

## **Post Exhibition - Planning Proposal - 225-279 Broadway, Glebe - Sydney Local Environmental Plan 2012 and Sydney Development Control Plan 2012 Amendment**

**File No: X001999**

### **Summary**

This City-led planning proposal will facilitate the renewal of a strategically important site on Broadway, located adjacent to the University of Sydney and acting as a gateway to Central Sydney. The innovative new planning controls will encourage future development to support the nearby health, education and research cluster of the Camperdown-Ultimo health and education precinct, create a lively and interesting ground floor presence along Broadway and Grose Street, and deliver improved energy efficiency performance. The planning proposal protects the long standing and important heritage significance of the site by listing the Former International Harvester Company of America building, and placing sympathetic new development within a street wall punctuated by three landmark heritage items.

A planning proposal for 225-279 Broadway, Glebe was endorsed by Council and the Central Sydney Planning Committee to go on public exhibition in March 2018. This report includes the outcomes of exhibition, and details changes made to the planning proposal in response to submissions and further internal consideration. It recommends approval of the finalised controls which incorporate post-exhibition amendments, comprising of a planning proposal to amend Sydney Local Environmental Plan 2012 (LEP) at Attachments A1-A4, and an amendment to Sydney Development Control Plan 2012 (DCP), at Attachment B.

The changes to the LEP include:

- Changing the Height of Buildings control from a relative height limit above ground to fixed heights measured in reduced levels (RL) based on the Australian Height Datum (AHD). This will allow four storey buildings fronting Broadway consistent with the heights set by the heritage buildings.
- Inserting a new site-specific clause allowing the floor space ratio to exceed the maximum of 2:1 by up to 1.6:1 for certain non-residential uses, and 1:1 for student accommodation. This additional floor space will only be available if the development does not include any forms of residential accommodation, achieves minimum NABERS Energy ratings, and considers the activation of its Grose Street frontage.
- The same site-specific clause will exclude floor space below the level of Broadway (fronting Grose Street) from the calculation of gross floor area.
- Listing the former International Harvester Company of America building at 255 Broadway, Glebe as a heritage item.

The change to measuring the heights as a fixed level above sea level will better account for the topography of the site. The ground level drops from Broadway to Grose Street, so the existing height limit dictates that the top of the building must also slope down to the north. The new height limit will allow for consistent heights at the top of the building.

The site-specific clause regarding floor space ratio will enable a maximum FSR of 4:1 to be achieved on the site, accounting for all available additional and bonus floor space provisions. This FSR is based on urban design testing, and is consistent with the estimated density of 255 Broadway, Glebe. The targeted increase in FSR will facilitate additional floor space for uses that support the strategic objectives of the Harbour CBD and Camperdown-Ultimo health and education precinct.

A site-specific DCP was exhibited alongside the planning proposal. The DCP controls protect views of Central Sydney from Victoria Park, and ensure that upper setback levels are not visible from street level and do not overshadow Victoria Park. The controls establish materials, wall and window arrangement, building massing and architectural details to ensure development responds sympathetically to nearby heritage items, and require separate building entries to maximise activity to Broadway.

The planning proposal was granted Gateway determination on 31 July 2018 with Council being delegated the plan-making authority, subject to no outstanding objections from public authorities. The planning proposal and draft DCP were publicly exhibited for 28 days from Tuesday 9 October to Tuesday 6 November 2018 and consultation was undertaken with Roads and Maritime Services (RMS), Transport for NSW (TfNSW) and the Office of Environment and Heritage (OEH).

Five submissions were received from the community, including one from a directly affected landowner, and one from the owner of Broadway Shopping Centre. Submissions were also received from RMS, TfNSW and OEH.

The planning proposal has been updated to confirm the heights to 277-279 Broadway, Glebe, in line with the intent of a Central Sydney Planning Committee resolution made prior to exhibition and further urban design consideration. References to a stepped down transition in heights have been removed, and the height of buildings map has been amended showing a refined upper setback level.

The DCP has been amended to include a new requirement for undertaking an archaeological report prior to construction or excavation, in response to a submission from the Office of Environment and Heritage.

If approved by Council, the City will request Parliamentary Counsel to commence preparation of the LEP amendment, which will come into effect when it is published on the NSW Legislation website. The DCP will come into effect at the same time as the LEP is published.

## Recommendation

It is resolved that:

- (A) Council note matters raised in response to the public exhibition of Planning Proposal - 225-279 Broadway, Glebe and draft Development Control Plan for 225-279 Broadway, Glebe, as detailed in this report;
- (B) Council approve Planning Proposal - 225-279 Broadway, Glebe as shown in Attachments A1-A4, to be made as a local environmental plan under S3.36 of the Environmental Planning and Assessment Act 1979;
- (C) Council approve the draft Development Control Plan: 225-279 Broadway, Glebe, as shown at Attachment B, noting that it will come into effect on the date of publication of the subject local environmental plan, in accordance with Clause 21 of the Environmental Planning and Assessment Regulation 2000; and
- (D) authority be delegated to the Chief Executive Officer to make minor amendments to the Planning Proposal 225-279 Broadway, Glebe and draft Development Control Plan for 225-279 Broadway, Glebe to correct any minor errors or omissions prior to finalisation.

## Attachments

- Attachment A1.** Planning Proposal: 225-279 Broadway, Glebe
- Attachment A2.** Planning Proposal Appendix A – City of Sydney Urban Design Study
- Attachment A3.** Planning Proposal Appendix B – Architectus Review of Planning Controls
- Attachment A4.** Planning Proposal Appendix C – Heritage Assessment – 255 Broadway, Glebe
- Attachment B.** Development Control Plan: 225-279 Broadway, Glebe
- Attachment C.** Gateway Determination dated 31 July 2018 and Alteration dated 5 July 2019
- Attachment D.** Resolution of Central Sydney Planning Committee – 15 March 2018, Resolution of Council – 19 March 2018 and Resolution of Council - 25 June 2018

## Background

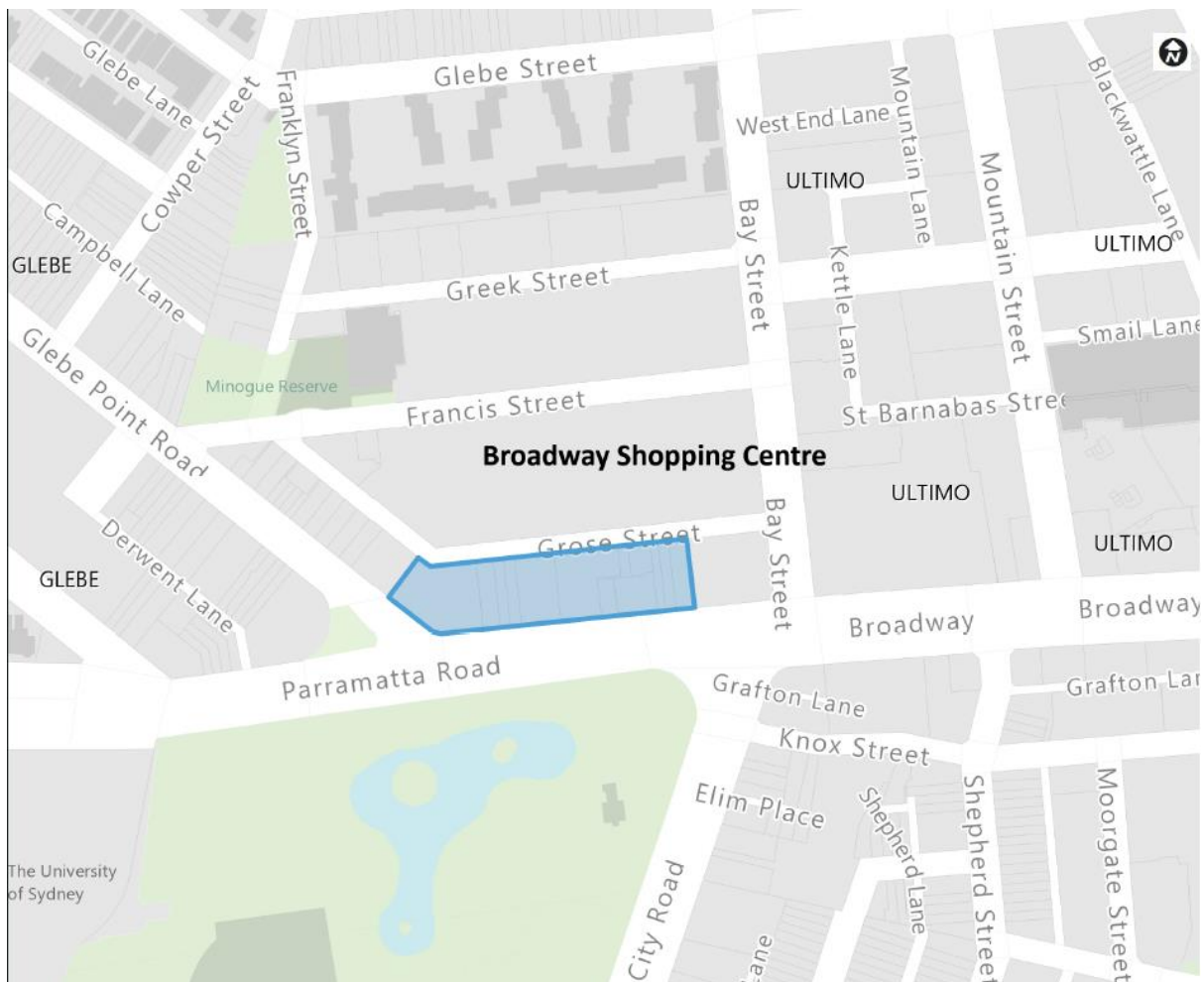
### Purpose of this report

1. This report seeks Council approval of the planning proposal at Attachments A1-A4. The planning proposal is to amend Sydney Local Environmental Plan 2012 (LEP) as it relates to 225-279 Broadway, Glebe (the site).
2. This report also seeks Council approval of the draft Development Control Plan for 225-279 Broadway, Glebe (DCP).
3. In March 2018 the planning proposal was endorsed by Council and the Central Sydney Planning Committee (CSPC) for submission to the Greater Sydney Commission with a request for Gateway determination, and for public exhibition in accordance with any conditions imposed under the Gateway determination, and to seek delegation of plan-making functions.
4. In the March 2018 resolution, Council requested a draft site-specific Development Control Plan be prepared for the site, and be reported to Council prior to exhibition of the planning proposal. The draft DCP was endorsed for public exhibition alongside the planning proposal on 25 June 2018. The Council and CSPC resolutions are at Attachment D.
5. The Department of Planning, Infrastructure and Environment, under delegation of the Greater Sydney Commission, granted Gateway determination in July 2018. The Gateway determination is at Attachment C.
6. The planning proposal and draft DCP were publicly exhibited from 9 October to 6 November 2018. During that time five submissions were received from nearby landowners and residents, and three submissions were received from public authorities.
7. This report details the outcomes of public exhibition, and the changes made to the planning proposal and DCP in response to submissions and further internal consideration.

### Site details and context

8. The site covers 13 lots on the northern side of Broadway between the entrance to Glebe Point Road and Broadway Shopping Centre. It is located opposite Victoria Park and is bordered to the north by Grose Street.
9. The legal descriptions and ownership of the effected lots are listed below. The extent of the site is outlined in **Figure 1**.
  - (a) 225 Broadway, Glebe: Part Lot 29 DP 65096
  - (b) 229 Broadway, Glebe: Lot B DP 75814
  - (c) 231 Broadway, Glebe: Lot A DP 75814
  - (d) 233 Broadway, Glebe: Lot 1 DP 540373
  - (e) 243-245 Broadway, Glebe: Lot 1 DP 81755
  - (f) 2 Grose Street, Glebe: Part Lot 26, Sec 1 DP 977071; Lot 25 DP 1151351

- (g) 4-8 Grose Street, Glebe: Lot 260 DP 1070749
- (h) 247-253 Broadway, Glebe: Lot 1 DP 958122; Lot 1 DP 77602
- (i) 255 Broadway, Glebe: Lot 1 DP 930503
- (j) 257 Broadway, Glebe: Lot 1 DP 61170
- (k) 259 Broadway, Glebe: Lot 1 770367
- (l) 261 Broadway, Glebe: Lot 1 DP 569515, and
- (m) 277-279 Broadway, Glebe: Lot 100 DP 1067149; Lot 101 DP 1067149; Lot 102 DP 1067149



**Figure 1** Map of the site

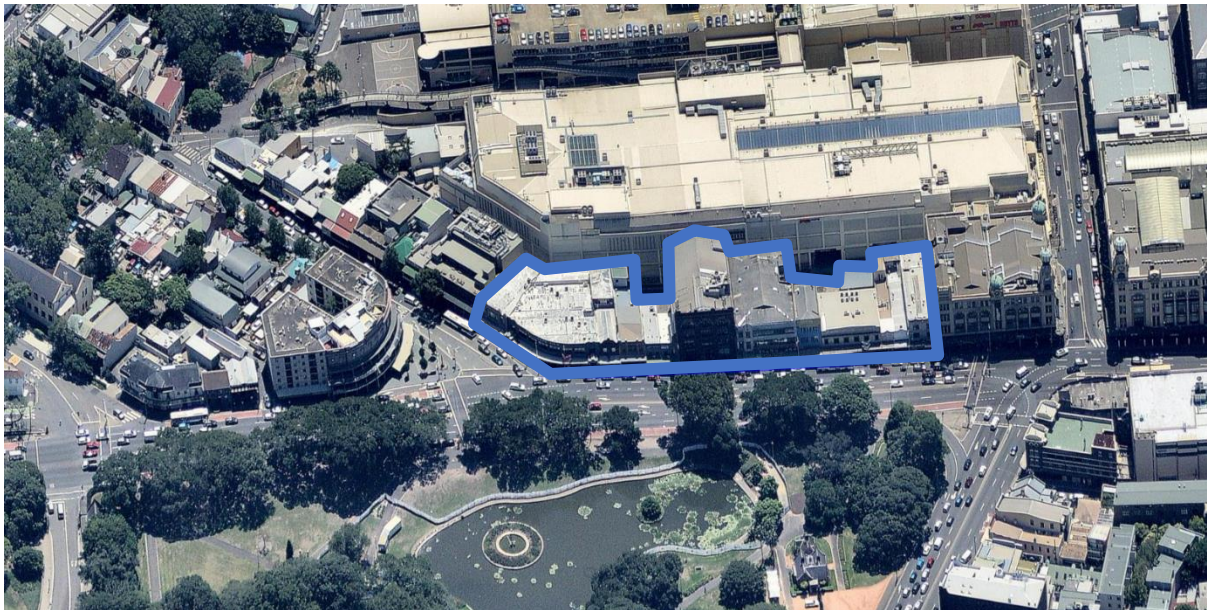
10. It is a visually prominent corner site, serving as a gateway to Central Sydney along Broadway, and to Glebe Point Road village. Broadway is an arterial road, carrying high levels of vehicular and pedestrian traffic, and Glebe Point Road is a busy shopping street. Broadway Shopping Centre is located across Grose Street to the north of the site, with one building in the complex immediately to the east of the site.

11. Grose Street is a narrow laneway connecting from Bay Street to Francis Street and Glebe Point Road. It currently serves as a service road for Broadway Shopping Centre and the properties currently located on the site. Two businesses within the site, Staves Brewery and F45 Training, have their primary frontage to Grose Street.
12. It is a highly accessible site, within easy walking distance of a major shopping centre, local high street and educational institutions. It is served by high frequency bus services and is about 15 minutes walk to Central Station.
13. The site has a number of heavily modified older buildings ranging from two to four storeys in height. Various retail, commercial and educational uses are located on the site, with frontages to Broadway and Grose Street.
14. The Glebe Point Road heritage conservation area includes 277-279 Broadway. As shown in **Figure 2** the amalgamated lot is mapped in the DCP as a neutral contribution to the conservation area.



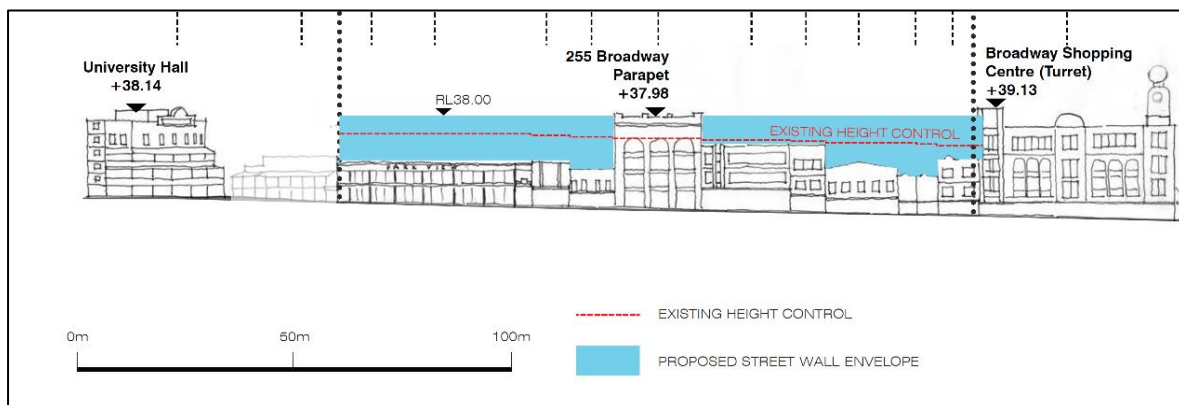
**Figure 2** Heritage context

15. On the southern side of Broadway from the site is The University of Sydney, University Colleges and Victoria Park state heritage item. An aerial photo showing the relationship between the site and this item is shown at **Figure 3**.



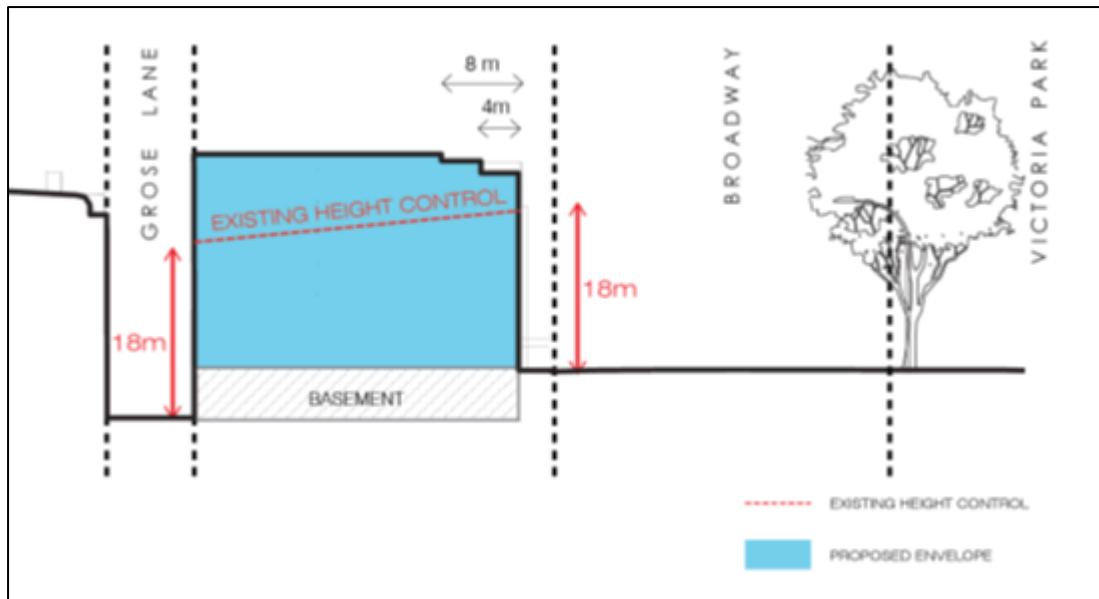
**Figure 3** Aerial photo of the site, outlined in blue, showing relationship to Victoria Park

16. The site is bookended by two heritage items, the former "Grace Bros Homewares" including interior adjoining the site to the east, and University Hall & Cottages on the western side of Glebe Point Road. Both items have high aesthetic significance and are considered landmarks, presenting a street wall height of four storeys to Broadway. **Figure 4** shows the position and heights of the two heritage items relative to the site, with the new height control under the planning proposal for reference.



**Figure 4** Street wall height and position of heritage items

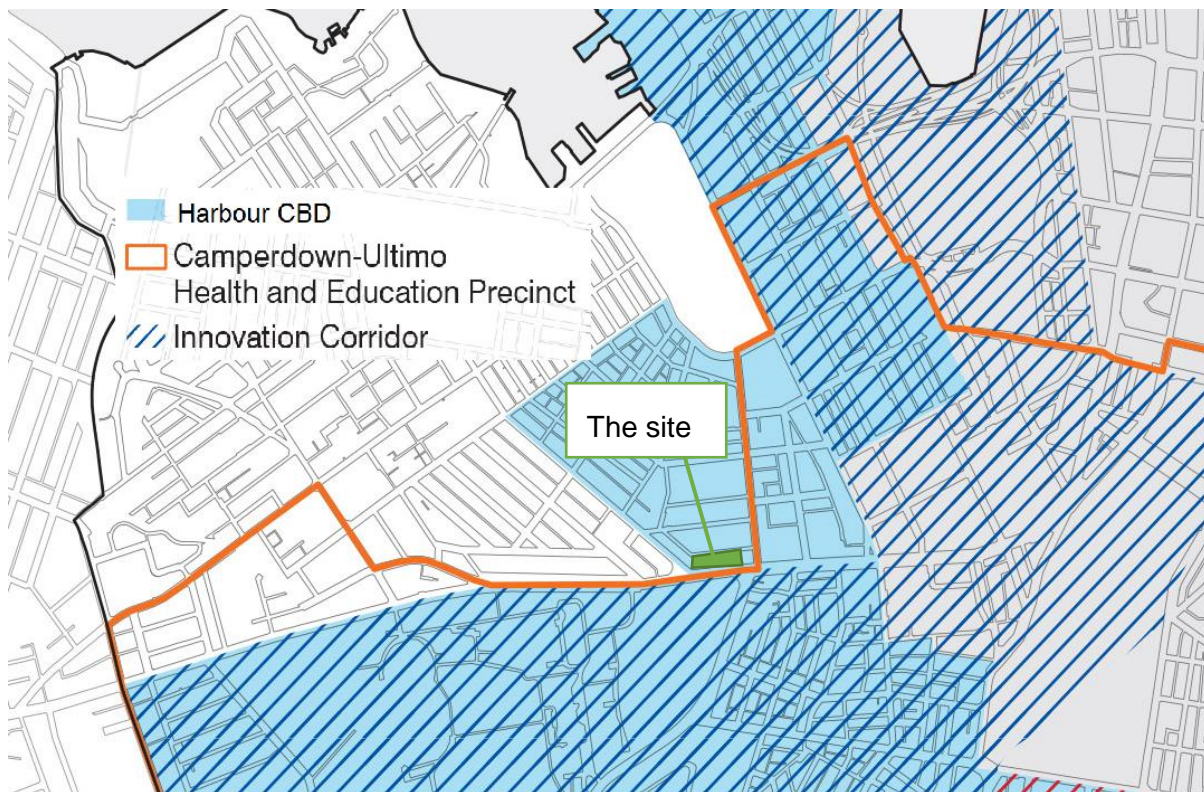
17. The land slopes from south to north across the site, resulting in Grose Street being about one storey lower than Broadway. This is illustrated in **Figure 5**.



**Figure 5** Section of the site showing change in ground level

18. The site is located within the Harbour CBD metropolitan centre, and adjacent to the Innovation Corridor and Camperdown-Ultimo health and education precinct. Figure 6 shows the site in relation to these three areas.
19. The Harbour CBD is described in the Eastern City District Plan as being the engine room of Greater Sydney's economy. Planning Priority E7 "Growing a stronger and more competitive Harbour CBD" identifies the need for development to contribute to growth in employment floor space to meet the baseline target of 165,000 additional jobs to 2036.
20. The Camperdown-Ultimo health and education precinct, as part of the Innovation Corridor, is defined in the District Plan as a cluster of knowledge intensive, creative and start-up industries along with health, education and research services. Planning for the area is established in the Camperdown-Ultimo Place Strategy, which emphasises the need for affordable employment floor space and housing for students to support the growth of a knowledge-intensive health and education precinct.





**Figure 6 Site location relative to Harbour CBD, Innovation Corridor and Camperdown-Ultimo health and education precinct**

21. Since 2012 the City has received a planning proposal request and multiple enquiries from landowners about potential changes to the planning controls on this site.
22. In 2016 the City engaged Architectus to undertake a review of the planning controls for the site as a whole. This project included background research in the form of a heritage study and an acoustic study, and comprehensive testing of built form options including residential uses. This report is at Attachment A3.
23. The City carried out further work to develop an urban design strategy that will revitalise the site and deliver on strategic objectives. This study is at Attachment A2.
24. The planning proposal and draft DCP represent the culmination of this urban design strategy. The planning proposal was approved by Council and the Central Sydney Planning Committee (CSPC) to go on public exhibition and seek Gateway determination in March 2018, and the draft DCP was approved for public exhibition by Council in June 2018.
25. The planning proposal reported to the March 2018 CSPC meeting included a transition in heights stepping down to Glebe Point Road. The CSPC resolved to amend the exhibited heights to 38m RL, with the City to further consider approaches to managing the height transition, including reduced or no setbacks, with a view to reinforcing the urban scale of Broadway and the Broadway and Glebe Point Road junction. Council subsequently resolved to also amend the planning proposal to be consistent with the CSPC resolution.

**In providing a Gateway determination, the Department of Planning, Industry and Environment required consultation with Transport for NSW, Roads and Maritime Services and the Office of Environment and Heritage. The Department also conditioned delegation of plan-making functions to Council subject to there being no outstanding written objections from these public authorities. Current planning controls**

26. The site is zoned B2 Local Centre in Sydney LEP 2012, which is not proposed to change.
27. The site has an existing height of buildings control of 18 metres, equivalent to four to five commercial storeys. The land slopes from south to north, which means the building heights need to step down from Broadway to Grose Street relative to the fall of the land.
28. The maximum floor space ratio for the site is 2:1. Existing development on and surrounding the site exceed this floor space ratio, including University Hall with an estimated FSR of 4.5:1, 1-9 Glebe Point Road with 4.5:1, and 255 Broadway with 4:1.
29. In Sydney DCP 2012, the site is within the City Living late night trading area, and requires active frontages and awnings facing Broadway. It has a height in storeys control of five storeys.

#### **Exhibited LEP controls**

30. The exhibited planning proposal would amend Sydney LEP 2012 to change the maximum building heights, and the way they are measured, to enable four storey buildings on the site with a setback upper level.
31. The change from a relative height above ground to a fixed level above sea level is a way to manage the fall of the land. The proposed maximum heights of up to 40m AHD (Australian Height Datum) is similar to the existing 18m height limit, but will better enable development on the Grose Street frontage, establish a consistent street wall to Broadway and facilitate a setback upper level, with minimal additional height impact.
32. The exhibited controls also include a site-specific clause enabling increases to the current floor space ratio control of 2:1 to encourage strategic outcomes. The clause allows an additional 1.6:1 for development for the purposes of a commercial premises, educational establishment, entertainment facilities, health services facility, hotel or motel accommodation, information and education facility or light industry. It also allows an additional 1:1 for boarding houses used for the purposes of student accommodation.
33. Including other bonus FSR provisions available, this change would allow approximately 4:1 FSR to be achieved consistently across the site. This is consistent with the existing FSR of the building at 255 Broadway, Glebe.
34. In the exhibited planning proposal, achieving this additional FSR would be subject to the development not including any other forms of residential accommodation, achieving a NABERS Energy rating of at least 5.5 stars for commercial office development and 4.5 stars for hotel development, and gives consideration to the activation of Grose Street.
35. The gross floor area used to calculate FSR on the site would not include any basement with a frontage to Grose Street. This accounts for the fall of the land and incentivises the activation of Grose Street.

36. The land uses selected for additional FSR are consistent with the priorities in the Eastern City District Plan, specifically the objectives of the Harbour CBD and the neighbouring Innovation Corridor and Camperdown-Ultimo health and education precinct.
37. Additional FSR is not available to any development with a residential component, due to the unsuitability of residential development on the site for both strategic and site-specific reasons. Urban design testing shows residential development on the site would be very noise affected from Broadway. To achieve compliance with the Apartment Design Guide, testing confirms a higher floor space ratio than 2:1 would be difficult to meet.
38. The planning proposal includes listing the building at 255 Broadway, Glebe as a heritage item, under Schedule 5 of Sydney LEP 2012. This is in response to a broad heritage study of the site which was commissioned as part the Architectus urban design work, and a specific heritage assessment of the item (Attachment A3).

### **Exhibited DCP controls**

39. The exhibited draft Development Control Plan provides additional site-specific controls to ensure redevelopment responds to the unique characteristics of the site. These deal with protecting views, minimising road noise, heritage sympathetic design and materials, overshadowing, road access and ground level uses.
40. The site-specific DCP includes built form provisions which ensure all built elements above 38m RL are not unduly visible from key vantage points, including Glebe Point Road, Victoria Park and Broadway opposite Bay Street. It also ensures these upper levels do not overshadow Victoria Park, or obstruct views from Victoria Park to Central Sydney. This provision reinforces the shape and location of the 39.3m RL and 40m RL height limits in the Height of Buildings LEP map for the site.
41. The DCP provides for a strong street wall height to 38m RL facing Broadway, with no setbacks between ground level and 38m RL. This is to reinforce the historic strong street wall formation along the length of Broadway.
42. The site-specific DCP includes a provision for new buildings on the site to respond sympathetically with the local character, heritage context and existing lot subdivision pattern. It specifically defines how sympathetic design should be expressed, and singles out development visible from Glebe Point Road to be of high quality and not diminish the Glebe Point Road heritage conservation area.
43. Recognising the potential of the site to better contribute to Broadway and Grose Street, the DCP includes provisions about providing retail and commercial uses at ground level, and that each tenancy is to have a separate entry to Broadway. Driveways and garage doors on Broadway would disrupt pedestrian flow and detract from ground level activation, so the DCP prohibits vehicle access from Broadway.

### **Exhibition outcomes**

44. The planning proposal and draft DCP were open to community consultation from 9 October to 6 November 2018. During that time submissions were received from one effected landowner, four other nearby landowners and residents, and three submissions were received from public authorities.

**Local resident submissions**

45. The landowner of the proposed heritage building at 255 Broadway, Glebe was invited to make a submission and facilitate an internal inspection of the building to inform the heritage listing. A planning consultant representing the landowner indicated a submission was being prepared, but in January 2019 confirmed a submission would not be made.
46. One submission from a resident focused on the height control, arguing the move to height above sea level will result in a worse built form. The submission proposes keeping the existing relative height control with an allowance for small exceedances for visual interest, which would result in a tall building line facing Broadway and falling roof planes to the rear, with north facing balconies away from noise impacts of Broadway.
47. The benefit of falling roof planes and north facing balconies is a consideration for residential development, whereas the proposed non-residential uses and student accommodation would not necessarily have balconies. The proposed height limits in RLs maximises the development potential of the site, particularly for the Grose Street frontage with little additional impact given Broadway Shopping Centre across Grose Street. The height controls also minimise the visual impacts to and overshadowing of Victoria Park.
48. Another resident submission focused on the resolution of buildings and lots on the site. It argues visual interest on the block comes from the individual reading of smaller lots, with a variety of heights and designs, which would be lost through lot amalgamation.
49. The envelopes presented in the planning proposal show a very simplified built form, to illustrate the proposed LEP controls. They are not representative of the final built form outcome that would be achieved on the site.
50. Sydney DCP 2012 section 4.2.4 "Fine grain, architectural diversity and articulation" has provisions dealing with visual interest, which would prevent a final built form looking like the indicative diagrams in the planning proposal. The exhibited draft site-specific DCP has controls regarding character and design, including that new buildings should respond to the existing lot subdivision pattern.
51. The third resident submission was anonymous. It was against the proposed increases to density, arguing that Glebe is in danger of being encroached by ever larger buildings.
52. The Glebe Point Road heritage conservation area covers Glebe Point Road and the historic residential streets of Glebe. The heritage conservation area protects Glebe village from large scale redevelopment that would change the character of the area. The areas bordering the heritage conservation area are seeing increased development, due to limited development potential within the conservation area and the area's attractiveness, proximity to jobs, services and universities.
53. This planning proposal does represent a small encroachment on the Glebe Point Road heritage conservation area, with one neutral lot included in the area. The site's redevelopment will not undermine the character and built form of Glebe Point Road, which will continue to be protected by the conservation area.
54. A planning consultant representing the landowner of Broadway Shopping Centre made a submission. This submission expressed support for the planning proposal, including the proposed increases in density for non-residential uses. The submission also

argued for specific additions to the planning proposal regarding pedestrian access and lot amalgamation.

55. This submission highlighted the use of Grose Street as a service road for Broadway Shopping Centre. It argues the planning proposal should include setbacks and land dedications to provide a wide pedestrian verge on the southern side of Grose Street.
56. Provisions for setbacks and land dedications to Grose Street would be of limited public benefit. The site is made up of multiple land owners, so any land dedications for footpath widening would be delivered in an uneven and haphazard manner over time. Further, the rear of 213 Broadway (part of Broadway Shopping Centre) takes up a significant part of Grose Street at its intersection with Bay Street with minimal setback. As it is a state heritage item and is not included in the planning proposal boundary, it would not conceivably be able to contribute to this widened footpath. 255 Broadway, Glebe is proposed for heritage listing and also backs onto Grose Street with minimal setback, and so would also not be able to contribute to the footpath widening.
57. The more appropriate location of a widened footpath on Grose Street would be the north side, which is under single ownership and not affected by heritage protections. However, the site is not within the scope of this planning proposal.
58. The same submission argues for the addition of floor space bonuses to incentivise lot amalgamation and the provision of through-site links.
59. Through-site links to connect Broadway to Grose Street have been given some consideration. However, there is not a strong enough justification for the planning controls to mandate or incentivise a through-site link based on current and anticipated future uses fronting Grose Street. Further, improving access to Grose Street from Broadway would not meaningfully contribute to greater permeability or regional active transport links, as Broadway Shopping Centre serves as a large, impenetrable block on the northern side. Nevertheless, there is no restriction in the planning controls to providing a through-site link especially if a redevelopment proposal for Broadway Shopping Centre became known.
60. Lot amalgamation on its own provides benefits to landowners and developers, by increasing the development opportunities of the site. For this reason lot amalgamation is likely to be pursued by landowners without incentives. The public benefits of lot amalgamation are not great enough to justify a floor space bonus to incentivise it.

#### **Effected landowner submission**

61. A planning consultant representing the landowner of 263 and 277-279 Broadway, Glebe made a submission. The submission was broadly supportive of the planning proposal, but identified a discrepancy between the draft DCP and the proposed LEP provisions regarding visibility of setback upper levels.
62. The relevant DCP provision states "All built elements above RL38.0 AHD are to be setback from the Broadway street frontage so as to be not at all visible from points A, B and C as shown in Figure 6.X..."
63. Modelling submitted by the consultant showed compliance with the proposed LEP height provisions would result in top setbacks being partially visible from point A. The submission requested the draft DCP be amended to read "... so as to minimise visibility from points, A, B and C..."

64. The inconsistency has been addressed through a refinement of the height controls on this lot, as a result of removing the transition in heights to Glebe Point Road as resolved by the Central Sydney Planning Committee prior to exhibition. As **Figure 7** demonstrates, urban design testing of the refined controls show the upper setbacks will now not be visible from point A with no loss of achievable gross floor area, so the draft DCP clause does not need to be amended.



**Figure 7** Proposed building envelope looking south along Glebe Point Road

### Public authority submissions

65. As required by the Gateway determination, the City sought submissions from Transport for NSW, Roads and Maritime Services and the Office of Environment and Heritage.
66. Transport for NSW provided no comment on the planning proposal.
67. Roads and Maritime Services raised no objection to the planning proposal. They offered particular support for the DCP clause that ensures all vehicular access is to be provided via Grose Street, stating that access via Broadway would not be supported.
68. The Office of Environment and Heritage provided a submission with the following recommendations and proposals:
- A heritage study of the subject area should be completed if one has not already been undertaken. This study should include an assessment of the significance of buildings on the site and potential impacts on nearby heritage items and conservation areas, including impacts on the character and setting of these items.
  - A shadow study to assess potential overshadowing of heritage items should be completed, if one has not already been prepared.
  - New development should include articulation and setbacks to avoid creating a tall wall formation to Broadway, and minimise conflicts between new development and existing buildings.

- The design and materials of new development should be sympathetic to nearby heritage items.
  - Given the high potential for archaeological deposits on the site, an archaeological assessment of the site should be prepared, including recommendations for future development of the site.
69. The planning proposal did not begin with a desired built form outcome against which a heritage study could assess impacts. To inform the urban design studies and built form testing, a heritage study was first undertaken to identify items of heritage significance on the site and nearby.
70. The exhibited controls and indicative built form respond to the anchor points of three most prominent buildings of heritage significance within the streetscape, being University Hall, 255 Broadway, Glebe and the former Grace Bros building. The controls for 263-279 Broadway are designed to form a strong anchor corner, mirroring the shape and scale of University Hall and providing a gateway entrance to Glebe Point Road and to Central Sydney via Broadway.
71. The initial heritage study identified 255 Broadway, Glebe as having heritage potential. The City commissioned a detailed heritage assessment of this item (Attachment A2), which confirmed that the item should be heritage listed in Sydney LEP 2012, and provided a recommended management program to protect the historic significance of the item.
72. Built form testing done as part of the Architectus review of planning controls (Attachment A3) included shadow analysis for all the options tested. The shadowing outcome was very similar among all the options, including Option 1 which integrated the facades of older buildings. Each option, including the option the exhibited controls was based on, showed shadowing mostly limited to the Broadway road reserve, with some additional overshadowing of the border of the heritage listed Victoria Park in early and late hours of the day around the winter solstice. The shadowing of Victoria Park is limited to the park edge where significant fig trees are located, and away from usable lawn areas.
73. The strong wall formation in the exhibited controls reinforces the character of Broadway. The intended street wall height will follow University Hall to the former Grace Bros building, and onwards along Broadway. Along the full length of Broadway there is a mix of heritage and contemporary buildings with strong, singular wall formations facing the road, and due to the width of the road the effect is to create a grand boulevard rather than be overbearing.
74. The site-specific DCP for the site includes provisions for materials and design to be sympathetic to the character of the area, and nearby heritage items. It also includes specific design guidance for how to achieve sympathetic design.
75. In response to the high archaeological potential of the site, the site-specific DCP has been amended to include a requirement for future development to undertake an archaeological assessment prior to demolition or excavation.
76. In a letter dated 24 July 2019 the Heritage Office confirmed they had no outstanding objection to the planning proposal.

**Post exhibition changes**

77. The planning proposal and DCP have been amended in response to issues raised during exhibition and further internal consideration. The planning proposal at Attachment A and DCP at Attachment B show changes with additions underlined and deletions in strikethrough.
78. At their March 2018 meeting the CSPC resolved to amend the height of buildings for 277-279 Broadway to 38m RL, replacing staggered height limits to create a transition to Glebe Point Road. The CSPC emphasised the urban design benefits of reinforcing the urban scale of Broadway and the Glebe Point Road/Broadway junction, and requested the City further consider approaches to heights on the site, including reduced or no setbacks.
79. Further urban design testing and consideration by the City has found reinforcing the urban scale of Broadway and the Broadway/Glebe Point Road junction requires there be no setbacks or transition in heights. Any setbacks or transition would result in a weakened corner. The diagrams and height of buildings map in the planning proposal have been amended to reflect the exhibited wording regarding heights to 277-279 Broadway, and to confirm the approach towards a height transition with a building form up to 38m RL. The change to the map is consistent with the intended outcomes and explanation of provisions in the planning proposal, as amended by the CSPC.
80. The removal of the setbacks on 277-279 Broadway, Glebe enables development up to the boundary of 279 Broadway. The building is not a heritage item and is only identified as a neutral building in the conservation area. It has limited protection under the planning controls and any value would be diminished by the built form envisaged under the planning controls. A future application may contemplate demolition of this building.
81. The exhibited planning proposal references the site being included in the Innovation Corridor and the Camperdown-Ultimo health and education precinct. Further refinement of the boundaries of these areas in preparation of the Local Strategic Planning Statement has confirmed the site is not within the two areas. The planning proposal has been amended to reflect this change. Due to the site's inclusion in the Harbour CBD, and its close proximity to the Innovation Corridor and Camperdown-Ultimo health and education precinct, no change to the substance of the planning proposal is required.
82. In the planning proposal, "Light Industry" is included in the list of land uses eligible for an additional 1.6:1 FSR. The land use zone for the site is B2 Local Centre, which prohibits all land uses that come under the "Industry" definition.
83. Light Industry may still be considered an acceptable use for the site. This will be considered under an upcoming comprehensive review of the City's planning controls as an outcome of the Local Strategic Planning Statement. In anticipation of such a change, Light Industry has been kept as a land use which is eligible for additional FSR.
84. The Office of Environment and Heritage raised in their submission the potential for archaeological deposits on the site, and recommended an archaeological assessment be undertaken. In response, the DCP has been amended to incorporate this recommendation, through the addition of a site-specific provision regarding archaeological assessments.



## Key Implications

### Strategic Alignment - Greater Sydney Region Plan, Eastern City District Plan, Sustainable Sydney 2030 Vision

85. The Greater Sydney Region Plan contains 10 directions and 40 objectives to guide future growth, covering infrastructure, housing, economic development and sustainability. This planning proposal is consistent with all the objectives in the Region Plan, and gives effect to the following objectives in particular:
- (a) Objective 13: Environmental heritage is identified, conserved and enhanced - The planning proposal includes the listing of 255 Broadway, Glebe as a heritage item, and the proposed built form and controls for the rest of the subject site are designed to be sympathetic to the proposed heritage item.
  - (b) Objective 18: Harbour CBD is stronger and more competitive - Promoting the development of office space, education, entertainment and night life uses on this site through targeted additional floor space ratio contributes to the Region Plan's actions for supporting the Harbour CBD and the Innovation Corridor.
86. The Eastern City District Plan is a 20-year plan to manage growth in the context of economic, social and environmental matters to achieve the 40-year vision for Greater Sydney. This planning proposal is consistent with the District Plan and gives effect to the following planning priorities:
- (a) Planning Priority E5: Providing housing supply, choice and affordability with access to jobs, services and public transport - This planning proposal includes a floor space bonus for development of boarding houses for the purposes of student housing. The subject site is an ideal location for student accommodation, being adjacent to the University of Sydney and within walking distance of multiple educational institutions, as well as jobs, retail and services.
  - (b) Planning Priority E6: Creating and renewing great places and local centres, and respecting the District's heritage - This planning proposal will enable the redevelopment of a prominent, well located site within a local centre. It also involves listing the building at 255 Broadway, Glebe as a heritage item, and the built form controls for the rest of the subject site have been designed to be sympathetic to this building.
  - (c) Planning Priority E8: Growing and investing in health and education precincts and the Innovation Corridor - The planning proposal incentivises the delivery of additional office and work spaces for innovative and creative industries, cultural space, entertainment and night life uses on a well-located site adjacent to the Camperdown-Ultimo health and education precinct and Innovation Corridor.

- (d) Planning Priority E11: Growing investment, business opportunities and jobs in strategic centres - This planning proposal will result in additional floor space for jobs, businesses and economic uses on a well-located and well-served site within the Harbour CBD.
  - (e) Planning Priority E19: Reducing carbon emissions and managing energy, water and waste efficiently - Under the planning proposal, additional floor space will only apply for office development if it meets a minimum 5.5 star NABERS energy rating, or for hotels a 4.5 star rating. This contributes to the NSW Government's target for net zero emissions by 2050.
87. Sustainable Sydney 2030 is a vision for the sustainable development of the City to 2030 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 report is aligned with the following strategic directions and objectives:
- (a) Direction 1 - A Globally Competitive and Innovative City - The planning proposal incentivises land uses that will contribute to the Harbour CBD.
  - (b) Direction 2 provides a road map for the City to become A Leading Environmental Performer - The planning proposal encourages improved environmental performance by requiring the development to meet minimum NABERS energy performance.
  - (c) Direction 7 - A Cultural and Creative City - The planning proposal incentivises delivery of floor space that will support cultural, night-time and creative uses.
  - (d) Direction 9 - Sustainable Development, Renewal and Design - The planning proposal establishes a built form that responds to the heritage of the area, conserves a significant building and protects sun access to public open space.

### Relevant Legislation

88. Environmental Planning and Assessment Act 1979 and Environmental Planning and Assessment Regulation 2000.

### Critical Dates / Time Frames

89. The Gateway determination requires the amendment to Sydney LEP 2012 to be completed by 30 April 2020.
90. The Gateway determination authorises Council to exercise plan-making delegation and liaise directly with Parliamentary Counsel to draft and make the LEP.
91. If approved by Council and the CSPC, the City will commence the drafting and plan making process. Once this is complete, the amendment to Sydney LEP will come into effect when published on the NSW Legislation website.
92. If approved by Council, the amendment to Sydney DCP 2012 will come into effect on the same day as the LEP.

**GRAHAM JAHN, AM**

Director City Planning, Development and Transport

Jarrood Booth, Planner