

ATTACHMENT A

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RESPONSE TO SUBMISSIONS

Response to submissions

Submission	Issue raised	Response	Action
<p>Public – building owner on Martin Place</p>	<p>Overshadowing of Martin Place. The submission notes that the locality statement for the Martin Place Special Character Area in Sydney Development Control Plan 2012 includes the following principle: ‘protect and extend sun access and reflected sunlight to Martin Place during lunchtime hours from mid-April to the end of August.’ The submission requests a full shadow analysis for both 21 July and 21 August to allow a thorough assessment of the planning proposal.</p>	<p>The material provided in support of the Planning Proposal includes shadow analysis at 14 April and 21 June. Analysis for 21 March and 21 December is also included for information, but is not critical to assessment of the proposal. 21 June is included as it is the worst-case scenario. It represents the day on which the sun is at its lowest position in the sky, and overshadowing from buildings is most extensive. 14 April is included as this is the date at which the Sun Access Plane for Martin Place, included in Sydney Local Environmental Plan 2012, is drawn. On 14 April at 12 noon, the sun is in the same position in the sky as 31 August at 12 noon. This is the only pair of dates for which this coincidence occurs. Together, they mark out what can be considered as our winter period. Due to its east-west orientation and the height of the buildings on its northern side, Martin Place receives very little sun at lunchtime in winter. For this reason, winter sun to Martin Place is not explicitly protected by the Sun Access Plane in Sydney LEP 2012.</p>	<p>No further action.</p>

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		<p>With respect to the two dates suggested for additional full shadow analysis: 21 August will show almost the same situation as 14 April/31 August; whilst analysis for 21 July would show shadow slightly more extensive than for 14 April/31 August but less extensive than for 21 June. It is expected that for both 21 August and 21 July, there could be some very minor additional overshadowing. This would be considered acceptable given that Martin Place is almost entirely overshadowed at this time in any case.</p> <p>The principle of protecting sun between 14 April and 31 August will remain in Sydney Development Control Plan 2012, and development applications will be assessed against this principle and the other Development Control Plan principles in a balanced manner.</p>	
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<p>NSW Heritage Council</p>	<p>The proposed separation from the cantilever element of the tower and the spire of St Stephens is insufficient to protect the curtilage around the spire. The depth of the cantilever should be reduced from 8m to 5 or 6m for the lower two levels of the cantilever.</p>	<p>Agreed that further refinement of the cantilever is warranted.</p>	<p>The Maximum Building Envelope shown in the draft Sydney Development Control Plan 2012 will be amended to reduce the lower two levels of the cantilever to 4m for the lowest level, and 6m for the next level. The 8m depth will be maintained for the remaining portion of the cantilever.</p>
<p>The proposed Local Environmental Plan map showing Area 6 on the height of building map should be changed so as to match the Maximum Building Envelope diagram shown in the Development Control Plan. The Development Control Plan shows the cantilever setback 8m from Macquarie Street, while the Area 6 boundary on the Local Environmental Plan Height of Buildings map extends fully to Macquarie Street.</p>	<p>The two approaches are complementary rather than contradictory. The Development Control Plan Maximum Building Envelope is a refinement of the boundary shown in the Local Environment Plan. The Development Control Plan refinements are intended to direct development towards a response that reduces development bulk at the interface between the 60 Martin Place tower and St Stephens Church, and suggests the increased setback as the preferred way of achieving this. However, other design solutions that achieve the same outcome are possible, and should not be precluded by 'locking in' one of a number of potential responses to the exclusion of others. Building setbacks above the street frontage height are contained in Sydney Development Control Plan 2012, rather than in Sydney Local Environmental Plan 2012. For these reasons, the Local Environmental Plan map showing Area 6 extending to the</p>	<p>None.</p>	

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		Macquarie Street boundary will be maintained.	
	The design of the podium structure for the tower should have a respectful relationship with St Stephen's Church. A provision should be included in the Development Control Plan to this effect.	Agreed.	A provision will be included in the Development Control Plan to that effect.
	It is essential that the development of the tower, which is dependent on the use of the church's airspace, should contribute to the ongoing maintenance of the church as a State Heritage item.	Noted.	As the church is listed on the State Heritage Register, any development application that includes the church will require concurrent approval from the NSW Heritage Council. The NSW Heritage Council can propose development conditions to ensure the ongoing maintenance of the church as part of any approval it issues.
Ausgrid	The developer will be required to make a formal submission to Ausgrid.	Noted.	None at this stage.
Transport for NSW	None	None.	None.