

ATTACHMENT C

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SUMMARY OF SUBMISSIONS

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Submitter	Summary of Submission	Response
<p>Resident of 38-42 Bridge Street</p>	<p>Support; Question about “permanent residential accommodation only” for 38-42 Bridge St</p> <p>The future of this prime area of Sydney will only improve with this major redevelopment.</p> <p>The building in which I live is zoned: 'Permanent Residential Accommodation Only'. Could the zoning on our Residential Building be affected or altered, now or in the future?</p>	<p>Noted.</p> <p>38-42 Bridge Street, Sydney is currently zoned “B8 Metropolitan Centre” under Sydney Local Environmental Plan (LEP) 2012. It is noted that 38-42 Bridge Street was approved for residential use, with a condition of consent that specified <i>“the development must be used for permanent residential accommodation only and not for the purpose of a hotel, motel, serviced apartments, tourist accommodation or the like”</i>. The consent also required a restrictive covenant to be created restricting any change of use of the land from “residential development”.</p> <p>The AMP Planning Proposal does not alter or change the zoning or consent of the building.</p>
<p>Owner of unit at 38 Bridge Street</p>	<p>Loftus Lane – pedestrian only</p> <p>Loftus Lane should be revitalised for pedestrians only, with the exception of low volume of vehicles assessing the existing basement car park of 38 Bridge Street. Making Loftus Lane pedestrian only would improve the streetscape of the area, and take attention away from the huge building above.</p> <p>Vehicle Access to the Young and Loftus Street Block should be via Young Street. This is a big block.</p>	<p>Loftus Lane running north south is proposed to be for pedestrian only with no vehicular access as shown in Figure 6.39 Vehicular Access of draft Sydney DCP 2012 – AMP Circular Quay Precinct Amendment (draft DCP Amendment).</p> <p>That part of Loftus Lane running east west is proposed to be a shared zone with pedestrian priority while still allowing for vehicular access to 38 Bridge Street and 16-20 Loftus Street.</p> <p>The draft DCP Amendment shows a vehicular entry and exit off Loftus Lane. Transport for NSW suggests vehicular access may be preferable off Loftus Street.</p> <p>It is appropriate to amend Figure 6.39 Vehicular Access to show that vehicular access is to be off Loftus Lane running east west, immediate north of 38-44 Bridge Street for the Young and Loftus block to help activate Young and Loftus Streets by minimising vehicular cross points.</p> <p>The detailed design and transport and access issues for the development are to be resolved in consultation with Transport for NSW during the design competition or development application stage</p>
<p>Resident of 38-42 Bridge</p>	<p>Roof form</p> <p>Objects to “squared” roof form as mentioned on neighbour</p>	<p>The draft DCP building envelope controls in Figure 6.38 follow the heights of the existing buildings on these sites, maintaining existing views from the Bridgeport Apartments. Figure 6.38 illustrates the maximum building</p>

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Street	<p>fact sheet (distributed by AMP). This is a change from the exhibition material and will affect the nice view of the Harbour Bridge and Quay from my unit.</p>	<p>envelope as having angled planes on both the Young and Loftus Street sites mentioned.</p>
Submitter	<p>Construction hours</p> <p>Would like to know what the construction hours for the project will be.</p>	<p>The standard condition for construction hours is as follows:</p> <p>All work, including demolition, excavation and building work, and activities in the vicinity of the site generating noise associated with preparation for the commencement of work (e.g. loading and unloading of goods, transferring of tools etc.) in connection with the proposed development must only be carried out between the hours of 7.00am and 7.00pm on Mondays to Fridays, inclusive, and 7.00am and 5.00pm on Saturdays, and no work must be carried out on Sundays or public holidays.</p>
AMP Capital	<p>Change in vehicular access points (Figure 6.39 in the draft DCP)</p> <p>For the Young and Loftus Block, the relocation of the proposed Young and Loftus block basement entry points to Loftus Lane running east-west.</p> <p>This amendment is sought to provide an efficient single vehicle ingress and egress point under 9-17 Young Street building to the basement level while managing the constraints that have recently become apparent for the proposed DCP envelope for the 16-20 Loftus Street building. In addition, seeking to relocate the on grade loading from the south to the east side of the back of 16-20 Loftus Street building.</p> <p>For the Bridge and Alfred Block, the addition of an alternate loading basement entry point for 33 Alfred Street off Young Street at the existing basement entry point.</p> <p>Whilst Phillip Street remains the preferred location for loading access to 33 Alfred Street, there are still a number of constraints that need to be worked through – in particular the removal of bus-layovers in this zone and confirming the location of the sub-station which is located within the vicinity (below ground). There will only be one basement entry/exit point for 33 Alfred Street. The inclusion of two “potential”</p>	<p>Figure 6.39 in the draft DCP Amendment has been amended to allow entry points from Loftus Lane running east west, immediately north of 38-44 Bridge Street. This will help activate Young and Loftus Streets by minimising vehicular cross points.</p> <p>The addition of an alternate loading basement entry point for 33 Alfred Street off Young Street is not supported. An objective of the draft DCP Amendment is to reduce points of conflict between pedestrians and vehicles. The addition of an alternate loading basement entry point does not align with this objective and has the potential to compromise the proposed through site link south of the 1963 AMP Tower.</p>

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	<p>locations is preferred to allow the opportunity for the Stage 1 DA and subsequent design competition to explore which location is most appropriate and response to surrounding constraints.</p>	
	<p>Removal of part of active street frontage (Figure 6.35 in the draft DCP)</p> <p>Part removal of the “active street” front along the southern section (s) of Loftus Lane.</p>	<p>Part removal of the active street frontage at the intersection Loftus Lane running north-south and east-west is supported. This would be consistent with amended vehicular entry and exit points in the draft DCP Amendment described above.</p>
	<p>Drafting errors to Young and Loftus Street Envelopes</p> <p>AMP have identified some minor drafting errors in the Young and Loftus Street block maximum building envelopes shown in the draft DCP.</p>	<p>Minor revisions have been made to the diagrams 6.37 – <i>Envelope Setbacks and Alignments</i> and 6.38 – <i>Envelope Heights Map</i> in the draft DCP correcting the errors identified by AMP to ensure that the envelopes align with the roof forms of existing buildings within the Young and Loftus Street block.</p> <p>The revisions will not result reducing the views and outlook of the residential apartment to the south of the Young and Loftus Street block as they simply reflect the massing of existing development on the Young and Loftus Street block.</p>
	<p>Quantum of residential floor space – Young and Loftus Street block</p> <p>AMP note that Section 6.1.13.6 - <i>Uses</i> in the draft DCP requires that 50 per cent of Gross Floor Area within the Young and Loftus Street block is to be non-residential, whereas the VPA between the City and AMP states that no more than 60 per cent of Gross Floor Area is to be residential. AMP does not wish to preclude its commitment to the VPA quantum.</p>	<p>Noted. The final land use mix within the Young and Loftus Street block will be determined by the Stage 1 development application. Residential GFA for the Young and Loftus Street block will be within the range of 50-60 per cent.</p>
<p>Sydney Business Chamber</p>	<p>Support</p> <p>The Chamber supports the expansion of office and commercial space in the Circular Quay Precinct.</p> <p>The proposed development complements existing developments in the precinct and will do much to create a more active and vibrant space, in keeping with the precinct as a major Sydney gateway.</p>	<p>Noted.</p>

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<p>Owners of "The Astor", 123 Macquarie Street</p>	<p>The Chamber believes the AMP Circular Quay Precinct project will provide new space for dining and boutique retail opportunities, significantly improving the dining and retail offering in the area. The mixed use nature of the development will help in enhancing the night-time economy of the Precinct, encouraging local workers and residents to make use of the area's entertainment and dining opportunities, and bring new visitors to the Precinct.</p> <p>Building Bulk</p> <p>Section 5.1.4 of Sydney DCP states that controlling the size of upper level floor plates in new buildings will reduce some of the adverse effect of those buildings on the public domain.</p> <p>The proposed tower does not comply with SDCP maximum floor plate control of 25% of site area (2049m²) for buildings taller than 120m. The proposed tower has a floor plate of 2515m².</p>	<p>Noted.</p> <p>The objective of Section 5.1.4 of SDCP 2012 is to "Reduce adverse visual and daylight impacts on the public domain by controlling the size and horizontal dimensions of the upper level floor plates of buildings."</p> <p>It is the proponent's intention to provide for a large floor plate. The Planning Justification Report (December 2013) (PJR) and Master Plan Urban Design Report primarily referenced the proposed 'building envelope' for the 50 Bridge Street tower extension and not the proposed 'tower' form. The proposed draft DCP envelope permits the capacity for the design excellence competition to explore opportunities for the tower form to appropriately respond to the character of the precinct, and importantly the items of heritage significance onsite and within the vicinity.</p> <p>The draft DCP Amendment does not provide controls to override the maximum floor plate requirement in Sydney Development Control Plan 2012 (SDCP 2012). The draft DCP Amendment provides building envelope controls that guide development. Detailed design of a tower for this site would also be subject to a design competition and development assessment.</p> <p>Any departure from SDCP 2012 would be assessed on merit as part of the development application stage.</p>
	<p>Building Height</p> <p>The proposed Precinct Development Control Plan (Precinct DCP) defines a building envelope that would allow a 200m high façade on Young Street with no setback. As Young Street is narrow, setbacks and frontage heights should</p>	<p>The draft DCP Amendment prescribes no building setback for the southern part of Young Street on the Bridge and Alfred Street block.</p> <p>That part of the site is proposed to contain a tower that would be subject to detail design through a design competition and development assessment.</p>

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	<p>conform to the SDCP and to the SLEP Height of Buildings Map.</p>	<p>It is not specifically intended that proposed tower form will be constructed to the Young Street frontage, noting that the draft DCP envelope sets the maximum permissible extent of the built form. The envelope has been designed to allow the flexibility for the design excellence competition to explore opportunities for the tower form to appropriately respond to the character of the precinct.</p> <p>Any design that would produce a 200m high façade on Young Street would need to be justified and the potential impacts that it may create addressed.</p>
	<p>Commitment to improve pedestrian environment</p> <p>The AMP Circular Quay proposals aim for a busier and more “vibrant” area. The documents associate “vibrancy” with tourism and greater use of Circular Quay as a celebratory space. The proposals merely refer to opportunities to widen sidewalks and plant trees, they do not commit to them, offer to fund them or even demonstrate their feasibility. An “opportunity” is not a “material public benefit”; it is not even an “opportunity” unless it is feasible. If there is no widening of footpaths only increased pedestrian congestion will result from the proposals.</p>	<p>Noted.</p> <p>The vibrancy to be achieved for the area also relates in part to the use of the site. The draft DCP proposes a mix of residential and non-residential uses as well as fine grain developments, designed to activate streets and laneways.</p> <p>For a large development site such as the AMP proposal, a standard condition of consent would be imposed by Council which would require a Public Domain Plan to be submitted and approved. This is a requirement in addition to any Voluntary Planning Agreements (VPAs) that may be applicable for the site.</p> <p>Circular Quay is currently subject to planning for the light rail terminus and a number of streetscape and public space improvements will be included as part of this process.</p>
	<p>Feasibility of Shared Zones</p> <p>The Precinct DCP labels most of Young Street as a “shared zone (pedestrian priority)”. However, the Transport Assessment does not show that this is feasible. Even with light rail to Circular Quay, Council is still forecasting 160 bus movements on Young Street in the morning peak hour.</p>	<p>Two of the objectives of the draft DCP Amendment are “to create a pedestrian friendly precinct and improve the permeability of both blocks” and “to prioritise pedestrian movements and reduce points of conflict between pedestrians and vehicles”. It shows Young Street to be a shared zone (pedestrian priority).</p> <p>Any proposed shared zones will need to meet the RMS requirements.</p> <p>While a shared zone is preferred, it is subject to consultation and agreement with Transport for NSW.</p> <p>The Transport assessment is to be updated and any transport and access issues will need to be resolved in consultation with Transport for NSW at</p>

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	<p>Disability Access</p> <p>The proposals would introduce several flights of steps. They would replace main lobby entrances to the AMP Building and the AMP Centre by access up a long flight of steps. There is not a single wheelchair, walking stick, or walking frame in any of the artwork in Hassell's Masterplan. Maybe what Council means by "vibrancy" is youth; there are no old people to be seen anywhere in the artwork.</p> <p>Loss of fine grain small businesses</p> <p>The proposals would replace "fine grain" development that is working just fine with new "fine grain" development that won't work at all. It doesn't even comply with the SDCP definition of "fine grain"; it won't be a "less expensive precinct", and it won't be in "lower grade office or mixed use buildings". With Council's emphasis on "24/7" premises, the existing businesses would disappear. Business premises would not even be a permitted use in the Loftus/Young block. The loss of these businesses would hurt not only residents of 123-125 Macquarie Street, whom these businesses serve, but also workers and the local economy. According to Council, health services, creative and digital businesses are the fastest growing sectors of the local economy, and small businesses dominate these sectors. We therefore consider (1) and (2) of the uses clause in the draft Precinct DCP inappropriate.</p>	<p>development application stage.</p> <p>The draft DCP Amendment does not override the general accessible design provisions in SDCP2012.</p> <p>Detailed design and access issues are to be resolved during the development design and application stage.</p>
	<p>24/7 Precinct</p> <p>The Precinct DCP presumes that building design can avoid disturbance of residents by '24/7' activities. However, The Astor at 123-125 Macquarie Street is a heritage building with</p>	<p>SDCP 2012 defines fine grain development as follows: "Fine grain means a small scale, generally lower cost spaces providing for a diverse range of activities and users. The fine grain spaces include small retail tenancies with street access including basement and first floor levels, as well as offices, studio spaces or other activities with access inside arcades, underground connections, through office foyers or other buildings. Fine grain spaces often front or are accessed from smaller streets or lanes, and are within lower grade office or mixed use buildings, generally in the less expensive precincts. The fine grain spaces with their mixed ownership and leasing patterns enable more organic changes to occur throughout the City and support lower cost and start up businesses that contribute to a vibrant and active City."</p> <p>The proposed mixed use nature of the Young and Loftus block, along with the intent to create an active, vibrant and pedestrian friendly environment, is consistent with the definition of 'fine grain development'. The proposed introduction of numerous retail tenancies of 100m² or less, a diversity of commercial office spaces integrated with residential living opportunities is evidence of a range of activities and users that will interact within the precinct.</p> <p>The proposal does not change the permissible uses for the site. Business Premises will continue to be permissible.</p>
		<p>SDCP 2012 identifies the AMP Circular Quay Precinct to be within the "City Living Area", along with the majority of land within the CBD.</p> <p>The City Living Area provides for lower impact and shorter hours of operation and therefore is a buffer around Late Night Management Areas.</p>

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	<p>dwelling on the ground and first floors. We cannot "design out" impacts from alcohol-fuelled pedestrians. When drunk louts damage our property or disturb our residents, we cannot tell from which premises they came.</p> <p>The SDCP does not designate any part of the AMP Circular Quay precinct as a Late Night Management Area. It designates sufficient areas near Circular Quay railway station, and in the APDG block. There is no reason to extend the Circular Quay Late Night Management Area into the Precinct.</p>	<p>SDCP 2012 contains provisions for the management of these premises to minimise any adverse impacts. The DCP acknowledges the City Living Area includes places where previous approvals have enabled late night trading to occur up to 24 hours a day, particularly on the weekends. Extended hours are dependent on context and impact, and in cases where impacts on residential properties cannot be effectively managed, late night trading will be limited to a narrower range of hours. It is desirable that premises do not trade exclusively at night and also function as places that people go during the day to create a balance of activity.</p> <p>The draft DCP Amendment states that the Young and Loftus Street block should be able to accommodate extended late night trading hours including outdoor dining and noise mitigation measures must be incorporated into the design of all buildings so that hotel, bar, night-club, restaurant, entertainment uses and the like could operate 24 hours a day with no noise impacts to residential dwellings.</p> <p>It is not proposed to change the precinct into a Late Night Management Area. The aim of the control is to minimise land use conflict by requiring noise mitigation measure to be incorporated to consider and address the more adverse impacts including the operation of certain uses 24 hours a day.</p> <p>The management and use of a site should be assessed on a case by case basis during the development application process and appropriate conditions placed on the consent if required.</p> <p>A new provision will be included to clarify that the draft DCP Amendment will not override the late night trading provisions in SDCP 2012.</p>
	<p>Traffic Impacts</p> <p>The proposed Precinct DCP states that it will enable a reduction of vehicle movements. However, this outcome is inconsistent with the Transport Assessment.</p> <p>It is also inconsistent with Council's own Transport report, which expects there to be increases in commercial vehicle and taxi trips to Central Sydney, broadly in line with growth</p>	<p>The draft DCP Amendment identifies locations for vehicular access which will minimise vehicular footpath crossovers. The draft DCP Vehicular Access Map (Figure 6.39) aligns with the concept for the precinct which rationalises the vehicular entry and exit points within the Young and Loftus Street block through the pedestrianisation of Loftus Lane and the consolidation of one entry/exit point for vehicles using the proposed common basement. This is a significant improvement on the current</p>

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	<p>in the economy.</p> <p>The Transport Assessment does not consider taxi stands or taxi set-down and pick-up zones. The preferred access strategy may not be feasible because it depends on reducing bus layovers. The main taxi stand serving the precinct is on Alfred Street at Circular Quay station. However, the proposal to pedestrianise Loftus Street would compromise its operation.</p> <p>The proposed Precinct DCP does not require any reduction in basement entries. According to the Transport Assessment, a reduction of basement entries is only possible if there are changes in bus operations, and the outcome of discussions with Transport NSW on this possibility are not yet known.</p>	<p>'multiple' basement entry/exit points linked to the current buildings on site.</p> <p>For clarification it is proposed to amend the wording of one of the purposes of the draft DCP Amendment from "a reduction of vehicle movements within the Precinct" to "minimisation of the impacts of vehicular movements within the Precinct".</p> <p>The transport assessment is to be updated and any transport, taxi, bus operations and access issues are to be resolved in consultation with Transport for NSW at the development application stage.</p>
	<p>VPA – public domain</p> <p>The AMP Capital documents identify many potential improvements to the public domain. However, the proposed planning agreement will only ensure provision of a few of them. Moreover, some of them will be well outside the precinct. There is nothing in the Planning Agreement about improving footpaths, notwithstanding Council's commitment to this in its Draft Tourism Action Plan.</p> <p>There is an inappropriate focus on public benefits other than public domain improvements.</p>	<p>The VPA with AMP Capital includes monetary contribution for urban design upgrades within the AMP Circular Quay Precinct (AMP Precinct) and in its vicinity including Macquarie Place Park. Even though the upgrades may not be located within the AMP Precinct, these public domain upgrades remain and are in appropriate locations. The areas identified for a public domain improvement are appropriate areas for public benefits to the precinct.</p> <p>A VPA provides benefits that are over and above what is required as part of a development assessment process and therefore the benefits may be outside of the AMP Precinct.</p> <p>For a large development site such as the AMP proposal, a standard condition of consent would be imposed by Council which would require a Public Domain Plan to be submitted and approved. This is a requirement in addition to any VPAs that may be applicable for the site.</p>
	<p>Heritage Impact</p> <p>The Alfred Street Plaza, Atrium Lobby, and the Precinct DCP requirement for "active frontages", are inconsistent with Council's Heritage Inventory Assessment Report for the AMP Building and would diminish its heritage significance.</p>	<p>The recommended management in Council's heritage inventory sheet for the AMP building at 33 Alfred Street states in part:</p> <p><i>"Any future development should preserve the existing form, external surfaces and materials of the facade. Door and window openings should not be enlarged or closed in. Interior: All remaining intact fabric on the interior such as the ground floor foyers and upper lift lobbies should be retained and conserved."</i></p>

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	<p>The AMP Precinct proposals are not consistent with the heritage inventory assessment report for the AMP building. They would change the “planning configuration” of the building (in this case the entry lobbies). The notion that introducing “active retail and restaurant uses to the ground floor of the Alfred Street tower” would “activate the Alfred Street plaza with outdoor dining and seating” is far-fetched: there are already bus shelters, public art (Windlines) and a ground floor café to “activate” Scout Place.</p>	<p>A Draft Conservation Management Plan (CMP) for 33 Alfred Street is currently being prepared in consultation with the NSW Heritage Division, DoEH), to guide forthcoming DAs.</p> <p>The draft DCP Amendment controls support the intention to make the ground floor publicly accessible. The current configuration of the ground floor as a secured entrance lobby is not consistent with the original use which was publicly accessible. The historical analysis in the CMP describes the original use of the ground floor as a public foyer and an auditorium with a seating capacity of 250 people. The policies in the CMP are being refined to ensure that any future adaptive re use of the ground floor of 33 Alfred Street is carefully designed to enhance its heritage significance and that appropriate conservation works are undertaken to retrieve its original character. A recent successful example is the ground floor of the State Theatre building where the original relationships and fabric of the lift lobby and the café has been reinstated to retrieve its original character and level of significance.</p> <p>It is noted there is an existing restaurant on the ground level of the AMP building at 33 Alfred Street.</p>
	<p>Heritage Impact – Items in the vicinity</p> <p>There are many heritage items in the vicinity of the proposal, but there is so far no comment on what effects the proposal would have on any of them.</p> <p>An example of a heritage item that would suffer from the proposals is the former Booth House at 44 Bridge Street. Housing several offices, the building was especially designed to provide continuous natural light on three sides, an important consideration for the wool brokers housed there (especially the samples rooms). The building will lose daylight and sunlight, such that its original purpose will no longer be comprehensible. The proposed building envelope for the Phillip/Young block has no setback from Young Street, and therefore the daylight and sunlight impacts will be severe. The building is far more significant than the Gallipoli Club, and it is incomprehensible that Council could ignore it.</p>	<p>The draft DCP Amendment sets out the building envelope for future development. The impact of a potential development on the heritage items in the vicinity is part of the detailed development application process.</p> <p>The draft DCP Amendment building envelope for the Young and Loftus block is the same as the existing buildings.</p> <p>The current controls allow for a building up to 110metres. This Amendment restricts the building height to the current building height and therefore minimises any impact on Booth House.</p> <p>The draft DCP Amendment provides a building envelope that is lower than the current SLEP 2012 height control.</p>

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	<p>Sun Access Plane objective</p> <p>The proposal documents state that the intent of the sun access plane control is to maximise sun access at lunchtime in midwinter when overshadowing will have the most impact on the public. The statement of the objectives of the SLEP sun access plane control is incorrect.</p> <p>There is no discussion in the exhibition documents about the impacts on sunlight access to the facades of sandstone buildings in special character areas.</p>	<p>The primary intent for the sun access plane provisions is to ensure that new built form maximises the opportunity for sunlight access to key public open spaces as set out under Clause 6.17 of the SLEP.</p> <p>Objective (b) of Clause 6.17 of the SLEP states: <i>(b) to ensure sunlight access to the facades of sandstone buildings in special character areas to assist the conservation of the sandstone and to maintain the amenity of those areas.</i></p> <p>The proposed building envelopes will pose minor additional overshadowing on the facades of nearby sandstone buildings within the 'Bridge Street, Macquarie Place and Farrer Place' Special Character Area.</p> <p>The design of any tower at 50 Bridge Street will be subject to development assessment including overshadowing provisions in SDCP 2012.</p>
	<p>Sunlight Access impacts on the Astor</p> <p>The proposal documents do not consider sunlight access to dwellings. The AMP Precinct proposals breach the SDCP standard in respect of units 4 on floor 12, 4 on floor 11, and 4 on floor 10. However, it is not possible to work this out from the information in the documents.</p>	<p>The draft DCP Amendment does not override Section 4.1.3.1(2) of SDCP which states: <i>(2) New development must not create any additional overshadowing onto a neighbouring dwelling where that dwelling currently receives less than 2 hours direct sunlight to habitable rooms and 50% of the private open space between 9am and 3pm on 21 June.</i></p> <p>The Sun Access report that accompanies the exhibited Planning Proposal shows that at 2pm midwinter the proposed building envelope for the tower extension will result in a minor additional overshadowing impact to the Astor. At 3pm the current tower at 50 Bridge Street already overshadows the Astor building. Based on the primary east and north orientation of the Astor building, the Astor apartments receive direct sunlight access between 9am and 1pm. Subsequently, the minor overshadowing to some elements of the Astor building at 2pm is an acceptable impact. The Astor will still receive more than 2 hours of direct sunlight as required by SDCP 2012.</p> <p>The design of any tower at 50 Bridge Street would be subject to development assessment including overshadowing provisions in SDCP 2012.</p>
	<p>Sunlight on Royal Botanic Gardens</p> <p>Council proposes to amend the SLEP to provide "an</p>	<p>Generally development should not project above a sun access plane. However, in this case, the existing tower at 50 Bridge Street already</p>

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	<p>exception to the sun access plane provisions governing height across the 50 Bridge Street site". Allowing one particular developer on one particular site exemption in a way different to the prescribed arrangements for exemptions is unfair. The NSW Ombudsman considered a similar case in 1984, where an exception from the sun access plane control had been made for a developer. The Ombudsman upheld a complaint that there had been inconsistency in the application of the Height of Buildings Act to buildings along Elizabeth Street and which would overshadow Hyde Park.</p> <p>If the SLEP conformed to the Government's Standard Instrument LEP, AMP Capital could apply for exemption under clause 4.6 Exceptions to development standards, but Council has excluded the sun access plane provisions from the scope of 4.6.</p>	<p>projects through the Royal Botanic gardens sun access plane, casting a shadow at 2pm on 21 June on the Royal Botanic Gardens. The planning proposal will ensure that there will be no additional overshadowing of the Royal Botanic Gardens at 2pm on 21 June, which is the primary control.</p> <p>In 1984, the NSW Ombudsman produced a report relating to the administrative process that led to the approval of a building that would cast a shadow on Hyde Park. There were two parts to the report: an investigation into the Height of Buildings Advisory Committee's (HOBAC) concurrence to the building; and the failure of the City Council's planner to make a recommendation on the building.</p> <p>The Ombudsman found that "HOBAC abdicated its responsibility by not disallowing the application for the building, which the committee believed should have been disallowed", thereby allowing the Minister for Planning and Environment a choice to approve or disapprove the building.</p> <p>In the second investigation, the Ombudsman found that the City Council had failed to ensure that its city planner made a recommendation about the building.</p> <p>The investigation related to the responsibility of HOBAC and Council's planner, however the decision to approve the building rested with the Minister and Council.</p> <p>The AMP Planning Proposal has been on public exhibition. The City's Planning Director, through this report, makes a clear recommendation to Council as to whether amendments to SLEP 2012 and SDCP 2012 should be supported.</p> <p>SLEP 2012 conforms to the State Government's Standard Instrument LEP template. A note in the template in Clause 4.6 Variation to Development Standard states that additional exclusions may be added. Clause 4.6 is not the appropriate process for such change. A planning proposal is a more transparent, robust and detailed process that includes the State Government's gateway approval and public exhibition.</p>
	<p>Views from the Astor 123-125 Macquarie Street</p> <p>The proposal documents do not recognize that the Astor,</p>	<p>To determine the extent and reasonableness of view loss, consideration is given to the City of Sydney planning controls and the Land and Environment Court Principles established in <i>Tenacity Consulting v Warringah Council</i></p>

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	<p>would lose views. When built in 1923, The Astor enjoyed panoramic views of Circular Quay, the western suburbs (all the way to the Blue Mountains!), and the Harbour (but not the Harbour Bridge, because it had not yet been constructed).</p> <p>The construction of the AMP Building and the AMP Centre led to a loss of much of the views of Circular Quay; the current proposals would take away the remainder (allowing for AMP Capital's project at 71-79 Macquarie Street that also takes views from The Astor). Using the terminology of Tenacity Consulting v Warringah, the loss of views would be "moderate" in that The Astor would still have views over the Royal Botanic Gardens. However, only half the apartments in the building have these views, and for six units the loss of views would be "severe". The loss of views at The Astor is unreasonable in that it would be as a consequence of development that breaches planning controls.</p>	<p>(2004) NSWLEC 140.</p> <p>Section 4.2.3.10(2) of SDCP 2012 states views and outlooks from existing residential development should be considered in the design of the form of new development."</p> <p><i>Tenacity Consulting v Warringah</i> provides four steps in assessing view loss impacts. They are assess of views affected; consider from what part of the property the views are obtained; assess the extent of the impact; and assess the reasonableness of the proposal that is causing the impact.</p> <p>The Astor's views have been degraded over time and the current Planning Proposal will further impact them.</p> <p>Currently, some of the Astor apartments have minor narrow views towards Walsh Bay between the two AMP towers located in the Bridge and Alfred Street Block. The views do not extend to the Harbour Bridge or north towards Sydney Harbour due to obstruction from existing buildings including the AMP buildings at 33 Alfred Street, 50 Bridge Street and the Intercontinental Hotel at 115-119 Macquarie Street.</p> <p>Because the notional building massing permitted by existing controls in SLEP 2012 already affects views between the AMP towers, the proposed controls do not exceed potential view impacts from the application of existing controls in SLEP 2012. The proposed envelope controls are a theoretical maximum and a detailed assessment of view loss will be undertaken once detailed design has been prepared.</p> <p>The proposed site is partially located in the Bridge Street Special Character Area. The Bridge Street Special Character Statement states in part:</p> <p>"Bridge Street was the earliest east-west link across the Tank Stream between George and Macquarie Streets. It is significant for its association with a major colonial government building programme in the 1880's, which included the First Government House and Macquarie Place Reserve. Both the Reserve and Bridge Street represent the early planning of the colony with a street pattern that is reflective of the area's topography."</p> <p>Objective (b) of Clause 4.3 of Sydney LEP 2012 states: <i>"to ensure appropriate height transitions between new development and heritage items and buildings in heritage conservation areas or special</i></p>
	<p>Height Transitions – Bridge Street</p> <p>The SLEP defines Bridge Street as a "special character area". The proposals do not comply with the "appropriate height transitions" objective in clause 4.3 of SLEP.</p> <p>Maps in the SLEP show a 55m maximum building height for 25m either side of Bridge Street. The proposed building envelope for the Phillip/Young block breaches this, as well as the sun access planes.</p>	

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		<p><i>character areas'</i></p> <p>The AMP Planning Proposal does not change the height controls as expressed in the Height of Buildings Map. The 55m maximum building height on the northern side of Bridge Street would still apply. It is noted that the current building already exceeds this height.</p> <p>The proposed envelope heights map (Figure 6.38) in the draft DCP Amendment for the southern part of the Bridge and Alfred Street block indicate RL points that are projected off the existing building at an angle that would cause no additional overshadowing at 2pm on 21 June.</p>
	<p>Vista to King Edward VII statue and the Conservatorium of Music</p> <p>One of the principles that the SDCP sets for the Bridge Street Special Character Area is to maintain and enhance the vista along Bridge Street to the Conservatorium of Music.</p> <p>Conforming to the SLEP Height of Buildings Map would maintain and enhance the vista along Bridge Street.</p>	<p>Agreed. Section 2.1.5 of the SDCP it states that: <i>(f) Maintain and enhance existing views to the water, and also significant vistas to the Lands Department Building from Loftus Street, Macquarie Place and Bridge Street itself, in addition to the vista along Bridge Street to the Conservatorium of Music.</i></p> <p>The draft DCP Amendment does not change the principles of the Bridge Street Special character area or the Height of Buildings Map in Sydney LEP 2012.</p>
	<p>Principles for Bridge Street and Macquarie Place special character areas</p> <p>The Draft Precinct DCP sets out principles for the development of the precinct. The SDCP also sets out principles for development in the Bridge Street and Macquarie Place Special Areas. The Draft Precinct DCP states that: <i>the provisions contained in this section of the DCP also apply to the assessment of the proposed development, and override similar provisions in this DCP where there is an inconsistency.</i></p> <p>It therefore has the effect of discarding the principles that the SDCP sets out for the Bridge Street and Macquarie Place special character areas.</p>	<p>The draft DCP Amendment does not contain any character statements or change the area of the Bridge Street and Macquarie Place Special Area.</p> <p>Therefore the principles set out for the character area still apply and are not discarded by the draft DCP Amendment.</p>
	<p>Proposal contrary to LEP Practice Note</p>	<p>The NSW Government's LEP Practice Note PN08/001 provides guidance on the building height and floor space ratio provisions in the Standard</p>

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	<p>The proposal is contrary to the NSW Government's LEP Practice Note: Height and Floor Space Ratio.</p>	<p>Instrument and how they are to be applied in the preparation of principal LEPs. The practice note describes how to interpret clause 4.5 Calculation of floor space ratio and site area. It states that Councils may not include definitions of FSR or methods of calculating site area that are inconsistent with clause 4.5.</p> <p>However, PN08/001 also envisages situations where variations to this general requirement may be justified and requires councils to discuss such variations with the Department of Planning and Infrastructure (DOPi) regional office. The planning proposal clearly sets out the City's intent to include site-specific alternative controls that depart from the general requirements of PN08/001.</p> <p>The proposal is not contrary to the LEP Practice Note as the DOPi's regional office and their representatives on the Central Sydney Planning Committee were briefed on the proposal prior to exhibition and did not raise any issues of concern. Further, DOPi did not object to the departure from the requirements in PN08/001 when it issued the Gateway determination allowing the planning proposal to be exhibited.</p>
	<p>Financial impacts of allowing transfer of floor space rights</p> <p>By amending the SLEP to allow a transfer of "permissible floor space area" across Young Street, AMP Capital does not need to buy as much heritage floor space (HFS). If Council allowed the proposed new tower under clause 4.6 of the LEP, AMP Capital would not be able to discount the amount of HFS it has to buy by 50% — refer clause 6.11 (1)(e). Assuming HFS is worth \$400/m², the value of this concession is \$2.56 million. It is at the expense of owners of heritage buildings who wish to sell HFS.</p> <p>The Council should not inappropriately reduce the need of developers to buy HFS. After all, the DCP states that the objective of the procedures as follows:</p> <p>(a) Provide the formulae and other procedures for the efficient, transparent and equitable operation of the Heritage Floor Space scheme established in the LEP.</p>	<p>Clause 4.6(4)(a)(ii) requires a consent authority, before granting a variation of a development standard, to be satisfied that the proposed development meets certain criteria including that it is consistent with the objectives of the relevant standard. Thus clause 4.6 is applied to development applications where a variation to the development standard would have negligible or neutral impacts, and its use is generally confined to small departures from development standards, and rarely above 10% for key development standards such as floor space ratio.</p> <p>The AMP proposal represents a substantial departure from the existing planning controls including those set out in clause 4.5 Calculation of floor space ratio and site area. The most appropriate process for achieving a substantial departure from development standards is to prepare a planning proposal to amend the controls. The planning proposal process allows for both community consultation and oversight by the State Government to ensure that the planning proposal is consistent with State Government planning policy.</p> <p>Given that the proposal could not be achieved under clause 4.6, application of clause 6.11(1)(e) is not relevant for the purpose of calculating the amount</p>

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	<p>Financial impacts of allowing heritage buildings to get bonus for design excellence</p> <p>If AMP Capital applied for a HFS award the way other owners of heritage buildings have to, the award would be on the basis of 12:1 development potential. By instead including three heritage items in the site area (one of which is not even owned by AMP Capital) and applying the 10% design excellence bonus, the owners of these heritage buildings get a benefit equivalent to 13.75:1. This is unfair, unreasonable, and improperly discriminatory against owners of heritage buildings who cannot access the design excellence bonus. The value of the concession to AMP Capital is about \$1.91 million.</p> <p>Thus Council cannot apply the design excellence bonus to refurbishment works. The consequences for owners of heritage buildings are serious; Council has made the same error in other cases, for example the development application for 113-118 Bathurst St and 203 Carrington St (D/2012/1023).</p>	<p>The AMP proposal does not disadvantage owners of heritage items because it does not result in a nett reduction in demand for HFS. The proposal does not reduce the need for the developer to purchase HFS. A comparison of the amount of HFS likely to be allocated and awarded indicates that developing each land holding in the AMP precinct separately would ultimately result in less demand for HFS than treating all of the properties as a single consolidated development site. This is mainly because under the consolidated option no HFS award would be provided whereas if the sites are developed individually the HFS allocation would be offset by HFS awards for the 3 heritage buildings. In addition, the consolidated option results in a larger design excellence bonus which, in turn, requires a larger quantity of HFS allocation.</p> <p>Under the current provisions of SLEP 2012, an owner of a heritage building may access the design excellence bonus if their building is included in a development site that involves the erection of a new building or external alterations to an existing building. For instance, the Stage 1 development application for 113-118 Bathurst Street and 203 Castlereagh St (D2012/1023) envisages that this development will access the design excellence bonus as the proposed new building is cantilevered over the heritage item and involves substantial development on the site of the heritage item</p>
	<p>Planning Justification – solar access</p> <p>The proposals will improve solar access to Macquarie Place. However, this improvement is at the cost of reduced solar access to heritage sandstone buildings and to some dwellings at The Astor.</p>	<p>The envelope contained in the draft DCP Amendment would improve solar access to Macquarie Place. This is desirable, given that it is an accessible public space within the city.</p> <p>Objective 6.17(1)(b) for sun access planes is “to ensure sunlight access to the facades of sandstone buildings in special character areas to assist the conservation of the sandstone and to maintain the amenity of those areas.”</p> <p>The proposed building envelopes will pose some additional overshadowing on the facades of nearby sandstone buildings within the ‘Bridge Street, Macquarie Place and Farrer Place’ Special Character Area. Where the additional shadow does occur on the sandstone facades, this is for relatively short periods during the Winter Solstice, LEP control date and Spring Equinox. This is an acceptable impact.</p>


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		<p>The draft DCP Amendment does not override Section 4.1.3.1(2) of SDCP which states: <i>(2) New development must not create any additional overshadowing onto a neighbouring dwelling where that dwelling currently receives less than 2 hours direct sunlight to habitable rooms and 50% of the private open space between 9am and 3pm on 21 June.</i></p> <p>The Sun Access report that accompanies the exhibited Planning Proposal shows that at 2pm midwinter the proposed building envelope for the tower extension will result in a minor additional overshadowing impact to the Astor. At 3pm the current tower at 50 Bridge Street already overshadows the Astor building. Based on the primary east and north orientation of the Astor building, the Astor apartments receive direct sunlight access between 9am and 1pm. Subsequently, the minor overshadowing to some elements of the Astor building at 2pm is an acceptable impact. The Astor will still receive more than 2 hours of direct sunlight as required by SDCP 2012.</p> <p>The design of any tower at 50 Bridge Street would be subject to development assessment including overshadowing provisions in SDCP 2012.</p>
	<p>Planning Justification - Release of floor space for a building with a global footprint</p> <p>Council's support for a large floor plate commercial building on this site is unnecessary and inappropriate:</p> <ul style="list-style-type: none"> • Barangaroo will add substantially to the supply of large floor plate commercial buildings. • The city centre is not suitable for large floor plate buildings. • The shortage of large floor plate office space has been a long standing feature of the Sydney market. It is not a new phenomenon. The shortage has not prevented Sydney's rise to global city status, simply because large floor plate office space is but one of many desirable attributes. <p>The justification for the proposals is unashamedly in terms of economic benefits. there is a lack of consistency with the</p>	<p>To ensure that the NSW economy remains robust and continues to grow, it is necessary to provide adequate capacity for employment growth and create opportunities for investments and development projects which attract highly skilled employees and have a global focus. In order to attract the investment required for this growth, Sydney must also ensure that commercial buildings are of high quality and that good public domain design and amenity outcomes are achieved.</p> <p>For Sydney to remain globally competitive for international investment capital, it should provide opportunities for large floor plate buildings in a variety of locations where it can be demonstrated that their impacts are acceptable.</p> <p>The development of commercial office space in Central Sydney is strongly influenced by the market's preference for office buildings with large floor plates and competition from residential development. It is a challenge to deliver large floor plate office buildings due to block orientations, street widths and the need to consolidate sites. Sites for Large floor plates are</p>

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	<p>NSW Government's Draft Metropolitan Strategy for Sydney, which proposes expanding the commercial core rather than intensifying use within existing limits. The Draft Metropolitan Strategy for Sydney defines priorities for maintaining Sydney's position as Australia's number one city and only global city. The Government emphasizes expanding capacity for employment growth, identifying Central to Eveleigh as a Global Sydney precinct, with a capacity to create new jobs and attracting new, high value business to the CBD.</p> <p>Irrespective of whether the Council or the Government has the best strategy, ICAC has pointed out that the emphasis on economic benefits is not evident in the relevant provisions of planning instruments.</p> <p>Central Sydney has few commercial office buildings with large floor plates. Melbourne has a higher average floor plate size, but much of the large floor plate space is not in the city centre. The same is true of many global cities. Council should alleviate the shortage of large floor-plate office space by development on the fringe of the CBD, not in its heart.</p> <p>The AMP Circular Quay proposal provides no net increase in office floor space because of the increase in residential and retail floor space.</p>	<p>limited.</p> <p>Despite the additional office space that will be available at Barangaroo, there is limited capacity to satisfy demand in the foreseeable future.</p> <p>The draft Metropolitan Strategy identifies priorities for Sydney CBD including protect as Sydney's most significant concentration of global economic activities; extend the commercial core; and ensure adequate capacity for employment growth.</p>
	<p>Planning Justification - A new, late night trading precinct</p> <p>Council's statement that a new late night trading precinct is a benefit is not correct. The SDCP already defines several large late night management areas in Central Sydney. Offsetting any benefits from additional late night areas will be additional disturbance to local residents.</p>	<p>It is not proposed to change the precinct into a Late Night Management Area.</p>
	<p>Planning Justification - Preservation of a view corridor to the City</p> <p>The preservation of the view corridor is not a benefit of the</p>	<p>The proposal allows for air space to be dedicated over the Young and Loftus block. This would ensure that preservation of the view corridor will be protected in perpetuity. This is seen as a benefit as it provides greater certainty than a DCP control.</p>

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	<p>proposals. The view corridor already exists.</p> <p>Planning Justification - Improved connections between Circular Quay and the City's commercial core</p> <p>The proposals will modify pedestrian routes between Circular Quay and the City's commercial core. Some of the modifications will be beneficial, some not.</p> <p>The main benefit claimed is the pedestrianisation of Loftus Street. However, it is the George Street light rail that makes this possible, not the AMP Circular Quay proposals. It is disingenuous to claim pedestrianisation as a benefit of the project. This is especially so given that the proposed Precinct DCP does not stipulate any reduction in the number of vehicle entrances.</p>	<p>The planning proposal would complement any pedestrianisation of Loftus Street.</p> <p>The proposal would retain existing north south connections between Circular Quay and the City. Improved connections between Circular Quay and the City's commercial core also include east-west through site links and arcades across the block.</p> <p>The draft DCP Amendment requires vehicular footpath crossovers to be minimised in number and widths by providing shared basement access between buildings.</p>
	<p>Planning Justification - Revitalisation of the Loftus/Young block</p> <p>The revitalization of the Loftus/Young block is a benefit for AMP Capital, but it is not a significant public benefit. It will replace commercial floor space by residential floor space, displacing many small businesses. How Council can consider this a "key benefit" is a mystery.</p> <p>Whatever form the development takes, it will create new buildings and uses. Council cannot claim that the new uses are a benefit unless it compares the new uses with the existing uses. The issue is whether the new uses are preferable to the existing uses.</p> <p>The Loftus/Young block has a gross floor area of 22,000m². Most of this is in use for businesses. It is not clear what the benefit is in replacing this floor area by a smaller floor area (17,765m²), of which a mere 2016m² will be retail. Most of the space in Loftus/Young will be residential.</p> <p>VPA - Material public benefits</p> <p>Exchanging relaxation of height controls for public domain benefits is only justifiable if Council is satisfied that there is a net benefit for the wider community.</p>	<p>The revitalisation of the Young and Loftus block is a benefit as it provides an opportunity to renew the precinct.</p> <p>The Young and Loftus block may displace certain small businesses; however for the area as a whole, there would be a net increase in available business commercial space. The draft DCP Amendment requires minimum 50% GFA of all buildings to be non-residential uses.</p> <p>It is beneficial for the block to contain a diversity of uses to activate and create a vibrant mixed use area.</p> <p>The reduced scale of development for the Young and Loftus block will result in increased sunlight access to Macquarie Place.</p>
		<p>The proposal will provide a range of public benefits including: increased sun access to Macquarie Place, easements for public access for through-site links and public spaces, fine grain laneway development, public domain</p>

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	<p>The strategic sites approach is taking Sydney back to the days when it was an 'accidental city', characterised by opportunistic development. Moreover, it is unnecessary in the case of the AMP Circular Quay precinct.</p>	<p>works, public art, heritage conservation.</p> <p>The strategic sites approach identifies opportunities to renew city blocks. The approach is informed by detailed urban design analysis, providing appropriate controls to guide development.</p>
	<p>VPA - Easements and covenants</p> <p>The planning agreement presents various easements and covenants for through-links and other spaces open to the public as if they are a public benefit. However, it takes no account of the existing through-links and open spaces that the proposals will extinguish in the Phillip/Young block. If account were taken of them, it would be apparent that there is no net public benefit.</p>	<p>The existing easements for the Young and Philip block relate to splayed corner road widening at the corner of Loftus Lane and Customs Lane. This is not proposed to be extinguished.</p> <p>The existing easements for the Bridge and Alfred Block relate to servicing, right to use of fire stair east/west across the site.</p> <p>There are no existing easements onsite that provide pedestrian links or open space.</p>
	<p>VPA - Value of proposed lease of stratum under Loftus Lane</p> <p>The planning agreement does not detail the terms of Council's proposed 99-year lease of a stratum under Loftus Lane to AMP Capital. Similarly, there are existing covenants and easements in Council's favour on the Phillip/Young block. Without knowing the nature and value of these, it is not possible to know the net public benefits of the proposals for the planning agreement.</p>	<p>The lease is a separate commercial arrangement and needs to be in the form of a licence to use the roadway under the Roads Act. The VPA does not relate to this proposed lease.</p> <p>The proposed easements and covenants are annexed to the VPA and were part of the exhibition.</p> <p>The existing easements for the Young and Philip block relate to splayed corner road widening at the corner of Loftus Lane and Customs Lane. This is not proposed to be extinguished.</p>
	<p>VPA – Net monetary contribution</p> <p>Objects to the net monetary contribution being spent (a) on "urban design outcomes" and (b) in the section of Alfred Street between Pitt Street and George Street. "Urban design outcomes" are too vague to be a "material public benefit" of the kind that the Act requires.</p> <p>Will the "urban design outcomes" be harmful or beneficial to the public? If the "urban design outcomes" will be beneficial, how so?</p> <p>Allocating monetary contribution to the "the section of public</p>	<p>The Voluntary Planning Agreement (VPA) refers to "Urban Design Upgrades". The use of the monetary contribution will be made in consultation with the relevant land owners and subject to design before the final form is to be delivered.</p> <p>The provision of this VPA is under s93 of the Environmental Planning and Assessment Act 1979. Section 93F(4) provides that there is no requirement for there to be a connection between the development and the object of expenditure of any money.</p> <p>Therefore, there is no requirement for public benefit to be adjacent to the development boundary.</p>

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	<p>land between Loftus Street and George Street” fails the Government’s acceptability test: it does not even adjoin the AMP Circular Quay precinct.</p> <p>VPA - Public Art</p> <p>Public art is important, but the Council should focus more on looking after existing public art before creating a lot for which it will be responsible for maintaining. The Council has a dreadful record in caring for public art in the Astor’s neighbourhood.</p> <p>The AMP Circular Quay Precinct—Master Plan Urban Design Report proposes to “activate the Alfred Street plaza with outdoor dining and seating”. Actually, this is not “Alfred Street Plaza”, but Scout Place and home of Windlines, which Council has described as “a significant public art project”. There is no room for more outdoor dining and seating without affecting the sculpture’s setting or removing trees and bus shelters.</p> <p>The Precinct DCP objective to “transform the Bridge and Alfred Street block to an exemplar global commercial address” will similarly destroy the setting of Amicus Certus on the AMP Building.</p>	<p>The City owns and maintains over 200 public artworks in the City. It has a well-funded public art conservation plan which has been in place for a number of years.</p> <p>It is agreed that Windlines in Scout Place should not be adversely impacted by outdoor dining, however it is not the City’s intention that the artwork be the only activation in this space. It is noted there is an existing restaurant on the ground floor of the AMP building at 33 Alfred Street.</p> <p>As part of the Stage 1 DA process, a Public Domain Art Plan will be required. The Plan will identify public art opportunities; propose a methodology for the selection and commissioning of artists; and provide an estimated budget and program for the inclusion of artists.</p> <p>The Preliminary Public Art Plan will need to give careful consideration to the significant built form elements and heritage within and around the precinct.</p> <p>As part of any public art strategy Council would like to see existing artworks and their siting addressed. The strategy should address how the development will impact any existing artworks, including Amicus Certus and Windlines and recommend a course of action.</p> <p>Amicus Certus is a sculpture on the Young Street wall of 33 Alfred Street, representing the motto of AMP, <i>Amicus Certus in re Incerta</i> “a friend in uncertain times”. 33 Alfred Street is listed as a heritage item and it is not proposed or desired to change the external walls of the building. This sculpture is protected by the heritage listing of 33 Alfred Street and identified in the conservation management plan.</p>

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		 <p>Amicus Certus on the AMP building at 33 Alfred Street Source: http://commons.wikimedia.org/wiki/File:Tom_Bass_Sydney.JPG</p>
	<p>VPA - Dedication of air space rights</p> <p>AMP Capital has offered to dedicate an air stratum over the Loftus/Young block "for the protection of light and air to Macquarie Place". However, it has made no such offer in respect of the AMP Building for the protection of sunlight access to the Royal Botanic Gardens. Since AMP Capital is requesting an exception to the Royal Botanic Gardens sunlight access plane, it should offer an air stratum over the AMP Building to ensure that there is no further loss of sunlight to the Gardens.</p>	<p>The dedication of an air stratum over the Young and Loftus Street block restricts further development to improve sunlight access to Macquarie Place. This is because the height of the building envelope is below the sun access plane.</p> <p>The proposed LEP control ensures that the building envelope for 50 Bridge Street will not result in additional overshadowing to the Royal Botanic Gardens at the LEP control time of 2pm on June 21.</p> <p>The VPA is a voluntary agreement and Council cannot require a similar dedication of air stratum over the AMP building.</p>
	<p>VPA – Heritage Works</p> <p>AMP Capital has offered to undertake conservation works to the three heritage buildings in the precinct. However,</p>	<p>In <i>S J Connelly CPP Pty Ltd v Byron Shire Council [2011] NSWLEC 1393</i>, the applicant sought a discount to his contribution under s94 on the basis</p>

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	<p>heritage works on private property are not a "material public benefit", refer to <i>S J Connolly CPP Pty Ltd v Byron Shire Council</i>. In our view, heritage conservation works have a combination of private and public benefits according to circumstances, but the Land & Environment Court decision makes it clear that they are not a "material public benefit".</p>	<p>that he was retaining a heritage item.</p> <p>The Court found that retention of a heritage item was not a material public benefit in the context of the specific s94 plan.</p> <p>On balance, there is sufficient public benefit to warrant the inclusion of the heritage conservation work in a Voluntary Planning Agreement.</p>
	<p>LEP changes - suggestions</p> <p>There need to be no changes to the SLEP to achieve the project objectives. However comments are provided should the Council see it necessary to make some changes below:</p> <ul style="list-style-type: none"> • Changes be across the CBD, rather than for one developer for changes to sun access planes; • Building heights conform to the Height of Buildings Map; • Instead of exception to the sun access plane, allow a variation under Clause 4.6 to develop the Phillip/Young block as an exception to a development standard; • Instead of special provision for design competition, council introduce general provisions for "strategic sites"; • Council conform to NSW Government's LEP Practice Note: Height and Floor Space Ratio in relation to financial impacts of allowing transfer of floor space rights. 	<p>The objection that no changes be made to SLEP is noted. The comments raised have been addressed in detail above. No changes to the SLEP were considered necessary.</p> <ul style="list-style-type: none"> • It is not appropriate to make changes to the sun access planes across the CBD. This planning proposal is acceptable because there will be no additional overshadowing of the Royal Botanic Gardens at 2pm on 21 June. • The building envelope set by the draft DCP amendment is appropriate subject to detailed design. • Clause 4.6 is applied to development applications where a variation to the development standard would have or neutral impacts. The most appropriate process for achieving a substantial departure from development standards is to prepare a planning proposal to amend the controls. The planning proposal process allows for both community consultation and oversight by the State Government to ensure that the planning proposal is consistent with State Government planning policy. • Design competition provisions ensure the highest level of design is achieved through a competitive design process. General provisions that guide development would be predetermined and would not allow innovation through a competitive process whereby a number of designs would be considered. • The practice note describes how to interpret clause 4.5 Calculation of floor space ratio and site area. It envisages situations where variations to this general requirement may be justified and requires councils to discuss such variations with the Department of Planning and Infrastructure (DOP) regional office. The proposal is not contrary to the LEP Practice Note as the DOP's regional office and their representatives on the Central Sydney Planning Committee were briefed on the proposal prior to exhibition and did not raise any issues of concern.

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	<p>DCP changes - request</p> <p>The submitter requests for changes to the Council/AMP Capital proposals for the Precinct DCP:</p> <ul style="list-style-type: none"> • Amend the Precinct DCP objectives: <ul style="list-style-type: none"> ○ to integrate design of the two blocks with each other, surrounding uses and public domain; ○ create a retail and business centre rather than the proposed “24/7” precinct; ○ include Bridge Street; ○ exclude AMP building from transformation because it is a heritage item; ○ include disability access. • Precinct DCP supplement but not modify principles for Special Character Areas (Bridge Street and Macquarie Place); • Permit business or retail premises on lower floors but not entertainment; • Not apply additional “active frontages” to the AMP Building; • Maximum floor plates above 120m be consistent with SDCP; • Building envelope not cause additional overshadowing to those units of The Astor that have less than 2 hours direct sunlight between 9am and 3pm on 21 June in accordance with SDCP; • Building envelope for the Phillip/Young block recognise and enhance Bridge Street as one of Sydney’s pre-eminent urban spaces and as the locality of heritage items which are of State and national significance; • Only permit vehicle entry/exit points in locations nominated in Figure 6.39: Vehicle access map; • Not modify SDCP in respect of extended hours of trading and in particular not modify the Late Night Trading Areas Map; • Instead of the proposed use restrictions for Loftus and Young Street block, require minimum m2 of 	<p>The request for changes to the draft DCP Amendment is noted. The comments raised have been addressed in detail above. No changes to the SLEP were considered necessary.</p> <ul style="list-style-type: none"> • It is not necessary to amend the DCP objectives: <ul style="list-style-type: none"> ○ The “integration of design of the two blocks with each other” is not desirable. It is more desirable to revitalise and activate ○ It is not proposed to create a 24/7 late night management precinct ○ The principles in the Bridge Street and Macquarie Place Special Character Area in SDCP 2012 will still apply ○ The development of the AMP heritage listed building would be subject to heritage assessments ○ Disability access provisions in SDCP 2012 will still apply • The draft DCP Amendment supplements but does not modify the principles for the Special Character Areas • Entertainment premises are currently permissible in SLEP2012. They can be appropriate development for the precinct. • Additional active frontages to the AMP building would be inconsistent with its heritage listing according to the CMP • The draft DCP Amendment does not modify the maximum floor plates provision in SDCP 2012 • The Astor will still receive more than 2 hours of direct sunlight in the morning as required by SDCP 2012. The draft DCP Amendment does not override Section 4.1.3.1(2) of SDCP. The minor overshadowing to some elements of the Astor building at 2pm is an acceptable impact. • It is not specifically intended that proposed tower form will be constructed to the Young Street frontage. The envelope has been designed to allow the flexibility for the design excellence competition to explore opportunities for the tower form to appropriately respond to the character of the precinct. Any design that would produce a 200m high façade on Young Street would need to be justified and the potential impacts that it may create addressed. • Section 6.1.13.7 of the draft DCP amendment requires vehicle and exit points in locations nominated in Figure 6.39. • The late night trading areas map will not be modified as a result of

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	<p>retail and business floor space with direct access to Phillip Street, Young Street, Loftus Street or Loftus Lane;</p> <ul style="list-style-type: none"> • Precinct DCP spell out disability access that are superior to the SDCP provisions. 	<p>this planning proposal.</p> <ul style="list-style-type: none"> • The use of lanes development floor space requires retail tenancies to be 100m² or less. • The disability access provisions in SDCP 2012 are adequate.
	<p>Planning Agreement changes - request</p> <p>The submitter provided requests for changes to the planning agreement:</p> <ul style="list-style-type: none"> • Include Council's proposed lease of a stratum under Loftus Lane; • Disclose the details of all existing covenants and easements in Council's favour in the Precinct, how these covenants are to be revised or incorporated; • AMP Capital dedicate air strata over the AMP Building and the altered AMP Centre so that there is no further loss of sunlight access to The Astor, Royal Botanic Gardens or to heritage items in Bridge Street and Macquarie Street special areas; • Exclude expenditure on the section of Alfred Street between Loftus Street and George Street; • Funds provided under the Agreement are spent on widening/improving footpaths first and only remaining funds allocated to public art; • Council not pursue a "strategic sites approach" until it has amended the SLEP to set out the principles of this approach and adopted a city wide policy for planning agreements 	<p>The request for changes to the VPA is noted.</p> <p>The comments raised have been addressed in detail above. No changes to the SLEP were considered necessary.</p> <ul style="list-style-type: none"> • A voluntary planning agreement is to be used for a public purpose. The lease is a separate commercial arrangement and needs to be in the form of a licence to use the roadway under the Roads Act • The easements and covenants are annexed to the VPA and were part of the exhibition. There are no existing easements onsite that provide pedestrian links or open space. • The dedication of an air stratum over the Young and Loftus block restricts further development to improve sunlight access to Macquarie Place. This is because the height of the building envelope is below the sun access plane. The proposed building envelope for 50 Bridge Street is already set to the maximum equal to the sun access plane. It is not necessary to dedicate an air stratum. • There is no requirement for public benefit to be adjacent to the development boundary. • A Public Domain Plan will need to be approved as part of the development application process including improvement of footpaths. The VPA for the site are for additional works and contributions. • The strategic sites approach identifies opportunities to renew city blocks. The approach is informed by detailed urban design analysis providing appropriate controls to guide development. This approach is acceptable.
	<p>Related Actions for Council</p> <p>The Submitter requests the following related actions:</p> <ul style="list-style-type: none"> • Exclude the 3 heritage sites from the design excellence bonus; 	<p>Under the current provisions of SLEP 2012, an owner of a heritage building may access the design excellence bonus if their building is included in a development site that involves the erection of a new building or external alterations to an existing building.</p>

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	<ul style="list-style-type: none"> • Add the Statue of Commerce in Pitt Street to the heritage register; • Protect Amicus Certus and Windlines, both being public art under threat from Council's proposals. 	<p>The heritage listing of the artwork "Commerce" has lost much of its significance when it was removed from its original setting on the building for which it was designed, the artwork was not worthy of heritage listing in its new setting.</p> <p>As part of any public art strategy Council would like to see existing artworks and their siting addressed. The strategy should address how the development will impact any existing artworks, including Amicus Certus and Windlines and recommend a course of action.</p> <p>The proposed development is an opportunity to conserve these elements and improve their siting.</p>
Resident at The Astor	<p>Various</p> <p>Same objections as that raised in The Astor submission including:</p> <ul style="list-style-type: none"> • Precinct-wide site area calculation; • Inclusion of 3 heritage items in the floor space calculations; • Exception to the sun access plane; • LEP amendment unnecessary to achieve the desired outcomes. 	<p>The comments raised have been addressed above in this table.</p>
	<p>Lanes Development Floor Space</p> <p>By amending the LEP to allow "lanes development floor space" (of a type not allowable to other developers) of 588m², AMP saves around \$0.18 million. As a heritage item, it is difficult for The Astor to utilise lane development floor space even though it has lanes on two sides; the concession is unreasonable and unfair to other owners of lane buildings.</p>	<p>The proposed amendment to this clause will allow for additional floor space to be awarded on the basis that the fine grain nature of laneway premises within Young and Loftus Street block is protected in perpetuity. The proposed exception to the control will result in a public benefit that exceeds what can be achieved via the application of current Clause 6.8 in SLEP2012. AMP has agreed to apply a covenant on the land to ensure the fine grain spaces are not consolidated in the future.</p> <p>The award of lane development floor space in SLEP2012 is applicable, irrespective of whether or not a building is a heritage item.</p>

PUBLIC AUTHORITY SUBMISSIONS

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Roads and Maritime Services	<p>Support</p> <p>Raises no objections.</p>	Noted.
Roads and Maritime Services	<p>No comment</p> <p>The Maritime branch of RMS has reviewed documents and does not wish to make any comment.</p>	Noted.
Transport for NSW	<p>Transport for NSW to be consulted during design development stage</p> <p>Transport for NSW requests to be consulted during the design development stage to provide input in particular:</p> <ul style="list-style-type: none"> • pedestrian connectivity between the site and the light rail terminus, railway station and ferry wharves • public domain treatments in Alfred, Macquarie Place and Circular Quay. <p>Cycleways</p> <p>Figure 13 of the traffic report shows an incorrect cycle network. The Sydney City Centre Access Strategy outlines the preferred CBD cycleway network, with no cycleway on Macquarie Street nor College Street. A new cycleway will be provided starting at Circular Quay southbound on Pitt Street that will benefit cyclist access to the proposed development.</p> <p>A cycle route on Phillip Street (as shown in Figure 13 of Traffic Report) is not supported by Transport for NSW as Phillip Street is likely to receive greater bus volumes with a redesigned bus network.</p> <p>An updated transport assessment should reflect the preferred CBD cycleway in the Sydney City Centre Access Strategy.</p> <p>Bus operations</p> <p>The future role of Circular Quay bus terminus will be</p>	<p>Noted. Consultation to be undertaken as part of the DA process.</p>
		<p>Noted.</p> <p>Transport assessment is to be updated and any transport and access issues to be resolved in consultation with Transport for NSW at development application stage.</p>
		<p>Noted. Information to be considered by applicant.</p> <p>Figure 6.39 Vehicular Access of draft Sydney DCP 2012 – AMP Circular Quay Precinct Amendment as exhibited also identifies 'no bus layover' on</p>

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	<p>reduced in the future with the new light rail system replacing most of the current South East bus services that currently terminate at Circular Quay. The Access Strategy foreshadows that there will also be a reduction of Broadway bus services terminating at Circular Quay.</p> <p>Alfred Street west of Loftus Street will be closed to general traffic and buses and replaced by a new light rail terminus. The existing Young/Alfred/Phillip Street loop will be retained for bus operations.</p> <p>The proponent proposes removing 2-3 bus bays on Phillip Street (p10) and removing 3-4 bus layover spaces on Young Street (p18). Transport for NSW does not support any removal of bus layover spaces as these spaces may be required for future bus operations.</p> <p>Loftus Street and Loftus Lane (shared paths)</p> <p>Transport for NSW is currently investigating future traffic arrangements on these streets as part of the changes when light rail commences operation. Loftus Street will change to two way operation once Alfred Street is closed for light rail construction.</p> <p>Transport for NSW requests that any proposal to establish shared zones must have prior approval from Roads and maritime Services.</p> <p>For Young Street/Loftus Street block, it may be preferable to promote vehicular access for this building via Loftus Street as buses will no longer run on this street once light rail is in operation.</p> <p>Bridge Street and Alfred Street block</p> <p>The proponent is to consult with Transport for NSW in relation to the proposed building access points for general and service vehicles. Transport for NSW also request that:</p> <ul style="list-style-type: none"> • conflicts between vehicles entering/exiting block 	<p>Young Street and 'future no bus layover' potential for Phillip Street.</p> <p>Any decision to change bus layover space and resultant development design will be done in consultation with Transport for NSW. 'No bus layover' spaces as identified in the exhibited draft Sydney DCP 2012 have been removed pending this consultation.</p>
	<p>Loftus Street and Loftus Lane (shared paths)</p> <p>Transport for NSW is currently investigating future traffic arrangements on these streets as part of the changes when light rail commences operation. Loftus Street will change to two way operation once Alfred Street is closed for light rail construction.</p> <p>Transport for NSW requests that any proposal to establish shared zones must have prior approval from Roads and maritime Services.</p> <p>For Young Street/Loftus Street block, it may be preferable to promote vehicular access for this building via Loftus Street as buses will no longer run on this street once light rail is in operation.</p> <p>Bridge Street and Alfred Street block</p> <p>The proponent is to consult with Transport for NSW in relation to the proposed building access points for general and service vehicles. Transport for NSW also request that:</p> <ul style="list-style-type: none"> • conflicts between vehicles entering/exiting block 	<p>Noted.</p> <p>Transport for NSW to be consulted in relation to building access points during the development design stage.</p>
	<p>Loftus Street and Loftus Lane (shared paths)</p> <p>Transport for NSW is currently investigating future traffic arrangements on these streets as part of the changes when light rail commences operation. Loftus Street will change to two way operation once Alfred Street is closed for light rail construction.</p> <p>Transport for NSW requests that any proposal to establish shared zones must have prior approval from Roads and maritime Services.</p> <p>For Young Street/Loftus Street block, it may be preferable to promote vehicular access for this building via Loftus Street as buses will no longer run on this street once light rail is in operation.</p> <p>Bridge Street and Alfred Street block</p> <p>The proponent is to consult with Transport for NSW in relation to the proposed building access points for general and service vehicles. Transport for NSW also request that:</p> <ul style="list-style-type: none"> • conflicts between vehicles entering/exiting block 	<p>Noted.</p> <p>Transport for NSW is to be consulted in relation to building access points during the development design stage.</p>

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	<p>and traffic including buses and pedestrian/cyclists on Phillip and Young Streets be assessed to minimise the number of driveways</p> <ul style="list-style-type: none"> • impact of vehicles entering/exiting block using Phillip and Young Streets on bus operations and pedestrian/cyclists be assessed. <p>Taxi ranks</p> <p>Once Alfred Street is closed west of Loftus Street for light rail construction, the existing taxi rank on Alfred Street will be removed. A new rank is proposed on Loftus Street. The existing rank on Phillip Street will be unaffected.</p> <p>Construction traffic management</p> <p>Transport for NSW is recommending a condition of approval that the CBD and South East Light Rail (CSELR) project team be consulted by the site construction project management to ensure that any construction traffic interface issues are addressed prior to commencement of construction.</p>	<p>Noted.</p>
	<p>Support</p> <p>Expressed support for:</p> <ul style="list-style-type: none"> • opportunities for improved pedestrian links and pedestrian friendly environments and the activation of street level facades of the buildings • proposed lower rise, mixed-use development for the Loftus Street block which will result in no new overshadowing of the Museum of Sydney forecourt <ul style="list-style-type: none"> – First Government House Place and through-site links from Young to Phillip Street. <p>Public Art interpretation</p> <p>Even though there may not be extant physical archaeological remains of the pre-British era, the Precinct is nevertheless of extraordinary significance to the first encounters between Aboriginal people and white settlers in Australia and could be strongly referenced in public art or</p>	<p>Noted.</p> <p>Consultation is to be undertaken during development design stage.</p>
<p>Office of Environment and Heritage</p>	<p>Support</p> <p>Expressed support for:</p> <ul style="list-style-type: none"> • opportunities for improved pedestrian links and pedestrian friendly environments and the activation of street level facades of the buildings • proposed lower rise, mixed-use development for the Loftus Street block which will result in no new overshadowing of the Museum of Sydney forecourt <ul style="list-style-type: none"> – First Government House Place and through-site links from Young to Phillip Street. <p>Public Art interpretation</p> <p>Even though there may not be extant physical archaeological remains of the pre-British era, the Precinct is nevertheless of extraordinary significance to the first encounters between Aboriginal people and white settlers in Australia and could be strongly referenced in public art or</p>	<p>Noted.</p> <p>The Aboriginal significance of this site and indeed the links to first contact are important aspects of the history of this site. This history could certainly inform public art as it has behind this precinct with the artwork by Janet Laurence and Fiona Foley Edge of the Trees which is located in the forecourt of the Museum of Sydney – the site of first Government House. The context of the site should be addressed in the public art strategy.</p>

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	<p>interpretation. There is naturally a tendency to focus on Arthur Phillip and the historical legacy of the First Fleet landing spot, and subsequent evolution of Sydney town in this precinct. However, the Cadigal connection to their land which was severed at this spot is also of importance in any future interpretative narrative that could be developed.</p> <p>Also of potential inspiration is the "Pleasure Garden" of first Government House sited on the Precinct location.</p> <p>Access</p> <p>Exit of cars onto Phillip Street from AMP via Albert Street would impact seriously at a difficult intersection.</p>	<p>Noted.</p> <p>The draft DCP proposes an entry and exit point for the Bridge and Alfred Street block to be off Phillip Street.</p> <p>Detailed assessment of impact on surrounding intersections will be undertaken as part of the development application process.</p>
	<p>Buses</p> <p>Extra buses relocated from Young Street layover to Phillip Street may worsen an already hostile pedestrian environment.</p> <p>Improve the pedestrian experience in Bridge and Phillip Streets by better management of buses in Phillip Street and the dangerous pedestrian situation that it creates.</p> <p>Opportunities - Way finding and cultural offering</p> <p>Sydney Living Museums (SLM) would like the City of Sydney to use this opportunity to:</p> <ul style="list-style-type: none"> • integrate way-finding and orientation signage at Circular Quay and Alfred Street that encourages the movement of pedestrians to SLM sites and • investigate opportunities to partner with SLM to develop a more joined up cultural offer at Customs House and Museum of Sydney and Justice and Police Museum. 	<p>Noted.</p> <p>Following Council's adoption of the Sydney Wayfinding Strategy, the design and development of signage elements is underway and will include civic locations like museums.</p> <p>The City Wayfinding System will have cultural destinations marked on mapping and directional signage at appropriate locations</p>