

26 April 2018

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Anthea Sargent
Executive Director, Key Sites and Industry Assessments
Department of Planning and Environment
322 Pitt Street, Sydney

Attn: Brendon Roberts - Principal Planning Officer

Sandstone Precinct SSD 7484 - Section 4.55(1) Modification Application to correct error in Condition B37

This application has been prepared by Ethos Urban on behalf of Pontiac Land (Australia) Pty Ltd (Pontiac) pursuant to section 4.55(1) of the *Environmental Planning & Assessment Act 1979* (the EP&A Act) to modify Development Consent SSD 7484 relating to the Sandstone Precinct, Bridge Street, Sydney.

Section 4.55(1) of the EP&A Act states that the consent authority may modify a development consent to correct a minor error, misdescription or miscalculation.

Proposed Modification of Consent

On 24 April 2018, the Minister for Planning (under delegation) granted development to SSD 7484 for the adaptive reuse of the Sandstone Precinct for tourist and visitor accommodation. The development consent that was issued for this application, however, failed to incorporate a change to one of the conditions requested by Transport for NSW (TfNSW).

This modification application therefore seeks to amend Condition B37 to reflect the wording requested by TfNSW. This modification will correct a minor error in the conditions of consent and ensure that the Deed of Agreement that needs to be entered into between Pontiac and TfNSW under Condition B37 relates to all relevant rail infrastructure, being both the CBD Rail Link and the Sydney Metro City and South West.

TfNSW have indicated that without both rail corridors included in the condition, they would not be able to issue the Deed outlined in the B37.

The process involved in agreeing the deed is time consuming, and therefore this error (whilst small) puts the project commencement at risk. The Department's assistance in rectifying this error in a timely manner is therefore requested.

The proposed amended wording of the relevant condition is identified below. Words proposed to be inserted are shown in ***bold italics***.

Condition B37

*The Applicant shall enter into a Deed of Agreement with TfNSW prior to the issue of the first Construction Certificate - excavation (CC2) to address any adverse effects of the approved development on the **Sydney Metro City and South West and CBD rail link (C8DRL)** identified in State Environmental Planning Policy (Infrastructure) 2007. The Agreement must provide for the following:*

- a) the design, construction and maintenance of the approved development so as to satisfy the requirements in Conditions 838 to 843 below*
- b) allowances for the future construction of railway tunnels in the vicinity of the approved development*
- c) allowances in the design, construction and maintenance of the approved development for the future operation of railway tunnels in the vicinity of the approved development, especially in relation to noise, vibration, stray currents, electromagnetic fields and fire safety*
- d) consultation with TfNSW*
- e) access by representatives of TfNSW to the site of the approved development and all structures on that site*
- f) provision to TfNSW of drawings, reports and other information related to the design, construction and maintenance of the approved development*
- g) such other matters which TfNSW considers are appropriate to give effect to (a) to (h) above*
- h) such other matters as the owners and TfNSW agree.*

The proposed amendments do not change the approved development in any way and will not give rise to any environmental impact. The proposed amendments merely correct an error in the conditions of consent.

Should you have any queries about this matter, please do not hesitate to contact me on (02) 9956 6962.

Yours sincerely,



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