

# **Attachment A**

**Planning Proposal – 72-84 Foveaux Street,  
Surry Hills**

**As amended**

# Planning Proposal 72-84 Foveaux Street, Surry Hills

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

14 June 2019



# Contents

Executive Summary .....	2
1 Site identification .....	4
2 Existing Planning Controls .....	12
3 Landowner request .....	16
4 Objectives or Intended Outcomes .....	17
5 Explanation of the Provisions .....	18
6 Justification .....	20
7 Community Consultation .....	33
8 Project Timeline .....	33

## Document amendments:

June 2019	Pre-Council amendments shown in <b><i>bold and italics</i></b> , deletions <del>striketrough</del>
September 2019:	Pre-exhibition/Gateway amendments shown in <b>bold</b> , deletions <del>striketrough</del>
November 2019:	Post exhibition amendments shown in <u>bold and underlined</u> , deletions <del>striketrough</del>

# Executive Summary

The City of Sydney (the City) has prepared this planning proposal for 72-84 Foveaux Street, Surry Hills (the site), in response to a request from the landowner, Stasia Holdings Pty Ltd, to change the planning controls.

This planning proposal explains the intent of, and justification for, proposed amendments to the *Sydney Local Environmental Plan 2012* (Sydney LEP 2012) as it applies to the site. It has been prepared by the City in accordance with Section 3.33 of the *Environmental Planning and Assessment Act 1979* and the Department of Planning and Environment's 'A guide to preparing planning proposals' and 'A guide to preparing local environmental plans'.

The site is approximately 862 square metres in area and is bound by Foveaux Street, Corben Street and Waterloo Street. Residential terraces adjoin the site directly to the north and along the south-east boundary of the site. The existing development site includes a six storey masonry commercial office building that was constructed in the early 1970s. The building consists of basement car parking accessed from Waterloo Street, ground floor retail and terraced open space and office suites on the upper levels.

Under the existing Sydney LEP 2012 controls, the site is zoned B4 Mixed Use, has a maximum building height of 15 metres and maximum floor space ratio of 1.5:1. The site's B4 Mixed Use zone permits retail, commercial and residential uses.

The City has prepared this planning proposal following a detailed review of the proponent's planning proposal request and accompanying documentation. This City has sought clarification from the landowner and made minor changes to address issues relating to boundary encroachment, overshadowing, site servicing and the ecologically sustainable development.

The planning proposal is to amend the Sydney LEP 2012 for:

- maximum building height of RL ~~55.00~~ **55.60** metres, which equates to an increase of the maximum building height for the site from 15 metres to 25 metres;
- increase maximum floor space ratio from 2.5:1 to 4:1;
- removal of all on-site car parking; and
- exclude residential accommodation and serviced apartments from the above provisions.

The amendment will facilitate a refurbished commercial building that includes the removal of all on-site car parking and replacement with an end of journey facility. The proposed future development concept includes new building additions, a large glazed atrium along the site's western boundary and a new high-quality facade consisting of curved feature glazing and public art. The majority of the 1,106 square metres of additional floor space is located in the former basement carpark and on the ground floor.

This planning proposal permits changes to the maximum building height and floor space ratio which allows for a number of improvements compared to the existing controls:

- Retention of employment uses: the retention of commercial office space on the site will retain a significant amount of floor space for employment uses within Surry Hills. This will help the City meet the strong demand experienced

at the fringes of Central Sydney from creative, digital and technology industries.

- Improved built form design: the existing building on-site is reaching the end of its functional lifespan and requires significant remediation and upgrade work. This planning proposal will deliver an improved built form that eliminates inefficient open space, better relates to the public domain and delivers high quality employment floor space to future occupants.
- Removal of all on-site car parking: the proposed concept replaces the existing basement carpark with a new end of journey facility and additional floor space. This will help reduce private vehicle use in association with the site, delivering greater active and public transport patronage.
- Ecologically sustainable development: the refurbished building will include a number of significant provisions that will help it secure a **6 5.5** star NABERS rating. The sustainability provisions include photovoltaic panels, operable windows for natural cross ventilation and greater natural light and rainwater capture and reuse.
- Incorporation of public art: the proposed development concept will incorporate highly visible public art zones into the curved feature glazing on the new building's primary facades. The artwork concept is integrated into the design of the proposal and will improve the experience of pedestrians in the public domain and as they move along Foveaux Street.

The City has prepared a draft site-specific amendment to the *Sydney Development Control Plan 2012* (draft DCP) to ensure the objectives and intended outcomes of this planning proposal are achieved. The draft DCP includes provisions that relate to, the building envelope, built form, public domain, servicing, public art and sustainability, including securing a **6 5.5** star NABERS Energy commitment. The draft DCP will be publicly exhibited with this planning proposal.

# 1 Site identification

## Location

The planning proposal relates to 72-84 Foveaux Street, Surry Hills. The site is located on the fringe of the Central Sydney Business District, 400 metres west of Central Station. See location map below at Figure 1.

## Land ownership

72-84 Foveaux Street is a single landholding owned by Stasia Holdings Pty Ltd. The legal description of the land affected by this planning proposal is Lot 1 DP 625093.



**Figure 1:** Land affected by this Planning Proposal

## Site Location

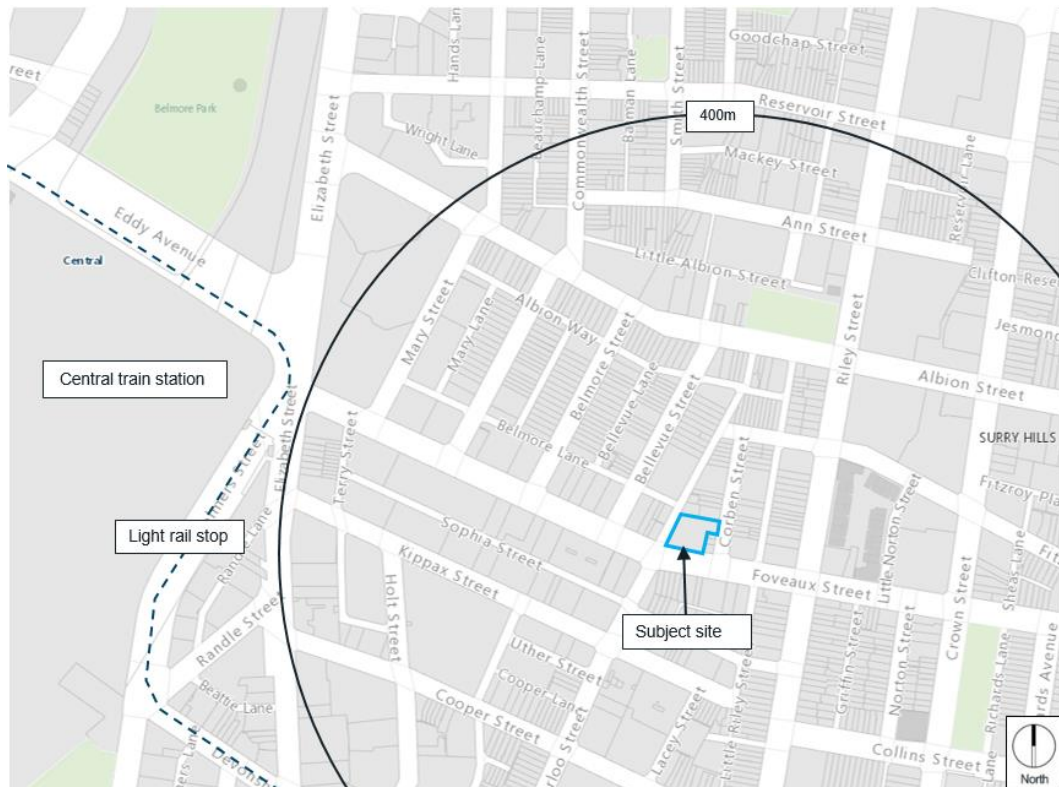
The site is located in Surry Hills on the fringes of Central Sydney in the City of Sydney local government area.

The site has three road frontages: Foveaux Street to the south, Corben Street to the east and Waterloo Street to the west. Elizabeth Street is located approximately 400 metres west and connects the site with the Sydney Central Business District (CBD).

The site is within easy walking distance of the Sydney CBD and Central train station, which is about 400 metres walk from the site, along Foveaux Street. Central train station provides a direct train connection to stations on the Sydney metropolitan and intercity network and across New South Wales.

Adjacent to Central train station is a stop on the future CBD and South East Light Rail project on Chalmers Street. Once completed, the light rail will provide direct connections to Kingsford, Randwick and the University of New South Wales.

The site is also well served by bus services that operate along Foveaux Street towards the CBD and bus services from Elizabeth Street and Eddy Avenue connect the site with destinations in the Eastern Suburbs and Inner West.



**Figure 2:** Site location and context





**Figure 3:** Aerial photo of the site

## Site Characteristics

The site is irregular in shape and has a total area of approximately 862 square metres.

The site's eastern boundary fronts Corben Street and is about 11 metres in length. The site also directly adjoins three residential terraces that front the intersection of Corben Street and Foveaux Street, this shared boundary is about 24 metres in length. The site's other boundaries are a 30 metre frontage to Foveaux Street to the south, a 26 metre frontage to Waterloo Street to the west and a 31 metre frontage to adjoining properties to the north.

Existing development on the site consists of a six storey masonry commercial office building dating from the early 1970s. The Foveaux Street frontage includes the main building entry, two ground floor retail tenancies and a publicly accessible courtyard. The site's vehicle access to the basement carpark is through the garage on Waterloo Street.

The building's upper storeys include windows on the eastern, southern and north-western facades. Blank masonry walls front the shared boundaries with the adjoining residential dwellings on Corben Street and the western elevation. There is an incline of about 4 metres from west to east as Foveaux Street approaches Corben Street. Vegetation includes small hedges and medium-sized trees on the ground floor courtyards. An avenue of significant scale London Plane trees lines Foveaux Street directly adjacent to the site's southern boundary.

Figures 4 to 7 show existing development on the site.





**Figure 4:** View looking north-east towards the subject site towards the Foveaux Street frontage.



**Figure 5:** View looking north-west towards subject site and the adjoining residential terraces fronting the intersection of Foveaux Street and Corben Street.



**Figure 6:** Looking east towards the basement garage door fronting Waterloo Street.





**Figure 7:** Looking east towards the western elevation of the site fronting the intersection of Waterloo Street and Foveaux Street.

## Surrounding development

The surrounding context varies in land use and built form.

Adjoining the subject site to the immediate north are a number of two storey residential terraces that front the western side of Corben Street and a three-storey former warehouse that has been converted into a residential apartment building. Waterloo Street presents as industrial in character with two-storey warehouses directly adjoining the site on its north-west boundary.

To the east is an 8 storey commercial office building that is directly adjacent the subject site, on the eastern side of the intersection of Corben Street with Foveaux Street. Despite this, the remaining character of Corben Street is predominantly low-scale residential in nature.

To the south, on the opposite side of Foveaux Street are a number of two storey residential terraces, multi-storey commercial buildings and a five storey mixed-use building with residential accommodation above opening onto Foveaux Street.

On the western side of Waterloo Street, fronting Foveaux Street, is a row of low scale commercial terraces including local heritage item 'Excelsior Hotel', adjacent to the intersection of Bellevue Street and Foveaux Street. To the south-west of the site

is a row of larger scale commercial and mixed use buildings that range between four and six storeys fronting the southern side of Foveaux Street towards Central Station.

There is demand for employment use and commercial floor space in Surry Hills. Between 2012 and 2017, the number of workers increased 29 percent. Surry Hills is often characterised as a 'creative cluster' as the largest employment sector in the area being creative industries, employing about 20 percent of the area's workforce. Similarly, employment in the technology sector in Surry Hills has grown rapidly in recent years, drawn to what is seen as an 'innovative vibe' of Surry Hills.

Notwithstanding the above, the provision of commercial and employment floor space in Surry Hills has been constrained by demand for new residential developments. To the south of the subject site, a number of commercial buildings and former warehouses have recently been converted to mixed-use developments consisting primarily of residential accommodation.

Figures 8 and 9 show surrounding development.



**Figure 8:** Looking south along Waterloo Street towards the subject site and intersection with Foveaux Street.





**Figure 9:** Looking west along Foveaux Street towards the subject site and beyond to Central Station.



## 2 Existing Planning Controls

The Sydney LEP 2012 contains zoning and principal development standards for the site. These are discussed below.

### Zoning

Zoning is shown in Land Zoning Maps referred to in clause 2.2 of the Sydney LEP 2012.

The site is zoned B4 Mixed Use, shown in Figure 10. The objectives of this zone seek to provide a mixture of compatible land uses including business, residential and other development in accessible locations to maximise public transport patronage and encourage walking and cycling.

The zoning permits a broad range of uses including office, retail and residential accommodation. This planning proposal does not seek to change the existing zoning.



**Figure 10:** Extract from Sydney LEP 2012 Zoning Map

## Building height

Maximum building height is shown on the Building Heights Maps referred to in clause 4.3 of the Sydney LEP 2012.

The subject site has a maximum building height control of 15 metres, shown in Figure 11 below.

This Planning Proposal is to amend the building height for a commercial scheme.



**Figure 11:** Extract from the Sydney LEP 2012 Building Height (in metres) Map



## Floor Space Ratio

Maximum floor space ratio controls are shown in the Floor Space Ratio (FSR) Maps referred to in clause 4.4 of the Sydney LEP 2012.

The subject site has a maximum floor space ratio of 2.5:1, shown in Figure 12 below.

This planning proposal is to amend the available FSR for a commercial scheme.



**Figure 12:** Extract from the Sydney LEP 2012 Floor Space Ratio Map



## Heritage

The subject site is not a heritage item, however it is located in the Little Riley Street Conservation Area under schedule 5 of the Sydney LEP 2012.

The area surrounding the subject site includes a number of local heritage items, as shown in Figure 13 below. The closest heritage item to the subject site is as follows:

- Heritage Item I1549, 'Excelsior Hotel'



**Figure 13:** Heritage Map, Sydney LEP 2012

### 3 Landowner request

The City received a request to prepare a planning proposal for 72-84 Foveaux Street Surry Hills in March 2019. The request seeks to amend the building height and FSR controls under the Sydney LEP 2012 to facilitate alterations and additions to the existing commercial building and refurbishment to accommodate a new tenant keen to locate their corporate headquarters in the 'creative cluster' of Surry Hills.

The planning proposal was accompanied by a concurrent development application which was lodged on the same day. The development application matched the development concept proposed in the Planning Proposal. However, as the proposal significantly exceeded the current building height and FSR development controls, the City could not progress the development application. The landowner was advised as such and the development application was withdrawn in May 2019.

The planning proposal request submitted by the landowner sought:

- increase maximum building height control from 15 metres to 25 metres; and
- increase maximum floor space ratio (FSR) control from 2.5:1 to 4:1.

The above Sydney LEP 2012 amendments will facilitate a refurbished commercial office building with additional floor space achieved through the conversion of all on-site car parking to an end of journey facility and event space. The additional floor space will be located on the ground floor in the new glazed atrium and on the upper floors with the new building extension that matches the existing building's nil street setback.

Following lodgement, the landowner's request was reviewed internally by the City. The City's Public Art, Arboriculture, Transport and Urban Design Units, amongst others reviewed the proposal and suggested additional information and amendments to address:

- overshadowing of adjacent residential dwellings;
- interface with the public domain and street trees;
- additional public art opportunities;
- removal of all boundary encroachments; and
- ecologically sustainable development provisions.



## 4 Objectives or Intended Outcomes

This planning proposal will enable the refurbishment of the existing commercial office building at 72-84 Foveaux Street, Surry Hills to:

- ~~Meet B4 Mixed Use zone objectives;~~
- Ensure ongoing commercial use only;
- Maximising existing building structure;
- Ensure additional commercial floor space is situated not to result in any adverse density and building bulk issues;
- Facilitate the delivery of employment uses in close proximity to public transport;
- Restrict residential accommodation and serviced apartments from the proposed additional **height and FSR**;
- **Encourage the use of public transport and minimise the impact on local traffic with the removal of on-site car parking; and**
- **Encourage the use of active transport with the inclusion of an end of journey facility.**
- ~~Ensure active frontages and crime prevention through environmental design are delivered at ground level; and~~
- ~~Ensure the new building achieves design excellence in that:~~
  - ~~new development responds to its surrounding context; and~~
  - ~~is sympathetic to the heritage conservation area.~~

# 5 Explanation of the Provisions

## Sydney Local Environmental Plan 2012

### Building height

This planning proposal seeks to amend the maximum building height for a commercial scheme on the subject site under the Sydney LEP 2012, as described below in Table 1:

Existing built form	Existing control	Proposed height
23.8 metres	15 metres	RL <del>55.00</del> 55.60 metres (25 metres)
6 storeys	4 storeys	6 storeys

**Table 1:** Existing and proposed maximum building height

### Floor Space Ratio

This planning proposal scheme under the Sydney LEP 2012 as detailed below in Table 2:

Existing built form	Existing control	Proposed control
2.98:1	2.5:1	4:1 (for commercial uses)

**Table 24:** Existing and proposed maximum FSR controls

The majority of additional floor space from a commercial scheme as a result of the planning proposal is situated on the lower ground floor and ground floor. This is to ensure the surrounding area does not experience the negative effects of excessive density, significant additional overshadowing and adverse building bulk.

### Site Specific

This planning proposal seeks to amend Part 6, Division 5 Site Specific Provisions of the Sydney LEP 2012 to insert site-specific clauses to:

- Define the building envelope, maximum building height and maximum floor space for future development on site;
- **Allow additional height and floor space to be accessed on provision of the following:**
  - ensure all on site car parking is removed;
  - **ensure end of journey facilities are provided, though eligible for additional floor space as afforded by clause 6.13 of Sydney LEP 2012; and**
  - prohibit the proposed development concept from including residential or serviced apartment uses.

Drafting instructions are shown at Figure 14.

### Drafting instructions

~~6.XX 72-84 Foveaux Street, Surry Hills:~~

- ~~(1) This clause applies to 72-84 Foveaux Street, Surry Hills, being Lot 1 DP 625093.~~
- ~~(2) Despite clauses 4.3 and 4.4, development consent may be granted for alterations or additions to an existing building, on the subject land that will result in a building:~~
  - ~~(a) with a maximum height of RL ~~55.00~~ **55.60** metres; and~~
  - ~~(b) with a maximum floor space ratio of 4:1.~~
- ~~(3) Development consent must not be granted under this clause unless the consent authority is satisfied that:~~
  - ~~(a) the building must not be used to the purpose of residential accommodation or serviced apartments; and~~
  - ~~(b) the building does not include any on-site parking except for the provision of off-street building servicing.~~

**Figure 14:** Drafting instructions

This planning proposal will facilitate the following:

- About 3,540 square metres of commercial uses in a refurbished building that includes:
  - relocation of the building core to deliver more efficient floor space;
  - removal of all on-site car parking and replacement with an end of journey facility in the basement and event space on lower ground floor; and
  - provision for off-street building servicing.

The refurbishment of the building will facilitate:

- retention of a commercial building and employment uses in Surry Hills;
- improve a detracting building in a heritage conservation area in a manner that does not adversely impact surrounding buildings and public domain; and
- less reliance on private transport and traffic congestion.

The City has prepared a draft DCP containing site-specific planning controls detailing the desired built form, bulk and massing, sustainability, public art and site servicing provisions. The draft Sydney DCP 2012 amendment will be publicly exhibited with this planning proposal.

## 6 Justification

This section of the planning proposal provides the rationale for the amendments and responds to questions set out in the document entitled *A guide to preparing planning proposals*, published by the Department of Planning and Environment in August 2016.

### Development outcomes

This planning proposal will facilitate a refurbished commercial office building that will retain the site for employment uses, contributing to the delivery of knowledge-intensive jobs in Surry Hills and the Harbour CBD.

A draft site-specific DCP accompanies the Planning Proposal, informed by an assessment of the built form and development controls proposed by the proponent in their request. The City has undertaken further urban design testing of the building envelope to ensure it does not result in significant adverse amenity impacts to the surrounding area.

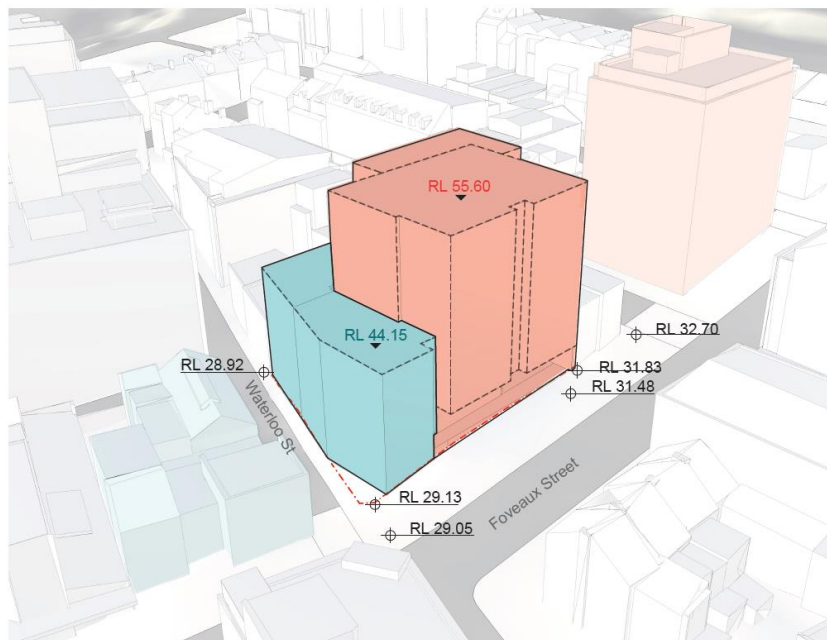


Figure 4415: Building envelope diagram

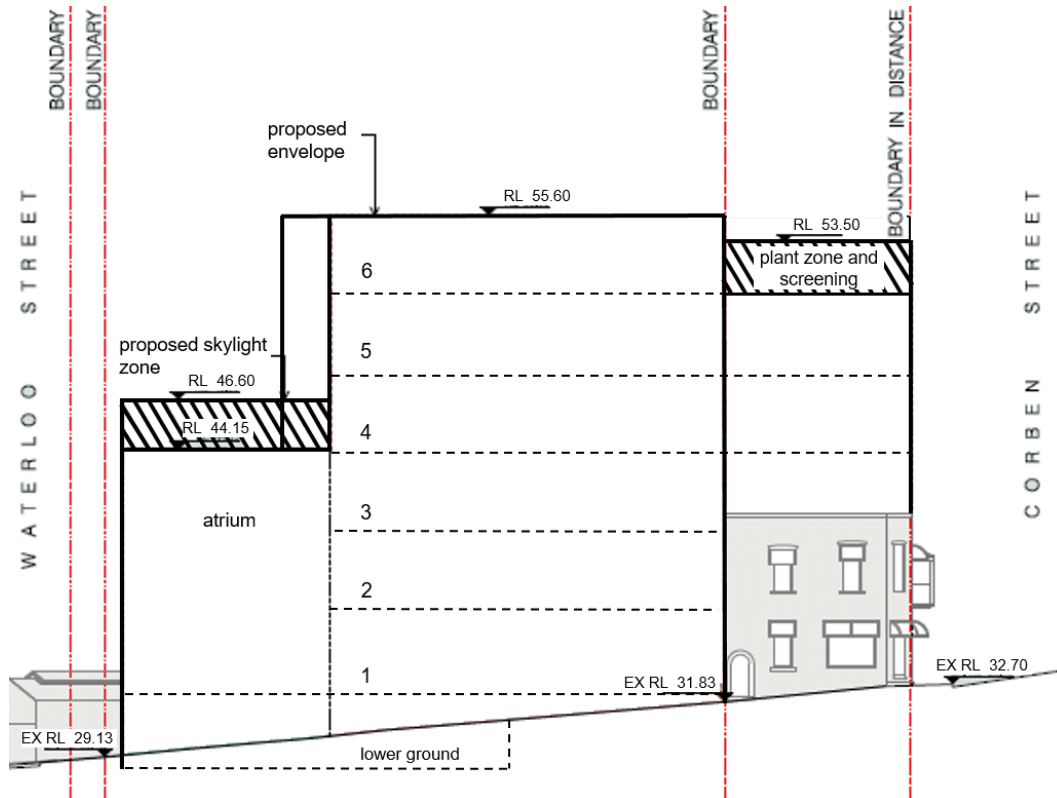
### Building Height and FSR

This planning proposal seeks to change the maximum building height for a commercial redevelopment of the site from 15 metres to 25 metres (RL ~~55.00~~ **55.60** metres) under the Sydney LEP 2012. This will facilitate a refurbished commercial building that will make use of the existing core structure and include additional floor space at each level and a new rooftop terrace to a maximum building height of 25 metres above Foveaux Street ground level.

At 23.8 metres, the existing building exceeds the maximum building height development control of 15 metres and as such an increase to the maximum building height for the site is considered minor in nature as it does not result in significant height impacts or excessive additional overshadowing.

Nearby residential uses include a short row of two storey terraces and a four storey apartment building fronting the southern side of Foveaux Street, opposite the subject

site. The additional building height as a result of this planning proposal will result in additional overshadowing to these terraces and north-facing apartments. However, they will continue to receive the minimum 2 hours of direct sunlight between 9.00am and 3.00pm on 21 June as required by Section 4.1.3 and 4.2.3 of the Sydney DCP 2012.



**Figure 4516:** Foveaux Street elevation of the proposed building envelope for future development at 72-84 Foveaux Street, Surry Hills.

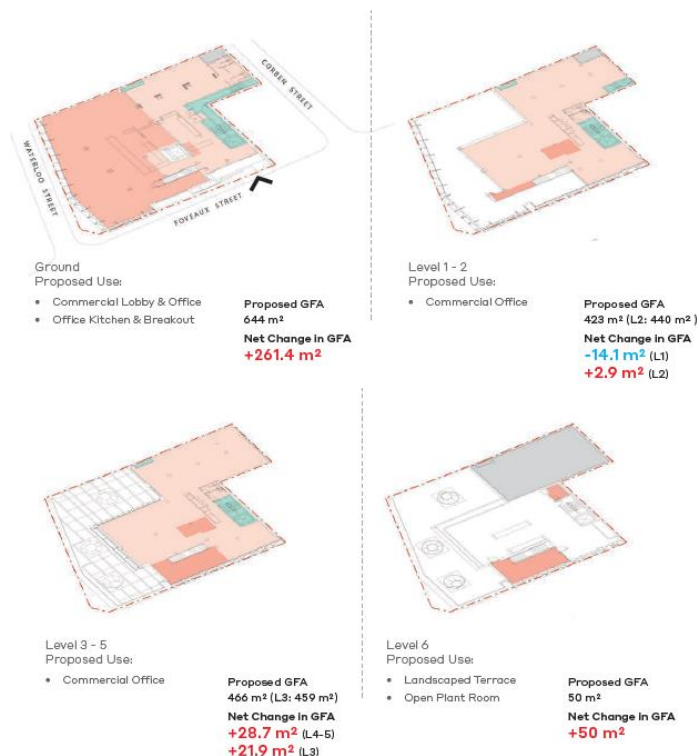
The refurbished commercial building includes additional floor space through the removal of the basement carpark, new glazed atrium on the ground floor and changes to the floor plate on the upper floors. The majority of the additional floor space is located within the existing basement and lower ground floor and as such will not result in significant building bulk or excessive density impacts.

To accommodate the additional floor space, a site-specific clause will be included in the Sydney LEP 2012 to increase the FSR for a commercial scheme to 4:1.

The existing building has FSR of 2.98:1, which exceeds the current mapped FSR of 2.5:1. The majority of the additional floor space will be delivered on the ground floor or below. The existing off street carpark will be removed to make way for an end of journey facility and an event space, as shown in Figure 4617 below. This additional floor space will be delivered entirely within the building's existing built form.

Future development on the site will deliver an improved public domain interface through the elimination of the carpark entry on Waterloo Street and other inefficient external areas. The refurbished building will deliver improved ground floor and public domain activation by way of a new at grade building entry and additional glazing that will deliver crime prevention through environmental design improvements through increased passive surveillance of the public domain.





**Figure 4617:** Location of additional floor space throughout the refurbished building

(source: Candalepas Associates)

## Heritage

This planning proposal seeks to amend the Sydney LEP 2012 to refurbish what is classified as a detracting building within the Little Riley Street heritage conservation area. The Sydney DCP 2012 requires that alterations to a detracting building in a conservation area must reduce its detracting.

This planning proposal will facilitate façade and ground floor improvements to a detracting building in a way that is sensitive with the streetscape and the heritage conservation area.

The surrounding area has varied and mixed streetscapes and building typologies. Characterised by pockets of low scale residential terraced streets interspersed with masonry warehouse buildings and visually prominent multistorey commercial buildings.

The proposed scheme will contribute to the visual quality of the streetscape by improving the building's relationship to the public domain through the removal of inefficient ground floor open space and increased activation. The retention of the building's height and form will not result in a major impact to the surrounding streetscape due to the mixed character of the conservation area. The proposal will not significantly impact on the avenue of street trees lining Foveaux Street adjacent to the site.

The closest heritage item to the subject site, is the Excelsior Hotel at 64 Foveaux Street, a local heritage item under the Sydney LEP 2012 and is approximately 30 metres to the west of the subject site. The refurbished commercial building will not impact upon the heritage item.

## Design excellence

This planning proposal seeks to amend the maximum building height to 25 metres. As the proposed scheme does not exceed 25 metres in height, it would not trigger

the design-excellence requirements under Clause 6.21 of the Sydney LEP 2012 and as such a Competitive Design Process is not required in this instance.

~~The objectives of this planning proposal will however ensure the refurbished building achieves design excellence in that it responds sensitively to its surrounding context and is sympathetic to the heritage conservation area.~~

A site-specific draft DCP has been prepared to provide guidance on **such design matters as** the proposed building envelope, off-street servicing, land use, bulk and massing, sustainability, public art and site servicing provisions.

### **Public and active transport**

The refurbished commercial building will not include any on-site car parking, resulting in fewer private vehicle trips and less traffic congestion.

The proposed scheme will retain employment uses on the site, close to existing public and active transport infrastructure. As such, the proposal presents an opportunity for the site to maximise its excellent connections to existing transport networks.

**The planning proposal includes the requirement of end of journey floor space to be delivered as one of the provisions in order to develop to the proposed maximum height control of RL 55.60 metres and maximum FSR control of 4:1.**

**As the planning proposal sets a new maximum FSR for commercial use, the site is therefore not eligible for additional FSR of up to 0.3:1 as provided by Clause 6.13 of the Sydney LEP 2012. However the intent of this planning proposal is to require the delivery of an end of journey facility and ensure the development is eligible for additional FSR in the same manner as afforded by Clause 6.13.**

The site is a ten minute walk from Central Station, where direct train connections are available to Central Sydney, Sydney Airport, Parramatta and beyond. High-frequency bus services operate along Foveaux Street and nearby Elizabeth Street. The future CBD and South East Light Rail includes a new stop on Chalmers Street, 400 metres to the west of the site

The site is well served by the existing active transport network, wide footpaths along Foveaux Street and the nearby quiet residential streets and laneways create a favourable environment for walking. Nearby Riley Street provides north and south bicycle connections towards Central Sydney and Bourke Street, 350 metres to the east of the site includes a separated cycleway.

### **Ecologically Sustainable Development**

The refurbished commercial building will deliver improved sustainability outcomes. The retention of the existing core building structure will retain embodied energy compared to a scheme that would involve the complete demolition and rebuild of on-site structures. The removal of all on-site car parking will encourage greater active and public transport use, which combined with the delivery of a **6 5.5** star NABERS building (through the draft DCP) will result in a more ecologically sustainable built form than is currently present.

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

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

This planning proposal is a result of a request from the landowner to change the planning controls relating to the sites.

The landowner undertook a number of studies in support of the request, including an urban design report, economic analysis, acoustic assessment, traffic assessment and heritage impact assessment, which are appended to this Planning Proposal.

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

This planning proposal is to change maximum building height and FSR available on the site to facilitate a refurbished commercial development.

As such, a planning proposal is required to amend the Sydney LEP 2012.

## **Section B – Need for the planning proposal**

**Is the planning proposal consistent with the objectives and actions of the applicable regional, sub-regional or district plan or strategy (including any exhibited draft plans or strategies)?**

### *A Metropolis of Three Cities – the Greater Sydney Region Plan*

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

### *Eastern City District Plan*

The *Eastern City District Plan* sets out the NSW Government vision, planning priorities and actions for the Eastern City District, including the City of Sydney. It establishes a 20 year plan to achieve the 40 year vision. The plan aims to provide between 662,000 – 732,000 jobs. It also responds to the Region Plan's four desired outcomes in more detail as outlined below.

- liveability – ensuring place-based planning and design excellence that builds on local strengths and focuses on public places and open spaces;
- productivity – fostering the nation's financial and business capital, domestic and international tourists, innovation health and education precincts, cultural and arts sector, night time economies and employment lands;
- sustainability – maintaining and managing green infrastructure, improving the way buildings and precincts are planned and designed, lowering carbon emissions and supporting the more efficient use of resources;
- infrastructure – facilitating major transport, health and education investments either committed or planned and how they adapt to increasingly rapid change in technology.

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

- Planning Priority E1: Planning for a city supported by infrastructure – To refresh and renew, commercial offering in this area, this planning proposal seeks to renew retain and expand commercial uses on a site located in close proximity to existing and planned transport infrastructure will maximise the efficient use of existing infrastructure.
- Planning Priority E6: Creating and renewing great places and local centres, and respecting the District's heritage – The refurbishment and retention of employment uses on the subject site will improve what is classified as a

detracting building under the Sydney DCP 2012. Renewal of this building helps deliver a walkable and well-designed building that contributes to the streetscape of the heritage conservation area.

- Planning Priority E7: Growing a stronger and more competitive Harbour CBD – The subject site is in Surry Hills, which makes up part of the Harbour CBD and Eastern Economic Corridor. This planning proposal delivers additional and improved quality commercial floor space that is in close proximity to Central Sydney, transport connections and other competitive advantages that its location delivers.
- Planning Priority E10: Delivering integrated land use and transport planning for a 30-minute city - This planning proposal will involve the retention and refurbishment of the commercial building. The future development concept satisfies this objective as it will include access to local employment opportunities close to existing and future public transport and Central Sydney well within 30 minutes travel time.
- Planning Priority E13: Supporting growth of targeted industry sectors – The future tenant, SafetyCulture is an expanding tech company that are seeking to consolidate their two offices in Surry Hills and create a global headquarters close to the tech precinct that is emerging in Ultimo-Camperdown. This planning proposal will help deliver knowledge-intensive jobs in this targeted industry and precinct.
- Planning Priority E19: Reducing carbon emissions and managing energy, water and waste efficiently – The proposed development concept retains the core building structures and facilitate its refurbishment with improved sustainability outcomes. Particularly, reductions in embodied energy through the retention of the existing structure and removal of all on-site car parking to encourage public and active transport patronage. Future development on the site is to achieve a **6 5.5** star NABERS rating, through renewable energy, rainwater capture and reuse and passive ventilation systems.

**Is the planning proposal consistent with a council's local strategy or other local strategic plan?**

*Sustainable Sydney 2030*

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

- Direction 1: A globally competitive and innovative city – The refurbishment delivers an improved building stock for a local technology company, which is looking to consolidate their existing Surry Hills offices, supporting the delivery of a globally competitive and innovative city.
- Direction 2: A leading environmental performer – Redevelopment of the site, facilitated by this Planning Proposal, will deliver improved building stock with significantly better environmental performance than the current building. This will reduce the energy consumption of future development and directly contribute towards the City's target for a reduction in emissions of 30% by 2030.
- Direction 3: Integrated transport for a connected City – The site is well served by public transport, within walking distance from Central Station with direct train

connections to Central Sydney, Sydney Airport, Parramatta and the wider rail network. Bus services operate along Foveaux Street and the future CBD and South East Light Rail includes a new stop on Chalmers Street, 400 metres to the west of the site.

- **Direction 4: A City for walking and cycling** – This planning proposal will encourage sustainable and active transport by removing all on-site car parking and replacing with an end of journey facility. The design of the ground floor will remove inefficient open space and increase surveillance of the public domain contributing to a greater sense of security encouraging further pedestrian activity.
- **Direction 6: Vibrant local communities and economies** – This planning proposal will result in revitalised commercial development designed to ensure it is sensitive to the surrounding heritage conservation area. Retention of commercial uses on this site will provide employment opportunities in Surry Hills.
- **Direction 7: A cultural and creative city** – The draft DCP ensures future development application includes the provision of high quality public art. This will promote liveability and quality of life of the community and contribute towards the cultural vitality of the City.
- **Direction 9: Sustainable development, renewal and design** – This planning proposal will facilitate the refurbishment of the existing commercial building rather than demolition and replacement, delivering positive sustainable outcomes. The retention of carbon in the retained building fabric, increased public and active transport patronage and other measures in the draft DCP will ensure sustainable outcomes are incorporated into the design and development, including increased energy and water efficiency targets.

### **Is the planning proposal consistent with applicable state environmental planning policies?**

This Planning Proposal's Consistency with current State Environmental Planning Policies (SEPPs) is summarised below in Table 3. SEPPs which have been repealed or are not finalised are not included in the table.

The Planning Proposal's consistency with Regional Environmental Plans (REPs) for the Sydney and Greater Metropolitan region, which are deemed SEPPs is summarised in Table 4.

<b>State Environmental Planning Policy</b>	<b>Comment</b>
SEPP No 1 – Development Standards	Consistent, this planning proposal does not contain provisions that contradict or hinder the application of this SEPP.
SEPP No 14 – Coastal Wetlands	Not applicable.
SEPP No 19 – Bushland in Urban Areas	Not applicable.
SEPP No 21 – Caravan Parks	Not applicable.
SEPP No 30 – Intensive Agriculture	Not applicable.
SEPP No 33 – Hazardous and Offensive Development	Not applicable.
SEPP No 36 – Manufactured Home Estates	Not applicable.
SEPP No 44 – Koala Habitat Protection	Not applicable.
SEPP No 47 – Moore Park Showground	Not applicable.
SEPP No 50 – Canal Estate Development	Not applicable.



State Environmental Planning Policy	Comment
SEPP No 52 – Farm Dams and Other Works in Land and Water Management Plan Areas	Not applicable.
SEPP No 55 – Remediation of Land	Consistent. There is no proposed change to the zoning. This planning proposal does not contradict or hinder application of this SEPP.
SEPP No 62 – Sustainable Aquaculture	Not applicable.
SEPP No 64 – Advertising and Signage	Not applicable.
SEPP No 65 – Design Quality of Residential Apartment Development	Not applicable.
SEPP No 70 – Affordable Housing (Revised Schemes)	Not applicable.
SEPP (Affordable Rental Housing) 2009	Not applicable.
SEPP (Building Sustainability Index: BASIX) 2004	Not applicable.
SEPP (Coastal Management) 2018	Not applicable.
SEPP (Educational Establishments and Child Care Facilities) 2017	Not applicable.
SEPP (Exempt and Complying Development Codes) 2008	Consistent. This planning proposal does not contradict or hinder application of this SEPP.
SEPP (Housing for Seniors or People with a Disability) 2004	Not applicable.
SEPP (Infrastructure) 2007	Consistent. This planning proposal does not contradict or hinder application of this SEPP.
SEPP (Integration and Repeals) 2016	Not applicable.
SEPP (Kosciuszko National Park – Alpine Resorts) 2007	Not applicable.
SEPP (Kurnell Peninsula) 1989	Not applicable.
SEPP (Mining, Petroleum Production and Extractive Industries) 2007	Not applicable.
SEPP (Miscellaneous Consent Provisions) 2007	Consistent. This planning proposal does not contradict or hinder application of this SEPP.
SEPP (Penrith Lakes Scheme) 1989	Not applicable.
SEPP (Rural Lands) 2008	Not applicable.
SEPP (State and Regional Development) 2011	Not applicable.
SEPP (State Significant Precincts) 2005	Not applicable.
SEPP (Sydney Drinking Water Catchment) 2011	Not applicable.
SEPP (Sydney Region Growth Centres) 2006	Not applicable.
SEPP (Three Ports) 2013	Not applicable.
SEPP (Urban Renewal) 2010	Not applicable.

State Environmental Planning Policy	Comment
SEPP (Vegetation in Non-Rural Areas) 2017	Consistent. This planning proposal does not contradict or hinder application of this SEPP.
SEPP (Western Sydney Employment Area) 2009	Not applicable.
SEPP (Western Sydney Parklands) 2009	Not applicable.

**Table 3:** Consistency with State Environmental Planning Policies

State Environmental Planning Policy	Comment
Sydney REP No 8 (Central Coast Plateau)	Not applicable.
Sydney REP No 9 – Extractive Industry (No2 – 1995)	Not applicable.
Sydney REP No 16 – Walsh Bay	Not applicable.
Sydney REP No 20 – Hawkesbury-Nepean River (No 2 – 1997)	Not applicable.
Sydney REP No 24 – Homebush Bay Area	Not applicable.
Sydney REP No 26 – City West	Not applicable.
Sydney REP No 30 – St Marys	Not applicable.
Sydney REP No 33 – Cooks Cove	Not applicable.
Sydney REP (Sydney Harbour Catchment) 2005	Not applicable.

**Table 4:** Consistency with Regional Environmental Plans

**Is the planning proposal consistent with applicable Ministerial Directions (s.117, now section 9.1, directions)?**

This Planning Proposal's consistency with applicable section 117 Ministerial directions is outlined below in Table 5.

Direction	Comment
<b>Employment and Resources</b>	
1.1 Business and Industrial Zones	Consistent. The subject site is zoned B4 Mixed Use under the Sydney LEP 2012. The zone permits retail, commercial and residential uses with development consent. This Planning Proposal will not reduce the total potential floor space available for employment uses. This Planning Proposal is consistent with the objectives and requirements of this direction as the proposed refurbishment of building will deliver additional floor space for employment uses.
1.2 Rural Zones	Not applicable
1.3 Mining, Petroleum Production and Extractive Industries	Not applicable

	Direction	Comment
1.4	Oyster Aquaculture	Not applicable
1.5	Rural Lands	Not applicable
<b>Environment and Heritage</b>		
2.1	Environment Protection Zones	Not applicable
2.2	Coastal Protection	Not applicable
2.3	Heritage Conservation	This planning proposal seeks to upgrade what is classified as a detracting building within the Little Riley heritage conservation area. While contemporary in nature, the streetscape improvements to the building is sympathetic to the heritage values of the surrounding area which is predominantly commercial in character and includes a number of older and mid-century warehouse buildings.
2.4	Recreation Vehicle Areas	Not applicable
2.5	Application of E2 and E3 Zones and Environmental Overlays in Far North Coast LEPs	Not applicable
<b>Housing, Infrastructure and Urban Development</b>		
3.1	Residential Zones	Consistent. This planning proposal does not contain provisions that will reduce the permissible residential density of the land.
3.2	Caravan Parks and Manufactured Home Estates	Not applicable
3.3	Home Occupations	Not applicable
3.4	Integrating Land Use and Transport	Consistent. This planning proposal is consistent with the aims, objectives and principles of Improving Transport Choice – Guidelines for planning and development (DUAP 2001), and The Right Place for Business and Services – Planning Policy (DUAP 2001).
3.5	Development Near Licensed Aerodromes	Not applicable.
3.6	Shooting Ranges	Not applicable
<b>Hazard and Risk</b>		
4.1	Acid Sulfate Soils	Consistent. This planning proposal does not contradict or hinder application of acid sulfate soil provisions in Sydney LEP 2012. The site is on Class 5 Acid Sulfate Soil.
4.2	Mine Subsidence and Unstable Land	Not applicable
4.3	Flood Prone Land	Consistent. This planning proposal does not change the uses or intensity of development permitted on the site. Any future development on the site can be suitably designed to mitigate any potential flood risk.
4.4	Planning for Bushfire Protection	Not applicable



Direction		Comment
<b>Regional Planning</b>		
5.1	Implementation of Regional Strategies	Not applicable
5.2	Sydney Drinking Water Catchments	Not applicable
5.3	Farmland of State and Regional Significance on the NSW Far North Coast	Not applicable
5.4	Commercial and Retail Development along the Pacific Highway, North Coast	Not applicable
5.8	Second Sydney Airport: Badgerys Creek	Not applicable
5.9	North West Rail Link Corridor Strategy	Not applicable
5.10	Implementation of Regional Plans	Consistent. This planning proposal is consistent with the Eastern City District Plan.
<b>Local Plan Making</b>		
6.1	Approval and Referral Requirements	Consistent. This planning proposal does not include any concurrence, consultation or referral provisions nor does it identify any development as designated development.
6.2	Reserving Land for Public Purposes	Consistent. This planning proposal will not affect any land reserved for public purposes.
6.3	Site Specific Provisions	Consistent. This planning proposal does not contradict or hinder the application of this direction. <b>The site-specific provisions contained in this planning proposal provide for additional floor space and building height for commercial uses to retain employment uses in Surry Hills helping the City achieve the employment targets as set out in the Eastern City District Plan. A site specific planning proposal is preferred in this instance as the impacts of the building envelope have been quantified and assessed.</b>
<b>Metropolitan Planning</b>		
7.1	Implementation of <i>A Plan for Growing Sydney</i>	Consistent. Section B of this planning proposal discusses how the proposal is consistent with A Metropolis of Three Cities – the Greater Sydney Region Plan.
7.2	Implementation of Greater Macarthur Land Release Investigation	Not applicable

**Table 5:** Consistency with Ministerial directions

## **Section C – Environmental, social and economic impact**

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

The planning proposal is unlikely to adversely affect any critical habitat or threatened species, populations or ecological communities or their habitats. The subject site is located in an urbanised area and does not contain any known critical habitats or threatened species, populations or ecological communities. The draft DCP ensures the avenue of significant street trees directly adjacent to the subject site will not be significantly impacted by future development.

As part of a future detailed development application, the City will consider environmental impacts that may be generated by the development. This will include a complete assessment of the street trees and additional vegetation that can be incorporated into the design development.

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

The changes to the maximum building height and floor space ratio will provide a refurbished commercial building. The proposed changes will help deliver a development that is consistent with the surrounding streetscape and heritage conservation area. A number of design principles have been adopted to ensure environmental effects such as solar access and overshadowing, visual impacts, heritage and access are appropriately mitigated and incorporated into the draft DCP. Environmental impacts are discussed in this Planning Proposal.

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

This planning proposal provides an opportunity for the redevelopment of a site in Surry Hills, located on the city fringe, in close proximity to Central train station, a major transport interchange. Redevelopment will allow for positive social and economic effects, including:

- Increasing the amount of commercial floor space available to further support Sydney's role as a global city;
- Supporting job creation in the technology industry through improved building stock;
- Improving traffic congestion through the removal of on-site car parking and the provision of an end of journey facility and the site's close proximity to major transport connections.

## **Section D – State and Commonwealth interest**

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

The site is located in an area that is well serviced by public transport. Frequent bus services operate along Foveaux Street and Elizabeth Street which is within walking distance from the site. Central train station is located within walking distance from the site, approximately 400 metres walk along Foveaux Street. The future CBD and South East Light Rail project includes a new stop on Chalmers Street, adjacent to Central train station.

The traffic impact assessment prepared by Traffix consultants states that the proposal and removal of the on-site car parking would not result in significant traffic and transport issues that would prevent the proposed scheme from being approved. The surrounding pedestrian and public transport networks have ample capacity to accommodate any increase in demand resulting from the proposal and removal of on-site car parking.

This planning proposal will not result in a significant increase to density or building bulk impacts as the majority of the increase in FSR is located in the lower ground floor and will not be visually prominent or excessive.

Being located in the inner city in close proximity to the CBD and Central train station, the site is well serviced by the full range of public utilities including electricity, telecommunications, water, sewer and stormwater. It is expected that these services would be upgraded where required by the developer.

**What are the views of State and Commonwealth public authorities consulted in the gateway determination?**

The Gateway Determination will advise the public authorities to be consulted as part of this planning proposal process. Any issues raised will be incorporated into this planning proposal following consultation in the public exhibition period.

## 7 Community Consultation

This planning proposal is to be exhibited in accordance with the Gateway Determination once issued by the Department of Planning and Environment. It is anticipated the Gateway Determination will require a public exhibition for a period of not less than 28 days in accordance with Schedule 1 item 4 of the Environmental Planning and Assessment Act 1979 and Section 4.5 of *A Guide to preparing Local Environmental Plans*.

Notification of the public exhibition will be via:

- The City of Sydney website; and
- In newspapers that circulate widely in the area.

Information relating to the planning proposal will be on display at the City of Sydney customer service centres.

## 8 Project Timeline

The anticipated timeframe for the completion of the planning proposal is as follows:

Action	Anticipated Date
Commencement / Gateway Determination	<del>July 2019</del> <b>September 2019</b>
Government agency consultation	<del>mid-August/September 2019</del> <b>mid-September/October 2019</b>
Public exhibition	<del>mid-August/September 2019</del> <b>mid-September/October 2019</b>
Consideration of submissions	October 2019
Post exhibition consideration of proposal	November 2019
Draft and finalise LEP	December 2019
LEP made	December 2019
Plan forwarded to Department of Planning and Industry for notification	December 2019