

Application Number SSD-10464

50-52 Phillip Street New Hotel/Residential Building Stage 1 Concept DA

Statement of objection

I object to the Concept Application on the multiple grounds stated below. I did not object in principle to the proposal as stated in the original SEARs application.

Introduction

The description of the proposal surpasses that of Xanadu in Coleridge’s dream:

It was a miracle of rare device,
A sunny pleasure-dome with caves of ice!

I feel like “the man from Porlock” who interrupted Coleridge’s dream. As a resident of The Astor for 30 years, I can see that the Concept Application has overlooked many relevant documents.

The application must consider impacts on the Chief Secretary’s Building in its entirety

Until 1969, the Chief Secretary’s Building and 50 Phillip St were treated as one entity, known as the Chief Secretary’s Building. There is one entry on the State Heritage Register, not two. There is also only one entry in the LEP, though section 2.2.2 of the Environmental Impact Statement tries dishonestly to pretend otherwise.

Entry in LEP heritage list:

Sydney	Former Chief Secretary's Building including interiors, courtyard and carriageway	121 Macquarie Street (and 50 Phillip Street)	Crown land in S268 858R, Lots 32-34, DP 984186	State	I1872*
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The Environmental Impact Statement says that 50 Bridge Street “is known as the Former Public Works Offices”. Known by who? Not by residents of The Astor. We often pass this sign at the Bridge Street public entrance to the Chief Secretary’s Building:



There is no physical separation, the complex was built in stages, but always as a single entity. The development now proposed would split this historic building into two.

Inadequate documentation

The Concept Application should respond to all matters critical to the assessment of the proposal. There is insufficient information:

- The heritage impacts on the portion of the site occupied by Phillip Lane, and in particular the change in profile of the Lane and the loss of the original paving and trachyte kerbing.
- No mention of the archaeological report on Phillip Lane by Bickford. No check of Council records on the re-surfacing of Phillip Lane in the 1860s has been included.
- The impacts on equitable access for people using Phillip Lane to reach the equitable access to The Astor further up the Lane.
- The traffic impacts on Phillip Lane, and the intersections with Macquarie Street and Phillip Street.
- The easement rights in relation to the portion of Phillip Lane within the site, and what access rights it is proposed to guarantee other users of Phillip Lane.
- No swept curves for the bend at the southern end of Phillip Lane, which constrains the size of vehicle that can enter Phillip Lane.
- Controlling the size of vehicle entering Phillip Lane to avoid stuck vehicles impeding access for others.
- The impacts on the development potential of Hudson House (conversion from commercial to residential use as proposed in the past) and various possibilities in the case of The Astor.
- Noise impacts from traffic in Phillip Lane, especially service vehicles at night.
- The employment data required by the SEARs has not been provided.
- If it is to be a 6-star hotel, there must be valet-parking. The Concept Application does not explain how valet parking is to be provided when the parking spaces are allocated to the residential units.
- Insufficient information on the façade materials.

The remaining sections of this submission provide information on some of these information gaps. Photos at the end of the submission provide supporting information.

Incorrect and misleading statements about The Astor

Masonry

The Application refers to The Astor as being constructed of rendered masonry. This statement is incorrect. It is constructed of reinforced concrete. This may seem irrelevant, but it is not. The Astor is a significant building partly because of its pioneering use of reinforced concrete. Had it not been for the skills of four young and distinguished engineers (A J Hart, William J Adams, A S Macdonald, and A C Lewis) a concrete building the height of The Astor could not have been built a hundred years ago. Hart died young, but the other three went on to transform the city with high-rise buildings. Construction of a 47-floor building next to the 13-floor Astor diminishes interpretation of the latter as the highest building in Sydney for many years and as a pioneering engineering structure. The Concept Application also demonstrates a lack of respect for The Astor. When the Premier of NSW opened the building in 1923, he quipped at the tea party on the roof that it was as near to heaven as he was ever likely to get. What is absent from this application is any sense of wanting to work with neighbours to achieve a mutually beneficial outcome.

Built-to-boundary

Another misleading statement in the Concept Application about The Astor is that it is “built-to-boundary”. The implication is that the impacts of the Concept Application on the privacy and daylight of the lower units on the west side of The Astor are somehow the fault of The Astor. However, The Astor is no more built-to-boundary than is 50 Phillip St. Both buildings have lightwells and a service yard/loading dock accessed from Phillip Lane. Both have windows on the boundary. The function of the lane was to access service yards on each lot (see photo appendix to this submission). The Concept Application subverts this function by using it for the principal entrance to the building, dramatically increasing the traffic on Phillip Lane. The design of The Astor was faithful to the standards that applied at the time. It was perfectly reasonable for the architects of The Astor to assume that the service yards would stay and not be built over.

Residential use on this site is inappropriate

Hotel use is acceptable (subject to comments about respecting the unit. Residential use:

- Is inconsistent with the Central Sydney Planning Strategy, which gives priority to employment uses.
- Introduces the need for mechanical car parking, which would have noise impacts on The Astor and additional traffic impacts on Phillip Lane.
- Requires additional garbage collection vehicles to use the loading dock, and it extends the time when the loading dock is in use, adding to the noise impacts.
- Compromises the scale of the hotel lobby by requiring a separate residential lobby.

The proposal would compromise the development potential of adjoining properties

The SEARs requires that the proponent to demonstrate how the future development potential of adjoining properties would not be compromised by the proposal. The proponent has not considered whether the proposal would compromise the development potential of The Astor. The Astor has considered five potential developments, all of which the 50-52 Phillip St development would compromise:

1. Restoration of the roof garden, with a swimming pool
2. Restoring the archway on Phillip Lane to its original configuration to allow on-site loading and unloading.
3. Construction of basement parking accessed through the Phillip Lane gate
4. Construction of an additional residential maisonette unit on two floors on the southern side of the building, with front door at level 13.
5. (when redevelopment of the adjoining Hudson House for residential use is next proposed as it has been in a past development application), shared facilities.

The 50-52 Phillip St proposal is of such a scale that it sequesters all the remaining traffic capacity of Phillip Lane for itself, compromising the development potential of adjoining sites. This is unacceptable.

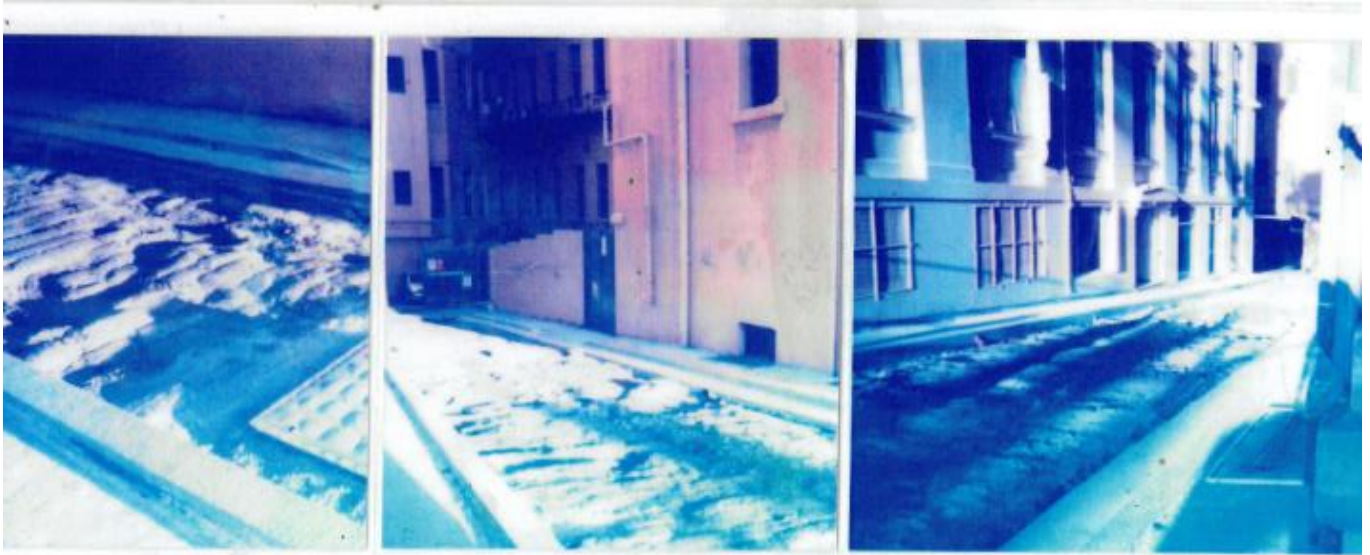
Heritage impacts on Phillip Lane unacceptable and avoidable

Apart from the sewers, Phillip Lane is the oldest structure on the site by about 20 years. In the application documents “upgrade” is the usual developer-speak for replacing anything built before 2000. The first portions of the current buildings were constructed in 1880. Phillip Lane was probably constructed in the late 1850s. Council records refer to the kerbing and guttering of the Lane in 1867. Photos from dating back to before 1870 show kerbing already in, well before construction of the foundations to the Colonial Secretary’s Building commenced in 1874. Many original features of Phillip Lane remain. These remaining items are important.

CONCLUSIONS IN BICKFORD ARCHEOLOGICAL REPORT ON PHILLIP LANE

6.3.4 Conclusions

- 1) There are significant heritage values at this site related to:
 - cobblestones at a gate into the Chief Secretary’s Building yard,
 - sandstone flagging of the side lane east of this gate,
 - kerbs and gutters around the laneway junctions comprised of three different stone types.
- 2) The bluestone cobbles, together with the bluestone flagging to the east and the sandstone gutter to the south, should be retained and preferably exposed.
- 3) The sandstone flagging should be retained and covered. Its significance is enhanced by the overlying tar-macadam, and in any case it would probably be impractical to clean the flagstones off and use the surface for vehicular traffic.
- 4) Runs of sandstone kerb-and-gutter as in Phillip Street West are already rare in the CBD, and this example is relatively protected from damage. It should be retained if practicable.
- 5) The formed kerbing blocks of bluestone and trachyte around the T-intersection are an excellent example of practices which are rapidly being “concreted out”; they have much enhanced significance here in association with the runs of sandstone kerbing, the cobblestones and the sandstone flagging.



Sandstone pavement in Phillip Lane

Inadequate employment figures for the operational stage of the development

According to the SEARs:

The EIS must also be accompanied by a report from a qualified quantity surveyor providing:

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- an estimate of jobs that will be created during the construction and operational phases of the proposed development
- certification that the information provided is accurate at the date of preparation.

The Quantity Surveyor's report provides no estimate of the number of jobs that will be created.

According to the Traffic Impact Statement:

The hotel will have up to 200 staff on site at peak times covering hotel, bar and cafe.

As 50 and 52 Phillip St currently accommodate well over 200 workers, it cannot be said that the project contributes to employment growth.

It is wrong to appropriate a right-of-way for a porte cochère

The Traffic Impact Assessment proposes appropriating a portion of Phillip Lane as a Porte-cochère. Portes-cochères are commonplace in the city centre. However, none of them appropriate a right-of-way. The Traffic Impact Assessment

The Traffic Impact Assessment underestimates the traffic generation

According to the TfNSW Guide to Traffic Generating Developments there is a large variance in the traffic generation rates of hotels. This is to be expected; trip generation will vary with occupancy rates and other factors. The Traffic Impact Assessment refers to the availability of public transport. However, as the proposal is for a 6-star hotel it is unlikely that guests will be using public transport. No allowance has been made for this. Also, both these hotels have parking facilities, so it is not clear that they are good indicators of trip pick-up and drop-off trip generation.

In the case of the loading dock the Traffic Impact statement describes the provision but no assessment of the demand that a 6-star hotel would generate.

The Traffic Impact Assessment has not considered the operation of Phillip Lane

It is agreed that the proposal will have little impact on the operation of the surrounding streets. However, the key traffic problem is the operation of Phillip Lane. Unlike the nearby InterContinental Hotel Porte Cochère,

pick-up and drop-off traffic will use the same Phillip Lane exit route as the hotel car park traffic, the hotel loading dock exit traffic, and the Hudson House public car park exit traffic. The Traffic Impact Assessment has not provided an intersection analysis for the Phillip Lane and Macquarie St intersection, the operation of which is impaired (a) traffic queuing to pass through the nearby Macquarie and Bridge intersection and (b) traffic from Phillip Lane hoping to turn right into Macquarie St.

Sometimes, Phillip Lane is blocked—see photo in photo below. This is not a problem with which the InterContinental Hotel must contend.



No explanation of how valet parking would operate

The EIA refers to valet parking being part of the proposal, which is to be expected for a 6-star hotel. There is no explanation of how valet parking would operate given that there will be no on-site parking for guests. It is presumed that use would be made of parking spaces in nearby commercial buildings that are under-utilised overnight. However, valet parking would add to the traffic generation, especially as it involves an arriving and departure vehicle trip for every guest movement.

The Concept Application offends the principles of the Burra Charter

The Heritage Council of NSW advises the Minister on heritage matters. In 2013 the Heritage Council endorsed the Burra Charter as underpinning all applications for change to items on the State Heritage Register. The Australia ICOMOS Charter for Places of Cultural Significance, The Burra Charter, 2013, and the associated series of Practice Notes provide a best practice standard for managing cultural heritage places in Australia. The proposal offends articles 2, 3, 7, 8, and 10 of the Charter.

Podium envelope

The podium envelope must be reduced so as not to allow any rear extensions to the heritage building.

The proposals on façade materials are inadequate

The Environmental Impact Statement states:

The materials of the tower will be carefully selected to reduce the visual impact of the proposed tower over the heritage building. These will be further refined through the competitive design process and in the Stage 2 Detailed SSD DA.

Alas, it does not say that the visual impact will be insignificant.

I endorse the comments of the Heritage Council on façade materials:

While it is understood that only a concept volume is considered at Stage 1 of the SSD, some thought should be directed to possible materials and finishes including a skin for the tower and podium as they would provide essential characteristics that would directly impact the streetscape and the historic character of the draft national heritage item – Governor's Domain and Civic Precinct.

The same point has been made by Senior Commissioner Roseth in the Land and Environment Court. *Anglican Church Property Trust v Sydney City Council*, NSWLEC 353 (2003)—see box below.

Anglican Church Property Trust v Sydney City Council, NSWLEC 353 (2003)

Is the information adequate?

- 58 We accept that multi-stage applications are useful for large or controversial projects as they provide the applicant with certainty about the major parameters of a proposal before it embarks on the expensive exercise of preparing detailed drawings and specifications for a development application. The critical issue is: how much detail should be provided in the Stage 1 application as against the Stage 2 application?
- 59 The principle we have adopted is that in multi-stage applications the information provided in Stage 1 should respond to all those matters that are critical to the assessment of the proposal..... In our opinion, two building envelopes, within which buildings of any shape or design might emerge, are not sufficient to make a proper assessment....
- 62 There is another reason why the design of building envelopes is the worst possible first step in planning this site's redevelopment. A building envelope is, by its very nature, a bland, block-like shape that is the antithesis of the intricate, sculptured neo-Gothic architecture of St Johns Church. 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. This increases the likelihood of a bland and block-like design.
- In our opinion, while building envelopes may be suitable for Stage 1 applications in many circumstances, they are not suitable for the development of this important heritage site.

Pedestrian use of Phillip Lane has not been considered

In 2000, Council considered major building developments at 88 Phillip St and 155 Macquarie St. In conjunction with this, Council considered traffic management in Phillip Lane (see box). The proposal for 50-52 Phillip St has given no consideration to the traffic management of Phillip Lane.

8 November 2000

File No : S002407

The Occupant/Owner

Dear Sir/Madam

PROPOSED SHARED TRAFFIC ZONE IN PHILLIP LANE, SYDNEY

The City of Sydney proposes to introduce a Shared Traffic Zone restriction in Phillip Lane, Sydney as part of the traffic management scheme to upgrade Phillip Lane.

Phillip Lane is to be upgraded as part of building developments at No.88 Phillip Street and No.155 Macquarie Street. Council has previously approved the introduction of a shared pedestrian/traffic zone over a section of Phillip Lane to the south of the new East-West link between Phillip Lane and Phillip Street south of building No.70 Phillip Street. The present proposal is to extend the shared pedestrian/traffic zone to cover all sections of Phillip Lane except the new East-West link between Phillip Lane and Phillip Street south of building No.70 Phillip Street.

The introduction of a Shared Traffic Zone and the associated 10 Kph speed restrictions have the benefit of improving the pedestrian amenity along Phillip Lane as pedestrians have priority over vehicles. Public street lighting will also be upgraded to improve the level of illumination.

A location plan showing the proposal is attached at the back of this letter.

Before making a decision of this matter, the City is seeking the views of those directly affected by the proposal. Any person may lodge with the City a submission or comment, in writing, to the proposal. Submissions should be received no later than 4:00pm on Wednesday 6 December 2000 and addressed to:

The General Manager
City of Sydney
GPO Box 1591
Sydney NSW 2001

Reference No.S002407 should be quoted in all correspondence.

CITY OF SYDNEY

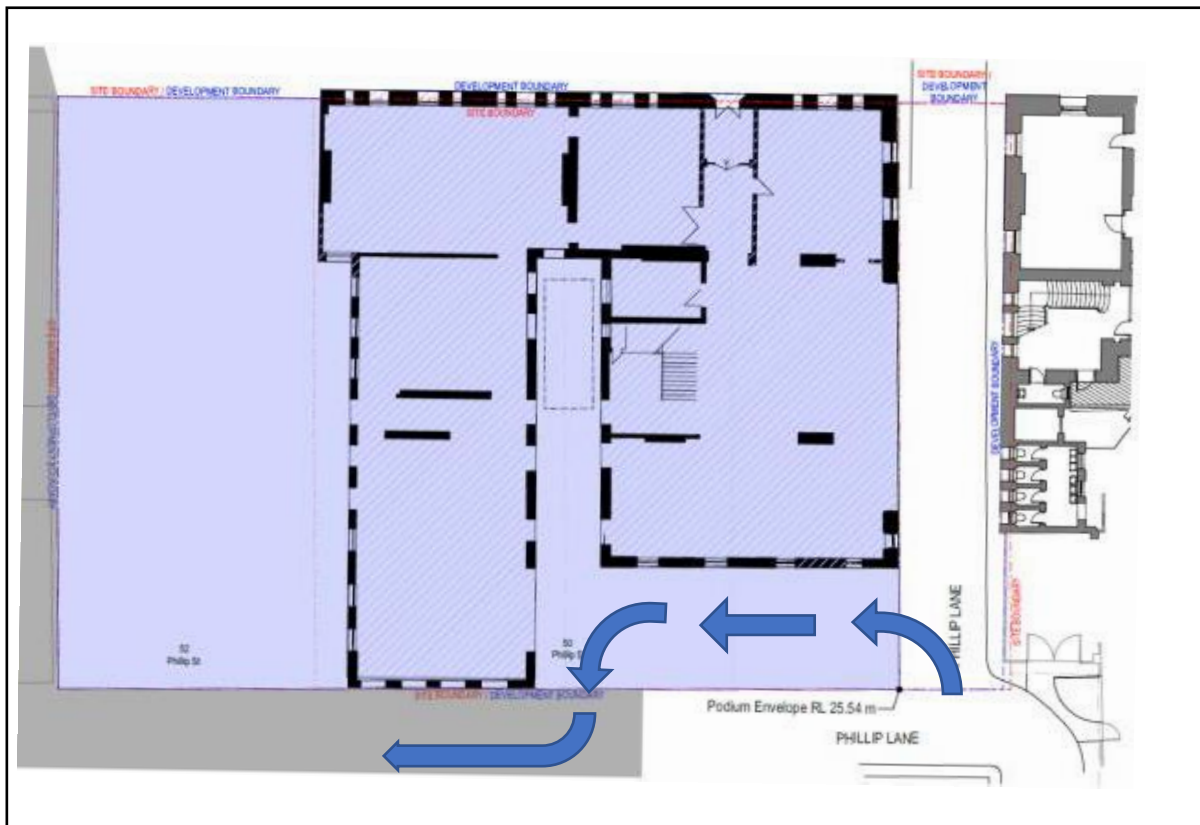
Town Hall House 456 Kent Street Sydney GPO Box 1591 Sydney NSW 2001 Telephone 02 9245 9333 Facsimile 02 9245 9222 w

Many of the adverse impacts are entirely avoidable

An acceptable hotel project would have the following features:

1. No rear extensions at podium level
2. No re-grading of Phillip Lane
3. No residential use
4. On-site pick-up and drop-off
5. No reduction in views of Chief Secretary Building from The Astor or Phillip Lane

The Figure below shows the obvious location for on-site pick-up and drop-off. This works best if the one-way direction on Phillip Lane is reversed, so that vehicles arrive at the drop-off directly rather than travelling the length of Phillip Lane. This pick-up and drop-up arrangements requires minimal removal of significant fabric.



Macquarie St looking towards Civil Service Club and Phillip Lane



The Civil Service Club opened in 1864, and this photo was probably taken soon after, probably 1867.

Construction of 127 Macquarie St has not commenced.

It can be seen that Phillip Lane has been graded.



1869

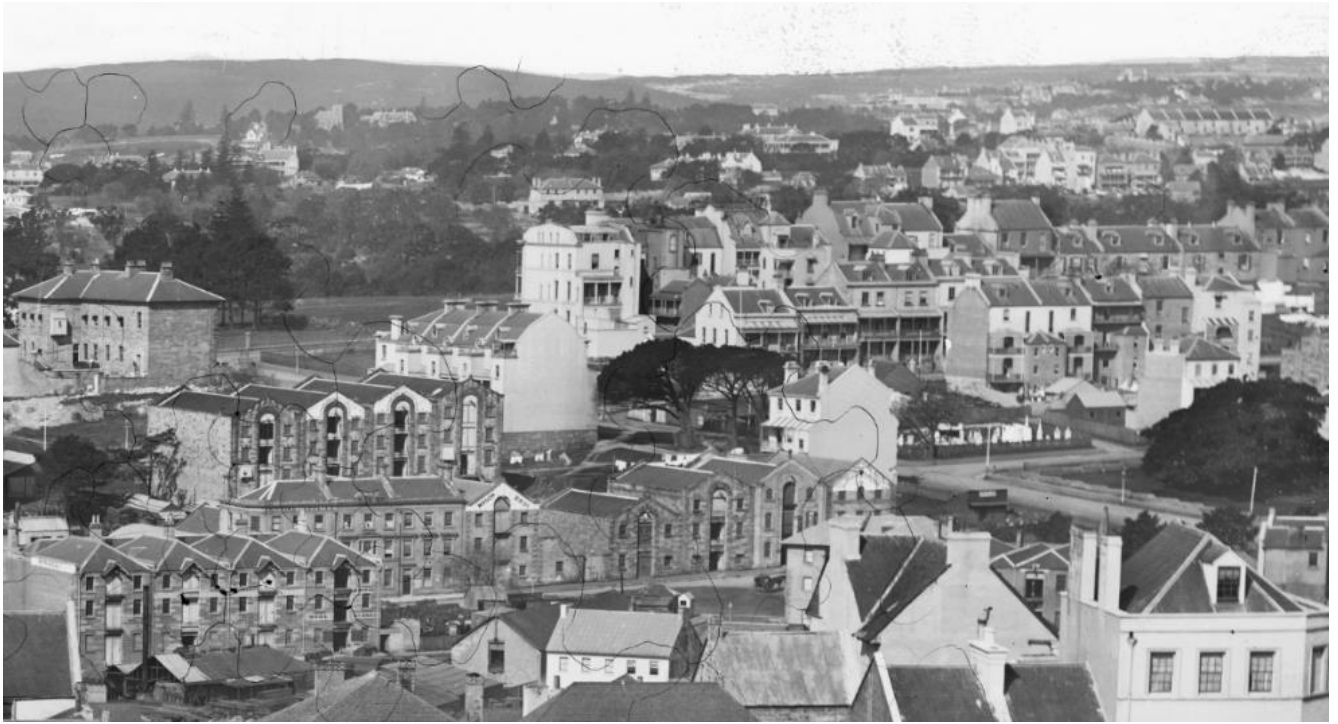
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Note that the site of the Colonial Secretary's Building has been fenced off



1872

The site of the Colonial Secretary's Building has been fenced off, but construction has not started.



View of site of Chief Secretary's Building, 1872

Note that there are buildings both sides of Phillip Lane



View from the roof of the Garden Palace, 1881

The Macquarie St side of Phillip Lane is fully developed



Bridge St, Sydney, looking towards George Street, 1870

This photo shows the site of the Chief Secretary's Building before construction commenced in 1874. The pine trees on the right were within the garden of the first Government House. At middle left can be seen the premises of the monument mason Joseph Chester (between Phillip St and Young St) The Department of Lands building on Bridge St has yet to be built (not until 1876) and the Department of Education Building has yet to be built (not until 1912). The houses on Phillip St and Macquarie St preceded the sandstone government buildings by two decades. Phillip Lane was an essential element of the original 1850s subdivision, and sewers were laid in the lane between 1856 and 1857.