

Development consent

Section 4.38 of the Environmental Planning and Assessment Act 1979

As the Minister for Planning, I determine:

- (a) that, pursuant to section 4.38 of the *Environmental Planning and Assessment Act 1979*, to grant consent to the development application referred to in Schedule 1, subject to the conditions in Schedule 2
- (b) that, pursuant to section 4.37 of the *Environmental Planning and Assessment Act 1979*, any subsequent part of the development that is not State significant development pursuant to the *State Environmental Planning Policy (State & Regional Development) 2011* is to be determined by the relevant consent authority and that part of the development ceases to be State significant development.

These conditions are required to:

- prevent, minimise, and/or offset adverse environmental impacts including economic and social impacts;
- set standards and performance measures for acceptable environmental performance;
- require regular monitoring and reporting; and
- provide for the ongoing environmental management of the development.



Minister for Planning

Sydney

22/3/ 2018

SCHEDULE 1

Application No.:

SSD 8351

Applicant:

Macquarie Corporate Holdings Pty Ltd

Consent Authority:

Minister for Planning

Land:

The following sites within the Martin Place Station Precinct:

- north site: 50 Martin Place (Lot 1 DP 182023), 9-19 Elizabeth Street (Lot 1 DP 526161), 8-12 Castlereagh Street (Lots 1 and 2 DP 929277 and Lot 1 DP 173027), 7 Elizabeth Street (SP 13171), 5 Elizabeth Street (Lot 2 DP 548142) and 55 Hunter Street (Lot 1 DP 222356); and
- south Site: 39-49 Martin Place (Lots 1 and 2 DP 1103195).

Development:

Concept development application for two commercial building envelopes above and integrated with the new Sydney Metro station at Martin Place, comprising:

- a maximum GFA of 125,437 m²
- a building envelope on the north site, with a GFA of 104,270 m² and a maximum height of RL 214.27
- a building envelope on the south site, with a GFA of 21,167 m² and a maximum height of RL 155.395.

DEFINITIONS

Advisory Notes	Advisory information relating to the consent but do not form a part of this consent
Applicant	Macquarie Corporate Holdings Pty Ltd, or anyone else entitled to act on this consent
Application	The development application and the accompanying drawings plans and documentation described in Condition A2
Concept Proposal	A staged development application in accordance with the EP&A Act
Construction	Any works, including earth and building works
Council	City of Sydney Council
Department	Department of Planning and Environment or its successors
Design Review Panel / DRP	A site-specific Design Review Panel established under the terms of this approval, unless otherwise specified
EIS	Environmental Impact Statement prepared by JBA Urban Planning Consultants Pty Ltd, dated May 2017
EP&A Act	Environmental Planning and Assessment Act 1979
EP&A Regulation or Regulation	Environmental Planning and Assessment Regulation 2000
Future Development Application(s)	Subsequent development application(s) for detailed proposal(s) pursuant to this consent in accordance with the EP&A Act
Martin Place Station Precinct	Comprises the Subject Site (north and south sites) and Martin Place between Castlereagh and Elizabeth Streets
Minister	Minister for Planning, or nominee
Reasonable and Feasible	Reasonable relates to the application of judgement in arriving at a decision, taking into account: mitigation benefits, cost of mitigation versus benefits provided, community views and the nature and extent of potential improvements. Feasible relates to engineering considerations and what is practical to build
RTS	Response to Submissions prepared by Ethos Urban, dated September 2017
Secretary	Secretary of the Department of Planning and Environment, or nominee/delegate
Secretary's approval, agreement or satisfaction	A written approval from the Secretary (or nominee/delegate). Where the Secretary's approval, agreement or satisfaction is required under a condition of this approval, the Secretary will endeavour to provide a response within one month of receiving an approval, agreement or satisfaction request. The Secretary may ask for additional information if the approval, agreement or satisfaction request is considered incomplete. When further information is requested, the time taken for the Applicant to respond in writing will be added to the one month period
Subject Site	Lot 1 DP 182023, Lot 1 DP 526161, Lots 1 and 2 DP 929277, Lot 1 DP 173027, SP 13171, Lot 2 DP 548142, Lot 1 DP 222356 and Lots 1 and 2 DP 1103195
Stage 2 development application(s)	Subsequent development application(s) for detailed proposal(s) pursuant to this consent in accordance with the EP&A Act

SCHEDULE 2

PART A - TERMS OF CONSENT

Development description

- A1. Consent is granted to the Concept Proposal as described in **Schedule 1** and the Environmental Impact Statement and does not authorise the carrying out of any physical works, including construction works, which must be the subject of Future Development Application(s).

Development in accordance with plans and documents

- A2. The Applicant, in acting on this consent, must carry out the development:
- in compliance with the conditions of this consent
 - in accordance with all written directions of the Secretary
 - generally in accordance with the State significant development application SSD 8351 Environmental Impact Statement titled Sydney Metro Martin Place Station Precinct prepared by JBA Urban Planning Consultants Pty Ltd dated May 2017
 - generally in accordance with the State significant development application SSD 8351 Response to Submissions titled Sydney Metro Martin Place Station Precinct, prepared by Ethos Urban, dated September 2017
 - in accordance with the following drawings:

Envelope drawings prepared by Grimshaw			
Drawing number:	Drawing name:	Rev:	Date:
MPS_COA_000_XX_DR_A_DA1007	Location plan	1	May 2017
MPS_COA_000_XX_DR_A_DA1008	Ground floor plan	1	May 2017
MPS_COA_000_XX_DR_A_DA1009	Roof plan	1	May 2017
MPS_COA_000_XX_DR_A_DA1010	East elevation	1	May 2017
MPS_COA_000_XX_DR_A_DA1011	West elevation	1	May 2017
MPS_COA_000_XX_DR_A_DA1012	North elevation (Martin Place)	1	May 2017
MPS_COA_000_XX_DR_A_DA1013	North elevation (Hunter Street)	1	May 2017
MPS_COA_000_XX_DR_A_DA1014	South elevation (south site)	1	May 2017
MPS_COA_000_XX_DR_A_DA1015	South elevation (Martin Place)	1	May 2017
MPS_COA_000_XX_DR_A_DA1016	Section A-A (N-S)	1	May 2017
MPS_COA_000_XX_DR_A_DA1017	Section B-B (E-W, south site)	1	May 2017
MPS_COA_000_XX_DR_A_DA1018	Section C-C (E-W, north site)	1	May 2017

Determination of future development application(s)

- A3. In accordance with section 4.22 of the EP&A Act, all physical works and subsequent stages of the Concept Proposal are to be subject of Future Development Application(s).
- A4. In accordance with section 4.24 of the EP&A Act, the determination of Future Development Application(s) cannot be inconsistent with the terms of this development consent (SSD 8351) as described in **Schedule 1**, and subject to the conditions in **Schedule 2**.

Lapsing of approval

- A5. This consent will lapse five years from the date of consent unless works the subject of Future Development Application(s) have physically commenced by the date.

Legal notices

- A6. Any advice or notice to the consent authority shall be served on the Secretary.

Inconsistency between documents

- A7. In the event of any inconsistency between conditions of this approval and the drawings / documents referred in **Condition A2**, the conditions of this approval prevail.

Gross floor area

- A8. The maximum gross floor area (GFA) for the development permitted by this consent is:

Building envelope	Maximum GFA (sqm)
North site	104,270 (including 24,422 m ² in 50 Martin Place)
South site	21,167
TOTAL	125,437

Building height

- A9. The maximum building height for the development permitted by this consent is shown on the plans listed in **Condition A2** (to be measured in accordance with the definition of 'building height' under the *Sydney Local Environmental Plan 2012*).

Airspace protection

- A10. For the purposes of controlled activities within the protected airspace of Sydney Airport, the north building must not exceed a maximum height of 214.2 metres Australian Height Datum (AHD), inclusive of all lift over-runs, vents, chimneys, aerials, antennas, lightning rods, any roof top garden plantings, exhaust flues, etc.
- A11. For the purposes of controlled activities within the protected airspace of Sydney Airport, the south building must not exceed a maximum height of 155.5 metres AHD, inclusive of all lift over-runs, vents, chimneys, aerials, antennas, lightning rods, any roof top garden plantings, exhaust flues, etc.
- A12. Separate approval must be sought under the *Airports (Protection of Airspace) Regulations 1996* for any cranes required to construct the buildings. Construction cranes may be required to operate at a height significantly higher than that of the approved controlled activity and consequently, may not be approved under the *Airports (Protection of Airspace) Regulations*, therefore Sydney Airport advises that approval to operate construction equipment (i.e. cranes) should be obtained prior to any commitment to construct.

Design guidelines

- A13. Prior to the lodgement of the first Future Development Application, the Applicant shall revise the Sydney Metro Martin Place Station Precinct Consolidated Design Guidelines (dated September 2017), to the satisfaction of the Secretary, as follows:
- In 2.2 (Public Domain): Guideline 2: Amend 2nd point to: Wind impacts to meet relevant public domain standards appropriate for use and proposed activity, **including improvements to comfort and safety ratings to be comfortable for at least pedestrian standing at the station entrances**
 - In 2.2 (Public Domain): Add new Guideline 3: **Buildings on the North and South Sites shall:**
 - not result in additional overshadowing of Hyde Park between the hours of 12 and 2 pm at mid-winter (21 June), when compared to the shadow cast by existing buildings, approved buildings and the DCP/LEP compliant envelope set out in Appendix C of the Response to Submissions, titled SSDA Addendum Shadow Analysis, prepared by Grimshaw and Johnson Pilton Walker, dated August 2017**

- identify opportunities to improve solar access to the ground plane of Martin Place (excluding the roadways and footpaths) between the hours of 12 and 2 pm (14 April), when compared to the shadow cast by the approved building envelope.
- c. In 2.3 (Built Form): Guideline 6: Delete: ~~The built form of the North and South Sites can vary the predominant setback requirements established within the City of Sydney development controls to zero on Elizabeth and Castlereagh Streets in order to establish a distinctive character at threshold locations of the Martin Place Station Precinct.~~
 - d. In 2.3 (Built Form): Guideline 7: Amend title to: **Maximise A balanced and contextual response to** development potential and density
 - e. In 2.3 (Built Form): Guideline 7: Amend 1st point to: **Ensure that the maximisation of Gross Floor area within the stage 1 SSDA proposed envelopes is balanced with the creation of building forms that are proportionally elegant and that exhibit appropriate facade articulation. Gross Floor area should be maximised within the stage 1 SSDA proposed envelope, allowing for appropriate built form and facade articulation.**
 - f. In 2.3 (Built Form): Guideline 7: Delete 3rd point being: ~~Both towers are to maximise their capacity within the constraints of the SAPs and the design principles of this report.~~
 - g. In 2.3 (Built Form): Amend Guideline 8 to: Create distinctive architectural designs appropriate for each site, **with the scale of buildings responding appropriately to the character of the area and the building form and articulation reinforcing the key features of the locality, such as the street wall height and relationship to 50 Martin Place.**
 - h. In 2.3 (Built Form): Guideline 12: Amend 3rd point to: The podium/tower relationships are to be clearly differentiated through means such as facade articulation, **recesses, setbacks,** colours and materials. On the South Site this differentiation is to be further reinforced by a pronounced recess between the tower and the podium and setback form the Martin Place alignment.
 - i. In 2.3 (Built Form): Guideline 12: Delete 5th point being: ~~The proposed design of the northern tower is to respond to the street wall alignment and height of both 50 Martin Place and former Qantas House.~~
 - j. In 2.3 (Built Form): Guideline 13: Amend title to Tower **form, scale and** setbacks
 - k. In 2.3 (Built Form): Guideline 13: Amend 1st point to: Zero setback to Hunter Street for the North Site to align with the towers adjacent to the east along Hunter Street **may be appropriate, subject to achieving relevant public domain standards appropriate for use and proposed activity.**
 - l. In 2.3 (Built Form): Guideline 13: Delete 3rd point: ~~Zero setback to Castlereagh and Elizabeth Streets to enhance urban significance of Martin Place and Chifley Square.~~
 - m. In 2.3 (Built Form): Guideline 13 (add) **A new building tower and podium / base on the North Site (towards and at its southern extent) is to appropriately integrate sensitively with the low scale of 50 Martin Place, and clearly articulate its street wall height on the Castlereagh and Elizabeth Street elevations.**

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- n. In 2.3 (Built Form): Guideline 14: Amend 8th point to: A considered transition between the North Site tower and 50 Martin Place is required, with the southern elevation of the North Site tower being sensitively integrated with the form of 50 Martin Place.
- o. In 2.3 (Built Form): Guideline 16: Add point: The North Site building shall be carefully designed so that its bulk and massing does not appear overly dominating for its context, potentially through form, materials, articulation and other design approaches in 2.3 (Built Form), Guideline 12 – Point 3.
- p. In 2.3 (Built Form): Add new 17: The detailed design of buildings on the North and South Sites shall:
- explore and incorporate all opportunities to achieve both the base and stretch targets in the Ecologically Sustainable Design, Green Star and NABERS report, prepared by ARUP, dated 24 November 2017
 - explore opportunities to exceed the stated ESD and environmental performance standards, targets and stretch targets, having regard to identifying precinct-wide sustainability outcomes to achieve and exceed national and international best practice.
- q. In 2.4 (Graphic Representation of Development Principles): Amend diagram titled 'urban design principles – tower level' to delete points 3 and 4 (zero setback to Castlereagh and Elizabeth Streets)' and renumber accordingly.

Design excellence

A14. A Design Review Panel (DRP) shall be established by the Applicant prior to the lodgement of the first Future Development Application. Prior to the establishment of the DRP the Applicant shall prepare, in consultation with the Government Architect NSW, and submit the following for the Secretary's approval:

- a) a detailed terms of reference for the DRP clearly outlining:
- i. the role of the DRP to review and advise on the detailed building design to ensure the achievement of design excellence, having regard to the Sydney Metro Martin Place Station Precinct Consolidated Design Guidelines, as endorsed by the Secretary, and independent urban design advice commissioned by the Department
 - ii. that the DRP will review and provide advice prior to the lodgement of the stage 2 development application, and be retained during the assessment and post approval stages
 - iii. the relationship between the DRP and the Sydney Metro DRP
 - iv. governance arrangements, including meeting frequency, secretariat functions, dispute resolution and deliverables
 - v. arrangements for the critical review of the project at key milestones to ensure architectural and design integrity and respect for the urban amenity and character.
- b) the DRP membership, being:
- i. chaired by the Government Architect NSW (or delegate)
 - ii. consistent with the guidelines for establishing a competition jury, as set out in the Director General's Design Excellence Guidelines
 - iii. agreed with the Government Architect NSW.

Existing and future rail corridors

- A15. Prior to the lodgement of any Future Development Application(s) the Applicant is to consult with TfNSW and Sydney Trains in relation to any potential impacts of the detailed design of the development on existing and future rail corridors. Through this consultation, the Applicant is to confirm that all supporting design documentation, architectural plans and supporting expert consultant reports are prepared in accordance with relevant standards and guidelines, including Development Near Rail Tunnels T HR CI 12051 ST and in consultation with TfNSW, Sydney Trains and Sydney Metro.

END OF PART A

PART B – CONDITIONS TO BE MET IN FUTURE DEVELOPMENT APPLICATIONS FOR STAGE 2

Building design

- B1. Future Development Application(s) shall demonstrate consistency with:
- a) the revised Sydney Metro Martin Place Station Precinct Consolidated Design Guidelines, as endorsed by the Secretary (pursuant to A13)
 - b) the advice of the Design Review Panel (constituted pursuant to A14).

Overshadowing

- B2. Development of buildings pursuant to this consent shall:
- a. not result in additional overshadowing of Hyde Park between the hours of 12 and 2 pm at mid-winter (21 June), when compared to the shadow cast by existing buildings, approved buildings and the DCP/LEP compliant envelope set out in Appendix C of the Response to Submissions, titled SSDA Addendum Shadow Analysis, prepared by Grimshaw and Johnson Pilton Walker, dated August 2017
 - b. identify opportunities to improve solar access to the ground plane of Martin Place (excluding the roadways and footpaths) between the hours of 12 and 2 pm (14 April), when compared to the shadow cast by the approved building envelope.

Heritage

- B3. Future Development Application(s) shall comply with the Conservation Management Plan for the Former Government Savings Bank of NSW prepared by Tanner Architects dated 2012.
- B4. Future Development Application(s) shall include a detailed Heritage Impact Assessment and a Heritage Interpretation Strategy for the proposed works, prepared in consultation with the Heritage Council NSW.

Environmental performance

- B5. Future Development Application(s) shall demonstrate the incorporation of Ecological Sustainable Development principles in the design, construction and ongoing operation phases of the development, consistent with the Ecologically Sustainable Design, Green Star and NABERS report, prepared by ARUP dated 24 November 2017, including the following minimum environmental standards:
- a) 5 star NABERS Energy based
 - b) 3.5 star NABERS Water based
 - c) 6 Star Green Star Office Design
 - d) Occupant wellbeing.

Development near rail corridors and busy roads

- B6. The Applicant shall demonstrate in the Future Development Application(s) that the design and construction of the development accords with the 'Development Near Rail Corridors and Busy Roads — Interim Guideline' (2008) prepared by Department of Planning and Environment.

Traffic and transport

- B7. Future Development Application(s) for the construction of new buildings shall be accompanied by an assessment of the traffic and transport impacts on the surrounding road network and intersection capacity, and demonstrate sufficient loading / unloading and access provision. The traffic and transport assessment shall have specific regard for the scope and timing of public transport upgrade infrastructure works in the surrounding road network.

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- B8. Future Development Application(s) shall identify, through green travel plans, opportunities to maximise the use of sustainable transport choices, such as incentives and provision of cycle parking and end of trip facilities in the detailed design.

Vehicular site access and loading dock

- B9. The Applicant shall provide a loading dock management plan, prepared in consultation with Council and the Sydney Coordination Office of TfNSW, with any Future Development Application(s). The loading dock management plan shall include, but not limited to, the following:
- a. detailed swept path analysis of service vehicles accessing the loading docks
 - b. confirmation that vehicular access is located as far as reasonably practical away from the traffic control signals on Castlereagh Street and will not result in queuing on Castlereagh Street
 - c. sufficient capacity exists for the service vehicle demands of the development and Sydney Metro
 - d. management of incidents at the access to the loading docks
 - e. loading bay management details, including service vehicle movements during peak periods
 - f. management of conflicts between pedestrians and the service vehicles using the loading bays
 - g. arrangements to accommodate the development's servicing requirements, including consideration of off-site consolidation
 - h. identification of the precinct logistics infrastructure and activities that form part of the development
 - i. details of a pre-booking system
 - j. details of certification with relevant standards, including relevant Australian Standards.

Security assessment

- B10. The Applicant shall provide a security risk assessment report with any Future Development Application(s). This shall be prepared having regard to the NSW Police Publication 'Safe Places' Comprehensive Guide for Owners, Operators and Designers for protecting public places from terrorism and CPTED in consultation with NSW Police and TfNSW. These reports shall include, but not be limited to, details of:
- a. threat environment or vulnerabilities
 - b. blast modelling and appropriate mitigation
 - c. counter terrorism measures
 - d. preferred lighting standards
 - e. the performance of glazing elements for occupant protection from blast loads
 - f. potential vehicle incursions into pedestrian spaces and measures to prevent vehicle incursions.

The applicant shall consult with the Sydney Coordination Office within TfNSW during all stages of the project to review security and risk management process and related documentation and plans.

Fire and rescue assessment

- B11. Future Development Application(s) for the detailed building design shall be accompanied by a draft fire and rescue assessment / engineering brief, prepared in consultation with Fire & Rescue NSW, providing details of:
- a. the various sectors within the Martin Place Station Precinct served by independent fire systems (such as the over station development, underground metro sector, etc)
 - b. fire engineering analysis of the pedestrian connection interfaces between the sectors and the sectors themselves, having regard to emergency occupant egress, fire and smoke compartmentation, smoke hazard management and fire fighting intervention
 - c. adequacy of fire and life safety systems within the Martin Place Station Precinct in relation to the fire hazards associated with the Sydney Metro
 - d. design of fire hydrant systems for over station development that exceeds 135 m
 - e. future consultation with Fire & Rescue NSW in respect of the final design and construction of the buildings and operational compatibility of the Martin Place Station Precinct's proposed fire and life safety systems.

Construction

- B12. Future Development Applications shall provide analysis and assessment of the impacts of construction and include:
- a) Construction Pedestrian and Traffic Management Plan (as in B13 below)
 - b) Cumulative Construction Impact Assessment (i.e. arising from concurrent construction activity)
 - c) Noise and Vibration Impact Assessments
 - d) Community Consultation and Engagement Plans
 - e) Construction Waste Management Plan
 - f) Air Quality Management Plan

The plans referred to above may be prepared as part of a construction environmental management plan which is prepared and implemented under the conditions of any consent granted by Future Development Applications, having regard to the Construction Environmental Management Framework and Construction Noise and Vibration Strategy prepared for the Sydney Metro City and Southwest (CSSI 7400).

Construction pedestrian and traffic management

- B13. The Applicant shall provide a Construction Pedestrian and Traffic Management Plan (CPTMP), prepared in consultation with the Sydney Coordination Office of TfNSW, with any Future Development Application. The CPTMP shall be consistent with the Construction Traffic Management Framework prepared as part of the Sydney Metro City and Southwest and include, but not be limited to, the following:
- a. loading and unloading, including the locations of all proposed work zones
 - b. haulage routes
 - c. construction vehicle access arrangements
 - d. proposed construction hours
 - e. estimated number and type of construction vehicle movements, including morning and afternoon peak and off peak movements, distinguishing concrete pours from other construction activity, and noting that construction vehicles would be restricted from using work zones on Castlereagh Street and Elizabeth Street during certain times of the day

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- f. construction program, highlighting details of peak construction activities and proposed construction staging
 - g. details of specific measures to ensure the arrival of construction vehicles to the site does not cause additional queuing on Elizabeth Street, Hunter Street, Castlereagh Street and King Street
 - h. details of any construction vehicle marshalling areas
 - i. the staging of works and simultaneous construction with other projects in the area, including the Sydney Light Rail Project, Sydney Metro and other developments nearby, and identify mitigation measures to ensure the proposal can be constructed while the impacts to rail users (and their connections) are appropriately managed
 - j. any potential impacts to general traffic, cyclists, pedestrians and bus services within the vicinity of the site from construction vehicles during the construction of the proposed works
 - k. measures proposed to mitigate any associated impacts on traffic, public transport, pedestrians and cyclists should be clearly identified and included in the draft CPTMP.

Utilities

- B14. Future Development Applications for construction of new buildings shall address the existing capacity and any augmentation requirements of the development for the provision of utilities, including staging of infrastructure through the preparation of an infrastructure / utility management plan in consultation with relevant agencies and service providers.

Noise and Vibration

- B15. Future Development Application(s) for construction of new buildings shall be accompanied by a noise and vibration impact assessment that identifies and provides a quantitative assessment of the main noise generating sources and activities during operation, including consideration of noise and vibration impacts associated with commercial development above a train station. Details are to be provided outlining any mitigations measures to ensure the amenity of future sensitive land uses on the site or the neighbouring residential areas is protected during the operation of the development.

Flooding and storm water

- B16. Future Development Application(s) shall include a Flood Impact Assessment report.

END OF PART B