Attachment A

Planning Proposal: 30-62 Barcom Avenue, Darlinghurst. October 2021

(Post exhibition changes marked in red)

Planning Proposal

30-62 Barcom Avenue, Darlinghurst

October 2021

Sydney2030/

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INTRODUCTION

This planning proposal explains the extent of, and justification for, proposed amendments to *Sydney Local Environmental Plan 2012* (Sydney LEP) as it applies 30-62 Barcom Avenue, Darlinghurst.

The proposal has been prepared in accordance with section 3.33 of the Environmental Planning and Assessment Act 1979 (the Act) and guidelines published by the Department of Planning and Environment including 'A guide to preparing planning proposals' and 'A guide to preparing local environmental plans'.

Specifically, this planning proposal seeks to amend the maximum permissible FSR and building height controls for the site as contained in Sydney LEP, subject to commercial use and parking restrictions.

More detailed building envelope and sustainability controls are contained within a draft amendment to *Sydney Development Control Plan 2012* (Sydney DCP) which has been prepared alongside this planning proposal.

Site location

The planning proposal relates to 30-62 Barcom Avenue, Darlinghurst, a small inner-city suburb located to the east of Sydney's Central Business District.

The site is located on the south-eastern side of Barcom Avenue, close to the intersection with New South Head Road and opposite the Barcom Avenue Conservation Area and several heritage items.

It is within 800m of Kings Cross Station and surrounding local centres include Kings Cross, Edgecliff, Fiveways Paddington and Darlinghurst.

A location plan is at Figure 1. Site context is shown at Figure 2.

Land ownership

30-62 Barcom Avenue is a single landholding owned by Clanricarde Investments. The legal description of the land affected by this planning proposal is Lot B in DP 111138.

Site characteristics

The site is irregular in shape with an area of 992.5m^2 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, rear boundary. The cross fall equates to approximately 7-8 metres across the site, which results in the existing building having a two storey frontage to Barcom Avenue and a third storey element at its rear elevation.

Existing development

The site contains an existing part 2-storey, part 3-storey warehouse building which is currently used as a self-storage premises. The warehouse building is built to boundary, with a maximum building height of 12.1 metres and an existing Gross Floor Area of approximately 2,500 square metres (i.e. an existing built form FSR of approximately 2.45:1).

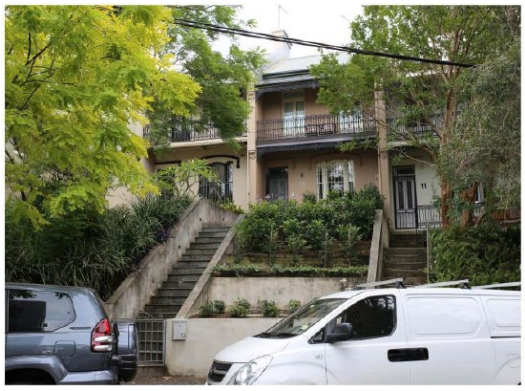
Photos of the site and the existing building are shown at Figure 3.

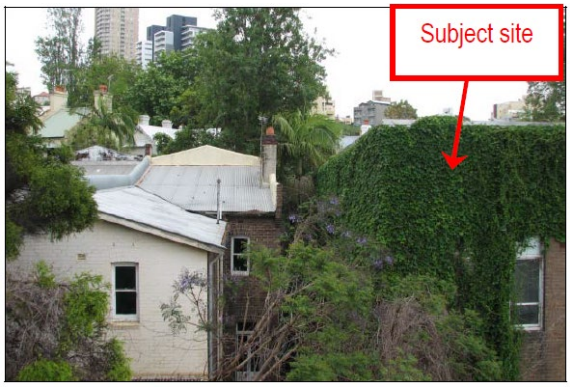
Surrounding development

To the immediate north-east of the site, at 65 Craigend Street, is a recently constructed 5-storey commercial vehicle showroom. Adjoining the eastern boundary of the site is a second commercial vehicle showroom which is 1-3 storeys. Two-storey residential terraces adjoin the south-eastern boundary and are found to the west of the site, within the Barcom Avenue Conservation Area. Six locally significant heritage items are sited in the vicinity, as follows:

- I501 – 2-6 Womerah Avenue – 'Flat Building "Corinthians" (2 Womerah Avenue) including interiors';
- I502 – 18A-40 Womerah Avenue – 'Terrace group part of "Barcom Mews" including interiors and fencing';
- I211 – 1-3 Barcom Avenue – 'Terrace group part of "Barcom Mews" including interiors, front fences and gates';
- I212 – 5-9 Barcom Avenue – 'Terrace group including interiors and front fence';
- I213 – 11-15 Barcom Avenue – 'Terrace group part of "Barcom Mews" including interiors'; and
- I214 – 23-47B Barcom Avenue – 'Terrace group including interiors'.

Figures 4 and 5 show photos of the surrounding context.





Planning history

The site has been the subject of two previous development applications. In July 1997, a development application for the renovation and refurbishment of the existing self-storage facility, including an additional floor providing an extra 860m2 of floor area, was refused by Council.

In September 2008, a development application (D/2008/1705) sought consent for several amendments to the existing building, including the construction of an additional floor. Council granted consent to the majority of amendments, but did not grant development consent for the additional storey. The planning officer's report notes that the proposed additional storey would have resulted in a building of a significantly greater scale than the adjoining vehicle dealership that addresses New South Head Road.

It is noted that the previous applications were determined some 8 to 19 years ago, when a 12 metre height limit applied to the site and prior to the redevelopment of a number of other sites within the vicinity of the subject site, including the adjacent vehicle dealership to the immediate north of the site, which is now 5 storeys.

Current planning controls

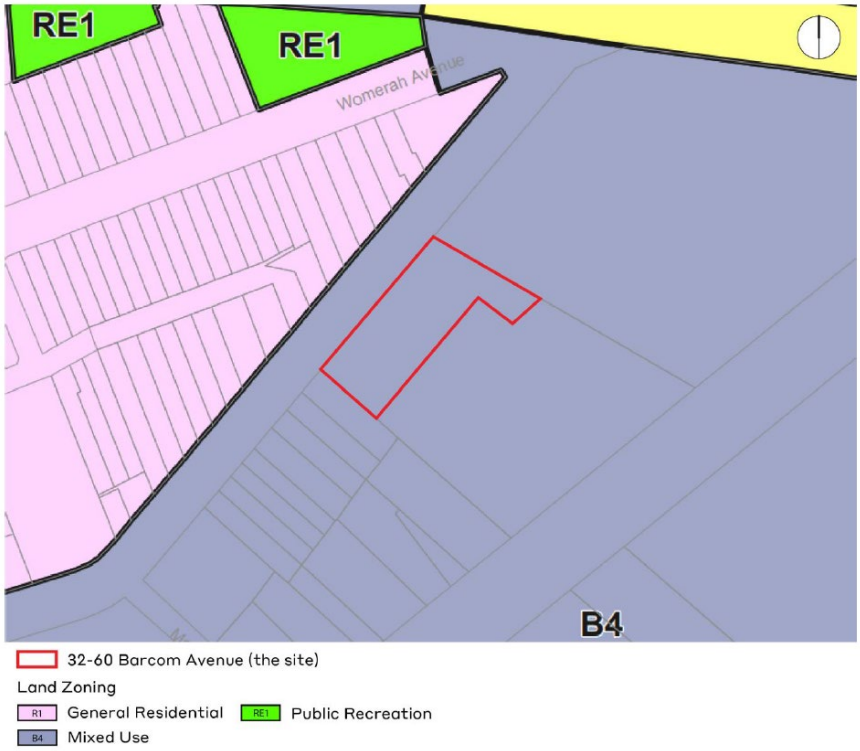
Table A and Map Extracts A-D below summarise the key planning controls in Sydney LEP that are relevant to this planning proposal.

Table A: Key planning controls in Sydney LEP

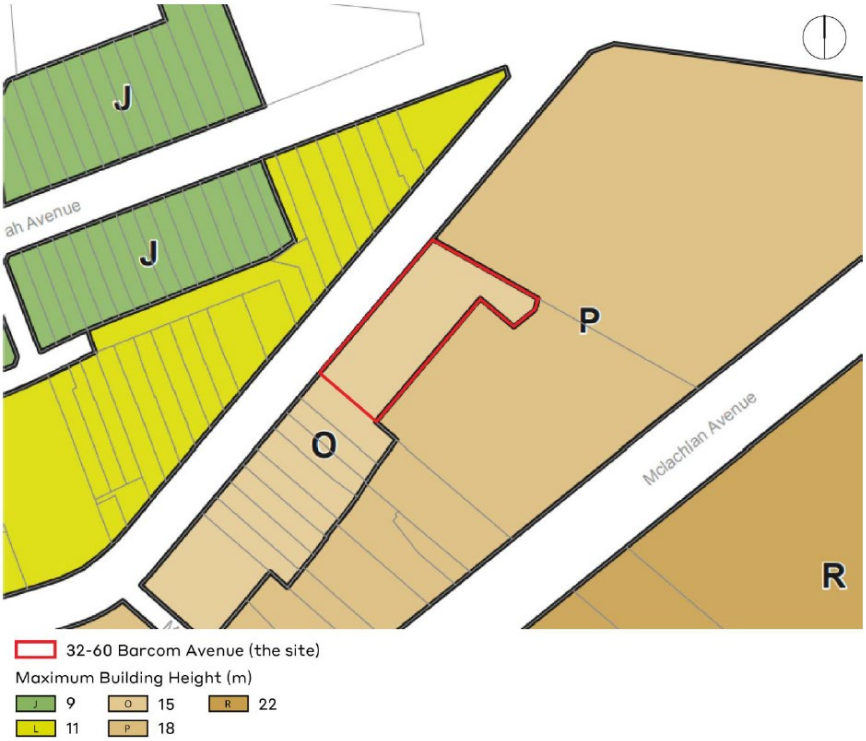
Relevant Control / Provision	Comment
Zoning	• Refer to Map Extract A • B4 Mixed Use • Commercial uses are permissible with consent.
Building Height	• Refer to Map Extract B • The maximum permissible building height for the site is 15 metres
Floor Space Ratio:	• Refer to Map Extract C • The maximum permissible FSR is 2:1 • The existing self-storage facility already exceeds the maximum permissible FSR, with a built form FSR of approximately 2.45:1.
Heritage	• Refer to Map Extract D

	• The site does not contain any heritage items but is located in close proximity to a number of items and the Barcom Avenue Conservation Area.

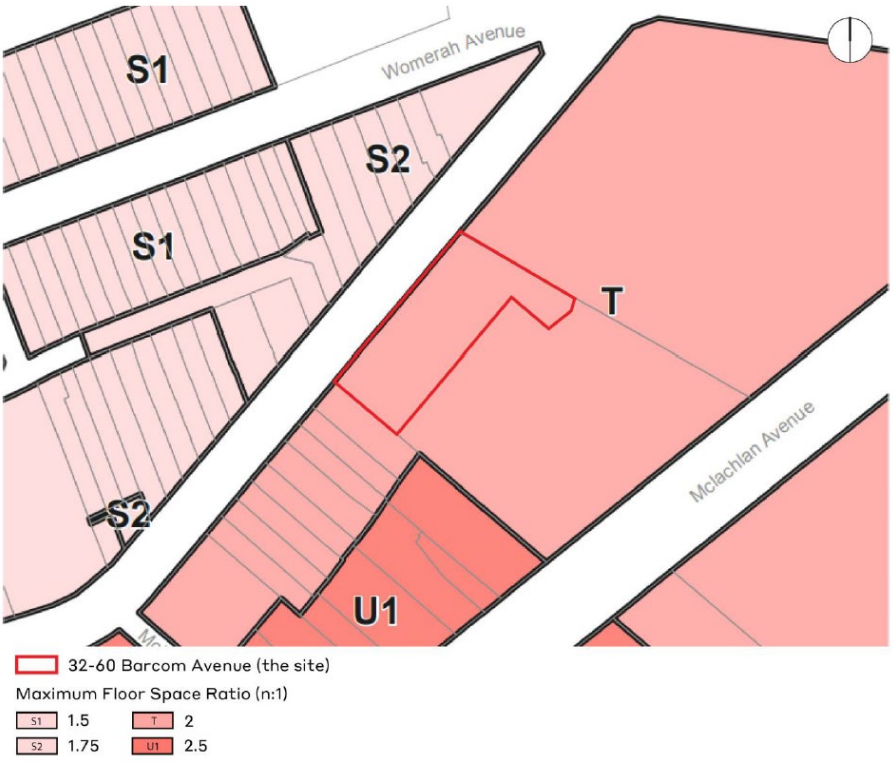
Map Extract A: Zoning Map



Map Extract B: Height of Buildings Map



Map Extract C: Floor Space Ratio Map



Map Extract D: Heritage Map

PART 1 – OBJECTIVES AND INTENDED OUTCOMES

The objectives of the planning proposal are to:

- facilitate additional floor space capacity on the site for commercial uses;
- deliver a high quality built form that is respectful of the site's heritage context;
- limit car parking on the site; and
- achieve a high standard of ecologically sustainable development and contribute towards zero net energy.

The intended outcomes of the planning proposal are to:

- allow additional floor space and height for development on the site to achieve a ~~maximum~~ floor space ratio control of up to 3.75:1 and a maximum building height of 18 metres providing that the development does not include any type of residential accommodation or tourist and visitor accommodation;
- facilitate the delivery of office space by restricting the additional floor space to commercial uses; ~~and~~
- restrict the provision of on-site parking; and
- an acceptable amount of solar access to neighbouring properties is maintained.

PART 2 – EXPLANATION OF PROVISIONS

To achieve the objectives and intended outcomes, this planning proposal seeks to amend planning controls in Sydney LEP 2012 to include provision in *Division 5 Site specific provisions* that:

Allows for, subject to the satisfaction of the Council, a building on this site (Lot B in DP 111138) that exceeds the development standards in clauses 4.3 (Height of buildings) and 4.4 (Floor space ratio) of Sydney LEP 2012, if all of the following conditions are met:

1. the whole building is not used for residential accommodation or tourist and visitor accommodation;
2. any building height and/or floor space additional to that already on site be restricted to commercial premises uses; and
3. car parking associated with any additional height and/or floor space is prohibited; and
4. the consent authority has considered the impact of the building on the solar access to lots at 64 Barcom Avenue, Darlinghurst and 61-63 McLachlan Avenue, Darlinghurst.

If all of the above conditions are met, a building with a Floor Space Ratio of up to 3.75:1 and height of up to 18 metres may be approved, subject to consent.

To provide clarity, no part of a building which takes advantage of the additional height and floor space may be used for residential accommodation or tourist and visitor accommodation, including a residential flat building or serviced apartments and the like.

It is noted that this proposed amendment does not derogate from the achievement of a residential development on the site that complies with current height and FSR controls in clauses 4.3 (Height of buildings) and 4.4 (Floor space ratio) of Sydney LEP 2012.

Site specific DCP

The City has prepared draft site specific provisions to amend Sydney DCP 2012, which provide further guidance to the proposed amendments to Sydney LEP 2012. The provisions are to be contained within Section 6 of the Sydney DCP 2012.

They will ensure an appropriate relationship with the Conservation Area and neighbouring residential terraces and support the ecologically sustainable development opportunity presented through redevelopment of the site. The provisions relate to building height in storeys, setbacks and sustainability outcomes, including a requirement for a minimum 6 star building NABERS Energy Commitment Agreement and encouraging a green roof and roof-top solar. They will also secure bike parking in excess of standard requirements and a Green Travel Plan to promote sustainable transport behaviours for the site.

The draft DCP ~~is to be~~ was publicly exhibited with the planning proposal.

PART 3 - JUSTIFICATION

Section A – Need for the planning proposal

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

The Planning Proposal is not the result of any specific strategic study or report. It has been initiated by the proponent to facilitate a building envelope which is commensurate with the height, scale and density of the locality and to provide for additional employment floor space. Accordingly the proposal is consistent with a range of key strategic planning documentation including Sustainable Sydney 2030 and Region and District (see Section B for further detail).

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

In preparing this planning proposal, three options were considered to facilitate the intended outcomes in Part 1. These are listed and discussed below:

- Option 1: Do nothing.
- Option 2: Lodge a development application subject to a Clause 4.6 Variation to floor space ratio.
- Option 3: Prepare a planning proposal to amend the maximum floor space ratio for the site under SLEP 2012.

Option 1: Do nothing
Option 1 involves the continued operation of the existing warehouse in its current form as a self-storage facility; or the use of the existing building for the proposed office use, resulting in the loss of the self-storage facility. It is considered that this option represents a lost opportunity to realise the site's employment-generating potential, particularly given its accessible location and the surrounding built form, which gives some context for an increase in height, thereby enabling additional floor space.

Option 2: Development application
Option 2 involves the lodgement of a development application with Council subject to a Clause 4.6 variation to the maximum floor space ratio. As noted in the Introduction – Planning History section, two previous development applications relating to the provision of additional height and floor space have been submitted and subsequently refused. Should Option 2 be pursued for the current development concept, the proposed FSR would represent a 79% variation to the existing maximum FSR of 2:1 permissible under SLEP 2012. Whilst much of this variation can be attributed to the existing warehouse building already exceeding the maximum permissible FSR by around 0.45:1, this development pathway has been unsuccessfully pursued in the past. It is therefore not considered to be an appropriate means for facilitating the intended outcome.

Option 3: Planning proposal
As a result, Option 3 is chosen as the most suitable pathway to achieve the desired building envelope for the site. The planning proposal seeks to allow the development of additional storeys consistent with the maximum LEP height limit on the adjoining site, increase the site's maximum FSR commensurately, and deliver a design outcome that is in-keeping with the built form of the existing warehouse building and surrounding locality. Proposed site-specific provisions will secure the additional floor space for employment uses and ensure sustainable outcomes on the site, both in terms of transport ~~(with zero additional parking provision)~~ and energy, supported by site specific DCP provisions.

Section B – Relationship to strategic planning framework

Q3. Is the planning proposal consistent with the objectives and actions of the applicable regional or sub-regional strategy (including the Sydney Metropolitan Strategy and the exhibited draft strategies)?

Greater Sydney Region Plan: A Metropolis of Three Cities

The Greater Sydney Region Plan is a NSW Government strategic document that outlines a 40 year vision and 20 year plan for Greater Sydney. It identifies key challenges facing Sydney including a population increase of 3.3 million by 2056, 817,000 new jobs by 2036 and a requirement for 725,000 new homes over the next 20 years.

In responding to these and other challenges, the plan sets out four goals and ten directions:

1. Infrastructure and collaboration – securing 'a city supported by infrastructure' and 'a collaborative city'
2. Liveability – achieving 'a city for people', 'housing the city' and 'a city of green places'
3. Productivity – creating 'a well-connected city' and 'jobs and skills for the city'
4. Sustainability – delivering 'a city in its landscape', 'an efficient city' and 'a resilient city'

To achieve these goals and directions, the plan proposes 40 objectives, with 15 associated actions. Objectives of particular relevance to this planning proposal include:

- Objective 4: Infrastructure use is optimised;
- Objective 13: Environmental heritage is identified, conserved and enhanced;
- Objective 14: Integrated land use and transport creates walkable and 30-minute cities;
- Objective 18: Harbour CBD is stronger and more competitive;
- Objective 22: Investment and business activity in centres;
- Objective 24: Economic sectors are targeted for success; and
- Objective 33: A low-carbon city contributes to net-zero emissions by 2050 and mitigates climate change

NSW Government District Plans – Eastern City District

The NSW Government has prepared plans for each of the five districts that comprise the Greater Sydney area. The City of Sydney is in the Eastern City District. The District Plans set out how the Greater Sydney Region Plan will apply to local areas. They will influence the delivery of housing supply, inform and influence planning for business and jobs growth, particularly in strategic centres and inform the decision making for infrastructure planning.

The Eastern City District Plan, completed in March 2018, 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.

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

- Planning Priority E6: Creating and renewing great places and local centres, and respecting the District's heritage;
- Planning Priority E10: Delivering integrated land use and transport planning and a 30-minute city;
- Planning Priority E7: Growing a stronger and more competitive Harbour CBD;

- Planning Priority E11: Growing investment, business opportunities and jobs in strategic centres; and
- Planning Priority E19: Reducing carbon emissions and managing energy, water and waste efficiently.

This planning proposal is consistent with the relevant objectives in the Region Plan and planning priorities in the District Plan. Specifically, it 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. The resulting development is capable of achieving high quality design and good environmental performance.

Q4. Is the planning proposal consistent with a council's local strategy or other local strategic plan?

The City's *Sustainable Sydney 2030 Strategic Plan* is the 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 planning proposal is consistent with key directions of Sustainable Sydney 2030 as demonstrated in the following table.

Consistency with Sustainable Sydney 2030	
Direction	**Comment**
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.
Direction 2 – A leading environmental performer	The draft DCP amendment which accompanies this planning proposal will support a more ecologically sustainable development on the site, with a target of meeting a 6 star NABERS energy rating and controls which will encourage solar PV and a green roof. This will contribute towards net-zero carbon, water sensitive urban design and urban ecology outcomes.
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 behaviour and a Green Travel Plan will be required in the accompanying site specific DCP.
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.
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 is expected to include a range of sustainable building features.

Q5. Is the planning proposal consistent with applicable State Environmental Planning Policies (SEPPs)?

The consistency of this planning proposal with current State Environmental Planning Policies (SEPPs) is outlined in the table below. SEPPs which have been repealed or were not finalised are not included in this table.

Consistency with SEPPs	
State Environmental Planning Policy (SEPP)	**Comment**
SEPP No 1—Development Standards	Not applicable.
SEPP No 4 – Development Without Consent and Miscellaneous Exempt and Complying Development	Not applicable
SEPP No 6 - Number of Storeys in a Building	Consistent - This planning proposal does not contradict or hinder application of this SEPP.
SEPP 10 - Retention of Low Cost Accommodation	Not applicable.
SEPP No 15 – Rural Landsharing Communities	Not applicable.
SEPP No 19—Bushland in Urban Areas	Not applicable.
SEPP No 21—Caravan Parks	Not applicable.
SEPP No 22 – Shops and Commercial Premises	Consistent – This planning proposal does not contradict or hinder application of this SEPP.
SEPP No 29 – Western Sydney Recreation Area	Not applicable.
SEPP No 30—Intensive Agriculture	Not applicable.
SEPP 32 – Urban Consolidation (Redevelopment of Urban Land)	Consistent – This planning proposal does not contradict or hinder application of this SEPP.
SEPP No 33—Hazardous and Offensive Development	Consistent - This planning proposal does not contradict or hinder application of this SEPP.
SEPP No 36—Manufactured Home Estates	Not applicable.
SEPP No 39 – Spit Island Bird Habitat	Not applicable.
SEPP No 42 – Casino Entertainment Complex	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.
SEPP No 52—Farm Dams and Other Works in Land and Water Management Plan Areas	Not applicable.
SEPP No 53 – Metropolitan Residential Development	Not applicable.
SEPP No 55—Remediation of Land	Consistent - This planning proposal does not contradict or hinder application of this SEPP.
SEPP 59 Central western Sydney Regional Open Space and Residential	Not applicable.
SEPP 60 Exempt and Complying Development	Consistent – This planning proposal does not contradict or hinder application of this SEPP.

Consistency with SEPPs	
State Environmental Planning Policy (SEPP)	**Comment**
SEPP No 62—Sustainable Aquaculture	Not applicable.
SEPP No 64—Advertising and Signage	Consistent - This planning proposal does not contradict or hinder application of this SEPP.
SEPP No 65—Design Quality of Residential Flat Development	Not applicable.
SEPP No 70—Affordable Housing (Revised Schemes)	Not applicable.
SEPP (Building Sustainability Index: BASIX) 2004	Consistent - The planning proposal does not contradict or hinder application of this SEPP.
SEPP (Housing for Seniors or People with a Disability) 2004	Not applicable.
SEPP (Major Development) 2005	Not applicable.
SEPP (Sydney Region Growth Centres) 2006	Not applicable.
SEPP (Infrastructure) 2007	Not applicable.
SEPP (Kosciuszko National Park— Alpine Resorts) 2007	Not applicable.
SEPP (Mining, Petroleum Production and Extractive Industries) 2007	Not applicable.
SEPP (Temporary Structures) 2007	Consistent - The planning proposal does not contradict or hinder application of this SEPP.
SEPP (Exempt and Complying Development Codes) 2008	Consistent - The planning proposal does not contradict or hinder application of this SEPP.
SEPP (Rural Lands) 2008	Not applicable.
SEPP (Western Sydney Parklands) 2009	Not applicable.
SEPP (Affordable Rental Housing) 2009	Not applicable.
SEPP (Western Sydney Employment Area) 2009	Not applicable.
SEPP (Development on Kurnell Peninsula) 2005	Not applicable.
SEPP (Coastal Management) 2018	Not applicable.

The below table shows the consistency of this planning proposal with former Regional Environmental Plans (REPs) for the Sydney and Greater Metropolitan Regions, which are deemed to have the weight of SEPPs.

Consistency with REPs	
Regional Environmental Plan (REPs)	**Comment**
Sydney REP No 5—(Chatswood Town Centre)	Not applicable.
Sydney REP No 8 (Central Coast Plateau Areas)	Not applicable.
Sydney REP No 9—Extractive Industry (No 2—1995)	Not applicable.
Sydney REP No 11—Penrith Lakes Scheme	Not applicable.
Sydney REP No 13—Mulgoa Valley	Not applicable.

Consistency with REPs	
Regional Environmental Plan (REPs)	**Comment**
Sydney REP No 16—Walsh Bay	Not applicable.
Sydney REP No 17—Kurnell Peninsula (1989)	Not applicable.
Sydney REP No 18 – Public Transport	Not applicable.
Sydney REP No 19 – Rouse Hill Development Area	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 25—Orchard Hills	Not applicable.
Sydney REP No 26—City West	Not applicable.
Sydney REP No 28—Parramatta	Not applicable.
Sydney REP No 29—Rhodes Peninsula	Not applicable.
Sydney REP No 30—St Marys	Not applicable.
Sydney REP No 33—Cooks Cove	Not applicable.
Sydney REP (Sydney Harbour Catchment) 2005	Consistent - The planning proposal does not contradict or hinder application of this REP.
Drinking Water Catchments REP No 1	Not applicable.
Greater Metropolitan REP No 2—Georges River Catchment	Not applicable.

Q6. Is the planning proposal consistent with applicable Ministerial Directions (s.117 directions)?

This planning proposal has been assessed against each Section 117 direction. Consistency with these directions is shown in the table below.

No.	Title	Comment
1. Employment and Resources		
1.1	Business and Industrial Zones	Consistent. The planning proposal is consistent with this Direction as it will facilitate the provision of additional employment floor space, fostering new jobs and small business.
1.2	Rural Zones	Not applicable
1.3	Mining, Petroleum Production and Extractive Industries	Not applicable
1.4	Oyster Aquaculture	Not applicable
1.5	Rural Lands	Not applicable
2. Environment and Heritage		
2.1	Environment Protection Zones	Not applicable
2.2	Coastal Protection	Not applicable
2.3	Heritage Conservation	Consistent. This planning proposal will neither hinder protection or preservation of the heritage listed buildings in proximity of the site, nor will it negatively impact upon the adjacent Conservation Area.

No.	Title	Comment
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
3. Housing Infrastructure and Urban Development		
3.1	Residential Zones	Not applicable
3.2	Caravan Parks and Manufactured Home Estates	Not applicable
3.3	Home Occupations	Not applicable
3.4	Integrating Land Use and Transport	Consistent. The proposal seeks to facilitate the intensification of employment generating uses in an accessible location. Furthermore, no parking is proposed in association with the additional floor space, resulting in minimal traffic generation as a result of the proposal. 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
4. Hazard and Risk		
4.1	Acid Sulfate Soils	Consistent. This planning proposal does not contradict or hinder application of acid sulphate soils provisions in Sydney LEP 2012.
4.2	Mine Subsidence and Unstable Land	Not applicable
4.3	Flood Prone Land	Not applicable
4.4	Planning for Bushfire Protection	Not applicable
5. Regional Planning		
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 facilitates the implementation of several objectives and actions of the Eastern City District Plan.
6. Local Plan Making		
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.

No.	Title	Comment
6.3	Site Specific Provisions	Consistent. This planning proposal does not contradict or hinder the application of this direction.
7. Metropolitan Planning		
7.1	Implementation of the Greater Sydney Region Plan: A Metropolis of Three Cities	Consistent. This planning proposal facilitates the implementation several objectives and actions of the Greater Sydney Region Plan.

Section C – Environmental, social and economic impact

Q7. 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 proposal?

The site is currently occupied by a building built to boundary and does not contain any known critical habitat or threatened species, populations or ecological communities or habitats. The proposal presents an opportunity to incorporate a green roof, offering a safe place for birds, insects and plants to grow, as well as providing a 'stepping stone' of habitat to link other green spaces.

Q8. Are there any other likely environmental effects as a result of the planning proposal and how are they proposed to be managed?

This planning proposal seeks to amend the height and FSR controls for the site under Sydney LEP 2012 and in doing so facilitate additional commercial floor space. In preparing this planning proposal, environmental considerations were assessed, as listed below.

Built form, overshadowing and amenity

The proposed building envelope follows the 4-storey height of the approved car dealership building at 65 Craigend Street, to the north of the site, transitioning down to 3-storeys to the south of the site at the interface of the adjacent residential terraces. Building setbacks ~~maintain the existing 2-storey~~ are in accordance with the existing 3 storey street frontage height control. ~~above and~~ Side and rear setbacks and graduations in height up to 4 storeys are to be assessed and set at the development application stage using existing Sydney DCP 2012 controls governing overshadowing and overlooking. This will ensure that the impact on all surrounding residential dwellings is adequately addressed. ~~set in from the parapet of the existing building. A 6 metre side setback is to be provided between level 4 and the residential properties to the south.~~

~~A shadow analysis has been undertaken. This demonstrates that the proposed built form, through the provision of sufficient building setbacks, will not result in any additional overshadowing to the adjacent residential dwellings and private open space. The private open space at 61-63 McLachlan Avenue, to the south of the site, receives 2 hours of sunlight to approximately 77% of its surface between 9am and 3pm in mid-winter. The proposed built form creates minor additional overshadowing to the façade of 61-63 McLachlan Avenue at 2:00pm mid-winter, but this is considered acceptable as windows to habitable rooms are not overshadowed It is noted that additional overshadowing occurs to the commercial building at 49-59 McLachlan Street. However, given the use of the building this is considered acceptable.~~

Heritage

The site is directly opposite the Barcom Avenue Heritage Conservation Area (C11) which is predominantly characterised by 2-storeyed late Victorian and Federation terraces.

All of the properties directly opposite the subject site are Contributory buildings within the heritage conservation area. The majority of properties directly opposite the subject site have their fronts to Womerah Avenue and rear yards to Barcom Avenue. A smaller number have their fronts to Barcom Avenue. These properties are predominantly three storeys in appearance.

To the south of the site and outside of the heritage conservation area are two-storeyed Federation terraces (64-70 Barcom Avenue) and the scale and form of these reinforce the character of Barcom Avenue.

The subject site belongs to a cluster of commercial sites at the north-eastern end of Barcom Avenue and which transition between the higher order New South Head Road and the lower, residential character of Barcom Avenue.

The building envelope controls which are contained in the site specific DCP speak to the 3 storey street wall height of the Heritage Conservation Area opposite and that of the commercial sites adjoining the subject site. Side setbacks provide an appropriate transition between the proposed built form and the Federation terraces. They also reflect the current street frontage height controls in Sydney DCP 2012.

~~Although the 2-storeyed Federation terraces (64-70 Barcom Avenue) to the south of the subject site are outside of any heritage conservation area, their scale, height, form and front setback all reinforce the significant character of Barcom Avenue and provide a human-scale street enclosure and definition. It is important to provide an appropriate transition from the proposed development envelope to these 2-storeyed Federation terraces (64-70 Barcom Avenue) so that there is not an inappropriate scale jump between properties.~~

~~The proposed envelopes and indicative concept design are respectful of the Contributory buildings opposite in the Barcom Avenue Heritage Conservation Area and of the 2-storeyed Federation terraces at 64-70 Barcom Avenue. The level 2 and 3 envelope setbacks will be secured via the accompanying DCP amendment to ensure the 2-storeyed street wall character is maintained and an appropriate side setback from the 2-storeyed Federation terraces at 64-70 Barcom Avenue is achieved.~~

Traffic and transport

No change is proposed to the current access and loading arrangements for the existing storage facility on the site. The site benefits from convenient access to public transport, including Kings Cross rail station within 800m and a number of bus services connecting the site to the CBD and Bondi Junction. As such, no parking is proposed. Barcom Avenue is an on-road cycle route which connects to the Bourke Street separated, off-road cycleway via Liverpool Street. This cycleway provides a safe cycle link with the CBD. The proposal can facilitate provision for bicycle parking and private end-of-trip facilities.

An updated traffic and transport assessment demonstrates the demographic in the Darlinghurst area relies significantly less than other areas on private vehicles for their commute to work, favouring public and active transport especially bus, train and walking. Given the likely mode share and potential staff density associated with the proposal, the updated assessment anticipates only a minor increase in vehicle movements.

Sustainable travel behaviours can also be promoted through a Green Travel Plan and a requirement for 13 bike parking spaces in connection with the office use which is in excess of standard requirements.

Overall, it is considered that the proposal will have a negligible impact on the safety and efficiency of the surrounding road network and parking availability in the area.

Drainage/stormwater

The site is currently occupied by a flat-roofed building which is built to boundary. There is no on-site stormwater detention tank. The incorporation of a green roof in association with the proposed development will provide an opportunity to reduce the majority of concentrated flows from the impermeable surfaces within the development site. This is to be secured via a provision in the accompanying DCP amendment.

Ecologically sustainable development

Whilst the proposed development will not result in adverse environmental impacts, it also provides the opportunity to generate positive environmental impacts. The NSW Climate Change Policy Framework sets a target of net zero emissions by 2050. This is supported by the Greater Sydney Region Plan and Eastern City District Plan.

This planning proposal is supported by a proposed DCP amendment which will require a 6 star base building NABERS Energy Commitment Agreement for the base building and commercial tenancy, to reduce local area emissions and help to achieve the City's greenhouse gas emission reduction targets.

The proponent has demonstrated the development concept is able to meet the NABERS Energy target. Amendments to the built form controls contained in the site-specific DCP following exhibition enable a flexible building envelope to better enable this outcome.

In addition to this, the proposal has significant roof area which is north-west facing and unlikely to be significantly overshadowed by future building heights due to the low rise residential areas nearby. This means that there is significant potential for roof top solar, which would also be a cost-effective contributor to achieving a 6 star NABERS Energy target.

Additional proposed DCP provisions will encourage a solar PV system, which could also incorporate some solar water heating for the building. The DCP will ensure that future design details, for example high parapet walls, and unnecessary roof clutter are avoided to maximise the renewables opportunity on the site. This will support the City's Renewable Energy masterplan and target of 50% of electricity demand to be from renewable sources by 2030.

Securing the NABERS Energy Commitment Agreement and operating the PV system can be complemented by the proposed DCP green roof requirement, which will increase the thermal performance of the building through increased roof insulation.

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

Co-working office space, as proposed, can promote collaborative and innovative working environments, accommodating start-ups through to established business ventures. It assists small business and innovative industries gain low cost entry into the marketplace.

30-62 Barcom Avenue sits on the Sydney CBD fringe, in close proximity to a pre-existing cluster of co-working spaces and with potential to bridge the gap between the Eastern Suburbs and Sydney CBD startup communities, continuing the growth of the entrepreneurial ecosystem of Sydney.

Darlinghurst itself presents a number of geographic, demographic and economic factors which support the desirability and suitability for location of co-working spaces.

The proposed co-working office use is currently permissible under the existing B4 zoning of the site and is unlikely to give rise to negative impacts in the surrounding area, due to the proposed building design and restriction on additional parking. To ensure the economic benefits linked to the additional floor space are secured, a site-specific LEP provision will ensure that the additional GFA be exclusively used for employment related uses.

Section D – State and Commonwealth interests

Q10. Is there adequate public infrastructure for the planning proposal?

The site is located in an established urban area and has access to a range of existing facilities and services, including utilities. The site is located in close proximity to a number of public transport services, including bus and rail. Approximately 150 metres from the site is a pedestrian bridge providing a connection to Kings Cross Station to the north. The closest bus stop is located at Arthur Reserve, within 200 metres, which is serviced by bus routes connecting the site to Sydney CBD. Several pedestrian and cycling links connect the site with the surrounding area and broader Sydney CBD.

Q11. What are the views of state and Commonwealth public authorities consulted in accordance with the Gateway determination?

The Gateway Determination ~~will identify~~ identified three ~~the~~ public authorities to be consulted as part of the planning proposal process: Office of Environment and Heritage (OEH); Transport for NSW (TfNSW); and Roads and Maritime Services (RMS) and ~~any views expressed will be included~~ their submissions have been considered in this planning proposal following consultation.

~~Formal consultation has not yet been undertaken.~~

Their comments were as follows:

OEH:
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 conservation area are listed under the City's LEP, Council is the consent authority and consideration of any impacts rests with Council.

TfNSW:
TfNSW raised no objection to the planning proposal, noting that the integrity of TfNSW infrastructure and reservations is to be maintained.

RMS:
No response was received from RMS.

PART 4 - MAPPING

This planning proposal does not seek to amend the Building Height and Floor Space Ratio Maps in Sydney LEP 2012 as it is intended that the site will be described by its legal title (ie. Lot and Deposited Plan) in the relevant LEP clause.

PART 5 – COMMUNITY CONSULTATION

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

~~It is proposed that, at a minimum, this will involve the notification of the public exhibition of the planning proposal:~~

- ~~on the City of Sydney website;~~
- ~~in the Sydney Morning Herald and/or a relevant local newspaper; and~~
- ~~in writing to the owners and occupiers of adjoining and nearby properties and relevant community groups.~~

~~It is anticipated that the planning proposal will be publicly exhibited for a period of not less than 28 days in accordance with section 4.5 of 'A guide to preparing local environmental plans'.~~

~~It is proposed that exhibition material will be made available on the City of Sydney Website and at the City of Sydney customer service centres.~~

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

Public consultation has been undertaken in accordance with the requirements of the Gateway Determination.

The Gateway Determination required a minimum 28 day community consultation. The planning proposal and DCP amendment were placed on public exhibition from 17 December 2020 to 27 January 2021. This was short of the mandatory community consultation period required over Christmas/New Year. As a result, the proposal was re-exhibited from 3 September to 1 October 2021. The City sent letters to local residents and neighbouring business owners to notify them of the exhibition and it was also advertised via the City's Sydney Your Say webpage. During the original exhibition period, the consultation was also advertised in the Sydney Morning Herald.

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

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 to 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 submission was also received from the proponent which requested changes to the built form envelope controls in the draft DCP. The change would enable a development concept that can achieve the targeted 6 star NABERS Energy rating. The requested change relates to street wall height and upper level setbacks and, whilst similar in impact to the exhibited scheme, overshadowing analysis suggests that a neighbour at 64 Barcom Avenue would experience more overshadowing to their private rear open space associated with the scheme and that this property already likely receives less than 2 hours of solar access to

this space at midwinter. As a result, the accompanying DCP controls are amended following exhibition to allow a more flexible building envelope (within certain parameters) which addresses overshadowing and privacy at DA stage under existing Sydney DCP 2012 controls. This change does not affect the overall height or FSR controls as expressed in the Planning Proposal and these remain unchanged following consultation.

PART 6 – PROJECT TIMELINE

The following project timeline will assist with tracking the progress of the planning proposal through its various stages of consultation and approval. It is estimated that this amendment to SLEP 2012 will be completed by April 2021.

Stage	Timeframe
Submit planning proposal to Department of Planning and Environment seeking a Gateway Determination	October 2018
Receive Gateway Determination	July 2019
Request to review Gateway Determination submitted to Department of Planning and Environment	September 2019
Independent Planning Commission decision received	May 2020
Public exhibition and public authority consultation of planning proposal and DCP Amendment	~~October 2020~~ December 2020 to January 2021 and September to October 2021
Review of submissions received during public exhibition and public authority consultation	~~November to December 2020~~ February 2021 to October 2021
Council and Central Sydney Planning Committee approval of planning proposal and DCP Amendment	~~February 2020~~ October 2021
Drafting of instrument and finalisation of mapping	~~February to March 2021~~ October to November 2021
Amendment to *Sydney Local Environmental Plan 2012* legally drafted and made	~~March to April 2021~~ November to December 2021