Modification of Development Consent

Section 4.55(1A) of the *Environmental Planning and Assessment Act 1979*

As delegate of the Minister for Planning and Public Spaces, I approve the modification of the development consent referred to in Schedule 1, subject to the conditions in Schedule 2.

Anthony Witherdin
Director
Key Sites Assessments

Sydney: 16 December 2020

SCHEDULE 1

Development consent: **SSD 9326** granted by the Minister for Planning and Public Spaces on 13 August 2019

For the following: Stage 2 development application at Martin Place Station Precinct (South Site)

- Construction and use of a 28-storey (plus rooftop plant) commercial tower with a nine storey podium above the southern entrance of the new Martin Place Metro Station
- 37,553m^2 Gross Floor Area (GFA) including 1,222m^2 for retail use and 36,331m^2 for office use
- Works to integrate with the Station design, including over station development areas within the station building envelope for plant, services, end of trip facilities, retail and office spaces.

Applicant: Macquarie Corporate Holdings Pty Ltd

Consent Authority: Minister for Planning and Public Spaces

The Land: 39-49 Martin Place (Lot 1 and 2 DP 1103195)

Modification: SSD 9326 MOD 2: Additional circumstances where works can be undertaken outside of prescribed construction hours

SCHEDULE 2

The consent (SSD 9270) is modified as follows:

1. Part C – Prior to Commencement of Works – Condition C18 is amended by the deletion of ~~struck out~~ words and the insertion of **<u>bold and underlined</u>** words as follows:

C18. The CFEMP and any associated Sub-Plans should be revised:

(a) at each key stage of the works;

(b) in response to future development consents;

(c) in response to major changes in site conditions or work methods; ~~and~~

(d) in support of licence variations as necessary**<u>; and</u>**

(e) **<u>before commencing activities outside of standard construction hours, as set out in Condition D3 (c)-(g).</u>**

2. Part C – Prior to Commencement of Works – Condition C31 is added by the insertion of **<u>bold and underlined</u>** words as follows:

<u>CONSTRUCTION NOISE VERIFICATION IMPACT STATEMENT</u>

<u>C31 For the works subject to Condition D3(c)-(g), Construction Noise Verification Impact Statements (CNVIS) must be prepared and implemented before construction noise and vibration impacts commence and include specific mitigation measures identified through consultation with affected sensitive receivers. Each CNVIS will supplement the CEMP and Construction Noise and Vibration Management Sub-Plan and must include but not be limited to:</u>

a) <u>a description of the proposed activities;</u>

b) <u>justification for any activities to be undertaken outside the specified construction hours defined in Conditions D1 and D2;</u>

c) <u>predicted noise and vibration levels based on background noise levels;</u>

d) <u>examination of alternative methods of construction that would potentially reduce noise and vibration if the potential noise and vibration exceeds the relevant criteria;</u>

e) <u>verification reporting against predicted noise levels for works undertaken outside of construction hours in accordance with Condition D3 for the first time each specified activity is undertaken;</u>

f) <u>description and commitment to work practices which limit noise and vibration;</u>

g) <u>description of specific noise and vibration mitigation treatments and time restrictions, including respite periods, duration, and frequency;</u>

h) <u>assessment of potential noise from the proposed construction methods including noise from construction vehicles and noise impacts from required traffic diversions;</u>

i) <u>community consultation and notification;</u>

j) <u>all reasonable and feasible measures including adopting the least noisy available construction methods, systems and equipment;</u>

k) <u>additional noise and vibration mitigation measures as negotiated with affected residents and other sensitive receivers.</u>

Note: Existing noise levels, pre-construction noise levels, or the like for the purposes of identifying rating background noise levels, noise management levels and construction noise impacts are noise levels that do not include any other construction related noise.

3. Part D – During Construction – Condition D3 is amended by the deletion of ~~struck out~~ words and the insertion of **bold and underlined** words as follows:

D3 Activities may be undertaken outside of ~~these hours if required~~ **the hours specified in Conditions D1 and D2 under the following circumstances**:

(a) ~~by the Police or a public authority for~~ the delivery of vehicles, plant or materials **required by NSW Police or a public authority for safety reasons**; or

(b) in an emergency to avoid the loss of life, damage to property or to prevent environmental harm; **or**

(c) **construction that causes LAeq (15 minute) noise levels:**

  (i) **no more than 5 dB(A) above the rating background level at any residence in accordance with the *Interim Construction Noise Guideline* (DECC, 2009), and**

  (ii) **no more than the noise management levels specified in Table 3 of *the Interim Construction Noise Guideline* (DECC, 2009) at other sensitive land uses, and**

  (iii) **continuous or impulsive vibration values, measured at the most affected residence are no more than those for human exposure to vibration, specified in Table 2.2 of *Assessing Vibration: a technical guideline* (DEC, 2006), and**

  (iv) **intermittent vibration values measured at the most affected residence are no more than those for human exposure to vibration, specified in Table 2.4 of *Assessing Vibration: a technical guideline* (DEC, 2006); or**

(d) **where a negotiated agreement has been reached with a substantial majority of sensitive receivers who are within the vicinity of and may be potentially affected by the particular construction, and the noise management levels and/or limits for ground-borne noise and vibration (human comfort) cannot be achieved. All agreements must be in writing and a copy forwarded to the Secretary at least one (1) week before the works commencing; or**

(e) **as directed by a roads authority to undertake works outside of standard hours, where those activities during standard hours would result in a high risk to road network operational performance; or**

(f) **carrying out works that during standard hours would result in a high risk to construction personnel or public safety, based on a risk assessment carried out in accordance with AS/NZS ISO 31000:2009 "Risk Management"; or**

(g) **the relevant utility service operator has advised the Proponent in writing that carrying out the works and activities during standard hours would result in a high risk to the operation and integrity of the utility network; or**

(h) **as otherwise approved by the Secretary.**

(2) The CEMP (or CFEMP) approved under Condition C16, or relevant sub-plan, must identify the types and durations of activities proposed to be undertaken in each of the circumstances set out in D3(1)(c)-(g). The CEMP, or relevant sub-plan, must:

(a) **include provision for a construction noise and vibration impact statement that forecasts construction impacts on surrounding receivers;**

(b) **identify the types of mitigations required for receivers based on the various levels of forecast noise and vibration impacts, including:**

  (i) **community notification and consultation requirements,**

  (ii) **individual briefings,**

(iii) **noise monitoring,**
(iv) **specific respites,**
(v) **other alternate arrangements as agreed with individual receivers.**

End of modification

(SSD 9326 MOD 2)