

RESPONSE TO PUBLIC SUBMISSIONS

The application was on public exhibition from 19 January 2017 to 6 March 2017. A total of 41 public submissions were received. A total of 35 unique submissions were received, with 6 objection letters received being replicas of these submissions. The main concerns raised are summarised below:

- Building height, particularly the increase of Buildings B & C from 4 to 6 storeys: **26** objections
- Visual and acoustic privacy: **23** objections
- Vehicular traffic: **20** objections
- Car parking: **18** objections
- Floor space ratio: **18** objections
- Retail use on the ground floor: **16** objections
- Overshadowing / solar access: **16** objections
- Overdevelopment of the site: **14** objections
- Out of character with the local area: **13** objections
- Heritage and poor treatment of the development to date: **12** objections

Table 1 below addresses the concerns raised in public submissions.

Table 1

Response to Public Submissions		
CONCERN	OBJECTOR NO.	RESPONSE
BUILT FORM		
Building height <ul style="list-style-type: none">– Increase in height from 4 to 6 storeys of Buildings B & C	1, 2, 3, 4, 5, 6, 7, 8, 9, 13, 15, 17, 18, 20, 21, 22, 24, 25, 26, 27, 32, 34, 36, 37, 39, 40	<p>The overall height of Building B will increase from 4 storeys to 6 storeys, consistent with the maximum prescribed height limit for the site. Building B will remain obscured from view from both Pitt and Albert Streets by Buildings C and D. This RTS includes further modulation to the upper levels of the built form to ensure its subordination to the Rachel Forster Hospital building and to improve building separation and subsequent visual privacy.</p> <p>The overall height of Building C will increase from 4 storeys to 6 storeys, consistent with the maximum prescribed height limit for the site. Building C occupies the same footprint as the approved development. Its colonnade is setback approximately 22 metres from Pitt Street. The setback from Pitt Street and the step-down from 7 to 6 storeys will make Building C subordinate to Building A and will provide an appropriate transition in scale from the former Rachel Forster Hospital building to the approved residential accommodation adjacent Albert Street. Building C will not be visible from Albert Street. This RTS includes further modulation to the upper levels of the built form to provide an appropriate curtilage for the Rachel Forster Hospital building and to improve building separation and subsequent visual privacy.</p>
Heritage <ul style="list-style-type: none">– Impact of building height upon heritage– Disguises rather than highlight features (such as colonnades)– A poor design response to heritage on and surrounding the site– Insufficient setback to Albert Street diminishes the heritage value of existing houses (Objector No. 17)– Poor treatment of the Rachel Forster Hospital to date (vandalism, graffiti, creating an 'eye-sore' and potential health risks)	1, 2, 3, 4, 10, 11, 17, 18, 20, 21, 22, 38	<p>A Revised Archaeological Assessment has been prepared by Extent Heritage, dated June 2017, and recommends that a plan should be developed for the long-term storage and curation of all recovered historical archaeological artefacts, which remain the property of the owner of the site.</p> <p>Weir Phillips Heritage have directly addressed various concerns raised by the Department of Planning and City of Sydney Council in their initial assessment of the modified proposal. The Weir Phillips Heritage addendum report dated 23 June 2017 notes as follows:</p> <p>... the colonnade is reinstated as a primary element in the front elevation.</p> <p>With regard to retaining the proposed height, it is noted that the additional floors are recessed away from Building A and that the changes made to the design of the elevation beneath the colonnade will provide greater emphasis to this part of the building. Building C will still lie below the height of Building A and read as a building of lesser massing. While the angle of the view along the northern elevation of Building A may be narrowed on approach along Pitt Street from the north from that provided by the approved scheme, it will still be possible to stand on Pitt Street and view the length of the elevation of Building A in its entirety because the proposed additional levels are set back. Building A will continue to be the most prominent building on the site.</p> <p>Adding additional height to Buildings B and C to the approved scheme will not block view corridors towards the colonnade from directly outside of the site on Pitt Street or on approach from the north. Similarly, views of the</p>

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		<i>junction that is formed by the northern elevation of Building A and the eastern elevation of Building C will remain unobstructed. It is this junction, together with the eastern elevation of Building A, which is retained, that form the 'iconic view.'</i>
Floor space ratio (FSR)/ increase in residential density <ul style="list-style-type: none">– Breaches the maximum FSR control	1, 2, 3, 4, 5, 6, 8, 9, 13, 17, 18, 19, 20, 21, 24, 30, 37, 39	<p>The GFA of the development will increase from 13,846m² (approved) to 15,592.1m² (RTS package). The increased GFA will be contained in the additional storeys allocated to Buildings B and C, which are consistent with the maximum prescribed building height for the site.</p> <p>The Concept Plan prescribed a maximum Floor Space Ratio (FSR) of 2:1. The increase in GFA results in a FSR of 2.25:1.</p> <p>The proposed modification will dedicate a minimum 3,993m² (25%) of the development's GFA to affordable rental housing, to be managed by a social housing provider. The quantum of GFA dedicated to affordable rental housing is determined by the volume of GFA that exceeds the prescribed maximum FSR control, consistent with the approach adopted by State Environmental Planning Policy (Affordable Rental Housing) 2009. Whilst not strictly applicable to the site, as the site contains a heritage item, the proposal adopts the principle of the SEPP, which permits an increase in permissible FSR for infill development proposals in which a proportion of the development is dedicated to affordable rental housing. The addition of affordable rental housing to the development addresses an identified local need within the inner city rental market, and application of the bonus mechanism an appropriate methodology to promote the provision of affordable rental housing in this inner city context.</p>
Setbacks <ul style="list-style-type: none">– 'Ignores' setback requirements from Pitt and Albert Street– Insufficient 2.3 metre setback from Albert Street which creates: privacy concerns; diminishes the heritage value of existing houses; creates a 'narrow/dense' street; limits tree growth.	1, 3, 17, 18	<p>The building setbacks from Pitt and Albert Street are unchanged by this application for modification of the concept and project approval.</p>
Overdevelopment/ bulk	1, 3, 4, 14, 15, 21, 22, 25, 26, 28, 31, 33, 36, 38	<p>The increase in building height is consistent with the prescribed maximum building height for the site. The Weir Phillips Heritage addendum report dated 23 June 2017 notes as follows:</p> <p><i>With regard to retaining the proposed height, it is noted that the additional floors are recessed away from Building A and that the changes made to the design of the elevation beneath the colonnade will provide greater emphasis to this part of the building. Building C will still lie below the height of Building A and read as a building of lesser massing. While the angle of the view along the northern elevation of Building A may be narrowed on approach along Pitt Street from the north from that provided by the approved scheme, it will still be possible to stand on Pitt Street and view the length of the elevation of Building A in its entirety because the proposed additional levels are set back. Building A will continue to be the most prominent building on the site.</i></p> <p><i>Adding additional height to Buildings B and C to the approved scheme will not block view corridors towards the colonnade from directly outside of the site on Pitt Street or on approach from the north. Similarly, views of the junction that is formed by the northern elevation of Building A and the eastern elevation of Building C will remain unobstructed. It is this junction, together with the eastern elevation of Building A, which is retained, that form the 'iconic view.'</i></p>
Site coverage <ul style="list-style-type: none">– Building D's footprint exceeds the original hospital outpatient wing which stood there prior to demolition. Building D will extend to the footpath reducing any sense of space.– 'The amount of site coverage is a contributing factor to neighbourhood character. The amount of hard surface also impacts on the amount of stormwater runoff' (Objector No. 14)	5, 9, 14, 24	<p>The building footprint is almost identical to the approved development. There is no discernable change that impacts the sense of space or stormwater runoff for the site.</p>
AFFORDABLE RENTAL HOUSING		
Application of SEPP (ARH) where a heritage item is present upon the site where it is otherwise precluded	1, 3	<p>Whilst the existence of an item of environmental heritage on site precludes application of the incentives otherwise afforded to private developers for the provision of infill affordable housing via application of the SEPP ARH (Cl. 10(1)(b)), it is proposed that affordable housing be provided on site via a consistent methodology. Affordable housing is to be provided at a percentage equivalent to the factor the development exceeds the maximum permissible FSR.</p> <p>The City of Sydney recognises that affordable rental housing is a basic requirement and essential component of an inclusive, dynamic and sustainable city. The City is committed to working with other governments to address the chronic shortage of affordable housing in the local area. It recognises that short and long-term homelessness, combined with affordable housing shortages, are serious issues for central Sydney and its surrounding areas and that local government must advocate to state and federal governments to act on affordable housing shortages and help facilitate planning permissions to make way for different types of housing.</p> <p>Sustainable Sydney 2030 establishes an ambitious target that by 2030, 7.5% of all housing in the local area will be social housing provided by government and community providers and 7.5% will be affordable housing delivered by not-for-profit or other providers. The primary objective of the Council's adopted Affordable Rental Housing Strategy is to increase the amount of affordable housing available in the City of Sydney to households with very low, low and moderate incomes.</p> <p>The proponent wishes to engage with City of Sydney Council and the Department of Planning and Environment in this regard, seeking its support, following consideration of the application's proposed amendments on its merits, to apply the mechanism otherwise available to sites not containing an item of environmental heritage. Consistent with the</p>

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		mechanism provided by the SEPP, a new condition of consent would be imposed to the effect that the proponent enters into an agreement with a community housing provider for the management of a minimum 3,993m ² of residential GFA, to be used for the purpose of affordable rental housing for 10 years, prior to the issue of an occupation certificate.
Affordable housing % should be allocated within the approved 158 apartments	6, 8, 11, 12, 21, 38	There is no current obligation for the proponent to provide affordable rental housing within the development. The 'bonus' FSR is suggested as an appropriate mechanism to enable 25% of the GFA of the development to be made available for affordable rental housing.
There is already adequate provision and opportunity for affordable housing within the precinct	1, 3, 19	The City of Sydney Council identifies there is a 'chronic shortage of affordable housing in the local area'. Sustainable Sydney 2030 identifies: <i>Affordable housing in close proximity to jobs is needed for low to middle income households, including workers in 'essential' activities such as teaching, nursing, police and emergency services, and hospitality sector workers, as well as the creative sector workers that contribute to our city's vitality.</i> <i>A significant supply of social housing in the inner city must be provided for people who are disadvantaged. Availability of secure, affordable housing options enables people to access services and job opportunities.</i>
Other approved developments in the local area pursuant to SEPP ARH have failed to deliver housing that is affordable for lower income earners. 'This is a smokescreen to get additional density'	22	There is no evidence proffered to support this claim.
AMENITY		
Impact of rooftop terrace upon adjoining residents	1, 3, 5, 8, 9, 11, 12, 24, 39	The communal open space areas have been retained at the upper levels of Buildings B & C to maximise opportunities for recreation, and to promote the accessibility and equitable distribution of communal open space across the site. Privacy screens to 1800mm above the finished floor level are proposed, integrated with screen landscaping to ensconce these areas. These communal open space areas are however noted to be beyond the prescribed minimum requirement for the provision of communal open space within the development and could be deleted or converted to inaccessible 'green roofs' if desired. It was agreed in principle that the roof terrace atop Building D was acceptable as it afforded greater amenity for the residents, but that the size was excessive, and potentially created privacy issues. The size of the roof terrace has therefore been reduced and is now limited to the eastern extremity of the roof only, and ensconced by landscaping and privacy screens.
Overshadowing/ solar access	1, 3, 7, 8, 13, 14, 15, 16, 25, 26, 27, 28, 30, 32, 34, 36	Overshadowing diagrams have been prepared at half hourly intervals and demonstrate that the increased building height has no detrimental impact upon adjoining properties.
Privacy (visual and acoustic) upon adjoining residents, including Albert Street and Pitt Street <ul style="list-style-type: none"> – Increase in noise as a result from retail use and increase in residents – Suggested privacy screens for windows facing Albert Street (Objector No. 17) – Acoustic Report does not include consideration of increased noise emissions due to additional traffic or from entertainment areas within the development, or provide predictions/modeling of noise impacts at nearby receivers to support the acoustic design of the development (Objector No. 23) – Concern was raised in particularly for privacy of residents at Nos. 146 – 152 Pitt Street 	1, 3, 5, 6, 7, 8, 9, 11, 12, 14, 15, 16, 17, 18, 21, 22, 23, 24, 28, 30, 36, 38, 39	Retail uses have been removed, with only neighbourhood shops to remain, which are a permissible land use with development consent, and can be regulated by hours of operation if desirable. There is no change to building setbacks to Albert Street. The upper level communal open space area is setback from the building edge and appropriate landscaping and screening incorporated to protect the privacy of adjoining residents in Albert Street. The 'active' BBQ area of the communal open space is oriented inwards across the site rather than across the site boundary. There is very little opportunity for additional privacy loss to the residents at Nos. 146 – 152 Pitt Street. The additional storeys on Buildings B and C have been further modulated and are sufficiently offset to cause no offence to the residents of this adjoining property. A 'noise emission assessment' was included as part of the Acoustic Assessment submitted in support of the Environmental Assessment. A Construction Noise Vibration Management Plan was also submitted addressing the management of construction noise impacts.
Strain on infrastructure including local roads and transport	4, 19, 22, 26	The traffic generated by the proposal is within the environmental carrying capacity of the local road system. The Assessment of Traffic and Parking Implications, dated July 2017, notes: <i>Whilst it is now proposed to provide more apartments than in the previously approved development there will now be only 150 resident and visitor parking spaces (compared to 170 spaces) and there will be a significant element of "affordable housing" (i.e. residents with lower car ownership/use). It is apparent from this assessment that the traffic generation will be slightly less (i.e. to that of the previously approved development) in the AM peak but significantly less in the PM peak.</i>
Loss/ lack of vegetation <ul style="list-style-type: none"> - Removal of a significant aged Jacaranda tree - Suggests a dense row of trees be planted on the Albert Street footpath (Objector No. 17) 	4, 14, 17, 18, 21, 28	The footprint of development is unchanged and there are no additional impacts on vegetation. Any street tree planting will be consistent with City of Sydney Council's public domain requirements.
Likely non-compliance with solar access and cross ventilation requirements of the ADG <ul style="list-style-type: none"> - Requests solar diagrams be reviewed (Objector No. 22) 	22	The modified application is compliant with ADG solar access and natural cross ventilation requirements.

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View loss/ loss of outlook	13, 14, 27, 28	A development that complies with all planning controls is considered more reasonable than one that breaches them. With a complying proposal, the question should be asked whether a more skilful design could provide the applicant with the same development potential and amenity and reduce the impact on the views of neighbours. If the answer to that question is no, then the view impact of a complying development would probably be considered acceptable and the view sharing reasonable. The increase in building height for Buildings B and C is consistent with the prescribed maximum building height for the site, and the upper levels modulated to create appropriate view corridors as the building increases in height.
TRAFFIC, ACCESS & PARKING		
Increase in traffic <ul style="list-style-type: none"> - Impacts on houses opposite the car park entry with headlights shining onto the houses at night (Objector No. 4) 	1, 2, 3, 4, 5, 6, 7, 8, 9, 15, 16, 21, 24, 26, 27, 30, 36, 38, 39, 41	The traffic generated by the proposal is within the environmental carrying capacity of the local road system. The Assessment of Traffic and Parking Implications, dated July 2017, notes: <p><i>Whilst it is now proposed to provide more apartments than in the previously approved development there will now be only 150 resident and visitor parking spaces (compared to 170 spaces) and there will be a significant element of "affordable housing" (i.e. residents with lower car ownership/use). It is apparent from this assessment that the traffic generation will be slightly less (i.e. to that of the previously approved development) in the AM peak but significantly less in the PM peak.</i></p>
Multiple pedestrian access points	5, 6, 9, 24, 39	Suitable wayfinding detail has been provided with the amended architectural plans.
Increase in on-street car parking/ lack of car parking <ul style="list-style-type: none"> - Impact on streets - Insufficient car parking spaces provided - Too many car parking spaces in an areas that is served by public transport (Objector No. 37) 	4, 5, 7, 9, 10, 13, 15, 16, 21, 22, 24, 27, 30, 32, 34, 36, 37, 38	Parking provision is compliant with Council's maximum prescribed requirements, and therefore consistent with the Council's objectives of minimising the amount of vehicular traffic generated because of proposed development.
Additional motorcycle and bicycle parking is suggested	17, 18	Parking provision is compliant with Council's requirements.
Traffic analysis was not 'sound'	41	There is no evidence to substantiate this claim.
Insufficient bicycle spaces	41	Parking provision is compliant with Council's requirements.
MISCELLANEOUS		
Inappropriate inclusion of retail space in a residential area causing additional noise, traffic, disturbance, privacy concerns and nuisance	1, 3, 4, 5, 6, 7, 8, 9, 21, 22, 24, 36, 37, 38, 39, 40	The introduction of complementary non-residential uses at ground floor level was sought to improve activation of the site and its engagement with the community, and improve the amenity afforded to future residents and neighbours in the locality. The application as exhibited proposed the introduction of 2 neighbourhood shops adjacent the Pitt Street frontage, for the purpose of street activation and provision of local services to residents, and 2 food and drink premises internal to the site, to provide improved amenity to local residents. <p>The RTS package removes the proposed retail uses from the site. The amended proposal subsequently increases the size of the community/interpretation room at the lower ground floor level, and provides two small neighbourhood shops adjacent the Pitt Street frontage at the ground floor level, which are permissible with consent within the Residential Zone – Medium Density Residential.</p>
The proposed retail plaza is privatizing 'dedicated public land' which was a condition of the original planning consent	1, 3	The 'retail plaza' has been removed from the amended proposal.
Out of character with low density residential neighbourhood	4, 6, 11, 12, 13, 15, 16, 21, 22, 25, 27, 30, 40	The scale of development is consentient with the desired outcomes for development within a nominated state significant precinct.
Loss of property value	14	No evidence has been provided to substantiate this claim.
Inadequate stormwater drainage <ul style="list-style-type: none"> - Requests a dense row of trees be planted on the Albert Street footpath (Objector No. 17) 	14, 17, 18, 28	Stormwater detail will be provided to the satisfaction of City of Sydney Council prior to the commencement of construction. Any street tree planting will be consistent with City of Sydney Council's public domain requirements.
Demolition and construction impacts (dust)	1, 3, 21	Construction impacts are addressed in existing conditions of the project approval (Condition B15).
Construction impacts (damage occurring to neighbouring properties, require updated dilapidation reports)	1, 3, 34	See requirement for a dilapidation report in existing conditions of the project approval (Condition B7).
Geotechnical Studies (which currently haven't been undertaken on the Pitt Street/Albert Street corner of the site) be undertaken prior to recommencement and those findings made available to residents and planning authorities, along with an updated, recommended demolition and excavation methodology that identifies alternatives to minimise the risk of vibration damage occurring on neighbouring properties	1, 3	See requirement for a geotechnical plans in existing conditions of the project approval (Condition C1).
Planning NSW and City of Sydney undertake regular worker and site safety inspections at the site, to ensure work practices and development activity is compliant and in keeping with the demolition and construction methodologies	1, 3	See requirement for work safety relating to the demolition, excavation and construction management in existing conditions of the project approval (Condition B15).

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recommended		
Concerns about Kaymet Corporation being capable of developing this site as they have left it for a number of years and their only contribution to the site have been pushing rubble around for no apparent reason. The site was not secured until very recently with many hazards including gaps in fences where pedestrians could fall and injure themselves.	6	This is not a relevant matter for consideration.
Poor condition of the existing Rachel Forster Hospital	38	This building is to adaptively reused as part of the project approval.
Requests re-instatement of unlawfully removed buildings	26	This is not a relevant matter for consideration in the assessment of this request for modification of the existing project approval.
Waste generation		
- Increase in waste removal (Objector No. 27)	27, 41	Waste will be collected in a manner consistent with Council requirements.
- Too many proposed garbage collections per week (Objector No. 41)		
No provision for water recycling	41	Noted.
Requests standard construction hours Monday to Friday: 7am – 5pm; Saturday 8am – 12pm; no construction on Sundays.	34	See controls relating to hours of work in existing conditions of the project approval (Condition D1).
Requests all neighbouring buildings are inspected and pre and post dilapidation reports are complete for any damage caused during construction.	34	See requirement for a dilapidation report in existing conditions of the project approval (Condition B7).