

# Planning Proposal



51 Riley Street, Woolloomooloo

Prepared on behalf of: Rose Group

**April 2, 2024**

# Document control

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## Project summary

Applicant	Rose Property Group
Applicant’s address	51 Riley Street, Woolloomooloo
Land to be developed	51 Riley Street, Woolloomooloo
Legal description	Lot 1 DP83489
Project description	Planning Proposal to amend the height and floor space controls for the site to allow for a new five storey commercial building with ground floor retail.

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# Executive Summary

## Overview

The Planning Proposal has been prepared on behalf of Rose Group to support amendments to the planning controls which apply to 580sqm of land 51 Riley Street referred to as Lot 1 DP83489 on the western edge of Woolloomooloo which forms part of the area which Council defines as the City Fringe.

The proposal seeks to facilitate the replacement of an existing two storey commercial office building constructed in the 1960s with a modern commercial building of five storeys with ground floor retail uses, rooftop services and communal open space. The building would deliver flexible commercial floorplates with high amenity and sustainability credentials to meet Rose Group’s requirements for their headquarters and attract a greater range of tenants.

The proposal presents an opportunity to replace a dated office building with a new high-quality commercial building which activates the ground floor and is responsive of the heritage context enhancing the streetscape and local character.

The proposal directly aligns with Council’s strategic planning which includes a priority to *Develop innovative and diverse business clusters in City Fringe*. In particular Council’s City Plan 2036 notes that:

- Economic competitiveness, innovation and resilience will be supported by growth in education, health, technology and creative sectors throughout City Fringe.
- Without intervention, residential development may constrain City Fringe’s capacity to contribute up to 53,800 additional jobs by 2036 to meet the baseline District Plan jobs targets for the Harbour CBD.

The proposal is directly in alignment with these aspects of City Plan 2036.



*Site location (Source: SJB 2024)*

## Existing planning controls

The Site is zoned MU1 Mixed Use under the *Sydney Local Environmental Plan 2012* (Sydney LEP) which allows a range of residential, commercial and associated uses. Under the Sydney LEP the following built form controls apply:

- Height of buildings: 12m
- FSR: 2:1.

The Sydney LEP identifies the site as being within the Woolloomooloo Heritage Conservation Area and a number of local heritage items are located in the surrounding area. The Sydney DCP identifies the existing building as detracting from the surrounding heritage values.

However, City of Sydney is currently progressing a Planning Proposal which reviews the existing conservation areas and proposes to remove the subject site and the surrounding context from the Heritage Conservation Area.

## Proposal

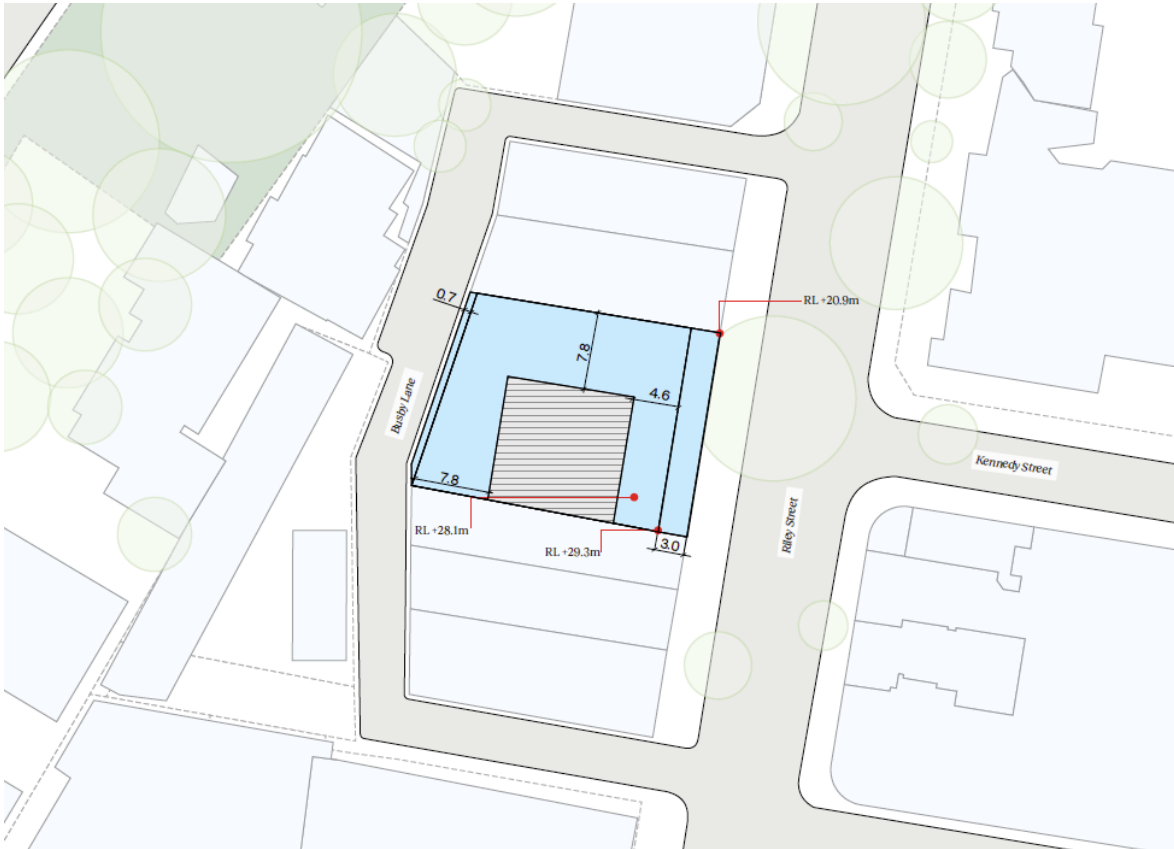
An Urban Design Study has been prepared by SJB which has included a detailed review of the site and its context and consideration of opportunities and constraints. The Urban Design Study outlines a vision for a boutique commercial office building with ground floor retail located on the City Fringe which carefully responds to the unique grain and character of west Woolloomooloo and seeks to stitch together the shopfronts that exist on the block and contribute to the sense of place in this highly diverse, historic and dynamic part of Sydney.

The vision and design principles have informed a building envelope which responds to the surrounding built form and heritage context and the provisions of the Sydney DCP and minimises impacts on surrounding sensitive uses. It includes the following key parameters:

- No street setback to Riley Street and Busby Lane continuing the alignment of adjacent buildings.
- Ground floor retail uses to Riley Street to continue the activation along the immediate block.
- A three storey street wall to Riley Street with a 3m upper level setback consistent with the Sydney DCP.
- A three storey street wall to Busby Lane with a 0.7m upper level setback which seeks to maximise the commercial floorplate. This is considered suitable in the context the service laneway and aligns with the adjacent built form.
- A maximum height of five storeys which minimises overshadowing impacts and view impacts on surrounding residential uses.
- Rooftop services and communal open space.

A reference scheme has also been prepared to test how the vision and principles can be achieved within the proposed planning envelope. The reference scheme would deliver 2,150sqm of commercial GFA including 163sqm of retail GFA fronting Riley Street with potential to generate up to 90 new jobs.

It also includes one basement level accommodating car parking, bike parking and end of trip facilities in accordance with Council requirements.



**Proposed planning envelope (Source: SJB 2024)**



**Reference Scheme – Visualisation (Source: SJB 2024)**

## Proposed LEP Amendments

The Planning Proposal seeks to amend the following built form controls which apply to the site under the Sydney LEP:

- Height of buildings increase from 12m to 25m
- FSR: increase from 2:1 to 3.8:1.

## Strategic merit

The State and local strategic context relating to the site strongly supports the proposed renewal of the site as summarised below.

Strategic document	Consideration
Greater Sydney Region Plan, A Metropolis of Three Cities	<p>The Greater Sydney Region Plan is built on a vision of three cities where most residents live within 30 minutes of their jobs, education and health facilities. It includes an objective that the Harbour CBD is stronger and more competitive.</p> <p>The proposal will support the Harbour CBD through deliver of new commercial floor space and retail activation on the CBD fringe which also directly aligns with the 30 minute city concept.</p> <p>This and other aspects of the Greater Sydney Regional Plan are further considered and expanded as they apply to the Eastern City in the Eastern City District Plan which is discussed below.</p>
Eastern City District Plan	<p>The Eastern City District Plan has been developed to support the Greater Sydney Region Plan and is also built on a vision of three cities where most residents live within 30 minutes of their jobs, education and health facilities.</p> <p>The Eastern City District Plan supports the objective for a stronger and more competitive Harbour CBD through setting a jobs target for the Harbour CBD of between 165,100 and 235,100 jobs between 2016 and 2036.</p> <p>The redevelopment of the site to provide more commercial floor space aligns with the Plan which highlights that the success of the Harbour CBD is supported by a range of factors including:</p> <ul style="list-style-type: none"> <li>• Internationally desirable premium-grade and A-grade office space supported by lower cost office spaces</li> <li>• Being connected to the agglomeration of businesses in the Eastern Economic Corridor.</li> </ul> <p>The Plan also highlights the need to manage residential growth so it does not compromise the jobs target within the Harbour CBD. The proposal directly addresses this issue through proposing a fully non-residential building.</p>
Sustainable Sydney 2030-2050	<p>Sustainable Sydney 2030-2050 comprises a Vision and Community Strategic Plan which seek to deliver a 'green', 'global', and 'connected' Sydney and was finalised by Council in April 2022.</p> <p>The Planning Proposal is consistent with the following Sustainable Sydney 2030 strategic directions in particular:</p> <ul style="list-style-type: none"> <li>• Direction 2: A Leading Environmental Performer</li> <li>• Direction 4: Design excellence and sustainable development</li> <li>• Direction 5: A city for walking, cycling and public transport</li> <li>• Direction 9: A transformed and innovative economy.</li> </ul>

Strategic document	Consideration
City Plan 2036 Local Strategic Planning Statement	<p>City Plan 2036 was adopted by Council in February 2020 and endorsed by the Greater Sydney Commission in March 2020. It sets a jobs target of 200,000 new jobs to 2036 to support productivity in the Sydney Region. It notes that despite the City's strong and sustained jobs growth over the last decade, without intervention the current planning controls are unlikely to facilitate the whole jobs target to 2036.</p> <p>Under the Plan the site is located within the area referred to as the 'City Fringe', which includes the areas surrounding Central Sydney. It also located on the edge of the Macleay Street and Woolloomooloo village which has a jobs target of 600 jobs and adjoins the CBD and Harbour Village.</p> <p>City Plan 2036 includes Priority 2 which relates to jobs growth within the City Fringe:</p> <p><i>Developing innovative and diverse business clusters in City Fringe: To grow knowledge-intensive business clusters with health, education, innovation, technology and creative industries in the Harbour CBD and prioritise those strategic land uses, and improve connections between business and institutions.</i></p> <p>Whilst the Macleay Street and Woolloomooloo village is not identified as a key focus for jobs growth within the City Fringe, City Plan 2036 Plan notes that <i>economic competitiveness, innovation and resilience will be supported by growth in education, health, technology and creative sectors throughout City Fringe.</i></p> <p>It further highlights that: <i>without intervention, residential development may constrain City Fringe's capacity to contribute up to 53,800 additional jobs by 2036 to meet the baseline District Plan jobs targets for the Harbour CBD.</i></p> <p>This proposal seeks to support an entirely non-residential development within the City Fringe and will contribute to the jobs target for the Harbour CBD as well as the jobs target identified for the Macleay Street and Woolloomooloo village.</p>

## Site specific merit

This proposal demonstrates site specific merit as summarised in the table below through the detailed consideration of all environmental, social and economic impacts associated with the proposal and consideration of the infrastructure needs to support future development.

Consultation has been carried out with City of Sydney through Preliminary Planning Proposal advice. Further consultation will be carried out with relevant State and commonwealth public authorities through the Planning Proposal process.

Consideration	Summary
Overshadowing	The proposed building envelope has been designed with the view to minimizing impacts on the adjacent residential uses by limiting height to a solar plane which ensures that all apartments maintain at least two hours of sunlight in midwinter. This is supported by detailed solar testing.
Visual impacts	A View Impact Assessment has been carried out which demonstrates the views from residential apartments to key local views are maintained.

Consideration	Summary
	<p>Visual impacts from key locations in the public domain have also been considered. The visual impact along Riley Street is mitigated through street wall and upper level setbacks which have responded to adjacent built form context minimising building bulk and scale from the street. Views from The Domain are maintained as the proposed building envelope sits within existing surrounding built form and the tree line of existing trees at the edge of the park ensuring that there would be minimal visual impacts from this viewpoint.</p>
Built heritage	<p>A Heritage Impact Statement has concluded that the proposed changes to the building envelope would have an acceptable impact on the heritage significance of the Woolloomooloo Heritage Conservation Area (HCA) and heritage items in the vicinity, noting that City of Sydney is proposing to remove the site and surrounding context from the HCA.</p> <p>It also makes recommendations to guide the detailed design at the DA stage.</p>
Aboriginal and Archaeological heritage	<p>A Baseline Archaeological Assessment and Aboriginal Heritage Due Diligence Assessment have been prepared which identify the likelihood of archaeological evidence being located within the site as nil-low given the past disturbance associated with the existing building and basement.</p>
Flooding	<p>A Flood Assessment has been prepared which concludes that any impact on flood hazard, flood levels and behaviour adjacent to the development will be negligible as the development proposes an identical footprint to the existing development currently occupying the site.</p> <p>The reference scheme has demonstrated that relevant flood planning levels can be accommodated as follow:</p> <ul style="list-style-type: none"> <li>• The proposed finished floor levels (F.F.L) on the architectural plans fronting Riley Street are set at RL8.50m which is below the 1% AEP flood level in some locations and is designed to provide level access into the building. As the flood level in this location ranges from RL8.1m to RL8.8m along Riley Street it is recommended that a 50mm threshold above external footpath levels is provided where finished levels are below footpath level</li> <li>• Probable maximum flood levels of RL8.5m on Busby Lane and RL9.3m on Riley Street have been considered with all basement access points being located above the PMF. This includes lift shafts and fire stairwells as well as the internal driveway crest to the basement entry.</li> </ul> <p>The Flood Assessment also concludes that the proposal would be able manage risk and effects due to flood behaviour, while also ensuring compliance with the City of Sydney's Interim Floodplain Management Policy subject to implementation of the strategy outlined in this report, and structural requirements at the DA stage.</p>
Traffic and transport	<p>A Traffic and Transport Assessment highlights that the proposed 2,150sqm of new commercial floor space would have a very low traffic generation and negligible effects on the operation of the surrounding road network.</p> <p>Car, bike parking and end of trip facilities are also proposed to be in accordance with the Sydney LEP and Sydney DCP.</p>
Sustainability	<p>The proposal will comply with relevant provisions the Sustainable Buildings SEPP as well the sustainability provisions of the Sydney LEP and DCP which will require new buildings</p>

Consideration	Summary
	to use more renewable energy and support a transition to net-zero emissions. A detailed sustainability strategy would be prepared at the DA stage to give further consideration to how these provisions would be achieved.
Economic and social impacts	<p>The delivery of 2,150sqm of retail and commercial GFA with would generate economic benefits through increasing employment on the City Fringe which would generate up to 90 new jobs on site. This is consistent with the City of Sydney's LSPS which seeks to <i>Develop innovative and diverse business clusters in City Fringe areas</i> as well as the District Plan's <i>30 minute city policy</i>.</p> <p>The inclusion of 163sqm of retail GFA fronting Riley Street will provide for enhanced street activation along Riley Street which will have economic and social benefits of bringing increased foot traffic and creating a vibrant street environment.</p> <p>The proposal has sought to minimise amenity impacts on surrounding residents by maintaining solar access and key views and any impacts during the construction phase would be appropriately addressed at the DA stage.</p>
Infrastructure needs	<p>The proposal is not expected the generate any significant demand for public infrastructure. The site is well located in close proximity to open space and a range of community facilities and being entirely commercial would not generate significant additional demand for these facilities.</p> <p>Future development would be subject to local infrastructure contributions which would fund any minor additional demand.</p>

## Conclusion

The Planning Proposal presents a unique opportunity to support the redevelopment of a dated commercial building with a modern, high amenity and sustainable building which is highly responsive to the surrounding built form and heritage context. It will also enhance the public domain by extending the active retail frontage within in the immediate street block.

This Planning Proposal report demonstrates the strategic and site specific merit of the proposal and is suitable to progress to a Gateway decision.

# 1 Site analysis and context

## 1.1 Site description

The subject site comprises 580sqm of land located at 51 Riley Street referred to as Lot 1 DP83489 on the western edge of Woolloomooloo approximately 800m east of the Sydney CBD. The site has frontage to Riley Street to the east and Busby Lane to the west. Pedestrian access is via the main street frontage to Riley Street with Busby Lane providing servicing and car park access.

The site is currently occupied by a two storey commercial office building which is used by the landowner (Rose Group) as their headquarters. It comprises 1,000sqm of commercial floor space and 14 car parking spaces within a basement car park and supports approximately 25 existing jobs.

The building is located within a heritage conservation area but is identified by City of Sydney as a 'detracting item' meaning that it detracts from the heritage values of the area. Further, City of Sydney is currently progressing a Planning Proposal which reviews the existing conservation areas and proposes to remove the subject site and the surrounding context from the Heritage Conservation Area.



*Figure 1: Subject site (Source: Mecone Mosaic)*

## 1.2 Surrounding context

The site is located within the block bounded by Riley Street and Busby Lane which comprises a series of fine grain 2-5 storey buildings which are predominantly commercial with the exception of the building directly to the north which has residential uses at the upper levels. The area is rich with heritage fabric and items. The site is located in the Woolloomooloo Heritage Conservation Area and there are two heritage items which bookend the site's immediate block.

To the south and west are high rise mixed use and residential developments of 14 storeys which address William Street and use Busby Lane for car parking and service access. At grade car parking is located on Busby Lane directly adjacent to the site.

To the east of the site is the seven storey mixed use residential City Ford building which is identified as a heritage item and to the north-east is a large residential development of 14 storeys.

The site is located within close proximity to Cook and Phillip Park and The Domain and is within 5-10 minute walking distance of St James Station, Museum Station and Kings Cross Station.



Figure 2: Urban Context map (Source: SJB 2024)



Figure 3: Surrounding context – land use and amenity (Source: SJB 2024)



Figure 4: Surrounding context – heights and active frontages (Source: SJB 2024)



*Figure 5: Subject site looking south (Source: SJB 2024)*



Riley Street, looking north



Riley street, looking south



Kenndey Street, looking east from Riley Street



Busby Lane, looking west from Riley Street



Busby Lane, looking north at rear of site



Riley Street, looking northeast towards Ford building

Figure 6: Images of the site and surrounds (Source: SJB 2024)

## 2 Strategic planning context

### 2.1 Greater Sydney Region Plan

The final Greater Sydney Region Plan, A Metropolis of Three Cities was released by the Greater Sydney Commission in March 2018. The Plan is built on a vision of three cities where most residents live within 30 minutes of their jobs, education and health facilities.

It establishes directions, objectives and actions to achieve the 40-year vision which are focused around infrastructure and collaboration, liveability, productivity and sustainability.

The Greater Sydney Region Plan also aims to provide ongoing housing supply and a range of housing types in the right places to create more liveable neighbourhoods and support Sydney's growing population.

A number of the objectives of the plan are relevant to the Planning Proposal, in particular:

- Objective 12: Great places that bring people together
- Objective 13: Environmental heritage is identified, conserved and enhanced
- Objective 14: *A metropolis of three cities* – integrated land use and transport creates walkable and 30-minute cities
- Objective 15: The Eastern, GPOP and Western Economic Corridors are better connected and more competitive
- Objective 18: The Harbour CBD is stronger and more competitive
- Objective 33: A low-carbon city contributes to net-zero emissions by 2050 and mitigates climate change
- Objective 34: Energy and water flows are captured, used and re-used
- Objective 35: More waste is re-used and recycled to support the development of a circular economy
- Objective 37: Exposure to natural and urban hazards are reduced
- Objective 38: Heatwaves and extreme heat are managed.

The aspirations and objectives of the Plan are further considered and expanded as they apply to the Eastern City in the Eastern City District Plan which is discussed in Section 2.1 below.

### 2.2 Eastern City District Plan

The Eastern City District Plan has been developed to support the Greater Sydney Region Plan. The 20-year District Plan seek to manage growth in the context of economic, social and environmental matters to achieve the 40-year vision for Greater Sydney.

The Plan is built on a vision of three cities where most residents live within 30 minutes of their jobs, education and health facilities. Under the Eastern City District Plan the site is located within the Harbour CBD, which forms part of the Eastern Economic Corridor stretching from Macquarie Park to Green Square-Mascot. A key Planning Priority is to Grow a stronger and more competitive Harbour CBD. The Plan sets a jobs target for the Harbour CBD of between 165,100 and 235,100 jobs between 2016 and 2036.

The redevelopment of the site to provide more commercial floor space aligns with the Plan which highlights that the success of the Harbour CBD is supported by a range of factors including:

- Internationally desirable premium-grade and A-grade office space supported by lower cost office spaces
- Being connected to the agglomeration of businesses in the Eastern Economic Corridor.

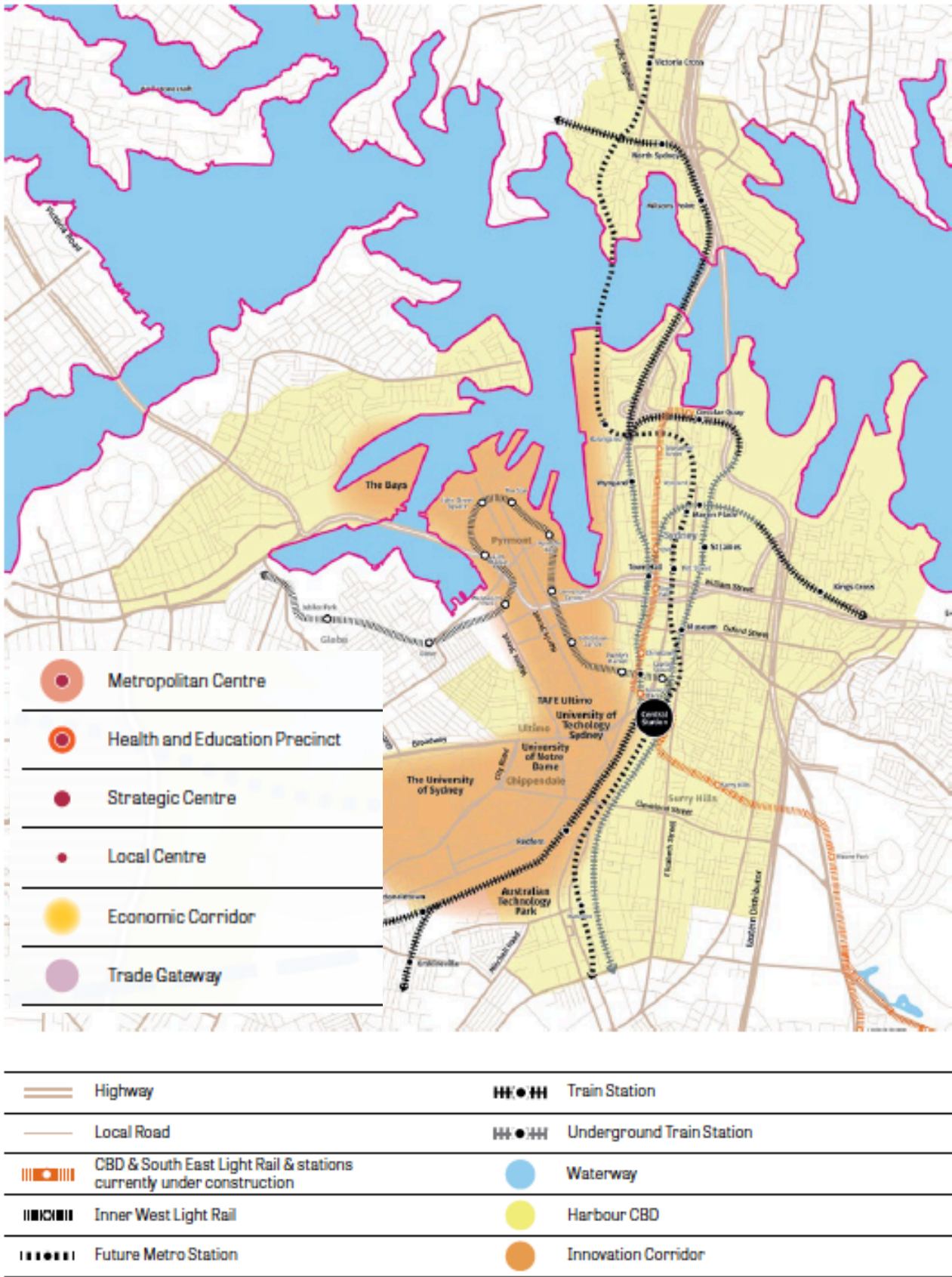


Figure 7: Eastern City District Plan – Harbour CBD

The Plan also highlights the need to manage residential growth so it does not compromise the jobs target within the Harbour CBD.

The proposal comprises a fully non-residential development which will maintain an existing commercial use on the site and contribute up to 90 new jobs to the jobs target for the Harbour CBD. The proposal will also support the concept of the 30 minute city by locating new commercial floor space within a mixed use precinct and in close proximity of transport infrastructure.

Relevant actions of the Eastern City District Plan are considered and addressed in Table 1 below.

**Table 1: Consideration of Eastern City District Plan**

Priority / Action	Consideration
<b>Planning Priority E6: Creating and renewing great places and local centres and respecting the District's heritage</b>	
<p>Action 18: Using a place-based and collaborative approach throughout planning, design, development and management, deliver great places by:</p> <ul style="list-style-type: none"> <li>prioritising a people-friendly public realm and open spaces as a central organising design principle</li> <li>recognising and balancing the dual function of streets as places for people and movement</li> <li>providing fine grain urban form, diverse land use mix, high amenity and walkability, in and within a 10-minute walk of centres</li> <li>integrating social infrastructure to support social connections and provide a community hub</li> <li>recognising and celebrating the character of a place and its people.</li> </ul>	<p>The Planning Proposal is supported by an Urban Design Study prepared by SJB which has taken a place based approach to developing a suitable built form envelope and development controls for site which are responsive the surrounding built form and heritage context.</p> <p>The proposal seeks to contribute to the public realm and fine grain nature of the surrounding context through delivery of ground floor retail uses which will connect the street activation within the wider block.</p> <p>A reference scheme has also been prepared which demonstrates how the proposal would enhance the streetscape and heritage character of the area through a high quality, articulated built form which responds to the surrounding built form character.</p>
<p>Action 20: Identify, conserve and enhance environmental heritage by:</p> <ul style="list-style-type: none"> <li>engaging with the community early in the planning process to understand heritage values and how they contribute to the significance of the place</li> <li>applying adaptive re-use and interpreting heritage to foster distinctive local places</li> <li>managing and monitoring the cumulative impact of development on the heritage values and character of places.</li> </ul>	<p>The proposal presents a unique opportunity to replace an existing building within a Heritage Conservation Area identified as detracting from the heritage values with a new high-quality building responsive of the heritage context and enhancing the streetscape, street activation and local character.</p> <p>A Heritage Impact Statement has also been prepared to support the Planning Proposal which is discussed in Section 8.4.</p>
<b>Planning Priority E7: Growing a more stronger and more competitive Harbour CBD</b>	
<p>Action 24: Strengthen the international competitiveness of the Harbour CBD and grow its vibrancy by:</p> <ul style="list-style-type: none"> <li>further growing an internationally competitive commercial sector to support an innovation economy</li> <li>providing residential development without compromising commercial development</li> </ul>	<p>The proposal will deliver a new modern commercial building with flexible floorplates and high amenity and sustainability credentials to meet Rose Group's requirements for its headquarters and attract a greater range of tenants.</p> <p>This will support the growth of the commercial sector in this City Fringe location.</p>

Priority / Action	Consideration
<ul style="list-style-type: none"> <li>providing a wide range of cultural, entertainment, arts and leisure activities</li> <li>providing a diverse and vibrant night-time economy, in a way that responds to potential negative impacts.</li> </ul>	
Action 25: Review as required, planning controls to facilitate economic activity to deliver on the job targets.	The Planning Proposal has the potential to deliver up to 90 new jobs which will contribute to the jobs target for the Harbour CBD.
<b>Planning Priority E10: Delivering integrated land use and transport and a 30-minute city</b>	
Action 33: Integrate land use and transport plans to deliver the 30-minute city.	The proposal seeks to locate a new commercial building within an existing mixed use City Fringe location in close proximity of public transport. This will directly support the 30 minute city concept.
<b>Planning Priority E19: Reducing carbon emissions and managing energy, water and waste efficiently</b>	
Action 68: Support initiatives that contribute to the aspirational objective of achieving net-zero emissions by 2050, especially through the establishment of low-carbon precincts in Planned Precincts, Collaboration Areas, State Significant Precincts and Urban Transformation projects.	<p>The proposal will comply with relevant provisions the <i>State Environmental Planning Policy (Sustainable Buildings) 2022</i> (Sustainable Buildings SEPP) as well the sustainability provisions of the Sydney LEP and DCP which will require new buildings to use more renewable energy and support a transition to net-zero emissions.</p> <p>This will ensure that future development supports the objective of net-zero emissions by 2050.</p>
<b>Planning Priority S20: Adapting to the impacts of urban and natural hazards and climate change</b>	
Action 79: Avoid locating new urban development in areas exposed to natural and urban hazards and consider options to limit the intensification of development in existing urban areas most exposed to hazards.	The site is located within a flood planning area. A Flood Assessment has been prepared which demonstrates how future development will be resilient to floods in accordance with relevant Council policies.
Action 80: Mitigate the urban heat island effect and reduce vulnerability to extreme heat	The subject site is currently entirely cleared of vegetation. Existing street trees will be retained as part of any future development. Further, a concept landscape plan has been prepared which includes planting at the podium and upper levels which will contribute to the mitigation of the urban heat island effect.

## 2.3 Sustainable Sydney 2030-2050 Vision and Community Strategic Plan

Sustainable Sydney 2030-2050 comprises a Vision and Community Strategic Plan which seek to deliver a 'green', 'global', and 'connected' Sydney and was finalised by Council in April 2022.

The Vision includes six Guiding Principles, 10 strategic directions to guide the future of the City, as well as 10 targets against which to measure progress. The Community Strategic Plan outlines how the strategic directions will be achieved and is updated every four years to include outcomes to aspire to, supporting strategies for each direction and measure progress against each objective.

The Planning Proposal is consistent with the following Sustainable Sydney 2030 strategic directions in particular:

- Direction 2: A Leading Environmental Performer – The proposal will comply with relevant provisions the Sustainable Buildings SEPP as well as the sustainability provisions of the Sydney LEP and DCP which require new buildings to use more renewable energy and support a transition to net-zero emissions.
- Direction 4: Design excellence and sustainable development – The Planning Proposal has been subject of a detailed urban design process to ensure that the built form controls can support design excellence. Design excellence will also be demonstrated at DA stage. Future development on the site will also deliver best practice sustainability in accordance with relevant State Government and Council policies as noted above.
- Direction 5: A city for walking, cycling and public transport – The Planning Proposal will deliver jobs growth within close proximity of a wide range of service and facilities and will include bike parking and end of trip facilities promoting active transport. The proposed built form also provides for enhanced activation of the public domain, which will improve safety and amenity for pedestrians in the surrounding area.
- Direction 9: A transformed and innovative economy – The proposal will support the delivery of a new commercial building with flexible floorplates and high amenity and sustainability credentials supporting up to 90 additional jobs in a City Fringe location.

## 2.4 City Plan 2036 Local Strategic Planning Statement

City Plan 2036 Local Strategic Planning Statement was adopted by Council in February 2020 and endorsed by the Greater Sydney Commission in March 2020. It sets out a 20 year vision for land use planning in the City of Sydney, and provides a link between strategic plans (including the State Government's Eastern City District Plan and the City of Sydney's Sustainable Sydney 2030-2050) and the planning controls that guide development.

City Plan 2036 sets a jobs target of 200,000 new jobs to 2036 to support productivity in the Sydney Region. It notes that despite the City's strong and sustained jobs growth over the last decade, without intervention the current planning controls are unlikely to facilitate the whole jobs target to 2036.

Under the Plan the site is located within the area referred to as the 'City Fringe', which includes the areas surrounding Central Sydney. It also located on the edge of the Macleay Street and Woolloomooloo village which has a jobs target of 600 jobs and adjoins the CBD and Harbour Village.

City Plan 2036 includes Priority 2 which relates to jobs growth within the City Fringe:

*Developing innovative and diverse business clusters in City Fringe: To grow knowledge-intensive business clusters with health, education, innovation, technology and creative industries in the Harbour CBD and prioritise those strategic land uses, and improve connections between business and institutions.*

City Plan 2036 sets out that the key focus of jobs growth in the City Fringe will be within the following areas:

- Innovation Corridor comprising Camperdown-Ultimo Health and Education precinct and areas within Pyrmont through to Central including the Sydney Innovation and Technology Precinct, Redfern and Waterloo, including the Botany Road Corridor.
- Eastern Creative Precinct comprising Surry Hills (around Central station), high streets throughout Redfern Street, Crown and Baptist Streets and Oxford Street villages.

Whilst the Macleay Street and Woolloomooloo village is not identified as a key focus for jobs growth within the City Fringe, City Plan 2036 Plan notes that *economic competitiveness, innovation and resilience will be supported by growth in education, health, technology and creative sectors throughout City Fringe.*

It further highlights that: *without intervention, residential development may constrain City Fringe's capacity to contribute up to 53,800 additional jobs by 2036 to meet the baseline District Plan jobs targets for the Harbour CBD.*

This proposal is for an entirely non-residential development within the City Fringe and will contribute to the jobs target for the Harbour CBD as well as the jobs target identified for the Macleay Street and Woolloomooloo village.

The proposal also supports other key directions and actions of the Plan as outlined in Table 2.

**Table 2: Consideration of City Plan 2036 Priorities and Actions**

Priority / Action		Consideration
02 Liveability		
Priority L2 Creating Great Places		
Action L2.7: Plan for the desired character of a place through: <ol style="list-style-type: none"> <li>ensuring new development achieves design excellence, including through competitive processes</li> <li>collaborating with the NSW Government to improve amenity standards for all housing types.</li> </ol>		The Planning Proposal has been subject of a detailed urban design process to ensure that the built form controls can support design excellence. Design excellence will be further demonstrated at DA stage.
Action L2.9: Conserve places of heritage significance by: <ol style="list-style-type: none"> <li>identifying Indigenous and non-Indigenous places of local heritage significance in the LEP</li> <li>undertaking thematic heritage studies and other listing investigations to respond to community expectations to conserve emerging, under-recognised or endangered places of heritage value, as needed or when reviewing planning controls, to identify and list places of local heritage significance ahead of demolition and as early as possible in the planning process.</li> </ol>		<p>The proposal presents a unique opportunity to replace an existing building within a Heritage Conservation Area identified as detracting from the heritage significance of this area with a new high-quality building responsive of the heritage context and enhancing the streetscape, street activation and local character.</p> <p>A Heritage Impact Assessment has been prepared which includes an assessment of the proposal's impacts on the heritage conservation area (noting the Council proposes removal of the site from the heritage conservation area) and surrounding heritage items and contributory items. This is discussed in further detail in Section 8.4.</p>

Priority / Action	Consideration
<ul style="list-style-type: none"> <li>c) reviewing LEP development standards to address inconsistencies with the conservation of heritage items and conservation areas</li> <li>d) ensuring development of heritage items, contributory buildings in conservation areas, and new development in conservation areas conserves the heritage values of the place and is sympathetic to the built form, scale and fabric</li> <li>e) monitoring and reviewing the heritage floor space scheme as needed to deliver conservation of Central Sydney's heritage buildings and places.</li> </ul>	
<b>03 Productivity</b>	
Priority P2 Developing innovative and diverse business clusters in City Fringe	
<p>Ensure a genuine mix of uses to support lively and thriving village economies within City Fringe, including residential development provided it does not compromise commercial or enterprise uses.</p>	<p>The proposal will further enhance the lively and thriving village economy of Woolloomooloo which sits within the City Fringe by delivering a fully non-residential building with potential to deliver up to 90 new jobs and increasing streetscape activation along Riley Street.</p>
<b>04 Sustainability</b>	
Priority S2 Creating better buildings and places to reduce emissions and waste and use water efficiently	
<p>Action S2.1: Reduce greenhouse gas emissions by:</p> <ul style="list-style-type: none"> <li>a) improving the energy efficiency and increasing the use of renewables in buildings and transport</li> <li>a) Implementing the performance standard pathways framework to achieve net zero energy buildings</li> <li>b) Advocating for increasing the minimum BASIX energy requirements</li> <li>c) Investigating passive design controls for all types of development, including measures such as shallow floor plates, external shading and natural light and ventilation.</li> </ul>	<p>The proposal will comply with relevant provisions the Sustainable Buildings SEPP as well the sustainability provisions of the Sydney LEP and DCP which require new buildings to use more renewable energy and support a transition to net-zero emissions.</p> <p>The sustainability strategy is discussed in further detail in Section 8.9.</p>
<p>Action S2.2: Onsite renewable energy generation is maximised by:</p> <ul style="list-style-type: none"> <li>a) implementing renewable energy and battery storage systems in new and existing developments</li> <li>b) reviewing solar panel and battery storage controls, to increase implementation opportunities.</li> </ul>	<p>The proposal incorporates rooftop PV panels to provide for on site power generation. This will form part of the requirements under the Sydney LEP and DCP sustainability requirements.</p>

Priority / Action	Consideration
Action S2.3: Reduce the consumption of potable water by: <ul style="list-style-type: none"> <li>a) increasing water efficiency, rainwater harvesting and the use of recycled water in new developments</li> <li>b) reviewing existing controls, including investigating opportunities to implement NABERS Water requirements for non-residential buildings</li> <li>c) investigating the inclusion of controls for dual plumbing in areas with a recycled water supply.</li> <li>d) advocating for increasing the minimum BASIX water requirements.</li> </ul>	The proposal will seek to reduce consumption of potable water including through compliance with NABERS 3 star water rating which is required under the Sustainable Buildings SEPP.
Action S2.5: Reduce the amount of waste going to landfill by designing and constructing buildings to facilitate and maximise the re-use and recycling of resources.	A detailed construction waste management plan will be developed at the DA stage in accordance with relevant Council policies.

The LSPS also includes strategic and site specific principles for growth which seek to support and complement the merit test included in A Guide to Preparing Local Environmental Plans (DPE) which would need to be addressed in any Planning Proposal.

**Table 3: Consideration of City Plan 2036 Principles for growth**

Principle	Consideration
<b>Strategic principles for growth</b>	
Proposals must be consistent with the Greater Sydney Region Plan and Eastern City District Plan.	This is addressed in Section 2.1 and 2.2.
Proposals for sites in the Harbour CBD, Innovation Corridor (including Camperdown-Ultimo Health and Education Precinct) must be consistent with the objectives for these areas in the Eastern City District Plan.	This is addressed in Section 2.2.
Proposals must be consistent with the relevant directions, objectives and actions of the City's community strategic plan, Sustainable Sydney 2030 and Sustainable Sydney 2050 in the future.	This is addressed in Section 2.3 and 2.4.
Proposals must be consistent with the relevant liveability, productivity, infrastructure and sustainability priorities, objectives and actions in this Local Strategic Planning Statement (LSPS).	This is addressed in Section 2.4.

Principle	Consideration
Proposals must be consistent with the relevant priorities, objectives and actions of the Local Housing Strategy.	Not applicable.
Proposals must support the strategic objectives in the City's adopted strategies and action plans.	This is addressed in Section 2.
Proposals must not compromise non-residential development needed to meet employment targets for strategic centres.	The proposal is directly consistent with this principle being for an entirely commercial use within a mixed use zone.
Proposals which seek to respond to a significant investment in infrastructure must be considered in a wider strategic context with other sites. This may include, but is not limited to, consideration of other infrastructure demand and provision, appropriate distribution of development potential across an area, value capture for public benefit and infrastructure delivery and orderly sequencing of development.	No applicable.
Proposals must give consideration to strategically valuable land uses that are under-provided by the market, such as but not limited to hotels, cultural space (including performance and production space), medical uses, education uses and childcare centres, and having regard to the appropriateness of the use for the context.	The proposal includes flexible non-residential floor space at the ground floor which could be used for a range of uses including retail or food and drink premises.
Site specific principles for growth	
Proposals must locate development within reasonable walking distance of public transport that has capacity (assuming development capacity will be delivered) and is frequent and reliable.	The proposal is located within 5-10m walking distance of three train stations (Kings Cross, Museum and St James) and is also accessible to a range of bus routes.
Proposals must meet high sustainability standards and mitigate negative externalities.	The proposal will comply with relevant provisions the Sustainable Buildings SEPP as well as the sustainability provisions of the Sydney LEP and DCP which will require new buildings to use more renewable energy and support a transition to net-zero emissions.
Proposals must include an amount and type of non-residential floor space appropriate to the site's strategic location and proximity to or location within a centre or activity street.	The proposal is for an entirely non-residential outcome.
Proposals must create public benefit.	The proposal is located on a constrained site with limited potential to deliver significant public benefit. The proposal will however deliver new employment floor space, provide for the redevelopment of a building which is identified as detracting from the heritage values of the area and will contribute to the adjacent

Principle	Consideration
	public domain through provision of an active retail frontage to Riley Street.
Proposals must be supported by an infrastructure assessment and demonstrate any demand for infrastructure it generates can be satisfied, assuming existing development capacity in the area will be delivered.	<p>The proposal is expected to create minimal demand for additional infrastructure and any impacts would be offset by local infrastructure contributions.</p> <p>A traffic and access assessment has been prepared which highlights that the proposal would be a very low traffic generator and would have negligible impact on the surrounding street network. The reference scheme shows six car parking spaces which would be a significant reduction of the existing 14 spaces.</p>
Proposals must make a positive contribution to the built environment and result in an overall better urban design outcome than existing planning controls.	<p>The proposal will make a positive contribution by activating the street through a ground floor retail use, replacement of a detracting building in terms of heritage, and a built form which responds to the surrounding context and heritage values.</p> <p>A reference scheme has also been prepared which demonstrates how the proposal could enhance the streetscape and heritage character of the area through a high quality, articulated built form which responds to the surrounding built form character.</p>
Proposals must result in high amenity for occupants or users.	The proposal seeks to redevelop an existing two storey commercial office building constructed in the 1960s with a modern commercial building with flexible floorplates and high amenity and sustainability credentials.
Proposals must optimise the provision and improvement of public space and public connections.	The site does not provide opportunities for new public space or connections being located on a small site within a fine grain and highly connected context. However, the location of a ground floor retail use will enhance the relationship with the adjacent public domain.

## 3 Statutory context

### 3.1 Sydney Local Environmental Plan 2012

The *Sydney Local Environmental Plan 2012* (Sydney LEP) is the principle planning instrument applying to the Site. The Site is zoned MU1 Mixed Use (see Figure 8) which allows a range of residential, commercial and associated uses. The objectives of the zone are as follows:

- To provide a mixture of compatible land uses
- To integrate suitable business, office, residential, retail and other development in accessible locations so as to maximise public transport patronage and encourage walking and cycling
- To encourage leisure and entertainment facilities in the major centres that generate activity throughout the day and evening
- To provide for high density housing that is integrated with civic spaces.

A summary of the key controls which apply to the Site is provided in Table 4 below.

**Table 4: Sydney LEP controls**

Clause	Summary of provisions
4.3 Height of Buildings	12m (see Figure 9)
4.4 Floor space ratio	2:1 (see Figure 10)
5.10 Heritage conservation	<p>The site is within a Heritage Conservation Area and near a number of local heritage items (see Figure 11) including:</p> <ul style="list-style-type: none"> <li>• I2190: Commercial building “Brandt Bros Ltd” – 41 Riley Street</li> <li>• I2191: Commercial building “Former Hastings Deering Building” – 46-48 Riley Street</li> <li>• I2192: Commercial building “Lesseys Garage” – 55-61 Riley Street</li> <li>• I1655: Cook and Phillip Park.</li> </ul> <p>However, City of Sydney is currently progressing a Planning Proposal which reviews the existing conservation areas and proposes to remove the subject site and the surrounding context from the Heritage Conservation Area (see Figure 12).</p>
5.21 Flood planning	Clause 5.2 sets out flooding consideration which apply to land within the flood planning area. These provisions apply to the subject site.
7.2 Development requiring a Development Control Plan	<p>This clause requires preparation of a site specific DCP prior to approval of buildings greater than 25m above ground level or on sites greater than 5,000sqm outside Central Sydney.</p> <p>The site area and proposed height does not meet these parameters and accordingly a site specific DCP is not required.</p>
7.6 Car parking – office premises and business premises	The site is identified as being within Public Transport Accessibility Level Category E. The LEP establishes the following maximum car parking rates:

Clause	Summary of provisions
	<p><b>Office premises and business premises:</b></p> <p>If the FSR is greater than 2.5:1 the following formulae applies: <math>M=(G \times A)/(50 \times T)</math></p> <p>where-</p> <p>M is the maximum number of parking spaces, and G is the gross floor area of all office premises and business premises in the building in square metres, and A is the site area in square metres, and T is the total gross floor area of all buildings on the site in square metres.</p> <p><b>Retail premises</b></p> <ul style="list-style-type: none"><li>1 space for each 60 square metres of GFA.</li></ul> <p>The proposal includes car parking in accordance with the maximum rates as discussed in Section 8.8.</p>
7.14 Acid sulphate soils	<p>The Site is identified as being subject of Acid Sulfate soils of Class 2. Any future development application will include an acid sulfate soils management plan.</p>

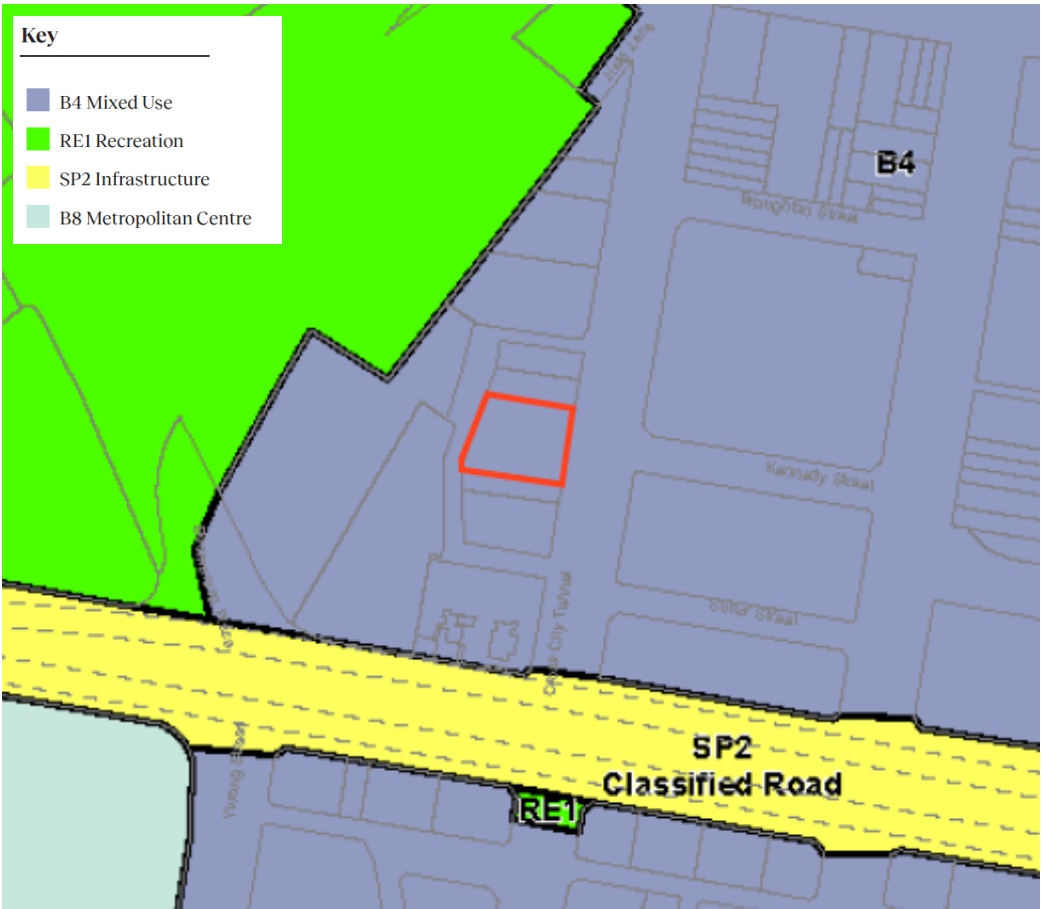


Figure 8: Sydney LEP – Existing zoning map (Source: SJB 2024)

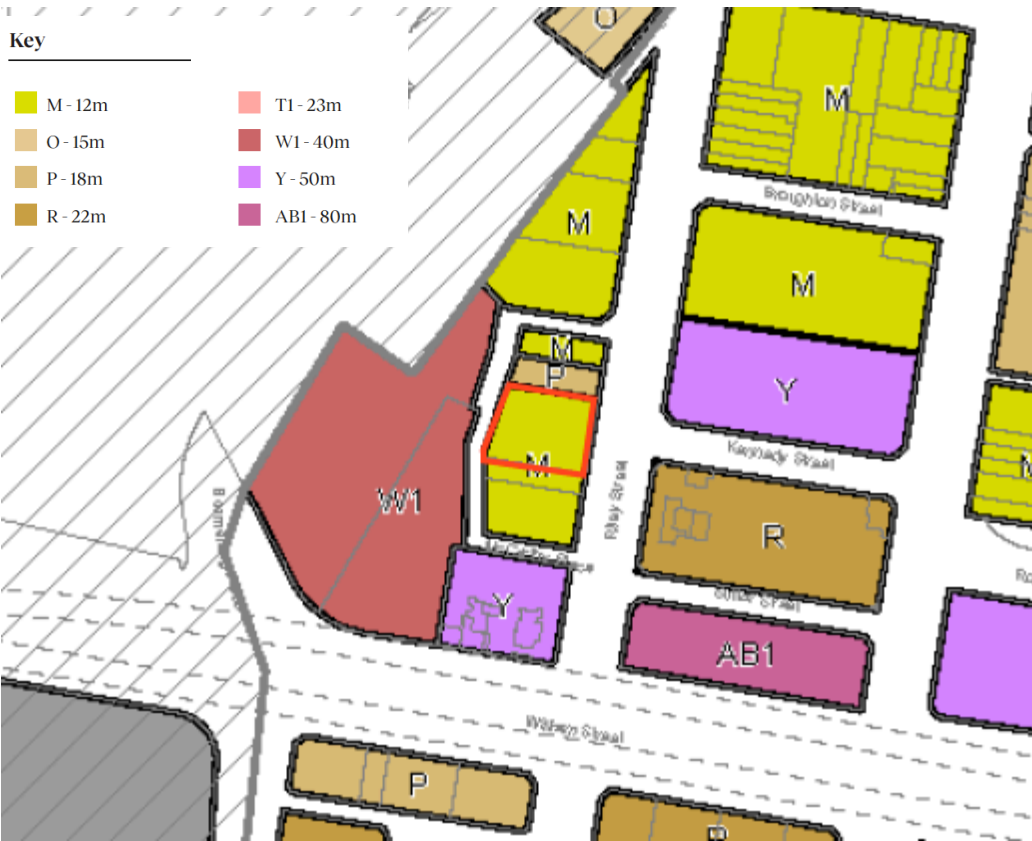


Figure 9: Sydney LEP – existing height of buildings map (Source: SJB 2024)

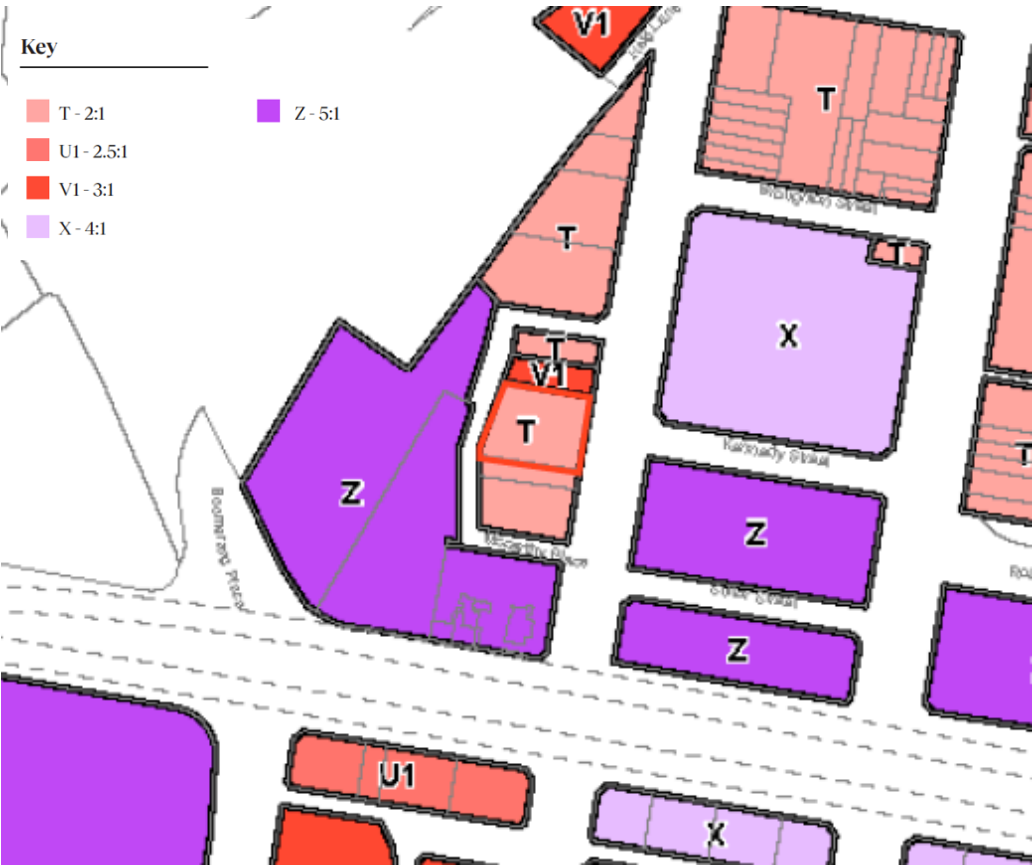


Figure 10: Sydney LEP – existing floor space ratio map (Source: SJB 2024)



Figure 11: Sydney LEP – existing heritage map (Source: SJB)

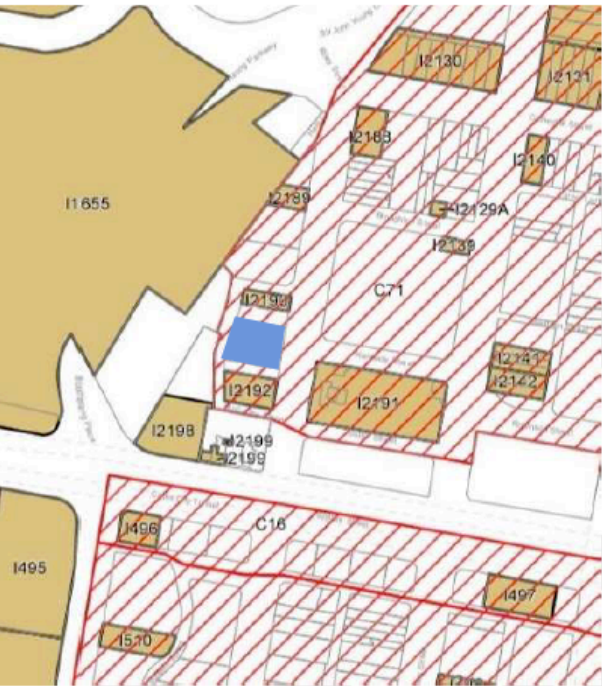


Figure 41: Excerpt from the Sydney LEP 2012 heritage map. Heritage items are shown brown, and the Woolloomooloo Conservation Area is hatched red. The subject site is circled blue. (Source: Sydney LEP 2012, Heritage Map HER\_15)



Figure 42: Excerpt from the proposed update heritage map showing the portion of conservation area containing the subject site recommended to be removed from the HCA. (Source: (Pre-exhibition) Appendix A1 of the Planning Proposal Conservation Areas Review)

Figure 12: Proposed changes to the Woolloomooloo Heritage Conservation Area

### 3.2 Sydney Development Control Plan 2012

The following built form controls apply to the site under the Sydney DCP:

- Maximum height: 3 storeys (see Figure 13)
- Building street frontage height: three storeys to Riley Street / two storeys to Busby Lane (see Figure 14)

The site is also located within the Woolloomooloo heritage conservation area but is identified as being a detracting item meaning that it detracts from the heritage values of the area (see Figure 15). Accordingly, there is no requirement for retention of the existing building. Any new building would be required to respond to the surrounding heritage values.

Further, it is noted that Council is progressing a Planning Proposal which would remove the site and surrounding context from the Woolloomooloo heritage conservation area. This includes amendments to the Sydney DCP to remove these areas from the building contributions map.

The proposal seeks to increase the height in storeys on the subject site from three to five storeys. The proposal would comply with the three storey street wall to Riley Street and seeks to increase the street wall to Busby Lane to three storeys, which is consistent with the surrounding context.

Should the Planning Proposal be supported it is recommended the Sydney DCP maps be amended to show height and buildings and setback controls that correspond to the planning proposal scheme.

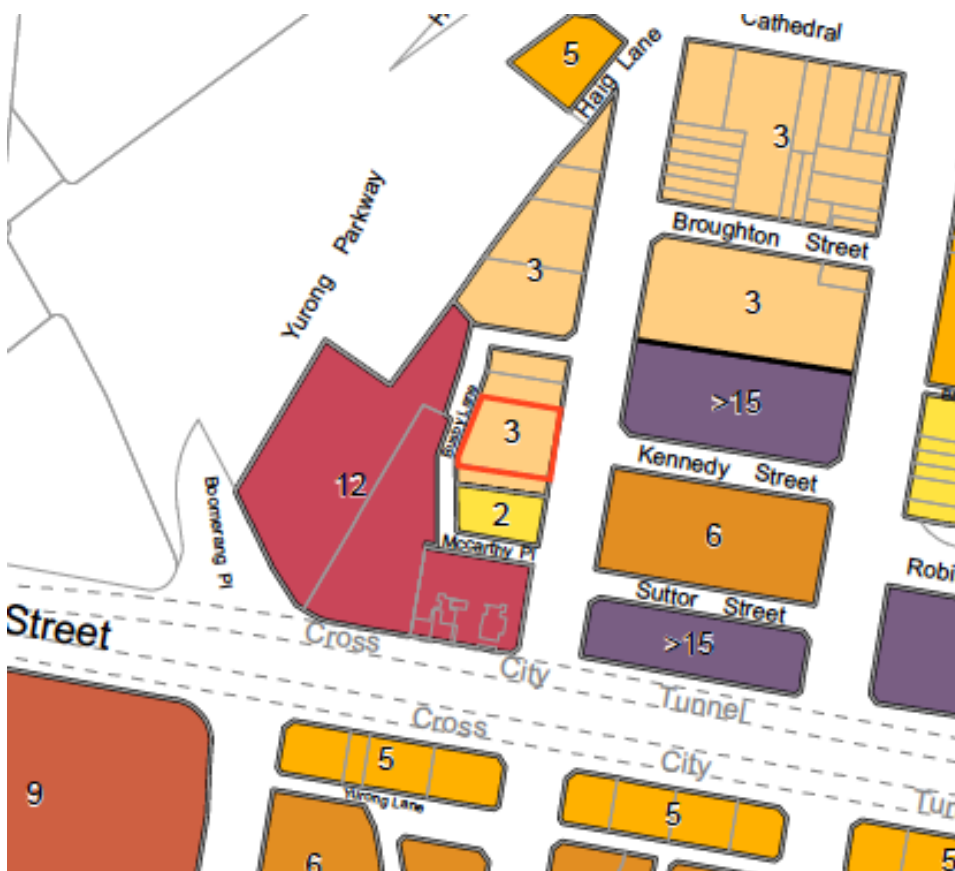


Figure 13: Sydney DCP – building height in storeys

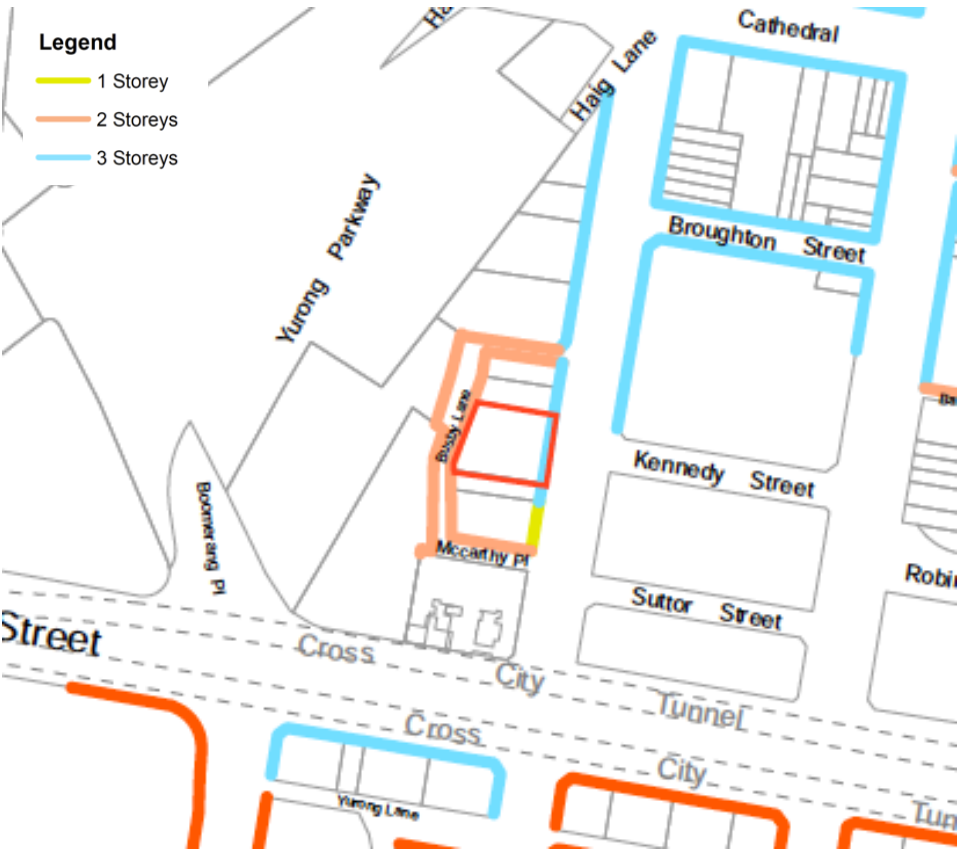


Figure 14: Sydney DCP – building street frontage height in storeys

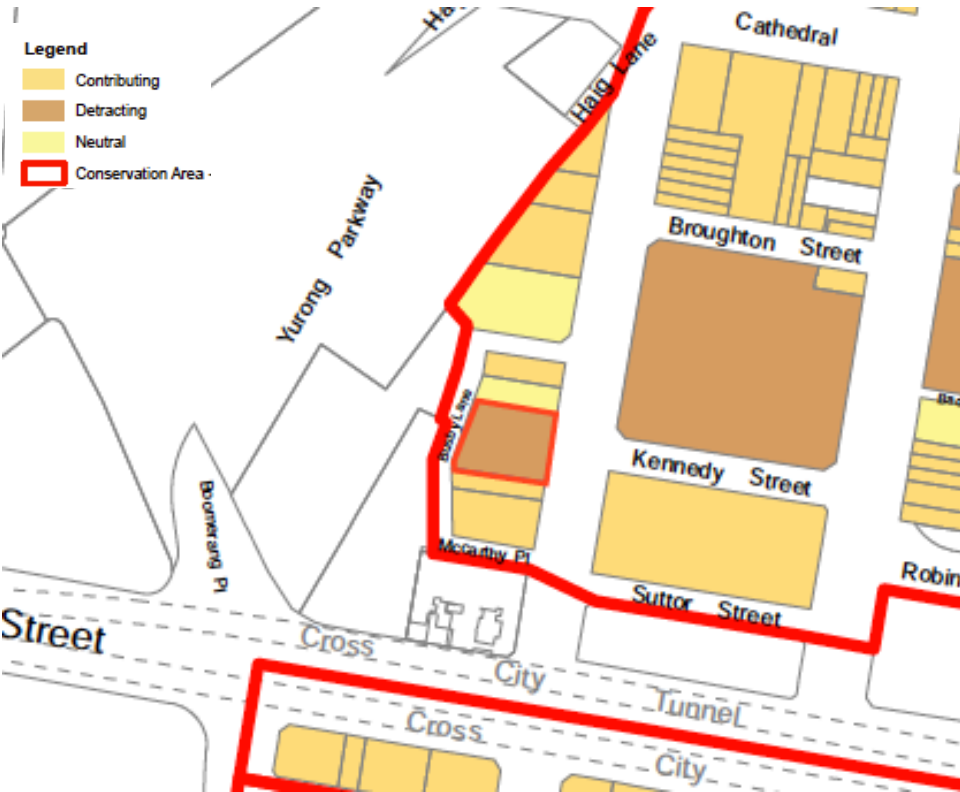
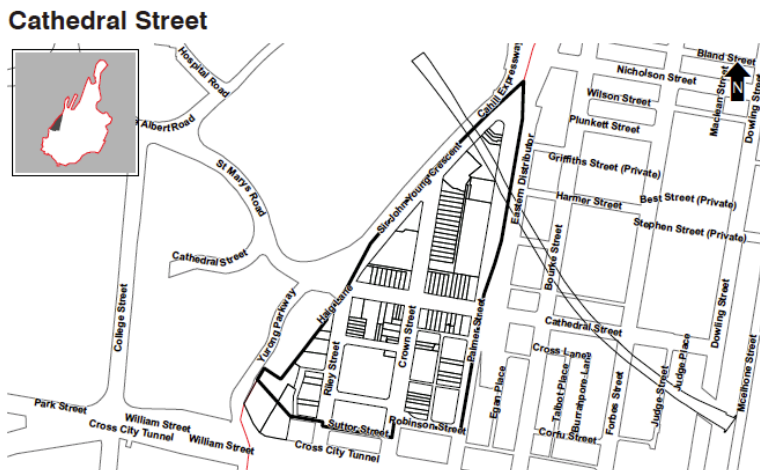


Figure 15: Sydney DCP – Building contributions map

A summary of the other relevant controls in the Sydney DCP is outlined below.

## Sydney DCP Part 2: Locality Statements

The site is included within the Cathedral Street locality as shown below:



**Figure 16: Sydney DCP - Cathedral Street locality**

The locality statement is provided below.

*This locality is bounded by the elevated edge of the Domain parklands and carpark to the west, Palmer Street to the east and the rear of William Street lots to the north.*

*This area is a low scale mixed-use area. The low scale built form maintains views over the precinct from surrounding parkland of Cook and Phillip Park and the Domain. High quality building design on the western corner of Riley and Cathedral streets is to develop an improved entry to the parklands. A strong 6 storey built edge is encouraged along the Palmer Street edge in response to the Eastern Distributor tunnel. The area transitions in building height from low to medium scale along Riley Street to taller development along William Street.*

*The area's heritage items, corner pubs and galleries along Cathedral Street contribute to the character. Crown Street can provide an axis of active street frontages to reinforce the Cathedral Street centre. The growth of an arts precinct in the neighbourhood centre is encouraged.*

*Residential uses are encouraged above ground level, with commercial and retail on the ground level to promote the casual surveillance of streets and open space.*

The following principles apply to the locality:

- Development must achieve and satisfy the outcomes expressed in the character statement and supporting principles.
- Development is to respond to and complement heritage items and contributory buildings within heritage conservation areas, including streetscapes and lanes.
- Protect the view to St Mary's Cathedral along Cathedral Street.
- Maintain sky views over treetops from Cook and Philip Park.
- Residential development is encouraged above commercial uses to provide night time activity and a broad market for neighbourhood centre shops.
- Encourage the redevelopment of vacant sites along Palmer Street and the Eastern Distributor to shape this an important vehicular entry into eastern Sydney.

- Maintain the small lot subdivision and built form along Cathedral Street and the north-east side of Crown Street.
- Maintain the low scale of development within the centre of the locality and taller buildings located along William Street.
- Encourage a 3 storey street wall along Riley Street to define the streetscape and provide a transition to taller development along William Street.
- Ensure that buildings on the western corner of Riley and Cathedral Streets address the pocket plaza and respect the scale and articulation of buildings on the corner of Cathedral Street.
- Encourage the development of the neighbourhood as a small business, gallery and café precinct.
- Encourage a small arts precinct with the growth of galleries along Cathedral Street.
- Ensure all development responds to and complements heritage items and conservation areas.

Other relevant provisions of the Sydney DCP are considered in Appendix A.

## 4 The proposal

### 4.1 Urban design

An Urban Design Study has been prepared by SJB which has included a detailed review of the site and its context and consideration of opportunities and constraints. The Urban Design Study outlines a vision for a boutique commercial office building with ground floor retail located on the City Fringe which carefully responds to the unique grain and character of west Woolloomooloo and seeks to stitch together the shopfronts that exist on the block and contribute to the sense of place in this highly diverse, historic and dynamic part of Sydney.

The Vision is supported by six design principles which are summarised below:

- Link the active frontages along Riley Street
- Respect the heritage of the Riley Street block and surrounds
- Strengthen the street wall through careful consideration of setbacks to reduce bulk and scale
- Minimise impact to neighbours particularly views from and solar access to the residential uses to the south, west and east of the site
- Make a positive contribution to the streetscape through sensitive redevelopment of a detracting building
- Contribute to the sense of place along Riley Street including through the mixture of activities, events, people on the street and energy to create a successful urban street.

The vision and design principles have informed a building envelope which responds to the surrounding built form and heritage context and the provisions of the Sydney DCP and minimises impacts on surrounding sensitive uses (Figure 17 and Figure 18). It includes the following key parameters:

- No street setback to Riley Street and Busby Lane continuing the alignment of adjacent buildings.
- Ground floor retail uses to Riley Street to continue the activation along the immediate block.
- A three storey street wall to Riley Street with a 3m upper level setback consistent with the Sydney DCP.
- A three storey street wall to Busby Lane with a 0.7m upper level setback which seeks to maximise the commercial floorplate. This is considered suitable in the context the service laneway and aligns with the adjacent built form.
- A maximum height of five storeys which minimises overshadowing impacts and view impacts on surrounding residential uses.
- Rooftop services and communal open space.

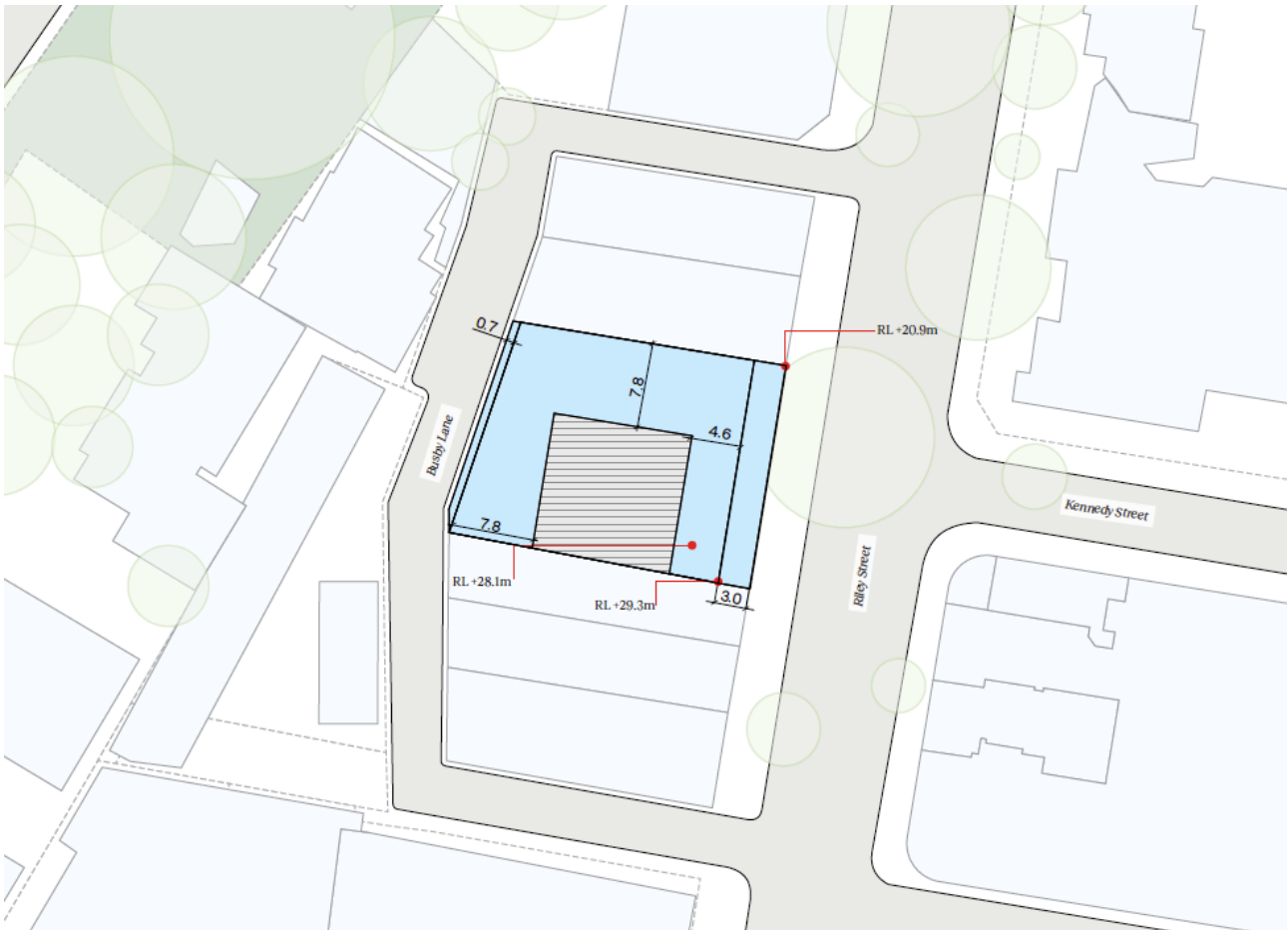
A reference scheme has also been prepared to test how the vision and principles can be achieved within the proposed planning envelope (see Figure 19 to Figure 23). The reference scheme would deliver 2,150sqm of commercial GFA including 163sqm of retail GFA fronting Riley Street with potential to generate up to 90 new jobs.

It also includes one basement level accommodating car parking, bike parking and end of trip facilities in accordance with Council requirements.

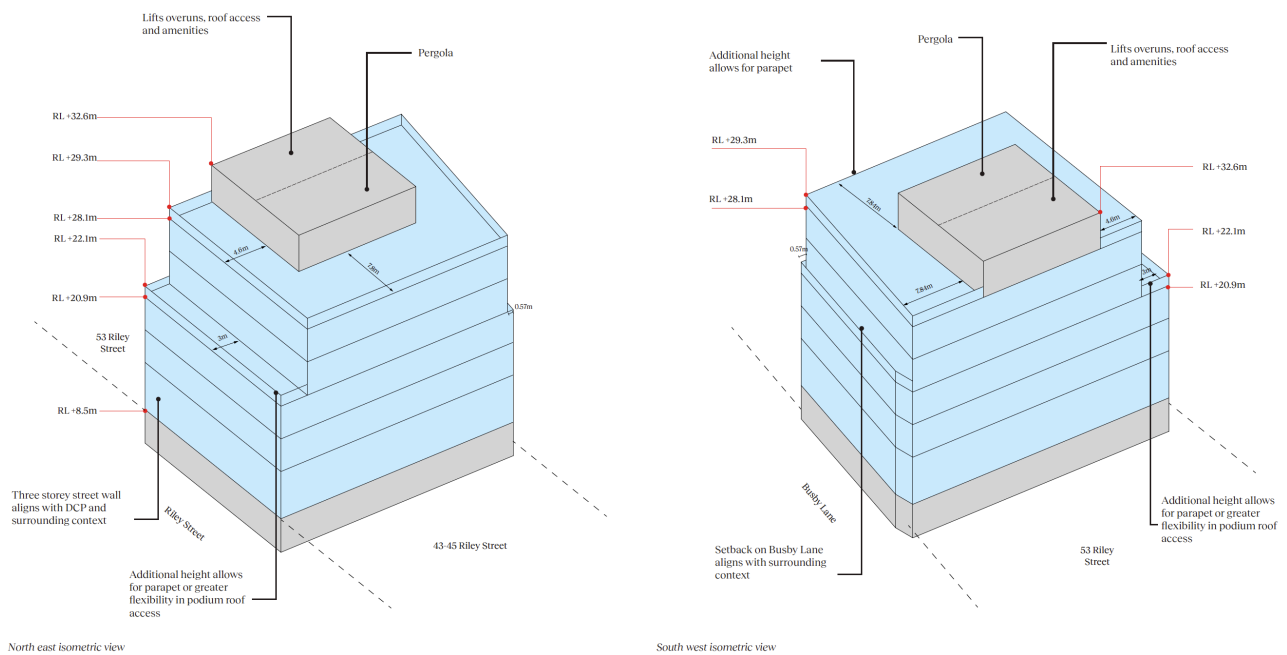
### 4.2 Proposed LEP Amendments

The Planning Proposal seeks to amend the following built form controls under the Sydney LEP:

- Height of buildings increase from 12m to 25m (see Figure 24)
- FSR increase from 2:1 to 3.8:1 (Figure 25).



**Figure 17: Proposed planning envelope (Source: SJB 2024)**



**Figure 18: Proposed planning envelope (Source: SJB 2024)**



Figure 19: Reference Scheme – Ground floor plan (Source: SJB 2024)

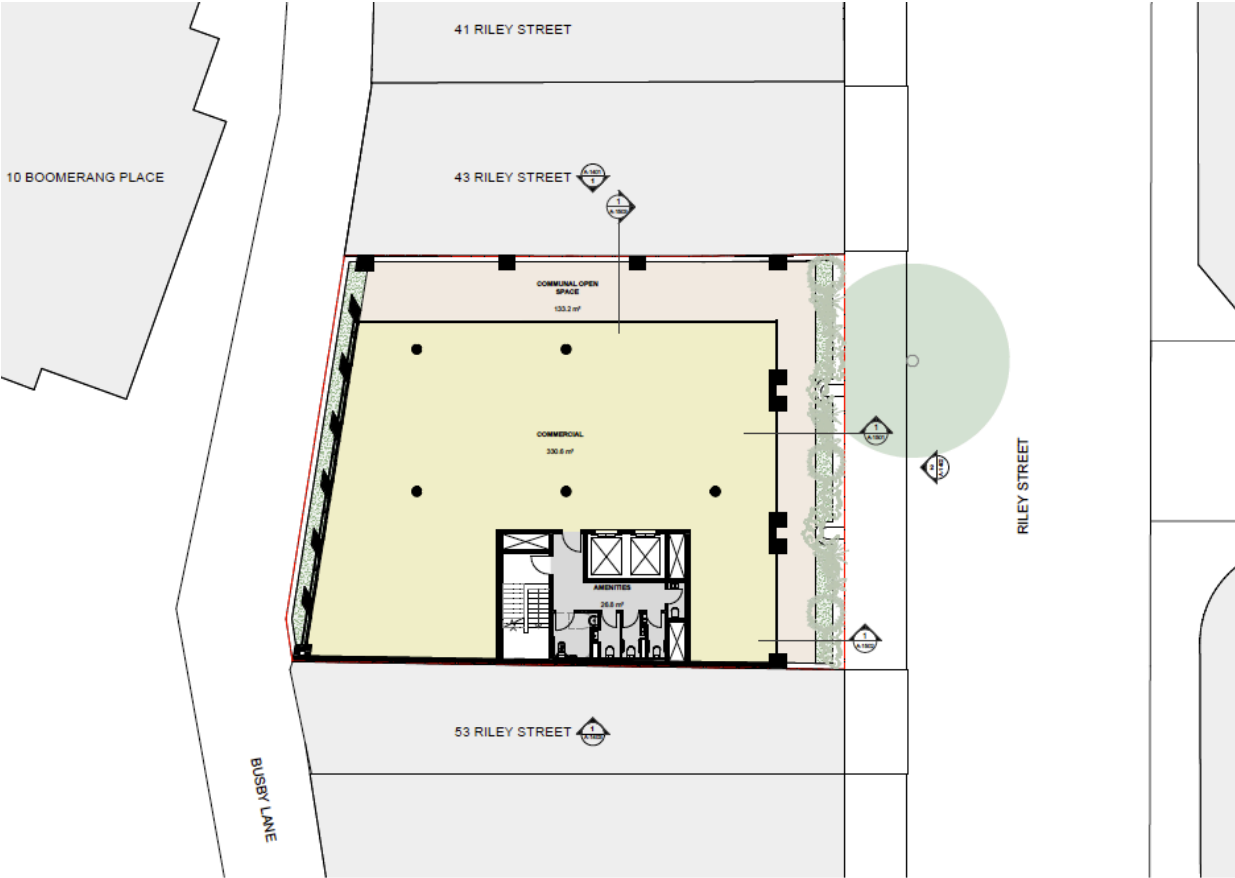


Figure 20: Reference Scheme – Level 3 (Source: SJB 2024)

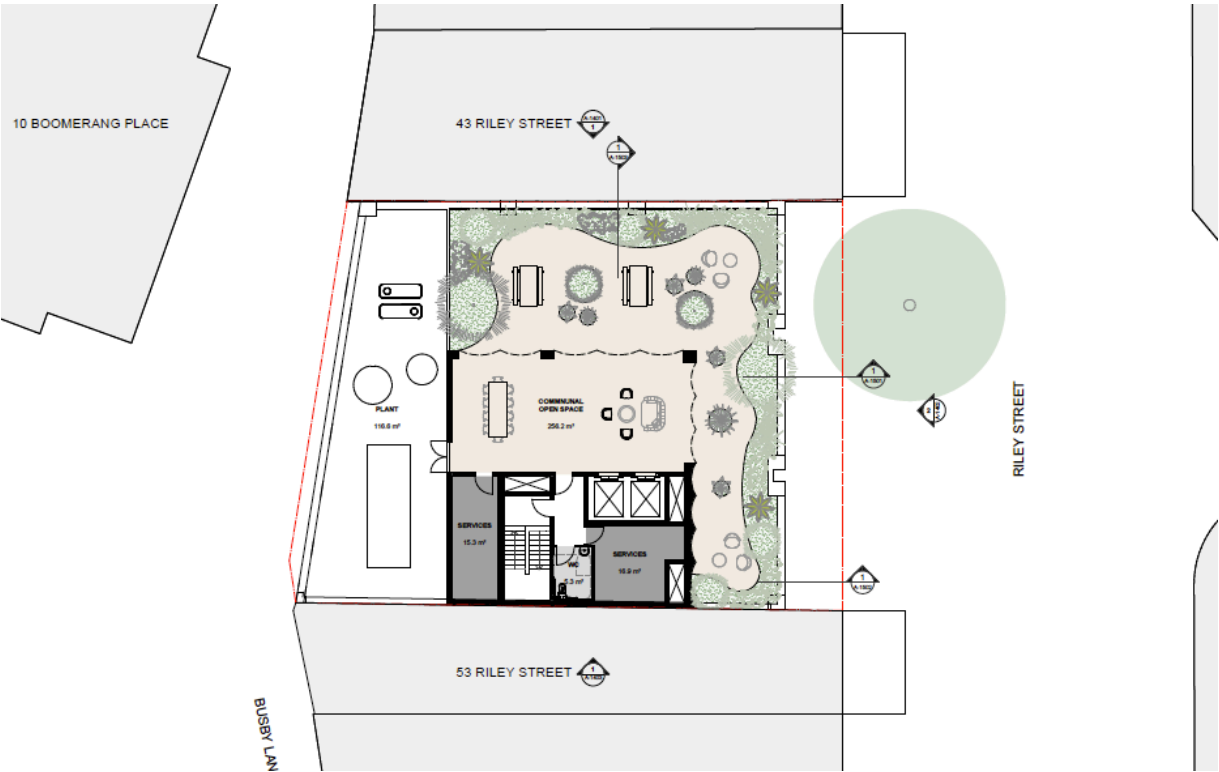


Figure 21: Reference Scheme – Rooftop (Source: SJB 2024)

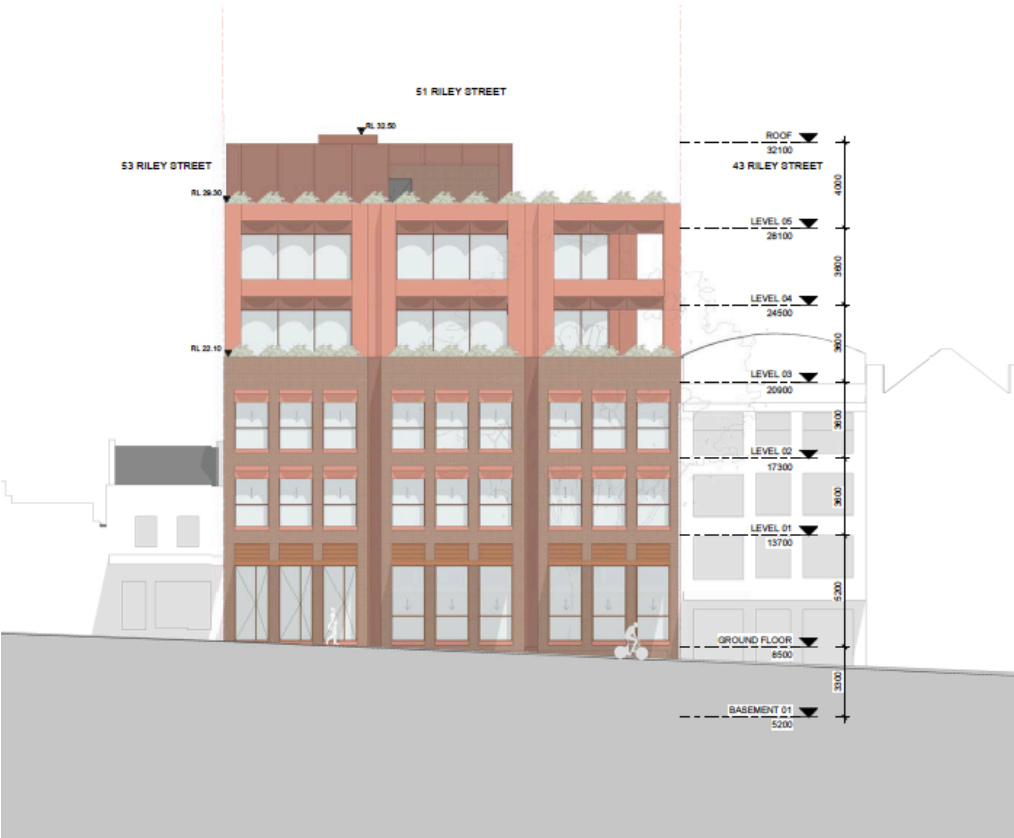


Figure 22: Reference Scheme – East Elevation (Source: SJB 2024)



*Figure 23: Reference Scheme – Visualisation (Source: SJB 2024)*

## 5 Objectives and intended outcomes

### 5.1 Objectives

- To amend the planning controls in the Sydney LEP to support the redevelopment of an existing commercial building at 51 Riley Street for a new commercial building up to five storeys with ground floor retail.

### 5.2 Intended outcomes

The intended outcomes of the proposal are outlined below:

- To deliver a new fully non-residential development for the site providing additional flexible commercial office floor space
- To activate the Riley Street site frontage consistent with the adjacent uses by providing ground floor retail uses
- To deliver up to 90 new jobs supporting the jobs targets for the Harbour CBD
- To respond to the surrounding heritage context of the Woolloomooloo Heritage Conservation Area and heritage items along Riley Street
- To establish built form parameters to minimise overshadowing and view impacts on nearby residential uses
- To deliver best practice sustainable design outcomes.

## 6 Explanation of provisions

The Planning Proposal seeks to apply the following built form controls to the site through an amendment to the Sydney LEP and DCP:

- Height of buildings increase from 12m to 25m (Figure 24)
- FSR increase from 2:1 to 3.8:1 (Figure 25).



Figure 24 – Proposed height of buildings map (SJB 2024)



Figure 25 – Proposed FSR map (SJB 2024)

## 7 Justification of strategic merit

This section addresses key questions to consider when demonstrating the justification for strategic merit as outlined the *Local Environmental Plan Making Guideline* (Department of Planning, Industry and Environment 2023).

### 7.1 Need for the Planning Proposal

**Q1. Is the Planning Proposal a result of an endorsed LSPS, strategic study or report?**

This area is not specifically identified for changes to the planning controls as a result of an endorsed LSPS, strategic study or report. However, the Planning Proposal is consistent with the City Plan 2036 Local Strategic Planning Statement which includes Priority 2 *Developing innovative and diverse business clusters in City Fringe*. This is discussed in further detail in Section 2.4.

**Q2. Is the Planning Proposal the best means of achieving the objective or intended outcomes or is there a better way?**

Yes, the Planning Proposal is the best means of achieving the objectives and intended outcomes.

The issues covered by this Planning Proposal relate to statutory issues under Part 3 of the *Environmental Planning and Assessment Act 1979*. The Planning Proposal is the only mechanism that can achieve the objectives and intended outcomes related to the Site.

### 7.2 Relationship to Strategic Planning Framework

**Q3. Will the planning proposal give effect to the objectives and actions of the applicable regional or district plan or strategy (including exhibited drafts)?**

Yes. The proposal directly aligns with the Eastern City District Plan District Plan in particularly the Planning Priority to grow a stronger and more competitive Harbour CBD.

The redevelopment of the site to provide more commercial floor space aligns with the Plan which highlights that the success of the Harbour CBD is supported by a range of factors including:

- Internationally desirable premium-grade and A-grade office space supported by lower cost office spaces
- Being connected to the agglomeration of businesses in the Eastern Economic Corridor.

The proposal will also support the 30 minute city by locating new commercial floor space within a mixed use precinct and in close proximity of transport infrastructure.

Consistency with the Eastern City District Plan is discussed in further detail in Section 2.2.

**Q4. Is the planning proposal consistent with a council LSPS that has been endorsed by the Planning Secretary or GCC, or another endorsed local strategy or strategic plan**

See response to Q1.

**Q5. Is the planning proposal consistent with any other applicable State or regional studies or strategies?**

NA

### 7.2.1 Consideration of State Environmental Planning Policies

#### Q6. Is the Planning Proposal consistent with applicable State Environmental Planning Policies

An analysis of the consistency of the proposed amendments with relevant State Environmental Planning Policies (SEPPs) is listed in Table 5.

**Table 5: Analysis against State Environmental Planning Policies**

Policy	Assessment
Biodiversity and Conservation SEPP	<p>Chapter 10 of the Biodiversity and Conservation SEPP relates to the Sydney Harbour Catchment and sets planning principles for consideration of development within the catchment including to protect and, where practicable, improve the hydrological, ecological and geomorphological processes on which the health of the catchment depends.</p> <p>Future development will need to demonstrate it can meet relevant water quality standards in accordance with Council policies and that any hazards associated with land contamination and acid sulphate soils are appropriately managed.</p>
Resilience and Hazards SEPP	<p>The Resilience and Hazards SEPP includes provisions relating to the remediation of contaminated land which apply at DA stage.</p> <p>The contaminated land provisions which relate to Planning Proposals are now included within the Ministerial Directions which are considered and addressed in Section 7.2.2 of this report.</p>
Sustainable Buildings SEPP	<p>Chapter 2 of the Sustainable Buildings SEPP establishes sustainability standards for non-residential development which will need to be complied with at DA stage.</p> <p>These are discussed in further detail within the sustainability strategy in Section 8.9.</p>

### 7.2.2 Consideration of Ministerial Directions

#### Q7. Is the Planning Proposal consistent with the applicable Ministerial Directions?

The proposal is consistent with all relevant Ministerial directions under Section 9.1 of the *Environmental Planning and Assessment Act 1979*.

An assessment of the proposal against the applicable Section 9.1 directions is supplied in Table 6.

**Table 6: Analysis against Ministerial Directions**

Ministerial Direction	Assessment
<b>Focus Area 3: Biodiversity and conservation</b>	
4.1 Heritage conservation	<p>The direction requires Planning Proposals to facilitate the conservation of environmental heritage including:</p> <ul style="list-style-type: none"> <li>Items, places, buildings, works, relics, moveable objects or precincts of environmental heritage significance to an area, in relation to the historical, scientific, cultural, social, archaeological, architectural, natural or aesthetic value of the item, area, object or place, identified in a study of the environmental heritage of the area</li> <li>Aboriginal objects or Aboriginal places that are protected under the National Parks and Wildlife Act 1974</li> </ul>

Ministerial Direction	Assessment
	<ul style="list-style-type: none"> <li>Aboriginal areas, Aboriginal objects, Aboriginal places or landscapes identified by an Aboriginal heritage survey prepared by or on behalf of an Aboriginal Land Council, Aboriginal body or public authority and provided to the relevant planning authority, which identifies the area, object, place or landscape as being of heritage significance to Aboriginal culture and people.</li> </ul> <p>The existing building is located within a heritage conservation area but is identified as detracting from the heritage significance of the area. Further, City of Sydney is currently progressing a Planning Proposal which reviews the existing conservation areas and proposes to remove the subject site and the surrounding context from the heritage conservation area.</p> <p>The heritage impacts of the proposal have been addressed in a Heritage Impact Statement which is discussed in Section 8.4.</p> <p>A Baseline Archaeological Assessment and Aboriginal Heritage Due Diligence Assessment have been prepared which identify the likelihood of archaeological evidence being located within the site as nil-low given the past disturbance associated with the existing building and basement. This is discussed in further detail in Section 8.5 and 8.6.</p>
<b>Focus Area 4: Resilience and hazards</b>	
4.1 Flooding	<p>The direction requires Planning Proposals to be consistent with</p> <ul style="list-style-type: none"> <li>The NSW Flood Prone Land Policy,</li> <li>The principles of the Floodplain Development Manual 2005,</li> <li>The Considering flooding in land use planning guideline 2021, and</li> <li>Any adopted flood study and/or floodplain risk management plan prepared in accordance with the principles of the Floodplain Development Manual 2005 and adopted by the relevant council.</li> </ul> <p>The reference scheme has demonstrated that relevant flood planning levels can be accommodated as follow:</p> <ul style="list-style-type: none"> <li>The proposed finished floor levels (F.F.L) on the architectural plans fronting Riley Street are set at RL8.50m which is below the 1% AEP flood level in some locations and is designed to provide level access into the building. As the flood level in this location ranges from RL8.1m to RL8.8m along Riley Street it is recommended that a 50mm threshold above external footpath levels is provided where finished levels are below footpath level</li> <li>Probable Maximum Flood (PMF) levels of RL8.5m on Busby Lane and RL9.3m on Riley Street have been considered with all basement access points being located above the PMF. This includes lift shafts and fire stairwells as well as the internal driveway crest to the basement entry.</li> </ul> <p>A flood assessment has been prepared to support the Planning Proposal which has considered and addressed these matters and identified the appropriate flood planning levels that apply to the site. The urban design reference scheme has incorporated the flood planning levels into the layout, access arrangements and finished floor levels to ensure these can be accommodated ensuring that flood risk to future development on the site can be managed.</p>

Ministerial Direction	Assessment
4.4 Remediation of contaminated land	<p>The direction requires a preliminary site investigation where a change of land use is proposed for land which may be contaminated as a result of existing or past uses is proposed.</p> <p>The site is currently zoned MU1 Mixed Use and this is not proposed to be changed as a result of the Planning Proposal. The provisions of the Resilience and Hazards SEPP will apply at DA stage.</p>
4.5 Acid Sulfate soils	<p>The direction requires consideration of acid sulphate soils when preparing a Planning Proposal which proposes an intensification of land uses on land identified as having a probability of containing acid sulfate soils.</p> <p>The site is identified as being subject of Class 2 Acid Sulfate Soils and is subject to the relevant provisions of the Sydney LEP which details where an Acid Sulphate Management Plan is required to be prepared and implemented. These provisions will be addressed at DA stage.</p>
<b>Focus Area 5: Transport and infrastructure</b>	
5.1 Integrating land use and transport	<p>The direction requires the RPA to ensure that the Planning Proposal includes provisions consistent with the principles of Integrating Land Use and Transport as outlined in key policies and guidelines.</p> <p>The proposal meets these principles by increasing retail and commercial uses within a highly accessible location adjacent to the Sydney CBD and within close proximity to public transport.</p>
<b>Focus Area 7: Industry and employment</b>	
7.1 Business and industrial zones	<p>The objectives of this direction are to:</p> <ul style="list-style-type: none"> <li>(a) encourage employment growth in suitable locations,</li> <li>(b) protect employment land in business and industrial zones, and</li> <li>(c) support the viability of identified centres.</li> </ul> <p>The direction requires the relevant planning authority (RPA) to ensure that a Planning Proposal relating to land within an existing or proposed business zone must retain areas and locations of existing business zones and not reduce the total potential floor space area for employment uses and related public services in business zones.</p> <p>The existing MU1 zone is not proposed to be amended and the proposal will enable additional employment floor space within a suitable location adjacent to the Sydney CBD and close to public transport.</p>

## 8 Justification of Site-Specific Merit

This section addresses key questions to consider when demonstrating the justification for strategic merit as outlined in the *Local Environmental Plan Making Guideline* (Department of Planning, Industry and Environment 2023).

### 8.1 Environmental, social and economic impacts

**Q8. Is there any likelihood that critical habit or threatened species, populations or ecological communities, or their habitats, will be adversely affected as a result of the proposal?**

The proposal is contained within a site which is entirely cleared of vegetation, with the surrounding public domain supporting limited street tree plantings. No critical habitat or threatened species, populations or ecological communities, or their habitats will be affected as a result of this proposal.

**Q9. Are there any other likely environmental effects as a result of the Planning Proposal and how are they proposed to be managed?**

### 8.2 Overshadowing

The proposed building envelope has been designed with the view to minimizing impacts on the adjacent residential uses by limiting height to a solar plane which ensures that all apartments maintain at least two hours of sunlight in midwinter.

Overshadowing diagrams have been prepared as part of the Urban Design Study (Appendix B) which show that the extent of additional overshadowing as a result of the proposal is minimal and predominantly impacts the mixed use residential building to the south of the site at 60-70 William Street.

Façade testing of this building shows additional impacts would be limited only 0.5% of the residential façade and that all apartments would continue to achieve 2 hours solar access.



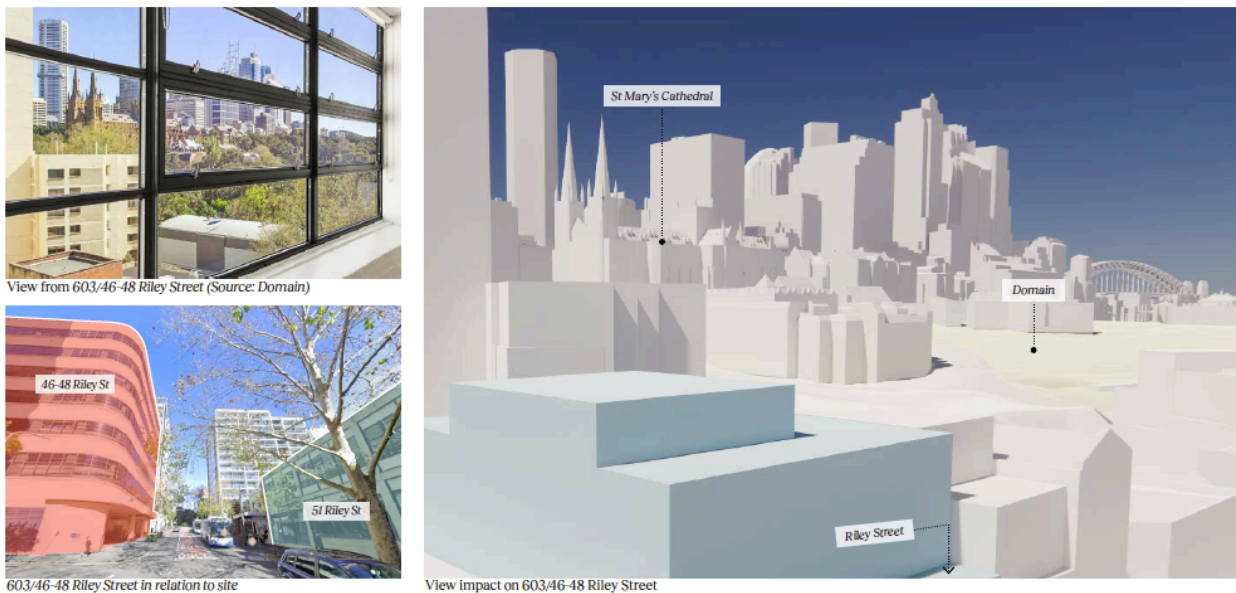
Figure 26: Solar testing – 60-70 William Street (Existing LHS / Proposed RHS) (Source: SJB 2024)

### 8.3 Visual impact and privacy

A Visual Impact Assessment has been carried out as part of the Urban Design Study (Appendix B) to test the visual impact of the proposal on surrounding residential apartments to key local views as well as the visual impact from the surrounding public domain including Riley Street and The Domain.

A view impact assessment of surrounding residential / mixed use buildings identified the following:

- 46-47 Riley Street to the south east of the site: The analysis indicates that proposed building envelope sits within the height of the surrounding built form and therefore does not impose additional impacts on key local views (Figure 27)
- 60-70 William Street to the south of the site: The analysis indicates that the proposal does not impact on key on prevailing views to significant public assets including Woolloomooloo Bay (Figure 28).



**Figure 27: View Impact Assessment – 46-47 Riley Street (Source: SJB 2024)**



**Figure 28: View Impact Assessment – 60-70 William Street (Source: SJB 2024)**

Views along Riley Street have been prepared to show the visual impact of the building envelope of the streetscape. These illustrate how the street wall and upper level setbacks have responded to adjacent built form context minimising building bulk and scale from the street. The detailed design of the building at DA stage will demonstrate building articulation, design and materiality to further enhance the streetscape, as suggested through the reference scheme design.

Views from The Domain show that the proposed building envelope sits within existing surrounding built form and the tree line of existing trees at the edge of the park ensuring that there would be minimal visual impacts from this viewpoint.



**Figure 29: Corner of Suttor and Riley Street, looking north (Source: SJB 2024)**



**Figure 30: Riley Street, looking south (Source: SJB 2024)**



**Figure 31: The Domain, looking south (Source: SJB 2024)**

Privacy of residents to the west of the site has also been considered with the reference scheme including privacy screening at upper levels. This would be further addressed at DA stage.

## 8.4 Built Heritage

A Heritage Impact Assessment (Appendix D) has been prepared by NBRS to assess the heritage impacts of the proposed building envelope.

The Heritage Impact Assessment identifies that the site is not listed as an item of local heritage significance on Schedule 5 of the Sydney Local Environmental Plan (LEP) 2012. However, it is located within the Woolloomooloo Conservation Area and in the vicinity of the following heritage items listed in Schedule 5 of the Sydney LEP 2012:

- 41 Riley Street, Woolloomooloo, (“Brandt Bros Ltd” including interior) – Item No: I2190
- 46-48 Riley Street, Woolloomooloo, (“Former Hastings Deering Building” including interior)– Item No: I2191
- 55-61 Riley Street, Woolloomooloo, (“Lesseys Garage” including interior) – Item No: I2192.

The existing heritage context is shown at Figure 32.

City of Sydney is currently progressing a Planning Proposal which reviews the existing conservation areas. The proposed changes (see Figure 33) indicate that the intention is to remove the subject site and the surrounding context from the Heritage Conservation Area. It does not propose any changes to heritage items in the vicinity. This decision recognises that the surrounding context of 51 Riley Street does not contribute to conserving the character, scale or significance of the wider Woolloomooloo conservation area.

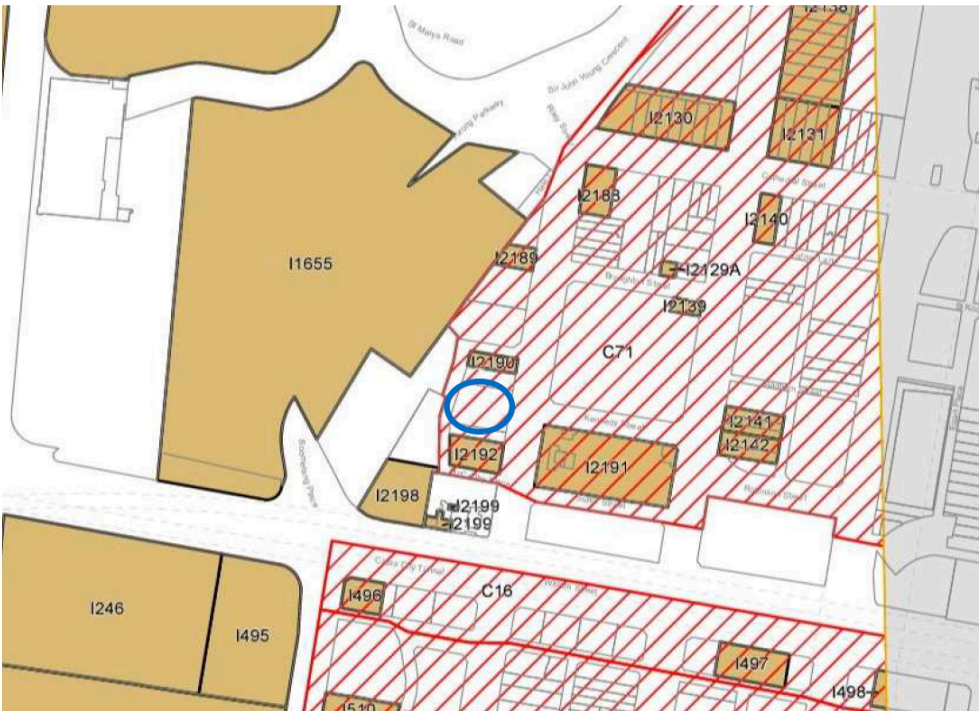


Figure 32: Sydney LEP - current heritage context



Figure 41: Excerpt from the Sydney LEP 2012 heritage map. Heritage items are shown brown, and the Woolloomooloo Conservation Area is hatched red. The subject site is circled blue. (Source: Sydney LEP 2012, Heritage Map HER\_15)



Figure 42: Excerpt from the proposed update heritage map showing the portion of conservation area containing the subject site recommended to be removed from the HCA. (Source: (Pre-exhibition) Appendix A1 of the Planning Proposal Conservation Areas Review)

Figure 33: Proposed changes to the Woolloomooloo Heritage Conservation Area

The Heritage Assessment concluded that that the proposed changes to the building envelope would have an acceptable impact on the heritage significance of the Woolloomooloo Conservation Area and heritage items in the vicinity. In particular it notes that:

- The Planning Proposal responds to the immediate and contemplated future context of the site arising from potentially redefined boundaries of the Woolloomooloo HCA, through the overall envelope and proposed setbacks
- The proposal retains the scale and form of the existing streetscape by establishing a defined setback to the upper levels of the envelope. The lower levels are built out to the street edge in line with the adjacent buildings, including the heritage items. The levels above are set back allowing the building edge to contribute to retaining a cohesive streetscape scale and form. The upper levels are viewed in the context of the high-rise buildings that form the predominant character of the visual setting for 51 Riley Street.
- There will be no change to the appreciation or interpretation to the heritage items in the vicinity of the site.
- The additional height will not adversely impact views from the Domain nor Cook and Philip Park as the building will sit well below the existing high-rise structures that feature in views from these vantage points.

The Heritage Assessment highlights the potential for future development to appear out of scale with the wider streetscape as a result of the site being wider than the typical historical allotments on the street frontage and the proposed additional floors. However, it highlights this can be addressed in a future detailed architectural response, as demonstrated in the reference scheme, to achieve a sympathetic scale, articulation and materiality which will actively contribute to the streetscape. The report also notes that the proposal provides the potential to replace a building which is currently identified in the Sydney DCP as detracting from the surrounding heritage character.

The Heritage Impact Assessment includes the following recommendations to guide the future detailed design:

- Characteristic Scale and Proportion:
  - Recapture an appreciation of the original allotment layout and fine grain proportion of the earlier traditional building forms
  - Provide an articulated façade ‘in the round’ which interprets a scale and proportions which are sympathetic to the character of the Woolloomooloo Conservation area
- Heritage Relationships and materiality
  - Maintain sympathetic visual relationships with the heritage items in the vicinity through the use of appropriate materials to maintain an appropriate visual setting for these items.

Based on the Heritage Impact Assessment, it is considered that the Planning Proposal will not have any detrimental impact on the heritage context and has the potential to benefit the streetscape through sensitive replacement of an existing building which detracts from the heritage conservation area, noting that the site and surrounding context is proposed to be removed from the heritage conservation area.

## 8.5 European Archaeology

A Baseline Archaeology Assessment (Appendix E) has been prepared by Extent which included a desktop assessment of the site's potential to contain historical archaeological remains.

The Assessment found that site has nil to low potential for archaeological remains due to disturbance of construction of the previous building and the current building and basement and that historical deposits are unlikely to be encountered during the construction of the new building, including the two basement levels.

Accordingly, the Assessment recommended that no further study or test excavation would be necessary and that an Unexpected Finds Procedure could be put in place during construction.

## 8.6 Aboriginal heritage

An Aboriginal Heritage Due Diligence Assessment (Appendix F) has been prepared by Extent to consider any Aboriginal heritage risks associated with the proposal.

The due diligence assessment identified no registered Aboriginal Objects or Places present within the study area. It noted that, although there have been Aboriginal stone artefacts recovered from excavations less than 50m from the study area, the currently existing basement of the building is considered likely to have removed any remaining soils that might have had potential to include Aboriginal objects. It concluded that because of this prior disturbance, there is not a likelihood of Aboriginal objects being present within the study area and that no further Aboriginal cultural heritage assessment actions are required.

## 8.7 Flooding and stormwater

A Flood Impact Assessment has been prepared by BRS to assess the likely impact of the proposed redevelopment on the floodplain in the local area, to identify any flood risks associated with the proposal and if identified indicate how these risks can be mitigated (Appendix G).

The assessment concludes that any impact on flood hazard, flood levels and behaviour adjacent to the development will be negligible as the development proposes an identical footprint to the existing development currently occupying the site.

It also highlighted the following Council flood planning requirements:

- Commercial development (including retail): Merits approach presented by the applicant with a minimum of the 1% AEP flood level
- Belowground car parking (including any basement ingress points): 1% AEP flood level + 0.5 m or the Probable Maximum Flood (whichever is the higher).

The reference scheme has responded to the flood planning levels as follow:

- The proposed finished floor levels (F.F.L) on the architectural plans fronting Riley Street are set at RL8.50m which is below the 1% AEP flood level in some locations and is designed to provide level access into the building. As the flood level in this location ranges from RL8.1m to RL8.8m along Riley Street it is recommended that a 50mm threshold above external footpath levels is provided where finished levels are below footpath level.
- Probable Maximum Flood (PMF) levels of RL8.5m on Busby Lane and RL9.3m on Riley Street have been considered with all basement access points being located above the PMF. This includes lift shafts and fire stairwells as well as the internal driveway crest to the basement entry.

The Flood Assessment concludes that the proposal would be able manage risk and effects due to flood behaviour, while also ensuring compliance with the City of Sydney’s Interim Floodplain Management Policy subject to implementation of the strategy outlined above, and structural requirements at the DA stage.

## 8.8 Traffic and transport

A Traffic and Transport Assessment (Appendix G) has been prepared by Colston Budd Rodgers and Kafes which highlights that the site has excellent access to public transport and that the proposal would increase employment density close to existing transport.

It also highlights that the proposed 2,150sqm of new commercial floor space would have a very low traffic generation of less than five vehicles per hour two-way at peak times, equivalent to an average of less than one vehicle every 12 minutes. Such a low traffic generation would not have noticeable effects on the operation of the surrounding road network.

It also includes a review of the parking requirements under the Sydney LEP and DCP and sets out the following requirements based on the reference scheme:

- A maximum of 14 car parking spaces
- Once loading bay for small vehicles including vans and courier sized vehicles
- A total of 22 bike parking spaces.

These requirements would apply to future development and have been incorporated in the reference scheme.

## 8.9 Sustainability strategy

New sustainability requirements for non-residential buildings have recently been introduced through the *State Environmental Planning Policy (Sustainable Buildings) 2022* (Sustainable Buildings SEPP). This includes a requirement which applies to commercial development with greater than 1,000sqm NLA to consider whether the development minimises the use of on-site fossil fuels, as part of the goal of achieving net zero emissions in New South Wales by 2050.

The Sydney LEP and DCP also require new buildings to use more renewable energy and support a transition to net-zero emissions. The Sydney LEP (Section 7.33) that for DAs for large commercial buildings consideration is given to whether the development:

- Is designed to optimise energy efficiency and the use of renewable energy generated on-site, and
- For a development application made on or after 1 January 2026—will also achieve net zero emissions from energy used on-site, including by using renewable energy generated on-site and off-site.

The Sydney DCP set out relevant standards to achieve compliance with the LEP requirements detailed above.

The Sustainable Buildings SEPP and LEP provisions apply to new office developments of 1,000sqm NLA or greater so will apply to future development envisaged under the Planning Proposal.

Given the expected timing it is considered likely that the proposed sustainability provisions of the Sydney DCP which relate to DAs submitted before 31 December 2025 would be applicable. Consideration of these controls is outlined in the sustainability strategy at Table 7 below. A detailed sustainability strategy would be prepared at the DA stage to give further consideration to how these provisions would be achieved.

**Table 7: Sustainability strategy**

Policy	Assessment
<b>Sustainable Buildings SEPP</b>	
<b>3.2 Development Consent for non-residential development</b> Requires the embodied emissions attributable to the development to be quantified and requires consideration of the following: <ol style="list-style-type: none"> <li>the minimisation of waste from associated demolition and construction, including by the choice and reuse of building materials,</li> <li>a reduction in peak demand for electricity, including through the use of energy efficient technology,</li> <li>a reduction in the reliance on artificial lighting and mechanical heating and cooling through passive design,</li> <li>the generation and storage of renewable energy the metering and monitoring of energy consumption,</li> <li>the minimisation of the consumption of potable water.</li> </ol>	This would be addressed through preparation of a sustainability assessment at DA stage.
<b>3.3 Other considerations for large commercial development</b> Clause 3.3 applies to new commercial development with a net lettable area of at least 1,000sqm NLA. It requires consideration of whether the development minimises the use of on-site fossil fuels, as part of the goal of achieving net zero emissions in New South Wales by 2050.  It also sets out the following standards for energy and water use for large commercial office development: <ul style="list-style-type: none"> <li>NABERS 5.5 star energy rating</li> <li>NABERS 3 star water rating.</li> </ul>	Consideration of the buildings minimisation of the use of fossil fuels and consistency with NABERS targets would be demonstrated at DA stage.
<b>Sydney DCP provisions</b>	
(1) Development is to be designed and constructed to reduce the need for active heating and cooling by incorporating passive design measures including design, location and thermal properties of glazing, natural ventilation, appropriate use of thermal mass and external shading, including vegetation.	To be addressed through a sustainability assessment prepared at DA stage.
(2) Lighting for streets, parks and any other public domain spaces provided as part of a development should be energy efficient lighting such as LED lighting.	Not applicable.
(3) In multi-tenant or strata-subdivided developments, electricity sub-metering is to be provided for lighting, air-conditioning and power within each tenancy or strata unit. Locations are to be identified on the development plans.	This requirement will be addressed at DA stage.

Policy	Assessment
(4) Electricity sub-metering is to be provided for significant end uses that will consume more than 10,000 kWh/annum.	This requirement will be addressed at DA stage.
(5) Car parking areas are to be designed and constructed so that electric vehicle charging points can be installed at a later time.	Provisioning of future EV charging will be addressed at DA stage, along with details of EV charging stations provided as part of the development.
(6) Where appropriate and possible, the development of the public domain should include electric vehicle charging points or the capacity for electric vehicle charging points to be installed at a later time.	Not applicable.
<p>(7) Sets out the following thresholds and performance standards to achieve the proposed net zero provisions in the Sydney LEP and requires an energy assessment report to be prepared.</p> <p><u>DAs submitted 1 January 2023 – 31 December 2025</u></p> <ul style="list-style-type: none"> <li>• maximum 45 kWh/yr/m2 of Gross Floor Area (GFA), or</li> <li>• 5.5 Star NABERS Energy Commitment Agreement (CA) + 25%, or</li> <li>• certified Green Star Buildings rating with a “credit achievement” in Credit 22: Energy Use, or equivalent</li> </ul> <p><u>DAs submitted from 1 January 2026 onward</u></p> <ul style="list-style-type: none"> <li>• maximum 45 kWh/yr/m2 of GFA, or</li> <li>• 5.5 Star NABERS Energy CA + 25%, or</li> <li>• certified Green Star Buildings rating with a “credit achievement” in Credit 22: Energy Use, or equivalent</li> </ul> <p>and</p> <ul style="list-style-type: none"> <li>• renewable energy procurement equivalent to “net zero emissions from energy use” or a maximum of 45 kWh/yr/m2 of GFA.</li> </ul>	This requirement will be addressed at DA stage.

**Q10. Has the planning proposal adequately addressed any social or economic effects?**

## 8.10 Social and Economic impacts

The proposal seeks to redevelop an existing two storey commercial office building constructed in the 1960s with a modern commercial building with flexible floorplates and high amenity and sustainability credentials to meet Rose Group’s requirements for their headquarters and attract a greater range of tenants.

The delivery of 2,150sqm of retail and commercial GFA with would generate economic benefits through increasing employment on the City Fringe which would generate up to 90 new jobs on site. This is consistent with the City of Sydney’s LSPS which seeks to *Develop innovative and diverse business clusters in City Fringe areas* as well as the District Plan’s *30-minute city policy*.

The inclusion of 163sqm of retail GFA fronting Riley Street will provide for enhanced street activation along Riley Street which will have economic and social benefits of bringing increased foot traffic and creating a vibrant street environment.

The proposal has sought to minimise amenity impacts on surrounding residents by maintaining solar access and key views and any impacts during the construction phase would be appropriately addressed at the DA stage.

### **8.11 Infrastructure**

#### ***Q11. Is there adequate public infrastructure for the planning proposal***

The proposal is not expected to generate any significant demand for public infrastructure. The site is well located in close proximity to open space and a range of community facilities and being entirely commercial would not generate significant additional demand for these facilities.

Future development would be subject to local infrastructure contributions which would fund any minor additional demand.

### **8.12 State and commonwealth interests**

#### ***Q12. What are the views of the State and Commonwealth public authorities consulted in accordance with the Gateway determination***

Consultation will be carried out with relevant State and commonwealth public authorities through the Planning Proposal process.

## 9 Project timeline

An indicative project timeframe is set out in **Table 8** below.

*Table 8: Anticipated project timeline*

Task	Timing
Consideration by Council	April 2024
Council decision	May 2024
Gateway determination	June 2024
Pre-exhibition	July 2024
Commencement and completion of public exhibition period	August 2024
Consideration of submissions	September 2024
Post-exhibition review and additional studies	October 2024
Submission to Department for finalisation (where applicable)	November 2024
Gazettal of LEP amendment	December 2024

## 10 Conclusion

The Planning Proposal presents a unique opportunity to support the redevelopment of a dated commercial building with a modern, high amenity and sustainable building which is highly responsive to the surrounding built form and heritage context. It will also enhance the public domain by extending the active retail frontage within in the immediate street block.

This Planning Proposal report demonstrates the strategic and site specific merit of the proposal and is suitable to progress to a Gateway decision.

## Appendix A Consideration of Sydney DCP

### Sydney DCP Part 3: General provisions

Clause	Provision	Compliance
<b>3.1 Public Domain Elements</b>		
<b>3.1.1 Streets, lanes and footpaths</b>		
3.1.1.1(1)	New streets, lanes and footpaths are to be constructed in accordance with the Sydney Streets Design Code.	No new streets are proposed.
3.1.1.1(3)	Street trees are to be provided in accordance with the Street Tree Master Plan	No new street trees are required to support the proposal.
3.1.1.1(4)	Street furniture is to be consistent with the Sydney Streets Design Code and relevant Council public domain plans.	No new street furniture is required to support the proposal.
<b>3.1.5 Public Art</b>		
3.1.5(1)	Public Art is to be provided in accordance with the City of Sydney Guidelines for Public Art in Private Development and the Public Art Policy (available at <a href="http://www.cityofsydney.nsw.gov.au">www.cityofsydney.nsw.gov.au</a> ).	<p>These guidelines apply to all:</p> <ul style="list-style-type: none"> <li>urban renewal areas requiring a master plan or stage 1 development application</li> <li>privately initiated multiple residential, commercial or industrial projects which include a significant amount of public (or publicly accessible) space or which have a construction value exceeding \$10 million.</li> </ul> <p>The need for public art will be further considered at the DA stage.</p>
<b>3.2 Defining the public domain</b>		
<b>3.2.1 Improving the public domain</b>		
3.2.1.1(1)	Overshadowing effects of new buildings on publicly accessible open space are to be minimised between the hours of 9am to 3pm on 21 June.	The proposal has no overshadowing impact on public open space.
3.2.1.1(2)	Shadow diagrams are to be submitted with the development application and indicate the existing condition and proposed shadows at 9am, 12 noon and 2pm on 14 April and 21 June.	Shadow diagrams are included in the urban design study.
3.2.1.2(1)	Buildings are not to impede views from the public domain to highly utilized public places, parks, heritage buildings and monuments including public statues, sculptures and art.	A visual impact assessment forms part of the proposal which demonstrates that significant views will be retained.
3.2.1.2(2)	Development is to improve public views to parks, heritage buildings and monuments by using	The proposal will not impact on any views to parks or heritage buildings.

Clause	Provision	Compliance
	buildings to frame views. Low level views of the sky along streets and from locations in parks are to be maintained.	
3.2.2 Addressing the public domain		
3.2.2(1)	Buildings are to be designed to positively address the street.	The building will positively address the street with an activated ground floor use, street wall heights in accordance with the Sydney DCP and suitable upper level setbacks.
3.2.2(2)	Buildings are to be designed to maximise the number of entries, visible internal uses at ground level, and include high quality finishes and public art to enhance the public domain.	The ground floor will have strong visual connections with the street with a café / retail space to Riley Street and glazed office frontages to Busby Lane.
3.2.2(4)	Ground floor tenancies and building entry lobbies on sites not flood affected are to: a) have entries at the same level as the adjacent footpath or public domain b) have finished floor levels between 0-1.0m above or below the adjacent footpath or public domain entry c) provide opportunities for direct surveillance of the adjacent street or public domain at maximum intervals of 6m d) be elevated up to 1.0m above ground level for privacy for ground floor residential uses.	The proposal maximises direct connections to the street within the constraints of the flood hazard.
3.2.2(6)	Basement parking areas and structures must not protrude more than 1.0m above the level of the adjacent street or public domain. Where they are visible, basement structures and vent grills are to be integrated into the building and landscape design. Ventilation grills are to block views into basement areas and, in appropriate locations, be screened by landscaping in garden beds with a minimum soil plan depth of 1m.	The basement car park protrudes above the Busby Lane frontage which is consistent with the surrounding context and the design of this frontage would be fully integrated into the building design.
3.2.2(8)	Lanes are to be fronted by entries to dwellings, retail and/or commercial uses where practicable.	The rear laneway would be fronted by commercial uses with glazing providing overlooking of the laneway.
3.2.2(9)	Align breaks between buildings with nearby streets, lanes and pedestrian links to enable view connections.	Not applicable.
3.2.7 Reflectivity		
3.2.7(2)	Generally, light reflectivity from building materials used on facades must not exceed 20%.	To be addressed in any future DA.

Clause	Provision	Compliance
3.2.8 External lighting		
3.2.8(3)	External light fixtures are to be integrated with the architecture of the building.	To be addressed at detailed design stage.
3.2.8(4)	The visual effects of external lighting must contribute to the character of the building, surrounds and skyline.	
3.2.8(5)	The external lighting system must be energy efficient and subject to appropriate times of operation.	
3.2.8(6)	External lighting must not reduce the amenity of residents in the locality.	
3.2.8(7)	Eternal lighting must not negatively impact areas of habitat for local fauna.	
3.2.8(8)	External lighting must minimise the light spill into the night sky.	
3.2.8(9)	LED down lighting is preferred over up lighting to minimise light pollution.	
3.2.8(10)	The following decorative lighting techniques are inappropriate: a) bud-lights and similar festoon lighting on buildings which detract from the architectural qualities of the building; b) broad floodlighting of facades from large light sources located separate to the building, c) up lighting of flag poles and banner poles.	
3.5 Urban ecology		
3.5.1 Biodiversity		
3.5.1(1)	Development is to be consistent with the Street Tree Master Plan, Park Tree Management Plans and the Landscape Code.	Not applicable.
3.5.1(3)	New habitat features including trees, shrubs and groundcover vegetation, waterbodies, rockeries and green roofs and walls are to be included, wherever possible.	Not applicable
3.5.1(4)	Landscaping is to comprise a mix of locally indigenous tree, shrub and groundcover species as outlined in City’s Landscape Code. Where this is not possible it is preferred that plants native to Australia are used.	A detailed landscape plan to be prepared at DA stage in accordance with Council requirements.
3.5.1(5)	Shrubs are to be densely planted and trees are to be well-spaced, as outlined in the City’s Landscape Code.	Not applicable

Clause	Provision	Compliance
<b>3.5.2 Urban vegetation</b>		
3.5.2(1)	Development applications are to include a Landscape Plan, except where they are for single dwellings, terraces and dual occupancies.	A detailed Landscape Plan to be prepared at DA stage.
3.5.2(2)	Provide at least 15% canopy coverage of a site within 10 years from the completion of development.	<p>The site does not include an existing canopy cover is constrained in terms of providing new canopy cover.</p> <p>A landscape concept plan forms part of the Urban Design Study which demonstrates opportunities to maximise green cover.</p>
3.5.2(3)	Appropriate plant species are to be selected for the site conditions with consideration given to trees providing shade in summer and allowing sunlight in winter, or to provide habitat. Appropriate tree species include any tree (excluding noxious weed trees) that are not prone to drop fruit, seedpods, gumnuts, branches, sap and or bark.	To be addressed in a detailed Landscape Plan at DA stage.
3.5.2(4)	Locally indigenous species are to be used where possible and in accordance with the City's Landscape Code.	To be addressed in a detailed Landscape Plan at DA stage.
3.5.2(5)	Understorey plantings comprising locally-indigenous shrubs and groundcovers are encouraged.	To be addressed in a detailed Landscape Plan at DA stage.
<b>3.6 Ecologically sustainable development</b>		
<b>3.6.1 Energy efficiency in non-residential developments</b>		
3.6.1(1)	Development is to be designed and constructed to reduce the need for active heating and cooling by incorporating passive design measures including design, location and thermal properties of glazing, natural ventilation, appropriate use of thermal mass and external shading, including vegetation.	To be addressed at the DA stage.
3.6.3(2)	Lighting for streets, parks and any other public domain spaces provided as part of a development should be energy efficient lighting such as LED lighting.	Not applicable
3.6.3(3)	In multi-tenant or strata-subdivided developments, electricity sub-metering is to be provided for lighting, air-conditioning and power within each tenancy or strata unit. Locations are to be identified on the development plans.	To be addressed at the DA stage.
3.6.3(4)	Electricity sub-metering is to be provided for significant end uses that will consume more than 10,000 kWh/a.	To be addressed at the DA stage.

Clause	Provision	Compliance
3.6.3(5)	Car parking areas are to be designed and constructed so that electric vehicle charging points can be installed at a later time.	To be addressed at the DA stage.
3.6.3(6)	Where appropriate and possible, the development of the public domain should include electric vehicle charging points or the capacity for electric vehicle charging points to be installed at a later time.	To be addressed at the DA stage.
3.6.3(7)	Applications for new developments containing office premises with a net lettable area of 1,000sqm or more are to be submitted with Energy Assessment Report which confirms that the development meets the following performance standards: <ul style="list-style-type: none"> <li>• Maximum 45 kWh/yr/m<sup>2</sup> of Gross Floor Area (GFA), or</li> <li>• 5.5 Star NABERS Energy Commitment Agreement (CA) + 25%, or</li> <li>• Certified Green Star Buildings rating with a “credit achievement” in Credit 22: Energy Use, or</li> <li>• Equivalent.</li> </ul>	To be addressed at the DA stage.
3.6.2 Water efficiency in non-residential development		
3.6.2(1)	All new water fittings and fixtures such as showerheads, water tap outlets, urinals and toilet cisterns, in all non-residential development, the public domain, and public and private parks are to be the highest Water Efficiency Labelling Scheme (WELS) star rating available at the time of development.	To be addressed at the DA stage.
3.6.2(2)	Generally, rainwater tanks are to be installed for all non-residential developments, including major alterations and additions that have access to a roof form from which rainwater can be feasibly collected and plumbed to appropriate end uses.	To be addressed at the DA stage.
3.6.2(3)	Where a non-residential building, the public domain, a public or private open space or a community facility is serviced by a dual reticulation system for permitted non-potable uses such as toilet flushing, irrigation, car washing, fire fighting and certain industrial purposes, the development is to be connected to the system.	To be addressed at the DA stage.
3.6.2(4)	Generally, water used for irrigation of public and private open space is to be drawn from reclaimed water or harvested rainwater sources. Possible sources include harvested stormwater, treated greywater and wastewater and water from a decentralised local network.	To be addressed at the DA stage.
3.6.2(5)	Separate meters are to be installed for each individual tenancy in commercial or retail buildings	Not applicable.

Clause	Provision	Compliance
	over 5,000sqm, such as separate tenant areas within a shopping centre.	
3.6.2(6)	Separate meters are to be installed for the make-up lines to cooling towers, swimming pools, on the water supply to outdoor irrigation, and other major uses.	To be addressed at the DA stage.
3.6.2(7)	Where cooling towers are used they are to be connected to a: (a) recirculating cooling water loop; and (b) conductivity meter so that the blow down or bleed off system in a cooling tower can be automated based on conductivity. This ensures that the water is being re-circulated an optimum number of times before being discharged to the sewer.	To be addressed at the DA stage.
3.6.2(8)	Cooling towers are discouraged where they are a single pass cooling system.	To be addressed at the DA stage.
3.6.3 Photovoltaic solar panels		
3.6.3(1)	The use, location and placement of photovoltaic solar panels is to take into account the potential permissible building form on adjacent properties.	To be addressed at the DA stage.
3.5.6(2)	Where possible proposals for new buildings, alterations and additions and major tree plantings are to maintain solar access to existing photovoltaic solar panels having regard to the performance, efficiency, economic viability and reasonableness of their location.	The proposal does not impact on any existing solar panels.
3.6.5 Materials and building components		
3.6.5(1)	Paints and floor coverings with low levels of volatile organic compounds (VOC) and low formaldehyde wood products are to be used where possible.	To be addressed in detailed design.
3.6.5(2)	Where possible, use building materials, fittings and finishes that: a) have been recycled b) are made from or incorporate recycled materials, and c) have been certified as sustainable or 'environmentally friendly' by a recognised third party certification scheme.	To be addressed in detailed design.
3.6.5(3)	Design building components, including the structural framing, roofing and facade cladding for longevity, adaptation, disassembly, re-use and recycling.	To be addressed in detailed design.
3.6.5(4)	Reduce the amount of materials used in the construction of a building wherever possible. Examples of potential methods include:	To be addressed in detailed design.

Clause	Provision	Compliance
	<ul style="list-style-type: none"> <li>a) exposing structures to reduce the use of floor, ceiling and wall cladding and finishes</li> <li>b) naturally ventilating buildings to reduce ductwork</li> <li>c) providing waterless urinals to reduce piping and water use</li> <li>d) using prefabricated components for internal fit outs, and</li> <li>e) providing only one bathroom for every two bedrooms in residential developments.</li> </ul>	
<b>3.7 Water and flood management</b>		
<b>3.7.1 Site specific flood study</b>		
3.7.1(1)	A flood impact assessment has been prepared to support the Planning Proposal, and more detailed flood assessment will be carried out at the DA stage.	Clause 7.15 of the LEP has been repealed.
<b>3.7.2 Drainage and stormwater management</b>		
3.7.2(5)	Drainage systems are to be designed so that <ul style="list-style-type: none"> <li>a) on a site with an area less than or equal to 1,000sqm:               <ul style="list-style-type: none"> <li>(i) stormwater flows up to the 20% annual exceedance probability event are conveyed by a minor drainage system, and</li> <li>(ii) stormwater flows above the 20% annual exceedance probability event are conveyed by a major drainage system;</li> </ul> </li> </ul>	To be addressed at DA stage.
3.7.2(6)	The development proposal must demonstrate how the major drainage system addresses any site-specific conditions and connects to the downstream drainage system.	Not applicable.
3.7.2(7)	Major drainage systems are to be designed so that ensures that public safety is not compromised.	Not applicable.
3.7.2(8)	Minor flows from a development site are not to be discharged to the kerb if direct connection to an existing stormwater pipe is available, unless it can be demonstrated there is sufficient capacity within the existing gutter and the flow velocity and depth within the gutter will remain below 400mm.	To be addressed at DA stage.
3.7.2(9)	Where the proposed development is located on a floodplain, high level overflows are permitted for roof drainage systems where the overflow is set above the 1% annual exceedance probability level.	To be addressed at DA stage.
3.7.2(10)	Connection to existing stormwater infrastructure are not to reduce the capacity of that infrastructure by more than 10%. The development proposal is to show the level of impact on the existing stormwater	To be addressed at DA stage.

Clause	Provision	Compliance
	infrastructure as a result of the proposed new connection.	
3.7.2(11)	<p>The post development run-off from impermeable surfaces (such as roofs, driveways and paved areas) is to be managed by stormwater source measures that:</p> <ul style="list-style-type: none"> <li>a) contain frequent low-magnitude flows;</li> <li>b) maintain the natural balance between run off and infiltration</li> <li>c) remove some pollutants prior to discharge into receiving waters</li> <li>d) prevent nuisance flows from affecting adjacent properties, and</li> <li>e) enable appropriate use of rainwater and stormwater.</li> </ul>	To be addressed at DA stage.
3.7.2(12)	<p>Post-development stormwater volumes during an average rainfall year are to be:</p> <ul style="list-style-type: none"> <li>a) 70% of the volume if no measures were applied to reduce stormwater volume, or</li> <li>b) the equivalent volume generated if the site were 50% pervious, whichever results in the greater volume of detention required.</li> </ul>	To be addressed at DA stage.
3.7.2(13)	Stormwater detention devices are to be designed to ensure that the overflow and flowpath have sufficient capacity during all design rainfall events, discharge to the public stormwater system without affecting adjoining properties, and are free of obstructions, such as fences.	To be addressed at DA stage.
3.7.2(14)	Where filtration and bio-retention devices are proposed, they are to be designed to capture and provide temporary storage for stormwater.	To be addressed at DA stage.
3.7.3 Stormwater quality		
3.7.3(3)	Development on a site with an area less than 1,000sqm is to be designed so that the flow of pollutants from the site due to stormwater is reduced.	To be addressed at DA stage.
3.7.5 Water re-use, recycling and harvesting		
3.7.5(3)	Development proposals that seek to re-use water runoff from paved surfaces for irrigation and wash down purposes are to incorporate measures into the design of the development that will treat the water to ensure that it is fit for this purpose. These measures are to clean the water to exclude contaminants such as litter, sediment and oil.	To be addressed at the DA stage.

Clause	Provision	Compliance
<b>3.9 Heritage</b>		
<b>3.9.1 Heritage impact statements</b>		
3.9.1(1)	A Heritage Impact Statement is to be submitted as part of the Statement of Environmental Effects for development applications affecting: <ul style="list-style-type: none"> <li>a) heritage items identified in the Sydney LEP 2012,</li> <li>b) properties within a Heritage Conservation Area identified in Sydney LEP 2012.</li> </ul>	Heritage impact statement to be prepared for the Planning Proposal and will be revised at the DA stage to provide detailed assessment of the proposed building.
<b>3.9.5 Heritage items</b>		
3.9.5(4)	Development in the vicinity of a heritage item is to minimise the impact on the setting of the item by: <ul style="list-style-type: none"> <li>(a) providing an adequate area around the building to allow interpretation of the heritage item</li> <li>(b) retaining original or significant landscaping (including plantings with direct links or association with the heritage item)</li> <li>(c) protecting, where possible and allowing the interpretation of archaeological features</li> <li>(d) Retaining and respecting significant views to and from the heritage item.</li> </ul>	<p>The Heritage Impact Statement confirms that there will be no change to the appreciation or interpretation to the heritage items in the vicinity of the site.</p> <p>There are no changes to the key and secondary views of the heritage items in the vicinity.</p>
<b>3.9.6 Heritage conservation areas</b>		
3.9.6(1)	Development within a heritage conservation area is to be compatible with the surrounding built form and urban pattern by addressing the heritage conservation area statement of significance and responding sympathetically to: <ul style="list-style-type: none"> <li>a) topography and landscape</li> <li>b) views to and from the site</li> <li>c) significant subdivision patterns and layout, and front and side setbacks</li> <li>d) the type, siting, form, height, bulk, roofscape, scale, materials and details of adjoining or nearby contributory buildings</li> <li>e) the interface between the public domain and building alignments and property boundaries, and</li> <li>f) colour schemes that have a hue and tonal relationship with traditional colour schemes.</li> </ul>	<p>The proposal is sited in an urban context, without landscape features. Views to and from the site are limited by the surrounding development, topography and road network layout.</p> <p>There are no changes to the subdivision pattern, layout or front and side setbacks as they relate to the existing development. The additional floors have proposed setbacks, the largest being that to the Riley Street frontage.</p> <p>The current proposal aims to establish a new built envelope. Following this a detailed architectural response would be prepared for the site and at this stage a resolved architectural response will be provided for consideration. At that time detailed articulation, materials and the visual and physical interface with the public domain will be developed.</p>
3.9.6(2)	New infill buildings and alterations and additions to existing buildings in a heritage conservation area are	The proposed envelope envisages a sympathetic, contemporary building for the

Clause	Provision	Compliance
	not to be designed as a copy or replica of other buildings in the area, but are to complement the character of the heritage conservation area by sympathetically responding to the matters identified in (1)(a) to (e) above.	site. The reference scheme prepared by SJB demonstrates the ability of the envelope to support such a response.
3.9.6(3)	Infill development is not to include garages and car access to the front elevation of the development where these are not characteristic of the area.	The proposal does not include proposed car access to the front elevation.
3.9.6(4)	Development within a heritage conservation area is to be consistent with policy guidelines contained in the Heritage Inventory Assessment Report for the individual conservation area.	This is addressed in the Heritage Impact Statement.
<b>3.9.9 Detracting Buildings</b>		
3.9.9(1)	Development on sites containing detracting buildings is to improve the contribution of the site to the character of the heritage conservation area.	The removal of the existing detracting building provides the opportunity to meet this control.
3.9.9(2)	Alterations and additions to, or redevelopment of, detracting buildings are to: (a) remove inappropriate elements or features that are intrusive to the heritage significance of the heritage conservation area; and (b) respect the prevailing character of the area and street in terms of bulk, form, scale and height.	No applicable.
<b>3.9.13 Excavation in the vicinity of heritage items and in heritage conservation areas</b>		
3.9.13(1)	Excavation beneath, or adjacent to heritage items and/or buildings in heritage conservation areas will only be permitted if it is supported by both a Geotechnical Engineering report and a Structural Engineering report.	To be addressed at DA stage.
<b>3.11 Transport and parking</b>		
<b>3.11.1 Managing transport demand</b>		
3.11.1(1)	A Transport Impact Study is required to address the potential impact of the development on surrounding movement systems where the proposed development is non-residential development greater than 1,000sqm GFA.	A traffic impact assessment has been prepared for the planning proposal.
3.11.1(2)	Commercial development is to include initiatives to promote walking, cycling and the use of public transport, through the submission of a Green Travel Plan, where the estimated peak trip generation is greater than or equal to 100 vehicles per hour for non-residential development.	To be addressed at DA stage.

Clause	Provision	Compliance
3.11.1(3)	A Transport Access Guide and a strategy for the future availability of the Guide to residents, employees and visitors of a development.	To be addressed at DA stage.
3.11.2 Car share scheme parking spaces		
3.11.2(2)	The minimum number of on-site parking spaces to be made available for car share scheme vehicles is to be provided according to the following rates: Category E – 1 per 40 car spaces provided.	No car share spaces required.
3.11.3 Bike parking and associated facilities		
3.11.3(1)	All development is to provide on-site bike parking designed in accordance with the relevant Australian Standards for the design criteria of bike parking facilities.	Bike parking is proposed in accordance with relevant standards.
3.11.3(2)	Bike parking spaces for new developments are to be provided in accordance with the rates set out below.  <b>Office premises:</b> <ul style="list-style-type: none"> <li>Employees: 1/150sqm GFA</li> <li>Visitors: 1/400sqm GFA</li> </ul> <b>Shop restaurant or café:</b> <ul style="list-style-type: none"> <li>Employees: 1/250sqm GFA</li> <li>Visitors: 2 plus 1 per 100sqm over 100sqm GFA.</li> </ul>	Bike parking to be provided in accordance with the rates.
3.11.3(3)	Secure bike parking facilities are to be provided in accordance with the following: (a) Class 1 bike lockers for occupants of residential buildings (b) Class 2 bike facilities for staff/employees of any land use, (c) Class 3 bike rails for visitors of any land use.	To be addressed at DA stage.
3.11.3(4)	Where bike parking for tenants is provided in a basement, it is to be located: (a) on the uppermost level of the basement; (b) close to entry/exit points; and (c) subject to security camera surveillance where such security systems exist.	To be addressed at DA stage.
3.11.3(5)	A safe path of travel from bike parking areas to entry/exit points is to be marked.	All bike parking would be provide at basement level with safe access to the exit points via a ramp.
3.11.3(6)	Access to bike parking areas are to be: a) a minimum of 1.8m wide to allow a pedestrian and a person on a bike to pass each other and may be shared with vehicles within buildings and at entries to buildings) b) accessible via a ramp c) clearly identified by signage, and	The reference scheme demonstrates how this can be achieved.

Clause	Provision	Compliance
	d) accessible via appropriate security or intercom systems.	
3.11.3(7)	Bike parking for visitors is to be provided in an accessible on-grade location near a major public entrance to the development and is to be signposted.	Bike rails at street level could be considered at DA stage.
3.11.3(8)	For non-residential uses, the following facilities for bike parking are to be provided at the following rates: (a) 1 personal locker for each bike parking space (b) 1 shower and change cubicle for up to 10 bike parking spaces (c) 2 shower and change cubicles for 11 to 20 or more bike parking spaces are provided (d) 2 additional showers and cubicles for each additional 20 bike parking spaces or part thereof (e) showers and change facilities may be provided in the form of shower and change cubicles in a unisex area in both female and male change rooms; and (f) locker, change room and shower facilities are to be located close to the bike parking area, entry and exit points and within an area of security camera surveillance where there are such building security systems.	This is included in the reference scheme and will be further addressed at DA stage.
3.11.4 Vehicle parking		
3.11.4(3)	All visitor spaces are to be grouped together in the most convenient locations relative to car parking area entrances, pedestrian lifts and access points and are to be separately marked and clearly sign-posted.	This is reflected in the reference scheme which located visitor spaces at Basement 1 near the pedestrian lifts.
3.11.4(4)	Development applications are to indicate how visitor parking is to be accessed, including arrangements for access into a secure area if proposed.	To be addressed at DA stage.
3.11.6 Service vehicle parking		
3.11.6(1)	Separate parking spaces for service vehicles are to be provided in accordance with Schedule 7 Transport, parking and access, and are not to be shared with parking provided for any other purpose. Service vehicle parking spaces, including spaces for bike couriers are to be: a) located near vehicle entry points and near lifts b) clearly designated and signposted for service vehicles only c) screened from the street where possible, d) located completely within the boundary of the site, clear of parked vehicles; and clear of through traffic.	One service vehicle parking space is provided within the upper level of the basement.

Clause	Provision	Compliance
	Note: Commercial premises: 1 space per 3,300sqm GFA, or part thereof, for the first 50,000sqm.	
3.11.7 Motorbike parking		
3.11.7(1)	<p>Parking spaces for motorbikes are to be included in the allocation of car parking and provided according to parking rates in Schedule 7 Transport, parking and access.</p> <p>Note: In all buildings that provide onsite parking, 1 motorcycle parking space for every 12 car parking spaces is to be provided as separate parking for motorcycles. Each motorcycle parking space is to be designated and located so that parked motorcycles are not vulnerable to being struck by a manoeuvring vehicle.</p>	Motorcycle parking will be incorporated at the DA stage as required.
3.11.9 Accessible parking		
3.11.9(1)	<p>Accessible car parking spaces for people with a mobility impairment are to be included in the allocation of car parking for a development and provided in accordance with the rates specified in Schedule 7 Transport, parking and access.</p> <p>Note: One space for every 20 car parking spaces or part thereof is to be allocated as accessible visitor parking.</p>	One accessible car parking space is included in the reference scheme to address this requirement.
3.11.10 Vehicle access for developments greater than 1000sqm GFA		
3.11.10(1)	For developments equal to or greater than 1,000sqm GFA, vehicle access to a site is to be located so the safety of those using the access and the street is not likely to be compromised. Further details on the specific requirements for driveway location are included in this section of the DCP. This includes being more than 10m from an uncontrolled intersection.	Access is via Busby Lane prioritizing pedestrian safety on Riley Street.
3.11.11 Tandem, stacked and mechanical parking areas		
3.11.11(1)	Where development includes a mechanical parking installation, such as car stackers, turntables, car lifts or another automated parking system, the development application is to include a Parking and Access Report.	NA
3.11.11(2)	Access to mechanical parking installations is to be in accordance with the relevant Australian Standards.	To be addressed at DA stage.

Clause	Provision	Compliance
3.11.11(3)	Mechanical parking installations will be considered for developments involving the adaptive re-use of existing buildings where site or building constraints prevent standard parking arrangements and no inconvenience arises from their use.	NA
3.11.11(1)	Mechanical parking installations, tandem or stacked parking are not to be used for visitor parking or parking for car share schemes.	NA
3.11.13 Design and location of waste collection points and loading areas		
3.11.13(1)	<p>Waste collection and loading is to be in accordance with the City of Sydney's Guidelines for Waste Management in New Developments and accommodated wholly within new development in order of preference:</p> <ul style="list-style-type: none"> <li>e) in the building's basement</li> <li>f) at grade within the building in a dedicated collection or loading bay,</li> <li>g) at grade and off street within a safe vehicular circulation system where in all cases vehicles will enter and exit the premises in a forward direction.</li> </ul> <p>Consideration will only be given to less preferable options if the consent authority is satisfied the preferred options are unreasonable.</p>	Waste collection will be at grade from the adjacent street. This is appropriate given the small scale of the development and the constrained site area.
3.11.13(2)	<p>The waste collection and loading point is to be designed to:</p> <ul style="list-style-type: none"> <li>a) allow waste collection and loading operations to occur on a level surface away from vehicle ramps, and</li> <li>b) provide sufficient side and vertical clearance to allow the lifting arc for automated bin lifters to remain clear of any walls or ceilings and all ducts, pipes and other services.</li> </ul>	Waste collection will be at grade from the adjacent street. This is appropriate given the small scale of the development and the constrained site area.
3.11.13(3)	<p>Vehicle access for collection and loading will provide for:</p> <ul style="list-style-type: none"> <li>a) a 9.25m Council garbage truck and a small rigid delivery vehicle</li> <li>b) minimum vertical clearance of 4.0 metres clear of all ducts, pipes and other services, depending on the gradient of the access and the type of collection vehicle</li> <li>c) collection vehicles to be able to enter and exit the premises in a forward direction. Where a vehicle turntable is necessary to meet this requirement, it is to have a capacity of 30 tonnes</li> <li>d) maximum grades of 1:20 for the first 6m from the street, then a maximum of 1:8 with a transition of 1:12 for 4m at the lower end</li> </ul>	Not applicable.

Clause	Provision	Compliance
	e) a minimum driveway width of 3.6m f) a minimum turning circle radius of 10.5m.	
<b>3.12 Accessible design</b>		
3.12.1 General provision		
3.12.1(1)	All development must comply with the following: all Australian Standards relevant to accessibility; the Building Code of Australia access requirements; and Disability Discrimination Act 1992. Complex developments where compliance is proposed through alternative solutions must be accompanied by an Access report prepared by a suitably qualified access professional.	This is addressed in the reference scheme through level access from Riley Street and use of a platform lift to the commercial lobby. This will be further addressed at DA stage.
3.12.1(4)	Encroachment onto public land to achieve access requirements is generally not permitted except when: <ul style="list-style-type: none"> <li>a) access by other means will result in a substantial loss of original fabric of a heritage-listed property impacting on the heritage significance of the place, and that the provision of equitable access is highly desirable, with no alternative access options available, or</li> <li>b) the proposal involves a significant public building where equitable access is highly desirable and there are no alternative access options available.</li> </ul>	Encroachment onto public land to achieve access requirements is not necessary.
3.12.1(5)	Access for pedestrians and vehicles are to be separated.	Access is separated with pedestrian access via Riley Street and vehicular access via Busby Lane.
3.12.1(6)	Access arrangements are to be: <ul style="list-style-type: none"> <li>c) integral with the overall building and landscape design and not appear as 'add-on' elements or as of secondary importance</li> <li>d) as direct as possible, and</li> <li>e) designed so that a person does not need to summon help.</li> </ul>	This is addressed in the reference scheme and will be further addressed at DA stage.
<b>3.13 Social and environmental responsibilities</b>		
3.13.1 Crime prevention through environmental design		
3.13.1(1)	Active spaces and windows of habitable rooms within buildings are to be located to maximise casual surveillance of streets, laneways, parking areas, public spaces and communal courtyard space.	Compliant. The proposal would provide for casual surveillance of the street and laneway.

Clause	Provision	Compliance
3.13.1(3)	Minimise blind-corners, recesses and other external areas that have the potential for concealment or entrapment.	The reference scheme does not include blind corners or recesses. This would be further addressed at DA stage.
3.13.1(4)	Building entries are to be clearly visible, unobstructed and easily identifiable from the street, other public areas and other development. Where practicable lift lobbies, stairwells, hallways and corridors should be visible from the public domain.	The reference scheme includes a clearly identifiable pedestrian access with lift lobbies visible from the street. To be further addressed at DA stage.
3.13.1(5)	Ground floors of non-residential buildings, the non-residential component of mixed use developments, and the foyers of residential buildings, are to be designed to enable surveillance from the public domain to the inside of the building at night.	The ground floor will be visible from the adjacent streets.
3.13.1(6)	Pedestrian routes from car parking spaces to lift lobbies are to be as direct as possible with clear lines of sight along the route.	The reference scheme shows a basement layout which addresses this requirement. This will be further addressed at the DA stage.
3.13.1(8)	Building details such as fencing, drainpipes and landscaping are to be designed so that illegitimate access is not facilitated by the opportunity for foot or hand-holds, concealment and the like.	This will be addressed at the DA stage.
<b>3.14 Waste</b>		
<b>3.14.1 Waste and recycling management plan</b>		
3.14.1(1)	A waste and recycling management plan is to be submitted with the Development Application and will be used to assess and monitor the management of waste and recycling during construction and operational phases of the proposed development. The Waste and Recycling Management Plan is to be consistent with the City of Sydney Guidelines for Waste Management in New Developments.	This will be addressed at the DA stage.
<b>3.14.2 Construction and demolition waste</b>		
3.14.2(1)	The Waste and Recycling Management Plan is to address construction and demolition waste to the requirements outlined in this section of the DCP, including measures to reuse or recycle at least 80% of construction and demolition waste, either on site or diverted for reuse and recycling with receipts sufficient to demonstrate the target will be achieved.	This will be addressed at the DA stage.
<b>3.14.3 Collection and minimization of waste during occupation</b>		
3.14.3(1)	The Waste and Recycling Management Plan is to address the generation of waste from the occupants of the development and include:	The reference scheme identifies waste storage areas to meet Council's requirements. This will be further addressed at DA stage.

Clause	Provision	Compliance
	<p>(a) plans and drawings of the proposed development that show:</p> <ul style="list-style-type: none"> <li>(i) the location and space allocated to the waste and recycling management systems;</li> <li>(ii) the nominated waste collection point/s for the site; and</li> <li>(iii) identify the path of access for users and collection vehicles.</li> </ul> <p>(b) details of the on-going management of the storage and collection of waste and recycling, including responsibility for cleaning, transfer of bins between storage areas and collection points, maintenance of signage, and security of storage areas; and</p> <p>(c) where appropriate to the nature of the development, a summary document for tenants and residents to inform them of waste and recycling management arrangements.</p>	
3.14.3(3)	Development is to include sufficient space in kitchens to separate food waste collection or compostable material for composting or worm farming.	Not applicable.
3.14.3(4)	Development is to include a separate space in a room or screened area for the storage and management of bulky waste (this can include furniture, mattresses and stripout waste) and problem waste (this can include light bulbs and electronic waste) for recycling collection.	The requirements for bulky waste will be addressed at the DA stage.
<b>3.16 Signage and advertisements</b>		
<b>3.16.1 Signage strategy</b>		
3.16.1(1)	<p>A signage strategy is to be prepared for all signage applications:</p> <ul style="list-style-type: none"> <li>a) in a heritage conservation area or involving heritage item</li> <li>b) on sites that are strata titled or contain more than four business premises, or</li> <li>c) seeking variations to the requirements of this section.</li> </ul> <p>This would need to address all other relevant provisions of this section of the DCP.</p>	To be addressed at DA stage.

Sydney DCP Part 4: Development Types

Relevant provision	Details	Compliance
Section 4 Development Types		
4.2.9 Non-residential development in the B4 Mixed Use zone		
(1)	(1) In granting development consent for non-residential development on sites within proximity to residential uses within the B4 Mixed Uses zone, the consent authority will have regard to the potential impacts on the amenity of existing residential uses. The following matters must be considered and addressed: (a) noise impacts (b) operating hours (c) privacy (d) vehicular and pedestrian traffic (e) vibration (f) reflectivity (g) overlooking (h) overshadowing.	The amenity impacts on surrounding residents, particular solar access, privacy and view impacts have been considered in the urban design study. Other impacts will be further addressed at DA stage.

**Appendix B     Urban Design Report**

Appendix C    Heritage Impact Statement

**Appendix D     Baseline Archaeological Assessment**

**Appendix E     Aboriginal Heritage Due Diligence**

**Appendix F     Flood Assessment**

Appendix G    Traffic and Transport Assessment

Appendix H    Site survey