnitude has many design elements beyond the architectural and engineered design of the buildings that can collectively contribute to a great place. Macquarie has identified a number of initiatives for competitive design opportunities that will foster innovative design solutions, and support emerging design industries, organisations and talented individuals, as detailed in the Design Excellence Framework at <b>Appendix H</b>.</p>
We also consider that the City of Sydney is the best qualified authority to review the acceptability of any variation to the planning controls sought by any development proposal for this highly significant precinct.	The proposal is classified as State Significant Development under the relevant legislation, as the Precinct is located ' <i>within a railway corridor or associated with railway infrastructure</i> ', and the proposal has a Capital Investment Value (CIV) of more than \$30 million and involves the development of commercial premises. These complexities trigger the Department as the delegate assessment authority for this application, who are demonstrably capable of assessing the proposal. Notwithstanding this, Council remains a key stakeholder and will continue to be part of the ongoing engagement process for the

Extract	Response
Regardless of the merits of the Macquarie Group project, in the Institute's view the unsolicited proposal process is an inferior method of achieving well-considered city making and an enhanced public domain.	testing and design of the OSD.  The Unsolicited Proposal (USP) process is designed to encourage the private sector to come forward with innovative infrastructure or service delivery solutions, and as such is founded on the intent to provide well-considered and unique development outcomes. Whilst not the subject of this application, the USP lodged by Macquarie has the potential to deliver enhanced wayfinding, access, a fully integrated station and OSD development, enhanced customer experience, and a more rationalised and efficient development. The final outcome incorporates larger public spaces and represents an unprecedented place-making opportunity to coordinate the development of offices, a metro station, and the surrounding public domain into one integrated Precinct. Further, whilst not yet finalised, the final outcome of the USP will have been subject to a carefully considered process that has resulted in only 4 USPs out of a total of 118 submissions being approved by the NSW Government since the inception of the USP process.
<b>3. Anonymous</b>	
In Appendix D (Heritage Impact), the numbers attached to the photographs on pages 13 and 15 appear to be out of sequence with the numbers of the captions below.	This has been rectified in the revised Statement of Heritage Impact prepared by TKD Architects ( <b>Appendix K</b> ).
<b>4. Anonymous</b>	
A significant error of omission in the environmental impact statement, Section D, is the non-inclusion of the Institution of Engineers, Australia, commemorative plaque located in the footpath outside No.5 Elizabeth Street. This item is clearly within range of construction activities for the project and is therefore in some danger. As an alternative to providing protection for the item in situ, a solution would be to remove the plaque, as in the manner of the Bass and Annand items, and re-install it inside the new building at the nearest practical location to No.5 and to which the plaque refers.	The updated Statement of Heritage Impact prepared by TKD at <b>Appendix K</b> addresses the commemorative plaque and confirms it will either be retained or salvaged and reinstated in the same location.
<b>5. Anonymous</b>	
Building height and floor space ratios must be maintained as per current plans.	This is addressed in <b>Section 4.3</b> of the RTS report.
<b>6. Anonymous</b>	
I also highlight the following issues, which are paramount to the achievement of a net public benefit from this development:  7) Protection of the interior and exterior heritage fabrics of the former Commonwealth Bank building at 48 Martin Pl. Preservation outcomes should be specified within the conditions of	The Statement of Heritage Impact prepared by TKD addresses the heritage significance of 50 Martin Place, which is to be retained and protected through the redevelopment of the Precinct. The specific heritage guidelines prepared for this application will inform the

Extract	Response
approval of this application.	detailed design of the North Tower, and be conditioned as part of the Design Excellence Framework. These guidelines will minimise or mitigate any impacts occurring as a result of the proposal and will require ongoing consultation with the relevant stakeholders including OEH and the Heritage Council.
8) Achievement of a high capacity and legible through-site pedestrian link below street level from the northern to southern building. As far as practical, this route should be integrated with the Metro project's planned pedestrian connection from O'Connell St under Bligh St. Ideally the finished floor levels of each route would be contemplated in the design, so as to limit the bottleneck effect of escalators at level changes.	The detailed design of subterranean pedestrian connections and the Metro Station is the subject of the CSSI approval and does not form part of this Stage 1 DA. Notwithstanding this, a key driver of the proposal is to provide fully integrated and highly functional OSD that makes provision for future connections and measures that can aid high capacity pedestrian movements. Such connections could include a pedestrian link through to O'Connell Street, with finished floor levels and the detailed design of this connection to be addressed at the relevant stage.
9) I have some misgivings that the southern building's podium and tower floor plate appear to be the subject of separate negotiations for revision of the relevant height and/or setback requirements (as outlined in Section 1.3.3 of the EIS).	As acknowledged in the EIS, a Planning Proposal has been lodged to amend the maximum building height of some of the constrained northern portion of the South Site. This proposal has been briefly considered in the Stage 1 DA for completeness and transparency, but has not dictated the proposed building envelope for the South Tower that remains compliant with the Sydney LEP 2012. It is emphasised that the Planning Proposal is subject to an alternate process being considered separately by the State, and therefore whilst these applications are intrinsically linked, the success of the Stage 1 DA is not dependent on the success of the proposal and vice versa.
<b>7. Nick Founder</b>	
I support the development and think it will revitalise the area.	Noted.
<b>8. Anonymous</b>	
Issues for Martin Place building: 10) Can the construction/demolition avoid windy days to avoid contributing to dust?	Weather conditions are highly variable, and hence, it is difficult to predict what the conditions may be when specific construction activities are undertaken. Any effects of construction activities on airborne particle concentrations are generally temporary and relatively short-lived. Notwithstanding this, dust suppression and other mitigation procedures are routinely employed as 'good practice' on construction sites, as will be outlined in the detailed Construction Management Plan that will accompany the Stage 2 DA. An Air Quality Assessment Report prepared by Arup also accompanies the RTS at <b>Appendix S</b> .

Extract	Response
11) How much of the building be made from recycled materials/demolition spoil?	Construction works for this development are to take place with consideration of the project's potential Green Star pathway objectives, particularly in regards to use of recycled building materials and recycling of construction waste streams. The primary goal for waste management in the construction phase is to ensure of waste is recycled or reused where possible. The target rate for construction waste diversion to landfill will be resolved once the Green Star pathway for this project has been finalised, and will be subject to the detailed design of the proposal at Stage 2.
12) What emergency/evacuation facilities will there be in this building?	This Stage 1 DA seeks consent for building envelopes, with detailed design and testing to occur as part of the Stage 2 DA. In view of this, the configuration of OSD and how this integrates with the Metro Station will be determined as part of the Stage 2 DA, including all relevant emergency and evacuation facilities.
13) What wayfinding mechanisms will there be in the concourse?	The proposal will be designed in accordance with the relevant standards and best-practice principles for wayfinding. The final design of all wayfinding material will be determined as part of subsequent detailed applications or as part of the realisation of the CSSI approval, as relevant.
14) Will the project comply with Australian standards on wayfinding?	
15) Will the platform have platform tactile tiles?	The detailed design of the Metro Station is subject to the CSSI approval and does not form part of the Stage 1 DA.
16) Will the elevators have voice output, braille buttons labels and minimal door gap?	The proposed design will utilise the Federal Disability Discrimination Act (DDA), the Disability (Access to Premises – Buildings) Standards 2010, the Building Code of Australia, and the AS1428 Series to develop appropriate design documentation, and to provide reasonable access provisions for people with disabilities. This will be addressed and certified at the Stage 2 detailed design phase of the development.
17) To what extent does the building contribute to the construction of the metro rail?	The proposed OSD is being delivered in conjunction with the Sydney Metro Martin Place Metro Station, to provide a fully integrated transport and employment precinct at the same time. Due to the unique delivery of Martin Place Metro Station (CSSI development) and the OSD towers (the SSD development) at the same time, full and final design integration of what is effectively one building can be achieved early in the design process. The early design work, including the integration, has already resulted in a superior design outcome for the station and a much more sophisticated understanding of the needs of the OSD above. The ultimate design solution will reflect an



Extract	Response
	intricate knitting together of various components of the station and the OSD.
18) How much public/social, community and affordable housing will there be in this building?	The Stage 1 DA seeks consent for a range of uses including commercial offices, shops, and food and drink premises. The final land uses will be determined in subsequent detailed applications and will be exclusively for non-residential uses.
Issues for the Sydenham to Bankstown and beyond	This falls outside the scope of the proposal, which does not seek approval for or any alterations to the Sydenham to Bankstown Metro Line.
Route issues and suggestions	This falls outside the scope of the proposal, which does not seek approval for or any alterations to rapid transport within NSW.