Appendix F – 60 Martin Place Planning Proposal: Assessment of Planning Proposal against NSW Department of Planning and Infrastructure Guidelines

The following provides an assessment against the requirements in *A guide to preparing local environmental plans* and *A guide to preparing planning proposals* published by the DP&I in July 2009 (updated October 2012).

Need for a Planning Proposal

Question 1 – Is the Planning Proposal a result of any strategic study or report?

This Planning Proposal is not the result of any strategic study or report but rather the result of a lengthy planning and design process by the proponent in consultation with Council. The current proposal also results from a number of specialist reports accompanying this Planning Justification Report, demonstrating the suitability and justifying the need for the proposal.

The site is important in Central Sydney, located at the intersection of Macquarie Street and Martin Place. The redevelopment of the site will offer significant benefits, and the urban design principles established for development have been informed by the existing built form of Martin Place.

Question 2 – Is the Planning Proposal the best means of achieving the objectives or intended outcomes, or is there a better way?

A Planning Proposal is the best and most appropriate means of achieving the desired future redevelopment of this land. The proposed amendment to SLEP 2012 is for a modification to the maximum building height on the site. The Sun Access Planes are noted as a prohibition under SLEP2012, and therefore a Planning Proposal to amend this control is the only possible mechanism to redevelop the site as proposed.

The concurrent amendment to the Sydney DCP 2012 also satisfies the obligation of Clause 7.20 of SLEP 2012 to prepare a development control plan for the site. This will enable the orderly redevelopment of the site, with clear guidance on the potential building envelope and uses which could be included in such a redevelopment.

Relationship to strategic planning framework

Question 3 – Is the Planning Proposal consistent with the objectives and actions of the applicable regional or sub-regional strategy (including the Sydney Metropolitan Strategy and exhibited draft strategies)?

The proposals consistency with the regional and sub-regional strategies is detailed in **Section 6** of the Planning Justification Report. It has been determined that the proposal is consistent with the relevant objectives and actions, and will result in significant public benefits (see **Section 4** of the Planning Justification Report).

Question 4 - Is the Planning Proposal consistent with a council's local strategy or other local strategic plan?

The proposal is entirely consistent with Council's local strategy known as 'Sustainable Sydney 2030'. An assessment of the proposals consistency with the relevant strategic directions of this strategy is provided in **Section 6.2** of the Planning Justification Report, whilst a detailed assessment of the proposals consistency with each of the objectives is provided at **Appendix E**.

Question 5 – Is the Planning Proposal consistent with applicable State Environmental Planning Policies?

An assessment of the Planning Proposal against applicable State Environmental Planning Policies (SEPPs) is provided in **Table 1** below.

Question 6 – Is the Planning Proposal consistent with applicable Ministerial Directions (s.117 directions)?

The proposal has been determined to be consistent with the relevant directions for Planning Proposals issued by the Minister for Planning under Section 117(2) of the EP&A Act. A full assessment of the proposals consistency with these directions is provided in **Table 2**.

Environmental, social and economic impact

Question 7 – Is there any likelihood that critical habitat or threatened species, populations or ecological communities, or their habitats, will be adversely affected as a result of the proposal?

The proposal will not result in any impact of critical habitat or threatened species, populations or ecological communities or their habitats. The site is situated in a highly modified urban environment in the centre of Sydney, with no critical habitat or threatened species, populations or ecological communities in proximity to the site.

Question 8 – Are there any other likely environmental effects as a result of the Planning Proposal and how are they proposed to be managed?

A detailed assessment of the environmental impacts of the proposal is provided in **Section 7**. No unacceptable impacts or impacts which cannot be managed will result from the proposal.

Question 9 – Has the Planning Proposal adequately addressed any social and economic effects?

The proposal is likely to have a positive social and economic effect on the Sydney CBD. The provision of premium grade commercial office floor space in Central Sydney will increase the attractiveness of Sydney as a place for global business, improving the economic activity generated within the city. The benefits of the proposal are discussed further in **Section 4** of the Planning Justification Report.

The provision of lower level retail will have positive social impacts by contributing to the revitalisation of the Martin Place precinct, increasing activity in the precinct at the ground level. The opportunity for different retail tenancy sizes will enable finer grain improvements of the ground level of Martin Place, enhancing the social and cultural qualities of the space (see further discussion at **Section 4** of the Planning Justification Report).

The public benefits resulting from the redevelopment facilitated by this proposal will also have a number of positive social impacts in the area including the revitalisation of an important site and the associated improvements in amenity in the area (see further discussion at **Section 4** of the Planning Justification Report).

State and Commonwealth Interests

Question 10 – Is there adequate public infrastructure for the Planning Proposal?

The site is well located in Central Sydney and has ample access to a wide range of existing services. The site is located in the immediate vicinity of Martin Place railway station, as well as key pedestrian and vehicle infrastructure and cycle routes. The proposal does not involve a significant increase in gross floor area, therefore resulting in a negligible increase to demand on infrastructure.

Question 11 – What are the views of State and Commonwealth public authorities consulted in accordance with the Gateway determination?

Consultation has been undertaken with Transport for NSW due to the location of the site in close proximity to Martin Place Railway Station. As discussed in **Section 1.4.2**, RailCorp have advised of their requirements, which have been addressed by Enstruct in the structural reports (**Appendix C**).

The site is not identified as a matter of national significance under the EPBC Act. The Heritage Impact Report concluded that the proposals proximity to the Reserve Bank of Australia Building is unlikely to be a controlled action as it will have a negligible impact on the significance of the RBA Building (see **Appendix D**). It is noted that consultation has occurred with the Reserve Bank of Australia due to their location opposite the site.

Assessment against applicable SEPPs

Table 1 – Assessment against the applicable SEPPs

State Environmental Planning Policies (SEPPs)	Consistent		N/A	Comment
	YES	NO		
SEPP No 1 Development Standards			✓	SEPP 1 does not apply to SLEP 2012.
SEPP No 4 Development Without Consent and Miscellaneous Exempt and Complying Development			✓	SEPP (Exempt and Complying Development Codes) 2008 applies to the site.
SEPP No 6 Number of Storeys			✓	Standard instrument definitions apply.
SEPP No 14 Coastal Wetlands			✓	Not relevant to proposed amendment.
SEPP No 15 Rural Landsharing Communities			✓	Not relevant to proposed amendment.
SEPP No 19 Bushland in Urban Areas			✓	Not relevant to proposed amendment.
SEPP No 21 Caravan Parks			✓	Not relevant to proposed amendment.
SEPP No 22 Shops and Commercial Premises			✓	No change of use is sought as part of this proposal.
SEPP No 26 Littoral Rainforests			✓	Not relevant to proposed amendment.

State Environmental Planning Policies (SEPPs)	Consistent		N/A	Comment
	YES	NO		
SEPP No 29 Western Sydney Recreation Area			✓	Not relevant to proposed amendment.
SEPP No 30 Intensive Agriculture			✓	Not relevant to proposed amendment.
SEPP No 32 Urban Consolidation (Redevelopment of Urban Land)	✓			The proposal will facilitate the redevelopment of the site for commercial office purposes resulting in additional employment in an area where there is existing public infrastructure, transport, and community facilities.
SEPP No 33 Hazardous and Offensive Development			✓	Not relevant to proposed amendment.
SEPP No 36 Manufactured Home Estates			✓	Not relevant to proposed amendment.
SEPP No 39 Spit Island Bird Habitat			✓	Not relevant to proposed amendment.
SEPP No 44 Koala Habitat Protection			✓	Not relevant to proposed amendment.
SEPP No 47 Moore Park Showground			✓	Not relevant to proposed amendment.
SEPP No 50 Canal Estate Development			✓	Not relevant to proposed amendment.
SEPP No 52 Farm Dams and Other Works in Land and Water Management Plan Areas			✓	Not relevant to proposed amendment.
SEPP No 55 Remediation of Land	✓			Due to the past and current use of the site, and in light of the proposal not seeking to redevelop below the existing basement levels, the site is considered suitable for its future use. Refer to **Section 6.3** of the Planning Justification Report for further discussion.
SEPP No 59 Central Western Sydney Regional Open Space and Residential			✓	Not relevant to proposed amendment.
SEPP No 60 Exempt and Complying Development			✓	SEPP (Exempt and Complying Development Codes) 2008 applies to the site.
SEPP No 62 Sustainable Aquaculture			✓	Not relevant to proposed amendment.
SEPP No 64 Advertising and signage			✓	Not relevant to proposed amendment. May be relevant to future DAs.
SEPP No 65 Design Quality of Residential Flat Development			✓	The redevelopment will involve the construction of a commercial office development, whilst this SEPP applies to residential development.
SEPP No.70 Affordable Housing (Revised Schemes)			✓	Not relevant to proposed amendment.
SEPP No 71 Coastal Protection			✓	Not relevant to proposed amendment.
SEPP (Affordable Rental Housing) 2009			✓	Not relevant to proposed amendment.
SEPP (BASIX) 2004			✓	The redevelopment will involve the construction of a commercial office development, which is not subject to BASIX measurements. The relevant Green Star ratings will be assessed in the detailed DA for the redevelopment.

State Environmental Planning Policies (SEPPs)	Consistent		N/A	Comment
	YES	NO		
SEPP (Exempt and Complying Development Codes) 2008	✓			May apply to future development of the site.
SEPP (Housing for Seniors or People with a Disability) 2004			✓	Not relevant to proposed amendment.
SEPP (Infrastructure) 2007	✓			The proposal will be referred to RailCorp when a DA for the redevelopment is lodged. Consultation has occurred with Transport for NSW, and their requirements have been satisfied by Enstruct in the structural reports (**Appendix C**).
State Environmental Planning Policy (Kosciuszko National Park—Alpine Resorts) 2007			✓	Not relevant to proposed amendment.
State Environmental Planning Policy (Kurnell Peninsula) 1989			✓	Not relevant to proposed amendment.
State Environmental Planning Policy (Major Development) 2005			✓	Not relevant to proposed amendment.
State Environmental Planning Policy (Mining, Petroleum Production and Extractive Industries) 2007			✓	Not relevant to proposed amendment.
State Environmental Planning Policy (Penrith Lakes Scheme) 1989			✓	Not relevant to proposed amendment.
State Environmental Planning Policy (Port Botany and Port Kembla) 2013			✓	Not relevant to proposed amendment.
State Environmental Planning Policy (Rural Lands) 2008			✓	Not relevant to proposed amendment.
State Environmental Planning Policy (SEPP 53 Transitional Provisions) 2011			✓	Not relevant to proposed amendment.
State Environmental Planning Policy (State and Regional Development) 2011			✓	Not relevant to proposed amendment.
State Environmental Planning Policy (Sydney Drinking Water Catchment) 2011			✓	Not relevant to proposed amendment.
State Environmental Planning Policy (Sydney Region Growth Centres) 2006			✓	Not relevant to proposed amendment.
State Environmental Planning Policy (Temporary Structures) 2007			✓	Not relevant to proposed amendment.
State Environmental Planning Policy (Urban Renewal) 2010			✓	Not relevant to proposed amendment.
State Environmental Planning Policy (Western Sydney Employment Area) 2009			✓	Not relevant to proposed amendment.
State Environmental Planning Policy (Western Sydney Parklands) 2009			✓	Not relevant to proposed amendment.

Assessment against Section 117 Directions

Table 2 – Assessment against Section 117 Directions

Ministerial Directions	Requirements	Comment	Consistent (Y/N)
1. Employment and Resources			
1.1 Business and Industrial Zones	**Objectives** – encourage employment growth in suitable locations, – protect employment land in business and industrial zones, and – support the viability of identified strategic centres.	The proposal does not seek to amend the zoning of the site from B8 Metropolitan Centre, with a key focus of any development of the site being to provide high quality premium grade commercial floor space. This will in turn encourage employment and protect employment land.	Y
1.2 Rural Zones	**Objective** – The objective of this direction is to protect the agricultural production value of rural land.	The proposal does not relate to rural zoned land.	N/A
1.3 Mining, Petroleum Production and Extractive Industries	**Objective** – The objective of this direction is to ensure that the future extraction of State or regionally significant reserves of coal, other minerals, petroleum and extractive materials are not compromised by inappropriate development.	The proposal does not relate to Mining, Petroleum Production and Extractive Industries.	N/A
1.4 Oyster Aquaculture	**Objectives** – to ensure that Priority Oyster Aquaculture Areas and oyster aquaculture outside such an area are adequately considered when preparing a planning proposal, – to protect Priority Oyster Aquaculture Areas and oyster aquaculture outside such an area from land uses that may result in adverse impacts on water quality and consequently, on the health of oysters and oyster consumers.	The proposal does not relate to Oyster Aquaculture.	N/A
1.5 Rural Lands	**Objectives** – protect the agricultural production value of rural land, – facilitate the orderly and economic development of rural lands for rural and related purposes.	The proposal does not relate to rural lands.	N/A

Ministerial Directions	Requirements	Comment	Consistent (Y/N)
2. Environment and Heritage			
2.1 Environment Protection Zones	**Objective** – The objective of this direction is to protect and conserve environmentally sensitive areas.	The proposal does not relate to land zoned as environmentally sensitive land or a conservation area.	N/A
2.2 Coastal Protection	**Objective** – The objective of this direction is to implement the principles in the NSW Coastal Policy.	The proposal does not relate to coastal land.	N/A
2.3 Heritage Conservation	**Objective** – The objective of this direction is to conserve items, areas, objects and places of environmental heritage significance and indigenous heritage significance	A portion of the site is listed on the State Heritage Register (St Stephen's Church). The redevelopment of the site will involve refurbishment works to the church which will continue the Church's conservation and improve its significance. The redevelopment of the 60 Martin Place building will be sympathetic to the surrounding heritage items and will not result in any adverse or detrimental impacts to the significance of these items.	Y
2.4 Recreation Vehicle Areas	**Objective** – The objective of this direction is to protect sensitive land or land with significant conservation values from adverse impacts from recreation vehicles.	The proposal does not relate to sensitive land or land with significant conservation values, and no recreational vehicles are relevant to the proposal.	N/A
3. Housing, Infrastructure and Urban Development			
3.1 Residential Zones	**Objectives** – to encourage a variety and choice of housing types to provide for existing and future housing needs, – to make efficient use of existing infrastructure and services and ensure that new housing has appropriate access to infrastructure and services, and – to minimise the impact of residential development on the environment and resource lands.	The proposed amendments to the SLEP 2012 and Sydney DCP 2012 will facilitate the redevelopment of the site for a commercial office building. Therefore, despite residential uses being permissible in the B8 Metropolitan Centre zone, these uses are not proposed to be included in a redevelopment of the site.	N/A
3.2 Caravan Parks and Manufactured Home Estates	**Objectives** – to provide for a variety of housing types, and – to provide opportunities for caravan parks and manufactured home estates.	The proposal does not relate to Caravan Parks and Manufactured Home Estates.	N/A
3.3 Home Occupations	**Objective** – The objective of this direction is to encourage the carrying out of low-impact small businesses in dwelling houses.	The proposal does not relate to Home Occupations.	N/A

Ministerial Directions	Requirements	Comment	Consistent (Y/N)
3.4 Integrating Land Use and Transport	**Objective** The objective of this direction is to ensure that urban structures, building forms, land use locations, development designs, subdivision and street layouts achieve the following planning objectives: – improving access to housing, jobs and services by walking, cycling and public transport, and – increasing the choice of available transport and reducing dependence on cars, and – reducing travel demand including the number of trips generated by development and the distances travelled, especially by car, and – supporting the efficient and viable operation of public transport services, and – providing for the efficient movement of freight.	The proposal is consistent with this objective as it will facilitate the redevelopment of the site in a manner which integrates land use and transport. The redevelopment of the site will involve providing high quality premium floor space above Martin Place Railway station. The site is also located in close proximity to a significant number of other public transport modes of travel. As such, the provision of premium commercial floor space to encourage employment on the site will ensure that public transport near the site is made more viable through ongoing patronage.	Y
3.5 Development Near Licensed Aerodromes	**Objectives** – to ensure the effective and safe operation of aerodromes, and – to ensure that their operation is not compromised by development that constitutes an obstruction, hazard or potential hazard to aircraft flying in the vicinity, and – to ensure development for residential purposes or human occupation, if situated on land within the Australian Noise Exposure Forecast (ANEF) contours of between 20 and 25, incorporates appropriate mitigation measures so that the development is not adversely affected by aircraft noise.	The proposal is not in the vicinity of a licensed aerodrome.	N/A
3.6 Shooting Ranges	**Objective** – to maintain appropriate levels of public safety and amenity when rezoning land adjacent to an existing shooting range, – to reduce land use conflict arising between existing shooting ranges and rezoning of adjacent land, – to identify issues that must be addressed when giving consideration to rezoning land adjacent to an existing shooting range.	The proposal does not involve any shooting ranges.	N/A

Ministerial Directions	Requirements	Comment	Consistent (Y/N)
4. Hazard and Risk			
4.1 Acid Sulphate Soils	**Objective** – The objective of this direction is to avoid significant adverse environmental impacts from the use of land that has a probability of containing acid sulfate soils.	The SLEP 2012 contains acid sulphate soils provisions and this proposal does not seek to amend these provisions. These provisions will be addressed in the detailed development application for the redevelopment of the site.	Y
4.2 Mine Subsidence and Unstable Land	**Objective** – The objective of this direction is to prevent damage to life, property and the environment on land identified as unstable or potentially subject to mine subsidence.	The proposal relates to a site in Central Sydney, unlikely to be subject to mine subsidence or unstable land.	N/A
4.3 Flood Prone Land	**Objectives** – to ensure that development of flood prone land is consistent with the NSW Government's Flood Prone Land Policy and the principles of the Floodplain Development Manual 2005, and – to ensure that the provisions of an LEP on flood prone land is commensurate with flood hazard and includes consideration of the potential flood impacts both on and off the subject land.	The site subject to this proposal is not identified as flood prone land.	N/A
4.4 Planning for Bushfire Protection	**Objectives** – to protect life, property and the environment from bush fire hazards, by discouraging the establishment of incompatible land uses in bush fire prone areas, and – to encourage sound management of bush fire prone areas.	The site subject to this proposal is not as bush fire prone land.	N/A
5. Regional Planning			
5.1 Implementation of Regional Strategies	**Objective** – The objective of this direction is to give legal effect to the vision, land use strategy, policies, outcomes and actions contained in regional strategies.	The proposal is consistent with the relevant regional strategies as outlined in **Section 6** of the Planning Justification Report.	Y
5.2 Sydney Drinking Water Catchment	**Objective** – The objective of this Direction is to protect water quality in the Sydney drinking water catchment.	The proposal will not result in any adverse impacts to the water quality of the Sydney drinking water catchment.	Y

Ministerial Directions	Requirements	Comment	Consistent (Y/N)
5.3 Farmland of State and Regional Significance on the NSW Far North Coast	**Objectives** – to ensure that the best agricultural land will be available for current and future generations to grow food and fibre, – to provide more certainty on the status of the best agricultural land, thereby assisting councils with their local strategic settlement planning, and – to reduce land use conflict arising between agricultural use and non-agricultural use of farmland as caused by urban encroachment into farming areas.	The proposal does not relate to land identified as farmland of State and Regional significance on the NSW Far North Coast.	N/A
5.4 Commercial and Retail Development along the Pacific Highway, North Coast	**Objectives** – to protect the Pacific Highway's function, that is to operate as the North Coast's primary inter- and intra-regional road traffic route; – to prevent inappropriate development fronting the highway – to protect public expenditure invested in the Pacific Highway, – to protect and improve highway safety and highway efficiency, – to provide for the food, vehicle service and rest needs of travellers on the highway, and – to reinforce the role of retail and commercial development in town centres, where they can best serve the populations of the towns.	The proposal does not relate to land on the Pacific Highway.	N/A
5.8 Second Sydney Airport: Badgerys Creek	**Objective** – The objective of this direction is to avoid incompatible development in the vicinity of any future second Sydney Airport at Badgerys Creek.	The proposal does not relate to land in the vicinity of Sydney's second airport at Badgerys Creek.	N/A
6. Local Plan Making			
6.1 Approval and Referral Requirements	**Objective** – The objective of this direction is to ensure that LEP provisions encourage the efficient and appropriate assessment of development.	No new concurrence provisions are proposed.	Y
6.2 Reserving Land for Public Purposes	**Objectives** – to facilitate the provision of public services and facilities by reserving land for public purposes, and – to facilitate the removal of reservations of land for public purposes where the land is no longer required for acquisition.	The proposal does not relate to public land.	N/A

Ministerial Directions	Requirements	Comment	Consistent (Y/N)
6.3 Site Specific Provisions	**Objective** – The objective of this direction is to discourage unnecessarily restrictive site specific planning controls.	The proposal has avoided any unnecessarily restrictive site specific planning controls, whilst still providing certainty for the future built form of the site.	Y
7. Metropolitan Planning			
7.1 Implementation of the Metropolitan Plan for Sydney 2036	**Objective** – The objective of this direction is to give legal effect to the vision, transport and land use strategy, policies, outcomes and actions contained in the Metropolitan Plan for Sydney 2036.	This proposal is consistent with the objectives and strategies of the Metropolitan Plan in that it will facilitate the delivery of commercial and retail floor space which supports the attractiveness, viability and role of Sydney as a global city.	Y