

Statement of Environmental Effect



Sirius Building – Stratum Subdivision

2-60 Cumberland Street, the Rocks

Prepared on behalf of Sirius Developments Pty Ltd

May 5, 2023

Document control

Authors

Reviewed by	Michael File, Director
Prepared by	Anna Johnston, Associate

Project summary

Applicant	Sirius Developments Pty Ltd
Land to be developed	2-60 Cumberland Street, The Rocks
Legal description	Lot 100 in DP264104 and Lot 101 in DP264104
Project description	Stratum subdivision of Sirius Building

Contents

Document control	2
1 Background.....	Error! Bookmark not defined.
2 Subject site	5
3 Proposed development.....	6
4 Statutory context.....	7
4.1 State Environmental Planning Policy (Precincts – Eastern Harbour City) 2021.....	7
4.2 State Environmental Planning Policies	7
4.3 Sydney Harbour Foreshores and Waterways Area DCP	7
4.4 Sydney Development Control Plan 2012	7
5 Assessment against Section 4.51 of the EP&A Act	8
6 Conclusion	9
Appendix A Stratum subdivision plans.....	10
Figure 1: Subject site and surrounding context (Source: Architectus)	5

1 Introduction

This Statement of Environmental Effect has been prepared to support a development application for stratum subdivision of the mixed use development of the Sirius Building which is currently under construction. The stratum subdivision will establish:

- Stratum Lot 1: Residential stratum comprising 75 apartments and common areas
- Stratum Lot 2: Commercial Stratum comprising 4 SoHo Lots
- Stratum Lot 3: Retail Stratum comprising 3 retail lots.

The stratum subdivision will also establish easements including to allow for basement access for servicing and waste removal, lift access and pedestrian access through the building including the through site link from Cumberland Street to Gloucester Walk.

Strata subdivision of the relevant stratum lots will be carried out as complying development following the establishment of the stratum lots.

The alterations and additions to the Sirius building were approved as State Significant Development on 18 June 2021 including its restoration and refurbishment for a mixed-use development comprising:

- A gross floor area of 8,419.20sqm
- 76 residential apartments, commercial (SOHO apartments) and retail premises
- Cumberland Street building with retail, pool and basement vehicle access
- Pedestrian through site link between Cumberland Street and Gloucester Walk
- Landscaping, public art and off-site public domain works.

The approval was subsequently modified on:

- 28 March 2022 (Mod 1) to allow for removal of two trees adjacent to the site, and amend the landscape plans to include a number of replacement trees, and
- 18 October 2022 (Mod 3) to make amendments to the awning fronting Cumberland Street and change to the construction staging
- 3 February 2023 (Mod 2) to capture design development updates to improve the overall building design and amenity, enable building compliance and respond to additional site survey and site investigations. This included consolidation to two x 1bedroom apartments into a single 2 bedroom apartment reducing the total number of dwellings to 75
- 23 March 2023 (Mod 4) to amend the design of the tower crown to accommodate rooftop servicing.

Two subsequent modification applications are currently under consideration for minor design development changes and inclusion of a rooftop terrace and pool to one of the apartments. These modifications will not impact on the stratum subdivision plan.

2 Subject site

The Sirius site comprises approximately 2,666sqm of land located at 2–60 Cumberland Street, the Rocks (Lot 100 in DP264104 and Lot 101 in DP264104). It is currently developed as residential flat buildings which were previously used as social housing.

The Sirius site is located within the Rocks and is immediately surrounded by:

- Cumberland Street to the west, and the southern approaches to the Sydney Harbour Bridge beyond (a State heritage listed item, known as Sydney Harbour Bridge approaches group including pylons, pedestrian stairs and access roads)
- A small pocket park and public motorcycle parking area north with the National heritage listed Sydney Harbour Bridge beyond
- Gloucester Walk to the east beyond which there is a substantial level change with a sandstone wall. A number of buildings have rear private open space which faces the wall, including a number of State Heritage buildings
- A commercial office building adjacent to the site to the south (86 Cumberland Street, The Rocks).

The site is included within the Rocks Conservation Area on the Place Management NSW Section 170 Heritage and Conservation Register. The site itself is not listed as a heritage item, however it is surrounded by a number of State Heritage Items.



Figure 1: Subject site and surrounding context (Source: Architectus)

3 Proposed development

This Statement of Environmental Effect has been prepared to support a development application for stratum subdivision of the mixed use development of the Sirius Building which is currently under construction. It seeks the stratum subdivision of Lot 100 in DP264104 and Lot 101 in DP264104 into three separate stratum lots:

- Stratum Lot 1: Residential stratum comprising 75 apartments and common areas
- Stratum Lot 2: Commercial Stratum comprising 4 SoHo Lots
- Stratum Lot 3: Retail Stratum comprising 3 retail lots and amenity areas in the Cumberland building.

The stratum subdivision will also establish easements including to allow for:

- Basement access for storage, servicing and waste removal
- Basement access to allocated bicycle parking and end of trip facilities
- Pedestrian access to the building through site link
- Access to the gymnasium and common area rooftop pool for the commercial stratum.

Strata subdivision of the relevant stratum lots will be carried out as complying development following the establishment of the stratum lots.

The configuration of the stratum subdivision is consistent with the SSD approval, with the exception of the location of retail amenities in the Cumberland building which are being addressed in Modification 6 which is currently under assessment.

4 Statutory context

4.1 State Environmental Planning Policy (Precincts – Eastern Harbour City) 2021

The zones and controls which apply to the site are located within Appendix 7 of the *State Environmental Planning Policy (Precincts – Eastern Harbour City) 2021* (Eastern Harbour City Precincts SEPP)

Under the SEPP the site is zoned B8 Metropolitan Centre with maximum height of buildings ranging from RL38.2m to RL41.4m and a maximum GFA of 7,010sqm. However, clause 14 sets out exceptions to development standards in the situation that the building is not demolished including for gross floor area up to a maximum of 8,420sqm.

The approved development complies with the SSP SEPP. This DA seeks approval for stratum subdivision of the approved building and would not impact this compliance.

4.2 State Environmental Planning Policies

Consideration of all State Environmental Planning Policies (SEPPs) formed part of the assessment of the approved development. There are no SEPP provisions which specifically relate to the stratum subdivision.

4.3 Sydney Harbour Foreshores and Waterways Area DCP

The *Sydney Harbour Foreshores and Waterways Area Development Control Plan 2005* (the Sydney Harbour DCP) applies to the site and was prepared to accompany the *Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005* (Sydney Harbour Catchment SEPP) which aims to ensure that the catchment, foreshores, waterways and islands of Sydney Harbour are recognised, protected and maintained as an outstanding natural asset and public asset of national and heritage significance for existing and future generations.

A full assessment against the DCP was provided as part of the original SSD application. No controls of the Sydney Harbour DCP specifically relate to the stratum subdivision. The configuration of the stratum subdivision is consistent with the SSD approval, subject to approval of Modification 6 which is currently under assessment.

4.4 Sydney Development Control Plan 2012

The *Sydney Development Control Plan 2012* includes provisions at Section 3.5 relating to subdivision including strata subdivision, however none of these controls is relevant to this DA.

The configuration of the stratum subdivision is consistent with the SSD approval, subject to approval of Modification 6 which is currently under assessment.

5 Assessment against Section 4.51 of the EP&A Act

The matters for consideration in determination of a development application as outlined in Section 4.15 of the EP&A Act are addressed in Table 1 below.

Table 1: Assessment against s4.15(1) of the EP&A Act

Section 4.51 matter	Consideration
The provisions of any environmental planning instrument	See Section Error! Reference source not found..
The provisions of any proposed instrument that is or has been the subject of public consultation under this Act or that has been notified by the consent authority.	Not applicable.
The provisions of any Development Control Plan	See Section 4.3 and 4.4.
The provisions of any planning agreement that has been entered into under section 93F, or any draft planning agreement that a developer has offered to enter into under section 93F	Not relevant.
The provisions of the <i>Environmental Planning and Assessment Regulations 2000</i> (the Regulations), to the extent that they prescribe matters for the purposes of this paragraph	Clause 61 of the Regulations set out additional matters for consideration by a consent authority for the purposes of 4.15(1) of the EP&A Act. None of these matters is relevant to the proposed modification.
The provisions of any coastal zone management plan (within the meaning of the Coastal Protection Act 1979)	Not applicable
The likely impacts of that development, including environmental impacts on both the natural and built environments, and social and economic impacts in the locality	The development will not result in any adverse social, environmental or economic impacts as it relates only to the creation of stratum subdivision titles to reflect the approved development. The approved development will deliver a benefit in the form renewal of an existing building and activation and enhancement of the surrounding public domain.
The suitability of the site for the development	The site has been demonstrated to be suitable for the development through original approval.
Any submissions made in accordance with this Act or the regulations	Any submissions received during the notification of the proposed DA will be considered as part of DPE's assessment.
The public interest	<p>The proposal is considered to be in the public interest as it supports the management of the approved development in an efficient manner.</p> <p>The approved development supports renewal of an existing building and activation and enhancement of the surrounding public domain.</p>

6 Conclusion

This application will enable the stratum subdivision of the approved mixed use development of the Sirius building enabling separate strata to be established for the residential, retail and commercial components and the building. It also enables the establishment of easements to allow the servicing and access around the site and provision for a publicly accessible through site link.

The proposed stratum subdivision is consistent with the Eastern Harbour City Precincts SEPP, Sydney Harbour DCP and the Sydney DCP. It is also able to comply with all relevant SEPP.

Accordingly, it is recommended the proposed stratum subdivision be approved.

Appendix A Stratum subdivision plans