

Attachment A

<h2>Summary of Submissions</h2>
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No.	Submitter	Submission	Response
1	NSW Department of Environment and Heritage	<p>Aboriginal Cultural Heritage / Archaeology. The site is located 470m south of Circular Quay, recommend Aboriginal Cultural Heritage (ACH) is assessed if there is evidence of the original land surface/natural soil profiles occurring at the site. ACH material can occur and be preserved in situ at Circular Quay where there is intact natural landform. Circular Quay and Sydney Cove are culturally significant places for Aboriginal people. A baseline archaeological assessment should be completed for the site to ensure archaeological relics are appropriately identified.</p>	Noted. DCP provisions included.
		<p>Green Roof. It is recommended development at the site incorporate a Green Roof into the design. OEH also encourages the incorporation of Cool roofs and Green walls into the building design.</p>	DCP provisions are included to encourage Green Roofs, Cool roofs and Green walls.
		<p>Support scale and height. The high rise building shown in the indicative architectural scheme is consistent with the scale and height of existing buildings and would not be out of context in the CBD.</p>	Support noted.
		<p>Design. Any new development on the site should avoid creating an effect of a "tall wall" element along Bligh Street. Sufficient articulation should be incorporated into the design scheme, through building setbacks, to minimise the overpowering effect of the new development along with the existing buildings. Consideration should be given to matching podium height with the NSW Club House building located opposite the site. The design and materials of the development should be sympathetic to the heritage items in the immediate vicinity.</p>	Noted. The proposal provides a building envelope within which articulation and heritage considerations can shape detailed design, especially during the architectural design competition. Section 4 of SDCP2012 continue to apply as well as the provisions proposed as part of this amendment.
		<p>Consult OEH. Detail design for redevelopment of the site should be referred to the Heritage Division for comment.</p>	Noted.
		<p>Building significance. Subject to the significance of the building being determined and consideration of comments, there is no objection to the LEP amendment.</p>	The existing building has no heritage status. It is a typical Post-War International style high rise building, but does not adequately satisfy the criteria of local significance. The City has recently finalised a study to provide an understanding of post World War II and Modern Movement architecture in Central Sydney. The study period considered Bligh House, built in 1964 in its chronology of Modern Movement items, however it was not identified to be significant for heritage listing.
2	Transport for NSW	<p>Raise no significant issues. Note the site is within the Sydney Metro corridor. Any future development applications must comply with relevant guidelines and be referred to TfNSW and Sydney Metro. The application must also provide a Coach Parking and Passenger Pick-Up and Set-Down Management Plan, details of the development's freight and servicing profile, revise design to show increase provision of loading and servicing facilities on-site, detailed pedestrian route assessment and identify any works needed to improve pedestrian facilities.</p>	Noted.

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3	Individual	Support proposal , would wish for it to go higher.	Noted. Height is based on planning proposal request.
4	On behalf of owner at 1 Chifley Square (QANTAS House)	No further reduction in tower setbacks. The draft DCP seeks a 4.9m to 6m tower setback control from the south eastern boundary. This is a reduced setback compared to the current Sydney DCP 2012 which has a 6m control for hotel buildings. There should be no further reduction in the proposed setback to ensure that a reasonable amount of light to 1 Chifley Square is retained.	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. While the proposal does not comply with the building setbacks in the proposed Sydney DCP 2012 - Central Sydney amendment, the proposed DCP allows variation to side and rear setback if it provides equivalent or improved wind comfort, wind safety and daylight levels in adjacent public places. As part of the request, wind and daylight levels of the proposed built form demonstrates acceptable wind and daylight impacts on the public domain. The light well to the rear of 1 Chifley Square is a design feature of the heritage listed building and is of significance. DCP provisions have been clarified to ensure new development respect and reinforce the significance of the items including any significant light well areas.
		New podium setback control. The reference design has a 4m setback from the south-eastern boundary. However this is not reflected in the draft DCP. While the draft DCP conceptually indicates a podium setback, 4m is not specified. The draft DCP should be amended to include a podium setback diagram. If the podium setback control is not specified, the control could be unclear.	The proposal provides a building envelope within which articulation and heritage considerations can shape detail design, especially during the architectural design competition. The reference design is one example of how a proposed building on the site. As the light well to the rear of 1 Chifley Square is a design feature of the heritage listed building and is of significance. DCP provisions have been clarified to ensure new development adjacent to heritage items respect and reinforce the significance of the items including maintaining daylight to light well areas.
5	On behalf of owner at 25 Bligh Street (Bligh Chambers)	The proposal does not comply with side setback controls under current controls or the Draft Central Sydney Planning Strategy. The tower setbacks below and above 120 metres have been disregarded, particularly on the side boundaries. The required distances are in direct contravention to the current policy position stipulated by the Council and should not be supported. There is little justification for derogating from the side setback other than that the reduced sky visibility will be less than 0.01% and wind comfort and safety pedestrian environment will be improved.	The purpose of the planning proposal is to consider amending existing planning controls. The proposed Central Sydney Planning Strategy amendment has been considered in formulating the draft controls. The proposed amendment controls require side and rear setbacks of 4m below 120m and approximately 6.8m above 120m. Variation to side and rear setbacks are permitted to building massing that provides equivalent or improved wind comfort, wind safety and daylight levels in adjacent public places. The planning proposal has demonstrated this and is considered acceptable in this regard.

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		<p>View loss and view sharing. The proposal will result in view loss towards the Domain, Rushcutters Bay and further to the eastern suburbs, exacerbated by non-compliance with the required building setbacks and proposed increase in FSR. There is no contemplation of private view loss to private buildings, as a result of the reduced side setbacks. With a lower FSR and compliant setbacks, view sharing of a modest nature can be facilitated to protect the amenity enjoyed by Bligh Chambers. In relation to the principles set out in Tenacity Consulting v Warringah Council: a) the view is a whole view directed towards the Domain and further afield to the eastern suburbs. It benefits more than half of the building, across the subject site; b) the view is available from the front of the property and is available from both a standing and sitting position; c) as a result of the non-compliant setbacks, the whole of this eastern view towards the Domain and further east would be lost from all levels of the building above the height of the existing structure on the subject site. Further, the future development opportunity associated with the site would be stifled with regard to potential view; d) the proposal does not comply with the fundamental control for side setbacks.</p>	<p>4-6 Bligh Street is immediately south east of 25 Bligh Street, known as Bligh Chambers. Bligh Chambers currently benefits from views to the Domain and beyond by heritage items and lower scaled buildings that allow enjoyment of district views. 4-6 Bligh Street is directly between Bligh Chambers and the Domain. It means that any major development of the site would significantly impact the view loss. Increased setbacks would provide a glimpse of the view currently enjoyed by 25 Bligh Street. The view loss is of a district view and does not include any iconic views or landmarks. The view is also not considered to be a whole view, as only a cross section of the Domain and surrounding suburbs are visible. The principles established under Tenacity Consulting vs Warringah Council also consider how reasonable it is to retain the view and the extent of the impact. Views from sitting positions and from living areas where people spend more time are considered more significant than from serviced areas. As Bligh Chambers is a commercial building, not directly fronting the Domain, allowing 4-6 Bligh Street to reach development potential and provide increase employment floor space in central Sydney, is reasonable.</p>
		<p>Non compliant FSR. The additional FSR proposed is 57% increase on the already increased draft standard, encouraging a building design of excessive bulk and scale which is further exacerbated by non-compliance with side setback controls. The draft LEP has already seen a significant increase in FSR to 14:1 and the requested 22:1 has created a bulkier building with an increase footprint which unnecessarily reduces the useability and value of surrounding buildings. The 14:1 FSR encourages a tall, skinny tower that will take advantage of the increase height controls whilst allowing for view sharing and natural light to pass through the City. The proposed increase in the building footprint, increase FSR and non-compliant setbacks do not promote a tall slender tower as is intended for buildings that are prescribed to achieve design excellence.</p>	<p>The existing controls allow a maximum FSR of 14:1 excluding any bonus floor space available as a result of design excellence. The proposed controls is for a maximum of 20:1 excluding any design excellence bonus, and 21.2:1 above ground. The FSR represents an increase in current controls but a reduction in maximum height. The development must be the result of an architectural design competition and exhibit design excellence. The maximum floor plate area above podium is to be 600m², which is not large. The proposal to increase floor space capacity is consistent with the nine aims of the proposed Central Sydney Planning Strategy which allows development potential for this site and provides economic opportunities and growth for Central Sydney.</p>

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		<p>Loss of natural light. The position of proposed building form, given its limited setbacks will likely result in almost complete loss of natural morning light to 25 Bligh Street given the extent of the proposed frontage to Bligh Street. The eastern facade of 25 Bligh Street accounts for 75% of natural light and views to the existing offices, with less than half of the western facade of the building containing windows. The reference design will limit natural light to these offices by up to 75% as a starting position. To further reduce the available natural light to the eastern face of the building is of significant detriment to the amenity enjoyed by Bligh Chambers, particularly having regard to non-compliance with the setback requirements, which are representative of the current and future position of suitable development controls anticipated by the Council. The lack of side setbacks proposed should not be supported due to the significant reduction of natural light enjoyed by Bligh Chambers. It is inconsistent with Clause 1.3(c) of the EP&A Act which requires the orderly and economic use and development of land. There is no contemplation of loss of natural light to private buildings, as a result of the reduced side setbacks.</p>	<p>The orientation of Bligh Street results in sites with buildings that predominantly face east and west. 25 Bligh Street currently benefits from surrounding heritage items and lower scaled buildings that allow ambient light. Due to the angle of the sun and the siting of the buildings, there will be no shadow cast upon 25 Bligh Street from the proposed building envelope during the winter solstice. During the summer solstice, there will be some loss of direct sunlight at 7am and negligible loss at 9am. By 11am the proposed envelope had no impact on the eastern façade of 25 Bligh Street. The slight reduction in direct sunlight to 25 Bligh Street as a result of the proposed envelope in early morning at the summer solstice is acceptable. In Central Sydney's dynamic and dense development environment, certainty for the protection of private amenities such as sunlight and views cannot be guaranteed. The maintenance of sunlight access and private views to existing development should not unduly restrict the economic performance and economic growth of Central Sydney and therefore is consistent with the objects of the Environmental Planning and Assessment Act as it does promote the orderly and economic use and development of land.</p>
		<p>Inconsistent with draft Central Sydney Planning Strategy - LEP Amendments. By avoiding compliance with the specified building setbacks, it does not achieve the stated explanation of the provisions in that planning proposal.</p>	<p>The proposal is consistent with the proposed Central Sydney Planning Strategy. The proposal does not comply with the building setbacks in the proposed Sydney DCP 2012 - Central Sydney Planning Review amendment, however the proposed DCP allows variation to side and rear setback if it provides equivalent or improved wind comfort, wind safety and daylight levels in adjacent public places. As part of the request, wind and daylight levels of the proposed built form demonstrates acceptable wind and daylight impacts on the public domain.</p>
		<p>Inconsistent with draft Sydney DCP. The proposal with non-compliant setbacks will not achieve a slender building as required by Objective (a) and (b), and due to the extent of building alignment on a single plane, will appear as 'overly massive'. Further the building will not in its overall form, become less bulky as it reaches its peak for it is the same for the entire tower height.</p>	<p>Notwithstanding the proposed Sydney DCP 2012 - Central Sydney Planning Review amendment has not been exhibited, the proposed controls are consistent. The proposed envelope allows for a horizontal dimension of approximately 37m (maximum is 100m); and size of floor plate above street frontage height is 600m². The proposed controls do not require tapering. The proposed DCP amendment states that tapering can be varied if the proposal has demonstrated compliance with a varied setback. The proposal results in a small tower floor plate for a building height to 205m. Tapering that would have been required for the top 85m would equate to an additional setback of 0.6m on each side of the tower, totalling 60m² and is considered to have minimal impact.</p>

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		<p>Does not achieve development outlook. The reference design extends beyond permitted setbacks. There are no sufficient environmental grounds to justify this departure, particularly where such new planning controls are the current direction that the Council is taking for development of this nature and should be upheld. The reference design should make use of the design excellence provisions to achieve a development that allows for existing structures to access natural light and views.</p>	<p>Sydney LEP 2012 and Sydney DCP 2012 purposefully seek to protect and enhance public amenity such as daylight and sunlight to Public Places and public views that are of benefit to the whole community. In Central Sydney's dynamic and dense development environment certainty for the protection of private amenities such as sunlight and views cannot be guaranteed. The maintenance of sunlight access and private views to existing development should not unduly restrict economic performance and economic growth of Central Sydney.</p>
		<p>Request revised side setback and FSR. At a minimum comply with the minimum side setback distances. However in the interest of preserving the view to the east, having regard to what is currently enjoyed from Bligh Chambers, request that the side setback be amended to a distance of 10 metres to the northern boundary and 8 metres to the southern boundary. The proposal should also adhere to the 14:1 (+design excellence) FSR allowable under the draft planning controls. These have been very recently reviewed. The lack of building form to the south of Bligh Chambers, may result in it being appropriate to locate a building that is more closely positioned to the southern boundary. This would result in a substantial improvement to the extent of view loss that would be experienced and provides a greater opportunity for view sharing and natural light.</p>	<p>The proposal demonstrates that varied setbacks result in acceptable impacts on the public domain. The development will increase employment floor space, benefiting the whole community. It would be unreasonable to require a minimum setback of 10m to protect private views and natural light on a site that currently benefit from lower scaled buildings. This proposal is consistent with the proposed Central Sydney Planning Strategy that ensures Sydney continues to be a global city and can accommodate employment growth.</p>
		<p>Limit future development potential. Bligh Chambers benefits from future planning controls that would allow for a similar redevelopment outcome to be achieved. If such an outcome were to be pursued for residential purposes, the design and form of the Planning proposal would heavily restrict the ability for a redeveloped Bligh Chambers to achieve a residential population on this site. The planning proposal will result in a significant loss of natural light to Bligh Chambers and hinder development potential particularly under SEPP65 and the ADG.</p>	<p>Bligh Chambers is one of many sites within central Sydney. In Central Sydney's dense urban environment, certainty for the protection of private amenities such as sunlight and views cannot be guaranteed and are often dependent on the location and characteristics of a site. Residential development potential on the site would need to comply with SEPP 65 and the ADG, like many other sites within central Sydney seeking such a use. If like the subject site, Bligh Chambers sought to increase site potential through a planning proposal it will also need to be consistent with the proposed Central Sydney Strategy and amendments.</p>