

Taylor Vernon

From: Tim Wise <twise@cityofsydney.nsw.gov.au>
Sent: 21 July, 2017 9:28 AM
To: Jane Fielding
Cc: Petteno, Rosanna; Taylor Vernon; Jane Anderson; Sally Peters
Subject: RE: 4-6 Bligh Street - Planning proposal lodgement

Jane and Taylor,

Standard practice is that before preparing a Planning Proposal request Proponents must seek written pre-request advice from the City.

It is noted that to date whilst some of the following has been covered in meetings, no package of documents containing the following has been submitted for the City's consideration:

- an assessment against the Central Sydney Planning Strategy, Planning Proposal and Draft DCP
- concept level urban design analysis and built form drawings, including indicative site layout, building envelopes, proposed heights and floor space ratio (including a schedule of the areas within the development)
- wind, daylight/sky view factor testing, and
- indicative public benefit offer.

Standard practice is that once we have this information the City may seek comment from the Central Sydney Planning Committee (CSPC), Design Advisory Panel (DAP) and/or VPA steering committee on the merits of the potential Request and public benefit offer.

To lodge a request the Proponent requires a Request to Prepare a Planning Proposal form, Request Checklist and confirmation of fee. These are only provided when the City has provided written advice that the City will support lodgement of a Request for assessment.

Your client's timeframe is noted. It is suggested that what information you do have is forwarded through ASAP so that the City can consider it prior to issuing you with written pre-request advice, a Request to Prepare a Planning Proposal form, Request Checklist and confirmation of fee.

In relation to the proposed planning pathway, please note the following comments (this feedback is provided on the assumption that the issues surrounding the staged development application process raised by the Bay Simmer court case have been resolved).

Planning Proposal

The ability for Council to waive the requirement for a development control plan (stage 1 development application) under Clause 7.20 only exists at development application stage when Council is considering a detailed development application.

To date the City has not received any detailed pre-lodgement information in relation to a planning proposal for 4-6 Bligh Street for review. As such we are in no position to advise whether or not the content of said planning proposal could come close to meeting the requirements detailed under Clause 7.20 to which a development control plan is to address.

As you have noted, by virtue of NSW Government legislation, development control plans do not apply to State Significant Development applications. This situation highlights the absurdity of having 2 separate planning pathways for major development within Central Sydney, and the City encourages the land owner to highlight this absurdity to the NSW Government as a hindrance to investment in Central Sydney.

For Council to be satisfied that the requirement for a site specific development control plan or staged development application process is unreasonable or unnecessary the detailed requirements of Clause 7.20 must be addressed in any application. The City highlights potential issues with this given that:

- a) the requirements of 7.20 are detailed and address matters that normally fall outside of the LEP, and
- b) to elevate the matters detailed within 7.20 to the LEP would require Department of Planning and Environment and Parliamentary Counsel support.

Recent court cases (Bay Simmer and Sir Stamford) highlight the importance of maintaining the integrity of the staged development application process. In determining reasonableness for requiring a staged 1 development application for the subject site the City will follow due process as outlined by clause 7.20 in making its recommendation.

Demonstrating compliance with the Strategy

Demonstrating compliance with the Central Sydney Planning Strategy means demonstrating compliance with the Strategy, Planning Proposal Central Sydney, Draft Central Sydney Affordable Housing Program and Sydney DCP 2012 (Central Sydney Planning Strategy Amendment). An application cannot rely on existing controls for justification.

SEARs

As you have noted, SEARs for the subject proposal cannot be waived as the development constitutes Integrated Development. The earliest SEARs should be requested is after Council and CSPC have approved a post exhibition planning proposal.

Architectural Design Competition

The site must be subject to a full architectural design competition.

Lodge DA for demolition and early works

Clause 7.19 is clear about what situations a demolition development consent can be granted:

- a) when a site specific development control plan is in place, or
- b) when the site will be comprehensively redeveloped under the development consent or an existing consent relating to the site.

Without one of these in place the City cannot issue a consent for demolition.

Pedestrian analysis and Wind Tunnel testing – Detailed reports

Both reports are essential to consideration of the proposal and any proposed non-compliant setbacks. We would accept later submission provided a commitment was provided around their completion within 3 weeks of today. In relation to the Pedestrian Study, it needs to take in the whole intersections at either end of the block and it needs to consider the walking route to the nearest station (ie future Martin Place North Metro).

Regards,

Tim Wise
Senior Specialist Planner
Strategic Planning & Urban Design



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From: Jane Fielding [mailto:Jane.Fielding@architectus.com.au]

Sent: Friday, 21 July 2017 9:19 AM

To: Tim Wise <twise@cityofsydney.nsw.gov.au>

Cc: Petteno, Rosanna <Rosanna.Petteno@coffey.com>; Taylar Vernon <taylar.vernon@architectus.com.au>; Jane Anderson <Jane.Anderson@architectus.com.au>

Subject: RE: 4-6 Bligh Street - Planning proposal lodgement

Hi Tim

I'm just following up Taylar's email below. Is there any chance we can receive a response from you by 11:00am this morning as we have a meeting with the client then to discuss lodgement. Thank you in advance.

Kind regards,
Jane

Jane Fielding
Senior Associate Planning

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From: Taylar Vernon

Sent: Wednesday, 19 July 2017 11:47 AM

To: Tim Wise <twise@cityofsydney.nsw.gov.au>

Cc: Jane Fielding <Jane.Fielding@architectus.com.au>; Petteno, Rosanna <Rosanna.Petteno@coffey.com>

Subject: 4-6 Bligh Street - Planning proposal lodgement

Hi Tim,

I have tried calling but haven't been able to reach you.

I was wanting to advise that we intend on lodging the planning proposal for 4-6 Bligh Street on Friday of next week (28 July).

Some of the reports that we have discussed are currently being prepared and will be provided as soon as they become available. Those being:

- Pedestrian analysis
- Wind Tunnel testing

The level of detail contained within these documents is unusually high for a planning proposal, especially prior to a Gateway determination. In any case, we are happy to provide these and will do so as soon as they have been

completed. At lodgement we will provide the desktop wind analysis that has already been prepared and supplement that with the wind tunnel analysis in approximately 3 weeks.

As we have stressed in the past, timing is pivotal to the project from our client's perspective and we consider that it is important that we submit as soon as we can. We will be providing a high level of detail as part of the planning proposal and it would benefit the project if we could allow Council to begin its assessment and consideration of the information we have prepared.

We need to confirm the scope of the pedestrian study before the survey commences. My understanding is that the study is to encompass the length of the Bligh Street frontage to our site under existing and proposed scenarios. Could you please confirm whether this is correct?

Could you please also advise whether standard process for lodgement of a planning proposal at the City of Sydney is that a cheque be provided at the time of lodgement or whether this is provided later. Also, could you please advise to who the cheque is to be made out – presumably City of Sydney – but it would be appreciated if that could be confirmed.

I will be on leave from today and returning Monday 31 July. If you wish to discuss the proposal in the interim, please contact Jane Fielding who I have copied to this email. I have also copied Rosanna Petteno who is the project manager assisting us on the project.

Thanks,

Taylor Vernon
Senior Urban Planner

architectus™

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