

**21 August 2025**

At 5.00 pm

## **Central Sydney Planning Committee**



**Agenda**

- 1. Disclosures of Interest**
- 2. Confirmation of Minutes**
- 3. Matters Arising from the Minutes**
- 4. Development Application: 65 Martin Place, Sydney - D/2025/406**
- 5. Public Exhibition - Planning Proposal - Heritage Floor Space Amendment - Sydney Local Environmental Plan 2012**
- 6. Post Exhibition - Planning Proposal - Conservation Areas Review - Sydney Local Environmental Plan 2012 and Sydney Development Control Plan 2012 Amendment**





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1. Register to speak by calling Secretariat on 9265 9702 or emailing [secretariat@cityofsydney.nsw.gov.au](mailto:secretariat@cityofsydney.nsw.gov.au) before 10.00am on the day of the meeting.
2. Check the recommendation in the committee report before speaking, as it may address your concerns so that you just need to indicate your support for the recommendation.
3. Note that there is a three minute time limit for each speaker (with a warning bell at two minutes) and prepare your presentation to cover your major points within that time.
4. Avoid repeating what previous speakers have said and focus on issues and information that the committee may not already know.
5. If there is a large number of people interested in the same item as you, try to nominate three representatives to speak on your behalf and to indicate how many people they are representing.

At the start of each Central Sydney Planning Committee meeting, the Chair may reorder agenda items so that those items with speakers can be dealt with first.

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## **Item 1.**

### **Disclosures of Interest**

Pursuant to the provisions of the City of Sydney Code of Meeting Practice and the City of Sydney Code of Conduct, Members of the Central Sydney Planning Committee are required to disclose and manage both pecuniary and non-pecuniary interests in any matter on the agenda for this meeting.

In both cases, the nature of the interest must be disclosed.

This includes receipt of reportable political donations over the previous four years.



## **Item 2.**

### **Confirmation of Minutes**

Minutes of the following meeting of the Central Sydney Planning Committee are submitted for confirmation:

Meeting of 19 June 2025



### **Item 3.**

#### **Matters arising from the Minutes**

Matters arising from the minutes of the Central Sydney Planning Committee of 19 June 2025.



**Item 4.****Development Application: 65 Martin Place, Sydney - D/2025/406****File Number:** D/2025/406**Summary****Date of Submission:** 19 May 2025**Applicant/Owner:** Reserve Bank of Australia**Architect:** Architectus**Heritage Consultant:** NBRS & Partners**Cost of Works:** \$84,120,052.00

**Zoning:** The site is zoned SP5 Metropolitan Centre under the Sydney Local Environmental Plan 2012. The proposed development maintains the existing commercial use of the site, which is permissible with consent.

**Proposal Summary:** Development consent is sought for the initial removal of hazardous building materials, including removal of some external facade elements and internal structures to facilitate temporary construction access and the installation of temporary services equipment. The proposal also includes the salvage and off-site storage of significant heritage fabric for later reinstatement or re-use; and the protection of remaining significant heritage fabric and art installations retained on-site.

A further development application is currently being prepared by the Reserve Bank of Australia for the full facade and structural remediation and the reconstruction of the building.

The application is referred to the Central Sydney Planning Committee for determination as the proposed development is defined as a "major development" for the purposes of the City of Sydney Act 1988.



The application was notified and advertised for a period of 28 days between 21 May and 19 June 2025. One submission was received requesting that conditions be imposed to require noise and vibration management, and the preparation of a dilapidation report for the Land and Environment Court at 225-227 Macquarie Street.

The proposed development will facilitate the first of a 2-stage removal of hazardous building materials, while conserving significant heritage fabric for future reinstatement and reuse and protecting existing art installation. Subject to conditions, the proposed works will not unreasonably affect the amenity of neighbouring properties, and a separate development application will be submitted to allow the full remediation and reconstruction of the building. The proposal is generally consistent with the relevant planning provisions.

**Summary Recommendation:** The development application is recommended for approval, subject to conditions.

**Development Controls:**

- (i) City of Sydney Act 1988
- (ii) SEPP (Resilience and Hazards) 2021
- (iii) SEPP (Transport and Infrastructure) 2021
- (iv) SEPP (Biodiversity and Conservation) 2021
- (v) Sydney Local Environmental Plan 2012
- (vi) Sydney Development Control Plan 2012

**Attachments:**

- A. Recommended Conditions of Consent
- B. Selected Drawings
- C. Submissions



## Recommendation

It is resolved that consent be granted to Development Application Number D/2025/406 subject to the conditions set out in Attachment A to the subject report.

## Reasons for Recommendation

The application is recommended for approval for the following reasons:

- (A) The proposed development satisfies the objectives of the Environmental Planning and Assessment Act 1979, in that, subject to the imposition of conditions as recommended, it achieves the relevant objectives of the planning controls for the site for the reasons outlined in the report to the Central Sydney Planning Committee.
- (B) The proposed development will facilitate the first of a two-stage remediation of the building in accordance with Chapter 4 Remediation of Land of the State Environmental Planning Policy (Resilience and Hazards) 2021, which is necessary to allow the safe and long-term occupation of the building by the Reserve Bank of Australia.
- (C) The proposed development, subject to the recommended conditions of consent, will appropriately manage the adverse impacts on the heritage significance of the Head Office of the Reserve Bank of Australia in accordance with Section 5.10 of the Sydney Local Environmental Plan 2012.
- (D) The proposed development generally satisfies the relevant objectives and provisions of other sections of the Sydney Local Environmental Plan 2012 and the Sydney Development Control Plan 2012.
- (E) The public interest is served by the approval of the proposed development, subject to recommended conditions imposed relating to the appropriate management of associated potential environmental impacts.



## Background

### The Site and Surrounding Development

1. The site has a legal description of Lot 1 DP 444499, Lot 1 DP 32720, and Lot 1 DP 33919, commonly known as 65 Martin Place, Sydney. It is irregular in shape with an area of approximately 2,831m<sup>2</sup>. It has a primary street frontage to the southern side of Martin Place, and secondary frontages to Macquarie Street and Phillip Street. Levels on the site fall by approximately 3.63m from east to west. The site is located within the Martin Place special character area.
2. The site contains the Head Office of the Reserve Bank of Australia, which is a 22-storey commercial building with 3 basement levels. The building features a predominantly glazed double-volume foyer with a mezzanine fronting Martin Place, 2 levels of podium that draws on the characteristics of the late twentieth-century stripped classical style, a 17-storey tower with a pavilion roof addition in the late twentieth-century international style. The building obtains vehicular access to its basement from Phillip Street.
3. The Head Office is listed on the Commonwealth Heritage List (Place ID no. 105456) and protected under the Environment Protection and Biodiversity Conservation Act 1999 (Cth) (EPBC Act). It is also identified as a local heritage item under the Sydney Local Environmental Plan 2012 as the 'Reserve Bank including interior' (I1897).
4. The surrounding area is characterised primarily by commercial office buildings along Martin Place and several public administration and health services buildings along Macquarie Street, including the Land and Environment Court to the southeast.
5. A site visit was carried out on 5 June 2025. Photos of the site and surrounds are provided below:

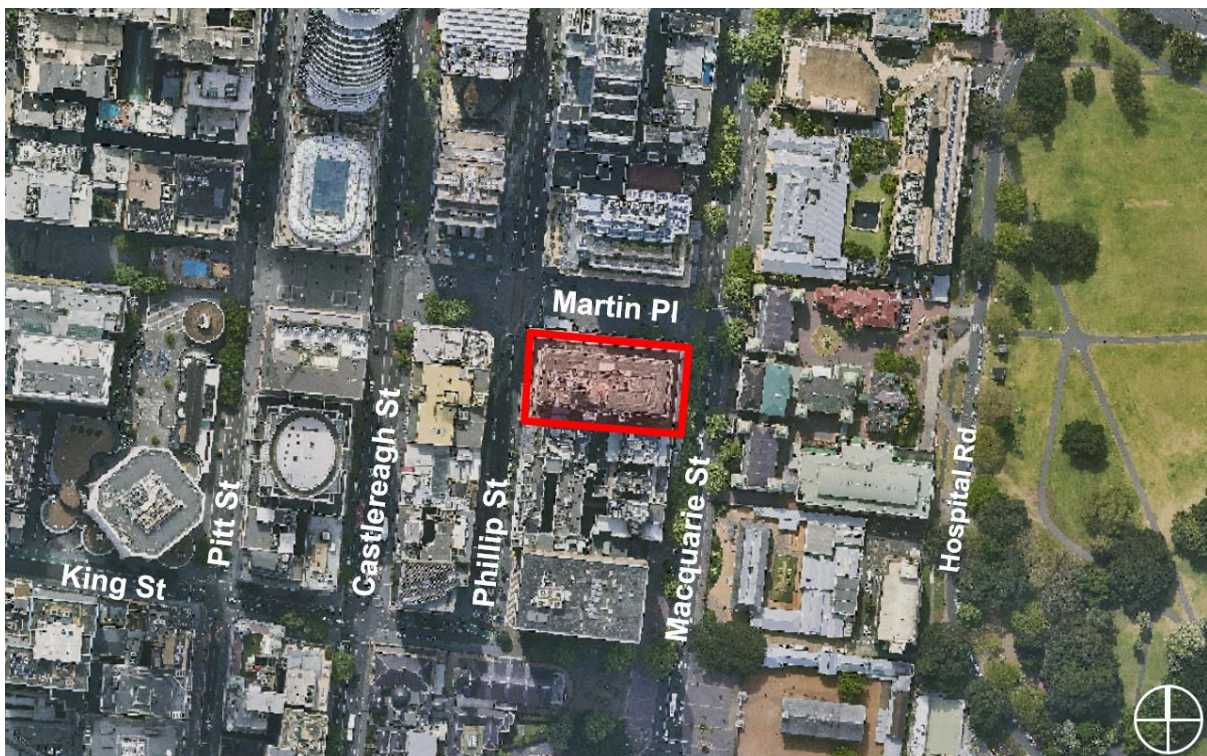


Figure 1: Aerial view of site and surrounds





**Figure 2:** Site viewed from the corner of Maritn Place and Macquarie Street





**Figure 3:** Site viewed from Martin Place



**Figure 4:** Site viewed from Macquarie Street



**Figure 5:** Site viewed from Philip Street



## History Relevant to the Development Application

6. The Head Office of the Reserve Bank of Australia, similar to many other buildings constructed between 1950s and 1980s, was constructed with the use of asbestos because it was durable, heat resistant, fireproof, cheap, and readily accessible. Numerous types and applications of bonded and friable asbestos containing materials were used extensively in the fabric of the building. Asbestos remediation projects have taken place over the years to ensure safety to the building's occupants and visitors, including identifying, encapsulating and removing asbestos containing materials in compliance with the regulations and safety standards at the time.
7. Notwithstanding, internal works commenced circa 2022/23 to improve the existing building to meet the long-term workplace needs and business functions of the Reserve Bank. However, the works revealed significant quantities of asbestos containing materials embedded within the building fabric and structure. Accordingly, the Reserve Bank vacated the building to enable unobstructed site access for remediation works, except for critical operations located in the basement. All original furniture and moveable artworks have also been removed to safe storage off-site.
8. A perimeter hoarding, a tower crane, and 2 works zones on Phillip Street have been established. An additional works zone on Macquarie Street has also been endorsed by the Local Pedestrian, Cycling and Traffic Calming Committee on 9 May 2024. The Macquarie Street works zone will facilitate vehicular access to a temporary loading bay proposed by this application.

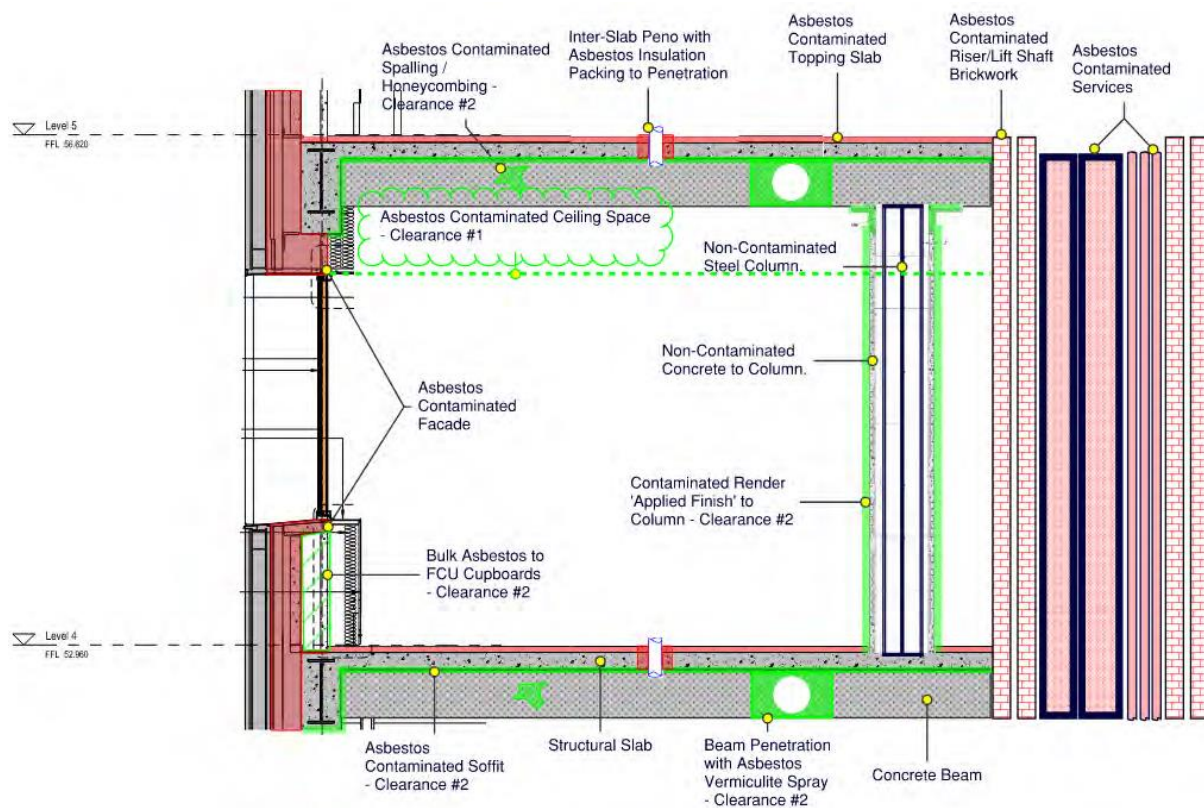
## Proposed Development

9. The application seeks consent for the initial removal of hazardous building materials, including bonded and friable asbestos containing materials, requiring:
  - the removal of internal non-significant heritage fabric including internal partitions, walls, ceiling, floor surfaces, services, linings, fittings, fixtures, and furnishings;
  - the de-casement of some structural steel columns; and,
  - the removal of topping slabs.
10. The initial removal also requires the following associated works:
  - salvage of external and internal significant heritage fabric and secure off-site storage for later reinstatement or re-use within the building, including feature ceilings; marble claddings and timber linings; facade glazing and framing; timber and/or fabric wall panels and leather doors; heritage flooring in the boardroom on level 11; bronze balustrade; and selected kitchenette and vanity unit;
  - protection of any remaining significant heritage fabric and art installations retained on-site;
  - relocation of existing plant and services, and installation of temporary plant and services equipment, to enable continued ancillary building services and security services within the basement;



- installation of temporary mechanical equipment for construction work on the southeastern terrace on level 3;
- removal of some external facade elements to enable installation of temporary grillage and scaffold to the tower, and temporary construction access off Macquarie Street;
- removal of internal floor slabs, removal of one structural beam between the ground floor and the mezzanine, and the installation of temporary braces to facilitate the installation of temporary vertical hoist and associated access; and,
- installation of a temporary turntable for loading and waste removal, with access from Macquarie Street.

11. The scope of the initial removal is generally identified in green in Figure 6.



**Figure 6:** Detailed cross section, with indicative scope of initial removal of hazardous building materials shown in green

- The initial remediation works will take place on the ground floor to the roof level while the basements (B1 to B3), containing plant, equipment, IT systems and security services remain operational.
- A further development application is currently being prepared by the Reserve Bank of Australia for the full remediation of the existing building, involving the removal of all remaining facade and structural elements and the building core, stripping the building back to the steel frame, and subsequent reconstruction of the building. A condition is recommended in Attachment A to require the submission of that application.



14. Detailed drawings of the proposed development are provided in Attachment B, and selected drawings to illustrate the proposal generally are provided below. On the demolition and remediation plans, significant fabric for salvage and off-site storage are identified in green while fabric for on-site protection are identified in blue.

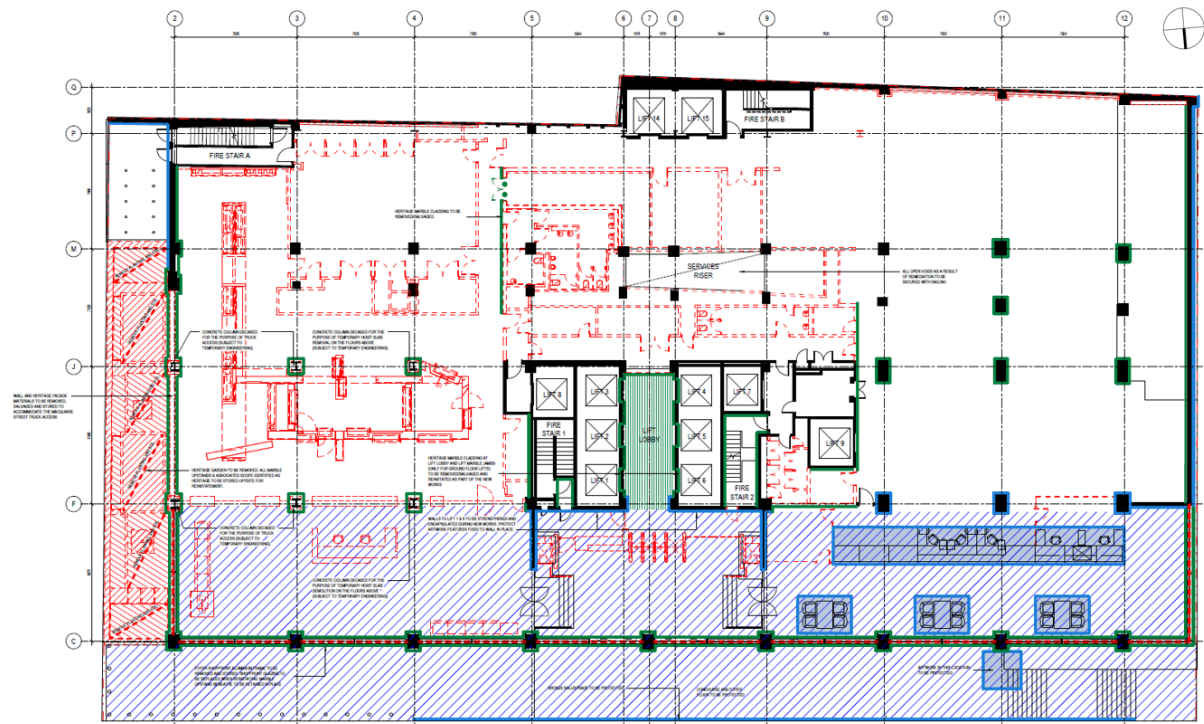


Figure 7: Ground Floor demolition and remediation plan

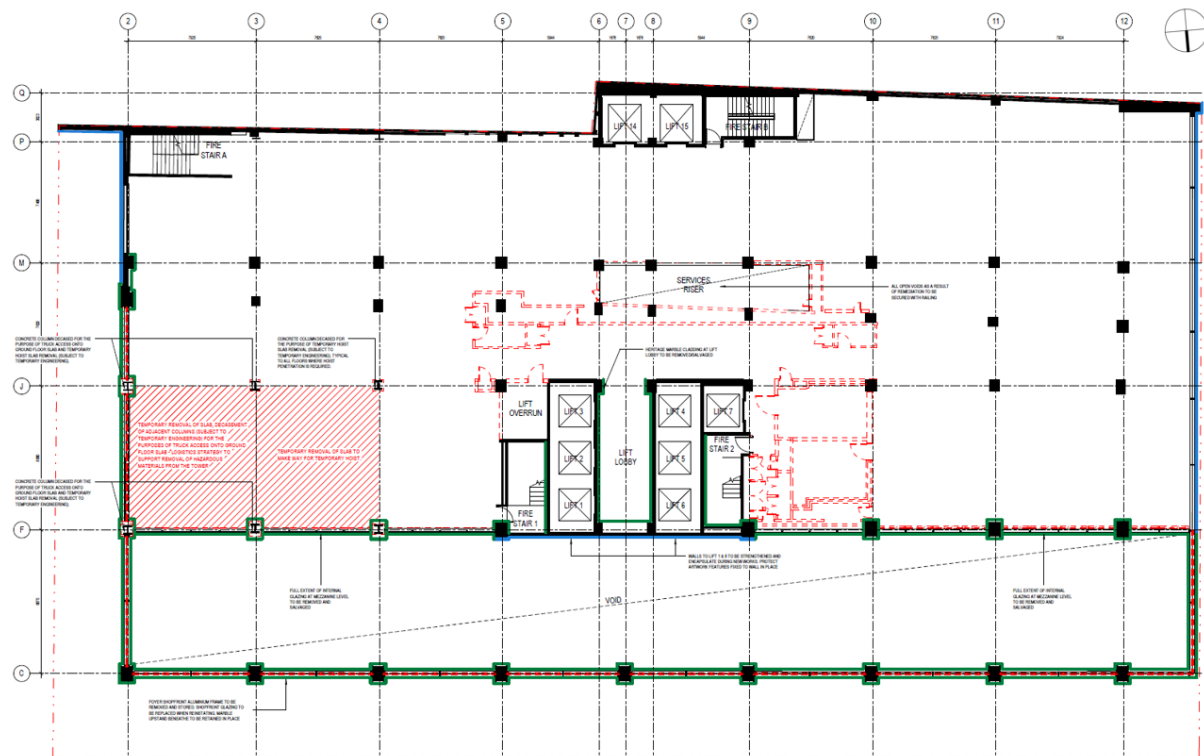


Figure 8: Mezzanine demolition and remediation plan



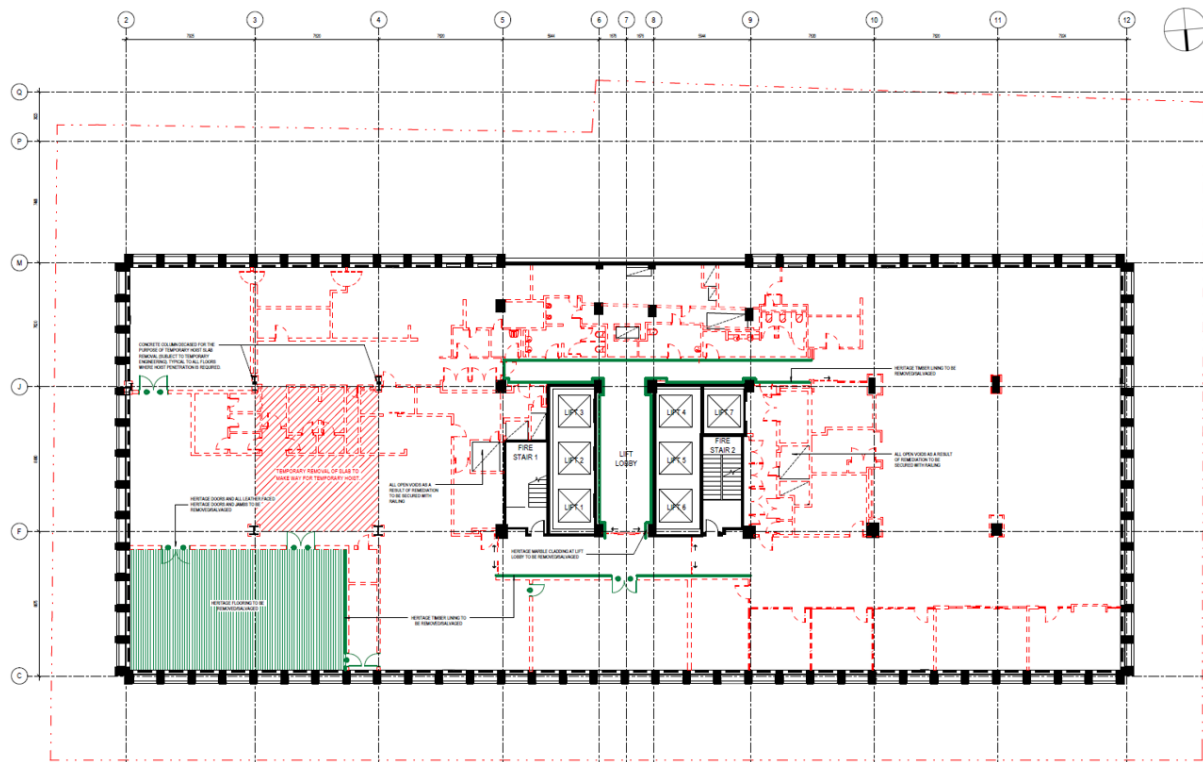


Figure 9: Level 11 demolition and remediation plan

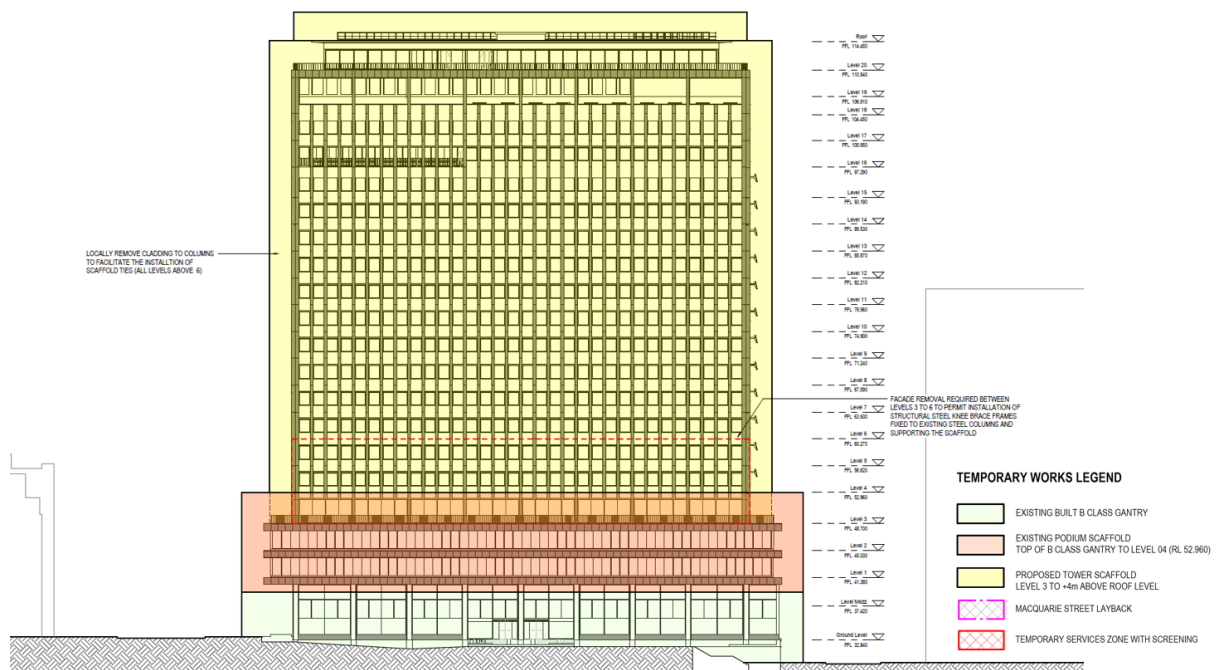
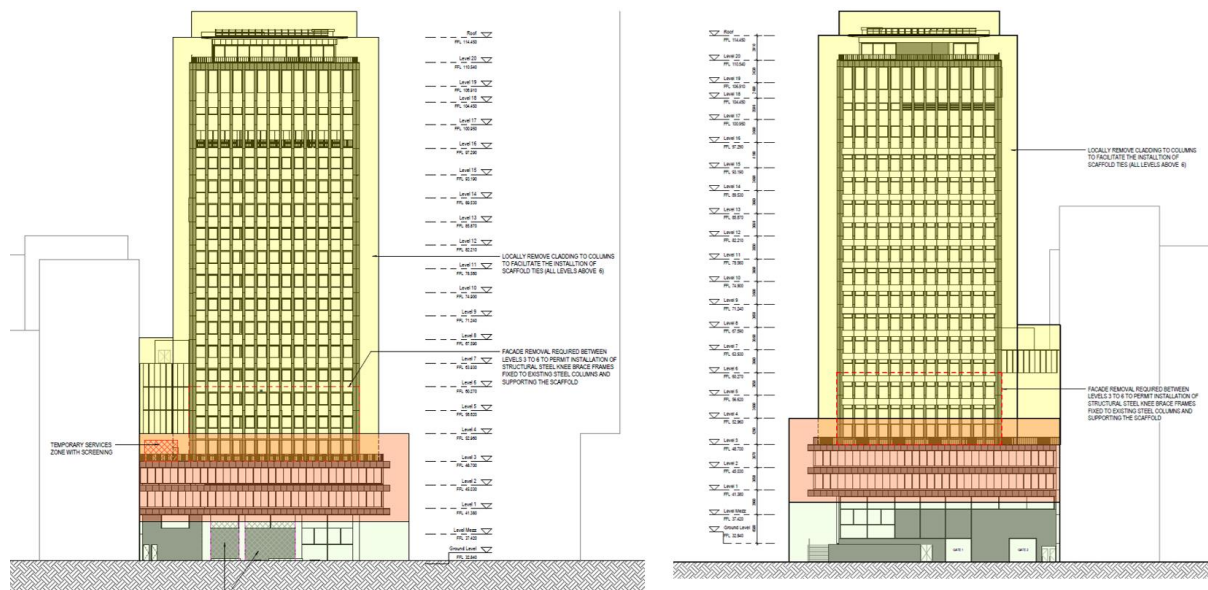


Figure 10: North elevation showing hoarding, scaffolding and temporary services zone with screening





**Figure 11:** Macquarie Street (left) and Pitt Street (right) elevations showing hoarding, scaffolding and temporary services zone with screening

## Assessment

15. The proposed development has been assessed under Section 4.15 of the Environmental Planning and Assessment Act 1979 (EP&A Act).

## Environmental Protection and Biodiversity Conservation Act 1999

16. The applicant has made a referral to the Department of Climate Change, Energy, the Environment and Water to seek consent for the proposed works, as the Head Office is listed on the Commonwealth Heritage List.
17. The subject application and the referral are independent of each other. The granting of development consent is not contingent on the outcome of the referral.

## State Environmental Planning Policies

### State Environmental Planning Policy (Resilience and Hazards) 2021 – Chapter 4 Remediation of Land

18. Detailed investigations have identified asbestos containing material in the form of sprayed coating and vermiculite insulation residue throughout the buildings including structural beams, columns, bulkheads, soffits of floor slabs, within service risers and other service penetrations; around windows and in other facade cavities and below topping slab.
19. A Consolidated Asbestos Report has been submitted to detail the extent of asbestos contamination within the building and outline a 2-stage remediation strategy to allow the future long-term occupation of the building. The subject application is for the first of the 2-stage process.



20. The City's Environmental Health Unit has reviewed the report and is satisfied that the existing building can be made suitable for re-occupation subject to compliance with the proposed strategy. The recommended conditions have been included in Attachment A, requiring compliance with the strategy and for Council to be notified should there be any changes to the strategy.

**State Environmental Planning Policy (Sustainable Buildings) 2022 –  
Chapter 3 Standards for non-residential development**

21. Chapter 3 of the Sustainable Buildings SEPP is irrelevant at this stage as the proposed development only relates to remediation works and would not result in an occupiable building. Compliance with the relevant requirements will be assessed in the subsequent development application.

**State Environmental Planning Policy (Transport and Infrastructure) 2021**

22. Pursuant to Clause 2.98 of the Transport and Infrastructure SEPP, the proposed development is adjacent to a rail corridor and was subsequently referred to Sydney Trains for comment. Sydney Trains have recommended conditions which are included in the Notice of Determination.

**Sydney Environmental Planning Policy (Biodiversity and Conservation) 2021 –  
Chapter 6 Water Catchments**

23. The site is within the Sydney Harbour Catchment but is not located in the Foreshores Waterways Area or adjacent to a waterway. The proposed development satisfies the requirements of Division 2 of the Biodiversity and Conservation SEPP as it will have negligible impacts to the water quality and quantity.

**Local Environmental Plans**

**Sydney Local Environmental Plan 2012**

24. An assessment of the proposed development against the relevant provisions of the Sydney Local Environmental Plan 2012 is provided in the following sections.

**Part 2 Permitted or prohibited development**

Provision	Compliance	Comment
2.3 Zone objectives and Land Use Table	Yes	The site is located in the SP5 Metropolitan Centre zone. The proposed development maintains the existing use as a commercial premises, which is permissible with consent in the zone and generally meets the zone objectives.
4.3 Height of buildings 6.17 Sun access planes 6.18 Overshadowing of certain public places	Yes	The proposed development will not alter the height of the existing building and would not result in any additional overshadowing to The Royal Botanic Gardens, The Domain, Hyde Park, Martin Place, and Pitt Street Mall.



Provision	Compliance	Comment
4.4 Floor space ratio	Yes	The proposed development will not alter the floor space ratio of the site.
5.10 Heritage conservation	Yes	<i>Refer to Discussion below.</i>
6.19 View planes	N/A	The proposed development will not alter the existing building envelope and thus not affect the identified view planes.
7.16 Airspace operations	Yes	Sydney Airport Corporation, as a proxy for the Civil Aviation Safety Authority, has raised no objection to the proposed development. It is also noted that on 20 June 2025, the Department of Infrastructure, Transport, Regional Development, Communications, Sport and the Arts also granted approval for the continued use of the existing tower crane till 31 December 2029.
7.19 Demolition must not result in long term adverse visual impact	Yes	Hoardings with suitable artwork have been erected on site to minimise the streetscape and amenity impacts associated with the proposed works.
7.20 Development requiring or authorising preparation of a development control plan	N/A	This clause is not applicable as the proposed development does not involve a new building or an increase of the gross floor area of an existing building.

## Development Control Plans

### Sydney Development Control Plan 2012

25. An assessment of the proposed development against the relevant provisions within the Sydney Development Control Plan 2012 is provided in the following sections.

### Section 2 – Locality Statements

26. The proposed development is in keeping with the unique character and the design principles of the Martin Place special character area in that it will:
- (a) facilitate the long-term conservation of the heritage building, including its significance as a twentieth century institutional building;
  - (b) facilitate the long-term occupation of the building by the RBA and the continuing contribution of that to the social and historic significance of Martin Place; and,



- (c) maintain the contribution of the site to the significance of Martin Place as one of Central Sydney's grand civic spaces and as a valued business location.

### Section 3 – General Provisions

Provision	Compliance	Comment
3.5 Urban Ecology	Yes	The proposed development does not require the removal of any trees, but selective pruning of 3 existing street trees, being 3 mature London Plane ( <i>Platanus x acerifolia</i> ), on Macquarie Street. The pruning is necessary to accommodate the endorsed works zone on Macquarie Street and the temporary vehicular access to the site.  The selective pruning is considered acceptable, subject to conditions are recommended in Attachment A to ensure their retention and protection.
3.9 Heritage	Yes	<i>Refer to Discussion below.</i>
3.14 Waste	Yes	A satisfactory Construction Waste Management Plan has been provided for the proposed remediation works.

### Section 5 – Specific Areas

#### 5.1 Central Sydney

Provision	Compliance	Comment
5.1.3 Heritage items, warehouses and special character areas	Yes	<i>Refer to Discussion below.</i>
5.1.5 Temporary use and appearance of vacant sites and buildings	Yes	<i>Refer to sections 7.19 of the LEP.</i>
5.1.7 Sun projection of public parks and places	Yes	<i>Refer to sections 6.17 and 6.18 of the LEP.</i>
5.1.8 Views from public places	Yes	<i>Refer to sections 6.19 of the LEP.</i>



## Discussion

### Heritage - Salvage, Protection and Conservation

27. A suitably qualified heritage consultant has been engaged to oversee the overall remediation and reconstruction of the existing building. Evidence of the heritage consultant's on-going engagement has been received, and Condition (6) is recommended to require the heritage consultant to be involved in the resolution of all heritage-related matters, conduct regular inspections, maintain a diary of the site, and compile a final report prior to the re-occupation of the building (at the completion of the separate development application).
28. The same heritage consultant prepared a Heritage Management Plan for the existing building in April 2020. That plan has been approved by the Australian Heritage Council as a required document under the EPBC Act. That plan functions as a practical working document that guides future works or changes to the Head Office to ensure the building's identified heritage values are adequately identified, protected and conserved.
29. The heritage consultant has prepared a heritage impact statement to support the subject application, assessing the likely impacts against the Heritage Management Plan. Given the necessity of the remedial works, the heritage impact statement outlines mitigation measures to manage the impacts on the heritage values of the building. In accordance with the proposed mitigation measures, the following has been submitted to the City:
  - (a) a photographic archival recording of the building;
  - (b) additional detailed methodologies for salvaging building materials, and protection, handling, cataloguing and storage of heritage fabric; and,
  - (c) measured drawings of the facade construction system and the Munro Garden.
30. Condition (5) in Attachment A is recommended to require works to be carried out in accordance with the recommendations of the heritage impact statement, including the submitted detailed methodologies.

### Construction Noise and Vibration Management

31. A Construction Noise and Vibration Management Plan (CNVMP) has been submitted to support the proposed initial removal of hazardous building materials. The CNVMP identifies several sensitive receivers, including surround commercial premises (including legal chambers), the Federal and the Land and Environment Courts, the Sydney Hospital, and the vault and data centre within the existing basements of the subject site.
32. The CNVMP appropriately references:
  - (a) the Category 1 noise criteria of the City of Sydney Code of Practice for Construction Hours/Noise 1992;
  - (b) the Australian Standard AS 2436-2010 'Guide to noise and vibration control on construction, demolition and maintenance sites';



- (c) the maximum internal construction noise levels established by AS2107-2016 as recommended by the NSW EPA Interim Construction Noise Guideline, including the most stringent internal noise levels of 35dB for court rooms; and
  - (d) the vibration criteria of the German Standard DIN 4150-3.
33. The CNVMP modelled different scenarios, identifying the use of handheld jackhammering and saw cutting/demolition saw during the removal of topping slab and small section of slab for temporary hoist penetration as the primary source of noise and vibration. It also identified a suit of noise and vibration management measures to achieve compliance with the referenced criteria.
34. Perimeter noise barriers will be installed as part of the proposed scaffolding. Additional noise and vibration management measures will be selected following further testing within the immediately adjoining sensitive receivers. The CNVMP also requires on-going noise and vibration monitoring at those adjoining sensitive receivers.
35. Condition (12) in Attachment A is recommended to require a final construction methodology to be prepared in accordance with the submitted CNVMP. This will ensure the final management measures are selected following further testing, compliance with the appropriately referenced noise and vibration criteria, and the implementation of on-going noise and vibration monitoring. Condition (12) also allows the City to impose respite periods where necessary.
36. A separate Condition (11) is also recommended to require compliance with the standard construction hours prescribed by the City of Sydney Code of Practice for Construction Hours/Noise 1992.
37. The Department of Community and Justice (DCJ) raised concerns with potential impact on the Land and Environment Court's audio-visual link and digital recording systems. The submission referenced the approved development at 371-375 Pitt Street (D/2020/334), adjacent to the Central Local Court, and recommended two conditions to manage the potential construction noise and vibration impacts. The two conditions would require:
- (a) an acoustic and vibration testing and monitoring plan endorsed by DCJ, establishing an ambient noise range of 15-20dB and a maximum threshold of 25dB, ongoing monitoring and reporting, and further details on noise and vibration management; and,
  - (b) restriction prohibiting noise or vibration-generating works above ambient levels between 9am and 5pm, Monday to Friday.
38. Consistent with the DCJ's requests, a final construction methodology with on-going monitoring is required by a recommended condition. However, the prescription of noise and vibration criteria more stringent than those identified by the City and the NSW EPA, and further restriction on hours of noise-generating works are considered unreasonable. It is also inappropriate to require the endorsement of a third-party who is not a concurrence authority.



39. Notwithstanding, the above is also a more stringent approach than that adopted by the approved development at 371-375 Pitt Street (D/2020/334) which did not require compliance with an acoustic report nor the approval of a CNVMP by Council. The consent also did not explicitly allow the City to impose respite periods when noise and vibration exceedance results in sustained complaints, and only prescribed the standard construction hours.
40. Considering the above, compliance with the submitted CNVMP, subject to conditions, will adequately protect the amenity of neighbouring sensitive receivers, including the Land and Environment Court.

## Consultation

### Internal Referrals

41. The application was discussed with the City's Heritage and Urban Design Unit, Environmental Health Unit, Access and Transport Unit, Public Domain Unit, Construction and Building Unit, and Cleansing and Waste Unit. Relevant comments have been included in the assessment above, and where appropriate, recommended conditions are included in Attachment A.

## Advertising and Notification

42. In accordance with the City of Sydney Community Engagement Strategy and Participation Plan, the proposed development was notified for a period of 28 days between 21 May and 19 June 2025. A total of 360 properties were notified and 1 submission was received.
43. The submission raised the following issues:
  - **Issue:** A robust acoustic and vibration testing and monitoring plan is to be prepared in consultation with, and endorsed by, the DCJ.  
**Response:** An acceptable construction noise and vibration management plan has been submitted to support the subject application. The implementation of the relevant management strategies is required by a recommended condition.
  - **Issue:** No noisy or vibration-generating works should occur during Court sitting hours (9.00am-5.00pm, Monday to Friday, except public holidays).  
**Response:** The proposed development is required to comply with the standard construction hours and noise criteria. Any further restrictions are considered unreasonable.



- **Issue:** A detailed dilapidation survey should be prepared prior to works commencing, documenting the current condition of the Court building.

**Response:** A condition is recommended in Attachment A to require dilapidation report(s) to be prepared for adjoining buildings, including the Court building.

## Financial Contributions

### Levy under Section 7.12 of the Environmental Planning and Assessment Regulation 2000

44. The proposed development is subject to a contribution under the Central Sydney Development Contributions Plan 2020 as the cost of the development is over \$250,000. A condition relating to this contribution has been included in Attachment A.

### Contribution under Section 7.13 of the Sydney Local Environmental Plan 2012

45. The proposed development is not subject to an affordable housing contribution as it is located within the Central Sydney affordable housing contribution area and does not involve the creation of more than 100m<sup>2</sup> of gross floor area, or the change of use of existing floor area to residential accommodation or tourist and visitor accommodation.

### Housing and Productivity Contribution

46. The proposed development is not subject to a Housing and Productivity Contribution under the Environmental Planning and Assessment (Housing and Productivity Contribution) Order 2024.

## Relevant Legislation

47. Environmental Planning and Assessment Act 1979.
48. City of Sydney Act 1988.

## Conclusion

49. The application for the initial removal of hazardous building materials from the Head Office of the Reserve Bank of Australia has been assessed in accordance with the relevant planning controls.
50. The proposed development will facilitate the remediation of the existing building to allow its safe and long-term occupation by the Reserve Bank of Australia, subject to a separate development application for full remediation and reconstruction.



51. The proposed development does not include any permanent alterations to the existing building, and includes appropriate measures to salvage, store and protect significant heritage fabric for later reinstatement and reuse within the building.
52. The proposed development will not result in unreasonable impacts on neighbouring properties and the surrounding public domain, subject to compliance with the relevant traffic, noise, vibration, and waste management plans as required by the conditions recommended in Attachment A.
53. The proposed development is therefore in the public interest and is recommended for approval by the Central Sydney Planning Committee.

**GRAHAM JAHN AM**

Chief Planner / Executive Director City Planning, Development and Transport

Bryan Li, Senior Planner



# **Attachment A**

<b>Recommended Conditions of Consent</b>
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## Terms and Reasons for Conditions

Under section 88(1)(c) of the EP&A Regulation, the consent authority must provide the terms of all conditions and reasons for imposing the conditions other than the conditions prescribed under section 4.17(11) of the EP&A Act. The terms of the conditions and reasons are set out below in Schedules 1 and 2.

## SCHEDULE 1

### GENERAL CONDITIONS

#### (1) APPROVED DEVELOPMENT

- (a) Development must be in accordance with Development Application No. D/2025/406 dated 19 May 2025 and the following drawings prepared by Architectus Australia Pty Ltd:

Drawing No.	Drawing Name	Date
DA-1105	Remediation - Floor Plan - Ground Floor	08.05.2025
DA-1106	Remediation - Floor Plan - Mezzanine	08.05.2025
DA-1107	Remediation - Floor Plan - Level 1	08.05.2025
DA-1108	Remediation - Floor Plan - Level 2	08.05.2025
DA-1109	Remediation - Floor Plan - Level 3	08.05.2025
DA-1110	Remediation - Floor Plan - Level 4	08.05.2025
DA-1111	Remediation - Floor Plan - Level 5	08.05.2025
DA-1112	Remediation - Floor Plan - Level 6	08.05.2025
DA-1113	Remediation - Floor Plan - Level 7	08.05.2025
DA-1114	Remediation - Floor Plan - Level 8	08.05.2025
DA-1115	Remediation - Floor Plan - Level 9	08.05.2025
DA-1116	Remediation - Floor Plan - level 10	08.05.2025
DA-1117	Remediation - Floor Plan - Level 11	08.05.2025
DA-1118	Remediation - Floor Plan - Level 12	08.05.2025
DA-1119	Remediation - Floor Plan - Level 13	08.05.2025
DA-1120	Remediation - Floor Plan - Level 14	08.05.2025
DA-1121	Remediation - Floor Plan - Level 15	08.05.2025
DA-1122	Remediation - Floor Plan - Level 16	08.05.2025
DA-1123	Remediation - Floor Plan - Level 17	08.05.2025



Drawing No.	Drawing Name	Date
DA-1124	Remediation - Floor Plan - Level 18	08.05.2025
DA-1125	Remediation - Floor Plan - Level 19	08.05.2025
DA-1126	Remediation - Floor Plan - Level 20	08.05.2025
DA-1127	Remediation - Floor Plan - Roof Plan	08.05.2025
DA-1305	Remediation - Reflected Ceiling Plan - Ground Floor	08.05.2025
DA-1306	Remediation - Reflected Ceiling Plan - Mezzanine	08.05.2025
DA-1307	Remediation - Reflected Ceiling Plan - Level 1	08.05.2025
DA-1308	Remediation - Reflected Ceiling Plan - Level 2	08.05.2025
DA-1309	Remediation - Reflected Ceiling Plan - Level 3	08.05.2025
DA-1310	Remediation - Reflected Ceiling Plan - Level 4	08.05.2025
DA-1311	Remediation - Reflected Ceiling Plan - Level 5	08.05.2025
DA-1312	Remediation - Reflected Ceiling Plan - Level 6	08.05.2025
DA-1313	Remediation - Reflected Ceiling Plan - Level 7	08.05.2025
DA-1314	Remediation - Reflected Ceiling Plan - Level 8	08.05.2025
DA-1315	Remediation - Reflected Ceiling Plan - Level 9	08.05.2025
DA-1316	Remediation - Reflected Ceiling Plan - level 10	08.05.2025
DA-1317	Remediation - Reflected Ceiling Plan - Level 11	08.05.2025
DA-1318	Remediation - Reflected Ceiling Plan - Level 12	08.05.2025
DA-1319	Remediation - Reflected Ceiling Plan - Level 13	08.05.2025
DA-1320	Remediation - Reflected Ceiling Plan - Level 14	08.05.2025
DA-1321	Remediation - Reflected Ceiling Plan - Level 15	08.05.2025



Drawing No.	Drawing Name	Date
DA-1322	Remediation - Reflected Ceiling Plan - Level 16	08.05.2025
DA-1323	Remediation - Reflected Ceiling Plan - Level 17	08.05.2025
DA-1324	Remediation - Reflected Ceiling Plan - Level 18	08.05.2025
DA-1325	Remediation - Reflected Ceiling Plan - Level 19	08.05.2025
DA-1326	Remediation - Reflected Ceiling Plan - Level 20	08.05.2025
DA-1400	External Temporary Works Floor Plan - Overall	08.05.2025
DA-1405	External Temporary Works Floor Plan - Ground Floor	08.05.2025
DA-1406	External Temporary Works Floor Plan - Mezzanine	08.05.2025
DA-1407	External Temporary Works Floor Plan - Level 1	08.05.2025
DA-1408	External Temporary Works Floor Plan - Level 2	08.05.2025
DA-1409	External Temporary Works Floor Plan - Level 3	08.05.2025
DA-1410	External Temporary Works Floor Plan - Level 4-7 (Typical)	08.05.2025
DA-1411	External Temporary Works Floor Plan - Level 8-19 (Typical)	08.05.2025
DA-1426	External Temporary Works Floor Plan - Level 20	08.05.2025
DA-1427	External Temporary Works Floor Plan - Roof	08.05.2025
DA-1600	External Temporary Works Elevation - East	08.05.2025
DA-1601	External Temporary Works Elevation - West	08.05.2025
DA-1602	External Temporary Works Elevation - North	08.05.2025
DA-1603	External Temporary Works Elevation - South	08.05.2025
DA-1701	External Temporary Works Section 1	08.05.2025



Drawing No.	Drawing Name	Date
DA-1702	External Temporary Works Section 2	08.05.2025

and as amended by the conditions of this consent.

- (b) In the event of any inconsistency between the approved plans and supplementary documentation, the drawings will prevail.

#### **Reason**

To ensure all parties are aware of the approved plans and supporting documentation that applies to the development.

### **(2) SEPARATE DA REQUIRED PRIOR TO OCCUPATION OR USE**

A separate development consent for the full remediation and reconstruction of the building, including the reuse and reinstallation of significant heritage fabric and other heritage works, must be obtained prior to those works commencing, or the re-occupation of the building, whichever is earlier.

#### **Reason**

To require separate consent to be obtained prior to occupation or use.

### **(3) SECTION 7.12 CONTRIBUTIONS PAYABLE – SUBMITTED AND VERIFIED PRIOR TO COMMENCEMENT OF WORKS**

A monetary contribution is payable to the City of Sydney pursuant to Section 7.12 of the *Environmental Planning and Assessment Act 1979* and the *Central Sydney Development Contributions Plan 2020*.

The Section 7.12 levy is determined by the development cost, as per the following table:

Development cost *	Levy
* Refer to Section 2.3 of the <i>Central Sydney Development Contributions Plan 2020</i> for information on determining the development cost.	
Up to and including \$250,000	NIL
More than \$250,000, up to and including \$500,000	1%
More than \$500,000, up to and including \$1,000,000	2%
More than \$1,000,000	3%

The Section 7.12 levy is payable to the City of Sydney in accordance with the following:

- (a) Prior to the commencement of works, evidence must be provided of Council's written verification of the amount of the contribution as required in (b) below, and that the levy has been paid to the Council in accordance with this condition. Payment may be by EFTPOS (debit card only), CASH or a BANK CHEQUE made payable to the City of Sydney. Direct debit, personal or company cheques will not be accepted.



- (b) The contribution must not be paid to the City of Sydney until it is accompanied by separate written verification by the City of Sydney of the specific amount payable. In order to obtain such verification, one of the following must be submitted:
  - (i) **For development between \$250,000 and \$3,000,000** – the City of Sydney *Cost Summary Report* must be completed by a suitably qualified person such as the Project Architect or Project Manager and submitted to the City of Sydney together with the copies of the plans the subject of the application for the Construction Certificate. An electronic copy of the *Cost Summary Report* is available from the City's website at [www.cityofsydney.nsw.gov.au](http://www.cityofsydney.nsw.gov.au); or
  - (ii) **For development more than \$3,000,000** – The City of Sydney *Registered Quantity Surveyor's Detailed Cost Report* must be completed by a Quantity Surveyor registered with the Australian Institute of Quantity Surveyors or a person who can demonstrate an equivalent qualification and submitted to the City of Sydney together with the copies of the plans the subject of the application for the Construction Certificate. An electronic copy of the *Registered Quantity Surveyor's Detailed Cost Report* is available from the City's website at [www.cityofsydney.nsw.gov.au](http://www.cityofsydney.nsw.gov.au).
- (c) The Council will consider the documentation submitted under subclause (b) and determine the cost of the proposed development having regard to the information submitted and to such other matters as it considers appropriate and will notify the Registered Certifier accordingly.
- (d) The development cost is to be determined in accordance with Section 2.3 of the Central Sydney Development Contributions Plan 2020, located in the version in force at the date of the grant of this consent.

Please contact Council's Planning Administration staff at [Planningsystemsadmin@cityofsydney.nsw.gov.au](mailto:Planningsystemsadmin@cityofsydney.nsw.gov.au) to request a written Statement of Contributions Owing, prior to payment.

#### **Reason**

To ensure development contributions are paid to support the provision of public facilities, amenities, and services in Central Sydney.

#### **(4) GENERAL HERITAGE**

- (a) The proposed works are to be carried out in a manner that minimises demolition, alterations and new penetrations/fixings to the significant fabric of the existing building which is listed as a Heritage Item.
- (b) The fabric and features to be retained by the proposal must be properly protected during the process of demolition and construction. The protection measures are to be specified in the construction management plan.
- (c) Appropriately qualified tradespersons (as appropriate) are to be commissioned who are skilled in traditional building and engineering trades to carry out the proposed scope of works.



### **Reason**

To ensure that the development does not result in adverse heritage impacts.

## **(5) HERITAGE ITEMS - WORKS TO BE CONSISTENT WITH HERITAGE IMPACT STATEMENT**

- (a) All works must be carried out in accordance with the relevant recommendations of, and detailed methodologies supporting, the Heritage Impact Statement prepared by NBRS and dated 8 May 2025 (Council's reference: 2025/272599).
- (b) The recommendations and detailed methodologies must be implemented to the satisfaction of Council's Urban Design and Heritage Manager / Area Planning Manager prior to the re-occupation of the building.

### **Reason**

To ensure the works are carried out in an appropriate manner that protects the heritage of the site/building.

## **(6) USE OF HERITAGE CONSULTANT**

- (a) The nominated heritage consultant, being Samantha Polkinghorne (Director | Heritage) of NBRS must work with the consultant team throughout the design development, contract documentation and construction stages of the project. The heritage consultant is to be involved in the resolution of all matters where existing significant fabric and spaces are to be subject to preservation, restoration, reconstruction, adaptive reuse, recording and demolition. The heritage consultant is to be provided with full access to the site and authorised by the applicant to respond directly to Council where information or clarification is required regarding the resolution of heritage issues throughout the project.
- (b) Throughout the documentation and construction stages of the approved works the heritage consultant is to:
  - (i) Undertake site inspections of not less than fortnightly intervals.
  - (ii) Maintain a diary of site inspections that includes photographs of the works, details of heritage advice and decisions arising out of each inspection and any further physical evidence uncovered during the works.
  - (iii) Compile a final report, including the diary, verifying how the heritage conditions have been satisfied, and the works completed in accordance with the Conservation Management Plan.

Note: Upon completion of the works, the heritage consultant is to submit a final report for approval by Council prior to the re-occupation of the building.

### **Reason**

To ensure that the implementation of the approved development is carried out in a manner that does not have adverse heritage impacts.



## (7) TREES THAT MUST BE RETAINED

The existing trees detailed in the table below are determined to be prominent landscape elements, and must be retained and protected in accordance with the conditions throughout construction and development.

Tree No.	Species	Location
1-3	<i>Platanus x acerifolia</i> (London Plane)	Street Tree – Martin Place
4-8		Street Tree – Macquarie Street

### Reason

To identify the trees that cannot be removed, must be retained and protected.

## (8) TREE PRUNING APPROVED

- (a) The selective pruning of the trees listed in the table below is approved when undertaken in accordance with the relevant section of the Pruning Specification Report prepared by Urban Arbor and dated 12 July 2024 as follows:

Tree No.	Species	Pruning Specification
6	<i>Platanus x acerifolia</i> (London Plane)	Section 5.1.2
7		Section 5.2.2
8		Section 5.3.2

- (b) All pruning must be carried out by an arborist with a minimum AQF Level 3 qualification in arboriculture and must be in accordance with AS4373-2007 Australian Standard 'Pruning of Amenity Trees'.
- (c) Any pruning works carried out under this condition must not adversely impact tree health, structure or form.

### Reason

To ensure that pruning works to trees are carried out in an appropriate manner.

## (9) ANY ADDITIONAL TREE PRUNING

- (a) Any pruning beyond, or in addition to, the extent of pruning specified in the Pruning Specification Report prepared by Urban Arbor and dated 12 July 2024 would require separate consent to be obtained from Council's Tree Management Officer, including tree roots greater than 40mm diameter.
- (b) Construction access and the location of the works zone on Macquarie Street must be planned to avoid significant adverse impact on any trees to be retained. Alternative works zone location may be required, and suitably size cranes/machinery/equipment utilised to minimise tree pruning. Only minor pruning works will be approved.



- (c) Any approved pruning must be carried out by an arborist with a minimum AQF Level 3 qualification in arboriculture, and in accordance with AS4373 'Pruning of Amenity Trees' and the SafeWork's Code of Practice – Amenity Tree Industry.

**Reason**

To ensure that pruning works are carried out in an appropriate manner.

**(10) STREET TREE PROTECTION**

All street trees located directly outside the site must be retained and protected in accordance with the AS4970 Protection of Trees on Development Sites. All street trees must be protected during the construction works as follows:

- (a) Tree trunk and major branch protection must be undertaken prior to the commencement of any works (including demolition). The protection must be installed and certified by an arborist with a minimum AQF Level 5 qualification in arboriculture and must include:
  - (i) An adequate clearance, minimum 250mm, must be provided between the structure and tree branches, and trucks at all times.
  - (ii) Tree trunk/s and/or major branches to a height of two metres must be protected by wrapped thick underlay carpet or similar padding material to limit damage, and
  - (iii) Timber planks (50mm x 100mm or similar) must be placed around tree trunk/s. The timber planks must be spaced at 100mm intervals and must be fixed against the trunk with tie wire, or strapping. The thick underlay carpet or similar padding material and timber planks must not be fixed to the tree in any instance, or in any fashion.
  - (iv) Tree trunk and major branch protection is to remain in place for the duration of construction and development works and must be removed at the completion of the project.
- (b) Temporary signs, or any other items, shall not be fixed or attached to any street tree.
- (c) All hoarding support columns are to be placed a minimum of 300mm from the edge of the existing tree pits/setts, so that no sinking or damage occurs to the existing tree pits. Supporting columns must not be placed on any tree roots that are exposed.
- (d) Young street trees must be protected by installing three (3) wooden stakes around the edge of the tree pits or a minimum of 1 metre from the base of the trunk. Hessian must be wrapped around the stakes. If existing stakes or a metal tree guard are already in place, these suffice as tree protection.
- (e) Materials or goods, including site sheds, must not be stored or placed:
  - (i) around or under the tree canopy; or
  - (ii) within two (2) metres of tree trunks or branches of any street trees.



- (f) Any excavation within any area known to or suspected of having tree roots greater than 30mm diameter must be undertaken by hand.
- (g) Any trenching works for services, hydraulics, drainage etc. must not be undertaken within 5 metres of the trunk of any street tree. Alternate installation methods for services such as directional boring/drilling or redirection of services must be employed where roots greater than 30mm diameter are encountered during installation of any services.
- (h) Existing sections of kerbs adjacent to any street tree must not be removed without approval from the Council's Tree Management Officer.
- (i) Any damage sustained to street tree/s as a result of the erection of any construction activities (including demolition) must be immediately reported to the Council's Tree Management Officer on 9265 9333. Any damage to street trees as a result of any construction activities may result in prosecution under the Local Government Act 1993 and the Environmental Planning and Assessment Act 1979.

### **Reason**

To ensure the protection and ongoing health of the street trees.

## **(11) HOURS OF WORK AND NOISE – CBD**

The hours of construction and work on the development must be as follows:

- (a) All work, including demolition, excavation and building work, and activities in the vicinity of the site generating noise associated with preparation for the commencement of work (e.g. loading and unloading of goods, transferring of tools etc) in connection with the proposed development must only be carried out between the hours of 7.00am and 7.00pm on Mondays to Fridays, inclusive, and 7.00am and 5.00pm on Saturdays, and no work must be carried out on Sundays or public holidays.
- (b) All work, including demolition, excavation and building work must comply with the *City of Sydney Code of Practice for Construction Hours/Noise 1992* and Australian Standard 2436-2010 *Guide to Noise Control on Construction, Maintenance and Demolition Sites*.
- (c) Notwithstanding the above, the use of a crane for special operations, including the delivery of materials, hoisting of plant and equipment and erection and dismantling of on site tower cranes which warrant the on-street use of mobile cranes outside of above hours can occur, subject to a separate application being submitted to and approved by Council under Section 68 of the Local Government Act 1993 and Sections 138/139 of the Roads Act 1993.

Note: Works may be undertaken outside of hours, where it is required to avoid the loss of life, damage to property, to prevent environmental harm and/or to avoid structural damage to the building. Written approval must be given by the Construction Regulation Team, prior to works proceeding.

The *City of Sydney Code of Practice for Construction Hours/Noise 1992* allows extended working hours subject to the approval of an application in accordance



with the Code and under Section 4.55 of the *Environmental Planning and Assessment Act 1979*.

**Reason**

To protect the amenity of the surrounding area.

**(12) COMPLIANCE WITH CONSTRUCTION NOISE AND VIBRATION MANAGEMENT PLAN**

- (a) All relevant performance parameters, including but not limited to requirements, engineering assumptions and recommendations such as the management controls in Section 5.2.1 and noise and vibration monitoring in Sections 5.2, the Stage 1 Remediation Scope Construction Noise and Vibration Management Plan, reference 20240258.3/0605A/R1/SN, dated 6 May 2025 and prepared by Acoustic Logic (council's reference 2025/272555) must be implemented.
- (b) Prior to the commencement of any noise and vibration generating works, a final construction methodology must be assessed and certified by a Suitably Qualified Acoustic Consultant\* (see definition below) to be in accordance with the requirements of (a) above, and a copy of certified final construction methodology submitted to and approved by Council's Area Planning Manager.

*Note: Suitably Qualified Acoustic Consultant* means a consultant who possesses the qualifications to join the Australian Acoustical Society, Institution of Engineers Australia (grade of member) or the Association of Australasian Acoustical Consultants (grade of member firm).

- (c) Where all control measures have been implemented and the resultant noise and/ or vibration levels at any neighbouring receiver exceed the Council's applicable criteria stated in the Construction Hours/Noise Code 1992 and are giving rise to sustained complaints then the contractor must provide regular, appropriate and sustained periods of respite in consultation with Council's Health and Building Unit. Such periods must be set and agreed to by Council's Health and Building Unit.
- (d) Approval to vary the authorised noise and vibration levels must be received in writing by the proponent from Council prior to activities being undertaken that exceed sanctioned emission levels.

**Reason**

To ensure all parties are aware of the supporting documentation that applies to the development.

**(13) COMPLIANCE WITH CONSTRUCTION PEDESTRIAN AND TRAFFIC MANAGEMENT PLAN**

The Construction Pedestrian and Traffic Management Plan prepared by J Milston Transport Consulting Pty Ltd and dated 26 June 2025 (council's reference 2025/389539-01) must be complied with during any works.

**Reason**



To ensure that the impacts of construction traffic is appropriately managed.

**(14) COMPLIANCE WITH CONSTRUCTION WASTE MANAGEMENT PLAN**

The Construction Waste Management Plan, revision 3, prepared by Built and dated 7 May 2025 (Council's reference 2025/272634) must be complied with during any demolition, remediation and construction works.

**Reason**

To ensure that the impacts of construction waste is appropriately managed.

**(15) REMEDIATION**

The site is to be remediated and validated in accordance with the recommendations set out within the Consolidated Asbestos Report, reference PRJ001018, dated 6 May 2025 and prepared by Property Risk Australia (Council's reference: 2025/272570).

Any new information which comes to light during remediation, demolition or construction works which has the potential to alter previous conclusions about site contamination must be immediately notified to the Council and the Principal Certifier.

Note: Certification from a certified Occupational Hygienist (Australia Institute of Occupational Hygienists) confirming that all hazardous materials identified have been contained, managed or removed in accordance with the recommendations of the above-referenced Consolidated Asbestos Report and that the site is safe for future occupation in accordance with the approved use will be required prior to the re-occupation of the building.

**Reason**

To ensure that the site is appropriately remediated.

**(16) CLASSIFICATION OF WASTE**

Prior to the exportation of waste (including fill or soil) from the site, the waste materials must be classified in accordance with the provisions of the Protection of the *Environment Operations Act 1997* and the *NSW EPA Waste Classification Guidelines, Part1: Classifying Waste (November 2014)*. The classification of the material is essential to determine where the waste may be legally taken. The *Protection of the Environment Operations Act 1997* provides for the commission of an offence for both the waste owner and the transporters if the waste is taken to a place that cannot lawfully be used as a waste facility for a particular class of waste. For the transport and disposal of industrial, hazardous or Group A liquid waste advice should be sought from the EPA.

**Reason**

To ensure that waste from site is classified and disposed of appropriately.



## **(17) ASBESTOS REMOVAL WORKS**

- (a) All works removing asbestos containing materials must be carried out by a suitably licensed asbestos removalist duly licensed with Safework NSW, holding either a Friable (Class A) or a Non-Friable (Class B) Asbestos Removal Licence which ever applies.

A copy of the relevant licence must be made available to any authorised Council officer on request within 24 hours.

- (b) Five days prior to the commencement of licensed asbestos removal, Safework NSW must be formally notified of the works. All adjoining properties and those opposite the development must be notified in writing of the dates and times when asbestos removal is to be conducted. The notification must identify the licensed asbestos removal contractor and include a contact person for the site together with telephone number and email address.
- (c) All work must be carried out in accordance with the *Work Health and Safety Regulation 2017* and the NSW Government and SafeWork NSW document entitled *How to manage and control asbestos in the work place: Code of Practice (Safework NSW)* December 2011 and the *City of Sydney Managing Asbestos Policy dated 21 October 2013 and associated guidelines*.
- (d) The asbestos removalist must use signs and barricades to clearly indicate the area where the asbestos removal work is being performed. Signs must be placed in positions so that people are aware of where the asbestos removal work area is and should remain in place until removal is completed and clearance to reoccupy has been granted. Responsibilities for the security and safety of the asbestos removal site and removal must be specified in the asbestos removal control plan (where required). This includes inaccessible areas that are likely to contain asbestos.
- (e) Warning signs must be placed so they inform all people nearby that asbestos removal work is taking place in the area. Signs must be placed at all of the main entry points to the asbestos removal work area where asbestos is present. These signs must be weatherproof, constructed of light-weight material and adequately secured so they remain in prominent locations. The signs must be in accordance with AS 1319 -1994 *Safety Signs for the Occupational Environment* for size, illumination, location and maintenance.
- (f) Asbestos waste must only be transported and disposed of at an EPA licensed waste facility.
- (g) No asbestos products are to be reused on the site (i.e. packing pieces, spacers, formwork or fill etc).
- (h) No asbestos laden skips or bins are to be left in any public place without the written approval of Council.
- (i) A site notice board must be located at the main entrance to the site in a prominent position and must have minimum dimensions of 841mm x 594mm (A1) with any text on the notice to be a minimum of 30 point type size.

The site notice board must include the following:



- (i) contact person for the site;
- (ii) telephone and facsimile numbers and email address; and
- (iii) site activities and time frames.

**Reason**

To ensure that the handling and removal of asbestos from the site is appropriately managed.

**(18) HAZARDOUS AND INDUSTRIAL WASTE**

Hazardous waste arising from the demolition activities must be removed and/or transported in accordance with the requirements of the NSW Work Cover Authority pursuant to the provisions of the following:

- (a) *Protection of the Environment Operations Act 1997*
- (b) *Protection of the Environment Operations (Waste) Regulation 2005*
- (c) *Waste Avoidance and Resource Recovery Act 2001*
- (d) *Work Health and Safety Act 2011*
- (e) *Work Health and Safety Regulation 2017.*

**Reason**

To ensure hazardous waste is managed appropriately.

**(19) COVERING OF LOADS**

All vehicles involved in the excavation and/or demolition process and departing the property with demolition materials, spoil or loose matter must have their loads fully covered before entering the public roadway.

**Reason**

To ensure loads are managed appropriately and do not impact local amenity.

**(20) EROSION AND SEDIMENT CONTROL**

A Soil and Water Management Plan (SWMP) or Erosion and Sediment Control Plan (ESCP) must be prepared to the satisfaction of the Principal Certifier and be implemented in full during the construction period.

During the construction period:

- (a) erosion and sediment controls must be regularly inspected, repaired and maintained in working order sufficient for a 10 year Average Recurrence Interval (ARI) rainfall event;
- (b) erosion and sediment control signage available from Council must be completed and attached to the most prominent structure visible at all times when entering the site for the duration of construction; and



- (c) building operations and stockpiles must not be located on the public footway or any other locations which could lead to the discharge of materials into the stormwater system.

**Reason**

To ensure no substance other than rainwater enters the stormwater system and waterways.

**(21) VEHICLE CLEANSING**

Prior to the commencement of work, suitable measures are to be implemented to ensure that sediment and other materials are not tracked onto the roadway by vehicles leaving the site. It is an offence to allow, permit or cause materials to pollute or be placed in a position from which they may pollute waters.

**Reason**

To ensure sediment is not tracked onto the roadway.

**(22) ACCESS DRIVEWAYS TO BE CONSTRUCTED**

Approved driveways are to be constructed for all vehicular access to the construction site in accordance with the requirements of Council's "Driveway Specifications" to the satisfaction of Council.

**Reason**

To allow adequate vehicular access to the site.

**(23) LOADING AND UNLOADING DURING CONSTRUCTION**

The following requirements apply:

- (a) All loading and unloading associated with construction activity must be accommodated on site, where possible.
- (b) If, it is not feasible for loading and unloading to take place on site, a Works Zone on the street may be considered by Council.
- (c) A Works Zone may be required if loading and unloading is not possible on site. If a Works Zone is warranted an application must be made to Council at least 8 weeks prior to commencement of work on the site. An approval for a Works Zone may be given for a specific period and certain hours of the days to meet the particular need for the site for such facilities at various stages of construction. The approval will be reviewed periodically for any adjustment necessitated by the progress of the construction activities.
- (d) Where hoisting activity over the public place is proposed to be undertaken including hoisting from a Works Zone, a separate application under Section 68 of the Local Government Act 1993 and Sections 138/139 of the Roads Act 1993 must be submitted to and approved by Council.

**Reason**

To protect the amenity of the public domain.



#### **(24) NO OBSTRUCTION OF PUBLIC WAY**

Unless otherwise approved by Council, the public way must not be obstructed by any materials, vehicles, waste receptacles, skip-bins or the like. Non-compliance with this requirement may result in the issue of a notice by Council to stop all work on the site.

##### **Reason**

To protect the amenity of the public domain.

#### **(25) USE OF MOBILE CRANES**

The following requirements apply:

- (a) Mobile cranes operating from the road must not be used as a method of demolishing or constructing a building.
- (b) For special operations including the delivery of materials, hoisting of plant and equipment and erection and dismantling of on site tower cranes which warrant the on-street use of mobile cranes, permits must be obtained from Council for the use of a mobile crane. The permits must be obtained 48 hours beforehand for partial road closures which, in the opinion of Council will create minimal traffic disruptions and 4 weeks beforehand in the case of full road closures and partial road closures which, in the opinion of Council, will create significant traffic disruptions.
- (c) The use of a crane for special operations, including the delivery of materials, hoisting of plant and equipment and erection and dismantling of on site tower cranes which warrant the on-street use of mobile cranes outside of approved hours of construction can occur, subject to a separate application being submitted to and approved by Council under Section 68 of the Local Government Act 1993 and Sections 138/139 of the Roads Act 1993.

##### **Reason**

To ensure mobile cranes are used appropriately.

#### **(26) DILAPIDATION REPORT**

- (a) Subject to the receipt of permission of the affected landowner, dilapidation report/s, including a photographic survey of 225-227 Macquarie Street Sydney (and any other properties identified by the qualified structural engineer engaged to undertake the report) are to be prepared by an appropriately qualified structural engineer prior to commencement of works. A copy of the dilapidation report/s together with the accompanying photographs must be given to the above property owners, and a copy lodged with the Registered Certifier and the Council prior to the issue of a Construction Certificate.

##### **UPON COMPLETION OF DEMOLITION**

- (b) A second Dilapidation Report/s, including a photographic survey must then be submitted at least one month after the completion of demolition works. A copy of the second dilapidation report/s, together with the accompanying



photographs must be given to the above property owners, and a copy lodged with the Principal Certifier and the Council prior to the issue of any Occupation Certificate or the re-occupation of the building, whichever is earlier.

Any damage to buildings, structures, lawns, trees, sheds, gardens and the like must be fully rectified by the applicant or owner, at no cost to the affected property owner.

Note: Prior to the commencement of the building surveys, the applicant/owner must advise (in writing) all property owners of buildings to be surveyed of what the survey will entail and of the process for making a claim regarding property damage. A copy of this information must be submitted to Council.

#### **Reason**

To ensure that dilapidation reports are prepared and to identify damage to adjoining/nearby properties resulting from building work on the development site.

### **(27) PUBLIC DOMAIN DILAPIDATION REPORT**

Prior to an approval for demolition and preparatory works being granted or the issue of any Construction Certificate, whichever is earlier, a photographic recording of the public domain site frontages is to be prepared as described in the Public Domain Manual and submitted for approval by Council's Public Domain Unit. The City's *Public Domain Manual* is available for download from the City's website at <https://www.cityofsydney.nsw.gov.au/>

The submission is to include written confirmation, issued with the authority of both the applicant and the photographer that the City of Sydney is granted a perpetual non-exclusive license to make use of the copyright in all images supplied, including the right to make copies available to third parties as though they were Council images. The signatures of both the applicant and the photographer must be included.

#### **Reason**

To establish and document the condition of the public domain for comparison as building work progresses and is completed.

### **(28) PUBLIC DOMAIN DAMAGE BOND**

- (a) A Public Domain Damage Deposit calculated on the basis of 160 square metres of clay brick paving site frontage must be lodged with Council in accordance with the City of Sydney's adopted Schedule of Fees and Charges. The bond must be provided as security for repairing any damage to the public domain in the vicinity of the site.
- (b) The City's Public Domain Unit must be contacted to determine the bond amount prior to lodgement. The Bond must be lodged with the City prior to the commencement of work.
- (d) The bond in this condition will be released in full when a final Occupation Certificate has been issued and any rectification works to the footway and



Public Domain are completed to Council's satisfaction. If rectification works are required the City will release 90% of the total Bond, with the remaining 10% balance to be held for the duration of a 6 months Defect Liability Period.

**Reason**

To allow for the appropriate management and rectification of damage to the public domain.

**(29) TRANSPORT FOR NSW REQUIREMENTS**

- (a) Prior to the issue of a Construction Certificate, a hygienist report confirming asbestos will be contained on site and Sydney Trains' staff and patrons will not be exposed is to be prepared by a suitably qualified person.
- (b) No crane loads are to be erected over the station box at any time.
- (c) Any pedestrian access arrangements and or changes need to be discussed with Martin Place Station staff.

Note: Where a condition of consent requires consultation with Sydney Trains, the Applicant shall forward all requests and/or documentation to the relevant Sydney Trains External Interface Management team. In this instance the relevant interface team is Central Interface, and they can be contacted via email on [Central\\_Interface@transport.nsw.gov.au](mailto:Central_Interface@transport.nsw.gov.au).



## **SCHEDULE 2**

### **PRESCRIBED CONDITIONS**

**The applicant must comply with all relevant conditions contained in Part 4, Division 2, Subdivision 1 of the *Environmental Planning and Assessment Regulation 2021* which apply to the development:**

Refer to the NSW State legislation for full text of the clauses under Part 4, Division 2, Subdivision 1 of the *Environmental Planning and Assessment Regulation 2021*. This can be accessed at: <http://www.legislation.nsw.gov.au>



# **Attachment B**

<b>Selected Drawings</b>
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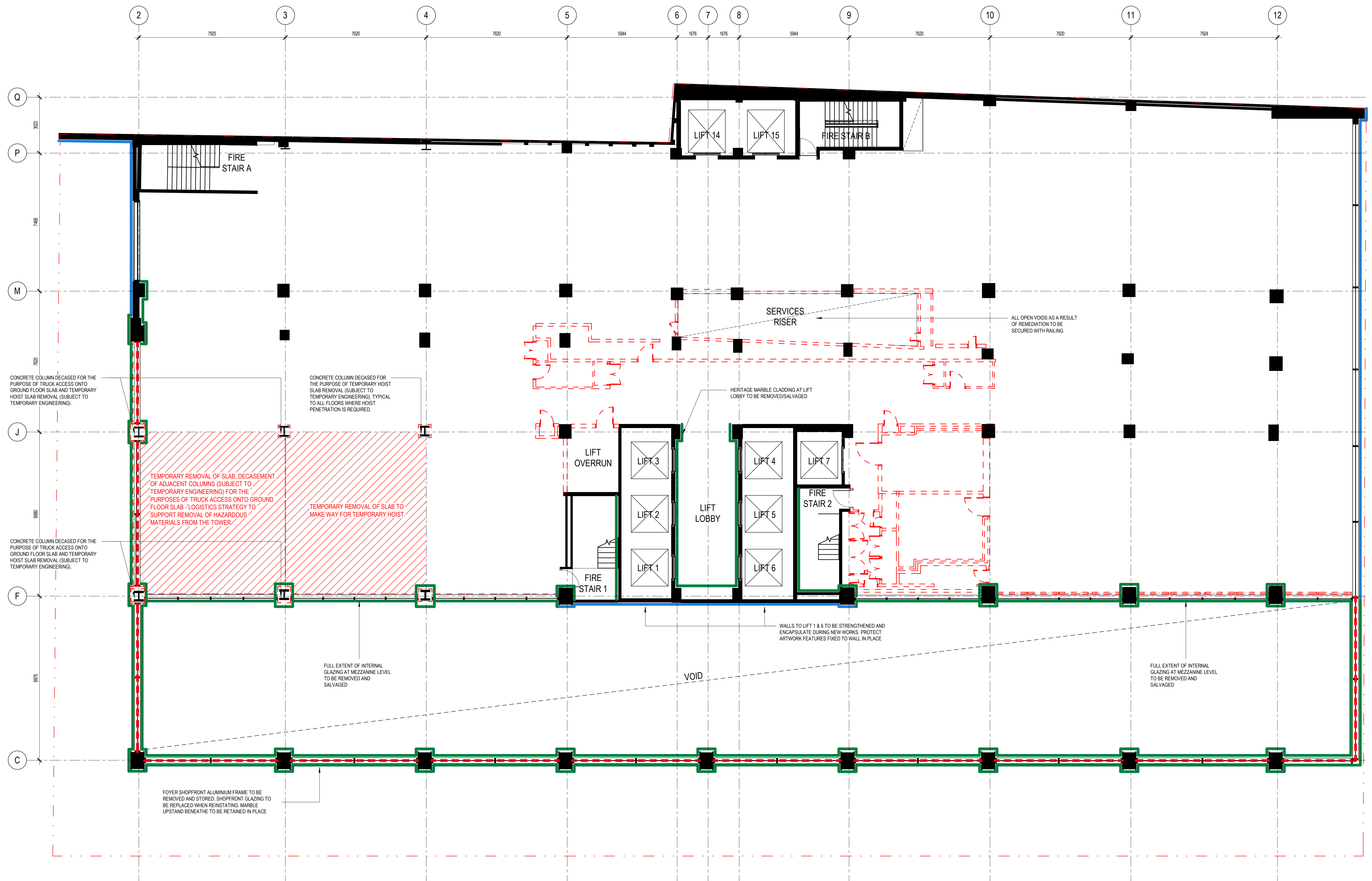
- ALL DEMOLITION WORKS BY CONTRACTOR UNLESS NOTED OTHERWISE.
- REFER TO HERITAGE REPORT PRIOR TO UNDERTAKING ANY DEMOLITION WORKS.
- ALL HERITAGE DEMOLITION WORK METHODOLOGY TO BE SUBMITTED FOR REVIEW BY THE HERITAGE CONSULTANT & CONTRACT ADMINISTRATOR.
- ALL DEMOLITION MATERIALS MUST BE REMOVED FROM SITE UNLESS OTHERWISE SPECIFIED TO BE REUSED ON SITE OR RETAINED BY THE PRINCIPAL.
- DEMOLITION STAGE TO THE BASEMENT, PODIUM AND TOWER TO BE ALIGNED WITH SERVICES AND/OR STRUCTURAL STAGING.
- CONTRACTOR TO INSPECT SITE, MAKE SAFE ALL SERVICES AND CONFIRM WITH THE CONTRACT ADMINISTRATOR IF THEY IDENTIFY AREAS OF THE DESIGN/DOCUMENTATION WHERE DISCREPANCIES, OR LATENT CONDITIONS HAVE NOT BEEN DOCUMENTED.
- ARCHITECTURAL DRAWINGS MUST BE READ IN CONJUNCTION WITH THE FOLLOWING:
  - STRUCTURAL DEMOLITION DRAWINGS
  - STAGING DOCUMENT DRAWINGS
  - CONSTRUCTION NOISE METHODOLOGY
- NOTIFY THE CONTRACT ADMINISTRATOR IF DISCREPANCIES ARE FOUND BETWEEN THESE DRAWINGS.
- ANY TEMPORARY WORKS METHODOLOGIES AND STAGING DRAWINGS ARE TO BE SUBMITTED BY THE CONTRACTOR TO THE STRUCTURAL ENGINEER FOR REVIEW. REFER TO STRUCTURAL DRAWINGS FOR DEMOLITION DETAILS, SEQUENCING, TEMPORARY WORKS, PROPPING AND SPECIFIC REQUIREMENTS.
- CONTRACTOR TO UNDERTAKE CLADIATION INSPECTION OF ALL RELEVANT AREAS PRIOR TO DEMOLITION COMMENCEMENT. A FULL REVIEW IS TO BE COMPLETED PRIOR TO COMMENCEMENT. REFER TO CONTRACT PRELIMINARIES FOR CLADIATION REPORT REQUIREMENTS.
- RETAIN AND PROTECT EXISTING BASE BUILDING STRUCTURES AND ELEMENTS IDENTIFIED TO BE RETAINED. SPECIFIC ATTENTION SHOULD BE AFFORDED TO ELEMENTS TO REMAIN THAT HAVE HIGH HERITAGE SIGNIFICANCE. TO BE READ IN CONJUNCTION WITH HERITAGE LEGEND AND PROTECTION METHODOLOGIES/SPECIFICATIONS.
- PRIOR TO COMMENCEMENT OF DEMOLITION WORKS REVIEW ALL HAZARDOUS MATERIALS REPORTS, OR IN THE ABSENCE OF SUCH, COMMISSION A SURVEY TO IDENTIFY ALL HAZARDOUS MATERIALS TO BE REMOVED OR RETAINED. REMOVE ALL HAZARDOUS MATERIALS DESIGNATED TO BE REMOVED IN ACCORDANCE WITH ALL AUTHORITY REQUIREMENTS PRIOR TO COMMENCEMENT OF DEMOLITION.
- PERFORM THE DEMOLITION IN SUCH A WAY AS TO DELIVER THE RETAINED SURFACES AND STRUCTURES IN A CONDITION THAT IS SUITABLE FOR THE FOLLOWING WORK. MAKE GOOD AND/OR RECTIFY AS NECESSARY FOLLOWING COMPLETION OF DEMOLITION.
- REFER TO MECHANICAL ENGINEER'S DOCUMENTATION FOR SCOPE OF CHILLED WATER DEMOLITION.
- CONTRACTOR TO ALLOW FOR THE REMOVAL OF TOPPING SLABS & CONCRETE PLINERS BACK TO STRUCTURAL SLAB LEVEL AS REQUIRED TO REMEDIATE THE BUILDING'S FABRIC.
- ALL EXISTING DOORS, SLIDING DOORS, DOOR HARDWARE, ARCHITRAVES AND FRAMES ARE TO BE DEMOLISHED UNLESS NOTED FOR REMOVAL, PROTECTION AND STORAGE FOR HERITAGE.
- CRITICAL SERVICES INFRASTRUCTURE TO BE IDENTIFIED PRIOR TO THE COMMENCEMENT OF ANY DEMOLITION WORKS. KEY AREAS ON LEVEL 3 / 7 / 16 / 19 / 20 / ROOF ARE TO BE COORDINATED WITH PRINCIPLE + SERVICES CONTRACTORS PRIOR TO DEMOLITION.
- ALL EXISTING WALLS & LININGS (REGARDLESS OF TYPE) TO BE DEMOLISHED AS INDICATED ON THE PLANS.
- EXISTING COLUMN CLADDING TO BE REMOVED UNLESS RETAINED AND PROTECTED DUE TO HERITAGE SIGNIFICANCE.
- ARCHIVAL RECORDING TO BE UNDERTAKEN PRIOR TO COMMENCEMENT OF DEMOLITION WORKS. TO BE CONFIRMED BY HERITAGE CONSULTANT.

- ALL DRAWINGS EXCLUDE WATERPROOFING, WEATHERPROOFING TREATMENT TO THE BUILDING IN ITS TEMPORARY CONDITION PRIOR TO MAIN WORKS COMMENCING I.E. WATERPROOFING MEMBRANES, TEMPORARY LIGHTWEIGHT WALLS, LIGHTWEIGHT ROOFING OVER STAIRS AND SHAFTS ARE EXCLUDED FROM THE DOCUMENTATION.
- METHODOLOGY/EXTENT OF FLOOR SLAB DEMOLITION WHERE CONCRETE BEAM AND/OR SHEAR WALL IS RETAINED TO BE REVIEWED BY STRUCTURAL ENGINEER.
- EXTENT OF SLAB DEMOLITION FOR THE NEW SIDE CORE IS SHOWN INDICATIVELY PENDING FINAL DESIGN AND DOCUMENTATION OF THE NEW SIDE CORE.
- EXTENT OF MASONRY WALL DEMOLITION TO THE SOUTHERN BOUNDARY TO BE REVIEWED BY STRUCTURAL AND TEMPORARY WORKS ENGINEER.
- ALL DRAWINGS EXCLUDE HAZMAT - REFER TO HAZMAT SPECIALIST REPORT, HAZMAT SPECIALIST TO REVIEW IF ANY HAZMAT IS PRESENT WITHIN ALL ELEMENTS INDICATED TO BE RETAINED
- THE CONTRACTOR IS TO PROGRESSIVELY SURVEY ANY RETAINED STRUCTURE AS IT IS EXPOSED DURING THE DEMOLITION PROCESS AND WHILST ACCESS REMAINS AVAILABLE TO ENSURE THAT RETAINED ELEMENT POSITIONING AND SURVEY INFORMATION IS AVAILABLE FOR THE DESIGN COORDINATION FOR FUTURE STAGES.
- SITE & PROPERTY BOUNDARIES ARE TO BE VERIFIED ON SITE BY A REGISTERED SURVEYOR
- ALL DRAWINGS ONLY INDICATE BROAD BASED ELEMENTS TO BE SHOWN DEMOLISHED - NO DETAILS AROUND MATERIAL BREAK DOWN HAVE BEEN NOTED AS SUCH.
- LIFT 8 / 9 INCLUDING OVER-RUN IS TO BE MAINTAINED OPERATIONAL AND LIVE UNTIL HANDED OVER BY THE BANK.
- ANY/ALL NON HERITAGE NOMINATED FEE & FIXED FURNITURE IS TO BE REMOVED BY THE DEMOLITION CONTRACTOR. THE CONTRACTOR IS TO INSPECT SITE TO CONFIRM EXTENT OF REMOVED ELEMENTS FOR THE PURPOSE OF PRICING AND METHODOLOGY.







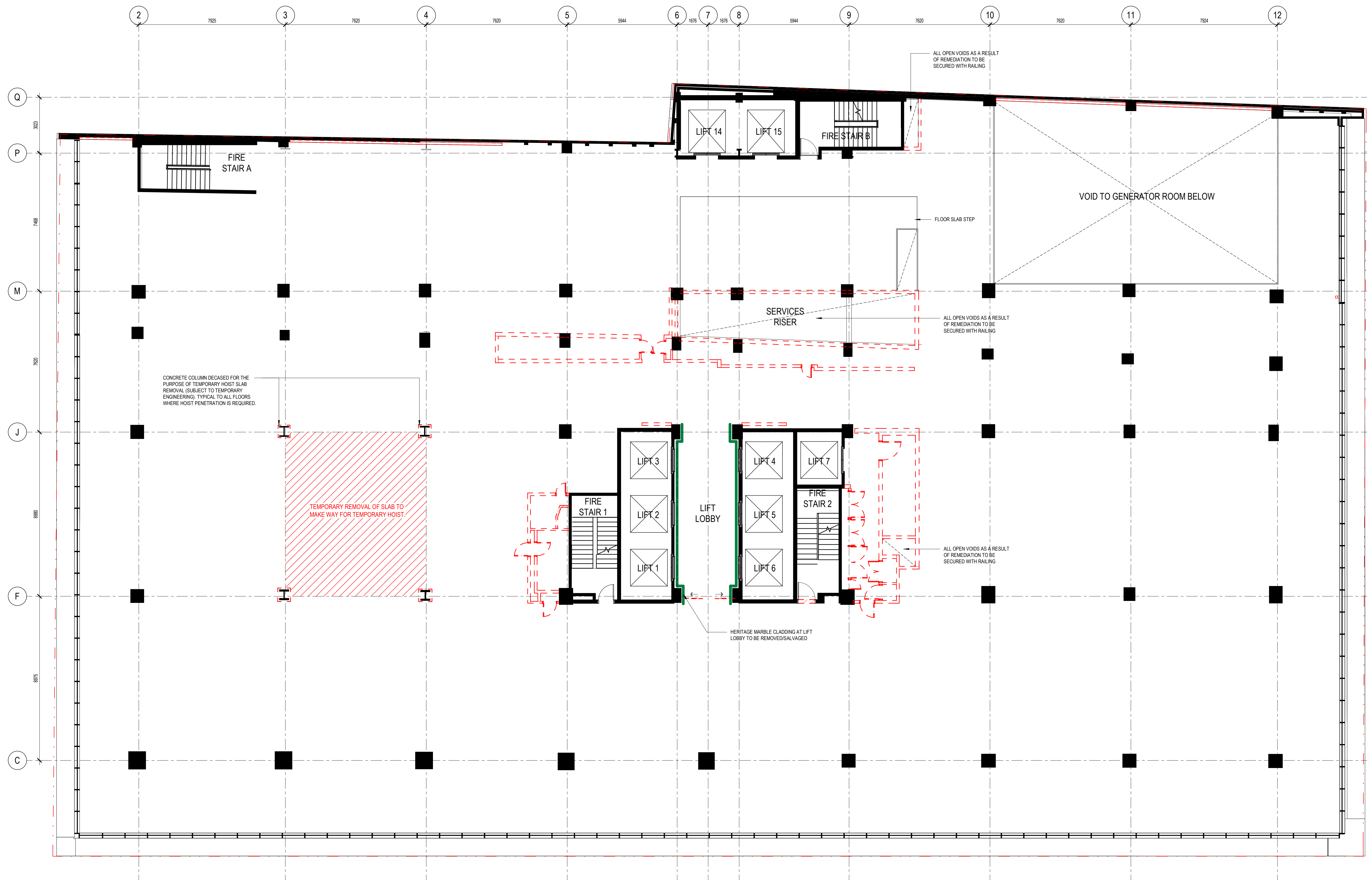


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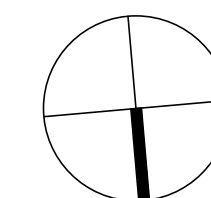
Nominated Architect  
Ray Brown, NSWARB 6359

[illegible]

**DEMOLITION LEGEND:**

- |   |   |
|---|---|
|  | HERITAGE FLOOR FINISHES TO BE RETAINED - PROTECTED IN PLACE   |
|  | HERITAGE FLOOR FINISHES TO BE REMOVED/SALVAGED - STORED OFF SITE DURING THE WORKS AND REINSTATED AS PART OF THE NEW WORKS |

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project

drawing no.

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5MP

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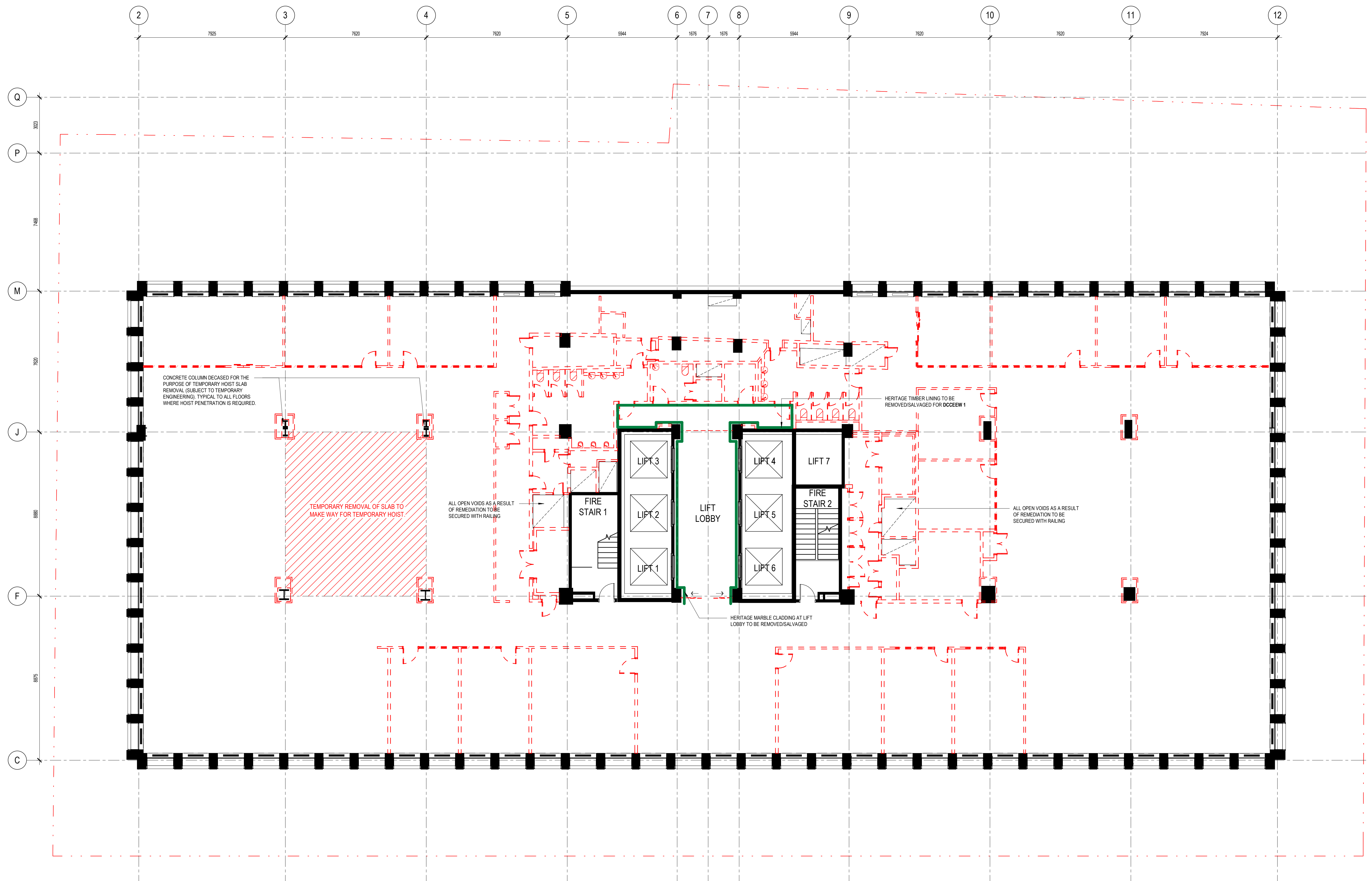


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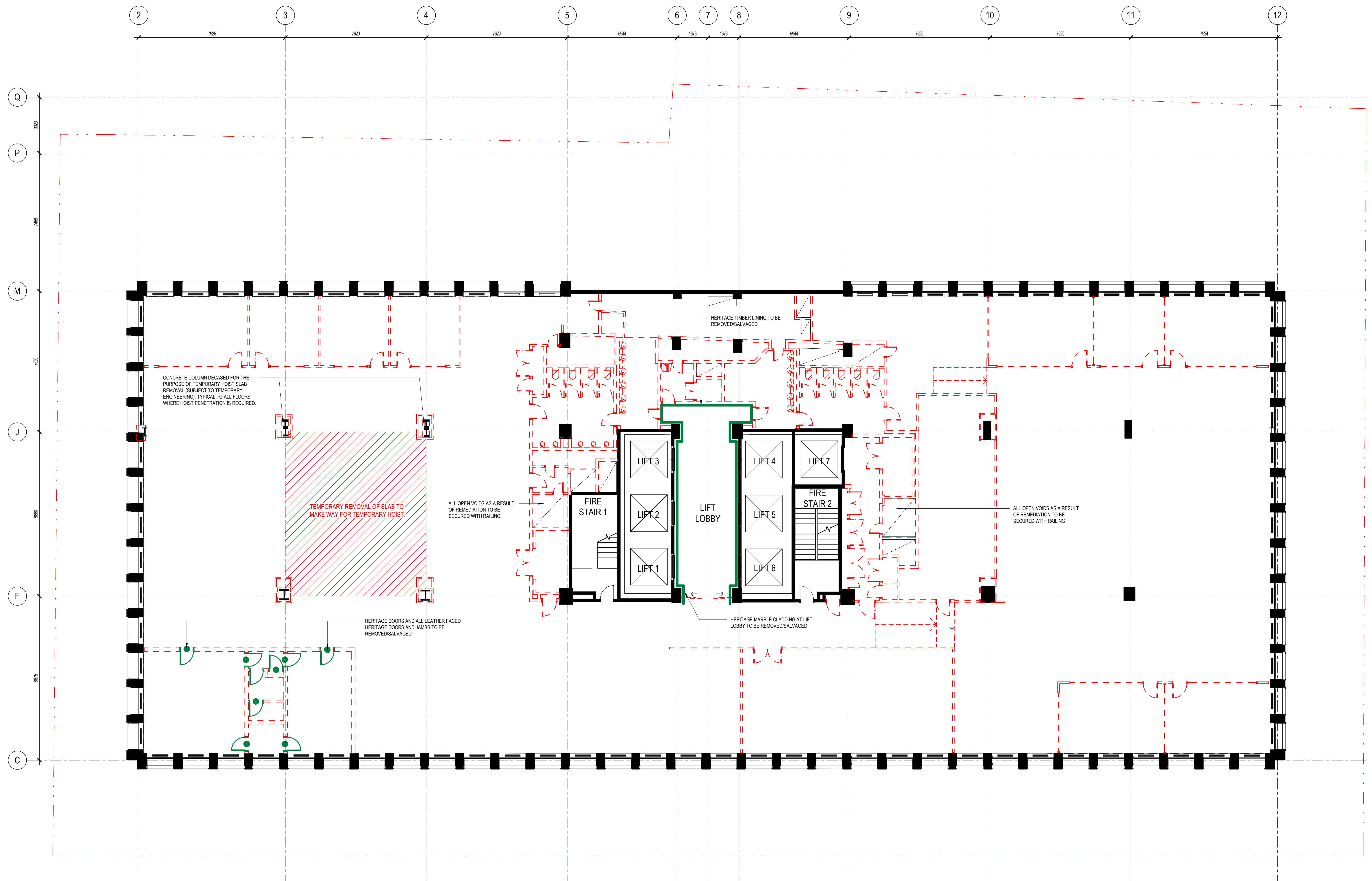






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TEMPORARY REMOVAL OF SLAB TO  
MAKE WAY FOR TEMPORARY HOIST

ALL OPEN VOIDS AS A RESULT  
OF REMEDIATION TO BE  
SECURED WITH RAILING

- HERITAGE DOORS AND ALL LEATHER FACED  
HERITAGE DOORS AND JAMBS TO BE  
REMOVED/SALVAGED

- HERITAGE MARBLE CLADDING AT LIFT LOBBY TO BE REMOVED/SAVED

ALL OPEN VOIDS AS A RESULT  
OF REMEDIATION TO BE  
SECURED WITH RAILING

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


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**DEMOLITION LEGEND:**

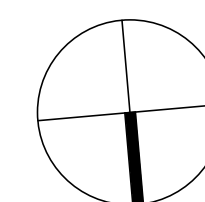
- |   |  |
|---|--|
|  | EXISTING ELEMENT TO BE DEMOLISHED  |
|  | EXISTING ELEMENT TO REMAIN   |
|  | HERITAGE WALL FINISHES / ITEMS TO BE RETAINED - PROTECTED IN PLACE   |
|  | HERITAGE WALL FINISHES / ITEMS TO BE REMOVED/SALVAGED - STORED OFF SITE DURING THE WORKS AND REINSTATED AS PART OF THE NEW WORKS |
|  | EXTENT OF STRUCTURAL SLAB TO BE DEMOLISHED   |

- |   |   |
|---|---|
|  | HERITAGE FLOOR FINISHES TO BE RETAINED - PROTECTED IN PLACE   |
|  | HERITAGE FLOOR FINISHES TO BE REMOVED/SALVAGED - STORED OFF SITE DURING THE WORKS AND REINSTATED AS PART OF THE NEW WORKS |

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sydney@architectus.com.au  
**ABN 90 131 245 684**

checked	ZT	scale	1 : 100@A1
drawn	JD	project no	240557

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project

65MP

drawing

Remediation - Floor Plan - Level 10

drawing no.

**RBA-DRW-DA-1116**

Issue

**1**

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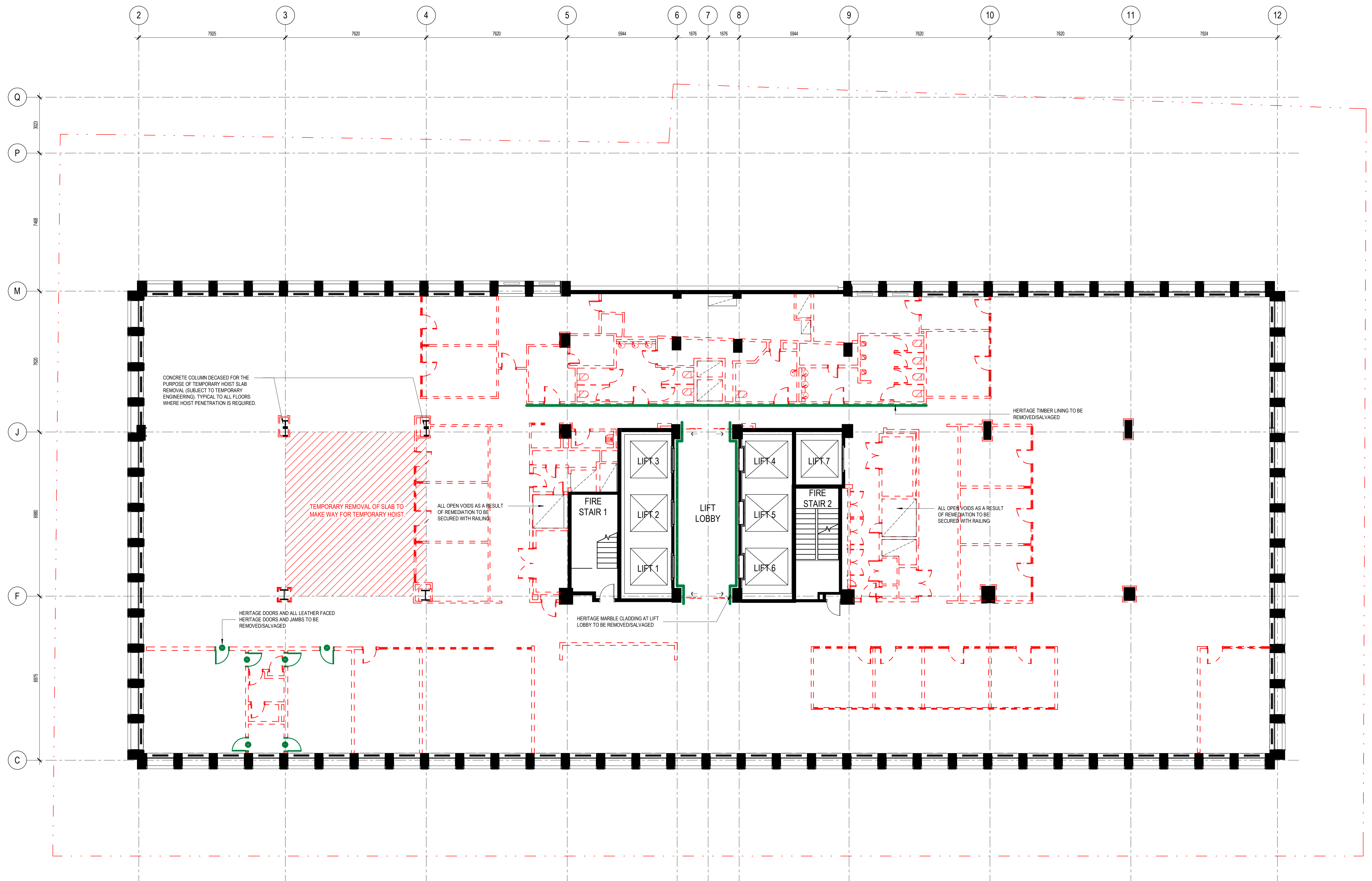






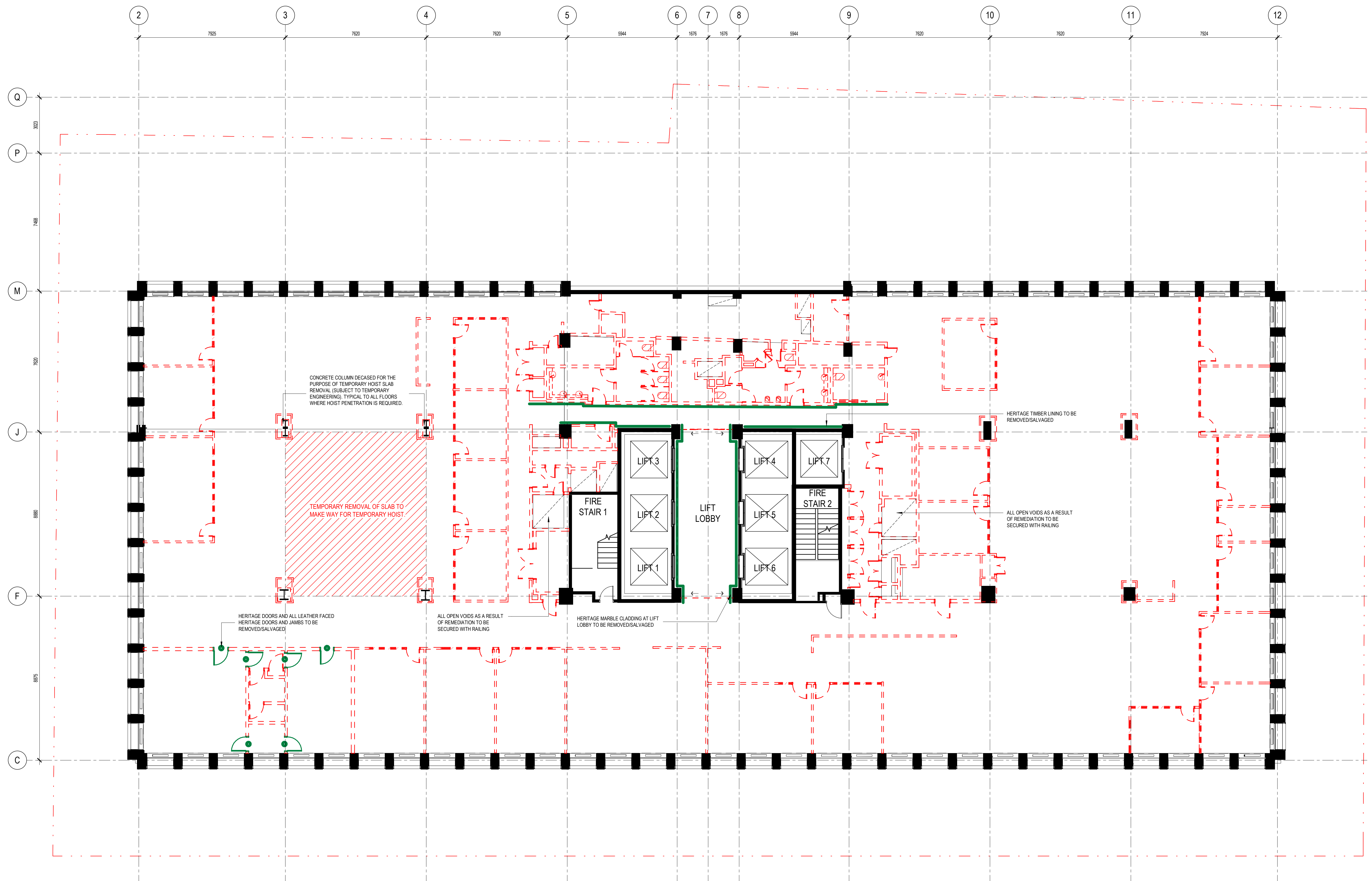






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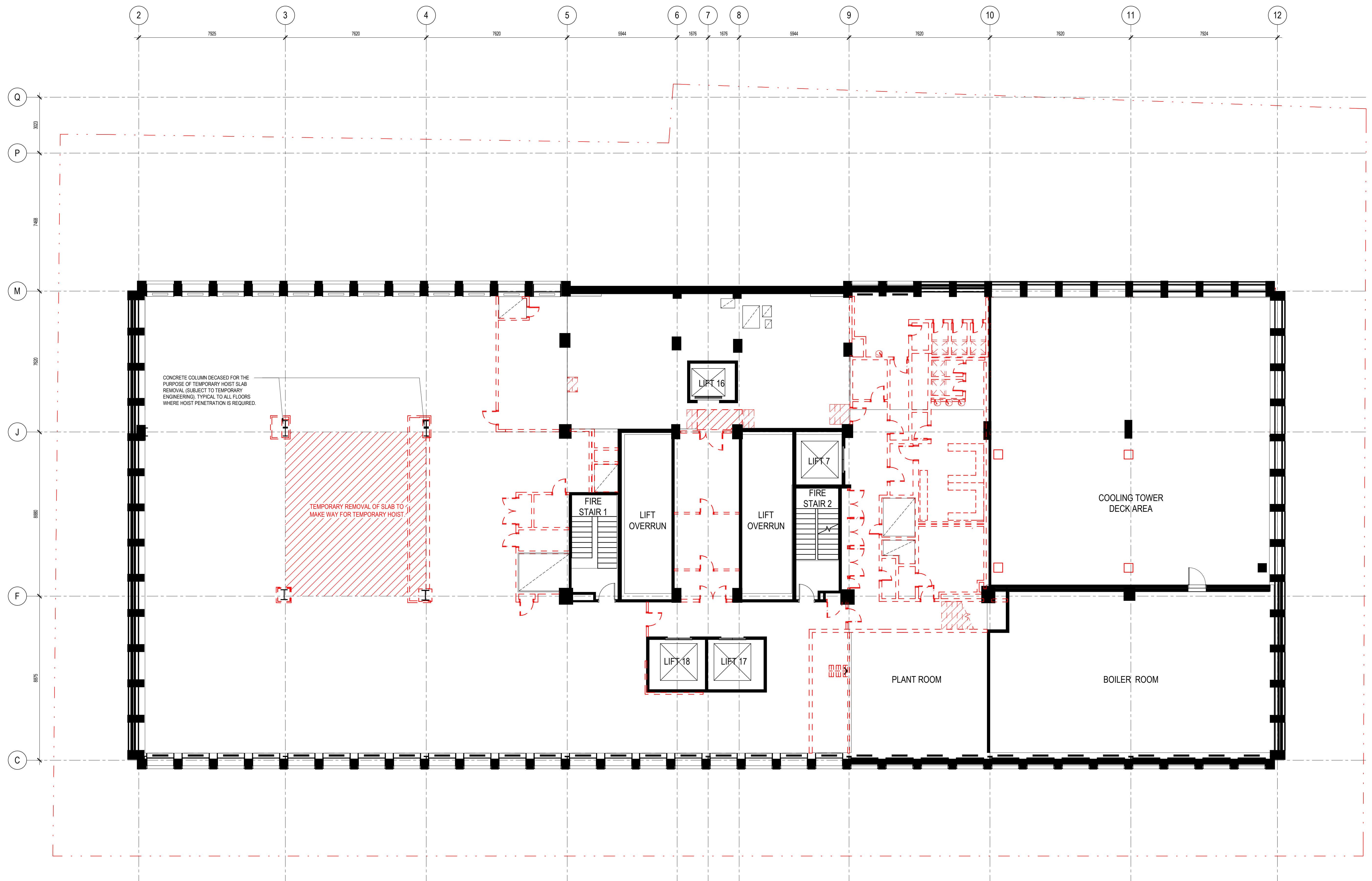












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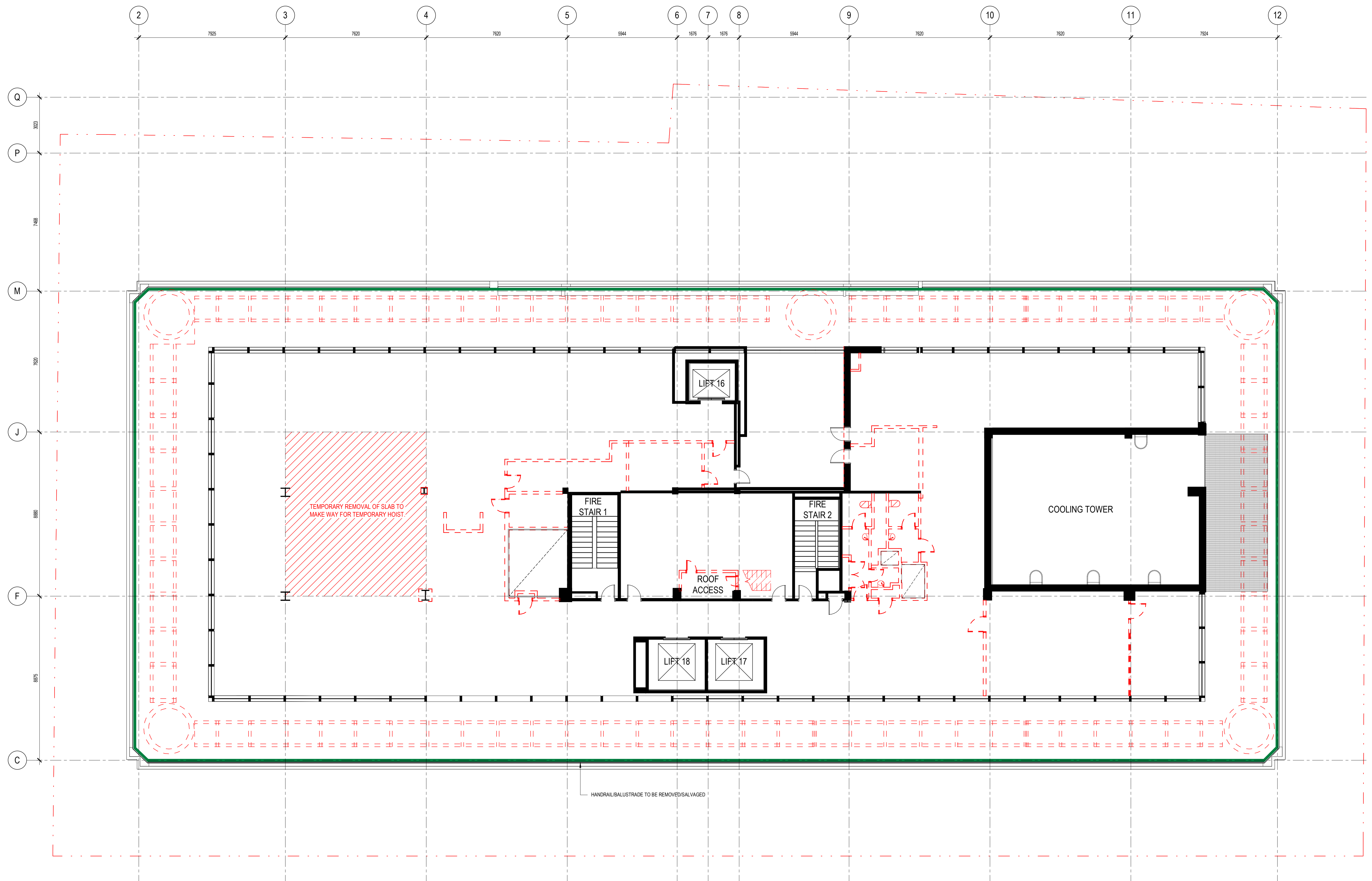












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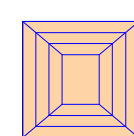
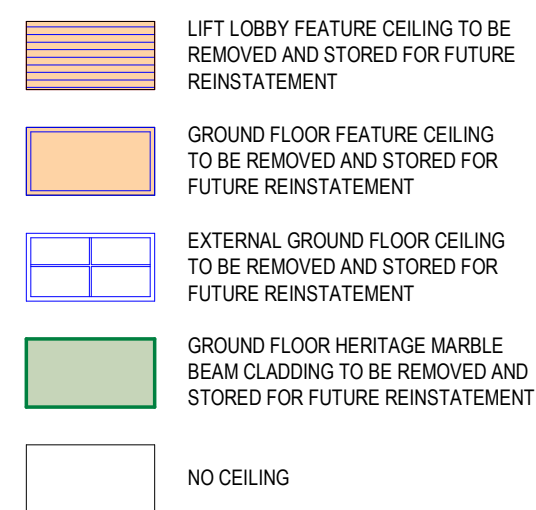
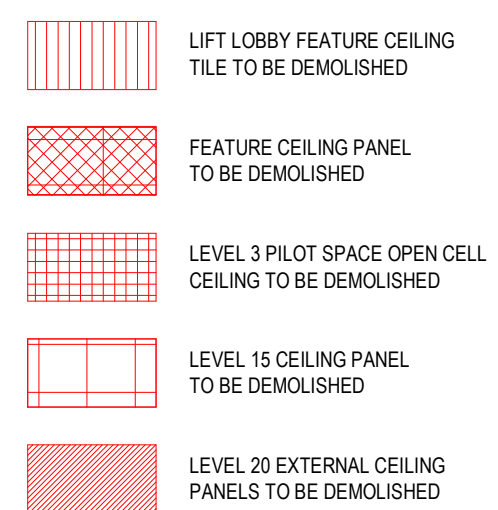
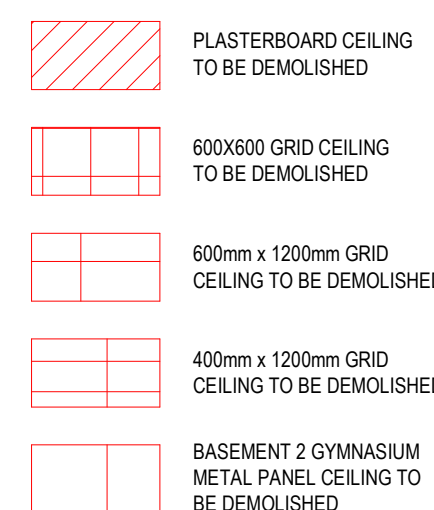
Nominated Architect  
Ray Brown, NSWARB 6359

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### LEGEND

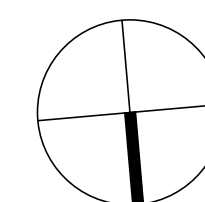
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sydney@architectus.com.au  
**ABN 90 131 245 684**

checked	ZT	scale	1 : 100@A1
drawn	LR	project no	240557

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project

65MP

drawing

Remediation - Reflected Ceiling Plan - Ground Floor

drawing no.

RBA-DRW-DA-1305

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issue

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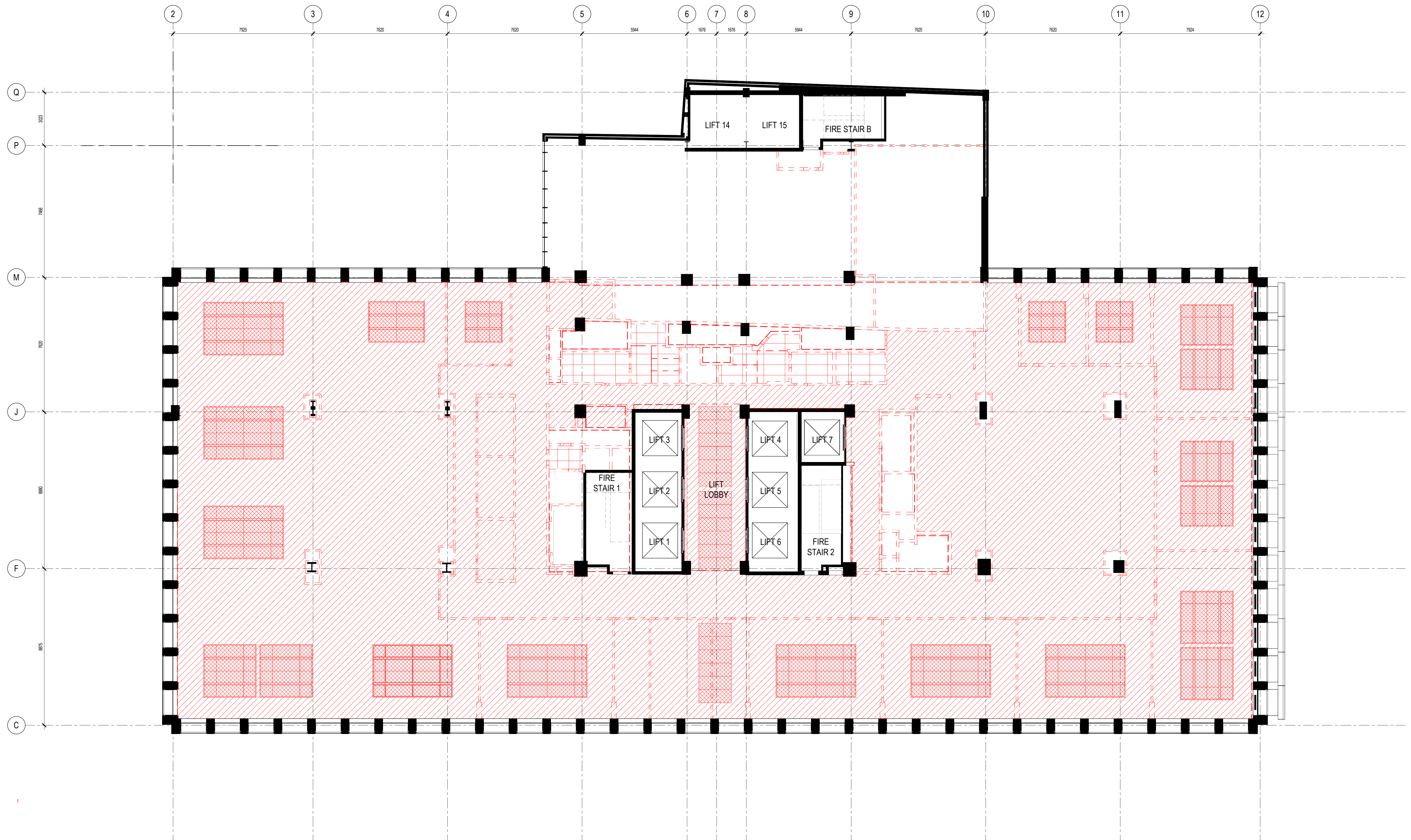


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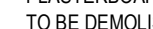

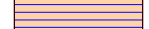



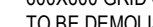





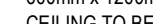


Nominated Architect  
Ray Brown, NSWARB 6359

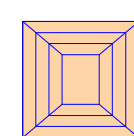
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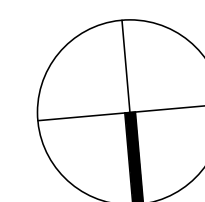
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DEMOLITION OF CEILING INCLUDES REMOVAL OF ALL FEATURE COFFERS, HOSTED FIXTURES & FITTINGS UNLESS OTHERWISE NOTICE.

	PLASTERBOARD CEILING TO BE DEMOLISHED		LIFT LOBBY FEATURE CEILING TILE TO BE DEMOLISHED		LIFT LOBBY FEATURE CEILING TO BE REMOVED AND STORED FOR FUTURE REINSTATEMENT
	600X600 GRID CEILING TO BE DEMOLISHED		FEATURE CEILING PANEL TO BE DEMOLISHED		GROUND FLOOR FEATURE CEILING TO BE REMOVED AND STORED FOR FUTURE REINSTATEMENT
	600mm x 1200mm GRID CEILING TO BE DEMOLISHED		LEVEL 3 PILOT SPACE OPEN CELL CEILING TO BE DEMOLISHED		EXTERNAL GROUND FLOOR CEILING TO BE REMOVED AND STORED FOR FUTURE REINSTATEMENT
	400mm x 1200mm GRID CEILING TO BE DEMOLISHED		LEVEL 15 CEILING PANEL TO BE DEMOLISHED		GROUND FLOOR HERITAGE MARBLE BEAM CLADDING TO BE REMOVED AND STORED FOR FUTURE REINSTATEMENT
	BASEMENT 2 GYMNASIUM METAL PANEL CEILING TO BE DEMOLISHED		LEVEL 20 EXTERNAL CEILING PANELS TO BE DEMOLISHED		NO CEILING



GROUND FLOOR FEATURE CEILING  
TO BE REMOVED AND STORED FOR  
FUTURE REINSTATEMENT  
FOLLOWING INSTALLATION OF NEW  
INCEILING SERVICES.



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checked	ZT	scale	1 : 100@A1
drawn	BC	project no	240557

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project

65MP

drawing

Remediation - Reflected Ceiling Plan - Level 5

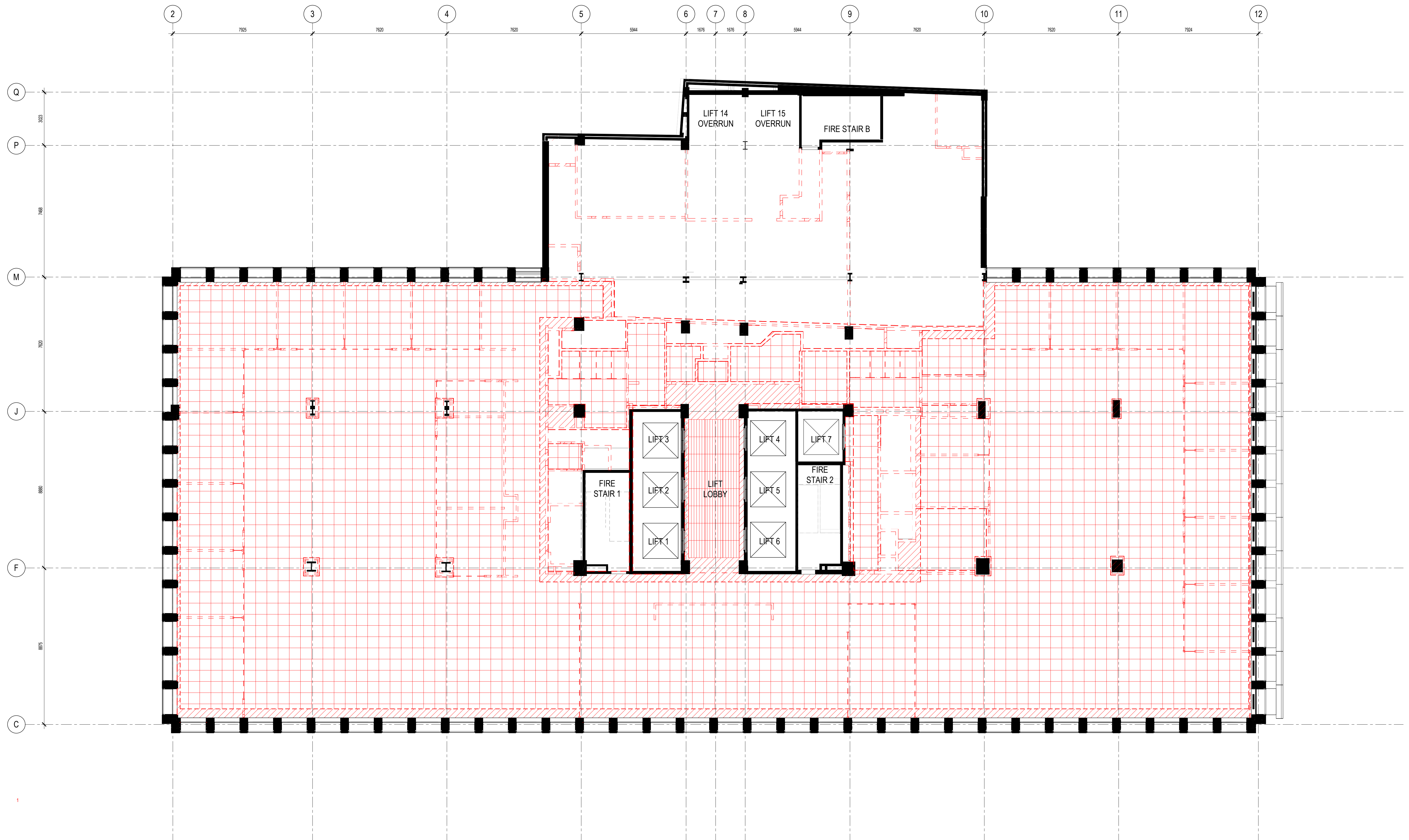
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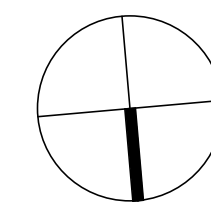
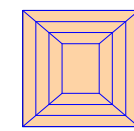
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### LEGEND

DEMOLITION OF CEILING INCLUDES REMOVAL OF ALL FEATURE COFFERS, HOSTED FIXTURES & FITTINGS UNLESS OTHERWISE NOTICE.

	PLASTERBOARD CEILING TO BE DEMOLISHED		LIFT LOBBY FEATURE CEILING TILE TO BE DEMOLISHED		LIFT LOBBY FEATURE CEILING TO BE REMOVED AND STORED FOR FUTURE REINSTATEMENT
	600X600 GRID CEILING TO BE DEMOLISHED		FEATURE CEILING PANEL TO BE DEMOLISHED		GROUND FLOOR FEATURE CEILING TO BE REMOVED AND STORED FOR FUTURE REINSTATEMENT
	600mm x 1200mm GRID CEILING TO BE DEMOLISHED		LEVEL 3 PILOT SPACE OPEN CELL CEILING TO BE DEMOLISHED		EXTERNAL GROUND FLOOR CEILING TO BE REMOVED AND STORED FOR FUTURE REINSTATEMENT
	400mm x 1200mm GRID CEILING TO BE DEMOLISHED		LEVEL 15 CEILING PANEL TO BE DEMOLISHED		GROUND FLOOR HERITAGE MARBLE BEAM CLADDING TO BE REMOVED AND STORED FOR FUTURE REINSTATEMENT
	BASEMENT 2 GYMNASIUM METAL PANEL CEILING TO BE DEMOLISHED		LEVEL 20 EXTERNAL CEILING PANELS TO BE DEMOLISHED		NO CEILING



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**ABN 90 131 245 684**

checked	ZT	scale	1 : 100@A1
drawn	BC	project no	240557

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project

65MP

drawing

Remediation - Reflected Ceiling Plan - Level 6

drawing no.

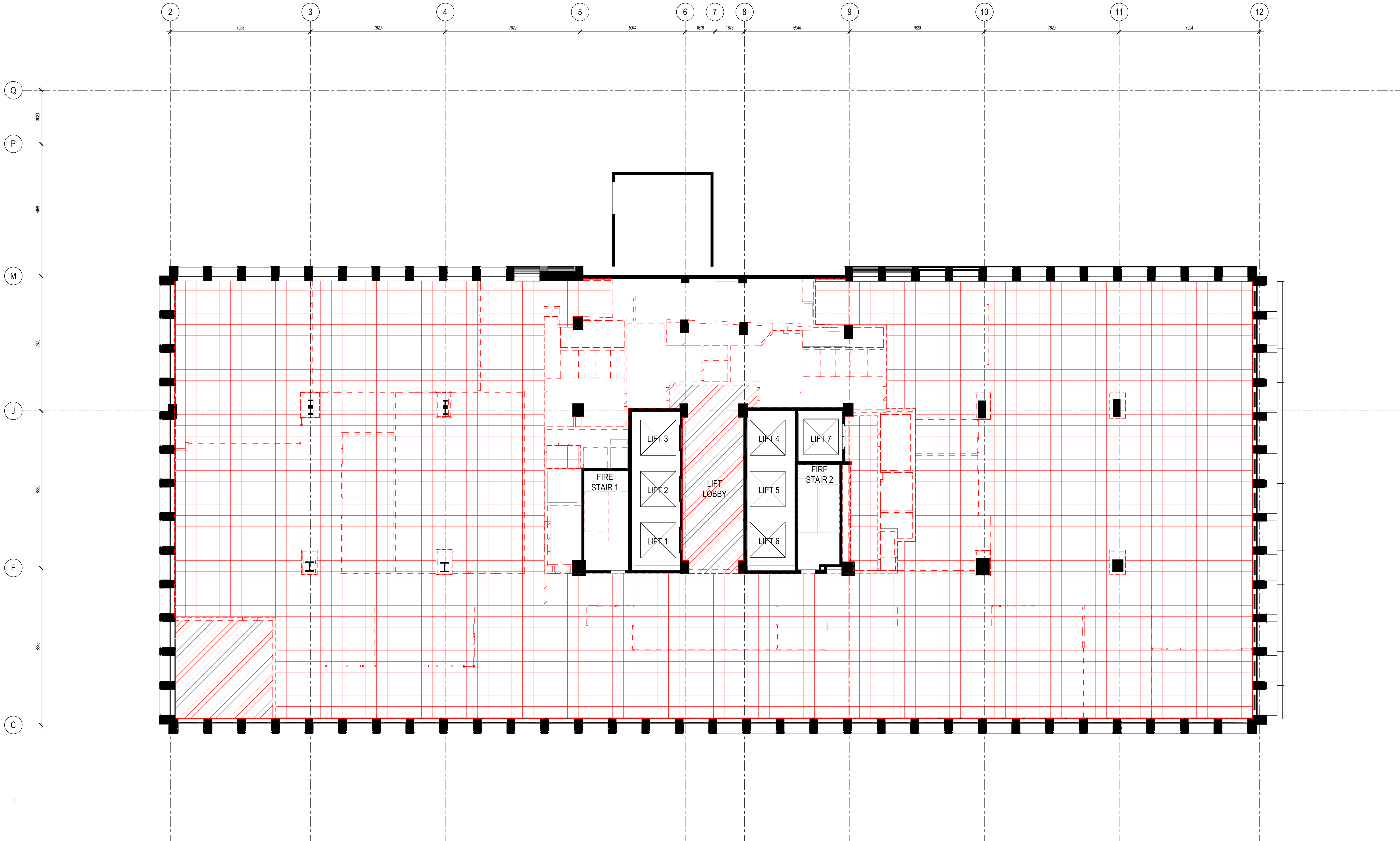
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Issue

1

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Nominated Architect  
Ray Brown, NSWARB 6359

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issue	amendment	date
1	REMEDIATION WORKS DEVELOPMENT APPLICATION	08.05.2025

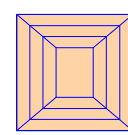
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DEMOLITION OF CEILING INCLUDES REMOVAL OF ALL FEATURE COFFERS, HOSTED FIXTURES & FITTINGS UNLESS OTHERWISE NOTICE.

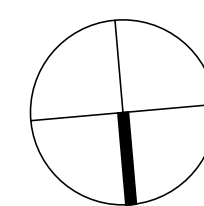
PLASTERBOARD CEILING TO BE DEMOLISHED  
600x600 GRID CEILING TO BE DEMOLISHED  
600mm x 1200mm GRID CEILING TO BE DEMOLISHED  
400mm x 1200mm GRID CEILING TO BE DEMOLISHED  
BASEMENT 2 GYMNASIUM METAL PANEL CEILING TO BE DEMOLISHED

LIFT LOBBY FEATURE CEILING TILE TO BE DEMOLISHED  
FEATURE CEILING PANEL TO BE DEMOLISHED  
LEVEL 3 PILOT SPACE OPEN CELL CEILING TO BE DEMOLISHED  
LEVEL 15 CEILING PANEL TO BE DEMOLISHED  
LEVEL 20 EXTERNAL CEILING PANELS TO BE DEMOLISHED

LIFT LOBBY FEATURE CEILING TO BE REMOVED AND STORED FOR FUTURE REINSTATEMENT  
GROUND FLOOR FEATURE CEILING TO BE REMOVED AND STORED FOR FUTURE REINSTATEMENT  
EXTERNAL GROUND FLOOR CEILING TO BE REMOVED AND STORED FOR FUTURE REINSTATEMENT  
GROUND FLOOR HERITAGE MARBLE BEAM CLADDING TO BE REMOVED AND STORED FOR FUTURE REINSTATEMENT  
NO CEILING



GROUND FLOOR FEATURE CEILING TO BE REMOVED AND STORED FOR FUTURE REINSTATEMENT FOLLOWING INSTALLATION OF NEW INCEILING SERVICES.



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sydney@architectus.com.au  
ABN 90 131 245 684

checked	ZT	scale	1 : 100@A1
drawn	BC	project no	240557

project

65MP

drawing

Remediation - Reflected Ceiling Plan - Level 7

drawing no.

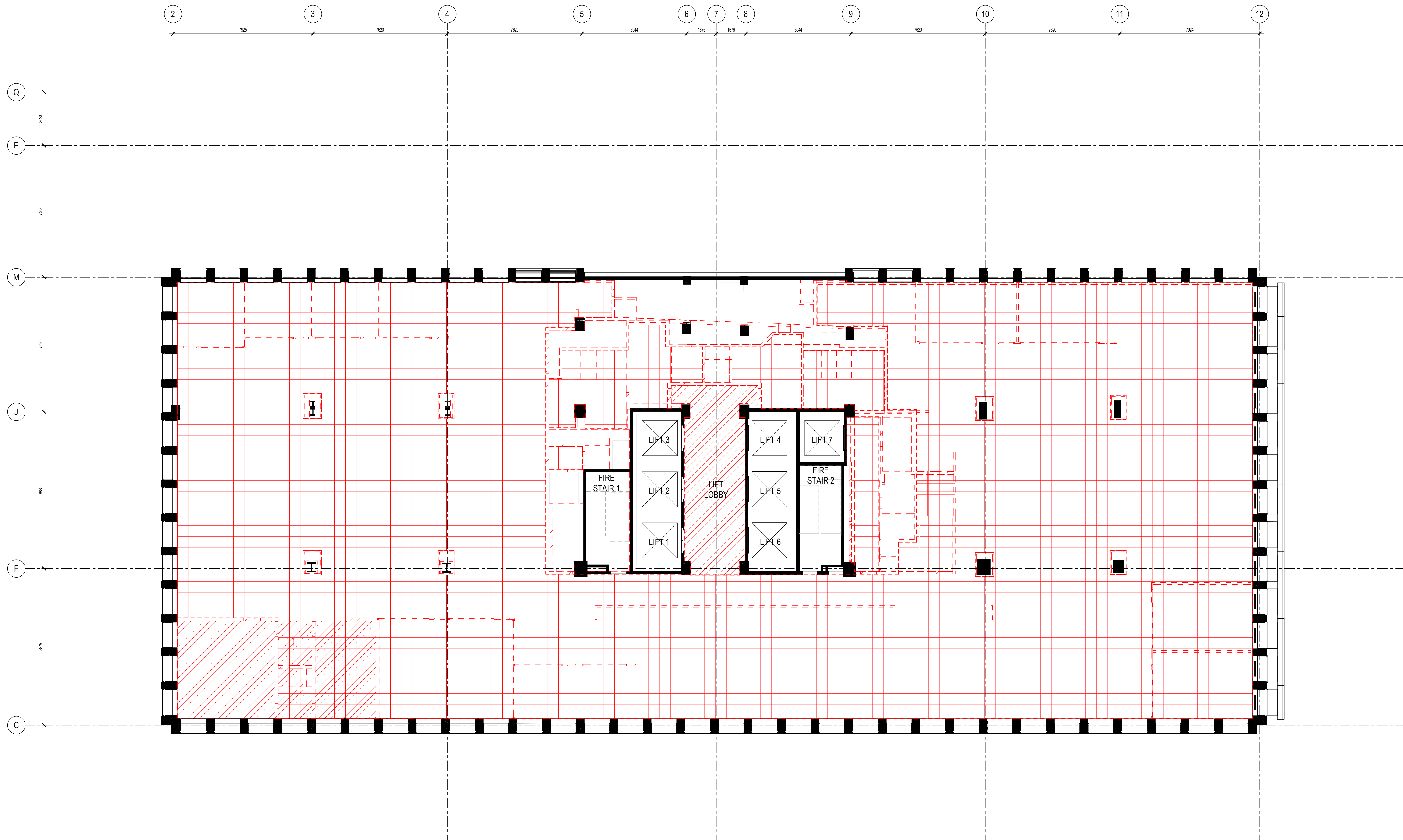
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issue

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Ray Brown, NSWARB 6359

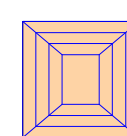
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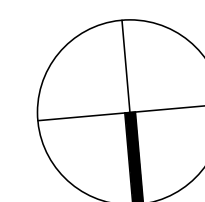
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DEMOLITION OF CEILING INCLUDES REMOVAL OF ALL FEATURE COFFERS, HOSTED FIXTURES & FITTINGS UNLESS OTHERWISE NOTICE.

	PLASTERBOARD CEILING TO BE DEMOLISHED		LIFT LOBBY FEATURE CEILING TILE TO BE DEMOLISHED		LIFT LOBBY FEATURE CEILING TO BE REMOVED AND STORED FOR FUTURE REINSTATEMENT
	600X600 GRID CEILING TO BE DEMOLISHED		FEATURE CEILING PANEL TO BE DEMOLISHED		GROUND FLOOR FEATURE CEILING TO BE REMOVED AND STORED FOR FUTURE REINSTATEMENT
	600mm x 1200mm GRID CEILING TO BE DEMOLISHED		LEVEL 3 PILOT SPACE OPEN CELL CEILING TO BE DEMOLISHED		EXTERNAL GROUND FLOOR CEILING TO BE REMOVED AND STORED FOR FUTURE REINSTATEMENT
	400mm x 1200mm GRID CEILING TO BE DEMOLISHED		LEVEL 15 CEILING PANEL TO BE DEMOLISHED		GROUND FLOOR HERITAGE MARBLE BEAM CLADDING TO BE REMOVED AND STORED FOR FUTURE REINSTATEMENT
	BASEMENT 2 GYMNASIUM METAL PANEL CEILING TO BE DEMOLISHED		LEVEL 20 EXTERNAL CEILING PANELS TO BE DEMOLISHED		NO CEILING



GROUND FLOOR FEATURE CEILING  
TO BE REMOVED AND STORED FOR  
FUTURE REINSTATEMENT  
FOLLOWING INSTALLATION OF NEW  
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checked	ZT	scale	1 : 100@A1
drawn	BC	project no	240557

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project

65MP

drawing

Remediation - Reflected Ceiling Plan - Level 8

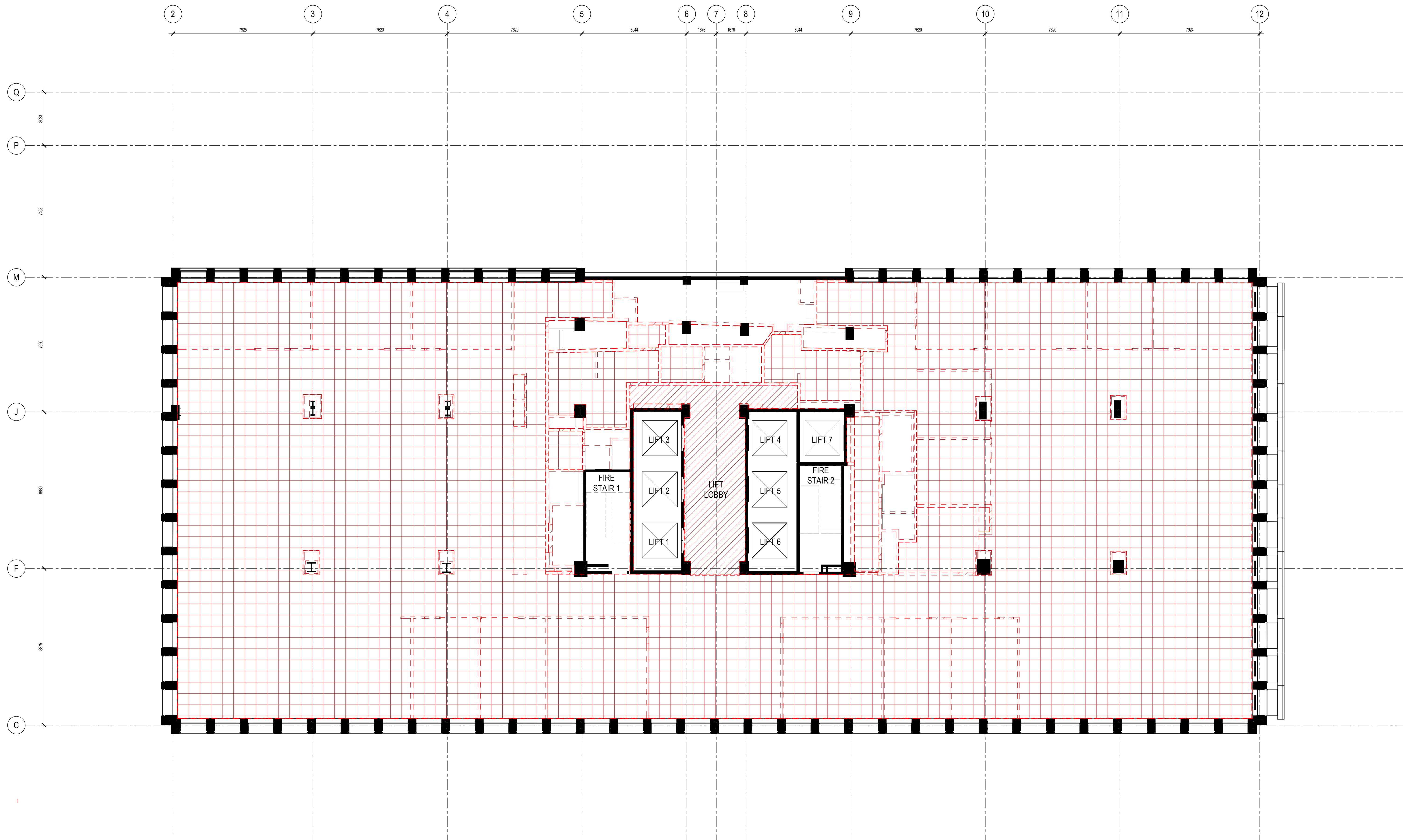
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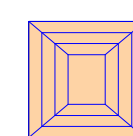
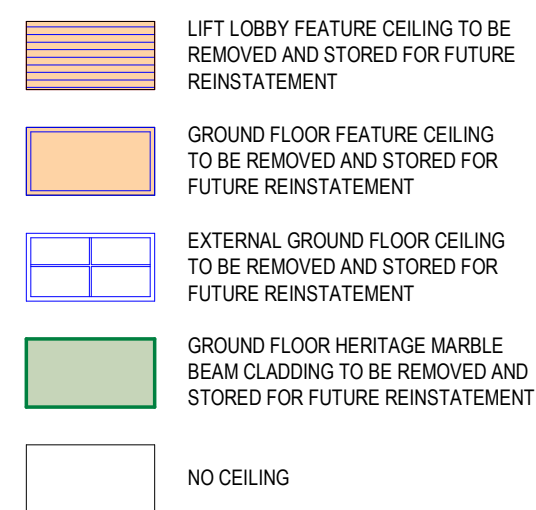
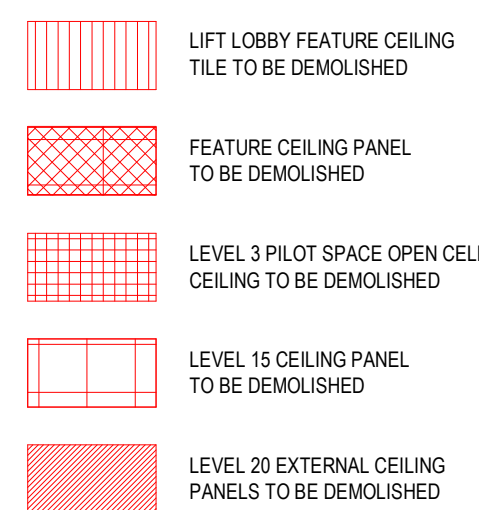
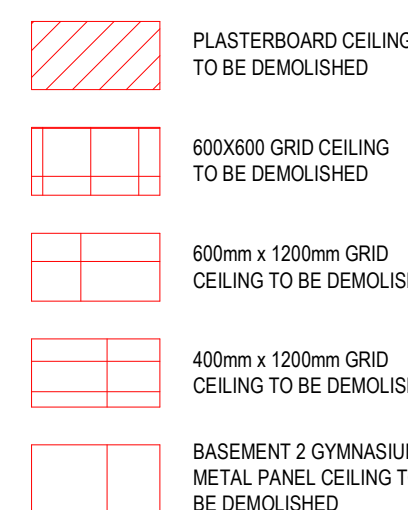
Nominated Architect  
Ray Brown, NSWARB 6359

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### LEGEND

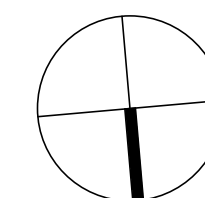
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checked	ZT	scale	1 : 100@A1
drawn	BC	project no	240557

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project

65MP

drawing

Remediation - Reflected Ceiling Plan - Level 9

drawing no.

RBA-DRW-DA-1315

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issue

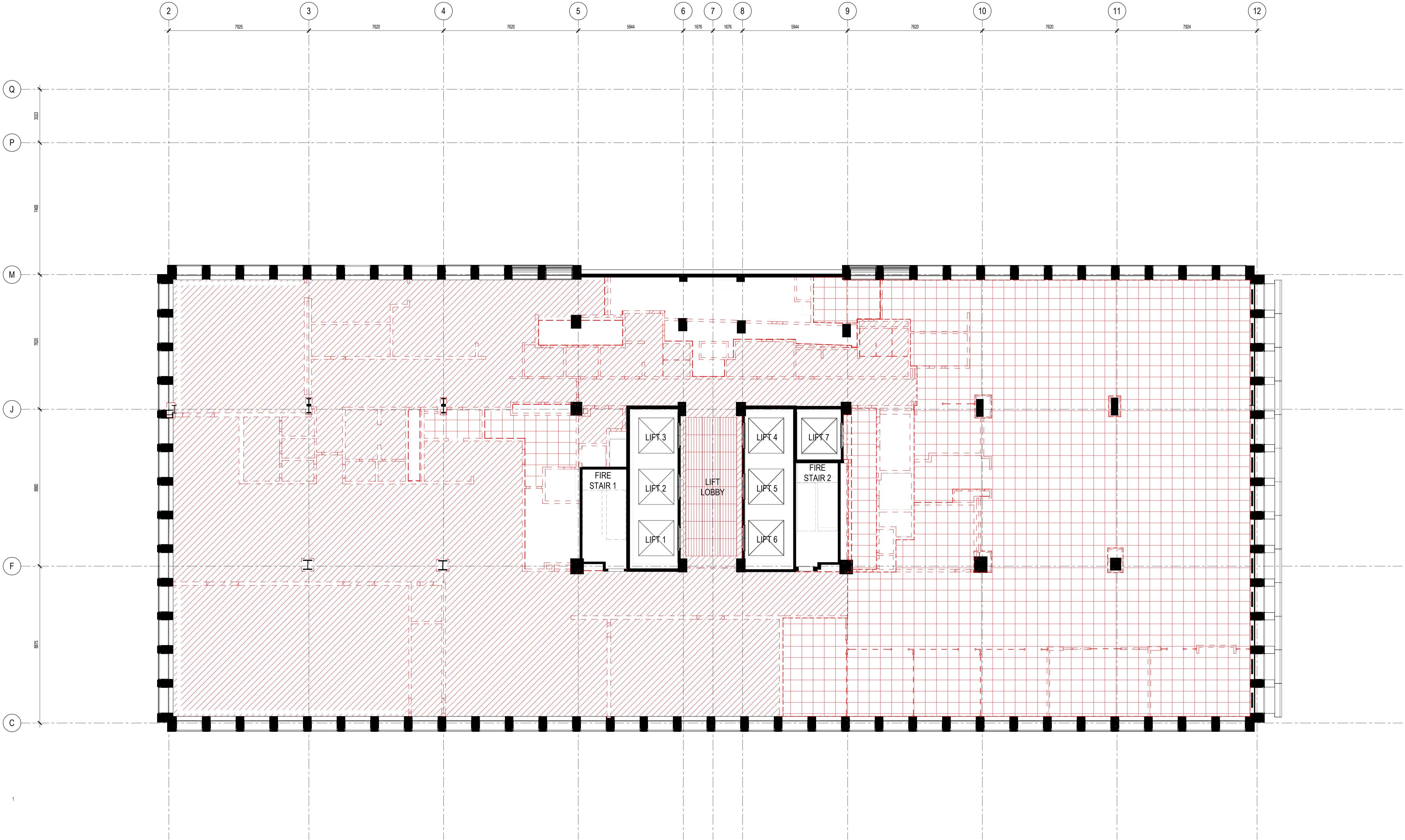
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issue	amendment	date
1	REMEDIAL WORKS DEVELOPMENT APPLICATION	08.05.2025

**LEGEND**

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PLASTERBOARD CEILING TO BE DEMOLISHED

LIFT LOBBY FEATURE CEILING TILE TO BE DEMOLISHED

600X600 GRID CEILING TO BE DEMOLISHED

FEATURE CEILING PANEL TO BE DEMOLISHED

600mm x 1200mm GRID CEILING TO BE DEMOLISHED

LEVEL 3 PILOT SPACE OPEN CELL CEILING TO BE DEMOLISHED

400mm x 1200mm GRID CEILING TO BE DEMOLISHED

LEVEL 15 CEILING PANEL TO BE DEMOLISHED

BASEMENT 2 GYMNASIUM METAL PANEL CEILING TO BE DEMOLISHED

LEVEL 20 EXTERNAL CEILING PANELS TO BE DEMOLISHED

NO CEILING

LIFT LOBBY FEATURE CEILING TO BE REMOVED AND STORED FOR FUTURE REINSTATEMENT

GROUND FLOOR FEATURE CEILING TO BE REMOVED AND STORED FOR FUTURE REINSTATEMENT

EXTERNAL GROUND FLOOR CEILING TO BE REMOVED AND STORED FOR FUTURE REINSTATEMENT

GROUND FLOOR HERITAGE MARBLE BEAM CLADDING TO BE REMOVED AND STORED FOR FUTURE REINSTATEMENT

GROUND FLOOR FEATURE CEILING TO BE REMOVED AND STORED FOR FUTURE REINSTATEMENT FOLLOWING INSTALLATION OF NEW INCEILING SERVICES.

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checked ZT scale 1 : 100@A1

drawn BC project no 240557

project 65MP

drawing 11

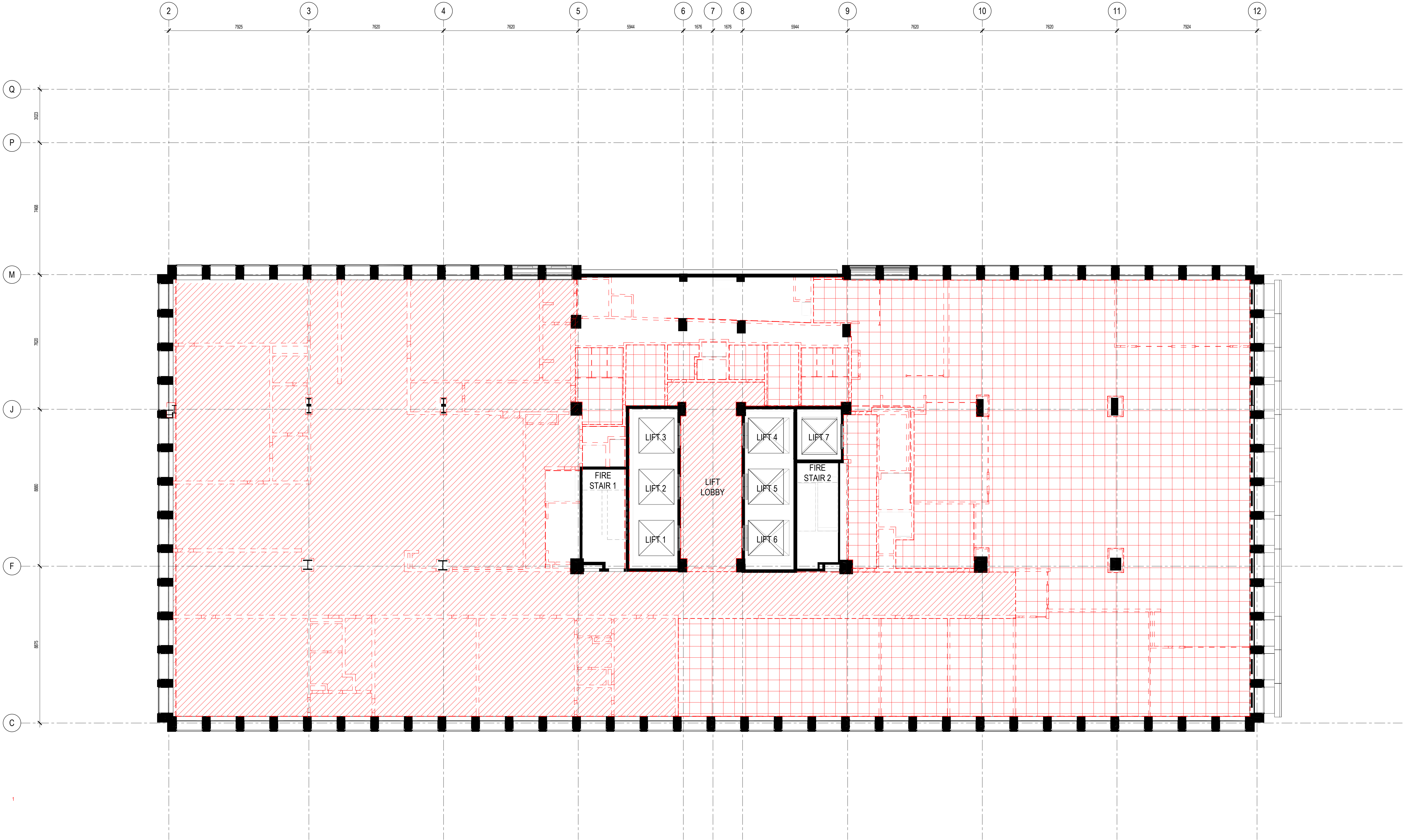
Remediation - Reflected Ceiling Plan - Level 11

drawing no. RBA-DRW-DA-1317

issue 1

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issue	amendment	date
1	REMEDIATION WORKS DEVELOPMENT APPLICATION	08.05.2025

**LEGEND**  
DEMOLITION OF CEILING INCLUDES REMOVAL OF ALL FEATURE COFFERS, HOSTED FIXTURES & FITTINGS UNLESS OTHERWISE NOTICE.

	PLASTERBOARD CEILING TO BE DEMOLISHED		LIFT LOBBY FEATURE CEILING TILE TO BE DEMOLISHED		LIFT LOBBY FEATURE CEILING TO BE REMOVED AND STORED FOR FUTURE REINSTATEMENT
	600x600 GRID CEILING TO BE DEMOLISHED		FEATURE CEILING PANEL TO BE DEMOLISHED		GROUND FLOOR FEATURE CEILING TO BE REMOVED AND STORED FOR FUTURE REINSTATEMENT
	600mm x 1200mm GRID CEILING TO BE DEMOLISHED		LEVEL 3 PILOT SPACE OPEN CELL CEILING TO BE DEMOLISHED		EXTERNAL GROUND FLOOR CEILING TO BE REMOVED AND STORED FOR FUTURE REINSTATEMENT
	400mm x 1200mm GRID CEILING TO BE DEMOLISHED		LEVEL 15 CEILING PANEL TO BE DEMOLISHED		GROUND FLOOR HERITAGE MARBLE BEAM CLADDING TO BE REMOVED AND STORED FOR FUTURE REINSTATEMENT
	BASEMENT 2 GYMNASIUM METAL PANEL CEILING TO BE DEMOLISHED		LEVEL 20 EXTERNAL CEILING PANELS TO BE DEMOLISHED		NO CEILING

GROUND FLOOR FEATURE CEILING TO BE REMOVED AND STORED FOR FUTURE REINSTATEMENT FOLLOWING INSTALLATION OF NEW INCEILING SERVICES.

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checked ZT scale 1 : 100@A1  
drawn BC project no 240557

project 65MP

drawing Remediation - Reflected Ceiling Plan - Level 12

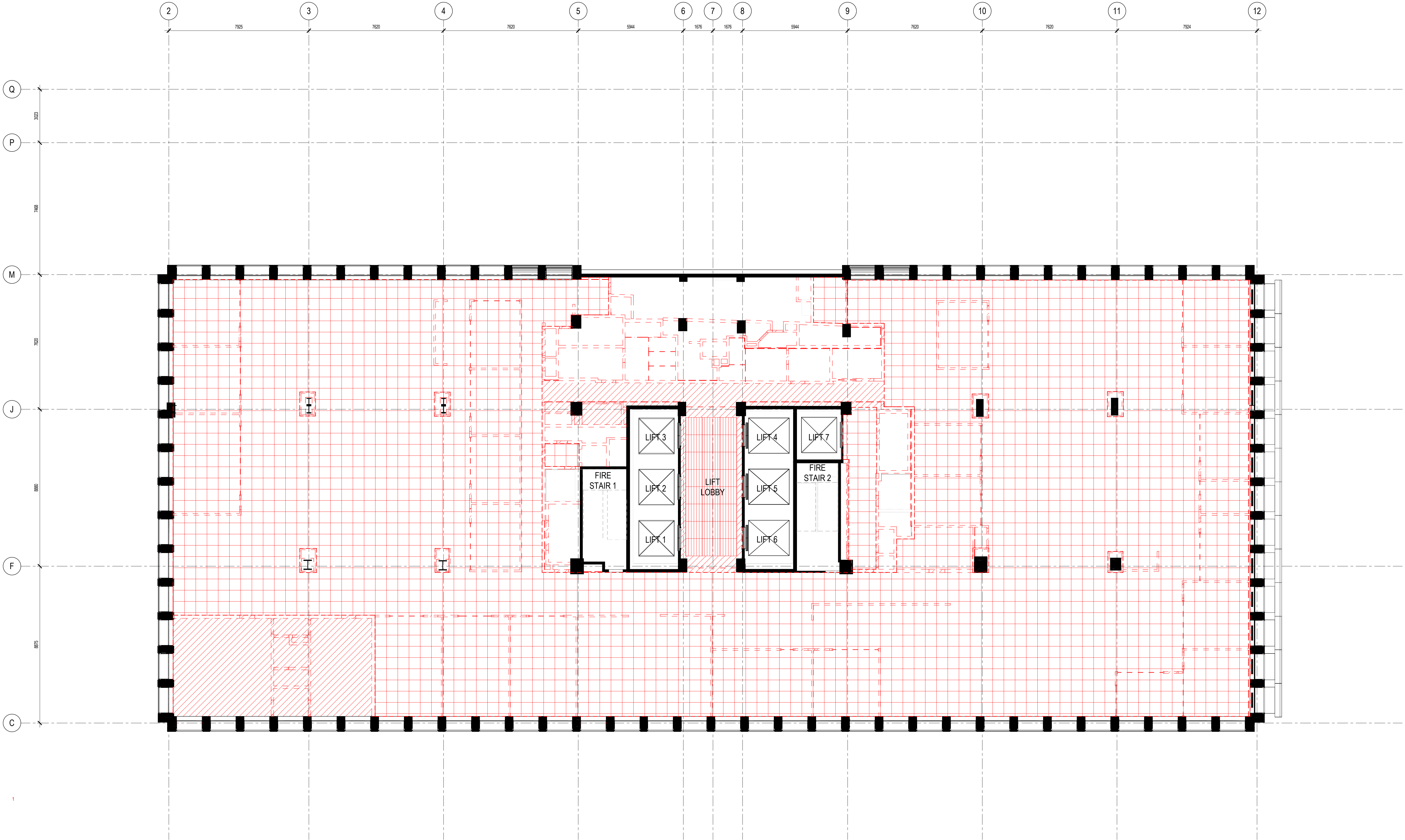
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1	REMEDIAL WORKS DEVELOPMENT APPLICATION	08.05.2025

**LEGEND**

DEMOLITION OF CEILING INCLUDES REMOVAL OF ALL FEATURE COFFERS, HOSTED FIXTURES & FITTINGS UNLESS OTHERWISE NOTICE.

PLASTERBOARD CEILING TO BE DEMOLISHED

600x600 GRID CEILING TO BE DEMOLISHED

600mm x 1200mm GRID CEILING TO BE DEMOLISHED

400mm x 1200mm GRID CEILING TO BE DEMOLISHED

BASEMENT 2 GYMNASIUM METAL PANEL CEILING TO BE DEMOLISHED

LIFT LOBBY FEATURE CEILING TILE TO BE DEMOLISHED

FEATURE CEILING PANEL TO BE DEMOLISHED

LEVEL 3 PILOT SPACE OPEN CELL CEILING TO BE DEMOLISHED

LEVEL 15 CEILING PANEL TO BE DEMOLISHED

LEVEL 20 EXTERNAL CEILING PANELS TO BE DEMOLISHED

LIFT LOBBY FEATURE CEILING TO BE REMOVED AND STORED FOR FUTURE REINSTATEMENT

GROUND FLOOR FEATURE CEILING TO BE REMOVED AND STORED FOR FUTURE REINSTATEMENT

EXTERNAL GROUND FLOOR CEILING TO BE REMOVED AND STORED FOR FUTURE REINSTATEMENT

GROUND FLOOR HERITAGE MARBLE BEAM CLADDING TO BE REMOVED AND STORED FOR FUTURE REINSTATEMENT

NO CEILING

GROUND FLOOR FEATURE CEILING TO BE REMOVED AND STORED FOR FUTURE REINSTATEMENT FOLLOWING INSTALLATION OF NEW INCEILING SERVICES.

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project

65MP

drawing

Remediation - Reflected Ceiling Plan - Level 14

drawing no.

RBA-DRW-DA-1320

issue

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drawn LR project no 240557

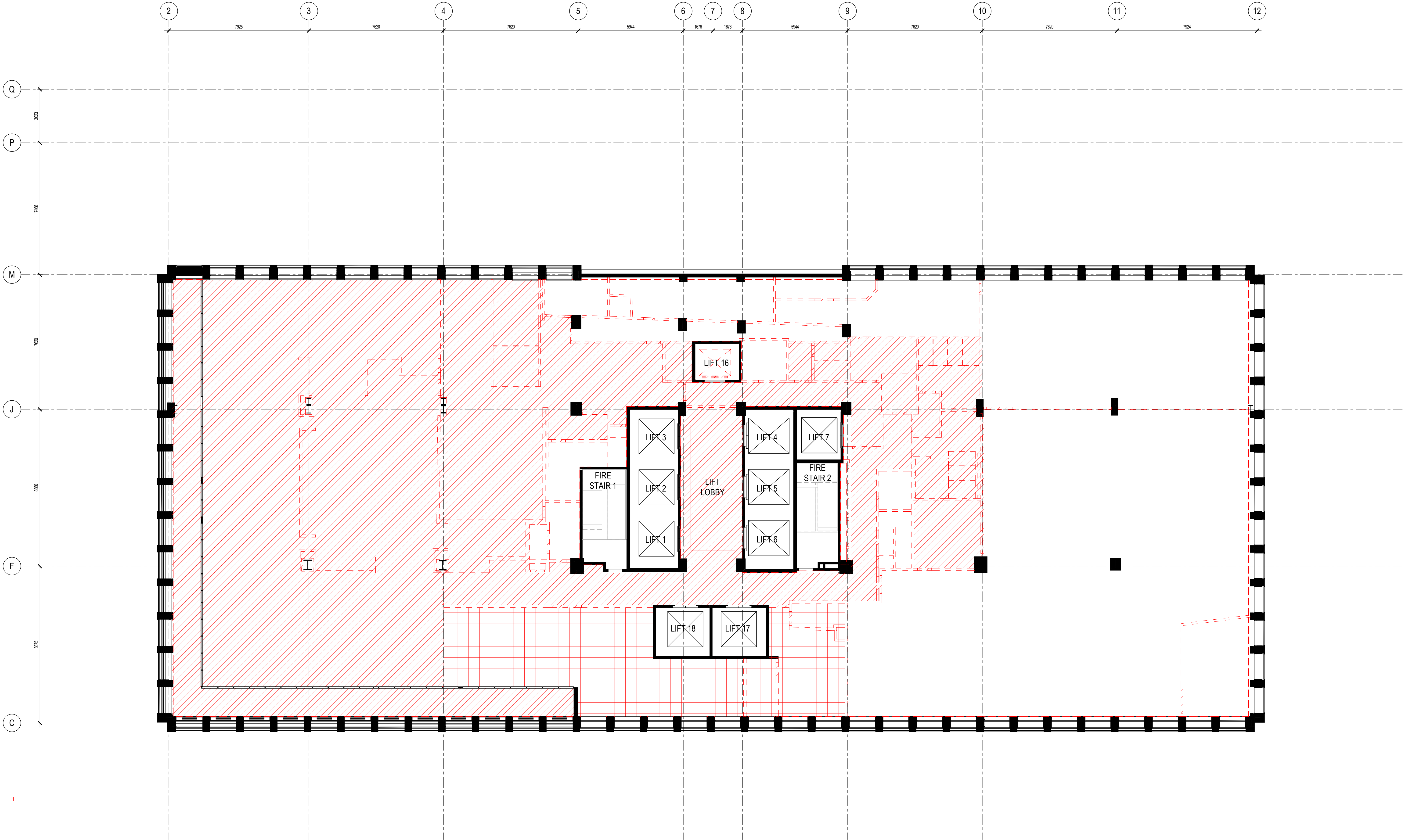
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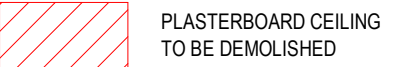
Nominated Architect  
Ray Brown, NSWARB 6359

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issue	amendment	date
1	REMEDIATION WORKS DEVELOPMENT APPLICATION	08.05.2025

**LEGEND**

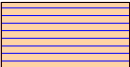
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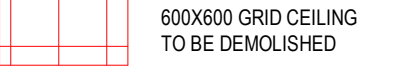
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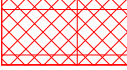
LIFT LOBBY FEATURE CEILING TILE TO BE DEMOLISHED




LIFT LOBBY FEATURE CEILING TO BE REMOVED AND STORED FOR FUTURE REINSTATEMENT



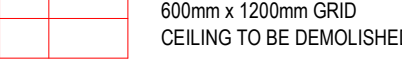
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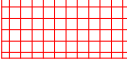
FEATURE CEILING PANEL TO BE DEMOLISHED



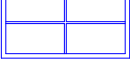
GROUND FLOOR FEATURE CEILING TO BE REMOVED AND STORED FOR FUTURE REINSTATEMENT



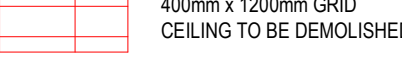
600mm x 1200mm GRID CEILING TO BE DEMOLISHED



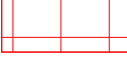
LEVEL 3 PILOT SPACE OPEN CELL CEILING TO BE DEMOLISHED




EXTERNAL GROUND FLOOR CEILING TO BE REMOVED AND STORED FOR FUTURE REINSTATEMENT




400mm x 1200mm GRID CEILING TO BE DEMOLISHED




LEVEL 15 CEILING PANEL TO BE DEMOLISHED




GROUND FLOOR HERITAGE MARBLE BEAM CLADDING TO BE REMOVED AND STORED FOR FUTURE REINSTATEMENT



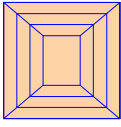
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LEVEL 20 EXTERNAL CEILING PANELS TO BE DEMOLISHED



NO CEILING



GROUND FLOOR FEATURE CEILING TO BE REMOVED AND STORED FOR FUTURE REINSTATEMENT FOLLOWING INSTALLATION OF NEW INCEILING SERVICES.

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drawn LR project no 240557

project 65MP

drawing 16

drawing no. RBA-DRW-DA-1322

issue 1

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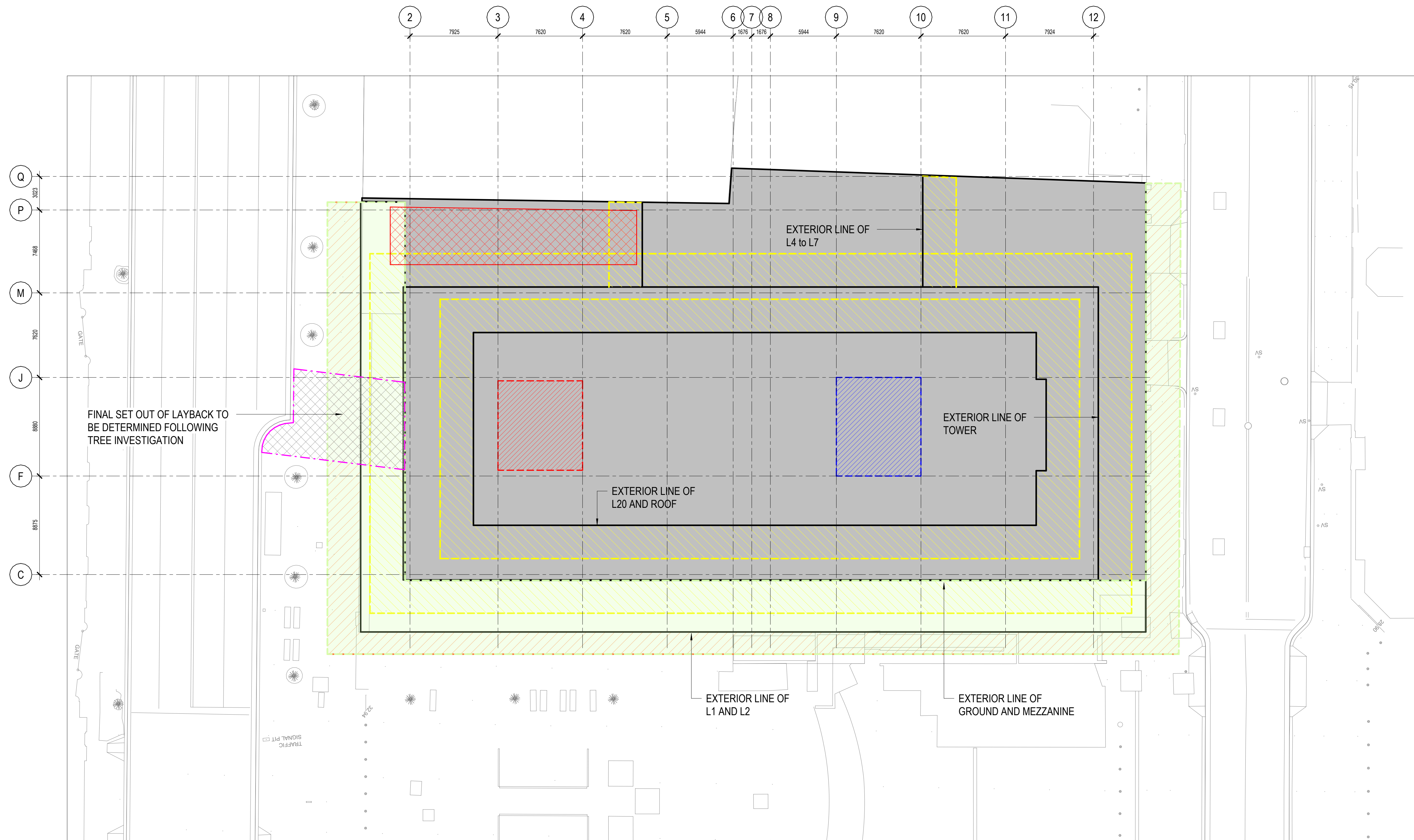


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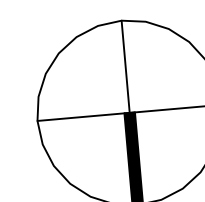
Nominated Architect  
Ray Brown, NSWARB 6359

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**SCAFFOLD LEGEND - OVERALL**

- |   |   |   |  |
|---|---|---|--|
|  | EXISTING GROUND FLOOR EXTENT  |  | MACQUARIE STREET LAYBACK                                       |
|  | EXISTING BUILT B CLASS GANTRY   |  | EXTENT OF STRUCTURAL SLAB TO BE DEMOLISHED FOR TEMPORARY HOIST |
|  | EXISTING PODIUM SCAFFOLD<br>TOP OF B CLASS GANTRY TO LEVEL 04 (RL 52.960) |  | TEMPORARY SERVICES ZONE WITH SCREENING                         |
|  | PROPOSED TOWER SCAFFOLD<br>LEVEL 3 TO +4m ABOVE ROOF LEVEL                |  | TEMPORARY CRANE ZONE   |



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checked	Checker	scale	As indicated@A1
drawn	Author	project no	240557

project	65MP
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drawing no.	issue
External Temporary Works Floor Plan - Overall	
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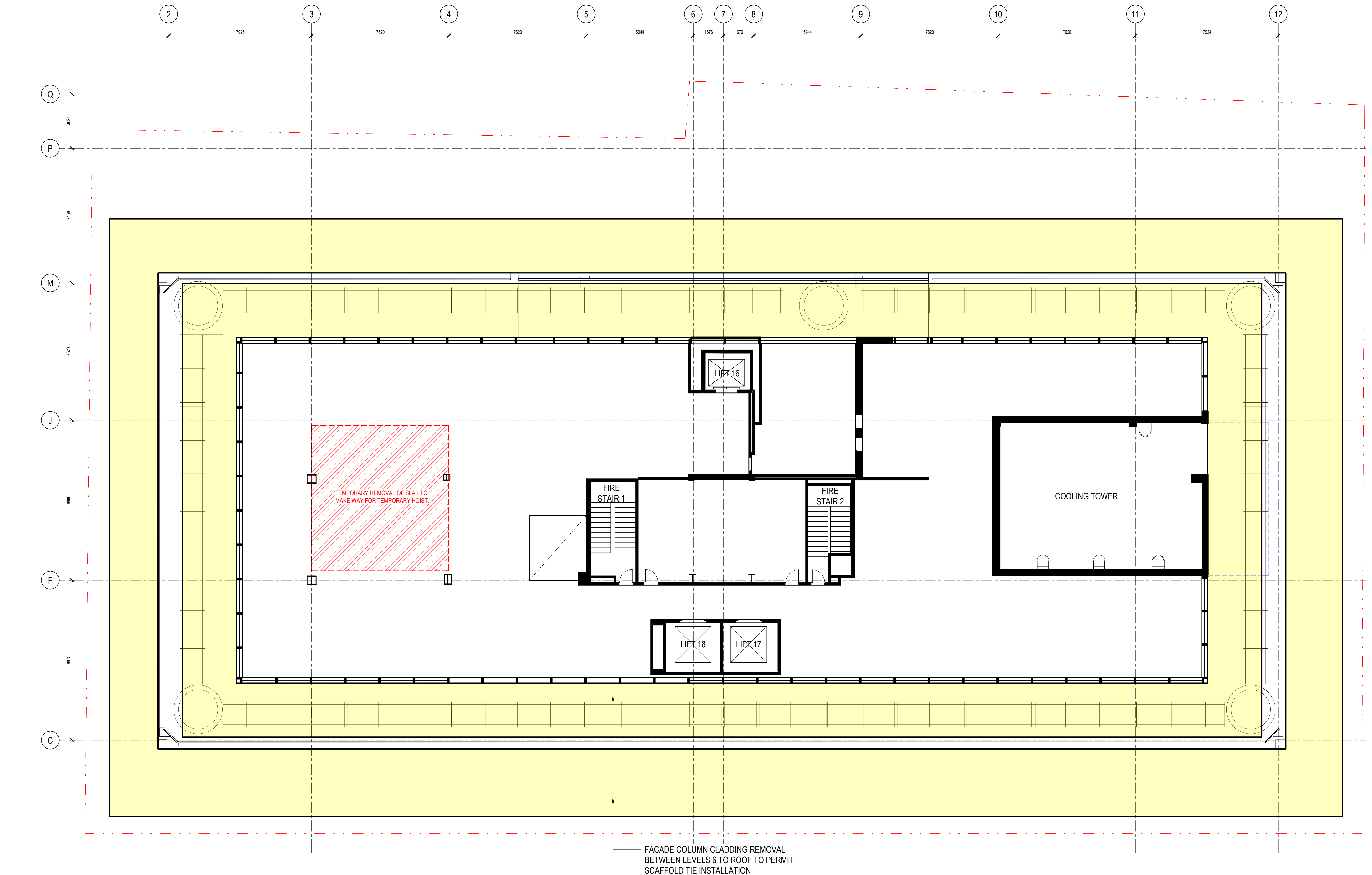












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


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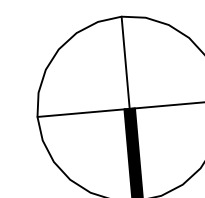
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### TEMPORARY WORKS LEGEND

- |   |   |
|---|---|
|  | EXISTING BUILT B CLASS GANTRY   |
|  | EXISTING PODIUM SCAFFOLD<br>TOP OF B CLASS GANTRY TO LEVEL 04 (RL 52.960) |
|  | PROPOSED TOWER SCAFFOLD<br>LEVEL 3 TO +4m ABOVE ROOF LEVEL                |

-  MACQUARIE STREET LAYBACK
-  EXTENT OF STRUCTURAL SLAB TO BE DEMOLISHED FOR TEMPORARY HOIST
-  TEMPORARY SERVICES ZONE WITH SCREENING
-  TEMPORARY CRANE ZONE



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checked	scale	1 : 100@A1
drawn	project no	240557

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project

65MP

drawing

External Temporary Works Floor Plan - Level  
20

drawing no.

RBA-DRW-DA-1426

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
— FACADE REMOVAL REQUIRED BETWEEN LEVELS 3 TO 6 TO PERMIT INSTALLATION OF STRUCTURAL STEEL KNEE BRACE FRAMES FIXED TO EXISTING STEEL COLUMNS AND SUPPORTING THE SCAFFOLD



## TEMPORARY SERVICES ZONE WITH SCREENING

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### TEMPORARY WORKS LEGEND

	EXISTING BUILT B CLASS GANTRY		MACQUARIE STREET LAYBACK
	EXISTING PODIUM SCAFFOLD TOP OF B CLASS GANTRY TO LEVEL 04 (RL 52.960)		TEMPORARY SERVICES ZONE WITH SCREENING
	PROPOSED TOWER SCAFFOLD LEVEL 3 TO +4m ABOVE ROOF LEVEL		

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Nominated Architect  
Ray Brown, NSWARB 6359

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**ABN 90 131 245 684**

checked	scale	As indicated@A1
drawn	project no	240557

project

5MP

drawing

### External Temporary Works Elevation - South

drawing no.

**RBA-DRW-DA-1603**

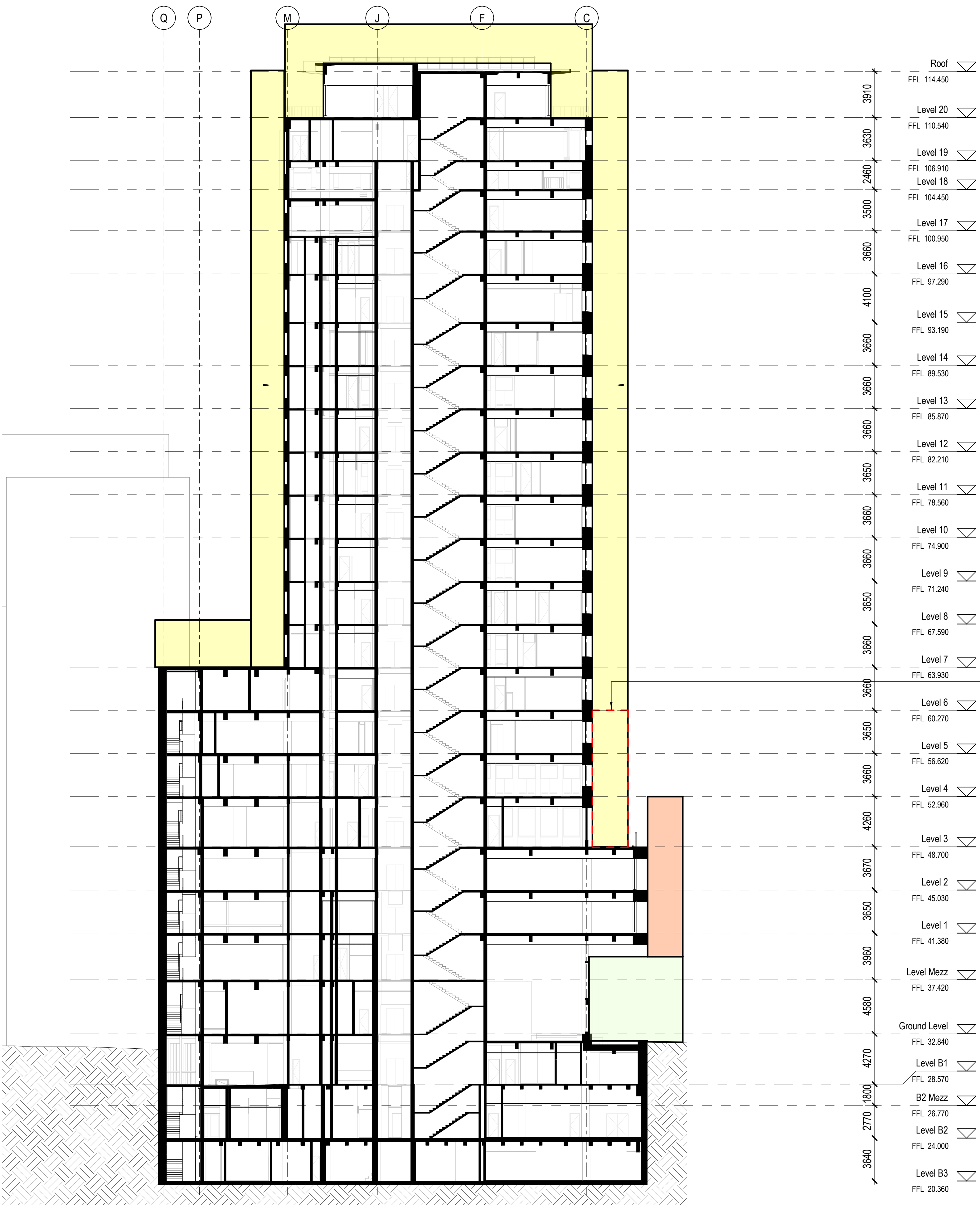
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LOCALLY REMOVE CLADDING TO COLUMNS  
TO FACILITATE THE INSTALLTION OF  
SCAFFOLD TIES (ALL LEVELS ABOVE 6)

FACADE REMOVAL REQUIRED BETWEEN  
LEVELS 3 TO 6 TO PERMIT INSTALLATION OF  
STRUCTURAL STEEL KNEE BRACE FRAMES  
FIXED TO EXISTING STEEL COLUMNS AND  
SUPPORTING THE SCAFFOLD

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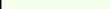


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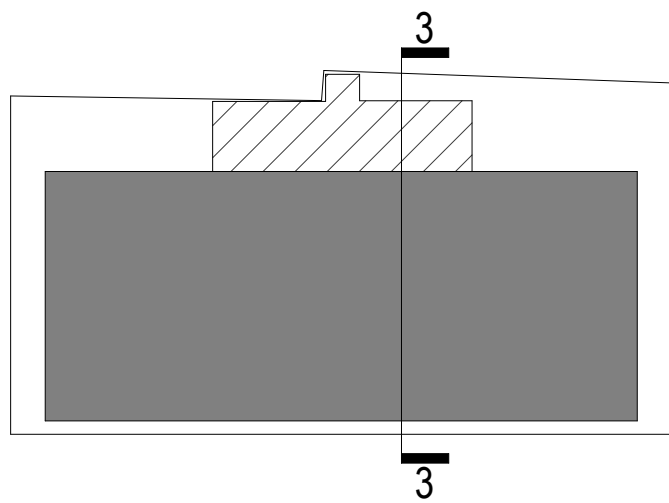
Nominated Architect  
Ray Brown, NSWARB 6359

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### TEMPORARY WORKS LEGEND

- |   |   |   |   |
|---|---|---|---|
|  | EXISTING BUILT B CLASS GANTRY   |  | MACQUARIE STREET LAYBACK  |
|  | EXISTING PODIUM SCAFFOLD<br>TOP OF B CLASS GANTRY TO LEVEL 04 (RL 92.960) |  | EXTENT OF STRUCTURAL SLAB TO BE DEMOLISHED<br>FOR TEMPORARY HOIST |
|  | PROPOSED TOWER SCAFFOLD<br>LEVEL 3 TO +4m ABOVE ROOF LEVEL                |  | TEMPORARY SERVICES ZONE WITH SCREENING                            |
|   |   |  | TEMPORARY CRANE ZONE  |



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Christchurch  
Brisbane

checked	scale	As indicated@A1
drawn	project no	240557

project

65MP

drawing

## External Temporary Works Section 2

drawing no.

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issue

RBA-DRW-DA-1702

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# Attachment C

<b>Submissions</b>
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18 June 2025

Manager Planning Assessments, City of Sydney  
GPO Box 1591  
Sydney, NSW, 2001

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Re: Department of Communities and Justice Submission DA/2025/406 – 65 Martin Place Sydney

Dear Sir/Madam,

I write on behalf of the Department of Communities and Justice (DCJ) regarding the Development Application (DA) for the Reserve Bank of Australia Head Office at 65 Martin Place, which directly adjoins the Land and Environment Court of NSW at 225 Macquarie Street.

The Land and Environment Court is a critical part of the NSW judicial system and operates continuously throughout the year without any defined shutdown period. It houses highly sensitive courtrooms equipped with advanced audio-visual link (AVL) and digital recording systems. These systems ensure procedural fairness, reliable evidence capture, and remote access to judicial hearings. Excessive noise and vibration from nearby construction activities pose a significant risk to these operations, potentially degrading audio quality, compromising accurate transcriptions, and, in severe cases, could result in mistrials and appeals that disrupt court proceedings.

To mitigate these risks, DCJ has carefully reviewed the proposed development in consultation with technical experts and stakeholders across our Enterprise Audio Visual Technology Department, Digital Records and Video Monitoring Department, Recording Services Branch, and Court Operations within the Land and Environment Court. Based on this review, a number of matters concerning acoustics and vibration during construction have been identified. In order to address these issues, DCJ requests that, if the DA is approved, the consent be issued with conditions that require the construction of the development to be undertaken so as to not detrimentally impact court hearings and operations. It is requested that conditions which reflect best practice and lessons learned from other court precinct developments, including the Downing Centre Local Court and the development adjacent to Central Local Court (371-375 Pitt St Sydney) be implemented.

In summary, DCJ requests that the following measures be secured through conditions of consent. Suggested conditions have been drafted and attached as an appendix at the end of this submission.

**1. Acoustic and vibration testing and monitoring plan:**

In order to mitigate the acoustic and vibrational impact of the adjoining construction works on court recordings, we request that a robust acoustic and vibration testing and monitoring plan be prepared in consultation with DCJ and endorsed before any construction begins (similar to that implemented at the construction site at 371-375 Pitt St, Sydney, directly adjacent to Central Local Court). To maintain the integrity of court recordings and AVL transmissions, ambient noise levels must be controlled within the following thresholds:



- **Maximum Noise Range:**
  - 15–20 dB: Suitable for high-fidelity Court environments with recording facilities
- **Noise Isolation:** Courtrooms require effective noise isolation to preserve speech intelligibility and ensure accurate transcription.
- **Vibration Considerations:** If construction activities may cause structural vibrations, ambient noise levels should be maintained below 25 dB to avoid interference with sensitive recording equipment.

This plan will ensure real-time monitoring of noise and vibration, keeping ambient noise within a safe recording range of 15–200 dB, and below 25 dB if structural vibration occurs. This is essential to protect the quality and accuracy of Court recordings and ensure that outcomes do not result in mistrials and appeals.

## 2. Restriction of noisy works during court sitting hours:

To prevent disruption of hearings, DCJ requests that no noisy or vibration-generating works occur during Court sitting hours (9:00 am–5:00 pm, Monday to Friday, excluding public holidays). This aligns construction activity with operational needs and reduces the risk of delays or adjournment of Court proceedings.

## 3. Comprehensive dilapidation report:

The Land and Environment Court shares a common wall with the RBA building between ground level and level 3, however it is expected that the development will impact this shared wall across all levels. DCJ would therefore like to request that a detailed dilapidation survey be prepared by a qualified structural engineer prior to works commencing, documenting the current condition of the Court building. This protects the structural integrity of the Court and ensures any construction-related damage is clearly attributable and addressed.

DCJ remains committed to working constructively with the developer and Council to safeguard Court operations and the fair delivery of justice. It is requested that a clear plan be prepared in consultation with DCJ outlining how construction will be scheduled and communicated in advance to avoid conflict with Court schedules. This proactive approach allows DCJ to plan hearings and manage risks collaboratively with the developer.

These matters are critical to ensuring the ongoing integrity of Court operations while enabling the safe and timely delivery of this important remediation project.

Should you have any questions or wish to discuss the wording of draft Conditions of Consent, please contact Catherine Colville, Senior Manager Environment & Heritage Planning, at [catherine.colville@dcj.nsw.gov.au](mailto:catherine.colville@dcj.nsw.gov.au) or [REDACTED]

Thank you for your consideration.

Yours sincerely,

[REDACTED]

Catherine Colville

Senior Manager Environment & Heritage Planning  
Department of Communities and Justice



## **Appendix 1: Requested Conditions of Consent**

### **1. Acoustic and Vibration Testing and Monitoring Plan (AVTMP)**

- a) An Acoustic and Vibration Testing and Monitoring Plan (AVTMP) must be submitted to and approved by Council's Area Planning Manager and endorsed by the NSW Department of Communities & Justice (DCJ) prior to the issue of any Construction Certificate. The AVTMP must:
- i. Establish maximum ambient noise thresholds for the Land and Environment Court of NSW building during construction activities as follows:
    - i. Maximum range: 15-20dB
    - ii. Where vibration occurs, ambient noise must be maintained below 25dB
  - ii. Detail how construction noise and vibration will be managed and monitored to avoid interference with the Land and Environment Court's recording and AVL equipment;
  - iii. Provide details of real-time acoustic and vibration monitoring devices to be installed in the Land and Environment Court building at the developer's cost, with the type, placement and calibration to be approved by DCJ before installation;
  - iv. Include clear procedures for immediate notification to DCJ and suspension of works if monitoring detects any exceedance of agreed thresholds;
  - v. Include provisions for ongoing monitoring and reporting in consultation with DCJ for the duration of construction.

A Construction Certificate must not be issued until a AVTMP prepared in accordance with this condition is endorsed by DCJ and approved by Council. Any AVTMP approved by under this condition must be complied with at all times while the development is under construction.

### **2. Restricted Works During Court Sitting Hours**

- a) No construction activities that generate noise or vibration above existing ambient levels are to be undertaken between 9:00 am and 5:00 pm Monday to Friday, excluding public holidays, unless otherwise approved in writing by the Department of Communities & Justice (DCJ). Any audible or vibration-related disruption to court operations during these hours may, at the sole discretion of the Land and Environment Court of NSW, result in immediate suspension of the works until satisfactory mitigation measures are agreed with DCJ.

### **3. Dilapidation Report**

- b) A detailed Dilapidation Report must be prepared by a suitably qualified and independent structural engineer at the cost of the developer and submitted to Council and the Department of Communities & Justice (DCJ) prior to the issue of any Construction Certificate. This report must document the existing condition of all adjoining structures, finishes, shared walls, and services within the NSW Land and Environment Court building at 225 Macquarie Street. A copy of the Dilapidation Report must be provided to DCJ for review and confirmation prior to any construction works commencing. A Construction Certificate is not to be issued until a Dilapidation Report is endorsed by DCJ.



## Item 5.

### **Public Exhibition - Planning Proposal - Heritage Floor Space Amendment - Sydney Local Environmental Plan 2012**

**File No:** X122035

#### **Summary**

The Heritage Floor Space Scheme was established by the City of Sydney (the City) and provides an incentive for the conservation and ongoing maintenance of heritage listed buildings within Central Sydney.

Sydney Local Environmental Plan 2012 (SLEP 2012) sets the legal framework for the scheme where owners of heritage buildings in Central Sydney may be awarded heritage floor space after completing approved conservation works to the building. The heritage floor space can then be sold to developers who, as a condition of using bonus or accommodation floor space, are required to allocate heritage floor space to their development.

The Alternative Heritage Floor Space Allocation Scheme commenced on 15 July 2016 to address the temporary shortage of available heritage floor space in the market. This scheme enables developers to defer the purchase of heritage floor space until a later stage in the development process, enabling them to proceed with approved development. Developers enter into a planning agreement with the City for the allocation of heritage floor space to be deferred or, in the event that heritage floor space cannot be obtained at all, replaced with a monetary amount payable to the City to be used for heritage conservation that has a clear public benefit.

Originally scheduled to end on 1 January 2019, the scheme has been extended in 2018, 2020 and 2022 as the heritage floor space market continued to experience an imbalance between supply and demand. Although the market has improved since 2021, with more awards being approved and registered, it is not certain that the supply of heritage floor space will continue to meet demand following the expiry of the Alternate Heritage Floor Space Scheme.

The Planning Proposal at Attachment A seeks to extend the existing alternative arrangements for the allocation of heritage floor space for 5 more years to ensure development can proceed even if there are instances where the supply of heritage floor space does not meet demand. This can be a result of variations in the economic cycle, or other circumstances where the pace of development outstrips the supply of heritage floor space. In addition to extending the scheme, a minor amendment is proposed to the policy. This will require more detailed reporting to demonstrate that genuine attempts to purchase heritage floor space in the market have been made.

This report recommends the Central Sydney Planning Committee approve the Planning Proposal for Gateway Determination from the Minister for Planning and Public Spaces and public exhibition.



## Recommendation

It is resolved that:

- (A) the Central Sydney Planning Committee approve the Planning Proposal - Heritage Floor Space Amendment, shown at Attachment A to the subject report, for submission to the Minister for Planning and Public Spaces with a request for a Gateway Determination;
- (B) the Central Sydney Planning Committee approve the Planning Proposal - Heritage Floor Space Amendment for public authority consultation and public exhibition in accordance with any conditions imposed under the Gateway Determination;
- (C) the Central Sydney Planning Committee note the recommendation to Council's Transport, Heritage and Planning Committee on 18 August 2025 that Council seek confirmation from the Minister for Planning and Public Spaces that it has the authority to exercise the plan-making functions of the Minister under section 3.36 of the Environmental Planning and Assessment Act 1979;
- (D) authority be delegated to the Chief Executive Officer to make any minor variations to the Planning Proposal - Heritage Floor Space Amendment following receipt of the Gateway Determination; and
- (E) the Central Sydney Planning Committee note the recommendation to Council's Transport, Heritage and Planning Committee on 18 August 2025 that Council approve the draft amendments to the Alternative Heritage Floor Space Allocation Scheme, shown at Attachment B to the subject report, for public exhibition to be undertaken currently with the Planning Proposal - Heritage Floor Space Amendment.

## Attachments

**Attachment A.** Planning Proposal - Heritage Floor Space Amendment

**Attachment B.** Alternative Heritage Floor Space Allocation Scheme - as amended



## Background

1. The Heritage Floor Space Scheme has existed in Central Sydney for more than 40 years and has supported the on-going conservation of more than 85 heritage buildings. The current scheme is established under clauses 6.10 and 6.11 of Sydney Local Environmental Plan 2012 (Sydney LEP 2012). Clause 6.10 offers an incentive for owners of heritage buildings to conserve and maintain their property by enabling them to receive an award of heritage floor space after conservation works on the building are undertaken and relevant covenants are imposed. Clause 6.11 stipulates that a developer may only utilise certain types of additional floor space if it allocates an amount of heritage floor space to its development site.
2. These provisions establish a framework for a heritage floor space market in which vendors and purchasers negotiate directly with one another, while the City maintains the heritage floor space register to track awards, transactions and allocations.

### **The Alternative Heritage Floor Space Allocation Scheme has operated since 2016 to respond to insufficient supply of heritage floor space awards**

3. Around 2014, a significant level of development activity in Central Sydney absorbed a large amount of the available heritage floor space in a relatively short period of time. In addition, some of the remaining heritage floor space had been held as a long-term asset, such as to fund future conservation works, or held by developers for future projects not genuinely available for purchase.
4. In response, the City made a number of changes to support the operation of the Heritage Floor Space Scheme, including the Alternative Heritage Floor Space Allocation Scheme, first adopted by Council March 2016, which allows developers to enter into a voluntary planning agreement (VPA) with the City to defer the timing of the allocation of heritage floor space while they continue to make genuine efforts to purchase it on the market. If despite those genuine efforts the developer is not able to purchase heritage floor space, then a monetary amount is payable to the City.
5. The Alternative Heritage Floor Space Allocation Scheme restricts how the City can spend any money received through the alternative arrangements to the following:
  - (a) the preparation of conservation management plans for heritage buildings in Central Sydney
  - (b) heritage conservation works undertaken by the City in Central Sydney including, but not limited to:
    - (i) maintenance of heritage buildings in accordance with a conservation management plan
    - (ii) works to conserve the heritage significance of heritage items that are not buildings, for example open space and elements of the public domain
    - (iii) the improvement of the operation of the Heritage Floor Space Scheme including any associated studies



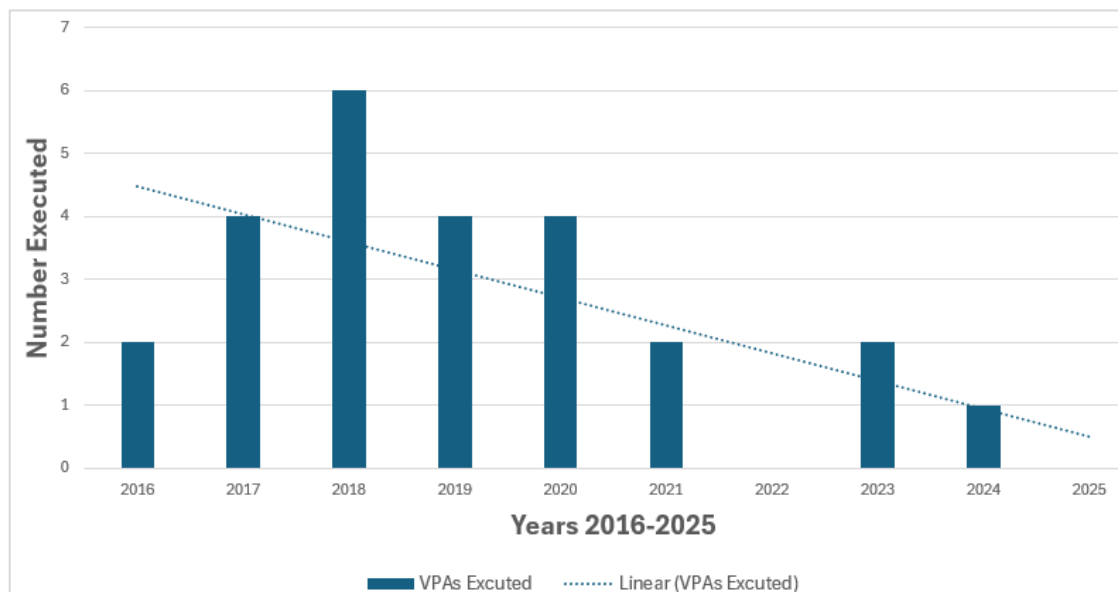
6. To date the City has received \$79.17 million in funding through the Alternative Heritage Floor Space Scheme. This funding has been allocated to the conservation of heritage items in the public domain and heritage listed open spaces. Projects funded from the scheme include the restoration of the heritage-listed Archibald Fountain and the heritage-listed Chinatown Gates as well as the current work on lighting upgrades in heritage-listed Hyde Park.
7. To allow time for that additional supply of heritage floor space to be delivered to market, at its meeting in March 2016 Council approved an amendment to the Sydney LEP 2012 to provide an alternative to the allocation of heritage floor space. Further extensions were also approved in 2018, 2020 and 2022.

### **Supply of heritage floor space has been improving**

8. To improve the operation of the Heritage Floor Space Scheme and support the functioning of the heritage floor space market, the City has made a number of changes to the scheme over time. These changes and improvements have included:
  - 2012: Sydney LEP 2012 commenced including the heritage floor space provisions aligning with the previous Central Sydney LEP.
  - 2015: the heritage floor space scheme was expanded to include government buildings that were not subject to a 50+ year lease. Changes were also made to provide clarity on retrospective awards where conservation works to heritage buildings had already been completed and a development application was not required for approval of a heritage floor space award.
  - 2016: the Alternative Heritage Floor Space Allocation Scheme was first introduced. Changes were also introduced for buildings to be awarded heritage floor space 25 years after their first award registration. Plus, developments under 55m in height no longer required heritage floor space to be allocated to the development.
  - 2017: amendments provided an exemption for allocations to developments which added less than 50 square metres to a building.
  - 2018: the first award heritage floor space to a State government owned building, at Hyde Park Barracks, was approved, plus the Alternative Heritage Floor Space Scheme was extended for the first time.
  - 2019: the first award for a local government building was approved for Former Haymarket Library building followed by awards approved for QVB, Capitol Theatre, and Corporation Building, which has delivered approximately 34,300 sqm of heritage floor space and increased the supply of HFS to the market.
  - 2020: the Alternative Heritage Floor Space Scheme was extended to provide more time for the changes made to the Heritage Floor Space Scheme to take effect.
  - 2022: the Alternative Heritage Floor Space Scheme was further extended to provide more time for supply of new awards to increase. Amendments were also made removing the non-rateable formula for calculating heritage floor space awards. This created greater opportunity for heritage listed churches or other places of public worship.



- 2023: as part of the LEP/DCP housekeeping amendments, changes were proposed to provide some limited flexibility for additional building floor space for award sites where there are restrictive covenants preventing any additional floor space. An example is Qantas House looking to change car parking in the basement to provide end of journey facilities which can't currently be considered. This should provide more flexibility for those who have been looking to enter into the Heritage Floor Space Scheme.
  - 2024: a new staff member to work with heritage owners, explaining heritage floor space and guiding applicants regarding the Scheme.
9. Since the alternative arrangements came into force, a total of 25 developments entered into a planning agreement with the City, with the total heritage floor space sought through the alternative arrangements at around 63,000sqm. Of those, 18 developments were unable to purchase all the heritage floor space needed prior to the finalisation of their development and entered the alternative scheme.
  10. As a result of the changes that have been made to improve the operation of the scheme, the number of planning agreements executed under the alternative scheme has reduced since the peak in 2018, when 6 were executed that year, as shown in Figure 1 below:



**Figure 1:** Number of planning agreements for the Alternative Heritage Floor Space Allocation scheme

11. Further evidence that the changes to the scheme have been increasing the supply of heritage floor space is that the 3 developments which have entered into a planning agreement since 2022 have either been able to purchase their required heritage floor space or are in negotiations to purchase the required heritage floor space, before the call date in their VPAs.
12. Current supply of heritage floor space, including registered awards with contact details available, or interim awards that have been approved but not yet registered, is currently around 49,000sqm.



13. Current demand for heritage floor space by developments is currently around 41,000sqm, based on development applications approved but not yet commenced, or they have entered into the Alternative Scheme but can still purchase heritage floor space in the market.
14. We forecast another potential 130,000sqm of supply to 2030 as applications for new awards are lodged based on current discussions with owners and re-award opportunities arising after 25 years. After 2030, we are forecasting on average around 15,000sqm a year based on long term averages.
15. Additional demand to 2030 is forecast to be around 100,000sqm based on planning proposals and development applications in the pipeline. After 2030, we are forecasting an average of around 15,000sqm per year based on long term averages.
16. Although the forecasts for supply exceed those for demand and suggest the market can function as intended, economic fluctuations over time can be unpredictable. Keeping the Alternative Scheme active for some additional time has merit, in case the market does not reflect the forecasts.
17. During the 5-year period we will assess whether the arrangements should be made permanent. The aim is to ensure projects are able to progress and will not be hindered by any shortage of heritage floor space that may occur in the market at a particular time.

**Extending the alternative Heritage Floor Space allocation scheme for another 5 years will ensure it is available if necessary for developments to proceed**

18. This report seeks to extend the alternative heritage floor space allocation arrangements for a further 5 years until 1 January 2031. This extension will ensure this scheme is available should the supply of heritage floor space awards not continue to meet demand for heritage floor space by developments.
19. The Sydney LEP 2012 refers to the consent authority having adopted and published a policy that makes alternative heritage arrangements to the allocation of Heritage Floor Space. In accordance with this requirement, Council's position has been adopted and published through the Alternative Heritage Floor Space Allocation Scheme. To ensure the scheme aligns with the Sydney LEP 2012 change, it is proposed that the end date referred to in that scheme is also updated to 1 January 2025.
20. To retain a focus on the market as the primary source of heritage floor space and ensure the alternative scheme is only used, when necessary, the following amendments are proposed to the alternative heritage floor space allocation policy:
  - (a) require a proponent to contact at least 50% or 6 owners of heritage floor space with an offer to purchase at genuine market rates. For example, this would be 6 owners based on there being 15 owners listed in the March 2025 Heritage Floor Space Update
  - (b) require proponents to provide a 6-monthly report of new offers being made where new heritage floor space is available for sale since the VPA process commences
21. The date change to the Alternative Heritage Floor Space Scheme is provided in Attachment A and the other changes to the Policy are at Attachment B.



## Key Implications

### Strategic Alignment - Sustainable Sydney 2030-2050 Continuing the Vision

22. Sustainable Sydney 2030-2050 Continuing the Vision renews the communities' vision for the sustainable development of the city to 2050. It includes 10 strategic directions to guide the future of the city, as well as 10 targets against which to measure progress. This policy is aligned with the following strategic directions and objectives:
  - (a) Direction 4 - Design excellence and sustainable development - by supporting the operation of the Heritage Floor Space Scheme to conserve important heritage buildings and contribution to celebrating the character of Central Sydney

### Risks

23. City staff have undertaken a thorough assessment of the planning proposal and found that it demonstrates strategic merit in accordance with NSW Government guidelines.
24. Progressing the planning proposal is within the City's risk tolerance and appetite.
25. The proposal will be capable of complying with relevant environmental and planning laws and regulations and is within the City's minimal appetite for non-compliance with environmental laws, regulations and industry standards.
26. Proceeding with the proposal will meet the City's minimal appetite for disruption to our regulatory functions as decisions will be within the timeframes set in the NSW Government's State of Expectations Order 2024.

### Financial Implications

27. If developers who make use of the Alternative Heritage Floor Space Allocation Scheme are unable to purchase heritage floor space within the required timeframe, then a monetary contribution is paid to the fund. Council's Alternative Heritage Floor Space Allocation Scheme identifies how the fund can be spent. City officers will identify projects that deliver a public heritage benefit that can be suitable for funding in line with the options endorsed by Council as funds become available.

### Relevant Legislation

28. Environmental Planning and Assessment Act 1979.
29. Environmental Planning and Assessment Regulation 2000.

### Critical Dates / Time Frames

30. The existing Alternative Heritage Floor Space Allocation Scheme arrangements expire on 1 January 2026. The timeframe for a simple amendment to the LEP to extend the scheme can be progressed within this time.



**Options**

31. There is the option of not extending the arrangements for the Alternative Heritage Floor Space Allocation Scheme. Without an extension of the Scheme this has the potential to impede development in Central Sydney and affect construction activity. This approach is not supported at this time. During the 5-year period, the City will assess whether the alternative scheme should be made permanent or not renewed.

**Public Consultation**

32. Public exhibition and public authority consultation for the Planning Proposal will be undertaken in accordance with any Gateway Determination issued by the Department of Planning Housing and Infrastructure. Due to the minor nature of the proposal, it is proposed that public exhibition should be for a minimum of 14 days. Public exhibition will be in accordance with the City's Community Participation Plan.

**GRAHAM JAHN AM**

Chief Planner / Executive Director City Planning, Development and Transport

Michelle Cramsie, Specialist Planner



# **Attachment A**

<p><b>Planning Proposal – Heritage Floor Space Amendment</b></p>
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# Planning Proposal: Heritage Floor Space amendment





# Contents

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# Executive summary

The City of Sydney (the City) has prepared this planning proposal for amendments to the heritage floor space scheme.

This planning proposal explains the intent and justification for the proposed amendment to the Sydney Local Environmental Plan 2012 (LEP). This planning proposal has been prepared by the City in accordance with Clause 3.33 of the Environmental Planning and Assessment Act 1979 and the Department of Planning, Housing and Infrastructure's Environment's Local Environmental Plan Making Guideline.

This planning proposal proposes to extend the alternative heritage floor space allocation arrangements for a period of a further 5 years to 1 January 2031. This extension will ensure that development will be able progress in the event that the supply of heritage floor space does not continue to keep up with the demand for purchasing and allocating heritage floor space to a development to satisfy a condition of consent.

The planning proposal will enable development to proceed that will be consistent with the Central Sydney Planning Strategy and contribute to the vision and aims of the Strategy by providing additional employment space, protecting, enhancing and expanding Central Sydney's heritage and public places, and supporting design excellence.



# 1. Background

Heritage Floor Space (HFS) planning controls in the Sydney LEP are the legal framework for a scheme under which owners of heritage buildings in Central Sydney may be awarded HFS after completing conservation works to their building.

HFS may be sold to developers who, as a condition of using bonus or accommodation floor space, are required to allocate HFS to their development.

In July 2016, the planning controls were amended in response to the shortage of available HFS in the market and to increase long-term supply including:

- temporary alternative arrangements to allow development applications made before 1 January 2019 to defer HFS allocation requirements by entering into a planning agreement with Council
- enabling heritage buildings granted an award of HFS more than 25 years ago to be eligible for a new award of HFS
- extending the scope of the scheme to allow more government-owned properties to be eligible for the award of HFS

The alternative arrangement is a temporary scheme to address the ongoing but temporary shortage of available HFS in the market and allow additional time for an increase in long-term supply.

The alternative arrangement allows developers to enter into a planning agreement with Council to defer the allocation of HFS until after works have commenced while the developer makes ongoing attempts to purchase the HFS, allowing development to proceed. If after making ongoing and genuine attempts to purchase HFS the developer is still unable to do so, a monetary contribution can be made payable to Council which is to be used for heritage conservation works. This is set out in the Alternative Heritage Floor Space Allocation Scheme, adopted by Council in March 2016.

The supply of HFS has improved since 2021, with further HFS award applications continuing to be lodged, including applications for new awards of HFS 25 years after the first awards were registered. Although this upwards trend is continuing, it is not certain that HFS supply will continue to meet demand which is also projected to increase over the next 5 years.

To ensure the alternative arrangement does not end prematurely, this planning proposal proposes to extend the alternative heritage floor space allocation arrangements for a period of a further 5 years to 1 January 2031. This extension will ensure that development will be able to progress should the supply of heritage floor space not keep up with projected demand.



## 2. Objectives and intended outcomes

The objective of the planning proposal is to amend the Sydney Local Environmental Plan 2012 to extend the temporary period for alternative arrangements in relation to the allocation of HFS by 5 years.



### 3. Explanation of provisions

The proposal seeks to amend Clause 6.11A(4) of the Sydney LEP from:

- This clause applies only in relation to an application for development consent that is made before 1 January 2026,

to:

- This clause applies only in relation to an application for development consent that is made before 1 January 2031.



## 4. Justification of strategic merit

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### 4.1 Need for the planning proposal

**Is the planning proposal a result of an endorsed Local Strategic Planning Statement, strategic study or report?**

This planning proposal is the result of monitoring of the supply and demand of HFS through Council's register and forecasting future supply and demand. The supply of HFS has been improving since 2021 as more applications are being lodged, however extending the period for the temporary arrangement to apply overcomes any potential temporary shortage of HFS in the market that may occur and not hinder the delivery of development projects.

The current supply of HFS, including registered awards with contact details available, or interim awards that have been approved but not yet registered, is around 49,000sqm.

Current demand for HFS by developments is currently around 41,000sqm, based on development applications approved but not yet commenced, or they have entered into the Alternative Scheme but can still purchase HFS in the market.

We forecast another potential 130,000sqm of supply to 2030 as applications for new awards are lodged based on current discussions with owners and re-award opportunities arising after 25 years. After 2030, we are forecasting around 15,000sqm a year based on long term averages.

Additional demand to 2030 is forecast to be around 100,000sqm based on planning proposals and development applications in the pipeline. After 2030, we are forecasting an average of around 15,000sqm per year based on long term averages.

Although the forecasts of supply and demand are positive and suggest the market can function as intended, economic fluctuations over time can be unpredictable. Keeping the alternative scheme active for some additional time in case the market does not keep reflecting the forecasts has merit. This will ensure projects that are able to progress and will not be hindered by any shortage of heritage floor space that may occur in the market.

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

The planning proposal is the best, most efficient and most time effective approach to delivering the desired outcome. Without an extension of time, proponents may not be able to use the alternative arrangement and development in Central Sydney may be delayed.

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### 4.2 Relationship to the strategic planning framework

**Will the planning proposal give effect to the objectives and actions of the applicable regional or district plan or strategy (including any exhibited draft plans or strategies)?**

*The Greater Sydney Region Plan*

A Metropolis of Three Cities – The Greater Sydney Region Plan is the NSW Government's overarching strategic plan for growth and change in Sydney. The 20 year plan provides a 40 year vision that seeks to transform Greater Sydney into a metropolis of three cities, being the Western Parkland City; the Central River City; and the Eastern Harbour City.



It identifies key challenges facing Greater Sydney, including a projected population increase of 1.7 million and the associated requirements to deliver 725,000 new homes and create 1 million new jobs by 2036.

The Plan outlines how Greater Sydney will manage growth and change and guide infrastructure delivery. The Plan is to be implemented at a local level by District Plans. This planning proposal is consistent with several relevant directions and objectives of the Plan, as follows:

- **Liveability** – the proposal will support the conservation and enhancement of environmental heritage by ensuring the HFS scheme will continue.
- **Productivity** – the proposal will enable the delivery of additional floor space in Central Sydney that contributes to the growth of Sydney's economy while also protecting important heritage buildings.

#### *Eastern City District Plan*

The Eastern City District Plan sets out the NSW Government's vision, priorities and actions for the Eastern District of the Greater Sydney area, which includes the City of Sydney. It establishes a 20 year vision for the Eastern District to be a global sustainability leader, managing growth while maintaining and enhancing liveability, productivity and attractiveness for residents, workers and visitors. Planning priorities and associated actions for productivity, liveability and sustainability seek to deliver on this vision.

This planning proposal is consistent with the following priorities from the Plan:

- **Planning Priority E6 – Creating and renewing great places and local centres and respecting the District's heritage**
- **Planning Priority E7 – Growing a stronger and more competitive Harbour CBD**
- **Planning Priority E11 – Growing investment, business opportunities and jobs in strategic centres**

This planning proposal is consistent with these priorities as it will enable conservation of heritage buildings while removing a potential barrier to efficient delivery of new development.

**Is the planning proposal consistent with a council Local Strategic Planning Statement that has been endorsed by the Planning Secretary, or another endorsed local strategy or strategic plan?**

#### *Sustainable Sydney 2030-2050: Continuing the vision*

Sustainable Sydney 2030-2050 is the vision for sustainable development of the City of Sydney to 2030 and beyond. The plan outlines the City's vision for a 'green', 'global' and 'connected' city and sets targets, objectives and actions to achieve this vision. It includes 10 strategic directions to guide the future of the local government area. This planning proposal is aligned with the following relevant strategic directions and objectives:

- **Direction 4 – Design excellence and sustainable development** – by supporting the operation of the heritage floor space scheme to conserve important heritage buildings, and contribution to celebrate the character of Central Sydney.

#### *Local Strategic Planning Statement – City Plan 2036*

City of Sydney's endorsed Local Strategic Planning Statement, City Plan 2036, sets the land use planning context, 20-year vision and planning priorities to positively guide change towards the City's vision for a green, global and connected city. The planning statement explains how the planning system will manage change to achieve the desired outcomes, and guides future changes to the City's controls, including those sought by proponents through planning proposals. This planning proposal gives effect to the following priorities of the Statement:



## Productivity

- **P1. Growing a stronger, more competitive Central Sydney** – This planning proposal supports growth in Central Sydney by removing any barriers to timely development in the city

### Central Sydney Planning Strategy

The Central Sydney Planning Strategy is a 20-year growth strategy that revises previous planning controls and delivers on the City's Sustainable Sydney 2030-2050 Continuing the Vision. As the economic heart of Australia's global city, Central Sydney plays a critical role in the continued growth and economic success of Greater Sydney and the national economy.

The Strategy includes opportunities for additional height and density in the right locations balanced with environmental sustainability and sets criteria for excellence in urban design. This planning proposal is aligned with the following relevant key moves of the Strategy:

- **1. Prioritise employment growth and increase capacity**
- **7. Protect, enhance and expand Central Sydney's heritage and public places**
- **9. Reaffirm commitment to design excellence**

The planning proposal is consistent with these three moves by supporting the operation of the heritage floor space scheme to conserve important heritage buildings, contribution to celebrate the character of Central Sydney.

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

There are no other applicable state or regional strategies.

### Is the planning proposal consistent with applicable State Environmental Planning Policies?

State Environmental Planning Policy	Comment
SEPP (Biodiversity and Conservation) 2021	Consistent
SEPP (Exempt and Complying Development Codes) 2008	Consistent
SEPP (Housing) 2021	Consistent
SEPP (Industry and Employment) 2021	Consistent
SEPP (Planning Systems) 2021	Consistent
SEPP (Precincts–Eastern Harbour City) 2021	Consistent
SEPP (Resilience and Hazards) 2021	Consistent
SEPP (Resources and Energy) 2021	Consistent



State Environmental Planning Policy	Comment
SEPP (Sustainable Buildings) 2022	Consistent
SEPP (Transport and Infrastructure) 2021	Consistent
SEPPs that are not applicable to this planning proposal	SEPP (Precincts – Central River City) 2021, SEPP (Precincts – Regional) 2021, SEPP (Precincts – Western Parkland City) 2021, SEPP (Primary Production) 2021.

**Is the planning proposal consistent with applicable Ministerial Directions (section 9.1 Directions) or key government priority?**

**Table 4: Consistency with Ministerial Directions**

Ministerial Direction	Comment
<b>Focus area 1: Planning Systems</b>	
1.1 Implementation of Regional Plans	Consistent. This proposal gives effect to the Greater Sydney Region Plan as detailed above.
1.3 Approval and Referral Requirements	Consistent. No provision includes concurrence, consultation or referral provisions, or identifies any designated development.
<b>Focus area 3: Biodiversity and Conservation</b>	
3.1 Conservation Zone	Consistent. No amendment in this proposal hinders the application of this Direction.
3.2 Heritage Conservation	Consistent. No amendment in this proposal hinders the application of this Direction.
<b>Focus area 4: Resilience and Hazards</b>	
4.1 Flooding	Consistent. No amendment in this proposal hinders the application of this Direction.
4.2 Coastal Management	Consistent. No amendment in this proposal hinders the application of this Direction.
4.4 Remediation of Contaminated Land	Consistent. No amendment in this proposal hinders the application of this Direction.



Ministerial Direction	Comment
4.5 Acid Sulfate Soils	Consistent. No amendment in this proposal hinders the application of this Direction.
<b>Focus area 5: Transport and Infrastructure</b>	
5.1 Integrating Land Use and Transport	Consistent. No amendment in this proposal hinders the application of this Direction.
5.3 Development near Regulated Airports and Defence Airfields	Consistent. No amendment in this proposal hinders the application of this Direction.
<b>Focus area 6: Housing</b>	
6.1 Residential Zones	Consistent. No amendment in this proposal hinders the application of this Direction.
6.2 Caravan Parks and Manufactured Home Estates	Consistent. No amendment in this proposal hinders the application of this Direction.
<b>Focus area 7: Industry and Employment</b>	
7.1 Employment Zones	Consistent. This planning proposal supports the delivery of employment growth in suitable locations.
Ministerial Directions not applicable to this proposal	1.2 Development of Aboriginal Land Council land; 1.4 Site Specific Provisions; 1.4A Exclusion of Development Standards from Variation; Focus Area 1 Planning Systems – Placed-based; 3.3 Sydney Water Drinking Catchments; 3.4 Application of C2 and C3 Ones and Environmental Overlays in Far North Coast LEPs; 3.5 Recreation Vehicle Areas; 3.6 Strategic Conservation Planning; 3.7 Public Bushland; 3.8 Willandra Lakes Region; 3.9 Sydney Harbour Foreshores and Waterways Area; 3.10 Water Catchment Protection; 4.3 Planning for Bushfire Protection; 4.6 Mine Subsidence and Unstable Land; 5.2 Reserving Land for Public Purposes; 5.4 Shooting Ranges; 5.5 High Pressure Dangerous Goods Pipelines; 7.2 Reduction in Non-Hosted Short-Term Rental Accommodation Period; 7.3 Commercial and Retail Development along the Pacific Highway, North Coast; Focus Area 8 Resources and Energy; Focus Area 9 Primary Production



## 4.3 Environmental, social and economic impact

**Is there any likelihood that critical habitat or threatened species, populations or ecological communities, or their habitats, will be adversely affected because of the proposal?**

No. The Planning Proposal will not adversely affect any critical habitat or threatened species, populations or ecological communities or their habitat.

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

No. The Planning Proposal relates to the extension of time for an existing alternative arrangement and does not relate to physical works.

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

Yes. While any change to the Heritage Floor Space planning controls will have an effect on the Heritage Floor Space market, the proposed change is likely to have a minor impact only. More significantly, it will remove a potential barrier to timely property development in Central Sydney by assisting to ease a temporary shortage of available stock in the Heritage Floor Space market.

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## 4.4 Infrastructure (Local, State and Commonwealth)

**Is there adequate public infrastructure for the planning proposal?**

Yes. The proposed amendment does not increase the need for infrastructure.

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## 4.5 State and Commonwealth interests

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

Appropriate consultation will be conducted when the Gateway determination is issued. Formal consultation has not yet been undertaken.



## 5. Maps

This Planning Proposal does not amend any maps.



## 6. Community consultation

This Planning Proposal is to be exhibited in accordance with the Gateway determination once it is issued by the Department of Planning and Environment. It is anticipated the Gateway determination will require a public exhibition for a period of not less than 14 days in accordance with Schedule 1 Item 4 of the Environmental Planning and Assessment Act 1979, Local Environmental Plan Making Guideline, and the City of Sydney's Community Participation Plan.

Notification of the public exhibition will be via:

- the City of Sydney website; and
- key state agencies (Heritage NSW, Property NSW) industry bodies (including Property Council Australia NSW) and relevant community groups.



## 7. Project Timeline

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

Action	Anticipated Date
Gateway determination	September 2025
Pre-exhibition government agency consultation	October 2025
Public exhibition	October 2025
Consideration of submissions	November 2025
Post-exhibition consideration and reporting	December 2025
LEP drafting	January 2026
LEP made (if delegated)	January 2026
Plan forwarded to Department of Planning, Housing and Infrastructure for notification	January 2026







## **Attachment B**

<p><b>Alternative Heritage Floor Space Allocation Scheme – as amended</b></p>
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# Alternative Heritage Floor Space Allocation Scheme





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# Alternative Heritage Floor Space Allocation Scheme

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## Purpose

Sydney Local Environmental Plan (SLEP) 2012 provides the legal framework for a scheme under which an owner of a heritage building in Central Sydney may be awarded Heritage Floor Space after completing conservation works on the building. That owner may sell that Heritage Floor Space to a developer who, as a condition of development consent for an application seeking additional floor space, is required to allocate Heritage Floor Space to its development site.

~~Owing to a~~ There have been times when there has been a shortage of available Heritage Floor Space on the market, such as 2013-2015, and resulting in developers ~~are currently having~~ haveing difficulty sourcing the Heritage Floor Space required to satisfy conditions of development consents, ~~and. This~~ threatenings to delay some major projects.

The Council, at a meeting on 14 September 2015, and the Central Sydney Planning Committee (CSPC), at a meeting on 10 September 2015, resolved to prepare a Planning Policy that will allow Council to enter into agreements which may lead to the allocation of Heritage Floor Space being deferred until after construction commences or, in the event that Heritage Floor Space cannot be obtained, replaced with an alternative arrangement that satisfies an Alternative Heritage Floor Space Allocation Scheme. The Council and CSPC resolutions established the key elements of the Scheme and delegated to the Chief Executive Officer the development of the details of the Scheme.

This document sets out the details of the Alternative Heritage Floor Space Allocation Scheme. It will ensure that there is a consistent approach and established procedures for allowing an alternative to Heritage Floor Space allocation under SLEP 2012.



## Scope

This scheme provides for the use of planning agreements and bank guarantees as an alternative to the allocation of Heritage Floor Space under clause 6.11 of Sydney Local Environmental Plan 2012.

The management of bank guarantees, and other performance bonds is set out in separate documents entitled Performance Bonds Policy and Performance Bonds Procedures. It should be noted that this scheme only allows a bank guarantee and no other form of performance bond to be provided as security of the developer's obligations under the planning agreement.

**This scheme will apply to development applications lodged before 1 January ~~2026~~2031 and has no effect after that date.**

## Definitions

Term	Meaning
Allocation	An entry in the Heritage Floor Space register to indicate that an amount of Heritage Floor Space has been allocated for use at a particular development site.
Bank Guarantee	A documentary performance bond comprising an unconditional undertaking from a bank to make a payment upon presentation of a demand.
Heritage Conservation Fund	A fund established and maintained by the City that is comprised of payments made under this scheme to be used in accordance with this document.
Heritage Floor Space (HFS)	Transferable floor space awarded to heritage-listed buildings and recorded in the Heritage Floor Space register.
Heritage Floor Space Register	The register maintained by the Council for the purpose of clause 6.10 of Sydney Local Environmental Plan 2012.
Heritage Floor Space Update	A quarterly report on awards, sales and transfer of Heritage Floor Space which is prepared by the City of Sydney and published on its website.
Planning Agreement	The meaning set out in section 93F of the Environmental Planning and Assessment Act 1979.



## Scheme statement

This scheme establishes the circumstances under which the Council will accept an alternative arrangement to the allocation of Heritage Floor Space under clause 6.11 of Sydney Local Environmental Plan 2012.

The primary aim of this scheme is to enable projects in Central Sydney to proceed ~~during when there is an inadequate supply of the current lag in~~ heritage floor space ~~becoming~~ available for purchase in the market. The strong preference remains for developers to obtain heritage floor space upfront, though if unsuccessful due to ~~current~~ market shortages, this scheme provides an alternative. Additional time and cost associated with the planning agreement are likely to be experienced by the developer if they opt to enter into this scheme. Please contact City staff to discuss the timeframes and costs involved.

The principles of this scheme are:

1. the developer ~~is~~ needs to demonstrate to the satisfaction of Council that it has made genuine and ongoing efforts to obtain Heritage Floor Space and has been unable to do so;
2. the developer agrees to obtain the Heritage Floor Space by a specified date following the commencement of construction or, alternatively, pay a monetary amount equal to the market value of the Heritage Floor Space plus an uplift amount towards a heritage conservation fund to be established by Council;
3. the developer is to provide a bank guarantee to Council for an amount equal to the amount of Heritage Floor Space required multiplied by the currently applicable unit rate.
4. the amount of the payment required if the Heritage Floor Space has not been allocated by the specified date will be set at a level intended to discourage the use of this option and the payment is only to be made if ongoing attempts to purchase Heritage Floor Space have not been successful; and
5. any funds obtained under the scheme will be directed towards heritage conservation works.

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## The offer must be submitted to the City at the same time as the application to which it relates

If a developer ~~opts~~ needs to use this scheme and ~~to~~ enter into a planning agreement in respect of HFS allocation, the offer to enter into a planning agreement must be in the form set out in Attachment A and attached to that offer must be the following documentation to the satisfaction of Council:

1. written evidence that the developer has submitted offers within the previous three months to purchase HFS to at least 50%, or a minimum of 6 (whichever is the lesser) owners of HFS who have contact details included in the Council's published Heritage Floor Space Update within the previous three months at the time the offers were made;
2. written evidence that the amount of each offer was not less than the average sales price of HFS reported in the ~~most recently published~~ Heritage Floor Space Update that was published at the time the offer was made; and
3. written evidence that the developer has not been able to purchase the amount of HFS required under the conditions of the applicable development consent.



- ~~— Reports are to be submitted every 6 months until the call date in the VPA, providing written evidence that the developer has submitted new offers within the previous 6 months to purchase HFS to at least xx% of any new owners of HFS where:~~
- ~~— who had the owners contact details provided in the are included in the have been added to the latest Council's published Heritage Floor Space Update; and~~
- ~~— at the time the offer within the previous 6 months, if no prior written evidence has been provided that to show that these owners had been contacted to meet (1) and (2) above, these owners have not been~~

~~The offer must be submitted to the City at the same time as an application not modify the development consent to which it relates, to enable the scheme to be used for the development.~~

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## Terms of planning agreement in relation to Heritage Floor Space allocation

If Council accepts a developer's offer to enter into a planning agreement in relation to Heritage Floor Space allocation, the planning agreement will include the terms included in the offer accepted by Council, together with the following terms:

1. a requirement for the developer to continue to make all reasonable endeavours to procure the HFS until the specified date by which final HFS offers are to be made;
2. if the developer has not allocated the total amount of HFS required under the conditions of its consent by the date specified in the planning agreement, a right for Council to make a calculation to determine the amount payable to the Heritage Conservation Fund and make a claim on the bank guarantee amount in part or in full by reference to the amount of HFS that has been purchased by the developer; and
3. an obligation for the developer to register any subsequent allocation of HFS (including disclosing the price paid for the HFS) within 30 days of purchase of that HFS; and
4. reports are to be submitted every 6 months until the call-date in the VPA, providing written evidence that the developer has submitted new offers to purchase HFS to any new owners of HFS where:
  - a. the owners contact details are have been added to the latest published Heritage Floor Space Update; and
  - b. no prior written evidence has been provided to show that these owners had been contacted to meet (1) and (2) above.

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## Determining the amount of any monetary payment

If the developer has allocated the total amount of HFS required under the conditions of its consent by the date specified in the planning agreement, the Council will return the bank guarantee and no monetary payment will be required.

If at the date specified in the planning agreement the developer has allocated only part or not allocated any of the amount of Heritage Floor Space required under the conditions of their consent, the Council will calculate the amount owing by the developer to the Heritage Conservation Fund using the following formula:

$$X = W(Y - Z)$$



## Alternative Heritage Floor Space Allocation Scheme

Where

X= the monetary amount required (in \$);

W = the unit rate of Heritage Floor Space specified in the planning agreement.

Y = the total amount of Heritage Floor Space (in square metres) required to be allocated under the conditions of consent for the development;

Z = the amount of Heritage Floor Space (in square metres) allocated to the development at the date specified in the planning agreement;

If at the date specified in the planning agreement the developer has allocated some but not all of the Heritage Floor Space required to be allocated to their development, the Council will claim a portion of the amount specified in the Bank Guarantee equivalent to the amount owing by the developer to the Heritage Conservation Fund.

### Staging of Bank Guarantees:-

~~For development consents that require an allocation of 10,000m<sup>2</sup> or more of HFS, Council may agree to the staging of Bank Guarantees where Construction Certificates for the development are to be staged.~~



## Use of Heritage Conservation Fund

The City will apply any moneys obtained under this scheme to:

- the preparation of conservation management plans for heritage buildings in Central Sydney;
- heritage conservation works undertaken by the Council in Central Sydney including, but not limited to:
  - maintenance of heritage buildings in accordance with a conservation management plan; and
  - works to conserve the heritage significance of heritage items that are not buildings e.g. open space and elements of the public domain; and
- the improvement of the operation of the Heritage Floor Space scheme including any associated studies.

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## References

### Laws and standards

- Environmental Planning and Assessment Act 1979
- Sydney Local Environmental Plan 2012
- Planning Agreements Guideline
- Performance Bonds Policy

~~Performance Bonds Procedure~~

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## Approval

The Council first approved this scheme on 21 March 2016, amended on 7 August 2017, and further amended on 10 December 2018, 23 December 2020 and 23 December 2022.



## Schedule – form of planning agreement offer

Information	Details
<b>Landowner</b>	Name ABN Address Contact Person Telephone Email
<b>Developer (if different from landowner)</b>	Name ABN Address Contact Person Telephone Email
<b>Property address</b>	
<b>Title particulars</b>	
<b>Development Consent number and HFS condition number</b>	
<b>Details (including registration number) of any existing VPA affecting the Property</b>	
<b>Amount of HFS required (V)</b>	[insert] square metres
<b>Unit rate of HFS for the purpose of this agreement (W)</b>	\$ [insert agreed amount] per sq.m
<b>Amount of bank guarantee</b>	\$(to be calculated by inserting the amount reached by multiplying the amount of HFS remaining to be allocated to the development at the date of lodgement of the application which facilitates participation in the scheme (V) by the unit rate of HFS for the purpose of the agreement (W))
<b>Date by which final HFS offers will be made</b>	[To allow for registration of any allocation, this is to be 1 month before the date from which the City can claim on the bank guarantee]



Information	Details
<p><b>Date from which City can claim on bank guarantee if the total amount of HFS required under the consent has not been allocated</b></p>	<p>The earlier of:</p> <ul style="list-style-type: none"> <li>• [insert fixed date (being the anticipated date of the first occupation certificate for the development at the time the planning agreement is entered into)]; and</li> <li>• the date of the first occupation certificate actually obtained for the development.</li> </ul>







## Item 6.

### **Post Exhibition - Planning Proposal - Conservation Areas Review - Sydney Local Environmental Plan 2012 and Sydney Development Control Plan 2012 Amendment**

**File No: X031159**

#### **Summary**

This report follows the public exhibition of Planning Proposal - Conservation Areas Review (the planning proposal) and Draft Sydney Development Control Plan 2012 - Conservation Areas Review (the draft DCP).

In December 2023, Council and the Central Sydney Planning Committee resolved to approve the planning proposal for submission to the Department of Planning, Housing and Infrastructure (the Department) and with a request for a Gateway Determination.

The planning proposal included a 2-part amendment to Sydney Local Environmental Plan 2012 (the LEP):

- (a) for 'small scale buildings' in conservation areas, it proposed to replace the mapped height building control in the LEP with a written provision in the LEP that limited building height to the maximum existing height of the building on the site, or 7.5m, whichever is greater
- (b) amendments to conservation area boundaries

However, the Department issued a Gateway Determination on 23 January 2025. Condition 1 of the Gateway Determination deleted part (a) of the proposed amendment. Following this, the City was required to adjust the planning proposal to be consistent with the Gateway Determination and proceeded with the public exhibition of part (b) of the amendment.

The planning proposal included amendments to conservation areas boundaries. The draft DCP included amendments to the general heritage provisions of the City's DCP. The amendments aim to strengthen the integrity of our conservation areas by removing sites which do not contribute to their significance and to strengthen DCP controls relating to the conservation of significant heritage fabric in line with best practice.

The proposed planning controls were publicly exhibited from 4 June 2025 to 9 July 2025 and 9 submissions were received. There were 3 submissions in support, 4 in objection and 2 with some concerns. Each of the submissions are addressed in this report with one amendment proposed in response.



The draft DCP permits solar panels to be installed on buildings in conservation areas. It requires that where panels are proposed on the principal roof plane of a contributory building in a conservation area, that the panels are to be installed parallel to the pitch of roof. It also enables panels installation provided they make minimal intrusive change to significant roof fabric.

An additional note has been provided in the DCP that directs applicants to the City's Guideline for solar panels in heritage conservation areas, which provides additional installation guidance. This Guideline contains guidance on how to install solar panels in heritage settings, including encouraging panels of a visually recessive colour and pattern.

This report recommends the Central Sydney Planning Committee approve the planning proposal and note the draft DCP. If approved, Council as the planning proposal authority is authorised to exercise the functions of the local plan making authority and proceed to finalisation. The amendment to the Sydney LEP 2012 will come into effect when it is published on the NSW Legislation website.

The amendment to the Sydney Development Control Plan 2012 will come into effect at the same time as the Sydney LEP 2012 amendment is published.



## Recommendation

It is resolved that:

- (A) the Central Sydney Planning Committee note the matters raised in submissions to the public exhibition of the Planning Proposal - Conservation Areas Review and Draft Sydney Development Control Plan 2012 Amendment - Conservation Areas Review as shown at Attachment A to the subject report;
- (B) the Central Sydney Planning Committee approve the Planning Proposal - Conservation Areas Review shown at Attachment B to the subject report, to be made as a Local Environmental Plan under Section 3.36 of the Environmental Planning and Assessment Act 1979;
- (C) the Central Sydney Planning Committee note the recommendation to the Council's Transport, Heritage and Planning Committee on 18 August 2025, that Council approve Draft Sydney Development Control Plan 2012 Amendment - Conservation Areas Review shown at Attachment C to the subject report, noting the Development Control Plan will come into effect on the date of publication of the subject Local Environmental Plan; and
- (D) authority be delegated to the Chief Executive Officer to make minor variations to the Planning Proposal - Conservation Areas Review and Draft Sydney Development Control Plan 2012 Amendment - Conservation Areas Review to correct any minor errors prior to finalisation.

## Attachments

- |                      |  |
|----------------------|--|
| <b>Attachment A.</b> | Summary of Submissions and Responses   |
| <b>Attachment B.</b> | Planning Proposal - Conservation Areas Review                                    |
| <b>Attachment C.</b> | Draft Sydney Development Control Plan 2012 Amendment - Conservation Areas Review |
| <b>Attachment D.</b> | Council and Central Sydney Planning Committee Resolutions                        |
| <b>Attachment E.</b> | Gateway Determination and Report - dated 23 January 2025                         |



## Background

1. In December 2023, Council and the Central Sydney Planning Committee resolved (Attachment D) to approve the planning proposal for submission to the Department of Planning, Housing and Infrastructure (the Department) and with a request for a Gateway Determination.
2. The planning proposal included a 2-part amendment to Sydney Local Environmental Plan 2012 (the LEP):
  - (a) for 'small scale buildings' in conservation areas, it proposed to replace the mapped height building control in the LEP with a written provision in the LEP that limited building height to the maximum existing height of the building on the site, or 7.5m, whichever is greater
  - (b) amendments to conservation area boundaries
3. A fuller justification and description of the proposed amendments can be found in the City's December 2023 report to the Transport, Heritage, Environment and Planning Committee and the Central Sydney Planning Committee which can be accessed at: <https://meetings.cityofsydney.nsw.gov.au/ieListDocuments.aspx?CId=137&MId=4185&Ver=4> (see Item 6).
4. However, the Department issued a Gateway Determination on 23 January 2025 (Attachment E). Condition 1 of the Gateway Determination deleted part (a) of the proposed amendment. The reason provided in the Department's Gateway Determination report for not supporting the first amendment was:

The planning proposal seeks to remove mapping that clearly illustrates the maximum height of buildings in metres and replace this with a clause which specifies the maximum height based on the height of the existing building or adjoining buildings. In practice this means that a proponent or community member will need to know the height of the existing building and potentially the height of adjoining buildings to determine what is the maximum building height permitted as opposed to having this clearly stated on a publicly available map.

The proposed provision does not provide certainty and adds complexity as it would not be clear from reading the site specific clause or height of building maps what the maximum height of building is for small scale buildings in HCAs. As such the proposed provision does not achieve the objectives and intended outcomes of the planning proposal because it doesn't increase certainty and simplify planning controls.

5. Following this, the City was required to adjust the planning proposal to be consistent with the Gateway Determination and proceeded with the public exhibition of part (b) of the amendment.
6. This means that in a few locations in previous Business B4 zones that a degree of mismatch between height and existing contributory buildings remains.



## Public exhibition

### We received 9 submissions from the community in response to the public exhibition

7. The planning proposal and draft DCP were publicly exhibited for 26 working days from 4 June to 9 July 2025 in accordance with the Gateway Determination and the City's Community Participation Plan.
8. The City sent 943 notification letters to landowners and occupants. The exhibition was also advertised on the City's "Sydney Your Say" page. The Sydney Your Say page received 571 page views and 349 document downloads during the exhibition period. The project was included in the June edition of Sydney Your Say eNews sent on 11 June to 5,023 subscribers.
9. A total of 9 submissions were received during the public exhibition period. There were 3 submissions in support, 4 in objection and 2 with some concerns.

### Support was expressed for the proposed changes to conservation area boundaries

10. The support included:
  - that the reduced conservation area boundaries had the potential to support change and therefore potential to support more much needed housing
  - that the reduced conservation area boundaries would provide owners of currently identified detracting and neutral buildings with the ability to undertake essential maintenance work as exempt development, without the need to lodge a development application
  - the expansion of the Reservoir Street and Fosterville Conservation Area (C66) to include 11 Victorian and Federation terraces at 95-113A Commonwealth Street
  - the transfer of Paddington Town Hall and Paddington fire Station from Victoria Barracks Conservation Area (C49) to the Paddington South Conservation Area (C48)
  - the removal of 1-5 Rosebank Street, Darlinghurst from the Rosebank Conservation Area (C14)

### A general concern was expressed in relation to the proposed boundary changes

11. The concern included that these areas were set a long time ago, that they were put in place to conserve, that is, not to be changed. To review and recommend a change to something that in theory was not meant to be changed made a mockery of the initial and this process.

### Response

12. The City's conservation areas are extensive, rich and diverse in history and character. They are much more than a collection of individual heritage items. They are highly successful and sustainable urban environments that are home to over 100,000 people.
13. They are also not static. Their small, often narrow lot sizes, variety of building types and over two centuries of accumulated growth have produced dense urban environments that accommodate significant change every year.



14. The proposed conservation area boundary adjustments reflect the current state of our conservation areas. The amendments are proposed to ensure that sites are contained within the most suitable area to be conserved, to correct errors in conservation area boundaries, to remove detracting or neutral buildings on the edges of conservation areas, and to add additional contributory buildings to the conservation areas. They are sensible changes that will strengthen the significance of our conservation areas overall. The intactness of conservation areas should be reviewed from time to time to ensure their consistency and intent, particularly at the boundary edges.

**Objections were raised in regard to the boundary adjustment proposed for the Woolloomooloo Heritage Conservation Area (C71)**

15. There were 2 submissions that raised objection. Their concerns included that the justification for the proposed adjustment is unfounded as it includes the removal of 5 contributory buildings that continue to warrant heritage protection due to their contribution to the conservation area.

**Response**

16. These sites referred to are on the western edge of the Woolloomooloo conservation area. The sites are either detracting, neutral or considered isolated contributory buildings on the edge of the conservation area. Whilst contributory, 75 Crown Street, 55-61 Riley Street and, 41 Riley Street and 19-21 Riley Street are also listed heritage items, so their heritage significance is maintained via their individual heritage listings. The major Crown Gardens complex has continued the unsympathetic character of William Street into the conservation area, creating a disjointed conservation area. The review identified that these sites could accommodate sympathetic change in an area of high amenity with Cook and Phillip Park to the west, the local centre of William Street to the south and St James train station within walking distance.

**One objection was raised in regard to the boundary adjustment proposed for the Hereford and Forest Lodge Conservation Area (C33)**

17. Their concerns relate to the removal of 2A Pymont Bridge Road, Camperdown from the conservation area. Their reasons for objection are summarised below with a response provided:
  - **Objection:** Although the building is classified as a "neutral" building on the DCP Buildings Contributions Map, it does contain some elements that do make a contribution to this HCA given that the apartments have a "terrace" characteristic, particularly those fronting Foss Street, considered to be the primary frontage.
  - **Response:** Whilst the existing building is sympathetic to the conservation area in terms of scale and typology, it is not considered contributory.
  - **Objection:** 2A Pymont Bridge Road adjoins Orphan Creek Public Reserve, a locally listed heritage item under Sydney LEP 2012 (I38). The removal of 2A Pymont Bridge Road from the conservation area means that any future redevelopment of the site will not need to minimise negative impacts on the significance of the listed heritage item, to the same extent.



- **Response:** Clause 5.10(5) of Sydney LEP 2012 will continue to apply to the site. It requires that the consent authority may, before granting consent to any development on land that is within the vicinity of a heritage item, require the assessment of the proposed development and its potential impact the heritage significance of the heritage item.
- **Objection:** In the event of removal from the HCA, the requirement of any future development of the subject property will not necessarily be bound by the same extent by the heritage controls of the DCP in relation to the significance of the conservation area.
- **Response:** As the building does not contribute to the significance of the conservation area and sits on the edge of the conservation area, removing it from the conservation area will strengthen the significance and consistency of the conservation area. The proposed change will also align the conservation area boundaries with locality area boundaries within the City's DCP.

Removing it from the conservation area does mean that the site will not be subject to the extent of heritage DCP controls. This is considered acceptable sites that contribute to our conservation areas will continue to be protected by the DCP controls and the change reduces restrictions on sites that do not contribute.

**A concern was raised in regard to the boundary adjustment proposed for the Potts Point Conservation Area (C51)**

18. Their concerns relate to the removal of 82-94 Darlinghurst Road, Potts Point from the conservation area. The site contains a 34-storey concrete and aluminium mixed use detached apartment building. The Coca Cola billboard is fixed to the podium level of the building. Their concern related to the potential loss of the Coca Cola billboard.
19. 82-94 Darlinghurst Road, including the Coca Cola billboard, is identified as detracting from the significance of the conservation area as it is not from a significant historical period and is unsympathetic to the significant historical features and patterns of the conservation area. Adjusting the boundary will reflect the current built form of the conservation area and strengthen the heritage significance of the conservation area.

**A concern was raised that in some cases a Heritage Impact Statement might not be required**

20. The City's current DCP requires the submission of a Heritage Impact Statement (HIS) for development applications affecting heritage items or properties within conservation areas. The current DCP is discretionary in its requirement for a HIS to be prepared for buildings over 50 years old that are not either heritage items or within conservation areas.



21. This discretion for buildings over 50 years old is retained in the draft DCP for sites outside of conservation areas, with clarity provided around the process for when the City may require the preparation of a HIS. The draft DCP includes the following clarification:

A pre-development application consultation is required to determine whether a heritage impact statement is required for work proposed. If required, the heritage significance of a building and the impact the proposed development has on the building and its setting must accompany any subsequent application.
22. The submission raises concern about this discretion and would prefer certainty around when a HIS is required, and what criteria will be used on determining if a HIS is not required.
23. The existing and draft DCP already contains some criteria for when a HIS may be required as the existing and draft control only relate to substantial demolition or major alterations to a building older than 50 years. It is essential that the DCP provides flexibility in the requirement for the preparation of a HIS so as to avoid the burdening applicants with the unnecessary cost of preparing a HIS when it may not be warranted. It is best to determine if a HIS is warranted at pre-development application stage when the details of the proposal are known and the significance of the existing structure are known.
24. No changes are proposed to the draft control in response to the submission. A HIS will continue to be required for all development applications affecting heritage items and properties within conservation areas.

**A concern was raised in regard to the quality of Heritage Impact Statements**

25. The concern expressed related to who should prepare HIS and that when a HIS is not prepared by a suitably qualified person, that the application should be rejected.
26. Being more prescriptive in relation to who prepares a HIS is not considered warranted. The proposed controls already asks for the person to be suitably qualified and makes reference to NSW Guidelines in relation to the preparation of a HIS.
27. The City currently and will continue to monitor the quality of HISs being submitted. Where a HIS is considered deficient or inadequate by the City's Heritage Specialists, additional information or amended HIS are and will be requested.

**A request was made to investigate individually heritage listing a number of intact terraces rows and other buildings in Paddington**

28. The City undertook a preliminary review the suggested heritage items and deemed that the properties' existing Heritage Conservation Area listing was sufficient in relation to their future protection.



**A request was made for additional aesthetic controls in relation to the installation of solar panels on the principal roof plane of buildings in conservation areas**

29. The draft DCP permits solar panels to be installed on buildings in conservation areas. It requires that where panels are proposed on the principal roof plane of a contributory building in a conservation area, that the panels are to be installed parallel to the pitch of roof. It also requires that panels must make minimal intrusive change to significant roof fabric.
30. In response to the submission, a note has been proposed that directs applicants to the City's Guideline for solar panels in heritage conservation areas. This Guideline contains guidance on how to install solar panels in a heritage settings, including encouraging the use of panels visually recessive in colour and pattern. The additional note is shown in red text in Attachment C.

**A request was made for the DCP to include controls on party walls and the requirement for neighbours' consent**

31. It is the applicant's responsibility to clearly demonstrate all owners have consented to the application being lodged. The City will not accept an application without owner's consent.
32. The City has advice on its website in relation to party walls and the requirement for consent. The DCP is not considered the best place for this advice.
33. Where a development involves works on a party wall or works which rely on a party wall for lateral or vertical support, the City encourages applicants to obtain party wall consent from their neighbour. This consent is distinct from land owners' consent and is not a formal requirement for a development application.
34. All development applications must be made by the owner of the land to which the application relates, or by a person with the written consent of the owners of the land. Land owners' consent for the lodgement of a development application is only required from a neighbour where the development proposed straddles the property boundary.
35. Where it's unclear from the application how the development may impact on the party wall, the applicant will be asked to provide clarification and adjoining land owners' consent from the adjoining neighbour will be required where necessary.
36. Where development is proposed that involves works adjacent to or to a party wall, the City will typically impose conditions on any consent requiring that all works are carried out within the boundary of the land (unless express permission is given by the other party), that a dilapidation survey be carried out and that certification is provided by a structural engineer as to the structural stability of the party wall.

**A request was made for changes to Part 4 of the DCP and observations were made that the City sometimes doesn't enforce strict compliance with DCP controls**

37. Change to Part 4 of the DCP are not within the scope of the exhibited DCP amendment.



38. The Environmental Planning and Assessment Act 1979 (The Act) details that the principal purpose of a DCP is to provide guidance and that the controls within a DCP are not statutory requirements. The Act states that DCP controls are to be applied flexibly and in applying them flexibly allow for reasonable alternative solutions that achieve the objects of those controls.
39. As it must, the City applies DCPs in compliance with the Act, having regard to the specifics of development applications lodged and their variable context.

**An unrelated question was asked about mandatory requirements for building upgrades**

40. One submission was concerned that if a neighbouring site was to redevelop that Council may require adjoining heritage properties to be upgraded to comply with contemporary building standards.
41. Council can only require a building and new building works to comply with the National Construction Code where that building and new building works are the subject of a development application, or complying development certificate.

**Concerns were raised about an unrelated planning proposal for 47-51 Riley Street, Woolloomooloo**

42. There was one submission that raised concerns in relation to the bulk and scale of a separate site-specific planning proposal for 47-51 Riley Street. Planning Proposal: 47-51 Riley Street was approved by Council and the CSPC at the June round of meetings. The proposal was approved with a 7.1m reduction in height, to RL25.5m and a reduction in floor space to an FSR of 3.2:1, in response to public submissions.

**Key Implications**

**Strategic Alignment - Sustainable Sydney 2030-2050 Continuing the Vision**

43. Sustainable Sydney 2030-2050 Continuing the Vision renews the communities' vision for the sustainable development of the city to 2050. It includes 10 strategic directions to guide the future of the city, as well as 10 targets against which to measure progress. The proposed planning controls are aligned with the strategic directions and objectives.
44. The proposed planning controls give effect to the infrastructure, liveability, productivity and sustainability priorities in the Greater Sydney Commission's Greater Sydney Region Plan and Eastern City District Plan and the City's Local Strategic Planning Statement.

**Risks**

45. City staff have undertaken a thorough assessment of the proposal and found that with the recommended changes, it demonstrates strategic merit in accordance with NSW Government guidelines. The NSW Government also assessed and issued a Gateway Determination. The planning proposal is consistent with Sustainable Sydney 2030-2050 Continuing the Vision.



46. Progressing the proposal in its amended form, taking into account matters raised through the public consultation process, is within the City's risk tolerance and appetite. The amended proposal strikes the right balance between achieving our strategic objectives and preserving and promoting culture and heritage.

### **Relevant Legislation**

47. Environmental Planning and Assessment Act 1979
48. Environmental Planning and Assessment Regulation 2021
49. Environmental Planning and Assessment (Statement of Expectations) Order 2024

### **Critical Dates / Time Frames**

50. The Gateway Determination specified that the amendment to the Sydney LEP 2012 is to be completed by 7 November 2025.
51. The Gateway Determination authorises Council to exercise its delegation and liaise directly with Parliamentary Counsel to draft and make the local environmental plan. If the planning proposal is approved by the Central Sydney Planning Committee and Council, the City will commence this process. Once the process is complete and the plan is made, the amendment to the Sydney LEP 2012 will come into effect when published on the NSW Legislation website.
52. If approved by Council, the draft DCP will come into effect on the same day as the amendment to the Sydney LEP 2012.

### **GRAHAM JAHN AM**

Chief Planner / Executive Director City Planning, Development and Transport

Tim Wise, Manager Planning Policy



# **Attachment A**

## **Summary of Submissions and Responses**



## **Community submissions**

The planning proposal and draft DCP were publicly exhibited for 26 working days from 4 June to 9 July 2025 in accordance with the Gateway Determination and the City's Community Participation Plan.

The City sent 943 notification letters to landowners and occupants. The exhibition was also advertised on the City's "Sydney Your Say" page. The Sydney Your Say page received 571 page views and 349 document downloads during the exhibition period. The project was included in the June edition of Sydney Your Say eNews sent on 11 June to 5,023 subscribers.

A total of 9 submissions were received during the public exhibition period. There were 3 submissions in support, 4 in objection and 2 with some concerns.



Summary of submissions	Response
<p><b>Support was expressed for the proposed changes to conservation area boundaries</b></p> <p>The support included:</p> <ul style="list-style-type: none"> <li>• that the reduced conservation area boundaries had the potential to support change and therefore potential to support more much needed housing</li> <li>• that the reduced conservation area boundaries would provide owners of currently identified detracting and neutral buildings with the ability to undertake essential maintenance work as exempt development, without the need to lodge a development application</li> <li>• the expansion of the Reservoir Street and Fosterville Conservation Area (C66) to include 11 Victorian and Federation terraces at 95-113A Commonwealth Street</li> <li>• the transfer of Paddington Town Hall and Paddington fire Station from Victoria Barracks Conservation Area (C49) to the Paddington South Conservation Area (C48)</li> <li>• the removal of 1-5 Rosebank Street, Darlinghurst from the Rosebank Conservation Area (C14)</li> </ul>	<p>Noted.</p>



<p><b>A general concern was expressed in relation to the proposed boundary changes</b></p> <p>The concern included that these areas were set a long time ago, that they were put in place to conserve, that is, not to be changed. To propose a change to something that in theory was not meant to be changed made a mockery of the initial and this process.</p>	<p>The City's conservation areas are extensive, rich and diverse in history and character. They are more than a collection of individual heritage items. They are highly successful and sustainable urban environments that are home to over 100,000 people.</p> <p>They are also not static. Their small lot sizes, variety of building types and over two centuries of accumulated growth have produced dense urban environments that accommodate significant change every year.</p> <p>The proposed conservation area boundary adjustments reflect the current state of our conservation areas. The amendments are proposed to ensure that sites are contained within the most suitable conservation area, to correct errors in conservation area boundaries, to remove detracting or neutral buildings on the edges of conservation areas, and to add additional contributory buildings to the conservation areas. They are sensible changes that will strengthen the significance of our conservation areas overall.</p>
<p><b>Objections were raised in regard to the boundary adjustment proposed for the Woolloomooloo Heritage Conservation Area (C71)</b></p> <p>There were 2 submissions that raised objection. Their concerns included that the justification for the proposed adjustment is unfounded as it includes the removal of 5 contributory buildings that continue to warrant heritage protection due to their contribution to the conservation area.</p>	<p>These sites referred to are on the western edge of the Woolloomooloo conservation area. The sites are either detracting, neutral or considered isolated contributory buildings on the edge of the conservation area. Whilst contributory, 75 Crown Street, 55-61 Riley Street and 41 Riley Street and 19-21 Riley Street are also listed heritage items, so their heritage significance is maintained via their individual heritage listings.</p> <p>The Crown Gardens complex has continued the unsympathetic character of William Street into the conservation area, creating a disjointed conservation area. The review identified that these sites could accommodate sympathetic change in an area of high amenity with Cook and Phillip Park to the west, the local centre of William Street to the south and St James train station within walking distance.</p>



<p><b>One objection was raised in regard to the boundary adjustment proposed for the Hereford and Forest Lodge Conservation Area (C33)</b></p> <p>Their concerns relate to the removal of 2A Pyrmont Bridge Road, Camperdown from the conservation area. Their reasons for objection are summarised below with a response provided:</p> <p>Although the building is classified as a "neutral" building on the DCP Buildings Contributions Map, it does contain some elements that do make a contribution to this HCA given that the apartments have a "terrace" characteristic, particularly those fronting Foss Street, considered to be the primary frontage.</p> <p>2A Pyrmont Bridge Road adjoins Orphan Creek Public Reserve, a locally listed heritage item under Sydney LEP 2012 (I38). The removal of 2A Pyrmont Bridge Road from the conservation area means that any future redevelopment of the site will not need to minimise negative impacts on the significance of the listed heritage item, to the same extent.</p> <p>In the event of removal from the HCA, the requirement of any future development of the subject property will not necessarily be bound by the same extent by the heritage controls of the DCP in relation to the significance of the conservation area.</p>	<p>Whilst the existing building is sympathetic to the conservation area in terms of scale and typology, it is not considered contributory.</p> <p>Clause 5.10(5) of Sydney LEP 2012 will continue to apply to the site. It requires that the consent authority may, before granting consent to any development on land that is within the vicinity of a heritage item, require the assessment of the proposed development and its potential impact the heritage significance of the heritage item.</p> <p>As the building does not contribute to the significance of the conservation area and sits on the edge of the conservation area, removing it from the conservation area will strengthen the significance and consistency of the conservation area. The proposed change will also align the conservation area boundaries with locality area boundaries within the City's DCP.</p> <p>Removing it from the conservation area does mean that the site will not be subject to the extent of heritage DCP controls. This is considered acceptable sites that contribute to our conservation areas will continue to be protected by the DCP controls and the change reduces restrictions on sites that do not contribute.</p>
<p><b>A concern was raised in regard to the boundary adjustment proposed for the Potts Point Conservation Area (C51)</b></p> <p>Their concerns relate to the removal of 82-94 Darlinghurst Road, Potts Point from the conservation area. The site contains a 34-storey concrete and aluminium mixed use detached apartment building. The Coca Cola billboard is fixed to the podium level of the building. Their concern related to the potential loss of the Coca Cola billboard.</p>	<p>82-94 Darlinghurst Road, including the Coca Cola billboard, is identified as detracting from the significance of the conservation area as it is not from a significant historical period and is unsympathetic to the significant historical features and patterns of the conservation area. Adjusting the boundary will reflect the current built form of the conservation area and strengthen the heritage significance of the conservation area.</p>



**A concern was raised that in some cases a Heritage Impact Statement might not be required**

The City's current DCP requires the submission of a Heritage Impact Statement (HIS) for development applications affecting heritage items or properties within conservation areas. The current DCP is discretionary in its requirement for a HIS to be prepared for buildings over 50 years old that are not either heritage items or within conservation areas.

This discretion for buildings over 50 years old is retained in the draft DCP for sites outside of conservation areas, with clarity provided around the process for when the City may require the preparation of a HIS. The draft DCP includes the following clarification:

*A pre-development application consultation is required to determine whether a heritage impact statement is required for work proposed. If required, the heritage significance of a building and the impact the proposed development has on the building and its setting must accompany any subsequent application.*

The submission raises concern about this discretion and would prefer certainty around when a HIS is required, and what criteria will be used on determining if a HIS is not required.

The existing and draft DCP already contains some criteria for when a HIS may be required as the existing and draft control only relate to substantial demolition or major alterations to a building older than 50 years. It is essential that the DCP provides flexibility in the requirement for the preparation of a HIS so as to avoid the burdening applicants with the unnecessary cost of preparing a HIS when it may not be warranted. It is best to determine if a HIS is warranted at pre-development application stage when the details of the proposal are known and the significance of the existing structure are known.

No changes are proposed to the draft control in response to the submission. A HIS will continue to be required for all development applications affecting heritage items and properties within conservation areas.



<p><b>A concern was raised in regard to the quality of Heritage Impact Statements</b></p> <p>The concern expressed related to who should prepare HIS and that when a HIS is not prepared by a suitably qualified person, that the application should be rejected.</p>	<p>Being more prescriptive in relation to who prepares a HIS is not considered warranted. The proposed controls already asks for the person to be suitably qualified and makes reference to NSW Guidelines in relation to the preparation of a HIS.</p> <p>The City currently and will continue to monitor the quality of HISs being submitted. Where a HIS is considered deficient or inadequate by the City's Heritage Specialists, additional information or amended HIS are and will be requested.</p>
<p><b>A request was made to investigate individually heritage listing a number of intact terraces rows and other buildings in Paddington</b></p>	<p>The City undertook a preliminary review the suggested heritage items and deemed that the properties' existing Heritage Conservation Area listing was sufficient in relation to their future protection.</p>
<p><b>A request was made for additional aesthetic controls in relation to the installation of solar panels on the principal roof plane of buildings in conservation areas</b></p>	<p>In response to the submission, a note has been proposed that directs applicants to the City's Guideline for solar panels in heritage conservation areas. This Guideline contains guidance on how to sensitively install solar panels in a heritage settings, including encouraging the use of panels visually recessive in colour and pattern. The additional note is shown in red text in Attachment C.</p>



**A request was made for the DCP to include controls on party walls and the requirement for neighbours' consent**

It is the applicant's responsibility to clearly demonstrate all owners have consented to the application being lodged. The City will not accept an application without the correct owner's consent.

The City has detailed advice on its website in relation to party walls and the requirement for consent. The DCP is not considered the best place for this advice.

Where a development involves works on a party wall or works which rely on a party wall for lateral or vertical support, the City encourages applicants to obtain party wall consent from their neighbour. This consent is distinct from land owners' consent and is not a formal requirement for a development application.

All development applications must be made by the owner of the land to which the application relates, or by a person with the written consent of the owners of the land. Land owners' consent for the lodgement of a development application is only required from a neighbour where the development proposed straddles the property boundary.

Where it's unclear from the application how the development may impact on the party wall, the applicant will be asked to provide clarification and adjoining land owners' consent from the adjoining neighbour will be required where necessary.

Where development is proposed that involves works adjacent to or to a party wall, the City will typically impose conditions on any consent requiring that all works are carried out within the boundary of the land, that a dilapidation survey be carried out and that certification is provided by a structural engineer as to the structural stability of the party wall.



<p><b>A request was made for changes to Part 4 of the DCP and observations were made that the City sometimes doesn't enforce strict compliance with DCP controls</b></p>	<p>Change to Part 4 of the DCP are not within the scope of the exhibited DCP amendment.</p> <p>The Environmental Planning and Assessment Act 1979 (The Act) details that the principal purpose of a DCP is to provide guidance and that the controls within a DCP are not statutory requirements. The Act states that DCP controls are to be applied flexibly and in applying them flexibly allow for reasonable alternative solutions that achieve the objects of those controls.</p> <p>The City applies its DCP in compliance with the Act, having regard to the specifics of development applications lodged and their variable context.</p>
<p><b>An unrelated question was asked about mandatory requirements for building upgrades</b></p>	<p>One submission was concerned that if a neighbouring site was to redevelop that Council may require adjoining heritage properties to be upgraded to comply with contemporary building standards.</p> <p>Council can only require a building, and new building works to comply with the National Construction Code where that building and new building works are the subject of a development application or complying development certificate.</p>
<p><b>Concerns were raised about an unrelated planning proposal for 47-51 Riley Street, Woolloomooloo</b></p>	<p>There was one submission that raised concerns in relation to the bulk and scale of a separate site-specific planning proposal for 47-51 Riley Street. Planning Proposal: 47-51 Riley Street was approved by Council and the CSPC at the June round of meetings. The proposal was approved with a 7.1m reduction in height, to RL25.5m and a reduction in FSR to 3.2:1, in response to public submissions.</p>



# **Attachment B**

<p><b>Planning Proposal – Conservation Areas Review</b></p>
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# Conservation areas review planning proposal





# Contents

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## Executive Summary

The City's heritage conservation areas (conservation areas) are rich and diverse in history and character. Conservation areas are more than a collection of individual heritage items. They are areas in which the urban origins and relationships between the various elements create a sense of place that is worth keeping and reveal part of our cultural history.

As per the City's 2022 Housing Audit and adjustments to the 2017 Floor Space and Employment Survey, conservation areas are the home for approximately 102,320 people and provide workplaces for almost 54,000 people. The small lot sizes, variety of building types and over two centuries of accumulated growth have produced successful urban environments that can accommodate change and warrant protection.

The City's planning controls enable genuine adaptation and sympathetic change to buildings in conservation areas to meet contemporary housing and workspace needs while also conserving the highly valued character of the area.

The City has carried out a review of the planning controls applying to conservation areas to ensure they continue to conserve the valued heritage character and meet contemporary spatial and household needs.

The proposed planning controls for conservation areas aim to:

- support the retention and adaptation of buildings that contribute to the heritage significance of an area;
- reduce complexity and increase certainty in the planning controls; and
- update heritage policy to reflect changes that have occurred within conservation areas.

The following amendments to the Sydney LEP are proposed:

1. minor amendments to conservation area boundaries to strengthen the integrity of the conservation areas by removing sites which do not contribute to their significance.

The draft DCP will strengthen controls relating to the conservation of significant fabric of heritage items and in conservation areas in line with best practice.



# 1. Background

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## 1.1. Conservation area review

This planning proposal arises from a strategic review into planning controls for heritage conservation areas (conservation areas) in the Sydney Local Government Area (Sydney LGA).

Sydney's environmental heritage is conserved and managed through clause 5.10 Heritage conservation of the Sydney Local Environmental Plan 2012 (Sydney LEP), the mapping of listed heritage items and Heritage Conservation Areas (conservation areas) and through more detailed planning controls within Sydney Development Control Plan 2012 (Sydney DCP). These controls do not preclude change but aim to manage the heritage to ensure significance is conserved and respected by new development.

There are currently 75 conservation areas within the Sydney. There are more than 22,000 buildings in the conservation areas, including the majority of around 15,000 (70%) terrace houses, 1,500 freestanding houses, 1,200 apartment buildings, 1,200 shops, 700 warehouses and 200 church, community and public buildings.

The buildings within the conservation areas range in age from some early European structures to those of the 21st century. There are almost one hundred buildings dating from the colonial period (1788 – c. 1840), of which 83 are heritage items. The predominant period of development is the Victorian period (c. 1840 – c. 1890) with almost 13,000 buildings, followed by the Federation period (c. 1890 – 1915) with 5000 buildings. Together, the buildings from the Victorian and Federation periods account for nearly 90% of buildings within the conservation areas.

Amendments to the Sydney LEP and Sydney DCP are proposed by the City of Sydney (City) based on a review of the controls that apply in conservation areas.

The review was initiated to address concerns that the existing planning controls are not achieving appropriate development outcomes in some conservation areas and to update heritage policy to reflect changes that have occurred within the conservation areas. Key issues identified were:

- a) LEP conservation area map boundaries not reflecting the heritage significance or having logical groupings; and
- b) DCP heritage controls needing to be amended to better conserve heritage significance, give clearer development guidance for the different contributory grading in conservation areas, and reflect heritage best practice; and

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## 1.2. The site

### Site identification

The planning proposal relates to the conservation areas within the Sydney Local Government Area (the City).

### Site location and context

The City has 75 heritage conservation areas. Conservation areas are rich and diverse in history and character. As per the City's 2022 Housing Audit and adjustments to the 2017 Floor Space and Employment Survey, they are the home for approximately 102,320 people and provide workplaces for around 54,000 people.



## Conservation areas review planning proposal

Conservation areas are more than a collection of individual heritage items. They are areas in which the urban origins and relationships between the various elements create a sense of place that is worth keeping and reveal part of our cultural history.

The City's conservation areas provide housing at some of the highest population densities in Australia. The small lot sizes, variety of accommodation types and over two centuries of accumulated growth have produced successful urban environments that accommodate change and warrant protection.

Area	Population density Persons per square kilometre
Haymarket	18,123
Melbourne CBD (Vic)	17,653
Wolli Creek	15,330
Southbank (Vic)	14,102
Pymont and Ultimo	13,379
<b>Surry Hills</b>	<b>12,175</b>
<b>Potts Point and Woolloomooloo</b>	<b>12,125</b>
<b>Darlinghurst</b>	<b>11,794</b>
South Yarra (Victoria)	11,022
<b>Redfern and Chippendale</b>	<b>9,760</b>
Carlton (Vic)	9,253
<b>Glebe and Forest Lodge</b>	<b>8,810</b>
Bondi Beach and North Bondi	8,627
Waterloo and Beaconsfield	7,964
Neutral Bay and Kirribilli	7,810
Bondi, Tamarama and Bronte	7,622
Lakemba and Wiley Park	7,563
Fitzroy (Vic)	7,451
Bondi Junction and Waverly	7,088
<b>Newtown, Camperdown and Darlington</b>	<b>6,969</b>

**Table 1: Population density comparison by area, ABS 2021**

**Note: Conservation areas in the City of Sydney identified in bold text**

Genuine adaptation and sympathetic change to contributory buildings allows conservation areas to evolve for contemporary needs but conserve the highly valued character of the area.

Appropriate changes to existing buildings in conservation areas provide for diversity of housing choices and workplaces that are not provided in new developments (see Table 1 - Percentage of private residential unit mix in the City at 30 June 2022 by development status). This ensures space



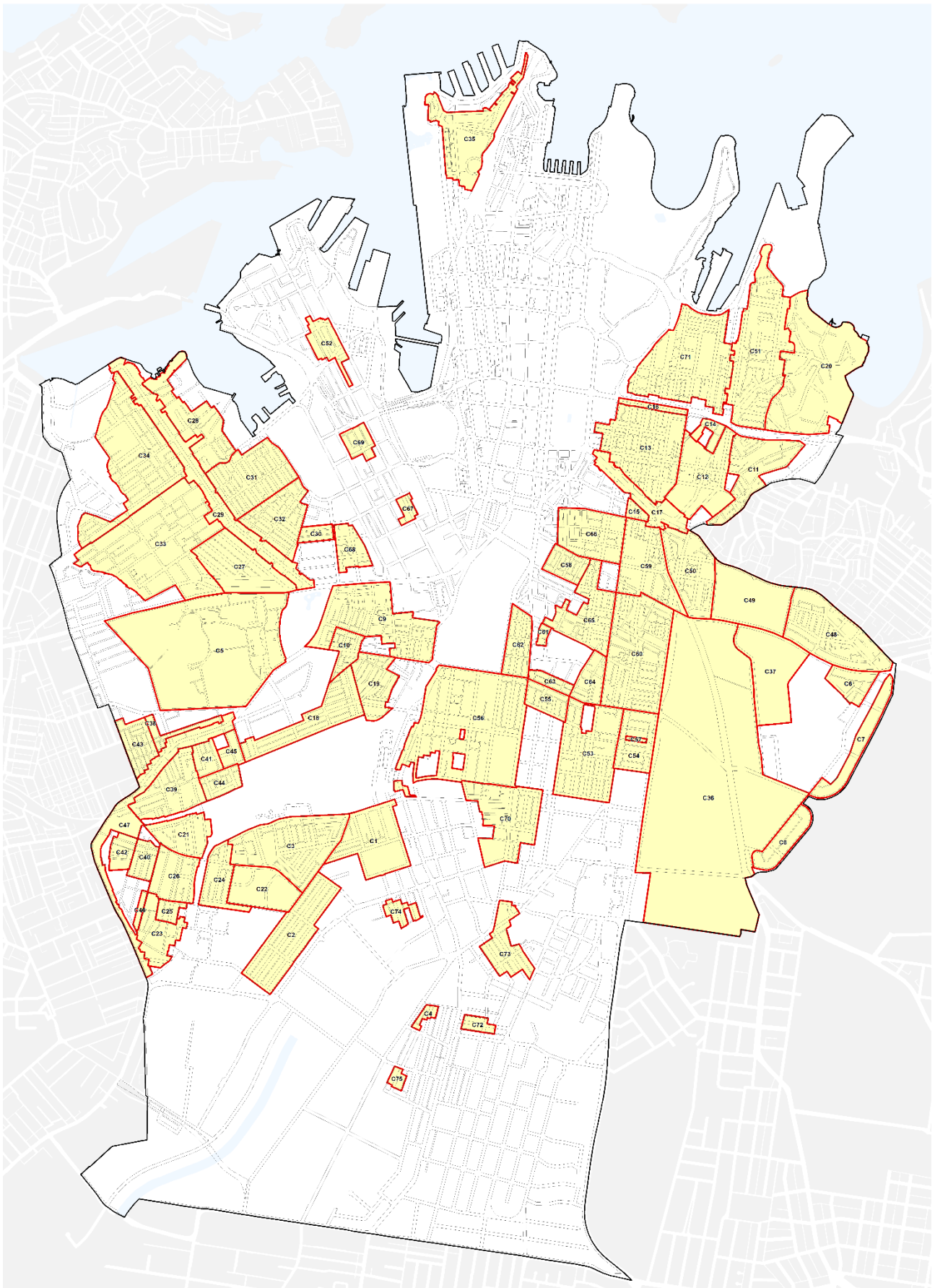
## Conservation areas review planning proposal

for families and larger households that are not accommodated in the one or two-bedroom apartments expected to be developed across the City over the next 20 years.

Development Status	Studio	1 Bedroom	2 Bedroom	3 Bedroom	4+ Bedroom
Lodged	3%	33%	43%	19%	2%
Approved	4%	32%	53%	10%	1%
Construction Commenced	4%	32%	43%	19%	2%
Completed (last five years)	6%	35%	46%	12%	1%

**Table 2: Private residential unit mix by pipeline stage, City of Sydney, Residential Monitor, June 2022**





**Figure 1: Map of existing conservation areas within the City**

Note: Millers Point is included in this statistical analysis of conservation areas but is not subject to the planning proposal



## 2. Objectives and intended outcomes

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### 2.1. Objective

To amend the Sydney LEP 2012 to conserve the significance of conservation areas and increase certainty.

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### 2.2. Intended outcomes

- support the retention and adaptation of buildings that contribute to the significance of an area
- reduce complexity and increase certainty in the planning controls, and
- update heritage policy to reflect changes that have occurred within conservation areas.



# 3. Explanation of provisions

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## 3.1. Proposed amendment to Sydney LEP 2012

This planning proposal is to amend the planning controls that currently apply to conservation areas. The drafting instructions to amend the Sydney LEP are provided below. An example of how these provisions may be drafted subject to agreement with the NSW Department of Planning and Environment and Parliamentary Counsel is included in Appendix A1. A more detailed justification for the proposed planning controls and further explanation of the intended outcome is provided at Part 5 – Justification of this planning proposal.

### **Drafting instructions**

To achieve the intended outcomes this planning proposal seeks to amend the Sydney LEP 2012 as follows:

1. Amend the Heritage Map sheets to revise the boundaries of conservation areas shown at Appendix A1 of this planning proposal.

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## 3.2. Draft DCP

The City has prepared a draft DCP to amend Sydney DCP 2012.

The draft DCP is to be publicly exhibited with this planning proposal.



# 4. Justification

## **Aims of the review**

The proposed changes intend to create greater certainty for heritage and housing outcomes. The review aims to address the issues outlined above by:

- strengthening provisions on retaining buildings and those parts of buildings that contribute to the heritage significance of conservation areas;
- improving community understanding of what can be done on their land and neighbouring sites;
- ensuring conservation area map boundaries reflect the heritage significance of the area to ensure conservation areas are robust and defensible.

These aims will be achieved through the proposed planning controls outlined in this planning proposal and through proposed amendments to the Sydney DCP.

## **The review has been informed by a field survey**

A field survey was conducted by heritage specialists who inspected every property externally from public places (streets, lanes and parks) in the conservation areas and selected properties bordering these areas.

The survey focused on establishing a comprehensive knowledge base to enable an understanding of the complexity and diversity of the building stock in the conservation areas.

The data collected includes: the type of buildings, their number of storeys, their original period of construction and the period of subsequent major change, the distribution of attics, basements, rear extensions, car parking, the number of frontages and a comprehensive photographic survey.

The field survey found that, in general, buildings are capable of maintaining a significant contribution to the conservation areas and accommodate appropriate alterations and additions to support contemporary and diverse housing needs.

## **Proposed approach to managing development in conservation areas**

The review seeks to reconcile Council and the community's support for both conservation and suitable homes and workplaces with a more effective set of planning controls.

Within conservation areas, there is a high level of consistency of building typologies but variability in site size and additions.

To improve clarity, certainty and confidence for landowners and neighbours, it is proposed to amend the Sydney LEP, as outlined in this planning proposal, and the Sydney DCP Amendment – Conservation Area Review (draft DCP).

## **LEP Amendments**

### **Amendments to heritage conservation area boundaries**

It is proposed to amend conservation area boundaries to reflect the current state of conservation areas and strengthen the conservation areas.

Under existing controls, each property in the conservation areas is identified as either contributory, neutral or detracting on the DCP 2012 Building Contributions map to indicate their overall contribution to the significance of the area.

Amendments to conservation area boundaries are proposed to ensure that sites are contained within the most suitable conservation area based on statement of significance, to correct errors in



conservation area boundaries, to remove detracting or neutral buildings on the edges of conservation areas, and to add additional contributory buildings to the conservation areas. The amendments result in two properties shifting from one conservation area to another, 12 properties being added to conservation areas and 23 removed from conservation areas.

The full list of proposed adjustments to conservation area boundaries is contained at Attachment B.

### **Amendments to the Sydney DCP support this planning proposal**

The draft DCP introduces a range of amendments to strengthen heritage conservation.

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## **4.1. Matters for consideration**

This section provides a response to the 'matters for consideration' described in Table 3 of the Local Environmental Plan Making Guideline, published by the Department of Planning, Industry and Environment in August 2023, that are to be taken into account when describing, evaluating and justifying a planning proposal.

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

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

Yes. This planning proposal is based on LSPS *Action L2.9 Conserve places of heritage significance*, as outlined below. The planning proposal is also based on a strategic review of the planning controls applying in the City's conservation areas which identified a range of issues with the current planning controls, as outlined above.

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

Yes. This planning proposal is the best means of achieving the planning objectives and intended outcomes for conservation areas.

### **Section B - Relationship to the strategic planning framework**

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

#### Greater Sydney Region Plan

*A Metropolis of Three Cities, Plan for Growing Sydney* is the strategic plan for Greater Sydney region. It is a 20-year plan with a 40-year vision, seeking to transform Greater Sydney into a metropolis of three distinct but connected cities: the Eastern Harbour City, the Central River City and the Western Parkland City. The directions and objectives of the strategic regional plan relate to:

- Liveability;
- Productivity;
- Sustainability; and
- Infrastructure and collaboration.

This planning proposal is consistent with the following planning objectives of the Greater Sydney Region Plan:

*Objective 13 Environmental heritage is identified, conserved and enhanced*

- by updating planning controls while also conserving the highly valued character of the area.



Eastern City District Plan

The Eastern City District Plan is a statutory consideration under the provisions of Environmental Planning and Assessment Act 1979, which requires this planning proposal to give effect to the directions and priorities set out in the district plan, of which the City of Sydney is a part.

This planning proposal is consistent with the following planning priorities and actions of the Eastern City District Plan:

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

- by identifying, conserving and enhancing environmental heritage through the planning process, reflecting the heritage values and character of local places and how they contribute to the significance of heritage conservation areas; and

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



### Sustainable Sydney 2030-2050

*Sustainable Sydney 2030-50* is the vision for sustainable development of the City of Sydney to 2030 and beyond. The strategic plan builds on three key themes of Green, Global and Connected and includes 6 guiding principles for a sustainable city, 10 specific targets to measure progress, and 10 strategic directions to guide its future development.

This planning proposal gives effect to the following directions of Sustainable Sydney 2030-50:

Direction 4 Design excellence and sustainable development

### City Plan 2036 - Local Strategic Planning Statement

The *City of Sydney Local Strategic Planning Statement* (LSPS) sets out the City's 20-year vision for strategic land use and the planning priorities to guide development towards a green, global and connected city. The Sydney LSPS provides directions for infrastructure, liveability, productivity and sustainability to manage the change and growth.

This planning proposal gives effect to the Sydney LSPS by supporting the following priorities and actions:

Priority L2 Creating great places:

- to protect the character of distinctive heritage neighbourhoods and delivering design excellence and high amenity in the built environment.

Action L2.9 Conserve places of heritage significance:

- by reviewing LEP development standards to address inconsistencies with the conservation of heritage items and conservation areas; and
- by ensuring development of heritage items, contributory buildings in conservation areas, and new development in conservation areas conserve the heritage values of the place and is sympathetic to the built form, scale and fabric.

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

No other State and regional studies or strategies have been identified as being applicable for this planning proposal.

*Q6. Is the planning proposal consistent with the applicable State Environmental Planning Policies?*

This planning proposal is consistent with all applicable State Environmental Planning Policies (SEPPs), as summarised in **Table 3**.

State Environmental Planning Policy	Comment
SEPP (Biodiversity and Conservation) 2021	Consistent. This planning proposal will not contradict or hinder application of this SEPP.
SEPP (Exempt and Complying Development Codes) 2008	Consistent. This planning proposal will not contradict or hinder application of this SEPP.
SEPP (Housing) 2021	Consistent. This planning proposal will not contradict or hinder application of this SEPP.
SEPP (Industry and Employment) 2021	Consistent. This planning proposal will not contradict or hinder application of this SEPP.
SEPP No 65—Design Quality of Residential Apartment Development	Consistent. This planning proposal will not contradict or hinder application of this SEPP.



State Environmental Planning Policy	Comment
SEPP (Planning Systems) 2021	Consistent. This planning proposal will not contradict or hinder application of this SEPP.
SEPP (Precincts—Central River City) 2021	Not applicable
SEPP (Precincts—Eastern Harbour City) 2021	Not applicable
SEPP (Precincts—Western Parkland City) 2021	Not applicable
SEPP (Primary Production) 2021	Not applicable
SEPP (Resilience and Hazards) 2021	Consistent. This planning proposal will not contradict or hinder application of this SEPP.
SEPP (Resources and Energy) 2021	Not applicable.
SEPP (Sustainable Buildings) 2022	Consistent. This planning proposal will not contradict or hinder application of this SEPP.
SEPP (Transport and Infrastructure) 2021	Consistent. This planning proposal will not contradict or hinder application of this SEPP.

**Table 3: Consistency with SEPPs**

*Q7. Is the planning proposal consistent with applicable Section 9.1 Ministerial Directions?*

This planning proposal is consistent with all Ministerial Directions issued under section 9.1 of the Environmental Planning and Assessment Act 1979, as summarised in [Table 4](#).

Ministerial Direction	Comment
<b>Focus area 1: Planning Systems</b>	
1.1 Implementation of Regional Plans	Consistent.  This planning proposal supports the Region Plan, as discussed in detail under Question 3 (above).
1.2 Development of Aboriginal Land Council land	Not applicable
1.3 Approval and Referral Requirements	Consistent.  This planning proposal does not include concurrence, consultation or referral provisions or identify any developments as designated development
1.4 Site Specific Provisions	Consistent.  This planning proposal does not include site specific provisions for a particular development, but general provisions for land in conservation areas.



Ministerial Direction	Comment
<b>Focus area 1: Planning Systems – Place-based</b>	
1.5 Parramatta Road Corridor Urban Transformation Strategy	Not applicable
1.6 Implementation of North West Priority Growth Area Land Use and Infrastructure Implementation Plan	Not applicable
1.7 Implementation of Greater Parramatta Priority Growth Area Interim Land Use and Infrastructure Implementation Plan	Not applicable
1.8 Implementation of Wilton Priority Growth Area Interim Land Use and Infrastructure Implementation Plan	Not applicable
1.9 Implementation of Glenfield to Macarthur Urban Renewal Corridor	Not applicable
1.10 Implementation of the Western Sydney Aerotropolis Plan	Not applicable
1.11 Implementation of Bayside West Precincts 2036 Plan	Not applicable
1.12 Implementation of Planning Principles for the Cooks Cove Precinct	Not applicable
1.13 Implementation of St Leonards and Crows Nest 2036 Plan	Not applicable
1.14 Implementation of Greater Macarthur 2040	Not applicable
1.15 Implementation of the Pyrmont Peninsula Place Strategy	Consistent.  This planning proposal supports conservation of the heritage significance of conservation areas to ensure Pyrmont Peninsula's heritage is protected while also allowing for a reasonable level of change within conservation areas, consistent with the Pyrmont Peninsula Place Strategy.
1.16 North West Rail Link Corridor Strategy	Not applicable
1.17 Implementation of the Bays West Place Strategy	Not applicable
1.18 Implementation of the Macquarie Park Innovation Precinct	Not applicable



Ministerial Direction	Comment
1.19 Implementation of the Westmead Place Strategy	Not applicable
1.20 Implementation of the Camellia-Rosehill Place Strategy	Not applicable
<b>Focus area 2: Design and Place</b>	
This Focus Area was blank when the Directions were made.	Not applicable
<b>Focus area 3: Biodiversity and Conservation</b>	
3.1 Conservation Zones	Not applicable
3.2 Heritage Conservation	<p>Consistent.</p> <p>The objective of this direction is to conserve items, areas, objects and places of environmental heritage significance and indigenous heritage significance.</p> <p>This planning proposal applies to land within existing conservation areas. It includes provisions that support conservation of the heritage significance of conservation areas, as discussed in detail above.</p>
3.3 Sydney Drinking Water Catchments	Not applicable
3.4 Application of C2 and C3 Zones and Environmental Overlays in Far North Coast LEPs	Not applicable
3.5 Recreation Vehicle Areas	Not applicable
3.6 Strategic Conservation Planning	Not applicable
3.7 Public Bushland	Not applicable
3.8 Willandra Lakes Region	Not applicable
3.9 Sydney Harbour Foreshores and Waterways Area	<p>Consistent.</p> <p>This planning proposal is consistent with the principles for foreshore and waterways area. This planning proposal recognises and protects Sydney Harbor and its islands and foreshores by supporting the conservation of heritage conservation areas.</p>
3.10 Water Catchment Protection	Not applicable
<b>Focus area 4: Resilience and Hazards</b>	
4.1 Flooding	Consistent.



Ministerial Direction	Comment
	This planning proposal does not include provisions for flood planning. Future development applications will continue to be required to address the potential flood risk of sites in accordance with the LEP.
4.2 Coastal Management	<p>Consistent.</p> <p>A small portion of the Glebe Point, Glebe Point Road and Toxteth conservation areas are located within the coastal environment area and coastal use area.</p> <p>This planning proposal is consistent with the objectives of the Coastal Management Act 2016 and the NSW Coastal Design Guidelines 2023. This planning proposal protects and enhances coastal environmental values, ensures the built environment is appropriate for the coast and local context and protects and enhances the social and cultural values of the coastal zone.</p>
4.3 Planning for Bushfire Protection	Not applicable
4.4 Remediation of Contaminated Land	Not applicable as there is no proposed change to permitted land uses.
4.5 Acid Sulfate Soils	<p>Consistent.</p> <p>This planning proposal does not include provisions for managing acid sulfate soils. Future development applications will continue to be required to address the potential acid sulfate soils on sites in accordance with the LEP.</p>
4.6 Mine Subsidence and Unstable Land	Not applicable
<b>Focus area 5: Transport and Infrastructure</b>	
5.1 Integrating Land Use and Transport	Consistent
5.2 Reserving Land for Public Purposes	Consistent
5.3 Development Near Regulated Airports and Defence Airfields	Consistent
5.4 Shooting Ranges	Not applicable
<b>Focus area 6: Housing</b>	
6.1 Residential Zones	Consistent.
6.2 Caravan Parks and Manufactured Home Estates	Not applicable



Ministerial Direction	Comment
<b>Focus area 7: Industry and Employment</b>	
7.1 Business and Industrial Zones	Consistent.
7.2 Reduction in non-hosted short-term rental accommodation period	Not applicable
7.3 Commercial and Retail Development along the Pacific Highway, North Coast	Not applicable
<b>Focus area 8: Resources and Energy</b>	
8.1 Mining, Petroleum Production and Extractive Industries	Not applicable
<b>Focus area 9: Primary Production</b>	
9.1 Rural Zones	Not applicable
9.2 Rural Lands	Not applicable
9.3 Oyster Aquaculture	Not applicable
9.4 Farmland of State and Regional Significance on the NSW Far North Coast	Not applicable

**Table 4 Consistency with Section 9.1 Ministerial Directions****Section C - Environmental, social and economic impact**

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

The conservation areas are part of an urban environment and do not contain critical habitat or threatened species, populations or ecological communities.

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

There are no other likely environmental effects of this planning proposal. The relevant management and mitigation measures are identified where appropriate in the draft DCP, and any development in conservation areas will be subject to further assessment at the detailed DA stage.

*Q9. Has the planning proposal adequately addressed any social and economic effects?*

A detailed discussion of the social and economic effects of this planning proposal is provided in Section 5 of this planning proposal. The density and zoning controls within the conservation areas effectively remain unchanged. The proposed changes to the building height controls enable development that is feasible, to meet housing and employment needs whilst conserving the heritage values of these areas.

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

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



## Conservation areas review planning proposal

The conservation areas are already supported by adequate public infrastructure, including utilities, transport and a variety of services and facilities.

This planning proposal does not increase the development density within the conservation areas and therefore does not increase the demand for additional State or Commonwealth infrastructure. Demand for local infrastructure as result of the redevelopment of the site will be satisfied through development contributions under the City of Sydney Development Contributions Plan 2015.

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

To be determined in further consultation with public authorities following Gateway determination.



# 5. Mapping

This planning proposal seeks to amend the following maps contained in Sydney LEP 2012:

- Heritage Map Sheets in regards to Heritage Conservation Area boundaries as shown at Appendix A1



## 6. Community consultation

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

Additional maps will be prepared and submitted to the Department together with this Planning Proposal to facilitate community understanding through the community consultation process.

It is proposed that, at a minimum, this will involve the notification of the public exhibition of this planning proposal on the City of Sydney website and in writing to the owners and occupiers of properties in conservation areas.

It is recommended by the City that this planning proposal be publicly exhibited for at least 20 working days.

It is proposed that exhibition material will be made available on the City of Sydney website.

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



# 7. Project timeline

The anticipated timeline for completion of this planning proposal is as follows:

Stage	Timeline
Gateway determination	January 2025
Public exhibition and government agency consultation	May – June 2025
Consideration of submissions	July – September 2025
Post exhibition consideration of proposal by Council / CSPC	October 2025
Drafting of LEP provisions	November 2025
Finalisation of LEP and DCP and forwarding to Department of Planning, Industry and Environment for notification	December 2025



## Appendix A1

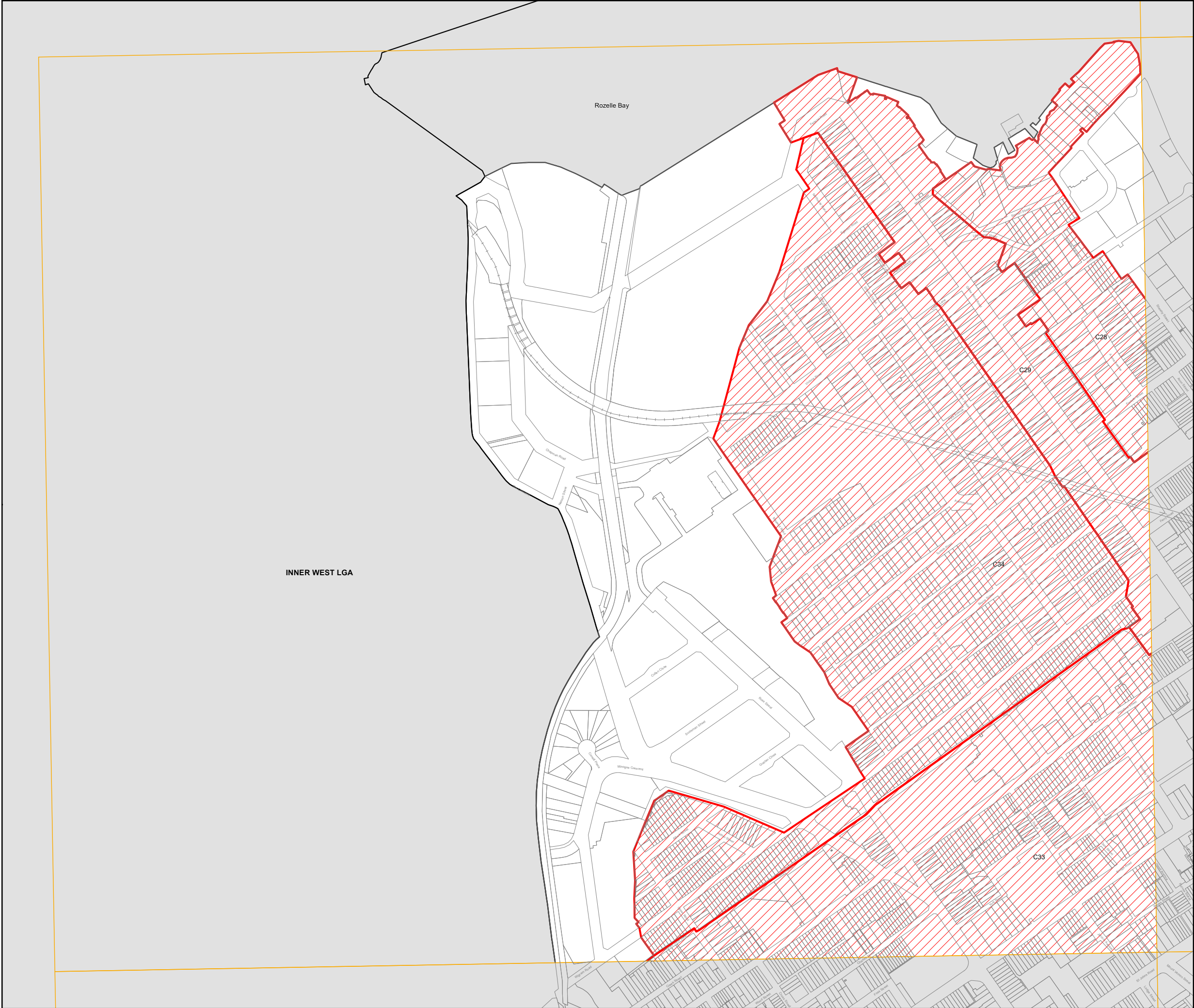
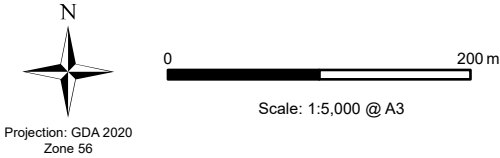
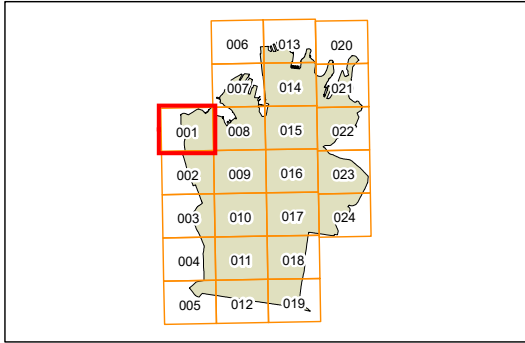
Proposed mapping amendments to Heritage in the Sydney LEP 2012



Heritage Conservation  
Map - Sheet HER\_001


- Heritage**
-  Conservation Area - General
- Cadastre**
-  Cadastre 04/08/2025 © City of Sydney


- Notes:
1. No changes are proposed to heritage items.
  2. Changes are proposed to the boundaries of the following Heritage Conservation Areas:  
C12 Oxford Street and Victoria Street  
C14 Rosebank  
C20 Elizabeth and Rushcutters Bays  
C33 Hereford and Forest Lodge  
C36 Moore Park  
C48 Paddington South  
C49 Victoria Barracks  
C51 Potts Point  
C53 Baptist Street  
C56 Redfern Estate  
C59 Bourke Street North  
C65 Little Riley Street  
C66 Reservoir Street and Fosterville  
C71 Woollahroomooloo



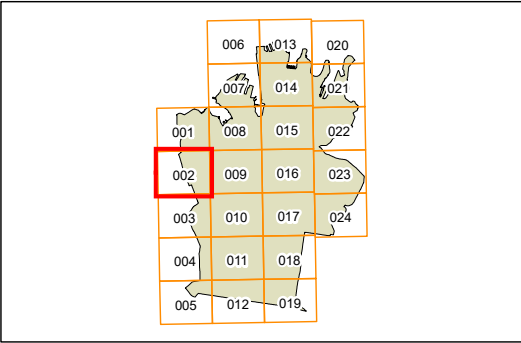



Heritage Conservation  
Map - Sheet HER\_002

**Heritage**  
 Conservation Area - General


**Cadastral**  
 Cadastral 04/08/2025 © City of Sydney

- Notes:
- 1. No changes are proposed to heritage items.
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    - C66 Reservoir Street and Fosterville
    - C71 Woollahroomooloo





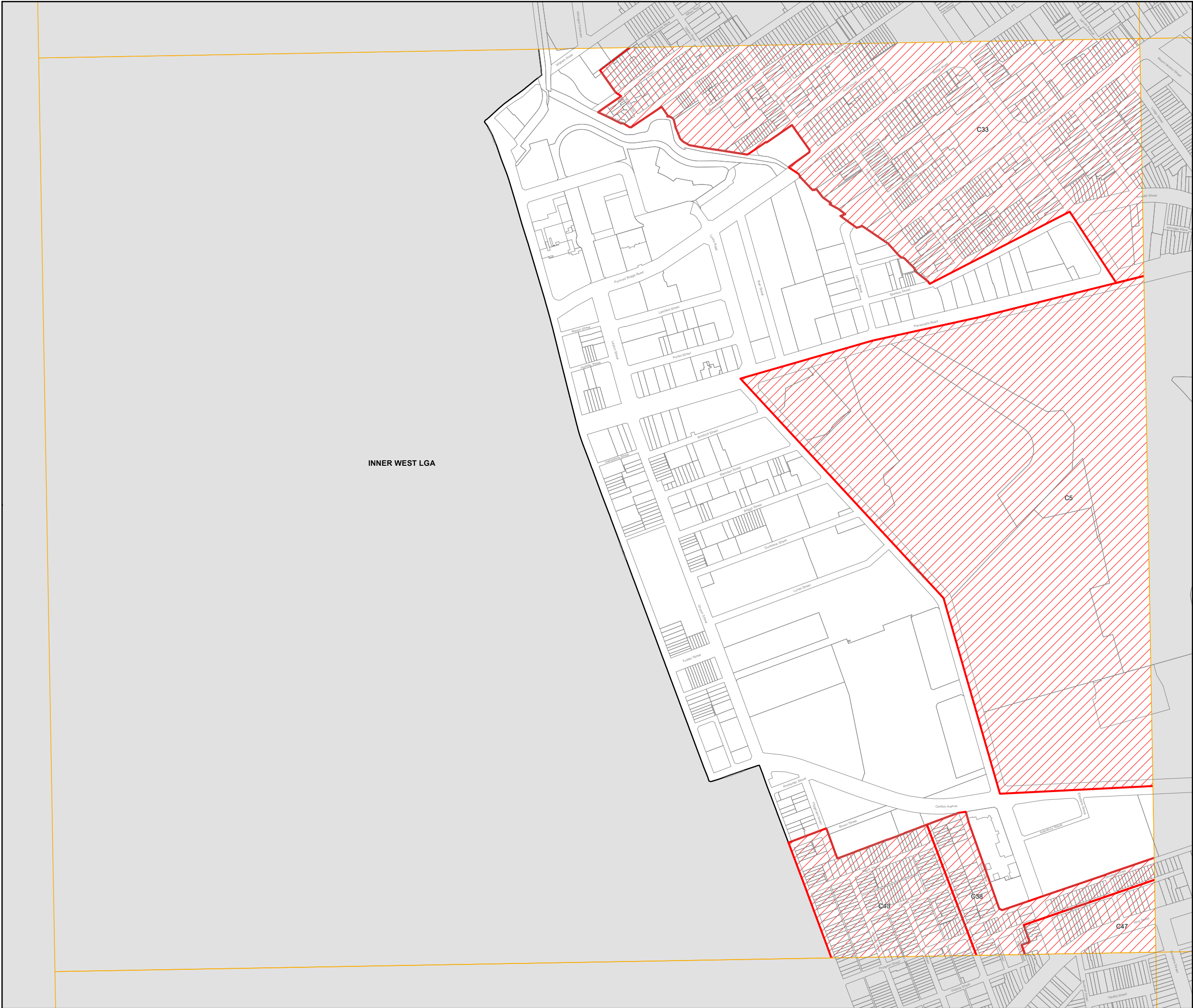
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Projection: GDA 2020  
Zone 56






Heritage Conservation  
Map - Sheet HER\_003

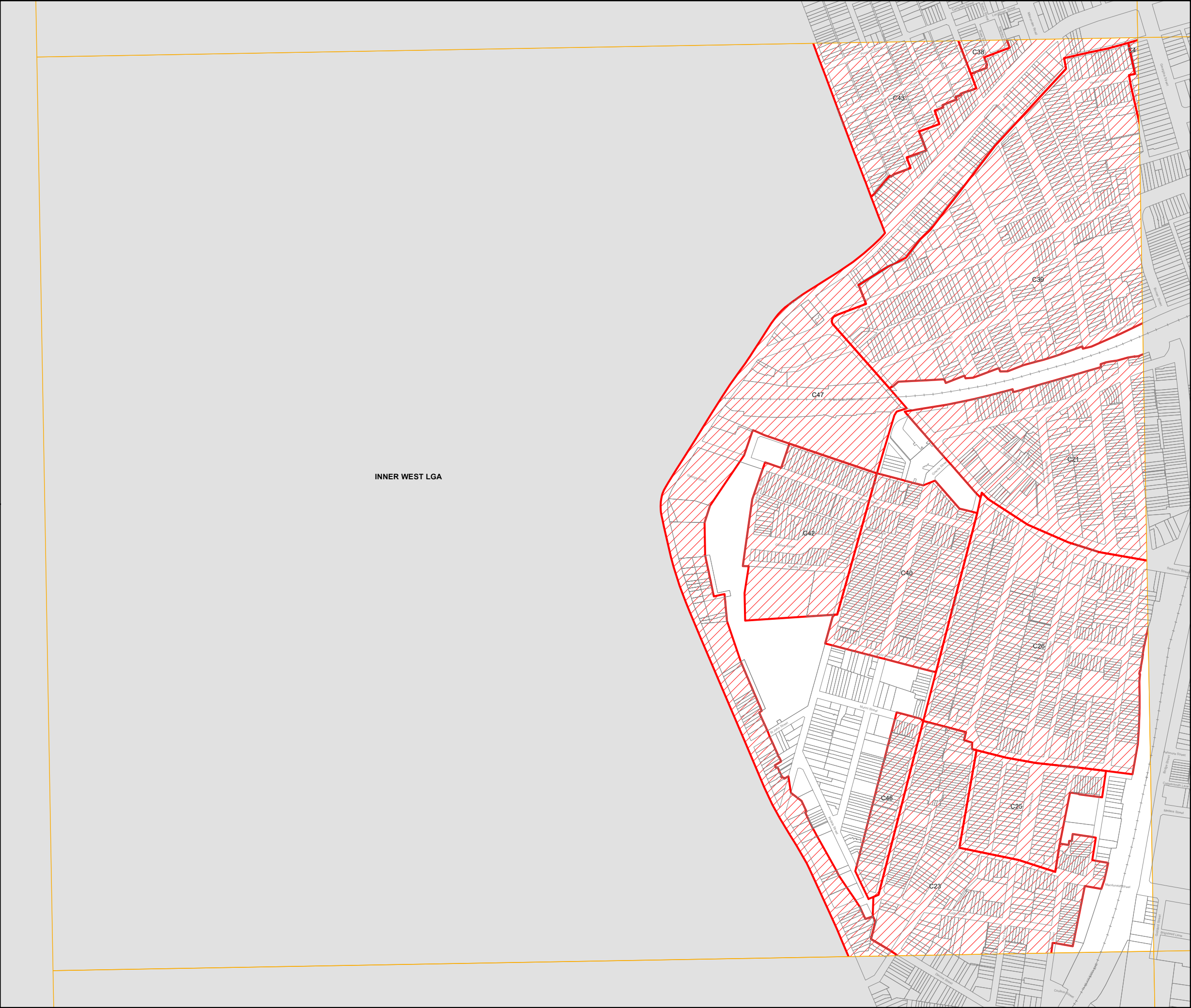
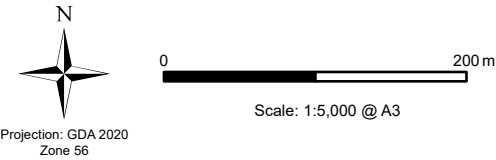
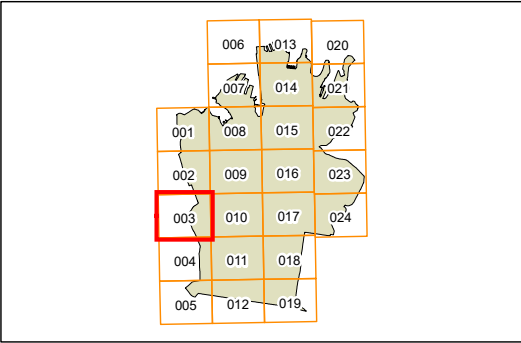
**Heritage**

 Conservation Area - General

**Cadastral**


 Cadastre 04/08/2025 © City of Sydney


- Notes:
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    - C65 Little Riley Street
    - C66 Reservoir Street and Fosterville
    - C71 Woolloomooloo



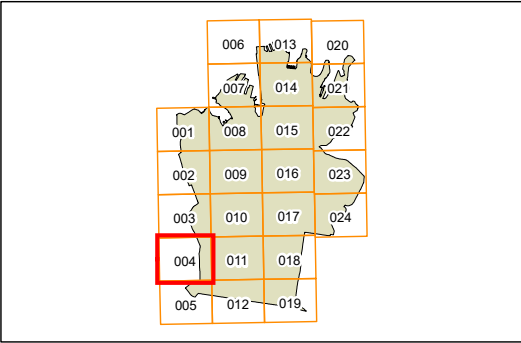



Heritage Conservation  
Map - Sheet HER\_004

**Heritage**  
 Conservation Area - General


**Cadastral**  
 Cadastral 04/08/2025 © City of Sydney

- Notes:
- 1. No changes are proposed to heritage items.
  - 2. Changes are proposed to the boundaries of the following Heritage Conservation Areas:
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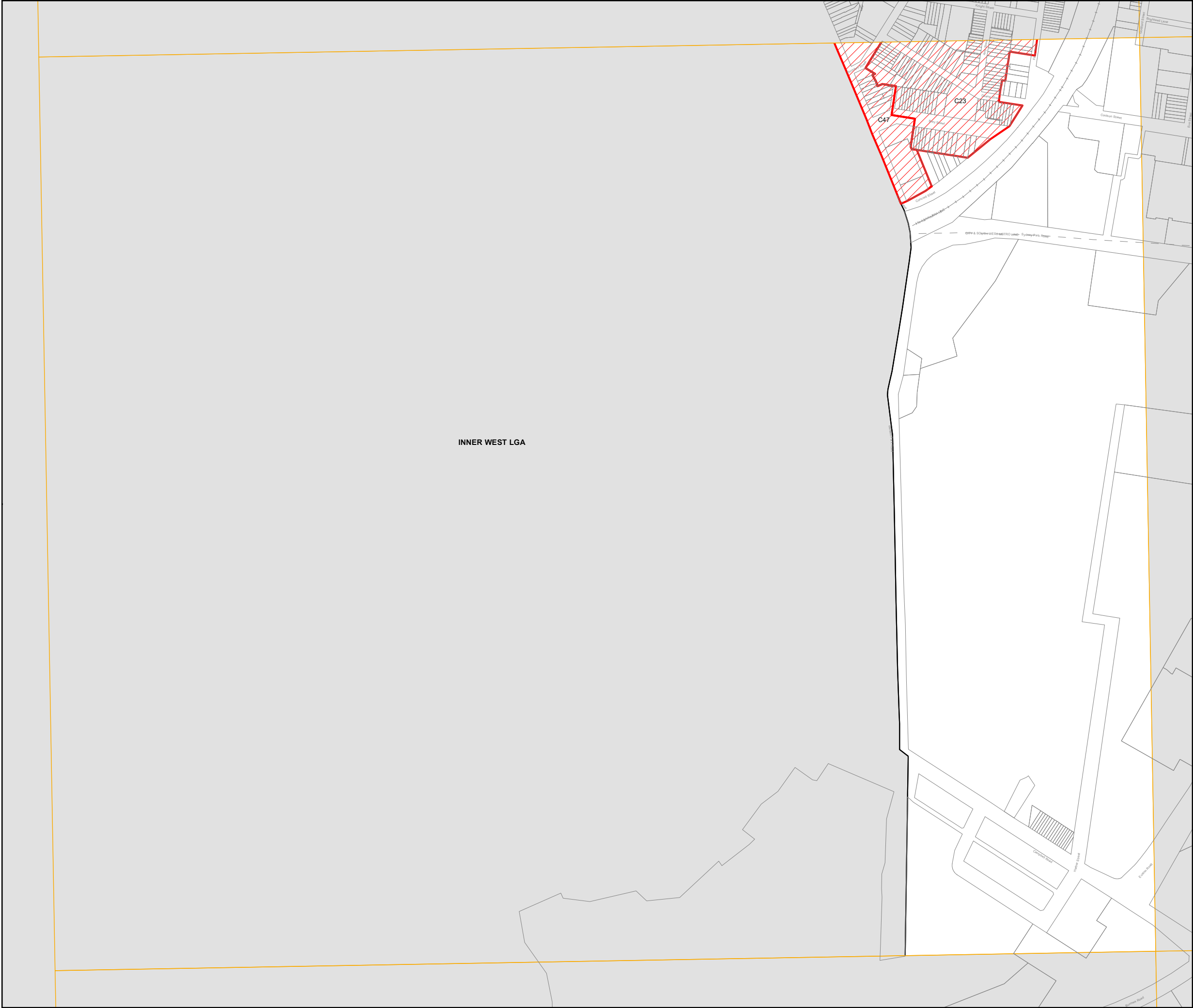
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Projection: GDA 2020  
Zone 56



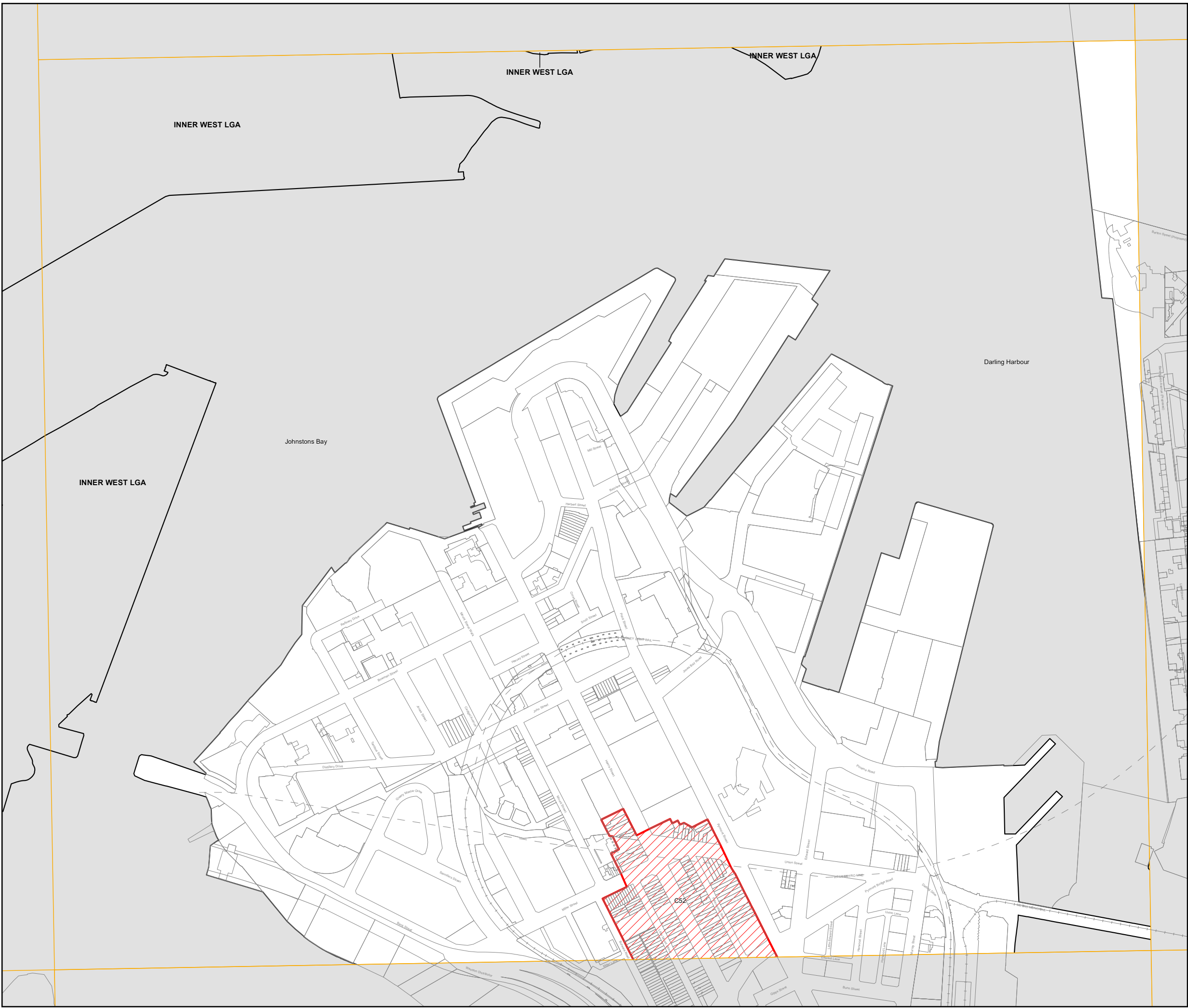
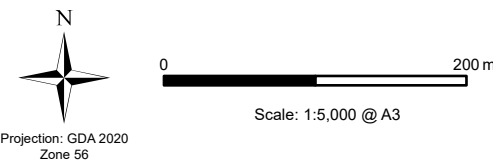
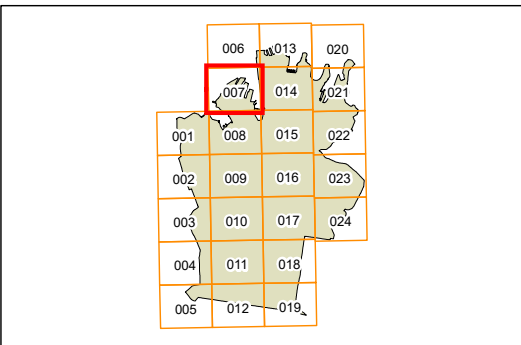


Heritage Conservation  
Map - Sheet HER\_007

**Heritage**  
 Conservation Area - General

**Cadastre**  
 Cadastre 04/08/2025 © City of Sydney


- Notes:
- 1. No changes are proposed to heritage items.
  - 2. Changes are proposed to the boundaries of the following Heritage Conservation Areas:
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    - C71 Woolloomooloo






Heritage Conservation  
Map - Sheet HER\_008

Heritage

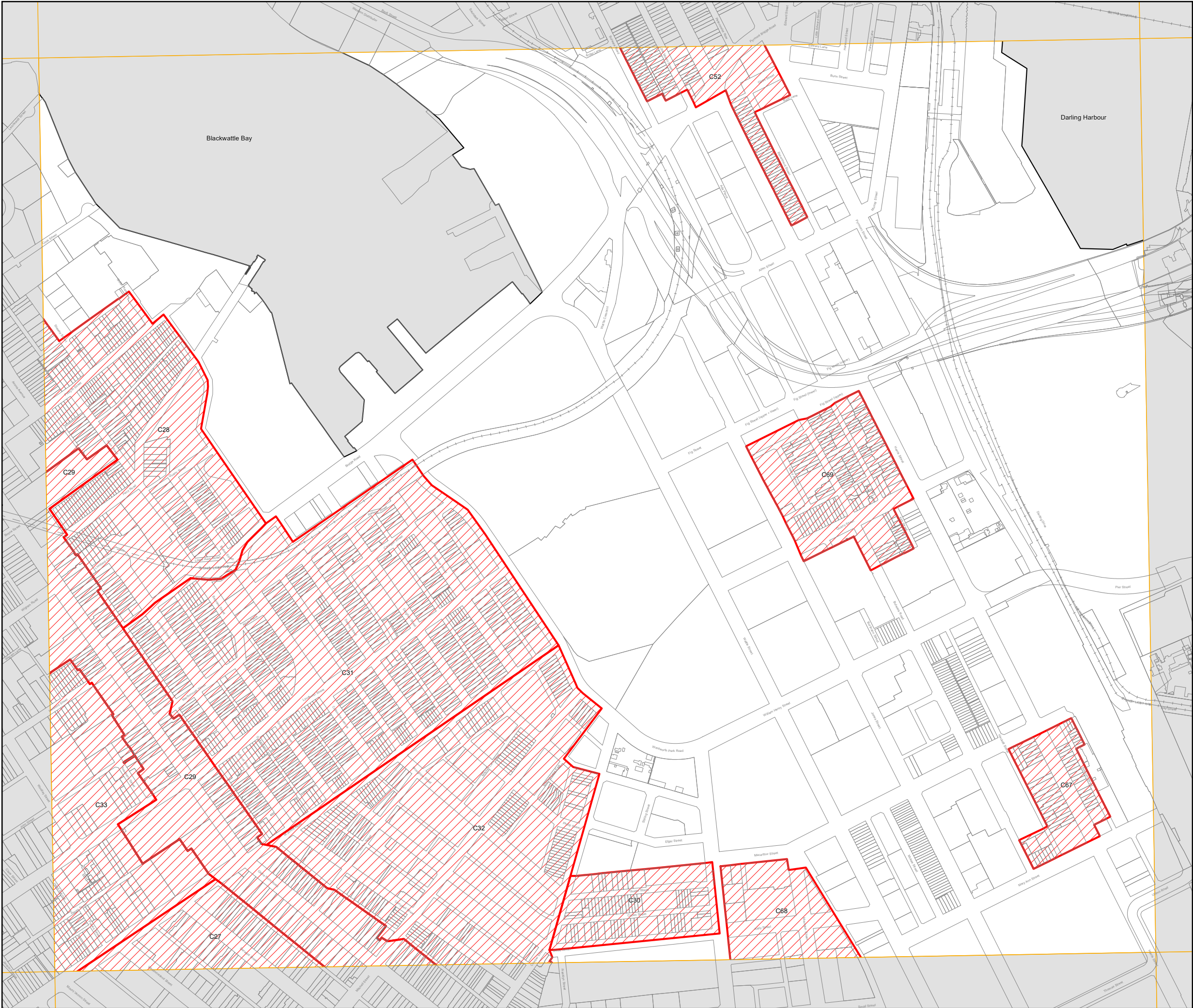
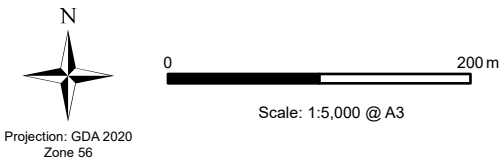
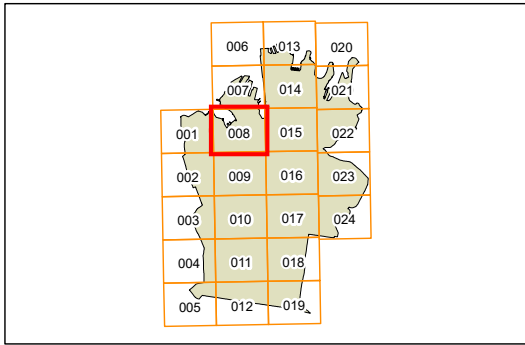
 Conservation Area - General

Cadastre

 Cadastre 04/08/2025 © City of Sydney

- Notes:
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    - C65 Little Riley Street
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    - C71 Woolloomooloo

50






Heritage Conservation  
Map - Sheet HER\_009

## Heritage

 Conservation Area - General

## Cadastre

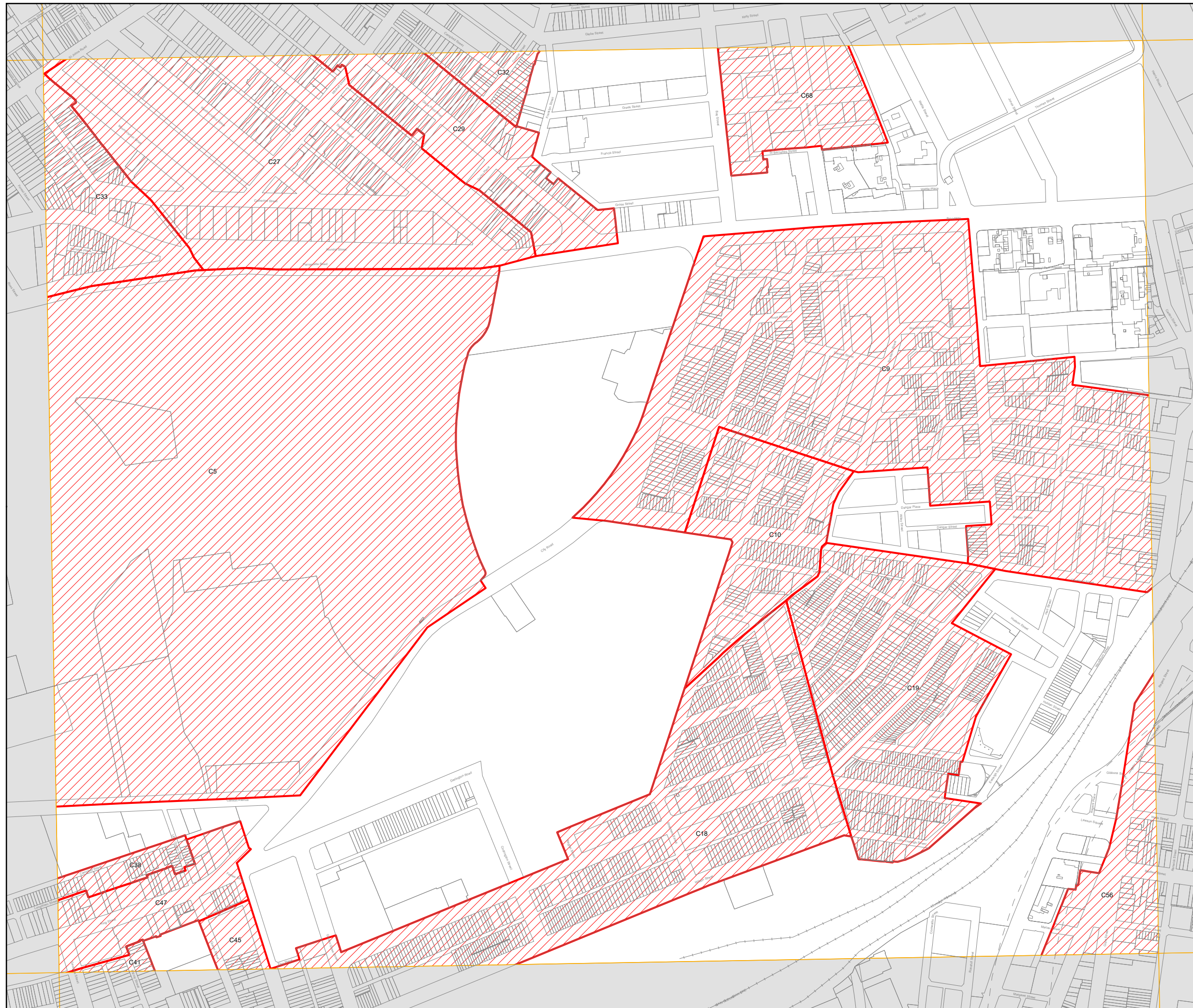
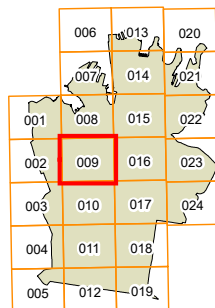
 Cadastre 04/08/2025 © City of Sydney

## Notes:

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C66 Reservoir Street and Fosterville  
C71 Woolloomooloo

51

Projection: GDA 2020  
Zone 56



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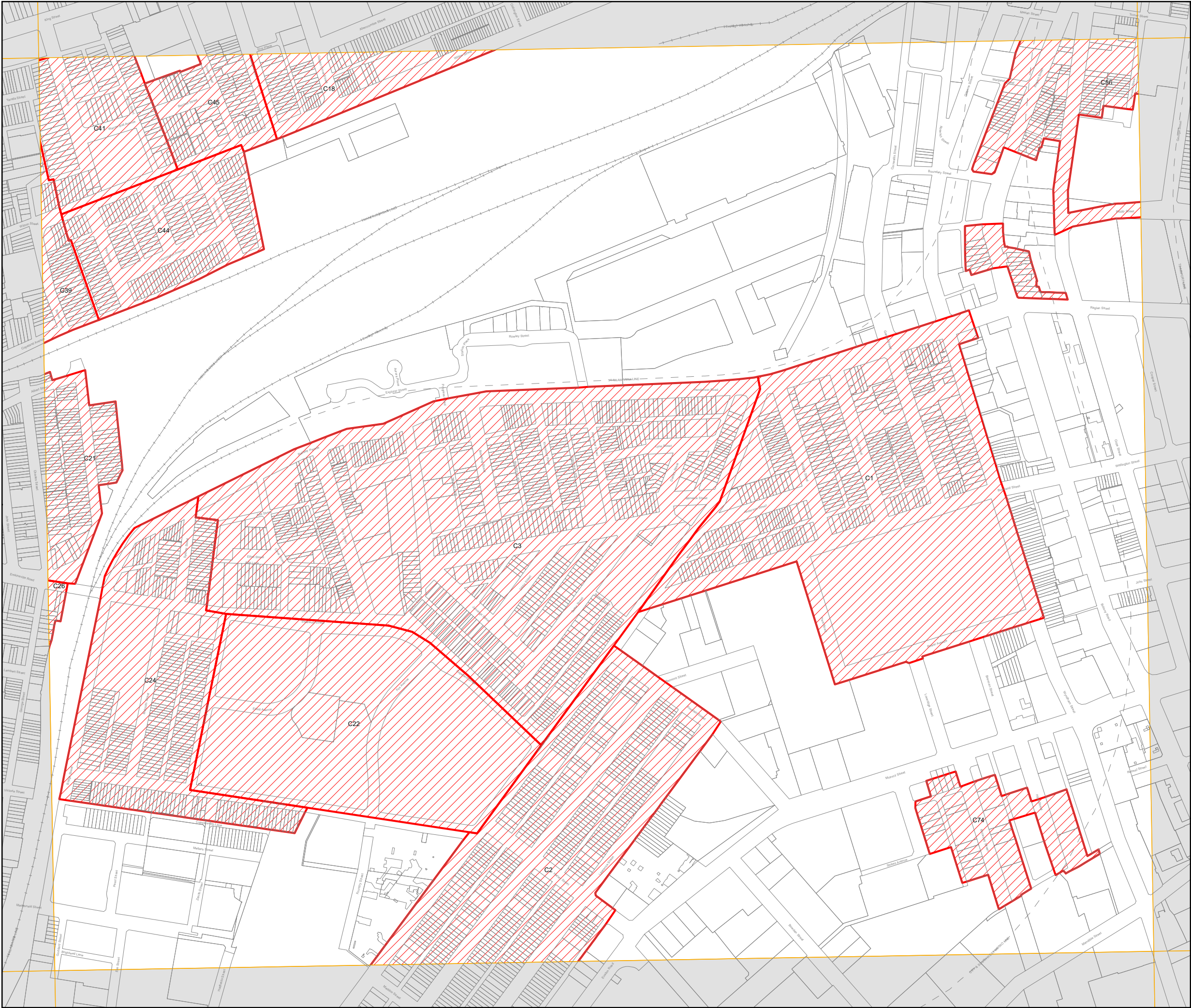
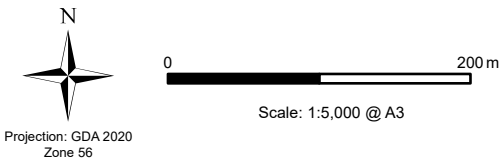
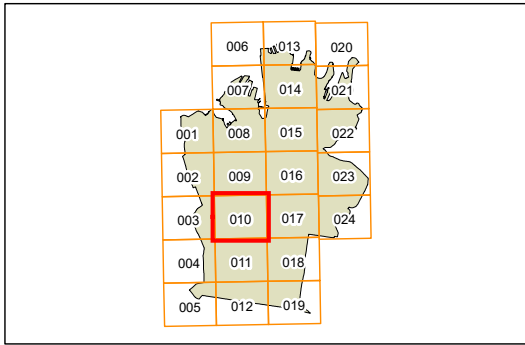
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Heritage Conservation  
Map - Sheet HER\_010


- Heritage**
-  Conservation Area - General
- Cadastre**
-  Cadastre 04/08/2025 © City of Sydney


- Notes:
1. No changes are proposed to heritage items.
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C20 Elizabeth and Rushcutters Bays  
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C36 Moore Park  
C48 Paddington South  
C49 Victoria Barracks  
C51 Potts Point  
C53 Baptist Street  
C56 Redfern Estate  
C59 Bourke Street North  
C65 Little Riley Street  
C66 Reservoir Street and Fosterville  
C71 Woollloomooloo





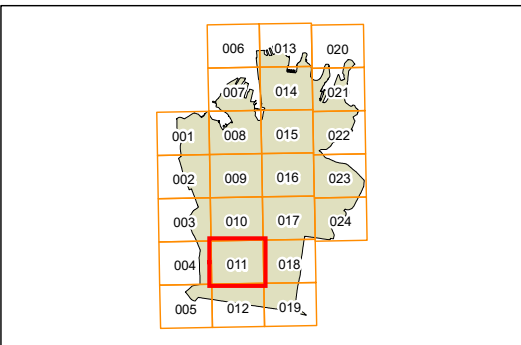
Heritage Conservation  
Map - Sheet HER\_011


**Heritage**  
 Conservation Area - General

**Cadastre**  
 Cadastre 04/08/2025 © City of Sydney


- Notes:
- 1. No changes are proposed to heritage items.
  - 2. Changes are proposed to the boundaries of the following Heritage Conservation Areas:
    - C12 Oxford Street and Victoria Street
    - C14 Rosebank
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    - C53 Baptist Street
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    - C65 Little Riley Street
    - C66 Reservoir Street and Fosterville
    - C71 Woollloomooloo

53



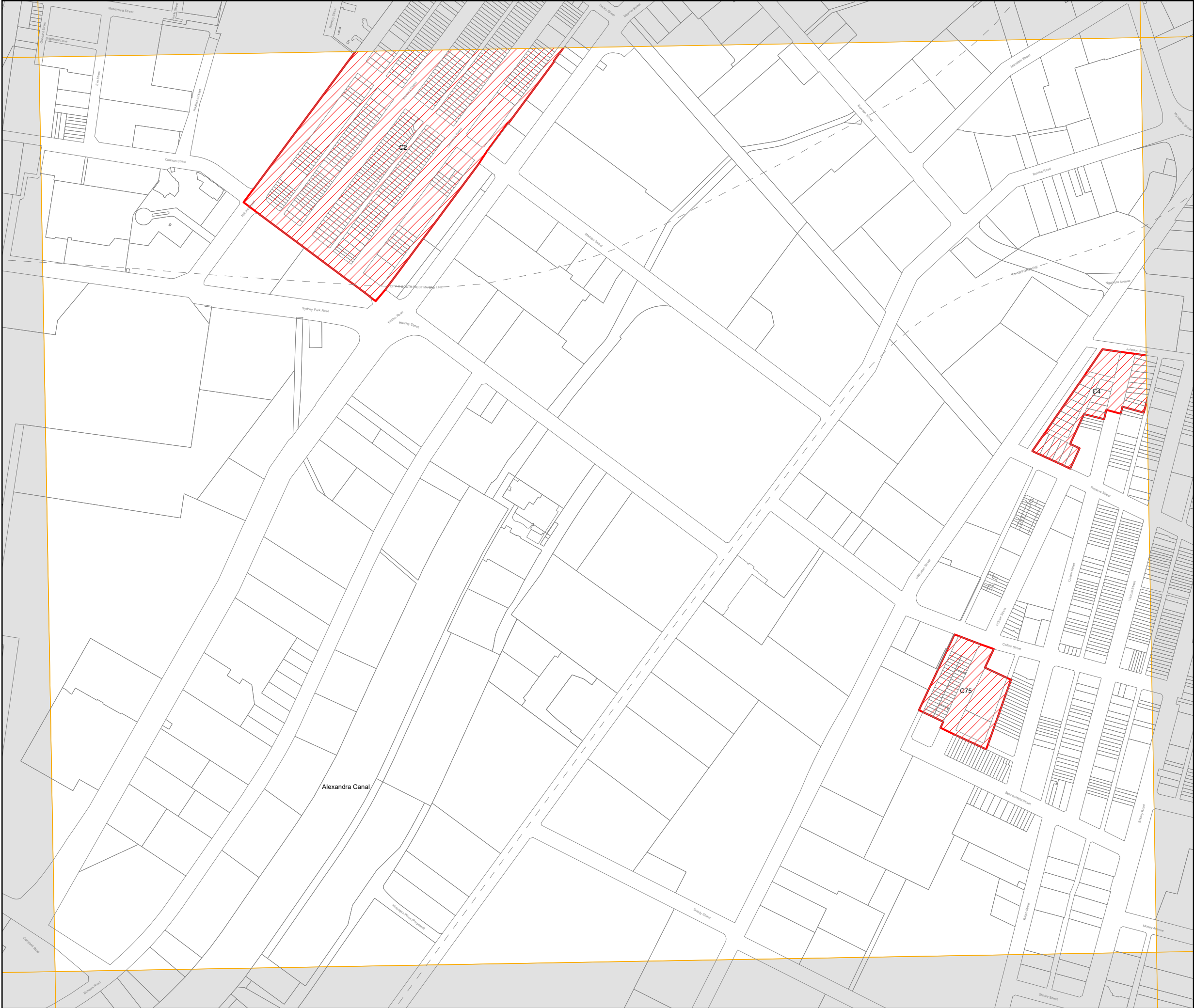


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Heritage Conservation  
Map - Sheet HER\_013

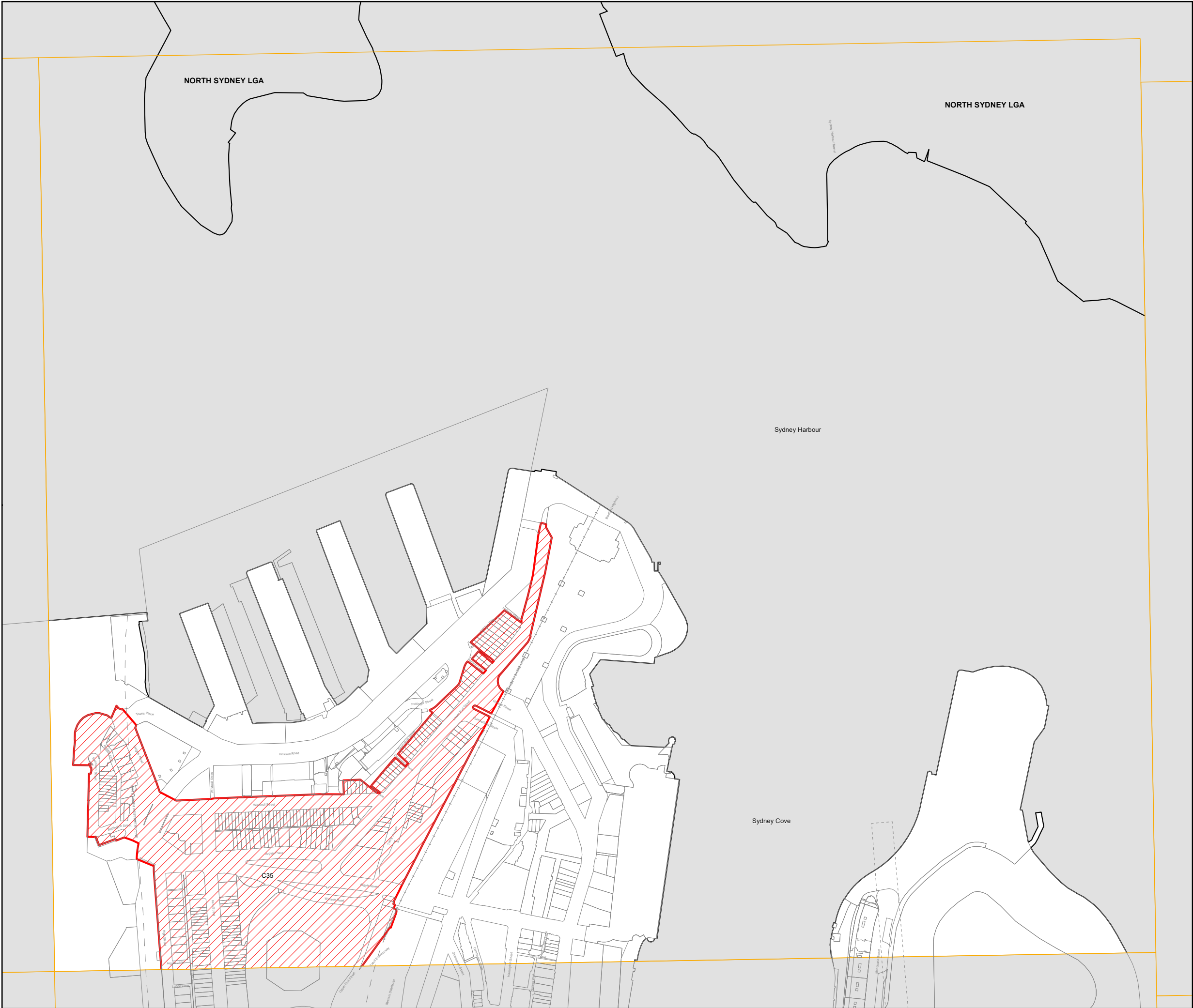
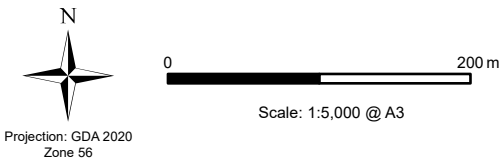
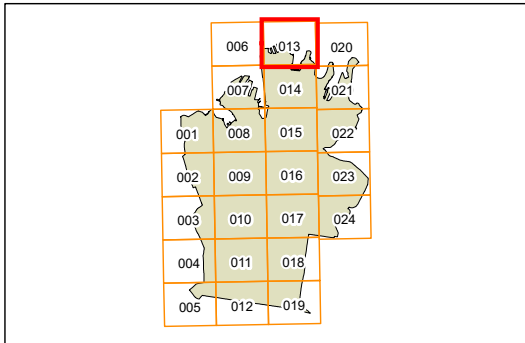
**Heritage**

 Conservation Area - General

**Cadastre**

 Cadastre 04/08/2025 © City of Sydney


- Notes:
- 1. No changes are proposed to heritage items.
  - 2. Changes are proposed to the boundaries of the following Heritage Conservation Areas:
    - C12 Oxford Street and Victoria Street
    - C14 Rosebank
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    - C53 Baptist Street
    - C56 Redfern Estate
    - C59 Bourke Street North
    - C65 Little Riley Street
    - C66 Reservoir Street and Fosterville
    - C71 Woolloomooloo






# Sydney Local Environmental Plan 2012

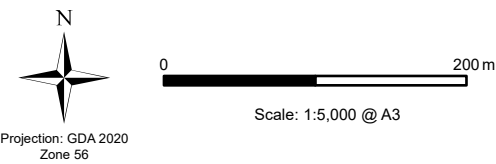
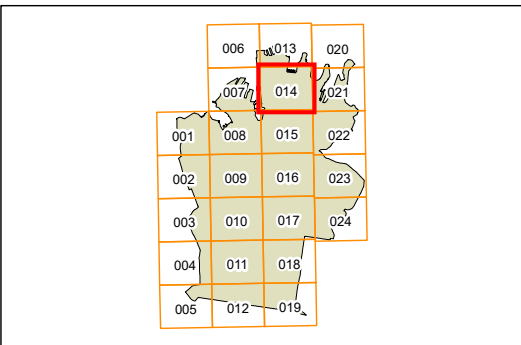
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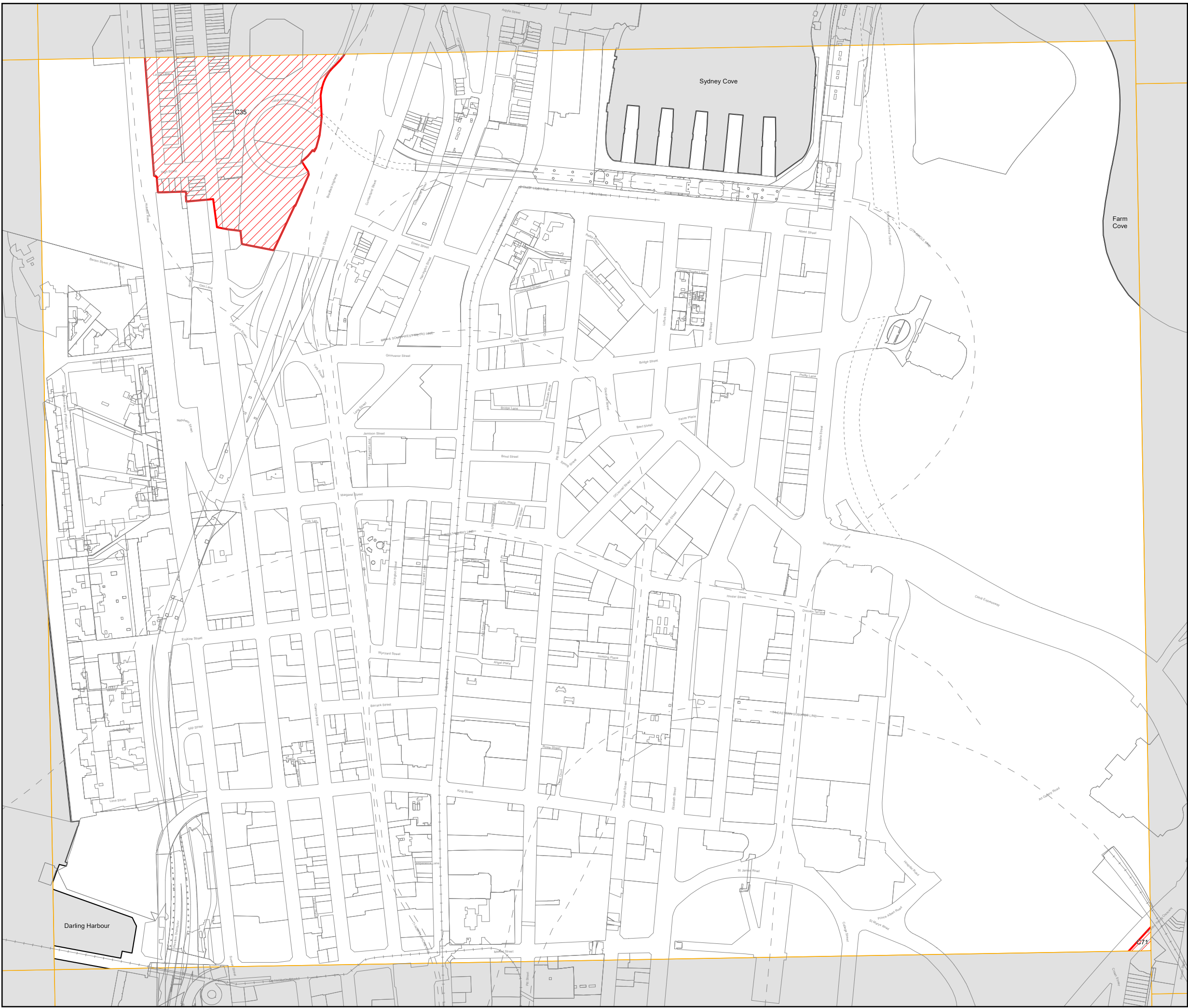
**Cadastre**  
 Cadastre 04/08/2025 © City of Sydney

- Notes:
- 1. No changes are proposed to heritage items.
  - 2. Changes are proposed to the boundaries of the following Heritage Conservation Areas:
    - C12 Oxford Street and Victoria Street
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    - C53 Baptist Street
    - C56 Redfern Estate
    - C59 Bourke Street North
    - C65 Little Riley Street
    - C66 Reservoir Street and Fosterville
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55





Map identification number:  
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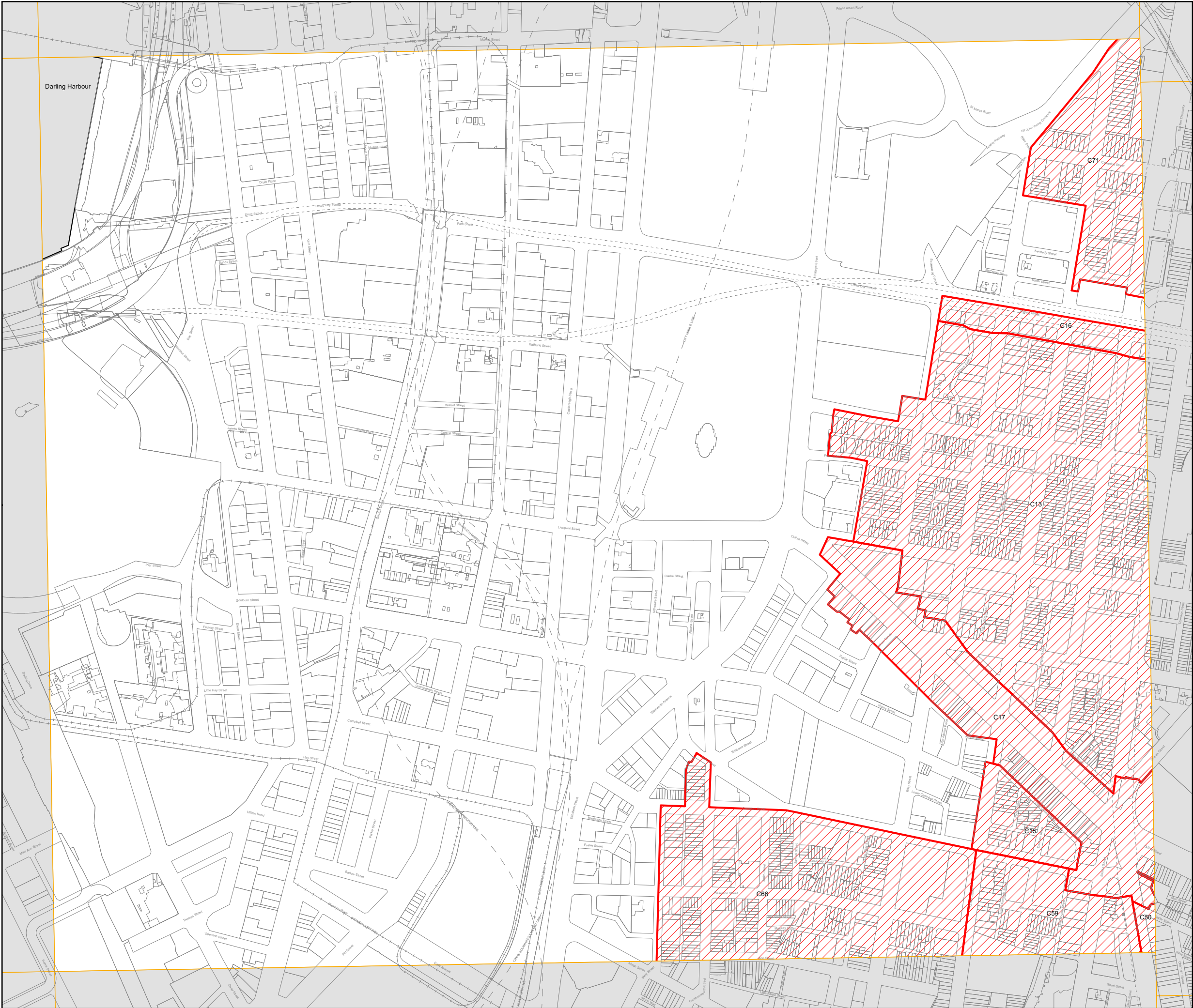
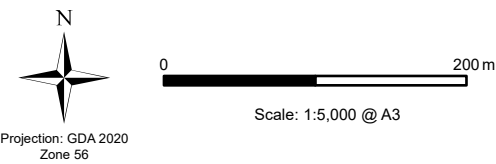
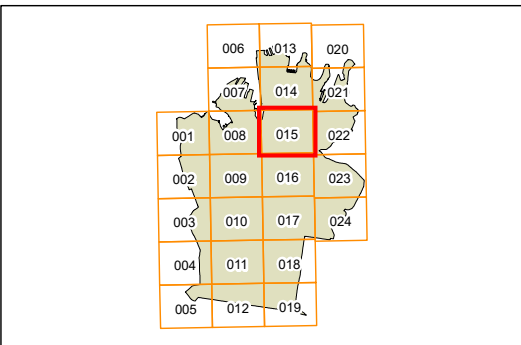


Heritage Conservation  
Map - Sheet HER\_015

**Heritage**  
 Conservation Area - General


**Cadastre**  
 Cadastre 04/08/2025 © City of Sydney


- Notes:
- 1. No changes are proposed to heritage items.
  - 2. Changes are proposed to the boundaries of the following Heritage Conservation Areas:
    - C12 Oxford Street and Victoria Street
    - C14 Rosebank
    - C20 Elizabeth and Rushcutters Bays
    - C33 Hereford and Forest Lodge
    - C36 Moore Park
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    - C53 Baptist Street
    - C56 Redfern Estate
    - C59 Bourke Street North
    - C65 Little Riley Street
    - C66 Reservoir Street and Fosterville
    - C71 Woollloomooloo



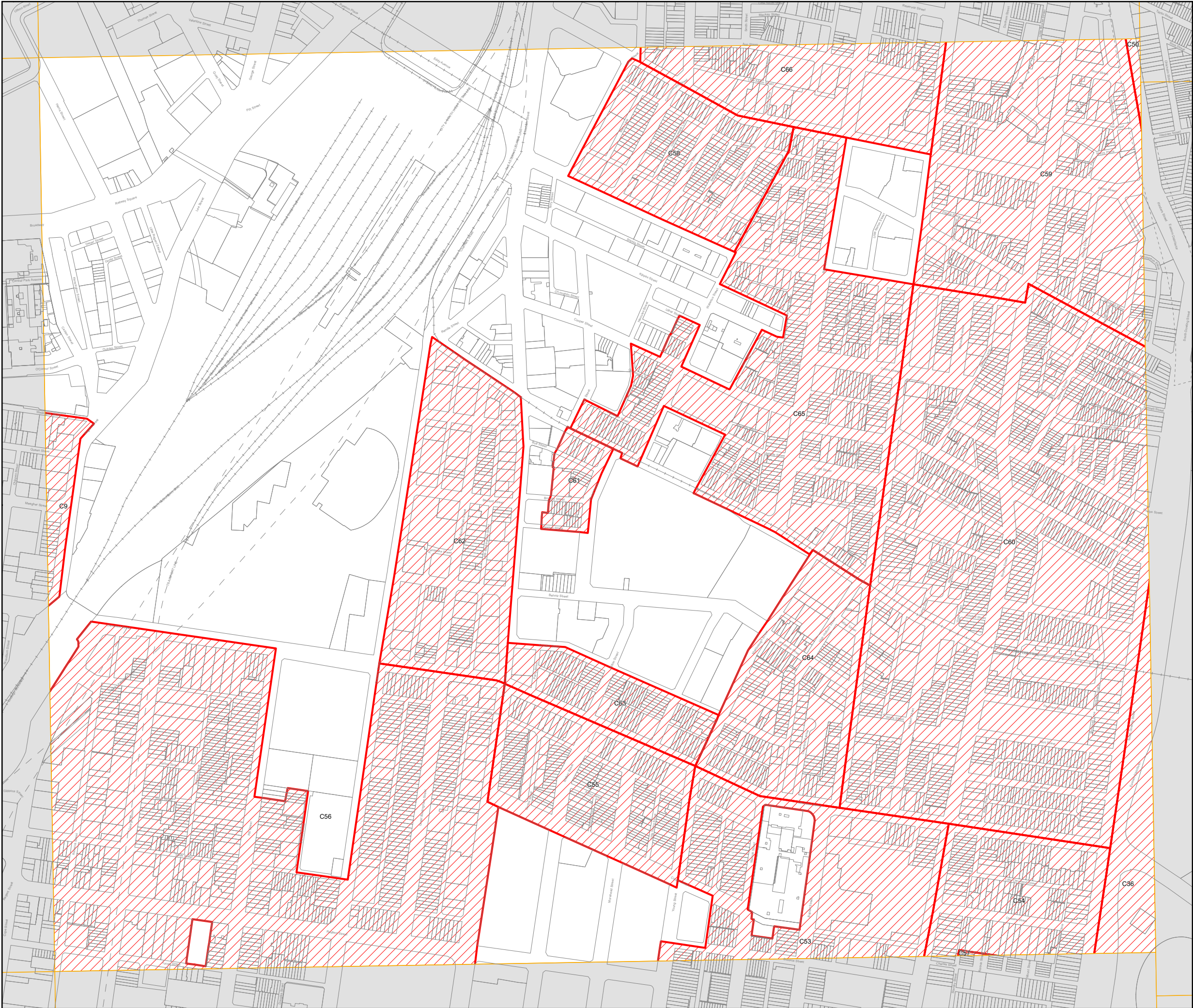
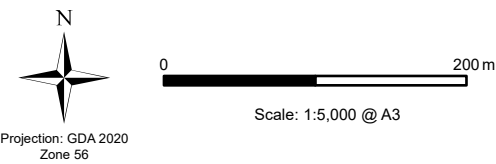
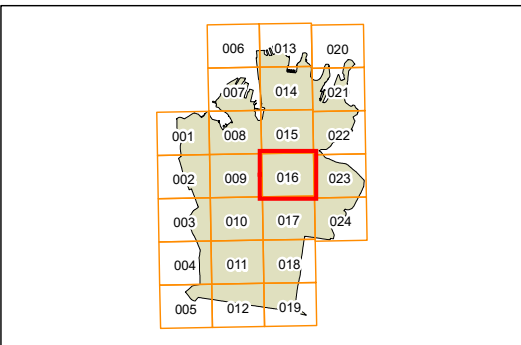


Heritage Conservation  
Map - Sheet HER\_016

**Heritage**  
 Conservation Area - General

**Cadastre**  
 Cadastre 04/08/2025 © City of Sydney

- Notes:
- 1. No changes are proposed to heritage items.
  - 2. Changes are proposed to the boundaries of the following Heritage Conservation Areas:
    - C12 Oxford Street and Victoria Street
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    - C53 Baptist Street
    - C56 Redfern Estate
    - C59 Bourke Street North
    - C65 Little Riley Street
    - C66 Reservoir Street and Fosterville
    - C71 Woolloomooloo





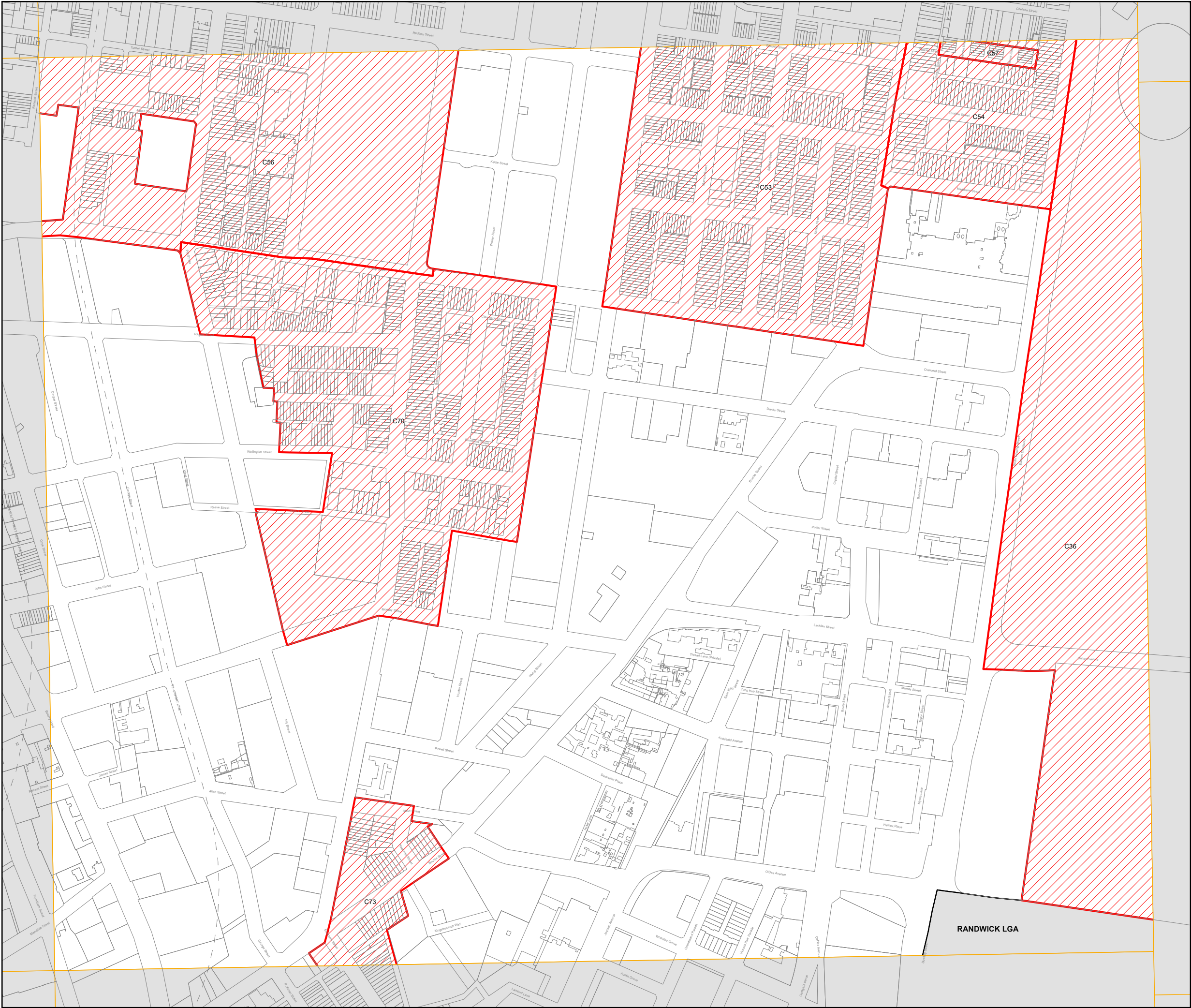
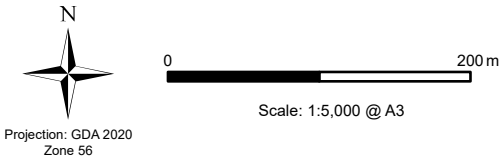
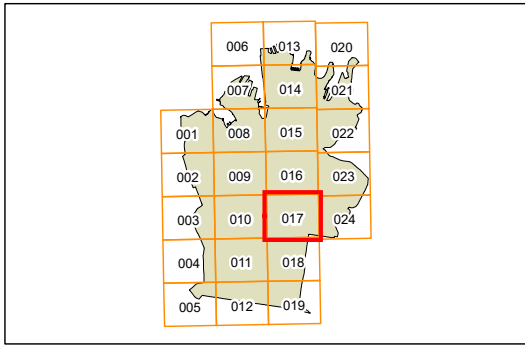
Heritage Conservation  
Map - Sheet HER\_017

- Heritage**
- Conservation Area - General
- Cadastre**
- Cadastre 04/08/2025 © City of Sydney

Notes:


- No changes are proposed to heritage items.
- Changes are proposed to the boundaries of the following Heritage Conservation Areas:
  - C12 Oxford Street and Victoria Street
  - C14 Rosebank
  - C20 Elizabeth and Rushcutters Bays
  - C33 Hereford and Forest Lodge
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  - C65 Little Riley Street
  - C66 Reservoir Street and Fosterville
  - C71 Woollloomooloo


58



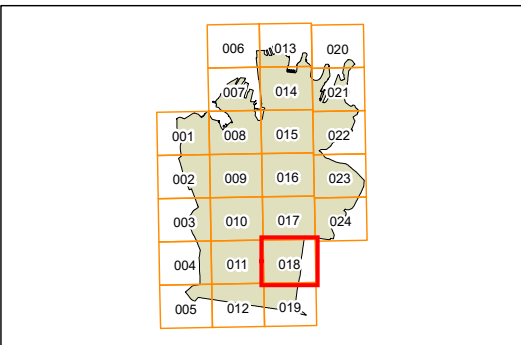



Heritage Conservation  
Map - Sheet HER\_018


**Heritage**  
 Conservation Area - General

**Cadastre**  
 Cadastre 04/08/2025 © City of Sydney

- Notes:
- 1. No changes are proposed to heritage items.
  - 2. Changes are proposed to the boundaries of the following Heritage Conservation Areas:
    - C12 Oxford Street and Victoria Street
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    - C71 Woolloomooloo



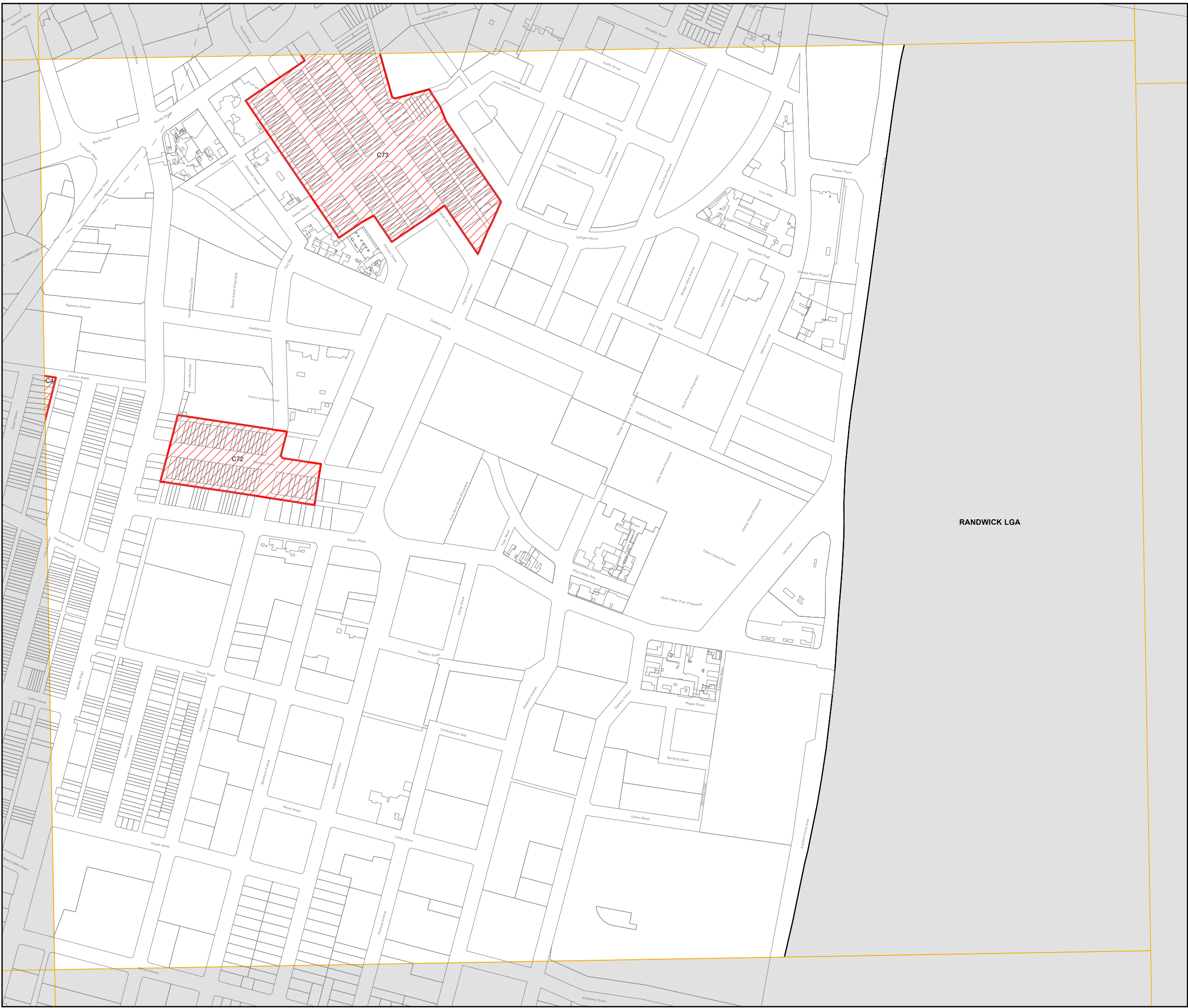
  
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Projection: GDA 2020  
Zone 56


Map identification number:  
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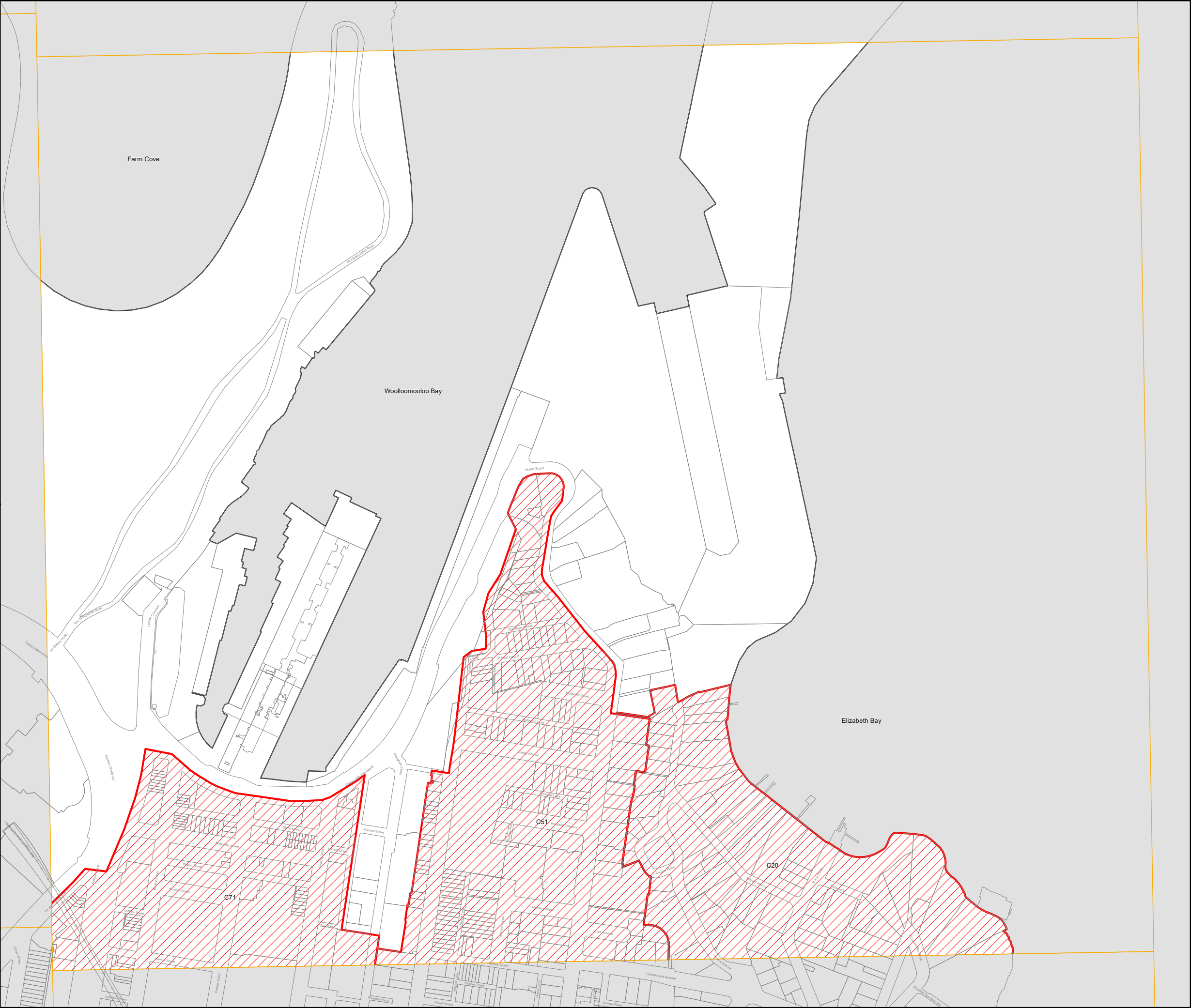
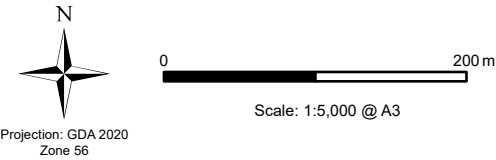
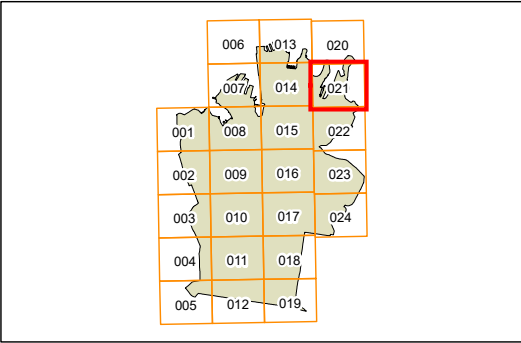


Heritage Conservation  
Map - Sheet HER\_021

**Heritage**  
 Conservation Area - General



**Cadastre**  
 Cadastre 04/08/2025 © City of Sydney

- Notes:
- 1. No changes are proposed to heritage items.
  - 2. Changes are proposed to the boundaries of the following Heritage Conservation Areas:
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    - C66 Reservoir Street and Fosterville
    - C71 Woolloomooloo

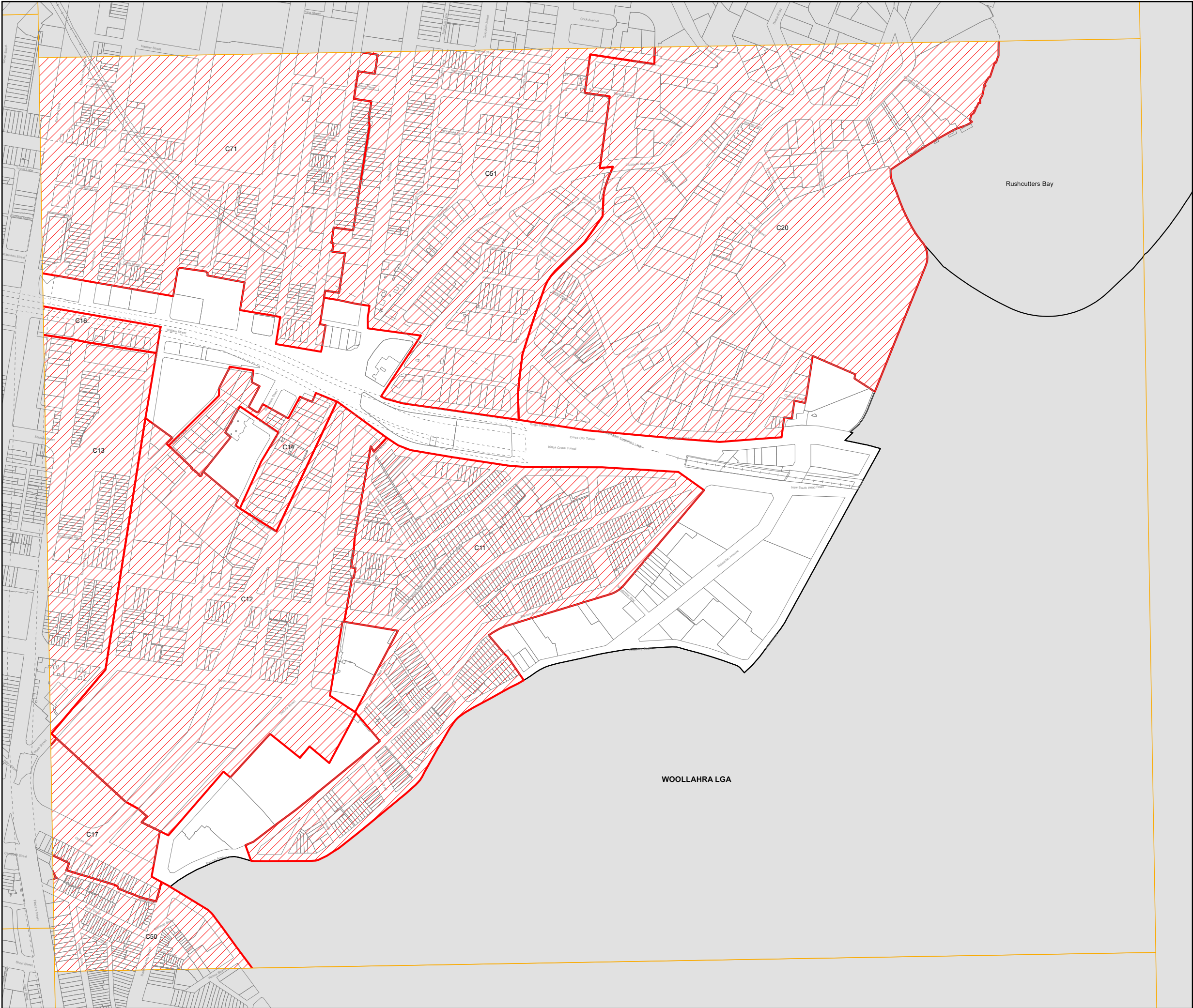
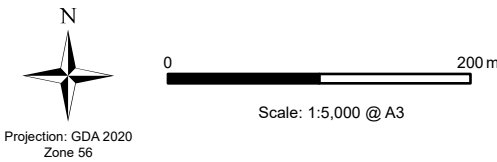
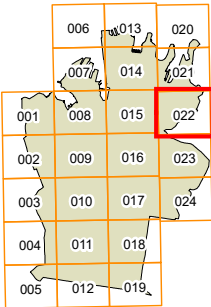




Heritage Conservation  
Map - Sheet HER\_022



- Heritage**
-  Conservation Area - General
- Cadastre**
-  Cadastre 04/08/2025 © City of Sydney

- Notes:
1. No changes are proposed to heritage items.
  2. Changes are proposed to the boundaries of the following Heritage Conservation Areas:  
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C65 Little Riley Street  
C66 Reservoir Street and Fosterville  
C71 Woolloomooloo

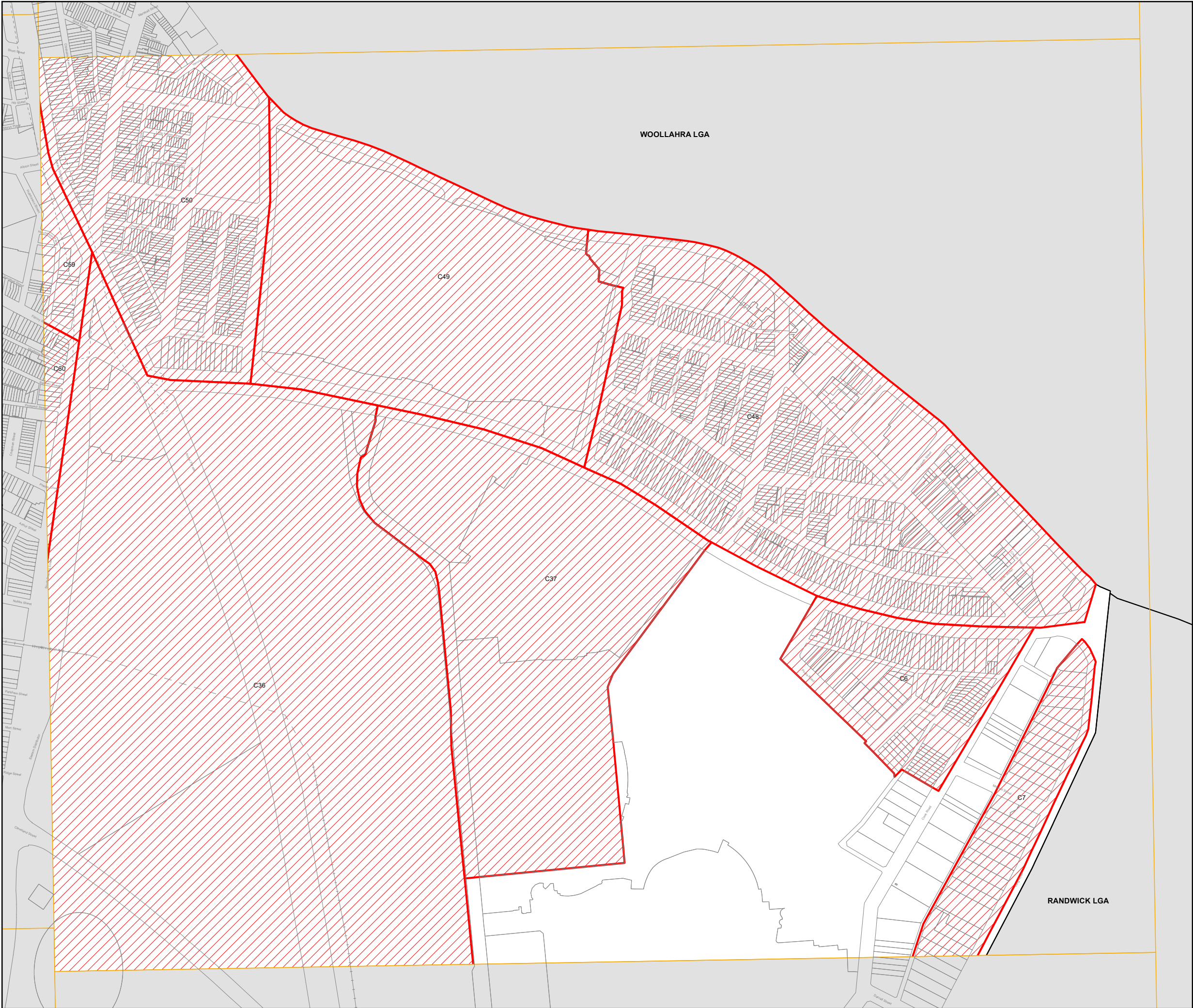
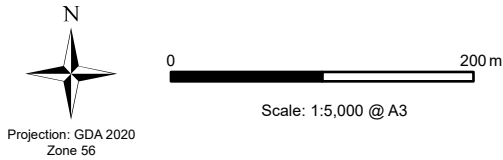
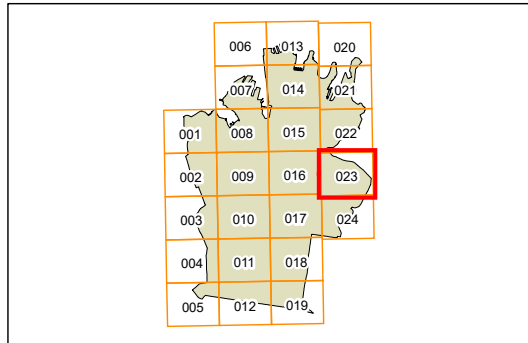




Heritage Conservation  
Map - Sheet HER\_023


- Heritage**
-  Conservation Area - General
- Cadastral**
-  Cadastral 04/08/2025 © City of Sydney


- Notes:
1. No changes are proposed to heritage items.
  2. Changes are proposed to the boundaries of the following Heritage Conservation Areas:  
C12 Oxford Street and Victoria Street  
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C65 Little Riley Street  
C66 Reservoir Street and Fosterville  
C71 Woolloomooloo





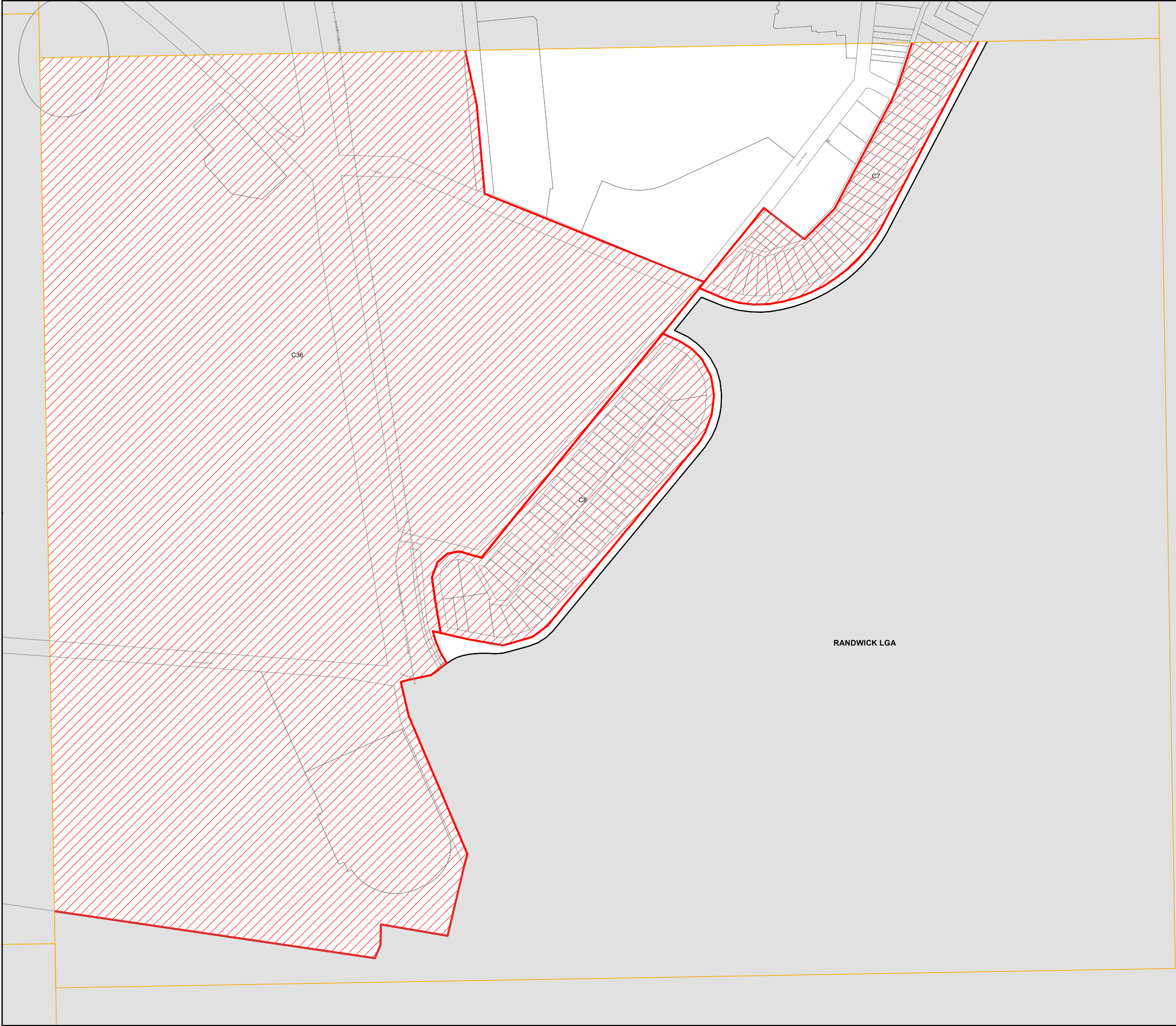
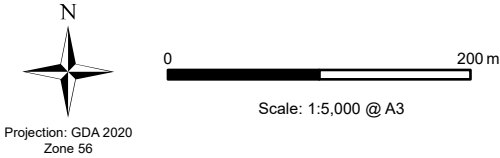
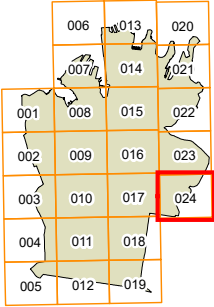
Heritage Conservation  
Map - Sheet HER\_024

**Heritage**  
 Conservation Area - General

**Cadastral**  
 Cadastral 04/08/2025 © City of Sydney

- Notes:
- 1. No changes are proposed to heritage items.
  - 2. Changes are proposed to the boundaries of the following Heritage Conservation Areas:
    - C12 Oxford Street and Victoria Street
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    - C36 Moore Park
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    - C56 Redfern Estate
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    - C65 Little Riley Street
    - C66 Reservoir Street and Fosterville
    - C71 Woolloomooloo

63









# **Attachment C**

<p><b>Draft Sydney DCP 2012 Amendment Conservation Areas Review</b></p>
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# Draft Sydney Development Control Plan 2012: Conservation Areas Review









## Draft Sydney Development Control Plan 2012 Amendment Conservation Areas Review

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### The purpose of the Development Control Plan

The purpose of this Development Control Plan (DCP) is to amend the Sydney Development Control Plan 2012, which was adopted by Council on 14 May 2012 and came into effect on 14 December 2012.

The provisions guide future development of all land to which this development control plan applies.

---

### Amendment to Sydney Development Control Plan 2012

1. Amend Glossary of Terms as shown in Appendix A
  2. Amend Section 3.9 – Heritage as shown in Appendix B
  3. Amend the relevant sections of the DCP including maps as described at Appendix C
- 

### Citation

This amendment may be referred to as Draft Sydney Development Control Plan 2012 Amendment Conservation Area Review

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### Land covered by this plan

This plan applies to all land within the City of Sydney.



## Appendix A - Amended Glossary of Terms

Amend the Glossary of Terms by inserting the following:

**Adaptation** means changing a place to suit the existing use or a proposed use, as defined by the Burra Charter.

**Alter** means structural changes to a heritage item or to a building or work within a heritage conservation area, or to make non-structural changes to the detail, fabric, finish or appearance of the heritage item, or building or work within a heritage conservation area, but not changes that involve the repair and maintenance of existing detail, fabric or finish or appearance of the outside of the heritage item, or building or work within a heritage conservation area.

**Burra Charter** means the best practice principles for managing heritage places in Australia, by Australia International Council of Monuments and Sites (Australia ICOMOS), used to guide conservation of heritage items and heritage conservation areas in the City of Sydney.

**Conservation** means all the processes of looking after a place so as to retain its heritage significance. These processes may include maintenance, preservation, repair, restoration, reconstruction or adaptation, as defined by the Burra Charter.

**Contributing building** means a building and/or site that contributes to the stated heritage significance of a heritage conservation area. Contributing buildings and sites are from a significant historical period and are either:

- substantially intact; or
- altered, yet recognisable from the development phase during the significant historical period.

**Detracting building** means a building and/or site that detracts from the stated heritage significance of a heritage conservation area. Detracting buildings are:

- not from a significant historical period; and
- unsympathetic to the significant historical features and patterns of the heritage conservation area.

**Fabric** means all the physical material of the place including elements, fixtures, contents and objects, as defined by the Burra Charter.

**Industrial building/site** means a building or site designed for, or used for the manufacturing, repair/ servicing of equipment/machinery, storage of goods for commercial purposes, and warehousing. It includes, but is not limited to, factories, electricity substations, tram and railway facilities, motor garages and service stations.

**Infill development** means a new building/s within a heritage conservation area or other historic context.

**Interpretation** means all the ways of presenting the heritage significance of a place. It may be through the treatment of the fabric, use of and activities at the place and/or the use of introduced explanatory material, as defined by the Burra Charter.

**Local or state heritage significance** has the same meaning as defined in section 4A of the Heritage Act 1977.

**Maintenance** means the continuous protective care of a place, and its setting. It is distinguished from repair which involves restoration or reconstruction, as defined by the Burra Charter.

**Neutral building** means a building and/or site that makes a neutral contribution to the stated heritage significance of a heritage conservation area. These buildings or sites may have some contributing or detracting elements. Neutral buildings or sites are either:

- substantially altered buildings or sites from a significant historical period, where alterations are substantial and detract from significance; or



- sympathetic buildings and sites from a non-significant historical period that do not detract from the heritage significance of the heritage conservation area.

**Place** means a geographically defined area. It may include elements, objects, spaces and views. Place may have tangible and intangible dimensions, as defined by the Burra Charter.

**Potential heritage item** means a place, building, work, relic or moveable object of assessed local or state heritage significance yet to be listed for the level of heritage significance.

**Preservation** means maintaining a place in its existing state and retarding deterioration, as defined by the Burra Charter.

**Reconstruction** means returning a place to a known earlier state and is distinguished from restoration by the introduction of new material, as defined by the Burra Charter.

**Repair** means restoration or reconstruction, as defined by the Burra Charter.

**Restoration** means returning a place to a known earlier state by removing accretions or by reassembling existing elements without the introduction of new material, as defined by the Burra Charter.

**Setting** means the immediate and extended environment of a place that is part of or contributes to its heritage significance.

**Significant historical period** means the key period/s of development that contribute to the heritage significance of a heritage conservation area. A heritage conservation area may have one or more significant historical period: Colonial, Victorian, Federation, Inter-War, Post-War and Post-1960. The conservation area inventories on the NSW online heritage database provide a summary of the significance and significant historical period(s) of heritage conservation areas.

**Vicinity or in the vicinity of heritage items or heritage conservation area** means land beyond the property boundary of the heritage item or conservation area, located within or affecting the setting or views to the heritage item or heritage conservation area, including but not limited to adjacent land, determined by the consent authority on a site by site basis.



## Appendix B - Amended Section 3.9 Heritage

Replace Section 3.9 with the following and re-number remaining sections as required:

### 3.9

#### Heritage

City of Sydney has a rich and diverse heritage from all periods of Australia's history, before and after European settlement, embodied in its buildings, places and precincts. These are listed as heritage items and heritage conservation areas under the Sydney Local Environmental Plan 2012. These heritage listings identify the buildings, places and precincts worth keeping because of their inherent value, known as heritage significance. Greater than the sum of their parts, heritage items and conservation areas enrich the identity and character of Sydney's local places in a way that cannot be authentically reproduced. Heritage items and conservation areas provide tangible links to the past. They also contribute to building diversity, liveability and sustainability, now and into the future.

Heritage conservation does not preclude change but carefully guides change to retain the heritage significance of historic places. Conservation processes include maintenance, preservation, repair, restoration, reconstruction or adaptation.

This DCP is consistent with the Australia International Council on Monuments and Sites (ICOMOS) Charter for Places of Cultural Significance (The Burra Charter). This DCP implements the conservation practice principle that decisions about heritage places are based on their heritage significance. It encourages development to recognise and enhance the significance of heritage places.

The following heritage provisions apply to properties identified as:

- a heritage item in Schedule 5 of Sydney LEP 2012;
- being within a heritage conservation area identified in the heritage map of Sydney LEP 2012, with buildings graded in the Sydney DCP 2012 maps;
- being located in the direct vicinity of heritage items and heritage conservation areas;
- a building older than 50 years, assessed to be of heritage significance;
- an Aboriginal place of heritage significance or containing Aboriginal objects; or
- sites containing or potentially containing Aboriginal or European archaeological relics.

Heritage inventories containing more information about Sydney's heritage items and conservation areas can be found on the website of Heritage NSW.

It is the responsibility of the applicant to assess potential heritage significance.

##### General objectives

- (a) Development respects and conserves the heritage significance of heritage items, heritage conservation areas, Aboriginal places and objects, archaeological sites, potential heritage items and buildings over 50 years that are assessed to be of heritage significance.
- (b) Prevent demolition of heritage items, contributing buildings, buildings over 50 years that are assessed to be of heritage significance, potential heritage items or contributing buildings.
- (c) Allow only sympathetic infill development, alterations and additions and compatible use of heritage items, buildings in conservation areas and buildings over 50 years that are assessed to be of heritage significance, that retain significant fabric, setting and public views.
- (d) Ensure development that affects heritage is supported by detailed heritage



management documents.

### **3.9.1 Heritage impact statements**

#### **Objectives**

- (a) Ensure the heritage significance of buildings and places is clearly documented and assessed.
- (b) Ensure proposed changes to buildings and places of heritage significance will retain this significance is clearly documented and assessed.

#### **Provisions**

- (1) A Heritage Impact Statement is to be submitted as part of the Statement of Environmental Effects for development applications affecting:
  - (a) heritage items identified in the Sydney LEP 2012; or
  - (b) properties within a Heritage Conservation Area identified in Sydney LEP 2012.
- (2) The consent authority may not grant consent to a development application that proposes substantial demolition or major alterations to a building older than 50 years until it has considered its heritage impact. A pre-development application consultation is required to determine whether a heritage impact statement is required for work proposed. If required, the heritage significance of a building and the impact the proposed development has on the building and its setting must accompany any subsequent application.
- (3) A Heritage Impact Statement is to be prepared by a suitably qualified person, such as a heritage consultant. Guidelines for the preparation of Statements of Heritage Impact are available on the website of the Heritage Branch, NSW Department of Planning at [www.heritage.nsw.gov.au](http://www.heritage.nsw.gov.au).
- (4) The Heritage Impact Statement is to address:
  - (a) the heritage significance of the heritage item or the contribution which the building makes to the heritage significance of the heritage conservation area;
  - (b) the options that were considered when arriving at a preferred development and the reasons for choosing the preferred option;
  - (c) the impact of the proposed development on the heritage significance of the heritage item, heritage items within the vicinity, or the heritage conservation area; and
  - (d) the compatibility of the development with conservation policies contained within an applicable Heritage Conservation Management Plan or Conservation Management Strategy, or conservation policies within the Sydney Heritage Inventory Report.
- (5) Where the site adjoins another local government area, the Heritage Impact Statement is to address the potential impact on adjoining or nearby heritage items or heritage conservation areas in the adjoining local government area.
- (6) Where the development application proposes the full or substantial demolition of a heritage item, or a contributory building within a heritage conservation area, the Heritage Impact Statement is to:
  - (a) demonstrate why the building is not capable of retention or re-use;
  - (b) include a statement from a quantity surveyor comparing the cost of demolition to the cost of retention if the demolition is recommended primarily on economic grounds;
  - (c) include a report by a suitably qualified structural engineer if the demolition is proposed on the basis of poor structural condition; and



- (d) include a pest inspection report if the building is a weatherboard building.
- (7) When giving consent to the full or partial demolition of a heritage item, a building in a heritage conservation area, or a building older than 50 years, Council may require photographic recording of the building as a condition of consent.

### **3.9.2 Conservation management plans**

#### **Objective**

- (a) Provide a document that includes a detailed assessment of heritage items and best practice guidance on change to conserve their heritage significance.

#### **Provisions**

- (1) A conservation management plan is a heritage management document required for the following:
  - (a) a change of use of a heritage item of state heritage significance;
  - (b) substantial alterations and/or additions to a heritage item for items of state heritage significance or when the consent authority (or other heritage authority) indicates the building is of potential state heritage significance;
  - (c) substantial development to a heritage item of local significance at the request of the consent authority;
  - (d) an award of heritage floor space under Sydney LEP 2012;
  - (e) a development application that relies on the conservation incentives in Sydney LEP 2012 to overcome a prohibition.
- (2) A conservation management plan is to be prepared:
  - (a) by a suitably qualified person with appropriate heritage experience and qualifications for the type of place; and
  - (b) in accordance with guidelines issued by the Heritage Council of NSW (including the 'NSW Heritage Manual'), the Australian ICOMOS 'Burra Charter' and 'The Conservation Plan' by J.S. Kerr.
- (3) The conservation management plan is to consider and describe compliance with recommended management policies contained in the heritage inventory for the property or heritage conservation area.
- (4) The conservation management plan is to include:
  - (a) investigation of physical and documentary evidence of the building or place;
  - (b) comparative analysis of its heritage significance with other buildings or places of similar types;
  - (c) curtilage assessment for the building or place, its landscape and setting;
  - (d) assessment of the significance of the heritage item and relative significance of component parts against the NSW heritage assessment criteria;
  - (e) investigation of the constraints and opportunities for management of the item including the owner's needs and resources, the item's physical condition and external constraints;
  - (f) conservation policies, which address but are not limited to the following:
    - (i) conservation of the significance of the heritage item
    - (ii) compatible uses of the heritage item;
    - (iii) conservation of the fabric and setting of the heritage item;
    - (iv) appropriate ways to interpret the significance of the heritage item;



- (v) schedule of conservation works and cyclical maintenance requirements; and
  - (vi) guidelines for appropriate changes and future development that will retain heritage significance; and
  - (g) priorities for implementation of conservation policies.
- (5) In certain cases, the consent authority may accept a conservation management strategy in place of a conservation management plan for heritage items of local heritage significance, prepared in accordance with the guidelines issued by Heritage NSW.

### **3.9.3 Archaeological assessments**

#### **Objective**

- (a) Ensure that sites that have or may have archaeological significance or that may contain items or features of archaeological significance, are appropriately assessed and managed prior to the sites being disturbed.

#### **Provisions**

- (1) An archaeological assessment is a heritage management document to be prepared by a suitably qualified archaeologist in accordance with the guidelines prepared by Heritage NSW.
- (2) An archaeological assessment is to be submitted as part of the statement of environmental effects for a development application affecting an archaeological site, a place of Aboriginal heritage significance or a potential archaeological site that is likely to have heritage significance.
- (3) For development proposals in Central Sydney, reference is to be made to the Central Sydney Archaeological Zoning Plan for archaeological potentials.
- (4) An archaeological assessment is to include:
- (a) an assessment of the archaeological potential of the archaeological site or place of Aboriginal heritage significance;
  - (b) the heritage significance of the archaeological site or place of Aboriginal heritage significance;
  - (c) the probable impact of the proposed development on the heritage significance of the archaeological site or place of Aboriginal heritage significance;
  - (d) the compatibility of the development with conservation policies contained within an applicable conservation management plan or conservation management strategy; and
  - (e) a management strategy to conserve the heritage significance of the archaeological site or place of Aboriginal heritage significance.
- (5) If there is any likelihood that the development will have an impact on significant archaeological relics, development is to ensure that the impact is managed according to the assessed level of heritage significance of those relics.

### **3.9.4 Development of state significant or multiple heritage items**

#### **Objective**

- (a) Ensure thorough heritage impact assessment is undertaken for proposed changes with potential for major impact.

#### **Provisions**

- (1) These provisions apply to development that will introduce major changes to a heritage item of state heritage significance or a development site containing more than one heritage item, if the development involves:
- (a) demolition that will result in a reduction of the building envelope of the



- heritage item by more than 35%;
  - (b) an increase in the size of the building envelope of the heritage item by more than 20%; or
  - (c) building over more than 20% of a heritage item's building footprint area above the item.
- (2) When considering an application for development to which these provisions apply, the Council may:
- (a) appoint a committee that includes heritage professionals to examine and advise on the merits of the proposal;
  - (b) be satisfied that that committee has followed an appropriate process for the purpose of that examination; and
  - (c) consider the advice of the committee, but is not bound by the advice of the committee.
- (3) 3.9.4(1) and 3.9.4(2) do not apply to heritage items of state heritage significance where they are no more than four storeys and have a building footprint less than 100 square metres.

### **3.9.5 Demolition**

These provisions apply when a development application proposes partial or full demolition of; a heritage item, draft heritage item; or contributing building; or a building older than 50 years considered to be of heritage significance.

#### **Objective**

- (a) Prevent erosion of significance of heritage items, draft heritage items, conservation areas, contributing buildings and buildings older than 50 years assessed to be of heritage significance through partial or full demolition of buildings.
- (b) Conserve the integrity of significant buildings and areas as a whole, including fabric, setting and views.
- (c) Ensure partial or full demolition of heritage items, draft heritage items, contributing buildings and buildings older than 50 years assessed to be of heritage significance, is only carried out where there is no other reasonable alternative.

#### **Provisions**

- (1) Applications for demolition must demonstrate that:
  - (a) the heritage significance of the building or the part of building proposed for demolition is insufficient to warrant its retention;
  - (b) the building is incapable of conservation, retention or re-use; or
  - (c) the building is structurally compromised to the point where demolition is the only alternative; or
- (2) An application for full demolition will only be supported where there is no other reasonable alternative and must be supported by appropriate evidence as follows:
  - (a) where the demolition is proposed on the basis of poor structural condition, a report by a suitably qualified structural engineer detailing the building's structural condition and the reasons the building is incapable of conservation; and/or
  - (b) where demolition is proposed on economic grounds a statement from a quantity surveyor comparing the cost of demolition to the cost of retention
  - (c) if the building is a weatherboard building, a pest inspection report or structural report detailing the reasons the building is incapable of conservation.
- (3) The Council may advise that these reports are unnecessary in the event of an



emergency or danger to the public.

- (4) Other than for demolition in the above exceptional circumstances, development is to conserve the significance and integrity of buildings as a whole - not limited to facades - including the:
  - (a) building form, massing and scale;
  - (b) other historic features and development patterns;
  - (c) building structure supporting the facades;
  - (d) heritage item interiors in line with the provisions in 3.9.6.
- (5) Any internal or partial demolition must retain the structural integrity of the building including elements such as party walls and significant original chimneys.
- (6) Where the consent authority approves demolition in the above exceptional circumstances, the following may be required as a condition of consent:
  - (a) a comprehensive documentation of the building; and
  - (b) salvaging and recycling of historic building elements and materials.

#### **3.9.6 Heritage items**

##### **Objective**

- (a) Development and change of use conserve the heritage significance of heritage items, including fabric, setting and views.

##### **Provisions**

- (1) Development including change of use of a heritage item is to minimise negative impacts on heritage significance by:
  - (a) not removing, altering, damaging or obscuring significant elements of the heritage item;
  - (b) minimising change to significant internal and external fabric and spaces;
  - (c) being reversible so new work can be removed with minimal damage or impact to significant building fabric;
  - (d) providing for compatible uses for the item and its significance;
  - (e) where upgrades are proposed, including any National Construction Code upgrade or the introduction of services, development is to ensure it has minimal impact on significant fabric, elements or spaces;
  - (f) locating contemporary functions and services that require irreversible or major change in less significant parts of the item, or in sympathetic additions to the item;
  - (g) ensuring internal changes do not compromise the external appearance of the building;
  - (h) retaining or minimising changes to significant internal space configurations and ensuring they are evident and can be interpreted;
  - (i) preserving the pattern, style and dimensions of original windows and doors;
  - (j) using traditional techniques and materials where possible for repair and reconstruction or alterations and additions of traditional construction, unless new techniques and materials can offer substantial conservation benefits; and
  - (k) interpreting the significant values and uses of the item through the treatment of the item's fabric, spaces and setting; and
  - (l) providing on-site interpretation, which may include the use of historic artefacts including the in-situ retention of movable heritage fabric, machinery and signs.



- (2) Development in the direct vicinity of a heritage item is to minimise the impact on the setting and integrity of the item by:
  - (a) not undermining the heritage structure including its footings;
  - (b) taking proper measures to protect the heritage building from damage during construction;
  - (c) providing an adequate area around the building to allow interpretation of the heritage item; and
  - (d) protecting significant views to the heritage building or place.

### **3.9.7 Heritage conservation areas**

Buildings and sites within heritage conservation areas (conservation areas) make differing contributions to the heritage significance of the area based on their period of construction, integrity and compatibility of alterations and additions. Significant historic periods for each conservation area include one or more periods of: Colonial, Victorian, Federation, Inter-War, Post-War and Post-1960. Buildings and sites are graded as contributing, neutral or detracting to indicate their overall contribution to the significance of the area, as shown on the *Building Contributions map*. Heritage items are not graded for their contribution to the conservation area.

Buildings and sites that make a positive contribution to the heritage significance of a heritage conservation area are described as contributing. Contributing buildings and sites are from a significant historical period and are either:

- substantially intact; or
- altered, yet recognisable from the development phase during the significant historical period.

Where the post-war (1945-1960) or late twentieth century (1960-) periods are significant for the area, the important examples from this period are described as contributing buildings.

Buildings and sites that neither contribute nor detract from the heritage significance of the conservation area are described as being neutral. These buildings or sites may have some contributing and/or detracting elements. Neutral buildings or sites are either:

- substantially altered buildings or sites from a significant historical period, where alterations are substantial and detract from significance; or
- sympathetic buildings and sites from a non-significant historical period that do not detract from the heritage significance of the heritage conservation area.

Buildings and sites that detract from the heritage significance of a heritage conservation area are described as detracting. Detracting buildings are:

- not from a significant historical period; and
- unsympathetic to the significant historical features and patterns of the heritage conservation area.

### **Objectives**

- (a) Development conserves the significance of heritage conservation areas including fabric, setting and views.
- (b) Development respects and conserves the heritage significance of contributing buildings and neutral buildings from significant historic periods.
- (c) Development does not increase the negative impact of detracting buildings and elements on the significance of heritage conservation areas.
- (d) Development reinforces historic features and patterns characteristic of the streetscape within heritage conservation areas.

### **Provisions**



- (1) All development, including alterations and additions and infill development, in a heritage conservation area is to:
  - (a) conserve contributing buildings and enhance their positive contribution to the heritage significance of the area;
  - (b) conserve neutral buildings from significant historic periods to maintain or enhance their contribution to the heritage significance of the conservation area;
  - (c) for neutral buildings, ensure the bulk and scale of the proposed development retains consistency with the surrounding contributing buildings when viewed from the primary street, as envisaged under the development controls;
  - (d) not increase the negative impact of detracting buildings and elements on the heritage significance of the conservation area; and
  - (e) respond sympathetically to its heritage context.
- (2) Development within a heritage conservation area is to be compatible with the surrounding built form and urban pattern by addressing the heritage conservation area statement of significance and responding sympathetically to:
  - (a) topography and landscape;
  - (b) views to and from the site;
  - (c) significant subdivision patterns and layout, and front and side setbacks;
  - (d) the type, siting, form, height, bulk, roofscape, scale, materials and details of adjoining or nearby contributory buildings;
  - (e) the interface between the public domain and building alignments and property boundaries; and
  - (f) colour schemes that have a hue and tonal relationship with traditional colour schemes.
- (3) New infill buildings and alterations and additions to existing buildings in a heritage conservation area are not to be designed as a copy or replica of other buildings in the area, but are to complement the character of the heritage conservation area by sympathetically responding to the matters identified in (2)(a) to (e) above at the primary street frontage.
- (4) Alterations and additions to a contributing building or neutral building from a significant historical period must not demolish or alter the appearance of significant facades, except:
  - (a) to remove detracting elements;
  - (b) to restore and/or reconstruct significant elements and details, including but not limited to, balconies and verandahs, fences, chimneys, joinery and shop front detailing;
  - (c) the addition of sympathetic dormer window(s); or
  - (d) the addition of sympathetic windows to the side elevation of a corner building;
- (5) Alterations and additions to a contributing building or neutral building from a significant historical period are to conserve significant historic features (where they exist) such as:
  - (a) structural integrity of the building, including elements such as party walls and chimneys;
  - (b) significant roof details, chimney details, metalwork and downpipes; and
  - (c) foyers and other significant interior features such as hallway detailing, panelling, fireplaces, staircases, and ceilings designed to be visible from a public place or in spaces intended to be accessible to the public.



- (6) Neutral buildings not from a significant historic period and detracting buildings are permitted to be demolished if the demolition will not damage any building or elements that are significant and required to be retained on adjoining properties.
- (7) Alterations and additions to neutral buildings not from a significant period and detracting buildings are to enhance the heritage significance of the area by:
  - (a) removing elements that detract from the significance of the conservation area;
  - (b) complementing and reinforcing significant historic features and patterns without imitating or replicating details.
- (8) New infill development, and alterations and additions to detracting buildings and neutral buildings that are not from a significant historic period and are visible from the primary frontage are to:
  - (a) complement and reinforce significant historic features without imitating or replicating details;
  - (b) employ architectural detail and materials at least equal in quality and level of detail to the highest quality found in neighbouring contributing buildings; and
  - (c) have a contemporary character; materials and design detailing must respond to (but not copy) elements and details observed in neighbouring contributing buildings, such as brickwork, decorative string courses, brick bonds, rendered/painted banding and other masonry work.
- (9) Development must not include garages and car access to the front of the development, where these are not characteristic of the heritage conservation area.
- (10) Existing face brickwork and stone walls are not to be coated, rendered or painted.
- (11) Original materials are to be retained, unless it can be demonstrated that significant deterioration has occurred and repair is not practical. Any replacement should be with similar materials.
- (12) Development along King Street, Newtown and certain properties adjacent is to be consistent with the King Street and Enmore Road Paint Scheme, available on the City's website, [www.cityofsydney.nsw.gov.au](http://www.cityofsydney.nsw.gov.au).
- (13) Solar water heater storage tanks, ventilators, wind generators, air conditioning units, satellite dishes and antennae and the like, are not to be located on the principal roof plane of heritage items or in heritage conservation areas.
- (14) Solar collector or photovoltaic panels may be located on buildings in a heritage conservation area. Where solar collector or photovoltaic panels are proposed on the principal roof plane of a contributory building in a heritage conservation area, the panels are to be installed parallel to the pitch of roof. The panels must make minimal intrusive change to significant roof fabric.

Note: see the City's Guideline for solar panels in heritage conservation areas on our website for installation guidance.
- (15) A structural engineering report from suitably qualified engineer is required if a proposed excavation within or adjacent to the development site may impact on structures to be retained. The reports must specify the retention design and mitigation measures to avoid or minimise the impact.



**Figure 3.XX and 3.XX**

Infill development in a  
heritage conservation area  
80-82 Windmill St Millers  
Point





**Figure 3XX**

Infill development in a  
heritage conservation area -  
52 Reservoir Street, Surry  
Hills



- 
- (16) Original public domain elements of streets, lanes, parks and other public places in heritage conservation areas are to be retained where they contribute to the heritage significance of the heritage conservation area, including but not limited to:
- (a) evidence of early road surfaces and associated features;
  - (b) stone kerbing, guttering and paving;
  - (c) sandstone steps and retaining walls;
  - (d) street furniture;
  - (e) cast iron letterboxes;
  - (f) fountains;
  - (g) signposts;
  - (h) light posts;
  - (i) original pavement lights (typically glass blocks set into the footpath);
  - (j) fences;
  - (k) railings;
  - (l) trachyte or sandstone; and
  - (m) milestones and ward markers.



**Figure 3.XX**

Significant public domain elements:  
Ward boundary marker, Cardigan Street and El Alamein fountain



- (17) The removal of significant features of public places will only be considered if:
- (a) their retention in place has been demonstrated not to be reasonably practical in a heritage impact statement; and
  - (b) they are to be replaced with either:
    - (i) details and materials that match the period and significant historical features and patterns of the street or park in which they are located; or
    - (ii) contemporary interpretation of the features.



## Appendix C

Insert the following provisions in the relevant part of the DCP

amend relevant DCP maps to align with LEP changes to existing heritage conservation area boundaries, including introduction of the following properties with the following contributory status to the DCP Building contribution maps:

Changes to Contribution status as a result of changes to HCA boundaries		
TPK	Address	DCP Building Contribution
Added to HCA C20 – Elizabeth and Rushcutters Bays		
514669	8 Macleay Street, POTTS POINT, 2011	Contributory
Added to HCA C66 – Reservoir Street and Fosterville		
518025	95 Commonwealth Street, SURRY HILLS	Contributory
512606	97 Commonwealth Street, SURRY HILLS	Contributory
512607	99 Commonwealth Street, SURRY HILLS	Contributory
512608	101 Commonwealth Street, SURRY HILLS	Contributory
512609	103 Commonwealth Street, SURRY HILLS	Contributory
512610	105 Commonwealth Street, SURRY HILLS	Contributory
512611	107 Commonwealth Street, SURRY HILLS	Contributory
512612	109 Commonwealth Street, SURRY HILLS	Contributory
512613	111 Commonwealth Street, SURRY HILLS	Contributory
512614	113 Commonwealth Street, SURRY HILLS	Contributory
512615	113A Commonwealth Street, SURRY HILLS	Contributory

and:

Remove the following text from the preamble to Section 3.10.1 – Warehouses and industrial buildings older than 50 years







# **Attachment D**

<p><b>Council and Central Sydney Planning Committee Resolutions</b></p>
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## Resolution of Council

**11 December 2023**

**Item 9.6**

**Public Exhibition - Planning Proposal - Conservation Areas Review - Sydney Local Environmental Plan 2012 and Sydney Development Control Plan 2012 Amendment**

It is resolved that:

- (A) Council approve Planning Proposal – Conservation Areas Review, shown at Attachment A to the subject report, for submission to the Department of Planning and Environment with a request for a Gateway Determination;
- (B) Council approve Planning Proposal – Conservation Areas Review, shown at Attachment A to the subject report for public authority consultation and public exhibition in accordance with any conditions imposed under the Gateway Determination;
- (C) Council seek authority from the Department of Planning and Environment to exercise the delegation of all functions as the relevant local plan making authority under Section 3.36 of the Environmental Planning and Assessment Act 1979 to make the local environmental plan and put into effect the Planning Proposal – Conservation Areas Review;
- (D) Council approve draft Sydney Development Control Plan 2012 Amendment – Conservation Areas Review, shown at Attachment C to the subject report, for public authority consultation and public exhibition together with the planning proposal; and
- (E) authority be delegated to the Chief Executive Officer to make any minor variations to Planning Proposal – Conservation Areas Review and draft Sydney Development Control Plan 2012 Amendment – Conservation Areas Review, to correct any drafting errors or to ensure consistency with the Gateway Determination.

Carried unanimously.

X031159



## Resolution of Central Sydney Planning Committee

**7 December 2023**

### **Item 8**

#### **Public Exhibition – Planning Proposal – Conservation Areas Review – Sydney Local Environmental Plan 2012 and Sydney Development Control Plan 2012 Amendment**

Moved by the Chair (the Lord Mayor), seconded by Councillor Worling –

It is resolved that:

- (A) the Central Sydney Planning Committee approve Planning Proposal – Conservation Areas Review, shown at Attachment A to the subject report, for submission to the Department of Planning and Environment with a request for a Gateway Determination;
- (B) the Central Sydney Planning Committee approve Planning Proposal – Conservation Areas Review, shown at Attachment A to the subject report, for public authority consultation and public exhibition in accordance with any conditions imposed under the Gateway Determination;
- (C) the Central Sydney Planning Committee note the recommendation to Council's Transport, Heritage and Planning Committee on 4 December 2023, that Council seek authority from the Department of Planning and Environment to exercise the delegation of all functions as the relevant local plan making authority under Section 3.36 of the Environmental Planning and Assessment Act 1979 to make the local environmental plan and put into effect the Planning Proposal – Conservation Areas Review;
- (D) the Central Sydney Planning Committee note the recommendation to Council's Transport, Heritage and Planning Committee on 4 December 2023, that Council approve draft Sydney Development Control Plan 2012 Amendment – Conservation Areas Review, shown at Attachment C to the subject report, for public authority consultation and public exhibition together with the planning proposal; and



- (E) authority be delegated to the Chief Executive Officer to make any minor variations to Planning Proposal – Conservation Areas Review and draft Sydney Development Control Plan 2012 Amendment – Conservation Areas Review, to correct any drafting errors or to ensure consistency with the Gateway Determination.

Carried unanimously.

X031159



# **Attachment E**

**Gateway Determination and Report  
dated 23 January 2025**



## Gateway Determination

**Planning proposal (Department Ref: PP-2023-2887):** to amend Sydney LEP 2012 to make minor adjustments to conservation area boundaries across several heritage conservation areas in the LGA.

I, the A/Executive Director, Local Planning and Council Support at the Department of Planning, Housing and Infrastructure, as delegate of the Minister for Planning and Public Spaces, have determined under section 3.34(2) of the *Environmental Planning and Assessment Act 1979* (the Act) that an amendment to the *Sydney Local Environmental Plan 2012* to make minor adjustments to conservation area boundaries across several heritage conservation areas in the LGA should proceed subject to the following:

The Council as planning proposal authority is authorised to exercise the functions of the local plan-making authority under section 3.36(2) of the Act subject to the following:

- (a) the planning proposal authority has satisfied all the conditions of the gateway determination;
- (b) the planning proposal is consistent with applicable directions of the Minister under section 9.1 of the Act or the Secretary has agreed that any inconsistencies are justified; and
- (c) there are no outstanding written objections from public authorities.

The LEP should be completed on or before 20 November 2025.

### Gateway Conditions

1. Prior to exhibition, the planning proposal is to be amended to:
  - (a) Remove the proposed local provision to amend the maximum height of building for small scale buildings in Heritage Conservation Areas;
  - (b) Include the amended justification for the Heritage Conservation Area boundaries as submitted to the Department on 13 May 2024;
  - (c) Confirm and clarify any savings provisions proposed;
  - (d) Assess the sites that are being added to heritage conservation areas against the criteria for significance in the *Heritage Act 1977* and *Assessing Heritage Significance* (Department of Planning and Environment, June 2023).
  - (e) Remove reference to State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004.
2. Public exhibition is required under section 3.34(2)(c) and clause 4 of Schedule 1 to the Act as follows:
  - (f) the planning proposal is categorised as standard as described in the *Local Environmental Plan Making Guideline* (Department of Planning and Environment, August 2023) and must be made publicly available for a minimum of 20 working days; and



- (g) the planning proposal authority must comply with the notice requirements for public exhibition of planning proposals and the specifications for material that must be made publicly available along with planning proposals as identified in *Local Environmental Plan Making Guideline* (Department of Planning and Environment, August 2023).

Dated 23 January 2025



**Daniel Thompson**  
**A/Executive Director**  
**Local Planning and Council Support**  
**Department of Planning, Housing and**  
**Infrastructure**

**Delegate of the Minister for Planning and**  
**Public Spaces**





IRF24/1449

## Gateway determination report – PP-2023-2887

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City of Sydney Conservation Areas Review

January 25





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# Acknowledgment of Country

The Department of Planning, Housing and Infrastructure acknowledges the Traditional Owners and Custodians of the land on which we live and work and pays respect to Elders past, present and future.

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**Table 1 Reports and plans supporting the proposal**

Relevant reports and plans
Attachment A Planning Proposal (City of Sydney, November 2023)
Attachment B Amended Justification for Adjustments to the Conservation Areas Boundaries (City of Sydney, April 2024)
Attachment C Heritage and Height Maps (City of Sydney, December 2023)
Attachment D Draft Sydney Development Control Plan 2012 (City of Sydney, December 2023)
Attachment E Draft Sydney Development Control Plan 2012 Maps (City of Sydney, December 2023)



# 1 Planning proposal

## 1.1 Overview

**Table 2 Planning proposal details**

<b>LGA</b>	<b>City of Sydney</b>
<b>PPA</b>	City of Sydney Council
<b>NAME</b>	Conservation Areas Review
<b>NUMBER</b>	PP-2023-2887
<b>LEP TO BE AMENDED</b>	<i>Sydney Local Environmental Plan 2012</i>
<b>ADDRESS</b>	Sydney LGA
<b>RECEIVED</b>	19/02/2024
<b>FILE NO.</b>	IRF24/1449
<b>POLITICAL DONATIONS</b>	There are no donations or gifts to disclose and a political donation disclosure is not required
<b>LOBBYIST CODE OF CONDUCT</b>	There have been no meetings or communications with registered lobbyists with respect to this proposal

## 1.2 Objectives of planning proposal

The planning proposal contains objectives and intended outcomes that adequately explain the intent of the proposal.

The objectives of the planning proposal are to amend the *Sydney Local Environmental Plan 2012* (Sydney LEP 2012) to conserve the significance of conservation areas and provide for reasonable alterations and additions to buildings in conservation areas to meet contemporary amenity expectations.

The intended outcomes of the planning proposal are to:

- Support the retention and adaptation of buildings that contribute to the significance of an area
- Provide for equitable access to reasonable alterations and additions that meet contemporary amenity expectations
- Contribute to the range of housing types and business places for a diverse community and economy
- Reduce complexity and increase certainty in the planning controls
- Allow for appropriate infill development.

## 1.3 Explanation of provisions

The planning proposal (**Attachment A**) seeks to amend the Sydney LEP 2012 as outlined below:



### 1.3.1 Heritage Conservation Area Boundary Amendments

Amend the Heritage Map sheets to revise the boundaries of conservation areas as per the table below and as shown in Figure 2.

Amendment	Detail
Add	<ul style="list-style-type: none"> <li>Add 95-113A Commonwealth Street, Surry Hills to C66</li> <li>Add 8 Macleay Street, Potts Point to C20</li> </ul>
Alter	<ul style="list-style-type: none"> <li>Move part of Moore Park from C59 to C36</li> <li>Move 247 Oxford Street, Paddington (Paddington Town Hall) and 2 Oatley Road, Paddington (Paddington Fire Station) from C49 to C48</li> </ul>
Remove	<ul style="list-style-type: none"> <li>Remove 41-59 Young Street, Redfern from C53</li> <li>Remove part of 100 Bayswater Road and part of 1A Clement Place, Rushcutters Bay from C20</li> <li>Remove 82-94 Darlinghurst Road, Potts Point from C51</li> <li>Remove part of 101-115 Victoria Street, Potts Point from C51</li> <li>Remove 2A Pyrmont Bridge Road, Camperdown from C33</li> <li>Remove 1-5 Rosebank Street, 12-20 Rosebank Street and 13 Kirketon Road, Darlinghurst from C14</li> <li>Remove part of 394-404 Victoria Street, Darlinghurst from C12</li> <li>Remove 219-241 Cleveland Street, 41 Pitt Street, 217-229 Chalmers Street, 43-43B Pitt Street, Redfern from C56</li> <li>Remove 13-61 Riley Street, 63 Crown Street and 75 Crown Street from C71</li> <li>Remove 156-188 Devonshire Street, 38-54 Waterloo Street and 1-25 Adelaide Street from C65.</li> </ul>

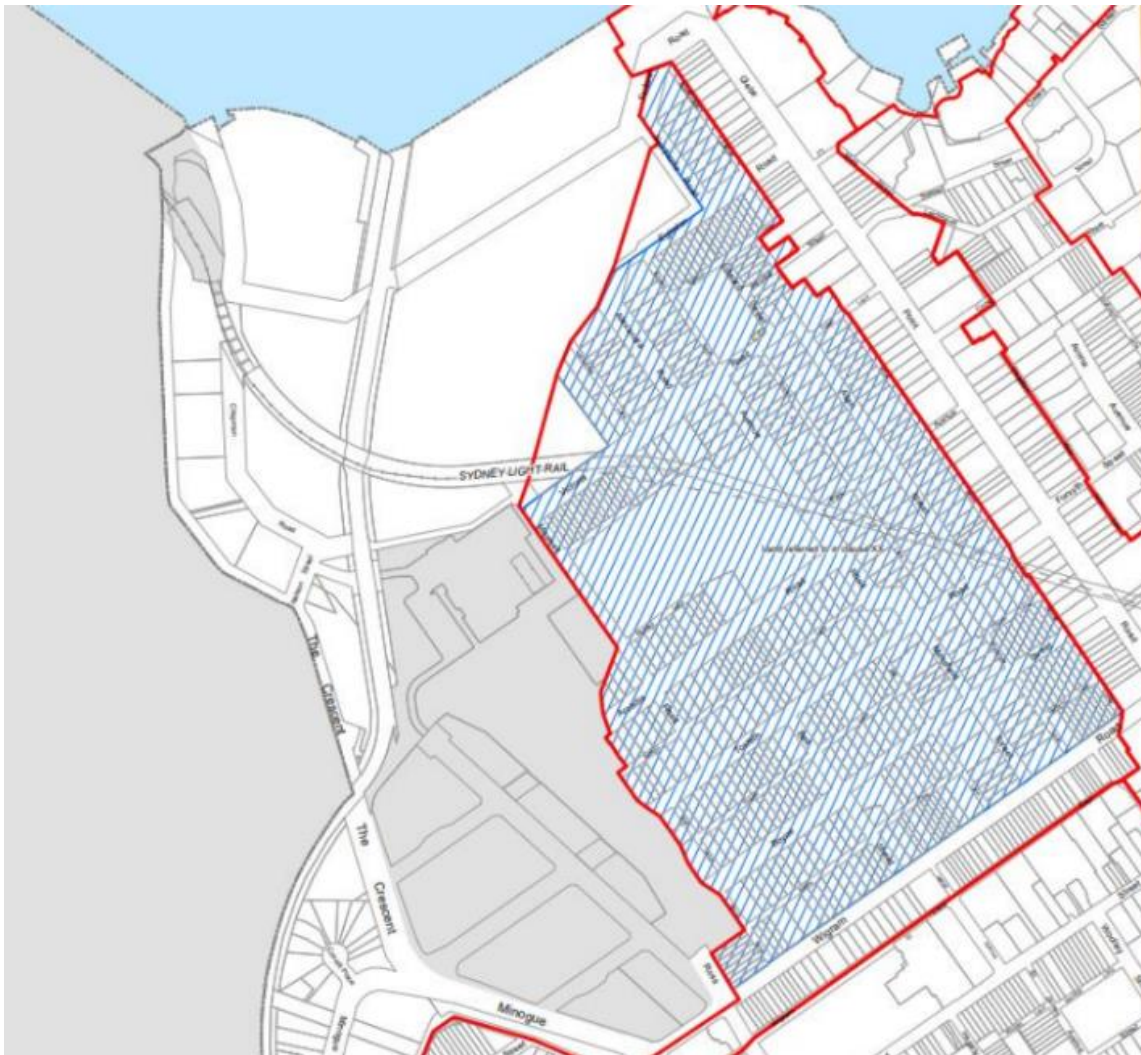
### 1.3.2 Maximum height of building

Remove mapped height of building controls for small scale buildings (defined by Council as Attached houses (terrace houses), detached and semi-detached housing and traditional shops) in the R1 General Residential zone, R2 Low Density Residential zone, E1 Local Centre zone and MU1 Mixed Use zone and:

- Add a new site-specific provision to the above properties except those in Toxteth Estate (shown in Figure 1 below) that permits a maximum height of building of:
  - the maximum height of the existing building on the land or 7.5m, whichever is greater.
  - If there is no existing building on the site or if the height of the existing building is less than 3.6m, then the maximum height of building control is to be the height of the existing building on any adjoining site facing the same primary street, or 7.5m whichever is the highest.



- Add a new site-specific provision which applies to small scale buildings within the land in Toxteth Estate (shown in Figure 1 below) which sets the maximum height of building control for lots within that area as the maximum height of the existing building on the land or 6m, whichever is greater.



**Figure 1: Toxteth Estate shown in blue hatch**

### 1.3.3 Savings provisions

The planning proposal notes a savings provision should be included that protects the rights of sites with existing approvals. However, it is unclear why this provision is proposed when an existing development consent would prevail over a new provision in any case.

A Gateway condition has been included to require Council to clarify the proposed savings provisions, particularly in response to the other changes required as part of the Gateway determination..

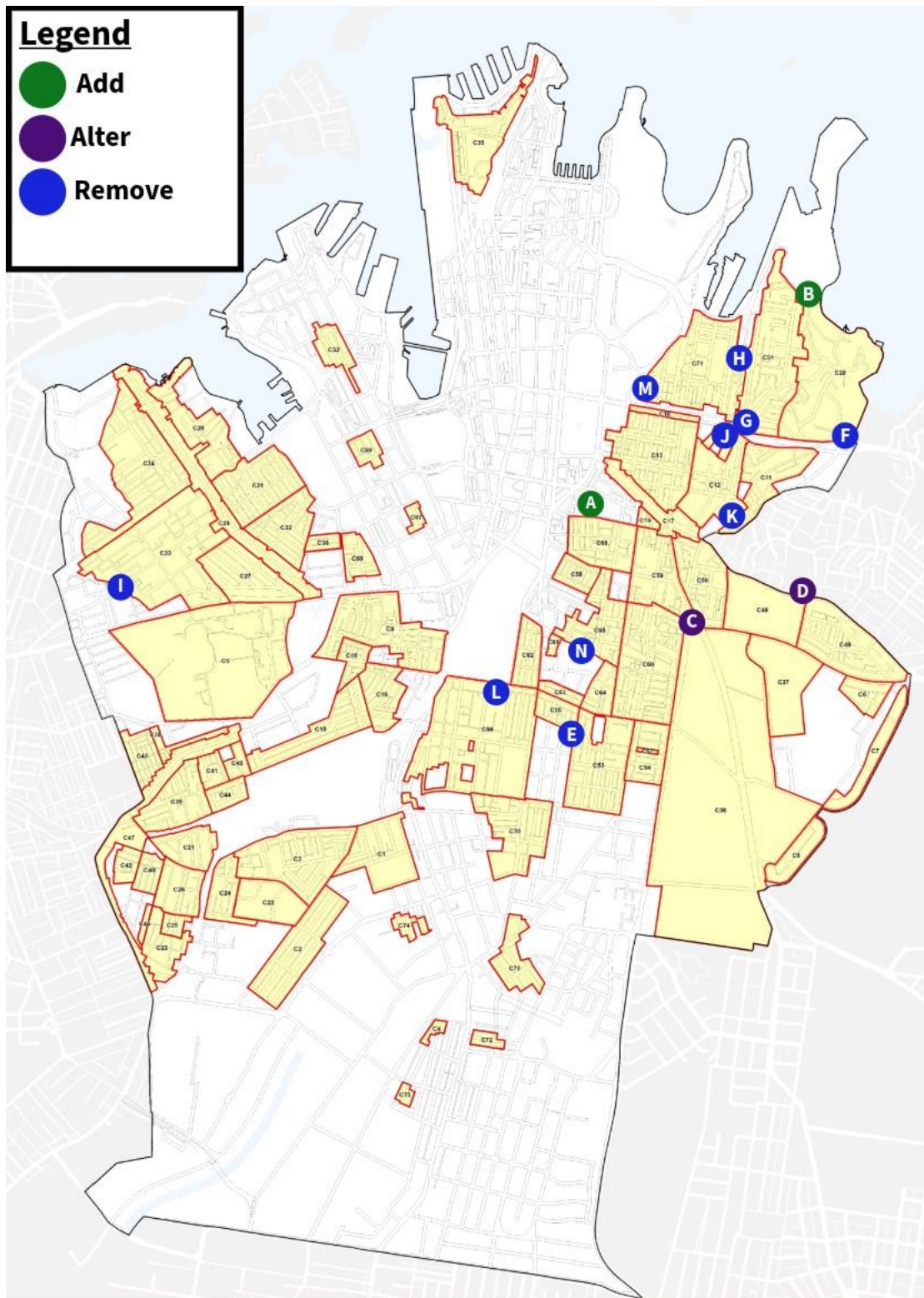
### 1.3.4 Development Control Plan (DCP)

The planning proposal is accompanied by an amendment to the Sydney Development Control Plan 2012 (Sydney DCP 2012) to support the outcomes and objectives of the planning proposal.



## 1.4 Site description and surrounding area

The planning proposal relates to heritage conservation areas within the City of Sydney Local Government Area (LGA), except for Millers Point as shown in **Figure 2** below.



**Figure 2: City of Sydney Heritage Conservation Areas (Source: City of Sydney with DPHI annotation)**



## 1.5 Mapping

The planning proposal includes mapping showing the proposed changes to the Sydney LEP 2012 Height of Building and Heritage Conservation Area (HCA) maps, which are suitable for community consultation. Refer to **Attachment C** for the proposed LEP mapping changes.

## 2 Need for the planning proposal

### Q1. Is the planning proposal a result of any strategic study or report?

The planning proposal implements the findings and recommendations of a review and field survey of the City of Sydney's HCAs. The aim of the review was to:

- Strengthen provisions on retaining buildings and those parts of buildings that contribute to the heritage significance of conservation areas;
- Ensure more equitable opportunity for alterations and additions based on the existing height of buildings;
- Promote housing diversity by allowing for appropriate additions to historic building forms which will allow families and larger households to grow and stay in the area;
- Meet modern amenity expectations of dwellings and ensuring historic buildings can be adapted to provide high amenity spaces;
- Reduce the reliance on exceptions to height through Clause 4.6 variation submissions to height development standards;
- Improve community understanding of what can be done on their land and neighbouring sites; and
- Ensure conservation area map boundaries reflect the heritage significance of the area to ensure conservation areas are robust and defensible.

The review was undertaken to develop a comprehensive knowledge base and data on the type of buildings and any relevant site characteristics or alterations, and a comprehensive photographic survey in HCAs across the City of Sydney. The review and field survey were not submitted with the planning proposal.

Two key findings of the review and field survey resulted in the need for this planning proposal as discussed below.

#### 2.1.1 HCA Boundary Amendments

The field survey found that a number of amendments to HCA boundaries should be made because:

- 12 buildings that are not currently listed in a HCA should be added to HCAs where they are consistent with the significance of that HCA;
- two buildings are located in HCAs where they are better suited to the significance of the adjoining HCA and are proposed to be moved;
- 23 buildings in HCAs should be removed from HCAs because they are not consistent with the statement of significance for those HCAs.

Assessing Heritage Significance, prepared by the Department of Planning and Environment in June 2023 outlines how to assess a potential object or place against the seven criteria outlined in the *Heritage Act 1977* to establish heritage significance. The planning proposal does not include an assessment in accordance with the seven criteria for the 12 buildings that are proposed to be included in a HCA. A Gateway condition has been included requiring the planning proposal to be



updated prior to public exhibition to assess the additions to HCAs against the criteria for significance in *Assessing Heritage Significance* (Department of Planning and Environment, June 2023).

While the planning proposal doesn't provide an assessment against the seven criteria for heritage significance, the planning proposal is supported by a report (**Attachment B**) that provides a summary of the field survey and review, detailed justification for each conservation area boundary amendment, including a description of how the additions to HCAs are contributory and sympathetic to the heritage conservation area. During Gateway assessment, an amended justification for the conservation area boundary amendments was requested by the Department that included further detail and justification. The amended justification was submitted on the 13 May 2024 and it is considered adequate to justify the proposed amendments to the heritage conservation areas. A condition has been included requiring the planning proposal to be updated prior to public exhibition with the amended justification for the HCA boundaries as submitted on 13 May 2024.

### 2.1.2 Height of buildings in HCAs

The review found that additions to small scale buildings in HCAs are being undertaken that detract from the significance of the HCA. In some cases additions to buildings are being proposed that are considered not sympathetic to the HCA even though they comply with the maximum height of building control. There is also inconsistency between the maximum height of building permitted by the Sydney LEP 2012 and the maximum building height permitted by Sydney DCP 2012 for some sites. The review concluded that greater certainty on appropriate additions to small scale buildings in HCAs is required as follows:

#### 2.1.2.1 Increased height of building LEP Control

There are many sites, particularly in Glebe, Forest Lodge, Erskineville and Newtown and other areas across City of Sydney LGA which currently have a mapped 6 metre maximum height of building control in Sydney LEP 2012 and a 1-storey height in storeys control in Sydney DCP 2012. It is proposed to increase the maximum height of building under the Sydney LEP 2012 for these sites to at least 7.5 metres, apart from those sites in the Toxteth Estate (which will be limited to the height of the existing building or 6 metres, whichever is greater).

#### 2.1.2.2 Reduced height of building LEP Control

There are also many sites across the LGA that have height of building control of 9 metres under the Sydney LEP and are only permitted a single storey addition under the Sydney DCP 2012 height of building in storeys control. More broadly, the current DCP controls can be quite restrictive for rear additions and there are many locations where Council has refused development applications for two-storey rear additions. A reduced height of building control under the Sydney LEP 2012 is proposed for these properties to 7.5m, or the existing height. Amendments to the Sydney DCP 2012 will also be made to clarify that these small scale buildings are permitted to have a two storey rear addition.

The field survey also found there are sites where the LEP height of buildings control significantly exceeds the height of the contributory building on the site. This is resulting in development proposals which comply with height controls in the Sydney LEP, but with a built form which is inappropriate in the conservation area context. A reduced height of building control is proposed for these buildings.



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

The objectives and intended outcomes of the planning proposal include providing for reasonable alterations and additions to buildings in conservation areas to meet contemporary amenity expectations and increase certainty in planning controls. The planning proposal seeks to remove mapping that clearly illustrates the maximum height of buildings in metres and replace this with a clause which specifies the maximum height based on the height of the existing building or adjoining buildings. In practice this means that a proponent or community member will need to know the height of the existing building and potentially the height of adjoining buildings to determine what is the maximum building height permitted as opposed to having this clearly stated on a publicly available map.

The proposed provision does not provide certainty and adds complexity as it would not be clear from reading the site specific clause or height of building maps what the maximum height of building is for small scale buildings in HCAs. As such the proposed provision does not achieve the objectives and intended outcomes of the planning proposal because it doesn't increase certainty and simplify planning controls.

An alternative option would be to amend the height of building map to reflect the maximum height prescribed by the proposed provision. However, this would result in a height of building map that is complex to read because of the number of various heights that will be shown and therefore would not simplify planning controls as intended by the planning proposal. In addition, it is apparent from the planning proposal documentation that one of the reasons current height of building planning controls are complex is because of the contradictions between the LEP and DCP. This complexity could be resolved by amending the Sydney DCP 2012 alone to remove any inconsistencies between the two documents.

Clause 5.10 of the Sydney LEP contains provisions to conserve the significance of heritage conservation areas in the local government area. These provisions are considered adequate to enable appropriate consideration of any alterations and additions to buildings in conservation areas without the need to amend the approach to maximum height of building in the LEP. Given this, a Gateway condition is proposed, requiring the planned local provision to amend the maximum height of building for small scale buildings in HCAs to be deleted from the planning proposal.

The planning proposal also includes amendments to HCA boundaries as discussed above. It is considered amendments to the Sydney LEP are the most appropriate way to achieve the intended outcomes of this component of the planning proposal as it provides the statutory mechanism to recognise heritage conservation areas.



## 3 Strategic assessment

### 3.1 Regional Plan

The Greater Sydney Region Plan – A Metropolis of Three Cities (March 2018) was prepared by the former Greater Sydney Commission. Key objectives of the Region Plan are Infrastructure and Collaboration, Liveability, Productivity and Sustainability.

Under section 3.8 of the *Environmental Planning and Assessment Act 1979* (EP&A Act) a planning proposal is to give effect to the relevant District Plan. By giving effect to the District Plan, the proposal is also consistent with the Regional Plan. Consistency with the District Plan is addressed in **Section Error! Reference source not found.** below.

### 3.2 District Plan

The site is within the Eastern City District and the former Greater Sydney Commission released the Eastern City District Plan on 18 March 2018. The plan contains planning priorities and actions to guide the growth of the district while improving its social, economic and environmental assets.

The planning proposal is consistent with the priorities for infrastructure and collaboration, liveability, productivity, and sustainability in the plan as outlined in the table below.

The Department is satisfied the planning proposal gives effect to the District Plan in accordance with section 3.8 of the *Environmental Planning and Assessment Act 1979*. Table 5 includes an assessment of the planning proposal against relevant actions.

**Table 5 District Plan assessment**

District Plan Priorities	Justification
Creating and renewing great places and local centres, and respecting the District's heritage (Planning Priority E6)	<p>The amendments to HCA boundaries are consistent with Planning Priority E6 as they seek to identify and conserve buildings of heritage significance.</p> <p>The proposal will recognise and provide ongoing protection of the heritage significance of the buildings within the City of Sydney LGA and ensure HCAs retain their significance.</p>

### 3.3 Local

The proposal states that it is consistent with the following local plans and endorsed strategies as stated in the table below:

**Table 6 Local strategic planning assessment**

Local Strategies	Justification
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Local Strategic Planning Statement (City Plan 2036)	<p>The City Plan 2036 Local Strategic Planning Statement was completed in March 2020 and provides the 20-year vision for land use planning in the city. It aims to link the NSW State Government's strategic plans and the community strategic plans with the city's planning controls. This plan highlights that the unique heritage character of Sydney is a strong focus for local communities.</p> <p>The planning proposal states it is consistent with priority L2 Creating great places and Action L2.9 Conserve places of heritage significance.</p> <p>The amendments to HCA boundaries proposed will ensure heritage significance is conserved by ensuring the HCAs are consistent with their statement of significance.</p>
Sustainable Sydney 2030-2050	<p>The City's Sustainable Sydney 2030 Strategic Plan is the vision for the sustainable development of the City to 2050 and beyond. It includes 10 strategic directions to guide the future of the City, as well as 10 targets against which to measure progress. This amendments to the HCA boundaries are consistent with the key directions of Sustainable Sydney 2030 – 2050, particularly Direction 4 'Design excellence and sustainable development.'</p>

### 3.4 Section 9.1 Ministerial Directions

The planning proposal's consistency with relevant section 9.1 Directions is discussed below:

**Table 7 9.1 Ministerial Direction assessment**

Directions	Consistent/ Not Applicable	Reasons for Consistency or Inconsistency
1.15 Implementation of the Pyrmont Peninsula Place Strategy	Consistent	<p>The planning proposal involves removing the mapped height of building controls for small scale buildings for land subject to the Pyrmont Peninsula Place Strategy. As discussed in Section 2, a Gateway condition has been included to remove this component of the planning proposal.</p> <p>This amendments to HCA boundaries do not affect land subject to the Pyrmont Peninsula Place Strategy.</p>
3.2 Heritage Conservation	Consistent	<p>The planning proposal is informed by a review and field survey of the City of Sydney's HCAs. The field survey collected data about buildings in HCAs, including heights, period of construction, additions and changes to the original building to enable a comprehensive knowledge base of the conservation areas in the LGA.</p> <p>As noted previously, amended justification was submitted by Council to support the proposal and adequately justifies the proposed amendments to the heritage conservation areas. A condition has been included requiring the planning proposal to be updated prior to public exhibition with this amended justification as submitted on 13 May 2024.</p> <p>The amendments to HCA boundaries are consistent with the direction because they ensure places of</p>



		<p>environmental heritage significance are conserved. Those sites proposed to be removed from the HCA are considered to no longer meet the thresholds for significance.</p> <p>As discussed in Section 2 the proposed local provision to amend the maximum height of building for small scale buildings in HCAs seeks to conserve heritage and clarify appropriate additions to buildings in HCAs. However, the proposed provision will reduce certainty and a Gateway condition has been included to remove this component of the proposal. The Department is satisfied that the existing Clause 5.10 Heritage Conservation provides an appropriate mechanism to trigger consideration of any proposed development against heritage impacts.</p>
3.9 Sydney Harbour Foreshores and Waterways Area	Consistent	<p>The planning proposal involves amending heritage conservation area boundaries located in the Foreshores and Waterways area. However, the planning proposal does not amend the permissible land uses, height of building or floor space ratio controls on these sites. The proposal will ensure the natural assets and unique environmental, scenic and visual qualities of Sydney Harbour and its islands and foreshores are maintained.</p> <p>This planning proposal includes altering the maximum height of building for properties located within the Sydney Harbour Foreshores and Waterways Area. As discussed in Section 2, a Gateway condition has been included to remove this component of the planning proposal.</p>



6.1 Residential Zones	Consistent	<p>The planning proposal applies to certain land zoned R1 General Residential and R2 Low Density Residential within HCAs.</p> <p>The objectives and intended outcomes of the planning proposal include providing for reasonable alterations and additions to buildings in conservation areas to meet contemporary amenity expectations, increase certainty in planning controls and facilitate heritage conservation.</p> <p>The amendments to HCA boundaries are consistent with this direction as the amendments:</p> <ul style="list-style-type: none"> <li>• Aim to promote good design through protection of buildings of heritage significance; and</li> <li>• Do not result in a reduction in permissible residential density because it does not amend the maximum Floor Space Ratio.</li> </ul> <p>As discussed in Section 2, the proposed local provision for building height for small scale buildings in HCAs seeks to conserve heritage and clarify appropriate additions to buildings in HCAs. However, the Department is of the view the proposed provision will reduce certainty and a Gateway condition has been included to remove this component of the proposal.</p>
7.1 Employment Zones	Consistent	<p>The planning proposal applies to certain land in E1 Local Centre zone and MU1 Mixed Use zone.</p> <p>The objectives and intended outcomes of the planning proposal include providing for reasonable alterations and additions to buildings in HCAs to meet contemporary amenity expectations, increase certainty in planning controls and facilitating heritage conservation.</p> <p>As discussed in Section 2, the proposed local provision to amend the maximum height for small scale buildings in HCAs seeks to conserve heritage and clarify appropriate additions to buildings in HCAs. However, the Department is of the view the proposed provision will reduce certainty and a Gateway condition has been included to remove this component of the proposal.</p> <p>The amendments to HCA boundaries are consistent with this Direction as they will not result in a reduction in employment zoned land given there are no amendments to the development standards that apply to these sites.</p>

### 3.5 State environmental planning policies (SEPPs)

The planning proposal is consistent with all relevant SEPPs as discussed in the table below.



**Table 8 Assessment of planning proposal against relevant SEPPs**

SEPPs	Consistent/ Not Applicable	Reasons for Consistency or Inconsistency
SEPP (Exempt and Complying Development Codes) 2008	Consistent	The planning proposal does not contain any provisions which would contravene or hinder the application of the SEPP.
SEPP (Housing) 2021	Consistent	The planning proposal does not contain any provisions which would contravene or hinder the application of the SEPP.

The planning proposal documentation details that the planning proposal is consistent with SEPP (Building Sustainability Index: BASIX) 2004. However, the SEPP (Building Sustainability Index: BASIX) 2004 is no longer in force and has been replaced by State Environmental Planning Policy (Sustainable Buildings) 2022. A condition has been included in the recommendation requiring references to SEPP (Building Sustainability Index: BASIX) 2004 to be removed.

## 4 Site-specific assessment

### 4.1 Environmental

The planning proposal relates to adding, amending and removing properties from HCAs as well as including a local provision to amend the maximum permissible height for small scale buildings in HCAs. The planning proposal does not propose any changes to the LEP controls that would facilitate intensification of land uses.

The planning proposal states there are no critical habitat areas, threatened species, populations or ecological communities or their habitats present on the subject sites. Overall, there are no likely negative environmental impacts that would arise as a result of the planning proposal.

### 4.2 Social and economic

The planning proposal is unlikely to result in any significant adverse social and economic impacts. Minor adjustments to the boundaries of conservation areas, including the addition of 12 properties of significance to HCAs and removing 23 properties from HCAs that are not significant to the conservation area will provide the community with greater certainty regarding the heritage significance of sites across the LGA and facilitate their ongoing protection.

Through the community consultation process, the wider community will have an opportunity to provide feedback.

### 4.3 Infrastructure

There is no significant infrastructure demand resulting from the planning proposal as it would not result in an increase to the development potential of any land and the proposal does not include amendments to planning controls that would facilitate intensified development. The proposed HCA listings are unlikely to generate additional infrastructure requirements.



## 5 Consultation

### 5.1 Community

Council proposes a community consultation period of 20 days.

The exhibition period proposed is considered appropriate and forms the conditions of the Gateway determination.

### 5.2 Agencies

The proposal does not require consultation with any agencies or public authorities.

## 6 Timeframe

Council proposes a 9 month time frame to complete the LEP.

The LEP Plan Making Guidelines (August 2023) establishes maximum benchmark timeframes for planning proposal by category. This planning proposal is categorised as standard.

The Department recommends an LEP completion date of 7 November 2025. A condition to the above effect is recommended in the Gateway determination.

## 7 Local plan-making authority

Council has advised that it would like to exercise its functions as a Local Plan-Making Authority.

As the planning proposal relates to matters of local heritage significance, and the proposed new local provision relating to building heights is conditioned to be removed, the Department recommends that Council be authorised to be the local plan-making authority for this proposal.

## 8 Assessment summary

The proposed amendments to heritage conservation area boundaries are supported to proceed with conditions for the following reasons:

- The amendments are consistent with the Region Plan, District Plan and Council's Local Strategic Planning Statement because it will conserve the significance of heritage conservation areas; and
- An amendment to the Sydney LEP 2012 is the best means of achieving the objectives and intended outcomes of the planning proposal.

Based on the assessment outlined in this report, the proposal must be updated before consultation to:

- Remove the proposed local provision to amend the maximum height of building for small scale buildings in HCAs;
- Include the amended justification for the HCA boundaries as submitted to the Department on 13 May 2024;
- Confirm and clarify any savings provisions proposed;
- Assess the sites that are being added to heritage conservation areas against the criteria for significance in *Assessing Heritage Significance (Department of Planning and Environment, June 2023)*;
- Remove reference to *State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004*.



## 9 Recommendation

It is recommended the delegate of the Minister determine that the planning proposal should proceed subject to conditions.

The following conditions are recommended to be included on the Gateway determination:

1. Prior to exhibition, the planning proposal is to be amended to:
  - a) Remove the proposed local provision to amend the maximum height of building for small scale buildings in HCAs;
  - b) Include the amended justification for the HCA boundaries as submitted to the Department on 13 May 2024;
  - c) Confirm and clarify any savings provisions proposed;
  - d) Assess the sites that are being added to heritage conservation areas against the criteria for significance in *Assessing Heritage Significance (Department of Planning and Environment, June 2023)*.
  - e) Remove reference to *State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004*.
2. Public exhibition is required under section 3.34(2)(c) and clause 4 of Schedule 1 to the Act as follows:
  - (a) the planning proposal is categorised as standard as described in the *Local Environmental Plan Making Guideline* (Department of Planning and Environment, August 2023) and must be made publicly available for a minimum of 20 working days; and
  - (b) the planning proposal authority must comply with the notice requirements for public exhibition of planning proposals and the specifications for material that must be made publicly available along with planning proposals as identified in *Local Environmental Plan Making Guideline* (Department of Planning and Environment, August 2023).

Given the nature of the planning proposal, it is recommended that the Gateway authorise council to be the local plan-making authority and that an LEP completion date of 7 November 2025 be included on the Gateway.



4 July 2024

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21 January 2025

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