

# **Amending Concept DA Martin Place Station Precinct**

State Significant  
Development Assessment  
(SSD 9347)



January 2019

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Rendered elevation of indicative design of Martin Place Station Precinct (source: Applicant's EIS)

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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 and Environment
EIS	Environmental Impact Statement
EPA	Environment Protection Authority
EP&A Act	<i>Environmental Planning and Assessment Act 1979</i>
EP&A Regulation	<i>Environmental Planning and Assessment Regulation 2000</i>
EPBC Act	<i>Environment Protection and Biodiversity Conservation Act 1999</i>
EPI	Environmental Planning Instrument
ESD	Ecologically Sustainable Development
FRNSW	Fire and Rescue NSW
LEP	Local Environmental Plan
Minister	Minister for Planning
OEH	Office of Environment and Heritage
OSD	Over Station Development
RMS	Roads and Maritime Services
RtS	Response to Submissions
SEARs	Planning Secretary's Environmental Assessment Requirements
Secretary	Planning Secretary of the Department of Planning and Environment
SEPP	State Environmental Planning Policy
SRD SEPP	<i>State Environmental Planning Policy (State and Regional Development) 2011</i>
SSD	State Significant Development



## Executive Summary

This report provides the Department's assessment of an Amending Concept Development Application (DA) seeking approval for an additional building envelope for the South Tower of the Over Station Development (OSD) at the Martin Place Station Precinct.

The Amending Concept DA seeks approval for a building envelope to provide an additional 18,067m<sup>2</sup> of floor space for the South tower and a maximum height up to RL 163. 832 (as defined by the Hyde Park Sun Access Plane).

The Amending Concept DA will amend the Concept Approval SSD 8351 which approved two building envelopes, comprising a building envelope on the North Site with a GFA of 104,270 m<sup>2</sup> and a maximum height of RL 214.27 and a building envelope on the South Site with a GFA of 21,167 m<sup>2</sup> and a maximum height of RL 155.395.

The Amending Concept DA when considered in conjunction with Concept Approval SSD 8351 will provide the following on the South Site:

- an expansion of the building envelope of the South tower towards Martin Place (reducing setback to 8 m from 25 m)
- a maximum height to match Hyde Park Sun Access Plane (increase to Reduced Level (RL) 163.83 from RL 155.39), providing approximately 28 storeys of commercial development
- an additional floor area of 18,067m<sup>2</sup> (increase to approximately 39,234 m<sup>2</sup> from 21,167 m<sup>2</sup>).

The Amending Concept DA aligns with the recently adopted site-specific changes to the Sydney Local Environmental Plan 2012 (SLEP), which increased the floor space ratio and building height limits for the site. No change is proposed for the North Site in this application.

The Applicant is Macquarie Holdings Propriety Limited, and the proposal is located within the City of Sydney local government area. The Capital Investment Value (CIV) for the proposal is \$ 86.6 million and would generate 1,965 operational jobs and 621 construction jobs.

The Minister for Planning is the consent authority for the application which was declared 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 Environmental Impact Statement (EIS) between Thursday 23 August 2018 and Wednesday 19 September 2018 and received a total of 11 submissions, including:

- five government agencies provided comments and advice
- objections from the City of Sydney Council (Council) and Heritage Council NSW
- three objections from members of the public
- one objection from the National Trust of Australia (NSW).

Council reiterated their reasons of objection to the recent LEP amendments to the Martin Place Station Precinct. Council considered the LEP amendment and the Amending Concept DA are inconsistent with the character of Martin Place and will adversely affect views to the General Post Office and public domain amenity.

Council recommended that the proposed building envelope for the South Site should be amended to include 8 x 8 m building returns in its southern corners above the nominal height of 45 m podium as a transition to the adjoining development to the south. Council's recommendation was considered as part of the Applicant's Response to Submission (RtS) as discussed in **Section 6.2.3** of this report.

Heritage Council of NSW (Heritage Council) considered the Applicant's Heritage Impact Statement did not adequately address the requirements of the Design Guidelines regarding how the Stage 2 DA would mitigate the proposed setback and enlarged building envelope. Council, Heritage Council and National Trust of Australia (NSW) also raised concerns about the impacts of the proposal arising from the reduced setback and enlarged building envelope on surrounding heritage items and the character of Martin Place. The Applicant's RtS was supported by a supplementary Heritage Assessment Statement which addresses heritage concerns. In particular it:

- clarified there is no change to the approved podium of the development, which is required to match the height of the heritage building at 50 Martin Place ) in accordance with adopted Design Guidelines (**Clause 2.3.13 and 2.3.15 of Design Guidelines**)
- provided additional information to demonstrate the setbacks of existing buildings along Martin Place vary. The MLC Centre to the west has a large setback of 75m, while the Reserve Bank tower and approved 60 Martin Place tower to the east have small setbacks of 4.8m.

The Heritage Council reviewed the RtS and did not raise further concerns. See **Section 6.4** of this report.

The Government Architect (GANSW) supports the Amending Concept DA and will provide on-going advice on the proposal through the site-specific Design Review Panel (DRP) for the detailed design of buildings for the Martin Place Station Precinct.

### Assessment

In its assessment of the proposal, the Department has carefully considered the issues raised in submissions and the Applicant's response to these issues.

#### Building Envelope

The proposed building envelope complies with the site-specific amendment to the Sydney Local Environmental Plan 2012 (SLEP) (Amendment No 42). Amendment 42 increased the floor space ratio limit and height limits for the Martin Place Station Precinct to create new jobs and to support office growth in the Sydney CBD drawing on the increased transport capacity of the new Sydney Metro Martin Place Station. The proposed building envelope will provide opportunities for an additional 1,965 operational jobs at this major transport hub.

#### Setback to Martin Place

The proposed expansion of the South tower envelope with an 8 m setback to Martin Place complies with the site-specific planning controls.

The Department accepts the proposed building envelope is consistent with the character of Martin Place 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 have towers setback less than 25 m from Martin Place.

The proposed 8 m setback of the South tower from Martin Place will be respectful of heritage buildings and consistent with the character of other developments along Martin Place in accordance with Clause 2.2.4.1 of the proposed Design Guidelines supporting the Amending Concept DA (**Condition B1 a**).



The Department notes the site-specific Design Review Panel (DRP) established under the Concept Approval and the Government Architect raised no concerns with the extended tower envelope for the South Site. The DRP would continue to provide independent advice on the architectural design, including the relationship of the podium and the tower and whether any setbacks are warranted for Detailed Design DA (**Condition B1 b**).

#### Street Setbacks (to Castlereagh Street and Elizabeth Street)

The proposed tower envelope will retain a nil setback to the Castlereagh and Elizabeth Street frontages consistent with the Concept Approval SSD 8351. This is consistent with a key design principle in the Martin Place Station Precinct Consolidated Design Guidelines endorsed with the Concept Approval to 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**).

The Department notes that Council's recommendation to introduce 8 x 8 building returns at the southern corners of the envelope was previously considered by the site-specific OSD Design Review Panel (DRP) but was not supported. (Minutes of DRP Session 6 - held on 7 August 2018). The Department also considers the introduction of building returns will not provide an acceptable transition of built forms to the adjoining development to the south, which has a substantially lower podium height and tower setback of 5 m and 5.5 m to the street frontages. See **Section 6.2.4**.

The DRP recommended the southern façade of the South Site should be further considered as an elevation as a whole, considering views from both Elizabeth Street and Castlereagh Street.

To maximise opportunities for the Stage 2 Detailed Design DA to innovatively respond to the street frontage conditions specific to the Martin Place Station Precinct, the Department recommends point 3 and point 4 of Clause 2.4 of the Metro Martin Place Station Precinct Consolidated Design Guidelines (dated July 2018), prescribing zero setbacks for Elizabeth Street and Castlereagh Street should be deleted (**Condition B1 a and Condition A9 b**).

#### View Impacts

The Department's assessment as illustrated in **Section 6.3.1** of this report concludes the Amending Concept DA will not obstruct existing key public views and is compatible with the streetscape and the city skyline when compared to the Concept Approval. The Department considers the proposed envelope to Martin Place will not reduce the visual prominence of the General Post Office (GPO) clock tower as viewed from Martin Place.

The Department also notes that it is unreasonable to maintain a view corridor to St Marys Cathedral from a residential apartment at 1 Hosking Place which was only made available from the demolition of the former building on the South Site.

#### Overshadowing Impacts

The proposed building envelope complies with the Hyde Park Sun Access Plane which limits the height of the building at the site in order to minimise overshadowing impacts to Hyde Park. The Applicant's shadow modelling shows the shadow impact of the proposal mostly overlaps with the shadow cast by the building under construction at 148-160 King Street (City of Sydney consent to DA D/2015/270), with the residual shadows affecting St James Road and a minor portion of Hyde Park which is already in shadow by existing vegetation (See **Section 6.5**).

The Department notes the proposed amending envelope represents the maximum extent of future built form and the Stage 2 Detailed Design DA currently under assessment proposes a building design approximately 11 m lower than the proposed building envelope in the Amending Concept DA.

The Department therefore, considers it is appropriate to recommend a condition requiring the Stage 2 Detailed Design DA to identify opportunities to further mitigate shadow impacts to Hyde Park through better design (**Condition B2 a**).

## Heritage Impacts

Council, Heritage Council and National Trust of Australia objected to the site-specific amendments to the SLEP which permitted the increased height and density for the site and reiterated their objections to the Amending Concept DA. Their key concern related to the reduced tower setback to 8 m from Martin Place and the associated impacts on the heritage character of Martin Place and visual impacts to the clock tower of the GPO.

View impact assessments were completed during the consideration of the site-specific amendment to the SLEP and in the Applicant's EIS reviewed in the Department's assessment of the Amending Concept DA. The assessments found the proposed building envelope of the South Site will be visible in the background of the GPO clock tower but will be sufficiently separated, so not to affect the clock tower's visual prominence as viewed from Martin Place. See **Section 6.3.1**.

The podium envelope for the South Site remains unaltered by this Amending Concept Proposal and will continue to provide a clear distinction between the street wall and the tower above Martin Place. The Martin Place Station Precinct Consolidated Design Guidelines requires the detailed design of the podium to reflect the scale and materiality of 50 Martin Place at the North Site and the heritage character of Martin Place (**Clause 2.3.13 and 2.3.15 of Design Guidelines / Condition B1 a**).

## Summary

Following detailed assessment, the Department supports the proposed building envelope which complies with the site-specific amendment to the SLEP. The Department is satisfied the impacts of the proposal are acceptable or can be appropriately mitigated.

Issues raised by Government agencies, Council and the community have been addressed in the proposal, the Department's assessment report or by recommended conditions of consent. The key recommended conditions include:

- design guidelines setting out design parameters for future detailed applications on matters such as respecting the heritage value of Martin Place, reinforcing the street wall and distinctive attributes of the site with respect to Martin Place and the street frontages and establishing a sense of entry to the Martin Place Station Precinct
- independent design advice of the site-specific Design Review Panel chaired by the Government Architect NSW
- amendments to the design guidelines to maximise opportunities for the Stage 2 Detailed Design DA to innovatively respond to the street frontage conditions specific to the Martin Place Station Precinct
- additional requirement for Stage 2 Detailed Design DA to further mitigate shadow impacts to Hyde Park, despite the proposal's compliance with the SLEP's Hyde Park Sun Access Plane
- requirements to amend Concept Approval SSD 8351 to ensure consistency between the concepts for the over station development at the Martin Place Station Precinct
- future application assessment requirements for mitigating traffic, construction and other impacts.

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



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# 1. Introduction

This report provides an assessment of the State Significant Development Application (SSD 9347), the Amending Concept Development Application (DA) for the Martin Place Station Precinct (South Site Building Envelope).

Macquarie Corporate Holdings Pty Limited (the Applicant) seeks approval to amend the South Site building envelope for the over station development approved under Concept Development Application SSD 8351 for the Martin Place Station Precinct, including:

- expand the building envelope towards Martin Place (reducing the tower setback to 8 m from 25 m)
- maximum height to match Hyde Park Sun Access Plane (increase to Reduced Level (RL) 163.83 from RL 155.39), providing approximately 28 storeys of commercial development
- an additional floor area of 18,067 m<sup>2</sup> (increase to approximately 39,234 m<sup>2</sup> from 21,167 m<sup>2</sup>).

On 22 March 2018, the Minister for Planning granted approval for the Concept Development Application SSD 8351 for building envelopes for the over station development integrating 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 approved building envelopes provide for commercial developments with towers and podiums above the northern entrance (the North Site) and above the southern entrance (the South Site) of the new Martin Place Metro Station (**Figure 1**).

In May 2018, a site-specific amendment was made to the Sydney Local Environment Plan 2012 (SLEP) for the Martin Place Metro Precinct (Amendment No. 42). The new planning provisions increased the maximum floor space ratio (FSR) for the Martin Place Station Precinct and increased the maximum building height for the South Site subject to the Hyde Park Sun Access Plane.

The Applicant has lodged the Amending Concept DA in response to the new planning controls.

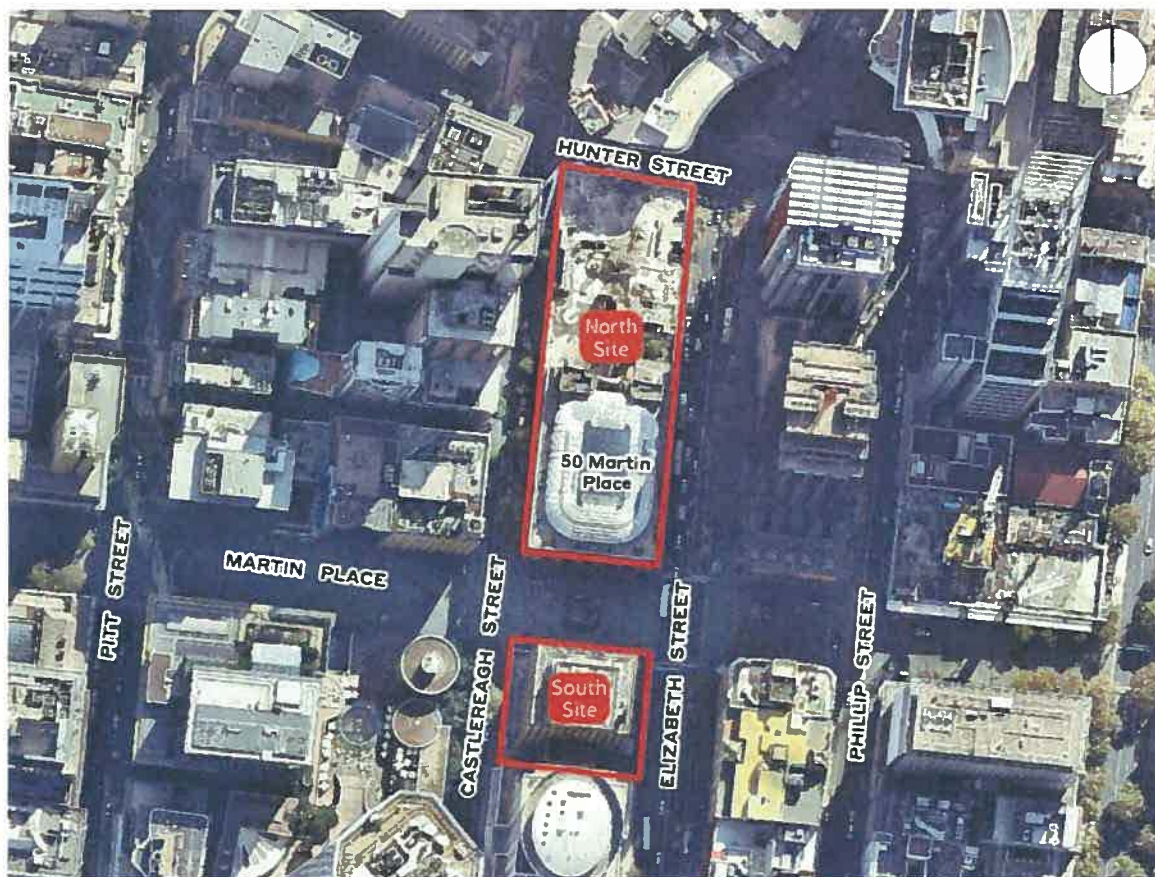
The application, if approved, will require consequential modifications to be made to the approved Concept Development Application (SSD 8351) to ensure consistencies between the concept approvals for the Precinct.

## 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, covering the section of Martin Place between Castlereagh and Elizabeth Streets. 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 (**Figure 1**).

The two sites comprise:

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



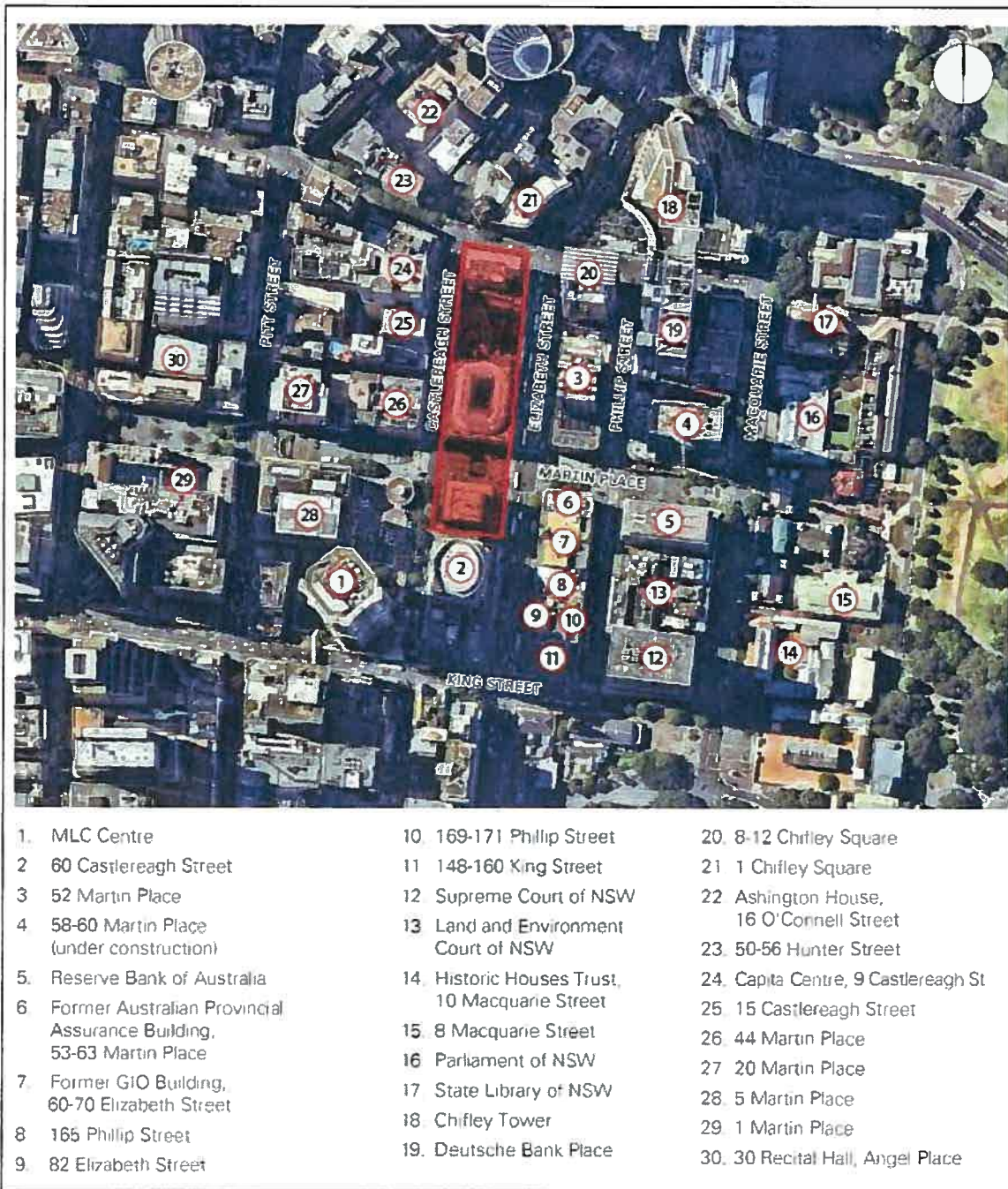
**Figure 1** | Location of Martin Place Precinct (Source: Applicant's EIS)

50 Martin Place and 7 Elizabeth Street within the North Site are State and Local listed heritage items respectively. Other notable heritage listed buildings in the locality include the Former MLC Centre, APA building, Qantas House and City Mutual building. These low scale heritage buildings with heights between 10 to 14 storeys establish the distinctive character and podium heights along Elizabeth Street and Castlereagh Street.

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

The section of Martin Place located within the Precinct also provides access into the existing Martin Place Train Station, but the entrance will be removed as part of the approved works for the new metro station and will be replaced by new entrances and connections.





**Figure 2** | Surrounding developments to the Martin Place Station Precinct (Source: Applicant's EIS)

## 1.2 South Site

The South Site (39 – 49 Martin Place, Lot 1 DP 1103195 and Lot 2 DP 1103195) bounded by Castlereagh Street, Martin Place and Elizabeth Street is regular in shape and has a site area of approximately 1,897 m<sup>2</sup>. It falls by approximately 4 m to 4.5 m from the east (Elizabeth Street) to the west (Castlereagh Street).

The previous 22-storey commercial building at the South Site has been demolished to accommodate the south entrance of the Sydney Metro station as approved under CSSI 7400 (**Figure 3**).

The southern boundary of the South Site adjoins 60 Castlereagh Street, which is a 23-storey commercial building with a 5 storey podium and 17 storey office tower above.



**Figure 3** | Previous development at the site (now demolished). Left - view from Castlereagh Street, Right - view from Martin Place. (Source: Applicant's EIS for SSD 8351)

### 1.3 Previous Approvals and Relevant 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.

#### 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 Concept Development Application for Martin Place Station Precinct (SSD 8351) providing for building envelopes for both the North Site and South Site together with Modification 3 to the CSSI 7400 to allow for the inclusion of the Applicant's owned sites at 50 Martin Place and 9-19 Elizabeth Street and to integrate the station design with the over station development.



Since the approval of SSD 8351, a site-specific amendment was made to the Sydney Local Environment Plan 2012 (SLEP) for the Martin Place Metro Precinct (Amendment No. 42) allowing for increased maximum floor space ratio (FSR) for the Martin Place Station Precinct and increased maximum building height for the South Site subject to the Hyde Park Sun Access Plane.

The Amending Concept DA will modify the building envelopes for the South Site approved under SSD 8351 to address 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 by **Figure 4**.

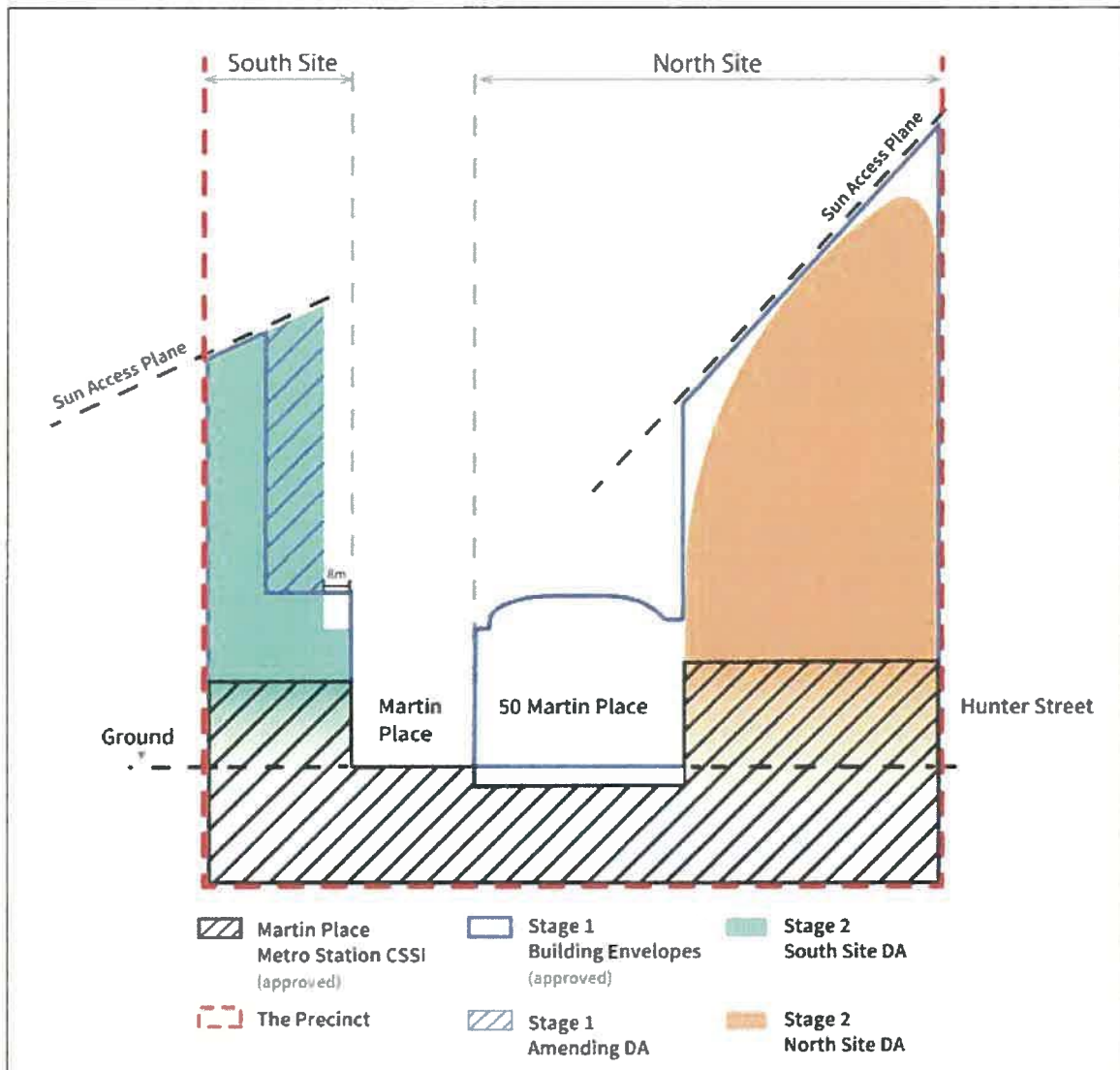
**Table 1** | Summary of Previous Approvals

Approvals	Description	Date	Authority
CSSI 7400 Sydney Metro City and Southwest (Chatswood to Sydenham)	<p>Critical State Significant Infrastructure approval for the construction and operation of the Sydney Metro City and Southwest between Chatswood and Sydenham, including approval for 16.5 km of rail line, a tunnel under Sydney Harbour, links with the existing rail network, seven metro stations (including Martin Place) and associated infrastructure.</p> <p>The approval as it relates to the new station at Martin Place allows:</p> <ul style="list-style-type: none"> <li>• demolition of existing buildings within the Precinct to facilitate the construction of the station (excluding 50 Martin Place and 9-19 Elizabeth Street)</li> <li>• removal of an existing station entrance on Martin Place, which provides access to the T4 Eastern Suburbs line</li> <li>• construction of two new station entrances (height of approximately two to three storeys)</li> <li>• non-rail related floor space within the station envelope (GFA of approximately 6,500 m<sup>2</sup> for the North Site and 2,500 m<sup>2</sup> for the South Site), which will be used for retail and other similar uses.</li> </ul>	9 January 2017	Minister
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 layout, including:</p> <ul style="list-style-type: none"> <li>• the addition of 9-19 Elizabeth Street and alterations to the street level layout of the station entries</li> <li>• provision of a new unpaid concourse link between the northern and southern station entries, extending beneath 50 Martin Place</li> <li>• retention of the existing MLC pedestrian link and works to connect it to the Sydney Metro station.</li> </ul>	22 March 2018	Minister
SSD 8351 Stage 1 Concept Approval	<p>Concept Approval for Sydney Metro Martin Place over station development, providing:</p> <ul style="list-style-type: none"> <li>• a maximum GFA of 125,437 m<sup>2</sup></li> <li>• a building envelope on the North Site, with a GFA of 104,270 m<sup>2</sup> and a maximum height of RL 214.27</li> <li>• a building envelope on the South Site, with a GFA of 21,167 m<sup>2</sup> and a maximum height of RL 155.395.</li> </ul>	22 March 2018	Minister

- 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

Delegate for  
the Greater  
Sydney  
Commission



**Figure 4** | Relationship between key applications (Source: Applicant's SEARs request for SSD 9347)

### Related Applications

On 4 October 2018, the Applicant has also submitted two separate Detailed Development Applications (SSD 9270 and SSD 9326) seeking approval for the construction and use of Over Station Developments for both the North Site and South Site. (**Table 2, Figure 4, 5 and Figure 6**)

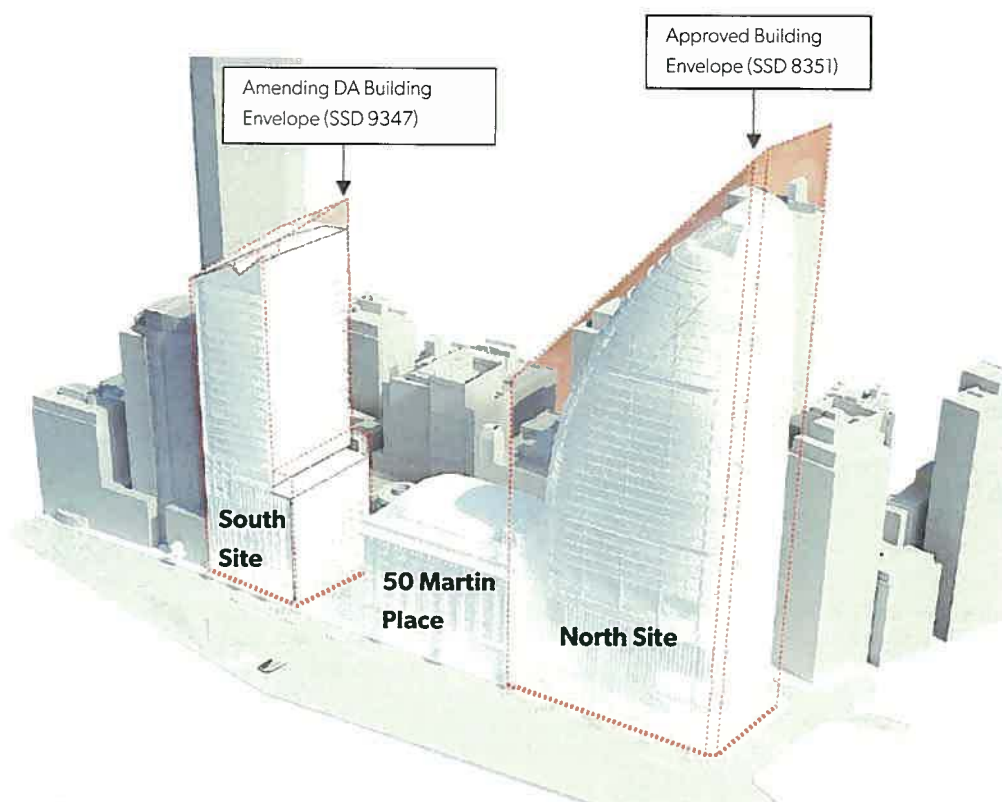
The Detailed Application for the South Site seeks approval for gross floor area and built forms that are consistent with this Amending Concept DA. The Detailed Application, therefore, cannot be determined until after the determination of the Amending Concept DA. Details of the related applications are provided in **Table 2**.

**Table 2** | Detailed Applications

Related Applications	Description	Status	Authority
SSD 9270 North Site	<p>Construction and use of a 39-storey (plus rooftop plant) commercial tower above the northern entrance of the new Martin Place Metro Station providing:</p> <ul style="list-style-type: none"> <li>75,498m<sup>2</sup> Gross Floor Area (GFA) including 1,017m<sup>2</sup> for retail use and 74,481m<sup>2</sup> for office use</li> <li>new connections between the proposed podium and the existing 50 Martin Place building</li> <li>signage zones for building identification</li> <li>vehicle loading, bicycle parking and end-of-trip and service facilities for both over station development at the north and south site</li> <li>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.</li> </ul>	Under assessment	Minister
SSD 9326 South Site	<p>Construction and use of a 28 storey (plus rooftop plant) commercial tower with a nine storey podium above the southern entrance of the new Martin Place Metro Station providing:</p> <ul style="list-style-type: none"> <li>37,553m<sup>2</sup> Gross Floor Area including 1,222m<sup>2</sup> for retail use and 36,331m<sup>2</sup> for office use</li> <li>signage zones for building identification</li> <li>vehicle loading and service facilities within the basement and shared use of facilities on the North Site</li> <li>the use of bicycle parking and end of trip facilities located on the North Site</li> <li>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.</li> </ul>	Under assessment	Minister



**Figure 5** | Photomontages of Detailed Applications for the over station development. Left: North Site - SSD 9270, Right: South Site - SSD 9326 (Source: EISs for SSD 9270 and SSD 9326)



**Figure 6** | Diagram showing Building Envelopes and proposed detailed designs for the over station development (Source: EIS for SSD 9326 with added annotations)



## 2. Project

### 2.1 The Proposal

The application seeks approval for an additional building envelope to the South tower of the approved over station development under the approved Concept Proposal SSD 8351 for the Martin Place Station Precinct. It seeks to address the new planning controls applying to the Precinct under the *Sydney Local Environmental Plan 2012* (Amendment No 42) that came into effect after the approval of SSD 8351.

The additional building envelope provides:

- expansion of the building envelope of the South tower towards Martin Place (reducing setback to 8 m from 25 m)
- maximum height to match Hyde Park Sun Access Plane (increase to Reduced Level (RL) 163.83 from RL 155.39), providing approximately 28 storeys of commercial development
- additional floor area of 18,067m<sup>2</sup> (increase to approximately 39,234 m<sup>2</sup> from 21,167 m<sup>2</sup>).

No change is proposed for the approved podium building envelope or the integration between the approved over station development and the new metro station.

A comparison of the approved building envelope for the South Site under Concept Approval SSD 8351, SLEP 2012 Amendment No 42 and the proposed Amending Concept DA SSD 9347 is provided in **Table 3 and Figure 7**.

**Table 3** | Comparison of changes to the South Site Building Envelope

Component	Approved Concept SSD 8351 (South Site)	SLEP 2012 (Amendment No 42)	Amending Concept DA SSD 9347
Building height (Tower)	Maximum building height from RL 155.395 (Approx. 28 storeys)	Hyde Park North Sun Access Plane	Maximum RL 163.832
Tower setback from Martin Place above podium / 55m (RL 76.95)	25 m	8 m	8 m
GFA for over station development on South Site	Maximum 21,167m <sup>2</sup>	LEP applies to total development – see below	Additional 18,067m <sup>2</sup> (Maximum 39,234m <sup>2</sup> )
Total floor space ratio (FSR) (over station development only)	11.2:1	LEP applies to total development – see below	20.7:1
Total FSR (including approximately 2500m <sup>2</sup> station floor space)	Approx. 12.48:1	22:1	22:1



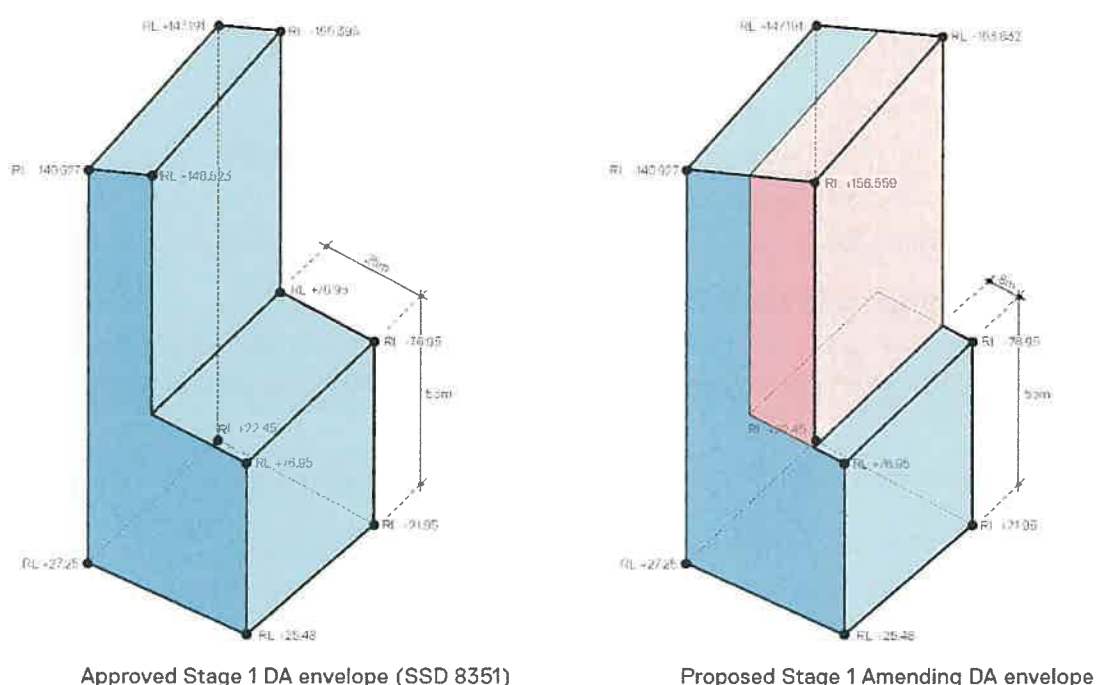
**Note:** For the purposes of calculating FSR, the South Site has a site area of 1,897m<sup>2</sup>, being the land area of 39-49 Martin Place (Lot 1 DP 1103195 and Lot 2 DP 1103195). The maximum permissible FSR includes the GFA of the over station development and the station uses covered by the CSSI Approval.

## 2.2 Relationship to original Concept Approval SSD 8351

No change is proposed to the building envelope for the North Site or the commercial land uses on both Sites. The additional floor space in the expanded southern building envelope will be used exclusively for office premises consistent with the approved Concept Application SSD 8351.

The Amending Concept DA, if approved, will require consequential modifications to be made to the approved Concept Application to ensure consistencies between the concept approvals applying to the site and any subsequent applications, particularly for the South Site.

Development consent for the Concept Application SSD 8351, including approved plans and conditions of consent will continue to operate unless modified. Appendix V of the submitted EIS identifies the requested changes to the approved plans and conditions to development consent for SSD 8351 if the Amending Concept DA is approved, including minor amendments to the endorsed Consolidated Design Guidelines.



**Figure 7** | Building Envelopes - Approved Concept SSD 8351 and Amending Concept DA SSD 9347 (area subject to the Amending Concept DA is identified in Pink) (Source: Applicant's EIS)



## 3. Strategic Context

### 3.1 Greater Sydney Regional 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 Region Plan, as it supports productivity through the growth in jobs within the Harbour City. In doing so, it supports integrating land use and transport contributing to a walkable '30-minute city' and through an increase in office accommodation within a highly accessible part of the Harbour City.

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

- provide services and commercial infrastructure (Planning Priority E3)
- 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)
- 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 contribute to the job growth and support 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 Related Development

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

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

### 4.2 Permissibility

The site is within the B8 Metropolitan Centre zone in the SLEP 2012. Commercial uses (comprising offices, 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 Environmental Planning instruments

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

- State Environmental Planning Policy (State & Regional Development) 2011 (SRD SEPP)
- State Environmental Planning Policy (Infrastructure) 2007 (ISEPP)
- State Environmental Planning Policy No. 55 – Remediation of Land
- Sydney Local Environmental Plan 2012 (SLEP).

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.

### 4.4 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 **Table 4** below.

**Table 4.** 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 conservation of the State's natural and other resources	<ul style="list-style-type: none"><li>• 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.</li><li>• the proposal comprises development above the approved station infrastructure and does not have any impacts on the State's natural or other resources.</li></ul>

## Objects of Section 1.3 of the EP&A Act

## Consideration

(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"> <li>The proposal has integrated ESD principles as discussed in <b>Section 4.5</b>.</li> </ul>
(c) to promote the orderly and economic use and development of land	<ul style="list-style-type: none"> <li>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.</li> </ul>
(d) to promote the delivery and maintenance of affordable housing	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"> <li>the proposal, comprising commercial development above the Sydney Metro station, will not have any natural environmental impacts.</li> </ul>
(f) to promote the sustainable management of built and cultural heritage (including Aboriginal cultural heritage)	<ul style="list-style-type: none"> <li>the Department considers that the heritage impacts of the development are acceptable, as set out in <b>Section 6.4</b>.</li> </ul>
(g) to promote good design and amenity of the built environment	<ul style="list-style-type: none"> <li>the proposal demonstrates a good design approach to the relevant planning controls and local character. Amenity impacts in the locality are managed by either the form of the development.</li> </ul>
(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"> <li>the application is for concept approval and does not include the construction of the development. Nevertheless, construction impacts of the concept are considered in this assessment.</li> </ul>
(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"> <li>The Department publicly exhibited the amending DA as outlined in <b>Section 5</b>. This section included consultation with Council and other public authorities and consideration of their responses.</li> </ul>
(j) to provide increased opportunity for community participation in environmental planning and assessment.	<ul style="list-style-type: none"> <li>The Department publicly exhibited the amending DA which included notifying adjoining landowners, placing a notice in the press and displaying the application on the Department's 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.</li> </ul>

- All engagement carried out by the Department is detailed in **Section 5** of this assessment.

#### 4.5 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.

#### 4.6 Secretary's Environmental Assessment Requirements (SEARS)

On 6 June 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 Thursday 23 August 2018 until Wednesday 19 September 2018 (28 days):

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

The Department placed a public exhibition notice in the Central Courier, the Daily Telegraph and the Sydney Morning Herald on Wednesday 22 August 2018. Adjoining landholders were notified in writing.

The application was also referred to:

- City of Sydney Council (Council)
- Roads and Maritime Services (RMS)
- Government Architect NSW (GANSW)
- Transport for NSW (TfNSW)
- Office of Environment and Heritage (OEHL)
- Fire and Rescue NSW
- Heritage Council NSW
- Environmental Protection Authority
- Sydney Trains
- Civil Aviation Civil Authority (CACA)
- Sydney Airport Corporation
- Sydney Water
- Ausgrid
- NSW Police.

### 5.2 Summary of Submissions

During the exhibition period, the Department received 11 submissions, including:

- five submissions from government agencies providing comments and advice
- objections from the City of Sydney Council and Heritage Council NSW
- three objections from members of the public
- one objection from National Trust Australia (NSW).

### 5.3 Key Issues – Government Agencies

The Department received comments from five government agencies during exhibition as summarised below in **Table 5** below. A full copy of the submissions is available on the Department's website.

**Table 5** | Key issues - Government agencies.

Agency
<b>Fire and Rescue</b>
Fire and Rescue did not object to the proposed amending DA and confirmed receipt of the notification letter.
<b>Water NSW</b>
Water NSW did not object to the proposed amending DA and confirmed that the subject site is not on Water NSW lands or infrastructure.
<b>CASA</b>
CASA did not object to the proposed amending DA but advised that the applicant should seek approval for a controlled activity approval through Sydney Airports Corporation Ltd (SACL).
<b>NSW EPA</b>
NSW EPA advised that proposal does not constitute a Scheduled Activity under Schedule 1 of the Protection of the Environment Operations Act 1997.
<b>Heritage Council NSW</b>
Heritage Council NSW disagreed with the findings of the Applicant's Heritage Impact Statement. The Heritage Council considered the potential heritage impacts to be noticeable rather than negligible as claimed by the Applicant and the proposal would impact on the established character of Martin Place by altering the established setback and scale.  Heritage Council also considered the application did not adequately address the impacts of the proposal arising from the reduced setback and enlarged building envelope on surrounding heritage items and the character of Martin Place.

## 5.4 Key Issues – Council/Community/Special Interest Groups

### 5.4.1 Council's key issues

Council reiterated their reasons of objection to Amendment No 42 to SLEP which provided for the increased maximum height and floor space ratio for the South Site of the Martin Place Station Precinct. Council considered the Amendment No 42 to SLEP and the Amending Concept DA are inconsistent with the character of Martin Place and would adversely affect views to the General Post Office and public domain amenity.

Council recommended that the proposed building envelope for the South Site should be amended to include 8 x 8 m building returns in its southern corners above the nominal height of 45 m podium as a transition to the adjoining development to the south.

### 5.4.2 Community issues

A summary of the three public submissions is provided in **Table 6** below, and a full copy of the submissions is available on the Department's website. (**Appendix C**)

**Table 6** | Community Issues

Community issues
The objector considered the reduced tower setback will result in "narrowing" of existing public views along Martin Place as one of the few wide boulevards in Sydney for special events.
The objector requested that the proposal should be accompanied by a voluntary planning agreement offering public benefits commensurate with the scale of the proposed increase in floor space and height.

The objector raised concerns with respect to a loss of view to the south east from their unit.

#### **5.4.3 Special Interest Group**

The National Trust of Australia (NSW) objected to the proposal. It considered the reduced tower setback from Martin Place from 25 m to the proposed 8 m would adversely impact the maintenance of the sense of human scale of Martin Place for public use.

### **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 5 November 2018 (**Appendix D**). The RtS and additional information were accompanied by the following:

- additional Urban Design Analysis, including consideration of Council's recommendation for 8 x 8 m building returns at the southern corners of the South tower building envelope
- supplementary wind, heritage and floorplate assessments
- written response to submissions.

The RtS was made publicly available on the Department's website and was referred to relevant public authorities. Council considered the RtS and considered issues raised in their original submission continued to apply. Heritage Council acknowledged the receipt of the RtS and provided no further comment.



## 6. Assessment

### 6.1 Key Assessment Issues

The Department has undertaken a comprehensive assessment of the merits 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.

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

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

- building envelope
- view impacts
- heritage impacts
- overshadowing and solar access.

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

### 6.2 Building Envelope

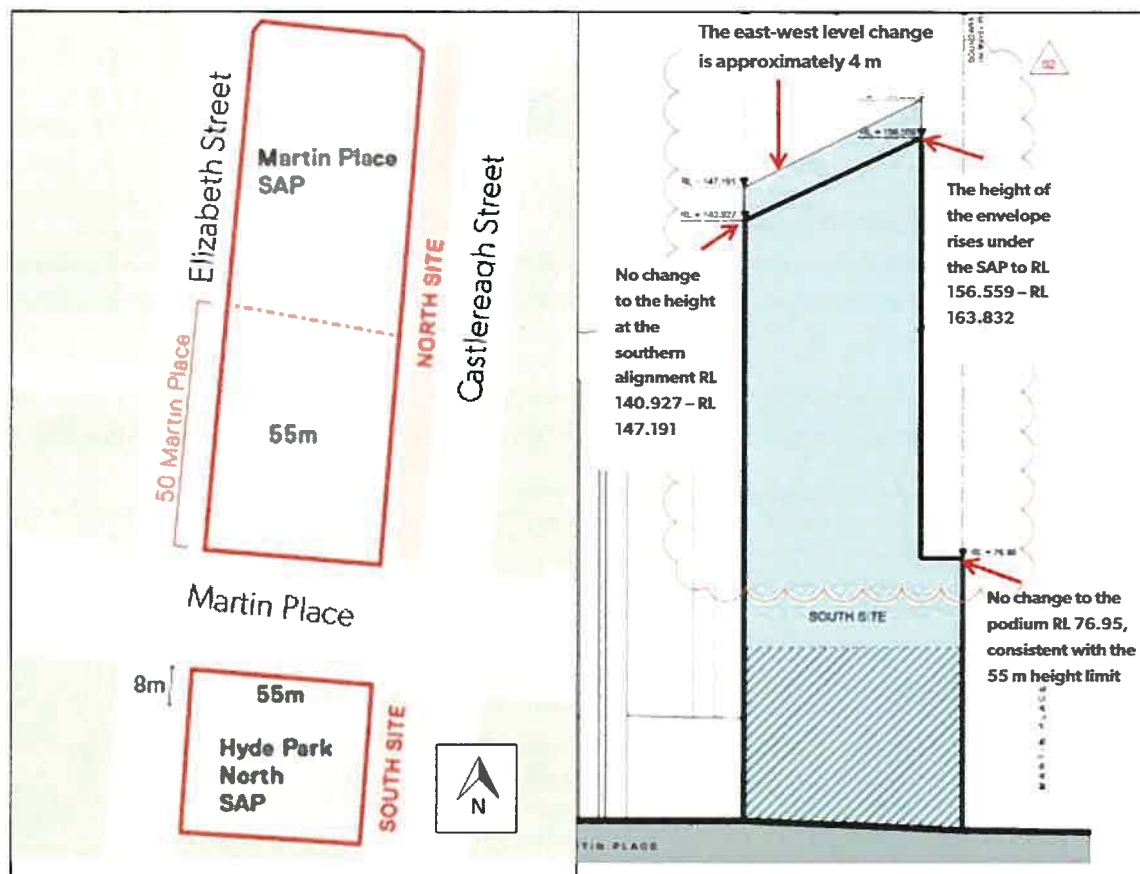
The Amending Concept DA seeks approval for a building envelope to provide an additional 18,067m<sup>2</sup> of floor space for the South tower with a maximum height up to RL 163.832 (as defined by the Hyde Park Sun Access Plane). The Amending Concept DA when considered in conjunction with Concept Approval SSD 8351 will provide on the South Site:

- an expansion of the building envelope of the South tower towards Martin Place (reducing setback to 8 m from 25 m)
- a maximum height to match Hyde Park Sun Access Plane (increase to Reduced Level (RL) 163.83 from RL 155.39), providing approximately 28 storeys of commercial development
- an additional floor area of 18,067m<sup>2</sup> (increase to approximately 39,234 m<sup>2</sup> from 21,167 m<sup>2</sup>).

The key aspects of the proposed building envelope are described in **Section 2.1**.

#### 6.2.1 Building Height

The maximum height of the proposed building envelope rises from the southern boundary towards Martin Place, consistent with the Hyde Park North Sun Access Planes (SAP) to a maximum height at RL 163.832. The proposed building envelope is consistent with the building height controls applicable to the Precinct in accordance with SLEP 2012 as illustrated below (**Figure 8**).



**Figure 8** | Left: Building height controls applicable to the Precinct under SLEP 2012, Right: Building Envelope Drawing – Castlereagh Street Elevation (source: EIS with annotation added)

The height of the podium envelope remains unchanged at RL 76.95, which is compliant with the 55 m height limit for that component fronting Martin Place as determined under Concept Approval SSD 8351.

### 6.2.2 Floor Space Ratio

The maximum FSR control is contained within clause 6.38 of SLEP 2012, which equates to 22:1 for the South Site and 18.5:1 for the North Site. The proposed GFA/FSR for the South Site would increase from 21,167 m<sup>2</sup> (12.5:1) to 39,234 m<sup>2</sup> (22:1) as a result of the enlarged building envelope (**Table 7**).

**Table 7** | Approved and Proposed GFA and FSR

Site	Approved GFA (m <sup>2</sup> )	Proposed GFA (m <sup>2</sup> )	FSR (including approximately 2500m <sup>2</sup> station floor space)	Development Standard	Complies
South	21,167	39,234	22:1	22:1	Yes
North (includes 50 Martin Place)	104,270	104,270	18.39:1	18.5:1	Yes
Total	125,437	143,504			

Council raised concerns with the lack of analysis to justify the increase in GFA on the South Site. A public submission also raised concerns with the amount of floorspace proposed on the site.



The Applicant argued the FSR has already been approved under the site-specific amendment to SLEP 2012, which now permits a maximum FSR of 22:1 on the South Site. In supporting site-specific amendment to SLEP 2012, the delegates of the Greater Sydney Commission accepted that the additional density had strategic merit given the commercial location of the site in the CBD and its excellent access to public transport infrastructure.

## Conclusion

The Department considers the proposed FSR is appropriate for the South Site because it:

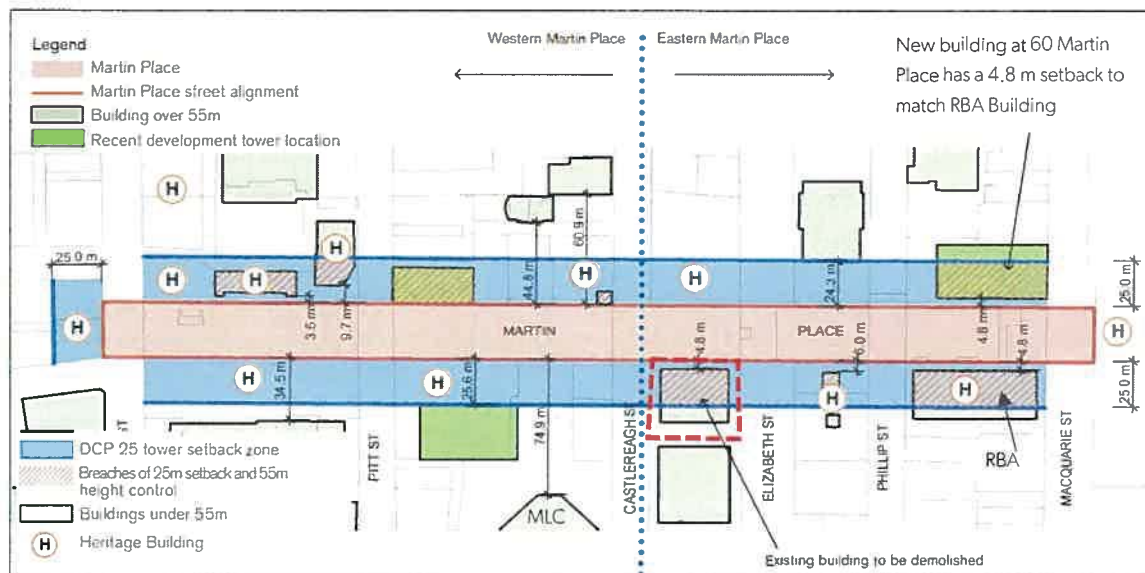
- complies with the maximum FSR development standard, which was assessed and deemed to be acceptable under the site-specific amendment to the SLEP 2012
- is the maximum achievable and would allow sufficient flexibility at the detailed design phase
- provides a new density and scale of development that supports the Precinct's role as a major transport hub.

### 6.2.3 Tower Setback from Martin Place

The 8 m setback to Martin Place of the proposed building envelope (reduced from 25 m setback compared to the Concept Approval) is permitted by the site-specific amendments under clause 6.38 of SLEP 2012. No change is proposed to the approved podium envelope, which maintains a nil setback to Martin Place, Elizabeth Street and Castlereagh Street.

Council considers the proposed tower envelope on the South Site would reduce the prominence of the GPO clock tower when viewed from within Martin Place, close in the sky view and overshadow the public forecourt of the MLC centre to the west. Council recommends the setback of the tower envelope be increased to 25 m in accordance with the street frontage height requirement for the South Site in the Martin Place SCA under SDCP 2012.

The Department notes buildings along Martin Place vary in both height and setbacks and are not characterised by a consistent 25 m setback above the street wall (Figure 9). This includes recent development approved at 60 Martin Place with tower setback of a 4.8 m from Martin Place. The middle blocks of Martin Place, where the South Site is located, are a mix of building forms with a distinctive break in the street wall at the MLC Centre site.



**Figure 9** | Applicant's EIS – Urban Design Analysis – South Site marked with red dotted line (Source: EIS)

The Applicant's urban design analysis also demonstrates the 8 m setback will reinforce the existing site condition where the street wall of Martin Place is broken by the MLC centre creating two distinct places in Martin Place. These

two places are aligned with the core functional uses of Martin Place with ceremonial and event uses to the west and commercial uses and transport interchange to the east. This ground level condition is reinforced by the tower setbacks on the south side of Martin Place, which are in the order of 25 m or greater to the west and 4.8 m to the east.

The Department considers the footprint of the amending tower envelope replicates and is balanced with other existing and approved tower developments in Martin Place. Due to the shallow depth of the South Site, if a 25 m setback is applied from Martin Place, this only leaves an approximate floor plate of 450 m<sup>2</sup> (GFA) and a slender building width of only 16 m. This will significantly reduce the potential of the tower to accommodate A-grade commercial development at this prime business and commercial precinct in the CBD and will be out of context with other tower developments along Martin Place, which are generally of greater bulk and footprint.

The proposed floorplate for the tower development would maximise the versatility of this space, while still ensuring the creation of a separate tower element that is distinct from the podium.

### Conclusion

The Department is satisfied that the proposed building envelope is appropriate for the south tower for the reasons below:

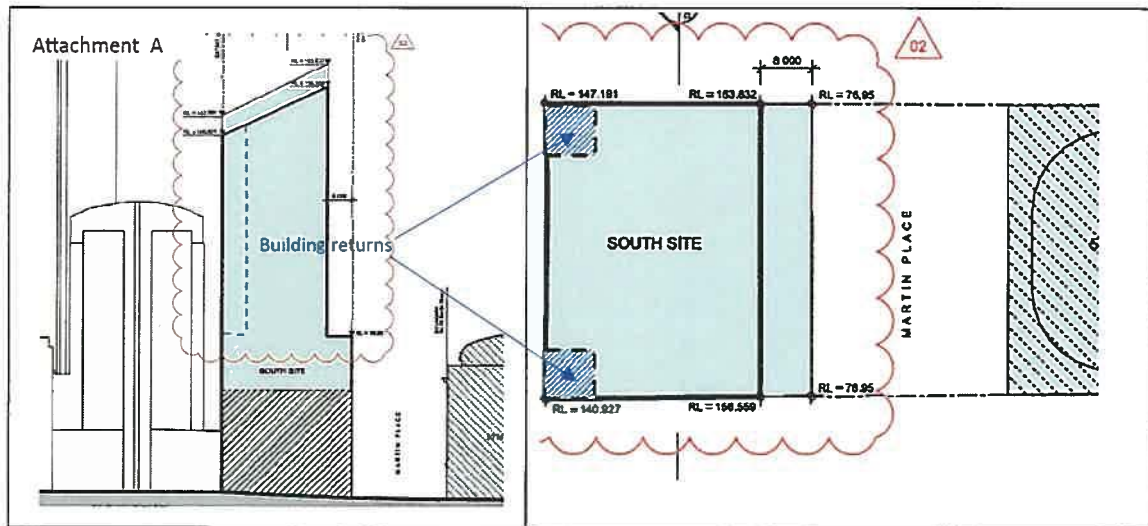
- the tower envelope with 8 m setback from Martin Place complies with the site-specific FSR and height controls under SLEP 2012 (**Appendix E**)
- the podium envelope, unaltered by this Amending Concept DA, will continue to define the street edge along Martin Place
- the proposed 8 m setback of the South tower from Martin Place will be respectful of heritage buildings and consistent with the character of developments along Martin Place. This will be reinforced by Clause 2.2.4.1 of the proposed amended Design Guidelines supporting the Amending Concept DA (**Condition B 1 a) and Condition A9 b)**)
- the proposed building envelope will have acceptable view impacts with respect to the GPO clock tower, other key public views, streetscape and sky view as assessed in **Section 6.3.1** and **Section 6.3.2**
- the overshadowing impacts are reasonable and within the parameters of the LEP Hyde Park Sun Access Plane control and would not reduce the amenity of key public spaces at lunchtime (**See Section 6.5**).

The Department notes the DRP and the Government Architect raised no concerns with the extended tower envelope for the South Site. The DRP would continue to provide independent advice on the architectural design, including the relationship of the podium and the tower and whether any street setbacks are warranted for the Detailed DA.

### 6.2.4 Tower Setbacks from Castlereagh and Elizabeth Street

The proposed tower envelope will retain a nil setback to the Castlereagh and Elizabeth Street frontages consistent with the Concept Approval.

Council objected to the absence of a podium form with tower setbacks to the Castlereagh and Elizabeth Street on the grounds of reduced environmental amenity to the public domain and poor building fit. Council has recommended building returns of 8 m by 8 m be incorporated in the southern corners of the envelope as a transition to the adjoining development to the south (60 Castlereagh Street) above the podium height (**Figure 10**).



**Figure 10** | Attachment A in Council's objection requested 8 by 8 m building returns to be provided at the southern corners (Left: Castlereagh Street Elevation, Right: plan view) (Source: Council's objection)

The Applicant's RtS and a supplementary urban design analysis argued Council's recommendation would not deliver improvement to the urban design outcomes of the proposal because:

- a zero setback to the southern boundary was approved under the Concept Proposal (SSD 8351) and supported by the endorsed Martin Place Station Precinct Consolidated Design Guidelines. Introducing recesses in the façade will compromise the legibility of the proposed built forms in providing a clear sense of arrival to the Martin Place Station Precinct
- the 8 m by 8 m recesses at a height of 45m do not relate to the podium height or tower setbacks of the existing development to the south, which does not have a 45 m podium nor 8 m tower setbacks
- the introduction of 8 m by 8 m recesses above the podium would reduce the area of usable floor space to 972m<sup>2</sup> of Net Lettable Area (NLA). This reduced floorplate impacts the ability of the South Tower to attract and accommodate large multi-floor occupants at a prime business location in Sydney CBD
- the recesses will not result in any additional environmental benefit in terms of pedestrian wind amenity, solar access and overshadowing to the public domain or visual impacts as demonstrated in the Applicant's supporting supplementary technical studies.

The Applicant also submitted that Council's recommended amendment will have a significant impact on the building structure and its integration with the approved Martin Place Metro station, including impacts to the location of the Tunnel Vent as identified on the Applicant's floorplate study submitted with the RtS.

### Considerations

The Department notes Council's request to introduce building returns requires amendments to the building envelope already approved under the Concept Approval SSD 8351 and is not part of the proposed additional building envelope under the Amending Concept DA (a northern extension of the south tower facing Martin Place).

The Department considers the introduction of building returns will not provide an acceptable transition of built forms to the adjoining development to the south, which has a substantially lower podium height of approximately 35 m and tower setback of 5 m and 5.5 m to the street frontages (**Figure 11**). Existing development further to the south within this city block also does not adopt any setback to Castlereagh Street or Elizabeth Street and does not have a podium.



**Figure 11** | Left: Perspective of the proposed Detailed DA from the south east along Elizabeth Street demonstrating the role of the southern wall in creating a threshold to Martin Place. Right: Perspective of the Detailed DA from the south east along Elizabeth Street with an 8 x 8 m recess as proposed by the Council. (Source: Applicant's RtS, supplementary urban design analysis)

The Department also considers the amendments to the southern corners is inconsistent with a key design principle in the Martin Place Station Precinct Consolidated Design Guidelines endorsed with the Concept Approval (Clause 2.3.6 of Consolidated Design Guidelines). The Guidelines seek to establish defining thresholds to the Martin Place Station Precinct. The Department considers that building returns in the southern corners will weaken the street edges of the building which establishes a clear sense of arrival to Martin Place Station Precinct. It seeks to create a defined street edge and a clear sense of entry. **(Figure 11)**

The Department notes the introduction of a building return at the southern corners of the envelope was previously considered by the site-specific OSD Design Review Panel (DRP) but was not supported (Advice of DRP Session 6 - held on 7 August 2018). The DRP recommended the southern façade of the building should be further considered as an elevation as a whole, considering views from both Elizabeth Street and Castlereagh Street. The DPR also requested that the Detailed DA should consider further articulation and texturing of this façade to reduce its visual scale and to be compatible with the existing streetscapes.

### Conclusion

The Department's assessment concludes the proposed extension of the tower envelope to the north (towards Martin Place) with corresponding nil setback to the streets is acceptable. The Amending Concept DA will establish the maximum building envelope for the South Site consistent with the site-specific LEP amendment and endorsed design principles in the Martin Place Station Precinct Consolidated Design Guidelines in the Concept Approval.

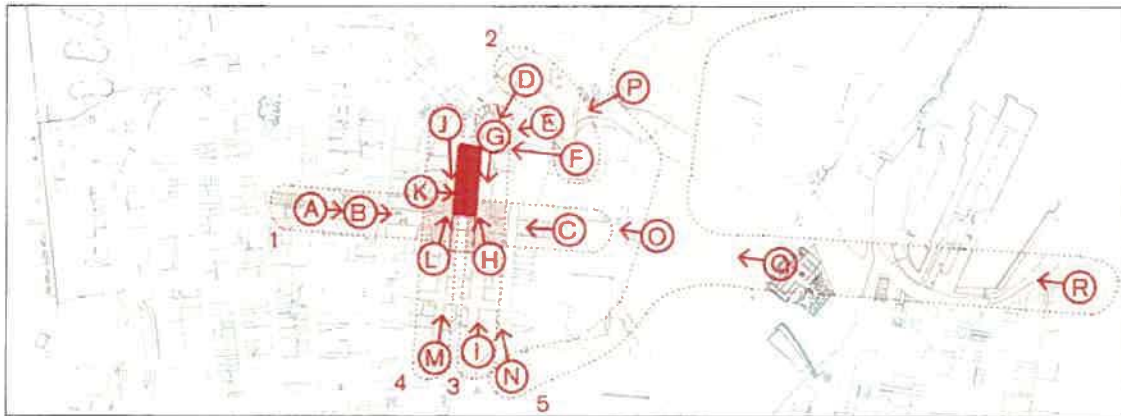
The Department however, does not support the prescription of zero setbacks proposed to be introduced in the Martin Place Station Precinct Consolidated Design Guidelines as part the Amending Concept DA. To maximise opportunities for the Detailed DA to innovatively respond to the street frontage conditions specific to the Martin Place Station Precinct, the Department recommends point 3 and point 4 of Clause 2.4 of the Metro Martin Place



Station Precinct Consolidated Design Guidelines (dated July 2018), prescribing zero setbacks for Elizabeth Street and Castlereagh Street should be deleted (**Condition A9**).

### 6.3 View Impacts

The EIS includes a View Impact Analysis (VIA) to examine the view impacts associated with the increased mass of the tower envelope on the South Site. The VIA includes key views from four locations including Martin Place, Chifley and Richard Johnson Squares, Elizabeth Street, Castlereagh Street and in the context of distant views of the skyline (**Figure 12**).



**Figure 12** | Key Views Location Map - 1. Martin Place, 2. Chifley and Richard Johnson Square 3. Elizabeth Street, 4. Castlereagh Street, 5. City Skyline (Source: Applicant's EIS Appendix L)

SDCP 2012 also establishes guidelines for private developments and the relationship to public views, including buildings are not to impede views from the public domain to highly utilised public spaces and to improve views to important places and heritage buildings. There are also a number of key protected views under the draft Central Sydney Planning Strategy 2016 (draft CSPS 2016), including east and west along Martin Place. Of particular significance are the views of GPO clock tower and the western sky from Martin Place (**Location 1 - View A**).

#### 6.3.1 Key Public Views

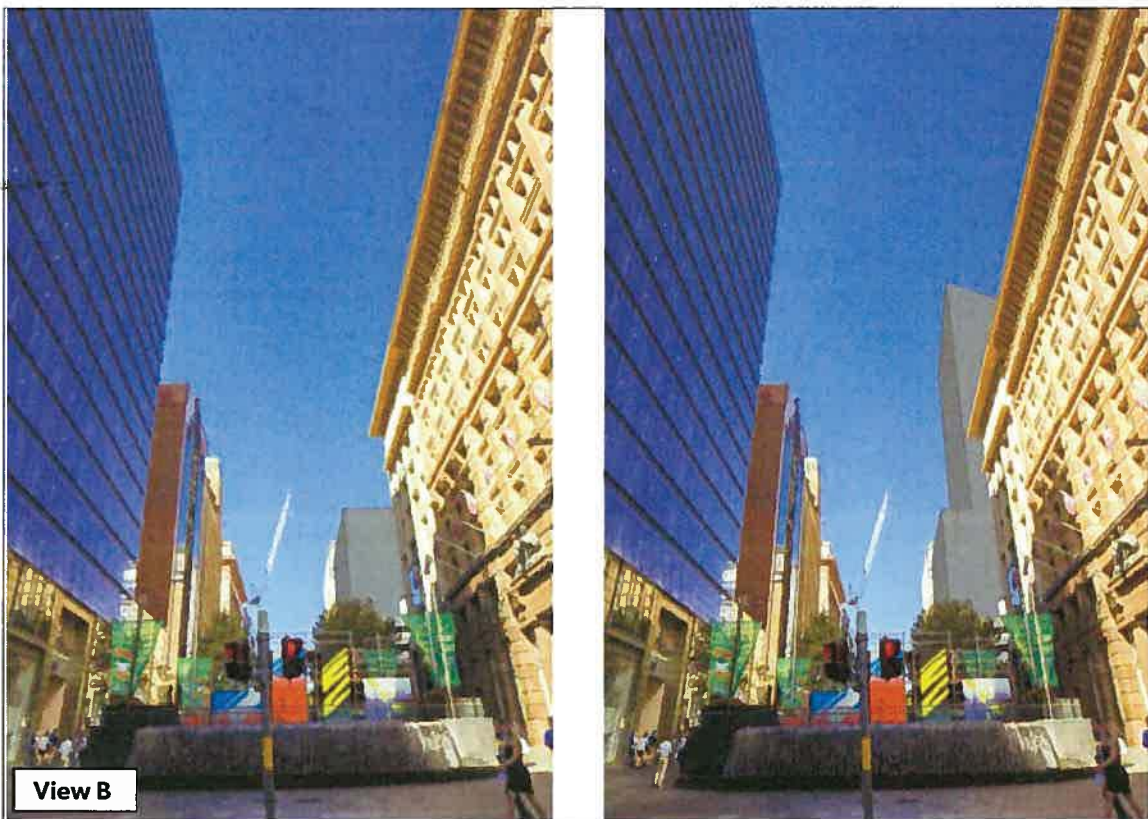
##### 1. Martin Place (including view to GPO Clock Tower)

The VIA shows three key views within Martin Place looking towards the site: View A – taken from the western end of Martin Place looking east, View B – taken from the western side of Pitt Street looking east and View C – taken from the eastern end of Martin Place looking west.

View A at the western end of Martin Place is enclosed by sandstone facades of the GPO building, Challis House, the former Colonial Mutual Building and the former Commonwealth Bank building occupying the foreground (**Figure 13**). A key concern raised by Council relates to the impact on views along Martin Place, in particular the GPO clock tower. View A illustrates the building envelope for the South Site will be visible in the background of the GPO clock tower but will be sufficiently separated, so not to affect the clock tower's visual prominence as viewed from Martin Place.

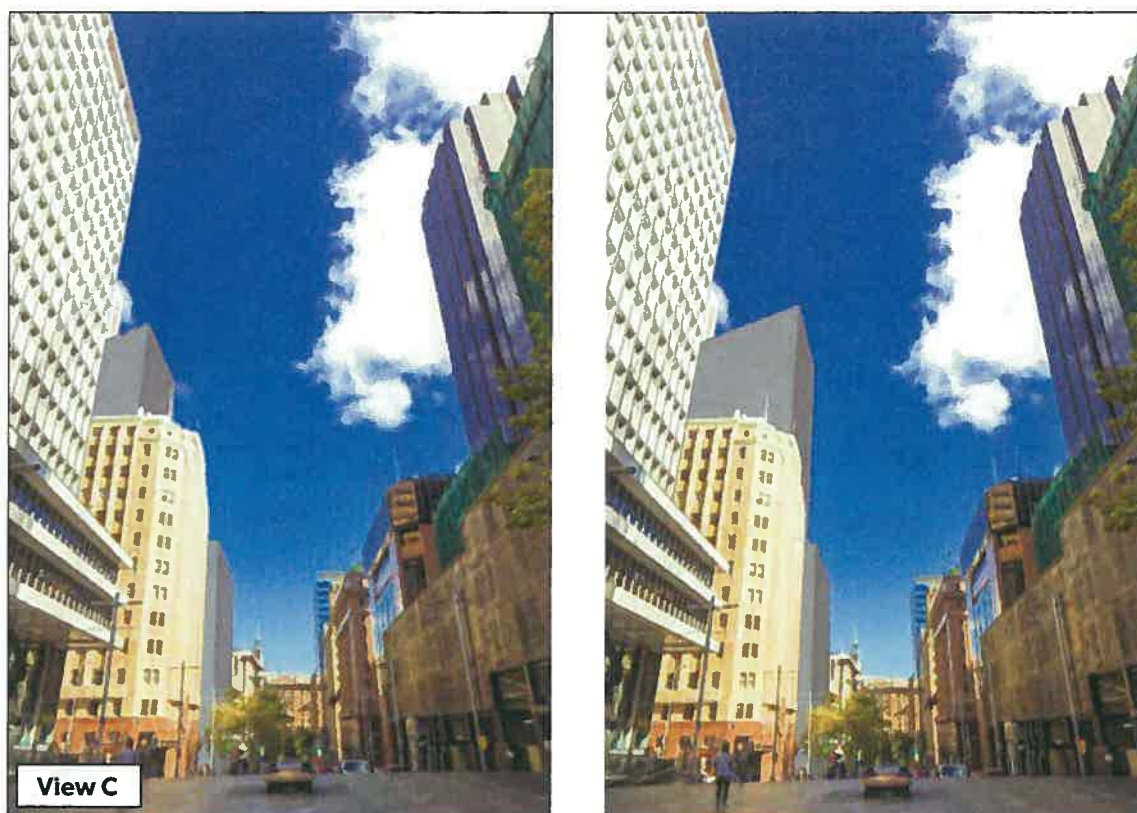


**Figure 13** | Viewing Location A – Concept Approval building envelope (left) and proposed envelope (right)



**Figure 14** | Viewing Location B – Concept Approval building envelope (left) and proposed envelope (right)





**Figure 15** | Viewing Location C – Concept Approval building envelope (left) and proposed envelope (right)

View B shows the proposed envelope on the South Site rising beyond the local heritage item, old Commonwealth Bank building. From within the block between Castlereagh and Pitt Street, the podium envelope would come into view, reinforcing the street wall condition along Martin Place. The additional building envelope of the South tower is also visible in this View, but the tower is setback away from the podium, allowing it to be seen to be visually behind the old Commonwealth Building and will not be visually dominating (**Figure 14**).

View C at the eastern end of Martin Place down Martin Place is framed by the Reserve Bank and the building at 60 Martin Place (currently under construction). The tower would be prominent at this vantage point. From within the block between Phillip and Elizabeth Streets and at close range, the podium would largely occupy the foreground of street level views, but the tower would recede visually into the background (**Figure 15**).

## 2. Chifley and Richard Johnson Squares

The proposed amending envelope on the South Site is not visible from Chifley Square and Richard Johnson Square, which are located to the north of the Precinct, except when viewed down Elizabeth and Castlereagh Streets (see discussion below).

## 3. Elizabeth Street and 4. Castlereagh Street

The VIA shows two key views to the south at Elizabeth Street and Castlereagh Street frontages looking towards the site with View I taken from the Elizabeth Street looking north and View M taken from the Castlereagh Street looking north. When viewed from the south at Elizabeth Street and Castlereagh Street the view would be framed by the southern elevation of the building envelope of the Concept Approval (**Figures 16 and 17**). The street façades of 50 Martin Place remain visible in these views.

The Department considers the view impact associated with the enlarged building envelope on the South Site would be negligible when compared to the approved envelope.



**Figure 16** | Viewing Location I – Concept Approval envelope (left) and proposed envelope (right)



**Figure 17** | Viewing Location M – Concept Approval envelope (left) and proposed envelope (right)



## 5. City Skyline

The proposed amending envelope above the podium of the South Site would become part of the city skyline when viewed from the eastern side of the CBD such as at Hyde Park (**Figure 18**). The Department considers the view impact from distant locations would be minimal in the context of the CBD skyline.



**Figure 18** | Existing (left) and proposed (right) skyline view from northern end of Hyde Park

## Conclusion

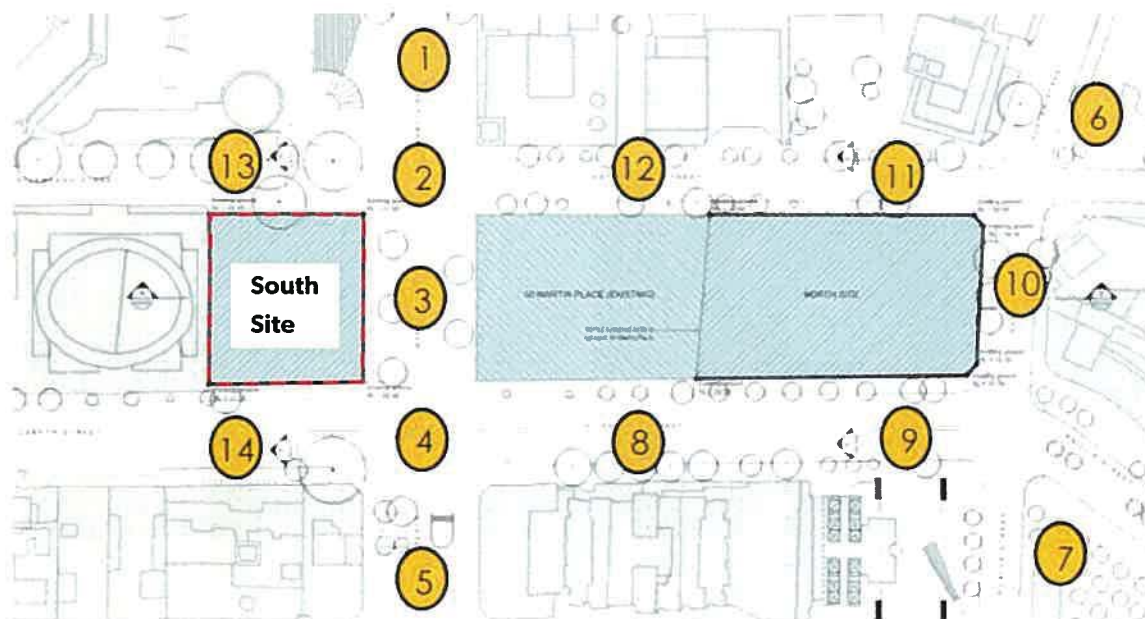
The proposed additional building envelope in the Amending Concept DA will not obstruct key public views and is compatible with the existing streetscape and city skyline when compared to the Concept Approval. The Department is satisfied that the proposed building envelope will not obstruct protected views along Martin Place identified in the draft CSPA. It would continue to ensure protection of the views to heritage items along Martin Place to the east and west, including the GPO clock tower.

### 6.3.2 Sky Views

The EIS includes a Sky View Factor (SVF) Assessment to investigate the degree of sky that can be seen from key vantage points surrounding the Precinct and provide comparative analysis of impacts based on:

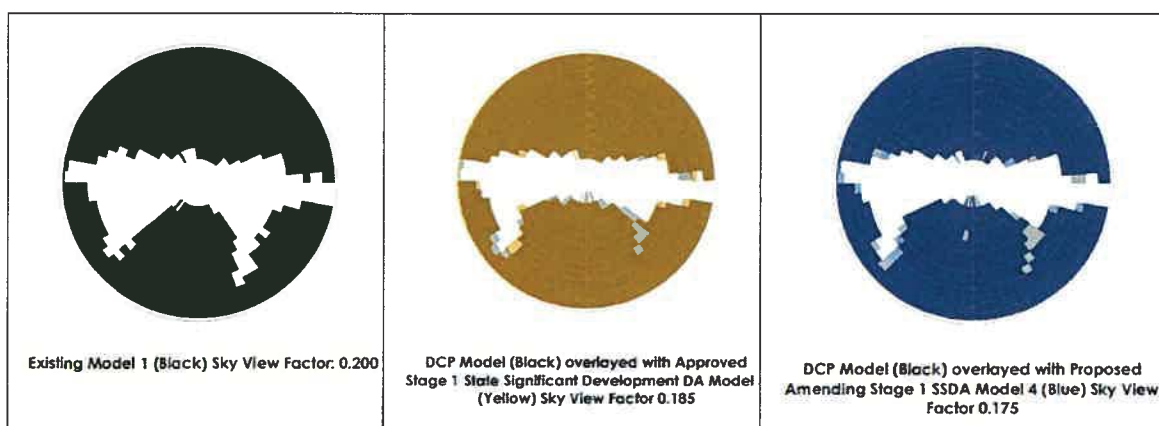
- the proposed additional building envelope
- the existing (pre-demolished) envelope
- building envelope based on Development Control Plan parameters
- the approved building envelope under the Concept Approval.

The SVF is a measure of the obstruction of the sky at any point quantified as a percentage where 0 % is a completely obscured sky and 100 % is completely unobscured. The typical SVF range for streets in the CBD is 15-25 %. The locations considered in the SVF Assessment are identified in **Figure 19** below.



Point	Location	Site Sky View Factor Influence by Proposed Amending Stage 1 SSDA
1	36 Martin Place	South
2	Cnr of Martin Place and Castlereagh St	North & South
3	37 Martin Place	North & South
4	Cnr of Martin Place and Elizabeth St	North & South
5	63 Martin Place	South
6	Richard Johnson Square	North
7	Chifley Square	North
8	20 Elizabeth St	North & South
9	7 Elizabeth St	North & South
10	55 Hunter St	North
11	4 Castlereagh St	North & South
12	9/17 Castlereagh St	North & South
13	30 Castlereagh St	North & South
14	80-85 Elizabeth St	North & South

**Figure 19** | The locations considered in the SVF Assessment (Source: Applicant's EIS – Skyview Factor Assessment)



**Figure 20** | Skyview Factor Assessment – Comparative analysis at Location 3 – 37 Martin Place (Source: Applicant's EIS – Skyview Factor Assessment)

The Department accepts the findings of the SVF Assessment and concludes the sky view impact from the proposed additional building envelope is acceptable, noting:

- the sky view modelling shows overall building envelopes (Concept Approval and Amending building envelope) will achieve a SVF ranging between 4.5 % and 22.5 %. This represents a maximum of 2.5% reduction in sky views when compared to pre-development conditions. The Department notes that the

base model using parameters compliant with the Sydney Development Control Plan can result in up to a 3% reduction in SVF when compared to pre-development situation.

- the proposed additional building envelope in the Amending Concept DA will result in 0.5 % to 1 % loss of sky view when compared to the approved Concept Proposal at 7 of the 15 locations modelled in the Assessment. The minor change in SVF will not result in notable change in the perception of sky view or pedestrian amenity. See **Figure 20** illustrating a 1 % reduction in sky view between the approved Concept Proposal and the Amending Concept DA is not perceptible.

### 6.3.3 Private Views

The site is generally isolated from any nearby sensitive residential development and the proposed amended envelope would not have any direct impact on views from residential dwellings. One public submission was received from a resident who raised concerns with view loss from their top floor apartment at 1 Hosking Place located to the north west of the South Site.



**Figure 21** | Left: View looking southeast from the balcony of residence on the top floor at 1 Hosking Place (Source: DPE)  
Right: Location Map (Source: Nearmap with added annotations)

A four-step assessment in accordance with the principles established by Tenacity Consulting vs Warringah [2004] NSWLEC 140 has been undertaken by the Department and the view impact is found to be acceptable as outlined below:

#### Steps 1 to 3 (Analyse the views affected, where the views are obtained and the extent of impacts)

The proposed envelope would reduce a narrow view corridor to St Mary's Cathedral in a standing position from the balcony adjoining the living area. However, it would be unreasonable to expect that the view corridor to St Mary's Cathedral be retained as it has only recently been made available due to the demolition of the former building on the South Site (**Figure 15**). The view impact is negligible in the context of the broader CBD vista retained from east to west.

#### Step 4 (Assess the reasonableness of the proposal that is causing the impact)

The Department considers the proposed amended envelope on the South Site would not result in any adverse view loss or affect the amenity or enjoyment of the apartment by the occupants. Furthermore, the proposed building envelope is below the maximum height limit under SLEP 2012.



## 6.4 Heritage

The Precinct is largely defined by the numerous heritage items, including Martin Place, which are identified as items of National, State or Local heritage significance. Parts of each site are also captured under Special Character Areas (Martin Place and Chifley Square).

### 6.4.1 Martin Place Special Character Area

Council objected to the proposal on the basis it is inconsistent with the character of Martin Place and its long-term strategic vision.

Heritage Council raised concerns with the potential impact arising from enlarged building envelope on the heritage significance of Martin Place and the heritage buildings located within its immediate context.

The National Trust of Australia considered the podium envelope would not provide a well enclosed and continuous building line to reinforce the character and human scale of Martin Place. A public submission also objected to the reduced tower setback and enclosure of Martin Place.

#### Considerations

The EIS includes a Heritage Impact Statement (HIS) which provides a detailed assessment of the enlarged envelope on the heritage significance of Martin Place and heritage items in the vicinity of the site. It concludes the proposed amending envelope provides an opportunity to define the linear built form character, which better responds to the heritage significance and important civic qualities of Martin Place. The potential impact on the significance of heritage items and their streetscape presentation and setting in the vicinity of the site would be minor or neutral.

The visual analysis in the HIS also demonstrates the tower component would be visible from distant vantage points within Martin Place but would not interrupt any significant views. From close range vantage points, the podium element largely occupies the foreground reinforcing the historic street wall of Martin Place. The proposed amending envelope would not have any adverse impact on the heritage significance of heritage items in the vicinity or the setting and views to those items (**Section 6.3**).

The Applicant's RtS also included a Supplementary Heritage Impact specifically addressing the concerns raised in Heritage Council's and National Trust's submissions. The Applicant argued the spatial and heritage qualities of Martin Place would continue to be defined by the podiums and street walls approved under the Concept Approval. The Applicant also argued that the pedestrian experience of Martin Place would not be adversely affected by the proposed building envelope.

The Department accepts the enlarged envelope responds to the setback of the adjacent Reserve Bank, the rhythm of tower setbacks on the southern side of Martin Place, and the changing character of Martin Place (**See Section 6.2.3 and Figure 9**). Furthermore, the podium would relate to the height of 50 Martin Place, which is consistent with the historic building height in this section of Martin Place.

#### Conclusion

The Department concludes the proposed building envelope adequately responds to the built context and is compatible with the special character of Martin Place because:

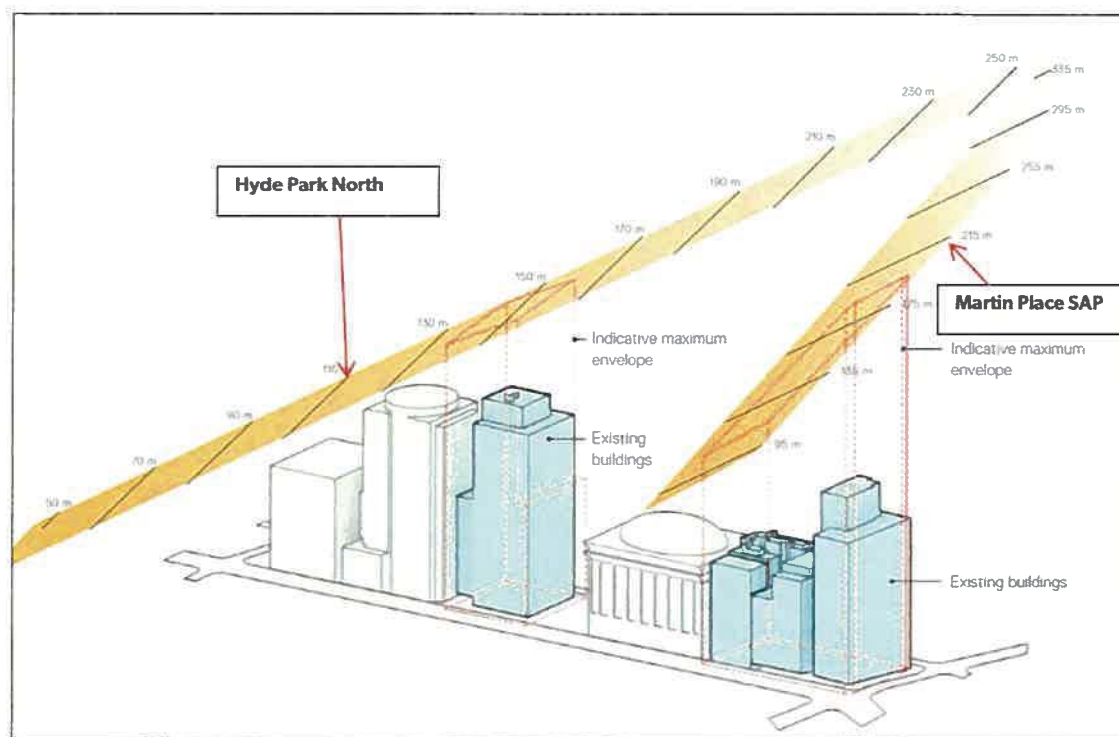
- the podium height and street alignment correlate with 50 Martin Place on the North Site directly opposite
- it would not have any adverse impact on Martin Place as a civic and ceremonial place
- the tower setback is not out of context with other existing development along Martin Place
- the additional building envelope will be visible in the background, but will not obstruct key views to heritage items along Martin Place, including the GPO clock tower (**Section 6.3.1**)



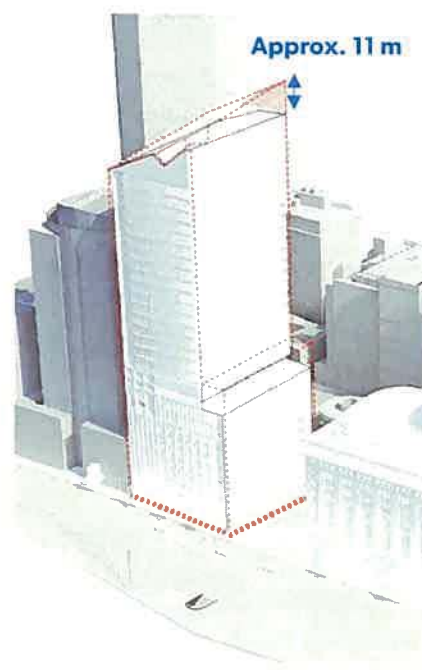
- the reduction in sky view would not significantly impact amenity at the ground plane in Martin Place (**Section 6.3.2**)
- it would not result in any overshadowing of Martin Place (**Section 6.5**)

## 6.5 Overshadowing and solar access

The Martin Place Station Precinct is subject to Sun Access Plane (SAP) requirements under SLEP 2012 to ensure buildings maximise sunlight access to important public places, including Hyde Park and Martin Place (**Figure 22**). The EIS includes a comparative solar access analysis of the approved building envelope and proposed amending building envelope. The modelling has been carried out at one-hour intervals at 14 April, 21 June, 21 September, 31 August and 21 December between 9:00 am and 3:00 pm, which is consistent with the requirements in SLEP 2012.



(SAP) to maximize sunlight access to public spaces.



The Applicant's shadow modelling shows the proposed amending building envelope on the South Site would result in minor additional shadow to Hyde Park at 2 pm at midwinter.

The additional shadow impact mostly overlaps with the shadow cast by the building under construction at 148-160 King Street (City of Sydney consent to DA D/2015/270), with the residual shadows affecting St James Road and a minor portion of Hyde Park which is already in shadow by existing vegetation. **(Figure 23)**

Note **Figure 6 in Section 1.3.2** (partly reproduced to the left) with red dotted line showing proposed building envelope with maximum RL at 163.83 defined by Hyde Park Sun Access Plane and the Stage 2 Detailed Design Application (SSD 9326 currently under assessment) at maximum RL 152.44.

MLC Centre  
forecourt

No control.

The MLC Centre forecourt, whilst publicly accessible, is privately owned land and is not protected from overshadowing impacts under SLEP 2012.

The amending envelope would result in some additional impacts between 9:00am and 11:00 am (December 21).

The Department accepts that the majority of the MLC Centre public forecourt will still receive direct sunlight for 2-3 hours over the lunchtime period outside of midwinter and the additional overshadowing in the summer months is not of significance to materially impact the amenity of the MLC forecourt during lunch time hours. (Note the forecourt would be overshadowed by the MLC Centre Building at midwinter)

#### Recommended Condition to further mitigate shadow impacts to Hyde Park

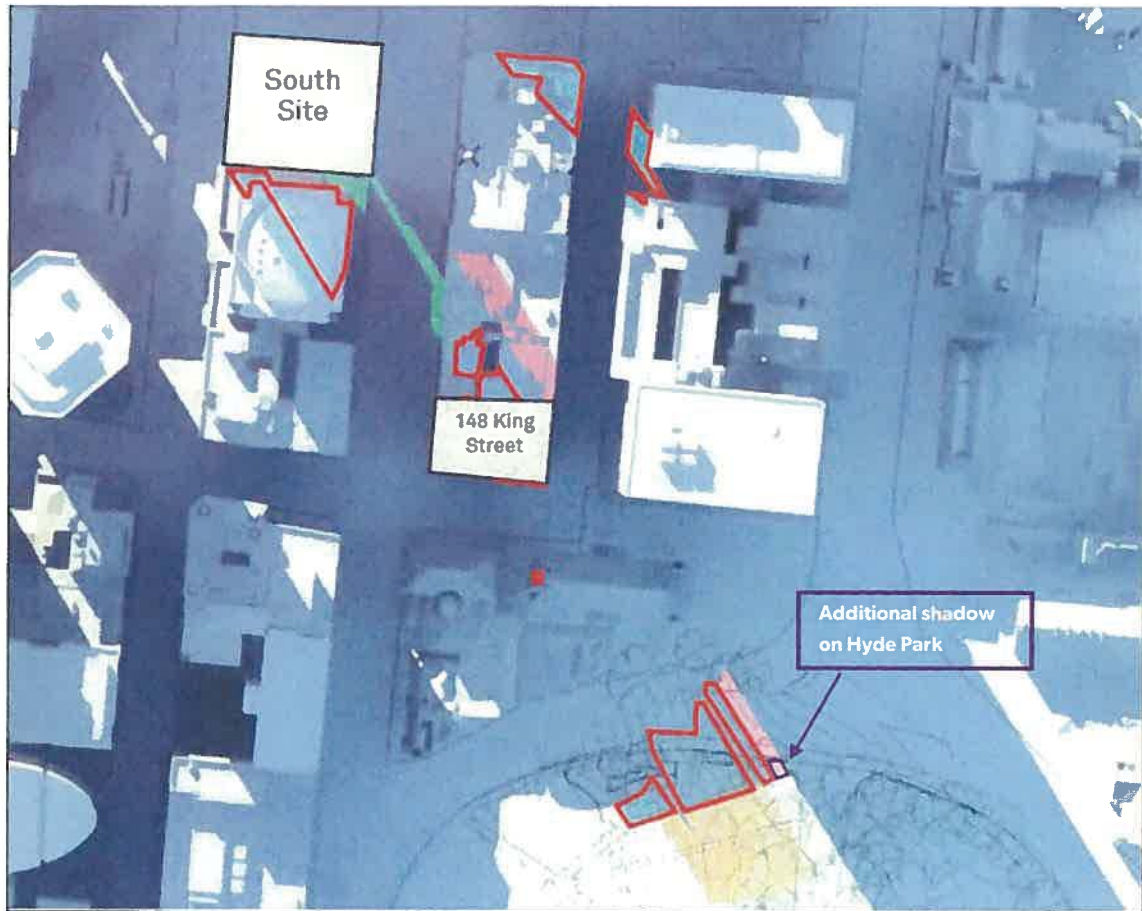
The proposed amending envelope represents the maximum extent of future built form. The Department considers that there will be opportunities to further mitigate the overshadowing impacts of the proposal in the Detailed Design DA.

The Department notes the Detailed Design DA (SSD 9326) currently under assessment proposes a building design approximately 11 m lower than the proposed building envelope in the Amending Concept DA (**See Figure 6 in Section 1.3.2 and Table 8 above**).

The Department considers it is appropriate to recommend a condition requiring the Detailed Design Application to identify opportunities to further mitigate shadow impacts to Hyde Park (**Condition B2**). The recommended condition is to ensure that overshadowing arising out of poor design is not acceptable, despite compliance with the SAP.

### Conclusions

The maximum height of the proposed tower envelope on the South Site complies with the Hyde Park North SAP under SLEP 2012. The additional overshadowing to Hyde Park is very limited and can be further mitigated through refinement of design in the Detailed Design DA in accordance with recommended **Condition B2**. The Department is satisfied the proposed amending envelope would not result in any unreasonable shadow impacts to the surrounding area.



**Figure 23** | Shadow Analysis – 2 pm Winter Solstice (21 June) (Source: Applicant's EIS – annotation added)

## 6.6 Other Issues

Other issues for consideration are addressed in **Table 9**.

**Table 9** Summary of other issues raised

Issue	Findings	Recommended Condition
Design Excellence	<ul style="list-style-type: none"> <li>The Amending Concept DA proposes to adopt the Design Excellence Strategy endorsed by the Concept Approval which includes a site-specific Design Review Panel chaired by the Government Architect NSW and consisting of independent and local government members in lieu of a design competition.</li> <li>The Government Architect NSW supports the use the review of subsequent Stage 2 Detailed Design DA through the established site-specific Design Review Panel.</li> <li>The Department is satisfied the proposed amending envelope would be capable of accommodating a building, which achieves the highest standard of architectural design in accordance with the adopted design excellence strategy and consolidated design guidelines consistent with the approved Concept Proposal.</li> </ul>	<b>Condition B1</b>
Wind Impacts/Pedestrian Amenity	<ul style="list-style-type: none"> <li>The EIS includes a Wind Study which concluded the wind conditions between the approved envelope and the proposed amending envelope is insignificant.</li> <li>Council considers the lack of side setbacks to the secondary street frontages would increase uncomfortable wind effects for pedestrians.</li> <li>A supplementary wind assessment included in the RtS confirms the introduction of 8 m setbacks on the Castlereagh and Elizabeth Street frontages does not significantly change the pedestrian level wind conditions when compared to the proposed amending envelope.</li> <li>As the wind test results relate to sheer envelopes, the Detailed DA would provide the opportunity to refine the design to mitigate wind impacts and improve pedestrian comfort levels.</li> <li>The Department is satisfied the proposed amending envelope would not result in any adverse impact on pedestrian wind amenity at street level around the site.</li> </ul>	<b>Condition B16</b>
Traffic and Car Parking	<ul style="list-style-type: none"> <li>The EIS includes a Transport, Traffic, Pedestrian and Parking Report, which identifies the proposed amending envelope would generate approximately 1,100 additional trips during the AM peak hour (when compared to the office development pre-demolition).</li> <li>Given the South Site would be accessible directly from Martin Place metro station, more than half of the employment trips (54%) would</li> </ul>	<b>Conditions B7 &amp; B8</b>



be by train with travel by bus being the second highest mode share (25%).

- As there would be no car parking provided on the site, the Department is satisfied that the additional trips during the AM peak would have a negligible traffic impact on the surrounding road network.
- The number of additional trips generated by foot during the AM peak equates to 445 (includes walking from bus and ferry).
- The Department is satisfied the additional footpath trips would have an acceptable impact on surrounding footpaths and crossings considering the various route choices and entrances available.
- The Detailed DA would provide the opportunity to refine the detailed design for the Precinct and mitigate pedestrian congestion.

Public benefit/development contributions	<ul style="list-style-type: none"> <li>• A public submission raised concern that the Applicant has not complied with the SEARs with respect to the provision of a public benefits/contributions or a Voluntary Planning Agreement (VPA) in light of the proposed additional floorspace on the site.</li> <li>• The Department notes there is no requirement for the Applicant to enter into a VPA. However, the proposed development would be subject to Council's contribution requirements under Section 61 of the City of Sydney Act 1988.</li> <li>• The Applicant has entered into an agreement with the NSW Government to deliver the new Martin Place metro station including public domain upgrades.</li> <li>• The delivery of OSD opportunities generates income to offset the cost of building the new Sydney Metro.</li> <li>• The proposal would deliver a vibrant transport and commercial hub in the heart of the Sydney CBD including an underground public concourse.</li> <li>• The Department is satisfied the development would deliver significant public benefits beyond the contributions for the proposed commercial towers.</li> </ul>	No additional conditions or amendments are required
Airport operations	<ul style="list-style-type: none"> <li>• The proposed amended envelope on the South Site would breach the Obstacle Limitation Surface (OLS) requiring approval from the Department of Commonwealth.</li> <li>• The EIS includes an assessment of Airspace Approvability, which concludes the proposed amending envelope would have no consequential impact on airspace given it would be 50 m lower in height than the already approved maximum airspace on the North Site.</li> <li>• The Department of Infrastructure, Regional Development and Cities (DIRDC) has issued an approval for the building at the South Site up to a maximum height of 164 m AHD.</li> </ul>	No additional conditions or amendments are required

Future Assessment Requirements	<p>The EIS includes suitable assessment with respect to the following matters:</p> <ul style="list-style-type: none"> <li>• Noise and Vibration</li> <li>• Reflectivity</li> <li>• Utility/Infrastructure</li> <li>• Construction Management</li> <li>• Waste Management</li> <li>• Water Cycle Management</li> <li>• Accessibility</li> <li>• Crime Prevention Through Environmental Design (CPTED)</li> <li>• Flooding</li> </ul> <p>The Department considers it is appropriate to recommend conditions of consent setting out future assessment requirements for these matters consistent with the approved Concept Proposal.</p>	<b>Schedule 2 – Part B</b>
Contamination	<ul style="list-style-type: none"> <li>• The proposed amended building envelope does not involve additional excavation into the site that is not covered by the Department’s assessment for the original Stage 1 DA concluded the proposal is consistent with State Environmental Planning Policy No. 55.</li> </ul>	No additional conditions or amendments are required



## 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 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 proposed building envelope complies with the recent site-specific amendment to the Sydney Local Environmental Plan 2012 (SLEP) (Amendment No 42) for the Martin Place Station Precinct. The proposed building envelope will provide opportunities for an additional 1,965 operational jobs to support office growth in the Sydney CBD, drawing on the increased transport capacity of the new Sydney Metro Martin Place Station.

The proposed building envelope represents the maximum extent of future built forms. Stage 2 Detailed design development applications are required to meet the Martin Place Station Precinct Consolidated Design Guidelines, which sets out design parameters on matters such as respecting the heritage value and spatial qualities of Martin Place, the distinctive attributes of the site, the street frontages and to establish a sense of entry to the Martin Place Station Precinct. **(Condition B1 a)**

The Department notes podium envelope for the South Site remains unaltered by this Amending Concept Proposal and will continue to provide a clear distinction between the street wall and the tower above Martin Place. The Martin Place Station Precinct Consolidated Design Guidelines requires the detailed design of the podium to reflect the scale and materiality of 50 Martin Place at the North Site and the heritage character of Martin Place. **(Clause 2.3.13 and 2.3.15 of Design Guidelines / Condition B1 a)**

The Department also recommends the Design Guidelines be amended to maximise opportunities for the Stage 2 Detailed Design DA to innovatively respond to the street frontage conditions specific to the Martin Place Station Precinct and to further mitigate shadow impacts to Hyde Park through better design, despite compliance with the Hyde Park Sun Access Plane **(Condition A9 and Condition B2 b)**.

The Department considers the proposal is capable to achieve Design Excellence with the support of independent design advice of the site-specific Design Review Panel chaired by the Government Architect NSW **(Condition B1 b)**.

The Department considers the impacts of the development are satisfactory and can be appropriately mitigated through the implementation of the recommended conditions of consent. The Department recommended **Condition A10** also requires amendments to Concept Approval SSD 8351 to ensure consistency between the concepts for the site and to deliver the strategic planning outcomes envisaged for the Martin Place Station Precinct.

The Department's Assessment concludes the proposal is approvable, subject to the conditions outlined within the report, including future application assessment requirements for mitigating traffic, construction and other impacts **(Condition B7 – B16)**.



## 8. Recommendation

It is recommended that the Minister for Planning:

- **considers** the findings and recommendations of this report; and
- **accepts** and **adopts** all the findings and recommendations in this report as the reasons for making the decision to grant consent to the application;
- **agrees** with the key reasons for approval listed in the notice of decision;
- **grants consent** to the application in respect of the Amending Concept DA Martin Place Station Precinct (SSD 9347), subject to the conditions in the attached development consent;
- **signs** the attached development consent and recommended conditions of consent (see **Appendix F**).

Recommended by:

**David McNamara**

Director

Key Sites Assessments

Recommended by:

**Anthea Sargeant**

Executive Director

Key Sites and Industry Assessments

6/2/19





## 9. Determination

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

**The Hon. Anthony Roberts**

NSW Minister for Planning



# Appendices

## Appendix A - List of documents

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

1. Environmental Impact Statement

[http://majorprojects.planning.nsw.gov.au/index.pl?action=view\\_job&job\\_id=9347](http://majorprojects.planning.nsw.gov.au/index.pl?action=view_job&job_id=9347)

2. Submissions

[http://majorprojects.planning.nsw.gov.au/index.pl?action=view\\_job&job\\_id=9347](http://majorprojects.planning.nsw.gov.au/index.pl?action=view_job&job_id=9347)

3. Applicant's Response to Submissions

[http://majorprojects.planning.nsw.gov.au/index.pl?action=view\\_job&job\\_id=9347](http://majorprojects.planning.nsw.gov.au/index.pl?action=view_job&job_id=9347)

## Appendix B - Environmental Impact Statement

See the Department's website at:

[http://majorprojects.planning.nsw.gov.au/index.pl?action=view\\_job&job\\_id=9347](http://majorprojects.planning.nsw.gov.au/index.pl?action=view_job&job_id=9347)

## Appendix C – Submissions

See the Department's website at:

[http://majorprojects.planning.nsw.gov.au/index.pl?action=view\\_job&job\\_id=9347](http://majorprojects.planning.nsw.gov.au/index.pl?action=view_job&job_id=9347)

## Appendix D – Response to Submissions Report

See the Department's website at:

[http://majorprojects.planning.nsw.gov.au/index.pl?action=view\\_job&job\\_id=9347](http://majorprojects.planning.nsw.gov.au/index.pl?action=view_job&job_id=9347)

## Appendix E – Environmental Planning Instruments (EPIs)

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

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

- State Environmental Planning Policy (State & Regional Development) 2011 (SRD SEPP)
- State Environmental Planning Policy (Infrastructure) 2007 (ISEPP)
- State Environmental Planning Policy No. 55 – Remediation of Land
- Sydney Local Environmental Plan 2012 (SLEP)

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

## COMPLIANCE WITH CONTROLS

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

The development is State Significant Development under Clause 19 of Schedule 2 of SEPP. The Minister for Planning is the consent authority for the application.

### State Environmental Planning Policy (Infrastructure) 2007

The application was referred to Transport for NSW subject to the requirements of Clause 86 of the SEPP. Transport for NSW provided a submission on 24<sup>th</sup> September 2018 providing comments on recommended conditions.

### State Environmental Planning Policy No. 55 – Remediation of Land

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 and the proposal is suitable for the site.

### 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.

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

The proposal fits within the desired character of the area and any heritage impacts are supported in principle. The concept proposal sets out how future applications will achieve design excellence, with a condition recommending that a DRP be established.

The proposal has minimal and reasonable solar access, visual and wind impacts on surrounding amenity, subject to a recommended condition reducing solar access impacts on Hyde Park during critical times in future applications.

## Part 2 – Permitted or prohibited development

<b>2.3 – Land Use Table – Zone B8 Metropolitan Centre</b>	<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"> <li>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.</li> <li>b) To provide opportunities for an intensity of land uses commensurate with Sydney's global status.</li> <li>c) To permit a diversity of compatible land uses characteristic of Sydney's global status and that serve the workforce, visitors and wider community</li> <li>d) To encourage the use of alternatives to private motor vehicles, such as public transport, walking or cycling.</li> <li>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.</li> </ul>	<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

<b>4.3 – Height of buildings</b>	<p>The relevant objectives of this clause are as follows:</p> <ul style="list-style-type: none"> <li>a) to ensure the height of development is appropriate to the condition of the site and its context,</li> <li>b) to ensure appropriate height transitions between new development and heritage items and buildings in heritage conservation areas or special character areas,</li> <li>c) to promote the sharing of views,</li> <li>d) to ensure appropriate height transitions from Central Sydney and Green Square Town Centre to adjoining areas</li> </ul>	<p>The proposal complies with the building height development standard.</p> <p>The maximum height of the development is RL 163.832 where the height control is up to the Hyde Park North 2B sun access plane as long as the South Site is no closer than 8 metres to the</p>
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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.

Martin Place property boundary  
(**Section 6.2.1**).

<b>4.4 – Floor space ratio</b>	<p>The objectives of this clause are as follows:</p> <ul style="list-style-type: none"> <li>a) to provide sufficient floor space to meet anticipated development needs for the foreseeable future,</li> <li>b) to regulate the density of development, built form and land use intensity and to control the generation of vehicle and pedestrian traffic,</li> <li>c) to provide for an intensity of development that is commensurate with the capacity of existing and planned infrastructure,</li> <li>d) to ensure that new development reflects the desired character of the locality in which it is located and minimises adverse impacts on the amenity of that locality.</li> </ul> <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 proposed enlarged envelope has an FSR of 22:1, and therefore complies with the FSR control (22:1) established as part of the planning proposal on the site (<b>Section 6.2.2</b>).</p>
<b>4.5 – Calculation of floor space ratio and site area</b>	<p>(2) Definition of “floor space ratio” - The floor space ratio of buildings on a site is the ratio of the gross floor area of all buildings within the site to the site area.</p> <p>(3) Site area - In determining the site area of proposed development for the purpose of applying a floor space ratio, the site area is taken to be:</p> <ul style="list-style-type: none"> <li>(a) if the proposed development is to be carried out on only one lot, the area of that lot, or</li> <li>(b) if the proposed development is to be carried out on 2 or more lots, the area of any lot on which the development is proposed to be carried out that has at least one common boundary with another lot on which the development is being carried out.</li> </ul> <p>(6) Only significant development to be included - The site area for proposed development must not include a lot additional to a lot or lots on which the development is being carried out unless the proposed development includes significant development on that additional lot.</p>	<p>The south site comprises two lots (Lot 1 and 2 DP 1103195) with a common boundary and has a total site area of 1,897 m<sup>2</sup>.</p>
<b>4.6 – Exceptions to development standards</b>	<p>The objectives of this clause are as follows:</p> <ul style="list-style-type: none"> <li>a) to provide an appropriate degree of flexibility in applying certain development standards to particular development,</li> <li>b) to achieve better outcomes for and from development by allowing flexibility in particular circumstances.</li> </ul>	<p>The proposal complies with the controls on the site and therefore a request for a variation under Section 4.6 is not required.</p>

## Part 5 – Miscellaneous provisions

5.10 – Heritage conservation	<p>The objectives of this clause are as follows:</p> <ol style="list-style-type: none"> <li>(1) to conserve the environmental heritage of the City of Sydney,</li> <li>(2) to conserve the heritage significance of heritage items and heritage conservation areas, including associated fabric, settings and views,</li> <li>(3) to conserve archaeological sites,</li> <li>(4) to conserve Aboriginal objects and Aboriginal places of heritage significance.</li> </ol>	<p>The Heritage Council raised concern about the 8 m setback to Martin Place. In response to their concerns additional information was provided through the RtS which was reviewed and noted by the Heritage Council. Setbacks are discussed in the assessment of the proposal (<b>Section 6.2.3</b>) and were resolved to be acceptable given the existing variation in setbacks of adjoining development.</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> <ol style="list-style-type: none"> <li>a) to provide for additional floor space to be granted as an incentive for certain development in Central Sydney,</li> <li>b) to establish a framework for the transfer of development potential from the site of a heritage building to another site in Central Sydney.</li> </ol>	<p>The proposal does not seek bonuses for FSR beyond the site control of 22:1.</p>
6.4 – Accommodation floor space	<ol style="list-style-type: none"> <li>(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: <ol style="list-style-type: none"> <li>(b) Area 1, office premises, business premises, retail premises, residential accommodation or serviced apartments—4.5:1</li> </ol> </li> </ol>	<p>The proposal does not seek bonuses for FSR beyond the site control of 22:1.</p>

**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:
- 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.

The proposal seeks concept approval for an amended building envelope.

The Department's assessment of the proposed building envelope 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 detailed design, future assessment requirements and conditions (**Section 6**).

Impacts of the detailed building design, such as internal amenity, will be considered in the detailed development application. Street level activation will be considered in the detailed design of the station and OSD.

**6.17 – Sun access planes**

- (1) The objectives of this clause are:
- 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 Martin Place and Hyde Park North sun access planes respectively.

**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 following locations (as shown with blue hatching on the Sun Access Protection Map) during the times specified in relation to those locations:
- (g) Pitt Street Mall (beyond the shadow that would be cast by a wall with a 20 m street frontage height on the eastern and western alignments of the Mall) between 10.00–14.00

Solar access impacts of the proposal on Martin Place, the MLC Centre forecourt and Hyde Park are considered in **Section 6.5**.

## 6.21 – Design Excellence

- (1) The objective of this clause is to deliver the highest standard of architectural, urban and landscape design.
- (2) Development consent must not be granted to development to which this clause applies unless, in the opinion of the consent authority, the proposed development exhibits design excellence.
- (1) In considering whether development to which this clause applies exhibits design excellence, the consent authority must have regard to the following matters:
  - (a) whether a high standard of architectural design, materials and detailing appropriate to the building type and location will be achieved,
  - (b) whether the form and external appearance of the proposed development will improve the quality and amenity of the public domain,
  - (c) whether the proposed development detrimentally impacts on view corridors,
  - (d) how the proposed development addresses the following matters:
    - (i) the suitability of the land for development,
    - (ii) the existing and proposed uses and use mix,
    - (iii) any heritage issues and streetscape constraints,
    - (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,
    - (v) the bulk, massing and modulation of buildings,
    - (vi) street frontage heights,
    - (vii) environmental impacts, such as sustainable design, overshadowing and solar access, visual and acoustic privacy, noise, wind and reflectivity,
    - (viii) the achievement of the principles of ecologically sustainable development,
    - (ix) pedestrian, cycle, vehicular and service access and circulation requirements, including the permeability of any pedestrian network,
    - (x) the impact on, and any proposed improvements to, the public domain,
    - (xi) the impact on any special character area,
    - (xii) achieving appropriate interfaces at ground level between the building and the public domain,
    - (xiii) excellence and integration of landscape design.
- (5) Development consent must not be granted to the following development to which this clause applies unless a competitive design process has been held in relation to the proposed development:
  - a) development in respect of a building that has, or will have, a height above ground level (existing) greater than:
    - (i) 55 metres on land in Central Sydney, or
    - (ii) 25 metres on any other land,

The Department notes that the proposal is a concept proposal for an amended building envelope only. Consideration of design excellence in the detailed building design, including the matters for consideration in subclause 3, will be undertaken in the assessment of the detailed development application.

The appropriateness of the building envelopes, for example in terms of consistency with the desired character of the area, is set out in **Section 6.2**.

The Department has reviewed the proposed Consolidated Design Guidelines and considers them appropriate subject to amendments outlined in the development consent.



- b) development having a capital investment value of more than \$100,000,000,
  - c) development in respect of which a development control plan is required to be prepared under clause 7.20,
  - d) development for which the applicant has chosen such a process.
- (6) A competitive design process is not required under subclause (5) if the consent authority is satisfied that such a process would be unreasonable or unnecessary in the circumstances or that the development.

## Part 7 – Local provisions – General

### 7.15 – Flood planning

- (1) The objectives of this clause are as follows:
  - 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.
- (2) This clause applies to land at or below the flood planning level.
- (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:
  - 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.

A Stormwater Management and Flooding Report was provided as part of the EIS. This shows that flood risk to the site is isolated to Hunter Street and provides mitigation measures, which will be considered in the detailed station design and in the assessment of the detailed building design in the detailed application.

In line with the recommendation in the EIS, future applications will require flood modelling and identification of any associated mitigation measures and a condition is imposed accordingly (Condition B16).

### 7.16 – Airspace operations

- (1) The objectives of this clause are as follows:
  - a) to provide for the effective and on-going operation of the Sydney (Kingsford-Smith) Airport by ensuring that such operation is not compromised by proposed development that penetrates the Limitation or Operations Surface for that airport,
  - b) to protect the community from undue risk from such operation.
- (2) If a development application is received and the consent authority is satisfied that the proposed development will penetrate the Limitation or Operations Surface, the consent authority must not grant development consent unless it has consulted with the relevant Commonwealth body about the application.
- (3) The consent authority may grant development consent for the development, if the relevant Commonwealth body advises that:
  - a) the development will penetrate the Limitation or Operations Surface but it has no objection to its construction, or

The Commonwealth Department of Infrastructure and Regional Development (CDIRD) and Sydney Airport (as delegate of the CDIRD) have approved the proposed penetrations of the Limitation or Operations Surface for Sydney Airport for the South Site.

- b) the development will not penetrate the Limitation or Operations Surface.

### 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.

Section	Relevant control / criteria	Consideration and comments
2.1.7 – Martin Place Special Character Area	<ul style="list-style-type: none"> <li>a) Development must achieve and satisfy the outcomes expressed in the character statement and supporting principles.</li> <li>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.</li> <li>c) Retain and enhance the urban character, scale and strong linear enclosure of Martin Place by requiring new buildings to:               <ul style="list-style-type: none"> <li>i. be built to the street alignment</li> <li>ii. have street frontage heights consistent with the prevailing form of buildings in the area</li> <li>iii. to have building setbacks above those street frontage heights.</li> </ul> </li> <li>d) Protect and extend sun access and reflected sunlight to Martin Place during lunchtime hours from mid-April to the end of August.</li> <li>e) Provide sun access to significant sandstone buildings in Martin Place to improve the ground level quality of the public space.</li> <li>f) Protect existing significant vistas to the east and west and ensure new development will not detrimentally affect the silhouette of the GPO clock tower.</li> <li>g) Retain human scale at street level, while respecting and positively responding to the monumental nature of the place.</li> <li>h) Conserve and enhance the heritage significant of the nineteenth and twentieth century institutional and commercial buildings and their settings.</li> </ul>	<p>The proposed form of the south envelope will allow a future building with a consistent street wall height of up to 45 m and provides a strong linear enclosure to Martin Place (<b>Section 6.5</b>).</p> <p>The proposal retains 50 Martin Place.</p> <p>The Department's assessment considers that any additional overshadowing impacts to Martin Place are reasonable and minor (<b>Section 6.5</b>).</p>
2.1.12 – Chifley Square Special Character Area	<ul style="list-style-type: none"> <li>a) Development must achieve and satisfy the outcomes expressed in the character statement and supporting principles.</li> <li>b) Recognise and enhance Chifley Square as one of the important public open spaces in the heart of the financial centre of the city</li> <li>c) Promote and encourage the use of the space as a destination and meeting place for people.</li> <li>d) Interpret the history of the place and its evolution in the design of both public and private domain and create a distinct sense of place inherent in the character of Chifley Square.</li> <li>e) Reinforce the urban character and distinct sense of enclosure of Chifley Square by:               <ul style="list-style-type: none"> <li>i. emphasising and reinforcing the semi-circular geometry of the space;</li> <li>ii. requiring new buildings to be integrated with the form of existing buildings; and</li> <li>iii. limiting the height of new buildings.</li> </ul> </li> <li>f) Protect and extend sun access to Chifley Square during lunchtime hours from mid-April to the end of August.</li> </ul>	<p>The South Site amended envelope does not impact on the amenity of the square in terms of solar access.</p>

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 <b>Section 6.5</b> . Overshadowing impacts on Martin Place and Hyde Park are considered minor and reasonable, and a recommended condition requires no additional overshadowing of Hyde Park during the lunch time periods.
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.	Wind impacts of the proposed envelopes are considered in <b>Section 6.6</b> , and the Department is satisfied that the wind impacts are acceptable, subject to a condition requiring further wind modelling and improvements to wind conditions at the station entrances.
3.3 – Design excellence and competitive design Process	<p>(a) Ensure high quality and varied design through the use of competitive design processes for large and prominent developments.</p> <p>(b) Ensure development individually and collectively contributes to the architectural and overall urban design quality of the local government area.</p> <p>(c) Encourage variety in architectural design and character across large developments to provide a fine grain which enriches and enlivens the City's public realm.</p>	<p>The Department notes that the proposal is a concept proposal for an amended building envelope only. Consideration of design excellence in the detailed building design, including the matters for consideration in subclause 3, will be undertaken in the assessment of the detailed development application.</p> <p>The appropriateness of the building envelopes, for example in terms of consistency with the desired character of the area, is set out in <b>Section 6.2</b>.</p>

The Department has reviewed the proposed Consolidated Design Guidelines and considers them appropriate subject to amendments outlined in the development consent.

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>(o) Improve the biodiversity.</p>	<p>An assessment of the proposal in terms of ESD is provided in <b>Section 4.5</b>.</p> <p>The Department is satisfied that the minimum environmental performance targets and other sustainability initiatives are able to achieve the principles of ESD in accordance with the objects of the EP&amp;A Act. A Condition is also recommended requiring that the Applicant implement the additional ESD initiatives identified and explores further opportunities to exceed the proposed environmental performance in the detailed development application.</p>
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>A Stormwater Management and Flooding Report was provided as part of the EIS. This shows that flood risk to the site is isolated to Hunter Street and</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>provides mitigation measures, which will be considered in the detailed station design and in the assessment of the detailed building design in the detailed development application.</p> <p>In line with the recommendation in the EIS, future applications will require flood modelling and identification of any associated mitigation measures and a condition is imposed accordingly (Condition B16).</p>
<b>3.9 – Heritage</b>	<p>(a) Ensure that heritage significance is considered for heritage items, development within heritage conservation areas, and development affecting archaeological sites and places of Aboriginal heritage significance.</p> <p>(b) Enhance the character and heritage significance of heritage items and heritage conservation areas and ensure that infill development is designed to respond positively to the heritage character of adjoining and nearby buildings and features of the public domain.</p>	<p>Based on the advice of the Heritage Council NSW and Council, heritage impacts of the proposal are considered acceptable subject to the detailed design in detailed development application (<b>Section 6.4</b>).</p>
<b>3.11 – Transport and Parking</b>	<p>(a) Ensure that the demand for transport generated by development is managed in a sustainable manner.</p> <p>(b) Ensure that bike parking is considered in all development and provided in appropriately scaled developments with facilities such as change rooms, showers and secure areas for bike parking.</p> <p>(c) Establish requirements for car share schemes for the benefit of people living and or working within a development.</p> <p>(d) Design vehicle access and basement layouts and levels to maximise pedestrian safety and create high quality ground level relationships between the building and the public domain.</p> <p>(e) Provide accessible car parking.</p>	<p>Transport, traffic and access implications of the proposal are considered in <b>Section 6.6</b>.</p> <p>The proposal benefits from high levels of public transport accessibility, especially by being located above the new Sydney Metro station at Martin Place.</p> <p>Traffic and parking impacts are considered acceptable, and future development applications will include travel plans and identify opportunities to maximise the use of sustainable transport choices, such as incentives and</p>

provision of cycle parking and end of trip facilities. Future development applications will also need to include information on loading dock arrangements.

<b>5.1.3 – Street frontage heights and setbacks – Martin Place Special Character Area (south site / 50 Martin Place)</b>	<p>Enhance and complement the distinctive character of Special Character Areas with compatible development.</p> <p><u>Provisions:</u></p> <ul style="list-style-type: none"> <li>• no additional height above 50 Martin Place</li> <li>• 25 m setback to Martin Place on the south site, above the street frontage height of 45 m to 55 m or the height of a heritage item on the site.</li> </ul>	<p>No additional height is proposed above 50 Martin Place on the north site.</p> <p>The South Site tower envelope is setback to Martin Place by 8m. However, 8m is consistent with the Sydney LEP which holds greater weight than the SDCP.</p> <p>The South Site street frontage height of 55 m is consistent with the maximum height of 50 Martin Place (<b>Figure 8</b>).</p>
<b>5.1.5 – Building bulk</b>	<p>Reduce adverse visual and daylight impacts on the public domain by controlling the size and horizontal dimensions of the upper level floor plates of buildings</p> <ul style="list-style-type: none"> <li>• above 45 m, the maximum horizontal dimension of any commercial building façade must not exceed 65 m</li> <li>• above 120 m in height, commercial floor plates must not exceed 1,400 m<sup>2</sup> GFA or 25% of site area, whichever is greater.</li> </ul>	<p>The maximum horizontal dimension on the south site does not exceed 65 m (at approximately 46 m) above a height of 45 m however it does exceed 1,400 m<sup>2</sup> floor area (at approximately 1500 m<sup>2</sup>) above a height of 120 m.</p> <p>The complete envelope for the South Site inclusive of the envelope contemplated in this application is discussed further in <b>Section 6.2</b>.</p>
<b>5.1.10 – Sun access planes</b>	<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 Martin Place and Hyde Park North sun access planes.</p>

**Appendix F – Recommended instrument of consent/approval**

**Appendix G – Community views for Draft Notice of Decision**