

# **Attachment A**

<b>Independent Assessment Report</b>
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**Development Application: 10-16 Bay Street, Ultimo - D/2025/276****File Number: D/2025/276****Summary**

<b>Date of Submission:</b>	4 April 2025  Amended drawings and supporting documentation submitted on 15 September 2025, 2 October 2025 and 13 November 2025.
<b>Applicant:</b>	The Council of the City of Sydney
<b>Architect/Designer:</b>	Candalepas Associates
<b>Developer:</b>	The Council of the City of Sydney
<b>Owner:</b>	The Council of the City of Sydney
<b>Planning Consultant:</b>	Urbis
<b>Heritage Consultant:</b>	Urbis
<b>Cost of Works:</b>	\$66,855,658.10
<b>Zoning:</b>	MU1 Mixed Use  The proposed development is defined as a Depot which is permissible with consent in the MU1 Mixed Use zone.
<b>Proposal Summary:</b>	The application seeks consent for a Concept and Stage 1 Development Application (DA) pursuant to Section 4.22 of the Environmental Planning and Assessment Act 1979 (EP&A Act) for the redevelopment of the City of Sydney Bay Street Depot.

The Concept DA seeks to guide the redevelopment of the Bay Street Depot to continue operation as a Depot and includes the following key elements:

- A 4-storey building envelope to a height of 16.1m at Bay Street East Depot (BSED) which can accommodate a gross floor area (GFA) of approximately 16,222m<sup>2</sup> and a Floor Space Ratio (FSR) of 1.5:1.
- Heavy vehicle access provided from William Henry Street and general vehicle access provided from Macarthur Street.
- A deep soil zone comprising a soil stabilisation grid which can accommodate vehicle parking within northwest portion of the site.
- A Design Excellence Strategy which outlines the framework for the Competitive Design Alternatives Process to deliver the highest standard of architectural design.
- A Preliminary Public Art Strategy which outlines the framework for the inclusion of public art within the redeveloped Depot.

A competitive design process will be undertaken following the Concept and Stage 1 DA approval and prior to the submission of a Stage 2 DA for the BSED building.

Under the SLEP 2012, a bonus of up to 10% building height or FSR is achievable where design excellence is demonstrated through a competitive design process. The proposed building envelope reflects a reference scheme that exceeds the 15m SLEP height control by 1.1m at the northern portion of the site. Allocation of the design excellence bonus will be explored through the competitive design process and documented in the Stage 2 DA.

A Design Excellence Strategy has been prepared for the site and is submitted with this DA. The design excellence strategy outlines the process and methodology for the proponent to implement a competitive design process for the redevelopment of the site in accordance with the City of Sydney Competitive Design Policy 2012

The Concept DA is proposed to be staged as follows:

- Stage 1 - Detailed works to the Bay Street West Depot site to comprise of demolition, alterations and additions to fencing, provision of deep soil zones and temporary parking to accommodate the Stage 2 works.

- Stage 2 - Redevelopment of the BSED in accordance with the Concept Approval.
- Stage 3 - Public Domain works.

The DA seeks consent for Stage 1 detailed works relevant to the northwestern portion of the site consisting of:

- Demolition of the Electricians workshop, Central Administration building and fuel store and awning structure.
- Partial removal of existing fence connected to the Electricians Workshop building.
- Construction of a new fence to match the existing fence along the northwest property boundary corner.
- Implementation of a deep soil zone comprising a soil stabilisation grid in place of the demolished buildings.
- Provision of 26 temporary car parking spaces within the soil stabilisation grid. This temporary use is required to maintain Depot operations while the new building is developed under a future Stage 2 DA. Once construction is complete, the area will revert to its intended function as a landscaped deep soil zone.

### **Notification**

The application was notified for a period of 28 days between 16 April and 15 May 2025, with 9 submissions received. The key issues raised relate to the location of the depot, amenity impacts, bulk, scale and character, noise, pollution and construction, overdevelopment, design excellence and property value.

### **Assessment**

Following an assessment of the proposed development by Council Officers and Independent External Planning Consultant, requests for additional information and amendments were sent to the applicant on 17 June 2025, 22 July 2025 and 5 November 2025.

The applicant provided additional information and a response to the requests on 15 September, 2 October 2025 and 13 November 2025.

The amended proposal, subject to conditions, adequately addresses the relevant issues and those raised, as detailed in this report.

The application is referred to the Central Sydney Planning Committee (CSPC) for determination as the proposal is "major development" for the purposes of the City of Sydney Act 1988.

The owner and applicant for the development is the Council of the City of Sydney. The assessment process has therefore been managed in accordance with Council's adopted conflict of interest policy as required by the Act and Section 66A of the Environmental Planning and Assessment Regulation 2021. This includes the independent assessment of the application by an external consultant and determination by the CSPC.

The DA was also exhibited for 28 days, thereby satisfying Schedule 1 Clause 9B of the Environmental Planning and Assessment Act 1979.

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

**Development Controls:** City of Sydney Act 1988  
Environmental Planning and Assessment Act 1979  
Environmental Planning and Assessment Regulation 2021  
SEPP (Resilience and Hazards) 2021  
SEPP (Transport and Infrastructure) 2021  
SEPP (Biodiversity and Conservation) 2021  
SEPP (Sustainable Buildings) 2022  
Sydney Local Environmental Plan 2012  
Sydney Development Control Plan 2012

**Attachments**

- B. Recommended Conditions of Consent
- C. Selected Drawings
- D. Design Excellence Strategy
- E. Landscape Strategy
- F. Submissions

## Recommendation

It is resolved that consent be granted to Development Application Number D/2025/276 subject to the conditions set out in Attachment B to the subject report.

### Reasons for Recommendation

The application is recommended for approval for the following reasons:

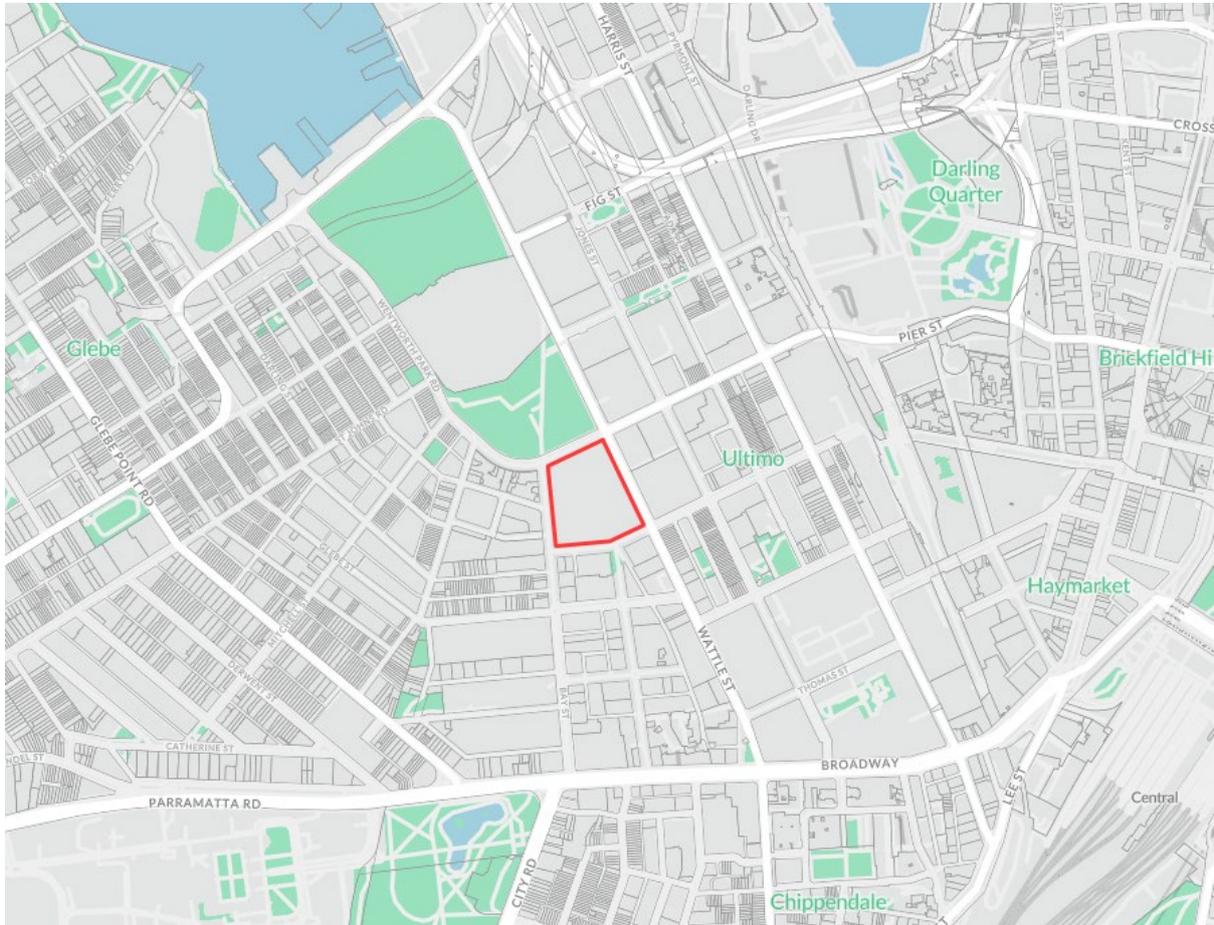
- (A) The proposal satisfies the objectives of the Environmental Planning and Assessment Act 1979 in that, subject to the imposition of appropriate conditions as recommended, it achieves the objectives of the planning controls for the site for the reasons outlined in the report to the Central Sydney Planning Committee.
- (B) The proposal generally satisfies the objectives and provisions of the Sydney Local Environmental Plan 2012 and Sydney Development Control Plan 2012.
- (C) The proposal is consistent with the objectives of the MU1 Mixed Use zone.
- (D) The proposed development has acceptable impacts on the heritage significance of the heritage items within the development site. The development is in accordance with the aims and objectives for heritage conservation provided in Clause 5.10 of the Sydney Local Environmental Plan 2012.
- (E) Subject to compliance with the Design Excellence Strategy, dated November 2025, prepared by Chief Operations Office City of Sydney on behalf of the City of Sydney and the undertaking of a competitive design process, and compliance with the recommended conditions of consent, the development is considered to exhibit design excellence, consistent with the provisions of Clause 6.21C of the Sydney Local Environmental Plan 2012.
- (F) The proposed development is unlikely to result in any significant adverse environmental or amenity impacts on surrounding properties, the public domain, and the broader locality, subject to conditions.
- (G) The public interest is served by the approval of the proposal, as amendments to the development application have addressed the matters raised by the City and the community, subject to recommended conditions imposed relating to remediation, heritage conservation, design excellence and site access.

## Background

### The Site and Surrounding Development

1. The site has a legal description of Lot 1 and 2 DP87619, Lot 1 DP81399 and Lot 1 DP89317, known as 10-16 Bay Street, Ultimo.
2. It is irregular in shape with area of approximately 19,989sqm. The site comprises an entire street block and is bound by William Henry Street to the north, Wattle Street to the east, MacArthur Street to the south and Bay Street to the west. The site has a generally flat topography.
3. The site is currently occupied by a depot operated by the City of Sydney. The entire depot site currently accommodates various buildings including office, storage, car parking and two local heritage items. The existing depot site operates 24 hours a day, 7 days a week and accommodates three key operational areas for the City of Sydney including:
  - Cleansing and waste services
  - Civil infrastructure maintenance services
  - Vehicle storage and fleet services.
4. Vehicular access to the site is provided from Bay Street and the vehicle exit point is located along William Henry Street. There are further vehicle entry/exit points (roller doors) located along Macarthur Street; however, these are not main access points and are used for occasional deliveries only.
5. The site contains a locally listed heritage item under the Sydney Local Environmental Plan 2012 (SLEP 2012) being I2277 - Bay Street Depot former stables and factory building including interiors and Bay Street garages and street wall.
6. The site is located within the Blackwattle catchment's main flow path and is subject to overland flooding during minor and major flood events.
7. A 6-metre-wide Sydney Water Easement (identified as J154065) runs north-south through the depot site in alignment with Blackwattle Lane. The easement splits the site into two land parcels, referred to as Bay Street East Depot and Bay Street West Depot in this application.
8. The surrounding area is characterised by a mixture of land uses, consisting of public open space, commercial and residential land uses. Specifically, the surrounding area consists of:
  - North - Wentworth Park is located to the north of the site which features a large open space and mature street trees and plantings. Further north is the Wentworth Park Sporting Complex, Sydney Fish Markets and Blackwattle Bay.
  - East - Victorian and Federation warehouses that accommodate commercial tenancies which form part of the MU1 Mixed Use zone.
  - South - a mix of residential development including apartments, some with ground floor retail and three-storey terrace housing. Commercial development and Mountain Street Reserve is also located south of the site.

- West - residential development comprising a mix of apartment buildings varying in size. Commercial tenancies are located at street level on the northwestern side of the site.
9. A site visit was carried out on 30 June 2025.
  10. Photos of the site and surrounds are provided below.



**Figure 1:** Location and Context of subject site



Figure 2: Aerial view of site and surrounds

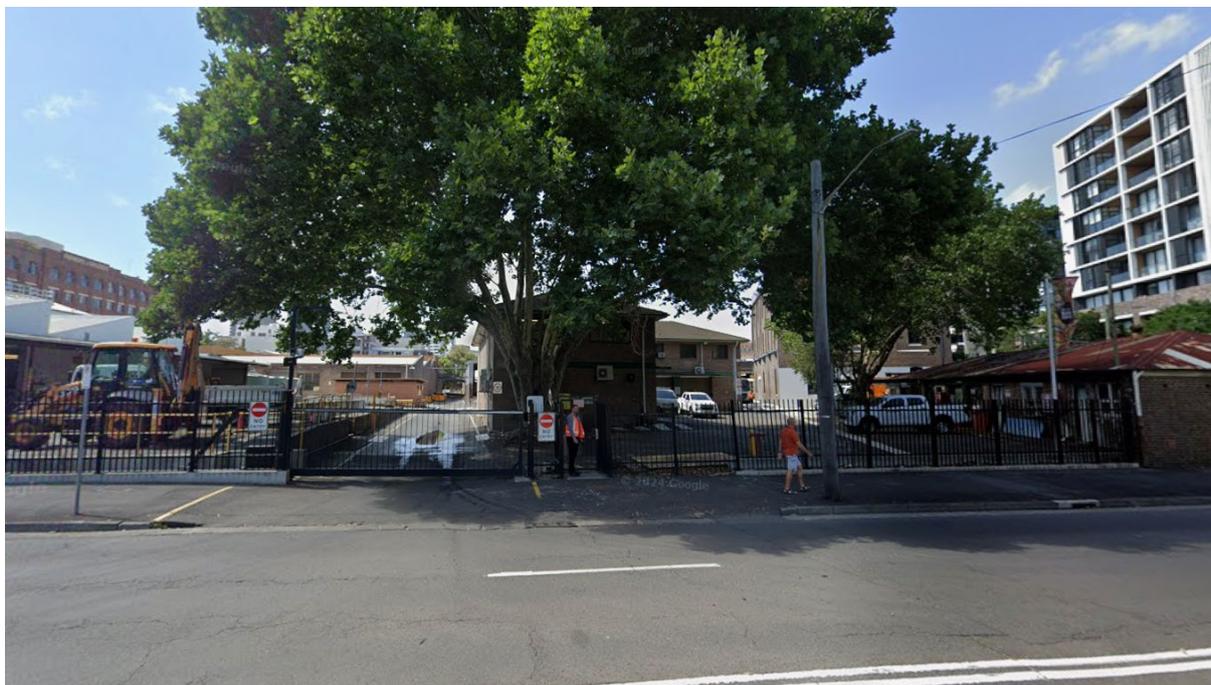


Figure 3: Site frontage to William Henry Sreet



Figure 4: Site frontage to the intersection of William Henry Street and Wattle Street

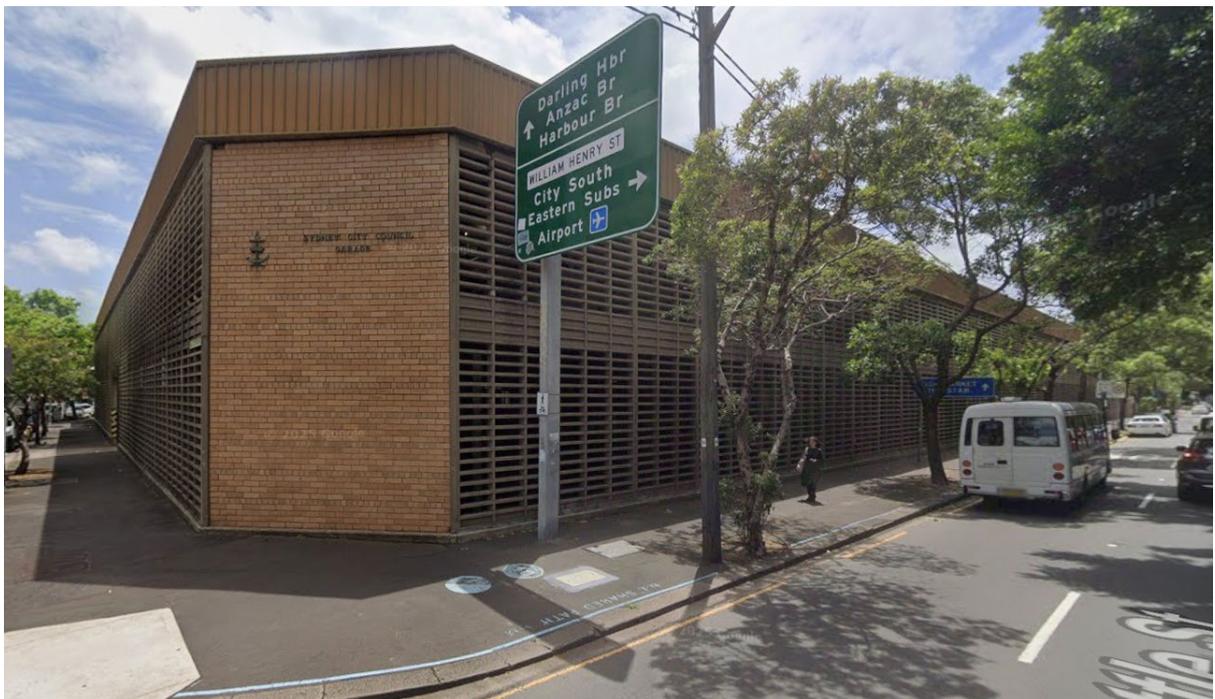


Figure 5: Site frontage to the intersection of Wattle Street and Macarthur Street



**Figure 6:** Site frontage to Bay Street



**Figure 7:** Sydney Water easement running north to south through the site



**Figure 8:** View through the site looking east to existing buildings on opposite side of Wattle Street

## History Relevant to the Development Application

### Development Applications

11. The following applications are relevant to the site and current proposal:

- **D/2015/1724** – Development consent was granted on 5 May 2016 for upgrade works to Council's 'Bay Street Depot' including demolition of workshops and new substation and pump room on Bay Street and works to vehicular entry on William Henry Street. The site also has frontage to Wattle and Macarthur Streets.
- **D/2017/1405** – Development consent was granted on 14 November 2017 for internal alterations to Council's 'Bay Street Depot' including demolition of the existing mezzanine within the existing main Stable block, removal of internal partitioning, office and meal rooms, and internal reconfiguration of the Harness Workshop to provide new accessible and female amenities.
- **D/2018/886** – Development consent was granted on 14 September 2018 for alterations to Bay Street Depot including structural reinforcement works to existing parapet wall on Building F (Stables Building).
- **D/2018/1140** – Development consent was granted on 5 December 2018 for the demolition of garage building (building 15) and retain its footprint area to use for truck parking. The proposal also includes the addition of a steel portal frame structure to support the Bay Street wall.
- **D/2019/538** – Development consent was granted on 4 October 2019 for internal and external structural remediation works to former factory building (Local heritage item I2277).
- **D/2020/906** – Development consent was granted on 2 October 2020 for the replacement of existing roller shutter with fence – relevant to part of the site identified as local heritage item I2277 'Bay Street Depot former stables and factory buildings, including interiors and Bay Street garages street wall.'

### Amendments

12. Following a preliminary assessment of the proposed development by Council Officers, a request for additional information and amendments was sent to the applicant on 17 June 2025. The request sought additional information on the following items:

- Concept Envelope diagrams
- Flood Levels
- Demolition Plan
- Building Splays
- Potential Footpath widening to William Henry Street

13. Following a preliminary assessment of the proposed development by the Independent External Town Planner and Council Officers, a further request for additional information and amendments was sent to the applicant on 22 July 2025. The request sought additional information on the following items:
  - Urban Design
  - Design Excellence
  - Tree Management
  - Public Domain
  - Environmental Health
  - Heritage
  - Landscaping
  - Public Art
  - Public Submissions
14. Following an assessment of the additional information by Council Officers, a further request for additional information was sent to the applicant on 5 November 2025. The request sought additional information on acid sulfate soils management and flooding.
15. The applicant responded to the request on 15 September 2025, 2 October 2025 and 13 November 2025 submitting the following information:
  - Architectural Plans
  - Aboriginal Objects Assessment
  - Arborist Advice
  - Civil Plans
  - Landscape Plans
  - Design Excellence Strategy
  - Detailed Site Investigation (East)
  - Detailed Site Investigation (West)
  - Interim Site Audit Advice
  - Flooding, Stormwater Management Plan and Stormwater Quality Assessment
  - Geotechnical Advice
  - Heritage Response
  - Historical Archaeological Assessment

- Planning Statement - Response to Request for Further Information
  - Public Art Strategy
  - Traffic and Transport Assessment and Swept Paths
  - Acid Sulphate Soils Management Plan (ASSMP)
  - Flood Emergency Response Plan
16. The additional information provided addressed issues raised by Council and included following amendments to the development:
- Setback of the Concept Building envelope increased by 1.5m along the western boundary to enable the widening of the William Henry Street footpath providing space for verge planting consistent with the street frontage further west.
  - Incorporation of building splays into the concept envelope at key corners to reflect existing conditions and improve pedestrian safety and amenity. A 3.2-metre splay is provided at the corner of Wattle and Macarthur Streets, and a 3-metre splay at the corner of Wattle and William Henry Streets, consistent with the existing built form on the eastern portion of the site
  - Introduction of an additional stage to the development comprising Stage 3 to deliver the public domain works associated with the 1.5-metre footpath widening along William Henry Street. These public domain works will be delivered following completion of the Concept Development on the Bay Street East Depot site (Stage 2).

### **Proposed Development**

17. The application seeks consent for a Concept and Stage 1 Development Application (DA) pursuant to Section 4.22 of the Environmental Planning and Assessment Act 1979 (EP&A Act) for the redevelopment of the City of Sydney Bay Street Depot at 10-16 Bay Street, Ultimo. Specifically, consent is sought for the following:

#### **18. Concept DA**

The Concept DA seeks to guide the redevelopment of the Bay Street Depot to continue operation as a Depot and includes the following key elements:

- A 4-storey building envelope to a height of 16.1m at Bay Street East Depot (BSED) which can accommodate a gross floor area (GFA) of approximately 16,222m<sup>2</sup> and a Floor Space Ratio (FSR) of 1.5:1.
- Heavy vehicle access provided from William Henry Street and general vehicle access provided from Macarthur Street.
- A deep soil zone comprising a soil stabilisation grid which can accommodate vehicle parking within northwest portion of the site.

- A Design Excellence Strategy which outlines the framework for the Competitive Design Alternatives Process to deliver the highest standard of architectural design.
- A Preliminary Public Art Strategy which outlines the framework for the inclusion of public art within the redeveloped Depot.

19. A competitive design process will be undertaken following the Concept and Stage 1 DA approval and prior to the submission of a Stage 2 DA for the BSED building.

Under the SLEP 2012, a bonus of up to 10% building height or FSR is achievable where design excellence is demonstrated through a competitive design process. Pending the successful satisfaction of these provisions, it is the applicant's intention to utilise the bonus for additional height. The proposed building envelope reflects a reference scheme that exceeds the 15m SLEP height control by 1.1m at the northern portion of the site. Allocation of the design excellence bonus will be explored through the competitive design process and documented in the Stage 2 DA.

20. Clause 6.21D(1)(c) of the SLEP 2012 requires a design competition for any development which requires preparation of a site-specific development control plan under Clause 7.20. Clause 7.20(2)(b) of the SLEP 2012 requires the preparation of site specific DCP for sites greater than 5,000sqm.

Section 4.23(2) of the EP&A Act allows a requirement to prepare a DCP to be satisfied by the making and approval of a concept development application. This DA seeks approval for a Concept Proposal and a competitive design process will be undertaken prior to the lodgement of a detailed DA

21. A Design Excellence Strategy has been prepared for the site and is submitted with this DA. The design excellence strategy outlines the process and methodology for the proponent to implement a competitive design process for the redevelopment of the site in accordance with the City of Sydney Competitive Design Policy 2012. Key features of the proposed Design Excellence Strategy are as follows:

- Outlines the location and extent of the competitive design process and whether the competitive design process is seeking additional height or floor space.
- An 'invited' Competitive Design Alternatives Competition will be completed for the site in accordance with a Competitive Design Brief to be endorsed by the City of Sydney.
- Three (3) competing architects will be invited to participate in the Competitive Design Process.
- A developer's selection panel will be established comprising four (4) members to select the preferred scheme. Two (2) of the members to be nominated by the proponent and two (2) nominated by the City (City Planning Development & Transport) and who have no pecuniary interests in the development proposal or involvement in approval processes;
- An independent observer appointed by the City of Sydney will observe the Competitive Design Process.
- A Competitive Design Report verifying the Competitive Design Process will be prepared prior to or as part of the Detailed DA submission.

22. Plans and elevations of the concept DA are provided below.

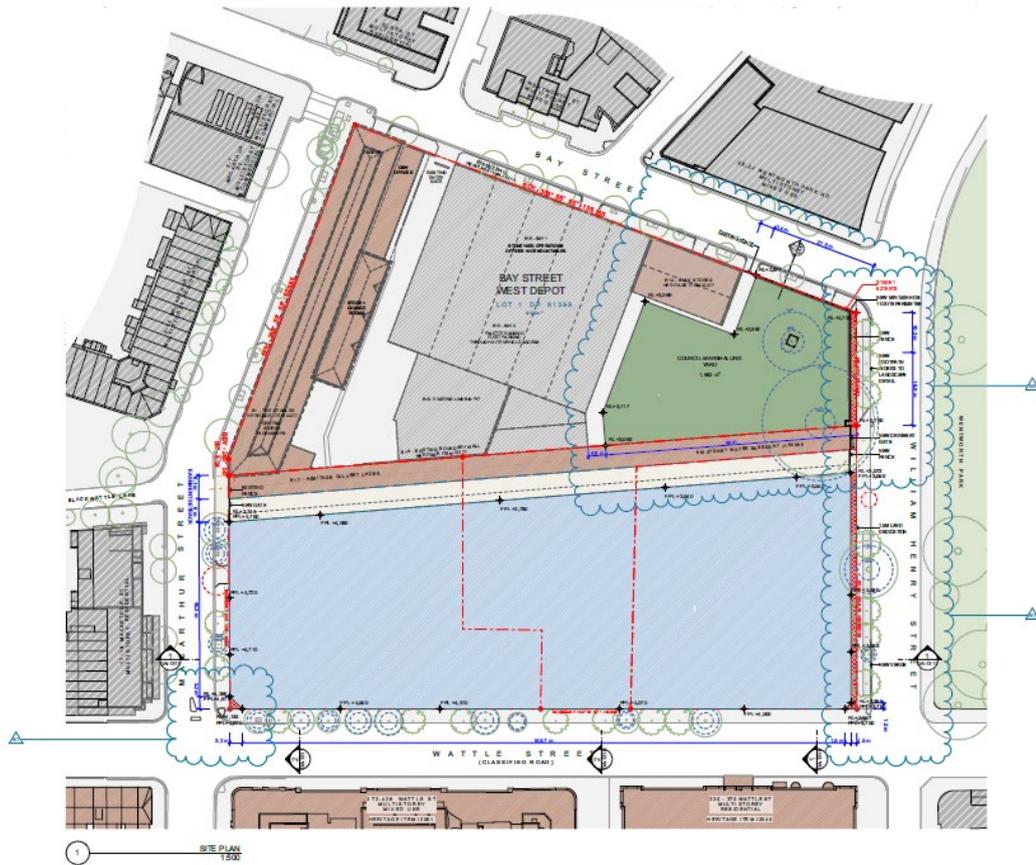


Figure 9: Proposed Concept Site Plan

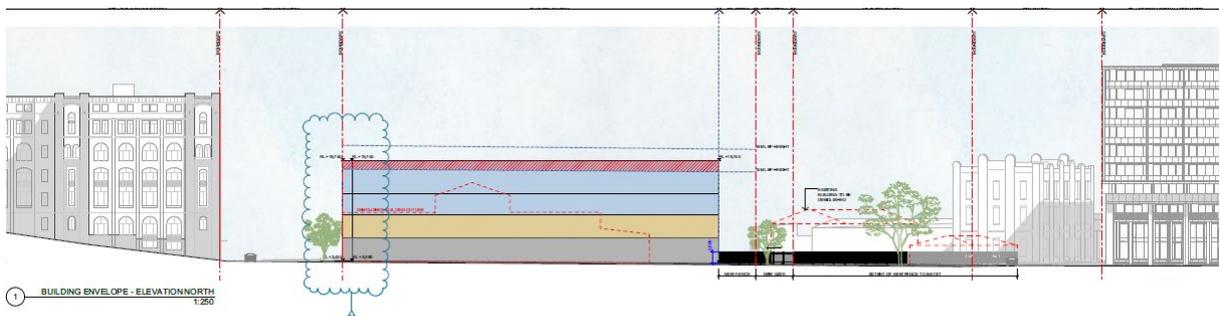
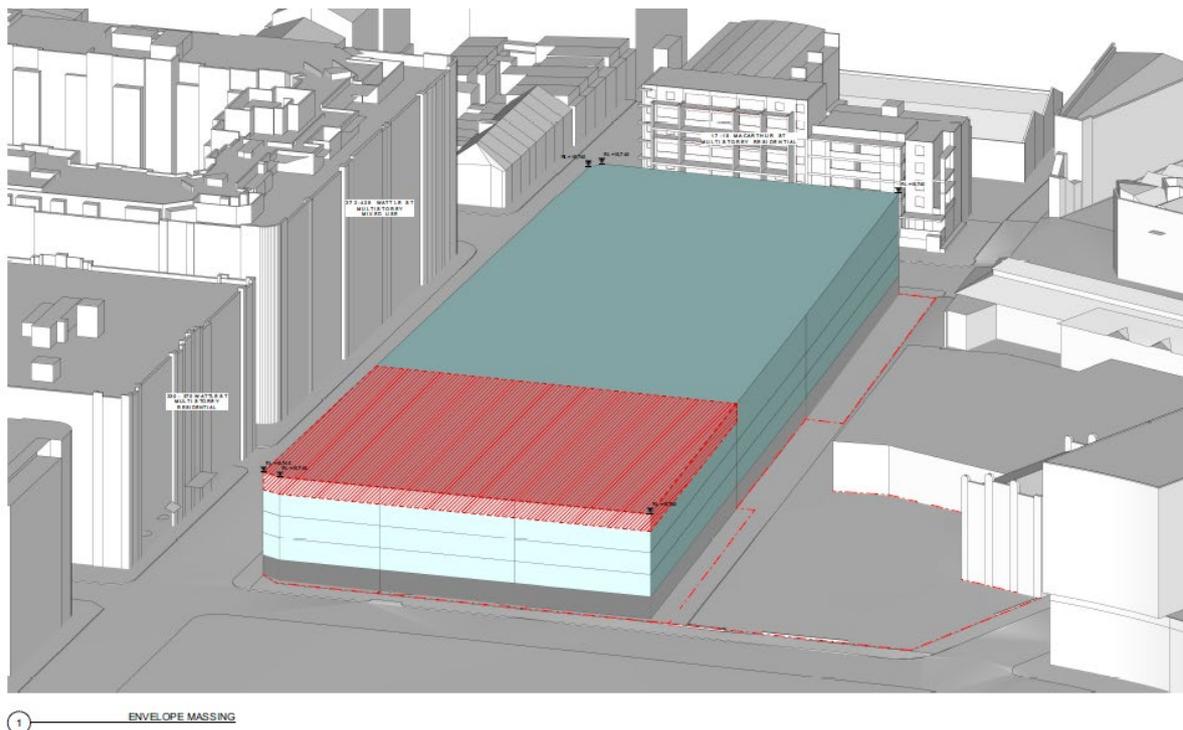


Figure 10: Proposed Concept Elevation with indicative 10% height increase hatched in red



**Figure 11:** Proposed Concept Envelope Massing with indicative 10% height increase hatched in red

23. A Reference Scheme has been submitted with the application to demonstrate how a building can be established within the proposed envelope while maintaining reasonable impacts to the surrounding environment, achieving a practical floor plate that achieves the operational requirements of the Depot and enables a positive streetscape presentation.
24. The Concept DA is proposed to be staged as follows:
- Stage 1 - Detailed works to the Bay Street West Depot site to comprise of demolition, alterations and additions to fencing, provision of deep soil zones and temporary parking to accommodate the Stage 2 works.
  - Stage 2 - Redevelopment of the BSED in accordance with the Concept Approval.
  - Stage 3 - Public Domain works.

**25. Stage 1 Detailed DA**

The DA seeks consent for Stage 1 detailed works relevant to the northwestern portion of the site consisting of:

- Demolition of the Electricians workshop, Central Administration building and fuel store and awning structure.
- Partial removal of existing fence connected to the Electricians Workshop building.
- Construction of a new fence to match the existing fence along the northwest property boundary corner.

- Implementation of a deep soil zone comprising a soil stabilisation grid in place of the demolished buildings.
- Provision of 26 temporary car parking spaces within the soil stabilisation grid. This temporary use is required to maintain Depot operations while the new building is developed under a future Stage 2 DA. Once construction is complete, the area will revert to its intended function as a landscaped deep soil zone.

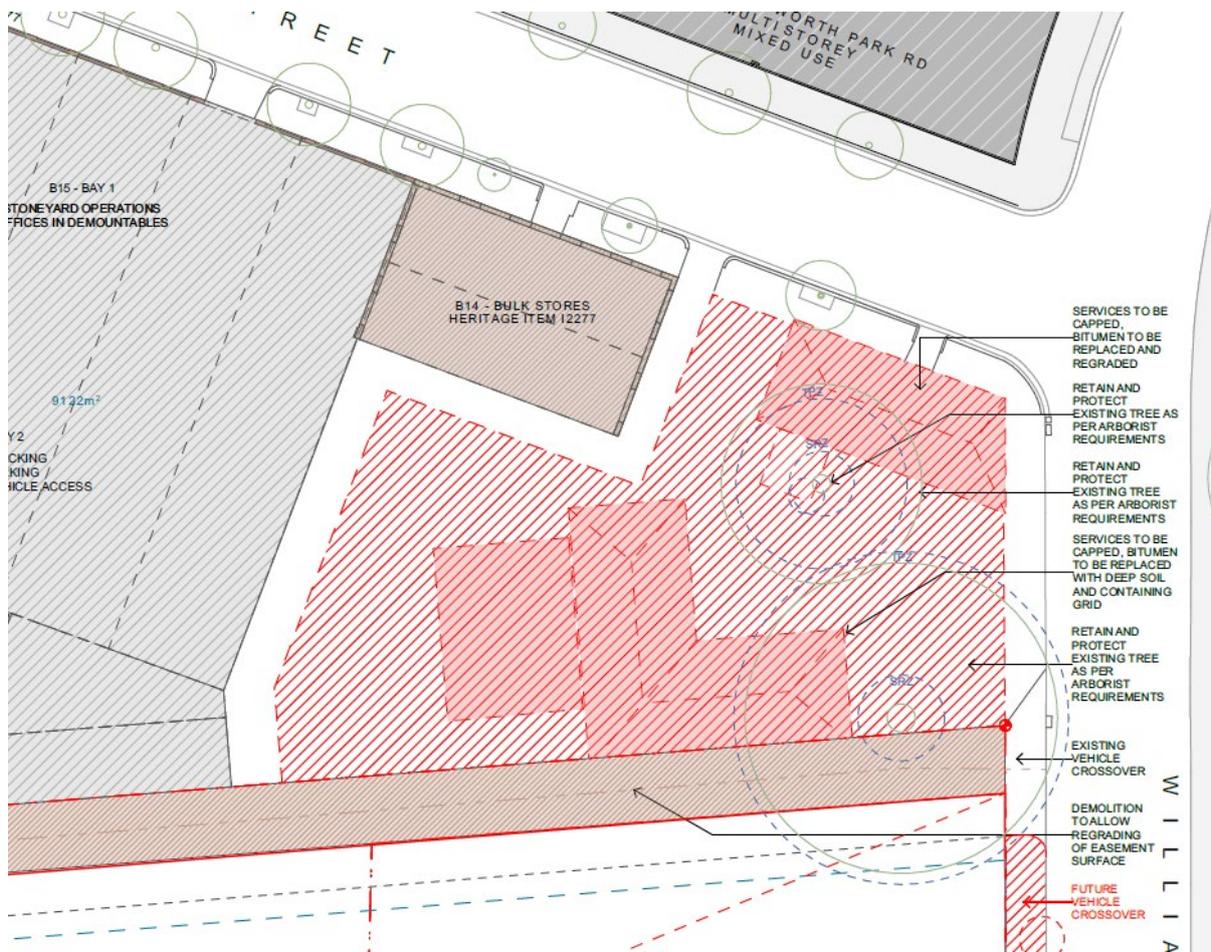


Figure 12: Stage 1 Demolition Plan

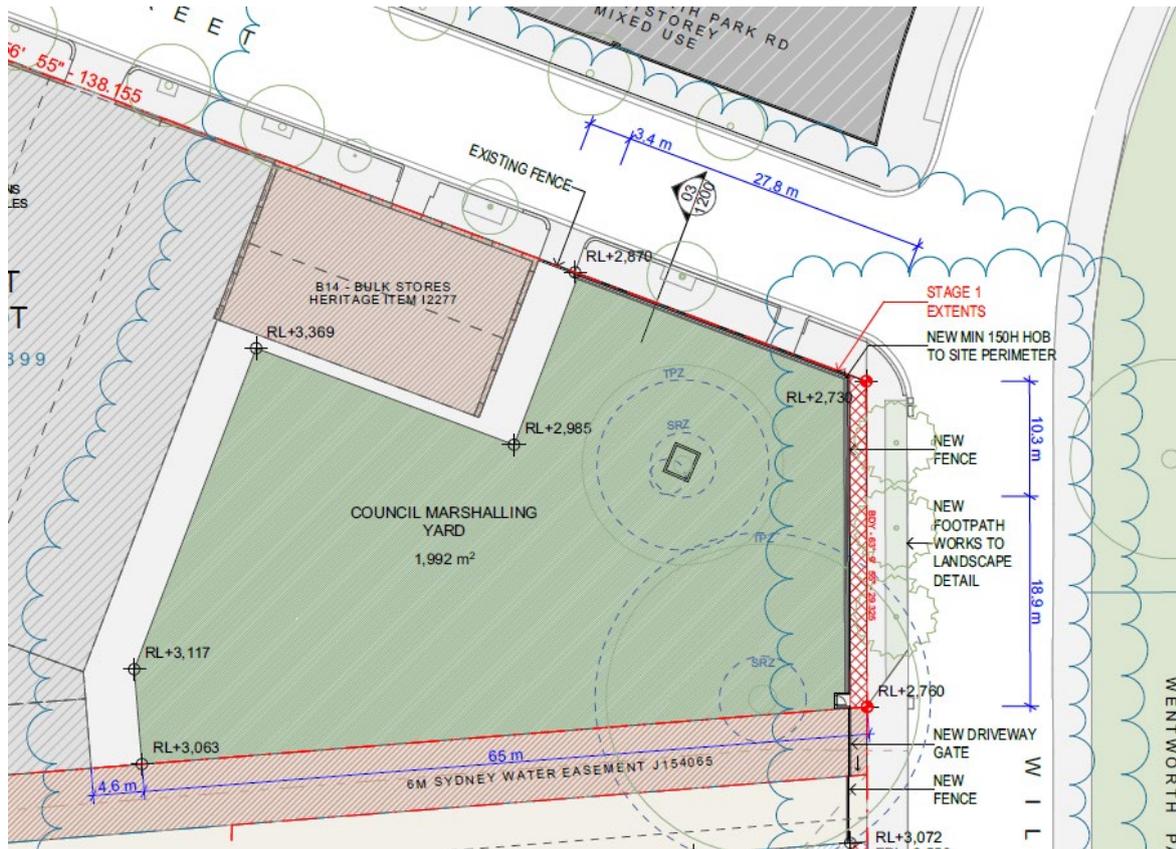


Figure 13: Stage 1 Site Plan



Figure 14: Stage 1 Temporary Parking Area

## Assessment

26. The proposed development has been assessed under Section 4.15 of the Environmental Planning and Assessment Act 1979.

## State Environmental Planning Policies

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

#### Remediation of Land

27. The aim of SEPP (Resilience and Hazards) 2021 – Chapter 4 Remediation of Land is to ensure that a site is suitable for its intended use and will not increase the risk to health, particularly in circumstances where a more sensitive land use is proposed.
28. Two Detailed Site Investigations (DSI) were submitted with the application, one for the Bay Street East Depot and one for Bay Street West Depot.
29. The Bay Street East Depot DSI found that all analysed contaminant concentrations of soil or 95% UCL were within the adopted site assessment criteria (SAC) with the exception of the following locations exceeding criteria protective of human health:
- Fibrous asbestos / asbestos fines (FA/AF) in sample BH118/0.1-0.3 at 0.0011% (w/w) which above the SAC limit 0.001% (w/w);

Additional exceedances for criteria protective of potential ecological receptors included:

- F2 (>C10-C16 less naphthalene) in BH107/0.6-0.8 exceeded the management limit of 1000 mg/kg. Based on concurrent detection of metals (zinc) and Polycyclic aromatic hydrocarbons (PAH) it is considered the elevated Total recoverable hydrocarbons (TRH) may be due to bitumen / asphalt associated with the igneous gravel observed in the fill, rather than from a petroleum source; and
  - Elevated concentrations of copper, zinc and TRH >C10-C16 exceeded ecological criteria. However, the fill is anticipated to be within the building footprint or under hardstand and hence, the exceedances are not considered to be of concern unless landscaping areas are included in the development.
30. The Bay Street Depot East DSI concludes that the site can be made suitable for the proposed commercial / industrial development subject to implementation of the following recommendations:
- A hazardous building material (HBM) survey by a qualified or licensed asbestos assessor prior to demolition to identify any hazardous materials in the buildings;
  - A surface clearance for the whole site post demolition of existing structures and following the slab / hardstand removal by an occupational hygienist or licensed asbestos assessor;

- Development of an asbestos management plan (AMP) to manage potential asbestos finds during development works. The AMP should include procedures for the following:
    - (i) A post demolition and clearance site walkover by an environmental consultant to identify signs of potential asbestos contamination;
    - (ii) Further assessment if fill is to be retained in accessible areas of proposed landscaping for suitability through additional sampling and assessment;
    - (iii) A protocol for management / remediation of asbestos finds;
    - (iv) Additional soil sampling and testing, either using in situ or ex situ sampling methods, to provide a final waste classification for surplus soils requiring off-site disposal; and
    - (v) An unexpected finds protocol outlining the procedures that would be undertaken in the event unexpected contamination (e.g., additional USTs, odorous soils or seepage water) is encountered during excavation or as part of the post demolition inspection.
  - If required, preparation of a separate management plan to outline requirements for the removal and validation of the former kerosene UST if the tank is to be decommissioned (ex-situ); and
  - Preparation of an ASSMP in accordance with Acid Sulfate Soils Management Advisory Committee, Acid Sulfate Soils Manual (1998) and Water Quality Australia National ASS guidance (2020) outline the works required for the management of ASS / PASS.
31. An ASSMP was requested from the applicant to address the findings of the Bay Street Depot East DSI and satisfy Clause 7.14 of the SLEP 2012. The applicant submitted an ASSMP which has been reviewed by the City's Environmental Health Unit who raised no objection subject to conditions which are included in Attachment B.
32. The Bay Street West Depot DSI found the following exceedances:
- PAH and benzo(a)pyrene (B(a)P) toxicity equivalency quotient in soils exceeding Tier 1 criteria protective of human health, indicative of heterogenous contamination in the fill beneath the site;
  - Lead in soils, exceeding Tier 1 criterion protective of human health at one test location (BH101) proximate to an underground storage tank. Re-sampling / testing of the sample resulted in repeated elevated concentrations exceeding the Tier 1 criteria by orders of magnitude;
  - Exceedances of ecological based criteria for B(a)P (suggestive again of heterogenous impacts across the fill), copper, zinc, TRH and lead (the same location noted above); and
  - Lead, zinc and B(a)P in one groundwater monitoring well (BH101) exceeding criteria protective of marine ecosystems.

33. The lead contamination identified at BH101 is currently considered to pose a risk to off-site receptors, through leaching / infiltration to groundwater given leachable concentrations of lead were identified in soil samples at this location (acid and neutral leaching conditions), and corresponding concentrations of lead were identified in groundwater at the same test location. The Bay Street Depot East DSI concludes that the site can be made suitable for the proposed commercial / industrial development subject to implementation of the following recommendations
34. Based on the results of the Bay Street West Depot DSI it is considered that the site can be made suitable for the proposed industrial re-development subject to the following limitations and recommendations:
  - The proposed land-use is for a council depot (i.e. similar to standard NEPC (2013) commercial / industrial land-use). Based on the risk assessment reported herein, further assessment would be required for both ecological and human health receptors should the proposed site use change.
  - Further delineation and management of fill at / near BH101 is required to manage the identified lead contamination, principally for off-site receptors as the lead is potentially an ongoing contamination source to groundwater; and
  - Development of an unexpected finds protocol (UFP) to manage risks posed by other contaminants, such as asbestos in soil, and to manage removal of underground storage tanks (UST) if encountered during excavation. This may form a more general management document for the development of the depot (eastern and western sections).
35. Therefore, it is recommended that a remediation action plan (RAP) is prepared in accordance with NSW EPA (2020) to outline the management approach for the identified lead contamination.
36. The City's Health Unit has reviewed the information provided, and has recommended conditions of consent to ensure the preparation of a Remediation Action Plan (RAP) prior to any physical works commencing onsite and to ensure compliance with the remediation measures outlined.
37. The City's Health Unit is satisfied that, subject to conditions, the site can be made suitable for the proposed use.

### **State Environmental Planning Policy (Sustainable Buildings) 2022**

38. The aims of this Policy are as follows—
  - (a) to encourage the design and delivery of sustainable buildings,
  - (b) to ensure consistent assessment of the sustainability of buildings,
  - (c) to record accurate data about the sustainability of buildings, to enable improvements to be monitored,
  - (d) to monitor the embodied emissions of materials used in construction of buildings,
  - (e) to minimise the consumption of energy,
  - (f) to reduce greenhouse gas emissions,

- (g) to minimise the consumption of mains-supplied potable water,
- (h) to ensure good thermal performance of buildings.

### **Chapter 3 Standards for non-residential development**

39. Chapter 3 of the SEPP applies to development, other than development for the purposes of residential accommodation, that involves:-
- (a) the erection of a new building, if the development has an estimated development cost of \$5 million or more, or
  - (b) alterations, enlargement or extension of an existing building, if the development has an estimated development cost of \$10 million or more.

### **Section 3.2 Development Consent for non-residential development**

40. Section 3.2 Development consent for non-residential development provides that:
- (1) In deciding whether to grant development consent to non-residential development, the consent authority must consider whether the development is designed to enable the following—
    - (a) the minimisation of waste from associated demolition and construction, including by the choice and reuse of building materials,
    - (b) a reduction in peak demand for electricity, including through the use of energy efficient technology,
    - (c) a reduction in the reliance on artificial lighting and mechanical heating and cooling through passive design,
    - (d) the generation and storage of renewable energy,
    - (e) the metering and monitoring of energy consumption,
    - (f) the minimisation of the consumption of potable water.
  - (2) Development consent must not be granted to non-residential development unless the consent authority is satisfied the embodied emissions attributable to the development have been quantified.
41. With regard to the above matters, it is noted the subject application limits physical works under Stage 1 to the demolition of existing structures, fencing and the installation of soil stabilisation grids. Due to the limited scope of physical works in the subject application, many of the matters for consideration are not relevant and are to be addressed in the future detailed development applications under the Concept Approval.
42. The application is accompanied by an Ecologically Sustainable Development (ESD) Report for the Concept Approval which outlines commitment to the following sustainable design principles:
- 5-star Green Star Buildings v1 rating for the new Depot development

- 20% reduction in operational energy use for the overall mixed-use development, commensurate with “credit achievement” in Green Star Building v1 Credit 22: Energy Use
  - Reference building energy performance will be predicated on NCC 2022.
  - This aspiration has been proposed to align with future Performance Standards listed within City of Sydney’s Planning for net zero energy buildings. Arup consider energy reduction under Green Star methodology to be most appropriate for the development given, given this assessment considers the entirety of the mixed-use classes unlike other tools or pathways (e.g. NABERS Commitment Agreement) which do not consider a unified building.
  - 20% reduction in upfront carbon for the overall mixed-use development, commensurate with “credit achievement” in Green Star Building v1 Credit 21: Upfront Carbon Emissions
  - 5.5-star NABERS whole building energy in design rating for the office component
  - 4-star NABERS Water in design for office component
  - Verification of NABERS Water in design rating will be via modelling using an established water balance calculation approach, e.g. Green Star Potable Water Calculator.
  - Zero Carbon Action Plan
  - Full electrification of building services with no fossil fuel use on site, commensurate with “exceptional performance” in Green Star Buildings v1 Credit 23: Energy Source
  - Rainwater harvesting and storage strategy
  - Provision of energy storage with battery storage
43. With regard to section (2) above the applicant has adequately quantified the embodied emissions attributable to the development. Section 35B of the Environmental Planning and Assessment Regulation determines the form in which embodied emissions are to be quantified. The embodied emissions attributable to the development have been appropriately quantified using the NABERS embodied energy form published on the NSW Planning Portal and certified by an appropriately qualified person as required by the regulations.

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

44. The provisions of SEPP (Transport and Infrastructure) 2021 have been considered in the assessment of the development application.

#### **Division 5, Subdivision 2: Development likely to affect an electricity transmission or distribution network**

##### **Clause 2.48 Determination of development applications – other development**

45. The application is subject to Clause 2.48 of the SEPP as the development will be carried out within 5m of an exposed overhead electricity power line.

46. As such, the application was referred to Ausgrid for a period of 21 days and no objection was raised subject to conditions which have been included in **Attachment B**.

### **Division 17, Subdivision 2: Development in or adjacent to road corridors and road reservations**

#### **Clause 2.119 – Development with frontage to classified road**

47. The application is subject to Clause 2.119 of the SEPP as the site has frontage to Wattle Street which is a classified road.
48. The proposed development satisfies the provisions of Clause 2.119 subject to conditions of consent, as access to the site is not provided from the classified road and the safety, efficiency and ongoing operation of the classified road will not be adversely affected by the development, subject to the recommended conditions of consent.

#### **Clause 2.122 – Traffic-generating development**

49. The proposed development was referred to Transport for NSW (TfNSW) as traffic generating development under Clause 2.122 of the SEPP. Comments were received raising no objection to the Stage 1 DA and providing comments for consideration in subsequent detailed DAs following approval of the Concept DA. Conditions of consent were recommended which are included in **Attachment B**.

### **State Environmental Planning Policy (Biodiversity and Conservation) 2021 – Chapter 2 (Vegetation in Non Rural Areas)**

50. The SEPP states that the Council must not grant consent for the removal of vegetation within heritage sites or heritage conservation areas unless Council is satisfied that the activity is minor in nature and would not impact the heritage significance of the site.
51. The concept proposal will require the removal of street trees in order to facilitate the indicative vehicle access as identified in the Concept Proposal and Landscape Strategy. The section of the site where tree removal may be required is not a heritage item, not an identified aboriginal object and will be offset by the proposed planting of new trees along the frontages of the site (as identified in the Concept Landscape Plans), it is considered that minimal vegetation clearing would be acceptable in accordance with Clause 2.10.
52. The Stage 1 works do not require the removal of any trees and therefore this application does not seek consent for the removal of any trees. The removal of any trees will be detailed and assessed in the Stage 2 DA.

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

53. The site is located within the designated hydrological catchment of Sydney Harbour and is subject to the provisions of the above SEPP. The SEPP requires the Sydney Harbour Catchment Planning Principles to be considered in the carrying out of development within the catchment.

54. The site is within the Sydney Harbour Catchment and eventually drains into Sydney Harbour. However, the site is not located in the Foreshores Waterways Area or adjacent to a waterway and therefore, with the exception of the objective of improved water quality, the objectives of the SEPP are not applicable to the proposed development.
55. The Stage 1 Works involve physical activities that are confined to the northwest corner of the site are situated away from the existing stormwater easement which runs through the centre of the site. The proposed Stage 1 works will not impact the flow or quality of water into Sydney Harbour Catchment. There will be no adverse impacts on the quality of water entering the Sydney Harbour Catchment and the proposed development satisfies the general provisions of Chapter 6.

## Local Environmental Plans

### Sydney Local Environmental Plan 2012

56. An assessment of the proposed development against the relevant provisions of the Sydney Local Environmental Plan 2012 (SLEP 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 MU1 Mixed Use zone. The proposed development is defined as a Depot and is permissible with consent in the zone. The proposal generally meets the objectives of the zone.
2.7 Demolition requires development consent	Yes	Consent is sought for the demolition of the Electricians workshop, Central Administration building and fuel store and associated awning structure located in the northwest portion of the site.

#### Part 4 Principal development standards

Provision	Compliance	Comment
4.3 Height of buildings	Partial compliance	The site is subject to a split maximum building height control of 15m for the northern and western portion of the site and 18m for the south eastern portion of the site.  The proposed Concept building envelope has a maximum height of RL +19.740 (16.1metres).

Provision	Compliance	Comment
		<p>It is noted that the proposed building height exceeds the maximum building height of 15m in the northern portion of the site (1.1m exceedance).</p> <p>The Applicant has advised that they intend to utilise the City's design excellence bonus for additional height. Given this framework, the concept proposal provides a reference scheme which provides an assessment of the indicative height and associated impacts.</p> <p>A Clause 4.6 Variation Request is not required for the Concept DA. The use of the design excellence framework for additional height will be assessed under the Stage 2 detailed DA.</p>
4.4 Floor space ratio	Yes	<p>A maximum floor space ratio of 2:1 applies to the eastern portion of the site and a maximum floor space ratio of 1.75:1 applies to the western portion of the site.</p> <p>A floor space ratio of 1.1:1 or 21,793sqm is proposed across the site. This consists of:</p> <ul style="list-style-type: none"> <li>• Bay Street East Depot - An indicative gross floor area (GFA) of 16,222sqm and FSR of 1.5:1 complying with the maximum control of 2:1; and</li> <li>• Bay Street West Depot - A GFA of 5,571sqm and FSR of 0.61:1 complying with the maximum control of 1.75:1.</li> </ul> <p>The proposed development complies with the maximum floor space ratio development standard.</p>
4.6 Exceptions to development standards	Yes	<p>A Clause 4.6 variation is not required as part of the Concept DA as the proposed development will be seeking the design excellence height bonus under the future detailed DA.</p>

**Part 5 Miscellaneous provisions**

Provision	Compliance	Comment
5.10 Heritage conservation	Yes	<p>The site contains a locally listed heritage item under the SLEP 2012: being I2277 - Bay Street Depot former stables and factory building including interiors and Bay Street garages and street wall.</p> <p>The proposed development will not have detrimental impact on the heritage significance of the heritage item.</p> <p>See further details in the 'Discussion' section below.</p>
5.21 Flood planning	Yes	<p>The site is located within the Blackwattle catchment's main flow path and is subject to overland flooding during minor and major flood events.</p> <p>A Flood Emergency Response Plan (FERP) was submitted with the application to address the requirements of Clause 5.21 of the SLEP 2012.</p> <p>The FERP is sufficient to address temporary risk to life associated with the temporary car parking. Once the temporary parking area is converted to deep soil the flooding issue is removed as the interim floodplain management strategy does not include requirements for deep soil areas.</p> <p>The FERP was reviewed by the City Public Domain Unit who raised no objection subject to conditions.</p>

**Part 6 Local provisions – height and floor space**

Provision	Compliance	Comment
Division 4 Design excellence		
6.21C Design excellence	Yes	<p>The Concept DA has provided appropriate strategies through the intended design competition process to be undertaken as part of the future Stage 2 detailed DA. This process will ensure the development is of a high standard and uses materials and detailing which are compatible with the</p>

Provision	Compliance	Comment
		<p>existing development along the street and will contribute positively to the character of the area.</p> <p>The development has provided appropriate strategies for future development to achieve the principle of ecologically sustainable development and has an acceptable environmental impact with regard to the amenity of the surrounding area and future occupants.</p> <p>The proposed development has also been designed to ensure it will not have a detrimental impact on the heritage item on site.</p> <p>The development therefore achieves design excellence.</p>
<p>6.21D Competitive design process</p>	<p>Partial Compliance</p>	<p>In accordance with Clause 6.21D(1)(c) the development is required to enter into a design competition as the site requires the preparation of a site specific development control plan in accordance with Clause 7.20 of the SLEP 2012 as it has a site area of over 5,000sqm.</p> <p>This application seeks approval for a Concept Proposal, and a competitive design process will be undertaken prior to the lodgement of a detailed DA.</p> <p>A Design Excellence Strategy has been submitted with this DA. The design excellence strategy outlines the process and methodology for the proponent to implement a competitive design process for the redevelopment of the site in accordance with the City of Sydney Competitive Design Policy 2012.</p> <p>The applicant has advised that they will pursue up to 10% additional height under clause 6.21D(3)(a), the distribution of which will be explored through the competitive process and is to be consistent with the Concept DA consent and relevant provisions of the SLEP 2012 and Sydney Development Control Plan 2012 (SDCP 2012).</p>

## Part 7 Local provisions – general

Provision	Compliance	Comment
Division 1 Car parking ancillary to other development		
7.3 Car parking spaces not to exceed maximum set out in this Division	Yes	<p>The SLEP 2012 does not nominate a maximum parking rate for a depot.</p> <p>The Concept Proposal and associated reference scheme provides the following indicative car parking spaces:</p> <ul style="list-style-type: none"> <li>• Provision for 118 fleet vehicles to be stored at the redeveloped depot.</li> <li>• Provision for 85 staff and visitor car parking spaces.</li> </ul> <p>The number and location of parking spaces is indicative and will be refined as part of the Stage 2 Detailed DA.</p> <p>26 temporary parking spaces are to be provided at the north west corner of the site as part of the Stage 1 works.</p> <p>The development has been reviewed by The City Access and Transport Team who raised no objection to the Concept Proposal and Stage 1 works on traffic and transport grounds subject to relevant conditions.</p>
Division 4 Miscellaneous		
7.14 Acid Sulfate Soils	Yes	<p>The site is located on land with class 2 Acid Sulfate Soils.</p> <p>The application proposes works requiring the preparation of an Acid Sulfate Soils Management Plan.</p> <p>An Acid Sulfate Soils Management Plan has been submitted with the application. The plan has been reviewed by the City's Environmental Health Unit who raised no objection subject to conditions which are included in Attachment B.</p>
7.19 Demolition must not result in long term adverse visual impact	Yes	<p>The proposed demolition of the Electricians Workshop, Central Administration Building and Fuel Store and associated awning structure will not</p>

Provision	Compliance	Comment
		<p>result in long term adverse visual impacts as the site will be redeveloped under this concept approval and Stage 1 works in accordance with 7.19(a)(ii).</p> <p>The demolition of these structures is required to maintain Depot operations during future stages of development.</p> <p>The Stage 1 works include the make good of the area subject to the proposed demolition and will include the provision of a stabilised deep soil grid and installation of fencing in place of the demolished buildings. This will mitigate any adverse visual impact of the demolition prior to the more comprehensive works taking place on the Bay Street East site under the Concept Approval.</p> <p>The area will be used for temporary parking of existing fleet vehicles while the eastern portion of the site is developed (as part of the Stage 2 DA).</p>
7.20 Development requiring or authorising preparation of a development control plan	Yes	<p>In accordance with Clause 7.20(2)(b) of the SLEP 2012 the site requires the preparation of a site specific development control as it has a site area of over 5,000sqm.</p> <p>Section 4.23 of the EP&amp;A Act allows a concept approval to be lodged in lieu of preparing a development control plan.</p> <p>The matters under Clause 7.20(4) of the SLEP 2012 are satisfied by the documentation submitted with the application and the recommended conditions.</p> <p>The proposal satisfactorily sets expectations for the future use and built form contained within the site, heritage conservation, ESD outcomes, acoustic impacts, environmental impact, and interface with the public domain.</p>
7.26 Public art	Yes	A Public Art Strategy has been prepared to support the Concept DA. The public

Provision	Compliance	Comment
		<p>art strategy identifies public art opportunities to be further explored and included as part of the design competition and Stage 2 DA.</p> <p>The Strategy identifies three artist experience zones being the William Henry Street entrance, the Wattle Street façade and the Macarthur Street façade. The strategy provides key themes for each art experience zone identified, including Threshold, Integrated and Discovery.</p> <p>The location and type of artwork will be further developed during the design excellence process and Stage 2 DA in consultation with the City of Sydney.</p>

## Development Control Plans

### Sydney Development Control Plan 2012

57. 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

58. The site is located within the Mountain Street locality. The proposed development is in keeping with the unique character and the design principles of the Mountain Street locality. The proposed development has been designed to respond to and complement the heritage item onsite, will encourage simple forms that recognise the predominant warehouse character of the precinct whilst maintaining views to and visual association with Wentworth Park.

#### Section 3 – General Provisions

Provision	Compliance	Comment
3.1 Public Domain Elements		
3.1.1 Streets, lanes and footpaths	Yes	Street Trees and Public Domain works are proposed as part of the Concept Approval. The final design and scope of the relevant works will be detailed and assessed under the future Stage 2 detailed DA.
3.1.5 Public art	Yes	A Public Art Strategy has been prepared to support the Concept DA. The public art strategy identifies public art

Provision	Compliance	Comment
		opportunities to be further explored and included as part of the design competition and Stage 2 DA.
3.2. Defining the Public Domain		
3.2.1 Improving the public domain	Yes	The proposed development has been designed with consideration of the public domain, relevant height and density controls and existing views to Wentworth Park and Blackwattle Bay. The Concept Proposal seeks approval for an indicative building envelope which is subject to a design excellence strategy that will ensure the future detailed DA is designed to consider, complement and improve the public domain.
3.3 Design Excellence and Competitive Design Processes	Yes	<p>In accordance with Clause 6.21D(1)(c) of the SLEP 2012 the development is required to enter into a design competition as the site requires the preparation of a site specific development control plan in accordance with Clause 7.20 of the SLEP 2012 as it has a site area of over 5,000sqm.</p> <p>This application seeks approval for a Concept Proposal, and a competitive design process will be undertaken prior to the lodgement of a detailed DA.</p> <p>A Design Excellence Strategy has been submitted with this DA. The design excellence strategy outlines the process and methodology for the proponent to implement a competitive design process for the redevelopment of the site in accordance with the City of Sydney Competitive Design Policy 2012.</p> <p>The applicant has advised that they will pursue up to 10% additional height under clause 6.21D(3)(a) of the SLEP 2012, the distribution of which will be explored through the competitive process and is to be consistent with the Concept DA consent and relevant provisions of the SLEP 2012 and SDCP 2012.</p>

Provision	Compliance	Comment
3.3.8 Site specific development control plans and concept development applications	Yes	<p>In accordance with Clause 7.20(2)(b) of the SLEP 2012 the site requires the preparation of a site specific development control as it has a site area of over 5,000sqm.</p> <p>Section 4.23 of the Environmental Planning and Assessment Act 1979 allows a concept approval to be lodged in lieu of preparing a development control plan.</p> <p>The matters under Clause 7.20(4) of the SLEP 2012 are satisfied by the documentation submitted with the application and the recommended conditions.</p> <p>The proposal satisfactorily sets expectations for the future use and built form contained within the site, heritage conservation, ESD outcomes, acoustic impacts, environmental impact, and interface with the public domain.</p>
3.5 Urban Ecology	Partial compliance	<p>The concept proposal will require the removal of street trees in order to facilitate the indicative vehicle access as identified in the Concept Proposal and Landscape Strategy.</p> <p>The Stage 1 works do not require the removal of any trees and therefore this application does not seek consent for the removal of any trees. The removal of any trees will be detailed and assessed in the Stage 2 DA.</p> <p>Council's Tree Management Team has raised no objection subject to conditions.</p>
3.6 Ecologically Sustainable Development	Yes	<p>As discussed above, the subject application limits physical works under Stage 1 to the demolition, fencing and the installation of soil stabilisation grids. Due to the limited scope of physical works in the subject application, many of the matters for consideration are not relevant and are to be addressed in the</p>

Provision	Compliance	Comment
		<p>future detailed development applications under the Concept Approval.</p> <p>The application is accompanied by an ESD Report for the Concept Proposal which outlines commitment to the following sustainable design principles:</p> <ul style="list-style-type: none"> <li>• 5-star Green Star Buildings v1 rating for the new Depot development</li> <li>• 20% reduction in operational energy use for the overall mixed-use development, commensurate with “credit achievement” in Green Star Building v1 Credit 22: Energy Use</li> <li>• Reference building energy performance will be predicated on NCC 2022.</li> <li>• This aspiration has been proposed to align with future Performance Standards listed within City of Sydney’s Planning for net zero energy buildings. Arup consider energy reduction under Green Star methodology to be most appropriate for the development given, given this assessment considers the entirety of the mixed-use classes unlike other tools or pathways (e.g. NABERS Commitment Agreement) which do not consider a unified building.</li> <li>• 20% reduction in upfront carbon for the overall mixed-use development, commensurate with “credit achievement” in Green Star Building v1 Credit 21: Upfront Carbon Emissions</li> <li>• 5.5-star NABERS whole building energy in design rating for the office component</li> <li>• 4-star NABERS Water in design for office component</li> </ul>

Provision	Compliance	Comment
		<ul style="list-style-type: none"> <li>• Verification of NABERS Water in design rating will be via modelling using an established water balance calculation approach, e.g. Green Star Potable Water Calculator.</li> <li>• Zero Carbon Action Plan</li> <li>• Full electrification of building services with no fossil fuel use on site, commensurate with “exceptional performance” in Green Star Buildings v1 Credit 23: Energy Source</li> <li>• Rainwater harvesting and storage strategy</li> <li>• Provision of energy storage with battery storage</li> </ul>
3.7 Water and Flood Management	Yes	The site is identified as being on flood prone land. See discussion under Clause 5.21 of the SLEP 2012 above.
3.9 Heritage	Yes	<p>The site contains a locally listed heritage item under the SLEP 2012: being I2277 - Bay Street Depot former stables and factory building including interiors and Bay Street garages and street wall.</p> <p>The proposed development will not have detrimental impact on the heritage significance of the heritage item subject to conditions of consent.</p> <p>See further details in the ‘Discussion’ section below.</p>
3.10 Significant Architectural Building Types	Yes	<p>The site contains warehouse style buildings older than 50 years.</p> <p>The Stage 1 works do not propose any works to the existing warehouse style buildings onsite.</p> <p>The Concept Proposal seeks approval for the indicative redevelopment of the eastern portion of the site which will result in the demolition of the existing warehouse style building onsite. The Concept Proposal will ensure the</p>

Provision	Compliance	Comment
		warehouse and heritage character on the western portion of the site remains with the eastern portion of the site subject to a design competition process that will ensure appropriate consideration of the warehouse character of the site and surrounding area whilst achieving design excellence. The proposed development is therefore acceptable.
3.11 Transport and Parking		
3.11.1 Managing transport demand	Yes	<p>The proposal comprises a Concept DA for non-residential development exceeding 1,000sqm of GFA. As such, it generates a requirement for a Transport Impact Study under the relevant provisions of Section 3.11.1 of the SDCP 2012.</p> <p>A Traffic and Transport Impact Assessment report has been submitted with the application in accordance with these requirements. This was reviewed by the City's Access and Transport Unit who has advised that it is acceptable with regard to the controls in Section 3.11.1 of the SDCP 2012 subject to conditions.</p>
3.11.3 Bike parking and associated facilities	Able to comply	Appropriate conditions of consent are recommended and included in Attachment B to this report to ensure that adequate bicycle parking and end of journey facilities are provided as part of any future detailed design development application.
3.11.4 Vehicle parking	Yes	<p>The SDCP 2012 does not nominate parking rates for a depot.</p> <p>The Concept Proposal and associated reference scheme provides the following indicative car parking spaces:</p> <ul style="list-style-type: none"> <li>• Provision for 118 fleet vehicles to be stored at the redeveloped depot.</li> </ul>

Provision	Compliance	Comment
		<ul style="list-style-type: none"> <li>• Provision for 85 staff and visitor car parking spaces.</li> <li>• Bicycle Parking for staff and visitors.</li> </ul> <p>The number and location of parking spaces are indicative and will be refined as part of the Stage 2 Detailed DA.</p> <p>26 temporary parking spaces are to be provided at the north west corner of the site as part of the Stage 1 works.</p> <p>The development has been reviewed by The City Access and Transport Unit who raised no objection to the Concept Proposal and Stage 1 works on traffic and transport grounds subject to relevant conditions.</p>
3.11.6 Service vehicle parking	Yes	Adequate access and parking is provided for service vehicles onsite.
3.11.10 Vehicle access for developments greater than 1000sqm GFA	Yes	Adequate vehicle access is provided as part of the development. See further details in the 'Discussion' section below.
3.11.13 Design and location of waste collection points and loading areas	Yes	The development has been reviewed by The City's Cleansing and Waste Unit who raised no objection to the Concept Proposal and Stage 1 works on waste management grounds subject to relevant conditions.
3.12 Accessible Design	Yes	<p>The site is generally capable of providing accessible entries at the frontages of the site.</p> <p>The site is also capable of providing accessible amenities for visitors including sanitary facilities which will form part of the future Stage 2 DA information and assessment.</p>
3.14 Waste	Yes	A Waste Management Plan (WMP) was submitted with the application which considers the overarching approach for sustainable waste management at the Bay Street Depot following its redevelopment. The WMP also

Provision	Compliance	Comment
		<p>considers construction and demolition waste requirements for Stage 1 works.</p> <p>The WMP also considers the operational waste management requirements for the future Depot. Operational waste requirements will be centred around the ancillary office use. The waste storage areas and transfer and collection methods will be further detailed in the Stage 2 DA, once the detailed design has developed.</p> <p>The development has been reviewed by The City's Cleansing and Waste Unit who raised no objection to the Concept Proposal and Stage 1 works on waste management grounds subject to relevant conditions.</p>

## Section 4 – Development Types

### 4.2 Residential Flat, Commercial and Mixed Use Developments

Provision	Compliance	Comment
4.2.9 Non-residential development in the B4 Mixed Uses Zone	Yes	<p>It is noted that the site is zoned MU1 Mixed Use and not B4 Mixed Use. The development has however been merit assessed against this section noting that the MU1 zone is considered to be the equivalent zone following the employment zone reforms.</p> <p>The proposed development satisfactorily sets expectations for the future use and built form contained within the site, acoustic impacts, environmental impact, and interface with surrounding development.</p> <p>A Reference Scheme has been submitted with the application to demonstrate how a building can be established within the proposed envelope while maintaining reasonable impacts to the surrounding environment, achieving a practical floor plate that achieves the operational requirements of the Depot and enables a positive streetscape presentation. A detailed assessment of the potential impacts of the detailed design for the concept</p>

Provision	Compliance	Comment
		<p>proposal will be undertaken under the Stage 2 detailed DA.</p> <p>Subject to conditions, the development will not adversely impact the amenity of neighbouring residential properties.</p>

## Discussion

### Concept Development Application

59. The application seeks consent for a Concept and Stage 1 Development Application pursuant to Section 4.22 of the EP&A Act for the redevelopment of the City of Sydney Bay Street Depot.
60. The Concept DA seeks to guide the redevelopment of the Bay Street Depot to continue operation as a Depot and includes the following key elements:
- (a) A 4-storey building envelope to a height of 16.1m at Bay Street East Depot (BSED) which can accommodate a gross floor area (GFA) of approximately 16,222m<sup>2</sup> and a Floor Space Ratio (FSR) of 1.5:1.
  - (b) Heavy vehicle access provided from William Henry Street and general vehicle access provided from Macarthur Street.
  - (c) A deep soil zone comprising a soil stabilisation grid which can accommodate vehicle parking within northwest portion of the site.
  - (d) A Design Excellence Strategy which outlines the framework for the Competitive Design Alternatives Process to deliver the highest standard of architectural design.
  - (e) A Preliminary Public Art Strategy which outlines the framework for the inclusion of public art within the redeveloped Depot.
61. The application has been accompanied by several supporting strategies to guide future development to ensure the orderly future development of the site. Strategies include the following:
- (a) Design Excellence Strategy
  - (b) Public Art Strategy
  - (c) Landscape and Public Domain Strategy
  - (d) Ecologically Sustainable Development Report
  - (e) Waste Management Strategy
  - (f) Noise Impact Assessment

- (g) Heritage Impact Statement
- (h) Site Flood and Stormwater Assessment

62. The above listed strategies and assessment reports demonstrate the development site is both capable of continued operation as a depot and for the redevelopment to provide improved facilities and operations. The strategies and assessments assist in providing a suitable framework under the Concept Approval to guide future development under the subsequent detailed DAs.

### Heritage Conservation

63. The development is subject to a number of considerations for heritage conservation, particularly the provisions of the SLEP 2012 and SDCP 2012. Consideration must be given to the impact of the proposal on the character and fabric of the heritage item onsite.
64. The site contains a locally listed heritage item under the SLEP 2012: being I2277 - Bay Street Depot comprising multiple structures including the former stables and factory building including interiors and Bay Street garages and street wall. The site is also located in proximity to the following items:
- (a) Item 12061 Former woolstore 'Farmers & Graziers No1', 372-428 Wattle Street, Ultimo
  - (b) Item 12040, Former woolstore façades, 89-97 Jones Street (and 330-370 Wattle Street) Ultimo
65. The proposed Stage 1 works within the western side of the site includes demolition of the Nursery Shed (B12 current Electrician's Workshop), the Administration Building (B10 constructed in 1987), the Diesel Tank Awning (B11) and some Nursery boundary walls (B12a). These buildings are indicated to be of little significance in the Conservation Management Plan for the site and their removal is acceptable.
66. There are no proposed works to the individually heritage listed three storey Bay Street Factory (B14) or the Macarthur Street Stables Building (B1) or the remnant stable walls (B1a).
67. Stage 2 of the development will include the demolition of the Commonwealth Handling Equipment Pool (CHEP) Store and Office (as well as the carpark and other buildings) to accommodate the future depot building within the concept envelope. These buildings are located on the eastern side of the site and have been graded as being of moderate significance in the CMP.
68. The buildings on the eastern side of the site are not listed heritage items and therefore their retention or incorporation into the development is not required or pursued under the application. Conditions of consent have however been recommended to include photographic archival of these buildings, as part of a wider site archival recording, an Interpretation plan, which includes these buildings, as well as a Salvage Strategy which documents any architectural features and reuse of bricks and other materials.
69. The development was reviewed by the City Heritage Team who raised no objection subject to conditions relating to the following to ensure there are no adverse heritage impacts:

- (a) Historical Archaeological Research Design and Excavation Methodology to guide archaeological monitoring during works on the site
- (b) Site archival recording, Salvage Methodology and an Interpretation Plan for proposed demolition.

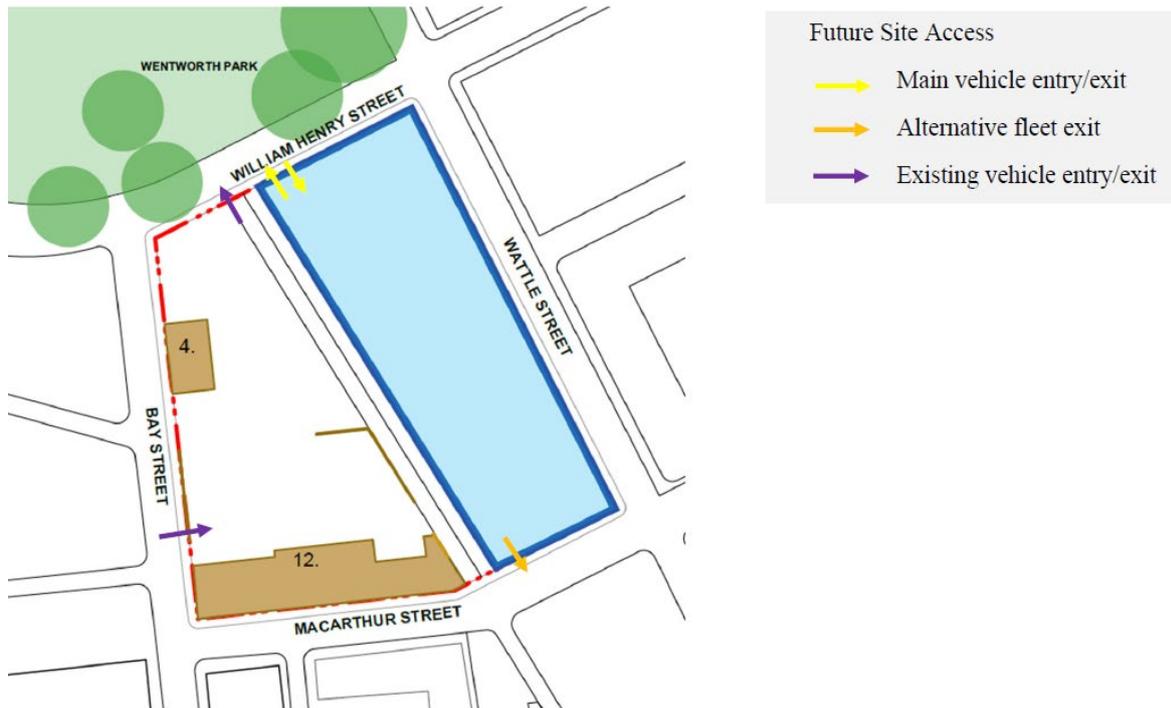
### Contamination

70. As detailed above, the Bay Street East Depot DSI found that all analysed contaminant concentrations of soil or 95% UCL were within the adopted site assessment criteria (SAC) with the exception of Fibrous asbestos / asbestos fines with further potential ecological exceedances for PAH, TRH, copper and zinc.
71. The Bay Street Depot East DSI concludes that the site can be made suitable for the proposed commercial / industrial development subject to implementation of the following recommendations:
  - A hazardous building material (HBM) survey by a qualified or licensed asbestos assessor prior to demolition to identify any hazardous materials in the buildings;
  - A surface clearance for the whole site post demolition of existing structures and following the slab / hardstand removal by an occupational hygienist or licensed asbestos assessor;
  - Development of an asbestos management plan (AMP) to manage potential asbestos finds during development works.
  - Preparation of an ASSMP in accordance with Acid Sulfate Soils Management Advisory Committee, Acid Sulfate Soils Manual (1998) and Water Quality Australia National ASS guidance (2020) outline the works required for the management of ASS / PASS.
72. An ASSMP was requested from the applicant to address the findings of the DSI and satisfy Clause 7.14 of the SLEP 2012. The applicant submitted an ASSMP which has been reviewed by the City's Environmental Health Unit who raised no objection subject to conditions which are included in **Attachment B**.
73. The Bay Street West Depot DSI found the following exceedances:
  - PAH and benzo(a)pyrene (B(a)P) toxicity equivalency quotient in soils exceeding Tier 1 criteria protective of human health, indicative of heterogenous contamination in the fill beneath the site;
  - Lead in soils, exceeding Tier 1 criterion protective of human health at one test location (BH101) proximate to an underground storage tank. Re-sampling / testing of the sample resulted in repeated elevated concentrations exceeding the Tier 1 criteria by orders of magnitude;
  - Exceedances of ecological based criteria for B(a)P (suggestive again of heterogenous impacts across the fill), copper, zinc, TRH and lead (the same location noted above); and
  - Lead, zinc and B(a)P in one groundwater monitoring well (BH101) exceeding criteria protective of marine ecosystems.

74. Based on the results of the Bay Street West Depot DSI it is considered that the site can be made suitable for the proposed industrial re-development subject to the following limitations and recommendations:
- The proposed land-use is for a council depot (i.e. similar to standard NEPC (2013) commercial / industrial land-use). Based on the risk assessment reported herein, further assessment would be required for both ecological and human health receptors should the proposed site use change.
  - Further delineation and management of fill at / near BH101 is required to manage the identified lead contamination, principally for off-site receptors as the lead is potentially an ongoing contamination source to groundwater; and
  - Development of an unexpected finds protocol (UFP) to manage risks posed by other contaminants, such as asbestos in soil, and to manage removal of underground storage tanks (UST) if encountered during excavation. This may form a more general management document for the development of the depot (eastern and western sections).
75. Therefore, it is recommended that a remediation action plan (RAP) is prepared in accordance with NSW EPA (2020) to outline the management approach for the identified lead contamination.
76. The City's Health Unit has reviewed the information provided, and has recommended conditions of consent to ensure the preparation of a Remediation Action Plan (RAP) prior to any physical works commencing onsite and to ensure compliance with the remediation measures outlined.
77. The City's Health Unit is satisfied that, subject to conditions, the site can be made suitable for the proposed use.

### **Access**

78. The current entry to the depot is via Bay Street, with egress on William Henry Street. No changes are proposed to the access points under Stage 1 of the application with access to the temporary parking area in the northwest corner of the site to continue via the existing access driveway located along Bay Street. Vehicles will continue to leave the site from the existing exit located on William Henry Drive.
79. The concept proposal seeks to provide alternative entry and exit points to the eastern building, in turn shifting the routes vehicles use to access and depart from the site. The main entrance and exit for all vehicles to the eastern depot is proposed to be from a wide driveway on William Henry Street with the existing vehicle access and egress points for the western depot will be retained. A secondary vehicular exit for small fleet vehicles only (such as SRVs) is proposed on Macarthur Street.



**Figure 15:** Proposed Future Access Options

80. The application was referred to the City Access and Transport Unit and TfNSW for review and comment. Both the Access and Transport Unit and TfNSW raised no objection to the Stage 1 detailed works subject conditions.
81. The City Access and Transport Unit stated that the change in vehicle access cannot be approved as part of Stage 1 and will require further consideration and assessment under the future detailed DA based on the proximity to Wattle Street (classified road).
82. TfNSW also provided comments regarding the indicative future access arrangements requiring further consideration and assessment under the future Stage 2 DA based on the access points proximity to signalised intersections.
83. This application therefore does not provide approval for any changes to the existing access arrangements. This will be subject to future consideration and assessment under the Stage 2 DA. Furthermore, it is considered premature to assess the change in access ahead of the design competition process. Conditions have been included in the recommended conditions of consent to address access.

## Consultation

### Internal Referrals

84. The application was discussed with Council's:
  - (a) Environmental Health Unit;
  - (b) Heritage and Urban Design Unit;
  - (c) Design Excellence Unit;

- (d) Public Domain Unit;
  - (e) Public Art Unit;
  - (f) Landscaping Unit;
  - (g) Environmental Projects Unit;
  - (h) Transport and Access Unit;
  - (i) Tree Management Unit; and
  - (j) Waste Management Unit.
85. Following an assessment of the proposed development by Council Officers, requests for additional information and amendments were sent to the applicant on 17 June 2025, 22 July 2025 and 5 November 2025.
86. The applicant provided additional information and a response to the requests on 12 September, 2 October 2025 and 13 November 2025.
87. The additional was referred to the above internal units who advised that the amended proposal is acceptable subject to conditions. Where appropriate, these conditions are included in the recommended conditions of consent.

## **External Referrals**

### **Ausgrid**

88. Pursuant to Section 2.48 of the SEPP (Transport and Infrastructure) 2021, the application was referred to Ausgrid for comment.
89. A response was received raising no objections to the proposed development, subject to conditions.

### **Sydney Water**

90. Pursuant to Section 78 of the Sydney Water Act 1994, the application was referred to Sydney Water for comment.
91. A response was received on 23 June 2025, raising no objections to the proposed development, subject to conditions which are included in the Recommended Conditions of Consent (Attachment B).

### **Transport for NSW**

92. Pursuant to Section 2.122 of the SEPP (Transport and infrastructure) 2021, the application was referred to Transport for NSW (TfNSW) for comment.
93. A response was received on 3 July 2025 raising no objection to the Stage 1 DA and providing comments for consideration in subsequent detailed DAs. Conditions of consent were recommended which are included in the Recommended Conditions of Consent (Attachment B).

## Advertising and Notification

94. In accordance with the City of Sydney Community Participation Plan 2019, the proposed development was notified for a period of 28 days between 16 April 2025 and 15 May 2025. A total of 1,469 properties were notified and 9 submissions were received. Eight submissions objected to the proposed development, with one submission supporting the proposed development.
95. The issues raised in the submissions have been grouped and a response to each issue is provided below:

(a) **Issue:** Location of Depot in an Inner-City Residential Area

**Response:** The site is zoned MU1 Mixed Use and Depots are permitted with consent on the site. The Bay Street Depot is one of only two depots operated by the City of Sydney and is critical to servicing the CBD and eastern part of the Local Government Area.

Relocating a facility of this scale is not feasible given the scarcity of suitably large, well-located sites, and the depot has operated here for over 100 years. The proposal therefore ensures that Council can continue to store and maintain vehicles and equipment required for the delivery of core community services.

Adequate consideration on the potential impacts of the development on the surrounding area has been provided in the documentation submitted with this to be further assessed under the subsequent detailed DA.

(b) **Issue:** Noise, Pollution and Construction

**Response:** The application is supported by a Noise Impact Assessment that considers the potential impacts of the development on the surrounding area.

The Noise Impact Assessment identifies mitigation measures to minimise disturbance, including restrictions on outdoor activities such as rubbish dumping, pallet stacking and mechanical repairs between 10pm–7am, to avoid sleep disturbance for nearby residents. Compliance with the recommendations of the assessment have been included as conditions of consent.

Construction will be limited to standard hours, consistent with expectations for a busy inner-city location. The depot will continue to operate in line with the existing 24/7 hours of operation.

Conditions of consent have been included to ensure a hazardous materials survey will be prepared prior to demolition to manage risks safely.

(c) **Issue:** Bulk, Scale and Heritage Impacts

**Response:** The concept building envelope provides for a maximum height of 16.1m (four storeys), which is consistent with the planning controls for the site.

The Detailed DA (Stage 2) for BSED will be designed to allow for high-quality architectural outcomes managed through a Design Excellence process (where a 10% design excellence bonus is applicable) that will be required to adequately consider all potential built form, urban design and amenity impacts.

The Urban Design Report and Architectural Plans submitted with the DA includes a shadow and view-from-sun analysis which demonstrates that solar impacts are acceptable.

Shadow impacts are largely contained within the site between 9am–1pm. Minimal afternoon overshadowing occurs to 17–19 Macarthur Street, which continues to receive the minimum two hours of sunlight at the winter solstice. Additional shadow at 3pm is limited to Wattle Street and does not affect adjoining residential properties. Wind testing demonstrates that airflow and ventilation will remain comparable to existing conditions, maintaining the flow of fresh air to neighbouring developments.

From a heritage perspective, the setbacks and scale ensure nearby items are not adversely affected, with the proposal complementary to its context. Streetscape improvements, including new paving, tree planting and opportunities for public art, will enhance the character and presentation of the site.

(d) **Issue:** Amenity and Streetscape Impacts

**Response:** Adequate consideration on the potential impacts of the development on the surrounding area has been provided in the documentation submitted with the application including the Noise Impact Assessment, Wind Report, Urban Design Report and Shadow Analysis.

The proposal includes public domain improvement works including verge planting, splayed corners for improved visibility and a widened footpath along William Henry Street, improving pedestrian safety and amenity, and enhancing the overall walkability of the precinct.

The proposal is considered to deliver an improved built form and amenity outcome for the site and surrounding area. The concept proposal will undergo a competitive design process to ensure a high-quality architectural and urban design outcome is provided. This process will deliver a building that better integrates with the surrounding context, improves the streetscape, and provides enhanced public domain and landscaping compared to the existing condition.

(e) **Issue:** Traffic and Safety

**Response:** The Traffic and Transport Impact Assessment submitted with the DA confirms vehicle movements will remain consistent with current operations during Stage 1 works, with negligible impact on the surrounding road network.

The application was referred to the City Access and Transport Unit and TfNSW for review and comment. Both the Access and Transport Unit and TfNSW raised no objection to the Stage 1 detailed works subject conditions. Traffic impacts associated with Stage 2 will be subject to further detailed assessment at the design stage.

(f) **Issue:** Property Value

**Response:** Property value impacts are not a planning consideration. The proposal achieves compliance with the objectives of the MU1 zoning and planning controls applying to the site.

(g) **Issue:** Overdevelopment and Design Excellence Process

- **Response:** The concept building envelope provides for a maximum height of 16.1m (four storeys), which is consistent with the planning controls for the site.

The Detailed DA (Stage 2) for BSED will be designed to allow for high-quality architectural outcomes managed through a Design Excellence process (where a 10% design excellence bonus is applicable) that will be required to adequately consider all potential built form, urban design and amenity impacts.

These provisions are specifically aimed at incentivising and delivering the highest standards of architectural and urban design, ensuring that new development contributes positively to the character and quality of the City.

## Financial Contributions

### Contribution under Section 7.11 of the EP&A Act 1979

96. The City of Sydney Development Contributions Plan 2015 applies to the site. However, the development is development undertaken by or on behalf of Council being a type of development listed in Table 2 of the Plan which is excluded from the need to pay a contribution.

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

97. The site is located within the residual land affordable housing contribution area. The Stage 1 detailed DA does not involve the construction of a new building with a gross floor area of more than 200sqm and payment of an affordable housing contribution is not required under the subject application.
98. The Stage 2 DA submitted in accordance with the Concept Proposal will be subject to the affordable housing contribution and can be conditioned under the future application.

### **Housing and Productivity Contribution**

99. The development is subject to a Housing and Productivity Contribution (Base component) under the Environmental Planning and Assessment (Housing and Productivity Contributions) Order 2024.
100. The site is located with the Greater Sydney region, the development is for a type of industrial development to which the Housing and Productivity Contribution (HPC) applies, however the contribution only applies where there is an increase in floor area.
101. The Stage 1 detailed DA results in a reduction in floor space and therefore Stage 1 of the development is exempt from the HPC. The Stage 2 DA submitted in accordance with the Concept Proposal will be subject to the HPC. A condition has been included to address this in accordance with the Environmental Planning and Assessment (Housing and Productivity Contributions) Order 2024.

### **Relevant Legislation**

102. Environmental Planning and Assessment Act 1979.

### **Conclusion**

103. The proposed concept development is appropriate in its setting and is generally compliant with the relevant planning controls in the Sydney Local Environmental Plan 2012 and the Sydney Development Control Plan 2012.
104. The proposal was amended to address Council's concerns relating to flooding, heritage conservation, urban design, design excellence tree management, landscaping and public art. The amended proposal is satisfactory, subject to the recommended conditions included in Attachment B.
105. The application has satisfactorily demonstrated that the development site is suitable for the continued use as a depot. The application has been accompanied by suitable management plans and strategies that will guide future detailed development applications to ensure future uses will have an acceptable impact on the heritage significance of the buildings within the site, the amenity of surrounding developments and the public domain and the operation of the local road network.
106. Where the assessment of the subject proposal has identified potential issues for a future detailed design development application, such as remediation, heritage conservation, design excellence and site access these matters are identified in the recommended conditions of consent requiring further consideration.

107. The proposal will provide for an improved development and operation of the site as a depot, ensuring the City's cleansing, waste, civil infrastructure and other services continue to operate efficiently and effectively servicing the City.
108. Subject to the recommendations in this report, and the imposition of the recommended conditions, the proposal is capable of accommodating a future detailed design that responds to the constraints of the development site and contributes to the existing and desired future character of the locality.

**GRAHAM JAHN AM**

Chief Planner / Executive Director City Planning, Development and Transport

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