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# 85-93 Commonwealth Street, Surry Hills

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Planning Proposal



November 2022

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# Executive Summary

This Planning Proposal is submitted to the Council of the City of Sydney on behalf of Fink Group, the owners of the land known as 85-93 Commonwealth Street, Surry Hills ('the site') to request amendments to the Sydney Local Environmental Plan (SLEP) 2012.

The lodgement of the Planning Proposal follows a pre lodgement meeting with the Council on 28 April 2021 and subsequent correspondence in August and September 2021. Our summarised comments in response to Council's letter dated 21 October 2021 is provided as part of this justification report.

The site has an area of approximately 571.14m<sup>2</sup>. The site has frontages to Commonwealth Street to the east and Hunt Street to the south and west. The site is zoned B4 Mixed Use under the Sydney Local Environmental Plan (SLEP) 2012 and adjoins a six (6) level commercial building to its north. The site is currently used for commercial office space.

The purpose of this Planning Proposal is to amend the maximum building height and floor space ratio (FSR) controls applying to the site, to align with surrounding built form, and facilitating the development of new commercial floorspace.

The Urban Design Report, prepared by Brian Zulaikha Architect, has been undertaken to identify:

- The relationship of the site to adjoining and surrounding buildings and public domain;
- Feasibility of the site to accommodate an appropriate built form, incorporating new commercial floorspace and roof terrace; and
- Manageable shadow impacts created by proposed built form, including solar access to surrounding residential uses and public open space.

Additional supporting documents including a Sustainability Summary, Design for Environmental Performance (DEP) Template, and Structural Statement also identify:

- Sustainability targets achievable across the site; and
- Structural capacity to support the proposed additional floorspace.

The Urban Design Report has demonstrated the capacity of the site to accommodate an additional 2.5 floors built over the existing building, realising a maximum building height of RL 51,660 metres AHD and a maximum FSR of 5.46:1.

Accordingly, this planning proposal seeks to amend the SLEP 2012, in the following manner:

- Allow a maximum floor space ratio of 5.46:1;
- Allow a maximum building height of RL 51,660 metres AHD;
- Apply restrictions on the additional building height and floor space provisions to ensure these are only applicable to employment (i.e., commercial) uses; and
- Implement sustainability targets for the site, including pursuing a net zero emissions target and achieving a NABERS 5 Star rating.

This Proposal provides an analysis of the physical and strategic planning constraints and the opportunities of the site, and considers the relevant environmental, social, and economic impacts of the Proposal and its strategic merit.

Support for this Planning Proposal will permit changes to the maximum building height and floor space ratio to allow for a number of improvements compared to the existing controls, including:

- Retain and expand employment uses within Surry Hills. This will help the City meet the strong demand experienced at the fringes of Central Sydney from creative, digital and technology industries.
- Improved built form design. This planning proposal will deliver an improved built form that will improve the efficiency of the building by delivering high quality employment floor space to future occupants and open space.
- Ecologically sustainable development. Retention of the existing building, creation of additional floorspace, and associated refurbishment of the building presents opportunities to include a number of sustainability outcomes that will help the building improve its sustainability performance. The sustainability provisions include a requirement to pursue a net zero emissions target and achieve a NABERS 5 star energy rating, with opportunities to implement on-site solar PV, electrification of building services, new air filtration system to protect occupants' from bushfire smoke, and installation of highly efficient water fixtures.

Future development of the site within the framework established by this planning proposal is consistent with the objectives and intended outcomes of Council's City Plan 2036: Local Strategic Planning Statement (LSPS).

The Planning Proposal is prepared in accordance with Section 3.33 of the *Environmental Planning and Assessment Act 1979 (EP&A Act 1979)* and the Department of Planning, Infrastructure and Environment's Local Environmental Plan Making Guideline dated September 2022.

It is requested that arising from the consideration of this planning proposal, City of Sydney resolve to support the changes to SLEP 2012 as detailed in this planning proposal and forward the proposal to the Department of Planning and Environment (DPE) for a Gateway Determination.

# 1. Introduction

## 1.1 Overview

This Planning Proposal (the Proposal) is submitted to City of Sydney Council (Council) in support of an amendment to Sydney Local Environmental Plan (SLEP) 2012 on behalf of Fink Group, the owners of the site.

The Proposal seeks an amendment to the controls applying to the site by inserting a new site-specific clause in Division 5 of SLEP 2012 to:

- Allow a maximum floor space ratio of 5.46:1;
- Allow a maximum building height of RL 51,660 metres AHD;
- Apply restrictions on the additional building height and floor space provisions to ensure these are only applicable to employment (i.e., commercial) uses; and
- Implement sustainability targets for the site, including pursuing a net zero emissions target and achieving a NABERS 5 Star rating.

The Proposal applies to the land described as Lots 22 and 23 in DP 6380, shown at Figure 1.

The holding has an area of approximately 571.14m<sup>2</sup>. The site has frontages to Commonwealth Street and Hunt Street.

The Proposal is supported by a detailed Urban Design Report and architectural mass modelling plans that show development configuration/massing outcomes for the site, including shadow impact testing. The Proposal is also supported by a Sustainability Summary, Design for Environmental Performance (DEP) Template, and Structural Statement.

Support for the Proposal is based on the following circumstances:

- Expansion and upgrade of employment floorspace capacity across the site;
- Compatibility with surrounding development;
- Urban design integration and renewal of the locality, including opportunities for landscaping at upper levels;
- Implementation of sustainability targets;
- Consistency with the strategic planning framework; and
- Consistency with Council's approach to providing increased employment floorspace densities within well serviced existing locations.

The Proposal has been prepared in accordance with the Department of Planning and Environment's (DPE) Local Environmental Plan Making Guideline (September 2022).

## 1.2 Scope and Format of the Planning Proposal

The Planning Proposal details the merits of the proposed changes to SLEP 2012 and has been structured in the following manner:

- **Section 1. Introduction** - Provides an introduction to the Planning Proposal.
- **Section 2. The Site** - Provides a description of the site, its context and existing development, including identification of the land to which the changes are proposed.
- **Section 3. Existing Planning Controls** - Provides a summary of the key existing planning controls that are relevant to the site.
- **Section 4. The Planning Proposal** - Provides the Planning Proposal which has been prepared in accordance with Department of Planning, Industry and Environment's document '*Local Environmental Plan Making Guidelines*', dated September 2022 and consists of the following parts:
  - **Part 1 - Objectives and intended outcomes** - a statement of the objectives of the proposed Instrument
  - **Part 2 - Explanation of provisions** - an explanation of the provisions that are to be included in the proposed instrument
  - **Part 3 - Justification of strategic and site specific merit** - justification of strategic and potential site-specific merit, outcomes, and the process for implementation
  - **Part 4 - Maps** - existing and proposed maps, where relevant, to identify the effect of the planning proposal and the area to which it applies
  - **Part 5 - Community consultation** - details of consultation undertaken with Government agencies, Council or other authorities, and community consultation that is to be undertaken on the Planning Proposal post Gateway and during exhibition
  - **Part 6 - Project timeline** - project timeline to detail the anticipated timeframe for the LEP making process
- **Section 5. Conclusion and Recommendations** - Provides the conclusions and recommendations to proceed with the Planning Proposal to Gateway determination to amend SLEP 2012.

## 1.3 Supporting Plans and Documentation

The Proposal has been prepared with input from a number of technical and design documents which have been prepared to accompany the application. These documents are included as Attachments to this report and are identified in Table 1 below.

Document	Author	Date
Urban Design Report	Brian Zulaikha Architect	25 October 2022
Sustainability Summary	Stantec	9 November 2022
Structural Statement	Richard Green Consulting	17 October 2022
City of Sydney Design for Environmental Performance (DEP) Template	Stantec	

Table 1: Documents prepared to accompany the Planning Proposal

## 1.4 Background

### 1.4.1 Pre-Lodgement Consultation

Council staff have been consulted both formally and informally throughout the development of the proposed scheme.

A formal meeting was undertaken between SJB Planning and Council on 28 April 2021 to discuss plans for the site. Subsequent to this meeting, additional information was provided to Council addressing building massing and overshadowing.

The outcome of this meeting, and subsequent additional information, included Council's acceptance to receive a planning proposal is outlined in the City's letter dated 21 October 2021 (refer to Attachment 4). This letter also provides instructions for lodgement of the planning proposal, and high-level guidance for the key matters that should be considered. Our summarised comments in response to Council's letter dated 21 October 2021 is provided below:

#### The Proposal

*“Based on the presentation and architectural schemes provided, the City understands the proposal involves increasing the maximum height control and floor space ratio on the site to enable an addition to the commercial building. No change to the land use zoning is proposed.”*

This planning proposal does not seek to rezone the site. The proposal seeks additional building height and FSR to enable the addition of commercial floor space.

#### Office Space

*“The indicative architectural plans show the additional office floor space. The planning proposal should outline an alternative control clause that facilitates the additional height and floor space subject to commercial use and sustainability outcomes.”*

Refer to Section 4.2 of this planning proposal. This planning proposal seeks to insert new site-specific provisions into SLEP 2012 to permit a maximum building height of RL 51,660 metres AHD and a maximum FSR of 5.46:1 for future development if that development meets the requirements of delivering new commercial floorspace and sustainability targets.

## 2. The Site

### 2.1 Site Identification

This Planning Proposal relates to the site at 85-93 Commonwealth Street, Surry Hills, located on the corner of Commonwealth Street and Hunt Street, Surry Hills and is legally described as Lots 22 and 23 in DP 6380.

The site has an area of 571.14m<sup>2</sup>. It falls some 4.65 metres from the Commonwealth Street frontage to the Hunt Street frontage. The site is currently used for commercial office space.

The site is in a highly accessible location, on the perimeter of Central Sydney, within walking distance of both Central and Museum railway stations and bus routes on Elizabeth Street.

The location of the site is shown in Figure 1 below.



Figure 1: Aerial view of site and locality (Source: SIX Maps)





Figure 2: View of the site from intersection of Commonwealth, Hunt and Goulburn Streets



Figure 3: View of the site along Hunt Street frontage



Figure 4: View of the site looking north along Goulburn Street frontage



Figure 5: View of the site facing Hunt Street frontage (Source: Google Maps)

## 2.2 Site Location and Context

The site is located on the western side of Commonwealth Street, with a secondary (western) frontage to Hunt Street. The surrounding development is high-rise and high density and is characterised by mixed uses with retail and commercial at the lower levels and some residential above.

The locality is characterised by a broad variety of uses, ranging from colleges to commercial, retail and business uses to residential and visitor's accommodation. The area is also occupied by a variety of restaurants, bars and hotels.

Museum train station is about 200m west of the site. Sydney's Central train station is about 600m to the south-west of the site. The area is well serviced by bus routes running along Elizabeth Street and Castlereagh Street, along Oxford Street, and through Surry Hills.

The site is located in the southern portion of central Sydney in the precinct south of Hyde Park formed around the Wentworth Avenue, Commonwealth Street and Hunt Street block. The area has a unique location and character between the city fringe and Surry Hills.



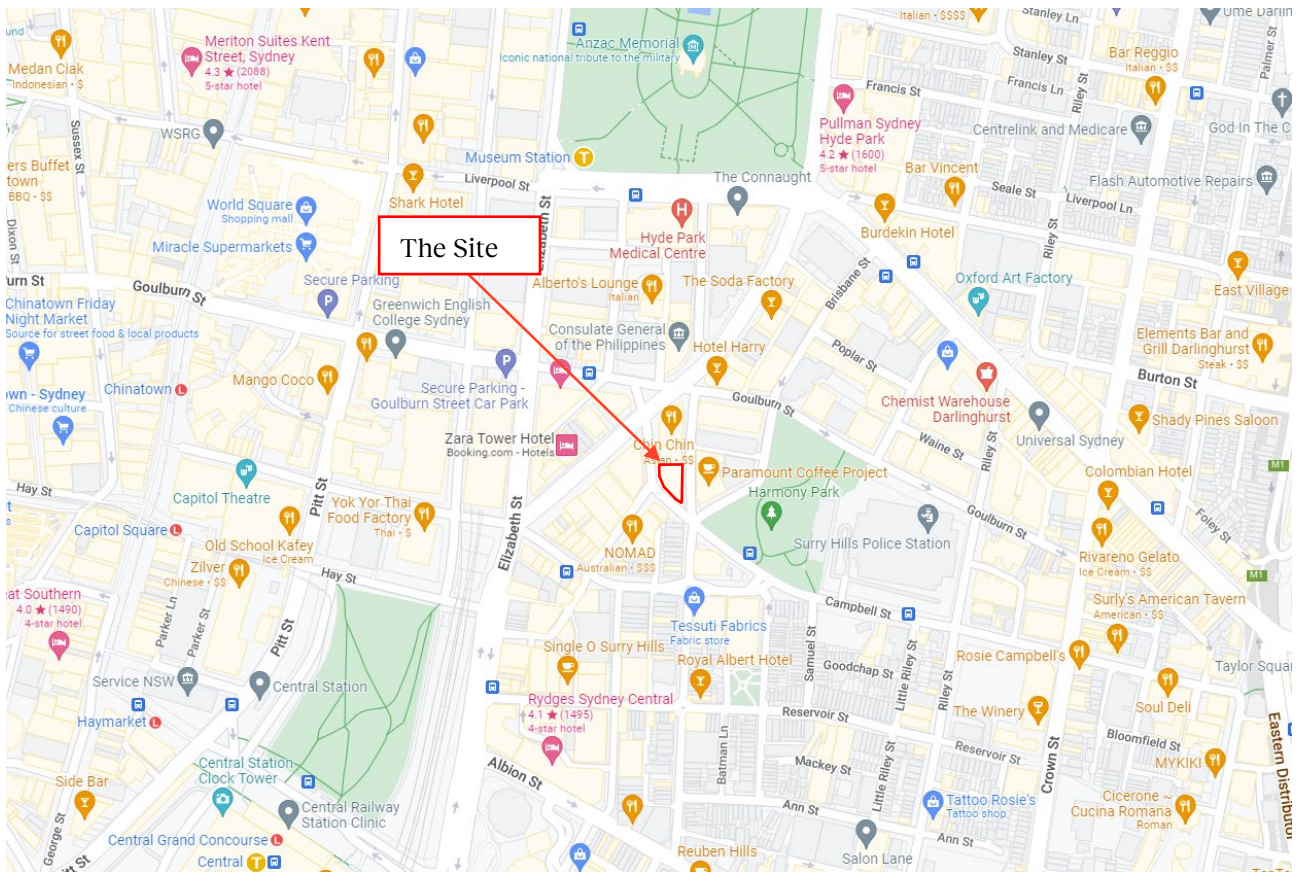


Figure 6: Location map of the site (Source: Google Maps)

The property adjoining to the north, is a six (6) level commercial building with retail uses on the ground level along the Hunt Street frontage. It has dual frontages to Hunt Street and Commonwealth Street and directly adjoins the subject site with zero setback to the common boundary.

To the south, the building opposite the site on Hunt Street is a three (3) storey brick building occupied by a hotel/pub.

The properties adjacent to the east along Commonwealth Street comprise a row of commercial buildings which each have a frontage to Commonwealth Street and Brisbane Street and/or Goulburn Lane, and accommodates a variety of restaurant and active uses at ground level. A three (3) storey building directly east of the site, known as the 'Paramount Building', is a locally listed heritage item (I1484), used for a variety of businesses including a café and a bar, a creative bicycle shop and a cinema.

The property to the west along Hunt Street comprises a seven (7) storey commercial building with car parking at ground level and dual frontage along Hunt Street and Wentworth Avenue.

The site is located in the proximity of the recently approved Oxford Street Cultural and Creative Precinct. The Precinct covers the areas identified within the Oxford Street corridor between Whitlam Square and Greens Road in Darlinghurst. The Planning Proposal aimed to reposition eastern Oxford Street and encourage cultural uses as a driver of creativity and enterprise, a source of job creation, and potential for place-making. It aims to support existing and emerging employment clusters within the area and capitalise on the areas proximity to long term establishments including the National Art School (NAS) and UNSW Art and Design Campus.





Figure 7: View of 80 Commonwealth Street 'Paramount Building' from Hunt Street



Figure 8: View of 80 Commonwealth Street 'Paramount Building'



Figure 9: View of nearby terrace houses along Hunt Street



Figure 10: View of nearby multi residential building on Hunt Street



Figure 11: Hotel/pub opposite the site on Hunt Street



Figure 12: Commercial building opposite the site along Hunt Street





Figure 13: Commercial building adjacent to subject site - 79 Commonwealth Street (Commonwealth Street frontage)



Figure 14: 79 Commonwealth Street (Hunt Street frontage)



Figure 15: 79 Commonwealth Street (Hunt Street frontage)



Figure 16: Residential building at 46-52 Wentworth Avenue (Hunt Street frontage)

# 3. Existing Planning Controls

## 3.1 Sydney Local Environmental Plan (SLEP) 2012

The LEP contains zoning and principal development standards for the site. These are discussed below.

### 3.1.1 Zoning (Clause 2.3)

The site is zoned B4 Mixed Use, as shown in the extract at Figure 17. The zone permits a broad range of uses, including commercial premises, community facilities, education facilities, hotel and motel accommodation, as well as residential accommodation.

The objectives of the zone include providing a mixture of compatible land uses, integrating suitable business, office, residential, retail and other development in accessible locations so as to maximise public transport patronage and encourage walking and cycling and to ensure uses support the viability of centres.

This Planning Proposal does not seek to change the site's existing zoning.



Figure 17: Extract of SLEP 2012 Land Zoning Map

### 3.1.2 Height of Building (Clause 4.3)

Sydney LEP 2012 contains height of building controls for the site. The site is subject to a maximum building height of 18m (refer to Figure 18).

It is evident from the Height of Buildings Map at Figure 18 that significantly higher building height controls apply immediately to the north, east and west of the site with height controls of 24-28m.

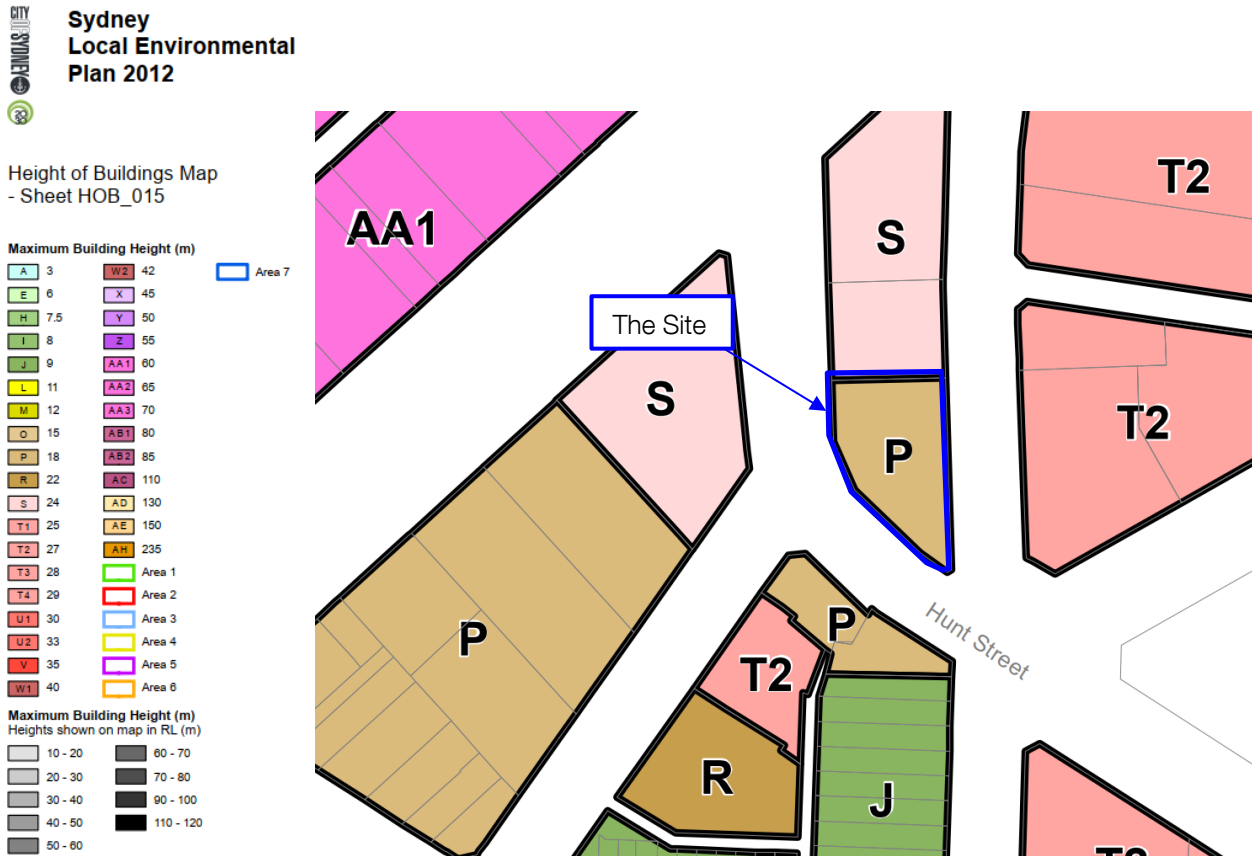


Figure 18: Extract of SLEP 2012 Height of Buildings Map

### 3.1.3 Floor Space Ratio (Clause 4.4)

Sydney LEP 2012 contains floor space ratio (FSR) controls for the site. The site is subject to a maximum FSR of 3:1 (refer to Figure 19).

As shown in Figure 19, the site is surrounded by significantly higher FSRs for properties immediately to the north (.6:1), east and west (4:1).

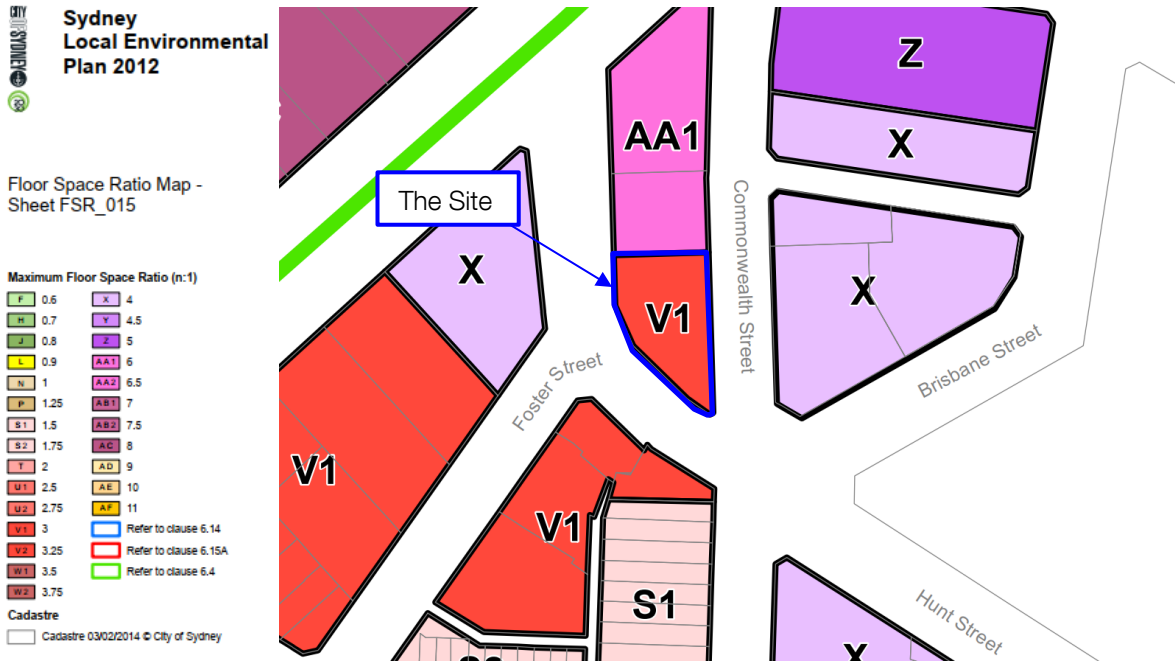


Figure 19: Extract of SLEP 2012 Floor Space Ratio Map

### 3.1.4 Sun access planes (Clause 6.17)

Clause 6.17 of Sydney LEP 2012 contains provisions relating to sun access planes (SAP) to ensure that buildings maximise sunlight access to the public places, including a requirement to protect sola access to Harmony Park between 10am and 2pm all year round. The area nominated as Harmony Park is shown in the sun access protection map extract at Figure 20.

While the site is not nominated on the relevant map as being land affected by Clause 6.17 and clause 6.18, consideration of the Harmony Park SAP protected area has been given as part of preparation of this planning proposal.



Figure 20: Extract of SLEP 2012 Sun Access Protection Map



### 3.1.5 Heritage

The site is not a listed item of heritage within Schedule 5 of SLEP 2012, nor is it within an identified conservation area (refer to Figure 21). However, there are a number of local heritage listed items within the immediately vicinity of the site (refer to Figure 21).

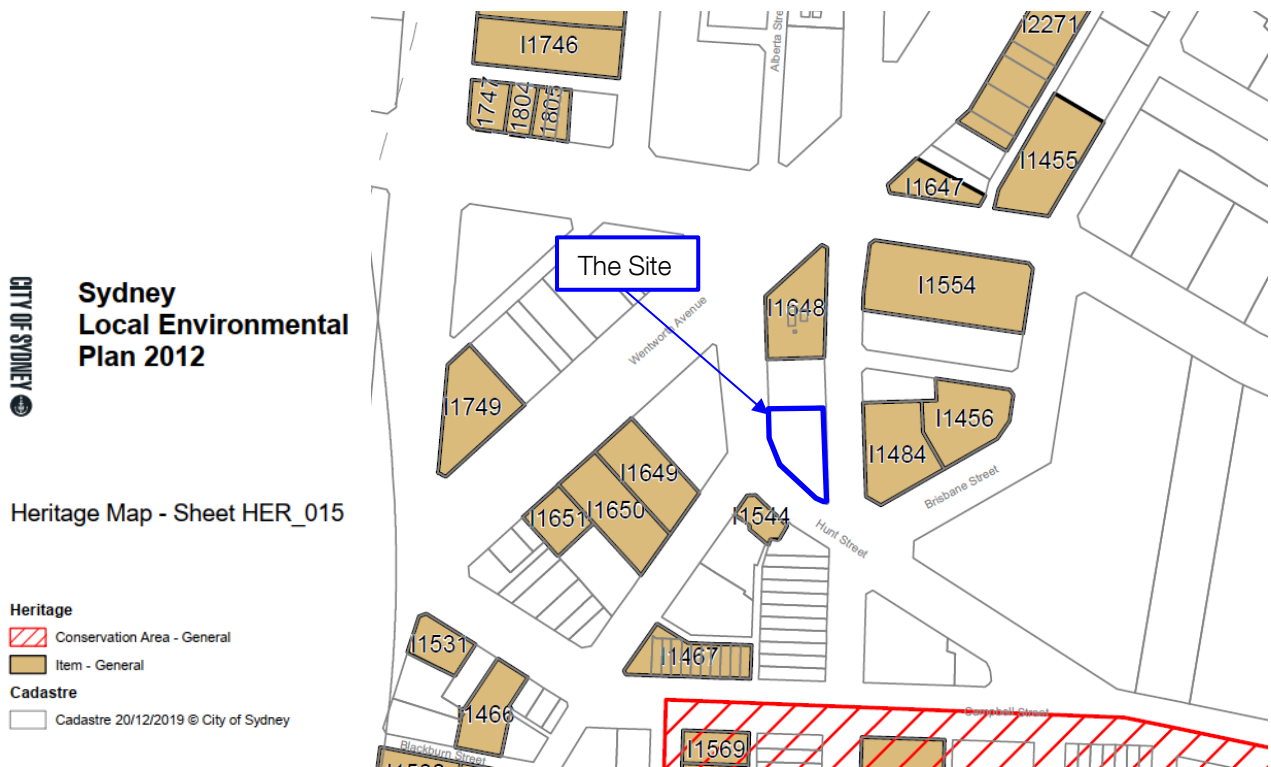


Figure 21: Extract of SLEP 2012 Heritage Map

The local heritage listed items in proximity to the subject site are listed below:

- I1484 - “Former “Paramount Pictures” including interior - 78-80 Commonwealth Street, Surry Hills
- I1544 - “Hollywood Hotel including interior” - 2 Foster Street, Surry Hills
- I1648 - “Griffith’s Building” including interior - 46-52 Wentworth Avenue, Surry Hills
- I1649 - “Ballarat House” - 68-72 Wentworth Avenue, Surry Hills

### 3.2 Sydney Development Control Plan 2012

The key controls of the DCP are as follows.

#### Section 2 - Locality Statements

Section 2.0 of the DCP relates to Surry Hills and identifies that the site is located within the City Edge Locality (2.11.1) (refer to Figure 22).

The City Edge Locality description states:

*The area is to provide a transition between taller, large scale commercial buildings in Central Sydney and lower scale, finer grain mixed uses of Surry Hills. There are also clusters of multi-storey face brickwork warehouse buildings built in the early 20th century. New development is to respond to the scale and proportion of the area’s heritage warehouses, utilising similar materials including brick and masonry. Employment and business uses are encouraged with retail uses consolidated along the Wentworth Avenue and around the edges of Harmony Park.*



Figure 22: SDCP 2012 City Edge Locality Map

The proposal will not conflict with the principles established for this precinct, nor does it seek to amend these. Future development, as an outcome of the planning proposal is able to demonstrate:

- New development that responds to the scale and proportion of surrounding buildings, including those heritage items;
- Potential built form will retain and enhance the framing of the exiting street corridor views to Haymarket along Hunt Street;
- Conserve and enhance the existing fine gran development pattern established by the development pattern, including the varying building scale and architecture;
- Improve the interface between private and public domain with the additional of a rooftop terrace, providing increased opportunities for interaction with the surrounding public domain, including green links with additional landscaping at rooftop level; and
- Encourage upper-level commercial uses overlooking public open space for passive surveillance.

### Section 3 - General Provisions

#### *Late Night Trading Management (Clause 3.15)*

The site is nominated as a Local centre Area under the Late Night Trading Areas map (refer to Figure 23).

No change is sought to the late night trading management controls that apply to the site. This Planning Proposal seeks additional height and FSR for commercial floorspace as an addition to the building at upper levels. Any future Development Application that applies to the site for a Category A, B or C premises, as defined in the DCP, will be subject to the relevant controls and is not inhibited by this Planning Proposal.



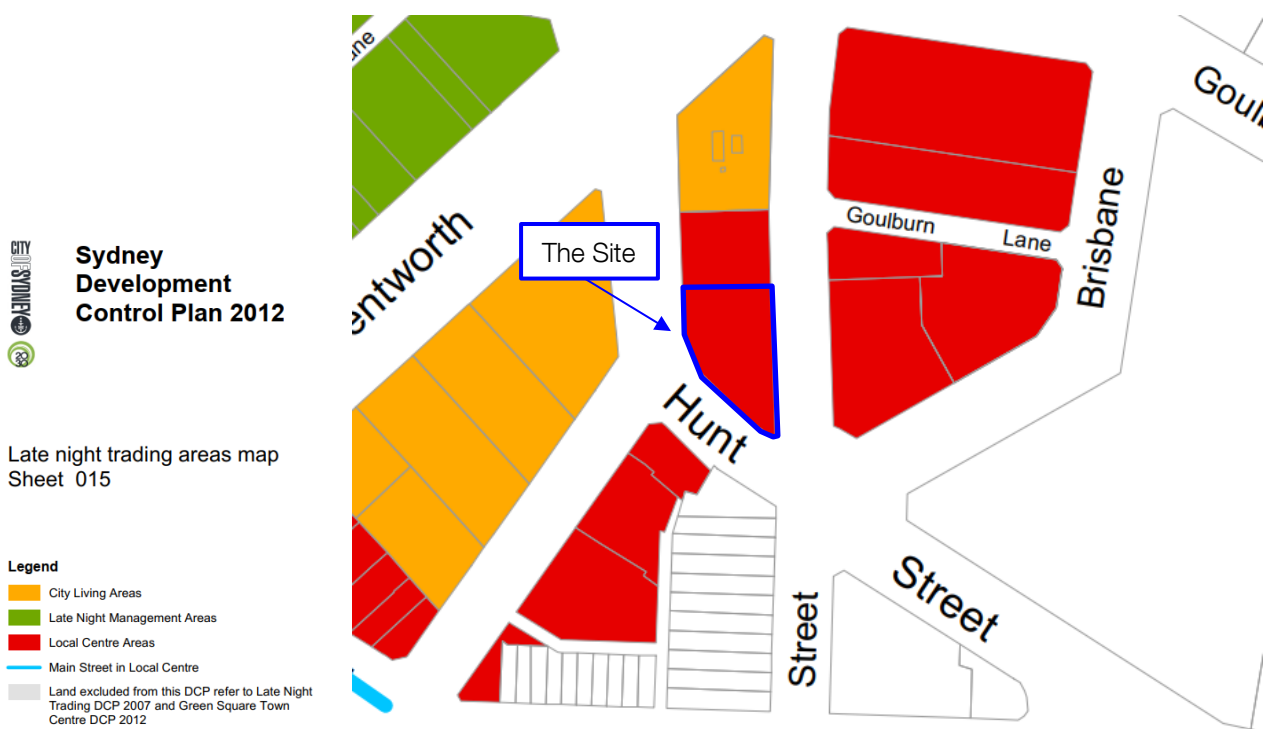


Figure 23: Extract of SDCP 2012 Late night trading areas map

### Active frontages (Clause 3.2.3)

The DCP nominates the Hunt Street façade as an active frontage (refer to Figure 24). Accordingly, the DCP requires:

- A minimum active frontage of 5m or 80% of the public domain frontage (whichever is the greater);
- Uses that include entries or display windows to shops and/or food and drink premises or other uses, customer service areas and activities which provide pedestrian interest and interaction;
- A minimum 10-14 separate tenancy entries per 100m;
- A preferred tenancy width of 10.0m; and
- Fixed awnings.

No change is sought to the active frontage control.

This Planning Proposal will provide increased opportunities for active uses along Hunt Street with additional commercial floorspace at upper levels providing greater flexibility for existing commercial office premises to locate from street level to upper levels in the building.

- Legend**
- Refer to Table 3.1 Within Central Sydney or Outside of Central Sydney – Category 1
  - Refer to Table 3.1 Within Central Sydney – Category 2
  - Refer to clause 6.1.5.6 of the DCP
  - Proposed lane
  - Proposed streets
  - Land excluded from this DCP



Figure 24: Extract of SDCP 2012 Active frontages map

Section 4 - Development Types

*Building height (Clause 4.2.1)*

The DCP establishes a maximum of five (5) storeys across the site (refer to Figure 25).

- Legend**
- 1 Storey
  - 2 Storeys
  - 3 Storeys
  - 4 Storeys
  - 5 Storeys
  - 6 Storeys
  - 7 Storeys
  - 8 Storeys
  - 9 Storeys
  - 10 Storeys
  - 11 Storeys
  - 12 Storeys
  - 13 Storeys
  - 14 Storeys
  - 15 Storeys
  - >15 Storeys
  - Land excluded from this DCP



Figure 25: Extract of SDCP 2012 Height in storeys map

The Planning Proposal will result in a future DA that seeks to vary this control to establish new heights that correspond with the proposed heights under this Planning Proposal.

The control reflects the heights of the existing building and not the prospective heights achievable through the Planning Proposal. The urban design analysis undertaken in support of this Planning Proposal demonstrates that the preferred scheme (i.e., 2.5 additional floors) is responsive to the surrounding built form in terms of its massing, bulk and scale, as well as its relationship to the existing building, surrounding buildings and public domain.

While the additional height proposed under this Planning Proposal will result in a variation to this control, the additional storeys achievable through the Planning Proposal will continue to comply with the objective of the control, ensuring that the proposed height in storeys and resultant street frontage heights (in storeys) continue to reinforce the existing and future neighbourhood character having regard to approved but unconstructed proposals.

To ensure alignment with this planning proposal and remove requirements for variations to this control at DA stage, an amendment to the height in storeys map under SDCP 2012 to reflect the proposed heights under the planning proposal should be undertaken by Council concurrently with this planning proposal.

# 4. The Planning Proposal

This Planning Proposal is generally structured in accordance with the Department of Planning, Industry and Environment's document, '*Local Plan Making Guideline (September 2022)*'.

## 4.1 Part 1 - Objectives and Intended Outcomes

The objective of this planning proposal is to enable the refurbishment of the existing commercial office building at 85-93 Commonwealth Street, Surry Hills to deliver:

- Additional employment generating floor space;
- A built form consistent with the character of the surrounding Surry Hills precinct and achieving ecologically sustainable development;
- Incentivise high environmental performance standards to mitigate the effects of climate change; and
- Employment uses in proximity to public and active transport;

by amending SLEP 2012 to achieve the following outcomes:

- Additional floorspace up to 5.46:1;
- Additional building height up to RL 51,660 metres AHD;
- Provisions to ensure the application of commercial floor space only; and
- Provisions to ensure the resultant built form achieves minimum ecologically sustainable development targets.

## 4.2 Part 2 - Explanation of Provisions

### 4.2.1 *Sydney Local Environmental Plan 2012*

To achieve the objectives and intended outcomes, this planning proposal seeks to amend the Sydney Local Environmental Plan 2012 by inserting a new site-specific clause under Division 5 Site Specific Provisions, to:

- Allow a maximum floor space ratio of 5.46:1;
- Allow a maximum building height of RL 51,660 metres AHD;
- Apply restrictions on the additional building height and floor space provisions to ensure these are only applicable to employment uses and not residential and tourist and visitor accommodation; and
- Implement sustainability targets for the site, including pursuing a net zero emissions target and achieving a NABERS 5 Star rating.

#### Building height

The maximum building height for the subject site is currently 18 metres as per clause 4.3 of SLEP 2012. This Planning Proposal seeks to insert new site-specific provisions into SLEP 2012 to permit a maximum

building height of RL 51,660 metres AHD for future development that meets the requirements of delivering new employment floorspace and sustainability targets.

Indicative plans prepared by Brian Zulaikha Architect indicate the proposed building envelope is capable of being accommodated within the revised maximum building height.

#### Floor space ratio

The maximum floor space ratio for the subject site is currently 3:1 as per clause 4.4 of SLEP 2012. This Planning Proposal seeks to insert new site-specific provisions into SLEP 2012 to permit a maximum building height of RL 51,660 metres AHD and a maximum FSR of 5.46:1 for future development if the development meets the requirements of delivering new commercial floorspace and sustainability targets.

#### Employment generating floor space

To facilitate the delivery of additional employment generating floor space in this city fringe location, only employment uses will be permitted on the subject site under the new site-specific provisions in the LEP, and as a result, residential and tourist and visitor accommodation uses are excluded.

This Planning Proposal does not propose to change the current zoning for the subject site, which is B4 Mixed Use and permits a wide range of uses employment uses, including retail, business and office premises. The permissibility of these uses is consistent with the additional floorspace shown in the indicative scheme prepared in support of this proposal.

#### Drafting Instructions

The objectives and intended outcomes of this planning proposal will be delivered through a new site-specific clause for 85-93 Commonwealth Street, which will be inserted into Division 5 site-specific provision of the LEP.

An example of how the provisions may be drafted is set out below, which would be subject to negotiation and agreement between Council and Parliamentary Counsel.

#### *6.XX 85-93 Commonwealth Street, Surry Hills:*

- (1) This clause applies to 85-93 Commonwealth Street, Surry Hills, being Lot 22 and 23, DP 6380.*
- (2) Despite clauses 4.3 and 4.4, development consent may be granted for alterations or additions to an existing building, on the subject land that will result in a building:*
  - (a) with a maximum height of RL 51,660 metres AHD; and*
  - (b) with a maximum floor space ratio of 5.46:1.*
- (3) Development consent must not be granted under this clause unless the consent authority is satisfied the development:*
  - (a) is for commercial premises only;*
  - (b) will incorporate the principles of ecologically sustainable development, including:*
    - (ii) measures to minimise the consumption of energy and water; and*
    - (iii) measures to capture energy on site, and*
  - (c) is capable of achieving –*
    - (i) a 5 star NABERS Energy rating, and*
    - (ii) net zero emission target.*

## Sydney DCP 2012 amendment

The City may wish to amend the Height in Storeys map or prepare site specific provisions into Sydney DCP 2012 to support the proposed amendments to SLEP 2012 sought under this planning proposal.

The preparation of such amendments and detailed provisions will be undertaken as directed by the City.

### **4.3 Part 3 – Justification of strategic and site-specific merit**

This section provides a description of development outcomes facilitated by this planning proposal and provides justification for the proposed amendments to the Sydney LEP 2012 and is set out as follows:

- 4.3.1 - Proposed changes to, benefits of and management of increasing controls
- 4.3.2 - Section A - Need for the planning proposal
- 4.3.3 - Section B - Relationship to the strategic planning framework
- 4.3.4 - Section C - Environmental, social and economic impact
- 4.3.5 - Section D - Infrastructure (Local, State and Commonwealth)
- 4.3.6 - Section E - State and Commonwealth interests

#### ***4.3.1 Proposed changes to, benefits and management of increasing controls***

This Planning Proposal is to provide alternate maximum building height and maximum floor space ratio (FSR) controls to encourage commercial uses in an acceptable built form at 85-93 Commonwealth Street where:

- it is for the purposes of:
  - non-residential (commercial) uses only; and
  - it provides minimum sustainability targets.

The proposed alternative building heights and FSRs do not replace the current height and FSR maps in Sydney LEP 2012 for the site. Should the proponent prefer to develop the site under current planning controls for uses permissible within the B4 Mixed Use zone, they could still do so.

#### **Built Form**

85-93 Commonwealth Street is in a prominent corner location, occupying a third of a street block. The building on the site is visible from the intersection of Goulburn, Hunt and Commonwealth Streets. The key urban design issue is the visual impact of the bulk and scale of the increased height.

Accordingly, the proposed planning envelope has been developed to be responsive to the conditions of the subject site, while maintaining the ability to deliver acceptable daylight conditions to surrounding residential dwellings and public domain.

The proposed indicative scheme includes retention of the existing building, above which will be 2.5 storeys of new floorspace to a maximum height of RL 51,660 metres AHD.

To ensure amenity to the surrounding public domain and adjoining sites is not adversely impacted, the proposed development scheme includes setbacks at level 5 which ensures the bulk of this storey is located to the north of the site and surrounded to the east and south by a proposed terraced area. This setback arrangement is detailed in Figure 26.

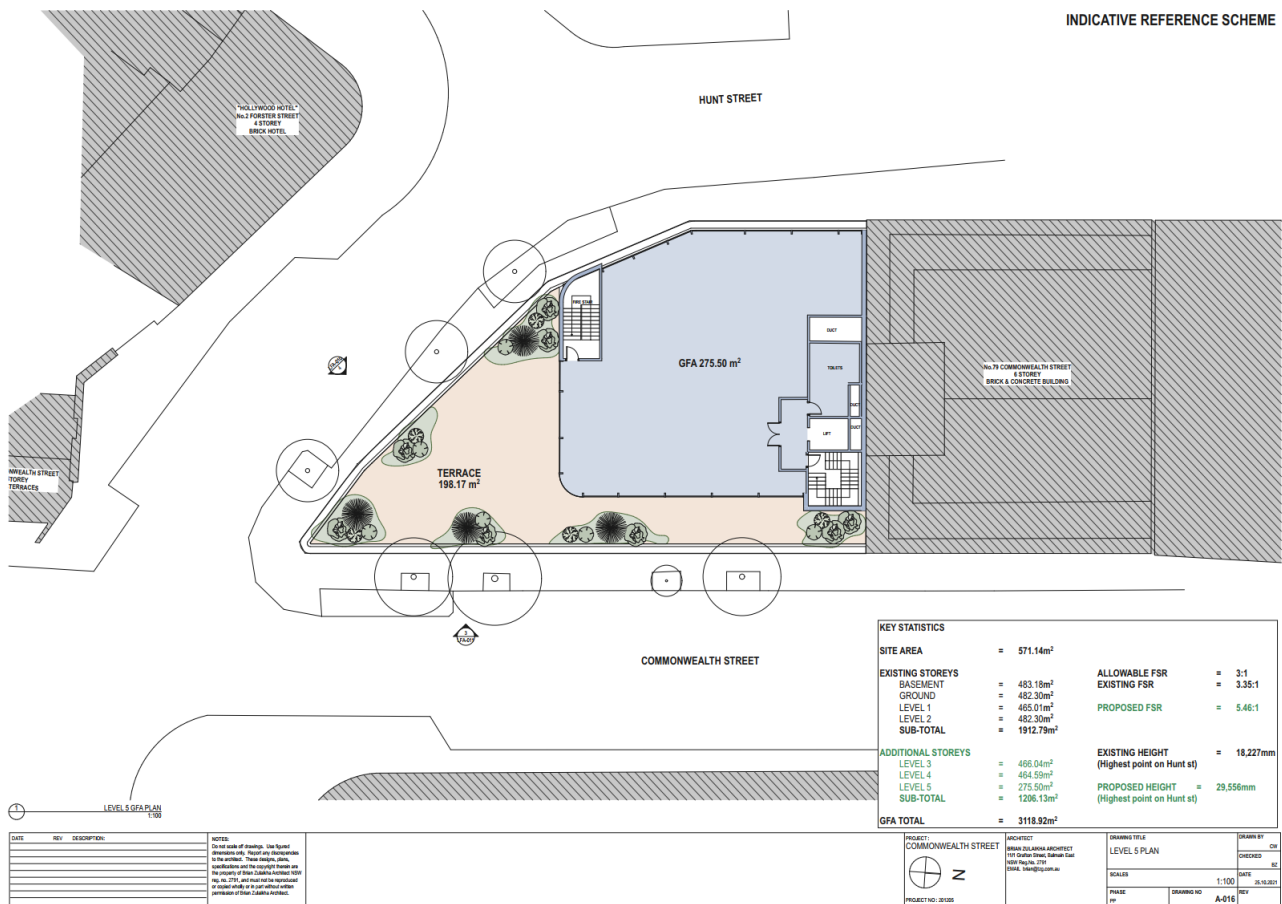


Figure 26: Level 5 setbacks

An urban design report has been prepared by Brian Zulaikha Architect in support of the Planning Proposal and provides analysis of how the proposed planning envelope can accommodate future development on the subject without significant adverse impacts to the existing building, surrounding buildings, and the public domain.

In developing this preferred envelope for the Planning Proposal, a number of massing options were developed and tested to consider their impacts. These are outlined below.

*Massing Option - 3 floors*

This option includes the addition of three (3) additional floors to the existing four (4) storey building (refer to Figures 27 and 28). The ridge RL is dictated by the highest point of the adjacent property at 79 Commonwealth Street.

While this option would provide a large increase in useable floor space and is appropriate in scale with adjoining property 79 Commonwealth Street to its north, when tested it was shown that this option would cast shadows on its residential neighbours to the south.

Massing Option 1 is not deemed appropriate for the site.



Figure 27: Massing Option 1 - view from Hunt Street (Source: Brian Zulaikha Architect)

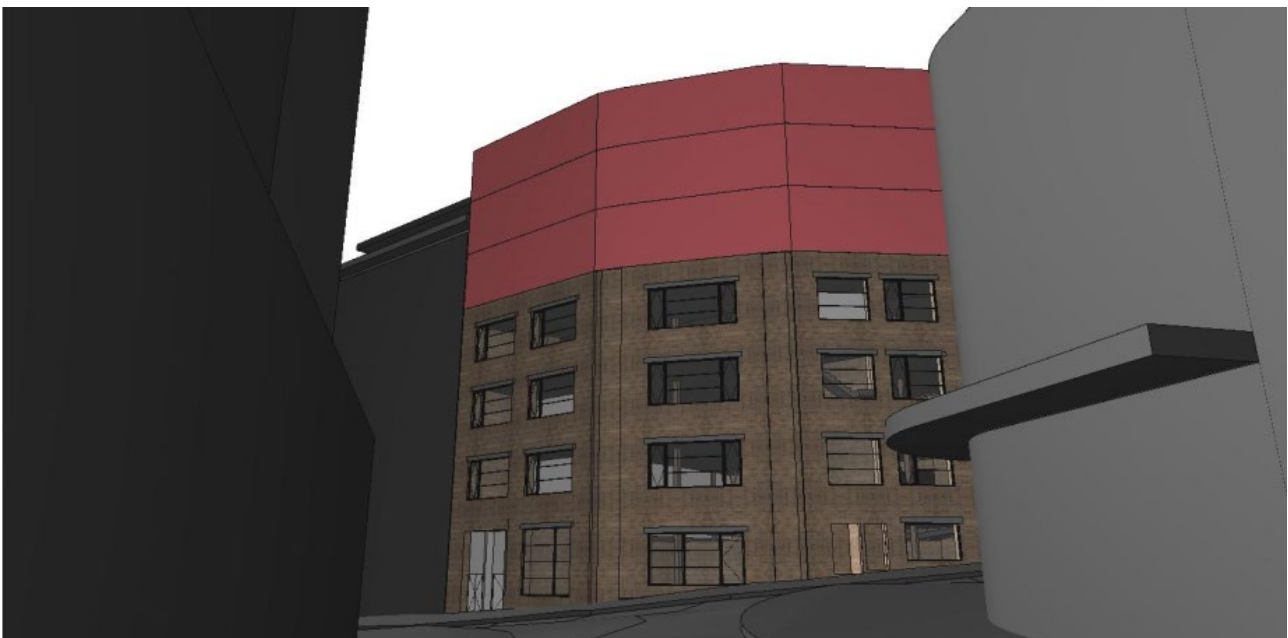


Figure 28: Massing Option 1 - view from Foster Street (Source: Brian Zulaikha Architect)

### *Massing Option - 3 floors tiered*

This option includes the addition of three (3) additional floors to the existing four (4) storey building (refer to Figures 29 and 30). The ridge RL is dictated by the highest point of the adjacent property at 79 Commonwealth Street.

Given the shadows cast in Massing Option 1, this option seeks to address this by setting each level back from the other in a tiered wedding cake style.

Like Massing Option 1, this option also provides a large increase in useable floor space, and an appropriate scale with buildings to its north. When tested it was shown that this option casts less shadows on residential properties than Option 1.



Massing Option 2 provides a workable solution however would require further design resolution of the proposed envelope and resultant floorplates.



Figure 29: Massing Option 2 - view from Hunt Street (Source: Brian Zulaikha Architect)

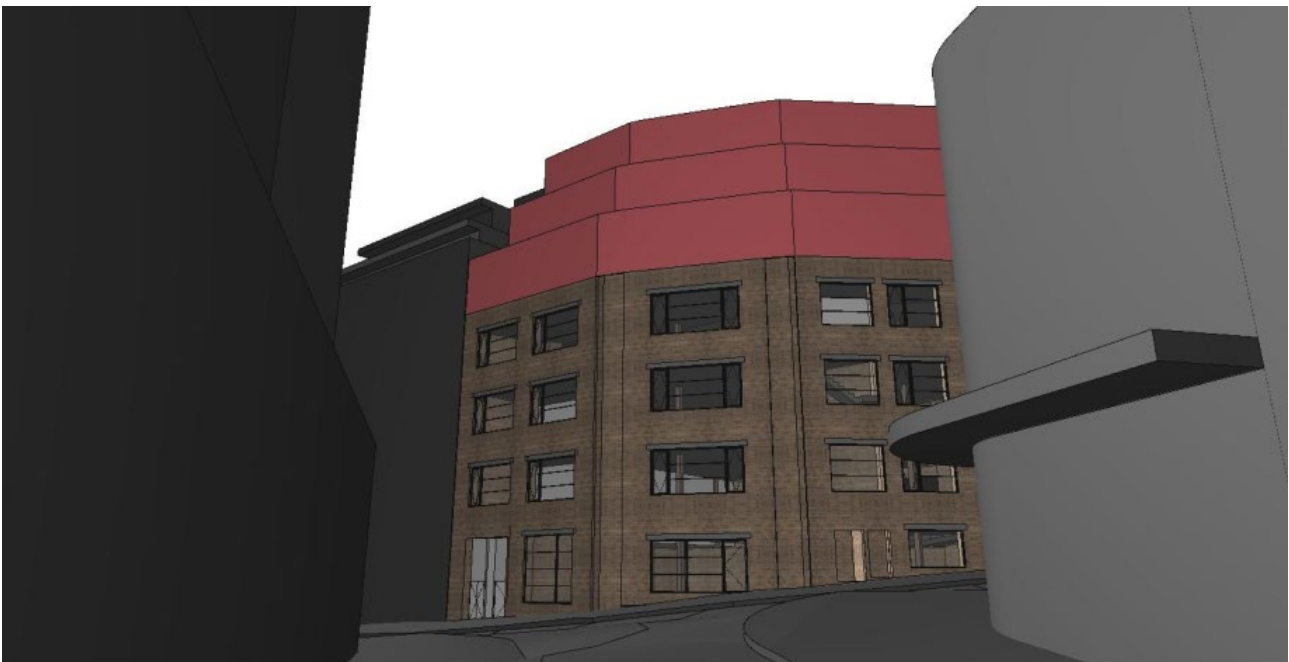


Figure 30: Massing Option 2 - view from Foster Street (Source: Brian Zulaikha Architect)

#### Massing Option - 2.5 floors

This option includes the addition of two and a half additional floors to the existing four (4) storey building (refer to Figures 31 and 32). The ridge RL is dictated by the highest point of the adjacent property at 79 Commonwealth Street.

Given the shadows cast by massing options 1 and 2, this option seeks to find the optimum positioning of a third additional storey such that no additional shadows are cast on the private open space of the site's neighbours to the south.

This option would provide an appropriate increase in useable open space with the incorporation of a rooftop terrace. Further, the scale is appropriate referencing buildings to its north and west, including 66 Wentworth Avenue and 79 Commonwealth Street.

When tested it was shown that this option does not cast additional shadows on the private open space of its residential neighbours to the south (refer to Figures 31-32).

It is deemed that this option would be a workable solution given further design resolution at DA stage as it balances commercial viability with the desire to minimise impact.

This scheme references the heights of its most direct neighbour at 79 Commonwealth Street and the setback of the third storey addition allows for the new addition to be principally read as a two-storey element against the existing building form.

Massing Option 4 has been determined as the preferred development outcome of the planning controls for the site.



Figure 31: Massing Option 4 - view from Hunt Street (Source: Brian Zulaikha Architect)

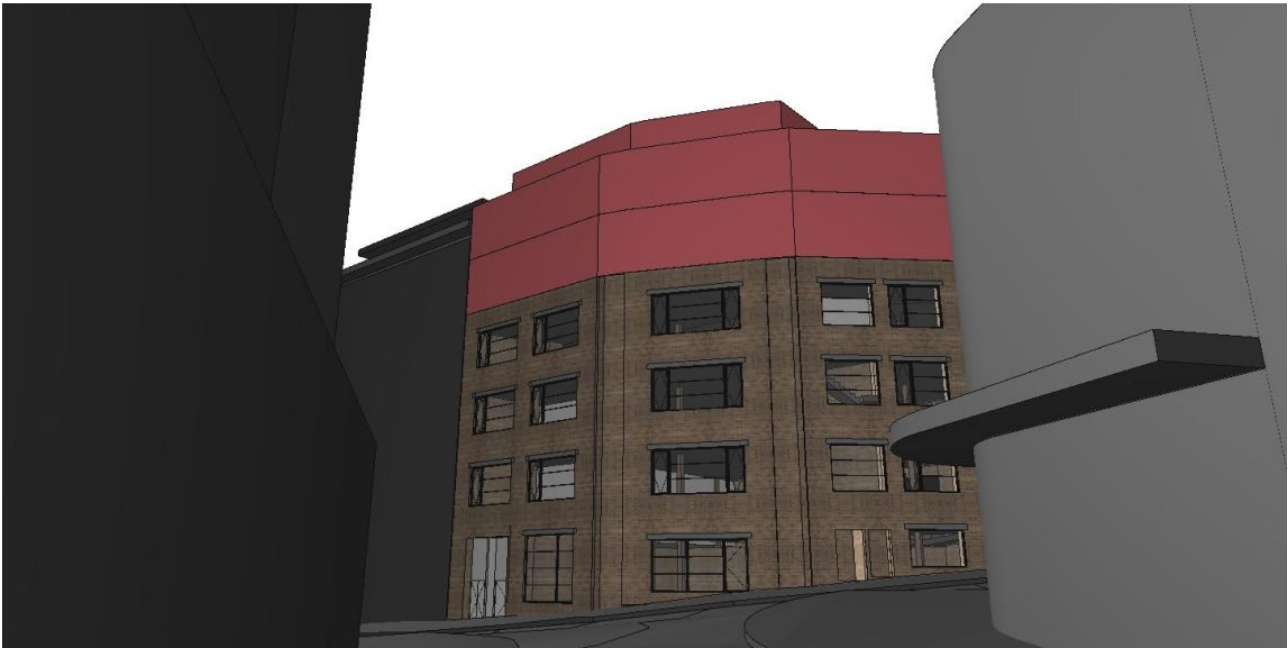


Figure 32: Massing Option 4 - view from Foster Street (Source: Brian Zulaikha Architect)

### Building Height and FSR

The Planning Proposal is to provide alternative height and FSR controls on the LEP to achieve the intended outcome of the proposed development concept. The proposed uplift in height and FSR will provide potential for additional employment floorspace and sustainability outcomes across the site.

The Planning Proposal will allow for an additional two (2) and a half floors, which is deemed acceptable within the scale of the streetscape and will make a positive contribution to the immediate precinct in terms of proposed bulk and massing. Initial modelling undertaken as part of the urban design analysis (refer to Attachment 1) suggests that uplifts in floorspace below that proposed create uncertainty with regard to the commercial viability of the project, as well as limiting opportunities to create rooftop open space.

Table 2 shows existing and proposed GFA, building height and FSR controls as they apply to the site.

	Control (SLEP 2012)	Existing	Proposed
Site Area	Nil	571.14m <sup>2</sup>	571.14m <sup>2</sup>
Building Height	18m	RL 40,330 metres AHD 3-4 storeys	RL 51,660 metres AHD 6-7 storeys
FSR	3:1	3.35:1	5.46:1
GFA	1713.42m <sup>2</sup>	1,912.79m <sup>2</sup>	3,118.92m <sup>2</sup>

Table 2: Existing and proposed GFA, building height and FSR controls

Table 2 demonstrates that the existing building exceeds the achievable floorspace established under the permissible FSR of 3:1, equating to a non-compliance of approximately 93m<sup>2</sup> (5%), being an FSR of 3.18:1.

The site-specific provisions outline the height and FSR provisions that are considered achievable for the site and associate these with the opportunity to secure additional employment floor space and sustainability outcomes across the site.

The site-specific provisions to be inserted into the LEP can accommodate the indicative concept design and additional floor space within a tested building envelope. The Urban Design Report prepared by Brian Zulaikha Architect that accompanies this planning proposal details how the intensification of the site, and subsequent intervention of additional floor space is commensurate with the surrounding built form and streetscape.

It also demonstrates a correlation between the proposal and the City's vision for providing improved building stock and new employment opportunities for the local creative, professional service and information media industry cluster identified within this part of the city.

This will result in additional commercial floor space in a location where existing floorspace has been converted to residential and tourist and visitor accommodation uses. The proposal will therefore ensure a diversity of land uses is retained within this city fringe location, and that the City remains competitive without significant adverse impacts.

#### Solar Access and Overshadowing

This Planning Proposal minimises solar impacts to neighbouring properties and to nearby open space, including Harmony Park.

The proposal is supported by a Supplementary Urban Design Report that provides a detailed analysis of the overshadowing impacts of the development. Including details of shadow impacts. The shadow impacts at 9am, 10am, 11am, 12pm, 1pm, 2pm and 3pm on 21st June are shown at Figures 37-43.

Clause 6.17 of SLEP 2012 prescribes sun access planes (SAP) across the City to protect solar access to public domain areas, including Harmony Park, being within proximity to the site.

Specifically, Clause 6.17 applies sun access planes described under Schedule 6A affecting Harmony Park between 10am and 2pm all year.

As noted under Part 3 of Schedule 6A, this Part describes points approximately 20m above the western side of Brisbane Street from Hunt Street to Goulburn Street, approximately 45m above the northern side of Goulburn Street from Brisbane Street to Pelican Street and up to approximately 7m above the eastern side of Harmony Park.

The site and its proximity to Harmony Park and the nominated area protected by Sun Access Planes is shown in Figure 35.

**Note: this section contains errors regarding additional overshadowing. Please refer to the planning proposal addendum for accurate overshadowing assessment.  
15/08/2023**





Figure 33: Harmony Park area - protected by Sun Access Planes

While the site is within proximity to the Harmony Park SAP area, the site is not classified as being land affected by Clauses 6.17 and 6.18, as per the relevant map sheet (refer to Figure 36). On this basis, it is our understanding that the sun access planes are only intended to apply to land within Central Sydney, therefore the Harmony Park SAP should not be applied to the site.

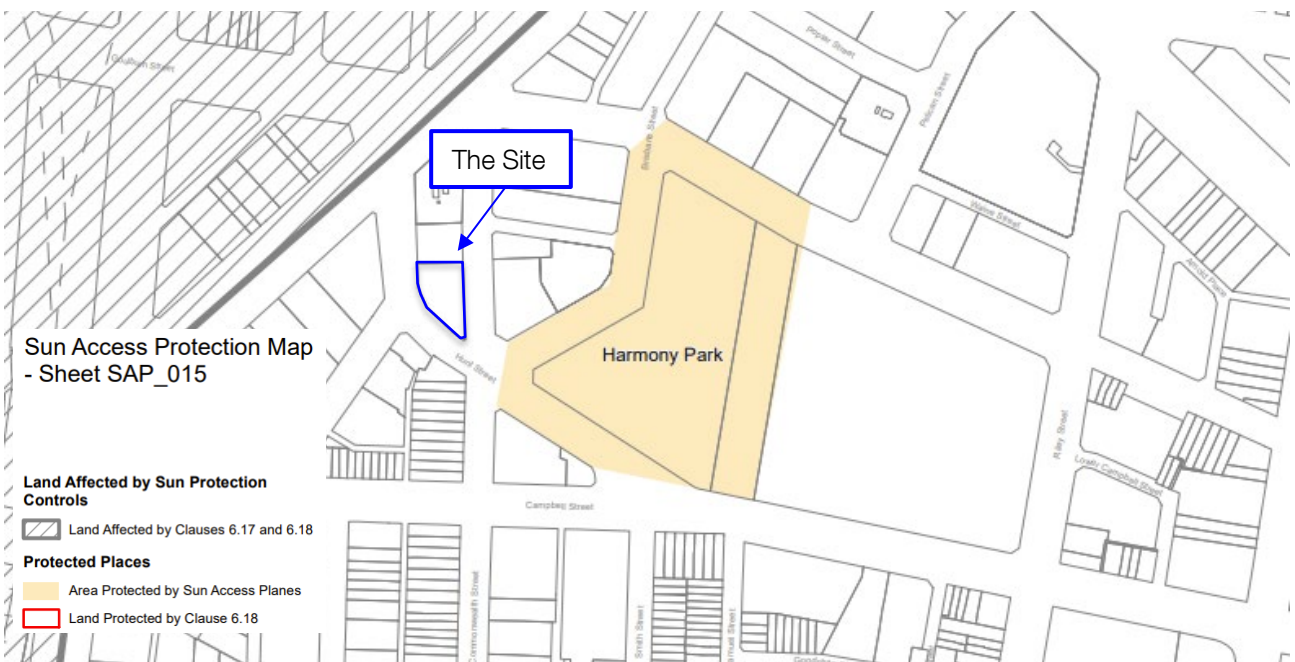


Figure 34: Extract- Sun Access Protection Map (Source: SLEP 2012)

While not located in the area nominated as being affected by Clause 6.17 and 6.18, as shown on the relevant map sheet (refer to Figure 36), the proposal results in additional overshadowing to the Harmony Park SAP area on 21 June between at 2pm and 3pm, on 21 March and 21 September at 3pm. Again, it is noted that this SAP requirement applies from 10am to 2pm. No additional overshadowing occurs at other times of the day.

This overshadowing is considered reasonable given:

- On 21 June, the additional amount of overshadowing is only 50.13m<sup>2</sup> at 2pm (approx. 0.3% of the nominated Harmony Park SAP area) and 257.27m<sup>2</sup> at 3pm (approx. 1.7% of the SAP area). This is based on the Harmony Park SAP area being approximately 1.544ha;
- Overshadowing occurring at 2pm is contained to/within the road reserve (i.e., carriageway and verge/footpath) and does not impact areas of Harmony Park;
- Overshadowing occurring at 3pm is outside the scope of Clause 6.17 and is largely contained to the road reserve (i.e., carriageway and verge/footpath), with only a minimal portion applying to areas of Harmony Park;
- The area of overshadowing is minor relative to the total site area of the park, not including areas of road reserve captures with the SAP area; and
- Overshadowing will not compromise public enjoyment of the park.

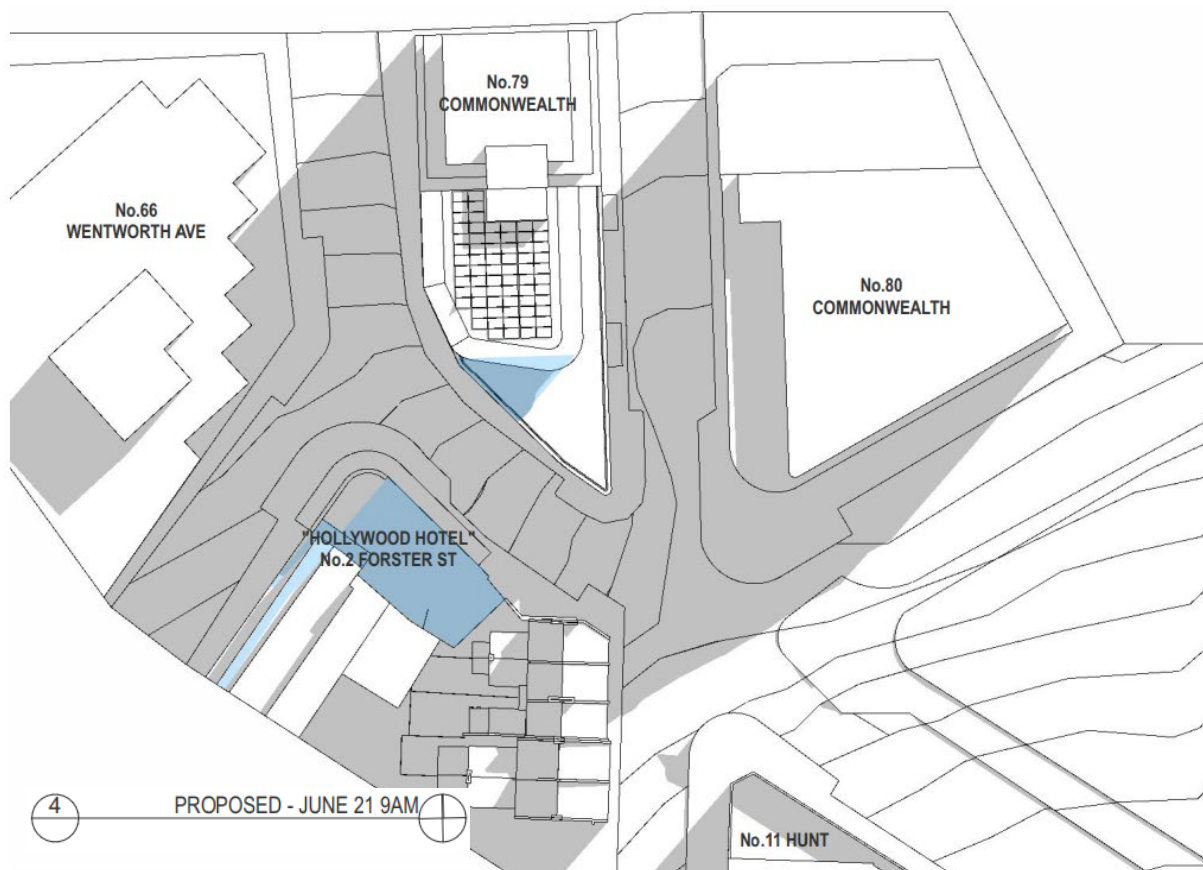


Figure 35: Proposed shadow - 9am June 21 (Source: Brian Zulaikha Architect)

**Note:** this section contains errors regarding additional overshadowing. Please refer to the planning proposal addendum for accurate overshadowing assessment.  
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Figure 36: Proposed shadow - 10am June 21 (Source: Brian Zulaikha Architect)

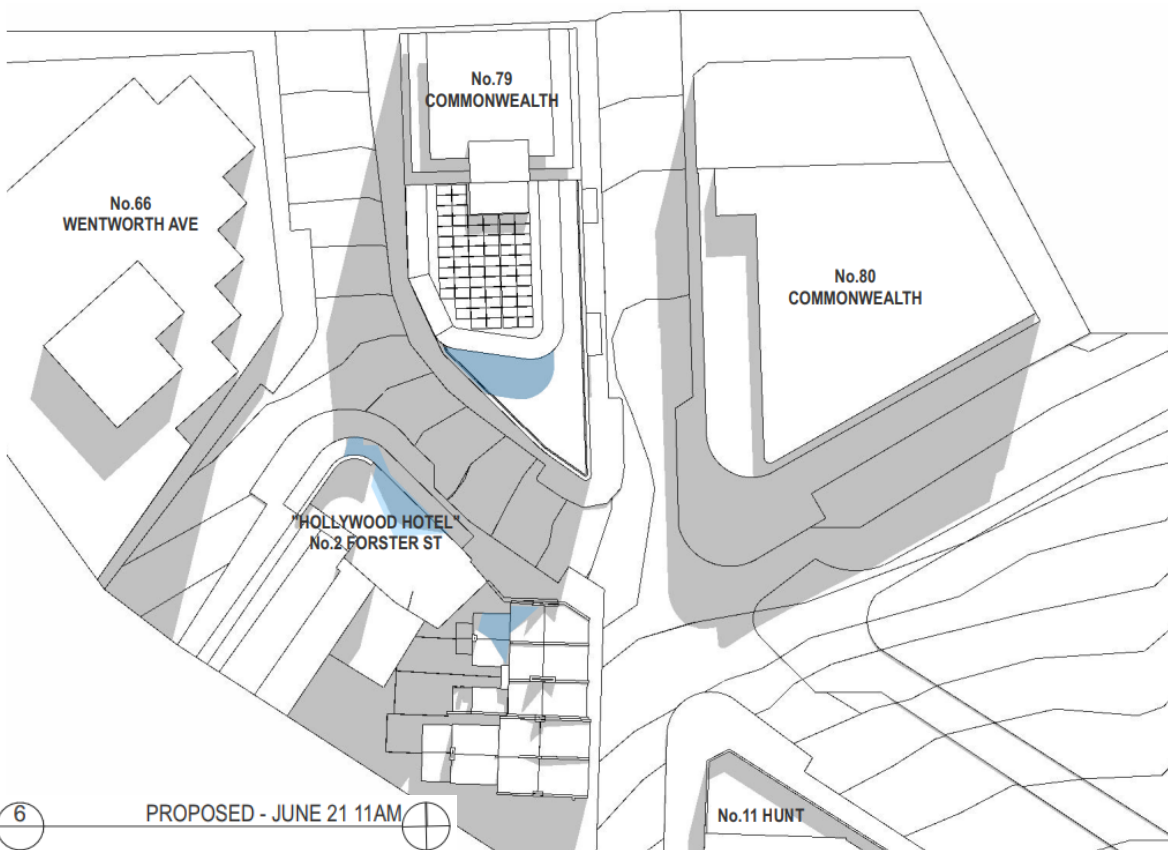


Figure 37: Proposed shadow - 11am June 21 (Source: Brian Zulaikha Architect)

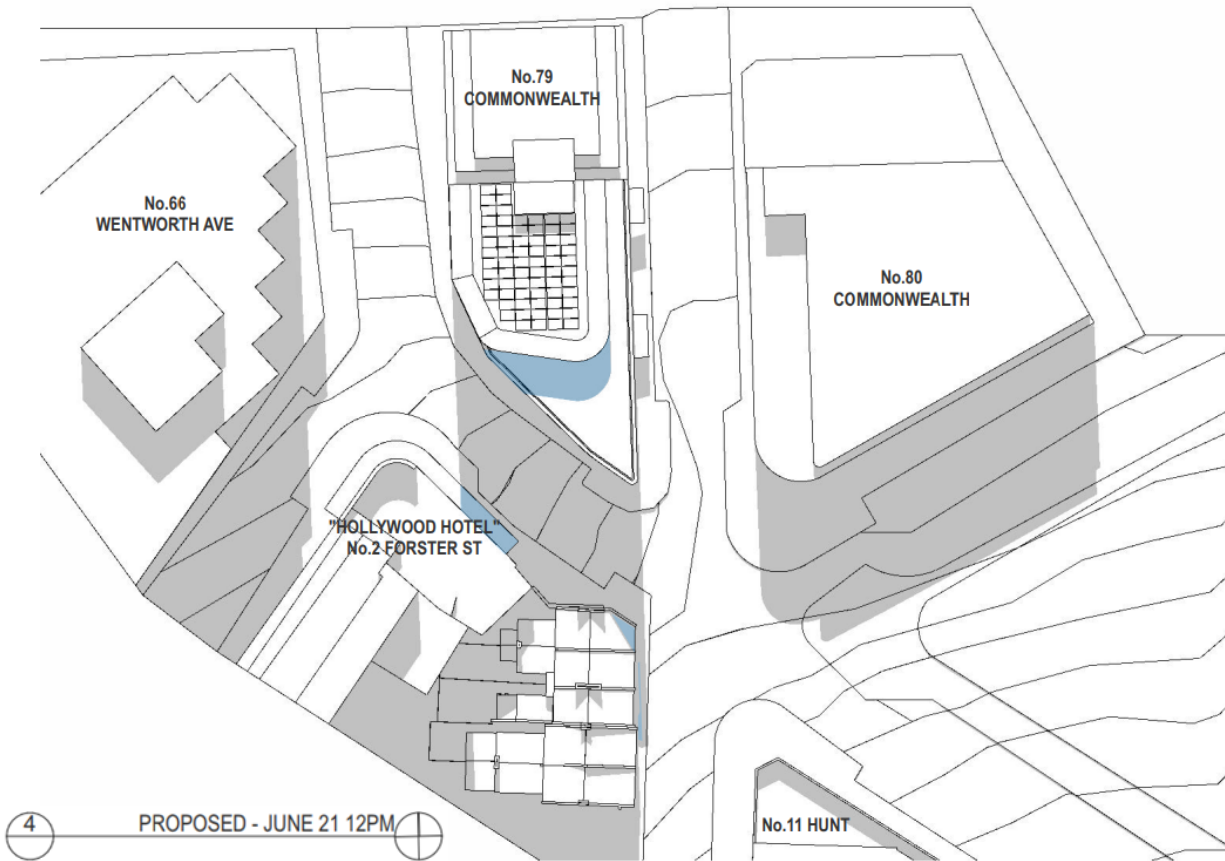


Figure 38: Proposed shadow - 12pm June 21 (Source: Brian Zulaikha Architect)

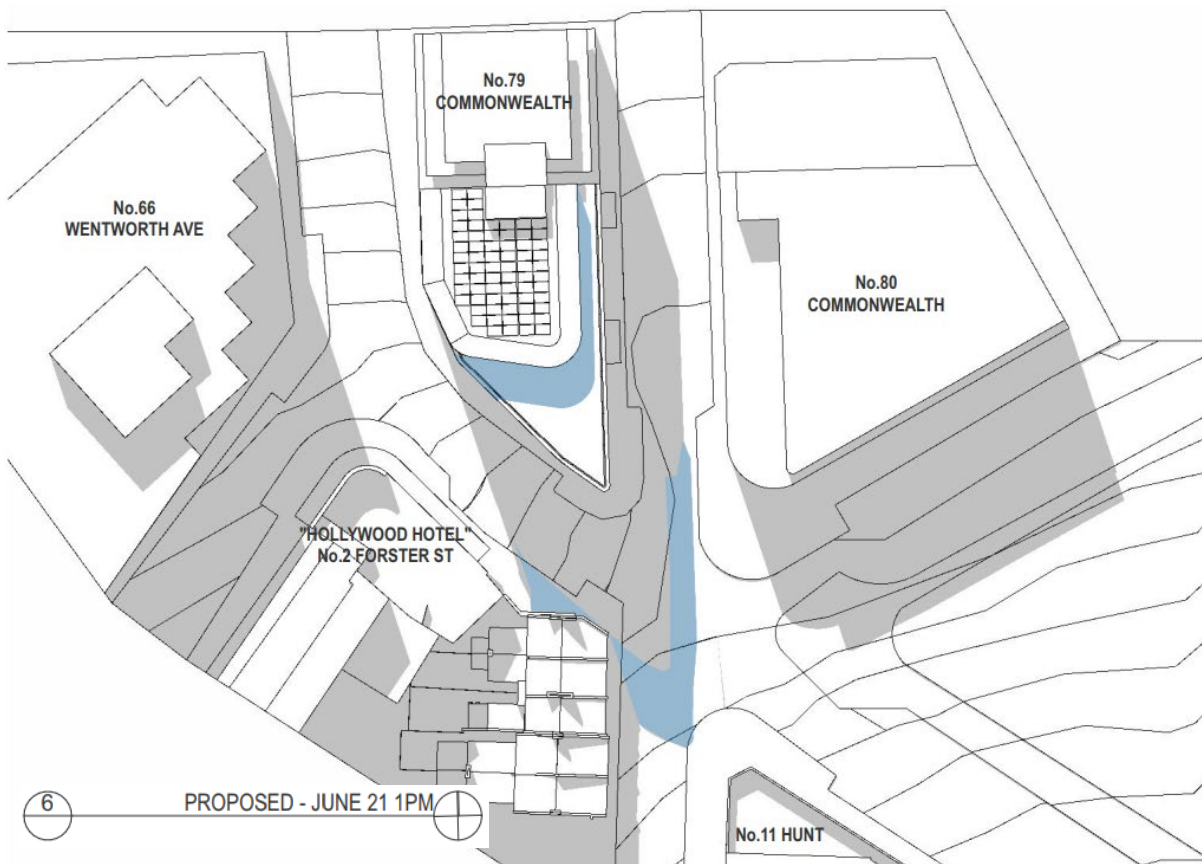


Figure 39: Proposed shadow - 1pm June 21 (Source: Brian Zulaikha Architect)



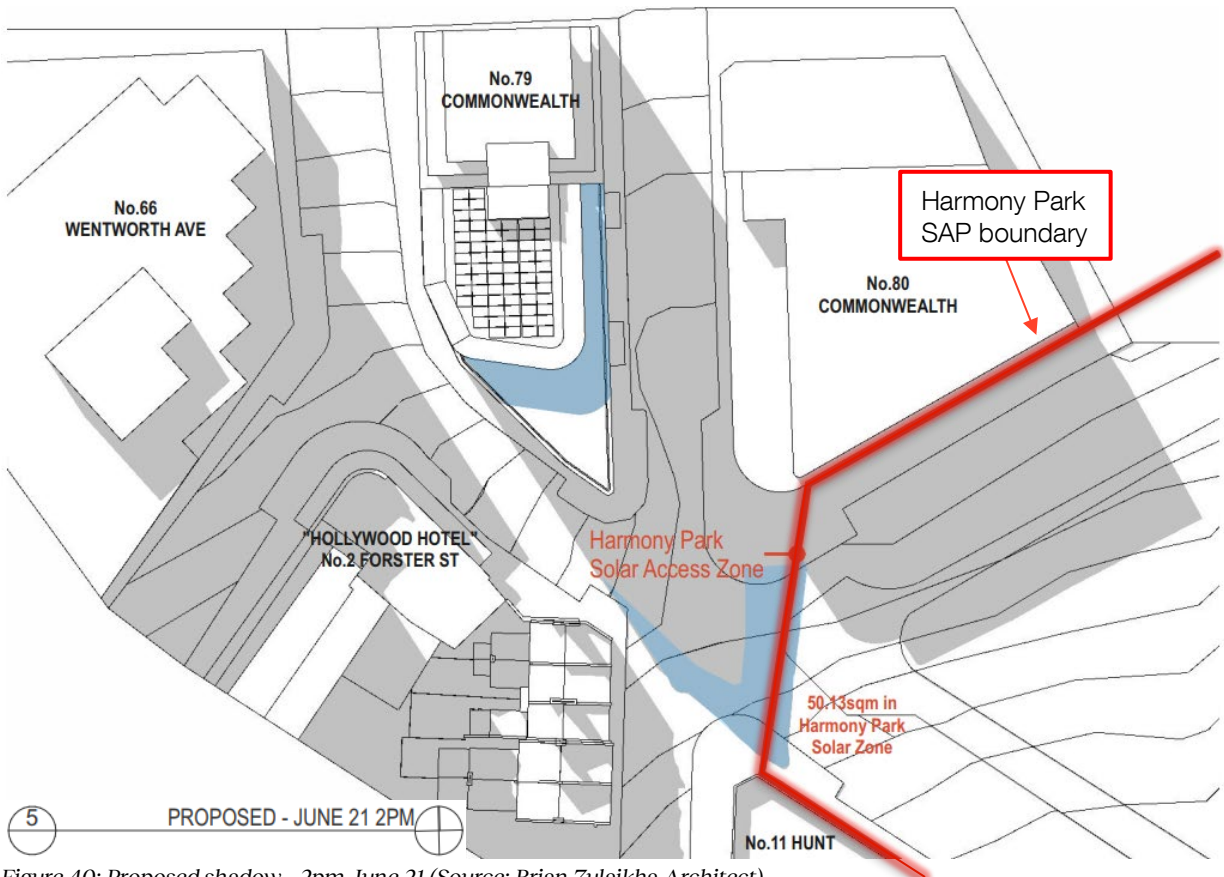


Figure 40: Proposed shadow - 2pm June 21 (Source: Brian Zulaikha Architect)

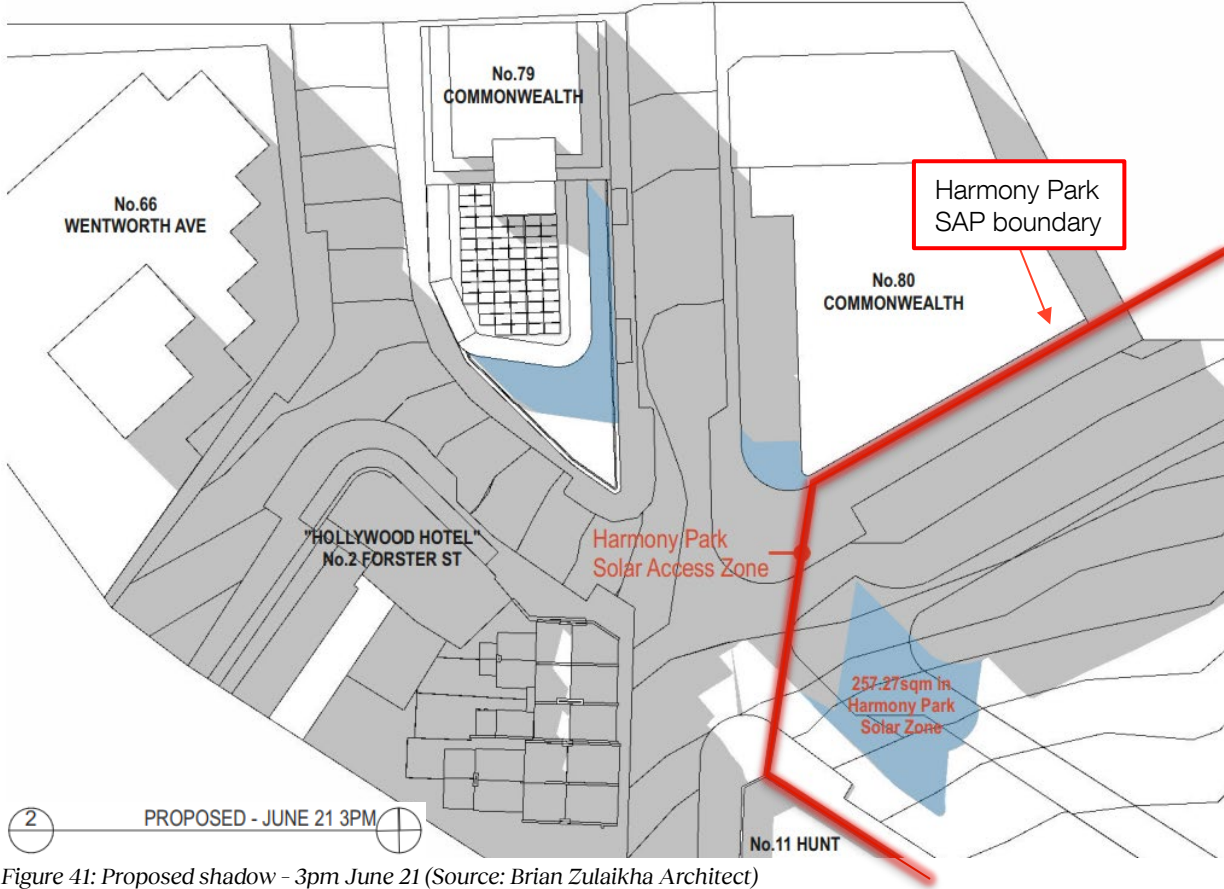


Figure 41: Proposed shadow - 3pm June 21 (Source: Brian Zulaikha Architect)

**Note:** this section contains errors regarding additional overshadowing. Please refer to the planning proposal addendum for accurate overshadowing assessment.  
**15/08/2023**

## Commercial Uses

This Planning Proposal will facilitate development of the site through an uplift in height and FSR to deliver additional commercial floor space compared to the existing site, increasing the City's capacity for employment generating floor space.

Additional floor space delivered by this planning proposal is only available to commercial uses. This will be achieved through the insertion of a restriction into the new site-specific provisions for the site in the LEP.

This outcome is consistent with the objectives of the City of Sydney's Local Strategic Planning Statement in that the planning proposal will deliver new growth and additional employment generating floor space in a key location that is well placed to take advantage of infrastructure and planned additional capacity.

## Ecologically Sustainable Development

The development outcomes of this planning proposal will deliver improved sustainability outcomes for the existing building. The retention of the existing core building structure will retain embodied energy compared to a scheme that would involve the complete demolition and rebuild of onsite structures. The continued absence of on-site car parking will encourage active and public transport use, which combined with new end of trip facilities, the delivery of a net zero emissions and 5-star NABERS target will result in a built form that is more ecologically sustainable than currently present.

## Public Domain

The Planning Proposal does not propose changes to the public domain. Changes to this effect may be considered as part of any future development application for the site where they are correlated to the DA. The additional commercial floorspace will provide increased opportunities for existing ground floor tenants to move to upper levels in the building, freeing up floorspace at street level for land uses that would provide better activation to Commonwealth and Hunt Streets.

### ***4.3.2 Section A - Need for the planning proposal***

#### Q1. Is the planning proposal the result of an endorsed LSPS, strategic study or report?

The Proposal is not the direct result of a specific strategic study or report prepared by Council relating to the site. However, the proposal is informed by a number of State and Council strategic directions that seek to strengthen lifestyle and economic opportunities across the LGA.

This Planning Proposal is a result of a request from the landowner to change the planning controls that relate to the site and is informed by the outcomes of an early consultation process undertaken with the City.

In support of this request an Urban Design Report (UDR) prepared by Brian Zulaikha Architect has been undertaken. The study details a proposal to meet the City's vision for Sydney to remain economically competitive and capable of accommodating growth in employment generating floor space through additional building height and floor space in selected locations that do not result in unacceptable impacts on public domain amenity.

These studies have informed the planning proposal. The supporting documents commissioned by the applicant to support their request are attached as the following appendices to this Planning Proposal:

Planning Justification Report - SJB Planning

— Appendix A: Urban Design Report - Brian Zulaikha Architect

- Appendix B: Ecological Sustainable Report - Stantec
- Appendix C: Structural Statement - Richard Green Consulting

Q2. Is the planning proposal the best means of achieving the objectives or intended outcomes, or is there a better way?

This planning proposal seeks to insert new site-specific provisions into the LEP for the site.

The proposed indicative development scheme has been tested to ensure the future built form is appropriate and does not result in adverse impacts to adjoining properties and the public domain. The amended controls will facilitate the delivery of additional employment generating floor space, consistent with the vision of Council for supporting industry clusters in this part of the city.

To do nothing would present a missed opportunity to create support for the commercial sector in this location, and to strengthen the economy of the City.

Applying a blanket amendment to increase the height and FSR controls across the site to encourage development would not incentivise floor space for commercial uses in an area where there are competing demands for floor space, particularly from the residential and tourism sectors, with recent increases in residential dwellings, as well as tourist and visitor accommodation in this location.

Development seeking significant variations of the existing height and FSR standards by use of clause 4.6 of SLEP 2012 are unlikely to be justified. Such an approach will set an undesirable precedent that will undermine the SLEP 2012 height and FSR standards.

The Proposal process would deliver revised planning controls for the site while also responding (and being consistent with) the broader strategic objectives set under the Regional and District Plan, Camperdown-Ultimo Place Strategy, as well as Council's strategic objectives established within its LSPS and Sustainable Sydney 2030-2050.

**4.3.3 Section B - Relationship to the 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 any exhibited draft plans or strategies)?

*Greater Sydney Region Plan*

A Metropolis of Three Cities - The Greater Sydney Region Plan is the Greater Sydney Commission's strategic plan for Greater Sydney. It is a 20-year plan with a 40-year vision, seeking to transform Greater Sydney into a metropolis of three distinct but connected cities: the Eastern Harbour City, the Central River City and the Western Parkland City. The City of Sydney LGA is positioned within the Eastern Harbour City.

It identifies key challenges facing Sydney, including a population increase of 3.3 million people by 2056, 817,000 new jobs by 2036 and a requirement for 725,000 new homes over the next 20 years. The Plan outlines how Greater Sydney will manage and deliver growth and guide infrastructure delivery. The Plan is to be implemented at a local level by District Plans.

In responding to these and other challenges, the plan sets out four (4) goals and ten (10) directions:

- Infrastructure and collaboration - securing 'a city supported by infrastructure' and 'a collaborative city'.
- Liveability - achieving 'a city for people', 'housing the city' and 'a city of green places'.
- Productivity - creating 'a well-connected city' and 'jobs and skills for the city'.

- Sustainability - delivering 'a city in its landscape', and 'an efficient city' and 'a resilient city'.

To achieve these goals and directions, the plan proposes 40 objectives, with 15 associated actions.

Objectives of relevance to this proposal include:

- Objective 4: Infrastructure use is optimised

The Proposal maximises the function of existing infrastructure assets by reducing the demand for new infrastructure and transport modes through locating new commercial floorspace within an existing urban location.

- Objective 12: Great places that bring people together

The proposal recognises the distinctive local characteristics of this area of Surry Hills created by a diversity of uses and architecture, and in doing so will contribute to the qualities that these provide.

In delivering additional commercial floor space at this location, the proposal provides an opportunity to enhance the local business and visitor community, whilst delivering a built form response that promotes a safe, inclusive and walkable mixed-use area that exhibits urban design excellence and a connection to open spaces. In doing so, the proposal demonstrates an appropriate response to surrounding heritage buildings and conservation areas, as well as opportunities for creativity and innovation to create a vibrant and active streetscape.

- Objective 14: Integrated land use and transport creates walkable and 30-minute cities

The site is well-connected to public transport, walking and cycling networks which provide access to other areas of Greater Sydney within a 30-minute travel time.

- Objective 18: Harbour CBD is stronger and more competitive

This Planning Proposal will strengthen the economic and productive role of the Harbour City by incentivising non-residential development. In doing so, the proposal will provide entrepreneurial and job opportunities in a location nominated as having a creative, professional service and information media industry cluster.

- Objective 31: Public open space is accessible, protected and enhanced

This Planning Proposal will provide increased opportunities for jobs located within proximity to parks and open spaces, including Harmony Park.

- Objective 33: A low-carbon city contributes to net-zero emissions by 2050 and mitigates climate change

This Planning Proposal demonstrates sustainability measures and targets to improve the environmental performance of the building.

### *Eastern City District Plan*

The Eastern City District Plan (the 'district plan') is a guide for implementing the Greater Sydney Region Plan - A Metropolis of Three Cities at a district level. It is 20-year plan to manage growth around the strategies for infrastructure and collaboration, liveability, productivity, sustainability and implementation, that will inform local environmental plans, community strategic plans and the assessment of planning proposals.

Given the site's location within the Harbour City CBD and proximity to Central train station, the site is aligned with the district plans priorities relating to the provision of increased jobs in metropolitan and strategic centres and the provision of housing supply with access to jobs, public transport and services. The plan aims to provide between 662,000 - 732,000 jobs.

Specifically, this planning proposal is consistent with the following priorities from the Plan:

— Planning Priority E1: Planning for a city supported by infrastructure

To refresh and renew commercial offerings in this area of the City, this planning proposal will deliver additional employment generating floor space through new commercial uses on a site that align with existing infrastructure connections to the site, as well as existing and planned transport Infrastructure.

— Planning Priority E2: Working through collaboration

This Planning Proposal presents an outcome for Council working with the proponent to establish new opportunities for employment floorspace and jobs to help realise the economic and sustainability benefits created by the investment process into the site - of which proposal reflects.

— Planning Priority E6: Creating and renewing great places and local centres, respecting the District's heritage

The refurbishment and retention of employment uses on the site will improve the performance of the existing building and its contribution to the City. Renewal of this building will assist in its contribution to the streetscape, including surrounding heritage buildings and conservation areas, as well as delivering opportunities for improved street life to support future public domain strategies.

— Planning Priority E7: Growing a stronger and more competitive Harbour CBD

This Planning Proposal will strengthen the economic and productive role of the Harbour City by incentivising non-residential development. This planning proposal creates the capacity for approximately 1,206m<sup>2</sup> of non-residential development, providing for commercial floor space within the City Fringe. This Planning Proposal provides for the growth of the creative, professional service and information media industry cluster to support the global competitiveness of the Harbour CBD.

— Planning Priority E10: Delivering integrated land use and transport planning and a 30-minute city

The future development concept satisfies the 30-minute city objective as it will increase employment opportunities close to existing and future public transport connections that provide access to other areas of Greater Sydney within a 30-minute travel time.

— Planning Priority E11: Growing investment, business opportunities and jobs in strategic centres

Future development on site will deliver additional employment floor space, which will add to the viability of the Harbour CBD economy.

— Planning Priority E13 - Supporting growth of targeted industry sectors

This Planning Proposal will deliver additional commercial floor space which will be available for investment from targeted industry sectors including creative, professional service, information media, retail, and knowledge-intensive industries and businesses.

— Planning Priority E19 - Reducing carbon emissions and managing energy, water and waste efficiently

The proposed development concept retains the core building structures and facilitate its refurbishment with improved sustainability outcomes. Future development on the site will achieve ecological sustainable development targets including a capability of meeting the City's net zero energy requirements.

Future development on the site is to achieve a 5 star NABERS rating, through renewable energy, reuse and passive ventilation systems, including an ability to exceed Section J of the National Construction Code (NCC) by 10%.



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

*Local Strategic Planning Statement – City Plan 2036*

The City of Sydney Local Strategic Planning Statement (planning statement), adopted by Council in February 2020, sets out the land use planning context, 20-year vision and planning priorities to positively guide change towards the City’s vision for a green, global and connected city. The planning statement explains how the planning system will manage that change to achieve the desired outcomes and guides future changes to controls.

In giving effect to the planning statement, this planning proposal delivers on the following priorities and actions:

— Infrastructure

- I1. Movement for walkable neighbourhoods and a connected city

The development scheme will provide for new commercial floor space in a highly accessible location that will encourage use of pedestrian and public transport networks.

- I2. Align development and growth with supporting infrastructure

The site is well located to take advantage of nearby existing and future transport infrastructure, including existing heavy rail lines, L1, L2 and L3 light rail lines, as well as the new Sydney Metro that is currently under construction. This transport infrastructure working collectively will increase the public transport capacity within Central Sydney considerably and provide for improved connectivity the greater Sydney area.

— Liveability

- L2. Creating great places

Development achieved through this proposal will allow for the continued adaptive reuse of the existing building to include additional commercial premises at the site and the inclusion of a new rooftop terrace/recreation area. The expansion of commercial offering will assist with enhancing visitor experience not only within the site but across the immediate precinct, helping deliver improved street life and adding to the success of future public domain strategies endorsed by the City.

The role of the proposal will play a pivotal role post COVID with increased opportunities to attract both people and businesses to the City and its spaces, including buildings, streets and parks.

— Productivity

- P1. Growing a stronger, more competitive Central Sydney

This planning proposal supports growth in Central Sydney by facilitating future development that will deliver additional economic and employment growth, particularly in the professional service and information media sector which are shown as a key industry cluster within proximity to the site.

- P2. Developing innovative and diverse business clusters in City Fringe

The indicative scheme includes new commercial floorspace located within the Eastern Creative Precinct, which will help support the creative, professional service and information media industry cluster in this location, as well as contributing towards Sydney’s visitor economy. The proposal will allow for this industry cluster to grow without being compromised by other permissible land uses, including residential as and tourist and visitor accommodation. It will deliver diverse, suitable, and well-designed commercial space to assist with those emerging businesses in this location.

— Sustainability

- S2. Creating better buildings and places to reduce emissions and water and use water efficiently

Development facilitated through this planning proposal will achieve sustainability benchmarks ensuring the building is able to meet sustainability targets established within the limitations of the existing building.

*Sustainable Sydney 2030-2050 - Continuing the Vision*

Sustainable Sydney 2030-2050 continues to set the vision for sustainable development of the City of Sydney to 2050 and beyond. The plan outlines the City's vision for a 'green', 'global' and 'connected' city and sets a range of guiding principles, targets and directions that provide a framework for action to be taken by the City, other levels of government, civil society and by communities. Ten transformative project ideas have been incorporated into the City's Vision to demonstrate how future public space and infrastructure projects could achieve the City's vision for a green, global and connected Sydney by 2050.

This planning proposal is aligned with the following relevant strategic directions:

— Direction 1 - Good governance and stewardship

This planning proposal provides an opportunity for Council to work with the proponent in a leadership and consultative capacity to establish new development outcomes across the site by utilising the planning process to secure long-term community, employment and economic benefits for the both the business and wider community that interact with the site.

— Direction 2 - A leading environmental performer

This planning proposal will deliver new opportunities for the implementation of ecological sustainable development on the site by demonstrating an ability to deliver minimum sustainability outcomes for future development. This will reduce the energy consumption of future development and directly contribute towards the City's target for net zero emissions by 2035.

— Direction 3 - Public places for all

The proposal will provide opportunities for a greater mix of uses on the site that can deliver greater activation and a livelier engaging city and street life. The proposal will provide an opportunity for existing ground floor office premises to be elevated on the site, allowing active uses such as food and beverage, as well as creative industries to be located at street level. This will support outcomes for improved street activation and public interaction with the site.

New built form will provide for increased diversity in the streetscape. New contemporary architecture will exist alongside existing built form, contributing to the wider public domain, particularly in terms of views, vistas and architectural response to place.

Due to the site's prominent position at the corner of Hunt and Commonwealth Streets, the proposal creates an opportunity for the building to become a key landmark against the surrounding public domain, embellishing the already diverse architectural response that has created a distinctive character to this precinct of Surry Hills.

— Direction 4 - Design excellence and sustainable development

This planning proposal will facilitate the refurbishment of the existing commercial building rather than demolition and replacement. This will deliver positive sustainable outcomes, including retention and upgrade of an existing commercial building. Accordingly, the proposal will support the delivery of future development on the site that can practically employ elements of sustainability into its design than what would otherwise be achievable with the current building due to its age and architectural design.

The proposal will result in increased employment floorspace across the site whilst continuing to pursue a net zero approach to on-site car parking, maintaining its approach of promoting alternative modes of transport to and from the site, including public and active transport options. This approach ensures the proposal supports and responds to a city that is walkable, well-serviced and public transport.

It provides a catalyst for the implementation of such ecological outcomes across site.

With the site presenting as a landmark location at the corner of Hunt and Commonwealth Streets, the proposal provides an opportunity for future development to incorporate an external appearance that improves the quality and amenity of the public domain, promote and refine existing view corridors, upgrade and enhance the fabric of the existing building, as well as promote the sites relationship to other buildings within proximity that also demonstrate such outcomes, including the Paramount Building at 74-76 Commonwealth Street, Golden Age Building at 80 Commonwealth Street, and approved retail and hotel development at 70-72 Commonwealth Street (D/2020/1173). Collectively these buildings promote a streetscape character that embodies a contemporary design response with the retention of existing and heritage building fabric. The proposal provides an opportunity to further promote this design response and streetscape character, particularly where contemporary and existing building components intercept at a pedestrian scale.

— Direction 5 - A city for walking, cycling and public transport

The proposed development will continue a net zero approach to on-site car parking, encouraging greater active transport use and helping to deliver a more people-oriented city.

Future development on the site is well placed to capitalise on its proximity to existing and future transport infrastructure including existing heavy rail at nearby at Central and Museum railway stations, L1, L2 and L3 light rail lines, bus stops and future Metro connections at Central Station and new Pitt Street station.

— Direction 6 - An equitable and inclusive city

Future development facilitated by the planning proposal will contribute to the Central Sydney area through greater opportunities for business, as well as opportunities for improving the quality of the public domain for workers and visitors.

— Direction 7 - Resilient and diverse communities

The proposal will provide improved flexibility and adaptability of the site and existing building to respond to changing consumer and environmental requirements. This will ensure the building can withstand continually evolving impacts from climate change, and consumer expectations/ experiences it creates. The proposal has the power to strengthen the relationship between the site/building and the business communities and organisations it hosts, creating improved connections and relationships between building tenants and their visitors, the building, Surry Hills community, and the wider LGA.

— Direction 8 - A thriving cultural and creative life

The proposal presents an opportunity for existing ground floor tenancies to be elevated across the site, freeing up floor space at street level for more active uses, including restaurants and the creative arts.

Contemporary architecture delivered through the future development will provide new creative and cultural experiences and opportunities for engagement between the building and the public. Further, such contemporary architectural approach will reflect a dramatic and engaging urban architectural display with regard to the existing building and surrounding built form, including contemporary additions and artwork realised at the Paramount Building (74-76 Commonwealth Street), Golden Age Building (80 Commonwealth Street), approved retail and hotel development (70-72 Commonwealth Street (D/2020/1173)), Ace Hotel (47-53 Wentworth Avenue), Griffiths Tea Building (46 Wentworth Ave and 69 Commonwealth Street), 35-45 Wentworth Avenue and 162-166 Goulburn Street.

The proposal will the creative, professional service and information media industry cluster in this location.

— Direction 9 - A transformed and innovative economy

The proposal will support a future high quality urban design outcome and improved building stock that will provide new employment opportunities for the local creative, professional service and information media industry cluster identified in City Plan 2036. This will support investment into the site and help contribute to make Sydney attractive for global investors.

### *Central Sydney Planning Strategy*

The Central Sydney Planning Strategy (the Strategy) is a 20-year growth strategy that revises previous planning controls and delivers on the City's Sustainable Sydney 2030 program. As the economic heart of Australia's global city, Central Sydney plays a critical role in the continued growth and economic success of Greater Sydney and the national economy.

The Strategy includes opportunities for additional height and density in the right locations balanced with environmental sustainability and sets criteria for excellence in urban design.

While not strictly located within the boundaries of Central Sydney, as delineated in the Strategy, this Planning Proposal is aligned with the following relevant key moves of the Strategy:

— 1. Prioritise employment growth and increase capacity.

This Planning Proposal will facilitate the delivery of additional employment generating floor space, in the form of commercial uses, increasing economic capacity and growth at this edge of Central Sydney location.

— 2. Ensure development responds to context.

The supporting urban design work, as well as sustainability and structural reports that accompany this planning proposal demonstrate that the development achieved by way of this proposal responds appropriately to its context with a built form that includes sufficient setbacks and does not result in development with adverse daylight impacts in the public domain, including Harmony Park.

— 6. Move towards a more sustainable city.

Future development is to achieve the ambitious sustainability targets as set out in the draft site specific DCP, consistent with the Strategy.

— 8. Move people more easily.

The site is well located to capitalise on existing public transport connections and the recent NSW Government investment in public transport including the new Sydney Metro projects.

### *Environmental Strategy 2021-2025*

Council's Environmental Strategy 2021-2025 outlines a range of measures to help make Sydney a sustainable and resilient city. These are set out across four (4) direction with corresponding actions that provide a framework for the City to realise its environmental and sustainability ambitions.

This Planning Proposal will assist the City in achieving these goals by implementing a range of performance standards with an ambition of moving towards a resource-efficient and net-zero energy building (Action 9) to support a carbon neutral city wide commitment and to provide for an efficient and future-proof building (Direction 2).

The proposal presents opportunities for future development on the site to incorporate energy and water saving measures, including solar panels and highly efficient water fixtures to achieve this. Landscaping as part of new rooftop open space will assist in greening the building and reducing the impacts created by the urban heat island affect where hard surfaces would otherwise absorb the suns heat. Landscaping details have been included in the architectural plans provided a part of the Urban Design Report (refer to Attachment 1 and Figure 44).

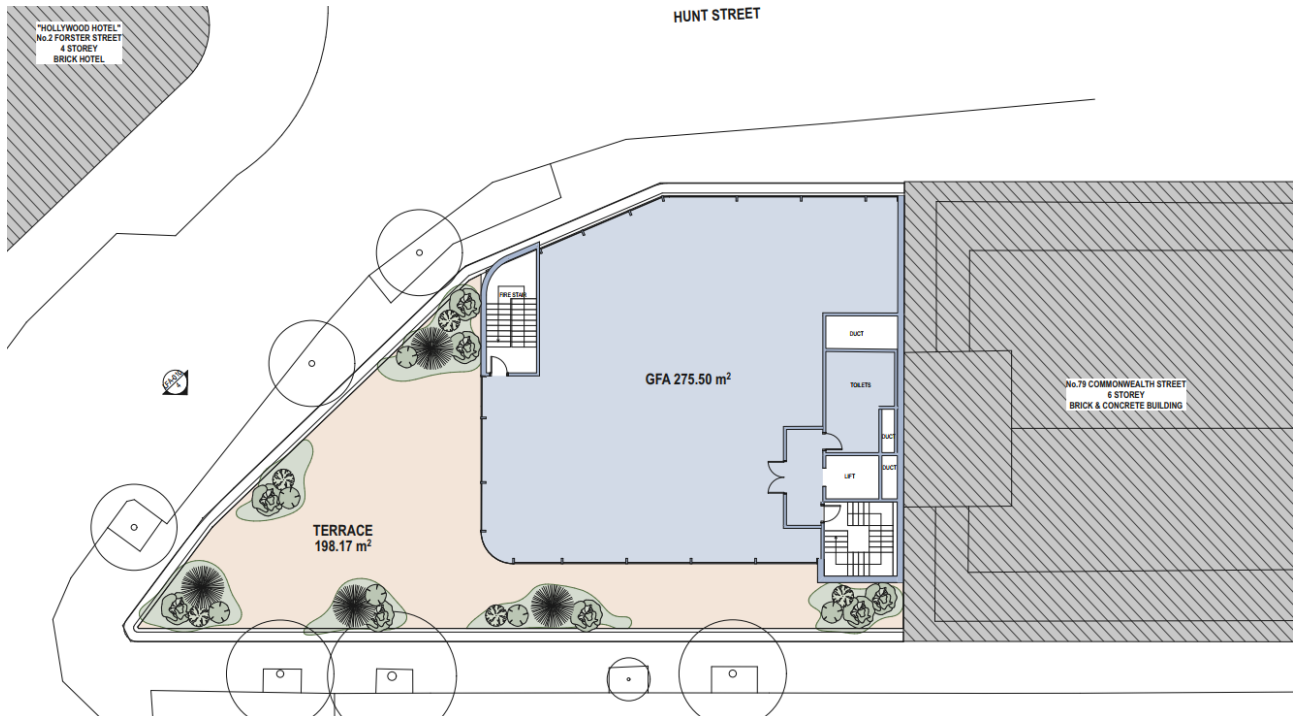


Figure 42: Extract of Level 5 Plan showing indicative landscaping (Source: Brian Zulaikha Architect)

The adoption of functional green roof space into the proposal is restricted due to the limitation on structural capability of the existing building to accommodate such loads.

Furthermore, this planning proposal presents an opportunity to retrofit and upgrade the existing building to meet current and future demands and provide its longevity. This process of retrofitting will promote the reuse and recycling of the building and its materials, avoiding its demolition and in turn supporting a key circular economy principles.

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

*Camperdown-Ultimo Place Strategy*

The collaboration area stretches from Camperdown to Ultimo and encompasses parts of Newtown, Darlington, Redfern, Eveleigh, lower Surry Hills and Haymarket. The precinct has evolved to become an eco-system with collaboration between education and research institutions with private companies. The Place Strategy informs public policy by identifying opportunities and priorities for growth.

The site is located on the periphery of the area nominated as 'Innovation ecosystem' within the 'Haymarket activity node' (refer to Figure 45).





Figure 43: Camperdown-Ultimo Place Strategy Collaboration Area

This Planning Proposal is aligned with the Place Strategy as following actions:

- Action 5: Facilitate the renewal of Central Station and surrounding lands to improve pedestrian and cycling connectivity.

At present the site does not accommodate any vehicular parking. The indicative scheme achieved as a result of the proposal will continue with this nil approach to parking and as such will generate no associated traffic movements. This will encouraging greater use of existing and future pedestrian and active transport networks.

- Action 17: Foster vibrant places by activating night time precincts, activating ground floor areas, and developing and promoting meeting places and cultural assets.

The site is located in an existing Late Night Trading area and as such is well located to include uses that will contribute towards supporting the night time economy.

- Action 22: Implement economic development that: reinforces the strengths and local identity of Haymarket; retains existing and attracts new businesses; attracts investment and drives jobs growth.

This Planning Proposal provides for additional employment floor space within the wider precinct, which will help retain and attract new businesses, industries and investment, as well as helping to drive job growth.

- Action 26: Retain and manage commercial and business activities from conversion that allows residential development.

The additional building height and floor space delivered through this planning proposal will be restricted to employment generating uses only and is not available for residential uses, which remains permissible however it will be limited to the controls available under the LEP.

### *Future Transport 2056*

Future Transport 2056 sets the 40-year vision, directions, and principles for customer mobility in NSW, guiding transport investment over the longer term. Future Transport 2056 was developed collaboratively with the Greater Sydney Commission, Infrastructure NSW and the Department of Planning, Industry and Environment to ensure transport and land use planning align and complement each other, delivering an integrated vision across the State.

The Proposal is generally consistent with the six (6) state-wide principles and their visions under the Future Transport 2056 document. In particular, the Proposal will:

- Promote liveability, amenity and the economic success of the site through access to transport connections and infrastructure, including roads, cycling and pedestrian facilities, as well as public transport.
- Ensure the retention and interface with the public domain is not diminished, and that the proposal leverages off its existing access to public spaces as a key component of the design where people can meet and enjoy their leisure time, including Harmony Park and surrounding public domain.
- Ensure people are able to safely and easily access adjoining and nearby public domain spaces, as well as surrounding land uses by walking, cycling and public transport, encouraging people to be more physically active, and improving opportunities for mental health and increased social interactions and recreational opportunities.
- Provide employment floor space opportunities in a location with excellent access to transport including public and active transport modes.
- Continue to promote walking and cycling as transport methods for trips to and from the site to support environmentally, economically and socially sustainable transport outcomes that aim to tackle climate change, create liveable places, reduce congestion, and support the better health and wellbeing of the community.

### *Better Placed*

The Proposal is consistent with the objectives of the document 'Better Placed' prepared by GANSW. In particular, the Proposal will:

- Better fit - contextual, local and of its place.

This proposal responds to the existing topography of the site, surrounding structures, as well as its history, allowing for new urban components to be balanced by the retention and enhancement of the existing building and surrounding natural and built form elements. Proposed massing takes guidance from the building footprint, as well as the height and massing of adjacent buildings to the north (i.e., 79-83, 46 and 69 Commonwealth Street).

The proposal will provide opportunities for a contemporary urban form that retains and reinforces the historic building and city structure. The proposal provides an opportunity to enhance the qualities and distinctive characteristics of this area of Surry Hills established by other developments, both constructed and approved. This is demonstrated by an ability to provide new development

opportunities that both build and retain the unique qualities and unique characteristics established by the existing built form, including contemporary additions and heritage items.

Accordingly, the proposal will provide for new floorspace and development opportunities that will contribute to the context and character of Commonwealth and Hunt Street as well as the surrounding areas, adding further richness, diversity and quality established by the diversity in architecture and land uses.

Rooftop open space is incorporated to enhance natural elements across the site, activation at elevated levels, and to promote the scenic qualities of the site established by the surrounding topography.

The proposal provides an opportunity for the site enhance the unique character of the surrounding area established by the diversity or architecture and land.

- Better performance - sustainable, adaptable and durable.

Sustainability and resilience against climate change is achievable through the implementation of minimum design standards established through state and local controls. The proposal presents new opportunities for ecologically sustainable development to be incorporated into the site, including targets to pursue net zero emissions, reduced energy and water demand, access to natural light and fresh air, as well as the incorporation of sustainable building materials.

- Better for community - inclusive, connected and diverse.

The Proposal through the provision of new employment floorspace will allow for improved diversity in the offering of commercial uses across the site, including affordability and tenure. The intensification of commercial uses will provide an economic framework that supports engaging places and resilient communities.

Access through walking, cycling and public transport is promoted with the aim of reducing private car usage and in turn reducing traffic impacts, air pollution and transport costs.

- Better for people - safe, comfortable and liveable.

New employment floorspace and the addition of a rooftop area will improve the building's ability to provide improved internal air quality, access to views, and natural light to create an improved user-friendly environment, and ultimately supporting a safe, comfortable and enjoyable experience for tenants.

The proposal provides an opportunity for the existing building to be upgraded, maintained and cared for to ensure that it lasts longer as valuable part of the city's existing building stock, and minimise the need for its replacement.

- Better working - functional, efficient and fit for purpose.

The proposal will ensure the building is able to maximise its functionality and performance, supporting existing and future commercial uses in an optimal and efficient manner than what is currently available across. This will enable to the building to better adapt to the changing needs of commercial markets and existing tenants, allowing for greater flexibility in the use and delivery of floorspace.

Improvements in the design and function of commercial floor space will support enhanced productivity and the effectiveness for organisations who use this space. Furthermore, the proposal will provide longevity to an existing building whilst minimising the need for its replacement.

- Better value - creating and adding value.

The proposal seeks to take advantage of its location, leveraging on the existing characteristics and qualities of the site to increase social, economic, and environmental benefits to the existing and future tenants as well as the wider community. This is realised through the adaptation and incorporation of good design, effective materials and construction methods to protect and enhance the buildings value

by maintaining the appearance and usability of the building and reducing the impacts of time, climate and use.

The proposal provides the impetus for change and implementation of good design in a location that showcases the City's support and encouragement of good design in the locality and neighbouring Surry Hills area, the proposal therefore provides an opportunity to raise the standards of the wider area, multiplying both social and economic values over time.

- Better look and feel - engaging, inviting and attractive.

A key feature of the Proposal is its location and setting in a prominent corner location which is enhanced by a topography that varies and changes around the site.

These elements create a visual setting that has guided the proposal and the design options presented in the supporting urban design report. Built form will complement this urban landscape allowing for an urban setting that is diverse and proportionate in scale to the surrounding built and natural environment.

The proposal presents a significant intervention into the built environment that can provide energy and interest into the local streetscape, encouraging visitors, activity and enjoyment of the public domain that surrounds the site. Opportunities for contemporary design can further contribute to the rich and diverse urban setting that has been created by existing and proposed developments along Commonwealth Street and within the surrounding area.

The proposal utilises the site's location to present a future built form outcome that is visually attractive and engaging to tenants and the wider community, and ultimately landmarking the building and the site, with an outcome of providing value to commercial tenants by delivering a sense of identity and brand support.

### *Greener Places*

The Proposal is consistent with the principles of the document 'Greener Places' prepared by GANSW. In particular, the Proposal will:

- Integration

The proposal provides an opportunity for the site to incorporate green space by providing natural elements and ecosystems onto the site in the form of rooftop landscaping. This will not only promote healthy and active lifestyle but also promote natural elements into the urban environment and provide connectivity to surrounding open space, including Harmony Park.

- Connectivity

The incorporation of green space onto the site will promote a network of elevated natural elements into the urban environment that connect with each other but also with open spaces at ground level. This provides benefits of building vertical wildlife by linking green elements at ground level as well as those at rooftop levels.

- Multifunctionality

The incorporation of landscaping will provide social, environmental, and economic benefits for the site and the wider area. Notably the ability to provide a practical response to key elements of global warming, including overheating, as well as access to landscaping and open space to improved user experiences within the site.

- Participation

This Planning Proposal represents a key part of the planning process that allows for a range of stakeholders to participate in the delivery and implementation of landscaped elements onto the site. The proposal presents a design solution prepared between a range of specialist consultants, in the field

of landscape design and sustainability. It also responds to Council’s inertial commentary and feedback on sustainability and incorporation of green elements onto the site. Furthermore, notification of the Planning Proposal will allow for consultation with the community.

**Q6. Is the planning proposal consistent with applicable SEPPs?**

This Planning Proposal is consistent with applicable SEPPs shown in Table 3. In this table, consistent means that the planning proposal does not contradict or hinder the application of the relevant state environmental planning policy

SEPPs with which this planning proposal is consistent	SEPP (Biodiversity and Conservation) 2021; SEPP (Building Sustainability Index: BASIX) 2004; SEPP (Exempt and Complying Development Codes); SEPP (Industry and Employment) 2021; SEPP (Planning Systems) 2021; SEPP (Transport and Infrastructure) 2021; SEPP (Resilience and Hazards) 2021;
SEPPs that are not applicable to this planning proposal	SEPP (Housing) 2021; SEPP No 65—Design Quality of Residential Apartment Development; SEPP (Precincts—Central River City) 2021; SEPP (Precincts—Regional) 2021; SEPP (Precincts—Western Parkland City) 2021; SEPP (Precincts—Eastern Harbour City) 2021; SEPP (Primary Production) 2021; SEPP (Resources and Energy) 2021.

Table 3: Consistency with State Environmental Planning Policies

*Sydney Environmental Planning Policy (Biodiversity and Conservation) 2021*

Under State Environmental Planning Policy (Biodiversity and Conservation) 2021 the subject site is located within the Sydney Harbour Catchment Boundary but not within the Foreshore and Waterways Area Boundary.

The planning proposal does not contradict or hinder the application of the planning principles for the SEPP.

**Q7. Is the planning proposal consistent with applicable Ministerial Directions (section 9.1 Directions)?**

This Planning Proposal is consistent with the applicable ministerial directions as shown in Table 4.

Direction	Comment
1.1 Implementation of Regional Plans	Consistent. The Planning Proposal facilitates the implementation of several objectives and actions of the Greater Sydney Region Plan.
1.2 Development of Aboriginal Land Council land	Not applicable
1.3 Approval and Referral Requirements	Consistent. This Planning Proposal does not include any concurrence, consultation or referral



provisions nor does it identify any development as designated development.

1.4 Site Specific Provisions

Inconsistent, but of minor significance. The planning proposal introduces a new site-specific provision involving development standards, however these allow alternative additional height and floor space, not restrictions.

The inconsistency is justified based on the concept that to benefit from the increased development standards, a development must satisfy the conditions of providing commercial land uses only. The proposed controls could create an additional 1206.13m<sup>2</sup> of commercial floorspace in a strategically appropriate location, ensuring the retention of commercial floorspace in an area undergoing increasing change due to the demands of residential and tourist and visitor accommodation.

Redevelopment within the parameters set by this Planning Proposal will stimulate activity, increase employment and pedestrian activity and contribute to other overall revitalisation of the site and its edge of city Surry Hills location while conserving the existing building and its cultural significance.

**Focus area 1: Planning Systems - Placed-based**

1.5 Parramatta Road Corridor Urban Transformation Strategy

Not applicable

1.6 Implementation of North West Priority Growth Area Land Use and Infrastructure Implementation Plan

Not applicable

1.7 Implementation of Greater Parramatta Priority Growth Area Interim Land Use and Infrastructure Implementation Plan

Not applicable

1.8 Implementation of Wilton Priority Growth Area Interim Land Use and Infrastructure Implementation Plan

Not applicable

1.9 Implementation of Glenfield to Macarthur Urban Renewal Corridor

Not applicable

1.10 Implementation of the Western Sydney Aerotropolis Plan

Not applicable

1.11	Implementation of Bayside West Precincts 2036 Plan	Not applicable
1.12	Implementation of Planning Principles for the Cooks Cove Precinct	Not applicable
1.13	Implementation of St Leonards and Crows Nest 2036 Plan	Not applicable
1.14	Implementation of Greater Macarthur 2040	Not applicable
1.15	Implementation of the Pyrmont Peninsula Place Strategy	Not applicable
1.16	North West Rail Link Corridor Strategy	Not applicable
1.17	Implementation of the Bays West Place Strategy	Not applicable
<b>Focus area 2: Design and Place</b>		
<b>Focus area 3: Biodiversity and Conservation</b>		
3.1	Conservation Zones	Not applicable
3.2	Heritage Conservation	<p>Consistent. The planning proposal will not result in any adverse impacts to adjoining and surrounding heritage items or conservation area(s).</p> <p>While not listed as a heritage item, the proposal will allow for the upgrade and conservation of the existing building ensuring its preservation and continued use.</p>
3.3	Sydney Drinking Water Catchments Overlays in Far North Coast LEPs 26	Not applicable
3.4	Application of C2 and C3 Zones and Environmental	Not applicable
3.5	Recreation Vehicle Areas	Not applicable
<b>Focus area 4: Resilience and Hazards</b>		
4.1	Flooding	Not applicable
4.2	Coastal Management	Not applicable
4.3	Planning for Bushfire Protection	Not applicable

4.4 Remediation of Contaminated Land	<p>Consistent. The planning proposal does not introduce any sensitive uses that are not already permissible in the Sydney LEP 2012. The proposal does not incentivise residential uses. The proposal facilitates additions to the existing building at upper levels and as such is not expected to require the consideration and investigation of contamination and remediation of the site.</p> <p>The existing LEP and DCP contain sufficient provisions and controls, in addition to SEPP (Resilience and Hazards), to require the remediation of any contamination land where appropriate at development application stage.</p>
4.5 Acid Sulfate Soils	<p>Consistent. The proposal does not contradict or hinder the application of acid sulphate soils provision in Sydney LEP 2012.</p>
4.6 Mine Subsidence and Unstable Land	Not applicable
<b>Focus area 5: Transport and Infrastructure</b>	
5.1 Integrating Land Use and Transport	<p>Consistent. The proposal seeks to facilitate the intensification of employment generating uses in an accessible location.</p> <p>This Planning Proposal is consistent with the aims, objectives and principles of Improving Transport Choice - Guidelines for planning and development (DUAP 2001), and The Right Place for Business and Services - planning Policy (DUAP 2001)</p>
5.2 Reserving Land for Public Purposes	<p>Consistent: This Planning Proposal will not affect any land reserved for public purposes.</p>
5.3 Development Near Regulated Airports and Defence Airfields	Not applicable
5.4 Shooting Ranges	Not applicable
<b>Focus area 6: Housing</b>	
6.1 Residential Zones	<p>Consistent. This planning proposal does not contain provisions that will reduce the permissible residential density of the land.</p>
6.2 Caravan Parks and Manufactured Home Estates	Not applicable

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**Focus area 7: Industry and Employment**

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7.1 Business and Industrial Zones	Consistent. This Planning Proposal will not reduce the total potential floor space available for employment uses permitted within the B4 Mixed Use zone under Sydney LEP 2012.  This Planning Proposal will facilitate the provision of additional employment floor space, fostering new jobs and small business.
7.2 Reduction in non-hosted short-term rental accommodation period	Not applicable
7.3 Commercial and Retail Development along the Pacific Highway, North Coast	Not applicable

**Focus area 8: Resources and Energy**

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8.1 Mining, Petroleum Production and Extractive Industries	Not applicable
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**Focus area 9: Primary Production**

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9.1 Rural Zones	Not applicable
9.2 Rural Lands	Not applicable
9.3 Oyster Aquaculture	Not applicable
9.4 Farmland of State and Regional Significance on the NSW Far North Coast	Not applicable

Table 4: Consistency with Ministerial Directions

#### 4.3.4 Section C - Environmental, social and economic impact

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

The site is currently occupied by an existing building built to all site boundaries and does not contain any known critical habitat or threatened species, populations, ecological communities or habitats. Furthermore, the site is located within an urbanised area which does not contain any known critical habitat or threatened species, populations, ecological communities or habitats.

As part of any future detailed development application(s) for the site resulting from this Planning Proposal, Council will be required to consider environmental impacts that may be generated by the development incentivised by the proposal.

Q9. Are there any other likely environmental effects of the planning proposal and how are they proposed to be managed?

The planning proposal seeks to provide alternative height and FSR controls for the site under Sydney LEP 2012 and in doing so incentivise the development of commercial uses only, in a manner that ensures the existing building on site is appropriately retained and conserved and mitigates other impacts. Accordingly, in the preparation of this Planning Proposal, environmental considerations were assessed, including solar access and shadow impacts to surrounding residential dwellings and public domain.

The proposed changes will help deliver a development that is consistent with the surrounding streetscape, heritage items and heritage conservation area(s). Design principles have been adopted in the development of the proposal to ensure environmental effects such as solar access and overshadowing, visual impacts, heritage and access can be appropriately mitigated.

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

This Planning Proposal provides an opportunity for the development of the site to provide an intensification of commercial uses, located in Surry Hills on the city fringe, in close proximity to public transport. Development of the site, in line with the proposal, will allow for positive social and economic benefits, including:

- Increasing the amount of commercial floor space available to further support Sydney's role as a global city and its contribution to the local and state economy;
- Encouraging revitalisation of the associated city block, which includes the upgraded Griffiths Tea Building;
- Contributing to the diversification and increase in commercial floor space close to Central Sydney, ultimately resulting in the provision of additional employment opportunities;
- Supporting key industry sectors including commercial, food and beverage, education, health, tourism and cultural uses. The additional floor space will assist in meeting existing commercial floorspace demands within the building, allowing for ground floor commercial office tenancies to be elevated within the building, allowing for the ground floor to be used for more active uses, including food and beverage providers.

Redevelopment of the site also offers social benefits of improved accessibility and upgrade of an existing building. The proposal will assist in revitalising existing commercial floorspace, whilst also providing benefits of revitalising a key area of Surry Hills, both at ground and upper levels with opportunities for new building entries and rooftop terrace.

**4.3.5 Section D - Infrastructure (Local, State and Commonwealth)**

Q11. Is there adequate public infrastructure for the planning proposal?

Yes. There is adequate public infrastructure to support this planning proposal.

The site is located in an area that is well serviced by public transport. Frequent major bus and train services are located within walking distance of the site. These public transport services provide access to various destinations in the Sydney metropolitan area, including the CBD, the eastern and inner western suburbs, and beyond.

All utility services including electricity, telecommunications, water, sewer and stormwater are currently available on the site. If the site is redeveloped it is expected the developer will upgrade these services to support the proposed development.



The potential for an intensification of commercial uses at the site will take advantage of the site's accessible location. The increase in worker and visitor population generated as a result of the proposal is not anticipated to result in excessive or undue density impacts.

#### **4.3.6 Section E – State and Commonwealth Interests**

##### **Q12. What are the views of state and federal public authorities and government agencies consulted in order to inform the Gateway determination?**

The Gateway determination will identify the public authorities to be consulted as part of the Planning Proposal and any issues raised and/or views expressed will be incorporated into this Planning Proposal following consultation. Formal consultation has not yet been undertaken.

#### **4.4 Part 4 - Maps**

This Planning Proposal does not propose to amend Sydney Local Environmental Plan 2012 map sheets.

Instead, it is proposed to amend the permissible building height of 18m and FSR of 3:1 through the insertion of a new local provision under Division 5 Site Specific Provisions. The new clause will establish a maximum FSR of 5.46:1 and maximum building height of RL 51,660 metres AHD subject to future alterations or additions to the existing building being for commercial uses only and sustainability outcomes as detailed in the proposal.

#### **4.5 Part 5 - Community Consultation**

##### **Pre-Lodgement Consultation**

Pre-lodgement consultation on the Proposal is outlined in Section 1.4.1.

##### **Post-Lodgement Consultation**

Public consultation will be undertaken in accordance with the requirements of the Gateway determination.

It is proposed that, at a minimum, this will involve the notification of the public exhibition of this Planning Proposal on the City of Sydney website and in writing to the owners and occupiers of adjoining and nearby properties and relevant community groups.

It is expected this Planning Proposal will be publicly exhibited for period of not less than 28 days, or as otherwise directed by the Gateway Determination.

It is proposed that exhibition material will be made available on the City of Sydney website and at the City of Sydney customer service centres.

Consultation with relevant NSW agencies and authorities and other relevant organisations will be undertaken in accordance with the Gateway determination.

#### 4.6 Part 6 - Project Timeline

The anticipated timeline for completion of this Planning Proposal is as follows:

<b>Stage</b>	<b>Timeframe</b>
Commencement / Gateway Determination	March 2023
Public exhibition and government agency consultation	May 2023
Consideration of submissions	June 2023
Post exhibition reporting	July 2023
LEP drafting	August 2023
LEP made	September 2023
LEP notification	September 2023

## 5. Conclusions and Recommendations

This Planning Proposal for 85-93 Commonwealth Street, Surry Hills has been prepared in accordance with Section 3.33 of the *EP&A Act 1979* and the relevant guidelines prepared by NSW Department of Planning Infrastructure and Environment, including *A Guide to Preparing Planning Proposals*.

The Proposal seeks an amendment to the controls applying to the site by inserting a new site-specific clause in Division 5 of SLEP 2012 to:

- Allow a maximum floor space ratio of 5.46:1;
- Allow a maximum building height of RL 51,660 metres AHD;
- Apply restrictions on the additional building height and floor space provisions to ensure these are only applicable to employment (i.e., commercial) uses; and
- Implement sustainability targets for the site, including pursuing a net zero emissions target and achieving a NABERS 5 Star rating.

This Proposal and its supporting documentation provides an analysis of the physical and strategic planning constraints and the opportunities of the site, and considers the relevant environmental, social, and economic impacts of the proposal and its strategic merit against the strategic framework it is set within.

The proposal addresses the suitability and capacity of the site for the proposed range and intensity of uses taking into account the site's context and environmental, economic and social opportunities and constraints. Accordingly, development of the site will result in significant benefits for the city fringe Eastern Creative Precinct.

The proposed amendments to the controls would have the ability to deliver an increase in diverse and well designed work places within this highly accessible location. The work places would range in size, type and price point whilst still protecting the character and amenity of the precinct and supporting creative and cultural uses.

The site is in a highly accessible location and the current B4 Mixed Use zoning continues to remain appropriate for a mix of uses within the site. However, the maximum height of building control and FSR control applicable to the site are overly restrictive and significantly less than the surrounding controls and the scale of the development.

This submission seeks a revision of the maximum height of building control from 18m to RL 51,660 metres AHD and the FSR control from 3:1 to 5.46:1 applicable to the site, to permit the provision of additions to the existing building for commercial purposes only. Such additions are compatible from an urban design perspective and would permit the provision of additional mixed use floor space within this inner city location with negligible impact on surrounding properties.

## 6. Attachments

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# Attachment 1: Urban Design Report



# Attachment 2: Sustainability Summary

# Attachment 3: Structural Statement

# Attachment 4: Council Correspondence

Attachment 5: City of Sydney Design for  
Environmental Performance  
(DEP) Template