

10 March 2021

15879

Jim Betts
Secretary
Department of Planning, Industry and Environment
12 Darcy Street,
Parramatta NSW 2150

Attention: Russell Hand (Principal Planning Officer – Key Sites Assessment)

Dear Russell,

SECTION 4.55(1A) MODIFICATION APPLICATION Sydney Metro Martin Place Station Precinct – North Site (SSD 9270) MOD 5

This application has been prepared by Ethos Urban on behalf of Macquarie Corporate Holdings Pty Ltd, pursuant to Section 4.55(1A) of the *Environmental Planning and Assessment Act 1979* (EP&A Act) to modify SSDA 9270 relating to 50 Martin Place, 9-19 Elizabeth Street, 8-12 Castlereagh Street, 5 Elizabeth Street, 7 Elizabeth Street, and 55 Hunter Street (North Site), above the northern entrance of the new Martin Place Metro Station.

This application seeks to modify the development consent to facilitate minor design changes to the North Tower. The proposed changes are the result of the design development process and Macquarie's workplace design review which has involved further detailed design of the proposal. The modifications are minor in nature and comprise the following:

- Relocation of the approved operable louvre on Level 5 of the northern façade to Level 7;
- Infilling of the approved atrium voids on Levels 19, 22 and 25; and
- High rise core and amenities reconfiguration on Levels 29-37.

This application identifies the consent, describes the proposed modifications and provides an assessment of the relevant matters contained in Section 4.55(1A) of the EP&A Act. This application is accompanied by:

- Modified architectural drawings (**Attachment A**);
- Design Statement (**Attachment B**);
- Updated area schedule (**Attachment C**).

Pre-lodgement consultation in relation to the proposed modification application has occurred with the Department of Planning, Industry and Environment (DPIE) on 3 December 2020. Furthermore, all changes proposed within this modification application have been confirmed by the Planning Secretary under Condition B6 to not require DRP review.

1.0 Consent proposed to be modified

The consent proposed to be modified was granted by the Minister for Planning and Public Spaces on 13 August 2019 for the Stage 2 State Significant Development (SSD) Development Application (DA) for the construction and use of a 39-storey mixed use tower at 50 Martin Place, 9-19 Elizabeth Street, 8-12 Castlereagh Street, 5 Elizabeth Street, 7 Elizabeth Street and 55 Hunter Street (North Site), above the northern entrance of the new Martin Place Metro Station. The proposed modification application will be the fourth application seeking to modify SSDA 9270.

2.0 Proposed modifications to the consent

Relocation of louver

The approved design of the northern elevation of the tower incorporates operable windows for atrium smoke exhaust and make up air. Since approval, Macquarie has developed their fit-out requirements and now requires the relocation of the smoke exhaust and make up air operable louvres from Level 5 to Level 7. **Figures 1** and **2** show the approved and proposed location of the louvres.

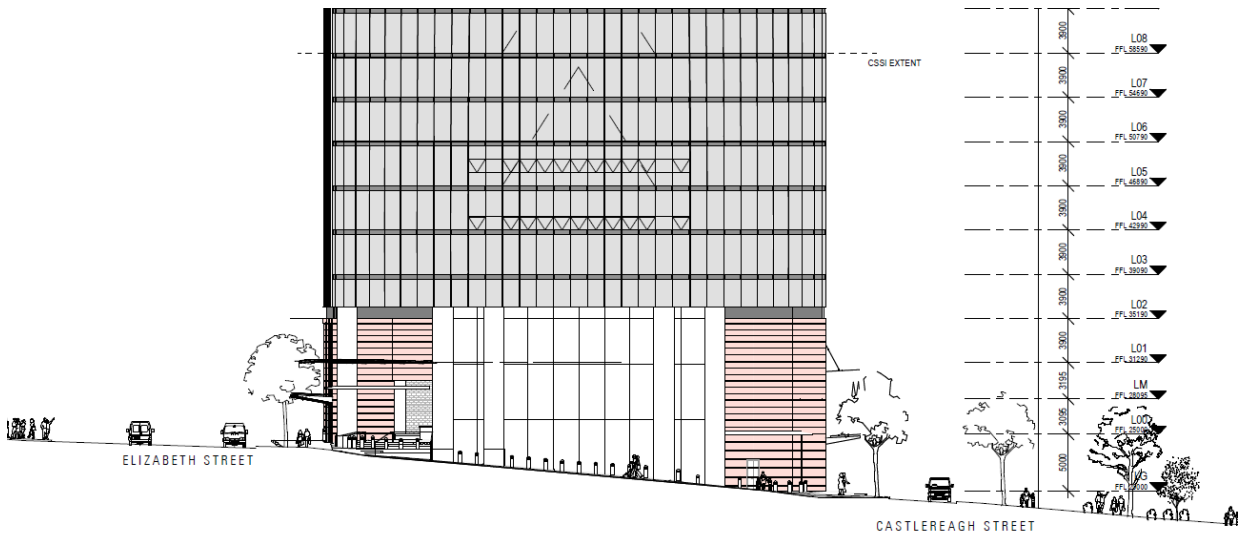


Figure 1 Approved placement of louver

Source: JPW

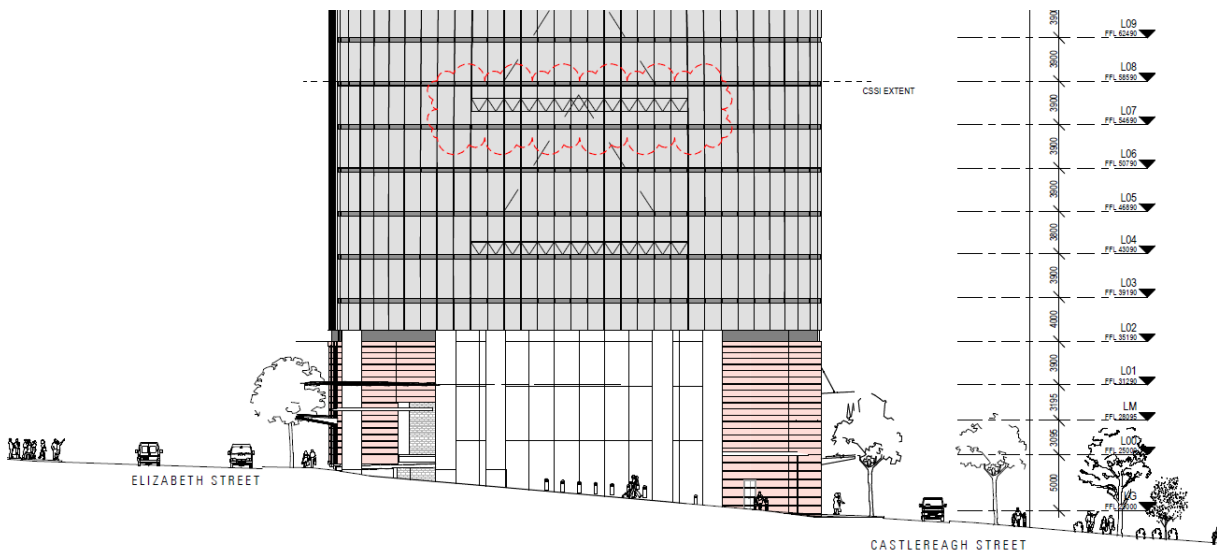


Figure 2 Proposed placement of louver

Source: JPW

Infilling of the approved atrium voids

The approved development incorporates central atria within the low and mid rise sections of the tower. Since developing their workplace design, Macquarie proposes to fill in the atria previously approved on Levels 19, 22 and 25 to provide a series of four individual central atria that each connect three workplace floors. A comparison of the approved atria and proposed atria is illustrated in **Figures 3 and 4** respectively. An example of the proposed infilling on Level 19 is shown below in **Figure 6** (the same is proposed on Levels 22 and 25). The slab infills will result in an additional 176m² of commercial GFA on Level 19, 175m² on Level 22 and 176m² on Level 25, resulting in a total overall GFA increase of 527m².

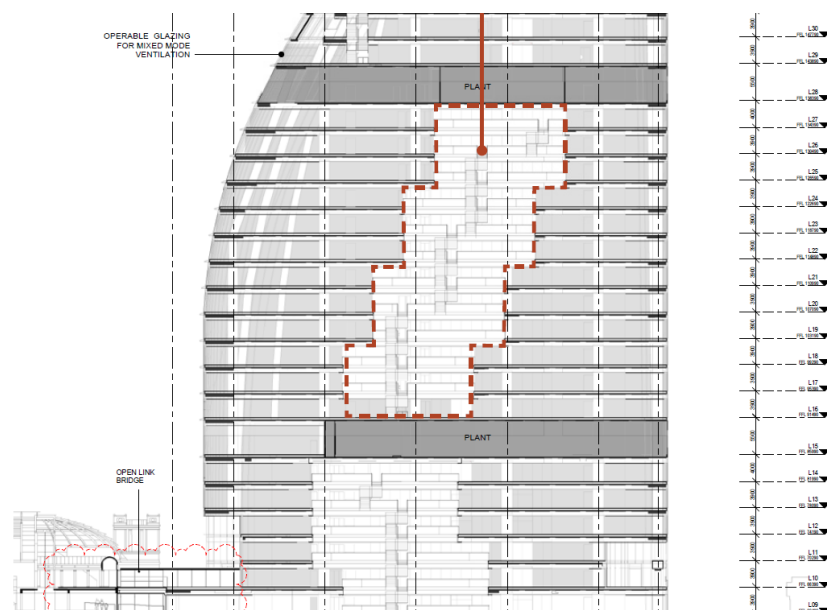


Figure 3 Approved central atria

Source: JPW

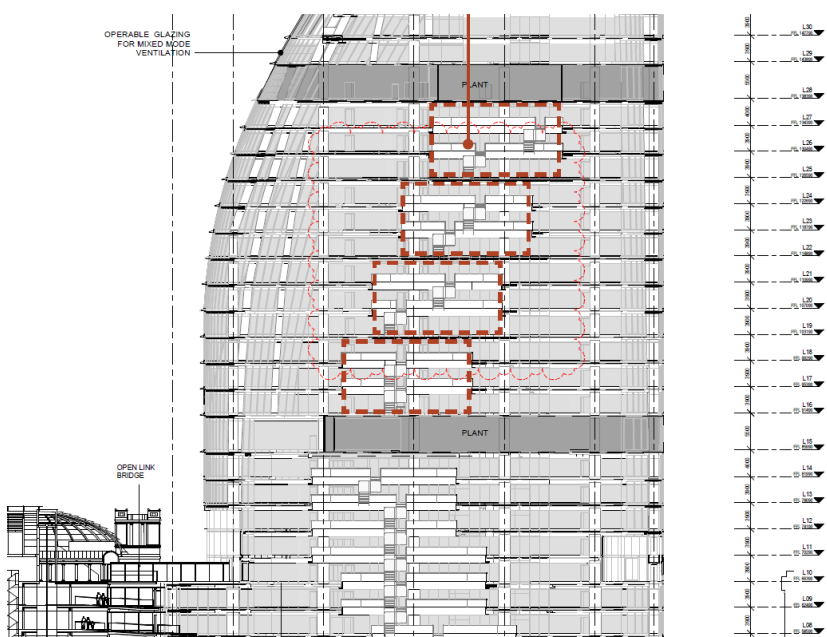


Figure 4 Mid-rise 4 separate central atria connecting 3 workplace floors

Source: JPW

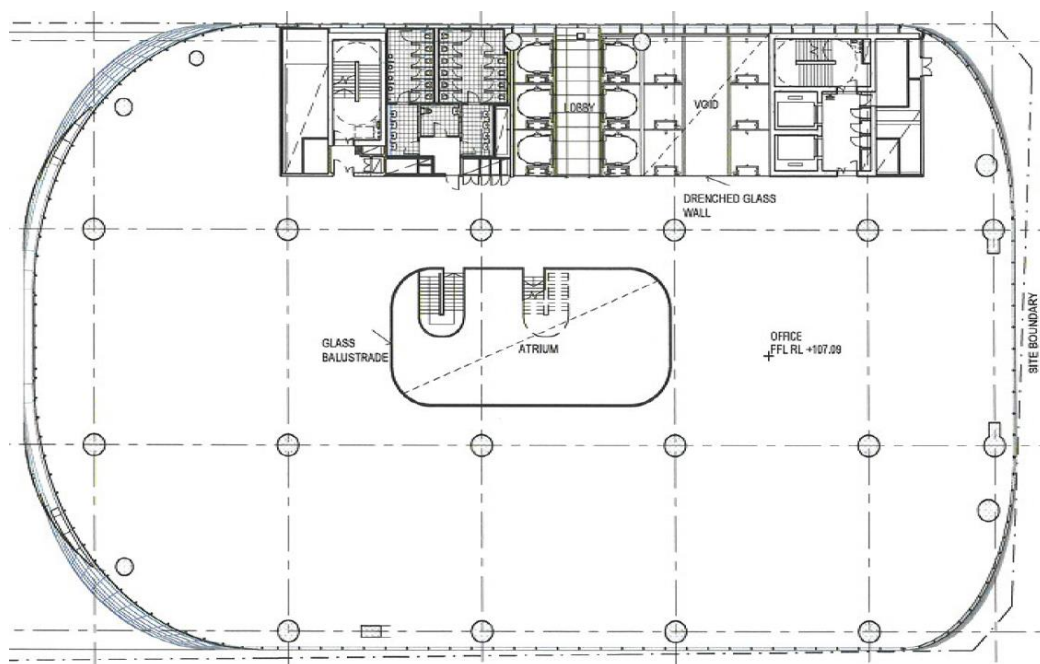


Figure 5 Example of approved atrium on Level 19

Source: JPW

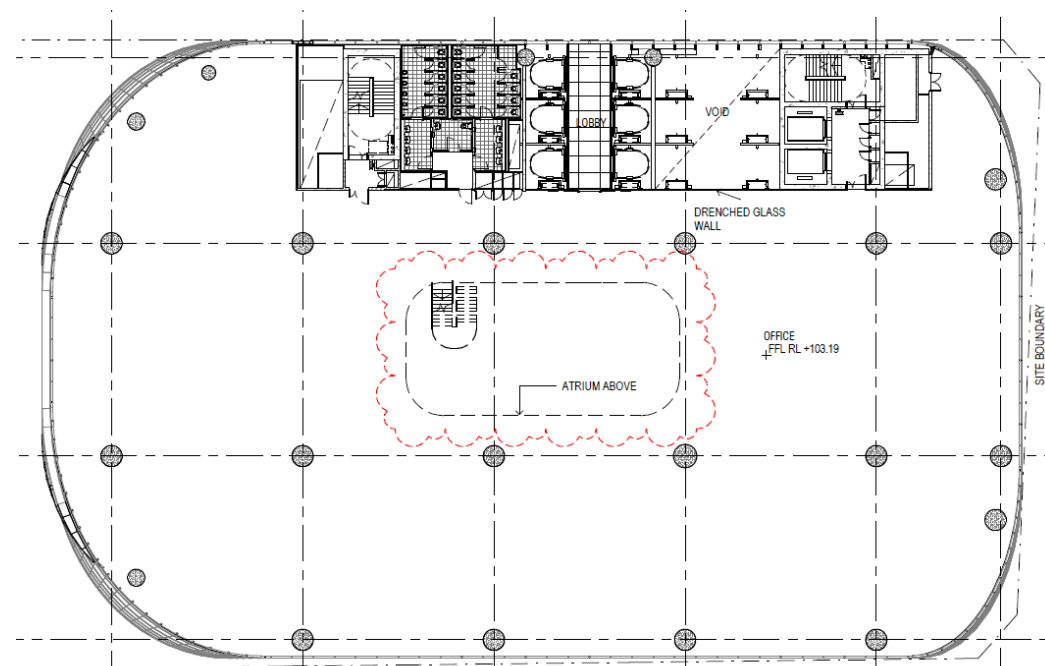


Figure 6 Example of proposed infill area on Level 19

Source: JPW

High rise core and amenities reconfiguration

The approved high rise floors incorporate amenities and services within the western core block. Since approval, Macquarie have developed the high rise building design and servicing has been rationalised to reduce the extent of the core to the south-west and north-west. As such, the amenities and services have been relocated away from the south west façade to stack vertically from Level 29-37 and achieve more consistent workplace floor plates across the levels. The changes are contained entirely within the proposed building, and as such will not have any impact on the built form as previously approved. The re-arrangement will lead to a minor total increase of 239m² GFA across levels 29-37. The proposed changes are typical of the evolving design development process and are considered an improvement to the approved development from a functionality and useability perspective.

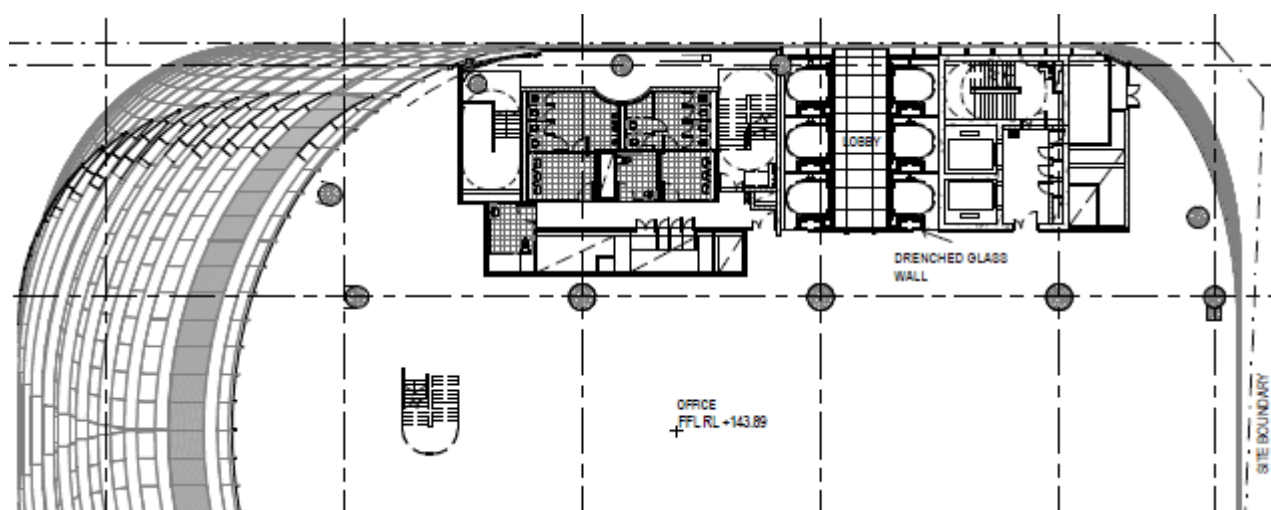


Figure 7 Approved Level 29 Amenities core

Source: JPW

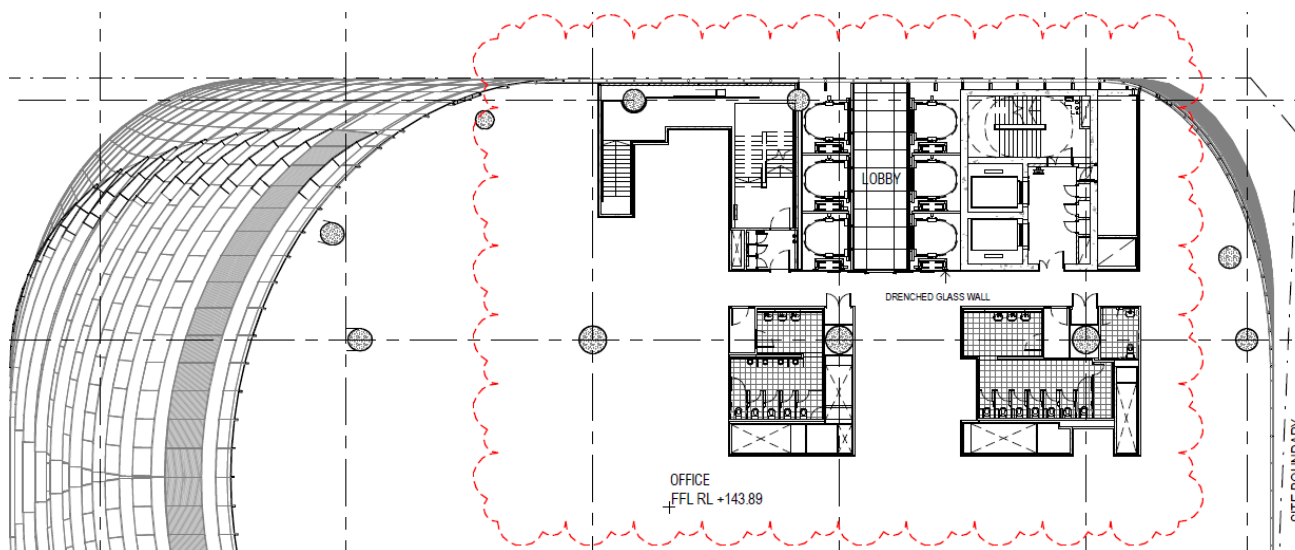


Figure 8 Proposed Level 29 Amenities core

Source: JPW

2.1 Modifications to conditions

The proposed modifications described above necessitate amendments to the consent conditions which are identified below. Words proposed to be deleted are shown in ~~bold strike through~~ and words to be inserted are shown in ***bold italics***.

Condition A2

Drawing Number	Rev	Name of Plan	Date
CSWSMP-MAC-SMN-AT-DRG-DA-000000	I	Cover Page and Drawing List	31.05.19
CSWSMP-MAC-SMN-AT-DRG-DA-109805	D	Location Plan	31.05.19
CSWSMP-MAC-SMN-AT-DRG-DA-109806	D	Site Plan – Roof Plan	31.05.19
CSWSMP-MAC-SMN-AT-DRG-DA-109808	D	Precinct Plan – Ground Plane	31.05.19
CSWSMP-MAC-SMN-AT-DRG-DA-159801	G	Precinct Section	31.05.19
CSWSMP-MAC-SMN-AT-DRG-DA-300000	K	Ground Plan – Elizabeth Street	31.05.19
CSWSMP-MAC-SMN-AT-DRG-DA-300100	I	Level 01 Plan	31.05.19
CSWSMP-MAC-SMN-AT-DRG-DA-300200	I	Level 02 Plan	31.05.19
CSWSMP-MAC-SMN-AT-DRG-DA-300300	L	Level 03 Plan	19.05.20
CSWSMP-MAC-SMN-AT-DRG-DA-300400	K	Level 04 Plan	19.05.20
CSWSMP-MAC-SMN-AT-DRG-DA-300500	I	Level 05 Plan	31.05.19
CSWSMP-MAC-SMN-AT-DRG-DA-300600	I	Level 06 Plan	31.05.19
CSWSMP-MAC-SMN-AT-DRG-DA-300700	H	Level 07 Plan	31.05.19
CSWSMP-MAC-SMN-AT-DRG-DA-300800	H	Level 08 Plan	31.05.19
CSWSMP-MAC-SMN-AT-DRG-DA-300900	H	Level 09 Plan	31.05.19
CSWSMP-MAC-SMN-AT-DRG-DA-301000	K	Level 10 Plan	19.05.20
CSWSMP-MAC-SMN-AT-DRG-DA-301100	H	Level 11 Plan	31.05.19
CSWSMP-MAC-SMN-AT-DRG-DA-301200	H	Level 12 Plan	31.05.19
CSWSMP-MAC-SMN-AT-DRG-DA-301300	H	Level 13 Plan	31.05.19
CSWSMP-MAC-SMN-AT-DRG-DA-301400	H	Level 14 Plan	31.05.19
CSWSMP-MAC-SMN-AT-DRG-DA-301500	H	Level 15 Plan	31.05.19
CSWSMP-MAC-SMN-AT-DRG-DA-301600	H	Level 16 Plan	31.05.19
CSWSMP-MAC-SMN-AT-DRG-DA-301700	H	Level 17 Plan	31.05.19
CSWSMP-MAC-SMN-AT-DRG-DA-301800	H /	Level 18 Plan	31.05.19 <i>14.01.21</i>
CSWSMP-MAC-SMN-AT-DRG-DA-301900	H /	Level 19 Plan	31.05.19 <i>14.01.21</i>
CSWSMP-MAC-SMN-AT-DRG-DA-302000	H	Level 20 Plan	31.05.19
CSWSMP-MAC-SMN-AT-DRG-DA-302100	H /	Level 21 Plan	31.05.19 <i>14.01.21</i>
CSWSMP-MAC-SMN-AT-DRG-DA-302200	H /	Level 22 Plan	31.05.19 <i>14.01.21</i>
CSWSMP-MAC-SMN-AT-DRG-DA-302300	H	Level 23 Plan	31.05.19
CSWSMP-MAC-SMN-AT-DRG-DA-302400	H /	Level 24 Plan	31.05.19 <i>14.01.21</i>
CSWSMP-MAC-SMN-AT-DRG-DA-302500	H /	Level 25 Plan	31.05.19 <i>14.01.21</i>

Drawing Number	Rev	Name of Plan	Date
CSWSMP-MAC-SMN-AT-DRG-DA-302600	H	Level 26 Plan	31.05.19
CSWSMP-MAC-SMN-AT-DRG-DA-302700	H	Level 27 Plan	31.05.19
CSWSMP-MAC-SMN-AT-DRG-DA-302800	H	Level 28 Plan	31.05.19
CSWSMP-MAC-SMN-AT-DRG-DA-302900	H I	Level 29 Plan	31.05.19 14.01.21
CSWSMP-MAC-SMN-AT-DRG-DA-303000	H I	Level 30 Plan	31.05.19 14.01.21
CSWSMP-MAC-SMN-AT-DRG-DA-303100	H I	Level 31 Plan	31.05.19 14.01.21
CSWSMP-MAC-SMN-AT-DRG-DA-303200	H I	Level 32 Plan	31.05.19 14.01.21
CSWSMP-MAC-SMN-AT-DRG-DA-303300	H I	Level 33 Plan	31.05.19 14.01.21
CSWSMP-MAC-SMN-AT-DRG-DA-303400	H I	Level 34 Plan	31.05.19 14.01.21
CSWSMP-MAC-SMN-AT-DRG-DA-303500	H I	Level 35 Plan	31.05.19 14.01.21
CSWSMP-MAC-SMN-AT-DRG-DA-303600	H I	Level 36 Plan	31.05.19 14.01.21
CSWSMP-MAC-SMN-AT-DRG-DA-303700	H I	Level 37 Plan	31.05.19 14.01.21
CSWSMP-MAC-SMN-AT-DRG-DA-303800	H	Lower Roof Plan	31.05.19
CSWSMP-MAC-SMN-AT-DRG-DA-303900	H	Upper Roof Plan	31.05.19
CSWSMP-MAC-SMN-AT-DRG-DA-305000	H	Roof Plan	31.05.19
CSWSMP-MAC-SMN-AT-DRG-DA-308000	J	Lower Ground Plan – Castlereagh Street	31.05.19
CSWSMP-MAC-SMN-AT-DRG-DA-308100	D	Level B1 Plan – Service Yard	31.05.19
CSWSMP-MAC-SMN-AT-DRG-DA-308200	D	Level B2 Plan – End of Trip Facility	31.05.19
CSWSMP-MAC-SMN-AT-DRG-DA-308300	D	Level B3 Plan – Metro Station Concourse	31.05.19
CSWSMP-MAC-SMN-AT-DRG-DA-308400	D	Level B4 Plan – Metro Station Plant	31.05.19
CSWSMP-MAC-SMN-AT-DRG-DA-308500	D	Level B5 Plan – Metro Station Platform	31.05.19
CSWSMP-MAC-SMN-AT-DRG-DA-391000	K	Landscape Plan	19.05.20
CSWSMP-MAC-SMN-AT-DRG-DA-409900	N	East Elevation	19.05.20
CSWSMP-MAC-SMN-AT-DRG-DA-409901	N O	North Elevation	19.05.20 14.01.21
CSWSMP-MAC-SMN-AT-DRG-DA-409902	M	West Elevation	19.05.20
CSWSMP-MAC-SMN-AT-DRG-DA-409903	I	South Elevation	19.05.20
CSWSMP-MAC-SMN-AT-DRG-DA-509900	L M	North – South Section	19.05.20 14.01.21
CSWSMP-MAC-SMN-AT-DRG-DA-509910	J K	East – West Section	19.05.20 14.01.21
CSWSMP-MAC-SMN-AT-DRG-DA-519902	J	East – West Internal Section	19.05.20

Condition B19

GROSS FLOOR AREA CERTIFICATION

B19. The gross floor area of the development must not exceed ~~75,606m²~~ **76,372m²** Details confirming compliance with this condition must be submitted to the Certifying Authority prior to the issue of the relevant Construction Certificate.

3.0 Substantially the same development

Section 4.55(1A) of the EP&A Act states that a consent authority may modify a development consent if *“it is satisfied that the development to which the consent as modified relates is substantially the same development as the development for which the consent was originally granted and before that consent as originally granted was modified (if at all)”*.

The development, as proposed to be modified, is substantially the same development as that originally approved in that:

- the proposed modifications remain consistent with the original architectural intent as previously approved, and are minor in nature;
- the proposed modifications continue to achieve a high standard of design excellence; and
- the proposed modifications do not alter the commercial uses intended for the building.

4.0 Environmental assessment

Section 4.55(1A) of the EP&A Act states that a consent authority may modify a development consent *if “it is satisfied that the proposed modification is of minimal environmental impact”*. Under section 4.55(3) the consent Authority must also take into consideration the relevant matters to the application referred to in section 4.15(1) of the EP&A Act and the reasons given by the consent authority for the grant of the original consent.

The following assessment considers the relevant matters under section 4.15(1) and demonstrates that the development, as proposed to be modified, will be of minimal environmental impact. The key considerations are summarised below.

4.1 Compliance with relevant planning instruments and DCPs

The Environmental Impact Statement submitted with SSDA 9270 addressed the proposal's compliance against the relevant planning instruments, including:

- *Environmental Planning and Assessment Act 1979;*
- *Biodiversity Conservation Act 2016;*
- *State Environmental Planning Policy – (State and Regional Development) 2011;*
- *State Environmental Planning Policy – Infrastructure 2007;*
- *State Environmental Planning Policy No. 64 – Advertising and Signage;*
- *State Environmental Planning Policy 55 – Remediation of Land;*
- *Draft State Environmental Planning Policy (Environment) 2017;*
- *State and Regional Environmental Planning Policy Sydney Harbour;*
- *Sydney Local Environmental Plan 2012; and*
- *Sydney Development Control Plan 2012.*

The proposed modification application does not raise any new matters for assessment under the instruments listed above.

4.2 Gross floor area and floor space ratio

Condition B19 prescribes a maximum gross floor area (GFA) of 75,521m² for the North Tower (not including 50 Martin Place). Modification 4 (under assessment at the time of writing) proposes to modify the consent to accommodate an additional three (3) bridge connections to 50 Martin Place, constituting an increase in GFA within the North Tower lot, bringing the total North Tower GFA to 75,606m². The proposed infilling of the atriums located on Levels 19, 22 and 25 constitutes an additional GFA of 527m², and the high rise core and amenities reconfiguration results in an additional GFA of 239m².

The total GFA increase as a result of this modification application is therefore 766m², and is considered minor in the context of the overall proposal, and does not change the overall bulk of the building given the changes are wholly internal.

Combined with the floor space associated with 50 Martin Place (24,507m² as per MOD 4), the total SSD GFA of the North Site (including 50 Martin Place) as a result of this modification application is 100,794m². This is considered to be well within the environmental capacity of the site, given the total floor space is well below the maximum 104,270m² envisioned by the approved Concept Proposal for the North Site (SSD 17_8351, Condition A8). Furthermore, the total GFA of the North Site (including 50 Martin Place) and known CSSI floor space constitutes a maximum FSR of 17.88:1, which remains well below the maximum permissible FSR for the site of 18.5:1.

4.3 Design excellence

The SSD 9270 consent provides a variety of conditions to ensure the development demonstrates design excellence. Under Condition B5, it is a requirement that the applicant notifies the Planning Secretary of any proposed modifications to approved architectural drawings. Under Condition B6, the Planning Secretary is then to determine whether the proposed changes require an independent review by the DRP or other appropriate person(s) prior to endorsing the change. All changes proposed within this modification application have been confirmed by the Planning Secretary to not require DRP review.

The proposed changes are not considered to alter any of the design excellence qualities of the building, given their minor nature. The relocation of the louvre located on the northern facade is considered minor and barely discernible, as shown in

Figure 9 View of northern façade from Chifley Square, comparing approved (left) and proposed (right) louvre locations

Source: JPW

, resulting in negligible visible impacts from the public domain. The other amendments which relate to this application are located entirely within the approved built envelope and will not be viewable from the public domain.



Figure 9 View of northern façade from Chifley Square, comparing approved (left) and proposed (right) louvre locations

Source: JPW

4.4 Minimal environmental impact

The modifications to the approved development proposed are limited to minor ongoing design development changes, and do not result in any changes to the overall built form. Accordingly, the proposed modifications will not cause any additional environmental impacts as to what have already been assessed.

4.5 Reasons given for granting consent

Section 4.55(3) of the EP&A Act requires that the consent authority also take into consideration the reasons given by the consent authority for the grant of the consent that is sought to be modified. The key reasons for the Minister granting consent to SSD 9270 were:

- *Consistent with NSW Government and Local Policies – the project is consistent with NSW Government and the City of Sydney policies including the Greater Sydney Region Plan, the Eastern City District Plan and the Sydney Local Environmental Plan 2012. The proposal is permissible with consent and compliant with the key development standards that govern bulk, density and scale.*
- *Consistent with Concept Approval – the project complies with the Stage 1 Concept Approval and the associated endorsed Design Guidelines and Design Excellence Strategy.*
- *Benefits – the project would provide a range of benefits for the region and the State as a whole, including significant employment generation within the Sydney CBD at a site with excellent access to services and public transport.*
- *Impacts can be managed - the impacts on the community and the environment can be appropriately minimised, managed or offset to an acceptable level, in accordance with applicable NSW Government policies and standards.*
- *Community views considered - the issues raised by the community during consultation and in submissions have been considered and adequately addressed within the Environmental Impact Statement, Response to Submissions and the recommended conditions of consent. Refer to Attachment 1 in this regard.*
- *Weighing all relevant considerations, the project is in the public interest.*

The proposed modifications to the consent do not raise any further matter for consideration in relation to the reasons given for approval of the original consent.

5.0 Conclusion

This application seeks to modify the development consent to facilitate minor design changes to the North Tower. The proposed changes are the result of the design development process and Macquarie's workplace design review which has involved further detailed design of the proposal. The modifications are minor in nature and comprise the following:

- Relocation of the approved operable louvre on Level 5 of the northern façade to Level 7;
- Infilling of the approved atrium voids on Levels 19, 22 and 25; and
- High rise core and amenities reconfiguration on Levels 29-37.

In accordance with section 4.55(1A) of the EP&A Act, the Minister for Planning and Public Spaces (or his delegate) may modify the consent as:

- the proposed modification is of minimal environmental impact; and
- substantially the same development as development for which the consent was granted.

We trust that this information is sufficient to enable a prompt assessment of the proposed modification request.

Yours sincerely,



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