

ATTACHMENT A

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**SUMMARY OF SUBMISSIONS**



## SUMMARY OF SUBMISSIONS TO PUBLIC EXHIBITION OF PLANNING PROPOSAL AND DRAFT DCP FOR 230-238 SUSSEX STREET, SYDNEY

### PUBLIC SUBMISSIONS

Submitter	Summary of Issue	Response
<p><b>Resident at 222-228 Kent Street</b></p>	<p>Objects to the height increase and proximity of a potential tower as it would block the apartment causing the following issues:</p> <ul style="list-style-type: none"> <li>• Privacy – the proximity of a potential tower is too close.</li> <li>• Noise – the proximity of a potential tower and the use as a hotel may create a lot of noise and have people coming in and out 24 hours a day.</li> <li>• Ventilation – a future building so close will block air flow. It is important for objector to be able to open the windows so that cooking fumes can escape.</li> </ul>	<p>A 15m setback from the northern boundary is proposed, which is greater than the 12m required under the Apartment Design Guide.</p> <p>It is noted the residential tower immediately north of the site at 222-228 Sussex Street has no setback. The windows on the southern façade of 222-228 Sussex Street were approved provided that they could be sealed, bricked up or otherwise enclosed on the direction of Council should a neighbouring building be built within 12m of the tower. This is registered on the title of land as a positive covenant. The planning proposal would not cause Council to direct the windows to be bricked up as a northern setback of 15m is proposed.</p> <p>It is important that any possible privacy, noise and ventilation impacts are minimised through appropriate design of the new building. A detailed assessment would be undertaken as part of development application process.</p>
<p><b>The Owners Corporation of Strata Plan 46581 (447 Kent Street)</b></p>	<p>Objects to hotel use. If a potential tower is provided, it should be an office tower. An office would be a better situation as no one will be cooking or staying overnight making noise.</p>	<p>The site is zoned B8 Metropolitan Centre. The objectives of the zone is to provide for a variety of uses characteristic of Sydney's global city status. It is desirable to have a mixture of uses within Central Sydney. A hotel use supports Sydney's visitor accommodation industry and economy in line with the City of Sydney Visitor Accommodation Action Plan.</p> <p>Possible impacts arising from a hotel use should be minimised through appropriate design. A detailed assessment would be undertaken as part of development application process.</p> <p>The proposed maximum height is consistent with existing heights in the vicinity of the site with towers ranging from approximately 80m to 130m. For example, Mantra on Kent north west has a building height</p>

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	<p>and does not comply with Council's height control.</p> <p>The front setback control along Sussex Street will increase the density to the streetscape and to the setting of the heritage item. This will decrease daylight access to buildings to the west and south of the development site.</p> <p>We recommend that the residential tower be setback 8m along Sussex Street to comply with Council's controls and reduce the scale of development for pedestrians and to the setting of heritage item and improve daylight access to surrounding neighbours.</p>	<p>of approximately 80m, Astoria Apartments to the north is approximately 96m, the two Darling Park Towers are approximately 126 and 127m, and the office building at 1 Market Street is approximately 133m. The proposed maximum height of building prescribed by RL115.9 would be approximately 110.15m and is within this range. The proposed maximum building height is between within this range.</p> <p>The DCP amendment proposes to specify a front setback of 4.5m to Sussex Street.</p> <p>The objective of a front street setback above a podium height is to create a comfortable pedestrian environment by minimising wind impacts and ensuring reasonable levels of daylight to the street level.</p> <p>The planning proposal, supported by an environmental wind assessment, concludes that the Sussex Street footpath will continue to be exposed to existing strong southerly wind conditions. However the setback of the indicative tower will protect footpaths and entrances from downwash winds.</p> <p>The setbacks in the DCP provides for a greater setback than currently provided by the existing building and also greater upper level setbacks when compared to buildings in the vicinity. A new building compliant with the DCP setbacks will provide a greater setback than the existing building, improving the level of daylight to the street and will relate better to the heritage item and streetscape.</p> <p>Analysis shows that a residential building to the south of the site would be affected to a minor extent by a shadow cast by the indicative building. Any building will need to comply with the solar requirements in Apartment Design Guide (ADG).</p> <p>The Planning Proposal, supported by a Heritage Impact Assessment, concludes that the proposed height will not have a significantly greater visual impact on the Foley Bros warehouse building, or nearby items, than either the existing height condition or the current height control of 80 metres. Through the design excellence and development assessment process, redevelopment provides the opportunity to reinforce and enhance the setting of the heritage item.</p>

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	<p>The proposal requires a 6m rear (eastern) setback up to Level 12 (up to 45m) and a 12m rear setback from Level 13 and above (45m and above). The proposal provides a minimum rear setback of 2-3m up to Level 12 which varies from the control by up to 4m. Furthermore, the proposal provides a minimum rear setback of 3m from Level 13 to Level 18 which varies from the control by 9m.</p> <p>The rear setback non-compliance will increase the bulk and scale visible from the objector's site and reduce the privacy of the existing commercial building and the future residents of the hotel. The reduced rear setbacks would also restrict the future development potential of the objectors site as they would have to setback further along the rear boundary while it is noted that this site is not very deep which would further restrict floor plate sizes.</p> <p>The proposal reduces the existing northern side boundary by 4.8m which will result in almost complete view loss of Darling Harbour to west facing windows to the north-west corner of the objector's site. The proposal will be inconsistent with principle "C" of the York Street Special Character Area given it will not conserve or enhance</p>	<p>The maximum street wall height of the podium fronting Sussex Street will be limited to match the parapet height of the heritage item creating an appropriate relationship between the two buildings. This will ensure consistency with the SDCP2012 requirements for the York St Special Character Area.</p> <p>There is no proposed change to the above podium setback for the hotel component. The proposed DCP specifies a rear setback of 3m and 9m on the rear eastern boundary. Section 5.1.2 of SDCP2012 relates to setbacks, and defines a hotel as a commercial building. Above a height of 45m, windows and balconies of commercial buildings are to be set back at least 3m from side and rear property boundary. SDCP2012 also specifies where a development fronts a lane, hotels above street frontage heights are to be set back 6m from the centre of the lane. Druitt Place is approximately 8 metres wide. The 3 metres setback from Druitt Place would result in a setback of approximately 7 metres from the centre of the lane.</p> <p>For the residential component, the setbacks proposed in the proposed DCP in part are not consistent with the existing DCP setback provisions. However the residential component will need to comply with the ADG setback of 12 metres. In this case, setbacks, take precedence and override Council DCP provisions.</p> <p>Furthermore, the building on 447 Kent Street abuts the subject site for most of the eastern boundary and has no setback. It is appropriate to equitably share building separation to protect privacy between adjoining sites.</p> <p>The existing tower has an upper level setback above the podium of approximately 4.8 metres. Whilst the building podium was built to the northern boundary, the site has recently been amalgamated with the lot immediately to the north containing the heritage item.</p> <p>The proposed DCP setback controls require a greater setback than contained currently in 5.1.2 Building Setbacks in SDCP2012. The DCP amendment proposes a minimum northern setback of 15 metres, the width of the heritage item. For residential apartments,</p>

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	<p>significant view between the area and Darling Harbour.</p> <p>Recommend a 3.5m northern setback from heritage item to maintain views from the objector's site and improve the interface with the heritage item.</p>	<p>compliance with the Apartment Design Guide requires minimum 12 metre setbacks.</p> <p>The building envelope in the proposed DCP will likely result in minor view loss for the objector's site. Generally the objective of the character areas include conserving, maintaining and enhancing existing views and vistas to buildings and places of historical and aesthetic significance, predominately from the public domain. While Darling Harbour is a significant historic view, the objector's site is not of historic significance to the area, and any private view loss would not be considered detrimental to the character of the area as a whole. Noting the area is an early warehouse area that serviced Darling Harbour.</p>
	<p>The proposal will increase traffic generation in particular where the vehicle entry and exit is located along Druitt Place. To alleviate the congestion of traffic along Druitt Place it is suggested that the vehicle access point is relocated to Sussex Street where the street is able to accommodate for a higher level of traffic.</p>	<p>The indicative building shows vehicular access to be maintained at Druitt Place where there is currently an entrance for a public carpark.</p> <p>Sussex Street is not identified to be a priority pedestrian place. A detailed traffic assessment will be undertaken as part of the development application process and will assess the suitability of vehicular access.</p>
	<p>The scheme would result in a 30 storey tower which is approximately 28m wide with no setback along the northern side with the heritage item. The proposed northern wall will dominate the adjoining heritage listed building while it will be position in between the development site and the existing Astoria residential tower (further to the north). It is recommended that the northern elevation wall be setback further from the boundary with the heritage item to ensure the proposal does not dominate the heritage item or impact on its setting.</p>	<p>The planning proposal and DCP set the building envelope for future development. A design excellence process and detailed assessment based on a refined design will be undertaken at the development assessment stage.</p> <p>The proposal will provide an opportunity to undertake conservation works to the heritage item and enhance its setting through appropriate design and configuration of the lower levels of the building.</p>

## PUBLIC AUTHORITY SUBMISSIONS

Submitter	Summary of Submission	Response
Ausgrid	Ausgrid has no objection to the Planning Proposal.	Noted
Sydney Water	Sydney Water raises no objections to the Planning Proposal.	Noted.
	Sydney water request that if the existing buildings are to be demolished and new buildings are to be constructed then Sydney Water's "Building over and adjacent to stormwater assets" requirement would apply for the new buildings.	Noted.
	Detailed drinking water requirements will be provided at the Section 73 application phase.	Noted.
Transport for New South Wales (TfNSW)	Transport for NSW has no issues with the planning proposal	Noted
	Transport for NSW advises that Sydney Trains will provide separate response for development applications and vehicle movements to the car park and loading bay as well as impacts associated with the Sydney Light Rail Project will need to be managed.	Noted