

From: [Alisa Nicholson](#)
To: [Emily Dickson](#)
Cc: [David M Zabell](#)
Subject: City of Sydney to DPIE - response to SEARs - SSD 10362 - R/2019/10
Date: Friday, 9 August 2019 7:06:49 PM
Attachments: [image002.png](#)
[City of Sydney to DPIE - response to SEARs - SSD-10362 - R-2019-10.pdf](#)
[Documentation - Draft SEARs - SSD 10362 - R201910.DOCX](#)
[Hans Group to DPIE - Request for Delegation - 338 Pitt Street, Sydney - SSD 10362.PDF](#)
[Plan - Inconsistency between approved tower envelope and proposed towers - R 2019 10.PDF](#)

Dear Emily

Please see attached City of Sydney letter, Draft SEARs, plan and delegation request for - 330-338 Pitt Street, 241-253 Castlereagh Street and 126-130 Liverpool Street Sydney - New mixed use two-tower development with basement excavation - SSD 10362.

Should you wish to speak with a Council officer about the above, please contact David Zabell, Senior Planner, on 9265 9333 or at dzabell1@cityofsydney.nsw.gov.au

Regards
Alisa

Alisa Nicholson
Executive Assistant to Graham Jahn AM, Director
City Planning Development & Transport



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8 August 2019

File No: 2019/382263

Our Ref: R/2019/10

Emily Dickson
Senior Planning Officer
NSW Department of Planning & Environment
320 Pitt Street | GPO Box 39 Sydney NSW 2001
By email: emily.dickson@planning.nsw.gov.au

Dear Emily,

Request for SEARs - 330-338 Pitt Street, 241-253 Castlereagh Street and 126-130 Liverpool Street Sydney - New mixed use two-tower development with basement excavation - SSD 10362

I refer to your invitation to comment on the draft SEARs for the above mentioned Statement Significant Development Application. The application proposes demolition, basement excavation, four low-rise buildings and two 80-storey towers with an interconnecting bridge between levels 32 to 35. The plans propose 654 residential apartments, 163 hotel rooms and 417 car spaces.

The application follows the granting of concept development consent D/2016/1509 by the Central Sydney Planning Committee on 28 February 2018 and an Invited Architectural Design Competition whereby a scheme prepared by FJMT, Polly Harbison, Trias and Aileen Sage was selected as the winner.

City staff have reviewed the plans and documents accompanying the application and note the departure from the approved building envelope and concept approval conditions. The applicant has also requested that the application be delegated to the City for assessment and determination, to which we kindly ask the Department to agree.

Further discussion regarding these matters are provided below for your consideration. Please find attached the draft SEARs with the City's amendments in red.

Request for delegation of assessment and determination to Council

The applicant has requested in writing (correspondence previously provided to you and attached to this letter) that the application be delegated to the City for assessment and determination.

city of villages

The City has a track record in the efficient and timely assessment and determination of SSD applications. These include the determination of the following applications:

- the 'Wanda' hotel development (SSD 16_8111 or D/2016/1529) at 1 Alfred St which was lodged on 31 October 2016 and approved on 11 May 2017
- the Dexus mixed use (including a hotel) development (SSD 16_8105 or D/2017/349) at 201-207 Elizabeth St which was lodged on 21 March 2017 and approved on 15 February 2018

Given the City's assessment and determination of the concept approval D/2016/1509, the preparation of requirements to facilitate the development, track record and in order to ensure continuity and certainty to the land owner, it is requested that the Secretary support the applicant's request to delegate the assessment of the SSD (and any future modifications) to the City.

It is therefore requested that the Sydney Development Control Plan 2012 be a matter for consideration within the SEARs.

Inconsistency with concept approval D/2016/1509

The indicative plans accompanying the request for SEARs are inconsistent with the concept approval D/2016/1509 as follows:

- The proposed towers extend laterally beyond the approved building envelope (see attached).
- Residential floor space is proposed below level 10 contrary to condition 10.
- The towers exceed the lowest maximum height of 276.5 metres on the southwest corner (including the 10% design excellence bonus).

In accordance with Section 4.24(2) of the *Environmental Planning and Assessment Act 1979* ("the Act"), the application must not be inconsistent the concept approval. As such, these matters will be addressed by City staff during the assessment of the application.

Additional information to be requested in the SEARs

Please find attached the draft SEARs with recommended changes in red. In summary, the additional information recommended includes:

- Additions to the relevant planning provisions, goals and strategic planning objectives including compliance with the Sydney Development Control Plan 2012.
- Detailed landscape plans.
- Archaeological assessment.
- Traffic and construction impacts.
- Seeking third-party ESD certification beyond targets required under the National Construction Code.

- Submission and compliance with the City's model requirements.
- Consulting with Sydney Airport/Civil Aviation Safety Authority.

Should you wish to speak with a Council officer about the above, please contact David Zabell, Senior Planner, on 9265 9333 or at dzabell1@cityofsydney.nsw.gov.au

Yours sincerely,

A handwritten signature in black ink, appearing to be 'GJahn', with a stylized, cursive script.

Graham Jahn AM
Director
City Planning | Development | Transport

DRAFT Planning Secretary's Environmental Assessment Requirements

Section 4.12(8) of the *Environmental Planning and Assessment Act 1979*
Schedule 2 of the Environmental Planning and Assessment Regulation 2000

Application Number	SSD-10362
Project Name	Mixed Use Development
Location	338 Pitt Street, Sydney
Applicant	HAN'S SYDNEY PTY LTD
Date of Issue	DATEWILLBEINSERTEDHERE
General Requirements	<p>The environmental impact statement (EIS) must be prepared in accordance with, and meet the minimum requirements of clauses 6 and 7 of Schedule 2 of the Environmental Planning and Assessment Regulation 2000 (the Regulation).</p> <p>Notwithstanding the key issues specified below, the EIS must include an environmental risk assessment to identify the potential environmental impacts associated with the development.</p> <p>Where relevant, the assessment of key issues below, and any other significant issues identified in the risk assessment, must include:</p> <ul style="list-style-type: none"> - adequate baseline data - consideration of the potential cumulative impacts due to other developments in the vicinity (completed, underway or proposed); - measures to avoid, minimise and if necessary, offset predicted impacts, including detailed contingency plans for managing any significant risks to the environment. <p>The EIS must also be accompanied by a report from a qualified quantity surveyor providing:</p> <ul style="list-style-type: none"> - a detailed calculation of the capital investment value (CIV) (as defined in clause 3 of the Regulation) of the proposal, including details of all assumptions and components from which the CIV calculation is derived. The report shall be prepared on company letterhead and indicate applicable GST component of the CIV; - an estimate of jobs that will be created during the construction and operational phases of the proposed development; and - certification that the information provided is accurate at the date of preparation.
Key issues	<p>The EIS must address the following specific matters:</p> <p>1. Statutory and Strategic Context</p> <p>Address the statutory provisions applying to the development contained in all relevant environmental planning instruments, including:</p> <ul style="list-style-type: none"> o State Environmental Planning Policy (State and Regional Development) 2011 o State Environmental Planning Policy (Infrastructure) 2007

- State Environmental Planning Policy No 55 – Remediation of Land (and Draft remediation of Land SEPP)
- State Environmental Planning Policy No 64 – Advertising and Signage
- State Environmental Planning Policy No 65 – Design Quality of Residential Development (including Apartment Design Guideline)
- State Environmental Planning Policy (Building Sustainability Index – BASIX) 2004
- Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005
- Draft State Environmental Planning Policy (Environment)
- Sydney Local Environmental Plan 2012.

Address the relevant planning provisions, goals and strategic planning objectives in the following:

- NSW State Priorities
- Greater Sydney Region Plan and supporting District Plan
- Future Transport Strategy 2056 and supporting plans
- Better Placed – an integrated design policy for the built environment of NSW
- Guide to Traffic Generating Development (RMS)
- NSW Planning Guidelines for Walking and Cycling
- Sustainable Sydney 2030
- Better Placed – Design Guide for Heritage
- Sydney's Cycling Future
- Sydney's Walking Future
- Legible Sydney
- City Centre Access Strategy
- City of Sydney Interim Floodplain Management Policy
- City of Sydney Public Domain Manual
- Making Sydney a Sustainable Destination
- Sydney Landscape Code
- Tourism Action Plan 2013
- Retail Action Plan 2013
- Sydney Development Control Plan 2012
- Sydney Landscape Code
- City of Sydney Section 61 Contributions Plan 2013
- City of Sydney Guidelines for Waste Management in New Development 2018

2. Compliance with the Concept Approval

The EIS shall demonstrate how the proposed development is consistent with the Concept Approval D/2016/1509 and the conditions of the approval.

3. Design Excellence

The EIS shall demonstrate that a design competition has been undertaken in accordance with the Concept Approval D/2016/1509. The EIS shall include the design competition brief, jury recommendations report and a design integrity process/strategy, prepared in consultation with the Government Architect and City of Sydney, demonstrating how the proposal will achieve design excellence in accordance with the design competition winning scheme.

4. Built form and urban design

- Provide an analysis of the proposed built form against the applicable development standards, controls and concept approval D/2016/1509

- Include a table identifying the proposed land uses, including a floor by floor breakdown of gross floor area (GFA), total GFA and FSR and site coverage
- Provide a Visual Impact Assessment of the proposal, including before and after photomontages and perspectives for each elevation, showing:
 - elements and views of the proposal from key locations, vistas and view corridors from the public domain and residential buildings that may be impacted; and
 - an assessment of the view impacts and design considerations to mitigate any impacts.
- include public domain details, including:
 - clear definition of any private use of the public domain
 - pedestrian movement patterns
 - street trees, associated landscaping, hardworks, street furniture, lighting, materials and surface finishes alignment levels and stormwater design
 - identify linkages with and between other public domain spaces, other streets and lanes.

5. Amenity

- The EIS shall detail amenity for future occupants of the residential component of the development and any amenity impacts of the proposal on surrounding development and the public domain, and include measures to minimise potential overshadowing, noise, reflectivity, visual privacy, wind, daylight and view impacts
- Detailed assessment of overshadowing impacts of the development on existing residential dwellings in the vicinity **in accordance with condition 16(a)(i) of the concept consent**
- Undertake a detailed analysis of overshadowing impacts on key public spaces including Harmony Park and Hyde Park
- Provide a Wind Impact Assessment Report, including wind tunnel testing **for the public domain and all landscape areas on upper levels linking the two towers. Wind testing is to use a sitting criterion of upper hotel and residential levels**
- **Amenity to consider integrated landscape design in the hotel and residential towers with consideration of green roofs, walls and facades.**
- **Provide a detailed design residential common open space with minimum 25% of the total site area and 6 metres wide.**
- **Demonstrate the design amenity and solar access meets the requirements of the SDCP2012 and ADG.**

6. Heritage

- Provide a Heritage Impact Statement, describing the impacts of the proposal on the heritage significance of all heritage items (State and local) within and in the vicinity of the site
- assess potential impacts of the proposal on Aboriginal cultural heritage values and, where Aboriginal cultural heritage values are identified, includes measures to avoid, conserve or mitigate against the impact and consult with the Aboriginal people to identify the significance of the cultural heritage values.
- **Assess potential impacts of the proposal on historical archaeology. The site has archaeological potential as identified under Central Sydney Archaeological Zoning Plan. The assessment is to investigate the**

archaeological potential, significance of potential archaeological deposits and measures taken to mitigate the impact of the proposal. Any archaeological finds during the excavation and demolition should be interpreted and where possible displayed in the new building.

- Investigate and analyse the quality of sandstone to be removed during the excavation, including contamination and to assess the suitability of the rock for removal by cutting into quarry blocks for use as high quality building construction material.

7. Operation

The EIS shall include details of the proposed use and operation of the development, including but not limited to:

- any uses ancillary and/ or not ancillary to the hotel use
- hours of operation
- patron capacity
- signage
- the relationship between the proposed uses of the building
- a Plan of Management.

8. Traffic, Transport Parking and Access

The EIS shall include a Traffic Impact Assessment (TIA) that includes:

- details of the current and likely estimated future daily and peak hour vehicle, public transport network, point to point transport, pedestrian and bicycle movements to/ from the site. **This must include specific reference to taxis.**
- an assessment of the impact of the proposal on existing traffic and transport performance and safety at key intersections in the area, **including but not limited to Pitt St / Liverpool Street / Bathurst Street, Castlereagh Street / Bathurst Street and Castlereagh Street / Liverpool Street. This assessment must include specific reference to the impact of taxi trips to the performance of nearby intersections.**
- **an assessment of the** likely impact of the proposal on bus operations (stops, routes and parking)
- An assessment of the point to point parking in the surrounding streets
- an assessment of proposed temporary or permanent changes to transport and access on surrounding streets
- details of existing and proposed vehicular access, including for hotel drop off and pick up, coach and servicing, and an assessment of any potential impacts, such as potential pedestrian, cyclist and bus conflict. **This must include how the access impacts on the pedestrian and bicycle amenity of the area given that the location is in an area with high numbers of people walking.**
- an indication of any road/intersection upgrades required as a result of the development, supported by appropriate modelling and analysis, and any other measures to mitigate impacts of the development
- details of the proposed vehicle, bicycle (and end of trip facilities), motorcycle, taxi, bus and coach parking
- proposals to encourage employees, guests and residents to make sustainable travel choices, such as walking, cycling, public transport and car sharing and how these will be implemented
- proposals for safe and efficient access to loading, deliveries and servicing of the development.

9. Construction management (including construction traffic)

The EIS shall include a draft construction management plan that includes:

- details of vehicle routes, peak hour and daily truck movements, hours of operation, access arrangements and traffic control measures for all demolition / construction activities
- assessment of road safety at key intersections and locations subject to pedestrian / vehicle / bicycle conflicts
- an assessment of the likely construction traffic impacts, such as required road / lane closures and diversions, impacts on bus and taxi operations, impacts on pedestrian and cycle movement, taking into account other construction activities within the vicinity of the site
- an assessment of potential impacts of the construction on surrounding buildings and the public domain, including noise and vibration, air quality and odour impacts, dust emissions, water quality, stormwater runoff, groundwater seepage, soil pollution and construction waste, and details of measures to mitigate any impact - **Demolition and Construction Noise Vibration Management Plan in accordance with Condition 30 of the Stage 1 consent.**

10. Water, drainage and stormwater

- Provide a detail assessment of flooding hazard in accordance with City of Sydney Interim Floodplain Management Policy
- Provide information on the required water and waste water services and any augmentation to Sydney Water infrastructure that may be required for the proposed development
- **Submit a stormwater management plan through the City's MUSIC Link model.**

11. Interim rail corridor

The EIS shall detail the likely effect of the proposal on the Sydney Metro Corridor and Pitt Street North Station.

12. Ecologically Sustainable Development (ESD)

The EIS shall:

- identify how the development will incorporate ESD principles (as defined in Clause 7(4) of Schedule 2 of the Regulation) in the design, construction and ongoing operation phases of the development, and include innovative and best practice proposals for environmental building performance
- include a framework for how the future development will be designed to consider and reflect national best practice sustainable building principles to improve environmental performance and reduce ecological impact. This should be based on a materiality assessment and include waste reduction design measures, future proofing, use of sustainable and low-carbon materials, energy and water efficient design (including water sensitive urban design) and technology and use of renewable energy
- include certification that the residential component of the development achieves the BASIX scores set out in the Concept Approval D/2016/1509.
- **Investigate the use of third party ESD certification to achieve targets beyond those required under the concept approval and NCC.**

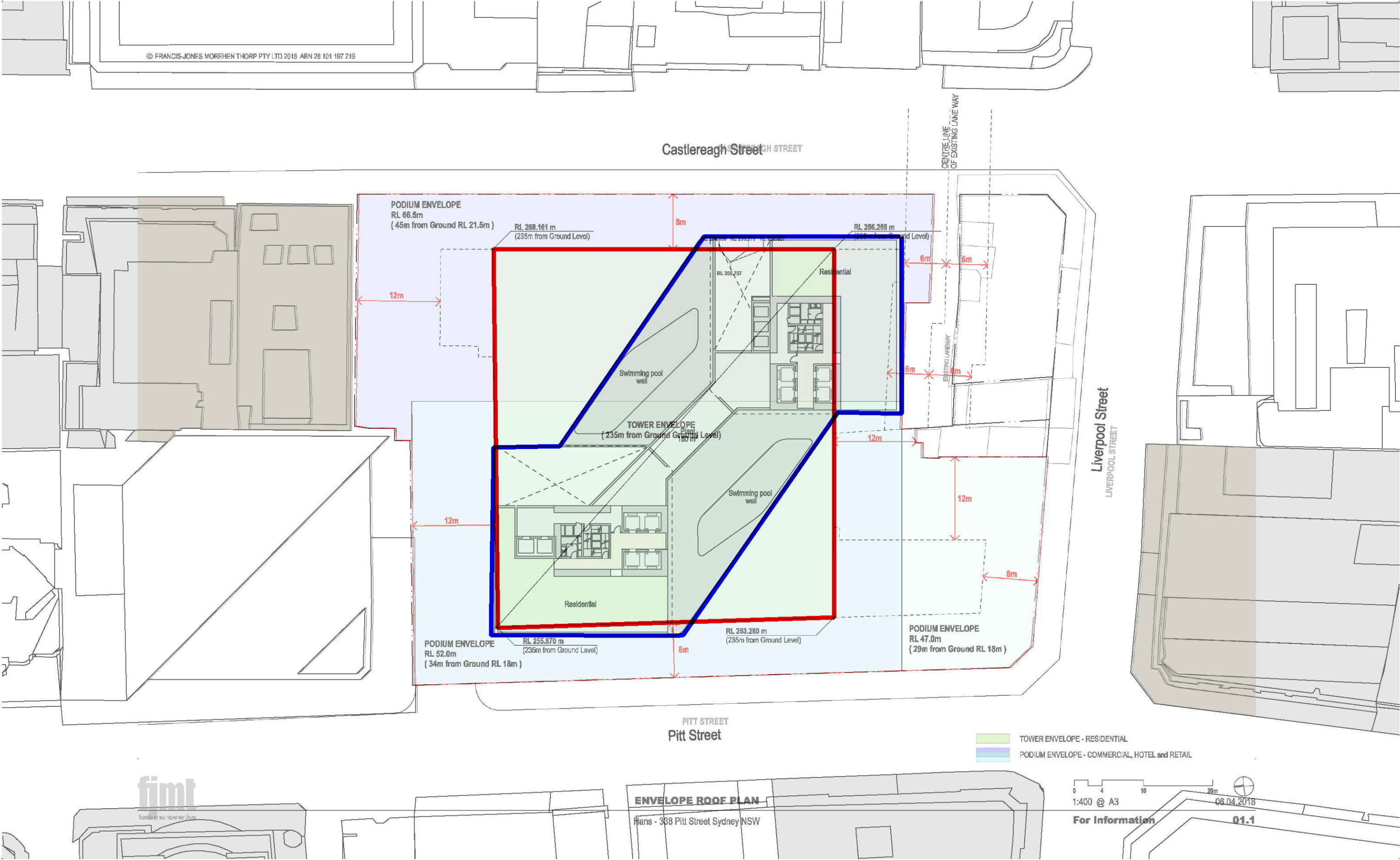
13. Utilities

	<p>The EIS shall:</p> <ul style="list-style-type: none"> ○ address the existing capacity of the site to service the proposed development and any augmentation requirements for utilities, including arrangements for electrical network requirements, drinking water, waste water and recycled water ○ identify the existing infrastructure on-site and any possible impacts of the construction and operation of the proposal on this infrastructure. The existing capacity and any augmentation requirements of the development for the provision of utilities, including staging of infrastructure and additional licence/approval requirements in consultation with relevant agencies ○ provide details on the location, construction and servicing of the waste/recycling collection facilities for the building. <p>14. Biodiversity</p> <ul style="list-style-type: none"> ○ The EIS shall provide an assessment of the proposal's biodiversity impacts in accordance with the <i>Biodiversity Conservation Act 2016</i>, including the preparation of a Biodiversity Development Assessment Report where required under the Act. ○ The landscape plans must include efforts to improve and accommodate biodiversity. Reference may be made to the City's provisions under Section 3.5.1 of the Sydney Development Control Plan 2012. <p>15. Contributions and/ or Voluntary Planning Agreement</p> <p>The EIS shall address the provision of public benefit, services, infrastructure and any relevant contribution requirements.</p>
Consultation	<p>During the preparation of the EIS, you must consult with the relevant local, State or Commonwealth Government authorities, service providers, community groups and affected landowners.</p> <p>In particular you must consult with:</p> <ul style="list-style-type: none"> - City of Sydney Council - Government Architect of NSW - Transport for NSW (Roads and Maritime Services) - Heritage Council of NSW - Sydney Coordination Office within Transport for NSW - Sydney Trains - Sydney Metro - Sydney Airport/CASA <p>The EIS must describe the consultation process and the issues raised, and identify where the design of the development has been amended in response to these issues. Where amendments have not been made to address an issue, a short explanation should be provided.</p>
Further consultation after 2 years	<p>If you do not lodge a Development Application and EIS for the development within 2 years of the issue date of these SEARs, you must consult further with the Secretary in relation to the preparation of the EIS.</p>

Plans and Documents	<p>The EIS must include all relevant plans, architectural drawings, diagrams and relevant documentation required under Schedule 1 of the Regulation. Provide these as part of the EIS rather than as separate documents.</p> <p>In addition, the EIS must include the following:</p> <ul style="list-style-type: none"> - high quality files of maps and figures of the subject site and proposal - architectural drawings (to a useable scale at A3) showing key dimensions, RLs, scale bar and north point, plans, sections and elevations of the proposal (including 1:20 scale detail plans where works affect heritage fabric) and illustrated materials schedule including physical or digital samples board - site title diagrams and survey plan, showing existing levels, location and heights of existing and adjacent structures/ building - locality/context plan drawn, including significant local features such as heritage items - urban design report - landscape design report - heritage impact statement - Aboriginal and historical archaeological impact assessment - access impact statement - visual impact assessment - solar access analysis report and diagrams - public domain design statement and plans - landscape design package including plans, details and levels for hotel and residential components - Detailed green wall and roof plans and details - biodiversity development assessment report (or waiver) - ESD statement (incorporating a sustainability framework) and BASIX Certificate - geotechnical report - Building Code of Australia statement - consultation summary report - noise impact assessment - wind impact report, including wind tunnel testing for public domain areas and all landscape terraces on upper levels - reflectivity report - flood study and stormwater concept plan - Public Art Proposal in accordance with the adopted Public Art Strategy - signage strategy, including commercial signage / building name signage (if proposed) - traffic and transport impact assessment, including parking, access, loading dock strategy / management plan and a construction traffic management plan - construction impacts and management plan, including a construction noise and vibration management plan, construction waste and recycling management plan and cumulative impact of construction activities on other nearby sites, including any impact to Rail services nearby - utilities and services statement - Detailed Environmental Site Investigation - Acoustic reports regarding: <ul style="list-style-type: none"> o Demolition and Construction Noise Vibration Management Plan in accordance with Condition 30 of the Stage 1 consent o Noise impact assessment considering City's Acoustic Amenity requirements under DCP 2012 4.2.3.11 for residential apartments & NSW EPA Noise Policy for Industry and NSW Department of Planning
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	<p><i>Planning for Entertainment Guidelines 2009</i> for commercial plant and entertainment related noise associated with the proposed development</p> <ul style="list-style-type: none">- Acid Sulphate Soils report- Crime Prevention through Environmental Design report- Physical and 3D CAD model as per Council requirements.
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DRAFT



31 July 2019

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

CC:
Mr Graham Jahn
Director - City Planning Development & Transport
City of Sydney
Town Hall House
456 Kent Street
SYDNEY NSW 2005

Dear Mr Betts,

REQUEST FOR DELEGATION OF STATE SIGNIFICANT DEVELOPMENT APPLICATION - SSD10362

338 PITT STREET, SYDNEY

China Centre Development Pty Ltd is the proponent for SSD10362 relating to the Stage 2 State Significant Development Application for the redevelopment of 338 Pitt Street, Sydney (property details attached). The development is State Significant Development by virtue of clause 13(2) of Schedule 1 of *State Environmental Planning Policy (State and Regional Development) 2011* (the SRD SEPP) as it comprises tourist and visitor accommodation with a capital investment value in excess of \$100 million. The total capital investment value of the project is approximately \$747 million. The proponent wrote to the Secretary requesting the Secretary's Environmental Assessment Requirements for the project on 17 July 2019.

We write to the Department of Planning, Industry and Environment to respectfully request that in accordance with section 2.4 of the *Environmental Planning and Assessment Act 1979* (the EP&A Act), the Minister for Planning and the Planning Secretary delegate their functions under section 4.5 and division 4.7 of the EP&A Act in respect of SSD10362 to the City of Sydney Council. This will enable the City of Sydney to assess the application and the application will be determined by the Central Sydney Planning Committee. This delegation would continue to apply to any future modification applications made pursuant to section 4.55 of the EP&A Act.

We note that the Central Sydney Planning Committee was the consent authority for the Stage 1 Concept Development Application for the project (D/2016/1509) and a competitive design process has been completed in accordance with the City of Sydney Competitive Design Policy as observed by City of Sydney council officers. We also note that a similar delegation has been provided by the Minister and the Secretary in relation to two other projects, namely:

- 201 Elizabeth Street, Sydney (SSD8105); and
- 1 Alfred Street, Sydney (SSD7101; SSD8110; SSD8111).

A separate delegation will be sought from the Independent Planning Commission to delegate their consent authority functions under clause 8A of the SRD SEPP to the City of Sydney Council, with a determination to be made by the Central Sydney Planning Committee. This delegation will ensure that the application is assessed and determined consistent with all major development within Central Sydney and provide transparency to the general public.

Should you require any further information, or wish to meet to discuss this request, please do not hesitate to contact the undersigned.

Yours sincerely,



Kris Fan

General Manager – Development & Project Management
Han's Group

E fanr10211@hanslaser.com

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T +61 2 8384 8775

Property Description

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