

1 August 2019

2190027

Mr Jim Betts
Secretary
Department of Planning, Industry and Environment
320 Pitt Street,
SYDNEY NSW 2000

Dear Mr Betts,

REQUEST FOR SECRETARY'S ENVIRONMENTAL ASSESSMENT REQUIREMENTS 338 PITT STREET, SYDNEY – STATE SIGNIFICANT DEVELOPMENT APPLICATION

We are writing on behalf of China Centre Development Pty Ltd, the proponent for the mixed-use development at 338 Pitt 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 State Significant Development Application (SSDA) for the proposed redevelopment of the site. The proposed development comprises of hotel, residential, commercial and retail uses. The application relates to the detailed proposal and is generally consistent with the Concept Approval (D/2016/1509) granted by the Central Sydney Planning Committee (CSPS) and applying to the site.

The development includes a hotel component that has a Capital Investment Value (CIV) of \$129,943,202. Pursuant to clause 13(2), under Schedule 1 of *State Environmental Planning Policy (State and Regional Development) 2010* (SRD SEPP), development for tourist related purposes such as a hotel that has a CIV in excess of \$100 million is State Significant Development (SSD). Further, 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 the *Environmental Planning & Assessment Act 1979* (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**); and
- Cost Estimate Statement prepared by MBM (**Attachment B**)

1.0 The Site

The site is located at the corner of Pitt Street and Liverpool Street, within the 'Mid Town' precinct of Sydney's Central Business District (CBD). The site is approximately 150m west of Museum Station and Hyde Park, and approximately 350m from Town Hall Station.

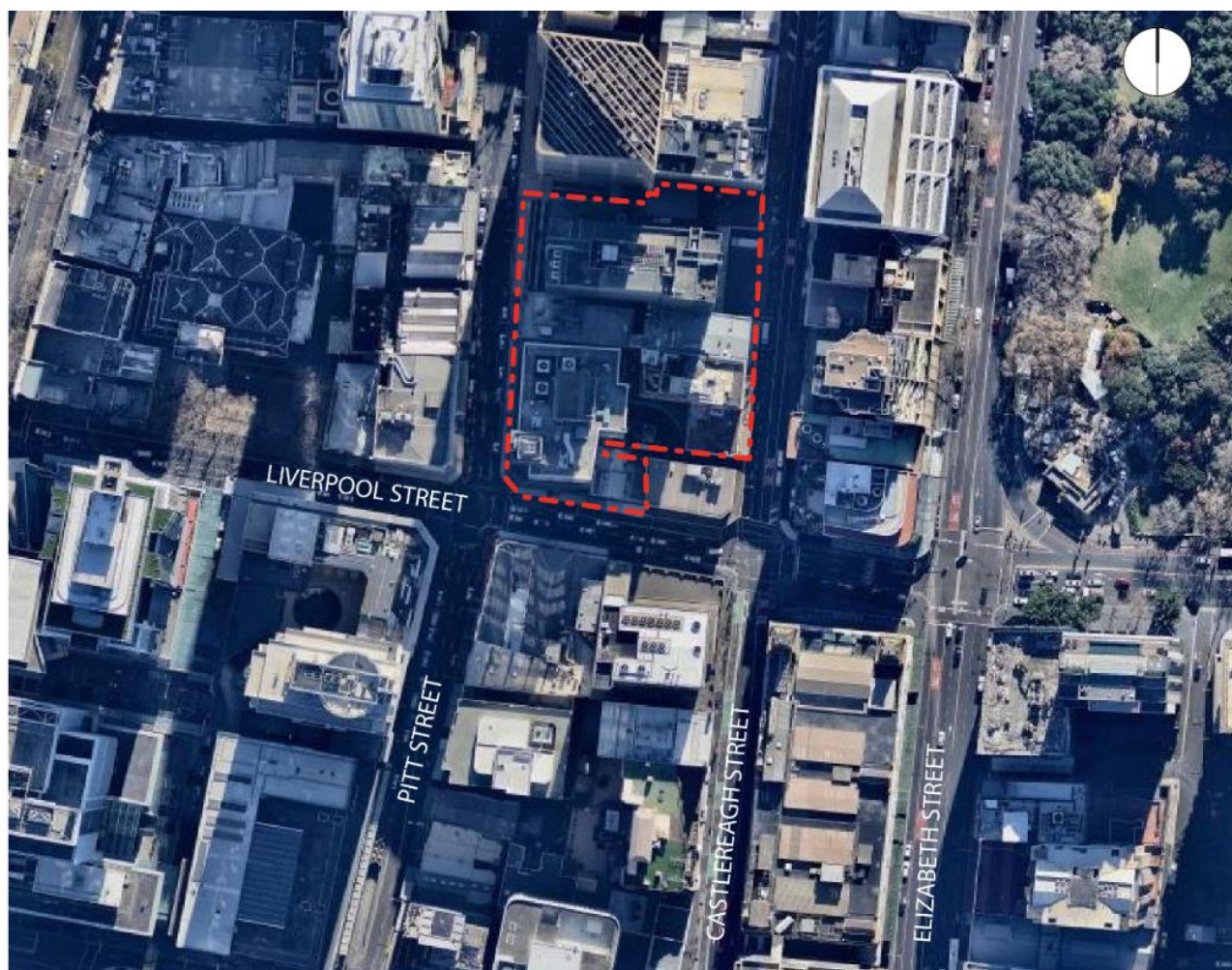
The site includes several allotments as listed at **Table 1** and constitutes nearly one third of the city block between Bathurst Street, Pitt Street and Liverpool Street. The site is an irregular shape and has a combined area of approximately 5,900m². The site has street frontages to Pitt Street (90m), Liverpool Street (24m), Castlereagh Street (84m) and Dungate Lane (23m) and has a gentle fall from the north-eastern corner to the south west. An aerial image of the site is provided at **Figure 1**.

Pedestrian access to the existing site is provided from Pitt, Castlereagh and Liverpool Streets and a separated cycleway on Liverpool Street facilitates bicycle access to the site. An existing retail arcade provides through site pedestrian access between Pitt and Castlereagh Streets at the northern boundary of the site. There is no pedestrian access through to Pitt Street from Dungate Lane. Vehicle access to the site is currently from Pitt Street, Castlereagh

Street and Dungate Lane where basement access ramps are located within the pedestrian plaza at the entrance to each building and within the existing laneway.

Table 1 Legal Description of the Site

| Street Address | Lot/Deposited Plan |
|--|--------------------|
| 338-348 Pitt Street | 10/857070 |
| 332-336 Pitt Street | 1/66428 |
| 324-330 Pitt Street / 233 Castlereagh Street | 3/1044304 |
| 241-243 Castlereagh Street | 1/90016 |
| 245-247 Castlereagh Street | 1/78245 |
| 245-247 Castlereagh Street | 1/70702 |
| 249-253 Castlereagh Street | B/183853 |
| 126 Liverpool Street | A/448971 |
| 128 Liverpool Street | B/448971 |
| 130 Liverpool Street | C/448971 |



 The Site

Figure 1 Aerial Photograph

2.0 Background

2.1 Concept Approval D/2016/1509

On 30 November 2017, the Central Sydney Planning Committee (CSPC) endorsed a Concept DA (D/2016/1509) for the redevelopment of 338 Pitt Street, Sydney and development consent was issued on 28 February 2018.

D/2016/1509 grants consent to the concept development for a building envelope with a height of up to 235m (RL 258.161m) or approximately 66 storeys, with indicative future land uses of retail, commercial and hotel uses in a podium and residential uses in a tower above, vehicular access and crossovers via Pitt Street and Castlereagh Street and indicative locations for east-west through site links at the northern end of the site and southern end of the site between Dungate Lane and Pitt Street.

Key parameters of the Concept Approval are outlined in **Table 2** and an elevation of the approved envelope is shown at **Figure 2**. It is noted that, subject to achieving design excellence, the project is pursuing an additional 10% building height with a maximum potential height of 258.3m above ground level.

Table 2 Concept Approval Development Information

| Key Development Information Component | Approved Building Envelope |
|--|--|
| Maximum height | <p><i>Tower</i></p> <ul style="list-style-type: none"> North-eastern corner: RL 258.161 (AHD) South-eastern corner: RL 255.92 (AHD) South-western corner: RL 253.28 (AHD) North-western corner: RL 255.87 (AHD) <p><i>Podium</i></p> <ul style="list-style-type: none"> Castlereagh Street: RL 66.5 (AHD) Pitt Street: RL 52.0 (AHD) Pitt Street and Liverpool Street corner: RL 47.0 (AHD) |
| GFA (<i>indicative scheme only</i>) | <ul style="list-style-type: none"> Residential: 57,648sqm Hotel: 10,402sqm Retail: 4,319sqm Commercial: 8,977sqm <p>Total: 81,346sqm</p> |
| FSR (<i>indicative scheme only</i>) | 13.755:1 |
| Basement (<i>indicative scheme only</i>) | <p>4 levels</p> <p>445 car spaces</p> |

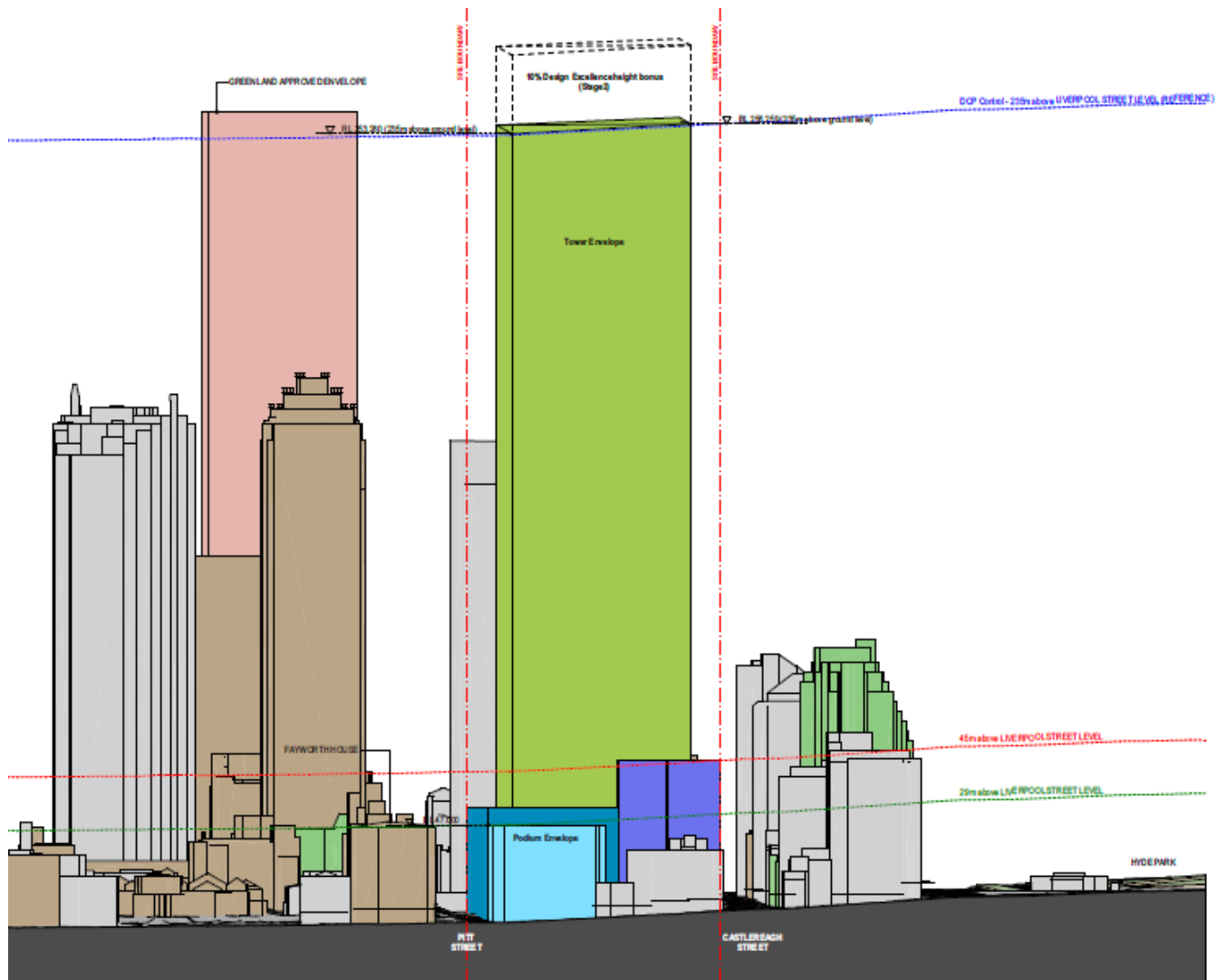


Figure 2 **Approved Building Envelope**

Source: *FJMT*

TOWER ENVELOPE - RESIDENTIAL
 PODIUM ENVELOPE - COMMERCIAL, HOTEL and RETAIL

2.2 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 for the project in mid 2018. The purpose of this design competition was to select the highest quality architectural, landscape and urban design solution for the detailed design development.

The competitors 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 five architectural teams who participated were:

- Zaha Hadid Architects (ZHA), Architectus, MAKE and Right Angle Studio.
- Kohn Pedersen Fox (KPF), Crone and Andrew Burns Architecture;
- Grimshaw, Smart Design, Panovscott and Future City;
- Francis-Jones Morehen Thorp (FJMT), Polly Harbison, Trias and Aileen Sage; and
- Skidmore, Owings & Merrill (SOM), PTW Architects and Stewart Hollenstein.

Following deliberations, the Jury selected FJMT and partners as the winner of the design competition and authors of the scheme most capable of achieving design excellence. The Jury considered FJMT's scheme demonstrated a superior response to the design to permeability of the ground plane, the flexibility of the podium levels as well as providing superior residential amenity. The opportunity that the two tower form presented to reduce the overall visual bulk and overshadowing of the nearby parks and the public domain was supported by the Jury. On this basis, the scheme was seen to be capable of achieving design excellence and as such was awarded the winner of the competition (refer to **Figure 3**).

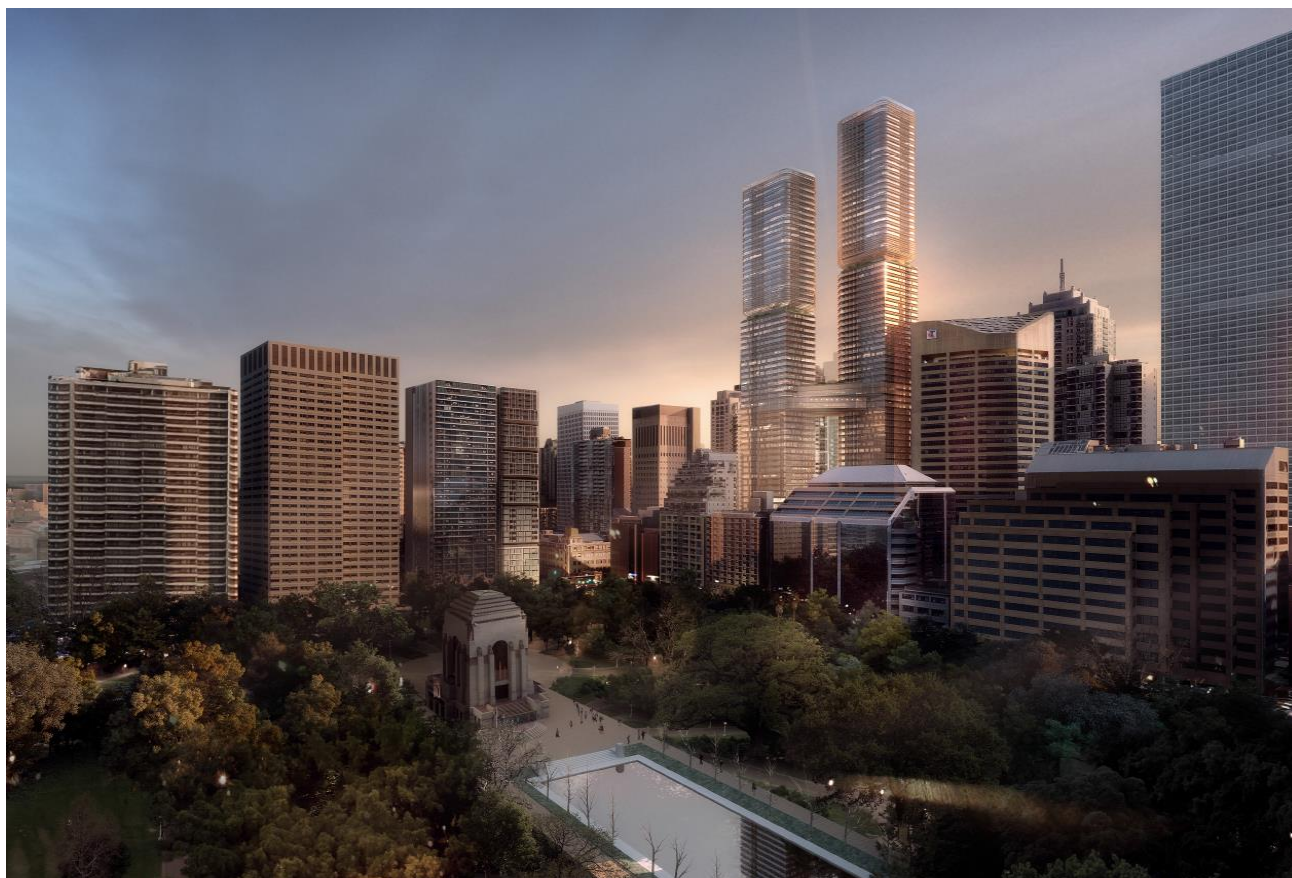


Figure 3 Render of the FJMT Design Competition Entry

Source: FJMT

3.0 Description of Proposed Development

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

- Demolition of existing structures;
- The construction and use of a mixed-use development with an iconic two-tower 258m built form above new podium with internal courtyard;
- Four basement levels and a lower ground level accommodating residential, retail and hotel car parking, motorcycle parking, bicycle parking, loading dock, hotel bus drop off zone, storage and relevant building services;
- A total GFA of 84,922m², comprising:
 - 19,942m² hotel GFA, providing 163 rooms;
 - 61,746m² residential GFA containing 654 apartments
 - 3,234m² commercial/retail GFA; and
- Landscaping and associated services upgrade works.

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

4.0 Planning Context

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

The SRD SEPP identifies development which is declared to be SSD for the purposes of the EP&A Act. Clause 13(2) of Schedule 1 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.*

The hotel component of the proposed development is considered a tourist related facility for the purposes of clause 13(2) of Schedule 1 of the SRD SEPP and as provided in the QS Statement at **Attachment B**, the CIV of this component is \$129,943,202. Therefore, the proposed development is SSD.

Clause 8(2) of the SRD SEPP 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.*

This application is a single development application relating to the comprehensive redevelopment of the site. The proposed tourist related facility, being a hotel, is an integrated component of the overall development and is therefore sufficiently related to the development as a whole. Accordingly, the whole of the development application is SSD.

4.2 Environmental Planning and Assessment Act 1979

The EP&A Act establishes the assessment framework for SSD. Section 4.12(8) requires that a development application for SSD is to be accompanied by an EIS in the form prescribed by the Regulations. This letter outlines the context of the site and the proposed SSDA to obtain a SEARs request.

4.3 Sydney Local Environmental Plan 2012

The site is zoned B8 Metropolitan Centre under the *Sydney Local Environmental Plan 2012* (SLEP) and the proposed land uses are permissible with consent in the zone. The proposed development is also consistent with the zone objectives in that:

- It will provide an appropriate mix and intensity of land uses that promotes Sydney's role in the global economy;
- It will deliver a new, attractive and architecturally iconic two tower building form within the Sydney skyline; and
- The building interface at street level is well designed, maximises active frontages and provides a balance between retail use and public gathering space.

The SSDA shall be in accordance and satisfy the requirements of clause 6.21 'Design Excellence' having undergone a competitive design process as discussed in in **Section 2.3** of this request.

As discussed in **Section 2.2** of this request, a Concept Approval (D/2016/1509) has applies to the site. This Concept Approval fulfils the requirements for a site-specific DCP to be prepared for the site in accordance with clause 7.20 of the SLEP.

4.4 Sydney Development Control Plan 2012

The site is not located within any special character areas identified under the Sydney Development Control Plan 2012 (SDCP). 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 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 (or have some relevance) and will be considered as part of the SDD application:

- State Environmental Planning Policy (Infrastructure) 2007
- State Environmental Planning Policy 55 – Remediation of Land
- State Environmental Planning Policy 64 – Advertising and Signage
- State Environmental Planning Policy 65 – Design Quality of Residential Apartment Development (including Apartment Design Guideline)
- State Environmental Planning Policy (Building Sustainability Index – BASIX 2004
- Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005 (including any draft amendments)
- NSW 2021
- A Metropolis of Three Cities
- Eastern City District Plan
- Future Transport 2056

- Development Near Rail Corridors and Busy Roads – Interim Guidance 2008
- Better Placed: An integrated design policy for built environment of NSW
- Sustainable Sydney 2030
- Sydney City Centre Access Strategy
- City of Sydney Competitive Design Policy
- NSW Planning Guidelines for Walking and Cycling
- Sydney Metro Underground Corridor Protection Guidelines
- Interim Construction Noise Guidelines
- Noise Policy for Industry
- Relevant City of Sydney policies, codes and guidelines (where required pursuant to relevant Local Environmental Plan policies).

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 SSDA:

- Compliance with strategic and statutory plans;
- Compliance with the Concept Approval;
- Urban design, built form and public domain;
- Residential amenity;
- Overshadowing impact on nearby residential development and public spaces;
- Flooding;
- Ecologically sustainable development;
- Heritage conservation;
- Existing and planned rail corridors;
- Traffic, access and parking;
- 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

D/2016/1509 is a Concept DA and in accordance with Section 4.23 of the EP&A Act, the 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. It is anticipated that a modification to D/2016/1509 will be lodged concurrently with the detailed SSDA to address any minor inconsistencies.

5.3 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.

5.4 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).

5.5 Overshadowing

Public Spaces

The EIS will provide a detailed overshadowing analysis to assess the overshadowing impact of the proposed development on key public spaces in the vicinity of the development including Harmony Park and Hyde Park.

Existing Residential Development

A detailed assessment of the overshadowing impacts of the development on existing residential dwellings in the vicinity will be provided in the EIS, in accordance with the Concept Approval condition 16(a)(i).

5.6 Flooding

The site is affected during the 100 year design flood event. In the model of the 100 year flood event the flood depths along Pitt Street are between 0.02 metres and 0.174 metres, and along Liverpool Street are between 0.174 metres and 0.205 metres. This would result in flood levels along Liverpool Street of RL21.877 at its intersection with Castlereagh Street and RL18.148 at its intersection with Pitt Street. A detailed assessment of flooding hazard will be prepared and submitted with the EIS in accordance with the City of Sydney Interim Floodplain Management Policy.

5.7 Heritage Conservation

The site is located in the vicinity of a number of heritage items including the State heritage listed 'Former Mark Foy's Emporium' also known as the Downing Centre (I1707) and the Central Local Courthouse and Holding Cells (I1854) and local heritage listed items such as Fayworth House (I1944) and the Former City South Telephone Exchange (I1704). A Heritage Impact Statement will be prepared as part of the EIS.

5.8 Existing and Planned Rail Corridors

The site is 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 assess:

- Road safety;
- Car parking provision in accordance with the SLEP 2012;
- Loading and servicing arrangements;
- Traffic impacts of the proposed development on the surrounding road network and intersections; and
- Accessibility to public transport.

5.10 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.

5.11 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

5.12 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

This letter has been prepared to request the SEARs for the preparation of an EIS for a SSDA in relation to the mixed-used redevelopment of 338 Pitt Street, Sydney. The development comprises a total of 84,992m² of GFA; providing 654 residential apartments, 163 hotel rooms and 3,234m² of commercial/retail GFA. The development presents the opportunity for the revitalisation of a significant city block to provide a world class development for both residents and visitors to the Sydney CBD.

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 02 9409 4971 or SMiller@ethosurban.com.au.

Yours sincerely,



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