

17 December 2018  
14262  
TA/SM/AD

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

Dear Ms McNally,

## **REQUEST FOR SECRETARY'S ENVIRONMENTAL ASSESSMENT REQUIREMENTS 201 ELIZABETH STREET, SYDNEY – STAGE 2 SSDA**

We are writing on behalf of Dexus, the proponent for the detailed design and development of 201 Elizabeth Street, Sydney (the site). The purpose of this letter is to request the Secretary's Environmental Assessment Requirements (SEARs) for the preparation of an Environmental Impact Statement (EIS) to accompany a Stage 2 State Significant Development Application (SSDA) for the proposed redevelopment of the site. This application relates to the detailed proposal, consistent with the Concept (Stage 1) DA (SSD8105, D/2017/347) applying to the site.

As the proposed development includes development for the purposes of a tourist related facility that has a capital investment value in excess of \$100 million, it is State Significant Development (SSD) as prescribed in Schedule 1 of the *State Environmental Planning Policy (State and Regional Development) 2010* (SRD SEPP). In accordance with Clause 8(2) of the SRD SEPP, all parts of a single development application are also declared SSD for the purposes of EP&A Act.

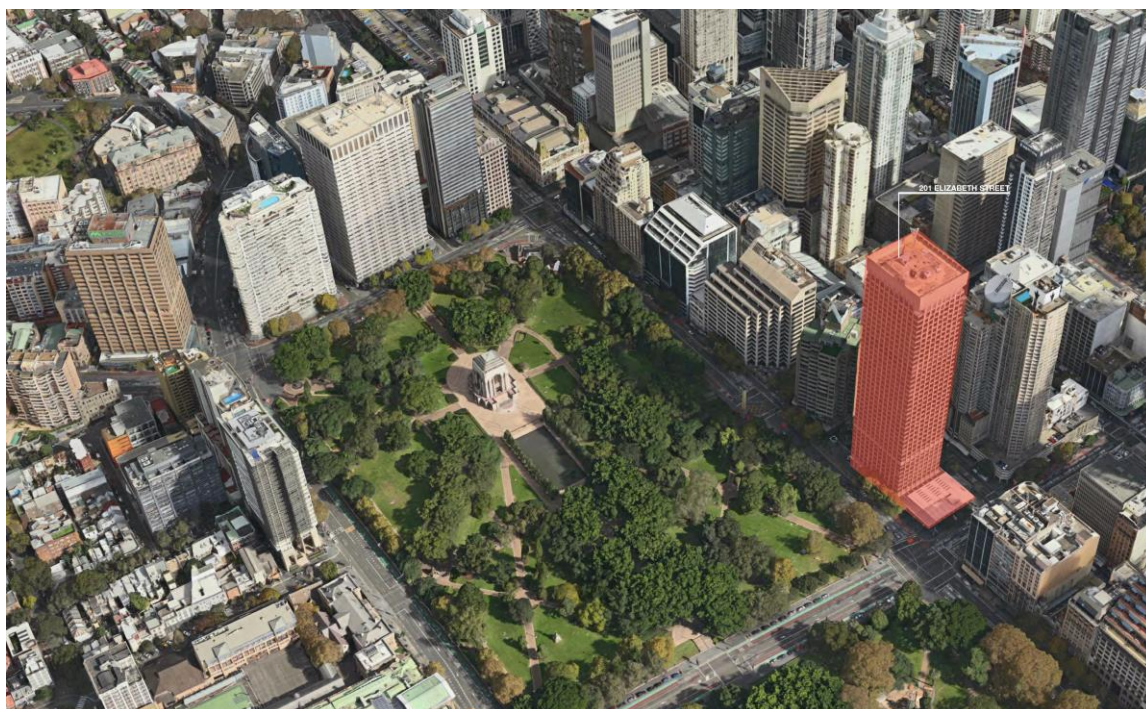
To support the request for the SEARs, this letter provides an overview of the proposed development, sets out the statutory context, and identifies the key likely environmental and planning issues associated with the proposal. This letter is accompanied by Preliminary Development Scheme prepared by FJMT (**Attachment A**).

### **1.0 The Site**

The site is located 201-217 Elizabeth Street, Sydney and is situated on the eastern border of the Sydney Central District (CBD) in a block bound by Park Street to the North, Elizabeth Street to the East, Bathurst Street to the South and Castlereagh Street to the West. The site is directly opposite the western border of Hyde Park. The site has the real property description Lot 1 in Deposited Plan 868008 and has an area of approximately 3,901m<sup>2</sup>.

The site is directly opposite the western border of Hyde Park and is located equidistant from Town Hall Station, St James Station and Museum Station, as well as being located in close proximity to the future Sydney Metro station Pitt Street North. The eastern boundary of the Sydney CBD is characterised by a range of commercial, residential and hotel uses fronting Hyde Park. On the Elizabeth Street side of Hyde Park development is characterised by predominantly commercial development, whilst development further to the east around Liverpool Street is characterised by high rise residential development to transition to existing residential development in Darlinghurst and along Oxford Street. The site acts as a primary eastern gateway to the Sydney CBD with key view corridors to the site from William Street and Kings Cross to the east, as well as Oxford Street to the south east (see **Figure 3** and **3**).

The site currently accommodates a 38 storey commercial office tower. Single storey, double height retail is provided on the street frontage to Park Street. Lower ground retail is also provided across the site including a below ground pedestrian access connecting Park Street, 201 Elizabeth Street, 227 Elizabeth Street and connection to the railway pedestrian tunnels. The existing development provides two levels of basement car parking (176 spaces), accessed via Castlereagh Street. The existing car park entrance utilises an area of land owned by the City of Sydney that is leased to the owners of 201 Elizabeth Street. The existing development is presented at **Figure 1**.



**Figure 1** Location of 201 Elizabeth Street

Source: FJMT



**Figure 2** Existing Development

Source: Ethos Urban



**Figure 3** View corridor from William Street showing existing development

Source: Virtual Ideas



**Figure 4** View corridor from Oxford Street showing existing development

Source: Virtual Ideas

## 2.0 Background

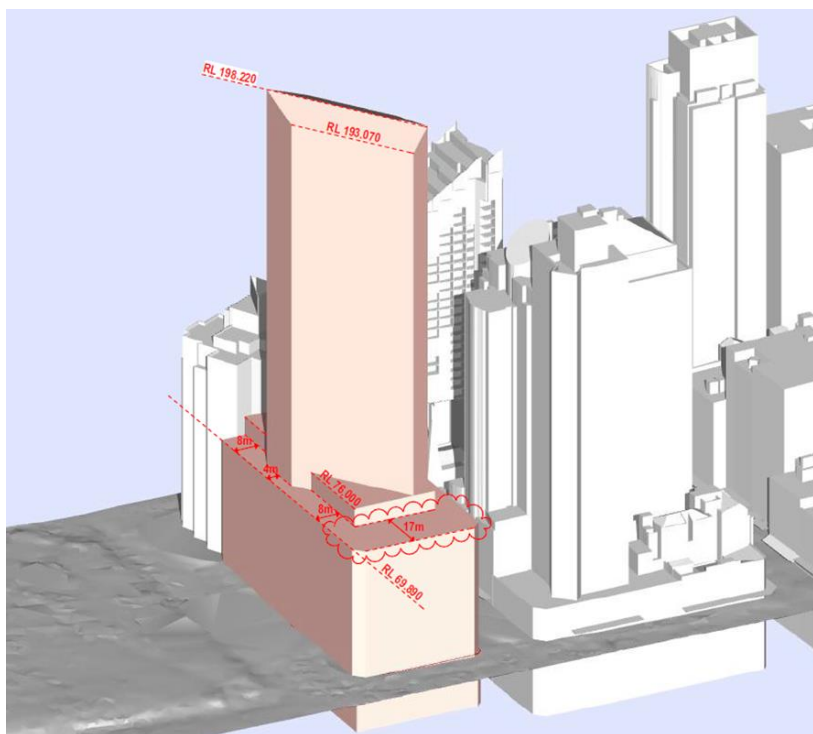
### 2.1 Minister's Delegation

As per the Instrument of Delegation dated 7 February 2017, the Minister has delegated the powers granted under section 4.38 (formally section 89E) of the EP&A Act to the City of Sydney. The EIS will be submitted to and assessed by the City of Sydney and determined by the Central Sydney Planning Committee.

### 2.2 Concept Proposal (D/2017/349)

The Concept (Stage 1) SSDA was considered by the Central Sydney Planning Committee on 15 February 2018 and a deferred commencement consent was granted to D/2017/349. This Concept Proposal established the planning and development framework through which to assess the detailed Stage 2 SSDA. Specifically, the Concept DA, as approved, relates to:

- Four basement car parking levels (accessed off Castlereagh Street) including loading and services provisions;
- Lower ground retail space with a pedestrian connection to Museum station and potential connection to the future Pitt Street Metro Station;
- A 45 metre (RL69.89) podium element containing a 361 room 5-star hotel and function centre, and retail space at the ground floor and mezzanine level, with a single storey terrace (RL76.00) atop of the podium element to provide residential and hotel communal facilities;
- A 37 storey slimline tower element (RL198.22) aligned to Park Street providing residential accommodation and approximately 262 apartments; and
- A total building envelope that facilitates a potential GFA of 59,552m<sup>2</sup> and a FSR of 15.27:11, comprising:
  - Retail GFA: 4,845m<sup>2</sup> (8%);
  - Hotel GFA: 26,543m<sup>2</sup> (45%); and
  - Residential GFA: 28,164m<sup>2</sup> (47%).



**Figure 5** Concept DA approved building envelope

Source: FJMT

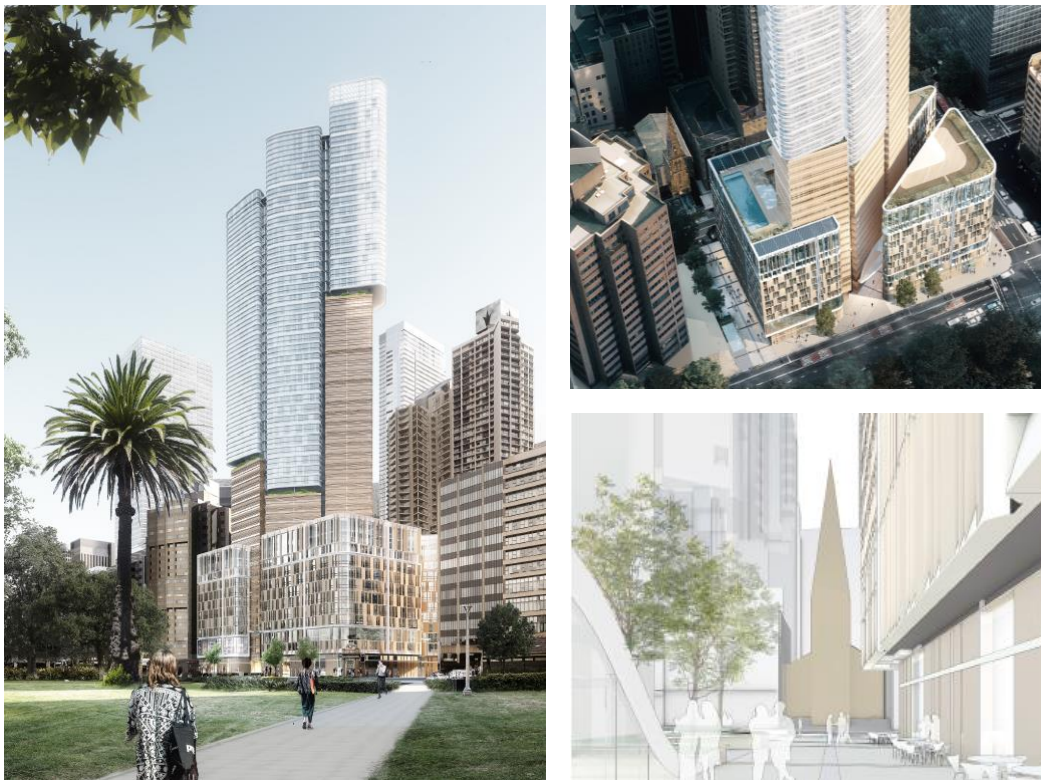
### 2.3 Invited Architectural Design Competition

In accordance with the requirements of the City of Sydney Competitive Design Policy 2013, an Invited Architectural Design Competition was undertaken. The purpose of this design competition was to select the highest quality architectural, landscape and urban design solution for the Stage 2 SSDA.

The entrants who were invited to participate in the process were selected due to their demonstrated ability to design high-quality and sustainable residential/mixed-use towers and public/retail spaces. The six architectural practices and their partnerships who participated were:

- FJMT;
- Scott Carver and Henning Larsen;
- Simpson Haugh and Buchan;
- SJB;
- Zaha Hadid Architects (ZHA), Plus Architecture and Right Angle Studios; and
- 3XN.

Following deliberations, the Jury selected FJMT as the winner of the design competition and authors of the scheme most capable of achieving design excellence. The Jury consider FJMT's scheme demonstrated a superior response to the design, commercial and retail objectives of the competition brief, and is capable of achieving design excellence (refer to **Figure 6**).



**Figure 6** Winning FJMT Scheme as viewed from Hyde Park

Source: FJMT

### 3.0 Description of Proposed Project

The SSD application will seek consent for the detailed development (Stage 2), based on the competition-winning scheme by FJMT, comprising:

- The design, construction and use of a new 53 storey, mixed use mixed-use development, including:
  - 26,805m<sup>2</sup> of hotel GFA, providing a 400 room 5-star hotel and function centre located within the podium element;
  - 31,055m<sup>2</sup> of residential GFA containing approximately 295 apartments located in the tower element;
  - 2,001m<sup>2</sup> of ground and lower ground retail;
  - Four levels of basement car, motorbike and bicycle parking, loading facilities, storage and relevant building services; and
- Subdivision of the site in accordance with the proposed development.

The Preliminary Development Scheme, prepared by FJMT, is submitted for reference at **Attachment A**.

### 4.0 Planning Context

The following are the key relevant legislation and environmental planning instruments that will apply to the proposed development:

- *Environmental Planning and Assessment Act 1979*;
- *Environmental Planning and Assessment Regulation 2000*;
- *State Environmental Planning Policy (State and Regional Development) 2011*;
- *Sydney Local Environmental Plan 2012*; and
- *Sydney Development Control Plan 2012*.

#### 4.1 State Environmental Planning Policy (State and Regional Development) 2011

The *State Environmental Planning Policy (State and Regional Development) 2011* (SEPP SRD) identifies development which is declared to be State Significant. Item 13(2) of Schedule 1 of the Policy provides that:

*Development for other tourist related purposes (but not including any commercial premises, residential accommodation and serviced apartments whether separate or ancillary to the tourist related component) that:*

- (a) *has a capital investment value of more than \$100 million, or*
- (b) *has a capital investment value of more than \$10 million and is located in an environmentally sensitive area of State significance or a sensitive coastal location.*

As the proposed development includes development for the purposes of a tourist related facility that has a capital investment value in excess of \$100 million, it is considered to be a SSD. Clause 8(2) states that:

*If a single proposed development the subject of one development application comprises development that is only partly State significant development declared under subclause (1), the remainder of the development is also declared to be State significant development, except for:*

- (a) *so much of the remainder of the development as the Director-General determines is not sufficiently related to the State significant development, and*

- (b) *coal seam gas development on or under land within a coal seam gas exclusion zone or land within a buffer zone (within the meaning of clause 9A of State Environmental Planning Policy (Mining, Petroleum Production and Extractive Industries) 2007), and*
- (c) *development specified in Schedule 1 to State Environmental Planning Policy (Mining, Petroleum Production and Extractive Industries) 2007.*

The proposed tourist and visitor accommodation is one component of an overall development; accordingly, the whole of the proposed development is therefore considered SSD.

#### 4.2 Environmental Planning and Assessment Act 1979

The Act establishes the assessment framework for SSD. Section 4.12(8) requires that a development application for SSD is to be accompanied by an Environmental Impact Statement (EIS) in the form prescribed by the Regulations.

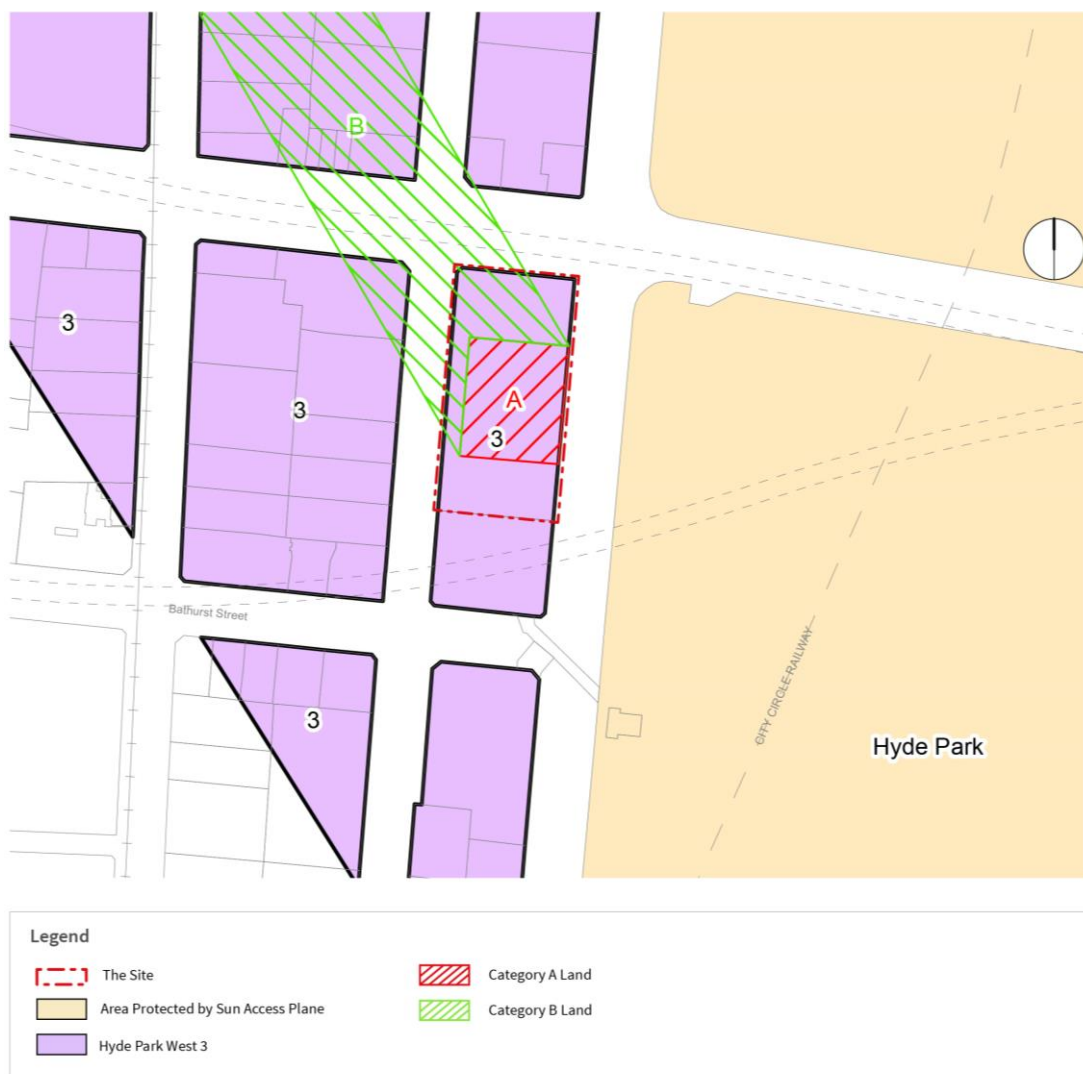
#### 4.3 Sydney Local Environmental Plan 2012

The site is zoned B8 Metropolitan Centre and the proposed land uses are permissible with consent in the zone. The proposed development is consistent with the zone objectives in that:

- The proposed development will result in an iconic new addition to the Sydney skyline taking into consideration its prominent location on Hyde Park at the eastern gateway to the CBD;
- The proposal includes the provision of retail uses and active frontages on all street frontages;
- The proposal provides an intensity of land use comparable to that of a global city, providing high quality residential accommodation; and
- By providing residential accommodation in the CBD environment, this will promote active transport and public transport usage.

Consistent with clause 7.20 of the Sydney LEP 2012, the site is subject to a Concept SSDA as outlined in **Section 2.2** above. Consistent with clause 6.21 of the Sydney LEP, a competitive design process has been conducted on the site as discussed in **Section 2.3** above and 10% additional floor space ratio is sought as part of this SSDA. No maximum building height applies to the site under clause 4.3 of the SLEP 2012. The maximum permissible building height is limited by Clause c.17, namely the Hyde Park West sun access plane. The site is also affected by clause 6.18 Exceptions to sun access planes, with part of the site identified as Category A and part of the site identified as Category B as shown in **Figure 7**.

Above the sun access plane, development is permitted on Category A land provided that it results in a 50% reduction of the shadow cast by the existing building to Hyde Park between midday and 2pm on 21 June. Development above the sun access plane is permitted on Category B land where the new building does not exceed the height of the existing building on Category A land. The proposed development, although sited on both Category A and Category B land, is generally consistent with clause 6.18. The proposed development achieves a 54% reduction in the shadow cast by the existing building.



**Figure 7** Extract from sun access plane protection map

Source: Sydney Local Environmental Plan 2012

#### 4.4 Sydney Development Control Plan 2012

The site is located within Central Sydney and the College Street Hyde Park special character area. The proposed development has been designed in response to the relevant provisions of the SDCP 2012. Whilst the SDCP 2012 will not strictly apply to the Stage 2 SSDA, a detailed assessment will be provided in the EIS.

#### 4.5 Other planning policies

In addition to the above, the following policies apply to the site and will need to be considered as part of the SDD application:

- State Environmental Planning Policy No. 55 – Remediation of Land.
- State Environmental Planning Policy (Infrastructure) 2007.
- State Environmental Planning Policy No. 65 - Design Quality of Residential Apartment Development;
- State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004;
- Greater Sydney Region Plan;

- *Eastern City District Plan*
- *NSW Long Term Transport Master Plan;*
- *Sustainable Sydney 2030;*
- *Development Near Rail Corridors and Busy Roads – Interim Guideline;*
- *Planning Guidelines for Walking and Cycling;*
- *Sydney City Central Access Study;*
- *Sydney's Cycling Future; and*
- *Sydney's Walking Future.*

## 5.0 Overview of Likely Environmental and Planning Issues

Based on our preliminary environmental assessment, the following are the key environmental assessment issues that will need to be considered as part of the Stage 2 SSDA:

- Compliance with strategic and statutory plans;
- Compliance with the Concept Approval;
- Overshadowing impact on Hyde Park;
- Urban design, built form and public domain;
- Residential amenity;
- Ecologically sustainable development;
- Heritage conservation;
- Existing and planned rail corridors;
- Traffic, access and parking;
- Views;
- Wind impact;
- Contamination, structural and geotechnical considerations; and
- Construction and operational impacts.

These are discussed in further detail where relevant below.

### 5.1 Compliance with Strategic and Statutory Plans

The EIS will analyse the proposed development and outline how the proposal is consistent with the strategies and objectives of Greater Sydney Region Plan and the Eastern City District Plan. The EIS will also assess the proposal against the relevant SEPPs, the SLEP 2012 and SDCP 2012.

### 5.2 Compliance with the Concept Approval

As the proposal is staged development in accordance with Section 4.22 of the EP&A Act, the Stage 2 SSDA cannot be inconsistent with the Concept Approval. The EIS will therefore demonstrate that the proposed development is consistent with the Concept Approval and the conditions of the approval.

### 5.3 Overshadowing impact on Hyde Park

The EIS will provide a detailed overshadowing analysis to assess the overshadowing impact of the proposed development on Hyde Park. It is noted that the existing building at 201 Elizabeth Street casts a substantial shadow on the park and the proposal will reduce this shadow by at least 50 per cent in mid winter.

### 5.4 Urban Design, Built Form and Public Domain

The proposed development will significantly alter the existing built form and public domain on the site. The EIS will consider the urban design outcomes for the project and the detailed options that have been considered through the design development.

### 5.5 Residential Amenity

The EIS will demonstrate that the proposed building envelope will be capable of delivering residential development that is consistent with SEPP 65 as well as the provisions of the NSW Apartment Design Guidelines (the ADG).

### 5.6 Ecologically Sustainable Development

The EIS will address the principles of ecologically sustainable development in relation to the project and an ESD Strategy will be included as part of the EIS.

### 5.7 Heritage Conservation

The site is located in the vicinity of a number of local heritage items. The ANZAC War Memorial (within Hyde Park) and the Municipal sewer vent (Elizabeth Street and Bathurst Street) are listed as State heritage items. A Heritage Impact Statement will be prepared as part of the EIS. The proponent will consult with the NSW Heritage Council prior to lodging the EIS.

### 5.8 Existing and Planned Rail Corridors

The site is located in close proximity to Museum Station and the existing City Circle rail corridor. The site is also located in close proximity to the planned Sydney Metro Corridor and the Pitt Street North Station. The EIS will consider engineering advice on both rail corridors and the proponent will consult with Transport for NSW during the preparation of the EIS.

### 5.9 Traffic, Access and Parking

A traffic and parking assessment will be prepared by a specialist traffic consultant and submitted with the EIS. The report will assess the site access arrangements and the design and operation of the proposed basement parking. The report will also examine:

- road safety;
- demand for car parking;
- loading and servicing arrangements;
- traffic impacts of the proposed development on the surrounding road network and intersections; and
- accessibility to public transport.

### 5.10 Views

The site acts as a gateway to the Sydney CBD from the east (see **Figures 3 and 3**). Given the site's prominent location, the proposed development will be highly visible from Hyde Park, William Street and Oxford Street. A visual impact study will be prepared as part of the EIS to understand the impact of the proposed development on key public view corridors.

### 5.11 Wind Impact

The EIS will address the prevailing wind conditions and the appropriate considerations and mitigation measures that will need to be addressed in the detailed design of the project. Wind tunnel testing will be completed as part of the Stage 2 SSDA to ensure that the proposed development does not reduce the existing pedestrian amenity of the immediate surroundings.

### 5.12 Construction and Operational Impacts

The EIS will address and consider the construction and operational impacts of, or on:

- Noise and vibration;
- Construction and operational traffic; and
- Water and air quality impacts.

### 5.13 Contamination, Structural and Geotechnical Considerations

A geotechnical report will be prepared to assess the site's subsurface conditions and to determine the suitability of the site for the proposed development. The report will detail any engineering measures required for the construction of the proposed development.

## 6.0 Conclusion

The purpose of this letter is to request the SEARs for the preparation of an EIS for a Stage 2 SSDA for the redevelopment of 201 Elizabeth Street Sydney and construction of a new 53 storey mixed use building comprising a 400 room 5-star hotel, approximately 295 apartments and retail uses at ground and lower ground floors. The proposed development will result in the demolition of the existing building at 201 Elizabeth Street which casts a significant shadow over Hyde Park. The proposal will result in a reduction in this overshadowing by more than 50 per cent in mid winter, whilst providing a landmark building at one of the premier gateways to Sydney's CBD.

This project presents the opportunity for the redevelopment of a significant city block to provide a world class development for both residents and visitors with an interchange of pedestrian connectivity, opposite a major CBD park, adjacent to the retail precinct of Pitt Street Mall and at a key transport node benefitting from existing bus and rail as well as proposed future rail and light rail services.

We trust that the information detailed in this letter is sufficient to enable the Secretary to issue the SEARs for the preparation of the EIS. Should you have any queries about this matter, please do not hesitate to contact or Samantha Miller on 9956 6962 or [SMiller@ethosurban.com.au](mailto:SMiller@ethosurban.com.au).

Yours sincerely,



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