

9 June 2015

Carolyn McNally
Secretary
NSW Planning and Environment
23-33 Bridge Street
SYDNEY NSW 2000

Attn: Ben Lusher

Dear Ben,

Request for Secretary's Environmental Assessment Requirements – 1 Alfred Street, 19-31 Pitt Street, 31A Pitt Street, Sydney

1 Overview

We are writing with regards to Development Application(s) for 1 Alfred Street (Goldfields House), 19-31 Pitt Street (Fairfax House) and 31A Pitt Street (The Rugby Club), Sydney (Site).

Further to our meeting with NSW Planning and Environment representatives and the City of Sydney on 4 June 2015 this letter constitutes a formal request for the Secretary's Environmental Assessment Requirements (SEARs) for a Stage 1 State Significant Development (SSD) Application for a proposed mixed hotel, residential, club and retail development on the site.

The site currently includes three major land parcels, previously under separate land ownership. Three separate development applications have been approved by the City of Sydney in relation to the site, including Stage 1 and Stage 2 Development Applications (DAs) for a 185 metre high (Tower A) and 45 metre high (Tower B) mixed residential development on 1 Alfred Street and a Stage 1 Development Application for a 110 metre high residential development on 19-31 Pitt Street. Following the purchase of all three properties, The Dalian Wanda Group relevantly seek to:

- Consolidate the three properties;
- Lodge a new Stage 1 DA across the consolidated site providing for a slight modification of the approved mixed residential Tower A and a new 110 metre high hotel and rugby club on the site of the approved residential 'Tower B' and the the Fairfax House and Rugby Club sites.

As the hotel (tourist related purpose) component of the Stage 1 DA will exceed \$100 million capital investment value, despite the application including a significant residential component, the development is currently defined as SSD under clause 13.2 of Schedule 1 of *State Environmental Planning Policy (State and Regional Development) 2011* (SEPP SRD).

As such, the Minister is the consent authority for development application(s) for the project pursuant to Section 89D(1) of the *Environmental Planning and Assessment Act 1979* (EP&A Act 1979).

2 Particulars of the Development

This request for SEARs is submitted in accordance with Clause 3(1), Part 2, Schedule 2 of *Environmental Planning and Assessment Regulation 2000*. Clause 3(2), Part 2, Schedule 2 of the EP&A Regulations state that:

The application is to be in a form approved by the Director-General and must include particulars of the location, nature and scale of the development or activity.

Further, Clause 4, Part 2, Schedule 2 of the EP&A Regulations state that:

An application for environmental assessment requirements must, in the case of a development application for integrated development, also include particulars of the approvals that are required.

As such the following sections provide the particulars of the location, nature, and scale of the proposed development and the details of the approvals that are required under the *NSW Heritage Act 1977*.

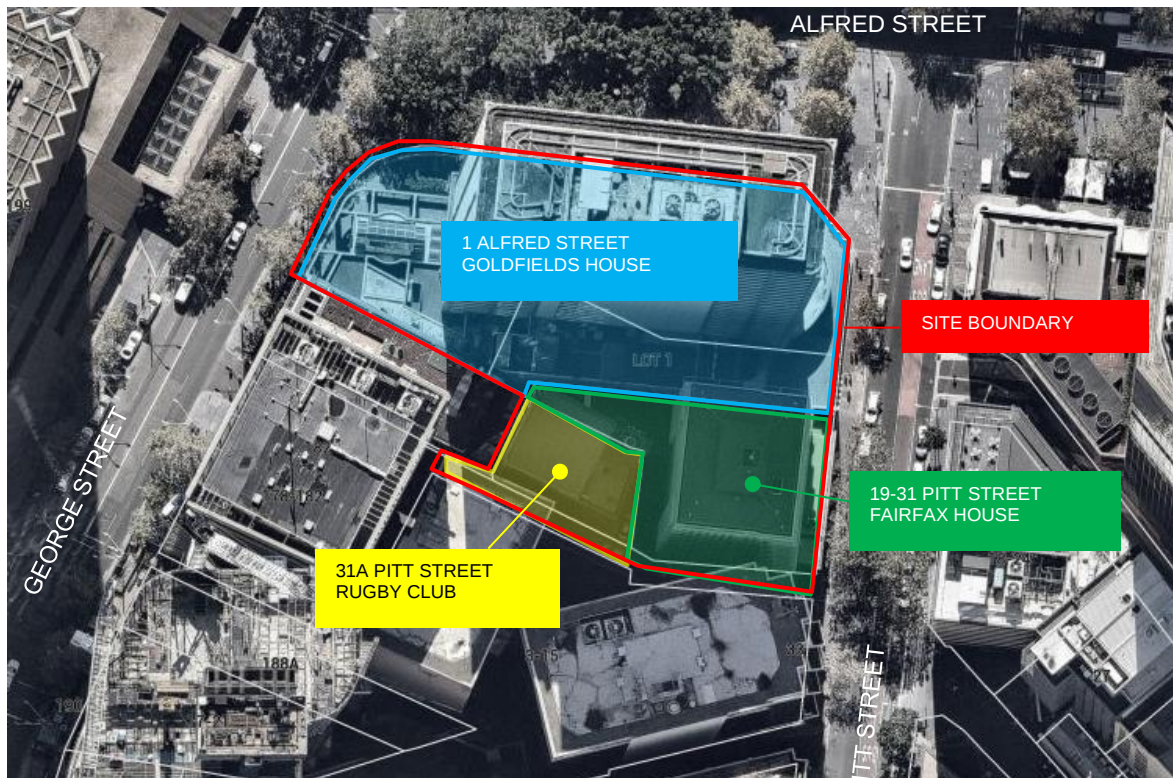
2.1 LOCATION

This Stage 1 SSD Application relates to the following properties, as illustrated at Figure 1:

- 1 Alfred Street, Sydney (Goldfields House), legally described as Lot 1 DP217877;
- 19-31 Pitt Street, Sydney (Fairfax House), legally described as Lot 1 DP537286; and
- 31A Pitt Street, Sydney (The Rugby Club), legally described as Lot 180 DP606866.

The site is bounded by Alfred Street to the north, Pitt Street to the east, Rugby Place to the south and George Street to the west and forms the northern portion of the APDG Precinct within Central Sydney planning controls. The site has a total area of approximately 4,040sqm.

FIGURE 1 – AERIAL IMAGE OF THE SITE (SOURCE: NEARMAP 2015)



2.2 NATURE OF DEVELOPMENT

The proposed Stage 1 SSD Application seeks approval for:

- Building envelopes and proposed uses for the following development on the site:
 - One mixed residential building (max. 185m / RL191) comprising a slightly modified version of the approved Tower A;
 - One hotel building (max. 110m / RL112.5) incorporating a new 'Rugby Club';
 - Five level basement car park across the site;
- Minor revisions to the approved vehicle access arrangements within the site;
- The distribution of gross floor area (GFA) across the site, and the residential unit mix required within Tower A;
- The provision of Rugby Place and a new pedestrianised through-site link connecting Rugby Place to Herald Square;
- A commitment to design excellence; and
- A concept design for the public realm that links and integrates the entirety of the site.

The proposed land uses across the site are defined under the *Sydney Local Environmental Plan 2012* (SLEP) as follows:

- *Retail premises*
- *Commercial premises*
- *Tourist and visitor accommodation*
- *Residential flat building*
- *Registered Club*

2.3 SCALE OF THE PROPOSED DEVELOPMENT

As outlined above, the proposed development will constitute two buildings of 185m and 110m in height respectively. The GFA proposed across the site will be determined by the proposed land use mix and provisions of the SLEP. Based on the current proposed mix of uses, the maximum FSR for the site is 14.26:1 equating to approx. 57,620sqm of GFA. The proposed scale of the development is illustrated below in Figure 2:

FIGURE 2 – PROPOSED BUILDING ENVELOPES (SOURCE: CRONE PARTNERS)



2.4 INTEGRATED DEVELOPMENT APPROVALS

The application is classified as Integrated Development pursuant to Clause 91A of the EP&A Act 1979. Pursuant to this clause, the proposal requires approval under Section 57 of the *NSW Heritage Act 1977* due to the proposed works being within the curtilage of the Sydney Tank Stream, an archaeological feature listed on the State Heritage Register.

As the proposed subterranean works will not alter the approved relationship to the Sydney Tank Stream, a subsequent application on the site may seek a Standard Exemption No. 4 from the Heritage Council pursuant to Section 57(2) of the *NSW Heritage Act 1977*. For the purposes of the preparation of the SEARs we request that the requirements of the NSW Heritage Council are sought, acknowledging that not only does the site have previous approval for an eight level basement, the proposal does not seek to alter the approved curtilage to the archaeological item.

It is our understanding that the proposed excavation will not require dewatering, and as such the application does not require concurrent approval from the NSW Office of Water under the *NSW Water Management Act 2000*.

3 Consent Authority

The development application(s) will involve complex interrelations between existing approvals, Local Development Applications, and SSD applications. In order to allow a single, integrated assessment of what is essentially a single project we have separately proposed that the CSPC be delegated the role of the sole consent authority for the project. This request follows our letter dated 5 June 2015, which specifically requested:

- Section 23 delegation of the consent authority function for the Stage 1 SSD application on the site to the CSPC;
- Section 23 delegation of the development application assessment function for the Stage 1 SSD application to the City of Sydney; and
- The Minister to determine under Section 89D(2) of the EP&A Act 1979 that all development applications for subsequent stages of the development are to be determined by the CSPC and that they cease to be SSD.

4 Proposed SEARs

The existing provisions of Sydney Local Environmental Plan 2012 (SELP 2012) and Sydney Development Control Plan 2012 (SDCP 2012), including the site specific provision for the 'APDG' site in each contain highly detailed provisions that are more than sufficient to appropriately regulate the envisaged development of the site.

Whilst the Secretary generally has the authority to waive the requirement for SEARs under Clause 9 of Schedule 2 of the EP&A Regs, as the application will constitute 'Integrated Development' due to its location adjacent to the Tank Stream State Heritage Item, such a waiver cannot be granted. Instead of waiving the need for SEARs, we therefore request that the SEARs for the Stage 1 SSD application EIS be limited to:

- The matters for consideration listed in Section 79C(1) of the EP&A Act 1979, including the relevant provisions of SELP 2012 and SDCP 2012;
- The requirements of relevant integrated approval bodies, being the NSW Heritage Council; and
- Consultation with the following public authorities:
 - Heritage Council
 - Roads and Maritime Services
 - Sydney Trains
 - Sydney Light Rail
 - Ausgrid

5 Conclusion

As outlined within this letter, we formally request the issue of SEARs for the Stage 1 SSD Application for a proposed mixed-use development on the site.

The existing provisions of SELP 2012 and SDCP 2012, including the site specific provision for the 'APDG' site in each contain highly detailed provisions that are more than sufficient to appropriately regulate the envisaged development of the site. However, as the envisaged redevelopment constitutes 'Integrated Development' due to its proximity to the Tank Stream, the requirement for project specific SEARs cannot be waived. We therefore request SEAR's that call up the conventional 'Part 4' planning framework established under Section 79C(1) of the EP&A Act, and consultation with identified relevant authorities.

Given the timing objectives of The Dalian Wanda Group, your urgent attention to this matter is appreciated.

Yours sincerely,



Ian Cady
Associate Director