



7 June 2021

Mr Jim Betts

Secretary of the Department of Planning, Industry and Environment

Attention: Karl Fetterplace

**Objection to SSDA 34196 50-52 Phillip Street New Hotel/Residential  
Building Stage 1 Concept DA**

Thank you for the opportunity to comment on the above proposal currently on public exhibition. I object to the proposal for the following reasons:

Issue/Impact		Description	Action
1	Adverse Impacts on Heritage of the Astor	<ul style="list-style-type: none"><li>the proposed building will adversely impact the character and appreciation of the urban context which reflect the prestige address and design of the Astor</li><li>The proposed building will<ul style="list-style-type: none"><li>dominate the skyline and immediate urban setting of the Astor</li><li>erode the appreciation of the Astor as an early high-rise design</li></ul></li></ul>	I request the Department refuse consent for the application
2	Adverse Impacts on Nearby Heritage Items	<ul style="list-style-type: none"><li>the proposed building will be a massive intrusion into the historic site containing 50 Phillip Street;</li><li>the proposed building will dramatically change the historical and contemporary appreciation of 50 Phillip Street – the proposed building will extend over more than half the length of the historic Phillip Street elevation</li><li>while some of the proposed building is either located on 52 Phillip Street or above 50 Phillip Street, the proposal also involves a massive structural column inserted into a light well at the rear of 50 Phillip Street;</li><li>the proposed infill structures at the back of 50 Phillip Street will erode the integrity of the heritage building stock;</li></ul>	I request the Department refuse consent for the application
3	Adverse Impacts on the Heritage Context	<ul style="list-style-type: none"><li>the proposed building will intrude into the appreciation of the broader complex which includes 121 Macquarie Street;</li><li>the proposed building will dramatically erode the contribution of 50 Phillip Street as part of the dominant element in the Victorian streetscape;</li><li>the proposed building erodes the appreciation of 50 Phillip Street as a free-standing building, and its role as a backdrop to the First Government House site;</li><li>the proposed building and its massive intrusion</li></ul>	I request the Department refuse consent for the application



		<p>into the historic site containing 50 Phillip Street impacts an important part of the National Heritage listed colonial townscape.</p> <ul style="list-style-type: none"> <li>the proposed building will dramatically change the historical and contemporary appreciation of 50 Phillip Street, and will also intrude into the appreciation of the broader complex which includes 121 Macquarie Street.</li> </ul>	
4	Adverse Impacts on Residential Amenity of Astor Apartments	<p>The proposal will:</p> <ul style="list-style-type: none"> <li>diminish and foreshorten views from the western apartments and the rooftop communal open space;</li> <li>diminish the privacy and utility of western apartments;</li> <li>and change and intensify the use of Phillip Lane with adverse noise, traffic and safety impacts.</li> </ul>	I request the Department refuse consent for the application
5	Uncertainty regarding the final design	<p>The providing of an envelope within which buildings of any shape, colour, fabric, materiality, finishes, proportions or design might emerge, is not sufficient to make a proper assessment of impacts in such a significant heritage context – it cannot be made on the basis of an envelope alone. If the Department were to do so, I say not only would it be erring, but it would also be acting in a manner contrary to the NSW Land and Environment Court Planning Principle established in the judgment for Anglican Church Property Trust v Sydney City Council [2003] NSWLEC 353 at 58-59, destabilising the very planning system that it is charged with managing.</p>	While building envelopes may be suitable for Stage 1 applications in many circumstances, they are not suitable for the development of important heritage sites. I ask the Department to refuse consent to any application for an envelope in the absence of certainty regarding the final design given the highly significant heritage context.
6	Lack of slip in the proposed envelope	<p>The EIS describes that the envelope contains the gross floor area equating to a 15:1 floor space ratio. The ADG at Section 2B describes that building envelopes should be 25-30% greater than the achievable floor area to allow for building components that do not count as floor space but contribute to building design and articulation. But the EIS is vague on the difference in volume between the envelope and the GFA. Any lack of slip in the envelope is likely to limit any potential for design expression in Stage 2. Once a building envelope is given Stage 1 consent, economic pressures are likely to ensure that the detailed building designed for Stage 2 will fill the envelope increasing the likelihood of a bland design that looks like the envelope rather than a properly articulated building.</p>	I request the Department refuse consent for and envelope on this site in the absence of certainty about the Stage 2 design.
7	Inappropriate timing for the	For the complexity of the site and its constraints, I say that the time for design alternatives is in the	I request that if the Department is of a



	Design Competitive Process	design of the envelope rather than Stage 2. Further, with the envelope set and the EIS and design report seeking to constrain the materiality of Stage 2 (glass tower, masonry base) I seriously question what scope there is for a bona fide design competitive process.	mind to approve an envelope only for Stage 1, this is the appropriate time for any design competition rather than Stage 2.
8	Failure to demonstrate Good Design	<ul style="list-style-type: none"> <li>• The tower envelope is 100% a function of the site boundary and the sun access planes with the limits of the structural cantilever rather than a genuine exploration of what tower form, if any, achieves the best fit for its context on the edge of the city skyline and the best compatibility with the nationally significant heritage setting.</li> <li>• The lower levels are a function of the huge structural requirements of the core needed to cantilever such an overwhelming form rather than a genuine exploration of what form best provides a high quality and harmonious fit with the nationally significant heritage context.</li> <li>• While I recognise that the indicative design architects are well renowned, I believe that they have been asked to design something that is flawed as a concept.</li> </ul>	I request the Department refuse consent for the application
9	Poor Self Assessment under the EPBC Act	I consider the heritage impacts to of the proposal to constitute a significant impact within the meaning of the Commonwealth <i>Environment Protection and Biodiversity Conservation Act 1999</i> requiring a referral under Part 7 of the Act however it appears the applicant has not referred the proposal, preferring to do this at Stage 2, however the current stage seeks approval for most of the major impacting elements of the proposal.	I request that the Department either obtain independent heritage advice on this matter or alternatively to require the applicant to refer the matter to the Commonwealth now, at stage 1.
10	Failure to provide information required by the SEARs	The Environmental Impact Statement's Visual Impact Assessment is inadequate as it fails to provide any analysis or depictions of view impacts from nearby residential uses, the nearest of which is the Astor, contrary to the Secretary's Environmental Assessment Requirements. It is unreasonable to expect residents to evaluate the proposal when potential impacts already foreshadowed in the SEARs are not then described in the EIS.	I request the Department to stop the clock on the assessment of the proposal until this information is provided and that when it is, it should be notified to affected persons for 28 days to allow them time to comment on it.
11	Heritage Assessment	<p>I disagree with many of the findings of the heritage impact assessment, particularly:</p> <ul style="list-style-type: none"> <li>• its assumption that tall buildings next to heritage items are acceptable on the basis that the city already has many such examples</li> <li>• its lack of concern regarding the encroachment of the proposed tower over 50 Phillip Street</li> </ul>	I request the Department to require an independent Heritage Assessment to be undertaken to determine if the conclusions of the HIS are representative, and that it not determine



			the application until it has the benefit of this independent perspective.
12	The Proposal fails to demonstrate Orderly and Economic Development of Land	<p>The objects of the Act which include seeking orderly and economic development of land, however:</p> <ul style="list-style-type: none"><li>• The proposal is fundamentally flawed as a concept, with an absurd structure overwhelming a heritage item in an inharmonious, ungainly way and that tower unnecessarily stretched to a maximum height with at least 20m non-habitable transfer floors, all justified by providing funds to conserve and adaptively reuse 50 Phillip Street despite the severe adverse heritage impacts arising. However recent changes to the City's Heritage Floor Space scheme, which allow Government owned buildings to participate in the scheme, could provide significant funding for its conservation without needing a ridiculous and offensive tower. Consideration of alternative funding to conserve 50 Phillip Street is a serious omission from the consideration of alternatives required in the EIS.</li><li>• The elephant in the room is that an appropriate site for a tower would be obtained from amalgamating 52 Phillip street and the site to immediate south – 52 Phillip Street is frankly too small for the proposed tower, and the heritage items are all inconveniently located so that the tower has to overhang them and pretend it has no impact on them while it consumes a gigantic but undisclosed proportion of the project producing the outrageous amount of structure required to hold it up – the cost of the cantilever should be disclosed as part of the EIS consideration of alternatives.</li></ul>	I request the Department refuse consent for the application
13	Treatment of Phillip Lane – nil active frontage and likely CPTED risk	<p>The lack of activation of Phillip lane is a major failing of the design which includes an extremely tight driveway the turning circles of which seem optimistic at best and a 100% inactive frontage containing only blank walls screening vehicle accessways, a loading dock and a substation that does not appear to meet Ausgrid access guidelines. While I accept the service nature of Phillip Lane, it is our view that 100% inactive uses is not an outcome that is in accordance with accepted community standards and does not represent good design and is completely at odds with the Crime Prevention Through Environmental Design statement provided in the EIS.</p>	<p>I request the Department not to approve the proposal unless it achieves active uses for at least 20% of the Phillip Lane frontage.</p> <p>I request the Department not to approve any private car parking reducing excavation risk, construction noise and providing long term environmental benefits.</p>





			I request the Department not to approve the proposal unless it relocates the loading dock to be internal to the site instead of occupying a large frontage of Phillip Lane.
14	Inadequate separation between the proposed lower podium infill on Phillip Lane and the residential uses of the Astor	The separation distance between the existing residential apartments of the Astor at the lower levels and the proposed new podium envelope fails to provide the 12m separations required by the ADG. Despite the indicative design, in fact the Stage 1 application does not provide certainty regarding the use of these spaces. Accordingly the assessment in the EIS regarding visual privacy is fundamentally flawed and the envelope should not include any new building massing on Phillip Lane unless it is set back 12m from the Astor's windows. A design which at Stage 1 has separations less than those the ADG clarifies are good design practice and which is already resorting to screening to achieve privacy instead of achieving adequate separation is indicative of poor design and should not be approved.	I request the Department not to approve the proposal unless it achieves at least 12m separation from windows of the Astor up to level 4, 18m from levels 5-9 and 24m above that for any new building forms.
15	Privacy impacts on the rooftop communal open space of the Astor	The EIS has not considered the potential for privacy impacts between the proposed tower and the rooftop communal open space of the Astor. It notes that the first hotel floor is at RL71.80m and the last residential floor of the Astor is at RL69.75m. In other words, the rooftop of the Astor and the hotel's lowest rooms are essentially on the same level. The downward sloping facade of the tower's lower forms will also inappropriately focus views from the space behind towards the Astor rooftop emphasising privacy concerns despite the separation distance. Astor residents and visitors should be able to use the existing rooftop space without feeling scrutinised.	I request the Department not approve the application unless the design is amended to provide greater vertical separation between the Astor rooftop communal open space and any rooms with downward sloping glazing.

Given the number of impacts and their seriousness I strongly urge the Department to refuse the application. Thank you again for the opportunity to provide comments.

Yours faithfully

