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Steve Murray
Executive Director - Regions
Department of Planning and the Environment
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Dear Steve

Sydney Metro Martin Place Planning Proposal

Thank you for providing the City with the opportunity to comment on the supplementary materials provided in support of the Martin Place Metro Station Planning Proposal. The planning proposal to change Sydney LEP 2012 is to facilitate an Unsolicited Proposal from Macquarie Bank to construct the Martin Place Metro station for the NSW Government at the same time as the over station development (OSD).

The proponent for the Martin Place Metro OSD has supplied supplementary material in response to the Heritage Council's submission to the planning proposal dated 30 November 2017. The material is to address the Heritage Council comment:

"... the proposed 8m setback was considered to be inadequate to minimise the visual impact of the South Tower on Martin Place. The Heritage Council recommended a minimum setback of 10-15m would be more appropriate."

The additional information, to be considered as addenda to reports originally submitted as part of the Planning Proposal submission for public exhibition, comprises:

- Tzannes – View Impact Analysis Report - Sydney Metro and Martin Place Station Precinct – January 2018.
- TKD Architects – Response to the NSW Heritage Council's submission and building envelope setback study – 29 January 2018.

This submission by the City of Sydney should be read in conjunction with our previous submission dated 1 December 2017, and also the submission of the City's Design Advisory Panel. Both are enclosed.

View analysis method

Technical aspects of the view analysis supplied by Tzannes are deliberately misleading and fall short of accepted industry approaches.

- The view analysis uses building envelopes that are transparent, non-reflective, and indistinguishable in colour from the surrounding blue sky. This is not an acceptable method to analyse the visual impacts of a solid building form. The City has already raised the transparent building envelopes as an issue of major concern, however the proponent has chosen to continue with this deliberately misleading and unacceptable method.
- The Tzannes report states in the introduction that *'further modelling of the proposed envelopes as defined by the urban design principles in the urban design report have been overlaid on the envelope drawings in the conclusion of this document.'* It has not been included in the submitted material and therefore the view analysis is inadequate.
- This misleading analysis introduces an unacceptable element of risk into the planning and decision processes. It does not allow accurate assessment of the impacts of the proposal. It does not provide an appropriate basis for the Relevant Planning Authority to make a robust and defensible decision about the heritage significance of Sydney's premier civic space.
- Use of this misleading method will serve to undermine public confidence in the planning and decision process, particularly as the NSW government has appointed itself as the decision-maker for the planning proposal and also is a potential financial beneficiary of the proposal.
- TKD also note that the view analysis can only be an approximate analysis, as it does not demonstrate the materiality of the future tower.

The proponent's view analysis is not acceptable and needs to be re-done.

The City has prepared its own analysis that uses solid forms similar to the proposed buildings to properly distinguish the proposal from the surrounding sky and allow its impacts to be more thoroughly considered. It models the 10m, 15m, and 25m setbacks to allow comparison against the control which is proposed to be changed. It places the City's analysis next to the Tzannes analysis, to also allow effective comparison of the two analysis methods. It is enclosed with this letter.

It is the City's view that the 25m setback is the only option which adequately minimises the impacts on the heritage significance of Martin Place, in particular by allowing the GPO clocktower to maintain its prominence in views along Martin Place.

View analysis locations

The Gateway Determination for the planning proposal directs the proponent to address the recommendations of *Martin Place, area of special significance: proposal for Urban Design Development Controls (1993)*. That study recommends that specific view corridors be considered in the appraisal of all future development. Those view corridors, established by the *Martin Place Civic Design Study (Gazzard & Ptnrs 1984)* are clearly described in that report and are enclosed with this letter.

In providing additional view analysis studies for the proposal, the proponent has not offered any appraisal of the building envelopes from key locations along Martin Place identified in the study.

The proponent has not complied with the Gateway Determination by failing to consider a comprehensive range of view locations that analyse the South Tower in relation to these key view corridors.

View impact analysis

In its analysis of the view impacts of the tower setback at page 15 of the report, Tzannes contends that the 'design of the tower and podium forms will be more effective in achieving built form separation than a setback for the tower'.

The City does not support this illogical and self-contradictory view. Detailed design principles may help to modulate or compensate for a lack of separation, but they do not equate to a physical setback. The clearest and most distinguished way to achieve built form separation is through the physical separation provided by a tower setback as is currently the case in Sydney LEP 2012 and has been employed on a number of major developments including 5 Martin Place and 52 Martin Place.

Heritage impact analysis

NSW State and City governments have created Martin Place and developed a long-term vision for it as the preeminent pedestrian and civic place in the city. The planning controls for Martin Place in Sydney LEP 2012 have been formulated to deliver on that long-term vision. The objectives of Sydney LEP 2012 include protecting the city's heritage.

The entire length of Martin Place has been identified as having heritage significance in Sydney LEP 2012. A number of the buildings fronting Martin Place also have heritage significance at either the local or State level. To achieve the objective of protecting the heritage significance of Martin Place, Sydney LEP 2012 has specific development standards for the height of buildings that front to Martin Place. This includes a prohibition on development above 55m for a distance of 25m back from Martin Place. This development standard achieves the following:

- It allows for a clearly defined street wall to Martin Place consistent with its character and heritage significance
- It maintains clear views along Martin Place that maintain the visual prominence of important landmarks including the GPO clocktower
- It maintains skyview, daylight access and a sense of urban scale all consistent with the character and heritage significance of Martin Place.

Since the 1980's, billions of dollars of private-sector development investment have respected the long-term Martin Place future vision, sharing the amenity and character that the combination of built form and public domain provide. The Department's planning proposal seeks to amend Sydney LEP 2012 to change the development standards in a way that seriously undermines that long-term vision and the character and heritage significance of Martin Place.

In assessing heritage impacts, both Tzannes and TKD wrongly describe the Locality Statement in Sydney Development Control Plan 2012 as Martin Places' 'Statement of Significance'. The Sydney DCP 2012 is subsidiary to the Sydney LEP 2012, and is used

to give effect to the LEP and design guidance to development which complies with the LEP development standards. It should not be used to override or otherwise prejudice the primary development standards, which are in Sydney LEP 2012.

The Heritage Council submission stated that the proposal did not adequately address the visual impacts of the development on Martin Place, and that a greater setback would be more appropriate. TKD provide a response to the Heritage Council's concern. The TKD analysis considers the 10m, 12m, and 15m setbacks modelled in the Tzannes view analysis report. TKD conclude that increasing the setback to 15m will not materially alter the visual impact of the tower envelope on the important characteristics and heritage significance of Martin Place.

This supports the City's view that to maintain the heritage significance of Martin Place, the tower setback of 25m in Sydney LEP should be maintained. This position is supported by the City's own view analysis, included with this letter.

Conclusion

The City of Sydney does not support the planning proposal and does not regard this as an opportunity site

1. The City believes the planning proposal is inconsistent with the objectives of Sydney LEP 2012, and undermines and diminishes the heritage significance of Martin Place
2. The view analysis undertaken to support the planning proposal is inadequate and does not consider the range of important view corridors that have been identified as critical to the character of Martin Place
3. The additional view analysis supplied by Tzannes and TKD confirms the City's view that a 25m tower setback is the minimum required to protect the heritage significance of Martin Place
4. The analysis provided uses a misleading method which will undermine confidence in the robustness of the planning process, and may expose the relevant planning authority to substantial risk.

The City is deeply concerned that the combination of misleading analysis provided by the proponent, the NSW Government's apparent financial interest in development of the site, and the role of the Department of Planning and Environment as the relevant planning authority for the proposal will create the appearance of a conflict of interest and undermine community and industry confidence in the planning process.

For this reason, the City requests that the Relevant Planning Authority reject the proposal or hold a Public Hearing into the planning proposal as allowed for under section 57 of the *Environmental Planning and Assessment Act 1979*.

The City is committed to working with the Department in promoting the consistent application of good planning principles in the development of Martin Place. This follows many years of bipartisan commitment between City and State, both sides of politics, and supported by the business and development community.

If further advice or support is required please contact David Fitzpatrick, Senior Planner, on 9265 9680 or at dfitzpatrick@cityofsydney.nsw.gov.au.

Yours sincerely,

A handwritten signature in black ink, appearing to be 'GJahn', with a large loop at the bottom.

Graham Jahn AM
Director
City Planning, Development and Transport

Enclosed

City of Sydney – Planning Proposal – Martin Place Metro Station - additional view analysis – February 2018
City of Sydney submission - Planning Proposal - Martin Place Metro Station
City of Sydney Design Advisory Panel submission - Planning Proposal - Martin Place Metro Station
Martin Place view corridor plan – Gazzard 1984