

## RELEVANT INFORMATION FOR THE CENTRAL SYDNEY PLANNING COMMITTEE

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**FILE:** X006910 **DATE:** 30 November 2017  
**TO:** Members of the Central Sydney Planning Committee  
**FROM:** Graham Jahn, Director City Planning, Development and Transport  
**SUBJECT:** Information Relevant To Item 12 - Planning Proposal: Sydney Local Environmental Plan 2012 – Bidura Children’s Court & Metropolitan Remand Centre – 357 Glebe Point Road, Glebe - At CSPC – 30 November 2017

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That the Central Sydney Planning Committee members note the information contained in this memo.

### **Background**

In response to a request from the CSPC at its meeting of 9 November 2017, Council staff requested records from the Department of Planning and Environment, Heritage Council and Property NSW on the development controls, Heritage Council resolutions and sale for 357 Glebe Point Road, Glebe. In addition, Council staff sought publically available records on these matters which are attached and outlined below.

At the time of drafting this response, no further information had been received from the three state agencies. The Department of Planning and Environment advised it requires Property NSW permission to release these records. Property NSW advised that considering the current state of matters between the City and the landowner, they do not intend to provide the information. The Heritage Council have not responded.

### **Development controls history**

**October 2006** - following public exhibition, the Glebe and Forest Lodge Urban Design Study, prepared by HBO + EMTB Urban and Landscape Design, was endorsed by the City of Sydney Council. The study recommended a maximum height of 9m for the entire site and a floor space ratio of 1:1 be incorporated into a future LEP, and a 2 storey height control for the entire site be adopted into a future DCP.

**September 2010** - following state agency consultation, Council and the CSPC approved Sydney LEP for referral to the Department of Planning to request a section 65 certificate to enable public exhibition. Sydney LEP adopted the height of 9m and FSR of 1:1 and the draft Sydney DCP adopted a 2-storey height of buildings control, as recommended in the urban design study. Heritage item listings were transferred from the Leichhardt LEP and updated for consistency with the standard instrument. The consolidated Sydney LEP was prepared without heritage study review for further listings for this area.

**10 September 2010** - State Property Authority submission and supporting Grech Planners report dated September 2010, recommended heights of 27m and 9m and FSR of 1.5:1 “to achieve an improved urban form outcome, consistent with Government policy on maximising the value and development potential of its assets.” Provided at **Attachment A**.

**12 November 2010** - City of Sydney advised State Property Authority that it had reviewed the submission and could not support the request for a 1.5:1 FSR and 27m height control over the central portion of the site. Copy of the letter is provided at **Attachment B**.

**24 November 2010** - the NSW Department of Planning issued a section 65 certificate subject to a condition requiring the draft Sydney LEP to be publically exhibited with the building height controls of 27m and 9m, and an increase in FSR for the site to 1.5:1. The certificate is provided at **Attachment C**. Two subsequent certificates were issued, though they did not alter the conditions of the original section 65 certificate.

**2 February 2011 to Monday 4 April 2011** - the height controls of 27m and 9m, and the FSR control of 1.5:1 were exhibited under the draft Sydney LEP 2011, and a 2-storey and 5-storey height of buildings control was exhibited under the draft Sydney DCP 2011. State Property Authority made a submission, provided in **Attachment D**, in support.

The City reviewed the planning report prepared for the State Property Authority justifying an increase to height and FSR for the site. City staff considered the amendments resulted in significant negative impacts, including uncharacteristic bulk and scale, visual impact, significant overshadowing, overlooking and inadequate building separation to existing residential flat buildings.

**March 2012** - in the post exhibition report to Council and the CSPC, the City recommended that the building height controls be amended to 18m for a central portion of the site, and 9m for the remainder, and that a Floor Space Ratio of 1:1 be applied. This was approved by Council and the CSPC.

**14 May 2012** - the Council adopted the Sydney Development Control Plan 2012, including the 2-storey and 5-storey height of buildings controls. These controls came into effect upon the making of the Sydney LEP.

**3 September 2012** - the NSW Department of Planning, in the letter provided at **Attachment E**, required the controls in the LEP to be reinstated as per their section 65 certificate and as publically exhibited. These controls were gazetted as a part of the Sydney Local Environmental Plan 2012, which came into effect on 14 December 2012.

### **Property NSW sale**

**October-November 2014** - Property NSW sale brochure, provided in **Attachment F**, invited tenders by 13 November 2014 to purchase the property. The brochure described and illustrated development potential and a proposed indicative scheme for two apartment buildings of 5 storeys and part-8 storeys, and 14 town houses, including a schedule of indicative floor space, on the site occupied by the Children’s Court and Metropolitan Remand Centre.

The brochure states “This proposed scheme is indicative only and purchasers should make their own enquiries with regards to the development potential of the site.” The brochure, including sections on planning and heritage controls, makes no reference to the conservation area listing, the contributory listing for this property within the conservation area, or the listing of the land of the Remand Centre as part of the curtilage of Bidura House under SLEP 2012. The brochure states “The Remand Centre is not listed as an item of heritage significance”, which is correct. Sections on height limits and development potential make no reference to

the height limits of Sydney DCP 2012 for the site of 5 and 2 storeys. The brochure indicates that Property NSW supplied further information on request.

**26 February 2014 & 31 July 2014** - City of Sydney Council issued two planning certificates under section 149 of the Environmental Planning and Assessment Act for this property. These certificates are available on request to confirm the LEP planning controls that apply to a property. The certificates note the property is listed within a conservation area and contained a heritage item. A copy is provided at **Attachment G**.

**26 October 2016** - the previous Land and Environment Court judgement, *Vision Land Glebe Pty Ltd v Council of the City of Sydney* [2016] NSWLEC 148, which refused a concept development application, stated “FSR and height permissible on the site are maximums and their achievement is dependent upon acceptable impacts. The purpose of the Concept Application is to determine the distribution of the height and FSR and this is to be considered within the context of the other relevant controls.”

### **Heritage Council resolutions**

**5 April 2017** - Heritage Council’s State Heritage Register Committee resolved to:

- recommend listing the Bidura House Group, excluding the Metropolitan Remand Centre; and
- write to the City of Sydney to urge protection of the entire allotment.

The meeting minutes noted that this recommendation does not prevent the future possibility of listing. The meeting minutes also record that the members reaffirm the previous State Heritage Register Committee resolutions from April and July 2016 advising Heritage Division of the “potential state heritage significance of the entire allotment as a Child Welfare and Juvenile Justice Precinct.” These minutes were accepted as a true record of the meeting at the Heritage Council meeting of 3 May 2017. The minutes are provided at **Attachment H**.

**23 June 2017** - Heritage Council letter, provided in **Attachment I**, urged the City of Sydney to provide heritage protection to the entire Bidura Child Welfare and Juvenile Justice Precinct (the entire allotment).

**4 July 2017** - City of Sydney letter, provided in **Attachment J**, sought clarification from the Heritage Council about whether the intent of its resolution and letter was for the City to investigate the potential for the Metropolitan Remand Centre to be listed as an item of local heritage significance.

**31 July 2017** - in response the City’s request for clarification, the Heritage Council noted that the Metropolitan Remand Centre may also reach a threshold for local significance and it wanted to bring that to the attention of the City, although it did not reach a resolution on the likely significance of the building. The letter is provided at **Attachment K**.

**28 August 2017** - Bidura House Group, excluding the Children’s Court & Metropolitan Remand Centre building, was listed on the State Heritage Register at the direction of the Minister for Heritage.

Prepared by: Claudine Loffi, Senior Specialist Planner (Heritage)  
Rosemary Bullmore, Senior Solicitor

**Attachments:**

**Attachment A** State Property Authority submission with attached Grech Planners report

**Attachment B** City of Sydney response to State Properties submission

**Attachment C** Section 65 certificate from Department of Planning (24 November 2010)

**Attachment D** State Property Authority submission on draft LEP

**Attachment E** Department of Planning requirement to change height & FSR

**Attachment F** Properties NSW sale brochure, undated, Tender No. 1400919

**Attachment G** Section 149 planning certificate issued by Council during 2014

**Attachment H** 5 April 2017, Minutes of Meeting – 440 – Heritage Council of NSW

**Attachment I** Heritage Council letter to City of Sydney

**Attachment J** City of Sydney letter to Heritage Division letter seeking clarification

**Attachment K** Heritage Council letter of clarification to City of Sydney

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Approved



**Graham Jahn AM, Director City Planning,  
Development and Transport**

# **ATTACHMENT A**

**STATE PROPERTY AUTHORITY  
SUBMISSION WITH ATTACHED  
GRECH PLANNERS' REPORT**

10 September 2010

Fran O'Brien  
City of Sydney Council  
GPO Box 1591  
Sydney NSW 2001

Attention: Fran O'Brien

Dear Ms O'Brien

**Review of Proposed Draft LEP – Bidura – 357 Glebe Point Road**

I refer to the recent discussions between Sara Roach of Grech Planners and Fran O'Brien at City of Sydney Council and discussions between the State Property Authority (SPA) and the Department of Planning (DoP) relating to the proposed height and FSR controls for the Bidura site.

As you are aware SPA are the owners and administrators of 357 Glebe Point Road Glebe. As land owners, SPA has engaged a consultant team to review current and proposed planning controls to ascertain their impact on the ongoing management and development of the site. Part of that review has included discussions with Council and DoP as well as engagement of planners, architects, urban designers and economic development consultants to assist with our understanding.

Please find attached our submission that recommends that the proposed height limits and FSR controls be reviewed in line with our studies. We welcome the opportunity to discuss these matters at any time and if there are any queries please do not hesitate to call Olga Masella on 9338 7046.

Yours Sincerely



Kylie Ridge  
Director Commercial Transactions  
Divestments, Acquisitions and Development  
State Property Authority



# Review of Proposed City of Sydney Draft LEP

Bidura

357 Glebe Point Road

Prepared for  
Mitcham Nelson  
On behalf of  
State Property Authority

September 2010  
Project No 10024

## Review of City of Sydney Proposed DLEP

Bidura 357 Glebe Point Road

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### Document history and status

Version	Issued To	Qty	Date	Prepared by:	Reviewed by:
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B Giles Tribe Architects – Urban Design Analysis

## **1.0 INTRODUCTION**

### **1.1 General**

This submission has been prepared in relation to the impending exhibition of the City of Sydney's Draft City Plan (Draft Plan). In particular, this submission responds to those key development controls which are incorporated into the City's Draft Local Environmental Plan 2010 (Draft LEP) as relevant to the Bidura Site. This submission reviews the proposed development controls for height and floor space ratio (FSR) of the subject site to ensure these base controls provide an appropriate planning framework.

The subject site, known as "Bidura" is owned by the state government. The property was originally developed to accommodate a children's remand centre and associated facilities. This property is no longer used as a remand centre and is not suitable for its current use as a training facility and courthouse. Should the property ever become surplus, it is essential that future planning controls be structured to facilitate the future redevelopment of this site to achieve an improved urban form outcome, consistent with Government policy on maximising the value and development potential of its assets.

### **1.2 Commission**

Grech Planners (GP) was engaged by Mitcham Nelson on behalf of the State Property Authority (SPA) to prepare this submission. GP has prepared this submission in conjunction with Giles Tribe Architects and Mitcham Nelson.

This submission is supported by plans and concept drawings prepared by Giles Tribe Architects. The existing heights referred to in this submission have been extrapolated from data provided by the AAM Group.

### **1.3 Consultation**

This submission has been prepared in response to a number of separate meetings convened with both senior officers of Council and the Department of Planning. At these meetings, the opportunities for the future redevelopment of the Bidura site were discussed both for residential and commercial purposes. It was established and generally concurred with that the current development standards in the LLEP 2000 were development prohibitive and furthermore, that an improved development outcome could be achieved by increasing the height control which applies to the site and removing the land use restrictions which currently require commercial development to occupy the entire ground floor level of any development, if a floor space ratio of 1.5:1 is to be attainable.

As discussed at the meeting, it is anticipated that this submission will assist the Department in its issue of a Section 65 certificate for Council's Draft LEP. It is suggested that should the Department form the view that the height and floor space variation detailed in this submission have merit, then the s.65 certificate could be conditional on these variations being incorporated into the Draft LEP prior to its formal exhibition.

## 1.4 Background

### 1.4.1 General

The 'Bidura Site' is located at 357 Glebe Point Road, Glebe and comprises Bidura House and former remand centre. The site is currently owned by the State Government and comprises some 5556sqm of land with direct frontage to Glebe Point Road, Ferry Lane and Avon Street. The site is located in an area which is characterised by a diverse range of commercial and residential development of varying ages, architectural styles and built form. Notwithstanding this, terrace type residential development of two storeys in height is the predominant built form interspersed with multi-storey residential flat buildings, in addition to the existing development on the subject site.

As currently proposed, the development controls in the Draft LEP for the Bidura Site in respect to height and FSR are 9 metres and 1:1, respectively. We acknowledge that these provisions have been informed by the *Glebe + Forest Lodge Urban Design Study* (Glebe Urban Design Study) commissioned by the City of Sydney. However, in our opinion the recommendations for the Bidura site which have been translated into the Draft LEP fail to accurately reflect the current built form and do not provide incentives for the redevelopment of this significant site that would promote improved urban design outcomes. Furthermore these controls are overly restrictive and unnecessarily reduce the development potential of the site which could have been realised under the Leichhardt LEP 2000 (LLEP 2000).

Given the site's strategic location relative to the Sydney CBD and its proximity to local infrastructure and services, it is our view that the redevelopment of the site presents an opportunity to significantly improve the contribution that the site makes to the area by providing increased housing choices, better urban design outcome and an improved heritage outcome for Bidura House.

Accordingly, this submission establishes the basis for variations to the development controls for height and FSR. Maximum height limits of 9 metres and 27 metres are proposed across the site. These heights are considered to better represent the heights necessary to provide for a flexible design solution by matching the heights attained by neighbouring residential towers and in addition to reflecting the 9 metre height of existing terrace housing generally occurring on the eastern side of Glebe Point Road. An FSR of 1.5:1 is sought to reflect that FSR currently permissible, on merit, pursuant to the provisions in Leichhardt LEP 2000 and that achieved by neighbouring development.

### 1.4.2 Site's future- SPA Options

Prior to the preparation of this submission, SPA has given consideration to various development options for the Bidura site. All options are predominantly residential. Inherent and fundamental to all options considered by SPA was the retention of the Bidura House and the maintenance of the significant garden curtilage around this substantial heritage building.

As a result of the findings of the market research undertaken by Mitcham Nelson, the preferred option for the site involves the demolition of the main building on the site and the redevelopment of this eastern portion of the site. In this regard, it has long been established that the remand centre building is at the end of its useful life and not ideally designed for its current function. As the accommodation within the remand centre has been purpose built, its adaptive reuse is undesirable due to limitations associated with the inefficient floor plates, engineering

complexities associated with the concrete structure and its modification, and the low development yields it would deliver.

The subject site is unusually large in the context of surrounding development resulting in the site extending well into the neighbouring residential area to the east. In our opinion, the most logical and sensible development option for the site would be the preservation of the heritage value of Bidura House as commercial or residential premises and to redevelop the eastern portion of the site for a variety of residential purposes.

### 1.4.3 Council's Urban Design Study

In 2006 Council commissioned HBO + EMTB Urban Design & Landscape Design to undertake the Glebe Urban Design Study. The overarching objective of this Study was to provide a comprehensive analysis of the existing built form within Glebe (as relevant to this submission), to identify the desired future character for each identified precinct and establish a series of development controls which would provide both development certainty and an improved built form. The Study was based on the outcomes of a detailed review of existing building heights, floor space ratios and built form characters of the study area.

We understand that the recommendations of the Glebe Urban Design Study have informed the preparation of Council's Draft LEP.

The Study identifies the Bidura Site as being located within the 'Glebe Point Road Precinct'. The strategic structure plan identifies the site and neighbouring sites along the length of Glebe Point Road as continuing to have a focus on commercial and retail uses at ground floor level with opportunities for mixed use development including residential components above ground floor. Development to the rear of this section of Glebe Point Road is located in the 'Glebe Point Precinct' where various forms of residential development prevail. As acknowledged in the Study, whilst there are a number of taller and bulkier buildings within this precinct which do not sit comfortably in their context, there are more recent examples where development has provided a "more sensitive response to the site and to the valued streetscape qualities."

Glebe Urban Design Study recommends that a height limit of 9 metres and an FSR of 1:1 apply to the site. However, the underpinning analysis of the study includes a number of errors, has not been extended to examine alternate design solutions at an individual site level; and does not take into consideration economic and strategic metropolitan planning factors. The Study identifies the subject site as being in an area with heights of 0-9 metres while in effect the area includes buildings of in the order of 16 to 17m in height. Regional Planning objectives of increasing densities within established areas in proximity to existing infrastructure and services are not apparently considered. Accordingly these matters are reviewed and discussed further below.

### 1.4.4 Proposed Draft City Local Environmental Plan

The proposed Draft LEP is now in the public arena being appended to the Committee Papers for the upcoming round of Council Committee meetings. A comparison of those development controls contained in the existing Leichhardt LEP 2000 (LLEP 2000) and the proposed Draft LEP, as relevant to the Bidura Site are provided in **Table 1**.

Development Controls	LLEP 2000	Proposed Draft LEP
Zoning	<b>Business (3) Zone.</b> Broad uses permissible include: residential, retail, commercial and mixed use.	<b>B2- Local Centre zone.</b> Broad uses permissible include a range of retail, business, entertainment and community uses.
FSR	Clause 23(1)(a)- <b>1:1 for non-residential uses</b> Clause 23(1)(b)- <b>1.5:1 for mixed residential and other development</b> , only if all floor space art ground floor level is non-residential	<b>1:1 maximum</b>
Height	There are <b>no maximum height limits specified in LLEP 2000 or LDCP 2000.</b> Height is derived from establishing a maximum wall height of 7.2 metres and then creating a building envelope by projecting a 45 degree plane into the site from the 7.2 m wall height at the front of the building.	<b>9 metres maximum height</b>

**Table 1: Development Standards**

With respect to the permissible land uses within the Draft LEP, it is acknowledged that despite the site being located wholly within the *B2-Local Centre zone*, Clause 2.66BB of the Draft LEP does permit residential development in the zone. It is imperative for residential land uses to be permissible on the Bidura Site in order to ensure that future development is compatible with the residential character of neighbouring land particularly along the Ferry Lane and Avon Street frontages of the site. The retention of Bidura House as a commercial premise will continue to contribute to the established pattern of commercial development along Glebe Point Road, consistent with the recommendations of the Glebe Urban Design Study.

The objectives of the proposed *B2- : Local Centre zone* pursuant to Clause 2.6BB of the Draft LEP are as follows:

- *To provide a range of retail, business, entertainment and community uses that serve the needs of people who live in, work in and visit the local area.*
- *To encourage employment opportunities in accessible locations.*
- *To maximise public transport patronage and encourage walking and cycling.*
- *To allow appropriate residential uses to support the vitality of local centres.*

It is considered that the redevelopment of the site as presented in this submission would not undermine the objectives of this zone for the following reasons:

- The existing main commercial building on the site is not suitable for its current use, and its design does not allow for efficient use for commercial purposes, without further modification.
- The continued use and occupation of Bidura House would provide surety to the ongoing conservation of the building.

- Short term employment opportunities would be provided during the construction process and limited ongoing employment associated with the continued maintenance of the development; and
- The residential population accommodated in the development will patronise the local centre.
- The site is conveniently located near to the Sydney Metro Light Rail and a number of bus services traversing Glebe Point Road.

Further to the above, we note that the residential land neighbouring the eastern portion of the Bidura site is proposed to be zoned 'R1- General Residential'. This zoning 'prohibits' commercial and business uses but, promotes a range of residential uses which provide for a variety and range of housing types and densities. Based on the established pattern of development to the east, south and north of the site, it is our opinion that the development of the eastern portion of the Bidura site for residential purposes would be the most compatible with this zone.

## 2.0 SITE ANALYSIS

### 2.1 Site Description and existing development

The Bidura site is identified as 357 Glebe Point Road, Glebe and is located on the eastern side of the road. Its legal property description is Lot 1 DP 64069 and it comprises a consolidated allotment with a total site area of 5556sqm. The site is irregular in shape and is bounded to the east, west and south by Glebe Point Road, Ferry Lane and Avon Street, respectively as illustrated in **Figure 1** below.



Figure 1: Site Analysis

Key site information is provided in the **Table 1** below:

Descriptor		Site Information
Site Dimension		39.752m frontage to Glebe Point Road
		118m/33.53m north-western boundary
		155m to south-eastern boundary with direct frontage of 117.29m to Ferry Lane
		21.8m frontage to Avon Street
Site Area		5556m <sup>2</sup> from survey
Gross Area	Floor Area	4822sqm (Approximate)
Height		RL 45.85 or 16.25 metres to uppermost roof level. RL 47.2 to roof top plant or approx. 17.6 metres. Total of 5 storey above ground floor level (excluding plant) and 2 basement parking levels.

**Table 2:** Site Information

The existing development on the site comprises:

- **Bidura House**- a part 2 and part 3 storey Victorian Villa located at the western end of the site. This building is listed in LLEP 2000, the Draft LEP and on the State Heritage Register as a heritage item. As illustrated in **Figure 2** below, Bidura House occupies a commanding position at the western end of the site and is set within a large garden curtilage. The building currently provides 467sqm office accommodation and attains a maximum height of approximately 11m.
- **Remand Centre**- This building was constructed in the early 1980's and was purpose built. The building is illustrated in the Photograph at **Figure 3** and is currently comprised of a court house and legal offices, administration offices, holding and interview rooms. Other facilities within the building include a large multi function recreational hall, large external terraces and outdoor swimming pool. The building has a total floor space area of 4355sqm and attains a maximum height of 17.6 metres (RL47.2).



**Figure 2:** Bidura House viewed from Glebe Point Rd.



**Figure 3:** Remand Centre viewed from Ferry Ln

The building is at the end of its useful life without major modification. The nature of the uses and services provide within the building means that the site is secure and not open to public. The buildings imposing and repressive appearance is representative of its function.

Driveway access is provided along the north-eastern boundary of the site from Glebe Point Road directly into the basement carpark which contains 45 spaces. Vehicular access to the

site is also provided from two (2) points mid-way along Ferry Lane, although this access is not in general operation.

## 2.2 Surrounding Development

The site is generally surrounded by low to mid-rise development of 1 to 9 storeys. To the west of the site along Glebe Point Road development comprises terrace development and large scale older dwellings which predominantly now occupy business and commercial uses. Along the eastern side of Glebe Point Road, immediate to the Bidura Site, commercial and ground floor retailing prevails. Buildings are typically built to the street alignment. Bidura House contributes contrasting characteristics to the locality, being a free standing building, well setback from the street and surrounded by a generous garden curtilage, as illustrated in **Figure 2** above.

Development either side of Bidura House on the eastern side of Glebe Point Road is assigned an FSR of 1.25:1 and a height limit of 9 metres in the proposed Draft LEP.

Development surrounding the eastern end of the site, comprising that portion of the site occupied by the remand centre, is predominantly residential. Opposite the site both in Ferry Lane and Avon Street, the form of development comprises one and two storey terrace houses. Ferry Lane is typically characterised by one storey garages and rear yards of dwellings which have frontage onto Ferry Road. Refer to **Figures 4** and **5** below.

The Glebe Study advises that these dwellings have current FSR's ranging between 0.7:1 to 1.2:1 and heights of 0-9 metres. The Draft LEP assigns FSR's ranging from 1:1 to 1.25:1 to dwellings fronting Avon Street Ferry Lane/Road and a height of 6m to dwellings fronting Ferry Lane/Road and 9m to dwellings fronting Avon Street (refer to selected extracts from the proposed Draft LEP at **Appendix A**).



**Figure 4:** View south along Avon St.



**Figure 5:** View west along Ferry Ln.

To the north of the site, development is more dense and diverse. Whilst the traditional one and two storey terrace houses remain the predominant form, there are a number of larger residential flat buildings which characterise the area. The Avon and Arden Towers are located directly to the north in Forsyth Street. The Glebe Urban Design Study advises that these buildings have current FSR's ranging between 1.2:1 and 1.5:1 and heights of greater than 15 metres. The Draft LEP assigns much reduced FSR of 1:1 to these towers and a height limit of 12 metres (3 storeys). These controls also apply to the medium density development on Forsyth Street illustrated in **Figure 7**.



*Figure 6: View south-west along Forsyth St.*



*Figure 7: View north to development on Forsyth St.*

## 2.3 Key Observations

Following are our key observations based on the site analysis:

- The scale and nature of development in the precinct is varied although, the underlying form is characterised by the traditional terrace style of housing. Relative to the eastern (Avon Street) and southern (Ferry lane) frontages of the site, this is the prevailing established form.
- The emergence of alternative housing forms in the area has resulted in the loss of the traditional housing. The character of Glebe, particularly to the north of the site is characterised by medium density development. There is a defined swath of medium density development which runs down Cooks Street and extends south towards the Bidura Site which have current FSR's in the vicinity of 1.5:1.
- There is a variety of allotment sizes in the Glebe precinct. It follows that larger lots have the capacity to deliver greater development yields and accommodate development of a scale and form which does not necessary reflect the finer grain of the established terrace housing. Subject to appropriate design resolution through a competitive process, positive urban design outcome and public benefits could be achieved.
- The land form falls gradually from Glebe Point Road and therefore, the perceived bulk and scale of the larger developments is not apparent from Glebe Point Road. **Figure 8** illustrates the limited visibility of the remand centre in views of Bidura House. Furthermore, it is notable that the small lot sizes coupled with the narrow street reduce the visual impact of the tall developments near Bidura from within the immediate site context.
- Redevelopment of the site given its size provides an opportunity to design a development at the edges of the site which better engages with the neighbouring streets and reflects both the finer grain of neighbouring residential development and tower development.



*Figure 8: View of Bidura House from Wigram Street.*

### 3.0 ALTERNATIVE DEVELOPMENT STANDARDS

#### 3.1 General

Giles Tribe Architects has been engaged to prepare a design concept for the site based on the above site analysis and a preferred longer term use and development options. Their input is important in establishing whether variations to the development controls for the site would be appropriate. To achieve these ends Giles Tribe Architects developed concept building envelopes that responded to the site context. Reduced copies of the full analysis by Giles Tribe Architects is contained in **Appendix B** and discussed further below.

The concept building envelope, as illustrated in **Figures 9** and **10** below, includes the following key elements:

- The retention of Bidura House and the established garden curtilage. Setbacks of 10m and 21m are proposed between the level 1-3 and the upper levels of the apartment building and Bidura House, respectively. The form of the apartment building has been articulated to respond sensitively to the form of Bidura House.
- A row of 2 storey terrace houses and 2 storey town houses attaining a maximum height of 9m which directly interface with the existing two storey development in Avon Street. In this regard, the layout of the new housing responds appropriately to the pattern and orientation surrounding lots and supports the streetscape character by maintaining the consistent appearance of the terraces.
- A 8 storey apartment building which is articulated to transition between the building heights of Bidura House and development in Avon Street and the neighbouring residential area. The maximum height of the apartment building is comparable to the heights of existing residential towers in neighbouring Forsyth Street at approximately 27 metres. The main component of the building attains a height of approximately 22.65m to RL 52.25 or 6.4 metres above the height of the remand centre.
- Adequate separation between developments to meet the requirements of SEPP 65. In this regard, 18 metres separation is achieved to the neighbouring residential tower.

- Underground car parking is envisaged to reduce the visual impact of the building and retaining the character of the streetscape. Existing vehicular access points can be retained.

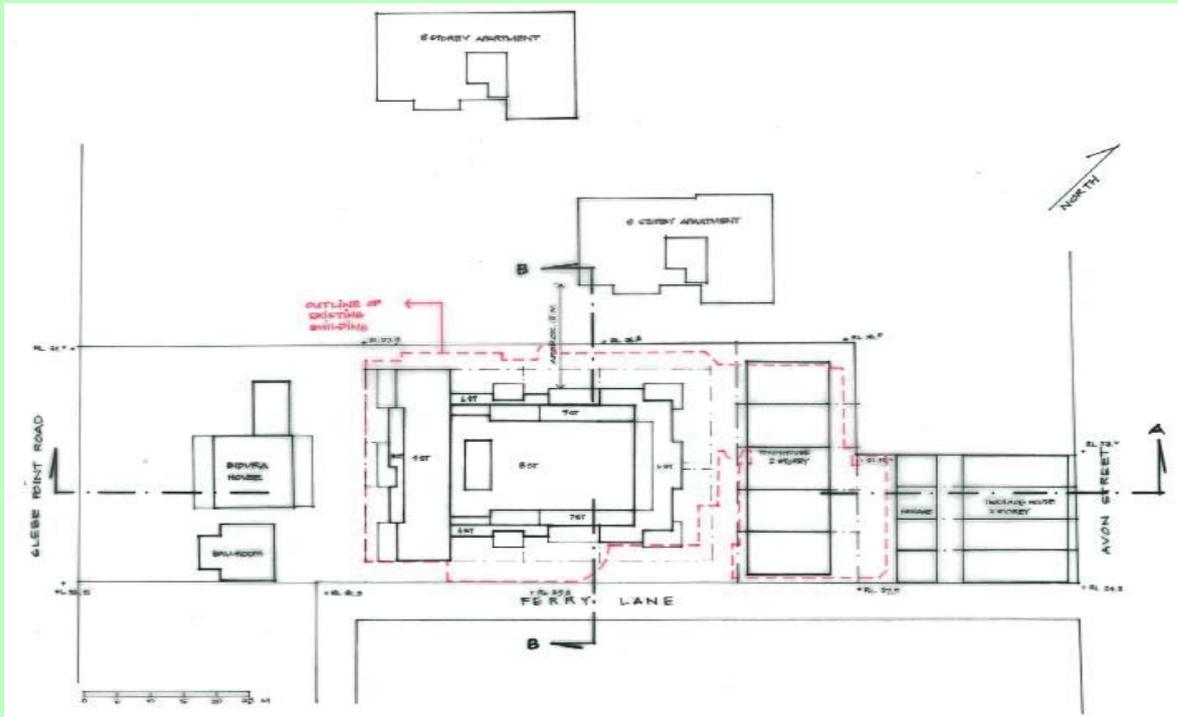


Figure 9: Site Plan of preferred Building Envelope (Giles Tribe Architects)

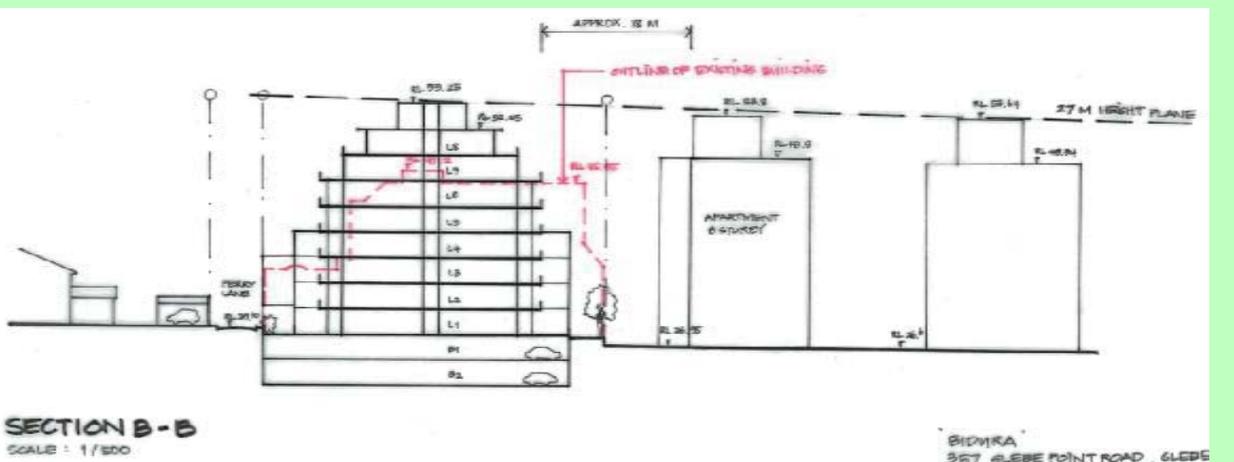
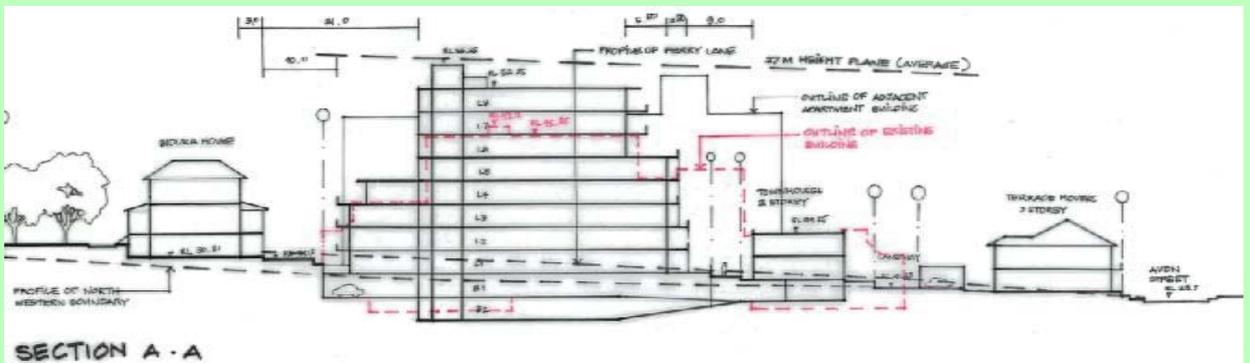


Figure 10: Section of preferred Building Envelope (Giles Tribe Architects)

The concept envelope is indicative only and demonstrates one potential option for the site within the constraints of the varied height and FSR controls. Pursuant to the proposed Draft LEP provisions, it is anticipated that the City's design excellence provisions would apply to the redevelopment of the site and therefore, would require detailed consideration and resolution of the building envelope. This provides an added safeguard to ensuring an optimum urban design outcome is achieved.

Giles Tribe Architects concept demonstrates that there is a reasonable urban design basis upon which the height and floor space controls may be varied whilst continuing to achieve the underlying intent of the proposed Draft LEP controls including compliance with the objectives for the B2- Local Centre zone and ensuring compatibility with the neighbouring R1- General Residential zone. The concept envelop has the potential to result in a positive urban design outcome including to deliver improved streetscape and built form outcomes, and varying housing choices. Such outcomes would not be possible under the Draft LEP controls as these fail to provide an incentive for and sufficient flexibility for the redevelopment of the site.

The concept design is given further consideration below with reference to the proposed FSR and height controls.

### 3.2 Floorspace Ratio (FSR)

Table 3 below provides a summary of the current, draft and proposed FSR controls relevant to the site.

Development Control- FSR			
LLEP 2000	Draft LEP 2010	Actual FSR- current building	Proposed Variation
1:1 for non-residential uses 1.5:1 for mixed residential and other development	1:1 maximum for mixed use development (commercial and residential)	0.87:1 (Note this FSR is based on an approximation of gross floor area (GFA) and is not reflective of actual visual bulk due to the extensive areas of voids and non-definable GFA in the existing building).	1.5:1 for maximum use development (commercial and residential)

Table 3: FSR Controls

The Draft LEP proposes an FSR control for the Bidura Site which in our opinion does not result in the optimal use of the site or allows sufficient flexibility. The Draft LEP unnecessarily reduces the FSR applicable to the site from 1.5:1 to 1:1. Our investigations of the FSR controls across the precinct, find that this approach is inconsistent and inequitable. Established development surrounding the subject site has achieved greater FSR's.

In the context of neighbouring development an FSR 1.5:1 is considered to be appropriate and would match that currently achievable under LLEP 2000. Future redevelopment of the site would be unlikely unless there is incentive to redevelop and achieve a higher density of development. Reducing the FSR to 1:1 provides little incentive to redevelop.

To be equitable and encourage the redevelopment of the site an FSR of 1.5:1 should be applied to the site as illustrated in Figure 11 below.

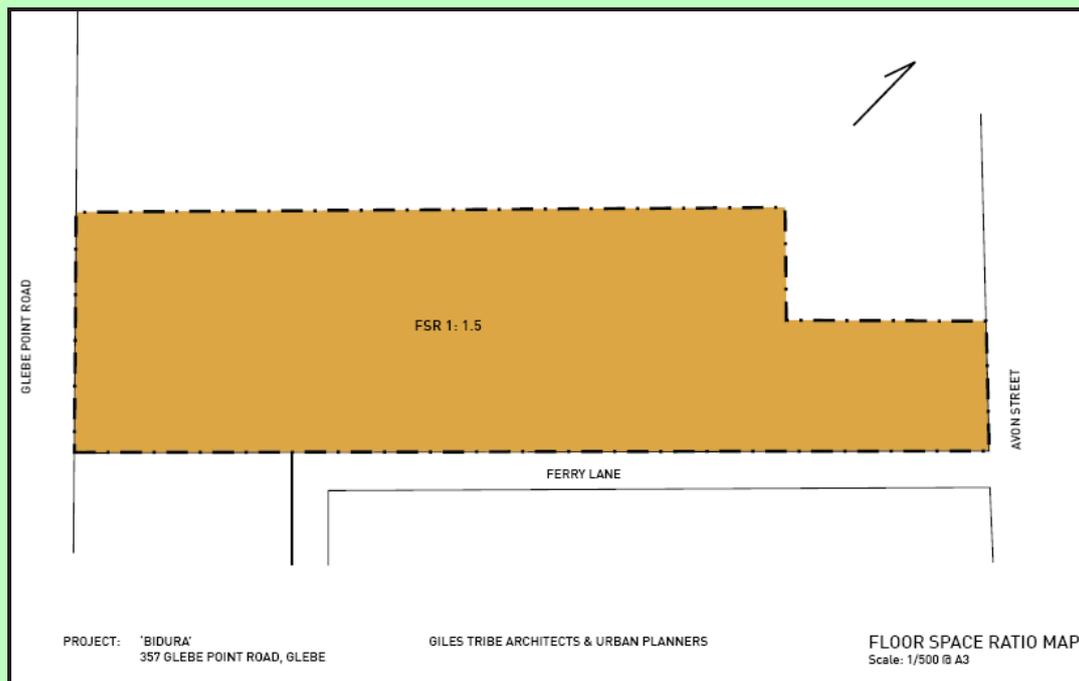


Figure 11: Proposed FSR control

### 3.3 Height

The height control proposed for the Bidura Site is also overly restrictive and does not reflect the heights achieved by other development in the area.

Development Control: Height			
LLEP 2000	Draft LEP 2010	Actual Height- current building	Proposed Variation
No maximum height limits specified in LLEP 2000 or LDCP 2000. Maximum wall height of 7.2m	9 metres	<u>Bidura House</u> : approx. 11 metres  <u>Remand Centre</u> : 16.25m to uppermost roof level. Approx. 17.6m to uppermost level roof top plant.	Bidura House- 9m  Central portion of site- RFB- 27m  Ferry Lane and Avon Street- 9m

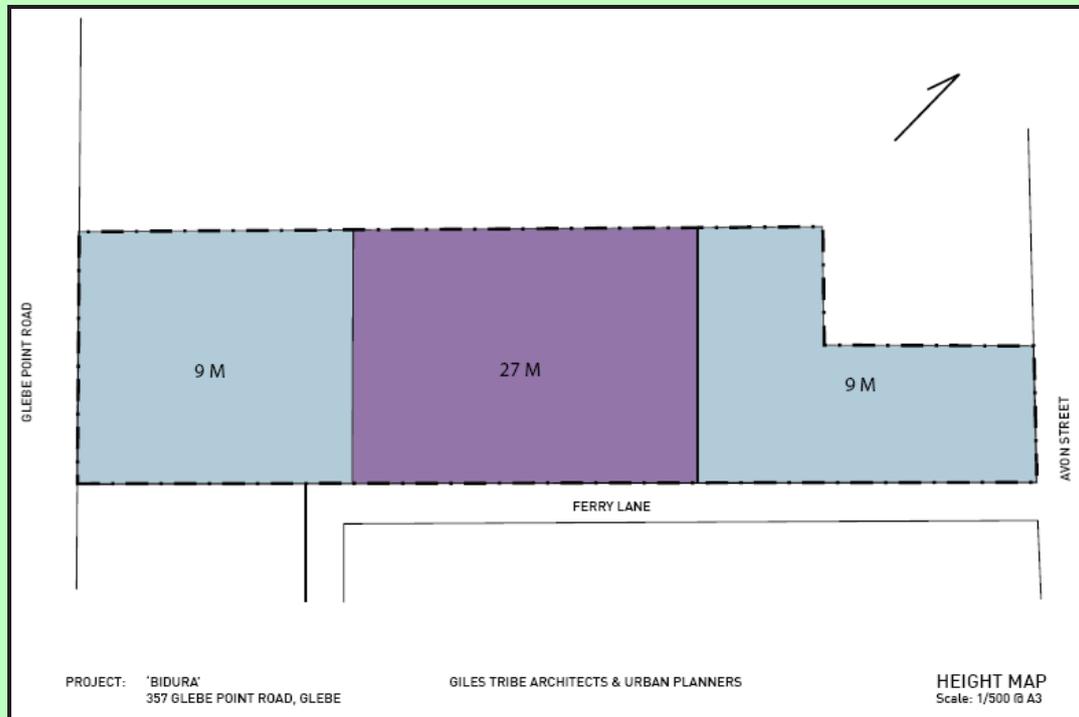
Table 4: Height Controls

The Draft LEP proposes a height limit of 9 metres across the entire site. As detailed in the Site analysis section of the report, height limits proposed in the vicinity of the Bidura Site are variable and range between 6.0 to 9.0 metres. In the wider context, the Draft LEP has failed to acknowledge the height of existing apartment buildings. Instead a conscious decision has been made to limit the future development capacity of the site to reflect that of the prevailing 1-3 storey form of development. It is our estimation that a number of existing residential apartments including those on Forsyth Street achieve current heights in the vicinity of 27 metres.

Our contention is that Council's approach severely limits the future development capacity of these sites and the housing choice capable of being provided. It is unlikely in any event that such a site will be redeveloped if equivalent or better development yields could be not achieved. The Urban Design Study claims that the heights of these building result in intrusive visual elements when seen in the distance and that they dominate an otherwise treed skyline which is

established along the ridgeline defined by Glebe Point Road. However, the City's design excellence provisions offer an opportunity to significantly improve the urban design outcomes in such instances as opposed to perpetuating the retention of these existing buildings.

The height limits proposed across the site ranging from 9 to 27 metres are illustrated in *Figure 12* below.



**Figure 12:** Proposed height limits

For redevelopment to be viable, a building height of 9m for the blocks fronting Ferry Lane and Avon Street is appropriate. This is consistent with the predominant height proposed in the Draft LEP and will continue the established character of the street. For the remainder of the site, a building height of 27 metres is required and development is likely to take the form of a residential flat building rather than terrace housing.

Such height limits will enable a transition in scale to the existing residential development and is consistent with the precincts urban environment. These proposed height limits are considered to be reasonable and appropriate. The attainment of these heights will not jeopardise the amenity of neighbouring residential development.

Separation distances between the potential main building within the site and surrounding existing buildings exceeds recommended standards outlined within the Residential Flat Design Code. Accordingly distance amelioration would alone address privacy issues, which nonetheless can be further abated at the DA design stage.

As demonstrated by a preliminary overshadowing analysis undertaken by Giles Tribe Architects (refer to **Appendix B**) potential extent of overshadowing from the top most part of the main building at the relevant 12 noon time would not extend past the line of garages which predominate along the opposite side of Ferry Lane. This extent of overshadowing relates to the worst case (mid winter) for the mid-day period when examined in plan, and reflects an appropriate objective that existing solar access to surrounding residential properties should not be unacceptably affected. Notwithstanding this analysis, it is recognised that planning considerations at the detailed DA stage will need to ensure that this principle is adhered to, and that further modulation of building height and form may be required.

We acknowledge in the context of the height controls proposed in the Draft LEP, that a height of 27 metres on face value is considerably greater than that contained in the proposed draft LEP. However, when tested against the existing built form on the Bidura Site this would result in an

additional 2 levels above that of the existing remand centre and a height which reflects that of the neighbouring Avon and Arden Towers. This also provides the necessary economic incentive to facilitate the redevelopment of the site to achieve an overall improved urban outcome and greater housing choice in an inner city established location. As stated above, our investigations have confirmed that the two neighbouring towers have existing height just under 27 metres or 9 storeys (8 residential and 1 plant level). This is considerably greater than the 12 metre height control now proposed in the Draft LEP.

### **3.4 Site Suitability**

In order to respond to the growing need for housing choice and to provide an economically viable scheme, the proposal seeks to incorporate uses which will reinforce the commercial and residential land uses of the neighbouring areas. It is our view that the site is physically capable of accommodating such land uses. Further the site is located within an established inner city area with access to existing community and transport facilities that warrant increased densities consistent with metropolitan planning objectives.

It is therefore imperative that any future zoning of the site permits residential land uses at the eastern portion of the site with the potential for commercial/residential use of Bidura House. In our view the planning controls should reflect the potential for both residential and commercial uses which would either allow for the use of the building for the purpose for which it was historically constructed while a commercial use would be consistent with current commercial uses along Glebe Point Road. This would appropriately provide flexibility to ensure the longer term conservation of this building.

The suitability of the site for any proposed future development including the residential development illustrated in the concept prepared by Giles Tribe Architects would be subject to the normal range of technical assessments and matters for consideration undertaken to inform any future development application and determination.

### **3.5 Heritage**

The subject site contains an important heritage item ("Bidura") due to both its historical significance and its contribution to the streetscape and character of the area. The alternate planning controls discussed above also provide the opportunity to:

- Improve the context of Bidura by redeveloping the main building on the site with a more suitable architectural design and form. The potential building forms investigated by Giles Tribe Architect demonstrates that this is a potential outcome and achieves a marginally increased heritage curtilage.
- A viable long term use of the balance of the site provides greater surety of funds and incentive for the maintenance of the heritage item.

The conservation of the heritage item is an integral objective of the proposed draft LEP that can be better achieved with the alternate planning controls recommended in this submission.

## 4.0 CONCLUSION

This submission seeks both to provide additional information to Council to assist in considering the urban design implications of the proposed Draft LEP and to assist Council and the Department of Planning in forming an opinion with respect to the merits of varying the development controls ahead of the issuing of a section 65 Certificate and the formal exhibition of the Draft Plan.

This submission provides finer detail analysis than that contained within the urban design analysis which in part inaccurately informs the proposed draft LEP. The analysis provided in this submission and the preliminary design investigations of Giles Tribe Architects establishes the basis for reconsideration of the proposed development controls for height and FSR. Consequently maximum height limits of 9 metres and 27 metres are proposed across the site. These heights are considered to better represent the heights necessary to provide for a flexible design solution by matching the heights attained by neighbouring residential towers and in reflecting the 9 metre height of existing terrace housing generally occurring on the eastern side of Glebe Point Road. An FSR of 1.5:1 is sought to reflect that FSR currently permissible pursuant to the provisions in Leichhardt LEP 2000 and to ensure that adequate incentive for redevelopment is maintained

Clause 6.2(5)(b) (Design Excellence) of the proposed Draft LEP would require the redevelopment of the site to be subject to a design competition process if any future proposal exceeds 25 metres. This will ensure that the architectural merit of any proposal and any environmental impacts will be subject to the normal development assessment process and scrutiny.

We respectfully request that due consideration be given to this submission and the justification for variations to these key development controls which apply to the Bidura Site. The incorporation of appropriate and well considered development controls in the Draft LEP which provide greater flexibility for future development outcomes is fundamental to a longer term improved urban outcome on the site in a manner which provides a built form which better reflects the prevailing character in the immediate area, a mix of housing choices, improved heritage conservation potential and the attainment of metropolitan planning objectives.

**APPENDIX A**  
Extracts from Proposed Draft LEP

Review of City of Sydney Proposed DLEP  
Bidura 357 Glebe Point Road



Extract of Height Map from Proposed Draft LEP

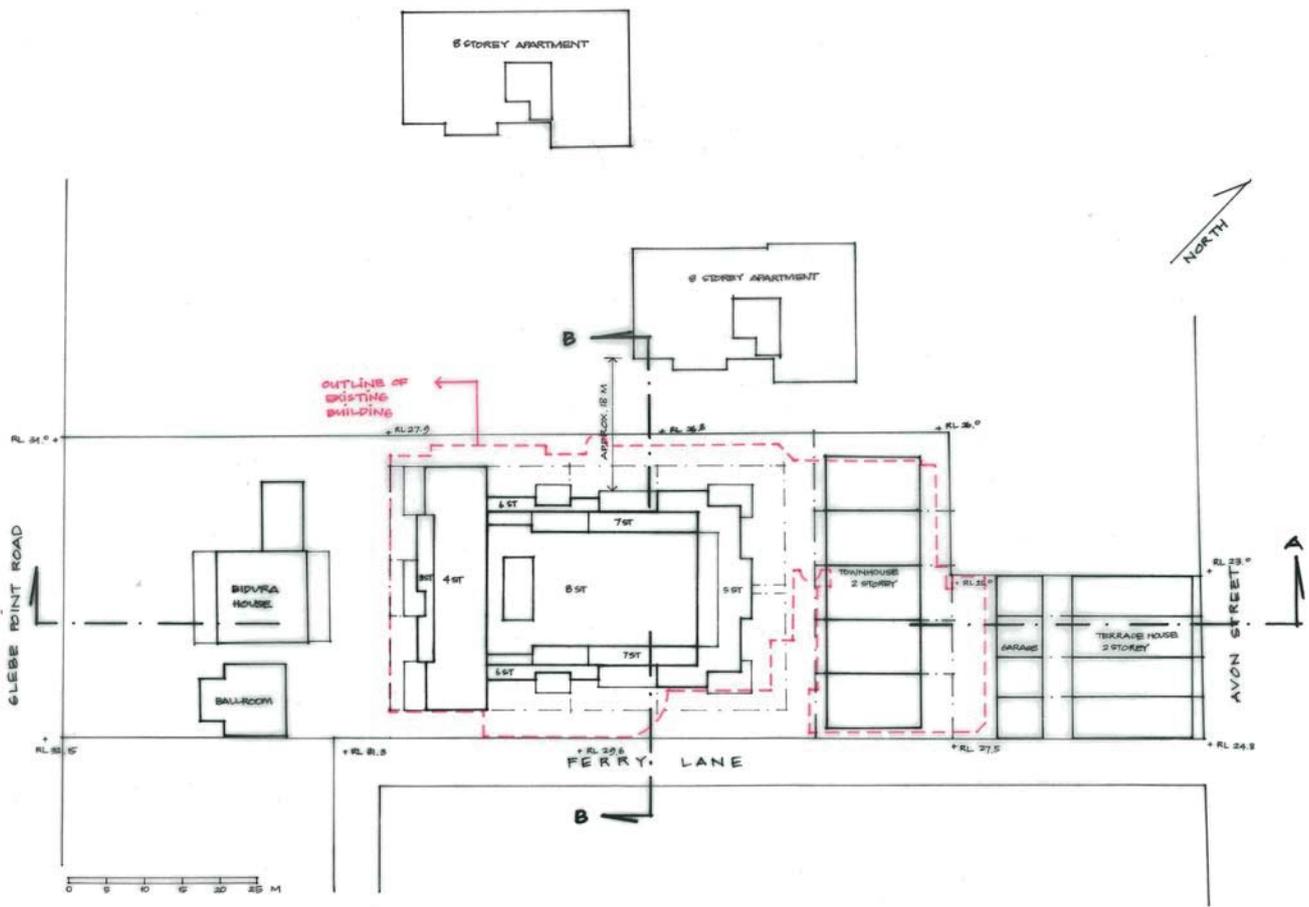
Review of City of Sydney Proposed DLEP  
Bidura 357 Glebe Point Road



Extract of FSR Map from Proposed Draft LEP

**APPENDIX B**  
Giles Tribe Architects  
Urban Design Analysis

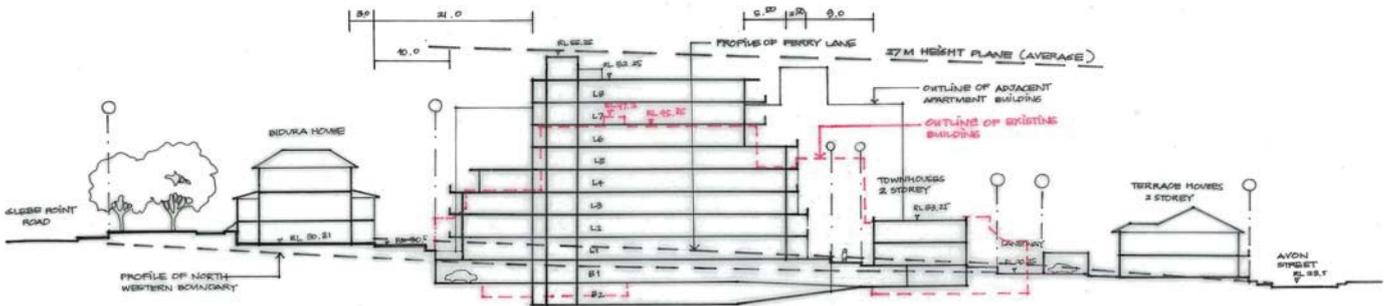




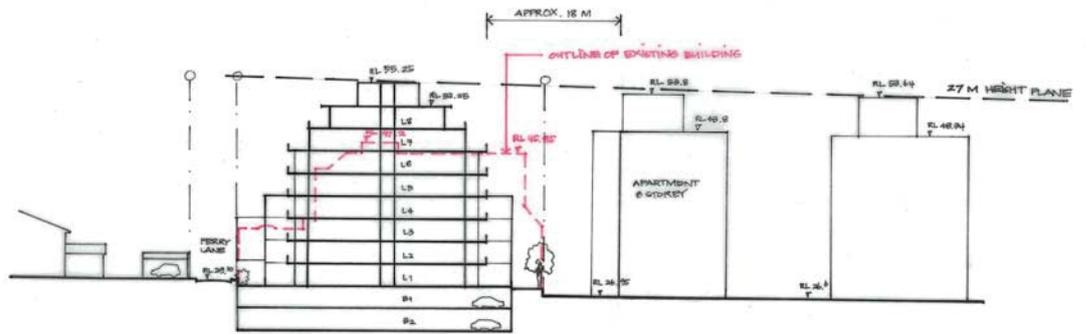
BIDYRA  
357 GLEBE POINT ROAD  
GLEBE

GILES TRIBE ARCHITECTS & URBAN PLANNERS

**SITE PLAN**  
Scale : 1/800 @ A3



**SECTION A-A**  
SCALE: 1/500

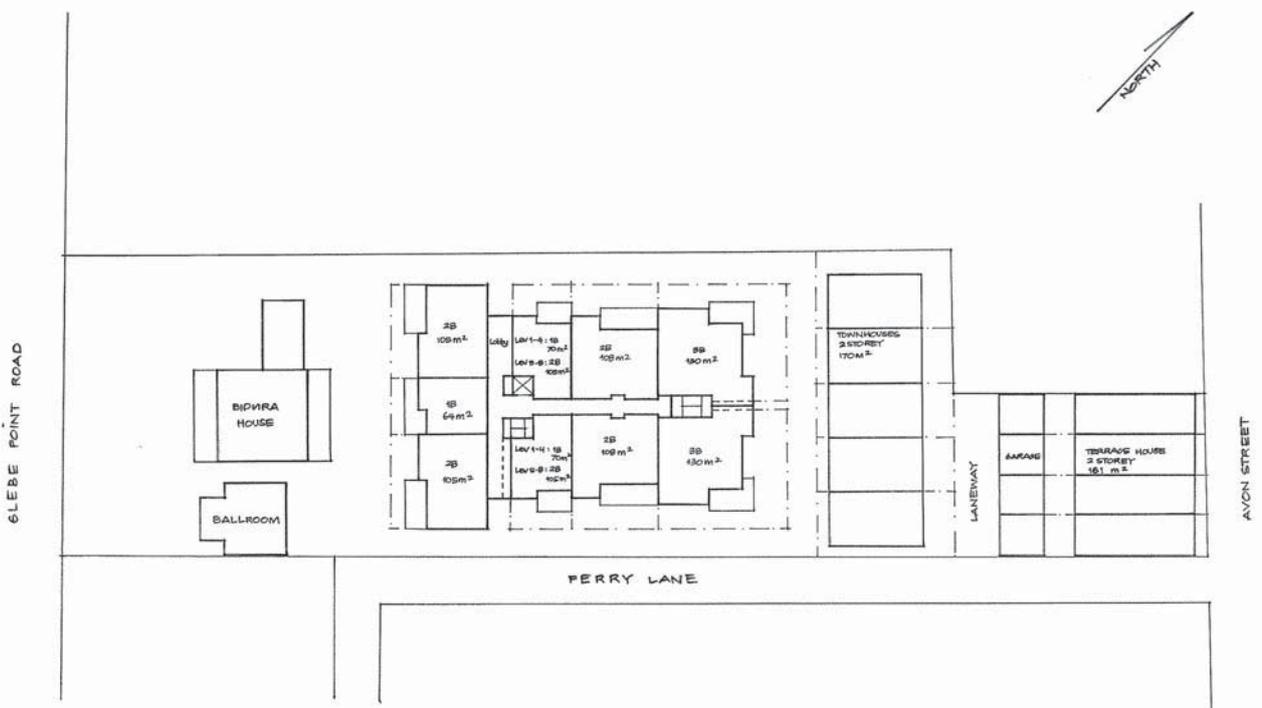


**SECTION B-B**  
SCALE: 1/500



GILES TRIBE ARCHITECTS & URBAN PLANNERS

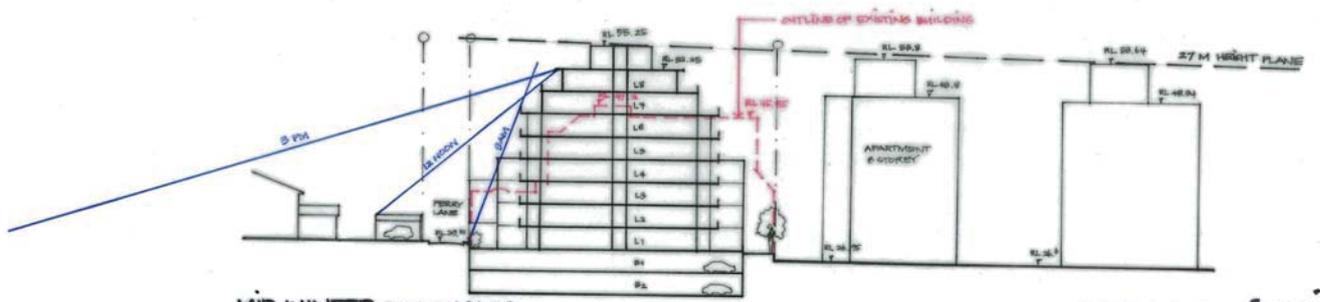
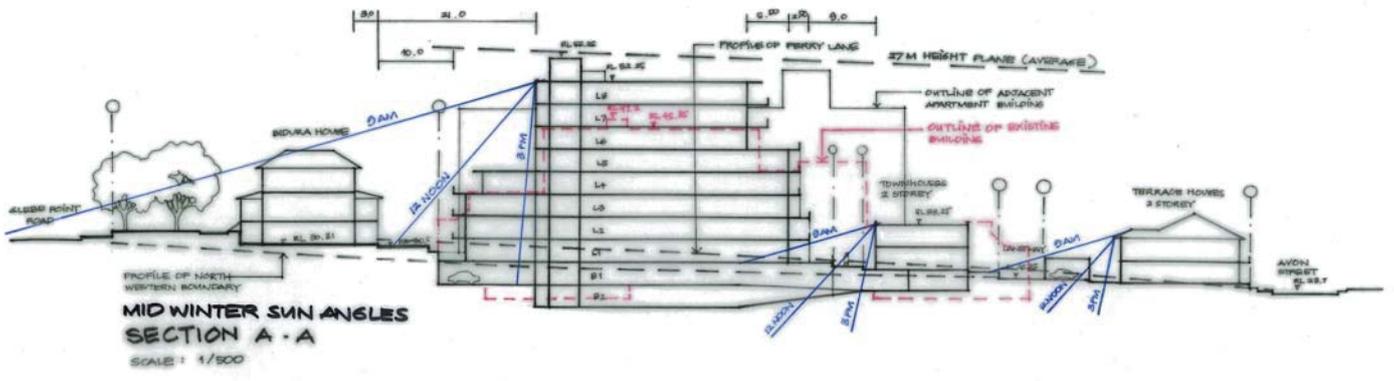
BIDUKA  
357 GLEBE POINT ROAD, GLEBE



SCALE : 1/500 © AS  
 0 5 10 15 20 25 M

GILES TRIBE ARCHITECTS X URBAN PLANNERS

**TYPICAL LAYOUT**  
 'BIPURA'  
 257 GLEBE POINT ROAD, GLEBE



GILES TRIBE ARCHITECTS & URBAN PLANNERS

**OVERSHADOWING IMPACT**  
BIDRA  
357 GLEBE POINT ROAD, GLEBE

# **ATTACHMENT B**

**CITY OF SYDNEY RESPONSE TO  
STATE PROPERTY AUTHORITY  
SUBMISSION**

**City of Sydney**

ABN 22 636 550 790

GPO Box 1591 Sydney NSW 2001 Australia

Town Hall House 456 Kent Street Sydney NSW 2000 Australia

Phone +61 2 9265 9333 Fax +61 2 9265 9222 TTY +61 2 9265 9276

council@cityofsydney.nsw.gov.au www.cityofsydney.nsw.gov.au



12 November 2010

Our Ref : 2010/224364-01

File No : S081001

Kylie Ridge  
Director Commercial Transactions  
State Property Authority  
GPO Box 5341  
SYDNEY NSW 2001

Dear Kylie,

**Review of Proposed Draft LEP – Bidura – 357 Glebe Point Road, Glebe**

I refer to your submission requesting a review of the maximum height and floor space ratio controls contained in the draft Sydney LEP for 357 Glebe Point Road, Glebe.

We have reviewed your submission and cannot support your request for a 1.5:1 FSR and 27m height control over the central portion of the site on the information submitted.

As discussed at our meeting on 27 October 2010, a full detailed urban design analysis will need to be submitted to Council in order to support your request. This analysis must demonstrate that any increase in height or FSR will have no additional impacts on adjacent properties compared to the existing building. The analysis should also demonstrate any potential visual impacts from Wentworth Park and Glebe Point Road and include detailed shadow diagrams.

We note that there is an existing Conservation Management Plan (CMP) for the site prepared by Graham Brooks dated 1996. An updated Conservation Management Plan for the entire site including Bidura House should also be submitted to support the detailed urban design analysis.

The draft Sydney Local Environmental Plan (LEP) adopted by Council and the Central Sydney Planning Committee (CSPC) for public exhibition incorporates the recommendations contained in the Glebe and Forest Lodge Urban Design Study in terms of height and FSR. We note that the Urban Design Study contains an error in that it records the existing height of the building on the site as between 6-9m. The existing building is 17.6m high and this existing height will be reflected in the future exhibition copy of the draft LEP.

The City is currently awaiting permission from the NSW Department of Planning to place the draft LEP on exhibition. The timeframe for the formal exhibition is as yet unknown and depends on when permission to exhibit is granted. After the exhibition

*city of villages*

period, reports on all submissions received will be prepared for consideration by Council and CSPC.

It is recommended that your urban design analysis and updated Conservation Management Plan be submitted to Council in response to the public exhibition of the draft LEP.

Should you have any queries, please contact Francesca O'Brien, Manager, City Plan Review on (02) 9265 9069 or [fobrien@cityofsydney.nsw.gov.au](mailto:fobrien@cityofsydney.nsw.gov.au).

Yours sincerely,

A handwritten signature in black ink on a white rectangular background. The signature reads "Andrew J. Thomas" in a cursive, slightly slanted script.

**ANDREW THOMAS**  
Executive Manager, City Plan Development

Cc: Gerald Ward, Mitcham Nelson

# **ATTACHMENT C**

**SECTION 65 CERTIFICATE FROM  
DEPARTMENT OF PLANNING  
(24 NOVEMBER 2010)**



## Planning

### Office of Director General

Ms Monica Barone  
Chief Executive Officer  
City of Sydney Council  
GPO Box 1591  
SYDNEY NSW 2001

10/22964

Dear Ms Barone

I refer to your letter of 30 September 2010 and your request that the Director General issue a Certificate pursuant to section 65 of the *Environmental Planning and Assessment Act 1979* (the Act) for the draft *Sydney Local Environmental Plan 2010* (draft LEP).

Attached with this letter is a conditional certificate issued pursuant to section 65(2) of the former Part 3 of the Act.

#### 1. Draft LEP – PC Instrument

Following a review of the information submitted by you, including the maps provided, it has been decided to issue a conditional certificate. This conditional certificate has partly been to accommodate some of Council's requested amendments to the draft LEP, but also to make other changes. These changes were deemed necessary to address the following issues:

- consistency, principally in regards to section 117 Directions and the Department's technical requirement and guidelines for preparing Standard Instrument local environmental plans,
- development controls proposed by the draft LEP, and
- broad strategic planning, principally in terms of delivering housing and employment targets and conducting strategic reviews for Central Sydney.

The amended version of the draft LEP that is to be exhibited is currently being finalised by the Parliamentary Counsel's Office and will be provided under separate cover. The details of significant changes to the draft plan are provided in this letter and outlined in the attached certificate. This will allow Council to prepare for the exhibition of the draft LEP.

#### 2. Matters requiring changes to the draft LEP

##### 2.1 Mapping

A review of the maps provided by you has been completed. The review highlighted inconsistencies with the Department's technical mapping requirements, particularly in using split zonings and applying floor space ratio controls to only part of a lot.

Please note that not all inconsistencies have been removed and those remaining are considered to be of a minor nature that does not invalidate the exhibition of the draft LEP.

##### 2.2 Landowner representations

Several landholders have made representations to the Department concerning the zoning and planning controls in the draft LEP. Most of the representations made to the Department have been addressed in the draft LEP via conditions on the certificate. I have agreed to these changes in order to facilitate discussion and public views on these proposed controls during the exhibition of the draft LEP and allow for an open assessment following the exhibition period.

The changes relate to the following lands:

- 357 Glebe Point Road, Glebe;
- 23 Pelican Street, Darlinghurst;
- 216-228 Elizabeth Street, Sydney;
- 57 Ashmore Street & 165-157 Mitchell Road, Erskineville;
- 903-931 Bourke Street, Waterloo; and
- the deferral of Housing NSW lands in the Redfern Waterloo Authority.

#### **2.4 Land to be deferred from draft LEP**

A condition on the certificate identifies the exclusion of the following land from the draft LEP:

- land that the Harold Park Planning Proposal will apply to;
- land that the Glebe Affordable Housing Planning Proposal will apply to;
- land proposed to be rezoned from mixed uses to IN1 General Industrial in the western edges of the Green Square Urban Renewal, and
- land proposed to be the subject of the Redfern Waterloo Authority's Stage 2 Built Environment Plan.

In relation to the Harold Park and Glebe Affordable Housing Planning Proposals, the deferral of this land should avoid potential for confusion over the future planning controls for these lands. It is expected that Council will, in the future, incorporate these planning proposals into the comprehensive LEP.

In relation to the land to be rezoned to IN1 General Industrial, the decision to defer the entire land was taken after considering both the representation from a landowner and Council's recent application for funding to conduct an Industrial Lands Strategy. It was considered that rezoning this land to IN1 General Industrial would be premature until the study has been completed. I note that the Strategy is due for completion in early 2011. I expect Council to commence a planning proposal to implement the key outcomes of this Strategy following its completion.

### **3. Matters requiring review by Council**

#### **3.1 Floor space ratio and height controls**

I am aware that the draft LEP proposes the use of height and floor space ratio maps to apply detailed provisions on a lot by lot basis. I understand Council believes that, by translating the existing built form into development standards to be shown on the draft LEP height and FSR maps, it will retain the character of existing residential areas. I also note that Council is applying very detailed height controls for urban renewal areas.

The Department does not support Council's approach for the following reasons:

- it is unnecessarily restrictive and contrary to good planning principles that ensure development standards are flexible and can accommodate change
- it limits opportunities to deliver more employment or housing and, as such, fails to adapt to necessary changes emerging from the review of the Metropolitan Strategy;
- it restricts new housing to residential apartments in areas of already high density, and so remove opportunities for delivering housing diversity (eg medium density forms of townhouses or maisonette apartments); and
- it makes it more difficult for a land owner to make reasonable and modest changes to their home.

As a result, the Floor Space Ratio and Height of Building Maps will need to be changed to apply a principle of having a single height and FSR across a street block. This is generally consistent with the approach used by Council in its maps for Central Sydney.

Council is not being asked or recommended to amend its maps to adopt this principle before exhibition of the draft LEP. It is the Department's view that the appropriate height and FSR to apply to street blocks is a matter for community consultation.

### **3.2 Strategic Review of Sydney CBD**

The review of the draft LEP has highlighted that a comprehensive review of strategic planning of the Sydney CBD is overdue. The Department is aware of industry concerns with the sufficiency of office floor space capacity within the CBD. Notwithstanding a decision to allow the draft LEP to be publicly exhibited, Council is reminded of the Minister for Planning's letter on 5 October 2010 to commence an urgent review of the Sydney CBD planning controls and to complete this within 12 months.

### **3.3 Housing and Employment Targets**

I note that Council in its section 64 submission provided an update on how the draft LEP will contribute to the delivery of housing and employment targets. Given the section 65 certificate's changes to the draft LEP, and the likely change arising from public exhibition, Council will need to provide a further update on the delivery of housing and employment targets prior to a resolution under section 68 of the Act.

## **4. Public exhibition**

As you are aware, the draft LEP is a priority and should be exhibited this year to ensure that it can be made by the deadline date of June 2011. I strongly encourage Council to exhibit the draft LEP this year. To achieve this, I suggest that Council use the Department's exhibition procedures for this coming Christmas and New Year period. These procedures are that the last date to commence exhibition is 16 December 2010. If an exhibition commences after 6 December 2010, then the earliest date on which the exhibition should cease is 7 February 2010.

During the public exhibition period, Council is to consult with those public authorities it consulted with pursuant to section 62 of the Act. I am aware that some agencies have concerns with the draft LEP not being consistent with their comments under section 62. I understand that Council's section 62 consultation period lasted nearly 2 years and it is reasonable to take this time to again familiarise public authorities with the draft LEP and seek their comments.

Council is also requested to:

- meet the public exhibition requirements set out in the planning circular PS06-008 – Standard LEP requirements;
- exhibit the section 65 certificate and this letter with the draft LEP.

Delegation at section 69 of the *Environmental Planning and Assessment Act, 1979* has not been given to Council. A report will need to be submitted to the Department of Planning under section 68(4) of the Act following the public exhibition of the draft LEP and the completion of a review of submissions.

If you have any questions on any matter with this letter, the section 65 Certificate, or its conditions, please contact Rosalind Louis, Team Leader, Sydney Region East on 9228 6419.

Yours sincerely,

  
Sam Haddad  
Director General

24/11/2010

ENVIRONMENTAL PLANNING AND ASSESSMENT ACT, 1979

SECTION 65(2) CERTIFICATE

I, the Director General of the Department of Planning, under section 65(2) of the *Environmental Planning and Assessment Act 1979* (the Act), certify that the draft plan named in Schedule 1 may be publicly exhibited under section 66 of the Act if it is amended in the way set out in Schedule 2 (10/01819).

Dated 24<sup>th</sup> day of November 2010

Sam Haddad  
Director General

*SHaddad*

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Schedule 1

Draft Sydney Local Environmental Plan 2010

Subject to the conditions listed in Schedule 2.

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Schedule 2

- (1) The draft plan shall be publicly exhibited pursuant to section 66 of the Act in that generally consistent with the draft plan provided by Parliamentary Counsel dated 13 July 2010 and as amended by the instructions from the Department dated 9 November 2011 at **Attachment A**;
- (2) The draft plan shall **not** apply to the following:
  - (a) land to which PP\_2009\_SYDNE\_001\_00 — *Sydney Local Environmental Plan (Harold Park) 2010* will apply; and
  - (b) land to which PP\_2010\_SYDNE\_001\_00 — *Sydney Local Environmental Plan (Glebe Affordable Housing Project) 2010* will apply;
  - (c) land in the western half of the Green Square urban renewal area identified as Area 1 and Area 2 in **Attachment B**; and
  - (d) certain Housing NSW lands within the Redfern Waterloo Authority area, identified as Area 3 and Area 4 in **Attachment B**
- (3) The draft plan shall apply to land at 299 Forbes Street, Darlinghurst known as the Caritas Site and identify the land as a heritage item on the Heritage Conservation Map.
- (4) The land zoning maps for the draft plan shall be amended as conditioned at **Attachment C**;
- (5) The floor space ratio maps for the draft plan shall be amended as conditioned at **Attachment D**; and
- (6) The height of building maps for the draft plan shall be amended as Conditioned at **Attachment E**.

## ATTACHMENT A

### Instructions to PCO 9.11.10

<i>Item</i>	<i>Clause</i>	<i>Instruction</i>	<i>Department comment</i>
[1]	1.2	Replace the word "hub" with "centre for Metropolitan Sydney"	The wording change provides greater clarity on a key aim of the LEP.
[2]	1.8	A new provision should be included to relate to the amendments of other LEPs outlined in Schedule 6. This provision and Schedule 6 should be repeal itself a day after the LEP is notified.	There is currently no relationship between schedule 6 and the Repeal of other local planning instruments applying to land.
[3]	1.9	The Plan should make clear that the Affordable Rental Housing SEPP does not apply to land that clauses 7.14 and 7.15 apply to.	The Department and Council have agreed that there should be no competing affordable housing schemes on land at Ultimo-Pyrmont and Green Square.
[4]	2.6	A note is to advise that a lot size map has not been adopted for the City of Sydney LGA.	A lot size map is a compulsory clause and would necessitate Council producing a lot size map. Council has not adopted a lot size map and should not be included.
[5]	Land Use Table – IN1 General Industrial IN2 Light Industrial	Delete "boat repair facilities" from the prohibited table and insert as permissible with consent	Council has changed its policy in relation to this land use
[6]	Land Use Table – B8 Metropolitan Centre	The objectives for the B8 Metropolitan Centre should be amended to reflect changes requested by the Department as part of the Standard Instrument (B8 Metropolitan Centre) Amendment Order 2010.	Changes are needed to ensure consistency with the Standard Instrument.
[7]	4.3 (1)	Amend the clause by: <ul style="list-style-type: none"> <li>▪ in subclause (b), replacing "building" with "buildings"; and</li> <li>▪ in subclause (b), replacing "and" with "or" before the words special conservation areas, and</li> <li>▪ in subclause (c), replace "ensure" with "promote"</li> </ul>	Council has requested slight changes to the wording of the clause.
[8]	4.6(8)(c2)	Replace "or 6.13" with the following "6.9 or 6.16"	Council has requested changes to correctly refer to clauses in the LEP.
[9]	4.6(8)(c3)	Amend the clause as follows:	Council has requested changes to correctly

<b>Item</b>	<b>Clause</b>	<b>Instruction</b>	<b>Department comment</b>
		<ul style="list-style-type: none"> <li>▪ Replace "6.12" with "6.15"</li> <li>▪ Replace "6.12 (13)" with 6.15(14) and the Pitt Street Mall F2 sun access plane established by clause 6.15(15)</li> </ul>	refer to clauses in the LEP.
[10]	4.6(8)(c4)	Replace the words "but only" with "except"	The clause exception is incorrectly phrased.
[11]	6.7 & 6.11	<p>Amend the clause so that:</p> <ul style="list-style-type: none"> <li>▪ It is clear that it applies only to a building that or will be used for office premises, business premises, or retail premises;</li> <li>▪ the building must provide all facilities (ie showers, change rooms, lockers AND bicycle storage).</li> </ul>	Council wishes to apply this bonus to those land uses that do not ordinarily provide showers, change rooms, lockers or bicycle storage.
[12]	6.8(2)(c)	Replace "Council or the Central Sydney Planning Committee" with "consent authority"	Clause 5.10(6) permits the consent authority to require a CMP before granting consent. To ensure consistency with the mandatory heritage conservation clause, reference should be made to the consent authority.
[13]	6.9(1)	<p>Amend this clause such that:</p> <ul style="list-style-type: none"> <li>▪ subclause (b) becomes subclause (a),</li> <li>▪ subclause (c) becomes subclause (b),</li> <li>▪ subclause (a) becomes subclause (c), and</li> <li>▪ in subclause (d), replace "design competition" with "competitive design process".</li> </ul>	<p>Council requests that order of subclauses (a) to (c) be consistent with the order of the provisions for the additional floor space.</p> <p>Council advise that subclause (d) is to development completing a competitive design processes, rather than design competition.</p>
[14]	6.12 & 6.13	Council asks that the provisions be amended to ensure that both work with multiple buildings.	In response to a PC Drafting Note, Council has asked for the clause to be changed
[15]	6.12	Insert a clause that identifies the objective of this provision is to allow greater densities where community infrastructure is also provided.	<p>Council has asked for an objective to provide information on the reason for the clause and guide users of the LEP where variations are requested.</p> <p>Council have offered the following for the objective:</p> <p>"The objective of this clause is to allow for higher density development in Green Square while ensuring that it is accompanied by</p>

<b>Item</b>	<b>Clause</b>	<b>Instruction</b>	<b>Department comment</b>
			the provision of community infrastructure"
[16]	6.13	Insert a clause that identifies the objective of this provision is to provide greater densities to encourage lot consolidation.	Council has asked for an objective to provide information on the reason for the clause and guide users of the LEP where variations are requested.  Council have offered the following for the objective:  "The objective of this clause is to facilitate higher density residential development by encouraging lot consolidation."
[17]	6.14 (1)	Amend the clause by inserting the following objectives, preferably before subclause (a): <ul style="list-style-type: none"> <li>▪ To ensure that tower development in Central Sydney is compatible with its context,</li> <li>▪ To allow for sky exposure and daylight to the sides and rear of tower structures</li> <li>▪ To allow for and promote the ventilation of Central Sydney by the free movement of air around and between tower structures.</li> <li>▪ Omit subclause (c).</li> </ul>	Council has requested clarification of the clause because of issues of clarity.
[18]	6.14(3)	Amend the clause by: <ul style="list-style-type: none"> <li>▪ replacing the words before subclause (a) with "The consent authority must not grant consent to development to which this clause applies that will result in a building with a building height of 55 metres or more at ground level (existing)",</li> <li>▪ replacing in subclause (b)(i) the words "free standing tower and each face of the tower will be able to be seen from a public place" with "tower that is separated from other towers and has articulated facades on all sides".</li> <li>▪ deleting in sub-clause (3)(b)(iii) all the words after "active".</li> </ul>	Council claims the wording of the clause is unclear and could better use existing definitions from the Standard Instrument LEP.
[19]	6.15	Amend the labels for the sun access place as follows: <ul style="list-style-type: none"> <li>▪ In sub-clause (5), replace "Belmore Park A1" with "Belmore Park 1A";</li> <li>▪ In sub-clause (6), replace "Belmore Park A2" with "Belmore Park 1B";</li> <li>▪ In sub-clause (7), replace "Belmore Park A3" with "Belmore Park 1C";</li> <li>▪ In sub-clause (8), replace "Hyde Park B1" with "Hyde Park North 2A";</li> </ul>	Council advises that the names of the headings need to be changed to reflect the relevant map.

Item	Clause	Instruction	Department comment
		<ul style="list-style-type: none"> <li>▪ In sub-clause (9), replace "Hyde Park B2" with "Hyde Park North 2B";</li> <li>▪ In sub-clause (10), replace "Hyde Park West C" with "Hyde Park West 3";</li> <li>▪ In sub-clause (11), replace "Macquarie Place D" with "Macquarie Place 4";</li> <li>▪ In sub-clause (12), replace "Martin Place E1" with "Martin Place 5A";</li> <li>▪ In sub-clause (13), replace "Martin Place E2" with "Martin Place 5B";</li> <li>▪ In sub-clause (14), replace "Pitt Street Mall F1" with "Pitt Street Mall 6A";</li> <li>▪ In sub-clause (15), replace "Pitt Street Mall F2" with "Pitt Street Mall 6B";</li> <li>▪ In sub-clause (16), replace "Domain G" with "Domain 7";</li> <li>▪ In sub-clause (17), replace "Royal Botanic Gardens H" with "Royal Botanic Gardens 8";</li> <li>▪ In sub-clause (18), replace "Wynyard Park I1" with "Wynyard Park 9A";</li> <li>▪ In sub-clause (19), replace "Wynyard Park I2" with "Wynyard Park 9B";</li> <li>▪ In sub-clause (8), insert the word "North" after the words "Hyde Park".</li> </ul>	
[20]	6.18	<p>Amend the clause by:</p> <ul style="list-style-type: none"> <li>▪ Insert a clause that identifies the objective of this provision is to provide greater building heights to encourage lot consolidation, and</li> <li>▪ replace the words "Area 1" with "Area 4"</li> </ul>	<p>Council has asked for an objective to provide information on the reason for the clause and guide users of the LEP where variations are requested.</p> <p>Council advises that the Area overlay on their maps is number 4, not 1.</p>
[21]	6.19	<p>Amend the clause such that:</p> <ul style="list-style-type: none"> <li>▪ it identifies the clause applying to land identified as Area 5 on the Height of Building Map;</li> <li>▪ replace "site" with the words "development block" wherever occurring,</li> <li>▪ in subclause (3)(b), insert after "frontages" the words "at ground level (finished)"</li> <li>▪ at the end of subclause (3)(b)(iv), replacing "." with: ", and at each storey above the predominant street wall height, will have a building with a maximum height (as allowed by subclause (2)) that occupies no more than: (A) 33% of the site area of development block 1, (B) 42% of the site area of development block 2,</li> </ul>	<p>The clause needs changes to:</p> <p>remove potential confusion between the site and site area</p> <p>clarify the land to which this plan applies, and</p> <p>impose restrictions on the floor area of the buildings on each development block.</p>

Item	Clause	Instruction	Department comment
		(C) 21% of the site area of development block 3."	
[22]	6.20	<p>Amend the clause by:</p> <ul style="list-style-type: none"> <li>▪ in first subclause (5)(b)(i), replacing "Zone B8 Metropolitan Centre" with Central Sydney,</li> <li>▪ in the second subclause (5)(b)(i), replacing "other zone" with "area outside Central Sydney" and renumbering the clause to (ii);</li> <li>▪ in subclause (6)(b), replacing the current wording with "it would be unreasonable or unnecessary in the circumstances",</li> <li>▪ omit subclause (8).</li> </ul>	<p>Council is seeking a more general waiver and not one related to an architect's body of work.</p> <p>Council and the Department have agreed not to require the Director General's concurrence in relation to design excellence procedures.</p> <p>Changes are also needed to ensure that the provisions apply to geographic areas of the LGA rather than land use zones.</p> <p>Council has requested merging subclause (7)(a)-(b) for policy reasons, along with consequential changes/.</p>
[23]	6.20(7)	<p>Amend the clause by:</p> <ul style="list-style-type: none"> <li>▪ deleting the all the words after the phrase "competitive design process",</li> <li>▪ combining subclauses (a) and (b) such that it identifies up to 10 per cent of the sum of the maximum floor space shown on the floor space ratio map and any additional floor space allowed by the Plan,</li> <li>▪ renumbering subclause (c) to subclause (b),</li> <li>▪ replacing the "and" with "or" between the new subclauses (a) and (b).</li> </ul>	<p>Council and the Department have agreed not to require the Director General's concurrence in relation to design excellence procedures.</p> <p>Council has requested merging subclause (7)(a)-(b) for policy reasons, along with consequential changes.</p>
[24]	7.1(1)(a)	Insert the word "parking" after the word "car".	Council requests that this align with the terminology of car parking space.
[25]	7.6	<p>Amend clause 7.6 as follows:</p> <ul style="list-style-type: none"> <li>▪ in subclause (1), replace the words "for each 25 square metres of gross floor area of" with "in";</li> <li>▪ in subclause (1)(a), replace "0.143" with '1 space per 175 sq metres of gross floor area';</li> <li>▪ in subclause (1)(b), replace "0.167" with '1 space per 125 sq metres of gross floor area';</li> <li>▪ in subclause (1)(c), replace "0.333" with '1 space per 75 sq metres of gross floor area'; and</li> <li>▪ in subclause (2)(c), omit "—0.333".</li> </ul>	<p>Council has asked that a more traditional system of identifying car parking is being used for this clause. This is that it should be 1 space per X sq metres of Gross Floor Area.</p> <p>Council believes this will provide greater clarity.</p>

<b>Item</b>	<b>Clause</b>	<b>Instruction</b>	<b>Department comment</b>
[26]	7.7	<p>Amend clause 7.7 as follows:</p> <ul style="list-style-type: none"> <li>▪ in subclause (1), replace the words "for each 10 square metres of gross floor area of" with "in";</li> <li>▪ in subclause (1)(a), replace "0.143" with "1 space per 70 sq metres of gross floor area";</li> <li>▪ in subclause (1)(b), replace "0.167" with "1 space per 60 sq metres of gross floor area"; and</li> <li>▪ in subclause (1)(c), replace "0.2" with "1 space per 50 sq metres of gross floor area".</li> </ul>	<p>Council has asked that a more traditional system of identifying car parking is being used for this clause. This is that it should be 1 space per X sq metres of Gross Floor Area.</p> <p>Council believes this will provide greater clarity.</p>
[27]	7.8	<p>Amend clause 7.8 as follows:</p> <ul style="list-style-type: none"> <li>▪ in subclause (1), replace the words "for each 100 square metres of gross floor area of" with "in";</li> <li>▪ in subclause (1)(a), replace "0.667" with "1 space per 150 sq metres of gross floor area";</li> <li>▪ in subclause (1)(b), replace "0.8" with "1 space per 125 sq metres of gross floor area"; and</li> <li>▪ in subclause (1)(c), replace "1.0" with "1 space per 100 sq metres of gross floor area".</li> <li>▪ in subclause (2), replace the words "for each 100 square metres of gross floor area of" with "in";</li> <li>▪ in subclause (2)(a), replace "0.2" with "1 space per 500 sq metres of gross floor area";</li> <li>▪ in subclause (2)(b), replace "0.25" with "1 space per 400 sq metres of gross floor area"; and</li> <li>▪ in subclause (2)(c), replace "0.333" with "1 space per 300 sq metres of gross floor area".</li> </ul>	<p>Council has asked that a more traditional system of identifying car parking is being used for this clause. This is that it should be 1 space per X sq metres of Gross Floor Area.</p> <p>Council believes this will provide greater clarity.</p>
[28]	7.10	<p>Amend the clause by replacing "multiple uses" with "one or more uses"</p>	<p>Council is concerned that the current clause would not apply to a building that had only a single use.</p>
[29]	7.11	<p>Amend the clause by replacing "." at the end of subclause (3)(g) with:</p> <ul style="list-style-type: none"> <li>▪ ", and (h) sea level rise or change of flooding patterns as a result of climate change have been considered."</li> </ul>	<p>Amend the clause to adopt the most current Model LEP Provision for Foreshore Building Lines</p>
[30]	7.14	<p>Amend as follows:</p> <ul style="list-style-type: none"> <li>▪ in the definition "Affordable Housing Program, replace the words after "Green Square Urban Renewal Area," with "the <i>Green Square Affordable Housing Program</i> adopted by the Council on [date to be provided]", and</li> <li>▪ in the definition "Affordable Housing</li> </ul>	<p>The changes are needed to align the affordable housing provisions with those currently in force over Green Square and Ultimo Pyrmont.</p>

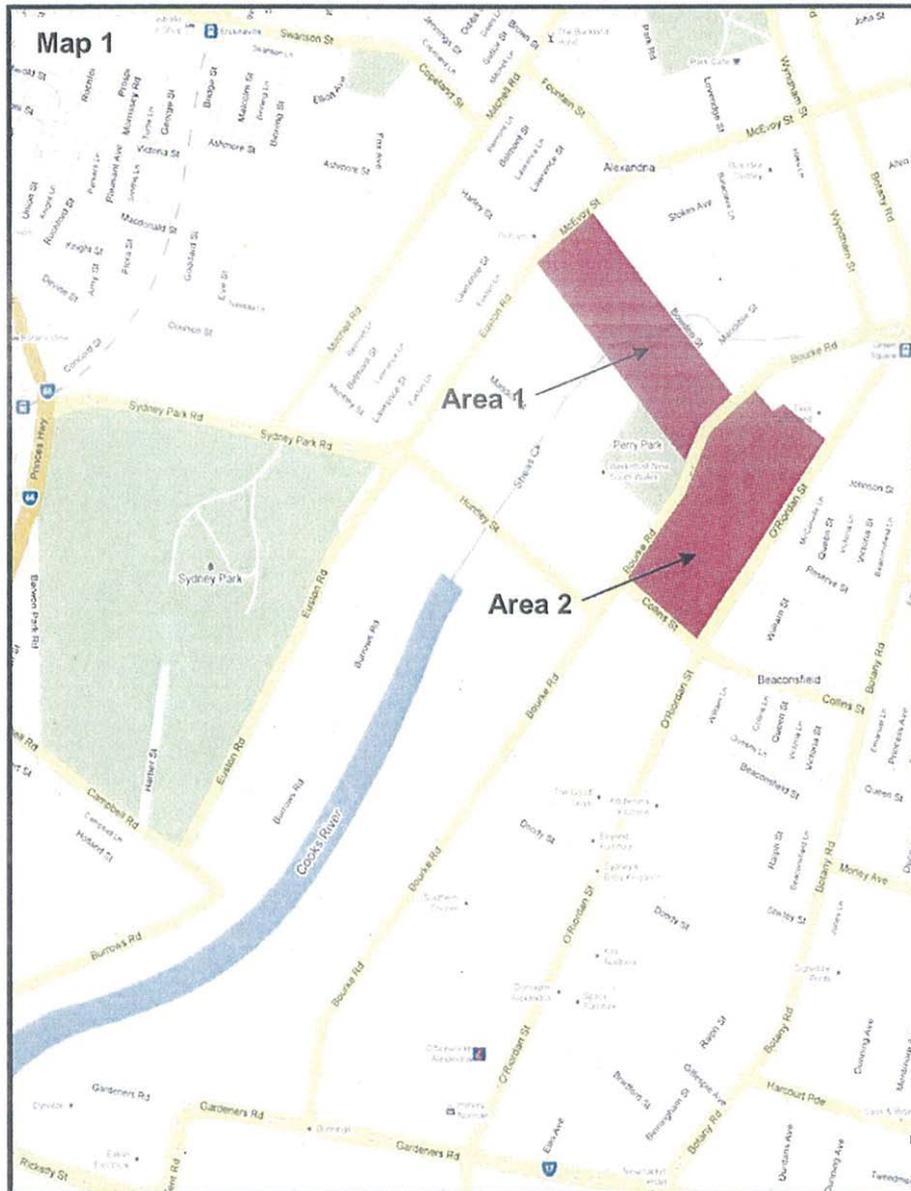
Item	Clause	Instruction	Department comment
		<p>Program, replace the words after "Ultimo and Pyrmont Affordable Housing Levy Area," with "the Revised City West Affordable Housing Program published by the NSW Government in 2010, copies of which are available from the Department's Head Office", and</p> <ul style="list-style-type: none"> <li>▪ insert a definition of "total floor area" consistent with those provided in Sydney LEP 2005 and South Sydney LEP 1998;</li> <li>▪ in the definition of "excluded development", replace the words in (d) with "development for the purposes of public housing";</li> <li>▪ in the definition of "excluded development", omit clauses (e), (f), and (g).</li> </ul>	
[31]	7.22	<p>Amend subclause (2) to include subclauses that require a DCP on:</p> <ul style="list-style-type: none"> <li>▪ land in Central Sydney where the building would be greater than 55 metres in height, and</li> <li>▪ on land that is not in Central Sydney and comprises the erection of a building that will be greater than 25 metres in height.</li> </ul>	Council has requested amendments to ensure the provisions are consistent with their current practices.
[32]	7.22	<p>Insert a provision that allows the waiver of a DCP by Council either:</p> <ul style="list-style-type: none"> <li>▪ for the same reasons as provided in clause 6.20(a), or</li> <li>▪ if believes "it would be unreasonable or unnecessary in the circumstances".</li> </ul>	Council has requested that a waiver the same as will apply in the design excellence provision applies to a clause requiring the preparation of a DCP.
[33]	7.23	<p>Amend by replacing subclause (1) with "This clause applies to land identified as Restricted Retail Development on the Retail Premises Map."</p>	Council has altered the nomenclature for the mapping.
[34]	New clause	<p>Insert a new clause in Division 2 Part 6 as follows:</p> <p><b>Gross floor area restrictions for Caritas</b></p> <p>(1) The maximum gross floor area of all buildings within the Caritas site is not to exceed 12,315 square metres.</p> <p>(2) Development that comprises:</p> <p>(a) the erection of a new building, or</p> <p>(b) a change of use of an existing building,</p> <p>must not be granted consent if it would result in the total gross floor area of all business premises and retail premises on the Caritas site being less than 8% of the maximum gross floor area permitted by subclause (1).</p>	<p>The Department is transferring the Caritas site from the Major Development SEPP to Council's current draft LEP. This provision is needed as a result.</p> <p>Caritas site is identified in the Major Development SEPP but not on any draft LEP map.</p> <p>The Department notes that cross references to clauses in division 3 and 4 of Part 6 will need to be made in the draft LEP, particularly with regards to clause 4.6</p>
[35]	Schedule 2 – Temporary sign or banner	<p>An additional clause is to be included to identify that the sign is for the purposes of a community event. The term community event is to have</p>	Council has requested that clarification be sought to avoid

<i>Item</i>	<i>Clause</i>	<i>Instruction</i>	<i>Department comment</i>
		the same meaning as the SEPP (Temporary Structures) 2007.	proliferation of signage within the LGA.
[36]	Schedule 2 – new provision – Use of footpath by food and drink premises	<p>Insert new exempt development concerning the use of the footpath by food and drink premises with the following requirements:</p> <ul style="list-style-type: none"> <li>▪ Must be used in association with a lawful food and drink premises, other than a pub.</li> <li>▪ Must have and not contravene an approval to use the footway for restaurant purposes under the Roads Act.</li> <li>▪ Must not have an area that is no more than 20 sq metres.</li> <li>▪ Must provide seating for no more than 20 people.</li> <li>▪ Must not either contravene any existing condition of a development consent that applies to the premises relating to the hours of operation or have daily operating hours before 7.30am or after 9.00pm, whichever is the lesser.</li> </ul>	Council is seeking to allow an additional exempt development provision. The Department had previously given its support to this provision, but had forgotten to include it in previous drafts of the Plan.
[37]	Schedule 2 – new provision – Temporary Use of Council land	Insert a new exempt development provision that allows the temporary use of land that is owned by or under the care, control and management of Council for a maximum period of 52 days (whether or not consecutive) in any 12 month period.	Council have requested this provision to reflect its policy intent.
[38]	Schedule 5 – Heritage – Deletion of Items	<p>The following Item numbers are to be deleted from Schedule 5:</p> <ul style="list-style-type: none"> <li>▪ I33;</li> <li>▪ I339;</li> <li>▪ I364;</li> <li>▪ I370;</li> <li>▪ I492;</li> <li>▪ I1753;</li> <li>▪ I1961; and</li> <li>▪ I2213.</li> </ul>	Council has reviewed its items and requested deletions to remove land no longer identified as heritage conservation
[39]	Schedule 5 – Heritage – New Item	<p>The following new item is to be included in Schedule 5 after I2129,</p> <p>Suburb – Woolloomooloo</p> <p>Item Name – Sandstone Wall</p> <p>Address – 12 Broughton Street</p> <p>Property Description – Lot 5, DP108229</p> <p>Significance – Local</p> <p>Item Number – I2129A</p>	Council has reviewed its items and requested the inclusion of a new heritage item.
[40]	Schedule 5 – Heritage – New Item	<p>The following new item is to be included in Schedule 5 after I2130,</p> <p>Suburb – Darlinghurst</p> <p>Item Name – Caritas Cottage &amp; Caritas House</p> <p>Address – 299 Forbes Street Darlinghurst</p> <p>Property Description – Lot 1612 DP 752011</p>	Council has reviewed its items and requested the inclusion of a new heritage item.

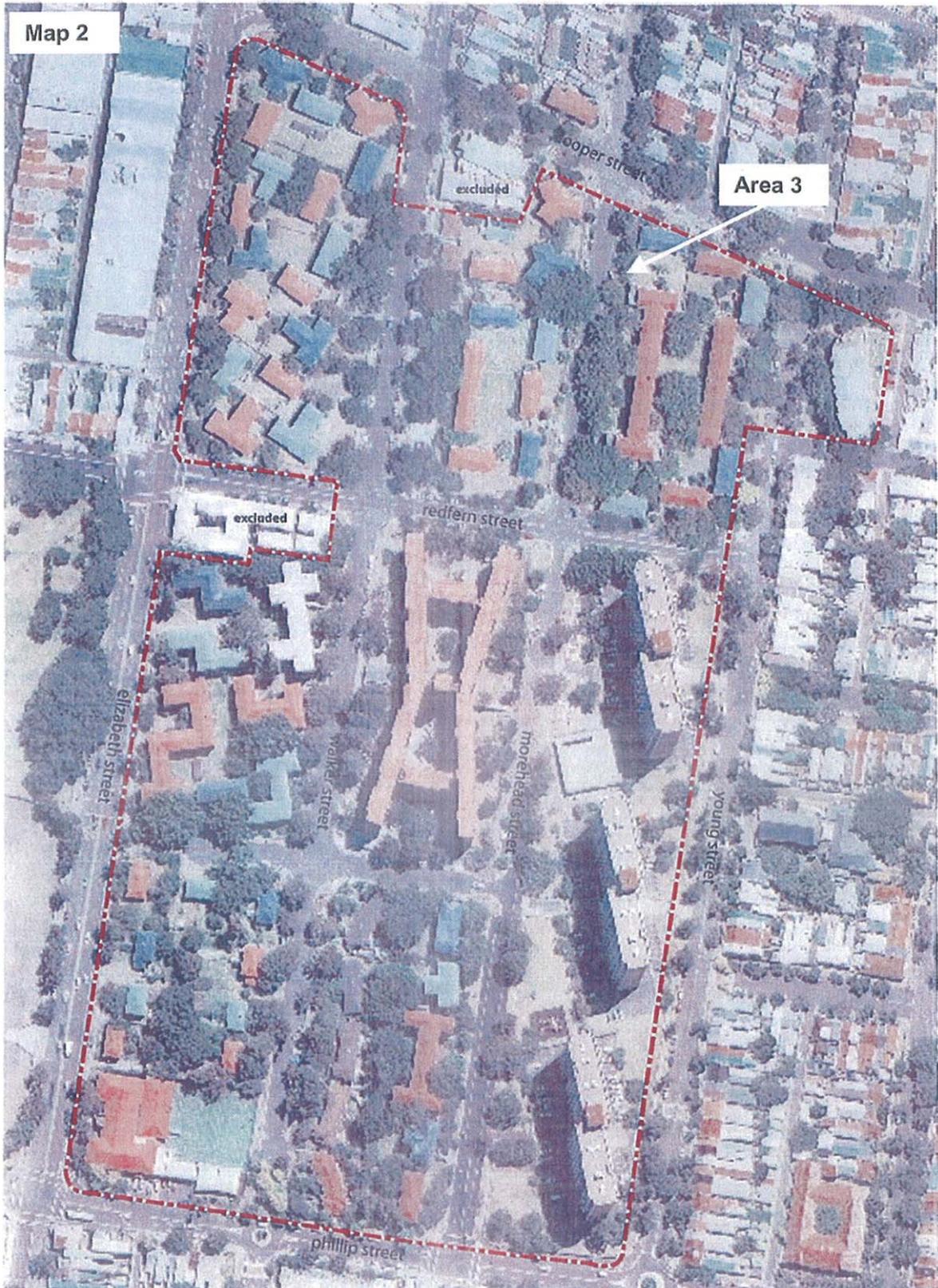
Item	Clause	Instruction	Department comment
		Significance -- Local Item Number --	
[41]	Schedule 5 -- Heritage -- Amendments	<p>Council has requested the following items be amended as described:</p> <ul style="list-style-type: none"> <li>▪ in relation to I180 and its Item Name, replace "underpass" with "road overbridge";</li> <li>▪ in relation to I1867 and its significance, replace the word "State" with "World"</li> <li>▪ in relation to I1532 and its address, replace "228A" with "220";</li> <li>▪ in relation to I1532 and its property description, omit the words "Lot 1, DP 205102"</li> <li>▪ in relation to I1975 and its Item Name, insert after the word House "(part of Transport House)";</li> <li>▪ in relation to I1975 and its address, replace "19-25" with "11-31";</li> <li>▪ in relation to I17 and its item name, replace the words "73, 74, and 75" with "72,73, and 74";</li> <li>▪ in relation to I966 and its Item Name, insert the word "Rowallan" after the word "House"</li> <li>▪ in relation to I1116 and its Item Name, insert before "Garden" the words "Sydney Harbour Naval Precinct including"</li> <li>▪ in relation to I1139 and its item name, replace "Nebraska" with "Santa Fe";</li> <li>▪ in relation to I1712 and its significance, replace the word "State" with "World";</li> <li>▪ in relation to I1783 and its significance, replace the word "Local" with "State";</li> <li>▪ in relation to I1790 and its significance, replace the word "Local" with "State";</li> <li>▪ in relation to I1915 and its item name, replace "Former Bank of NSW" with "Wales House";</li> <li>▪ in relation to I1950 and its item name, replace "Public Library of NSW" with "State Library of NSW";</li> <li>▪ in relation to I1955 and its item name, replace "Bristol Arms Hotel" with "Welcome Inn";</li> <li>▪ in relation to I1955 and its item name, replace "EF House and Marist Chapel" with "Ozanam House";</li> <li>▪ in relation to I2000 and its item name, replace "Former Sydney Hospital Nurses Annex" with "Young Street Terraces".</li> </ul>	Council has reviewed its items and requested changes to its current list of heritage item.
[42]	Dictionary	The definition for Central Sydney should be amended to replace "identified as" with "identified as Central Sydney on the".	Council has altered the nomenclature for the mapping.

## ATTACHMENT B

Area	Description
Area 1 – Land within Green Square Urban Renewal Area zoned 10(e) Mixed Uses “E” under <i>South Sydney Local Environmental Plan 1998</i>	Land bounded by McEvoy Street, Bowden Street, Bourke Road, and the eastern boundaries of Lot 1 DP 230727, Lot 3 DP 204392, and Lot 1 DP 204392  (see Map 1 below)
Area 2 – Land within Green Square Urban Renewal Area zoned 10(d) Mixed uses “D” under <i>South Sydney Local Environmental Plan 1998</i>	Land bounded by the eastern and southern boundaries of Lot 36 DP 817055, the eastern boundary of SP34626, O’Riordan Street, Collins Street, and Bourke Road.  (see Map 1 Below)
Area 3 – Land within the Redfern Waterloo Authority identified as the Redfern Precinct	Land identified within red dashed area shown on Map 2.
Area 4 – Land within the Redfern Waterloo identified as the Waterloo Precinct	Land identified within red dashed area shown on Map 3



Map 2



redfern precinct



208-2020  
19 October 2010

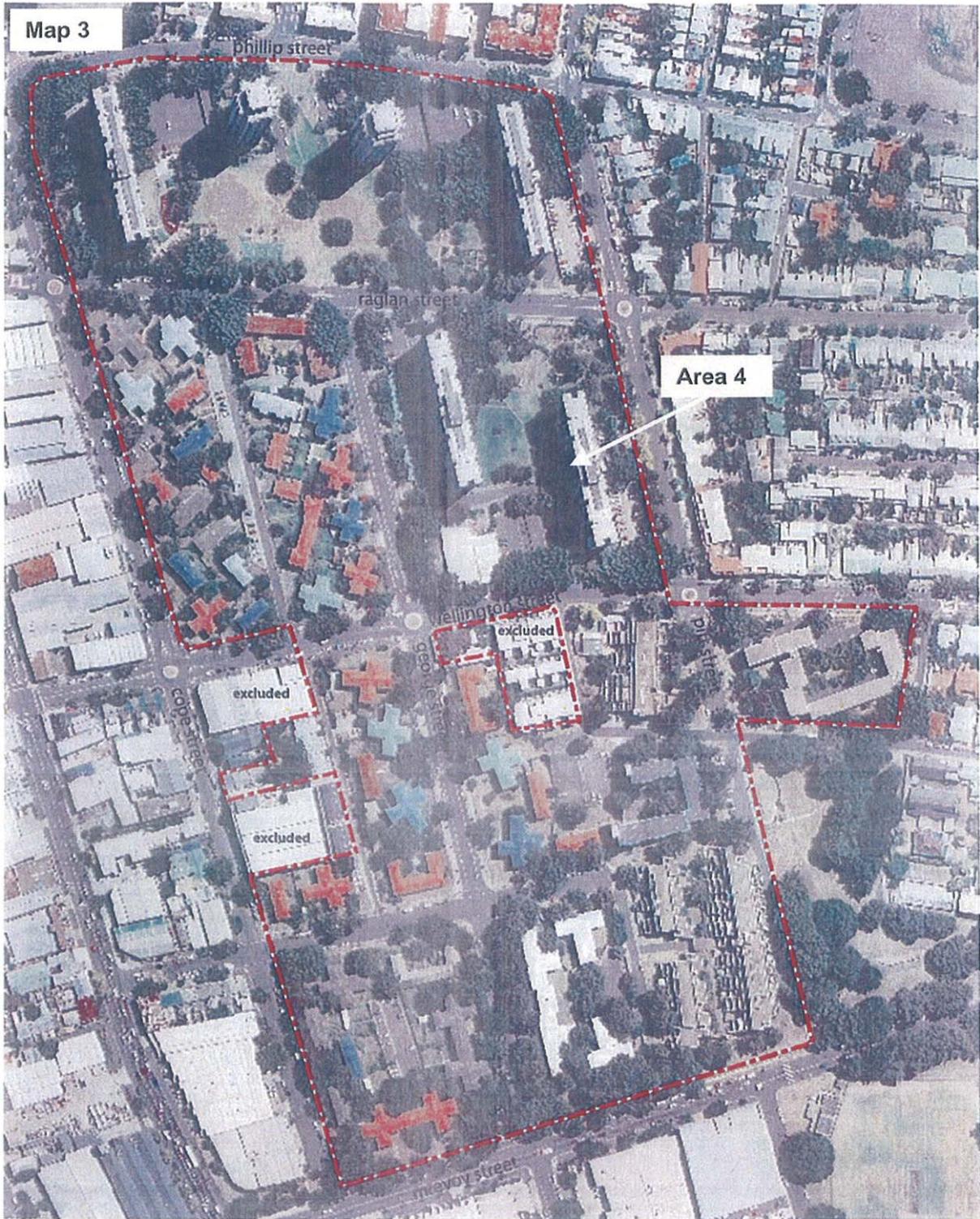
0 10 20 50m

Scale 1:1500 @ A3 sheet

draft BEP 2

redfern waterloo authority





Map 3

waterloo precinct

208-8020 0 20 50 100m Scale 1:2000 @ A3 sheet

draft BEP 2

redfern waterloo authority



**ATTACHMENT C**

<b>Address</b>	<b>Property Description</b>	<b>Land Use Zoning Map Sheet</b>	<b>Condition</b>
Sydney Water Viaduct, Minogue Crescent, Glebe	Area contained within the following bounded by western boundary of Johnson's Creek; northern boundaries of Lot 7015 DP 1060623 and Lot 5 DP24125; thence easterly to the northern boundaries of Lot 1 DP 730920 and Lot 2 DP 730920, thence easterly to western boundary of Lot 1 DP 573887; thence northerly to southern boundary of Lot 1 DP 222056; and thence to southern boundaries of Lot 6 DP 24125, Lot 1 DP 809724, Lot 2 DP 809724, and Lot 7036 DP 93168	LZN_001	Land to be zoned SP2 Infrastructure only and identified on the land zoning map as water supply system
150 Wigram Road Forest Lodge	SP 21097	LZN_001	Entire lot to be zoned R1 General Residential only
25A Missenden Road, Camperdown	Lots 1-3 DP130326	LZN_002	Entire lots to be zoned SP2 Infrastructure only and identified on the land zoning map as Educational Establishment.
612-622 King Street, Newtown	SP 75928	LZN_003 & LZN_004	Entire lot to be zoned B2 Local Centre only
2-10 Point Street and 4 Pirrama Road, Pyrmont	Lot 2 DP 1045499, SP68998, and land bounded by Mill Street, northern boundary of SP 78349, Pirrama Road, and southern boundary of Lot 3 DP1045499	LZN_007	Entire Lots to be zoned B4 Mixed Use only
28 Point Street, Pyrmont	Lot 5 DP 839315	LZN_007	Entire Lot to be zoned R1 Residential only
1-25 Bowman Street, Pyrmont	Lots 59 & 60 DP 270215	LZN_007	Entire Lot to be zoned B4 Mixed Use only
50-52 Pirrama Road, Darling Harbour	Lot 3 DP 876763 & Lot 1 DP 876763	LZN_007	Entire Lots to be zoned B3 Commercial Core only
86 to 77 Harris Street Pyrmont	Lot 1 DP791724, Lot 34 DP 85554, Lot 1 DP 66729, Lot 37 DP 77013, Lot 1 DP 555734, Lot 1 DP 62184, and Lot 1 DP 632378	LZN_007	Entire Lots to be zoned B3 Commercial Core only

<b>Address</b>	<b>Property Description</b>	<b>Land Use Zoning Map Sheet</b>	<b>Condition</b>
Sydney Fish Markets	Lot 2 DP 827434, Lot 1 DP 734622, Lot 1 DP 836351, Lot 2 DP 125720, and Lot 1 DP 74155	LZN_007 & LZN_008	Entire Lots to be zoned B3 Commercial Core only
2-26 Wattle Crescent, Pymont	SP 43902	LZN_008	Entire Lot to be zoned R1 General Residential only
Mary Ann Street, Pymont	Lot 3 DP 216854	LZN_008 & LZN_009	Entire Lot to be zoned B4 Mixed Use only
57 Ashmore Street, Erskineville	Lot 23 DP849857 and Lot 1 DP 535528	LZN_010 & LZN_011	Entire Lots to be zoned B4 Mixed Use only
Circular Quay Ferry Wharves		LZN_014	Entire Lots to be zoned SP2 Infrastructure only and identified on the land zoning map as Boating facilities
Cahill Expressway and Circular Quay Station	Lot 2 DP 787935, Lot 31 DP 848244, Lot 32 DP 848244, Lot 33 DP 848244, Lot 23 DP 831695, Lot 9 DP787934, Lot 12 DP787934, Lot 5 DP 787934, Lot 2 DP818565, and Lot 3 DP 818565, and land between the western boundary of Lot 3 DP 818565 and Macquarie Street	LZN_014	Entire Lots to be zoned SP2 Infrastructure only and identified on the land zoning map as Railway
34 Palmer Street, Darlinghurst	Lot 1 DP 135265 and Lots 3-5 DP 135265	LZN_015	Entire Lots to be zoned RE1 Public Recreation only
299 Forbes Street Darlinghurst	Lot 1612 DP 752011	LZN_015 & LZN_022	Entire lot is to be zoned B4 Mixed Use only
40A-42 Macleay Street, Potts Point	SP13576	LZN_021	Entire Lot to be zoned R1 General Residential only
Cowper Wharf Road, Woolloomooloo	Lot 1 DP 1007565	LZN_021	Entire Lot within jurisdiction of LEP to be zoned B4 Mixed Uses only
10 Lincoln Crescent, Woolloomooloo	SP 57623	LZN_021	Entire Lot within jurisdiction of LEP to be zoned B4 Mixed Uses only
1 Clement Street and 96-98 Rushcutters Bay Road, Rushcutters Bay	Lot 101 DP 1006908 and SP 61325	LZN_022	Entire Lots to be zoned B4 Mixed Use only.

<b>Address</b>	<b>Property Description</b>	<b>Land Use Zoning Map Sheet</b>	<b>Condition</b>
21 Boundary Street Darlinghurst	SP 68614	LZN_022	Entire Lot to be zoned B4 Mixed Use only
2 Durdans Avenue, 4 Durdans Avenue 6 Durdans Avenue, 414- 416 Gardeners Road, 418 Gardeners Road, 5- 9 Harcourt Parade, 2-16 Harcourt Parade, 142 Dunning Avenue, and 144 Dunning Avenue Rosebery	Lot 10 DP 829392, Lot 15 DP 706946, Lot 1 DP 787350, Lots 294-296 DP 7534, Lots 293 DP 653487, Lot 292 DP 656564, SP 50445, Lot 11 DP136123 SP62353	LZN_012 & LZN_019	Entire Lots to be zoned IN2 Light Industry only

### ATTACHMENT D

<b>Address</b>	<b>Property Description</b>	<b>FSR Map Sheet</b>	<b>Condition</b>
20 Pymont Bridge Road, Camperdown	SP 69440	FSR_002	With Sterling Circuit included within the cadastre lot, the entire lots is to have an FSR of 1.5:1 only.
Wentworth Park Road, Camperdown	Lots 1-4 DP 82924	FSR_008	Entire lots to have an FSR of 1.75:1 only.
485-511 Wattle Street, Ultimo	Lot 100 DP 1146992	FSR_009	Entire lot to have an FSR of 2.5:1 only
Corner Mount Vernon Street & Catherine Street, Glebe	Lot 1 DP 556562	FSR_009	Entire Lot to have an FSR of 0.9:1 only.
57 Ashmore Street & 165-175 Mitchell Road, Erskineville	Lot 23 DP849857, Lot 1 DP 535528, and Lot 2 DP 772101	FSR_010 and FSR_011	Entire Lots to have an FSR of 2.75:1 only
201-207 Kent Street, Sydney	Lot 1 DP 813557	FSR_014	Entire Lot to have an FSR of 8:1 only.
20-24 & 1A Hickson Road, Sydney	Lot 4 DP 1074069, Lot 5 DP 1054157, and Lot 21 DP 1105208	FSR_014	Entire Lots to have an FSR of 8:1 only.
Day Street, Sydney	Lot 16 DP 1097230	FSR_014	Entire Lot to have FSR of 7.5:1 and be identified within the Boundary of the Area 4 overlay.
8 Jenkins Street, Millers Point, 30-34 Hickson Road, Millers Point, 36 Hickson Road Millers Point, and 38 Hickson Road, Millers Point	Lot 1 DP 873158, Lot 11 DP 1065410, Lot 5 DP 873158, Lot 12 DP 1065410, SP 72797	FSR_014	Boundary of Area 4 overlay to enclose the entire following properties:
216-228 Elizabeth Street, Sydney		FSR_015	Entire lots to have an FSR of 6.5:1
23 Pelican Street, Darlinghurst		FSR_015	Entire lots to have an FSR of 6:1
299 Forbes Street Darlinghurst	Lot 1612 DP 752011	FSR_015 & FSR_022	Entire Lots to have an FSR of 2.75:1 only.
11 Esplanade, Elizabeth Bay	SP 83518	FSR_021	Entire Lots to have an FSR of 2:1 only.
Various business land in Forest Lodge and Glebe	Various	FSR_001, FSR_008 & FSR_009	Land to be zoned B2 Local Centre within Forest Lodge and Glebe is to have a minimum FSR of 1.5:1.

**ATTACHMENT E**

<b>Address</b>	<b>Property Description</b>	<b>Height of Building Map Sheet</b>	<b>Condition</b>
357 Glebe Point Road, Glebe	Lot 1 DP 64069	HOB_001 and HOB_008	That : <ul style="list-style-type: none"> <li>▪ a height of 27 metres shall apply to that part of the lot that is 15 metres distant from Glebe Point Road and 50 metres distant from Avon Street</li> <li>▪ a height of 9 metres is to apply to the remainder of the lot</li> </ul>
57 Ashmore Street & 165-175 Mitchell Road, Erskineville	Lot 23 DP849857, Lot 1 DP 535528, and Lot 2 DP 772101	HOB_010 and HOB_011	Entire Lots to have a height of 60 metres.
216-228 Elizabeth Street, Sydney	Lot 1 & 2 DP 63553 and Lot 1 DP 205102	HOB_015	Entire lots to have a height of 29 metres.
23 Pelican Street, Darlinghurst		HOB_015	Entire lots to have a height of 45 metres.
299 Forbes Street Darlinghurst	Lot 1612 DP 752011	HOB_015 & HOB_022	Entire lot to have a height of RL 71m.
903-921 Bourke Street, Waterloo	Lot 1 DP 606446, Lot 1 DP 800705 & Lot 2 DP 800705	HOB_017	Entire lots to have a height of 15 metres

# **ATTACHMENT D**

**STATE PROPERTY AUTHORITY  
SUBMISSION ON DRAFT LEP**

20 April 2011

**Chief Executive Officer**

City of Sydney  
GPO Box 1591  
SYDNEY NSW 2001

Attention: Francesca O'Brien

Dear Ms O'Brien

**SUBMISSION TO THE DRAFT CITY OF SYDNEY LOCAL ENVIRONMENT PLAN (LEP)  
2011 – BIDURA, 357 GLEBE POINT ROAD, GLEBE**

The State Property Authority (SPA) is the current owner of the property identified as 357 Glebe Point Road, Glebe otherwise known as Bidura. The following submission and attachments relate to the Draft LEP on exhibition.

**Background**

The City of Sydney recently exhibited the proposed LEP that addresses planning controls in the LGA including the Bidura site. The site is currently government owned comprising of two main areas, Bidura House and the former remand centre, which are occupied by a mixture of legal and community services including several non government organisations.

The main building on the site is the former remand centre that was constructed for a purpose that was abandoned many years ago and since that time has been occupied in part by office and court uses. Bidura House, the main heritage component of the site is addressed in the attached Heritage Impact Commentary by Graham Brooks and Associates.

**Context**

SPA is lodging this submission in response to the exhibition of the draft LEP in support of the proposed controls on the site. Due to the purpose built nature of the former remand centre, the sites future management is compromised by the former remand centre which is a complex and unwieldy structure that requires ongoing maintenance. Due to the changing nature of government requirements, SPA wishes to facilitate a sustainable future for the site whilst preserving its key heritage aspects and surrounding neighbourhood amenity.

## Supporting Documentation

Two reports are attached to this submission relating to visual analysis and heritage:

- Visual Analysis – Giles Tribe Architects
- Heritage Impact Commentary – Graham Brooks and Associates

The submission should be read in conjunction with the attached reports and the document titled *Review of Proposed City of Sydney draft LEP* prepared by Grech Planners and submitted to Council in September 2010.

The studies referred to above relate to a hypothetical structure within the planning controls currently on exhibition. The purpose of the studies is to test the proposed planning framework to ascertain the potential impacts of future development. It should be noted that a future development application would likely address these issues in detail. The studies clearly conclude that the proposed planning controls can facilitate future redevelopment and address the main areas of impacts such as heritage, views and shadowing. The studies conclude that any future development application would be able to address these key areas and that the controls are therefore appropriate.

The heritage impact commentary discusses the proposed height map as exhibited by the City of Sydney and suggests that the incursion of the 27 metre height limit should not extend into the footprint of Bidura house.

## Conclusion

The proposed LEP as it relates to the Bidura site should be adopted by the City of Sydney, with the changes to the height maps as recommended in the attached Heritage Impact Commentary. The proposed controls simplify and clarify the existing planning regime and provide a set of standards that will help preserve the heritage significance of the site and allow the orderly and economic redevelopment of the site at an appropriate future time.

We welcome the opportunity to discuss these matters at any time and if there are any queries please do not hesitate to call Olga Masella on 9338 7046.

Yours Faithfully



Kylie Ridge  
Director, Commercial Transactions

Cc. Neil McGaffin, Executive Director, Planning Operations, Department of Planning and Infrastructure

Encl: Visual Analysis – Giles Tribe Architects  
Heritage Impact Commentary – Graham Brooks and Associates

GILES TRIBE ARCHITECTS  
ARCHITECTS & URBAN PLANNERS

# **BIDURA VIEW ANALYSIS**

## **357 Glebe Point Road, Glebe**

**Prepared by Giles Tribe Architects**

**April 2011**

## VIEW ANALYSIS

The following view analysis is based on a modelled theoretical building form that is possible and plausible under the proposed planning regime for the Bidura Site at 357 Glebe Point Road, Glebe. Due to the limitations of modelling it should be noted that the form modelled is indicative of a form which may be possible to be built having regard to various site constraints. It is anticipated that during a design process the envelope of the building would be finely tuned to further modulate and articulate the building form.

The View Analysis Map indicates the main public areas from where the site is visible which are the subject of this view analysis.

### View 1: View from across the road: Glebe Point Road

#### *Existing*

The front section of the remand Centre is visible through gaps between buildings to its northern side on Glebe Point Road. The building reads as being setback from the main house and extends towards the Northern boundary.

#### *Proposed*

A modified building form remains visible from this gap along Glebe Point Road and shows an increase in the height of the building. However, there are also increased setbacks to the northern site boundary and a visibly more active exterior. Most of the proposed building is hidden by the existing Bidura House and trees along the front boundary.

The changes are supported by Graham Brooks and Associates review of the proposal, where they noted that *"...the visual mass of the house effectively blocks views to any buildings that may be built to the proposed 27m height limit at the rear of the site."*

He also notes that the proposed form from Glebe Point Road, *"...will read as being well behind the rear of the historic house."*

The proposed change in the building form provides the opportunity to open up a view corridor from Glebe Point Road.

### View 2: View from Wentworth Park (at the end of Fig Street)

#### *Existing*

The south eastern side of the remand centre is partly visible on the skyline behind rows of existing terrace houses and trees. From this angle the strong horizontal form of the roof is visible and a gap is visible to the adjacent residential tower.

The existing building appears as one of a number of buildings broken up by trees.

The extent of this view is restricted to a narrow view corridor through the centre of the main park area. Elsewhere the Wentworth park facilities, viaduct, significant tree plantings around the park perimeter and other buildings in the foreground conceal the building and views to this area generally.

#### *Proposed*

The south eastern side of the proposed residential building is visible on the skyline (especially level 5 – 8) while the rest of the building is hidden behind rows of existing terrace houses and trees. The proposed building is higher than the existing remand centre. However it is stepped back in a more regular manner at the upper levels and the gap to the adjacent residential tower is retained from this view point. It appears as a similar form to that of the existing adjacent residential flat building and as one of a number of buildings which punctuate the skyline.

View Analysis

Bidura  
357 Glebe Point Road, Glebe

### View 3: View from Fish Markets' Car Park

#### *Existing*

The view is almost perpendicular to the site, where the top part of the remand centre is visible and the most part of the building is hidden by the dense row of trees. Immediately north, two residential tower buildings are also visible along the skyline and noticeably taller than the remand centre.

This view extends around the Fish Markets foreshore frontage. The view from this location is of the building in the context of the Glebe peninsular and the Glebe townscape, which generally comprises buildings juxtaposed with significant areas of landscaping.

#### *Proposed*

The top 3 storeys of the proposed residential building are visible beyond the row of trees, affording the view of the Blackwattle Bay and the city beyond. It displays similar building bulk to the adjacent two residential towers, spaced almost equally between the trees along the skyline.

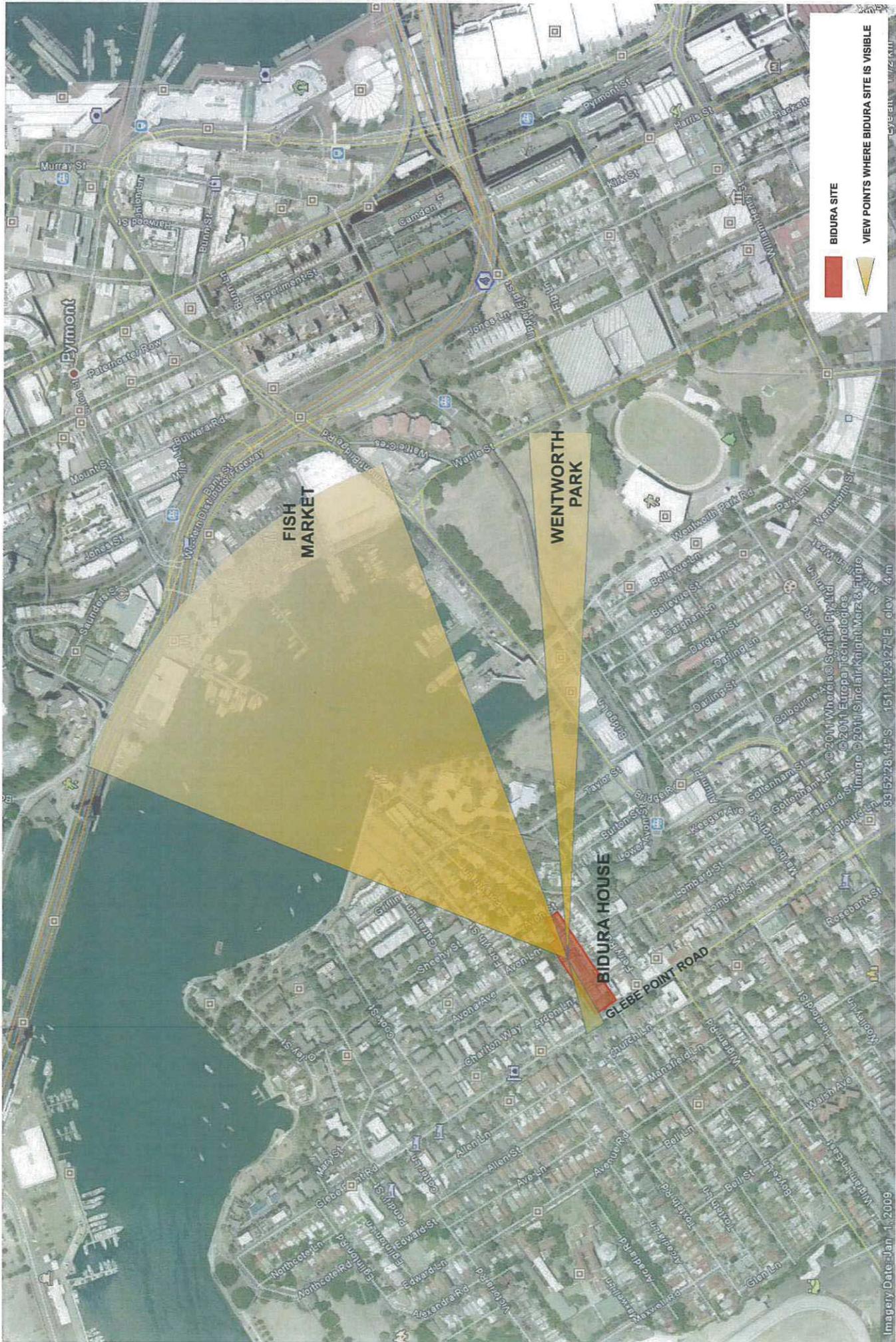
A greater distance is visible to the west of the adjacent residential flat buildings, which opens up increased views of trees beyond.

Whilst greater height is visible, the overall width of the proposed form is reduced, resulting in an increase in the distance between buildings, allowing more vegetation to be visible between buildings. The proposed form appears compatible with the height and form of the existing neighbouring buildings to the north.

### Summary

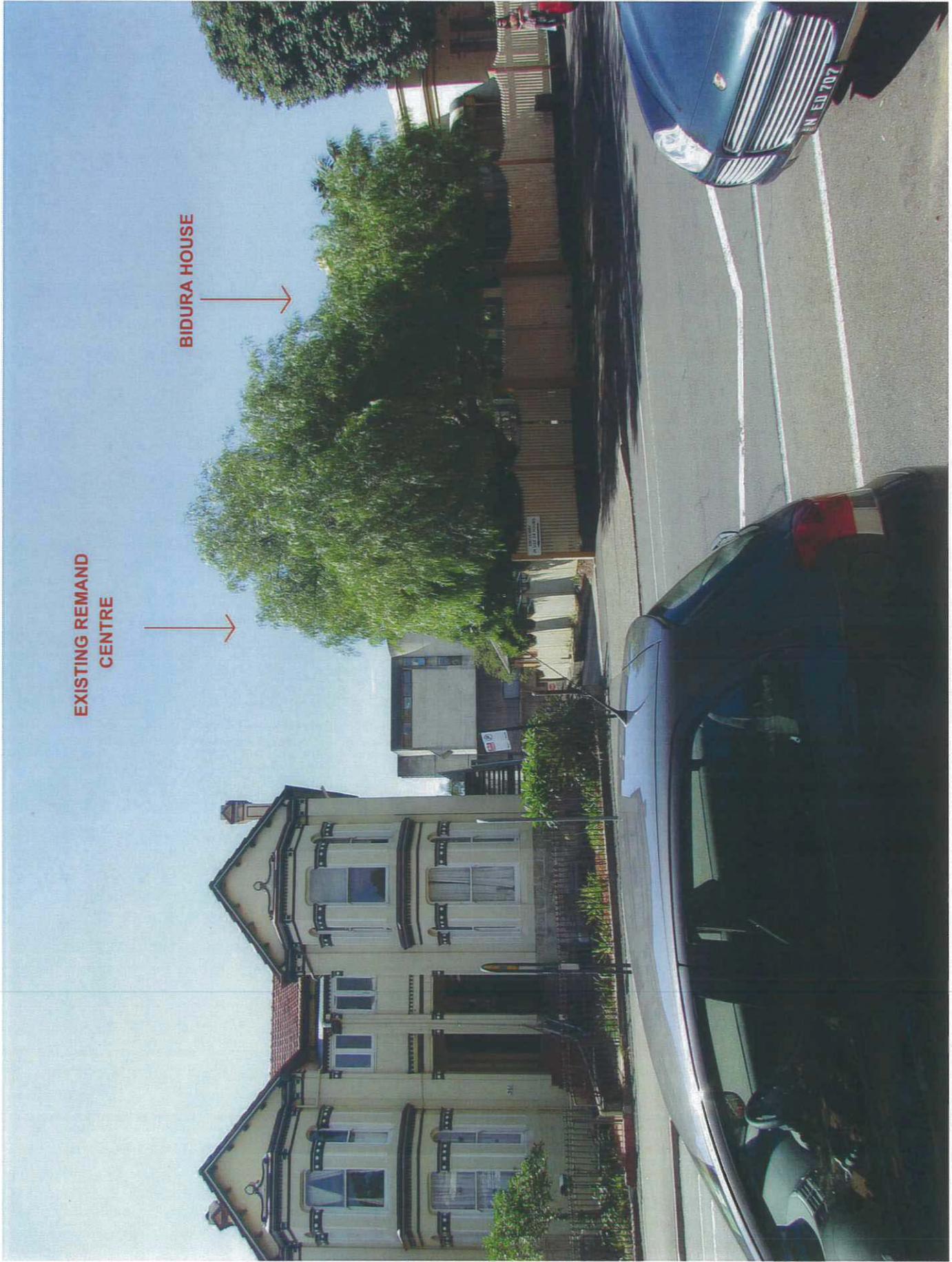
The existing remand centre appears in the context of the townscape of Glebe as one of a number of buildings which breaks the skyline. There are a variety of buildings which contribute to the townscape including groups of terrace houses, multi-storey residential flat buildings, schools with large expanses of roof and other industrial type buildings.

The proposed building will further contribute to this diversity of scale and character. Whilst modified, the height and scale of the form is consistent with that of existing buildings such that it will not significantly impact upon the skyline and character of the locality.



**VIEW ANALYSIS MAP  
FROM SIGNIFICANT VIEW POINTS**

**BIDURA  
357 Glebe Point Road, Glebe**

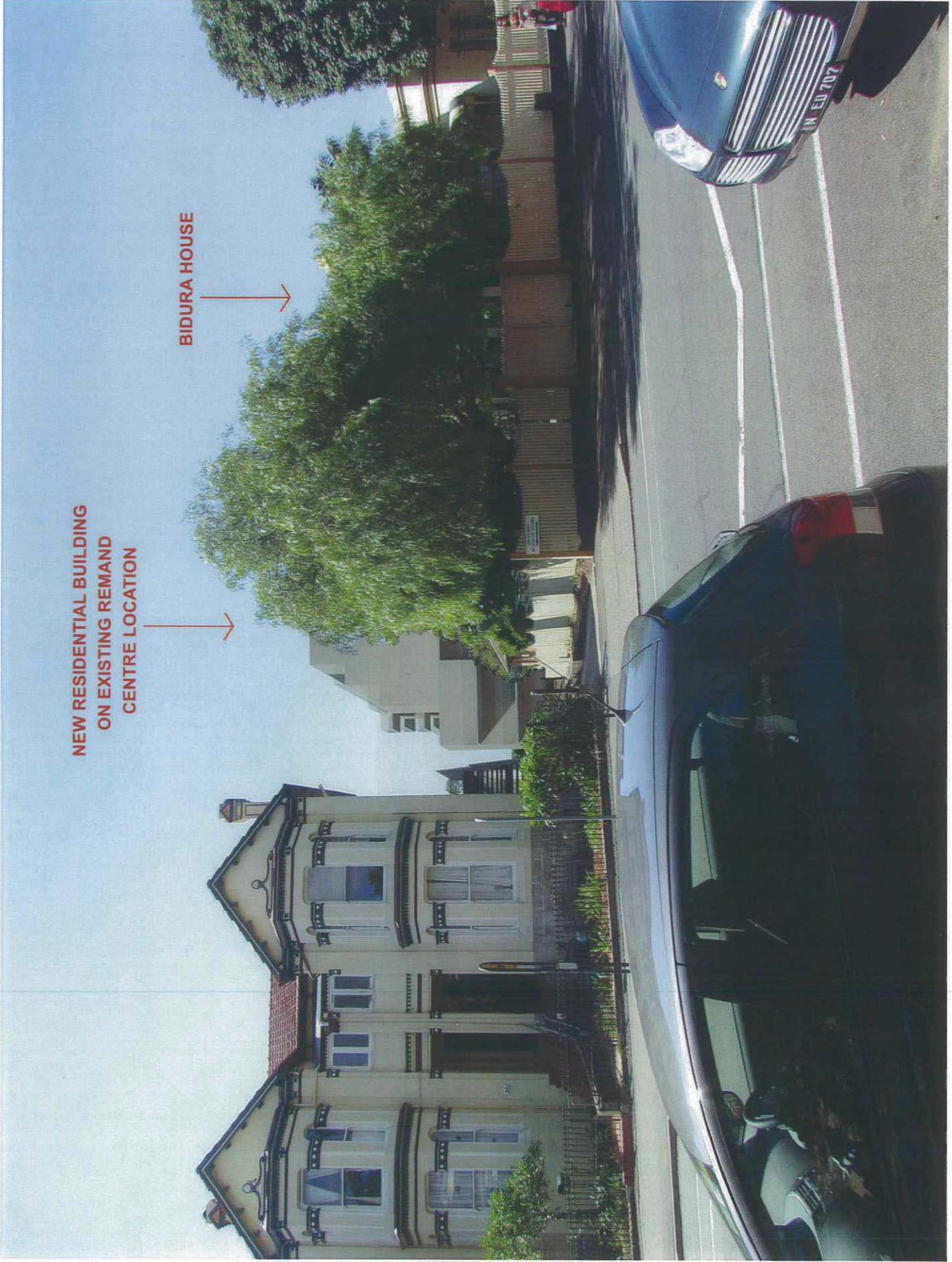


EXISTING REMAND  
CENTRE

BIDURA HOUSE

**VIEW 1 - EXISTING**  
from Glebe Point Road

**BIDURA**  
357 Glebe Point Road, Glebe

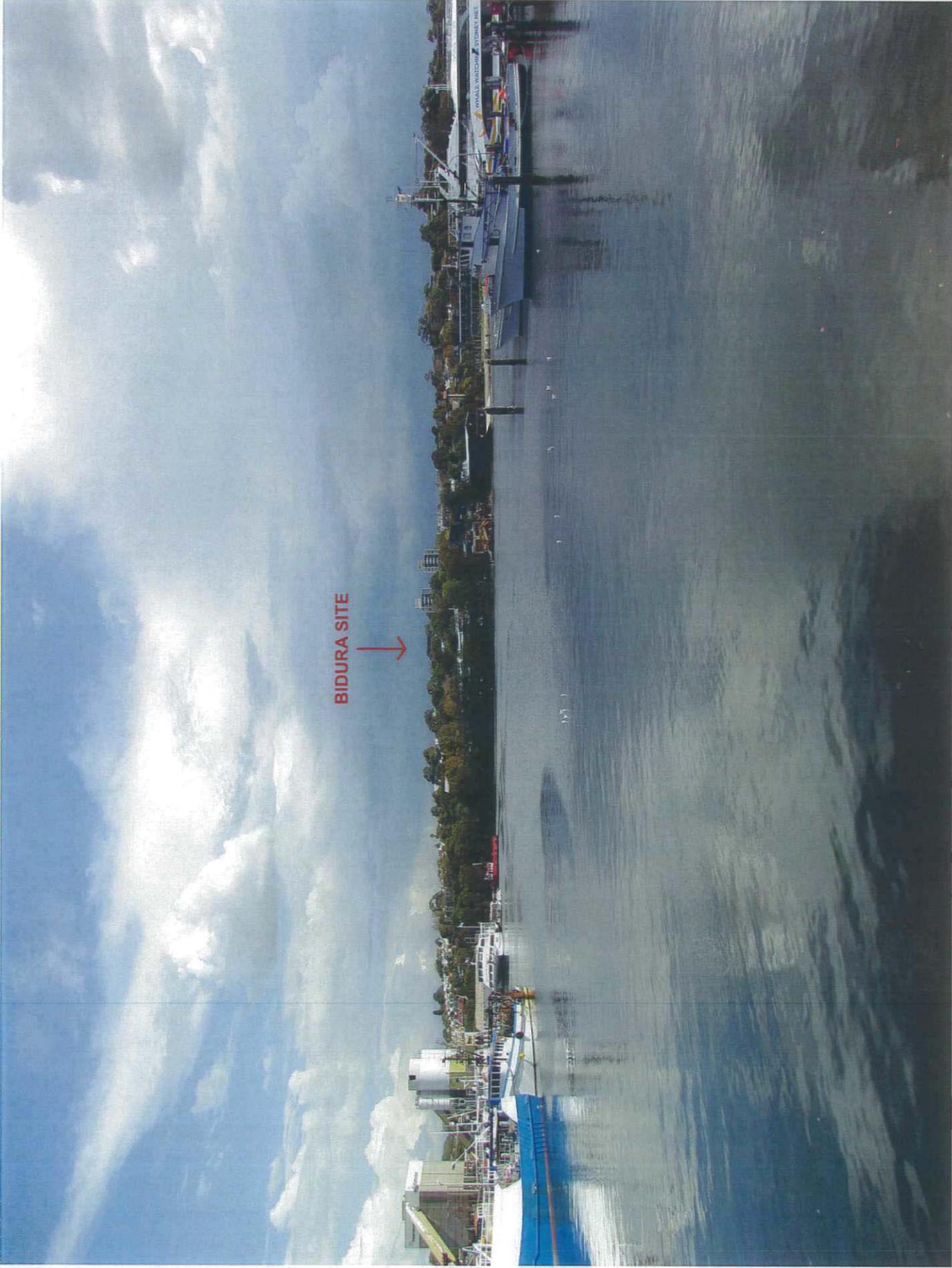


NEW RESIDENTIAL BUILDING  
ON EXISTING REMAND  
CENTRE LOCATION

BIDURA HOUSE

**VIEW 1 - PROPOSED**  
from Glebe Point Road

**BIDURA**  
357 Glebe Point Road, Glebe



BIDURA SITE



**VIEW 2 - EXISTING**  
from the Fish Market car park



**BIDURA SITE**

**VIEW 2 - PROPOSED**  
from the Fish Market car park

**BIDURA**  
357 Glebe Point Road, Glebe



**VIEW 3 - EXISTING**  
from Wentworth Park at the end of Fig Street



**VIEW 3 - PROPOSED**  
from Wentworth Park at the end of Fig Street

**BIDURA**  
357 Glebe Point Road, Glebe

357 Glebe Point Road Glebe Proposed LEP Amendments Support  
18 March 2011

Mr Gerald Ward  
Mitcham Consulting  
C18/ 99 Jones Street  
ULTIMO NSW 2007

Dear Mr Ward

## **“Bidura”, 357 Glebe Point Road, Glebe Review of Proposed City of Sydney Draft LEP 2011 Heritage Impact Commentary**

This submission has been prepared on behalf of the NSW State Property Agency in relation to the exhibition of the Draft Sydney LEP 2011. It comments on the proposed FSR and Maximum Height limitations identified in the Draft Sydney LEP 2010 for the site known as “Bidura” at 357 Glebe Point Road, Glebe. The changes proposed in the Draft LEP 2011 are as follows:

- To increase the allowable height on the site from 9 metres to 27 metres
- To increase the allowable FSR on the site from 1:1 to 1.5:1

Graham Brooks and Associates prepared the 1996 Conservation Management Plan for the subject site and are familiar with its heritage constraints and opportunities. On the basis of this heritage research, a recent site inspection, review of the Grech Planning submission and the Draft Sydney LEP 2011, we support the proposed increased height and FSR limits for the rear portion of the subject site. They are entirely consistent with the protection and management of the heritage significance of the historic house.

### **Current Heritage Listing**

Under the pre-existing heritage management regime, “Bidura” was listed as a heritage item in the Leichhardt LEP 2000. Information regarding the property is contained in the NSW State Heritage Inventory.

### **Summary of Description**

*Two storey Victorian Regency house with single storey wing to north and Italianate former ballroom to south. ‘Bidura’ is a substantial house with a 2 storey elevation to Glebe Point Road, and 3 storeys at the rear. It is set on a wide site that has retained its context. The building is setback from the street. The site has an appropriate front fence of timber picket approximately 1.2 metres high. The front garden is large and formally landscaped and provides an appropriate setting for the house.*

### **Statement of Significance**

*A fine example of a Victorian Regency villa in a garden setting designed by renowned architect E. T. Blacket. The building is a rare example of an early villa with outstanding potential to be restored. This is the last remaining 1850s villa within a garden setting on this side of Glebe Point Road. The building has historical associative significance for its association with colonial architect Edmund Thames Blacket and R M Stubbs, F Perks. The site has high archaeological potential as an early villa site.*



71 York Street, Level 1  
Sydney 2000 Australia  
Tel: 61 2 9299 8600  
Fax: 61 2 9299 8711  
gbamain@gbaheritage.com  
www.gbaheritage.com

Graham Brooks and  
Associates Pty Ltd  
Incorporated in NSW  
ACN 073 802 730

ABN 56 073 802 730  
Nominated Architect Graham Leslie Brooks  
NSW Architects Registration 3836

Interestingly, neither the Description nor the Statement of Significance makes any reference to the large scale institutional building erected in the 1980s at the rear of the overall land parcel. The construction of the "large multi-levelled Remand Centre was built at the rear of the house" contained in the Historical Notes is the only reference to this building, which was erected as a Children's Court.

## Documents Reviewed

In preparing this submission we referred to Draft Sydney LEP 2011 and the "Review of Proposed City of Sydney Draft LEP" report prepared in September 2010 by Grech Planners on behalf of State Property Authority. That Review had examined a series of Urban Design Analysis sketches prepared for the site by Giles Tribe Architects.



*The historic Bidura House presents as a fine two storey house set back from Glebe Point Road behind an expansive garden.*

*The visual mass of the house effectively blocks views to any buildings that may be built to the proposed 27 metre height limit at the rear of the site.*



*The two storey historic building on Glebe Point Road to the south of Bidura has a prominent building volume that effectively blocks any diagonal views from the south west to any buildings that may be built to the proposed 27 metre height limit at the rear of the Bidura House site.*



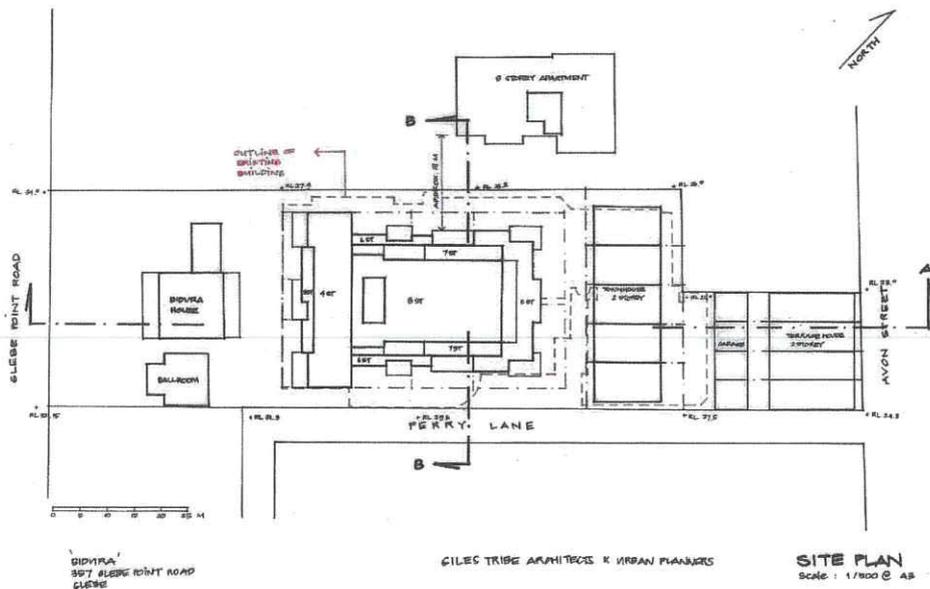
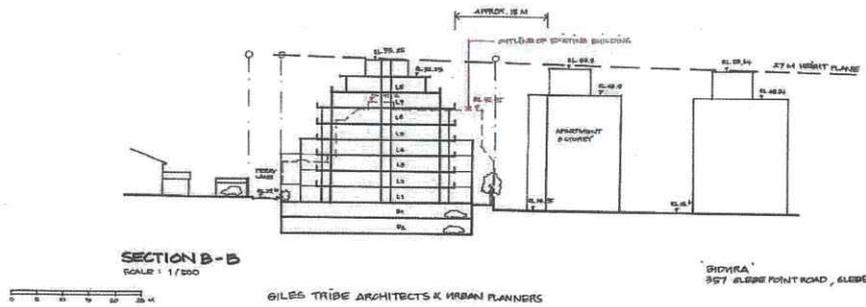
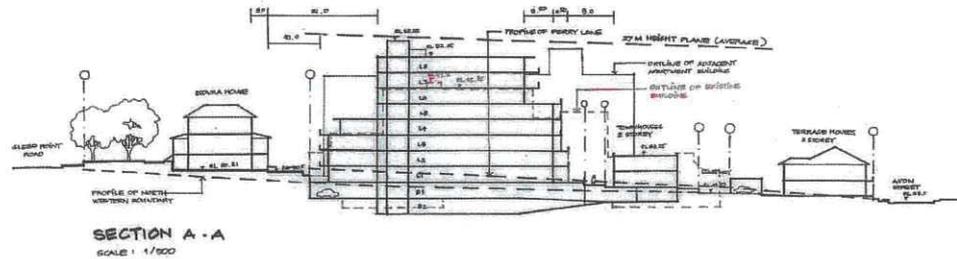
*The two storey historic building on Glebe Point Road to the north of Bidura is separated from Bidura House by Bidura's garden and the driveway access down to the existing institutional building behind. That building is visible from Glebe Point Road.*

*A replacement building to a height of 27 metres will be visible from this viewpoint but will be read as being well behind the rear of the historic house.*

## Urban Design Study

The Urban Design Study undertaken by Giles Tribe Architects and reviewed by Grech Planning identified an acceptable indicative building bulk and massing. These sketches are set out below.

From those sketches, they conclude that the centre of the site can handle a height limit of 27 metres in preference to the 9 metres that currently applies to the site. This suggested maximum height was developed by examining a range of factors, including the visibility of a potential new building from Glebe Point Road, behind Bidura.





This diagram indicates that the minimum curtilage behind Bidura should be defined by the remaining historic buildings on the site.

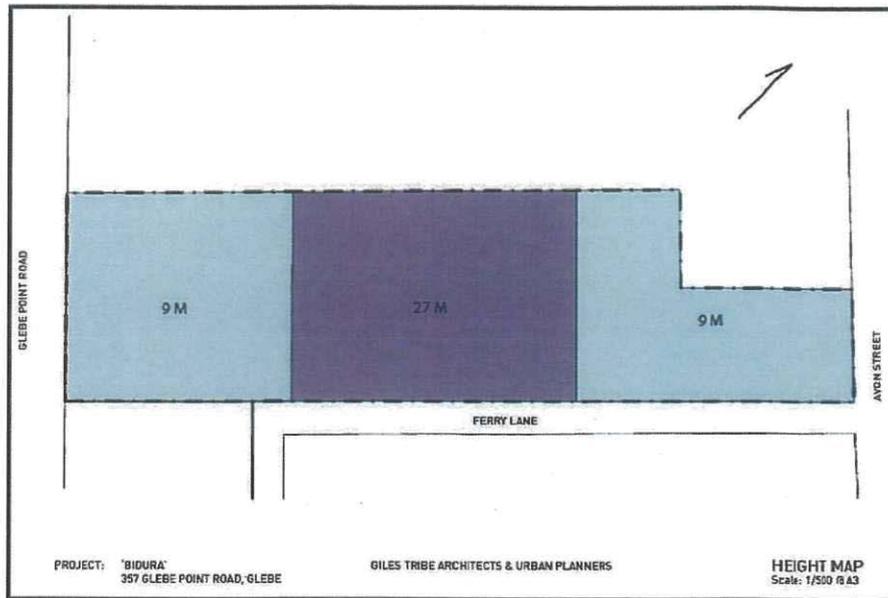


Figure 12: Proposed height limits

Extent of the proposed height limits from the Urban Design study.

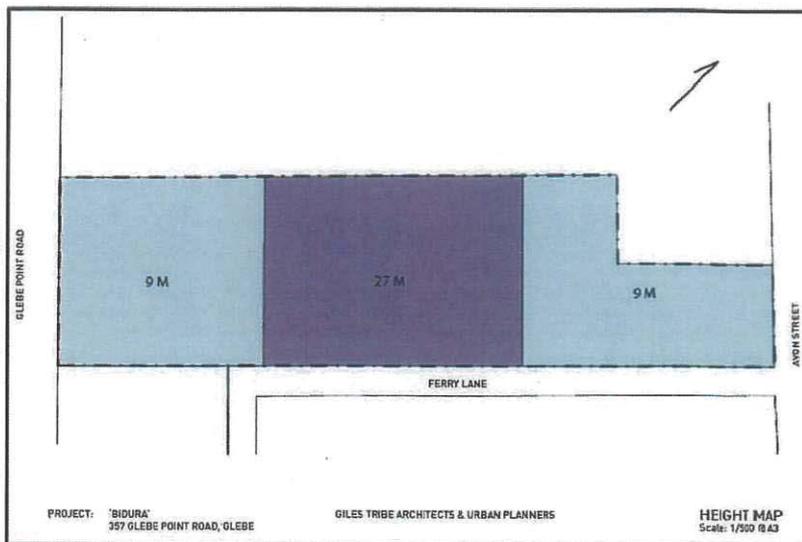


The draft Sydney LEP 2011 proposes to extend the T2 zone onto the Bidura footprint

## Recommendations

Based on the above analysis and on the research undertaken for the 1996 Conservation Management Plan for the historic Bidura House site at 357 Glebe Point Road we would make the following recommendations in relation to the proposed FSR and Building Heights for the subject site contained in the Draft Sydney LEP 2011.

1. The whole of the Bidura Site should remain as a heritage item (No. 1763) as shown in the Draft Sydney LEP 2011. This will assist in achieving a high standard of design for any new building in the rear of the overall site.
2. The proposed FSR of 1.5:1 over the whole site is acceptable in heritage terms.
3. The proposed maximum height of 9 metres over the portion of the overall site occupied by Bidura House is acceptable in heritage terms. The current extension of the 27 metre maximum height onto the "footprint" of Bidura House is not acceptable. It is likely to place unacceptable development pressure on the historic house and its immediate curtilage.
4. The maximum height of 27 metres for the central part of the site is acceptable in heritage terms. The extent of the area capable of accepting the 27 metre height limit should be as defined in the Urban Design study, illustrated below. It should not extend into the Bidura House curtilage.
5. The 9 metre height limit for the rear of the site is acceptable in heritage terms.



Yours faithfully  
GRAHAM BROOKS AND ASSOCIATES

Graham Brooks  
Director  
grahambrooks@gbaheritage.com

# **ATTACHMENT E**

**DEPARTMENT OF PLANNING  
REQUIREMENT TO CHANGE  
HEIGHT AND FSR**



Ms Monica Barone  
Chief Executive Officer  
City of Sydney Council  
GPO Box 159  
SYDNEY NSW 2001

12/13853

Attention Ms Francesca O'Brien

Dear Ms Barone

I refer to Council's submission of draft Sydney Local Environmental Plan 2012 (the draft LEP) under section 68 of the *Environmental Planning and Assessment Act 1979* (the Act) requesting the Minister make the draft LEP. The Department has reviewed Council's submission and is preparing a report for the Minister to consider before making a decision.

To ensure that the draft LEP does not require re-exhibition, is consistent with State Government policy and that issues raised in submissions to the Department are resolved, the Department is recommending a number of mapping changes.

To implement the changes recommended by the Department, I request that Council make the following amendments to the draft LEP maps.

1. Floor space ratio map 001 and Height of building map 001 – amend to apply a floor space ratio control of 1.5:1 and a height limit of 27 metres to the land at 357 Glebe Point Road, Glebe.
2. Floor space ratio map 007 and Height of building map 007– amend to apply a floor space ratio control of 2:1 and a height limit of 25 metres to the land at 38-42 Pirrama Road, Pymont (the REVY site).
3. Floor space ratio map 015 and Height of building map 015 – amend to apply a floor space ratio control of 6.5:1 and a height limit of 29 metres to the land at 216-220 and 222-226 Elizabeth Street, Surry Hills (Sharpies Golf House).
4. Floor space ratio map 015 and Height of building map 015 – amend to apply a floor space ratio control of 3:1 and a height limit of 18 metres to the land at 43 Riley Street, Woolloomooloo.
5. Height of building map 018 – amend to apply a height limit of 12 metres to land at 106-116 Epsom Road, Zetland (but only to the part of the site proposed to be dedicated to Council for community use), 132-138 Joynton Avenue, Zetland and 140 Joynton Avenue, Zetland.

I would appreciate the above amendments being made as quickly as possible to ensure that the draft LEP is progressed in a timely manner. Should you wish to discuss these matters further, please contact Mr Daniel Cutler of the Department's Sydney Region East branch. Mr Cutler can be contacted on telephone number 9228 6475 or via email to [Daniel.cutler@planning.nsw.gov.au](mailto:Daniel.cutler@planning.nsw.gov.au) .

Yours sincerely

*Grant* 3/9/12

for

Neil McGaffin  
Executive Director  
Planning Operations

# **ATTACHMENT F**

**PROPERTIES NSW SALE BROCHURE,  
UNDATED. TENDER NO. 1400919**



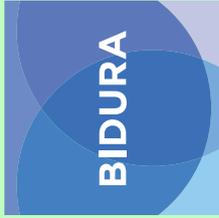
# BIDURA

○

357 Glebe Point Road  
Glebe



Rarely does a well located property with such a substantial site area, benefitting from uninterrupted harbour and Sydney CBD views, come up for sale - developers take note!



357 Glebe Point Road  
Glebe



## INTRODUCTION

On behalf of Government Property NSW, Savills as exclusive selling agents are delighted to offer to the market 357 Glebe Point Road, Glebe, a 5,556sq m (approx.) parcel of land benefitting from three street frontages. The property currently accommodates the Bidura Children's Court and Remand Centre, a multi storey building with basement parking constructed in the 1980's and Bidura House and Ballroom constructed in the late 1850's.

357 Glebe Point Road represents a unique opportunity to acquire one of the last remaining substantial land holdings in Glebe. Offering excellent residential development upside (STCA), the property is situated within close proximity to The University of Sydney, University of Technology, Broadway Shopping Centre, Darling Harbour, The Star Casino and the Sydney CBD.

The property will be sold with a two (2) year net leaseback agreement in place to the NSW Government providing the purchaser with holding income whilst they obtain Development Approval for a redevelopment of the site.

357 Glebe Point Road is being sold by way of Tender with Tenders to be submitted by hand to:

Mckell Building  
Level 3 (Ground Floor)  
2-24 Rawson Place  
Sydney NSW 2000

Clearly Marked:

Government Property NSW  
Attn: Olga Masella  
Request for Tender No. 1400919, 357 Glebe Point Road,  
Glebe NSW, Australia 2037

**Tenders must be received by 9:30am, 13 November 2014.**

## KEY SELLING FEATURES

- Impressive site area of 5,556sq m. (approx.)
- Three street frontages with excellent ingress/egress
- Located less than 2.5kms from the Sydney CBD
- Uninterrupted panoramic Sydney Harbour, Sydney Harbour Bridge, Sydney CBD and district views
- Excellent residential development potential (STCA)
- Flexible zoning, B2 Local Centre, under the Sydney LEP 2012,
- 250 metres to Glebe Light Rail Station providing direct access to the Sydney CBD
- Excellent demand for residential apartments in this location.
- Situated within close proximity to The University of Sydney, University of Technology, Broadway Shopping Centre, The Star Casino and the Sydney Central Business District
- Cosmopolitan lifestyle

Transaction managed on behalf of the NSW Government



## EXECUTIVE SUMMARY

### PROPERTY ADDRESS

357 Glebe Point Road, Glebe NSW 2037

### TITLE:

Lot 1 in DP64069

### SITE AREA:

5,556sq m\*

### STREET FRONTAGES:

Glebe Point Road: 39,725 metres\*  
Ferry Lane: 117,285 metres\*  
Avon Street: 21,785 metres\*

### LESSEE:

Government Property NSW

### NET INCOME:

As a condition of sale the property will be leased back to Government Property NSW for a 2 year term at a net rental of \$544,969 per annum + GST.

### LOCAL GOVERNMENT AREA:

City of Sydney Council

### ZONING:

B2 Local Centre

### FSR:

1.51

### HEIGHT LIMIT:

A combination of 9 metres and 27 metres across the site

### EXISTING IMPROVEMENTS:

The property accommodates the Bidura Children's Court and Remand Centre, a multi-storey building with basement parking constructed in the 1980's and Bidura House and Ballroom constructed in the late 1850's.

### EXISTING NET LETTABLE AREA:

Bidura House & Ballroom – 466sq m\*

Courthouse and Remand Centre – Approx. 3,986sq m\*

### EXISTING CAR PARKING:

49 existing marked car spaces

### METHOD OF SALE:

The property will be sold by way of Tender. Tenders are to be lodged by 9:30am, Thursday, 13 November 2014 at:

Department of Finance and Services,  
McKell Building, Level 3 (Ground Floor)  
2-24 Rawson Place, Sydney NSW 2000

Tenders must be clearly marked:  
Government Property NSW  
Attn: Olga Masella

Request for Tender No. 1400919, 357 Glebe Point Road, Glebe NSW Australia 2037

**Please Note: Interested parties are requested to lodge their final and best offer by the Tender closing date. There will be no subsequent bidding rounds.** Interested parties must lodge their interest in accordance with the Tender Conditions document.

### VENDOR AGENT DETAILS

#### Stuart Cox

Divisional Director – Residential Site Sales  
+61(O) 438 770 867  
+61 2 8215 8810  
scox@savills.com.au

#### Simon Fenn

Managing Director - NSW  
+61(O) 438 573 431  
+61 2 8215 8830  
sfenn@savills.com.au



\*Approx

*“Glebe is a hotly contested city fringe suburb with few opportunities to acquire a site like this available”*

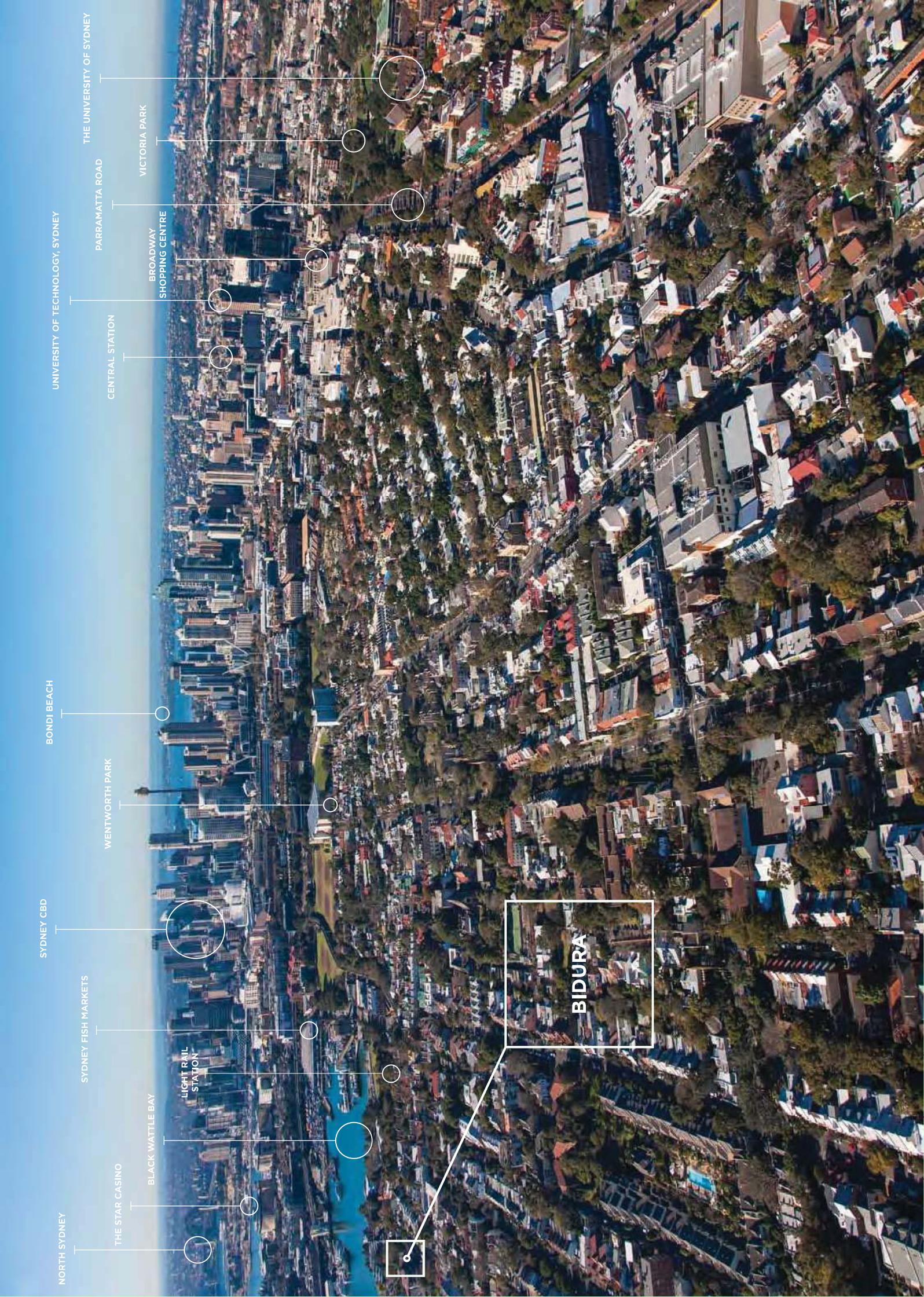


## PROPERTY HIGHLIGHTS

357 Glebe Point Road represents a unique opportunity to acquire one of the last remaining large land holdings within Glebe, with a favourable redevelopment zoning that will provide for retention of the existing Heritage Bidura House and the construction of a residential development on the balance of the site (STCA) extending from 9 metres up to 27 metres.

Property Highlights include:

- Impressive site area of 5,556sq m (approx.)
- Three street frontages with excellent ingress/egress
- Uninterrupted panoramic Sydney Harbour, Sydney Harbour Bridge, Sydney CBD and district views
- Located less than 2.5kms from Sydney CBD
- Excellent residential development potential (STCA)
- Flexible zoning, B2 Local Centre, under the Sydney LEP 2012
- 250 metres to Glebe Light Rail Station providing direct access to the Sydney CBD
- Excellent demand for residential apartments in this location
- Sold with a 2 year net leaseback agreement in place
- Situated within close proximity to The University of Sydney, University of Technology, Broadway Shopping Centre, The Star Casino and the Sydney Central Business District
- Cosmopolitan lifestyle



NORTH SYDNEY

THE STAR CASINO

BLACK WATTLE BAY

LIGHT RAIL STATION

SYDNEY FISH MARKETS

SYDNEY CBD

WENTWORTH PARK

BONDI BEACH

CENTRAL STATION

UNIVERSITY OF TECHNOLOGY, SYDNEY

PARRAMATTA ROAD

BROADWAY SHOPPING CENTRE

VICTORIA PARK

THE UNIVERSITY OF SYDNEY

BIDURA

## LOCATION

357 Glebe Point Road is ideally situated on the eastern side of Glebe Point Road between Ferry Road and Forsyth Street within the suburb of Glebe.

Glebe is surrounded by Blackwattle Bay and Rozelle Bay, inlets of Sydney Harbour, to the north, Ultimo to the east, and the suburbs of Annandale and Forest Lodge to the west. The southern boundary is formed by Parramatta Road and Broadway.

Featuring a truly cosmopolitan vibe, Glebe Point Road is the thoroughfare through the suburb of Glebe, known for its specialty shops, cafés and a variety of renowned restaurants, possibly the most culturally diverse in Sydney – Indian, Thai, Italian, Nepalese, Dutch-Indonesian, Spanish and Chinese. On the weekend, the precinct comes alive with the Glebe Markets being held along Glebe Point Road.

Schools within the suburb of Glebe include Glebe Public School (on Glebe Point Road), St James Catholic School (on Woolley Street), Forest Lodge Public School (Pymont Bridge Road) and St Scholastica's College (on Avenue Road). The Blackwattle Bay Campus of Sydney Secondary College sits on the site of the old Glebe High School.

The Dulwich Hill Line of Sydney's light rail network has two stations in this suburb, namely, Glebe and Jubilee Park, with the journey from Glebe to Central railway station taking just twenty minutes. Government buses run regularly from Millers Point via George Street, Broadway and Glebe Point Road, terminating at Glebe Point and Balmain respectively. The journey time from Glebe Point Road to Town Hall on either of these services is typically between ten and twenty minutes. Glebe Point Road is also serviced by government buses, which run from Leichhardt to Coogee via Newtown, Alexandria and UNSW.

19th Century housing stock is largely intact within the suburb of Glebe, having undergone restoration as a result of gentrification. It is popular with city workers and students due to its proximity to the Central Business District as well as The University of Sydney, University of Technology Sydney, and University of Notre Dame Australia. Glebe is popular with tourists due to the bars and cafes of Glebe Point Road and the aforementioned proximity to the City.

### LOCAL AMENITIES AND FACILITIES INCLUDE:

- University of Sydney – 900 metres\*
- University of Technology – 1.5kms\*
- Broadway Shopping Centre – 1.3kms\*
- Central Railway Station – 2.0kms\*
- Darling Harbour – 1.3kms\*
- Sydney Central Business District – 2.3kms\*
- Circular Quay – 2.85kms\*

\*Approx



Victoria Park



Broadway Shopping Centre



Central Station



Glebe Point Road



Glebe Point Road

## SITE AREA AND PARTICULARS

Site Area – 5,556sq m (as per Site Survey, dated February 2014)

Glebe Point Road: 39,725 metres\*  
 Ferry Lane: 117,285 metres\*  
 Avon Street: 21,785 metres\*

## PROPERTY DESCRIPTION

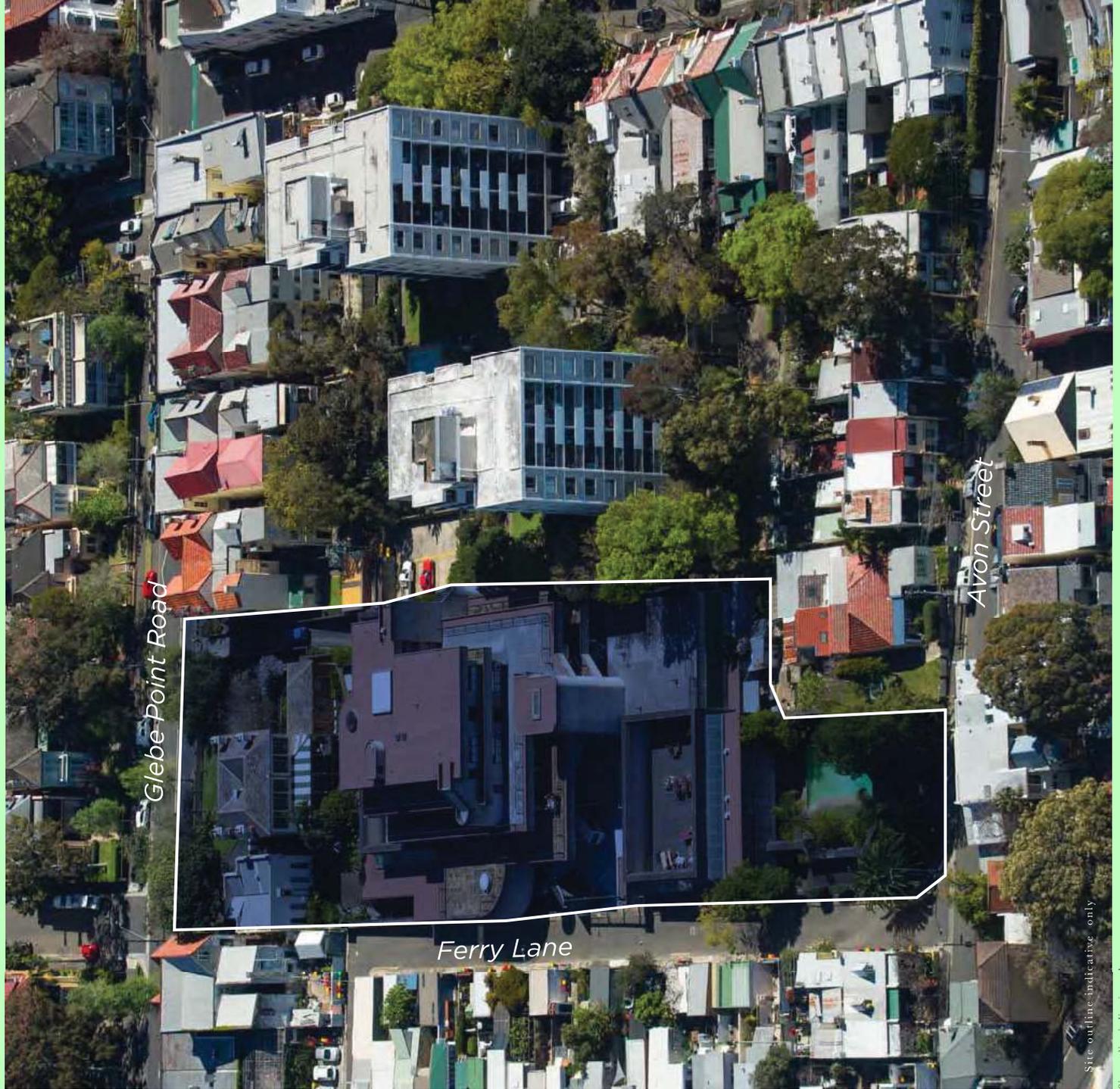
357 Glebe Point Road, Glebe, comprises 5,556 square metres of land with frontages to Glebe Point Road, Avon Street and Ferry Lane. It slopes moderately to the east, away from the Glebe Point Road frontage and contains two groups of buildings: "Bidura", the main house and Ballroom erected in two stages in the mid 1850's and the Remand Centre and Children's Court, erected in the 1980's.

"Bidura House", designed by renowned architect Edmund Thame Blacket, presents as a fine two storey Victorian Regency house set back from Glebe Point Road behind an expansive garden. The primary vehicular access to the site is from Glebe Point Road to the north of the house where a driveway provides access to parking below the building at the rear. The admission and deliveries yard is accessed via Ferry Lane. The main (Glebe Point Road) street frontage is delineated by a timber picket fence. The fence returns part way down the site boundary along the side of the vehicular accessway to the Remand Centre and the Children's Court to the rear. The landscaped area at the front of the house is a notable feature of the site, where the early carriageway alignment, garden layout, lawns, and stone retaining wall form a fine urban setting for the early residence. There are several mature trees located near the street frontage and to the immediate rear of the early residence, and established plantings at the Avon Street frontage.

The site is currently occupied by two (2) Government agencies, subject to Occupation Agreements with Government Property NSW.

## EXISTING BUILDING AREA SCHEDULE

	Bidura House		Courthouse and Remand Centre	
	Internal	External	Internal	External
Lower Ground Floor	148.50	39.20		
Ballroom	82.80			
Ground floor	122.20	69.40		
First Floor	113.00			
Level 1 (carpark)			821.50	
Level 2 (mezzanine)			15.00	
Level 3 *			1,583.66	364.46
Level 4			539.00	308.30
Level 5			453.70	357.78
Level 6			319.00	332.73
Level 7			254.10	176.26
<b>Total</b>	<b>466.50</b>	<b>108.60</b>	<b>3,985.96</b>	<b>1,539.53</b>



Site outline indicative only

14 BIDURA

## NET LEASE

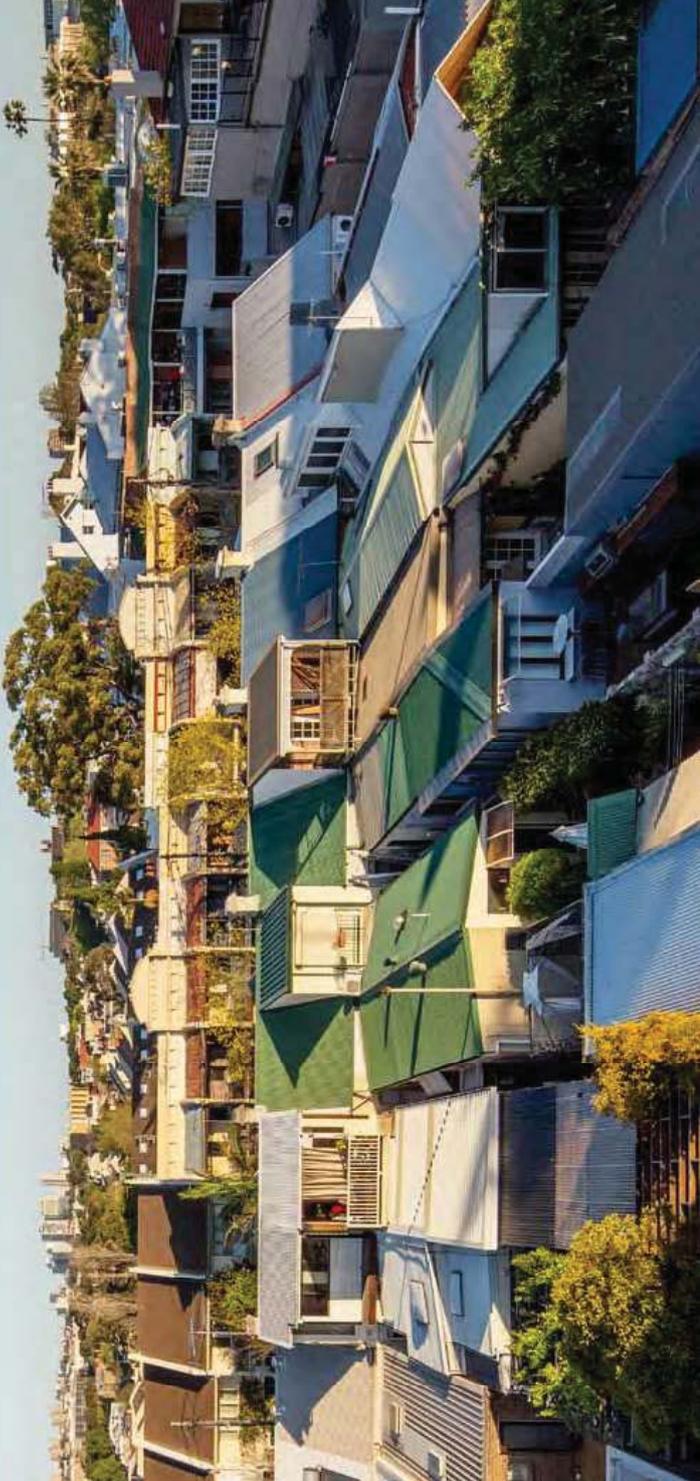
The property will be sold with a net lease in place to Government Property NSW.

**Term:** 2 years

**Premises:** Whole of the land including the building and 49 car spaces  
**Permitted Use:** Office accommodation and Juvenile Court, any other Government purpose and any other use permitted by law from time to time.

**Rent:** \$544,969 per annum + GST

As part of this lease the Tenant must pay all outgoings including rates and taxes.



## TOWN PLANNING AND DEVELOPMENT POTENTIAL

The property is zoned B2 Local Centre under the provisions of the Sydney Local Environmental Plan 2012.

### ZONE B2 LOCAL CENTRE

#### OBJECTIVES OF ZONE

- To provide a range of retail, business, entertainment and community uses that serve the needs of people who live in, work in and visit the local area.
- To encourage employment opportunities in accessible locations.
- To maximise public transport patronage and encourage walking and cycling.
- To allow appropriate residential uses so as to support the vitality of local centres.

#### PERMITTED WITHOUT CONSENT

Nil

#### PERMITTED WITH CONSENT

Boarding houses; Child care centres; Commercial premises; Community facilities; Educational establishments; Entertainment facilities; Function centres; Home industries; Information and education facilities; Medical centres; Passenger transport facilities; Recreation facilities (indoor); Registered clubs; Respite day care centres; Restricted premises; Roads; Service stations; Shop top housing; Tourist and visitor accommodation; any other use not specifically prohibited or permitted without consent.

#### PROHIBITED

Depots; Extractive industries; Freight transport facilities; Heavy industrial storage establishments; Industrial retail outlets; Industries; Storage premises; Transport depots; Truck depots; Warehouse or distribution centres.

#### FSR:

1.5:1.0

#### MAXIMUM HEIGHT LIMIT:

- 9 metres fronting Glebe Point Road
- 27 metres throughout the centre of the site
- 9 metres fronting Avon Street

#### HERITAGE

Item I763 within Schedule 5 of the Sydney Local Environmental Plan 2012 classifies Bidura House, ballroom and garden as items of Local Heritage Significance. The Remand Centre is not listed as an item of heritage significance.



## PROPOSED DEVELOPMENT

Kamm Finch architects have prepared an indicative development concept scheme for the property based on the development controls pertaining to the site.

The concept scheme proposes retention of the existing heritage Bidura House, ballroom and established front garden area fronting Glebe Point Road with the Bidura House and ballroom being utilised as a cafe/restaurant complete with outdoor seating. This outdoor seating area and landscaped garden area are positioned to the east of Bidura House within the expansive separation space between Bidura House and the proposed medium density residential unit development.

The proposed residential redevelopment of the site would involve demolition of the existing remand centre with potential retention of the existing basement car park and the construction of a part 5 storey and part 8 storey residential flat building together with 14 townhouses fronting Ferry Lane and Avon Street.

The 5 storey residential apartment building is located towards the centre of the site fronting Ferry Lane. This apartment building proposes approx. 1,132sq m of floor space area and approx. 962sq m of net saleable area (STCA). This building will capture uninterrupted panoramic Sydney Harbour, Sydney CBD and district views from the upper levels.

The 8 storey residential apartment building is located immediately north of the 5 storey apartment building positioned directly within the centre of the 5,556sq m site. This apartment building proposes approx. 7,037sq m of floor space area and approx. 6,062sq m of net saleable area (STCA). This building will also capture uninterrupted panoramic Sydney Harbour, Sydney CBD and district views from the mid to upper levels. A pool, deck and landscaped garden area is proposed to be constructed within the grounds immediately to the east of this development.

14 townhouses are proposed to the eastern and south eastern elevation of the site with five (5) townhouses fronting Avon Street and nine (9) townhouses fronting Ferry Lane providing approx. 1,443sq m of floor space area and approx. 1,227sq m of net saleable area (STCA).

A public access and open space area is proposed within the redevelopment of the site allowing the public to enter the property via Glebe Point Road and exit via Ferry Lane.

Provision of this open space and through site link will assist with the design excellence envisaged for the site.

Access to the secure basement car park will be via the existing driveway extending off Glebe Point Road towards the north-western elevation of the site. Vehicular access to the basement car park for the townhouses is via a driveway extending off Avon Street to the north eastern elevation of the site.

The above gross floor area estimates include achieving a design excellence bonus of 10%.

Total floor space area proposed within this scheme equates to 9,612sq m or 8,250sq m of net saleable area.

This proposed scheme is indicative only and purchasers should make their own enquiries with regards to the development potential of the site.

### INDICATIVE AREA SCHEDULE (APPROXIMATE)

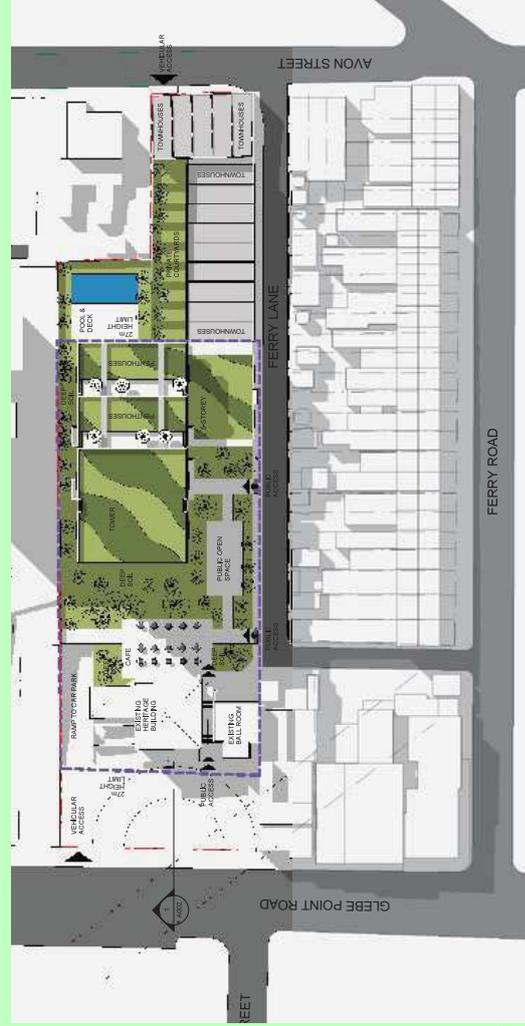
Level	Floor Space Area	NSA
<b>Townhouses</b>		
G	681sq m	579sq m
O1	762sq m	648sq m
<b>Sub-total</b>	<b>1,442sq m</b>	<b>1,227sq m</b>
<b>5- storey</b>		
O2	283sq m	240sq m
O3	283sq m	240sq m
O4	283sq m	240sq m
O5	283sq m	240sq m
<b>Sub-total</b>	<b>1,132sq m</b>	<b>962sq m</b>
<b>Tower</b>		
O3	968sq m	833sq m
O4	968sq m	833sq m
O5	968sq m	833sq m
O6	968sq m	833sq m
O7	968sq m	833sq m
O8	730sq m	630sq m
O9	497sq m	432sq m
O2	968sq m	833sq m
<b>Sub-total</b>	<b>7,037sq m</b>	<b>6,062sq m</b>
<b>Grand total</b>	<b>9,612sq m</b>	<b>8,250sq m</b>

• INCLUDES HERITAGE BUILDING (466sq m)

• INCLUDES ACHIEVING DESIGN EXCELLENCE BONUS OF 10%



Aerial view of the site showing the proposed development footprint in blue.



*“Potential views to  
the Sydney CBD  
and beyond.”*

## DUE DILIGENCE ROOM

The following information will be provided within the Due Diligence Room and made available to interested parties upon request:

- Site Survey, dated February 2014
- Heritage Overview Report, dated September 2014
- Existing Bidura Site Plan and Building Survey, dated June 2009
- Preliminary Environmental Site Assessment, dated March 2014
- HAZMAT Report, dated October 2013
- NABERS – WATER Certificate
- NABERS – Energy Certificate
- Net Lease agreement
- Tender Documents
- Sales Contract

To access the Due Diligence information pertaining to this unique development opportunity please click on the link below:

<https://tenders.nsw.gov.au/>

## SALES PROCESS

357 Glebe Point Road is being offered for sale by way of Tender. Tenders must be received by hand, no later than 9:30am, Thursday, 13 November 2014 at Department of Finance and Services, McKell Building, Level 3 (Ground Floor), 2-24 Rawson Place, Sydney NSW 2000.

## INSPECTION DETAILS

To inspect the property, interested parties must make prior arrangements via the Vendor's exclusive agent, Savills (NSW) Pty Ltd (Stuart Cox and Simon Fenn).

## SCHEDULED INSPECTION TIMES

Interested parties are asked to register their interest in inspecting the property prior to the day that they wish to inspect the property.

- 17 October Friday 10am to 12pm
- 24 October Friday 10am to 12pm
- 31 October Friday 10am to 12pm
- 7 November Friday 10am to 12pm

### Stuart Cox

Divisional Director – Residential Site Sales  
+61(O) 438 770 867  
+61 2 8215 8810  
scox@savills.com.au

### Simon Fenn

Managing Director - NSW  
+61(O) 438 573 431  
+61 2 8215 8830  
sfenn@savills.com.au



**BIDURA**

o

357 Glebe Point Road  
Glebe

savills



Government  
Property NSW

Disclaimer: The material contained in this Information Memorandum has been prepared in good faith by Savills solely for the information of potential purchasers to assist them in deciding whether they are interested in the opportunity presented in this document. The information does not form part of any offer or contract and is intended as a guide only. You should not rely on any material contained in the Information Memorandum but should make independent investigations to satisfy yourselves as to the accuracy of any material. Savills and the Vendor do not make any representations or warranties as to the accuracy of the material and do not assume any liability for negligence or otherwise in connection with any material contained in this Information Memorandum.

# **ATTACHMENT G**

**SECTION 149 PLANNING CERTIFICATE  
ISSUED BY COUNCIL DURING 2014**

FOSTER & FOSTER PTY LIMITED  
DX 208  
SYDNEY NSW

## PLANNING CERTIFICATE

*Under Section 149 of the Environmental Planning and Assessment Act, 1979*

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**Applicant:** FOSTER & FOSTER PTY LIMITED  
**Applicant's reference:** F76304 (1083866)  
**Address of property:** 357 Glebe Point Road , GLEBE NSW 2037  
**Owner:** GOVERNMENT PROPERTY NSW  
**Description of land:** Lot 1 DP 64069  
**Certificate No.:** 2014305021  
**Certificate Date:** 31/07/14  
**Receipt No:** 5187677  
**Fee:** \$226.00  
**Paid:** 31/07/14

Title information, description, dimensions and area of land are provided from data supplied by the Valuer General and shown where available.



Issuing Officer  
per **Monica Barone**  
*Chief Executive Officer*

### **CERTIFICATE ENQUIRIES:**

Ph: 9265 9333  
Fax: 9265 9415

**PLANNING CERTIFICATE UNDER SECTION 149 (2) OF THE ENVIRONMENTAL  
PLANNING AND ASSESSMENT ACT, 1979**

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**MATTERS AFFECTING THE LAND AS PRESCRIBED BY SCHEDULE 4 -  
ENVIRONMENTAL PLANNING & ASSESSMENT REGULATION, 2000, CLAUSES (1) - (2).**

**DEVELOPMENT CONTROLS**

*The following information must be read in conjunction with and subject to all other provisions of the environmental planning instruments specified in this certificate.*

**ZONING**

**Zone B2 Local Centre (Sydney Local Environmental Plan 2012)**

**1 Objectives of zone**

- To provide a range of retail, business, entertainment and community uses that serve the needs of people who live in, work in and visit the local area.
- To encourage employment opportunities in accessible locations.
- To maximise public transport patronage and encourage walking and cycling.
- To allow appropriate residential uses to support the vitality of local centres.

**2 Permitted without consent**

Nil

**3 Permitted with consent**

Boarding houses; Child care centres; Commercial premises; Community facilities; Educational establishments; Entertainment facilities; Function centres; Home industries; Information and education facilities; Medical centres; Passenger transport facilities; Recreation facilities (indoor); Registered clubs; Respite day care centres; Restricted premises; Roads; Service stations; Shop top housing; Tourist and visitor accommodation; Any other development not specified in item 2 or 4

**4 Prohibited**

Depots; Extractive industries; Freight transport facilities; Heavy industrial storage establishments; Industrial retail outlets; Industries; Storage premises; Transport depots; Truck depots; Warehouse or distribution centres

**PROPOSED ZONING**

This property is not affected by a draft zone.

**LOCAL PLANNING CONTROLS**

**Sydney Local Environmental Plan 2012 (as amended) – Published 14 December 2012  
NSW Legislation Website.**

**Sydney Development Control Plan 2012 (as amended) - (commenced 14.12.2012)**

## HERITAGE

### **Conservation Area**

*(Sydney Local Environmental Plan 2012)*

This property has been identified as land within a Heritage Conservation Area.

### **Item of Environmental Heritage**

*(Sydney Local Environmental Plan 2012)*

This property has been listed as an Item of Environmental Heritage

### **State Heritage Register (Amendment To Heritage Act, 1977 Gazetted 2/4/99)**

This property may be identified as being of state heritage significance, and entered on the State Heritage Register.

To confirm whether the site is listed under the Heritage Act 1977 a Section 167 Certificate should be obtained from the NSW Heritage Office by contacting the NSW Heritage office on (02) 9873 8500 for an application form or by downloading the application form from [www.heritage.nsw.gov.au](http://www.heritage.nsw.gov.au)

## STATE PLANNING INSTRUMENTS

*Full copies of State Environmental Planning Policies are available online at [www.planning.nsw.gov.au](http://www.planning.nsw.gov.au).*

### **State Environmental Planning Policy No. 4 – Development without Consent and Miscellaneous Complying Development**

This policy allows relatively simple or minor changes of land or building use and certain types of development by public authorities without the need for formal development applications. The types of development covered are outlined in the policy.

### **State Environmental Planning Policy No. 6 – Number of Storeys in a Building**

This policy sets out a method for determining the number of storeys in a building, to prevent possible confusion arising from the interpretation of various environmental planning instruments.

### **State Environmental Planning Policy No. 10 – Retention of Low-Cost Accommodation**

This policy aims to provide a mechanism for the retention of low-cost rental accommodation. The policy establishes criteria for determining a low-cost rental residential building (including boarding houses, hostels and low rental residential flat buildings), matters for Council consideration and requirements for development proposed under the policy.

### **State Environmental Planning Policy No. 19 – Bushland in Urban Areas**

This is a policy to protect and preserve bushland within certain urban areas, as part of the natural heritage or for recreational, educational and scientific purposes. This policy is designed to protect bushland in public open space zones and reservations, and to ensure that bush preservation is given a high priority when local environmental plans for urban development are prepared.

**State Environmental Planning Policy No. 22 – Shops and Commercial Premises**

This policy allows, with the consent of Council, a change of use from a shop to another kind of shop or commercial premises, where the new use is prohibited under an environmental planning instrument.

**State Environmental Planning Policy No. 32 – Urban Consolidation**

This policy implements the principles of urban consolidation, including the orderly, economic use and development of land. The policy enables urban land which is no longer required for the purpose for which it is currently zoned or used to be redeveloped for multi-unit housing and related development.

**State Environmental Planning Policy No. 33 – Hazardous and Offensive Development**

This policy aims to amend the definitions of hazardous and offensive industries; to render ineffective any environmental planning instruments not defining hazardous or offensive as per this policy; to control development of hazardous and offensive industries.

**State Environmental Planning Policy No. 55 – Remediation of Land**

This policy provides planning controls for the remediation of contaminated land. The policy states that land must not be developed if it is unsuitable for a proposed use because it is contaminated. If the land is unsuitable, remediation must take place before the land is developed. The policy makes remediation permissible across the State, defines when consent is required, requires all remediation to comply with standards, ensures land is investigated if contamination is suspected, and requires councils to be notified of all remediation proposals. To assist councils and developers, the Department, in conjunction with the Environment Protection Authority, has prepared Managing Land Contamination: Planning Guidelines.

**State Environmental Planning Policy No. 64 – Advertising and Signage**

This policy aims to ensure that signage (including advertising):

Is compatible with the desired amenity and visual character of an area, and

- Provides effective communications in suitable locations, and
- Is of a high quality design and finish.

To this end the policy regulates signage (but not content) under Part 4 of the Act and provides limited time consents for the display of certain advertisements. The policy does not apply to signage that is exempt development under an environmental planning instrument. It does apply to all signage that can be displayed with or without consent and is visible from any public place or reserve, except as provided by the policy.

This policy should be read in conjunction with the Sydney Local Environmental Plan 2005, the City of Sydney Signage and Advertising Structures Development Control Plan 2005 and State Environmental Planning Policy No. 60 where these apply.

**State Environmental Planning Policy No. 65 – Design Quality of Residential Flat Buildings**

This policy aims to improve the design quality of flats of three or more storeys with four or more self contained dwellings. The policy sets out a series of design principles for local councils to consider when assessing development proposals for residential flat development. The policy also creates a role for an independent design review panel and requires the involvement of a qualified designer in the design and approval process.

**State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004**

This Policy does not apply to land described in Schedule 1 (Environmentally sensitive land), or land that is zoned for industrial purposes, or land to which an interim heritage order made under the *Heritage Act 1997* by the Minister administering that Act applies, or land to which a listing on the State Heritage Register kept under the *Heritage Act 1997* applies.

The Policy aims to encourage the provision of housing (including residential care facilities) that will increase the supply and diversity of residences that meet the needs of seniors or people with a disability, and make efficient use of existing infrastructure and services, and be of good design.

**State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004**

Aims to ensure consistency in the implementation of the BASIX scheme throughout the State. This Policy achieves its aim by overriding provisions of other environmental planning instruments and development control plans that would otherwise add to, subtract from or modify any obligations arising under the BASIX scheme.

**State Environmental Planning Policy (Major Development) 2005**

This Policy aims to identify development of economic, social or environmental significance to the State or regions of the State so as to provide a consistent and comprehensive assessment and decision making process for that development.

NB: This SEPP also contains exempt & complying provisions

**State Environmental Planning Policy (Mining, Petroleum Production and Extractive Industries) 2007**

This Policy aims to provide for the proper management and development of mineral, petroleum and extractive material resources for the social and economic welfare of the State.

**State Environmental Planning Policy (Temporary Structures and Places of Public Entertainment) 2007**

This Policy aims to ensure that suitable provision is made for ensuring the safety of persons using temporary structures or places of public entertainment.

**State Environmental Planning Policy (Infrastructure) 2007**

This Policy aims to facilitate the effective delivery of infrastructure across the state.

NB: This SEPP also contains exempt & complying provisions

**State Environmental Planning Policy (Repeal of Concurrence and Referral Provisions) 2008**

This Policy is an 'amending instrument' that removes or modifies referral and concurrence clauses within local environmental plans (LEPs), regional environmental plans (REPs) and State environmental planning policies (SEPPs).

**State Environmental Planning Policy (Exempt and Complying Development Codes) 2008**

This Policy Streamlines assessment processes for development that complies with specified development standards. The policy provides exempt and complying development codes that have State-wide application, identifying, in the General Exempt Development Code, types of development that are of minimal environmental impact that may be carried out without the need for development consent; and, in the General Housing Code, types of complying development that may be carried out in accordance with a complying development certificate as defined in the Environmental Planning and Assessment Act 1979.

**State Environmental Planning Policy (Affordable Rental Housing) 2009**

Establishes a consistent planning regime for the provision of affordable rental housing. The policy provides incentives for new affordable rental housing, facilitates the retention of existing affordable rentals, and expands the role of not-for-profit providers. It also aims to support local centres by providing housing for workers close to places of work, and facilitate development

of housing for the homeless and other disadvantaged people. NOTE: Does not apply to land at Green Square or at Ultimo Pyrmont

**State Environmental Planning Policy (Urban Renewal) 2010**

The aims of this Policy are as follows:

- (a) to establish the process for assessing and identifying sites as urban renewal precincts,
- (b) to facilitate the orderly and economic development and redevelopment of sites in and around urban renewal precincts,
- (c) to facilitate delivery of the objectives of any applicable government State, regional or metropolitan strategies connected with the renewal of urban areas that are accessible by public transport.

**State Environmental Planning Policy (State and Regional Development) 2011**

The aims of this Policy are as follows:

- (a) to identify development that is State significant development,
- (b) to identify development that is State significant infrastructure and critical State significant infrastructure,
- (c) to confer functions on joint regional planning panels to determine development applications.

**Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005**

This plan applies to land within the Sydney Harbour Catchment, as shown edged heavy black on the Sydney Harbour Catchment Map, being part of the Sydney Region declared by order published in Gazette No 38 of 7 April 1989 at page 1841.

This plan has the following aims with respect to the Sydney Harbour Catchment:

to ensure that the catchment, foreshores, waterways and islands of Sydney Harbour are recognised, protected and maintained: as outstanding natural asset, and as a public asset of national and heritage significance, for existing and future generations; to ensure a healthy, sustainable environment on land and water; to achieve a high quality urban environment; to ensure a prosperous working waterfront and an effective transport corridor, to encourage a culturally rich and vibrant place for people; to ensure accessibility to and along Sydney Harbour and its foreshores; to ensure the protection, maintenance and rehabilitation of watercourses, wetlands, riparian lands, remnant vegetation and ecological connectivity, to provide a consolidated, simplified and updated legislative framework for future planning.

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**OTHER MATTERS AFFECTING THE LAND AS PRESCRIBED BY SCHEDULE 4 -  
E. P. & A. REGULATION, 2000. CLAUSES (3) - (10)**

**(3) Complying Development**

- (1) The extent to which the land is land on which complying development may be carried out under each of the codes for complying development because of the provisions of clauses 1.17A (1) (c) to (e), (2), (3) and (4), 1.18(1)(c3) and 1.19 of *State Environmental Planning Policy (Exempt and Complying Development Codes) 2008*.
- (2) The extent to which complying development may not be carried out on that land because of the provisions of clauses 1.17A (1) (c) to (e), (2), (3) and (4), 1.18(1)(c3) and 1.19 of that Policy and the reasons why it may not be carried out under those clauses.
- (3) If the council does not have sufficient information to ascertain the extent to which complying development may or may not be carried out on the land, a statement that a restriction applies to the land, but it may not apply to all of the land, and that council does not have sufficient information to ascertain the extent to which complying development may or may not be carried out on the land.

**Note: All Exempt and Complying Development Codes:** Council does not have sufficient information to ascertain the extent of a land based exclusion on a property. Despite any statement preventing the carrying out of complying development in the Codes listed below,

complying development may still be carried out providing the development is not on the land affected by the exclusion and meets the requirements and standards of *State Environmental Planning Policy (Exempt and Complying Development Codes) 2008*.

**General Housing Code & Commercial and Industrial (New Buildings and Additions) Code**

Complying development **may not** be carried out on the land under the General Housing Code & the Commercial and Industrial (New Buildings and Additions) Code if because of the provisions of clause 1.17A,1.18(1)(c3) & 1.19 (Land-based requirements for exempt and complying development) any of the following statements are **YES**

<ul style="list-style-type: none"> <li>▪ Clause 1.19(5)d. Land that is significantly contaminated land within the meaning of the Contaminated Land Management Act 1997. (Applies only to the Commercial and Industrial (New Buildings and Additions) Code.</li> </ul>	<b>NO</b>
<ul style="list-style-type: none"> <li>▪ Clause 1.17A(d). Has been identified as a property that comprises, or on which there is, an item that is listed on the State Heritage Register under the <i>Heritage Act 1977</i> or that is subject to an interim heritage order under the <i>Heritage Act 1977</i>.</li> </ul>	<b>NO</b>
<ul style="list-style-type: none"> <li>▪ Clause 1.17A(d) &amp; 1.18(1)(c3). Has been identified as a property that comprises, or on which there is, a heritage item or draft heritage item.</li> </ul>	<b>YES</b>
<ul style="list-style-type: none"> <li>▪ Clause 1.17A(c). Has been identified as being within a wilderness area (identified under the <i>Wilderness Act 1987</i>.</li> </ul>	<b>NO</b>
<ul style="list-style-type: none"> <li>▪ Clause 1.17A(e) &amp; 1.19(1)e or 1.19(5)f. Has been identified as land that is within an environmentally sensitive area or by an environmental planning instrument as being within a buffer area, a river front area, an ecologically sensitive area, environmentally sensitive land or a protected area</li> </ul>	<b>NO</b>
<ul style="list-style-type: none"> <li>▪ Clause 1.19(1)a.or 1.19(5)a Has been identified as being within a heritage conservation area or a draft heritage conservation area.</li> </ul>	<b>YES</b>
<ul style="list-style-type: none"> <li>▪ Clause 1.19(1)b or 1.19(5)b. Has been identified as being land that is reserved for a public purpose in an environmental planning instrument.</li> </ul>	<b>NO</b>
<ul style="list-style-type: none"> <li>▪ Clause 1.19(1)c or 1.19(5)c. Has been identified as being on an Acid Sulfate Soils Map as being Class 1 or Class 2.</li> </ul>	<b>NO</b>
<ul style="list-style-type: none"> <li>▪ Clause 1.19(1)d or 1.19(5)e. Has been identified as land that is subject to a biobanking agreement under part 7A of the threatened Species Conservation Act 1995 or a property vegetation plan under the Native Vegetation Act 2003.</li> </ul>	<b>NO</b>
<ul style="list-style-type: none"> <li>▪ Clause 1.19(1)f or 1.19(5)g. Has been identified by an environmental planning instrument, a development control plan or a policy adopted by the Council as being or affected by a coastline hazard, a coastal hazard or a coastal erosion hazard.</li> </ul>	<b>NO</b>
<ul style="list-style-type: none"> <li>▪ Clause 1.19(1)g or 1.19(5)h. Has been identified as being land in a foreshore area.</li> </ul>	<b>NO</b>
<ul style="list-style-type: none"> <li>▪ Clause 1.19(1)h. Has been identified as land that is in the 25 ANEF contour or a higher ANEF contour. (Applies only to the General Housing Code)</li> </ul>	<b>NO</b>
<ul style="list-style-type: none"> <li>▪ Clause 1.19(1)j or 1.19(5)i. Has been identified as unsewered land within a drinking water catchment.</li> </ul>	<b>NO</b>
<ul style="list-style-type: none"> <li>▪ Clause 1.19(1)i. Has been identified as land that is declared to be a special area under the Sydney Water Catchment Management Act 1998.</li> </ul>	<b>NO</b>

### Housing Alterations Code

Complying development under the Housing Alterations Code **may not** be carried out on the land.

Reason why:

Refer to 1.17A & 1.18 (1) (c3) State Environmental Planning Policy (Except and Complying Development Codes) 2008:

clause 1.17A(d) or 1.18 (1) (c3) applies

**Commercial and Industrial Alterations Code**

Complying development under the Commercial and Industrial Alterations Code **may not** be carried out on the land.

Reason why:

Refer to 1.17A & 1.18 (1) (c3) State Environmental Planning Policy (Except and Complying Development Codes) 2008:

clause 1.17A(d) or 1.18 (1) (c3) applies

**Subdivisions Code**

Complying development under the Subdivisions Code **may not** be carried out on the land.

Reason why:

Refer to 1.17A & 1.18 (1) (c3) State Environmental Planning Policy (Except and Complying Development Codes) 2008:

clause 1.17A(d) or 1.18 (1) (c3)applies

**Rural Housing Code**

The Rural Housing Code does not apply to this Local Government Area.

**General Development Code**

Complying development under the General Development Code **may not** be carried out on the land.

Reason why:

Refer to 1.17A & 1.18 (1) (c3) State Environmental Planning Policy (Except and Complying Development Codes) 2008:

clause 1.17A(d) or 1.18 (1) (c3) applies

**Demolition Code**

Complying development under the Demolition Code **may not** be carried out on the land.

Reason why:

Refer to 1.17A & 1.18 (1) (c3) State Environmental Planning Policy (Except and Complying Development Codes) 2008:

clause 1.17A(d) or 1.18 (1) (c3) applies

(4) Coastal Protection Act, 1979

The council has not been notified by the department of public works that the land is affected by the operation of section 38 or 39 of the coastal protection act, 1979.

(4A) Certain information relating to beaches and coasts

(1) In relation to a coastal council an order has **not** been made under Part 4D of the coastal Protection Act 1979 in relation to temporary coastal protection works (within the meaning of that Act) on the land (or on public land adjacent to that land).

(2) In relation to a coastal council : Council has **not** been notified under section 55X of the Coastal Protection Act 1979 that temporary coastal protection works (within the meaning of that Act) have been placed on the land (or on public land adjacent to that land)

(4B) Annual charges under Local Government Act 1993 for coastal protection services that relate to existing coastal protection works

In relation to a coastal council : The owner (or any previous owner) of the land has not consented in writing to the land being subject to annual charges under section 496B of the Local Government Act 1993 for coastal protection services that relate to existing coastal protection works (within the meaning of section 553B of that Act).

**Note.** "Existing coastal protection works" are works to reduce the impact of coastal hazards on land (such as seawalls, revetments, groynes and beach nourishment) that existed before the commencement of section 553B of the Local Government Act 1993.

(5) Mine Subsidence District

This land has not been proclaimed to be a mine subsidence district within the meaning of section 15 of the mine subsidence compensation act, 1961.

(6) Road Widening and/or Road Realignment affected by (a) Division 2 of Part 3 of the Roads act 1993 or (c) any resolution of council or other authority.

This land **is not** affected by road widening and/or road realignment under section 25 of the Roads Act, 1993 and/or resolution of Council or any other authority.

(6) Road Widening and/or Road Realignment Affected by (b) any environmental planning instrument.

This land **is not** affected by any road widening or road realignment under any planning instrument.

(7) Council and other public authorities policies on hazard risk restrictions:

(a) The land **is not** affected by a policy adopted by the Council that that restricts the development of the land because of the likelihood of land slip, bushfire, flooding, tidal inundation, subsidence, acid sulphate soils or any other risk; and

(b) The land **is not** affected by a policy adopted by any other public authority and notified to the council for the express purpose of its adoption by that authority being referred to on planning certificate issued by Council, that restricts the development of the land because of the likelihood of land slip, bushfire, flooding, tidal inundation, subsidence, acid sulphate soils or any other risk.

**(7A) Flood related development controls information.**

The development on this land or part of this land is subject to flood related development controls refer to Clause 7.15 of Sydney Local Environment Plan 2012 and Section 3.7 of Sydney Development Control Plan 2012.

**(8) Land reserved for acquisition**

No environmental planning instrument, or proposed environmental planning instrument applying to the land, provides for the acquisition of the land by a public authority, as referred to in section 27 of the Act.

**(9) Contribution plans**

The following Contributions Plans apply to properties within the City of Sydney local government area. Contributions plans marked **YES** may apply to this property:

<ul style="list-style-type: none"> <li>▪ Central Sydney Contributions (Amendment) Plan 2002 – in operation 16<sup>th</sup> June 2003</li> </ul>	<b>NO</b>
<ul style="list-style-type: none"> <li>▪ Ultimo Pyrmont Section 94 Contributions Plan (approved C.S.P.C 15<sup>th</sup> December 1994 and Council 19<sup>th</sup> December 1994)</li> </ul>	<b>NO</b>
<ul style="list-style-type: none"> <li>▪ City of Sydney Development Contributions Plan 2006 – in operation 7<sup>th</sup> April 2007</li> </ul>	<b>YES</b>
<ul style="list-style-type: none"> <li>▪ Redfern Waterloo Authority Contributions Plan 2006 – in operation 16<sup>th</sup> May 2007</li> <li>▪ Redfern Waterloo Authority Affordable Housing Contributions Plan – in operation 16<sup>th</sup> May 2007</li> </ul>	<b>NO</b>

**(9A) Biodiversity certified land**

The land has not been certified as biodiversity certified land.

**(10) Biobanking Agreement**

Council has not been notified of a biobanking agreement under Part 7A of the Threatened Species Conservation Act 1995.

**(11) Bush fire prone land**

The land has not been identified as Bush fire prone land.

**(12) Property vegetation plans**

Not Applicable.

**(13) Orders under Trees (Disputes Between Neighbours) Act 2006**

Council has not been notified of an order which as been made under the *Trees (Disputes Between Neighbours) Act 2006* to carry out work in relation to a tree on the land.

(14) Directions under Part 3A

Not Applicable.

(15) Site compatibility certificates and conditions for seniors housing

(a) The land to which the certificate relates is not subject to a current site compatibility certificate (seniors housing), of which Council is aware, in respect of proposed development on the land.

(b) The land to which the certificate relates is not subject to any condition of consent to a development application granted after 11 October 2007 required by State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004.

(16) Site compatibility certificates for infrastructure

The land to which the certificate relates is not subject to a valid site compatibility certificate (infrastructure), of which Council is aware, in respect of proposed development on the land.

(17) Site compatibility certificates and conditions for affordable rental housing

(a) The land to which the certificate relates is not subject to a current site compatibility certificate (affordable rental housing), of which Council is aware, in respect of proposed development on the land.

(b) The land to which the certificate relates is not subject to any terms of a kind referred to in clause 17(1) or 37(1) of State Environmental Planning Policy (Affordable Rental Housing) 2009 that have been imposed as a condition of consent to a development application in respect of the land.

(18) Paper subdivision information

Not Applicable.

(19) Site verification certificates

The land to which the certificate relates is not subject to a valid site verification certificate of which Council is aware.

**Note.** The following matters are prescribed by section 59 (2) of the Contaminated Land Management Act 1997 as additional matters to be specified in a planning certificate:

(a) The land to which the certificate relates **is not** declared to be **significantly contaminated land** within the meaning of that act as at the date when the certificate is issued.

(b) The land to which the certificate relates **is not** subject to a **management order** within the meaning of that act as at the date when the certificate is issued.

(c) The land to which the certificate relates **is not** the subject of an **approved voluntary management proposal** within the meaning of that act at the date the certificate is issued.

(d) The land to which the certificate relates **is not** the subject of an **ongoing maintenance order** within the meaning of that act as at the date when the certificate is issued.

(e) As at the date when the certificate is issued, Council **has not** identified that a **site audit statement** within the meaning of that act has been received in respect of the land the subject of the certificate.

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**PLANNING CERTIFICATE SECTION 149(2) INFORMATION:**

*Information provided in accordance with planning certificate section 149 (2) has been taken from council's records and advice from other authorities but council disclaims all liability for any omission or inaccuracy in the information. Specific inquiry should be made where doubt exists.*

**PLANNING CERTIFICATE UNDER SECTION 149 (5) OF THE ENVIRONMENTAL PLANNING AND ASSESSMENT ACT, 1979**

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*PLANNING CERTIFICATE SECTION 149 (5) ADVICE is current as at 12:00 noon two working days prior to the date of issue of this certificate. The following matters have been considered & details provided where information exists: easements in favour of council; parking permit scheme; heritage floor space restrictions; low-rental residential building; foreshore building line; tree preservation order.*

**Contaminated Land Potential:**

Council records do not have sufficient information about the uses (including previous uses) of the land which is the subject of this section 149 certificate to confirm that the land has not been used for a purpose which would be likely to have contaminated the land. Parties should make their own enquiries as to whether the land may be contaminated.

**Hazard Risk Restriction:**

The City of Sydney Local Environmental Plan 2012 incorporates Acid Sulfate soil maps. Development on the land identified in those maps should have regard to Division 4 clause 7.16 of the LEP.

**Construction Noise and View Loss Advice:**

Intending purchasers are advised that the subject property may be affected by construction noise and loss or diminution of views as a result of surrounding development.

**City of Sydney Tree Preservation Order 2004 (TPO)**

This order applies to all land where South Sydney Local Environmental Plan 1998 applies and the City of Sydney Council or the Central Sydney Planning Committee is the relevant consent authority under the *Environmental Planning & Assessment Act 1979*. Contact Council's Contract and Asset Management section for more information.

**Outstanding Notice & Order information**

In relation to this property, there **is not** an outstanding Order or Notice of Intention to issue an Order relating to Fire Safety (being an Order or Notice of Intention to issue an Order of type 6, 10, 11 under Section 121B of the Environmental Planning and Assessment Act, 1979).

Further information about the Order or Notice of Intention to issue an Order may be obtained by applying for a certificate under Section 121ZP of the Environmental Planning and Assessment Act and Section 735A of the Local Government Act.

In relation to this property, there **is not** an outstanding Order or Notice of Intention to issue an Order (being an Order or Notice of Intention to issue an Order of a type other than relating to fire safety). Further information about the Order or Notice of Intention to issue an Order may be obtained by applying for a certificate under Section 121ZP of the Environmental Planning and Assessment Act and Section 735A of the Local Government Act.

### **Residential & Visitor Parking Permit Schemes**

The City of Sydney co-ordinates a Resident Permit Parking Scheme and a Visitor Permit Parking scheme. This property may be restricted from participating in either scheme. Eligibility may change after the date of this certificate, as parking supply and other traffic demands change. For more information contact Council's call centre on 9265 9333.

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### **ADVICE FROM OTHER BODIES**

#### **Railway Tunnel**

Part of the cadastral boundaries of Lot 12 DP 1033149, Railway Tunnel, Glebe Point Road, Glebe appear to correspond with part of the cadastral boundaries of the subject property. For further details, contact the State Rail Authority.

#### **Sydney Ports Corporation Advice**

Some land in the City of Sydney located in the vicinity of the White Bay, Glebe Island and Darling Harbour ports may be affected by noise from port operations.

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*Advice provided in accordance with planning certificate section 149 (5) is supplied in good faith. Council accepts no liability for the validity of the advice given. (see section 149 (6) of the Environmental Planning and Assessment Act, 1979).*

***For information regarding outstanding notices and orders a CERTIFICATE FOR OUTSTANDING NOTICES OF INTENTION AND/OR AN ORDER UNDER SECTION 735A OF THE LOCAL GOVERNMENT ACT, 1993 AND SECTION 121ZP OF THE ENVIRONMENTAL PLANNING AND ASSESSMENT ACT, 1979 may be applied for at Sydney City Council.***

*Planning certificate section 149 (2), local planning controls are available for inspection at the following locations:*

#### **General Enquiries :**

**Telephone: 02 9265 9333**

**Facsimile: 02 9265 9415**

#### **Town Hall House**

Level 2,  
Town Hall House,  
456 Kent Street,  
Sydney,  
8am – 6pm, Monday - Friday

#### **Glebe Customer Service Centre**

Glebe Library,  
186 Glebe Point Road,  
Glebe  
9am – 5pm, Monday – Friday

#### **Neighbourhood Service Centre Kings Cross**

50 Darlinghurst Road,  
Potts Point  
9am – 5pm, Monday – Friday  
9am – 12pm, Saturday

#### **Neighbourhood Service Centre Redfern**

158 Redfern Street  
Redfern

9am-5pm Monday – Friday  
9am – 12 Noon Saturday

**Green Square Customer Service Centre**

The Tote,  
100 Joynton Avenue,  
Zetland  
10am-6pm Monday – Friday

*State planning controls are available for inspection at the following locations:*

**Sydney Harbour Foreshore Authority** (former Sydney Cove Authority and Darling Harbour Authority),

Level 6,  
66 Harrington Street,  
The Rocks.

**Department of Planning & Infrastructure Information Centre**

23-33 Bridge Street,  
Sydney NSW 2000

*Where planning certificate section 149 (5) matters are supplied, complete details are available by writing to:*

*Chief Executive Officer,  
City of Sydney,  
G.P.O. Box 1591,  
Sydney, NSW 2000*

End of Document

# **ATTACHMENT H**

**5 APRIL 2017 – MINUTES OF MEETING -  
440 - HERITAGE COUNCIL OF NSW**

5 April 2017

Commencing at 9:00 am

Office of Environment and Heritage  
Paroo Room, Level 14, 59 Goulburn St  
Sydney

**MEMBERS PRESENT**

Mr Stephen Davies (Chair)  
Dr Mark Dunn (Deputy Chair)  
Dr Deborah Dearing  
Dr Raymond Kelly  
Ms Jennifer Davis  
Ms Jane Irwin  
Prof Gary Sturgess AM  
Ms Lisa Newell (National Trust (NSW) Nominee)  
Mr Gary White (for Secretary, Department of  
Planning & Environment)  
Mr Bruce Pettman (Observer, Government Architect)

**HERITAGE DIVISION ATTENDEES**

Mr Nigel Routh, Director, Heritage Strategy  
Mr Rajeev Maini, A/Manager, Conservation  
Ms Katrina Stankowski, A/Manager Listings  
Mr Gary Estcourt (Heritage Near Me) – Item 2.1

**HERITAGE COUNCIL SECRETARIAT**

Ms Sarah Paddington  
Ms Natalia Leiva

**APOLOGIES**

Nil

**Agenda Items** (Note the order of agenda items changed according to the needs of the meeting).

**1.0 Opening and Welcome**

The meeting commenced at 9:11 am.

Prior to commencing business, the Chair, Mr Stephen Davies, delivered an Acknowledgment of Country, and welcomed members and staff.

**1.1 Apologies, Confirmation and Timing of Agenda**

Discussion Apologies were received from Ms Pauline McKenzie, Executive Director, Heritage Division for the day. Mr Maini also noted Ms Rochelle Johnston was an apology for the meeting. Nil apologies were received from members.

Members noted only one presentation was scheduled for the meeting.

Members noted a paper on the City of Sydney delegations was tabled for Item 3.2.

Noted The Heritage Council of NSW noted the Acknowledgement of Country, welcoming of members, apologies, the late paper and confirmed the meeting agenda.

**1.3 Declarations of Interest**

Discussion Members were advised no declarations were received prior to the meeting. No further declarations were made after confirming the meeting agenda.

Noted The Heritage Council of NSW noted no declarations were made.

## 1.4 Heritage Council of NSW Meeting of 1 March 2017

- Discussion Members discussed the draft minutes of the 1 March 2017 Heritage Council meeting. Members updated the resolution for Item 2.1 to reflect the out of session decision. Members agreed to amend the resolution for Item 2.3 to remove a term that is currently Cabinet in Confidence to allow the minutes to be released publicly.
- Resolution 2017-22. The Heritage Council of NSW:
1. Accepts the minutes with amendments as a true record of the Heritage Council meeting held on 1 March 2017.
- Moved by Mr Stephen Davies and seconded by Ms Jenny Davis.

## 1.5 Heritage Council Month Out of Session Decisions

- Discussion The Chair:
- reminded members of the March 2017 meeting decision for the Grants Committee to review four grant applications. The Chair noted he had participated in the discussions on the day.
  - acknowledged the extra work of the Heritage Grants Committee and Grants Team, particularly the efforts of Ms Jan Nye and Ms Sheridan Bourke.
  - discussed the advantages of the Grants Committee being chaired by one person rather than rotating members. A proposal, to invite Ms Sheridan Bourke to be Chair of the committee and ask her to provide updates to the Council after each meeting was made and supported by the Council.
  - the Heritage Division is to organise a meeting with the Heritage Council Chair, the Grants Committee Chair and the Grants Team Leader to discuss the Heritage Council's funding priorities.
- Mr Gary White joined the meeting.
- Resolution 2017-23. The Heritage Council of NSW:
1. accepts the record of the March 2017: Out of Session Decision as a true record of the Heritage Council decisions in March 2017.
  2. amends the appointment of Ms Sheridan Bourke as member of the Heritage Grants Committee to Chair, Heritage Grants Committee to 14 November 2019, if she accepts the invitation.
  3. agrees the Council will Chair the Committee when the Chair is unavailable.
- Moved by Ms Jenny Davis and seconded by Prof Gary Sturgess

## 2.0 Presentation

### 2.1 Heritage Near Me: Program Update and Western Sydney Event

- Presentation Mr Gary Estcourt presented to the members:  
An overall update on the Heritage Near Me project, the funding allocated to date, activities, community engagement outcomes that have occurred, including plans for upcoming events, working with CENTROC and processes for assessing local grants.
- Discussion The members discussed:
- the future involvement of Heritage Council members in the project including future training. It was also proposed the Technical Conservation Committee could provide support and input to assist the HNM project.
  - the branding of Heritage Near Me and integration of this branding with the Heritage Council of NSW.

- the plans for Newcastle and the significant revitalisations of the city. It was suggested that Newcastle could be used as an 'engine room' to support the heritage outcomes (for education, conservation and raising awareness) arising from Heritage Near Me.
- the importance of using and building on the lessons learnt from HNM for broader heritage applications.
- the need for HNM to progressively keep the Heritage Council informed and involved.

Resolution 2017-24. The Heritage Council of NSW:

1. agrees to co-design activities for the Western Sydney event with Heritage Near Me.
2. will support a working group to provide an ongoing point of contact for Heritage Near Me in the development of a Western Sydney event program.
3. provide any decisions regarding Heritage Council involvement to the working group, as appropriate.

Moved by Ms Jenny Davis and seconded by Mr Gary White.

Action Heritage Near Me staff will organise to meet with Heritage Council members.  
Mr Routh and Mr Gary White will work together to organise a presentation to the Heritage Council by a planner to discuss how heritage is embedded into the planning process.

### 3.0 Conservation Matters

#### 3.1 Establishing Quarterly Heritage Compliance Reporting and KPI's

Ms Lisa Newell joined the meeting.

Presentation Mr Aaron McGifford, with Mr Mark Callanan as observer, presented:

- the paper sent to members, noting key changes have been made based on the members feedback received to date.
- The data provided noted longer time periods (than monthly reporting) is best to improve the statistical data and understand the trends and patterns emerging.
- noted the recommendation for quarterly reporting to bring the cycle in line with other OEH reporting.

Discussion The members discussed:

- the KPIs reported should reflect the expected standards and objectives, such as high risk non-compliance matters should have a very high turnaround time. The reporting needs to reflect the division's actions (not activities outside the control of the division), with more specific reporting of the work by the division.
- ways compliance investigations could be revised if the complexity and risk were defined and separated for cases. A matrix was suggested for working through the issues, to provide more accurate reporting, including 'closing' cases where there was little evidence, but use information gathered at the time for a baseline of evidence for future compliance investigations.
- the quarterly cycle of reports would be presented to the Council in November, February, May and August.
- the role of local council in assessing exemptions and ensuring the processes and procedures are correct and have gone through a valid process.

Resolution 2017-25. The Heritage Council of NSW:

1. requests an updated KPI framework be provided in May 2017 with a policy document to be presented to the Heritage Council.

2. approves the change from monthly to quarterly reporting.
  3. approves the Compliance Dashboard and KPI report at Attachment B of the paper presented.
- Moved by Dr Mark Dunn and seconded by Ms Jenny Davis.

Action Mr Aaron McGifford will update the detail in the reporting to better clarify actions and activities for the compliance matters.

#### 4.3 Major Planning Matters Monthly Update

Discussion Mr Gary White noted his prepared report as read.  
Two members noted they had attended a presentation by the Department of Education about the Education SEPP. A request was made for the Heritage Division to organise someone from the Department of Education to speak with the Heritage Council about the implications for heritage with the draft SEPP.

Noted The Heritage Council of NSW noted the report.

Action The Heritage Division to invite the Department of Education to present to the Heritage Council about the SEPP.

#### Decisions Exercising the Authority of the Chair

Nil matters were determined by the Chair in March 2017.

Noted The Heritage Council of NSW noted this information.

#### 3.2 City of Sydney Delegations: Exemptions

Presentation Mr Rajeev Maini informed members:

- a paper will be provided to Heritage Council at the July 2017 meeting about Section 60 and Section 57 application associated with the delegations for City of Sydney.
- the City of Sydney currently has no archaeologist, therefore, applications with archaeological matters should be considered by the Heritage Division and not be delegated.

Discussion The Heritage Council noted the paper and verbal update.

Noted The Heritage Council of NSW noted the report.

#### 6.0 Listing Matters for Consideration & Decision

##### 6.1 Recommendation to List: Bidura House, Glebe

Presentation Ms Kaiya Donovan, Dr Emma Dortins and Mr Alexandra Boukouvalas advised:

- the matter has previously been considered by the SHR committee.
- it was noted that the recommendation to list does not include the brutalist building. It was noted that the future possibility of listing that building would not be prevented by this recommendation.
- public submissions on this matter were received and considered in the development of the recommendation to list. 5 of the 7 submissions which supported the listing of the Bidura House Group also requested that the brutalist children's court building also be included in the curtilage.

Discussion	<p>The members discussed:</p> <ul style="list-style-type: none"> <li>▪ The matters that had been considered for this item in the development of the recommendation to list.</li> <li>▪ The decisions, advice and input by the various sources for this matter, including that the City of Sydney noted that the site was of local significance, were discussed.</li> <li>▪ Reaffirming the previous State Heritage Register Committee resolutions from April and July 2016 advising Heritage Division of the potential state heritage significance of the entire allotment as a Child Welfare and Juvenile Justice Precinct.</li> </ul>
Resolution	<p>2017-26. The Heritage Council of NSW:</p> <ol style="list-style-type: none"> <li>1. in accordance with section 33(1)(d) of the <i>Heritage Act 1977</i> advise the Minister that the item known as “Bidura House Group” at 357 Glebe Point Road, Glebe, is of state heritage significance, as shown in the plan at Annexure B of the presented paper and Annexure A of these minutes.</li> <li>2. recommend to the Minister, in accordance with sections 32(1) and (2) of the Heritage Act, that the Minister direct the listing of the item, “Bidura House Group” at 357 Glebe Point Road, Glebe, on the State Heritage Register.</li> <li>3. in accordance with section 33(1)(e) of the <i>Heritage Act 1977</i>, give notice of its decision to persons notified under section 33(1)(a).</li> <li>4. in accordance with section 57(2) of the <i>Heritage Act 1977</i>, note that the Heritage Council Standard Exemptions will apply.</li> </ol> <p>Moved by Mr Stephen Davies and seconded by Prof Gary Sturgess</p>
Action	<p>The Heritage Division will write to the City of Sydney to urge protection of the entire allotment as it is noted to be of significance on Schedule 5 of their Local Environment Plan.</p>

## 4.0 Reports

### 4.1 Executive Director’s Report

Discussion	<p>Mr Nigel Routh provided the following update:</p> <ul style="list-style-type: none"> <li>▪ Discussions are continuing with the Office of the Government Architect regarding preparation of the three publications previously agreed by the Heritage Council.</li> <li>▪ Updated members on the Parramatta Park project.</li> <li>▪ Updated members that RMS will liaise with the Heritage Council in the coming months regarding proposed works to bridges (outside of the Timber Truss works), particularly in Shoalhaven due to the increasing traffic and management issues.</li> <li>▪ Members noted that Ms Lisa Newell had been representing the Heritage Council on the Braidwood matter, specifically for archaeological matters. Ms Newell advised that when other matters arise other members of the Council would need to be consulted and provide advice. Both Dr Dearing and Mr Pettman were nominated for their expertise.</li> <li>▪ Noted the Sirius matter was listed for hearing in the Land and Environment Court this week.</li> </ul>
Noted	<p>The Heritage Council of NSW noted the report.</p>

### 4.2 Chair’s Report

Discussion	<p>The Chair:</p> <ul style="list-style-type: none"> <li>▪ noted a meeting had occurred with the National Trust, the division and the Chair to discuss current development proposals surrounding the Saumarez Homestead in Armidale.</li> </ul>
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- reminded members that the National Trust Awards are on 28th April 2017.
- ICOMOS upcoming awards were noted.
- thanked members for their participation and contribution to the Business Planning meeting the previous week, noting the progress the Council has made in the past 12 months.
- noted the members wish to draw on the expertise of the committees. It was agreed that a strategic process would be employed for drawing on members as required.
- on behalf of the whole Heritage Council formally thanked Mr Bruce Pettman, who has been the Government Architect's Office representative and worked with the Heritage Council continuously since 2000 to 2017. The Heritage Council members unanimously acknowledged the substantial practical and beneficial contributions made by Mr Pettman in his role to the Heritage Council in that period. Members noted that Mr Pettman would continue as a member of the Approvals Committee and the Technical Conservation Committee. The Chair informed members Mr Peter Poulet had notified the Heritage Council the recent changes made to their office means that Mr Poulet and Mr Ben Hewett (as an alternate) will be the observers from the Office of the Government's Architect, commencing in May 2017.

Noted            The Heritage Council noted the report.

## 5.0 Legislative, Policy and Administrative Matters for Consideration & Decision

### 5.1 Introducing the Heritage Council Publications Update Paper

Presentation    Mr Nigel Routh advised:

- The paper was a cross divisional effort to update the three attached publications for the benefit of external stakeholders.

Discussion      Members noted the updates to the publications were sought by the Heritage Council in 2016. Two minor additional edits were included to the tracked changed versions.

Noted            2017-27.            The Heritage Council of NSW:

1. Approves the revised text for the following guidelines as provided in the presented paper and amended in the meeting for
  - a. Attachment A – The Role of the Heritage Council
  - b. Attachment B - The State Heritage Register
  - c. Attachment C - The Approvals Process

Moved by Dr Deborah Dearing and seconded by Ms Jane Irwin

## 7.0 Monthly reporting

### 7.1 Heritage Council Action Report

### 7.2 Conservation matters approved under delegation

Discussion      Members noted the fees for the amount of work that is required to assess if an application is complete or adequate. A large amount of projects are withdrawn, particularly the government assessments (such as rail authorities). Members noted that this places an enormous resource drain on the division and some of the work should be reimbursed or incur a percentage of the fee for assessing the application.

Members requested the reporting consider the number of applications received versus the number of approvals to better understand how many are assessed and recommended be withdrawn. Noting this should be part of the KPIs considered in the reporting.

Members requested the information on specific projects be more easily traceable, such as allowing the reader to assess the progress of a project rather than be presented by the database categories.

Action Ms Stankowski and Mr Maini would investigate different ways of presenting the project information.

7.3 Listing matters

7.4 Grant matters

7.5 Heritage compliance

7.6 Conservation major projects status

Noted The members noted the information in the reports contained in Section 7.

## 8.0 Committee and committee updates

### 8.1 Heritage Council committee updates

Discussion Committees met between 2 March – 4 April.

- Government Committee, 9 March 2017.
- Site visit (all members invited), 9 March 2017.
- TfNSW Sydney Metro Design Review Panel, 14 March 2017 (Note: No Heritage Council members were able to attend, and minutes from the meeting are not available yet).

Noted The Heritage Council of NSW notes the information.

### 8.2 Heritage Council Committees (Panels) Updates

Discussion Sub-Committees that met between 2 March – 4 April.

- Heritage Grants Committee, 15 March 2017.
- Technical Conservation Committee, 27 March 2017. A verbal update was provided by the Chair, Ms Jennifer Davis.
- Heritage Committee, 29 March 2017. A verbal update was provided by the Chair, Dr Mark Dunn.

Noted The Heritage Council of NSW noted the report.

## 9.0 General Business

### 9.1 Committee Appointments

Discussion The Chair proposed that the non-council members on the State Heritage Register and Approvals Committees be invited to work more closely with the Heritage Council on the other monthly committees to extend the expertise and advice on critical issues.

- It was suggested that Ms Cox, Mr Pettman, Ms Danis, Ms Morris, and Mr Romey be invited to the government, non-government and infrastructure committees.

- Resolution 2017-28. The Heritage Council of NSW:
1. Endorses the following appointment of Committee members for the term of their appointments to:
    - a. Mr Peter Romey to the Non-Government Committee.
    - b. Ms Louise Cox to the Infrastructure Committee.
    - c. Ms Kerime Danis to the Infrastructure Committee.
    - d. Ms Colleen Morris and Mr Bruce Pettman to the Government Committee.
    - e. Mr Bruce Pettman to the Millers Point Committee.

Moved by Ms Jane Irwin and seconded by Dr Mark Dunn.

**CLOSE OF MEETING – 12:35 pm.**

I confirm that these minutes are an accurate reflection of the Heritage Council of NSW discussion and outcomes.



Mr Stephen Davies  
Chair, Heritage Council of NSW  
Date: 3 May 2017



# **ATTACHMENT I**

**HERITAGE COUNCIL LETTER TO  
CITY OF SYDNEY**



Heritage Council



of New South Wales

Level 6, 10 Valentine Avenue  
Parramatta NSW 2150

Telephone: 61 2 9873 8500  
Facsimile: 61 2 9873 8599

Locked Bag 5020  
Parramatta NSW 2124  
DX 8225 PARRAMATTA

[heritage@heritage.nsw.gov.au](mailto:heritage@heritage.nsw.gov.au)  
[www.heritage.nsw.gov.au](http://www.heritage.nsw.gov.au)

Contact: Emma Dortins  
Phone: 02 9585 6465  
Email: [Emma.Dortins@environment.nsw.gov.au](mailto:Emma.Dortins@environment.nsw.gov.au)  
DOC no. DOC17/275352  
TRIM no. EF16/2939

Monica Barone  
Chief Executive Officer  
City of Sydney  
GPO Box 1591  
Sydney NSW 2001



Dear Ms Barone

**Recommendation to List Bidura House Group, Glebe, on the State Heritage Register**

The Heritage Council of New South Wales at its 5 April 2017 meeting resolved to Recommend to List the Bidura House Group, Glebe for inclusion on the State Heritage Register to the Minister for Heritage.

Previously this item was nomination for inclusion on the SHR as part of a larger Bidura Child Welfare and Juvenile Justice Precinct that included the Bidura House Group and the Brutalist Children's Court Complex at the rear of the allotment. However, due to development concerns relating to the Brutalist Children's Court Complex the State Heritage Register Committee resolved to progress the listing with a reduced curtilage that excluded the Brutalist complex.

The Heritage Council wish to urge the City of Sydney to provide heritage protection to the entire Bidura Child Welfare and Juvenile Justice Precinct (the entire allotment) as only Bidura House (including interiors, former ball room and Gardens) is noted to be of significance on the Sydney Local Environment Plan 2012 (I763).

For further information and advice or to arrange a meeting, please contact Emma Dortins on (02) 9585 6465 or by email at [Emma.Dortins@environment.nsw.gov.au](mailto:Emma.Dortins@environment.nsw.gov.au).

Yours sincerely

15/06/2017

**Katrina Stankowski**  
**Manager, Listings**  
**Heritage Division**  
**Office of Environment and Heritage**

On behalf of the Heritage Council of New South Wales  
(encl)

# **ATTACHMENT J**

**CITY OF SYDNEY LETTER TO  
HERITAGE DIVISION LETTER SEEKING  
CLARIFICATION**

**City of Sydney**  
Town Hall House  
456 Kent Street  
Sydney NSW 2000

Telephone +61 2 9265 9333  
council@cityofsydney.nsw.gov.au  
GPO Box 1591 Sydney NSW 2001  
cityofsydney.nsw.gov.au



4 July 2017

Our Ref: 2017/325562  
File No: S076818

Katrina Stankowski  
Manager Listings  
Heritage Division, Office of Environment and Heritage  
Locked Bag 5020  
Parramatta NSW 2124  
[Katrina.Stankowski@environment.nsw.gov.au](mailto:Katrina.Stankowski@environment.nsw.gov.au)

Dear Katrina

**Bidura Child Welfare and Juvenile Justice Precinct – Heritage Council recommendation to list on Sydney Local Environmental Plan 2012**

I write to seek clarification on the Heritage Council's recommendation for the 1983 brutalist Metropolitan Remand Centre building (also known as the Children's Court Complex) following the Heritage Council's 5 April 2017 resolution and letter to the City of Sydney dated 15 June 2017.

The Heritage Council's letter and resolution urge the City to protect the 'entire allotment', also referring to the 'Bidura Child Welfare and Juvenile Justice Precinct'.

The City notes the 'entire allotment' is currently listed in schedule 5 of Sydney LEP 2012. No change to the LEP is required to list the entire allotment.

The City requests the Heritage Council confirm whether the intent of its resolution and letter is for the City to list the Metropolitan Remand Centre building as a local heritage item.

A development application, which includes demolition and redevelopment of the Metropolitan Remand Centre building, is now the subject of a deemed refusal appeal to the Land and Environment Court. The City is preparing its Statement of Facts and Contentions for the appeal and would like to take into account the opinion of the Heritage Council as to the significance of the Metropolitan Remand Centre building in preparing that document. The City requests the Heritage Council respond to this letter as a matter of urgency and requests that you respond within 14 days of the date of this letter.

For enquires regarding the listing consideration, please contact Claudine Loffi, Senior Specialist Planner (Heritage), on 9246 7683 or at [cloffi@cityofsydney.nsw.gov.au](mailto:cloffi@cityofsydney.nsw.gov.au).

Yours sincerely

**Graham Jahn AM**  
Director  
City Planning | Development | Transport

# **ATTACHMENT K**

**HERITAGE COUNCIL LETTER OF  
CLARIFICATION TO CITY OF SYDNEY**



Graham Jahn  
Director, City Planning  
City of Sydney  
GPO Box 1591  
Sydney, NSW 2001

Dear Mr Jahn

### **Bidura Child Welfare and Juvenile Justice Precinct – Heritage Council resolutions**

I am writing in response to your letter of 4 July 2017 requesting further clarification of Heritage Council's resolutions regarding the Metropolitan Remand Centre building at the rear of the Bidura House Group, Glebe.

At its April 2017 meeting, the Heritage Council resolved to recommend the listing of the Bidura House Group, fronting Glebe Point Road, on the State Heritage Register. The Heritage Council did not reach a resolution on the likely significance of the Metropolitan Remand Centre Building at the rear of the Bidura allotment. The council asked the Heritage Division to write to the City of Sydney regarding the protection of the heritage of the overall site.

While the Heritage Council understands that the site is already listed on Schedule 5, this listing (1762) only describes "*House "Bidura" including interiors, former ball room and front garden*". It does not specifically reference the brutalist Metropolitan Remand Building. The Heritage Council noted that the Metropolitan Remand Centre Building at the rear of the allotment may also reach a threshold for local significance and accordingly they wanted to bring this to the attention of the City of Sydney Council.

For further information and advice or to arrange a meeting, please contact Emma Dortins, Senior Team Leader Metro Listings, at the Heritage Division, OEH on (02) 9585 6465 or [emma.dortins@environment.nsw.gov.au](mailto:emma.dortins@environment.nsw.gov.au).

Yours sincerely,

**PAULINE MCKENZIE**  
Executive Director  
Heritage Division  
Office of Environment and Heritage

On behalf of the Heritage Council of New South Wales