

# **Planning Proposal – Amendments to Sydney LEP 2012 Sydney Metro Martin Place Station**

Submission to the NSW Department of Planning and the Environment  
1 December 2017



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Trim 2017/591183

**1 December 2017**

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## 1.0 Executive Summary

This planning proposal for the Sydney Metro Martin Place Station asks the Department of Planning and Environment in its assessment to set aside the long-term vision for Martin Place South for an underlying economic reason sacrificing long term community outcomes of Martin Place as a people place.

The planning proposal does not demonstrate a better planning outcome than the desired future character specifically contained in Sydney LEP 2012 (setback towers).

The City of Sydney does not consider the planning proposal to have sufficient planning merit and requests that it not be made as an amendment to Sydney LEP 2012. Since the 1980s, billions of dollars' worth of property investment for new towers in Blocks 1-4 have honoured this intention through substantial tower setbacks (25m or more) from Martin Place.

The vision of a special pedestrian place in the heart of the city has already shaped major investment in the city. This includes the Westin Hotel associated with 1 Martin Place, 5 Martin Place, MLC Tower, and 52 Martin Place, which achieve setback towers. An exception was the replacement of the Westpac Tower at 60 Martin Place (Block 5), where the setback was profiled to match the Reserve Bank opposite given that it was the only modern tower on Martin Place to be heritage listed. An earlier development application for 39-49 Martin Place (the subject site) by Scott Carver for Prudential Assurance (1996) was also approved by the Central Sydney Planning Committee (CSPC) with an average 25m setback above street wall.

This submission can be summarized as follows:

- The Macquarie Group planning proposal seeks additional commercial floor space for Martin Place South at the expense of maintaining a substantial tower setback as part of the long term planning vision. This is **inconsistent with the current planning intent for the site in the LEP and in the proposed Central Sydney Planning Strategy** which balances opportunities for additional development with commitments to strategic outcomes including sustainable development, design excellence, affordable housing and public infrastructure. The proposed Central Sydney Planning Strategy, draft Central Sydney Planning Proposal and draft Development Control Plan in reviewed the planning controls for Martin Place, considered these still to be relevant for the future desired character of Martin Place, and despite sweeping changes possible elsewhere in the City, proposed no change.
- The planning proposal **does not demonstrate site-specific merit**. It is not consistent with the long-term vision for Martin Place, which is the

primary factor in analysing the context of the site. It is not consistent with the site's environmental context and constraints

- The **Floor Space Ratios sought for the site are not supported by robust analysis**. They are not matched to desired built form outcomes, and do not provide certainty and clarity for future development. They need to be reviewed, revised or rejected as a matter of urgency. The City is willing to work with the Department and the proponent on this issue.
- The **reduced tower setback above the street frontage height to Martin Place South** which causes the proposed tower presence to significantly intrude on the prominence of the GPO clock tower when viewed from Martin Place. This is contrary to the long-term vision for Martin Place developed jointly by the NSW Government, Heritage Council and the City of Sydney, and implemented through a series of deliberate actions over a long period.
- The **lack of side street setbacks to the tower forms on both the north and the south site**. This is inconsistent with the proposed Central Sydney Planning Strategy in both cases. It will lead to a reduction in environmental comfort in public areas by reducing daylight and sky view, increasing overshadowing, and increasing uncomfortable wind effects and building fit.
- The planning proposal seeks to **set aside long-standing and successful principles for planning in Central Sydney**, focussed on economic opportunity rather than creating an attractive and liveable city for workers, investors, residents and visitors. It provides no persuasive case to support the proposal.

### ***Public hearing***

The matters raised in this submission are very substantial and significant nature given the location and the history of other developments. The matters include the use of inaccurate, incomplete, and misleading urban design analysis. The outcome of that analysis is a proposal which sweeps aside a long-term vision for the city's pre-eminent civic and ceremonial space. State and local governments have cooperated over decades to develop and implement that future vision.

The *Environmental Planning and Assessment Act 1979* has provision for the Relevant Planning Authority to hold a public hearing where serious issues have been raised in submissions (section 57(5)).

**The City requests that the Relevant Planning Authority hold a public hearing on the issues raised in this submission.**

## 2.0 Introduction

The Martin Place planning proposal seeks to change the controls in Sydney Local Environmental Plan 2012 (Sydney LEP 2012) to allow additional commercial tower development above the proposed Sydney Metro Martin Place station.

The Martin Place planning proposal suggests new planning controls that are substantially different to those that apply to other sites in Martin Place or Central Sydney. It applies to two sites, either side of Martin Place and between Castlereagh and Elizabeth Streets.

The planning proposal delivers the following development outcomes:

### North site – 50 Martin Place, 55 Hunter Street, 5,7, 9-19 Elizabeth Street

- Commercial office tower
- FSR of 18.5:1
- Maximum building height to the existing Martin Place sun access plane in Sydney LEP 2012
- No tower setbacks to side streets

### South site – 39-49 Martin Place

- Commercial office tower
- FSR of 22:1
- Maximum building height to the existing Hyde Park sun access plane
- Reduction in street wall setback to Martin Place, from 25m to 8m
- No tower setbacks to side streets

Figure 1 shows the location of the planning proposal.

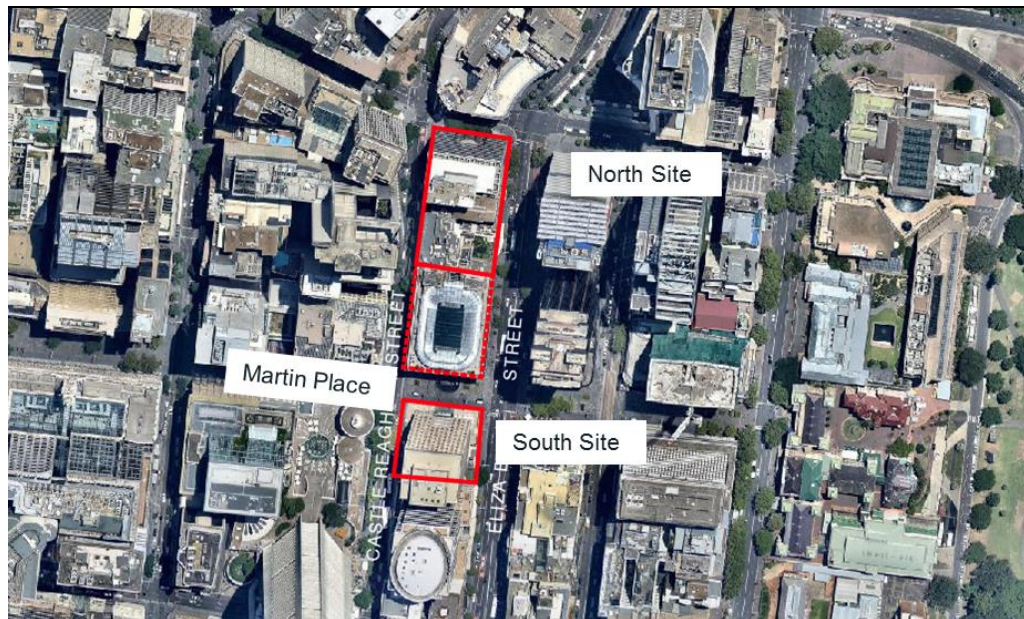


Figure 1 – location of the planning proposal, with sites to the north and south of Martin Place. It does not include 50 Martin Place, shown with a dashed boundary.

**The City objects strongly** to the following aspects of the planning proposal:

- Floor Space Ratios which are not supported by robust analysis, not matched to desired built form outcomes, and which do not provide planning certainty.
- The significantly reduced tower setback to Martin Place for the Martin Place South site, from 25 metres to 8 metres, which significantly reduces the prominence of the GPO clock tower when viewed from within Martin Place, closes in the sky view and overshadows the public plaza of the MLC centre
- The absence of a podium form with tower setbacks to secondary streets, which will result in reduced environmental amenity in public places and poor building fit

### 3.0 Martin Place – the long-term vision

***The planning proposal is not consistent with the long-term vision for Martin Place.***

NSW State and City governments have created Martin Place and developed a long-term vision for it as the preeminent pedestrian place and the event, civic and ceremonial heart of the city. This vision began with Barnett's 1874 sketches, and has continued through the development of the General Post Office, construction of Martin Place to 1934, progressive closure to traffic and subsequent development of commercial sites. Some sites have yet to be redeveloped, including the 'South site' at 39-49 Martin Place which is a subject of this planning proposal.

More recent strategic planning began with the 1971 City of Sydney Strategic Plan, and subsequent studies developed jointly by the Department of Planning and Environment, the Heritage Council and the City of Sydney, leading to the current agreed planning controls to implement the long-term vision. The most significant of these was the 1984 Gazzard and Partners Martin Place Civic Design study which identified the prominence of the GPO clock tower and the tower setbacks required to preserve it, and 1993 Denton Corker Marshall proposal for Urban Design Development Controls, which proposed to mandate tower setbacks as an urban design outcome. These planning controls were approved by the Minister in 1996 as Central Sydney LEP 1996 and DCP 1996.

The planning controls have been reviewed in 2005, 2012, and most recently in the proposed *Central Sydney Planning Proposal* endorsed by Council and the Central Sydney Planning Committee in July 2016. They have been found to be appropriate, and continue to reinforce the importance of Martin Place as a Special Character Area.

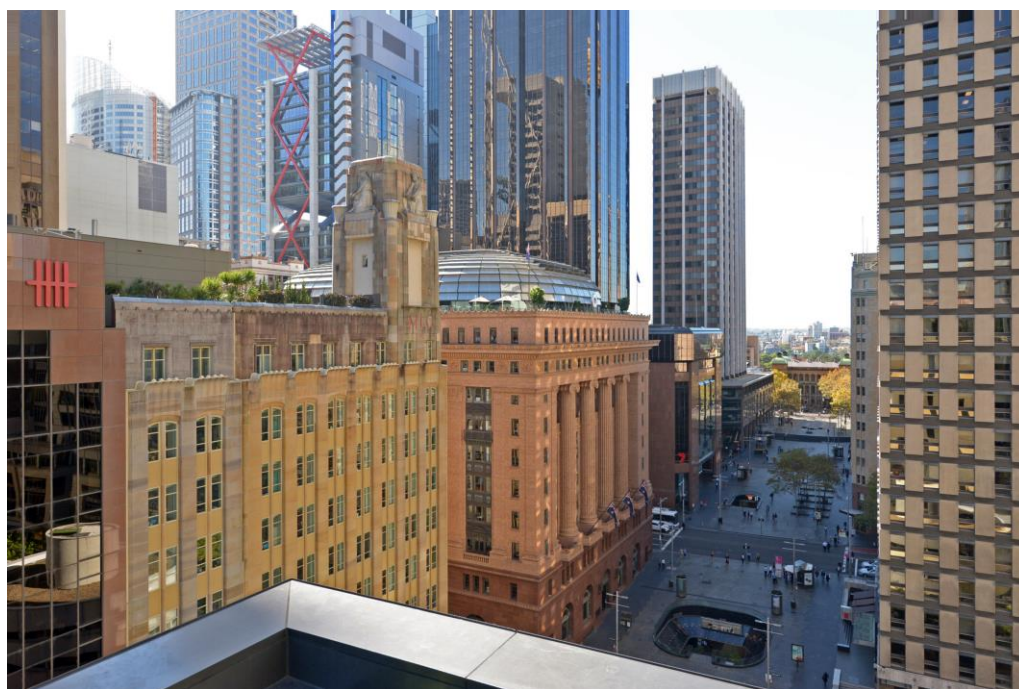
The principle objectives of the planning controls are (but not limited) to:

- preserve the visual prominence of the GPO clock tower;
- reinforce the street wall to Martin Place by setting back any new tower development at least 25m from the street wall alignment;
- protect open views to the sky; and
- improve Martin Place for pedestrians by protecting precious solar access, daylight and the wind environment.

The long-term vision is to accentuate the special character of Martin Place that distinguishes it from other streets in Central Sydney which have typical 6-10m setbacks for towers. Martin Place is a linear pedestrian place bounded by some fine solid masonry palazzo-form civic buildings. These buildings are shaped by controls designed to achieve consistency in building height and setback, massing, heritage



scale and materiality. These are applied to sites as they redevelop to achieve the long-term vision. Much of the vision has been realised through this approach, with some components still to be realised.



**FIGURE 2 – strong street walls with tower setbacks define Martin Place**

The tower at 60 Martin Place, matching the RBA setback profile, is conceived as a deliberate exception to the Blocks 1-4 general approach - with symmetrical tower setbacks above a lower podium on Block 5. The recent approval for 60 Martin Place completes the symmetry and contributes to the long term vision. The assessment records relating to 60 Martin Place makes it clear that no further overshadowing of Martin Place was supported.

Since the 1984 Gazzard Partners study identified the need for tower setbacks, new development has conformed to the tower setbacks and contributed to the delivery of the long-term place-making vision. This includes recent development at 5 Martin Place.

Figure 3 illustrates that only three sites, shown in orange, depart from the tower setback requirements and these date prior to the 1984 Gazzard Partners study. The South Site is one of these three sites, and its redevelopment is an opportunity to complete another part of the Martin Place long-term vision. The sites coloured blue have developed since 1984, and all respect the 25m or more tower setback. The sites coloured grey were developed before 1984, and again all respect with the tower setback.

Any new development at the South Site should observe the objectives and intent of the adopted controls, so that Martin Place continues to be distinguished from other streets as the civic and ceremonial heart of Sydney's community. This means that to ensure

implementation of the Martin Place vision any development along Martin Place should be consistent with the current planning controls:

- be built to the boundary with a 45m high street wall;
- if there is any tower development above 55m in height, it must be set back from Martin Place by 25m

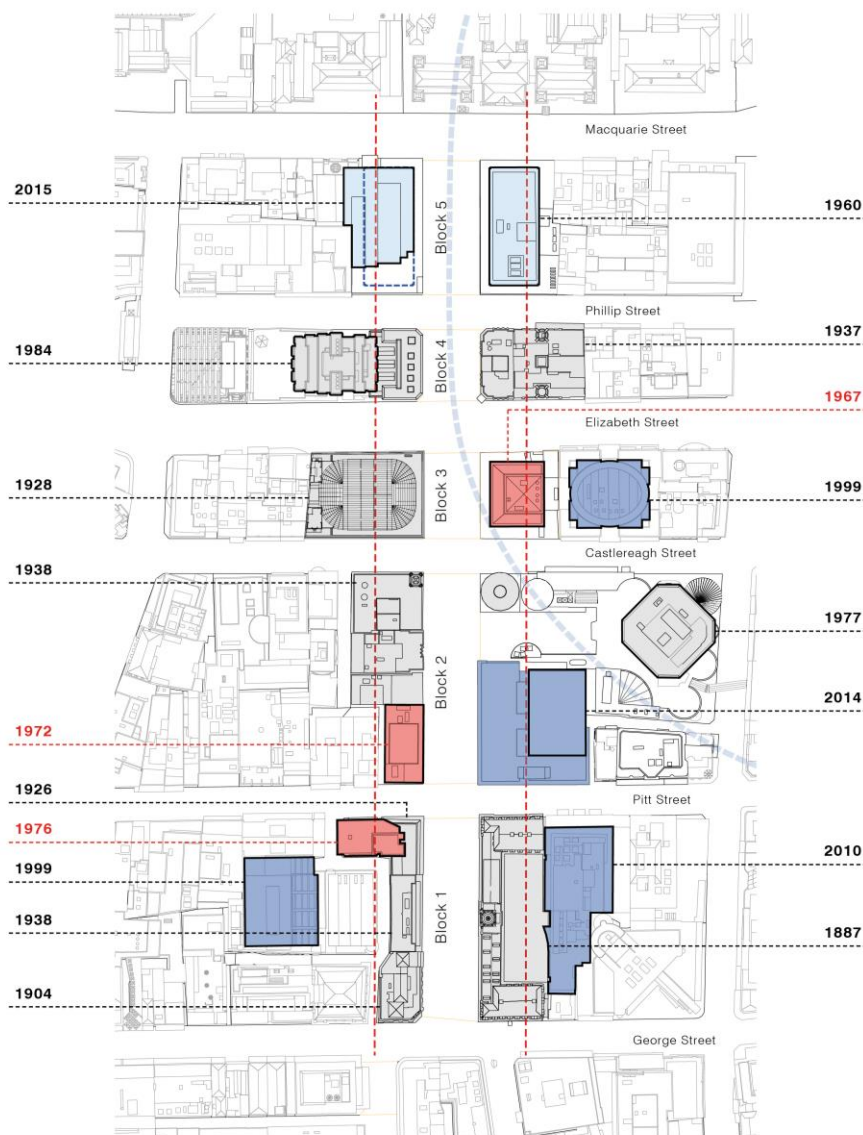


Figure 3 – Development along Martin Place and consistency with the long-term vision. Since 1984, all new development (shown as blue) has provided the tower setback of 25m or more. Development that intrude on the tower setbacks (shown orange) pre-date 1984 and the formalisation of the Martin Place vision.

### 3.1 The planning proposal – contextual analysis

The planning proposal diverges from the long-term vision significantly in that it does not consider Martin Place as a continuous linear space. It attempts to divide Martin Place into separate and distinct parts. There are serious flaws in the planning proposal approach to contextual analysis and internal flaws in its own logic.

#### ***Martin Place as a continuous linear place***

Martin Place was conceived and created as a conscious continuous linear pedestrian place extending from George Street to Macquarie Street, connecting the city's commercial and civic cores. It is clear from Barnett's sketches through to today's planning controls, and subsequent development, that no other reading of Martin Place is plausible. Any attempt to redefine Martin Place as a series of lesser spaces overthrows a century and a half of consistent effort for no valid reason other than to monetise the opportunity. Much is made of new public transport and a rail station being provided at Martin Place, but this is not new as the existing Martin Place station was opened in June 1979 without an urban design argument redefining Martin Place.

The urban design analysis supporting the planning proposal instead breaks Martin Place into a discontinuous series of fragments. It attempts to redefine the primary contextual relationship as being across each part of Martin Place, rather than along its length. It directly and intentionally downplays the role of the GPO clock tower. Recognising and maintaining the visual prominence of the GPO clock tower when viewed along Martin Place is a key aspect of the long-term vision.

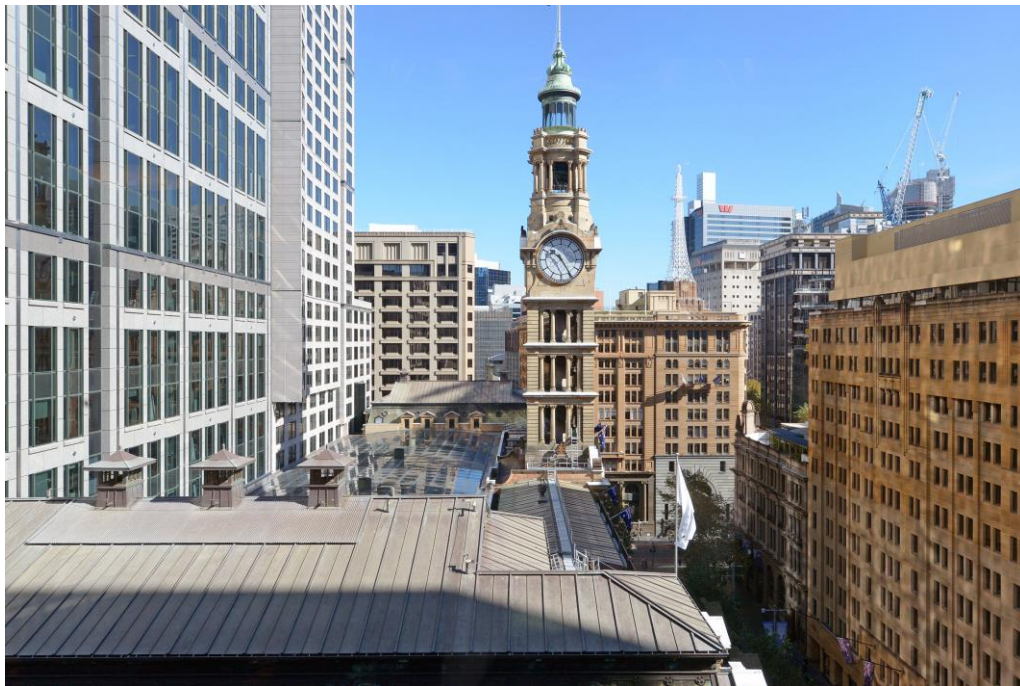


FIGURE 4 – the prominence GPO clock tower is maintained by tower setbacks above 55m.



### ***Reserve Bank of Australia building as an exception***

The easternmost block (Block 5) between Phillip and Macquarie Streets has been conceived and developed as an exception to the overall approach to Martin Place. They form a modern gateway as a pair at the eastern end of Martin Place – very separate to the remainder of Martin Place where the objective has been to maintain the GPO clock tower's prominence. The tower setback along the other blocks of Martin Place are not necessary to maintain prominence of views to the GPO clock tower.

The planning proposal analysis uses the Reserve Bank of Australia building and 60 Martin Place as precedents for the proposed 8 metre tower setback. This is a misreading of the context of the South Site. In considering why the RBA building is not a relevant precedent for the 38 Martin Place site, the following factors are relevant:

- The RBA building and 60 Martin Place (Block 5) have always been conceived as an exception to the prevailing form along Martin Place
- The RBA building is not adjacent to the 38 Martin Place building and does not constitute its immediate context. The immediate context is the buildings to the east and west. Neither of these sites have a tower which intrudes into the tower setback area. **Therefore, the immediate adjacent context respects the 25m tower setback to the north, north east and northwest.**
- 50 Martin Place is directly opposite and is a context for the 39 Martin Place site. 50 Martin Place has a street front height of 45 metres, and a maximum height of 50 metres. Importantly, there are no towers above the site, and indeed for a depth of at least 60 metres from Martin Place. **The immediate opposite context respects the 25m tower setback.**



**FIGURE 5 – Block 5 – RBA Building from the early 1960s**

### ***MLC building as a precedent***

The MLC forecourt is not relevant as a precedence for not applying the 25 metre tower setback in Sydney LEP2012. The key requirement that any tower above 55m be setback from Martin Place frontage is achieved at the MLC Centre.



FIGURE 6 – Block 2 – Sun will lost from the public forecourt is 39 Martin Place is not setback

### ***53-63 Martin Place***

The planning proposal misrepresents 53-63 Martin Place as a 'mini-tower' of 63 metres in height. This is a serious factual error and should be corrected. 53-63 Martin Place is predominantly 45 metres in height. Minor rooftop elements extend the height of some parts beyond that predominant 45 metres.



FIGURE 7 – 53-63 Martin Place is misrepresented in the rationale for the planning proposal



### 3.2 Misleading View analysis

The view analysis used as part of the Urban Design Report is misleading. It uses virtually transparent 'sky coloured' building envelopes to show development as a result of this planning proposal. This has the effect of giving a false impression of the proposal on daylight and sky views along Martin Place. Maintaining the prominence of the GPO clock tower is also a fundamental part of the long-term vision for Martin Place. Figure 8 uses alternative shading of the building envelopes to more accurately demonstrate the impact on the sky view and the prominence of the GPO clock tower.



**FIGURE 8 – view analysis comparison.** The left image shows how the proponent's analysis uses transparent, sky-coloured building envelopes to minimise the view impacts. The image on the right uses solid building envelopes to more realistically assess impacts on views to the GPO clock tower.

In solid shading, it is apparent that these impacts are considerable and much greater than those illustrated in the Urban Design Report. The impact of the planning proposal is to significantly reduce the prominence of the GPO clock tower in views along Martin Place, contrary to the long-term vision.

**Attachment A** includes further analysis of views along Martin Place and from surrounding public places. It compares the effect of the planning proposal (on the right) compared against the current situation, or a scheme with the 25m tower setback. It shows that the planning proposal envelopes cause significant skylight and daylight obstruction when compared to those produced through application of the existing

Sydney LEP 2012 and DCP 2012 controls. They intrude significantly on the prominence of the GPO clock tower when viewed along Martin Place, and do not respect the long-term vision for Martin Place.

**This is not a better design or planning outcome than the current planning framework delivers.**

### 3.3 Overshadowing

The planning proposal will cause significant additional overshadowing of a public forecourt at MLC. The 25m tower setback on the south site has the effect of allowing sun to the MLC steps and public forecourt, and through the skylights to the basement retail areas. By not respecting the setback it will cause additional overshadowing of this area. The overshadowing is produced by the component of the tower that is proposed within the 25m tower setback above 55m. The extent of the overshadowing is illustrated in Figure 9, showing shadow at 10am on 21 December. The MLC forecourt is well-used publicly accessible space along Martin Place (Figure 6). The planning proposal should not cause overshadowing that affects rare public amenity.

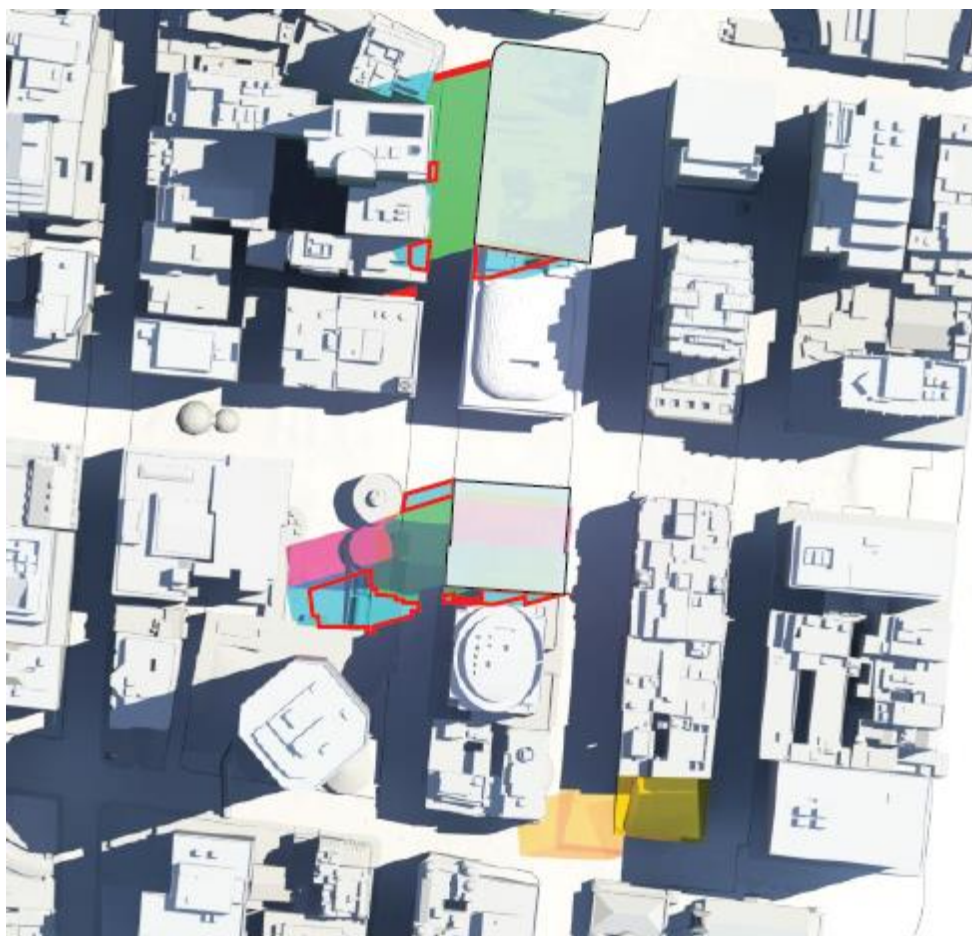


Figure 9 – overshadowing of the MLC forecourt. The image is for 21 December, 10 am. The additional shadow caused by this planning proposal is shown in pink, and extends fully across the MLC forecourt. Refer to Figure 6 also.

## 4.0 Central Sydney Planning Strategy

***The planning proposal is not consistent with the proposed 2016 Central Sydney Planning Strategy.***

The planning proposal, at Chapter 6.2.4, professes to be consistent with the proposed Central Sydney Planning Strategy, amongst other local and State strategies including:

- NSW State Plan 2021
- A Plan for Growing Sydney (now superseded by the draft Greater Sydney Region Plan)
- Draft Central District
- NSW Long Term Transport Master Plan

The basis for consistency is that the planning proposal will create more office space in Central Sydney than the planning controls in Sydney LEP 2012. This in turn will lead to jobs growth and an intensification of Sydney's role as an internationally competitive CBD.

There is no doubt that the planning proposal will create more floor space in Central Sydney. It could still do this while respecting the long-term vision for Martin Place. However, as currently formulated, it reduces the quality of the public domain, reduces the amenity available for future development, and frustrates the long-term vision for Martin Place.

The proposed Central Sydney Planning Strategy is a review of the Central Sydney planning controls, considered against future employment growth projections and known infrastructure investment including the Sydney metro project. It provides a framework for accommodating jobs growth in Central Sydney to 2036. So, the proposed Central Sydney Planning Strategy already accommodates the capacity increase from Sydney Metro. It is fully up to date and relevant to the context of this planning proposal.

The proposed Central Sydney Planning Strategy approach to accommodating additional employment floor space is based on the key principle of a liveable city which affects investment. It allows for additional development in the right locations, and matches the opportunity for additional development with commitments to environmental amenity and public infrastructure that increase the attractiveness of Central Sydney for investors, workers, residents and visitors.

Central Sydney's parks, streets and precincts together play a key role in making Sydney a highly liveable city, so protecting their sunlight access, setting and character is a priority. This is achieved through adoption of an appropriate building typology to protect environmental amenity. Only after documenting and considering a sites environmental



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context and constraints can any additional height and/or density be determined. It is not proposed to vary the special setbacks for Martin Place, **so it is inconsistent with the Strategy.**

**The planning proposal has not clearly addressed the context of the site, as described in detail in Chapter 3 of this submission.**

#### **4.1 Building typology and a liveable Central Sydney**

The proposed Central Sydney Planning Strategy identifies the predominant and preferred building typology as the podium and tower combination. This typology has a number of advantages that allow it to deliver on the objectives of the proposed Central Sydney Planning Strategy:

- It establishes a street wall height appropriate to the location and context
- It provides strong street level definition to public space at a comfortable scale for pedestrians;
- It allows air and light penetration around towers, for the benefit for pedestrians and tower occupants
- The podium protects pedestrians from strong wind downdrafts generated by towers
- It allows adjacent sites to develop in a manner that is equitable and allows sharing of the amenity of Central Sydney

The proposed Central Sydney Planning Strategy is clear that priority actions flowing include stipulating street wall heights, street setbacks, and side and rear setbacks to ensure tall buildings develop as a tower on a podium.

The planning proposal is not consistent with this approach as detailed in the proposed Central Sydney Planning Strategy in that it does not incorporate setbacks to produce the tower and podium typology for the North site or the South site.

This inconsistency is not necessary to achieve the objective of the planning proposal to increase employment opportunities in Central Sydney. It is recommended that the planning proposal be amended to deliver a tower and podium typology consistent with the proposed Central Sydney Planning Strategy.



Figure 10 – strong consistent forms define Martin Place – this is the purpose of the special character controls for the site.

## 5.0 Justification to change the planning controls

***The planning proposal does not provide sufficient justification for the change to the existing planning controls***

The planning proposal argues that the planning controls need to be changed to reflect the planned Sydney Metro Martin Place station. It justifies the proposed changes by stating that:

- The current controls are inconsistent with the objects of Sydney LEP 2012, in that the height controls do not acknowledge the context for the site (p30), particularly the introduction of the Sydney Metro.
- The planning controls do not deliver the optimal social, economic, and environmentally sustainable outcome for the site (p43).

### 5.1 Developing the Martin Place planning controls

The existing planning controls for Martin Place have been developed in conjunction with the overall planning controls for Central Sydney. These controls were originally published as the Central Sydney LEP and DCP 1996. They have been reviewed in 2005, in 2012 and again in the 2016 proposed Central Sydney Planning Strategy, Planning Proposal and draft Development Control Plan. The proposed Central Sydney Planning Proposal, and draft Development Control Plan, reinforces the controls for Martin Place as having enduring relevance, including when considered in the light of infrastructure investment including Sydney Metro.

#### ***Recognising transport capacity***

The Central Sydney planning controls have been formulated to promote Central Sydney as a globally-focussed commercial office precinct. The controls allow significant development density and tall buildings in recognition of the substantial transport capacity provided by Sydney's heavy rail network and the future Sydney metro, which are focussed on Central Sydney. The Central Sydney controls, including those for Martin Place, have been developed specifically to take advantage of the significant transport capacity offered by Sydney's rail network.

#### ***Recognising special character areas***

The Central Sydney controls include considerations for special character areas within Central Sydney. These special character areas are recognised as being important in the role they play in maintaining Sydney's attractiveness for workers and as a destination for commercial development. The special character area controls aim to recognise, protect and reinforce those characteristics. While development may be partly constrained in character areas, they play a very significant part in the overall appeal and success of Central Sydney.

Martin Place is one of those special character areas. The planning controls for Martin Place reflect the vision for Martin Place as a grand linear pedestrian space framed by grand civic buildings, functioning as the civic and ceremonial heart of the City. These controls modulate the overall approach for Central Sydney to implement the Martin Place vision. Crucially, they establish the following:

- a future consistent street frontage height for Martin Place
- a significant setback of at least 25m above that street frontage height to ensure that towers do not dominate the views along Martin Place, and in particular to protect views to the GPO Tower.

The Martin Place controls were developed in a context that includes:

- recognising significant transport capacity afforded by the City's current and committed rail network
- implementing the long-term vision for Martin Place, developed jointly by the NSW Government and the City of Sydney.

## **5.2 The planning proposal**

The proposed new Martin Place metro station adds another layer to the context in which the controls for Martin Place must be considered. It increases transport capacity to Central Sydney by 50%, both through the new passengers accommodated by Sydney Metro and through allowing additional trains on the existing heavy rail network to Central Sydney stations including Wynyard, Martin Place and St James stations. All of these existing heavy rail stations are within easy walking distance of, and already service, the planning proposal subject site.

That additional transport capacity due to Sydney Metro creates opportunities for new commercial development within the catchment area of the metro stations, and throughout Central Sydney more generally. The proposed Central Sydney Planning Strategy has responded by providing economic opportunities for investment in jobs, and supports the public improvements necessary to make Central Sydney an even more attractive place for workers. It provides capacity for the expansion of employment in Central Sydney jobs over the 20-year strategy timeframe. These commercial development opportunities are not limited to the sites immediately above the new metro stations, but are spread throughout Central Sydney by the station catchment areas where it is appropriate.

The proposed Central Sydney Planning Strategy recognises that as development pressures in the City increase, protecting special character areas such as Martin Place become more important. This places greater importance on those controls that look to achieve the long-

term vision for Martin Place. The current planning controls in Sydney LEP 2012 have been very successful in implementing that vision as sites develop.

The provision of a new metro rail station in Martin Place does not alter the overall context for the Martin Place planning controls. Commercial development to absorb the additional capacity provided by Sydney Metro can be spread throughout the station catchment, including at sites above the station that are subject to this planning proposal. This can be done by increasing the building heights on those sites to the relevant sun access planes, whilst maintaining the 25 metre tower setback to Martin Place for the south site.

### **5.3 Floor Space Ratio in the planning proposal**

The planning proposal requests the following Floor Space Ratios in Sydney LEP 2012 for the respective sites:

North site – 18.5:1

South site – 22:1

However, the planning proposal is not clear about what is included or excluded from the FSR calculation, pointing out that some of the FSR is below ground for the Metro Station and other purposes, and some applies to the commercial and other uses in the planned towers. This raises considerable uncertainty as to the ultimate outcome for development of the sites. Future applications by Macquarie (or another party should Macquarie divest or dilute their interest in the site) may not adopt the same definitional approach or distribution of FSR as the planning proposal. This could lead to more FSR needing to be accommodated above ground and within the proposed building envelopes. The impact of that would be pressure to breach the building envelopes through modifications or through an SSD approval. This would be an entirely unacceptable outcome, but its possibility would be left open by modifying Sydney LEP 2012 to accommodate the FSR requested in the planning proposal.

**The FSR request in the planning proposal is not supported by robust analysis, and does not provide clarity or certainty about the development outcomes sought, and needs to be urgently revised.**

The City recommends the following approach to FSR on the two sites:

#### ***South site***

The South site should maintain the current maximum FSR in Sydney LEP 2012. It is distinctly NOT an opportunity site.

The Martin Place South site is not suitable for the development sought in the opportunistic planning proposal. It is affected by long-standing planning and design principles and controls that have been consistently applied to other site along Martin Place Blocks 1-4. The planning proposal makes no relevant case for a departure from those community considerations.

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Any proposal should maintain the 25m setback that is a long-standing and successful part of the planning controls, implementing the long-term vision for Martin Place.

**The City strongly objects to the FSR requested for the South site in the planning proposal.**

***North site***

The North site should have an FSR that is matched to the desired above-ground form of any building on the site. This is not the case for the North Site in the planning proposal, and needs to be sensitively revised. The built form considerations that should inform any revised FSR on the North site include:

- A maximum building height below the Martin Place sun access plane. The planning proposal is consistent with this principle
- A street wall height that relates to and reinforces the scale of 50 Martin Place. The planning proposal is not consistent with this principle
- Setbacks of at least 4 metres above this street wall to Elizabeth Street and Castlereagh Street for the full length of the building, to allow light, air circulation and daylight to adjacent development and to the public domain, and to provide wind protection. The planning proposal is not consistent with this principle
- A street wall setback should be required to Hunter Street if the modelled wind conditions exceed existing conditions. The planning proposal is not consistent with this principle.

The planning proposal does not match the FSR of the desired built form for the site.

**The FSR for the North site needs to be reviewed to be consistent with the above considerations.**

The FSR calculations are complex and the City would be willing to work further with the Department and the proponent to achieve a clearer understanding of the development capacity of the sites and how that should be translated to Sydney LEP 2012.



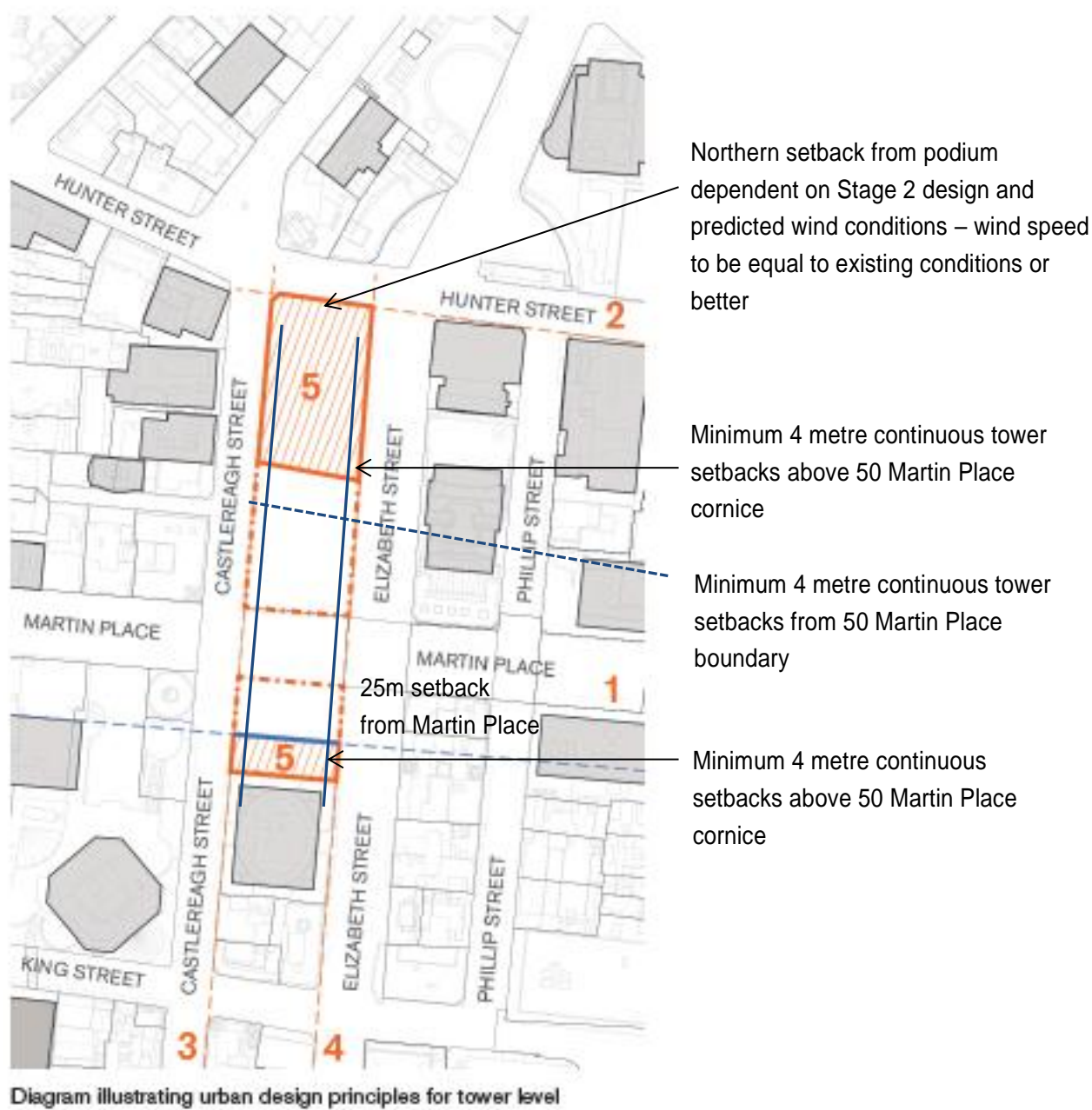
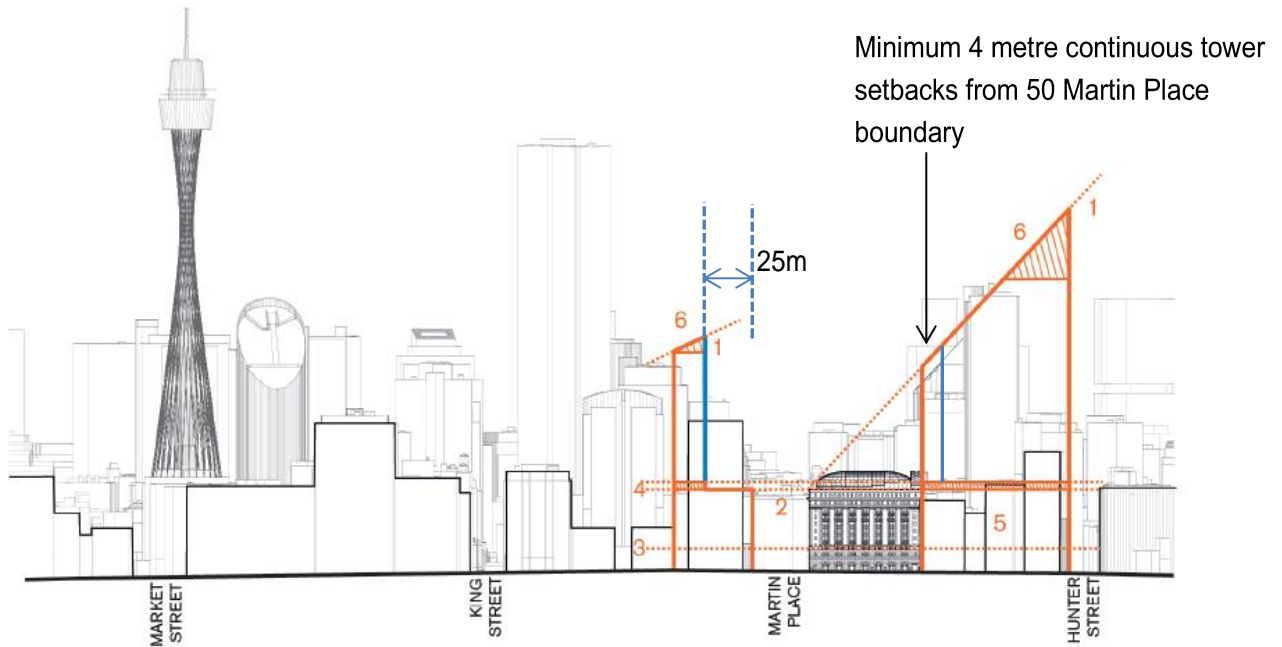


Figure 11 – setbacks



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