

1 April 2019

15879

Carolyn McNally  
Secretary  
Department of Planning and Environment  
320 Pitt Street  
Sydney NSW 2000

By email and by hand

Dear Carolyn

## **Notice of Modification to Development Consent SSD 8351**

### **Sydney Metro Martin Place Station Precinct**

On behalf of Macquarie Corporate Holdings Pty Ltd, we hereby submit a notice of modification to State Significant Development (SSD) 8351 (Notice). This Notice is provided in compliance with:

- section 4.17(5) of the *Environmental Planning and Assessment Act 1979* (EP&A Act);
- clause 97 of the *Environmental Planning and Assessment Regulations 2000* (EP&A Regs); and
- Condition A10 of State significant development (SSD) consent 9347.

### **Background**

Development Consent SSD 8351 was granted on 22 March 2018 for a concept proposal establishing two commercial building envelopes above and integrated with the northern and southern entrances to the new Sydney Metro station at Martin Place.

Further to this, Development Consent SSD 9347 was granted on 25 February 2019 for a concept proposal for a revised commercial building envelope located above and integrated with the southern entrance to the new Sydney Metro station at Martin Place.

This later approval was not consistent with the concept proposal originally approved.

Accordingly, Condition A10 of SSD 9347 was imposed, requiring that:

*The Applicant must deliver a notice of modification to the consent authority that complies with clause 97 of the Environmental Planning and Assessment Regulation 2000 within six months of the date of this determination. The notice must set out the modifications to conditions in SSD 8351 that are listed in SCHEDULE 3 of this consent.*

Section 4.17(5) of the EP&A Act states that:

*If a consent authority imposes (as referred to in subsection (1) (b)) a condition requiring the modification or surrender of a consent granted under this Act or a right conferred by Division 4.11, the consent or right may be modified or surrendered subject to and **in accordance with the regulations.***

Pursuant of Condition A10 in SSD 9347 and Section 4.17(5) this notice provides the information required under clause 97 of the EP&A Regs.

### **Information required by clause 97 of the EP&A Regs to modify development consent**

#### ***(a) the name and address of the person by whom the notice is given***

Notice is given by Ethos Urban on behalf of Macquarie Corporate Holdings Pty Ltd, 50 Martin Place, Sydney NSW 2000.

**(b) the address, and formal particulars of title, of the land to which the consent or right relates**

The land to which the Development Consent SSD 8351 relates is described in **Table 1** below.

**Table 1 – Legal description and ownership**

Address	Lot and DP
<b>North Site</b>	
50 Martin Place	Lot 1 in DP 182023
9-19 Elizabeth Street	Lot 1 in DP 526161
8-12 Castlereagh Street	Lot 2 in DP 929277
	Lot 1 in DP 929277
	Lot 1 in DP 173027
7 Elizabeth Street	SP 13171
5 Elizabeth Street	Lot 2 in DP 548142
55 Hunter Street	Lot 1 in DP 222356
<b>South Site</b>	
39 – 49 Martin Place	Lot 1 in DP 1103195
	Lot 2 in DP 1103195

**(c) a description of the development consent or existing use right to be modified or surrendered**

Development Consent SSD 8351 is to be modified. It relates to Concept development application for two commercial building envelopes above and integrated with the new Sydney Metro station at Martin Place, comprising:

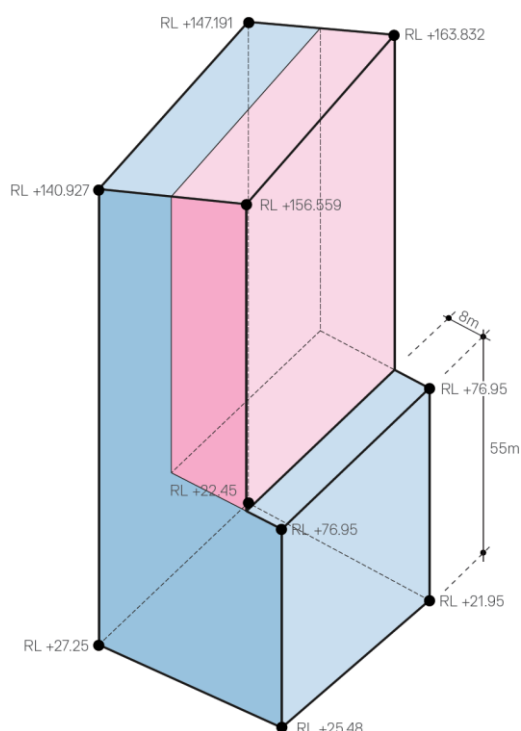
- a maximum GFA of 125,437m<sup>2</sup>;
- a building envelope on the north site, with a GFA of 104,270m<sup>2</sup> and a maximum height of RL 214.27
- a building envelope on the south site, with a GFA of 21,167m<sup>2</sup> and a maximum height of RL 155.395.

**(d) particulars as to whether the consent or right is to be modified (including details of the modification) or surrendered**

Development Consent SSD 8351 is to be modified to facilitate the Concept Proposal approved under Development Consent SSD 9347 relating to a revised building envelope on the south site, providing:

- A maximum GFA of 39,234m<sup>2</sup> (increase of 18,067m<sup>2</sup>);
- A maximum height of RL 163.83 (increase of 8.435m); and
- A setback of 8m to Martin Place (reduced by 17m).

These modifications are graphically illustrated in **Figure 1** below.



**Figure 1** – Approved SSD 8351 south site building envelope (blue) and modifications (red) to approved building envelope

The modifications to Development Consent SSD 8351 are to be made by amending the conditions of consent:

- as detailed within Schedule 3 of Development Consent SSD 9347 (**Attachment A**);
- incorporating Modified Architectural Drawings (as approved under SSD 9347) prepared by Grimshaw (provided at **Attachment B**) and
- in addition, we suggest minor additional modifications for consistency and clarity (which were not addressed in Schedule 3 of Development Consent SSD 9347 but which, in our view, are necessary to properly make the modification). Those modifications are updates to:
  - the definitions of EIS and RTS; and
  - the date of the NABERS report referred to in Condition B5.

To assist the Department, **Attachment C** provides details of the modifications to conditions in Development Consent SSD 8351, this includes:

- a 'track changed' version of Development Consent SSD 8351 as modified; and
- a consolidated, clean version of Development Consent SSD 8351 which includes the modifications approved under SSD 9347.

***(e) if the applicant is not the owner of the land, a statement signed by the owner of the land to the effect that the owner consents to the modification or surrender of the consent or right.***

The applicant is not the owner of the land to which the consent to be modified relates. Accordingly signed statements from the owners consenting to the modification of Development Consent SSD 8351 are provided at **Attachment D**.

## Operation and Effect

The consolidated clean version of Development Consent SSD 8351, which adopts the modifications approved under SSD 9347 and described above, effectively becomes the applicable Development Consent and Concept Proposal and with which future Stage 2 development applications (i.e. SSD 9270 – North Site and SSD 9326 – South Site) will need to demonstrate consistency in accordance with section 4.24 of the EP&A Act.

In accordance with clause 97(2) of the EP&A Regs this Notice takes effect when received by the consent authority and operates according to its terms to modify the development consent to which it relates. This letter therefore satisfies Condition A10 of Development Consent SSD 9347.

Should you have any queries about this matter, please do not hesitate to contact me on 02 9956 6962 or [acella@ethosurban.com](mailto:acella@ethosurban.com).

Yours sincerely



**Alexis Cella**

Director

9956 6962

[acella@ethosurban.com](mailto:acella@ethosurban.com)

## Attachments

A – Development Consent SSD 9347

B – Modified Architectural Plans

C – Conditions of Consent as modified ('track changes' and 'clean' versions)

D – Landowners' consent