Item 4.

Post Exhibition - Planning Proposal - 30-62 Barcom Avenue, Darlinghurst - Sydney Local Environmental Plan 2012 and Sydney Development Control Plan 2012 Amendment

File No: X018299

Summary

In May 2018, Ethos Urban, on behalf of site owner Clanricarde, submitted a formal request to amend Sydney Local Environmental Plan 2012 (Sydney LEP 2012) as it applies to 30-62 Barcom Avenue, Darlinghurst (site). The request sought to increase the maximum building height and Floor Space Ratio (FSR) to enable a co-working office space above the existing warehouse building.

Council and the Central Sydney Planning Committee resolved to publicly exhibit draft planning controls for the site in September 2018. The draft controls consist of a Planning Proposal to increase the maximum FSR and building height controls in Sydney Local Environmental Plan (LEP) 2012 and an accompanying amendment to Sydney Development Control Plan (DCP) 2012 which establishes building envelope controls.

The site is located in a mixed-use area on the City's eastern fringe, within 800 metres of Kings Cross Station. It is part of the Harbour CBD in the Greater Sydney Commission's District Plan and the City Fringe precinct under the City's Local Strategic Planning Statement, both of which have a focus on productivity objectives following a period of sustained residential growth. It is serviced by a number of bus and cycle routes connecting the site to the CBD and Bondi Junction. It comprises a part-two, part-three storey warehouse building which is currently occupied by a self-storage facility.

The surrounding area is zoned B4 Mixed Use. It is generally residential in character, with a small cluster of commercial buildings immediately adjacent to and including the site. Directly opposite lies the Barcom Avenue Heritage Conservation Area which is dominated by one to three storey Victorian terraces. The site is not within the heritage conservation area.

In July 2019, the Department of Planning, Industry and Environment (Department) issued a Gateway Determination which allowed the public exhibition of the Planning Proposal subject to some changes to its intended outcomes. The most notable of these changes was a requirement by the Department to remove a proposed LEP provision requiring a 6 star NABERS Energy Commitment Agreement in conjunction with the increased building height and FSR.

A review of this Gateway Determination requirement by the Independent Planning Commission in May 2020 upheld the Gateway Determination. The NABERS provision was removed as required and the amended Planning Proposal and draft DCP were publicly exhibited from 17 December 2020 to 27 January 2021. However, due to an administrative oversight, the exhibition did not meet the minimum mandatory community consultation periods required under the Environmental Planning and Assessment Act 1979 and the Planning Proposal and draft DCP amendment were re-exhibited from 3 September to 1 October 2021.

The City received 17 submissions from, or on behalf of, local residents in addition to responses from Transport for New South Wales and the Office of Environment and Heritage. Key issues raised by local residents relate the scale of the proposal and likely impacts associated with overshadowing, loss of privacy, traffic and parking. The proponent has submitted further information and analysis to address these matters. Neither state agency raised concerns relating to the proposals.

A summary of submissions, including responses from the City, is provided at Attachment E and key issues are discussed in the body of this report.

A submission was also received from the proponent which requested changes to the built form envelope controls in the draft DCP, enabling a development concept that can achieve the targeted 6 star NABERS Energy rating.

Consequently, the planning proposal has been updated following exhibition to ensure overshadowing is addressed before development consent is granted for additional FSR. The draft DCP has also been amended to incorporate more flexible building envelope controls, subject to acceptable solar impact, within which an environmentally sustainable development outcome can be achieved. The amendment does not change the overall height control as expressed in the Planning Proposal.

In summary, the LEP amendment, as updated following exhibition, allows for a building with an FSR of up to 3.75:1 and height of 18 metres given the following conditions:

- the whole building is for a use other than residential accommodation or tourist and visitor accommodation;
- any building height and/or floor space additional to that already on site is restricted to commercial premises uses;
- the impact on solar access to neighbouring residential dwellings is considered by the consent authority when assessing any future development application; and
- no additional car parking is provided in association with any additional height and/or floor space.

The accompanying draft DCP, as amended following exhibition, proposes the following site-specific provisions:

- revised building envelope controls to ensure an appropriate street wall character and relationship with adjoining terraces, including overshadowing;
- a 6 star building NABERS Energy Commitment Agreement prior to development;
- the provision of a green roof to support the NABERS Energy outcome; and
- a requirement for a Green Travel Plan at development application stage to promote sustainable travel behaviours.

This report recommends the Central Sydney Planning Committee approve the Planning Proposal and note the recommendation to Council's Transport, Heritage and Planning Committee on 11 October 2021 to approve the draft DCP, as amended following exhibition, and that the Council exercises its delegation to amend Sydney Local Environmental Plan 2012 in accordance with the Planning Proposal.

Recommendation

It is resolved that:

(A) the Central Sydney Planning Committee note the requirements of the Gateway Determination issued by the Department of Planning, Industry and Environment to amend the contents of *Planning Proposal: 30-62 Barcom Avenue, Darlinghurst* prior to exhibition, as shown at Attachment D to the subject report;

(B) the Central Sydney Planning Committee note the matters raised in response to the public exhibition of *Planning Proposal: 30-62 Barcom Avenue, Darlinghurst* and *Draft Sydney Development Control Plan 2012 - 30-62 Barcom Avenue, Darlinghurst*, as shown at Attachment E to the subject report;

(C) the Central Sydney Planning Committee approve *Planning Proposal: 30-62 Barcom Avenue, Darlinghurst,* shown at Attachment A to the subject report and amended in response to submissions, to be made as a local environmental plan under Section 3.36 of the *Environmental Planning and Assessment Act 1979*;

(D) the Central Sydney Planning Committee note the recommendation to Council's Transport, Heritage and Planning Committee on 11 October 2021 that Council approve *Draft Sydney Development Control Plan 2012 - 30-62 Barcom Avenue, Darlinghurst*, as shown at Attachment B to the subject report and amended in response to submissions, noting that the approved development control plan will come into effect on the date of publication of the subject local environmental plan; and

(E) authority be delegated to the Chief Executive Officer to make minor variations to *Planning Proposal: 30-62 Barcom Avenue, Darlinghurst* and *Draft Sydney Development Control Plan 2012 - 30-62 Barcom Avenue, Darlinghurst* to correct any minor drafting errors prior to finalisation.

Attachments

Attachment A. Planning Proposal: 30-62 Barcom Avenue, Darlinghurst. October 2021 (Post exhibition changes marked in red)

Attachment B. Draft Sydney Development Control Plan 2012 - 30-62 Barcom Avenue, Darlinghurst, October 2021 (Post exhibition changes marked in red)

Attachment C. Resolution of Council - 17 September 2018 and Resolution of Central Sydney Planning Committee - 13 September 2018

Attachment D. Gateway Determination - 11 July 2019

Attachment E. Summary of Submissions and Responses

Attachment F. Overshadowing Analysis Prepared by the City of Sydney

Attachment G. Traffic and Parking Impact Assessment Prepared by Barker Ryan Stewart

Background

Site details and context

1. 30-62 Barcom Avenue, Darlinghurst (the site) comprises a part-two, part-three storey warehouse building occupied by a self-storage facility.

2. The site is an irregular 'L' shape with an area of 992.5 square metres and a frontage to Barcom Avenue of approximately 45 metres. The site slopes significantly from RL 15-16m AHD at Barcom Avenue to RL 8.7m AHD at the eastern boundary. The cross fall equates to approximately 7-8 metres over the site and results in the existing building presenting as a two storey warehouse on the Barcom Avenue frontage and three storeys at its rear elevation.

3. The surrounding area is mixed use, generally comprising residential development along with business uses at the north eastern end of Barcom Avenue with a five storey car dealership adjoining the site to the east (at the corner of New South Head Road and McLachlan Avenue), and a one to three storey car dealership located at the rear of the site (on McLachlan Avenue).

4. Adjoining the site to the west along Barcom Avenue are a number of two storey terrace houses. Similarly, two storey terrace houses are also located opposite the site, along the northern side of Barcom Avenue. A four storey residential apartment building is located to the south on McLachlan Avenue.

5. The site is directly opposite the Barcom Avenue Heritage Conservation Area, which is dominated by one to three storey Victorian terraces. All of the properties directly opposite the site are 'contributory buildings' within the heritage conservation area.

6. The area is zoned B4 Mixed Use. Commercial uses are permissible with consent.

7. The site is located in Darlinghurst, to the east of Central Sydney. It benefits from convenient public transport access, located within 800 metres of Kings Cross Station and serviced by a number of bus and cycle routes connecting the site to Central Sydney and Bondi Junction.

8. The site location and surrounding context are shown in Figure 1 and Figure 2. Photos of the site and its surroundings are shown in Figures 3 to 5.

Figure 1: Site location

Figure 2: Site context

Figure 3: Photographs of the site and existing building, looking south (left) and looking north-east (right)

Figure 4: Adjoining residential terraces, to immediate south of site along Barcom Ave (left) and heritage items on the opposite side of Barcom Ave within the conservation area (right)

Figure 5: Residential interface with site, 2 storey terraces to south-east of site (left) and view towards four storey residential building to south of site (right)

Planning Controls and proposed changes

9. The existing warehouse building is built to the boundary, with a maximum building height of 12.1 metres and an existing FSR of approximately 2.45:1. The existing planning controls allow for a maximum building height of 15 metres and a maximum FSR of 2:1.

10. In May 2018, Ethos Urban, on behalf of site owner Clanricarde, submitted a formal request to amend Sydney Local Environmental Plan 2012 (Sydney LEP 2012) as it applies to 30-62 Barcom Avenue, Darlinghurst. The request sought to increase the maximum building height and FSR to enable a co-working office space above the existing warehouse building.

11. The resulting development would be a four storey non-residential building with a total gross floor area of 3,535 square metres, made up of:

    (a) an existing 2,375 square metres of self-storage premises over three levels (basement to level 1); and

    (b) 1,160 square metres of office premises over two storeys (levels 2 and 3).

12. An indicative development concept submitted with the Planning Proposal request envisages the co-working office space as comprising:

    (a) a combination of private offices (90-95%) and permanent desks (5-10%), which will range in size to suit varying sizes of teams (from two person offices to 10 person offices);

    (b) flexible spaces including meeting rooms, a board room, break out spaces and phone booths;

    (c) kitchen facilities;

    (d) bike storage and private end-of-trip facilities; and

    (e) no parking for private vehicles.

Draft Planning Controls

13. Council and the Central Sydney Planning Committee resolved to publicly exhibit draft planning controls for the site in September 2018. The resolutions of Council and the Central Sydney Planning Committee are at Attachment C. The draft controls are in a Planning Proposal to amend Sydney LEP 2012 and an amendment to Sydney DCP 2012.

14. The proposed LEP amendments allowed a building with an FSR of 3.75:1 and height of up to 18 metres subject to all of the following conditions being met:

    (a) the whole building is to be used for non-residential purposes;

    (b) there is to be no increase in car parking on the site; and

    (c) a 6 star building NABERS Energy Commitment Agreement is in place.

15. The draft DCP established detailed controls around the building envelope to ensure an appropriate relationship with the heritage conservation area and neighbouring residential terraces. It also supported an ecologically sustainable development opportunity presented through redevelopment of the site. The DCP provisions include:

    (a) height in storeys;

    (b) setbacks; and

    (c) encouraging the provision of a green roof.

16. Council and the CSPC resolved that the proposal demonstrated strategic merit through sustainability improvements and the opportunity to support Sydney's start-up business community via the provision of flexible co-working office space. The proposal was considered to represent an appropriate built form outcome in a sustainable, mixed use location serviced by existing infrastructure.

Gateway Determination

17. The City requested a Gateway Determination from the Greater Sydney Commission (the GSC) in October 2018. Various requests for further information and clarification of the Planning Proposal's intentions and objectives were made by the Department of Planning, Industry and Environment (the Department) on the GSC's behalf until May 2019.

18. The Department issued a Gateway Determination and supporting report in July 2019, provided at Attachment D. It required the Planning Proposal to be amended prior to community consultation. The required amendments:

    (a) clarify the explanation of provisions (and related objectives and intended outcomes);

    (b) clarify the restrictions to land use types and car parking which are to apply to the additional floor space and height; and

    (c) remove the provisions for a 6 star NABERS Energy Commitment Agreement.

19. The City supported the changes required by the Gateway Determination to the objectives and explanation of provisions in the Planning Proposal which relate to the description of land use types that are to be accommodated in the resulting floor space. These changes were worked through collaboratively to better reflect the intended outcomes of the Planning Proposal and the City agreed to the changes with the Department prior to issue of the Gateway Determination.

20. The City did not support the Department's grounds for removing the provision for a 6 star NABERS Energy Commitment Agreement from the Planning Proposal.

Independent Planning Commission's review of the Gateway Determination

21. The City requested the Independent Planning Commission (the IPC) review the Gateway Determination requirement for the removal of the provision for a 6 star NABERS Energy Commitment Agreement from the Planning Proposal.

22. Following correspondence and meetings with the Department to discuss the contentions, the Department forwarded the Gateway Review request to the IPC in April 2020 and a decision was issued in May 2020.

23. The IPC decision concludes that appropriate ecological sustainable development (ESD) standards can be achieved on the site through the National Construction Code and the proposed site-specific amendment to the DCP. As a result, the Commission upheld the Gateway Determination.

Changes to the Planning Controls required by the Gateway Determination

24. In accordance with the conditions of the Gateway Determination, the Planning Proposal was amended to more clearly articulate the uses and any associated car parking which would be permitted for both the existing building and proposed floor space. The Planning Proposal was also amended to remove the requirement for a 6 star NABERS Energy commitment agreement.

25. The proposed LEP controls, as amended, allow a building with an FSR of 3.75:1 and height of up to 18 metres subject to all of the following conditions being met:

    (a) the whole building is not used for residential accommodation or tourist and visitor accommodation;

    (b) any building height and/or floor space additional to that already on site being restricted to commercial premises uses; and

    (c) car parking associated with any additional height or floor space is prohibited.

26. The requirement for a 6 star NABERS Energy commitment agreement remains in the draft DCP.

27. In accordance with the requirements of the Gateway Determination, the revised Planning Proposal was provided to the Department for review and approved for community and agency consultation. The Department also extended the timeframe for completing the LEP until 11 June 2021.

Consultation and submissions

28. The revised Planning Proposal and DCP amendment were placed on public exhibition from 17 December 2020 to 27 January 2021. The City sent 37 letters to local residents and adjoining business owners to notify them of the exhibition and it was also advertised via the City's Sydney Your Say webpage and in the Sydney Morning Herald. Given that the original exhibition included the Christmas and New Year period, it did not meet the minimum mandatory community consultation periods required under the Environmental Planning and Assessment Act 1979. The Planning Proposal and DCP amendment were therefore re-exhibited from 3 September to 1 October 2021, with local residents and adjoining business owners being re-notified by letter.

29. The Gateway Determination required the City to consult with various State agencies, including the Office of Environment and Heritage (OEH), Transport for NSW (TfNSW), and Roads and Maritime Services (RMS).

30. OEH noted the proposed building envelopes and indicative concept designs would not result in any additional overshadowing of the local heritage items or heritage conservation area and that a two-storeyed street wall character would be maintained adjacent to the heritage conservation area. As such, OEH considers this to be an acceptable heritage response. OEH also noted that as these items and the conservation area are listed under the City's LEP, Council is the consent authority and consideration of any impacts rests with Council.

31. TfNSW raised no objection to the Planning Proposal, noting the integrity of TfNSW infrastructure and reservations is to be maintained. No response was received from RMS.

32. A number of local resident submissions were received, 12 individual written submissions, 3 submissions via Sydney Your Say and 1 on behalf of the owners corporation at 61-63 McLachlan Avenue. A submission was also made by Alex Greenwich (MP) on behalf of his constituents in the local area. No additional comments were received as a result of the re-exhibition.

33. The key issues raised by local residents relate to the scale and bulk of the resulting building, with most submissions considering the proposal to represent an overdevelopment of the site in a residential and heritage area. Many submissions also highlighted concerns over likely impacts on traffic and parking in the area. The impacts of overshadowing and loss of privacy were also raised by adjacent properties.

34. These issues are discussed below. The submissions received, together with the City's response, are summarised at Attachment E.

Scale and bulk

35. A number of local residents expressed concern over the scale and bulk of the proposal, believing that it will result in a large, bulky commercial building that will be too large for the street. There is also concern that justifying the proposal with the height of the adjacent buildings will result in further precedent to increase the height throughout the area.

36. Current LEP and DCP controls set an 18m height limit and allow for buildings of up to 5 storeys on the commercial sites which adjoin the subject site (to the north-east and rear). It is considered that the Planning Proposal is in keeping with this scale. It is unlikely that a development of a similar scale on the site would become a precedent for the rest of the street given the difference in use between this commercial end of Barcom Avenue and the residential typology of the remainder.

37. Office of Environment and Heritage also consider the scale and form of the proposal to be an acceptable heritage response in this location.

Overshadowing and loss of privacy

38. Many residents' submissions raised concerns about overshadowing. There is concern that the shadow analysis is incorrect, with several residents questioning the testing parameters and the narrow focus of the images presented in the original Planning Proposal request from the proponents. Residents to the northern side of Barcom Avenue feel they have been missed from the analysis whilst others question why the assessment is limited to mid-winter impacts and why a period of two hours is considered to be an acceptable amount of solar access.

39. Solar access is measured at mid-winter because this is when the sun is lowest in the sky and therefore represents a 'worst case scenario' for overshadowing. At the mid-winter solstice the sun's altitude causes shadows three times as long as the height of the object casting them. The two hour parameter is used within the Sydney Metropolitan Area as being a reasonable amount of winter sun given the density of development in an urban area.

40. To assess solar access, it is usual to test the solar impact associated with a proposal at 15 minute increments from 9am to 3pm on June 21st. Given that the original Planning Proposal request presented hourly overshadowing data, the City requested additional overshadowing analysis to further investigate the issues raised.

41. The proponents have submitted a detailed CAD model of the proposal, which is embedded with grid alignments and coordinates used by the City's own modelling team for accuracy. Detailed overshadowing images have been rendered from the model for all required time increments and these are presented at Attachment F. The modelling shows the existing overshadowing conditions and the overshadowing which would be generated by the proposal as exhibited. It also includes shadow analysis for a proposed amendment to the building envelope requested by the proponent (see later in this report for details). In all instances, the proponent's requested amendments represent a 'worst case scenario' for overshadowing.

42. The overshadowing analysis shows the impact on solar access to any residential properties is limited to 64 Barcom Avenue, which adjoins the subject site to its south-east, and 61-63 McLachlan Avenue, to the rear and south of the subject site.

43. 64 Barcom Avenue experiences high levels of overshadowing from the existing self-storage building in midwinter. Until around 10:30am, solar access is restricted to a single storey element and some parts of the private open space to the rear and then to parts of the side wall of the main dwelling from around 1pm. Whilst it is acknowledged the proposal will create longer shadows, these will predominantly be cast over the roof of 64 Barcom Avenue and are not considered to impact any habitable spaces within the dwelling.

44. Figure 6 below compares the shadow cast by the existing self-storage building and the proposed additional floors at 11:15am to illustrate the predominant difference in overshadowing, being that of the length of shadows across the roof of 64 Barcom Avenue.

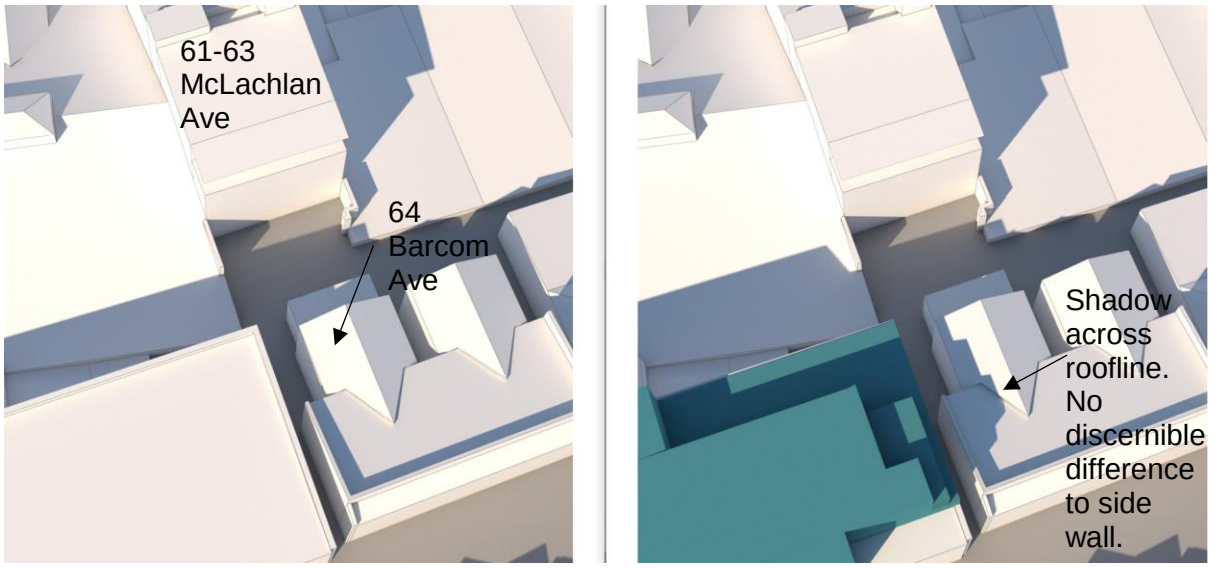

Figure 6: Overshadowing comparison at 11:15am between existing (left) and as requested by the proponent (right)

45. The modelling shows that the existing building on the subject site does not start to overshadow 61-63 McLachlan Avenue until around 1pm, experiencing good levels of solar access until this point (subject to existing vegetation to the north). By 2:30pm there is no discernible difference between the solar impact associated with the exhibited scheme, the proponent's requested amendment and the existing overshadowing situation.

46. Figure 7 below shows the greatest extent of overshadowing experienced by 61-63 McLachlan Avenue, comparing the shadow cast by the existing self-storage building with that cast by the proposed additional floors (with the proponent's requested amendments to building envelope). The difference between the two is considered to be marginal. The figure also shows the limited difference in the amount of direct light on the side wall of 64 Barcom Avenue.

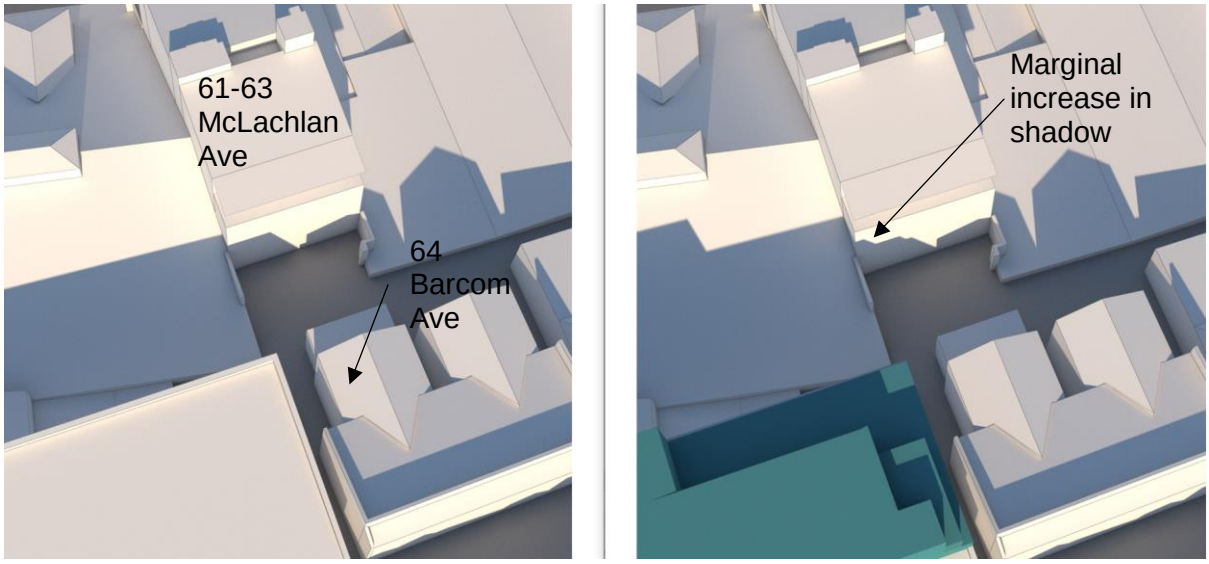

Figure 7: Overshadowing comparison at 2pm between existing (left) and as requested by the proponent (right)

47. Existing Sydney DCP controls require new development to be designed so as to ensure neighbouring dwellings receive a minimum of 2 hours' direct sunlight between 9am and 3pm on 21st June onto at least 1 sqm of living room windows and to at least 50 per cent of the minimum amount of private open space. Where existing levels of solar access are less than this, new development is not to create any additional overshadowing (excluding side windows).

48. The analysis provided by the proponent does suggest that there will be some increase in overshadowing to the private rear open space belonging to 64 Barcom Avenue and 61-63 McLachlan Avenue associated with both the exhibited building envelope and their proposed alternative. However, the analysis does not incorporate ownership boundaries to enable an assessment by Council of the proportion of private open space impacted.

49. As a result, it is proposed to amend the planning proposal and built form controls in the draft DCP to ensure that any additional floor space award is subject to the future building envelope being designed to comply with the existing Sydney DCP requirements for overshadowing. Detailed analysis of the compliance of any proposed building envelope would occur at the development application stage.

50. Neighbouring residents also raised concerns about loss of privacy, fearing that the new office accommodation would overlook them. Given that the Planning Proposal is currently only an indicative development scheme within a proposed building envelope, this would be an issue that would be analysed and addressed at Development Application stage under existing controls that protect privacy.

Traffic and parking

51. Many submissions raised issues concerning traffic and parking in connection with the proposal. Local residents fear an increase in traffic in an already congested residential area and greater competition for parking spaces between residents and commercial users due to the lack of on-site parking proposed. Residents highlight that parking has already been impacted by the nearby BMW showroom and feel that additional traffic could impact pedestrian safety.

52. In response, the City requested that the Traffic and Parking Impact Assessment be updated by the proponent to address the issues raised. The updated assessment can be found at Attachment G.

53. The assessment finds the site is well served by public transport, with bus connections and King's Cross railway station located in close proximity to the site. King's Cross station is 800m away and provides frequent train services to the CBD and Sydney's east and south on the T4 South Coast Line, with a frequency of ~15 minutes during off-peak times and ~8 minutes during peak times. Similarly buses between the Sydney CBD and nearby bus stops on New South Head Road operate with a 15-minute frequency during off-peak times and a 10-minute frequency during peak hours.

54. The pedestrian network surrounding the site is also good, being a 10-minute walk to Kings Cross station, less than 250m to a number of bus stops and less than 200m from various neighbourhood services including cafes. A number of car share spaces are also located in the vicinity.

55. The updated assessment demonstrates that the demographic in the Darlinghurst area, compared to that of other areas, relies significantly less on private vehicles for their commute to work, favouring public and active transport especially bus, train and walking.

56. According to the 2016 census, public transport has the highest mode share for people commuting to Darlinghurst, with 40.45% of people using public transport to get to work in the area. A further 13.38% used forms of active transport, including walking and riding to work. 32.6% of commuters travelled to work by car, which is lower than an average of 57.8% for NSW and 61.5% for Australia. Those commuting within the area also favour public and active transport over private vehicles, with only 17% of people from surrounding suburbs travelling to work in the area by car.

57. Given the likely mode share and potential staff density associated with the proposal, the updated assessment anticipates a maximum of 18 trips per hour in the AM peak and 14 trips per hour in the PM peak could be generated. A minor increase in courier and delivery vehicles are also anticipated off peak.

58. To address this, a number of sustainable travel initiatives are proposed to be incorporated into the design and management of the building to complement the existing transport options and to provide a holistic strategy to positively influence occupant behaviour.

59. The overall site strategy is based around reducing car usage, with public transport as the primary mode choice for distance trips and pedestrian/cyclist provisions for shorter trips.

60. A Green Travel Plan is to be prepared and submitted with any future development application for the site alongside the implementation and ongoing monitoring of any sustainable travel initiatives it includes.

61. Indicatively, the floor space proposed is able to accommodate 13 bike parking spaces - 9 for employees and 4 for visitors - plus end of journey facilities to promote the option of cycling to the site. This number of spaces exceeds current minimum requirements in Sydney DCP 2012 and will be secured via an additional provision in the DCP amendment. Further, with no additional vehicle parking spaces being proposed on site, commuting to the site by private vehicle is discouraged.

62. It should also be noted that the proposal for no additional car parking is in line with the City's own approach to reducing the reliance on private vehicles, expressed in both the LEP and DCP, with the restriction of on-site car parking at origin and destination being a major driver for alternative, sustainable transport modes.

63. Time-restricted parking in the local area also reduces the likelihood of 'spillover' parking into residential streets as this is not suitable for office staff with long term parking needs.

64. Overall, it is considered the proposal will have a negligible impact on the safety and efficiency of the surrounding road network and parking availability in the area and likely result in a lesser impact than a residential development under the current controls.

The impact of Covid-19

65. Some submissions raised questions about the need for additional commercial floor space given the potential impacts of Covid-19 on demand for commercial floor space.

66. The City's Local Strategic Planning Statement identifies the need for more non-residential floor space, in diverse forms, to achieve our 2036 target for 200,000 additional jobs.

67. The long-term impacts of Covid-19 are not yet understood. While there will almost certainly be a change to the way some businesses and their employees work, it is considered that out of centre employment space will still be in demand over time.

Submission from the proponent requesting building envelope modifications

68. As part of the consultation, the City also received a submission from the consultant acting for the proponent.

69. In the submission, the proponent confirmed their commitment to NABERS and commissioned advice from ARUP to confirm whether the concept scheme is capable of achieving a 6 star NABERS Energy outcome. ARUP confirmed that the indicative development scheme would be able to achieve the 6 star target subject to key design inclusions comprising:

    (a) use of natural ventilation to significant portions of the floor plate;

    (b) high level clerestory windows to allow daylight to the whole office space via internal atria;

    (c) efficient envelope performance to reduce cooling/heating loads;

    (d) operable windows to allow natural ventilation in air-conditioned spaces;

    (e) high efficiency, locally controlled lighting to ensure lights are only operating when people are using the space;

    (f) dedicated HVAC to each office space to ensure efficient operation of systems, only when occupancy is detected; and

    (g) 11kWp roof mounted photovoltaic array power building services.

70. In developing the design of the concept scheme further to address the first three design inclusions necessary for the NABERS outcome, the proponent requests amendments to the building setbacks and height in storeys shown in the draft DCP to reflect a modified building envelope, shown in Figure 8 below.

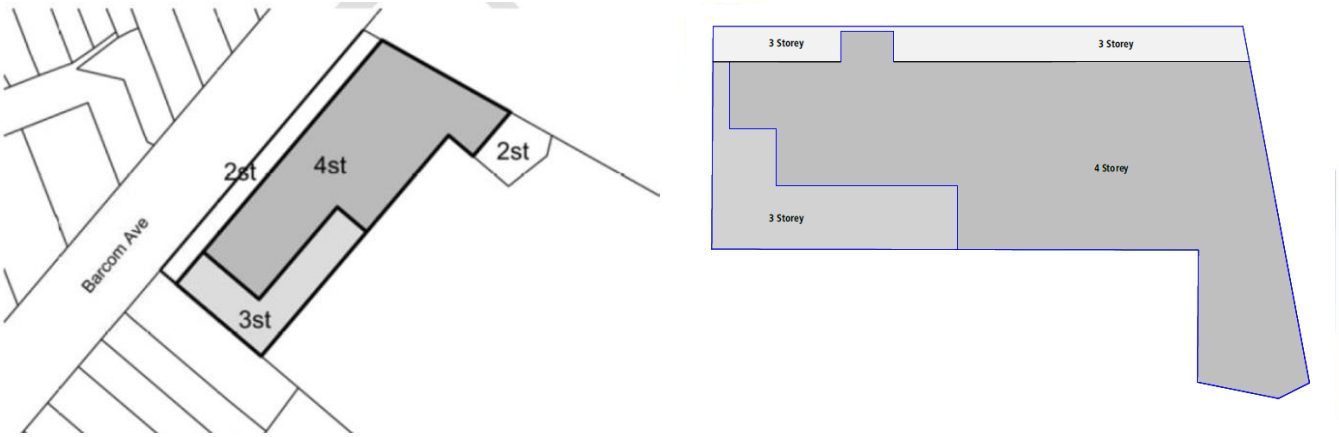

Figure 8: Building envelope showing height in storeys and building setbacks as included in the exhibited draft DCP (left) and as proposed to be amended by the proponent (right)

71. The requested modifications require no change to the proposed LEP controls, having no impact on the overall height or FSR of the proposed development. The submission demonstrates that the modified building envelope results in marginally less GFA compared with the exhibited concept scheme.

72. The proposed three storey street wall would be in-keeping with that already established to the immediate north-east, adjoining the site, and in the conservation area opposite the site. The street wall is also consistent with the existing three storey building street frontage height controls in Sydney DCP 2012. It is proposed to change the street frontage height in the DCP amendment back to 3 storeys from 2 storeys - effectively representing no change from the current controls.

73. The detailed overshadowing analysis, included at Attachment F and discussed earlier in this report, demonstrates that the requested amendments to the building envelope would generate very limited additional shadow being cast compared with the exhibited building envelope. However, it is unclear whether the proposals comply with existing Sydney DCP controls to limit solar impact. It is therefore proposed to amend the planning proposal to ensure the additional floor space is only awarded subject consideration of the over shadowing impacts. The DCP has also been amended so the built form controls to allow a part 3-, part 4- storey building which is designed and setback as necessary to achieve the overshadowing requirements of the DCP, recognising that the final building envelope will need flexibility to enable the desired 6 star NABERS Energy outcome to be achieved on the site.

Changes to the Planning Controls following Exhibition

74. Following consideration of submissions, the Planning Proposal has been updated to require consideration of overshadowing impacts before awarding additional floor space. It has also been updated with details of the community and agency consultation that was undertaken and to update the anticipated timeline for finalising the LEP amendment.

75. Following exhibition, changes are recommended to the draft DCP to enable the desired sustainability outcomes to be achieved and to assist with securing sustainable travel behaviours to and from the site. The recommended changes relate to:

    (a) the built form provisions which establish the parameters around building envelope to ensure overshadowing controls are met and with no increase in overall height;

    (b) securing 13 bike parking spaces (9 employee and 4 visitor spaces) for use in connection with the office space; and

    (c) a requirement for a Green Travel Plan to be submitted with any future development application.

76. The Planning Proposal and draft DCP, as amended following public exhibition, are at Attachment A and Attachment B respectively.

Key Implications

Strategic Alignment - Greater Sydney Region Plan

77. The Greater Sydney Region Plan, completed in March 2018, is a State Government strategic document that sets the 40 year vision and 20 year plan for all of Greater Sydney. The Plan outlines how Greater Sydney will manage growth and change and guide infrastructure delivery and is to be implemented at a local level by District Plans.

78. The Plan identifies key challenges facing Greater Sydney, which is forecast to grow from 4.7 million people to 8 million people by 2056. Greater Sydney is to provide for an additional 817,000 jobs by 2036 and will need to provide 725,000 more homes over the next 20 years.

79. By facilitating development of additional commercial floor space on a site with good levels of accessibility by public and active transport, and within a building which can appropriately address its heritage context and promote ecologically sustainable development, the Planning Proposal is consistent with the relevant objectives and planning priorities of the Plan as follows:

    (a) Objective 4: Infrastructure use is optimised;

    (b) Objective 13: Environmental heritage is identified, conserved and enhanced;

    (c) Objective 14: Integrated land use and transport creates walkable and 30-minute cities;

    (d) Objective 18: Harbour CBD is stronger and more competitive;

    (e) Objective 22: Investment and business activity in centres;

    (f) Objective 24: Economic sectors are targeted for success; and

    (g) Objective 33: A low-carbon city contributes to net-zero emissions by 2050 and mitigates climate change.

Strategic Alignment - Eastern City District Plan

80. The Eastern City District Plan, also completed in March 2018, sets the local planning context for the City of Sydney local government area. It provides a 20-year plan to manage growth and achieve the 40-year vision of the Greater Sydney Region Plan at a district level and is a bridge between regional and local planning.

81. As part of a Greater Sydney metropolis of three cities, the eastern district covers the council areas of Bayside, Burwood, Canada Bay, City of Sydney, Inner West, Randwick, Strathfield, Waverley and Woollahra.

82. The Eastern City District Plan identifies 22 planning priorities and associated actions that are important to achieving a liveable, productive and sustainable future for the district, including the alignment of infrastructure with growth.

83. This Planning Proposal gives effect to these planning priorities and actions as follows:

    (a) Planning Priority E6: Creating and renewing great places and local centres, and respecting the District's heritage;

    (b) Planning Priority E10: Delivering integrated land use and transport planning and a 30-minute city;

    (c) Planning Priority E7: Growing a stronger and more competitive Harbour CBD;

    (d) Planning Priority E11: Growing investment, business opportunities and jobs in strategic centres; and

    (e) Planning Priority E19: Reducing carbon emissions and managing energy, water and waste efficiently.

84. The Planning Proposal will support the growth of a stronger and more competitive Harbour CBD through the provision of new and innovative office space which will foster investment and employment opportunities, especially for small business. The proposal supports strategic priorities to create a more productive, liveable and sustainable city in a CBD-fringe location, which is close to homes and serviced by existing infrastructure.

Strategic Alignment - Sustainable Sydney 2030

85. 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 policy is aligned with the following strategic directions and objectives:

    (a) Direction 1 - A Globally Competitive and Innovative City - The proposal will provide additional employment floor space on the fringe of Sydney. The co-working office space will facilitate jobs growth and promote collaboration and innovation, supporting small businesses and start-ups.

(b) Direction 2 provides a road map for the City to become A Leading Environmental Performer - Together, the Planning Proposal and draft DCP will support a more ecologically sustainable development on the site, with a target of meeting a 6 star NABERS Energy rating. Following exhibition, the allowable building envelope shown in the DCP is amended to better facilitate the NABERS outcome. Additional DCP controls also secure rooftop photovoltaics and a green roof. The proposed controls will contribute towards net-zero carbon emissions, water sensitive urban design and urban ecology outcomes.

(c) Direction 3 - Integrated Transport for a Connected City - The proposal will capitalise on its close proximity to existing heavy rail train stations and a significant number of bus routes connecting with the CBD and Bondi Junction. The proposal incorporates zero parking provision further limiting potential future trips by private vehicle and encouraging sustainable transport choices.

(d) Direction 4 - A City for Walking and Cycling - The site is located in an inner-city suburb, close to existing local centres including Kings Cross, Edgecliff, Fiveways Paddington and Darlinghurst. It benefits from convenient public transport and a number of on-road and separated cycleways connecting with the CBD. The proposal also incorporates nine bicycle parking spaces and end of journey facilities to encourage active transport to and from the development.

(e) Direction 9 - Sustainable Development, Renewal and Design - The proposed planning controls will achieve a building envelope in keeping with its surroundings, cognisant of the heritage items and conservation area in close proximity to the site and its impact on adjoining residential buildings. Further, the proposal will support a future development that will feature additional ESD initiatives.

Relevant Legislation

86. Environmental Planning and Assessment Act 1979.

Critical Dates / Time Frames

87. The Gateway Determination, provided at Attachment D, included a finalisation date for the LEP as 11 July 2020. Prior to the community consultation process, this was extended by the Department until 11 June 2021. The Department has recently declined to extend this date further and has asked the City to expedite the completion of the LEP amendment.

88. The Gateway Determination authorises Council to liaise directly with Parliamentary Counsel to draft and make the LEP under delegation, giving effect to the Planning Proposal.

89. If the Planning Proposal is approved by Council and the CSPC, the City will commence this process. Once this process is complete and the plan is made, the amendment to Sydney LEP 2012 will come into effect when published on the NSW Legislation website.

90. If approved by Council, the draft DCP will come into effect on the same day as the amendment to Sydney LEP 2012.

GRAHAM JAHN AM

Director City Planning, Development and Transport

Samantha Bird, Specialist Planner