

05085
5 July 2006

The Honourable Frank Sartor MP
The Minister for Planning
Level 33
Governor Macquarie Tower
1 Farrer Place
Sydney NSW 2000

Dear Minister,

REDEVELOPMENT OF CUB SITE, SYDNEY

Further to your Order dated 21 June 2006 declaring the CUB site ('the site') as a State Significant Site (SSS) under the section 75B(1) of the Environmental Planning and Assessment Act 1979, we are writing on behalf of the proponent CUB (NSW) Pty Ltd ('CUB NSW') for the redevelopment of the site. CUB NSW is a wholly owned subsidiary of Foster's Australia Ltd.

The purpose of this letter is to seek confirmation on the basis of the Minister's Order that the CUB development proposal is a 'major project' to be determined under Part 3A of the Act and that a study supporting the inclusion of the site and preparation of site specific controls for inclusion in Schedule 3 of State Environmental Planning Policy (Major Projects) 2005 will be required concurrently with an Environmental Assessment Report for the proposed redevelopment of the site.

We therefore request:

1. The Minister's authorisation for the proponent to submit a Concept Plan application for the proposed redevelopment of CUB site; and
2. The Director General's requirements for the preparation of a single comprehensive Environmental Assessment to accompany both the proposal to prepare development controls for the site and for the lodgement of a Concept Plan application.

1.0 PROJECT OUTLINE

The CUB site is a 5.795 hectare site (approximately) on the southern edge of the CBD, proposed for redevelopment for a new commercial, residential and retail precinct.

The site has been the subject of a Master Plan Design Competition. The architectural team that produced the first ranked design has, since the competition, been refining and testing development scenarios that can achieve design excellence, public benefits and built form outcomes appropriate to the site's location at the southern end of the CBD. The key elements of the current working scheme are as follows:

- A mixed use commercial and residential development consisting of approximately 1,800 residential apartments, approximately 97,000sqm of commercial and 12,000sqm of retail gross floor area (GFA);
- The likely retention and adaptive reuse of some 29-31 current and proposed heritage items on the site as compared with 13 items of heritage significance included in SLEP 2005.
- A Floor Space Area (FSA) of built form of approximately 260,000sqm;
- A single parcel (incorporating some land owned by the City of Sydney) of public open space of some 5,000sqm;
- Transport and parking facilities, including retention of some 250 existing car spaces to support the retail floor space component;

- A network of streets, laneways and shared ways to be ultimately dedicated to the City of Sydney.

Concurrent with discussions with the City of Sydney arising from the highest ranked Design Competition scheme, that included a single parcel of public open space, has been the preparation of new draft planning controls for the site including a draft LEP and draft DCP. Progress has been made in negotiating a Voluntary Planning Agreement for delivery of certain public benefits sought by the City. Although not final, the Voluntary Planning Agreement proposed to deliver, in return for section 61 contribution rebates:

- A significant park of approximately 5,000 square metres;
- A Community Facility contribution for a new or refurbished Community Centre.; and
- Pedestrian crossing to City Road and Regent Street to link the suburb of Chippendale with Victoria Park and Prince Alfred Park and the creation of an additional small public park in Balfour St.

2.0 MAJOR PROJECTS SEPP 2005 – SCHEDULE 3

The Minister's Order dated 21 June 2006 declared the site as a State Significant Site under the section 75B(1) of the Environmental Planning and Assessment Act 1979.

We seek confirmation that the provisions of Clause 6(1)(b) of the Major Projects SEPP will apply to the site. This clause states that development that, in the opinion of the Minister, is development of a kind referred to in Schedule 3 (State significant sites) as a project to which Part 3A of the Act applies is declared to be a project to which Part 3A of the Act applies.

3.0 CONCEPT PLAN APPROVAL PROCESS

To obtain the statutory approval for development of CUB site it is requested that the Minister provide authorisation that the CUB site development proposal be subject to a Concept Plan approval process under Part 3A of the Environmental Planning and Assessment Act. As set out in the draft guidelines relating to Concept Plan Applications (24 July 2005), a Concept Plan approval process:

“provides for a proponent to obtain an approval upfront for the concept of a major, complex project prior to undertaking more detailed studies in relation to implementing the various components of the project”.

The guidelines set out three types of situations where there could be benefits in undertaking Concept Plan Approval. It is considered that the CUB project is consistent with situation “A”, as follows:

“Major project delivery on a site where alternative layouts or configurations need to be considered upfront including the setting of the development footprint along with justification of the project”

Given the size and complexity of the site, its constraints and competing priorities, its redevelopment calls for application of the Concept Plan approval process in that it will provide the design, policy and planning framework, setting the future direction for the redevelopment of the site.

The Concept Plan process will enable the strategic issues and the general development parameters of the project to be determined at the beginning of the development assessment process, while retaining the necessary level of flexibility for the more detailed design phase of the project. Some degree of flexibility in the later stages of the redevelopment of CUB will be important to enable future design development to be innovative and responsive and facilitate a design excellence process. The Minister has indicated that the site needs to demonstrate design excellence and is a specific outcome sought for this site.

4.0 DIRECTOR GENERAL'S REQUIREMENTS FOR ENVIRONMENTAL ASSESSMENT

It is intended that an environmental assessment be prepared to support the proposed amendment to Schedule 3 of the Major Projects SEPP and the Concept Plan. In this regard it is requested that the Director General issue requirements as to the level and scope of the necessary documentation and assessment.

To support the request for the Director General's requirements relating to the environmental assessment, a preliminary Scoping Paper relating to the CUB project is attached. This paper sets out the project outline and identifies the environmental issues associated with the project. It is intended to assist the Director General in determining the likely environmental assessment requirements for the project.

5.0 Redfern and Waterloo Authority Act

The CUB site is identified within the Redfern and Waterloo Authority Act for the purposes of contributions for affordable housing. You have confirmed that the provisions of the Redfern and Waterloo Act will be invoked for the purposes of a contribution for affordable housing in relation to the CUB site.

6.0 CONCLUSION

The redevelopment of the CUB site will create a new commercial, residential and retail precinct which will significantly contribute to the continued growth and success of Sydney as Australia's pre eminent city. A new planning regime is required to facilitate the redevelopment of the site. Having regard to the above, the purpose of this letter is to:

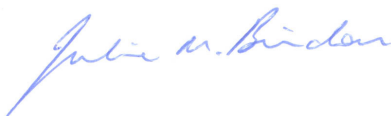
1. Seek confirmation that the CUB development proposal is a development of the kind described in Schedule 3 (state significant sites) of the Major Projects SEPP 2005 and therefore, requires a supporting study to be prepared to amend Schedule 3.

We also request:

2. The Minister's authorisation for the proponent to submit a Concept Plan application for the proposed redevelopment of CUB site; and
3. The Director General issue his requirements for the preparation of a single comprehensive Environmental Assessment to accompany both the proposal to amend Schedule 3 and to prepare development controls for the site and for the lodgement of a Concept Plan application.

Should you have any queries about this matter, please do not hesitate to contact me on 9956 6962.

Yours faithfully



Julie Bindon
Partner

Enc. Project Scoping paper