

Appendix CC

Compliance with Approved Concept Proposal

On 22 March 2018, the Minister for Planning approved, subject to conditions, a Concept Proposal (SSD 17_8351), relating to the Sydney Metro Martin Place Station Precinct. This approval established the planning and development framework that currently applies to this subsequent Stage 2 DA for the South Site. Under Section 4.24 of the *Environmental Planning and Assessment Act 1979* (EP&A Act), whilst a Concept Development Application (DA) remains in-force, any further detailed application in respect to the site cannot be inconsistent with the consent for the Concept Proposal.

Approval is being sought through a separate (but concurrent) application for an amended Concept Proposal for the Metro Martin Place Station Precinct (Precinct). The DA, also known as the Stage 1 Amending DA (SSD 18_9347), seeks approval for an amended concept for the Precinct that takes into account a larger OSD building envelope and Gross Floor Area (GFA) for the South Site than was considered under a recent Planning Proposal and is now enshrined within Clause 6.38 of the *Sydney Local Environment Plan 2012* (Sydney LEP). The South Site has been designed to be consistent with this concurrent Stage 1 Amending DA, and as such this Stage 2 SSD DA for the detailed design of the South Tower cannot be determined prior to the approval of the Stage 1 Amending DA.

In view of this, the table below outlines the terms of the approved Concept Proposal and the amended conditions of consent under the Stage 1 Amending DA applying to the South Site, and confirms that the development complies with these terms.

This assessment is also accompanied by the following:

- **Attachment A** – Concept Proposal Condition A13 discharge letter
- **Attachment B** – Concept Proposal Condition A14 discharge letter

PAGE INTENTIONALLY LEFT BLANK

Table 1 Compliance with the Conditions of Consent for the Martin Place Station Precinct Concept Proposal (SSD 17_8351, SSD 18_9347)

Relevant Condition No.	Relevant Condition in Approved Concept Proposal (SSD 17_8351)	Relevant Condition in Stage 1 Amending DA (SSD 18_9347)	Comment	Compliance
A2	The Applicant, in acting on this consent, must carry out the development: c) generally in accordance with the State significant development application SSD 8351 Environmental Impact Statement titled Sydney Metro Martin Place Station Precinct prepared by JBA Urban Planning Consultants Pty Ltd dated May 2017 d) generally in accordance with the State significant development application SSD 8351 Response to Submissions titled Sydney Metro Martin Place Station Precinct, prepared by Ethos Urban, dated September 2017 e) in accordance with the following drawings:	Condition proposed to be amended to include reference to EIS submitted in support of the Stage 1 Amending DA and reflect revised drawings (providing for a larger south site building envelope).	The South Site SSD DA has been prepared to be consistent with the EIS and Drawings submitted in support of the Stage 1 Amending DA (SSD 18_9347).	✓
A3	In accordance with section 4.22 of the EP&A Act, all physical works and subsequent stages of the Concept Proposal are to be subject of Future Development Application(s).	No change.	The subject SSD DA represents a future subsequent stage for the physical construction and operation of the South Site in accordance with Section 4.22 of the EP&A Act.	✓
A4	In accordance with section 4.24 of the EP&A Act, the determination of Future Development Application(s) cannot be inconsistent with the terms of this development consent (SSD 8351) as described in Schedule 1, and subject to the conditions in Schedule 2.	Condition amended to reflect reference to the requirement for Future DAs to be consistent with the terms of the Stage 1 Amending DA (SSD 9437)	The subject SSD DA for the South Site is consistent with the terms of the Concept Proposal, as proposed to be amended under SSD 9347.	✓
A5	This consent will lapse five years from the date of consent unless works the subject of Future Development Application(s) have physically commenced by the date.	No Change	The subject SSD DA has been submitted within a timely manner to ensure adequate time for the physical commencement of works well before the lapsing of the development consent.	
A8	<u>Gross Floor Area</u> The maximum gross floor area (GFA) for the development permitted by this consent is: • South Site – 21,167	<u>Gross Floor Area</u> The maximum gross floor area (GFA) for the development permitted by this consent (as proposed to be amended) is: • South Site – 39, 234	The South Tower yields a total GFA of 37,553m ² , that exclusively relates to the South Tower OSD.	✓

Relevant Condition No.	Relevant Condition in Approved Concept Proposal (SSD 17_8351)	Relevant Condition in Stage 1 Amending DA (SSD 18_9347)	Comment	Compliance
A9	<u>Building Height</u> The maximum building height for the development permitted by this consent is shown on the plans listed in Condition A2 (to be measured in accordance with the definition of 'building height' under the <i>Sydney Local Environmental Plan 2012</i>).	The plans listed in Condition A2 have been amended to account for the larger South Site building envelope in accordance with Clause 6.38 of the Sydney LEP 2012.	The South Tower fits comfortably within the amended building envelope, established in the plans that accompany the Stage 1 Amending DA. Refer to Appendix A of the EIS for further details.	✓
A11	<u>Airspace Protection</u> For the purposes of controlled activities within the protected airspace of Sydney Airport, the south building must not exceed a maximum height of 155.5 metres AHO, inclusive of all lift over-runs, vents, chimneys, aerials, antennas, lightning rods, any roof top garden plantings, exhaust flues, etc.	The maximum height is proposed to increase to 164 metres AHD under the Stage 1 Amending DA.	The maximum height of the South Tower is RL 152.440 (approximately 129.79m), and accordingly sits below both the OLS and the proposed revised maximum building height under the Stage 1 Amending DA.	✓
A12	Separate approval must be sought under the <i>Airports (Protection of Airspace) Regulations 1996</i> for any cranes required to construct the buildings. Construction cranes may be required to operate at a height significantly higher than that of the approved controlled activity and consequently, may not be approved under the <i>Airports (Protection of Airspace) Regulations</i> , therefore Sydney Airport advises that approval to operate construction equipment (i.e. cranes) should be obtained prior to any commitment to construct.	No change.	A separate application for the operation of cranes on the site will be completed at a later stage, as relevant.	✓
A13	<u>Design Guidelines</u> Prior to the lodgement of the first Future Development Application, the Applicant shall revise the Sydney Metro Martin Place Station Precinct Consolidated Design Guidelines (dated September 2017), to the satisfaction of the Secretary, as follows...	Condition proposed to be deleted in its entirety as it is proposed to be superseded by the revised Sydney Metro Martin Place Station Precinct Consolidated Design Guidelines, which reflect the amended building envelope for the South Site, and have been submitted with the Stage 1 Amending DA for approval.	Notwithstanding the proposal to supersede this condition, written notice was received from the Department of Planning and Environment on 6 April 2018, confirming that the requirements of the condition as it stands had been satisfied. This current condition therefore does not preclude the lodgement of this Stage 2 SSD DA for the South Site. Refer to Attachment A .	✓

Relevant Condition No.	Relevant Condition in Approved Concept Proposal (SSD 17_8351)	Relevant Condition in Stage 1 Amending DA (SSD 18_9347)	Comment	Compliance
A14	<p><u>Design excellence</u></p> <p>A Design Review Panel (DRP) shall be established by the Applicant prior to the lodgement of the first Future Development Application. Prior to the establishment of the DRP the Applicant shall prepare, in consultation with the Government Architect NSW, and submit the following for the Secretary's approval:</p> <p>(a) <u>A detailed terms of reference to the DRP clearly outlining:</u></p> <p>...</p> <p>(b) The DRP membership, being:</p> <p>...</p>	No change.	Written notice was received from the Department of Planning and Environment on 19 April 2018, confirming that the requirements of this condition had been satisfied. Refer to Attachment B . It is noted that the approved TOR permit the DRP to consider modifications to the Stage 1 Consent as contemplated under the Stage 1 Amending DA.	✓
A15	<p><u>Existing and future rail corridors</u></p> <p>Prior to the lodgement of any Future Development Application(s) the Applicant is to consult with TfNSW and Sydney Trains in relation to any potential impacts of the detailed design of the development on existing and future rail corridors. Through this consultation, the Applicant is to confirm that all supporting design documentation, architectural plans and supporting expert consultant reports are prepared in accordance with relevant standards and guidelines, including Development Near Rail Tunnels T HR CI 12051 ST and in consultation with TfNSW, Sydney Trains and Sydney Metro.</p>	No change.	Macquarie and its consultant team have consulted with Transport for NSW, Sydney Trains and Sydney Metro through the development of this proposal. The technical studies prepared by Arup that accompany the EIS, confirm that the South Tower complies with the relevant standards and guidelines, including Development Near Rail Tunnels T HR CI 12051 ST. Consultation with TfNSW, Sydney Trains and Sydney Metro is ongoing.	✓
B1	<p><u>Building design</u></p> <p>Future Development Application(s) shall demonstrate consistency with:</p> <p>(a) the revised Sydney Metro Martin Place Station Precinct Consolidated Design Guidelines, as endorsed by the Secretary (pursuant to A 13)</p> <p>(b) the advice of the Design Review Panel (constituted pursuant to A14).</p>	<p>Future Development Application(s) shall demonstrate consistency with:</p> <p>a) the revised Sydney Metro Martin Place Station Precinct Consolidated Design Guidelines (<i>dated July 2018</i>), as endorsed by the Secretary (pursuant to A13)</p> <p>b) the advice of the Design Review Panel (constituted pursuant to A14).</p>	<p>Tzannes has demonstrated compliance with the Consolidated Design Guidelines (as amended) within their Design Report at Appendix A of the EIS.</p> <p>The Design Excellence Report at Appendix DD of the EIS details the advice of the Design Review Panel and how the South Tower has addressed that advice.</p>	✓

Relevant Condition No.	Relevant Condition in Approved Concept Proposal (SSD 17_8351)	Relevant Condition in Stage 1 Amending DA (SSD 18_9347)	Comment	Compliance
B2	<p><u>Overshadowing</u> Development of buildings pursuant to this consent shall:</p> <p>...</p> <p>(a) not result in additional overshadowing of Hyde Park between the hours of 12 and 2pm at mid-winter (21 June), when compared to the shadow cast by existing buildings, approved buildings and the DCP/LEP compliant envelope set out in Appendix C of the Response to Submissions, titled SSDA Addendum Shadow Analysis, prepared by Grimshaw and Johnson Pilton Walker, dated August 2017</p>	<p>Development of buildings pursuant to this consent shall:</p> <p>(a) not result in additional overshadowing of Hyde Park between the hours of 12 and 2 pm at mid-winter (21 June), when compared to the shadow cast by existing buildings, approved buildings and the DCP/LEP compliant envelope set out in the <i>Shadow Analysis Appendix C of the Response to Submissions, titled SSDA Addendum Shadow Analysis</i>, prepared by Grimshaw and Johnson Pilton Walker, dated August 2017 July 2018.</p>	<p>A detailed shadow study analysis has been prepared by Virtual Ideas and included at Appendix K of the EIS. This shadow study demonstrates that the South Tower will not cast additional shadow on Hyde Park during the nominated times beyond existing buildings, approved buildings and the DCP/LEP compliant envelope.</p>	✓
B3	<p><u>Heritage</u> Future Development Application(s) shall comply with the Conservation Management Plan for the Former Government Savings Bank of NSW prepared by Tanner Architects dated 2012.</p>	No change.	TKD have completed an assessment of the South Tower against the relevant Conservation Management Plan for the Former Government Savings Building, confirming that the proposal complies with the relevant policies. Refer to Appendix D of the EIS.	✓
B4	<p>Future Development Application(s) shall include a detailed Heritage Impact Assessment and a Heritage Interpretation Strategy for the proposed works, prepared in consultation with the Heritage Council NSW</p>	No change.	A Statement of Heritage Impact, including details regarding the approach (as agreed with OEH) to Heritage Interpretation has been prepared by TKD and accompany the EIS at Appendix D .	✓

Relevant Condition No.	Relevant Condition in Approved Concept Proposal (SSD 17_8351)	Relevant Condition in Stage 1 Amending DA (SSD 18_9347)	Comment	Compliance
B5	<u>Environmental performance</u> Future Development Application(s) shall demonstrate the incorporation of Ecological Sustainable Development principles in the design, construction and ongoing operation phases of the development, consistent with the Ecologically Sustainable Design, Green Star and NABERS report, prepared by ARUP dated 24 November 2017, including the following minimum environmental standards: (a) 5 star NABERS Energy based (b) 3.5 star NABERS Water based (c) 6 Star Green Star Office Design (d) Occupant wellbeing .	No change.	The ESD Report prepared by Arup, which accompanies the EIS at Appendix T , confirms that the proposed development is capable of achieving these requirements.	✓
B6	<u>Development near rail corridors and busy roads</u> The Applicant shall demonstrate in the Future Development Application(s) that the design and construction of the development accords with the 'Development Near Rail Corridors and Busy Roads - Interim Guideline' (2008) prepared by Department of Planning and Environment	No change.	The technical studies prepared by Arup that accompany the EIS, confirm that the South Tower complies with, or remains capable of complying with, the 'Development Near Rail Corridors and Busy Roads - Interim Guideline'	✓
B7	<u>Traffic and transport</u> Future Development Application(s) for the construction of new buildings shall be accompanied by an assessment of the traffic and transport impacts on the surrounding road network and intersection capacity, and demonstrate sufficient loading/unloading and access provision. The traffic and transport assessment shall have specific regard for the scope and timing of public transport upgrade infrastructure works in the surrounding road network	No change.	Arup has prepared a Transport, Traffic, Pedestrian and Parking Report and Loading Dock Management Plan in accordance with this condition, which accompany the EIS at Appendix M and N .	✓
B8	Future Development Application(s) shall identify, through green travel plans, opportunities to maximise the use of sustainable transport choices, such as incentives and provision of cycle parking and end of trip facilities in the detailed design	No change.	Arup has prepared a Green Travel Plan in accordance with this condition, which accompanies the EIS at Appendix M .	✓

Relevant Condition No.	Relevant Condition in Approved Concept Proposal (SSD 17_8351)	Relevant Condition in Stage 1 Amending DA (SSD 18_9347)	Comment	Compliance
B9	<p><u>Vehicle site access and loading dock</u></p> <p>The Applicant shall provide a loading dock management plan, prepared in consultation with Council and the Sydney Coordination Office of TfNSW, with any Future Development Application(s). The loading dock management plan shall include, but not limited to, the following:</p> <p>...</p>	No change.	Arup has prepared a Loading Dock Management Plan in accordance with this condition, which accompanies the EIS at Appendix N .	✓
B10	<p><u>Security Assessment</u></p> <p>The Applicant shall provide a security risk assessment report with any Future Development Application(s). This shall be prepared having regard to the NSW Police Publication 'Safe Places' Comprehensive Guide for Owners, Operators and Designers for protecting public places from terrorism and CPTED in consultation with NSW Police and TfNSW. These reports shall include, but not be limited to, details of:</p> <p>...</p> <p>The applicant shall consult with the Sydney Coordination Office within TfNSW during all stages of the project to review security and risk management process and related documentation and plans.</p>	No change.	Arup has prepared a Security Risk Assessment in accordance with this condition, and with regard to consultation undertaken with the relevant authorities, which accompanies the EIS at Appendix S .	✓
B11	<p><u>Fire and rescue assessment</u></p> <p>Future Development Application(s) for the detailed building design shall be accompanied by a draft fire and rescue assessment/engineering brief, prepared in consultation with Fire & Rescue NSW, providing details of:</p> <p>...</p>	No change.	Arup has prepared a Fire Engineering Brief Report in accordance with this condition, and with regard to consultation undertaken with Fire and Rescue NSW, which accompanies the EIS at Appendix R .	✓

Relevant Condition No.	Relevant Condition in Approved Concept Proposal (SSD 17_8351)	Relevant Condition in Stage 1 Amending DA (SSD 18_9347)	Comment	Compliance
B12	<p><u>Construction</u></p> <p>Future Development Applications shall provide analysis and assessment of the impacts of construction and include:</p> <ul style="list-style-type: none"> (a) Construction Pedestrian and Traffic Management Plan (as in B13 below) (b) Cumulative Construction Impact Assessment (i.e. arising from concurrent construction activity) (c) Noise and Vibration Impact Assessments (d) Community Consultation and Engagement Plans (e) Construction Waste Management Plan (f) Air Quality Management Plan <p>The plans referred to above may be prepared as part of a construction environmental management plan which is prepared and implemented under the conditions of any consent granted by Future Development Applications, having regard to the Construction Environmental Management Framework and Construction Noise and Vibration Strategy prepared for the Sydney Metro City and Southwest (CSSI 7400).</p>	No change.	<p>Each of the required reports/assessments have been prepared with regard to this condition and are available at the following appendices to the EIS:</p> <ul style="list-style-type: none"> • Construction Pedestrian and Traffic Management Plan - Appendix M • Construction Management Plan (considering cumulative impacts and consultation associated with construction activities) – Appendix O • Acoustic Assessment – Appendix P • Air Quality Assessment – Appendix Y 	✓
B13	<p><u>Construction pedestrian and traffic management</u></p> <p>The Applicant shall provide a Construction Pedestrian and Traffic Management Plan (CPTMP), prepared in consultation with the Sydney Coordination Office of TfNSW, with any Future Development Application. The CPTMP shall be consistent with the Construction Traffic Management Framework prepared as part of the Sydney Metro City and Southwest and include, but not be limited to, the following:</p> <p>...</p>	No change.	<p>Arup have prepared a Construction Pedestrian and Traffic Management Plan in accordance with this condition, which accompanies the EIS at Appendix M.</p>	✓

Relevant Condition No.	Relevant Condition in Approved Concept Proposal (SSD 17_8351)	Relevant Condition in Stage 1 Amending DA (SSD 18_9347)	Comment	Compliance
B14	<u>Utilities</u> Future Development Applications for construction of new buildings shall address the existing capacity and any augmentation requirements of the development for the provision of utilities, including staging of infrastructure through the preparation of an infrastructure/utility management plan in consultation with relevant agencies and service providers.	No change.	These requirements have been addressed in the Utilities Services Infrastructure Report at Appendix E of the EIS.	✓
B15	<u>Noise and vibration</u> Future Development Application(s) for construction of new buildings shall be accompanied by a noise and vibration impact assessment that identifies and provides a quantitative assessment of the main noise generating sources and activities during operation, including consideration of noise and vibration impacts associated with commercial development above a train station. Details are to be provided outlining any mitigations measures to ensure the amenity of future sensitive land uses on the site or the neighbouring residential areas is protected during the operation of the development.	No change.	Arup have prepared an Acoustic Assessment in accordance with this condition, which accompanies the EIS at Appendix P .	✓
B16	<u>Floodwater and stormwater</u> Future Development Application(s) shall include a Flood Impact Assessment report	No change.	Arup have prepared a Stormwater Management and Flooding Report, which accompanies the EIS at Appendix H .	✓

Condition A13 Discharge Letter

17/04917-1

Alexis Cella
Ethos Urban
173 Sussex Street
Sydney NSW 2000


Dear Mr Cella,

Thank you for your correspondence, dated 27 March 2018, submitting the amended Sydney Metro Martin Place Station Precinct Design Guidelines in order to discharge Condition A13 (Design Guidelines) of the development consent for the Martin Place Station Precinct (SSD 8351).

The Department has reviewed the amended Sydney Metro Martin Place Station Precinct Design Guidelines (March 2018) and is satisfied that the amendments adequately address Condition A13.

Should you have any further enquiries, please contact Liza Miller, Planning Officer, Key Sites Assessments, at the Department on (02) 8289 6787.

Yours sincerely,



6/4/18

Ben Lusher
Director
Key Sites Assessments

(as nominee of the Secretary)

Condition A14 Discharge Letter



Mr Alexis Cella
Ethos Urban
173 Sussex Street
Sydney NSW 2000

Dear Mr Cella

Thank you for your letter seeking approval of the Martin Place Over Station Development design review panel (DRP) terms of reference and membership, dated 18 April 2018, in order to satisfy Condition A14 of the concept approval for the Martin Place Station Precinct (SSD 6751).

The Department has reviewed the DRP terms of reference and membership (dated 18 April 2018) in consultation with the Government Architect NSW, and is satisfied that these address the requirements of Condition A14 of the concept approval (SSD 8351).

If you have any further enquiries, please contact Brendon Roberts, Principal Planner, at the Department on (02) 9274 6422.

Yours sincerely

A handwritten signature in black ink, followed by the date '19.4.18.'.

Ben Lusher
Director
Key Sites Assessments
(as the Secretary's nominee)