



Martin Place Station Precinct South Site

State Significant
Development Assessment
(SSD 9326)

July 2019

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Cover photo

Perspective of proposed development (left), Martin Place (centre) and 50 Martin Place (right) (Source: Applicant's RtS)

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Glossary

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



Executive Summary

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

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

The SSD is for the construction of a part-9 and part-29 storey commercial office tower above the approved 2-3 storey station “box” on the site bound by Martin Place to the north, the adjoining 55 Martin Place office tower to the south, Elizabeth Street to east and Castlereagh Street to the west.

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

The Applicant is Macquarie Corporate Holdings Propriety Limited. The proposal is located within the City of Sydney local government area. The Capital Investment Value (CIV) for the proposal is \$ 248 million and would generate 2,450 full time equivalent operational jobs and 866 construction jobs.

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

Engagement

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

Council reiterated their reasons for objecting to the recent LEP amendment for the Martin Place Station Precinct. Council considered the LEP amendment and the proposal are inconsistent with the special character of Martin Place. Council continued to object to the 8 m tower setback to Martin Place and considered the reduced setback would impact on heritage values of Martin Place. Council continued to recommend that the tower be setback by at least 25 m from Martin Place above a line corresponding with the podium height of the adjacent building at 50 Martin Place.

Council did not support the proposed zero tower setbacks to Elizabeth and Castlereagh Streets and maintained its view that a competitive design process would deliver a superior design outcome for the site.

Council provided comments on other aspects of the proposal, including pedestrian amenity and accessibility along Elizabeth Street, integration between the design of the public domain and the OSD, the shared use of basement services between the North Site and the South Site, landscaping, public art and building signage.

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

The NSW Government Architect (GANSW) supported the approach to form and massing of the podium and tower and advised the proposal presents a positive approach to Martin Place. GANSW also acknowledged the advice provided by the Martin Place OSD Design Review Panel (DRP), established under the Concept Approval SSD 8351, and identified elements of the proposal that contributed to its design excellence.

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

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

Assessment Issues

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

Building Form

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

Council's recommendations to include a 25 m setback to Martin Place and 8m by 8m recesses in the southern corners of the tower are acknowledged and were considered as part of the Amending Concept (SSD 9347).

The SLEP permits an 8 m tower setback from Martin Place. The independent review carried out to inform the assessment of the Amending Concept Application also concluded the 8 m setback will not result in unacceptable visual impacts affecting the heritage values of Martin Place.

Council recommended 8 m by 8 m building returns be applied at the south-east and south-west corners of the tower. Council said this would provide a transition to the site to the south and reinforce the urban character of Martin Place.

The Concept Approval does not prescribe setbacks for the proposed tower to Elizabeth Street and Castlereagh Street, but provides Design Guidelines to support the design of built form in response to the site's attributes and the special character of the precinct. The implementation of the endorsed Design Guidelines was informed by advice from the DRP. The DRP supported the proposed tower and podium form and provided detailed advice on the architectural treatment of the southern elevation of the tower to allow for appropriate transition to the adjoining site and presentation to the Elizabeth Street and Castlereagh Street streetscape. The proposal adopted the DRP advice and revised its southern elevation accordingly. The DRP did not support Council's recommendation for 8 m x 8 m building returns on the southern corners of the tower after reviewing several design options.

Overshadowing Impacts

The approved building envelope complies with the Hyde Park North Sun Access Plane as required by the SLEP. The Department is also satisfied the proposal meets the conditions of the Concept Approval to reduce shadow impacts to Hyde Park in midwinter when compared to the approved building envelope.

Compared to the Concept Approval, the proposal delivers 40% more sunlight in Hyde Park at 22 June between 12noon and 2pm, which is the control time associated with the Hyde Park North Sun Access Plane, resulting in sunlight all year round to the protected portions of the Park. The Department notes the proposed increased sunlight arises because the height of the proposed building is approximately 12 m lower than the maximum height of the approved building envelope and the detailed design and articulation of the roof form has consequently reduced shadow impacts.

Heritage Impacts

The Department is satisfied the proposal has acceptable heritage impact on Martin Place, 50 Martin Place and other surrounding heritage items. The Department considers the proposed podium provides a well-articulated street wall that reinforces the linear spatial qualities and character of Martin Place. The Department also supports the architectural expression of the proposal which complements the aesthetic of 50 Martin Place.

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

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

Design Excellence

The application adopts and implements the Design Excellence Strategy endorsed by the Concept Approval, which requires the establishment of an independent DRP chaired by the Government Architect and with a representative from Council. The Panel's advice added value to the design of the proposal, in its response to the heritage and character of Martin Place, architectural expression of the southern elevation and environmental performance. The Applicant accepted and revised the proposal in response to the advice of the DRP.

The Department acknowledges Council's recommendation that a competitive design process should be held for the OSD. The Concept Approval however already endorsed the DRP process in lieu of a competitive design process because of the need to deliver an integrated design outcome for both the approved Martin Place Metro Station and the OSD. The Department's assessment concludes the proposal exhibits design excellence having regard to the requirements of SLEP 2012 (**Section 6.4**). The Department accepts the advice of the DRP and GANSW which concluded the proposal achieves design excellence, particularly with respect to its:

- form and massing of the podium and tower, including re-entrant infill detail expression where the curved corner abuts the adjoining site at the southern boundary
- high quality materials selection, including the use of custom coloured ceramic panels and concave glass
- demonstration of an activation strategy that informs the design of retail spaces and their relationship to the public realm and Metro station.

Following the assessment process, the Department also recommends procedures for maintaining the integrity of the design including referral to the DRP for any future design changes and for advice on the design management of glare from the tower and the retail strategy for the site (**Conditions B6, B14 and B15**).

Conclusion

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

The proposal is consistent with key strategic planning objectives for the site in delivering additional jobs at a major transport hub and prime business location in the Sydney CBD, consistent with the Greater Sydney Region Plan and the Eastern City District Plan. The proposal would contribute up to 2,450 full time equivalent jobs in the operational phase and 866 full time equivalent jobs in the construction phase.

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



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1. Introduction

This report provides assessment of a State Significant Development (SSD) application for the construction and use of an Over Station Development integrated with the southern entrance of the Sydney Metro Martin Place Station (SSD 9326).

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

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

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

The former Minister for Planning also granted approval for an Amending Concept Application which enlarged the building envelope for the South Site OSD by reducing the tower setback to Martin Place to 8 m from 25 m.

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

- construction of a part-9 storey and part-29 storey commercial tower (plus rooftop plant) with a maximum height of RL 152.44 AHD
- use of the development for office premises and ancillary retail premises on the ground and lower ground levels
- a gross floor area (GFA) of 37,553 m² comprising 1,222 m² for retail premises and 36,331 m² for office premises
- works to integrate with the station design including use and fitout of OSD-related areas within the station building footprint for plant, services, end of trip facilities, retail and office space
- vehicle loading at the ground floor off Castlereagh Street, noting an additional loading dock, bicycle parking and end-of-trip facilities for both the South Site and North Site is proposed in the basement under the North Site
- signage zones for building identification
- installation of public art.

1.1 Martin Place Station Precinct

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

The South Site is vacant as the former building was demolished under the CSSI approval. However, the North Site includes an existing heritage-listed building at 50 Martin Place owned by the Applicant.

The two sites comprise:

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

1.2 The South Site

The South Site has an area of 1,897 m² and frontages to Martin Place to the north, Elizabeth Street to the east and Castlereagh Street to the west. The site formerly contained a 22-storey commercial building that has been demolished as part of CSSI 7400 to accommodate the south entrance to the Sydney Metro Martin Place Station (**Figures 2 and 3**).

The site falls by approximately 4 m to 4.5 m from east (Elizabeth Street) to west (Castlereagh Street). The southern boundary of the site adjoins 60 Castlereagh Street which is a 23-storey commercial building with a 5 storey podium and 17 storey office tower above.

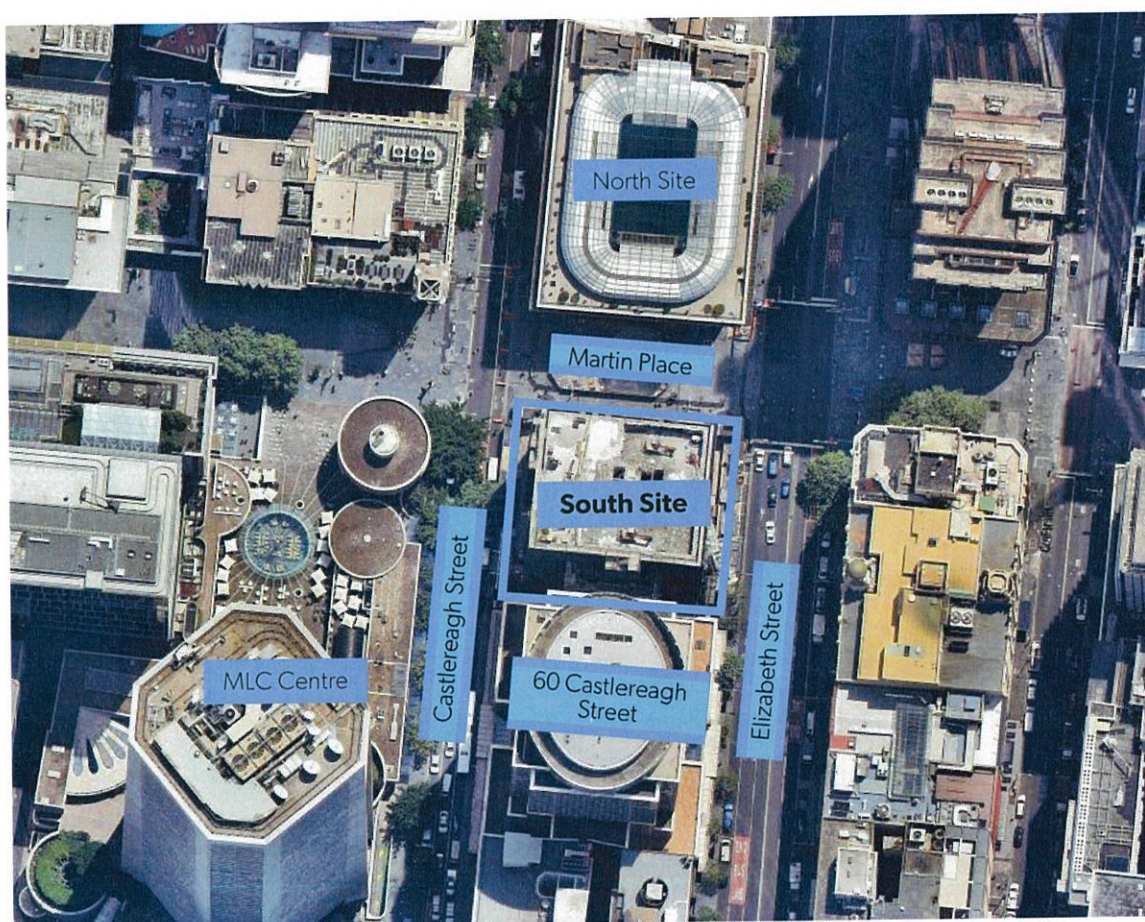


Figure 1 | South Site location and surrounds (Source: Nearmap with annotations)



Figures 2 and 3 | Previous development at the site (now demolished) (Source: Applicant's EIS)



Figure 4 | Current view of site from Elizabeth Street (Source: DPE)

1.3 Surrounding Context

The site has a frontage to Martin Place, Elizabeth Street and Castlereagh Street and shares the southern boundary with adjoining commercial development. Surrounding notable buildings around the Martin Place Station Precinct are shown in **Figure 5** below.

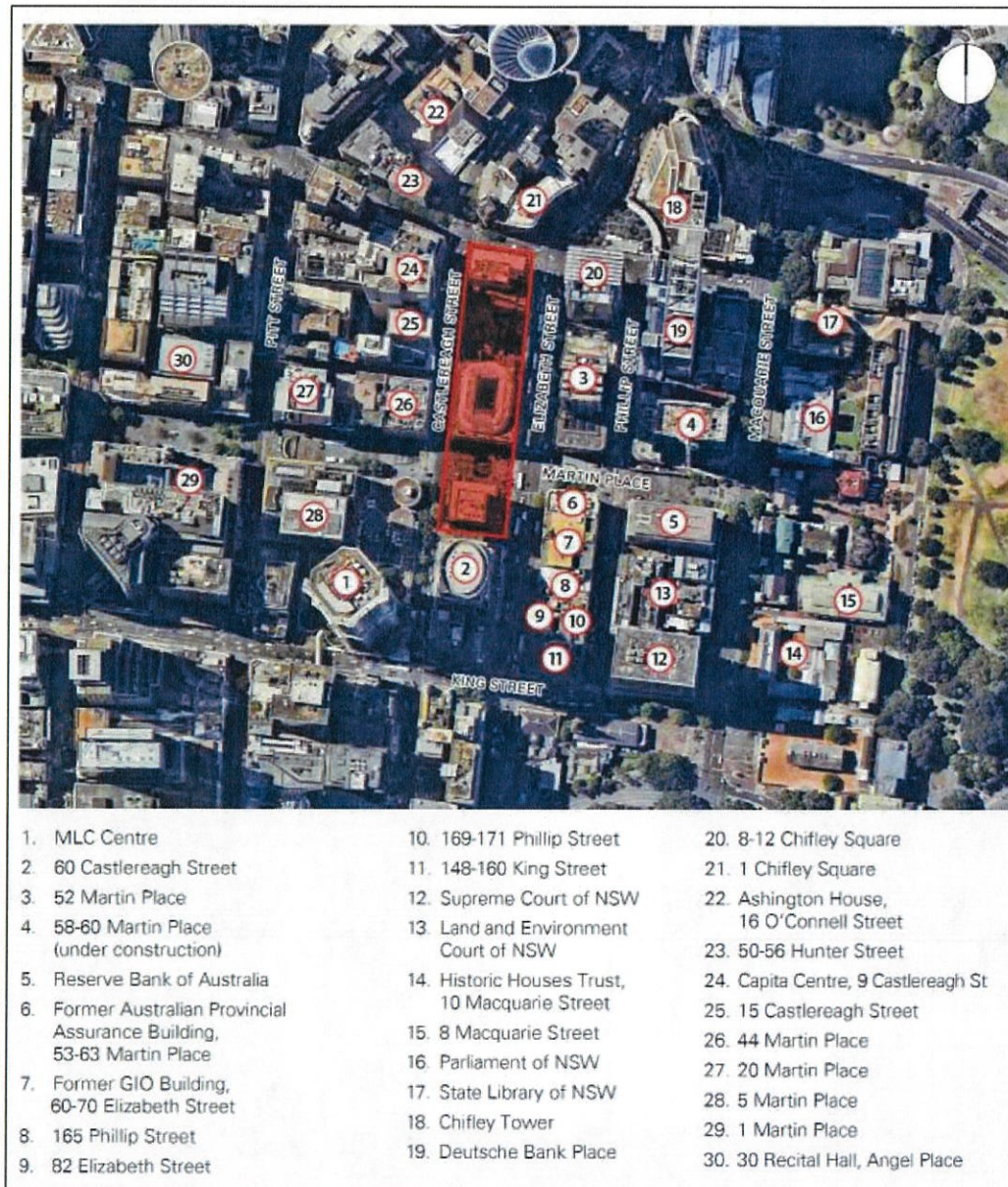


Figure 5 | Surrounding developments to the Martin Place Station Precinct (Source: Applicant's EIS)

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

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

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

50 Martin Place within the North Site is a State listed heritage item. Other notable heritage-listed buildings in the locality include the former MLC Centre, APA building, Qantas House and City Mutual building. Heritage buildings with heights between 10 to 14 storeys establish a streetscape character and podium heights along Elizabeth Street and Castlereagh Street.

1.4 Previous Approvals and Related Applications

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

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

1.4.1 Previous Approvals

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

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

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

The details of the relevant previous approvals are provided in **Table 1** and the relationship between the approvals and applications is illustrated in **Figure 6**.

Table 1 | Summary of Previous Approvals

Approval	Description	Determination Date	Authority
CSSI 7400 Sydney Metro City and Southwest	Critical State Significant Infrastructure approval for the construction and operation of the Sydney Metro City and Southwest.	9 January 2017	Minister

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

- increased the maximum tower height to 163.83 RL, from 155.39 RL
- increase the maximum floor area to 39,234 m², from 21,167 m².

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

This application sought no changes to the North Site.

SSD 8351 was formally modified on 1 April 2019.

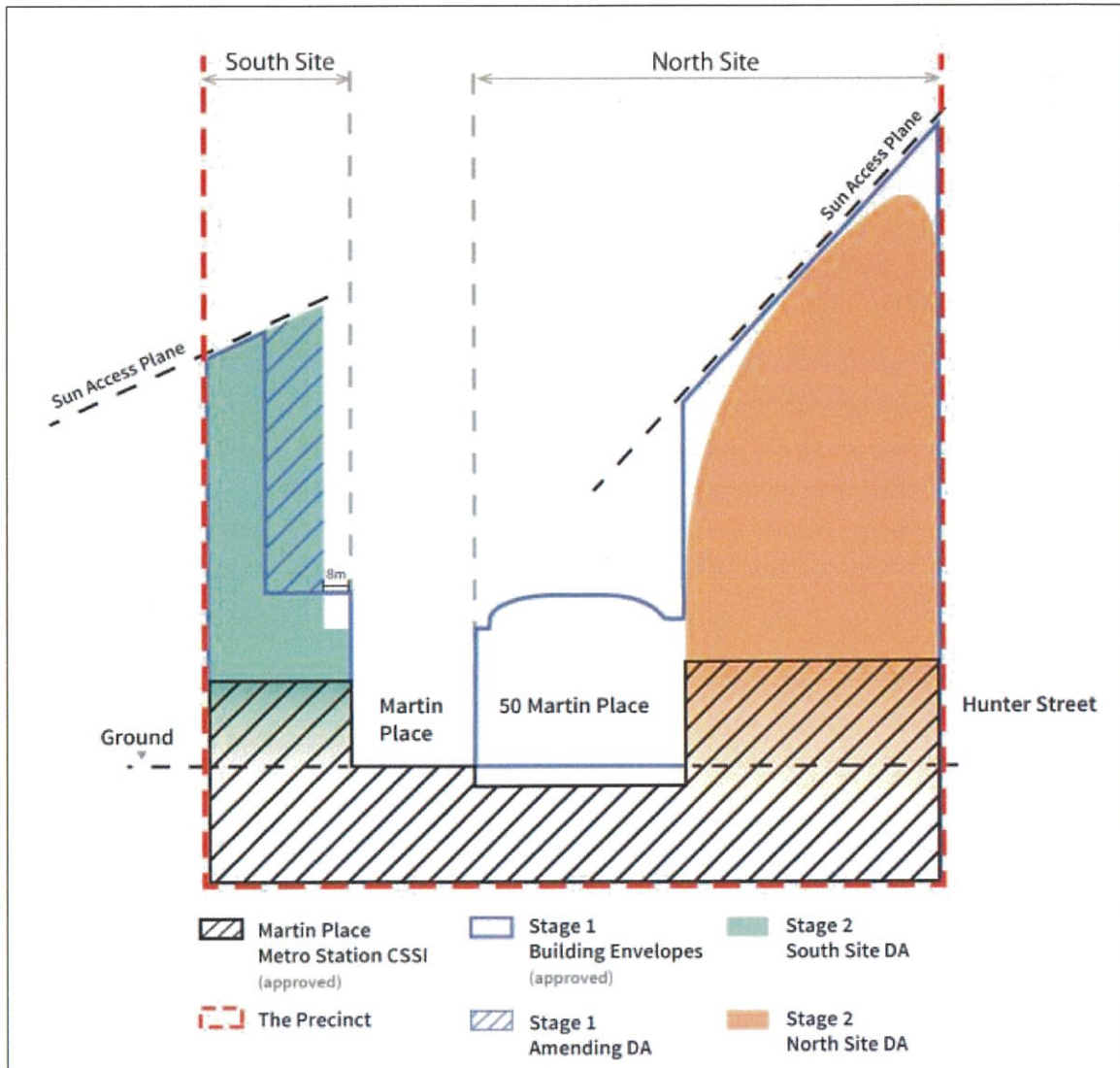


Figure 6 | Relationship between key applications (Source: Applicant's EIS)

Amending Stage 1 Concept Application (SSD 9347)

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

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

	North Site	South Site
Building height (Tower)	214.27 RL	163.832 RL *
Tower setback from Martin Place above podium / 55m (RL 76.95)	30 m (above 50 Martin Place)	8 m
GFA for over station development	104,270 m ²	39,234 m ² (including additional 18,067 m ² in Amending DA)
Floor Space Ratio (FSR) (over station development only)	17.314:1	21.06:1
Total FSR (including approximately 2,500m ² station floor space)	18.5:1	22:1

* subject to sun access plane restriction

1.4.2 Related Application

On 4 October 2018, the Applicant also submitted a separate Stage 2 application (SSD 9270) seeking approval for the construction and use of a 39 storey (plus rooftop plant) commercial tower above the northern entrance of the new Martin Place Metro Station providing:

- 75,498 m² gross floor area including 1,017 m² for retail premises and 74,481 m² for office use
- signage zones for building identification
- vehicle loading and service facilities within the basement and shared use of facilities on the North Site
- the use of bicycle parking and end of trip facilities located on the North Site
- works to integrate with the Station design, including use and fit-out of over station development areas within the station building envelope for plant, services, end of trip facilities, retail and office spaces.

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



2. Project

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

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

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

Table 3 | Main components of the Project

Aspect	Proposed
Demolition	No demolition proposed as this has been carried out under the CSSI approval
Built form	A commercial tower with height RL 152 integrated with the future Martin Place Metro Station
Site area	1,897 m ²
Gross Floor Area	37,553 m ² comprising: <ul style="list-style-type: none">• 1,222 m² retail• 36,331 m² commercial office
Uses	Commercial office, with retail at the lower levels
Car parking	6 loading spaces
Bicycle parking and end-of-trip facilities	711 bicycle parking spaces within the North Site, of which: <ul style="list-style-type: none">• 549 are for the North Site• 162 are for the South Site.
Signage	Signage zones for building identification
Servicing	Service vehicle loading arrangements on both the North Site and South Site

2.1 Site Description

The site has an area of 1,897 m² and consists of two allotments as described in **Table 4** below. The previous office tower building has been demolished under the CSSI Approval.

Table 4 | Legal description of the site

Address	Lot and Deposited Plan (DP)
39-49 Martin Place	<ul style="list-style-type: none">• Lot 1, DP 1103195• Lot 2, DP 1103195

2.2 Physical layout and design

The application seeks consent for a podium and tower building which is built to the boundaries at the base and has an 8 m tower setback to Martin Place. The podium base has the same proportions as 50 Martin Place and accommodates station entries, retail premises and office premises. The tower has 26 levels of office accommodation.

The overall height of the proposal is RL 152 to the top of the roof form. The top of podium height is RL 67 to match the parapet height of 50 Martin Place. See **Figures 7 to 9**.

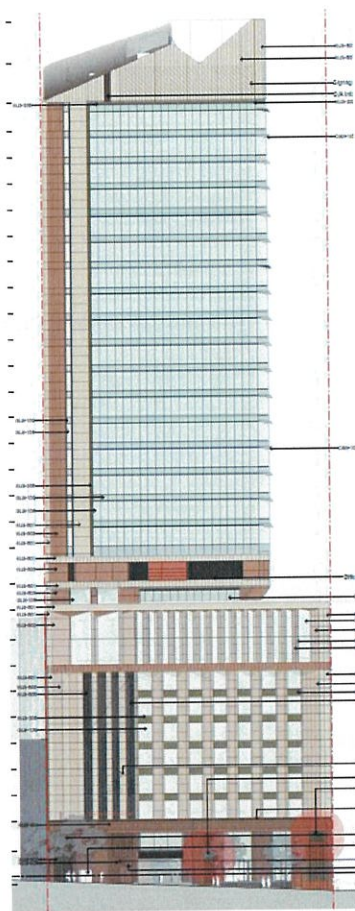


Figure 7 | East elevation (Elizabeth Street) (Source: Applicant's RtS)

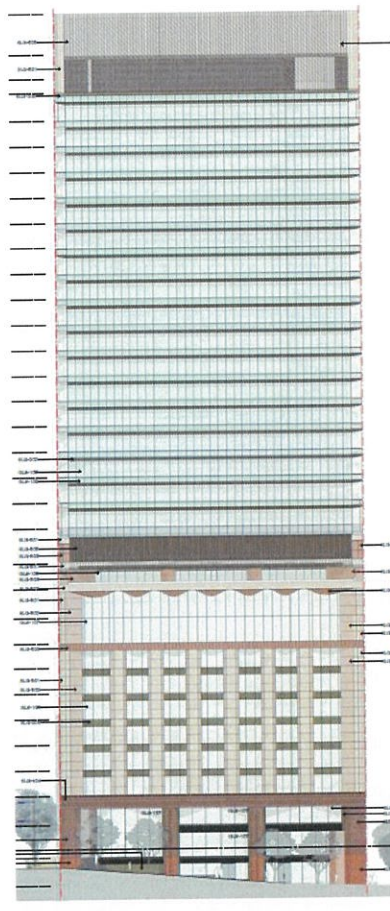


Figure 8 | North elevation (Martin Place) (Source: Applicant's RtS)

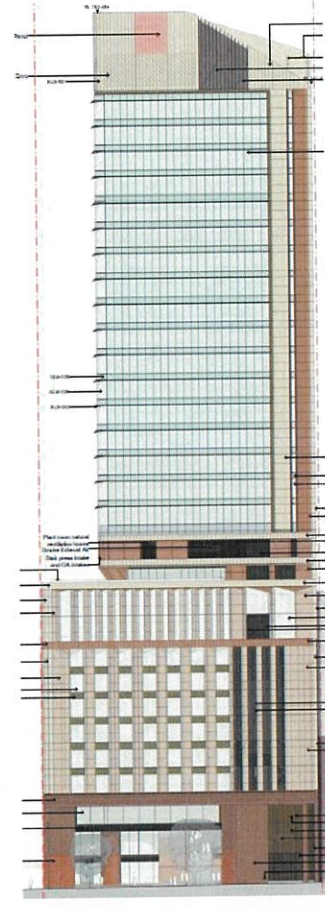


Figure 9 | West elevation (Castlereagh Street) (Source: Applicant's RtS)

The OSD has been designed to integrate with the approved CSSI for station works (CSSI 7400). The approved station works include aboveground structure for access to and from the station and loading, services and plant. The OSD relies on the station works for structural support and the station works influence the location of OSD access, services, street activation and other design elements. The station works also include pedestrian connections between the OSD and station, as well as a connection between the South Site and North Site for shared loading dock and bike parking access and for building occupants to easily travel between buildings **Figures 10 to 12**.

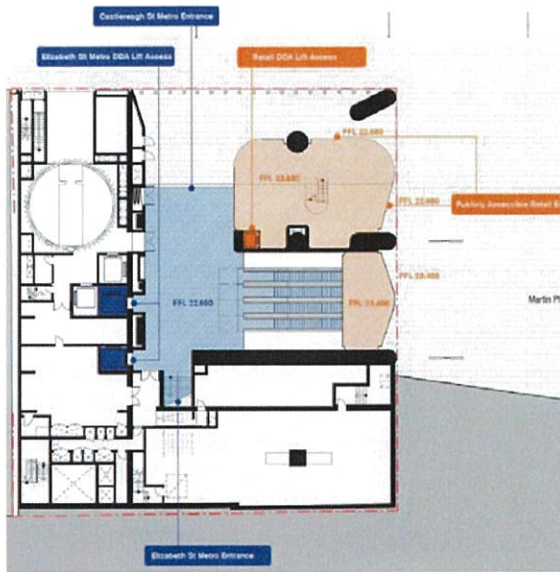


Figure 10 | Lower Ground Floor Plan (Castlereagh St) showing proposed OSD entry, station entry and retail areas (Source: Applicant's RtS)

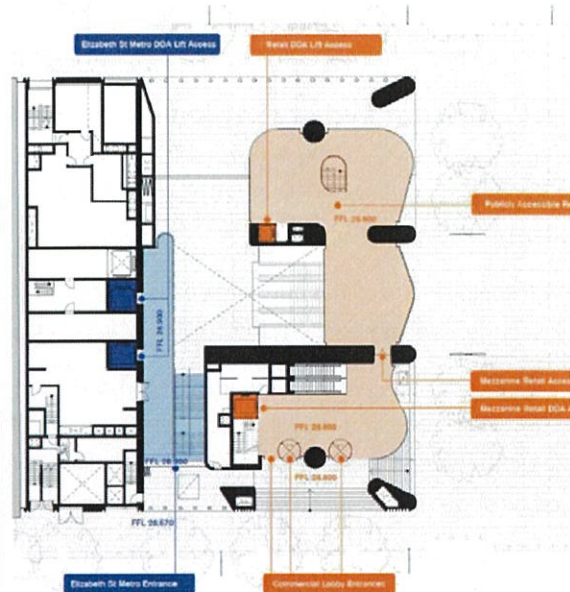


Figure 11 | Upper Ground Floor (Elizabeth Street) showing relationship between proposed OSD and station works (Source: Applicant's RtS)

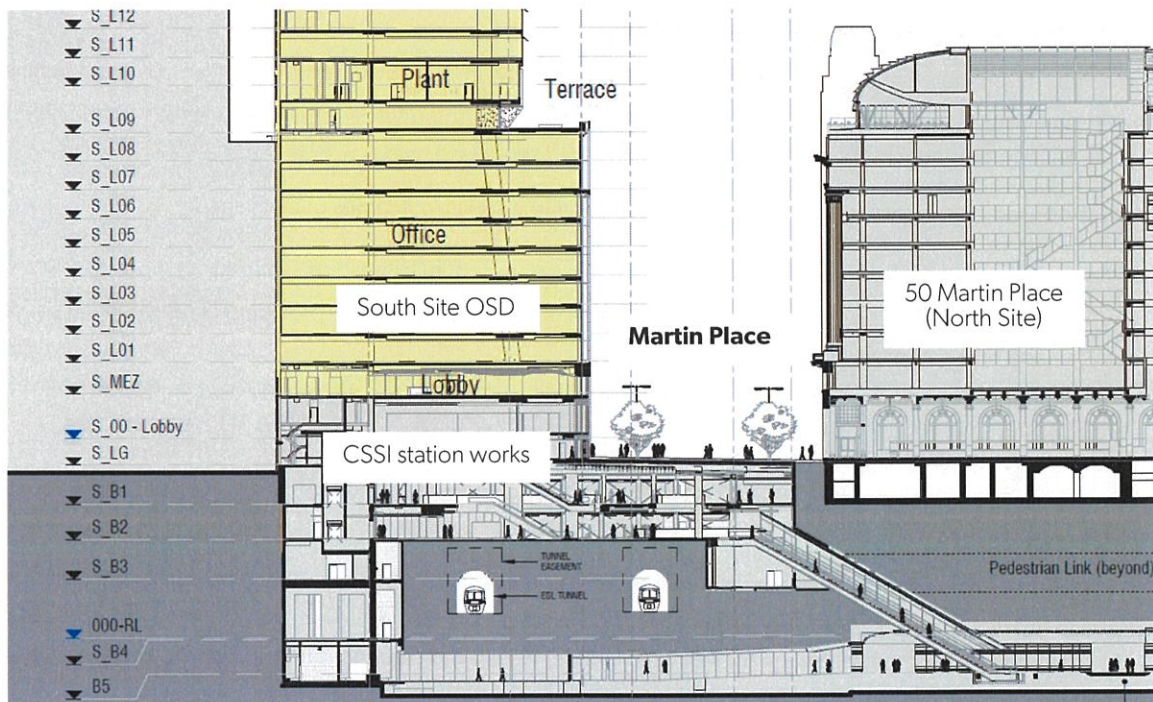


Figure 12 | Section Plan showing proposed OSD above CSSI station works (Source: Applicant's RtS)



3. Strategic Context

3.1 Greater Sydney Region Plan and Eastern City District Plan

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

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

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

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

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

3.2 Future Transport Strategy 2056

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

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

- the site is located within walking distance to a number of public transport services
- the site has the capacity to provide for active transport travel options by providing bicycle parking spaces and end-of-trip facilities
- it does not include on-site car parking spaces which will encourage the use of public transport.

3.3 Sustainable Sydney 2030

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

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



4. Statutory Context

4.1 State Significant Development

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

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

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

4.2 Permissibility

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

4.3 Mandatory Matters for Consideration

4.3.1 Environmental Planning Instruments

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

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

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

4.3.2 Objects of the Act

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

4.3.3 Ecologically Sustainable Development (ESD)

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

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

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

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

4.3.4 Environmental Planning and Assessment Regulation 2000

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

4.3.5 Planning Secretary's Environmental Assessment Requirements (SEARS)

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

5. Engagement

5.1 Department's Engagement

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

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

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

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

The application was referred to:

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

5.2 Summary of Submissions

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

Table 5 | Summary of Government agency submissions

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

5.3 Key Issues – Government Agencies

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

Table 6 | Key Issues at EIS stage - Government Agencies

Government Architect NSW

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

- the form and massing of the podium and tower is supported and presents a positive approach to Martin Place
- support the proposal to not pursue increased setbacks at the south-east and south-west corners of the tower
- articulation of the southern facade of the tower is being explored and remains unresolved
- the articulation of the ground plane and Metro station entry achieves a positive contribution to the street
- an overall strategy for street activation is required to demonstrate that activation has been achieved
- visual access to the Metro station and its facilities should ensure a significant level of transparency, particularly to the proposed retail tenancies
- further resolution is required through the DRP in relation to materials to the southern facade, the internal scale of the Metro entry, retail activation, wayfinding and signage.

Heritage Council

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

- update the pre-submission consultation statement to include all consultation with the Heritage Council

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

Transport for NSW and Sydney Trains (joint response)

TfNSW and Sydney Trains commented that:

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

Transport for NSW (RMS)

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

Fire and Rescue NSW

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

Civil Aviation Safety Authority (CASA) and Sydney Airport

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

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

NSW EPA

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

5.4 Key Issues – Council

Council's objection to the EIS exhibition provided the following matters:

- it is pre-emptive to progress the assessment of the SSD until the Concept Application Amending SSD 9351 has been determined (which has since been approved by the Minister on 25 February 2019)
- a 25 m setback should be provided above the podium along Martin Place
- the south-east and south-west corners of the tower, above the podium, should have corners cut out with dimensions of 8m by 8m
- a competitive design process under SLEP 2012 would achieve a superior outcome for design excellence compared to the proposed alternative design review process
- concerns with activation and accessibility along Elizabeth Street with services, steps and ramps and recommend floor levels be reviewed to provide grade entry
- alternative options to the use of flood gates should be presented

- concern with separate consideration of public domain details under the CSSI and OSD and recommend public domain design should be part of the SSD or resolved concurrently with the SSD
- do not support the use of the North Site basement for South Site servicing
- low extent of green landscaping in the proposal and the proposed terraces are a small gesture
- proposed should incorporate public art
- top of building signage should be limited to two signs and the design should be provided with the SSD
- a condition should be applied requiring payment of Section 61 Contributions.

5.5 Response to Submissions

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

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

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

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

Table 7 | Key Issues at RtS stage - Government agencies

Government Architect NSW

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

- attributes that support the design excellence capability of the proposal are:
 - form and massing of the podium and tower
 - treatment of the full width of the southern elevation
 - materials selection demonstrating a high-quality palette
 - holistic activation of the site including the CSSI station works and public realm.
- matters requiring further detailed resolution are reflectivity/glare, final materials and finishes, the expression of the through-site link and a site-wide retail strategy
- recommend continuity of the design team through the construction phase to enable resolution of outstanding issues and ensure design excellence is achieved.

Heritage Council

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

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

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

Transport for NSW and Sydney Trains

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

Transport for NSW (RMS)

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

Table 8 | Key Issues at RtS stage - Council

City of Sydney Council

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

- provision of a below ground link to the MLC Centre is considered fundamental and needs to be allowed for in the upper concourse design
- separate consideration of the public domains and services between the CSSI approval and the proposed OSD will result in significant compromises to the public domain delivery
- the adequacy of loading facilities for each site with the proposed shared arrangements
- reduction in bicycle parking and end-of-trip facilities compared to Sydney DCP rates
- a contribution should be made to public art by additional public art pieces or a monetary contribution
- a condition should be applied requiring payment of Section 61 Contributions.



6. Assessment

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

The Department has considered the EIS, the issues raised in submissions, the Applicant's RtS and further additional information submitted in response to DRP comments in its assessment of the proposal. A list of key documents that informed the Department's assessment is provided in **Appendix A**.

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

- building form
- shadow impact to Hyde Park
- heritage impacts
- design excellence.

Each of these key issues is discussed in the following sections of this report. Other issues were taken into consideration during the assessment of the application and are discussed in **Section 6.5**.

6.1 Building Form

The approved building envelope complies with the Hyde Park Sun Access Plane in the SLEP 2012 and provides for a maximum gross floor area of 39,234m² for over station development.

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

- the proposed maximum building height at RL 152 is 12 m below the maximum height of the approved envelope
- the proposed OSD has a GFA of 37,553 m² which is 1,681 m² less GFA than the Concept Approval.

The South Site has an overall FSR of 19.8:1 (including station floor space) and complies with the site-specific FSR standard of 21.06:1 in SLEP 2012.

This section looks closely at the proposed tower setback to Martin Place and the proposed tower to ground form along Elizabeth Street and Castlereagh Street. The Department supports the proposed setbacks and building form and considers that no additional setbacks or design changes are required.

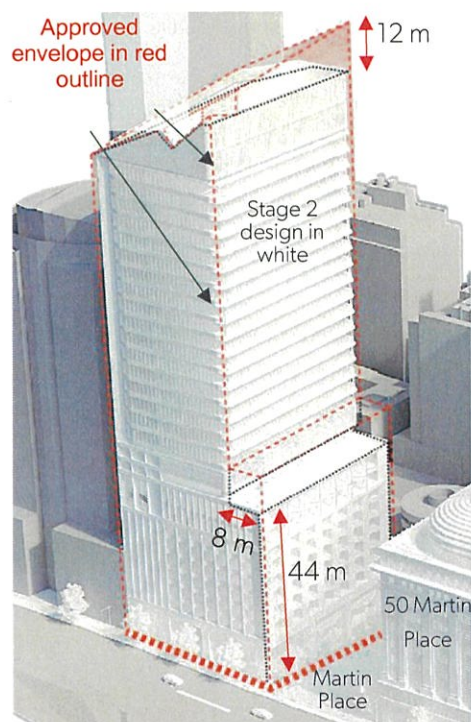


Figure 13 | 3D modelling of proposal fitting within the approved building envelope (Source: Applicant's RtS)

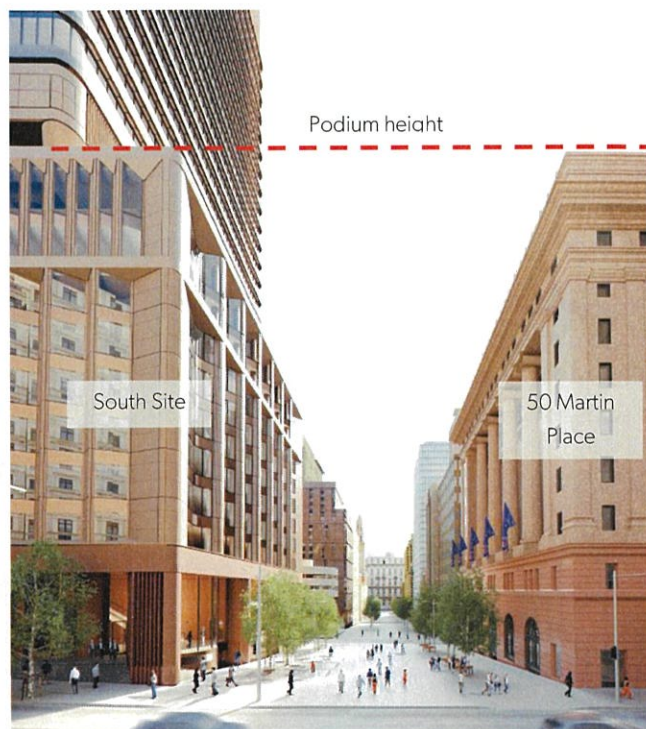


Figure 14 | Perspective view down Martin Place with proposal to the left (Source: Applicant's RtS)

6.1.1 Tower Setback to Martin Place

The proposed tower form has an 8 m setback along the Martin Place frontage above the podium. The podium form and resulting street wall height at 44 m complements the parapet height of 50 Martin Place opposite (**Figures 13 and 14**).

Council considered the proposed 8 m tower setback is insufficient and would adversely affect the heritage values of Martin Place. Council requested that a 25 m setback be applied above the podium on the Martin Place frontage.

SLEP Amendment and Concept Approval

The 8 m tower setback to Martin Place is permitted by the site-specific amendment to the SLEP for the Martin Place Station Precinct. In its assessment of the SLEP amendment the Department commissioned independent visual impact assessment, which concluded the 8 m tower setback would not impede key public views along Martin Place, including views to significant heritage buildings, such as the clock tower of the General Post Office.

Following the SLEP amendment, the Minister subsequently approved the Amending Concept SSD, which also supported an 8 m tower setback from Martin Place. The Department, in its assessment of the Amending Concept SSD, found there is no prevailing built form character along Martin Place for existing building setbacks. The assessment noted the character of Martin Place is formed by a mix of lower scale heritage buildings and modern office towers with varying setbacks from Martin Place. Surrounding developments, including MLC Centre, Reserve Bank Australia (RBA) Building, 20 Martin Place and recent development at 60 Martin Place all have towers setback less than 25 m from Martin Place.

Conclusion

The Department accepts the proposed 8 m setback of the South tower from Martin Place is respectful of heritage buildings and consistent with the character of other developments along Martin Place. The Department considers

the proposed podium provides a well-articulated street wall that reinforces the linear spatial qualities and character of Martin Place (**Figure 14**).

The Department also accepts the proposal is consistent with the approved amending Concept DA as well as the endorsed Design Guidelines which contain requirements to respect the heritage buildings in and character of Martin Place. The implementation of the Design Guidelines was supported by the DRP and the advice of the Government Architect.

6.1.2 Tower Setbacks to Castlereagh and Elizabeth Streets

The proposal has no setback between the podium and tower along Elizabeth Street and Castlereagh Street (**Figure 15**). A terrace on Level 9 of the podium with a deep setback beneath the tower articulates the tower as a discrete form above the podium (**Figures 16 and 17**) and also responds to the parapet height of 50 Martin Place.

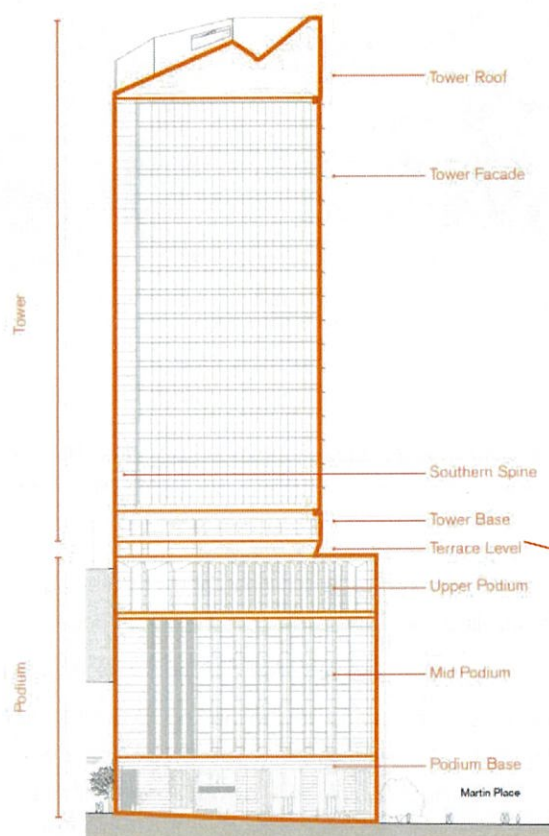


Figure 15 | Eastern elevation with key podium and tower elements highlighted (Source: Applicant's RtS)

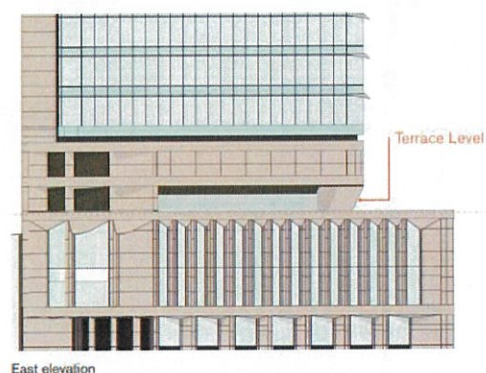


Figure 16 | Part east elevation showing recessed terrace above podium level (Source: Applicant's RtS)

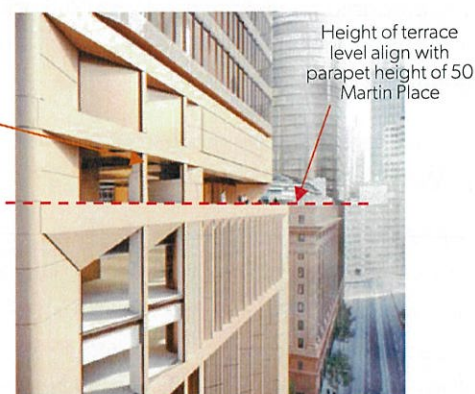


Figure 17 | Perspective view down Elizabeth Street showing podium height and its relationship with 50 Martin Place (Source: Applicant's RtS)

Council's submission requested an 8 m tower setback be applied to the Elizabeth Street and Castlereagh Street frontage of the site. Council considered an 8 m tower setback would allow the building to integrate better with the character of Central Sydney and Martin Place.

The Department notes Council's request relates to controls in the Sydney DCP, which seek a minimum weighted average setback of 8 m above the podium. As was the case with Council's previous submission to the Amending Concept SSD 9347, Council recommended that, in lieu of providing the Sydney DCP tower setbacks, building returns of 8 m by 8 m, should be incorporated into the south-east and south-west corners of the tower as a transition to adjoining property to the south (60 Castlereagh Street) above the podium height (**Figure 18**).

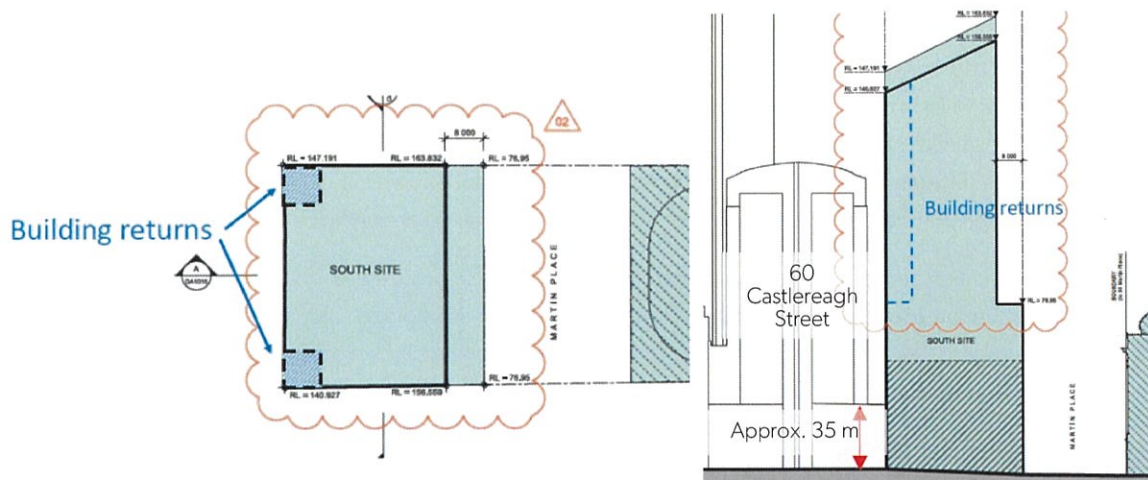


Figure 18 | Extracts from Council's objection requesting 8 m by 8 m building returns to be provided at the southern corners (Left: plan view, Right: Castlereagh Street Elevation) (Source: Council's submission to Amending Concept SSD 9347)

Design Review Panel advice

The Department notes the introduction of a building return at the southern corners of the envelope was previously considered by the DRP but was not supported (Minutes of DRP Session 6 - held on 7 August 2018).

The DRP subsequently reviewed several other design options on the architectural expression and articulation of the southern elevation of the proposed tower. The DRP in providing its advice, considered the potential redevelopment of the adjoining site to the south, including a podium and tower form with a Sydney DCP 2012 compliant tower setback of 8 m from the street frontage and alternative proposal with nil street setbacks (**Figures 19 and 20**).



Figure 19 | Plan view of potential development scenario considered by DRP – 60 Castlereagh St with DCP tower setback above podium (Source: Applicant's RtS)



Figure 20 | Plan view of potential development scenario considered by DRP – 60 Castlereagh St with no tower setback above podium (Source: Applicant's RtS)

The DRP supported the Applicant's revised architectural expression of the south-east and south-west corners comprising curved corners above the podium height and a vertical re-entrant expressed for the full height of the building (**Figures 21 and 22**). The elevation uses ceramic panels with angled patterning for the first 8 m, then a smooth finish in the middle to anticipate future development (**Figures 23 and 24**).

Consideration

The Department agrees with the recommendations of the DRP. The Department notes the introduction of building returns or similar will not provide an acceptable transition of built form to the adjoining development to the south, which has a substantially lower podium height of approximately 25 m and tower setback of 5 m and 5.5 m to the street frontages (**Figure 23**). The Department accepts the proposed vertical expression of the south corners provides a suitable transition to the adjoining site to the south as well as presentation to the street frontages.

The Department also accepts the proposed zero street setback is consistent with a key design principle in the Martin Place Station Precinct Consolidated Design Guidelines. Endorsed with the Concept Approval, the Guidelines establish defining thresholds to the Martin Place Station Precinct in order to create a sense of entry to the precinct (**Clause 2.2.3.6 of Design Guidelines**)



Figure 21 | Perspective of corner treatment of tower showing vertical re-entrant and ceramic panelling (Source: Applicant's RtS)

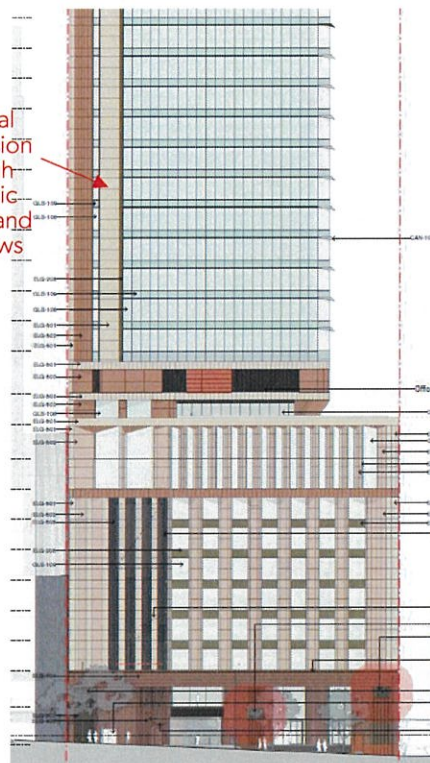


Figure 22 | Part elevation (Elizabeth Street) showing corner treatment with vertical re-entrant (Source: Applicant's RtS)

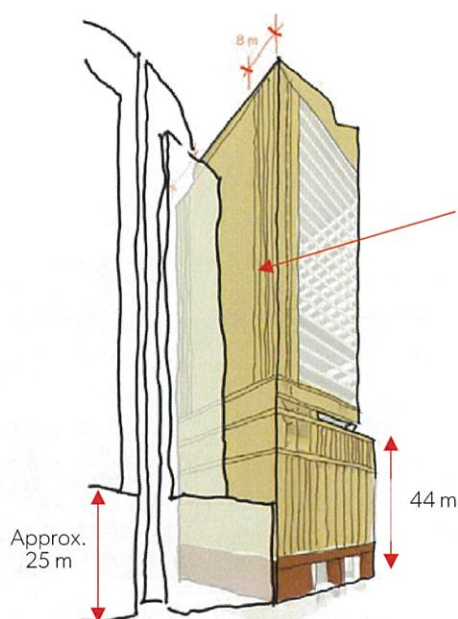


Figure 23 | Sketch of corner treatment of tower showing south elevation panelling (Source: Design Review Panel material)

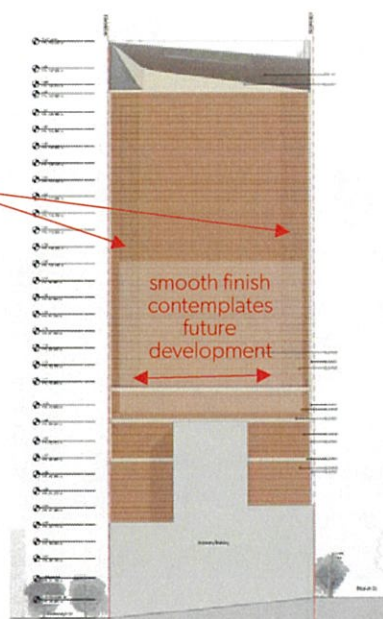


Figure 24 | Perspective of corner treatment of tower showing window vertical re-entrant and south elevation panelling for the first 8m (Source: Applicant's RtS)

Conclusion

The Department supports the proposed built form, including the proposed Martin Place and street setbacks above podium level. The Department considers that the proposal has a clear building language of podium and tower form that respond to the specific attributes of Martin Place and the street conditions along Elizabeth Street and Castlereagh Street. The Department also acknowledges the advice of the DRP, including appropriate architectural expression of the tower's southern elevation.

6.2 Shadow impact to Hyde Park

Shadow impacts to Martin Place was a key consideration in the Concept Approval, which resulted in a specific condition of approval and Design Guidelines for the design of the built forms in the detailed design application. Condition B2(a) of the Concept Approval requires the Stage 2 application to:

identify opportunities to improve solar access to Hyde Park between the hours of 12 and 2 pm at midwinter (21 June), when compared to the shadow cast by the approved building envelope

The date of 21 June was nominated in the Concept Approval as this is control time in the Hyde Park North Sun Access Plane enabling a building which complies to deliver sunlight to the protected areas of Hyde Park all year round.

The proposed built form meets the requirement of Condition B2(a) above. Shadow diagrams within the Applicant's RtS demonstrate that the proposal reduces shadows cast onto Hyde Park during 12noon and 2pm in midwinter by a cumulative 171m² (+40%) when compared to the Concept Approval building envelope. A snapshot of this increase, taken at 1:45pm on 21 June as an example, is provided at (**Figure 25**). There are varying amounts of increase measured in 15 minute intervals within the Applicant's RtS, with the most benefit arising between 1:30 pm and 2 pm.

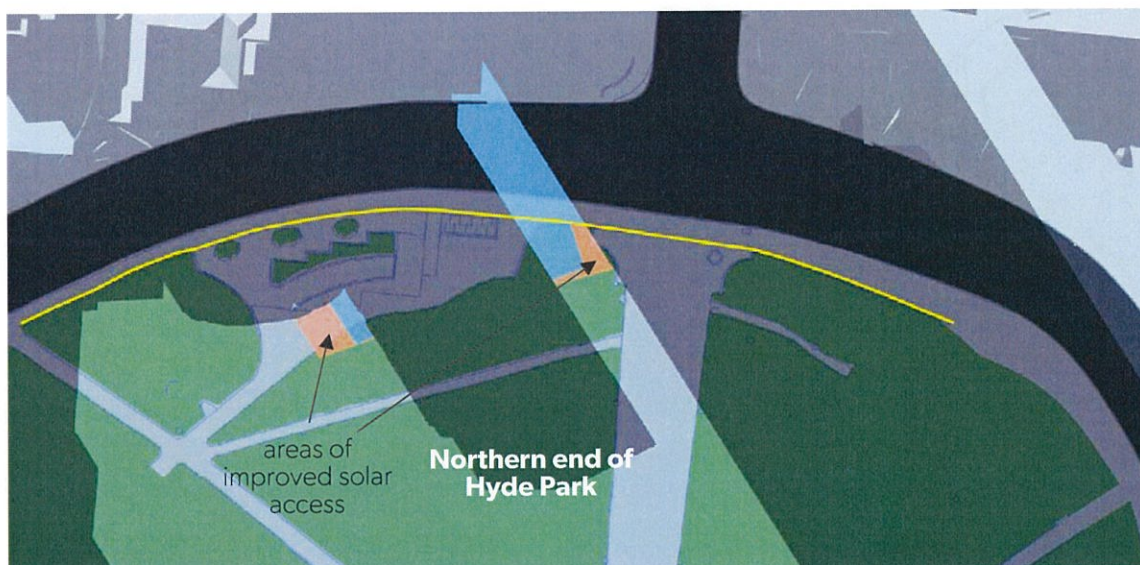


Figure 25 | Plan of increased solar access to Hyde Park compared to Concept Approval envelope – taken at 1:45pm as an example (Source: Applicant's RtS)

The Department notes that the additional solar access relates to the northern-most end of Hyde Park around pedestrian entry pathways. Additional solar access at these areas of the park in midwinter will have broad public benefit.

The proposal's improved solar access to Hyde Park when compared to the approved building envelope was achieved by the proposed building being 12 m lower than the approved building envelope and also through the refinement of the design of the roof forms in response to the DRP's advice.

6.3 Heritage

The Martin Place Station Precinct is largely defined by the numerous heritage items in the surrounding blocks and visual catchment. Examples include Martin Place, 50 Martin Place, the Reserve Bank Building and the former MLC Building (**Figure 26**). These items have differing heritage significance on a National, State or Local heritage listing. The site is also within the Martin Place Special Character Areas under Sydney DCP 2012.



Figure 26 | Location of heritage items near the site (Source: Applicant's RtS)

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

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

Martin Place

The Locality Statement in the Sydney DCP provides a general description of the Special Character Area and development principles with respect to street wall height, the sense of enclosure of the linear public space and rich materiality along Martin Place reinforced by a number of heritage buildings with textured masonry facades.

The principles for the Special Character Area include to retain and enhance the urban character, scale and strong linear enclosure of Martin Place. These can be achieved by requiring new buildings to be built to the street alignment, have street frontage heights consistent with the prevailing form of buildings in the area and to have setbacks above the street frontage heights. Also relevant is a principle of retaining human scale at street level while respecting and positively responding to the monumental nature of the place.

The Department considers the proposal is respectful of the development principles for the Martin Place Special Character Area with its consistent street wall height and alignment to Martin Place as discussed in **Section 6.1 – Building Form**. The Department’s assessment also finds the proposal is consistent with the endorsed Design Guidelines with respect to heritage. The Department considers the building has minimal visual and heritage impact on Martin Place and will not impede key public views such as view to the GPO clock tower. The podium form complies with the Stage 1 Concept Approval and creates a linear streetscape with human scale along Martin Place. The proposal particularly complements the form, material and character of 50 Martin Place (**Figure 27**).

50 Martin Place

The proposal seeks to provide a contemporary interpretation of the detailing and proportions of 50 Martin Place to the north. This includes the grand architectural finishes and detailing on the façades of 50 Martin Place which defines its strong horizontal and vertical expression. The Department notes the proposal relates to the proportions, form, detailing and interface with 50 Martin Place, and in particular:

- the defined base, middle and top building form
- the height datum of the top of podium to match the parapet level
- the vertical scale within the middle portion by columns and infill glazed panels (**Figures 27 and 28**).

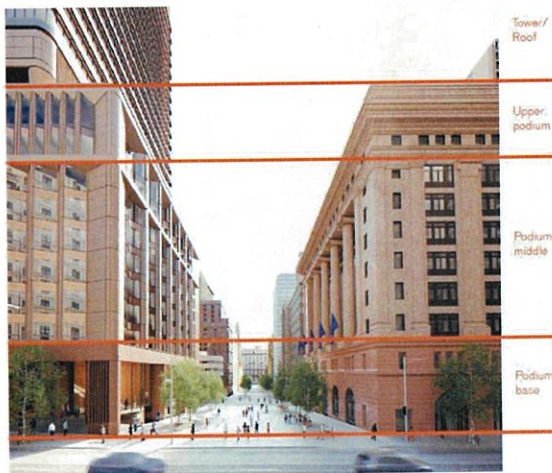


Figure 27 | Perspective of proposal and its relationship with 50 Martin Place (Source: Applicant’s RtS)



Figure 28 | Perspective of northern elevation showing façade features (Source: Applicant’s RtS)

The Department accepts the strong hierarchical architectural language of the podium complements the features of 50 Martin Place. The DRP also supports the deep articulation and repetition used for the podium with curved glazing and vertical ceramic elements in response to the grand order aesthetic of 50 Martin Place.

Conclusion

The Department’s assessment concludes the proposal will have acceptable heritage impacts to 50 Martin Place, Martin Place and surrounding heritage items.

The Department considers the design and detailing of the proposal complements the heritage significance of 50 Martin Place. The Department accepts the proposal is consistent with the Concept Approval as relevant to heritage, which requires the retention of the exceptional aesthetic significance of 50 Martin Place’s exterior and the retention of the identity of the building as one of the finest purpose-designed bank buildings in Australia.

The Department supports the Heritage Council’s recommendations requiring:

- the Applicant to further consult and seek feedback from the Heritage Council's Approvals Committee during the Construction Certificate phase of the development (**Condition A26**)
- the preparation of a Heritage Interpretation Plan in consultation with the Heritage Council and in accordance with the Heritage Interpretation Strategy lodged with the application and the broader Sydney Metro City and Southwest Interpretation Strategy (**Conditions A27 to A29**).

The Department has included the Heritage Council's recommended conditions in the draft consent in **Appendix G**.

6.4 Design Excellence

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

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

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

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

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

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

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

Consideration

The DRP advised the proposal can achieve design excellence. GANSW acknowledged the work of the DRP and advise that the attributes listed in **Table 9** below contribute to the proposal being capable of achieving design excellence.

Table 9 | GANSW advice on elements of the proposal contributing to design excellence

Design Aspect	GANSW advice on attributes of the proposal
Built form	Form and massing of the podium and tower including re-entrant infill detail expressed for the full height of the building where the curved corner abuts the adjoining site at the southern boundary (both east and west)
Architectural expression	Application of modelling and ceramic materials to the full width of the building on the south facing boundary, with the first 8 m on either street more heavily modelled
Materials	Materials selection demonstrating a high-quality palette, including the choice of stone and use of a custom coloured ceramic panel, and convex and concave glass to the podium
Activation	Demonstration of an holistic activation strategy that informs the design of retail spaces and their relationship to the public realm and Metro station

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

The Department further recommends a Design Integrity Review (DIR) process should be put in place where any future design changes, particularly on the key aspects contributing to design excellence (as identified in **Table 9**) can be referred for further advice from the DRP (**Condition B6**). For instance, and without limiting the discretion recommended, if the podium articulation is proposed to change such that its relationship with 50 Martin Place is altered, the DRP can be engaged to provide advice to the design team and the Department to ensure design integrity is maintained.

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

6.5 Other Issues

The Department's consideration of other issues is summarised in **Table 10**. These are issues raised by Council or in agency submissions which are not otherwise key issues addressed above.

Table 10 | Summary of other issues raised

Issue	Findings	Recommended Condition
Building signage	<ul style="list-style-type: none"> Council did not support the initial proposal having 3 tower signage zones. Council also recommended the detail of signage be subject to a further development application. The RtS reduced tower signage to two signage zones and included some details on how signage may be fixed to the tower. The Department notes the reduction of the proposed tower signage from 3 signs to 2. No tenant has been nominated for the building at this stage. The signage zones are large and create flexibility for two very large signs. The 	Conditions are recommended that the signage zones be reduced in area and design details of the signage within the signage zones be subject to approval of the Planning Secretary. (Condition B17)

	<p>northern signage zone is approximately 11m high (3 storeys) x 42m long and spans the roof structure which has been designed to terminate the building in a vertically clad top structure. The western signage zone is approximately 6m high x 12m long and occupies the top corner of the west elevation.</p> <ul style="list-style-type: none"> The signage zones are not supported in their current form. The Department recommends a reduction in the area of the signage zones and lodgement of design details for the signage once a tenant is known. 	
Retail use and activation	<ul style="list-style-type: none"> The proposal includes creation of retail spaces at the lower ground floor, ground floor and mezzanine with access from the internal lobby or Elizabeth and Castlereagh Streets. The EIS and RtS confirmed retail use and fitout does not form part of the application and will be subject to further applications. The RtS included a Retail Strategy providing some direction on the type of uses that may be appropriate for each proposed tenancy. The DRP wanted further information how the Retail Strategy relates holistically to the activation and retail spaces within the CSSI station areas. The DRP also wanted to see greater social inclusion in retail choices so that low price options are distributed. 	<p>Conditions are recommended that:</p> <ul style="list-style-type: none"> (a) the detailed fitout and use of the retail tenancies are subject to separate development consent (Condition A6). (b) a revised Retail Strategy is prepared in consultation with the DRP and submitted to the Planning Secretary for approval including consideration of the broader Precinct, diversity and social-inclusiveness (Conditions B15 and B16)
Shared loading, bicycle parking and end of trip facilities	<ul style="list-style-type: none"> Council did not support use of the North Site loading, bicycle parking and end-of-trip facilities by the South Site due to the distance between. Council recommends the South Site basement be redesigned to allow these uses. Council also raised issue with the number of loading facilities. Transport for NSW (RMS) and TfNSW did not raise any issues about the loading dock arrangement or the number of spaces proposed. The Department notes that the South Site does not have any basement OSD uses as the station occupies the site footprint. However, the South Site does have a small loading dock for its own needs accessible off Castlereagh Street. The Department considers it preferable to have shared loading facilities where the North Site can handle larger vehicles. Consolidation to one site will minimise pedestrian and cyclist impacts and maximise active frontage to the South Site. 	<ul style="list-style-type: none"> Conditions are recommended in relation to the operation of the shared facilities. An easement for access across the land parcels is to be created and opening times are to be in line with business hours of the office and retail land uses (Condition E2).
Bicycle parking and end-of-trip facilities	<ul style="list-style-type: none"> Council raised issue in relation to the number of bicycle spaces proposed. Council argued bicycle parking and end-of-trip facilities should be provided per Sydney DCP 2012 rates. 	<p>The recommended conditions include a requirement to provide a Green Travel Plan and transport access guide for employees and visitors to assist in achieving maximum public transport and active transport use.</p>

	<ul style="list-style-type: none"> The Applicant argued the bike parking and end-of-trip facilities are appropriate because of the central location of the site, the accessibility to public transport and the allowance for 7.5% of cycling mode share in the scheme compared to 2% current mode shared in the CBD. The Applicant also noted that DCPs do not apply to SSD applications. Transport for NSW (RMS) and TfNSW did not raise issues with the bicycle and end-of-trip facilities proposed. The Department is satisfied with the number of bike parking spaces for the proposal (232 staff and visitor spaces) and end-of-trip facilities (269 lockers and 28 showers). 	<p>Conditions are also recommended requiring the number of bicycle parking spaces and end-of-trip facilities committed to in the application be confirmed at the relevant Construction Certificate stage.</p> <p>(Conditions B29 to B31).</p>
OSD and CSSI integration	<ul style="list-style-type: none"> Council raised issues in relation to the separate consideration of the public domain between the CSSI and OSD. The Department is satisfied the conditions of the CSSI approval will resolve the public domain outcomes of the site and that the CSSI DRP has oversight of the detailed design of the station works and ground plane integration, including integration with the OSD. 	<p>No conditions are necessary in relation to this issue.</p>
Environmental Performance	<ul style="list-style-type: none"> The DRP requested an independent review of the thermal performance of the building. The independent review was carried out by Flux Consultants and confirmed thermal performance was satisfactory with the proposed internal and external shading devices and high-performance glazing specification. Combined with other passive and active sustainability measures, the façade design enables the project sustainability targets to be achieved. The scope of the independent façade review was expanded to include the review of glare from the facades onto pedestrians and drivers, and reflected solar heat from the facades onto the public domain. The DRP was briefed by the independent reviewer who recommended that glare impacts from the northern elevation upon the western end of Martin Place requires mitigation. The reviewer recommended vertical fins be added with a depth of 90mm and at 900mm centres. The DRP agreed and recommended that vertical fins or any other means be incorporated. 	<p>The Department recommends:</p> <ol style="list-style-type: none"> a condition be applied to require compliance to be achieved with the Sydney DCP standard of normal specular reflectivity of all façade materials being limited to 20% (Condition B12) a condition which requires vertical fins or other measures be incorporated to reduce or eliminate glare from the north façade to the western end of Martin Place, in consultation with the DRP (Conditions B13 and B14)
Construction Management	<ul style="list-style-type: none"> The EIS and RtS includes suitable assessment with respect to construction impacts including construction traffic management, noise, vibration and air quality. 	<p>The Department recommends conditions requiring management plans to be lodged for construction management matters. For example, TfNSW recommend the Applicant consult the Sydney Coordination Office in relation to construction traffic, pedestrian and cyclist management. (Conditions C16 to C22)</p>

7. *Evaluation*

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

The development supports the achievement of the strategic aims and objectives of local, regional and State planning policies. At the State and regional level, the proposal is consistent with The Greater Sydney Commission's 'A Plan for Growing Sydney', the Eastern City District Plan. The proposal will deliver 2,450 additional jobs directly above the new Martin Place Metro Station.

The Department's assessment concludes the proposed built form is consistent with the Stage 1 Concept Approval and the height and floor space standards in SLEP, specific to the Martin Place Station Precinct. The proposed 8 m tower setback to Martin Place is also consistent with the SLEP amendment, and its assessment concluded the 8 m tower setback would not impede key public views along Martin Place, including views to significant heritage buildings, such as the clock tower of the General Post Office.

The Department considers the proposed built form responds appropriately to the specific attributes of Martin Place and the street conditions along Elizabeth Street and Castlereagh Street. The Department also accepts the proposed zero street setback is consistent with a key design principle in the Martin Place Station Precinct Consolidated Design Guidelines. Endorsed with the Concept Approval, the Guidelines establish defining thresholds to the Martin Place Station Precinct in order to create a sense of entry to the precinct.

The Department acknowledges the proposal adopted the advice of the DRP, including appropriate architectural expression of the tower's southern elevation to provide suitable transition to the adjoining site to the south as well as presentation to the street frontages. The Department agrees with the recommendation of the DRP that the proposal will achieve Design Excellence. The Department recommends conditions to maintain design integrity of the proposal, including procedures to seek further advice from the DRP on managing glare from the northern elevation and the retail strategy for the OSD (**Conditions B14 and B16**).

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

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



8. Recommendation

It is recommended that the Minister for Planning:

- **considers** the findings and recommendations of this report; and
- **accepts and adopts** all of the findings and recommendations in this report as the reasons for making the decision to grant approval to the application;
- **agrees** with the key reasons for approval listed in the notice of decision;
- **grants consent** for the application in respect of Martin Place Station Precinct South Site (SSD 9326), subject to the conditions in the attached development consent;
- **signs** the attached development consent and recommended conditions of consent (see **Appendix G**).

Recommended by:

David McNamara

Director

Key Sites Assessments

Recommended by:

11/07/2019

Anthea Sargeant

Executive Director

Key Sites and Industry Assessments



9. Determination

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

The Hon. Robert Stokes

NSW Minister for Planning and Public Spaces



Appendices

Appendix A - List of documents

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

1. Environmental Impact Statement

<https://www.planningportal.nsw.gov.au/major-projects/project/10616>

2. Submissions

<https://www.planningportal.nsw.gov.au/major-projects/project/10616>

3. Applicant's Response to Submissions

<https://www.planningportal.nsw.gov.au/major-projects/project/10616>

Appendix B - Environmental Impact Statement

See the Department's website at:

<https://www.planningportal.nsw.gov.au/major-projects/project/10616>

Appendix C - Submissions

See the Department's website at:

<https://www.planningportal.nsw.gov.au/major-projects/project/10616>

Appendix D - Response to Submissions Report

See the Department's website at:

<https://www.planningportal.nsw.gov.au/major-projects/project/10616>

Appendix E - Statutory Considerations

Objects of the Environmental Planning and Assessment Act

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

Table 11 | Response to the Objects of Section 1.3 of the EP&A Act

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

Objects of Section 1.3 of the EP&A Act Consideration

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

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

Environmental Planning Instruments

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

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

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

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

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

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

Table 12 | Response to SRP SEPP

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

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

The proposed development is permissible with consent and is specified in Schedule 1.

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

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

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

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

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

19 Rail and related transport facilities

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

- (a) commercial premises or residential accommodation

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

State Environmental Planning Policy (Infrastructure) 2007

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

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

State Environmental Planning Policy No. 55 – Remediation of Land

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

Draft State Environmental Planning Policy (Remediation of Land)

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

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

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

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

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

State Environmental Planning Policy No. 64 – Advertising and Signage

The application includes two top of building signage zones at the northern and western elevations of the tower.

Proposed detail of fixing signage to the tower have been provided. However, the signage zones are very large and considered inconsistent with the proportions of the built form. No tenant is known for the tower at this stage. The Department recommends a reduction in the signage zone area and that detailed design and installation details be lodged to the satisfaction of the Planning Secretary prior to the issue of the relevant Construction Certificate (**Condition B17**).

Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005

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

Draft State Environmental Planning Policy (Environment)

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

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

Sydney Local Environmental Plan 2012 (SLEP)

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

Table 13 | Response to SLEP 2012

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

wind impacts on surrounding amenity.

Part 2 – Permitted or prohibited development

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

4.3 – Height of buildings	<p>The relevant objectives of this clause are as follows:</p> <ul style="list-style-type: none"> a) to ensure the height of development is appropriate to the condition of the site and its context, b) to ensure appropriate height transitions between new development and heritage items and buildings in heritage conservation areas or special character areas, c) to promote the sharing of views, d) to ensure appropriate height transitions from Central Sydney and Green Square Town Centre to adjoining areas <p>The height of a building on any land is not to exceed the maximum height shown for the land on the Height of Buildings Map.</p>	<p>The proposed maximum height of RL 152 complies with the building height development standard in Clause 6.38 (the height of the Hyde Park North 2B sun access plane) which prevails over Clause 4.3 (Section 2.2).</p>
4.4 – Floor space ratio	<p>The objectives of this clause are as follows:</p> <ul style="list-style-type: none"> a) to provide sufficient floor space to meet anticipated development needs for the foreseeable future, b) to regulate the density of development, built form and land use intensity and to control the generation of vehicle and pedestrian traffic, c) to provide for an intensity of development that is commensurate with the capacity of existing and planned infrastructure, d) to ensure that new development reflects the desired character of the locality in which it is located and minimises adverse impacts on the amenity of that locality. <p>The maximum floor space ratio for a building on any land is not to exceed the floor space ratio shown for the land on the Floor Space Ratio Map.</p>	<p>The proposal has an overall FSR of 21:1 including station floorspace, and therefore complies with the maximum FSR for the site (22:1) (Section 1.4).</p>

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

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

6.1 – Objective of Division (Floorspace in Central Sydney)	<p>The objectives of this Division are as follows:</p> <ul style="list-style-type: none"> a) to provide for additional floor space to be granted as an incentive for certain development in Central Sydney, b) to establish a framework for the transfer of development potential from the site of a heritage building to another site in Central Sydney. 	<p>The proposal does not seek bonuses for FSR beyond the site control of 22:1.</p>
6.4 – Accommodation floor space	<ul style="list-style-type: none"> (1) A building that is in an Area, and is used for a purpose specified in relation to the Area in paragraph (a), (b), (c), (d), (e), (f) or (g), is eligible for an amount of additional floor space (<i>accommodation floor space</i>) equivalent to that which may be achieved by applying to the building the floor space ratio specified in the relevant paragraph: <ul style="list-style-type: none"> (b) Area 1, office premises, business premises, retail premises, residential accommodation or serviced apartments—4.5:1 	<p>The proposal does not seek bonuses for FSR beyond the site control of 22:1.</p>

6.10 – Heritage floor space	(1) Despite any other provision of this Part, development consent must not be granted to development in respect of a building on a site in Central Sydney that utilises any amount of additional floor space specified in paragraph (a), (b) (c), (d) or (e) unless the consent authority is satisfied that an amount of heritage floor space will be allocated to the site (whether because of a condition of consent or otherwise)	The proposal does not seek additional accommodation, opportunity site, design excellence or other floorspace beyond the site control in Clause 6.38.
6.16 – Erection of tall buildings in Central Sydney	(1) The objectives of this clause are to ensure that tower development on land in Central Sydney: <ul style="list-style-type: none"> a) provides amenity for the occupants of the tower and neighbouring buildings, and b) does not adversely affect the amenity of public places, and c) is compatible with its context, and d) provides for sunlight to reach the sides and rear of the tower, and e) promotes the ventilation of Central Sydney by allowing the free movement of air around towers, and f) encourages uses with active street frontages. 	<p>The proposal seeks approval for a tower which complies with the provisions of this Clause.</p> <p>The Department's assessment of the proposed building concludes that the proposal is compatible with its context and any impacts, such as solar access, visual and wind impacts, on surrounding amenity and public spaces are minor and reasonable, subject to, conditions (Section 6).</p>
6.17 – Sun access planes	<ul style="list-style-type: none"> (1) The objectives of this clause are: <ul style="list-style-type: none"> a) to ensure that buildings maximise sunlight access to the public places set out in this clause, and b) to ensure sunlight access to the facades of sandstone buildings in special character areas to assist the conservation of the sandstone and to maintain the amenity of those areas (2) The consent authority must not grant development consent to development on land if the development will result in any building on the land projecting higher than any part of a sun access plane taken to extend over the land under this clause. 	The building envelope will not project higher than the Hyde Park North sun access plane.
6.17 – Overshadowing of certain public places	(1) Despite clause 4.3, development consent must not be granted to development that results in any part of a building causing additional overshadowing, at any time between 14 April and 31 August in any year, of any of the specified locations (as shown with blue hatching on the Sun Access Protection Map) during the times specified in relation to those locations.	Solar access impacts of the proposal on Hyde Park are considered in Section 6.2 .
6.21 – Design Excellence	The consent authority must not grant development consent unless in the opinion of the consent authority the proposed development exhibits design excellence. A competitive design process is required unless the consent authority is satisfied that such a process would be unreasonable or unnecessary in the circumstances.	The Department notes the proposal has been subject to review DRP and GANSW. Both find the proposal is capable of exhibiting design excellence, subject to resolution of certain

detailed design matters before construction.

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

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

6.38 – Certain land in the vicinity of Martin Place	<p>(1) This clause applies to the following land:</p> <ul style="list-style-type: none"> (a) 8–12 Castlereagh Street, Sydney, being Lots 1 and 2, DP 929277 and Lot 1, DP 173027, (b) 5 Elizabeth Street, Sydney, being Lot 2, DP 548142, (c) 7 Elizabeth Street, Sydney, being SP 13171, (d) 9–19 Elizabeth Street, Sydney, being Lot 1, DP 526161, (e) 55 Hunter Street, Sydney, being Lot 1, DP 222356, (f) 39–49 Martin Place, Sydney, being Lots 1 and 2, DP 1103195, (g) 50 Martin Place, Sydney, being Lot 1, DP 182023. <p>(2) Despite clause 4.3, the maximum building height for any part of a building on land referred to in subclause (1) (f) that is not less than 8 metres from the boundary adjoining Martin Place is the height of the Hyde Park North 2B sun access plane (as determined in accordance with clause 6.17(9)).</p> <p>(3) Despite clause 4.4, the maximum floor space ratio for a building is as follows:</p> <ul style="list-style-type: none"> (a) in relation to a building on land referred to in subclause (1) (f)—22:1, (b) in relation to a building on any other land to which this clause applies—18.5:1. <p>(4) Despite any other provision of this Plan, a building erected on land to which this clause applies must not be used for the purpose of residential accommodation or serviced apartments</p>	<p>The proposal is for 39-49 Martin Place and, as such, the maximum height is the Hyde Park North 2B Sun Access Plane and the maximum FSR is 22:1.</p> <p>The proposal complies with the maximum height and maximum FSR standards.</p>
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Part 7 – Local provisions – General

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

development
control plan

development application in lieu of
a site-specific DCP.

Consideration of SLEP Clause 6.21 (4) – Design Excellence

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

Table 14 | Response to Design Excellence clause in SLEP 2012

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

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

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

(iii) any heritage issues and streetscape constraints,	The Department's assessment concludes the proposal has acceptable impacts to adjoining and surrounding heritage items (see Section 6.3) subject to the submitted Design Guidelines and further consultation with the Heritage Council (Conditions A26 to A29).
(iv) the location of any tower proposed, having regard to the need to achieve an acceptable relationship with other towers (existing or proposed) on the same site or on neighbouring sites in terms of separation, setbacks, amenity and urban form	The Department's assessment concludes the proposed tower has an acceptable form and relationship within its context and with adjoining towers as discussed in Section 6.1 .
(v) the bulk, massing and modulation of buildings	The height of the building complies with the Hyde Park Sun Access Plane contained in SLEP. The bulk and scale of the proposed building envelope is compatible with surrounding developments (See Section 6.1).
(vi) street frontage heights	The Department is satisfied the street frontage height of the development reflects the heritage context of 50 Martin Place to the north and the potential built form of a development to the south. A horizontal terrace recess along Castlereagh Street and Elizabeth Street gives the proposal a strong street wall condition. The stone materials and finish provide a consistent base with surrounding buildings including 50 Martin Place.
(vii) environmental impacts, such as sustainable design, overshadowing and solar access, visual and acoustic privacy, noise, wind and reflectivity	The Department is satisfied that the proposal has been designed to minimise environmental impacts within the site and surroundings. The Department's assessment has carefully considered sustainability, overshadowing, visual and acoustic privacy, noise, wind and reflectivity. The DRP has also reviewed each of these matters as is confident the proposal is capable of achieving design excellence.
(viii) the achievement of the principles of ecologically sustainable development	The Department is satisfied the proposal is consistent with the principles of ecological sustainable development as discussed under Section 4.3.3 .

(ix) pedestrian, cycle, vehicular and service access and circulation requirements, including the permeability of any pedestrian network	<p>The Department is satisfied the proposal has suitable arrangement for pedestrian, cycle, vehicular and service access and circulation (see Section 6.5).</p> <p>The design of public domain and pedestrian access for the site is subject to the Station Design Precinct Plan (Condition E101 of CSSI 7400) and Interchange Access Plan (Condition E92 of CSSI 7400) of the separate infrastructure approval (CSSI 7400) for the Metro Station.</p>
(x) the impact on, and any proposed improvements to, the public domain	The submitted application includes details on how the proposed over station development integrates with the approved station to ensure an overall good urban design and public domain outcome.
(xi) the impact on any special character area	The site is within the Martin Place Special Character Area and the DCP provisions have been taken into consideration in Section 6.3 .
(xii) achieving appropriate interfaces at ground level between the building and the public domain	The Department is satisfied the design addresses how the proposed over station development integrates with the approved station to ensure an overall good urban design and public domain outcomes.
(xiii) excellence and integration of landscape design	There is limited landscaping opportunities for the proposal due to limited site area and the CBD development context. The proposal includes a landscaped terrace between the podium and tower. Appropriate landscaping details have been provided for the terrace.

Sydney Development Control Plan 2012 (SDCP)

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

Table 14 | Response to Sydney DCP 2012

Section	Relevant control / criteria	Consideration and comments
2.1.7 – Martin Place Special Character Area	<p>a) Development must achieve and satisfy the outcomes expressed in the character statement and supporting principles.</p> <p>b) Conserve and enhance the significance of Martin Place as one of Central Sydney's grand civic and ceremonial spaces, and as a valued business location.</p> <p>c) Retain and enhance the urban character, scale and strong linear enclosure of Martin Place by requiring new buildings to:</p> <ol style="list-style-type: none"> be built to the street alignment have street frontage heights consistent with the prevailing form of buildings in the area to have building setbacks above those street frontage heights. <p>a) Protect and extend sun access and reflected sunlight to Martin Place during lunchtime hours from mid-April to the end of August.</p>	The form of the proposal provides a building with a consistent street wall height of up to 44 m and provides a strong linear enclosure to Martin Place (Section 6.1).

- b) Provide sun access to significant sandstone buildings in Martin Place to improve the ground level quality of the public space.
- c) Protect existing significant vistas to the east and west and ensure new development will not detrimentally affect the silhouette of the GPO clock tower.
- d) Retain human scale at street level, while respecting and positively responding to the monumental nature of the place.
- e) Conserve and enhance the heritage significant of the nineteenth and twentieth century institutional and commercial buildings and their settings.

s 3.1 – Public domain	The DCP provides guidance on the design of public domain works to ensure that development makes a positive contribution to the public domain.	The approved CSSI includes the design and construction of the station footprint and surrounding public domain below the OSD. The Department is satisfied that the OSD design is integrated with the CSSI works.
s.3.1.5 – Public art	The DCP provides guidance on integrating public art into the fabric of the building and the public domain.	The Department considers the proposed approach to public art to be satisfactory. This includes new OSD public art and station related artwork under the CSSI approval.
3.2.1 – Improving the Public Domain	(a) Enhance the public domain by ensuring adequate sun access to publicly accessible spaces and protecting significant views from public places.	Solar access impacts of the proposed envelope are considered in Section 6.2 . Overshadowing impacts on Hyde Park are considered minor and reasonable.
3.2.5 – Colonnades	Discourage the provision of colonnades, except in exceptional circumstances.	No colonnade is proposed.
3.2.6 – Wind effects	Ensure that new developments satisfy nominated wind standards so as to maintain comfortable conditions for pedestrians and encourage the growth of street trees.	The Department is satisfied with the Wind Assessments provided with the EIS and RtS in terms of the amenity of pedestrians and internal amenity of future occupants of the building.

3.3 – Design excellence and competitive design Process	<p>(a) Ensure high quality and varied design through the use of competitive design processes for large and prominent developments.</p> <p>(b) Ensure development individually and collectively contributes to the architectural and overall urban design quality of the local government area.</p> <p>(c) Encourage variety in architectural design and character across large developments to provide a fine grain which enriches and enlivens the City's public realm.</p>	<p>The Department notes the proposal is subject to an endorsed Design Excellence Strategy from the approved Stage 1 Concept and the proposal complies with that Strategy.</p> <p>The appropriateness of the building envelopes, for example in terms of consistency with the desired character of the area, is set out in Section 6.1.</p>
3.6 – Ecologically Sustainable Development	<p>(a) Apply principles and processes that contribute to ecologically sustainable development (ESD).</p> <p>(b) Reduce the impacts from development on the environment.</p> <p>(c) Reduce the use of resources in development and by development over its effective life.</p> <p>(d) Reduce the cause and impacts of the urban heat island effect.</p> <p>(e) Increase the resilience of development to the effects of climate change.</p> <p>(f) Ensure that greenhouse gas emissions will be reduced.</p> <p>(g) Increase the use of cogeneration and tri-generation systems.</p> <p>(h) Replace intensive carbon power sources with low carbon and renewable energy.</p> <p>(i) Reduce the use of potable water.</p> <p>(j) Ensure that development can adapt to climate change.</p> <p>(k) Ensure that waste will be reduced.</p> <p>(l) Increase the use of products from recycled sources.</p> <p>(m) Improve indoor environmental quality.</p> <p>(n) Reduce the environmental impact from building materials through reduction, re-use and recycling of materials, resources and building components.</p>	<p>An assessment of the proposal in terms of ESD is provided in Section 4.5.</p> <p>The Department is satisfied that the minimum environmental performance targets and other sustainability initiatives are able to achieve the principles of ESD in accordance with the objects of the EP&A Act.</p> <p>A condition is recommended requiring the Applicant implement the ESD initiatives identified.</p>

(o) Improve the biodiversity.

3.7 – Water and Flood Management	<p>(a) Ensure an integrated approach to water management across the City through the use of water sensitive urban design principles.</p> <p>(b) Encourage sustainable water use practices.</p> <p>(c) Assist in the management of stormwater to minimise flooding and reduce the effects of stormwater pollution on receiving waterways.</p> <p>(d) Ensure that development manages and mitigates flood risk, and does not exacerbate the potential for flood damage or hazard to existing development and to the public domain.</p> <p>(e) Ensure that development above the flood planning level as defined in the Sydney LEP 2012 will minimise the impact of stormwater and flooding on other developments and the public domain both during the event and after the event.</p> <p>(f) Ensure that flood risk management addresses public safety and protection from flooding.</p>	<p>A Stormwater Management and Flooding Report was provided as part of the EIS. This shows that there is no flood risk to the site from the adjoining streets.</p>
3.9 – Heritage	<p>(a) Ensure that heritage significance is considered for heritage items, development within heritage conservation areas, and development affecting archaeological sites and places of Aboriginal heritage significance.</p> <p>(b) Enhance the character and heritage significance of heritage items and heritage conservation areas and ensure that infill development is designed to respond positively to the heritage character of adjoining and nearby buildings and features of the public domain.</p>	<p>Based on the advice of the Heritage Council and the DRP, heritage impacts of the proposal are considered acceptable (Section 6.3).</p>
3.11 – Transport and Parking	<p>(a) Ensure that the demand for transport generated by development is managed in a sustainable manner.</p> <p>(b) Ensure that bike parking is considered in all development and provided in appropriately scaled developments with facilities such as change rooms, showers and secure areas for bike parking.</p> <p>(c) Establish requirements for car share schemes for the benefit of people living and or working within a development.</p> <p>(d) Design vehicle access and basement layouts and levels to maximise pedestrian safety and create high</p>	<p>Transport, traffic and access implications of the proposal are considered in Section 6.5.</p> <p>The proposal benefits from high levels of public transport accessibility, especially by being located above the new Sydney Metro station at Martin Place.</p>

quality ground level relationships between the building and the public domain.

(e) Provide accessible car parking.

Traffic and parking impacts are considered acceptable, and the recommended conditions require future travel plans to identify opportunities to maximise the use of sustainable transport choices, such as incentives and provision of cycle parking and end of trip facilities.

Loading dock arrangements are also acceptable and subject to recommended conditions to maximise efficiency and reduce pedestrian and cyclist impacts.

5.1.3 – Street frontage heights and setbacks – Martin Place Special Character Area (south site / 50 Martin Place)	<p>Enhance and complement the distinctive character of Special Character Areas with compatible development.</p> <p><u>Provisions:</u></p> <ul style="list-style-type: none"> • no additional height above 50 Martin Place • 25 m setback to Martin Place on the south site, above the street frontage height of 45 m to 55 m or the height of a heritage item on the site. 	<p>The tower is setback to Martin Place by 8m. However, 8m is consistent with the Sydney LEP which holds greater weight than the SDCP. The setback is extensively discussed in Section 6.1.</p> <p>The street frontage height of 44 m is consistent with the maximum height of 50 Martin Place (Figure 8).</p>
5.1.5 – Building bulk	<p>Reduce adverse visual and daylight impacts on the public domain by controlling the size and horizontal dimensions of the upper level floor plates of buildings</p> <ul style="list-style-type: none"> • above 45 m, the maximum horizontal dimension of any commercial building façade must not exceed 65 m • above 120 m in height, commercial floor plates must not exceed 1,400 m² GFA or 25% of site area, whichever is greater. 	<p>The maximum horizontal dimension does not exceed 65 m above a height of 45 m and does not exceed 1,400 m² floor area above a height of 120m.</p>
5.1.10 – Sun access planes	<p>To maximise sunlight to public places by establishing sun access places for Hyde Park and Martin Place, a building must not project above any part of a sun access plane.</p>	<p>The envelope does not project higher than the Hyde Park North sun access plane.</p>

Appendix F – Community views for Draft Notice of Decision

Appendix G – Recommended Instrument of Consent

See the Department's website at:

<https://www.planningportal.nsw.gov.au/major-projects/project/10616>