

## Legislation Fact Sheet

### Parliament Square Planning Permit Bill 2012

#### Background

The purpose of this Bill is to approve the *parliament square* redevelopment project, to enable the project to commence by removing all grounds of appeal against the project.

The Government is strongly committed to the divestment and redevelopment of *parliament square* (bordered by Murray Street, Davey Street and Salamanca Place).

The site consists of nine buildings, bordered by Murray Street, Davey Street and Salamanca Square. The buildings located on the site are 10 Murray Street, 12 Murray Street, 34 Davey Street, 34 West Davey Street, the Red Brick Building, 36 Davey Street, 2-4 Salamanca Place, 6 Salamanca Place and part of the Parliamentary Annex.

A three stage tender process was undertaken to divest the site and establish a contractual process the Citta Property Group Pty Ltd (Citta) was selected as the Preferred Developer.

#### Planning Appeals

- Citta lodged a development application with the Sullivans Cove Waterfront Authority (SCWA) on 26 October 2009, with a conditional planning permit being issued on 2 March 2010.
- A third party, two individual members of the “Save 10 Murray Group”, lodged an appeal against the approval to demolish 10 Murray Street and the ex Government Printing Authority building with the Resource Management and Planning Appeal Tribunal (RMPAT).
- As part of the appeals process, Citta slightly amended its design to address conditions raised in the SCWA planning permit. The SCWA and the Heritage Council supported the new design as it addressed the issues that those organisations had raised. Citta submitted the new design to the Tribunal as a section 22 application under the *Resource Management and Planning Appeal Tribunal Act 1993*.
  - The Tribunal rejected the amended design, under its discretionary power, as being a substantially different design from the initial proposal, requiring a new development application, assessment process by the SCWA and potentially new appeals to the RMPAT.
  - On 27 August 2010, Citta lodged a second development application with SCWA. A Permit was issued by SCWA on 31 January 2011 and then appealed through RMPAT by the Save 10 Murray Group.
- On 15 February 2011, the Tribunal dismissed the Save 10 Murray Group’s appeal against the first planning permit, confirming the permit as issued by the SCWA.

- The Save 10 Murray Group appealed the Tribunal's decision to the Supreme Court. On 29 July 2011 the Supreme Court rejected all grounds of the appeal that related to 10 Murray Street, but upheld the appeal that related to how the Tribunal assessed the demolition of 2-4 Salamanca Place (the former Printing Authority Building). The result was that the planning permit was sent back to the Tribunal to reconsider how it assessed 2-4 Salamanca Place.
- In December 2011, the Tribunal reconsidered the 2-4 Salamanca assessment, dismissed the appeals and issued a planning permit to Citta. The Save 10 Murray Group further appealed the Tribunal's decision back to the Supreme Court.
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  - On 24 September 2012, the Supreme Court ruled that the Tribunal had erred in law in assessing the appeal to the planning permit.
- Citta are currently reviewing the impact of the decision and the options available to secure a final permit that would allow construction to commence. Citta has already reactivated the second planning permit, with a new Tribunal hearing date set for late February 2013 and has made submissions to the Supreme Court to send the first planning permit back to the Tribunal for reconsideration.

### **Proposed Legislation**

The proposed legislation will enable the project to commence. This is highly desirable because:

- the project has broad public support and overall achieves strong heritage conservation outcomes and new public open space;
- the delays have been caused by an unworkable test in the heritage legislation; and
- the building and construction industry requires 'shovel-ready' projects to help it through a decline in construction activity and this project will provide \$100 million plus activity immediately.