

20 August 2010

Director General
Department of Planning
GPO Box 39
Sydney NSW 2001

RE: 20-26 O’Connell St, and 33-35 Bligh St Sydney – Objection to proposed building comprising City East Zone Substation (Project application 2A(i))

I refer to the proposed building for the site at the above address, the subject of a Part 3A application for approval. Urbis has been commissioned by the Lowy Institute, owners of the adjacent heritage listed building at 31 Bligh St, to prepare this objection to the proposal.

The description of the site has been detailed in Section 1.1 of the Applicant’s Statement of Heritage Impact by NBRS, submitted as Appendix F of the Statement of Environmental Effects. The site is located in a block defined by O’Connell, Bligh, Hunter and Bent Streets, within a precinct that is a vibrant commercial area, with both the Bligh and O’Connell St streetscapes having a ground level mix of café /office lobby/commercial use within varying architectural styles but generally within a suite of high quality buildings.

1.1 Existing site

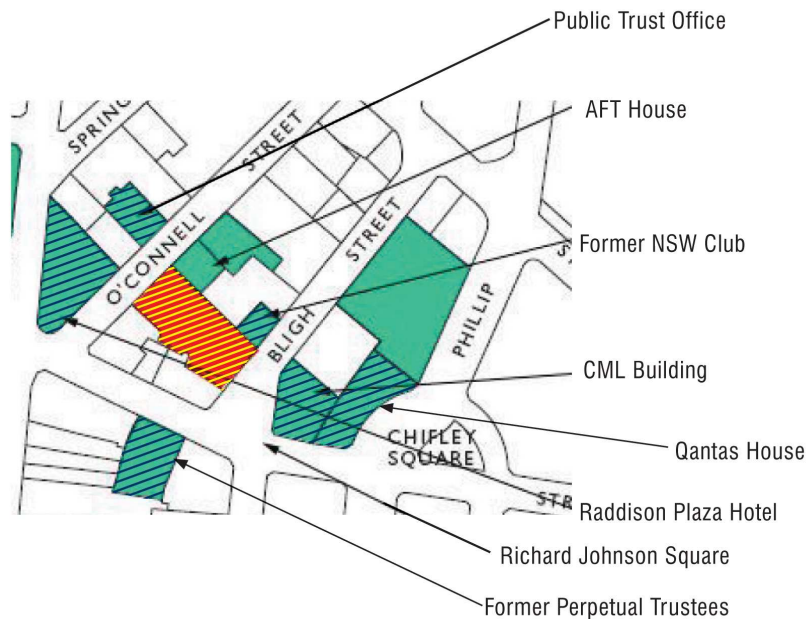
The development site is located at the southern end of Bligh Street fronting Richard Johnson Square, and it extends through the block to a frontage in O’Connell Street. It currently comprises two separate buildings both known as Kindersley House, a 1960s medium-rise building originally housing the Sydney Stock Exchange, which runs through the block and has street frontages to both Bligh and O’Connell St. It is not recognised as an architecturally significant work, although the street facades have some architectural merit. The narrow glazed curtain wall building on the O’Connell St frontage is also part of the development site, and it is not considered to have architectural merit.

1.2 Heritage Listings

The current heritage listings of the sites in close proximity to the development site are as follows:

Item & address	Heritage Listing			
	State Heritage Register	Sydney LEP 2005	Register of the National Estate	Other Listings
Richard Johnson Square	√	▪ Part 3 townscape item	√	√ Register of the National Estate, National Trust
31 Bligh St Former NSW Club	√	▪ Sch 8 Part 1	√	√ National Trust Register
16-18 O'Connell St (former Delfin House)	√	√	√	√ AIA (NSW Chapter), National Trust, Art Deco Society
60-66 Hunter St (former CML Building)	√	√	√	√ AIA (NSW Chapter), National Trust, Art Deco Society
19-21 O'Connell St (Public Trust Office)	√	√	√	√ Art Deco Society
64-66 Pitt St (former Bank of NSW)	√	√	√	√ National Trust, Art Deco Society
33-39 Hunter St (former Perpetual Trustees)	√	√	√	√ National Trust
12 O'Connell St Manufacturers House	√	√	√	√ Art Deco Society, National Trust, AIA
Qantas Building	√	√	▪ (Indicative place)	√ AIA, National Trust

Figure 1 – Heritage Listings surrounding the proposed development site



Picture 1 – Part Heritage Map, Sydney LEP 2005 showing heritage items in the vicinity of the subject site shown in green with identifying markers. The hatched green buildings are listed on the NSW State Heritage Register. The subject site is shaded in red (Source: City of Sydney LEP 2005 annotated by NBRSP+Partners and Urbis)

1.3 Description

The development is proposed to be staged. The description below has been based on the description provided in the Statement of Heritage Impact by Noel Bell Ridley Smith.

The proposed development involves

Stage 2A(i)

- demolition of the existing two buildings on the site– including basements approximately four metres below O'Connell Street frontage and up to six metres below Bligh Street frontage;
- Excavation of the basement for the substation;
- Construction of a shaft and stub tunnel below Bligh Street from the site to the intersection of Bligh and Bent Streets; and Construction of a bridging structure over the tunnels for Stage 1 of the CBD Metro project.
- approval for the following building envelope for the subsequent development of the site during Stage 2A(ii):
 - Construct a building at 33 Bligh Street comprising an integrated EnergyAustralia substation (serving the city east zone of Sydney), located within the basement and podium;

- Basement parking for 45 cars for office and substation users with vehicular level off O’Connell Street;
- Height of substation podium, with height at RL 50.250 above Bligh Street;
- Construct commercial tower above podium with height at RL 147.000 above Bligh Street.

The following Design Statement, prepared by Kann Finch, describes the proposed works:

33 Bligh Street will be an integrated development incorporating a zone substation, being a critical infrastructure project for this precinct of the city, and a commercial development of approximately 25,000 m² net area.

The substation component will be housed within a basement and podium type structure with the podium structure finishing approximately 42m above the Bligh Street frontage and approximately 48m above the O’Connell Street frontage.

The commercial component will rise above the substation to an RL of approximately 147m. The commercial component will be separated from the podium substation with a ‘sky-lobby’ level of approximately 7 metres in height.

The proposed building envelope addresses the minimal spatial and functional requirements of the substation. A setback of approximately 9 metres has been provided to the adjacent heritage building at 31 Bligh Street.

The design development of the building as a whole will address the contextual features of the adjacent buildings in this city precinct in urban design terms of form, materiality and heritage appreciation.

The proposal is described as a concept plan and therefore there have been no details submitted in regard to materials and façade treatments. However given the sensitive and high quality location this is not considered acceptable. The design has been driven by the requirement to house five high voltage transformers and associated access for maintenance. The proposed underground CBD Metro tunnel located below the site also provides constraints on the site in terms of the depth of excavation that can be achieved.



Picture 1 – Proposed Bligh St elevation



Picture 2 – Proposed O’Connell St elevation

1.4 Objections

Following an assessment of the proposal, The Lowy Institute's objections are as follows:

Objections relating specifically to the Bligh St elevation

1.4.1 *The projection of the footprint of the proposed building is further forward of the previously negotiated outcome for the building line on Bligh St;*

In 2008 a scheme comprising a high rise commercial building by Rice Daubney architects was approved by the CSPC. The scheme provided for a setback to Bligh St to allow the new building to fall into the building line set by 31 Bligh St and 37 Bligh St. It also provided for an iconic building with a transparent and generous thru-site link, which would have formed an highly resolved architectural backdrop to Richard Johnson Square, with public art and high visibility which complemented the public square.

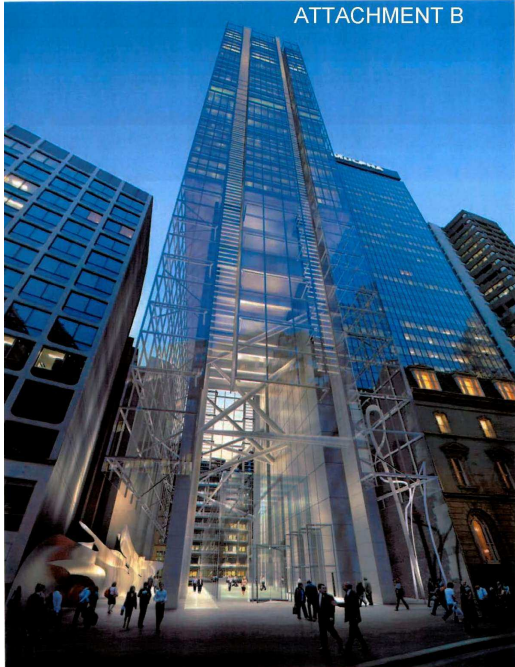
In contrast, the (concept) scheme put forward as part of this application provides for a design based on the requirement to provide a number of electricity transformers and basement service access. Along Bligh St, the requirement for transformer space has resulted in the proposed building being located against the site boundary, which results in the proposed building sitting forward into Richard Johnson Square, as is the case of the existing building. This situation is not satisfactory as the previously negotiated scheme provided a setback which should now be considered the minimum requirement for reducing the impact of any high rise proposal on Richard Johnson Square and the Lowy Institute Building at 31 Bligh St.

The views to and from Hunter St, as described on pages 1 and 31 of the Design Report, illustrates the overpowering impact of the proposed bulk and solidity of the proposed building on the view to Richard Johnson Square from Hunter St, and the impact on views to 31 Bligh St from Richard Johnson Square and Hunter St. While the existing building follows the same boundary line as proposed, it comprises a tall colonnade at ground level which provides transparency that assists in minimising the impact on Richard Johnson Square and 31 Bligh St.

Figure 2 – Bligh Street Elevations



Picture 3 – Existing Building from Hunter St



Picture 4– Previously approved building (2008)



Picture 5 – Proposed building from Hunter St



Picture 6 – Proposed building from Bligh St

1.4.2 The design of the Bligh St podium and the lack of active uses in the podium fronting Bligh St, including the poor resolution of the setback against 31 Bligh St;

The requirement to provide for the bank of transformers has resulted in a 42m high wall of blank façade to Bligh St across the width of the site and 48m high wall of blank façade to O'Connell Sts with two driveways, one of which has an extremely high opening. The current scheme provides no detail in regard to how the proposed blank facades would be treated and how the impact of this major infrastructure would be mitigated in this vibrant and historically significant city precinct.

While there have been no details provided in regard to the façades it is likely that there will be service hatches, air vents etc all of which will dictate that the primary facades of the podium will be highly utilitarian in character and not relate to the existing articulated and architecturally significant streetscapes.

The proposed recess on the north east corner of the Bligh St elevation is intended to provide a visual separation between the new building and the State Heritage Listed heritage item at 31 Bligh St, and to mark the entrance to the office tower. However, while the principle is supported the resolution of this recess is not considered successful. There has been no modelling provided to demonstrate the impact of this recess at pedestrian level however it is our assessment that it will be a cavernous and unwelcoming space due the small footprint and the fact that all facades are blank (except for the entry doors), and the single column adjacent to 31 Bligh St will only serve to emphasis the height of the podium against 31 Bligh St. The recess will not ameliorate the impact of the bulk of the building on the amenity of Richard Johnson Square.

1.4.3 The lack of active uses and poor spatial quality of the spaces of the ground floor of the proposed building, and the lack of provision of a thru-site link;

The previously approved 2008 scheme provided for the addition of a ground floor atrium that would have essentially been a new public space in the precinct. The previous applicant had also undertaken to provide an upgrade to Richard Johnson Square. This should be considered the benchmark against which other proposals are measured.

The current proposal does not provide a through site link, and the current design has not allowed for any sort of civic space that would correspond to the standard of building as previously approved. The primary uses proposed on the O'Connell St level of this current proposal include substation and transformer bays and service driveway, plant and equipment, substation cable risers and vehicle access to carparking. There is no access to the commercial tower from O'Connell St. The primary uses proposed on the Bligh St level include an office lobby and lifts, transformer bays, vents, cable risers and other service areas.

1.4.4 The erosion of the quality of the public space of Richard Johnson Square and the impact on the presentation of the public space resulting from the proposal;

As discussed above, the primary impact on the quality of Richard Johnson Square is the alignment of the proposed building as a solid mass on the existing east boundary, which is considered unacceptable.

The amenity of Richard Johnson Square, a listed townscape item, will be severely compromised by the bulk and solidity of the proposed podium.

Objections relating to other aspects of the building design

1.4.5 *The staged planning and building approval which runs the risk that only the podium will be constructed, which would be a poor outcome in the streetscape;*

Any staging of the approvals for this proposal should ensure the most successful outcome for the adjacent heritage buildings. Construction of the podium only, for example, would be a poor outcome in the streetscape and assurances must be provided that this could not be an inadvertent outcome of the staged approvals.

1.4.6 *The Statement of Heritage Impact by NBRS states design principles but does not assess the proposal against them*

The Statement by NBRS notes a number of important heritage and urban design constraints presented by the proximity of 31 Bligh St to the development site. These are noted in italics below, with Urbis' response underneath each point.

- *The necessity for recognition of the established scale of the Club building in the design of any new structure on the adjoining site in context in the street.*
- *A recognition of the dominant existing horizontal divisions of the Club facade.*

Due to the requirement to locate five transformers on a narrow site the design has been a response to technical concerns rather than to the important location in the city. There is no opportunity to design the building in regard to its neighbours unless the transformers are set well within the site to provide for an articulated elevation. It is considered that the combination of the podium and tower sitting against the east boundary emphasises the fact that the building does not recognise the scale of 31 Bligh St or its context in the street

- *Consideration of the proportions of openings and vertical elements in the new work to harmonise with the existing building without imitating or detracting from it.*

No openings are possible in the current design due to the transformer location and services requirements such as vents which will not achieve the required outcome.

- *The necessary use of compatible recessive materials and façade detailing to compliment the surrounding established architectural character and to limit any impact on perception of the heritage qualities of the item.*

It will be difficult to provide for a recessive design with such a large and solid podium that protrudes into the square. A comparison of recent substations in the city provides evidence that this is a solid façade proposed to be inserted into the streetscape, with the associated loss of views to and from 31 Bligh St.

1.4.7 *Remnant stone façade - O'Connell St*

The provenance of the remnant section of stone façade in O'Connell St should be investigated and, assuming it is from a previous building on the site, it should be reused on the site. This has not been addressed in the HIS by NBRS.

Other Issues relating to the Application

1.4.8 *Need for referral to the Heritage Council*

Condition 3f of the DGRs for the approved grid network concept plan requires that preparation of future Project Applications be undertaken in consultation with the Heritage Council. It is understood that to date this matter has not been referred to the Heritage Council for consultation. Due to the large number of State Heritage listed items in the vicinity it is considered that this process is essential.

1.4.9 *The established planning principle that, in the context of a heritage-listed site in a heritage streetscape, a Stage 1 application does not provide enough information to be properly assessed*

The above planning principle was established by the case of *Anglican Church Property Trust v Sydney City Council* [2003] NSWLEC 353, where it was determined that details of design are required to be fully comprehended in order to establish the implications on a heritage item or heritage streetscape. Therefore the proposed two-stage application is not appropriate for this site.

1.4.10 *Dilapidation report*

The Lowy Institute requests that the applicant be required to use a consultant nominated by the Lowy Institute for preparation of any future dilapidation report for 31 Bligh St.

1.5 Merits of other options

A report has been prepared by Professor Alex Baitch of BES (Aust) Pty Ltd on behalf of the Lowy Institute which demonstrates how Energy Australia's technical requirements can be achieved using different transformer configurations. Three sketch options have been put forward and the heritage implications of these options vary.

Option one provides for the podium alignment to be set back to an appropriate building line fronting Bligh St. The tower would also be setback to this building line which is a more appropriate response in the streetscape. The entry recess therefore becomes less cavernous. However the impacts on O'Connell St have not improved, and both the Bligh and O'Connell St facades remain as blank facades. There is no improvement in the ability to provide a generous thru-site link.

Option two also provides for the podium and tower alignment to be set back to an appropriate building line fronting Bligh St, and allows for active uses to be introduced into the Bligh St elevation at ground level and above. However the impacts on O'Connell St have not been improved with the O'Connell St facade remaining as a blank facade. There may be the ability to provide a generous thru-site link as a major redesign of the podium configuration would be required.

Option three again provides for the podium and tower alignment to be set back to an appropriate building line fronting Bligh St. However the impacts on O'Connell St have not been improved, and the O'Connell St facades remain as a blank facade. The ability to provide a generous thru-site link is removed under this option.

In response to the impact on 31 Bligh St, Options two and three provide the opportunity in urban design terms to achieve a better outcome for Bligh St, although it is recognised that Option three removes the ability for a thru-site link.

1.6 Conclusion

In conclusion, it is considered that the two-stage process has not provided adequate information to assess the impacts of the proposal on the surrounding sites of local and State heritage significance. It is understood that Heritage Council involvement has not been sought and this is contrary to the established DGRs for the proposal.

The information provided in the submitted Design Report clearly indicates how detrimental the tower and podium envelope will be on the setting of 31 Bligh St, and the requirement for the number of transformers will not allow for the design and heritage objectives as outlined in the submitted Statement of Heritage Impact to be met.

The sensitive urban design issues relating to 31 Bligh St, Richard Johnson Square and 60-66 Hunter St were professionally resolved with the City of Sydney and adjacent building owners in the previously approved scheme, and provided an exemplary urban design and architectural outcome. The benchmarks set by that process should now be considered the minimum requirements in terms of envelope, design and permeability for the site.

Yours sincerely,

A handwritten signature in black ink, appearing to read 'Stephen Davies', is positioned above the typed name.

Stephen Davies
Director