

16 June 2025

At the conclusion of the Innovation, Business and Economy
Committee

Transport, Heritage and Planning Committee

Agenda

- 1. Confirmation of Minutes**
- 2. Statement of Ethical Obligations and Disclosures of Interest**
- 3. Public Exhibition - All-Electric Development - Draft Sydney Development Control Plan 2012 and Discussion Paper - Electrification of New Development**
- 4. Public Exhibition - Mobile Food Vending Vehicles Local Approvals Policy**
- 5. Post Exhibition - Planning Proposal - Sydney Local Environmental Plan and Development Control Plan - Policy and Housekeeping Amendments (LEP/DCP Update)**
- 6. Post Exhibition - Planning Proposal - 47-51 Riley Street, Woolloomooloo - Sydney Local Environmental Plan 2012 and Sydney Development Control Plan 2012 Amendment**
- 7. Post Exhibition - Planning Proposal - 242-258 Young Street, Waterloo - Sydney Local Environmental Plan 2012 Amendment and Draft Design Guide**
- 8. Post Exhibition - Planning Proposal - 56-60 Pitt Street and 3 Spring Street, Sydney - Sydney Local Environmental Plan 2012 and Sydney Development Control Plan 2012 Amendment**
- 9. Post Exhibition - Display of Goods on the Footway Local Approvals Policy**
- 10. Fire Safety Reports**

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1. Register to speak by calling Secretariat on 9265 9702 or emailing secretariat@cityofsydney.nsw.gov.au before 10.00am on the day of the meeting.
2. Check the recommendation in the Committee report before speaking, as it may address your concerns so that you just need to indicate your support for the recommendation.
3. Note that there is a three minute time limit for each speaker (with a warning bell at two minutes) and prepare your presentation to cover your major points within that time.
4. Avoid repeating what previous speakers have said and focus on issues and information that the Committee may not already know.
5. If there is a large number of people interested in the same item as you, try to nominate three representatives to speak on your behalf and to indicate how many people they are representing.

Committee meetings can continue until very late, particularly when there is a long agenda and a large number of speakers. This impacts on speakers who have to wait until very late, as well as City staff and Councillors who are required to remain focused and alert until very late. At the start of each Committee meeting, the Committee Chair may reorder agenda items so that those items with speakers can be dealt with first.

Committee reports are available at www.cityofsydney.nsw.gov.au

Item 1.

Confirmation of Minutes

Minutes of the following meetings of the Transport, Heritage and Planning Committee are submitted for confirmation:

Meeting of 5 May 2025

Item 2.

Statement of Ethical Obligations

In accordance with section 233A of the Local Government Act 1993, the Lord Mayor and Councillors are bound by the Oath or Affirmation of Office made at the start of the Council term to undertake their civic duties in the best interests of the people of the City of Sydney and the City of Sydney Council and to faithfully and impartially carry out the functions, powers, authorities and discretions vested in them under the Local Government Act 1993 or any other Act, to the best of their ability and judgement.

Disclosures of Interest

Pursuant to the provisions of the Local Government Act 1993, the City of Sydney Code of Meeting Practice and the City of Sydney Code of Conduct, Councillors are required to disclose and manage both pecuniary and non-pecuniary interests in any matter on the agenda for this meeting.

In both cases, the nature of the interest must be disclosed.

This includes receipt of reportable political donations over the previous four years.

Item 3.

Public Exhibition - All-Electric Development - Draft Sydney Development Control Plan 2012 and Discussion Paper - Electrification of New Development

File No: X099810

Summary

All-electric buildings can deliver healthier, more cost-effective and energy-efficient development that's built to meet future energy standards and avoid costly retrofits. All-electric buildings avoid locking households into increasingly expensive fossil fuel systems, support long-term equity and resilience across all communities, and advance the City of Sydney's (the City's) net-zero emissions objectives.

To support this shift, the City prepared the Discussion Paper: *Electrification of New Development* (discussion paper) to explore issues associated with all-electric development and options for planning controls. Informed by the feedback received during consultation on the discussion paper, this report recommends that Council approve the public exhibition of the Draft Sydney Development Control Plan 2012 – All-Electric Development (draft DCP). The draft DCP requires that new residential accommodation and new offices, hotels and serviced apartments over a certain size be serviced by all-electric systems.

In preparing the discussion paper, the City engaged with over 30 stakeholders across the energy, property, development, and advocacy sectors and commissioned technical research to assess electrification options for various development types. This engagement helped shape the approaches and provided insight into the opportunities and challenges of delivering new all-electric development.

The community, industry and peak bodies were invited to provide feedback on the discussion paper and how new planning controls could be implemented. The public consultation period was from 31 March to 5 May 2025 and a total of 22 surveys and 19 email submissions were received. Matters raised in the public consultation include:

- support for the health benefits of electrification
- support for the equity benefits of electrification, noting that high energy costs and exposure to indoor air pollution disproportionately impact low-income households
- concerns about energy security and electricity network capacity
- support for investment in renewable gas
- consumer and cultural resistance to electric cooking
- need for further transitional support and further consideration of timing issues
- concerns about upfront costs and supply chain issues for development
- challenges with applying electrification requirements to major renovations.

These matters are discussed in this report and have been carefully considered in preparing the draft DCP that is recommended for statutory public exhibition.

The draft DCP requires that new residential accommodation and new offices over 1000sqm, new hotels with more than 100 rooms and serviced apartments with more than 100 apartments be serviced by all-electric systems. The controls don't apply to industrial uses or existing buildings, and food and beverage premises within a mixed-use development may have a gas connection provided there is capacity for future electrification. The controls are proposed to commence for new applications from 1 January 2027 to provide time for industry to transition. A resolution is included for Council to be updated on electrification in the food and beverage sector within one year of the controls commencing.

In December 2023, as part of the City's proposed Policy and Housekeeping amendments to its local environmental plans and development control plans, Council resolved to publicly exhibit the Sydney Development Control Plan 2012 - Policy and Housekeeping Amendments 2023 (Policy and Housekeeping DCP). The indoor air quality provisions in the Policy and Housekeeping DCP restrict indoor gas appliances, including cooktops, ovens, and space heaters, in new residential developments. They address health risks of indoor gas use, including its links to respiratory conditions and other long-term health issues.

This report recommends Council approve the public exhibition of the subject draft DCP (Attachment B) that expands on the Policy and Housekeeping DCP. Should the draft DCP be adopted, it will replace the indoor air quality provisions recommended for adoption as part of the Policy and Housekeeping DCP.

Recommendation

It is resolved that:

- (A) Council note the matters raised in response to public consultation on the Discussion Paper - Electrification of New Development, as shown at Attachment A to the subject report;
- (B) Council approve the Draft Sydney Development Control Plan 2012 – All-Electric Development, as shown at Attachment B to the subject report, for public exhibition;
- (C) authority be delegated to the Chief Executive Officer to make any minor amendments to the Draft Sydney Development Control Plan 2012 – All-Electric Development prior to public exhibition to correct any drafting errors; and
- (D) Council note that the Chief Executive Officer will report back to Council within one year of the planning controls commencing on the progress of electrification within the food and beverage sector.

Attachments

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| Attachment A. | Engagement Report - Discussion Paper - Electrification of New Development |
| Attachment B. | Draft Sydney Development Control Plan 2012 - All-Electric Development |

Background

1. In August 2023, Council resolved to investigate planning controls to require all-electric, gas-free new development, in direct response to the health and economic impacts of gas use in developments.
2. In December 2023, as part of the City's proposed Policy and Housekeeping amendments to its local environmental plans (LEPs) and development control plans (DCPs), Council resolved to publicly exhibit the Policy and Housekeeping DCP. The indoor air quality provisions in the Policy and Housekeeping DCP restrict indoor gas appliances, including cooktops, ovens, and space heaters, in new residential developments. The Policy and Housekeeping DCP was informed by research about the health risks of indoor gas use, including its links to respiratory conditions and other long-term health issues.
3. At the time of adopting the Policy and Housekeeping DCP for public exhibition, Council acknowledged further research and consultation was required to inform future planning controls to address other gas uses such as boilers and hot water systems and to consider similar requirements for non-residential buildings.
4. The Policy and Housekeeping DCP was publicly exhibited between December 2024 and March 2025 and a post-exhibition report, including a response to matters raised in submissions, is to be considered by Council concurrently with this report. The report recommends that Council adopt the indoor air quality provisions in the Policy and Housekeeping DCP, and provide adequate notice to their commencement on 1 January 2027 in response to submissions received to the Discussion Paper: Electrification of New Development.
5. This report proposes an expansion of the abovementioned changes to the Sydney DCP 2012 to further require new residential and non-residential development to be all-electric. Should the draft controls be adopted they will replace those recommended for adoption as part of the Policy and Housekeeping DCP.

New planning controls are proposed in the Sydney DCP 2012 to further restrict the use of gas in new developments

6. This report recommends Council approve the public exhibition of the Draft Sydney Development Control Plan 2012 – All-Electric Development (draft DCP) to amend the Sydney DCP 2012. The draft DCP is at Attachment B.
7. The draft DCP aims to improve air quality and health by reducing exposure to pollutants and protect future residents and businesses from rising gas prices, dual connection charges and costly future conversions. The draft DCP will also deliver more efficient buildings that benefit from lower operating costs.
8. The draft DCP expands the Policy and Housekeeping DCP to require all-electric systems (including water heating) in:
 - new residential accommodation and

- the erection of new prescribed office premises, prescribed hotel or motel accommodation or prescribed serviced apartments, as defined by the State Environmental Planning Policy (Sustainable Buildings) 2022 including:
 - offices over 1,000 square meters
 - hotels with over 100 rooms
 - serviced apartment buildings with over 100 apartments.
9. The proposed provisions include:
- (a) a requirement that affected development not be connected to fossil fuel gas
 - (b) a requirement for affected development to provide sufficient space and electrical capacity for all-electric systems
 - (c) an allowance for dedicated gas connections for food and drink premises where a mixed-use development includes affected development and food and drink premises, but only where embedded electrical infrastructure enables future electrification and
 - (d) a delayed commencement date of 1 January 2027, to allow for a period of market adjustment.
10. The proposed provisions do not:
- (a) apply retrospectively to existing buildings, alterations or additions - they only apply to the development of a new building
 - (b) apply to industrial development as these uses often rely on high-temperature processes or specialised equipment where electrification may not yet be technically or economically feasible
 - (c) restrict use of bottled gas
 - (d) restrict use of renewable gas, which may have a role in industrial processes where electrification is not yet feasible. For clarity, the proposed provisions apply only to fossil fuel gas.
11. The rationale and justification for the draft DCP is explored in the City's Discussion Paper: Electrification of New Development (discussion paper) available at city.sydney/all-electric. The draft DCP is informed by submissions to the discussion paper which are discussed below.

The proposed planning controls are informed by the City's discussion paper on electrifying new development, as well as the matters raised by the community and other key stakeholders

12. The City prepared the Discussion Paper: Electrification of New Development (discussion paper) to explore issues associated with all-electric development and options for planning controls. The discussion paper is available at: city.sydney/all-electric.
13. The discussion paper was informed and supported by technical research and stakeholder engagement. The research explored gas use in the City of Sydney area and electrification solutions for different development types. Engagement with over 30 stakeholders from the energy, industry, property and advocacy sectors provided insight into the opportunities and challenges of transitioning to all-electric development.
14. The discussion paper sets out the significant benefits of electrification, beyond the wider benefit of emissions reduction. All-electric new development can help reduce energy bills, improve health by eliminating air pollution from gas appliances, and support a more equitable energy transition.
15. These benefits are particularly important for households experiencing disadvantage and for residents of social and affordable housing who are disproportionately impacted by the health and cost implications of fossil fuel gas use. These households tend to spend a higher proportion of their income on energy and are more likely to live in homes with inefficient appliances and poor insulation, which can increase overall energy use and costs. These households can face structural and cost barriers, as well as limited capacity, to upgrade appliances or retrofit their homes. They are also disproportionately affected by the health impacts of gas use, such as respiratory issues from indoor air pollution, due to factors like inadequate ventilation and reliance on older gas appliances. Renters more generally are also unable to retrofit their homes or select more efficient appliances, further entrenching these challenges.
16. Electric systems are typically cheaper to operate, easier to maintain, and safer than fossil fuel gas alternatives. They also avoid the cost and disruption of future fuel switching, which can be especially difficult in strata title buildings. Building all-electric buildings now means that fewer households will need to undergo costly transition in the future. All-electric buildings can more readily adapt to technological innovations, such as smart energy management systems, improving their resilience and operational efficiency.
17. Without clear planning controls, new developments may continue to connect to fossil fuel gas, entrenching long-term costs, health risks, and inequities. Establishing clear electrification requirements in the planning framework would provide clarity for developers, energy providers, and the community, and ensure new buildings are designed to meet future energy expectations from the outset.
18. The discussion paper set out 6 options for all-electric buildings to guide feedback. The options were:
 - (a) continue with controls only addressing indoor gas appliances in new residential development
 - (b) expand controls to include hot water systems in new residential development

- (c) introduce electrification requirements for new non-residential development
 - (d) apply controls to major alterations and additions
 - (e) provide flexibility in specific circumstances, such as for industrial uses or food and drink premises
 - (f) set a timeframe for implementation or staging.
19. The community, industry and peak bodies were invited to provide feedback on the discussion paper and how new planning controls could be implemented. The public consultation period ran from 31 March to 5 May 2025. During this period, the Sydney Your Say page was visited 835 times, with 22 surveys responses and 19 email submissions received. To promote the engagement, the City issued an e-newsletter to 6,659 Sydney Your Say subscribers and sent direct emails to 41 key stakeholders. Matters raised in the public consultation are provided at Attachment A.
20. About 70% of respondents supported the introduction of new planning controls for the electrification of new development.
21. Of the 19 email submissions:
- (a) 9 expressed strong support for full electrification of new development
 - (b) 2 were generally supportive, however had some concerns
 - (c) 3 offered conditional support for electrification requirements
 - (d) 2 were neutral
 - (e) 3 opposed the introduction of any electrification requirements for new development.
22. Of the 22 survey respondents:
- (a) 82% agreed with the benefits of introducing planning controls to require new development be all-electric
 - (b) 4% somewhat agreed
 - (c) 14% did not agree.

23. The common issues are described below.

Energy security and electricity network capacity

24. Some submissions raised concerns about energy security, arguing that electrification may increase reliance on the electricity grid and reduce energy diversity. They suggested gas remains essential during peak demand or outages.

25. The submission received from Ausgrid expressed strong support for all-electric new development, particularly in the residential and small business sectors. Ausgrid advised that the network has sufficient capacity and flexibility to support most forecast electrification scenarios without major changes to its medium-term plans. Most new developments have minimal impact on the network, and overall reliability continues to improve.
26. As the draft DCP applies only to new buildings, the transition will occur gradually. Ausgrid regularly updates its forecasts to maintain system resilience and suggests there is no immediate risk of grid overload. The City also reviewed the Australian Energy Market Operator's 2024 Electricity Statement of Opportunities, which identified little to no reliability gaps over the next decade, provided current renewable energy projects proceed as planned.

Use of renewable gas

27. A small number of respondents supported investment in renewable gases, such as biomethane and hydrogen, to maintain energy diversity.
28. The draft DCP applies only to fossil fuel gas and does not restrict future use of renewable gas, which may have a role in industrial processes where electrification is not yet feasible.

Consumer and cultural resistance to electric cooking

29. Some respondents preferred gas cooking, citing cultural practices, performance and consumer choice. Gas can be seen as a selling point in homes and essential for commercial cooking methods such as wok cooking and flame grilling.
30. However, research from the Global Cooksafe Coalition and Asian Australians for Climate Solutions shows that induction cooktops are a viable alternative. They reach higher temperatures, are more energy-efficient, and perform comparably to gas. Demonstrations by ambassador chefs show that induction woks can be effective.
31. Industry stakeholders raised practical challenges in commercial settings, particularly in mixed-use developments. During pre-consultation engagement, some developers shared experiences helping tenants transition to electric appliances and others are using transitional options, such as bottled gas, while designing for full electrification in the future.
32. In response, the draft DCP supports flexibility in food and beverage tenancies within applicable development. A dedicated gas connection is allowed where embedded electrical infrastructure enables future electrification. All other parts of the development must be all-electric.
33. Although industry leaders are already adopting electric kitchens, and demonstration projects are changing perceptions and showcasing viable alternatives, electrifying the food and beverage sector remains challenging, particularly due to tenant readiness and specific cooking practices. Monitoring progress will track emerging technologies and industry trends and inform future policy. A resolution is included to ensure that progress in the sector is reviewed within one year of the controls commencing.

34. For residential development, the draft DCP in part aims to avoid embedding fossil fuel gas infrastructure that is costly and difficult to remove. Bottled gas (LPG) is not covered by the controls, so residents could still use portable gas appliances without needing a fixed connection. This approach avoids locking households into dual utility charges and exposure to volatile gas supply prices, while preventing the complex and expensive retrofits needed to remove fixed gas infrastructure later. It allows greater flexibility for residents to adapt as technologies, energy markets and preferences evolve.

Transitional support and timing

35. Submissions from industry stakeholders - both supportive and critical of electrification - emphasised the need for a staged, considered transition. Submissions cited feasibility concerns including upfront capital costs, market maturity, infrastructure readiness, and challenges in delivering all-electric systems in more complex development types.
36. In their submission, the Property Council of Australia commended the City's work and noted that while building electrification is an essential way forward, appropriate transitional arrangements are critical to buy in and success.
37. Several stakeholders recommended a staged rollout, some exemptions for sectors facing significant barriers, and clearer implementation guidance. The Property Council highlighted the need for sufficient lead time to allow developers, suppliers and the construction sector to adapt.
38. In response, the all-electric requirements are proposed to apply to new applications from 1 January 2027. This allows time for industry preparation while supporting objectives such as improved air quality, long-term energy affordability and equitable outcomes. The delayed start provides certainty and enables an orderly, well-communicated transition.
39. Temporary or case-by-case exemptions are not proposed in the draft DCP as they risk increasing administrative complexity and placing additional burden on applicants to justify exemptions through consultant reports. Instead, the draft DCP focuses on new residential accommodation and new offices, hotels and serviced apartments over a certain size. Industrial buildings are excluded, and specific allowances are provided for food and beverage premises within a mixed-use development that is required to be all-electric.
40. This approach balances policy intent with the practicalities of implementation and seeks to avoid unintended impacts on housing supply or economic activity, while allowing time for industry to build capacity and confidence.

High upfront costs and supply chain issues

41. Submissions raised concerns about the higher upfront costs of electrification, particularly for developers. The Property Council of Australia noted that while they support the transition to an all-electric future, the initial stages may involve higher capital costs due to more expensive electric appliances, heat pumps and potential network upgrades to meet increased electrical demand.

42. Network upgrades are generally required when existing on-street electrical capacity cannot support a development's maximum demand and may involve a kiosk substation. However, well-designed all-electric buildings can reduce these impacts and associated costs through load management and energy-efficient systems.
43. Ausgrid's submission acknowledges these concerns and highlights ongoing efforts to review cost allocation to ensure fairness for developers. They are also collaborating with the NSW Government and other providers to develop a public online map of available hosting capacity, improving developers' ability to plan and manage electrification costs.
44. Although electric appliances such as heat pumps and induction cooktops may have higher upfront costs than gas alternatives, they offer better energy efficiency in the long run, reducing operational costs. As demand grows, these technologies are likely to become more affordable, with innovation expected to further reduce capital costs over time.
45. The Property Council also noted the draft National Construction Code 2025 (draft NCC 2025) proposed electrification requirements will scale up electric alternatives, reduce upfront costs, and encourage supply chain maturity and innovation. The draft NCC 2025 requires that where gas is proposed in a development, it must be designed to enable future replacement with efficient electric systems accounting for some of the costs of an all-electric building. Further detail on the draft NCC 2025 is provided later in this report.
46. The proposed lead-in time for the draft provisions supports an appropriate transition, providing the industry with sufficient time to build capability and adapt to new technologies. This approach addresses feasibility concerns and aims to avoid unintended impacts on housing supply or economic activity, while facilitating a practical pathway to all-electric development.

Applying electrification requirements to major renovations

47. The discussion paper sought feedback on applying electrification requirements to major alterations and additions so more buildings may avoid being locked into using fossil fuels and to support the broader benefits of electrification.
48. Most stakeholders supported phasing out gas infrastructure in existing buildings for futureproofing and affordability, while others raised concerns about costs and design complexity - particularly for strata and company title schemes. The cost of gas disconnection, including a reported significant fee, was also highlighted. Industry groups urged flexibility and recommended further economic analysis and consultation before applying controls to major renovations.
49. Noting these concerns, the draft DCP does not include electrification requirements where existing buildings are being renovated rather than replaced. It applies only to new residential accommodation and new offices, hotels and serviced apartments over a certain size. Existing buildings will therefore not be subject to these requirements under the current proposal.
50. Although the draft DCP focuses on new development, the City remains committed to increasing net zero emissions buildings, including existing ones. Support for electrification and sustainability upgrades continues through various initiatives, such as:

- (a) the Better Buildings Partnership, a collaboration of 12 property corporations with 100 local commercial buildings, is preparing electrification plans, with members to have plans in place by June 2025, supported by resources developed with industry experts
- (b) CitySwitch, a national office tenancy sustainability program led by the City, with tools for achieving net zero tenancies
- (c) the Smart Green Apartments program, assisting strata communities with energy assessments, feasibility studies, and upgrades - resulting in over \$3.3 million invested, \$14 million saved, and 54,000 tonnes of carbon emissions avoided since 2016
- (d) targeted sustainability grants and campaigns like the promotion of GreenPower to promote uptake of 100% accredited renewable electricity
- (e) membership in the Global Cooksafe Coalition, advocating for safe, renewable-powered electric cooking access.

The draft DCP builds on the NSW Government's Sustainable Buildings SEPP and the City's net zero planning controls to electrify new development

- 51. The State Environmental Planning Policy (Sustainable Buildings) 2022 (Sustainable Buildings SEPP) requires medium to large commercial development (offices over 1,000 square metres, hotels with more than 100 rooms and serviced apartment buildings with more than 100 apartments) to avoid fossil fuels or demonstrate a pathway to full electrification by 2035. These developments must be designed with adequate electrical capacity and space to enable this transition. Where gas remains in use, 10 years of carbon offsets are required.
- 52. The draft DCP builds on the intent of the SEPP by bringing forward the SEPP's 2035 requirement for fossil fuel-free operations to 2027 for medium to large commercial development. This provides greater certainty for industry, avoid costly retrofits, stranded assets and supports long-term compliance and performance. It strengthens alignment with decarbonisation goals by requiring all-electric systems that lower operational costs, improve efficiency, and ensure buildings are future ready.
- 53. For residential development, the SEPP regulates water and energy efficiency through BASIX. While updated electricity emission factors have made it easier for all-electric homes to meet requirements, council planning controls that aim to reduce greenhouse emissions from the use of a residential building have no effect. The draft controls aim to address broader public interest outcomes, such as improved indoor air quality, long-term cost effectiveness and energy equity, protecting lower-income households from energy price shocks. This approach is similar to other NSW councils.
- 54. The draft DCP complements the City's net zero planning controls. These controls require large commercial development to meet minimum energy performance standards and use 100% renewable electricity from 2026. These controls do not address fossil fuel gas use. The draft DCP fills this gap by addressing gas use directly.

National, state and independent policy directions support electrification

Federal and state government policy

55. The Australian Government's Future Gas Strategy emphasises the need to reduce natural gas use, with electrification and energy efficiency as key solutions. NSW has a legislated a net zero target by 2050 and is progressing policy to support emissions reduction across all sectors.

The National Construction Code 2025

56. The draft National Construction Code 2025 (draft NCC 2025) includes provisions to support the transition to all-electric buildings. It requires that where gas is proposed in a development, it must be designed to enable future replacement with efficient electric systems. It introduces updated energy efficiency performance standards for electric equipment, signalling that electrification is the preferred direction for buildings. These changes are expected to encourage all-electric design from the outset, as electrical infrastructure would be accounted for during construction, while gas infrastructure would incur additional cost.

NSW Productivity and Equality Commission

57. The NSW Productivity and Equality Commission's March 2025 paper "Decarbonising buildings, industry and waste" found that eliminating most gas use in buildings is essential to achieving net zero. It supports the use of local planning tools, such as development control plans, to limit new gas connections. The Commission highlights the private and public benefits of electrification, including lower energy bills, better health, and improved equity outcomes for low-income households. It also notes the high cost of future retrofits and the long-term burden of allowing new gas connections.

Policy institutes, research organisations, and advocacy groups

58. The Green Building Council of Australia has published practical guidance and resources to support delivery of all-electric buildings. The Property Council of Australia and the Australian Sustainable Built Environment Council have contributed research and policy recommendations, including "Every Building Counts" and "Unlocking the Pathway: Why electrification is the key to net zero buildings", which highlight electrification (starting with new development) as critical to meeting net zero targets. Reports like the Grattan Institute's "Getting Off Gas" further contribute to the evidence base, providing valuable resources to assist in the transition away from fossil fuels in buildings.
59. Independent sustainability rating tools further encourage electrification. NABERS, Green Star, and NatHERS have adjusted methodologies to reflect the benefits of fossil fuel-free buildings. Electric-only buildings powered by renewable energy now achieve the highest NABERS scores. Green Star requires fossil fuel-free design for 5- and 6-Star ratings and will extend this to 4-Star projects in 2026.

Key Implications

Strategic Alignment - Sustainable Sydney 2030-2050 Continuing the Vision

60. Sustainable Sydney 2030-2050 Continuing the Vision renews the communities' vision for the sustainable development of the city to 2050. 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 2 - A leading environmental performer - Requiring new developments to be all-electric supports the City's target of net zero emissions by 2035. Reducing reliance on fossil gas complements broader decarbonisation of the electricity grid.
- (b) Direction 4 - Design excellence and sustainable development - Embedding all-electric requirements encourages buildings that prioritise energy efficiency, future resilience, and alignment with best practice sustainability standards.
- (c) Direction 6 - An equitable and inclusive city - Requiring all-electric new development avoids further expansion of the gas network and ensures that new buildings are future-ready, more affordable to run, and easier to maintain. It also shields future occupants and tenants from rising and volatile gas prices. Vulnerable households, including low-income residents and renters, face the greatest barriers to electrifying existing homes and are at risk of being 'locked in' to costly gas supply. Similarly, small businesses and community service providers may struggle with the upfront costs of switching away from gas in existing premises. By mandating electrification in new development, the City can help prevent these burdens from compounding and allow existing funding and incentive programs to prioritise upgrades for those already using gas.
- (d) Direction 7 - Resilient and diverse communities - Electrification improves community resilience by enabling a transition to safer, cleaner and more adaptable energy systems. Unlike gas infrastructure, which is centralised and dependent on volatile fossil fuel supply chains, electric systems can increasingly be decentralised and integrated with renewable energy sources, batteries and smart technologies. This flexibility supports local energy generation and storage, reducing exposure to energy shocks and supporting faster recovery in times of crisis, such as extreme weather events or supply disruptions.
- (e) Direction 10 - Housing for all - Clear, consistent planning controls that require all-electric new development support the delivery of sustainable and future-ready housing for everyone. Electrification reduces long-term running costs, shields households from rising gas prices, and avoids the need for costly retrofitting down the track. This helps ensure that low-income residents and renters aren't locked into outdated and expensive energy systems.

Environment

61. The draft DCP supports the City's environmental priorities by increasing the use of renewable energy through the electrical energy network and reducing reliance of fossil fuels. It aligns with the draft Environmental Strategy 2025–2030 (the draft Strategy), which identifies building electrification as essential to meeting local area emissions targets and net zero. Feedback received during public exhibition of the draft Strategy and in focus group discussions showed strong support for electrifying both vehicles and buildings. Participants noted that rising electricity bills and the high cost of retrofitting - particularly for lower-income households and renters - make it difficult to respond to climate impacts. By requiring electric technologies from the outset, the proposal helps avoid locking more people into expensive, polluting systems and prevents the problem from growing.

Risks

62. Potential challenges in the early stages of implementation have been identified, particularly regarding industry preparedness and effective communication with stakeholders. To partly mitigate these risks, a clear lead-in time has been provided to support an orderly transition. The DCP provisions will be applied in accordance with the applicable planning legislation, legal principles and hierarchy of planning instruments.
63. The proposal sits within the City's risk appetite, which supports innovation and transformation towards long-term environmental and social goals. We have an open appetite for changes to procedures and practices to accommodate improved environmental outcomes. Electrification delivers clear community benefits, including improved health, equity and climate outcomes, and aligns with the City's commitment to minimising risks to public health and safety.

Relevant Legislation

64. Environmental Planning and Assessment Act 1979
65. Environmental Planning and Assessment Regulation 2021
66. State Environmental Planning Policy (Sustainable Buildings) 2022

Public Consultation

67. Public consultation on the discussion paper took place from 31 March 2025 to 5 May 2025 and stakeholders were invited to provide feedback through the Sydney Your Say page. Engagement during the public exhibition included 835 visits to the Sydney Your Say page (during the consultation period) and receipt of 22 survey responses and 19 submissions, summarised at Attachment A.
68. This report recommends Council approve the public exhibition of the Draft Sydney Development Control Plan 2012 – All-Electric Development (draft DCP), shown at Attachment B. If approved, the draft DCP will be publicly exhibited in accordance with the City of Sydney Community Participation Plan 2024.

GRAHAM JAHN AM

Chief Planner / Executive Director City Planning, Development and Transport

Angela Smidmore, Specialist Planner

Attachment A

Engagement Report – Discussion Paper Electrification of New Development

Engagement report – Electrification of new development discussion paper



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Overview

Background

As electricity has increasing lower emissions, the electrification of new development supports the City of Sydney's ongoing work to improve energy performance, reduce household energy bills, and deliver healthier homes and workplaces. We released the Discussion Paper: Electrification of new development (discussion paper) to explore how planning controls could help phase out fossil fuel use in new buildings.

The discussion paper outlined potential planning approaches to support fully electric, gas-free new development. It also explained the health, cost and equity benefits of electrification, and asked for feedback on possible exemptions, staging, and how the controls should apply to renovations.

This consultation is an important step in shaping future planning rules that meet community expectations. The City sought input from residents, industry groups and other stakeholders to better understand the challenges and opportunities of electrifying new buildings - and how future controls could support a practical and equitable transition.

Engagement summary

From **31 March 2025 to 5 May 2025**, we invited stakeholders and the community to share their feedback on the discussion paper and the potential planning control options to support the electrification of new development in the City of Sydney area.

We asked whether people support electrifying all new buildings, what benefits and challenges they see, and which planning approaches they think would work best. We also asked for views on possible exemptions for certain building types or uses, and whether we had missed any key issues.

This engagement report outlines the community engagement activities that took place and summarises the key findings from the consultation.

Purpose of engagement

1. **Inform** stakeholders about the proposal planning controls to require all new development to be fully electric and fossil fuel free through changes to planning controls.
2. **Communicate** the benefits of electrifying new development while also addressing common concerns and outlining practical solutions to challenges raised by stakeholders and industry.
3. **Consult** with the community, including residents, industry professionals and other stakeholders, on the proposed approach to electrification, including how it should be implemented and any potential implications.
4. **Understand** community and industry perspectives on transitioning away from gas in new development – gathering insights on opportunities, challenges and support required to ensure an effective and equitable transition.

Participation

The Sydney Your Say page was visited 835 times during the consultation period. We received 22 survey responses and 19 e-mail submissions.

Key findings

Overview of key findings

Of the group that participated, there is strong support for introducing electrification requirements for new development, particularly from health, consumer and environmental advocacy organisations, and parts of the industry.

The key findings are:

- Most respondents support requiring all-electric new development, citing health, climate and cost benefits.
- Many stakeholders support applying the rules to major renovations, especially when replacing fossil fuel appliances.
- Several respondents - particularly industry - recommend a clear transition period to allow market adaptation.
- A clear majority agree that exemptions should be limited to exceptional or safety-related cases.
- Some submissions request flexibility for specific uses, such as commercial kitchens, and in strata buildings.
- Supporters want the controls aligned with national and state policies.
- Some oppose electrification requirements entirely, citing concerns about energy resilience, fuel choice and the role of renewable gases.

Survey responses

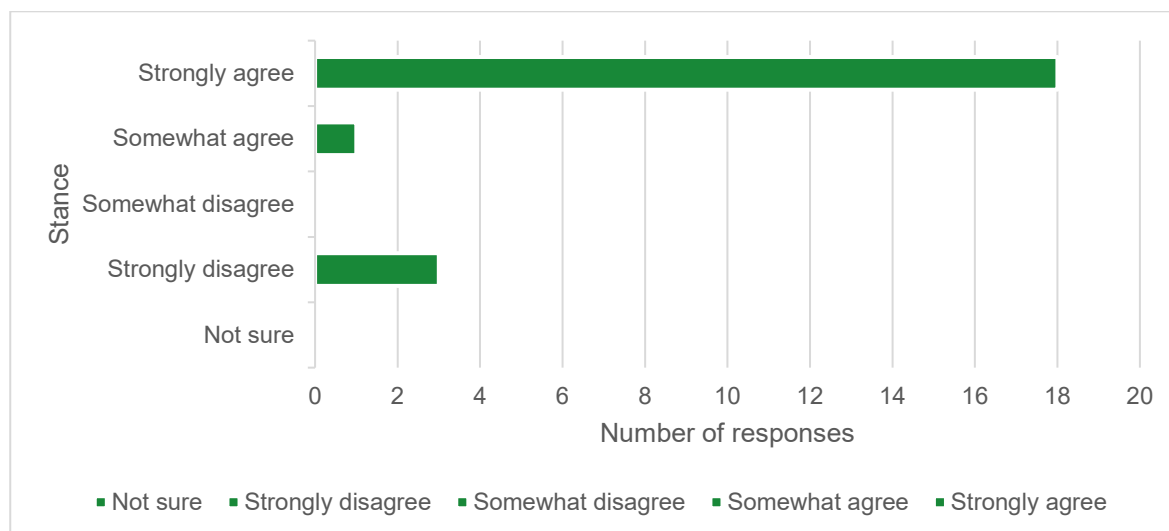
We received 22 responses to the online survey. The survey questions were based on the discussion paper and designed to prompt feedback on key themes. Responses and key themes from the survey responses are summarised below.

Benefits of all-electric buildings

Respondents were asked whether they agreed with the benefits of all-electric buildings as outlined in the discussion paper.

Most respondents (82%) agreed, 4% somewhat agreed, and 14% did not agree.

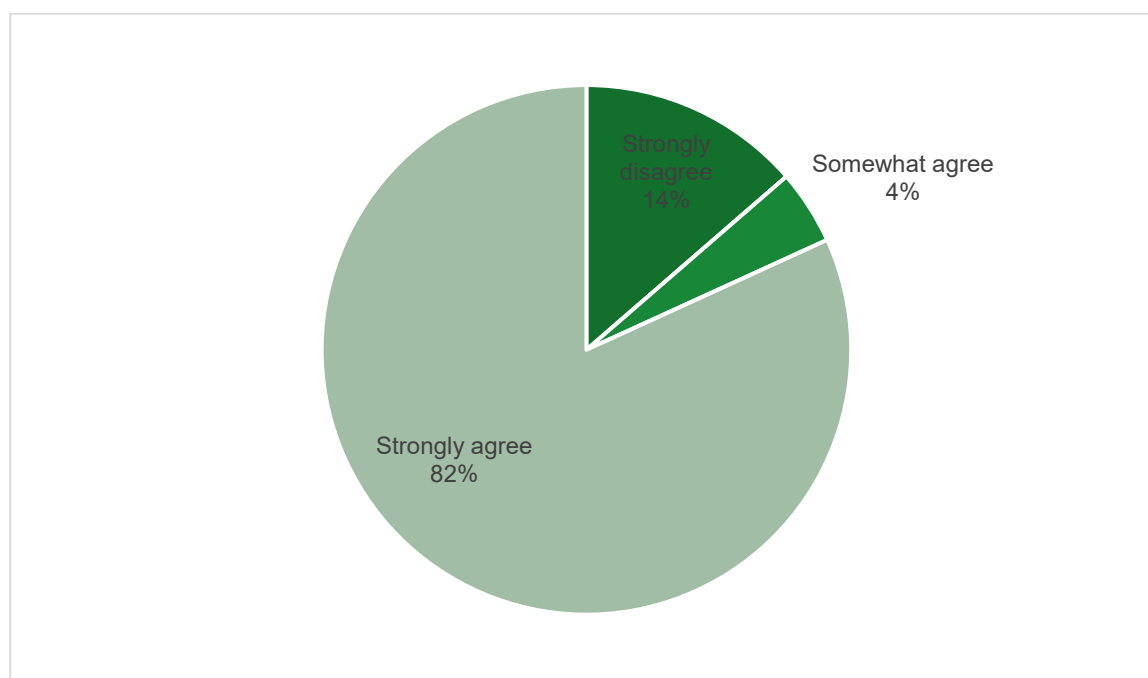
Figure 1. Do you agree with the benefits of all-electric buildings in the discussion paper?



Electrification as a sustainability priority

Participants were asked whether they believe electrifying new development should be a priority for a sustainable Sydney. Responses closely mirrored the previous question, with 82% strongly agreeing, 4% somewhat agreeing, and 14% strongly disagreeing.

Figure 2. Do you agree that electrification of new development should be a priority for a sustainable Sydney?



Other benefits of all-electric new development

Respondents were asked to suggest other benefits of all-electric new development that may have not been addressed in the discussion paper.

Other benefits suggested included:

- Improved energy system efficiency and resilience (3 comments)
- Increased safety (2 comments)
- Creation of local employment opportunities (1 comment)
- Reduced noise pollution (1 comment)
- Alignment with global sustainability and climate targets (1 comment)
- Space efficiency (2 comments)
- Enabling smart energy management (1 comment)
- Higher property and asset values (1 comment)

“Electrifying buildings helps to advance the energy transition at a system level. This is because it signals to investors that there is greater market demand and appetite among individuals, households and businesses for green energy.”

Other challenges of all-electric new development

Respondents were asked to identify other challenges to electrifying new development that may have not been addressed in the discussion paper.

Other challenges identified included:

- Consumer preference for gas appliances (4 comments)
- Resistance from developers or supply chain practices (2 comments)
- Mixed stakeholder priorities in mixed-use developments (1 comment)
- Limited skills and supply chain readiness (1 comment)
- Conflicts with existing regulations for EV safety standards (1 comment)
- Anticipated resistance from fossil fuel interests (1 comment)
- Dependence on electricity and reliability concerns (2 comments)
- Rising electricity prices if monopoly (1 comment)
- Environmental concerns about production of electric equipment (1 comment)
- Concerns about rising electricity prices if competition is reduced (1 comment)
- Sound impacts of heat pumps (1 comment)

Some respondents raised issues more relevant to retrofitting existing buildings, rather than new development. While this was not the focus of the discussion paper, these are noted below given their relevance to broader electrification efforts

- Complex infrastructure upgrades such as wiring and switchboards (4 comments)
- Disruption during renovations (1 comment)
- Strata governance and investor reluctance (2 comments)
- Dependence on electricity and reliability concerns (2 comments)

“Some consumers prefer gas appliances for cooking or heating due to their performance and efficiency.”

Overcoming challenges

In answering the question on other challenges to electrifying new development, respondents were asked how these challenges might be overcome.

Education and engagement

- Public campaigns to increase awareness and acceptance of electric appliances, particularly induction cooking (2 comments)
- Broader engagement with stakeholders and the community to support shared solutions (2 comments)
- Learning from the experiences of other councils, especially in Victoria (1 comment)

Incentives and support

- Financial support or subsidies for wiring upgrades (1 comment)
- Incentives for rooftop solar or electrification through design excellence bonuses (1 comment)

Market and industry readiness

- Greater engagement with developers to support bulk purchasing and cost reduction over time (1 comment)
- Better availability and visibility of electric product alternatives (1 comment)

Design considerations

- Requirements for soundproofing or appropriate siting of heat pumps (1 comment)

Policy positions

- Some respondents recommended that electrification remain optional (2 comments)
- Others suggested limiting gas use to water heating or cooktops (1 comment)

Preferences for planning control options and why

We asked for feedback on a range of planning approaches to limit new developments from connecting to the gas network. The six options presented in the discussion paper were designed to prompt input on how electrification requirements could be introduced - either independently or in combination - and how they might be refined to maximise their effectiveness and support implementation.

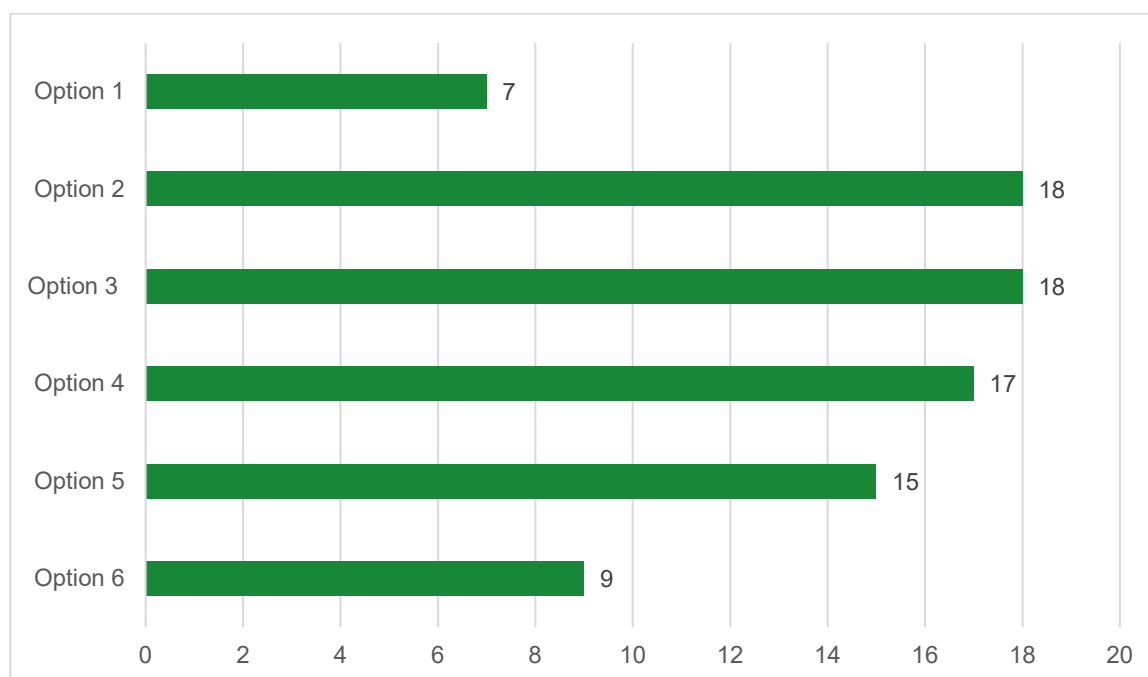
Of the 22 survey participants, 21 responded to this question. Respondents were invited to select all planning control options they supported. This means many respondents supported more than one option, so the percentages shown below reflect the proportion of total respondents who supported each individual option, not a cumulative total.

The summary of support for each option is detailed below and displayed in Figure 3.

- Option 1 – Indoor appliances only: Continue with recently exhibited controls that ban indoor gas appliances (heating, cooktops, ovens) in new residential buildings but allow gas hot water systems – this was supported by 7 respondents (33%)
- Option 2 – Fully electrify new residential buildings: Extend controls to also disallow gas hot water systems in new homes - this was supported by 18 respondents (86%)
- Option 3 – Apply controls to new non-residential buildings: Introduce similar electrification requirements for new commercial, industrial, and business developments – this was supported by 18 respondents (86%)

- Option 4 – Apply to major renovations: Require electrification for major alterations and additions, using established thresholds (such as BASIX) to determine when this applies – this was supported by 17 respondents (81%)
- Option 5 – Allow limited flexibility: Permit exemptions for specific uses (e.g. industrial or food-related businesses) where gas is essential – this was supported by 15 respondents (71%)
- Option 6 – Stage the rollout: Introduce controls immediately or phase them in over time to give the market and certain sectors more time to adjust – this was supported by 9 respondents (43%)

Figure 3. Which of the planning control options do you think should be implemented? Select all that apply.



To better understand their selections, respondents were also invited to explain the reasons behind their support (or lack of support) for each planning control option. Respondents provided a wide range of reasons for their selections. Many supported multiple options, particularly those that require full electrification of new residential and non-residential developments. Common themes are summarised below.

General support for comprehensive action

Several respondents expressed strong support for all options, stating that electrification is long overdue and essential to avoid long-term retrofit costs. Respondents highlighted the urgency of acting now, particularly as construction activity is set to rise. Others said a broad rollout would reduce emissions, meet sustainability targets, and align with investor and stakeholder expectations.

“Vital to act ASAP”

“Action is already overdue”

Low support for partial controls (Option 1)

Option 1 received the least support. Many saw it as inconsistent with full electrification goals, creating future retrofit and administrative burdens, and undermining the benefits of staying off gas entirely.

Strong support for full electrification of new buildings (Options 2 and 3)

Respondents frequently supported extending controls to ban gas hot water systems (Option 2) and applying requirements to non-residential development (Option 3). Reasons included:

- Full electrification is necessary to achieve net zero goals.
- It is healthier, more efficient, and better aligned with future market expectations.
- Gas hot water systems significantly contribute to emissions and undermine efforts to stay disconnected from gas networks.

“Be brave and electrify the whole thing as a default!”

“Option 1 allows for gas water heating which negates the benefit of staying disconnected from gas supply network and cost”

“New developments should not have gas connected and should also need to have rooftop solar.”

Support for applying requirements to major renovations (Option 4)

Many respondents supported this option to help phase out gas infrastructure from existing buildings. Some noted the importance of setting clear thresholds (e.g. \$500k, BASIX) and suggested incentives or transitional support for switching systems nearing end-of-life. However, concerns were raised about the cost of disconnecting from the gas network, with calls for government intervention to cap disconnection fees.

“A threshold of major renovations i.e. \$500k should be set that will mean existing buildings will also need to make this change.”

“Increase the opportunity to eliminate gas assets from the existing buildings”

“I believe City of Sydney should lobby the NSW Government to implement caps on the charges that networks can charge to disconnect”

Mixed views on flexibility and rollout timing (Options 5 and 6)

Some respondents supported some flexibility (Option 5) to allow exemptions for essential uses or to provide adjustment time, especially for the hospitality sector or industrial processes without viable electric alternatives. Others warned that too much flexibility could undermine the intent of the policy if exemptions are too broadly granted.

Support for a staged rollout (Option 6) focused on giving time for market and sector adjustment and helping Council manage community queries. However, others left this option unselected, citing a lack of expertise to judge timing, or expressing concern that phased approaches delay progress.

“Flexibility is a slippery slope”

“Flexibility can also lead to situations where little-to-no progress is made as almost all cases are granted exemptions, and then nothing changes”

“Allow enough time for those affected sectors to adjust to the all-electric concept”

Concerns about cost, practicality and personal choice

A few respondents expressed concern about the cost or practicality of switching in specific contexts - particularly for apartments with centralised systems. One noted that their building has a working gas system that will be replaced at end-of-life rather than prematurely. Another respondent opposed all options, calling for a "no change" approach that preserves individual choice.

"Different homeowners have varying preferences when it comes to appliances."

"I have selected none. Not one of the options allows a No Change Policy. People should have a choice."

Timing of implementation

To understand stakeholder views on when electrification controls should take effect, respondents were asked whether the requirements to limit new developments from connecting to the gas network should apply immediately or be phased in over time. Nine responses showed strong support for immediate commencement for new developments, with 5 favouring short transition periods to allow industry time to adjust. Three respondents opposed mandatory controls entirely or suggested long-term phase-ins.

Support for immediate commencement

Nine survey respondents said the controls should apply to new developments as soon as possible. These respondents highlighted the urgency of electrification, the maturity of the market, and the availability of electric alternatives.

"Electrification is long overdue, there should be no more delays, and the planning controls should come into effect right away."

Support for a short transition period

Five respondents supported a short implementation delay - typically between 6 months and 2 years - to allow time for developers to adjust, update specifications, train trades and manage cost implications. Some noted the need for a longer notice period for complex or commercial projects. Many suggested applying the controls to new developments first, with alterations and additions phased in later.

"Phased in over time but not too far away (12-24 months would be realistic)."

"Phased implementation allows the market to adjust, but I think the timeline should be released in advance. Ideally mandatory electrification is rolled out by 2027."

"Phased in - new developments first, followed by major alterations."

Support for a tailored or case by case approach

Two respondents proposed implementation approaches that account for development stage, application type, or other specific factors. These responses suggested that planning controls could apply immediately to some projects, while others - particularly those already in progress - should be assessed individually or given limited exemptions.

"Immediately, with targeted transition exceptions on a case-by-case basis, according to pre-defined criteria."

"I would make an estimation as to how long it takes for a residential project to go from design to construction and use that as a base for implementing these planning controls. I suggest

implementing them for all new DAs immediately, and for more advanced projects, I would check on a case-by-case basis depending on how far along they are in their design.”

Opposition to mandatory or near-term implementation

Three respondents did not support the introduction of mandatory electrification requirements or preferred very long transition periods. These responses cited concerns about feasibility, choice, and impacts on development activity.

“They shouldn’t be forced into effect at all, they should have the option.”

“Phase in over the next 50 years on new developments only. Be interesting to see how much new developments will stop.”

Exemptions

We asked respondents whether certain business types or industries should be allowed to continue connecting to the fossil fuel gas network and why.

Responses reveal a clear preference for limiting exceptions to very specific cases where no viable electric alternative exists. Ten respondents emphasised that any exemptions must be tightly controlled. Overall, most respondents supported minimising fossil fuel gas use in business, with exemptions limited to cases where electric solutions are genuinely not feasible.

“None by class - any exceptions must be specific and explicit according to defined circumstances”

Support for no exemptions

Four respondents argued that fossil fuels should be fully phased out, as electric alternatives exist for every use case or will soon become viable.

“There are alternatives for every use case. Fossil fuels are a thing of the past.”

Support for limited exemptions in specific sectors

Six respondents noted that given the City of Sydney’s limited large-scale manufacturing or heavy industry, broad exemptions are not necessary. However, the food and hospitality sectors - especially commercial kitchens - were frequently cited as potential exceptions due to practical and economic challenges with electric alternatives. Some also mentioned industrial processes requiring high heat, like welding or chemical production, where electric technology remains insufficient or costly.

“It’s the City of Sydney and doesn’t have large scale manufacturing so no exemptions.”

“Food industry - specific industries that no electric alternatives are currently available.”

“Industrial works that need high heat temperatures such as kilns, metal welding, and chemical production.”

“The food industry should always be gas, it’s impractical and expensive to run commercial kitchens on electric.”

Case-by-case exemptions

Three respondents proposed exemptions be assessed individually, requiring businesses to justify their specific needs.

“I suggest if a business has a valid reason to require methane gas, they can apply for an exemption on a case-by-case basis.”

Email submissions

We received 19 email submissions. A few (4) were from residents, but the majority were from advocacy organisations, utilities companies and industry stakeholders.

Of these 19 submissions:

- 9 expressed strong support for full electrification of new development;
- 2 were generally supportive but raised some concerns;
- 3 offered conditional support;
- 2 were neutral; and
- 3 opposed the introduction of any electrification requirements.

Overall, the majority of submissions strongly support the proposed planning controls to require new developments to be all-electric.

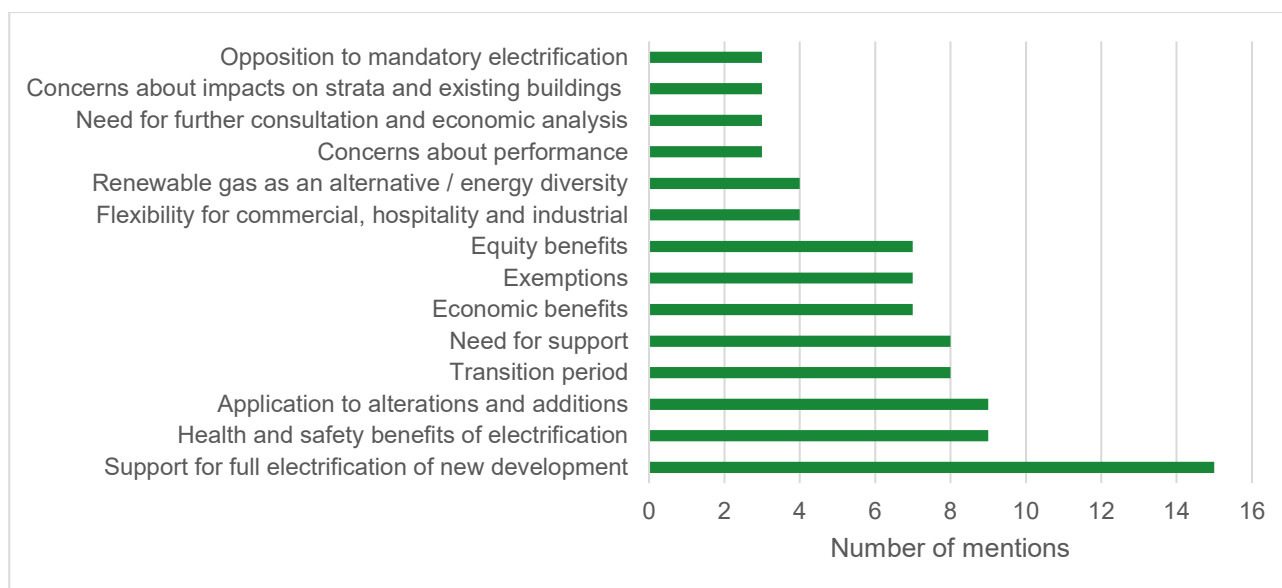
Supporters highlight the climate, health, and cost benefits of electrification and commend the City’s leadership. Several advocate for stronger or broader controls, such as applying requirements to major renovations, mandating electric-ready infrastructure, and disallowing exemptions.

A small number express conditional support, generally supporting the policy intent but raising concerns about technical feasibility, timing, and cost implications.

Three stakeholders express strong opposition, citing energy security, affordability, or a preference for renewable gas alternatives.

Figure 4 gives a breakdown of the number of times topics were mentioned from email submissions.

Figure 4. Topics from emailed responses



Email response topics

The following highlights the key issues raised in email responses.

Support for full electrification

Most submissions expressed strong support for requiring all-electric new development, highlighting the public health, environmental and economic benefits of electrification. Stakeholders including Doctors for the Environment, the Climate Council and Energy Consumers Australia emphasised the health risks of indoor gas use and the opportunity to improve respiratory and cardiovascular health through electrification. Climate and sustainability bodies such as ASBEC, the Green Building Council of Australia and 350 Australia highlighted the alignment between electrification and net-zero targets. They also stressed the importance of avoiding fossil fuel lock-in by ensuring all new buildings are future-ready.

Several submissions - including from residents, government agencies and utilities - noted that electrification is becoming more cost-effective, can improve energy performance, and provides long-term benefits by reducing reliance on increasingly volatile gas supply.

Industry representatives such as the Property Council of Australia expressed in-principle support for electrification, while recommending a phased approach supported by clear guidance and transitional incentives.

Three submissions - Urban Taskforce, Jemena and one resident - opposed mandatory electrification entirely. These submissions advocated for continued fuel choice, emphasised the importance of energy resilience, and argued for the ongoing role of renewable gases in the energy transition.

Application to alterations and additions

Many submissions supported applying electrification requirements to major renovations—particularly when replacing fossil fuel appliances. Stakeholders such as the Climate Council, Energy Consumers Australia, 350 Australia and Waverley Council viewed this as a practical and effective way to reduce emissions and prevent future stranded assets.

Several industry representatives raised concerns about feasibility in existing buildings, particularly strata properties. The Property Council of Australia and Urban Taskforce opposed a blanket requirement for alterations and additions without further consultation and analysis. ASBEC supported a transition-focused and flexible approach for alterations and additions.

Transition and staging

Many submissions recommended a short transition period before electrification requirements take effect - ranging from 6 months to 2 years. This was seen as necessary to allow time for market and supply chain readiness. The Property Council of Australia and other industry groups supported this approach.

Many stakeholders - including Doctors for the Environment and several residents - argued that electrification requirements should begin immediately to avoid locking in long-lived gas infrastructure.

Exemptions and flexibility

Nine submissions supported limiting exemptions to exceptional cases only. The Climate Council, Energy Consumers Australia, ASBEC and 350 Australia argued that widespread exemptions would undermine the effectiveness and clarity of the policy. Doctors for the Environment recommended restricting exemptions to short-term or safety-related circumstances.

Five submissions recommended targeted flexibility for sectors with legitimate transition challenges. The Property Council and GBCA supported exemptions for industrial, commercial, and hospitality

uses. Waverley Council supported limited exemptions where electric alternatives were genuinely unviable.

Four submissions, including those from Jemena and Gas Energy Australia, called for broader exemptions to support renewable gas use and fuel diversity. Some of these submissions also recommended ongoing exemptions for high-performance buildings or opposed the policy entirely, arguing that electrification should not be mandatory.

Technical feasibility and policy alignment

Many stakeholders confirmed that technical solutions for all-electric buildings are viable. Stiebel Eltron, GBCA, Ausgrid and ASBEC noted that current technologies can meet building performance needs, especially when combined with good design and load management. Ausgrid stated that the electricity network can support electrification in new development.

Some submissions raised concerns about specific technologies and market readiness. Waverley Council noted that electric instantaneous hot water systems can negatively impact BASIX energy ratings and may not be suitable for all developments. Stiebel Eltron raised concerns about the current minimum energy performance standards (MEPS) and recommended improved labelling and stronger consumer information.

Submissions also recommended technical support and policy alignment. Several stakeholders, including ASBEC, GBCA and Waverley Council, recommended aligning local controls with the National Construction Code, State Environmental Planning Policy and BASIX. Stiebel Eltron recommended stronger national product standards and noted the role of installer training, certification schemes and technical guidelines in supporting effective implementation.

Health, cost and equity benefits

Six submissions emphasised the equity and social justice benefits of electrification. Energy Consumers Australia and Doctors for the Environment stated that electrification can improve public health, reduce household energy bills, and avoid unfair cost burdens on vulnerable communities. Some submissions warned of the risks of a “gas death spiral”, where fewer users on the network lead to higher costs for those who remain.

Others noted that new development offers the lowest-cost opportunity to electrify and avoid creating stranded gas infrastructure that will require costly retrofitting in future.

Opposition and concerns about feasibility, choice and impacts

Urban Taskforce, Jemena, and one resident submission opposed the proposed electrification requirements entirely. They raised concerns about feasibility in certain building types, the importance of maintaining energy diversity, and the continued role of gas, including renewable gases.

Jemena and Gas Energy Australia argued for policies supporting fuel choice and broader exemptions. Three residents expressed concerns about the practical challenges of electrification and preferred performance-based approaches over mandatory requirements. These submissions highlighted potential unintended consequences, such as increased reliance on diesel backup generators and impacts on people with medical devices sensitive to induction cooking. One resident also disputed the health risks associated with gas use and questioned whether electrification would deliver meaningful emissions reductions.

Engagement activities

Overview of engagement

The following is a snapshot of outcomes from activities undertaken to support the consultation.

Sydney Your Say webpage

A Sydney Your Say webpage was created. The page included an electronic copy of the discussion paper, link to the survey and other key information about the consultation.

Sydney Your Say e-news

The consultation was included in the Sydney Your Say e-newsletter sent on 11 April 2025 to 6,659 subscribers.

Consultation email

An email was sent on 31 March 2025 to 45 known key stakeholders from the pre-consultation industry stakeholder engagement program inviting them to give feedback on the paper.

Appendix A: Inclusion in Sydney Your Say newsletter on 11 April 2025

Sydney Your Say

CITY OF SYDNEY 



Photo: Katherine Griffiths / City of Sydney

Your feedback on all-electric new development

We've prepared a discussion paper to gather feedback on the future of gas in new developments, focusing on electrification. This supports our goal to achieve net zero emissions by 2035, promote healthier homes and tackle cost-of-living challenges.

Consultation closes Monday 5 May 2025.

[Read more](#)



Attachment B

**Draft Sydney Development Control Plan
2012 – All-Electric Development**

Draft Sydney Development Control Plan 2012: All-electric development



Draft Sydney Development Control Plan 2012: All-electric development

Purpose

The purpose of this Development Control Plan (DCP) is to amend the Sydney Development Control Plan 2012 to insert new provisions that:

- (a) require all new residential accommodation to be fully electric for applications lodged from 1 January 2027;
- (b) require the erection of new prescribed office premises, prescribed hotel or motel accommodation and prescribed serviced apartments to be fully electric for applications lodged from 1 January 2027;
- (c) clarify how the all-electric requirement applies to food and drink premises within affected development; and
- (d) clarify how development applications can demonstrate that a building is designed to support all-electric appliances and systems.

Citation

This amendment may be referred to as Sydney Development Control Plan: All-electric development

Land covered by this plan

This amendment applies to the City of Sydney Local Government Area.

Relationship of this plan to other development control plans

This plan amends *Sydney Development Control Plan 2012* as follows:

- (a) Replace section 3.13.4 'Indoor air quality in new residential development' with 'All-electric development' in accordance with Appendix 1.

Appendix 1

1. Delete section 3.13.4 'Indoor air quality in new residential development'

~~3.13.4 Indoor air quality in new residential development~~

Objective

- ~~(a) Reduce indoor air pollutants associated with the onsite combustion of gas to improve indoor air quality. To improve indoor air quality within the built environment and promote health by reducing exposure to air pollutants from gas heating and cooking systems.~~

Provision

- ~~(1) For development applications lodged after 31 December 2026, gas cooktops, gas ovens and gas internal space heating systems are not permitted in new residential development; instead, electric systems should be installed.~~

[Public exhibition note: The above provisions were adopted by Council on XX XX XXXX, but only come into effect if and when the Sydney Local Environmental Plan 2012 is amended in accordance with the Planning Proposal: Policy and Housekeeping amendments.]

In the case where these provisions have not come into effect, the following provisions will be inserted instead of]

2. Insert a new section after section 3.13.3 with the following text:

3.13.4 All-electric development

Objectives

- (a) To improve air quality within the built environment and promote health by reducing exposure to air pollutants.
- (b) To ensure new development is energy efficient, cost effective for occupants over the long term and can avoid future costs of electrification or remaining on the fossil fuel gas network.

Provisions

- 1. This section applies to development applications lodged after 31 December 2026.
- 2. In this section 'affected development' is:
 - (a) all new residential accommodation; and
 - (b) the erection of new prescribed office premises, prescribed hotel or motel accommodation or prescribed serviced apartments, as defined in State Environmental Planning Policy (Sustainable Buildings) 2022.
- 3. To protect indoor air quality, new residential accommodation is not to include indoor fossil fuel gas appliances, such as gas cooktops, ovens or space heaters.
- 4. Affected development is not to be serviced by fossil fuel gas.
- 5. Where a mixed-use development includes affected development and food and drink premises, a single gas connection may be permitted solely for the food and drink premises, provided:
 - (a) the gas connection services only the food and drink premises;
 - (b) the tenancy is designed with embedded electrical infrastructure to support future electrification; and
 - (c) all other affected development within the development is all-electric.
- 6. Affected development is to be designed with sufficient space and electrical capacity to support all-electric systems, including those for all cooking and heating needs, including space and water heating.



Item 4.

Public Exhibition - Mobile Food Vending Vehicles Local Approvals Policy

File No: X118675

Summary

The Mobile Food Vending Vehicles Local Approvals Policy (the Policy) regulates the operation and overall impact of food trucks and food vans on Council owned roads and public places.

A mobile food vending vehicle is defined as any registered vehicle used on land that is either self-driven, or that can be towed down Council-owned roads and that is used in connection with the sale of food.

The Policy aims to:

- (a) ensure the Mobile Food Vending Vehicles operate in accordance with the road rules and kerbside parking restrictions on Council-owned roads
- (b) ensure that food sold through Mobile Food Vending Vehicles is safe and fit for human consumption
- (c) provide guidance and assistance for people wanting to operate Mobile Food Vending Vehicles within the City of Sydney Local Government Area
- (d) ensure the construction, fitting out and facilities for cleaning utensils, articles, fittings and appliances in the vehicles are appropriate for the preparation and storage of food for sale
- (e) minimise any potential adverse impacts of Mobile Food Vending Vehicles
- (f) ensure the safe operation of Mobile Food Vending Vehicles for staff, patrons, pedestrians and the general public
- (g) ensure the operation of Mobile Food Vending Vehicles does not increase litter or waste around the trading location
- (h) ensure the operation of the Mobile Food Vending Vehicles do not adversely impact on the environment or any of the surrounding sensitive land uses, and in particular residential amenity.

In accordance with section 165(4) of the Local Government Act 1993, the Policy is automatically revoked at the expiration of 12 months after the declaration of the poll for a general election, unless the Council revokes it sooner.

The Policy has been reviewed, and only minor amendments/corrections have been made.

Recommendation

It is resolved that:

- (A) Council approve the draft Mobile Food Vending Vehicle Local Approvals Policy, as shown at Attachment A to the subject report, for public exhibition;
- (B) Council note that the Mobile Food Vending Vehicle Local Approvals Policy, including any recommended changes, will be reported to Council for adoption following the exhibition period; and
- (C) authority be delegated to the Chief Executive Officer make any variations to the draft Mobile Food Vending Vehicle Local Approvals Policy for clarity or correction of drafting errors prior to exhibition.

Attachments

Attachment A. Draft Mobile Food Vending Vehicles Local Approvals Policy (showing changes)

Background

1. The Mobile Food Vending Vehicles Local Approvals Policy regulates the operation and overall impact of food trucks and food vans on Council owned roads and public places.
2. A mobile food vending vehicle is defined as any registered vehicle used on land that is either self-driven, or that can be towed down Council-owned roads and that is used in connection with the sale of food. They do not include push bikes, carts or any movable or fixed structure that cannot be registered for use on a road.
3. The Policy aims to:
 - (a) ensure the Mobile Food Vending Vehicles operate in accordance with the road rules and kerbside parking restrictions on Council-owned roads
 - (b) ensure that food sold through Mobile Food Vending Vehicles is safe and fit for human consumption
 - (c) provide guidance and assistance for people wanting to operate Mobile Food Vending Vehicles within the City of Sydney Local Government Area
 - (d) ensure the construction, fitting out and facilities for cleaning utensils, articles, fittings and appliances in the vehicles are appropriate for the preparation and storage of food for sale
 - (e) minimise any potential adverse impacts of Mobile Food Vending Vehicles
 - (f) ensure the safe operation of Mobile Food Vending Vehicles for staff, patrons, pedestrians and the general public
 - (g) ensure the operation of Mobile Food Vending Vehicles does not increase litter or waste around the trading location
 - (h) ensure the operation of the Mobile Food Vending Vehicles do not adversely impact on the environment or any of the surrounding sensitive land uses, and in particular residential amenity.
4. Mobile food vending vehicles are used for on-site food preparation (e.g. hamburgers and tacos) and one-step food preparation (e.g. popcorn, fairy floss, coffee) and the sale of any type of food, including pre-packaged food.
5. There are around 30 registered mobile food vending vehicles operating within the City.
6. The Policy applies to Council-owned roads and other public places within the City of Sydney Local Government Area. This Policy does not apply to Mobile Food Vending Vehicles:
 - trading in accordance with a development consent or the provisions of the State Environmental Planning Policy (Exempt and Complying Development Codes) 2008 on private land
 - trading on public land in accordance with an approved event
 - not operating as a food business.

7. The Mobile Food Vending Vehicles Local Approvals Policy was last reviewed and endorsed by Council in 2022. In accordance with section 165(4) of the Local Government Act 1993, the Policy is automatically revoked at the expiration of 12 months after the declaration of the poll for a general election, unless the Council revokes it sooner.
8. The existing Policy has been reviewed, and minor amendments/corrections have been made.
9. In accordance with section 160 of the Local Government Act 1993, a Local Approvals Policy must be placed on public exhibition for at least 28 days and comments can be received up to 42 days after the first advertisement.

Key Implications

Strategic Alignment - Sustainable Sydney 2030-2050 Continuing the Vision

10. Sustainable Sydney 2030-2050 Continuing the Vision renews the communities' vision for the sustainable development of the city to 2050. 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 - Responsible governance and stewardship - The Policy provides a framework for the operation and overall impact of food trucks and food vans on Council owned roads and public places.
 - (b) Direction 3 - Public places for all - Mobile food vending vehicles provide alternative dining options within the city, both day and night.
 - (c) Direction 8 - A thriving cultural and creative life - The provision of food trucks and vans in the City allows for alternative food options from all cultures.

Risks

11. The Policy has been revised to reflect current best practices and legislation.
12. City staff have considered the draft Policy and its continuing operation is within the City's risk tolerance and risk appetite. Where risks associated with activities can be effectively mitigated and there are reasonable benefits to the community, a minimal risk can be considered.

Economic

13. The provision of food from mobile food vending vehicles contributes to the vibrancy and economic viability of the City and attracts visitors to the City.

Financial Implications

14. Fees and charges associated with approvals and regulatory inspections are detailed within the City's Revenue Policy.

Relevant Legislation

15. The Policy has been drafted in accordance with the Local Government Act 1993 and the Local Government (General) Regulations 2005.
16. Environmental Planning and Assessment Act 1979.
17. State Environmental Planning Policy (Exempt and Complying Development Codes) 2008.
18. Road Rules 2014.
19. Food Standards Code.
20. Roads Act 1993.

Public Consultation

21. The draft policy will be put on public exhibition for 42 days for public comment.

GRAHAM JAHN AM

Chief Planner / Executive Director City Planning, Development and Transport

Josh Bradshaw, Standards and Policy Manager

Attachment A

Draft Mobile Food Vending Vehicles Local Approvals Policy

Mobile Food Vending Vehicles Local Approvals Policy

Purpose

The purpose of this Policy is to provide the framework for the operation of Mobile Food Vending Vehicles within the City of Sydney's Local Government Area.

This Policy supplements provisions of the Local Government Act 1993, the Local Government (General) Regulation 2021, and the Food Act 2003.

The Policy is divided into three parts in accordance with the requirements of the Local Government Act 1993:

- Part 1 of the Policy specifies any exemptions from this Policy
- Part 2 of the Policy specifies the criteria which Council must consider when determining whether or not to grant approval for a particular activity
- Part 3 of the Policy specifies other matters relating to approvals not dealt with by the Local Government Act 1993, the Local Government (General) Regulation 2021, the Food Act 2003 or the Food Regulation 2015.

Objectives

The Policy aims to:

- a. ensure the Mobile Food Vending Vehicles operate in accordance with the road rules and kerbside parking restrictions on Council-owned roads
- b. ensure that food sold through Mobile Food Vending Vehicles is safe and fit for human consumption

- c. provide guidance and assistance for people wanting to operate Mobile Food Vending Vehicles within the City of Sydney Local Government Area
- d. ensure the construction, fitting out and facilities for cleaning utensils, articles, fittings and appliances in the vehicles are appropriate for the preparation and storage of food for sale
- e. minimise any potential adverse impacts of Mobile Food Vending Vehicles
- f. ensure the safe operation of Mobile Food Vending Vehicles for staff, patrons, pedestrians and the general public
- g. ensure the operation of Mobile Food Vending Vehicles does not increase litter or waste around the trading location
- h. ensure the operation of the Mobile Food Vending Vehicles do not adversely impact on the environment or any of the surrounding sensitive land uses, and in particular residential amenity.

Commencement date

The Policy replaces the Food Trucks Local Approvals Policy 2014. It was initially adopted by Council on 7 August 2017 ~~updated on 19 August 2019~~ and is effective from the date of adoption.

Local approvals policy

The Policy is a Local Approvals Policy prepared and adopted by Council under s 158 of the Local Government Act 1993.

When will the Policy be revoked?

Under section 165(4) of the Local Government Act 1993, this policy is automatically revoked 12 months after the NSW local government elections, unless the Council resolves to do so sooner.

Scope

The Policy applies to Council-owned roads and other public places within the City of Sydney Local Government Area.

This Policy does not apply to Mobile Food Vending Vehicles:

- trading in accordance with a development consent or the provisions of the State Environmental Planning Policy (Exempt and Complying Development Codes) 2008 on private land
- trading on public land in accordance with an approved event
- not operating as a food business.

Definitions

This section defines a Mobile Food Vending Vehicle and makes the distinction between a food truck and a food van. A more comprehensive list of definitions can be found in Appendix 4.

Term	Meaning
Mobile Food Vending Vehicle	Any registered <u>registrable</u> vehicle used on land that is either self-driven, or that can be towed down Council-owned roads and that is used in connection with the sale of food. They do not include push bikes, carts or any movable or fixed structure that cannot be registered for use on a road. Mobile food vending vehicles are used for on-site food preparation (e.g. hamburgers and tacos) and one-step food preparation (e.g. popcorn, fairy floss, coffee) and the sale of any type of food, including pre-packaged food. There are two categories of mobile food vending vehicles: Category 1 - Food Vans and Category 2 - Food Trucks.
Category 1 – Food Vans	Mobile Food Vending Vehicles which serve foods that are not potentially hazardous. Food vans do not require a separate fixed food handling premises associated with the business but can use one if necessary.

Term	Meaning
	Preparation may involve low risk practices such as frothing milk. An example would be an ice-cream vehicle or coffee van.
Category 2 – Food Trucks	Mobile Food Vending Vehicles which serve foods that are potentially hazardous, <u>with either exclusively or in addition to serving food that is not potentially hazardous</u> the exclusion of the above low risk practices (category 1) . These vehicles can be a mobile kitchen and must have a separate fixed food handling premises that is approved for the handling and storage of food. An example would be a vehicle preparing hot food made to order such as burgers.

PART 1: EXEMPTIONS FROM APPROVAL

Exemptions under the Policy

There are no exemptions from the necessity to obtain approval under this Policy for Mobile Food Vending that is used for the sale of food and drink in public places within the City of Sydney Local Government Area.

Note: Section 158(3) of the Local Government Act 1993 requires a Local Approvals Policy to specify the circumstances (if any) in which a person would be exempt from the necessity to obtain a particular approval from Council.

To ensure the safety of food for human consumption, there will be no exemptions for compliance with this Policy in relation to Mobile Food Vending.

PART 2: COUNCIL APPROVAL REQUIREMENTS

Council must consider the criteria as outlined in this Policy when determining applications for Mobile Food Vending approvals to operate within the City of Sydney's Local Government Area.

The criteria for approval to be used in the assessment of a Mobile Food Vending Vehicle will include all the relevant provisions contained in the approved standards as set out in Part 2 & 3 of this Policy, the Food Act 2003, and the Food Standards Codes.

Policy Statement

Section 68 approvals

- a. The Policy applies to applications for approval to undertake an activity under s 68 F Item 7 of the Local Government Act 1993, namely:
 7. *Use a standing vehicle or any article for the purpose of selling any article in a public place.*
- b. For the purposes of this Policy a 'standing vehicle' includes any Mobile Food Vending vehicle that has stopped to make a sale.
- c. All Mobile Food Vending Vehicles require a Section 68 approval issued by City of Sydney prior to operating on Council-owned roads. The operation and selling of food from a Mobile Food Vending Vehicle, ~~or the selling of any food from a mobile vehicle~~ in a public place within the City of Sydney's Local Government Area without prior approval is an offence under the Local Government Act 1993.
- d. Mobile Food Vending Vehicles will be issued an approval that will contain conditions of operation to be complied with at all times.
- e. Council will charge a fee** for the relevant category of Mobile Food Vending Vehicle approval as per the Schedule of Fees and Charges on Council's website cityofsydney.nsw.gov.au.
- f. Approvals shall take effect from the date stated thereon and shall expire 12 months after the date of the approval or any other time as stated on the approval no greater than 12 months.
- g. Information contained in an application made under this Policy will be used to register the business as a food business in accordance with the Food Act 2003.

Note: **The approval fee includes one inspection prior to the issue of the approval or renewal of approval. However additional inspections during the period of the approval are charged as outlined in the Schedule of Fees and Charges document Council's website cityofsydney.nsw.gov.au.

Approval categories

There are two categories of Mobile Food Vending Vehicle approvals issued by the City. The Mobile Food Vending Vehicle approval categories are based on the menu they serve.

a. Category 1 – Food Vans

- (i) **Menu items:** foods are not potentially hazardous with the exception of processes that have a minimal food safety risk such as the frothing of milk, or the serving of frozen dairy. Foods may be pre-packaged or served directly from its package/container and do not require heating or cooking. The vehicle must meet relevant design and layout standards to ensure food safety requirements are met. Examples of food types include tea, coffee, drinks, cakes, sweets, frozen yoghurt, pre-packaged ice-cream, soft serve ice-cream or other similar foods.
- (ii) **Stopping time:** Each van is able to trade for a maximum period of 1 hour in one location at one time in a public place. At all times the vehicle must comply with the relevant kerbside parking restrictions and road rules. The maximum stopping time includes s set up and pack down times.

b. Category 2 – Food Trucks

- (i) **Menu items:** includes the service of any potentially hazardous food, **in addition to** low-risk processes included in Category 1. This vehicle is usually a mobile kitchen and must have access to a separate fixed food handling premises or commercial kitchen. Examples of the types of food this category of truck can serve include dumplings, pasta, tacos, flame-grilled meats, stir fry noodles, grilled skewers, fish & chips, or other similar foods.
- (ii) **Stopping time:** Each truck is able to trade for a maximum period of 5 hours in one location at one time in a public place. At all times vehicles must comply with the relevant kerbside parking restrictions and road rules. Operators must ensure their staff have access to toilet facilities when trading. The maximum stopping time includes s set up and pack down times.

Application for approval

The completed forms must be accompanied with supporting documentation required as outlined in the application form. Details are available on the City of Sydney website [Apply for a mobile food vending business approval.https://www.cityofsydney.nsw.gov.au/business-permits-approvals-tenders/apply-for-mobile-food-vending-business-permit](https://www.cityofsydney.nsw.gov.au/business-permits-approvals-tenders/apply-for-mobile-food-vending-business-permit)
<https://www.cityofsydney.nsw.gov.au/business-permits-approvals-tenders/apply-for-mobile-food-vending-business-permit>

Fees

- a. A fee applies for the assessment of an application and for the approval to operate a Mobile Food Vending Vehicle in accordance with Council's fees and charges. The fee covers the initial inspection of the vehicle, which is required prior to commencing trade and must be paid at the time the application is made.
- b. Incomplete applications may be rejected if additional information requested is not supplied within the time nominated by Council. The assessments component of the fee will not be refunded.

- c. Council will not issue a refund of any fees paid if the business is sold or transferred. A new owner of a mobile food vehicle must make a new application and pay the appropriate fees for approval.

Note: A separate application and separate assessment fee is required for each vehicle application. The fees are outlined in the Schedule of Fees and Charges on Council's website cityofsydney.nsw.gov.au

Vehicle inspections

- a. All Mobile Food Vending Vehicle operators must have their vehicle inspected for food safety requirements prior to issue of an approval, or from time to time as determined by Council or an authorised officer of Council. Officers from Council's Health and Building Unit will contact you to make arrangements for the inspection prior to approval being given.
- b. Random inspections of Mobile Food Vending Vehicles may be conducted by Council officers during trading locations and times, and any associated fees and charges will be charged to the business in accordance with Council's Schedule of Fees and Charges.
- c. A copy of all vehicle's Plan of Management (PoM) must be kept within the vehicle at all times and made available to an authorised Council officer on request.

Note: To ensure a satisfactory inspection of the vehicle by an officer authorised under the Food Act 2003, have all relevant forms filled in, copies of documentation available if necessary for Council prior to the inspection and the construction and fit out of the vehicle complies the Food Standards Code.

Issuing of approval

- a. Approvals issued by Council will be to a person or corporation on a per vehicle basis.
- b. An approval sticker will be provided to all Mobile Food Vending Vehicles when final approval has been issued. Approval stickers will be coloured according to category. The approval sticker must be attached and displayed on the approved vehicle in a location clearly visible to the customers at all times whilst in operation.
- c. Modifications to the internal layout of the vehicle or major changes to the cooking or food processing within the vehicle requires prior approval of Council's Health and Building Unit.
- d. Any change of address of the commercial kitchen or separate fixed food handling premises for Food Trucks, or modification to the approved Plan of Management must be applied for in writing to Council's Health and Building Unit and be accompanied by the appropriate paperwork. An additional assessment fee may be applicable.
- e. Approvals are specific to each Mobile Food Vending vehicle and they are not transferable between vehicles.
- f. No ownership transfer of Council approval section 68 Local Government Act 1993 is permitted. All applications will be required to pay the appropriate fee, and lodge all new application paperwork specific to their business prior to any approvals being issued to the new owner/operator.
- g. Approvals will be issued subject to conditions including, but not limited to, compliance with the policy.
- h. Applications for the renewal of approvals must be lodged with Council at least 3 weeks prior to the expiration of the current approvals.

- i. Failure to adhere to any condition of approval and or/legislative requirement may result in modification, suspension or revocation of the approval, in addition to prosecution or the issue of fines.

Revocation or modification of approvals and non-renewal of ~~applications~~ approvals

The City of Sydney may revoke or modify a mobile food vending vehicle approval or refuse to renew an application as a result of non-compliance with the mobile food vending vehicle approval conditions and/or Local Government Act 1993. Examples of non-compliance may include:

- a. failure to comply with the approval conditions
- b. failure to comply with the policy
- c. failure to comply with the provisions of the Food Act 2003
- d. failure to comply with the Roads Act 1993 and the Roads Rules 2014
- d.e. if the approval was obtained by fraud, misrepresentation or concealment of facts

In accordance with section 110 of the Local Government Act 1993 before revoking or modifying and approval, the City will:

- a. give written notice to a food operator of its intention to revoke or modify the approval, and
- b. give the approval holder the opportunity to meet with Council officers to show cause why the approval should not be revoked.

The City of Sydney may refuse to renew or issue a new mobile food vending vehicle approval to an applicant with the previous history of non-compliance.

Locations

A mobile food vending vehicle approval entitles operators to trade in the following locations.

a. Street vending

All approved Mobile Food Vending Vehicles are permitted to operate on Council-owned roads within existing lawful car parking spaces, subject to the exclusions noted within this Policy. The operation of a Mobile Food Vending Vehicle must also comply with the local car parking restrictions of that parking space and all other applicable Road Rules. All Mobile Food Vending approval categories allow trucks to pull up to a kerb, into a lawful parking spot, and to trade onto the footpath. Vehicles must not park on the footpath or on driveways, and must not trade onto the street, bike lane or an adjacent car parking spot.

b. Off-street trading

Food trucks can trade on nominated Council-owned sites, such as parks, within the Local Government Area when they have obtained approval to do so, either through a development consent, conditions of an event approval, or in accordance with the exempt provisions.

Note: Because there is no fee that has been prescribed by the regulations or **relevant Department Secretary**, the Council then determines application fees for each year. The fees are outlined in the Schedule of Fees and Charges on Council's website cityofsydney.nsw.gov.au

Prohibited roads, streets and land

- a. Mobile Food Vending Vehicles must not trade on roads as listed in the 'Schedule of streets' within **APPENDIX 2**. The of streets may be updated from time to time. It is the responsibility of the operator to ensure they keep up to date with the current schedule. A copy of the schedule is also located on the City's website to allow easy access for operators to monitor any changes made.
- b. Mobile Food Vending Vehicles are not permitted to trade on any land without prior consent from the landowner. This includes Council-**owned** land. Please refer to **APPENDIX 2** for the map highlighting Sydney Harbour Foreshore Authority-owned land within the City of Sydney Local Government Area.
- c. Mobile Food Vending Vehicle approvals do not authorise Mobile Food Vending Vehicles to trade within the Kings Cross Precinct Exclusion Zone as show within **APPENDIX 3**.

Truck Dimensions

The dimensions of a Mobile Food Vending Vehicle must not exceed the length of 11m and must be no wider than 2.5m.

Note: It is the responsibility of operators to check local restrictions on parking times based on truck length and weight prior to trading. Operators must comply with the Road Rules at all times.

Parking

- a. Mobile Food Vending Vehicles must operate in full compliance with existing road rules and parking restrictions when operating on Council-owned roads, including no parking on footpaths or across driveways.
- ~~b. A maximum of three (3) Category 2 Food Truck Vehicles are permitted to trade on the same lawful car parking space at different times, within the same 24-hour period.~~

Deliveries

Mobile Food Vending Vehicles must arrive fully equipped at all trading locations and are not permitted to receive any deliveries.

Serving

- a. Mobile Food Vending Vehicle operators must ensure the location they are serving from will not create potential hazards to customers and staff.
- b. Mobile Food Vending Vehicles must not sell with their serving window opening onto any part of a roadway, including an adjoining car parking space to ensure the safety of pedestrians.
- c. Mobile Food Vending Vehicles must not ~~vend~~ sell with their serving window opening onto a cycleway, to ensure the safety of pedestrians and to minimise pedestrian traffic across the cycleway.

Note: This applies regardless of whether there is a barrier that separates the cycleway and roadway.

Hours of operation

- a. The use of Council-owned roads for the purpose of operating Mobile Food Vending Vehicle is restricted to the following times
 - (i) Central Sydney:
8am – 3am, Monday to Sunday
 - (ii) Remainder of the Local Government Area:
9am – 12 midnight, Monday to Sunday

The above hours are inclusive of set up and set down times and the areas are defined by the map in **APPENDIX 1**.

- b. An authorised officer may require the vehicle to move if necessary. An authorised officer also has the authority to request that the Mobile Food Vending Vehicles leave the area.

Proximity to existing premises

- a. No Mobile Food Vending Vehicle is to trade within 50m of an existing trading takeaway food or drink premises open for business that is serving the same or similar food types. This minimum distance requirement is measured in a straight line from the closest point of the Mobile Food Vending Vehicle (location) to the main entrance of the takeaway food and drink premises.

Note: Existing takeaway food or drinks premises of the “same or similar food type” is defined as having very similar or the same primary products of sale. For example, a Taco truck and a Mexican takeaway shop, or an ice-cream van and an ice-cream parlor.

- b. For the purposes of this Policy, existing take away food and drink premises includes only the types of take away food and drink premises that are used predominantly for the preparation and retail sale of food or drink (or both) for immediate consumption away from the premises.

Proximity to residential buildings

Mobile Food Vending Vehicles cannot trade directly in front of any residential building (house or apartment) or buildings that contain residential premises (mixed use sites) on the same side of the road as the building frontage.

Liquor licencing

No Mobile Food Vending Vehicle operator is to obtain a liquor licence or sell alcohol to the public.

PART 3: OTHER CRITERIA REQUIREMENTS

Food handling, premises and equipment

Without limiting the requirements of the Food Safety Standard 3.2.2, 3.2.3, and AS4674 and any conditions of approval, the general requirements for the design, fit out, and operation of the mobile food vehicle, are outlined as follows:

a. Required outcomes

The layout design and construction of a Mobile Food Vending Vehicle must:

- be appropriate for the types of food produced and activities conducted
- provide adequate space for all activities and for all equipment to be used or stored
- allow easy cleaning or sanitising procedures of all structures and equipment
- prevent entry of pests, dust, fumes, smoke and other contaminants
- exclude favourable sites for pests to harbour (live and breed).

b. Minimum requirements

The layout design of a Mobile Food Vending Vehicle should be well planned and should consider a range of important elements to ensure effective and acceptable operation. The construction and layout design principles for Mobile Food Vending Vehicles should accommodate a safe flow of product and waste to minimise risks of food and equipment contamination. Separating particular processes must be considered including:

- hand washing facilities
- wash-up area (with double sinks)
- raw and cooked foods
- food preparation areas, accommodating a sink if required
- cooking facilities
- food assembling area
- adequate food storage and refrigeration facilities
- waste disposal areas.

The separation of the driving compartment from food storage, handling and serving sections should be considered.

The construction standards required can vary widely depending on the type of food and the complexity of the process, therefore it is recommended that before fitting out a vehicle Council should be consulted, and a clear agreement reached. Detailed plans and specifications are required to be submitted as part of the application process.

c. Obligations on people selling food

All food businesses are required to sell safe and suitable food in accordance with the provisions of the NSW Food Act 2003. Copies of the Act are available at NSW legislation website www.legislation.nsw.gov.au and the Food Standards (particularly Food Standards 3.1.1, Chapter 2 - Part 1.2, Chapter 3 – standard 3.2.2 and 3.2.3) are available on the Food Standards Australia New Zealand website www.foodstandards.gov.au.

Failure to comply with the requirements of the Act (including the standards) may result in prosecution, penalty infringement notices, product being seized, improvement notices or warning letters being issued, or prohibition orders (e.g.: prohibiting the sale of food or the use of certain equipment) being served. Fines, and in some cases imprisonment, apply to some offences.

All Mobile Food Vending Vehicle operators must carry adequate public and product liability indemnity insurance.

Maintenance of the vehicle

The vehicle must be kept clean and in a good state of repair and working order, ensuring road worthiness and that noise, fumes, smoke, foul odours and other contaminants are not generated.

Standalone items not permitted

The placement of any standalone items such as advertising boards, stands, heaters, tables, chairs or other seating apparatus, is not permitted at any time.

Garbage and recyclable materials

- a. Suitable garbage receptacles with close fitting lids are to be provided in the vehicle.
- b. When directed, a suitable receptacle shall be provided outside the vehicle for depositing of take away food containers and other litter.
- c. Garbage generated within the vehicle is not to be disposed of at public garbage bins but is to be collected and contained until disposal at the nominated commercial kitchen can occur. A waste contractor is to be nominated in the [Plan of Management \(PoM\)](#).
- d. Operators are encouraged to recycle.

Waste Management and recycling

- a. Mobile Food Vending Vehicle operators are responsible for the waste materials generated during the trading period. Waste materials such as food packaging should be collected in bins or suitable receptacles, bagged or contained, stored within the vehicle and disposed at the cost of the operator.
- b. Any waste produced by the Mobile Food Vending Vehicles must be removed from the site by the Mobile Food Vending Vehicle operators at the end of the trading period.
- c. The trading area must be left in a clean and tidy condition at the end of each trading interval.
- d. Under no circumstances is liquid waste (including wastewater) to be discharged to the ground or in the stormwater drain.
- e. Details of liquid waste and garbage disposal arrangements must be supplied with the application for the Mobile Food Vending Vehicles within the PoM.

Note: The City has prepared a Local Approvals Policy for Managing Waste in Public Places which addresses the management of commercial waste in a public place.

- f. Where feasible, the packaging used for the sale of food should be selected for its suitability for recycling in the City of Sydney Local Government Area. Details are available on the City of Sydney website on www.cityofsydney.nsw.gov.au.

Signage

- a. An approval under this Policy does not infer any approval for the erection or display of any sign or sign structure not directly attached to the Mobile Food Vending Vehicles.

Animals and pests

- a. Operators must take all practicable measures to prevent pests (including birds, spiders and flying insects) from entering or remaining in the vehicle.
- b. No animal is permitted to enter any vehicle, whether the vehicle is in operation or not.

Water supply

- a. The vehicle must be provided with an adequate supply of potable water (the capacity of the tanks must be appropriate for the intended use) stored in food grade water storage containers and suitably protected against contamination for hand washing, cleaning equipment and for use of food preparation. There must also be an adequate supply of hot water for these purposes. Details of the supply of potable water and the cleaning process used for the storage tanks must be included in the PoM.
- b. The vehicle must be equipped with a waste water tank of sufficient capacity to contain all stored potable water with extra capacity for the containment of other discarded liquid waste, with an outlet of sufficient diameter to facilitate easy flushing and cleaning. Details of the disposal and cleaning process used for the waste water storage tanks must be included in the PoM.
- c. Disposal of all liquid wastes generated within the food van must be through the sewer (and grease trap where necessary – contact Sydney Water for additional advice) The disposal method and location is to be included in the PoM. Under no circumstances is liquid waste to be discharged upon the ground or to a stormwater drainage system.
- d. All hot water for washing purposes should be supplied from a suitable hot water system and should be piped so it can be mixed with cold water through a common spout. Hot water must be available at all times during the preparation and sale of food.

Control of pollution

Operators must also comply with the Protection of the Environment Operations Act 1997, which contains provisions relating to pollution, including prevention of offensive noise, smoke and odour and controls illegal wastewater discharges. Contact Council for more information. Noise and odour controls for the vehicle and any associated operational equipment must be listed in the PoM.

Electricity, gas supply, fire extinguisher

- a. Operators must ensure there is sufficient supply of electricity, gas or power for food handling operations, particularly for hot and cold holding and water heating. A strategy to manage power failure must be outlined in the PoM.

- b. A fire extinguisher and fire blanket must be supplied in every vehicle where cooking or heating processes are undertaken. Portable fire extinguishers and fire blankets should be selected, installed and maintained to the applicable requirements of AS 2444 – 2001.
- c. Fire safety equipment must be easily accessible in the event of a fire. The extinguisher should be suitable for dealing with the type of combustible material present.
- d. Fire safety equipment must be tested annually and have current tagging in accordance with Australian Standards. Contact Fire and Rescue NSW for more information.
- e. Requirements of Workcover NSW and other industry regulators such as Fire and Rescue NSW must be complied with regarding electrical work and fitting of appliances, gas supply, ventilation and other fire safety and workplace health and safety issues. All measures should be taken to protect the health, safety and welfare of employees and patrons.

CONSTRUCTION

Floor finishes

Floors must be constructed of materials which are impervious, non-slip and non-abrasive, having an unbroken surface and capable of withstanding heavy-duty operation. Coving of the floor and wall join is required.

Plinths

- a. Plinths can be used to hold heavy equipment that is unable or difficult to move for cleaning.
- b. Plinths should be constructed to meet the same specifications as floors, being solid, without voids and be an integral part of the floor. Plinths must have the same surface finish as the floor, be rounded at all exposed edges, be coved, and approximately 100mm high.
- c. The base of the equipment is to be sealed to the plinth and overhang to prevent liquid, food or floor washing to access underneath the equipment.
- d. Alternatives to the use of plinths include metal legs, castors and brackets.

Wall finishes for food premises

- a. Walls must not provide for the entry of pests, or as far as practical be constructed so as not to provide a space for them to live and breed.
- b. Walls must be finished with materials suitable for activities conducted in the vehicle and be easy to clean. Light coloured, high gloss, impervious surfaces are recommended.
- c. Walls in food preparation areas must be finished with an approved material such as:
 - I. stainless steel or aluminium sheeting
 - II. acrylic or laminated plastic sheeting
 - III. polyvinyl sheeting with welded seams
 - IV. Other approved material.
- d. Architraves, skirting boards, picture rails or similar protrusions are not permitted on the walls.
- e. Walls at the rear of cooking appliances should be surfaced with a material, such as stainless steel which extends from the canopy to the floor. Where a cooking appliance is sealed to the wall, the material must be lapped over the top edge of the appliance to provide a grease and vermin-proof seal. Cooking appliances should only be sealed to walls made of non-combustible material.

- f. Walls at the rear of benches, sinks and hand basins should be surfaced with an impervious waterproof material to a height of approximately 300mm.

Ceilings

- a. Where applicable, the ceiling height in a Mobile Food Vending Vehicle should be adequate to effectively conduct food activities.
- b. Ceilings must be provided where food is handled and prepared and are necessary to protect food from contamination.
- c. Ceilings must be finished with impervious materials suitable for activities conducted in the vehicle and be easy to clean. A light colour is recommended.
- d. Ceilings should be free of open joints, cracks and crevices.
- e. The intersection of walls and ceilings should be tight jointed, sealed and dust proof.

Door and serving openings

- a. All openings are to be fitted with close fitting doors and shutters where practicable to exclude dust, pests and other contaminants. These must be vermin proof and should be closed during transport.
- b. Door and serving hatches should be finished internally with the same standard of material as the walls.

Pipes, conduits and wiring

- a. Pipes, conduits and wiring should be concealed in floors, plinth, walls and ceilings, or fixed on brackets providing at least 25mm clearance between the pipe and adjacent surfaces and 150mm between the pipe or conduit and adjacent horizontal surfaces.
- b. Service pipes, conduits and wiring are not to be placed in the recessed toe space of plinths or equipment.

Fixing of equipment

The fixing of equipment to wall, floor, bench or other surfaces must be done in such a way that it does not compromise the finish of the surface, and that the area is able to be easily cleaned.

EQUIPMENT REQUIREMENTS

Temperature gauges

Probe-type thermometer/s must be accurate to plus or minus 1°C available for the monitoring of potentially hazardous foods. They must be readily accessible and cleaned before and after use so as not to create contamination issues.

Equipment and appliances

- a. Equipment and appliances must be kept clean at all times and positioned so that cleaning can easily occur around the items.
- b. All equipment and appliances must be maintained in good working order.
- c. Equipment used for the temperature control of food must hold cold food at a temperature of 5°C or less, and hot food must be held at a temperature of 60°C or greater.

Sinks, wash areas and hand washing facilities

- a. Provision is to be made within the vehicle to enable equipment, work surfaces and any food service items to be washed and sanitised. Typically, this will require a double bowl wash up sink or mechanical dish washer. Alternatively, the washing of removable equipment can be carried out at the separate fixed food handling premises or commercial kitchen and this must be detailed in the PoM. Provisions must still be made to clean and sanitise all food contact surfaces within the truck, and clean other surfaces.
- b. The design of the vehicle must provide:
 - i. sufficient potable water storage to ensure a constant water supply to all sinks,
 - ii. tanks to collect all wastewater, and
 - iii. suitable power supplies to enable a constant hot water supply to all sinks and basins.
- c. All sinks and hand wash basins must be provided with sanitary traps.
- d. A separate dedicated hand wash basin (for washing hands) is to be supplied in all cases. A single spout mixer tap should be provided to enable water to be easily mixed to an appropriate temperature.
- e. Hand basins are to be of a suitable size to allow cleaning of hands and arms. Basins are to be installed at bench height and appropriately fixed to the wall. They should not be obstructed by other equipment and are not to be located under benches.
- f. A separate food preparation sink may also be required where foods, such as salad items require washing as part of the preparation processes. If preparation of food that requires washing is to occur at the nominated commercial kitchen, this must be identified in the PoM, and no preparation of food requiring washing is to occur within the vehicle.

Ventilation

- a. Exhaust/ventilation must effectively remove fumes, smoke, steam, heat and vapours. Exhausts must discharge vertically and above the Mobile Food Vending Vehicle.
- b. Filters should be installed to prevent grease accumulations in ducting. Additional filtration may be required to minimise smoke and odour.
- c. Cleaning of the hood, filters and ducting must occur on a regular basis to ensure all components are kept clean and in good working order and do not create a fire risk.

Lighting

- a. Lighting from Mobile Food Vending Vehicles shall not interrupt or distract traffic flows or be unreasonably observable from surrounding residential areas.
- b. At no time is the intensity, period of intermittency and hours of illumination to cause objectionable glare or injury to the amenity of the neighbourhood. If, in the opinion of an authorised Council officer, objectionable glare or injury is likely to be caused, the intensity, period of intermittency and hours of illumination must be varied to the approval of Council.
- c. The design and placement must be so that lighting does not create a nuisance or negatively affect the amenity of the surrounding neighbourhood.
- d. The use of flashing lights or signs is only permitted in accordance with the road regulations.

GENERAL LEGISLATIVE REQUIREMENTS

Food Handling Requirements

- a. The requirements for the handling of food for sale and human consumption are outlined in the Food Act 2003 and the Food Standards Code which can be found on the NSW Food Authority's website foodauthority.nsw.gov.au or Food Standards Australia New Zealand website at foodstandards.gov.au.
- b. The requirements apply to all food, including pre-packaged food and low-risk food. Fact Sheets and user guides are available on the NSW Food Authority's website foodauthority.nsw.gov.au or Food Standards Australia New Zealand website at foodstandards.gov.au.
- c. Any person who sells food for sale must comply with the relevant legislation including the Food Act and Food Standards Code.

Use of separate fixed food handling premises

- a. The separate fixed food handling premises for the storage and/or preparation of food in conjunction with a Mobile Food Vending Vehicle must have the appropriate development approvals to use the premises for that purpose. A copy of the approval may be requested by Council as part of the application process.
- b. Any separate fixed food handling premises must also comply with the Food Act, the Food Standards Code, and AS4674 – design, construction and fit-out of food premises. An inspection report from the local Council or a suitably qualified person (such as an Environmental Health Officer (EHO) or Food Safety Auditor) or organisation (such as the NSW Food Authority) must be provided with each application that certifies the premises meet these requirements.
- c. Any change in the separate fixed food handling premises used by the Mobile Food Vending Vehicle such as location must be notified in writing to Council at least 14 days prior to the intended use. Any notification must include a food hygiene inspection report for the premises from the local Council or from a suitably qualified person or organisation. Approval must be given in writing by Council prior to commencing operations.

Labelling

- a. The Australia and New Zealand Food Standards Code includes requirements for the labelling of food.
- b. The labelling requirements differ depending on the food, ingredients, and whether or not it is packaged. Labelling requirements cover information such as food name, business details, batch identification, allergen and warning information and date marking.
- c. The Food Standards Code outlines the requirements in more detail and available on the NSW Food Authority's website foodauthority.nsw.gov.au or on the Food Standards Australian New Zealand website foodstandards.gov.au.

AMENITY REQUIREMENTS

Noise pollution

- a. The emission of noise associated with the use of the vehicle, including the operation of any mechanical plant and equipment, must comply with the following criteria:

- i. The use of the vehicle and any associated equipment must be controlled so that any emitted noise is at a level so as not to create an "offensive noise" as defined in the *Protection of the Environment Operations Act 1997* (POEO) to any affected receiver.
 - ii. All Mobile Food Vending Vehicle technical operations, including ancillary exhaust, discharge fans, cooking facilities or generator noise shall be minimised.
 - iii. If any noise complaints are received and substantiated by an authorised Council officer, the Council officer may direct that the use of the Mobile Food Vending Vehicle must be suspended or moderated to prevent nuisance until attenuation measures are completed and the Council has confirmed in writing that the use may resume.
- b. The use of amplified music, bells or a public address system is prohibited for all Category 2 Mobile Food Vending Vehicles.
 - c. Category 1 Mobile Food Vending Vehicles are prohibited from using a public address system and can only use amplified music or bells:
 - i. When the vehicle is outside the area defined by the Central Sydney Operation Map (appendix 1); and
 - ii. whilst the vehicle is moving and
 - iii. only between the hours of 9am – 7pm.
 - d. Any noise emission from the vehicle (including music or amplified noise from a Category 1 vehicle) must not affect the amenity of the surrounding area or adjacent noise sensitive receivers by creating noise that is considered 'offensive' by an authorised Council Officer or Police Officer, in accordance with the POEO definition.
 - e. A Mobile Food Vending Vehicle must not emit any noise that an authorised Council Officer believes to be unreasonable in a public place or impact upon a noise sensitive receiver.
 - f. An authorised officer may require the vehicle to move if necessary. An authorised officer also has the authority to request that the Mobile Food Vending Vehicles leave the area.

Air pollution - Smoke and odour

- a. If any odour or smoke complaints are received and substantiated by an authorised Council officer, or if the vehicle or ancillary equipment is producing smoke and/or odour that is considered to be "air pollution" as defined in the POEO Act by an authorised officer then the authorised officer may direct that the use of the Mobile Food Vending Vehicle or specific equipment must be suspended or moderated to prevent the nuisance or pollution from occurring until attenuation measures are completed and the Council has confirmed in writing that the use may resume.
- b. Enhanced filtration may be necessary to manage smoke and odour from cooking processes within the vehicle.
- c. ~~No charcoal cooking is to occur within the Mobile Food Vending Vehicle.~~ Solid fuel cooking is only permitted when an appropriate smoke and odour control system is installed. A "qualified engineer" (as defined in the Building Code of Australia) trained in the appropriate field of expertise will need to design and certify such a system. The design, specifications and certification of any such system will need to be submitted with the application. Certification is required to state that the design of the system will control smoke, odour and other air impurities so as not to adversely impact the surrounding environment, and will not permit "air

pollution". A cleaning and maintenance plan may also be required, and may form part of the certification when required.

Waste

Waste water, grease or any other pollutant including solid waste or litter must not be allowed to enter the stormwater. All waste items must be contained within the vehicle until it can be appropriately disposed of at a facility nominated in the PoM.

PENALTIES

Penalties applicable to approvals

- a. The penalties for failure to obtain approval or failure to comply with an approval for a Mobile Food Vending Vehicle are set out in the Local Government Act 1993 and the Local Government (General) Regulation 2021. Council reserves the right to decide the legal remedy for breaches of this Policy.
- b. City Rangers or other authorised [Council](#) Officers may take enforcement action for non-compliance with this Policy and all related legislation. Should actions by the operator cause a safety issue, authorised officers can direct the operator to cease trading, as well as move on from the area.

Responsibilities

Council is responsible for developing this Policy in accordance with the provisions of the Local Government Act 1993, and ensuring good governance, including open and transparent consultation during its development and review. Authorised [Council](#) Officers ~~of Council~~ will issue approvals to operate a mobile food vending vehicle, enforce conditions of approval, and monitor and regulate non compliances with this Policy and relevant legislation.

Operators of mobile food vending vehicles are responsible for ensuring they have approval to operate on Council-owned roads prior to trading at those locations. Operators must comply with the requirements of this Policy and relevant legislation while trading on Council-owned roads.

Consultation

In accordance with section 160 of the Local Government Act 1993 this Policy has undergone a public consultation process and formal consideration of comments prior to adoption.

Notes

The notes in text boxes throughout this document are explanatory notes only and do not form part of the Policy. They are provided to assist with the understanding of this Policy.

References

Laws and Standards

- Local Government Act 1993
- Local Government (General) Regulation 2021
- Food Act 2003

Laws and Standards

- Environmental Planning and Assessment Act 1979
- State Environmental Planning Policy (Exempt and Complying Development Codes) 2008
- Road Rules 2014
- Food Standards Code
- Roads Act 1993

Policies and Procedures

NSW Food Authority – Guidelines for Mobile Food Vending Vehicles

Mobile Food Vending Practice Note

Review period

This policy will be reviewed every 4 years.

Approval Status

Council approved this policy on **21 November 2022**

Approval History

Stage	Date	Comment	TRIM Reference
Original Policy	1 April 2014	Approved by Council 17 March 2014	2014/128559
Reviewed	7 August 2017	Three key changes: a) Increase cap from 50 to 100 allowable food trucks operating at any one time. b) Removal off-street parking Changes to food truck permit structure, food vans and other minor amendments	2017/505522
Reviewed	19 August 2019	Two paragraphs within policy were removed due to handover of food truck app and website to 'We Make Apps.' section 30 – all food trucks must use the app Section 31 – all food trucks will have their business contact details displayed on the website	2019/445649

Stage	Date	Comment	TRIM Reference
Reviewed	21 November 2022	Clear procedure for the revocation of permit and process to consider refusal to grant new licences for applicants with a history of non-compliance in relation to MFV infringements such as parking PINs have been added. Approved by Council	2019/445649
<u>Reviewed Commence-Review Date</u>	<u>31 March 1-December 2025</u> [populate on approval]	<u>No amendments to the Policy until proposed Mutual Recognition Framework for Local Approvals is published by Department of Planning, Housing and Infrastructure</u>	<u>[Governance to populate]</u>
<u>Commence Review Date</u>	<u>1 December 2027</u>		
<u>Approval Review Date</u>	<u>9 September 2028</u>		

Ownership and approval

Responsibility	Role
Author	Public Health Specialist
Owner	Standards and Policy Manager Health & Building
Endorser	City of Sydney Executive
Approver	City of Sydney Council

CONTACT INFORMATION

Please feel free to contact the City of Sydney for further information relating to any information contained within this Policy:

City of Sydney Council

P: (02) 9265 9333

E: council@cityofsydney.nsw.gov.au

W: cityofsydney.nsw.gov.au

NSW Food Authority

P: 1300 552 406

E: contact@foodauthority.nsw.gov.au

W: foodauthority.nsw.gov.au

Food Standards Australia New Zealand

P: (02) 6271 2222

E: info@foodstandards.gov.au

W: foodstandards.gov.au

SafeWork – NSW

P: 13 10 50

E: contact@safework.nsw.gov.au

W: safework.nsw.gov.au

Fire & Rescue – NSW

P: (02) 2965 2999

E: info@fire.nsw.gov.au

W: fire.nsw.gov.au

APPENDIX 1: Central Sydney Operation Map



APPENDIX 2: Schedule of streets listing and map

The following is the schedule of streets listed within the City of Sydney Local Government Area where Mobile Food Vending Vehicles are **not** permitted to operate.

This schedule of streets includes Roads and Maritime Services Legal Classified Roads under the *Roads Act 1993*.

Note: This schedule of streets is to be read in conjunction with the map at **APPENDIX 3** - The Kings Cross Precinct exclusion zone

State owned roads – controlled by RMS

Abercrombie Street	Cleveland Street to Broadway, Chippendale
Alfred Street	Loftus Street to George Street
Allen Street	Bulwara Road to Harris Street, Ultimo
Anzac Parade	Moore Park Road, to Dacey Avenue, Moore Park
Bank Street	Pymont Bridge Road to Miller Street, Pymont
Botany Road	Boundary Road, Redfern to Gardeners Road, Mascot
Bourke Street	Lachlan Street to McEvoy Street, Waterloo
Bradfield Highway	Leading to Sydney Harbour Bridge, Dawes and Millers Points
Bridge Road	Lyndhurst Street, Glebe to Wattle Street, Ultimo
Broadway <i>Parramatta Road</i>	Harris Street, Chippendale to Mallett Street, Camperdown
Cahill Expressway	Over Circular Quay to Woolloomooloo
Chalmers Street	Elizabeth Street, Surry Hills to Devonshire Street, Surry Hills
City Road	Carillon Avenue, Newtown to Broadway, Chippendale
Cleveland Street	City Road, Chippendale to Anzac Parade, Moore Park
Copeland Street	Mitchell Road to Newton Street, Erskineville
Cross City Tunnel	Under William and Druitt Streets
Dacey Avenue	South Dowling Street, Waterloo to Anzac Parade, Moore Park
Devonshire Street	Chalmers Street, Surry Hills to Bourke Street, Surry Hills
Eastern Distributor	Woolloomooloo to Moore Park
Eddy Avenue	Pitt Street, Haymarket to Elizabeth Street, Surry Hills
Elizabeth Street	From Eddy Avenue, Haymarket to Chalmers Street, Surry Hills
Erskineville Road	Charles Street, Erskineville to King Street, Newtown
Euston Road	Sydney Park Road to Harley Street, Alexandria
Flinders Street	Oxford Street, Taylor Square to Moore Park Road, Moore Park
Fountain Street	McEvoy Street to Mitchell Road, Alexandria

State owned roads – controlled by RMS

Gardeners Road	Kent Road, Mascot to Dalmeny Avenue, Rosebery
George Street	Alfred Street to Railway Square
Gibbons Street	Boundary Street to Regent Street, Redfern
Harris Street	Allen Street, Ultimo to Broadway, Chippendale
Henderson Road	Wyndham Street to Botany Road, Alexandria
King Street	Barwon Park Road, St Peters to Carillon Avenue, Newtown
Lachlan Street	South Dowling Street to Bourke Street, Waterloo
Lee Street	George Street, Railway Square to Regent Street, Chippendale
McEvoy Street	Harley Street, Alexandria to Bourke Street, Waterloo
Minogue Crescent	Hereford Street to The Crescent, Forest Lodge
Mitchell Road	Fountain Street to Copeland Street, Alexandria
O’Riordan Street	Gardeners Road, Mascot to Botany Road, Alexandria
Oxford Street	Crown Street, Darlinghurst to Lang Road, Centennial Park
Palmer Street	William Street to Sir John Young Crescent, Woolloomooloo
Pymont Bridge Road	Wattle Street, Ultimo to Harris Street, Pymont and Lyndhurst Street, Glebe to Parramatta Road, Camperdown
Rawson Place	George Street, Haymarket to Pitt Street, Haymarket
Regent Street	Broadway, Chippendale to Boundary Street, Redfern
Ross Street	Parramatta Road, Camperdown to Hereford Street, Forest Lodge
South Dowling Street	Oxford Street, Darlinghurst to O’Dea Avenue, Zetland
Swanson Street	Newton Street to Charles Street, Erskineville
Sydney Park Road	King Street, St Peters to Euston Road, Alexandria
The Crescent	Minogue Crescent, Forest Lodge to Chapman Road, Annandale
Wattle Street	Broadway, Chippendale to Pymont Bridge Road, Pymont
Western Distributor	West side of the CBD over and around Darling Harbour
William Street	Kings Cross Tunnel to Crown Street, Woolloomooloo
Wilson Street	Erskineville Road to King Street, Newtown
Wyndham Street	Henderson Road to Boundary Street, Redfern

Council-owned roads

Victoria Street	William Street to Liverpool Street, Darlinghurst
Darlinghurst Road	William Street to Liverpool Street, Darlinghurst

Council-owned roads – controlled by Barangaroo Delivery Authority

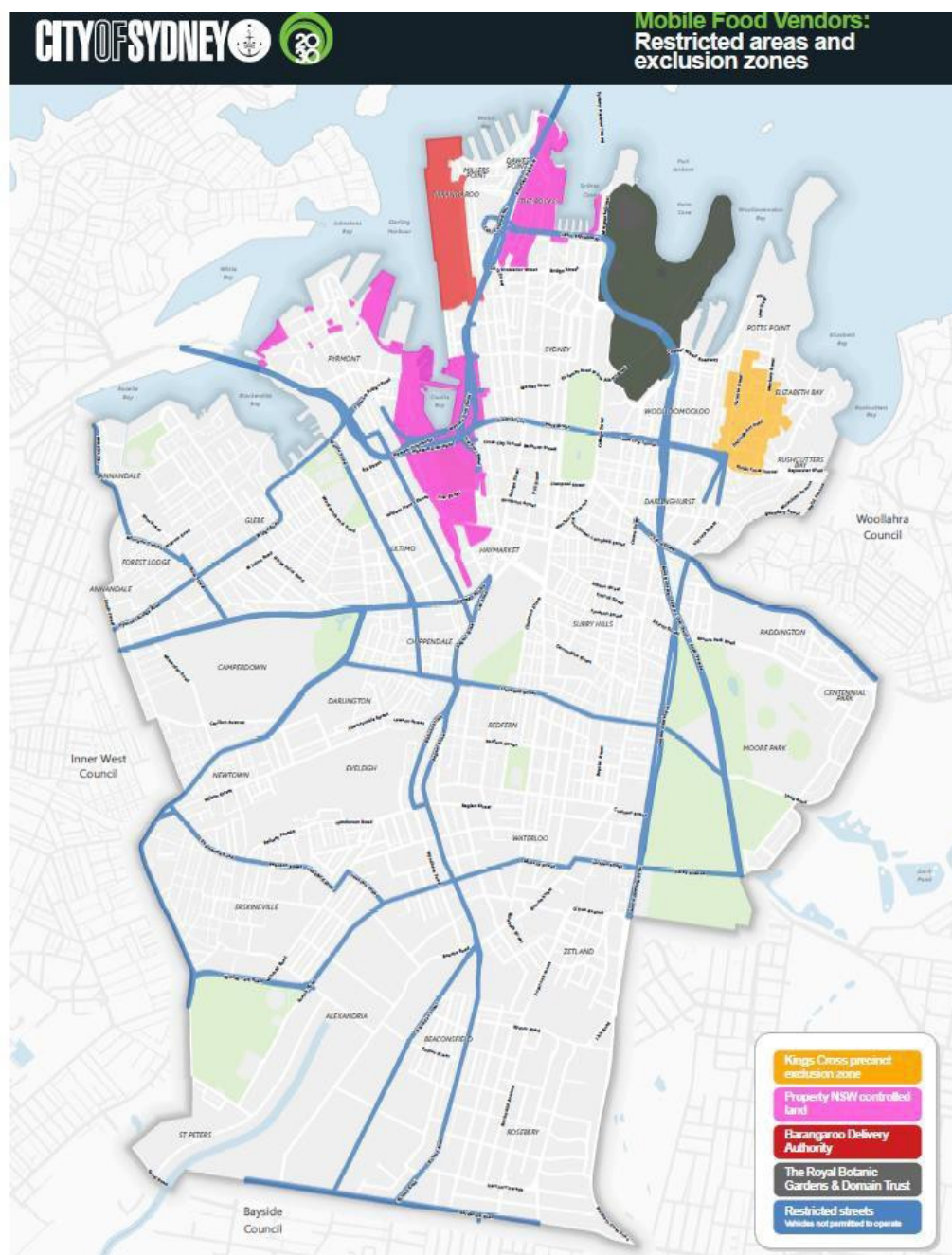
Hickson Road	from the northern side of the intersection with Napoleon Street and Sussex Street to the southern side of the Windmill Street overpass
Napoleon Street	from the intersection with Hickson Road and Sussex Street to the intersection with Kent Street
Sussex Street	from and including the intersection with Napoleon Street and Hickson Road to (and including) the intersection with Shelley Street

Other areas

Any land not owned or controlled by the City of Sydney	Without prior permission from the owners of that land
Kings Cross Precinct exclusion zone	See APPENDIX 3

Schedule of streets map

- (a) Map shows restricted areas and exclusion zones. These include Kings Cross precinct exclusion zone, Property NSW controlled land, Barangaroo Delivery Authority, The Royal Botanic Gardens and Domain Trust and restricted streets where vehicles are not permitted to operate



APPENDIX 3: Kings Cross Precinct exclusion zone



Kings Cross Precinct Liquor Accord & Liquor License Freeze Zone

APPENDIX 4: Definitions

The terms used within this Local Approvals Policy for Mobile Food Vending Vehicles are defined in the Dictionary in the Local Government Act 1993, the Dictionary in the Protection of the Environment Operations Act 1997, Section 4 Definitions of the Food Act 2003, ~~and Section 3 of the Food Regulation 2015 and in Interpretation and application of Chapter 3 of the Code: Food Safety Standards (Australia only) which includes Part 3.1 Preliminary and Part 3.2 Food Safety requirements.~~

The purpose of this Dictionary is to assist with the understanding of terms used throughout this Policy and to assist with the preparation of an application for approval.

Air impurity includes:

Smoke, dust (including fly ash), cinders, solid particles of any kind, gases, fumes, mists, odours and radioactive substances.

Air pollution means:

The emission into the air of any air impurity.

Approval means:

An approval that is issued under the *Local Government Act 1993*.

Authorised person means:

~~(a) An employee of a council generally or specially authorised by the council in respect of or whose duty it is to deal with, or to act in regard to, any acts, matters or things in relation to which the expression is used, or~~

~~(a)~~

~~(b) A police officer.~~

Coving means:

~~A curved junction between the floor and the wall.~~

Equipment means:

~~A machine, instrument, apparatus, utensil or appliance—other than a single use item—used or intended to be used or in connection with food handling and includes an equipment used or intended to be used to clean the Mobile Food Vending Vehicles or equipment.~~

Food means:

~~Any substance or thing of a kind used, or represented as being for use, for human consumption (whether it is live, raw, prepared or partly prepared), or~~

~~Any substance or thing of a kind used, or represented as being for use, as an ingredient or additive in a substance or thing referred to in paragraph (a), or~~

~~Any substance used in preparing a substance or thing referred to in paragraph (a) (other than a substance used in preparing a living thing) if it comes into direct contact with the substance or thing referred to in that paragraph, such as a processing aid, or~~

~~Chewing gum or an ingredient or additive in chewing gum, or any substance used in preparing chewing gum, or~~

~~Any substance or thing declared to be a food under a declaration in force under section 6 of the Food Standards Australia New Zealand Act 1991 of the Commonwealth, whether or not the substance, thing or chewing gum is in a condition fit for human consumption.~~

~~However, **food** does not include a therapeutic good within the meaning of the Therapeutic Goods Act 1989 of the Commonwealth.~~

~~To avoid doubt, **food** may include live animals and plants.~~

Food business means:

A business, enterprise or activity (other than primary food production) that involves:

~~handling of food intended for sale; or~~

~~sale of food regardless of whether the business enterprise or activity concerned is of a commercial, charitable or community nature or whether is involved the handling or sale of food on one occasion only.~~

Food for sale means:

~~barter, offer or attempt to sell, or~~

~~receive for sale, or~~

~~have in possession for sale, or~~

~~display for sale, or~~

~~cause or permit to be sold or offered for sale, or~~

~~send, forward or deliver for sale, or~~

~~dispose of by any method for valuable consideration, or~~

~~dispose of to an agent for sale on consignment, or~~

~~provide under a contract of service, or~~

~~supply food as a meal or part of a meal to an employee, in accordance with a term of an award governing the employment of the employee or a term of the employee's contract of service, for consumption by the employee at the employee's place of work, or~~

~~dispose of by way of raffle, lottery or other game of chance, or~~

~~offer as a prize or reward, or~~

~~give away for the purpose of advertisement or in furtherance of trade or business, or~~

~~supply food under a contract (whether or not the contract is made with the consumer of the food), together with accommodation, service or entertainment, in consideration of an inclusive charge for the food supplied and the accommodation, service or entertainment, or~~

~~supply food (whether or not for consideration) in the course of providing services to patients in public hospitals (within the meaning of the Health Services Act 1997) or inmates in correctional centres (within the meaning of the Crimes (Administration of Sentences) Act 1999), or~~

~~sell for the purpose of resale.~~

Food handler means:

~~Any person who directly engages in the handling of food, or who handles surfaces likely to come into contact with food for a food business.~~

Handling of food includes:

~~The making, manufacturing, producing, collecting, extracting, processing, storing, transporting, delivering, preparing, treating, preserving, packing, cooking, thawing, serving or displaying of food.~~

(b)

Kings Cross Precinct exclusion zone means:

The area excluded from this Policy as shown at **APPENDIX 3**.

Plan of Management (PoM) is:

A detailed document that outlines specific controls and management of amenity, food safety and operational issues created by the operator for their Category 2 Mobile Food Vending business. This PoM must be submitted to Council in conjunction with a Mobile Food Vending Vehicles approval application and other supporting documents. Guidelines and templates for writing a plan of management can be found on Council's website cityofsydney.nsw.gov.au.

Potable water means:

~~Water suitable (safe) for drinking.~~

Potentially Hazardous Food is:

~~A common term used in food legislation. It is defined in Standard 3.2.2—Food Safety Practices and General Requirements of the Food Standards, which all food businesses must comply with. The Food Standard defines a Potentially Hazardous Food (PHF) as,~~

~~“Food that has to be kept at certain temperatures to minimise multiplication of any food-poisoning bacteria that may be present in the food or to prevent the formation of toxins in the food.” Further to this definition, the NSW Food Authority has produced a guide on Potentially Hazardous Foods.~~

Separate fixed food handling premises means:

A premises that is in a fixed location, and has development approval for the storage, handling and preparation of food for sale. It must have the capacity and facilities to allow all activities required to store, prepare and handle food associated with the Mobile Food Vending Vehicle. It can be an existing food retail premises, commissary or similar. It may also require NSW Food Authority approval if it is not a retail space. If this is a shared space with another food business, then this must be identified and the name and contact details of the other business/businesses advised in the PoM.

Temperature control means:

Maintaining food at a temperature of:

- ~~5°C or below if this is necessary to minimise the growth of infectious or toxigenic micro-organisms in the food so that the microbiological safety of the food will not be adversely affected for the time the food is at that temperature, or~~
- ~~60°C or above, or~~
- ~~Another temperature of the business demonstrates that maintenance of the food at this temperature for the period of time for which it is maintained will not adversely affect the microbiological safety of the food.~~

Unsafe food means:

Food is **unsafe** at a particular time if it would be likely to cause physical harm to a person who might later consume it, assuming:

- it was, after that particular time and before being consumed by the person, properly subjected to all processes (if any) that are relevant to its reasonable intended use, and
- nothing happened to it after that particular time and before being consumed by the person that would prevent its being used for its reasonable intended use, and
- it was consumed by the person according to its reasonable intended use.

However, food is not **unsafe** for the purposes of this Act merely because its inherent nutritional or chemical properties cause, or its inherent nature causes, adverse reactions only in persons with allergies or sensitivities that are not common to the majority of persons.

In subsection (1), **processes** include processes involving storage and preparation.

Unsuitable food means:

0. Food is **unsuitable** if it:

- is damaged, deteriorated or perished to an extent that affects its reasonable intended use, or
- contains any damaged, deteriorated or perished substance that affects its reasonable intended use, or
- is the product of a diseased animal, or an animal that has died otherwise than by slaughter, and has not been declared by or under another Act to be safe for human consumption, or
- contains a biological or chemical agent, or other matter or substance, that is foreign to the nature of the food.

0. However, food is not **unsuitable** for the purposes of this Act merely because:

- at any particular time before it is sold for human consumption it contains an agricultural or veterinary chemical, or
- when it is sold for human consumption it contains an agricultural or veterinary chemical, so long as it does not contain the chemical in an amount that contravenes the Food Standards Code, or
- it contains a metal or non-metal contaminant (within the meaning of the Food Standards Code) in an amount that does not contravene the permitted level for the contaminant as specified in the Food Standards Code, or
- it contains any matter or substance that is permitted by the Food Standards Code.

0. In this section, **slaughter** of an animal includes the killing of an animal in the process of capturing, taking or harvesting it for the purposes of preparing it for use as food.

Waste means:

- (a) Effluent, being any matter or thing, whether solid or liquid or a combination of solids and liquids, which is of a kind that may be removed from a human waste storage facility, sullage pit or grease trap, or from any holding tank or other container forming part of or used in connection with a human waste storage facility, sullage pit or grease trap, or
- (b) Trade waste, being any matter or thing, whether solid, gaseous or liquid or a combination of solids, gases and liquids (or any of them), which is of a kind that comprises refuse from any industrial, chemical, trade or business process or operation,

including any building or demolition work, or

- (c) Garbage, being all refuse other than trade waste and effluent, and
- (d) Includes any other substance defined as waste for the purposes of the Protection of the Environment Operations Act 1997, and a substance is not precluded from being waste merely because it is capable of being refined or recycled.

Item 5.

Post Exhibition - Planning Proposal - Sydney Local Environmental Plan and Development Control Plan - Policy and Housekeeping Amendments (LEP/DCP Update)

Document to Follow

Item 6.

Post Exhibition - Planning Proposal - 47-51 Riley Street, Woolloomooloo - Sydney Local Environmental Plan 2012 and Sydney Development Control Plan 2012 Amendment

File No: X087762

Summary

Woolloomooloo is an inner-city area located to the east of Central Sydney. Excellent accessibility and transport connections support a mixture of land uses, with commercial and residential uses co-existing in buildings of various architectural periods and heights.

This report follows the public exhibition of Planning Proposal: 47-51 Riley Street, Woolloomooloo (the planning proposal) to amend the Sydney Local Environmental Plan 2012 (Sydney LEP 2012). The planning proposal was exhibited with Draft Sydney Development Control Plan 2012 - 47-51 Riley Street, Woolloomooloo (draft DCP).

The planning proposal sought to increase the height control from 12m to 25m and the floor space ratio (FSR) from 2:1 to 3.8:1 to facilitate a 5-storey office and retail development.

The proposed planning controls were publicly exhibited from 28 January 2025 to 27 February 2025 and 132 submissions were received. Of these, 17 submissions were in support of the proposal, 114 submissions raised objection, and 1 submission provided a mixed response by not objecting to the proposed height control and FSR but raising other concerns. A petition was received with 769 signatures raising objection to the proposal. In addition, 7 submissions were received from public authorities and government agencies.

A summary of matters raised in submissions, and responses to these matters, is at Attachment A.

In the 17 submissions in support of the proposal, the key points made were:

- the proposal aligns with strategic planning objectives, will promote investment, business and employment opportunities in a well-positioned location
- the changes will benefit the community, creating new commercial workspace and attracting more retail, which will benefit people living or working nearby
- Woolloomooloo is well suited for increased density, given its proximity to the Sydney CBD and strong public transport links
- the proposal is architecturally and aesthetically pleasing when compared to the current building on the site, and
- the proposal is contextually appropriate, respects surrounding development and will enhance the streetscape.

In the 114 submissions objecting to the proposal and one mixed response, the key concerns were:

- excessive building height, bulk and scale
- impact on residential amenity (outlook, sunlight and ventilation) and on the energy efficiency of neighbouring apartments
- impact on the area's character, the streetscape and public domain views
- view loss and impact on outlook from neighbouring residential apartments
- impact on nearby heritage items and the Woolloomooloo Heritage Conservation Area
- potential changes to the Woolloomooloo Heritage Conservation Area boundaries, that would remove this site and others from the conservation area
- traffic congestion, parking and safety, particularly in relation to Busby Lane and McCarthy Place which are one-way, narrow laneways with tight turns
- inadequacies and errors in documentation used to support the planning proposal, which has misinformed the assessment of site specific impacts and
- the flawed process followed to date for this planning proposal and the lack of transparency and public consultation.

Following consideration of the submissions, these key changes to the exhibited planning controls are recommended:

- that the proposed maximum building height be reduced by 7.1m to RL 25.5m from the exhibited maximum height of RL32.6m, and
- that the proposed maximum FSR be reduced from 3.8:1 to 3.2:1, to match the height reduction.

As was the case with the exhibited proposal, these controls will only apply for a building on the site which will be used for a commercial premises.

A maximum building height of RL 25.5m and maximum FSR of 3.2:1 would permit a 4 storey commercial building on the site.

In addition, it is recommended that there be a planning control which makes no allowance above the RL25.5m maximum height control for a roof top lift overrun, building plant, pergola structure or communal open space. Rather, the building will be required to use machine-room less lifts, have distributed plant and a non-trafficable green roof. An amended building envelope reflecting the reduced height control and maintaining setbacks proposed for the upper level, is set out in the draft DCP.

This report recommends Council approve the planning proposal and draft DCP, as amended following public exhibition. If approved, Council as the planning proposal authority is authorised to exercise the functions of the local plan making authority and proceed to finalisation. The amendment to the Sydney LEP 2012 will come into effect when it is published on the NSW Legislation website. The amendment to the Sydney Development Control Plan 2012 will come into effect at the same time as the Sydney LEP 2012 amendment is published.

Recommendation

It is resolved that:

- (A) Council note the matters raised in submissions to the public exhibition of the Planning Proposal - 47-51 Riley Street, Woolloomooloo and Draft Sydney Development Control Plan 2012 - 47-51 Riley Street, Woolloomooloo as shown at Attachment A to the subject report;
- (B) Council approve the Planning Proposal - 47-51 Riley Street, Woolloomooloo shown at Attachment B to the subject report, as amended following public exhibition, to be made as a Local Environmental Plan under Section 3.36 of the Environmental Planning and Assessment Act 1979;
- (C) Council approve Draft Sydney Development Control Plan 2012 - 47-51 Riley Street, Woolloomooloo shown at Attachment C, as amended following public exhibition, noting the Development Control Plan will come into effect on the date of publication of the subject Local Environmental Plan; and
- (D) authority be delegated to the Chief Executive Officer to make minor variations to the Planning Proposal - 47-51 Riley Street, Woolloomooloo and Draft Sydney Development Control Plan 2012 - 47-51 Riley Street, Woolloomooloo to correct any minor errors prior to finalisation.

Attachments

- | | |
|----------------------|---|
| Attachment A. | Summary of Submissions and Responses |
| Attachment B. | Planning Proposal - 47-51 Riley Street, Woolloomooloo (as amended following public exhibition) |
| Attachment C. | Draft Sydney Development Control Plan 2012 - 47-51 Riley Street, Woolloomooloo (as amended following public exhibition) |
| Attachment D. | Council and Central Sydney Planning Committee Resolutions |
| Attachment E. | Gateway Determination - dated 10 October 2024 |
| Attachment F. | City's View Impact Analysis - exhibited planning proposal |
| Attachment G. | City's View Impact Analysis - proposal as amended following public exhibition |

Background

1. This report follows the public exhibition of Planning Proposal - 47-51 Riley Street, Woolloomooloo (planning proposal) and Draft Sydney Development Control Plan 2012 - 47-51 Riley Street, Woolloomooloo (draft DCP), shown at Attachments B and C respectively. The subject site, 47-51 Riley Street, Woolloomooloo is shown in Figure 1.



Figure 1: Land affected by this planning proposal and draft DCP

2. Site details, current planning controls and the proposed planning controls were described in detail in the pre-exhibition report to the Transport, Heritage, Environment and Planning Committee and the Central Sydney Planning Committee (CSPC) which can be accessed at <https://meetings.cityofsydney.nsw.gov.au/ieListDocuments.aspx?CId=137&MId=4277> (Item 3).

Planning history

3. The planning history set out below has been included in this report in response to concerns expressed in submissions regarding transparency in the planning proposal process.

July 2017 - September 2017 - Planning proposal pre-lodgement discussions

4. In July 2017, City staff met with the proponent to discuss early thinking for a potential change to the planning controls for the subject site. The proponent had prepared a concept scheme, which would require amendments to Sydney LEP 2012 to increase the maximum building height from 12 metres to 52 metres and the FSR from 2:1 to 9:1 to deliver a 17-storey building on the site including apartments.

5. City staff raised the following significant concerns with the proposal:
 - (a) the bulk and scale in the context of the Woolloomooloo Heritage Conservation Area
 - (b) the strategic need for the proposal, given that the City was well positioned to meet its housing targets
 - (c) the urban design implications of the height of the proposal, including amenity implications for adjacent residential buildings
 - (d) whether apartments would be able to comply with the NSW Government's Apartment Design Guide, given the building envelope proposed
6. City staff advised the proponent that the challenges in progressing the planning proposal would be considerable. The proponent elected to not progress further discussions with the City on this proposal.

October 2021 to March 2022 - Planning Proposal pre-lodgement discussions

7. In October 2021, City staff met with the proponent about a potential request to amend the planning controls for the site. The request was to amend Sydney LEP 2012 to increase the maximum building height on the site from 12 metres to 24 metres and the FSR from 2:1 to 4.7:1. The proponent submitted reference scheme drawings showing a 6-storey building with 2 storeys of basement parking.
8. In December 2021, City staff wrote to the proponent's planning consultant to advise that the request presented challenges in demonstrating strategic and site-specific merit. It was advised that the site sits outside of priority areas within the City Fringe where planning controls should be changed to promote jobs growth, and that a compelling case would need to be made for the proposal to demonstrate a strategic planning need to change the planning controls. In terms of site-specific issues, the proponent was asked to consider:
 - (a) the bulk and scale of any proposed development against heritage objectives and values given nearby heritage items and the site's location within the Woolloomooloo Heritage Conservation Area
 - (b) the potential for archaeological evidence to be contained within the site
 - (c) nearby residential development, to ensure that views, privacy, solar access and other impacts are minimised to an acceptable level
9. In March 2022, City staff wrote again to the proponent, reiterating the concerns raised in December 2021 regarding challenges in demonstrating strategic and site-specific merit in the proposed changes to planning controls. This letter followed discussions where the proponent indicated that despite the City's advice, they wished to proceed with lodgement of a planning proposal.

November 2022 - Formal submission of planning proposal

10. In November 2022, the proponent formally submitted a planning proposal request to the City which sought to amend Sydney LEP 2012 to increase the height of building control from 12 metres to 31 metres and to increase the FSR control from 2:1 to 5.2:1. The lodged request was 7 metres higher with 0.5:1 more FSR than the scheme previously reviewed by the City between October 2021 and March 2022. The request also sought site specific DCP controls in relation to access, layout, setbacks and landscaping.
11. The planning proposal request included a reference scheme illustrating a development that could be possible if the planning controls were to be amended. The reference scheme showed a 7-storey commercial building with a 3-storey street wall height fronting Riley Street, with the upper 4 storeys being setback 3 metres from the Riley Street boundary. It also included 2 basement levels for parking, servicing and end of trip facilities.

February 2023 - Proponent withdraws planning proposal

12. In December 2022, following an initial assessment of the planning proposal, City staff wrote to the proponent's planning consultant and advised that the planning proposal is not consistent with the City's strategic planning document, City Plan 2036, with regard to the conservation of places of heritage significance, and that it does not align with priorities which seek to focus growth and change within business clusters in the City Fringe. The proponent was offered the option to withdraw the planning proposal. On 2 February 2023, the proponent withdrew the planning proposal request.

June to July 2023 - Pre-lodgement advice for a Development Application (PDA/2023/117)

13. In June 2023, the proponent submitted plans to the City and sought development application pre-lodgement advice on a proposal for the demolition of the existing building and construction of a 4-storey commercial building with ground floor retail uses. As the proposed assessment route was a Development Application (DA), City staff assessed the proposal against the 12m height of buildings control and the 2:1 FSR control that apply to the site and took into account the site's location in the Woolloomooloo Heritage Conservation Area and proximity to heritage items and contributory buildings.
14. The proposal had a building height of between 18m and 19.55m, exceeding the 12m height control by at least 33%, and a FSR of 3.24:1, exceeding the FSR control by 62%. City staff did not support the exceedance of these primary controls. It was also considered that the proposed height and massing had an overbearing impact on the streetscape and results in an uncomfortable transition with the contributory 2-storey terrace at 53 Riley Street. They noted that any proposal for infill development on this site must respect and respond to the contributory buildings, heritage items and wider conservation area.
15. The proponent opted not to proceed with a development application for this proposal.

September to December 2023 - Planning Proposal Pre-lodgement discussions

16. In September 2023, the proponent sought pre-lodgement advice for a planning proposal request to amend the height control from 12m to 18m (with some roof top plant exceeding this control) and the FSR from 2:1 to 3.24:1, to enable the development of a 4-storey commercial building on the site. The plans submitted for this request were the same plans submitted in June/July 2023 seeking pre-DA advice.

17. City staff provided feedback on these plans, particularly regarding flooding impacts, basement entry and parking/servicing arrangements. The proponent was asked to reconsider the floor levels in light of the probable maximum flood (PMF) levels, noting that this in turn may impact building height.

April 2024 - Planning Proposal lodged

18. In April 2024, the proponent lodged a planning proposal request for a change to the planning controls for the site. This request differed from the proposal that was the subject of pre-lodgement discussions in September-December 2023, in that the request was for greater height and FSR controls than what had been discussed. This request sought to amend the height of buildings control to from 12m to 25m and the FSR from 2:1 to 3.8:1. It is this request that has informed the current planning proposal.

July 2024 - Pre-exhibition report to Council and Central Sydney Planning Committee

19. City staff reported this planning proposal to Council and the Central Sydney Planning Committee (CSPC) in July 2024. As detailed at Attachment D, Council and CSPC resolved to submit the planning proposal request to the Minister for Planning and Public Spaces with a request for Gateway Determination, and to approve the planning proposal for public authority consultation and public exhibition.

October 2024 - Gateway Determination

20. The planning proposal was subsequently submitted to the Department of Planning, Housing and Infrastructure, with a Gateway Determination issued on 10 October 2024. The City was delegated the authority to dealing with this planning proposal in the Gateway Determination, subject to compliance with its requirements.

Public exhibition

We received 132 submissions from the community and 7 submissions from public authorities and government agencies in response to the public exhibition of this planning proposal

21. The planning proposal and draft DCP were publicly exhibited for 20 working days from 28 January 2025 to 27 February 2025 in accordance with the Gateway Determination and the City's Community Participation Plan.
22. The City sent 807 notification letters to landowners and occupants of surrounding properties. The exhibition was also advertised on the City's "Sydney Your Say" page.
23. The City hosted a public information session on 11 February 2025 at the Juanita Neilsen Community Centre in Woolloomooloo. This information session was advertised on the City's "Sydney Your Say" page and referenced in the notification letters sent to surrounding properties. This information session was attended by 77 members of the public. City staff presented on the proposed planning controls and answered questions from attendees.
24. In accordance with the Gateway Determination, consultation was also undertaken with the following public authorities and government agencies who were given a minimum of 30 working days to comment:
 - (a) Commonwealth Department of Infrastructure, Transport, Regional Development Communication and the Arts

- (b) Sydney Airport Corporation
 - (c) Civil Aviation Safety Authority
 - (d) Air Services Australia
 - (e) Sydney Water Corporation
 - (f) Ausgrid
 - (g) Jemena
25. A total of 132 submissions were received during the public exhibition period. There were 17 submissions in support, 114 submissions in opposition, and one submission was a mixed response which did not raise objection to the proposed height and FSR changes but did raise other concerns. Included in the 114 submissions in opposition was a petition signed by 769 individuals objecting to the planning proposal. Multiple submissions from individuals or strata body corporates have been counted as single submissions.
26. In addition, the City received 7 submissions from public authorities and government agencies.
27. City staff also conducted a site inspection on 20 March 2025 where 10 apartments within the Paramount Apartment building at 60-70 William Street, Woolloomooloo were visited to assess the proposal's impact upon these residences.
28. A summary of submissions and the City's response is included in Attachment A to this report, with the key issues discussed below.

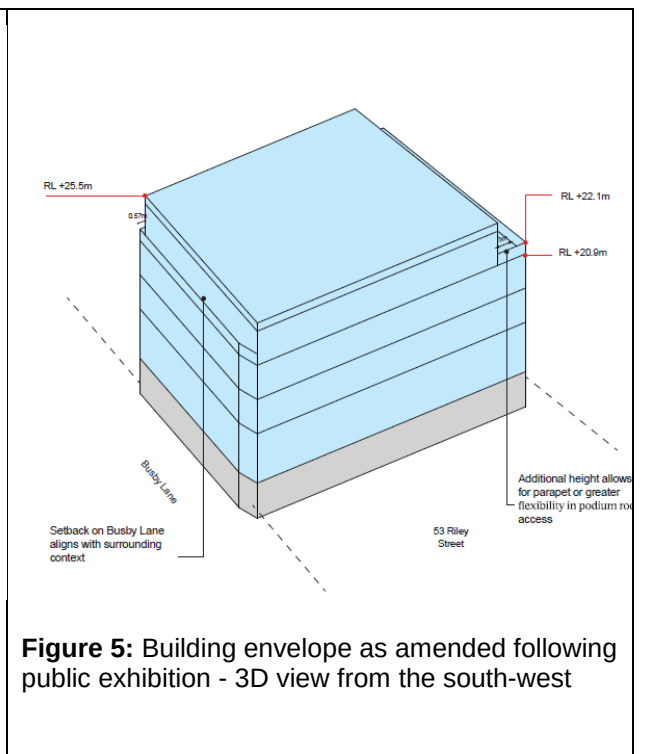
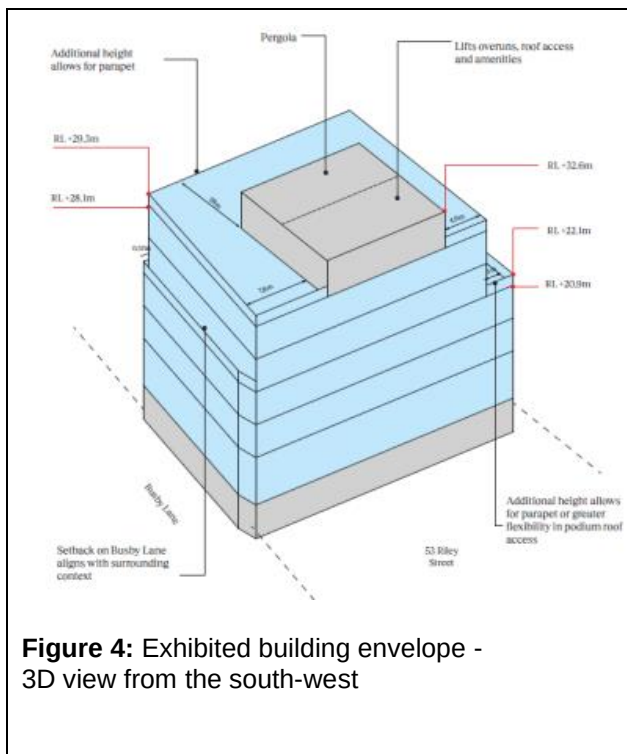
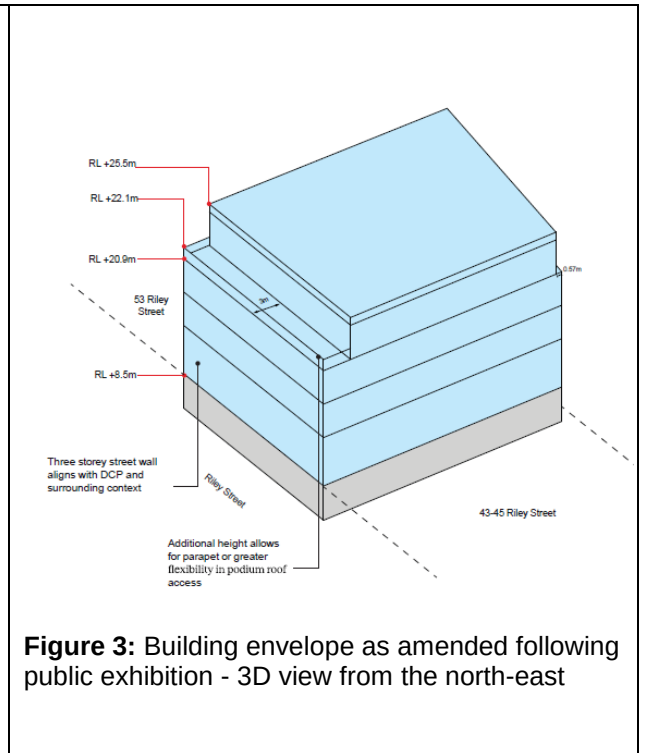
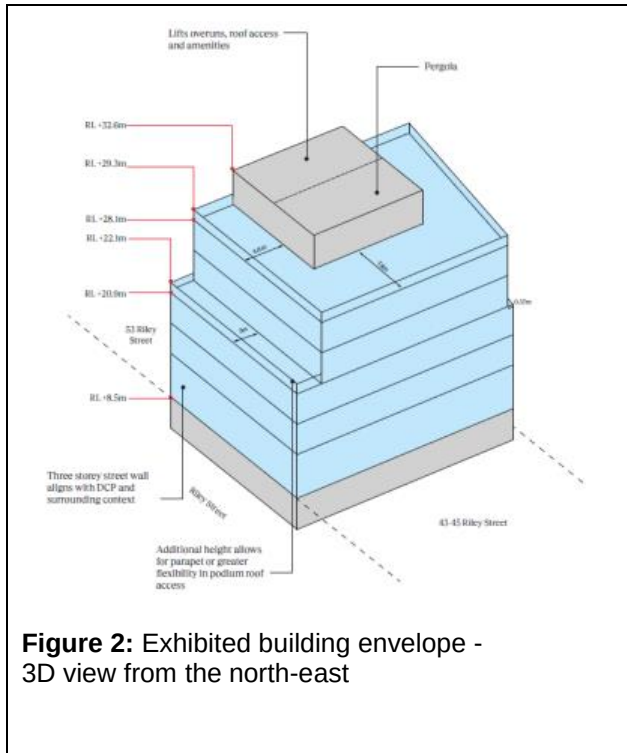
Concerns were raised about the proposal's excessive height, bulk and scale

29. There were 106 submissions which referred to the height, bulk and scale of a future building.
30. Of these, 100 submissions raised objection on the basis that the proposal would facilitate a building of excessive height, bulk and scale. Many submissions noted that the proposed 25m height control would be more than doubling the existing 12m height control, and that the proposed building envelope would result in an overbearing, bulky and out-of-scale building.
31. There were 6 submissions in support of the proposal's height, bulk and scale.
32. The site is located within a part of Woolloomooloo which has low, mid and high rise buildings of differing scale and architectural styles. The site is surrounded on the east, south and west by high rise buildings.
33. The site is located within a street block comprising 5 buildings which are low to mid-rise in scale. The height and scale of the buildings in the street block on either side of the site are unlikely to alter to a significant degree in the future, as:
- the buildings at 41 Riley Street (Brandt Bros Ltd) and 55-61 Riley Street (Lesseys Garage) are local heritage items

- the building at 53 Riley Street is identified as a "contributory building" which contributes to the character and significance of the Woolloomooloo Heritage Conservation Area and
 - the building at 43 Riley Street is relatively new (approved in 2012).
34. Adjustments to the proposed maximum height and proposed maximum floor space ratio are recommended to facilitate a future building which achieves a better relationship with adjoining buildings in the street block, recognising the site's location near local heritage items and within the Woolloomooloo Heritage Conservation Area. These adjustments will also assist in reducing any future building's visual impact on the streetscape and the public domain. It is recommended that:
- the proposed maximum building height be reduced by 7.1m to RL 25.5m from the exhibited maximum height of RL32.6m and
 - the proposed maximum FSR be reduced from 3.8:1 to 3.2:1, to match the height reduction.

As was the case with the exhibited proposal, these controls will only apply for a building on the site to be used for a commercial premises.

35. A maximum building height of RL25.5m and a maximum FSR of 3.2:1 would permit a 4-storey commercial building on the site. An amended building envelope reflecting the reduced height and FSR controls and maintaining setbacks proposed for the upper level is set out in the draft DCP.
36. If built to a maximum height of RL25.5m, the resultant building would be the tallest within the street block but would have a better height relationship with the adjoining building to the immediate north at 43-45 Riley Street and the heritage building at 41 Riley Street (Lesseys Garage). While there would still be a height and scale difference with the buildings at 53 Riley Street and 55-61 Riley Street, this would not be as significant as per the exhibited planning controls and is considered reasonable in this urban context. The height of the resultant building is still considerably lower than the height of the surrounding buildings to the east, south and west of the site, many of which are high rise towers over 10 storeys high.
37. In addition, to further reduce height and bulk and to reduce impacts on neighbouring properties, it is recommended that if a 4-storey commercial building is pursued for the site, there be no allowance above the RL 25.5m maximum height control for a roof top lift overrun, building plant, pergola structure or communal open space. Rather, the building shall use a machine-room less lift, have distributed plant and a non-trafficable green roof.
38. Figures 2, 3, 4 and 5 provide a comparison of the exhibited planning proposal's building envelope with the building envelope as amended following public exhibition.



Concerns were raised that the proposal would impact on the area's character, the streetscape and public domain views

39. There were 93 submissions which referred to the proposal's impact on the area's character, the streetscape and public domain views. Of these, 84 submissions raised objection to how the proposal would impact on Woolloomooloo's character, the Riley Street streetscape and views available from the public domain, including vantage points on nearby William Street.
40. Submissions stated that the proposal would enable the construction of a large, overbearing development that would dominate the western side of Riley Street and be contrary to the low-rise character of development within the subject street block and Woolloomooloo more generally. There was concern that the increase in height and the abrupt change in scale is not visually consistent with surrounding structures, and that the proposal would create an uncomfortable transition with the 2-storey terrace to the immediate south at 53 Riley Street. Submissions stated that the exposure of a significant portion of blank wall on the southern elevation would adversely impact on the Riley Street streetscape and public domain views, and that this would be likely to remain exposed in perpetuity given the heritage item at 55-61 Riley Street (Lessey's Garage) and the contributory building at 53 Riley Street.
41. It is recommended that the maximum height control and maximum FSR control for the site be reduced as set out in paragraph 34 above. It is also recommended that restrictions be imposed so that there are no roof-top structures above the maximum height control. These recommendations would have the effect of reducing the overall height, bulk and scale of a future building on the site, thereby reducing visual impacts on the streetscape and the public domain.
42. With a maximum building height of RL25.5m, a future building on the site would be the tallest within the street block, but not significantly taller than the neighbouring building at 43 Riley Street or the heritage item (Brandt Bros Ltd) at 41 Riley Street. A future building will still have a height and scale difference with the neighbouring buildings at 53 Riley Street and 55-61 Riley Street, but this will be less than what was proposed with the exhibited proposal. There would still be a side blank wall on the southern elevation of the building, but the extent of blank wall would be reduced as a result of the height and FSR control reductions. The height and scale relationships with the adjoining buildings is considered reasonable in this urban context.
43. Figures 6 and 7 show images of the Riley Street elevation of a future development on the site in the context of surrounding development. The exhibited planning controls are at Figure 6, and the recommended amendments to these planning controls following public exhibition is at Figure 7.

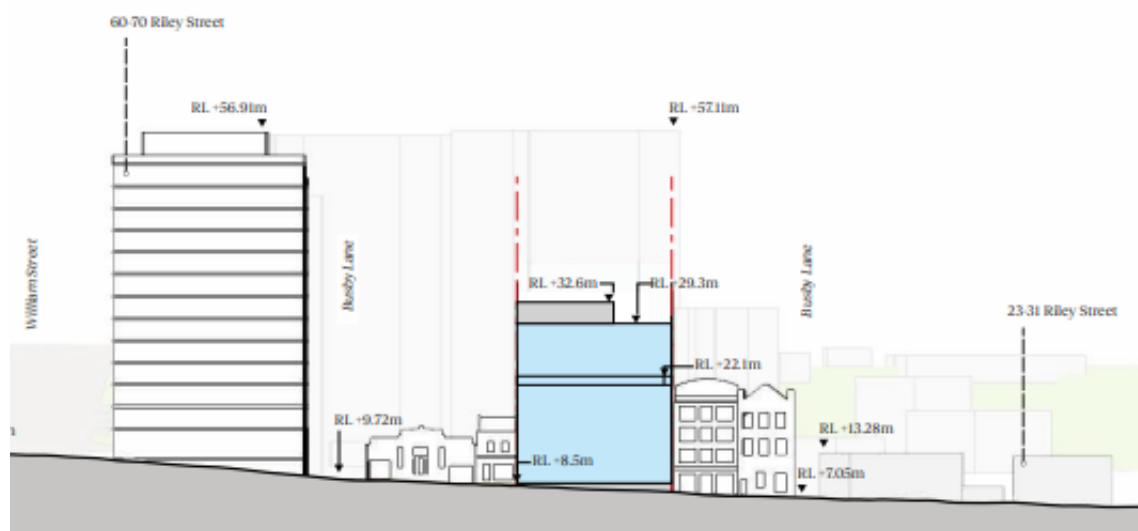


Figure 6: Riley Street elevation in context of surrounding development - exhibited draft planning controls



Figure 7: Riley Street elevation in context of surrounding development - recommended amendments to draft planning controls following public exhibition

44. Figures 8 and 9 show the building envelope with the recommended changes to the draft planning controls in the context of the public domain.

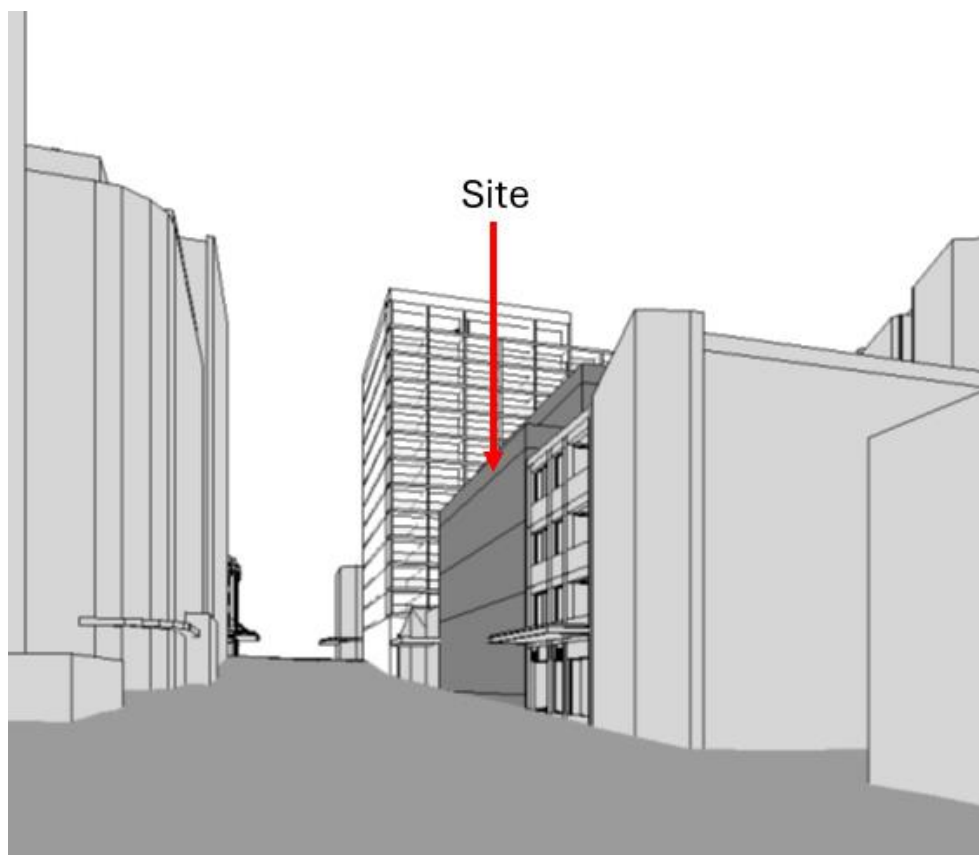


Figure 8: View of building envelope as amended following public exhibition, looking south up Riley Street towards William Street

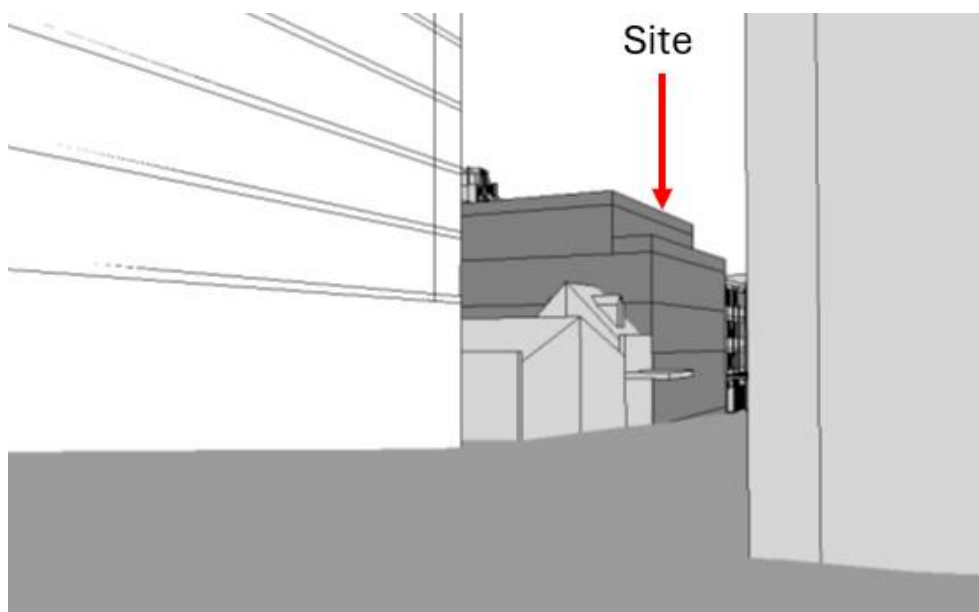


Figure 9: View of building envelope as amended following public exhibition, looking in a north-westerly direction up Riley Street

45. It is considered that detailed design could achieve a commercial building that respects neighbouring buildings and the character of the Woolloomooloo Heritage Conservation area, while not resulting in unreasonable impacts upon nearby contributory buildings or heritage items.
46. The DA stage of the development will provide an opportunity for the detailed design of a building which is acceptable in terms of visual impact and responds appropriately to the streetscape and public domain.

Concerns were raised about the proposal's impact on residential amenity (outlook, overshadowing, natural ventilation) and on the energy efficiency of homes.

47. There were 92 submissions which referred to the proposal's impact on residential amenity and the energy efficiency of homes. Of these, 91 raised objection to the proposal on these grounds.
48. Submissions noted the site's close proximity to many high rise residential buildings, making it a sensitive location for development.
49. Many submissions stated that the proposal's impact on views and outlook would diminish the amenity, liveability and enjoyment of their homes. The proposal's impact on views and outlook is addressed under a separate heading in this report.
50. There was concern that a taller building would block sunlight from entering nearby apartments, and that some of the apartments within the Paramount Apartments building would receive less than 2 hours of sunlight per day, creating living conditions that are not conducive to good health or quality of life.
51. Shadow diagrams and an assessment of overshadowing impacts on nearby properties were prepared for the reference scheme supporting the exhibited planning proposal. These diagrams showed that between 9am and 3pm in mid-winter (21 June), there would be no additional shadow impacts upon apartments within Park Lane Towers or the Crown Garden complex, and that all apartments within Paramount Apartments would achieve solar access requirements of a minimum of 2 hours' sunlight in mid-winter, with many apartments receiving in excess of 2 hours' sunlight in mid-winter. There would be overshadowing of the western elevation of 46-48 Riley Street between 2pm and 3pm, but this elevation will receive the required minimum of 2 hours of solar access in the middle of the day.
52. If the recommendation to reduce the maximum building height to RL 25.5m and the FSR to 3.2:1 is adopted, the shadowing impacts would be even less.
53. Concern was raised about the loss of ambient light, particularly to the lower levels of the Paramount Apartments. Submissions stated that the loss of ambient light would result in apartments becoming darker, increasing the need for artificial lighting, therefore increasing energy consumption.
54. The separation distance between the southern boundary of the site and the northern boundary of the Paramount Apartments site is approximately 25.5m, which exceeds the NSW Government's ADG minimum 24m building separation distance for residential buildings over 9 storeys. This separation distance, along with the recommended reduction to the maximum building height to RL 25.5m, will allow for ample ambient light to enter apartments within the Paramount Apartment building.

55. Many submissions noted that the Paramount Apartments have been designed to allow for good ventilation, with cross ventilation being achieved in the 2-bedroom apartments through openings on the northern and southern sides of the building. Concern is raised that the proposal will block air and breezes from coming up from the harbour and ventilating the apartments.
56. The separation distance between the southern boundary of the site and the northern boundary of the Paramount Apartments site is approximately 25.5m, and the maximum building height will be limited to RL25.5m which is only 2.3m higher than the height of the neighbouring building at 43 Riley Street. The building separation is more than sufficient to maintain ventilation.
57. Submissions noted that additional overshadowing and the loss of natural light and ventilation would increase the need for artificial lighting, heating and cooling which would lead to higher energy consumption and reduce overall sustainability. It is not considered that there would be such a significant impact upon the energy efficiency of neighbouring apartment buildings as to warrant outright refusal of this planning proposal.

Concerns were raised about view loss and impact on outlook

58. There were 84 submissions which raised concerns about the impact of the proposal on the views and outlook enjoyed by neighbouring residential properties. Of these, 82 raised objection to the proposal on the basis that it would significantly impact the views and outlook from private residential properties, reducing the amenity, liveability and enjoyment of homes and having a detrimental impact on property values.
59. The most objection regarding view loss and impact on outlook has come from owners and residents of apartments within the Paramount Apartment complex at 60-70 William Street, Woolloomooloo. The City's view impact assessment has considered the impacts on the views and outlook available from apartments in this building on the basis that the impact is greatest on this building.
60. The Paramount Apartments building has 12 floors of residential units, with 8 apartments per floor except for the penthouse level. On each of the floors with 8 apartments, there are 4 x 2 bedroom apartments and 4 x 1 bedroom apartments. All of these apartments are arranged in a north-south orientation, with the 2-bedroom apartments having dual aspects (north and south) while the 1-bedroom apartments have one aspect to the north. In all of these apartments, the living areas (open plan living rooms and dining areas) and balconies face north, to maximise solar access and views. The apartments have full width glazed frontages on their northern elevation to capture the views. The views available from these living areas and balconies differ according to floor level and position in the building.
61. City staff have undertaken an independent view impact analysis to assess the impact on the views available from apartments within the Paramount Apartments - see Attachment F. This analysis was undertaken using the reference scheme submitted to support the proposed exhibited change of the maximum height control to 25m and the FSR to 3.8:1. The analysis has included:
 - 3D modelling of the proposed development as viewed from within the Paramount Apartments building and

- a site inspection on 20 March 2025 where 10 apartments were visited and photos taken of the view/outlook available from internal living spaces and on the balconies of these apartments.
62. In the circumstances of this planning proposal, consideration can be given to the view sharing planning principles set out in the *Tenacity Consulting v Warringah Council* (2004) judgement, which provides a 4-step assessment process to guide whether view sharing is reasonable. These view sharing planning principles are typically applied in the assessment of development applications, where a proposal can be assessed against existing planning controls. In the case of a planning proposal which seeks approval to change the height and FSR, the application of these principles is more limited as there cannot be an assessment against these controls. To the extent that they can be applied, the view sharing principles have been used to inform the assessment.

Step 1: Assessment of views to be affected

63. The views available from neighbouring residential buildings vary from apartment to apartment, and from level to level. The City's view impact analysis for Paramount Apartments indicates:
- Apartments on the first, second and third floors do not have views that could be considered valuable. The living spaces and balconies of levels 1, 2 and 3 apartments look out at the roof tops of buildings to the north, and at an existing brick structure on the roof of the site.
 - Apartments on the fourth floor look out across the roof tops of buildings to the north and benefit from fuller views of mature tree canopies. There are distant views to the Art Gallery of NSW and parkland within The Domain. These views are considered desirable land views, but they are not iconic.
 - Apartments on the fifth floor enjoy more open views and benefit from views of mature tree canopies, open parkland within The Domain and views of the Art Gallery of NSW. These views are considered desirable land views, but they are not iconic.
 - Apartments on the sixth floor enjoy more expansive views of the open space in The Domain, mature tree canopies, the Art Gallery of NSW and distant water views of Woolloomooloo Bay. These views are considered desirable land and water views, but they are not iconic.
 - For each successive floor above the sixth floor, the expanse and quality of the view increases.
 - Although not seen on the site inspection, the City's 3D modelling indicates that some apartments (particularly at the mid and higher levels) have partial iconic views of the top of the sails of the Sydney Opera House and/or the top of the arch of the Sydney Harbour Bridge. These views are distant. It is likely that tree canopies are intervening to obstruct the views to these iconic structures.
 - It is understood that some apartments enjoy views of the eastern side of the CBD along Macquarie Street. These are considered desirable land views.

Step 2: From what part of the property are the views obtained

64. The views obtained from apartments within the Paramount Apartment building are across the rear (northern) boundary. Within this building, the apartments are generally arranged so that living spaces and balconies face north, to achieve maximum benefit from the northern orientation as well as views out towards The Domain parklands and Sydney Harbour. On the northern elevation of the building, the apartments have full width glazed frontages, so that views can be enjoyed from living areas, dining areas and kitchens. The balcony balustrading is clear glass, so that views can be seen through the glazing. The views can be seen from the seated position from within living / dining areas within apartments, but they are best appreciated in a standing position on balconies.

Step 3: Assess the extent of the impact

65. The impact the proposed change in planning controls would have on views available to apartments within the Paramount Apartments complex varies according to the level of the building. All views are obtained from living areas/dining areas and kitchen areas, as well as north-facing balconies.
66. It is noted:
- Apartments on the first, second and third floors do not have views that are considered valuable, rather they have an outlook.
 - Apartments on the fourth floor have desirable land views and the proposal would largely obstruct all of these views, resulting in severe view loss.
 - Apartments on the fifth floor have desirable land views and the proposal would largely obstruct all of these views from the living areas, resulting in severe view loss.
 - Apartments on the sixth floor have desirable land views and water views and the proposal would have a moderate to severe impact on these views from the living areas.
 - Apartments on the seventh floor have desirable land views and these will largely be retained from the living areas, with the view loss considered to be minor.
 - For the apartments on level 8 and above, the proposal will not result in any view loss.

Step 4 – Assessment of the reasonableness of the proposal causing the impact

67. An assessment against the existing maximum building height and maximum FSR for the site is irrelevant in this instance, given that the planning proposal seeks to amend these controls.
68. The reasonableness of the proposal can be considered in the context of other planning considerations. It is considered that a maximum building height of 25m and an FSR of 3.8:1 would result in a building taller and bulkier than other buildings in the street block. The scale of buildings within the street block is unlikely to significantly change with two heritage items, one "contributory building" in the conservation area and another being a recent build.

69. To improve a future building's relationship with the other buildings in the street block and its visual impact on the streetscape, it is recommended that the proposed maximum building height be reduced to RL 25.5m, the proposed maximum FSR be reduced to 3.2:1, and that these controls only apply for a building on site to be used as a commercial premises. To further reduce height, bulk and impacts on neighbouring properties, it is recommended that if a 4-storey commercial building be pursued for the site, there be no additional allowance above the RL25.5m maximum height control for a roof top lift overrun, building plant, pergola structure or communal open space.
70. These proposed amendments to the planning proposal would reduce the impact on the views of neighbours. City staff have undertaken an independent view impact analysis to assess the impact of a future building within these reduced controls – see Attachment G. Extracts from this view impact analysis are set out in Figures 10, 11 and 12. An assessment of the extent of the impact with the reduced controls indicates:
- Apartments on the first, second and third floors do not have views that could be considered valuable, rather they have an outlook.
 - Apartments on the fourth floor have desirable land views and the proposal would obstruct these views, resulting in moderate to severe view loss from the living areas within these apartments.
 - Apartments on the fifth floor have desirable land views and the reduced proposal would have a minor to negligible impact on the views from the living areas.
 - Apartments on the sixth floor have desirable land views and water views and the proposal would have a negligible impact on these views from the living areas.
 - Apartments at level seven have desirable land views and water views and these will largely be retained.
 - For the apartments on level eight and above, the proposal will not result in any view loss.

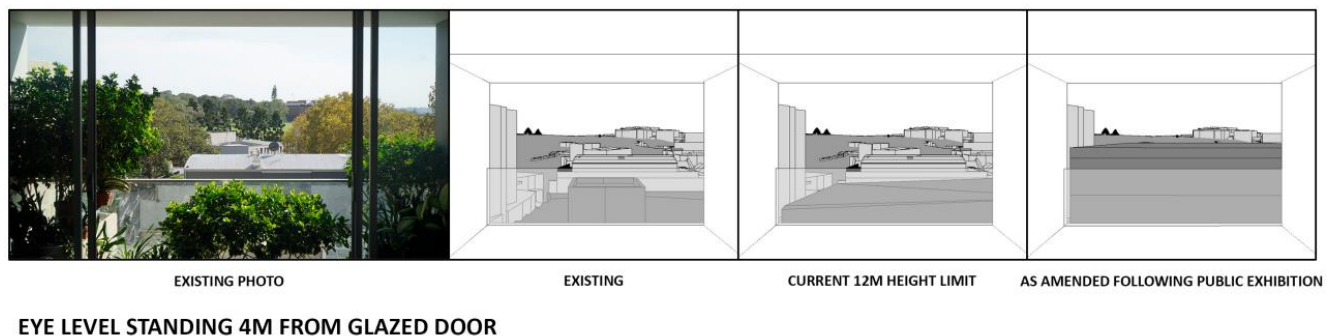


Figure 10: Indicative view impact analysis with planning controls as amended following public exhibition. Impact on view at Level 4 (Unit 16) of Paramount Apartments at 60-70 William Street, Woolloomooloo.

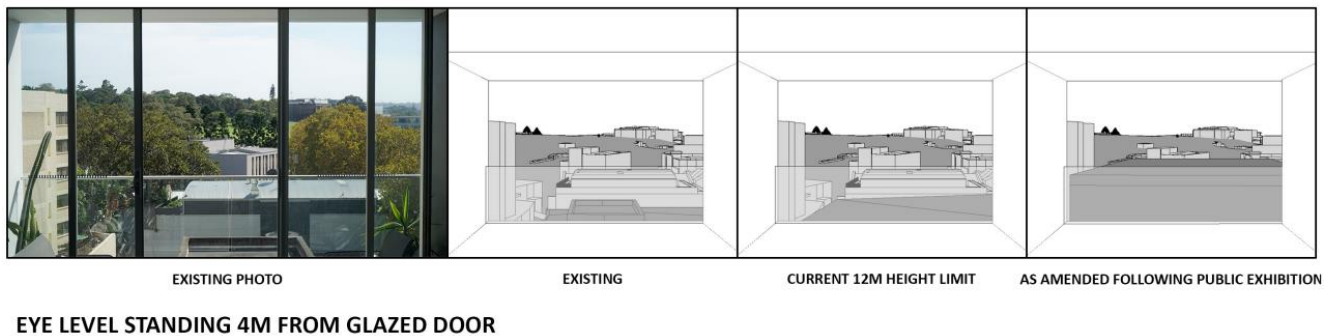


Figure 11: Indicative view impact analysis with planning controls as amended following public exhibition. Impact on view at Level 5 (Unit 20) of Paramount Apartments at 60-70 William Street, Woolloomooloo.

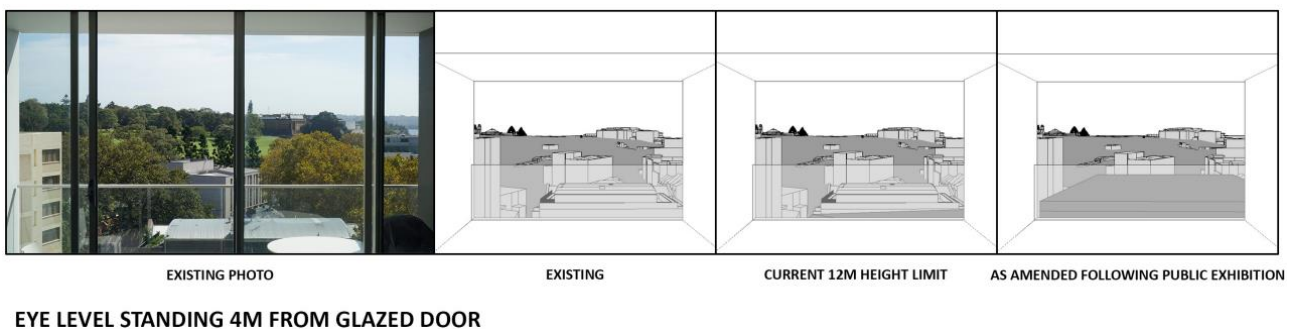


Figure 12: Indicative view impact analysis with planning controls as amended following public exhibition. Impact on view at Level 6 (Unit 24) of Paramount Apartments at 60-70 William Street, Woolloomooloo.

71. Even with the proposed reduced controls, some view loss and impact on outlook will occur to some apartments within the Paramount Apartment complex and other nearby residential buildings. Being located in an urban context and within the City Fringe, it is inevitable that new development will affect the views and outlook of residential developments to some extent. It is considered that with the reduced controls and restrictions on roof top development, the impact on views enjoyed by neighbouring properties will be reduced and the opportunity for view sharing increased, such that the impact on views is reasonable in the context.
72. Submissions argued that the loss of views caused by the proposal would severely reduce the value of nearby apartments. A valuation report prepared on behalf of the Owners Corporation of the Paramount Apartments assesses the market value diminution for the overall building to be in the order of \$21.4 million, if the exhibited planning proposal were to proceed and a building developed to the full 25m height limit.
73. The values of surrounding properties, and how a nearby development proposal may impact on those values, is not a planning consideration.

Concerns were raised about the proposal's impact on nearby heritage items and the Woolloomooloo Heritage Conservation Area

74. There were 68 submissions which raised concerns about the proposal's impact on the nearby heritage items that "book-end" the street block, these being Lesseys Garage at 55-61 Riley Street and the Brandt Bros Ltd building at 41 Riley Street. Submissions stated that the planning proposal would be contrary to the low-rise context in which these two heritage items are sited.
75. Submissions noted that the Woolloomooloo Heritage Conservation Area was established to protect the area's historical and architectural significance, and that the historic 1970s Green Bans saved Woolloomooloo from an overdevelopment of office buildings. Concern was raised that this proposal is for an office development that is out of scale with the surrounding heritage area and would overwhelm the nearby heritage listed buildings, adversely impacting a significant part of Woolloomooloo's heritage.
76. The Woolloomooloo Heritage Conservation Area is characterised by a diversity of buildings of differing scale and architectural styles. To achieve a better relationship with the other buildings within the subject street block, it is recommended that the maximum height and FSR controls for the site be reduced, and restrictions imposed on roof top structures so that the maximum height control is not exceeded. With these recommended changes, impacts on nearby heritage items and contributory building will be reduced. The recommended reductions will reduce the overall height and scale of a future building on the site, with the impact on the Woolloomooloo Heritage Conservation Area being considered acceptable.
77. The DA stage will allow for the consideration of more detailed aspects of a proposed building design to be assessed against heritage provisions, to ensure that a future building respects the conservation area and nearby heritage items.

Concerns were raised about the potential change to the Woolloomooloo Heritage Conservation Area boundaries

78. There were 45 submissions which raised concerns that these planning control changes are being proposed at the same time as plans to remove the site and others from the Woolloomooloo Heritage Conservation Area (C71). Submissions argued that the boundaries of the Woolloomooloo Heritage Conservation Area should not be altered - the Conservation Area status should be retained to protect the neighbourhood's character. There were concerns that this is part of a wider plan to change the character of Riley Street away from respecting its heritage features, thereby diminishing its heritage significance.
79. The proposed adjustments to the boundary of the Woolloomooloo Heritage Conservation Area are part of a separate planning proposal which has not yet proceeded to public exhibition. The appropriate time for the consideration of concerns regarding the proposed adjustments to the Woolloomooloo Heritage Conservation Area boundary is during the public exhibition process for that proposal.
80. The subject planning proposal has been assessed against current planning provisions, with the site still being located within the Woolloomooloo Heritage Conservation Area.
81. The subject proposal is not dependent upon the proposed adjustment to the heritage conservation area boundary to proceed. With the recommended reductions in height and FSR and the restrictions on roof-top structures, a future commercial building on the site will be able to respect the character of the Woolloomooloo Heritage Conservation Area and maintain the significance of nearby heritage listed buildings.

Concerns were raised about the proposal's impact on traffic congestion, parking and safety

82. There were 70 submissions which raised concerns that the proposal would impact on traffic congestion, parking and safety in the area. Submissions argued that the local streets and lanes are already under significant pressure, and a new office building would exacerbate traffic congestion and cause further stress on the road network. The submissions argued that the development will result in additional vehicle movements, from workers, service vehicles and delivery trucks.
83. Particular concerns were raised about the proposal's impact on Busby Lane and McCarthy Place, which are very narrow, one way service lanes. These lanes service multiple apartment buildings, two food and drink premises and commercial offices. They provide critical ingress and egress points for local residents' vehicles. The recently approved St Mary's Catholic College expansion will also use the laneway for access. Submissions noted that traffic flow in Busby Lane is already difficult, with trucks and cars double parking regularly to service properties which causes the complete blockage of the lane for long periods of time.
84. Some objectors stated that the proposal would allow a higher FSR on the site without corresponding on-site parking increases. The limited amount of on-site parking would be unlikely to meet demand, which would increase demand for limited on-street parking. Some objectors argued that the proposal should not be allowed additional car parking spaces.
85. Some submissions raised concern about site servicing, stating that the collection of waste from Busby Lane (rather than on-site) is likely to cause blockages and delays in the laneway.
86. Concerns were raised that the proposal would result in additional traffic pressure in the locality, which in turn would increase safety risks. From basements and loading docks in Busby Lane and McCarthy Place, there is limited or no visibility of oncoming pedestrians, cyclists and other vehicles. The frequent stopping of vehicles on the laneway creates a hazard for pedestrians and cyclists. There will soon be an increase in the number of children in the area given that the new St Mary's Cathedral College campus is under construction nearby. The safety of students at St Mary's Cathedral College is of the utmost importance.
87. The recommended planning controls (as reduced) are not considered to be a significant intensification of land use. The proposed maximum FSR of 3.2:1 represents an additional 696 square metres of commercial floor space above what would already be permitted under the existing planning controls for the site.
88. The site is well serviced by public transport connections. It is located within walking distance of Central Sydney. It is well positioned to take advantage of the metropolitan transport network, including rail, light rail and Metro connections as well as nearby bus services and cycleways. It is expected that future workers on the site will take advantage of these excellent public transport connections.
89. The existing basement carpark on the site has 14 car parking spaces. The reference scheme that was part of the exhibited planning proposal showed a basement plan with 7 car parking spaces (inclusive of one visitor space) and one loading space. This reduction in on-site parking is reflective of the proposed commercial use being a low traffic generating use. The proposed commercial use is unlikely to have a noticeable effect on the operation of the surrounding road network.

90. A swept path diagram has been provided which shows basement ingress and egress to the loading zone for service vehicles can be achieved. The loading bay provides for vans and courier sized vehicles. The car park will need to be designed in accordance with Australian Standards and provide appropriate access for these vehicles. Further consideration will be needed at the DA stage regarding the most appropriate arrangements for waste servicing.
91. Concerns regard congestion and safety within the surrounding street and laneway are noted. The proposal does not represent a significant intensification of land use on the site. The proposal is unlikely to exacerbate these issues to an unreasonable extent.
92. The congestion concerns are consistent with what can be expected in such a highly urbanised environment. If there are safety concerns extend beyond what can be reasonably managed by appropriate use and sharing of the roadway, they should be raised with the City to investigate further. These issues don't warrant refusal of this planning proposal.
93. The DA stage will provide further opportunity to assess a proposed building's parking, loading and servicing arrangements. The DA stage will also be the correct time to consider construction traffic impacts. It is likely that a construction traffic management plan will need to be prepared. It is noted that construction traffic impacts would need to be addressed with any redevelopment of the site (even a redevelopment using the existing planning controls).

Concerns were raised regarding inadequacies and errors in documents used to support the planning proposal

94. There were 26 submissions which stated that insufficient, inadequate and erroneous documents have been submitted in support of the planning proposal request, and that these documents cannot be relied upon for the assessment of site-specific merit or to justify uplift in planning controls.
95. Of particular concern to objectors was that the view impact assessments undertaken by the proponent were inadequate, inaccurate and misleading. Residents in the Paramount Apartments have strongly argued that these assessments have not appropriately considered the impact of the planning proposal on the views and outlook available from their properties. They argue:
 - The SJB Urban Design Report (May 2024) contains 2 indicative images of the proposal's impacts on views available from nearby apartments. Both images relate to apartments located higher than the proposed building height, not capturing the actual impacts on the views available at lower levels of neighbouring buildings. Furthermore, only one view from a single apartment in the Paramount Apartment building was considered, and this relied on a photo found online in a real estate sales post.
 - The SJB View Impact Analysis (November 2024) uses an unorthodox assessment methodology which seeks to assess the percentage of apartments within neighbouring buildings which would be affected by additional view loss and to what extent (measured as a percentage). The analysis contains no actual view impact images and has been prepared in ignorance of the nature of the existing views available from the Paramount Apartments.
 - These view impact analyses should not be used as a basis upon which to support the planning proposal.

96. City staff have not relied upon the SJB Urban Design Report (May 2024) nor the SJB View Impact Analysis (November 2024) in the assessment of potential impacts upon views and outlook. This is because of concerns that the SJB Urban Design Report contains an insufficient analysis of potential view impacts and the SJB View Impact Analysis used an unorthodox assessment methodology to assess impacts.
97. City staff have undertaken independent view impact analyses to assess the impact on the views available from apartments within the Paramount Apartments. These can be viewed at Attachments F and G.
98. With regard to other inadequacies in documentation cited by objectors, it is noted that the City does not rely solely on a proponent's documents submitted in support of a planning proposal in making its recommendation. Objectors' concerns have all been considered and addressed in Attachment A to this report.

Concerns were raised regarding the planning proposal process, lack of transparency in decision making, and the lack of community consultation

99. There were 25 submissions which raised concerns regarding the process followed for this planning proposal, which included discussions with the developer dating back to December 2021 but no formal engagement with the local community until January 2025.
100. Objectors noted that between 2021 to 2023, Council officers rejected multiple proposals for the site due to excessive height, scale and the impact on heritage and surrounding buildings. Despite rejecting these proposals, City staff are now supporting this proposal which is of greater scale and height than previously rejected proposals. Objectors argued that there has been a lack of transparency around decision making for this proposal, with decisions having already been made which directly impact nearby residents without sufficient community consultation.
101. The planning history for this site is set out the Background section of this report.
102. The City engaged with the landowner in pre-planning proposal discussions because it has a responsibility to do so. The City is required to consider requests to amend planning controls from all landowners. The City also has a responsibility to provide developers with feedback on potential development applications.
103. City advice on development applications and planning proposals can differ because the commentary is provided in a different context.
104. City advice on development applications (DAs) and pre-development applications is provided in the context of the existing planning controls that apply to a site. Where non-compliances are identified (e.g. height and FSR) these non-compliances are highlighted, and reasons provided as to why they may not be supported.
105. The context for advice on a planning proposal is different. The City must consider the request against priorities identified in the NSW Government's Greater Sydney Region Plan, Eastern City District Plan and the City's Local Strategic Planning Statement. This is a consideration of a proposal's strategic merit. The City then must also consider the site-specific merit of the request. This is a consideration of site-specific and contextual issues.

106. Before engaging with the public on a request to amend planning controls, a council first needs to obtain a Gateway Determination from the NSW Government. The City received the Gateway Determination for this planning proposal in October 2024. This Gateway Determination authorised the City to engage with the community on the planning proposal request.
107. The public exhibition process allows the City to fully test the site-specific merit of a planning proposal. It allows the community the opportunity to comment on a proposal in totality and for the City to give full consideration to the communities' views in the subsequent assessment. This approach is consistent with the NSW Government's Local Environmental Plan Making Guideline.
108. The City has now completed its assessment taking into consideration public submissions. Changes to the planning proposal are recommended to ensure a better relationship with adjoining buildings within the subject street block. On balance, the site-specific merits of the amended proposal are considered acceptable.

Further engagement with public authorities and government agencies will be needed at the Development Application stage

109. The City received responses from 7 public authorities or government agencies, none of whom raised objection to the proposal.

Key Implications

Strategic Alignment - Sustainable Sydney 2030-2050 Continuing the Vision

110. Sustainable Sydney 2030-2050 Continuing the Vision renews the communities' vision for the sustainable development of the city to 2050. It includes 10 strategic directions to guide the future of the city, as well as 10 targets against which to measure progress. The proposed planning controls are aligned with the strategic directions and objectives.
111. The proposed planning controls give effect to the infrastructure, liveability, productivity and sustainability priorities in the Greater Sydney Commission's Greater Sydney Region Plan and Eastern City District Plan and the City's Local Strategic Planning Statement.

Risks

112. City staff have undertaken a thorough assessment of the planning proposal and found that with the recommended changes, it demonstrates strategic and site specific merit in accordance with NSW Government guidelines. The NSW Government also assessed and issued a Gateway Determination. The planning proposal is consistent with Sustainable Sydney 2030-2050 Continuing the Vision.
113. Progressing the planning proposal in its amended form, taking into account matters raised through the public consultation process, is within the City's risk tolerance and appetite.
114. With the recommended changes, the planning proposal has demonstrated that development will be capable of complying with relevant environmental and planning laws, regulations and industry standards and is within the City's minimal appetite for non-compliance with environmental laws, regulations and industry standards.

Relevant Legislation

- 115. Environmental Planning and Assessment Act 1979
- 116. Environmental Planning and Assessment Regulation 2021
- 117. Environmental Planning and Assessment (Statement of Expectations) Order 2024

Critical Dates / Time Frames

- 118. The Gateway Determination specified that the amendment to the Sydney LEP 2012 is to be completed by 7 August 2025. The City will liaise with the Department of Planning, Housing and Infrastructure for an extension to this timeframe if required.
- 119. The Gateway Determination authorises Council to exercise its delegation and liaise directly with Parliamentary Counsel to draft and make the local environmental plan. If the planning proposal is approved by the Central Sydney Planning Committee and Council, the City will commence this process. Once the process is complete and the plan is made, the amendment to the Sydney LEP 2012 will come into effect when published on the NSW Legislation website.
- 120. If approved by Council, the draft DCP will come into effect on the same day as the amendment to the Sydney LEP 2012.

GRAHAM JAHN AM

Chief Planner / Executive Director City Planning, Development and Transport

Siobhan Fox-Roberts, Senior Specialist Planner

Attachment A

Summary of Submissions and Responses

Community submissions

132 submissions were received from the general community. Multiple submissions from individuals / body corporates have been counted as single submissions.

Summary of submissions	Response
Objection to the proposal (114 submissions including a petition with 769 signatures)	
Objection to the proposal.	Objection to the proposal is noted. Responses to specific matters are provided below.
Support for the proposal (17 submissions)	
Support for the proposal.	Support for the proposal is noted. Responses to specific matters are provided below.
Mixed response (1 submission)	
No objection to height and FSR control changes, but raises issues of concern.	Responses to specific matters are provided below.
Height, bulk and scale (106 submissions)	
Objection – 100 submissions - The proposed height control of 25 metres is excessive, more than doubling the existing 12 metre height control for the site. - The proposed floor space ratio (FSR) of 3.8:1, is almost double the existing 2:1 limit, and represents an unacceptable intensification of built form in an area that needs careful, respectful planning to balance and fully consider commercial and residential interests. - The proposed controls would allow a building that would overscale nearby heritage listed buildings (Lesseys Garage at 55-61 Riley Street and the Brandt Bros building at 41 Riley Street) and visually dominate the 2 storey terrace building at 53 Riley Street. - The proposed controls would allow a building that would tower over the adjacent building at 43-45 Riley Street building by more than 9 metres.	The site is located in a part of Woolloomooloo which has low, mid and high rise buildings of differing scale and architectural styles. The site is surrounded on the east, south and west with high rise buildings. The site is within a street block comprised of 5 buildings which are low to mid-rise in scale. The height and scale of the buildings in the street block are unlikely to alter to a significant degree in the future as the buildings at 41 Riley Street (Brandt Bros Ltd) and 55-61 Riley Street (Lesseys Garage) are heritage items, the building at 53 Riley Street is identified as a “contributory” building in the Woolloomooloo Heritage Conservation Area and the building at 43 Riley Street is relatively new (approved in 2012). It is recommended that the proposed maximum building height and maximum FSR for the site be reduced to ensure a better relationship with adjoining buildings in the street block, which in turn will reduce any

Summary of submissions	Response
• The proposed controls would allow a building that is too imposing and bulky for the site. • The proposal would allow a gross overdevelopment that disregards the carefully considered planning controls which preserve the balance between residential and commercial spaces in Woolloomooloo. • The proposal would permit a building that would significantly increase the sense of enclosure in nearby apartments. • The proposed controls would permit a building with an imposing presence that is not suitable for the area. • No justification in urban design terms has been offered as to why the subject site should benefit from a permitted height substantially greater than any other site in the street block. • Statements about “middle height” buildings providing a visual bridge between low and high buildings and to justify larger buildings in Woolloomooloo on the basis that there are nearby ones on William Street are specious. William Street is a major thoroughfare lined with modern high rise buildings – it is not Woolloomooloo. • The planning proposal is contrary to the height of buildings objectives of the Sydney Local Environmental Plan 2012 which include: - to ensure the height of development is appropriate to the condition of the site and its context; - to ensure appropriate height transitions between new development and heritage items and buildings in heritage conservation areas or special character areas; and - to promote the sharing of views outside Central Sydney. • The proposed changes to the FSR and building height for the site are at odds with two principles that apply to the Cathedral Street locality as set out in Sydney Development Control Plan 2012:: (i) to maintain the low scale of development within the centre of the locality and taller buildings located along William Street; and	future building’s visual impact on the streetscape. It is recommended that: • the proposed maximum building height be reduced by 7.1m to RL25.5m from the exhibited maximum height of RL32.6m; and • the proposed maximum floor space ratio be reduced from 3.8:1 to 3.2:1. As was the case with the exhibited proposal, these controls will only apply for a building on the site which will be used for a commercial premises. A maximum building height of RL 25.5m and a maximum FSR control of 3.2:1 would permit a 4-storey commercial building on the site which: • has a ground floor level which responds to flood planning levels; and • has floor to floor heights which comply with section 4.2.1.2 of the Sydney Development Control Plan 2012 which states that buildings with a commercial or retail use are to have a minimum floor to floor height of: - 4.5m on the ground floor; and - 3.6m on the first commercial floor and any commercial floor above. A 4 storey commercial building built to a maximum height of RL 25.5m would result in a building that is the tallest within the street block, but one which has a better height relationship with the buildings in the street block. In addition, to further reduce height and bulk and to reduce impacts on neighbouring properties, it is recommended that there be a planning control which makes no allowance above the RL25.5m maximum height control for a roof top lift overrun, building plant, pergola structure or communal open space. Rather, the building shall use a machine-room less lift, have distributed plant and a non-trafficable green roof.

Summary of submissions	Response
(ii) encourage a 3-storey street wall along Riley Street to define the streetscape and provide a transition to taller development along William Street. • Even a reduction in the proposed height to 21 metres (inclusive of roof top structures) would still impact existing valuable layered foreground views. It would be excessive in height and scale for this locality and would not maintain consistency with the existing streetscape and appropriately respect adjoining and adjacent heritage and contributory buildings. • The height of the proposed building appears to be 28.1m, plus guardrail 29.3m with the services pergola rising to 32.6m. • A half metre setback on Riley Lane is inappropriate. <i>Recommendations for height, bulk and scale</i> • The proposal should be refused, and there should be no change to the existing LEP and DCP controls for the site and the proposal be refused. The existing 3 storey / 12 metre height control is much more in keeping with the street and neighbourhood. • Council should reduce the proposed building height control and FSR control to mitigate negative impacts. • The permitted building height be limited to the height of the current structure on the site. • The number of storeys proposed should be reduced. • The proposed building height should be no higher than the curved roof of the immediately adjacent building to the north at 43-45 Riley Street. • Four storeys plus rooftop would be more suited to the location. • The proposed building height should be reduced to be more in line with adjacent structures.	

Summary of submissions	Response
• The building height should be limited to the height of the roof plant on the PCYC City of Sydney-Woolloomooloo building at 51 Cathedral Street. • The building height should be a maximum of 6 metres higher than the existing height control of 12 metres (which is still a 50% increase in the control). • An 18 metre height control is the maximum height that would maintain consistency of scale with the surrounding heritage listed and contributory buildings, but even this height limit would negatively impact the high quality views available from level 4 of Paramount Apartments. • A lower building height control of 16.5 metres (a near 40% increase over the current 12 metre height control) is more appropriate for the site to: - ensure consistency of scale with the existing streetscape; - achieve a balanced visual relationship with adjoining and adjacent heritage and contributory buildings; and - maintain current high quality outlook enjoyed by all levels including and above level 4 of Paramount Apartments. • A 16.5 metre building height control would allow an open rooftop on the site at a level consistent with the curved roof of the building to the immediate north (43-45 Riley Street). The FSR should be reduced accordingly to a maximum of 3:1. • Further assessment by Council is not possible without further site specific analysis being undertaken: - accurate, pedestrian level visual impact analysis from surrounding public domain vantage points; - additional assessment of the relationship between the likely future development on the site and adjoining/adjacent heritage and contributory buildings; - redesign of the reference scheme to reduce height, bulk and scale (including Riley Street front wall) to improve relationship with sites to the north and south; - soundly based view and visual impact	

Summary of submissions	Response
studies. If council does not adopt amended controls of 16.5m building height and 3:1 FSR control, then the additional work and studies scheduled above should be undertaken prior to the determination of the planning proposal and not deferred to the later development application stage. If the increased height and FSR controls are finalised before suitably detailed studies, any future DA proposal would seek to maximum development potential within the revised controls resulting in significant negative impacts on the amenity of surrounding residential apartments which have not to date been appropriately considered or assessed in this Planning Proposal. • A 2 - 3 storey lightweight structure over the existing building could be an option, eliminating need for messy demolition. • A more moderate height limit (such as 2 storeys) consistent with surrounding buildings would better balance development needs with community interests. • There should be no additional height allowed for lifts or rooftop plant. Support – 6 submissions • The proposed building height is well within the height precedents set by surrounding tall buildings. • The proposed building height is reasonable (being only 5 storeys) and remains significantly lower than the height of neighbouring apartment buildings. • It is ironic that the people who are opposing this development live in a building more than twice the height of the proposed development which does not match the area's aesthetic. • We should be encouraging new developments like this, including increased building heights. • The building height is appropriate in its local context.	

Summary of submissions	Response
Impact on character of area, streetscape and public domain views (93 submissions)	
Objection – 84 submissions • The planning proposal would enable the construction of a large scale, overbearing development that will dominate the western side of Riley Street and be contrary to the low-rise development in the block bounded by Riley Street, Busby Lane and McCarthy Place. • The site-specific planning proposal is an example of ad hoc, piecemeal planning that fails to respect the context of the locality and the needs of the community. • The low rise nature of buildings in Woolloomooloo gives the area a distinctive character. The proposal is out of step with this character and would have an overbearing impact on the streetscape. • The substantial height increase would create a building with an imposing presence that's out of character with the local area. • The increase in height and the abrupt change in scale is not visually consistent with surrounding structures. The proposal would create an uncomfortable transition with the 2 storey terrace to the immediate south at 53 Riley Street. • The proposed building is lacking in aesthetic appeal. It looks cheap, boring, lacks elegance and will be lucky to be still standing or relevant in 50 years. It is unnecessarily chunky. • The proposed development will significantly detract from the streetscape's visual quality and cohesion. • Flour and Stone patisserie is located in premises on both sides of the subject site (at 43-45 Riley Street and at 53 Riley Street). It is of renowned fame, and has nestled discretely into the tree lined village of Woolloomooloo with its unique historic significance and architectural attractiveness. An oversized building full of office workers and a ground floor retail outlet in the middle of this fails to	It is recommended that the proposed maximum building height be reduced to RL 25.5m and the proposed maximum FSR be reduced to 3.2:1, so that a future building on this site will better relate to the other buildings within this street block. With a maximum building height of RL 25.5m, a future building will be the tallest building within the street block, but not significantly taller than the neighbouring building at 43 Riley Street or the heritage item (Brandt Bros) at 41 Riley Street. The reduction in the proposed maximum height and FSR will reduce the bulk and scale of a future building on the site and also reduce the visual impact of the southern elevation wall when viewed from the public domain. The additional recommendation that there be a planning control which makes no allowance above the RL 25.5m maximum height control for a roof top lift overrun, building plant, pergola structure or communal open space, is aimed at delivering a future building that reduces the visual impact of the development on the public domain while reducing potential impacts for neighbouring residential properties. If a future 4 storey building is to be built to the RL 25.5m height limit, the building shall use a machine-room less lift, have distributed plant and a non-trafficable green roof. It is considered that within the parameters of an RL 25.5m height limit and an FSR control of 3.2:1, the site will be able to support a quality commercial development that: • respects the scale of other development within the street block; • has an acceptable impact on the streetscape and the Woolloomooloo

Summary of submissions	Response
appreciate and poses a threat to the particular vibe that draws crowds to this charming quarter attractive to its neighbours, the Woolloomooloo residents and broader Sydneysiders. - The reference scheme building will impact on the Riley Street streetscape and the public domain views available from nearby William Street which has a high level of pedestrian patronage. It will present an abrupt change of scale, exposing a significant portion of blank wall as the backdrop to the heritage building at 55-61 Riley Street (Lessey's Garage). The building looms over the low scaled heritage item and the 4 storey blank wall protruding above the item will terminate pedestrian view lines from William Street. The building will visually interfere with pedestrian views and the "layered" composition of existing views. The building will block the existing sense of outlook available from William Street. Due to high levels of pedestrian patronage along William Street, alternative massing investigations should be presented to justify how the massing has been tailored to reduce visual bulk from pedestrian vantage points. - The resultant building form would become a dominating feature at a mid-block location. The reference scheme has been designed as an infill development but the nature of adjoining and surrounding development and proximity of heritage listed building is such that the overscaled boundary walls are likely to be visually exposed in perpetuity. The reference scheme design should be re-visited and redesigned as a building to be viewed for perpetuity "in the round". Alternative massing should be carefully examined.	Heritage Conservation Area and nearby heritage items; and is reasonable in terms of impacts on neighbouring residential properties. The development application (DA) stage will also provide opportunity for the detailed assessment of how a future building will impact on the character and appearance of the area and its fit with the streetscape. The DA stage will allow for assessment of the building in the context of the Woolloomooloo Heritage Conservation Area and impact on nearby heritage items.
Support – 9 submissions - The proposed built form respects the low and mid rise scale of adjoining properties through the use of a podium and 3 storey street wall height, and uses setbacks for upper levels to reduce impacts on the streetscape and provide a transition to the nearby high rise buildings. - The existing building has no heritage value, and the proposed design fits well with the	

Summary of submissions	Response
area. Ground-floor retail will improve street activation and enhance the pedestrian experience. The proposed height is reasonable and remains significantly lower than neighbouring apartment buildings. The design includes setbacks to ensure it transitions well between mid-rise and high-rise buildings. • The building is a well balanced design with an appropriate height in its local context. • This is a well-designed, appropriately scaled proposal that will enhance the streetscape and contribute positively to Woolloomooloo's growth. • The planning proposal's design considerations, such as the three storey street wall and setbacks for upper levels demonstrate a commitment to contextually appropriate development. • This proposal presents an exciting opportunity to enhance the commercial vitality of the area while maintaining a sensitive response to the existing built environment. • With its well thought out design, the proposal encourages economic growth while maintaining the character of the neighbourhood. • The street elevation is fantastic. • The proposed changes will refresh the streetscape. • The proposal would be another improvement of the street. It would bring much needed additional facilities (retail space) to the neighbourhood as more people work and live in the area. • Welcome the rejuvenation of Riley Street, which currently lacks character and is not particularly appealing.	

Summary of submissions	Response
Impact on residential amenity (outlook, overshadowing, natural ventilation) and on energy efficiency of homes (92 submissions)	
Objection – 91 submissions - The site's proximity to large residential apartment buildings makes it a sensitive location with the potential to affect many residents. - The "micro-suburb" bounded by Crown Street, Yurong Parkway, William Street and Cathedral Street is an amazing community and an amazing place to live. It is very densely populated with the large blocks of Crown Gardens, the Hastings Deering Building, Paramount Apartments and Park Lane Towers forming a pocket that opens to the north to let the sun, views and summer breezes in. Any increase in density will throw the current balance out of whack. To have a new 25m high office building plopped into the low rise middle section will have a drastic impact on residential amenity. - The proposed planning controls would enable a taller, larger building to be built on the site, which will have an adverse impact on the residential amenity of existing nearby apartment buildings. - The planning proposal would destroy the amenity of nearby homes, changing them from being liveable and connected with community and nature, into a sterile concrete jungle. - The Planning proposal is inconsistent with the Eastern Sydney District Plan as it will have a significant detrimental impact on the amenity of the residents in the neighbouring locality. The development proposed through the planning proposal will impair, and in many cases, destroy the residential amenity of nearby residents. Obstruction of views / outlook - Many submissions state that the proposal's impact on the views and outlook would diminish the amenity, liveability and enjoyment of their homes.	The site is surrounded on three sides by high rise residential apartments. To the east, on the opposite side of Riley Street, is the Crown Gardens residential complex and the Riley Apartments. To the south is the Paramount Apartments building and to the west is Park Lane Towers. Collectively, there are approximately 395 residential apartments in high rise buildings within these buildings surrounding the site. Adjoining the site to the immediate north at 43-45 Riley Street is a mixed use 5 storey building, with residences on all levels above the ground floor. To reduce the overall impact of the proposal on nearby residential properties, it is recommended that: - the proposed maximum building height be reduced to RL 25.5m; and - the proposed maximum floor space ratio be reduced from 3.8:1 to 3.2:1. As was the case with the exhibited proposal, these controls will only apply for a building on the site which will be used for commercial premises. In addition, it is recommended that there be a planning control which makes no allowance above the maximum height control of RL 25.5m for a roof top lift overrun, building plant, pergola structure or communal open space. Rather, if a future building is to be built to the RL25.5m height limit, the building shall use a machine-room less lift, have distributed plant and a non-trafficable green roof. This will assist in mitigating potential amenity impacts upon neighbouring residences (e.g. noise and privacy impacts from the communal open space).

Summary of submissions	Response
- The proposal's impact on views / outlook is addressed in more detail under a separate heading in this document. Overshadowing - Many submissions raise concern about a taller building blocking sunlight from entering apartments. - The planning proposal documentation identifies two apartments in Paramount Apartments which would experience overshadowing but notes they will still retain 2 hours of solar access in winter. It is likely that more apartments would experience overshadowing. Paramount Apartments currently enjoy about eight hours of sunlight in winter and the loss of sunlight access could be severe. - The one bedroom apartments in the Paramount Apartments rely on the openings on the northern side of the apartment for all light and outlook. There are no other window openings in the one bedroom apartments. This proposal would impact the only outlook and source of natural light for the one bedroom apartments. If the light and view are removed, the natural light and view would be removed from the entire home. This will impact the desirability and liveability of the residences. - Some apartments would receive less than two hours of direct sunlight per day, a threshold that has been linked to adverse mental health outcomes. Studies have shown that insufficient daylight exposure can lead to issues such as Seasonal Affective Disorder (SAD), disrupted sleep patterns, and reduced overall well-being. By significantly reducing sunlight access, this proposal will create living conditions that are not conducive to good health or quality of life. - Some dwellings will receive a minimum of only two hours of sunlight per day, as noted by Council officials at the community consultation session. This is considered unliveable. - There will be a loss of views and significant reduction in sunlight to the East Sydney	Obstruction of views/outlook A response to this objection is under the separate heading "Impact on views and outlook". Overshadowing The solar access provisions in section 4.2.3.1 of Sydney Development Control Plan 2012 state that apartments in neighbouring developments must achieve a minimum of 2 hours' direct sunlight between 9am and 3pm on 21 June onto at least 1sqm of living room windows and a minimum 50% of the required minimum area of private open space, for at least 70% of the apartments in a development. Solar access is measured at mid-winter (21 June) because this is when the sun is lowest in the sky and therefore represents a "worst case scenario" for overshadowing. The proponent submitted shadow diagrams and an assessment showing impact on nearby properties for a reference scheme with a maximum building height of 25m and a maximum FSR of 3.8:1. These diagrams showed that between 9am and 3pm on 21 June: - there would be no additional shadow impact upon apartments within Park Lane Towers (1 Boomerang Place); - all apartments within Paramount Apartments (60-70 William Street) would achieve the NSW Government's Apartment Design Guide solar access requirements of a minimum of 2 hours' sunlight; - there would be overshadowing of the western elevation of the "Former Hastings Deering Building" at 46-48 Riley Street between 2pm and 3pm, but this elevation will receive the required minimum of 2 hours of solar access in the middle of the day; and

Summary of submissions	Response
Private Hospital, negatively affecting conditions for patients and staff. Loss of ambient light - Some submissions state that the lower floors in the Paramount Apartments would lose ambient light from outside as a result of the proposal, which will result in these apartments becoming significantly darker throughout the day and year. This will increase the need for artificial lighting, impacting on energy consumption and sustainability. Natural ventilation - Many submissions note that Paramount Apartments have been designed to allow for good ventilation. In the larger 2 bedroom apartments, cross ventilation is achieved through openings on both the northern and southern sides of the building. Concern is raised that the proposal will block air and breezes from coming up from the harbour and through the Paramount Apartments. This will make air in the apartments stagnant and increase the use of air conditioning. Impact on energy efficiency - Paramount Apartments have tiled floors which are warmed by the sun in winter, reducing the need for heating and enabling energy efficiency. Additional overshadowing of nearby apartments will make them colder in winter and increase the need for artificial heating which will increase energy consumption. - The loss of natural light and ventilation runs counter to the City of Sydney's sustainability strategies, which emphasise climate-responsive design, energy efficiency, and reducing reliance on artificial heating and cooling. Initiatives such as the Sustainable Sydney 2030 plan prioritise the enhancement of green spaces, energy-efficient building design, and urban cooling through increased airflow. The proposed development contradicts these principles by blocking passive cooling and natural light, leading to higher energy consumption and reduced overall sustainability for all affected residents.	there would be no additional shadow impacts upon apartments within the Crown Gardens complex (63 Crown Street). If the recommendation to reduce the maximum building height to RL 25.5m and the maximum FSR to 3.2:1 is adopted, the shadowing impacts would be less. The City does not have solar access provisions for the protection of non-residential buildings. Loss of ambient light The separation distance between the southern boundary of the site and the northern boundary of the Paramount Apartments site is approximately 25.5m, which exceeds the NSW Government's minimum 24m building separation distance for residential buildings over 9 storeys. This distance, along with the recommended reduction in the maximum building height, will allow for ambient light to enter apartments within the Paramount Apartments building. Natural ventilation The separation distance between the southern boundary of the site and the northern boundary of the Paramount Apartments site is approximately 25.5m, which exceeds the NSW Government's minimum 24m building separation distance for residential buildings over 9 storeys. This allows for sufficient ventilation. The recommended reduction to the maximum building height to RL 25.5m would permit a building on the site that is approximately 2.3m higher than the neighbouring building at 43 Riley Street. Impact on energy efficiency The shadow diagrams and solar assessment submitted for the proposal (maximum height of 25m and maximum FSR of 3.8:1) indicate that all apartments within Paramount Apartments building would achieve the ADG solar access requirements of a minimum of 2

Summary of submissions	Response
Support – 1 submission Concerns about the proposed development's impact on overshadowing are overstated.	hours' sunlight between 9am and 3pm on 21 June (winter solstice). If the recommendation to reduce the maximum height and FSR for the site is adopted, overshadowing impacts will be even less. Many apartments within the Paramount Apartments will continue to achieve in excess of this minimum requirement. The separation distance between the southern boundary of the site and the northern boundary of the Paramount Apartments is approximately 25.5m, and the maximum building height is recommended to be reduced to RL25.5m. It is not considered that there would be such a significant adverse impact upon the energy efficiency of neighbouring apartment buildings as to warrant refusal of this planning proposal.
Impact on views and outlook (84 submissions)	
Objection – 82 submissions - The proposed planning controls would permit a building which would obliterate the views and outlook enjoyed by residents of neighbouring apartment buildings. The Paramount Apartment building located to the south of the subject site at 60-70 William Street would be particularly impacted. - Apartments within the Paramount Apartments building are arranged so that living areas and private balconies off these living areas look out to the north, across the subject site. The apartments have full width glazed frontages in their north facing living areas to capture the view to the north. The Paramount Apartment building was designed to optimise and rely on views to the north. While each apartment has a slightly different view, the following elements are present within views available from the living areas and balconies in the Paramount Apartments: - the view is "framed" by residential apartments in high rise buildings to the east and west; - a visually layered urban setting enhanced by mature vegetation and the tree canopy across	The most objections regarding view loss and impact on outlook came from owners and residents of apartments within the Paramount Apartment complex at 60-70 William Street, Woolloomooloo. The City's view impact assessment has concentrated on the impacts on the views and outlook available from apartments in this building on the basis that the impact is greatest on this building. City staff have undertaken an independent view impact analysis to assess the impact on the views available from apartments within the Paramount Apartments. This analysis was undertaken using the reference scheme submitted to support the proposed change of the maximum height control to 25m and the FSR to 3.8:1. The analysis has included: 3D modelling of the proposed development as viewed from within the Paramount Apartments building, and - a site inspection on 20 March 2025 where 10 apartments were visited and photos taken of the view/outlook

Summary of submissions	Response
The Domain and surrounding areas; - partial views of The Domain including open parkland areas and glimpses of the sloping lawns and open spaces of Cook and Phillip Park; - a portion of the eastern CBD edge along Macquarie Street; - profile of the Art Gallery of NSW and some exterior artworks; - for some apartments, a partial view of the iconic arch structure of the Sydney Harbour Bridge; - for some apartments, a partial view of the top of the sails of the Opera House; - for some apartments, glimpses of the waters of Woolloomooloo Bay. • A view impact analysis undertaken for residents of Paramount Apartments indicates that the proposed planning controls would result in the following impacts on the views available from the Paramount Apartment building: - for apartments on levels 1 to 3, views including sky views would be completely obliterated; - for apartments on levels 4 to 5, views of anything except the sky would be obliterated and sky views almost gone; - apartments on level 6 would lose most views except those of the sky; and - levels 7 and 8 would have views heavily interrupted. This view analysis has been endorsed by Dr Phillip Pollard, an expert in view impact analysis. • Some apartments within Paramount Apartments have views to state heritage items including the Domain, the Art Gallery of NSW and the Royal Botanical Gardens. The proposed planning controls would result in catastrophic view loss from these apartments, which is inconsistent with Sydney DCP 2012 which asks for development in the vicinity of a heritage item to minimise impact on the setting of the item by retaining and respecting significant views to and from the heritage item. • The low-rise nature of the buildings on the western side of Riley Street provides surrounding residential apartments with layered contextual views over the subject site	available from internal living spaces and on the balconies of these apartments. In the circumstances, consideration can be given to the view sharing planning principles set out in the Tenacity Consulting v Warringah Council (2004) judgment, which provides a 4 step assessment process to guide whether view sharing is reasonable. These view sharing planning principles are typically applied in the assessment of development applications, where a proposal can be assessed against existing planning controls. In the case of a planning proposal which seeks approval to change the height and FSR, the application of these principles is more limited as there cannot be an assessment against these controls. To the extent that they can be applied, the view sharing principles have been used to inform the assessment. The full assessment of the proposed planning controls against the view sharing planning principles is within the post-exhibition Council report. To improve a future building's relationship with the other buildings in the street block, its visual impact on the streetscape and to reduce its impact on neighbouring properties, reductions to the maximum building height and maximum FSR are recommended. It is also recommended that there be a restriction on roof top structures above the maximum height limit. These proposed amendments to the planning proposal would have the effect of reducing the impact on the views of neighbours. City staff have undertaken an independent view impact analysis to assess the impact of a future building with these reduced controls. This assessment is within the post-exhibition council report. Even with the proposed reduced controls, view loss and impact on outlook will occur to some apartments within the Paramount Apartment complex and other nearby residential buildings. Being located in an urban context and within the City Fringe, it is inevitable that new development will affect

Summary of submissions	Response
and the adjacent buildings (being the foreground view) to a mid distance view of The Domain playing fields and lawns and the far distance/horizon view of the ridgeline of The Domain, comprising views of the mature trees along Art Gallery Road. • The proposal would allow a building which would obscure views of green spaces. For many residents in Paramount Apartments and other nearby apartments, views of nature and greenery are critical for mental health and well being. Obscuring these views will diminish connection with nature. • The proposed planning controls would permit a building that will increase the sense of enclosure experienced by residents of nearby apartment buildings. • The views available from Paramount Apartments are of iconic status, including views to iconic, recognisable and familiar landmarks of Sydney. These iconic views will be destroyed due to the height, bulk and overall scale of development that will be permitted by the planning proposal. <i>View impact analyses</i> • The proponent's view impact analyses are flawed, inaccurate and misleading. They ignore the substantial loss of views from nearby apartments and seek to inaccurately portray the view loss as minimal or inconsequential. • Council has relied on flawed view impact assessments submitted by the developer. There is concern that council has relied on these documents in assessing the planning proposal, and that they were accepted by council for public exhibition without testing their accuracy. • Council has ignored the view impact studies submitted by residents which illustrate the full extent of view loss from nearby apartments. • Based on documents received through GIPAA requests, it is known that the same proponent for a similar building on the same site (but 31m high), submitted a full and proper view analysis	the views and outlook of residential developments to some extent. It is considered that with the reduced controls and restrictions on roof top development, the impact on the views and outlook enjoyed by neighbouring properties will be reduced and the opportunity for view sharing increased, such that the impact on views and outlook is reasonable in the context. <i>View impact analyses</i> City staff have not relied upon the SJB Urban Design Report (May 2024) nor the SJB View Impact Analysis (November 2024) in the assessment of potential impacts upon views and outlook. This is because of concerns that the SJB Urban Design Report contains an insufficient analysis of potential view impacts and the SJB View Impact Analysis used an unorthodox assessment methodology to assess impacts.

Summary of submissions	Response
which actually shows the full extent of views and outlook lost from the Paramount Apartments living/balcony doors. CoS rejected this development proposal very strongly, but with the current proposal did not impose or require a similar exhaustive view impact analysis. <i>SJB Urban Design Report (May 2024)</i> • This report does not adequately represent the view loss impacts to neighbouring apartment buildings. The report contains two indicative images of the proposal's impacts on views available from nearby apartments, but both images relate to apartments located higher than the proposed building height, not capturing the actual impacts on the views available at lower levels of neighbouring buildings. It is fundamental to examine the potential view loss impacts to neighbouring dwellings associated with the proposed height increase (from 12m to 25m), rather than assessing impacts for dwellings located at a height above the potential intrusion (above the 25m height control). • Furthermore, in this report only one view from a single apartment in the Paramount Apartment building was considered, and this relied on a photo found online in a real estate sales post. This photo is wide angled and the view is from a higher floor in the building. There is also a disclaimer in the report which notes that the views are indicative, are not survey accurate and should not be relied upon for a view impact assessment. The living areas and balconies of many apartments in the Paramount Apartments are impacted to a considerably greater extent than suggested in the SJB Urban Design Report. <i>SJB View Impact Analysis (November 2024)</i> • This analysis uses an unorthodox assessment methodology which seeks to assess the percentage of apartments within neighbouring buildings which would be affected by additional view loss and to what extent (measured as a percentage).	

Summary of submissions	Response
• This analysis is seriously flawed, bears no relationship with any established practices for the assessment of urban view impacts (such as the NSW Land and Environment Court's planning principles). The analysis contains no actual view impact images and does not consider view composition which includes views of the Domain, NSW Art Gallery, water views and the upper sections of the Harbour Bridge and Opera House. This analysis has been prepared in ignorance of the nature of the existing views available from the Paramount Apartments. There was no request from the proponent to access any Paramount Apartment to undertake a proper view impact analysis. • This analysis uses an extremely wide field of view (180 degrees), whereas a field of view on a 50mm fully framed SLR camera is approximately 40 degrees. A 40 degree field of view is of relevance because it closely approximates central vision field of view for the human eye. A 180 degree field of view is very distorted, with the percentage of view impacted greatly diluted by the extremity of field of view. • The percentages of view loss specified in this analysis are misleading as it assumes that trees which are an important and welcome part of the layered foreground view are "obstructions" and therefore contribute to an "obstructed" view, when in fact they are part of the view itself which is of very high value to residents. • The view loss percentages indicated in this quantitative analysis are ridiculously understated. <i>View sharing principles</i> • The proposal is not consistent with the view sharing principles established by the NSW Land and Environment Court. • The "Tenacity Principles" (Tenacity Consulting v Warringah (2004)) should be used to assess the proposal's impact on private views and view sharing issues.	

Summary of submissions	Response
- The lack of any appropriate view sharing with existing residents cannot be justified. Support – 2 submissions - Views cannot be owned across neighbouring properties. Nobody owns a view across a neighbouring property.	
Impact on nearby heritage items and Woolloomooloo Heritage Conservation Area (68 submissions)	
- The heritage conservation area was established to protect the area's historical and architectural significance. The site is located in the vicinity of several local heritage items. - The proposal fails to respect and respond to the nearby heritage items that "book-end" the street block, these being Lesseys Garage at 55-61 Riley Street and Brandt Bros Ltd building at 41 Riley Street). Lesseys Garage is only separated from the site by a narrow 2 storey plus attic terrace style shop and residence building at 53 Riley Street (approx. 6m in width). The planning proposal will be contrary to the low-rise context in which these two heritage items are sited. The potential impacts of the building envelope upon the significance of the nearby heritage items needs to be considered in detail. The HIS has failed to consider the relationship between the proposed building envelope on the site and the likely form of development that may occur on the sites to the immediate south. - Reference scheme accompanying the planning proposal clearly does not achieve the objective of the current zone - <i>"Development is to respond to and complement heritage items and contributory buildings within the heritage conservation area"</i>. The reference scheme is overscaled and will dominate adjoining and adjacent buildings with an incompatible street wall height on Riley Street, excessive height and bulk, and an expansive blank southern wall. - If this development goes ahead, the area will lose its uniqueness of our past history.	The site is located in the Woolloomooloo Heritage Conservation Area and within the same street block as 2 heritage items, these being "Lessey's Garage" at 55 - 61 Riley Street and "Brandt Bros Ltd" at 41 Riley Street. Across Riley Street, on the opposite side of the road, is the "Former Hastings Deering Building" at 46-48 Riley Street, which is also a local heritage item. Under Sydney Development Control Plan 2012, the building on the site is identified as "detracting". Detracting buildings do not represent a key period of significance and detract from the character of a conservation area. As such, the building's demolition would not be considered detrimental to the Woolloomooloo Heritage Conservation Area. The Woolloomooloo Heritage Conservation Area is characterised by a diversity of buildings of differing scale and architectural styles. The western side of Riley Street includes the one to 2 storey Inter-War Art-Deco style "Lessey's Garage", the three-storey Federation "Brandt Bros Ltd" warehouse, 2 storey Victorian terraces and a 5 storey mixed use retail and apartment building at 43-45 Riley Street. The eastern side of Riley Street includes the 8 storey Inter-War functionalist style "Former Hasting Deering Building" and the 15-storey Crown Gardens complex, directly opposite the site. It is recommended that the maximum height and FSR controls for the site be reduced, so that a future building on the site achieves a better relationship with other buildings within the subject street block, which includes 2 heritage items and a contributory building.

Summary of submissions	Response
• To treat Woolloomooloo as a mere extension or edge of the CBD for purposes of development is spurious, as its heritage significance should be recognised. • Woolloomooloo is historically different from other city fringe areas. It has its own special early history of settlement. If there is a relevant comparison of Woolloomooloo it is not actually to <i>any city fringe</i>, it is to the historic Rocks area on the other side of Circular Quay. • In this particular area, the northern end of Riley Street, a building down the road dates from 1793, one of the very earliest days of the colony housing, granted to Palmer by Governor Phillips' representative. • The proponent's Heritage Impact Statement (HIS) does not address the historic 1970s Green Bans that saved Woolloomooloo from an overdevelopment of office buildings, and secured the heritage conservation areas we now cherish. At that time Woolloomooloo was saved by the community from 'development'. Why does the City of Sydney appear to be supporting an office overdevelopment in an existing heritage conservation area that will reduce such a significant part of Woolloomooloo heritage? The Woolloomooloo community cares about its heritage. • The heritage conservation area protections need to be maintained. The development needs design responses that reflect the heritage character of the area. • The Cathedral Street locality statement in the Sydney Development Control Plan 2012 states that development is to respond to and complement heritage items and contributory buildings within heritage conservation areas, including streetscapes and lanes. • The scale of the proposed building is entirely out of character with the surrounding conservation area and the proposed massing overwhelms neighbouring heritage listed buildings. The proposed building does not adequately transition with the heritage listed buildings, creating a visually overbearing	With the recommended reductions to the proposed height and FSR, the resultant scale of the proposed building envelope is not considered to be detracting within this diverse setting and streetscape. The proposed 3 storey street wall on Riley Street will step down to the 4 storey street wall at 43-45 Riley Street which then steps down again to the three-storey plus parapet street wall at 41 Riley Street, following the topography of the land. The proposed fourth storey is setback 3 metres from Riley Street boundary, reducing its visibility. The fourth storey and southern elevation wall will be visible from the south, particularly when travelling from Willam Street up Riley Street. A visible blank side elevation wall is considered reasonable in this context as: • the extent of the blank wall is reduced as a result of the recommended building height reduction; • a compliant scheme under the existing controls would also present a blank southern elevation wall (albeit lower); • blank elevations and elevations with minimal fenestration are already present and visible within the area including the eastern elevation of 60-70 William Street and the rear elevation of 1 Boomerang Place; and • the extent of blank facade in this instance is a product of accommodating compliant floor to ceiling heights for the proposed commercial and retail use. The DA stage will also provide opportunity for the detailed assessment of a future building in the context of the Woolloomooloo Heritage Conservation Area and impact on nearby heritage items.

Summary of submissions	Response
presence that detracts from the area's historic character.	
Potential change to Woolloomooloo Heritage Conservation Area boundaries (45 submissions)	
• Council has a separate planning proposal which has received Gateway approval but is not yet on public exhibition, to remove this site and others from the Woolloomooloo Heritage Conservation Area (C71). • There is widespread concern that the planning control changes to 47-51 Riley Street are being proposed at the same time as plans to remove the site and land around it from the Woolloomooloo Heritage Conservation Area (C71). • This portion of Riley Street (from William St down to Cathedral St) is an integral part of the Woolloomooloo Heritage Conservation Zone, marking as it does the border of the earliest boundary of the colony, as well as being the site of the last remnant of the circa 1819 sandstone wall surrounding the kitchen garden for Hyde Park Barracks. Development on Riley Street should enhance, not further deplete, the heritage character of the neighbourhood. • The boundaries to the Woolloomooloo Heritage Conservation Area should not be altered, the Conservation Area status should be retained to protect the neighbourhood character. • There is concern that there is a wider plan to change the character of Riley Street away from its heritage features and abolish its heritage importance. • There has been a lack of transparency concerning the removal of some properties from the Woolloomooloo Heritage Conservation Area. • This development sets a dangerous precedent for future proposals given that the City of Sydney is advocating for lifting of Woolloomooloo Heritage Conservation area (C71), which includes this part of Riley Street.	The proposed adjustments to the boundary of the Woolloomooloo Heritage Conservation Area are part of a separate planning proposal that has not yet proceeded to public exhibition. Concerns regarding the proposed adjustments to the Woolloomooloo Heritage Conservation Area boundary should be raised when submissions are invited on that proposal during the public exhibition period. The subject planning proposal has been assessed against current planning provisions, with the site still being located within the Woolloomooloo Heritage Conservation Area. The subject proposal is not dependent upon the proposed adjustment to the heritage conservation area to proceed. It is considered that with the recommended reductions in height and FSR, along with the recommended restrictions on roof-top structures, a future commercial building on the site will be able to respect the character of the Woolloomooloo Heritage Conservation Area and maintain the significance of nearby heritage listed buildings.

Summary of submissions	Response
• A building like the Reference Scheme would negatively impact the future context of the listed heritage and contributory buildings and this would establish an unsatisfactory precedent for further redevelopment of this local area should the proposed changes to the conservation area boundaries proceed. • The proposed change to remove the site from the Woolloomooloo Heritage Conservation Area (C71) appears to be designed purely to facilitate height intensification rather than align with existing planning policies. The nearby heritage listed buildings will be overwhelmed by this development, further eroding the character of the area. • Removing the site from the Woolloomooloo Heritage Conservation Area more broadly undermines protections intended to preserve the unique character of the neighbourhood.	
Precedence for similar large scale developments in Woolloomooloo (61 submissions)	
Objection – 60 submissions • Many submissions raise concern that this proposal would set a precedent for similar other large scale developments in Woolloomooloo. There are concerns that amending the planning controls for this site could lead to a cascade of changes in planning controls (particularly the development standards outlining maximum height of building and floor space ratio) for other sites in the immediate vicinity. • The doubling of the permitted height for a building in this street block will set a dangerous precedent for other redevelopments in the area. • This planning proposal sets a dangerous precedent of further high rise development encroaching on historically protected zones leading to the gradual erosion of Woolloomooloo's unique character. • This proposal would allow not only this specific high rise commercial development but would also likely lead to similar calls for increased height controls on the adjoining site, which	This planning proposal has been prepared in response to a request from the property owner to amend the planning controls for the subject site. The request has been assessed in accordance with the NSW Government's Local Environmental Plan Making Guideline. The request has also been assessed against the NSW Government's Greater Sydney Region Plan, Eastern City District Plan and the City's Local Strategic Planning Statement. It is considered that with the recommended reductions to the maximum height and FSR, the proposal demonstrates both strategic and site-specific merit. Any other planning proposal request made by a property owner to increase building height or FSR beyond the existing planning controls would go through the same plan making process, and would be assessed on its own individual merits. It would need to be able to

Summary of submissions	Response
would dramatically change the living environment in the Paramount Apartments. • The proposed floor to ceiling heights are excessive and could set an unreasonable precedent that could lead to further over scaled developments. • This increased building and height control would create a precedent for other development sites to the area to the north of Paramount. • This increased height control would create an unfortunate precedent for development to the area to the north of the subject site which will negatively impact future residential amenity, contrary to Council's desire to encourage and support the quality of inner city residential living. Support – 1 submission • Claims that this development will set a precedent for excessive height increases are unfounded, as the area already has a mix of building heights.	demonstrate both strategic and site-specific merit. If a land owner opts not to proceed with a planning proposal to achieve uplift, then any future development of their site would need to comply with existing planning controls.
Inadequacies and errors in documents used to support planning proposal (26 submissions)	
• Insufficient, inadequate and erroneous documents have been submitted in support of planning proposal request. These documents cannot be relied upon for the assessment of site specific merit or to justify uplift in planning controls. • Additional analysis should be carried out at the planning proposal stage and not deferred to the development application phase, as once uplifted controls are finalised future proposals would seek to maximise development potential within control parameters. View impact analyses • Many submissions criticise the view impact analyses submitted by the proponent in support of the planning proposal, arguing that they are flawed, inaccurate and misleading.	The City has not relied solely on the proponent's documents, such as the view impact analysis, heritage impact statement, photomontages and traffic reports in its assessment of the planning proposal. Rather, the City has conducted its own assessment of the proposal, and where considered necessary has prepared supplementary documentation for Council's consideration. City staff have not relied upon the SJB Urban Design Report (May 2024) nor the SJB View Impact Analysis (November 2024) in the assessment of potential impacts upon views and outlook. This is because of concerns that the SJB Urban Design Report contains an insufficient analysis of potential view impacts and the SJB View Impact Analysis used an unorthodox assessment methodology to assess impacts. City staff have undertaken view impact analyses to assess the impact on

Summary of submissions	Response
- The view impact analyses are discussed in more detail under the “View loss / impact on outlook” heading of this Attachment. Heritage Impact Statement - The Heritage Impact Statement does not sufficiently address the relationship of the proposal with nearby heritage items – Lessey’s Garage at 55-61 Riley Street and the Brandt Bros building at 41 Riley Street. It also does not adequately address the proposal’s relationship with the 2 storey terrace building immediately to the south at 53 Riley Street which has contributory values. - Insufficient weight is given in the heritage assessment to the battle to save Woolloomooloo which took place in the Green Bans in 1970s, when activists succeeded in halting overdevelopment so as to keep Woolloomooloo’s one and two storey heritage. Other inadequacies with documentation - The planning proposal does not adequately address the impact of the proposal’s bulk and scale on the public domain. - The photomontages accompanying the planning proposal are not accurate in that they are taken from an elevated view point rather than at pedestrian eye level. - Council should require a comprehensive noise impact assessment, including projected noise levels during construction and operation, as well as mitigation strategies. - Council should require a detailed traffic management plan that mitigates the impact of increased traffic on Busby Lane. - Council should require a detailed plan on how the increased servicing of the location will be conducted.	the views from the Paramount Apartments building, which can be viewed at Attachments F and G to the Council report. Objector concerns in relation to the proposal’s height, bulk and scale, and impacts in terms of views, heritage, noise, traffic and site servicing are addressed separately in this summary of submissions.

Summary of submissions	Response
Flawed planning proposal process, lack of transparency in decision making, lack of community consultation (25 submissions)	
History of proposals - The Rose Group has had many attempts to propose changes to this site, which have been consistently rejected by Council staff based on excessive scale: - December 2021 – A pre-DA proposal for a 24m high building was rejected due to its failure to demonstrate strategic merit; - December 2022 – A planning proposal for a 31m height control was rejected as it lacked strategic and site-specific merit and was inconsistent with Council’s planning objectives; - Mid 2023 – A pre-lodgement submission for a 16-18m height proposal was rejected for excessive massing, overbearing scale and inappropriate transition to heritage structures; and - Now – Council has endorsed a Planning Proposal change with a 25m height limit despite its greater impact on neighbouring buildings and residents. - While it is understood that this is a Planning Proposal for site specific control changes and not a pre DA, the council's own documents say that the 16-18m proposal was out-of-character, overbearing and inappropriate, yet the commentary from Council staff has been that a 25m height proposal was deemed appropriate to support this time. Why would a higher proposal be supported? It is still out-of-character and overbearing. - There is an inconsistency in Council’s position and it raises serious concerns about fairness and transparency about how decisions will be made. It is hard to understand how the Council staff can have a change of heart. While the current proposal is 25m not 31m, simply knocking off 6m from the new proposal does not address it’s lack of context and character and the impact on surrounding buildings. The 16-18m proposal was also condemned by Council.	City advice on development applications and planning proposals can differ because the commentary is provided in a different context. City advice on development applications and pre-development applications is provided in the context of the existing planning controls that apply to a site. Where non-compliances are identified (e.g. height and FSR) these non-compliances are highlighted, and reasons are provided as to why they may not be supported. The context for advice on a planning proposal is different. The City must consider the request against priorities identified in the NSW Government’s Greater Sydney Region Plan, Eastern City District Plan and the City’s Local Strategic Planning Statement. This is a consideration of a proposal’s strategic merit. The City then must also consider the site-specific merit of the request. This is a consideration of site-specific and contextual issues such as overshadowing, flooding, heritage and other amenity impacts. The public exhibition process allows the City to fully test the site-specific merits of a planning proposal request. It allows the community the opportunity to comment on a proposal and for the City to give due consideration to the communities’ views in its full assessment. The City has now completed its full assessment taking into consideration public submissions. It is recommended that the maximum building height and maximum FSR be reduced so that a future building on the site better responds to the existing buildings within the street block and is acceptable in terms of visual impact on the public domain. On balance, the site-specific merits of the amended proposal are considered acceptable.

Summary of submissions	Response
- From 2021 to 2023, Council rejected multiple proposals from the land owner of the site due to excessive height, scale and the impact on heritage and surrounding buildings. Despite the rejection of these proposals, Council supported this planning proposal which is of greater scale and height than the previously rejected proposals. No new strategic justification has been identified that has led Council to now support a 25m height proposal after rejecting similar schemes. Public information session - At the public meeting held on 11 February 2025 by the City of Sydney, the community speakers at the meeting were impressive (articulate, vocal and well-informed) distressed residents. The quality of feedback from the floor was highly informative, for example about the long background history of applications and objections to Rose Group proposals for their site, which have been far less objectionable than the current one. Residents' concerns were not addressed adequately by City staff. This approach appears contrary to the council's commitment to being community-minded and environmentally responsible. - The number of attendees at the public meeting and the 700 signatures on the community led petition demonstrates the strength of negative feeling about this proposal. This strong feeling is not only from those immediately impacted but the broader community of Woolloomooloo. - There is an undisclosed conflict of interest for the City of Sydney. At the public information session it was mentioned more than once that allowing this building to go ahead would assist the City in achieving their own targets. This is clearly a conflict of interest which has not been publicly acknowledged. Other concerns with the planning proposal process - Why has the City of Sydney council itself crafted this planning proposal? The council's involvement enables one entity to circumvent current heritage requirements embedded in the local environmental plan.	

Summary of submissions	Response
• Why are we being persuaded by council to approve this proposal? Why now, and why this landowner? • The process followed for this planning proposal does not pass “the pub test”. • One wonders about the transparency of this process to object when one of the email addresses in the letter sent by the City about the proposed changes is incorrect. Seems a coincidence and makes me wonder how genuine the City is in hearing views that are contrary to their own. • The Gateway Determination process is highly flawed and works against many stakeholders impacted by a proposal. Before purchasing an apartment many residents invested time and money into research to understand the planning controls for nearby properties (including 47-51 Riley Street) to check the potential for impacts upon amenity and views. The current planning proposal was not identified, nor were the previous planning proposal attempts on the subject site. Concerns were raised that these property owners who undertook due diligence now risk their property values being significantly impacted. • Prior to the notification of this planning proposal, the council has approved several aspects of this development which directly impact our home and the homes of many other people. This lack of consultation with residents is disappointing. • The City of Sydney and Government resources engaged in responding to the multiple submissions/revisions from one proponent is not a good use of rate and tax payers contributions. It has also taken multiple residents many hours to review and respond to the documents for public review and comment. • The Rose Group who own the site are developers. Their history on another development in NSW raises legitimate concerns about their approach to planning, transparency, and community consultation in Woolloomooloo.	

Summary of submissions	Response
Benefit to one commercial developer/land owner while impacting on many residential neighbours (43 submissions)	
• The proposal prioritises commercial gains at the significant expense of local residents. • Doubling the height limit from 12m to 25m on this site will cause an unreasonable loss of amenity for over 50 residents in the Paramount Apartments and many others in nearby apartment buildings – prioritising the interests of a single commercial developer over those of long standing residents. • The proposed development would permanently diminish the quality of life for existing residents and businesses in the area, while its commercial nature means it will only be actively used by office workers during business hours, leaving the community to bear its negative impacts 24/7, every day of the year. • More residents' amenity will be compromised for the profit of a developer, on the highly contentious promise of commercial benefit for all of Sydney.	The proposal has been assessed against the NSW Government's Greater Sydney Region Plan, Eastern City District Plan and the City's Local Strategic Planning Statement and has been determined to have strategic and site-specific merit. The impacts of the proposal have been ameliorated through the recommendations to reduce the building envelope by reducing both the maximum building height and maximum FSR. On balance, the impacts of the amended proposal are considered to be acceptable. The proposal supports employment growth in the City Fringe by facilitating future development of additional commercial floor space that can be adapted to a variety of business uses in line with the City's Local Strategic Planning Statement.
Planning certainty (27 submissions)	
• Property owners in the surrounding high rise apartment buildings (Paramount Apartments, Park Lane Towers, Crown Gardens) purchased their homes based on the subject site having a 12m height limit and being part of the Woolloomooloo Heritage Conservation Area. These planning controls were factored into purchasing decisions and gave residents certainty. • The Rose Group purchased their site in 2001, knowing the height restriction in place at the time was 9 metres. In 2011, this was increased to 12 metres. It would be unreasonable for 47-51 Riley Street to be granted an exception to long standing planning controls. • The market has priced in the 12 metre height restriction for the site, and the developer and residents made financial commitments with the expectation that this rule would remain in place. A change to the height control for the site to 25 metres disproportionately benefits	The City is required to consider all requests to change planning controls under the NSW Government's Local Environmental Plan Making Guideline and the Environmental Planning and Assessment Act and Regulation. A failure to do so would be considered a failure to exercise its planning functions. The City has an endorsed Local Strategic Planning Statement that outlines that it will consider site specific planning proposals for employment related developments to meet our NSW Government imposed jobs target. In considering planning proposal request, the City must consider a proposal's strategic and site specific merits, and if there are any issues that would mean that such a proposal could not be supported. The City has now completed its full assessment of the proposal. An amended

Summary of submissions	Response
the developer while harming long term residents. - Many residents invested in this area based on the certainty of the 12m height limit, and the change proposed would have a negative financial and lifestyle impact on these residents. - This planning proposal disregards the values and rights of many existing home owners in the area who bought their homes based on the existing development controls. It is totally unjust that one commercial entity owner can expect to be granted new development rights at the expense of hundreds of other existing owners. - It is unfair and selfish for one commercial private entity to be considered for such development privileges when so many other existing property owners already invested in Riley Street are being asked to sacrifice so much for one office development. - Residents in the neighbouring residential apartments purchased their homes with an expectation that the planning controls (including the 12m height limits and conservation zone protections) would be maintained, or, if modified, modified in a sensitive and sympathetic manner to the local context, rather than being removed or altered significantly and detrimentally by piecemeal site specific changes.	proposal is recommended with reductions to the maximum building height and maximum FSR to ameliorate concerns raised during the public exhibition period. On balance, the impacts of the amended proposal are considered to be acceptable. The City will continue to change and grow. By 2036, the NSW Government requires the City to accommodate an additional 32,000 new homes and space for an extra 200,000 new jobs. Accommodating this growth means the city will change, including within heritage conservation areas. By maintaining our planning powers, the City is able to manage this growth in consultation with community whilst advancing the strategic priorities identified in our Local Strategic Planning Statement.
Impact on property values (39 submissions)	
- The significant loss of views caused by the proposal would severely reduce the value of nearby apartments. - A reduction in the value of nearby apartments is an unfair outcome of increasing the development potential and value of one site. - The proposed development will eradicate all views from many apartments. This is not a minor obstruction - it is a drastic loss that devalues the investment of over 50 apartments in the Paramount Apartment building.	The value of surrounding properties, and how a nearby development proposal may impact on those values, is not a planning consideration. The proposal's impact on the views and outlook enjoyed from nearby private properties has been addressed separately in this summary of submissions and also in the post exhibition Council report.

Summary of submissions	Response
• The valuation report prepared on behalf of the Owners Corporation of Paramount Apartments assesses the market value diminution of apartments in the building should the planning proposal proceed and the site be developed to the full permitted maximum height of 25m. This report finds reductions in values ranging from \$112,500 to \$488,775 per apartment. The indicative market value diminution for the overall building is in the aggregate sum of \$21.4 million (as valued at 8 January 2025). • For many apartment owners, the financial loss will be in excess of \$300,000 per apartment. A loss of value to this extent may place home owners in breach of the Loan to Value ratios imposed by banks and other lenders. If so, it may place home owners in severe financial distress, including forcing them to sell their properties. Significant financial detriment to a cohort of local residents should not be the outcome of planning decisions by Council. • This is a major and unforeseeable negative impact on all owners of apartments within Paramount that is contrary to current planning controls which affected residents of Paramount believed protected our future security. To impact so many residents, through a single commercial development of double the height and FSR allowed by current planning controls, seems an unreasonable outcome that should be considered by Council when assessing this planning proposal.	
Traffic congestion, parking, safety (70 submissions)	
Traffic congestion • Riley Street and Busby Lane are already under significant pressure from local traffic. The introduction of a large office complex would exacerbate congestion, creating further stress on an already constrained road network. • The development will introduce additional vehicle movements, including servicing vehicles, delivery trucks, and office workers. With limited on-site parking proposed, there is a real risk of overflow parking into neighbouring streets and an increased demand for street access at peak times.	The recommended planning controls (as reduced) are not considered to be a significant intensification of land use. The proposed maximum FSR of 3.2:1 represents an additional 696 square metres of commercial floor space above what would already be permitted under the existing planning controls for the site. The site is well serviced by public transport connections. It is located within walking distance of the Sydney CBD. It is well positioned to take advantage of the metropolitan transport network, including rail, light rail and Metro connections as well as

Summary of submissions	Response
- Any increase in traffic would further exacerbate the already troublesome Riley/Crown street intersection. On a daily basis there are near-misses of vehicle crashes and pedestrian near-misses with frustrated drivers at this intersection. This is already a significant risk that requires fixing, and the risk will be further increased if this new office block results in additional traffic chaos. - The recent approval by City of Sydney for the St Mary's Cathedral College on William Street will continue to add to traffic pressure, worsening congestion and increasing demand for parking. Residents are yet to see the impact of the expansion of the school on local traffic so to approve a proposal that would increase local traffic especially in regard to Busby Lane without waiting for the impact of developments already underway would be premature. - Residents vividly recall raising concerns about traffic congestion during the development application for St Mary's Cathedral College on William Street. This planning proposal is supported by another traffic study which grossly underestimates impact, dismissing significant congestion risks as "minimal." Residents who navigate these streets each day know otherwise. It is imperative that Council listens to the lived experience of its constituents rather than the self-serving reports of developers. - The Traffic Assessment study is incorrect and misleading in its assertion about the proposed development having very low traffic generation without noticeable impacts on the surrounding road network.	nearby bus services and cycleways. It is expected that future workers on the site will take advantage of these excellent public transport connections. The existing basement carpark on the site has 14 car parking spaces. The reference scheme that was part of the exhibited planning proposal showed a basement plan with 7 car parking spaces (inclusive of 1 visitor space) and 1 loading space. This reduction in on-site parking is reflective of the proposed commercial use being a low traffic generating use. The proposed commercial use is unlikely to have a noticeable effect on the operation of the surrounding road network. A swept path diagram has been provided which shows basement ingress and egress to the loading zone for service vehicles can be achieved. The loading bay provides for vans and courier sized vehicles. The car park will need to be designed in accordance with Australian Standards and provide appropriate access for these vehicles. Further consideration will be needed at the DA stage regarding the most appropriate arrangements for waste servicing. Concerns regard congestion and safety within the surrounding street and laneway are noted. The proposal does not represent a significant intensification of land use on the site. The proposal is unlikely to exacerbate these issues to an unreasonable extent. The traffic congestion concerns are consistent with what can be expected in such a highly urbanised environment. If there are safety concerns which extend beyond what can be reasonably managed by appropriate use and sharing of the road way, they should be raised with the City to investigate further. These issues don't warrant refusal of this planning proposal.
<i>Busby Lane / McCarthy Place</i> Busby Lane and McCarthy Place are very narrow, one way service lanes which already are subject to significant vehicular traffic. The laneway services multiple residential buildings, (including Paramount Apartments and Park Lane Towers), two Flour and Stone premises that have staff vehicle and pedestrian traffic constantly moving between them in Busby Lane, as well as commercial offices at 55 Riley St. The laneway provides critical ingress and	The DA stage will provide further opportunity to assess a future building's parking, loading and servicing arrangements. The DA stage will also be the correct time to consider construction traffic impacts. A construction traffic management plan will need to be

Summary of submissions	Response
egress points for local residents' vehicles, as it is the sole access points for basement car parking of Park Lane Towers, Paramount Apartments and other neighbouring developments, including the recently approved St Mary's Catholic College expansion. • The proposed development will add further strain to the laneway, both during construction and once operational. The laneway will experience an increase in traffic because of workers accessing the site's carpark at the rear of the building, and there will also be vehicular movements associated with deliveries and building maintenance. This will exacerbate existing congestion issues, particularly during peak hours, and will impede access for local residents. • Traffic flow in Busby Lane is already difficult as vans stop in the laneway to load and unload for the retail shops on Riley Street. Residents already endure people constantly double parking to patronise the existing bakery on Riley St blocking Busby Lane. Deliveries to this one business also continue to block Busby Lane paying no attention to parking restrictions. Residents have experienced long waits to access their car parking because of retail deliveries. Busby Lane is not suitable for additional traffic, especially retail. No additional retail space should be allowed as this will increase the congestion (including the complete blockage) of Busby Lane. • Large trucks (Council/ Commercial garbage trucks, removalist trucks, delivery trucks and grease trap trucks) stop in the one-way narrow laneway to service their clients and this causes the complete blockage of the laneway for significant periods of time. These large trucks also have to mount the kerb to turn from Busby Lane into McCarthy Place. Busby Lane lacks the capacity to service the ever-increasing traffic caused by continued development. • Traffic flow in the laneway has become more difficult since construction has commenced on the St Mary's Cathedral College building at 52-58 William Street. • A significant increase in traffic from the St Mary's Cathedral College development,	prepared. It is noted that construction traffic impacts would need to be addressed with any redevelopment of the site (even a redevelopment using the existing planning controls).

Summary of submissions	Response
coupled with the traffic associated with a 5 storey office block, is going to cause severe stress on a laneway which provides the vehicular access to service multiple residential buildings (including the car park for Paramount Apartments). - Increased vehicular activity in the laneway would impact on pedestrian safety and disrupting residential tranquillity. Parking / site servicing - The development proposes a higher commercial FSR on the site without corresponding on-site parking increases. The limited number of parking spaces in the proposed basement carparking facility is unlikely to meet demand that would be generated by the commercial tenancies. - This would result in an increase in demand for the limited on-street parking and further diminish the quality of life for current residents. - Council should not support the inclusion of 14 car spaces, which would contrast with its stated transport aims. - The proposal should not be allowed any additional car parking spaces. - An on-site parking space for deliveries and an internal space to store garbage bins between collections would be needed to keep Busby Lane functional. - The proponent's Transport Study Report prepared by Colston Budd Rogers & Kafes Pty Ltd (April 2024) identifies that vehicular access will be provided from Busby Lane with up to seven parking spaces and a loading bay accommodated on site for a future commercial redevelopment. The SJB Urban Design Report and indicative concept plans (May 2024) identifies a bin holding area at ground floor level at the rear of the building, with on-street collection from Busby Lane with bins being rolled in/out of the site. The Transport Report does not provide an assessment of the impact of this servicing arrangement on the operation and access to Busby Lane.	

Summary of submissions	Response
- The servicing and collection of waste off-site (i.e. on Busby Lane) is likely to cause blockages and delays in the laneway during the morning waste collection times, which may coincide with the arrival of staff to the St Mary's Cathedral College campus and departure of residents from neighbouring residential properties. Safety - From basement and loading dock entrances on Busby Lane and McCarthy Place there is limited or no visibility of oncoming pedestrians, cyclists and other vehicles. Also, delivery vehicles, garbage trucks and removalist vehicles frequently stop on the roadway in the laneway, this creates a serious hazard to pedestrians and cyclists. This creates a serious safety risk to local residents, cyclists and pedestrians and the increased level of vehicle movement will elevate risk. - Strong concern is raised that additional traffic pressure in the locality will increase safety risks in the immediate vicinity to locals, tourists, persons with disabilities, elderly persons etc. There will also be an increase in the number of children and young families in the area with the school population for St Mary's Cathedral College. Nearly 800 students and staff will soon inhabit the school at 58 William Street, and the increased traffic movements in this area from the planning proposal will create a significant safety hazard. The planning proposal will create an inappropriate safety risk for students, nearby residents and the occupants of nearby commercial premises. - The safety of students at St Mary's Cathedral College is of the utmost importance. The combined impact of the traffic generation associated with the planning proposal and surrounding development and any required mitigation measures must be considered further at a future development application stage to ensure there is no impact on pedestrian access arrangements to the school. - Once the St Mary's Cathedral School campus is active, traffic and safety problems in Busby Lane are likely to increase with parents	

Summary of submissions	Response
attempting to pick up children from the laneway, joining with the trucks for the retail use and the residents who use it for access to their homes. - Increased vehicle movements in Busby Lane could create potential hazards for pedestrians, including schoolchildren and residents who frequently use the laneway, given the minimal pathway for pedestrians in Busby Lane. - There is concern for emergency vehicle access being impeded. - The existing challenges associated with the service laneway may impact on the safety of school staff cycling to the William Street campus, as they will access cycle parking through Busby Lane. - Workers on the site who wish to ride to work and access the site via the bicycle parking area are likely to do so via the most direct route – from Riley Street via McCarthy Place. If cyclists cycle in an east to west direction along McCarthy Place, this is contrary to the flow of traffic, posing a significant safety risk. They may also cross Riley Street and ride along Suttor Street to access the Woolworths Metro in Crown Street. Riley Street is a busy street and operates a bus route, and has become busier with the relocation of bus services from Boomerang Place and Yurong Parkway into Riley Street. The bus routes are serviced by large articulated buses turning left from William Street into Riley Street.	
Trees (42 submissions)	
<i>Street trees at the front of the site on Riley Street</i> - The proposal would have a detrimental impact on the two street trees outside the front of the site on Riley Street. These trees would require removal or significant pruning if the development were to proceed. - The large London plane tree at the front of the site is already suffering from its location next to	The proposed building design is likely to require pruning of one of the street trees which currently overhangs the building. The amount of pruning required would need to be further assessed by an Arborist. The pruning would need to be undertaken in such a way that does not impact on the health of the street tree. Any future development application will be required to submit an Arboricultural Impact

Summary of submissions	Response
the existing building at 47-51 Riley Street. Based on the arboreal paradigm whereby a tree's canopy is a direct indication of the subterranean root structure, this tree's root system extends to at least 10m under the existing building on the site. The tree canopy is unimpeded to the east, extending significantly across Riley Street towards Crown Gardens, but to the west, directly above 47-51 Riley Street there is less tree canopy. Any increase to the height of the street front structure at 47-51 Riley Street would have a further deleterious effect on the tree. Any disturbance of the soil beneath the property would have a massive impact on root structure and, thus, the health of this tree. Any development of this site should not extend the building envelope at the street front nor below street level. • The loss of street trees would be a direct contradiction of the Lord Mayor's commitment to preserving Woolloomooloo's green spaces. • The trees at the front of the site contribute to the City of Sydney's efforts to ameliorate the impact of climate change (in line with the City of Sydney's Environmental Strategy 2020-2025). • It is City of Sydney policy to improve the density of tree cover, including residential access to trees. Should this development proceed at the currently proposed scale, it will have a significant and detrimental impact on the local green canopy. Cutting down trees and adding more concrete goes against the Greening Sydney strategy. • The tree canopy from the street trees at the front of the site offers shade, privacy and green view sight lines for surrounding neighbours and pedestrians. • Riley Street's tree canopy is essential for maintaining character, contributing to the area's streetscape, providing shade, reducing noise and improving air quality. The removal of the street trees at the front of the site would impact both aesthetics and environmental sustainability. If the tree canopy is impacted, this contradicts Sydney's environmental commitments.	Assessment report prepared by a qualified Arborist. The recommended planning controls are not considered to be detrimental to the long-term viability of the existing street trees. The proposed requirement for a non-trafficable green roof will contribute to urban greening in the area. This requirement will be contained in the site specific DCP.

Summary of submissions	Response
• Trees soften urban density, reduce heat, absorb pollution, reduce urban heat island impacts and mitigate climate change impacts and support well being. Once removed, their benefits can't be replaced. Any proposal must prioritise their long term preservation. • The Riley Street tree canopy is a significant and valuable component of the outlook to the north from the Paramount Apartments. • Tree canopy must be increased, not decreased. We need more trees, not fewer. • The bulk and scale of the development should be changed to consider the impacts on the street trees. • The street trees at the front of the site must be protected. • This planning proposal threatens the local environment, removing green spaces and mature trees that are crucial for our community. • The potential loss of street trees is not reasonably compensated by shallow depth roof top planting that is proposed for the green roof. • Through the loss of trees, the proposal may disrupt local ecosystems. There may be significant disruption to local native wildlife, including birds, which contribute to the unique environmental tapestry of our area. This would diminish local biodiversity but also detract from the natural heritage of Woolloomooloo. Views of trees • Residents bought their properties because of the views of and connectivity with the green belt of trees spreading across the Domain and the tree line to the sky horizon at the Art Gallery. These views will be lost as a result of this planning proposal.	
Noise (60 submissions)	
• The current low-rise development of the subject site and other buildings along the	This application seeks approval to change the planning controls which apply to the site.

Summary of submissions	Response
western side of Riley Street ameliorate the noise pollution as the low rise development limits reverberation and permits sound to dissipate over the low rise roof tops towards The Domain. - Many residents in nearby apartment buildings are shift workers, emergency services, doctors, nurses etc. and any additional noise and vibrations will become an unbearable consequence if this proposal is approved. - Currently there is a loss of amenity due to noise reverberation with sound reflecting off the walls of the existing high rise apartment complexes that enclose the subject site, including from traffic on William Street, emergency vehicle sirens and refrigerated trucks that service the Woolworths shop on Crown Street. This noise can be significant. - Increased noise pollution due to the scale and size of the building envelope will have an adverse impact on the use and enjoyment by the residents of their living areas and balconies. The noise levels from the reverberation may necessitate the closure of the north facing glass doors (preventing natural ventilation).	It does not propose the demolition or construction of a building. Any potential noise impacts of a future development on the site will be considered as part of the future DA assessment. It is considered that any redevelopment of the site, regardless of height and FSR, would create the types of noise issues raised by objectors in their submissions. Many of these concerns relate to common noise issues experienced in highly urbanised environments. As such, the noise concerns themselves don't warrant an amendment to the proposed controls. However, the recommend changes to the planning controls do reduce the height of the proposal, further reducing exposure to blank hard surfaces. The recommended requirement for a non-trafficable green roof will increase the amount of greenery on site. A non-trafficable green roof will also mitigate against noise impacts which may have resulted from communal open space on the rooftop. The future DA process may offer other opportunities for noise attenuation when the detailed design of the development is known. Future conditions of consent can also deal with noise associated with construction, loading and unloading, waste management and use.
<i>Southern elevation - wall</i> - The large wall on the southern elevation of the building will enclose the space between the site and Paramount Apartments. This will create an echo chamber, with noise reverberating and reflecting off hard surfaces. It will amplify noise, and it will bounce around and enter apartments, impacting on residents peaceful enjoyment of their homes. - The large blank wall facing Paramount Apartments will block ambient sounds, such as church bells from St Mary's and St Stephens, diminishing the acoustic character of the area. - The Planning Proposal will permit additional high walls, in close proximity to existing apartment buildings that will increase reverberation and sound reflection, particularly for Paramount Apartments as the kitchen,	

Summary of submissions	Response
living areas and balcony will be facing a solid masonry wall. Traffic - Increased vehicle movements, particularly from delivery trucks and service vehicles, will lead to heightened noise levels and disturbance to the surrounding residential community, particularly during early morning and late-night hours. - Increased traffic on Busby Lane will increase noise in the area. Roof top communal area - The proposal for rooftop communal open space for the building's workers will result in noise impacts on nearby residential apartments. Construction noise - The existing noise and commotion from Catholic Schools building site and carpark staging area is already a huge issue for many residents. Additional noise from the 47-51 Riley Street demolition, construction and increased traffic would be a huge extra disruption.	
Blank wall on southern elevation (37 submissions)	
- The planning proposal would allow a building with excessive blank side walls. Submissions raised particular concern about the reference scheme's extent of blank wall on the southern elevation. - Given heritage restrictions, it is likely that any future development of the Lessey's Garage site would take the form of alterations and additions with any new storeys setback from the Riley Street elevation. It is also reasonable to anticipate that any future development to the terrace at 53 Riley Street would retain at least the front portion of the building, including the pitched roof form, with additions located to the rear. This would mean that the proposed building envelope for the site would result in an	The recommended reduction in the maximum building height and maximum FSR will reduce the scale of the building envelope and therefore result in a reduction in the extent of blank side walls. Having some visible blank side walls is considered reasonable in this context as: - a compliant scheme under the existing 12m height control would also present a blank southern elevation wall; - blank elevations and elevations with minimal fenestration are already present and visible within the area including the eastern elevation of the Paramount Apartments building at 60-70 William Street and the rear elevation of Park Lane Towers at 1 Boomerang Place; and

Summary of submissions	Response
exposed blank wall on the southern elevation of the building. • Ordinarily such a wall is not problematic in an urban streetscape where it is anticipated that the adjacent sites will, in due course, build against it to conceal it and create a uniform streetscape. However the heritage item at Lessey's Garage is of single storey scale and unlikely to change which will render the unarticulated southern side wall of the proposal visible in perpetuity. This will have adverse heritage impacts and result in a very poor urban design outcome. A more satisfactory solution would be for the proposal to transition to its full height from the single storey scale of the Lessey's garage heritage item, although a transition to 5-6 storeys would be difficult to achieve in the site area and width available. • The reference scheme will present an abrupt change of scale, exposing a significant portion of blank wall which will loom over the lower scaled heritage item at 55-61 Riley Street (Lessey's Garage). • The abrupt scale contrast of the southern wall of the proposed building envelope will interrupt existing "layered" views available to pedestrians in William and Riley Streets. The wall will present as a visual anomaly in the streetscape and detract from the visual quality of the streetscape when viewed from the public domain. • The replacement of the iconic views currently enjoyed with a blank masonry façade towering some 15.3metres above the adjoining 2 storey building is a major negative impact on some 56 apartments in Paramount Apartments. The southern elevation wall will dominate the direct north outlook of all apartments in Paramount Apartments. This is an unreasonable impact on existing inner city residents to advantage one commercial use. This advantage is only achieved by a doubling of existing height and near doubling of existing FSR controls on the site which residents reasonably expected would ensure their future amenity when purchasing their apartments.	• the extent of blank facade in this instance is a product of accommodating compliant floor to ceiling heights for the proposed commercial use. The DA stage will provide an opportunity for consideration of the materiality of the blank side wall so as to ameliorate its visual impact.

Summary of submissions	Response
• The proposed high blank brick wall on the southern elevation, so close to the Paramount Apartments' free and open balconies, is very discordant with the neighbourhood. • The southern wall will dramatically and adversely add wind turbulence in southerly wind conditions, as well as interfere with natural ventilation presently accessible to the Paramount Apartment units, and will block summer "cooling" NE north easterly winds from the harbour.	
Roof top (20 submissions)	
• The location and design of the lift core which provides roof top access adds to the building's dominance. • The roof top structures and garden add another 4.5m to the overall height of this large building, to be used for office workers to enjoy a lunch or after works drinks. Office workers will get to enjoy the views and outlooks that residential owners will have forfeited. • There is concern that if the planning proposal is approved with a 25m height control, the proponent may push for a roof top structure on top of that. When development applications go forward there is often leniency in allowing for a tolerance above agreed height limits. • View loss may be greater if the rooftop pergola is expanded. It is highly likely the developer would lodge an application to increase the pergola size, or even make it a more solid structure at the development application stage if this planning proposal is approved. • The proposal has a large air handling unit on the roof top directly across from balconies in the Paramount Apartments. Residents in the Paramount Apartments open their balcony doors to provide airflow. Objection is raised to the operational noise and dusty air that such units produce. • The roof top communal open space will result in privacy impacts on nearby apartment buildings and the St Mary's Cathedral College	To further reduce a future building's height and bulk and reduce impacts on neighbouring properties, it is recommended that if a 4 storey commercial building is to be pursued for the site, there be no additional allowance above the maximum height control of RL25.5m for a roof top lift overrun, building plant, pergola structure or communal open space. Rather, the building shall use a machine-room less lift, have distributed plant and a non-trafficable green roof.

Summary of submissions	Response
outdoor study area currently under construction. • The proposed rooftop patio is unnecessary in an office setting, further demonstrating the excessive nature of the design. • The proposed green roof is mere tokenism.	
Construction impacts (28 submissions)	
• A development of this scale will inevitably involve prolonged construction activity, including excavation, heavy vehicle movements, and ongoing works that may extend over a prolonged period. The impact of construction noise, dust, and vibration on the surrounding community needs to be addressed, particularly for those living or working in close proximity. • In the Paramount Apartments, living areas and balconies would be facing towards the proposed construction, so would be impacted by dust, debris drift and air pollution. • The demolition and building works will likely require road closures, delivery trucks, and site access arrangements that could significantly disrupt traffic flow in an already congested one-way laneway. • Deep excavation and heavy construction may pose risks to neighbouring structures and cause damage, particularly older buildings like 55 Riley St that may not have been designed to withstand such disruptions. • Given the location, any allowance for extended construction hours that may impact early mornings, evenings and weekends could significantly impact the quality of life for residents. Restrictions on work times should be carefully considered. • The construction process would exacerbate air pollution and disrupt local wildlife habitats, particularly considering the full site coverage of the new building envelope.	The proposal seeks approval to change the planning controls for the site. It does not propose the demolition or construction of a building. Any potential construction impacts of a future development on the site will be considered as part of the DA assessment. Construction impacts would need to be addressed with any redevelopment of the site, even under the existing planning controls.

Summary of submissions	Response
• Approving an intensive construction project will impact on the ability of nearby residents to work from home and live comfortably. • Many residents in nearby apartment buildings are shift workers, emergency services, doctors, nurses etc. and any additional noise and vibrations will become an unbearable consequence if this proposal is approved. • Approving an intensive construction project will impact on the ability to work from home and live comfortably. • Increased use of Busby Lane for construction access will potentially worsen noise and create safety issues for pedestrians and vehicles. • Increased stormwater runoff due to the lack of permeable surfaces poses a significant risk to the local ecosystem, especially given the site's location within the Sydney Harbour Catchment area. • If this development proceeds, strict conditions should be placed on construction hours, dust mitigation and truck movements.	
Impact on mental health / physical health / well being (38 submissions)	
• Research shows that access to natural light, open space, and distant views has a direct positive impact on mental health, reducing stress, improving mood, and promoting overall well-being. The daily benefits of “seeing nature” on human mental health are profound and well documented across various scientific studies. These studies collectively underscore the daily benefits of seeing nature on human mental health. The preservation and integration of natural environments in our daily lives enhances our psychological well-being, cognitive function, and overall happiness. • The City of Sydney’s Greening Sydney Strategy states that a green tree canopy coverage of at least 30% reduces mental health issues. • This planning proposal would significantly impact the quality of life for residents in nearby homes - limiting access to sunlight, reducing	The proposal’s impacts on residential amenity, views, outlook and trees are addressed under separate headings in this summary of submissions. The recommendations to reduce the maximum building height and maximum FSR will reduce the overall scale and bulk of the building envelope. With these recommended changes, it is considered that the site will be able to support a future building that is appropriate in its context. On balance, the impacts of the amended proposal are considered acceptable.

Summary of submissions	Response
ventilation, and creating a sense of being boxed in. Residents will no longer enjoy the psychological benefits of views of open space. The loss of outlook and views of greenery and nature in exchange for an overbearing facade will create a claustrophobic, oppressive environment, leading to increased feelings of isolation, anxiety, and even depression for those who live in nearby apartment buildings. • The significant and detrimental impact on the mental and social well-being of residents in Paramount Apartments by the loss of such important views and the loss of connection with place and community that these views currently offer cannot be overstated. • A research study also highlights the correlation between reduced green space and the prevalence of diabetes and cardiovascular diseases. The research suggests that urban environments with limited greenery contribute to higher incidences of these health conditions due to increased stress levels and reduced opportunities for physical activity. Increasing the density of housing and decreasing green space can have significant adverse effects on public health. Research indicates that reduced access to green spaces is associated with higher levels of stress, mental fatigue, and overall poor health. • The negative effects of this development on residents' mental health should not be dismissed, as they will be ongoing and long-term—far beyond the standard working hours of the office employees who will only use the building on the site for work purposes. • Concern is raised about the potential public health ramifications and the adverse impact on the local indigenous population. Development projects of this scale require thorough consideration of how they might contribute to public health challenges, including increased stress and reduced community cohesion. Especially during a mental health crisis. It is crucial that the interests and cultural significance of the local indigenous community are respected and safeguarded. The community in this area is fragile and any	

Summary of submissions	Response
disruption could further set back any progress made.	
Impact on nearby school and playground under construction (19 submissions)	
- It is essential that ongoing spot rezonings in the surrounding area do not negatively affect the safety and operation of the St Mary's Cathedral College campus and student capacity. - A future development on the site could create opportunities for overlooking onto the approved terrace over the carpark in the St Mary's Cathedral College campus, which may impact student privacy and amenity. The SJB reference scheme plans (May 2024) for the planning proposal orientates the roof top terrace and communal open space to the north and east of the site along Riley Street, with plant located to the rear of the site on the Busby Lane elevation. This orientation is supported by Sydney Catholic Schools. A potential reorientation of the open space towards Busby Lane would not be supported as this may cause opportunities for direct overlooking onto the school's terrace. - The overshadowing impact assessment has largely been undertaken for the neighbouring residential buildings and the façade testing only for the northern elevation of the building at 60-70 William Street. The impact of solar access on the St Mary's Cathedral School campus' terrace has not been considered. While it is noted the solar amenity controls of the Apartment Design Guide do not apply to the St Mary's Cathedral College campus, it is requested any potential loss of solar access to the terrace is considered and mitigated where possible to ensure the amenity of the school's terrace is maintained. - The development will have a psychological impact on the kids. The school's terrace area would be open to light and air, but with this development, it would be almost completely boxed in by surrounding buildings.	It is considered that in this mixed-use urban setting, any reasonable redevelopment of the site for commercial office and retail purposes would have a negligible impact on the safety and operation of the nearby St Mary's Cathedral College campus and the psychology of students. With regard to concerns about overlooking onto the approved terrace within the St Mary's Cathedral College campus, it is noted that the proposed communal open space on the roof-top is recommended for deletion from the proposal, to reduce potential impacts upon neighbouring properties. The future DA process provides an opportunity for design treatments to disrupt sightlines between the commercial office space and the school terrace, if such is considered reasonable and warranted at that time. With regard to overshadowing, the impacts will be less than with the exhibited planning proposal, given the recommended reductions to the maximum height and FSR controls. The City does not have solar access provisions for the protection of non-residential buildings.

Summary of submissions	Response
Excessive floor to floor heights (12 submissions)	
• The proposed 3.8 m floor to floor heights is excessive for an office building of this scale and function. The standard commercial floor height for buildings of this size is closer to 2.4m – 2.7m. • The additional height per floor increases the building's overall height, mass and bulk. This contributes to overshadowing, view loss, and increased visual impact on nearby residential properties. • The floor to floor heights are contrary to standard city design principles. Similar commercial buildings in Sydney do not require excessive floor heights. • The excessive floor to floor heights makes the development more imposing and out of proportion with neighbouring buildings, particularly the heritage listed properties. • No justification has been provided as to the excessive floor to floor heights. Other commercial buildings operate within standard 2.4m – 3.0m floor to floor heights without adverse impact on function.	The proposed floor to floor heights detailed in the proponent's reference scheme are compliant with the floor to floor height provisions in the Sydney Development Control Plan 2012. To further restrict the proposed floor to floor heights would unreasonably restrict the future use and adaptability of these spaces for a variety of employment uses.
Impact on archaeological history through basement excavation (1 submission)	
• The plan to excavate further to construct a basement will disrupt archaeological history which remains prevalent around Woolloomooloo. Assumptions are made regarding prior disturbance to the archaeological site and baseline assessments, but they fail to consider the additional excavation required, potentially impacting further on Aboriginal objects and other historical deposits.	The potential for archaeological relics to be found on the site during future excavation can be addressed through an archaeological assessment at the DA stage.
Additional commercial floorspace not needed / will erode residential community (28 submissions)	
• Why would the council want to increase the supply of commercial space when there seems to be little demand?	The City has endorsed a Local Strategic Planning Statement that outlines that it will consider site specific planning proposals for

Summary of submissions	Response
- Developing an office building in this location in the current market does not make financial sense. If approved, the building would ultimately be reworked to provide residential accommodation. If changed to residential, a greater volume of residential floorspace is likely to be produced with more floors within proposed envelope. That residential use may be augmented by supplementary Affordable Housing units, which would, under present law, allow for a building that is both higher and contains more floor space than is being requested at the current time for commercial use. - What is to stop the developer requesting a change of use from commercial to residential once the planning proposal is approved? Would the City be contemplating a change in density (height & FSR) for this site if a 5-storey residential building had been proposed instead? - There is no urgent need for additional office buildings in Woolloomooloo, especially given the availability of commercial spaces within walking distance in the Sydney CBD. This site would be better utilised for residential apartments, helping to address the housing crisis rather than prioritising office spaces that may remain underutilised. - If the building envelope is approved, the proponent can redesign a new building to accommodate at least 7-8 levels of residential apartments.	employment related developments to meet our NSW Government imposed jobs target. The proposed additional height and floor space will be restricted to commercial uses in Sydney Local Environmental Plan 2012. The proposal is in response to a landowner request for new planning controls for a commercial use. The market will determine if and when the site may be redeveloped under the recommended planning controls. A residential proposal for the site would not be able to access the additional height and floor space available through this site specific clause in the LEP. A residential proposal would need to comply with the existing planning controls that apply to the site.
Privacy/overlooking (19 submissions)	
- The loss of privacy is of concern – the thought of looking into somebody else’s unit, rather than St Mary’s Cathedral is very disconcerting. - The proposed commercial building will overlook the surrounding area, impacting amenity, light and views. - The proposal will result in two way sight issues between apartments and offices. - There are major privacy issues with the outdoor study area that is being constructed	To reduce impacts on neighbouring properties, it is recommended that if a 4 storey commercial building is to be pursued for the site, there be no additional allowance above the RL25.5m maximum height control for a pergola structure or communal open space. Rather, the building shall have a non-trafficable green roof. The future DA stage will provide opportunity for privacy treatments to be integrated with the building design, if such is considered reasonable and warranted. Privacy

Summary of submissions	Response
as part of the St Mary's Cathedral School campus with frontage to Busby Lane. The rear of the development at 47-51 Riley Street will have direct views of children in the roofed seating pods. The development will overlook, at very close quarters, the playground. Parents should be made aware of this when choosing a school for their children. • Sydney Catholic Schools are concerned that a future development of the site could create additional opportunities for overlooking onto St Mary's Cathedral School's outdoor terrace (under construction) which may impact student privacy and amenity. The reference scheme orients the development's terrace and roof top open space to the north and east of the site along Riley Street, with plant located to the rear on the Busby Lane elevation. Sydney Catholic Schools supports this orientation. A potential reorientation of the open space towards Busby Lane would not be supported by Sydney Catholic Schools given opportunities for direct overlooking onto the terrace. • The height of the building will have an impact on neighbouring buildings in terms of privacy, particularly to and from the communal open space on the rooftop. • The proposal will erode privacy for existing residents. People using the roof top of the development will have direct views into the living spaces of multiple neighbours, as well as a school playground and childcare facilities. • Four existing residential towers will be seriously impact by privacy issues – Park Lane Towers (both North and South Towers), Paramount Apartments, The Riley Apartments and Crown Gardens. The proposed extra upper floors have windows looking into Busby Lane as well as across the road into Riley Street. Many residents in Park Lane towers will look straight into the high rise office tower and the office works will look into apartments. A half metre setback is inappropriate. • The existing restricted building heights for properties between 13 and 47 Riley Street maintains privacy for nearby residents.	treatments may reduce opportunities for overlooking into nearby residential properties and the St Mary's Cathedral College campus.

Summary of submissions	Response
The roof top will directly overlook the neighbouring apartment complex to the immediate north.	
Wind impacts (7 submissions)	
- With height increases come unpleasant wind tunnel effects. - Taller buildings can contribute to wind tunnelling effects, impacting pedestrian comfort and making the surrounding area less pleasant to navigate. - Riley Street is narrow and congested and the proposed design would only create more shadowing and increase the current problem of wind tunnelling, especially severe during Sydney's often occurring southerly winds. - Residents who live in the block in Riley and Crown streets before William St know that both streets are already subject to a 'tunnel' effect of wind when a southerly is blowing. It is caused by the higher buildings that have crept down them, combined with the narrowness of the streets and their north-south orientation. It is already severe enough to make it difficult at times for pedestrians heading south. Another large building will add to the impact. - The proposed building's southern wall will dramatically and adversely add wind turbulence in southerly wind conditions. This large wall is likely to create a wind tunnel.	The recommended reduction to the maximum height and FSR controls will result in a building envelope that is considered reasonable in its urban context. It is not considered that the building will be of such a scale as to introduce negative wind impacts.
Busby Lane subsidence, repairs and maintenance (9 submissions)	
Busby Lane has had many sinkholes and drainage issues over the years, linked to it being above an offshoot of Busby's Bore. There have been many road plates and operations designed to fix problems in the short term, but these solutions have never lasted. An increase in the traffic that will come with an increase in the commercial workforce and the potential retail workforce will worsen these problems.	Subsidence, repairs and maintenance issues related to Busby Land are not considered reasons why this planning proposal cannot be supported. These are issues that the City routinely manages as the local road authority in collaboration with Sydney Water as the other major drainage asset owner in the area.

Summary of submissions	Response
• Danger that a sink hole may appear in Lane due to old pipes and water channels beneath Busby Lane, potentially resulting in tragedy. • Busby Lane suffers from subsidence, most likely due to underground water flow and/or the failure of drainage or sewerage pipes that run under the laneway. An increase in road traffic, especially heavy construction vehicles and service vehicles, may cause further subsidence and damage to colonial era works and artefacts.	
Increased demands on local infrastructure (7 submissions)	
• Increased development density and changes in land use could result in higher traffic volumes in the local road and pedestrian network, increased pressure on local facilities and open spaces and potential safety issues for students of St Mary's Cathedral College. • More than doubling the size of an already large building in the middle of the block will cause an increase in traffic and congestion along the already stretched areas of William Street, Riley Street and Yurong Parkway. Adding more vehicles to the area without adequate infrastructure improvements would create serious accessibility issues. • The proposal will impose additional demands on local roads, sewerage, water pipes and electrical grids, leading to an increase in issues for the surrounding area and necessitating costly infrastructure upgrades. • The planned basement parking is insufficient to accommodate increased parking demand, further straining local infrastructure. • The proposal is an overdevelopment of the site, and introduces a commercial use that is not in keeping with the predominantly residential character of the area. This will result in additional strain on local infrastructure, parking availability and public services, which are already under pressure.	The site is well serviced by public transport, and is a short walk from Central Sydney. It is expected that many of the future workers at the site will rely on public transport to commute to and from the site. The reference scheme submitted in support of the proposal showed a reduction in on-site parking when compared to the existing on-site parking, which is reflective of the proposed commercial use being a low traffic generating use. The proposed commercial use is unlikely to have a noticeable effect on the operation of the surrounding road network. Any future redevelopment of the site which results in additional floor space will be subject to section 7.11 development contributions under the City of Sydney Development Contributions Plan 2015, to ensure that the additional demand for infrastructure generated by the proposal can be met through the provision of new or improved infrastructure.

Summary of submissions	Response
Flooding (6 submissions)	
• The Flood Impact Assessment (March 2024) identifies that the proposed ground floor retail and lobby areas are below the 1% AEP flood level, increasing the risk of flooding and water ingress. • The Gateway Determination Report (10 October 2024) requires an emergency flood management plan, confirming concerns about site safety during extreme weather events. • The Sydney DCP 2012 (Clause 3.5.2) mandates that new developments must not increase flood risk to neighbouring properties, yet the proposed design risks water pooling and drainage issues. • The area has a history of flooding, at times the flooding on Busby Lane can be knee deep. This is one of the lowest parts of the area and turning it into a high density space could exacerbate flooding risk. Proper flood management strategies will help avoid worsening the flood risk faced by the neighbourhood. • No comment or explanation has been made about the flood potential for this area. Busby Lane is lower than Riley Street and underground car parking in this building sits below Busby Lane. • The proposal ignores issue of water flow. • Localised flooding is one impact of the subsidence experienced in Busby Lane.	The proposal is supported by a detailed flood impact assessment and flood emergency management strategy. The proposed retail and lobby areas are capable of being raised above the appropriate flood planning levels without impacting on the height of the building. The proponent's emergency flood management plan is considered acceptable. A detailed assessment of how the development can mitigate against flood risk can be made at DA stage when the detailed design of the development is known. Sufficient information has been provided to determine that the development is capable of managing the associated flood risk. The proposed development also does not pose a risk in terms of increasing flood risk to neighbouring properties.
Lift core adds to building envelope's dominance (4 submissions)	
• The location and orientation of the lift core on the southern side of the site contributes to the dominance of built form when viewed from pedestrian areas in proximity to William Street. • The location and orientation of the reference scheme's vertical circulation and the lack of southern wall setbacks prioritises views and solar amenity for the enjoyment of occupants of the rooftop level of the future commercial building, at the expense of obstructing views	To reduce the height and bulk of the development and impacts on neighbouring properties, it is recommended that if a 4 storey commercial building is pursued for the site, there be no additional allowance above the RL25.5m maximum height control for a roof top lift overrun, building plant, pergola structure or communal open space. Rather, the building shall use a machine-room less

Summary of submissions	Response
from a significant number of neighbouring residential apartments and exposing blank wall areas to both public and private domain vantage points.	lift, have distributed plant and a non-trafficable green roof.
Street wall on Riley Street elevation (3 submissions)	
• 3 storey street wall fails to respond to the existing street wall scale defined by adjoining property to the north (at 43-45 Riley Street) • Rather than contributing to a cohesive street wall alignment and a cohesive urban block, the reference scheme makes no attempt to respond to the scale and alignment of neighbouring development. • Locality statement of Cathedral Street Precinct includes as a principle for development: <i>“Encourage a 3 storey street wall along Riley Street to define the streetscape and provide a transition to taller development along William Street”</i>. • Proposed 3 storey street front wall to Riley Street is not consistent with the existing scale of the surrounding buildings to the Riley Street elevation (significantly higher and does not reinforce existing scale). • Three storey wall proposed on Riley Street does not respond to existing street wall scale. Floor to floor heights are considerable and not consistent with adjoining buildings resulting in an overscaled proposed street wall. Reference scheme dominates the local streetscape rather than contributing to cohesive street wall alignment.	As recommended to change, the reduced scale of the proposed planning envelope is not considered to be unreasonable within this diverse setting and streetscape. The proposed 3 storey street wall on Riley Street will step down to the 4 storey street wall at 43-45 Riley Street which then steps down again to the 3 storey plus parapet street wall at 41 Riley Street, following the topography of the land. The immediately adjoining building to the north at 43-45 Riley Street is a mixed use building with residential floors above the ground floor retail premises, and as such has lower floor to ceiling heights. The proposed floor to floor heights in the proponent’s reference scheme are compliant the floor to floor height provisions in the Sydney Development Control Plan 2012. To further restrict the proposed floor to floor heights would unreasonably restrict the future use and adaptability of these spaces for a variety of employment uses. The DA stage will provide an opportunity for the detailed design of the building to be developed to address how it sits within the streetscape.
Overshadowing non-residential neighbouring properties (3 submissions)	
• The increased height is likely to create shadowing issues for surrounding properties, limiting natural light access, particularly in winter months. • Sydney Catholic Schools note that the impact of solar access on the St Mary’s Cathedral School campus’ terrace has not been considered. While it is noted the solar amenity controls of the Apartment Design Guide do not	The overshadowing impacts of a future development will be less than indicated with the exhibited planning proposal, given the recommended reductions to the maximum height and FSR controls. The City does not have solar access provisions for the protection of non-residential buildings.

Summary of submissions	Response
apply to the St Mary's Cathedral College campus, it is requested any potential loss of solar access to the terrace is considered and mitigated where possible to ensure the amenity of the school's terrace is maintained. The increased height will reduce the sunlight to the surrounding buildings and for pedestrians enjoying the area. Two hours per day is not enough sunlight for healthy wellbeing.	
Activation of Riley Street (21 submissions)	
- There is support for the activation of Riley Street at street level, but this can be achieved without the excessive scale of this planning proposal. - The rejuvenation of Riley Street is welcomed, as it currently lacks character and is not appealing. - Ground floor retail will improve street activation and enhance the pedestrian experience. - The inclusion of retail space at the ground level fronting Riley Street will attract foot traffic, create a vibrant street presence and contribute to the character and amenity of the street.	Noted.
Promotes economic growth, fostering investment and employment opportunities (12 submissions)	
- The proposal aligns with strategic planning objectives, promotes investment, business and employment opportunities in a well-positioned location. - Progress should continue to be made with the development of the Woolloomooloo area, particularly for new retail and office spaces. - Development brings more diversity, attracts other businesses like cafes, restaurants and more residential projects, which help the community grow.	Noted.

Summary of submissions	Response
• NIMBYism from people who have benefitted from the area's development holds back the progress and improvement of our City. • The area is in the middle of the City surrounded by large numbers of people. It needs an upgrade and a change like this could help. • Woolloomooloo is well suited for increased density given its proximity to the City and strong public transport links. • The proposed planning control changes present an exciting opportunity for the site. Allowing a new 5 storey commercial development on the site will enhance the site's potential and contribute to the area's economic growth. • The office spaces within the building will provide valuable opportunities for businesses to thrive.	
Improvement on current building on site, aesthetically pleasing (10 submissions)	
• The existing building is an eyesore and has no heritage value. The proposed design fits well in the area. • The low quality of many of the existing 1950-1980 era buildings needs to be addressed. Replacing these buildings with higher quality new buildings is a welcome move. • The proposal is architecturally and aesthetically pleasing compared to the current building on the site. • The development will enhance the visual appeal of the site, providing a significant improvement over the current old building that is currently there. • A fabulous proposal given such an ugly existing building on the site.	Noted.

Summary of submissions	Response
Changes benefit community (5 submissions)	
• The changes are positive and will bring a dynamic and beneficial transformation to the community. • The changes will create new commercial workspace and attract more retail, which will benefit people living or working nearby. • The changes will bring a new much better and refreshed look to the area. • The development presents a great opportunity to increase economic activity which will reinvigorate the area. • The building will transform the neighbourhood which will benefit both residents and businesses alike. • The proposal will benefit the community and revitalisation of the area. • By allowing for a new 5-storey commercial development, these adjustments will significantly enhance the site's potential and contribute to the area's economic growth. The inclusion of retail space at the ground level fronting Riley Street will likely attract foot traffic and create a vibrant street presence, while the office spaces throughout the rest of the building will provide valuable opportunities for businesses to thrive. Overall, these changes promise to bring a dynamic and beneficial transformation to the community.	Noted.
Waste collection should be onsite (1 submission)	
• Sydney Catholic Schools strongly recommends that at the DA stage, the applicant accommodate onsite waste collection from an internal loading bay. Further consideration of the cumulative impacts of servicing, waste and vehicular movements on Busby Lane is required at a future DA stage.	Waste collection will be addressed at the DA stage once the detailed design of the development is known. The proponent's reference scheme provides for a waste holding area fronting onto Busby Lane so that waste contractors can access bins directly from Busby Lane so bins are not stored on the laneway.

Summary of submissions		Response
Sustainable development (1 submission)		
The planning proposal's design considerations, including the provision of a green roof, demonstrate commitment to sustainable development.		Noted.
Public transport improvements needed (1 submission)		
- Public transport improvements should be considered. - Extending the Park Street bus lanes along William Street to Kings Cross would discourage occupants of the new building from driving.		This site located in close proximity to the Sydney CBD and is well serviced by existing public transport.
Support building greenery (1 submission)		
The greenery proposed on the upper floors and rooftop would be nice to look at from neighbouring buildings.		Noted.

Public Authority Submissions

The Gateway Determination provided by the Department of Planning, Housing and Infrastructure required consultation with the following public authorities:

- Commonwealth Department of Infrastructure, Transport, Regional Development, Communications and the Arts;
- Sydney Airport;
- Civil Aviation Safety Authority;
- Airservices Australia;
- Utility providers, including Sydney Water

Summary of submission	Response
Commonwealth Department of Infrastructure, Transport, Regional Development, Communications and the Arts	
• Land-use planning and development proposals in the vicinity of Federal Leased Airports (FLAs) may be subject to certain considerations and constraints in relation to airport safeguarding and airspace protection. This includes proposed changes to State and Local government's planning controls. • The Department recommends NSW Planning and City of Sydney engage with relevant Federal Leased Airports (FLA) (in this case, Sydney Airport). FLAs as referral authorities, are best placed to assess the potential impacts of proposals on airport operations. FLAs liaise with aviation agencies (the Civil Aviation Safety Authority and Airservices Australia) and refer proposals to the Department for assessment under the Airports Act and Regulations where appropriate. FLAs will also liaise with proponents and NSW Planning where required to discuss any planning constraints, mitigations or conditions that NSW Planning would need to have regard to in making its determination.	Noted. Further engagement will occur at the DA stage.

Summary of submission	Response
Sydney Airport	
Obstacle Limitation Surface (OLS) • The height of the Sydney Airport Obstacle Limitation Surface (OLS) has a height of 156.00 metres above Australian Height Datum (AHD). • Any proposed structures taller than 156m AHD, within the proposal, would constitute a controlled activity and be subject to the Federal Airports (Protection of Airspace) Regulations 1996 • The approved height is inclusive of all lift over-runs, vents, chimneys, aerials, TV antennae, construction cranes etc. • Construction cranes may be required to operate at a height significantly higher than that of the proposed development and consequently, may not be approved under the Airports (Protection of Airspace) Regulations. • Sydney Airport advises that approval to operate construction equipment (ie cranes) should be obtained prior to any commitment to construct. Planning for aircraft noise and public safety zones • Current planning provisions (s.117 Direction 3.5 NSW Environmental Planning and Assessment Act 1979) for the assessment of aircraft noise for certain land uses are based on the Australian Noise Exposure Forecast (ANEF). The current ANEF for which Council may use as the land use planning tool for Sydney Airport was endorsed by Airservices in December 2012 (Sydney Airport 2033 ANEF). • Whilst there are currently no national aviation standards relating to defining public safety areas beyond the airport	Noted. Further engagement will occur at the DA stage.

Summary of submission	Response
boundary, it is recommended that proposed land uses which have high population densities should be avoided.	
Civil Aviation Safety Authority (CASA)	
• The maximum proposed building height is approximately RL33 (rounded up) or 25m Above Ground Level. • The Obstacle Limitation Surface (OLS) Outer Horizontal Surface for Sydney Airport over the area is RL156m. Therefore, the building would be under the OLS (by a significant margin) and will not need to be assessed under the Airspace Regulations. The building at 60-70 William Street (about 40m away) is about 14 storeys. Aviation Safety is not an issue (the proposal could be 5 times as high and still not be an issue). • Notwithstanding that CASA is not an Approval Authority, CASA does not object to the Planning Proposal.	Noted. Further engagement will occur at the DA stage.
Airservices Australia	
• Airservices Australia have no comments on this rezoning proposal. • Any proposed developments or cranes required during construction within the rezoned area may need separate assessments. • Noting the proximity to Sydney Airport, any future proposals should be submitted to Sydney Airport in the first instance. Sydney Airport will then refer the proposal to Airservices Australia if required to ensure compliance with regulations surrounding developments near federally leased airports.	Noted. Further engagement will occur at the DA stage.

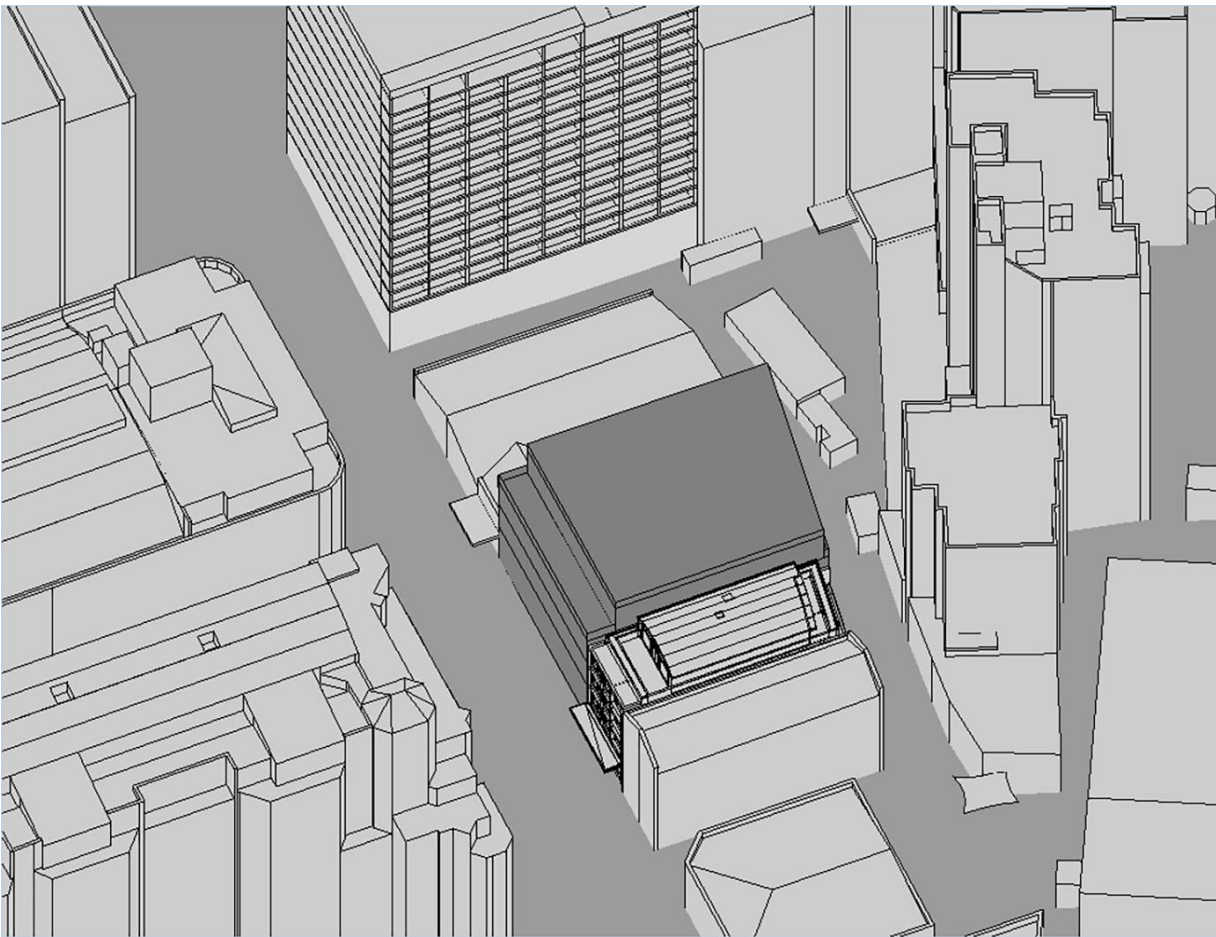
Summary of submission	Response
Sydney Water	
• Sydney Water's preliminary assessment indicates that water and wastewater servicing should be available for future demand. Amplifications, adjustments and/or minor extensions may be required for future development works. Further servicing requirements will be provided at the development application stage. • If the development is anticipated to generate trade wastewater, the developer must submit an application requesting permission to discharge trade waste water to Sydney Water's wastewater system. An applicant must wait for approval and the issue of a permit before any business activities can commence. • Further advice from Sydney Water may be offered during the exhibition, the feasibility or, Section 73 stages with regards to the protection of existing and proposed assets/easements and any requirements pertaining to building over or adjacent to Sydney Water assets. These aspects will be investigated as Sydney Water receives more detail, and specific protection requirements, objections or amendments will be documented as they progress. • The proponent should complete Sydney Water's Growth Data Form as part of a Section 73 submission. • Council is advised to provide the proponent with the Sydney Water Planning Proposal Information Sheet to assist the proponent in progressing their development, which contains information on how to make further applications to Sydney Water and further information on Infrastructure Contributions.	Noted. Further engagement will occur at the DA stage.

Summary of submission	Response
Ausgrid	
- Ausgrid requires that due consideration be given to the compatibility of the proposal with existing Ausgrid infrastructure including: - electrocution, - fire, - Electric & Magnetic Fields (EMFs), - noise - visual amenity, and - other matters that may impact Ausgrid or the proposal. - Consent authorities are obliged to consider the suitability of a proposal including its compatibility with surrounding land uses and the existing environment. Where the consent authority considers that a proposal is suitable and involves a development type that could impact on electrical assets/infrastructure, then Ausgrid requires development consent conditions to be imposed to ensure safety and compatibility of both the development and Ausgrid's assets.	Noted. Further engagement will occur at the DA stage.
Jemena	
Jemena raises no objection to this planning proposal.	Noted.

Attachment B

**Planning Proposal – 47-51 Riley Street,
Woolloomooloo (as amended following public
exhibition)**

Planning Proposal: 47 – 51 Riley Street, Woolloomooloo



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Planning Proposal:
47 – 51 Riley Street, Woolloomooloo

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Executive summary

The City of Sydney (the City) has prepared this planning proposal for 47 – 51 Riley Street, Woolloomooloo (the site) in response to a request from the landowner and proponent, RileyCorp Pty Ltd.

The planning proposal will enable development on the site consistent with the objectives and priorities of the Greater Sydney Region Plan, the Eastern City District Plan and the City's Local Strategic Planning Statement. This proposal seeks to increase the maximum building height and floor space ratio to support the site's future redevelopment and to achieve the following key benefits:

- the delivery of approximately ~~2150~~ 1850 square metres of new commercial workspace in Woolloomooloo, helping to promote investment, business and employment opportunities in a well-positioned location supported by existing social and transport infrastructure;
- a built form that respects the low and mid rise scale of adjoining properties through the use of a podium and a ~~three~~ 3 storey street wall height, and uses setbacks for ~~the~~ upper level to reduce impacts on the streetscape and provide a transition to the nearby high rise buildings;
- permitting greater development and density while preserving amenity of nearby residential apartments, including in relation to solar access; and
- a retail tenancy at ground floor level to encourage a diverse and active street frontage and contribute to the character, amenity and vibrancy of Riley Street.

The site

The site has an area of 580 square metres. It is located to the east of the Sydney CBD, on the western edge of Woolloomooloo. The site's primary frontage is to Riley Street, and there is a secondary frontage to Busby Lane. The site is occupied by a part two / part three storey building which dates from the 1960s and is comprised of approximately 1000 square metres of office floor space. There is a basement carpark with 14 onsite parking spaces. Vehicular and servicing access is from Busby Lane. The site is located within a block of five properties which have a mixture of architectural styles. Immediately adjoining the site to the south is a two storey Victorian terrace style shop top building with a food and drink premises on the ground floor level. To the immediate north of the site is a part four / part five storey building with a food and drink premises at ground floor level and residential apartments above.

Existing development controls

Under the existing Sydney Local Environmental Plan 2012 (Sydney LEP 2012) controls, the site is zoned MU1 Mixed Use permitting a broad range of uses including office, retail and residential. The site has a maximum floor space ratio of 2:1 and a maximum building height of 12m.

The planning proposal – Sydney Local Environmental Plan 2012 controls

The City has prepared this planning proposal following a detailed review of the proponent's planning proposal request and accompanying documentation.

This planning proposal seeks to insert a new site-specific clause in Part 6, Division 5 of the Sydney LEP 2012 to:

- increase the maximum building height from 12 metres to ~~25-metres~~ RL 25.5 metres; and
- increase the maximum floor space ratio from 2:1 to ~~3.8:1~~ 3.2:1 (exclusive of end of journey floor space at basement level).

As the planning proposal is aimed at supporting the commercial development of the site, the proposed increase to the maximum building height and FSR for the site will be available to commercial uses.

Draft site-specific amendment to Sydney Development Control Plan 2012

The City has prepared a draft site-specific amendment to the Sydney Development Control Plan 2012 (Sydney DCP 2012) to help ensure the objectives and intended outcomes of this planning proposal are achieved. The draft amendment to the Sydney DCP 2012 includes controls relating to the built form of the proposed development, site access and servicing, street activation and urban ecology.

The City intends to publicly exhibit the draft DCP amendments alongside this planning proposal.

1. Site Identification

1.1. Site Identification

The address and lot reference affected by this planning proposal are collectively referred to as 'the site'. The site is located at 47 – 51 Riley Street, Woolloomooloo and the lot reference is Lot 1 in DP 83489. A map of the site, outlined in red, is shown at Figure 1.

Figure 1. Land affected by this Planning Proposal



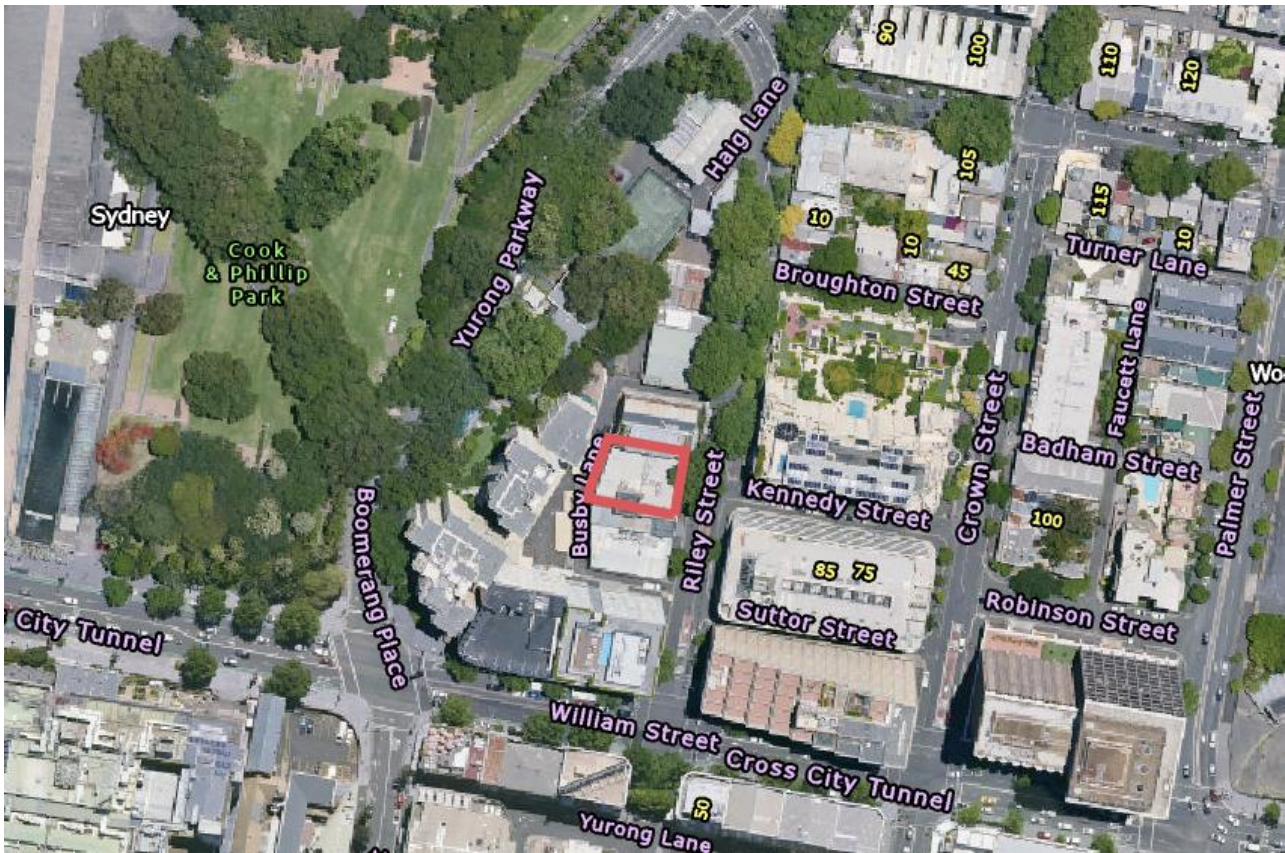
1.2. Site location

The site is located in Woolloomooloo within the City of Sydney Local Government Area. It fronts Riley Street to the east and Busby Lane to the west.

The site is located to the east of the Sydney CBD, around 800 metres from Town Hall Railway Station with intercity, suburban, light rail and bus connections. St James' Railway station is around 600 metres away and Museum Station around 900 metres away – both of these stations provide access to intercity trains and suburban trains. To the south of the site is William Street, which is a key connector between the City and the Eastern Suburbs. The site is close to bus stops on Riley Street and William Street, which provide access to various destinations across metropolitan Sydney. The site is located in close proximity to Cook and Phillip Park, Hyde Park and the Domain.

An aerial photo of the site and surrounding area is shown at Figure 2.

Figure 2. Aerial photo of the site



1.3. Site characteristics

The site has an area of 580 square metres. The Riley Street frontage is approximately 21 metres. The Busby Street frontage is angled, with a section approximately 2 metres in length and another section of 19 metres. The site slopes gently downwards from south to north.

The site is occupied by a part two/part three storey commercial building with 1000 square metres of office floor space. Pedestrian access to the offices is via Riley Street. There is a basement carpark with 14 car parking spaces accessed from Busby Lane.

The site is located within a street block comprised of five properties, each occupied with buildings of differing architectural styles. To the immediate south of the site at 53 Riley Street is a two storey Victoria style shop top housing development. Further south at 55-61 Riley Street is a ~~two~~ 2 storey building with a decorative front facade which is ~~in use as commercial offices currently empty but was previously occupied by a restaurant~~. To the immediate north of the site, at 43-45 Riley Street, is a part ~~four~~ 4/part ~~five~~ 5 storey building with a food and drink premises at ground floor level and residential apartments above. Further north at 41 Riley Street is a ~~three~~ 3 storey building with a decorative roof form that is occupied by commercial offices.

Beyond the street block, to the south and south-west, there are high rise developments. At 60-70 William Street, there is a mixed use building with retail and commercial uses on the ground floor and residential apartments on the floors above. At 52-58 William Street, there is a commercial building, parts of which ~~was have been~~ granted development consent (D/2022/1354) in December 2023 ~~and D/2024/436 in October 2024~~ to be converted into an educational establishment. ~~This~~

Development consent **D/2022/1354** includes approval for the construction of an outdoor play area above the carpark at the rear of the site which is accessed and has frontage along Busby Lane.

To the west of the site, there are two high rise residential buildings known as Park Lane Towers, with a street address of 1 Boomerang Place.

To the north of the site, on the opposite side of Busby Place, there are low rise commercial office premises and an automotive garage.

Opposite the site, on the eastern side of Riley Street, are high rise developments. To the north east are residential apartments **known as Crown Gardens** at 63 Crown Street. To the south east is a **mixed-use commercial** building which contains a supermarket with its main entry on Crown Street, **a private hospital and residential apartments. To the south east there is also and** a commercial building with its main frontage on William Street.

Figure 3. 47 – 51 Riley Street, viewed from the east, outlined in red (Riley Street frontage)



Figure 4. 47 – 51 Riley Street (outlined in red) and adjoining properties, viewed from the south-east (Riley Street frontage)



Figure 5. 47 – 51 Riley Street (outlined in red) and adjoining properties, viewed from the north-east (Riley Street frontage)



Figure 6. Properties opposite 47 – 51 Riley Street, on eastern side of Riley Street



Figure 7. 47 – 51 Riley Street, viewed from the north-west, outlined in red (Busby Lane frontage)



Figure 8. 47 – 51 Riley Street, viewed from the south-west, outlined in red (Busby Lane frontage)



Figure 9. Development to the rear of 47-51 Riley Street, on opposite side of Busby Lane



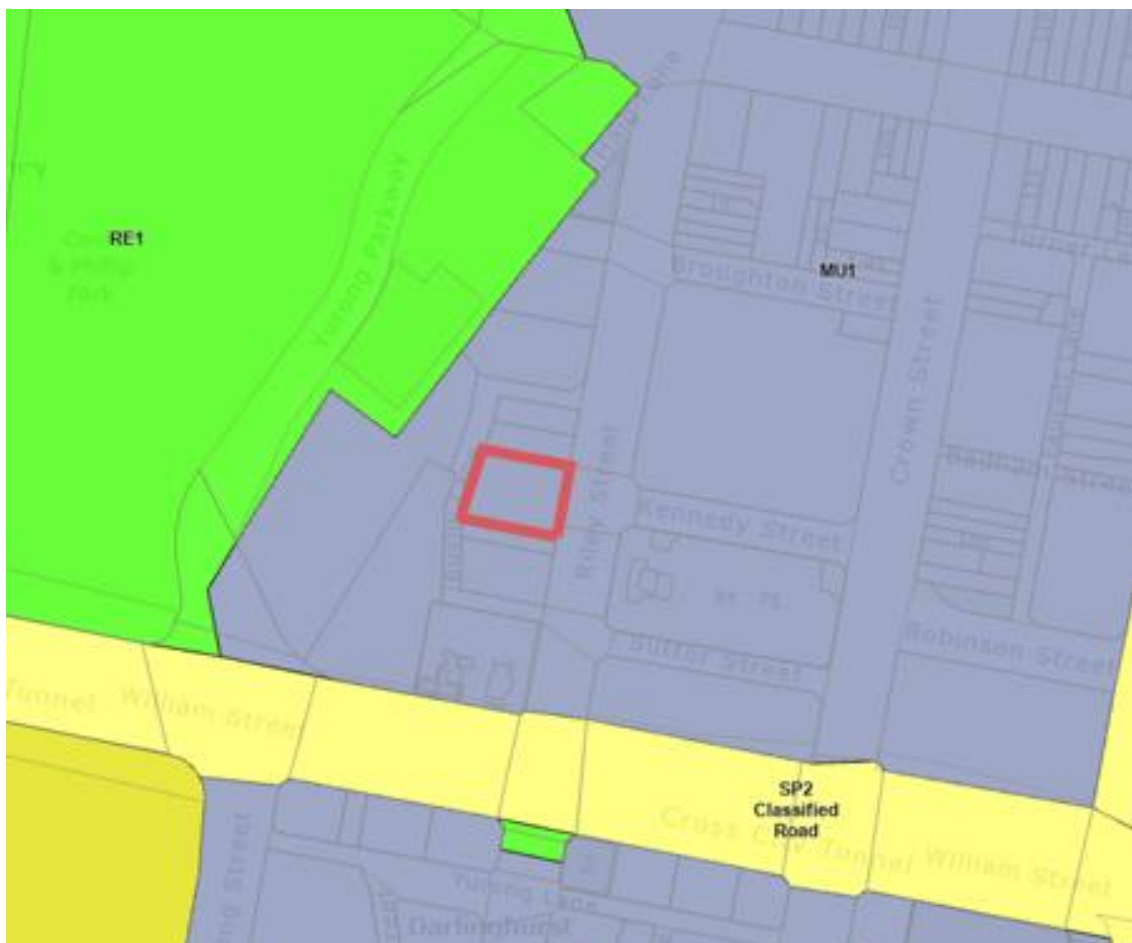
2. Existing planning controls

2.1. Zoning

The site is located within the MU1 Mixed-Use Zone. The objectives of this zone are to:

- encourage a diversity of business, retail, office and light industrial land uses that generate employment opportunities.
- ensure that new development provides diverse and active street frontages to attract pedestrian traffic and to contribute to vibrant, diverse and functional streets and public spaces.
- minimise conflict between land uses within this zone and land uses within adjoining zones.
- encourage business, retail, community and other non-residential land uses on the ground floor of buildings.
- ensure land uses support the viability of nearby centres.
- integrate suitable business, office, residential, retail and other land uses in accessible locations that maximise public transport patronage and encourage walking and cycling.

Figure 10. Extract from zoning map in Sydney LEP 2012



2.2. Building height

The maximum building height for the site is 12m, represented by 'M' and the yellow shading in Figure 11. It is not affected by any Sun Access Plane or No Additional Overshadowing controls.

Figure 11. Extract from Height of building map in Sydney LEP 2012



2.3. Floor space ratio

The maximum floor space ratio for the site is 2:1, as indicated by 'T1' and the pink shading in Figure 12.

Figure 12. Extract from floor space ratio map in Sydney LEP 2012



2.4 Heritage

The site is not heritage listed but is located within the Woolloomooloo Heritage Conservation Area (C71) under Sydney LEP 2012. However, the City is currently progressing a planning proposal which reviews the boundaries of the existing conservation areas. The site and those surrounding it are proposed to be removed from the Woolloomooloo Heritage Conservation Area.

The site is located in close proximity to a number of local heritage items. There are four locally listed commercial buildings near the site – the “Brandt Bros Ltd” building at 41 Riley Street (I2190), “Lesseys Garage” at 55-61 Riley Street (I2192), the “Former Hastings Deering Building” at 46-48 Riley Street (I2191) and the “Peejays Building” at 52-58 William Street (I2198). The nearby Cook and Phillip Park is also a locally listed heritage item (I1655).

A map showing the site’s location within the Woolloomooloo Heritage Conservation Area (C71) and the locally listed heritage items is at Figure 13. A map showing the proposed changes to boundaries of the Woolloomooloo Heritage Conservation Area (C71) is at Figure 14.

Figure 13. Extract from heritage map in Sydney LEP 2012

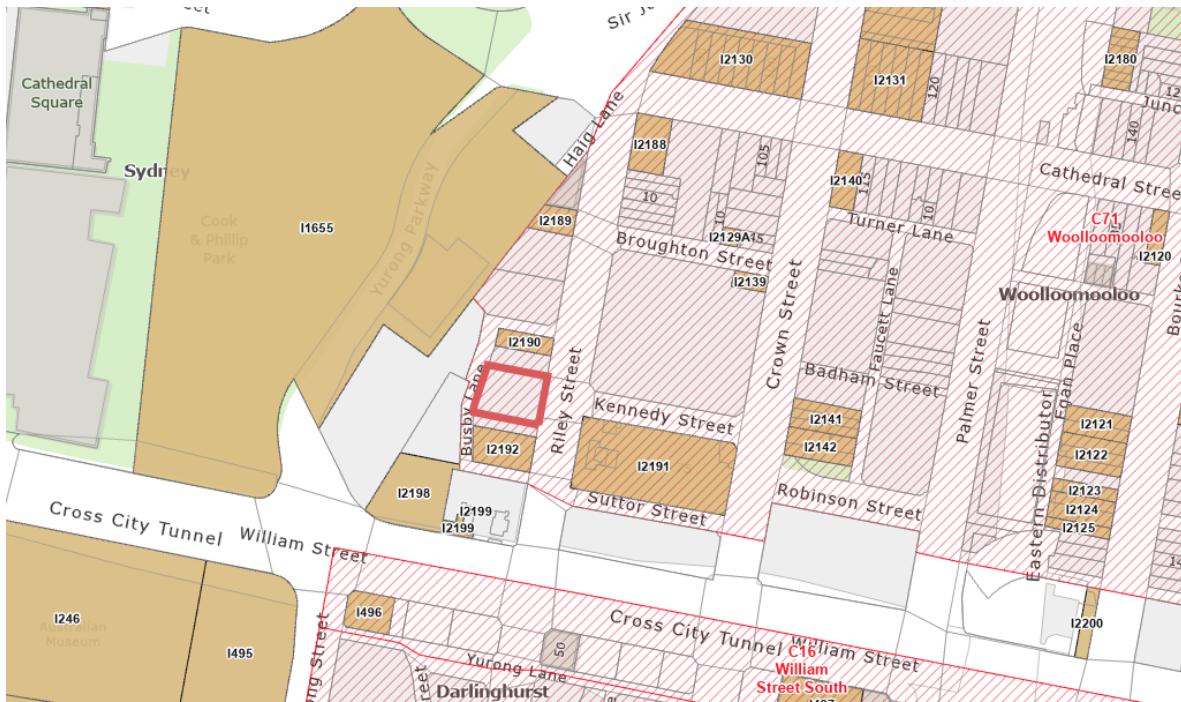


Figure 14. Extract from planning proposal map showing proposed changes to boundaries of Woolloomooloo Heritage Conservation Area (C71)



3. Objectives and intended outcomes

3.1. Objectives

This planning proposal will enable the redevelopment of 47 – 51 Riley Street, Woolloomooloo to deliver:

- a ~~five~~ 4 storey building with approximately ~~2150~~ 1850 square metres of commercial floor space which is appropriate in the MU1 Mixed-Use zone and will contribute to jobs growth in the City Fringe;
- a building which is responsive to the surrounding built form, streetscape and character of Riley Street and will enhance the amenity of the public domain;
- a building that contributes to the activation of Riley Street through the provision of retail floorspace at ground floor level;
- a building that will respond to the site's location in a flood planning area, with future detailed design to set floor levels above flood level;
- built form parameters which will minimise overshadowing and view impacts on nearby residential properties; and
- a building which contributes to the greening of the City with a green roof which will assist in mitigating the urban heat island effect.

4. Explanation of provisions

4.1. Sydney Local Environmental Plan 2012

To achieve the objectives and intended outcomes, this planning proposal seeks to amend Sydney Local Environmental Plan 2012 (Sydney LEP 2012) by inserting a new site-specific clause in Part 6, Division 5 Site Specific Provisions to:

- permit a maximum building height of ~~25 metres-RL~~ 25.5 metres; and
- permit a maximum floor space ratio of ~~3.8:1~~ 3.2:1.

As the planning proposal is aimed at supporting the requested commercial development of the site, the proposed increase to the maximum building height and FSR for the site will be available to support commercial uses.

Appendix 1 of this Planning Proposal provides some example clauses of the proposed controls. The final version of the clauses to be inserted into Sydney LEP 2012 will be subject to drafting and agreement by the Parliamentary Counsel's Office.

4.2. Sydney Development Control Plan 2012

To ensure future development is consistent with the objectives of the planning proposal, site specific provisions for the Sydney Development Control Plan 2012 (Sydney DCP 2012) will be drafted to ensure a high-quality built form that responds to the existing context and minimises impacts on nearby residential properties. These include provisions relating to building height in storeys, street wall heights, setbacks, vehicular and pedestrian site access, ground floor activation and inclusion of a ~~non-trafficable~~ green roof.

A draft of the new site specific provisions for the Sydney DCP 2012, also to be placed on public exhibition, can be found at Attachment B.

5. Justification

5.1 Landowner request

The landowner and proponent, RileyCorp Pty Ltd, lodged a formal request to prepare a planning proposal in April 2024. The intended use of the site is for a commercial development. Testing was done for commercial use. The indicative design submitted in support of the request depicts an office building of five storeys with a ground floor retail use, and rooftop services with a pergola structure and communal open space.

Following the detailed assessment of the planning proposal including site specific merits, post-exhibition changes are recommended to reduce the overall height, bulk and scale of the building envelope and reduce impacts on neighbouring residential properties. The indicative design drawings can no longer be relied upon as a depiction of a potential future development on the site.

~~Figure 15. Artistic representation of indicative design—Riley Street perspective, eastern elevation~~



~~Figure 16. Artistic representation of indicative design—Riley Street perspective~~



~~Figure 17. Artistic representation of indicative design—Riley Street perspective~~



~~Figure 18. Artistic representation of indicative design – Busby Lane perspective, western elevation~~



5.2 Need for the planning proposal

Is the planning proposal a result of an endorsed LSPS, strategic study or report?

This planning proposal is the result of a request from the landowner to change the planning controls that relate to the site.

The landowner commissioned a Planning Proposal Justification Report prepared by FPD Planning, an Urban Design Report prepared by SJB and other studies in support of the request. Together these reports and studies describe how the proposal is consistent with the City's Local Strategic Planning Statement (City Plan 2036) and demonstrate how the site is capable of accommodating growth in employment generating floor space through amending building height and floor space ratio controls without resulting in unacceptable impacts on the public domain and amenity.

The supporting documents commissioned by the landowner to support the request are attached as the Attachments to this planning proposal:

- Attachment A1: Planning Proposal Justification Report – FPD Planning
- Attachment A2: Consideration of Sydney DCP – FDP Planning
- Attachment A3: Additional information to support Planning Proposal – FDP Planning
- Attachment A4: Urban Design Report – SJB
- Attachment A5: Site Survey – Denny Linker & Co
- Attachment A6: Aboriginal Heritage Due Diligence – Extent Heritage Pty Ltd
- Attachment A7: Baseline Archaeological Assessment – Extent Heritage Pty Ltd
- Attachment A8: Heritage Impact Statement – NBRS & Partners Pty Ltd
- Attachment A9: Flood Impact Assessment – Barker Ryan Stewart

- Attachment A10: Transport Assessment – Colston Budd Rogers & Kafes Pty Ltd
- Attachment A11: Swept Path Diagrams – Colston Budd Rogers & Kafes Pty Ltd

Amendments have been made to the planning proposal following public exhibition to reduce the building envelope's height, bulk and scale. The above documents should only be relied upon to the extent necessary to justify the strategic merits of the proposal.

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

This planning proposal seeks to insert new site specific provisions into the Sydney LEP 2012. Amendments have been made to the planning proposal following public exhibition to ensure that the planning proposal demonstrates site specific merit. ~~The resultant conditions have been assessed to~~ The post-exhibition changes recommended will ensure any future built form is appropriate and does not result in unacceptable impacts on adjoining properties or the public domain. The amended controls would facilitate the delivery of additional employment generating floor space in the City Fringe area consistent with the objectives of the Local Strategic Planning Statement.

5.3 Relationship to the strategic planning framework

Will the planning proposal give effect to the objectives and actions of the applicable regional or district plan or strategy?

A Metropolis of Three Cities – The Greater Sydney Region Plan

The planning proposal gives effect to the following objectives of the Greater Sydney Region Plan:

- **Objective 14: Integrated land use and transport creates walkable and 30-minute cities** – The site is located within walking distance of the Sydney CBD. It is also well located in relation to public transport. It is around 800 metres from Town Hall Railway Station, 600m from St James' Railway Station and 900m from Museum Station. To the south of the site is William Street, which is a key connector between the City and the eastern suburbs. The site is close to bus stops on Riley Street and William Street. The site's location within a mixed use zone, and in close proximity to residential areas, promotes the vision of a 30 minute City.
- **Objective 18: Harbour CBD is stronger and more competitive** – The provision of additional commercial floor space with flexible floor plates will contribute to the continued growth and competitiveness of the Harbour CBD.
- **Objective 22: Investment and business activity in centres** – The site is located within the metropolitan centre of the Eastern Harbour City. The provision of additional commercial floor space on the site will encourage investment and business activity, further supporting the economic significance of the Harbour CBD.

Eastern City District Plan

The planning proposal gives effect to the following Planning Priorities of the Eastern City District Plan:

- **Planning Priority E1: Planning for a city supported by infrastructure** – This planning proposal will facilitate the delivery of additional commercial floorspace on a site well-positioned to take advantage of existing and planned infrastructure, encouraging the efficient use of land.
- **Planning Priority E6: Creating and renewing great places and local centres, and respecting the District's heritage** – ~~Post-exhibition changes are recommended to the planning proposal This planning proposal would~~ to facilitate the redevelopment of the site in a way that is responsive to the surrounding built form and respects the streetscape and character of Riley Street. ~~Reductions to the maximum building height and maximum FSR are recommended to ensure a future building on the site achieves a better relationship with existing development within the~~

subject street block. # The planning proposal would enable the renewal of the site, so that a new development can make a positive contribution to the public realm. While the site lies within the Woolloomooloo Heritage Conservation Area (C71), the City is currently progressing a separate planning proposal which would see the site and certain surrounding sites removed from this conservation area. As the heritage conservation area planning provisions currently apply to the site, this planning proposal has been assessed against these provisions. It is considered that the planning proposal would respect the heritage significance of nearby local heritage items and the Woolloomooloo Heritage Conservation Area (C71).

- **Planning Priority E7: Creating a stronger and more competitive Harbour CBD** – The provision of additional commercial floor space on the site will contribute to a stronger and more competitive Harbour CBD.
- **Planning Priority E10: Delivering integrated land use and transport planning and a 30-minute city** – The redevelopment of the site to provide additional commercial work space would be consistent with this priority, given that the site is well-positioned to take advantage of the metropolitan transport network, including rail, light rail and Metro connections as well as nearby bus services and cycleways.
- **Planning Priority E11: Growing investment, business opportunities and jobs in strategic centres** – This site is located within the metropolitan centre of the Eastern City District (Harbour CBD). The redevelopment of the site to provide new commercial floor space would support employment growth, while being well-positioned to take advantage of existing services and transport connections.

Is the planning proposal consistent with a council LSPS that has been endorsed by the Planning Secretary or GCC, or another endorsed local strategy or strategic plan?

City Plan 2036 (local strategic planning statement)

The planning proposal gives effect to the following priorities of City Plan 2036:

- **Priority I1: Movement for walkable neighbourhoods and a connected city** – This planning proposal would facilitate a new commercial development in a well located area to enable integration with existing and future transport connections. The site's location close to residential dwellings will promote opportunities for walkable neighbourhoods.
- **Priority I2: Align development and growth with supporting infrastructure** – This planning proposal would facilitate the development of new commercial office space well-positioned to take advantage of existing infrastructure, including rail, light rail and Metro connections, as well as nearby bus services and cycleways.
- **Priority L2: Creating great places** – This planning proposal would deliver improved street life and ground floor activation through a retail use fronting Riley Street, enhancing the character and visual interest of this part of Woolloomooloo.
- **Priority P2: Developing innovative and diverse business clusters in City Fringe** – This planning proposal supports growth in the City Fringe by facilitating future development of additional commercial floor space that can be adapted to a variety of business uses.

Sustainable Sydney 2030-2050: Continuing the vision

- **Direction 5: A city for walking, cycling and public transport** – The site is within walking distance of the Sydney CBD and is well positioned to take advantage of existing transport infrastructure, including rail, light rail and Metro connections and bus routes and cycleways.
- **Direction 9: A transformed and innovative economy** – This planning proposal supports employment growth in the City Fringe, helping to maintain the city's position as a destination for business, investment and talent.

Is the planning proposal consistent with any other applicable State or regional studies or strategies?

Not applicable.

Is the planning proposal consistent with applicable SEPPs?

The following table (Table 1) outlines the consistency of this planning proposal with applicable State Environmental Planning Policies (SEPPs).

Table 1. Consistency with applicable SEPPs

SEPP	Comment
SEPP (Biodiversity and Conservation) 2021	This planning proposal is consistent. The site is located within the Sydney Harbour Catchment area but not within the Foreshores and Waterways Area. The existing building has full site coverage, and the proposed building envelope will also occupy the full site area. Given this, any future development is unlikely to increase the amount of stormwater runoff from the site. A Flood Impact Assessment has been prepared (See Attachment A9) and models flooding conditions at the site. The site is located in the Woolloomooloo catchment. The assessment states that there is significant overland flow along Riley Street in both the 1% AEP and PMF events. Flood depths in the 1% AEP event are below 100mm and present a low hazard, while in the PMF event flood depths are up to 500mm above the 1% AEP event. It notes that flood behaviour in Busby Lane is largely controlled by a trapped low point at the northern end of the lane, which causes flood waters to pond until spilling back onto Riley Street downstream of the site. The resultant flood depths are up to 1.1m in the 1% AEP event and up to 1.9m in the PMF event. In the indicative scheme, all basement access points have been located above the PMF level, including lift shafts and fire stairwells as well as the internal driveway crest at the entry to the basement. The floor levels of the retail and front lobby areas have been raised by 50mm in response to concerns raised about flood levels on Riley Street, but the final levels are to be determined at development application stage. The applicant advises that any future change to the retail and front lobby floor levels would not impact on the overall building height. The Flood Impact Assessment makes recommendations to reduce the risks and impacts of flood behaviour. A Flood Emergency Response and Evacuation Plan was submitted by the proponent prior to exhibition, as required by the Gateway Determination. A more detailed Flood Impact and Risk Assessment (FIRA) and a Flood Emergency Response Plan (FERP) would will need to accompany a development application for the redevelopment of the site, taking into account the detailed design of the building.

SEPP	Comment
SEPP (Exempt and Complying Development Codes) 2008	This planning proposal is consistent.
SEPP (Housing) 2021	This planning proposal is consistent.
SEPP (Industry and Employment) 2021	This planning proposal is consistent.
SEPP (Planning Systems) 2021	This planning proposal is consistent.
SEPP (Precincts – Eastern Harbour City) 2021	This planning proposal is consistent.
SEPP (Resilience and Hazards) 2021	This planning proposal is consistent. The existing building on the site dates from the mid-1960s. It was constructed as an office building and this use continues today. Historical records show the site was used as a coach building and motor car workshop in the early 1900s. The City has considered the potential for contamination reflecting the history of the site. Further investigation regarding potential contamination and remediation would be needed as part of any future development application process. The site is not located within the Coastal Environment Area nor the Coastal Use Area.
SEPP (Resources and Energy) 2021	This planning proposal is consistent.
SEPP (Sustainable Buildings) 2022	This planning proposal is consistent.
SEPP (Transport and Infrastructure) 2021	This planning proposal is consistent. The site is not located in or adjacent to rail corridors. It is also not located in or immediately adjacent to road corridors or reservations listed in Section 2.121 of the SEPP. The proposed development on the site is not a traffic generating development for the purposes of this SEPP.

The following SEPPs are not applicable to this planning proposal:

- SEPP (Precincts – Central River City) 2021, SEPP (Precincts – Regional) 2021, SEPP (Precincts – Western Parkland City) 2021, SEPP (Primary Production) 2021

Is the planning proposal consistent with applicable Ministerial Directions (section 9.1 Directions) or key government priority?

The following table (Table 2) outlines the consistency of this planning proposal with applicable Ministerial Directions

Table 2. Consistency with Ministerial Directions

Ministerial Direction	Comment
1.1 Implementation of Regional Plan	This planning proposal is consistent, as demonstrated in section 5.3 of this document.
1.3 Approval and Referral Requirements	This planning proposal is consistent. No provisions are being proposed that would require the concurrence, consultation or referral of development applications to a Minister or public authority, nor identify the development as designated development.
1.4 Site Specific Provisions	This planning proposal is consistent. The planning proposal provides development uplift to support commercial development. The planning proposal does not unnecessarily restrict the permitted uses on the land. Development that does not make use of the uplift provided by the planning proposal can continue to make use of the full range of uses permitted in the MU1 zone.
3.1 Conservation Zones	This planning proposal is consistent. The site is not located within an environmentally sensitive area, a conservation zone nor land otherwise identified for environment conservation/protection purposes.
3.2 Heritage Conservation	This planning proposal is consistent. There are no heritage-listed items on the site, and the site's location within the Woolloomooloo Heritage Conservation Area (C71) and proximity to heritage items are considered by the planning proposal. The City has undertaken a review of conservation area boundaries, and as part of this review it is proposed to adjust the Woolloomooloo Heritage Conservation Area's boundaries to remove the site and some other nearby sites from the conservation area. As the heritage conservation area planning provisions currently still apply to the site, this planning proposal has been assessed against these provisions. Heritage reports, provided by the proponent, are at Attachments A6, A7 and A8.
3.5 Recreation Vehicle Areas	This planning proposal is consistent. The site is not being developed for the purpose of a recreation vehicle area.
3.7 Public Bushland	This planning proposal is consistent. The site does not contain any urban bushland.
3.9 Sydney Harbour Foreshores and Waterways Area	This planning proposal is consistent. The site is not located within the Foreshore and Waterways Area.
3.10 Water Catchment Protection	This planning proposal is consistent. The site is located within the Sydney Harbour Catchment but outside the Foreshore and Waterways Area Boundary. The

Ministerial Direction	Comment
	planning proposal does not conflict with the objectives of the Direction. The existing building has full site coverage, and the proposed building envelope also allows full site coverage. Given this, any future development is unlikely to impact water flows within the catchment.
4.1 Flooding	This planning proposal is consistent. The proponent has identified that the site is on flood affected land and has provided a Flood Impact Assessment (See Attachment A9). This assessment makes recommendations for the proposed development to reduce risks and effects associated with flood behaviour. The proponent also submitted a Flood Emergency Response and Evacuation Plan prior to exhibition, as required by the Gateway Determination. Detailed Flood Impact and Risk Assessment (FIRA) and Flood Emergency Response Plan (FERP) reports will could need to be submitted to Council with the in-relation to future development applications relating to this site, taking into account the detailed design of the building.
4.2 Coastal Management	This planning proposal is consistent. The site is not located within the coastal environment area or coastal use area.
4.4 Remediation of Contaminated Land	This planning proposal is consistent. The existing building on the site dates from the mid-1960s. It was constructed as an office building and this use continues today. Historical records show the site was used as a coach building and motor car workshop in the early 1900s. The City has considered the potential for contamination reflecting the history of the site. Further investigation regarding potential contamination and remediation will be undertaken as part of any future development application process.
4.5 Acid Sulfate Soils	The planning proposal is consistent. The site is located on Class 2 acid sulfate soil land under section 7.14 of the Sydney LEP 2012. The existing building on the site has a basement level. The planning proposal incorporates a basement level and this is below the natural ground surface. An acid sulfate soils management plan would need to be submitted to Council as part of any future development application for the site.

Ministerial Direction	Comment
5.1 Integration Land Use and Transport	This planning proposal is consistent. The site is located in an area that is well serviced by existing public and private transport options.
5.3 Development near Regulated Airports and Defence Airfields	This planning proposal is consistent.
6.1 Residential Zones	This planning proposal is consistent. The planning proposal does not prevent a residential use from occurring on the site under the current zoning and development standards. It introduces additional standards to encourage commercial uses.
6.2 Caravan Parks and Manufactured Home Estates	This planning proposal is consistent. It provides an alternative set of planning controls for the commercial redevelopment of the site. It is not a suitable zone or location for the provision of a caravan park.
7.1 Employment Zones	This planning proposal is consistent. It will encourage employment growth in a suitable location, as well as protect and support the viability of an area identified in the relevant regional and district plans and LSPS for commercial uses.

The following Ministerial Directions are not applicable to this planning proposal:

- Ministerial Direction 1.2 Development of Aboriginal Land Council Land, 1.4A Exclusion of Development Standards from Variation, 1.5 Parramatta Road Urban Transformation Strategy, 1.6 Implementation of North West Priority Growth Area Land Use and Infrastructure Implementation Plan, 1.7 Implementation of Greater Parramatta Priority Growth Area Interim Land Use and Infrastructure Implementation Plan, 1.8 Implementation of Wilton Priority Growth Area Interim Land Use and Infrastructure Implementation Plan, 1.9 Implementation of Glenfield to Macarthur Urban Renewal Corridor, 1.10 Implementation of the Western Sydney Aerotropolis Plan, 1.11 Implementation of Bayside West Precincts 2036 Plan, 1.12, Implementation of Planning Principles for Cooks Cove Precinct, 1.13 Implementation of St Leonards and Crows Nest 2036 Plan, 1.14 Implementation of Greater Macarthur 2040, 1.15 Implementation of the Pyrmont Peninsula Place Strategy, 1.16 North West Rail Link Corridor Strategy, 1.17 Implementation of the Bays West Place Strategy, 1.18 Implementation of the Macquarie Park Innovation Precinct, 1.19 Implementation of the Westmead Place Strategy, 1.20 Implementation of the Camellia-Rosehill Place Strategy, 1.21 Implementation of the South West Growth Area Structure Plan, 1.22 Implementation of the Cherrybrook Station Place Strategy, 3.1 Conservation Zones, 3.3 Sydney Drinking Water Catchments, 3.4 Application of C2 and C3 Zones and Environmental Overlays in Far North Coast LEPs, 3.6 Strategic Conservation Planning, 3.8 Willandra Lakes Region, 4.3 Planning for Bushfire Protection, 4.6 Mine Subsidence and Unstable Land, 5.2 Reserving Land for Public Purpose, 5.4 Shooting Ranges, 7.2 Reduction in non-hosted short-term accommodation period, 7.3 Commercial and Retail Development along the Pacific Highway, North Coast, 8.1 Mining, Petroleum Production and Extractive Industries, 9.1 Rural Zones, 9.2 Rural Lands, 9.3 Oyster Aquaculture, 9.4 Farmland of State Regional Significance on the NSW Far North Coast.

5.4 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 because of the proposal?

The planning proposal applies to a site in Woolloomooloo which is occupied by a part two/part three storey commercial office building without any existing vegetation within its boundaries. ~~The proposed future building design is likely to require the pruning of one of the street trees which currently overhangs the building. This pruning would need to be done in such a way that it does not impact on the health of the street tree.~~

Any redevelopment ~~of the site~~ would be an intensification of commercial uses and similar to surrounding buildings. It is highly unlikely for any adverse impact on a critical habitat or threatened species, population or ecological community as a result of this proposal.

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

Floor Space Ratio

This planning proposal will insert a site-specific floor space ratio (FSR) control into Sydney LEP 2012, which will be available to support the commercial redevelopment of the site.

The planning proposal establishes a maximum FSR of ~~3.8:1~~ **3.2:1** to support commercial uses, excluding any bonus FSR available at basement level for end of journey facilities. This FSR control is specific to the building envelope outlined in this planning proposal.

~~The maximum FSR proposed has been reduced following the public exhibition of the planning proposal, so that a future building can achieve a better relationship with neighbouring buildings within the subject street block. The neighbouring buildings in the street block are unlikely to significantly alter in the future, with two being heritage items, one being a contributory building in the conservation area and the other being a recent build.~~

~~The ~~indicative design~~ proposed building envelope with its reduced height and FSR demonstrates how the desired density is consistent with the surrounding area and will result in additional commercial floor space without significant adverse impacts. It also indicates that it will be possible to accommodate the proposed FSR within the dimensions of the proposed building envelope while applying standard assumptions for space efficiencies and floor-to-floor heights.~~

Given the site's proximity to Central Sydney and its location in the City Fringe, the planning proposal is an appropriate response to encourage redevelopment of the site for employment generating uses.

Building height and envelope

The planning proposal will insert a site-specific building height control in Sydney LEP 2012, which will be available to support the commercial redevelopment of the site. The increase in the maximum building height from 12 metres to ~~25 metres~~ **RL 25.5m** would facilitate the increase in FSR. Site-specific DCP controls will establish a maximum building envelope, demonstrating the maximum permitted height, along with maximum street wall heights and setbacks.

The proposed height of ~~25 metres~~ **RL 25.5m** is considered reasonable in the context of the site's surrounds. ~~The recommended height reduction from the exhibited planning proposal will result in a better relationship with neighbouring buildings within the street block.~~ The height is compatible with the diversity of building heights in the vicinity, including low and mid-rise buildings in the immediate street block and the high rise developments to the east, west and south of the site.

The proposed building envelope has been designed to respond to the built form of Riley Street and Busby Lane. At ground level, the building envelope adopts a zero setback from all site boundaries, which is consistent with other development in this highly urbanised area. The proposed building envelope, ~~as reduced following public exhibition,~~ includes a ~~three~~ **3** storey podium, ~~with two storeys above with and the fourth floor maintains~~ a 3 metre setback on the Riley Street frontage and a 0.57

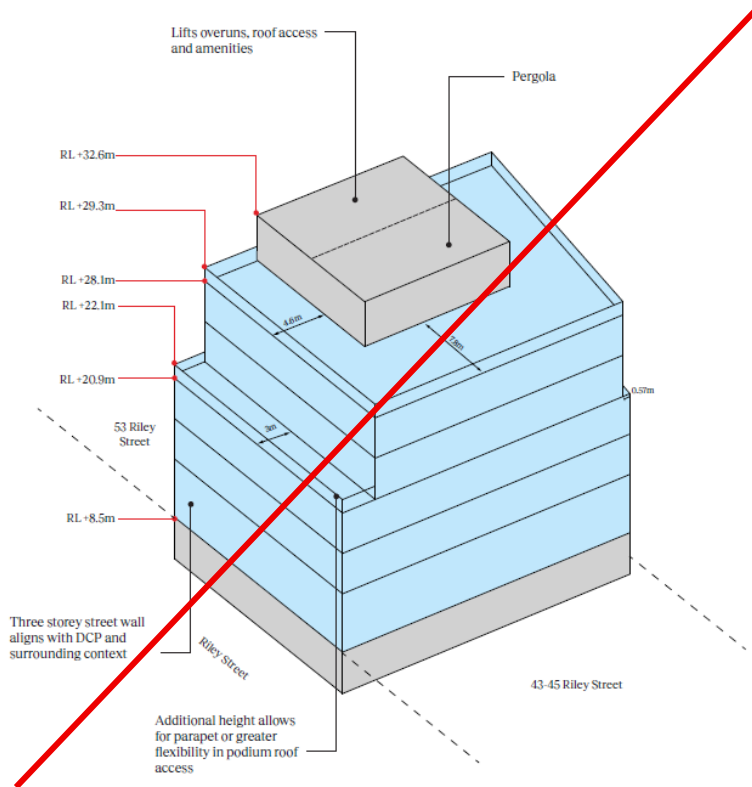
metre setback on the Busby Lane frontage. ~~Provision has also been made at roof level for lift overruns, roof access and amenities alongside a pergola structure.~~

A street wall height of ~~three~~ 3 storeys is proposed along both the Riley Street and Busby Lane frontages. This enables a transition from a ~~two~~ 2 storey street wall immediately to the south and a ~~four~~ 4 storey street wall immediately to the north.

~~The additional recommendation that there be no allowance above the RL 25.5m maximum height control for a roof top lift overrun, building plant, pergola structure or communal open space, is aimed at delivering a future building that reduces the visual impact of the development on the public domain while reducing potential impacts for neighbouring residential properties. If a future 4 storey building is to be built to the RL 25.5m height limit, the building shall use a machine-room less lift, have distributed plant and a non-trafficable green roof.~~

The proposed building envelope, as recommended to change post-exhibition, will allow a future building to respond to the context of the site. The proposal respects the scale of immediately adjoining properties through a podium, and with zero setbacks the building's edge will contribute to a cohesive streetscape form.

Figure 19 15. Proposed maximum building envelope as amended following public exhibition – 3D view from the north east



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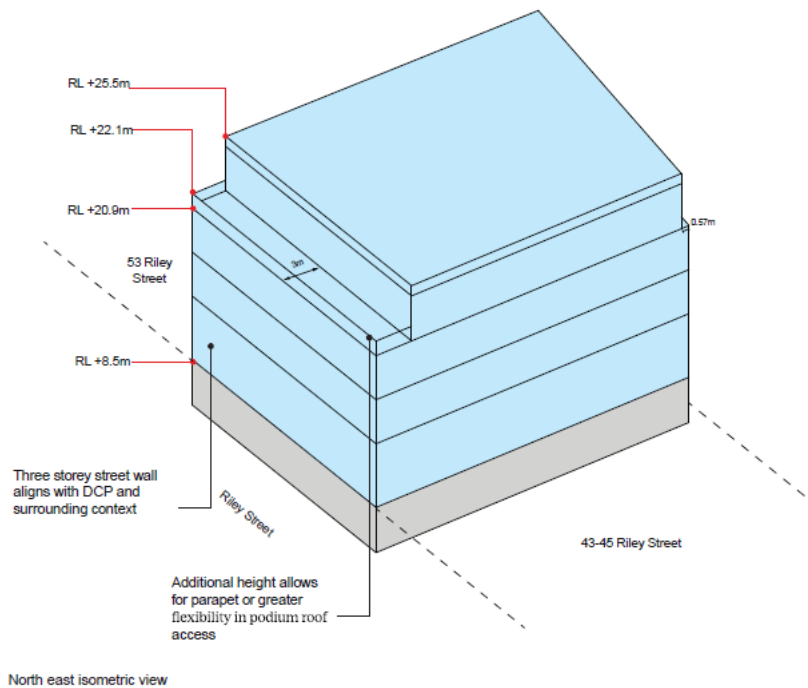
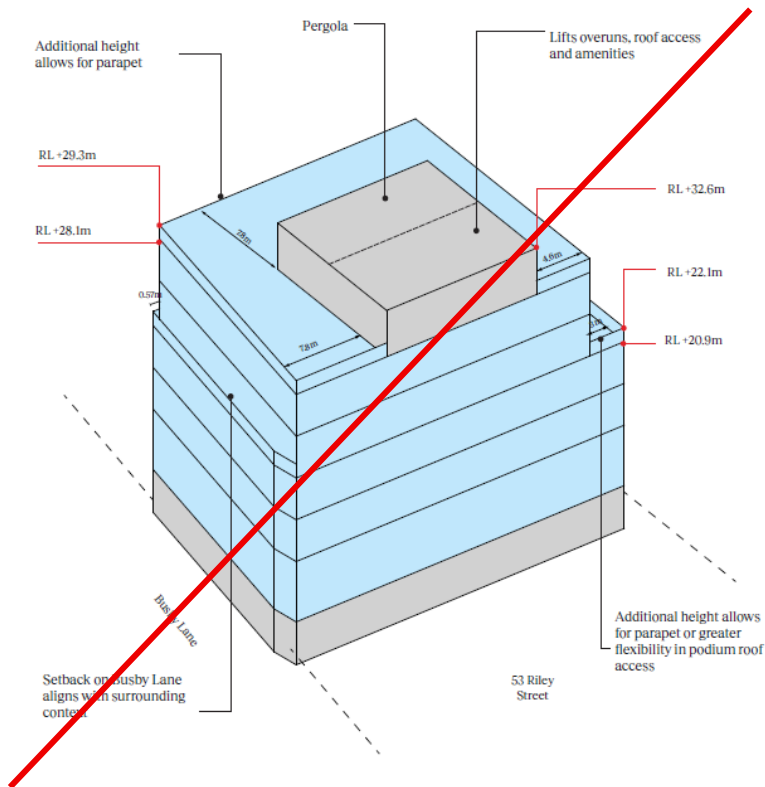


Figure 20 16. Proposed maximum building envelope as amended following public exhibition – 3D view from the south west



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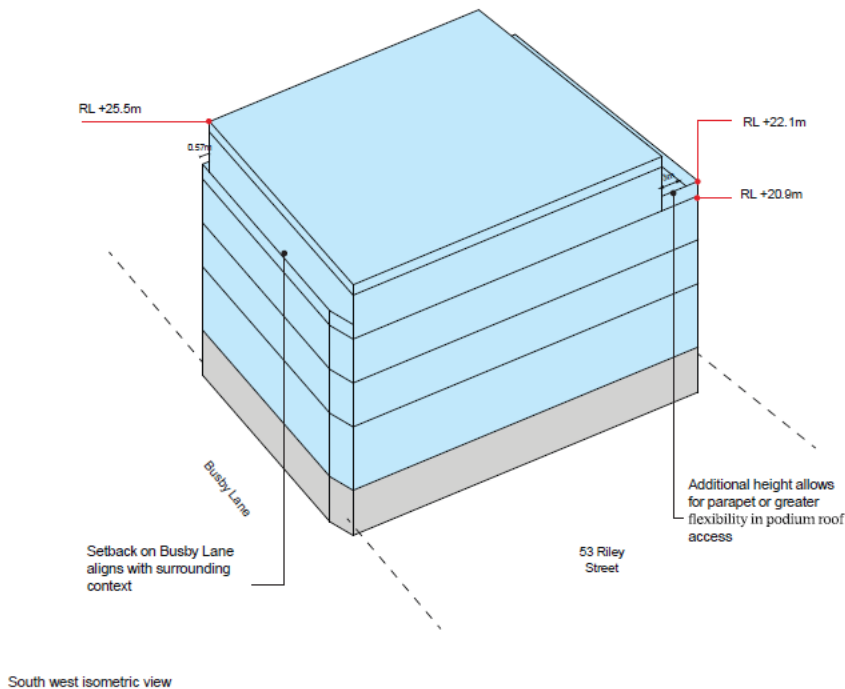
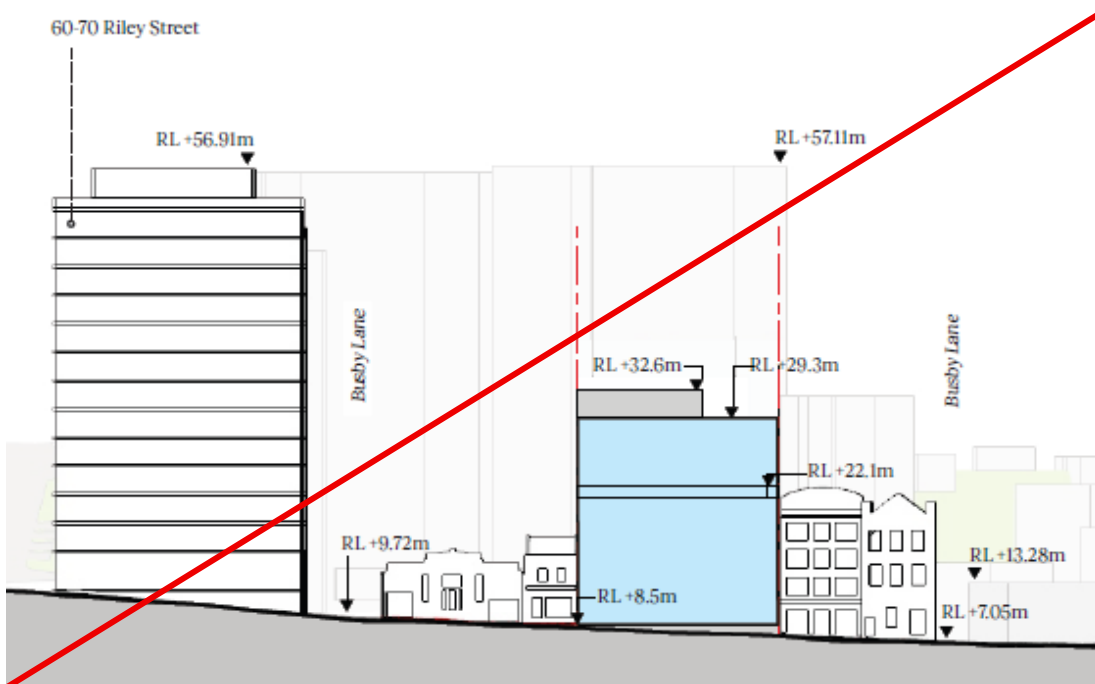


Figure ~~21~~ 17. Proposed maximum building envelope as amended following public exhibition – Riley Street elevation



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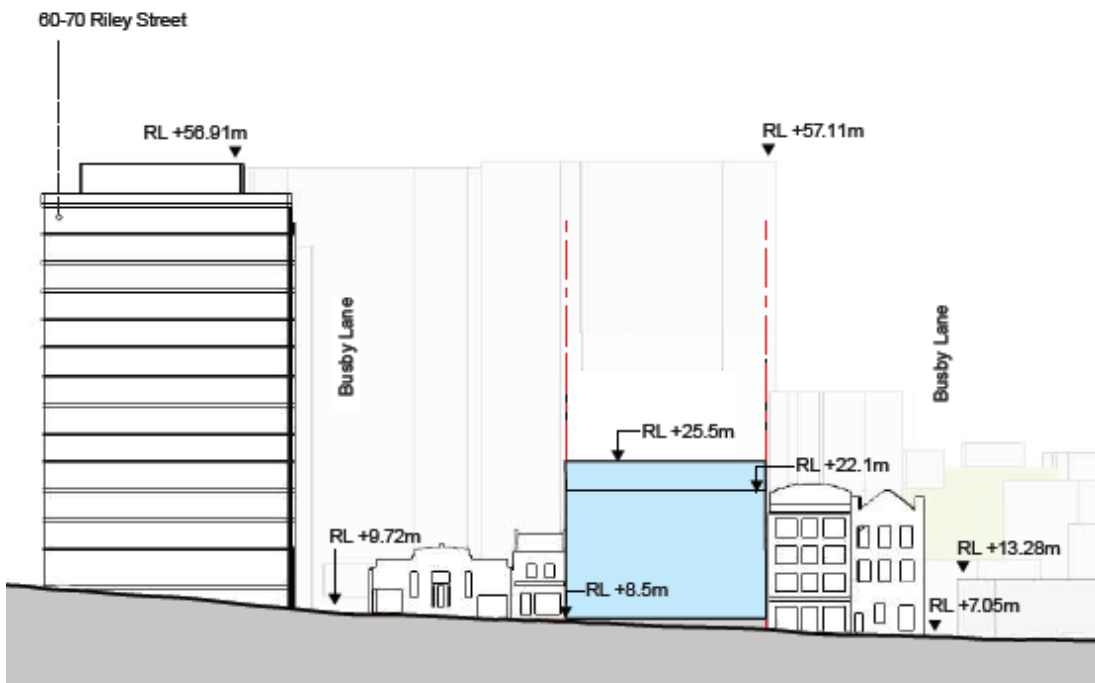
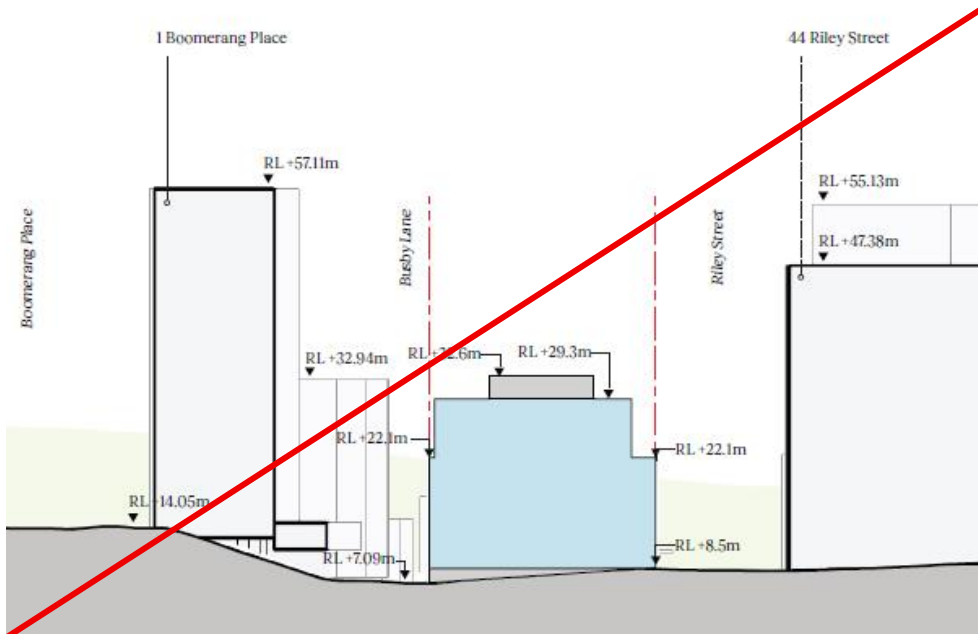
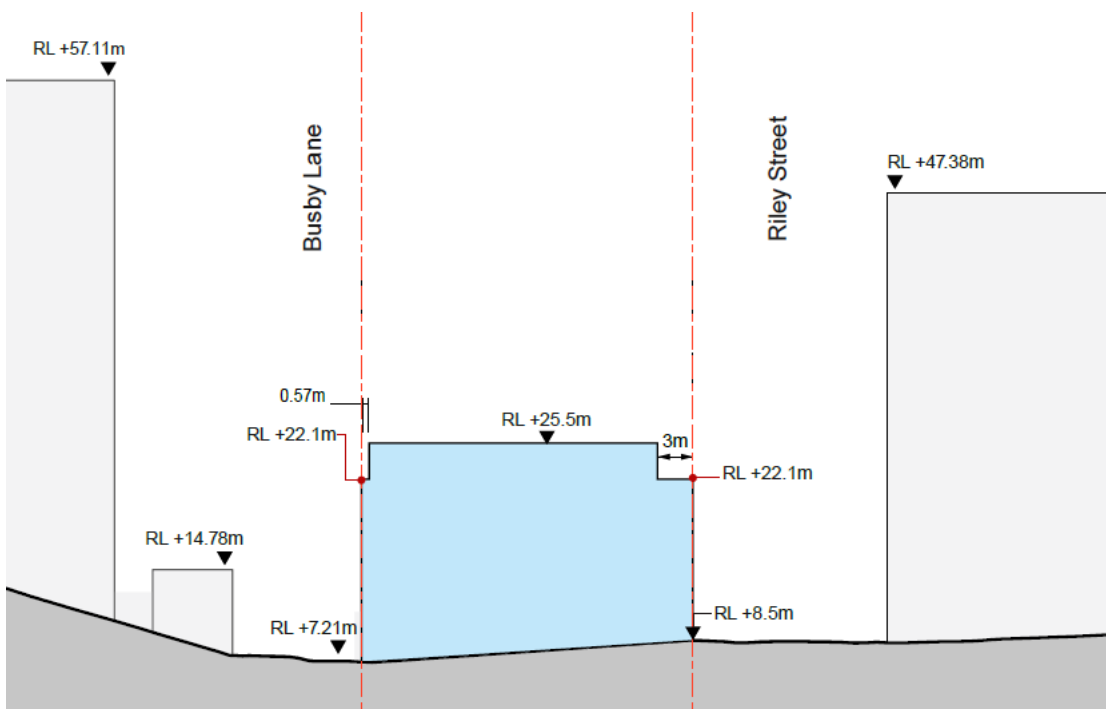


Figure 22 18. Proposed maximum building envelope as amended following public exhibition – looking north



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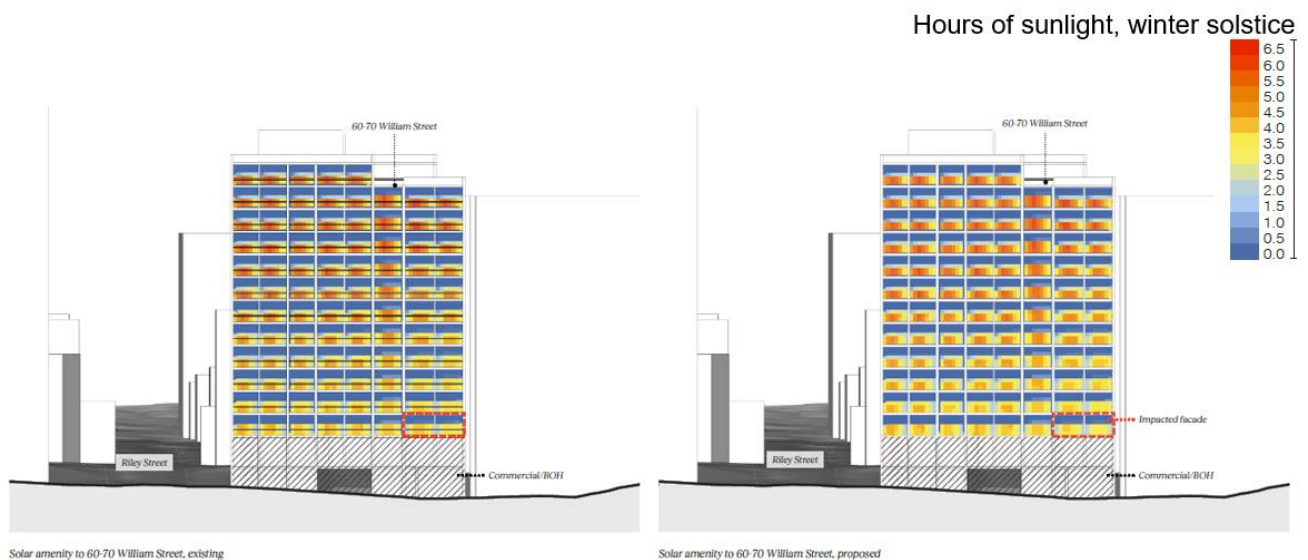
Overshadowing

The proponent ~~has~~ prepared shadow diagrams for the exhibited planning proposal to show the potential overshadowing impact of the development on nearby properties, the results of which can be found in the Urban Design Report at Attachment A4 of this planning proposal.

The building at 60-70 William Street which is a mixed use development with residential apartments located to the south of the site, required further investigation. Façade testing of the northern elevation of this building showed that only 0.5% of the residential façade would experience additional overshadowing impacts, but that all apartments would continue to achieve ~~two~~ 2 hours of solar access in mid-winter. Figure 23 shows the existing and proposed solar impacts of the development on the residential façade of 60-70 William Street.

The recommended post-exhibition changes to the planning proposal to reduce the maximum building height and FSR will also have the effect of reducing the shadowing impacts of the building envelope.

Figure 23 19. Existing and proposed shadow impacts on residential façade of 60-70 William Street to the south (exhibited planning proposal)



Views and visual impact

The proposed building envelope's impact on the views available from nearby properties has been considered. The City has conducted an independent view impact assessment using the view sharing planning principles set out in Tenacity Consulting v Warringah Council (2004) to assess the extent and reasonableness of view loss that would result from the proposal. This view impact assessment has considered the impact on the views and outlook available from the Paramount Apartments building at 60-70 William Street, Woolloomooloo, on the basis that the impact is greatest on this building. This assessment can be viewed in the post-exhibition Council report.

The views available within the Paramount Apartment complex vary from apartment to apartment and from level to level. The views are obtained from the apartments' living areas and kitchens, as well as from north facing balconies. The views can be seen from the seated position from within the living / dining areas within apartments, but they are best appreciated in a standing position on the balconies.

The following elements are present in the views out from the Paramount Apartments:

- neighbouring high rise residential apartment buildings to the west (Park Lane Towers) and east (Crown Gardens), and low rise residential buildings further north along Riley Street;

- side walls and roofscapes of the buildings located in the street block to the immediate north (which includes the roof, roof-top plant and lift overrun for the existing building at 47-51 Riley Street);
- buildings further north, including the Police Citizens Youth Club (PCYC) on Cathedral Street;
- tree canopies from the street trees on Riley Street, as well as from trees within The Domain;
- sky views;
- partial views of The Domain, including open parkland and trees;
- views of the Art Gallery of NSW;
- for some apartments, a partial view of the upper most parts of the Sydney Opera House sails;
- for some apartments, a partial view of the upper most section of the Sydney Harbour Bridge arch;
- for some apartments, views of the eastern side of the Sydney CBD; and
- for some apartments, partial water views of Sydney Harbour (Woolloomooloo Bay).

Figure 24 shows the view out from an apartment on Level 5 of the Paramount Apartment building.

To improve a future building's relationship with the other buildings in the street block, its visual impact on the streetscape and to reduce its impact on neighbouring properties, reductions to the maximum building height and maximum FSR are recommended. It is also recommended that there be a restriction on roof top structures above the maximum height limit.

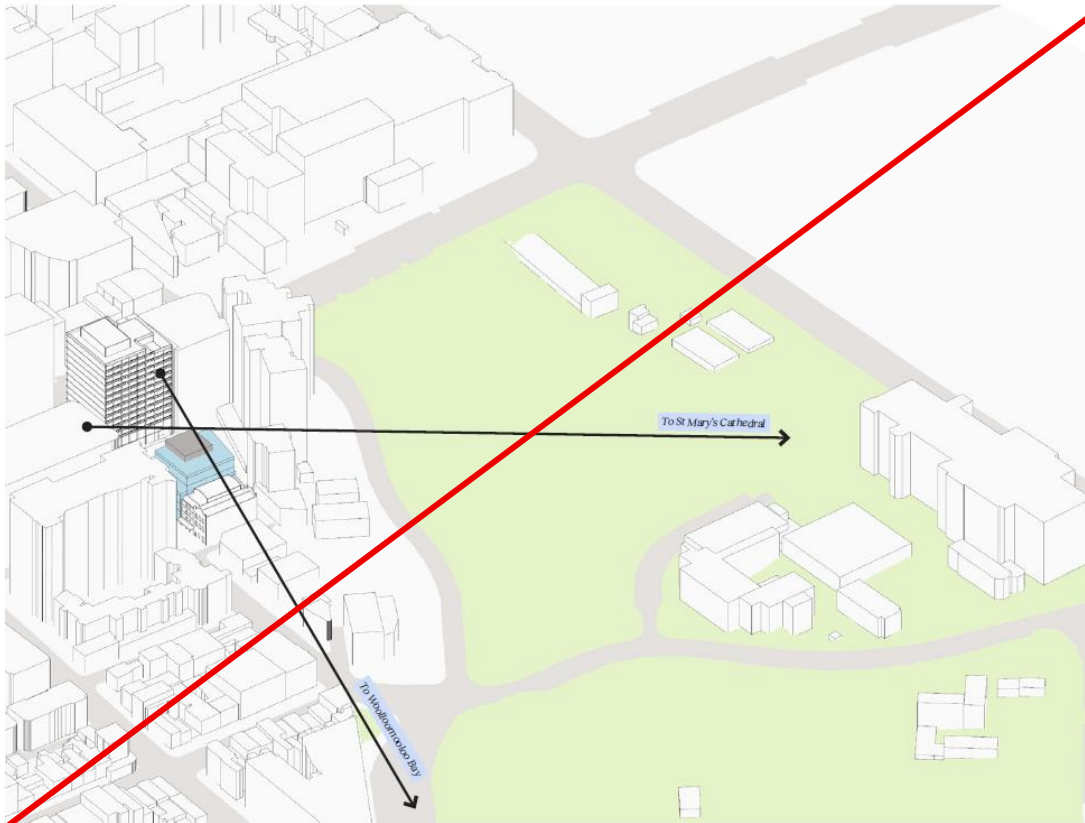
These proposed amendments to the planning proposal would have the effect of reducing the impact on the views and outlook enjoyed by neighbouring residential properties. City staff have undertaken an independent view impact analysis to assess the impact of a future building with these reduced controls. This assessment is within the post-exhibition Council report.

Even with the proposed reduced controls, some view loss will occur to some apartments within the Paramount Apartment complex and other nearby residential buildings. Being located in an urban context and within the City Fringe, it is inevitable that new development will affect the views and outlook of residential developments to some extent. It is considered that with the reduced controls and restrictions on roof top development, the impact on views enjoyed by neighbouring properties will be reduced and the opportunity for view sharing increased, such that the impact on views is reasonable in the context.

As demonstrated in Figure 24, from high rise buildings near the site there would be key local views towards St Marys Cathedral, the CBD skyline, the Domain, the Sydney Harbour Bridge, Woolloomooloo Bay and the Finger Wharf. A view impact assessment undertaken by the proponent indicates that from nearby buildings (46-47 Riley Street and 60-70 William Street), the proposed building envelope sits within the surrounding built form and does not impact on key local views out from these properties. This view impact assessment is within the Urban Design Report at Attachment A4 of this planning proposal.

The proponent's view impact assessment is limited to the consideration of views from two apartments. It may be that there are some impacts on views and outlook from apartments on the lower levels of these nearby buildings, but it is likely that the majority of apartments in these buildings will not have views or outlook adversely impacted.

Figure 24 20. ~~Key local views from nearby buildings~~ View from apartment located on level 5 of Paramount Apartments building



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The visual impact of the proposed building envelope on streetscapes and from the Domain nearby has also been considered. The proposed **reduced** building envelope, with its three storey street wall height and upper level setbacks, **will result in a better relationship with responds-to-the built**

~~form of adjacent buildings than the exhibited building envelope and is considered acceptable in the streetscape. , and provides a transition from the two storey buildings to the immediate south of the site to the three and four storey buildings to the immediate north. Views from the Domain indicate that the proposed building envelope sits within surrounding buildings, which results in minimal visual impact when viewed from the park. The visual impact assessment is within the Urban Design report at Attachment A4 of this planning proposal. Figures 21 and 22 show the recommended building envelope in the context of the Riley Street streetscape.~~

Figure 21. View of building envelope as amended following public exhibition, looking south up Riley Street

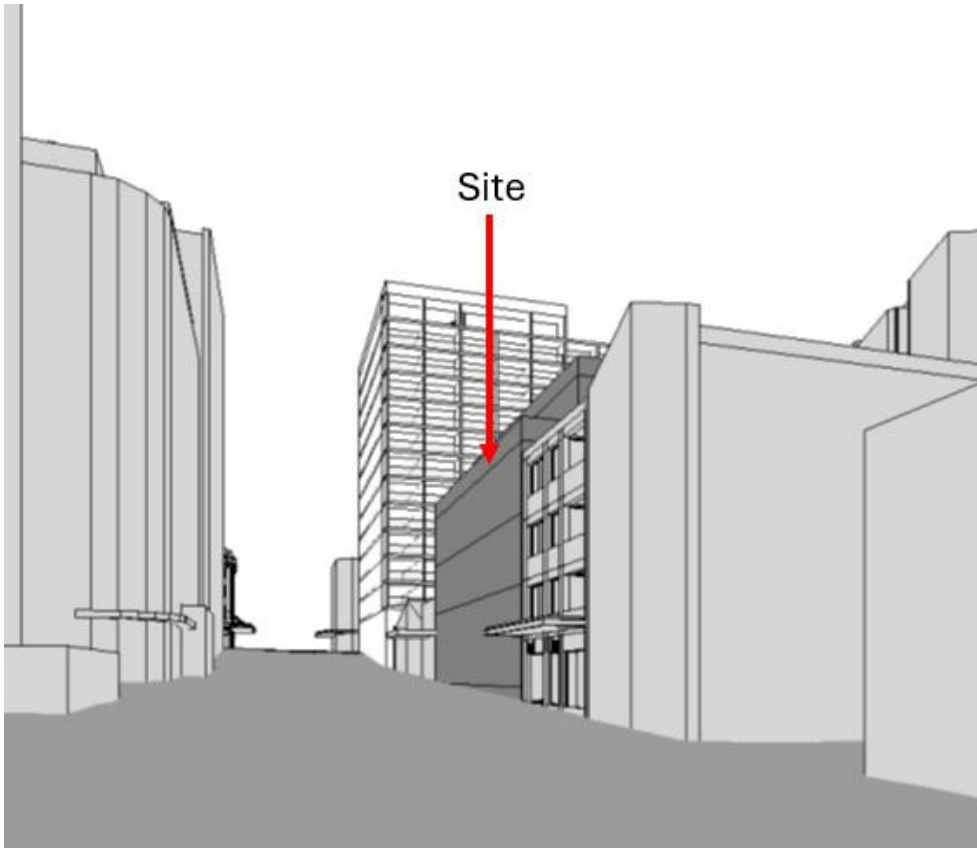
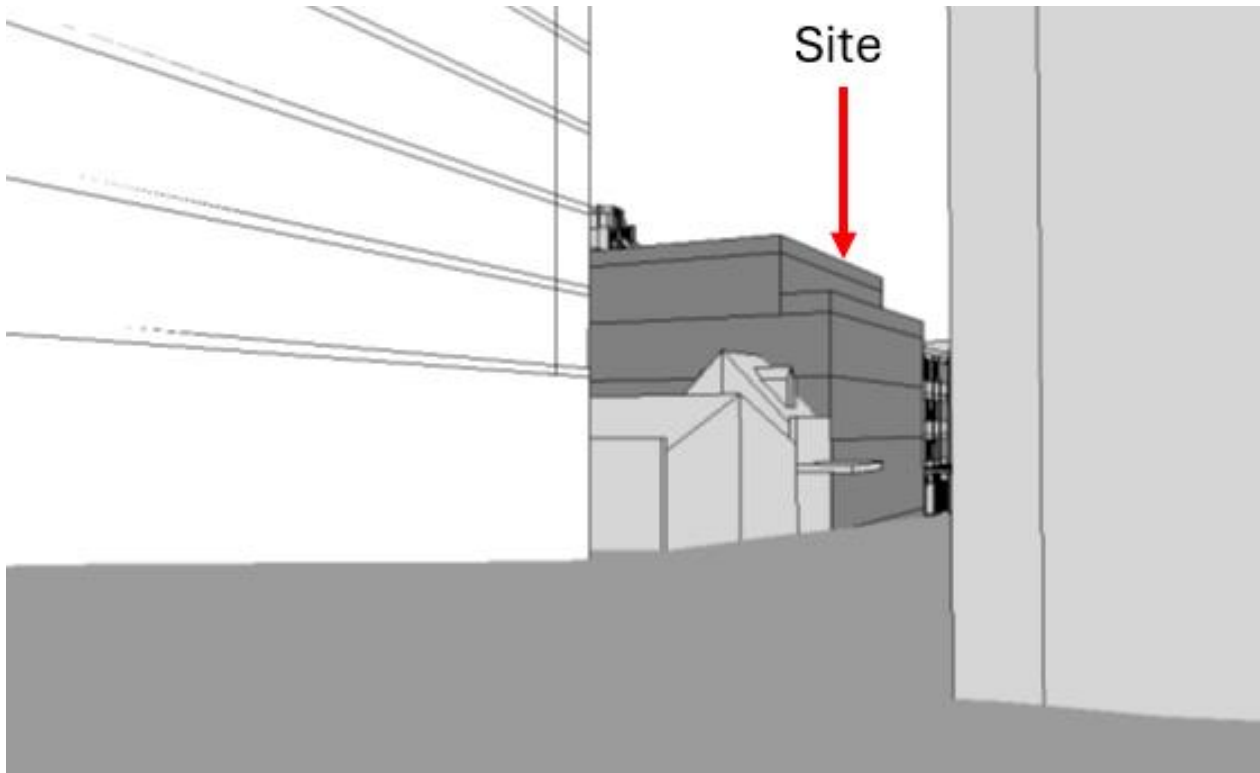


Figure 22. View of building envelope as amended following public exhibition, looking in a north-westerly direction up Riley Street

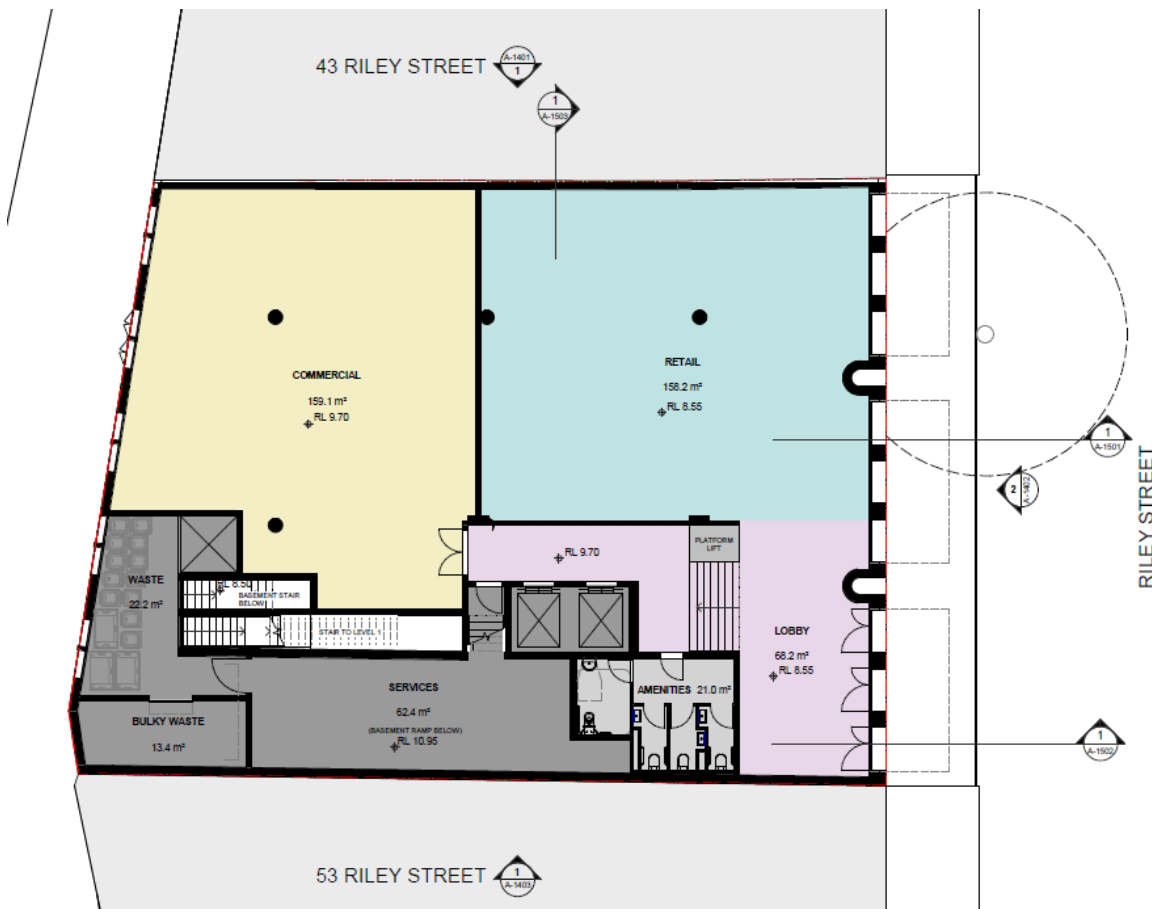


Ground floor activation

The planning proposal includes retail floor space at ground floor level fronting Riley Street, to contribute to the activation of the street front. The indicative reference scheme submitted as part of the planning proposal documentation shows a lobby for the building's commercial suites being accessed from the Riley Street frontage of the building. See Figure 25 23.

The site specific DCP (Attachment B) will contain provisions requiring a minimum of 158 square metres of retail floor space at ground floor level, with a minimum frontage to Riley Street of 11.5 metres. It will also require main pedestrian access to be from Riley Street and the commercial lobby to be visible from Riley Street. Combined, the retail use and commercial lobby for the building will make a positive contribution to the activation and vibrancy of Riley Street.

Figure 25 23. Ground floor plan of indicative design showing retail use and commercial lobby fronting Riley Street



Transport and servicing

A transport report, prepared by Colston Budd Rogers and Kafes Pty Ltd, was submitted with the planning proposal documentation and is at Attachment A10 to this planning proposal. This report notes that the site has excellent access to public transport services, and that the proposed development will increase employment densities close to existing public transport services.

The indicative design submitted with the planning proposal proposes a basement carpark accessed from Busby Lane, but with the vehicular access point on the southern side of the Busby Lane frontage (rather than on the northern side as it is for the existing development on the site). The indicative design depicts a basement level accessed via a ramp with seven parking spaces (inclusive of one visitor space), a loading zone, a bike store for 24 bikes, end of journey facilities, a bin holding area and a fire pump room. See Figure 26 24.

Based on the floor space type and quantity proposed in the indicative design, the maximum number of car parking spaces under Sydney LEP 2012 that would be permitted on site would be 14 (11 for the commercial floor space and 3 for the retail floor space). While the final on-site parking provision will be determined at the development application stage, the indicative design includes only seven parking spaces, which is in accordance with the maximum number of parking spaces that may be provided as per section 7.6 of the Sydney LEP 2012.

The indicative scheme includes bicycle parking for 24 bikes, which is in accordance with section 3.11.3 of the Sydney DCP 2012 which requires 22 bike parking spaces based on the commercial and retail floor space. End of journey facilities are also proposed in the basement, relying on the end of journey floor space provisions at Section 6.13 of the Sydney LEP 2012.

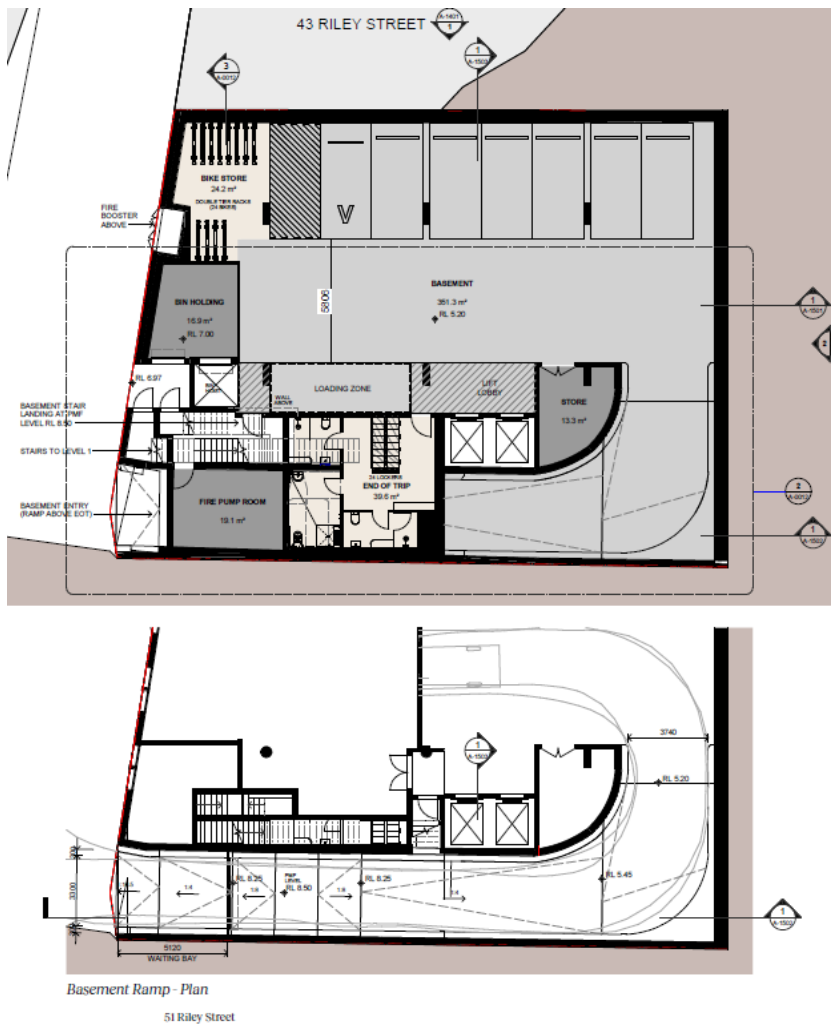
The transport report indicates that the development would have very low traffic generation, equivalent to an average of less than one vehicle every 12 minutes, and as such would not have noticeable effects on the operation of the surrounding road network.

With regard to waste servicing, the indicative design shows a bin holding area at ground floor level at the rear of the building, which can be accessed from Busby Lane. This would enable on-street collection with bins being rolled in/out of the site (rather than sitting on the street for collection). While this is a potential option, it is recommended that as part of the future detailed design of a scheme for the site the proponent further explore options for accommodating waste collection on site.

With regard to vehicular entry and exit from the site, it appears that B99 vehicles appear not to be able to achieve clear entry and exit swept paths. Swept paths within the basement itself will also need to demonstrate how vehicles get into and out of the loading bay.

More detailed assessments will be needed as part of any future development application for the site, to ensure orderly waste servicing as well as safe vehicular movement into and out of the site and around the basement.

Figure 26 24. Indicative design of basement carpark



Flooding

The site is identified as flood affected in major and minor flood events as per the City's Woolloomooloo Catchment Flood Study & Floodplain Risk Management Study and Plan 2016. The flood study shows a major overland flow path along Riley Street during flooding events, but that the peak depth of flooding in Riley Street would be shallow, compared to depths in Busby Lane. The mapping shows the low point at the northwest corner of Busby Lane as being flood affected.

A Flood Impact Assessment prepared by Barker Ryan Stewart Pty Ltd and submitted in support of the planning proposal (see Attachment A9) notes that flood behaviour in Busby Lane is largely controlled by the trapped low point at its northern end, causing floor waters to pond until spilling back onto Riley Street downstream of the site.

The City advised the proponent that the proposed floor levels for the retail and front lobby ~~are~~ in the indicative design were too low at RL 8.5m, and below the 10% Annual Exceedence Probability (AEP) for a flood event of RL8.85m and the 1% AEP for a flood event of 8.9m. The key concern at planning proposal stage was that addressing this may affect floor levels and therefore the overall height of the building envelope.

The proponent responded to this concern by raising the floor levels of the retail and front lobby area by 50mm, to a height of RL8.55m. The applicant advised that any future modification to lobby/retail levels would have no impact on the overall building height.

Following this amendment, the City's stormwater engineer has advised that the planning proposal is acceptable, but detailed Flood Impact and Risk Assessment (FIRA) and Flood Emergency Response Plan (FERP) reports are to be submitted in relation to future development applications relating to this site.

The proponent submitted a Flood Emergency Response and Evacuation Plan prior to exhibition, as required by the Gateway Determination.

Detailed Flood Impact and Risk Assessment (FIRA) and Flood Emergency Response Plan (FERP) reports will need to be submitted to Council with the future development applications relating to this site, taking into account the detailed design of the building.

Sustainability

Any future development application for a commercial use which relies on the controls made by this planning proposal will be subject to the sustainability requirements within:

- State Environmental Planning Policy (Sustainable Buildings) 2022 (Sustainable Buildings SEPP);
- Section 7.33 of the Sydney LEP 2012; and
- Section 3.6.1 "Energy efficiency in non-residential developments" of the Sydney DCP 2012.

A detailed sustainability strategy would need to be submitted with any future development application demonstrating compliance with these requirements.

Green roof

The proponent's request for a planning proposal ~~shows~~ showed that at roof level, provision has been made for lift overruns, roof access and amenities alongside a pergola structure. The indicative design shows a communal area and 79 square metres of planting at roof level.

To reduce a future building's height and bulk and reduce impacts on neighbouring properties, restrictions are recommended so that there is no additional allowance above the maximum height control of RL25.5m for roof top structures such as a lift overrun, building plant, a pergola structure or communal open space. This provides greater opportunity for larger, non-trafficable green roof, so the draft DCP has been amended to accommodate this.

The draft DCP for the site includes a requirement for a non-trafficable green roof of a minimum of ~~148 350~~ square metres, which is a higher requirement than what has been shown in the indicative scheme. This higher requirement ~~is consistent~~ will allow for compliance with the green roof replacement rates currently proposed by the in the LEP/DCP Update Draft DCP and recognises

that deep soil tree planting cannot be achieved given that full site coverage is anticipated. A future development application for the site would need to include a **non-trafficable** green roof which complies with the City's green roof provisions.

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

Economic impact

This planning proposal provides an opportunity for the redevelopment of the subject site to provide additional commercial and retail floor space in the metropolitan centre of the Eastern City District (Harbour CBD). This is in alignment with the objectives of the Greater Sydney District Plan and the Eastern City District Plan which seek to encourage investment and business activity and support growth in areas well serviced by existing infrastructure and transport connections.

The planning proposal will facilitate approximately ~~2,150~~ 1,850 square metres of employment generating floor space, ~~which equates to around 90 jobs. These jobs~~ This floor space will be on a site well positioned to take advantage of existing transport and social infrastructure.

Heritage

Three heritage reports have been submitted in support of the planning proposal:

- 1) Aboriginal Heritage Due Diligence assessment prepared by Extent Heritage (See Attachment A6)

This due diligence assessment identified no Aboriginal Objects or Places present within the site. It noted that while there have been Aboriginal stone artefacts recovered from excavations less than 50m from the site, the process of constructing the basement of the existing building is likely to have removed any remaining soils that might have had potential to include Aboriginal objects. Due to this prior disturbance, there is not a likelihood of Aboriginal objects being present on the site.

- 2) a Baseline Historical Archaeological Assessment prepared by Extent Heritage (See Attachment A7)

This assessment concluded that the site has nil-to low potential for archaeological remains associated with Phase 1 (1793-1843) or Phase 2 (1844-1901) of historical development of the site. It noted that the high level of disturbance during Phase 3 (1902-present) of historical development of the site has reduced the potential for historical deposits from previous phases from nil-to low. These disturbances included the construction of a pre-1943 building on the site and the construction of the basement of the current building on the site in 1966.

The assessment of the proposed redevelopment of the site indicates that historical deposits are unlikely to be encountered during the construction of the new building and its basement.

- 3) a Heritage Impact Statement prepared by NBRS & Partners Pty Ltd (See Attachment A8)

The site is not listed as an item of local heritage significance in the Sydney LEP 2012. It is however located in close proximity to a number of local heritage items and is within the Woolloomooloo Heritage Conservation Area (C71) under the Sydney LEP 2012. The existing building on the site is categorised as a "detracting" building within the Woolloomooloo Conservation Area in Sydney DCP 2012.

This report notes that the City has undertaken a review of the boundaries of the conservation areas, and it is proposed to remove the site and other sites from the Woolloomooloo Conservation Area (refer to Figure 14 of this Planning Proposal). While this proposal is still at pre-exhibition stage, it recognises that the site and surrounds do not contribute to conserving the character, scale or significance of the Woolloomooloo **Heritage** Conservation Area.

The report concludes that the planning proposal to adjust the height and FSR controls for the site will result in an acceptable impact on the heritage significance of the Woolloomooloo Conservation Area and heritage items in the vicinity. It states that the proposal aligns with the intention to refine the Woolloomooloo Conservation Area boundaries, and existing views to and from heritage items in the vicinity of the site will be retained.

The report also concludes that the proposed building envelope retains the scale and form of the existing streetscape by establishing a podium at the lower levels with a street edge in line with adjacent buildings. The upper levels are setback and are viewed in the context of nearby high rise buildings.

Given the conclusions of these heritage studies and the City's proposal to remove the site from the Woolloomooloo Conservation Area, it is considered that the planning proposal is acceptable in terms of heritage impacts. Any future development application for the site would need to address heritage impact, with consideration of detailed building form, articulation and materiality.

This planning proposal has been assessed against current planning provisions, with the site still being located within the Woolloomooloo Heritage Conservation Area. The subject proposal is not depended upon the proposed adjustments to the heritage conservation area boundaries to proceed.

5.5 Infrastructure (Local, State and Commonwealth)

Is there adequate public infrastructure for the planning proposal?

The site is located within walking distance of the Sydney CBD, with numerous rail, light rail and bus services in close proximity. The site is in close proximity to public spaces such as Cook and Phillip Park, Hyde Park and the Domain. The site is already serviced by public utilities including water, sewer and stormwater, electricity and telecommunications. There is adequate public infrastructure to support this planning proposal.

Any future development application for the site which results in additional floor space will be subject to section 7.11 development contributions under the City of Sydney Development Contributions Plan 2015, to ensure that the additional demand for infrastructure generated by the proposal can be met through the provision of new or improved infrastructure.

5.6 State and Commonwealth interests

What are the views of the state and federal public authorities and government agencies consulted in order to inform 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.

6. Mapping

The planning proposal does not include any amendments to maps.

No change will be made to maps in the Sydney LEP 2012 as part of this planning proposal. Instead, new site specific provisions relating to height and FSR will be inserted into Part 6, Division 5 of Sydney LEP 2012. A draft version of example clauses that may be inserted is at Appendix 1 of this planning proposal.

It is also noted that no change will be made to maps in the Sydney DCP 2012. Rather, new site specific provisions relating to built form, site access and servicing, street activation and urban ecology will be inserted into Section 6 of Sydney DCP 2012.

7. Community consultation

This Planning Proposal is to be exhibited in accordance with a Gateway Determination issued by the Department of Planning, Housing & Infrastructure.

It is anticipated that the Gateway Determination will require public exhibition for a period of not less than 28 days in accordance with the Environmental Planning and Assessment Act 1979 and the Local Environmental Plan Making Guideline.

Notification of the public exhibition will be consistent with the Gateway Determination and the City's Community Engagement Strategy and Participation Plan.

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

8. Project timeline

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

Stage	Timeframe
Commencement / Gateway Determination	September 2024
Government agency consultation	October – November 2024
Public exhibition	November – December 2024
Consideration of submissions	December 2024 – January 2025
Post exhibition consideration of proposal	February June 2025
Draft and finalise LEP	March – April July 2025 or as per extension if such is requested from Department of Planning, Housing and Infrastructure
LEP made	April – May August 2025 or as per extension if such is requested from Department of Planning, Housing and Infrastructure
Plan forwarded to the Department of Planning, Housing & Infrastructure	June August 2025 or as per extension if such is requested from Department of Planning, Housing and Infrastructure

Appendix 1

Example clauses

The final version of the clauses to be inserted into Part 6, Division 5 of the Sydney LEP 2012 would be subject to drafting and agreement by the Parliamentary Counsel's Office, but may be written as follows:

Part 6 Local provisions – height and floor space

Division 5 Site specific provisions

6.XX 47 – 51 Riley Street, Woolloomooloo

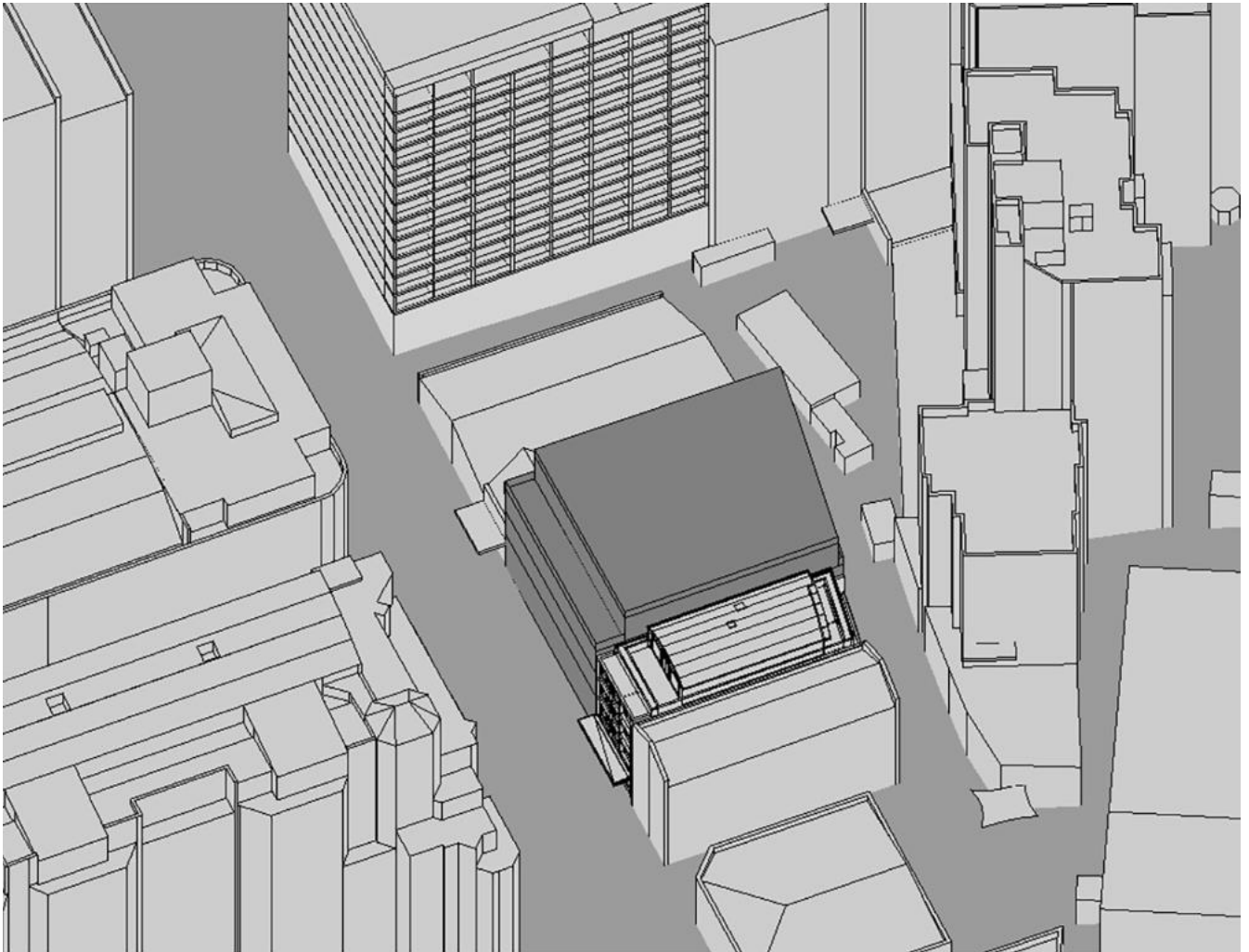
- (1) This clause applies to 47- 51 Riley Street, Woolloomooloo, being Lot 1, DP 83489.
- (2) Despite clauses 4.3 and 4.4, the consent authority may grant development consent for a building on the land to which this clause applies that will result in a building –
 - (a) with a maximum building height of ~~25 metres~~ **RL25.5 metres**,
 - (b) with a maximum floor space ratio of ~~3.8:1~~ **3.2:1**, and
 - (c) which will only be used as a commercial premises.
- (3) **Despite clause X.X (Planning Proposal – Sydney Local Environmental Plans Policy and Housekeeping Amendments 2023 – Amendment 2 – Structures associated with green roofs) development consent must not be granted under this clause for any roof top structures that would exceed the maximum building height of RL25.5 metres.**
- (4) Development consent must not be granted under this clause unless the consent authority is satisfied that the resulting building will not be used for the purposes of residential accommodation or serviced apartments.
- ~~(4)~~ (5) This clause does not limit the operation of clause 6.13 in its application to the land which this clause applies.

Attachment C

**Draft Sydney Development Control Plan 2012
47-51 Riley Street, Woolloomooloo (as amended
following public exhibition)**



Sydney Development Control Plan – 47-51 Riley Street, Woolloomooloo



**Sydney DCP 2012 –
47-51 Riley Street,
Woolloomooloo**
July 2024 June 2025

The City of Sydney acknowledges the Gadigal of the
Eora Nation as the Traditional Custodians of our local area.

The purpose of this Development Control Plan

The purpose of this Development Control Plan (DCP) is to amend *Sydney Development Control Plan 2012*, which was adopted by Council on 14 May 2012 and came into effect on 14 December 2012.

The amendment provides objectives and provisions to inform future development at 47-51 Riley Street, Woolloomooloo.

This plan is to be read in conjunction with Planning Proposal – 47-51 Riley Street, Woolloomooloo.

Citation

This amendment may be referred to as *Sydney Development Control Plan 2012 – 47-51 Riley Street, Woolloomooloo*.

Land covered by this plan

This plan applies to the land identified as 47-51 Riley Street, Woolloomooloo – which is Lot 1 in DP 83489.

Relationship of this plan to Sydney Development Control Plan 2012

This plan amends the Sydney Development Control Plan 2012 in the manner set out below.

Amendments to Sydney Development Control Plan 2012

This plan amends Sydney Development Control Plan 2012 by:

1. Amending Figure 6.1 Specific sites map to include 47-51 Riley Street, Woolloomooloo.
2. Inserting a new section 6.3.X 47-51 Riley Street, Woolloomooloo, as shown at Schedule 1.
3. Updating figure numbers as required.

Schedule 1 – Amendment to Sydney Development Control Plan 2012

6.3.X 47-51 Riley Street, Woolloomooloo

If a development at 47-51 Riley Street, Woolloomooloo, seeks to utilise additional height and/or floor space permitted by clause 6.XX of Sydney LEP 2012, then the provisions in this section also apply and override other provisions in this DCP where there is an inconsistency.

Objectives

- a. Deliver a high quality built form within a defined maximum building envelope that is an appropriate contextual fit with nearby development and minimises overshadowing of residential development.
- b. Provide street activation, urban greening and safe and efficient pedestrian and vehicular access.

6.3.X.1 Built Form

1. Maximum building height including any rooftop structures, plant or lift overruns must not exceed the heights shown in Figures 6.X-~~6.X~~ 47-51 Riley Street, Woolloomooloo - Maximum Building Envelope Section A and as described in Sydney LEP 6.XX.
2. Development is not to exceed the building envelope shown in Figure 6.X 47-51 Riley Street, Woolloomooloo - Maximum Building Envelope Section A. ~~; and Figure 6.X 47-51 Riley Street, Woolloomooloo - Maximum Building Envelope Section B. The maximum height of the building excluding any rooftop structures, plant, fire stairs and lift overruns, but including parapets, must not exceed RL29.3.~~
3. Maximum building height in storeys ~~are~~ is to be in accordance with Figure 6.X 47-51 Riley Street, Woolloomooloo - Height of Building in Storeys and Upper Level Setbacks.
4. Maximum Street Frontage Heights and minimum upper-level setbacks are to be in accordance with ~~the Figure 6.X~~ Height of Building in Storeys and Upper Level Setbacks. ~~map (Figure 6.X).~~



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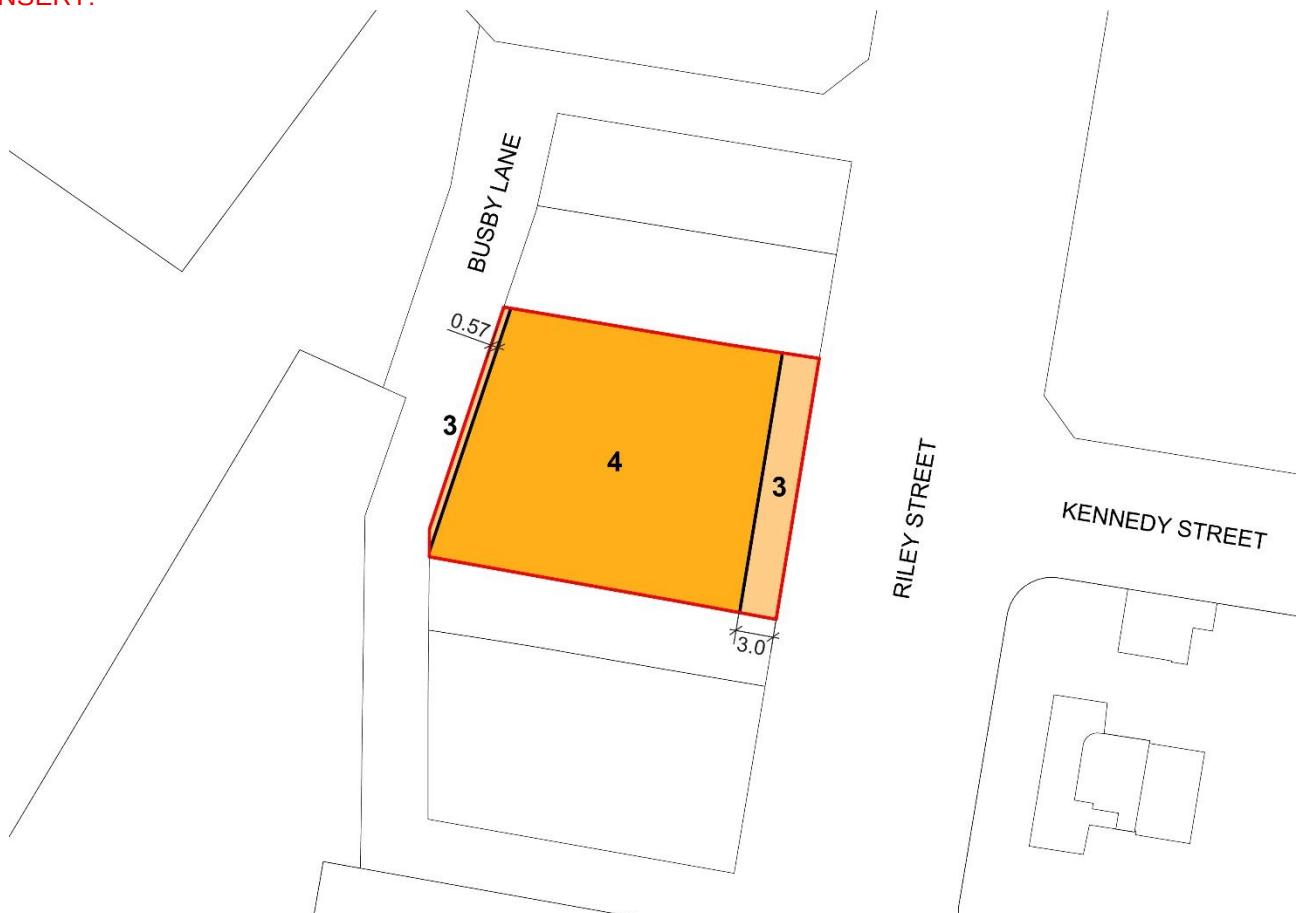


Figure 6.X 47-51 Riley Street, Woolloomooloo - Height of Building in Storeys and Upper Level Setbacks (setbacks are dimensioned in metres)

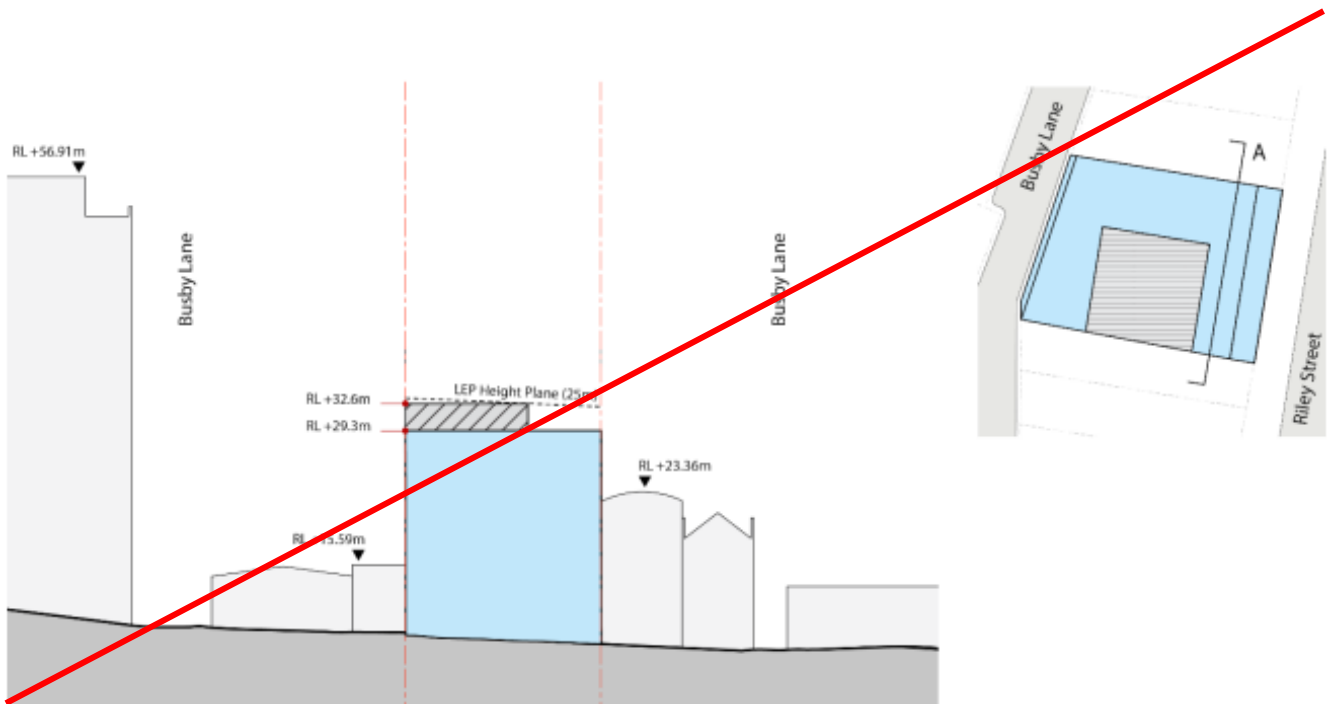


Figure 6.X 47-51 Riley Street, Woolloomooloo — Maximum Building Envelope Section A (hatched area represents an allowance for roof top structures under the LEP Height control)

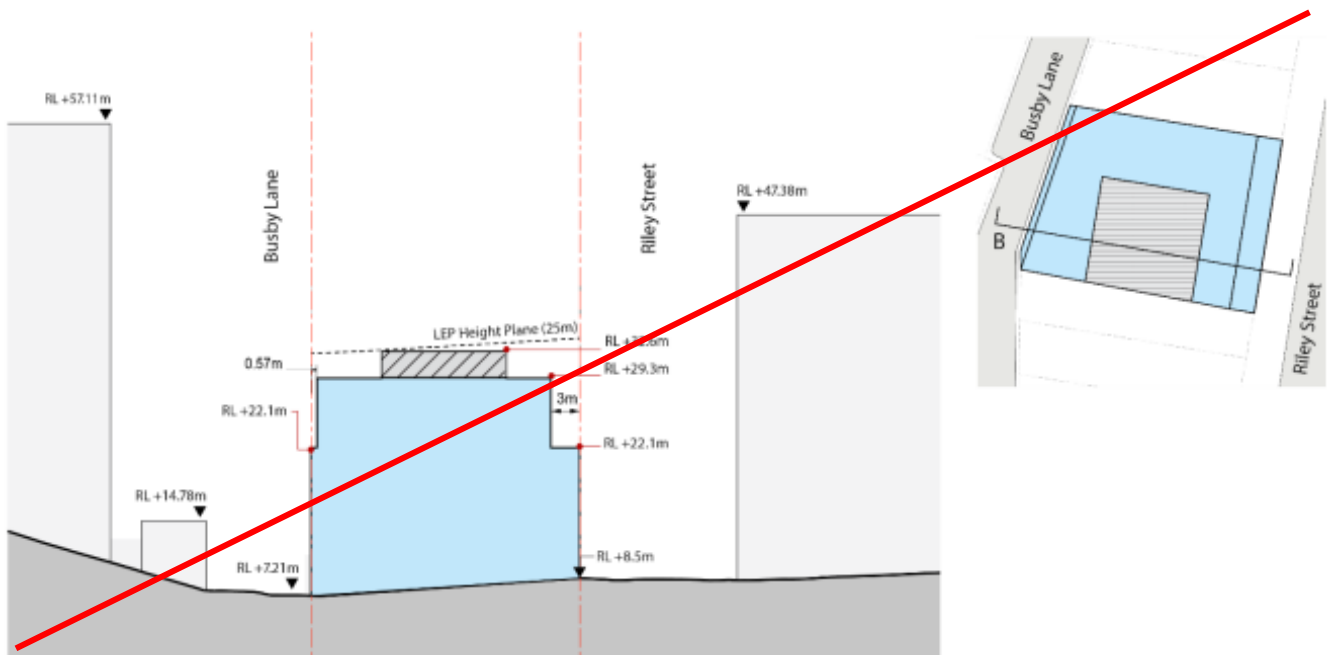


Figure 6.X 47-51 Riley Street, Woolloomooloo — Maximum Building Envelope Section B (hatched area represents an allowance for roof top structures under the LEP Height control)

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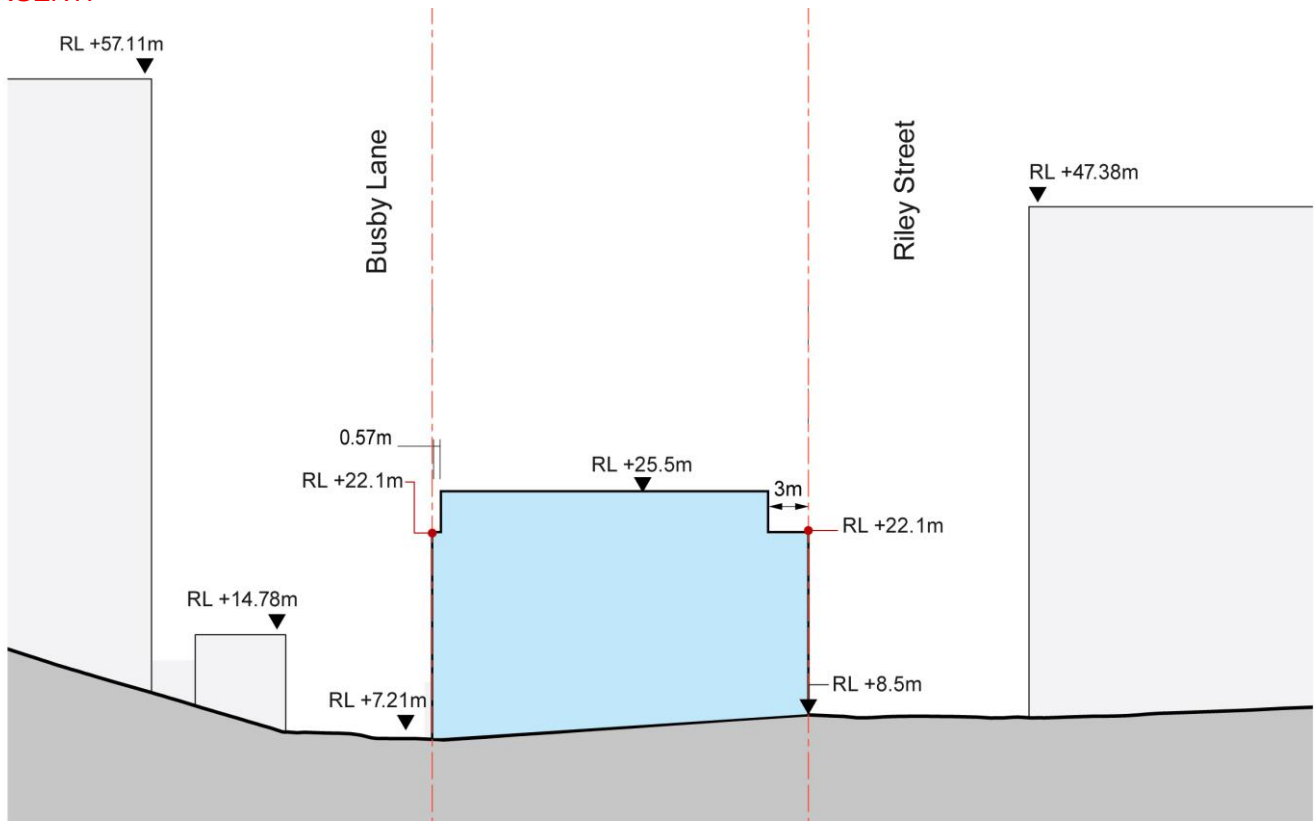


Figure 6.X 47-51 Riley Street, Woolloomooloo - Maximum Building Envelope Section A

6.3.X.2 Public domain, servicing and access

1. Vehicular access is to be from Busby Lane.
2. The main pedestrian access is to be from Riley Street.
3. The commercial lobby is to be visible from Riley Street.
4. A retail use is to occupy a minimum of 158m² of the ground floor area, with a minimum frontage to Riley Street of 11.5m.

6.3.X.3 Urban Ecology

1. A non-trafficable green roof of at least ~~148m²~~ 350m² is to be provided.

Attachment D

Council and Central Sydney Planning Committee Resolutions

Resolution of Council

29 July 2024

Item 10.3

Public Exhibition - Planning Proposal - 47-51 Riley Street, Woolloomooloo - Sydney Local Environmental Plan 2012 and Sydney Development Control Plan 2012 Amendment

It is resolved that:

- (A) Council approve Planning Proposal - 47-51 Riley Street, Woolloomooloo, as shown at Attachment A to the subject report, to be submitted to the Minister for Planning and Public Spaces with a request for Gateway Determination;
- (B) Council approve Planning Proposal - 47-51 Riley Street, Woolloomooloo, as shown at Attachment A to the subject report for public authority consultation and public exhibition in accordance with any conditions imposed under the Gateway Determination;
- (C) Council seek authority from the Minister for Planning and Public Spaces to exercise the delegation of all the functions under section 3.36 of the Environmental Planning and Assessment Act 1979 to make the local environmental plan and to put into effect Planning Proposal - 47-51 Riley Street, Woolloomooloo;
- (D) Council approve the Draft Sydney Development Control Plan 2012 - 47-51 Riley Street, Woolloomooloo, shown at Attachment B to the subject report for public authority consultation and public exhibition concurrent with the Planning Proposal;
- (E) authority be delegated to the Chief Executive Officer to make any variations to Planning Proposal - 47-51 Riley Street, Woolloomooloo, to correct any drafting errors or to ensure consistency with the Gateway Determination; and
- (F) authority be delegated to the Chief Executive Officer to make any variations to Draft Sydney Development Control Plan 2012 - 47-51 Riley Street, Woolloomooloo, to correct any drafting errors or to ensure consistency with the Gateway Determination.

Carried unanimously.

X087762

Resolution of Central Sydney Planning Committee

25 July 2024

Item 6

Public Exhibition - Planning Proposal - 47-51 Riley Street, Woolloomooloo - Sydney Local Environmental Plan 2012 and Sydney Development Control Plan 2012 Amendment

Moved by the Chair (the Lord Mayor), seconded by Councillor Chan -

It is resolved that:

- (A) the Central Sydney Planning Committee approve Planning Proposal - 47-51 Riley Street, Woolloomooloo, as shown at Attachment A to the subject report, to be submitted to the Minister for Planning and Public Spaces with a request for Gateway Determination;
- (B) the Central Sydney Planning Committee approve Planning Proposal - 47-51 Riley Street, Woolloomooloo, as shown at Attachment A to the subject report for public authority consultation and public exhibition in accordance with any conditions imposed under the Gateway Determination;
- (C) the Central Sydney Planning Committee note the recommendation to Council's Transport, Heritage and Planning Committee on 22 July 2024, that Council seek authority from the Minister for Planning and Public Spaces to exercise the delegation of all the functions under section 3.36 of the Environmental Planning and Assessment Act 1979 to make the local environmental plan and to put into effect Planning Proposal - 47-51 Riley Street, Woolloomooloo;
- (D) the Central Sydney Planning Committee note the recommendation to Council's Transport, Heritage and Planning Committee on 22 July 2024, that Council approve the Draft Sydney Development Control Plan 2012 - 47-51 Riley Street, Woolloomooloo, shown at Attachment B to the subject report for public authority consultation and public exhibition concurrent with the Planning Proposal;
- (E) authority be delegated to the Chief Executive Officer to make any variations to Planning Proposal - 47-51 Riley Street, Woolloomooloo, to correct any drafting errors or to ensure consistency with the Gateway Determination; and

- (F) authority be delegated to the Chief Executive Officer to make any variations to Draft Sydney Development Control Plan 2012 - 47-51 Riley Street, Woolloomooloo, to correct any drafting errors or to ensure consistency with the Gateway Determination.

Carried unanimously.

X087762

Attachment E

**Gateway Determination – dated 10 October
2024**

Gateway Determination

Planning proposal (Department Ref: PP-2024-717) To amend the Sydney Local Environmental Plan 2012 (Sydney LEP 2012) to enable an increased floor space ratio (FSR) and increased maximum building height for development at 47-51 Riley Street, Woolloomooloo, that is used wholly for purposes other than residential accommodation and serviced apartments.

I, the Director, Local Planning (North, East and Central Coast) at the Department of Planning, Housing and Infrastructure, as delegate of the Minister for Planning and Public Spaces, have determined under section 3.34(2) of the *Environmental Planning and Assessment Act 1979* (the Act) that an amendment to the Sydney Local Environmental Plan 2012 to enable an increased floor space ratio (FSR) and increased maximum building height for development used wholly for purposes other than residential accommodation and serviced apartments should proceed subject to the following

The Council as planning proposal authority is authorised to exercise the functions of the local plan-making authority under section 3.36(2) of the Act subject to the following:

- (a) the planning proposal authority has satisfied all the conditions of the gateway determination;
- (b) the planning proposal is consistent with applicable directions of the Minister under section 9.1 of the Act or the Secretary has agreed that any inconsistencies are justified; and
- (c) there are no outstanding written objections from public authorities.

The LEP should be completed on or before 7 August 2025.

Gateway Conditions

1. Prior to exhibition, the planning proposal is to be updated to include additional information addressing a proposed emergency management strategy in a flood event.
2. Public exhibition is required under section 3.34(2)(c) and clause 4 of Schedule 1 to the Act as follows:
 - (a) the planning proposal is categorised as standard as described in the *Local Environmental Plan Making Guideline* (Department of Planning and Environment, August 2023) and must be made publicly available for a minimum of 20 working days; and
 - (b) the planning proposal authority must comply with the notice requirements for public exhibition of planning proposals and the specifications for material that must be made publicly available along with planning proposals as identified in *Local Environmental Plan Making Guideline* (Department of Planning and Environment, August 2023).
2. Consultation is required with the following public authorities and government agencies under section 3.34(2)(d) of the Act and/or to comply with the requirements of applicable directions of the Minister under section 9 of the Act:

- Commonwealth Department of Infrastructure, Transport, Regional Development, Communications and the Arts
- Sydney Airport
- Civil Aviation Safety Authority
- Airservices Australia
- Utility Providers, including Sydney Water

Each public authority is to be provided with a copy of the planning proposal and any relevant supporting material via the NSW Planning Portal and given at least 30 working days to comment on the proposal.

3. A public hearing is not required to be held into the matter by any person or body under section 3.34(2)(e) of the Act. This does not discharge Council from any obligation it may otherwise have to conduct a public hearing (for example, in response to a submission or if reclassifying land).

Dated 10 October 2024



Jazmin van Veen
Director, Local Planning (North, East and
Central Coast)
Department of Planning, Housing and
Infrastructure

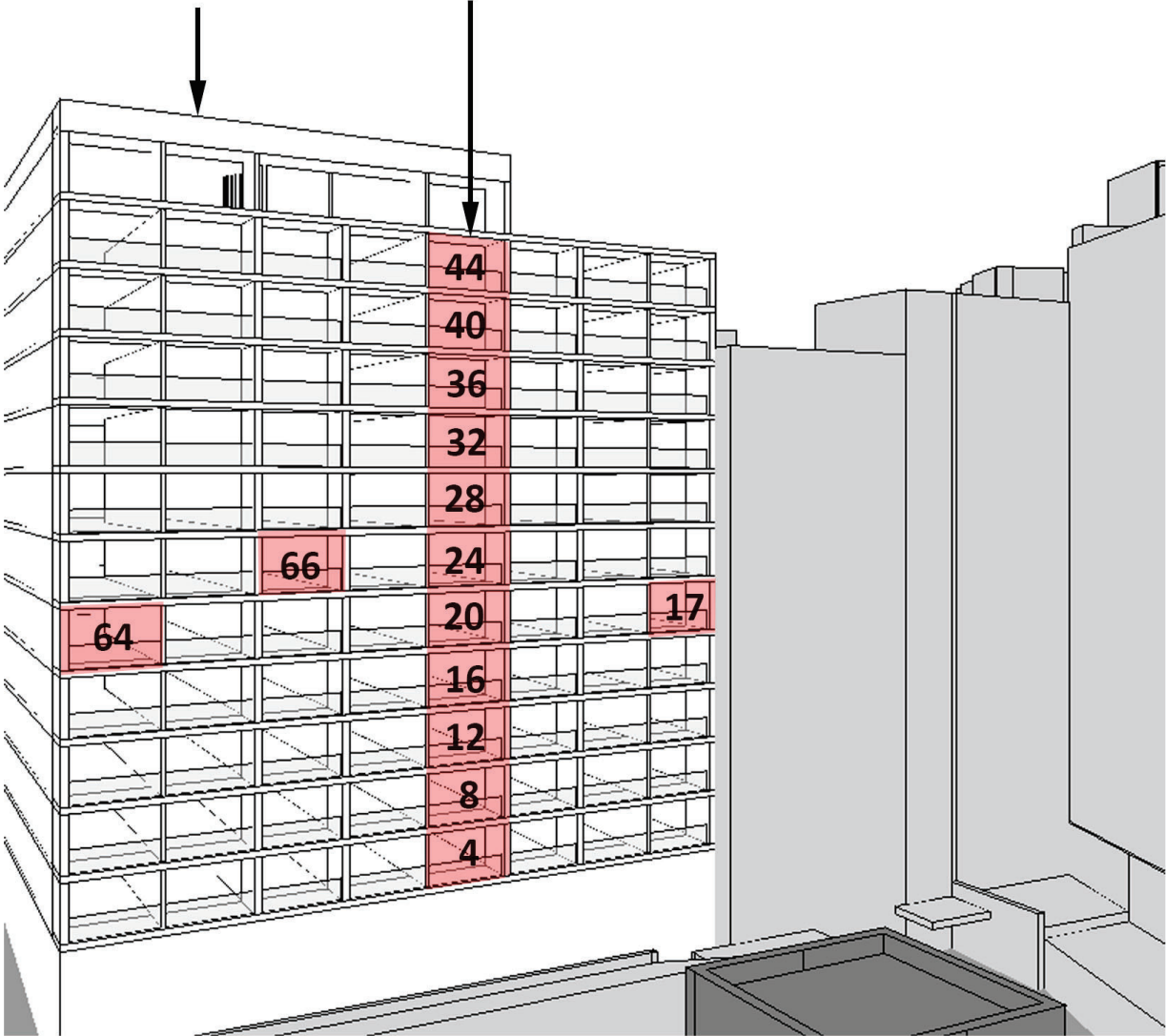
Delegate of the Minister for Planning and
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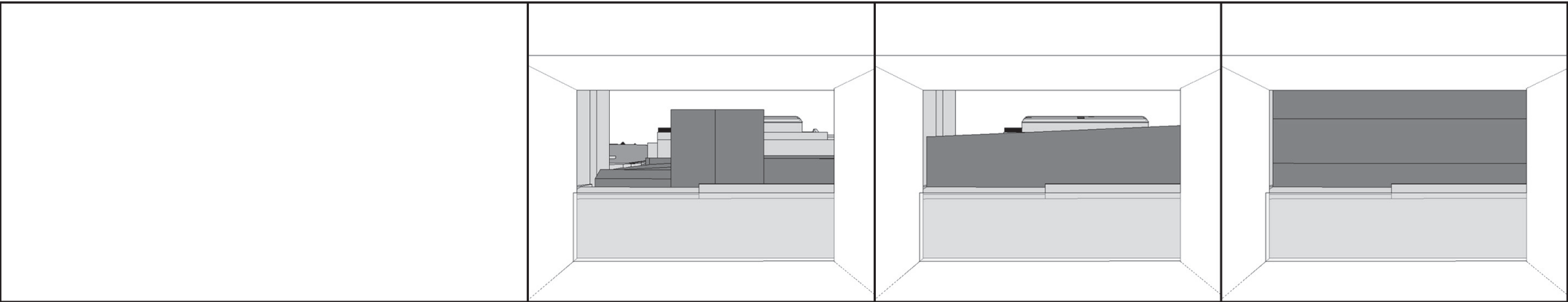
Attachment F

**City's View Impact Analysis – exhibited
planning proposal**

60-70 WILLIAM ST
WOOLLOOMOOLOO

SELECTED UNITS FOR STUDY



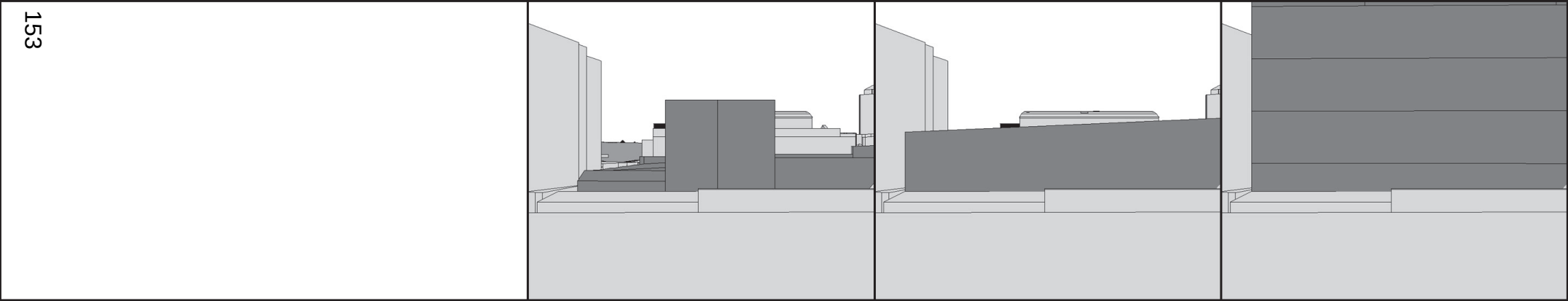


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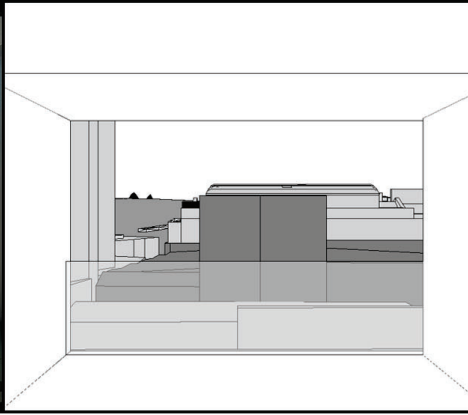
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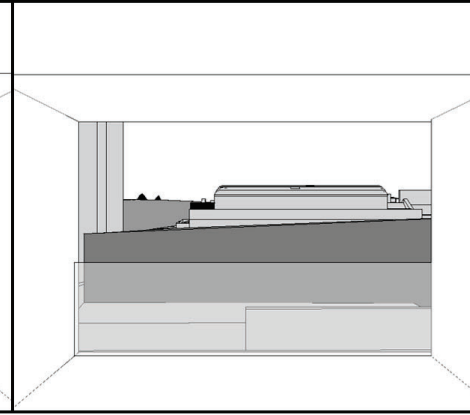
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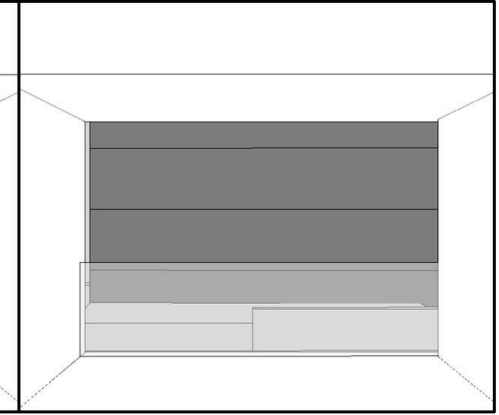
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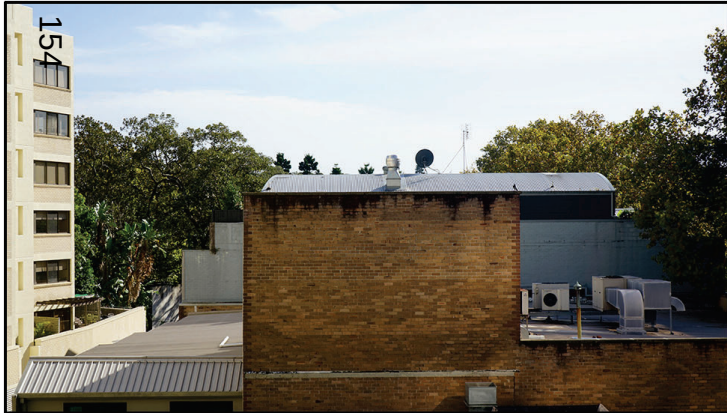


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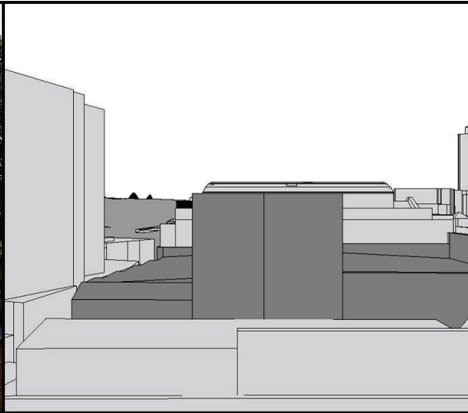


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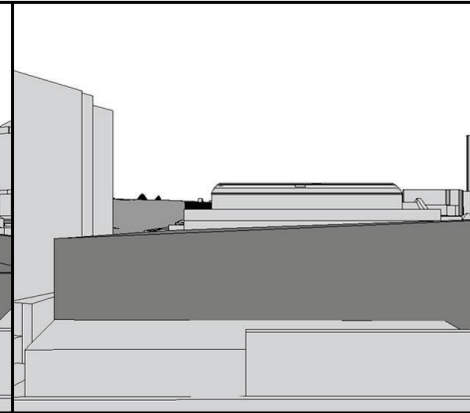
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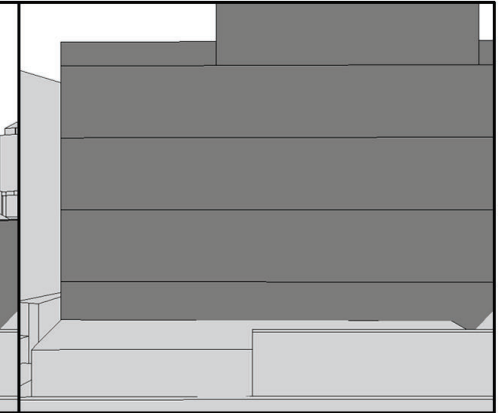
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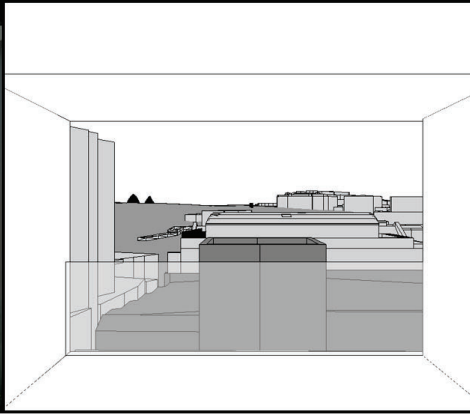


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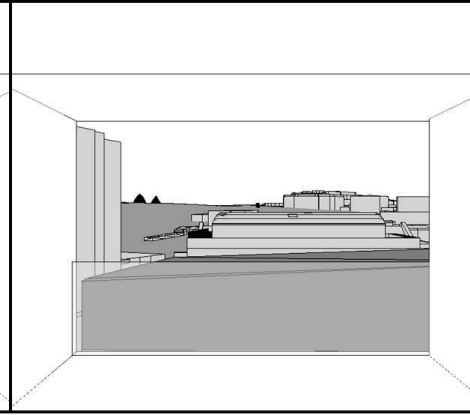
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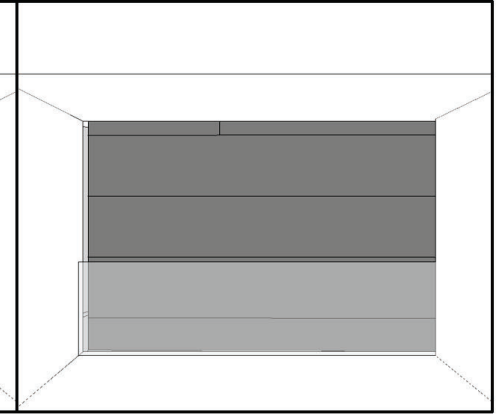
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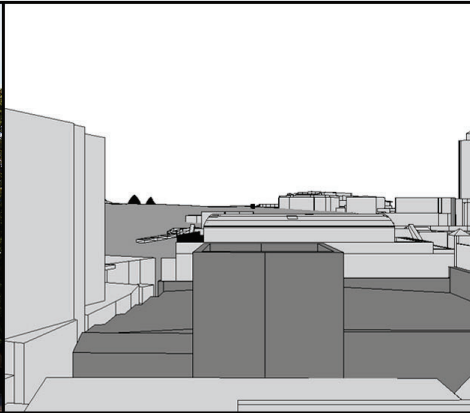


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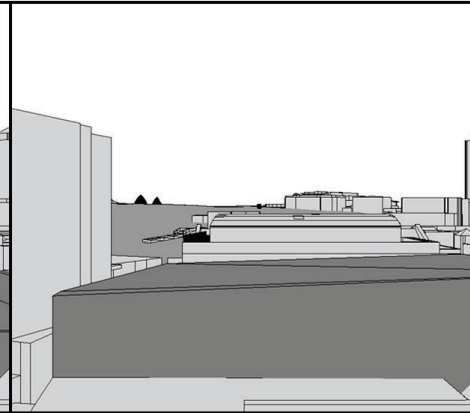
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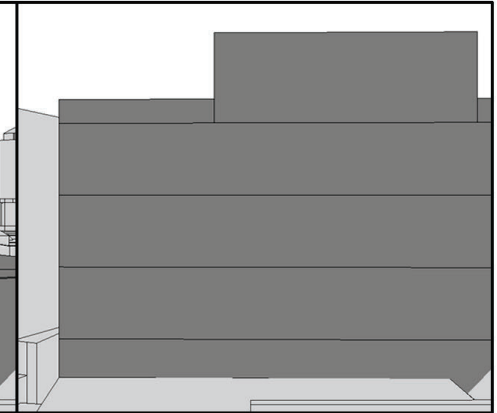
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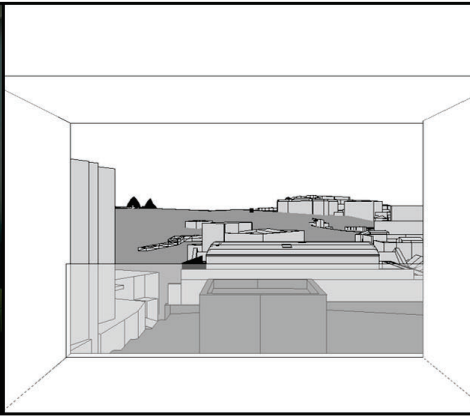


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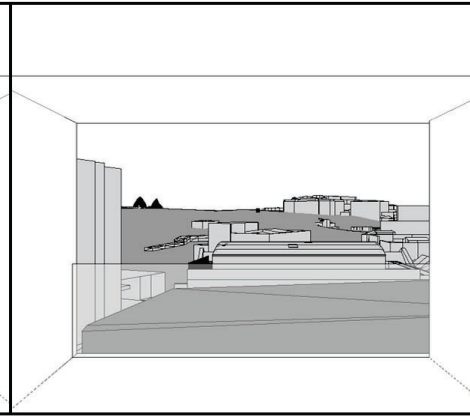
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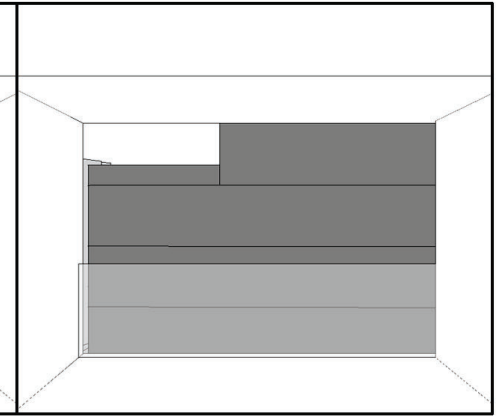
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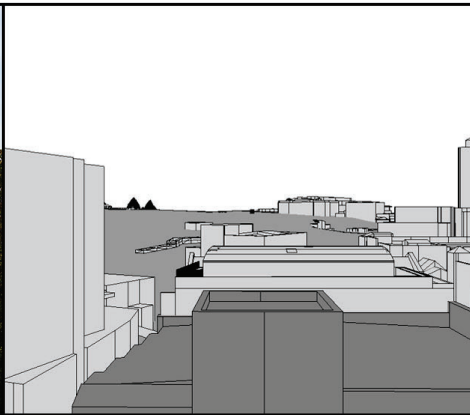


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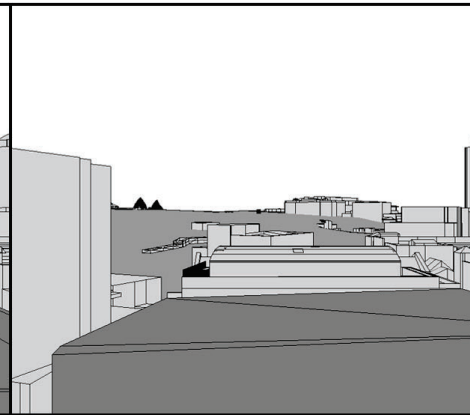
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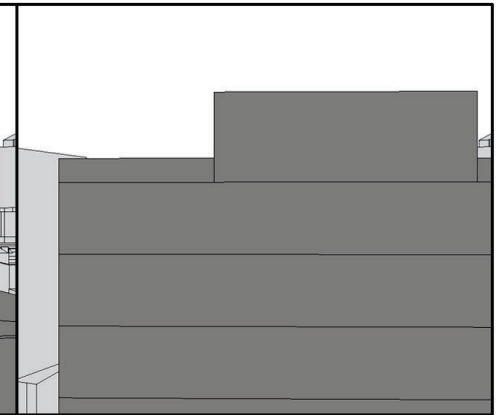
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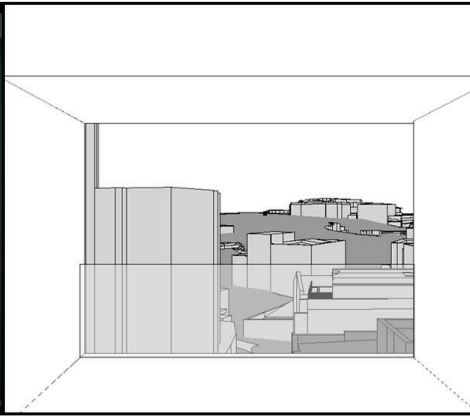


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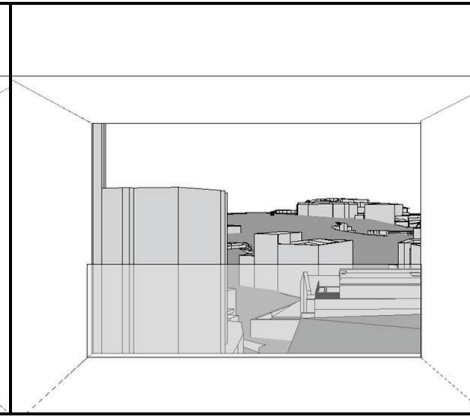
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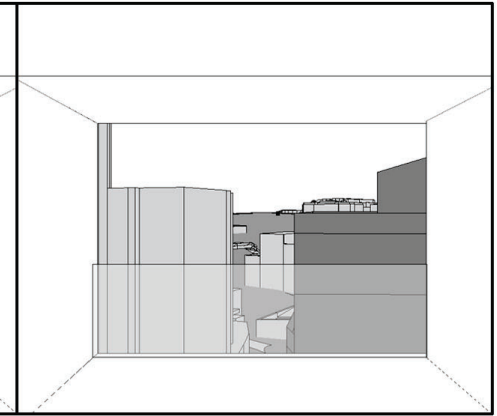
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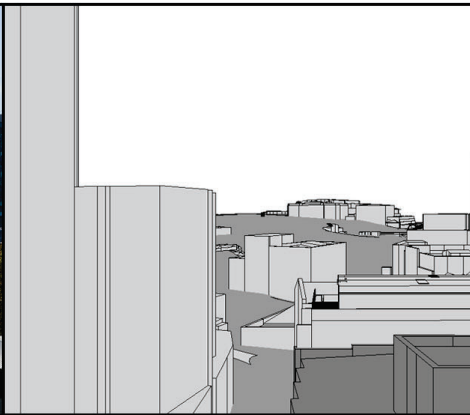


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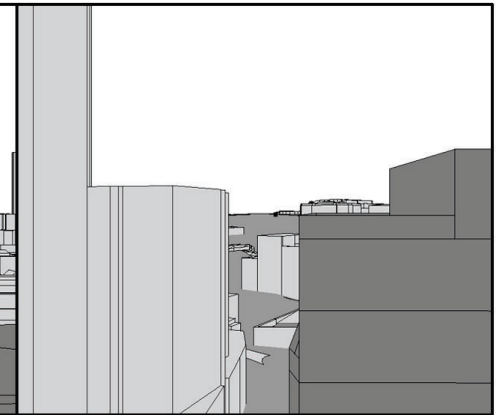
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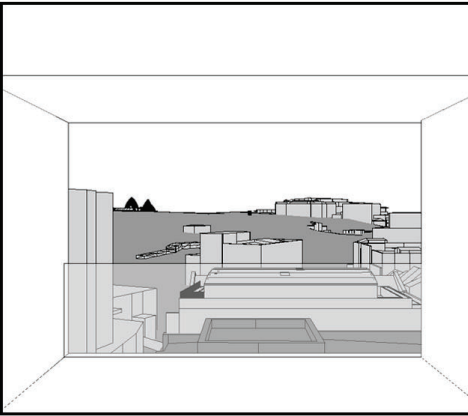


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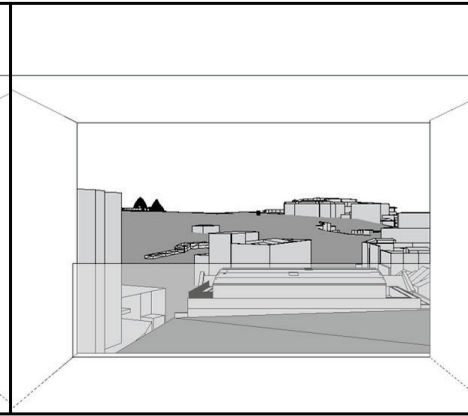
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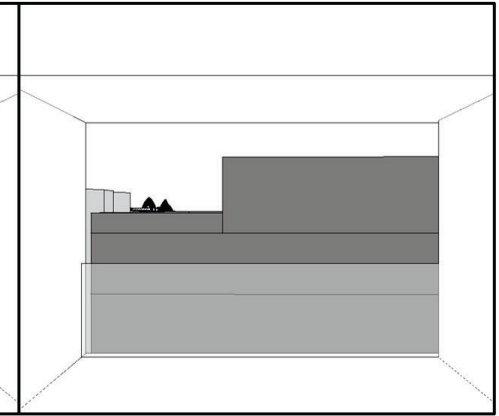
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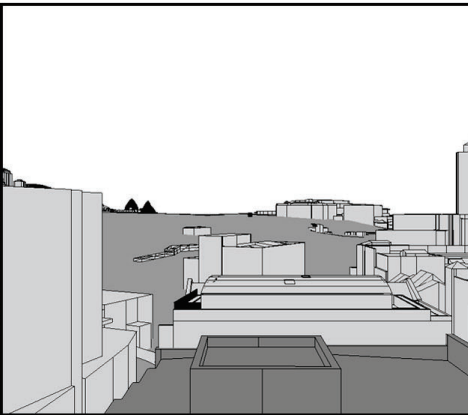


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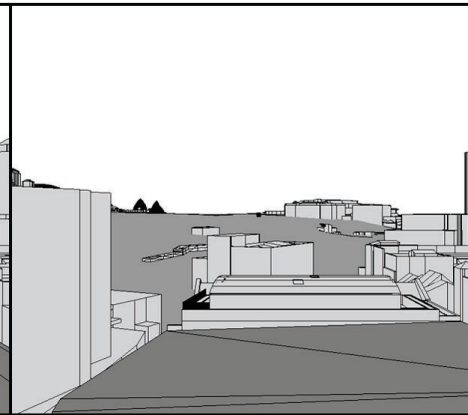
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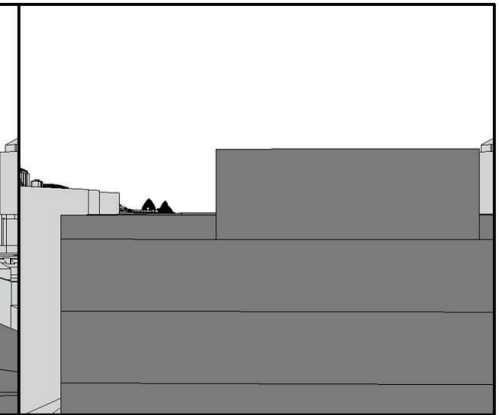
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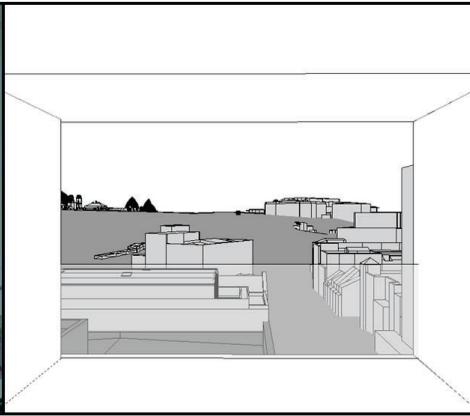


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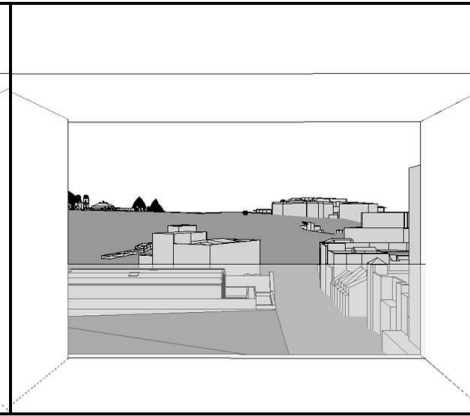
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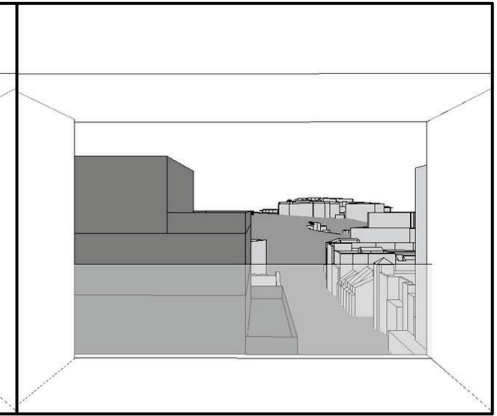
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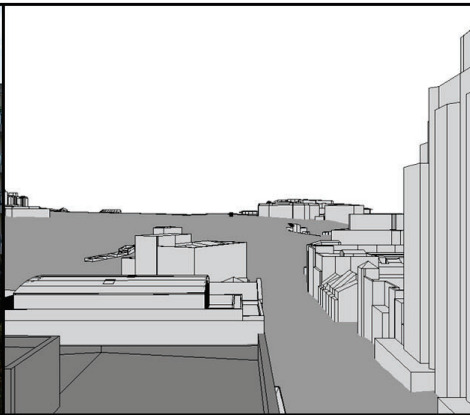


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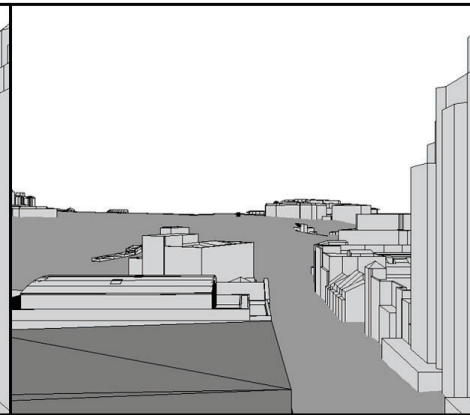
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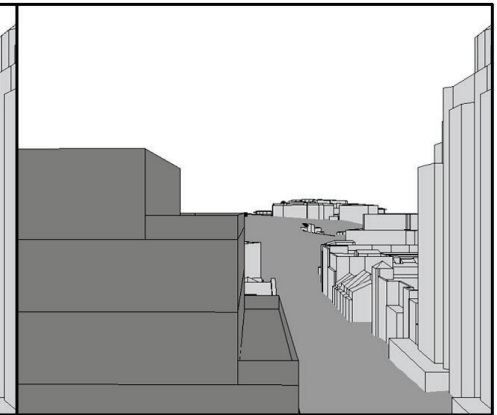
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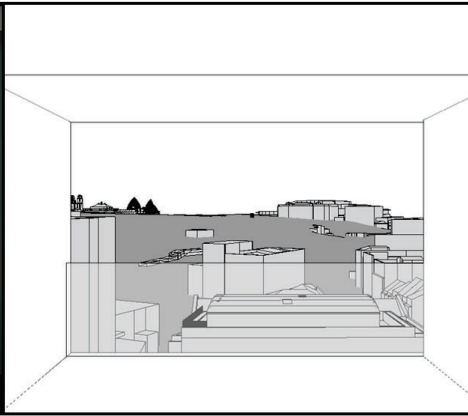


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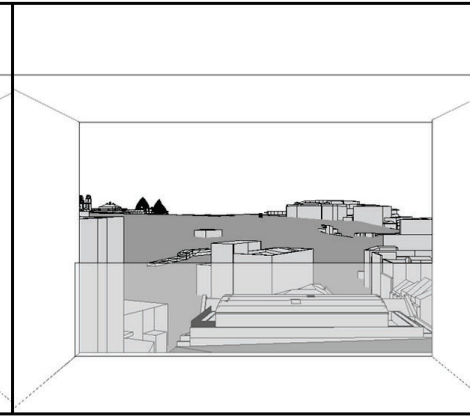
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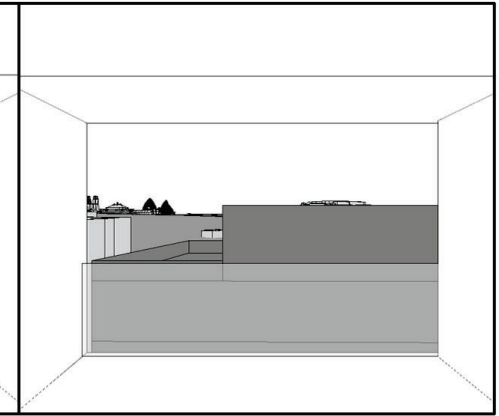
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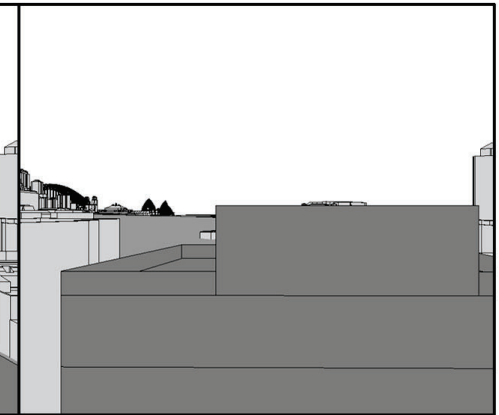
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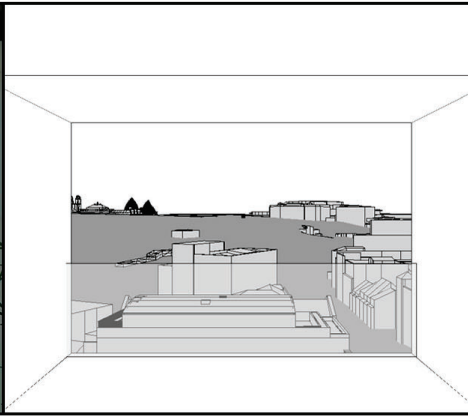


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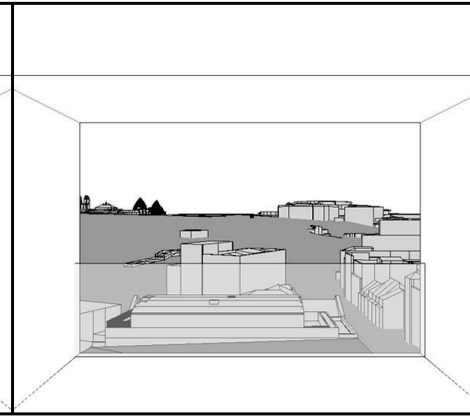
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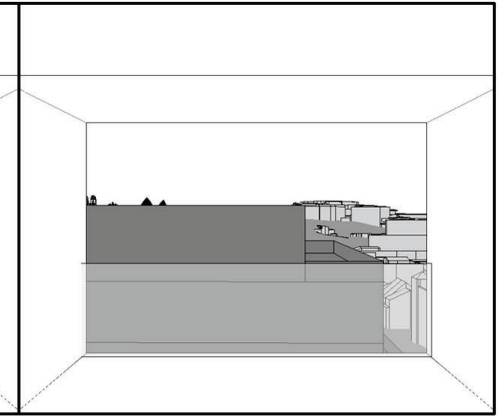
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EXHIBITED PLANNING PROPOSAL

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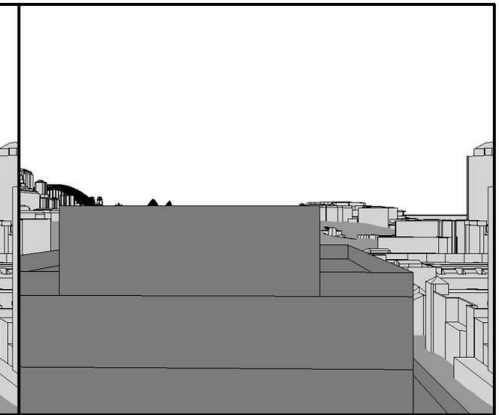
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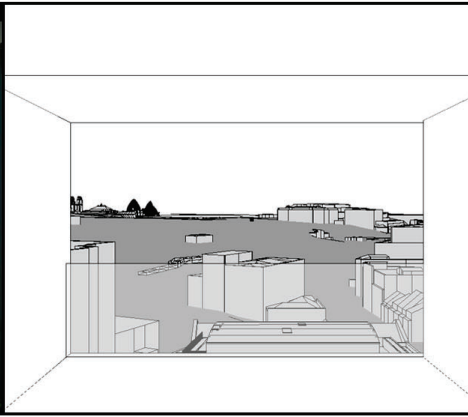


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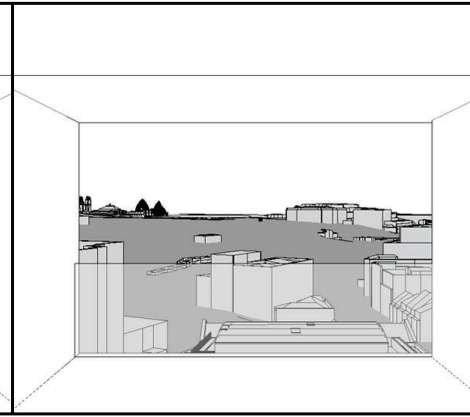
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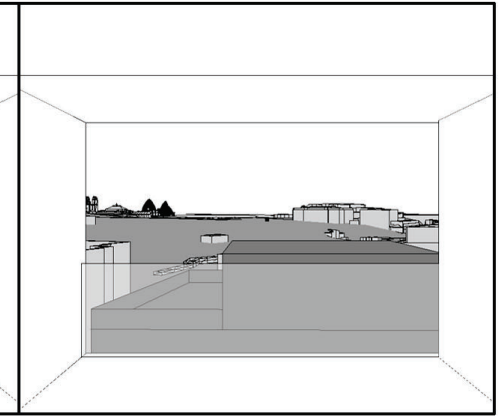
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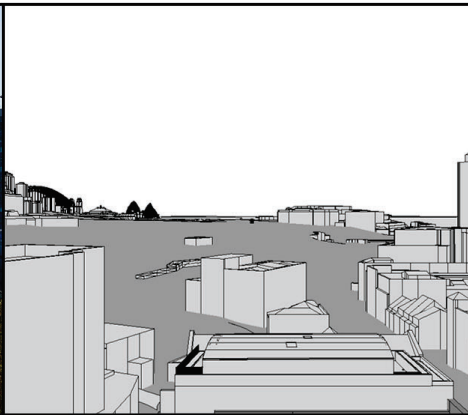


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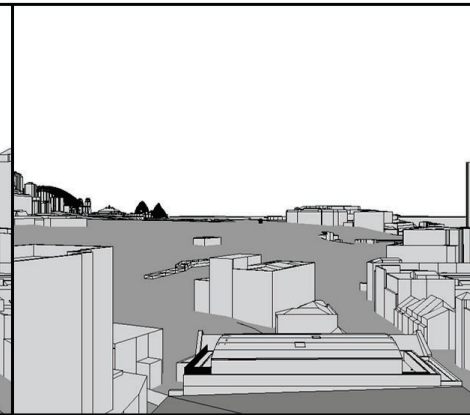
EYE LEVEL STANDING 4M FROM GLAZED DOOR



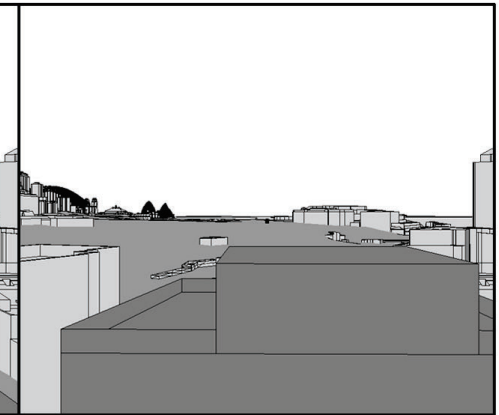
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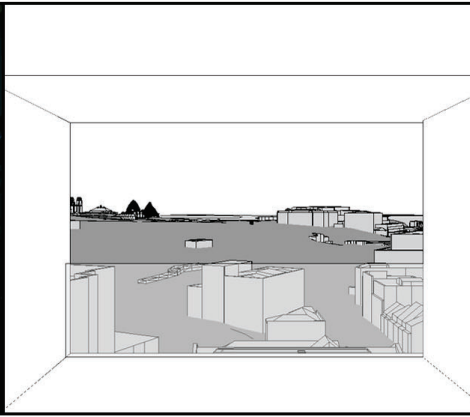


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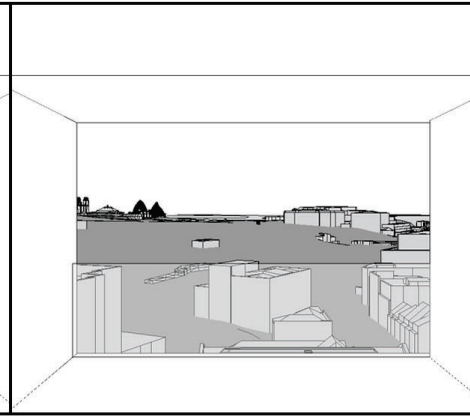
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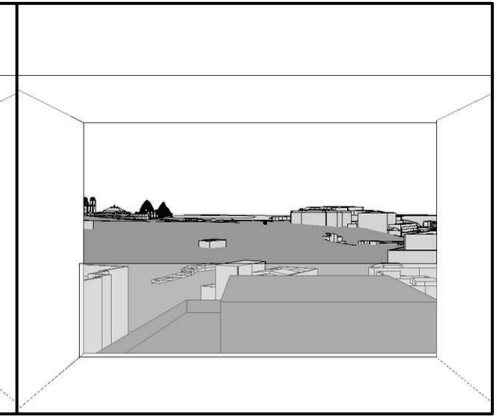
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CURRENT 12M HEIGHT LIMIT



EXHIBITED PLANNING PROPOSAL

EYE LEVEL STANDING 4M FROM GLAZED DOOR



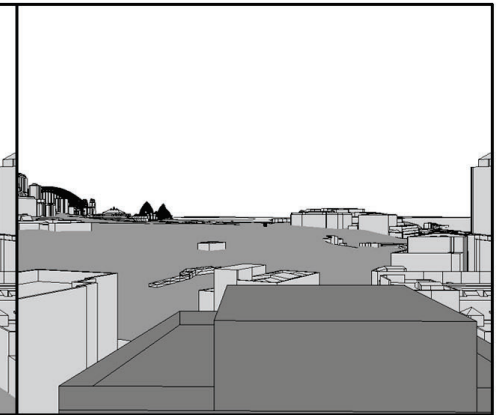
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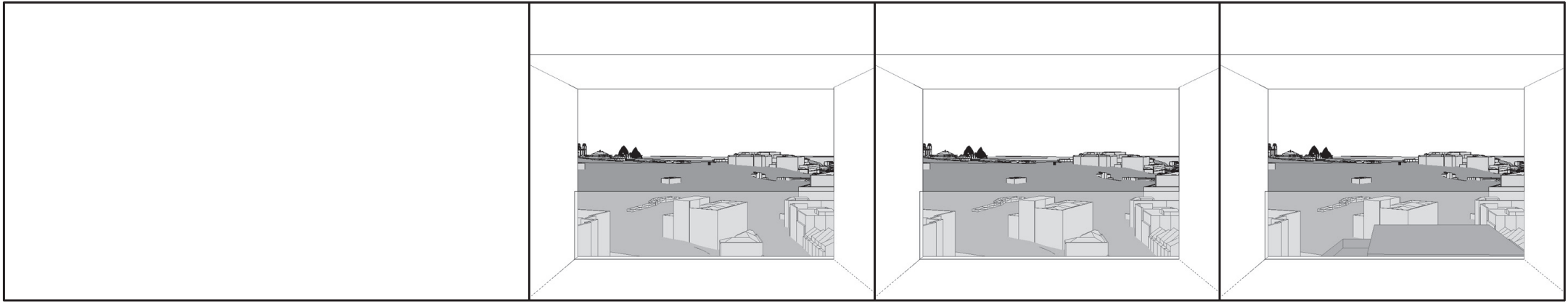


CURRENT 12M HEIGHT LIMIT



EXHIBITED PLANNING PROPOSAL

EYE LEVEL STANDING AT CENTRE OF BALCONY



EXISTING

CURRENT 12M HEIGHT LIMIT

EXHIBITED PLANNING PROPOSAL

EYE LEVEL STANDING 4M FROM GLAZED DOOR

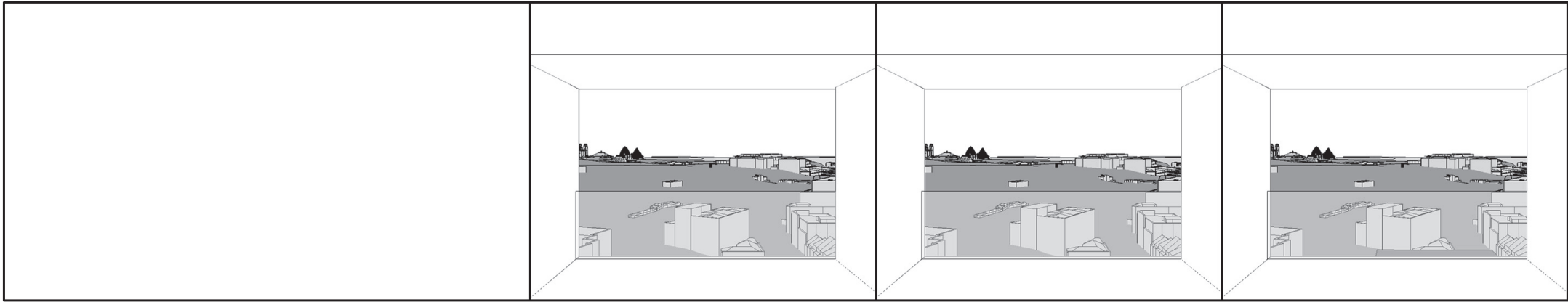


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EXHIBITED PLANNING PROPOSAL

EYE LEVEL STANDING AT CENTRE OF BALCONY



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EXHIBITED PLANNING PROPOSAL

EYE LEVEL STANDING 4M FROM GLAZED DOOR

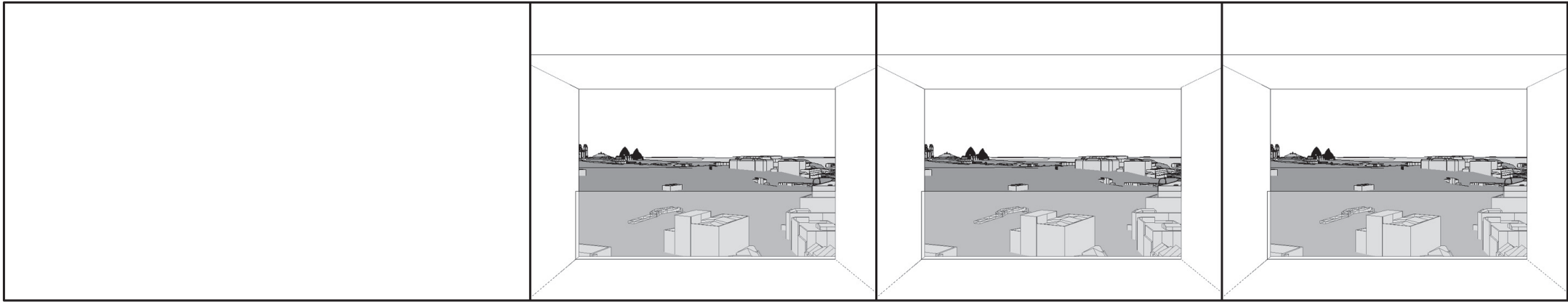


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EXHIBITED PLANNING PROPOSAL

EYE LEVEL STANDING AT CENTRE OF BALCONY



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EXHIBITED PLANNING PROPOSAL

EYE LEVEL STANDING 4M FROM GLAZED DOOR



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CURRENT 12M HEIGHT LIMIT

EXHIBITED PLANNING PROPOSAL

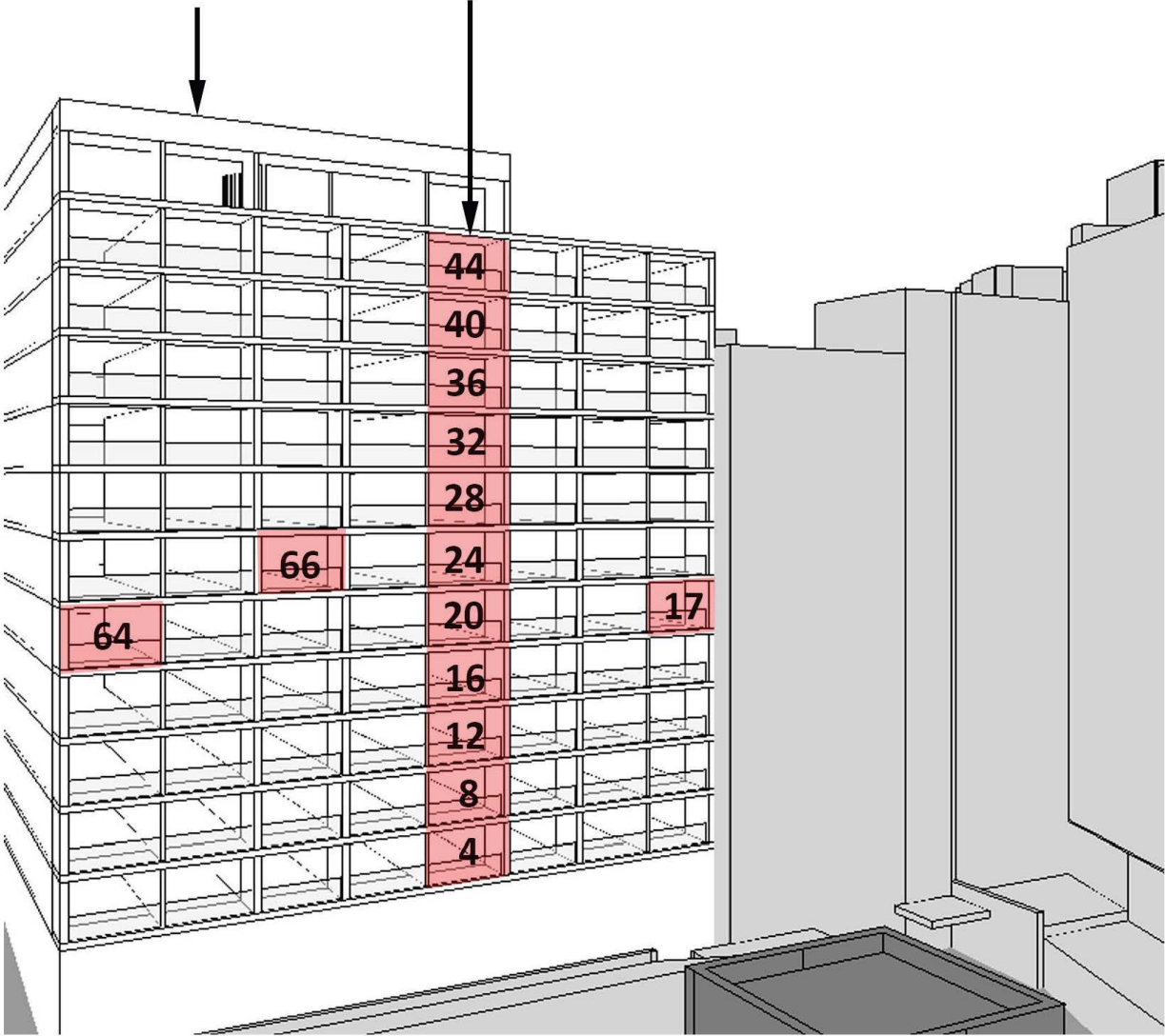
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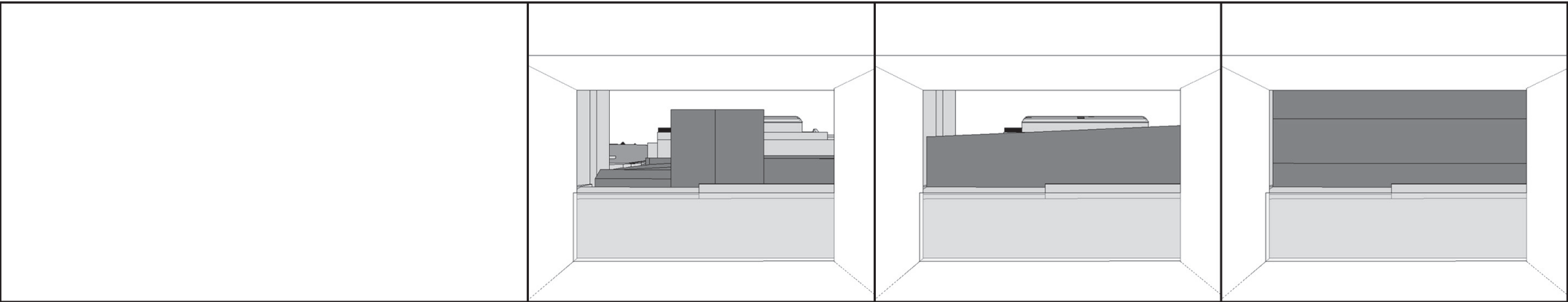
Attachment G

City's View Impact Analysis – proposal as amended following public exhibition

60-70 WILLIAM ST
WOOLLOOMOOLOO

SELECTED UNITS FOR STUDY



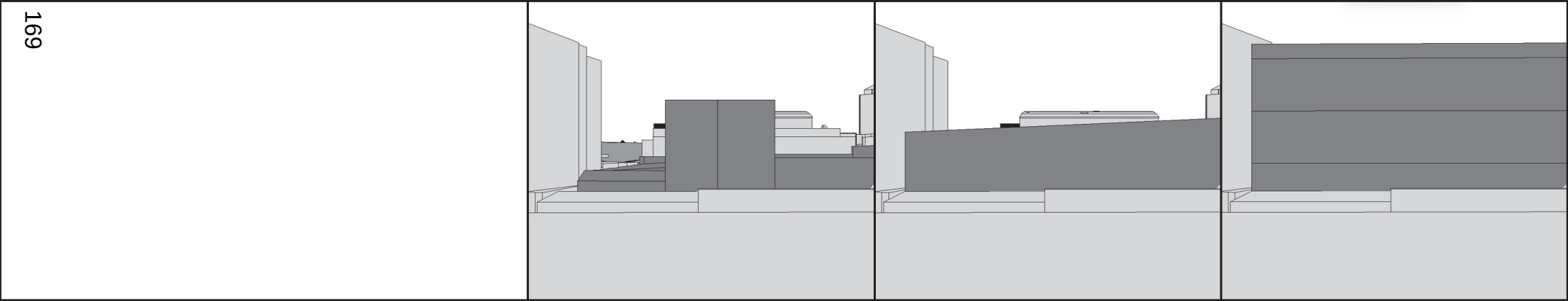


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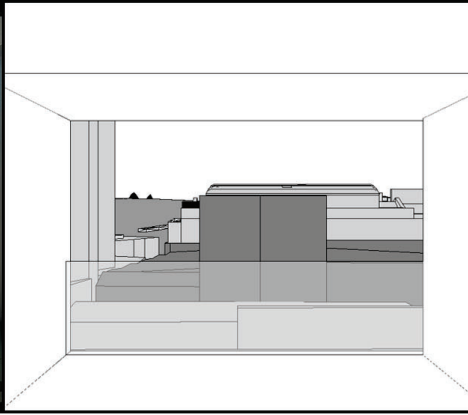
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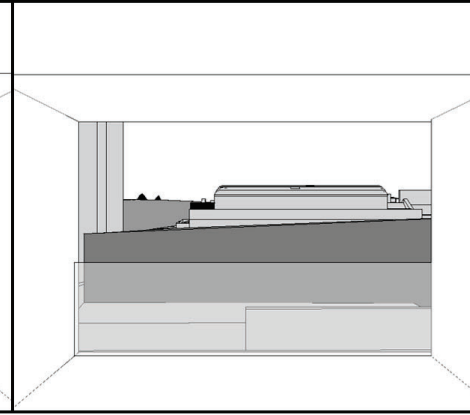
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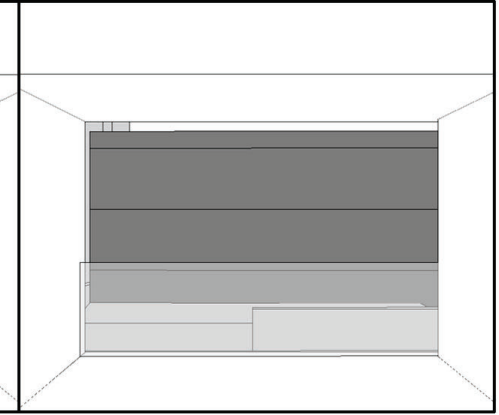
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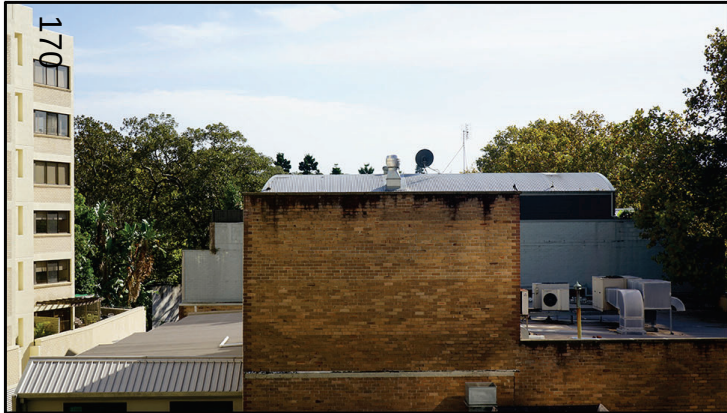


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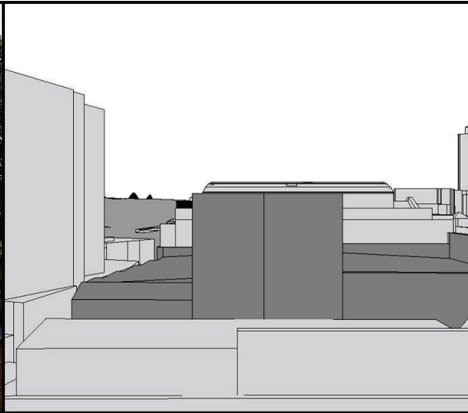


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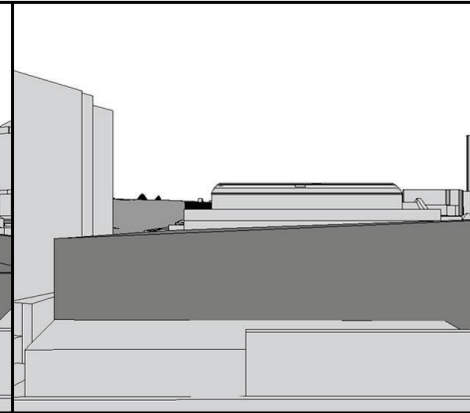
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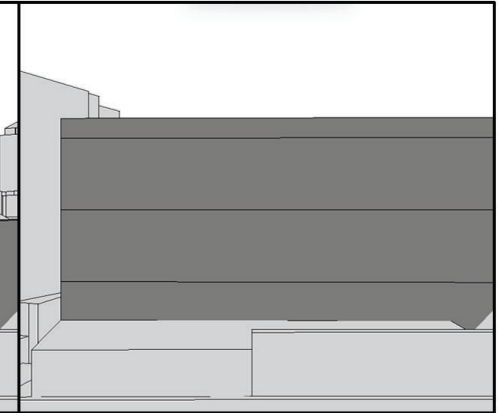
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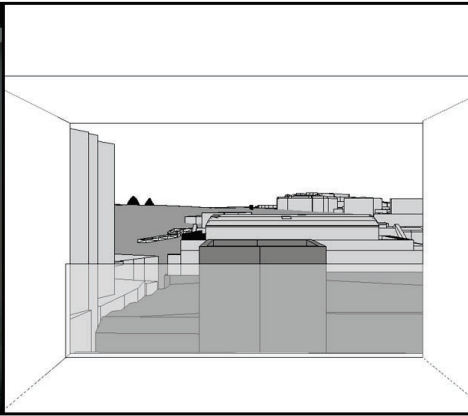


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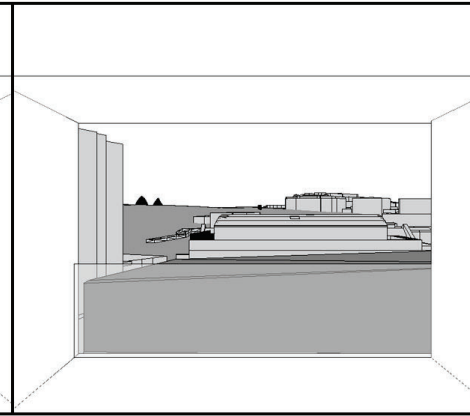
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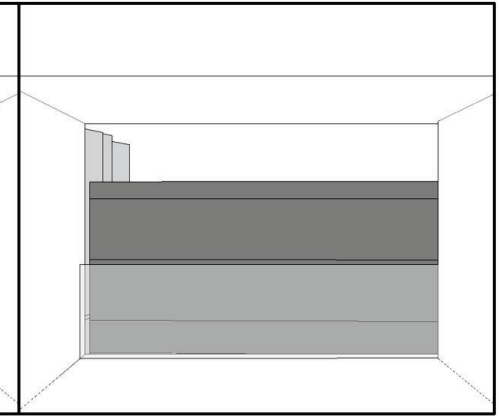
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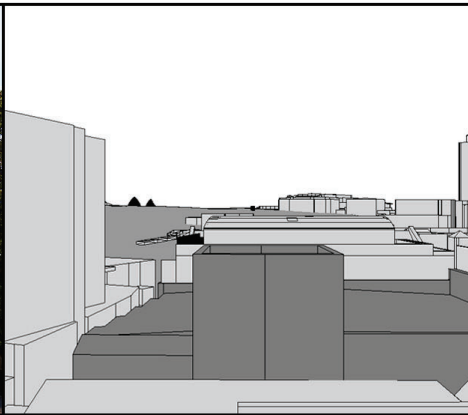


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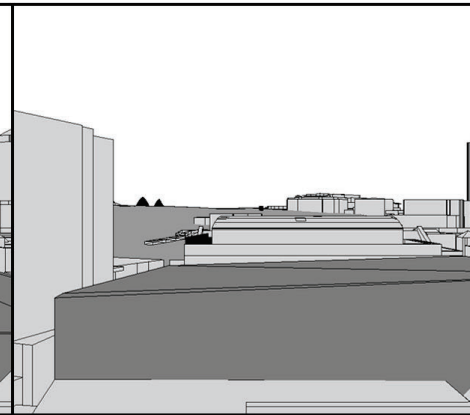
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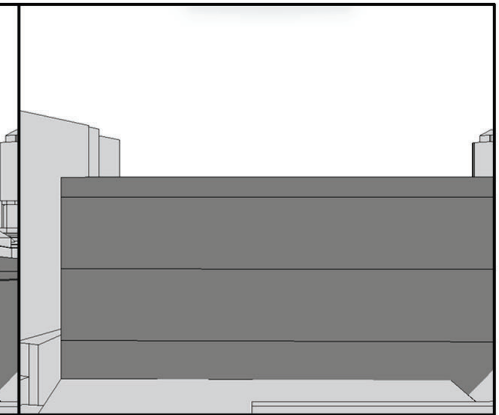
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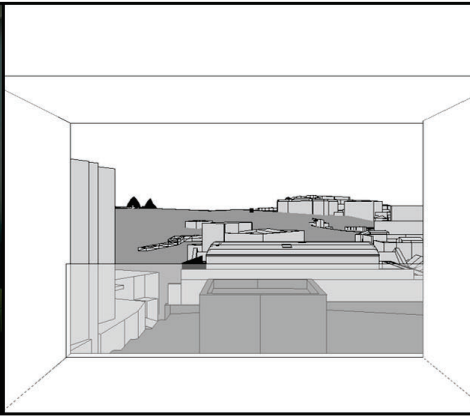


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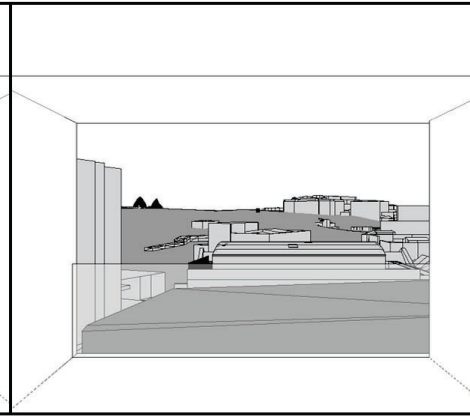
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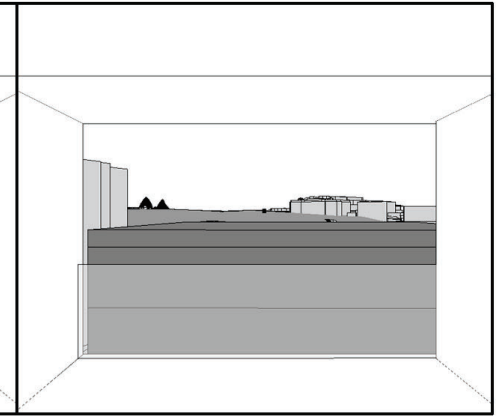
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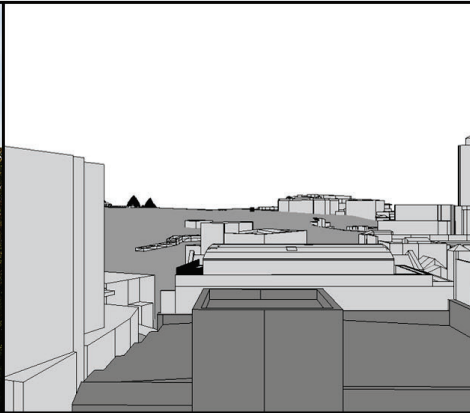


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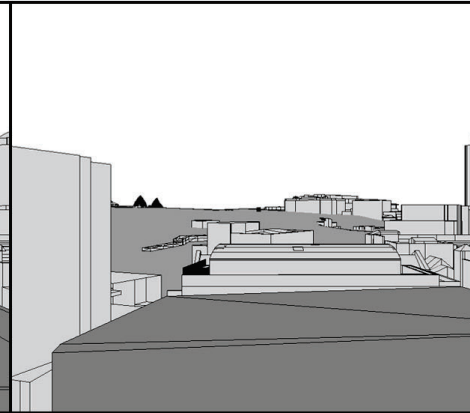
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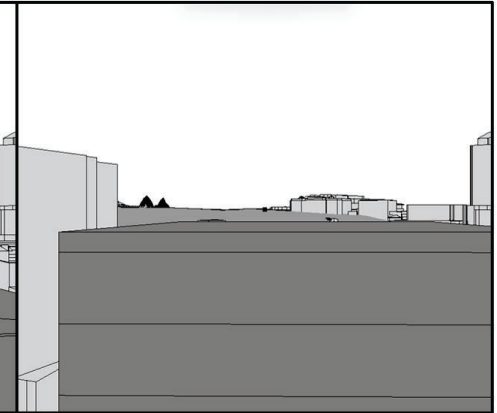
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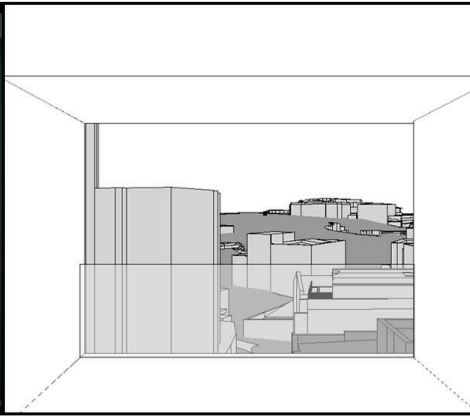


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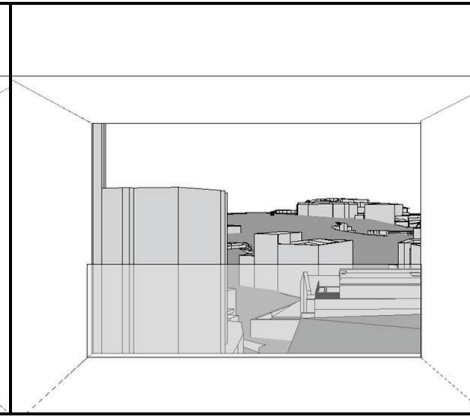
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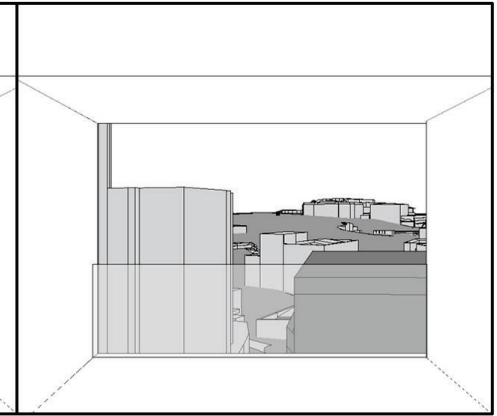
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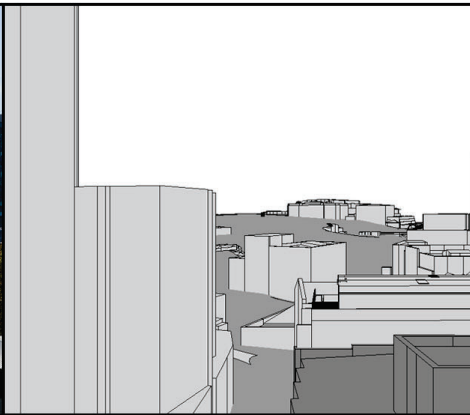


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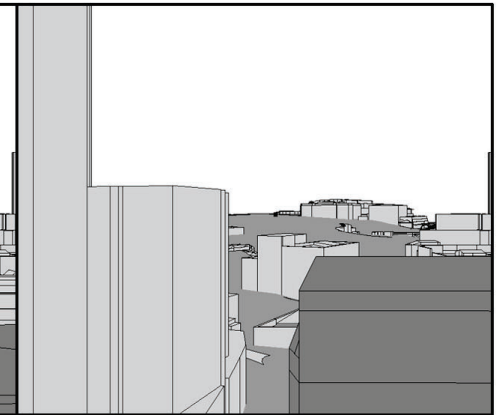
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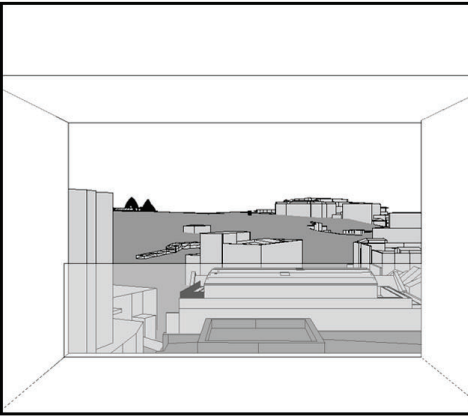


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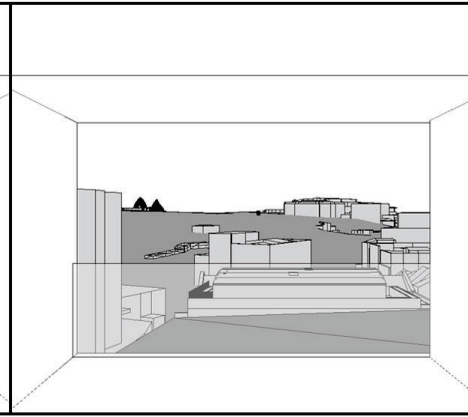
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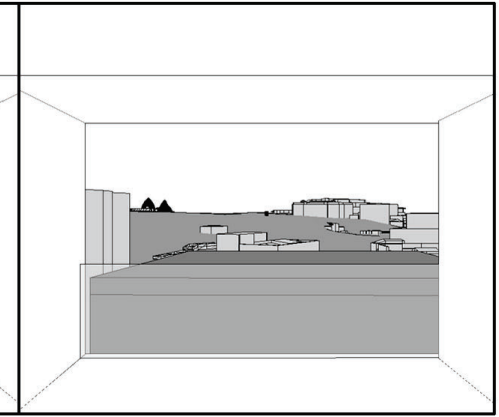
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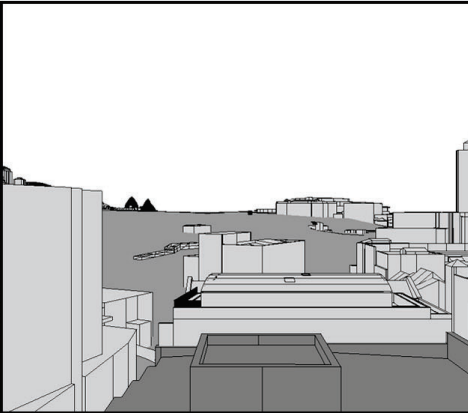


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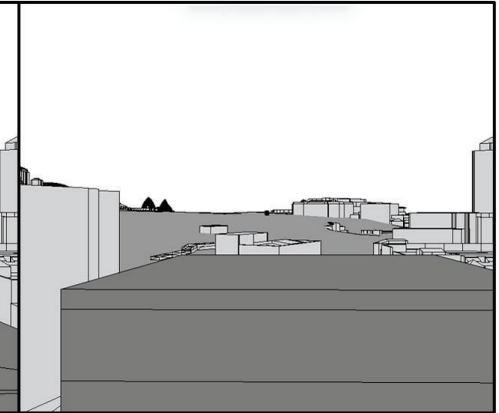
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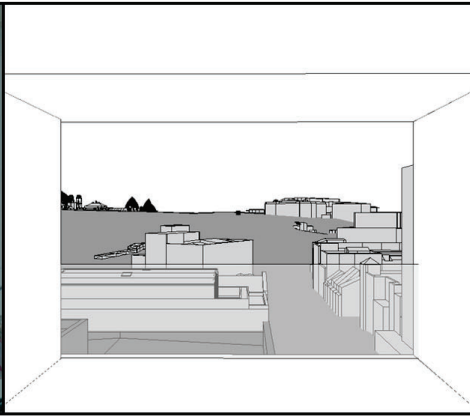


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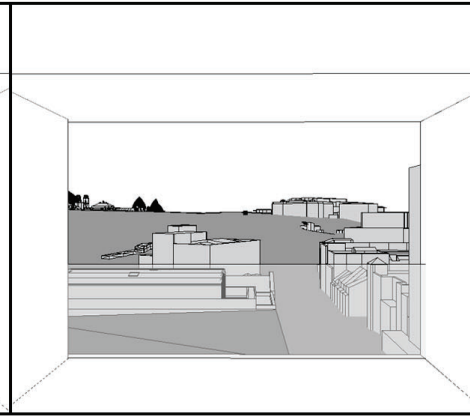
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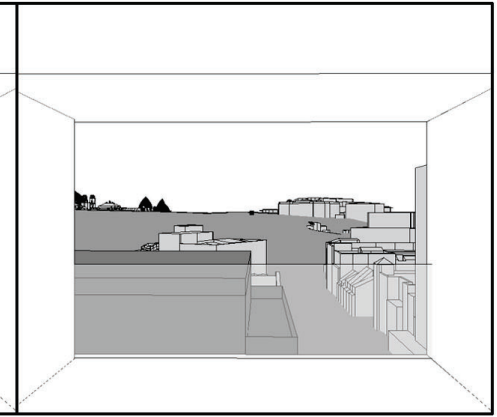
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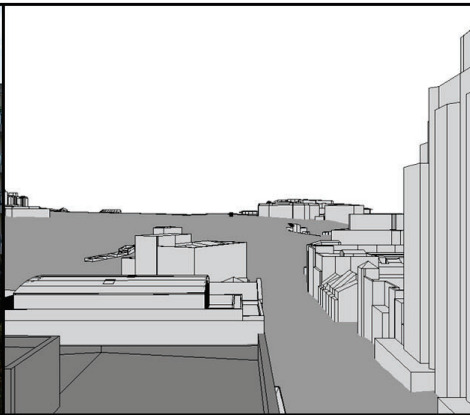


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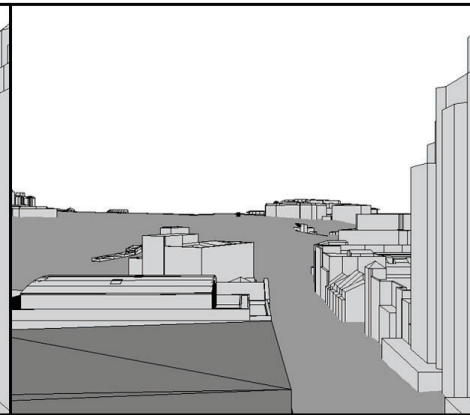
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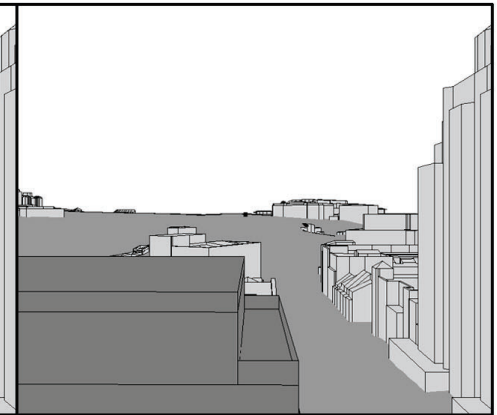
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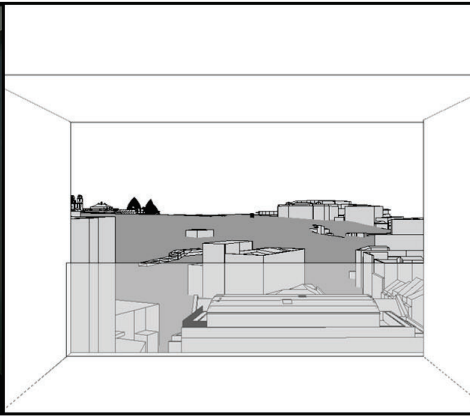


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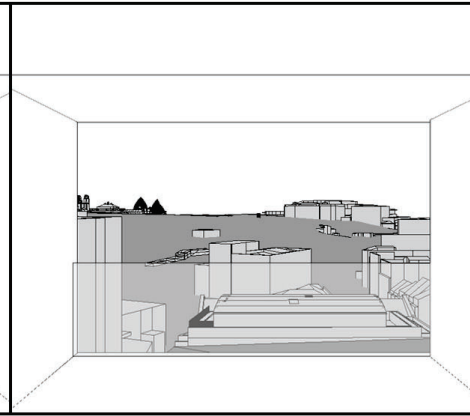
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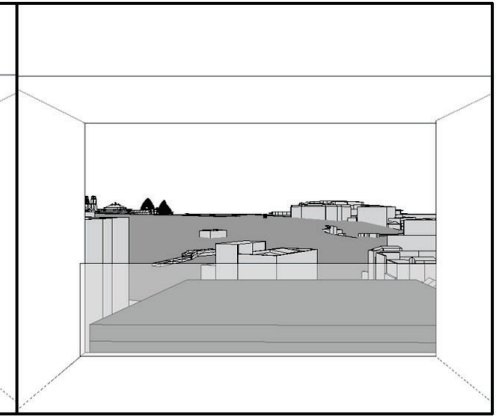
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EYE LEVEL STANDING 4M FROM GLAZED DOOR



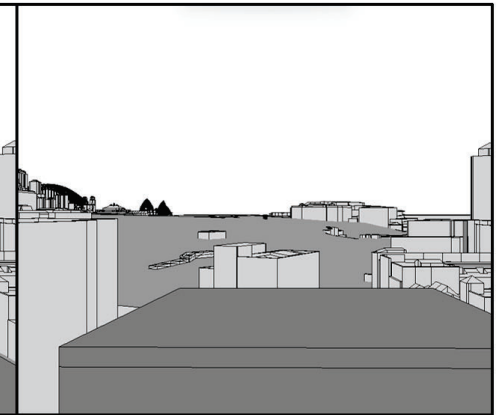
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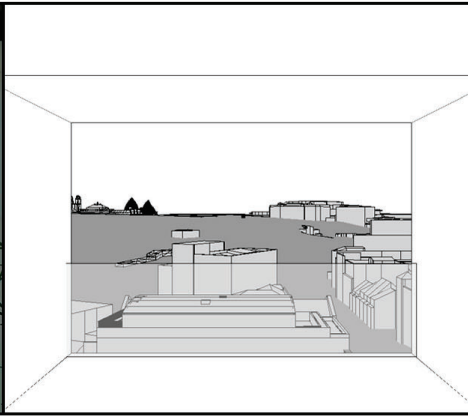


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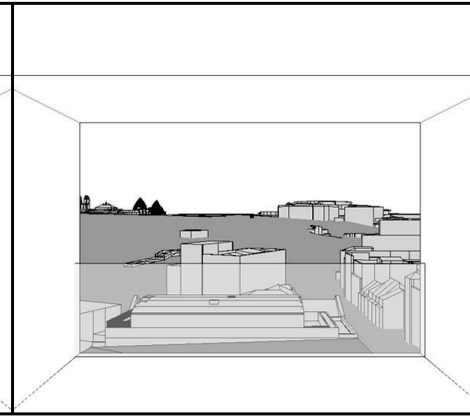
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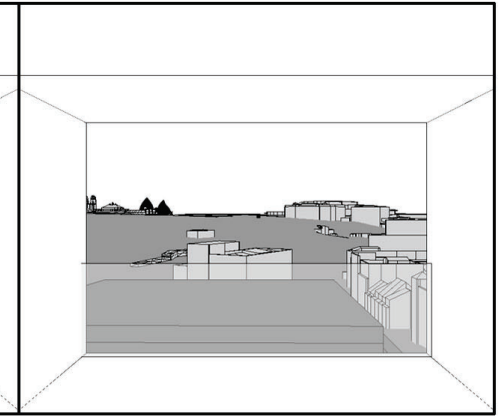
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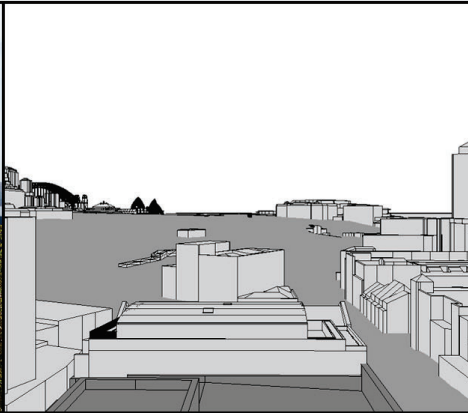


AS AMENDED FOLLOWING PUBLIC EXHIBITION

EYE LEVEL STANDING 4M FROM GLAZED DOOR



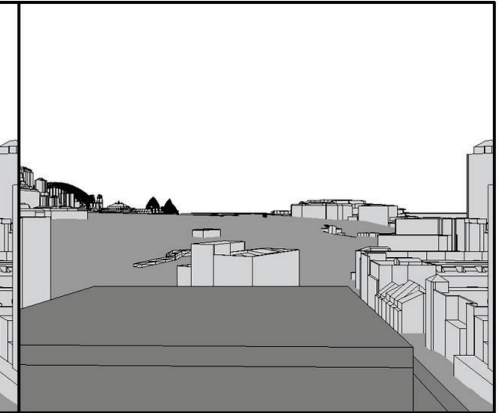
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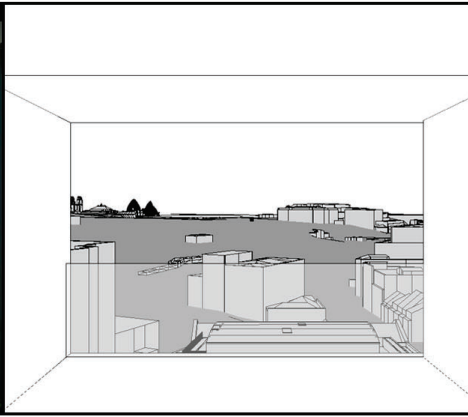


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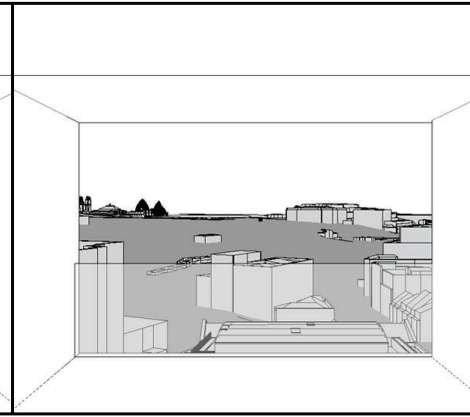
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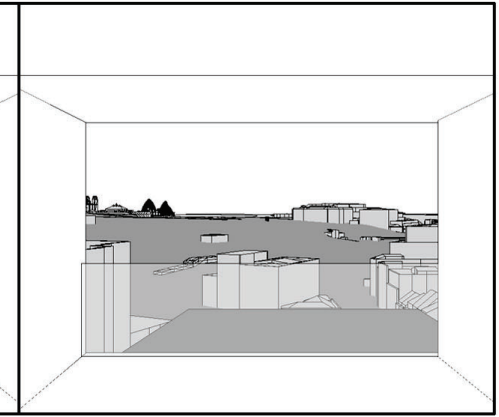
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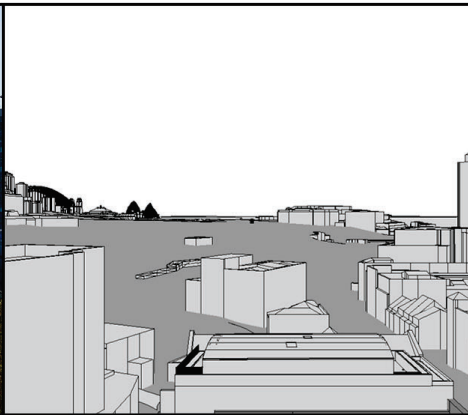


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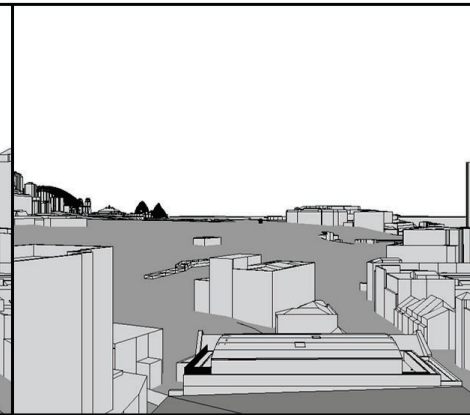
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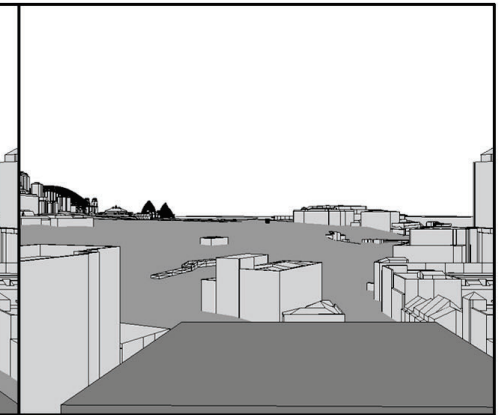
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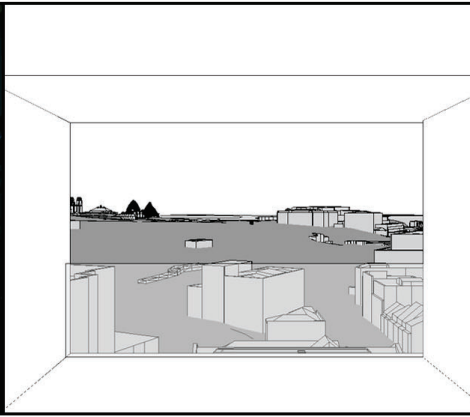


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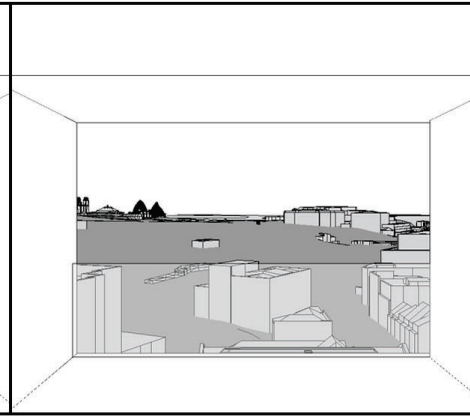
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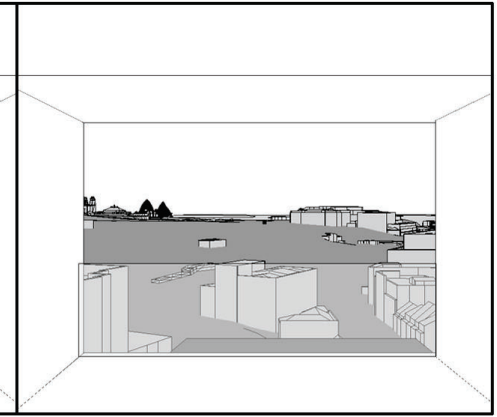
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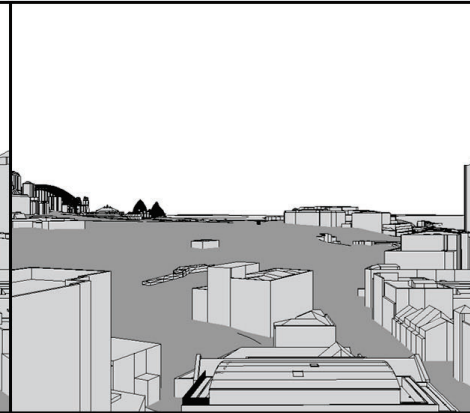
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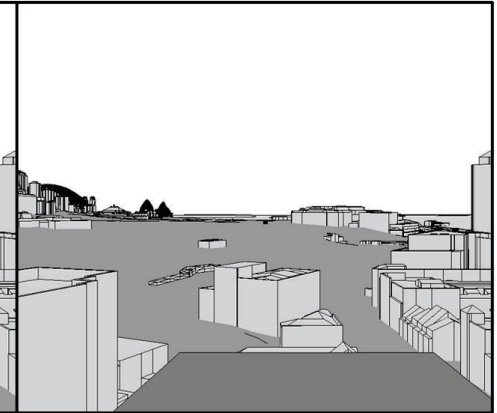
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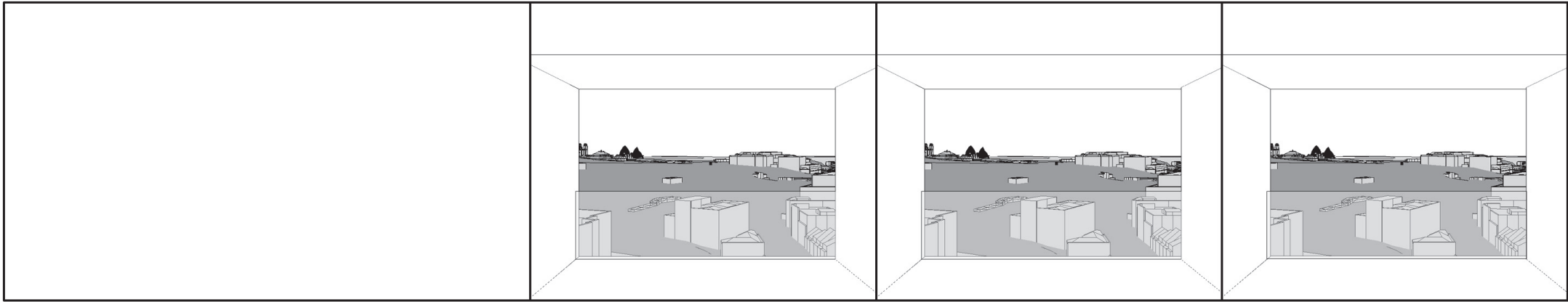


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AS AMENDED FOLLOWING PUBLIC EXHIBITION

EYE LEVEL STANDING AT CENTRE OF BALCONY

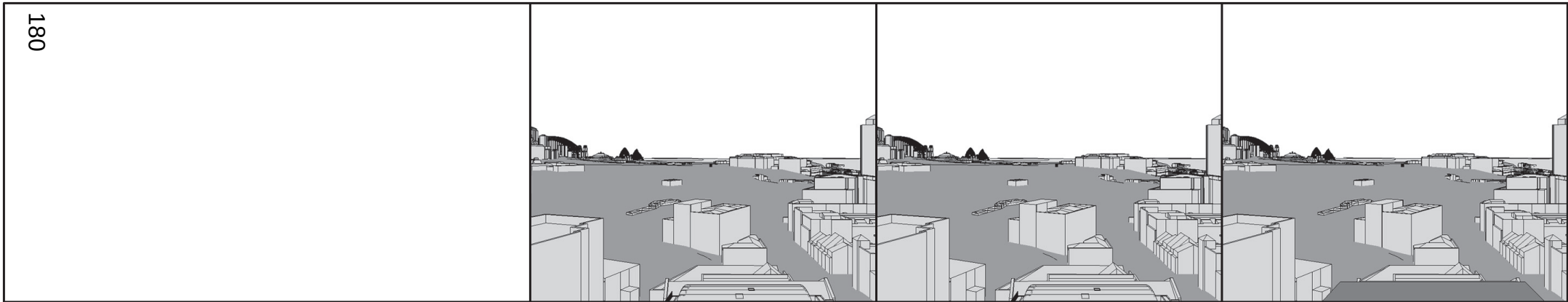


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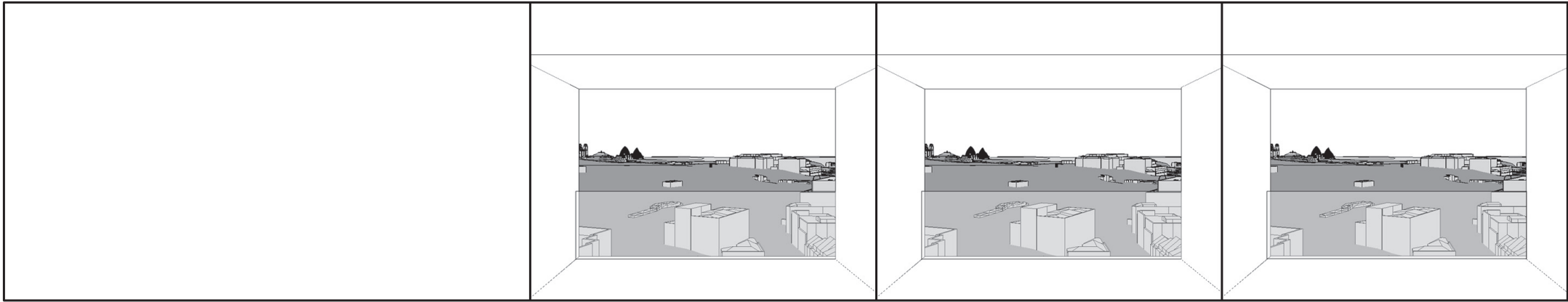


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AS AMENDED FOLLOWING PUBLIC EXHIBITION

EYE LEVEL STANDING AT CENTRE OF BALCONY



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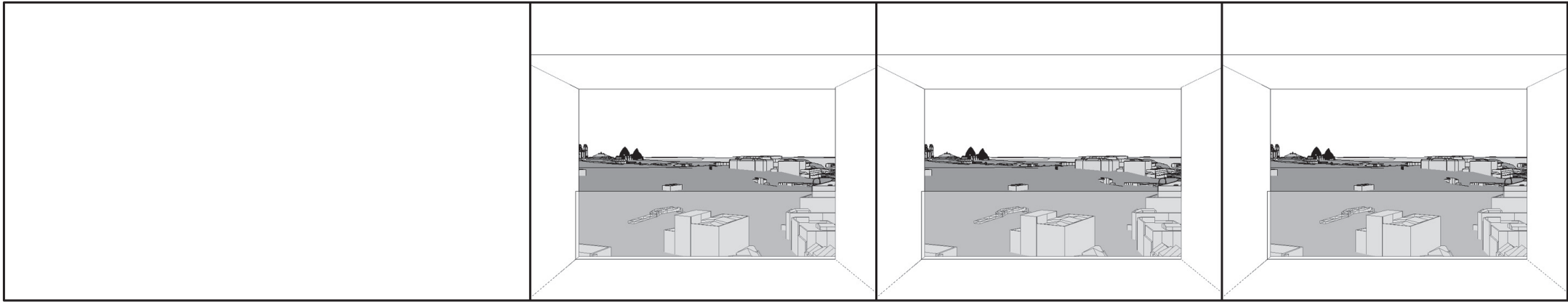


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CURRENT 12M HEIGHT LIMIT

AS AMENDED FOLLOWING PUBLIC EXHIBITION

EYE LEVEL STANDING AT CENTRE OF BALCONY



EXISTING

CURRENT 12M HEIGHT LIMIT

AS AMENDED FOLLOWING PUBLIC EXHIBITION

EYE LEVEL STANDING 4M FROM GLAZED DOOR



EXISTING

CURRENT 12M HEIGHT LIMIT

AS AMENDED FOLLOWING PUBLIC EXHIBITION

EYE LEVEL STANDING AT CENTRE OF BALCONY

Item 7.**Post Exhibition - Planning Proposal - 242-258 Young Street, Waterloo - Sydney Local Environmental Plan 2012 Amendment and Draft Design Guide**

File No: X093892

Summary

This report follows the public exhibition of Planning Proposal – 242-258 Young Street, Waterloo (planning proposal) and associated draft Design Guide. The planning proposal is to facilitate a 6-storey development comprising a K-12 independent school and an integrated film school.

On 20 and 24 June 2024, the Central Sydney Planning Committee and Council respectively endorsed the planning proposal for submission to the Department of Planning, Housing and Infrastructure, seeking a Gateway Determination. A Gateway Determination was issued on 23 October 2024.

The planning proposal was publicly exhibited from 7 February 2025 to 7 March 2025, and 53 submissions were received.

The NSW State Emergency Service (NSW SES) and the NSW Department of Climate Change, Energy, Environment and Water (DCCEEW) raised significant concerns about the flood risk associated with a sensitive land use, such as a school, on the site. Subsequent advice confirmed they do not support the planning proposal, irrespective of any further mitigation measures being introduced in the planning controls or through detailed design at later stages.

It is recommended that Council request the Minister determine that the planning proposal not proceed under section 3.35 of the Environmental Planning and Assessment Act 1979, given it is not supported by referral public agencies because the identified flood risks cannot be adequately mitigated and managed.

Recommendation

It is resolved that Council:

- (A) note the matters raised in response to the public exhibition of Planning Proposal - 242-258 Young Street, Waterloo and draft Design Guide 242-258 Young Street, Waterloo, as shown in the summary at Attachment A to the subject report;
- (B) note submissions from the NSW State Emergency Service and the NSW Department of Climate Change, Energy, Environment and Water, as shown in full at Attachment B to the subject report, stating they do not support the Planning Proposal - 242-258 Young Street, Waterloo;
- (C) request the Minister determine that the planning proposal, as shown at Attachment C to the subject report, not proceed under section 3.35 of the Environmental Planning and Assessment Act 1979;
- (D) does not approve the draft Design Guide 242-258 Young Street, Waterloo, as shown at Attachment D to the subject report; and
- (E) note the Chief Executive Officer will not execute a draft planning agreement that was publicly exhibited concurrently with Planning Proposal - 242-258 Young Street, Waterloo, shown at Attachment E to the subject report.

Attachments

- | | |
|----------------------|--|
| Attachment A. | Summary of Submissions |
| Attachment B. | Submissions from NSW State Emergency Service and the NSW Department of Climate Change, Energy, Environment and Water |
| Attachment C. | Planning Proposal - 242-258 Young Street, Waterloo and relevant appendices |
| Attachment D. | Draft Design Guide - 242-258 Young Street, Waterloo |
| Attachment E. | Draft Planning Agreement |
| Attachment F. | Resolutions of Council and the Central Sydney Planning Committee |
| Attachment G. | Gateway Determination - dated 23 October 2024 |

Background

1. This report follows the public exhibition of Planning Proposal – 242-258 Young Street, Waterloo (planning proposal) and draft Design Guide 242-258 Young Street, Waterloo, (draft DCP), shown at Attachments C and D respectively. An associated draft planning agreement was also publicly exhibited and is shown at Attachment E. The site is shown at Figure 1.

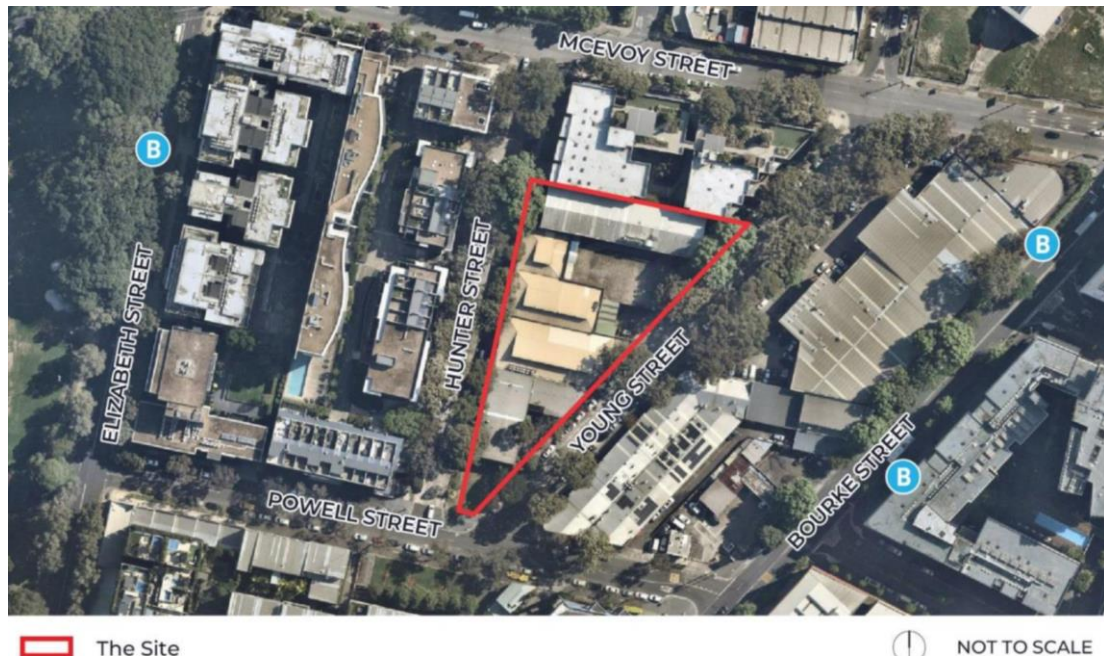


Figure 1: Land affected by the planning proposal

2. The planning proposal was prepared at the request of Sustainable Development Group Ltd (the proponent). The proposal sought to amend the Sydney Local Environmental Plan 2012 (Sydney LEP) to allow for a six-storey development comprising a K-12 independent school and an integrated film school, which is already operating on the site. The proposed changes to building height and floor space ratio were intended to facilitate the redevelopment while ensuring a good contextual fit with adjacent development.
3. Site details, current planning controls, proposed planning controls and a public benefit offer from the landowner are described in detail in the pre-exhibition report to the Transport, Heritage, Environment and Planning Committee and the Central Sydney Planning Committee (CSPC), available at: <https://city.sydney/242-258-young-street>.
4. On 20 and 24 June 2024, the Central Sydney Planning Committee (CSPC) and Council endorsed the planning proposal for submission to the Minister for Planning and Public Spaces, seeking a Gateway Determination. The Council and CSPC resolutions are provided at Attachment F.
5. The Department of Planning, Housing and Infrastructure (Department) issued a Gateway Determination on 23 October 2024, shown at Attachment G. The City of Sydney (the City) was required by the Gateway to consult with relevant stakeholders and the delegation for plan-making was granted to the City.

The site is flood affected

6. The site is flood-affected, with flood depths reaching up to 1.7m in a 1-in-100-year flood event and predicted to exceed 4m in a probable maximum flood. In a probable maximum flood, floodwaters can reach velocities of 3 to 4 metres per second, resulting in deep, fast-moving water that would entirely inundate the site, including the ground floor of the proposed school.
7. Several key factors influence flood behaviour around the site. During a flood event, floodwaters flow south along Young Street and Hunter Street. The intersection of Hunter Street, Young Street, and Powell Street acts as a low point where floodwaters pool and rise. Additionally, floodwaters rise along Young and Hunter Streets before reaching the site, creating a 'flood island' effect, where surrounding streets become inundated before the site itself.
8. A flood study was prepared and submitted as part of the planning proposal that found flooding risks could be mitigated where appropriate design mitigations were made. It proposed a "shelter in place" strategy where there was a flooding event, that is, the occupants of the building are to remain on unaffected levels in the building in the event of a flood.
9. The planning proposal detailed a concept building design that responded to the requirements of the flood study and a preliminary operational management plan, including a flood emergency response plan that utilised a shelter in place strategy. This information is typically included at the planning proposal stage to demonstrate alignment with relevant ministerial directions and to demonstrate that flood risk can be mitigated for the site. The detailed building design and the final operational management plan are not approved at the planning proposal stage and can be further developed and may be approved with a development application.
10. The planning proposal addresses Ministerial Direction 4.1 which requires the development of flood prone land to be consistent with the Government's Flood Planning Framework and ensure LEP provisions are commensurate with flood behaviour and consider potential impacts on and off the land.
11. The Department's Gateway Determination Report found the planning proposal was inconsistent with the Ministerial Direction, but that the inconsistency was justified given the site is currently developed to a similar footprint for commercial purposes including education purposes and that the extent of new development permitted under the planning proposal is not significant. It also noted the existing zoning of the site allows for the proposed land uses, and the proposal seeks only a modest increase to development capacity. Additionally, it noted development permitted under the planning proposal will not result in significant flood impact to other properties.
12. Notwithstanding the above, the Gateway Determination required the planning proposal be referred to the NSW State Emergency Service (SES) and the NSW Department of Climate Change, Energy, Environment and Water (DCCEEW), given that the proposal would facilitate the development of a school with a significant daily attendance of children and young people.

The NSW Government has released Shelter in Place Guidelines

13. On 7 January 2025, the NSW Government released new Shelter in Place Guidelines, providing a step-by-step checklist for determining whether sheltering in place is an appropriate emergency response on a site. A key factor in this assessment is flood behaviour on surrounding roads during a probable maximum flood. If nearby roads have a high flood hazard rating of H5 or H6 in a probable maximum flood, the Guidelines indicate that the site would not be suitable for a shelter in place strategy for a sensitive use like a school.
14. The Guidelines also emphasise that sensitive land uses, such as schools, hospitals, and nursing homes, may not be appropriate for sheltering in place due to the specific risks involved.
15. Given the proposed land use and the flood hazard rating of Young and Hunter Streets, the Guidelines indicate sheltering in place is not a suitable flood risk management strategy for this site. A school presents additional challenges in safely implementing such a strategy.

Public authorities have objected to the planning proposal

16. Submissions were received from both the NSW SES and DCCEEW raising concerns about flooding risks on and around the site. The submissions, while noting that a school was not an ideal use of the site, suggested additional flood modelling, potential design mitigations and amendments to the preliminary operational management plan could address their concerns.
17. The City referred these submissions to the proponent and advised that further flood modelling may be required following further advice from SES and DCCEEW.
18. The City is required to resolve matters raised by public authorities before it can exercise its delegation to make the changes to the Sydney LEP proposed by the planning proposal.
19. Given the unresolved matters raised, the City met with NSW SES and DCCEEW on 27 March 2025 to better understand their concerns and to explore whether additional flood modelling and/or design changes might be required to mitigate their concerns. However, both agencies advised that they could not support the planning proposal under any circumstances. Their position is based on the school being a sensitive use where the risk is greater than other potential uses of the site due to the possible behaviour of children, parents and carers in a flood event. The agencies expressed concern that, during a flood, children may attempt to leave the building, while parents or carers might similarly take unsafe actions in attempting to reach their children.
20. In the probable maximum flood, the school would become inundated (by over 1m) and isolated with high hazard flood waters in the surrounding roads. The proposal relies on a shelter in place strategy to manage the risk, however NSW Government guidelines don't support such a strategy for sensitive land uses such as a school, affected by high hazard flood waters in the probable maximum flood event.
21. Following the meeting, the City requested DCCEEW and NSW SES provide further submissions to clarify their objections and opposition to the planning proposal. The updated letters were received on 4 April and 10 April 2025 respectively. These submissions are provided at Attachment B.

22. The proponent was advised of the advice provided by DCCEEW and NSW SES on 15 April 2025 and they requested a meeting with those organisations to understand their objections.
23. The City, DCCEEW, SES, the proponent and their planning and flooding consultants met on 21 May 2025 and the proponent provided further analysis of how various flood events might affect the site and described more developed management measures. However, at the close of the meeting, DCCEEW and SES stated their advice to the City had not changed and that, irrespective of any further modelling that might be provided, the risks of locating a school on this site could not, in the opinion of those referral agencies, be sufficiently mitigated by design or management strategies to ensure safety. In these circumstances the City is unable to put forward a recommendation to progress the planning proposal.

The planning proposal is not recommended for support

24. This report recommends Council determine not to make the planning proposal or approve the associated draft design guide for the following reasons:
 - (a) it is not supported by NSW SES and DCCEEW, being public agencies tasked with evaluating the public safety implications of developing flood-prone areas, particularly when changes in land use could exacerbate existing flood risks or introduce new risks for local communities;
 - (b) NSW SES and NSW Department of Climate Change, Energy, Environment and Water (DCCEEW) have identified a school as an inappropriate use of the land, given the flooding risks;
 - (c) the recently introduced Shelter in Place Guidelines indicate sheltering in place is not a suitable flood risk management strategy for this site; and
 - (d) support for the planning proposal is not aligned with the City's risk appetite (see below for further discussion).

Public exhibition

25. The planning proposal was publicly exhibited from 7 February 2025 to 7 March 2025. The exhibition process included:
 - (a) a dedicated webpage on Sydney Your Say, which received 311 unique page views and 170 document downloads;
 - (b) inclusion in the Sydney Your Say e-newsletter on 7 February 2025, reaching 5,112 subscribers.
26. A total of 54 submissions were received during the exhibition period, including from residents, planning consultants representing a strata scheme, and 2 state agencies. The majority (87%) opposed the planning proposal, raising concerns about traffic and transport, privacy, overshadowing, height and floor space ratio, parking, noise, flooding and hours of operation.
27. A summary of submissions is provided at Attachment A. While the City would typically prepare a response to all submissions, as the planning proposal is not recommended to proceed, responses have not been included in this instance.

Key Implications

Risks

28. The City's Risk Appetite Statement provides guidance about the amount of risk it is willing to take to achieve our strategic goals, while ensuring the protection of our assets, reputation and the wellbeing of our employees and community. The City's risk tolerance varies depending on the nature of the risk, its potential impact and the capacity to manage it effectively.
29. On balanced consideration of matters raised in the public exhibition of the planning proposal, it is considered the planning proposal presents an unacceptable risk to the health and safety of future occupants of the proposed school due to the flood risks associated with the site.
30. The Risk Appetite Statement says the City:
 - (a) has minimal appetite to take risks that jeopardise the safety of the community. Where these risks can be effectively mitigated and there are reasonable benefits to the community, a minimal risk appetite can be considered and
 - (b) will not tolerate activities that result in reasonably foreseeable and preventable injuries to our workers or community
31. The risks associated with this planning proposal cannot be effectively mitigated and in this instance the risk cannot be supported. Therefore, proceeding with the planning proposal is not aligned with the City's risk appetite.

Relevant Legislation

32. Environmental Planning and Assessment Act 1979 (Act)
33. Environmental Planning and Assessment Regulation 2021

Next steps

34. If the recommendations of this report are endorsed the City will write to the Department to advise Council will not make the planning proposal.

GRAHAM JAHN AM

Chief Planner / Executive Director City Planning, Development and Transport

Gibran Khouri, Specialist Planner

Attachment A

Summary of Submissions

Introduction

This submissions table provides a summary of the 54 submissions received during the public exhibition period of the Planning Proposal – 242-258 Young Street, Waterloo. Submissions are received from residents, a planning consultant representing an owners corporation, and 2 state agencies. 87% of submissions oppose the planning proposal. The government agencies and owners corporation that made submissions are listed below.

Individuals (51)
Government agencies (2)
NSW State Emergency Service
Department of Climate Change, Energy, the Environment and Water
Owners corporation (1)
Milestone (AUST) Pty Limited (Milestone) on behalf of Strata Plans 69746 and 71241 at 1-11 Hunter Street, Waterloo

Submission Position	Number	Proportion
Support	4	7%
Oppose	47	87%
Comment (do not support or oppose)	3	6%
Total	54	100%

It is noted Council approval of the Planning Proposal is not recommended, owing to flooding risks associated with a sensitive land use such as a school. As such, the City has not prepared a response to submissions where they do not relate to flooding.

Summary of submission	Response
Flooding (22 submissions, including 2 submissions from public authorities)	
<i>Public authority submissions</i> The City received submissions from NSW State Emergency Service and the Department of Climate Change, Energy, the Environment and Water (DCCEEW) raising objection to the planning proposal. SES NSW states that <i>“there are significant flood hazard risks associated with the site which are unlikely to be adequately removed by redesigning the proposed development, and we therefore do not consider an educational facility for children to be a suitable use of the site.”</i> The submission from DCCEEW states <i>‘the site is not considered suitable for the proposed development which is a sensitive land use, and design changes would not be sufficient to mitigate flood risks.’</i> These submissions are provided at Attachment B to the post exhibition report. They provide further detailed explanation to support their position. <i>Submissions from individuals and an owners corporation</i> Twenty submissions, including one from an owners corporation, raise concerns about the flood risks associated with the proposed development, particularly the impact on Hunter Street and surrounding areas. The area is prone to significant flooding due to its original geography, with recent heavy rainfall resulting in submerged vehicles and stranded traffic. Concerns are raised about the inadequacy of the current flood assessment and the lack of effective mitigation measures in the Site-Specific Design Guide.	Following consideration of submissions, it is recommended that this planning proposal not proceed, owing to flooding risks associated with a sensitive land use such as a school.

Summary of submission	Response
a) Inadequacies in the Flood Assessment Submissions note that the Flood Assessment (WMA Water, January 2024) does not fully address the extent of flooding impacts, including the sag point on Hunter Street and the absence of specific flood mitigation measures in the Site-Specific Design Guide. b) Existing Flooding Issues Key concerns include severe flooding on Hunter Street during heavy rain, blocking traffic and limiting access, flooding on McEvoy Street causing significant disruptions. c) Need for Stronger Flood Mitigation Measures Submissions call for a more thorough flood impact assessment, mandatory flood mitigation strategies in the Site-Specific Design Guide, a flood management strategy with increased stormwater detention and improved drainage, and assurance that flood risks are fully addressed before development approval.	
Traffic and transport (40 submissions)	
Forty submissions, including one from an owners corporation, raise concerns about the impact of the proposed school on traffic congestion due to increased car, bus, and pedestrian activity on Hunter, Young, and Powell Streets. Specific concerns focus on student drop-off and pick-up, with insufficient on-site capacity potentially causing vehicle queuing and worsening congestion. d) Inadequacies in the Traffic Study Submissions raise concerns that the traffic study fails to adequately assess the proposal's traffic and transport impacts, including: • Whether the surrounding road network can handle the volume of drop-offs and pick-ups for an 800-student school. • The study's neglect of the unique nature of school traffic, which causes peak-period congestion.	Noted. It is recommended that this planning proposal not proceed for matters unrelated to traffic and transport.

Summary of submission	Response
• Cumulative traffic impacts from nearby developments, such as the Woolworths mixed-use development and projects in the Danks Street and Morehead Street precincts. • The impact on local businesses reliant on customer parking and foot traffic. • The failure to account for the reallocation of street parking for school traffic, which will worsen congestion. Submissions raise concerns that the proposed traffic and transport solutions are inadequate, specifically: • The proposed pedestrian crossings and footpath widening do not address the fundamental issue of increased congestion. • Proximity to public transport does not significantly reduce car usage, as many parents prefer private vehicles for student drop-offs, particularly for younger children. • Existing bus services in the area are already at capacity, and additional student commuters may lead to overcrowding and service delays. e) Local impacts of pedestrian and vehicle traffic The local road network is already heavily congested, particularly on Powell Street, where traffic flows into main roads such as Elizabeth Street and Bourke Road. The addition of school traffic, including the proposed pick-up/drop-off zone for private vehicles on Young Street, creates further delays and impacts local residents' ability to access their properties. Residents of the Sonoma apartment complex raise concerns that: • Increased traffic volumes from school-related pick-ups and drop-offs cause congestion at their driveway access, making it difficult for residents to enter or leave the property. • Noise pollution from additional vehicle movements and student congregation	

Summary of submission	Response
during peak times negatively impacts nearby residential buildings. • Short but intense bursts of traffic during drop-off and pick-up periods disrupt local businesses and frustrate residents already affected by congestion. The introduction of school bus parking, parent drop-offs, and teacher parking on Hunter Street further disrupts traffic flow in the immediate area, particularly affecting apartment residents and local businesses. Increased pedestrian activity on McEvoy, Hunter, and Powell Streets also leads to overcrowded footpaths and further impedes traffic flow during peak school hours. Reliance on Turruwul Park, Rosebery, for the school's sporting field requirements requires a 10–15 minute bus ride, adding to traffic congestion and contributing to environmental impacts. f) Road network issues The proposed school development introduces a concentrated increase in traffic, particularly on Young Street, Powell Street, and Elizabeth Street, which already experience high congestion levels. The traffic assessment does not adequately consider the short, high-intensity bursts of vehicle movement during school pick-up and drop-off times, which significantly affect traffic flows on surrounding arterial roads. Submissions raise concerns that: • Traffic congestion worsens on Powell Street and Elizabeth Street during peak school times, placing additional pressure on the local road network. • The proposed pick-up/drop-off zone on Young Street increases congestion near intersections with major roads such as Bourke Road and McEvoy Street.	

Summary of submission	Response
- Increased traffic from the new Woolworths development is not adequately accounted for in the traffic impact analysis, further compounding congestion issues. Hunter and Young Streets are already used as shortcuts by drivers avoiding traffic signals on Bourke and McEvoy Streets, and additional school-related traffic intensifies this issue. g) Traffic/pedestrian safety Unlike commercial or residential developments that generate steady traffic throughout the day, schools create short bursts of intense congestion, increasing frustration for drivers and risks for pedestrians. Submissions raise concerns about: - A higher risk of accidents due to increased traffic volumes on Young Street, Powell Street, and surrounding roads. - Insufficient mitigation of risks for students walking to school, as they must navigate high-traffic areas and potentially unsafe crossings. - Pedestrian congestion near the proposed pick-up/drop-off zone, which creates safety hazards, particularly for young children crossing busy streets. - Blocked driveway access for residents on the western side of Hunter Street and reduced freedom of movement due to increased traffic. - Negative impacts on traffic signal operations and pedestrian safety at key intersections near the school. - Potential interference with existing public bus operations from the proposed school bus zone on Hunter Street, increasing congestion and safety risks for pedestrians and cyclists.	
Privacy (25 submissions)	
25 submissions, including one from an owners corporation, raise concerns about the privacy	Noted.

Summary of submission	Response
impacts of the proposed school design, primarily in relation to 1–11 Hunter Street, Waterloo. Many of these apartments are single-oriented, with balconies directly facing the site. The owners corporation submission identifies that the proposed outdoor play areas on Levels 4, 5, and 6 will have direct sightlines into the private open spaces of Sonoma residents, particularly those in Buildings B and C. It argues that the Site-Specific Design Guide does not adequately address privacy impacts and requests that appropriate privacy measures be incorporated before the Planning Proposal progresses further. Submitters note that without significant design changes—such as increased setbacks, screening, and landscape buffers—the proposal results in unreasonable privacy impacts. They request that the draft Site-Specific Design Guide be amended to include these adjustments to protect residential privacy.	It is recommended that this planning proposal not proceed for matters unrelated to privacy concerns.
Overshadowing (38 submissions)	
38 submissions, including one from an owners corporation, oppose the proposed change in height due to overshadowing and loss of natural light. Most submissions raise specific concerns about overshadowing impacts on residential development on the western side of Hunter Street (1–11 Hunter Street), with many submitters referencing their apartment locations. Key concerns relate to overshadowing between 9am and 10am for three ground-floor apartments in Building B of the Sonoma Complex. These apartments currently receive sunlight only between 9am and 11am, meaning the proposal removes 50% of their existing morning solar access. Submissions argue this	Noted. It is recommended that this planning proposal not proceed for matters unrelated to overshadowing concerns.

Summary of submission	Response
outcome is unacceptable and requires a revised building envelope to preserve sunlight. Submissions from 1–11 Hunter Street also raise broader concerns about loss of natural light and sky views, noting these impacts extend across multiple apartments. One submission raises general overshadowing concerns on Young Street, while another highlights that the cumulative impact of increased height and bulk is not adequately assessed in relation to surrounding properties.	
Height and Floor Space Ratio (38 submissions)	
38 submissions, including one from an owners corporation, raise concerns about the proposed height increase from 15m to 25m and the corresponding increase in floor space ratio (FSR). Submitters oppose the scale of the development, arguing it deviates from existing planning controls and the area’s established character. a) Inconsistency with Planning Controls Submitters note that current planning controls successfully maintain the amenity of the area by limiting building heights. They express concern that the proposed increase represents a significant departure from these controls and is inconsistent with surrounding residential buildings. Some submitters state they purchased their homes based on the existing height limits and would not have done so had the proposed increase been known. b) Impact on Streetscape and Built Environment Several submissions object to the proposed height, arguing it disrupts the established skyline and streetscape along Hunter Street. Submitters note that the proposal seeks alignment with future developments, such as the Woolworths mixed-use project, while disregarding the existing residential context.	Noted. It is recommended that this planning proposal not proceed for matters unrelated to concerns related to the height and floor space ratio.

Summary of submission	Response
Concerns are raised that the building will tower over surrounding properties and fundamentally alter the area's visual character. c) Overdevelopment and Increased Density Some submitters express concern that increasing the FSR intensifies the use of the site beyond what is appropriate for the area. They note the proposed building will accommodate 800 students, contributing to increased pedestrian and vehicle activity. Others highlight that the scale of the proposal does not align with surrounding residential buildings in terms of both physical size and student numbers. The owners corporation submission states that the excessive FSR results in overdevelopment of the site, creating a building mass inconsistent with the surrounding context. The added bulk and scale produce a visually dominant structure that overwhelms the adjacent public domain and nearby residences. d) Calls for Adherence to Existing Controls Many submissions call for the proposal to comply with the existing 15m height limit, arguing this better maintains the area's character and amenity. Some submitters suggest a lower-scale development would still deliver a functional school without the impacts associated with the increased height and FSR.	
Parking (17 submissions)	
17 submissions raise concerns about the impact of the proposed development on parking availability in the area. Submitters note that street parking is already at capacity due to Council-imposed restrictions on parking within apartment buildings, high residential demand, and use by visitors and local workers. The development will further reduce available parking while increasing demand, particularly for school drop-off and pick-up. e) Insufficient Existing Parking	Noted. It is recommended that this planning proposal not proceed for matters unrelated to parking concerns.

Summary of submission	Response
Submitters raise concerns that the area already lacks sufficient parking, including: • Street parking is at full capacity throughout the week, with residents, Woolworths shoppers, and workers competing for limited spaces. • The removal of time restrictions has increased demand for on-street parking. • Many local residents do not have private parking and rely on street parking, which is already difficult to secure within a reasonable distance. f) Increased Demand and Reduced Availability Submitters note the development will increase parking pressure while removing existing spaces, including: • The proposal provides only 55 car spaces for a 10,608 sqm development, significantly below the 141 spaces required under current codes. • No additional parking is allocated for the film school, library, or café. • Designated drop-off and pick-up zones will reduce on-street parking while increasing demand for short-term parking. g) Impact on Residents and Businesses Submitters raise concerns about the effect of increased parking demand on local residents and businesses, including: • Residents who rely on street parking will face greater difficulty securing spaces due to increased demand from school-related traffic. • The high-density nature of the development, combined with the increased Floor Space Ratio (FSR), will further intensify parking pressure. • Local businesses, particularly those reliant on customer parking and foot traffic, may be negatively impacted by the reduction in available on-street parking.	
Noise (37 submissions)	

Summary of submission	Response
37 submissions, including one from an owners corporation, raise concerns about noise impacts from the proposed school on residential amenity, particularly for apartments facing the site. Concerns relate to the elevated recreational areas, potential for seven-day operations, and inadequate noise mitigation measures. a) Seven-Day Operations Submitters are concerned that noise may extend beyond school hours due to: • Use of rooftop courts and recreation areas on weekends and during school holidays. • After-hours activities including performances, rehearsals, sports, and community events. • Lack of defined operational limits, creating uncertainty around periods of respite. b) Noise from the Rooftop Playground Submissions raise concerns that rooftop recreational areas will amplify noise due to: • Elevated location of playgrounds and sports courts, increasing transmission to nearby apartments. • Typical schoolyard noise (shouting, ball-bouncing) creating continuous daytime disturbance. • Noise travelling across and between apartment buildings, affecting a wider residential area. c) Inadequate Noise Mitigation Measures Submissions argue that the Site-Specific Design Guide (Ethos Urban, January 2024) lacks adequate noise controls, specifically: • No enforceable noise mitigation to protect amenity. • Insufficient noise attenuation strategies to address ongoing school activity. • Need for barriers or screening to reduce sound transmission to adjacent residences. The owners corporation submission requests inclusion of specific noise controls in the design	Noted. It is recommended that this planning proposal not proceed for matters unrelated to noise concerns.

Summary of submission	Response
guide to ensure implementation during detailed design. d) Noise Echo and Amplification Submitters note the built form may worsen noise impacts due to: • Alignment of apartment buildings creating an “echo chamber” effect. • Rooftop noise reflecting off surrounding high-density buildings, affecting upper-level units. • Cumulative impact of school, traffic, and environmental noise increasing overall sound levels. e) General Noise from Arrivals and Departures Concerns are raised about noise from: • Large student groups during morning and afternoon transitions. • Parents and guardians gathering nearby during pick-up/drop-off. • School bells, announcements, and other operational noise disrupting residents. f) Proximity to Residential Apartments Submissions emphasise that: • The school’s direct adjacency to residential apartments makes noise mitigation critical. • Many residents work from home or occupy their homes during the day, increasing disruption. • High-density surroundings mean more residents are impacted than at typical school sites. Residents request enforceable noise mitigation, operational limits on seven-day activity, and a review of rooftop recreational areas to reduce ongoing noise disturbance.	
Hours of operation (10 submissions)	
10 submissions, including one from an owners corporation, raise concerns that proposed	Noted.

Summary of submission	Response
after-school activities and weekend use will extend impacts beyond standard school hours.	It is recommended that this planning proposal not proceed for matters unrelated to concerns about the hours of operation.
Other concerns	
Safety	
A submission raises safety concerns about co-locating the film school with the K–12 school, suggesting children could be endangered by film school attendees. Another submission raises concerns about student safety in a high-density residential area already affected by significant traffic congestion.	Noted. It is recommended that this planning proposal not proceed for matters unrelated to safety concerns (not including those safety concerns relating to flooding).
Waterloo oval	
One submission raises concern that school use of Waterloo Oval could limit access for the broader community.	Noted. It is recommended that this planning proposal not proceed for matters unrelated to concerns about added pressure on Waterloo Oval.
Light pollution	
A submission expresses concern about increased light pollution from the rooftop sports area, noting that this will worsen existing issues from nearby buildings and streetlights and impact residents' ability to sleep.	Noted. It is recommended that this planning proposal not proceed for matters unrelated to concerns about light pollution.
Site suitability	
Six submissions raise concerns about the suitability of the site, questioning the need for a new school given another is being built 800 metres away in Green Square. Submitters note the area's demographics and lack of green space, arguing the site is too constrained. Concerns are also raised about the reliance on rooftop sports courts and increased building height as further evidence of the site's limitations. Alternative locations such as the Waterloo Estate or sites closer to public transport are suggested as more appropriate.	Noted. It is recommended that this planning proposal not proceed for matters unrelated to concerns about the need for a school or the reliance on rooftop sports courts.
Cumulative impacts	

Summary of submission	Response
Three submissions raise concerns about the cumulative impact of this and other large-scale developments in Waterloo, Redfern, Alexandria, and Zetland. Submitters feel the proposal does not properly consider broader overdevelopment and its effect on residents' wellbeing.	Noted. It is recommended that this planning proposal not proceed for matters unrelated to concerns about the cumulative impact of overdevelopment.
Trees, Tree Canopy, and Impacts on Wildlife	
6 submissions raise concerns about the loss of tree canopy and green space, which conflicts with the City of Sydney's goal to increase urban greenery. The removal of mature trees and introduction of taller buildings may reduce local wildlife habitat.	Noted. It is recommended that this planning proposal not proceed for matters unrelated to concerns about the loss of tree canopy and green space.
Access to through-site link 2-4 Powell Street Waterloo	
3 submissions raise concerns about increased foot traffic through 2–4 Powell Street, citing safety risks, disruption to residents, and overcrowding of the pocket park and through-site link. Submitters note that directing students toward Green Square Station may lead to litter, footpath damage, and congestion, affecting the park's atmosphere and usability for residents.	Noted. It is recommended that this planning proposal not proceed for matters unrelated to concerns about the through-site link.
Footpath widening impacts	
One submission raises concern about the impact of footpath widening setbacks, which could disrupt the current streetscape and pedestrian flow.	Noted. It is recommended that this planning proposal not proceed for matters unrelated to concerns about footpath widening.
Environmental impacts	
One submission raises concern about the impact of footpath widening setbacks, which could disrupt the current streetscape and pedestrian flow.	Noted. It is recommended that this planning proposal not proceed for matters unrelated to concerns about the environmental impact of development.
Precedent for future development	
One submission raises concern that approving the proposed height increase may set a precedent for future developments, leading to	Noted. It is recommended that this planning proposal not proceed for matters unrelated to noise

Summary of submission	Response
further out-of-scale buildings that negatively affect the area's character and quality of life.	concerns about precedent for future development.
Local infrastructure and amenities	
2 submissions raise concerns about the strain on local infrastructure, particularly overcrowded bus services and inadequate parking. Submitters suggest improving public transport, including light rail options, and enhancing pedestrian safety with narrower streets and more crossings.	Noted. It is recommended that this planning proposal not proceed for matters unrelated to concerns about insufficient infrastructure.
Public Access	
One submission raises concern that the Planning Proposal does not require public access to the school.	Noted. It is recommended that this planning proposal not proceed for matters unrelated to concerns about public access.

Attachment B

Submissions from NSW State Emergency Service and the NSW Department of Climate Change, Energy, Environment and Water

Our Ref: ID2864
Your Ref: PP-2024-255

10 February 2025

Gibran Khouri
City of Sydney Council
Town Hall House
Gadigal Country
Sydney 2000

email: gkhouri@cityofsydney.nsw.gov.au
CC: helen.slater@ses.nsw.gov.au

Dear Gibran,

Planning Proposal for 242-258 Young Street, Waterloo

Thank you for the opportunity to provide comment on the Planning Proposal for 242-258 Young Street, Waterloo. It is understood that the planning proposal seeks to enable development on the site for an independent 6 storey vertical primary and secondary school for 800 students in a 10,609 m² building, including:

- 45 General Learning Spaces (GLS), 13 specialist / classrooms
- A basement including 60 car parking spaces and end-of-trip facilities
- Multi-purpose hall / auditorium, Library, Canteen, Administration, lobby and circulation spaces
- An active green roof
- Incorporation of a film school of 2,935 m² within the new vertical school building
- A total of approximately 13,543 m² of gross floor area which equates to a floor space ratio of 2.94:1. The gross floor area comprises approximately:
 - 10,608 m² education floor area
 - 2,935 m² commercial (film school) floor area
- Outdoor spaces totalling approximately 4,978 m².

The NSW State Emergency Service (NSW SES) is the agency responsible for dealing with floods, storms and tsunami in NSW. This role includes, planning for, responding to and coordinating the initial recovery from floods. As such, the NSW SES has an interest in the public safety aspects of the development of flood prone land, particularly the potential for changes to land use to either exacerbate existing flood risk or create new flood risk for communities in NSW.

The consent authority will need to ensure that the planning proposal is considered against the relevant Section 9.1 Ministerial Directions, including 4.1 – Flooding and is consistent with the NSW Flood Prone Land Policy as set out in the Flood Risk Management Manual 2023 (the Manual) and supporting guidelines, including the Support for Emergency Management

Planning. Key considerations relating to emergency management are outlined in Attachment A.

The site is a low flood island, becoming isolated by floodwater in a 5% Annual Exceedance Probability (AEP) flood event¹ before becoming partially inundated events equal to or greater than a 1% AEP event. In a Probable Maximum Flood (PMF), the ground floor of the school becomes inundated for over 1.5 hours² to depths of up to 1.5m, and the open space on the site becomes inundated to depths of 3.2m.³ The high hazard flooding on the site in a PMF is unsafe for people and vehicles, and all buildings exposed to this hazard may be vulnerable to structural damage.⁴

In summary, we:

- **Recommend** further consideration should be given to determining the suitability of the site for the intended land use.
- **Recommend** undertaking further modelling to demonstrate the locations of flooding in the school, as the flood maps provided do not appear to show the flood hazard on the site as described in section 7.2.1 of the Flood Assessment.⁵
- **Recommend** further consideration of safety features for proposed lifts, to ensure that floodwater does not enter the lift and ensure people do not exit into flooded areas. This includes ensuring that all openings to the basement (including vents, stairwells, lift wells etc) are situated above the PMF, or reconsidering basement carparking if this is not feasible, as the current proposal appears to have a risk to life and property due to the location of the proposed lifts. See Principle 4 in Attachment A for further details.
- **Note** that a 'shelter in place' strategy is not an endorsed flood management strategy by the NSW SES for *future development*, which is also echoed in the NSW Government's Shelter-in-place guideline for flash flooding which states "*shelter-in-place for greenfield development is not supported.*"⁶ If the proposed site does go ahead, we **recommend** reconsidering the proposed evacuation strategy in the Operational Management Plan,⁷ as it may be more dangerous for people to attempt to evacuate during flash flood events due to short time to onset of flooding.⁸ Several

¹ WMAwater, January 2024, *Flood assessment for planning proposal for 242-258 Young Street, Waterloo*, Appendix A, Figure A10, page 45.

² WMAwater, January 2024, *Flood assessment for planning proposal for 242-258 Young Street, Waterloo*, Section 7.2.3, Diagram 6, page 19.

³ WMAwater, January 2024, *Flood assessment for planning proposal for 242-258 Young Street, Waterloo*, Section 7.2.1, Table 4, pages 17-18.

⁴ WMAwater, January 2024, *Flood assessment for planning proposal for 242-258 Young Street, Waterloo*, Appendices A and B, Figures A12 and B12, pages 47 and 60.

⁵ WMAwater, January 2024, *Flood assessment for planning proposal for 242-258 Young Street, Waterloo*, Section 7.2.1, pages 17-18.

⁶ NSW Department of Planning, Housing and Infrastructure, 2024, *Shelter-in-place guideline for flash flooding*, page 4.

⁷ Amina Consulting, year unknown, *Operational management plan for proposed School redevelopment at 242-258 Young Street, Waterloo*, page 30.

⁸ WMAwater, January 2024, *Flood assessment for planning proposal for 242-258 Young Street, Waterloo*, Section 7.2, page 17.

other changes to the Operational Management Plan are recommended, particularly for Section 7. See Principle 1 in Appendix A for detailed recommendations. Any proposed refuge location should be above the height of the PMF and aligns with the design criteria in the NSW Government Shelter-in-place for flash flooding Guideline⁹ and the Red Cross Preferred Sheltering Practices for Emergency Sheltering in Australia,¹⁰ including water supply, waste management, sanitation, food, and shelter and space management.

- **Recommend** that building design considers the potential flood and debris loadings of the PMF so that structural failure is avoided during a flood, especially considering the flash flood nature at the site. We note the current proposed “Shelter-in-place” area appears to be located above the outdoor space¹¹ which would become flooded to depths of up to 3.2m during a PMF, and all buildings exposed to this hazard are vulnerable to structural damage.¹²
- **Recommend** consideration is given to the resilience of facilities likely to become flooded, for example by installing washable finishes or removable infrastructure which would otherwise be likely to be damaged or contaminated by flood water, and locating power outlets above the PMF level.
- **Recommend** considering the impacts of climate change. It is estimated that the actual probability of a 1 in 100 AEP for this catchment area is approximately a 1 in 41 AEP event for the current 2025 scenario.¹³ For the proposed development site, this could result in more frequent inundation and isolation than what is currently expected based on previous modelling.

You may also find the following Guidelines available on the NSW SES website useful:

- [Reducing Vulnerability of Buildings to Flood Damage](#)
- [Managing Flood Risk Through Planning Opportunities](#)
- [Create an emergency plan](#)

Please feel free to contact Claire Flashman via email at rra@ses.nsw.gov.au should you wish to discuss any of the matters raised in this correspondence. The NSW SES would also be interested in receiving future correspondence regarding the outcome of this referral via this email address.

⁹ NSW Department of Planning, Housing and Infrastructure, 2024, *Shelter-in-place guideline for flash flooding*, page 6.

¹⁰ Claire Smith and Carolyn Parsons, 2015, ‘Preferred Sheltering Practices for Emergency Sheltering in Australia’. <https://www.redcross.org.au/globalassets/cms-assets/documents/emergency-services/2015-preferred-sheltering-practices-for-emergency-sheltering-in-australia.pdf>

¹¹ Amina Consulting, year unknown, *Operational management plan for proposed School redevelopment at 242-258 Young Street, Waterloo*, page 26.

¹² WMAwater, January 2024, *Flood assessment for planning proposal for 242-258 Young Street, Waterloo*, Appendix B, Figure B12, page 60.

¹³ WMAwater. 2024. Climate Change Calculator. Retrieved 23 January 2025 from <https://ccc.wmawater.com.au/>

Yours sincerely,

A handwritten signature in grey ink, appearing to read 'P. Cinque', is positioned below the 'Yours sincerely,' text.

Peter Cinque
Senior Manager Emergency Risk Management
NSW State Emergency Service

ATTACHMENT A: Principles Outlined in the Support for Emergency Management Planning Guideline¹⁴

Principle 1 Any proposed Emergency Management strategy should be compatible with any existing community Emergency Management strategy.

Any proposed Emergency Management strategy for an area should be compatible with the evacuation strategies identified in the relevant local or state flood plan or by the NSW SES. According to the NSW State Flood Plan¹⁵ and the Sydney Local Flood Plan,¹⁶ evacuation is the preferred emergency management strategy for people impacted by flooding.

We recommend several changes to the Operational Management Plan. In summary, we recommend:

- the removal of the sections of pages 31-34 discussing modelled flood extents from the Operational Management Plan, as proposed strategies must not be based on flood likelihood. As stated in the Flood Assessment provided, *“there will be no way of accurately predicting the duration of flooding or the extent of flooding.”*¹⁷
- clarity of the proposed flood response strategies for the site, as the Flood Emergency Response Plan (FERP) within the Operational Management Plan appears to alternate between suggesting evacuation and shelter-in-place strategies, with no clear triggers for either strategy.
- implementing early triggers in the FERP such as monitoring Severe Weather Warnings and Severe Thunderstorm Warnings, and **consider closing the school down ahead of the start of the school day**, particularly considering the site is intended for sensitive uses and the flash flooding risk in the area. This is particularly challenging and likely to result in many “false alarms” as there are currently no formal warning systems for flooding at the site. However, the strategy of isolation or sheltering in buildings surrounded by flood water are not equivalent, in risk management terms, to evacuation. This is particularly dangerous for schools, where carers may attempt to enter floodwater to retrieve children.
- removing the statement in the FERP which states for people to *“gather in...the Ground Floor Multi-Purpose Hall”*,¹⁸ as this would become flooded to 1.8m which is unsafe for all people and **poses a significant risk to life.**¹⁹

¹⁴ NSW Government. 2023. Principles Outlined in the *Support for Emergency Management Planning Guideline*

¹⁵ NSW Government, 2024, *NSW State Flood Plan*, Section 5.1.7, page 34.

¹⁶ NSW SES, 2023, *City of Sydney Council Flood Emergency Sub Plan*, Section 5.8, page 16.

¹⁷ WMAwater, January 2024, *Flood assessment for planning proposal for 242-258 Young Street, Waterloo*, Section 7.2.3, page 19.

¹⁸ Amina Consulting, year unknown, *Operational management plan for proposed School redevelopment at 242-258 Young Street, Waterloo*, page 40.

¹⁹ WMAwater, January 2024, *Flood assessment for planning proposal for 242-258 Young Street, Waterloo*, Section 7.2.1, Table 4, page 18.

- that references to flood warnings in the FERP are removed.²⁰ As stated in the Flood Assessment, *“There will likely be very little warning of flooding, apart from very heavy local rainfall. General warnings about severe storms will be available for the Sydney Metropolitan region provided by the Bureau of Meteorology (BoM) but these will not provide specific information for this site.”*
- that references to ‘Evacuation Warning’, ‘Evacuation Order’ and ‘Flood Bulletins’ are removed as this terminology is no longer in use. The Australian Warning System uses three categories of hazard warnings: Advice, Watch and Act, and Emergency Warning. These categories replace the previous terminology. However, although the NSW SES may issue Severe Weather Warnings, it should be made clear that NSW SES does not currently issue flood warnings for this site.
- that the FERP clearly outline how notifications will be delivered to all persons on site once the FERP has been activated, and how it would ensure that people do not become trapped in flooded areas such as the proposed basement, which may be at risk of flooding due to lift wells/vents.
- Referring to the NSW SES website <https://www.ses.nsw.gov.au/plan-and-prepare/emergency-kit> regarding the proposed emergency kit²¹
- developing a testing, monitoring and review schedule for the flood emergency plan. FERPs should be regularly exercised, similar to building fire evacuation drills and updated at regular intervals and whenever additional flood information is available or highlighted during the drills or flood events.

Development strategies relying on deliberate isolation or sheltering in buildings surrounded by flood water are not equivalent, in risk management terms, to evacuation. A 'shelter in place' strategy is not an endorsed flood management strategy by the NSW SES for *future development*. Such an approach is only considered suitable for existing sites where the risk of staying is lower than the risk of evacuating, without increasing the number of people subject to such risk/s.

However, if the development proceeds, we recommend reconsidering the proposed evacuation strategy in the Operational Management Plan,²² as although sheltering in place has several risks associated with it, it may be more dangerous for people to attempt to evacuate from the site during flash flood events due to the short time to onset of flooding.

Principle 2 Decisions should be informed by understanding the full range of risks to the community.

²⁰ Amina Consulting, year unknown, *Operational management plan for proposed School redevelopment at 242-258 Young Street, Waterloo*, pages 34, 39 and 40.

²¹ Amina Consulting, year unknown, *Operational management plan for proposed School redevelopment at 242-258 Young Street, Waterloo*, page 25.

²² Amina Consulting, year unknown, *Operational management plan for proposed School redevelopment at 242-258 Young Street, Waterloo*, page 30.

Decisions relating to future development should be risk-based and ensure Emergency Management risks to the community of the full range of floods are effectively understood and managed. Further, risk assessment should consider the full range of flooding, including events up to the Probable Maximum Flood (PMF) and not focus only on the 1% AEP flood. Climate change considerations should also be included, in line with NSW Government Guidelines. It is noted that the site itself is isolated during a 5% AEP event²³ and partially inundated during a 1% AEP event, with depths of up to 3.2m on the site and 1.5m on the ground level of the building in a PMF.²⁴

The site is a low flood island, becoming isolated by floodwater in a 5% AEP flood event²⁵ before becoming inundated during events at or greater than a 1% AEP event. In a PMF the ground floor of the school becomes inundated for over 1.5 hours²⁶ to depths of up to 1.5m, and the open space on the site becomes inundated to depths of 3.2m.²⁷ The high hazard flooding on the site in a PMF is unsafe for people and vehicles, and all buildings exposed to this hazard may be vulnerable to structural damage.²⁸ We also note the Hunter Street sag point immediately adjacent to the site becomes inundated by over 0.5m of floodwater as frequently as a 50% Annual Exceedance Probability flood event, and depths of over 4m in a Probable Maximum Flood (PMF) event.²⁹

We further note the current modelling included in the Flood Assessment appears to block out the building footprint, showing no flooding on the site itself. This does not align with the flood behaviour described in section 7.2.1 of the Flood Assessment.³⁰ We recommend additional modelling is undertaken showing the flood depth, velocity and hazard within the site itself. Of particular significance are areas surrounding any lift wells, stairs or ramps.

Current evidence suggests that flood events will become more frequent due to climate change. The projected increase in heavy rainfall will increase flood risk in cities, built-up urban areas, and small catchments. A Climate Change Calculator has been developed to address the updated ARR climate change guidelines (Wasko et al, 2024), recommending the adjustment

²³ WMAwater, January 2024, *Flood assessment for planning proposal for 242-258 Young Street, Waterloo*, Appendix A, Figure A10, page 45.

²⁴ WMAwater, January 2024, *Flood assessment for planning proposal for 242-258 Young Street, Waterloo*, Section 7.2.1, Table 4, pages 17-18.

²⁵ WMAwater, January 2024, *Flood assessment for planning proposal for 242-258 Young Street, Waterloo*, Appendix A, Figure A10, page 45.

²⁶ WMAwater, January 2024, *Flood assessment for planning proposal for 242-258 Young Street, Waterloo*, Section 7.2.3, Diagram 6, page 19.

²⁷ WMAwater, January 2024, *Flood assessment for planning proposal for 242-258 Young Street, Waterloo*, Section 7.2.1, Table 4, pages 17-18.

²⁸ WMAwater, January 2024, *Flood assessment for planning proposal for 242-258 Young Street, Waterloo*, Appendices A and B, Figures A12 and B12, pages 47 and 60.

²⁹ WMAwater, January 2024, *Flood assessment for planning proposal for 242-258 Young Street, Waterloo*, Section 2.2, page 5.

³⁰ WMAwater, January 2024, *Flood assessment for planning proposal for 242-258 Young Street, Waterloo*, Section 7.2.1, pages 17-18.

of the BoM 2016 IFDs to account for the warming that has occurred since the mid-point of the data used for their development (1961-1990). This results in a significant increase in existing conditions flood levels.³¹

The change in flood probabilities with climate change for this catchment area results in the new probability of the 1 in 100 AEP to be approximately 1 in 41 AEP event for the current 2025 scenario, becoming even more frequent in the future.³² For the proposed development site, this could result in more frequent inundation and isolation than what is currently expected based on previous modelling.

Principle 3 Development of the floodplain does not impact on the ability of the existing community to safely and effectively respond to a flood.

The ability of the existing community to effectively respond (including self-evacuating) within the available timeframe on available infrastructure is to be maintained. It is not to be impacted on by the cumulative impact of new development.

Risk assessment should have regard to flood warning and evacuation demand on existing and future access/egress routes. Consideration should also be given to the impacts of localised flooding on evacuation routes. Evacuation must not require people to drive or walk through flood water.

Development strategies relying on an assumption that mass rescue may be possible where evacuation either fails or is not implemented are not acceptable to the NSW SES.

Principle 4 Decisions on development within the floodplain does not increase risk to life from flooding.

We recommend ensuring that all openings to the basement (including vents, stairwells, lift entrances etc) are situated above the PMF, or reconsidering basement carparking if this is not feasible, to reduce risk to life and property. The Flood Assessment states the crest level of the basement entry would be protected to the PMF,³³ however the ground floor would become flooded to depths of 1.5m during a PMF event,³⁴ which may inadvertently lead to flooding of the basement through other openings (such as lift wells or vents). **This may pose a risk to life** for anyone located either in the basement or on ground floor, as they may become trapped by floodwater and unable to safely evacuate to higher ground.

³¹ Babister et al. 2024. Climate Change Calculator: Estimating Changes to Flood Probability Under Different Climate Change Scenarios, page 1

³² WMAwater. 2024. Climate Change Calculator. Retrieved 23 January 2025 from <https://ccc.wmawater.com.au/>

³³ WMAwater, January 2024, *Flood assessment for planning proposal for 242-258 Young Street, Waterloo*, Section 6, Table 3, pages 14-15.

³⁴ WMAwater, January 2024, *Flood assessment for planning proposal for 242-258 Young Street, Waterloo*, Section 7.2.1, Table 4, pages 17-18.

Managing flood risks associated with low flood islands requires careful consideration of development type, likely users, and their ability respond to minimise their risks. This includes consideration of:

- Isolation – There is no known safe period of isolation in a flood, the longer the period of isolation the greater the risk to occupants who are isolated. Even relatively brief periods of isolation, in the order of a few hours, can lead to personal medical emergencies that have to be responded to.
- Secondary risks – This includes fire and medical emergencies that can impact on the safety of people isolated by floodwater. The potential risk to occupants needs to be considered and managed in decision-making.
- Consideration of human behaviour – The behaviour of individuals such as choosing not to remain isolated from their family or social network in a building on a floor above the PMF for an extended flood duration or attempting to return to a building during a flood, needs to be considered.

A basic principle of emergency management is to separate people from hazards. Given that it is rare to be able to move the hazard, the most widely accepted method of doing so is to implement evacuation. When the option for evacuation is denied and the hazard cannot be moved then a dangerous situation remains that requires the highest level of monitoring and intervention. This will be at a time when resources are in abnormally high demand.

Principle 5 Risks faced by the itinerant population need to be managed.

Any Emergency Management strategy needs to consider people visiting the area or using a development.

Where possible, new primary and secondary school classrooms should be located above the PMF level. However, at a minimum there should be access to adequate space above the PMF within a school building for school students, staff and visitors where the facility is not intended to be evacuated outside the floodplain.

We recommend that any proposed refuge location is above the height of the PMF and aligns with the Red Cross Preferred Sheltering Practices for Emergency Sheltering in Australia,³⁵ including water supply, waste management, sanitation, food, and shelter and space management.

Principle 6 Recognise the need for effective flood warning and associated limitations.

³⁵ Claire Smith and Carolyn Parsons, 2015, *Preferred Sheltering Practices for Emergency Sheltering in Australia*. <https://www.redcross.org.au/globalassets/cms-assets/documents/emergency-services/2015-preferred-sheltering-practices-for-emergency-sheltering-in-australia.pdf>

An effective flood warning strategy with clear and concise messaging understood by the community is key to providing the community an opportunity to respond to a flood threat in an appropriate and timely manner. As the site is affected by flash flooding little to no warning time likely to be available, Severe Weather Warnings and Severe Thunderstorm Warnings from the Australian Bureau of Meteorology are likely to be the only warnings currently available for the site.

Principle 7 Ongoing community awareness of flooding is critical to assist effective emergency response.

The flood risk at the site and actions taken to reduce risk to life should be communicated to all site users (includes increasing risk awareness, community connections, preparedness actions, appropriate signage and emergency drills) during and after the construction phase. However, it is important to note that the NSW SES is opposed to the imposition of development consent conditions requiring private flood evacuation plans rather than the application of sound land use planning and flood risk management.

Development in a floodplain will increase the need for NSW SES to undertake continuous community awareness, preparedness, and response requirements. Residents and users of the proposed development should be made aware of their flood risk, the [Hazards Near Me](#) app (a tool to receive flood warnings as part of the Australian Warning System) and the [NSW SES website](#) which contains comprehensive information for the general community about what to do before, during and after floods as well as in-language resources and HazardWatch (NSW SES interactive information and warnings site).

Our Ref: ID 3037 (reissue)
Your Ref: PP-2024-255

10 April 2025

Gibran Khouri
City of Sydney Council
Town Hall House
Gadigal Country
Sydney 2000

email: gkhouri@cityofsydney.nsw.gov.au
CC: helen.slater@ses.nsw.gov.au

Dear Gibran,

Planning Proposal for 242-258 Young Street, Waterloo

Thank you for the opportunity to provide comment on the Planning Proposal for 242-258 Young Street, Waterloo. It is understood that the planning proposal seeks to enable development on the site for an independent 6 storey vertical primary and secondary school for 800 students in a 10,609 m² building, including:

- 45 General Learning Spaces (GLS), 13 specialist / classrooms
- A basement including 60 car parking spaces and end-of-trip facilities
- Multi-purpose hall / auditorium, Library, Canteen, Administration, lobby and circulation spaces
- An active green roof
- Incorporation of a film school of 2,935 m² within the new vertical school building
- A total of approximately 13,543 m² of gross floor area which equates to a floor space ratio of 2.94:1. The gross floor area comprises approximately:
 - 10,608 m² education floor area
 - 2,935 m² commercial (film school) floor area
- Outdoor spaces totalling approximately 4,978 m².

The NSW State Emergency Service (NSW SES) is the agency responsible for dealing with floods, storms and tsunami in NSW. This role includes, planning for, responding to and coordinating the initial recovery from floods. As such, the NSW SES has an interest in the public safety aspects of the development of flood prone land, particularly the potential for changes to land use to either exacerbate existing flood risk or create new flood risk for communities in NSW.

The consent authority will need to ensure that the planning proposal is considered against the relevant Section 9.1 Ministerial Directions, including 4.1 – Flooding and is consistent with the NSW Flood Prone Land Policy as set out in the Flood Risk Management Manual 2023 (the Manual) and supporting guidelines, including the Support for Emergency Management Planning.

The site is a low flood island, becoming isolated by floodwater in a 5% Annual Exceedance Probability (AEP) flood event¹ before becoming partially inundated events equal to or greater than a 1% AEP event. In a Probable Maximum Flood (PMF), the ground floor of the school becomes inundated for over 1.5 hours² to depths of up to 1.5m, and the open space on the site becomes inundated to depths of 3.2m.³ The high hazard flooding on the site in a PMF is unsafe for people and vehicles, and all buildings exposed to this hazard may be vulnerable to structural damage.⁴

NSW SES previously provided advice regarding the proposal, dated 10 February 2025. A meeting was held with representatives from NSW SES, the City of Sydney Council (Council) and the Department of Climate Change, Energy, the Environment and Water (DCCEEW) on 27 March 2025, 11:30am – 12:00pm via Teams. This updated response clarifies the position of NSW SES.

In summary, we recommend further consideration should be given to determining the suitability of the site for the intended land use. There are significant flood hazard risks associated with the site which are unlikely to be adequately removed by redesigning the proposed development, and we therefore do not consider an educational facility for children to be a suitable use of the site.

We also note that a 'shelter in place' strategy is not an endorsed flood management strategy by the NSW SES for *future development*, which is also echoed in the NSW Government's Shelter-in-place guideline for flash flooding which states "*shelter-in-place for greenfield development is not supported.*"⁵

Please feel free to contact Claire Flashman via email at rra@ses.nsw.gov.au should you wish to discuss any of the matters raised in this correspondence. The NSW SES would also be interested in receiving future correspondence regarding the outcome of this referral via this email address.

Yours sincerely,



Peter Cinque
Senior Manager Emergency Risk Management
NSW State Emergency Service

¹ WMAwater, January 2024, *Flood assessment for planning proposal for 242-258 Young Street, Waterloo*, Appendix A, Figure A10, page 45.

² WMAwater, January 2024, *Flood assessment for planning proposal for 242-258 Young Street, Waterloo*, Section 7.2.3, Diagram 6, page 19.

³ WMAwater, January 2024, *Flood assessment for planning proposal for 242-258 Young Street, Waterloo*, Section 7.2.1, Table 4, pages 17-18.

⁴ WMAwater, January 2024, *Flood assessment for planning proposal for 242-258 Young Street, Waterloo*, Appendices A and B, Figures A12 and B12, pages 47 and 60.

⁵ NSW Department of Planning, Housing and Infrastructure, 2024, *Shelter-in-place guideline for flash flooding*, page 4.



Your ref: PP-2024-255
Our ref: DOC25/34455

Gibran Khouri
Specialist Planner
City of Sydney
Town Hall House, Gadigal Country
SYDNEY NSW 2000

Subject: Planning proposal PP-2024-255 – 242-258 Young Street, Waterloo

Dear Gibran,

Thank you for your referral received 14 January 2025, requesting advice from the Conservation Programs, Heritage and Regulation (CPHR) Group of the NSW Department of Climate Change, Energy the Environment and Water (DCCEEW) on the 242 – 258 Young Street, Waterloo Planning Proposal.

It is understood that the planning proposal seeks a site-specific amendment to the *Sydney Local Environmental Plan 2012* to increase in the height and floor space ratio to facilitate the development of the site for a new kindergarten to year 12 (K-12) independent school, multi-purpose hall and community space, and reaccommodate the existing film school on the site.

CPHR has reviewed the exhibited information and provides its comments and recommendations at Attachment A. In summary:

- the proposal is inconsistent with the requirements of Local Planning Direction 4.1 Flooding which states that new developments must not increase flood risks or expose occupants to significant flood hazards and avoid intensifying flood risk in vulnerable locations
- high-velocity floodwaters will create severe safety risks for children
- the flood modelling underestimates on-site flood risk
- the proposal presents emergency access and evacuation concerns and does not comply with NSW Shelter in Place for Flash Flooding guideline
- the proposal presents severe and unmitigated flood risks and therefore it is recommended that it be redesigned to fully mitigate flood risks, or alternative locations should be considered.

Should you have any queries regarding this matter, please contact Rachel Walker, Senior Conservation Planning Officer via rachel.j.walker@environment.nsw.gov.au.

Yours sincerely,

03/03/2025

Susan Harrison
Senior Team Leader Planning
Regional Delivery – Greater Sydney Branch
Conservation Programs, Heritage and Regulation Group

CPHR comments on the Planning Proposal for 242-258 Young Street, Waterloo (PP-2024-255)

In preparing this advice CPHR has reviewed the following documents:

- Planning Proposal Justification Report prepared by Ethos Urban dated 9 February 2024
- Flood Assessment for Planning proposal for 242-258 Young Street, Waterloo prepared by WMA dated January 2024.

Inconsistency with Local Planning Direction 4.1 - Flooding

The Local Planning Directions (Focus Area 4: Resilience and Hazards, Section 4.1 - Flooding) state that new developments must not increase flood risks or expose occupants to significant flood hazards and avoid intensifying flood risk in vulnerable locations. CPHR highlights the following issues:

- Flood depths in the 1% Annual Exceedance Probability (AEP) event reach up to 1.7 m, making the site hazardous for pedestrians, particularly young children.
- Probable Maximum Flood (PMF) depths exceed 4 m, with velocities of 3-4 m/s, meaning the site would be entirely inundated with deep, fast-moving floodwaters.
- The 20% AEP (1 in 5-year event) already results in H3 hazard levels in parts of Hunter Street, indicating that flooding poses a danger to children and pedestrians even in more frequent, moderate flood events.
- The development proposes an educational facility in an area with known high flood risk, including deep overland flow paths and localised ponding at the Hunter Street sag point. Table 2.8.3 in guideline FB01 [Understanding and Managing Flood Risk](#) lists schools as high vulnerability and suggests sensitive receivers should not be located on the floodplain, as evacuation challenges and high-velocity floodwaters increase risks to vulnerable populations.

High-Velocity Floodwaters Create Severe Safety Risks for Children

Children are particularly vulnerable in floods due to their lower body weight and reduced ability to navigate fast-moving water. Even adults struggle to stand in water moving at 1.5 m/s, meaning velocities of 3-4 m/s are life-threatening. Please refer to the NSW Government Flood Hazards Guidelines for further information. CPHR raises concerns with respect to:

- Floodwaters in the 1% AEP event exceed 2 m/s in some areas, reaching 3-4 m/s in the PMF event.
- Such high velocities make it extremely dangerous for children and parents, as:
 - Velocities above 1.5 m/s are unsafe for pedestrians.
 - At 2 m/s, small vehicles can be lifted off the ground.
 - At 3-4 m/s, floodwaters exert forces strong enough to destabilise structures.

Model Underestimation of On-Site Flood Risk

Hunter Street acts as a major flood collection area, meaning floodwaters will likely encroach onto the site more aggressively than the modelling suggests. The WMA Water flood modelling primarily shows floodwaters on roads, which is likely a limitation of the modelling approach rather than an accurate representation of real-world conditions. CPHR raises concerns that:

- 4 m of floodwater (as expected in the PMF) will not remain confined to roads. It is highly probable that floodwaters will spill across the site, affecting school buildings and increasing hazards to students and staff.

- The absence of designated floodways on-site does not align with best practices in flood risk management, as floodwaters must be accounted for within the site rather than assumed to remain on surrounding roads.
- The proponent must clarify the limitations of their modelling assumptions, particularly regarding whether floodwaters will truly remain confined to roads in extreme events.
- Please also note that whilst the assessment considers the relative building footprints, the Flood Assessment has not demonstrated pre and post development impacts to upstream properties as part of the assessment. However, this should only be undertaken once the modelling approaches to the buildings on the site and surrounds are assessed.

Emergency Access and Evacuation Concerns

- Flood depths of 1.5 m at the Hunter Street sag point make pedestrian and vehicle evacuation impossible during major flood events.
- The basement car park is highly vulnerable to water ingress, as PMF flood levels exceed the entrance threshold, making rapid inundation highly likely.
- Flash flooding risk means that floodwaters could rise quickly with little time for effective response, leaving students and staff trapped.
- With floodwaters reaching high velocities, emergency response efforts would be severely compromised, placing both the school community and rescue personnel at risk.

Finally, the proposed Emergency Strategy does not comply with NSW Shelter in Place for Flash Flooding guideline. The guideline states that shelter-in-place is only appropriate where flood depths remain below H5 and H6 Hazards. In contrast, the site experiences flood depths of up to 1.7 m in the 1% AEP event and velocities exceeding 3 m/s in the PMF, making sheltering unsafe and unfeasible. At these depths and velocities, structural damage and water ingress are likely, further compromising safety. Flash flooding events at this site could escalate rapidly, providing little time for authorities to implement a shelter-in-place strategy and students and staff may become trapped in floodwaters, leading to life-threatening conditions.

Emergency responders may be unable to reach the site safely due to high flood depths and velocities on surrounding roads, making external rescue efforts unfeasible. The guideline states that shelter-in-place should only be used when emergency services can aid if needed, which is not the case for this site due to its isolation during floods.

CPHR strongly recommends NSW State Emergency Service (SES) is consulted with respect to the emergency management concerns at this location. Please refer to Table 21 in Flood Risk Management Guideline EM01 [Support for Emergency Management Planning](#).

for further details on why evacuation is not feasible, and development should be reconsidered.

Conclusion

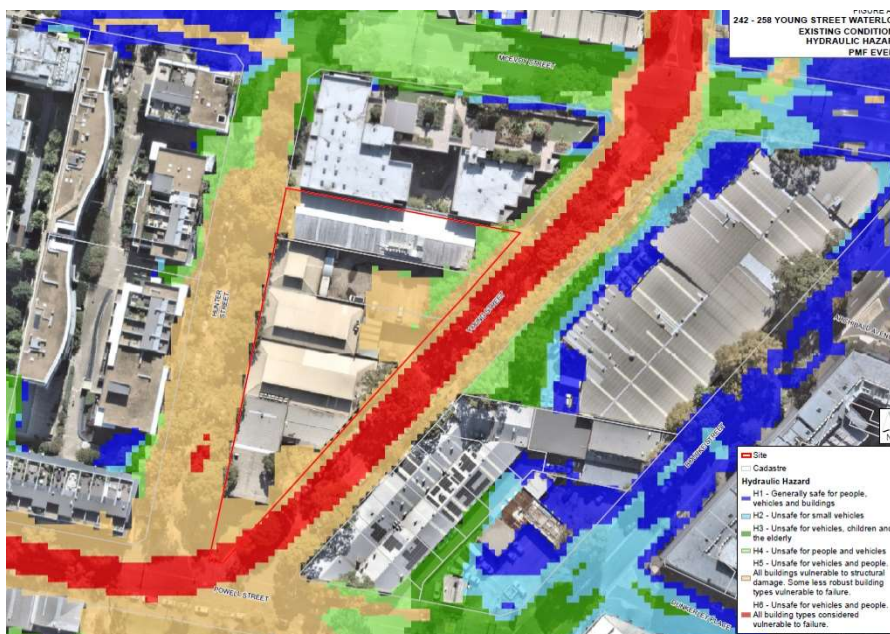
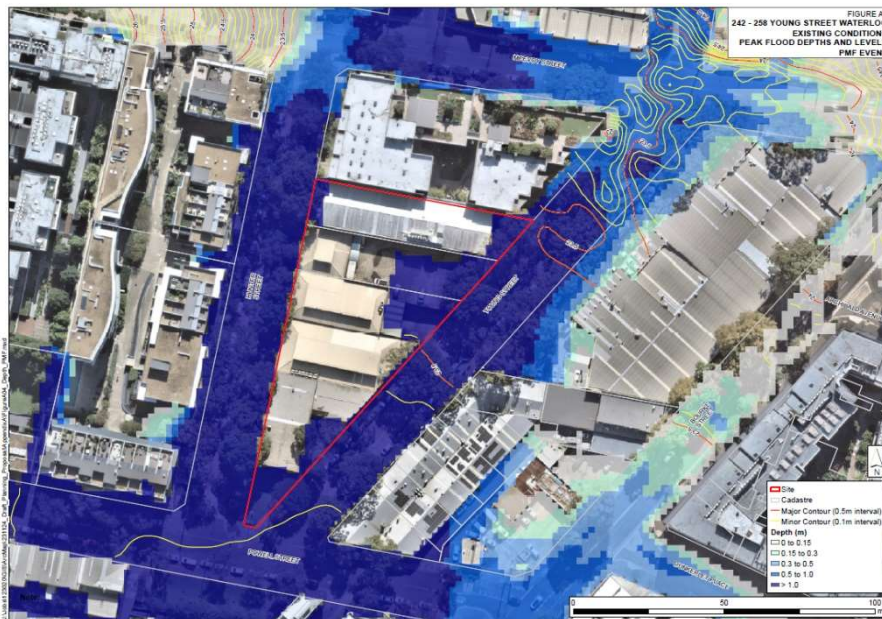
The planning proposal at 242-258 Young Street, Waterloo presents severe and unmitigated flood risks. It is inconsistent with Local Planning Direction 4.1: Flooding and does not comply with the NSW Shelter in Place for Flash Flooding guideline. To proceed, the proponent must either redesign the development to fully mitigate flood risks or consider alternative locations that align with flood risk management best practices.

References extracted from Flood Assessment –

Table 1: Peak flood levels and depths at the Hunter Street sag point and peak flows crossing McEvoy Street towards the site

Event	Peak Flood Level ¹ (mAHD)	Peak Flood Depth ² (m)	Peak Flow ³ (m ³ /s)
50% AEP	19.88	0.53	0.48
20% AEP	20.15	0.8	0.84
10% AEP	20.32	0.97	1.35
5% AEP	20.51	1.16	1.79
2% AEP	20.68	1.33	2.01
1% AEP	21.05	1.7	3.16
0.5% AEP	21.36	2.01	5.11
0.2% AEP	21.63	2.28	8.58
PMF	23.36	4.01	81.3

1. Sourced from Reference 1 modelling at the Hunter Street sag point
2. Calculated flood depth based on the surveyed surface level of the Hunter Street sag pit
3. Peak overland flows crossing McEvoy Street towards the site



End of Submission



Your ref: PP-2024-255
Our ref: DOC25/34455

Gibran Khouri
Specialist Planner
City of Sydney
Town Hall House, Gadigal Country
SYDNEY NSW 2000

4 April 2025

Subject: Planning proposal PP-2024-255 – 242-258 Young Street, Waterloo

Dear Gibran,

Thank you for your referral received 2 April 2025, requesting further advice from the Conservation Programs, Heritage and Regulation (CPHR) Group of the NSW Department of Climate Change, Energy the Environment and Water (DCCEEW) on the 242 – 258 Young Street, Waterloo Planning Proposal.

As discussed at the meeting held on 27 March 2025 with City of Sydney Council and the NSW State Emergency Service (SES), CPHR would like to confirm its position that the site is not considered suitable for the proposed development which is a sensitive land use, and design changes would not be sufficient to mitigate flood risks.

Should you have any queries regarding this matter, please contact Rachel Walker, Senior Conservation Planning Officer via rachel.j.walker@environment.nsw.gov.au.

Yours sincerely,

Susan Harrison
Senior Team Leader Planning
Regional Delivery – Greater Sydney Branch
Conservation Programs, Heritage and Regulation Group

Attachment C

**Planning Proposal – 242-258 Young Street,
Waterloo**

Planning Proposal – 242-258 Young Street, Waterloo



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1. Background

1.1. Introduction

The City of Sydney (the City) has prepared this Planning Proposal: 242-258 Young Street Waterloo (this planning proposal) in response to a request from the proponent, Sustainable Development Group Ltd (SDG), to prepare a planning proposal for the site.

This planning proposal is to enable development on the site for:

- an independent primary and secondary school for 800 students in a 10,609sqm building, including associated auditorium and outdoor space;
- a film school of 2,935sqm; and
- a cafe.

This planning proposal will amend the Sydney Local Environmental Plan 2012 (Sydney LEP) to increase maximum height of building on the site to 25m and increase the maximum FSR that can be achieved on the site to 2.94:1, but only where the development is for a school.

A draft Design Guide: 242-258 Young Street Waterloo (draft Design Guide) is proposed in conjunction with this planning proposal. The Design Guide provides detailed provisions for the development of the site. This includes provisions relating to built form, setbacks, public domain including footpath widening and deep soil, tree retention, green infrastructure, flooding, parking and waste. The City intends to publicly exhibit the draft Design Guide with this planning proposal.

The landowner has made a public benefit offer to enter into a planning agreement with Council. The offer includes a commitment to deliver new pedestrian crossings on Young Street and Powell Street as well as construction of public domain improvements to meet RMS standards for pedestrian crossings. The City will work with the land owner to prepare a draft planning agreement so it can be publicly exhibited with the planning proposal.

This planning proposal has been prepared in accordance with the *Local Environmental Plan Making Guideline*, published by the Department of Planning and Environment in August 2023.

1.2. Site identification

The site comprises 244-258 Young Street, Waterloo owned by Charvic Pty Ltd and 242 Young Street Waterloo owned by International Screen Academy Property Pty Ltd. The legal description of the site is Lot A DP 161650 and Lot B DP 161650 (244-258 Young Street) and Lot 1 DP 84655 (242 Young Street) and as shown in below in Figure 1.



Figure 1. Site identification: 242-258 Young Street, Waterloo outlined in red line. Source Ethos Urban

1.3. Site location

The site is located in the suburb of Waterloo. It is within the Green Square urban renewal area, approximately 4km south-east of Sydney Central Business District. Green Square Train Station and Green Square Town Centre (Town Centre) are south of the site, approximately 900m and 800m respectively. The Waterloo Metro Station is 1.2km north-west of the site.

The site context is shown below in Figure 2.



Figure 2. Site Context. Source Ethos Urban Source: Plus Architecture Urban Design Report

The site is 300m east of Waterloo Oval and 900m east of Waterloo Park. The Waterloo Estate (South) is to the north-west of the site and is proposed to deliver 2ha of new open space with 950m walking distance. Moore Park is 850m north-east of the site, it is proposed to repurpose 20ha of the existing golf course to provide additional public open space.

1.4. Green Square urban renewal area

The Green Square urban renewal area is a high-density urban renewal area in the City's south. As of 2016, the population of the renewal area and City South was forecast to grow by an additional 44,452 persons, at an annual rate of 4.4 per cent, to about 63,000 people in 2036 when the urban renewal area is expected to be built out. The population estimate for Green Square as of 30 June 2021 is 34,253.

The Town Centre, together with Mascot, is identified as a strategic centre in the Greater Sydney Region Plan: A Metropolis of Three Cities and the Eastern City District Plan. Green Square Library, Joynton Avenue Creative Centre, Perry Park Recreation Centre and Gunyama Park Aquatic and Recreation Centre are among the recently delivered community facilities.

1.5. Surrounding context

The area surrounding the site is in transition and is characterised by a variety of uses that includes residential, mixed use, and urban services.

To the east of the site, on the other side of Young Street, are one to two storey light industrial and retail showroom premises, within older brick and masonry buildings. The site, 923-935 Bourke Street Waterloo, is subject to a recently finalised planning proposal which is planned for a five to seven storey mixed-use development with full-line supermarket and retail. It also includes a through-site link.

Immediately to the north of the site, is a four storey residential building. Further north of the site is the Danks Street South urban renewal precinct, set within the former Sydney Water site which is surrounded by former light industrial parcels to the north and north-west, which are planned for between four to seven storey mid-rise buildings and 12-23 storey towers.

To the south of the site, on Powell Street are one to eight storey buildings ranging from commercial, retail and multi-residential premises. To the west of the site along Hunter Street are four storey residential buildings.

1.6. Site accessibility

The site has a high level of accessibility. Green Square Train Station provides connections to Central station, Sydney CBD and the wider regional rail network. The Waterloo Metro station is 1.2km from the site and will provide a fast train connection to the City every four minutes. Local and express bus services connect the site to the broader region, including services to Redfern station. The frequent peak services include:

- 320 that runs from between St Leonards and Green Square Town Centre via North Sydney, Crows Nest and Sydney CBD (every 10-15 minutes);
- 304 that runs north-south between Epsom Road Zetland and Circular Quay via the CBD, Surry Hills, Waterloo and Gadigal Avenue in Zetland (every 5-15 minutes); and
- 343 that runs from Kingsford to Rosebery via Gardeners Road and then in a north-south alignment to Circular Quay via Rosebery, Zetland, Waterloo, Redfern and Surry Hills (every 3-5 minutes).

The site is connected to a pedestrian walking environment that includes footpaths on both sides of all surrounding streets. Controlled pedestrian crossings are provided on all legs at the following signalised intersections:

- Bourke Street with Danks Street;
- Bourke Street with Potter Street;
- Bourke Street with Lachlan Street; and
- Bourke Street with McEvoy Street.

The site is connected to an extensive cycleway network through Powell Street, linking to Bourke Street which provides an off-road shared path, providing a connection through to the Sydney CBD.

The site is connected by a network of state and regional roads, which includes McEvoy Street, Bourke Street, Lachlan Street, and Elizabeth Street. The site is also serviced by a local street network, having a direct frontage to Young Street and Hunter Streets.

1.7. Site characteristics

The site is comprised of two lots with an area of 4,611sqm. The site has street frontage dimensions of 118m along Hunter Street, 137m along Young Street and 4.3m along Powell Street. The topography generally falls in an east to west direction across the width of the site. Street views of site and surrounding area are shown below in Figure 3. Existing development on the site consists of two buildings. There is a one to two storey masonry building and a two-storey building currently used for the film school.



From intersection with Powell Street, view looking north-east on Hunter Street along frontage of site.



View looking north-west on Young Street along frontage of site taken from eastern side of Young Street.



View looking east on Hunter Street along frontage of site.



View looking south on Young Street along frontage of site.



View looking east on Hunter Street along frontage of site.



View looking west on Young Street along frontage of site.

Figure 3. Street views of 242-258 Young Street site and surrounding area.

2. Existing planning controls

The Sydney Local Environmental Plan (LEP) 2012 contains zoning and development standards for the site as shown in table 1 below.

2.1. Sydney Local Environmental Plan 2012

LEP Clause	Provision
Land use zones (clause 2.1)	The site is zoned MU1 Mixed Use zone (see Figure 4). All development is permitted with consent under the MU1 Mixed Use Zone, except <i>Extractive industries; Heavy industrial storage establishments; Heavy industries; Pond-based aquaculture</i>, that are prohibited.
Height of buildings (clause 4.3)	The maximum height of buildings for the site is 15m (see Figure 5).
Floor space ratio (clause 4.4)	The maximum mapped (base) FSR for the site is 1.5:1 (see Figure 6).
Community infrastructure floor space at Green Square (clause 6.14)	Development may be eligible for community infrastructure floor space (in addition to floor space available under clause 4.4) where community infrastructure is provided as part of the development. The site is identified in Area 6 on Floor Space Ratio Map (0.5:1 FSR).
Design excellence (clause 6.21)	Development may be eligible for 10% additional building height <u>or</u> FSR where design excellence is demonstrated.
Heritage conservation (clause 5.10)	The site is not identified as a heritage item and is not within a heritage conservation area (see Figure 7). A search of the NSW State Heritage Register did not identify any further heritage items on the site, or on any adjacent land.
Flood planning (clause 5.21)	Flood planning provisions require the consent authority to be satisfied with the following prior to granting development consent: (a) is compatible with the flood function and behaviour on the land, and (b) will not adversely affect flood behaviour in a way that results in detrimental increases in the potential flood affectation of other

LEP Clause	Provision
	development or properties, and
	(c) will not adversely affect the safe occupation and efficient evacuation of people or exceed the capacity of existing evacuation routes for the surrounding area in the event of a flood, and
	(d) incorporates appropriate measures to manage risk to life in the event of a flood, and
	(e) will not adversely affect the environment or cause avoidable erosion, siltation, destruction of riparian vegetation or a reduction in the stability of river banks or watercourses.
Car parking - Office and business premises (clause 7.6)	The site is identified as land in Category F on the Public Transport Accessibility Level Map. This requires maximum parking rate of one space per 75sqm for office or business premises.
Car parking - Retail premises (clause 7.7)	The site is identified as land in Category F on the Public Transport Accessibility Map. This requires a maximum parking rate of 1 space for each 50sqm of gross floor area (GFA) used for the purpose of retail.
Acid Sulfate Soils (clause 7.14)	The site is identified Class 5 for acid sulfate soils.
Affordable housing contribution (clause 7.13)	The site is subject to an affordable housing contribution requirement of 3% for any residential development and 1% for any non-residential development
Development requiring or authorising preparation of a development control plan (clause 7.20)	The proposed development is State Significant Development. A Design Guide has been prepared in lieu of a Development Control Plan.

Table 1. Current provisions in Sydney LEP 2012



Figure 4. Land Zoning Map Sydney LEP 2012



Figure 5. Building Height Map Sydney LEP 2012

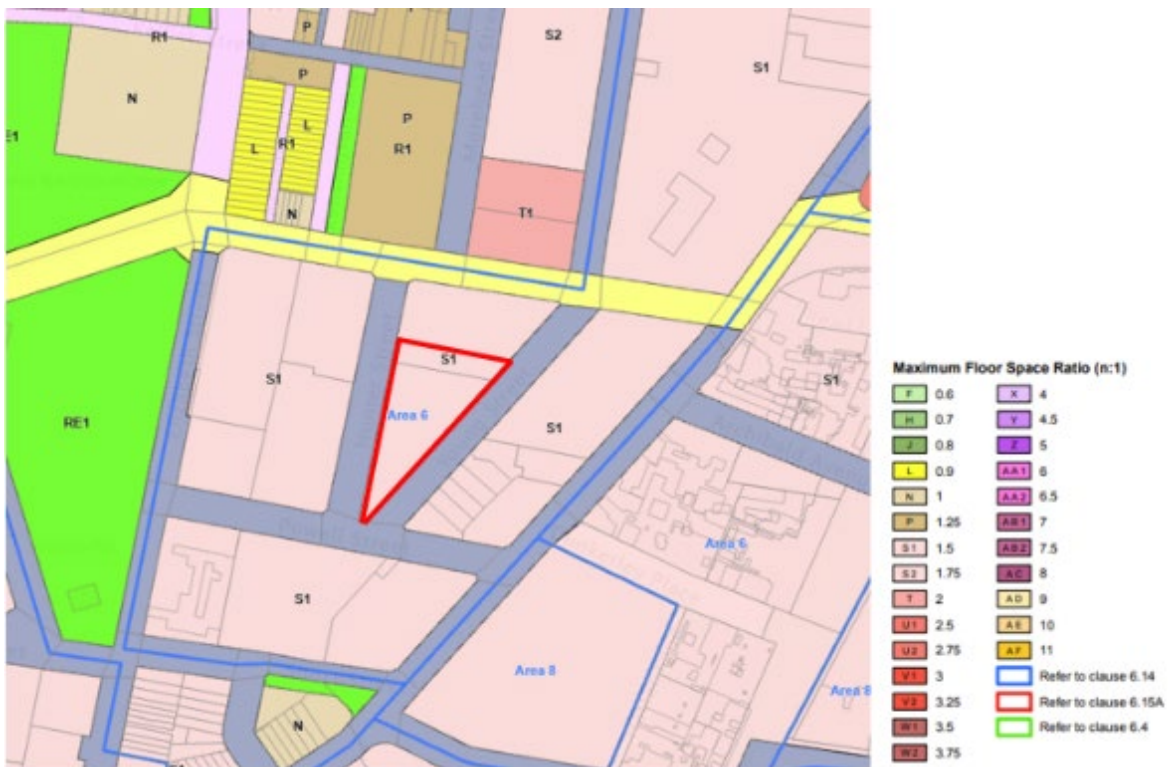


Figure 6. Floor Space Ratio Map Sydney LEP 2012

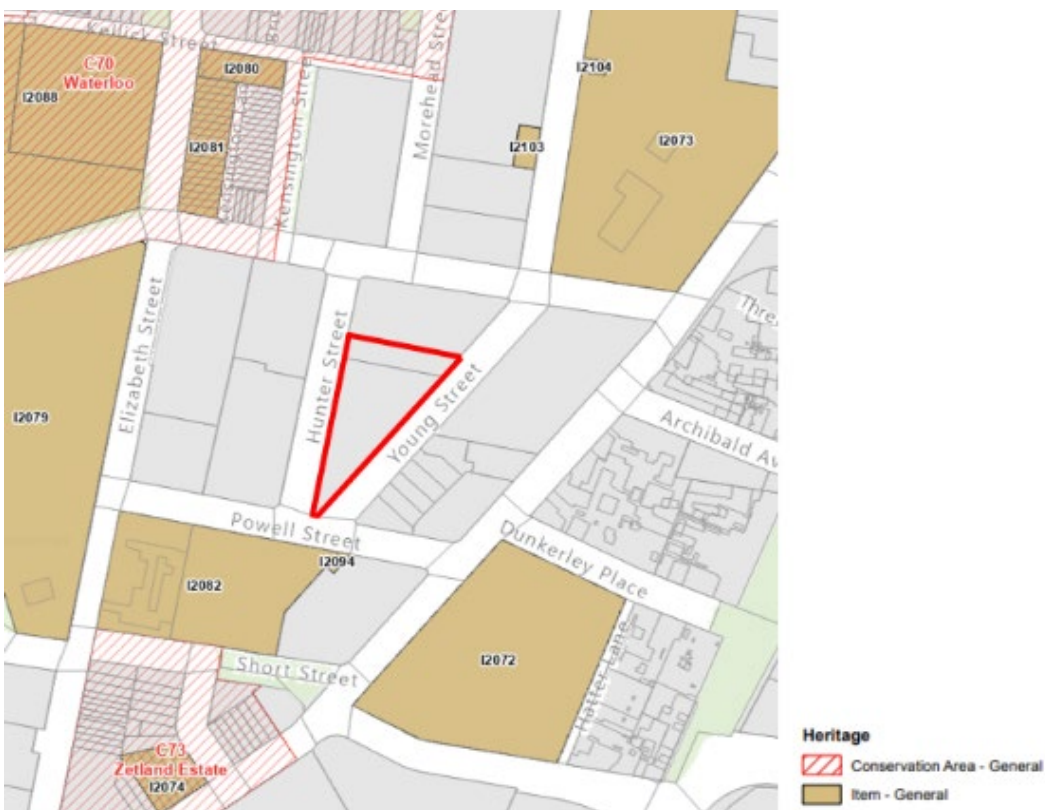


Figure 7. Heritage Map Sydney LEP 2012

3. Objectives and intended outcomes

3.1. Objectives

The objectives of this planning proposal are to:

- facilitate the delivery of a school in an area of high population growth;
 - ensure development responds to the surrounding development;
 - ensure footpaths and roads are safe for students and other pedestrians; and
 - ensure mature street trees are protected in the case of any development.
-

3.2. Intended outcomes

The intended outcome of this planning proposal is to enable the redevelopment of 242-258 Young Street, Waterloo for:

- a building comprising a K-12 independent vertical school and separate film school with a maximum FSR of 2.94:1 and maximum height of 25 metres;
- maintained and expanded local employment opportunities in a location with good access to public transport and housing;
- improved environment for pedestrians along Young and Hunter Streets through footpath widenings;
- development that responds appropriately to the surrounding built form context;
- tree protection where the site is redeveloped; and
- high sustainability performance standards for the future development.

A planning agreement will be exhibited to secure delivery of two new pedestrian crossings across Young Street and Powell Street as well as construction of public domain improvements to meet RMS standards for pedestrian crossings.

4. Explanation of provisions

4.1. Proposed amendments to Sydney LEP 2012

To achieve the objectives and intended outcomes, this planning proposal seeks to amend the Sydney Local Environmental Plan 2012 by inserting a new site-specific clause under Division 5 Site Specific Provisions to:

- limit the use of the clause to development which is primarily for an educational establishment (being a school);
- in addition to FSR that can be achieved under Clause 4.4 (mapped FSR), Clause 6.14 (community infrastructure floor space) and Clause 6.21 (design excellence), allow an additional 0.74:1 FSR in the written clause, but only where it is primarily for an educational establishment (being a school). For clarity, design excellence (clause 6.21 of the Sydney LEP 2012) is not to be calculated on the additional FSR;
- require that any development on the site demonstrating design excellence in accordance with clause 6.21 of the Sydney LEP 2012 is only eligible for additional FSR, and not additional height;
- permit a maximum building height of 25m;
- remove the requirement for a development control plan to be prepared for the site, which is currently required by clause 7.20 of Sydney LEP 2012;
- allow for the maximum building height to be exceeded to allow for shade structures, rooftop nets, balustrade, fence or low-level boundary treatments and lift overruns to facilitate the use of any rooftop open space; and
- require development under this clause to have considered the Design Guide.

4.1.1. Floor space ratio assumptions

The above changes to the Sydney LEP will facilitate the development of a school that can achieve a total FSR of 2.94:1. At the time of drafting, the total FSR comprises:

- the mapped FSR of 1.5:1;
- the community infrastructure FSR of 0.5:1 under clause 6.14;
- design excellence FSR of up to 0.2:1 under clause 6.21D;
- the site specific additional FSR of 0.74:1 where the floor space is used for an educational establishment (being a school).

Counted floor space and voids

The proponent's indicative reference scheme shows circulation spaces that are connected to a void. This floor space is counted as GFA as the void is sealed from above with a roof. If this void was to be open to the sky, the circulation space would not be counted as GFA. It is the intention of this planning proposal to facilitate a built form shown in the indicative scheme. How the internal void spaces are counted (or not) in GFA calculation cannot be known until a development application is lodged. However, in the instance where those internal circulation spaces are not counted as GFA, it is noted the entirety of the GFA achievable under the above clause may not be reached. This is noted in the draft Design Guide.

Design excellence floor space

At 25m the proposed development will require a design excellence competition process under clause 6.21. This planning proposal makes no change to this requirement, other than to require that the site is only eligible for additional FSR, and not additional height under clause 6.21.

Notwithstanding, the City is awaiting a gateway determination for *Planning Proposal - Sydney Local Environmental Plans – Policy and Housekeeping Amendments 2023* (Policy and Housekeeping planning proposal). It intends to reduce the number of circumstances where a competitive design process is required under clause 6.21, notably lifting the threshold from 25m to 35m height for land outside Central Sydney. It also removed the 'opt-in' option for developers to undertake a design excellence process.

If the Policy and Housekeeping planning proposal changes to clause 6.21 of the Sydney LEP come into effect prior to any development application being lodged for the proposed development, a design excellence competition process under clause 6.21 of the Sydney LEP would no longer be required and could no longer be opted into. This would therefore impact the maximum FSR that could be achieved on the site under this planning proposal to 2.74:1.

Following public exhibition of this planning proposal, when a gateway determination is likely to have been issued for the Policy and Housekeeping planning proposal, the City will consider any requirements of the gateway as they relate to clause 6.1, and any submissions made by the public. These considerations may give rise to a different approach to FSR to ensure the maximum FSR required for the proposed development can be achieved.

4.2. Site-Specific Design Guide

To ensure future development is consistent with the objectives and intended outcomes of this planning proposal, site-specific provisions will be drafted to ensure a high-quality built form. The proposed development will have a Capital Investment Value greater than \$20 million and is classified as State Significant Development and the City's Development Control Plans will not apply. As a result, the City has prepared a Site-Specific draft Design Guide. Consideration of the design guide in the assessment process is required by this planning proposal.

The draft Design Guide will be publicly exhibited with this planning proposal.

5. Justification

This planning proposal and the accompanying draft Design Guide for the site are informed by the City's assessment of the request for a planning proposal and supporting documentation submitted by the landowner.

This section provides a justification of the site specific and strategic merit of this planning proposal and has been prepared in accordance with the Department's Local Environmental Plan Making Guideline. It assesses the proposed amendments holistically and its alignment with the Greater Sydney Region Plan and Eastern City District Plan as well as the City Plan 2036: Local Strategic Planning Statement and Sustainable Sydney 2030-2050.

5.1. Indicative reference scheme

The proponent has prepared an indicative reference scheme for the site. The purpose of the reference scheme is to test, at the concept level, that a development can be provided within the proposed controls while achieving the requirements of other existing planning controls and the NSW School Infrastructure Education Facilities Standards and Guidelines (EFSG). The reference scheme is only one iteration of the built form that may be facilitated by the proposed planning controls.

The planning proposal does not imply approval of the indicative reference scheme, which provides only concept level information. The development of the site will be subject to a development application.

The urban design analysis and the reference scheme, prepared by Plus Architecture and appended to this report, provides detailed analysis of the planning framework, site context and proposed built form, including the physical, technical, and topographical factors for the site's redevelopment.

The concept vision for the site and its future redevelopment is for a high-quality development that provides further diversity in the available education infrastructure in a highly accessible location to support the surrounding population.

The scheme includes a 10,608 sqm school to accommodate 800 students and a 2,395sqm film school and ground floor café to the north of the site. The film school and café are commercial businesses independent of the operation of the school. However, there may be opportunities for the film school to support learning outcomes for the K-12 school.

The proposed development includes 4,975sqm of on-site open space for school use, resulting in approximately 6.2sqm per student. This is delivered across the following levels:

- Ground floor: 753sqm;
- Level one: 154sqm;
- Level two: 154sqm;
- Level three: 154sqm;
- Level four: 1,259sqm;
- Level five: 1281sqm (including a 757sqm basketball court); and
- Level six: 1,221sqm.

Access

Access to the single level of basement carparking is proposed from Young Street.

The pick-up/drop-off zone for the school is on Young Street and the bus zone is located on Hunter Street. This is to manage traffic on Young Street, which will also be used to access the Woolworths supermarket development at 923 Bourke Street, Waterloo.

Trees

The proposed building envelope has setbacks to the east and west façade to reduce the length of the street wall and to create a recessive articulation zone. This allows for the retention of most mature canopy cover. Of the 33 trees identified on and surrounding the site in the Arboricultural Impact Assessment, all but 8 of the trees are proposed for retention. This is discussed further in Section 5.5.

Upper-level setbacks

The building envelope is setback on the upper three levels to mitigate visual impact and allow solar access to neighbouring developments and open space.

Use

The ground floor of the school features a foyer that is accessible from both Hunter and Young Street. The foyer is also connected to the 462-seat auditorium on Hunter Street (see Figure 8: Indicative ground floor plan).

The existing film school at (242 Young Street) will be 2,935sqm and will be upgraded and reinstated as part of the school. The lobby is located on Young Street.

The indicative reference scheme for the site is shown at Figures 8-20.

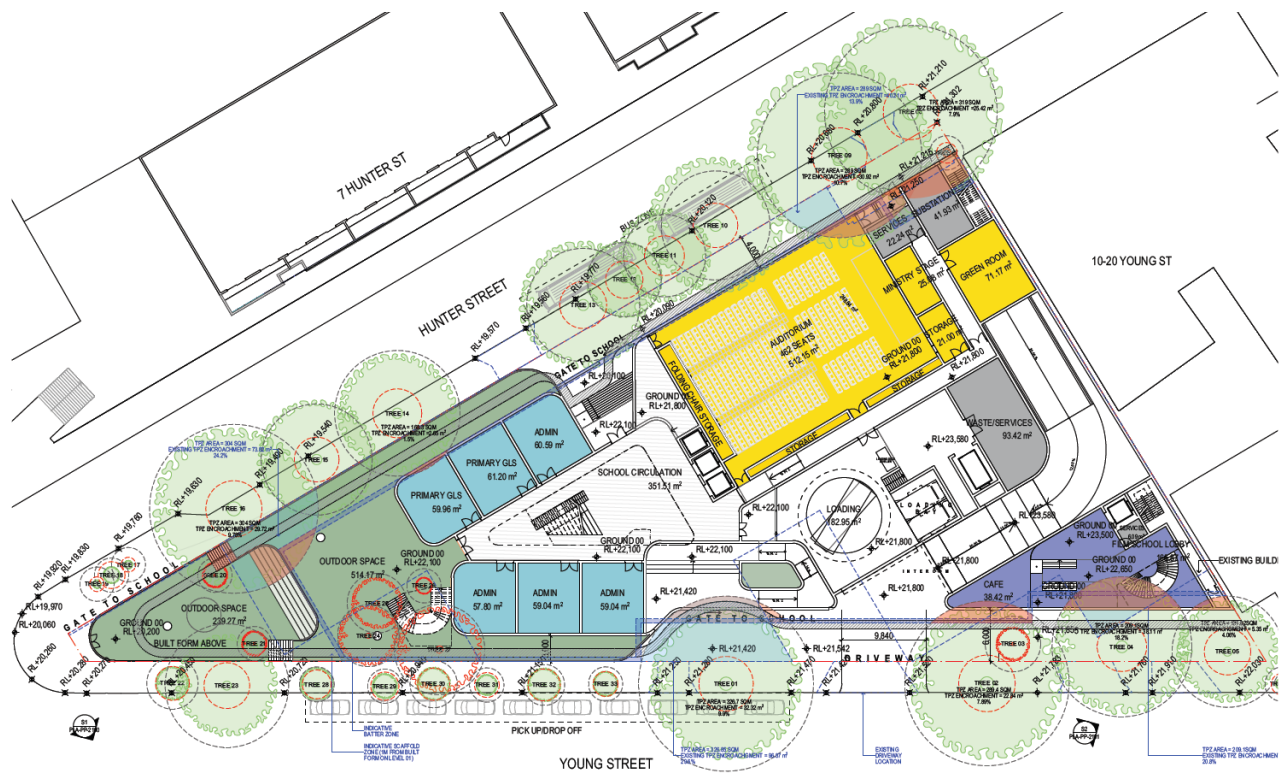


Figure 8. Indicative ground floor plan. Source: Plus Architecture Urban Design Report

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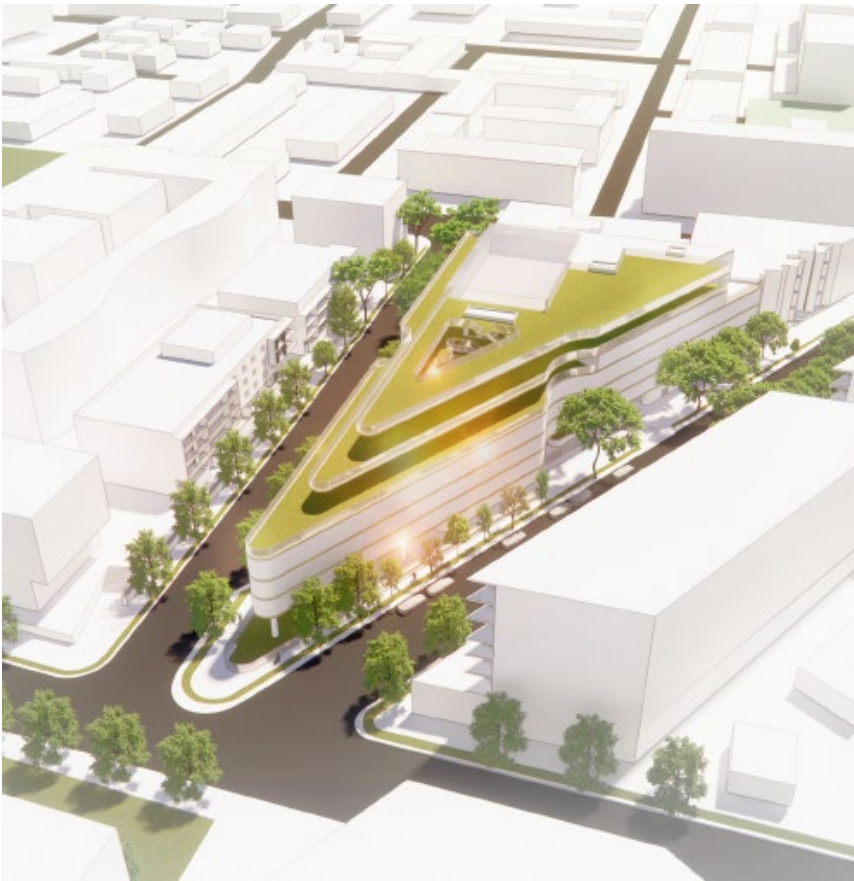


Figure 11. Indicative building envelope. Source Plus Architecture Landscape Plans

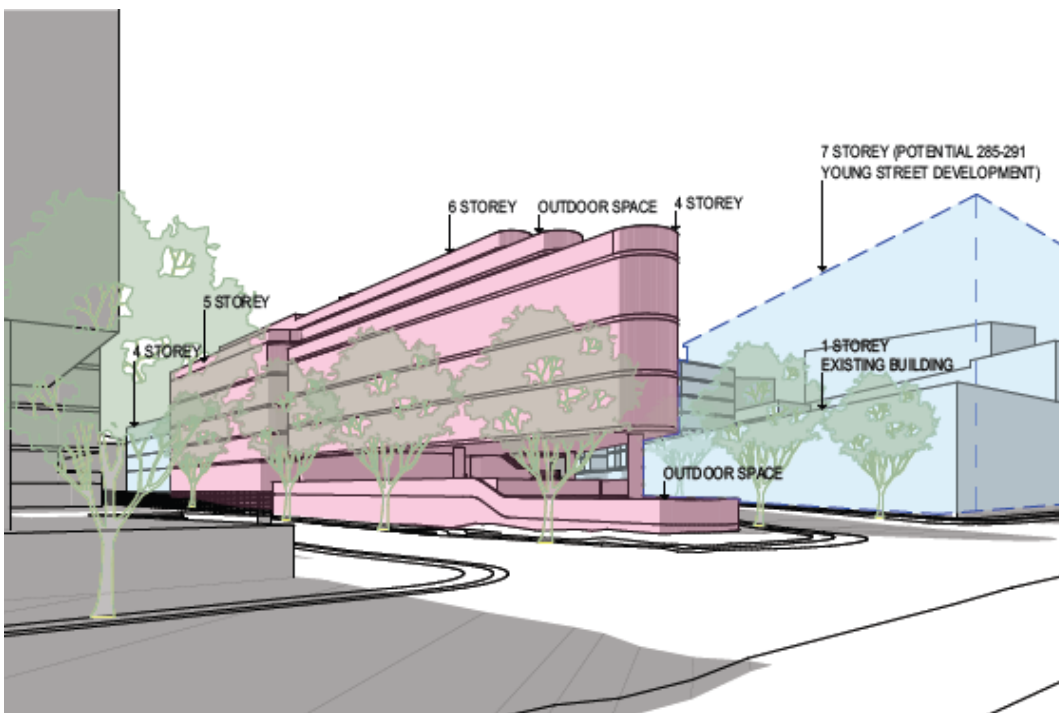


Figure 12. Indicative development concept – view looking north from Hunter Street. Source: Plus Architecture Urban Design Report

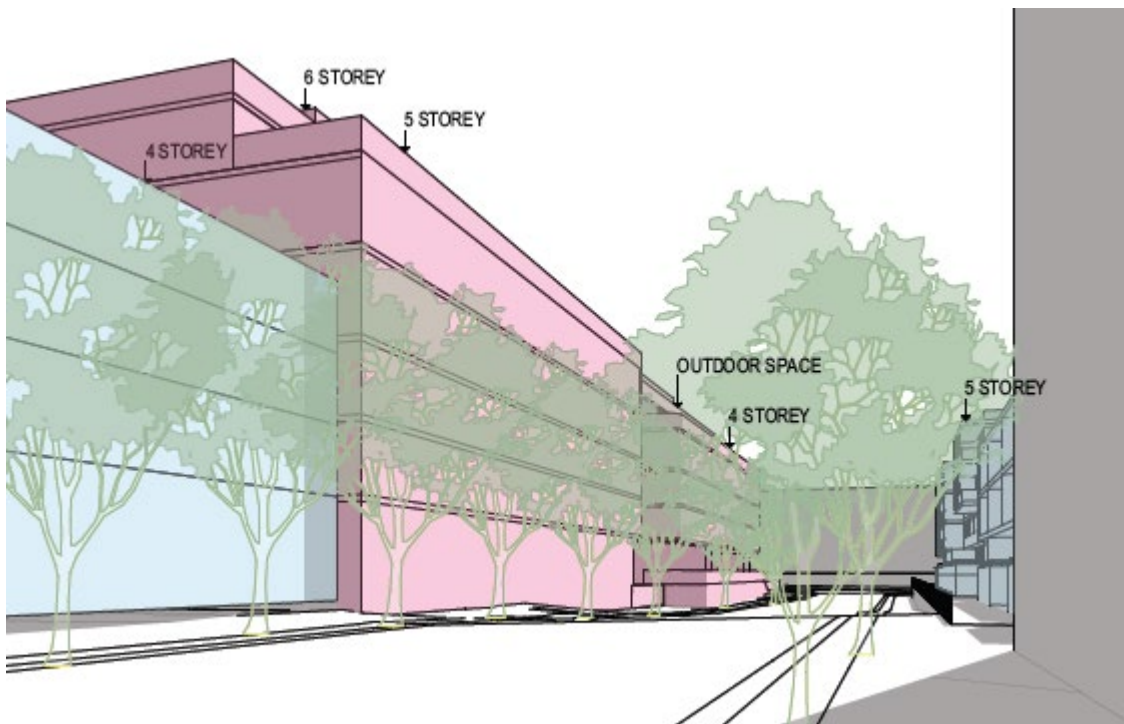


Figure 13. Indicative development concept – view looking south from Hunter Street. Source: Plus Architecture Urban Design Report

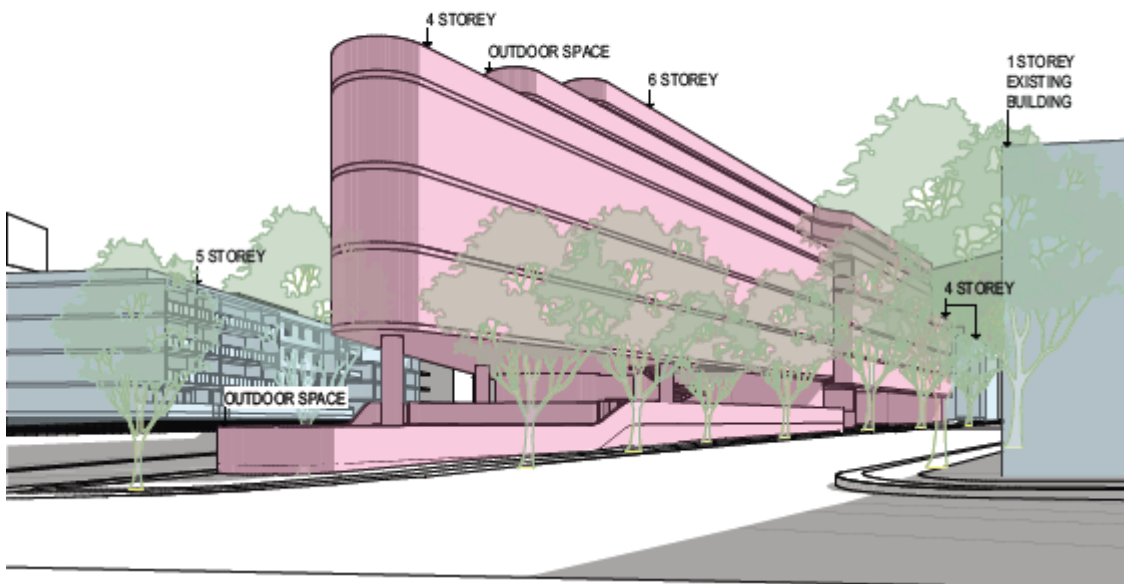


Figure 14. Indicative development concept – view looking north from Young Street. Source: Plus Architecture Urban Design Report

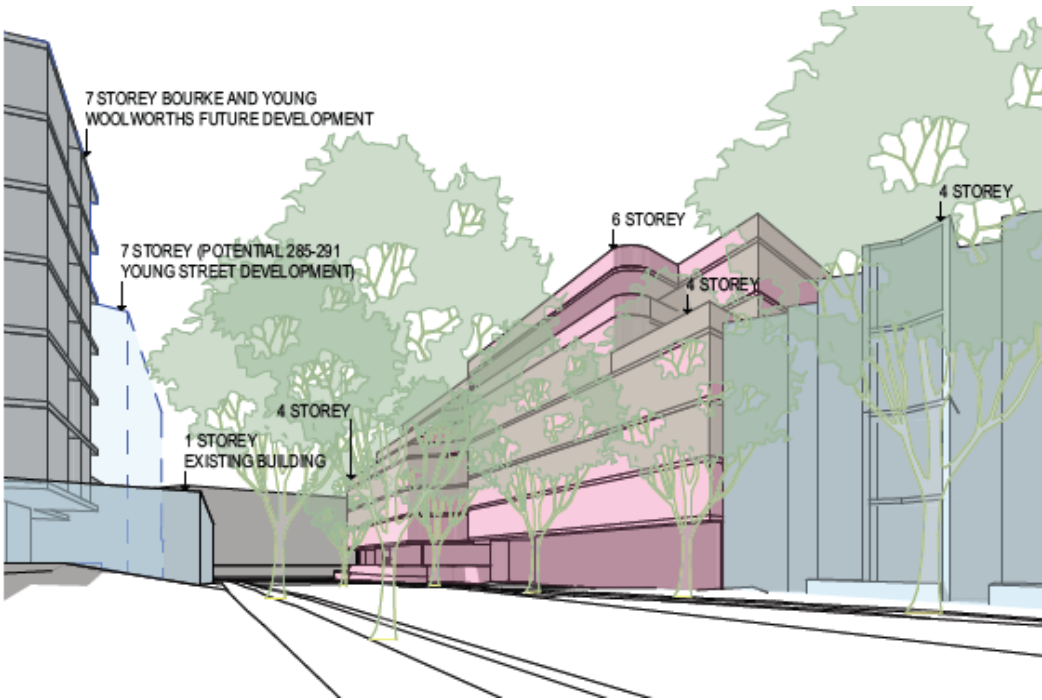


Figure 15. Indicative development concept – view looking south from Young Street Source: Plus Architecture Urban Design Report

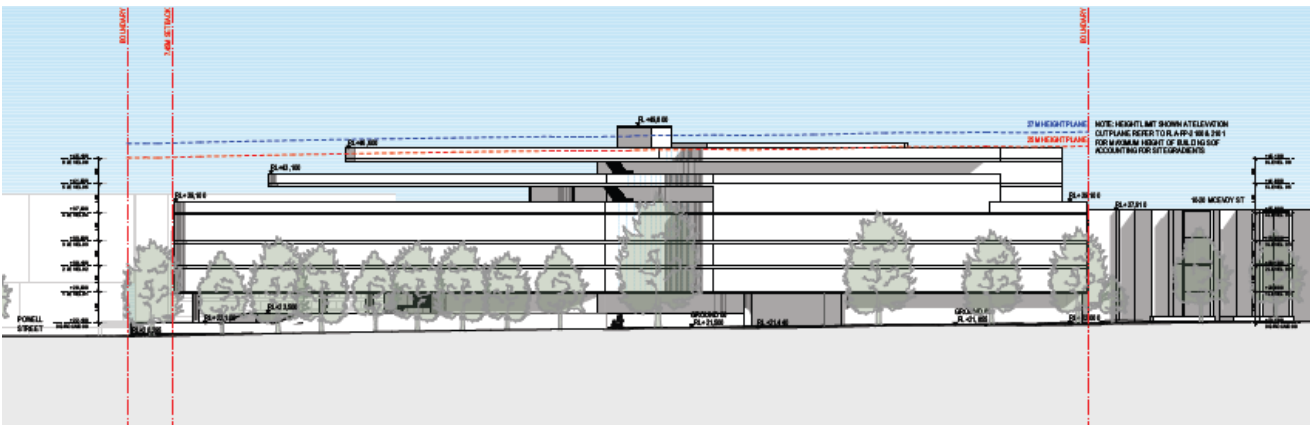


Figure 16. Young Street elevation. Source: Plus Architecture Urban Design Report

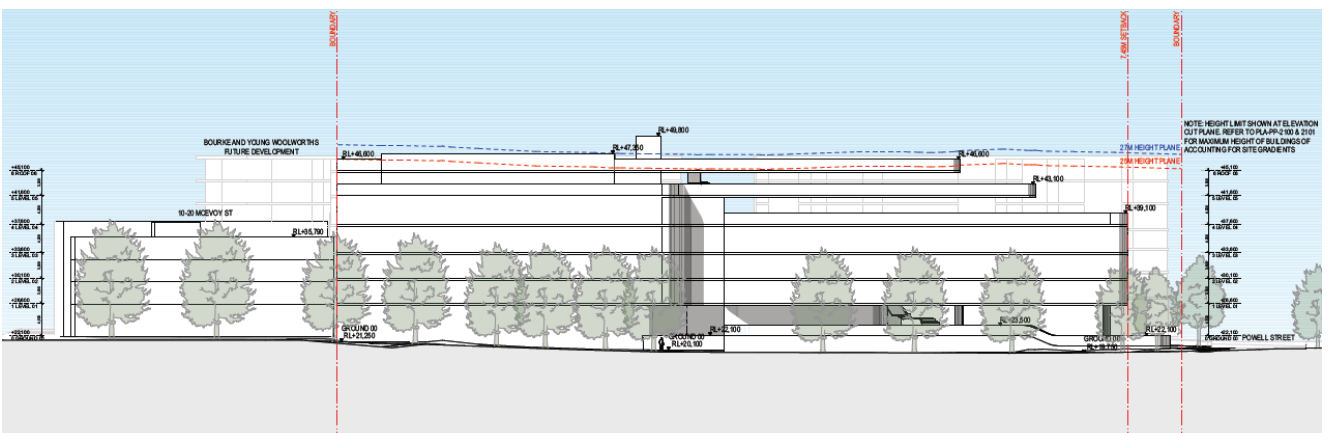


Figure 17. Hunter Street elevation. Source: Plus Architecture Urban Design Report

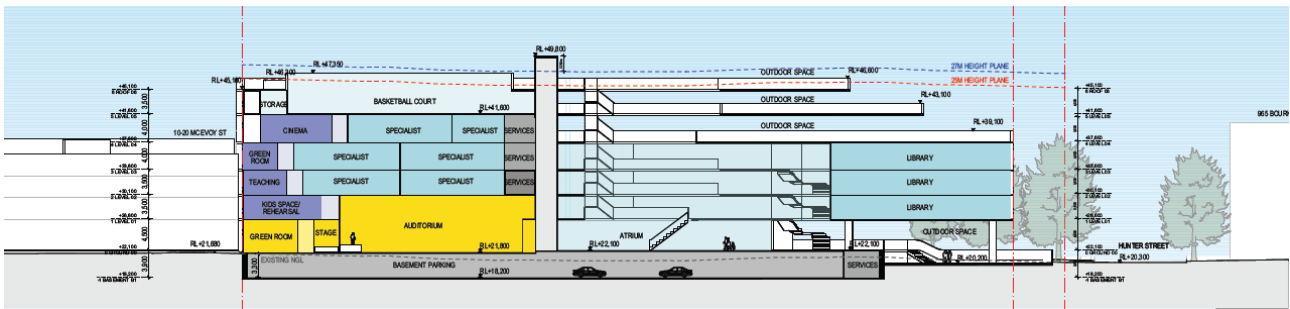


Figure 18. North-south cross section of indicative building envelope. Source: Plus Architecture Urban Design Report

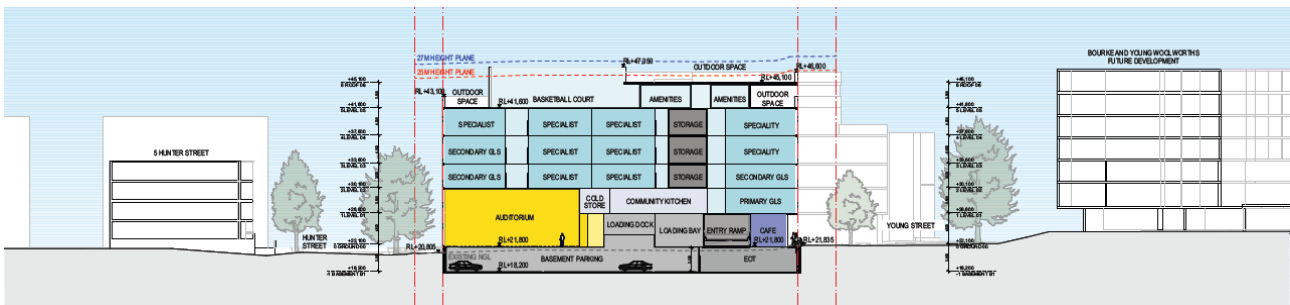


Figure 19. West-east cross section of indicative building envelope. Source: Plus Architecture Urban Design Report

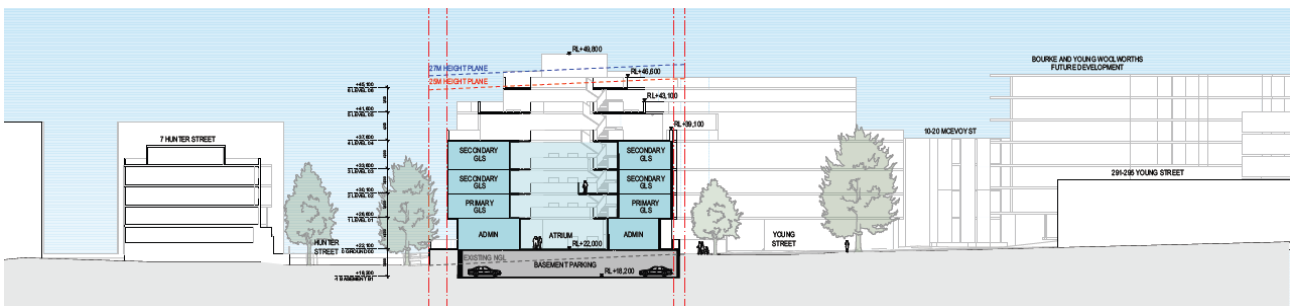


Figure 20. West-east cross section of indicative building envelope. Source: Plus Architecture Urban Design Report

5.2. Development outcomes

The planning proposal and the accompanying draft Design Guide seeks to facilitate a new school on the site, incorporating the existing film school.

The indicative reference scheme, provided by the landowner and tested in the urban design study attached to this planning proposal, shows a development outcome on the site that includes a total of 13,544sqm GFA incorporating within the same development:

- 10,608sqm for a school;
- 2,935sqm for a film school; and
- ground floor café in the film school part of the development.

The new vertical school consists of:

- 45 General Learning Spaces (GLS) and 13 specialist classrooms;
- a multi-purpose hall / auditorium;
- a library;
- a canteen;

- administration, lobby and circulation spaces; and
- 4,978sqm of outdoor recreation space.

The development is serviced by a basement including 55 car parking spaces and end of trip facilities.

The key proposed planning controls in the Sydney LEP and the draft Design Guide to facilitate the development are:

- building heights of up to six storeys or 25m;
- FSR of up to 2.94:1;
- parking controls that allow for one space for every two staff members;
- setbacks to support deep soil landscaping;
- setbacks to allow for widened footpaths along Hunter Street and Young Street; and
- the required retention of nine high value, 13 medium value and three low value trees.

5.3. Need for the planning proposal

Is the planning proposal a result of an endorsed LSPS, strategic study or report?

This planning proposal is not the result of any endorsed LSPS, strategic study or report.

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

A planning proposal is the only way to facilitate the proposed development outcomes, as they specifically related to matters that are best address by local environmental plan controls.

5.4. Relationship to the strategic planning framework

Will the planning proposal give effect to the objectives and actions of the applicable regional or district plan or strategy (including any exhibited draft plans or strategies)?

This planning proposal is consistent with the relevant objectives and actions of the applicable regional or sub-regional strategy as summarised below.

A Metropolis of Three Cities - Greater Sydney Region Plan

- *Objective 9: Greater Sydney celebrates the arts and supports creative industries innovation* - The proposal will tertiary film school will provide more opportunities for creative industries to collaborate with education institutions and support local opportunities for artistic, cultural and creative expression.
- *Objective 12: Great places that bring people together* - The planning proposal will deliver high-quality social infrastructure that will be a focal point for social interaction and connections for school-age populations and families in the catchment area.
- *Objective 14: A Metropolis of Three Cities – integrated land use and transport creates walkable and 30-minute city* - The new school will provide a local option for residents which will does not require travel to centres outside of the immediate catchment, ultimately contributing to a reduction in private car trips, as well as the time and distance travelled.
- *Objective 33: A low-carbon city contributes to net-zero emissions by 2050 and mitigates climate change* - The project's goal is to achieve a minimum 4 Star NABERS Energy Commitment Agreement for schools and attain at least a 5 Star Green Star – Education v1 rating upon certification. Additionally, it seeks to minimise energy consumption through passive strategies and utilise renewable resources as necessary.

Eastern City District Plan

This planning proposal is consistent with the following planning priorities of the District Plan.

- *Priority E1: Planning for a city supported by infrastructure* – The proposal supports the alignment of population growth with infrastructure through the provision of primary, secondary and tertiary education facilities. The site is also supported by proximity to public transport infrastructure, including Waterloo metro.
- *Priority E3: Providing services and social infrastructure to meet people's changing needs* – The proposal will deliver social infrastructure which will cater to the daily needs of the local community in an area that is growing rapidly, particularly the school aged population group and reduce existing enrolment pressures on surrounding schools.
- *Priority E4: Fostering healthy, creative, culturally rich and socially connected communities* – The film will provide a creative enterprise that will support opportunities for creative expression school and cultural vibrancy. The proposal will also reduce the need for car-based trips to access the school.
- *Priority E11: Growing investment, business opportunities and jobs in strategic centres* - This planning proposal will deliver employment opportunities in the Green Square – Waterloo strategic centre through the school and café and retention of the existing the film school.
- *Priority E19: Reducing carbon emissions and managing energy, water and waste efficiency* - This planning proposal enables a future built form that supports a sustainable design with high efficiencies for water, energy and waste and to reduce carbon emissions.

Is the planning proposal consistent with council's local strategy or other local strategic plans?

Yes. This planning proposal is consistent with relevant local strategies and plans as summarised below.

Sustainable Sydney 2030-2050

The planning proposal supports following Sustainable Sydney strategic directions:

- *D4: Design excellence and sustainable development* - The draft Design Guide accompanying this planning proposal includes provisions for the future development to reduce greenhouse gas emissions through improved energy efficiency and low carbon energy in line with the City's 2026 targets for net zero emissions. The proposed development aims to deliver 5-star green star design aspiration and 4-star NABERS rating for schools with the inclusion of renewable resources where required. The proposal will meet and outperform regulatory sustainability standards including NCC Section J – Energy Efficiency and State Environmental Planning Policy (Sustainable Buildings) 2022.

The built form will also be designed to operate with high environmental performance standards for water, energy and waste which include efficient stormwater management design for on-site retention and reuse. It will also optimise passive heating and cooling.

The built form will demonstrate design excellence and architectural interest by creating a high quality, comfortable, safe and inclusive built environment for students and the wider area. The design will also integrate the retention of tree and canopy structures both on and surrounding the site adding to the attractiveness and amenity of the built form.

- *D8: A thriving cultural and creative life* - The proposal includes the redevelopment of the existing film school which will support the cultural and creative life of the City.

City Plan 2036: Local Strategic Planning Statement

This planning proposal gives effect to the following priorities of City Plan 2036:

Infrastructure

- *I1: Movement for walkable neighbourhoods and a connected city* - The proposed development is strategically located in close proximity to public transport including the Waterloo Metro Station, Green Square Station and bus services. The site is highly connected and supports

opportunities for walking and cycling. The site is also located across from a recently rezoned site, proposing a mixed-use residential development at 923-935 Bourke Street that will deliver a through site link and footpath widening connecting the site to the Bourke Street shared path. The proposal will provide two pedestrian crossings on Young and Powell Streets. The pedestrian crossing on Young Street will connect the site to the through site link on Bourke Street which will support active transport uses and the prioritisation of pedestrian movements to the site.

- *I2: Align development and growth with supporting infrastructure* - The proposed development responds to the significant growth in the school-age population in the Waterloo area. This is explained further in section 5.5 of this planning proposal.

Liveability

- *L1: A creative and social connected city* - The school will become a community hub for social connection for families and individuals in the catchment area. The redevelopment of the film school will provide creative tertiary education opportunities for the wider community. It is the only existing artistic/performance space within a walkable 400m catchment of the site.

Sustainability

- *S2: Creating better buildings and places to reduce emissions and water and use water efficiently* - The proposed planning controls ensure high sustainability targets for the future redevelopment site. The built form will include measure that reduce carbon emissions through passive design and manage energy and water.

Is the planning proposal consistent with applicable State Environmental Planning Policies?

This planning proposal is consistent with all applicable State Environmental Planning Policies (SEPPs), as summarised in Table 2

Table 2: Consistency with State Environmental Planning Policies

State Environmental Planning Policy	Comment
SEPP (Biodiversity and Conservation) 2021	Consistent
SEPP (Exempt and Complying Development Codes) 2008	Consistent
SEPP (Housing) 2021	Consistent
SEPP (Industry and Employment) 2021	Consistent
SEPP (Planning Systems) 2021	Consistent
SEPP (Precincts–Central River City) 2021	Not applicable
SEPP (Precincts–Eastern Harbour City) 2021	Consistent
SEPP (Precincts–Regional) 2021	Not applicable
SEPP (Precincts–Western Parkland City) 2021	Not applicable
SEPP (Primary Production) 2021	Not applicable

State Environmental Planning Policy	Comment
SEPP (Resilience and Hazards) 2021	Consistent. A Detailed Site Investigation was prepared by EI Australia in 2018 which found that widespread contamination was not present, and the site could be remediated to a suitable standard for the proposed development which was mixed-use residential. The report recommended that a Hazardous Materials Survey and an Additional Site Investigation be conducted, and a Remedial Action Plan is prepared prior to commencement of works. This can be satisfied at the DA stage.
SEPP (Resources and Energy) 2021	Consistent
SEPP (Sustainable Buildings) 2022	Consistent
SEPP (Transport and Infrastructure) 2021	Consistent

Is the planning proposal consistent with applicable Ministerial Directions (section 9.1 Directions) or key government priority?

This planning proposal is consistent with all Ministerial Directions issued under section 9.1 of the Environmental Planning and Assessment Act 1979, as summarised in Table 3.

Table 3: Consistency with Ministerial Directions

Ministerial Direction	Comment
Focus area 1: Planning Systems	
1.1 Implementation of Regional Plans	Consistent. This proposal supports the Region Plan, as discussed in detail under Question 3 (above).
1.2 Development of Aboriginal Land Council land	Not applicable
1.3 Approval and Referral Requirements	Consistent. This planning proposal does not include concurrence, consultation or referral provisions or identify any developments as designated development.
1.4 Site Specific Provisions	Inconsistent. The objective of this direction is to discourage unnecessarily restrictive site specific planning controls. This direction applies when a relevant planning authority prepares a planning proposal that will allow a particular development to be carried out. This planning proposal is inconsistent with this Direction as it proposes site specific controls to

Ministerial Direction	Comment
	allow a particular development to be carried out. Division 5 of the LEP contains site-specific provisions for various sites across the City. This planning proposal introduces site-specific controls into the LEP to ensure the development is used for a vertical school and film school. In this instance, the inconsistency is acceptable because it is of minor significance and is the only way to achieve the intended outcomes of this planning proposal.
1.4A Exclusion of Development Standards from Variation	Consistent. This planning proposal does not propose to exclude a development standard from variation under clause 4.6
Focus area 1: Planning Systems – Place-based	
1.5 Parramatta Road Corridor Urban Transformation Strategy	Not applicable
1.6 Implementation of North West Priority Growth Area Land Use and Infrastructure Implementation Plan	Not applicable
1.7 Implementation of Greater Parramatta Priority Growth Area Interim Land Use and Infrastructure Implementation Plan	Not applicable
1.8 Implementation of Wilton Priority Growth Area Interim Land Use and Infrastructure Implementation Plan	Not applicable
1.9 Implementation of Glenfield to Macarthur Urban Renewal Corridor	Not applicable
1.10 Implementation of the Western Sydney Aerotropolis Plan	Not applicable
1.11 Implementation of Bayside West Precincts 2036 Plan	Not applicable
1.12 Implementation of Planning Principles for the Cooks Cove Precinct	Not applicable
1.13 Implementation of St Leonards and Crows Nest 2036 Plan	Not applicable
1.14 Implementation of Greater Macarthur 2040	Not applicable

Ministerial Direction	Comment
1.15 Implementation of the Pyrmont Peninsula Place Strategy	Not applicable
1.16 North West Rail Link Corridor Strategy	Not applicable
1.17 Implementation of the Bays West Place Strategy	Not applicable
1.18 Implementation of the Macquarie Park Innovation Precinct	Not applicable
1.19 Implementation of the Westmead Place Strategy	Not applicable
1.20 Implementation of the Camelia-Rosehill Place Strategy	Not applicable
1.21 Implementation of the South West Growth Structure Plan	Not applicable
1.22 Implementation of the Cherrybrook Station Place Strategy	Not applicable
Focus area 2: Design and Place	No directions in place.
Focus area 3: Biodiversity and Conservation	
3.1 Conservation Zones	Consistent. The planning proposal will not adversely impact the conservation of environmentally sensitive areas.
3.2 Heritage Conservation	Consistent. The planning proposal will not adversely impact the ongoing conservation of heritage items.
3.3 Sydney Drinking Water Catchments	Not applicable
3.4 Application of C2 and C3 Zones and Environmental Overlays in Far North Coast LEPs	Not applicable
3.5 Recreation Vehicle Areas	Consistent. The site is not being development for the purpose of a recreation vehicle area.
3.6 Strategic Conservation Planning	Not applicable
3.7 Public Bushland	Consistent. The proposal does not adversely impact the protection of bushland in urban areas.
3.8 Willandra Lakes Region	Not applicable

Ministerial Direction	Comment
3.9 Sydney Harbour Foreshores and Waterways Area	Not applicable
3.10 Water Catchment Protection	Not applicable
Focus area 4: Resilience and Hazards	
4.1 Flooding	Consistent. While this planning proposal contains provisions that apply to flood planning areas which result in an increase in the development density of the land, it is consistent with the Direction as it does not: • rezone land; • permit development in floodway areas; • permit development for residential accommodation in high hazard areas; • permit a significant increase in the development. The increase in the development density is minor (approximately 15 to 20 per cent increase in GFA); • permit development for the purpose of uses identified in 3e of the Direction; • permit development without consent; • result in significantly increased government spending on emergency management, flood mitigation, emergency response measures; or • permit hazardous industries, storage establishments or materials on the site. The planning proposal is in accordance with the Alexandra Canal Floodplain Risk Management Study and Plan, adopted by the City in accordance with the principles and guidelines of the Floodplain Development Manual 2005. The Plan identifies the site as being part of the Sheas Creek Sub-Catchment. Some flood modification measures identified in the Plan have already been acted upon by the City as part of infrastructure improvements through the development of the Green Square Urban Renewal Area. The operational management plan supporting this planning proposal proposes shelter in place provisions in the event of flash flooding. Shelter in place procedures will be refined and improved as part of any future development application

Ministerial Direction	Comment
	process. It ensures that during a flood event, there can be safe occupation while the flood risk subsides.
4.2 Coastal Management	Consistent. 242-258 Young Street Waterloo is not on land within the coastal zone. In relation to the proposed change to clause 7.9, this applies to areas within the coastal zone however this change does not rezone land nor does it enable increased development or more intense land-use. It is consistent with all relevant Acts, manuals, guidelines and plans identified in Ministerial Direction 4.2.
4.3 Planning for Bushfire Protection	Not applicable.
4.4 Remediation of Contaminated Land	A Detailed Site Investigation was prepared for a mixed-use residential development concept in 2018 which found that the site could be remediated to a suitable standard for the proposed development and that there was no widespread contamination at the site. Detailed contamination assessment of the site will be further undertaken at the development application stage in accordance with the City's contamination management policy.
4.5 Acid Sulfate Soils	Consistent. The site is mapped as Class 5 Acid Sulfate Soils in the City of Sydney sheet map, which means acid sulfate soils are not typically found.
4.6 Mine Subsidence and Unstable Land	Not applicable

Focus area 5: Transport and Infrastructure

5.1 Integrating Land Use and Transport	Consistent. The objectives of this Direction are to improve accessibility, increase transport options, reduce travel demand and dependence on cars, support public transport, and provide for efficient movement of freight. The planning proposal will enable development of social infrastructure and jobs in a location well served by public and active transport infrastructure. This supports the efficient and viable operation of public transport services,
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Ministerial Direction	Comment
	reduce dependence on cars and trip generation by car.
5.2 Reserving Land for Public Purposes	Consistent. The planning proposal does not relate to the reservation of land for public purposes.
5.3 Development Near Regulated Airports and Defence Airfields	Consistent. The direction applies to this planning proposal as the proposal “will create, alter or remove a zone or provision relating to land in the vicinity of a license aerodrome.” The planning proposal seeks to increase the permissible building height as identified in the Height of Building Map. The land subject to this planning proposal is affected by the Obstacle Limitation Surface (OLS). However, no proposed increase in height in this planning proposal (or any other proposed control) will allow development to exceed the OLS airspace level of 60m. The following requirement of this direction are relevant to this planning proposal: In the preparation of a planning proposal that sets controls for the development of land in the vicinity of a licensed aerodrome, the relevant planning authority must: (a) consult with the Department of the Commonwealth responsible for aerodromes and the lessee of the aerodrome, (b) take into consideration the Obstacle Limitation Surface (OLS) as defined by that Department of the Commonwealth, for land affected by the OLS: (c) prepare appropriate development standards, such as height, and (d) allow as permissible with consent development types that are compatible with the operation of an aerodrome. The planning proposal is consistent with the above and any further consultation with relevant authorities will be undertaken later in the planning proposal process.
5.4 Shooting Ranges	Not applicable
Focus area 6: Housing	
6.1 Residential Zones	Not applicable
6.2 Caravan Parks and Manufactured Home Estates	Consistent. The site is not being developed for a caravan park or manufactured home estate.

Ministerial Direction	Comment
Focus area 7: Industry and Employment	
7.1 Employment Zones	Consistent. The planning proposal will retain the existing MU1 zoning.
7.2 Reduction in non-hosted short-term rental accommodation period	Not applicable
7.3 Commercial and Retail Development along the Pacific Highway, North Coast	Not applicable
Focus area 8: Resources and Energy	
8.1 Mining, Petroleum Production and Extractive Industries	Not applicable
Focus area 9: Primary Production	
9.1 Rural Zones	Not applicable
9.2 Rural Lands	Not applicable
9.3 Oyster Aquaculture	Not applicable
9.4 Farmland of State and Regional Significance on the NSW Far North Coast	Not applicable

Table 2. Consistency with Section 9.1 Ministerial Directions

5.5. 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 because of the proposal?

The planning proposal and the accompanying specialist technical studies do not identify or assess any critical habitat or threatened species, populations or ecological communities, or their habitats on this site. As a result, it is highly unlikely that there would be any adverse impact on a critical habitat or threatened species, population or ecological community to take place as a result of this proposal.

Mature vegetation within the site is not listed as critical habitat or threatened. The indicative reference scheme for the proposed development intends to retain a significant part of existing tree and canopy structure.

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

A range of technical studies were submitted in support of this planning proposal and are appended to this report, including:

- Attachment A – Urban Design Report – Plus Architecture

- Attachment B – Architectural Drawings – Plus Architecture
- Attachment C - Draft Site-Specific Design Guide – Ethos Urban
- Attachment D – Engagement Summary Report – Ethos Urban
- Attachment E – Landscape Concept Plan - Turf Design
- Attachment F – Survey Plan - MBM
- Attachment G – Traffic and Transport Report – JMT
- Attachment H – Social Infrastructure Review – Ethos Urban
- Attachment I – Operational Management Plan – Amina Consulting
- Attachment J – Site Specific Flood Study – WMA Water
- Attachment K – Acoustic Report – ADP
- Attachment L – Arboriculture Impact Assessment – Aborsaw
- Attachment M – Public Art Statement – Amanda Sharrad Consulting
- Attachment N – Detailed Site Investigation – EI Australia
- Attachment O – Geotechnical Assessment Report – Alliance Geotech
- Attachment P – Sustainability Strategy – JN Engineering
- Attachment Q – Landowners Consent – Charvic
- Attachment R – Landowners Consent – ISAP
- Attachment S – Response to City of Sydney Tree Officer Comments – Aborsaw
- Attachment T – CIV Report – MBM
- Attachment U – Acid Sulfate Soils Assessment – Alliance Geotech

Need for a school

A Social Infrastructure Review has been prepared by Ethos Urban on behalf of the proponent and is attached to this Planning Proposal planning proposal (Attachment H).

The Review found the school will introduce further diversity for schooling options into an area of high population growth.

Floor Space Ratio

The current maximum FSR that can be achieved on the site under the Sydney LEP 2012 is 2.2:1. This includes:

- a mapped FSR of 1.5:1;
- an additional 0.5:1 where community infrastructure floor space is provided; and
- up to an additional 10% of FSR (or height) where the building demonstrates design excellence (a total of 0.2:1 on this site).

This planning proposal facilitates an additional 0.74:1 of floor space, resulting in a total of 2.94:1 that can be achieved on the site, excluding design excellence.

An Urban Design Report, prepared by Plus Architecture, is attached to this planning proposal at Attachment A. The Report demonstrates that the proposed density is consistent with the surrounding area and will not result in significant adverse impacts. The mixed-use building to the immediate east of the site at 923-935 Bourke Street, Waterloo has an FSR of 2.7:1.

Adjacent to the site, to the immediate north at 10-20 McEvoy Street is a 4-storey residential building which has an FSR of 2.1:1.

The additional FSR is supported because the school will assist in addressing the current gap in primary and high schools in the catchment area. The site is also in a highly accessible location,

close to public transport and to current and planned high density residential development with an expected growth in school-aged populations.

Maximum Building Height

The planning proposal introduces a 25m building height control within the site-specific provision, which allows for 6 storeys. The draft Design Guide provides more detailed requirements for upper-level setbacks and articulation.

The scheme proposes a five-storey podium height to the north along Hunter Street, which transitions to 4 storeys to the south. This scale is suitable to the existing development along Hunter Street which is 4-5 storeys.

Along Young Street, a four-storey podium height with 2 storeys setback above for a total of 6 storeys is proposed. The podium height aligns with the 4 storey residential building directly north. The upper 2 levels are setback from the podium to reduce visual appearance from street level. The building height is an appropriate contextual fit to 923-935 Bourke Street which is a 7 storey mixed-use residential building.

The proposed heights allow a natural transition in height and massing of the development to adjoining sites, the existing residential apartments along Young Street and the mixed-use developments along Bourke Street, as well as responding to the surrounding area, where building heights are up to 40m within the Danks Street South precinct and up to 68.5m within the Lachlan precinct. In addition, the retention of tree canopy will reduce the impacts of the proposal on the surrounding building and maintain amenity.

Given the roof will be used as a play area for school students, the site specific provision also accommodates for shade structures, rooftop nets, balustrade, fence or low-level boundary treatments and lift overruns. This inclusion is essential for the development to be able to deliver an educational establishment on the site.

Open space

The reference scheme is subject to the NSW Department of Education's Facilities Standards and Guidelines that required a minimum of 10sqm of open space per student. However, the guideline allows vertical schools to employ innovative methods to compensate for a shortage of on-site open space.

The proponent has proposed to use Turruwul Park, Rosebery to meet its sporting field requirements. These are the closest sporting fields in the area having capacity within the City's bookings system to support this future use. This requires a 10-15 minute bus ride to move children between the school and the park.

Where sporting fields closer to the school become available new arrangements could come into place.

Sustainability

The sustainable design objectives for the proposed development are informed by a Sustainability Strategy Report prepared by JN Engineering.

The draft Design Guide accompanying this Planning Proposal requires that the educational premises achieves a minimum 4 Star NABERS Energy Commitment Agreement for schools and achieve a minimum 5 Star Green Star – Education v1 rating at certification.

Flooding

The City's Alexandra Canal Catchment Floodplain Risk Management Plan shows that the site is significantly flood-affected. The site is affected by overland flow from Euston Street (north) that flows in a southerly direction along Hunter Street and Young Street. The main flood risk is on Hunter Street due to ponding at the sag point.

A Specific Flood Study, prepared on behalf of the proponent by WMAwater and attached to this planning proposal as Attachment J, finds that the building envelope is appropriate and complies

with all flooding levels as per the City's Interim Floodplain Management Policy. The proposed development would also not have an adverse impact on flood levels for surrounding properties and would not change the flood hazard on surrounding roads. The Study also noted that in a probable maximum flood (PMF) event the upper levels of the building can serve as a flood refuge. Any future flood emergency management and evacuation will require a detailed investigation and flood management plan to be put in place given the flash-flooding nature of the site.

The draft Design Guide, accompanying this planning proposal includes detailed provisions to ensure sufficient flood risk management measures are in place, to be addressed at the development application stage, in particular strategies to minimise risk to human life and damage to property caused by flood events. At this stage, the proponent has prepared an operational management plan which foreshadows the shelter in place arrangements that would be further developed at development application stage.

Heritage

No change is proposed to current heritage provisions in the Sydney LEP 2012. The site is not identified as a heritage item and is not located in a heritage conservation area.

There are local listed heritage items to the north of the site in the Danks Street South precinct, including:

- Item 12073 Former Sydney Water pumping station and valve house including interiors and associated underground pipework (903–921 Bourke Street);
- Item 12103 Commercial building part of “Federation Business Centre” (222 Young Street) including interior; and
- Item 21204 Electrical substation including interior (241 Young Street).

Directly to the south of the site are the following locally listed heritage items:

- Item 12082 Former Chubb Pty Ltd including interior (830–838 Elizabeth Street);
- Item 12094 Electrical substation including interior (2A Powell Street); and
- Item 2072 Federation warehouse with art deco additions (866–882 Bourke Street).

Further south is the Zetland Estate heritage conservation area (C73). Further north is the Zetland heritage conservation area (C70).

There are no state listed heritage items in the vicinity.

The review of the heritage items mentioned above confirms the proposed changes to the planning controls does not impact these nearby heritage items.

Overshadowing

The built form of the proposed development minimises overshadowing impacts to surrounding residential development and publicly accessible private open space to the south of the site.

Figure 21 below demonstrates that the built form will not restrict future development from achieving two hours of solar access to 70 per cent of the apartments during the mid-winter solstice, with no additional overshadowing impacts until 2pm. This includes the Woolworths development and non-residential uses to the south-east of the site. Overshadowing is illustrated where the building envelope of the school site visually overlaps with the lower levels of buildings across the road.

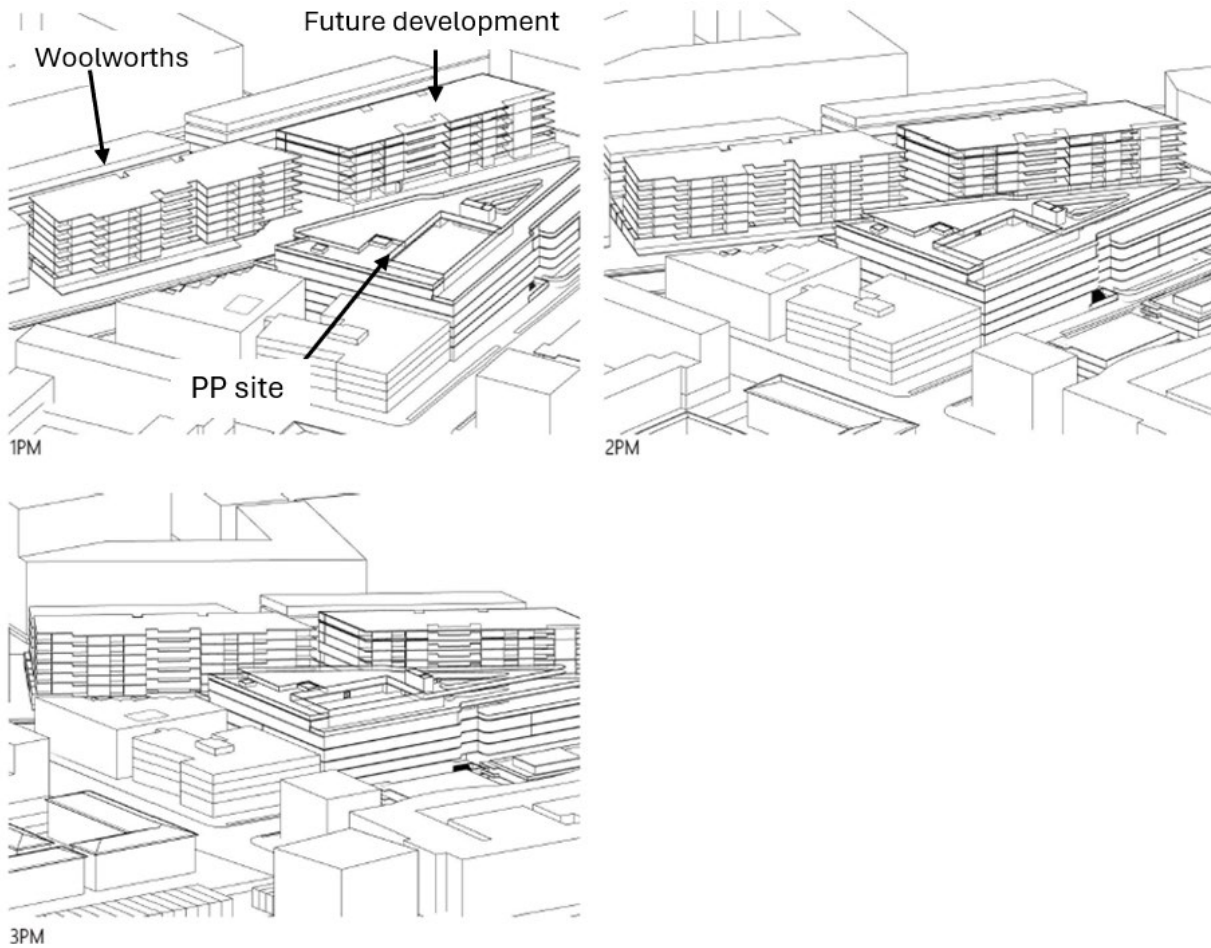


Figure 21. Overshadowing impact Young Street (sun eye view). Source: Plus Architecture Urban Design Report

Figure 22 demonstrates that the open space to the south of the site will achieve a minimum of four hours of solar access to more than 85% of its area from 9am to 3pm on the mid-winter solstice. This complies with the City's requirement for open space in the Sydney Development Control Plan 2012.

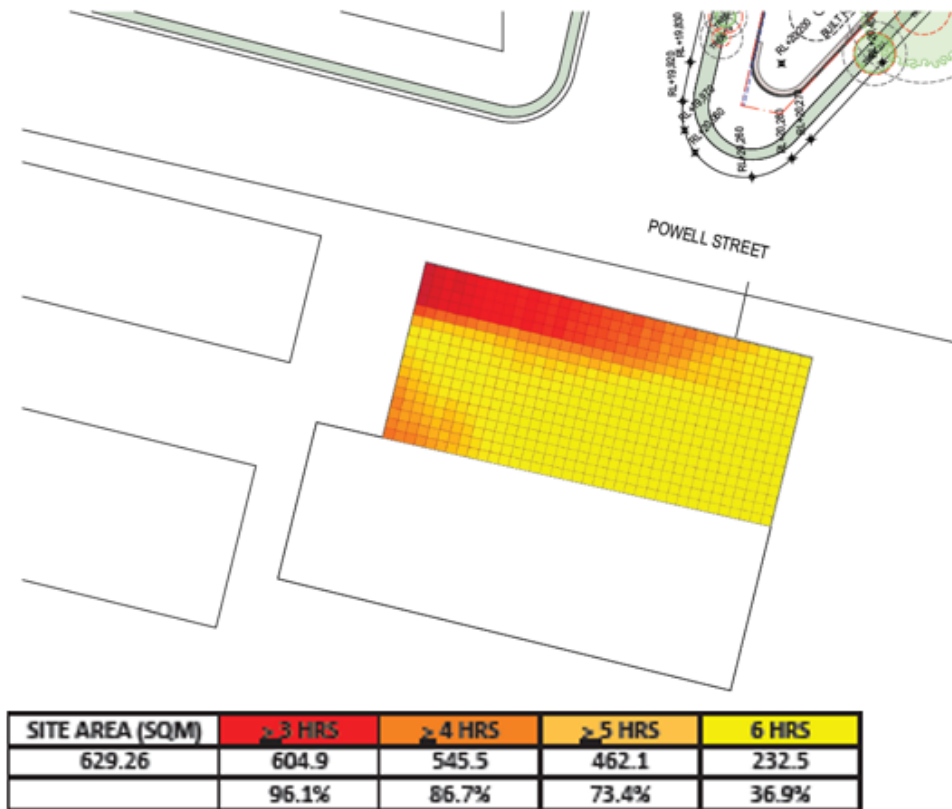


Figure 22. Solar study of southern open space. Source: Ethos Urban Planning Justification Report

The proposed development results in minor overshadowing during the mid-winter solstice before 10am to parts of three residential apartment balconies located at 9 Hunter Street Waterloo. These balconies are identified in Figure 23. The figure demonstrates how the overshadowing impact is minimal, From 10am onwards, the proposal does not cause any overshadowing to the Hunter Street apartments.

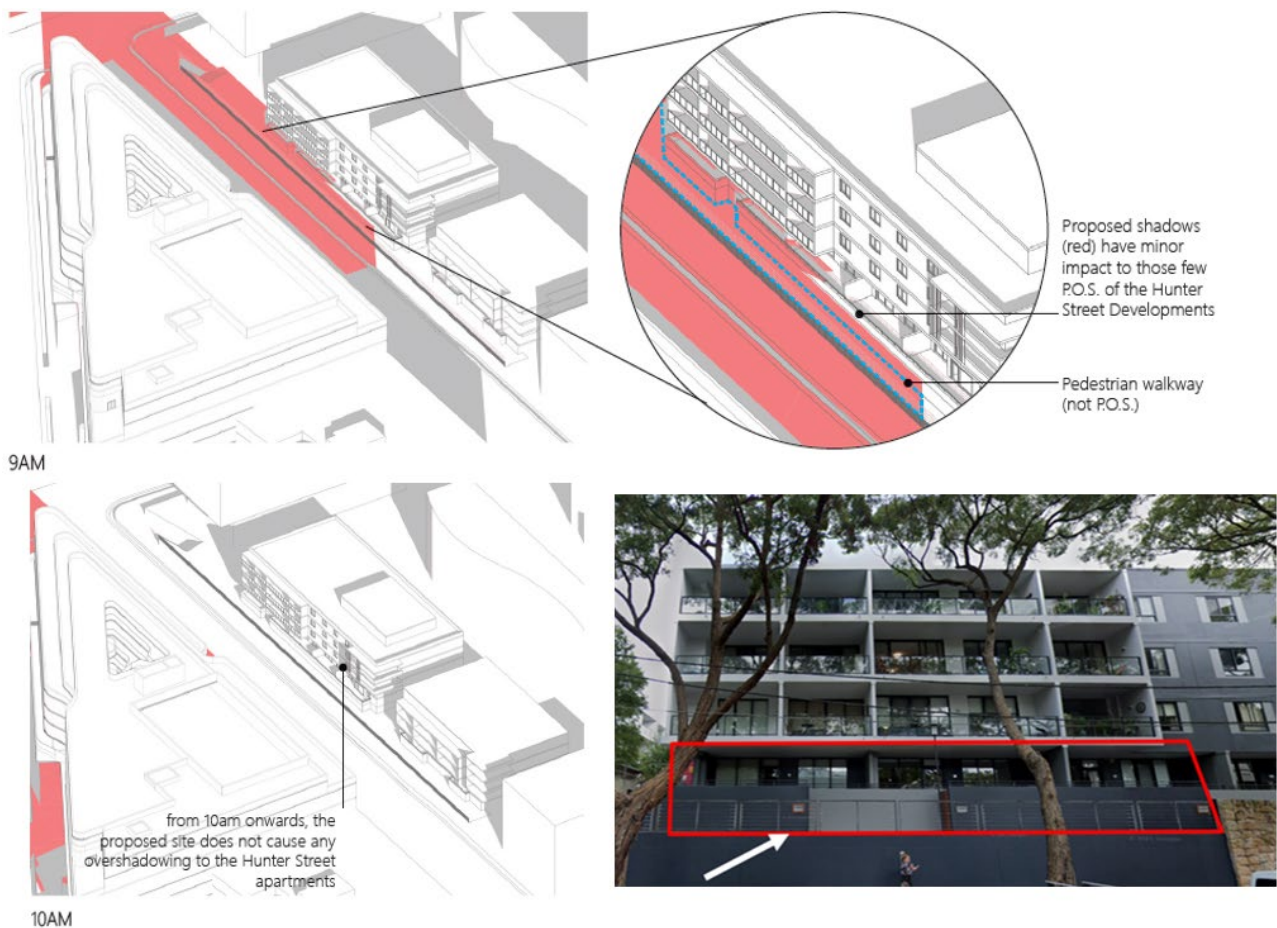


Figure 23. Balconies affected by overshadowing – Hunter Street Source: Plus Architecture Urban Design Report

Noise

This planning proposal is supported by an Acoustic Report prepared by ADP Consulting, appended at Attachment K.

The assessment report identifies relevant noise emissions criteria applicable to the development and nearby sensitive noise receivers. The assessment concludes that there are no site conditions, statutory or otherwise that would prevent the development from complying with the relevant noise criteria. It also suggests acoustic treatments for the mitigation of acoustic impact to all nearest noise sensitive receivers.

Long-term unattended and attended noise monitoring will be conducted at the DA stage to ensure compliance with internal noise level criteria.

Trees protection

The proposed built form ensures the future development retains a substantial portion of the tree and canopy structure that currently occupy both the perimeter of the site and the street verge.

The Design Guide identifies the street trees surrounding the site, as well as trees on the site that must be protected in developing the site. There are currently 33 trees on the site and surrounding area. A survey of the trees on the site is shown below in Figure 23. The trees are classified as:

- 9 High Retention Value Trees
- 13 Medium Retention Value Trees
- 11 Low Retention Value Trees

The proposal is seeking to remove 8 trees that are classified as low retention value and are all within the proposed building footprint. 25 trees are identified to be protected. These include all high value and medium value trees.

The proposal is supported by an Arboriculture Impact Assessment, prepared by Aborsaw (Attachment L). The assessment notes that the tree protection zones that are encroached by the proposed building envelope are all smaller than the existing encroachment. It concludes that the viability of the trees to be retained will not be impacted if protection measures are adhered to.

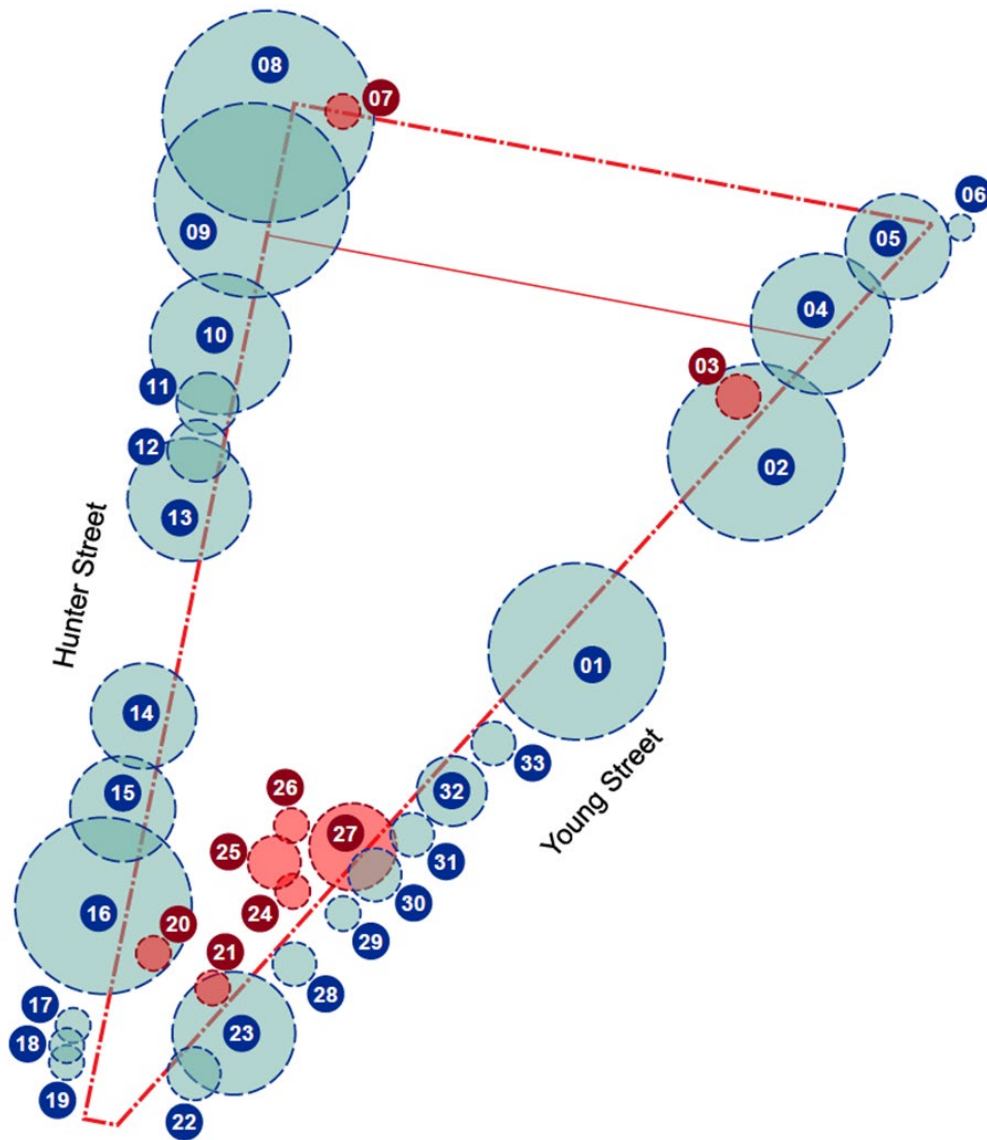


Figure 24. Tree removal/retention map. Source: City of Sydney

The Draft Design Guide requires retention of trees shown in blue in Figure 23 and corresponding setbacks at basement, ground and all upper levels, to ensure that adequate space is provided for existing tree roots and tree canopies. These setbacks are all carefully considered and supported by the Arboriculture Impact Assessment, to ensure that the trees proposed for retention will have minimal pruning because of the development.

The Draft Design Guide ensures that any future development application will need detailed justification to demonstrate that the development will not compromise the ongoing health and viability of the trees identified for retention.

Footpath widening

The Draft Design Guide accompanying this planning proposal requires a footpath widening setback of between 2m and 2.5m along Hunter Street and 1.5m along Young Street. Currently the footpaths are approximately 2m wide with an additional 2m currently landscaped area. By increasing the existing footpath widths from 2m to between 3.5m and 4.5m will allow safe circulation space outside the school entries and to allow other members of the public to safely use the footpaths.

Public transport

As noted in Section 1 of this planning proposal, the site is currently well serviced by public transport, allowing students and workers easy access to the development.

The draft letter of offer received by the proponent includes two pedestrian crossings across Young Street and Powell Streets. This allows for safe pedestrian access to the future Woolworths site, surrounding bus stops, Waterloo Metro Station and Green Square Station.

The pedestrian crossing across Young Street will allow students to safely access bus stops on Bourke Street. The pedestrian crossing proposed across Powell Street, provides students with a safer, more pleasant route to Green Square Station avoiding Bourke Street, via Short Street Reserve as well as providing a direct and safe pedestrian route to Waterloo Oval. It also allows for a safer route to Waterloo Metro Station, via existing signalised pedestrian crossings and quieter street environments.

Traffic and transport

An updated Traffic and Transport Report prepared by JMT Consulting, appended to this planning proposal, provides a traffic assessment of the proposed development resulting from this planning proposal and impacts to the adjacent roads. The assessment indicates that the traffic and transport impacts arising from the proposal are considered acceptable.

The design guide accompanying this planning proposal limits car parking to 1 space per 2 staff members, which is estimated to be 55 spaces and consistent with the reference scheme. This limit is appropriate given the proximity to public transport, the surrounding high density area and the parking rates in recently approved for schools in the LGA (e.g. Green Square Public School with no parking ranging to 1 space for every 2 staff members at Ultimo Pyrmont Public School). It will help manage traffic impacts and discourage car use to access the site from the surrounding area and from outside the catchment.

School drop-off sessions will begin between 8:00am and 8:30am, while pick up will be at 3:00pm to 3:30pm, this will be staggered across primary and secondary school students. Traffic generating modelling determines that the school may generate 90-100 car trips to the site in the morning peak hour between 8:00-9:00am and 10-15 vehicles in the afternoon peak hour between 5:00-6:00pm. The modelling assumes that no additional traffic will be generated from the film school as it is a 'like for like' replacement.

The traffic modelling indicates that the proposal is not anticipated to result in unacceptable traffic impacts on the surrounding road network. It also demonstrates that the kerbside area will have sufficient capacity to accommodate all pick up and drop offs.

This modelling has taken into consideration traffic movements associated with the future Woolworths development (923-935 Bourke Street) with peak usage times with the proposal and the Woolworths site not overlapping.

A designated drop off and pick up area for students accommodating 6-8 cars at any time is proposed on Young Street. A school Bus Zone is proposed on Hunter Street for pick-up and drop-off on from Monday-Friday between 8:00am to 9:00am and from 3:00pm to 4:00pm. The separation of parking and the Bus Zones reduces the traffic impacts on any one street. Drop off and bus zones are indicative only in will be resolved further at the development application stage.

The Design Guide includes provisions which require development to:

- assess and address potential impacts on surrounding movement systems through a Transport Impact Study;
- provide a comprehensive analysis of parking and access arrangements with a Parking and Access Report;
- develop and distribute a strategy for access to transport facilities for students, employees, and visitors through a Transport Access Guide;
- detail construction vehicle routes, access, parking arrangements, and mitigation measures for traffic impacts in a Construction Management Plan;
- limit parking to 1 space per 2 staff; and
- provide end-of-trip facilities at a rate of 10% for students and staff, with secure, weather-protected spaces for Bicycle Parking Facilities.

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

A detailed discussion of the social and economic effects of this planning proposal is provided in section 5 of this planning proposal.

Future development will have positive social and economic impacts. It will provide new employment opportunities in the school and café and retain existing employment in the film school through redevelopment. It will also introduce greater diversity in education infrastructure for 800 students in an area of high population growth.

5.6. State and Commonwealth interests

Is there adequate public infrastructure for the planning proposal?

The site is located 800m from Green Square railway station which provides connection to Central Station, Sydney CBD and the wider regional rail network and light rail network. The Waterloo Metro Station is 1.2km from the site and provides high-speed connection to Sydney CBD. The Metro Station will also deliver 2 hectares of public open space. The site is well serviced by buses and connects to a cycleway network.

The site is already serviced by the full range of public utilities and infrastructure, including electricity, telecommunications, water, sewer and stormwater.

There is adequate public infrastructure to support this planning proposal.

What are the views of state and federal public authorities and government agencies consulted in order to inform the Gateway determination?

To be determined in further consultation with public authorities following Gateway determination.

6. Mapping

This planning proposal does not include any amendments to maps.

7. Community consultation

This planning proposal is to be exhibited in accordance with the gateway determination once issued by the Department of Planning, Housing and Infrastructure.

It is anticipated the gateway determination will require public exhibition for a period of not less than 20 working days.

The public consultation will be undertaken in accordance with the City's Community Participation Plan and the principles in the City's Community Engagement Strategy.

Notification of the public exhibition will be via the City of Sydney website.

Exhibition material will be made available on the City of Sydney website and at Town Hall House at 456 Kent Street, Sydney.

Consultation with relevant NSW agencies, authorities and other relevant organisations will be undertaken in accordance with the gateway determination.

8. Project timeline

The anticipated timeline for completion of this planning proposal as follows:

Stage	Timeframe
Commencement / gateway determination	June - August 2024
Government agency consultation	September – October 2024
Public exhibition	September – October 2024
Review of issues raised in submissions	October - November 2024
Post-exhibition reporting	November 2024
LEP drafting	November – January 2024
LEP made	March 2025
LEP notification	March 2025

Attachment C1

Site Specific Flood Study

FLOOD ASSESSMENT FOR PLANNING PROPOSAL FOR 242-258 YOUNG STREET WATERLOO

FINAL REPORT





Level 2, 160 Clarence Street
Sydney, NSW, 2000

Tel: (02) 9299 2855
Fax: (02) 9262 6208
Email: wma@wmawater.com.au
Web: www.wmawater.com.au

FLOOD ASSESSMENT FOR PLANNING PROPOSAL FOR 242-258 YOUNG STREET WATERLOO

FINAL REPORT JANUARY 2024

Project Flood Assessment for Planning Proposal for 242-258 Young Street Waterloo		Project Number 123020	
Client Sustainable Development Group		Client's Representative Richard Huynh	
Authors Michael Reeves		Verified By Michael Reeves	
Date 18 January 2024		Status Final Report	
Revision	Description	Distribution	Date
1	Draft Report	Sustainable Development Group	Nov 2023
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3	Final Report (updated plans)	Sustainable Development Group	Jan 2023

FLOOD ASSESSMENT FOR PLANNING PROPOSAL FOR 242-258 YOUNG STREET WATERLOO FINAL REPORT

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1. INTRODUCTION

1.1 Background

This flood assessment report is submitted to the Council of the City of Sydney (Council) to support a request for a Planning Proposal relating to land at 242-258 Young Street, Waterloo. The Planning Justification Report prepared by Ethos Urban outlines the proposed amendments to the Sydney Local Environmental Plan (Sydney LEP) 2012.

The proposed amendments are seeking principally to facilitate the delivery of a new independent K-12 vertical school, catering for approximately 800 students. The amendments sought to the Sydney LEP 2012 will encourage and facilitate the redevelopment of the site by allowing for:

- an increased maximum Floor Space Ratio (FSR)
- an increased maximum Building Height.

Supporting the amendments to the Sydney LEP 2012 is an amendment to the Sydney DCP 2012 which includes site-specific controls. For assessment purposes, the Planning Proposal is supported by a concept scheme prepared by Plus Architecture that facilitates the following:

- A new 6 storey vertical school consisting of:
 - o 45 GLS, 13 specialist / classrooms
 - o A multi-purpose hall / auditorium
 - o A library
 - o A canteen
 - o Administration, lobby and circulation spaces
 - o An active green roof
 - o A basement including 60 car parking spaces and end-of-trip facilities
- The incorporation of the existing film school within the new vertical school building
- A total of approximately 13,543 m² of gross floor area which equates to a floor space ratio of 2.94:1. The gross floor area comprises approximately:
 - o 10,608 m² education floor area
 - o 2,935 m² commercial (film school) floor area
- Outdoor spaces totalling approximately 4,978 m².

1.2 Site Location and Context

The site is situated on the traditional land of the Gadigal people of the Eora nation, located at 242-258 Young Street, Waterloo within the City of Sydney Local Government Area (LGA). The site is prominently positioned at the junction of Hunter Street, Young Street and Powell Street. It is located 4 km south of the Sydney CBD within the Green Square Urban Renewal Area.

The site comprises three lots which are legally described as Lot 1 in DP84655 and Lots A and B in DP 161650. The site's area is 4,611 m² and is triangular in shape and is bounded by Hunter Street to the west, Young Street to the east and Powell Street to the south. The site has street frontage dimensions of 118 m along Hunter Street, 137 m along Young Street and 4.3 m along Powell Street. The topography of the site generally falls in an east to west direction.

The site and is currently occupied by 2 storey office building and film school. The southern tip of the site is a grass lawn area.

An aerial photo of the site is shown in Diagram 1.



Diagram 1: Site location (Source: Nearmap + Ethos Urban)

1.3 Catchment Description

The site is within the Alexandra Canal catchment, for which WMAwater completed the *Alexandra Canal Catchment Flood Study Model Update – ARR2019 Hydrology* for City of Sydney (Reference 1). This report documents a site-specific flood assessment using information from the catchment-wide study, for the purposes of this planning proposal.

There is a catchment area of approximately 200 ha that drains to the streets surrounding the site (noting that not all of the catchment directly drains to the site due to a number of sag points that store water, the complex underground stormwater network and diversion of flow paths along different streets in different events). There are two trunk drains that run under Hunter Street and Young Street past the site. The main drain is under Young Street and consists of a 3000 mm (W) x 1800 mm (H) box culvert. At Powell Street (the apex of the site), the trunk drain continues west along Powell Street. There are also twin 600 mm diameter pipes under Hunter Street. A single 600 mm diameter pipe continues west from Hunter Street and joins the main box culvert on Powell Street. The trunk drain discharges into an open channel on the downstream side of Wyndham Street. This open channel combines with the Sheas Creek open channel which then discharges into the upstream end of Alexandra Canal.

In general, overland flow from Euston Road (to the north of the site) flows along Hunter Street and Young Street in a southerly direction. Water can also pond on Euston Road at a sag point between Hunter Street and Young Street. There is a substantial sag point on Hunter Street adjacent to the site. This receives flow from Hunter Street and also Young Street as it rounds the apex of the site via Powell Street. The sag point can only drain via the 600 mm diameter pipe, or when the flood

depth is large enough to overtop the crest level at the western end of Powell Street. Overflow can then continue down Elizabeth Street as it flows toward Alexandra Canal. The depth of ponding on Hunter Street would need to be approximately 1.5 m in order to activate the overflow to Elizabeth Street.

The study area topography and stormwater network can be seen in Figure 1. Photos around the site can be seen in Photo 1, Photo 2 and Photo 3.



Photo 1: Hunter Street looking south, with the site on the left and the sag point toward the end of the street. *Source: Google Street View, dated March 2021.*



Photo 2: Young Street looking south, with the site on the right. *Source: Google Street View, dated March 2021.*



Photo 3: Powell Street looking west, with the apex of the site on the right, and sag point overflow point located at the end of the road. *Source: Google Street View, dated March 2021.*

The site is considered to be flood prone and hence flood-related development controls apply to the site.

2. AVAILABLE FLOOD INFORMATION

2.1 Source of Flood Information

Flood information used in this assessment is based on the Alexandra Canal Catchment Flood Study Model Update – ARR2019 Hydrology (Reference 1). This is the most up-to-date flood modelling available for the Alexandra Canal catchment which covers the site. Further details regarding the flood modelling can be found in Reference 1.

2.2 Existing Flood Behaviour

The site is subject to overland flooding from both Hunter Street and Young Street. The overland flows are typically shallow (less than 0.2 m deep) up to and including the 1% AEP event. These flows, however, are deep enough to overtop the gutter and affect the site. The main flood risk for the site, however, is due to ponding at the sag point on Hunter Street adjacent to the site. When this ponding is deep enough, it affects a large portion of the site fronting Hunter Street and even extends across Powell Street and up Young Street. In the PMF event, flood water 1 m to 4 m deep surrounds the site, due to both ponding at the sag point but also significant catchment flows from McEvoy Street. A summary of the peak flood depths and levels at the Hunter Street sag point from the Reference 1 flood model can be found in Table 1, along with flows crossing McEvoy Street toward the site.

Table 1: Peak flood levels and depths at the Hunter Street sag point and peak flows crossing McEvoy Street towards the site

Event	Peak Flood Level ¹ (mAHD)	Peak Flood Depth ² (m)	Peak Flow ³ (m ³ /s)
50% AEP	19.88	0.53	0.48
20% AEP	20.15	0.8	0.84
10% AEP	20.32	0.97	1.35
5% AEP	20.51	1.16	1.79
2% AEP	20.68	1.33	2.01
1% AEP	21.05	1.7	3.16
0.5% AEP	21.36	2.01	5.11
0.2% AEP	21.63	2.28	8.58
PMF	23.36	4.01	81.3

1. Sourced from Reference 1 modelling at the Hunter Street sag point

2. Calculated flood depth based on the surveyed surface level of the Hunter Street sag pit

3. Peak overland flows crossing McEvoy Street towards the site

3. PROPOSED DEVELOPMENT

The proposed development consists of multi-storey school building. The proposed building contains basement carparking accessed via Young Street and a loading dock. The ground level of the building can be accessed via both Hunter Street and Young Street and contains administration offices and a large auditorium. There are outdoor play spaces at the apex of the site. The facilities such as the auditorium will have a dual function and be used by community groups on the weekend. At the north-east corner of the building there is a film school and café. The proposed building comprises most of the site, although this is consistent with the existing use

of the site, where the industrial and commercial buildings comprise the majority of the site. The proposed ground floor plan is shown in the attachment.

4. FLOOD-RELATED DEVELOPMENT CONTROLS

The site is identified as being flood prone under Clause 7A(1) and Clause 7A(2) of Schedule 4 of the *Environmental Planning and Assessment Regulation 2000*, and is subject to flood-related development controls. Relevant flood considerations include:

- a) Flood planning levels for the site are to be determined in accordance with the *Sydney Local Environment Plan* (Reference 2) and *Sydney Development Control Plan 2012* (Reference 3), and based on flood modelling results from previous catchment-wide flood investigations (discussed above); and
- b) The development will also need to comply flood-related development controls specified in the *City of Sydney Interim Floodplain Management Policy* (Reference 4).

City of Sydney's *Interim Floodplain Management Policy* (Reference 4) documents the requirements for the management of flood risk for all new developments within the local government area (LGA). City of Sydney has a responsibility to manage floodplains and ensure that any:

- New development will not experience undue flood risk; and
- Existing development will not be adversely affected through increased damage or hazard as a result of any new development.

The Flood Planning Level (FPL) requirements specify the minimum floor levels required for buildings and depends on the type of flooding experienced on the site and type of development. The site is subject to 'mainstream' flooding and can be classified as a 'school'. The FPLs applicable to the site are specified in Table 2.

Table 2: Flood Planning Levels (from City of Sydney Interim Floodplain Management Policy)

Development	Type of Flooding	Requirement	Comment
Schools	Mainstream or local drainage flooding	Merits approach presented by the applicant with a minimum of the 1% AEP flood level + 0.5m	This is considered applicable to all school facilities within the building.
Business	Mainstream or local drainage flooding	Merits approach presented by the applicant with a minimum of the 1% AEP flood level	Applies to the café within the building. Also considered applicable to any general 'lobby' type areas outside of the school facilities.
Below-ground car park	Mainstream or local drainage flooding	1% AEP flood level + 0.5 m or the PMF (whichever is the higher)	This applies to all possible ingress points to the car park such as vehicle entrances and exits, ventilation ducts, windows, light wells, lift shaft openings, risers and stairwells. It is noted that the PMF level dictates the FPL at the site for below-ground

Development	Type of Flooding	Requirement	Comment
			car parks as it is higher than the 1% AEP + 0.5 m.
Above ground enclosed car park	Mainstream or local drainage flooding	1% AEP flood level	Considered applicable for the loading dock.

As outlined in Table 2, there a number of FPLs applicable to the site and a different FPL may apply for each entry depending on the adjacent flood behaviour and use. An assessment of the proposed development is provided in the following sections.

5. FLOOD IMPACT ASSESSMENT

5.1 Existing Flood Model

Flood modelling used for this assessment was taken from the 'Alexandra Canal Catchment – Flood Study Model Update ARR2019 Hydrology' (Reference 1). The 'Ultimate Development' scenario simulated the current day conditions at the time of model development (2019) in addition to approved major developments (precincts and stormwater upgrades) within the catchment. Further details about the flood model can be found in Reference 1.

WMAwater has undertaken some additional modelling within the Alexandra Canal catchment for City of Sydney since this study was finalised. The modelling undertaken for major stormwater upgrades does not affect flood levels at the site and hence the '2019 Ultimate Development' scenario is considered applicable for the site. The study also utilised the latest guidelines – Australian Rainfall and Runoff (ARR) 2019 (Reference 5).

The flood study (Reference 1) undertook a critical duration analysis across the entire catchment and found the 30 minute and 60 minute storms represented flood behaviour across the catchment. The same storms were adopted for this assessment and no changes were made to the hydrologic (DRAINS) modelling. Updates were made to the hydraulic model (TUFLOW), which are described in the following sections.

5.2 Updated Flood Model

The existing flood model was updated with the following features to represent current conditions:

- Inclusion of the latest LiDAR topography from NSW Spatial Services. The LiDAR was captured in May 2020 and better represents the terrain on the roads surrounding the site. Several large trees line McEvoy Street, Hunter Street and Young Street, such that the LiDAR data does not represent the road, gutter and nature strip accurately in several areas. The most recent LiDAR better represents key features such as the gutters, as shown in Diagram 2. The extent of the terrain update is limited to the crest s of McEvoy Street, Hunter Street, Young Street and Powell Street, where the two LiDAR datasets are in good agreement. The gutters were also enforced in the model with breaklines based on

the 2020 LiDAR data, or detailed topographic survey (where available).



Photo 4: At the corner of McEvoy Street and Young Street, looking south-west. *Source: Google Street View, dated May 2022.*

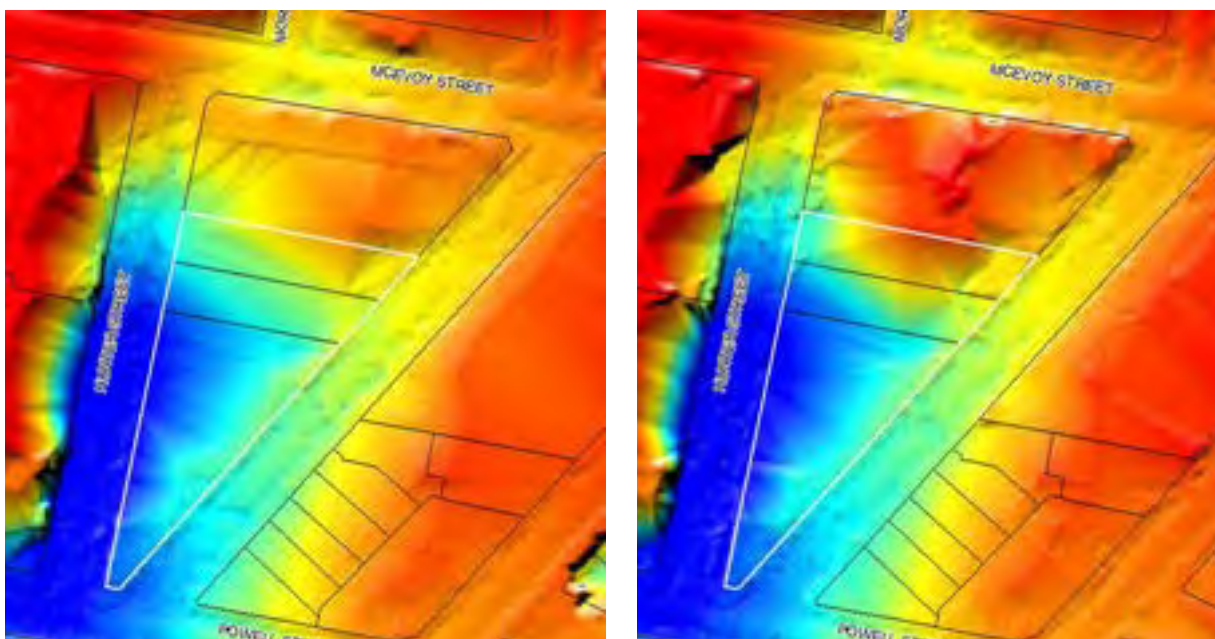


Diagram 2: Comparison of Flood Study LiDAR data (left) and latest 2020 LiDAR data (right)

- Adjustment of the building footprint on the site and inclusion of an undercroft parking area that would be subject to flooding (Photo 5). The parking area terrain was included based on detailed survey of the site.



Photo 5: Undercroft area existing on the site that would be subject to inundation in flood events.
Source: Google Street View, dated March 2021.

- Minor modification to buildings on McEvoy Street. A small gap exists in the model between the buildings that allows water to enter (Diagram 3). This gap does not exist in reality and was removed from the modelling.



Diagram 3: Flood Study model results showing inundation between buildings on McEvoy Street

The updated model was run for the '2019 Ultimate Development' scenario for the 20% AEP, 5% AEP, 1% AEP and PMF events.

These updates resulted in a change in 1% AEP peak flood levels as follows:

- Increase of 0.03 m on McEvoy Street
- Increase of 0.01 m at the Hunter Street sag point
- Generally reductions in overland flow depths on Young Street, in the range of 0.03 m to 0.08 m

These changes are typically within the accuracy of the flood levels quoted for the purpose of setting floor levels. The overall flood behaviour, as described in Section 2.2, is consistent with the updated model.

The existing conditions flood behaviour with the updated model is shown in the following maps in Appendix A:

- Peak flood depth and level contours in Figure A1 to Figure A4 for the 20% AEP, 5% AEP, 1% AEP and PMF events, respectively;
- Peak velocity in Figure A5 to Figure A8 for the 20% AEP, 5% AEP, 1% AEP and PMF

events, respectively; and

- Hydraulic hazard in Figure A9 to Figure A12 for the 20% AEP, 5% AEP, 1% AEP and PMF events, respectively.

Peak flood depths on Hunter Street and Powell Street remain shallow (less than 0.2 m deep) where overland flow is present adjacent to the site up to and including the 1% AEP event. Ponding occurs at the Hunter Street sag point, however, where ponding in the 1% AEP event affects a portion of Hunter Street adjacent to the site as well as Powell Street. In the PMF event, the Hunter Street sag point causes deep water adjacent to much of the site (in the range of 1.5 m to 4 m deep) in addition to significant overland flows from McEvoy Street.

Peak velocities in the 1% AEP event can exceed 2 m/s on Hunter Street towards the sag point and are typically between 1 m/s and 1.5 m/s along Young Street. Lower peak velocities in the order of 0.5 m/s are evident at the Hunter Street sag point. In the PMF event, velocities are approximately 3 m/s to 4 m/s on Young Street and up to 3.5 m/s on Hunter Street, again with lower peak velocities at the sag point (less than 0.5 m/s).

Australian Rainfall and Runoff (ARR) 2019 (Reference 5) provides information relating to categorisation of flood hazard. A summary of this categorisation is provided in Diagram 4.

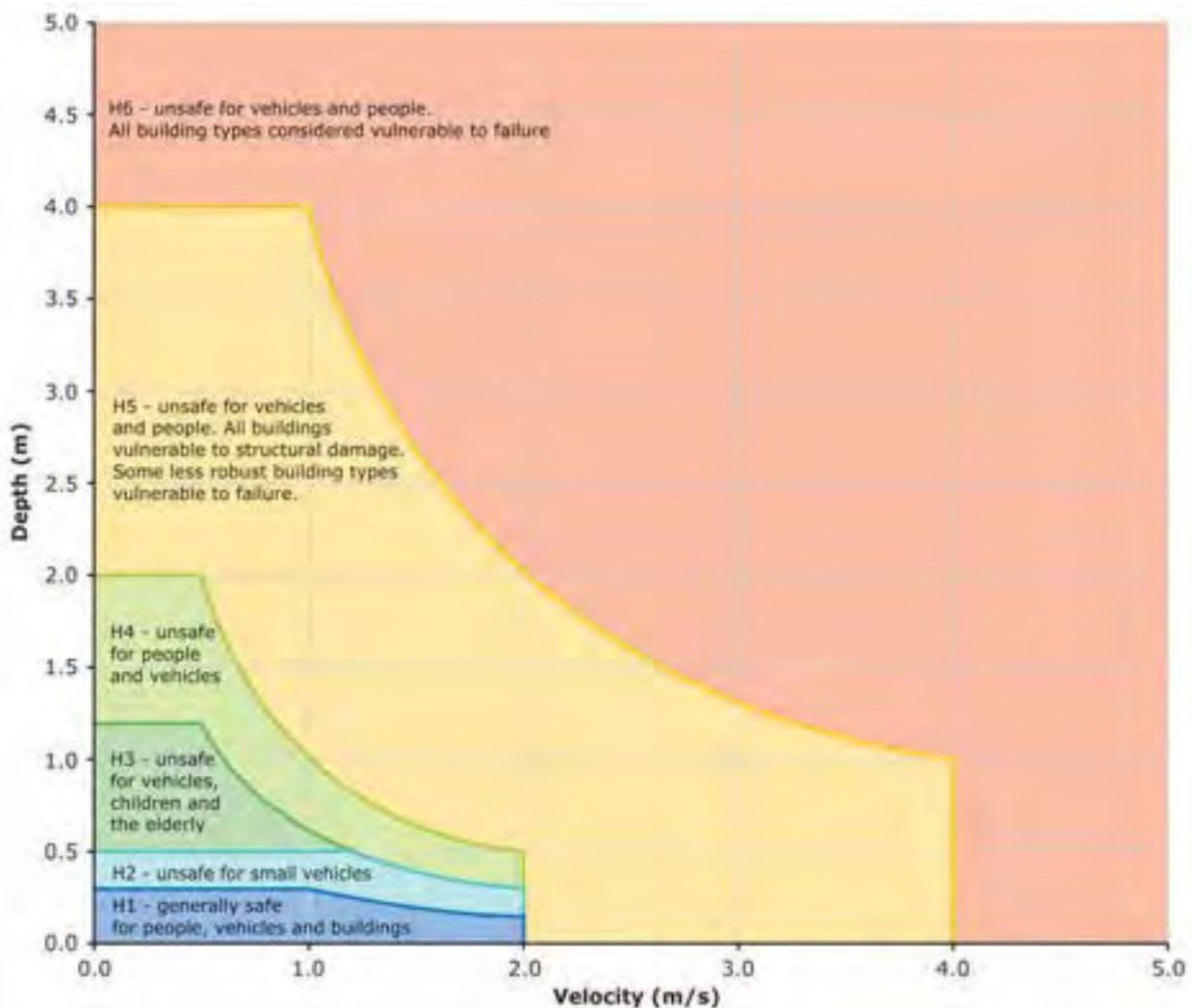


Diagram 4: General flood hazard vulnerability curves (Source: Reference 5)

The flood hazard at the Hunter Street sag point and McEvoy Street sag point is H3 in the 20% AEP and 5% AEP flood events. The remaining areas are subject to H1 hazard. In the 1% AEP event, the McEvoy Street sag point remains H3, but the Hunter Street sag point reaches H4. High velocities in the gutter along Hunter Street upstream of the sag point also trigger H5 hazard. Young Street is still subject to only H1 hazard. In the PMF event, there is H6 hazard along the centre of Young Street and continuing onto Powell Street to the west. The site itself is subject to H5 hazard along each of its open boundaries.

5.3 Flood Impact with Proposed Development

The proposed development was included in the flood model with the following elements:

- Inclusion of the proposed building footprint for the ground level as a solid obstruction, maintaining a consistent representation with buildings in the Flood Study model.
- Inclusion of the proposed outdoor space at the apex of the site, at an elevation of 20.2 mAHD.

Currently, it has been assumed that ground levels within the small area between the building/outdoor space and the boundary will remain as per existing conditions. Although there may be some landscaping in this small area, it will still need to interface with the road reserve and hence levels should remain fairly similar.

The model was run for the same events as outlined in Section 5.2. The proposed conditions flood behaviour is shown in the following maps in Appendix B:

- Peak flood depth and level contours in Figure B1 to Figure B4 for the 20% AEP, 5% AEP, 1% AEP and PMF events, respectively;
- Peak velocity in Figure B5 to Figure B8 for the 20% AEP, 5% AEP, 1% AEP and PMF events, respectively; and
- Hydraulic hazard in Figure B9 to Figure B12 for the 20% AEP, 5% AEP, 1% AEP and PMF events, respectively.

The proposed conditions flood behaviour remains very similar to the existing conditions. Most notably, the proposed driveway is not inundated in events up to the 1% AEP event, with the proposed culvert conveying the 1% AEP flow under the driveway. The carpark also remains flood free in the 1% AEP event.

The results for the proposed conditions were compared with the existing conditions to understand any changes to the flood behaviour that may arise as a result of the development. The change in peak flood level is shown in Appendix C in Figure C1 to Figure C3 for the 20% AEP, 5% AEP and 1% AEP events, respectively.

Changes in flood level of more than 0.01 m have been mapped, as changes less than this are considered to be within the precision of the numerical model and data (Reference 6). The results indicate that for the 20% AEP event, there are negligible changes in peak flood level outside of the site. In the 5% AEP event, there is a reduction in flood level at the Hunter Street sag point of

0.05 m and negligible changes elsewhere. In the 1% AEP event, there is a reduction of approximately 0.02 m at the Hunter Street sag point. On Young Street, there is a change in the flood level profile down the street, due to the change in the building footprint. The areas of flow path widening and narrowing change with the proposed building footprint that result in a localised area where the flood level increases by up to 0.02 m. A flood level profile along Young Street is shown in Diagram 5 that demonstrates this small localised increase (around chainage 110 m). This impact due to a slight change in the flow regime is considered to be acceptable.

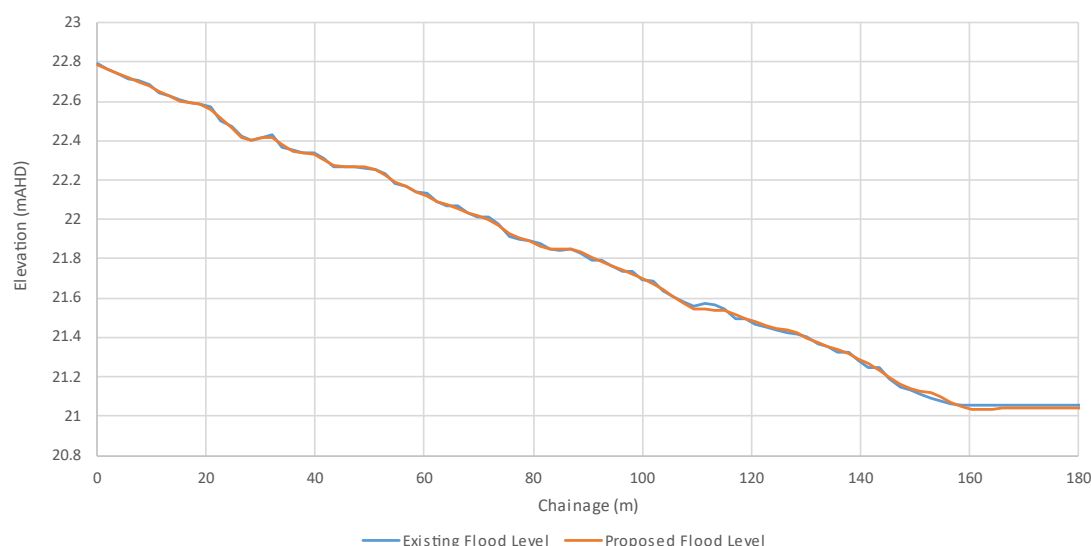


Diagram 5: Flood level profile for the 1% AEP existing and proposed conditions along Young Street

6. PROPOSED FLOOR LEVELS

The proposed floor levels have been designed to accommodate the flooding around the site. A summary of the proposed finished floor level (FFL) and FPL for all entry points around the site is provided in Table 3. The location of each entry point is shown in Figure 4.

It is noted that there are lifts in the main lobby of the school. Only two of these are accessible from the ground floor, and these lifts only go to upper levels. The third lift, which goes to the basement, is only accessible from upper levels. Hence these lifts protect the basement from inundation up to and including the PMF. All entry points comply with the required FPL.

Table 3: Floor level compliance with flood planning levels

ID ¹	Entry	Requirement	Applicable Flood Level ²	FPL ²	FFL ²	Comment
1	Fire Stairs	N/A	N/A	N/A	N/A	No requirement. Fire stairs only to upper levels and need to interface with surrounding ground levels.
2	Auditorium	1% AEP + 0.5 m	21.15	21.65	21.80	Complies. Entry is at 21.25, but rises to 21.8. Also provides access to storage areas.
3	Main School Entrance (Hunter St)	1% AEP + 0.5 m	21.05	21.55	22.10	Complies. Elevated entry to main school foyer and administration offices.
4	Entry from outdoor space	1% AEP + 0.5 m	21.20	21.70	22.10	Complies. Based on nearest flood level on Young Street. Upper level of outdoor space also at 22.1.
5	Outdoor space (lower level)	N/A	N/A	N/A	20.20	No requirement for outdoor space. At a lower level to provide activation with street. Protected from inundation from Hunter Street sag point up to and including the 20% AEP event if shallow overland flows from Young Street are prevented from entering the space.
6	Main School Entrance (Young St)	1% AEP + 0.5 m	21.60	22.10	22.10	Complies. Elevated entry to main school foyer and administration offices.
7	Café	1% AEP	21.95	21.95	21.95	Complies. Based on commercial floor level requirement.
8	Film School Entry	N/A	N/A	N/A	21.80	Complies. This is only proposed to be an entry point to the film school that interfaces with the surrounding ground, with no proposed functional use. Once inside the building, the floor rises to 22.65 for the main lobby area (point 10 below).
9	Basement stairs	PMF	23.58	23.58	23.58	Complies. Basement entry protected to the maximum PMF level on Young Street.

ID ¹	Entry	Requirement	Applicable Flood Level ²	FPL ²	FFL ²	Comment
10	Film School Lobby	1% AEP	21.95	21.95	22.65	Complies. Based on commercial/non-habitable floor level requirement.
11	Basement lift	PMF	23.58	23.58	23.58	Complies. Basement entry protected to the maximum PMF level on Young Street.
12	Loading dock	1% AEP	21.80	21.80	21.80	Complies. Loading dock at the 1% AEP flood level on Young Street.
13	Basement vehicle entrance	PMF	23.58	23.58	23.58	Complies. Crest level of the basement entry is protected to the maximum PMF level on Young Street.
14	Basement service lift	PMF	23.58	23.58	23.58	Complies. Basement entry protected to the maximum PMF level on Young Street.

1. Locations shown in Figure 4
2. Elevation in mAHD

7. FLOOD EMERGENCY MANAGEMENT AND EVACUATION

The City of Sydney *Interim Floodplain Management Policy* does not contain explicit flood-related development controls for evacuation or active flood emergency management plans for individual sites. There is a requirement under the performance criteria that proposed development should not increase risk to human life, and there should be adequate consideration of flood access, evacuation and flood readiness.

The flood risk at the site is from urban overland flow along roadways, when rainfall exceeds the capacity of the local stormwater network. Flooding will generally occur quite quickly in response to very heavy rain. Generally, the most effective way to mitigate flood risk to human life in this environment is to ensure that buildings are built to withstand flood forces to enable people to remain indoors during the intense storm events, and to discourage people from attempting to drive or walk through floodwaters. This is best achieved by effective design of the building to ensure it remains flood free without requiring active measures such as the deployment of barriers or flood gates, so that people can remain on site until flooding has subsided. Since flooding around the site will be of short duration, the risks arising from isolation during flooding are low.

Discussion is provided below about emergency management and evacuation considerations for the site.

7.1 Existing Flood Warnings and Response

7.1.1 Bureau of Meteorology flood warning

The Bureau of Meteorology issues quantitative flood warnings for specified forecast locations including expected flood class (major, moderate, minor) and timing of flooding. The Bureau does not cover quantitative flash-flood warnings, defined as rain-to-flood times of less than six hours. The area around the site is subject to flash-flooding and, as such, The Bureau does not issue quantitative warnings for this catchment.

7.1.2 Bureau of Meteorology severe weather warnings

The Bureau of Meteorology issues severe weather warnings whenever severe weather is occurring in an area or expected to develop or move into an area. This includes very heavy rain that may lead to flash flooding. The warnings describe the area under threat and the expected hazards. Warnings are issued with varying lead-times, depending on the weather situation, and can be from one hour to 24 hours or more. The Bureau also issues severe thunderstorm warnings that include thunderstorms producing heavy rainfall which may cause flash flooding.

These warnings are provided for a broad region (for example, the Sydney Metropolitan Area) and do not contain advice at the suburb level.

7.1.3 SES warnings and response

The SES is the legislated Combat Agency for floods and is responsible for the control of flood operations. This includes the coordination of other agencies and organisations for flood management tasks. The SES Local Controller is responsible for dealing with floods as detailed in the State Flood Plan.

Given the flash flood nature of the catchment and the lack of warning time for flooding, the SES is unlikely to mobilise volunteers in the vicinity of the site in anticipation of flooding. The SES will generally only respond to specific calls for assistance in flash flood areas.

7.2 Assessment of Emergency Management Requirements for the Site

It will not be possible in real time during a flood to understand what the peak of the flood will be for this site. This is because:

- the time between the rainfall occurring and flooding occurring is short (generally less than an hour, and possibly as short as 15 minutes for local flash flooding in the road reserves);
- the location of the most intense rainfall bursts for flood-producing storms in small catchments such as this cannot be predicted accurately ahead of time; and
- as a result of the above, there are no formal flood warning systems in place for the catchment (discussed in above Sections).

There will likely be very little warning of flooding, apart from very heavy local rainfall. General warnings about severe storms will be available for the Sydney Metropolitan region provided by the Bureau of Meteorology (BoM) but these will not provide specific information for this site. The operators of the site will not have statutory authority to detain people on-site in the event of flooding. However, by designing the buildings in such a way that they remain safe during flash flooding, people will be encouraged to remain inside until the flood risk in the streets subsides.

7.2.1 Flood Hazard on Site

The peak flood depths on the site are provided in Table 4.

Table 4: Summary of peak flood depths on site

Event	Peak Flood Depth (m)				
	Open space (lower level)	Ground Floor of School	Auditorium	Café / Loading Dock	Level 1
<i>Floor level (mAHD)</i>	20.2	22.1	21.8	21.8 – 21.95	26.5
50% AEP	0.0	0.0	0.0	0.0	0.0
20% AEP	0.0	0.0	0.0	0.0	0.0
10% AEP	0.1	0.0	0.0	0.0	0.0
5% AEP	0.3	0.0	0.0	0.0	0.0
2% AEP	0.5	0.0	0.0	0.0	0.0

Event	Peak Flood Depth (m)				
	Open space (lower level)	Ground Floor of School	Auditorium	Café / Loading Dock	Level 1
1% AEP	0.9	0.0	0.0	0.0	0.0
0.5% AEP	1.2	0.0	0.0	<0.1	0.0
0.2% AEP	1.4	0.0	0.0	<0.1	0.0
PMF	3.2	1.5	1.8	1.8	0.0

The lower level open space at the apex of the site is subject to inundation from the Hunter Street sag point in the 10% AEP event to a depth of 0.1 m. This increases to 0.9 m in the 1% AEP event and 3.2 m in the PMF event. This is the most hazardous area within the site, being only slightly better than the Hunter Street sag point itself. This is, however, open space with access to the ground floor. The ground floor and auditorium will remain flood free in events up to and including the 0.2% AEP event. In the PMF event, however, the ground floor will be inundated by approximately 1.5 m of water and the auditorium by 1.8 m of water. The café and loading dock area fronting Young Street are protected up to the 1% AEP event. In the 0.5% and 0.2% AEP events, shallow overland flows from Young Street can be expected to enter these areas, with depths less than 0.1 m. Again, in the PMF event, flood depths at these areas could reach 1.8 m. The first level (and higher levels) of the proposed building will remain flood free in all events up to and including the PMF event. The basement will also remain flood free up to and including the PMF event.

While the building will remain safe up to and including the 0.2% AEP event, the ground floor will experience hazardous inundation in the PMF event.

7.2.2 Site Access

Due to the location of the site, there are floodwaters on both Hunter Street and Young Street in all events simulated. In the 20% AEP event, the floodwaters at each of the entrances remains H1 and is considered safe for all vehicles and people. The Hunter Street sag point and McEvoy Street sag points reach H3 hazard, which would restrict access routes to and from the site, however, alternative routes are available.

In the 5% and 1% AEP events, the main school entrance on Hunter Street would be subject to H3 hazard due to ponding at the sag point, and unlikely to be accessible as it is unsafe for vehicles, children and the elderly. However, the hazard on Young Street remains H1 and would be accessible, as too would be the northern entrances on Hunter Street (from the auditorium and fire stairs) that are located away from the sag point. In the 1% AEP event the hazard at the Hunter Street sag point reaches H4.

In the PMF event, access to the site would be completely cut off, with the hazard on Young Street and Hunter Street being H5.

7.2.3 Rate of Rise

The site is subject to flash flooding, and as such there will be very little warning of flooding, apart from very heavy local rainfall. Not only will there be effectively no warning time, but there will be no way of accurately predicting the duration of flooding or the extent of flooding. For example, it will not be known how high the ponding at the Hunter Street sag will get to in an intense storm event.

The rate of rise of floodwater at the site can be extremely quick. From the adopted 30 minute and 60 minute critical duration storms, the rate of rise of floodwater at the Hunter Street sag point was analysed, with the results shown in Diagram 6. The rate of rise of the 1% AEP 30 minute storm event may be as quick as 7 cm per minute, with the peak flood level being reached in just 37 minutes. It can be seen that the 1% AEP 60 minute storm actually produces a higher flood level, but with a longer response time. The rate of rise for the 60 minute storm can be up to 4 cm per minute, with the peak flood level being reached in 85 minutes. This demonstrates the variable nature of storm events and the response of flash flooding. At the time of the storm, there would be no way of predicting what the water level hydrograph at the Hunter Street sag point would look like. For storms up to the 0.2% AEP, however, the building ground floor will remain flood free.

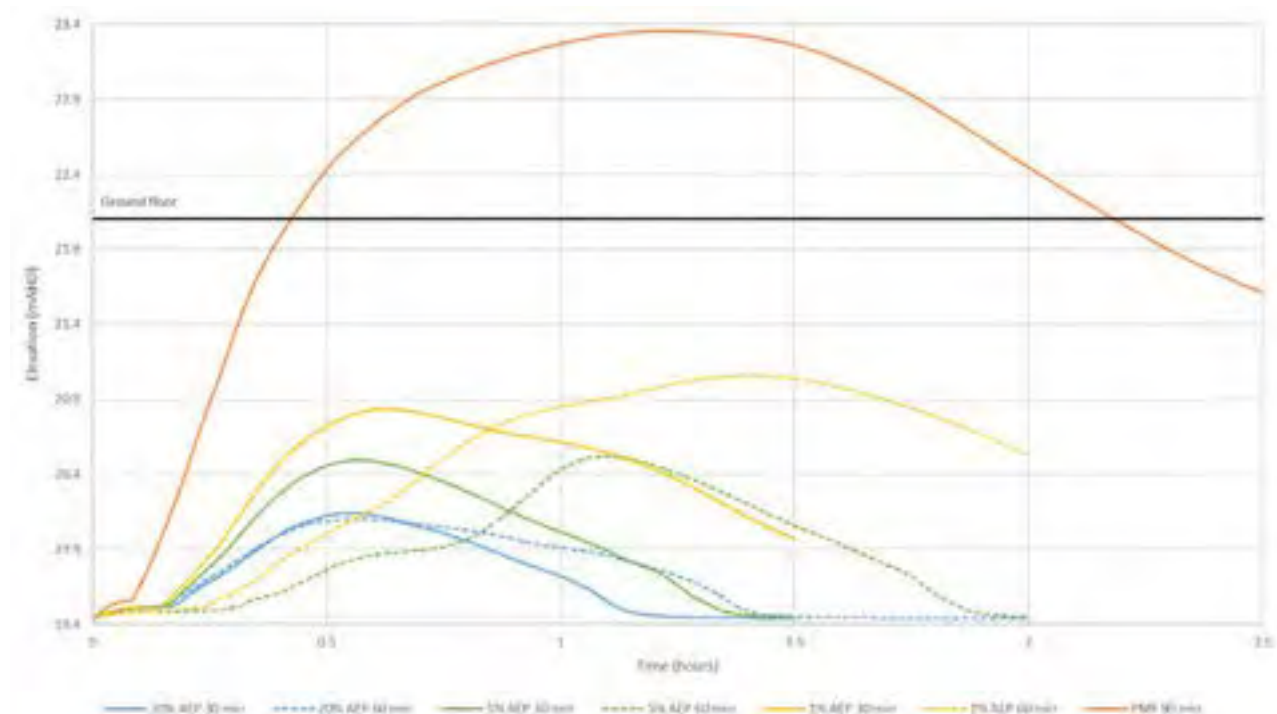


Diagram 6: Rate of rise of floodwater at the Hunter Street sag point

It is in an extreme storm event that the ground floor (of the main school building) would be inundated and this is the primary concern for the site. In the 90 minute probable maximum precipitation (PMP) storm event that produces the critical PMF at the site. This storm event can cause a rate of rise at the Hunter Street sag point of up to 15 cm per minute. The ground floor of the building would be reached in just 25 minutes from the onset of the storm. It would only take a further 8 minutes to reach 0.5 m deep above the ground floor, or 23 minutes to reach 1 m deep above the ground floor. This is a rapid rate of rise that requires a fast response. It is recognised

that the storm could be of a shorter duration (for example 30 minutes or 60 minutes), which could result in a faster rate of rise but lower peak flood level.

7.2.4 Flood Response Options

There are two flood response options available for the site:

1. Evacuation of the building to an off-site location
2. 'Shelter in place' within the building by undertaking 'vertical evacuation'

Evacuation of the building to an off-site location requires consideration of the following:

- A trigger level to initiate evacuation. This may consider factors such as rainfall depths, rainfall rates, rate of rise of floodwater or level of floodwaters.
- Evacuation location. It is understood that the muster point for the evacuation of the building in the event of an emergency is Waterloo Oval, located approximately 250 m from the site (see Figure 1). The oval is flood-free in all events.
- Evacuation route. The route to Waterloo Oval should be from the Hunter Street entry point north along the footpath to McEvoy Street, and then west to the corner of McEvoy Street and Elizabeth Street where the oval is located. The sag points on Hunter Street and McEvoy Street should be avoided. It is recognised that this route may be subject to shallow overland flows that will need to be traversed to reach the oval, depending on the magnitude of the event and the progression of flooding at the time of evacuation.
- Time to evacuate. Evacuation of a building requires a coordinated effort that takes time to action. Consideration would also need to be given to the nature of the building use as a school facility, where evacuation may take longer with the coordination of students. The trigger level should be selected to provide enough time to evacuate the entire site before flooding becomes hazardous. Evacuation of the building should be completed before the ground level of the building is inundated, and before the route becomes hazardous.
- Given the flash-flooding nature of the site, evacuation would likely take place while there is heavy rainfall and low visibility. This adds further hazards to the evacuation process.

'Shelter-in-place' within the building through 'vertical evacuation' requires consideration of the following:

- A trigger level to initiate evacuation. This may consider factors such as rainfall depths, rainfall rates, rate of rise of floodwater or level of floodwaters.
- Refuge space required for evacuation to upper levels. The upper levels of the building should contain the space and resources required to support all occupants of the building for the duration of the flood (potentially several hours).
- Evacuation route. Evacuation of the ground floor via stairs is the most reliable route, given the potential for power outages during extreme flood events or the inundation of lift shafts. The evacuation route should also consider people with accessibility issues.
- Safety of the building. The building should be designed such that it will withstand the forces of floodwater and buoyancy so that the building will remain safe during the event of a flood if it is to be used as a flood refuge.

7.3 Flood Management Plan

It is recommended that a Flood Management Plan be prepared for the site. The plan should include the following:

- Site information
- Flood behaviour
- Actions prior to a flood (preparation)
- Actions during a flood (response)
- Actions following a flood (recovery)

The plan in particular should be clear about the response for the site, since it is subject to flash flooding and inundation can occur with very little warning. Allocation of responsibilities should also be clear so that a response can be actioned as soon as it is required. The Flood Management Plan can be developed as part of a wider Emergency Management Plan, which is a legal requirement under the Education and Care Services National Regulations.

8. CONCLUSION

The flood modelling developed for the Alexandra Canal Catchment Flood Study Model Update – ARR2019 Hydrology (Reference 1) was utilised to inform the flood assessment of the proposed development at 242-258 Young Street, Waterloo. For the purpose of the planning proposal for the site, this flood assessment found that:

- The proposed floor levels meet the City of Sydney's Interim Floodplain Management Policy (Reference 4). This includes school floor levels being 0.5 m above the 1% AEP flood level and basement car parking being protected to the PMF level.
- The proposed building would not have an adverse impact on flood levels for surrounding properties and would not change the flood hazard on the surrounding roads up to and including the 1% AEP event.
- Flood emergency management and evacuation is a key consideration for the site. The upper levels of the building can serve as a flood refuge, providing protection for occupants during the PMF event. Evacuation to Waterloo Oval is also possible if triggered early to avoid potential flood hazards during evacuation. Either response would require a detailed investigation and flood management plan to be put in place given the flash-flooding nature of the site.

9. REFERENCES

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3. City of Sydney
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6. Engineers Australia
**Australian Rainfall and Runoff Revision Project 15:
Two Dimensional Modelling Urban and Rural Floodplains**
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ATTACHMENTS

Attachment: Proposed ground floor plan (Plus Architecture, 15/1/2024)

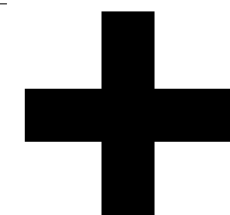
FIGURES

- Figure 1: Study Area
Figure 2: Existing Conditions TUFLOW Model Updates
Figure 3: Proposed Conditions TUFLOW Model Updates
Figure 4: Proposed Entry Point Locations



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CONSULTANTS		
PLANNER	☐	ETHOS URBAN T (02) 9956 6966
TRAFFIC	☐	JMT CONSULTING T 0415 563 117
ARBORIST	☐	ARBORSAW T 2413 842 1412
FLOODING	☐	WMA WATER T (02) 9299 2881
SCHOOL OPERATIONS	☐	AMINA T 02 9541 0626
LANDSCAPE	☐	TURF DESIGN STUDIO T (02) 8394 9991



plus
architecture
Sydney
Western Australia

PROJECT
**242-258 Young
Street Waterloo
Sydney NSW**

DRAWING TITLE
**GENERAL FLOOR PLAN -
GROUND 00**

SCALE 1:250 @A1		
DATE 15/01/2024	PLOT DATE 17/01/2024	
DRAWN IC	CHECKED GH	
JOB NO. 20621	DRAWING NO. PLA-PP-1000	REVISION A





FIGURE 1
242 - 258 YOUNG STREET WATERLOO
STUDY AREA



FIGURE 2
242 - 258 YOUNG STREET WATERLOO
EXISTING CONDITIONS
TUFLOW MODEL UPDATES

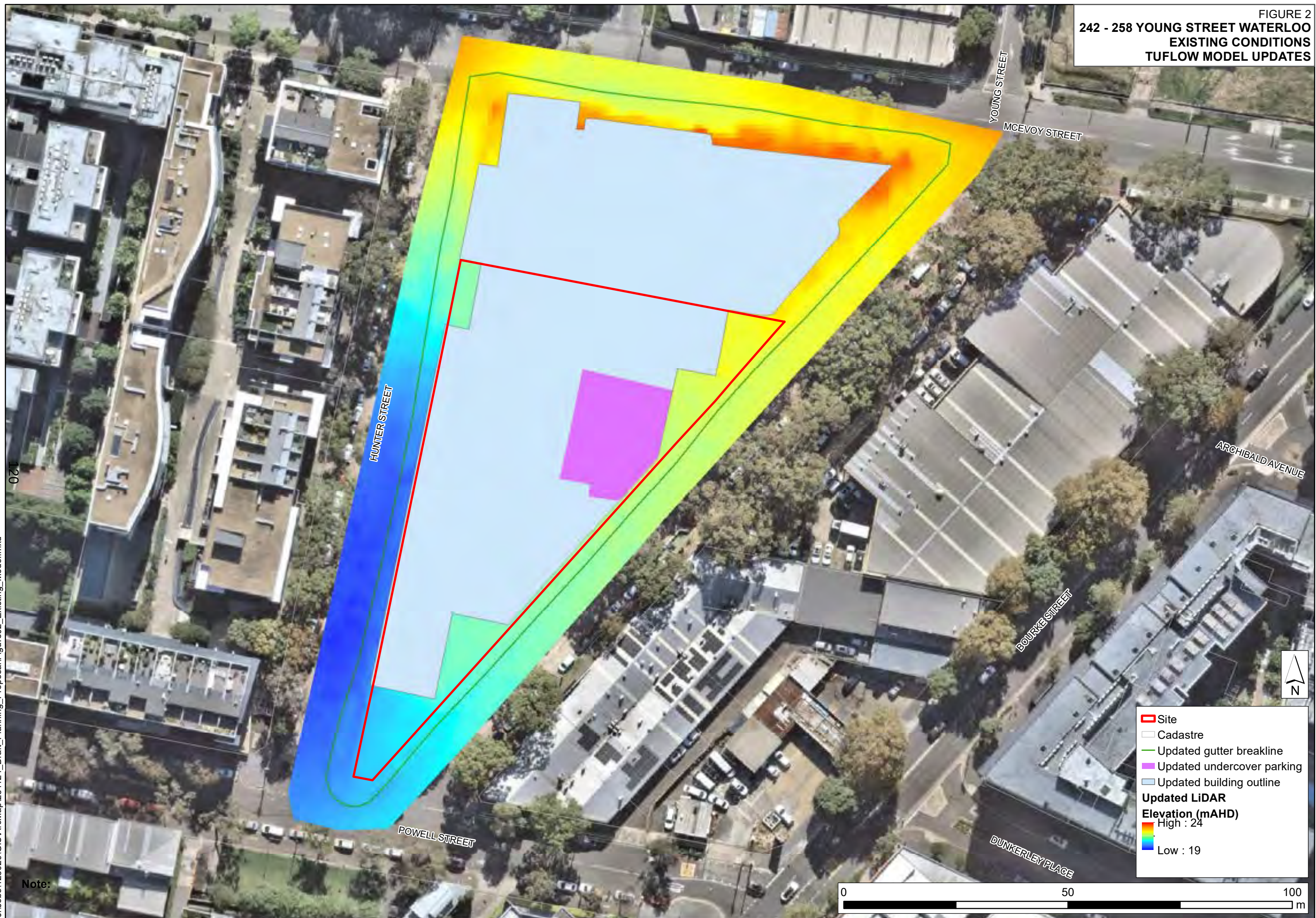


FIGURE 3
242 - 258 YOUNG STREET WATERLOO
PROPOSED CONDITIONS
TUFLOW MODEL UPDATES



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Note:

FIGURE 4
242 - 258 YOUNG STREET WATERLOO
PROPOSED CONDITIONS
ENTRY POINTS / FLOORS



Appendix A Existing Conditions Flood Maps

Figure A1: Existing Conditions Flood Depth and Level – 20% AEP Event

Figure A2: Existing Conditions Flood Depth and Level – 5% AEP Event

Figure A3: Existing Conditions Flood Depth and Level – 1% AEP Event

Figure A4: Existing Conditions Flood Depth and Level – PMF Event

Figure A5: Existing Conditions Velocity – 20% AEP Event

Figure A6: Existing Conditions Velocity – 5% AEP Event

Figure A7: Existing Conditions Velocity – 1% AEP Event

Figure A8: Existing Conditions Velocity – PMF Event

Figure A9: Existing Conditions Hydraulic Hazard – 20% AEP Event

Figure A10: Existing Conditions Hydraulic Hazard – 5% AEP Event

Figure A11: Existing Conditions Hydraulic Hazard – 1% AEP Event

Figure A12: Existing Conditions Hydraulic Hazard – PMF Event







FIGURE A3
242 - 258 YOUNG STREET WATERLOO
EXISTING CONDITIONS
PEAK FLOOD DEPTHS AND LEVELS
1% AEP EVENT

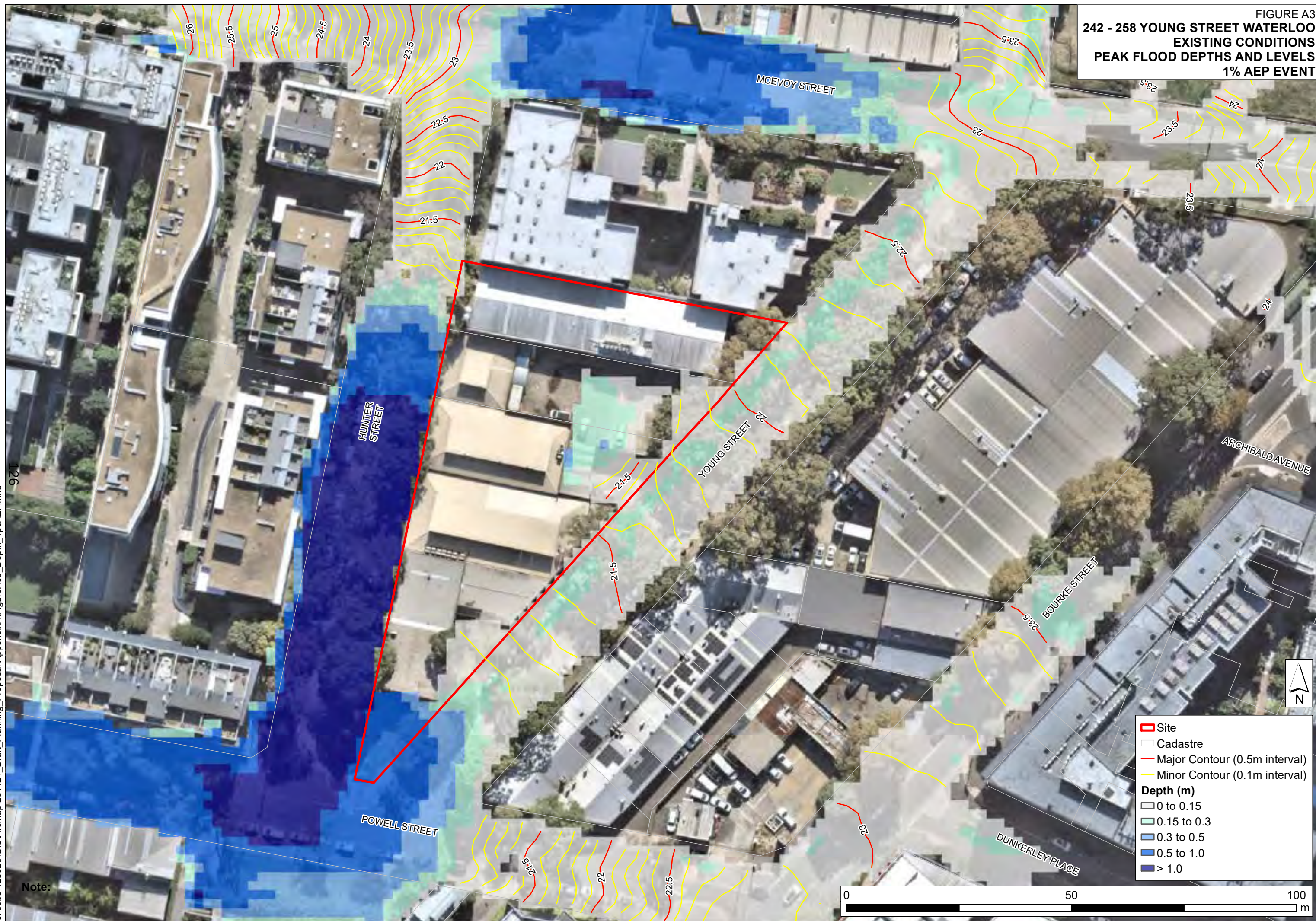


FIGURE A4
242 - 258 YOUNG STREET WATERLOO
EXISTING CONDITIONS
PEAK FLOOD DEPTHS AND LEVELS
PMF EVENT

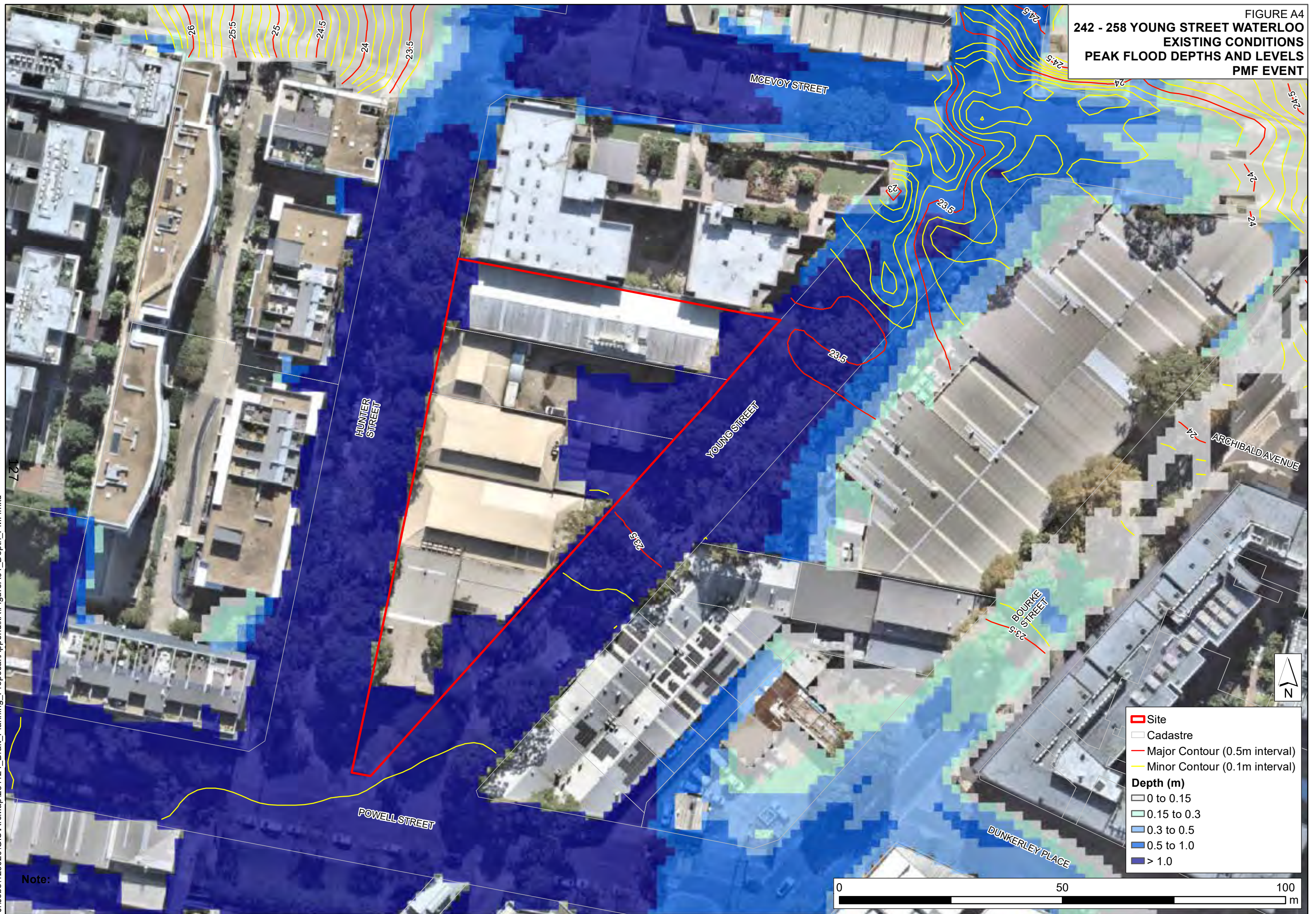


FIGURE A5
242 - 258 YOUNG STREET WATERLOO
EXISTING CONDITIONS
PEAK VELOCITY
20% AEP EVENT

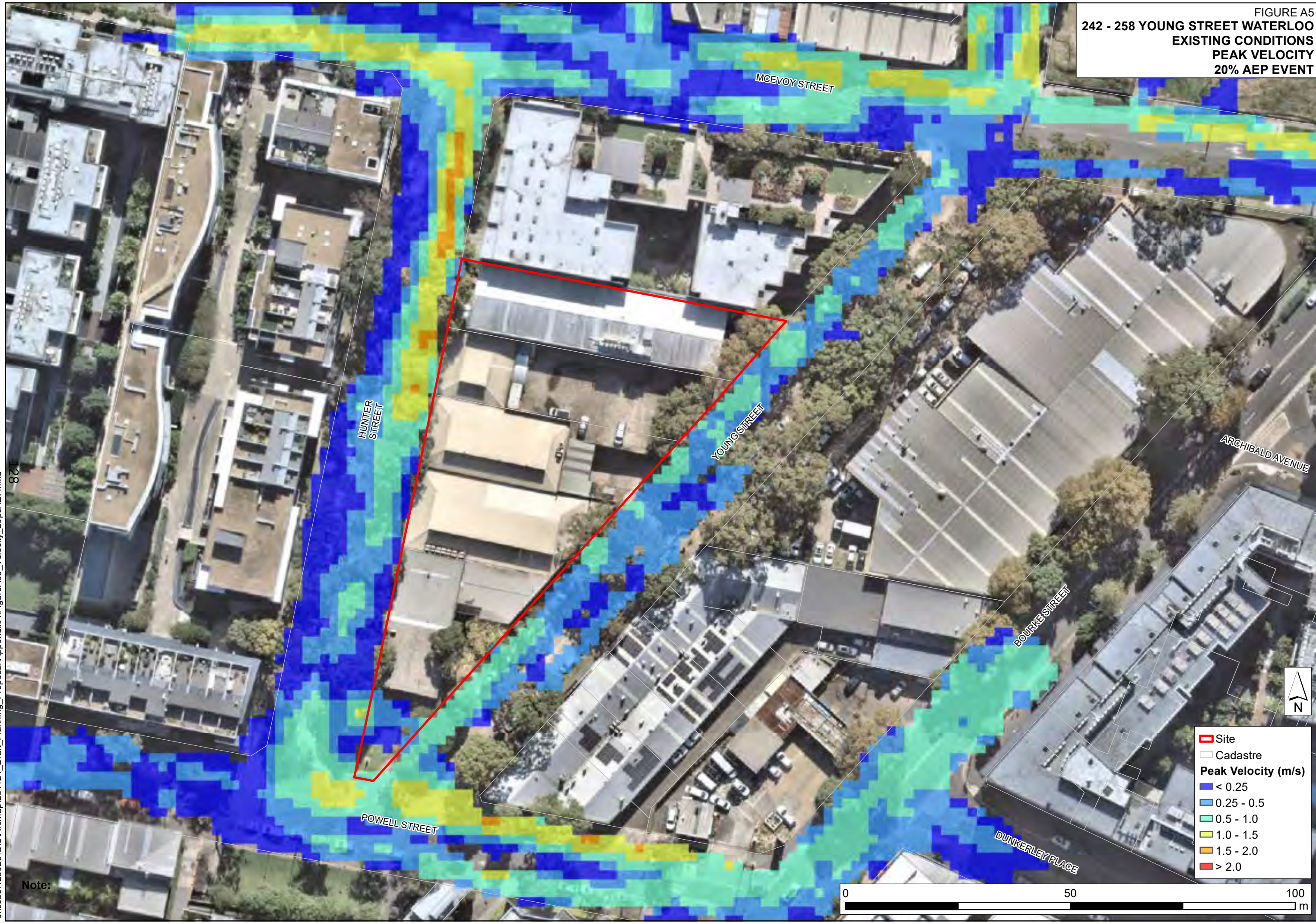
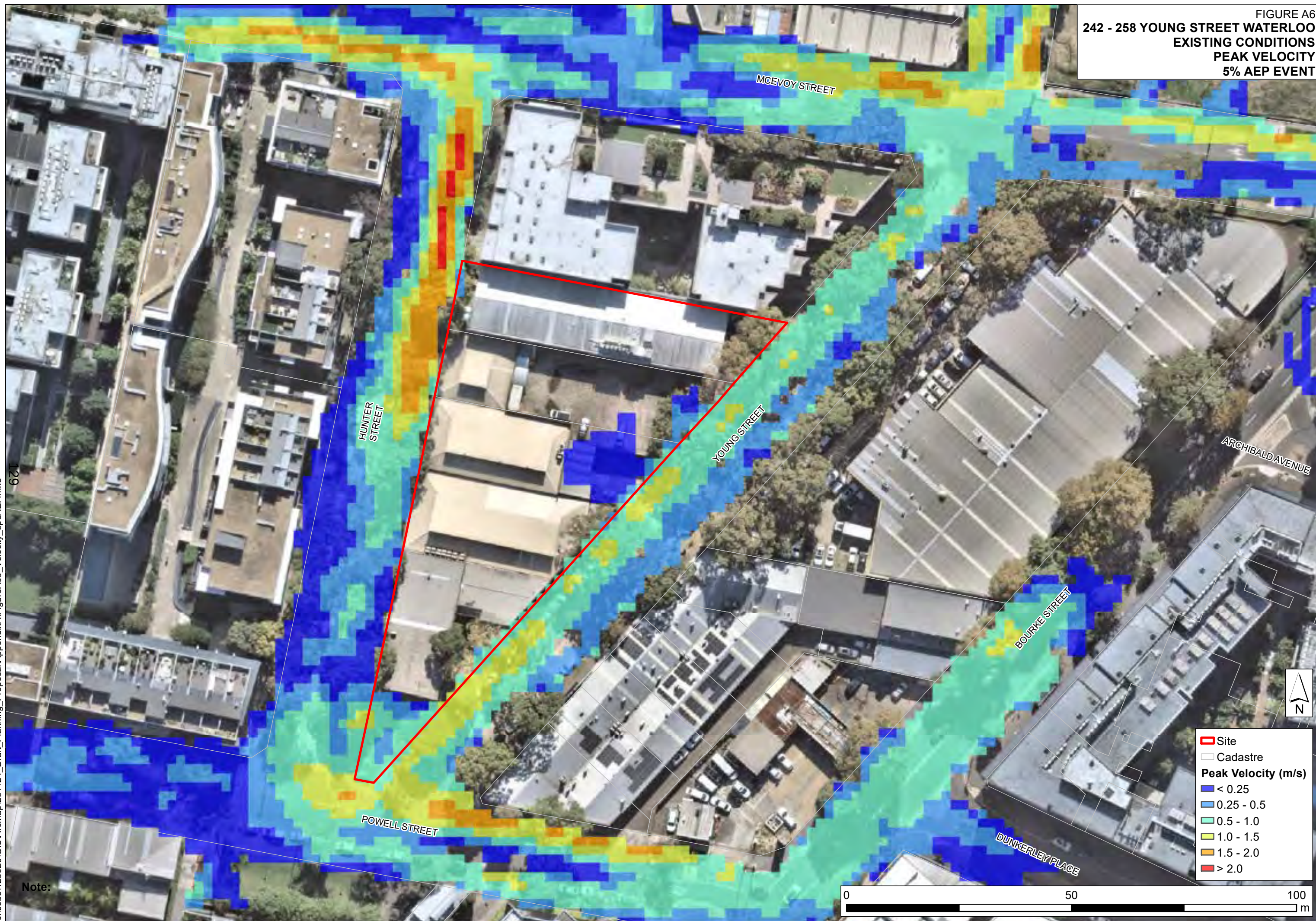


FIGURE A6
242 - 258 YOUNG STREET WATERLOO
EXISTING CONDITIONS
PEAK VELOCITY
5% AEP EVENT



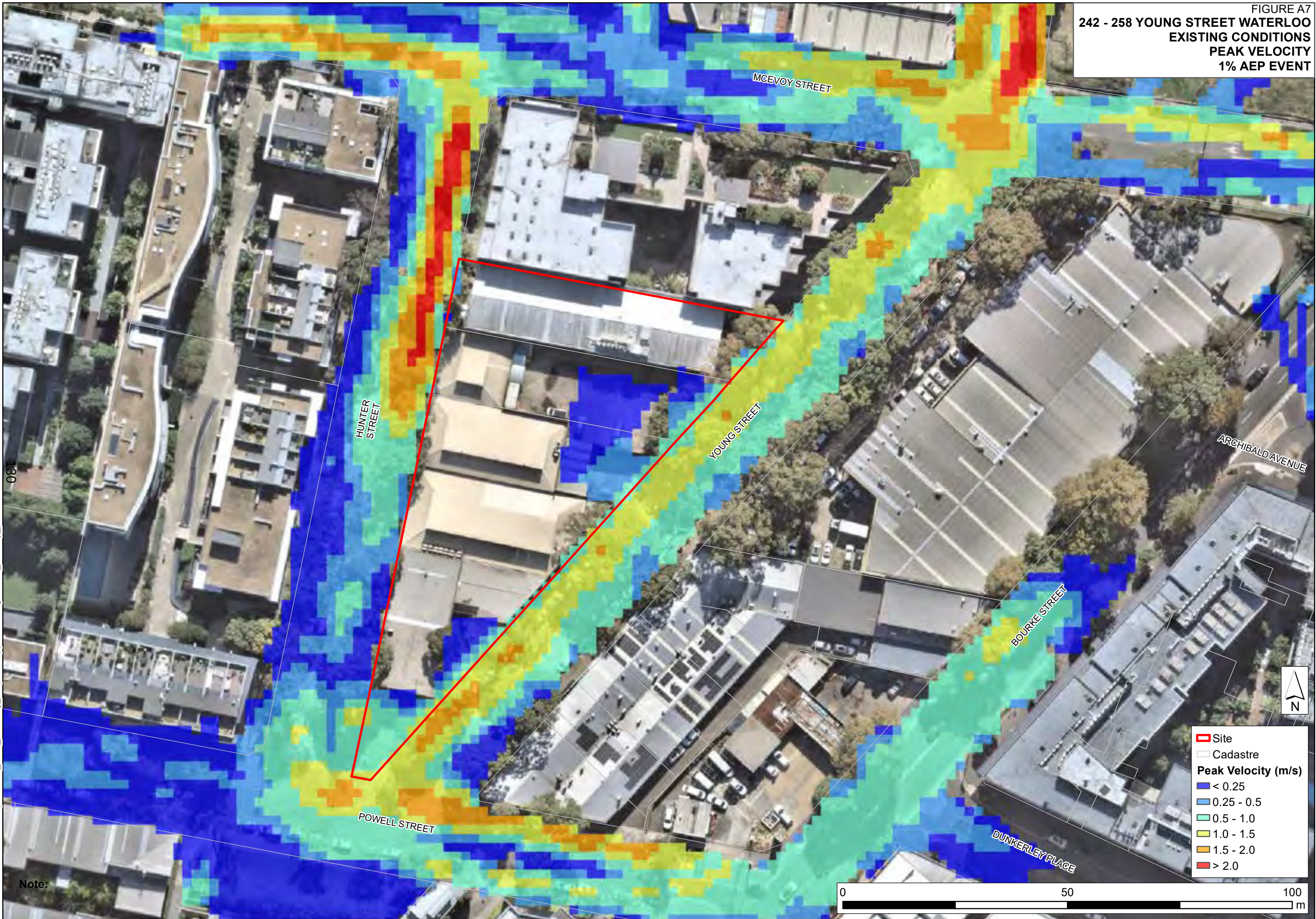


FIGURE A8
242 - 258 YOUNG STREET WATERLOO
EXISTING CONDITIONS
PEAK VELOCITY
PMF EVENT

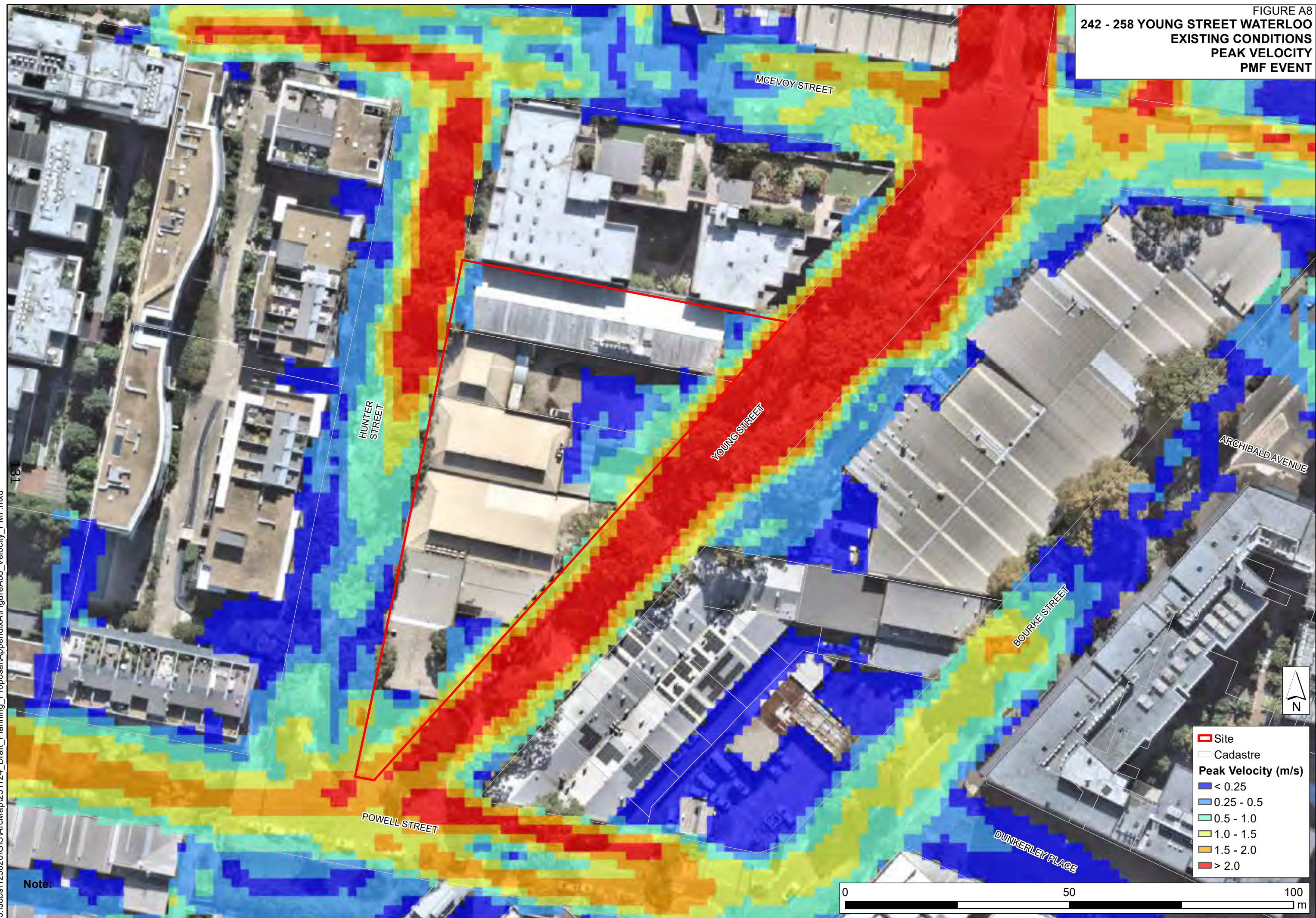


FIGURE A9
 242 - 258 YOUNG STREET WATERLOO
 EXISTING CONDITIONS
 HYDRAULIC HAZARD
 20% AEP EVENT

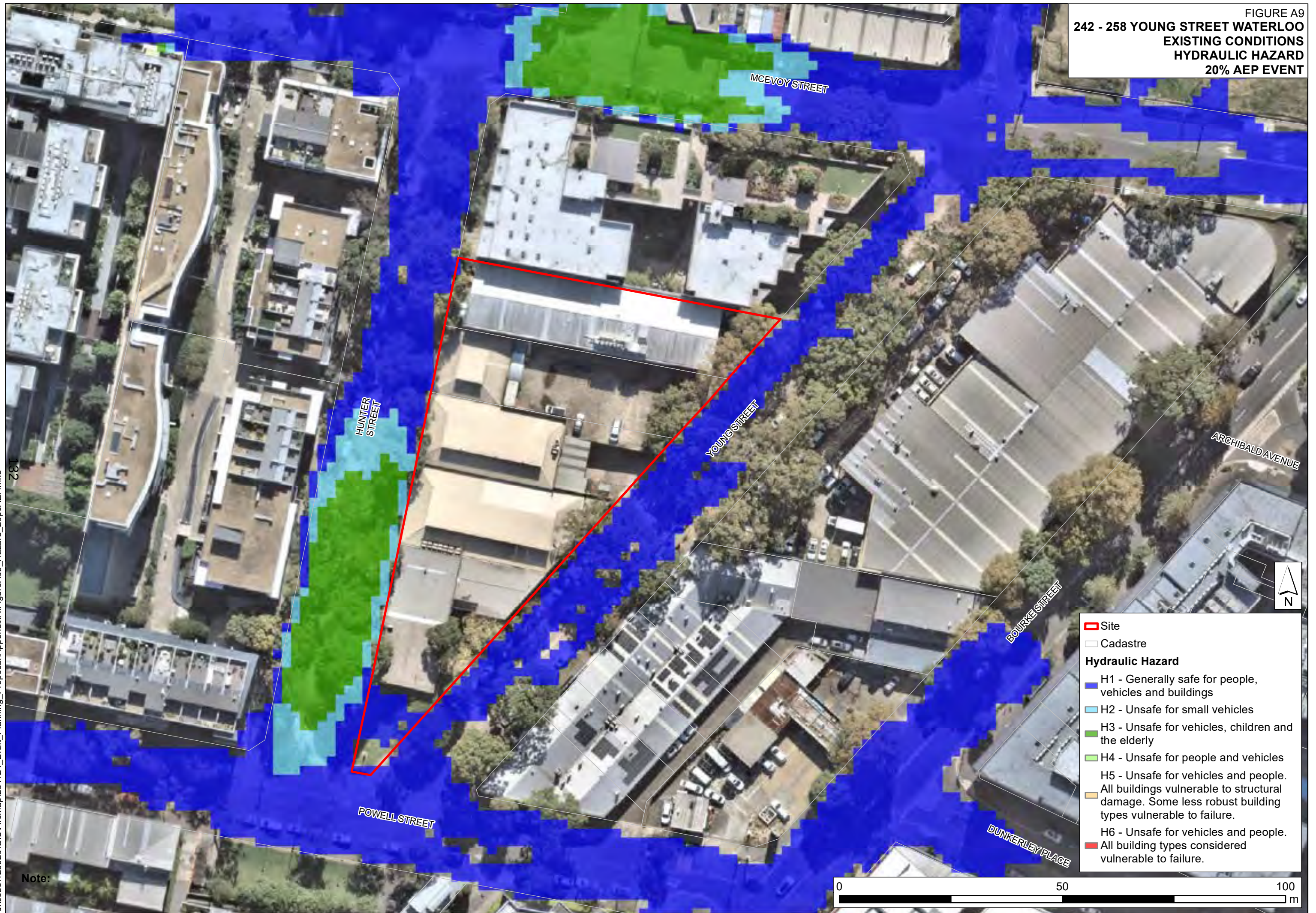


FIGURE A10
 242 - 258 YOUNG STREET WATERLOO
 EXISTING CONDITIONS
 HYDRAULIC HAZARD
 5% AEP EVENT

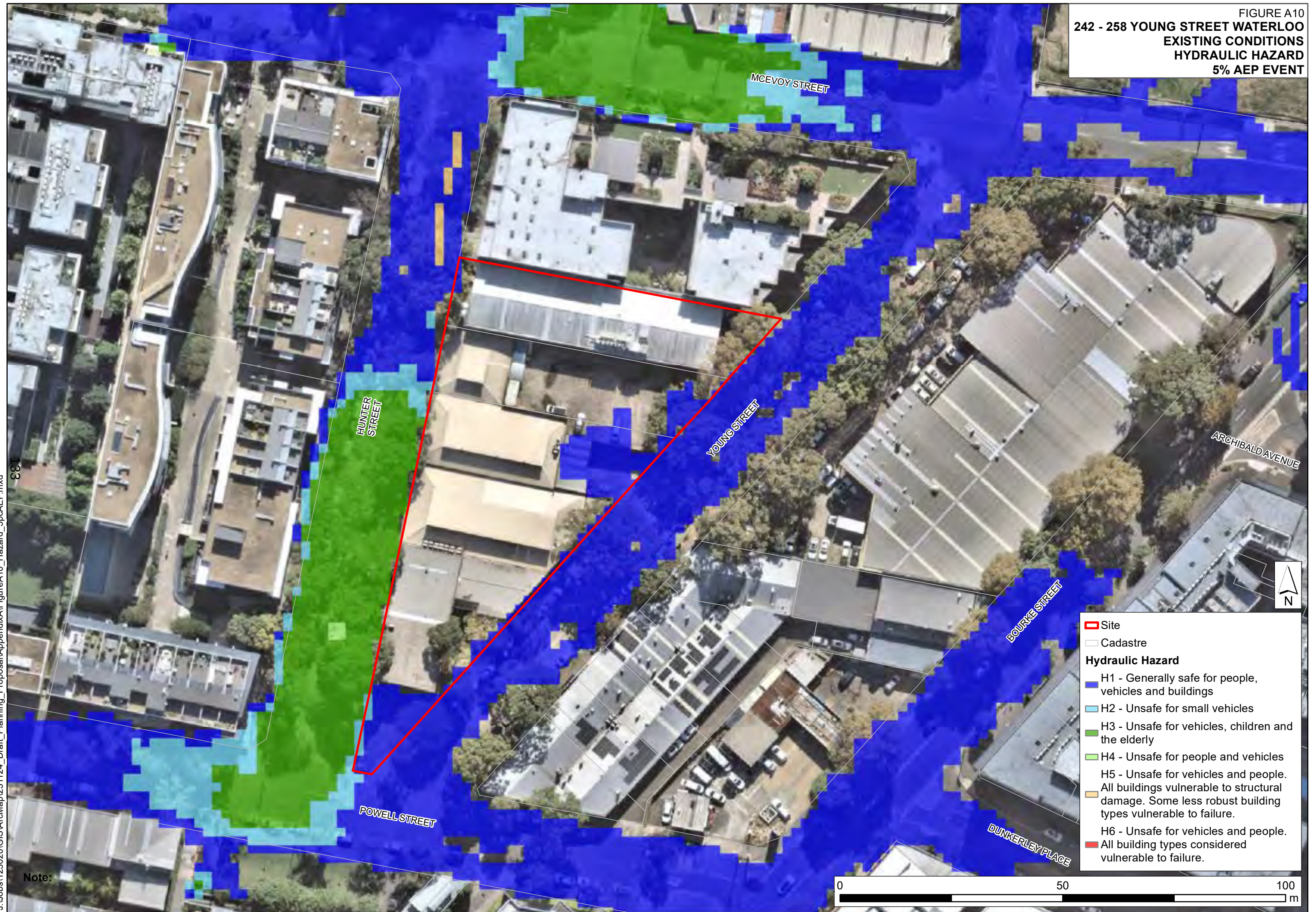


FIGURE A11
242 - 258 YOUNG STREET WATERLOO
EXISTING CONDITIONS
HYDRAULIC HAZARD
1% AEP EVENT

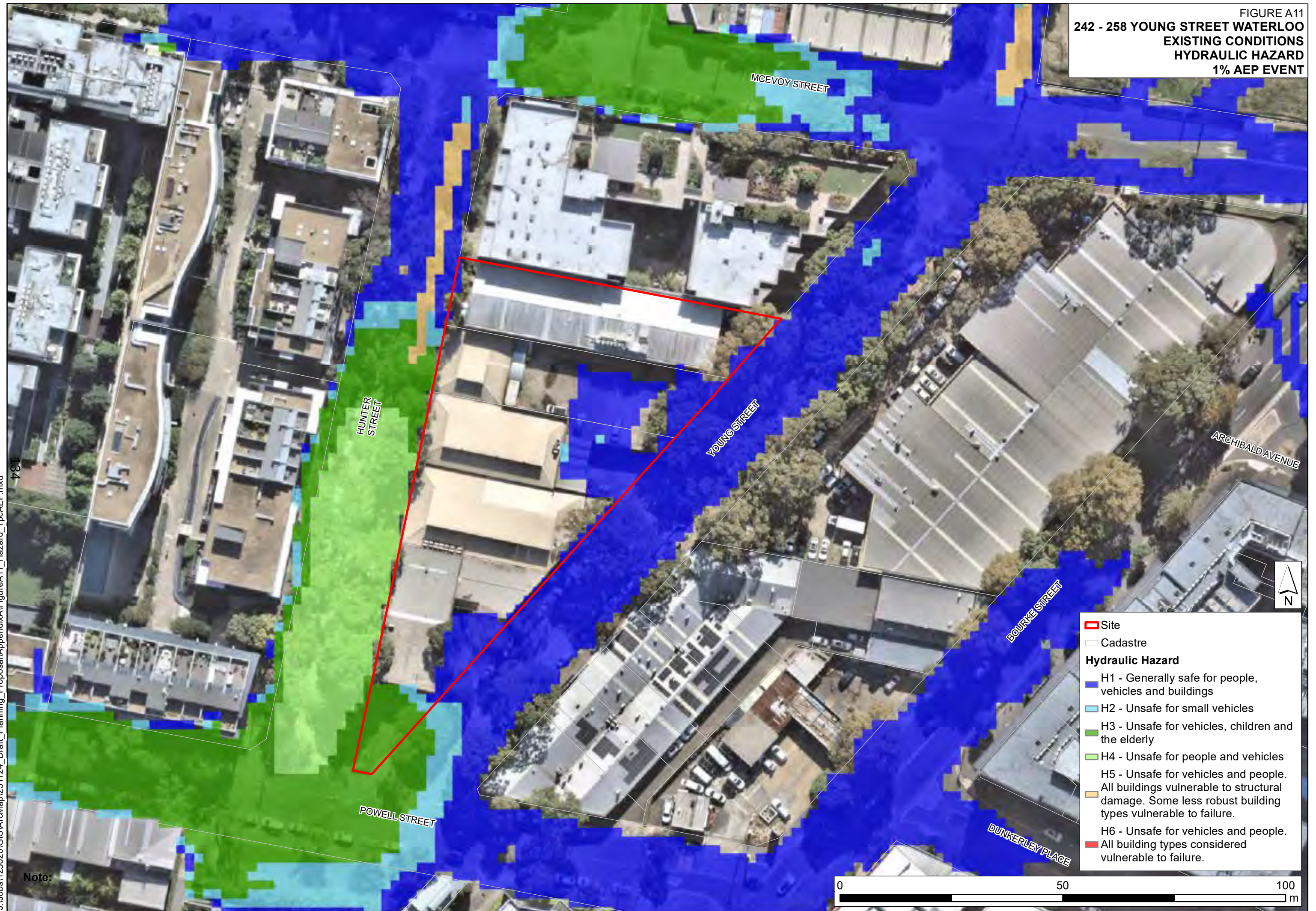
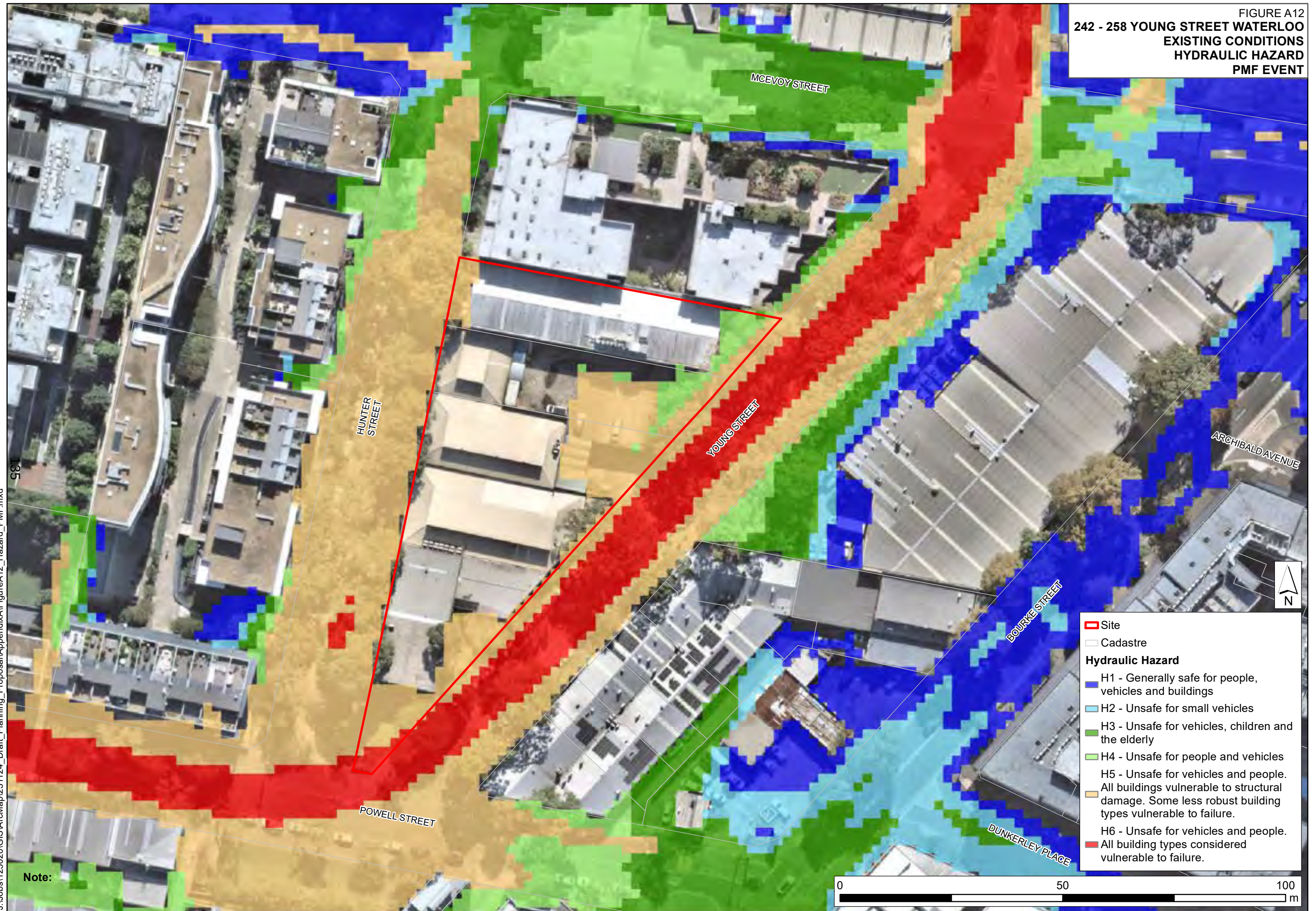


FIGURE A12
242 - 258 YOUNG STREET WATERLOO
EXISTING CONDITIONS
HYDRAULIC HAZARD
PMF EVENT



Appendix B Proposed Conditions Flood Maps

Figure B1: Proposed Conditions Flood Depth and Level – 20% AEP Event

Figure B2: Proposed Conditions Flood Depth and Level – 5% AEP Event

Figure B3: Proposed Conditions Flood Depth and Level – 1% AEP Event

Figure B4: Proposed Conditions Flood Depth and Level – PMF Event

Figure B5: Proposed Conditions Velocity – 20% AEP Event

Figure B6: Proposed Conditions Velocity – 5% AEP Event

Figure B7: Proposed Conditions Velocity – 1% AEP Event

Figure B8: Proposed Conditions Velocity – PMF Event

Figure B9: Proposed Conditions Hydraulic Hazard – 20% AEP Event

Figure B10: Proposed Conditions Hydraulic Hazard – 5% AEP Event

Figure B11: Proposed Conditions Hydraulic Hazard – 1% AEP Event

Figure B12: Proposed Conditions Hydraulic Hazard – PMF Event

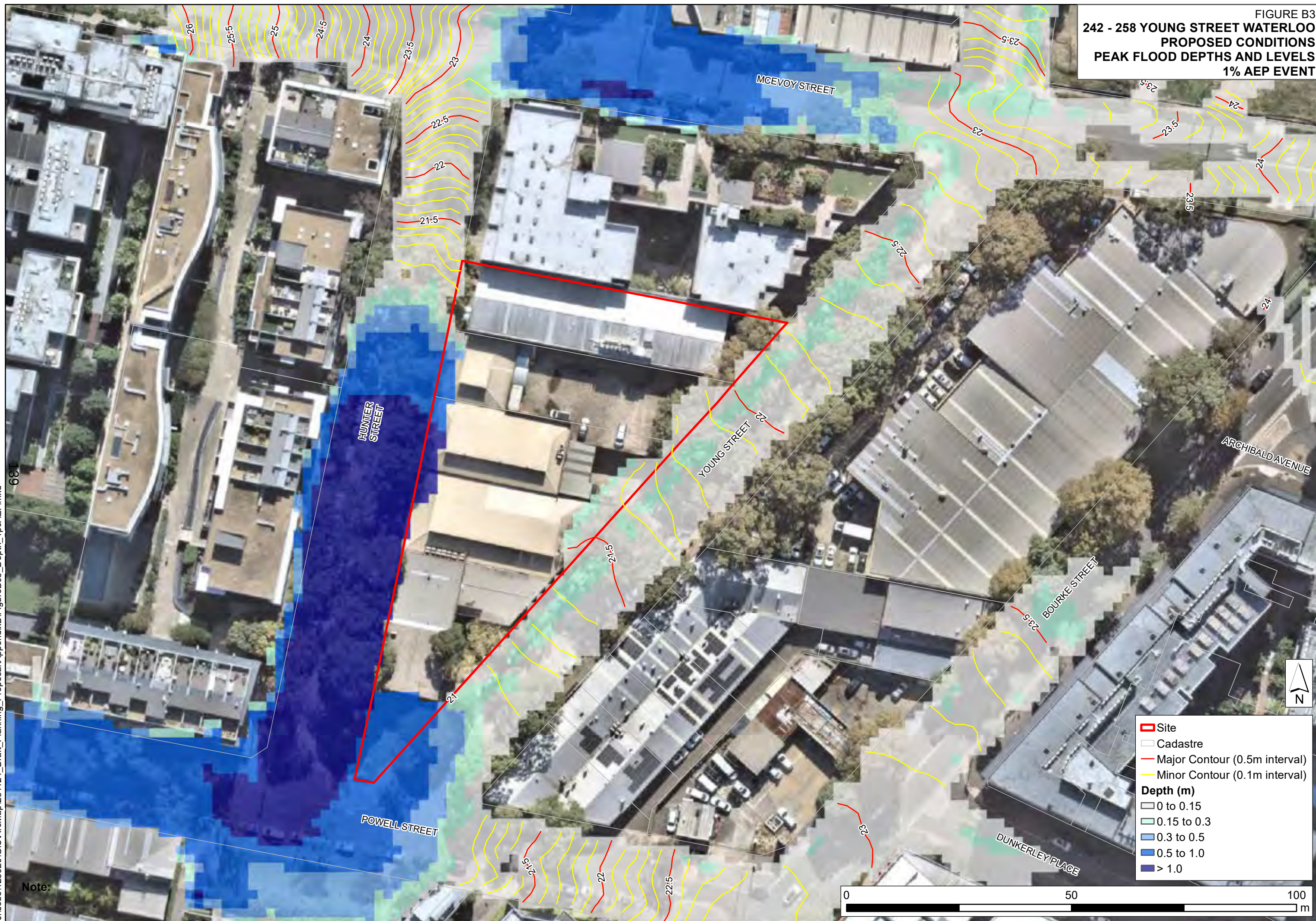




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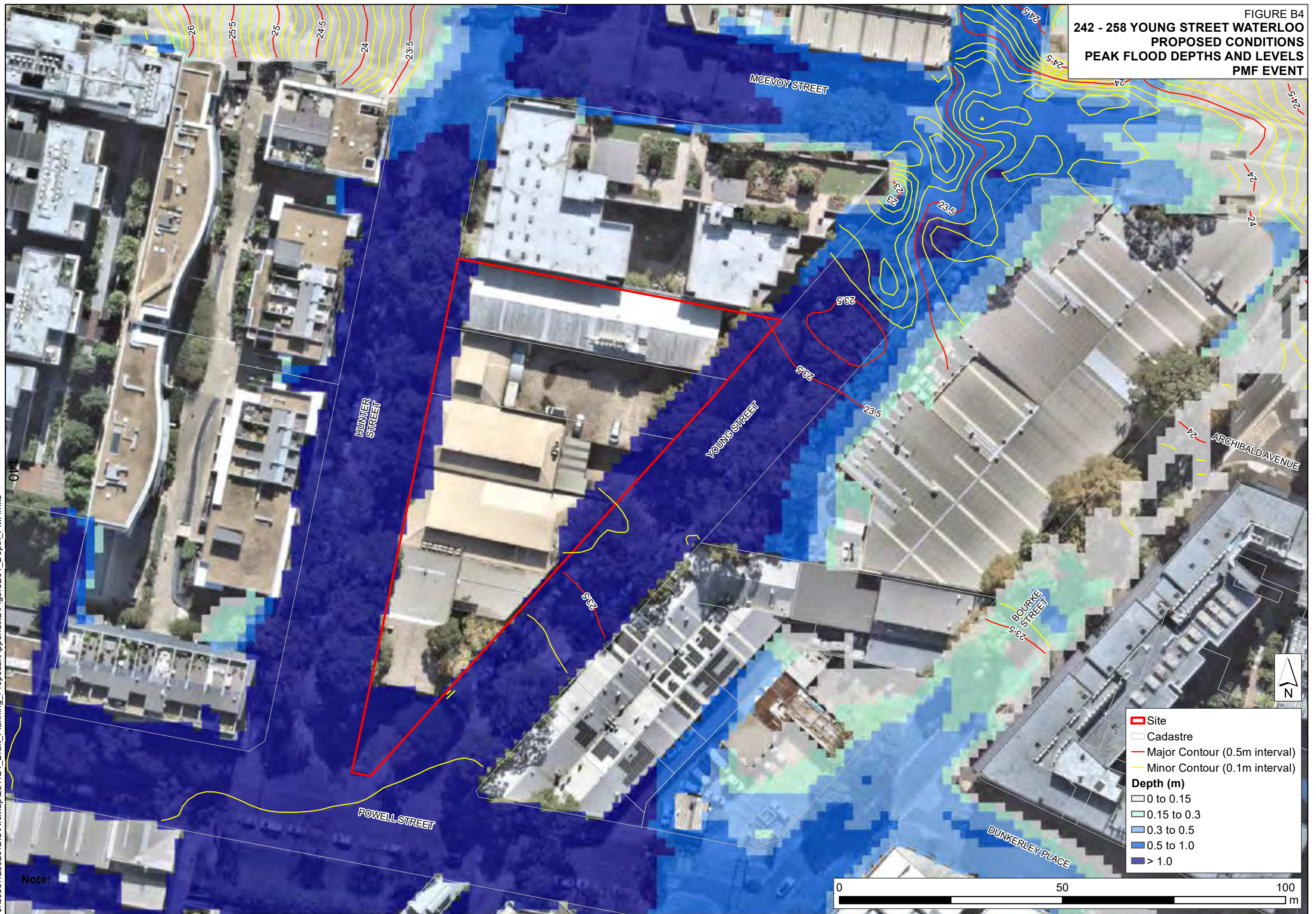


FIGURE B3
242 - 258 YOUNG STREET WATERLOO
PROPOSED CONDITIONS
PEAK FLOOD DEPTHS AND LEVELS
1% AEP EVENT



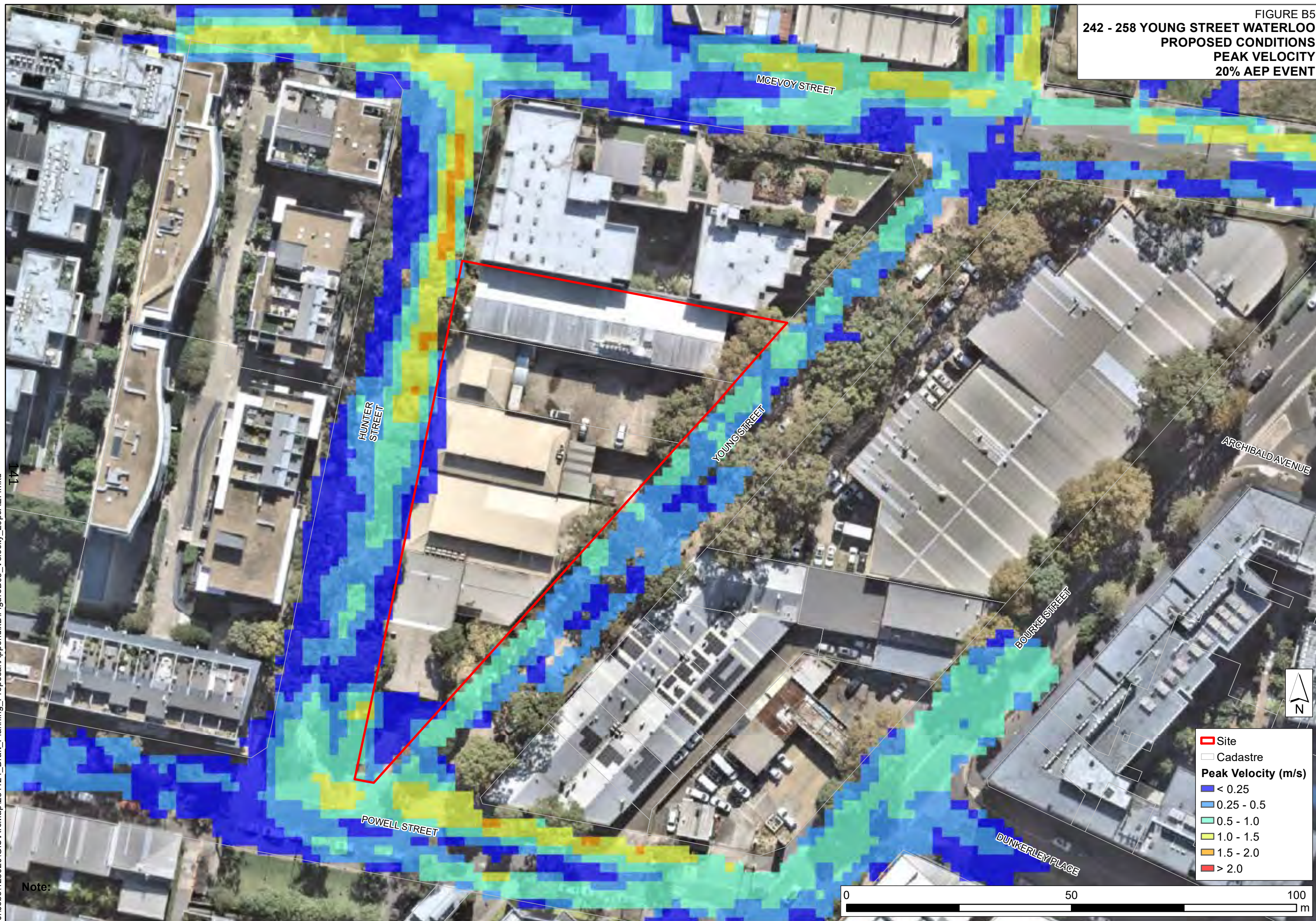
Note:

FIGURE B4
 242 - 258 YOUNG STREET WATERLOO
 PROPOSED CONDITIONS
 PEAK FLOOD DEPTHS AND LEVELS
 PMF EVENT



Note:

FIGURE B5
242 - 258 YOUNG STREET WATERLOO
PROPOSED CONDITIONS
PEAK VELOCITY
20% AEP EVENT



Note:

FIGURE B6
242 - 258 YOUNG STREET WATERLOO
PROPOSED CONDITIONS
PEAK VELOCITY
5% AEP EVENT

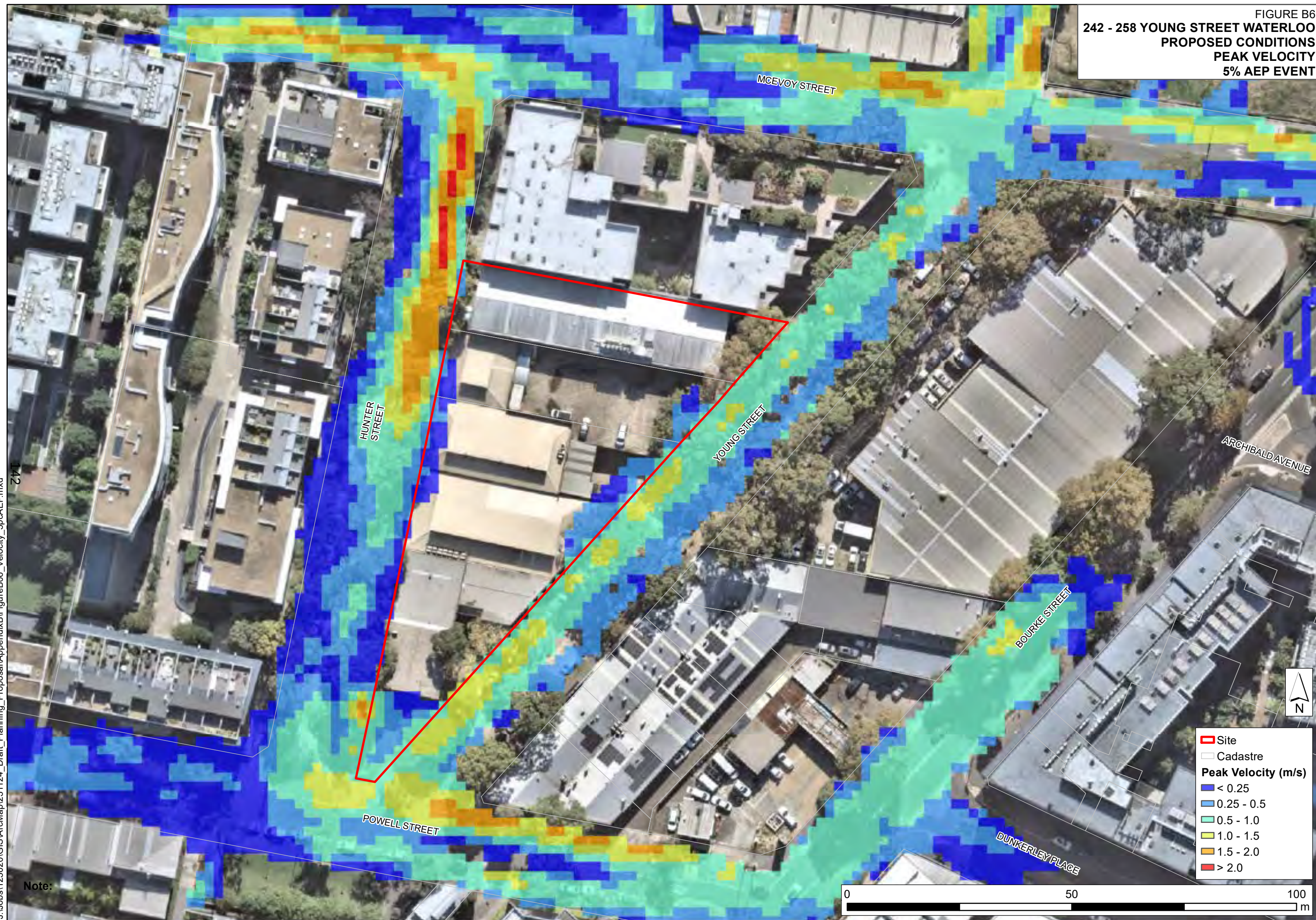
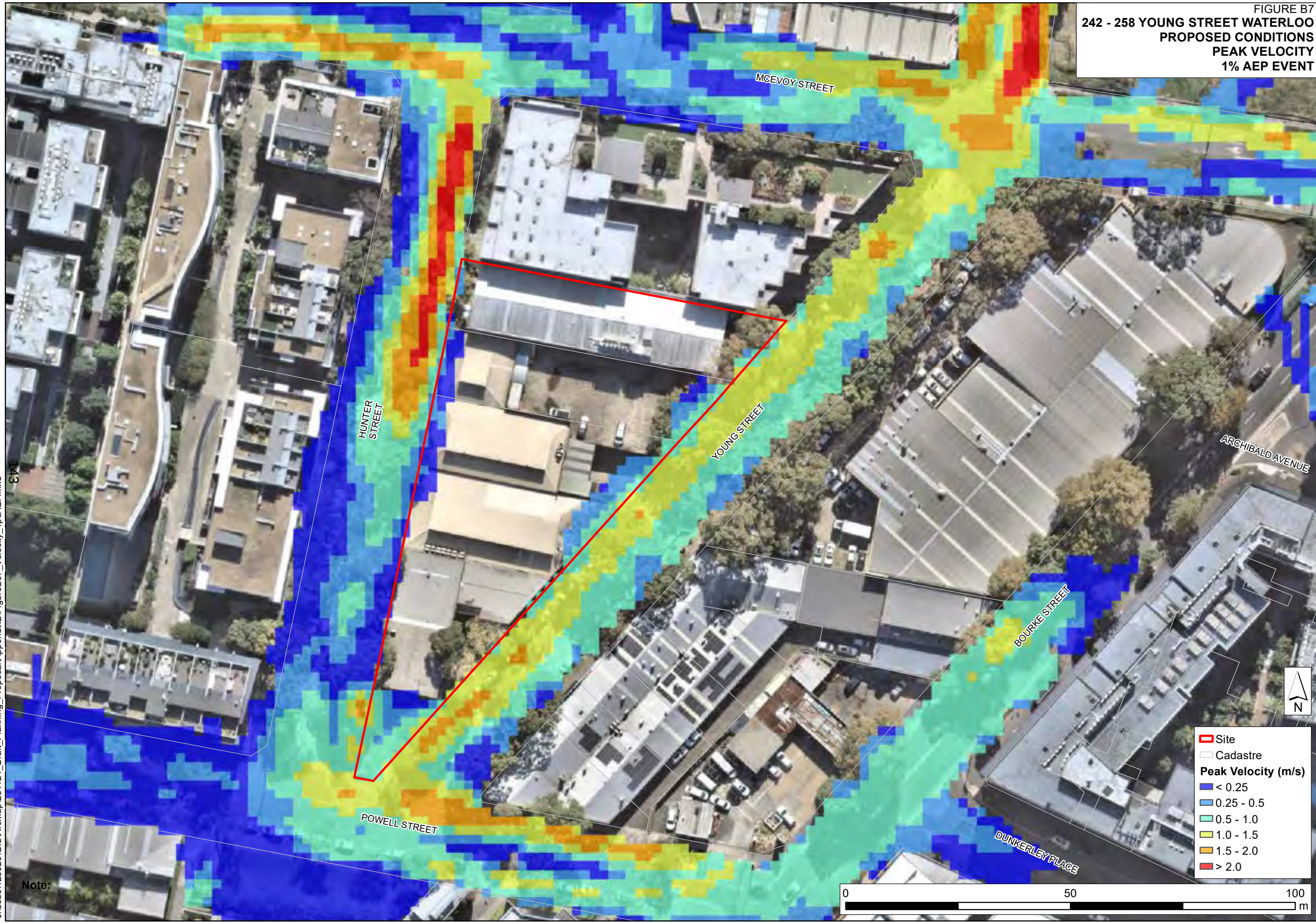


FIGURE B7
242 - 258 YOUNG STREET WATERLOO
PROPOSED CONDITIONS
PEAK VELOCITY
1% AEP EVENT



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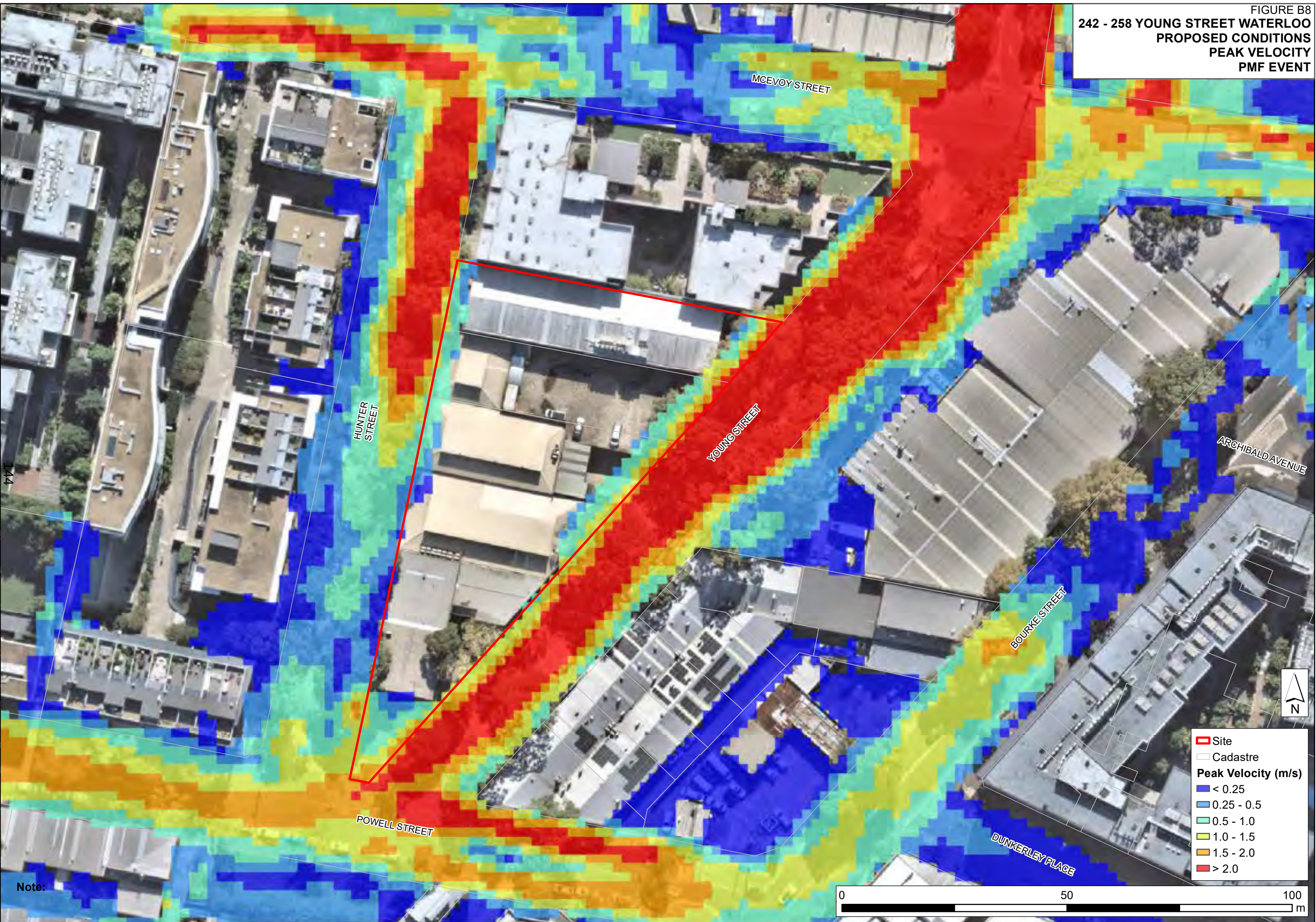


FIGURE A9
242 - 258 YOUNG STREET WATERLOO
PROPOSED CONDITIONS
HYDRAULIC HAZARD
20% AEP EVENT

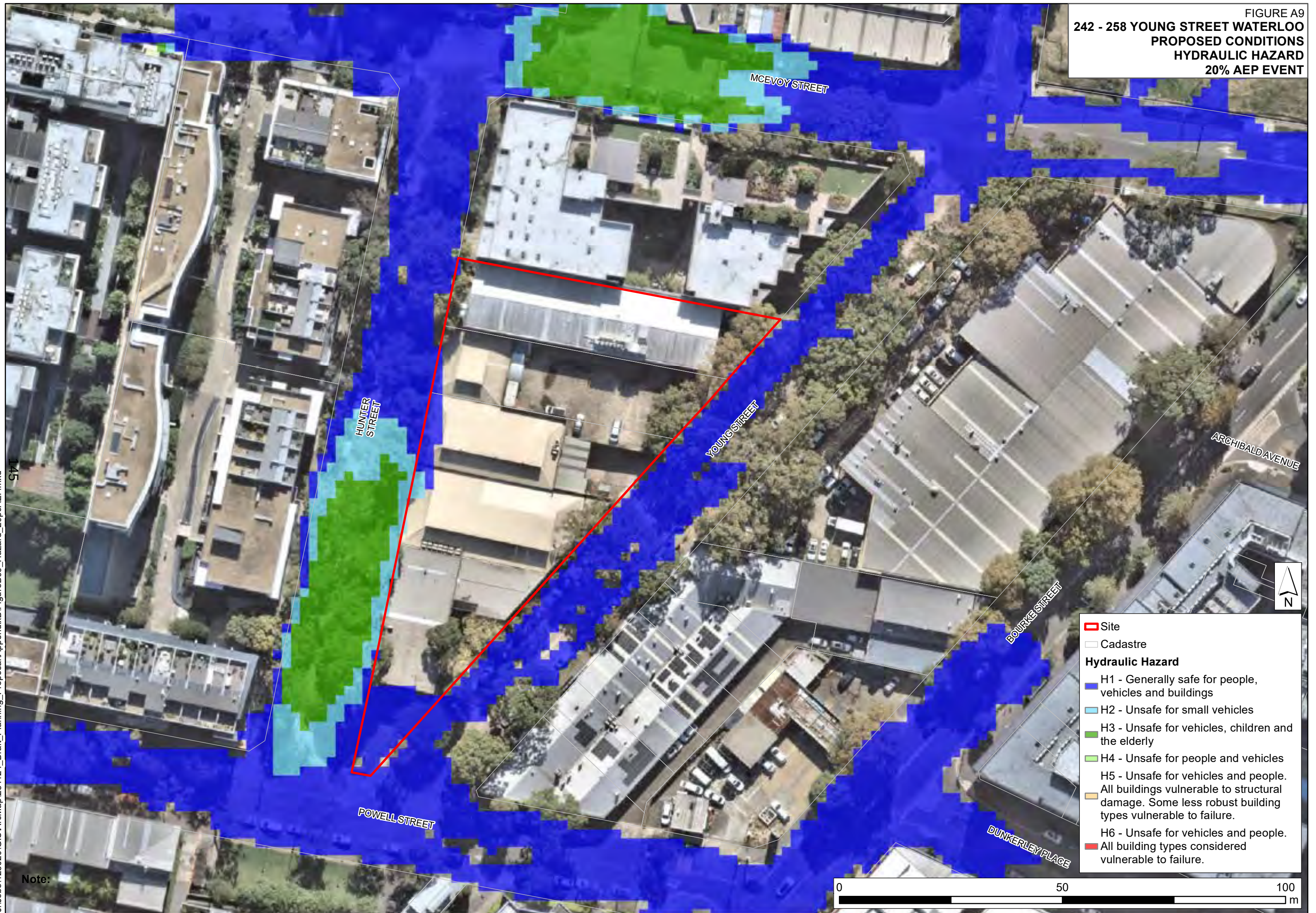


FIGURE B10
 242 - 258 YOUNG STREET WATERLOO
 PROPOSED CONDITIONS
 HYDRAULIC HAZARD
 5% AEP EVENT

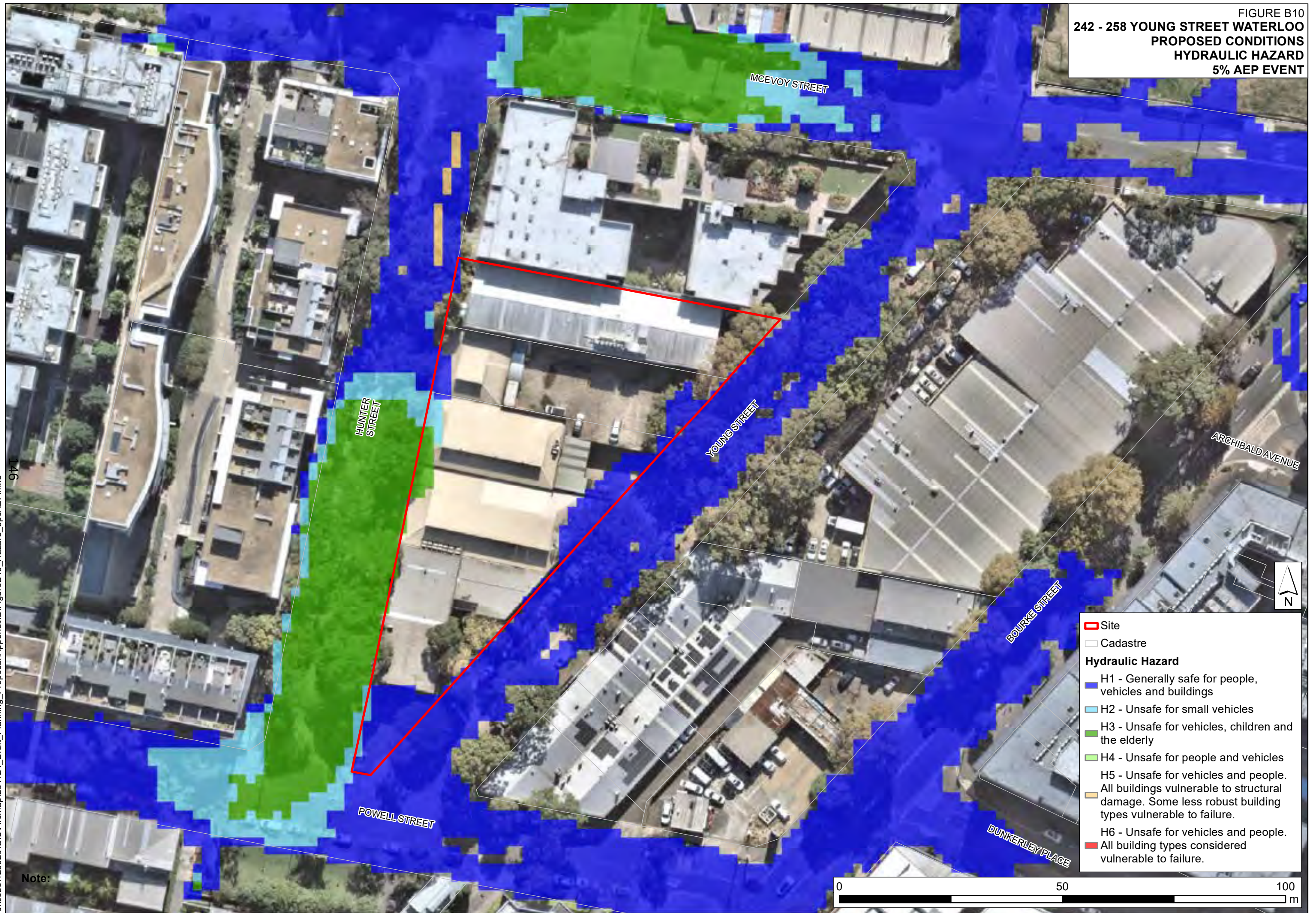


FIGURE B11
242 - 258 YOUNG STREET WATERLOO
PROPOSED CONDITIONS
HYDRAULIC HAZARD
1% AEP EVENT

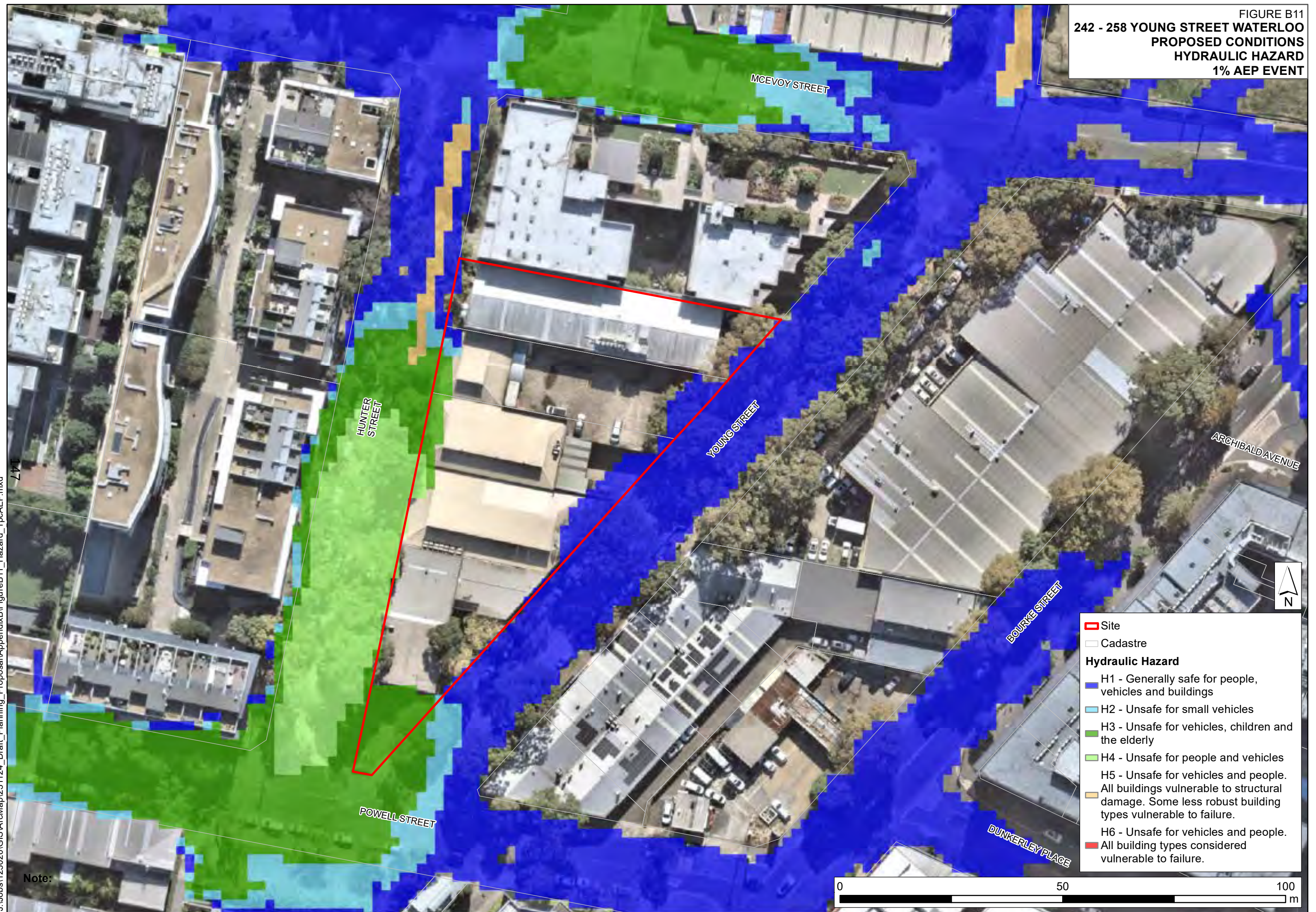
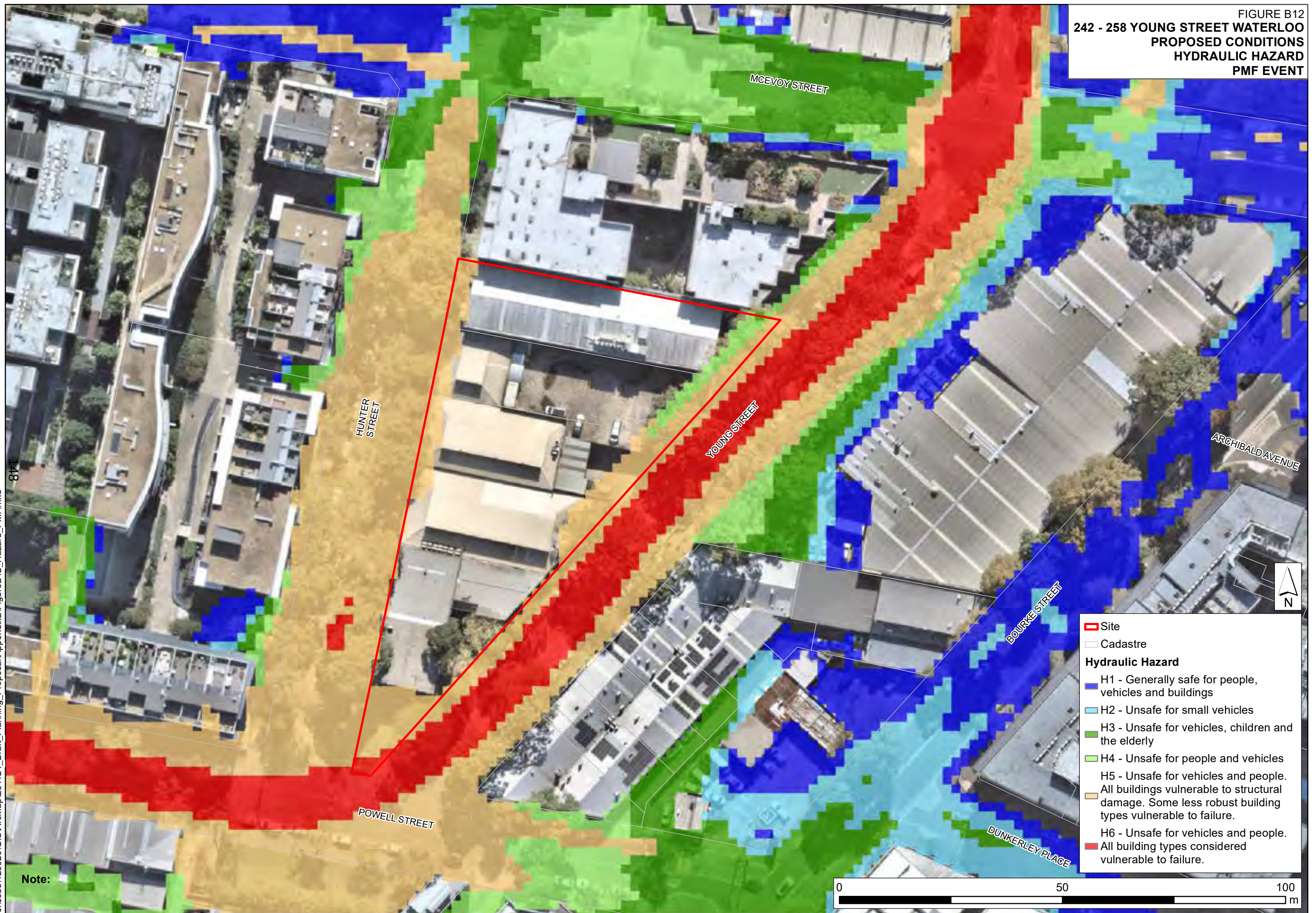


FIGURE B12
242 - 258 YOUNG STREET WATERLOO
PROPOSED CONDITIONS
HYDRAULIC HAZARD
PMF EVENT



Appendix C Flood Impact Maps

Figure C1: Proposed Conditions Change in Peak Flood Level – 20% AEP Event

Figure C2: Proposed Conditions Change in Peak Flood Level – 5% AEP Event

Figure C3: Proposed Conditions Change in Peak Flood Level – 1% AEP Event



FIGURE C1
242 - 258 YOUNG STREET WATERLOO
PROPOSED CONDITIONS
CHANGE IN PEAK FLOOD LEVEL
20% AEP EVENT



FIGURE C2
242 - 258 YOUNG STREET WATERLOO
PROPOSED CONDITIONS
CHANGE IN PEAK FLOOD LEVEL
5% AEP EVENT



FIGURE C3
242 - 258 YOUNG STREET WATERLOO
PROPOSED CONDITIONS
CHANGE IN PEAK FLOOD LEVEL
1% AEP EVENT



Attachment C2

Operational Management Plan

242-258 Young Street Planning Proposal

- **Project Name:** 242-258 Young Street, Waterloo
- **Project Description:** Amendments to the *Sydney Local Environmental Plan 2012* and the Sydney Development Control Plan 2012

Operational management plan for proposed School redevelopment at 242-258 Young Street, Waterloo

Introduction

This operational management plan is submitted to the Council of the City of Sydney (Council) to support a request for a Planning Proposal relating to land at 242-258 Young Street, Waterloo. The Planning Justification Report prepared by Ethos Urban outlines the proposed amendments to the Sydney Local Environmental Plan (Sydney LEP) 2012.

The proposed amendments are seeking principally to facilitate the delivery of a new independent K-12 vertical school, catering for approximately 800 students. The amendments sought to the Sydney LEP 2012 will encourage and facilitate the redevelopment of the site by allowing for:

- an increased maximum Floor Space Ratio (FSR)
- an increased maximum Building Height.

Supporting the amendments to the Sydney LEP 2012 is an amendment to the Sydney DCP 2012 which includes site-specific controls. For assessment purposes, the Planning Proposal is supported by a concept scheme prepared by Plus Architecture that facilitates the following:

- A new 6 storey vertical school consisting of:
 - 46 GLS, 13 specialist/classrooms
 - A multi-purpose hall/auditorium
 - A library
 - A canteen
 - Administration, lobby and circulation spaces
 - An active green roof
 - A basement including 60 car parking spaces and end-of-trip facilities
- The incorporation of the existing film school within the new vertical school building
- A total of approximately 13,543m² of gross floor area which equates to a floor space ratio of 2.94:1. The gross floor area comprises approximately:
 - 10,608m² education floor area
 - 2,935m² commercial (film school) floor area
- Outdoor spaces totalling approximately 4,978m².

Site location and context

The site is situated on the traditional land of the Gadigal people of the Eora nation, located at 242-258 Young Street, Waterloo within the City of Sydney Local Government Area (LGA). The site is prominently positioned at the junction of Hunter Street, Young Street and Powell Street. It is located 4km south of the Sydney CBD within the Green Square Urban Renewal Area.

The site comprises three lots which are legally described as Lot 1 in DP84655 and Lots A and B in DP 161650. The site's area is 4,611m² and is triangular in shape and is bounded by Hunter Street to the west, Young Street to the east and Powell Street to the south. The site has street frontage dimensions of 118m along Hunter Street, 137m along Young Street and 4.3m along Powell Street. The topography of the site generally falls in an east to west direction.

The site and is currently occupied by 2 storey office building and film school. The southern tip of the site is a grass lawn area.

An aerial photo of the site is shown at Figure 1

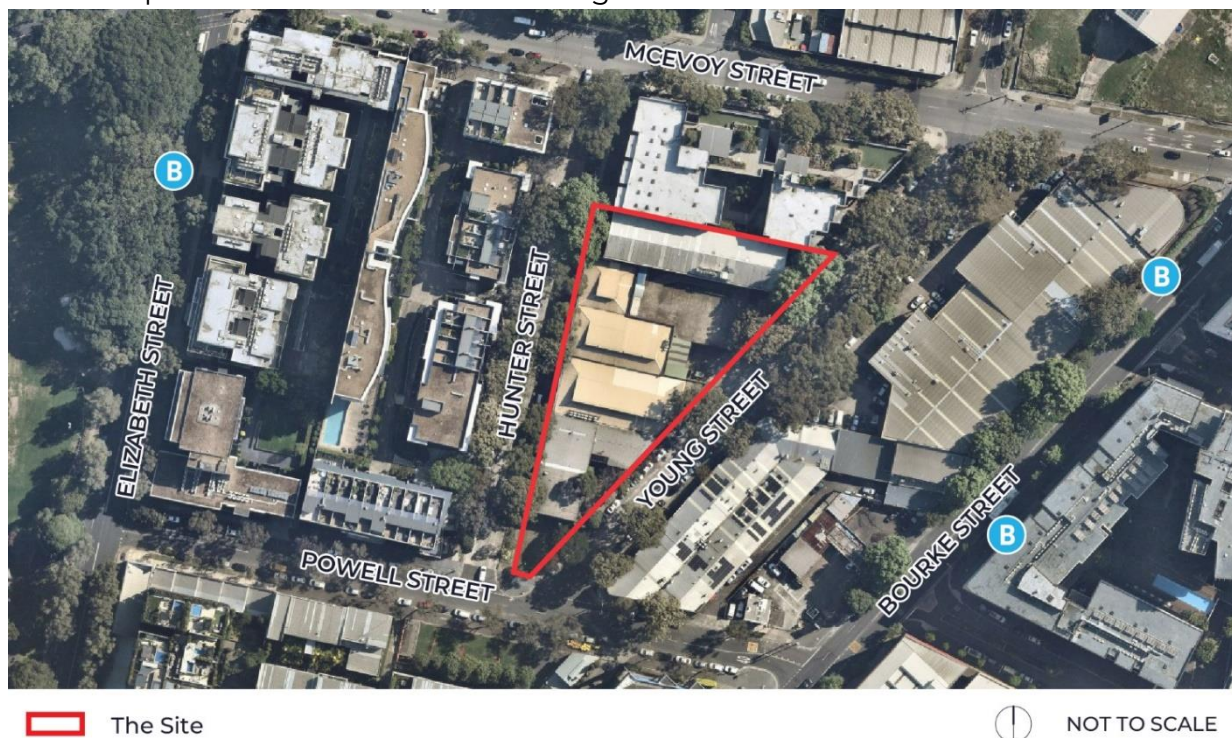


Figure 1 Aerial Map

Source: Nearmap + Ethos Urban

OPERATIONAL MANAGEMENT PLAN

Table of Contents for Operational Management Plan

Background

- 1 Management of open space areas within the school
- 2 Measures to compensate for the shortage of on-site open space
- 3 Logistics of safely transporting students to and from the school
- 4 Clarification of usage of the undercroft area at the ground level
- 5 Operational transport management including details of pick up and drop off
- 6 Preliminary details of evacuation plan
- 7 Flood emergency response plan

Background

This paper addresses the operational management plan section of the Planning Proposal Lodgement Checklist provided by the City of Sydney.

Operational management plan

To ensure a comprehensive evaluation of the proposed development, an operational management plan for the new school is to be prepared. It is to include, but is not limited to:

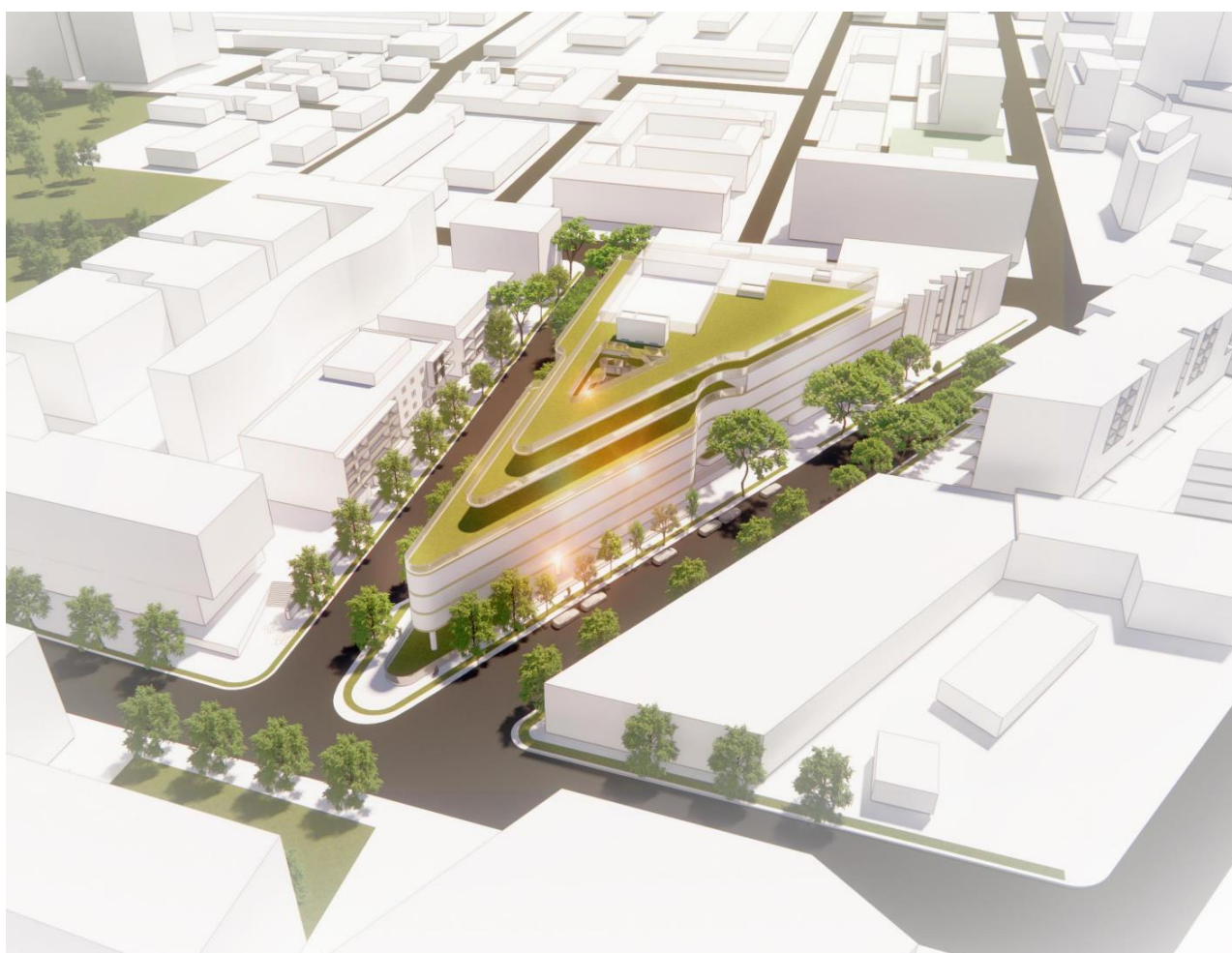
- Management of open space areas within the school including monitoring mechanisms.
- Measures to compensate for the shortage of on-site open space including details of off-site playing fields and park facilities that are likely to be utilised.
- Logistics of safely transporting students to and from the off-site open space locations.
- Clarification of usage of the undercroft area at the ground level and how it would be separated from the movements during school start and finish times.
- Operational transport management including details of pick up and drop off management measures.
- Preliminary details of evacuation in case of an emergency considering the pedestrian flows around the site.
- A flood emergency response plan detailing shelter-in-place.

School

Our proposed school is guided by three core values: collaboration, innovation and compassion. Our mission is to provide a caring environment where we nurture every child's academic, physical, emotional, social, and spiritual development. We complement our strong well-being programs with academic rigour to equip all students with the necessary skills, learning dispositions, and intellectual character traits to navigate their school years confidently, the workforce, and life in general.

The school is capable of complying with the Education and Care Services National Law Act 2010, Education and Care Services National Regulations and the National Quality Framework standards and that assessment of compliance will be undertaken at the SSDA stage.

ENROLMENTS	Primary 280 and Secondary 520 = 800 Students
STAFF	105
TOTAL STAFF AND STUDENTS	905
OPERATIONAL HOURS	7.30 am to 5.30 pm.



Sketch of School from Plus Architecture

1 Management of open space areas within the school, including monitoring mechanisms.

The management and monitoring of the school's school infrastructure can be provided by active and passive supervision within the campus of enclosed and open spaces. The floor plans show 4976 sq meters of open space, which is 6.2 sq meters of Outdoor/Open Space per student.

The proposed school aims to introduce innovative outdoor and open space designs and efficient management strategies.

Optimal management is achieved by delineating the infrastructure and students into Primary (Years K to 6), Middle (Years 7 to 10), and Senior (Years 11 to 12).

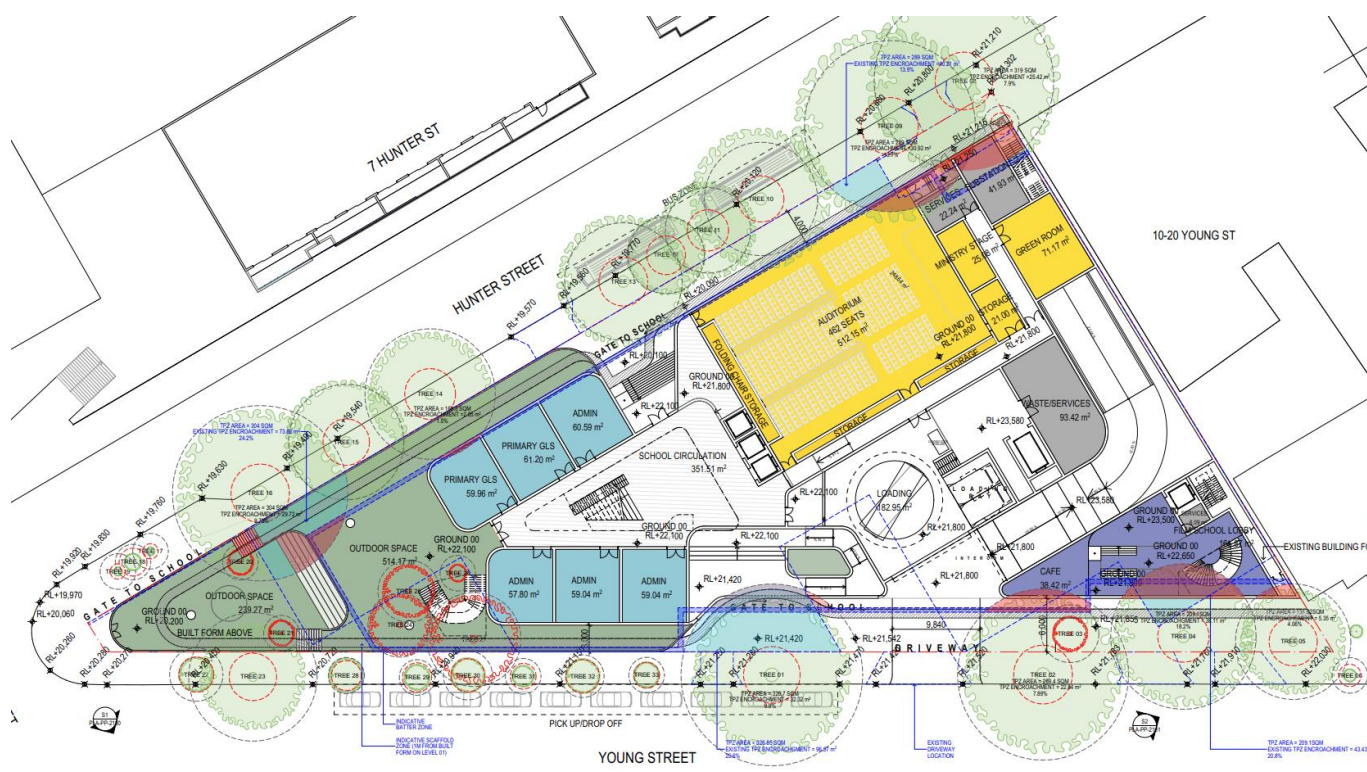
For this school, passive and active play spaces are designated for Primary, Middle, and Senior students to meet their relaxation, social, and movement needs. This facilitates staff supervision of these areas during the school day.

Adjacent student amenities and passive open space are located to be within the line of sight of administration offices and staff areas for passive supervision.

Surveillance throughout the school will be provided by a swipe card and CCTV camera monitoring system, which will control access for students, staff, contractors, and visitors.

Site Map

Ground floor has 754 sqm of Open Space for all School to be used as a student-holding area and gathering space **Figure 2.**



Floor plan from Plus Architecture

First Floor has 154 sqm of Passive Open Space for Primary School use **Figure 3.**



Floor plan from Plus Architecture

Second Floor has 154 sqm of Passive Open Space for Middle School use **Figure 4.**



Floor plan from Plus Architecture

Third Floor has 154 sqm of Passive Open Space for Senior School use **Figure 5.**



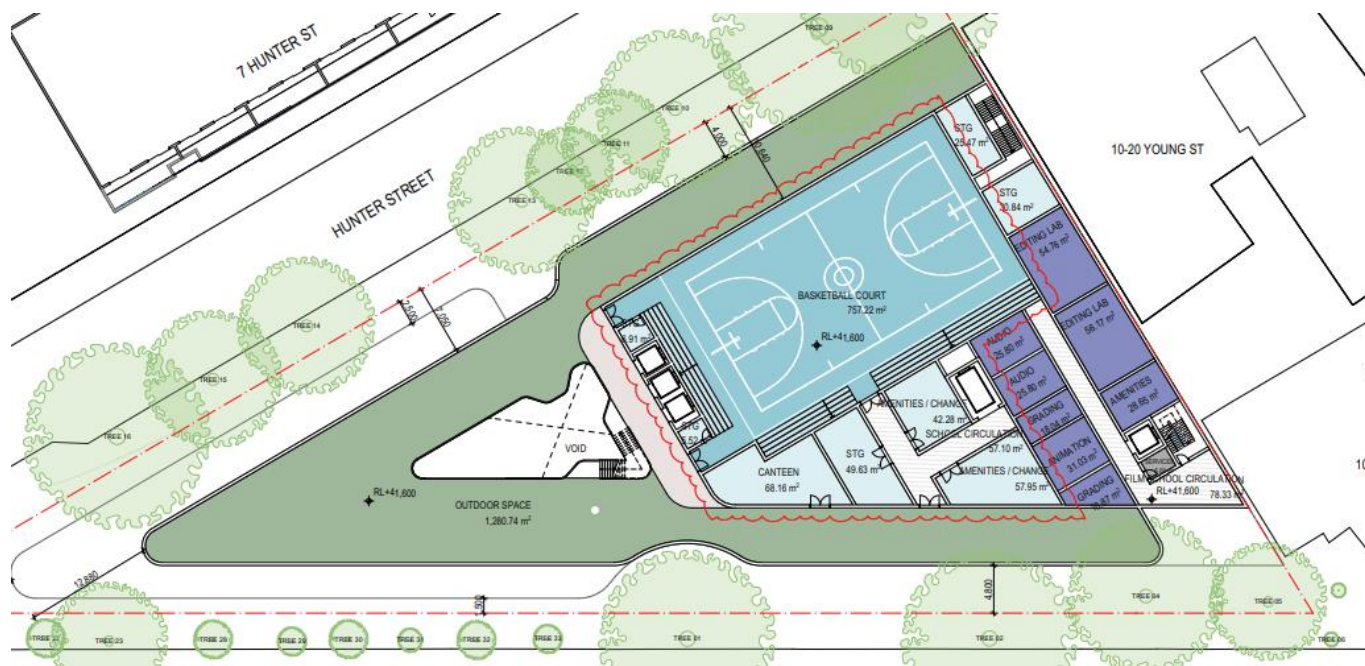
Floor plan from Plus Architecture

Fourth Floor has 1259 sqm of Active Open Space for Primary School use **Figure 6.**



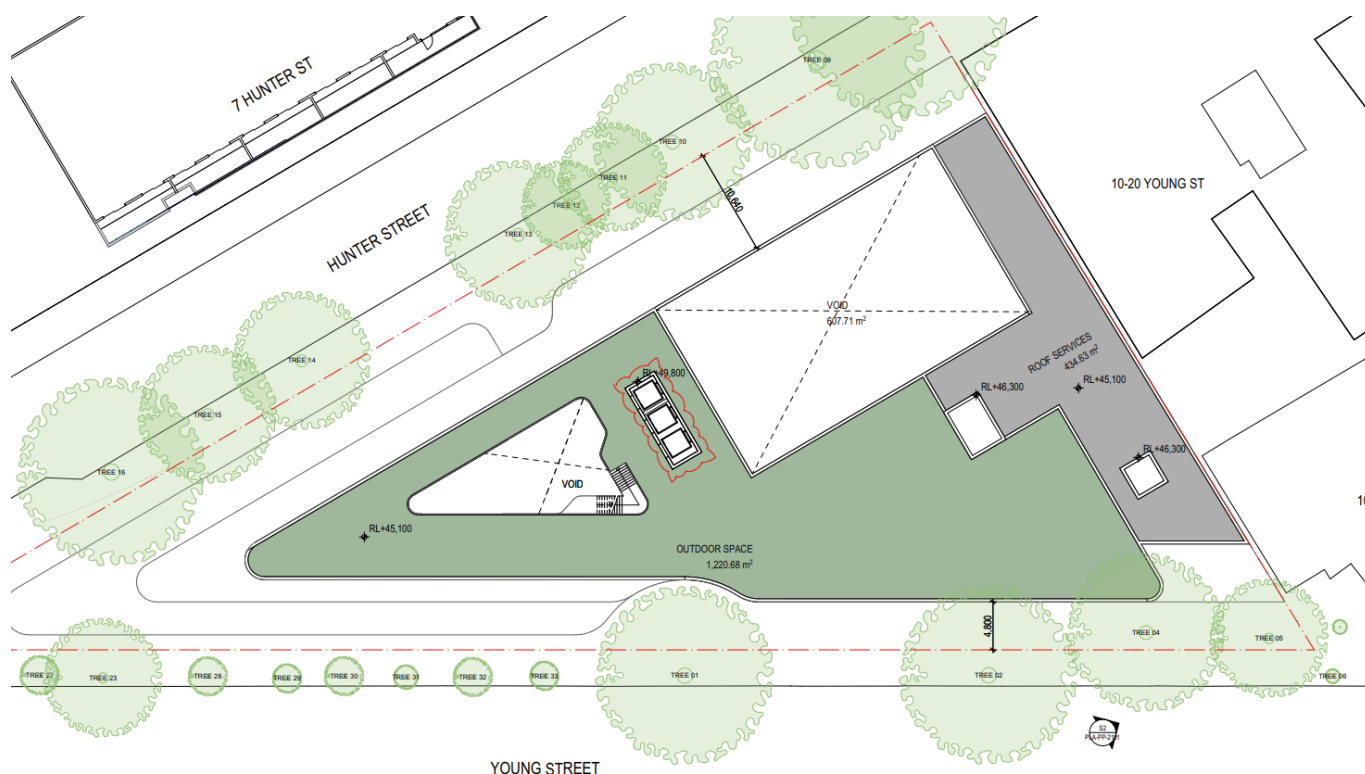
Floor plan from Plus Architecture

Fifth Floor has 1281 sqm of Active Open Space for middle school. The Basketball Court is a timetable space for Primary, Middle and Senior School use **Figure 7.**



Floor plan from Plus Architecture

Sixth floor has 1221 sqm of Active Open Space for secondary School use **Figure 8.**



Floor plan from Plus Architecture

The following table sets out the school infrastructure by type of space and supervision

Table 1.

Space	General Learning Areas	Specialties Learning Areas	Internal Travel Space	Passage Lifts	Student Amenities	Staff & Admin Areas
Basement 01				Passive supervision, CCTV and swipe card		
Ground Floor 00	Primary Timetable space with swipe card		Primary Passive supervision, CCTV and swipe card	Passive supervision, CCTV and swipe card	Passive supervision, CCTV and swipe card	Passive supervision with swipe card
Level 01	Primary Timetable space with swipe card		Primary Passive supervision, CCTV and swipe card	Passive supervision, CCTV and swipe card	Passive supervision, CCTV and swipe card	Passive supervision with swipe card
Level 02	Middle Timetable space with swipe card	Middle Timetable space with swipe card	Middle Passive supervision, CCTV and swipe card	Passive supervision, CCTV and swipe card	Passive supervision, CCTV and swipe card	Passive supervision with swipe card
Level 03	Middle/Senior Timetable space with swipe card	Middle/Senior Timetable space with swipe card	Middle/Senior Passive supervision, CCTV and swipe card	Passive supervision, CCTV and swipe card	Passive supervision, CCTV and swipe card	Passive supervision with swipe card
Level 04	Senior Timetable space with swipe card	Senior Timetable space with swipe card	Middle / Senior Passive supervision, CCTV and swipe card	Passive supervision, CCTV and swipe card	Passive supervision, CCTV and swipe card	Passive supervision with swipe card
Level 05			Middle / Senior Passive supervision, CCTV and swipe card	Passive supervision, CCTV and swipe card		
Level 06			Senior Passive supervision, CCTV and swipe card	Passive supervision, CCTV and swipe card		
Notes	Primary School years k to 6					
	Middle School years 7 to 10					
	Senior School years 11 to 12					
1	Outdoor space/ open space will have designated usage times for Junior, Middle and Senior Schools.					
2	CCTV monitoring in all student areas with swipe card access control on all doors					
3	Outdoor space / open spaces will always be actively supervision by teaching staff					
4	Passive outdoor space will always be actively supervision by teaching staff					
5	Timetable space will always be actively supervision by teaching staff					

The following table sets out the school infrastructure by type of space and supervision.

Table 2

Space	Multi-Purpose Hall	Basketball Court	Outdoor Space/ Open Space	Passive Outdoor Space/ Open Space	External Travel	Carpark and store rooms
Basement 01					CCTV and swipe card	CCTV and swipe card
Ground Floor 00	Timetable space, CCTV and swipe card		Active supervision, CCTV and swipe card		Passive supervision, CCTV and swipe card	
Level 01				Primary Passive will have active supervision and CCTV		
Level 02				Middle Passive will have active supervision and CCTV		
Level 03				Middle/Senior Passive will have active supervision and CCTV		
Level 04			Junior Active supervision, CCTV and swipe card		CCTV and swipe card	
Level 05		Timetable Space Active supervision, CCTV and swipe card	Middle Active supervision, CCTV and swipe card		CCTV and swipe card	
Level 06			Senior Active supervision, CCTV and swipe card		CCTV and swipe card	
Notes	Primary School years K to 6					
	Middle School years 7 to 10					
	Senior School years 11 to 12					
1	Outdoor space/ open space will have designated usage times for Junior, Middle and Senior Schools.					
2	CCTV monitoring in all student areas with swipe card access control on all doors					
3	Outdoor space / open spaces will always be actively supervision by teaching staff					
4	Passive outdoor space will always be actively supervision by teaching staff					
5	Timetable space will always be actively supervision by teaching staff					

Education Facilities Standards and Guidelines (EFSG)

It is not possible for a vertical school located in a dense urban area to meet the minimum requirement of 10 square metres of open space per student. However, under the NSW School Infrastructure Education Facilities Standards and Guidelines (EFSG), open space may be delivered innovatively in such schools. The proposed school will innovate in relation to design and multi-purpose management of student open spaces.

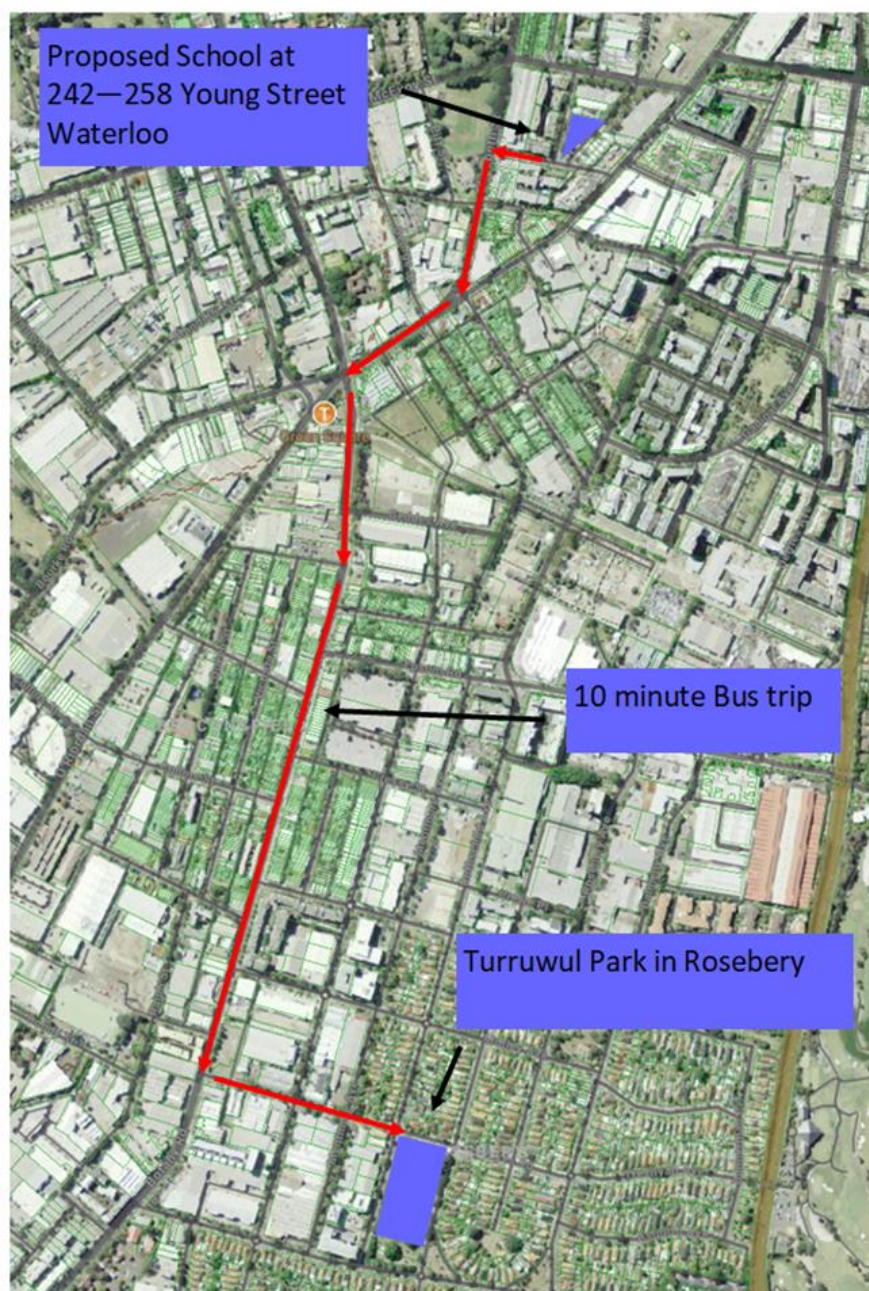
2 Measures to compensate for the shortage of on-site open space, including details of off-site playing fields and park facilities that are likely to be utilised.

The proposal is to use Turruwul Park at 115 Rothschild Ave, Rosebery for a 3.2 kilometre 10-minute bus trip for the school's playing fields.

The SDG has been in talks with the City of Sydney regarding the use of Turruwul Park's playing fields during school hours and terms. The proposed plan is to transport students to and from the playing fields by bus. The students will be divided into three schools: Primary (Years K-6), Middle (Years 7-10), and Senior (Years 11-12), based on the availability of the fields.

Area Map

Turruwul Park Roseberry **Figure 9.**



Source: Nearmap

Site Map

Turruwul Park Roseberry **Figure 10.**



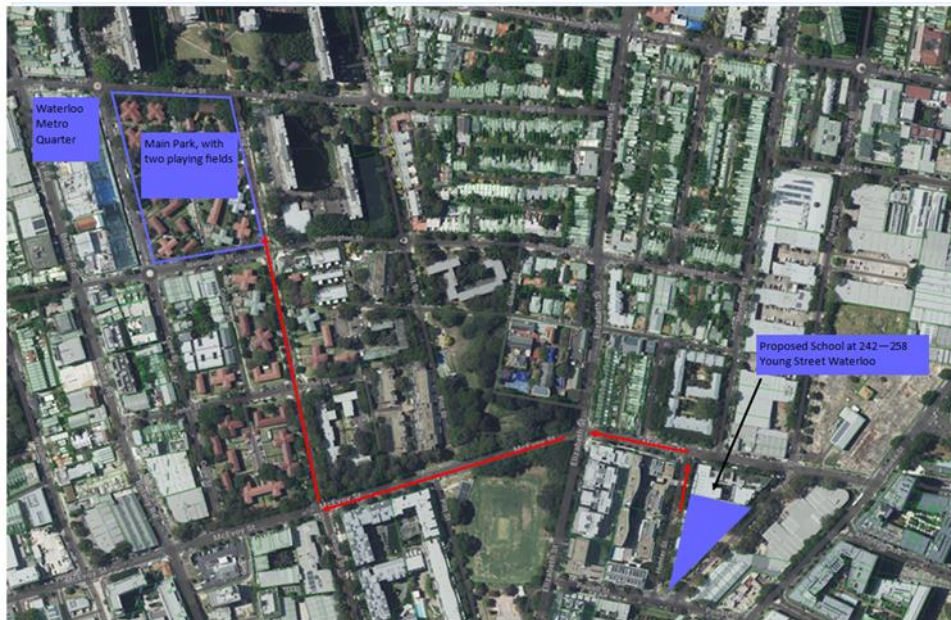
Source: Nearmap

Alternative

As an alternative, two hectares of open space will be developed into two playing fields as part of the Waterloo metro station in the proposed Main Park, which is a 10-minute walk from the school.

Area Map

Main Park at Waterloo Metro Station **Figure 11.**



Source: Nearmap

Site Map

Main Park at Waterloo Metro Station **Figure 12.**



Source: Department of Planning and Environment

3 Logistics of safely transporting students to and from the off-site open space locations

Students' movements to and from the school will be arranged as excursions, and the majority will be by bus. Walking and public transport will be used for excursions by different year groups.

Students will be divided into three schools: Primary (Years K-6), Middle (Years 7-10), and Senior (Years 11-12), organised by year groups. *Following Kid Safe Australia's excursion guidelines and the NSW Government Road Safety Education Program, the school will move students to off-site locations.*

Excursions

The school is required to always adhere to its Excursions Policy which will developed to follow the NSW Government Road Safety Education Program. The school recognises It is crucial that students are not transported in staff members' personal vehicles. It will prohibit using staff personal vehicles to transport students during excursions.

When transporting students using public transportation, staff will be responsible for ensuring their safety and well-being throughout the journey. Staff supervising excursions will have a list of student names and parent/carer contact details for all students travelling. Staff will have hard copies of this document during excursions. Students always remain under staff supervision.

Walking

Walking movements outside the school campus will always adhere to the school's Excursions Policy.

The school will follow NSW Government Road Safety Education Program guidelines for walking primary students to and from school. This will:

- Ensure that the safest route is taken.
- Keep students together as a group and walk in line on footpaths.
- Ensure staff remain vigilant so that no student runs ahead or lags too far behind the group.
- Ensure students cross roads at crossings or lights where available and obey road rules.
- Ensure students undertake extreme care crossing all roads.
- Require that If the students are under 10 years of age they hold hands.
- Require a "head count" to be conducted on a regular basis.
- Require that students are assisted in getting on and off the mode of transport.
- Require that the ground floor has an assembly space with a capacity for 120 students in one area.
- Require that a risk assessment is done for all travel plans.

Area Map

The two maps below show the pedestrian Access to the proposed school **Figure 13.**



Source JMT Consulting

Bus

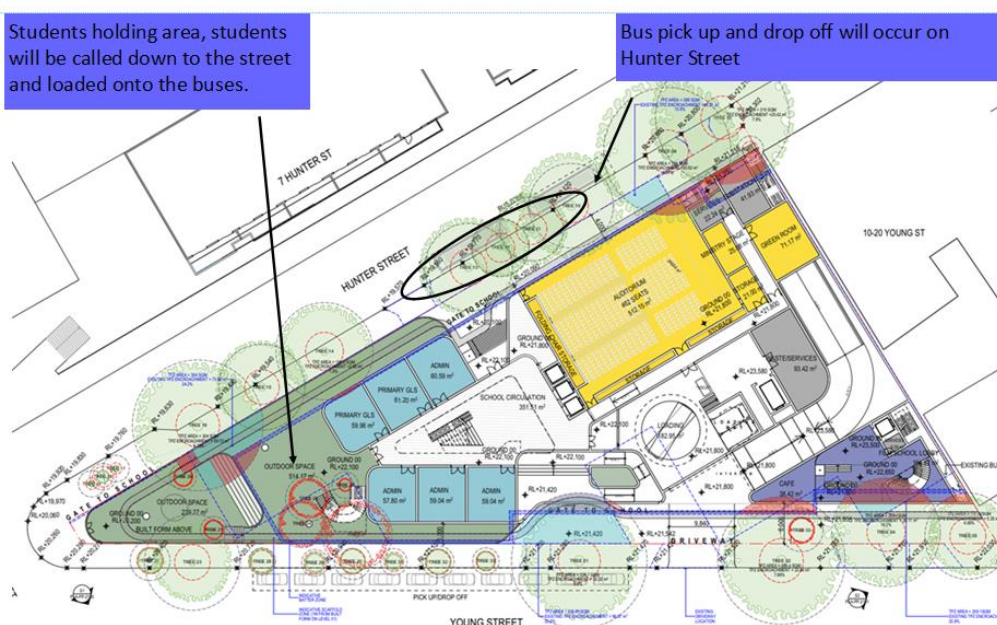
Buses will be loaded and unloaded on Hunter Street following the school's excursions policy.

According to the Passenger Transport Act of 1990, every bus that provides transportation for students must comply with its regulations.

All buses must comply with child restraint laws and ensure passengers under 7 are properly restrained in an approved seat.

Site map

This site map shows the location of the bus drop-off and pick-up points **Figure 14.**



Floor plan from Plus Architecture

Train and metro

Train and metro transport will always adhere to the school's Excursions Policy.

The nearest train station is 800 meters or a 10-minute walk to Green Square Station at O’Riordan Street and Botany Road.

The nearest Metro station is 800 meters or a 10-minute walk to Waterloo Station at Cope Street and Botany Road.

Area Map

This map shows the locations of the Train and Proposed Metro Stations. **Figure 15.**



Source JMT Consulting

4 Clarification of usage of the undercroft area at the ground level and how it would be separated from the movements during school start and finish times.

This area will serve multiple purposes throughout the school day. Its primary function will be as a passive outdoor/open space, while during drop-off and pick-up times the space will also serve as a student-holding area. At other times, it will become a common gathering space for staff and students.

Primary and secondary schools will have staggered start and end times to ease drop-off and pickup volume.

Drop off

The primary school drop-off session will start at 8.30 am

The secondary school drop-off session will start at 8.00 am

Pickup

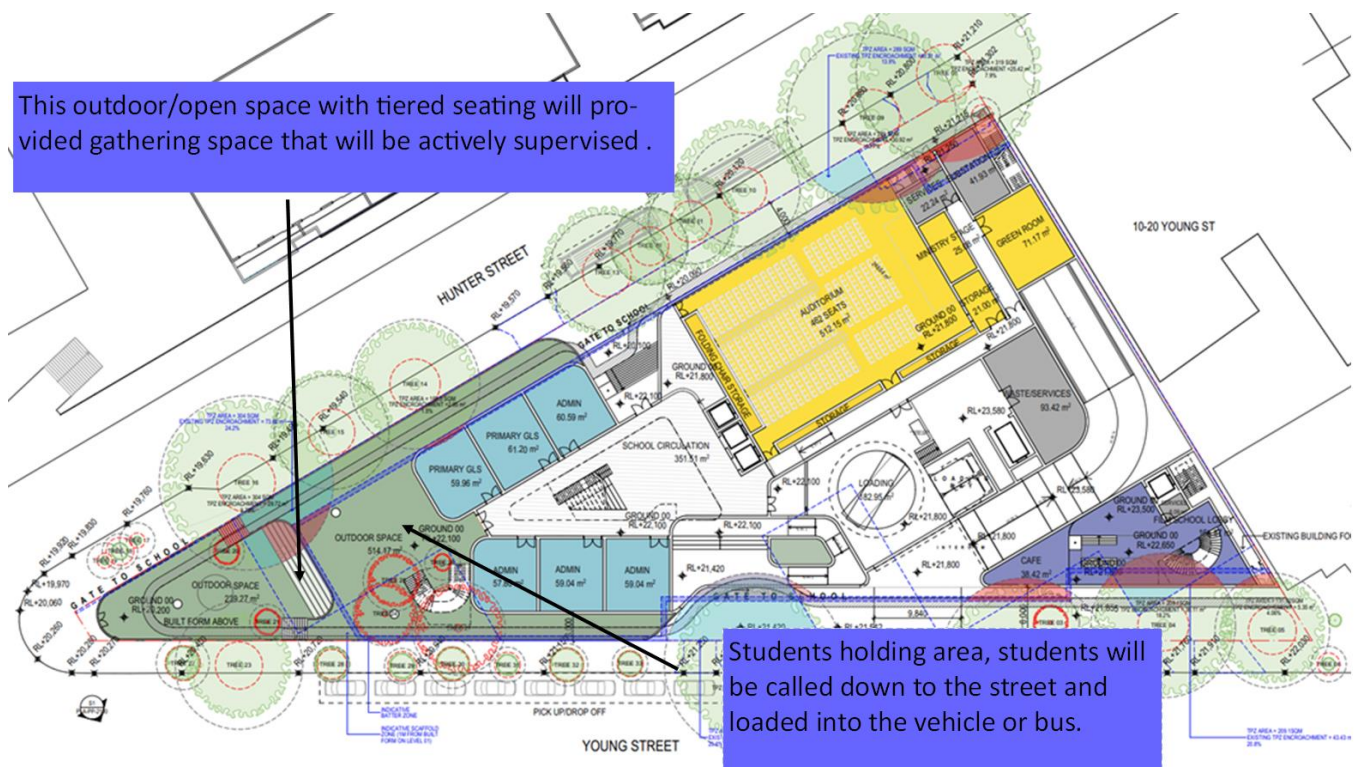
Primary Students will be picked up at 3:00 pm

Secondary Students will be picked up at 3.30 pm

As a gathering space, it must be actively supervised and monitored.

Site plan

Open space on the ground floor **Figure 16.**

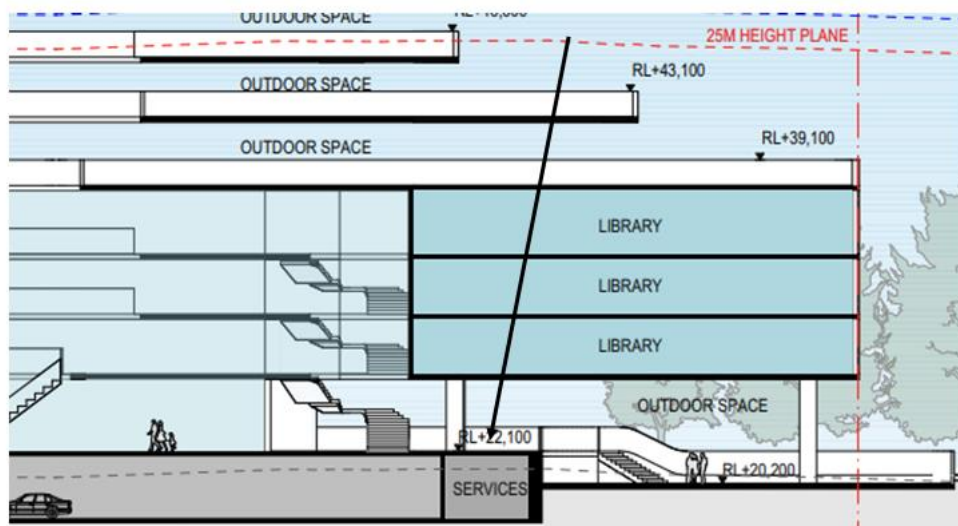


Floor plan from Plus Architecture

Site Section

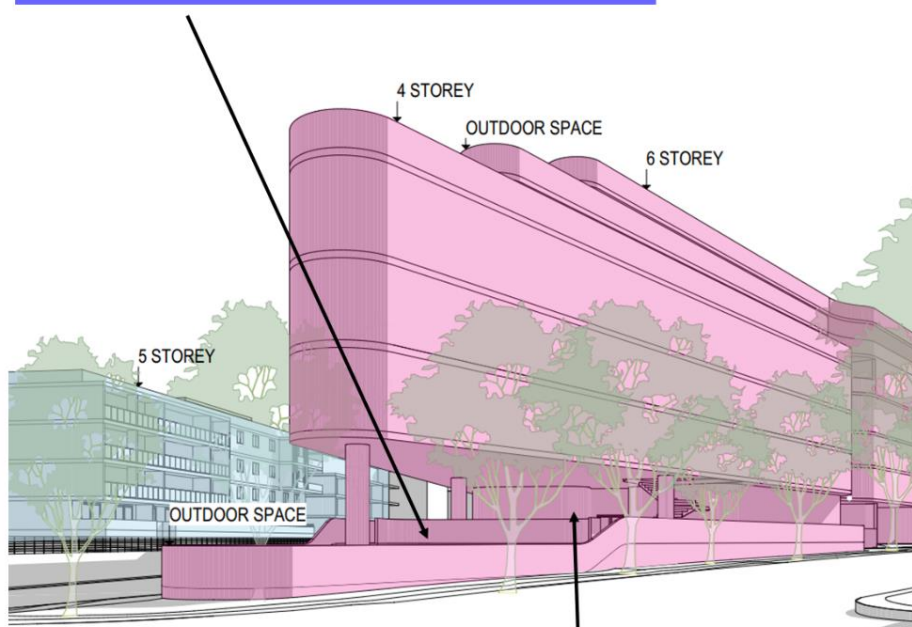
Open space in the basement and ground floor **Figure 17.**

Students holding area, students will be called down to the street and loaded onto the buses.



Section from Plus Architecture

This outdoor/open space with tiered seating will provided gathering space that will be actively supervised .



Students holding area, students will be called down to the street and loaded into the vehicle or bus.

Sketch from Plus Architecture

5 Operational transport management, including details of pick-up and drop-off management measures

The school recognises the importance of sound arrangements for student, staff, parent and visitor movements and has identified appropriate measures to manage:

- Bus and vehicle pick up and drop off
- Safe pedestrian movements of students, staff, parents and visitors from the community and train and Metro stations
- Delivery of school supplies and materials between 9.30 am and 2.30 pm on school days

It will minimise the volume of vehicle movements in and around the school by setting the following conditions:

- Only executive staff members will be permitted to park their vehicles in the basement car park.
- Staff will not be permitted to park their vehicles in the basement car park. Staff will be provided with Opal cards for transportation to and from school to encourage the use of public transport.
- Year 11 and 12 Students will not be permitted to drive vehicles to and from school.

Area map.

The area map below shows the potential transport arrangements for the school **Figure 18.**

Potential Access Arrangements

- ↔ Site driveway access point
- Student drop off / pick up (~8 spaces)
- Bus drop off / pick up (~2 spaces)



Source JMT Consulting

Students drop off and pick up – buses and vehicles.

The school principal, deputy principal and senior staff will be rostered for traffic duty each school day. Bus drop-off and pick up will occur on Hunter Street, while the vehicle drop off will occur on Young Street. During set drop off and pick up times the basement car park will be closed to vehicle movements.

Drop off

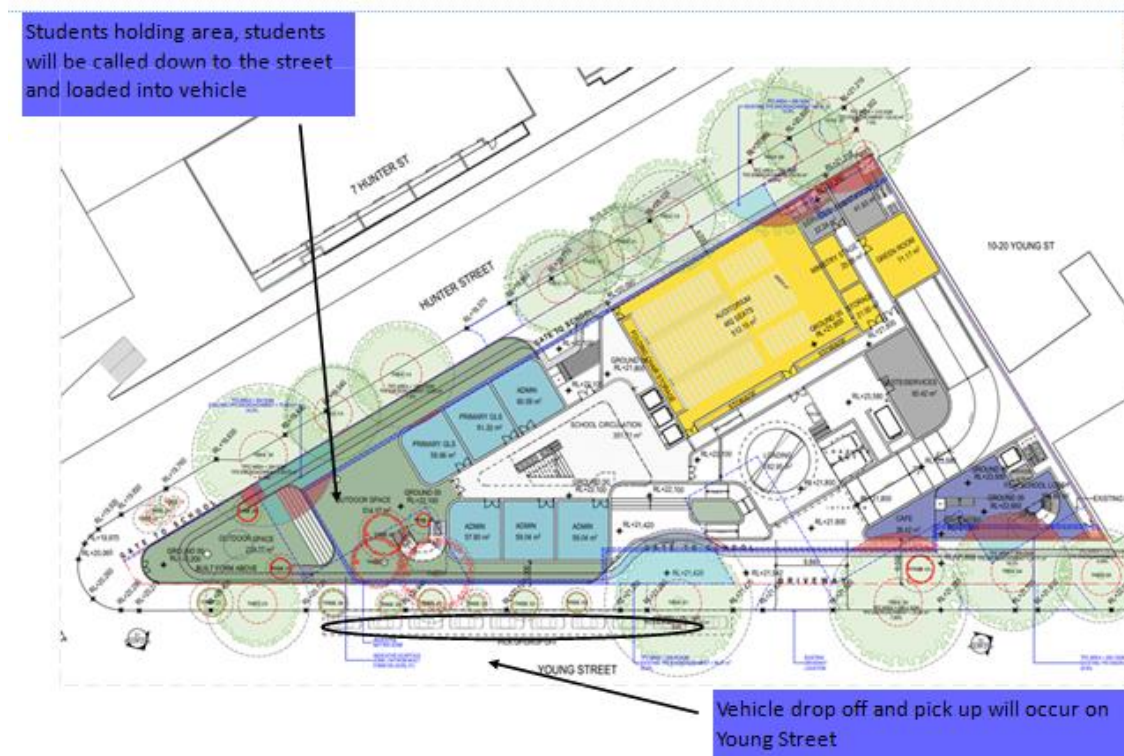
- All secondary and primary students will be admitted through the main entrance on Young Street, including families with older siblings. Staff will supervise the unloading of students from cars.
- Similarly, secondary and primary students be collected from the main entrance on Young Street. Staff will always supervise the loading of students into cars.
- Primary Students with older siblings may arrive at 8.00 am (not before)
- Secondary Students may arrive at 7.30 am (not before)
- The primary school drop-off session starts at 8.30 am
- The secondary school drop-off session will start at 8.00 am.

Pick up

- All secondary and primary students will be collected from the main entrance on Young Street. Staff will always supervise the loading of students into cars. Students will load into vehicles by year group and be held within the ground floor of the school until the designated loading time.
- Primary Students will be picked up at 3:00 pm (not before)
- Secondary Students will be picked up at 3.30 pm (not before)
- On approaching the Kiss and Drop area in Young Street each vehicle will display the student name/s and year group/s, staff members will call out the students' name/s, then the student/s will travel down from the holding area on the ground floor of the school and be loaded into the vehicle. The location of the student holding area depends on the number of students being picked up by vehicles.

Site Plan

This site map shows vehicle pickup and drop-off on Young Street **Figure 19.**



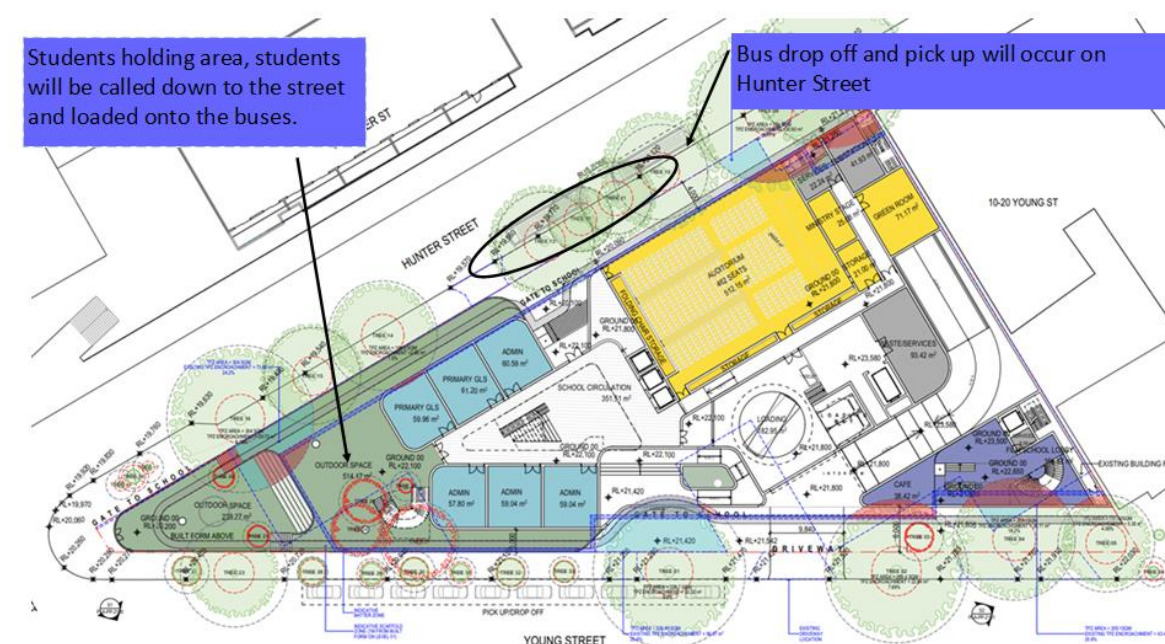
Floor plan from Plus Architecture

Bus drop off and pick up

The school Bus Zone will be established on Hunter Street for pick-up and drop-off times from 8:00 am to 9:00 am and from 3:00 pm to 4:00 pm.

Site plan

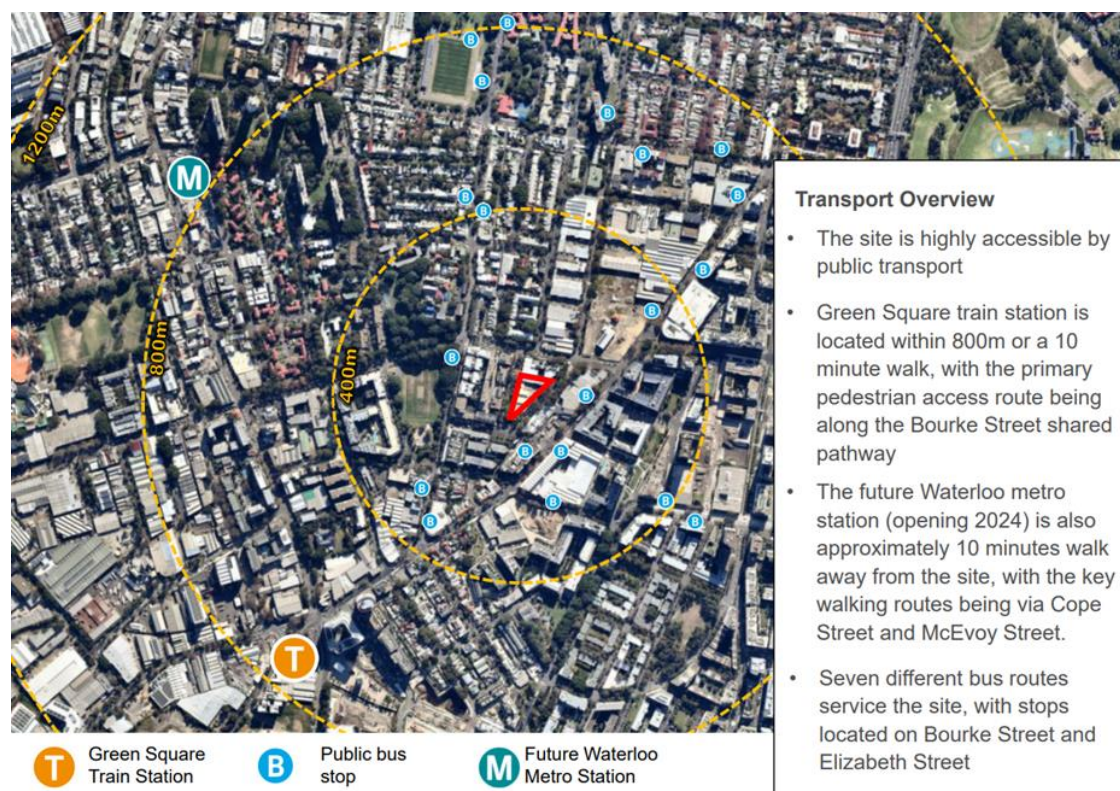
This site map shows the bus pick up and drop off in Hunter Street **Figure 20.**



Floor plan from Plus Architecture

Area transport overview map

The transport overview map displays train, bus, and metro options for reaching the school
Figure 21.



Source JMT Consulting

Area travel map

The pedestrian access map displays staff, student, and visitor routes to and from the school
Figure 22.



The forecast arrival and departure directions for cars accessing the site are shown below (arrival directions figure 23) and below (departure directions Figure 24). This traffic distribution is generally consistent with the assumptions adopted for the neighbouring Woolworths site. However, takes into consideration the likely direction of travel to access or leave the drop off / pick up zone on the western kerb of Young Street.

Arrival directions by forecast JMT Consulting **Figure 23.**



Departing directions by forecast JMT Consulting **Figure 24.**



Source JMT Consulting

6 Preliminary details of evacuation in case of an emergency, considering the pedestrian flows around the site.

PRELIMINARY EVACUATION – EMERGENCY MANAGEMENT PLAN (EMP)

Schools are required to provide a safe environment for staff, students and visitors. This includes identifying and managing risks and planning for emergencies. Under Regulation 43 of the Work Health and Safety Regulation 2017, a workplace must have an Emergency Management Plan (EMP).

The school EMP will include:

- Preparedness, prevention, response and recovery strategies
- Agreed staff emergency management roles and responsibilities
- A site-specific risk assessment.

In compliance with Australian Standard 3745-2010, the school's EMP should be developed collaboratively. Therefore the EMP will be developed in consultation with school educators and staff to respond to the following events (Response Events):

- Building fire
- Asbestos
- Flood
- Heat (extreme)
- Industrial /Factory fire
- Mental Stress
- Missing Student and or Staff
- Intruder
- Bomb/substance threat
- Severe weather event
- Smoke
- Snakes
- Earthquake

EMERGENCY RESPONSE PROCEDURES

During an emergency, the school will activate one or a combination of the following five core emergency procedures:

- on-site evacuation (relocation)
- off-site evacuation
- lock-down
- lock-out
- shelter-in-place

On-Site Evacuation may be necessary if it is unsafe to stay inside the building due to a fire, gas leak, or other threats. Lockout procedure is often combined with this to prevent access to high-risk areas.

Off-Site Evacuation may be necessary If it is unsafe to remain on site and involves evacuation to a designated off-site point. This includes emergencies like bomb threats, fires, spills, and floods. It may also be necessary in response events outside the school premises.

Lockdown may be used if it is safest for everyone to remain indoors. Emergency situations may include hazardous smoke emissions, severe weather events or sensitive police operations.

Lockout may be necessary for immediate danger, for example in the event of a gas leak. Off-site evacuation procedures may also be used for these circumstances.

Shelter-in-place may be used as a protective action for external hazards like severe weather events or intruder threats. It may be a central assembly point before evacuation or a last resort. The location may vary depending on the hazard. If it poses a threat to children, immediate evacuation is necessary.

COMMUNICATION AND CONSULTATION

Communication and consultation with all relevant internal and external authorities (namely, police, fire brigade, State Emergency Service, Rural Fire Service, ambulance) will take place during all stages of the risk management process. Similarly there will be communication and consultation between the principal and other executive staff, staff, parents, care givers and families in relation to risk management.

EMERGENCY RESPONSE DRILLS SCHEDULE

Emergency response drills once every term will ensure the procedures are practical and that staff with responsibilities during an emergency have the knowledge to carry out their role.

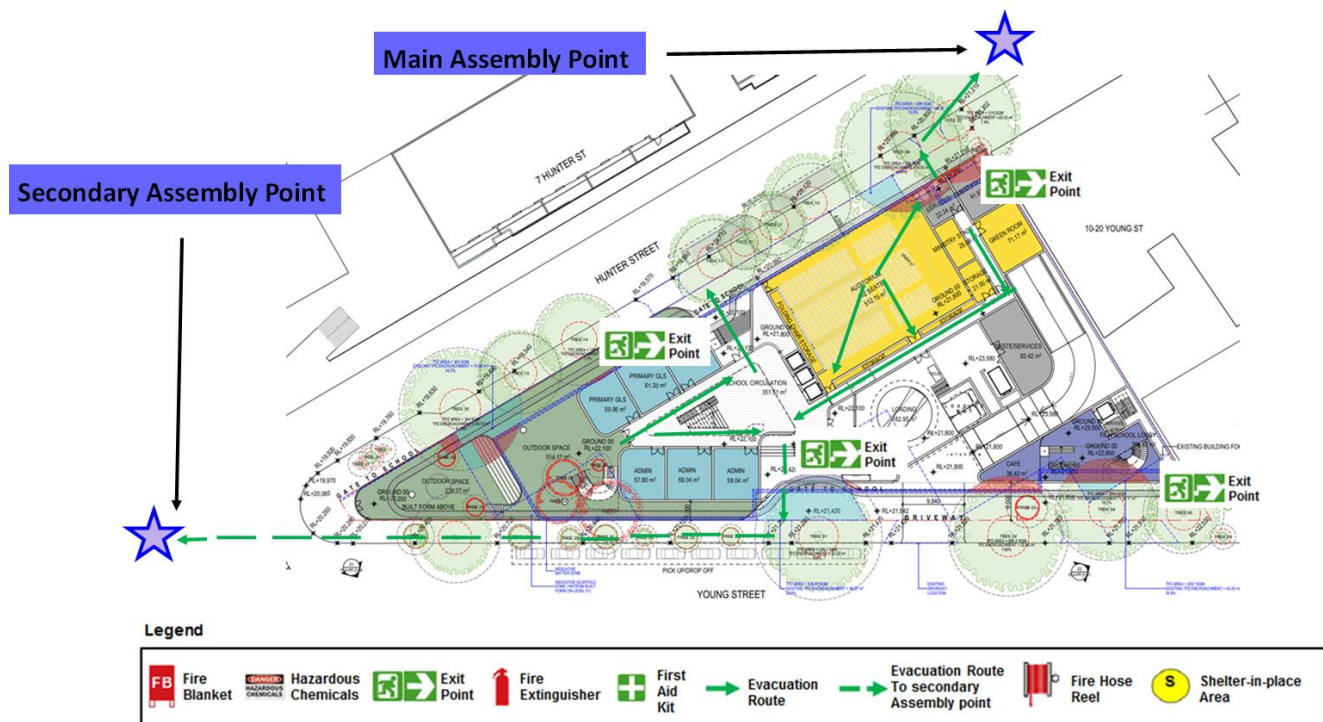
EMERGENCY KIT

A kit will kept in a designated, easily accessible place.

SITE MAP

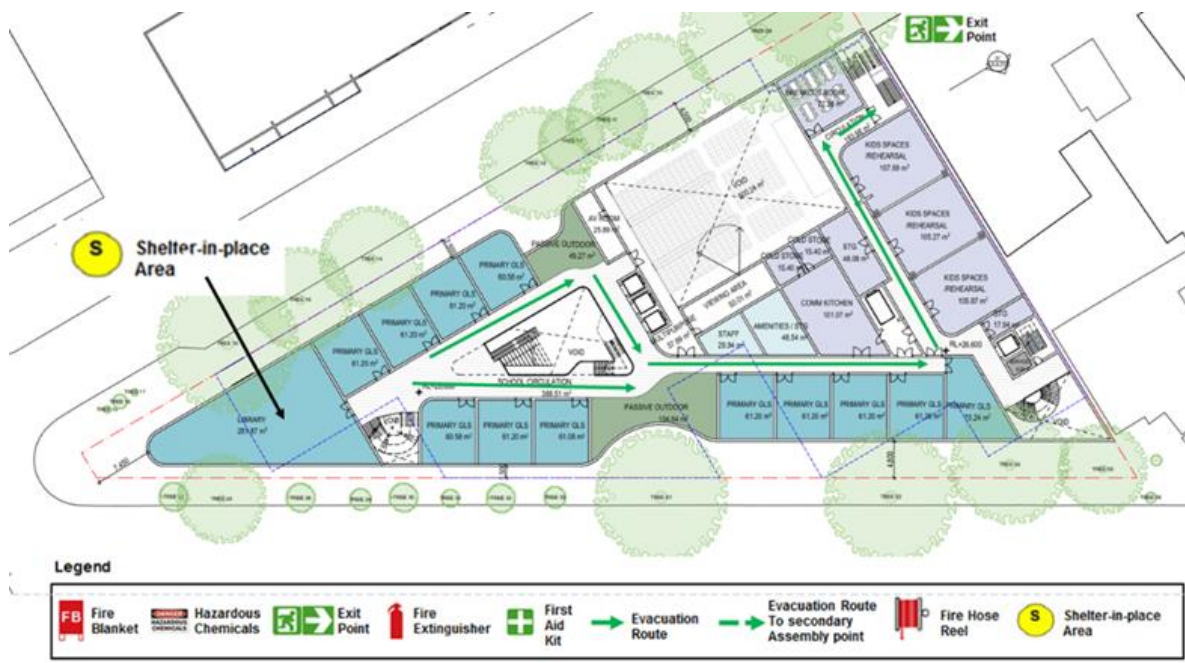
The floor plans below display the primary and secondary refuge/emergency assembly points, as well as the shelter-in-place location on the school campus.

Ground Floor **Figure 25.**

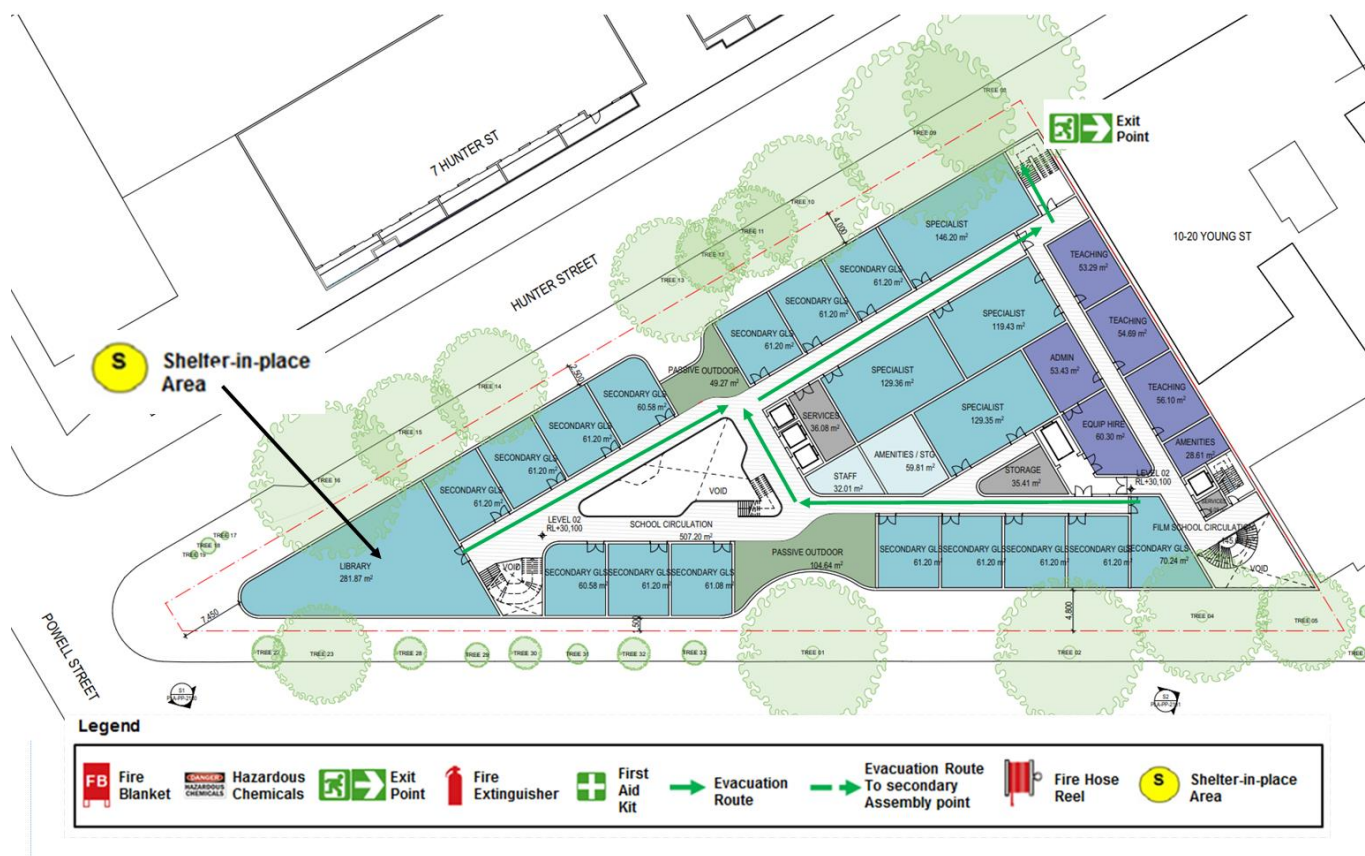


Floor plan from Plus Architecture

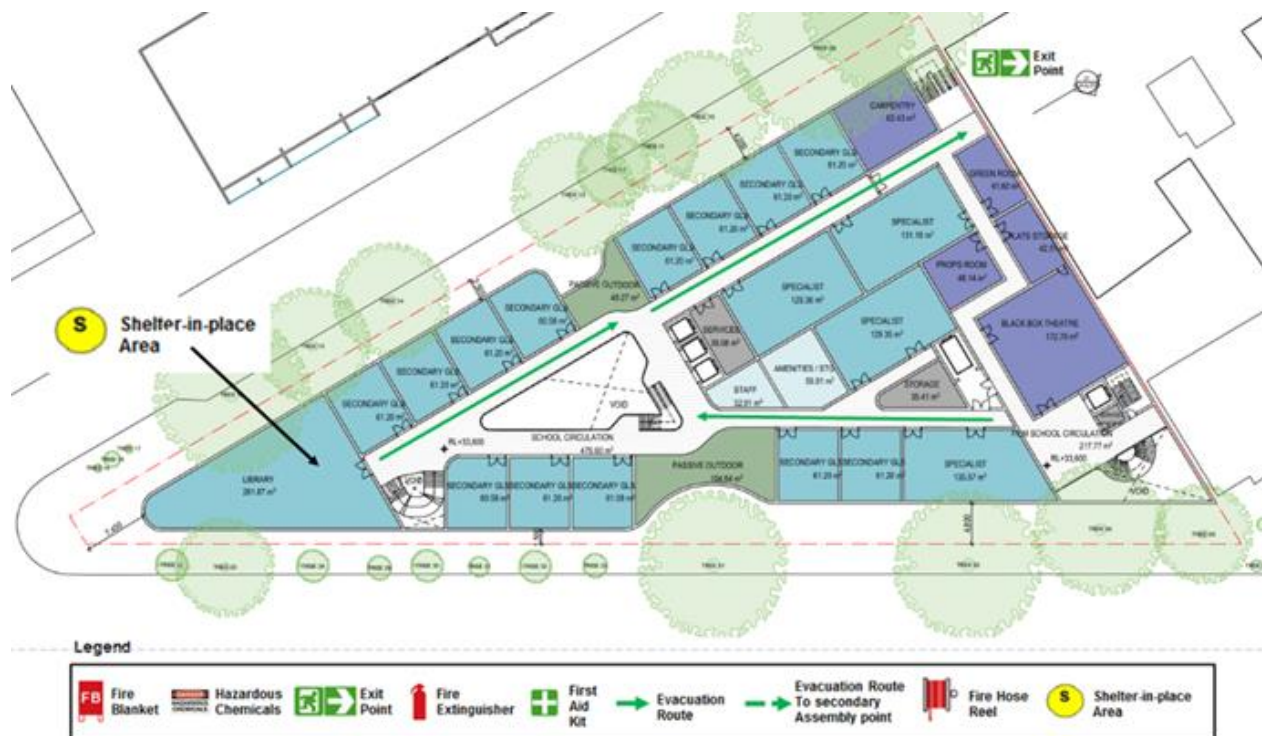
First Floor **Figure 26.**



Floor plan from Plus Architecture



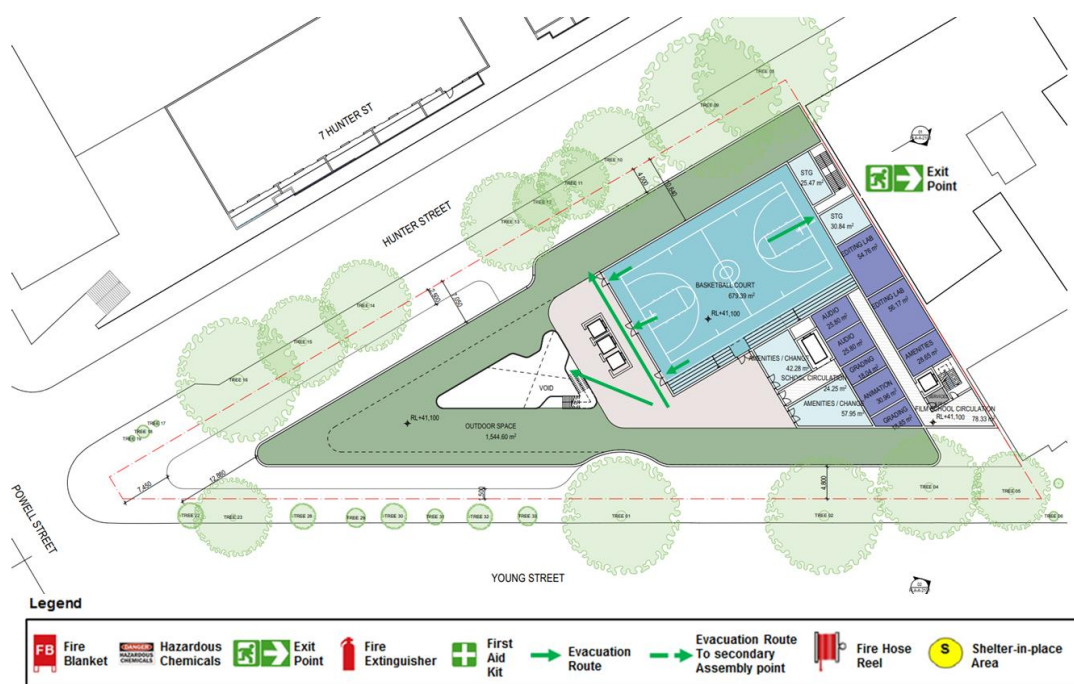
Floor plan from Plus Architecture



Floor plan from Plus Architecture

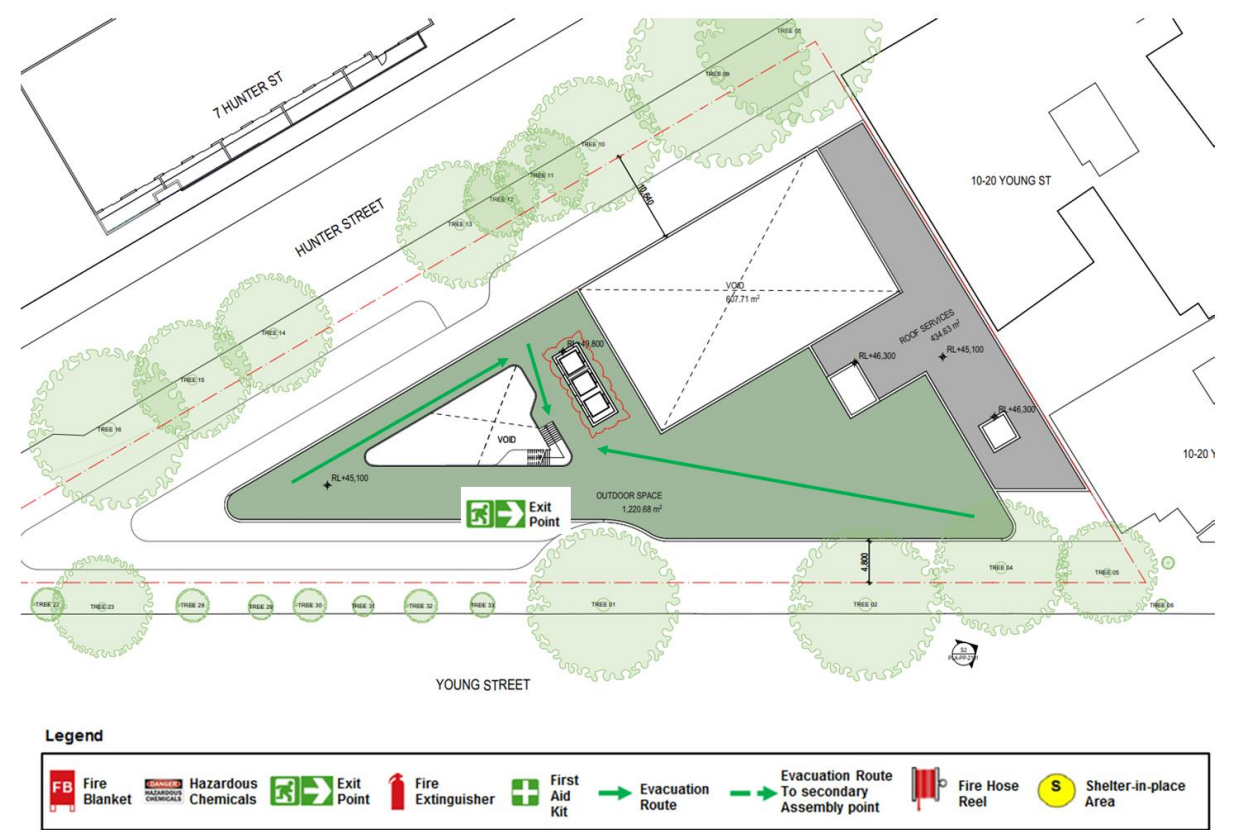
[illegible]

Fifth Floor **Figure 30.**



28

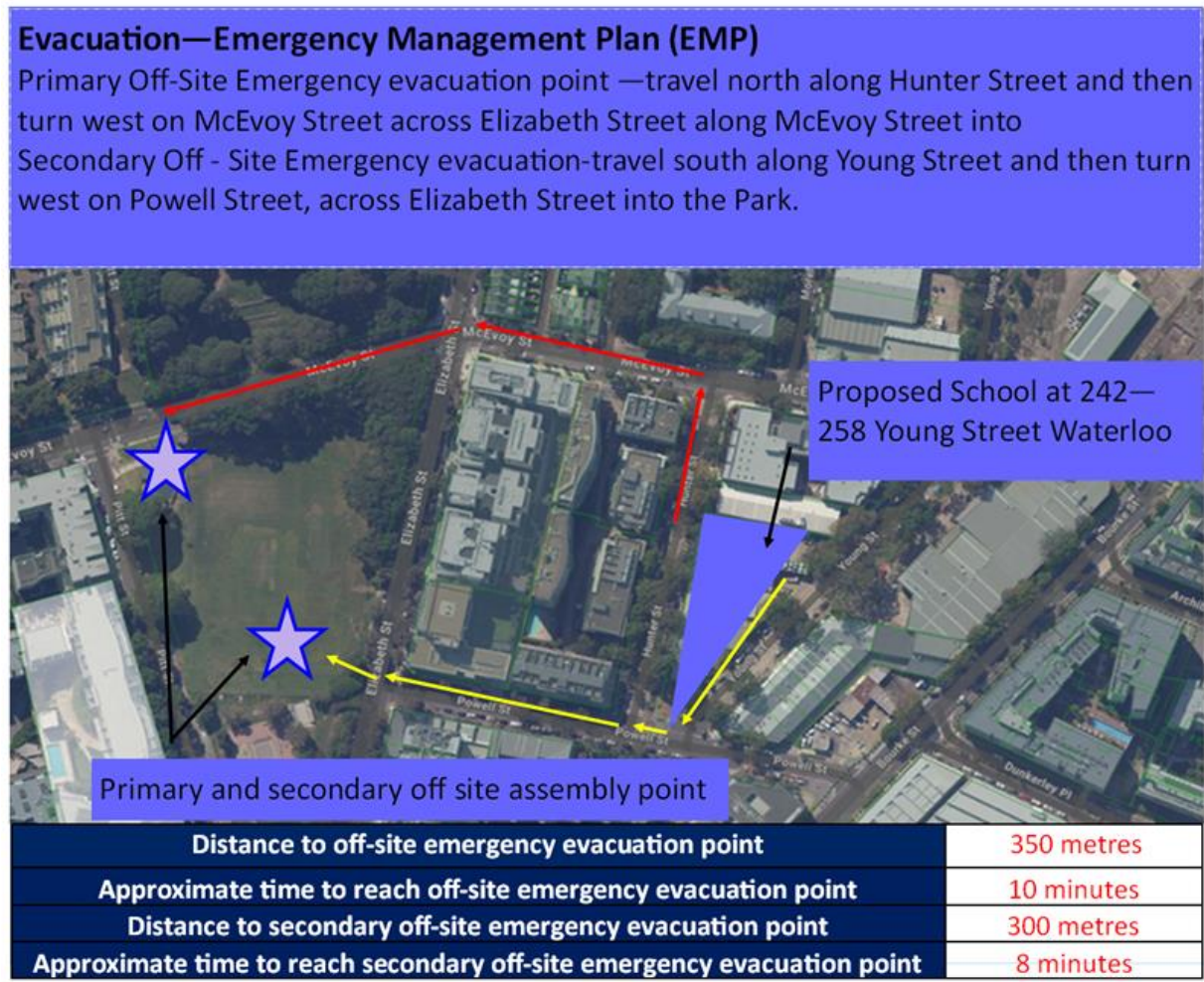
Sixth Floor **Figure 31.**



Floor plan from Plus Architecture

AREA MAP

The below area map shows the location of the school and its off-site evacuation points
Figure 32.



Flood events evacuation routes are different to all other events (see page 37 / figure 41)

7 Flood Emergency Response Plan - detailing shelter-in-place procedures is required.

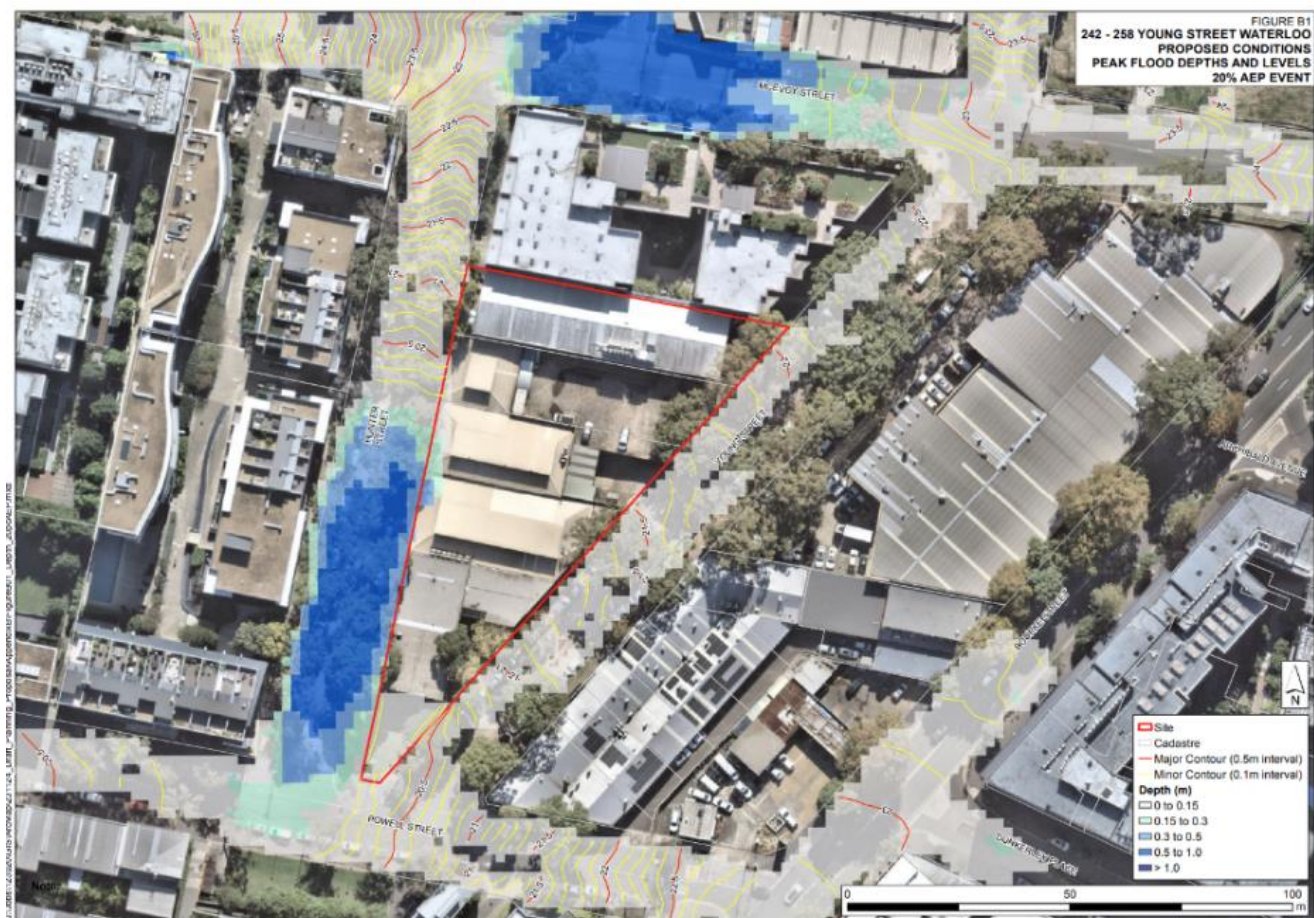
FLOOD EMERGENCY PLAN

The school's flood emergency response plan outlines its procedures for responding to floods that may occur in this location within two hours.

20% AEP Event

Flood likelihood is measured by Annual Exceedance Probability (AEP). A 20% AEP flood has a 20 in 100 chance of occurring in any given year. The school can be evacuated to an off-site emergency evacuation point during a 20% AEP flood event as the considered risk is acceptable.

20% AEP flood Figure 33.

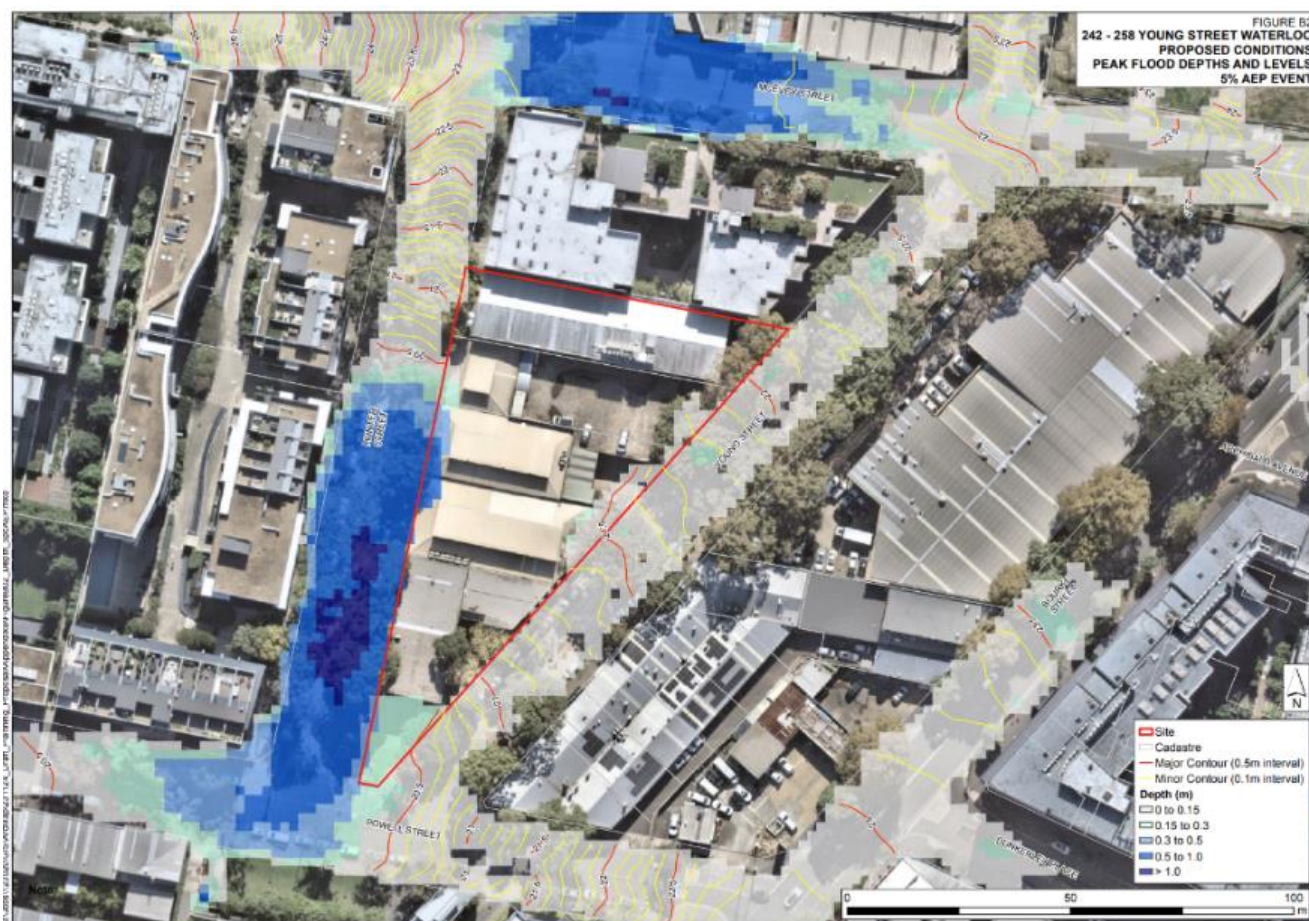


Source from WMA Water

5% AEP Event

Flood likelihood is measured by Annual Exceedance Probability (AEP). A 5% AEP flood has a 5 in 100 chance of occurring in any given year. The school can be evacuated to an off-site emergency evacuation point during a 5% AEP flood event as the considered risk is acceptable.

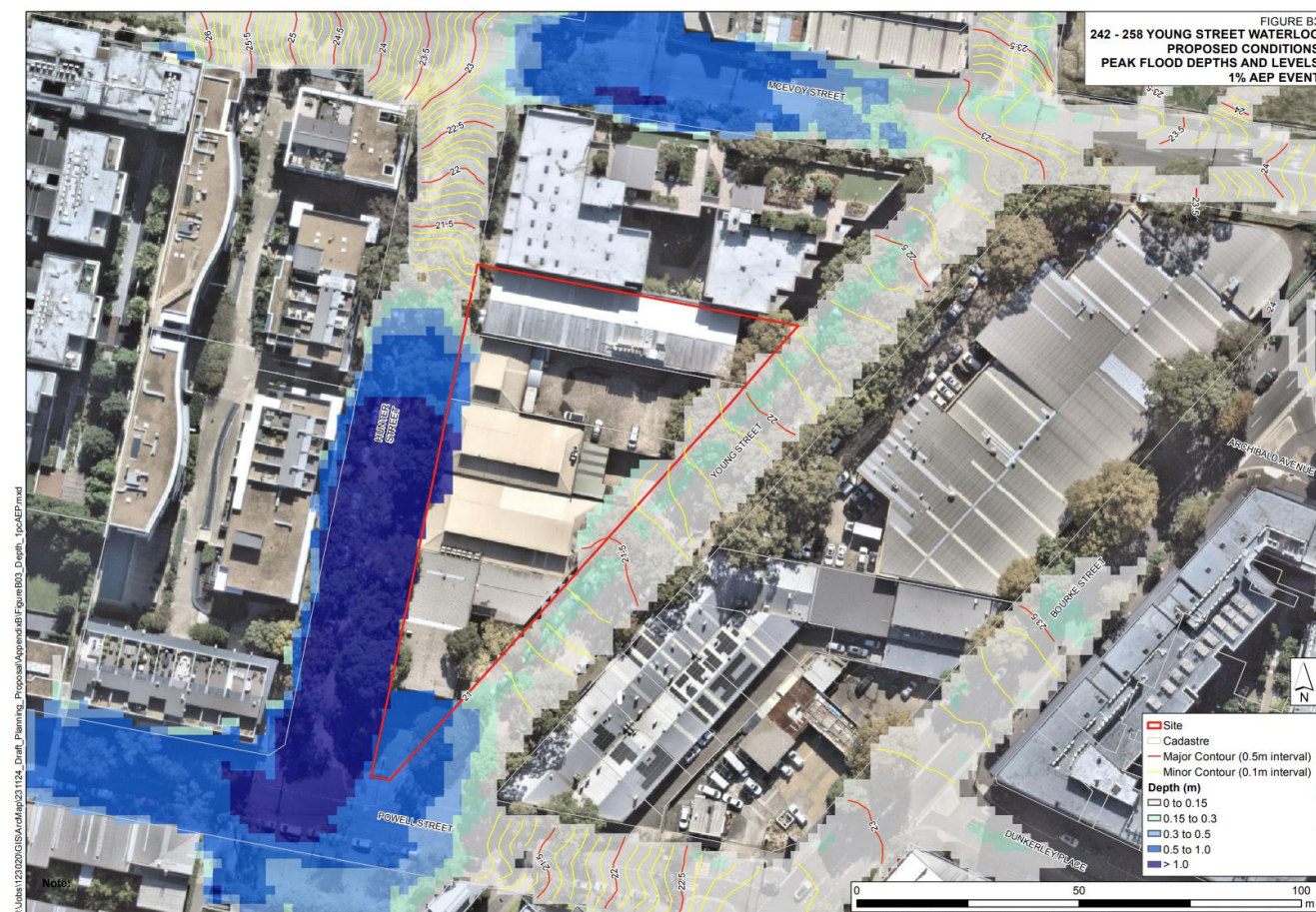
5% AEP flood **Figure 34.**



1% AEP Event

Flood likelihood is measured by Annual Exceedance Probability (AEP). A 1% AEP flood has a 1 in 100 chance of occurring in any given year. It is imperative that everyone 'Shelters-In-Place' inside the school until the floodwaters have subsided and it is safe to evacuate. The school can be evacuated to an off-site emergency evacuation point during a 1% AEP flood event as the considered risk is acceptable.

1% AEP flood **Figure 35.**



Source from WMA Water

PMF EVENT

If a Possible Maximum Flood (PMF) occurs, the school will be isolated for approximately two to four hours as McEvoy Street, Hunter Street, Powell Street, and Young Street surrounding the school will be flooded. This presents a level five hazard, making it unsafe for people and vehicles to evacuate from the school as there will be no safe way to do so. Additionally, there will be no effective flood access. It is imperative that everyone 'Shelters-In-Place' inside the school until the floodwaters have subsided and it is safe to evacuate to an off-site emergency evacuation.

PMF flood **Figure 36.**



Source from WMA Water

FLOOD EMERGENCY RESPONSE PLAN

This emergency response plan outlines a 'shelter-in-place' strategy that will be put into action until it is considered safe for the school to be evacuated. The school principal will initiate the flood management plan in response to flood warnings received from the Bureau of Meteorology (BOM) and other local sources of information.

FLOOD PRIMARY REFUGE/ EMERGENCY ASSEMBLY POINT

In a flood emergency, the first, second and third floors' libraries are the primary refuge/ shelter in place. Once everyone is accounted for, students, staff, visitors and contractors will remain in these locations as part of the 'shelter-in-place' strategy until it is safe to leave via the main assembly point on Hunter Street.

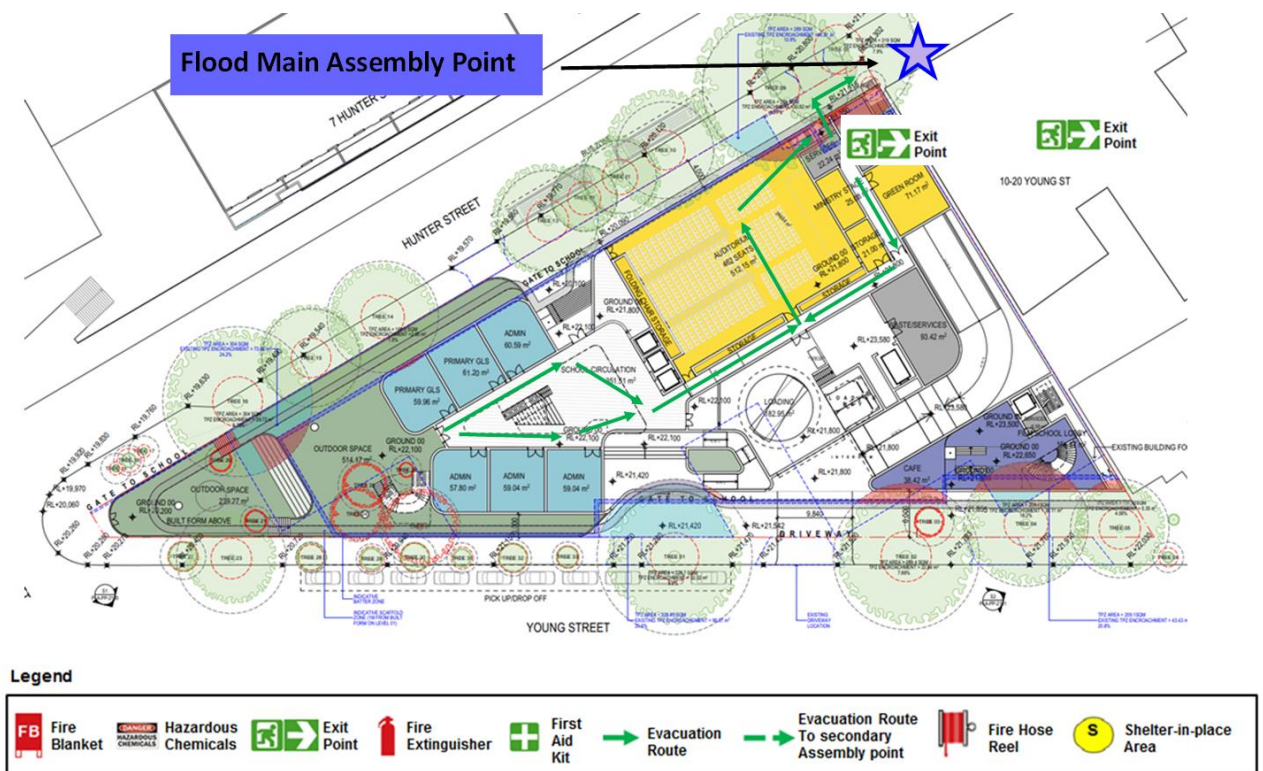
EMERGENCY EVACUATION POINT

For a safe evacuation of the school premises, everyone, including students, staff, visitors and contractors, must head north along Hunter Street and then turn west on McEvoy Street. The park on the corner of Elizabeth Street and McEvoy Street is designated as the off-site emergency evacuation point for flooding events. This is where the school will coordinate with first responders and student pick-up points.

SITE MAP

The floor plans below display the primary refuge/emergency assembly points for flood events only, as well as the shelter-in-place location on the school campus.

Ground Floor **Figure 37.**



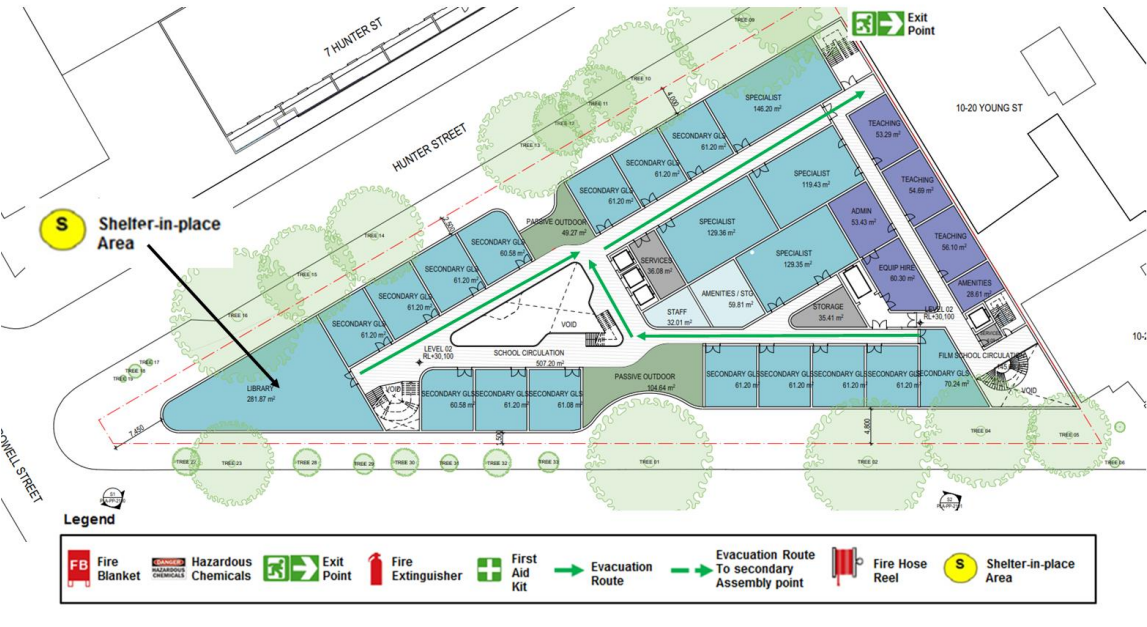
Floor plan from Plus Architecture

First Floor **Figure 38.**



Floor plan from Plus Architecture

Second Floor **Figure 39.**



Floor plan from Plus Architecture

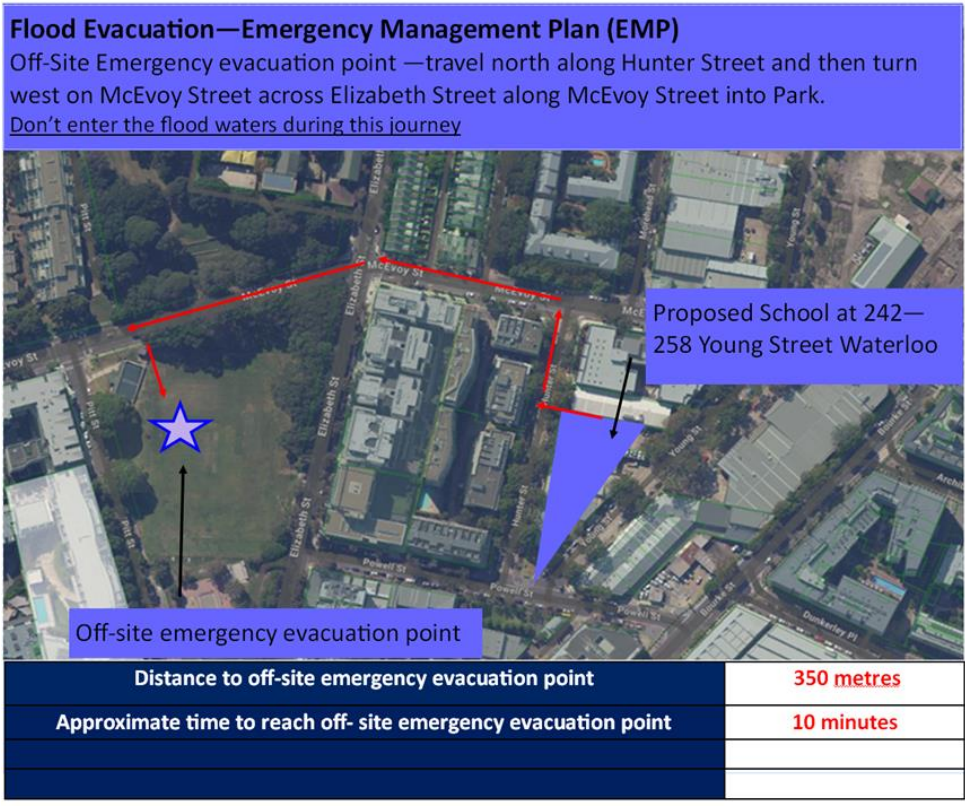
Third Floor **Figure 40.**



Floor plan from Plus Architecture

AREA MAP

The area map below shows the location of the school and its flood off-site emergency evacuation point **Figure 41.**



Source: Nearmap

FLOOD EMERGENCY RESPONSE PLAN SCHOOL PERSONNEL

The table below outlines the responsibilities of school personnel during a flood emergency event **Table 3**

Staff	Location	Responsibilities
Chief Flood Warden – Principal	At School	On-Site Organise flood management drills for school and staff not less than yearly. Register duty phone for Early Warning Network and Dipstick (if recommended to be installed). Decide if evacuation is required (only in an emergency). Decide when it is safe for on-site persons to leave after a flood event. Liaise with emergency services when they attend the site.
First Aid Officer Deputy Principals Teachers	At School	Prepare and maintain a Flood Emergency Kit. Assist in coordinating the movement of limited mobility persons to the assembly points during such times. Manage Individual Health Care Plans for students.
Deputy Chief Flood Warden Deputy Principals	At School	On-Site assist the First Aid Officer where required or fill those responsibilities if that appointee is unavailable. Receive text notifications from the Early Warning Network and Dipstick (if recommended to be installed).
Flood Warden Teachers	At School	Assist the Deputy Chief Flood Warden where required or fill those responsibilities if that appointee is not available. Receive text notifications from the Early Warning Network and Dipstick (if recommended to be installed)
Flood Warden Teachers	At School	Maintain calm in students, other staff, visitors, and contractors. Know who the flood-relevant appointees are for advice.
Flood Warden Teachers	At School shelter-in-place points on the First, Second and Third-floor libraries.	Assemble students, other staff, visitors, and contractors at the Primary refuge/shelter-in-place points
Flood Warden Teachers	Flood main assembly point on Hunter Street	Move the students, other staff, visitors and contractors by travelling north along Hunter Street to McEvoy Street, along Mc Evoy Street across Elizabeth Street and then along McEvoy Street to the off- site emergency evacuation point /pick-up point.

FLOOD EVACUATION WARNINGS

Below is a list of flood evacuation warnings that may occur during weather events that have the potential to cause flooding near the school. The Bureau of Meteorology (BOM) maintains rainfall gauge stations in Sydney. They provide information to assist in flood warning systems.

The BOM issues five warnings through various methods.

- Television
- Radio
- Websites
 - o <http://www.bom.gov.au/>
 - o <http://www.bom.gov.au/nsw/warnings/>
- In addition to this, the SES may issue warnings in the form of:
 - Bulletins
 - Evacuation Warnings or Evacuation Order
 - Hazzard near me mobile phone app

WARNING TYPES

Severe Weather Warning

The BOM issues warnings for severe or dangerous weather that is not limited to severe thunderstorms, tropical cyclones, or bushfires. These warnings are given when there is severe weather in an area, or it is expected to develop or move into an area.

Severe Thunderstorm Warning

The Bureau of Meteorology issues warnings to alert communities of the potential threat of severe thunderstorms.

Flood Alert/Watch/Advice

If there is an expected flood-producing rainfall, a flood alert, watch, or advice will be issued to provide an early warning of possible flooding.

Generalised Flood Warning

A generalised flood warning will be issued if expected flooding occurs in a particular area. As per the "Service Level Specification for Flood Forecasting and Warning Services for New South Wales - Version 2.0" (Bureau of Meteorology, 2013), there will be a three-hour warning time from the issuance of the warning to the peak flood level. This is the most probable warning type that will be used for the subject site in the event of an evacuation.

Minor/Moderate Flood Warning

Additional information may be considered to issue a more specific flood warning. It is expected that three hours of warning time will be given from the moment the warning is issued until the flood reaches its highest level. Monitoring of the real-time water level data of rivers and harbours is available on the Bureau of Meteorology website. This information is available at <http://www.bom.gov.au/nsw/flood/>.

All warnings will be issued through the website, radio and television.

Radio frequencies

ABC Sydney (702AM, 92.9FM, 206.352MHz digital), Triple J (105.7FM), 2DayFM (104.1FM), Triple M (104.9FM), Nova (96.9FM), KIIS (106.5FM), 2GB (873AM), 2UE (954AM).

All public and commercial television stations should broadcast warnings.

SES Flood Bulletins

The SES may issue a bulletin with flood information and recommended actions.

Evacuation Warning

The SES or Police may issue an evacuation warning, which provides advance notice to prepare for evacuation.

Evacuation Order

The SES will issue an evacuation order if evacuation is necessary. If an evacuation is ordered, it must be carried out. The evacuation order will be broadcasted through various channels such as radio/TV, door knock, automated telephone message or SMS.

Equipment.

Early Warning Network Automated Text and Email Service

The property can sign up for automatic alerts through the Early Warning Network (www.ewn.com.au). These alerts will filter the BOM warnings mentioned above and send notifications via text or email to the Chief Flood Warden or property owners.

On-Site Emergency Tone

The PA system will have an uninterrupted power supply and will be configured to sound an emergency tone, which means that all visitors, staff, and students should gather in the designated assembly points, namely the Ground Floor Multi-Purpose Hall and the First Floor Library, under the guidance of the staff and flood wardens. The emergency tone will be tested during every drill or once a term. In the event of an emergency, if the tone is not operational, an air horn and a handheld loudspeaker are available in the Flood Emergency Kit.

Dipstick Flood Alert System

The Dipstick Flood Alert System by Tuftec (<http://tuftec.com.au>) acts as a failsafe to notify stakeholders on-site, should no flood warnings be issued by the Bureau or SES. This device is designed to sense when water reaches a predetermined level and send a text alert, along with the rate of rise, to nominated parties, including the Council and all Flood Wardens.



Dipstick Flood Alert System **Figure 42.**

Flood Depth Gauge

This is a manual system where the flood depth is shown on a depth gauge and markings can be made to determine flood severity, such as a 100-year or 50-year event.

Rain Gauge

Both electronic and manual systems will be installed in open spaces to record rainfall at the school.

For any questions or comments, please contact Bruce Litchfield on 0448 820 587.

Attachment D

**Draft Design Guide - 242-258 Young Street,
Waterloo**

1 Introduction

This document is intended to guide the design of 242-258 Young Street, Waterloo and provides a resource to assist the evaluation of design quality and excellence.

The 242-258 Young Street, Waterloo Design Guide (Design Guide) outlines the desired design and place outcomes for the site and includes objectives and design guidance for built form, publicly accessible spaces, amenity, movement, connectivity and interfaces between the site and surrounding area. It will help to achieve the design quality outcomes for 242-258 Young Street, Waterloo.

1.1 Land to which this Design Guide applies

This Design Guide applies to the land identified in Figure 1: Land Application Map, being 242-258 Young Street, Waterloo, Lot 1 in DP84655 and Lots A and B in DP 161650.

The site is located at the junction of Young Street, Hunter Street and Powell Street, as outlined in red.

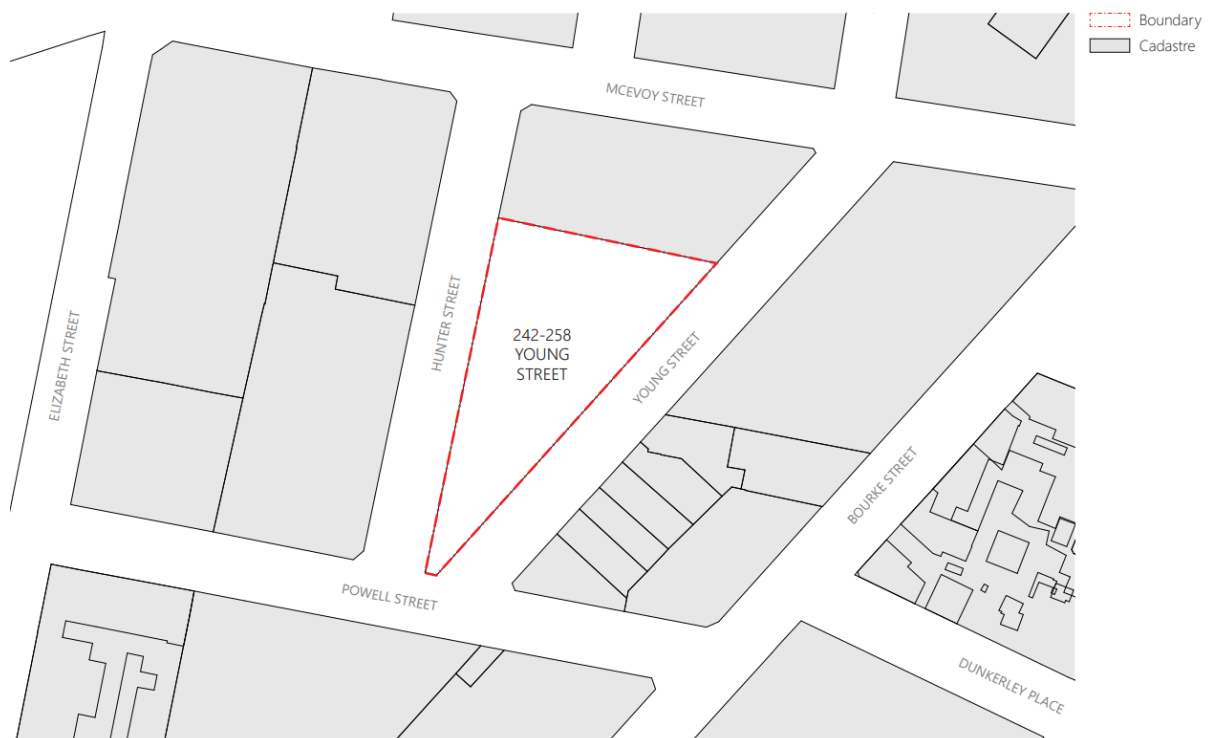


Figure 1: Land Application Map

1.2 Commencement

The Design Guide commences on the day on which the 242-258 Young Street Waterloo amendments to the Sydney Local Environmental Plan 2012 come into effect.

1.3 Relationship to other documents (and instruments)

This Design Guide is to be read in conjunction with the provisions and requirements:

- the Sydney Local Environmental Plan 2012 (Sydney LEP 2012)
- other relevant Environmental Planning Instruments.

The Design Guide is subordinate to the Sydney LEP 2012 and other environmental planning instruments that apply to the site. Where a provision of this Design Guide conflicts with a provision in the Sydney LEP 2012 or a State environmental planning policy, the Sydney LEP 2012 or the relevant State environmental planning policy prevails to the extent of the inconsistency.

1.4 Purpose

The purpose of this Design Guide is to support the implementation of Sydney Local Environmental Plan (LEP) 2012 as it applies to the site by providing more detailed provisions to guide development.

It is given effect by reference in Division 5, Part 6 Site specific provisions of the LEP 2012. This Design Guide replaces the provisions of the Sydney Development Control Plan 2012 in so far as they apply to the site. The sections of this Design Guide inform the preparation, assessment and determination of Development Applications as follows:

Section 1 sets out the land to which the Design Guide applies, administrative matters and the relationship to other elements of the planning framework that apply to the site.

Section 2 contains the Principles for the site, which have informed the planning framework (including this Design Guide and relevant provisions of the Sydney LEP 2012). The vision, desired future character and principles are to be considered when assessing whether a development application will deliver the intended outcomes for the site.

Section 3 contains general provisions and design guidance for development applications in the site. Each subsection in Section 3 includes:

- Objectives that describe the intent of provisions and the anticipated outcomes; and
- Provisions that specify numeric or performance-based considerations to guide detailed design of development within the site.

1.5 How to use this Design Guide

This Design Guide provides a hierarchy of objectives and provisions to guide future development on the site.

The Design Guide sets clear provisions for how the objectives can be practically achieved. If it is not possible to satisfy the provisions, applications must demonstrate what other responses are used to achieve the objectives.

A reference in this Design Guide to any Australian Standard, legislation or policy including to Sydney LEP 2012 or Sydney DCP 2012 is also a reference to any amendment or replacement as made.

This Design Guide is only to be used for development with the primary purpose of an educational establishment.

2 Principles

1. Protect the established street tree canopies along Young and Hunter Streets.
2. Achieve areas of high-quality, deep-soil landscaping within the site.
3. Maximise opportunities for cycling, public transport and walking and minimise on-site parking.
4. Ensure heights of buildings minimise overshadowing to the neighbouring park (south of Powell Street) and properties.
5. Ensure that flood planning effectively manages and mitigates flood risk without exacerbating potential damage and hazards to human life, existing development and the public domain.
6. Ensure building design mitigates noise impacts on surrounding development.
7. Dedicate land to widen surrounding footpaths to create a safe public pedestrian environment for students and members of the public.
8. Ensure rooftop open spaces provide high-quality well-designed landscaping.
9. Ensure development achieves design excellence.
10. Ensure development minimises carbon emissions and manages energy, water and waste effectively.

3 Design guide

3.1 Height, massing and amenity

Objectives

- To ensure the development responds to the site's context.
- To minimise overshadowing of surrounding residential development and open spaces.
- Ensure buildings are appropriately sited in relation to and protect the canopy and roots of existing trees.

Provisions

- Building heights in storeys and building setbacks are to be consistent with Figure 2: Building Heights and Setbacks.

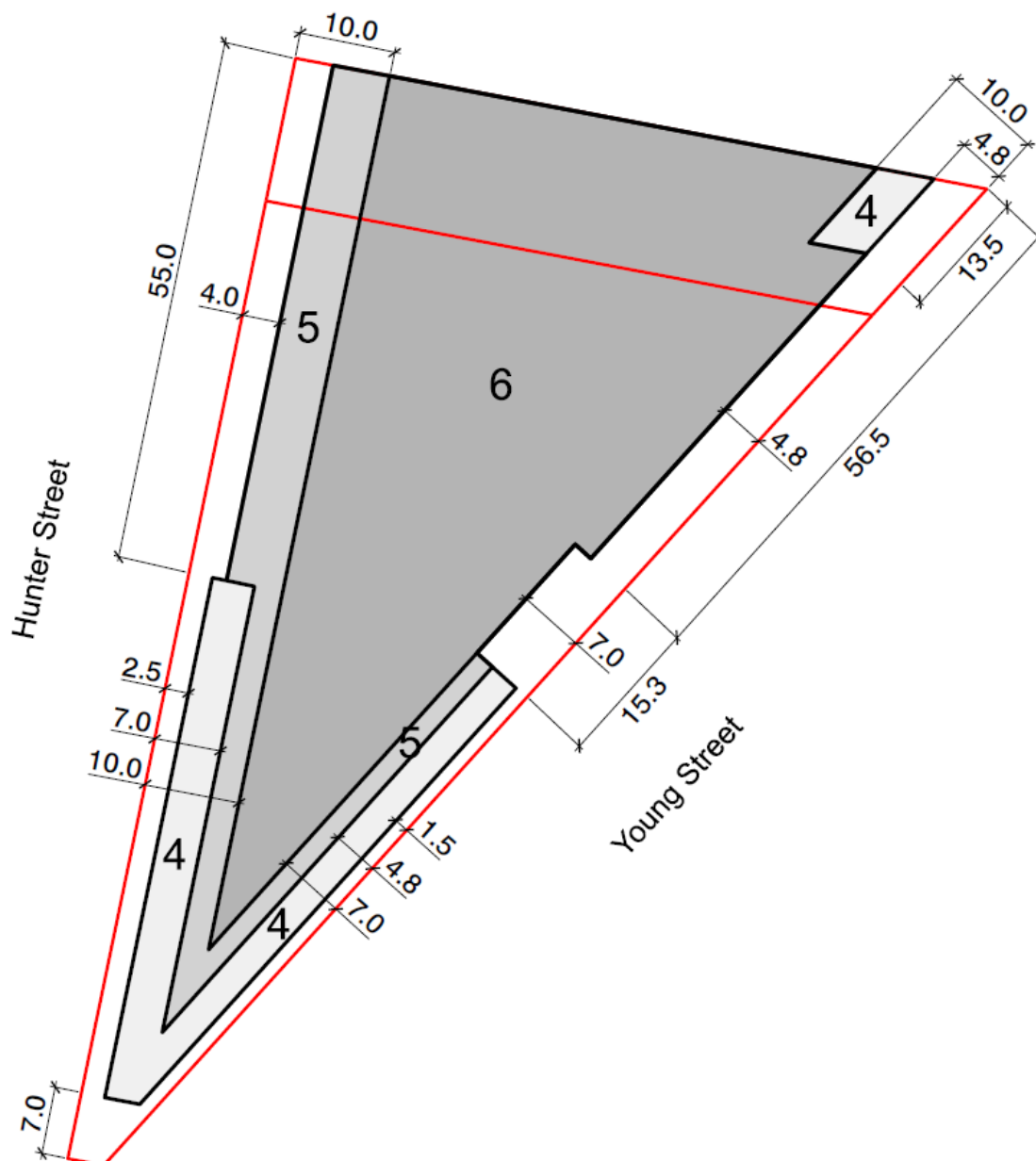


Figure 2: Building heights and setbacks

Large numerals are maximum building heights in storeys above ground.

Small numerals are minimum dimensions in metres.

2. For neighbouring residential apartments, minimise overshadowing as set out in the Apartment Design Guide. Applications must provide solar access (insolation) diagrams and views from the sun showing the period of sunlight with one hour gradients/intervals between 9am to 3pm on 21 June consistent with any City of Sydney guide.
3. Any void that forms or atrium that forms part of a development on the site is to be sealed from above with a roof.

3.2 Public domain

Objectives

- a) Ensure development provides additional public footpath space to comfortably manage student and members of the public.
- b) Ensure development provides areas of deep soil landscaping.
- c) Ensure that development improves the safety, amenity and quality of streets.
- d) Ensure development provides high quality frontages facing public places in terms of scale, massing, finishes and architectural detailing.
- e) Maximise the legibility, visibility and accessibility of entries from surrounding public places.
- f) Minimise and ameliorate the visual effect of blank walls both at ground level and exposed blank side walls above ground level.
- g) Ensure the placement and design of building services, access ramps, fences and walls is integrated into the building design and that their visibility from public places are minimised.

Provisions

1. Deep soil landscaping, footpath widening dedications and basement carpark location is to be in accordance with 'Figure 3: Footpath widening and landscape setbacks' specifically incorporating:
 - a) Footpath widening setbacks along Young Street, Hunter Street and Powell Street as shown in orange. Footpath widenings are to be dedicated to the City of Sydney and are to be free of structures above and below ground.
 - b) A 4.8m deep soil landscape setback along Young Street as shown in green.
 - c) A 2m deep soil landscape setback along Hunter Street as shown in green.
 - d) Basement carparking is to be located as shown in grey to maximise the extent of deep soil tree retention zones.
 - e) The landscape zone on Young Street may include a driveway crossover (see Figure 3) and a pedestrian entry path of a maximum width of 6m.

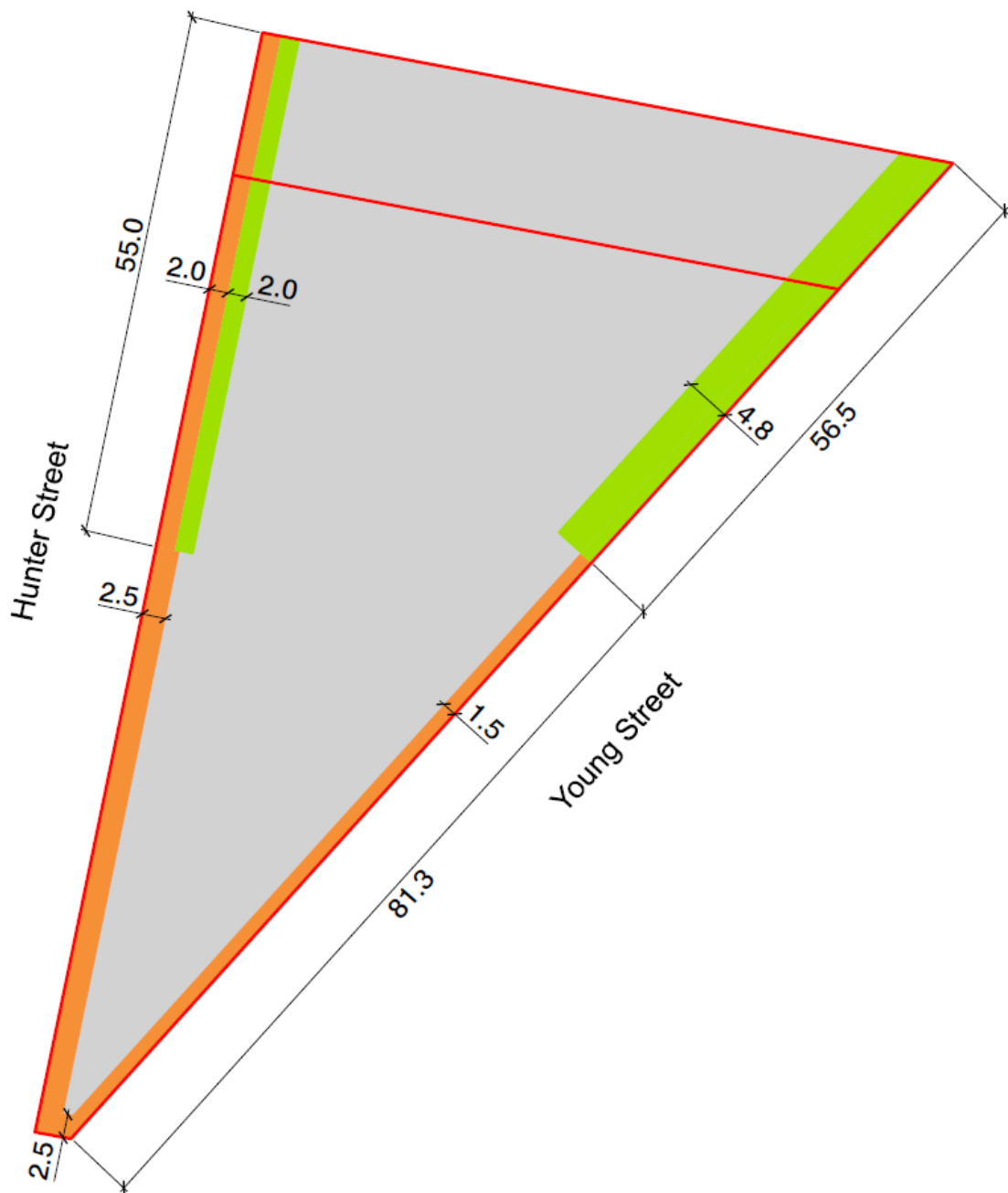


Figure 3: Footpath widening and landscape setbacks

2. Footpath widenings are to be finished in accordance with detailed public domain plans, RLs, cross and longitudinal sections and construction specifications to be supplied by the City of Sydney at detailed development application stage.
3. Footpath widenings are to be clear of all obstructions.
4. The deep soil landscape setbacks identified in 'Figure 3: Footpath widening and landscape setbacks' are to retain existing trees through measures defined by a suitably qualified arborist, and set out in an arboriculture impact assessment.
5. Development that exposes the blank side of an adjoining building or has a party or side wall visible from public space is to be designed with a visually interesting treatment and/or high quality design features applied to that wall.
6. Walls fronting a public place are to be screened from view with plantings with minimum setbacks and minimum soil depths of 500mm where:

- a) the fence or wall has an average height greater than 1.2 metres, or
 - b) the fence or wall has an absolute height greater than 1.5 metres.
7. Level changes near the interface with a street or other public place are to be carefully designed and consolidated. Plans and renders are to show all necessary stairs, balustrades, handrails and tactile surface indicators required by the proposed level changes at a 1:50 scale.
 8. Public or common stairs are to have shallow gradients with 135mm risers and 350mm goings in high use areas and 150mm risers and 300 goings elsewhere.
 9. No built structures (other than landscape elements) are permitted to encroach on the footpath widening or deep soil landscape setbacks for the full height of the building.
 10. Services and facilities such as substations, fire escapes, waste collection areas, meters and on-site detention tanks are to be contained within the building envelope and not located in footpath widening or deep soil landscape setbacks. The location of all required services are to be shown on plans and elevations at a 1:50 scale and in perspectives and illustrations.
 11. Services that require direct street access such as fire hydrant boosters are to be incorporated into the street facing facade, whether that is a fence or the building envelope, and not located in deep soil landscape setbacks. They are to be fully shielded from view from public places within an enclosure that relates to the architectural design of the building. The location of fire hydrant boosters are to be shown on plans and elevations at a 1:50 scale and in perspectives and illustrations.
 12. Building elements visible from public places such as access panels, service enclosures, soffits, wall returns, bollards and elements visible when garage doors are open are to be high quality and well-integrated into the architectural design and materiality of the ground floor street facing facade. These elements are to be shown on plans, sections and elevations at a 1:50 scale.
 13. For publicly accessible open space south of Powell Street, development is to enable 50% of the total area to receive sunlight for a minimum of 4 hours between 9am to 3pm on 21 June (Winter solstice).
 14. Solar access insolation diagrams showing the period of sunlight with one hour gradients between 9am to 3pm on 21 June and the % receiving four hours of sunlight are to be submitted with the development application. Diagrams are to indicate the existing condition and proposed. If required, the consent authority may request additional detail to assess the overshadowing impacts.

3.3 Trees, deep soil and landscaping

Objectives

- a) Retain and protect existing trees to provide amenity and shade.
- b) Ensure that the amenity of occupants is enhanced by high quality landscaping, and open space within the site.
- c) Increase canopy cover. Ensure that tree canopy cover is considered in all development and provided appropriately.
- d) Ensure the provision of sufficient soil volumes and quality to provide for long term tree health.
- e) Increase biodiversity through the provision of shrubs, grasses, native herbs and trees.
- f) Ensure the provision of sufficient soil volumes and quality to provide for long term tree health.

Provisions

1. Retain and protect trees shown in blue both on the site, and the surrounding street trees, in accordance with Figure 4 Tree retention and protection.

2. Trees shown in red, identified in Figure 4 Tree Retention and Protection may be removed for any future development. These trees are 3, 7, 20, 21, 24, 25, 26 and 27.

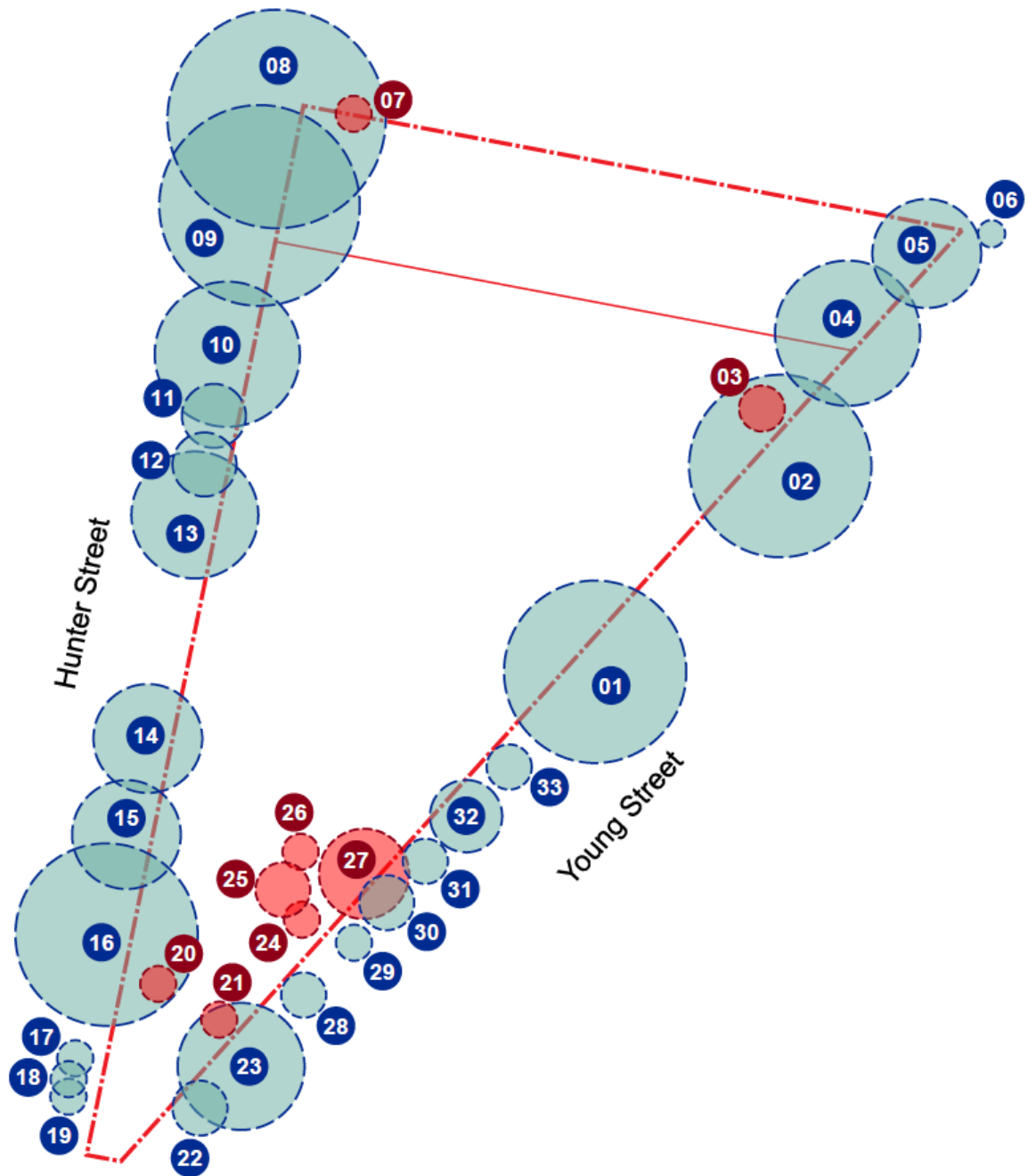


Figure 4: Tree Retention and Protection

3. The root zones of trees to be retained are to be protected in accordance with the Australian Standard 4970 Protection of Trees on Development Sites throughout construction.
4. Any future driveway or pedestrian crossing shall not result in the removal of any street tree or occupy a suitable location for future street tree plantings.
5. Trees to be retained must not have more than 15% of their canopy removed and must be pruned by a qualified Arborist (AQF Level 3 Arboriculture) in accordance with AS4373-2007 Australian Standard.
6. Appropriate tree sensitive construction measures will be put in place to protect all retained trees from damage during building work.

7. Any development application is to provide details of:
 - a) proposed pruning of tree and likely impacts on the ongoing health and viability of the trees;
 - b) proposed extent and effect
 - c) how the massing and location of new development will allow for sufficient aeration and groundwater intake for the long-term survival of trees; and
 - d) the construction methodology and management measures to be put in place to protect existing trees from damage during demolition, excavation and construction, including for piling scaffolding, loading and operation of cranes.
8. A landscape plan is to be prepared by a suitably qualified landscape architect and submitted with the development application. The landscape plan is to show the:
 - a) planting schedule with numbers and species of plants including botanical and common names;
 - b) number and name including botanical and common names of mature trees on site;
 - c) type, levels and detail of paving, fencing, retaining walls and other details of external areas of the site;
 - d) response to other relevant requirements under this Design Guide; and
 - e) proposed canopy coverage with adequate soil volumes for planting on deep soil and on slab.
9. Landscape plans are to incorporate a diverse range of species to increase resilience and diversity and assist the City in achieving overall LGA targets of no more than:
 - a) 40% in any one family is to be used;
 - b) 30% in any one genus;
 - c) 10% in any one species.
10. Landscaping is to give preference to species with low water needs, including native plant species, and trees and shrubs are to be selected and located to manage sun and wind impacts, while also being easily accessed and maintained.
11. While individual species may number more than 10%, consideration should be given to species suitability for the site and ability to thrive long term.
12. A qualified Arborist (AQF Level 5), with experience managing similar projects of this type and scale, is to be engaged to provide tree management advice throughout the design and construction phase of development.
13. Tree management must be in accordance with requirements outlined in the Australian Standard 4970 – Protection of Trees on Development Sites and the City’s Tree guidelines for pruning, reporting and using an arborist.
14. Any development application is to:
 - a) be guided by an Arboricultural impact assessment;
 - b) comply with site-specific tree protection measures;
 - c) include commitment to monitoring the site works to ensure the health and structural stability of existing trees; and
 - d) provide tree protection certification.
15. Green roofs must comply with the recommended soil depths listed in Table 5: Soil Depths of Green Roofs below.

Plant type	Minimum soil requirements
Turf	200mm
Grass and ground covers	300 – 450mm
Shrubs	500 – 600mm
Trees	800 – 1200mm (tree size dependent)

Table 5: Soil Depths of Green Roofs

3.4 Accessible Design

Objectives

- a) Ensure that the public areas of new development provide equitable and safe and legible access for everyone.
- b) Provide equitable access and facilities for all people to all new development and upgraded or intensified uses in existing buildings.
- c) Encourage consideration of access issues early in the development design process.
- d) Raise awareness and understanding of access issues for people with disability through investigation of best practice.

Provisions

- 1. All development must comply with the following:
 - a) all Australian Standards relevant to accessibility;
 - b) the Building Code of Australia access requirements;
 - c) Disability Discrimination Act 1992; and
 - d) the City of Sydney's Inclusive and Accessible Public Domain Guidelines.
- 2. Complex developments where compliance is proposed through alternative solutions must be accompanied by an Access report prepared by a suitably qualified access professional.
- 3. Access for pedestrians and vehicles are to be separated.
- 4. Access arrangements are to be:
 - a) integral with the overall building and landscape design and not appear as 'add-on' elements or as of secondary importance;
 - b) as direct as possible; and
 - c) designed so that a person does not need to summon help.

3.5 Public art

Objectives

- a) Increase the number and improve the quality of public artworks in private developments.
- b) Promote sustainability through public art in new development.
- c) Ensure that public art is an integrated and cohesive part of new development.
- d) Recognise former environmental, historic and contemporary layers through interpretive public art.

Provisions

- 1. Public Art is to be provided in accordance with the City of Sydney Guidelines for Public Art in Private Development and the Public Art Policy.
- 2. Development is to incorporate high quality public art in publicly accessible locations.
- 3. The scale and budget of the public art is to be commensurate with the scale of development.
- 4. Where appropriate, public art should reference the history of the site, or area, recognise and respond to former and existing uses including by traditional custodians of the land and cultural practices.
- 5. Ensure the respectful engagement of First Nations artists and cultural knowledge by following Indigenous Cultural and Intellectual Property protocols.

3.6 Contamination

Objective

- a) Minimise the risk to human and environmental health on land contaminated by past uses.

Provisions

1. Each development application is to include information sufficient to allow the consent authority to meet its obligation to determine whether development should be restricted due to the presence of contamination.
2. Development is to be consistent with the City of Sydney Contaminated Land Policy 2022.
3. Environmental Management Plans are to be avoided where possible.

Note: These obligations are outlined in State Environmental Planning Policy (Resilience and Hazards) 2021 Chapter 4 'Remediation of land'

3.7 Noise and vibration

Objective

- a) To provide appropriate interface and mitigation of noise, to ensure high amenity is preserved for neighbouring properties.

Provisions

1. Development is to be designed with appropriate noise mitigation measures to ensure good amenity for neighbouring properties.
2. An Acoustic Report, prepared by a suitably qualified acoustical consultant, is to accompany any future Development Application. The report is to investigate and identify:
 - a) sensitive noise receivers potentially impacted by the development;
 - b) the existing acoustic environment at the receiver locations;
 - c) suitable assessment criteria;
 - d) proposed acoustic control measures;
 - e) predicted noise at the identified sensitive receivers; and
 - f) whether the development will cause a nuisance or result in an 'offensive noise' as defined in the Protection of the Environment Operations Act 1997.
- 3.

3.8 External Lighting

Objectives

- a) Encourage appropriate external lighting of buildings that adds to the architectural character of the building.
- b) Provide an enhanced level of lighting to the streetscape.
- c) Coordinate appropriate lighting around the building vicinity with a similar light colour and technique, visually linking the lighting design between the spaces.
- d) Ensure future development is inviting, has an increased feeling of safety and security when within the space.

- e) Ensure lighting design is developed in a manner sensitive to ESD and light spill impacts.

Provisions

1. Lighting is to be consistent with the Sydney Lights Public Domain Design Code (City of Sydney),
2. Public lighting design shall enhance wayfinding, safety and orientation, integrating lighting within architecture wherever possible.
3. Public artwork shall be lit appropriately.
4. The external lighting system must be energy efficient and subject to appropriate times of operation.
5. External lighting must not reduce the amenity of residents in the locality.
6. External lighting must not negatively impact areas of habitat for local fauna.
7. External lighting must minimise the light spill into the night sky.
8. LED down lighting is preferred over up lighting to minimise light pollution.

3.9 Ecologically sustainable development and green infrastructure

Objectives

- a) Minimise energy and water use, waste generation and urban heat effects.
- b) Maximise on-site renewable energy generation, water re-use and waste recycling.
- c) Ensure the efficient use of resource in building design, construction and operation.
- d) Ensure that development is resilient against the effects of climate change.

Provisions

1. Development is to be designed and constructed to reduce the need for active heating and cooling by incorporating passive design measures including design, location and thermal properties of glazing, natural ventilation, appropriate use of thermal mass and external shading, including vegetation.
2. The consent authority must be satisfied that educational premises achieves a minimum 4 Star NABERS Energy Commitment Agreement for schools and achieve a minimum 5 Star Green Star – Education v1 rating at certification.
3. Design, performance and features are to be referenced in City of Sydney Design for Environmental Performance Template submitted with the detailed development application.
4. Parking spaces are to be equipped with electric vehicle charging infrastructure as follows:
 - a) power supply and distribution boards for electric vehicle charging in accordance with Section J9D4 'Facilities for electric vehicle charging equipment' in NCC 2022 Volume One – Building Code of Australia.
 - b) 10% of worker car spaces are to be fitted with a Level 2 charger or higher.

3.10 Waste management

Objectives

- a) Reduce the amount of construction, demolition and operational waste going to landfill and maximise resource recovery.
- b) Ensure waste from within developments can be collected and disposed in a manner that is healthy, efficient, minimises disruption to amenity, and is conducive to the overall minimisation of waste generated.

Provisions

Waste and Recycling Management Plans

1. A Waste and Recycling Management Plan, prepared by a suitably qualified consultant, is to be submitted with the Development Application, consistent with the City of Sydney Guidelines for Waste Management in New Developments.

Construction and demolition waste

1. The Waste and Recycling Management Plan is to address construction and demolition waste and include:
 - a) details regarding how waste is to be minimised within a development;
 - b) estimations of quantities and types of materials to be re-used or left over for removal from the site;
 - c) details regarding the types of waste and likely quantities of waste to be produced;
 - d) a site plan showing storage areas away from public access for reusable materials and recyclables during demolition and construction and the vehicle access to these areas;
 - e) targets for recycling and reuse;
 - f) nomination of the role/person responsible for ensuring targets are met and the person responsible for retaining waste dockets from facilities appropriately licensed to receive the development's construction and demolition waste;
 - g) confirmation that all waste going to landfill is not recyclable or hazardous; and
 - h) measures to reuse or recycle at least 80% of construction and demolition waste, either on site or diverted for reuse and recycling with receipts sufficient to demonstrate the target will be achieved.

Collection and minimisation of waste during occupation

1. The Waste and Recycling Management Plan is to address the generation of waste from the occupants of the development and include:
 - a) plans and drawings of the proposed development that show:
 - I. the location and space allocated to the waste and recycling management systems;
 - II. the nominated waste collection point/s for the site; and
 - III. identify the path of access for users and collection vehicles.
 - b) details of the on-going management of the storage and collection of waste and recycling, including responsibility for cleaning, transfer of bins between storage areas and collection points, maintenance of signage, and security of storage areas; and
 - c) a summary document for building management and users to inform them of waste and recycling management arrangements.
2. Waste incineration devices are not permitted.
3. Development is to include sufficient space to separate food waste for collection.
4. Waste management, collection and loading is to be in accordance with the City of Sydney's Guidelines for Waste Management in New Developments, including:
 - a) development applications must incorporate well designed waste management systems;
 - b) the development includes sufficient space for the management and storage of all bins required to manage predicted waste and recycling generation; and
 - c) waste management, storage and collection must be wholly accommodated within the built form.
5. Vehicle access for loading docks and waste collection points must provide for:

- a) a Medium Rigid Vehicle in accordance with Australian Standard 'AS 2890.2:2018', or a larger design vehicle as required including for waste collection;
- b) 2 metres unobstructed space at the rear of the waste collection point to manoeuvre bins between storage and the vehicle;
- c) entry and egress from the loading dock in a forward direction;
- d) a capacity of 30 tonne vehicles for any turntables;
- e) maximum grades and rate of change on ramps in compliance with AS 2890.2:2018 for a Medium Rigid Vehicle;
- f) two-way vehicle movement on driveways using a single lane;
- g) a minimum driveway width of 3.5 metres per lane; and
- h) footpath and cycleway crossings that respect the priority of pedestrians and cyclists and do not employ sirens or flashing lights in the public domain.

3.11 Water and flood management

Objectives

- a) Ensure an integrated approach to water management across the site through the use of water sensitive urban design principles.
- b) Assist in the management of stormwater to minimise flooding and reduce the effects of stormwater pollution on receiving waterways.
- c) Ensure that development manages and mitigates flood risk and does not exacerbate the potential for flood damage or hazard to existing development and to the public domain.
- d) Ensure that development above the flood planning level, as defined in the Sydney LEP 2012, will minimise the impact of stormwater and flooding on other developments and the public domain both during the event and after the event.
- e) Ensure that flood risk management addresses public safety and protection from flooding.
- f) Ensure development minimises risk to human life and damage to property caused by flooding.
- g) Ensure that, in the event of a flood, adequate access to affected properties is available for emergency service personnel and that safe egress is available for occupants.
- h) Ensure that proposed development does not increase the flood inundation in the neighbouring properties.

Provisions

Site specific flood study

1. A development application is to be accompanied by a site-specific Flood Impact and Risk Assessment (FIRA), prepared by a suitably qualified and experienced hydraulic engineer. The FIRA is to be prepared in accordance with the:
 - a) the NSW Government Flood Prone Lands Policy;
 - b) the NSW Flood Risk Management Manual 2023 and accompanying toolkits;
 - c) the NSW Coastal Planning Guideline: Adapting to Sea Level Rise;
 - d) the NSW Coastal Risk Management Guide: Incorporating Sea Level Rise Benchmarks In Coastal Risk Assessments;
 - e) the NSW Flood Risk Management Guide: Incorporating Sea Level Rise Benchmarks In Flood Risk Assessments;
 - f) the City of Sydney Interim Floodplain Management Policy (if still in effect); or
 - g) any other flooding requirements in the Sydney Development Control Plan 2012.

2. The FIRA is to include, but not be limited to:
 - a) a detailed topographical survey that defines flow paths, storage areas and hydraulic controls; and
 - b) flood modelling that uses appropriate hydrological and hydraulic techniques and incorporates boundary conditions.
3. The FIRA shall address impacts of proposed development based on changes in flood levels, duration of flooding, depth and velocity, flood warning and evacuation time and frequency of inundation.
4. The FIRA shall include flood modelling for longer duration PMF events to establish duration of flood inundation for the access / egress road around the site, and period of isolation and its impacts on building occupants.
5. The FIRA is to show pre-development and post-development scenarios, and at a minimum is to include the following information:
 - a) water surface contours;
 - b) velocity vectors;
 - c) velocity and depth product contours;
 - d) delineation of flood risk precincts;
 - e) flood hazard classification for 20%, 10%, 5%, 1% and PMF events, based off the Combined Hazard Curves – Vulnerability Threshold Classification Limits (Smith et al., 2014);
 - f) flood profiles for the full range of events up to and including probable maximum flood for total development including all structures and works (such as revegetation and physical enhancements); and
 - g) flood function mapping for 20%, 10%, 5%, 1% and PMF events.
6. The FIRA should include a comprehensive flood emergency response management plan to address all emergency management issues associated with all events up to PMF.
7. The Flood Emergency Response Management Plan shall be placed on the property title to ensure that the information is effectively transmitted to users, commercial operators, patrons, and wider community and is reviewed and updated, as necessary.
8. The FIRA is to assume the 'worst case scenario' conditions for blockages to pipes, culverts and other infrastructure, such that:
 - a) development minimises risk to human life and damage to property caused by flooding;
 - b) apply a merit-based approach to all development decisions considering ecological, social, and environmental considerations;
 - c) ensure that, in the event of a flood, adequate access to affected properties is available for emergency service personnel and that safe egress is available for occupants; and
 - d) ensure that proposed development does not increase the flood inundation in the neighbouring properties.
9. Building flood planning levels will be set at 1% AEP flood level, and the probable maximum flood level at a closer (1m) interval.

Drainage and stormwater management

10. A local Stormwater Drainage Management Plan, prepared by a suitably qualified engineer with experience in drainage design, is required for any development application on the site.
11. The local stormwater drainage management plan is to address:
 - a) the hydrology of the locality and its relationship to the drainage system;
 - b) the distribution of soil types and the scope for on-site infiltration;
 - c) any expected rise in ground water level due to development;

- d) the role of the principal landscape components on the site for water conservation and on-site detention;
 - e) the scope for on-site stormwater detention and retention, including collection of water for re-use;
 - f) how any detrimental impacts on the existing natural hydrology and water quality are proposed to be minimised;
 - g) how pedestrian safety is to be ensured; and
 - h) integration of drainage management responses and open space areas.
12. The development proposal must demonstrate how the major drainage system addresses any site-specific conditions and connects to the downstream drainage system.
 13. Major drainage systems are to be designed so that public safety is not compromised.
 14. Surface runoff from within the site and neighbouring property is to be conveyed into proposed stormwater drainage system, to avoid flood inundation in the neighbouring properties.
 15. Minor flows from a development site are not to be discharged to the kerb if direct connection to an existing stormwater pipe is available, unless it can be demonstrated there is sufficient capacity within the existing gutter and the flow velocity and depth within the gutter will be limited to 0.6m²/s.
 16. Where the proposed development is located on a floodplain, high level overflows are permitted for roof drainage systems where the overflow is set above the 1% annual exceedance probability level.
 17. The maximum allowable permissible site discharge and minimum on-site detention volume for the development is to be advised by Sydney Water Authority.
 18. The post development run-off from impermeable surfaces (such as roofs, driveways and paved areas) is to be managed by stormwater source control measures that:
 - a) contain frequent low-magnitude flows;
 - b) maintain the natural balance between run-off and infiltration;
 - c) remove some pollutants prior to discharge into receiving waters;
 - d) prevent nuisance flows from affecting adjacent properties; and
 - e) enable appropriate use of rainwater and stormwater.
 19. Stormwater detention devices are to be designed to ensure that the overflow and flowpath have sufficient capacity during all design rainfall events, discharge to the public stormwater system without affecting adjoining properties, and are free of obstructions, such as fences.
 20. Where filtration and bio-retention devices are proposed, they are to be designed to capture and provide temporary storage for stormwater.
 21. Stormwater discharge to the kerb and gutter is to be in accordance with the Sydney Streets Technical Specifications'.

Stormwater quality

22. A Stormwater Quality Assessment, prepared by a suitably qualified engineer with experience in water sensitive urban design (WSUD), is required to be submitted with any Development Application on the site. The Assessment must include:
 - a) modelling of pollutant load standards with an industry standard water quality model;
 - b) the design of WSUD measures used to achieve the post-development pollutant load standards; and
 - c) maintenance schedules of any proposed WSUD measure that requires maintenance or full replacement including the likely recycling or disposal location of any wastes that may be generated.
23. Development must achieve the post-development pollutant load standards indicated below:

- a) reduce the baseline annual pollutant load for litter and vegetation larger than 5mm by 90%;
- b) reduce the baseline annual pollutant load for total suspended solids by 85%;
- c) reduce the baseline annual pollutant load for total phosphorous by 65%; and
- d) reduce the baseline annual pollutant load for total nitrogen by 45%.

Water re-use, recycling and harvesting

- 24. Where there is a commitment to provide a recycled water network in the area, all buildings are to be capable of providing a dual reticulation water system for water services and be capable of fully connecting to a non-potable recycled water network and configured to supply all toilets, washing machine taps, car wash bays, cooling towers and irrigation usage.

3.12 Design Excellence Strategy

Objectives

- a) Ensure high quality design through the use of competitive design process.
- b) Ensure development contributes to the architectural and overall urban design quality of the local government area.
- c) Encourage variety in architectural design and character to provide a fine grain which enriches and enlivens the City's public space.

Provisions

- 1. A competitive design process(es) is to be undertaken across the entire site in accordance with Clause 6.21D of Sydney LEP 2012 and the City of Sydney Competitive Design Policy. The Competitive Design Process is to be undertaken in accordance with this Design Excellence Strategy.
- 2. A building demonstrating design excellence is eligible for up to 10% additional floor space in accordance with the Sydney LEP 2012. No additional height is to be awarded as a result of the competitive design process.
- 3. The proponent is to invite a minimum of five (5) Competitors to participate in the competitive design process.
- 4. The selected competitors will:
 - a) include a range of emerging and established architectural practices;
 - b) require that each competitor will be a person, corporation or firm registered as an architect in accordance with the NSW Architects Act 2003, or in the case of interstate or overseas Competitors, eligible for registration with their equivalent association.
 - c) require each competitor to have demonstrated capabilities in design excellence by being the recipient of an Australian Institute of Architects (AIA) award or commendation, or in the case of overseas competitors the same with their equivalent professional association.
- 5. Where the Minister is the consent authority, the jury will be endorsed by the Government Architect NSW and will be comprised of a 5 -person jury as set out in Section 2.3 Jury composition of the Government Architect NSW Design Competition Guidelines.
- 6. Jury members are to:
 - a) represent the public interest;
 - b) include only persons who have expertise and experience in the design and construction professions and industry; and
 - c) include a majority of registered architects.

7. Ecologically sustainable development benchmarks and outcomes are to be targeted in the competitive design process as prescribed in Sydney LEP 2012 and in this Design Guide.

3.13 Vehicular access

Objectives

- a) Encourage alternatives to private motor vehicle use and support sustainable transport, such as public transport, walking or cycling.
- b) To ensure vehicle access and basement layouts maximise pedestrian safety and create a high-quality ground level relationship with the building and public domain.

Provisions

1. Vehicular access is to be provided from Young Street.
2. The vehicular driveway and crossover are to be clearly visible and include active safety measures.
3. A Traffic Management Plan is to accompany any future Development Application and must include an assessment of potential traffic and safety measures.

3.14 Transport, Movement and Parking

Objectives

- a) Ensure that the demand for transport generated by development is managed in a sustainable manner.
- b) Ensure that bike parking is considered in all development and provided in appropriately scaled developments with facilities such as change rooms, showers and secure areas for bike parking.
- c) Design vehicle access and basement layouts and levels to maximise pedestrian safety and create high quality ground level relationships between the building and the public domain.
- d) Reduce reliance on private car ownership

Provisions

1. A Transport Impact Study, prepared by a suitably qualified consultant, is required to be submitted with any Development Application on the site. The Assessment identify and address the potential impact of the development on surrounding movement systems.
2. A Parking and Access Report is required to accompany a development application.
3. A Transport Access Guide and a strategy for the future availability of the Guide to staff, students and visitors of a development is to be prepared for all developments and provided to the consent authority for review prior to issue of Occupation Certificate:
4. A Construction Management Plan is required detailing:
 - a) predicted construction vehicle routes;
 - b) access and parking arrangements;
 - c) coordination with other construction occurring on the area;
 - d) how impacts on existing traffic, pedestrian and bicycle networks would be managed and mitigated.
5. Vehicular parking spaces for educational establishments are to be provided within the basement and at a rate of no more than one parking space for every two staff members.
6. End of trip and bicycle parking facilities are to be provided at a rate of 10% of all students and staff on the site, with all student spaces and 20% of staff spaces to be provided as horizontal spaces.

7. End of trip and bicycle parking facilities are to be accommodated on-site, weather protected and in a secure location for users.
8. All development is to provide on-site bike parking designed in accordance with the relevant Australian Standards for the design criteria of bike parking facilities.
9. Where bike parking is provided in a basement, it is to be located close to entry/exit points and subject to security camera surveillance where such security systems exist.
10. A safe path of travel from bike parking areas to entry/exit points is to be marked.
11. Access to bike parking areas are to be:
 - a) a minimum of 1.8m wide to allow a pedestrian and a person on a bike to pass each other and may be shared with vehicles within buildings and at entries to buildings;
 - b) accessible via a ramp;
 - c) clearly identified by signage; and
 - d) accessible via appropriate security or intercom systems.
12. Parking spaces for motorbikes are to be included in the allocation of car parking.
13. Each motorcycle parking space is to be designated and located so that parked motorcycles are not vulnerable to being struck by a manoeuvring vehicle.
14. All visitor spaces are to be grouped together in the most convenient locations relative to car parking area entrances, pedestrian lifts and access points and are to be separately marked and clearly sign-posted.
15. Development applications are to indicate how visitor parking is to be accessed, including arrangements for access into a secure area if proposed.
16. Development is to achieve high quality ground level relationships between the buildings and all public open space interfaces even where this will result in inefficient basement car parking layouts including, spilt basement levels or additional excavation.
17. Development proposing less than the maximum number of parking spaces permissible under Clause 7.5 of the LEP must adjust the number of visitor parking spaces in accordance with the reduction of total car parking spaces.
18. Accessible car parking spaces for people with a mobility impairment are to be included in the allocation of car parking for a development and provided in accordance with the following:
 - a) one space for every 20 car parking spaces or part thereof is to be allocated as accessible visitor parking; and
 - b) accessible parking is to be designed in accordance with the requirements of relevant Australian Standards.
19. Accessible parking is not required in car parking areas where a parking service is provided and direct access to any of the car parking spaces is not available to the general public or occupants.
20. Basement parking areas and structures must not protrude above the level of the adjacent street or public domain.
21. Vehicle ramps must not be visible from the public domain and are to be located inside the building.
22. Car parking areas are to:
 - a) be well lit, visible, and avoid hidden and enclosed areas to allow for casual surveillance;
 - b) include, mirrors or similar devices where hidden and enclosed areas such as staircases and lift lobbies cannot be avoided;
 - c) be well ventilated and provide natural rather than mechanical ventilation where practicable; and
 - d) be subordinate in appearance to the main building.
23. Car parking spaces are not to be located in areas used for the manoeuvring of service vehicles.
24. Loading and servicing activities are to be carried out on-site.

Attachment E

Draft Planning Agreement

Planning agreement

The Council of the City of Sydney ABN 22 636 550 790 and
Charvic Pty Ltd ACN 003 181 093 and International Screen
Academy Property Pty Ltd ACN 160 984 574

242-258 Young Street Waterloo NSW 2017

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BETWEEN:

- (1) **The Council of the City of Sydney** ABN 22 636 550 790 of Town Hall House, 456 Kent Street, SYDNEY NSW 2000 (the **City**); and
- (2) **Charvic Pty Ltd** ABN 25 003 181 093 of 191-193 Cleveland Street, REDFERN NSW 2016 and **International Screen Academy Property Pty Ltd** ACN 160 984 574 of c/- Level 31, 126-130 Phillip Street, SYDNEY NSW 2000 (the **Developer**).

BACKGROUND

- (A) The Developer has requested the Planning Proposal which would permit the Development to be undertaken on the Land.
- (B) The Developer has offered to enter into this document with the City to provide the Public Benefits on the terms of this document.

THE PARTIES AGREE AS FOLLOWS:

1. **INTERPRETATION**

1.1 **Definitions**

The following definitions apply in this document.

Act means the *Environmental Planning and Assessment Act 1979 (NSW)*.

Attributed Value means the value the City and the Developer agree is to be attributed to each element of the Public Benefits as at the date of this document, as set out in clause 1 of 0 of this document.

Authorisation means:

- (a) an approval, authorisation, consent, declaration, exemption, permit, licence, notarisation or waiver, however it is described, and including any condition attached to it; and
- (b) in relation to anything that could be prohibited or restricted by law if a Government Agency acts in any way within a specified period, the expiry of that period without that action being taken,

including any renewal or amendment.

Business Day means a day (other than a Saturday, Sunday or public holiday) on which banks are open for general banking business in Sydney, Australia.

City's Policies means all policies and procedures relevant to the provision of the Public Benefits, as notified by the City in writing to the Developer.

City's Representative means the person named in Item 3 of Schedule 1 or his/her delegate.

Completion means the point at which:

- (a) the Developer's Works are complete except for minor defects:
 - (i) the existence of which do not prevent the Developer's Works being reasonably capable of being used for their intended purpose;

- (ii) which the Developer has grounds for not promptly rectifying; and
 - (iii) rectification of which will not affect the immediate and convenient use of the Developer's Works for their intended purpose; and
- (b) to the extent the DBP Act (as applicable) applies to the Developer's Works, the Developer has obtained and submitted all Occupation Certificate(s) for the Developer's Works to the City (and such Occupation Certificates are not invalid by reason of the or the DBP Act) (as applicable).

Completion Notice means a notice issued by the Developer in accordance with clause 6.1.

Confidential Information means:

- (a) information of a party (**disclosing party**) that is:
 - (i) made available by or on behalf of the disclosing party to the other party (**receiving party**), or is otherwise obtained by or on behalf of the receiving party; and
 - (ii) by its nature confidential or the receiving party knows, or ought reasonably to know, is confidential.

Confidential Information may be made available or obtained directly or indirectly, and before, on or after the date of this document.

Confidential Information does not include information that:

- (a) is in or enters the public domain through no fault of the receiving party or any of its officers, employees or agents;
- (b) is or was made available to the receiving party by a person (other than the disclosing party) who is not or was not then under an obligation of confidence to the disclosing party in relation to that information; or
- (c) is or was developed by the receiving party independently of the disclosing party and any of its officers, employees or agents.

Construction Certificate has the same meaning as in the Act.

Construction Issued Regulated Design means, in respect of the Developer's Works, a "construction issued regulated design" as that term is defined in the DBP Regulation.

Contamination has the meaning given to that word in the *Contaminated Land Management Act 1997* (NSW).

Corporations Act means the *Corporations Act 2001* (Cth).

Dealing means selling, transferring, assigning, novating, mortgaging, charging, or encumbering and, where appearing, **Deal** has the same meaning.

DBP Act means the Design and Building Practitioners Act 2020.

Gateway Determination means the determination issued by the Department of Planning and Environment on 23 October 2024, reference number PP-2024-255.

Defect means any error, omission, defect, non-conformity, discrepancy, shrinkage, blemish in appearance or other fault in the Public Benefits or any other matter which prevents the Public Benefits from complying with the terms of this document.

Defects Liability Period means for each Phase of the Developer's Works, the period of 12 months from the date on which the last item of Developer's Works within that Phase of the Developer's Works reaches Completion.

Developer means Charvic Pty Ltd and International Screen Academy Property Pty Ltd, or, to the extent that this document is novated to another entity pursuant to clause 13, that entity.

Developer's Representative means the person named in Item 4 of Schedule 1 or his/her delegate.

Developer's Works means those parts of the Public Benefit described as "Developer's Works" and "Essential Infrastructure" in clause 1 of Schedule 3, to be delivered by the Developer in accordance with this document.

Development means the development of the Land by the Developer described at Item 2 of Schedule 1.

Development Application means the development application identified in Item 5 of Schedule 1 and includes all plans, reports models, photomontages, material boards (as amended supplemented) submitted to the consent authority before the determination of that Development Application.

Development Consent means the consent granted to the Development Application for the Development and includes all modifications made under section 4.55 of the Act.

Dispute means any dispute or difference between the parties arising out of, relating to or in connection with this document, including any dispute or difference as to the formation, validity, existence or termination of this document.

Environmental Laws means all laws and legislation relating to environmental protection, building, planning, health, safety or work health and safety matters and includes the following:

- (a) the *Work Health and Safety Act 2011 (NSW)*;
- (b) the *Protection of the Environment Operations Act 1997 (NSW)*; and
- (c) the *Contaminated Land Management Act 1997 (NSW)*.

Government Agency means:

- (a) a government or government department or other body;
- (b) a governmental, semi-governmental or judicial person; or
- (c) a person (whether autonomous or not) who is charged with the administration of a law.

Gross Floor Area has the meaning given to that term in the *Sydney Local Environment Plan* in effect at the date of this document.

GST means the same as in the GST Act.

GST Act means *A New Tax System (Goods and Services Tax) Act 1999 (Cth)*.

Guarantee means a bank guarantee or documentary performance bond for the Guarantee Amount which must:

- (a) be denominated in Australian dollars;
- (b) be an unconditional undertaking;
- (c) be signed and issued by a bank licensed to carry on business in Australia, an Australian Prudential Regulation Authority (APRA) regulated authorised deposit taking institution or an insurer authorised by APRA to conduct new or renewal insurance business in Australia having at all times an investment grade security rating from an industry recognised rating agency of at least:
 - (i) BBB + (Standard & Poors and Fitch);
 - (ii) Baa 1 (Moody's); or
 - (iii) Bbb (Bests);
- (d) be issued on behalf of the Developer;
- (e) have no expiry or end date;
- (f) state the beneficiary as the City;
- (g) be irrevocable;
- (h) state the Guarantee Amount as the minimum amount required by this document to be lodged as security;
- (i) state the purpose of the security as required in accordance with this document; and
- (j) be on such other terms approved by the City.

Guarantee Amount(s) means the total amount listed in Item 6 of Schedule 1 of this document.

Guarantee Amount(s) Due Date means the date or milestone by which the Developer must provide the Guarantee Amount to the City, set out at Item 7 of Schedule 1.

Index Number means the Consumer Price Index (Sydney all groups) published by the Australian Bureau of Statistics from time to time.

Insolvency Event means:

- (a) having a controller, receiver, manager, administrator, provisional liquidator, liquidator or analogous person appointed;
- (b) an application being made to a court for an order to appoint a controller, provisional liquidator, trustee for creditors or in bankruptcy or analogous person to the person or any of the person's property
- (c) the person being taken under section 459F(1) of the Corporations Act to have failed to comply with a statutory demand;
- (d) an application being made to a court for an order for its winding up;
- (e) an order being made, or the person passing a resolution, for its winding up;

- (f) the person:
- (i) suspending payment of its debts, ceasing (or threatening to cease) to carry on all or a material part of its business, stating that it is unable to pay its debts or being or becoming otherwise insolvent; or
 - (ii) being unable to pay its debts or otherwise insolvent;
- (g) the person taking any step toward entering into a compromise or arrangement with, or assignment for the benefit of, any of its members or creditors;
- (h) a court or other authority enforcing any judgment or order against the person for the payment of money or the recovery of any property; or
- (i) any analogous event under the laws of any applicable jurisdiction,
- unless this takes place as part of a solvent reconstruction, amalgamation, merger or consolidation that has been approved by the other party.

Instrument Change means an amendment to the Sydney LEP in accordance with the Planning Proposal.

Land means the land described in Item 1 of Schedule 1 of this document.

Laws means all applicable laws, regulations, industry codes and standards, including all Environmental Laws.

Monetary Contribution means that part of the Public Benefits described as “Monetary Contribution” in clause 1 of Schedule 3 to be paid by the Developer to the City in accordance with this document.

Occupation Certificate has the same meaning as in the Act.

Personal Information means:

- (a) personal information within the meaning of the *Privacy and Personal Information Protection Act 1998* (NSW);
- (b) health information within the meaning of the *Health Records and Information Privacy Act 2002* (NSW); and
- (c) any information which does not fall within the scope of paragraphs (a) and (b) above, but is personal information within the meaning of the *Privacy Act 1988* (Cth).

Personnel means the Developer’s officers, employees, agents, contractors or subcontractors.

Planning Proposal means the planning proposal for the Land which received Gateway Determination from the Department of Planning and Environment on 23 October 2024 (PP-2024-255).

Privacy Laws means the Privacy Act 1988 (Cth), the Privacy and Personal Information Protection Act 1998 (NSW), the Health Records and Information Privacy Act 2002 (NSW); the Spam Act 2003 (Cth), the Do Not Call Register Act 2006 (Cth) and any other applicable legislation, regulations, guidelines, codes and the City’s Policies relating to the handling of Personal Information.

Public Benefits means the provision of benefits to the community by the Developer in the form and at the times specified in 0.

Regulation means the *Environmental Planning and Assessment Regulation 2021 (NSW)*.

Standards means the policies, procedures and standards for carrying out the Developer's Works, listed non-exhaustively at clause 0 of 0.

Subdivision of Land has the same meaning as in the Act.

Sydney LEP means *Sydney Local Environmental Plan 2012 (NSW)*.

Tax means a tax, levy, duty, rate, charge, deduction or withholding, however it is described, that is imposed by law or by a Government Agency, together with any related interest, penalty, fine or other charge.

1.2 Rules for interpreting this document

Headings are for convenience only, and do not affect interpretation. The following rules also apply in interpreting this document, except where the context makes it clear that a rule is not intended to apply.

- (a) A reference to:
 - (i) a legislative provision or legislation (including subordinate legislation) is to that provision or legislation as amended, re-enacted or replaced, and includes any subordinate legislation issued under it;
 - (ii) a document (including this document) or agreement, or a provision of a document (including this document) or agreement, is to that document, agreement or provision as amended, supplemented, replaced or novated;
 - (iii) a party to this document or to any other document or agreement includes a permitted substitute or a permitted assign of that party;
 - (iv) a person includes any type of entity or body of persons, whether or not it is incorporated or has a separate legal identity, and any executor, administrator or successor in law of the person; and
 - (v) anything (including a right, obligation or concept) includes each part of it.
- (b) A singular word includes the plural, and vice versa.
- (c) A word which suggests one gender includes the other genders.
- (d) If a word or phrase is defined, any other grammatical form of that word or phrase has a corresponding meaning.
- (e) If an example is given of anything (including a right, obligation or concept), such as by saying it includes something else, the example does not limit the scope of that thing.
- (f) A reference to **including** means "including, without limitation".
- (g) A reference to **dollars** or **\$** is to an amount in Australian currency.
- (h) A reference to **this document** includes the agreement recorded by this document.

- (i) Words defined in the GST Act have the same meaning in clauses about GST.
- (j) This document is not to be interpreted against the interests of a party merely because that party proposed this document or some provision in it or because that party relies on a provision of this document to protect itself.

2. APPLICATION OF THE ACT AND THE REGULATION

2.1 Application of this document

This document is a planning agreement within the meaning of section 7.4 of the Act and applies to:

- (a) the Land;
- (b) the Development; and
- (c) the Instrument Change.

2.2 Public Benefits to be made by Developer

Clause 5 and 0 set out the details of the:

- (a) Public Benefits to be delivered by the Developer;
- (b) time or times by which the Developer must deliver the Public Benefits; and
- (c) manner in which the Developer must deliver the Public Benefits.

2.3 Application of sections 7.11, 7.12 and 7.24 of the Act

- (a) The application of sections 7.11, 7.12 and 7.24 of the Act are excluded to the extent set out in Items 5 and 6 of Schedule 2 to this document.

2.4 City rights

This document does not impose an obligation on the City to:

- (a) grant Development Consent for the Development; or
- (b) exercise any function under the Act in relation to a change to an environmental planning instrument, including the making or revocation of an environmental planning instrument.

2.5 Explanatory note

The explanatory note prepared in accordance with clause 205 of the Regulation must not be used to assist in construing this document.

3. OPERATION OF THIS PLANNING AGREEMENT

3.1 Commencement

- (a) This document will commence on the date of execution of this document by all parties to this document.

4. WARRANTIES

4.1 Mutual warranties

Each party represents and warrants that:

- (a) (**power**) it has full legal capacity and power to enter into this document and to carry out the transactions that it contemplates;
- (b) (**corporate authority**) it has taken all corporate action that is necessary or desirable to authorise its entry into this document and to carry out the transactions contemplated;
- (c) (**Authorisations**) it holds each Authorisation that is necessary or desirable to:
 - (i) enable it to properly execute this document and to carry out the transactions that it contemplates;
 - (ii) ensure that this document is legal, valid, binding and admissible in evidence; or
 - (iii) enable it to properly carry on its business as it is now being conducted,and it is complying with any conditions to which any of these Authorisations is subject;
- (d) (**documents effective**) this document constitutes its legal, valid and binding obligations, enforceable against it in accordance with its terms (except to the extent limited by equitable principles and laws affecting creditors' rights generally), subject to any necessary stamping or registration;
- (e) (**solvency**) there are no reasonable grounds to suspect that it will not be able to pay its debts as and when they become due and payable; and
- (f) (**no controller**) no controller is currently appointed in relation to any of its property, or any property of any of its subsidiaries.

4.2 Developer warranties

- (a) The Developer warrants to the City that, at the date of this document:
 - (i) it is legally entitled to obtain all consents and approvals that are required by this document and, subject to obtaining such consents and approvals, do all things necessary to give effect to this document;
 - (ii) all work performed by the Developer and the Personnel under this document will be performed with due care and skill and to a standard which is equal to or better than that which a well experienced person in the industry would expect to be provided by an organisation of the Developer's size and experience; and
 - (iii) it is not aware of any matter which may materially affect the Developer's ability to perform its obligations under this document.
- (b) The Developer warrants to the City that, prior to commencing delivery of the Public Benefits it will have obtained all Authorisations and insurances required under any Law to carry out its obligations under this document.

5. PUBLIC BENEFITS

5.1 Developer to provide Public Benefits

The Developer must, at its cost and risk, provide the Public Benefits to the City in accordance with this document.

5.2 Maintenance of Developer's Works

(a) In this clause, the following definitions apply:

Maintain means works to bring an item to a state of reasonable condition and in accordance with relevant standards applicable at the time of construction of the item, but does not include removing graffiti or repairing any item damaged as a consequence of vandalism. **Maintained** and **Maintenance** have corresponding meanings.

Maintenance Period is the period of 12 months from the date on which the Developer's Works reach Completion.

Maintenance Schedule means the schedule of proposed Maintenance works as listed in Annexure A under the heading 'Maintenance of Developer's Works'.

(b) The Developer's Works must be Maintained by the Developer during the Maintenance Period in accordance with the Maintenance Schedule.

(c) The Developer must follow the City's Policies and obtain and comply with all Authorisations necessary to carry out the Maintenance required under this clause.

(d) If, during the Maintenance Period:

(i) the Developer fails to materially comply with the approved Maintenance Schedule and does not rectify that failure within 15 Business Days of being notified of that failure by the City or within a reasonable period of time agreed between the parties; or

(ii) the City becomes aware of an item of the Developer's Works that requires urgent Maintenance to ensure public safety or avoid damage or loss to the public or property,

the City may, by itself, its employees, contractors or agents, carry out the required works and may recover as a debt due and owing to the City, any difference between the amount of the Guarantee and the costs incurred by the City in carrying out the Maintenance work.

6. COMPLETION

6.1 Date of Completion

The Developer must ensure that the Developer's Works reach Completion on or before the date or milestone referred to in clause 1 of 0 of this document.

6.2 Developer completion notice

When, in the reasonable opinion of the Developer, the Developer's Works have reached Completion, the Developer must notify the City's Representative in writing and must include in that notice:

- (a) a statement from the person with direct responsibility and supervision of that work that in their opinion the Developer's Works have reached Completion;
- (b) copies of any warranties, guarantees, maintenance information or other material reasonably required for the City to assume responsibility for the Developer's Works; and
- (c) at least three sets of the "as built" drawings of the Developer's Works, including one set in electronic format,

(Completion Notice). For the avoidance of doubt, the Developer can issue separate Completion Notices at separate times for different elements of the Developer's Works, however the Developer must ensure that Completion is achieved for the Developer's Works before the due date specified in Item 1 of 3.

6.3 **Inspection by the City**

- (a) The City's Representative must inspect the Developer's Works within 5 Business Days of the date that the Completion Notice is received by the City. The City's Representative may refuse to complete the inspection until the Completion Notice has been issued with all required documentation attached in accordance with clause 6.2. Within 10 Business Days of the date of the inspection by the City's Representative, the City must by written notice to the Developer:
 - (i) state that Completion has been achieved;
 - (ii) state that Completion has not been achieved and, if so, identify the Defects, errors or omissions which, in the opinion of the City's Representative, prevent Completion; or
 - (iii) issue a notice under clause 6.4(a).
- (b) Nothing in this clause 6.3, or any notice issued under this clause 6.3, will:
 - (i) reduce or waive in any manner the Developer's responsibility to:
 - (A) deliver the Developer's Works in accordance with this document; or
 - (B) the Developer's responsibility to correct Defects, errors or omissions, whether or not these are identified by the City; or
 - (ii) create any liability for the City in relation to any defective aspect of the Developer's Works.

6.4 **Non-completion of Public Benefits**

- (a) If the Developer makes a request by notice in writing not to complete the Public Benefits (or any part of the Public Benefits):
 - (i) the City may permit the Developer not to complete the Public Benefits (or any part of the Public Benefits) by issuing a notice in writing to the Developer stating that completion of the items identified in that notice is not required to fulfil the Developer's obligations under this document; and
 - (ii) the City may make a claim on the Guarantee in such amount as the City considers necessary to complete the portion of Public Benefit not being delivered by the Developer.

- (b) If the Developer fails to complete the whole of the Public Benefits in the form and to the standards required under the Development Consent or this document then the City may either:
 - (i) complete the Public Benefits itself; or
 - (ii) modify the Public Benefits to reasonably achieve the objectives identified in the Development Consent and this document,

and may recover all costs of and reasonably incidental to that work from the Developer. The City can claim on the Guarantee in order to exercise this right, in which case the provisions of clause 10 will apply. To the extent that the City's costs exceed the amount of the Guarantee, the City can recover this amount from the Developer as a debt due and owing to the City.

- (c) If the City exercises its rights under this clause 6.4 to complete the Public Benefits, the Developer grants the City a licence for the period necessary for the City to access the Land to carry out, or procure the carrying out, of the Public Benefits.

7. **INDEMNITY**

The Developer indemnifies the City against all damage, expense, loss or liability of any nature suffered or incurred by the City arising from any act or omission by the Developer (or any Personnel) in connection with the performance of the Developer's obligations under this document, except to the extent the damage, expense, loss or liability suffered or incurred is caused by, or contributed to by, any wilful or negligent act or omission of the City (or any person engaged by the City).

8. **DEFECTS LIABILITY**

8.1 **Security for Defects Liability Period**

Until the expiry of the relevant Defects Liability Period, the City may retain from the Guarantee an amount equal to 10% of the Attributed Value of the Developer's Works as security for the Developer's performance of its obligations under this clause 8. The Developer must make any necessary arrangements to allow the provision of the Guarantee for the Defects Liability Period in accordance with this clause.

8.2 **Defect in the Public Benefits**

- (a) If:
 - (i) the Developer is in breach of clause 4.2 of this document; or
 - (ii) the City notifies the Developer of a Defect in the Public Benefits within the Defects Liability Period,

then, following written notice from the City, the Developer must promptly correct or replace (at the Developer's expense) the defective elements of the Public Benefits.

- (b) If the Developer is unable or unwilling to comply with clause 8.2(a), or fails to rectify the Defect within three months of receiving notice from the City under clause 8.2(a), the City may:
 - (i) rectify the Defect itself;

- (ii) make a claim on the Guarantee in accordance with clause 10 for the reasonable costs of the City in rectifying the Defect; and
 - (iii) to the extent the costs incurred to rectify the Defect exceeds the Guarantee, recover the reasonable costs from the Developer as a debt due and owing to the City.
- (c) If the City requires access to the Land to rectify any Defect, the Developer grants the City and its contractors a licence for such period as is necessary for the City and its contractors to access the Land to carry out, or procure the carrying out, of the rectification works.

9. **REGISTRATION**

9.1 **Registration of this document**

- (a) The Developer:
- (i) consents to the registration of this document at the NSW Land Registry Services on the certificate of title to the Land;
 - (ii) warrants that it has obtained all consents to the registration of this document on the certificate of title to the Land; and
 - (iii) must within 10 Business Days of a written request from the City do all things necessary to allow the City to register this document on the certificate of title to the Land, including but not limited to:
 - (A) producing any documents or letters of consent required by the Registrar-General of the NSW Land Registry Services; and
 - (B) providing the City with payment for registration, electronic lodgement and requisition fees (where applicable) required for registration of this document at NSW Land Registry Services.
 - (iv) The Developer must act promptly in complying with and assisting to respond to any requisitions raised by the NSW Land Registry Services that relate to registration of this document.

9.2 **Release of this document**

- (a) If the City is satisfied that the Developer has provided all Public Benefits and otherwise complied with this document then the City must promptly do all things reasonably required to remove this document from the certificate of title to the Land.

10. **ENFORCEMENT**

10.1 **Developer to provide Guarantee**

The Developer must deliver the Guarantee for the Guarantee Amount to the City by the Guarantee Amount Due Date.

10.2 **Adjustment of Guarantee Amount**

- (a) Subject to clause 10.2(b), following each anniversary of the date of the Guarantee (the "Adjustment Date") and at any time prior to the expiry of the Defects Liability Period, the Guarantee Amounts are to be adjusted to a revised amount by applying the following formula:

$$\text{RGA} = \text{GA} \times (\text{A/B})$$

where:

RGA is the revised guarantee amount applicable from the relevant Adjustment Date

GA is the Guarantee Amount that is current on the relevant Adjustment Date

A is the Index Number most recently published before the relevant Adjustment Date

B is the Index Number most recently published:

- (i) before the date of the Guarantee for the first Adjustment Date; and
- (ii) before the preceding Adjustment Date for every subsequent Adjustment Date

If after the formula is applied the revised Guarantee Amount will be less than the amount held at the preceding Adjustment Date, the Guarantee Amount will not be adjusted.

- (b) If the Guarantee Amount is adjusted under clause 10.2(a), the Developer is not required to provide the City with a replacement Guarantee for that revised Guarantee Amount until such time as the City notifies the Developer that the City is ready to exchange the then current Guarantee held by the City, following which the City and the Developer must promptly exchange the then current Guarantee held by the City with a replacement Guarantee for that revised Guarantee Amount from the Developer.

10.3 **Right of City to claim on Guarantee**

- (a) The Developer agrees that the City may make an appropriation from the Guarantee in such amount as the City, acting reasonably, thinks appropriate if:
 - (i) the Developer fails to comply with clause of this 4.2 of Schedule 3 of this document (provision of detailed design drawings and detailed costs estimate);
 - (ii) the City allows the Developer not to complete the Public Benefits, or any part of them, in accordance with clause 6.4(a)(ii);
 - (iii) an Insolvency Event occurs in respect of the Developer;
 - (iv) the Developer fails to deliver the Public Benefits in accordance with clause 6.4(b);
 - (v) the Developer fails to carry out Maintenance in accordance with clause 5.2 of this document;
 - (vi) the Developer fails to rectify a Defect in accordance with clause 8.2 of this document;
 - (vii) the detailed designs for the Developer's Works are not finalised between the parties within 12 months of the date of issue of a Construction Certificate that approves the construction of any structures above the ground floor of the Development;

- (viii) to the extent the DBP Act applies to the Developer's Works, any Regulated Designs and Design Compliance Declarations for those Regulated Designs in relation to the Developer's Works are not procured by the Developer (or the Developer's Personnel) as required by the DBP Act or the DBP Regulation or otherwise not provided to the City as and when required by this document;
 - (ix) the Developer's Works do not reach Completion within 36 months of the date of issue of the first Construction Certificate in respect of the Development (or such later time as agreed by the City in writing);
 - (x) the Developer fails to maintain the Developer's Works in accordance with clause 5.2 and Annexure A; or
 - (xi) the City incurs any other expense or liability in exercising its rights and powers under this document.
- (b) Any amount of the Guarantee appropriated by the City in accordance with clause 10.2 must be applied only towards:
- (i) the costs and expenses incurred by the City rectifying any default by the Developer under this document;
 - (ii) carrying out any works required to achieve the Public Benefits; or
 - (iii) to the extent the DBP Act applies to the Developer's Works, the costs and expenses incurred by the City rectifying any failure by the Developer (or the Developer's Personnel) to procure Regulated Designs and Design Compliance Declarations for those Regulated Designs in relation to the Developer's Works as required by the DBP Act or the DBP Regulation and to provide copies of any Regulated Designs and Design Compliance Declarations for those Regulated Designs in relation to the Developer's Works to the City when required by this document.

10.4 **Expenditure by the City**

If the City claims on the Guarantee to Complete the Developer's Works, then the City:

- (a) is not required to expend more money than the Guarantee Amount and may elect not to carry out items of the Developer's Works to ensure that those works can be carried out for an amount equal to or less than the Guarantee Amount; or
- (b) may expend more than the Guarantee Amount. If the City expends more money than the Guarantee Amount then the amount in excess of the Guarantee Amount will be deemed to be a debt due and owing to the City by the Developer.

10.5 **Top-up and return of Guarantee**

- (a) If the City calls upon the Guarantee in accordance with this clause 10 then the Developer must immediately provide to the City a replacement Guarantee to ensure that, at all times until the Guarantee is released in accordance with paragraph (b), the City is in possession of a Guarantee for a face value equivalent to the Guarantee Amount.
- (b) If:
 - (i) the monies secured by the Guarantee have not been expended;

- (ii) the City has concurred with Completion in accordance with clause 6.3(a)(i) of this document, taking into account any approved non-completion of Public Benefits approved by clause 6.4(a) of this document; and
- (iii) the City has been provided with the security for the Defects Liability Period in accordance with clause 8.1,

then the City will promptly return the Guarantee to the Developer following the issue of a notice pursuant to clause 6.3(a)(i) of this document.

- (c) If, following expiry of the Defects Liability Period, the City is satisfied that all defects have been rectified in accordance with clause 8 then the City must promptly return to the Developer the portion of the Guarantee retained by the City as security for the Defects Liability Period.

11. **DISPUTE RESOLUTION**

11.1 **Application**

Any Dispute must be determined in accordance with the procedure in this clause 11.

11.2 **Negotiation**

- (a) If any Dispute arises, a party to the Dispute (**Referring Party**) may by giving notice to the other party or parties to the Dispute (**Dispute Notice**) refer the Dispute to the Developer's Representative and the City's Representative for resolution. The Dispute Notice must:
 - (i) be in writing;
 - (ii) state that it is given pursuant to this clause 11; and
 - (iii) include or be accompanied by reasonable particulars of the Dispute including:
 - (A) a brief description of the circumstances in which the Dispute arose;
 - (B) references to any:
 - (aa) provisions of this document; and
 - (bb) acts or omissions of any person, relevant to the Dispute; and
 - (C) where applicable, the amount in dispute (whether monetary or any other commodity) and if not precisely known, the best estimate available.
- (b) Within 10 Business Days of the Referring Party issuing the Dispute Notice (**Resolution Period**), the Developer's Representative and the City's Representative must meet at least once to attempt to resolve the Dispute.
- (c) The Developer's Representative and the City's Representative may meet more than once to resolve a Dispute. The Developer's Representative and the City's Representative may meet in person, via telephone, videoconference, internet-based instant messaging or any other agreed means of instantaneous communication to effect the meeting.

- (d) The parties agree to participate in good faith in any meeting under subparagraph (b) and (c) of this clause.
- (e) Any agreement reached decision, or outcome under this clause, will not be binding on the parties unless both parties agree to be bound.
- (f) Each party will be responsible for its own costs of any meetings to resolve the Dispute under this clause.

11.3 **Not use information**

The purpose of any exchange of information or documents or the making of any offer of settlement under this clause 11 is to attempt to settle the Dispute. Neither party may use any information or documents obtained through any dispute resolution process undertaken under this clause 11 for any purpose other than in an attempt to settle the Dispute.

11.4 **Condition precedent to litigation**

Subject to clause 11.5, a party must not commence legal proceedings in respect of a Dispute unless:

- (a) a Dispute Notice has been given; and
- (b) the Resolution Period has expired.

11.5 **Summary or urgent relief**

Nothing in this clause 11 will prevent a party from instituting proceedings to seek urgent injunctive, interlocutory or declaratory relief in respect of a Dispute.

12. **TAXES AND GST**

12.1 **Responsibility for Taxes**

- (a) The Developer is responsible for any and all Taxes and other like liabilities which may arise under any Commonwealth, State or Territory legislation (as amended from time to time) as a result of or in connection with this document or the Public Benefits.
- (b) The Developer must indemnify the City in relation to any claims, liabilities and costs (including penalties and interest) arising as a result of any Tax or other like liability for which the Developer is responsible under clause 12.1(a).

12.2 **GST free supply**

To the extent that Divisions 81 and 82 of the GST Law apply to a supply made under this document:

- (a) no additional amount will be payable by a party on account of GST; and
- (b) no tax invoices will be exchanged between the parties.

12.3 **Supply subject to GST**

To the extent that clause 12.2 does not apply to a supply made under this document, this clause 12.3 will apply.

- (a) If one party (**Supplying Party**) makes a taxable supply and the consideration for that supply does not expressly include GST, the party that is liable to provide the consideration (**Receiving Party**) must also pay an amount (**GST Amount**) equal to the GST payable in respect of that supply.
- (b) Subject to first receiving a tax invoice or adjustment note as appropriate, the receiving party must pay the GST amount when it is liable to provide the consideration.
- (c) If one party must indemnify or reimburse another party (**Payee**) for any loss or expense incurred by the Payee, the required payment does not include any amount which the Payee (or an entity that is in the same GST group as the Payee) is entitled to claim as an input tax credit, but will be increased under clause 12.3(a) if the payment is consideration for a taxable supply.
- (d) If an adjustment event arises in respect of a taxable supply made by a Supplying Party, the GST Amount payable by the Receiving Party under clause 12.3(a) will be recalculated to reflect the adjustment event and a payment will be made by the Receiving Party to the Supplying Party, or by the Supplying Party to the Receiving Party, as the case requires.
- (e) The Developer will assume the City is not entitled to any input tax credit when calculating any amounts payable under this clause 12.3.
- (f) In this document:
 - (i) consideration includes non-monetary consideration, in respect of which the parties must agree on a market value, acting reasonably; and
 - (ii) in addition to the meaning given in the GST Act, the term "GST" includes a notional liability for GST.

13. **DEALINGS**

13.1 **Dealing by the City**

- (a) The City may Deal with its interest in this document without the consent of the Developer if the Dealing is with a Government Agency. The City must give the Developer notice of the Dealing within five Business Days of the date of the Dealing.
- (b) The City may not otherwise Deal with its interest in this document without the consent of the Developer, such consent not to be unreasonably withheld or delayed.

13.2 **Dealing by the Developer**

- (a) Prior to registration of this document in accordance with clause 9
 - (i) the Developer must not Deal with this document or the whole or any part of the Land without:
 - (A) the prior written consent of the City, which must not be unreasonably withheld or delayed where the Developer complies with clause 13.2(a)(i)(B); and
 - (B) the City, the Developer and the third party the subject of the Dealing entering into a deed of novation generally in the form included in

Annexure B to this document with the City's entry into such a deed not to be unreasonably withheld or delayed; and

- (C) prior to the proposed novation of its obligations under this document to a third party (the Incoming Party), the Developer must satisfy the City (acting reasonably) that the Incoming Party has sufficient assets, resources and expertise required to perform the Developer's obligations under this document;

and the City will use best endeavours to execute a deed generally in the form of Annexure B promptly when requested by the Developer; and

- (ii) the parties acknowledge that clause 13.2(a)(i) does not apply to Dealings in relation to the Land specified in Schedule 1 (other than any Dealing which benefits or affects the rights of the City, where the City's consent would otherwise be required by reason of the terms of the Dealing, or where the City's consent is required as part of the exercise of the City's statutory functions); and
 - (iii) in the event that the consent of the City is otherwise required in relation to any Dealings specified in Schedule 1, the City consents to those Dealings (other than any Dealing which benefits or affects the rights of the City, where the City's consent would be required by reason of it being the beneficiary of the Dealing, or otherwise by the terms of the Dealing, or where the City's consent is required as part of the exercise of the City's statutory functions).
- (b) On and from registration of this document in accordance with clause 9:
- (i) the Developer may Deal with this document without the consent of the City only as a result of the sale of the whole or any part of the Land (without subdivision) to a purchaser of the Land;
 - (ii) the Developer may register a plan of strata subdivision, and the City consents to this document remaining registered only on the certificate of title to the common property of the strata plan upon registration of the strata plan; and
 - (iii) the Developer must not otherwise Deal with this document to a third party that is not a purchaser of the whole or any part of the Land without:
 - (A) the prior written consent of the City, which must not be unreasonably withheld or delayed where the Developer complies with clause 13.2(b)(iii)(B); and
 - (B) the City, the Developer and the third party the subject of the Dealing entering into a deed of novation generally in the form included in Annexure B to this document with the City's entry into such a deed not to be unreasonably withheld or delayed;
 - (C) for the purposes of clause 13.2(b)(iii)(B), prior to the proposed novation of its obligations under this document to a third party (the Incoming Party), the Developer must satisfy the City (acting reasonably) that the Incoming Party has sufficient assets, resources and expertise required to perform the Developer's obligations under this document. The City will use best endeavours to execute a deed generally in the form of Annexure B promptly when requested by the Developer.

14. **TERMINATION**

- (a) Either party may terminate this document by notice in writing to the other party if:
 - (i) the Instrument Change does not enter into force within 24 months after the date of this document; or
 - (ii) the Sydney LEP is subsequently amended by an environmental planning instrument made after the Instrument Change, in a way that prevents the Development from proceeding; or
 - (iii) the Instrument Change is declared to be invalid by a Court of competent jurisdiction; or
- (b) If this document is terminated in accordance with clause 14(a), then:
 - (i) the rights of each party that arose before the termination or which may arise at any future time for any breach or non-observance of obligations occurring prior to the termination are not affected;
 - (ii) the Developer must take all steps reasonably necessary to minimise any loss each party may suffer as a result of the termination of this document;
 - (iii) the City will, at the Developer's cost, do all things reasonably required to remove this document and any caveat from the certificate of title to the Land in accordance with clause 9; and
 - (iv) the City will return the Guarantees to the Developer after first deducting any amounts owing to the City or reasonable costs incurred by the City by operation of this document. If in exercising its rights under this document the City expends more money than the Guarantee Amount then the amount in excess of the Guarantee Amount will be deemed to be a debt due and owing to the City by the Developer.

15. **CONFIDENTIALITY, DISCLOSURES AND PRIVACY**

15.1 **Use and disclosure of Confidential Information**

A party (**receiving party**) which acquires Confidential Information of another party (**disclosing party**) must not:

- (a) use any of the Confidential Information except to the extent necessary to exercise its rights and perform its obligations under this document; or
- (b) disclose any of the Confidential Information except in accordance with clauses 15.2 or 15.3.

15.2 **Disclosures to personnel and advisers**

- (a) The receiving party may disclose Confidential Information to an officer, employee, agent, contractor, or legal, financial or other professional adviser if:
 - (i) the disclosure is necessary to enable the receiving party to perform its obligations or to exercise its rights under this document; and
 - (ii) prior to disclosure, the receiving party informs the person of the receiving party's obligations in relation to the Confidential Information under this

document and obtains an undertaking from the person to comply with those obligations.

(b) The receiving party:

- (i) must ensure that any person to whom Confidential Information is disclosed under clause 15.2(a) keeps the Confidential Information confidential and does not use it for any purpose other than as permitted under clause 15.2(a); and
- (ii) is liable for the actions of any officer, employee, agent, contractor or legal, financial or other professional adviser that causes a breach of the obligations set out in clause 15.2(b)(i).

15.3 Disclosures required by law

- (a) Subject to clause 15.3(b), the receiving party may disclose Confidential Information that the receiving party is required to disclose:
 - (i) by law or by order of any court or tribunal of competent jurisdiction; or
 - (ii) by any Government Agency, stock exchange or other regulatory body.
- (b) If the receiving party is required to make a disclosure under clause 15.3(a), the receiving party must:
 - (i) to the extent possible, notify the disclosing party immediately it anticipates that it may be required to disclose any of the Confidential Information;
 - (ii) consult with and follow any reasonable directions from the disclosing party to minimise disclosure; and
 - (iii) if disclosure cannot be avoided:
 - (A) only disclose Confidential Information to the extent necessary to comply; and
 - (B) use reasonable efforts to ensure that any Confidential Information disclosed is kept confidential.

15.4 Receiving party's return or destruction of documents

On termination of this document the receiving party must immediately:

- (a) deliver to the disclosing party all documents and other materials containing, recording or referring to Confidential Information; and
- (b) erase or destroy in another way all electronic and other intangible records containing, recording or referring to Confidential Information,

which are in the possession, power or control of the receiving party or of any person to whom the receiving party has given access.

15.5 Security and control

The receiving party must:

- (a) keep effective control of the Confidential Information; and

- (b) ensure that the Confidential Information is kept secure from theft, loss, damage or unauthorised access or alteration.

15.6 **Media releases**

The Developer must not issue any information, publication, document or article for publication in any media concerning this document or the Public Benefits without the City's prior written consent.

15.7 **Privacy**

- (a) Without limiting its obligations at law with respect to privacy and the protection of Personal Information, the Developer:
 - (i) must not, directly or indirectly collect, use or disclose any Personal Information under or in connection with this document except to the extent necessary to perform its obligations under this document; and
 - (ii) must in the delivery of the Public Benefits and the performance of all its other obligations under this document comply with the Privacy Laws and must not do any act or engage in any practice that would breach the Privacy Laws or which if done or engaged in by the City would be a breach of any Privacy Laws.

16. **NOTICES**

- (a) A notice, consent or other communication under this document is only effective if it is in writing, signed and either left at the addressee's address or sent to the addressee by mail or email. If it is sent by mail, it is taken to have been received 5 Business Days after it is posted. If it is sent by email, it is taken to have been received the same day the email was sent, provided that the sender has not received a delivery failure notice (or similar), unless the time of receipt is after 5:00pm in which case it is taken to be received on the next Business Day.
- (b) A person's address and email address are those set out in Schedule 1 for the City's Representative and the Developer's Representative, or as the person notifies the sender in writing from time to time.

17. **MODERN SLAVERY**

- (a) In this clause:
 - (i) **Act** means the *Modern Slavery Act 2018* (Cth);
 - (ii) **Modern Slavery** has the meaning given to it in section 4 of the Act;
 - (iii) **Modern Slavery Laws** means:
 - (A) the *Modern Slavery Act 2018* (Cth), *Modern Slavery Act 2018* (NSW) or any other similar legislation that requires entities to report in relation to the Modern Slavery risk of their entity and/or their response to that risk; and
 - (B) any other law, statute or regulation which prohibits, or incorporates, or creates a reporting or due diligence obligation in connection with, Modern Slavery and is applicable or otherwise in force in the jurisdiction(s) in which the Developer is registered or conducts

business or in which activities relevant to this document are to be performed.

- (iv) **Modern Slavery Statement** has the meaning given in section 12 of the Act;
- (v) **Reasonable Steps** includes:
 - (A) obtaining awareness of Modern Slavery, the Act and other relevant legislation, regulations and guidance in Australia;
 - (B) implementing procedures and training staff on how to identify and report Modern Slavery risks;
 - (C) undertaking due diligence to identify and address modern slavery risks in the Developer's operations and supply chain (including adherence to Australian labour laws, conducting a modern slavery risk assessment of its suppliers and implementing a modern slavery policy);
 - (D) without limiting paragraph (B) above, consulting with the Developer's contractors, sub-contractors and suppliers to identify and mitigate modern slavery risks in its supply chain and labour force, including by implementing policies and procedures that reject the exploitation of migrant workers; and
 - (E) any other steps required by the NSW Anti-Slavery Commissioner from time to time.
- (b) The Developer must:
 - (i) not cause or contribute to Modern Slavery or any activity, practice or conduct that constitutes an offence under Modern Slavery Laws (or would constitute an offence under Modern Slavery Laws had those activities, practices or conduct occurred in Australia);
 - (ii) where required to report under the Modern Slavery Laws, provide the City with a copy of its most current Modern Slavery Statement;
 - (iii) promptly provide the City (at its own cost) with all information and records reasonably requested by the City to assist the City in complying with any applicable reporting obligations under Modern Slavery Laws or undertaking due diligence on its supply chains;
 - (iv) use reasonable efforts to procure that its suppliers and contractors and any supply chain participants do not engage in any activity, practice or conduct that causes or contributes to Modern Slavery or contravenes a Modern Slavery Law, including:
 - (A) training of employees in relation to how to identify, assess and report Modern Slavery, the risks of Modern Slavery in the Developer's operations and supply chains, and how those risks can be remediated; and
 - (B) undertaking reasonable due diligence in relation to its suppliers and subcontractors, including in their selection;

- (v) have in place, and maintain at all times, adequate and reasonable policies, controls, procedures and training designed to prevent, detect, assess, manage and remedy (as appropriate) Modern Slavery risks in its operations and supply chains;
 - (vi) ensure that the terms of any arrangements entered into with suppliers and subcontractors in connection with the Developer's Works, include provisions that are at least as onerous as those imposed on the Developer in this clause;
 - (vii) notify the City in writing as soon as practicable if it becomes aware of any potential, suspected or actual instance of Modern Slavery in its operations or supply chain or breach by it or its supply chain of any Modern Slavery Laws in connection with the Developer's Works;
 - (viii) take all reasonable action (including any action reasonably directed by the City) to rectify the breach and/or minimise the risk of Modern Slavery in its operations and supply chain, including where relevant by addressing any practices of other entities in its supply chains;
 - (ix) cooperate in good faith with the City in investigating the circumstances relevant to any potential, suspected or actual breach of any Modern Slavery Laws;
 - (x) notify the City in writing as soon as practicable if any of the information referred to in subclause 17(b)(iii) becomes inaccurate, incomplete or misleading or deceptive in any way and promptly provide the City with updated information.
- (c) The Developer indemnifies the City in respect of any liability incurred in connection with the Developer's breach of this clause 17.

18. **GENERAL**

18.1 **Governing law**

- (a) This document is governed by the laws of New South Wales.
- (b) Each party submits to the exclusive jurisdiction of the courts exercising jurisdiction in New South Wales, and any court that may hear appeals from any of those courts, for any proceedings in connection with this document, and waives any right it might have to claim that those courts are an inconvenient forum.

18.2 **Access to information**

In accordance with section 121 of the *Government Information (Public Access) Act 2009 (NSW)*, the Developer agrees to allow the City immediate access to the following information contained in records held by the Developer:

- (a) information that relates directly to the delivery of the Public Benefits by the Developer;
- (b) information collected by the Developer from members of the public to whom the Developer provides, or offers to provide, services on behalf of the City; and
- (c) information received by the Developer from the City to enable the Developer to deliver the Public Benefits.

18.3 **Liability for expenses**

- (a) The Developer must pay its own and the City's expenses incurred in negotiating, executing, registering, releasing, administering and enforcing this document.
- (b) The Developer must pay for all reasonable costs and expenses associated with the preparation and giving of public notice of this document and the explanatory note prepared in accordance with the Regulations and for any consent the City is required to provide under this document.

18.4 **Relationship of parties**

- (a) Nothing in this document creates a joint venture, partnership, or the relationship of principal and agent, or employee and employer between the parties; and
- (b) No party has the authority to bind any other party by any representation, declaration or admission, or to make any contract or commitment on behalf of any other party or to pledge any other party's credit.

18.5 **Giving effect to this document**

Each party must do anything (including execute any document), and must ensure that its employees and agents do anything (including execute any document), that the other party may reasonably require to give full effect to this document.

18.6 **Time for doing acts**

- (a) If:
 - (i) the time for doing any act or thing required to be done; or
 - (ii) a notice period specified in this document,expires on a day other than a Business Day, the time for doing that act or thing or the expiration of that notice period is extended until the following Business Day.
- (b) If any act or thing required to be done is done after 5pm on the specified day, it is taken to have been done on the following Business Day.

18.7 **Severance**

If any clause or part of any clause is in any way unenforceable, invalid or illegal, it is to be read down so as to be enforceable, valid and legal. If this is not possible, the clause (or where possible, the offending part) is to be severed from this document without affecting the enforceability, validity or legality of the remaining clauses (or parts of those clauses) which will continue in full force and effect.

18.8 **Preservation of existing rights**

The expiration or termination of this document does not affect any right that has accrued to a party before the expiration or termination date.

18.9 **No merger**

Any right or obligation of any party that is expressed to operate or have effect on or after the completion, expiration or termination of this document for any reason, will not merge on the occurrence of that event but will remain in full force and effect.

18.10 **Waiver of rights**

A right may only be waived in writing, signed by the party giving the waiver, and:

- (a) no other conduct of a party (including a failure to exercise, or delay in exercising, the right) operates as a waiver of the right or otherwise prevents the exercise of the right;
- (b) a waiver of a right on one or more occasions does not operate as a waiver of that right if it arises again; and
- (c) the exercise of a right does not prevent any further exercise of that right or of any other right.

18.11 **Operation of this document**

- (a) This document contains the entire agreement between the parties about its subject matter. Any previous understanding, agreement, representation or warranty relating to that subject matter is replaced by this document and has no further effect.
- (b) Any right that a person may have under this document is in addition to, and does not replace or limit, any other right that the person may have.
- (c) Any provision of this document which is unenforceable or partly unenforceable is, where possible, to be severed to the extent necessary to make this document enforceable, unless this would materially change the intended effect of this document.

18.12 **Operation of indemnities**

- (a) Each indemnity in this document survives the expiry or termination of this document.
- (b) A party may recover a payment under an indemnity in this document before it makes the payment in respect of which the indemnity is given.

18.13 **Inconsistency with other documents**

Unless the contrary intention is expressed, if there is an inconsistency between any of one or more of:

- (a) this document;
- (b) any Schedule to this document; and
- (c) the provisions of any other document of the Developer,

the order of precedence between them will be the order listed above, this document having the highest level of precedence.

18.14 **No fetter**

Nothing in this document in any way restricts or otherwise affects the City's unfettered discretion to exercise its statutory powers as a public authority.

18.15 **Counterparts**

This document may be executed in counterparts.

SCHEDULE 1

Agreement Details

ITEM	TERM	DESCRIPTION
1.	Land	Lot 1 in DP 84655, known as 242 Young St Waterloo NSW 2017; and Lot A and B in DP 161650 known as 244-258 Young St Waterloo NSW 2017.
2.	Development	Development of a proposed school on the Land to maximum height of 25m and a Floor Space Ratio of 2.94:1 as contemplated in the Planning Proposal encompassing the setbacks on the Land adjacent to the public domain. The Total Gross Floor Area of the Development on the Land is 13,566sqm
3.	City's Representative	Name: Director, Planning, Development and Transport Address: Level 1, 456 Kent Street, Sydney NSW 2000 Email: council@cityofsydney.nsw.gov.au Or such alternative representative nominated by the City from time to time and notified in writing to the Developer's Representative
4.	Developer's Representative	Name: Alyce Johnson, MillerPrince Address: Level 24 56 Pitt Street, Sydney NSW 2000 Email: a.johnson@millerprince.com.au Or such alternative representative nominated by the Developer from time to time and notified in writing to the City's Representative
5.	Development Application	Any development application submitted in connection with the Development on the Land.
6.	Guarantee Amount	An amount equal to the Value of the Attributed Value of the Developer's works in Schedule 3.
7.	Guarantee Amount Due Date	Prior to the issue of the first Construction Certificate for the Development.

SCHEDULE 2

Requirements under the Act and Regulation (clause 2)

The below table summarises how this document complies with the Act and Regulation.

ITEM	SECTION OF ACT OR REGULATION	PROVISION/CLAUSE OF THIS DOCUMENT
1.	Planning instrument and/or development application (section 7.4(1) of the Act) The Developer has: (a) sought a change to an environmental planning instrument; (b) made, or proposes to make, a Development Application; or (c) entered into an agreement with, or is otherwise associated with, a person, to whom paragraph (a) or (b) applies.	(a) Yes (b) No (c) No
2.	Description of land to which this document applies (section 7.4(3)(a) of the Act)	Item 1 of Schedule 1.
3.	Description of change to the environmental planning instrument to which this document applies and/or the development to which this document applies (section 7.4(3)(b) of the Act)	The environmental planning instrument as described in clause 2.1.
4.	The nature and extent of the provision to be made by the developer under this document, the time or times by which the provision is to be made and the manner in which the provision is to be made (section 7.4(3)(c) of the Act)	Clause 5, 0 and Annexure A
5.	Whether this document excludes (wholly or in part) of does not exclude the application of section 7.11, 7.12 or 7.24 to the development (section 7.4(3)(d) of the Act)	Section 7.11 not excluded Section 7.12 not excluded Section 7.24 not excluded
6.	Applicability of section 7.11 of the Act (section 7.4(3)(e) of the Act)	The application of section 7.11 of the Act is not excluded in respect of the Development and contributions (if any) under section 7.11 will be required to be paid.

ITEM	SECTION OF ACT OR REGULATION	PROVISION/CLAUSE OF THIS DOCUMENT
7.	Consideration of benefits under this document if section 7.11 applies (section 7.4(3)(e) of the Act)	Benefits are not to be taken into consideration in determining a development contribution under section 7.11 of the Act.
8.	Mechanism for Dispute Resolution (section 7.4(3)(f) of the Act)	Clause 11
9.	Enforcement of this document (section 7.4(3)(g) of the Act)	Clause 10
10.	No obligation to grant consent or exercise functions (section 7.4(9) of the Act)	Clause 2.4
11.	Registration of this document (section 7.6 of the Act)	Clause 9
12.	Whether certain requirements of this document must be complied with before a construction certificate is issued (section 205(2) of the Regulation)	Provision of the Bank Guarantee
13.	Whether certain requirements of this document must be complied with before a subdivision certificate is issued (section 205(2) of the Regulation)	Not applicable
14.	Whether certain requirements of this document must be complied with before an occupation certificate is issued (section 205(2) of the Regulation)	Construction of the Developer's Works
15.	Whether the explanatory note that accompanied exhibition of this document may be used to assist in construing this document (section 205(5) of the Regulation)	Clause 2.5

SCHEDULE 3

Public Benefits (clause 5)

1. PUBLIC BENEFITS - OVERVIEW

The Developer must provide the Public Benefits in accordance with Schedule 3 and this document. The Attributed Value, timing of delivery and additional specifications relating to the Public Benefits is set out in the table below

	Public Benefit	Attributed Value	Due date	Additional specifications
	Developer's Works	An amount which is equal to the Attributed Value of the Developer's Works as determined pursuant to clause 4.3 of Schedule 3	Prior to the issue of the first Occupation Certificate for the Development	Plans and specifications showing the nature and extent of the required Essential Infrastructure as at the date of this document are contained in Annexure A to this document.

2. PAYMENT OF MONETARY CONTRIBUTION

Not used

3. TRANSFER LAND

Not used

4. FINAL DESIGN OF THE DEVELOPER'S WORKS

4.1 Scope of Developer's Works

- (a) As at the date of this document, the nature and extent of the required Developer's Works is set out in Annexure A to this document. The parties agree that further design refinement of the Developer's Works may be necessary, having regard to:
- (i) the extent to which the design of the Developer's Works has been approved by the City;
 - (ii) conditions affecting the Developer's Works that were not reasonably capable of identification prior to the date of this document;
 - (iii) the extent of any refinement of the design of the Developer's Works permitted by this clause 4.1(a) of Schedule 3;
 - (iv) any modification to the Development Consent made and approved under section 4.55 of the Act or any other development consent granted that relates to the Developer's Works; and
 - (v) the reasonable requirements of the City, including in regard to the Standards.

4.2 Final design of Developer's Works

- (a) Promptly following the issue of the Development Consent, the Developer must submit to the City's Representative for approval detailed design drawings of the Developer's Works that reflect the plans and specifications as developed between the parties.
- (b) Within 30 Business Days after the City's Representative has received the detailed design drawings, the City must inform the Developer in writing as to whether the detailed design drawings are approved or not approved.
- (c) If the City provides notice under clause 4.2(b) of Schedule 3 that the detailed design drawings are not approved, the City must under that notice inform the Developer in writing as to what further information or modifications to the detailed design drawings are required. The Developer will have a further 20 Business Days after receipt of the written notice outlining the further information or modifications to the detailed design drawings to re-submit said further information or modifications. Following re-submission by the Developer under this clause 4.2(c) of Schedule 3 the process outlined in clauses 4.2(b) to (c) of Schedule 3 will apply again.
- (d) If the Developer:
 - (i) fails to prepare the detailed design drawings; or
 - (ii) does not provide further information or modify the detailed design drawings,in accordance with this clause 4.2 of Schedule 3, then the City may exercise its rights under clause 10 of this document in order to carry out the Developer's Works itself at the cost of the Developer.

4.3 Attributed Value of Developer's Works

- (a) The parties acknowledge and agree that at the date of this document:
 - (i) the final design of the Developer's Works has not been determined; and
 - (ii) the Attributed Value for the Developer's Works has not been determined.
- (b) The Developer must engage an independent quantity surveyor to assess the value of the Developer's Works following completion of the process set out in clause 4.2 of Schedule 3, having regard to the final design and use of the Developer's Works approved by the City and provide that assessment to the City (**QS Assessment**).
- (c) Within 30 Business Days after the City's Representative has received the QS Assessment, the City must inform the Developer in writing as to whether the QS Assessment is approved or not approved. If the City provides notice that the QS is not approved, the City at the same time must inform the Developer of the City's assessment of the value of the Developer's Works (**City Assessment**). The Developer will have a further 20 Business Days after receipt of the City Assessment to re-submit the independent quantity surveyor's assessment of the value of the Developer's Works. Following re-submission by the Developer under this clause 4.3(c) the process outlined in clauses 4.3(b) to (c) of Schedule 3 will apply again.
- (d) The value of the Developer's Works approved by the City will be the Attributed Value of the Developer's Works for the purpose of this document.

4.4 **Preparation of and changes to construction design drawings**

- (a) Following approval of the detailed design drawings by the City in accordance with clause 4.2 of Schedule 3, the Developer must promptly:
 - (i) prepare construction design drawings that comply with the detailed design drawings; and
 - (ii) provide the City with a copy of the construction design drawings.
- (b) The City, acting reasonably, may by written notice to the Developer at any time, approve, vary or direct the Developer to vary the construction design drawings so that the Developer's Works reflect:
 - (i) the Standards;
 - (ii) a departure or discrepancy from the plans approved under clause 4.2 of Schedule 3; or
 - (iii) any other standard or specification for materials or methodology for carrying out works that is adopted by the City from time to time, provided that any direction given under this clause 4.4(b)(iii) of Schedule 3 does not significantly increase:
 - (A) the cost of that element of the Developer's Works; or
 - (B) the complexity of implementation of the Developer's Works that may lead to a delay in the completion of the Developer's Works of 4 weeks or more.
- (c) Within 20 Business Days of receiving a notice from the City under clause 4.4(b) of Schedule 3, the Developer must:
 - (i) to the extent practicable, use reasonable endeavours to comply with the notice given by the City; or
 - (ii) if the Developer determines that the notice given by the City is unreasonable or impracticable, notify a dispute in accordance with clause 11 of this document.

If the Developer does not provide any response during the 20 Business Days after receiving a notice from the City under clause 4.4(b) of Schedule 3, it is deemed that the Developer accepts the notice given by the City and will take all steps required to comply with the notice.
- (d) The City does not assume or owe any duty of care to the Developer in reviewing any design drawings submitted to it under this clause 3.3(d) of Schedule 3 or for any errors, omissions or non-compliance with this document.
- (e) No participation by the City in the development of, the review of, or comments on any design drawings submitted by the Developer will lessen or otherwise affect the Developer's obligations under this document or constitute an acknowledgement by the City that the Developer has complied with its obligations under this document.

5. CONSTRUCTION OF DEVELOPER'S WORKS

5.1 Insurance

- (a) From commencement of the Developer's Works until expiration of the Defects Liability Period, the Developer must effect and maintain (or cause to be effected and maintained under one or more policies of insurance and without requiring any risk to be double insured) the following insurances held with an insurer licensed by the Australian Prudential Regulation Authority or holding an investment grade rating from Standard & Poors, Moody's or Fitch:
 - (i) worker's compensation insurance or registrations as required by Laws;
 - (ii) public liability insurance written on an occurrence basis with a limit of indemnity of not less than \$20,000,000 covering all aspects of the Developer's Works;
 - (iii) construction works insurance in relation to the Developer's Works; and
 - (iv) motor vehicle third party cover with a limit of indemnity of not less than \$20 million for each and every occurrence.
- (b) The Developer must submit a copy of all certificates of insurance to the City:
 - (i) prior to commencing construction of the Developer's Works; and
 - (ii) promptly following a written request by the City, provided that such a request is not made more than twice in any 12 month period.

5.2 Approvals and consents

The Developer must, at its cost, obtain all relevant approvals and consents for the Developer's Works, whether from the City or from any other relevant Government Agency, including any necessary road opening permits. Before commencing the Developer's Works, the Developer must give to the City copies of all approvals and consents for the Developer's Works, other than the Development Consent.

5.3 Construction work

The Developer must, at its cost:

- (a) carry out and complete the Developer's Works in accordance with all approvals and consents relating to the Developer's Works, including any approval given by the City under this document;
- (b) ensure that all Developer's Works are constructed in a good and workmanlike manner, in accordance with the plans approved under this document so that the Developer's Works are structurally sound, fit for purpose and suitable for their intended use;
- (c) ensure that the Developer's Works reach Completion by the due date specified in clause 1 of Schedule 3 and promptly after becoming aware advise the City's Representative of any significant delays in completing the Developer's Works or delays that may impact the delivery of the Public Benefits by the due date specified in Item 1 of Schedule 3; and
- (d) comply with all reasonable directions of the City in respect to construction of the Developer's Works.

5.4 **Inspections by the City**

The City, as a party to this document and not in its role as a Government Agency, may:

- (a) inspect the Developer's Works during the course of construction at reasonable times and on reasonable notice; and
- (b) notify the Developer's Representative of any material or significant defect, error or omission relating to the construction or installation of the Developer's Works identified during or as the result of an inspection.

Any failure by the City to identify a Defect, error or omission will not be construed as amounting to an acceptance by the City of the Defect, error or omission.

6. **STANDARDS**

The following list of Standards are included for information purposes only, and as a guide to the relevant standards for the general nature of the work identified as Developer's Works in this document. The City makes no representation or warranty as to the currency of the standards identified, or their application on the final design of the Developer's Works. The Developer must make its own enquiries regarding whether any standard has been replaced or supplemented. In the event that an Australian Standard prescribed a different level of material, finish, work or workmanship than those contained in a City standard, then the higher of the two standards will apply. If there is a conflict between City standards then the Developer must request the City nominate the correct and applicable City standard. The City's decision as to the applicable standard is final.

Relevant Australian Standards – Verge Works, Through site links

- AS 1725 Geotechnical Site investigations
- AS 4455 Masonry Units and segmental pavers
- AS 4678 Earth Retaining Structures
- AS 3600 Concrete Structures
- AS 2876 Concrete kerbs and channels
- AS 1158 Road Lighting
- AS 1743 Road signs
- AS 4282 Control of the Obtrusive Effects of Outdoor lighting
- AS 3500 Plumbing and Drainage
- AS 3700 Masonry Structures
- AS 2890 Parking Facilities
- AS 1428 Design for Access and Mobility
- AS 4454 Composts, soil conditioners and mulches

Relevant Australian Standards – Roads (including pedestrian areas)

- AS 1725 Geotechnical Site investigations
- AS 4455 Masonry Units and segmental pavers

- AS 4678 Earth Retaining Structures
- AS 3600 Concrete Structures
- AS 2876 Concrete kerbs and channels
- AS 1158 Road Lighting
- AS 4282 Control of the Obtrusive Effects of Outdoor lighting
- AS 1428 Design for Access and Mobility
- AS 3500 Plumbing and Drainage
- AS 3700 Masonry Structures
- AS 2890 Parking Facilities
- AS 1742 Manual of uniform traffic control devices
- AS 1743 Road Signs

City Standards (All Works)

- City of Sydney Contaminated Lands DCP 2004
- Sydney Street Code 2013
- Sydney Lights Code 2013
- City of Sydney Access Policy
- Sydney Street Technical Specification and Drawings
- City of Sydney Street Tree Master Plan 2011

EXECUTION

EXECUTED as a deed.

Signed, sealed and delivered for
**THE COUNCIL OF THE CITY OF
SYDNEY** (ABN 22 636 550 790) by
its duly authorised officer, in the
presence of:

Signature of officer

Signature of witness

Name of officer

Name of witness

Position of officer

456 Kent Street, Sydney NSW 2000

Authorised delegate pursuant to
section 377 of the Local Government
Act 1993

Address of witness

EXECUTED by **CHARVIC PTY LTD**
(ACN 003 181 093) in accordance with
s127(1) of the Corporations Act 2001
(Cth):

Signature of director

Signature of director/secretary

Name

Name

EXECUTED by **INTERNATIONAL
SCREEN ACADEMY PROPERTY PTY
LTD** (ACN 160 984 574) in accordance
with s127(1) of the Corporations Act
2001 (Cth):

Signature of director

Signature of director/secretary

Name

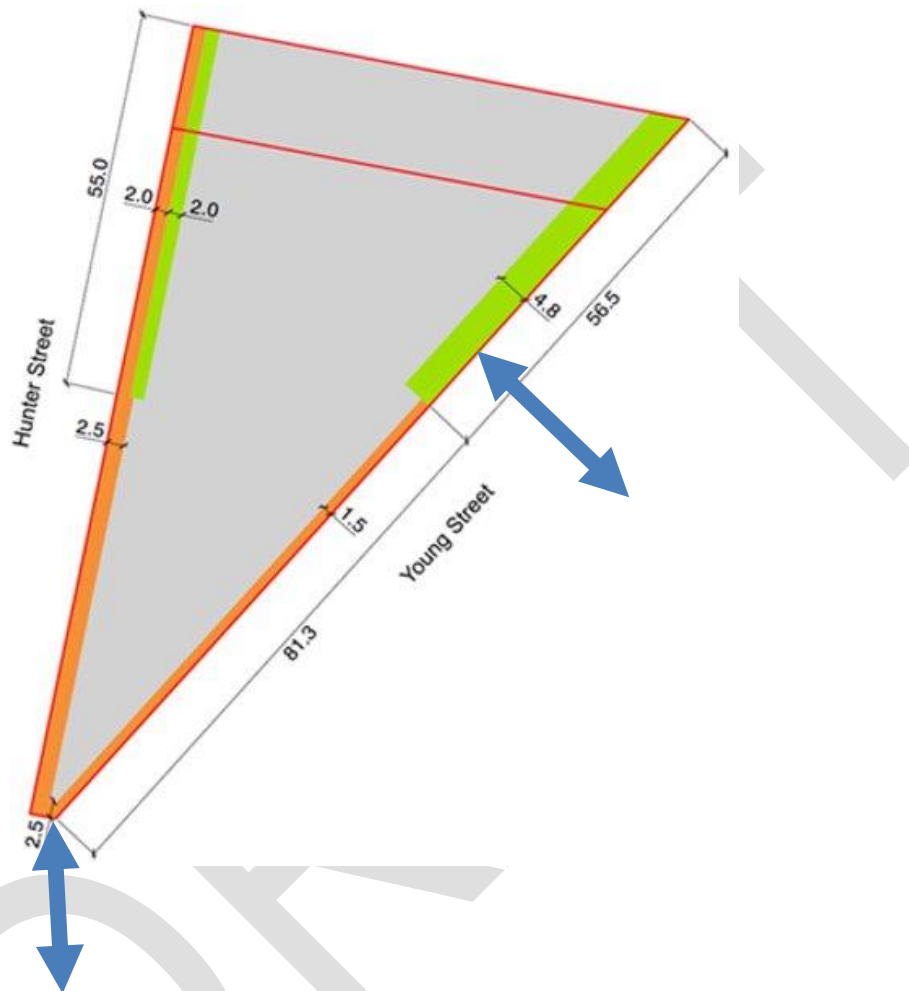
Name

ANNEXURE A

Public Benefits – additional plans and specifications

Additional Plans

- (a) Indicative Location Plan for Pedestrian Crossings



Developer's Works

The Developer's Works will include the following element to be delivered in accordance with the document:

- (b) Construction of two pedestrian crossings on Young and Powell Streets in the locations generally as shown, designed in accordance with all Ausroads, TfNSW and City of Sydney standards.
- (c) Pedestrian crossings are to be raised where possible, subject to assessment of flood management and stormwater system
- (d) Augmentation of lighting to meet safety requirements at the new crossing locations
- (e) Adjustment of utility services and service pit lids to meet adjusted levels at crossings
- (f) Installation of new surface inlet pits and connections to existing stormwater system as required

- (g) Construction of public domain improvements to meet TfNSW standards for pedestrian crossings

Maintenance of Developer's Works

For a period of 12 months from Completion the Developer must maintain all plants, trees and planted areas in optimum growing condition and appearance, which shall include but is not limited to:

- (a) Water all plants and trees as required to ensure active growth keeping areas moist but not saturated.
- (b) Apply maintenance period fertiliser in accordance with the manufacturer's specifications.
- (c) Keep planting areas free of weeds and undesirable grasses. Remove the entire root system. Dispose of all weeds appropriately.
- (d) Inspect all plants and trees for disease or insect damage weekly. Treat affected material immediately.
- (e) Remove damaged or diseased growth from plants and trees.
- (f) Immediately replace any failed or damaged plants and trees. Replacement plants and trees shall be of equal size and species as the original plant.
- (g) Reset to proper grades or upright position any plants that are not in their proper growing position.
- (h) Stakes and ties must be adjusted or replaced as required.
- (i) Prune plants and trees in order to repair mechanical damage, improve plant shape and to form or clear footpaths.
- (j) Turfed areas must be mowed when sufficient establishment of turf has occurred including but not limited to adequate root contact/anchoring and root depth. All edges must be trimmed. Lawn clippings must be removed from site. Adjust the height of the mower to the lowest level where the lawn has a green appearance without being scalped.
- (k) Top dress lawn when required and replace any areas of subsidence or dead turf which are greater than 1m² in area. Apply lawn fertiliser to ensure healthy growth in the growing season. Remove by hand all weed growth or grass around base of plants in turf. Do not use nylon line type edge trimmers around base of trees.

Deed of Novation

The Council of the City of Sydney ABN 22 636 550 790 and **[party name]**
Alt ABN/ACN/ARBN [number] and **[party name]** **Alt** ABN/ACN/ARBN [number]

For ***Planning Agreement re [description/address] dated # –***
Novation date: #

Reference:

Deed of Novation (Planning Agreement)

Version number and year of contract

Green Global Connected

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THIS DEED OF NOVATION is made on

20[insert].

BETWEEN:

1. **The Council of the City of Sydney ABN 22 636 550 790** of Town Hall House, 456 Kent Street, SYDNEY NSW 2000 (the **City**); and
2. [Insert name] ABN [insert number] of [insert address] (the **Outgoing Party**).
3. [Insert name] ABN [insert number] of [insert address] (the **Incoming Party**).

BACKGROUND

- A. The City and the Outgoing Party are parties to the Planning Agreement.
- B. The parties agree to novate the Planning Agreement as set out in this Deed.

THE PARTIES AGREE AS FOLLOWS:

1 DEFINITIONS AND INTERPRETATION

2. DEFINITIONS

The following definitions apply in this document.

Effective Date means date of completion of the Incoming Party's acquisition of the Property.

Planning Agreement means the agreement named "Planning Agreement" dated [insert] entered into between the City and the Outgoing Party registration number [insert].

3. RULES FOR INTERPRETING THIS DOCUMENT

Words and expressions defined in the Planning Agreement have the same meaning in this Deed.

2 NOVATION

The parties acknowledge and agree that the Planning Agreement is novated so that, on and from the Effective Date:

- a) the Incoming Party replaces the Outgoing Party under the Planning Agreement; and
- b) any reference in the Planning Agreement to the Outgoing Party will be read as a reference to the Incoming Party.

3 RIGHTS AND OBLIGATIONS

On and from the Effective Date:

- a) the Incoming Party obtains the rights and assumes the obligations and liabilities of the Outgoing Party under the Planning Agreement in respect of events occurring on and after the Effective Date; and
- b) the City as the continuing party must continue to comply with its obligations and liabilities under the Planning Agreement on the basis that the Incoming

Party has replaced the Outgoing Party under the Planning Agreement in accordance with this Deed.

4 RELEASE AND LIABILITY

4.1 City

The City releases and discharges the Outgoing Party from:

- a) all of the Outgoing Party's obligations and liabilities under the Planning Agreement; and
- b) all actions, claims, demands and proceedings that it may have against the Outgoing Party in respect of the performance of, and obligations under the Planning Agreement,

arising in respect of events occurring on or after the Effective Date.

4.2 Outgoing Party

The Outgoing Party releases and discharges the City from:

- a) all of the City's obligations and liabilities under the Planning Agreement; and
- b) all actions, claims, demands and proceedings that it may have against the City in respect of the performance of, and obligations under the Planning Agreement,

arising in respect of events occurring on or after the Effective Date.

5 CONFIRMATION OF PLANNING AGREEMENT

Subject to this Deed, the City and the Incoming Party ratify and confirm the Planning Agreement, which remains fully effective.

6 REPRESENTATIONS AND WARRANTIES

6.1 Authority

Each party represents and warrants to each other party that it has full power and authority to enter into and perform its obligations under this Deed.

6.2 Authorisations

Each party represents and warrants to each other party that it has taken all necessary action to authorise the execution, delivery and performance of this Deed in accordance with its terms.

7 GENERAL

- a) This Deed is governed by the laws of New South Wales. The parties submit to the non-exclusive jurisdiction of the courts of New South Wales in relation to all matters arising under, or relating to, this Deed.
- b) Each party will take all steps, execute all deeds and do everything reasonably required by any other party to give effect to any of the actions contemplated by this Deed.
- c) This Deed may consist of a number of counterparts and the counterparts taken together constitute one and the same instrument.
- d) Nothing in this Deed in any way restricts or otherwise affects the City's unfettered discretion to exercise its statutory powers as a public authority.

EXECUTED as a deed.

Signed, sealed and delivered for
THE COUNCIL OF THE CITY OF
SYDNEY by its duly authorised officer,
in the presence of:

Signature of officer

Signature of witness

Name of officer

Name

Position of officer

456 Kent Street, Sydney NSW 2000

Address of witness

EXECUTED by [**OUTGOING PARTY**]
[**ABN**] in accordance with s127(1) of
the Corporations Act 2001 (Cth):

Signature of director

Signature of director/secretary

Name

Name

EXECUTED by [**INCOMING PARTY**]
[**ABN**] in accordance with s127(1) of
the Corporations Act 2001 (Cth):

Signature of director

Signature of director/secretary

Name

Name

EXPLANATORY NOTE PURSUANT TO REGULATION 205 OF THE ENVIRONMENTAL PLANNING AND ASSESSMENT REGULATION 2021

242-258 YOUNG STREET, WATERLOO

Planning Proposal: 242-258 Young Street, Waterloo

Background

This explanatory note supports the notification of a draft Planning Agreement.

In February 2024, the Council of the City of Sydney received a request to amend the planning controls that apply to 242-258 Young Street, Waterloo (**Land**) under Sydney Local Environmental Plan 2012 (**SLEP 2012**).

A Planning Proposal has been prepared to enable new school on the Land to maximum height of 25m and a Floor Space Ratio of 2.94:1.

The purpose of this explanatory note is to support the notification of a Planning Agreement, under section 7.4 of the *Environmental Planning and Assessment Act 1979* (**Act**) by meeting the statutory requirements of regulation 205 of the *Environmental Planning and Assessment Regulation 2021* (**Regulation**).

This explanatory note has been prepared jointly by the parties.

The public benefits set out in the Planning Agreement do not in any way exclude the developer or owner (as the case may be) from paying monies under section 7.11 of the Act.

This explanatory note is not to be used to assist in construing the Planning Agreement.

1. Parties to the Planning Agreement

The parties to the Planning Agreement are Charvic Pty Ltd and International Screen Academy Property Pty Ltd (**Developer**), and the Council of the City of Sydney (**City**).

2. Description of the Subject Land

The Planning Agreement applies to Lot 1 in DP 84655, known as 242 Young St Waterloo NSW 2017; and Lot A and B in DP 161650 known as 244-258 Young St Waterloo NSW 2017.

3. Summary of the Objectives, Nature and Effect of the Proposed Agreement

The objective of the Planning Agreement is to secure public benefits in connection with the Planning Proposal for the Land.

The nature of the Planning Agreement is to secure the delivery of two pedestrian crossings adjacent to the development on Young and Powell Streets:

The effect of the proposed agreement is for the public benefits to be delivered in a timely manner with the development of the Land (as set out in the Planning Agreement).

4. Assessment of the Merits of the Proposed Agreement

(a) How the Planning Agreement promotes the public interest and one or more of the objects of the Act

The Planning Agreement promotes the objects of the Act, in particular objects identified in section 1.3 (c) and 1.3(g) of the Act which is to promote the orderly and economic

use and development of land and to promote good design and amenity of the built environment. The Planning Agreement promotes the objects of the Act by providing improved community infrastructure which will support and service the existing and future population and will contribute to greater amenity and infrastructure in the locality.

(b) How the Planning Agreement promotes the elements of the Council's charter and objects under the Local Government Act 1993

The Planning Agreement promotes a number of elements of the Council's charter under section 8 of the *Local Government Act 1993* (NSW) consistent with the guiding principles for Councils under that Act. In particular, the Planning Agreement through the delivery of the public benefits allows Council to:

- (i) provide directly or on behalf of other levels of government, after due consultation, adequate, equitable and appropriate services and facilities for the community and to ensure that those services and facilities are managed efficiently and effectively;
- (ii) exercise community leadership;
- (iii) properly manage, develop, protect, restore, enhance and conserve the environment of the area for which it is responsible, in a manner that is consistent with and promotes the principles of ecologically sustainable development;
- (iv) in its capacity as the custodian and trustee of public assets, effectively plan for, account for and manage the assets for which it is responsible;
- (v) engage in long-term strategic planning on behalf of the local community; and
- (vi) keep the local community and the State government (and through it, the wider community) informed about its activities.

(c) The impact of the Planning Agreement on the public or any section of the public

The Planning Agreement will benefit the public and local community by providing improved infrastructure to the area. In this way the Planning Agreement promotes the public interest.

This Planning Agreement is in accordance with the relevant provisions of the Planning Proposal and site-specific development control plan for the Land.

(d) Whether the Planning Agreement conforms with Council's capital works program

Yes. The Planning Agreement conforms to Council's capital works program.

(e) The planning purpose or purposes of the Planning Agreement

The Planning Agreement will serve a planning purpose by enhancing the public domain and local infrastructure to reflect the changing nature of the area and the needs of the anticipated incoming population.

It is considered that the Planning Agreement provides for a reasonable means by which to achieve these planning purposes given the extent of the statutory tools that are available to Council by which it can deliver the proposed public benefits.

- (f) **Compliance with certain requirements prior to issue of construction, occupation or subdivision certificates.**

The following requirements of the Planning Agreement must be complied with before:

- (i) **A construction certificate is issued:** Provision of the bank guarantee.
- (ii) **An occupation certificate is issued:** Completion of the Developer's Works
- (iii) **A subdivision certificate is issued:** Nil

Attachment F

Resolutions of Council and the Central Sydney Planning Committee
--

Resolution of Council

24 June 2024

Item 11.4

Public Exhibition - Planning Proposal - 242-258 Young Street, Waterloo - Sydney Local Environmental Plan 2012 Amendment and Draft Design Guide

It is resolved that:

- (A) Council approve Planning Proposal - 242-258 Young Street, Waterloo, as shown at Attachment A to the subject report, to be submitted to the Minister for Planning and Public Spaces with a request for Gateway Determination;
- (B) Council approve Planning Proposal - 242-258 Young Street, Waterloo, as shown at Attachment A to the subject report, for public authority consultation and public exhibition in accordance with any conditions imposed under the Gateway Determination;
- (C) Council seek authority from the Minister for Planning and Public Spaces to exercise the delegation of all the functions under section 3.36 of the Environmental Planning and Assessment Act 1979 to make the local environmental plan and to put into effect Planning Proposal - 242-258 Young Street, Waterloo;
- (D) Council approve the draft Design Guide 242-258 Young Street, Waterloo, as shown at Attachment B to the subject report, for public exhibition concurrent with the Planning Proposal;
- (E) authority be delegated to the Chief Executive Officer to make any variations to Planning Proposal - 242-258 Young Street, Waterloo, to correct any drafting errors or to ensure consistency with the Gateway Determination;
- (F) authority be delegated to the Chief Executive Officer to make any variations to the draft Design Guide 242-258 Young Street, Waterloo, to correct any drafting errors or ensure it is consistent with the Planning Proposal following the Gateway Determination; and
- (G) Council note the Chief Executive Officer will prepare a draft planning agreement in accordance with the letter of offer dated 2 May 2024, shown at Attachment C to the subject report, and the requirements of the Environmental Planning and Assessment Act 1979, to be exhibited in accordance with the Act.

The motion was carried on the following show of hands –

Ayes (9) The Chair (the Lord Mayor), Councillors Chan, Davis, Gannon, Jarrett, Kok, Scott, Weldon and Worling.

Noes (1) Councillor Ellsmore.

Carried.

X093892

Resolution of Central Sydney Planning Committee

20 June 2024

Item 5

Public Exhibition - Planning Proposal - 242-258 Young Street, Waterloo - Sydney Local Environmental Plan 2012 Amendment and Draft Design Guide

Moved by the Chair (the Lord Mayor), seconded by Councillor Worling –

It is resolved that:

- (A) the Central Sydney Planning Committee approve Planning Proposal - 242-258 Young Street, Waterloo, as shown at Attachment A to the subject report, to be submitted to the Minister for Planning and Public Spaces with a request for Gateway Determination;
- (B) the Central Sydney Planning Committee approve Planning Proposal - 242-258 Young Street, Waterloo, as shown at Attachment A to the subject report, for public authority consultation and public exhibition in accordance with any conditions imposed under the Gateway Determination;
- (C) the Central Sydney Planning Committee note the recommendation to Council's Transport, Heritage and Planning Committee on 17 June 2024, that Council seek authority from the Minister for Planning and Public Spaces to exercise the delegation of all the functions under section 3.36 of the Environmental Planning and Assessment Act 1979 to make the local environmental plan and to put into effect Planning Proposal - 242-258 Young Street, Waterloo;
- (D) the Central Sydney Planning Committee note the recommendation to Council's Transport, Heritage and Planning Committee on 17 June 2024, that Council approve the draft Design Guide 242-258 Young Street, Waterloo, as shown at Attachment B to the subject report, for public exhibition concurrent with the Planning Proposal;
- (E) authority be delegated to the Chief Executive Officer to make any variations to Planning Proposal - 242-258 Young Street, Waterloo, to correct any drafting errors or to ensure consistency with the Gateway Determination;

- (F) authority be delegated to the Chief Executive Officer to make any variations to the draft Design Guide 242-258 Young Street, Waterloo, to correct any drafting errors or ensure it is consistent with the Planning Proposal following the Gateway Determination; and
- (G) the Central Sydney Planning Committee note the Chief Executive Officer will prepare a draft planning agreement in accordance with the letter of offer dated 2 May 2024, shown at Attachment C to the subject report, and the requirements of the Environmental Planning and Assessment Act 1979, to be exhibited in accordance with the Act.

Carried unanimously.

X093892

Attachment G

**Gateway Determination
dated 23 October 2024**

Gateway Determination

Planning proposal (Department Ref: PP-2024-255): To amend the *Sydney Local Environmental Plan 2012* (Sydney LEP 2012) to enable an increased floor space ratio (FSR) and increased maximum building height for development at 242-258 Young Street, Waterloo Surry Hills for an educational establishment.

I, the Director, Local Planning (North, East and Central Coast) at the Department of Planning, Housing and Infrastructure, as delegate of the Minister for Planning and Public Spaces, have determined under section 3.34(2) of the *Environmental Planning and Assessment Act 1979* (the Act) that an amendment to the Sydney Local Environmental Plan 2012 to enable an increased floor space ratio (FSR) and increased maximum building height for development at 242-258 Young Street, Waterloo Surry Hills for an educational establishment should proceed subject to the conditions of this Gateway determination.

The Council as planning proposal authority is authorised to exercise the functions of the local plan-making authority under section 3.36(2) of the Act subject to the following:

- (a) the planning proposal authority has satisfied all the conditions of the gateway determination;
- (b) the planning proposal is consistent with applicable directions of the Minister under section 9.1 of the Act or the Secretary has agreed that any inconsistencies are justified; and
- (c) there are no outstanding written objections from public authorities.

The LEP should be completed on or before 14 August 2025.

Gateway Conditions

- 1) Public exhibition is required under section 3.34(2)(c) and clause 4 of Schedule 1 to the Act as follows:
 - (a) the planning proposal is categorised as standard as described in the *Local Environmental Plan Making Guideline* (Department of Planning and Environment, August 2023) and must be made publicly available for a minimum of 20 working days; and
 - (b) the planning proposal authority must comply with the notice requirements for public exhibition of planning proposals and the specifications for material that must be made publicly available along with planning proposals as identified in *Local Environmental Plan Making Guideline* (Department of Planning and Environment, August 2023).
- 2) Consultation is required with the following public authorities and government agencies under section 3.34(2)(d) of the Act and/or to comply with the requirements of applicable directions of the Minister under section 9 of the Act:
 - Department of Climate Change, Energy, the Environment and Water
 - NSW State Emergency Service

Each public authority is to be provided with a copy of the planning proposal and any relevant supporting material via the NSW Planning Portal and given at least 30 working days to comment on the proposal.

- 3) A public hearing is not required to be held into the matter by any person or body under section 3.34(2)(e) of the Act. This does not discharge Council from any obligation it may otherwise have to conduct a public hearing (for example, in response to a submission or if reclassifying land).

Dated 23 October 2024



Jazmin van Veen
Director, Local Planning (North, East
and Central Coast)
Department of Planning, Housing and
Infrastructure

Delegate of the Minister for Planning
and Public Spaces

Item 8.

Post Exhibition - Planning Proposal - 56-60 Pitt Street and 3 Spring Street, Sydney - Sydney Local Environmental Plan 2012 and Sydney Development Control Plan 2012 Amendment

File No: X103370

Summary

Central Sydney continues to be Australia's leading economic centre for business investment and a preferred location for workers, residents and visitors. The Central Sydney Planning Strategy (Strategy) prioritises growth opportunities through increased capacity in areas that can accommodate greater building height. The Strategy protects Central Sydney's heritage and public places, encourages pedestrian connections, and moves towards a more sustainable city.

This report recommends approving the planning proposal recently exhibited for 56-60 Pitt Street and 3 Spring Street, Sydney, which seeks to amend the building height and floor space ratio controls for the site. These changes will support the delivery of a next generation 70 storey commercial development comprising approximately 90,000 square metres of premium grade office space with ground floor retail. The changes also facilitate a new public plaza fronting Bridge Street to be dedicated to the City of Sydney (the City), a new pedestrian through-site link connecting Pitt Street to Spring and Gresham Streets, and a shared precinct loading dock for the use of surrounding businesses.

The proposed controls were endorsed by Council and the Central Sydney Planning Committee (CSPC) in July 2024 and the NSW Government issued a gateway determination in November 2024.

This report details the outcomes of the public consultation of the planning proposal, draft development control plan (DCP) and voluntary planning agreement for the site, which were exhibited from 1 May 2025 to 28 May 2025. A total of 11 submissions were received: 5 were supportive, 3 provided feedback without a position on the proposal and 3 opposed. A total of 6 submissions from government agencies were also received, which did not object to the proposal. Key matters raised in submissions include concerns about building height, bulk and scale, the built form and podium design of future development and impacts of the proposal on the surrounding character.

The site is located in the northern tower cluster area in Central Sydney, the largest premium office sub-market in Australia favoured by financial, legal, property and technology sectors. The quality of the public domain and workplace environment is critical to maintaining this competitive edge. This precinct is expected to see further renewal, with the Strategy facilitating significant premium grade developments through planning proposals.

This report recommends approval of the planning proposal and draft development control plan, without substantive change following public exhibition, and notes the City will enter into the planning agreement.

Recommendation

It is resolved that:

- (A) Council note the matters raised in response to the public exhibition of Planning Proposal - 56-60 Pitt Street and 3 Spring Street, Sydney, the draft Sydney Development Control Plan 2012 56-60 Pitt Street and 3 Spring Street, Sydney, and draft Voluntary Planning Agreement, as shown in Attachment D to the subject report;
- (B) Council approve Planning Proposal - 56-60 Pitt Street and 3 Spring Street, Sydney, as shown at Attachment A to the subject report, and request the relevant local planning authority make as a Local Environmental Plan under section 3.36 of the Environmental Planning and Assessment Act 1979;
- (C) Council approve the draft Sydney Development Control Plan 2012 - 56-60 Pitt Street and 3 Spring Street, Sydney, as shown at Attachment B to the subject report, noting the approved Development Control Plan will come into effect on the date of publication of the subject Local Environmental Plan;
- (D) authority be delegated to the Chief Executive Officer to make any minor amendments to the Planning Proposal - 56-60 Pitt Street and 3 Spring Street, Sydney, and the draft Sydney Development Control Plan 2012 - 56-60 Pitt Street and 3 Spring Street, Sydney, to correct any minor errors or omissions prior to finalisation; and
- (E) Council note the draft Voluntary Planning Agreement, as shown at Attachment C to the subject report, will be executed under delegation of Council in accordance with the Environmental Planning and Assessment Act 1979.

Attachments

- | | |
|----------------------|--|
| Attachment A. | Planning Proposal - 56-60 Pitt Street and 3 Spring Street, Sydney |
| Attachment B. | Draft Sydney Development Control Plan 2012 - 56-60 Pitt Street and 3 Spring Street, Sydney |
| Attachment C. | Voluntary Planning Agreement |
| Attachment D. | Summary of Submissions |
| Attachment E. | Resolutions of Council and Central Sydney Planning Committee |
| Attachment F. | Gateway Determination - dated 15 November 2024 |

Background

1. A request to prepare a planning proposal was lodged for 56-60 Pitt Street and 3 Spring Street, Sydney ('the site') in May 2024 through the NSW Planning Portal by the landowner, Dexus. The site is shown in Figure 1.



Figure 1: Land affected by this planning proposal

2. The subject site comprises 4 separate addresses under single ownership with total area of 3,288 square metres. Existing development on site includes:
 - (a) 56 Pitt Street, a 26-storey commercial building comprising ground floor retail and office space on the upper levels
 - (b) 58 Pitt Street, a 10-storey office and retail building
 - (c) 60 Pitt Street, a 12-storey office and retail building and
 - (d) 3 Spring Street, a 16-storey commercial building comprising office space.
3. Further details of the subject site, surrounding area and planning controls are included in section 2 of the Planning Proposal at Attachment A to this report. A photo of the subject site and existing development is at Figure 2 and 3.



Figure 2: Looking south toward the subject site (in red) across Bridge Street



Figure 3: Looking west towards the subject site (in red) from Bent Street

Proponent requested changes to height and floor space controls to enable a commercial development, a through-site link and shared loading dock facility

4. The proponent requested a planning proposal to facilitate redevelopment as envisaged by the Central Sydney Planning Strategy (Strategy). The proposal includes:
 - (a) a future office building to a maximum height of RL 310 metres (approximately 305 metres above Bridge Street and 70 storeys)
 - (b) approximately 90,000 square metres of premium grade office space with ground floor retail, to a maximum floor space ratio of 27.4:1
 - (c) a new public space with deep soil fronting Bridge Street to be dedicated to the City
 - (d) a new publicly accessible pedestrian through-site link connecting Pitt Street to Spring and Gresham Streets and
 - (e) a shared precinct loading dock facility (logistics hub) to provide off-street loading for the subject site and nearby buildings.
5. Photomontages of the indicative scheme are provided at Figures 4 and 5.



Figure 4: Photomontage of concept development



Figure 5: Photomontage of the planning proposal concept development viewed from Bridge Street

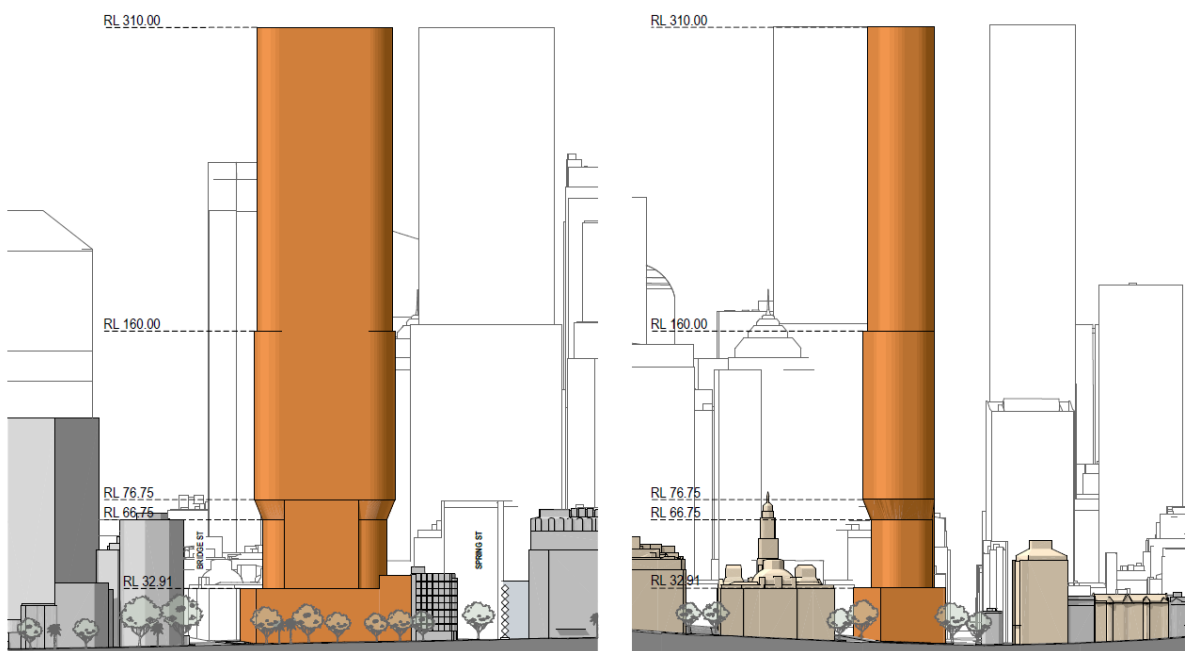


Figure 6: Proposed planning envelope – north and west elevations

The City prepared a planning proposal to increase the height and floor space controls for a commercial development.

6. The planning proposal details the proposed amendments to the Sydney Local Environmental Plan 2012 (Sydney LEP 2012) by inserting new site-specific provisions to incentivise commercial floor space. The provisions are to:
 - (a) permit a maximum building height of RL 310 metres (305 metres)
 - (b) increase the maximum floor space ratio of 27.4:1 inclusive of accommodation floor space, shared loading facility floor space, end of journey floor space and design excellence
 - (c) deliver a public plaza fronting Bridge Street to be dedicated to Council and a retail activated through-site link
 - (d) ensure development consent may only be provided subject to the following:
 - (i) the building will not be used for residential accommodation or serviced apartments
 - (ii) includes an end of journey facility
 - (iii) includes a logistics hub for the subject site and surrounding business and
 - (iv) demonstrates design excellence as the winner of an architectural design competition
 - (e) disallow design excellence bonuses for additional building height or floor space and
 - (f) allow for redevelopment of the site using the underlying controls in the LEP and DCP if all of the above cannot be met.
7. Further explanation of the provisions can be found in section 4 of the Planning Proposal at Attachment A.

A site-specific Development Control Plan was prepared to ensure the proposal fits within the surrounding area

8. A site-specific Development Control Plan (draft DCP) is at Attachment B and provides further guidance for development facilitated by this Planning Proposal. The draft DCP provisions include:
 - (a) maximum building envelope including podium and tower setbacks, street wall heights and tapered form as shown at Figure 6
 - (b) new public plaza to be dedicated to Council fronting Bridge Street in the 8 metre ground floor setback
 - (c) through-site link extending the east-west alignment of Abercrombie Lane with a minimum height clearance of 10 metres at Pitt Street to provide clear sightlines
 - (d) provisions to ensure all building frontages and the through-site link are activated with retail and business uses

- (e) requirements for access and operation of the logistics hub and
- (f) sustainability and public art provisions and a design excellence strategy.

A voluntary planning agreement is provided to deliver the through-site link, shared precinct loading dock and additional sustainability outcomes

9. The proponent offered to enter into a Voluntary Planning Agreement (VPA) with Council to deliver public benefits as part of this planning proposal. The VPA has been publicly exhibited.
10. The public benefit offered in conjunction with this planning proposal is:
 - (a) creation of a new public space fronting Bridge Street, with associated deep soil zone, and dedication in stratum to Council
 - (b) delivery of a publicly accessible through-site link connecting Pitt Street with the intersection of Gresham and Spring Streets, secured by way of an easement registered on title for unrestricted public access
 - (c) construction and operation of a precinct loading dock (logistics hub) providing shared loading facilities to the surrounding area
 - (d) provision of public art in publicly accessible areas in addition to any DA requirements and
 - (e) sustainability commitments to meet the energy efficiency requirements in non-residential developments.
11. This Voluntary Planning Agreement will not offset local infrastructure contributions required under a contributions plan (section 7.12 of the Act), housing and productivity contributions (division 7.1, subdivision 4 of the Act) nor affordable housing contributions (clause 7.13 of the LEP).

The planning proposal received gateway determination and was placed on public exhibition

12. The planning proposal was approved to be submitted to the Minister for Planning and Public Spaces for gateway determination by the Central Sydney Planning Committee on 25 July 2024 and by Council on 29 July 2024. The Council also approved the draft DCP for public exhibition with the planning proposal.
13. The Planning Proposal was sent to the Department of Planning, Housing and Infrastructure for a gateway determination on 1 August 2024. Gateway determination was received from the Department on 15 November 2024, and is at Attachment E. The gateway determination required consultation with relevant government agencies.
14. The gateway determination included a condition to remove the exclusion of the draft controls from clause 4.6 of the Sydney LEP 2012, as it did not meet the requirements outlined in the Department's 'Guide to exclusions from clause 4.6 of the Standard Instrument'. As such, the planning proposal was amended to remove the clause 4.6 exemption as required by the gateway determination, prior to public exhibition.
15. The amended planning proposal, draft DCP and draft VPA was on public exhibition from 1 to 28 May 2025.

Key Implications

We received 11 responses to the public exhibition of the Planning Proposal

16. The following activities were undertaken to support the public exhibition:
- (a) a webpage and survey were created for people to review the planning proposal and supporting documentation, and provide their feedback
 - (b) 132 notification letters were sent to property owners and occupiers within a 75-metre radius of the site
 - (c) the project was included in the May edition of the Sydney Your Say eNews and
 - (d) the planning proposal was referred to: Commonwealth Department of Infrastructure, Transport, Regional Development, Communications and the Arts; Sydney Airport; Civil Aviation Safety Authority; Airservices Australia; and Utility Providers, including Sydney Water.
17. Ten submissions were received in response to the exhibition, 5 submissions were supportive, 3 submissions objected to the proposal and 3 provided feedback without a position. Sydney Water, Transport for NSW, Ausgrid, Airservices Australia, Sydney Airport and the Civil Aviation Safety Authority also provided comment but did not object to the proposal.
18. The City's response to the issues raised in submissions are discussed below and in more detail in the summary of submissions at Attachment D. No changes are recommended to the planning proposal, Draft DCP or VPA following the consideration of submissions.

Supportive submissions noted the development would support maintaining global city status

19. The City received 5 submissions which were supportive of the proposal. Noting that future development would assist in maintaining Sydney's competitiveness and global city status and the additional building height facilitated by this planning proposal would improve Central Sydney's skyline. Support for increased height was also noted.

Submissions expressed disapproval regarding increased building height and scale

20. Four submissions raised concerns over the increase in building height, bulk and scale proposed. They noted overshadowing impacts to adjacent properties and the scale of the tower is disproportionate to surrounding buildings and would dominate the skyline.

Response

21. The increased bulk and scale on site has strategic merit enabling the delivery of premium employment floor space that supports Global Sydney. The planning envelope has also been subject to extensive bulk and scale testing to ensure the subject site is able to support additional height and density due to its site area, orientation and relationship with adjacent buildings.

22. The site is close to public transport and in the Central Sydney northern tower cluster which supports additional height and density. Extensive solar studies have helped deliver a built form envelope that avoids inappropriate overshadowing and allows surrounding properties and key heritage landmarks to maintain reasonable solar access. It is noted that the proposal will not adversely impact solar access to any residential apartment in its vicinity.
23. The proposal is supported by a site-specific DCP provisions to ensure the building is appropriately designed, scaled and positioned on site.

Submissions raised concerns regarding the podium form of future development

24. Four submissions expressed concern regarding the built form of future development, particularly its podium design. One submission commented the occasional tall building without a podium provides for a variety of spaces within a city. Noting they add to the grandeur and spectacle of a supertall building and create a sense of space that doesn't exist when every street is walled in. Another submission suggested the building should extend towards Bridge Street to match the alignment of adjacent buildings.

Response

25. In general, the podium form is an important design feature in this instance, as it ensures good public domain amenity is maintained despite an increased building height. Wind conditions at street level will remain comfortable as strong wind gusts are redirected by the podium away from pedestrians. Upper level setbacks ensure the tower is appropriately positioned setback from the street, minimising visual bulk and scale impacts and ensuring acceptable solar access to the public domain.
26. An extensive and iterative design process has resulted in an appropriate podium height that maximises the benefits whilst being sympathetic to surrounding buildings, aligning with the height of neighbouring heritage buildings. The podium form delivers additional ground floor activation, with a new public plaza and through-site link, catering for the anticipated increase in pedestrian foot traffic and activity in the area.
27. The location of the Bridge Street public plaza is intended to pick up on that of the Royal Exchange Building that was formerly on the subject site and its alignment away from the street. The plaza appropriately responds to its heritage context by opening up views to the former Lands Department building when viewed along Bridge Street, giving greater prominence to the building.

Submissions raised concerns regarding the impact of the proposal on the surrounding character

28. Four submissions expressed concern that the proposal will negatively impact the character of the area due to its imposing nature, being out of context with the aesthetics and heritage character of Bridge Street. Noting that without careful controls and high quality design, the development may diminish the character of one of Sydney's most historic streets.

Response

29. Bridge Street's strong heritage character is acknowledged and respected through a strong podium form aligned with parapet datum of neighbouring heritage buildings. Further, the site specific DCP requires the development to respond to and maintain significant view corridors along Bridge and Spring Streets to highlight and celebrate these character buildings.
30. The proposal's generous setback to Bridge Street and Gresham Streets provides visual separation between adjacent heritage buildings. An increased setback is also provided to the southern boundary that adjoins a local heritage item at 62 Pitt Street.
31. Local character will be enhanced through the proposal's provision of a new public plaza, through-site link and ground floor retail activation for an enhanced pedestrian experience. The site-specific DCP includes provisions which will ensure future development is contextually appropriate and in-keeping with the existing and desired future character of the area.

Government agencies provided in principle support

32. Transport for NSW, Ausgrid, Airservices Australia, Sydney Airport Corporation, and the Civil Aviation Safety Authority (CASA) raised no objections to the planning proposal.
33. Sydney Airport and Airservices Australia noted the proposed development is higher than the prescribed airspace in this location, so compliance with relevant regulations including approval of any construction equipment and cranes, will be considered as part of any future Development Application.
34. Ausgrid, as the electrical supply authority, noted the additional considerations for the detailed design and development application stages to ensure the safety and compatibility of the future development and Ausgrid assets.

The planning proposal is consistent with the City's Strategic vision

35. The Central Sydney Planning Strategy is a 20-year growth strategy that facilitates opportunities for additional height and density for jobs growth where balanced with environmental sustainability initiatives and excellence in urban design. This planning proposal aligns with the Central Sydney Planning Strategy by:
 - (a) prioritising employment growth and increasing capacity to enable a new 90,000 square metre premium-grade office space in the northern tower cluster area, providing for up to 6,000 jobs
 - (b) ensures future development is responsive to its context with appropriate street frontage heights and setbacks, in addition to a suitable urban design outcome these controls protect public domain wind and daylight conditions
 - (c) improves and expands the pedestrian network with new public open space, new pedestrian connections and a logistics hub which moves loading and servicing off-street to support the movement of people through Central Sydney and
 - (d) future development will achieve the City's 2026 performance standards for net zero energy buildings, in particular: 100% renewable energy, 6-star NABERS Energy, 4.5-star NABERS Water and 4-star NABERS Waste ratings.

36. The City's local strategic planning statement, City Plan 2036 sets the land use context, vision and planning priorities to positively guide development and outlines how the City will plan for and manage change. This planning proposal gives effect to the Plan by delivering additional floor space and capacity for economic and employment growth close to existing and future transport infrastructure, provides for public domain upgrades and community wellbeing in a new plaza featuring high-quality public art.
37. Sustainable Sydney 2030-2050 Continuing the Vision is the vision for a city that is green, global and connected achieved through sustainable growth, creativity and innovation. It sets targets, objectives and actions to achieve this vision. This planning proposal is aligned with the following strategic directions:
- (a) Direction 2: A leading environmental performer – future development will deliver ecological sustainable development on the site meeting the City's requirements.
 - (b) Direction 3: Public places for all – the surrounding public domain will be improved through the delivery of a new public plaza fronting Bridge Street and through-site link connecting Pitt street with Spring and Gresham Streets. The proposal aligns with the City North Public Domain Plan supporting the activation of Spring Street which will be pedestrianised through the Plan.
 - (c) Direction 4: Design excellence and sustainable development - future development will be informed by a competitive design process to achieve design excellence and will achieve ecological sustainable development in line with the City's sustainability requirements.
 - (d) Direction 5: A city for walking, cycling and public transport - the site is able to make efficient use of existing and future transport infrastructure, with a new through-site link and upgraded pedestrian network to improve pedestrian permeability of the CBD.
 - (e) Direction 6: An equitable and inclusive city - future development facilitated by the planning proposal will deliver a positive contribution Central Sydney through greater opportunities for business and new retail activation for local workers, residents and visitors.
 - (f) Direction 7: Resilient and diverse communities - this planning proposal will enhance the City Core precinct with increased business opportunities for investment, employment and improved public domain conditions for workers and visitors.
 - (g) Direction 8: A thriving cultural and creative life - public art delivered through the future development on the site will provide new creative and cultural experiences and opportunities for engagement with the public.
 - (h) Direction 9: A transformed and innovative economy - this planning proposal supports job growth in Central Sydney, helping to maintain the city's position as a destination for business, investment and talent.

38. The Community Strategic Plan Delivering Sustainable Sydney 2030-2050 implements Sustainable Sydney 2030-2050 Continuing the Vision. This planning proposal is aligned with Direction 4: Design excellence and sustainable development, where productivity will be supported by planning for jobs, innovation and enterprise activities. The site is located within Central Sydney and will deliver new jobs and employment floor space, helping to reach the target of 200,000 new jobs by 2036.
39. Further information regarding the alignment of the Planning Proposal with the strategic planning framework can be found in section 5.3 of the Planning Proposal at Attachment A.

Risks

40. City staff have undertaken a thorough assessment of the planning proposal and found that it demonstrates strategic and site-specific merit in accordance with NSW Government guidelines. The NSW Government also assessed and issued a Gateway Determination. The planning proposal is consistent with Sustainable Sydney 2030-2050 Continuing the Vision.
41. Progressing the planning proposal is within the City's risk tolerance and appetite.
42. The planning proposal has demonstrated that development will be capable of complying with relevant environmental and planning laws, regulations and industry standards and is within the City's minimal appetite for non-compliance with environmental laws, regulations and industry standards.
43. Proceeding with the planning proposal will meet the City's minimal appetite for disruption to our regulatory functions as decisions will be within the timeframes set in the NSW Government's Statement of Expectations Order 2024.

Relevant Legislation

44. Environmental Planning and Assessment Act 1979.
45. Environmental Planning and Assessment Regulation 2021.
46. Environmental Planning and Assessment (Statement of Expectations) Order 2024.

Critical Dates / Time Frames

47. The gateway determination requires the amendments to the Sydney LEP 2012 be completed by 11 September 2025.
48. If the planning proposal is approved by the Central Sydney Planning Committee and Council, the City will liaise with Parliamentary Counsel to draft and make the local environmental plan. Once the plan is made, the amendments to the Sydney LEP 2012 will come into effect when published on the NSW Legislation website.
49. If approved by Council, the draft DCP will come into effect on the same day as the amendment to the Sydney LEP 2012.

GRAHAM JAHN AM

Chief Planner / Executive Director City Planning, Development and Transport

Daniel Thorpe, Specialist Planner

Lily Gibson, Cadet Planner

Attachment A

**Planning Proposal – 56-60 Pitt Street and
3 Spring Street, Sydney**

Planning Proposal: 56-60 Pitt Street and 3 Spring Street, Sydney



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Executive Summary

This planning proposal has been prepared by the City of Sydney (the City) for 56-60 Pitt Street and 3 Spring Street, Sydney (the site), in response to a request from the landowner, Dexus, for the City to prepare a planning proposal for the site.

This planning proposal details the intent and justification for the proposed amendments to the Sydney Local Environmental Plan 2012 (LEP) as it applies to the site. This planning proposal 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, Housing and Infrastructure's *Local Environmental Plan Making Guideline* dated August 2023.

The planning proposal will facilitate development consistent with the Central Sydney Planning Strategy (Strategy) and contribute to the vision and aims of the Strategy through new employment space, public domain and design excellence.

The Site

The site is 3,288m² in area located in the northern part of Central Sydney known as the commercial core. It comprises four separate addresses held under single ownership. It is irregular in shape with frontages to Bridge Street, Gresham Street, Spring Street and Pitt Street. Existing development includes a 26 storey office building at 56 Pitt Street and three medium-sized office and retail buildings at the other addresses.

Surrounding development generally consists of a mixture of commercial office buildings and hotel accommodation with ground floor retail and hospitality venues of a similar scale to the subject site. To the east are two State heritage buildings which front Bridge Street – the former Department of Lands building and the former Department of Education building, jointly referred to as the “Sandstones”, which are currently being redeveloped as a hotel.

Existing development controls

The site is zoned SP5 Metropolitan Centre in the Sydney LEP 2012, which permits a broad range of uses including office, retail, commercial and residential uses. The site has a mapped height of building control of 55 metres on the northern portion of the site and 235 metres at the southern end, with a mapped floor space ratio of 8:1 and additional floor space available, including where the development exhibits design excellence.

The planning proposal – Sydney Local Environmental Plan 2012 controls

The City has prepared this planning proposal following a detailed assessment of the proponent's request and accompanying urban design report, technical reports and specialist studies.

This planning proposal seeks to insert a new site-specific clause in Division 5 of the LEP to:

- increase the maximum height of building control to RL 310 metres (305 metres);
- increase the maximum floor space ratio to 27.4:1, inclusive of all additional floor space types;
- ensure development consent may only be provided subject to the following:
 - provision of a new public plaza fronting Bridge Street, dedicated to Council in stratum;
 - a retail activated through-site link connecting Pitt Street with Spring and Gresham Streets;
 - a shared loading dock facility, known as a Logistics Hub, for the subject building and surrounding businesses;
 - provision of an end of journey facility; and
 - demonstrated design excellence as the winner of an architectural design competition process;

Draft site specific Development Control Plan

The City has prepared a draft site-specific amendment to the Sydney Development Control Plan 2012 (draft DCP) to help ensure the objectives and intended outcomes of this planning proposal are delivered.

The draft DCP includes controls relating to the built form of the proposed development, the Bridge Street plaza, through-site link, public art, active frontages, loading and servicing, design excellence and sustainability. The City intends to publicly exhibit the draft DCP with this planning proposal.

Intended outcome for development on the site

The proposed change to the planning controls will facilitate development that provides the following:

- retention and growth of business and employment uses in premium-grade floor space in a strategic and well-connected location to strengthen Central Sydney's economy;
- a new building that is consistent with the character of the surrounding area is sympathetic to heritage buildings and is capable of achieving design excellence;
- public domain improvements for improved pedestrian connections and amenity through the delivery of a new through-site link, engaging public art and new plaza fronting Bridge Street to be dedicated to the City as new public space;
- pedestrian amenity with greater activation and appropriate wind and daylight conditions at ground level compared to a DCP compliant envelope;
- loading dock space to service the building and additional spaces as a shared loading dock for nearby businesses to reduce demand for on-street loading; and
- ambitious ecologically sustainable development benchmarks to ensure an energy efficient built form is delivered and is carbon neutral in operation.

To address the Gateway Determination, dated 15 November 2024 issued by the Department of Planning, Housing and Infrastructure, this planning proposal has been amended.

1. Background

1.1 Site identification

This planning proposal relates to four lots owned by the same landowner, Dexu. These sites are referred to in this report as “the site” or “56 Pitt Street”. The legal description and description of the affected lots are detailed in Table 1 and a map of the site, outlined in red is shown at Figure 1.

Address	Legal description	Area m ²	Existing development
56 Pitt Street	Lot 1 DP 222751	1,789m ²	26 storey c1960s office building
58 Pitt Street	Lots 1 to 33 SP57509	272m ²	10 storey c1960s commercial building
60 Pitt Street	Lots 3-5 DP192236	442m ²	12 storey c1970s office building
3 Spring Street	Lot 1 DP 558106	771m ²	17 storey c1970s office building

Table 1. Legal description and basic qualities of the subject site

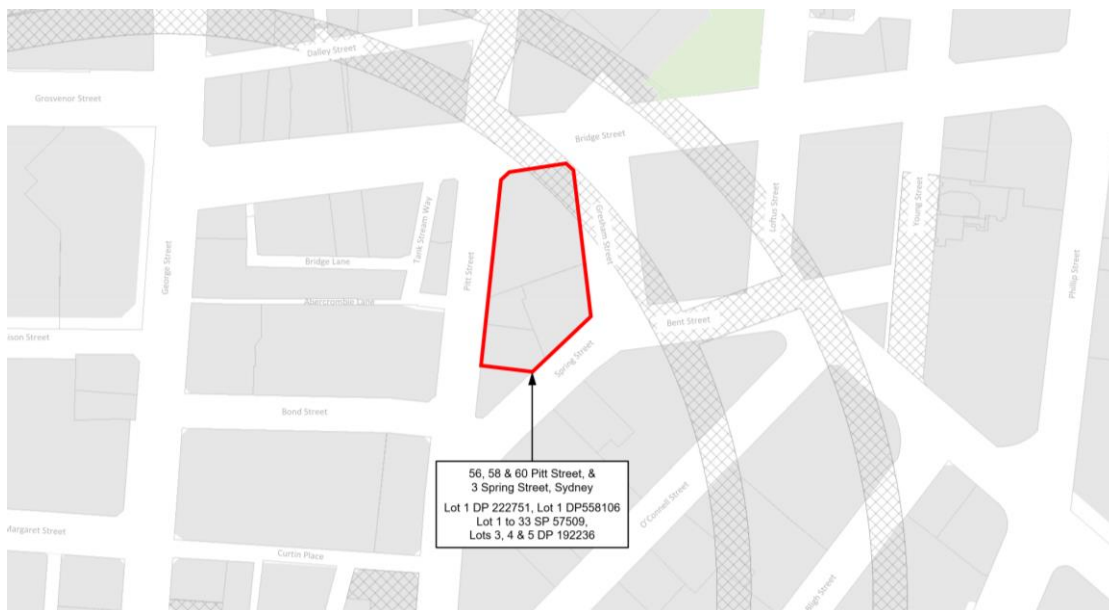


Figure 1. Land affected by this planning proposal

1.2 Site location

The subject site is located in Central Sydney at the commercial core of the Central Business District (CBD). The site has frontages to Bridge Street to the north, Gresham Street to the east, Spring Street to the south-east and Pitt Street to the west. It shares a common boundary with an eight storey heritage listed office building to the south.

The subject site is well placed strategically and close to transport. It is located in the northern tower cluster in Central Sydney amongst an agglomeration of financial, investment, legal and consulting businesses, with potential for increased building height and density subject to meeting the requirements of the Central Sydney Planning Strategy (the Strategy).

The site is within walking distance of existing and future transport, as shown in Figure 2 below. This includes: Circular Quay and Wynyard railway station, 300m walk from the site; light rail services from George Street, 200m to the west of the site; ferry connections from Circular Quay, 300m to the north of the site, and; future Sydney Metro stations at Martin Place, approximately 400m to the south of the site. Cycling connections include a designated bike lane along Pitt Street.

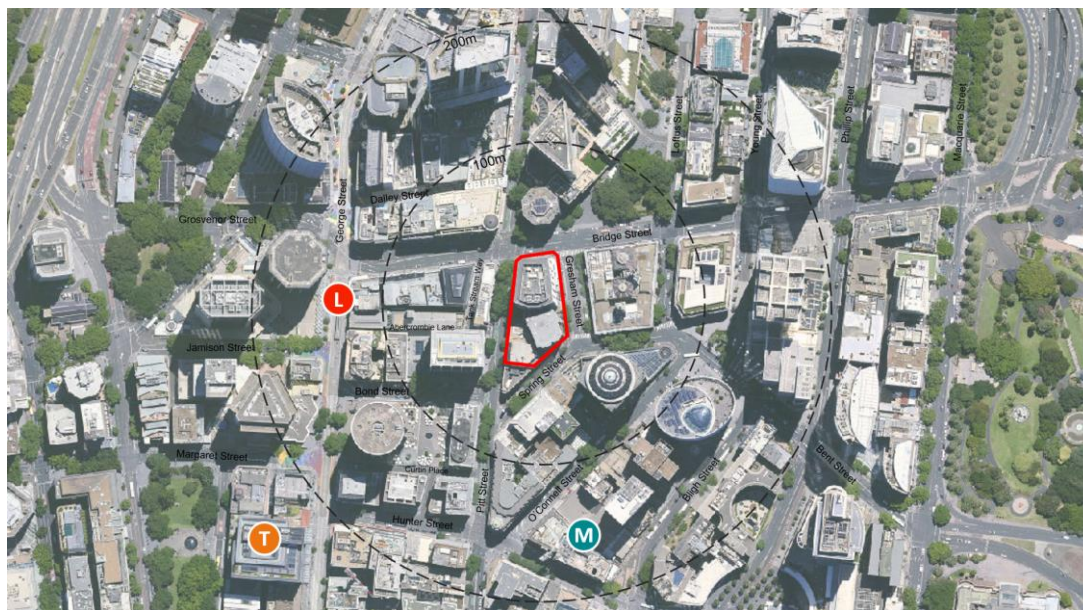


Figure 2. Aerial view of subject site and local proximity

1.3 Site characteristics

The subject site comprises four separate addresses under single ownership and has a total area of 3,288m². It is irregular in shape and has frontages of 35 metres to Bridge Street, 65 metres to Gresham Street, 35 metre frontage to Spring Street and 81 metres along Pitt Street. Photos of the subject site as shown below in Figures 3-6. The existing buildings on the site includes:

- 56 Pitt Street, a 26 storey commercial building comprising ground floor retail and office space on the upper levels;
- 58 Pitt Street, a 10 storey office and retail building;
- 60 Pitt Street, a 12 storey office and retail building; and
- 3 Spring Street, a 17 storey commercial building comprising office and co-working space.

Surrounding development generally consists of a mixture of commercial office buildings and hotel accommodation with ground floor retail and hospitality venues. To the east of the site are two State heritage buildings – namely the former Department of Lands building and the Department of Education building, jointly referred to as the “Sandstones”. Both buildings are being redeveloped as a hotel through a state significant development approval. Directly adjoining the building to the south is an eight storey local heritage item, known as the former Liverpool and London and Globe building, as example of modern postwar architecture in Sydney. On the southern side of Spring Street is a 21 storey office building that sits above a retail podium which is adjoined by a row of office buildings between 10 and 15 storeys in height.

To the west of the site on the opposite side of Pitt Street are two heritage items including the Republic Hotel and a 13 storey office building. On the southern side of Abercrombie Lane is a 31 storey office building with frontage to Bond Street. To the north of Bridge Street is a 16 storey office building with frontages to Pitt and Bridge Street as well as Macquarie Place. Exchange Centre, a 12 storey office building that houses the Australian Stock Exchange is located to the north-west of the site. Photos of the surrounding area are shown below in Figures 7-9.



Figure 3. Looking south toward the subject site (in red) across Bridge Street



Figure 4. Looking south along Gresham Street to the subject site (in red)



Figure 5. View towards the subject site (in red) looking south-east across Pitt Street



Figure 6. Looking west towards the subject site (in red) from Bent Street



Figure 7. View along Bridge Street towards George Street



Figure 8. Looking towards Macquarie Place along Bridge Street



Figure 9. View looking east along Bent Street



Figure 10. View along Spring Street towards the Lands Building

1.4 Landowner request

Dexus, the landowner submitted this planning proposal request through the NSW Planning Portal in May 2024. The request included a number of attachments and technical reports to support the proposal, including an Urban Design Report containing envelope and indicative reference scheme drawings prepared by FJC, a Public Domain Concept Plan, Wind Environment Study, Economic Contribution Analysis and a Sustainability Report detailing the key sustainability commitments to ensure the project achieves the City's Net Zero requirements.

The landowner request seeks to insert site-specific controls for the subject site in Division 5 of the LEP. The request is to increase the maximum building height control to 305 metres, up from the current height of 235 metres and set a maximum floor space ratio of 27.4:1 including design excellence floor space for the purposes of a commercial and retail development.

The proposal will deliver up to 90,000m² of office floor space in a new tower up to 70 storeys with ground floor retail and active uses, an upgraded public domain comprising a new through-site link connecting Pitt Street to Spring and Gresham Streets and a new plaza fronting Bridge Street to be dedicated to the City, as well as a shared loading dock to provide servicing facilities to nearby buildings, as well as off-street loading for the building, end of trip facilities and parking.

Design Advisory Panel subcommittee

The City's Design Advisory Panel (DAP) formed a specialist subcommittee to review the proposal prior to lodgement. The DAP subcommittee met three times and made the following recommendations for the proposal to consider:

8 February 2022

- The Panel considered various podium setback options for the Bridge Street frontage including zero setback and a 3 metre DCP compliant setback, noting each outcome would be subject to further testing of urban design, views, daylight and wind outcomes;
- Bridge Street was highlighted as the most important frontage and resolution of level change and the location of the building's lobby should be explored during the design competition;
- The inclusion of a through-site link aligning with Abercrombie Lane was supported and the success of the connection would be further strengthened by a clear visual cue through the site;
- Aligning the podium height with the former Lands Department building was supported;
- Recommended the podium height at the site's southern end align with the adjoining 62 Pitt Street and that the step in the podium height should align with Abercrombie Lane;
- The importance of views along Spring Street towards the former Lands Department clocktower was noted. The building envelope is to protect these views; and
- A minimal tower setback to Gresham Street may be supported subject to amenity testing.

24 February 2022

- The Panel supported the basis for the built form strategy: a podium that is responsive in scale to its context and character; that includes street activation to all frontages; and a tower form that minimises perceived visual bulk from the surrounding streets;
- Further analysis was requested to explore whether a DCP compliant envelope could deliver the desired outcome, including the setback to Bridge Street proposed in the DCP;
- Variation from the DCP envelope may be considered subject to demonstration of the setbacks which accommodates the desired floor plate size compliance with the wind and daylight tests;
- Increased tapering of the tower is sought to deliver a more elegant form; and
- The whole of block approach to daylight testing was not supported, testing shall be limited to the subject sites only.

30 March 2022

- The Panel advised the form would need further amendments to achieve compliant daylight levels based on testing the subject site only, unless a whole of block approach is secured;
- The importance of the transition zone was highlighted, recommended this area be excluded from the articulation allowance which shall be limited to the upper tower, as it gives opportunity to further nuance form;
- Increased tower setbacks and transition zone is welcomed, noting the positive impact to the envelope, reducing its visual dominance;
- The height, width and alignment of the through-site link shall be set as a minimum to ensure views through the connection are maximised;
- The session provided an appropriate response to the urban design issues and subject to satisfying the wind and daylight requirements could be supported.

The City's Planning Proposal

The City has prepared this planning proposal following detailed review and assessment of the proposed development concept. The planning envelope has been amended in response to DAP's guidance and recommendations, which has resulted in a revision to the scheme to that included in this planning proposal.

The proposed planning envelope is responsive to its context, ensures acceptable wind and daylight conditions in the adjacent public domain will be maintained and is consistent with the requirements of the Central Sydney Planning Strategy.

An amendment to the Sydney Development Control Plan 2012 (DCP), to be exhibited with this planning proposal, contains more detailed site-specific planning provisions. The planning proposal and draft DCP address issues arising from the assessment of the applicant's planning proposal request.



Figure 11. Photomontage of the concept development facilitated by this planning proposal



Figure 12. Photomontage of the planning proposal concept development

2. Current planning controls

2.1 Zoning

The site is zoned SP5 Metropolitan Centre in Sydney LEP 2012 as shown in Figure 13. A broad range of uses are permitted within this zone, including commercial premises, community facilities, food and drink facilities and visitor accommodation.

The SP5 zone objectives seek to recognise and provide for the pre-eminent role of business, office, retail, entertainment and tourist premises in Australia's participation in the global economy and to provide opportunities for an intensity of land uses commensurate with Sydney's global status. This planning proposal will not change the site's zoning.

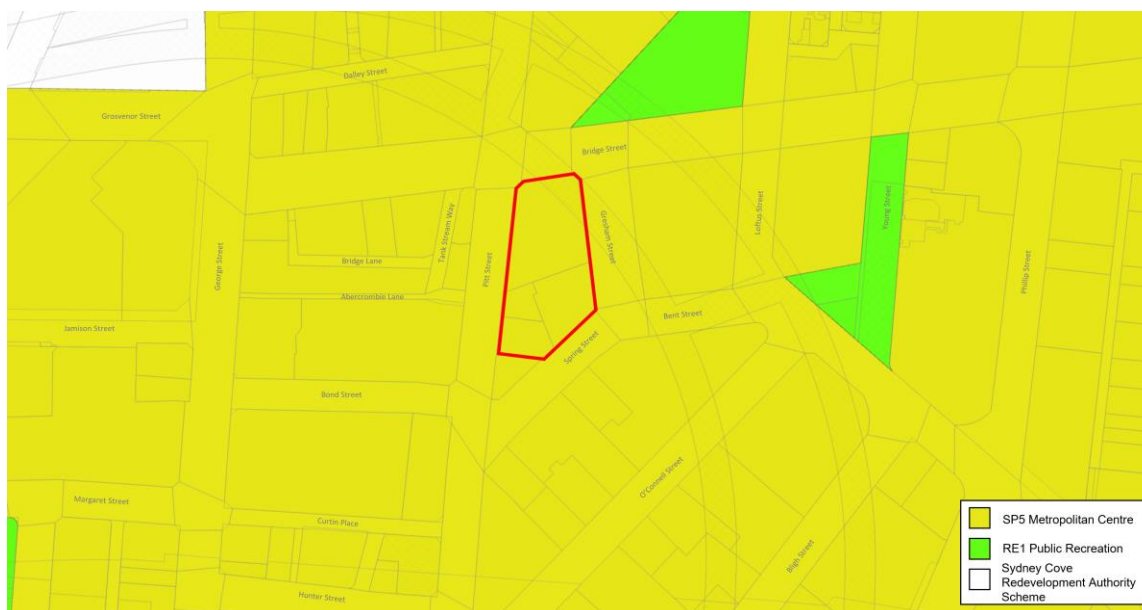


Figure 13. Extract from the Zoning map in Sydney LEP 2012

2.2 Development controls

Maximum height of building

The site is subject to a maximum height of building control of 55 metres for the northern third of the site and 235 metres at the southern section of the site as shown in Figure 14. The site is not affected by any sun access plane, however development on site must not result in additional overshadowing controls to the Australia Square Plaza pursuant to clause 6.18 of the LEP.

These height controls are generally consistent with the surrounding sites, with the exception of the adjacent heritage items to the east which are limited to the height of the existing building.



Figure 14. Extract from the Height of building map in Sydney LEP 2012

Floor space ratio

The maximum floor space ratio for the site is 8:1 as shown in Figure 15. Surrounding sites have the same FSR. The site is also eligible for additional floor space under Division 1 of the LEP as follows:

- accommodation floor space of up to 4.5:1 for office premises, subject to design excellence and purchase of heritage floor space;
- end of journey floor space of up to 0.3:1;
- opportunity site floor space of up to 0.8:1;
- additional floor space equal to the area of any shared loading dock facility; and
- up to 10% additional floor space may be granted if a competitive design process has been undertaken and design excellence is demonstrated.

In total, an FSR of 14.85:1 is potentially achievable for an office development on the site.

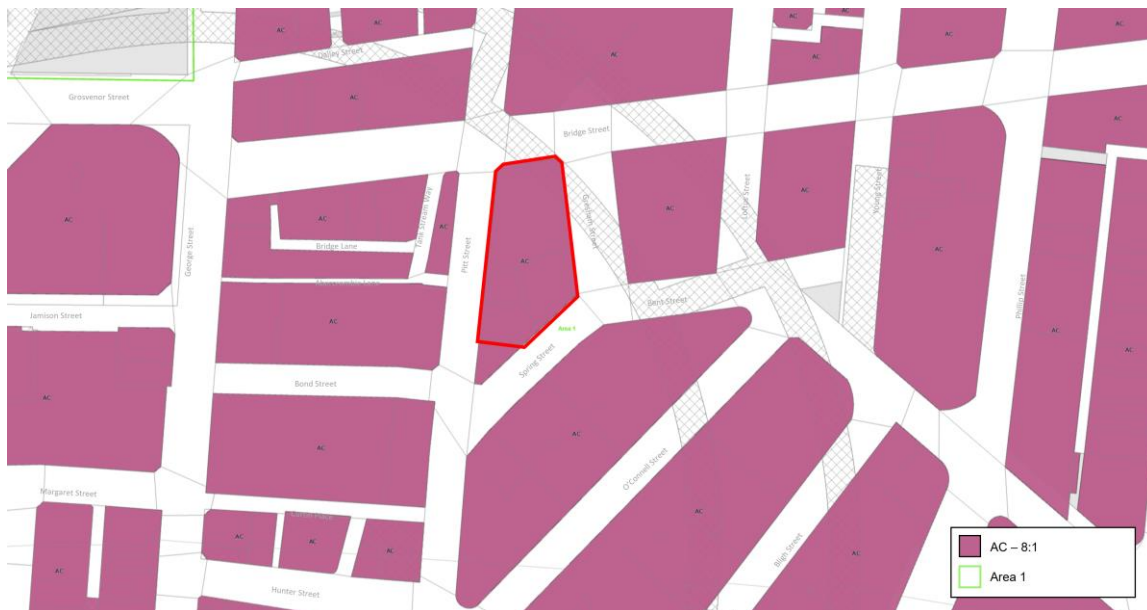


Figure 15. Extract from the Floor space ratio map in Sydney LEP 2012

The site is also located in an identified tower cluster area and may be eligible for up to 50% additional floor space subject to the building demonstrating design excellence as the winner of an architectural design competition in accordance with the City's Competitive Design Policy pursuant to clause 6.21E of the LEP.

2.3 Heritage

The site is not heritage listed or located within a heritage conservation area. There are however a number of heritage items within the sites vicinity. Figure 16 shows the location of these heritage items in relation to the subject site, including:

- I1657 – Abercrombie Lane
- I1683 – State heritage item – Former “Department of Lands” building – 23-33 Bridge Street
- I1684 – State heritage item – Department of Education building – 35-39 Bridge Street
- I1900 – Former “Chatsworth House” façade – 1-15 O’Connell Street
- I1901 – Former “Orient Building” facade – 1-15 O’Connell Street
- I1916 – Former “Exchange Hotel” – 69-73 Pitt Street
- I1917 – Former “Royal Exchange Assurance Building” – 75-77 Pitt Street
- I2288 – Former Liverpool & London & Globe building – 62 Pitt Street

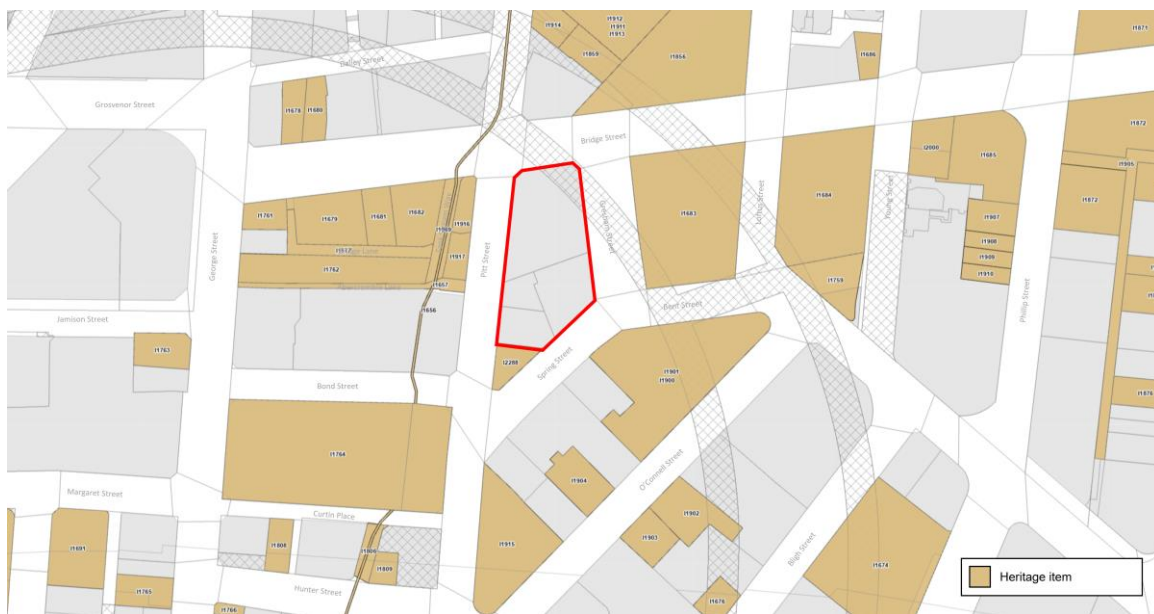


Figure 16. Extract from the Heritage map in Sydney LEP 2012

3. Objectives and intended outcomes

The objective of this planning proposal is to amend the Sydney Local Environmental Plan 2012 and insert new site-specific provisions to permit additional building height and floor space ratio for the 56 Pitt Street site to accommodate additional business and employment generating floor space.

Specifically, the objectives and intended outcomes of this planning proposal are as follows:

- facilitate additional premium office space in a strategic and prominent location delivering new jobs compatible with Sydney's global status;
- maximise the efficient use of existing and planned infrastructure by delivering uplift close to existing public and active transport networks and the future Sydney Metro;
- further strengthen and protect the economy of the commercial core of Central Sydney;
- deliver an improved urban design and pedestrian experience with greater activation and appropriate wind and daylight conditions at ground level;
- facilitate a new building that is consistent with the character of the surrounding area and respects adjacent heritage buildings;
- improved pedestrian connections and amenity through the delivery of a new through-site link and plaza fronting Bridge Street to be dedicated to the City as new public space; and
- an improved built form that delivers design excellence, public art and sustainability outcomes.

Draft site-specific amendments to the Sydney DCP 2012 accompany this planning proposal and provides more detailed design guidance for the future redevelopment of the site.

A Voluntary Planning Agreement (VPA) will be exhibited to secure the delivery of the new public plaza fronting Bridge Street and public art in excess of standard requirements, as well as public access to the pedestrian through-site link, to establish principles for the access to and operation of the shared precinct loading dock, and to provide commitments for sustainability targets exceeding the City's requirements.

4. Explanation of provisions

4.1 Sydney Local Environmental Plan 2012

To achieve the intended outcomes, this planning proposal seeks to amend the Sydney Local Environmental Plan 2012 by inserting new site-specific provisions for the subject site, 56-60 Pitt Street and 3 Spring Street, Sydney under Division 5 as follows:

- allow a maximum building height of RL 310 metres;
- permit maximum floor space ratio of 27.4:1, inclusive of the following:
 - the mapped floor space ratio (pursuant to clause 4.4);
 - accommodation floor space (clause 6.4);
 - shared loading dock facility floor space (clause 6.5A);
 - end of journey floor space (clause 6.6); and
 - design excellence additional floor space (clause 6.21D(3)(b));
- prevent development consent being granted under this clause unless the consent authority is satisfied that the building:
 - will not be used for the purpose of residential accommodation or serviced apartments;
 - includes the provision of a publicly dedicated plaza fronting Bridge Street and a retail activated through-site link connecting Pitt Street with Spring and Gresham Streets;
 - includes an end of journey facility;
 - includes a shared loading dock facility, in addition to the site's own requirements, for the use of surrounding businesses; and
 - demonstrates design excellence as the winner of an architectural design competition process pursuant to clause 6.21D of the LEP; and
- clarify that no additional building height or floor space available under clause 6.21 (3)(a) and (b) is applicable.

A brief explanation of the provisions is included below and detailed justification of the proposed provisions and their impact is included below in Section 5.3.

Maximum building height

The maximum building height development control of 55 metres applies at the northern end of the site and 235 metres applies to the southern portion. The site is not subject to any sun access plane controls, however development must not result in additional overshadowing to the Australia Square Plaza between 12.00pm and 2.00pm, 14 April and 31 August pursuant to clause 6.18 of the LEP.

This planning proposal seeks to insert new site specific provisions with a maximum building height of RL 310 metres for the uses proposed as requested by the landowner. The increased maximum building height control facilitates a new tower on the subject site which will not result in additional overshadowing within the protected period. Clause 6.21D(3)(a) will not apply to the proposed site specific controls as future development shall not exceed the maximum set at RL 310 metres.

Floor space ratio

The mapped floor space ratio for the site under clause 4.4 of the LEP is 8:1. Future development is also eligible to additional floor space under Division 1 of the LEP, namely accommodation floor

space, shared loading dock facility floor space, end of journey floor space and opportunity site floor space, as well as design excellence additional floor space of up to 10% if the building demonstrates design excellence.

Despite the various types of floor space available, the floor space ratio for the subject site facilitated by this planning proposal will be expressed in Division 5 of the LEP as a maximum and shall not exceed 27.4:1. Clause 6.21D(3)(b) will not apply to the proposed site specific controls as the expressed FSR is the maximum and is inclusive of all applicable additional floor space types.

It is intended that the various types of additional floor space will be referenced in the proposed LEP clause to ensure their application as per existing processes. For example – an amount of heritage floor space must be applied to the development with reference to accommodation floor space pursuant to Subdivision 3 of the LEP.

Non-residential uses

To facilitate the delivery of new employment generating floor space, only non-residential uses will be eligible for the additional building height and floor space site-specific provisions delivered as part of this planning proposal. As such, residential or serviced apartment uses are excluded from the proposed provisions and employment floor space is protected from residential uses.

This planning proposal will not change the zoning for the site, which permits a range of uses, including business, retail, residential and visitor accommodation. Any future redevelopment of the site for residential or serviced apartment uses will however be limited to the existing building height and floor space ratio controls.

Public plaza and through-site link

An objective of this planning proposal is deliver an improved pedestrian experience with greater activation, new public space and connections. To achieve this, the planning proposal will make it a requirement that future development provides for a new public plaza fronting Bridge Street and a through-site link connecting Pitt Street with Gresham and Spring Streets.

Logistics hub / Shared loading dock facility

To facilitate the delivery of the logistics hub, the proposed site-specific provisions will require the consent authority to be satisfied the shared loading dock facility is included in future development. The subclause will also specify that the shared loading dock facility is to be in addition to the site's own servicing requirements and is to function for the use of surrounding businesses.

Design excellence

Future development on site will be subject to an architectural design competition consistent with the requirements of clause 6.21 of the LEP to ensure a high design quality outcome is achieved. This planning proposal will prevent development consent being granted unless future development has been subject to an architectural design competition and demonstrates design excellence in accordance with clause 6.21 of the LEP.

The building height and floor space ratio development controls are expressed as a maximum, therefore clause 6.21(3) (a) and (b) is not applicable as a bonus in this instance.

Drafting instructions

Appendix 1 of this planning proposal provides some example clauses of the proposed controls for the subject site to provide clear guidance of the outcomes this this planning proposal aims to achieve.

The final version of the clauses to be inserted into the LEP would be subject to drafting and agreement with the NSW Parliamentary Counsel's Office.

4.2 Sydney Development Control Plan 2012

To ensure future development is consistent with the objectives of the planning proposal, site-specific provisions for the DCP will be drafted to ensure a high-quality built form and public domain. These provisions include:

- maximum building envelope dimensions;
- pedestrian through-site link dimensions and requirements for ground floor activation;
- controls regarding the access and operation of the shared precinct loading dock;
- a design excellence strategy; and
- sustainability and public art requirements.

A draft of the new site specific provisions for the DCP, also to be placed on public exhibition, can be found at Attachment B.

5. Justification

This planning proposal is to amend the height of building and floor space development controls to facilitate the redevelopment of the subject site with a new premium-grade office tower. No change to the land use zoning is proposed, nor would the future use of the subject site change significantly from its existing commercial uses.

The following section provides justification for the planning proposal, outlining strategic and potential site-specific merit, outcomes, and process for implementation.

5.1 Need for the planning proposal

Is the planning proposal a result of an endorsed LSPS, strategic study or report?

This planning proposal has been prepared following a request from the landowner to change the planning controls that relate to the site in response to the Central Sydney Planning Strategy.

The landowner has provided a Planning Proposal Justification Report prepared by Ethos Urban and a number of technical reports to support their request, including an Urban Design Report prepared by FJC Studio. These reports detail how the proposal demonstrates strategic and site specific merit and is consistent with the requirements of the Central Sydney Planning Strategy in that it is capable of supporting additional density and additional employment generating floor space without unacceptable public domain and amenity impacts.

The supporting documentation submitted by with landowner to support their request accompany this planning proposal as follows:

- Attachment A – Urban Design Report – FJC
- Attachment B – Site Survey – Bella Vista Surveyors
- Attachment C – Design Excellence Strategy – Ethos Urban
- Attachment D – Public Benefit Offer – Dexus
- Attachment E – Traffic and Transport Assessment – The Transport Planning Partnership
- Attachment F – Visual Impact Assessment – Ethos Urban, Virtual Ideas
- Attachment G – Public Domain Concept Plan – Arcadia
- Attachment H – Heritage Impact Statement – Urbis
- Attachment I – Wind Environment Study – MEL Consultants
- Attachment J – Geotechnical Desktop Study – JK Geotechnics
- Attachment K – Flood Risk Management Report – Stantec
- Attachment L – Sustainability Report – Stantec
- Attachment M – Vision and Values Proposition Statement – Dexus
- Attachment N – Economic Contribution Analysis – EY
- Attachment O – Socio-Economic Context Report – Urbis

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

This planning proposal seeks to insert new site-specific provisions into Division 5 of Sydney LEP 2012 for the subject site. The proposed envelope has been assessed to ensure future development is appropriate to its context and will not result in any unacceptable impacts on adjoining properties or the public domain. The amended controls facilitate additional employment floor space consistent with the Local Strategic Planning Statement and Central Sydney Planning Strategy.

As the proposed changes are greater than those acceptable through an application to vary development standards via clause 4.6 of the LEP, the planning proposal approach is the most appropriate option.

5.2 Relationship to the strategic planning framework

Will the planning proposal give effect to the objectives and actions of the applicable regional or district plan or strategy (including any exhibited draft plans or strategies)?

This planning proposal is consistent with the relevant actions and objectives of the applicable regional and district plans, as summarised below.

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 provides a 40 year vision that 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. It identifies key challenges facing Greater Sydney, including a projected population increase of 1.7 million and the associated requirements to deliver 725,000 new homes and create 1 million new jobs by 2036.

The Plan outlines how Greater Sydney will manage and deliver growth and guide infrastructure delivery. This planning proposal gives effect to the Plan, as follows:

- **Infrastructure** – future development will support recent transport infrastructure investment and shall benefit from the additional capacity available as these modes come into service.
- **Liveability** – this planning proposal delivers an upgraded public domain with improvements to the pedestrian network, a new through-site link and plaza fronting Bridge Street.
- **Productivity** – the site's location in Central Sydney and the delivery of new premium office space helps deliver a stronger, more competitive Harbour CBD.
- **Sustainability** – this planning proposal facilitates the delivery of a new building with improved sustainability outcomes than the current buildings, meeting the City's Net Zero provisions.

Eastern City District Plan

The Eastern City District Plan sets out the vision, priorities and actions for the Eastern District of the Greater Sydney area, which includes the City of Sydney. It establishes a 20-year vision for the Eastern District to be a global sustainability leader, managing growth while maintaining and enhancing liveability, productivity and attractiveness for residents, workers and visitors

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

- **Planning Priority E1 – Planning for a city supported by infrastructure** – the delivery of new premium grade office space makes efficient use of existing and new transport infrastructure, maximising the use of rail, light rail, Metro, ferry and bus services.
- **Planning Priority E6 – Creating and renewing great places and local centres, respecting the District's heritage** – this planning proposal will help deliver on the City North Public Domain Plan, improving accessibility, connectivity and amenity through upgrades to the pedestrian network, a new through-site link and public plaza fronting Bridge Street.
- **Planning Priority E7 – Growing a stronger and more competitive Harbour CBD** – this planning proposal is at the core of the Harbour CBD and facilitates the delivery of new premium office space maximising the competitive advantage that the site's location provides.
- **Planning Priority E10 – Delivering integrated land use and transport planning for a 30-minute city** – future development satisfies the 30-minute city objective, with new office floor space close to public transport, with connections to much of Greater Sydney within 30-minute travel.
- **Planning Priority E11 – Growing investment, business opportunities and jobs in strategic centres** – this planning proposal facilitates new commercial development providing new retail and office space in Central Sydney, adding to the viability of the Harbour CBD economy.
- **Planning Priority E13 – Supporting growth of targeted industry sectors** – this planning proposal will deliver additional commercial floor space which is available for targeted industry sectors.
- **Planning Priority E19 – Reducing carbon emissions and managing energy, water and waste efficiently** – future development will achieve the City's Net Zero provisions delivering key ecologically sustainable commitments, including 6 star NABERS Energy rating, 4.5 star NABERS Water rating, 4-star NABERS Waste rating; and Green Star rating of 6 stars.

Is the planning proposal consistent with a council LSPS that has been endorsed by the Planning Secretary, or another endorsed local strategy of strategic plan?

Sustainable Sydney 2030-2050: Continuing the vision

Sustainable Sydney 2030-2050 is the vision for a city that is green, global and connected achieved through sustainable growth, creativity and innovation. It sets targets, objectives and actions to achieve this vision. This planning proposal is aligned with the following strategic directions:

- **Direction 2: A leading environmental performer** – this planning proposal will deliver ecologically sustainable development on the site meeting the City's requirements.
- **Direction 3: Public places for all** – the surrounding public domain will be improved through the delivery of a new public plaza fronting Bridge Street and through-site link connecting Pitt street with Spring and Gresham Streets. The proposal aligns with the City North Public Domain Plan supporting the activation of Spring Street which will be pedestrianised through the Plan.
- **Direction 4: Design excellence and sustainable development** – future development will be informed by a competitive design process to achieve design excellence and will achieve ecological sustainable development in line with the City's sustainability requirements.
- **Direction 5: A city for walking, cycling and public transport** – the site is able to make efficient use of existing and future transport infrastructure, with a new through-site link and upgraded pedestrian network to improve pedestrian permeability of the CBD.
- **Direction 6: An equitable and inclusive city** – future development facilitated by the planning proposal will deliver a positive contribution Central Sydney through greater opportunities for business and new retail activation for local workers, residents and visitors.
- **Direction 7: Resilient and diverse communities** – this planning proposal will enhance the City Core precinct with increased business opportunities for investment, employment and improved public domain conditions for workers and visitors.
- **Direction 8: A thriving cultural and creative life** – public art delivered through the future development on the site will provide new creative and cultural experiences and opportunities for engagement with the public.
- **Direction 9: A transformed and innovative economy** – this planning proposal supports job growth in Central Sydney, helping to maintain the city's position as a destination for business, investment and talent.

City Plan 2036 – Local Strategic Planning Statement

City of Sydney's endorsed local strategic planning statement, City Plan 2036 sets the land use planning context, vision and planning priorities to positively guide development. The planning statement outlines how the City will plan for and manage change. This planning proposal gives effect to the following priorities of the Statement:

Infrastructure

- **I1. Movement for walkable neighbourhoods and a connected city** – future development contributes towards planned upgrades to the pedestrian network including a new through-site link connecting Pitt Street with Gresham Street and widened footpaths.
- **I2. Align development and growth with supporting infrastructure** – the subject site is well-positioned to take advantage of existing infrastructure, including rail, light rail, metro and ferry connections, as well as nearby bus services and cycleways.
- **I3. Supporting community wellbeing with social infrastructure** – the future development concept facilitated by this planning proposal supports community wellbeing through the delivery of new social infrastructure with a new plaza fronting Bridge Street featuring new public art.

Liveability

- **L5. Creating great places** – future development on the subject site will deliver improved street life and activation through a new public through-site link, a new public plaza to Bridge Street and greater activation of surrounding street where new fine grain retail would encourage activation. .

Productivity

- **P1. Growing a stronger, more competitive Central Sydney** – this proposal supports additional growth in Central Sydney by delivering additional floor space and capacity for economic and employment growth. It will deliver large, premium grade floor space to attract globally competitive businesses.

Sustainability

- **S2. Creating better buildings and places to reduce emissions and water and use water efficiently** – the new building facilitated by this planning proposal will be required to meet ambitious sustainability benchmarks, delivering more ecologically sustainable buildings.

Central Sydney Planning Strategy

The Central Sydney Planning Strategy is a 20-year growth strategy for Central Sydney. As the economic heart of Australia's most global city, Central Sydney plays a critical role in the continued growth and economic success of wider Sydney and the national economy.

The Strategy includes opportunities for additional height and density in the right locations, balanced with environmental sustainability initiatives, and sets criteria for excellence in urban design. This planning proposal is aligned with the following relevant key moves of the Strategy:

1. **Prioritise employment growth and increase capacity** – this planning proposal facilitates new premium office floor space, increasing employment capacity and growth within Central Sydney.
2. **Ensure development responds to context** – a site-specific DCP accompanies this planning proposal, with provisions to ensure future development responds to its context with appropriate street frontage heights and setbacks, in addition to a suitable urban design outcome these controls protect public domain wind and daylight conditions.
4. **Provide for employment growth in new tower clusters** – the site is located in a tower cluster where additional building height and density may be accommodated for the provision of commercial floor space.
5. **Ensure infrastructure keeps pace with growth** – contributions from future development will go towards the delivery of new and upgraded infrastructure in Central Sydney and towards the City's Affordable Housing program.
6. **Move towards a more sustainable city** – future development will be required to achieve the City's 2026 performance standards for net zero energy buildings by delivering a 6-star NABERS Energy rating and 100% renewable energy provision.
7. **Protect, enhance and expand Central Sydney's heritage and public places** – the planning envelope facilitated by this planning proposal has been set to respond to adjacent heritage and will not result in any additional overshadowing to protected public places.
8. **Move people more easily** – the site is well located to capitalise on the recent upgrades to public transport including the new light rail and future Sydney Metro, as well as upgrades to the pedestrian network as a result of this planning proposal including a new through-site link and logistics hub moving loading and servicing off the street making more space for pedestrians.
9. **Reaffirm commitment to design excellence** – future development on site facilitated by this planning proposal will be subject to a full competitive design process, with the site-specific DCP to include a design excellence strategy and ensure a high quality built form.

Is the planning proposal consistent with any other applicable State and regional studies or strategies?

Not applicable.

Is the planning proposal consistent with applicable State Environmental Planning Policies?

This planning proposal is consistent with all applicable State Environmental Planning Policies (SEPPs), as summarised in Table 2

Table 2. Consistency with State Environmental Planning Policies

State Environmental Planning Policy	Comment
SEPP (Biodiversity and Conservation) 2021	Consistent. The site is located within the Sydney Harbour Catchment area but not within the Foreshores and Waterways Area. The planning proposal is accompanied by a Flood Risk Management Report which identified the site as flood affected adjacent to overland flows towards Sydney Harbour along Pitt Street. The report modelled existing and proposed conditions detailing the flood depths in peak events. While the public domain adjacent to the site is affected in major events, floor levels of the proposed building comply with the City's policies and the requirements of this SEPP. This will be addressed further as part of the detailed design Development Application.
SEPP (Exempt and Complying Development Codes) 2008	Consistent
SEPP (Housing) 2021	Consistent
SEPP (Industry and Employment) 2021	Consistent
SEPP (Planning Systems) 2021	Consistent
SEPP (Precincts–Eastern Harbour City) 2021	Consistent
SEPP (Resilience and Hazards) 2021	Consistent. The City proposal is accompanied by a Geotechnical Assessment detailing the site's likely subsurface conditions, groundwater impacts and potential for contamination. Further detailed investigation will be required as part of any future development application process. The site is not located within the Coastal Environment Area nor the Coastal Use Area.
SEPP (Resources and Energy) 2021	Consistent.
SEPP (Sustainable Buildings) 2022	Consistent
SEPP (Transport and Infrastructure) 2021	Consistent. This SEPP aims to facilitate the effective delivery of infrastructure and identifies matters to be

State Environmental Planning Policy	Comment
	considered in the assessment of development adjacent to particular infrastructure. The subject site intersects the Sydney Metro corridor which passes directly beneath. This proximity requires future development application to consider potential impacts of the proposal on the corridor and will require concurrence. Additionally, as any future development on the site will be considered a 'traffic generating development' for the purposes of the SEPP as over 10,000sq.m of commercial floor space is proposed, concurrence from Transport for NSW is also required.

The following SEPPs are not applicable to this planning proposal:

- SEPP (Precincts – Central River City) 2021, SEPP (Precincts – Regional) 2021, SEPP (Precincts – Western Parkland City) 2021, SEPP (Primary Production) 2021

Is the planning proposal consistent with applicable Ministerial Directions (section 9.1 Directions) or key government priority?

This planning proposal is consistent with all Ministerial Directions issued under section 9.1 of the Environmental Planning and Assessment Act 1979, as summarised in Table 3.

Table 3. Consistency with Ministerial Directions

Ministerial Direction	Comment
Focus area 1: Planning Systems	
1.1 Implementation of Regional Plans	Consistent. This proposal gives effect to the Greater Sydney Region Plan as detailed above.
1.3 Approval and Referral Requirements	Consistent. No provision includes concurrence, consultation or referral provisions, or identifies any designated development.
1.4 Site Specific Provisions	Consistent. This proposal does not restrict the permitted uses on the land. This planning proposal provides an uplift for commercial development, consistent with local, district and State strategies. Other uses remain permissible on the site pursuant to its zoning.
1.4A Exclusion of Development Standards from Variation	Consistent with the Gateway Determination.
Focus area 3: Biodiversity and Conservation	
3.1 Conservation Zone	Consistent. No amendment in this proposal hinders the application of this Direction
3.2 Heritage Conservation	Consistent. The site is adjacent to a number of heritage items. This planning proposal does not

Ministerial Direction	Comment
	alter any applicable heritage controls. Future development application will be assessed on impacts to nearby heritage.
3.5 Recreation Vehicle Areas	Consistent. No amendment in this proposal hinders the application of this Direction
3.7 Public Bushland	Consistent. No amendment in this proposal hinders the application of this Direction
3.9 Sydney Harbour Foreshores and Waterways Area	Consistent. The site is not located within the Foreshore and Waterways Area.
3.10 Water Catchment Protection	This planning proposal is consistent. The site is in the Sydney Harbour Catchment but outside the Foreshore and Waterways Area Boundary. The proposal does not conflict with the objectives of the Direction and the proponent has provided technical studies to address this and are included as appendices to this planning proposal.

Focus area 4: Resilience and Hazards

4.1 Flooding	Consistent. Future development on the subject site is capable of complying with the City's Interim Floodplain Management Policy meeting the requirements of this Direction. A Flood Risk Management Report accompanies this planning proposal detailing flood depths in the public domain at peak events. The proposal however complies with the City's policies and SEPP requirements. This will be addressed further as part of the development application.
4.2 Coastal Management	Consistent. The site is not located within the coastal environment area or coastal use area.
4.4 Remediation of Contaminated Land	Consistent. This subject site is suitable for the proposed land uses. Further investigation regarding potential contamination and remediation will be undertaken as part of any future development application process.
4.5 Acid Sulfate Soils	Consistent. The site is classified as part Class 2 and part Class 5 Acid Sulfate Soils as per the LEP. Further investigation and the need for an Acid Sulfate Soils Management Plan will be addressed through any future development application.

Ministerial Direction	Comment
Focus area 5: Transport and Infrastructure	
5.1 Integrating Land Use and Transport	Consistent. The site is well-located close to key public transport connections in Central Sydney.
5.3 Development near Regulated Airports and Defence Airfields	Not consistent. The maximum height of RL 310 metres exceeds the Obstacle Limitation Surfaces (OLS) for Sydney Airport. This Direction states that in preparing the planning proposal, consultation with the operator of the airport shall be undertaken to ensure development is not incompatible with the airport's operation. It is anticipated that public authority consultation will take place as part of the public exhibition process following a gateway determination. In this instance, consultation with the Sydney Airport Corporation, Airservices Australia and the Civil Aviation Safety Authority will be undertaken. Following consultation, the planning proposal will be amended where necessary and reported back to Council and the Central Sydney Planning Committee for final approval prior to the drafting. It is not anticipated that this planning proposal will compromise the effective and safe operation of Sydney Airport, considering the large number of tall buildings in Central Sydney.
Focus area 6: Housing	
6.1 Residential Zones	Consistent. The planning proposal does not prevent a residential use from occurring on the site under the current zoning and development standards. It introduces additional standards to encourage commercial uses.
6.2 Caravan Parks and Manufactured Home Estates	Consistent. No amendment in this proposal hinders the application of this Direction
Focus area 7: Industry and Employment	
7.1 Employment Zones	Consistent. This planning proposal shall deliver employment growth in a suitable location.

The following Directions are not applicable to this planning proposal:

- 1.2 Development of Aboriginal Land Council Land, 1.5 Parramatta Road Urban Transformation Strategy, 1.6 Implementation of North West Priority Growth Area Land Use and Infrastructure Implementation Plan, 1.7 Implementation of Greater Parramatta Priority Growth Area Interim Land Use and Infrastructure Implementation Plan, 1.8 Implementation of Wilton Priority Growth Area Interim Land Use and Infrastructure Implementation Plan, 1.9 Implementation of Glenfield to Macarthur Urban Renewal Corridor, 1.10 Implementation of the Western Sydney Aerotropolis Plan, 1.11 Implementation of Bayside West Precincts 2036 Plan, 1.12 Implementation of Planning Principles for the Cooks Cove Precinct, 1.13

Implementation of St Leonards and Crows Nest 2036 Plan, 1.14 Implementation of Greater Macarthur 2040, 1.15 Implementation of the Pyrmont Peninsula Place Strategy, 1.16 North West Rail Link Corridor Strategy, 1.17 Implementation of the Bays West Place Strategy, 1.18 Implementation of the Macquarie Park Innovation Precinct, 1.19 Implementation of the Westmead Place Strategy, 1.20 Implementation of the Camellia-Rosehill Place Strategy, 1.21 Implementation of the South West Growth Area Structure Plan, 1.22 Implementation of the Cherrybrook Station Place Strategy, 3.3 Sydney Drinking Water Catchments, 3.4 Application of C2 and C3 Zones and Environmental Overlays in Far North Coast LEPs, 3.6 Strategic Conservation Planning, 3.8 Willandra Lakes Region, 4.3 Planning for Bushfire Protection, 4.6 Mine Subsidence and Unstable Land, 5.2 Reserving Land for Public Purpose,, 5.4 Shooting Ranges, 7.2 Reduction in non-hosted short-term accommodation period, 7.3 Commercial and Retail Development along the Pacific Highway, North Coast, 8.1 Mining, Petroleum Production and Extractive Industries, 9.1 Rural Zones, 9.2 Rural Lands, 9.3 Oyster Aquaculture, 9.4 Farmland of State Regional Significance on the NSW Far North Coast.

5.3 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 because of the proposal?

The planning proposal is unlikely to adversely affect any critical habitat or threatened species, populations or ecological communities or their habitats. The site is located in Central Sydney, which does not contain any critical habitats or threatened species or ecological communities.

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

The additional building height and floor space ratio facilitated by this planning proposal will provide for the redevelopment of the ageing buildings to accommodate premium-grade office space.

The proposed amendments are unlikely to result in any adverse amenity impacts that cannot be controlled. Existing policies, regulations and standards are in place to ensure environmental impacts are mitigated during the construction phase and eventual use of the development.

The proposed scheme has been developed in collaboration with the proponent with environmental impacts identified and resolved during the detailed assessment. Key environmental considerations arising from the planning proposal, particularly in relation to urban amenity, are discussed below.

Planning envelope

The Central Sydney Planning Strategy and Schedule 12 of the DCP set the base case envelope for new towers in Central Sydney, providing guidance on street wall heights and tower setbacks. A planning envelope may vary from the base case envelope subject to public domain amenity testing on daylight / sky view and wind assessment testing and urban design considerations.

The planning envelope was assessed compared to a base case envelope, prepared in accordance with the Strategy and Schedule 12 of the DCP, The planning envelope results in a marginal improvement in wind and daylight conditions compared to the base case envelope. The planning envelope facilitated by this proposal, while varied from DCP requirements, has been prepared to respond to key urban design considerations and protection of the public amenity.

Building envelope and tower setbacks

The proposed planning envelope has been prepared to accommodate the tower on the subject site and deliver premium grade office space in a built form that maximises public domain daylight, mitigates against adverse wind impacts and minimises visual bulk and scale.

The podium has been designed to be responsive to its surroundings, with a street frontage height that aligns with adjoining heritage buildings on Bridge and Pitt Streets and the ground floor setback to Bridge Street will be expanded from 3m to 8m. The increased ground floor setback will create a new plaza fronting Bridge Street which will be dedicated to the City, delivering new high-quality public space in Central Sydney with maximised daylight access.

Above the podium, the low rise section of the tower has the greatest setbacks from all boundaries, providing an articulated tower indent zone, which extends from approximately RL 33m to RL 77m and is setback further than the main office floors in the tower above. The purpose of the indent zone is to protect public domain amenity by maximising daylight access, minimising perceived visual bulk and providing an increased setback to redirect wind downwash away from the street.

Above the indent zone, the mid-rise section (approximately RL 77m – RL 160m) has the minimum tower setbacks for the envelope. As the tower progresses into the high-rise strata of the tower, these setbacks increase as the tower tapers. These setbacks further increase in the high-rise strata (RL160m – RL 310m) as the tower tapers towards the top.

The upper tower has been designed to accommodate premium-grade floor plates, approximately 1,000m² net lettable area to meet the workplace needs of tenants and the Property Council of Australia's office quality requirements. This will deliver on the landowner's aspiration to attract top-tier organisations and the LEP zone objectives of strengthening and protecting the Sydney's commercial core compatible with its global status. The planning envelope accommodates the landowner's desired floor plate size, with appropriate setbacks and allowance for architectural articulation to respond to environmental amenity issues. The upper level setbacks further taper the tower minimising visual bulk in accordance with the Strategy.

The tower setbacks for the planning envelope are detailed in Table 4 and illustrated in Figure 17.

Frontage	Podium	Indent zone	Mid-rise	High-rise
Bridge Street	8 metres	16.4 metres	12.4 metres	13.4 metres
Gresham Street	–	4.6 metres	0.6 metres	3 metres
Spring Street	–	8 metres	4 metres	6.1 metres
Southern boundary	–	12.3 metres	8.1 metres	9.3 metres
Pitt Street	–	5.5 metres	5.5 metres	5.5 metres

Table 4. Tower setbacks of the proposed planning envelope



Figure 17. View of indicative concept design from Bridge Street showing tower indent zone

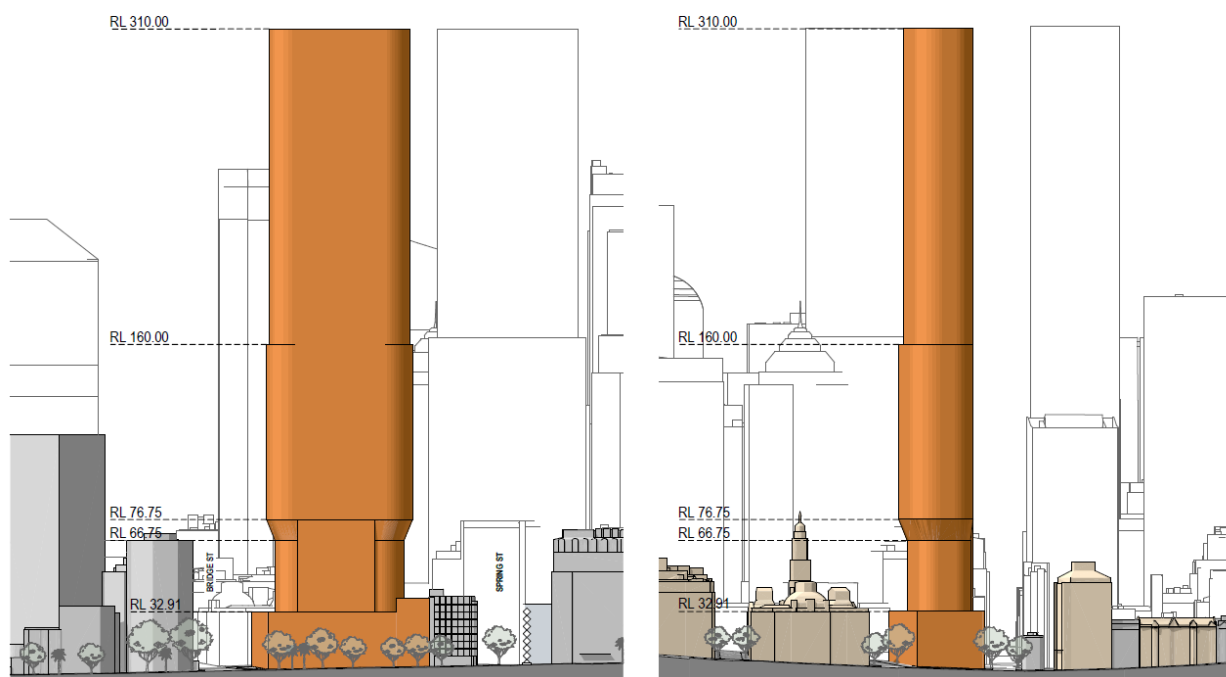


Figure 18. Proposed planning envelope – north and west elevations

Floor space ratio

This planning proposal seeks to insert site-specific floor space ratio controls in Division 5 of the LEP for the subject site. The proposed FSR controls are specific to the proposed planning envelope as outlined in this planning proposal and is based on the landowner's request and indicative scheme as prepared by FJC. The proposed envelope has been tested and verified to ensure it is consistent with the requirements of the Strategy and the Guideline for Site-Specific Planning Proposals in Central Sydney, namely floor-to-floor heights, plant floors, core efficiencies, architectural articulation and roof zones.

The site-specific FSR as facilitated by this planning proposal is to be expressed in the LEP as a maximum and such future development is not eligible for any additional floor space. In particular, this planning proposal increases the maximum FSR for the site from 14.85:1 to 27.4:1, this is inclusive of design excellence floor space, accommodation floor space, shared loading dock floor space, opportunity site floor space and end of journey floor space. The City's heritage floor space scheme shall remain applicable to the amount of accommodation floor space in accordance with current processes.

To be eligible for the proposed development controls future development on the site is to meet the site specific requirements in the LEP, including but not limited to restricting future development on the site to non-residential uses only and provision of a through site link, public plaza, shared loading dock and ground floor active uses.

Architectural articulation

Further to the above, the Strategy and accompanying Guideline provides guidance in the calculation of gross floor area, includes exclusion for plant levels, building core and architectural articulation proportionate to the height of the tower. The lodged planning envelope at RL 310 metres in height is subject to architectural articulation of 15 per cent.

Notwithstanding the above, the indicative reference scheme comprises 10 per cent architectural articulation for the tower section only, above RL 75 metres. This amount of articulation provides sufficient flexibility to respond to amenity issues and enable a high-quality design response. The proposed planning envelope also delivers other opportunities for articulation through the indent zone located between the podium and the tower, where the setbacks have been increased as a design response for wind mitigation, to maximise daylight in the public domain and reduce the visual bulk of the tower at ground level. This area is excluded from the articulation quantum.

Public domain

Bridge Street Plaza

The indicative concept scheme makes provision for a new public plaza fronting Bridge Street achieved by increasing the 3m ground level DCP setback to 8m. This setback spans the whole Bridge Street frontage of the site. The plaza will be dedicated to the City in stratum, above the basement below, and secured through a voluntary planning agreement.

The primary intent of the new plaza is to maximise daylight access to the site and surrounding area, delivering new open space to this area of Central Sydney and providing a connection to Macquarie Place on the northern side of Bridge Street. The plaza setback echoes the alignment of former Royal Exchange building that stood on the site, opening up a vista towards the eastern facade of the former Lands Department resulting in greater visual prominence while improving streetscape conditions. The plaza shall comprise other elements to clearly signify its role as public open space, including the placement of a significant piece of public art, seating, planting of a large mature tree.

While the final design of the new public plaza will be subject to its own design process, the draft DCP that accompanies this planning proposal includes provisions as design guidance. In particular, the new public plaza is to seamlessly integrate with the surrounding streetscape and read as a legible part of the City through use of the City's established palette of materials and details. The draft DCP includes provisions for the podium design and how it will address the

plaza, in particular this frontage is to include large areas of glazing to maximise activation. Further, the northern building entry is to open onto Pitt Street, away from the plaza to ensure it will be clearly read as public space.



Figure 19. Indicative concept design of proposed Bridge Street Plaza

Public art

The draft DCP that accompanies this planning proposal makes provision for the delivery of high-quality public art on publicly accessible space in and around the subject site, such as the proposed new plaza fronting Bridge Street that is to be dedicated to the City and within the through-site link. The Public Domain Plan that accompanies this planning proposal nominates the location for a number of public art opportunities around the site to add visual interest and communicate the site's history, including the opportunity for a major commissioned piece of public artwork in a prominent location.

The identification of public art opportunities will be considered as part of the design process and the quantum of public art secured shall be in accordance with development application requirements (0.5% of CIV), with an additional amount over and above DA requirements (0.25% of CIV) secured through a voluntary planning agreement between the City and the landowner.



Figure 20. Precedent images of major commissioned public artwork

The draft DCP that accompanies this planning proposal includes provisions for public art and further requirements and considerations to inform the design competition and future application, including the relocation of the 'Lady of Commerce' statue which was originally located on former Royal Exchange Building façade and is presently located at the entrance to the existing 56 Pitt Street building

Through-site link

An objective of this planning proposal is to deliver an improved pedestrian experience in the area, in particular by facilitating a new through-site link connecting Abercrombie Lane at Pitt Street with the intersection of Spring and Gresham Streets with Bent Street. As the subject site comprises the majority of a city block in Central Sydney, this new east-west connection will deliver improved walkability and pedestrian permeability.

The alignment of the through-site link with Abercrombie Lane provides a direct connection from George Street, near the Bridge Street light rail stop towards Bent Street. With a minimum height clearance of 8 metres above the Gresham Street ground level, the through-site link also provides a direct visual connection from Pitt Street and Abercrombie Lane towards Bent Street and of the heritage listed former Lands Building.

Provisions are included in the draft DCP detailing the location, height and width of this through-site link to ensure it is clear, legible and accessible to pedestrians of all levels of mobility. This includes a minimum pedestrian clearance of 6 metres and public lift access. Active retail premises will be encouraged to front the through-site link to ensure safety and activity.

Active frontages

The indicative concept design for this planning proposal includes generous opportunities for active uses fronting publicly accessible areas and the public domain. This ground level activation comprises a mixture of active retail spaces, building entries and glazed lobby space, which provides passive surveillance of the public domain while ensuring that space is clearly read as public space. The draft DCP includes provisions to ensure active frontages are prioritised and maximised to all street frontages and the through-site link.

Urban design

Daylight access / sky view testing

This planning proposal seeks to unlock additional building height and floor space for new employment generating floor space and as such, the requirements of the Strategy are applicable. The proposed planning envelope is therefore subject to public domain amenity testing, measuring the extent of the sky visible in the area surrounding the site, expressed numerically as sky view factor.

The Urban Design Report prepared by FJC includes this skyview testing prepared in accordance with the City's requirements. The testing involved comparing a base case envelope with setbacks in accordance with the DCP controls with the planning envelope sought by this planning proposal. The planning envelope facilitated by this planning proposal may be supported subject to the attainment of equivalent or improved daylight conditions in the surrounding public domain. The proponent's testing has been verified by the City. This verification also takes into considerations significant areas of publicly accessible open space or areas to be dedicated to the City.

The sky view analysis undertaken by FJC and the City demonstrated that the proposed planning envelope will deliver a minor improvement from the base case envelope, maintaining acceptable day light access to the public domain. As such, the planning proposal is consistent with the equivalence testing requirements for tower cluster sites, ensuring the future development will maintain an acceptable amenity outcome for pedestrians and the public domain.

Wind

In accordance with the requirements of the Strategy, this planning proposal was accompanied by a Wind Environment Study prepared by MEL Consultants, which tested pedestrian wind comfort

and safety levels as a result of future development on the subject site. Wind tunnel testing was done on two envelopes, a base case envelope with setbacks consistent with the Strategy, which was compared to the proposed planning envelope to demonstrate whether the proposal will have an improved or equivalent outcome. The assessment tested 25 locations surrounding the subject site.

The wind assessment found existing wind conditions in the public domain surrounding the site were comfortable, suitable for pedestrian standing, with no locations experiencing any exceedance of the wind safety standard. Testing on the base case and proposed planning envelope resulted in generally consistent wind conditions. The testing demonstrated that the planning envelope is consistent with the requirements of the Strategy. The results found some variation in the results, with the wind speed increasing in some locations, however wind conditions are unlikely to become uncomfortable or unsafe as a result of future development on the site.

Additional testing was undertaken on the proposed Bridge Street plaza, which is to be dedicated to the City as new public open space. It is therefore important that wind conditions in this location are comfortable and calm, suitable for dwelling and outdoor seating. The testing of the proposed plaza found conditions will be calm and primarily meeting the pedestrian standing criteria. To mitigate against any potential adverse conditions and to ensure the plaza is suitable for outdoor seating, the wind consultants recommended tree planting and canopy to provide extra shelter. The draft Development Control Plan includes provisions to ensure future development ensures the amenity of the plaza is calm and suitable for outdoor seating.

Visual impact

The planning proposal request was accompanied by a Visual Impact Assessment prepared by Ethos Urban which provided an indicative view analysis of the proposed planning envelope from a number of locations at street level close to the site and to the overall Central Sydney cityscape.

The assessment found the potential visual impact from future development on the cityscape will be medium to high, with the tower perceived as a distinct new feature on the skyline and from some viewpoints as the new tallest element. The slender form of the tower when viewed from the north will be in keeping with the form of other towers.

The Sydney LEP 2012 provides for a number of protected view corridors, none of which will be impacted by this planning proposal. Notwithstanding this however there are some sensitive view corridors surrounding the subject site, such as along Bridge Street and towards the former Land Department clock tower as viewed along Spring Street and along Bent Street. Due to the tower's placement on the subject site, setback from the street, future development will not adversely impact the visual character of the streetscape when viewed along Bridge Street. Further, the lower level tower setbacks to Spring Street will preserve views towards the Lands Building clock tower as viewed from Pitt Street.

The assessment recommended careful consideration of building colours and materials at detailed design stage to ensure future development allows for nearby prominent building elements, such as the clock tower will continue to be appreciated, as such a provision will be included in the draft DCP to address this.

Heritage

The subject site is not identified as a heritage item or located in a heritage conservation area, the northern section of the site falls within the Bridge Street Special Character Area. There are a number of adjacent heritage buildings in the vicinity, in particular the State listed Sandstone buildings to the east fronting Bridge Street and the former Liverpool & London & Globe building that directly adjoins the subject site at 62 Pitt Street.

A Heritage Impact Statement prepared by Urbis accompanied the planning proposal finding that future development on the subject site would not have a detrimental impact on the heritage significance of adjacent items.

The podium street frontage height varies from the Special Character Area control to ensure it appropriately responds to its heritage context. The podium height on the northern frontages aligns with the parapet of the State listed former Department of Lands building to the east of the site on Bridge Street. The podium height on the southern end of the site fronting Pitt Street and Spring Street aligns with the adjoining heritage building at 62 Pitt Street.

The planning envelope also includes an 8 metre ground floor setback to Bridge Street, greater than the current 3 metre DCP requirement to open up views towards the adjacent Sandstone buildings, maintaining existing and historical views along Bridge Street.

This planning proposal is accompanied by site-specific provisions for the DCP to ensure future development appropriately responds to its context and adjacent heritage with controls that outline appropriate building height and setbacks and materials.

Traffic and transport

Servicing

Future development facilitated by this planning proposal is to include generous off-street servicing and loading facilities to meet the needs of the building and for public use. The location of the driveway and vehicle access on Pitt Street is acceptable and appropriate given the terrain and the surrounding street network.

The indicative concept design for this planning proposal includes 23 loading spaces which is consistent with the requirements of the Sydney DCP 2012. In addition to these spaces which are to meet the servicing needs of the building, the proposal includes a Logistics Hub comprising seven shared loading spaces for public use. The intent of the Logistics Hub is to meet the loading and servicing needs for nearby buildings without their own facilities, helping remove on-street loading spaces and enabling greater pedestrianisation in the surrounding streets.

The design and layout of the Logistics Hub will be determined as part of detailed design and through the development application, however operational requirements shall be established and secured through a voluntary planning agreement between Dexu and the City. General operational requirements will however be consistent with nearby on-street loading spaces including hours of operation, charges and management/booking procedures. Specific provisions for the Logistics Hub will be contained within the draft site-specific DCP.

Parking

The future development concept includes provision for up to 18 parking spaces in the lower basement accessed via car lift from the loading dock on the first basement level. The proposed quantum of parking is less than the 66 car spaces permitted by the LEP.

The planning proposal is accompanied by a Traffic and Transport Assessment prepared by TTPP, that found future development is anticipated to generate less traffic than the current building on site with their 82 car spaces. The future concept is anticipated to result in a decrease in traffic volumes and as such will not result in an adverse impact to the surrounding road network.

The draft DCP will include provisions ensuring vehicle access to the site will be from Pitt Street only via single 6m crossover to reduce impact on pedestrian amenity.

End of journey facilities

The indicative design and proposed LEP provisions provide for cycle and end of journey facilities located in the basement, accessed by vertical transport from the public domain and building lobby. The quantum of spaces for staff and visitor parking is consistent with DCP rates and requirements. While the composition of the facilities will be subject to detailed design, it is recommended that staff bike parking and the end of journey facilities are co-located, well designed and easily accessible to encourage use and reduce disruption on pedestrian movement.

Environmental impacts

Flooding

The site and adjacent public domain may be flood affected in large rain events due to its location on Pitt Street which experiences overland flows towards Sydney Harbour. A Flood Risk Management Report prepared by Stantec accompanied this planning proposal. The report modelled existing and proposed conditions detailing flood depths in peak events and provided guidance on the necessary floor levels to mitigate against inundation.

The report found that while the street network and public domain adjacent to the site may experience localised flooding in major events, there will be no increase to flood hazard as a result of future development on the subject site. Furthermore, the indicative reference scheme demonstrates the proposal is capable of complying with the flood planning levels as set by the City's Interim Floodplain Management Policy and therefore can satisfy flood planning controls.

A more detailed flood advice report would be included as part of any future development application for the site.

Sustainability

The future development on the subject site is to achieve ambitious ecological sustainable development targets. The following commitments have been made by the landowner:

- 6 star NABERS Base Building Energy Base Building (Target);
- 4.5-star NABERS Whole Building Water Rating (Target);
- 4 star NABERS Waste (Target);
- 6-star Green Star Buildings v1 certified rating;
- WELL Core Platinum (Target);
- 100% renewable energy in operation;
- 100% electric; and
- 100% carbon neutral in operation.

These targets are consistent with the City's sustainability targets, as set by the Strategy and in particular complies with clause 7.33 of the Sydney LEP 2012 which requires development to optimise energy efficiency and achieve net zero emissions from energy. While the net zero requirements do not come into force until January 2026, the proposal has demonstrated that it will be capable of complying with these provisions regardless of when it will be lodged.

Other impacts

Design excellence

Future development will be subject to an architectural design competition pursuant to clause 6.21D of the LEP. As a planning proposal, future development will not be subject to the Tower cluster design excellence requirements, however as the proposal realises significant building height and FSR uplift, it is considered appropriate that design excellence provisions commensurate to its scale shall be applicable.

The applicable Design Excellence Strategy provisions are contained within the site-specific draft DCP that accompanies this planning proposal and will reflect the additional requirements applicable to future development on the subject site. In particular, the competition is to comprise a minimum of 6 competitors, with a minimum of 50% of which are to be Australian based and include at least one emerging architect. Competitors must also meet gender representation targets in their design teams and have demonstrated experience with environmental sustainability projects and hold a recent commendation or award in design excellence.

The building height and floor space ratio controls applicable to the site shall be expressed in the proposed site-specific LEP provisions as a maximum, and as such no additional building height or floor space is to be awarded as a result of an architectural design competition. The proposed provisions will also require development consent to only be granted if future development is subject to an architectural design competition and demonstrates design excellence.

Draft site-specific Development Control Plan

A draft Development Control Plan has been prepared and will be exhibited alongside this planning proposal and provides site-specific controls to be inserted into Section 6 of the Sydney DCP 2012. It includes objectives and provisions to ensure a high quality built form is delivered.

The draft DCP amendment includes provisions to ensure the delivery of future development is undertaken in a manner that is consistent with the objectives and intended outcomes of this planning proposal. The draft DCP amendments address the following considerations:

- tower massing, setbacks and envelope;
- through-site link, public domain and new public plaza;
- heritage;
- public art;
- servicing and loading, including logistics hub
- parking and vehicular access;
- sustainability; and
- design excellence strategy.

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

Economic impact

This planning proposal provides an opportunity for the redevelopment of the subject site, which is located in an identified tower cluster area where additional building height and density can be accommodated subject to acceptable amenity impacts. As such, the proposal aligns with the key moves of the City's local strategic planning statement and the Eastern City District Plan to grow a stronger, more competitive Central Sydney.

Future development facilitated by this planning proposal will comprise up to 90,000m² of premium-grade office floor space, providing for over 6,000 jobs during the construction phase and more than 6,000 operational jobs. With other positive economic contributions to the Central Sydney economy over the construction period and value add from incremental employment activity and labour income during operation.

The project will also deliver considerable social benefits to Central Sydney, by relocating nearby on-street loading spaces into the proposed Logistics Hub to create more room for pedestrians, additional dedicated public open space through a new plaza fronting Bridge Street, improved pedestrian amenity through the delivery of a new through-site link, retail activation and other public domain upgrades.

5.4 Infrastructure (Local, State and Commonwealth)

Is there adequate public infrastructure for the planning proposal?

The site is located in Central Sydney, with numerous rail, light rail, ferry and bus services in close proximity, including a cycleway along Pitt Street and public open space at Macquarie Place and Circular Quay. The site is already serviced by public utilities including water, sewer and stormwater, electricity and telecommunications.

Any development application on the site will be subject to section 7.12 development contributions as outlined in the Central Sydney Development Contributions Plan 2020. There is adequate public infrastructure to support this planning proposal

5.5 State and Commonwealth interests

What are the views of state and federal public authorities and government agencies consulted in order to inform the Gateway determination?

The gateway determination will advise the public authorities to be consulted as part of this planning proposal process. Issues raised will be incorporated into this planning proposal following the consultation in the public exhibition period.

As future development on the site requires excavation and is located directly above the Sydney Metro corridor, the planning proposal and future development application requires concurrent approval from Sydney Metro before approval from the City.

Clause 7.16 of the LEP requires concurrent approval from Sydney Airport for all works proposed to penetrate the OLS height, which is RL 156 metres in this location. At RL 310 metres in height, the future development concept would require approval under the Airports Act 1996 before the detailed development application can be approved by the City.

It is proposed that the relevant public agencies are consulted on the height at the planning proposal stage.

6. Mapping

This planning proposal does not include any amendments to maps.

No change will be made to any maps contained in the LEP, instead alternative controls including building height and floor space ratio controls are proposed through new site-specific provisions under Division 5 of the LEP.

The draft DCP that accompanies this planning proposal includes detailed figures and diagrams to reflect the proposed future development concept as detailed in this planning proposal.

7. Community consultation

This planning proposal shall be exhibited in accordance with the requirements of the gateway determination once issued by the Department of Planning, Industry and Environment.

It is anticipated that the gateway determination will require public exhibition for a period of not less than 20 working days in accordance with the Environmental Planning and Assessment Act 1979 and *Local Environmental Plan Making Guideline* dated August 2023.

Notification of the public exhibition will be consistent with the gateway determination and the City's Community Participation Plan.

Consultation with the necessary state and federal agencies, authorities, other relevant organisations and stakeholders will be undertaken in accordance with the conditions contained in the gateway determination.

8. Project timeline

This planning proposal is categorised as a Principal planning proposal as per the *Local Environmental Plan Making Guideline* dated August 2023, the anticipated timeframe for the completion of the planning proposal is as follows:

Stage	Timeframe
Commencement / gateway determination	November 2024
Government agency consultation	February – March 2025
Public exhibition	February – March 2025
Review of issues raised in submissions	April – May 2025
Post-exhibition reporting	June 2025
LEP drafting	July 2025
LEP made	August 2025
LEP notification	August 2025

Appendix 1

Example provisions

The final version of the site-specific provisions to be inserted into the LEP are subject to drafting and agreement with NSW Parliamentary Counsel's Office, but may be as follows:

Part 6 Local provisions – height and floor space

Division 5 Site specific provisions

6.xx 56-60 Pitt Street and 3 Spring Street, Sydney

- (1) The objectives of this clause are to:
 - (a) incentivise uses other than residential accommodation or serviced apartments, and
 - (b) encourage a satisfactory distribution of built form and floor space that is appropriate to the surrounding area, and
 - (c) provide a new public plaza fronting Bridge Street and publicly accessible pedestrian through-site link, and
 - (d) provide a shared loading dock facility for use by surrounding businesses.
- (2) This clause applies to the following land–
 - (a) Lot 1 DP 222751, 56 Pitt Street,
 - (b) Lots 1 to 33 SP57509, 58 Pitt Street,
 - (c) Lots 3-5 DP192236, 60 Pitt Street,
 - (d) Lot 1 DP 558106, 3 Spring Street.
- (3) The maximum height for a building on the land to which this clause applies is RL 310 metres.
- (4) Despite any other provision of this Plan, a building on land to which this clause applies may have a maximum floor space ratio of 27.4:1, comprising:
 - (a) mapped floor space ratio under clause 4.4, and
 - (b) accommodation floor space under clause 6.4, and
 - (c) shared loading dock facility floor space under clause 6.5A, and
 - (d) end of journey floor space under clause 6.6,
 - (e) additional site-specific floor space in addition to the above, and
 - (f) additional floor space, of up to 10% if the building demonstrates design excellence within the meaning of clause 6.21D(3)(b).
- (5) The maximum floor space ratio must not exceed 27.4:1.
- (6) Subclauses (3), (4) and (5) do not apply unless the consent authority is satisfied the development:
 - (a) will not be used for the purposes of residential accommodation or serviced apartments, and
 - (b) results in the provision of a publicly dedicated plaza fronting Bridge Street and a retail activated through-site link connecting Pitt Street with Spring and Gresham Streets, and
 - (c) includes an end of journey facilities, and
 - (d) includes a shared loading dock facility of at least 7 loading bays in addition to the site's own requirements, for use by surrounding businesses, and

- (e) demonstrates design excellence as the winner of an architectural design competition under clause 6.21.
- (7) Clauses 6.21D(3)(a) and (b) and 6.21E do not apply to a building on the land to which this clause applies.

Attachment B

**Draft Sydney Development Control Plan 2012
56-60 Pitt Street and 3 Spring Street, Sydney**

Development Control Plan – 56-60 Pitt Street and 3 Spring Street, Sydney



Purpose of this Development Control Plan

The purpose of this Development Control Plan (DCP) is to amend *Sydney Development Control Plan 2012*, which was adopted by Council on 14 May 2012 and came into effect on 14 December 2012.

The amendment provides objectives and provisions to inform future development at 56-60 Pitt Street and 3 Spring Street, Sydney.

This plan is to be read in conjunction with draft Planning Proposal – 56-60 Pitt Street and 3 Spring Street, Sydney.

Citation

This amendment may be referred to as *Sydney Development Control Plan 2012 – 56-60 Pitt Street and 3 Spring Street, Sydney*.

Land covered by this plan

This plan applies to the land identified as 56-60 Pitt Street and 3 Spring, Sydney – which is Lot 1 DP 222751, Lot 1 DP558106, Lots 1 to 33 SP 57509, Lots 3, 4 & 5 DP 192236.

Relationship of this plan to Sydney Development Control Plan 2012

This plan amends the Sydney Development Control Plan 2012 in the manner set out in Schedule 1 below.

Amendments to Sydney Development Control Plan 2012

This plan amends Sydney Development Control Plan 2012 by:

1. Amending Figure 6.1 Specific maps to include 56-60 Pitt and 3 Spring Street, Sydney.
2. Inserting a new section 6.3.x 56-60 Pitt and 3 Spring Street, Sydney, as shown at Schedule 1.
3. Updating figure numbers as required.

Schedule 1 – Amendment to Sydney Development Control Plan 2012

6.3.x 56-60 Pitt Street and 3 Spring Street, Sydney

If a development at 56-60 Pitt and 3 Spring Street, Sydney, seeks to utilise additional height or floor space ratio permitted by clause 6.## of Sydney LEP 2012, then the provisions in this section also apply to the assessment of the proposed development and override other provisions in the DCP where there is an inconsistency.

6.3.x.1 Maximum building envelope Objectives

- a. To facilitate the development of the site consisting of new commercial uses to achieve a high quality urban form that:
 - i. is of appropriate bulk, scale and modulation for its location and responds to heritage, the streetscape and the surrounding area;
 - ii. does not obstruct important view corridors, particularly along Bridge Street;
 - iii. provides setbacks that maximise daylight access and protect against adverse wind conditions in the public domain; and
 - iv. includes sufficient architectural articulation to address amenity issues.

Provisions

1. Development is not to exceed the building envelope shown in 'Figure 6.xx 56-60 Pitt Street and 3 Spring Street, Sydney – Planning envelope massing' and 'Figure 6.xx 56-60 Pitt Street and 3 Spring Street, Sydney – Planning envelope elevations'.
2. The maximum street wall height of the podium is to be consistent with 'Figure 6.xx 56-60 Pitt Street and 3 Spring, Sydney – Planning envelope elevations'.
3. Podium setbacks are to be consistent with 'Figure 6.xx 56-60 Pitt Street and 3 Spring, Sydney – Setbacks – podium and tower indent zone'.
4. The envelope detailed in 'Figure 6.xx 56-60 Pitt Street and 3 Spring Street, Sydney – Planning envelope massing' is the maximum permissible extent of the building form. The final building design must be appropriately massed wholly within this envelope.
5. Tower setbacks are to be consistent with 'Figure 6.xx 56-60 Pitt Street and 3 Spring Street, Sydney – Setbacks – podium and tower indent zone' and 'Figure 6.xx 56-60 Pitt Street and 3 Spring Street, Sydney – Setbacks – mid-rise and high-rise tower' specifically:
 - a. tower indent zone (between RL 39.5m – RL 66.75m):
 - i. minimum of 5.5m to Pitt Street;
 - ii. minimum of 16.45m to Bridge Street;
 - iii. minimum of 4.62m to Gresham Street;
 - iv. minimum of 8m to Spring Street;
 - v. minimum of 12.28m to the southern boundary;
 - b. mid-rise tower (between RL 76.75m – RL 160.00m):
 - i. minimum of 5.5m to Pitt Street;
 - ii. minimum of 12.45m to Bridge Street;
 - iii. minimum of 0.6m to Gresham Street;

Development Control Plan – 56-60 Pitt Street and 3 Spring Street, Sydney

- iv. minimum of 4m to Spring Street;
- v. minimum of 8.14m to the to the southern boundary;
- c. high-rise tower (between RL 160.00m – RL 310.00m):
 - i. minimum of 5.5m to Pitt Street;
 - ii. minimum of 13.38m to Bridge Street;
 - iii. minimum of 3m to Gresham Street;
 - iv. minimum of 6.11m to Spring Street; and
 - v. minimum of 9.32m to the to the southern boundary.

Figure 6.xx 56-60 Pitt Street and 3 Spring Street, Sydney – Planning envelope elevations

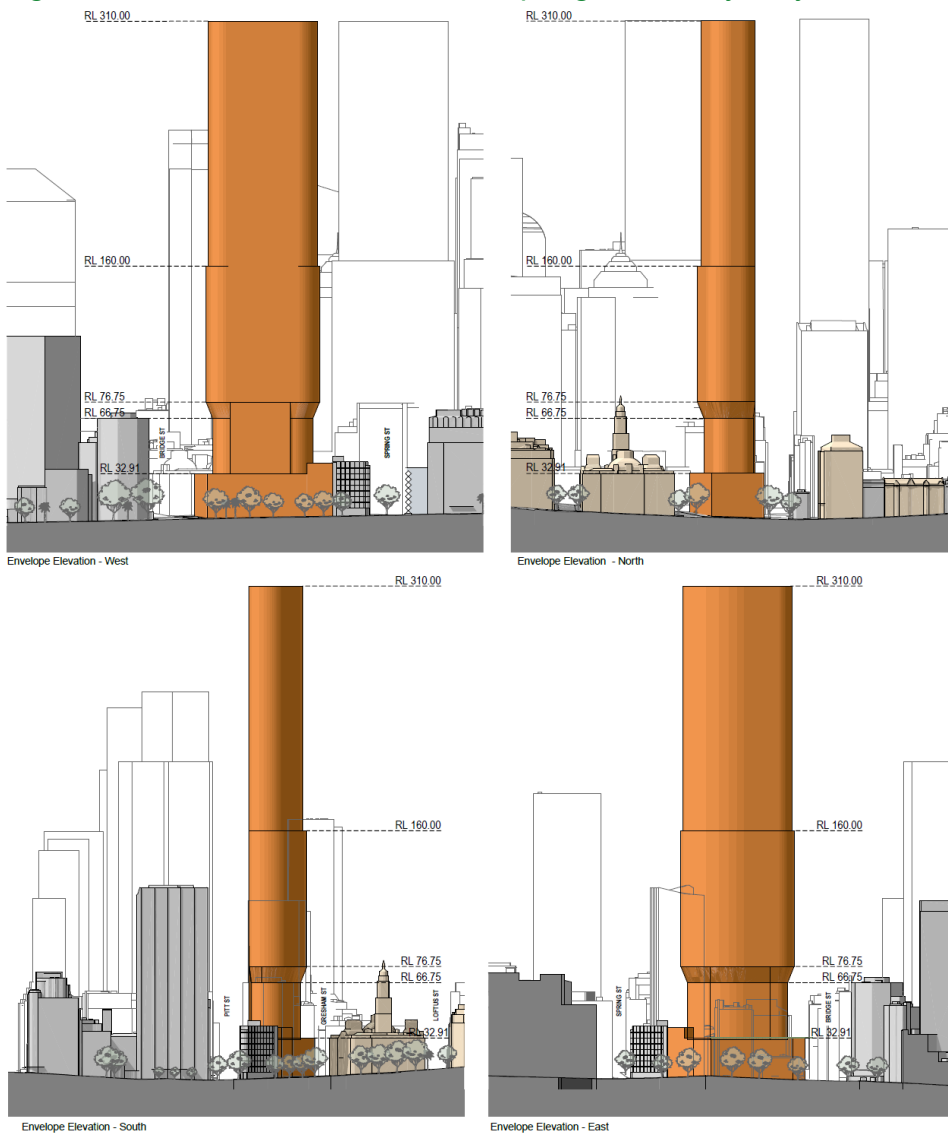


Figure 6.xx 56-60 Pitt Street and 3 Spring Street, Sydney – Planning envelope massing

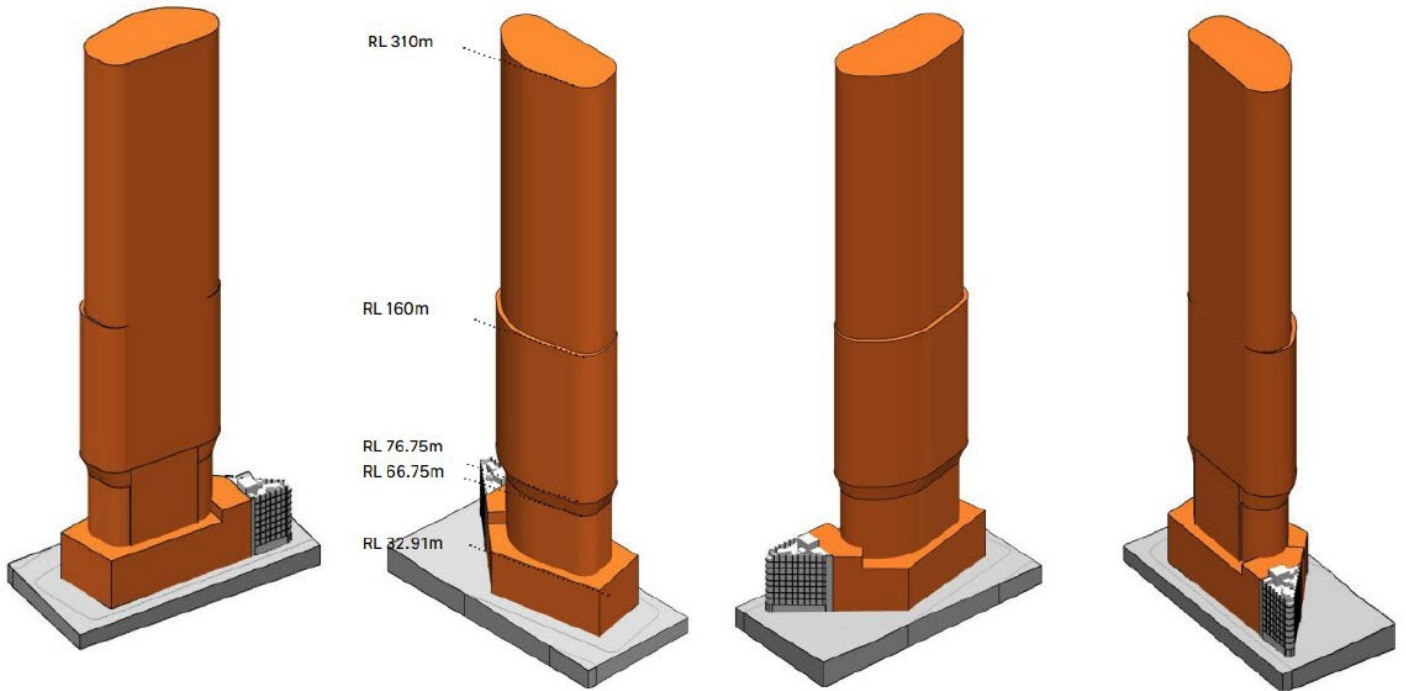


Figure 6.xx 56-60 Pitt Street and 3 Spring Street, Sydney – Setbacks – podium and tower indent zone (from RL 6.50 – RL 76.75)

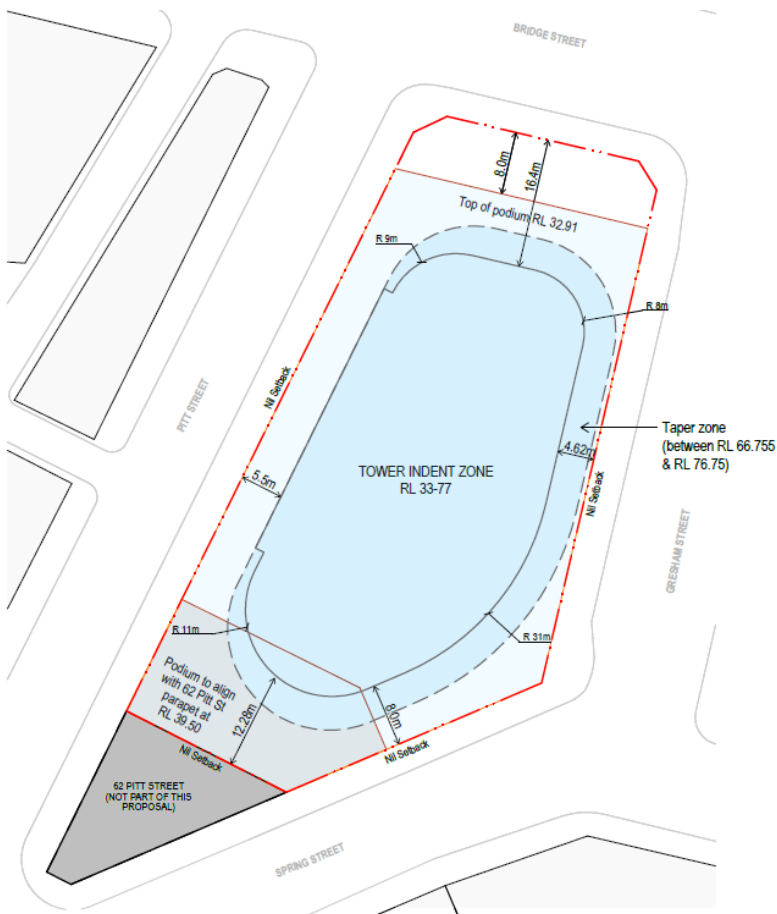


Figure 6.xx 56-60 Pitt Street and 3 Spring Street, Sydney – Setbacks – mid-rise and high-rise tower (from RL 76.75 – RL 310)

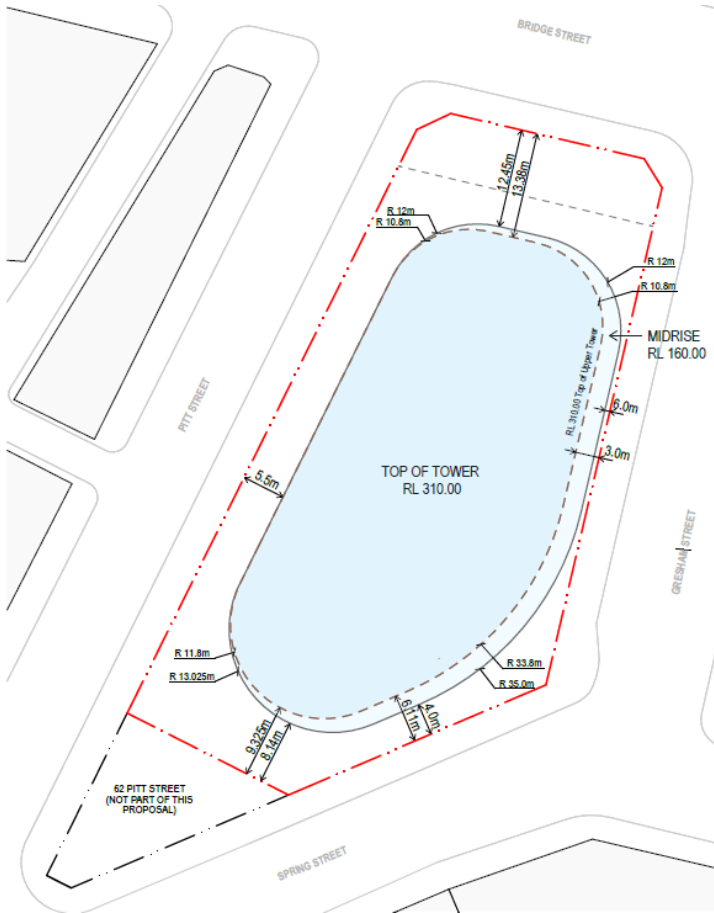
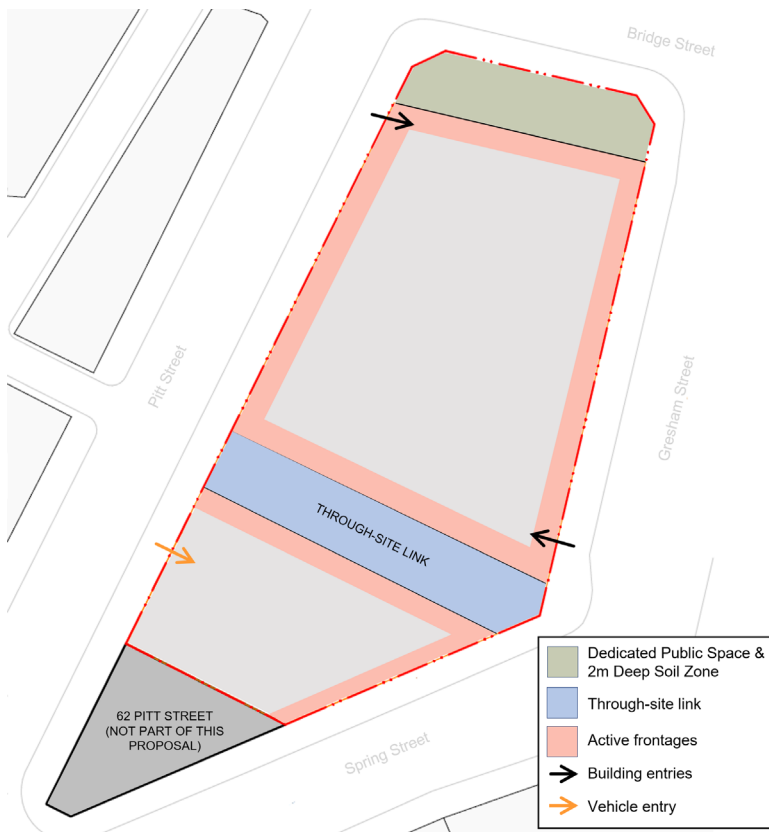


Figure 6.xx 56-60 Pitt Street and 3 Spring Street, Sydney – Structure plan



6.3.x.2 Bridge Street plaza, through-site link and ground plane

Objectives

- a. Deliver a new public plaza fronting Bridge Street that maximises natural daylight and pedestrian permeability with improved activation and amenity as an integrated part of the public domain.
- b. Provide a publicly accessible through-site link that aligns with Abercrombie Lane and connects with Gresham and Spring Street to support retail activation and pedestrian permeability.
- c. Maximise active frontages with retail and business premises uses at ground level and to the through-site link and minimise services, vehicle access and blank walls.
- d. Ensure land dedicated to Council in stratum is of a sufficient depth and appropriate design to accommodate landscape elements and necessary services.

Provisions

1. A new public plaza is to be provided within the 8m podium setback to Bridge Street, as shown in 'Figure 6.xx 56-60 Pitt Street and 3 Spring Street, Sydney – Setbacks – podium and tower indent zone' and 'Figure 6.xx 56-60 Pitt Street and 3 Spring Street, Sydney – Structure plan'. The Bridge Street plaza is to:
 - a. be dedicated to Council, open to the sky and in stratum to a depth of at least 2 metres below the adjacent footpath levels, to support landscaping and mature tree planting;
 - b. be designed to minimise changes in level while meeting the existing level conditions at adjoining publicly accessible land;
 - c. be clearly legible as public space, through the use of consistent materials and orientation of the podium and building entries, which shall be provided from Pitt Street. No lobby access is to be provided from the Bridge Street Plaza;
 - d. feature a visual connection with internal areas of the podium fronting the plaza through large areas of glazing to enable clear sight lines;
 - e. be of high quality materials in accordance with the City's Public Domain Code; and
 - f. deliver acceptable wind conditions consistent with the Wind Comfort Standard for Outdoor Dining as demonstrated by a quantitative wind effects report is to be submitted with a detailed development application.
2. All building frontages, including the through-site link shall maximise ground floor activation with retail or business premises as shown in 'Figure 6.xx 56-60 Pitt Street and 3 Spring Street, Sydney – Structure plan'.
3. A through-site link is to be provided from Pitt Street to the intersection of Gresham and Spring Streets as shown in 'Figure 6.xx 56-60 Pitt Street and 3 Spring Street, Sydney – Structure plan'. The design of the through-site link is to:
 - a. extend the east-west alignment of Abercrombie Lane to provide clear views and a pedestrian connection through the building;
 - b. be designed to respond to the change in elevation across the site while maintaining clear sightlines through the connection;
 - c. include fine-grain retail activation fronting both sides of the connection;
 - d. be publicly accessible at all times by way of a public access easement;
 - e. provide equitable access, with a minimum clear path of travel 6 metres wide;
 - f. stairs are required to be generously dimensioned and have a low gradient (eg 350mm going and 135mm rise for easy travel; and
 - g. provide a minimum clearance of 10 metres at the Pitt Street entry and 8 metres at the Gresham and Spring Street entry.

4. A single vehicle access point for the development is to be located on Pitt Street as shown in 'Figure 6.xx 56-60 Pitt Street and 3 Spring Street, Sydney – Structure plan'.
5. The building is to be planned and designed to accommodate future public domain upgrade works in adjacent streets, including footpath widening, pedestrian zones and associated stormwater works.

6.3.x.3 Development adjacent to heritage items

Objectives

- a. Ensure development demonstrates a sympathetic relationship with adjoining heritage-listed buildings.
- b. Ensure development complements the civic character of the Bridge Street/Macquarie Place/Bulletin Place Special Character Area.

Provisions

1. Consideration must be given to the impact of development on the significance, setting, landmark values and the ability to view and appreciate the former 'Department of Lands' building at 23-33 Bridge Street and the former 'Liverpool & London & Globe' building at 62 Pitt Street from the public domain.
2. The development is to respond to and maintain significant view corridors, particularly along Bridge Street and Spring Street.

6.3.x.4 Parking and vehicular access

Objectives

- a. Ensure future development minimises pedestrian and vehicle conflicts and disruption of traffic on public roads.

Provisions

1. Vehicular access to the basement is to be from Pitt Street only as indicated in 'Figure 6.xx 56-60 Pitt Street and 3 Spring Street, Sydney – Structure plan'.
2. The width of vehicle footpath crossover shall be minimised to reduce impact on pedestrian amenity.

6.3.x.5 Shared loading dock

Objectives

- a. To ensure the development provides adequate shared loading facilities for neighbouring retail and commercial premises to improve conditions in the public domain.

Provisions

1. The development is to provide a shared loading dock facility which is available for the use of nearby commercial and retail businesses.
2. The shared loading dock facility is to provide for at least 7 loading dock bays suitable for 1 Medium Rigid Vehicle (MRV) and 6 Small Rigid Vehicles (SRV). The supply of these bays must be provided in addition to the required loading provided for the development itself.
3. As a minimum, the hours of operation for the shared loading dock facility will be consistent with on-street advertised loading provisions on all adjacent streets.
4. Access must be provided between the shared loading dock facility and street level via goods lift during all hours of operation. The goods lift shall directly adjoin a publicly accessible area.
5. The shared loading dock facility is to operate in accordance a Loading Dock Management Plan approved by Council that outlines the systems and processes in place for managing booking

vehicle bays, access provisions (including after hours procedure) and details any security protocols and maintenance practices.

6.3.x.6 Design excellence strategy

Objective

- a. To ensure that development exhibits design excellence.

Provisions

1. An invited architectural design competition is to be undertaken in accordance with clause 6.21D of the Sydney Local Environmental Plan 2012 and the City of Sydney Competitive Design Policy.
2. The competition is to include:
 - a. no less than six competitors;
 - b. a minimum of 50% of competitors must be Australian based architects. For the purposes of being considered an 'Australian based architect', where a Competitor is a consortium, partnership or other joint authorship, the Australian local firm must be the principle/lead design architect;
 - c. at least one emerging architect or all competitors to be in partnership with emerging architects;
 - d. they meet a gender representation ratio of 40% male, 40 % female, and 20% any gender in their design team and leadership;
 - e. competitors with demonstrated capabilities in design excellence by being the recipient of an Australian Institute of Architects (AIA) commendation or award in the past 5 years or in the case of overseas Competitors, the same with their equivalent professional association; and
 - f. competitors with demonstrated experience on projects that have either received an environmental sustainability award or achieved high Green Star or NABERS Energy/Water ratings.
3. The jury is to comprise a total of six members, comprised of:
 - a. three jurors with architecture and urban design expertise nominated by the proponent including one independent member (a person who has no pecuniary interest, nor is a pending or contracted employee or consultant to the proponent);
 - b. three jurors nominated by the City of Sydney, who have no pecuniary interests in the development proposal or involvement in approval processes; and
 - c. at least one of the above members is to have sustainability expertise.
4. All floor space for the building is to be accommodated within the building envelope shown within 'Figure 6.xx 56-60 Pitt Street and 3 Spring Street, Sydney – Planning envelope massing' and 'Figure 6.xx 56-60 Pitt Street and 3 Spring Street, Sydney – Planning envelope elevations'.
5. No additional building height or floor space under clause 6.21D(3) (a) and (b) of Sydney Local Environmental Plan 2012 is to be awarded as a result of the competition.

6.3.x.7 Sustainability

Objectives

- a. Ensure development is consistent with Australian best practice performance benchmarks for ecologically sustainable development.

Provisions

1. For the purposes of Clause 7.33 in Sydney LEP 2012, development must be designed to meet the performance standards in Section 3.6: Ecologically Sustainable Development of this DCP and in particular, meet the requirements set out in the 'Applications submitted from 1 January 2026 onwards' column in Table 3.5, regardless of the development application lodgement date.
2. An operational and embodied carbon emissions integrated design options report must be prepared which demonstrates how operational and embodied carbon emissions have been minimised over the lifecycle of development through options analysis, including but not limited to, structural optimisation, with reference to an 8m x 8m column grid, to reduce material volumes, optimisation of use of low embodied carbon materials (including concrete that achieves at least 30% lower embodied carbon than Conventional Ordinary Portland Cement [OPC] concrete), and optimisation of external shading and window to wall ratios (benchmarked against a 50% ratio with high levels of shading, high R value and low embodied carbon wall construction). A draft report must be provided to competitors in the design competition.
3. Include substantial and effective external sun shading and low window to wall ratios to all facades of the tower. The design is to respond to each orientation and minimise the area of glazing exposed to sun during summer daylight hours (1 December to 1 March).

6.3.x.8 Public art

Objective

1. Incorporate high quality public art in the Bridge Street Plaza and other publicly accessible locations to contribute to the identity and amenity of the place.

Provisions

1. A coordinated public art and landscaping plan should guide the creation of a significant public artwork in the Bridge Street Plaza.
2. The 'Lady of Commerce' statue which was originally located on former Royal Exchange Building façade and is presently located at the entrance to the existing 56 Pitt Street building is to be retained as part of future development and displayed in a prominent public accessible location.

Attachment C

Voluntary Planning Agreement

Planning agreement

The Council of the City of Sydney ABN 22 636 550 790 and The Owners – Strata Plan No. 57509 and Dexus CPA Pty Ltd ABN 90 160 685 156

For 56 Pitt Street, 58 Pitt Street, 60 Pitt Street and 3 Spring Street, Sydney

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Annexure A – Transfer Land

Annexure B – Developer’s Works – Bridge Street Plaza

Annexure C – Logistics Hub

Annexure D – Through-site link easement for access and positive covenant

BETWEEN:

- (1) **The Council of the City of Sydney** ABN 22 636 550 790 of Town Hall House, 456 Kent Street, SYDNEY NSW 2000 (the **City**); and
- (2) **The Owners – Strata Plan No. 57509** c/- Dexus of Level 30, 50 Bridge Street, Sydney NSW 2000 (the **Current OC**);
- (3) **Dexus CPA Pty Ltd** ABN 90 160 685 156 of Level 30, 50 Bridge Street, Sydney NSW 2000 (the **Developer**).

BACKGROUND

- (A) The Current OC is the owner of the OC Land.
- (B) The Developer:
 - (1) is the owner of all of the lots in Strata Plan 57509, Lot 1 in DP222751, Lot 1 in DP558106 and Lots 3-5 in DP192236;
 - (2) intends to undertake the Development on the Land; and
 - (3) intends to cancel Strata Plan 57509.
- (C) On cancellation of the Strata Plan 57509, the Developer will be the owner of all of the Land.
- (D) The Developer has offered to enter into this document with the City to provide the Public Benefits on the terms of this document.

THE PARTIES AGREE AS FOLLOWS:

1. INTERPRETATION

1.1 Definitions

The following definitions apply in this document.

Act means the *Environmental Planning and Assessment Act 1979 (NSW)*.

Adverse Affectation has the same meaning as in Part 3 of Schedule 2 of the *Conveyancing (Sale of Land) Regulation 2022 (NSW)*.

Attributed Value means the value the City and the Developer agree is to be attributed to each element of the Public Benefits as at the date of this document, as set out in clause 1 of Schedule 3 of this document.

Authorisation means:

- (a) an approval, authorisation, consent, declaration, exemption, permit, licence, notarisation or waiver, however it is described, and including any condition attached to it; and

- (b) in relation to anything that could be prohibited or restricted by law if a Government Agency acts in any way within a specified period, the expiry of that period without that action being taken,

including any renewal or amendment.

Building Contract means the building contract pursuant to which the Logistics Hub is constructed.

Business Day means a day (other than a Saturday, Sunday or public holiday) on which banks are open for general banking business in Sydney, Australia.

City Land means land that is owned or under the care, control or management of the City and includes land that is intended to be transferred or dedicated to the City under this document. Land owned by the City includes land classified as operational or community land, including public reserves. Land under the City's care and control and management includes Crown land, roadways (including footpaths) and third-party owned land where the City has been granted tenure.

City's Policies means all policies and procedures relevant to the provision of the Public Benefits, as notified by the City in writing to the Developer.

City's Representative means the person named in Item 3 of Schedule 1 or his/her delegate.

Commercial Premises means any of the following:

- (a) Business premises;
- (b) Office premises; and
- (c) Retail premises.

Commitment Agreement is an agreement between the NABERS National Administrator, the Office of Environment and Heritage NSW (OEH) and the Developer to design, build and commission the premises to achieve the applicable NABERS Energy star rating as described in Schedule 3 and otherwise has the meaning attributed to 'Commitment Agreement' under NABERS.

Confidential Information means:

- (a) information of a party (**disclosing party**) that is:
 - (i) made available by or on behalf of the disclosing party to the other party (**receiving party**), or is otherwise obtained by or on behalf of the receiving party; and
 - (ii) by its nature confidential or the receiving party knows, or ought reasonably to know, is confidential.

Confidential Information may be made available or obtained directly or indirectly, and before, on or after the date of this document.

Confidential Information does not include information that:

- (a) is in or enters the public domain through no fault of the receiving party or any of its officers, employees or agents;
- (b) is or was made available to the receiving party by a person (other than the disclosing party) who is not or was not then under an obligation of confidence to the disclosing party in relation to that information; or
- (c) is or was developed by the receiving party independently of the disclosing party and any of its officers, employees or agents.

Construction Certificate has the same meaning as in the Act.

Construction Issued Regulated Design means, in respect of the Developer's Works, the Public Art and the Logistics Hub, a "construction issued regulated design" as that term is defined in the DBP Regulation.

Contamination has the meaning given to that word in the *Contaminated Land Management Act 1997* (NSW).

Corporations Act means the *Corporations Act 2001* (Cth).

DBP Act means the *Design and Building Practitioners Act 2020* (NSW).

DBP Regulation means the *Design and Building Practitioners Regulation 2021* (NSW).

Dealing means selling, transferring, assigning, novating, mortgaging, charging, or encumbering and, where appearing, **Deal** has the same meaning.

Defect means any error, omission, defect, non-conformity, discrepancy, shrinkage, blemish in appearance or other fault in the Public Benefits (but excluding the Logistics Hub) or any other matter which prevents the Public Benefits (but excluding the Logistics Hub) from complying with the terms of this document.

Design Compliance Declaration means, in respect of the Developer's Works, the Public Art and the Logistics Hub, a "design compliance declaration" as that term is defined in the DBP Act.

Developer's Representative means the person named in Item 4 of Schedule 1 or his/her delegate.

Developer's Works means those parts of the Public Benefit described as "Developer's Works" in clause 1 of Schedule 3, to be delivered by the Developer in accordance with this document.

Developer's Works Completion means the point at which:

- (a) the Developer's Works are complete except for minor defects:
 - (i) the existence of which do not prevent the Developer's Works being reasonably capable of being used for their intended purpose;
 - (ii) which the Developer has grounds for not promptly rectifying; and

- (iii) rectification of which will not adversely affect the immediate and convenient use of the Developer's Works for their intended purpose; and
- (b) to the extent the RAB (CEP) Act or the DBP Act (as applicable) applies to the Developer's Works, the Developer has obtained and submitted all Occupation Certificate(s) for the Developer's Works to the City (and such Occupation Certificates are not invalid by reason of the RAB (CEP) Act or the DBP Act) (as applicable).

Developer's Works Completion Notice means a notice issued by the Developer in accordance with clause 6.3.

Developer's Works Defects Liability Period means in the period of 12 months from the date on which the Developer's Works reach Developer's Works Completion.

Development means the development of the Land by the Developer described at Item 2 of Schedule 1.

Development Application means the development application identified in Item 5 of Schedule 1 and includes all plans, reports models, photomontages, material boards (as amended supplemented) submitted to the consent authority before the determination of that Development Application.

Development Consent means the consent granted to the Development Application for the Development and includes all modifications made under section 4.55 of the Act.

Dispute means any dispute or difference between the parties arising out of, relating to or in connection with this document, including any dispute or difference as to the formation, validity, existence or termination of this document.

Easement for Public Access and Positive Covenant means an easement for public access and positive covenant burdening the Land and benefiting the City on the terms specified in Annexure D.

Energy Efficient Review means an independent design review undertaken by a NABERS Certified Independent Design Reviewer in accordance with NABERS requirements.

Environmental Commitments means those parts of the Public Benefits described as "Environmental Commitments" in clause 1 of Schedule 3, to be delivered by the Developer in accordance with this document.

Environmental Laws means all laws and legislation relating to environmental protection, building, planning, health, safety or work health and safety matters and includes the following:

- (a) the *Work Health and Safety Act 2011 (NSW)*;
- (b) the *Protection of the Environment Operations Act 1997 (NSW)*; and
- (c) the *Contaminated Land Management Act 1997 (NSW)*.

Estimated Development Cost (**EDC**) means: the cost calculated in accordance with section 6 of the Regulation.

Government Agency means:

- (a) a government or government department or other body;
- (b) a governmental, semi-governmental or judicial person; or
- (c) a person (whether autonomous or not) who is charged with the administration of a law.

Green Star Buildings means the sustainability rating tool for new buildings that is managed by the Green Building Council of Australia.

Gross Floor Area has the meaning given to that term in the *Sydney Local Environment Plan* in effect at the date of this document.

GST means the same as in the GST Act.

GST Act means *A New Tax System (Goods and Services Tax) Act 1999* (Cth).

Guarantee means a bank guarantee or documentary performance bond for the Guarantee Amount which must:

- (a) be denominated in Australian dollars;
- (b) be an unconditional undertaking;
- (c) be signed and issued by a bank licensed to carry on business in Australia, an Australian Prudential Regulation Authority (APRA) regulated authorised deposit taking institution or an insurer authorised by APRA to conduct new or renewal insurance business in Australia having at all times an investment grade security rating from an industry recognised rating agency of at least:
 - (i) BBB + (Standard & Poors and Fitch);
 - (ii) Baa 1 (Moody's); or
 - (iii) Bbb (Bests);
- (d) be issued on behalf of the Developer;
- (e) have no expiry or end date;
- (f) state the beneficiary as the City;
- (g) be irrevocable;
- (h) state the Guarantee Amount as the minimum amount required by this document to be lodged as security;
- (i) state the purpose of the security as required in accordance with this document; and
- (j) be on such other terms approved by the City.

Guarantee Amount(s) means the total amount listed in Item 6 of Schedule 1 of this document.

Guarantee Amount(s) Due Date means the date or milestone by which the Developer must provide the Guarantee Amount to the City, set out at Item 7 of Schedule 1.

Index Number means the Consumer Price Index (Sydney all groups) published by the Australian Bureau of Statistics from time to time.

Insolvency Event means:

- (a) having a controller, receiver, manager, administrator, provisional liquidator, liquidator or analogous person appointed;
- (b) an application being made to a court for an order to appoint a controller, provisional liquidator, trustee for creditors or in bankruptcy or analogous person to the person or any of the person's property
- (c) the person being taken under section 459F(1) of the Corporations Act to have failed to comply with a statutory demand;
- (d) an application being made to a court for an order for its winding up;
- (e) an order being made, or the person passing a resolution, for its winding up;
- (f) the person:
 - (i) suspending payment of its debts, ceasing (or threatening to cease) to carry on all or a material part of its business, stating that it is unable to pay its debts or being or becoming otherwise insolvent; or
 - (ii) being unable to pay its debts or otherwise insolvent;
- (g) the person taking any step toward entering into a compromise or arrangement with, or assignment for the benefit of, any of its members or creditors;
- (h) a court or other authority enforcing any judgment or order against the person for the payment of money or the recovery of any property; or
- (i) any analogous event under the laws of any applicable jurisdiction,

unless this takes place as part of a solvent reconstruction, amalgamation, merger or consolidation that has been approved by the other party.

Instrument Change means an amendment to the *Sydney Local Environment Plan 2012* in accordance with the Planning Proposal.

Instruments means the instruments required to create:

- (a) the Easement for Public Access and Positive Covenant: and
- (b) the Logistics Hub Affectations.

Land means the land described in Item 1 of Schedule 1 of this document.

Laws means all applicable laws, regulations, industry codes and standards, including all Environmental Laws.

Logistics Hub Affectations means:

- (a) a public positive covenant under section 88E of the Conveyancing Act burdening the relevant part of the Land and benefiting the City imposing obligations on the owner of the relevant part of the Land from time to time in relation to the operation and maintenance of the Logistics Hub consistent with the Plan of Management and otherwise on terms and conditions acceptable to the Developer and the City both acting reasonably; and
- (b) a right of carriageway or rights of carriageway benefiting the City and enabling the public to access and use the Logistics Hub on terms required by the City acting reasonably.

Logistics Hub Completion means the point at which:

- (a) practical completion of the Logistics Hub is achieved under the Building Contract;
- (b) the Developer has obtained and submitted all Occupation Certificate(s) for the Logistics Hub to the City; and
- (c) to the extent the RAB (CEP) Act or the DBP Act (as applicable) applies to the Logistics Hub, the Developer has obtained and submitted all Occupation Certificates(s) for the Logistics Hub to the City (and such Occupation Certificates are not invalid by reason of the RAB (CEP) Act or the DBP Act) (as applicable).

Logistics Hub Defect means any error, omission, defect, non-conformity, discrepancy or other fault in the Logistics Hub which prevents the Logistics Hub from complying with the terms of this document.

Logistics Hub Defects Liability Period means in relation to the Logistics Hub, the period of 12 months from the date that Logistics Hub Completion is achieved.

NABERS mean the National Australian Built Environment Rating System that measures the environmental performance of Australian buildings, tenancies and homes and is managed nationally by the Department of Planning, Housing and Infrastructure. On behalf of the commonwealth, state and territory governments

Occupation Certificate has the same meaning as in the Act.

OC Land means that part of the Land owned by the Current OC and described in Item 1 of Schedule 1.

Operational means that:

- (a) any (and all) Logistics Hub Defects as at the date the Logistics Hub Completion was reached have been rectified; and

- (b) the City has provided notice to the Developer confirming that the Logistics Hub is Operational pursuant to a cl 6.8(a)(i) or the Logistics Hub is determined to be Operational pursuant to the resolution of a clause 11 dispute (as relevant).

Operational Notice means a notice issued by the Developer in accordance with clause 6.7.

Personal Information means:

- (a) personal information within the meaning of the *Privacy and Personal Information Protection Act 1998* (NSW);
- (b) health information within the meaning of the *Health Records and Information Privacy Act 2002* (NSW); and
- (c) any information which does not fall within the scope of paragraphs (a) and (b) above, but is personal information within the meaning of the *Privacy Act 1988* (Cth).

Personnel means the Developer's officers, employees, agents, contractors or subcontractors.

Plan of Management means a plan of management for the establishment, ongoing use, management and maintenance of the Logistics Hub as referred to in Annexure C.

Planning Proposal means the planning proposal for the Land which received Gateway Determination from the Department of Planning, Housing and Infrastructure on 21 November 2024 (PP-2024-949).

Privacy Laws means the *Privacy Act 1988* (Cth), the *Privacy and Personal Information Protection Act 1998* (NSW), the *Health Records and Information Privacy Act 2002* (NSW); the *Spam Act 2003* (Cth), the *Do Not Call Register Act 2006* (Cth) and any other applicable legislation, regulations, guidelines, codes and the City's Policies relating to the handling of Personal Information.

Public Art means that part of the Public Benefit described as the "Public Art Contribution" in clause 1 of Schedule 3, to be delivered by the Developer in accordance with this document.

Public Art Completion means the point at which the Public Art is complete except for minor defects:

- (a) the existence of which does not prevent the Public Art being reasonably capable of being used for its intended purpose;
- (b) which the Developer has grounds for not promptly rectifying;
- (c) rectification of which will not affect the immediate and convenient use of the Public Art for its intended purpose; and
- (d) to the extent the RAB (CEP) Act or the DBP Act (as applicable) applies to the Developer's Works, the Developer has obtained and submitted all

Occupation Certificate(s) for the Developer's Works to the City (and such Occupation Certificates are not invalid by reason of the RAB (CEP) Act or the DBP Act) (as applicable).

Public Art Completion Notice means a notice issued by the Developer in accordance with clause 6.2.

Public Art Defects Liability Period means in the period of 12 months from the date on which the Public Art reaches Public Art Completion.

Public Benefits means the provision of benefits to the community by the Developer in the form and at the times specified in Schedule 3.

Quantity Surveyor means a qualified independent and practising quantity surveyor with at least five years' experience in the assessment of building and construction costs.

Quantity Surveyor's Assessment means the assessment by the Quantity Surveyor of the cost to deliver the Developer's Works.

RAB (CEP) Act means the *Residential Apartment Buildings (Compliance and Enforcement Powers) Act 2020* (NSW).

RAB (CEP) Regulation means the *Residential Apartment Buildings (Compliance and Enforcement Powers) Regulation 2020* (NSW).

Regulated Design means, in respect of the Developer's Works, the Logistics Hub and the Public Art "regulated design" as that term is defined in the DBP Act.

Regulation means the *Environmental Planning and Assessment Regulation 2021* (NSW).

Standards means the policies, procedures and standards for carrying out the Developer's Works and Logistics Hub, listed non-exhaustively at clause 8 of Schedule 3.

Strata Plan No. 57509 means the freehold strata scheme that comprises part of the Land, that is in effect as at the date of this document and subject to the *Strata Schemes Development Act 2015* (NSW) and the *Strata Schemes Management Act 2015* (NSW).

Subdivision of Land has the same meaning as in the Act.

Tax means a tax, levy, duty, rate, charge, deduction or withholding, however it is described, that is imposed by law or by a Government Agency, together with any related interest, penalty, fine or other charge.

Transfer Land means land forming part of the Public Benefit that is to be either dedicated or transferred to the City in accordance with Schedule 3 of this document.

WELL means the building standard for creating and certifying spaces that advance human health and well-being and is managed by the International WELL Building Institute.

1.2 Rules for interpreting this document

Headings are for convenience only, and do not affect interpretation. The following rules also apply in interpreting this document, except where the context makes it clear that a rule is not intended to apply.

- (a) A reference to:
 - (i) a legislative provision or legislation (including subordinate legislation) is to that provision or legislation as amended, reenacted or replaced, and includes any subordinate legislation issued under it;
 - (ii) a document (including this document) or agreement, or a provision of a document (including this document) or agreement, is to that document, agreement or provision as amended, supplemented, replaced or novated;
 - (iii) a party to this document or to any other document or agreement includes a permitted substitute or a permitted assign of that party;
 - (iv) a person includes any type of entity or body of persons, whether or not it is incorporated or has a separate legal identity, and any executor, administrator or successor in law of the person; and
 - (v) anything (including a right, obligation or concept) includes each part of it.
- (b) A singular word includes the plural, and vice versa.
- (c) A word which suggests one gender includes the other genders.
- (d) If a word or phrase is defined, any other grammatical form of that word or phrase has a corresponding meaning.
- (e) If an example is given of anything (including a right, obligation or concept), such as by saying it includes something else, the example does not limit the scope of that thing.
- (f) A reference to **including** means “including, without limitation”.
- (g) A reference to **dollars** or **\$** is to an amount in Australian currency.
- (h) A reference to **this document** includes the agreement recorded by this document.
- (i) Words defined in the GST Act have the same meaning in clauses about GST.
- (j) This document is not to be interpreted against the interests of a party merely because that party proposed this document or some provision in it or because that party relies on a provision of this document to protect itself.

2. APPLICATION OF THE ACT AND THE REGULATION

2.1 Application of this document

This document is a planning agreement within the meaning of section 7.4 of the Act and applies to:

- (a) the Land; and
- (b) the Instrument Change.

2.2 Public Benefits to be made by Developer

Clause 5 and Schedule 3 set out the details of the:

- (a) Public Benefits to be delivered by the Developer;
- (b) time or times by which the Developer must deliver the Public Benefits; and
- (c) manner in which the Developer must deliver the Public Benefits.

2.3 Application of sections 7.11, 7.12 and 7.24 of the Act

- (a) The application of sections 7.11, 7.12 and 7.24 of the Act are excluded to the extent set out in Items 5 and 6 of Schedule 2 to this document.

2.4 City rights

This document does not impose an obligation on the City to:

- (a) grant Development Consent for the Development; or
- (b) exercise any function under the Act in relation to a change to an environmental planning instrument, including the making or revocation of an environmental planning instrument.

2.5 Explanatory note

The explanatory note prepared in accordance with clause 205 of the Regulation must not be used to assist in construing this document.

3. OPERATION OF THIS PLANNING AGREEMENT

3.1 Commencement

This document will commence on the date this document is executed by all parties. However, the obligations contained within clause 5 and Schedule 3, clauses 6 and 8, do not come into effect until the date of the Instrument Change.

3.2 Effect of termination of Strata Plan No. 57509

In the event the Registrar-General of the NSW Land Registry Services makes an order terminating Strata Plan No. 57509 pursuant to the *Strata Schemes Development Act 2015* (NSW):

- (a) the Developer must promptly notify the City's Representative in writing of the termination order and must include in that notice:
 - (i) evidence of the making and recording of the termination order by the Registrar-General of the NSW Land Registry Services;
 - (ii) copies of the new folio(s) for the Land created by the Registrar-General of the NSW Land Registry Services; and
- (b) from the date the termination order takes effect:
 - (i) this document is varied by deleting The Owners - Strata Plan No. 57509 as a party; and
 - (ii) this document otherwise continues in full force and effect.

4. **WARRANTIES**

4.1 **Mutual warranties**

Each party represents and warrants that:

- (a) **(power)** it has full legal capacity and power to enter into this document and to carry out the transactions that it contemplates;
- (b) **(corporate authority)** it has taken all corporate action that is necessary or desirable to authorise its entry into this document and to carry out the transactions contemplated;
- (c) **(Authorisations)** it holds each Authorisation that is necessary or desirable to:
 - (i) enable it to properly execute this document and to carry out the transactions that it contemplates;
 - (ii) ensure that this document is legal, valid, binding and admissible in evidence; or
 - (iii) enable it to properly carry on its business as it is now being conducted, and it is complying with any conditions to which any of these Authorisations is subject;
- (d) **(documents effective)** this document constitutes its legal, valid and binding obligations, enforceable against it in accordance with its terms (except to the extent limited by equitable principles and laws affecting creditors' rights generally), subject to any necessary stamping or registration;
- (e) **(solvency)** there are no reasonable grounds to suspect that it will not be able to pay its debts as and when they become due and payable; and
- (f) **(no controller)** no controller is currently appointed in relation to any of its property, or any property of any of its subsidiaries.

4.2 **Developer warranties**

- (a) The Current OC warrants to the City that, at the date of this document it is the registered proprietor of the OC Land which forms part of the Land;
- (b) The Developer warrants to the City that, at the date of this document:
 - (i) it is the registered proprietor of the Land excluding the OC Land;
 - (ii) it is legally entitled to obtain all consents and approvals that are required by this document and do all things necessary to give effect to this document;
 - (iii) all work performed by the Developer and the Personnel under this document will be performed with due care and skill and to a standard which is equal to or better than that which a well experienced person in the industry would expect to be provided by an organisation of the Developer's size and experience; and
 - (iv) it is not aware of any matter which may materially affect the Developer's ability to perform its obligations under this document.
- (c) The Developer warrants to the City that, prior to commencing delivery of the Public Benefits it will have obtained all Authorisations and insurances required under any Law to carry out its obligations under this document.

5. **PUBLIC BENEFITS**

5.1 **Developer to provide Public Benefits**

The Developer must, at its cost and risk, provide the Public Benefits to the City in accordance with this document, all Laws and Standards, and the Development Consent. The Developer must use best endeavours to achieve those Environmental Commitments expressed as 'Targets' which are part of the Public Benefits. If the 'Targets' cannot be achieved clause 7.1(b) of Schedule 3 applies.

5.2 **Maintenance of Developer's Works**

- (a) In this clause 5.2, the following definitions apply:

Maintain means to carry out works required by the Maintenance Schedule or to carry out works to bring an item to a state of condition as specified by the Maintenance Schedule. It does not include removing graffiti or repairing any item damaged as a consequence of vandalism. **Maintained** and **Maintenance** have corresponding meanings.

Maintenance Period is the period of 12 months from the date on which the Developer's Works reach Developer's Works Completion.

Maintenance Schedule means the schedule of proposed Maintenance works as listed in Annexure B under the heading 'Maintenance of Developer's Works'.

- (b) The Developer's Works must be Maintained by the Developer during the Maintenance Period in accordance with the Maintenance Schedule.

- (c) The Developer must follow the City's Policies and obtain and comply with all Authorisations necessary to carry out the Maintenance required under this clause 5.2.
- (d) If, during the Maintenance Period:
 - (i) the Developer fails to materially comply with the approved Maintenance Schedule and does not rectify that failure within 15 Business Days of being notified of that failure by the City or within a reasonable period of time agreed between the parties; or
 - (ii) the City becomes aware urgent Maintenance is required to ensure public safety or avoid damage or loss to the public or property, and the Developer fails to respond and carry out the Maintenance immediately after the City notifying it,

the City may, by itself, its employees, contractors or agents, carry out the required works and may recover as a debt due and owing to the City, any difference between the amount of the Guarantee and the costs incurred by the City in carrying out the Maintenance work.

6. **COMPLETION**

6.1 **Date of Completion**

The Developer must ensure that the Developer's Works, the Public Art and the Logistics Hub reach Completion (Developer's Works Completion, Public Art Completion and Logistics Hub Completion) on or before the relevant date or relevant milestone referred to in clause 1 of Schedule 3 of this document.

6.2 **Developer Completion Notice for Public Art**

- (a) When, in the reasonable opinion of the Developer, the Public Art has reached Public Art Completion, the Developer must notify the City's Representative in writing and must include in that notice:
 - (i) in relation to the Public Art prior to the issue of the relevant Occupation Certificate for the Development:
 - (A) a statement that the Public Art installation has been completed;
 - (B) a copy of the draft Final Public Art Report (Final Report) in electronic format for the approval of the City;
 - (C) copies of any warranties, guarantees, maintenance information or other material in the possession of the Developer reasonably required for the City to assume responsibility for the Public Art on City Land; and
 - (D) copies of any warranties, contractual arrangements, guarantees, insurance policies or other evidence that Public Art not installed on City Land will be adequately maintained during the Public Art Defects Liability Period (if applicable).

(**Public Art Completion Notice**). For the avoidance of doubt, the Developer can issue separate Public Arts Completion Notices at separate times for different elements of the Public Art, however the Developer must ensure that Public Art Completion is achieved for the Public Art before the due date specified in Item 1 of Schedule 3

- (b) If the City has elected not to take ownership of the Public Art, the Developer must enter into an agreement with the City for the installation of the Public Art on the City Land in accordance with clause 4.2(b)(ii) of Schedule 3.

6.3 **Developer completion notice for Developer's Works**

When, in the reasonable opinion of the Developer, the Developer's Works have reached Developer's Works Completion, and all hold points inspections have been approved by the City, the Developer must notify the City's Representative in writing and must include in that notice:

- (a) a statement from the person with direct responsibility and supervision of that work that in their opinion the Developer's Works have reached Developer's Works Completion;
- (b) copies of any warranties, guarantees, maintenance information or other material reasonably required for the City to assume responsibility for the Developer's Works; and
- (c) at least two sets of the "as built" drawings of the Developer's Works, including one set in electronic format, prepared in accordance with the City's Public Domain Manual and Technical Specifications or other policies as applicable,

(**Developer's Works Completion Notice**). For the avoidance of doubt, the Developer can issue separate Developer's Works Completion Notices at separate times for different elements of the Developer's Works, however the Developer must ensure that Developers Works Completion is achieved for the Developer's Works before the due date specified in Item 1 of Schedule 3.

6.4 **Inspection by the City**

- (a) The City's Representative must inspect the Developer's Works and/or the Public Art within 5 Business Days of the date that the Public Arts Completion Notice and/or the Developer's Works Completion Notice for the respective component is received by the City. The City's Representative may refuse to complete the inspection until the Public Art Completion Notice and/or the Developer's Works Completion Notice has been issued with all required documentation attached in accordance with clauses 6.2 and 6.3. Within 10 Business Days of the date of the inspection by the City's Representative, the City must by written notice to the Developer:
 - (i) state that Developer's Works Completion or Public Art Completion has been achieved;
 - (ii) state that Developer's Works Completion or Public Art Completion has not been achieved and, if so, identify the Defects, errors or omissions

which, in the opinion of the City's Representative, prevent Developer's Works Completion or Public Art Completion; or

- (iii) if, having received a notice in writing under clause 6.10(a), the City agrees to the non-completion of the Developer's Works or Public Art, state that the part of the Developer's Works or Public Art the subject of the request is not required .
- (b) Nothing in this clause 6.4, or any notice issued under this clause 6.4, will:
 - (i) reduce or waive in any manner the Developer's responsibility to:
 - (A) deliver the Developer's Works or the Public Art in accordance with this document; or
 - (B) the Developer's responsibility to correct Defects, errors or omissions, whether or not these are identified by the City; or
 - (ii) create any liability for the City in relation to any defective aspect of the Developer's Works or the Public Art.

6.5 **Developer Completion Notice for Logistics Hub**

- (a) When, in the reasonable opinion of the Developer, construction of the Logistics Hub is about to reach Logistics Hub Completion, the Developer must notify the City's Representative in writing, with such notice to include a statement from the superintendent under the Building Contract that, in their opinion the Logistics Hub is about to reach Completion (**Logistics Hub Completion Notice**).
- (b) The City must procure that the City's Representative inspects the Logistics Hub within 5 Business Days of the date that the Logistics Hub Completion Notice is received by the City. Within 5 Business Days of the date of the inspection by the City's Representative, the City may (acting reasonably) notify the Developer in writing if any of the requirements in the following clauses of Annexure C have not been met:
 - (i) clause 1(a);
 - (ii) clause (c); and
 - (iii) clause 1(h).
- (c) If a notice is issued by the City pursuant to clause 6.5(b), the Developer must promptly take all action required to meet the relevant requirements.
- (d) If the Developer disputes a notice served by the City pursuant to clause 6.5(b), such dispute will be resolved pursuant to clause 11.

6.6 **Logistics Hub becomes Operational**

The Developer must ensure that the Logistics Hub is Operational on or before the date or milestone referred to in paragraph 4 of the table in clause 1 of Schedule 3 of this document.

6.7 **Operational Notice**

When, in the reasonable opinion of the Developer, the Logistics Hub is about to become Operational, the Developer must notify the City's Representative in writing, with such notice to include:

- (a) a statement from the Developer that, in the Developer's opinion the Logistics Hub is about to become Operational;
- (b) copies of any warranties, guarantees, maintenance information or other material reasonably required for the City to confirm that the Logistics Hub is Operational; and
- (c) one set of the "as built" drawings of the Logistics Hub in electronic format, **(Operational Notice)**.

6.8 **Inspection of the Logistics Hub by the City**

- (a) The City must procure that the City's Representative inspects the Logistics Hub within 5 Business Days of the date that the Operational Notice is received by the City. Within 5 Business Days of the date of inspection by the City's Representative, the City must (acting reasonably) by written notice to the Developer:
 - (i) state that the Logistics Hub is Operational;
 - (ii) state that the Logistics Hub is not Operational and, if so, identify the Logistics Hub Defects, errors or omissions which, in the reasonable opinion of the City's Representative, prevent the Logistics Hub from becoming Operational; or
 - (iii) if, having received a notice in writing under clause 6.10(a), the City agrees to the non-completion of the Logistics Hub, state that the part of the Logistics Hub the subject of the request is not required.
- (b) If the Developer disputes a notice issued by the City pursuant to clause 6.8(a), such dispute will be resolved pursuant to clause 11.
- (c) Nothing in this clause 6.8, or any notice issued under this clause 6.8, will:
 - (i) reduce or waive in any manner the Developer's responsibility to:
 - (A) deliver the Logistics Hub in accordance with this document; or
 - (B) the Developer's responsibility to correct Logistics Hub Defects, errors or omissions, whether or not these are identified by the City; or
 - (ii) create any liability for the City in relation to any defective aspect of the Logistics Hub.

6.9 **Environmental Commitment Notice**

When, in the reasonable opinion of the Developer, the following Environmental Commitments, or as otherwise agreed in accordance with Clause 7.1(b) of Schedule 3, have been achieved, the Developer must notify the City's Representative in writing and must include in that notice evidence that:

- (i) the NABERS Energy Rating for Office (Base Building) has been achieved;
- (ii) the Building Rating with the Green Building Council of Australia has been achieved;
- (iii) the building is using 100% electricity, using 100% renewable energy and can be carbon neutral in operation, and
- (iv) the following Environmental Commitments expressed as targets have been achieved:
 - (A) 4 star NABERS Waste Rating for Office (Base Building);
 - (B) Well Core Platinum Office.
 - (C) 6 Star NABERS Energy Rating for Office (Base Building); and
 - (D) 4.5 star NABERS Water Rating for Office (Whole Building).

Where an Environmental Commitment expressed as a target, or as otherwise agreed in accordance with clause 7.1(b) of Schedule 3, has not been achieved, despite being designed and constructed to be capable of the rating, the Developer must notify the City's Representative and include in that notice details (and supporting documentation from the International WELL Building Institute (IWBI) and the National Administrator for the NABERS program, as applicable) regarding why the Environmental Commitment was not achieved.

Provided, the Developer has designed and constructed the relevant part of the Development to be capable of achieving the relevant Target rating and despite this:

- (a) the Target rating has not been achieved; and
- (b) the Developer has complied with the requirements of clause 7.1(b) of Schedule 3,

the parties agree that the Public Benefits described as Targets in clause 1 Schedule 3 have been achieved for the purposes of this document.

6.10 **Non-completion of Public Benefits**

- (a) If the Developer makes a request by notice in writing not to complete the Public Benefits (or any part of the Public Benefits):
 - (i) the City may permit the Developer not to complete the Public Benefits (or any part of the Public Benefits) by issuing a notice in writing to the Developer stating that completion of the items identified in that notice

is not required to fulfil the Developer's obligations under this document; and

- (ii) the City may make a claim on the Guarantee in such amount as the City considers necessary to complete the portion of Public Benefit not being delivered by the Developer.
- (b) If the Developer fails to complete the whole of the Public Benefits in the form and to the standards required under the Development Consent or this document then the City may either:
- (i) complete the Public Benefits itself, including by exercising its right to compulsorily acquire the Transfer Land in accordance with clause 10.6 of this document; or
 - (ii) modify the Public Benefits to reasonably achieve the objectives identified in the Development Consent and this document,
 - (iii) and may recover all costs of and reasonably incidental to that work from the Developer. The City can claim on the Guarantee in order to exercise this right, in which case the provisions of clause 10 will apply. To the extent that the City's costs exceed the amount of the Guarantee, the City can recover this amount from the Developer as a debt due and owing to the City; and/or
 - (iv) by written notice, require the Developer to pay to the City within 20 Business Days after the date of service of the notice, the costs expended by the City to provide alternative facilities in the vicinity of the Land equivalent to the Logistics Hub.
- (c) If the City exercises its rights under this clause 6.8 to complete the Public Benefits, the Developer grants the City a licence for the period necessary for the City to access the Land to carry out, or procure the carrying out, of the Public Benefits and, to the extent the DBP Act or the RAB (CEP) Act applies to the Developer's Works, the Developer must provide all required assistance to the City to enable the City to comply with the DBP Act and the RAB (CEP) Act (as applicable). .

7. INDEMNITY

The Developer indemnifies the City against all damage, expense, loss or liability of any nature suffered or incurred by the City arising from any act or omission by the Developer (or any Personnel) in connection with the performance of the Developer's obligations under this document, except to the extent the damage, expense, loss or liability suffered or incurred is caused by, or contributed to by, any wilful or negligent act or omission of the City (or any person engaged by the City).

8. DEFECTS LIABILITY

8.1 Security for Developer's Works Defects Liability Period, Public Art Defects Liability Period and Logistics Hub Defects Liability Period

Until the expiry of the Developer's Works Defects Liability Period and/or the Public Art Defects Liability Period and/or the Logistics Hub Defects Liability Period, as applicable, the City may retain from the Guarantee an amount equal to 10% of:

- (a) the respective Attributed Value of:
 - (i) the Developer's Works until the expiry of the Developer's Works Defects Liability Period;
 - (ii) Public Art until the expiry of the Public Art Defects Liability Period; or
- (b) the Guarantee Amount of the Logistics Hub until the expiry of the Logistics Hub Defects Liability Period,

as security for the Developer's performance of its obligations under this clause 8. The Developer must make any necessary arrangements to allow the provision of the Guarantee for the Developer's Works Defects Liability Period, the Public Art Defects Liability Period and the Logistics Hub Defects Liability Period in accordance with this clause.

8.2 Defect in the Public Benefits

- (a) If:
 - (i) the Developer is in breach of clause 4.2 of this document; or
 - (ii) the City notifies the Developer of a Defect in the Public Benefits within the Developer's Works Defects Liability Period or the Public Art Defects Liability Period, as applicable, or a Logistics Hub Defect within the Logistics Hub Defects Liability Period,

then, following written notice from the City, the Developer must promptly correct or replace (at the Developer's expense) the defective elements of the Public Benefits.
- (b) If the Developer is unable or unwilling to comply with clause 8.2(a), or fails to rectify the Defect and/or the Logistics Hub Defect within three months of receiving notice from the City under clause 8.2(a), the City may:
 - (i) rectify the Defect or the Logistics Hub Defect itself;
 - (ii) make a claim on the Guarantee in accordance with clause 10 for the reasonable costs of the City in rectifying the Defect or the Logistics Hub Defect; and
 - (iii) to the extent the costs incurred to rectify the Defect or Logistics Hub Defect exceeds the Guarantee, recover the reasonable costs from the Developer as a debt due and owing to the City.

- (c) If the City requires access to the Land to rectify any Defect or Logistics Hub Defect, the Developer grants the City and its contractors a licence for such period as is necessary for the City and its contractors to access the Land to carry out, or procure the carrying out, of the rectification works.

9. REGISTRATION AND CAVEAT

9.1 Registration of this document

- (a) The Developer and the Current OC:
 - (i) consent to the registration of this document at the NSW Land Registry Services on the certificate of title to the Land including the OC Land;
 - (ii) warrant that they will obtain all consents to the registration of this document on the certificate of title to the Land including the OC Land; and
 - (iii) must within 10 Business Days of a written request from the City do all things necessary to allow the City to register this document on the certificate of title to the Land including the OC Land, including but not limited to:
 - (A) producing any documents or letters of consent required by the Registrar-General of the NSW Land Registry Services; and
 - (B) providing the City with payment for registration, electronic lodgement and requisition fees (where applicable) required for registration of this document at NSW Land Registry Services.
 - (iv) The Developer and the Current OC must act promptly in complying with and assisting to respond to any requisitions raised by the NSW Land Registry Services that relate to registration of this document.

9.2 Release of this document

- (a) If the City is satisfied that the Developer has provided all Public Benefits and otherwise complied with this document then the City must promptly do all things reasonably required to remove this document from the certificate of title to the Land.
- (b) The Developer must, within 10 Business Days of a written request from the City, do all things necessary to allow the City to comply with clause 9.2(a), including but not limited to:
 - (A) producing any documents or letters of consent required by the Registrar-General of the NSW Land Registry Services; and
 - (B) providing the City with payment for registration, lodgement and requisition fees (where applicable) required for removal of this document from the certificate of title to the Land by NSW Land Registry Services.

10. ENFORCEMENT

10.1 Developer to provide Guarantee

The Developer must deliver the Guarantee for the Guarantee Amount to the City by the Guarantee Amount Due Date.

10.2 Adjustment of Guarantee Amount

- (a) Subject to clause 10.2(b), following each anniversary of the date of the Guarantee (the "Adjustment Date") and at any time prior to the expiry of the Defects Liability Period, the Guarantee Amounts are to be adjusted to a revised amount by applying the following formula:

$$\mathbf{RGA} = \mathbf{GA} \times (\mathbf{A/B})$$

where:

RGA is the revised guarantee amount applicable from the relevant Adjustment Date

GA is the Guarantee Amount that is current on the relevant Adjustment Date

A is the Index Number most recently published before the relevant Adjustment Date

B is the Index Number most recently published:

- (i) before the date of the Guarantee for the first Adjustment Date; and
- (ii) before the preceding Adjustment Date for every subsequent Adjustment Date

If after the formula is applied the revised Guarantee Amount will be less than the amount held at the preceding Adjustment Date, the Guarantee Amount will not be adjusted.

- (b) If the Guarantee Amount is adjusted under clause 10.2(a), the Developer is not required to provide the City with a replacement Guarantee for that revised Guarantee Amount until such time as the City notifies the Developer that the City is ready to exchange the then current Guarantee held by the City, following which the City and the Developer must promptly exchange the then current Guarantee held by the City with a replacement Guarantee for that revised Guarantee Amount from the Developer.

10.3 Right of City to claim on Guarantee

- (a) The Developer agrees that the City may make an appropriation from the Guarantee in such amount as the City, acting reasonably, thinks appropriate if:
- (i) the Developer fails to comply with clause 4.3 or clause 5.2 of Schedule 3 of this document (provision of detailed design drawings and detailed costs estimate);

- (ii) the City allows the Developer not to complete the Public Benefits, or any part of them, in accordance with clause 6.10(a)(ii);
 - (iii) an Insolvency Event occurs in respect of the Developer;
 - (iv) the Developer fails to deliver the Public Benefits in accordance with clause 6.10(b);
 - (v) the Developer fails to carry out Maintenance in accordance with clause 5.2 of this document;
 - (vi) the Developer fails to rectify a Defect or a Logistics Hub Defect in accordance with clause 8.2 of this document;
 - (vii) the detailed designs for the Developer's Works and/or the Logistics Hub and/or the Public Art are not finalised between the parties within 12 months of the date of issue of a Construction Certificate that approves the construction of any structures above the ground floor of the Development;
 - (viii) to the extent the DBP Act applies to the Developer's Works, and/or the Logistics Hub and/or the Public Art any Regulated Designs and Design Compliance Declarations for those Regulated Designs in relation to the Developer's Works are not procured by the Developer (or the Developer's Personnel) as required by the DBP Act or the DBP Regulation or otherwise not provided to the City as and when required by this document;
 - (ix) to the extent the RAB (CEP) Act applies to the Developer's Works, and/or the Logistics Hub and/or the Public Art, the City incurs any other cost, expense or liability in exercising its rights to appeal or make representations under clause 6.5(vi) of Schedule 3 or 6.5(b) of Schedule 3;
 - (x) the Developer's Works and/or the Logistics Hub and/or the Public Art do not reach Completion within 36 months of the date of issue of the first Construction Certificate in respect of the Development (or such later time as agreed by the City in writing);
 - (xi) the City incurs any other expense or liability in exercising its rights and powers under this document.
- (b) Any amount of the Guarantee appropriated by the City in accordance with clause 10.2 must be applied only towards:
- (i) the costs and expenses incurred by the City rectifying any default by the Developer under this document;
 - (ii) carrying out any works required to achieve the Public Benefits;
 - (iii) to the extent the DBP Act applies to the Developer's Works and/or the Logistics Hub and/or the Public Art, the costs and expenses incurred by the City rectifying any failure by the Developer (or the Developer's Personnel) to procure Regulated Designs and Design Compliance

Declarations for those Regulated Designs in relation to the Developer's Works and/or the Logistics Hub and/or the Public Art as required by the DBP Act or the DBP Regulation and to provide copies of any Regulated Designs and Design Compliance Declarations for those Regulated Designs in relation to the Developer's Works and/or the Logistics Hub and/or the Public Art to the City when required by this document; or

- (iv) to the extent the RAB (CEP) Act applies to the Developer's Works and/or the Logistics Hub and/or the Public Art, any costs, expenses or liabilities incurred by the City in exercising its rights to appeal or make representations under clause 6.5(a)(vi) of Schedule 3 or 6.5(b) of Schedule 3.
- (c) The City cannot make an appropriation from the Guarantee in relation to the failure of the Developer to achieve the Environmental Commitment expressed as a 'Target' in the clause 1 table of Schedule 3.

10.4 Expenditure by the City

If the City claims on the Guarantee to Complete the Developer's Works and/or the Public Art, then the City:

- (a) is not required to expend more money than the Guarantee Amount and may elect not to carry out items of the Developer's Works and/or the Public Art to ensure that those works can be carried out for an amount equal to or less than the Guarantee Amount; or
- (b) may expend more than the Guarantee Amount. If the City expends more money than the Guarantee Amount then the amount in excess of the Guarantee Amount will be deemed to be a debt due and owing to the City by the Developer.

10.5 Top-up and return of Guarantee

- (a) If the City calls upon the Guarantee in accordance with this clause 10 then the Developer must immediately provide to the City a replacement Guarantee to ensure that, at all times until the Guarantee is released in accordance with paragraph (b), the City is in possession of a Guarantee for a face value equivalent to the Guarantee Amount.
- (b) If:
 - (i) the monies secured by the Guarantee have not been expended;
 - (ii) the City has concurred with Completion in accordance with clause 6.4(a)(i) of this document in respect of the Developer's Works or the Public Art or has agreed in accordance with clause 6.8(a) of this document that the Logistics Hub has become Operational, taking into account any approved non-completion of Public Benefits approved by clause 6.10(a) of this document; and

- (iii) the City has been provided with the security for the Developer's Works Defects Liability Period, the Public Art Defects Liability Period and the Logistics Hub Defects Liability Period in accordance with clause 8.1,

then the City will promptly return the Guarantee to the Developer following the issue of the first of the following notices:

- (iv) Notice issued pursuant to clause 6.4(a)(i) for the Developer's Works; or
 - (v) Notice issued pursuant to clause 6.4(a)(i) for the Public Art; or
 - (vi) Notice issued pursuant to clause 6.8(a)(i) for the Logistics Hub.
- (c) If, following expiry of the Developer's Works Defects Liability Period, Public Art Defects Liability Period or the Logistics Hub Defects Liability Period, as applicable, the City is satisfied that all defects have been rectified in accordance with clause 8 then the City must promptly return to the Developer the respective portion of the Guarantee retained by the City as security for the Developer's Works Defects Liability Period and/or the Public Art Defects Liability Period and/or the Logistics Hub Defects Liability Period.

10.6 **Compulsory acquisition**

If the Developer fails to transfer or dedicate the Transfer Land to the City in accordance with Schedule 3 of this document then the City may compulsorily acquire that land for the amount of \$1.00 in accordance with the *Land Acquisition (Just Terms Compensation) Act 1991 (NSW)*. The City and the Developer agree that:

- (a) this clause 10.6 is an agreement between the Developer and the City for the purposes of section 30 of the *Land Acquisition (Just Terms Compensation) Act 1991 (NSW)*;
- (b) in this clause 10.6 the Developer and the City have agreed on all relevant matters concerning the compulsory acquisition and the compensation to be paid for the acquisition; and
- (c) the Developer must pay the City, promptly on demand, an amount equivalent to all costs incurred by the City in acquiring the whole or any part of the Transfer Land as contemplated by this clause 10.6.

11. **DISPUTE RESOLUTION**

11.1 **Application**

Any Dispute must be determined in accordance with the procedure in this clause 11.

11.2 **Negotiation**

- (a) If any Dispute arises, a party to the Dispute (**Referring Party**) may by giving notice to the other party or parties to the Dispute (**Dispute Notice**)

refer the Dispute to the Developer's Representative and the City's Representative for resolution. The Dispute Notice must:

- (i) be in writing;
 - (ii) state that it is given pursuant to this clause 11; and
 - (iii) include or be accompanied by reasonable particulars of the Dispute including:
 - (A) a brief description of the circumstances in which the Dispute arose;
 - (B) references to any:
 - (aa) provisions of this document; and
 - (bb) acts or omissions of any person, relevant to the Dispute; and
 - (C) where applicable, the amount in dispute (whether monetary or any other commodity) and if not precisely known, the best estimate available.
- (b) Within 10 Business Days of the Referring Party issuing the Dispute Notice (**Resolution Period**), the Developer's Representative and the City's Representative must meet at least once to attempt to resolve the Dispute.
- (c) The Developer's Representative and the City's Representative may meet more than once to resolve a Dispute. The Developer's Representative and the City's Representative may meet in person, via telephone, videoconference, internet-based instant messaging or any other agreed means of instantaneous communication to effect the meeting.

11.3 **Not use information**

The purpose of any exchange of information or documents or the making of any offer of settlement under this clause 11 is to attempt to settle the Dispute. Neither party may use any information or documents obtained through any dispute resolution process undertaken under this clause 11 for any purpose other than in an attempt to settle the Dispute.

11.4 **Condition precedent to litigation**

Subject to clause 11.5, a party must not commence legal proceedings in respect of a Dispute unless:

- (a) a Dispute Notice has been given; and
- (b) the Resolution Period has expired.

11.5 **Summary or urgent relief**

Nothing in this clause 11 will prevent a party from instituting proceedings to seek urgent injunctive, interlocutory or declaratory relief in respect of a Dispute.

12. **TAXES AND GST**

12.1 **Responsibility for Taxes**

- (a) The Developer is responsible for any and all Taxes and other like liabilities which may arise under any Commonwealth, State or Territory legislation (as amended from time to time) as a result of or in connection with this document or the Public Benefits.
- (b) The Developer must indemnify the City in relation to any claims, liabilities and costs (including penalties and interest) arising as a result of any Tax or other like liability for which the Developer is responsible under clause 12.1(a).

12.2 **GST free supply**

To the extent that Divisions 81 and 82 of the GST Law apply to a supply made under this document:

- (a) no additional amount will be payable by a party on account of GST; and
- (b) no tax invoices will be exchanged between the parties.

12.3 **Supply subject to GST**

To the extent that clause 12.2 does not apply to a supply made under this document, this clause 12.3 will apply.

- (a) If one party (**Supplying Party**) makes a taxable supply and the consideration for that supply does not expressly include GST, the party that is liable to provide the consideration (**Receiving Party**) must also pay an amount (**GST Amount**) equal to the GST payable in respect of that supply.
- (b) Subject to first receiving a tax invoice or adjustment note as appropriate, the receiving party must pay the GST amount when it is liable to provide the consideration.
- (c) If one party must indemnify or reimburse another party (**Payee**) for any loss or expense incurred by the Payee, the required payment does not include any amount which the Payee (or an entity that is in the same GST group as the Payee) is entitled to claim as an input tax credit, but will be increased under clause 12.3(a) if the payment is consideration for a taxable supply.
- (d) If an adjustment event arises in respect of a taxable supply made by a Supplying Party, the GST Amount payable by the Receiving Party under clause 12.3(a) will be recalculated to reflect the adjustment event and a payment will be made by the Receiving Party to the Supplying Party, or by the Supplying Party to the Receiving Party, as the case requires.

- (e) The Developer will assume the City is not entitled to any input tax credit when calculating any amounts payable under this clause 12.3.
- (f) In this document:
 - (i) consideration includes non-monetary consideration, in respect of which the parties must agree on a market value, acting reasonably; and
 - (ii) in addition to the meaning given in the GST Act, the term "GST" includes a notional liability for GST.

13. **DEALINGS**

13.1 **Dealing by the City**

- (a) The City may Deal with its interest in this document without the consent of the Developer if the Dealing is with a Government Agency. The City must give the Developer notice of the Dealing within five Business Days of the date of the Dealing.
- (b) The City may not otherwise Deal with its interest in this document without the consent of the Developer, such consent not to be unreasonably withheld or delayed.

13.2 **Dealing by the Developer**

- (a) Prior to registration of this document in accordance with clause 9, the Developer must not Deal with this document or the Land without:
 - (i) the prior written consent of the City; and
 - (ii) the City, the Developer and the third party the subject of the Dealing entering into a deed of consent to the Dealing on terms acceptable to the City.
- (b) On and from registration of this document in accordance with clause 9:
 - (i) the Developer may Deal with this document without the consent of the City only as a result of the sale of the whole of the Land (without subdivision) to a purchaser of the Land;
 - (ii) the Developer may apply to the NSW Registrar-General for the termination of Strata Plan No. 57509, subject to the Developer seeking the City's prior written consent and ensuring this document remains registered on all certificates of title for the whole of the Land;
 - (iii) the Developer may register a plan of strata subdivision, and the City consents to this document remaining registered only on the certificate of title to the common property of the strata plan upon registration of the strata plan; and
 - (iv) the Developer must not otherwise Deal with this document to a third party that is not a purchaser of the whole or any part of the Land without:

- (A) the prior written consent of the City; and
- (B) the City, the Developer and the third party the subject of the Dealing entering into a deed of consent to the Dealing on terms acceptable to the City.
- (c) The Developer must pay the City's costs and expenses relating to any consent or documentation required due to the operation of this clause 13.2.

13.3 **Extinguishment or creation of interests on Transfer Land**

- (a) Prior to the dedication or transfer of the Transfer Land to the City, the Developer must:
 - (i) extinguish all leases and licences over the Transfer Land; and
 - (ii) extinguish all redundant encumbrances and those that, in the City's opinion, would unreasonably impede the intended use of all or any part of the Transfer Land.
- (b) The Developer must comply with any directions by the City relating to the Transfer Land, including but not limited to the creation of any encumbrances over the Transfer Land.

14. **TERMINATION**

- (a) Either party may terminate this document by notice in writing to the other party if:
 - (i) the Instrument Change does not come into force within 48 months after the date of this document or such other period as agreed between the parties; or the Sydney LEP is subsequently amended by an environmental planning instrument made after the Instrument Change, in a way that prevents the Development from proceeding; or
 - (ii) the Instrument Change is declared to be invalid by a Court of competent jurisdiction.
- (b) If this document is terminated in accordance with clause 14(a):
 - (i) the rights of each party that arose before the termination or which may arise at any future time for any breach or non-observance of obligations occurring prior to the termination are not affected;
 - (ii) the Developer must take all steps reasonably necessary to minimise any loss each party may suffer as a result of the termination of this document; and
 - (iii) the City will, at the Developer's cost, do all things reasonably required to remove this document from the title to the Land in accordance with clause 9.2.

15. **CONFIDENTIALITY, DISCLOSURES AND PRIVACY**

15.1 **Use and disclosure of Confidential Information**

A party (**receiving party**) which acquires Confidential Information of another party (**disclosing party**) must not:

- (a) use any of the Confidential Information except to the extent necessary to exercise its rights and perform its obligations under this document; or
- (b) disclose any of the Confidential Information except in accordance with clauses 15.2 or 15.3.

15.2 **Disclosures to personnel and advisers**

- (a) The receiving party may disclose Confidential Information to an officer, employee, agent, contractor, or legal, financial or other professional adviser if:
 - (i) the disclosure is necessary to enable the receiving party to perform its obligations or to exercise its rights under this document; and
 - (ii) prior to disclosure, the receiving party informs the person of the receiving party's obligations in relation to the Confidential Information under this document and obtains an undertaking from the person to comply with those obligations.
- (b) The receiving party:
 - (i) must ensure that any person to whom Confidential Information is disclosed under clause 15.2(a) keeps the Confidential Information confidential and does not use it for any purpose other than as permitted under clause 15.2(a); and
 - (ii) is liable for the actions of any officer, employee, agent, contractor or legal, financial or other professional adviser that causes a breach of the obligations set out in clause 15.2(b)(i).

15.3 **Disclosures required by law**

- (a) Subject to clause 15.3(b), the receiving party may disclose Confidential Information that the receiving party is required to disclose:
 - (i) by law or by order of any court or tribunal of competent jurisdiction; or
 - (ii) by any Government Agency, stock exchange or other regulatory body.
- (b) If the receiving party is required to make a disclosure under clause 15.3(a), the receiving party must:
 - (i) to the extent possible, notify the disclosing party immediately it anticipates that it may be required to disclose any of the Confidential Information;

- (ii) consult with and follow any reasonable directions from the disclosing party to minimise disclosure; and
- (iii) if disclosure cannot be avoided:
 - (A) only disclose Confidential Information to the extent necessary to comply; and
 - (B) use reasonable efforts to ensure that any Confidential Information disclosed is kept confidential.

15.4 **Receiving party's return or destruction of documents**

On termination of this document the receiving party must immediately:

- (a) deliver to the disclosing party all documents and other materials containing, recording or referring to Confidential Information; and
- (b) erase or destroy in another way all electronic and other intangible records containing, recording or referring to Confidential Information,

which are in the possession, power or control of the receiving party or of any person to whom the receiving party has given access.

15.5 **Security and control**

The receiving party must:

- (a) keep effective control of the Confidential Information; and
- (b) ensure that the Confidential Information is kept secure from theft, loss, damage or unauthorised access or alteration.

15.6 **Media releases**

The Developer must not issue any information, publication, document or article for publication in any media concerning this document or the Public Benefits without the City's prior written consent.

15.7 **Privacy**

- (a) Without limiting its obligations at law with respect to privacy and the protection of Personal Information, the Developer:
 - (i) must not, directly or indirectly collect, use or disclose any Personal Information under or in connection with this document except to the extent necessary to perform its obligations under this document; and
 - (ii) must in the delivery of the Public Benefits and the performance of all its other obligations under this document comply with the Privacy Laws and must not do any act or engage in any practice that would breach the Privacy Laws or which if done or engaged in by the City would be a breach of any Privacy Laws.

16. **NOTICES**

- (a) A notice, consent or other communication under this document is only effective if it is in writing, signed and either left at the addressee's address or sent to the addressee by mail or email. If it is sent by mail, it is taken to have been received 5 Business Days after it is posted. If it is sent by email, it is taken to have been received the same day the email was sent, provided that the sender has not received a delivery failure notice (or similar), unless the time of receipt is after 5:00pm in which case it is taken to be received on the next Business Day.
- (b) A person's address and email address are those set out in Schedule 1 for the City's Representative and the Developer's Representative, or as the person notifies the sender in writing from time to time.

17. **CHAIN OF RESPONSIBILITY**

- (a) In this clause:
 - (i) **Chain of Responsibility** means legislation that extends liability for Road Law offences to all parties whose actions, inactions or demands influence conduct on the road particularly in relation to speed, fatigue, vehicle standards, vehicle roadworthiness, load restraint, and mass and dimension.
 - (ii) **HVNL** means the *Heavy Vehicle National Law* (NSW), regulations and other instruments under it including any codes of practice and any consolidations, amendments, re-enactments or replacements.
 - (iii) **Heavy Vehicle** has the meaning given to it in the HVNL.
 - (iv) **Road Law** means any law, regulation or rule relating to the use of a road, restrictions on driving hours (in whichever legislative instrument those requirements may appear), mass, load and restraint requirements for the carriage of goods, dangerous goods, environmental impacts and speed and traffic requirements and includes the HVNL.
- (b) The Developer must in connection with any activity carried out on land owned by the City under or in relation to this document:
 - (i) comply with all Chain of Responsibility legislation and must ensure that any activity relating to a Heavy Vehicle used in connection with this document is undertaken in accordance with all applicable Chain of Responsibility obligations (including any fatigue, speed, mass, dimension or load restraint requirements);
 - (ii) not ask, direct or require (directly or indirectly) the driver of a Heavy Vehicle or a party in the Chain of Responsibility to do or not do something the Developer knows, or ought reasonably to know, would have the effect of causing the driver to contravene their Chain of Responsibility obligations, including to breach any fatigue, speed, mass, dimension or load restraint requirements;

- (iii) ensure that any subcontractors (where any Heavy Vehicle activities are sub-contracted under this document) are contractually bound by similar Chain of Responsibility obligations to those set out in this clause 17(b).
- (c) The Developer will ensure that it has proper processes in place to manage its Chain of Responsibility obligations under this clause 17.
- (d) The Developer must provide the City, upon request, with all information and documentation reasonably required by the City to monitor or audit compliance with this clause (including permitting inspections of vehicles and business premises).

18. **MODERN SLAVERY**

- (a) In this clause:
 - (i) **Engaged Entities** means any first tier (direct) suppliers, subcontractors, consultants and contractors engaged by a party in connection with this document;
 - (ii) **Grievance Mechanism** means a process for handling a complaint or grievance about Modern Slavery that is consistent with the criteria set out in Principle 31 of the 2011 United Nations Guiding Principles on Business and Human Rights;
 - (iii) **Modern Slavery** has the meaning given to it in section 4 of the Modern Slavery Act;
 - (iv) **Modern Slavery Act** means the *Modern Slavery Act 2018* (Cth);
 - (v) **Modern Slavery Laws** means all applicable modern slavery laws, statutes, regulations and codes from time to time in force which prohibit the exploitation of workers, human trafficking, slavery, servitude, forced labour, debt bondage or deceptive recruiting for labour or services or similar, including but not limited to the Modern Slavery Act and the *Modern Slavery Act 2018* (NSW);
 - (vi) **Reasonable Steps** includes:
 - (A) obtaining awareness of what constitutes and the Modern Slavery and the Modern Slavery Laws in Australia;
 - (B) undertaking activities to identify and address Modern Slavery risks in the Developer's operations and supply chain (including adherence to Australian labour laws, conducting a Modern Slavery risk assessment and implementing a Modern Slavery policy);
 - (C) consulting with the Developer's Engaged Entities to identify and mitigate Modern Slavery risks in its supply chain and labour force, including by implementing policies and procedures that reject the exploitation of migrant workers;

- (D) providing training necessary to identify Modern Slavery risks, risk management and remediation procedures to Personnel; and
 - (E) having regard to any policy, direction or document released by the New South Wales Office of the Anti-Slavery Commissioner from time to time.
- (b) The Developer must:
 - (i) not cause or contribute to Modern Slavery or engage in any activity, practice or conduct that constitutes an offence under Modern Slavery Laws or that would constitute an offence if such activity, practice or conduct were carried out in Australia;
 - (ii) take Reasonable Steps (having regard to the size, nature and industry of the Developer's business) to identify, assess and address Modern Slavery risks within its operations and supply chains;
 - (iii) comply with any request from the City to provide any information necessary to enable the City to comply with its obligations under the Modern Slavery Laws and undertake any due diligence on the Developer's supply chains as required;
 - (iv) ensure that it and its Engaged Entities pay its Personnel at least the minimum wage and other entitlements as required by Law;
 - (v) cooperate in good faith with the City in investigating the circumstances relevant to any potential, suspected or actual breach of any Modern Slavery Laws;
 - (vi) ensure access to an effective Grievance Mechanism for any Personnel within its operations (including Personnel of its Engaged Entities);
 - (vii) provide access to documentation and information as reasonably required by the City to verify the Developer's compliance with this clause 18(b); and
 - (viii) include in its contracts with any subcontractors or suppliers, Modern Slavery provisions that are at least as onerous as those set out in this clause 18.
- (c) Both parties agree:
 - (i) to provide reasonable assistance to the other party to comply with this clause 18; and
 - (ii) to implement systems, procedures and policies as required to meet its obligations under this clause 18.
- (d) In the event of any potential, suspected or actual instances of Modern Slavery within its operations or supply chain, the Developer must:

- (iii) notify the City in writing as soon as practicable with adequate particulars to enable the City to understand the potential, suspected or actual instances of Modern Slavery;
- (iv) within 10 Business Days (or such other timeframe as agreed by the parties), prepare a suitable remediation plan that:
 - (A) outlines the steps that the Developer intends to take to remedy the issue along with an explanation as to how the proposed steps will resolve the issue;
 - (B) provides a timeframe for implementation and completion of these steps; and
 - (C) explains the quantitative/qualitative indicators that will determine when the issue has been resolved,

(Remediation Plan) for the City to review;
- (v) amend the Remediation Plan to reflect reasonable additional direction provided by the City in relation to any feedback it gives on the Remediation Plan following its review; and
- (vi) take all reasonable steps to ensure that the Remediation Plan is completed within the period determined by clause 18(d)(iv).
- (e) The City may give reasonable assistance to the Developer to prepare and/or implement a Remediation Plan where deemed appropriate.
- (f) The Developer must provide the City with evidence of the ongoing implementation of the Remediation Plan promptly upon request.
- (g) The parties agree that a breach of clause 18(b) or 18(b)(viii), or failing to use best endeavours to implement a Remediation Plan will be a material breach of this document (**Modern Slavery Material Breach**).
- (h) Where a Modern Slavery Material Breach is not capable of being remedied, or is otherwise not remedied within a reasonable timeframe as agreed by the parties, the Developer indemnifies the City against all damage, expense, loss or liability of any nature suffered or incurred by the City arising from any act or omission by the Developer (or any Personnel) in connection with the performance of the Developer's obligations under this clause 18.
- (i) The Developer represents and warrants that:
 - (i) it has not, as of the date of this document, engaged in Modern Slavery or breached any Modern Slavery Laws;
 - (ii) it has disclosed to the extent that it is aware, any actual or reasonably suspected Modern Slavery within its own operations or the supply chain of any of its Engaged Entities and any actions taken to remedy the disclosed event;

- (iii) any information provided to the City with respect to Modern Slavery as part of the City's procurement process is accurate, complete and not misleading and/or deceptive in any way; and
- (iv) it has taken reasonable steps to ensure that any Engaged Entities engaged in connection with this Agreement have complied and continue to comply with the obligations contained in this clause 18.

19. **GENERAL**

19.1 **Governing law**

- (a) This document is governed by the laws of New South Wales.
- (b) Each party submits to the exclusive jurisdiction of the courts exercising jurisdiction in New South Wales, and any court that may hear appeals from any of those courts, for any proceedings in connection with this document, and waives any right it might have to claim that those courts are an inconvenient forum.

19.2 **Access to information**

In accordance with section 121 of the *Government Information (Public Access) Act 2009 (NSW)*, the Developer agrees to allow the City immediate access to the following information contained in records held by the Developer:

- (a) information that relates directly to the delivery of the Public Benefits by the Developer;
- (b) information collected by the Developer from members of the public to whom the Developer provides, or offers to provide, services on behalf of the City; and
- (c) information received by the Developer from the City to enable the Developer to deliver the Public Benefits.

19.3 **Liability for expenses**

- (a) The Developer must pay its own and the City's expenses incurred in negotiating, executing, registering, releasing, administering and enforcing this document.
- (b) The Developer must pay for all reasonable costs and expenses associated with the preparation and giving of public notice of this document and the explanatory note prepared in accordance with the Regulations and for any consent the City is required to provide under this document.

19.4 **Relationship of parties**

- (a) Nothing in this document creates a joint venture, partnership, or the relationship of principal and agent, or employee and employer between the parties; and

- (b) No party has the authority to bind any other party by any representation, declaration or admission, or to make any contract or commitment on behalf of any other party or to pledge any other party's credit.

19.5 Giving effect to this document

Each party must do anything (including execute any document), and must ensure that its employees and agents do anything (including execute any document), that the other party may reasonably require to give full effect to this document.

19.6 Time for doing acts

- (a) If:
 - (i) the time for doing any act or thing required to be done; or
 - (ii) a notice period specified in this document,

expires on a day other than a Business Day, the time for doing that act or thing or the expiration of that notice period is extended until the following Business Day.
- (b) If any act or thing required to be done is done after 5pm on the specified day, it is taken to have been done on the following Business Day.

19.7 Severance

If any clause or part of any clause is in any way unenforceable, invalid or illegal, it is to be read down so as to be enforceable, valid and legal. If this is not possible, the clause (or where possible, the offending part) is to be severed from this document without affecting the enforceability, validity or legality of the remaining clauses (or parts of those clauses) which will continue in full force and effect.

19.8 Preservation of existing rights

The expiration or termination of this document does not affect any right that has accrued to a party before the expiration or termination date.

19.9 No merger

Any right or obligation of any party that is expressed to operate or have effect on or after the completion, expiration or termination of this document for any reason, will not merge on the occurrence of that event but will remain in full force and effect.

19.10 Waiver of rights

A right may only be waived in writing, signed by the party giving the waiver, and:

- (a) no other conduct of a party (including a failure to exercise, or delay in exercising, the right) operates as a waiver of the right or otherwise prevents the exercise of the right;
- (b) a waiver of a right on one or more occasions does not operate as a waiver of that right if it arises again; and

- (c) the exercise of a right does not prevent any further exercise of that right or of any other right.

19.11 Operation of this document

- (a) This document contains the entire agreement between the parties about its subject matter. Any previous understanding, agreement, representation or warranty relating to that subject matter is replaced by this document and has no further effect.
- (b) Any right that a person may have under this document is in addition to, and does not replace or limit, any other right that the person may have.
- (c) Any provision of this document which is unenforceable or partly unenforceable is, where possible, to be severed to the extent necessary to make this document enforceable, unless this would materially change the intended effect of this document.

19.12 Operation of indemnities

- (a) Each indemnity in this document survives the expiry or termination of this document.
- (b) A party may recover a payment under an indemnity in this document before it makes the payment in respect of which the indemnity is given.

19.13 Inconsistency with other documents

Unless the contrary intention is expressed, if there is an inconsistency between any of one or more of:

- (a) this document;
- (b) any Schedule to this document; and
- (c) the provisions of any other document of the Developer,

the order of precedence between them will be the order listed above, this document having the highest level of precedence.

19.14 No fetter

Nothing in this document in any way restricts or otherwise affects the City's unfettered discretion to exercise its statutory powers as a public authority.

19.15 Counterparts

This document may be executed in counterparts.

SCHEDULE 1

Agreement Details

ITEM	TERM	DESCRIPTION
1.	Land	Lot 1 in DP222751 known as 56 Pitt Street, Sydney NSW 2000. Lot 1 in DP558106 known as 3 Spring Street, Sydney NSW 2000. Lots 1 to 33 (inclusive) in SP57509, CP/SP57509 (OC Land) known as 1-33, 58 Pitt Street, Sydney NSW 2000. Lots 3-5 (inclusive) in DP192236 known as 60 Pitt Street, Sydney NSW 2000.
2.	Development	The redevelopment of the Land for Commercial Premises that is permitted by the controls proposed in the Planning Proposal and subject to the resultant Instrument Change. Future redevelopment comprises a 70 storey building to a maximum height of RL 310 metres and maximum floor space ratio of 27.4:1; new public plaza with a minimum of 2 metres of deep soil fronting Bridge Street dedicated to the City; new publicly accessible pedestrian through-site link connecting Pitt Street to Spring and Gresham Streets; and logistics hub to provide off-street loading for nearby buildings The total Gross Floor Area of the Development on the Land is 90,000 square metres.
3.	City's Representative	Name: Director, Planning, Development and Transport Address: Level 1, 456 Kent Street, Sydney NSW 2000 Email: council@cityofsydney.nsw.gov.au Or such alternative representative nominated by the City from time to time and notified in writing to the Developer's Representative
4.	Developer's Representative	Name: Alex Cooper, General Manager, Development Origination Address: Quay Quarter Tower, Level 30, 50 Bridge St, Sydney NSW 2000

		Email: alex.cooper@dexus.com Or such alternative representative nominated by the Developer from time to time and notified in writing to the City's Representative
5.	Development Application	Any and all development application(s) submitted to the City in connection with the Development.
6.	Guarantee Amount	An amount which is equal to the Attributed Values in Schedule 3 and as otherwise calculated in accordance with this document for: A) The Developer's Works B) Public Art An total amount of \$350,000.00 for the Logistics Hub
7.	Guarantee Amount Due Date	Prior to the issue of the First Construction Certificate for the Development.

SCHEDULE 2

Requirements under the Act and Regulation (clause 2)

The below table summarises how this document complies with the Act and Regulation.

ITEM	SECTION OF ACT OR REGULATION	PROVISION/CLAUSE OF THIS DOCUMENT
1.	Planning instrument and/or development application (section 7.4(1) of the Act) The Developer has: (a) sought a change to an environmental planning instrument; (b) made, or proposes to make, a Development Application; or (c) entered into an agreement with, or is otherwise associated with, a person, to whom paragraph (a) or (b) applies.	(a) Yes (b) Yes (c) No
2.	Description of land to which this document applies (section 7.4(3)(a) of the Act)	Item 1 of Schedule 1.
3.	Description of change to the environmental planning instrument to which this document applies and/or the development to which this document applies (section 7.4(3)(b) of the Act)	The Development and the environmental planning instrument as described in clause 2.1.
4.	The nature and extent of the provision to be made by the developer under this document, the time or times by which the provision is to be made and the manner in which the provision is to be made (section 7.4(3)(c) of the Act)	Schedule 3 and Annexure A, B and C.
5.	Whether this document excludes (wholly or in part) or does not exclude the application of section 7.11, 7.12 or 7.24 to the development (section 7.4(3)(d) of the Act)	Section 7.11 not excluded. Section 7.12 not excluded. Section 7.24 not excluded.

ITEM	SECTION OF ACT OR REGULATION	PROVISION/CLAUSE OF THIS DOCUMENT
6.	Applicability of section 7.11 of the Act (section 7.4(3)(e) of the Act)	The application of section 7.11 and 7.12 of the Act is not excluded in respect of the Development and contributions (if any) under section 7.11 and 7.12 will be required to be paid.
7.	Consideration of benefits under this document if section 7.11 applies (section 7.4(3)(e) of the Act)	Benefits to the value of the aggregate of the Attributed Value for each element of the Public Benefits are not to be taken into consideration in determining a development contribution under section 7.11 of the Act.
8.	Mechanism for Dispute Resolution (section 7.4(3)(f) of the Act)	Clause 11
9.	Enforcement of this document (section 7.4(3)(g) of the Act)	Clause 10
10.	No obligation to grant consent or exercise functions (section 7.4(9) of the Act)	Clause 2.4
11.	Registration of this document (section 7.6 of the Act)	Clause 9
12.	Whether certain requirements of this document must be complied with before a construction certificate is issued (section 205(2) of the Regulation)	Provisions of the Guarantees
13.	Whether certain requirements of this document must be complied with before a subdivision certificate is issued (section 205(2) of the Regulation)	Not applicable
14.	Whether certain requirements of this document must be complied with before an occupation certificate is issued (section 205(2) of the Regulation)	Completion of the Developer's Works and Logistics Hub, transfer/dedication of the Transfer Land, registration of the Easement for Public Access and Positive Covenant for the pedestrian through-site link, preparation of the Plan of Management and installation of Public Art.
15.	Whether the explanatory note that accompanied exhibition of this document may be used to assist in construing this document (section 205(5) of the Regulation)	Clause 2.5

SCHEDULE 3

Public Benefits (clause 5)

1. PUBLIC BENEFITS - OVERVIEW

The Developer must provide the Public Benefits in accordance with Schedule 3 and this document. The Attributed Value, timing of delivery and additional specifications relating to the Public Benefits is set out in the table below.

	Public Benefit	Attributed Value	Due date	Additional specifications
1.	Transfer Land – Bridge Street Plaza	\$NIL	After Developer's Works Completion but on or before the issue of the first Occupation Certificate applicable to the part of the Land on which the Bridge Street Plaza is constructed.	An area of approximately 245 square metres being the full length of Bridge St and a minimum width of 8m from the existing boundary, limited in stratum to a depth of 2m below the finished ground level. Plans showing the indicative location of the Transfer Land are contained in Annexure A to this document.
2.	Developer's Works – Bridge Street Plaza	As determined under clause 4.3 of this Schedule 3	On or before the date of issue of the first Occupation Certificate applicable to the part of the Land on which the Bridge Street Plaza is constructed.	Embellishment of a new publicly accessible plaza fronting Bridge Street. Plans and specifications showing the nature and extent of the required Developer's Works as at the date of this document are contained in Annexure B to this document.
3.	Pedestrian through-site link (easement for public access)	\$Nil	On or before the date of issue of the relevant Occupation Certificate applicable to the part of the Land on which the through site link is constructed.	Registration of the Easement for Public Access and Positive Covenant to allow access for the public at all times of the day and all days of the week generally to the dimensions and location as defined in the Sydney Development Control Plan 2012.

4.	Logistics Hub to be secured via a Development Consent as part of a future Development Application	\$Nil	(a) Logistics Hub Completion prior to the issue of the first Occupation Certificate for the Development. (b) Logistics Hub Affections registered within 30 days of the first Occupation Certificate for the Development. (c) Plan of Management approved prior to the issue of the first Occupation Certificate for the Development. (d) The Logistics Hub is to be operational within 12 months of Logistics Hub Completion.	Construction of a public loading dock and preparation of a Plan of Management (Refer to Annexure C). Registration of the Logistics Hub Affections.
5.	Public Art Contribution	\$0.25% of the total Estimated Cost of Development as submitted as part of the Development Application	On or before the date of issue of the final Occupation Certificate for the Development.	The installation of public art in accordance with the City's Public Art Policy. The provision of the Public Art Contribution is in addition to the minimum requirement for 0.5% of the Estimated Cost of Development as a public art budget.
6a.	Environmental Commitments – NABERS Energy	\$Nil	The Environmental Commitment Notice to be issued the later of: (a) 12 months after the Development reaches 75% of the NLA of the commercial building being	i. 5.5-star NABERS Energy Rating for Office (Base Building) (Commitment Agreement). ii. 6-star NABERS Energy Rating for Office (Base Building) (Target).

			occupied by tenants; or (b) 18 months after the Occupation Certificate is issued for the office component of the Development.	
6b.	Environmental Commitments – NABERS Water	\$Nil	The Environmental Commitment Notice to be issued the later of: (a) 12 months after the Development reaches 75% of the NLA of the commercial building being occupied by tenants; or (b) 18 months after the Occupation Certificate is issued for the office component of the Development.	4.5-star NABERS Water Rating for Office (Whole Building) (Target)
6c.	Environmental Commitments – NABERS Waste	\$Nil	The Environmental Commitment Notice to be issued the later of: (a) 12 months after the Development reaches 75% of the NLA of the commercial building being occupied by tenants; or (b) 18 months after the Occupation Certificate is issued for the office component	4-star NABERS Waste Rating for Office (Base Building) (Target)

			of the Development.	
6d.	Environmental Commitments – Climate Action	\$Nil	The Environmental Commitment Notice to be issued the later of: (a) 12 months after the Development reaches 75% of the NLA of the commercial building being occupied by tenants; or (b) 18 months after the Occupation Certificate is issued for the office component of the Development.	i. 100% renewable energy in operation ii. 100% electric iii. 100% carbon neutral across scope 1 and 2 operational emissions across base building services
6e.	Environmental Commitments – Green Star Buildings	\$Nil	The Environmental Commitment Notice to be achieved within 24 months of issue of an Occupation Certificate for the Development.	6-star Green Star Buildings v1 certified rating.
6f.	Environmental Commitments – WELL	\$Nil	The Environmental Commitment Notice to be provided within 24 months of issue of an Occupation Certificate for the Development.	Well Core Platinum Office (Target) for office component of the Development.

2. TRANSFER LAND

2.1 Dedication of land – decision

The Developer must, at its cost, take all steps required to transfer the Transfer Land to the City by the due date specified in clause 1 of Schedule 3. As part of

this obligation, the Developer must confirm with the City whether the Transfer Land is to be:

- (a) dedicated to the City on registration of a plan of subdivision; or
- (b) transferred to the City on registration of a transfer instrument.

2.2 Obligations on dedication

The requirement for the Developer to dedicate the Transfer Land to the City is satisfied where the Developer provides to the City evidence of registration of a plan of subdivision, including a complete copy of the registered instrument, showing that the Transfer Land has been dedicated to the City in accordance with the requirements of this document.

2.3 Obligations on transfer

The requirement for the Developer to transfer the Transfer Land to the City is satisfied where:

- (a) a PEXA workspace has been set-up with respect to the transfer and all required parties are present in the workspace;
- (b) all written consents for registration have been provided to the City and uploaded into PEXA;
- (c) the Transfer has been lodged in PEXA; and
- (d) the Developer has provided the City with a title search showing that ownership of the Transfer Land has been transferred to the City in accordance with the requirements of this document.

2.4 General Obligations

- (a) The Developer is to do all things reasonably necessary to enable registration of the plan of subdivision or transfer instrument to occur.
- (b) The Developer must ensure that the Transfer Land is free of all encumbrances and affectations (whether registered or unregistered and including without limitation any charge or liability for rates, taxes and charges) except for any encumbrances agreed in writing by the City in its absolute discretion.
- (c) The Developer must indemnify and agree to keep indemnified the City against all claims made against the City as a result of any Contamination in, over, under or migrating from the whole or any part of the Transfer Land but only in relation to Contamination that existed on or before the date that the Transfer Land is dedicated to the City in accordance with the requirements of this clause.
- (d) The Developer warrants that as at the date of this deed the Transfer Land is not subject to any Adverse Affectation and warrants as to those matters in Schedule 3 of the *Conveyancing (Sale of Land) Regulation 2022*(NSW),

unless otherwise notified to and agreed by the City in writing in its absolute discretion.

3. INSTRUMENTS

- (a) The Developer and the Current OC consents to the registration of the Instruments on those relevant titles of the Land. The Developer and Current OC must execute the Instruments and then deliver the Instruments to the City for execution.
- (b) The City must execute and deliver the Instruments to the Developer as soon as reasonably practicable following receipt of the Instruments under clause 3(a) of Schedule 3.
- (c) The Developer and/or the Current OC must register the Instruments at the times set out in Items 3 and 4 of Clause 1 of Schedule 3 as applicable.
- (d) If requested by the Developer, the City must do all things necessary to enable registration of the Instrument including:
 - (i) lodging the Instruments via an electronic conveyancing system such as PEXA; and
 - (ii) responding to any requisitions raised by the Land Registry Services NSW in respect of the Instruments.

4. FINAL DESIGN OF THE DEVELOPER'S WORKS AND PUBLIC ART

4.1 Scope of Developer's Works and the Public Art

As at the date of this document, the nature and extent of the required Developer's Works is set out in Annexure B to this document and the Public Art as set out in this document. The parties agree that further design refinement of the Developer's Works and the Public Art may be necessary, having regard to:

- (a) the extent to which the design of the Developer's Works, and the Public Art has been approved by the City;
- (b) conditions affecting the Developer's Works and the Public Art that were not reasonably capable of identification prior to the date of this document;
- (c) the extent of any refinement of the design of the Developer's Works and the Public Art permitted by this clause 4.1 of Schedule 3;
- (d) to the extent the DBP Act applies to the Developer's Works and the Public Art:
 - (i) any refinement of the Regulated Designs for the Developer's Works and the Public Art required to ensure compliance with the DBP Act or DBP Regulation and to enable Design Compliance Declarations to be issued in respect of those Regulated Designs; and

- (ii) any refinement of the Regulated Designs for the Developer's Works and the Public Art required to enable those Regulated Designs to be Construction Issued Regulated Designs and to enable Design Compliance Declarations to be made in respect of those Construction Issued Regulated Designs;
- (e) the Developer's Works and Public Art authorised to be carried out under the Act as set out in the Development Consent or any modification to the Development Consent made and approved under section 4.55 of the Act or any other development consent granted that relates to the Developer's Works and the Public Art; and
- (f) the reasonable requirements of the City, including in regard to the Standards.

4.2 Preliminary Public Art Plan

- (a) Following the Design Excellence Competition and prior to the submission of a Development Application for the Development, the Developer must develop and submit a Preliminary Public Art Plan (Preliminary Plan) to the City for approval. The Preliminary Plan must:
 - (i) be based on the approved Public Art Strategy;
 - (ii) be in accordance with the City's Guidelines for Public Art in Private Development;
 - (iii) include a clear outline for the procurement of artists to deliver the Public Art; and
 - (iv) identify the intended location and ownership of the Public Art.
- (b) If the Developer intends that the Public Art will be located on City Land, the City may:
 - (i) elect to accept ownership of the Public Art;
 - (ii) elect not to accept ownership of the Public Art and instead require the Developer to enter into an agreement for the Public Art installation, which may be either:
 - (A) a licence agreement for the Public Art which is installed on land classified as operational or community (including public reserves and Crown land); or
 - (B) a consent granted under the Roads Act 1993 for the Public Art which is installed on a roadway or footpath.

4.3 Final design of Developer's Works and the Public Art

- (a) Within 3 months of the date of a Development Consent for the Development (or a later time approved by the City in writing) but prior to the issue of the first Construction Certificate for the Development, the Developer must submit to the City's Representative for approval:

- (i) detailed design drawings of the Developer's Works that reflect the plans and specifications set out in Annexure B;
 - (ii) a Detailed Public Art Plan based on the approved Preliminary Plan, and in accordance with the City's Guidelines for Public Art in Private Development; and
 - (iii) to the extent the DBP Act or the DBP Regulation apply to the Developer's Works, the Regulated Designs and the Design Compliance Declarations for those Regulated Designs; and
 - (iv) a detailed costs estimate (certified by a Quantity Surveyor) setting out the estimated cost of the Developer's Works; and
 - (v) a detailed budget included in the Detailed Public Art Plan setting out the estimated cost of the Public Art.
- (b) Within 30 Business Days after the City's Representative has received the detailed design drawings and detailed costs estimate, the City will inform the Developer in writing as to whether the detailed design drawings and costs estimate are approved. If the detailed design drawings or costs estimate are not approved, the City will inform the Developer in writing of what further information or modifications are required and the Developer will have a further 15 Business Days to re-submit the required information, following which the process outlined in this paragraph (b) will apply again.
- (c) Regarding the costs estimate, the Developer agrees that the City may:
- (i) reject items included within the Quantity Surveyor's Assessment which are not directly related to the Developer's Works;
 - (ii) require substantiation for the costs of items where the amount estimated is considered by the City to be excessive;
 - (iii) require an adjustment to the costs estimate to reflect a variation to the design required under this clause 4.3 of Schedule 3.
- (d) If the Developer:
- (i) fails to prepare the detailed design drawings or detailed costs estimate;
 - (ii) fails to provide the Regulated Designs and Design Compliance Declarations referred to in clause 4.3(a)(iii) of Schedule 3 (if applicable); or
 - (iii) does not provide further information or modify the detailed design drawings or detailed costs estimate,

in accordance with this clause 4.3 of Schedule 3, then the City may exercise its rights under clause 10 of this document in order to carry out the Developer's Works and the Public Art itself at the cost of the Developer.

- (e) The Developer agrees that the value of the Developer's Works and the Public Art may be adjusted following completion of the process set out in this clause 4.3 of Schedule 3. The Developer acknowledges that the scope of the Developer's Works and the Public Art will not change or reduce if the costs required to complete those works is greater than the amount estimated at the date of this document.

4.4 Preparation of and changes to construction design drawings

- (a) Following approval of the detailed design drawings by the City in accordance with clause 4.3 of Schedule 3, the Developer must promptly:
 - (i) prepare construction design drawings that comply with the detailed design drawings;
 - (ii) to the extent the DBP Act or the DBP Regulation apply to the Developer's Works, prepare all necessary Construction Issued Regulated Designs and obtain Design Compliance Declarations for those Construction Issued Regulated Designs; and
 - (iii) provide the City with a copy of the construction design drawings and the designs and documents referred to in clause 4.4(a)(ii) of Schedule 3.
- (b) The City, acting reasonably, may by written notice to the Developer at any time, approve, vary or direct the Developer to vary the construction design drawings so that the Developer's Works reflect:
 - (i) the Standards;
 - (ii) a departure or discrepancy from the plans approved under clause 4.3 of Schedule 3; or
 - (iii) any other standard or specification for materials or methodology for carrying out works that is adopted by the City from time to time, provided that any direction given under this clause 4.4(b)(iii) of Schedule 3 does not significantly increase:
 - (A) the cost of that element of the Developer's Works; or
 - (B) the complexity of implementation of the Developer's Works that may lead to a significant delay in the completion of the Developer's Works.
- (c) Within 20 Business Days of receiving a notice from the City under clause 4.4(b) of Schedule 3, the Developer must:
 - (i) to the extent practicable, use reasonable endeavours to comply with the notice given by the City; or
 - (ii) if the Developer determines that the notice given by the City is unreasonable or impracticable, notify a dispute in accordance with clause 11 of this document.

If the Developer does not provide any response during the 20 Business Days after receiving a notice from the City under clause 4.4(b) of Schedule 3, it is deemed that the Developer accepts the notice given by the City and will take all steps required to comply with the notice.

- (d) The City does not assume or owe any duty of care to the Developer in reviewing any design drawings submitted to it under this clause 2.4(d) of Schedule 3 or for any errors, omissions or non-compliance with this document.
- (e) No participation by the City in the development of, the review of, or comments on any design drawings submitted by the Developer will lessen or otherwise affect the Developer's obligations under this document or constitute an acknowledgement by the City that the Developer has complied with its obligations under this document.

5. FINAL DESIGN OF THE LOGISTICS HUB

5.1 Scope Logistics Hub

As at the date of this document, the nature and extent of the required Logistics Hub is set out in Annexure C to this document. The parties agree that further design refinement of the Logistics Hub may be necessary, having regard to:

- (a) the final design of the Logistics Hub as approved by the City pursuant to clause 5.2 of Schedule 3;
- (b) conditions affecting the Logistics Hub that were not reasonably capable of identification prior to the date of the document;
- (c) the extent of any refinement of the design of the Logistics Hub permitted by this clause 5.1 of Schedule 3;
- (d) any modification to the Development Consent made and approved under section 4.55 of the Act or any other development consent granted that relates to the Logistics Hub; and
- (e) the reasonable requirements of the City, including in regard to the Standards.

5.2 Final design of the Logistics Hub

- (a) The Developer must submit the final design of the Logistics Hub to the City as part of the Development Application.
- (b) The parties agree that the review and approval of the final design of the Logistics Hub, including ensuring its compliance with this document, will occur as part of the Development Application and Development Consent process under the Act. The final design will therefore be a design which is reflected in the Development Consent, the approved plans and Construction Certificates issues pursuant to the Development Consent.
- (c) The City does not assume or owe any duty of care to the Developer in reviewing any design drawings submitted to it under clause 5.2(a) of

Schedule 3 of or for any errors, omissions or non-compliance with this document.

- (d) No participation by the City in the development of, the review of, or comments on any design drawings submitted by the Developer will lessen or otherwise affect the Developer's obligations under this document or constitute an acknowledgement by the City that the Developer has complied with their obligations under this document.

6. CONSTRUCTION OF DEVELOPER'S WORKS, THE LOGISTICS HUB AND THE PUBLIC ART

6.1 Insurance

- (a) From commencement of, the Developer's Works and/or construction of the Logistics Hub and/or installation of the Public Art until expiration of the Developer's Works Defects Liability Period, the Public Art Defects Liability Period or the Logistics Hub Defects Liability Period as applicable, the Developer must effect and maintain (or cause to be effected and maintained under one or more policies of insurance and without requiring any risk to be double insured) the following insurances held with an insurer licensed by the Australian Prudential Regulation Authority or holding an investment grade rating from Standard & Poors, Moody's or Fitch:
 - (i) worker's compensation insurance or registrations as required by Laws;
 - (ii) public liability insurance written on an occurrence basis with a limit of indemnity of not less than \$20,000,000 covering all aspects of the Developer's Works, the Logistics Hub and the Public Art;
 - (iii) construction works insurance in relation to the Developer's Works, the Logistics Hub and the Public Art; and
 - (iv) motor vehicle third party cover with a limit of indemnity of not less than \$20 million for each and every occurrence.
- (b) The Developer must submit a copy of all certificates of insurance to the City:
 - (i) prior to commencing construction of the Developer's Works and/or the Logistics Hub and/or the installation of the Public Art; and
 - (ii) promptly following a written request by the City, provided that such a request is not made more than twice in any 12 month period.

6.2 Approvals and consents

The Developer must, at its cost, obtain all relevant approvals and consents for the Developer's Works and/or the Logistics Hub and/or the Public Art, whether from the City or from any other relevant Government Agency, including any necessary road opening permits. Before commencing the Developer's Works and/or construction of the Logistics Hub and/or installation of the Public Art, the Developer must give to the City copies of all approvals and consents for the Developer's Works, the Logistics Hub and the Public Art, other than the Development Consent.

6.3 **Construction work**

The Developer must, at its cost:

- (a) carry out and complete the Developer's Works, the Logistics Hub and the Public Art in accordance with all approvals and consents relating to the Developer's Works, the Logistics Hub and the Public Art, including any approval given by the City under this document;
- (b) ensure that all Developer's Works, the Logistics Hub and the Public Art are constructed in a good and workmanlike manner, in accordance with the plans approved under this document so that the Developer's Works, the Logistics Hub and the Public Art are structurally sound, fit for purpose and suitable for their intended use;
- (c) ensure that:
 - (i) the Developer's Works and the Public Art are Complete by the due date specified in clause 1 of Schedule 3;
 - (ii) the Logistics Hub is Complete by the due date specified in paragraph 4(a) of the table in clause 1 of Schedule 3;
 - (iii) the Logistics Hub is Operational by the date specified in paragraph 4(c) of the table in clause 1 of Schedule 3; and
 - (iv) promptly after becoming aware, advise the City's Representative of any significant delays in completing the Developer's Works, the Public Art or the Logistics Hub or delays that may impact the delivery of the Public Benefits by the due dates specified in clause 1 of Schedule 3.
- (d) comply with all reasonable directions of the City in respect to construction of the Developer's Works and the Public Art.

6.4 **Inspections by the City**

The City, as a party to this document and not in its role as a Government Agency, will:

- (a) issue a set of hold points with the approval of the Plans under Clause 4.3 of Schedule 3;
- (b) inspect the Developer's Works and the Public Art in accordance with the hold points during the course of construction at reasonable times and on reasonable notice;
- (c) inspect the Logistics Hub at reasonable times and on reasonable notice while accompanied by a representative of the Developer and who must comply with the reasonable directions of the Developer (including the builder) while on the Land; and
- (d) notify the Developer's Representative of any material or significant defect, error or omission relating to the construction or installation of the

Developer's Works, the Logistics Hub or the Public Art identified during or as the result of an inspection.

The Developer must ensure that it adheres to all hold point inspections during construction. Any failure by the City to identify a Defect, error or omission will not be construed as amounting to an acceptance by the City of the Defect, error or omission.

6.5 **RAB (CEP) Act**

This clause 6.5 of Schedule 3 (other than this sentence) applies only to the extent that the RAB (CEP) Act or the RAB (CEP) Regulation applies to the Developer's Works and/or the Logistics Hub and/or Public Art.

- (a) Without limiting any other obligation of the Developer, the Developer:
 - (i) must ensure that the Developer and its Personnel and their respective employees and agents:
 - (A) comply with the RAB (CEP) Act and the RAB (CEP) Regulation;
 - (B) do not cause the City to contravene the RAB (CEP) Act or the RAB (CEP) Regulation;
 - (C) do not carry out the Developer's Works, works on the Logistics Hub or installation of the Public Art in a manner that results in, or could result in:
 - (aa) a serious defect in relation to a residential apartment building;
 - (bb) significant harm or loss to the public or occupiers or potential occupiers of any building to which the Developer's Works, the Logistics Hub or the Public Art relates; or
 - (cc) significant damage to property; and
 - (D) do not, by any act or omission, cause or contribute to any serious defect or the issue of any prohibition order, stop work order or building work rectification order;
 - (ii) must immediately provide the City with a copy of any notice issued to the Developer under the RAB (CEP) Act, including any prohibition order, stop work order, building work rectification order, notice of proposed building work rectification order and compliance cost notice;
 - (iii) must issue an expected completion notice to the Secretary in accordance with the RAB (CEP) Act at least 6 months, but not more than 12 months, before an application is made for an Occupation Certificate for any part of a residential apartment building for which the Developer's Works, works on the Logistics Hub or the installation of the Public Art is being carried out and in any event so as to ensure that:

- (A) the Developer's Works, works on the Logistics Hub or the installation of the Public Art are not delayed; and
 - (B) an Occupation Certificate is able to be applied for at the earliest possible time;
- (iv) must issue any required expected completion amendment notice to the Secretary in accordance with the RAB (CEP) Act;
- (v) must provide all reasonable assistance to the City in exercising any right to make representations concerning any building work rectification order or right of appeal as contemplated by the RAB (CEP) Act, including by providing the City with any information that may be necessary or required by the City for the purposes of any such representation or appeal;
- (vi) acknowledges and agrees that:
 - (A) the RAB (CEP) Act contemplates particular orders and requirements, including:
 - (aa) requirements of an authorised officer;
 - (bb) stop work orders;
 - (cc) building work rectification orders; and
 - (dd) orders of the Court referred to in section 49(3) of the RAB (CEP) Act;
 - (B) such orders and requirements may be given or otherwise communicated directly to the Developer or otherwise; and
 - (C) the Developer must ensure that the Developer, its Personnel and their respective employees and agents comply with any such orders and requirements, whether they are given or otherwise communicated directly to the Developer or to any other person; and
- (vii) must comply with any compliance cost notice and reimburse the City for any costs incurred by the City in respect of any compliance cost notice, to the extent any such compliance cost notice relates to the Developer's Works, the Logistics Hub or the Public Art.
- (b) The Developer must satisfy all obligations imposed on a developer under the RAB (CEP) Act.
- (c) The Developer indemnifies the City against any claims against, damages, expenses, losses or liability suffered or incurred by, the City arising out of, or in any way in connection with, any breach by the Developer of clause 6.5(a) of Schedule 3 or 6.5(b) of Schedule 3.
- (d) The Developer will not be entitled to make, and the City will not be liable upon, any claim, damage, expense, loss or liability arising out of, or in any

way in connection with, the Developer's obligations under this clause 6.5 of Schedule 3.

- (e) Except as otherwise provided in clause 1.1, all terms used in this clause 6.5 of Schedule 3 have the meanings given to them in the RAB (CEP) Act.

6.6 DBP Act and DBP Regulation

This clause 6.6 of Schedule 3 (other than this sentence) applies only to the extent that the DBP Act and the DBP Regulation applies to the Developer's Works, the Logistics Hub, or Public Art.

- (a) Without limiting any other obligation of the Developer, the Developer must ensure that the Developer and its Personnel and their respective employees and agents:
 - (i) comply with the DBP Act and the DBP Regulation, including by preparing, providing and lodging all necessary or relevant documentation as and when required by, and in the form and method required by, the DBP Act and the DBP Regulation;
 - (ii) will be registered as required by the DBP Act and the DBP Regulation;
 - (iii) do not carry out the Developer's Works, construction of the Logistics Hub or install the Public Art in a manner that results in, or could result in:
 - (A) significant harm or loss to the public or occupiers or potential occupiers of any building to which the Developer's Works, construction of the Logistics Hub or the Public Art relates; or
 - (B) significant damage to property; and
 - (iv) do not, by any act or omission, cause or contribute to the issue of any stop work order.
- (b) The Developer warrants to the City that the Developer will perform the Developer's Works, construction of the Logistics Hub or installation of the Public Art so as to avoid, and to otherwise not cause or contribute to, any economic loss (as contemplated by Part 4 of the DBP Act) on the part of any owner arising out of or in connection with any defect or otherwise arising out of or in connection with the Developer's Works, construction of the Logistics Hub, or installation of the Public Art.
- (c) In addition to and without limiting any other duty or obligation assumed by the Developer, the Developer acknowledges and agrees that it owes a duty to the City to exercise reasonable care to avoid economic loss (as contemplated by Part 4 of the DBP Act and whether suffered or incurred by the City or any owner) arising out of or in connection with any defect or otherwise arising out of or in connection with the Developer's Works, construction of the Logistics Hub or the Public Art.
- (d) The Developer indemnifies the City against any claims against, damages, expenses, losses or liabilities suffered or incurred by, the City arising out of,

or in any way in connection with, any breach by the Developer of this clause 6.6 of Schedule 3.

- (e) The Developer must include in any Developer's Works Completion Notice, Logistics Hub Completion Notice or Public Art Completion Notice provided under clauses 6.2, 6.3 or 6.5 a statement from each person directly responsible for the lodgement of documents as required by the DBP Act that all necessary and relevant documentation relating to the Developer's Works, the Logistics Hub, or the Public Art has been prepared, provided and lodged as and when required by, and in the form and method required by, the DBP Act and DBP Regulation. The Developer must provide a copy of all such documentation referred to in this clause 6.6(e) of Schedule 3 to the City with any Completion Notice.
- (f) The Developer will not be entitled to make, and the City will not be liable upon, any claim, damage, expense, loss or liability arising out of, or in any way in connection with, the Developer's obligations under this clause 6.6 of Schedule 3.
- (g) Except as otherwise provided in clause 1.1, all terms used in this clause 6.6 of Schedule 3 have the meanings given to them in the DBP Act and the DBP Regulation.

7. ENVIRONMENTAL COMMITMENTS

7.1 Environmental Commitment

- (a) Unless otherwise agreed between the parties the Developer is to provide the following information, by the due dates as specified:
 - (i) Prior to the issue of the first Construction Certificate for the Development, excluding any Construction Certificate issued for demolition of existing structures on the Land, early works or works below ground level, the Developer must submit to the City's Representative:
 - (A) the signed Commitment Agreement;
 - (B) the executive summary of the Energy Efficient Review prepared by a NABERS certified Independent Design Reviewer;
 - (C) evidence that the Developer has formally registered for a Building rating with the Green Building Council of Australia; and
 - (D) a copy of the Green Star Buildings Pathway.
 - (ii) The Developer must submit to the City's Representative:
 - (A) a copy of the design assessment within 10 business days of submission to the Green Building Council of Australia; and
 - (B) a report, from an appropriately qualified consultant, demonstrating water efficiency and how the proposed building

is likely to achieve a 4 star NABERS water rating submitted prior to the relevant construction certificate.

- (b) If the Developer fails to provide an Environmental Commitment outlined in Clause 1 of Schedule 3, then the Developer will meet with the City and use its best endeavours to mutually agree on alternative measures it will put in place in order to achieve a sustainable Commercial Development.
- (c) The Developer will keep the City informed of its progress in relation to the achievement of its commitments with respect to the Environmental Commitments by providing written confirmation that prior to the issue of the first Occupation Certificate the Development:
 - (i) will use 100% renewable energy, 100% electric and 100% carbon neutral in operation across scope 1 and 2 operational emissions across base building services;
 - (ii) is on track to comply with the NABERS rating specified in Item 6a.(i) of Clause 1 of Schedule 3 and the Green Star rating proposed;
 - (iii) is on track to achieve the NABERS and WELL ratings expressed as Targets in Items 6c and 6f of Clause 1 of Schedule 3;
 - (iv) is on track to achieve the NABERS ratings expressed as Targets in Items 6a.(ii) and 6b;
 - (v) will achieve alternative Environmental Commitments as agreed in accordance with Clause 7.1(b) of Schedule 3.

8. **STANDARDS**

The following list of Standards are included for information purposes only, and as a guide to the relevant standards for the general nature of the work identified as Developer's Works, the Logistics Hub and the Public Art in this document. The City makes no representation or warranty as to the currency of the standards identified, or their application on the final design of the Developer's Works, the Logistics Hub or the Public Art. The Developer must make its own enquiries regarding whether any standard has been replaced or supplemented. In the event that an Australian Standard prescribed a different level of material, finish, work or workmanship than those contained in a City standard, then the higher of the two standards will apply. If there is a conflict between City standards then the Developer must request the City nominate the correct and applicable City standard. The City's decision as to the applicable standard is final.

Relevant Australian Standards – Verge Works, Through site links

- AS 1725 Geotechnical Site investigations
- AS 4455 Masonry Units and segmental pavers
- AS 4678 Earth Retaining Structures
- AS 3600 Concrete Structures

- AS 2876 Concrete kerbs and channels
- AS 1158 Road Lighting
- AS 1743 Road signs
- AS 4282 Control of the Obtrusive Effects of Outdoor lighting
- AS 3500 Plumbing and Drainage
- AS 3700 Masonry Structures
- AS 2890 Parking Facilities
- AS 1428 Design for Access and Mobility
- AS 4454 Composts, soil conditioners and mulches

Relevant Australian Standards – Roads (including pedestrian areas)

- AS 1725 Geotechnical Site investigations
- AS 4455 Masonry Units and segmental pavers
- AS 4678 Earth Retaining Structures
- AS 3600 Concrete Structures
- AS 2876 Concrete kerbs and channels
- AS 1158 Road Lighting
- AS 4282 Control of the Obtrusive Effects of Outdoor lighting
- AS 1428 Design for Access and Mobility
- AS 3500 Plumbing and Drainage
- AS 3700 Masonry Structures
- AS 2890 Parking Facilities
- AS 1742 Manual of uniform traffic control devices
- AS 1743 Road Signs

City Standards (All Works)

- City of Sydney Contaminated Lands DCP 2004
- Sydney Street Code 2013
- Sydney Lights Code 2013
- City of Sydney Access Policy
- Sydney Street Technical Specification and Drawings

- City of Sydney Street Tree Master Plan 2011
- City of Sydney Public Domain Manual

9. **GUIDELINES FOR SUSTAINABILITY COMMITMENTS**

The following list of guidelines are included for information purposes only for the general nature of the Environmental Commitments in this document. The City makes no representation or warranty as to the currency and completeness of the guidelines identified, or their application on the final design of the Environmental Commitments. The Developer must make their own enquiries regarding whether any guideline has been replaced or supplemented.

- Factsheet 4: Preparing for NABERS office rating applications prepared by NSW Office of Environment and Heritage, published August 2011
- Factsheet 5: Preparing for NABERS hotel rating prepared by NSW Office of Environment and Heritage, published September 2014
- Factsheet 7: The NABERS Energy Commitment Agreement prepared by NSW Office of Environment and Heritage, published July 2014
- Guidelines for the use of simulation in Commitment Agreements prepared by NSW Office of Environment and Heritage, version 2011-June
- NABERS Guide to Building Energy Estimation, prepared by NSW Office of Environment and Heritage, published June 2011
- NABERS Guide to Tenancy Energy Estimation, prepared by NSW Office of Environment and Heritage, published June 2011
- Rules for collecting and using data (formerly titled Validation Protocol) version 3.0, February 2013, prepared by NSW Office of Environment and Heritage
- City of Sydney Sustainable Design Technical Guideline dated 2020

EXECUTION

EXECUTED as a deed.

Signed, sealed and delivered for
**THE COUNCIL OF THE CITY OF
SYDNEY** (ABN 22 636 550 790) by
its duly authorised officer, in the
presence of:

Signature of officer

Signature of witness

Name of officer

Name of witness

456 Kent Street, Sydney NSW 2000

Address of witness

Position of officer

Authorised delegate pursuant to
section 377 of the Local Government
Act 1993

Signed, sealed and delivered for
and on behalf of **DEXUS CPA PTY
LTD (ABN 90 160 685 156)** by its
duly authorised attorneys under
power of attorney dated 17 December
2021, in the presence of:

Signature of attorney

Signature of witness

Name of attorney

Name of witness

Level 30, 50 Bridge Street, Sydney
NSW 2000

Address of witness

Signature of attorney

Name of attorney

The common seal of THE OWNERS
- STRATA PLAN NO. 57509 was
affixed on _____
in the presence of the following
person(s) authorised by s273 of the
Strata Schemes Management Act 2015
(NSW) to attest to the affixing of the
seal:

Signature

Name

Authority

Signature

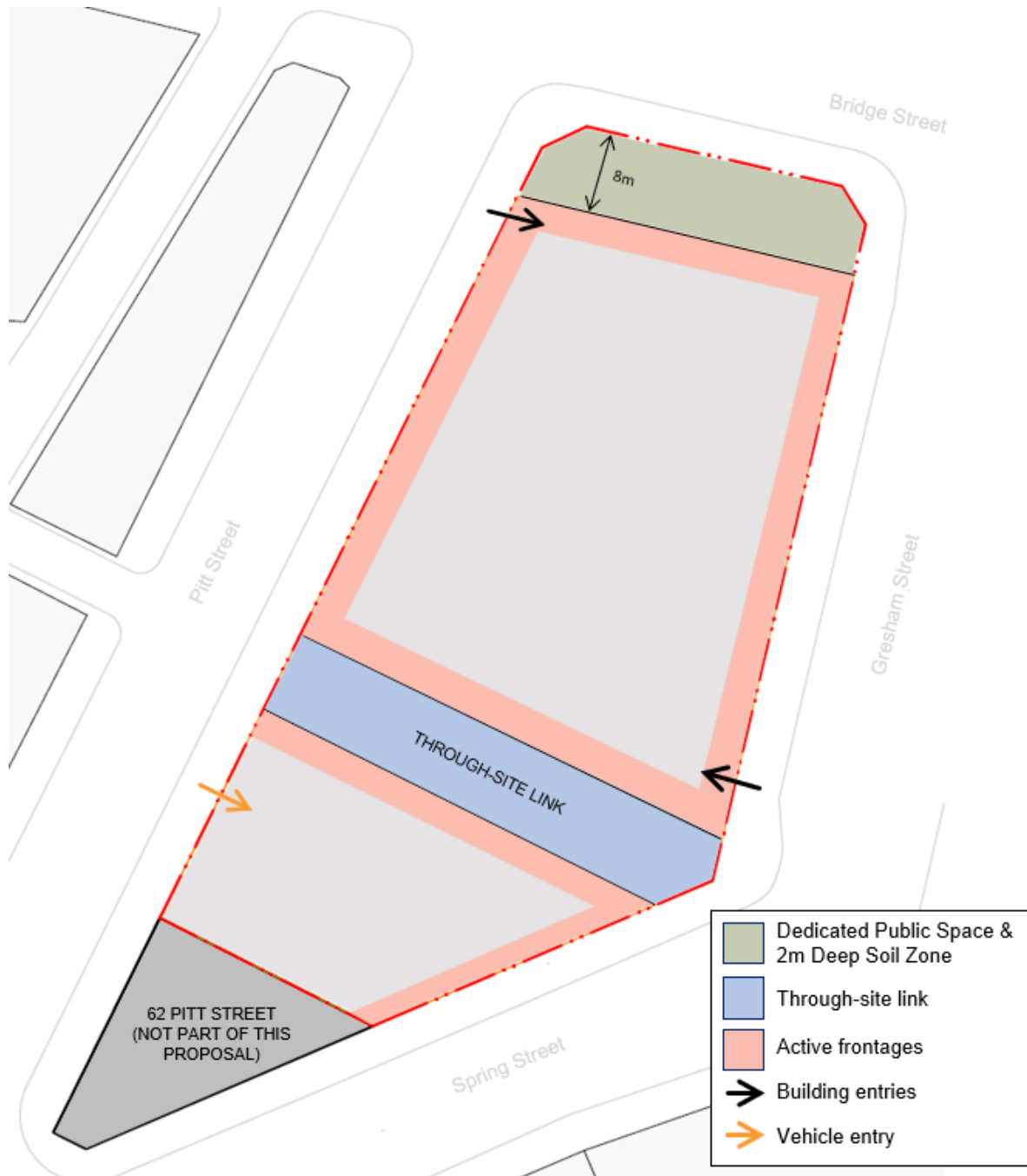
Name

Authority

ANNEXURE A

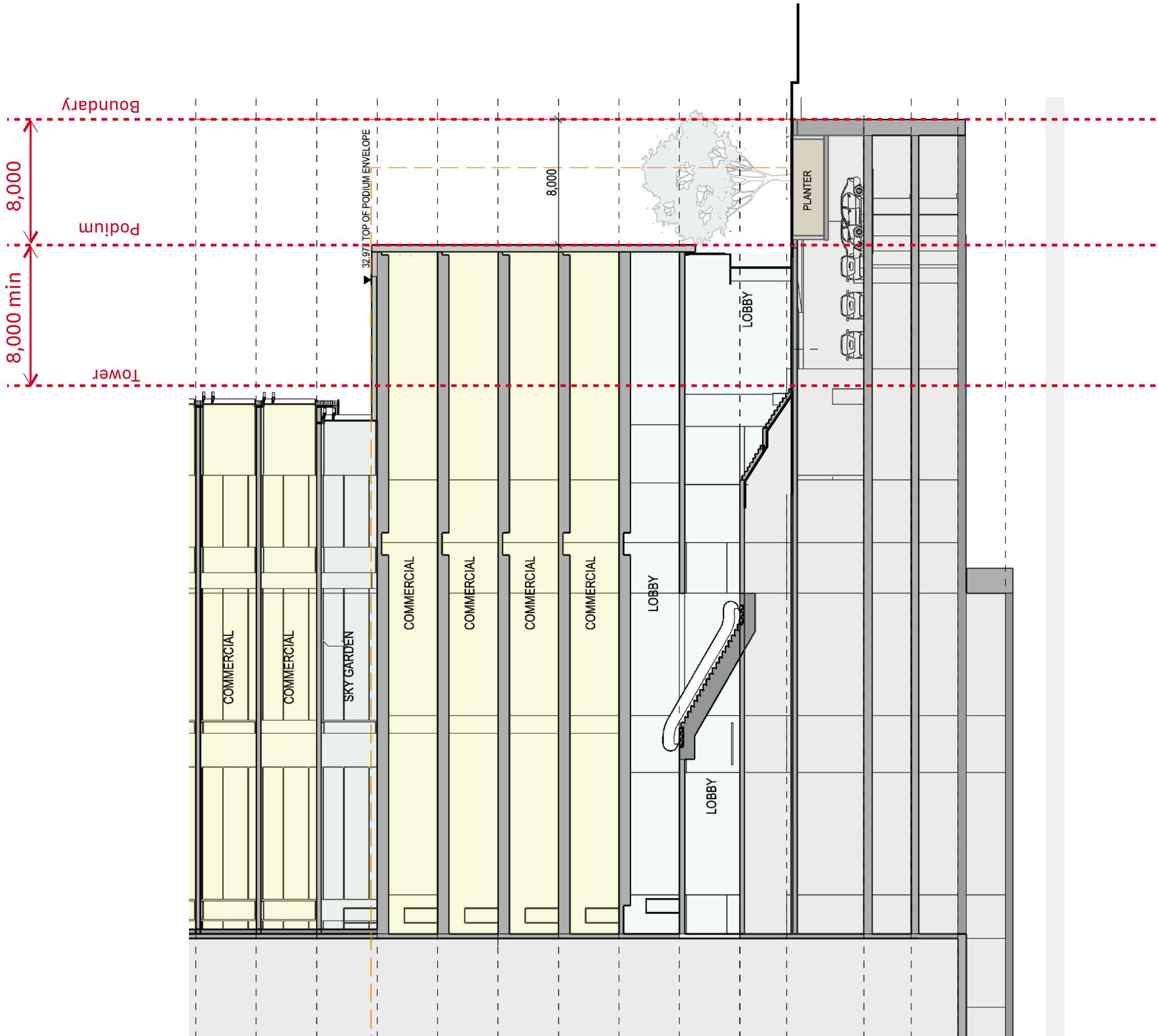
Transfer Land

Plan showing location and stratum of plaza



Indicative / Diagrammatic Section

- Tower Podium Setbacks
- 2m Deep Soil Zone



ANNEXURE B

Developer's Works – Bridge Street Plaza

The Developer's Works will include the following element to be delivered in accordance with the document:

- (a) Construction of a plaza on the Transfer Land at the corner of Pitt, Bridge and Gresham Streets designed in accordance with all City of Sydney standards and all necessary demolition and excavation work
- (b) Remediation of the Transfer Land only to the extent:
 - (i) remediation of the Transfer Land is required by the Development Consent or a development consent authorising the Developer's Works to make the Transfer Land suitable for its intended use; or
 - (ii) remediation is required by a Government Agency acting in a capacity as a regulatory authority under Environmental Laws, to make the Transfer Land fit for purpose.
- (c) Construction of the civil and landscape works required to deliver the above, as approved by the City under Clause 4.3(b) of schedule 3, which may include but not limited to paving, retaining walls, stairs, balustrades, tactile ground surface indicators, stormwater drainage and pits, pedestrian lighting, tree planting and surrounds, garden planting, turf, irrigation systems and street furniture
- (d) Installation of clean imported growing medium and/or structural soil to the deep soil zone in accordance with the City's Standards;
- (e) Provision and adjustment of utility services and service pit lids to meet adjusted levels;
- (f) Adjustment of footway levels to ensure smooth grades and transitions between the new plaza and existing footways.

Maintenance of Developer's Works

For a period of 12 months from the Developer's Works Completion, the Developer must maintain all plants, trees and planted areas in optimum growing condition and appearance, which shall include but is not limited to:

- (g) Water all plants and trees as required to ensure active growth keeping areas moist but not saturated.
- (h) Apply maintenance period fertiliser in accordance with the manufacturer's specifications.
- (a) Keep planting areas free of weeds and undesirable grasses. Remove the entire root system. Dispose of all weeds appropriately.
- (b) Inspect all plants and trees for disease or insect damage weekly. Treat affected material immediately.

- (c) Remove damaged or diseased growth from plants and trees.
- (d) Immediately replace any failed or damaged plants and trees. Replacement plants and trees shall be of equal size and species as the original plant.
- (e) Reset to proper grades or upright position any plants that are not in their proper growing position.
- (f) Stakes and ties must be adjusted or replaced as required.
- (g) Prune plants and trees in order to repair mechanical damage, improve plant shape and to form or clear footpaths.
- (h) Turfed areas must be mowed when sufficient establishment of turf has occurred including but not limited to adequate root contact/anchoring and root depth. All edges must be trimmed. Lawn clippings must be removed from site. Adjust the height of the mower to the lowest level where the lawn has a green appearance without being scalped.
- (i) Top dress lawn when required and replace any areas of subsidence or dead turf which are greater than 1m² in area. Apply lawn fertiliser to ensure healthy growth in the growing season. Remove by hand all weed growth or grass around base of plants in turf. Do not use nylon line type edge trimmers around base of trees.

ANNEXURE C

1. LOGISTICS HUB

- (a) The provision of a public loading dock facility comprising 7 loading dock bays consisting of 2 small rigid vehicle (SRV) and 5 vans size bays, or such alternate loading dock arrangements that provide for a similar capacity based on new loading arrangements at the time, as are agreed with the City in writing. The spatial requirements of the Logistics Hub including vertical clearance of the bays must meet the requirements of Section 3.11.13 of the Sydney Development Control Plan 2012.
- (b) The Logistics Hub will be fully owned, managed and maintained by the owner of the Land from time to time and must be made available for use by the public particularly for those situated in the immediate precinct. The owner of the Land may appoint a manager of the Logistics Hub to manage the Logistics Hub in accordance with the requirements of this document and the Plan of Management.
- (c) Vehicle access to and from the Logistics Hub will be via Pitt Street.
- (d) Users of the Logistics Hub must be able to transport goods from Pitt Street via a goods lift and using a safe and level path of travel without stairs.
- (e) The minimum hours of operation for loading must be, as a minimum, the same as the City's on-street parking restrictions on Spring Street from time to time, currently being 6am to 6pm on weekdays, 7am to 10am on Saturdays.
- (f) Users of the Logistics Hub must be charged no more than the City's charges for on street loading in Spring Street as updated from time to time. In the event that on street loading for Spring Street is no longer provided by the City, users of the Logistics Hub must be charged no more than the City's charges for on street loading for an equivalent street in Sydney City North CBD area.
- (g) The owner will provide and maintain a system to accommodate online bookings and access to the Logistics Hub to accommodate bookings and access, including a process to manage after-hours access if required.
- (h) Sufficient space will be provided in each bay for the purpose of providing set down areas for the duration of use, in accordance with all relevant Australian Standards.
- (i) Users must adhere to the requirements of the Plan of Management, including completing any required security details to manage access.

2. PRE-DEVELOPMENT APPLICATION REQUIREMENTS

Prior to lodgement of the Development Application that includes the Logistics Hub, the Developer must provide the plans of the Logistics Hub that it intends to submit as part of the Development Application for review by the City to confirm the Logistics Hub is capable of achieving the requirements of this document.

3. **DEVELOPMENT APPLICATION REQUIREMENTS**

The Developer must identify the Logistics Hub in the Development Application and demonstrate how the requirements in this document have been met.

The Developer must prepare and submit a draft Plan of Management for Logistics Hub with the Development Application.

4. **PLAN OF MANAGEMENT**

- (a) The Developer must prepare a Plan of Management that provides for the establishment, ongoing use, management and maintenance of the Logistics Hub.
- (b) The Plan of Management must include in line with this document:
 - (i) The objectives of the Plan of Management including compliance with this document.
 - (ii) Details as to how public access to the Logistics Hub will be provided on an ongoing basis.
 - (iii) Details as to how the Plan of Management will be implemented, including how the ongoing use, management and maintenance of the Logistics Hub will be achieved.
 - (iv) Details of any costs or fees to be charged for use of the Logistics Hub including benchmarking against the costs or fees charged for on street loading in Spring Street and how the costs or fees will be reviewed and revised.
 - (v) Details of the consultation undertaken in preparation of the Plan of Management including with parties that may use or support the use of the Logistics Hub.
 - (vi) Details of how the Logistics Hub will be actively promoted to potential users.
 - (vii) Progress reporting as detailed below in the section titled "Progress Reporting Requirements".
- (c) The Plan of Management will be developed by the Developer in consultation with the City and must contain terms consistent with this document that are acceptable to the City (acting reasonably).

5. **PROGRESS REPORTING REQUIREMENTS**

- (a) The Developer must deliver to the City a written report each year, to be provided no later than two weeks after the end of each year period (or as otherwise agreed between the parties), providing full details of:
 - (i) the Developer's progress in operating the Logistics Hub;
 - (ii) annual maintenance and management costs;

- (iii) whether the Logistics Hub is externally managed;
- (iv) usage data by bay in the Logistics Hub in csv format with the following fields:
 - (A) Required: Bay ID, Bay size, Date, Start time, End time, duration
 - (B) Optional (depending on what can be collected via booking platform): Building serviced, reason for trip, how did you hear about us

Note: The City reserves the right to share or publish this data or request the data to be provided in a different format.

- (C) such other information in relation to this document as the City may from time to time reasonably request.
- (b) The Developer must ensure that all reports:
 - (i) contain all required information, and
 - (ii) are accurate and not misleading in any respect.

ANNEXURE D

Through-site link easement for access and positive covenant

INSTRUMENT SETTING OUT TERMS OF EASEMENTS OR PROFITS À PRENDRE INTENDED TO BE CREATED OR RELEASED AND OF RESTRICTIONS ON THE USE OF LAND OR POSITIVE COVENANTS INTENDED TO BE CREATED PURSUANT TO SECTION 88B CONVEYANCING ACT 1919.

(Sheet 75 of 80 sheets)

Plan: Plan of easement and positive covenant over Lot [insert] in DP [insert]

Full name and address of the owners of the land: **Dexus CPA Pty Ltd**
Level 30, 50 Bridge Street, Sydney NSW 2000

Part 1 (Creation)

Number of item shown in the intention panel on the plan	Identity of easement, profit à prendre, restriction or positive covenant to be created and referred to in the plan.	Burdened lot(s) or parcel(s):	Benefited lot(s), road(s), bodies or Prescribed Authorities:
1	Easement for public access variable width limited in height and depth [#insert consistent with final plan]	Lot [insert] in DP [insert]	The Council of the City of Sydney
2	Positive Covenant (Public Access)	Lot [insert] in DP [insert]	The Council of the City of Sydney

Part 2 (Terms)

INTERPRETATION

1. Definitions

These meanings apply unless the contrary intention appears:

Authorised User means every person authorised by the Council or the Owner of the Lots Benefited for the purposes of the Easement created by this Instrument. Subject to the terms of the Easement, an Authorised User includes the employees, agents, servants, contractors, workers, licensees and invitees of the Council or the Owner of the Lots Benefited. Where the Easement benefits the Council or the Council is the owner of the Lot(s) Benefited, an Authorised User includes members of the public.

Council means The Council of the City Sydney, its successors and any other body serving the same or similar function.

Easement means the easements, restrictive covenant or positive covenants in this Instrument and includes the conditions in relation to that Easement.

Easement Site means in relation to an easement, positive covenant and restrictive covenant in this Instrument the site of an easement, positive covenant and restriction on use identified on the Plan.

Emergency Situation means any circumstance involving a need, for reasons of health, safety or security, for evacuation or egress from a building or other place or restriction of access, including fire, earthquake, flooding terrorist activity and any training or test of such evacuation or egress.

Grantee means the owner, or if there is more than one jointly the owners, of an estate in fee simple of a Lot Benefited.

Grantor means the owner, or if there is more than one jointly the owners, of an estate in fee simple of a Lot Burdened.

Lot Benefited means a lot or prescribed authority referred to in Part 1 of this Instrument as being land or authority benefited by an Easement created by this Instrument.

Lot Burdened means a lot referred to in Part 1 of this Instrument as being land burdened by an Easement created by this Instrument.

Owner means every person who is at any time entitled to an estate in a lot referred to in Part 1 of this Instrument as registered proprietor or mortgagee in possession.

Plan means the plan registered together with this Instrument.

Required Credit Rating means a long-term credit rating of at least A- by Standard and Poor's (or equivalent rating).

2. Interpretation

In this Instrument:

- 2.1 the singular includes the plural and vice versa;
- 2.2 a reference to any legislation or to any provision of any legislation includes any modification or re-enactment of it, any legislative provision substituted for it and any regulations and statutory instruments issued under it;
- 2.3 a reference to anything (including any amount) is a reference to the whole or each part of it and a reference to a group of persons is a reference to any one or more of them;

- 2.4 specifying anything in this agreement after the words including, includes or for example or similar expressions does not limit what else might be included unless there is express wording to the contrary;
- 2.5 a reference to a right or obligation of two or more persons confers that right, or imposes that obligation, as the case may be, jointly and severally;
- 2.6 the expression "Grantor" includes the Grantor, its successors and every person who is entitled to an estate or interest in possession of the Lot Burdened or any part of it with which the right is capable of enjoyment;
- 2.7 the expression "Grantee" includes the Grantee, its successors and every person who is entitled to an estate or interest in possession of the Lot Benefited or any part of it with which the right is capable of enjoyment;

3. Headings

Headings do not affect the interpretation of this Instrument.

4. Positive covenants and maintenance requirements

A requirement in an Easement which requires a Grantee or Grantor to maintain or repair an Easement Site or anything in an Easement Site is a positive covenant according to section 88BA of the Act.

5. Severability

If a provision of an Easement under this Instrument is void, unenforceable or illegal, then that provision is severed from that Easement and the remaining provisions of that Easement have full force and effect.

TERMS OF EASEMENT FOR PUBLIC ACCESS VARIABLE WIDTH LIMITED IN HEIGHT AND DEPTH [#INSERT (IF APPLICABLE)] NUMBERED ONE IN THE PLAN

1. Grant

Subject to the Grantor's rights under clauses 3 to 5, the Grantor grants to the Council and its Authorised Users full and free right to go, pass and repass over the Easement Site at all times:

- 1.1 on foot; and/or
- 1.2 with wheelchairs or other disabled access aids, bicycles, tricycles or similar non-motorised machines (being walked or ridden), but excluding all other vehicles; and/or
- 1.3 with or without animals,

for all lawful purposes.

2. Purpose of the Easement

The Council and the Grantor acknowledge that the Easement is being provided at no cost to the public and is for the purpose of providing reasonable access over the Easement Site to any member of the public in accordance with and subject to the provisions of this Easement.

3. Requirements when exercising rights

When exercising its rights and complying with its obligations under this easement, the Council must (and must ensure its Authorised Users (excluding members of the public)) take all reasonable steps:

- (a) to minimise inconvenience, disturbance or damage to the Grantor, the Lot Burdened and any occupier of the Lot Burdened; and

- (b) to cause as little damage as is practicable to the Lot Burdened and any improvements on it; and
- (c) if damage is caused by the Council (or its Authorised Users (excluding members of the public)), restore the Lot Burdened as nearly as practicable to the condition it was in before the damage occurred, as soon as reasonably possible.

4. Grantor may restrict access

Council and its Authorised Users may not exercise their rights under clause 2.1 of this easement:

- (a) during any period in which the Grantor is entitled to restrict access over the Easement Site in accordance with clause 5; and
- (b) during reasonable times notified by the grantor of the Positive Covenant (Public Access) numbered (2) in the Plan to Council to enable the grantor of the Positive Covenant (Public Access) numbered (2) in the Plan to comply with its obligations under the Positive Covenant (Public Access) numbered (2) in the Plan.

5. Restrictions on access

Without limiting the Grantor's rights under clauses 4 and 6, the Grantor may temporarily close, or temporarily restrict, public access to the Easement Site under this easement:

- 5.1 for the purposes of, or as a result of the repair, maintenance or refurbishment of any improvement on the Lot Burdened, provided that:
 - (a) such restriction is for a period not exceeding one month (or such longer period of time as agreed by Council from time to time acting reasonably);
 - (b) where the restriction is for a period not exceeding 24 hours, reasonable steps are taken to minimise the disturbance caused in accordance with rights granted under clause 1; and
 - (c) where the restriction is likely to be for a period for between 24 hours and up to one month, the Grantor:
 - (i) obtains the prior written consent of the Council and complies with any conditions imposed on that consent (such consent not to be unreasonably withheld or delayed); and
 - (ii) takes reasonable steps to minimise the disturbance caused in accordance with the rights granted under clause 1.
- 5.2 when reasonably necessary to prevent the use of the Easement Site by members of the public in a manner that gives rise to a hazard or nuisance; or
- 5.3 for any other purpose provided the Grantor:
 - (a) obtains the prior written consent of the Council and complies with any conditions imposed on that consent (such consent not to be unreasonably withheld or delayed); and
 - (b) takes reasonable steps to minimise the disturbance caused in accordance with the rights granted under clause 1.

6. Emergencies

- 6.1 The Grantor may temporarily restrict access to the Easement Site in an Emergency Situation provided that it gives as much notice as is practicable to the Council and uses all reasonable endeavours to resolve the Emergency Situation and restore access to the Easement Site as soon as possible.

6.2 The Council or the Grantor may erect temporary signage or barriers on the Easement Site to restrict temporarily access to the Easement Site by members of the public under this easement if either of them reasonably forms the view that such access is unsafe.

6.3 Despite any other provision of this instrument:

- (a) the Grantor must at all times allow the Easement Site to be used for access by all emergency and other essential service organisations in connection with an Emergency Situation; and
- (b) the Grantor must not interfere with such access.

7. Inspection

The Grantor must upon reasonable notice, permit the Council to enter the Easement Site with any equipment or machinery reasonably necessary to inspect the Easement Site for the purposes of ensuring that the grantor under Positive Covenant numbered 2 in the Plan is complying with its obligations under the Positive Covenant numbered 2 in the Plan.

8. Name of the person or Authority empowered to release or vary or modify any or all of the Easement numbered one in the Plan:

The Council of the City of Sydney

TERMS OF POSITIVE COVENANT (PUBLIC ACCESS) NUMBERED TWO IN THE PLAN

1. Maintenance of Easement Site

The Grantor must:

- 1.1 at all times, maintain the Easement Site (including any lighting) in good condition and state of repair; and
- 1.2 not permit the Easement Site to become unsafe; and
- 1.3 keep the Easement Site clean and free from rubbish.

2. Public Liability Insurance

2.1 The Grantor must take out and maintain or procure the taking out and maintenance of a public liability insurance policy with respect to any liabilities to Council or to any other person for the death or injury of any person within or about the Easement Site for an amount in respect of any single accident of not less than \$20 million, or such higher amount as may be required by Council (acting reasonably).

2.2 The policy referred to in clause 2.1 must:

- (a) note Council as an interested party; and
- (b) be taken out and maintained with reputable insurers which at all times hold at least the Required Credit Rating.

3. Indemnity

The Grantor indemnifies the Council against any claims or damages arising from the use of the Easement Site by the Council or any of its Authorised Users under Easement for Public Access numbered One on the Plan, except to the extent that the claim or damage is caused by or contributed to by, the wilful or negligent act or omission of the Council or any of its Authorised Users (excluding any member of the public). The Council must use reasonable endeavours to mitigate its loss arising under this clause 3.

4. Person empowered to release, vary or modify the Positive Covenant numbered two in the Plan:

This Positive Covenant may only be released, varied or modified with the consent of the Council of the City of Sydney.

EXECUTION PAGE

Executed by Council of the City of Sydney

EXECUTED by **The Council of the City of Sydney ABN 22 636 550 790** by its attorney under power of attorney registered book in the presence of:

Signature of witness

.....
Signature of Attorney

Name of witness (block letters)

Name of Attorney

[insert execution block]

Attachment D

Summary of submissions

Summary of submissions: 56-60 Pitt Street and 3 Spring Street, Sydney



Activities to support the consultation

On 25 July and 29 July 2024, the Central Sydney Planning Committee and Council respectively, approved the Planning Proposal – 56-60 Pitt Street and 3 Spring Street, Sydney for public authority consultation and public exhibition.

The consultation period ran from 1 to 28 May 2025. The following activities were undertaken to support the consultation:

- A webpage and survey were created for people to review the planning proposal and supporting documentation and provide their feedback. The webpage can be accessed at:
<https://www.cityofsydney.nsw.gov.au/policy-planning-changes/your-feedback-changes-planning-controls-56-60-pitt-street-3-spring-street-sydney>.
- The survey was open for feedback from 1 to 28 May 2025. The website received 298 page visits and 209 document downloads during this period.
- A notification letter was sent to property owners and occupiers within a 75-metre radius of the site boundary, informing them of the planning proposal. 132 letters were sent. An example of the notification letter can be found at Appendix A.
- The project was included in the May edition of the Sydney Your Say eNews sent on 14 May 2025 to 5,045 subscribers. This provided a link to the webpage and survey. An image of the post can be found at Appendix A.
- The Planning Proposal was referred to Commonwealth Department of Infrastructure, Transport, Regional Development, Communications and the Arts, Sydney Airport, Civil Aviation Safety Authority (CASA) and Sydney Water for agency consultation and comment.

What the community told us

We received a total of 11 responses. 7 responses via the online survey and 4 by email, and 6 government agency responses via the NSW Planning Portal.

Of the 10 responses from community members, 5 were supportive and 3 were opposed, and 3 provided feedback without a position. Issues raised in submissions are summarised below.

Table 1 Responses from government agencies

Agency	Submission	City response
Ausgrid	The planning proposal was reviewed by Ausgrid, noting additional considerations for the detailed design and development application stages to ensure safety and compatibility of future development and Ausgrid assets.	Submission is noted. Any additional approvals will be considered as part of any future development application for the site
Airservices Australia	Airservices Australia raised no specific comment on this planning proposal, noting separate requirements for crane approval and for the detailed development application.	Submission is noted.
CASA	CASA did not comment on the planning proposal.	Noted.
Sydney Airport	Sydney Airport Corporation raised no objection to the erection of a development to the maximum height of 310m AHD as proposed. They noted that the proposal is taller than the height of prescribed airspace in this location and is therefore subject to the Federal Airports (Protection of Airspace) Regulations 1996.	Submission is noted. Approvals to operate construction equipment and cranes will be considered as part of any future Development Application for the site.
Transport for NSW	Transport for NSW reviewed the planning proposal and accompanying Traffic Impact Assessment. They recommended updates which would take into consideration changes since the assessment was prepared, i.e. Sydney Metro opening. The subject site intersects the Sydney Metro corridor, any future development application required TfNSW concurrence. Consideration of cumulative impacts on the road network during construction was also requested.	Submission is noted. The future Development Application will be accompanied by an up-to-date traffic impact assessment, which will take place following the detailed design and will be capable of adequately assessing impacts. Similarly, an assessment of road network impacts during construction is generally submitted prior to construction, providing the City an opportunity to review at that time.
Sydney Water	Sydney Water advised following a preliminary assessment of the proposal, capacity should be available to service future development, subject to adjustments and minor extensions. They encouraged the proponent lodge a Feasibility Application as soon as possible, noting its importance in systems with limited capacity and it being possible to hold capacity for proposed developments.	Submission is noted. This information has been relayed to the proponent to review and action.

Table 2 Responses from individual submitters

Issue	Key themes	City response
Support 5 submissions	Submissions supported the proposal noting that the development would assist in maintaining Sydney's competitiveness and global city status and improve its skyline. Support for increased height was also noted.	Support for the proposal is noted.
Built form 4 submissions	Submissions raised concerns over poor boundary setbacks and the bulk of the tower podium feature. The occasional tall building without a podium provides for a variety of spaces within a city, noting they add to the grandeur and spectacle of a supertall building and create a sense of space that doesn't exist when every street is walled in. Another submission suggested the building should extend to the Bridge Street building line to match the alignment of adjacent buildings. One submission commented that activation of the retail frontage would be supported with the right design and planning elements considered. While another commented that active frontages do not make an area more active outside of office hours.	The podium form is an important design feature in this instance, as it ensures good public domain amenity is maintained despite an increased building height. Wind conditions at street level will remain comfortable as strong wind gusts are redirected by the podium away from pedestrians. Upper level setbacks ensure the tower is appropriately positioned setback from the street, helping minimise adverse visual bulk and scale impacts and ensuring acceptable solar access to the public domain. An extensive and iterative design process has resulted in an appropriate podium height that maximises the benefits whilst being sympathetic to surrounding buildings. The location of the Bridge Street public plaza is intended to pick up on that of the Royal Exchange Building that was formerly on the subject site and its alignment away from the street. The plaza appropriately responds to its heritage context by opening views to the former Lands Department building when viewed along Bridge Street, giving greater prominence to the building. The podium's increased street frontage provides for additional activation space on ground floor, providing passive surveillance and contributing to an engaging and lively city life. Dedication of the new plaza and through-site link to the City delivers new connections and open space that is always accessible to the public and accommodates the anticipated increase in pedestrian foot traffic and activity in the area.
Public open space 4 submissions	One submission expressed disapproval for the podium feature and suggested it be removed and replaced with privately-owned public space, noting that privately-owned public spaces often have a different and more interesting character to the sameness of council-owned public spaces.	Among other amenity benefits, the podium allows for increased activation of the street which enhances the pedestrian experience and attractiveness of the streetscape. The proposed podium design and ground floor use supports the intentions of the City North Public Domain Plan for this area to be activated to the public. This proposal facilitates upgrades

Issue	Key themes	City response
	Another submission raised concern that without careful controls, the development may overwhelm the pedestrian environment and reduce walkability. The value of the proposed Bridge Street plaza was also queried, suggesting retaining the building alignment would better suit this location.	including widened footpaths and additional public space, improving connectivity and amenity. Future development will also directly improve the pedestrian environment and enhance walkability. Delivering new public open space fronting Bridge Street and through-site link, dedicated to the City, securing access and its ongoing benefit to the public. Which could not be guaranteed for privately-owned public open space. The proposed Bridge Street public plaza provides new public open space to this part of Central Sydney, providing a connection to nearby Macquarie Place Park. The plaza will maximise daylight access to the building's frontage and adjacent streets and integrate with the surrounding public domain. This planning proposal makes provision for high-quality public art in and around the subject site, including the new plaza. Future redevelopment presents an opportunity for a major piece of public artwork in a prominent location to add visual interest and communicate the site's history. The draft DCP includes public art and considerations to inform the design competition and future application.
Local character impacts 4 submissions	Submissions raised concerns that the proposal will negatively impact the existing built form and streetscape character of the area due to its imposing nature. Suggesting the proposal is out of context with the aesthetics and heritage character of Bridge Street, noting that without careful controls and high quality design, the development may diminish the character of one of Sydney's most historic streets	The site-specific DCP includes provisions which will ensure future development is contextually appropriate and in-keeping with the existing and desired future character of the area. Bridge Street's strong heritage character is acknowledged and respected through a strong podium form aligned with parapet datum of neighbouring heritage buildings. Further, the site specific DCP requires the development to respond to and maintain significant view corridors along Bridge and Spring Streets to highlight and celebrate these character buildings. The proposals generous setback to Bridge Street and Gresham Street provides visual separation between adjacent heritage buildings. Furthermore, an increased setback is also provided to the southern boundary that adjoins a local heritage item at 62 Pitt Street. Local character will be maintained and further improved through the proposal's provision of a new public plaza, through-site link and ground floor retail activation for an enhanced pedestrian experience.

Issue	Key themes	City response
Building height, bulk and scale 4 submissions	Submissions raised concerns over the significant increase in building height, bulk and scale proposed. One submission noted a key impact of this increase was overshadowing to adjacent properties, and in particular to surrounding heritage buildings. One submission suggested tall buildings are de-humanising and Central Sydney has enough skyscrapers already.	Extensive bulk and scale testing was conducted which found that the site is able to support additional height and density due to its site area, orientation, relationship with surrounding built form bulk and scale, as well as its strategic location close to public transport, in the Central Sydney northern tower cluster, where additional building height can be accommodated subject to acceptable amenity. The increased bulk and scale on site holds strategic merit given it will enable the delivery of additional employment floorspace that supports the Central Sydney Planning Strategy. Extensive solar studies have helped deliver a built form envelope that casts appropriate shadows and allows surrounding properties and key heritage landmarks to maintain reasonable solar access. It is noted that the proposal will not impact any residential apartment's solar access. The proposal is also supported by site-specific DCP built form provisions that will ensure the building is appropriately designed, scaled and positioned on site.
Public domain amenity 2 submissions	Submissions raised concerns that the proposed tower form would compromise pedestrian and public domain amenity due to overshadowing and wind tunnel impacts. One submission suggested more planting at ground level to soften the large massing for pedestrians.	The tower has been tested to ensure good public domain amenity. In particular the podium supports good pedestrian amenity by ameliorating wind conditions and solar access to the street through upper level setbacks. Testing on the planning envelope found wind conditions surrounding the subject site would generally remain comfortable following future development of the site. Additional testing was undertaken on the Bridge Street plaza, which found conditions primarily meeting the pedestrian standing criteria. The draft DCP includes development provisions that ensure the plaza is calm and suitable for outdoor seating. Thorough solar studies and an iterative design process has prepared a planning envelope that achieves an appropriate level of daylight access to the surrounding streets. Protected public spaces such as Martin Place, Australia Square plaza and Wynyard Park achieve the required solar access and do not result in additional overshadowing at the protected times as a result of the proposal. The new public plaza fronting Bridge Street is referenced in the site-specific DCP to include generous deep soil zones to support landscaping and mature trees to help soften the development at the street interface and deliver inviting open space for the public to dwell and spend time in.

Issue	Key themes	City response
Design excellence 2 submissions	Submissions raised concern for a potentially sub-standard and unimaginative building on site. Noting the proposal lacks design merit. They emphasised the importance of design excellence in the development process to prevent this type of built form.	Future development has the opportunity to deliver a unique built form in Central Sydney within a tailored planning envelope that is responsive to its context, with a large indent zone that includes greater setbacks that help maintain amenity in the surrounding streets. Further, development consent may only be granted if the future development is subject to an architectural design competition and demonstrates design excellence. The City of Sydney's robust design excellence policy ensures high-quality design outcomes. Future development will be subject to a design excellence competition comprising a minimum of 6 competitors who hold a recent award in design excellence. Entries are reviewed and assessed on how best they meet the brief and address the criteria in the planning controls, including the site-specific provisions in this Planning Proposal.
Construction impacts 2 submissions	One submission raised concern for the prolonged construction disruption to nearby workers and businesses, particularly noise, traffic, large vehicle movements and vibration.	The management of construction impacts on adjoining sites and traffic would be considered as part of a future development application to minimise construction impacts. The issues identified are noted and will be closely addressed to prevent unreasonable impacts on the surrounding area. This would be reviewed by the City and Transport for NSW, with other large construction projects such as the Sydney Metro Hunter Street Station and over-station development considered.
Land use / Housing One submission	One submission objected to the proposal, commenting many Central Sydney office spaces are vacant and delivering more housing should be a priority.	Additional building height and floor space facilitated by this planning proposal is limited to employment generating uses. By delivering additional floor space, the planning proposal supports opportunities for new investment and employment growth, helping strengthen the economy, consistent with the Central Sydney Planning Strategy. The future development concept comprises premium-grade office floor space in line with the landowners' aspiration in attracting top-tier organisations, strengthening Sydney's global status. It will also take advantage of the future Hunter Street Metro station, with a wider catchment for employment opportunities. Concern regarding shortages in housing stock is acknowledged, however this proposal is focused in the commercial core of Central Sydney on a strategic employment focused location. It is noted the City actively works towards the delivery of a diverse range of new housing, including new

Issue	Key themes	City response
		controls to help improve the delivery of new build-to-rent and co-living development and policies to streamline new affordable housing projects. Residential uses and new housing will remain permissible on the subject site. Zoning for the site will not change and a wide range of uses remain permissible, including business and retail uses, as well as residential and visitor accommodation. Any future redevelopment of the site for residential or serviced apartment uses will however be limited to the current building height and floor space controls contained in the LEP.
Public art One submission	One submission stated that the proposal would negatively impact nearby public art, which would be further detracted by any additional public art.	The proposal will provide an opportunity for new public art that will contribute to the public domain. The new building is sufficiently separated from any existing public art or statues such that they will still be able to be appreciated.
Public benefits One submission	The value of the public benefits was raised in one submission, querying if they are commensurate to the development's scale. The contribution of the pedestrian through-site link, logistics hub and environmental commitments to Central Sydney were also critiqued. The submission requested Council negotiate with the developer to secure better public benefits.	The Voluntary Planning Agreement secures public benefits including a through-site link and logistics hub to serve businesses in the area, as well as ensuring environmental commitments are delivered. Infrastructure and affordable housing contributions will also apply to the development. These public benefits and the additional height and floor space are consistent with the City's strategies including the Central Sydney Planning Strategy.
Road network impacts One submission	One submission raised potential impacts to the road network resulting from future development on the subject site. Issues such as traffic generation, street closures and relocation of bus and on-street loading zones were highlighted.	No changes to the road network, including the relocation of any on-street parking spaces, bus stops or loading zones, are included in this planning proposal. Future development has however been prepared to respond to the actions identified in the City North Public Domain Plan. Delivery of the future public domain upgrades identified in the Plan are yet to be finalised and still require detailed design development, at which time consultation with affected landowners will take place.

Appendix A



City of Sydney
Gadigal Country
456 Kent Street
Sydney NSW 2000

+61 2 9265 9333
council@cityofsydney.nsw.gov.au
GPO Box 1591 Sydney NSW 2001
cityofsydney.nsw.gov.au

4 November 2024

Our Ref: X101286

Proposed changes to planning controls for 8-24 Kippax Street, Surry Hills

We invite your feedback on proposed changes to the planning controls for 8-24 Kippax Street, Surry Hills.

The proposal is to increase the maximum height to 44m and the floor space ratio to 10.2:1. This is an additional 14m in building height and 1,130sqm of commercial floor space.

These changes will allow 2 levels to be added to the existing 10-storey commercial building and support its adaptive reuse as high-end office space.

We invite your feedback on the planning proposal to amend the Sydney Local Environmental Plan 2012 and a draft development control plan from 4 November to 2 December 2024.

The results of your feedback will be reported to Council and the Central Sydney Planning Committee.

If Council approves this planning proposal, it can amend the Sydney Local Environmental Plan 2012 on behalf of the Minister for Planning and Public Spaces.

You can view the proposal and give your feedback at sydneyyoursay.com.au by 5pm on **Monday 2 December 2024**.

Feedback can be made online, by email or post to Project Officer, City Engagement, City of Sydney, Town Hall House, Level 7, 456 Kent Street, Sydney NSW 2000.

Feedback should quote 'Reference X101286 – 8-24 Kippax Street, Surry Hills'.

For more information or any queries about this project, contact Daniel Thorpe, specialist planner on 02 9268 9333 or sydneyyoursay@cityofsydney.nsw.gov.au.

Your sincerely

Sally Peters
A/Executive Manager, Strategic Planning and Urban Design
City Planning | Development | Transport



Image: fjcstudio

Changes to planning controls for 56-60 Pitt Street and 3 Spring Street, Sydney

We propose to increase the maximum height and floor space ratio to support a commercial development.

Read the proposal and provide your feedback by Wednesday 28 May.

[Read more](#)

Attachment E

Resolutions of Council and Central Sydney Planning Committee
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Resolution of Council

29 July 2024

Item 10.5

Public Exhibition - Planning Proposal - 56-60 Pitt Street and 3 Spring Street, Sydney - Sydney Local Environmental Plan 2012 and Sydney Development Control Plan 2012 Amendment

It is resolved that:

- (A) Council approve Planning Proposal – 56-60 Pitt Street and 3 Spring Street, Sydney as shown at Attachment A to the subject report, to be submitted to the Minister for Planning and Public Spaces with a request for Gateway Determination;
- (B) Council approve Planning Proposal – 56-60 Pitt Street and 3 Spring Street, as shown at Attachment A to the subject report for public authority consultation and public exhibition in accordance with any conditions imposed under the Gateway Determination;
- (C) Council seek authority from the Minister for Planning and Public Spaces to exercise the delegation of all the functions under section 3.36 of the Environmental Planning and Assessment Act 1979 to make the local environmental plan and to put into effect Planning Proposal – 56-60 Pitt Street and 3 Spring Street, Sydney;
- (D) Council approve the Draft Sydney Development Control Plan 2012 – 56-60 Pitt Street and 3 Spring Street. Sydney, shown at Attachment B to the subject report for public authority consultation and public exhibition concurrent with the Planning Proposal;
- (E) authority be delegated to the Chief Executive Officer to make any variations to Planning Proposal – 56-60 Pitt Street and 3 Spring Street, Sydney, to correct any drafting errors or to ensure consistency with the Gateway Determination;
- (F) authority be delegated to the Chief Executive Officer to make any variations to Draft Sydney Development Control Plan 2012 – 56-60 Pitt Street and 3 Spring Street, Sydney, to correct any drafting errors or ensure it is consistent with the Planning Proposal following the Gateway Determination; and

- (G) Council note the Chief Executive Officer will prepare a draft planning agreement in accordance with the letter of offer dated 4 July 2024 at Attachment C to the subject report, and the requirements of the Environmental Planning and Assessment Act 1979, to be exhibited in accordance with the Act.

Substantive motion carried unanimously.

X103370

Resolution of Central Sydney Planning Committee

25 July 2024

Item 8

Public Exhibition - Planning Proposal - 56-60 Pitt Street and 3 Spring Street, Sydney - Sydney Local Environmental Plan 2012 and Sydney Development Control Plan 2012 Amendment

Moved by the Chair (the Lord Mayor), seconded by Councillor Chan -

It is resolved that:

- (A) the Central Sydney Planning Committee approve Planning Proposal – 56-60 Pitt Street and 3 Spring Street, Sydney as shown at Attachment A to the subject report, to be submitted to the Minister for Planning and Public Spaces with a request for Gateway Determination;
- (B) the Central Sydney Planning Committee approve Planning Proposal – 56-60 Pitt Street and 3 Spring Street, as shown at Attachment A to the subject report for public authority consultation and public exhibition in accordance with any conditions imposed under the Gateway Determination;
- (C) the Central Sydney Planning Committee note the recommendation to Council's Transport, Heritage and Planning Committee on 22 July 2024, that Council seek authority from the Minister for Planning and Public Spaces to exercise the delegation of all the functions under section 3.36 of the Environmental Planning and Assessment Act 1979 to make the local environmental plan and to put into effect Planning Proposal – 56-60 Pitt Street and 3 Spring Street, Sydney;
- (D) the Central Sydney Planning Committee note the recommendation to Council's Transport, Heritage and Planning Committee on 22 July 2024, that Council approve the Draft Sydney Development Control Plan 2012 – 56-60 Pitt Street and 3 Spring Street, Sydney, shown at Attachment B to the subject report for public authority consultation and public exhibition concurrent with the Planning Proposal;
- (E) authority be delegated to the Chief Executive Officer to make any variations to Planning Proposal – 56-60 Pitt Street and 3 Spring Street, Sydney, to correct any drafting errors or to ensure consistency with the Gateway Determination;

- (F) authority be delegated to the Chief Executive Officer to make any variations to Draft Sydney Development Control Plan 2012 – 56-60 Pitt Street and 3 Spring Street, Sydney, to correct any drafting errors or ensure it is consistent with the Planning Proposal following the Gateway Determination; and
- (G) the Central Sydney Planning Committee note the Chief Executive Officer will prepare a draft planning agreement in accordance with the letter of offer dated 4 July 2024 at Attachment C to the subject report, and the requirements of the Environmental Planning and Assessment Act 1979, to be exhibited in accordance with the Act.

Carried unanimously.

X103370

Attachment F

**Gateway Determination - dated 15
November 2024**

Gateway Determination

Planning proposal (Department Ref: PP-2024-949): to amend Sydney Local Environmental Plan 2012 to enable an increased floor space ratio (FSR) and increased maximum building height for development at 50-60 Pitt Street and 3 Spring Street for uses other than residential accommodation and serviced apartments.

I, the Director Local Planning (North, East and Central Coast) at the Department of Planning, Housing and Infrastructure, as delegate of the Minister for Planning and Public Spaces, have determined under section 3.34(2) of the *Environmental Planning and Assessment Act 1979* (the Act) that the above planning proposal should proceed.

The Council as planning proposal authority is authorised to exercise the functions of the local plan-making authority under section 3.36(2) of the Act subject to the following:

- (a) the planning proposal authority has satisfied all the conditions of the gateway determination;
- (b) the planning proposal is consistent with applicable directions of the Minister under section 9.1 of the Act or the Secretary has agreed that any inconsistencies are justified; and
- (c) there are no outstanding written objections from public authorities.

The LEP should be completed on or before 11 September 2025.

Gateway Conditions

1. Prior to exhibition, the planning proposal is to be amended to:
 - (a) remove the exclusion of the proposed provision from Clause 4.6 to address inconsistency with Section 9.1 Direction 1.4A Exclusion of Development Standards From Variation; and
 - (b) remove the clarification that the controls are to be on an opt in basis for uses other than residential accommodation and serviced apartments from the proposed provision.
2. Public exhibition is required under section 3.34(2)(c) and clause 4 of Schedule 1 to the Act as follows:
 - (c) the planning proposal is categorised as standard as described in the *Local Environmental Plan Making Guideline* (Department of Planning and Environment, August 2023) and must be made publicly available for a minimum of 20 working days; and
 - (d) the planning proposal authority must comply with the notice requirements for public exhibition of planning proposals and the specifications for material that must be made publicly available along with planning proposals as identified in *Local Environmental Plan Making Guideline* (Department of Planning and Environment, August 2023).

3. Consultation is required with the following public authorities and government agencies under section 3.34(2)(d) of the Act and/or to comply with the requirements of applicable directions of the Minister under section 9 of the Act:

- Transport for NSW
- Commonwealth Department of Infrastructure, Transport, Regional Development, Communications and the Arts
- Sydney Airport
- Civil Aviation Safety Authority
- Air Services Australia
- Utility Providers, including Sydney Water

Each public authority is to be provided with a copy of the planning proposal and any relevant supporting material via the NSW Planning Portal and given at least 30 working days to comment on the proposal.

4. A public hearing is not required to be held into the matter by any person or body under section 3.34(2)(e) of the Act. This does not discharge Council from any obligation it may otherwise have to conduct a public hearing (for example, in response to a submission or if reclassifying land).

Dated 15 November 2024



Jazmin van Veen
Director, Local Planning (North, East
and Central Coast)
Local Planning and Council Support
Department of Planning, Housing and
Infrastructure

Delegate of the Minister for Planning and
Public Spaces

Item 9.

Post Exhibition - Display of Goods on the Footway Local Approvals Policy

File No: S060627-02.026

Summary

Outdoor goods displays can support strong local business, maintain life to our high streets and foster shopping precincts as destinations. Council policies seek to provide a safe and comfortable environment for all users of footways and public spaces, noting a well-managed footway promotes both equitable access and creates places and streets that are amenable and attractive for all visitors.

The Display of Goods on the Footway Local Approvals Policy (the LAP) allows retailers to display goods on the footpath outside their premises without seeking development consent or approval from Council or Transport for NSW (on classified roads).

The LAP aims to:

- (a) promote the activation of the footway by permitting the display of goods
- (b) maintain the pedestrian thoroughfare as the primary purpose of the footway
- (c) maintain a consistent and predictable clear path of travel for all users
- (d) manage neighbourhood amenity through minimising additional visual clutter and other impacts
- (e) ensure access and amenity is maintained by monitoring compliance with the criteria

The current LAP came into force on 19 December 2022. Under section 165(4) of the Local Government Act 1993, the LAP is automatically revoked 12 months following local government elections. As a result, the current LAP will be automatically revoked on 14 September 2025. For the policy to remain in force it must be re-adopted by Council before that date.

Under section 162 of the Local Government Act 1993, the Departmental Chief Executive of the Office of Local Government must provide consent for any local approvals policy that provides an exemption from obtaining an approval. This consent must be received prior to the LAP being adopted.

The draft LAP was largely unchanged from the previous version, with minor amendments to reflect recent and future changes to the Sydney Local Environmental Plan 2012 and to more closely align with the terminology of the Local Government Act 1993.

The draft LAP was publicly exhibited from 20 March to 8 May 2025. It was available for review via Sydney Your Say, the consultation was included in the April edition of the Sydney Your Say e-newsletter, and email notifications of the consultation were sent to 29 contacts in chambers of commerce and disability groups. No submissions were received. As a result, the LAP is unchanged following public exhibition.

Recommendation

It is resolved that:

- (A) Council endorse the Display of Goods on the Footway Local Approvals Policy, as shown at Attachment A to the subject report, for submission to the Office of Local Government with a request for the consent of the Departmental Chief Executive for the adoption of the Policy in accordance with section 162 of the Local Government Act 1993;
- (B) authority be delegated to the Chief Executive Officer to adopt the Display of Goods on the Footway Local Approvals Policy subject to consent of the Departmental Chief Executive under section 162 of the Local Government Act 1993; and
- (C) authority be delegated to the Chief Executive Officer to make amendments to the Display of Goods on the Footway Local Approvals Policy, to correct any minor drafting errors and finalise design, artwork and accessible formats for publication or address requirements of the Office of Local Government in granting their consent under section 162 of the Local Government Act 1993.

Attachments

Attachment A. Display of Goods on the Footway Local Approvals Policy

Background

1. The Display of Goods on the Footway Local Approvals Policy (the LAP) aims to promote the use of the footway for the display of goods to support local business activity where it is safe. Displaying goods is balanced with ensuring that pedestrian thoroughfare is maintained as the primary purpose of the footway.
2. Prior to the implementation of the LAP, a display of goods often required a development application and, where located on a classified road, the approval of Transport for NSW.
3. In 2020, Council approved a Planning Proposal to make displays of goods exempt development under the Sydney Local Environmental Plan 2012. By enacting a Local Approvals Policy under section 168 of the Local Government Act 1993, and a General Consent under section 138 of the Roads Act, the LAP makes it possible for businesses to have a display of goods on the footway in front of their premises without submitting an application.
4. The LAP sets the criteria for when approval is not required. If the criteria are not met then the display cannot be placed on the footpath. The criteria for placement in the footway include maintaining a predictable and consistent clear path of travel, establishing clearances around common obstacles, requirements for the nature of goods on display, and the size, design and maintenance of the display structure. Displays of goods on the footway are not permitted in Central Sydney. Should non-compliance with the LAP be observed, City Rangers can instruct removal.

The policy is due for review

5. On 27 June 2022, Council adopted a Display of Goods on the Footway Local Approvals Policy that came into force on 19 December 2022. Under section 165(4) of the Local Government Act 1993, the LAP is automatically revoked 12 months after local government elections. Following local elections on 14 September 2024, the existing LAP will be revoked on 14 September 2025. In order to remain in force, the LAP must be re-adopted by Council prior to this date.
6. Minor amendments were made to the draft LAP to maintain consistency with recent proposed amendments to the Sydney Local Environmental Plan 2012 (the Sydney LEP). On 11 December 2023, Council approved a Planning Proposal for public exhibition of a suite of Policy and Housekeeping Amendments to the Sydney LEP. This proposal included the reintegration of a number of areas previously excluded from the Sydney LEP, including the former Carlton United Brewery site on Broadway (Central Park), Harold Park, Glebe Affordable Housing Project, certain Redfern Waterloo Authority Area sites, and sites fronting Gardeners Road, Rosebery. The LAP will apply to these sites upon their reintegration and amendments to the text and maps have been inserted to make this clear.
7. There have also been minor changes to provide greater clarity and to align language and terminology more closely with the Local Government Act 1993. In the LAP, found at Attachment A, changes are shown with deletions in red strikethrough and new text in red underline.

No amendments were made following public exhibition

8. The draft LAP was placed on public exhibition from 20 March to 8 May 2025, in accordance with the requirements of section 160 of the Local Government Act and section 77 of the Local Government (General) Regulation 2021.
9. A Sydney Your Say webpage was created containing key information on what the policy is for, the proposed amendments and the draft LAP for download. The community was able to give feedback via email or by using an online survey. The matter was also included in the April 2025 edition of the Sydney Your Say e-newsletter sent to 5,122 subscribers. Separately, 29 contacts from chambers of commerce and disability groups were contacted via email to inform them of the public exhibition, and providing a link to the Sydney Your Say page.
10. The webpage was visited 302 times and the draft LAP was downloaded 34 times. No submissions were received. As a result, the LAP remains unchanged following public exhibition.

Key Implications**Strategic Alignment - Sustainable Sydney 2030-2050 Continuing the Vision**

11. Sustainable Sydney 2030-2050 Continuing the Vision renews the communities' vision for the sustainable development of the city to 2050. 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 3 - Public places for all - The policy promotes the activation of the footway supporting thriving streets. The criteria ensures that the footway remains safe, and amenity is maintained.
 - (b) Direction 5 - A city for walking, cycling and public transport - The activation of the footway supports pedestrian thoroughfare and clearance controls ensures footways remain suitable for walking.
 - (c) Direction 8 - A thriving cultural and creative life - The display of goods makes streets more lively and attractive destinations while allowing businesses to contribute to the cultural and creative life of the city.

Risks

12. City staff have considered the LAP and its continuing operation is within the City's risk tolerance and risk appetite. Where risks associated with activities can be effectively mitigated and there are reasonable benefits to the community, a minimal risk can be considered. The LAP is within the risk appetite as it includes criteria to address safe and equitable pedestrian access on the footway. The LAP also requires business with goods displays on the footway to hold a public liability insurance policy for at least \$20 million.

Social / Cultural / Community

13. Footway uses have the potential to impede movement of people with disability and people who are blind or have low vision. The LAP requires a minimum 2 metre clear path of travel which is to be provided in a predictable pattern consistent with footway uses along the length of the street. The LAP requires clearances from tactile ground service indicators, service objects, pedestrian and signalised crossings, and bus zones, public transport access points and taxi stands. The LAP also requires shelving to have a solid base of a contrasting colour for people who are blind or have low vision.

Economic

14. The policy supports businesses displaying goods on the footway, encouraging local business activity and contributing to a lively and attractive streetscape. Footway displays are important for attracting customers and fostering a vibrant retail environment.

Relevant Legislation

15. Local Government Act 1993
16. Local Government (General) Regulation 2021
17. Roads Act 1993
18. Sydney Local Environmental Plan 2012

Critical Dates / Time Frames

19. The current LAP came into force on 19 December 2022 and will be automatically revoked on 14 September 2025. Section 162 of the Local Government Act 1993 requires the Departmental Chief Executive in the Office of Local Government to give consent to the LAP. This consent must be received before the Chief Executive Officer can adopt the LAP.

GRAHAM JAHN AM

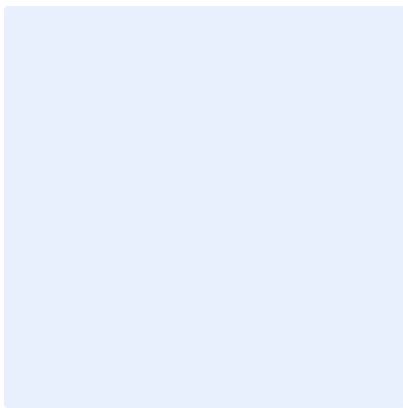
Chief Planner / Executive Director City Planning, Development and Transport

James Dirickx-Jones, Planner

Attachment A

Display of Goods on the Footway Local Approvals Policy
--

Display of Goods on the Footway Local Approvals Policy



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Introduction

The purpose and title of this policy

This policy is called the Display of Goods on the Footway Local Approvals Policy. Its purpose is to set out the circumstances ~~and conditions~~ under which Council will allow goods to be display~~ed~~ on the footpath and other similar public spaces.

These areas are identified in Figure 1.

This policy was adopted by Council on X and commenced operation on X.

The aims of the policy

The aims of the policy are to:

- promote activation of the footway by permitting the display of goods;
- maintain the pedestrian thoroughfare as the primary purpose of the footway;
- maintain a consistent and predictable clear path of travel for all users;
- manage neighbourhood amenity through minimising additional visual clutter and other impacts; and
- ensure access and amenity is maintained by monitoring compliance with the criteria.

How this policy works

This is a Local Approvals Policy under section 158 of the Local Government Act 1993.

Part 1 – Exempt from approval

Part 1 of this policy sets out the circumstances where a display of goods does not require approval from Council. Where the display of goods meets all the criteria in Part 1 of this policy:

- no approval is required from Council; and
- no fee is payable to Council.

Part 2 – Criteria for approvals

There are no criteria for giving or refusing an approval. If a display does not meet the criteria in Part 1:

- no approvals are available; and
- the display is not permitted.

Part 3 – Other matters for approvals

There are no other matters relating to approvals.

Scope of this policy

This policy applies to the City of Sydney local government area ~~except for the areas excluded as identified in Figure 4~~ where the Sydney Local Environmental Plan 2012 applies.

This policy will also immediately apply to the following areas upon each of them being incorporated into the Sydney Local Environmental Plan 2012:

- Harold Park
- Glebe Affordable Housing Project
- former Carlton United Brewery
- Gardeners Road, Rosebery
- former Redfern Waterloo Authority sites

Enforcement of the policy

Where a display does not meet the ~~criteria~~ circumstances in Part 1 of this policy, it is not permitted.

An authorised officer of Council may issue penalty notices, give orders or initiate court action for non-compliance with this Policy.

When will the policy be revoked?

Under s165(4) of the Local Government Act 1993, this policy is automatically revoked 12 months after the NSW local government elections, unless Council resolves to do so sooner (s164(3)).

Figure 1. Scope of Policy



Display of Goods on the Footway Local Approvals Policy

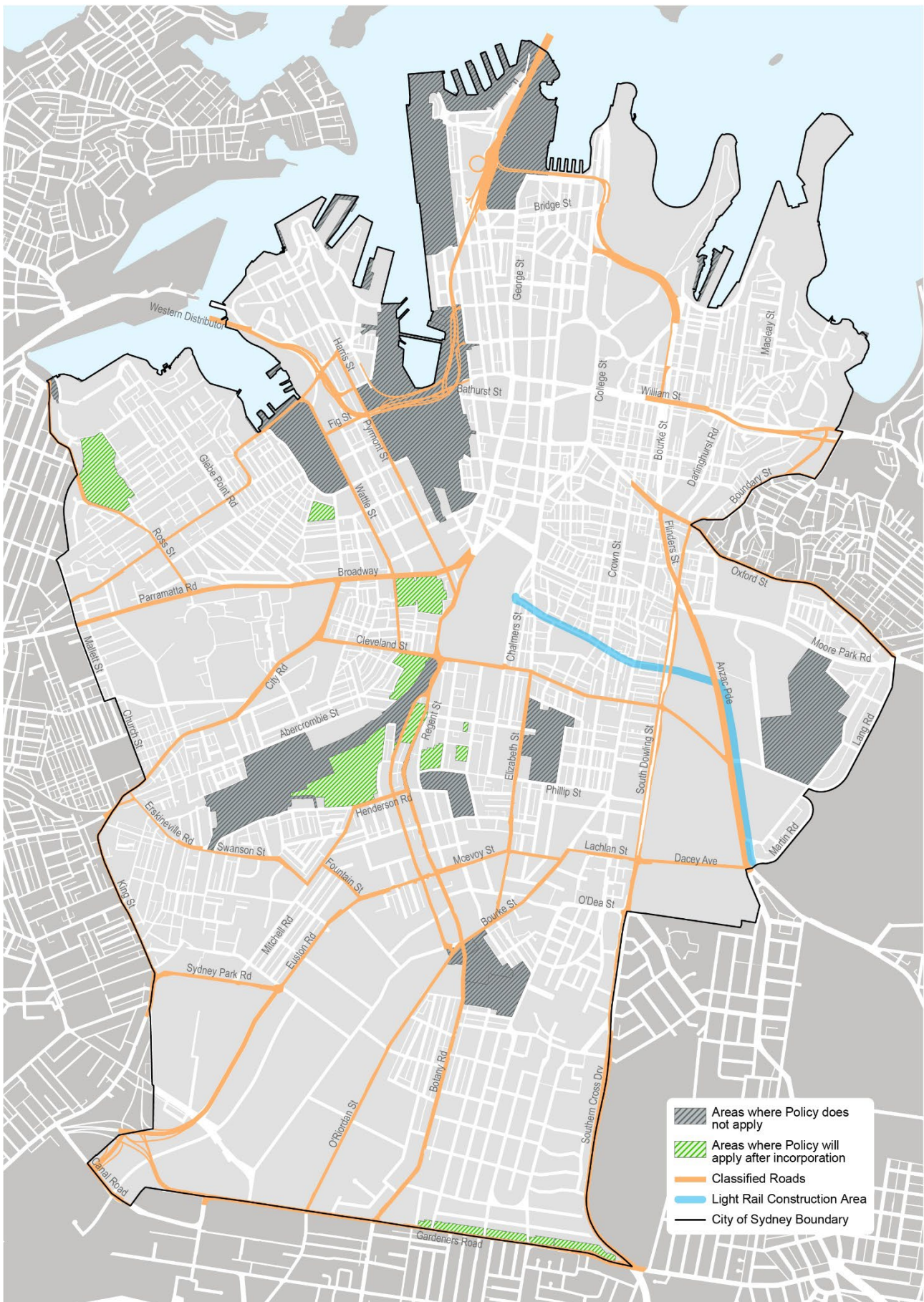
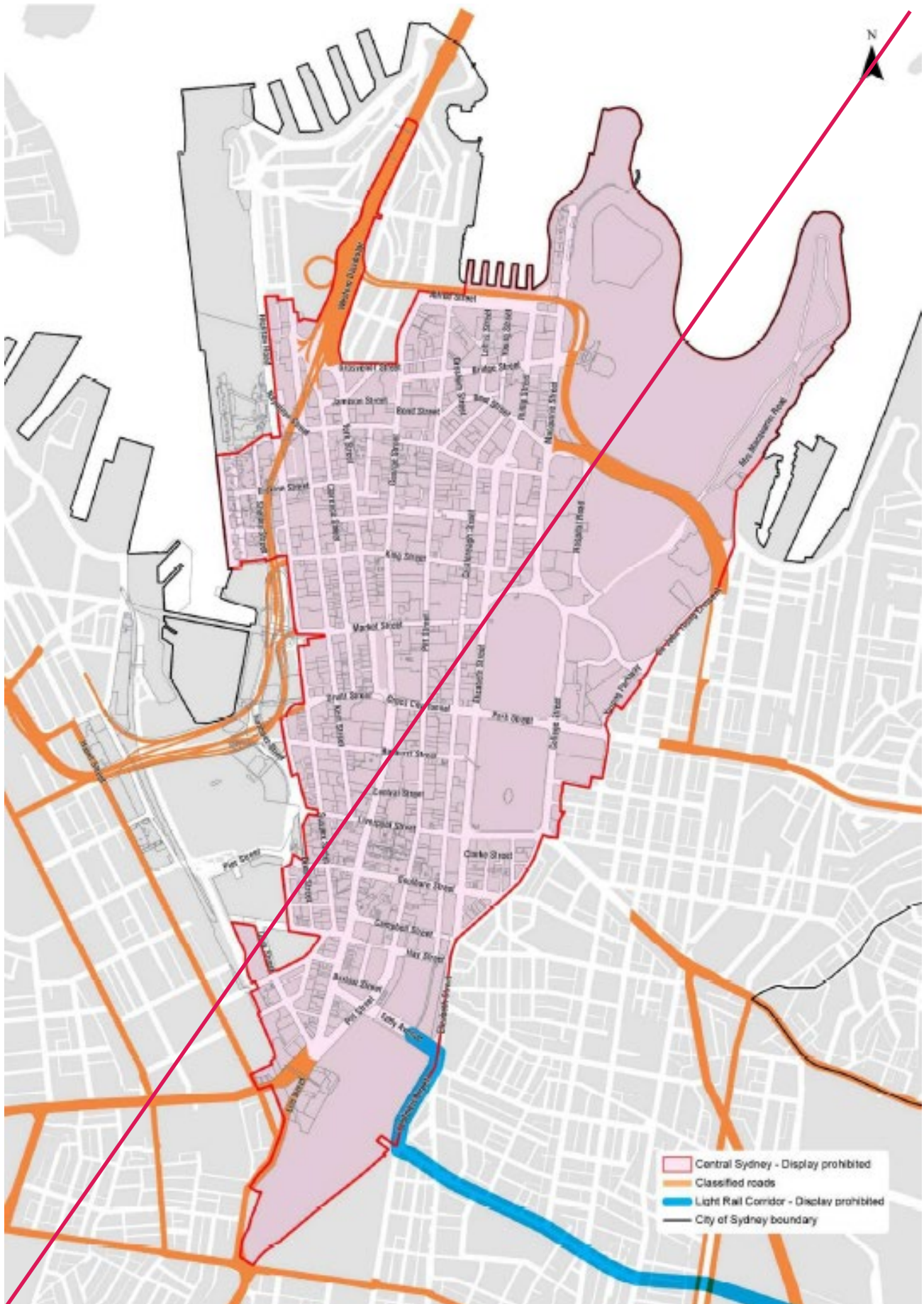


Figure 2. Central Sydney



Display of Goods on the Footway Local Approvals Policy



Display of Goods on the Footway Local Approvals Policy

Key terms

Term	Meaning
Clear path of travel	The area of the footway maintained for safe and equitable pedestrian circulation which is free from obstructions and assists in wayfinding and navigation. Also referred to as the continuous accessible path of travel, which is defined by the Australian Human Rights Commission as: <i>An uninterrupted route to and within an area premises providing access to all features, services and facilities. It should not incorporate any step, stairway, turnstile, revolving door, escalator, hazard or other obstacle or impediment which would prevent it from being safely negotiated by people with disability. (Advisory note on streetscape, public outdoor areas, fixtures, fittings and furniture, 2013)</i>
Display of goods	The display of goods for sale, associated with a lawfully operating <u>adjacent</u> retail outlet which does not involve spruiking or sales activity from the footway.
Exempt development	Development which does not need development consent under the Environmental Planning and Assessment Act 1979, but which may still need some other approval.
Footway	That part of a road that is set aside or formed as a path or way for pedestrian traffic., whether or not it may also be used by bicycle traffic.

Part 1 – Exempt from approval

This part (Part 1) sets out the circumstances under which operators using the footway to display goods from an adjacent shop are exempt from approvals under section 68, Part E (2) of the Local Government Act 1993.

The following criteria meet or exceed standards set under AUSTRROADS Guide to Road Design Part 6A: Paths for Walking and Cycling, Section 5 Design Criteria.

A display is exempt from approval only if it meets the following criteria.

1.1 Areas where displays are prohibited

Displays are prohibited in:

- The Light Rail Corridor as shown in Figure 1; and
- Central Sydney as shown ~~on~~in Figure 2.

Kerbside displays are prohibited on Classified Roads, however building side displays are permitted. See section 1.4 and Appendix A for more information.

1.2 Clear path of travel for pedestrians

The display should be located to allow for a consistent and predictable clear path of travel along the whole of the street block.

The clear path of travel should be at least 2 metres wide, except in a signposted 'shared zone' where the clear path of travel should be at least 4 metres wide.

An example of a clear path of travel is shown in Figure 3.

1.3 Location of the display

The display should generally be located against the building line of the shop.

The display cannot be located outside adjacent premises.

When located on the building side, the display must leave:

- ~~An~~ unobstructed access~~way~~ into the shop; and
- unobstructed access to any fire exit, fire door, or pathway to a fire exit or fire door.

1.4 Kerbside displays

The display can only be located on the kerbside:

- if the road is not a classified road as defined under the Roads Act 1993 (a list of these roads is at Appendix A);
- if existing business uses on the street block, such as outdoor dining, are already located towards the kerb; and
- if it is set back 0.6 metres from the kerb or gutter to enable unobstructed access for car passengers.

When located on the kerbside, the display must:

- occupy no more than 60% of the total street frontage of the shop; and
- have regular breaks of 1.2 metres.

This is to allow unobstructed access to and from the kerb.

1.5 Clearances around the display

In addition to the clear path of travel for pedestrian traffic, the display should maintain clearances in all directions around the following items:

- 0.5 metres from any tactile ground service indicators
- 1 metre from any service object including fire hydrant, utility pit, vents, drains, public seat, bike rack or ring, pay phones, parking meters, rubbish bins and the like;
- 1 metre from pedestrian and signalised crossings, kerb ramps, any landscaped area, street tree pit or grate;
- 2 metres from the corner alignment of the building at street intersections (as shown in Figure 3). This is to allow for a clear line of sight from the intersection; and
- 3 metres from bus zones, public transport access points and taxi stands.

1.6 Display structure – dimensions

The goods ~~should~~must be displayed on a structure or stand:

- no more than 0.6 metres deep, when measured perpendicular to the shopfront or building line;
- with the lowest 60 millimetres being solid to be detectable with a cane, and with colour and luminance contrast of at least 30%, to allow them to be identified by pedestrians with low vision; and
- no less than 0.5 metres high to avoid being a tripping hazard, and
- no more than 1.2 metres high (including the goods) to allow views between the road, the footway and the building (as shown in Figure 4).

1.7 Display structure – design

The display structure must ~~is to~~ be designed:

- to keep the street tidy and free of clutter, with no objects hanging or protruding from the structure into the footway;
- to be durable and weather resistant;
- to prevent goods being blown about by wind;
- so as not to compromise trolleys, shopping baskets, crates or packing boxes;
- without electrical power, lighting, heating or refrigeration; and
- without mirrored or reflective surfaces.

Sandwich boards and advertising A-frames are not permitted.

1.8 Goods on display

The goods on display:

- are to be normally found for sale in the adjacent shop;
- ~~do~~ must not emit noise or vibration that could cause annoyance, for example operating radios or electronic toys; and
- are to comply with any regulations ensuring the display of items is free from contamination, for example the Food Act 2003 for displays containing food.

The display must not contain the following goods for sale:

- furniture or white goods;
- sharp, dangerous, or protruding items (for example uncovered hardware items);
- goods that may damage or stain the pavement (for example oils or dyes);
- perishable foods (including meat, fish, shellfish, poultry, dairy or cooked rice) other than fresh fruit and vegetables;
- restricted literature or goods, where restricted means publications classified Category 1 restricted, Category 2 restricted, or RC under the Classification (Publications, Films and Computer Games) Act 1995 (Cth).

1.9 Permitted hours for the display

The display must be removed from the footway outside the approved operating hours of the adjacent shop, or between 10pm and 7am the next day, if the shop is approved to trade between 10pm and 7am the next day.

1.10 Use of the display

The display is not to be used for:

- conducting sales transactions;
- spruiking or broadcasting or amplified sales messages on the footway, or from within the shop so they can be heard on the footway; or
- for advertising, except where it relates to the items on display.

1.11 Maintenance of the display

The display structure:

- must not be attached to the footway, street poles, or any other street furniture or infrastructure with metal bolts, padlocks, chains or the like;
- must not damage the surface of the footway, including when it is being moved at the start and end of trading;
- is to be kept clean and tidy; and
- is to be kept in good repair and free of broken elements.

1.12 Insurance

The operator of the display must have a current public liability policy covering the display, with a minimum value of \$20 million. For displays on a classified road, the insurance policy must note the interests of Transport for NSW.

1.13 Removal of display

The road authority (Council or Transport for NSW) can request the goods display be removed, and the person or business who owns the display shall agree to and carry out removal, if:

- the conditions of this policy the circumstances and criteria set out in this policy are breached and/or exceeded;
- the display is compromising public safety or public access;
- the footway area is needed for public works;
- the footway area is needed for a special event;
- the footway area is needed to manage an increase in pedestrians;
- the footway is needed for the installation of construction hoardings and scaffoldings; or
- the footway is needed to support pedestrian flow.

Figure 3. Example of a clear path of travel and required clearances

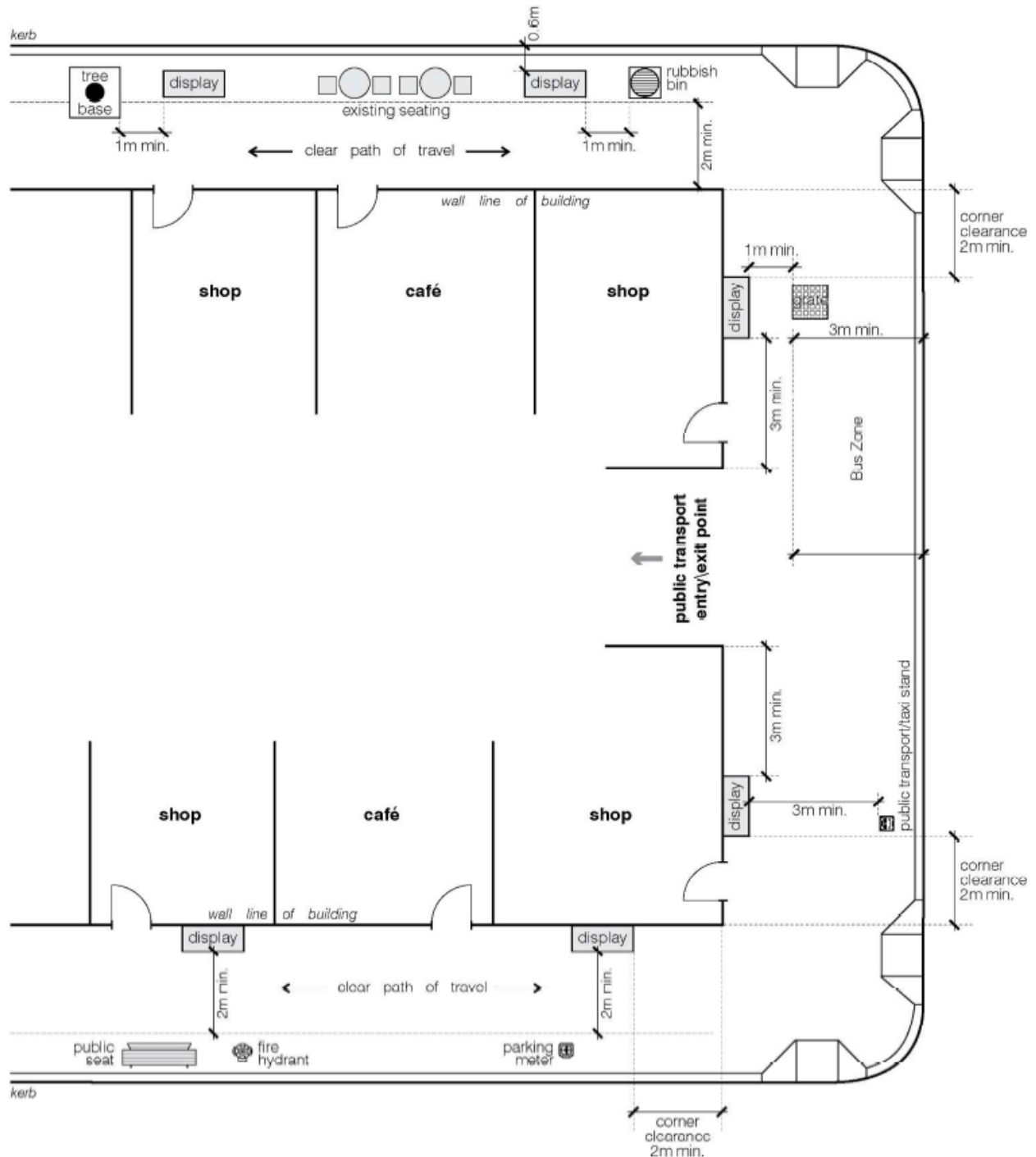
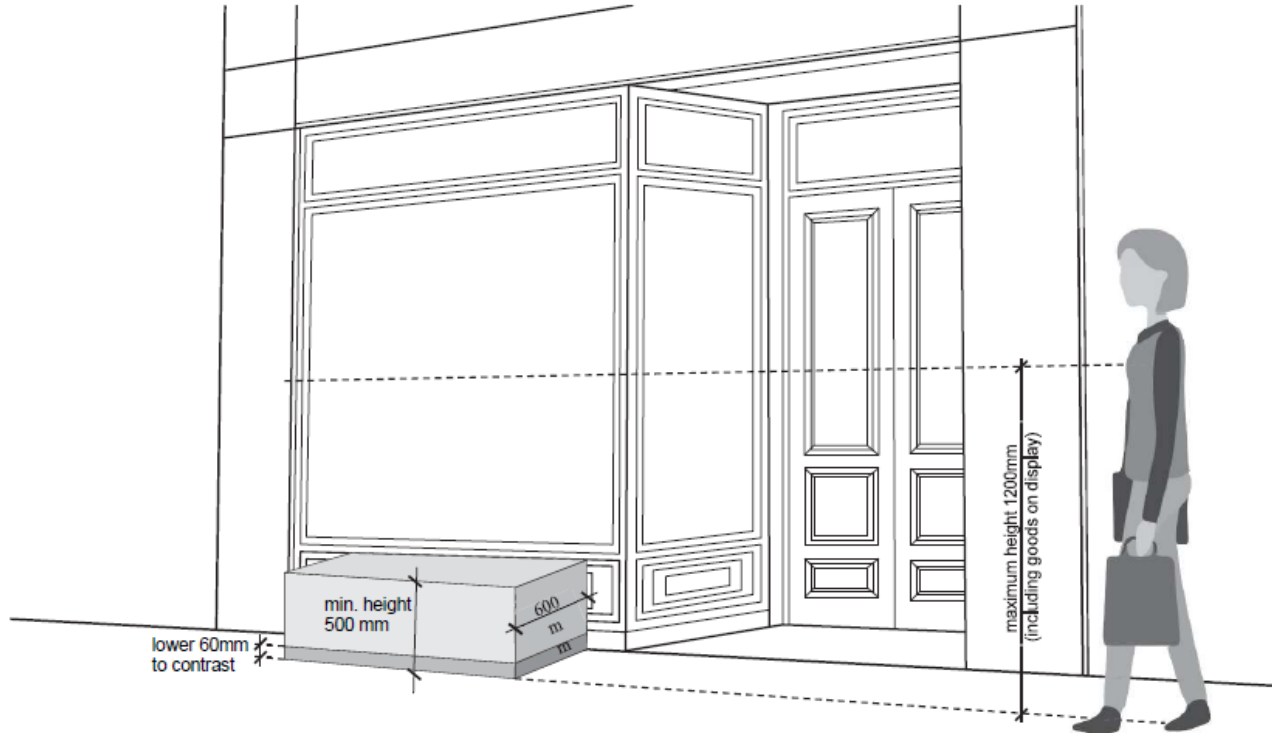


Figure 4. Display dimensions - simple example



Part 2 – Criteria for approvals

There are no criteria for giving or refusing of an approval.

If the display does not meet the circumstances and criteria under Part 1, it is not permissible, and no approval will be granted.

Part 3 – Other matters for approvals

There are no other matters relating to approvals.

Appendix A

Classified Roads – Kerbside displays ([see section 1.4](#)) are not permitted.

An up-to-date list of classified roads is available on the Transport for NSW website at rms.nsw.gov.au

Abercrombie Street (section)	Fig Street	O'Riordan Street
Anzac Parade	Fountain Street	Oxford Street (section)
Botany Road	Gardeners Road	Parramatta Road
Boundary Street	Gibbons Street	Pymont Bridge Road (section)
Bourke Street (section)	Harris Street (section)	Regent Street
Bridge Road	Henderson Road (section)	Ross Street (section)
Broadway	King Street	South Dowling Street
City Road	Lachlan Street	Swanson Street
Cleveland Street	Lee Street	Sydney Park Road
Copeland Street	McEvoy Street	The Crescent
Dacey Avenue	McLachlan Avenue	Wattle Street
Elizabeth Street, Waterloo	Minogue Crescent	Wyndham Street
Erskineville Road	Mitchell Road (section)	
Euston Road	Neild Avenue	

Display of Goods on the Footway Local Approvals Policy

Attachment A: Conditions of Consent under Roads Act s 138

Display of Goods on the Footway Policy

The following comprise the Council of the City of Sydney's (**Council's**) conditions of consent as roads authority, to erect a Display of Goods on a road for which Council is the roads authority pursuant to section 138(1) of the Roads Act (**Consent**).

The Transport for NSW Conditions of General Concurrence Roads Act 1993, s 138(1) (**TfNSW Conditions of General Concurrence**) apply to any Display of Goods for sites on Classified Roads.

The following conditions (**Council Conditions**) apply to any Display of Goods for sites on all other Public Roads.

1. Definitions

Approval means any certificate, licence, consent, permit, approval or other requirement of any Authority having jurisdiction in connection with the activities contemplated by this Consent.

Authority means any government, semi-governmental, administrative, fiscal or judicial body, department, commission, authority, tribunal, agency or entity.

Classified Road has the same meaning as defined in the Roads Act 1993, and means any of the following: a main road, a highway, a freeway, a controlled access road, a secondary road, a tourist road, a tollway, a transitway and a State work.

Display of Goods means the display of goods on the footway, the subject of these conditions.

Operator means the operator in charge of the Display of Goods, to which the Consent is issued.

Premises means the area of road on which the Display of Goods is situated and includes the City's fixtures, fittings, plant and equipment.

Public Road has the same meaning as defined in the Roads Act 1993 and means:

- (a) any road that is opened or dedicated as a public road, whether under this or any other Act or law, and
- (b) any road that is declared to be a public road for the purposes of this Act.

TfNSW General Conditions means the general conditions contained in the Transport for NSW Conditions of General Concurrence.

Unclassified Road means a public road that is not a classified road.

2. Council Conditions

1. The Display of Goods must comply with the conditions of the Councils' Display of Goods on the Footway Approvals Policy (**Approvals Policy**) and the Operator acknowledges and agrees that a breach of the Approvals Policy will constitute a breach of the Consent.
2. The Operator must comply with the TfNSW General Conditions contained in the TfNSW Conditions of General Concurrence and the Operator acknowledges and agrees that a breach of the TfNSW General Conditions will constitute a breach of the Consent.

Display of Goods on the Footway Local Approvals Policy

3. The Consent is subject to the provisions under Schedule 2 of Sydney Local Environmental Plan 2012 (LEP) and the Operator must ensure that the provisions of the LEP are complied with at all times, and acknowledges and agrees that a breach of the LEP will constitute a breach of the Consent.
4. The Operator must comply with the requirements of all governmental, consent and other like authorities in its use of the Premises, including obtaining any other applicable consents from adjoining land owners or any other applicable Approvals.
5. The Operator must permit the Council and any relevant Authority to enter upon the Premises with all necessary materials and equipment at all reasonable times and on reasonable notice (but at any time without notice in the case of an emergency) to:
 - a) Inspect the state of repair and condition of any services or utilities located with or passing through, under and above the Premises; and
 - b) Carry out works (including repairs, additions, replacements or renovation) to any services or utilities located within or passing through, under or above the Premises.
6. Council may suspend the Operators use of the Premises for the Display of Goods at any time if Council considers it necessary to enable the Council or any relevant Authority to carry out works in or around the Premises.
7. The Operator must not make any claim for compensation or abatement or any other demand in relation to the entry on to the Premises or the carrying out of works by the City or any relevant Authority or the suspension of use under the above clauses.
8. The Operator acknowledges and agrees that this Consent and the Operator's rights to occupy and use the Premises for the Display of Goods under this Consent are subject to the rights of passage and access along public roads granted to members of the public under the Roads Act, including under sections 5, 6 and 143 of that Act.
9. The Operator acknowledges and agrees that the City may enter into any arrangement or agreement with any occupier or other person interested in any land adjacent to or near the Premises, or any government agency, for the purpose of providing:
 - (i) public or private access to and egress from the Road;
 - (ii) support of existing or future structures erected on or from adjoining land; or
 - (iii) services including water, drainage, gas and electricity supply and telephone and electronic communication services.

For the purposes of this clause 9 the City may dedicate land or transfer, grant or create any privilege or other right, in favour of any other party, any adjoining or neighbouring land or any government agency over or affecting the Public Road. The Consent is subject to any agreement, dedication, arrangement, right, easement or privilege granted under this clause 9 or existing in respect of the Public Road at the Commencement Date.

When exercising its rights under this clause 9, the City must not dedicate any land or create any easement, privilege or other right which substantially or permanently affects the enjoyment of any rights conferred on the Operator by the granting of the Consent other than in the case of resumption by a government agency, in which case the Consent will be revoked. The City will not be liable to the Operator in respect of that revocation.

Display of Goods on the Footway Local Approvals Policy

10. The Operator acknowledges and agrees that nothing in the Consent relating to the Display of Goods will be construed as authorising the permanent obstruction of the Public Road, or prevent the City from altering the levels of or reconstruction the Public Road.
11. If at any time the City or TfNSW request the removal of the Display of Goods the Operator must at its own cost:
 - a) Remove the Display of Goods from the Premises;
 - b) Remove any alterations or additions made to the Premises by the Operator; and
 - c) Make good the Premises to the condition at the commencement of the Consent.
12. If the Operator is in breach of any of the Council Conditions and fails to perform any required act to rectify the breach within 10 business days of notice by the City to the Operator of that breach, then the City may request the Operator to remove the Display of Goods, and the provisions of clause 12 of the Council Conditions will apply.

Display of Goods on the Footway Local Approvals Policy

Attachment B: Conditions of General concurrence Roads Act 1993, section 138 Display of Goods on the Footway Policy

The following comprise of Transport for NSW general terms of concurrence for any consent issued by City of Sydney Council as the roads authority, to erect a display of goods on a classified road pursuant to Section 138 of the *Roads Act 1993*.

General terms of concurrence

1. This general concurrence only applies with respect to a section 138 consent to erect a *Display of goods* on the footway of a classified road. Separate concurrence from Transport for NSW must be obtained in relation to any application under section 138 of the *Roads Act* in connection with any other works and substantial structures.
2. It should be noted that Transport for NSW General Concurrence does not apply to *kerbside* displays of goods on the footway of classified roads. Separate concurrence from Transport for NSW must be obtained in relation to any application under section 138 of the *Roads Act* for a kerbside display of goods on a classified road.
3. For the purposes of this concurrence, the term *Display of goods* has the same meaning as defined in the policy, generally as follows: the temporary placement and display of goods for sale, associated with a lawfully operating retail outlet which does not involve spruiking or sales activity from the footway.
4. The section 138 Consent is to be revoked or suspended at any time if Transport for NSW or their contractors:
 - (a) undertake or propose to undertake works in the approved display of goods area
 - or
 - (b) undertake or propose to undertake works or an event that otherwise impacts access to adjoining footways, roadways, transport infrastructure, parks or public places.

General Conditions

1. The display of goods must comply with any relevant council policy that applies to these types of structures, works and activities.
2. Clearance widths for pedestrians should be maintained in accordance with AUSTROADS Guide to Road Design Part 6A: Paths for Walking and Cycling (Section 5 Design Criteria) with additional allowance made for transverse movements by staff and customers.

The clearance widths must consider any existing or proposed landscaping, vegetation, garden beds and street furniture, which may impact on the clearance. The display of goods should not impact pedestrian movements on footways, with consideration given to all users.

3. Pedestrians should not be forced on to the road carriageway by displays or other non-permanent items on the footpath.
4. All improvements are not to be fixed structures and are to be stored away at the close of business.
5. The display of goods shall not obstruct motorist's line of sight to regulatory signage, driveways, traffic control signals or other critical road infrastructure.

Display of Goods on the Footway
Local Approvals Policy

6. The display of goods shall not cover or impede access to public utilities and drainage pits. Access is to be made available at any time and at no cost to Transport for NSW, if required.
7. The owner/operator of the display of goods on public footways of classified roads must obtain Public Liability insurance for an amount not less than \$20 million which notes the interests of Transport for NSW, prior to placing any displays on the public footway that are the subject of the section 138 Consent. The Public Liability insurance must be held for the full duration that the displays are in place on the public footway.
8. All costs and works associated with the display of goods are to be at no cost to Transport for NSW.

Item 10.**Fire Safety Reports****File No: S105001.002****Summary**

The City of Sydney (the City) regularly receives building reports from Fire and Rescue NSW in relation to inspections carried out by Fire and Rescue NSW Authorised Officers. These inspection reports are to be brought to before Council to determine whether to exercise its power to issue fire safety orders under Division 9.3 and Schedule 5 of the Environmental Planning and Assessment Act 1979 (the Act).

In response to Fire and Rescue NSW reports, City staff undertake inspections to ensure fire safety measures are in full operation and that building exits are clear and unimpeded. Fire and Rescue NSW inspections reveal fire safety concerns that require Council as the appropriate regulatory authority to use its discretion and address the concerns observed at the time of the inspection.

Fire and Rescue NSW has powers under the Act to carry out inspections of buildings and it is required to forward its findings to the City.

Fire and Rescue NSW reports received by the City are required to be tabled before Council.

Attached are details of 6 reports received by the City from Fire and Rescue NSW. The attachments deal with 6 properties and include the Fire and Rescue NSW reports and the findings (preliminary or final) by City staff, along with other documentation relevant to that property.

Recommendation

It is resolved that Council:

- (A) note the contents of the Fire Safety Reports Summary Sheet, as shown at Attachment A to the subject report;
- (B) note the inspection reports by Fire and Rescue NSW, as shown at Attachments B to G to the subject report;
- (C) note the contents of Attachment B and not exercise its power under the Environmental Planning and Assessment Act 1979 to issue a Fire Safety Order at 8 Central Park Avenue, Chippendale at this time;
- (D) note the contents of Attachment C and not exercise its power under the Environmental Planning and Assessment Act 1979 to issue a Fire Safety Order at 200-218 Goulburn Street, Surry Hills at this time;
- (E) note the contents of Attachment D and not exercise its power under the Environmental Planning and Assessment Act 1979 to issue a Fire Safety Order at 117-119 Kippax Street, Surry Hills at this time;
- (F) note the contents of Attachment E and not exercise its power under the Environmental Planning and Assessment Act 1979 to issue a Fire Safety Order at 82-88 Elizabeth Street, Sydney at this time;
- (G) note the contents of Attachment F and not exercise its power under the Environmental Planning and Assessment Act 1979 to issue a Fire Safety Order at 15 Gadigal Avenue, Zetland at this time; and
- (H) note the contents of Attachment G and not exercise its power under the Environmental Planning and Assessment Act 1979 to issue a Fire Safety Order at 108 Parramatta Road, Camperdown at this time.

Attachments

- | | |
|----------------------|--|
| Attachment A. | Fire Safety Reports Summary Sheet |
| Attachment B. | Inspection Report - 8 Central Park Avenue, Chippendale |
| Attachment C. | Inspection Report - 200-218 Goulburn Street, Surry Hills |
| Attachment D. | Inspection Report - 117-119 Kippax Street, Surry Hills |
| Attachment E. | Inspection Report - 82-88 Elizabeth Street, Sydney |
| Attachment F. | Inspection Report - 15 Gadigal Avenue, Zetland |
| Attachment G. | Inspection Report - 108 Parramatta Road, Camperdown |

Background

1. The City receives inspection reports and recommendations from Fire and Rescue NSW in relation to inspections carried out on buildings located within the City's local area.
2. Under the Environmental Planning and Assessment Act 1979, (the Act), Fire and Rescue NSW has the power to carry out inspections of buildings to determine if the building has adequate provision for fire safety and/or is compliant with legislation.
3. On average, the City receives approximately 50 such reports each year. They can be prompted by reports from the Police or others who have a concern relating to fire safety in a building.
4. The inspection is undertaken to ensure fire safety measures are in full operation and that building exits are clear and unimpeded.
5. When Fire and Rescue NSW carries out such an inspection, a report and any recommendations must be provided to the City.
6. Under the Act, Council is then required to table the report and make a determination as to whether it will exercise its power to issue a Fire Safety Order 1 or 2 in Schedule 5, Part 2 of the Act.
 - (a) Fire Safety Order 1 requires a person to do or stop doing certain specified things to improve fire safety.
 - (b) Fire Safety Order 2 requires a person to cease conducting an activity on premises where that activity constitutes, or is likely to constitute, a life-threatening hazard or a threat to public health or public safety.
7. Attached are the details of the reports received from Fire and Rescue NSW, including recommendations for further action. The properties have also been reviewed by City staff.

Risks

8. This approach is within the City's risk appetite, which states:
 - We are committed to conducting our activities in full compliance with applicable laws, regulations and relevant industry standards.

Relevant Legislation

9. Environmental Planning and Assessment Act 1979.

GRAHAM JAHN AM

Chief Planner / Executive Director City Planning, Development and Transport

Andrew Thomas, Executive Manager Planning and Development

Attachment A

Fire Safety Reports Summary Sheet
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Fire Safety Reports Summary Sheet

Total number of properties tabled: 6

Report – June 2025

Att.	Premises Specifics	Actions/ Recommendation
A	Not applicable – Summary Sheet	Summary of clause 17, Schedule 5 matters tabled at Council meeting.
B	8 Central Park Avenue, Chippendale	Premises inspected; owners have been issued with corrective action correspondence; follow up compliance site inspections are to be undertaken to ensure fire safety works are satisfactorily completed.
C	200-218 Goulburn Street, Surry Hills	Premises inspected; matters raised have been rectified, no further action required.
D	117-119 Kippax Street, Surry Hills	Premises inspected; owners have been issued with corrective action correspondence; follow up compliance site inspections are to be undertaken to ensure fire safety works are satisfactorily completed.
E	82-88 Elizabeth Street, Sydney	Premises inspected; no matters raised, no further action required.
F	15 Gadigal Avenue, Zetland	Premises inspected; owners have been issued with corrective action correspondence; follow up compliance site inspections are to be undertaken to ensure fire safety works are satisfactorily completed.
G	108 Parramatta Road, Camperdown	Premises inspected; matters raised have been rectified, no further action required.

Attachment B

**Inspection Report
8 Central Park Avenue, Chippendale**



Figure 1: 8 Central Park Avenue, Chippendale, viewed from the north-west

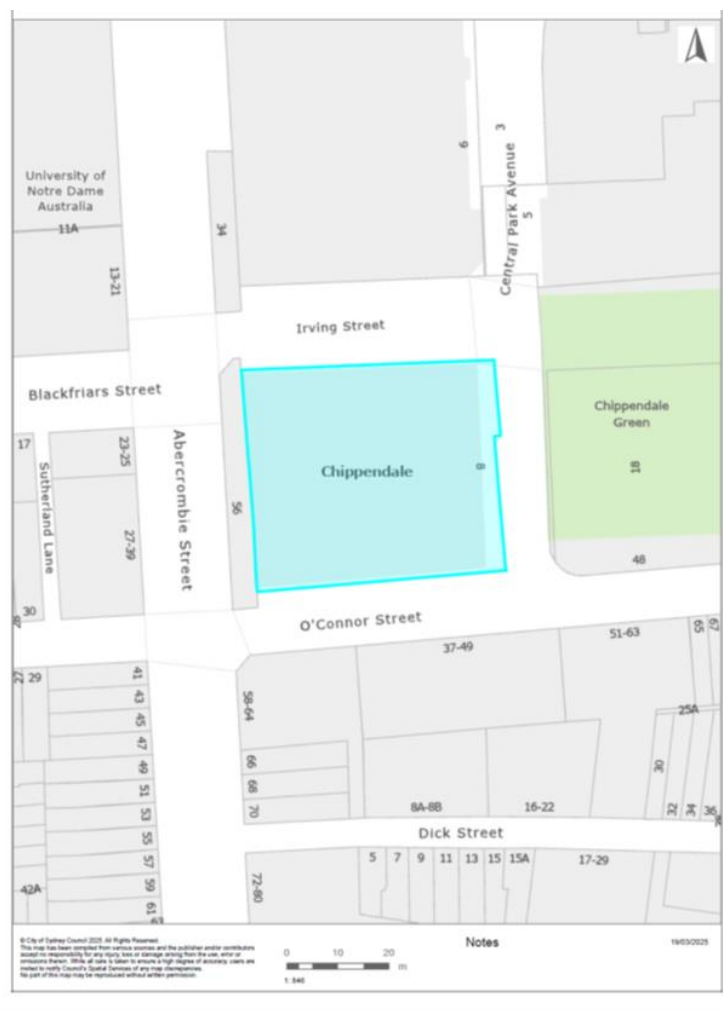


Figure 2: Location map of 8 Central Park Avenue, Chippendale

Council Investigation Officer Inspection and Recommendation Report; Clause 17(2) Part 8 of Schedule 5 of the Environmental Planning and Assessment Act 1979 (the Act)

Officer: Arfan Chaudhary

Date: 16 April 2025

Premises: 8 Central Park Avenue, Chippendale

Executive Summary

1. The City received correspondence from the Commissioner of Fire and Rescue NSW (FRNSW) in relation to the subject premises dated 19 December 2024 with respect to matters of fire safety.
2. The premises consists of an eleven (11) storey building used for commercial and residential purposes.
3. The City inspected the premises on 15 April 2025, accompanied by the building manager and fire practitioner. This inspection identified fire safety provisions requiring maintenance, which can be addressed under the City's instruction.
4. The inspection also noted the presence of external wall cladding. As the premises was approved as State Significant Development (SSD 6092), the Department of Planning, I Housing and Infrastructure has jurisdiction over any cladding investigation or remediation on this premises.
5. On 22 December 2023, the Department of Planning, Housing and Infrastructure issued an order for the removal and replacement of the cladding. This order was subsequently amended on 20 December 2024 to allow additional time for the completion of the works.
6. On 14 May 2025, the City received confirmation from the Department that the works are currently underway in accordance with the revised order.

Chronology

Date	Event
19 December 2024	FRNSW correspondence received regarding the premises at 8 Central Park Avenue, Chippendale.
15 April 2025	An inspection of the subject premises was undertaken by a Council Investigation officer on 15 April 2025. The inspection revealed there were several issues requiring routine maintenance.
16 May 2025	The City issued written instructions on 16 May 2025 detailing fire safety maintenance to be completed by 23 May 2025.

Fire and Rescue NSW Report

7. FRNSW conducted an inspection of the subject premises on 6 December 2024 in response to the Project Remediate programme being undertaken by the NSW Department of Customer Service, to remove high risk combustible cladding on residential apartment buildings in NSW.

Issues

8. The report from FRNSW detailed issues as shown in the table below.

Ref.	Issue	City response
1	Essential Fire Safety Measures	
1A	Combined Fire Hydrant and Sprinkler System	
A	The booster assembly	
i	The door lock to the booster assembly enclosure was broken, and it was difficult to unlock and access the booster assembly.	The City's inspection on 15 April 2025 observed the door lock to the booster assembly has been repaired, addressing this issue.
ii	The boost inlets required to pressurise the low and high boost zones were not adequately identified.	The City's inspection on 15 April 2025 observed identification signage was lacking. Consequently, on 16 April 2025 the City issued written compliance instructions, requiring improved signage to be provided by 23 May 2025. A follow up inspection is booked for 27 May

Ref.	Issue	City response
		2025 to ensure work is completed, addressing this issue.
B	The Pump room	
i	Building materials/non fire equipment was being stored within the pump room and in the airlock leading to the pump room from the fire stair obstructing access to and around the pump sets.	The City's inspection on 15 April 2025 observed the subject area was clear from obstruction, addressing this issue.
ii	All doors leading to the pump room were not identified by appropriate signs or other visual aids, so the pump room and its entrance can be readily located by the attending fire brigade.	The City's inspection on 15 April 2025 observed the pump room door identification signage was inadequate. On 16 April 2025 the City issued written compliance instructions, requiring improved signage to be provided by 23 May 2025. A follow up inspection is booked for 27 May 2025 to ensure work is completed, addressing this issue.
C	Pump Sets	
i	Maintenance Records – The last entry in the diesel hydrant pumpset No.1 'Service Record Logbook' dated 21 November 2024, noted the following Defects/Comments: a. 'Light in pumproom failed'. b. 'Batteries due'. c. 'Coolant leak when testing – investigation needed'.	The City's inspection on 15 April 2025 observed maintenance records had been updated by the fire practitioner, addressing this issue.
ii	The fuel gauge associated with the diesel pump sets No.1 and No.2, indicated the fuel tanks were at $\frac{3}{4}$ capacity.	The City's inspection on 15 April 2025 observed additional fuel had been provided, addressing this issue.
1B	Fire Doors	
A	Multiple fire doors throughout 'the premises' had not been maintained in accordance with the requirements of Clause 81 of the EPAR 2021. The following issues were identified at the time of the inspection:	

Ref.	Issue	City response
i	The fire door to the fire-isolated exit on the ground floor level (public lobby) failed to return to the fully closed position (and self-latch) after each opening.	The City's inspection on 15 April 2025 observed door hardware had been repaired, addressing this issue.
ii	The fire door which separates to the mail room from the public lobby on the ground floor was fitted with an electromagnetic hold open device which did not operate correctly, and the door was 'chocked' in the open position with a wooden door chock.	The City's inspection on 15 April 2025 observed door hardware had been repaired and chock removed, addressing this issue.
2	General	
2A	Access and Egress	
A	Re-entry from fire-isolated exits – the doors to the fire-isolated stairways serving the residential levels (effective height greater than 25m), were locked from the inside. Whilst it appears that the doors are fitted with a failsafe device that automatically unlocks the door upon activation of a fire alarm, and an intercommunication system is provided, a sign is not fixed explaining its purpose and method of operation of the intercommunication system.	The City's inspection on 15 April 2025 observed re-entry from fire-isolated exits did not have adequate signage. Consequently, on 16 April 2025 the City issued written compliance instructions, requiring signage to be provided by 23 May 2023. A follow up inspection is booked for 27 May 2025 to ensure work is completed, addressing this issue.
2B	Services and Equipment	
A	Exit signs and directional exit signs – It was evident that there were areas/parts within the basement carpark level, where the direction to the required/alternative exits was not readily apparent. Additional directional exit signs may be required throughout the basement carpark levels, such that the alternative exits are clearly visible from all parts.	The City's inspection on 15 April 2025 found sufficient exit and directional signs installed in the basement car park level and readily apparent, addressing this issue.

9. FRNSW have recommended that the City inspect the subject premises and appropriately address noted (and other) deficiencies identified within their report.

Council Investigation Officer Recommendations

10. As a result of site inspections undertaken by the Council investigation officer:
 - (a) A corrective action letter was issued on 16 April 2025 to the building owners to address the fire safety deficiencies identified by the City and FRNSW.
 - (b) It is recommended Council not exercise its powers to give a fire safety order at this time.
 - (c) It is recommended that the Commissioner of FRNSW be informed of the City's decision.

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File Ref. No: FRN15/947-1 - BFS24/8281 – 8000039932
TRIM Ref. No: D24/147487
Contact: Mark Knowles

19 December 2024

General Manager
City of Sydney
GPO Box 1591
SYDNEY NSW 2001

Email: council@cityofsydney.nsw.gov.au

Attention: Manager Compliance / Fire Safety

Dear Sir / Madam

**Re: INSPECTION REPORT
'CONNOR'
8 CENTRAL PARK AVENUE, CHIPPENDALE ("the premises")**

In response to the Project Remediate programme being undertaken by the NSW Department of Customer Service, to remove high-risk combustible cladding on residential apartment buildings in NSW, an inspection of 'the premises' on 6 December 2024 was conducted by Authorised Fire Officers from the Fire Safety Compliance Unit of Fire and Rescue NSW (FRNSW), pursuant to the provisions of Section 9.32(1)(b) of the *Environmental Planning and Assessment Act 1979* (EP&A Act).

In this instance, the inspection revealed fire safety concerns that may require Council as the appropriate regulatory authority to use its discretion and address the concerns observed at the time of the inspection.

In this regard, the inspection was limited to the following:

- A general overview of the building was obtained without using the development consent conditions or approved floor plans as reference.
- Details of the Provisions for Fire Safety and Fire Fighting Equipment are limited to a visual inspection of the parts in the building accessed and the fire safety measures observed at the time.

Fire and Rescue NSW

ABN 12 593 473 110

www.fire.nsw.gov.au

Community Safety Directorate
Fire Safety Compliance Unit

1 Amarina Ave
Greenacre NSW 2190

T (02) 9742 7434
F (02) 9742 7483

www.fire.nsw.gov.au

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On behalf of the Commissioner of FRNSW, the following comments are provided for your information in accordance with Section 9.32(4) and Schedule 5, Part 8, Section 17(1) of the EP&A Act.

COMMENTS

Please be advised that this report is not an exhaustive list of non-compliances. The proceeding items outline concerns in general terms, deviations from the fire safety provisions prescribed in Section 9.32(1)(b) of the EP&A Act and Clause 112 of the Environmental Planning and Assessment (Development Certification and Fire Safety) Regulation 2021 (EPAR 2021).

The following issues were observed at the time of the inspection:

1. Essential Fire Safety Measures

1A. Combined Fire Hydrant and Sprinkler System:

a. The booster assembly:

- i. The door lock to the booster assembly enclosure was broken, and it was difficult to unlock and access the booster assembly.
- ii. The boost inlets required to pressurise the low and high boost zones were not adequately identified. FRNSW recommend signage be provided to distinguish the boost zones, which includes the low and high rise floor levels served by the boost inlets as follows:
 - "LOW RISE BOOST LEVELS – Basement 3 to Level 1"
 - "HIGH RISE BOOST LEVELS – Level 2 to Level 12"

b. The pumproom:

- i. Building materials/non fire equipment was being stored within the pumproom and in the airlock leading to the pumproom from the fire stair obstructing access to and around the pumpsets.
- ii. All doors leading to the pumproom were not identified by appropriate signs or other visual aids, so the pumproom and its entrance can be readily located by the attending fire brigade, contrary to the requirements of Clause 6.4.1 of AS 2419.1-2005.

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c. The pumpsets:

- i. Maintenance Records – The last entry in the diesel hydrant pumpset No.1 'Service Record Logbook' dated 21 November 2024, noted the following Defects/Comments:
 - a. 'Light in pumproom failed'.
 - b. 'Batteries due'.
 - c. 'Coolant leak when testing – investigation needed'.
- ii. The fuel gauge associated with the diesel pumpsets No.1 and No.2, indicated the fuel tanks were at $\frac{3}{4}$ capacity.

1B. Fire Doors:

- A. Multiple fire doors throughout 'the premises' had not been maintained in accordance with the requirements of Clause 81 of the EPAR 2021. The following issues were identified at the time of the inspection:
 - i. The fire door to the fire-isolated exit on the ground floor level (public lobby) failed to return to the fully closed position (and self-latch) after each opening, when tested, contrary to the requirements of Clause C4D9 and Specification 12 of the NCC and AS1905.1.
 - ii. The fire door which separates to the mail room from the public lobby on the ground floor was fitted with an electromagnetic hold open device which did not operate correctly, and the door was 'chocked' in the open position with a wooden door chock.

FRNSW is therefore of the opinion that the fire safety provisions prescribed for the purposes of 9.32(1)(b) of the EP&A Act, have not been complied with.

ADDITIONAL COMMENTS

In addition to the items identified above, relating to the Fire Safety Provisions prescribed by Clause 112 of the EPAR 2021, the following items were also identified as concerns at the time of the inspection and it would be at council's discretion as the appropriate regulatory authority to conduct its own investigation and consider the most appropriate action.

2. Generally:

2A. Access and Egress:

- A. Re-entry from fire-isolated exits – The doors to the fire-isolated stairways serving the residential levels (effective height greater than

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25m), were locked from the inside. Whilst it appears that the doors are fitted with a failsafe device that automatically unlocks the door upon activation of a fire alarm and an intercommunication system is provided, a sign is not fixed explaining its purpose and method of operation of the intercommunication system, contrary to the requirements of Clause D3D27(2)(b) of the NCC.

2B. Services and Equipment:

- A. Exit signs and directional exit signs – It was evident that there were areas/parts within the basement carpark level, where the direction to the required/alternative exits was not readily apparent. Additional directional exit signs may be required throughout the basement carpark levels, such that the alternative exits are clearly visible from all parts, in accordance with Clause E4D5 and NSW E4D6 of the NCC.

RECOMMENDATIONS

FRNSW recommends that Council:

- a. Inspect and address item no. 1 of this report.
- b. Give consideration to the other deficiencies identified on 'the premises' identified in item no. 2 of this report.

This matter is referred to Council as the appropriate regulatory authority. FRNSW therefore awaits Council's advice regarding its determination in accordance with Schedule 5, Part 8, Section 17 (4) of the EP&A Act.

Should you have any enquiries regarding any of the above matters, please do not hesitate to contact Mark Knowles of FRNSW's Fire Safety Compliance Unit on (02) 9742 7434. Please ensure that you refer to file reference FRN15/947-1 - BFS24/8281 – 8000039932 for any future correspondence in relation to this matter.

Yours faithfully



Mark Knowles
Senior Building Surveyor
Fire Safety Compliance Unit

Attachment C

**Inspection Report
200-218 Goulburn Street, Surry Hills**



Figure 1: 200-218 Goulburn Street, Surry Hills, viewed from the north-west

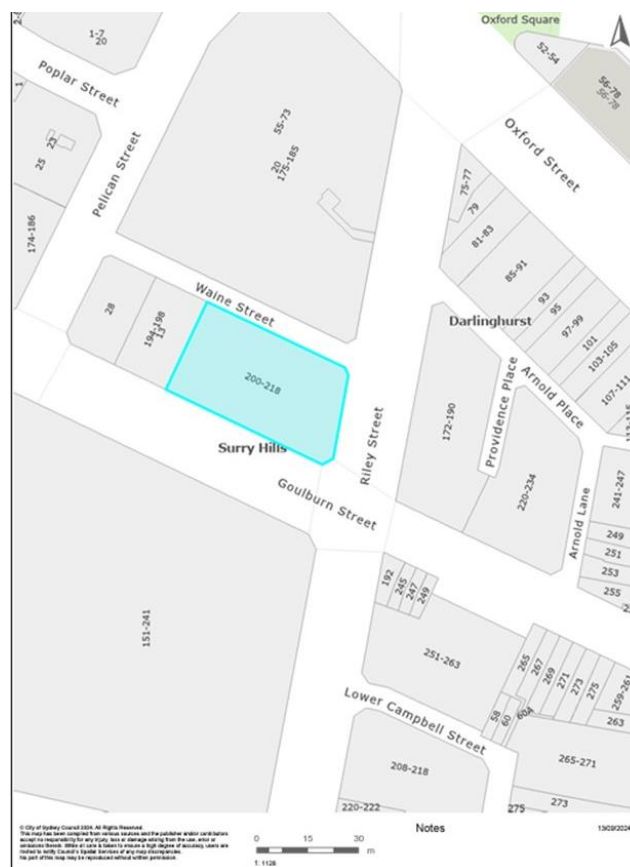


Figure 2: Location map of 200-218 Goulburn Street, Surry Hills

Council Investigation Officer Inspection and Recommendation Report; Clause 17(2) Part 8 of Schedule 5 of the Environmental Planning and Assessment Act 1979 (the Act)

Officer: Arfan Chaudhary

Date: 19 April 2025

Premises: 200-218 Goulburn Street, Surry Hills

Executive Summary

1. The City received correspondence from the Commissioner of Fire and Rescue NSW (FRNSW) in relation to the subject premises dated 11 March 2025 with respect to matters of fire safety.
2. The premises consists of a sixteen (16) storey building used for residential purposes.
3. The City inspected the premises on 15 April 2025, accompanied by the strata manager. This inspection identified fire safety provisions requiring maintenance, which can be addressed under the City's instruction.
4. The inspection further noted that the building contains external wall cladding that is the subject of a Fire Safety Order issued by the City's dedicated Cladding Team. This order requires the removal and replacement of combustible cladding identified on the building façade.
5. The order was modified on 15 August 2024 to extend the compliance timeframes. Onsite works have since been completed, and only the final certification remains outstanding. This is currently being pursued by the Cladding Team.

Chronology

Date	Event
11 March 2025	FRNSW correspondence received regarding the premises at 200-218 Goulburn Street, Surry Hills.
15 April 2025	The City inspected the premises and found all fire safety issues raised by FRNSW had been addressed. Only a single fault was displayed on the Fire Indicator Panel due to repairs being undertaken at the time.
28 April 2025	The City received correspondence confirming the single fault had been repaired, addressing the issue.

Fire and Rescue NSW Report

6. FRNSW conducted an inspection of the subject premises on 10 September 2024 and again on 12 February 2025.

Issues

7. The report from FRNSW detailed issues as shown in the table below.

Ref.	Issue	City response
1	Essential Fire Safety Measures	
1A	The Automatic Fire Detection and Alarm System and Sound System and Intercom System for Emergency Purposes	
A	The Fire Indicator Panel (FIP) was displaying:	
i	One (x1) 'Fault' identified as: EWIS Panel	The City's inspection on 15 April 2025 confirmed the previously identified fault was fixed after the FRNSW inspection, addressing this issue. A new fault was identified, due to repair works underway during the inspection, the strata manager advised certification will be submitted on completion of the repairs. Certification was received on 28 April 2025, addressing this issue.

Ref.	Issue	City response
B	The evacuation system control panel was displaying:	
i	'System Fault' and two (x2) Audio Line Faults (Car Park 2 and Car Park 3).	The City's inspection on 15 April 2025 observed the evacuation system control panel FIP was not displaying any fault, addressing this issue.
ii	The latest entry in maintenance logbook dated 11 February 2025, stated "EWIS Fault on Panel for Basement 1 and 2 - Fuses blown, re occurring issue – need to investigate & rectify".	The City's inspection on 15 April 2025 noted the maintenance logbooks for the EWIS Fault on Panel for Basement 1 and 2 - Fuses blown had updated entries confirming that previous defects noted were resolved, addressing this issue.

8. FRNSW have recommended that the City inspect the subject premises and appropriately address noted (and other) deficiencies identified within their report.

Council Investigation Officer Recommendations

9. As a result of site inspections undertaken by the Council investigation officer:
- (a) The above recommendations of FRNSW have been complied with.
 - (b) It is recommended Council not exercise its powers to give a fire safety order at this time.
 - (c) It is recommended that the Commissioner of FRNSW be informed of the City's decision.

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File Ref. No: FRN22/1311 - BFS22/1915 - 8000035226
TRIM Ref. No: D25/14832
Contact: Mark Knowles

11 March 2025

General Manager
City of Sydney
GPO Box 1591
SYDNEY NSW 2001

Email: council@cityofsydney.nsw.gov.au

Attention: Manager Compliance / Fire Safety

Dear Sir / Madam

**Re: INSPECTION REPORT
'ALTA'
200-218 GOULBURN STREET, SURRY HILLS ("the premises")**

In response to the Project Remediate programme being undertaken by the NSW Department of Customer Service, to remove high-risk combustible cladding on residential apartment buildings in NSW, inspections of 'the premises' on 10 September 2024 and 12 February 2025 were conducted by Authorised Fire Officers from the Fire Safety Compliance Unit of Fire and Rescue NSW (FRNSW), pursuant to the provisions of Section 9.32(1)(b) of the *Environmental Planning and Assessment Act 1979* (EP&A Act).

In this instance, the inspection revealed fire safety concerns that may require Council as the appropriate regulatory authority to use its discretion and address the concerns observed at the time of the inspection.

In this regard, the inspection was limited to the following:

- A general overview of the building was obtained without using the development consent conditions or approved floor plans as reference.
- Details of the Provisions for Fire Safety and Fire Fighting Equipment are limited to a visual inspection of the parts in the building accessed and the fire safety measures observed at the time.

Fire and Rescue NSW

ABN 12 593 473 110

www.fire.nsw.gov.au

Community Safety Directorate
Fire Safety Compliance Unit

1 Amarina Ave
Greenacre NSW 2190

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F (02) 9742 7483

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On behalf of the Commissioner of FRNSW, the following comments are provided for your information in accordance with Section 9.32(4) and Schedule 5, Part 8, Section 17(1) of the EP&A Act.

COMMENTS

Please be advised that this report is not an exhaustive list of non-compliances. The proceeding items outline concerns in general terms, deviations from the fire safety provisions prescribed in Section 9.32(1)(b) of the EP&A Act and Clause 112 of the Environmental Planning and Assessment (Development Certification and Fire Safety) Regulation 2021 (EPAR 2021).

The following was observed at the time of the inspection on 12 February 2025:

1. Essential Fire Safety Measures

1A. The Automatic Fire Detection and Alarm System and Sound System and Intercom System for Emergency Purposes:

A. The Fire Indicator Panel (FIP) was displaying:

i. One (x1) 'Fault' identified as:

- EWIS Panel

B. The evacuation system control panel was displaying:

i. 'System Fault' and two (x2) Audio Line Faults (Car Park 2 and Car Park 3).

ii. The latest entry in maintenance logbook dated 11 February 2025, stated "EWIS Fault on Panel for Basement 1 and 2 - Fuses blown, re occurring issue – need to investigate & rectify".

RECOMMENDATIONS

FRNSW recommends that Council:

- a. Inspect and address item no. 1 of this report.

This matter is referred to Council as the appropriate regulatory authority. FRNSW therefore awaits Council's advice regarding its determination in accordance with Schedule 5, Part 8, Section 17 (4) of the EP&A Act.

OFFICIAL

Should you have any enquiries regarding any of the above matters, please do not hesitate to contact Mark Knowles of FRNSW's Fire Safety Compliance Unit on (02) 9742 7434. Please ensure that you refer to file reference FRN22/1311 - BFS22/1915 - 8000035226 for any future correspondence in relation to this matter.

Yours faithfully

A handwritten signature in black ink, appearing to read 'M. Knowles', with a stylized flourish at the end.

Mark Knowles
Senior Building Surveyor
Fire Safety Compliance Unit

Attachment D

**Inspection Report
117-119 Kippax Street, Surry Hills**

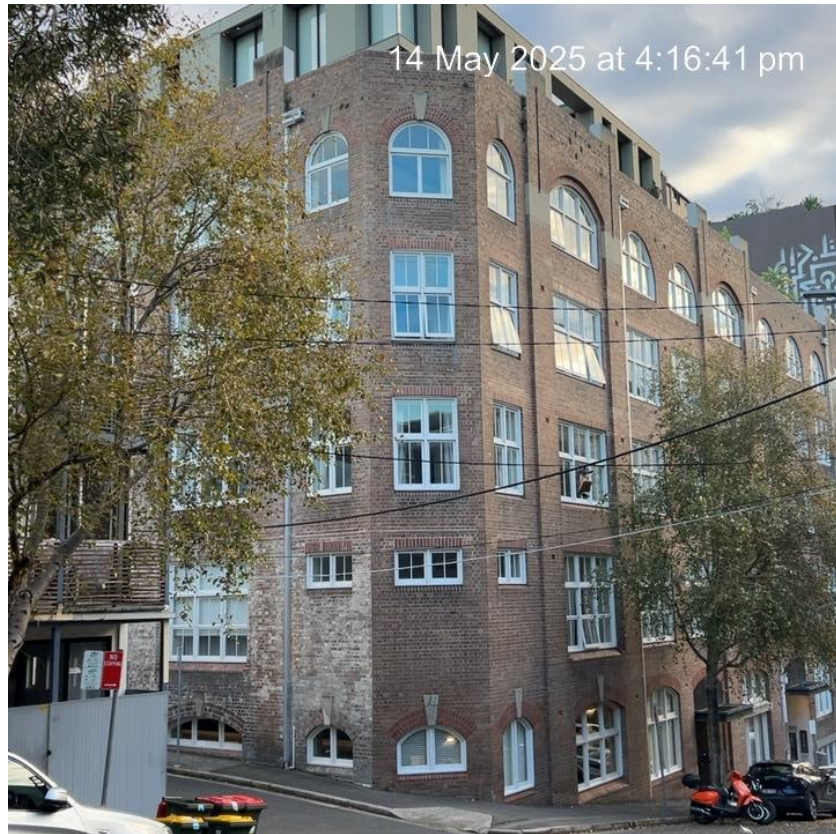


Figure 1: 117-119 Kippax Street, Surry Hills, viewed from the south-west



Figure 2: Location map of 117-119 Kippax Street, Surry Hills

Council Investigation Officer Inspection and Recommendation Report; Clause 17(2) Part 8 of Schedule 5 of the Environmental Planning and Assessment Act 1979 (the Act)

Officer: Muhammad Hassan

Date: 24 April 2025

Premises: 117-119 Kippax Street, Surry Hills

Executive Summary

1. The City received correspondence from the Commissioner of Fire and Rescue NSW (FRNSW) in relation to the subject premises dated 11 March 2025 with respect to matters of fire safety.
2. The premises consists of an eight (8) storey building used for commercial offices and residential apartments.
3. The City inspected the premises on 17 April 2025. This inspection identified fire safety provisions requiring maintenance, which can be addressed under the City's instruction.
4. The inspection also noted that the building contains external wall cladding that is the subject of a Fire Safety Order issued by the City's dedicated Cladding Team on 24 November 2023. This order requires the removal and replacement of combustible cladding identified on the building façade.
5. As this Order is now overdue, the required works are being pursued by the Cladding Team and may be referred to the City's legal team if delays continue to occur.

Chronology

Date	Event
11 March 2025	FRNSW correspondence received regarding the subject premises at 11-119 Kippax Street, Surry Hills.
17 April 2025	The City inspected the premises on 17 April 2025 and observed the following maintenance issues. 1. A zone block plan was not located beside the Fire Indicator Panel (FIP). 2. The signage labelling the booster assembly noted the wrong address and was confusing. 3. A complete copy of the Annual Fire Safety Statement was not displayed in the main foyer of the building. 4. The sprinkler block plan lacked information required by Clause 8.3 of AS 2118.1 – 1999. 5. The fire hydrant valves located on the top floor landings of the fire isolated exit stairs lacked a pressure gauge in accordance with the requirements of Clause 9.3.2 of AS 2419.1-2005. 6. Signage located within the fire isolated exit stairs at the ground and lower ground level were not displayed in accordance with the Fire Safety Engineering Report – Reference 144014-ce Issue No. 3-1 dated 17 November 2016, prepared by Scientific Fire Services Fire Engineering Report (FER). 7. Block plans and tactical plans were not provided beside the FIP, mimic panel and booster assembly as required by FER. 8. Appropriate signage was not installed at the FIP indicating the booster location and the fact that the booster location is identified by a red strobe light as required by the FER. 9. Signage detailing the location of the fire hydrant booster and sprinkler booster assembly, sprinkler valves and hydrant/sprinkler pump room was not provided adjacent to the FIP as required by the FER. 10. Remote switching of the fire hydrant and sprinkler pumps was not located at the FIP as required by the FER.
24 April 2025	The City issued written instructions on 24 April 2025 detailing fire safety maintenance to be completed by 23 June 2025.

Fire and Rescue NSW Report

6. FRNSW conducted an inspection of the subject premises on 12 February 2025.

Issues

7. The report from FRNSW detailed issues as shown in the table below.

Ref.	Issue	City response
1	Essential Fire Safety Measures	
1A	The Automatic Fire Detection and Alarm System	
A	The Fire Indicator Panel (FIP) was displaying one 'Fault'.	The City's inspection on 17 April 2025 observed no faults on the FIP, addressing this issue.
B	Zone Block Plan - A permanent, water and fade resistant zone block plan, depicting all the relevant information of the installation, was not securely mounted adjacent to the Fire Indicator Panel (FIP).	The City's inspection on 17 April 2025 did not find a required block plan. Consequently, the City issued written compliance instructions, requiring the issue to be rectified by 23 June 2025. Follow-up inspections will be conducted to ensure the work is completed, addressing this issue.
1B	The Combined Fire Hydrant and Sprinkler System	
A	The fire brigade booster assembly	
i	Signage labelling the booster assembly is confusing. In this regard, the signage indicates the booster serves 119-127 Kippax Street, however the booster appears to serve 117-119 Kippax Street and 127 Kippax Street could not be located. FRNSW recommend the signage indicate the current street numbers to avoid confusion.	The City's inspection on 17 April 2025 confirmed booster assembly signage was confusing. Consequently, the City issued written compliance instructions, requiring the issue to be rectified by 23 June 2025. Follow-up inspections will be conducted to ensure the work is completed, addressing this issue.
1C	Annual Fire Safety Statement (AFSS) and Fire Safety Schedule (FFSC)	
A	A copy of the current AFSS and a complete copy of the FSS was not prominently displayed within the building.	The City's inspection on 17 April 2025 confirmed the AFSS was not on display. Consequently, the City issued written compliance instructions, requiring the issue to be rectified by 23 June 2025.

Ref.	Issue	City response
		Follow-up inspections will be conducted to ensure the work is completed, addressing this issue.
1D	Fire Engineering Report (FER) – A review of FRNSW records indicates the building is subject to 'Revised Final Fire Safety Engineering Report – Reference 144014-ce Issue No. 3-1 dated 17 November 2016, prepared by Scientific Fire Services. The following comments are provided	
A	Design Issue 8 and 10 relating to “travel via fire isolated exits and discharge of exits” (Section 18) requires the following:	
i	Signage within both fire isolated stairways at the ground floor level (i.e. the discharge level) stating “Exit at Ground Level” or “Alternative Exit at Basement Level”. In this regard, the discharge of the fire stairways is confusing because the signage at ground level only states: “Ground Level” and “Alternative Exit at Basement Level” and there is no signage or exit signage to alert occupant that the ground floor level is the actual discharge level. The signage is also inconsistent with the requirements of the FER.	The City's inspection on 17 April 2025 confirmed signage needs to be amended and added. Consequently, the City issued written compliance instructions, requiring the issue to be rectified by 23 June 2025. Follow-up inspections will be conducted to ensure the work is completed, addressing this issue.
B	Design Issue 11 relating to “Location of Booster Assembly” (Section 20) requires the following:	
i	Block plans and tactical firefighting plans are to be provided at the Fire Indicator Panel (FIP), Mimic Panel and the booster. In this regard, tactical firefighting plans are not provided at the FIP or the booster assembly and block plans are not provided at the FIP which is inconsistent with the requirements of the FER.	The City's inspection on 17 April 2025 confirmed the plans are not provided at FIP or booster locations. To address this, the City issued written compliance instructions, requiring the issue to be rectified by 23 June 2025. Follow-up inspections will be conducted to ensure the work is completed, addressing this issue.
ii	Appropriate signage should be installed in the fire control centre/room (or at the Fire Indicator Panel) indicating the booster location, and the fact the location is identified by a red strobe light. In this regard, no such signage is provided at the FIP and is therefore inconsistent with the requirements of the FER.	The City's inspection on 17 April 2025 confirmed signage needs to be added. To address this, the City issued written compliance instructions, requiring the issue to be rectified by 23 June 2025. Follow-up inspections will be conducted to ensure the work is completed, addressing this issue.

Ref.	Issue	City response
C	Design Issue 12 relating to “Hydrant Pump and Sprinkler Valve Enclosure” (Section 21) requires the following:	
i	Block plans and tactical firefighting plans are to be provided at the Fire Indicator Panel (FIP), and the booster assembly in accordance with Section 7.11 of AS2419.1 and the FRNSW Tactical Fire Fighting Plans Guideline (Policy number 6, Version 02). As identified above in item 1D.B.(i), tactical firefighting plans are not provided at the FIP or the booster assembly and block plans are not provided at the FIP which is inconsistent with the requirements of the FER.	The City’s inspection on 17 April 2025 confirmed the plans are not provided. Consequently, the City issued written compliance instructions, requiring the issue to be rectified by 23 June 2025. Follow-up inspections will be conducted to ensure the work is completed, addressing this issue.
ii	Signage detailing the location of the fire hydrant booster and sprinkler booster assembly, sprinkler valves and hydrant/sprinkler pump room should be provided adjacent to the Fire Indicator Panel located within the main entrance of the building. The sign is required to include a floor mud map plan of the building clearly indicating the aforementioned areas. In this regard, signage and a floor plan is not provided at the FIP and is therefore inconsistent with the requirements of the FER.	The City’s inspection on 17 April 2025 confirmed the signage and plans are not provided as required. Consequently, the City issued written compliance instructions, requiring the issue to be rectified by 23 June 2025. Follow-up inspections will be conducted to ensure the work is completed, addressing this issue.
iii	Remote switching of the hydrant and sprinkler valve pumps is to be provided at both the FIP and the Booster Location which provides a manual stop button and also a “Pump Running” indicator light, thus providing fire brigade personnel with the capability to remotely turn on/ or off the hydrant and sprinkler pump system. In this regard, remote switching is provided at the booster assembly only and not at the FIP and is therefore inconsistent with the requirements of the FER.	The City’s inspection on 17 April 2025 confirmed remote switching is needed at the FIP. To address this, the City issued written compliance instructions, requiring the issue to be rectified by 23 June 2025. Follow-up inspections will be conducted to ensure the work is completed, addressing this issue.

8. FRNSW have recommended that the City inspect the subject premises and appropriately address noted (and other) deficiencies identified within their report.

Council Investigation Officer Recommendations

9. As a result of site inspections undertaken by the Council investigation officer:
- (a) A corrective action letter was issued on 24 April 2025 to the building owners to address the fire safety deficiencies identified by the City and FRNSW. Follow up inspections will be undertaken to ensure action has been taken to the satisfaction of authorised officers and further compliance action will be taken if this is not the case.
 - (b) It is recommended Council not exercise its powers to give a fire safety order at this time.
 - (c) It is recommended that the Commissioner of FRNSW be informed of the City's decision.

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File Ref. No: FRN25/601 - BFS25/891 – 8000040760
TRIM Ref. No: D25/15112
Contact: Mark Knowles

11 March 2025

General Manager
City of Sydney
GPO Box 1591
SYDNEY NSW 2001

Email: council@cityofsydney.nsw.gov.au

Attention: Manager Compliance / Fire Safety

Dear Sir / Madam

**Re: INSPECTION REPORT
117-119 KIPPAX STREET, SURRY HILLS ("the premises")**

In response to the Project Remediate programme being undertaken by the NSW Department of Customer Service, to remove high-risk combustible cladding on residential apartment buildings in NSW, an inspection of 'the premises' on 12 February 2025 was conducted by Authorised Fire Officers from the Fire Safety Compliance Unit of Fire and Rescue NSW (FRNSW), pursuant to the provisions of Section 9.32(1)(b) of the *Environmental Planning and Assessment Act 1979* (EP&A Act).

In this instance, the inspection revealed fire safety concerns that may require Council as the appropriate regulatory authority to use its discretion and address the concerns observed at the time of the inspection.

In this regard, the inspection was limited to the following:

- Those parts of the building where access could be gained, which included the Level 1 residential common areas of 117 Kippax Street (No.1 Lacey), the fire isolated stairways, the lower ground floor loading area, the ground floor commercial level, the fire indicator panel, the booster assembly and the pumproom/sprinkler valve room.
- A general overview of the building was obtained without using the development consent conditions or approved floor plans as reference.

Fire and Rescue NSW

ABN 12 593 473 110

www.fire.nsw.gov.au

Community Safety Directorate
Fire Safety Compliance Unit

1 Amarina Ave
Greenacre NSW 2190

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- Details of the Provisions for Fire Safety and Fire Fighting Equipment are limited to a visual inspection of the parts in the building accessed and the fire safety measures observed at the time.

On behalf of the Commissioner of FRNSW, the following comments are provided for your information in accordance with Section 9.32(4) and Schedule 5, Part 8, Section 17(1) of the EP&A Act.

COMMENTS

Please be advised that this report is not an exhaustive list of non-compliances. The proceeding items outline concerns in general terms, deviations from the fire safety provisions prescribed in Section 9.32(1)(b) of the EP&A Act and Clause 112 of the Environmental Planning and Assessment (Development Certification and Fire Safety) Regulation 2021 (EPAR 2021).

The following was observed at the time of the inspection:

1. Essential Fire Safety Measures

1A. The Automatic Fire Detection and Alarm System:

- A. The Fire Indicator Panel (FIP) was displaying one (x1) 'Fault' identified as "Zone 3 Ground Floor – Outdoor Area – Heat".
- B. Zone Block Plan - A permanent, water and fade resistant zone block plan, depicting all the relevant information of the installation, was not securely mounted adjacent to the Fire Indicator Panel (FIP), contrary to the requirements of Clause 3.10 of AS1670.1-2018.

1B. The Combined Fire Hydrant and Sprinkler System:

- A. The fire brigade booster assembly:
 - i. Signage labelling the booster assembly is confusing. In this regard, the signage indicates the booster serves 119-127 Kippax Street, however the booster appears to serve 117-119 Kippax Street and 127 Kippax Street could not be located. FRNSW recommend the signage indicate the current street numbers to avoid confusion.

1C. Annual Fire Safety Statement (AFSS) and Fire Safety Schedule (FSS):

- A. A copy of the current AFSS and a complete copy of the FSS was not prominently displayed within the building in accordance with Section 89 of the EPAR 2021.

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- 1D. Fire Engineering Report (FER) – A review of FRNSW records indicates the building is subject to 'Revised Final Fire Safety Engineering Report – Reference 144014-ce Issue No. 3-1 dated 17 November 2016, prepared by Scientific Fire Services. The following comments are provided:
- A. Design Issue 8 and 10 relating to “travel via fire isolated exits and discharge of exits” (Section 18) requires the following:
 - i. Signage within both fire isolated stairways at the ground floor level (i.e. the discharge level) stating “Exit at Ground Level” or “Alternative Exit at Basement Level”. In this regard, the discharge of the fire stairways is confusing because the signage at ground level only states: “Ground Level” and “Alternative Exit at Basement Level” and there is no signage or exit signage to alert occupant that the ground floor level is the actual discharge level. The signage is also inconsistent with the requirements of the FER.
 - B. Design Issue 11 relating to “Location of Booster Assembly” (Section 20) requires the following:
 - i. Block plans and tactical fire fighting plans are to be provided at the Fire Indicator Panel (FIP), Mimic Panel and the booster assembly in accordance with Section 7.11 of AS2419.1 and the FRNSW Tactical Fire Fighting Plans Guideline (Policy number 6, Version 02). In this regard, tactical fire fighting plans are not provided at the FIP or the booster assembly and block plans are not provided at the FIP which is inconsistent with the requirements of the FER.
 - ii. Appropriate signage should be installed in the fire control centre/room (or at the Fire Indicator Panel) indicating the booster location, and the fact the location is identified by a red strobe light. In this regard, no such signage is provided at the FIP and is therefore inconsistent with the requirements of the FER.
 - C. Design Issue 12 relating to “Hydrant Pump and Sprinkler Valve Enclosure” (Section 21) requires the following:
 - i. Block plans and tactical fire fighting plans are to be provided at the Fire Indicator Panel (FIP), and the booster assembly in accordance with Section 7.11 of AS2419.1 and the FRNSW Tactical Fire Fighting Plans Guideline (Policy number 6, Version 02). As identified above in item 1D.B.(i), tactical fire fighting plans are not provided at the FIP or the booster assembly and block plans are not provided at the FIP which is inconsistent with the requirements of the FER.

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- ii. Signage detailing the location of the fire hydrant booster and sprinkler booster assembly, sprinkler valves and hydrant/sprinkler pump room should be provided adjacent to the Fire Indicator Panel located within the main entrance of the building. The sign is required to include a floor map plan of the building clearly indicating the aforementioned areas. In this regard, signage and a floor plan is not provided at the FIP and is therefore inconsistent with the requirements of the FER.
- iii. Remote switching of the hydrant and sprinkler valve pumps is to be provided at both the FIP and the Booster Location which provides a manual stop button and also a "Pump Running" indicator light, thus providing fire brigade personnel with the capability to remotely turn on/ or off the hydrant and sprinkler pump system. In this regard, remote switching is provided at the booster assembly only and not at the FIP and is therefore inconsistent with the requirements of the FER.

FRNSW is therefore of the opinion that the fire safety provisions prescribed for the purposes of 9.32(1)(b) of the EP&A Act, have not been complied with.

RECOMMENDATIONS

FRNSW recommends that Council:

- a. Inspect and address item no. 1 of this report.

This matter is referred to Council as the appropriate regulatory authority. FRNSW therefore awaits Council's advice regarding its determination in accordance with Schedule 5, Part 8, Section 17 (4) of the EP&A Act.

Should you have any enquiries regarding any of the above matters, please do not hesitate to contact Mark Knowles of FRNSW's Fire Safety Compliance Unit on (02) 9742 7434. Please ensure that you refer to file reference FRN25/601 - BFS25/891 – 8000040760 for any future correspondence in relation to this matter.

Yours faithfully



Mark Knowles
Senior Building Surveyor
Fire Safety Compliance Unit

Attachment E

**Inspection Report
82-88 Elizabeth Street, Sydney**



Figure 1: 82-88 Elizabeth Street, Sydney, viewed from the east



Figure 2: Location map of 82-88 Elizabeth Street, Sydney

Council Investigation Officer Inspection and Recommendation Report; Clause 17(2) Part 8 of Schedule 5 of the Environmental Planning and Assessment Act 1979 (the Act)

Officer: Luke Jeffree

Date: 28 April 2025

Premises: 82-88 Elizabeth Street, Sydney

Executive Summary

1. The City inspected the premises on 4 March 2025, accompanied by Fire and Rescue NSW (FRNSW) Officers. This joint inspection was in response to the City's request for advice relating to a current Fire Safety Order issued by the City, last modified on 4 June 2024. The inspection did not raise any fire safety issues.
2. The City subsequently received correspondence from FRNSW in relation to the subject premises dated 12 March 2025 with respect to matters of fire safety advice.
3. The premises consists of a fifteen (15) storey building used for commercial purposes.

Chronology

Date	Event
12 March 2025	FRNSW correspondence received regarding the premises at 82-88 Elizabeth Street, Sydney. The correspondence refers to an inspection of the premises which was requested by the City and conducted with FRNSW officers on 4 March 2025. This inspection was carried out in response to the City's request for comments made in June 2024 and gave opportunity to FRNSW officers to question the owner's fire engineers about various technical aspects of the proposed integrated hydrant mist system which was being considered for endorsement by FRNSW.

Fire and Rescue NSW Report

4. FRNSW conducted an inspection of the subject premises on 4 March 2025.

Issues

5. The report from FRNSW detailed advice as shown in the table below.

Ref.	Issue	City response
1	Performance solution 1	
1A	FRNSW supports the integration of the Australian Standard (AS) 4587:1999 Water Mist Fire Protection System with the AS 2419:2005 Fire Hydrant Installation.	FRNSW's advice is and will be considered in any future modification of the City's Fire Safety Order.
2	Performance Solution 5 Item (a)	
2A	FRNSW supports the combined fire hydrant/mist booster assembly at the ground floor lobby.	FRNSW's advice is noted and will be taken into consideration in any future modification of the City's Fire Safety Order.
3	Performance Solution 5 Item (b)	
3A	FRNSW supports the combined fire hydrant/mist pump room located on the roof. FRNSW noted the installation of controls for the pumps and signage showing the location of the pump room at the FIP.	FRNSW's advice is noted and may be taken into consideration in any future modification of the City's Fire Safety Order.
4	Performance Solution 5 Item (c)	
4A	In this instance, FRNSW supports only one internal fire hydrant within the fire isolated stairs on the ground and basement levels.	FRNSW's advice is noted and may be taken into consideration in any future modification of the City's Fire Safety Order.
5	The on-site water storage has an exhaustible supply, which will require firefighters to supplement the onsite water storage, by boosting the combined system. Signage at the FDCIE and booster assembly is to be installed for firefighter information.	FRNSW's advice is noted and may be taken into consideration in any future modification of the City's Fire Safety Order.
6	The combined booster assembly incorporates two boost inlet connections, for a high and low stage pressure zones. Signage is to be installed at the booster assembly for each boost inlet connection which states, LOW RISE BOOSTER B?-L?? and HIGH RISE BOOSTER L?? – L?? to the requirements of Clause 7.10 of Australian Standard (AS) 2419.1-2005.	FRNSW's advice is noted and may be taken into consideration in any future modification of the City's Fire Safety Order.

Ref.	Issue	City response
7	The non-return valves on mist system, downstream of the sprinkler isolation valve within stairwell, were not orientated to prevent reverse flow of water contrary to the requirements of Clause 3.1 and Clause 3.3.6 of AS 4794-2001.	FRNSW's advice is noted and may be taken into consideration in any future modification of the City's Fire Safety Order.

6. FRNSW have made no direct recommendation within their report other than legislative notification.

Council Investigation Officer Recommendations

7. As a result of site inspections undertaken by the Council investigation officer:
- (a) It is recommended Council continue with its current compliance action, and consider advice of FRNSW in any future modification of the City's Fire Safety Order.
 - (b) It is recommended Council not exercise its powers to give a fire safety order at this time.
 - (c) It is recommended that the Commissioner of FRNSW be informed of the City's decision.

OFFICIAL



File Ref. No: FRN13/7270 - BFS24/3739 - 8000036292
TRIM Ref. No: D25/16147
Contact: Station Officer Kurt Ingle

12 March 2025

General Manager
City of Sydney
GPO Box 1591
SYDNEY NSW 2001

Email: council@cityofsydney.nsw.gov.au

Attention: Luke Jeffree

Dear General Manager

**RE: REQUEST FOR COMMENT
BERGER HOUSE
82-88 ELIZABETH STREET SYDNEY ("the premises")**

In reply to the Council's request for comment dated 20 March 2025, an inspection was conducted by officers of the Fire Safety Compliance Unit of FRNSW under the provisions of Section 9.32(2)(a) of the *Environmental Planning and Assessment Act 1979* (EP&A Act) on 4 March 2025.

FRNSW notes the following documents associated with this request:

- Comment on an Occupied Building – 82-88 Elizabeth Street Sydney – City of Sydney Council – Ref FIRE/2014/44 – Luke Jeffree
- Fire Safety Order – 15 August 2017 – City of Sydney Council – Ref. S108492 & FIRE/2014/44 – Glen Camenzuli
- Modification of an Order – 18 August 2021 – City of Sydney Council – Ref. S108492 – Muhammad Hassan
- Fire Engineering Report – 30 January 2024 – Red Fire Engineers Pty Ltd – Report No. JN19-00065 Version 7

The following comments are for your information under Section 9.32(1)(b) of the EP&A Act.

Fire and Rescue NSW	ABN 12 593 473 110	www.fire.nsw.gov.au
Community Safety Directorate	1 Amarina Ave	T (02) 9742 7434
Fire Safety Compliance Unit	Greenacre NSW 2190	F (02) 9742 7483
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COMMENTS

The following items were identified from the supplied documents and observations during the FRNSW inspection, dated 17 December 2024:

1. **Performance Solution 1** - An integrated hydrant mist system complying with Australian Standard (AS) 4587-1999.
 - 1A. FRNSW supports the integration of the Australian Standard (AS) 4587:1999 Water Mist Fire Protection System with the AS 2419:2005 Fire Hydrant Installation.

FRNSW noted that the Modification of an Order dated 18 August 2021 by City of Sydney Council includes M1.02 Installation of a water mist system.

"That a water mist system such as Tyco Aquamist ULF System, or equivalent shall be installed throughout the building."
2. **Performance Solution 5 Item (a)** - Protection of hydrant booster- Technical non-compliance as an integrated hydrant mist system does not qualify for the BCA exemption to not separate the hydrant booster in accordance with clause 7.3(c)(ii) and 7.3(d)(iii) of AS 2419.1:2005.
 - 2A. FRNSW supports the combined fire hydrant/mist booster assembly at the ground floor lobby.
3. **Performance Solution 5 Item (b)** - Location of hydrant mist pump room – Non-compliance with clause 6.4.2 of AS 2419.1-2005 as the pump room is to be located on the roof instead of being directly accessible from a fire-isolated stair due to existing space restraints.
 - 3A. FRNSW supports the combined fire hydrant/mist pump room located on the roof. FRNSW noted the installation of controls for the pumps and signage showing the location of the pump room at the FIP.
4. **Performance Solution 5 Item (c)** - Ground and basement are served by one hydrant only located within the only fire isolated stair on these levels. As such a technical noncompliance with clause 8.5.5(a) of AS 2419.1 occurs, which requires not less than 50% of hydrants protecting each fire compartment to be available in case of isolation.
 - 4A. In this instance, FRNSW supports only one internal fire hydrant within the fire isolated stairs on the ground and basement levels. FRNSW noted the size of the floor plate of the building and the location of the street fire hydrant as an alternative fire hydrant.

FRNSW Additional Comment

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5. The on-site water storage has an exhaustible supply, which will require firefighters to supplement the onsite water storage, by boosting the combined system. Signage at the FDCIE and booster assembly is to be installed for firefighter information. The signage is to state, *LIMITED WATER SUPPLY COMBINED SYSTEM MUST BE BOOSTED FOR ALL FIRE INCIDENTS*. See Figure 1.



Figure 1

6. The combined booster assembly incorporates two boost inlet connections, for a high and low stage pressure zones. Signage is to be installed at the booster assembly for each boost inlet connection which states, LOW RISE BOOSTER B??- L?? and HIGH RISE BOOSTER L?? – L?? to the requirements of Clause 7.10 of Australian Standard (AS) 2419.1-2005. See Figure 2.



Figure 2

7. The non-return valves on mist system, downstream of the sprinkler isolation valve within stairwell, were not orientated to prevent reverse flow of water contrary to the requirements of Clause 3.1 and Clause 3.3.6 of AS 4794-2001.

RECOMMENDATIONS

FRNSW recommends that:

1. Signage be installed at the Fire Detection and Control Indicating Equipment (FDCIE) and at the booster assembly, in a colour contrasting that of the

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background, a minimum size of A4, stating, *LIMITED WATER SUPPLY. COMBINED SYSTEM MUST BE BOOSTED FOR ALL FIRE INCIDENTS.*

2. Boost pressure signage is to be installed immediately behind each inlet connection in a colour contrasting that of the background, a minimum A4.
3. The installation of controls for the pumps and signage showing the location of the pump room at the FIP in accordance with the Fire Engineering Report.
4. The non-return valves within the stairwells for the mist system be re-configured to ensure the valves close under gravity with no water flow.

Please do not hesitate to contact Station Officer Kurt Ingle of FRNSW's Fire Safety Compliance Unit at FireSafety@fire.nsw.gov.au or call (02) 9742 7434 if there are any questions or concerns about the above matters. Please refer to file reference FRN13/7270 - BFS24/3739 - 8000036292 regarding any correspondence concerning this matter.

Yours faithfully



Paul Scott
Team Leader
Fire Safety Compliance Unit

Attachment F

**Inspection Report
15 Gadigal Avenue, Zetland**



Figure 1: 15 Gadigal Avenue, Zetland, viewed from the south-east



Figure 2: Location map of 15 Gadigal Avenue, Zetland

Council Investigation Officer Inspection and Recommendation Report; Clause 17(2) Part 8 of Schedule 5 of the Environmental Planning and Assessment Act 1979 (the Act)

Officer: Eyman Balta

Date: 2 May 2025

Premises: 15 Gadigal Avenue, Zetland

Executive Summary

1. The City received correspondence from the Commissioner of Fire and Rescue NSW (FRNSW) in relation to the subject premises dated 8 April 2025 with respect to matters of fire safety.
2. The premises consists of a twenty-two (22) storey building used as residential apartments.
3. The City inspected the premises on 24 April 2025, accompanied by the building manager. This inspection identified fire safety provisions requiring maintenance, which can be addressed under the City's instruction.
4. The inspection also noted the building contains external wall cladding that was previously the subject of a Fire Safety Order issued by the City's Cladding Team. This order required the building owners to investigate the presence of combustible cladding and provide an audit report.
5. The audit report has now been submitted by the building owners, and the City is preparing to issue a subsequent Fire Safety Order for the removal and replacement of the identified combustible cladding.

Chronology

Date	Event
28 August 2024	FRNSW attended the premises on 28 August 2024 and found fire safety was not being adequately provided.
11 September 2024	In response to the defects identified, FRNSW issued a Fire Safety Order on the building owners on 11 September 2024 requiring the rectification of the defects identified.
6 December 2024	A re-inspection of the premises was undertaken by FRNSW on 6 December 2024 and confirmed that the terms of the Fire Safety Order were complied with.
8 April 2025	FRNSW correspondence received regarding subject premises.
24 April 2025	The City inspected the premises in the presence of the building manager that revealed there were several issues requiring routine maintenance.
5 May 2025	On 5 May 2025 the City instructed the building owners to address identified fire safety issues by 4 June 2025.

Fire and Rescue NSW Report

6. FRNSW conducted an inspection of the subject premises on 28 August 2024.

Issues

7. The report from FRNSW detailed issues as shown in the table below.

Ref.	Issue	City response
1	Essential Fire Safety Measures	
1A	Combined Fire Hydrant and Sprinkler System	
A	Pumpset	
a	The Secondary Pump (Pump 2) Diesel Pump Controller panel had the 'Mains Isolating Switch' in the 'off' position and the 'Crank Isolate' control key in the 'crank isolate' position, indicating the automatic operation of the pump was disabled.	FRNSW have confirmed that this requirement of the Fire Safety Order has been complied with and was compliant.

Ref.	Issue	City response
		An inspection undertaken by the City Investigation Officer on 24 April 2025 confirmed that a new pumpset had been installed and no defects were identified, addressing this issue.
b	The Secondary Pump (Pump 2) Diesel Pump Controller panel was displaying the following issues: • 'Power fail' • 'Crank isolate' • 'Battery low voltage' • 'Alarm'	FRNSW have confirmed that this requirement of the Fire Safety Order has been complied with and was compliant. An inspection undertaken by the City Investigation Officer on 24 April 2025 confirmed that a new pumpset had been installed and no defects were identified, addressing this issue.
c	The Secondary Pump (Pump 2) Diesel Pump Controller panel had a warning sign placed over the top of the display screen stating the following: • 'Warning – Life Safety Equipment – Out of Service'	FRNSW have confirmed that this requirement of the Fire Safety Order has been complied with and was compliant. An inspection undertaken by the City Investigation Officer on 24 April 2025 confirmed that a new pumpset had been installed and no defects were identified, addressing this issue.
d	The maintenance logbook records showed that the Secondary Pump (Pump 2) had issues with since 28 October 2022.	FRNSW have confirmed that this requirement of the Fire Safety Order has been complied with and was compliant. An inspection undertaken by the City Investigation Officer on 24 April 2025 confirmed that a new pumpset had been installed and no defects were identified, addressing this issue.

Ref.	Issue	City response
B	Pump room	
a	Access to pump room did not have adequate signage to indicate the location of the pump room. Wayfinding signage should be provided to assist the operational requirements of FRNSW fire fighters in locating the pumphoom.	An inspection undertaken by the City Investigation Officer on 24 April 2025 confirmed that signage was provided at ground floor level, however additional signage is required to be provided at the Basement 1 and Basement 2 floor levels of the building. Written compliance instructions were issued on 5 May 2025 requiring signage to be provided by 4 June 2025. Follow up inspections will be undertaken to ensure the work is completed, addressing this issue.
C	Booster Assembly	
a	Signage	
i	The signage at the booster states 'Fire & Sprinkler Booster', where it should state the words 'COMBINED FIRE HYDRANT AND SPRINKLER BOOSTER', in accordance with the requirements of Clause 2.2.3 of AS2118.6-2012.	An inspection undertaken by the City Investigation Officer on 24 April 2025 confirmed that signage was not provided in accordance with the requirements of Clause 2.2.3 of AS2118.6-2012. Written compliance instructions were issued on 5 May 2025 requiring signage to be provided by 4 June 2025. Follow up inspections will be undertaken to ensure the work is completed, addressing this issue.
ii	The booster is configured into a 'low rise booster' and 'high-rise booster' with signage identifying as such. The attending fire fighters would benefit from additional signage identifying the levels which the 'low' and 'high' rise boosters serve, e.g.: 'low rise booster – B3 - L11' 'high rise booster – L12 - roof'	An inspection undertaken by the City Investigation Officer on 24 April 2025 confirmed signage can be improved.

Ref.	Issue	City response
		Written compliance instructions were issued on 5 May 2025 requiring signage to be provided by 4 June 2025. Follow up inspections will be undertaken to ensure the work is completed, addressing this issue.
iii	Warning signage is fixed to the wall at the booster assembly stating that the booster is connected in parallel with the fixed on-site pumps. Warning signage is only required for pumps in series, in accordance with the requirement of Clause 11.3.7.1 of AS2419.1-2021, and as the booster is connected in parallel with the pumps, the warning sign should be removed as it may cause confusion to the attending firefighters.	An inspection undertaken by the City Investigation Officer on 24 April 2025 confirmed signage is misleading and needs to be removed. Written compliance instructions were issued on 5 May 2025 requiring signage removal by 4 June 2025. Follow up inspections will be undertaken to ensure the work is completed, addressing this issue.
D	Automatic Fire Suppression System	
a	A 500mm clear space is not being maintained below the level of the sprinkler deflectors throughout the storage cage areas in the carpark levels, contrary to the requirements of Clause 5.4.8 of AS2118.1-1999.	An inspection undertaken by the City Investigation Officer on 24 April 2025 confirmed that a clear space of approximately 700mm was provided below the sprinkler deflectors throughout the storage cage areas in the carpark levels, addressing this issue.
b	Floor block plans were not provided at each sprinkler control assembly located within the fire isolated stairs throughout the premises, contrary to the requirements of Clause 2.2 of AS2118.6- 2012.	An inspection undertaken by the City Investigation Officer on 24 April 2025 confirmed that signage was not provided within the fire isolated stairs at the Basement 1, 2, and 3 floor levels. To address this, written compliance instructions were issued on 5 May 2025 requiring floor block plans to be provided by 4 June 2025. Follow up inspections will be undertaken to ensure the work is completed, addressing this issue.

Ref.	Issue	City response
1B	Fire Control Room	
A	The fire control room was being used as a Building Manager's Office and contained various additional items, including items such as a ladder and bike, which restricted the clear space within the room	An inspection undertaken by the City Investigation Officer on 24 April 2025 confirmed that the fire control room was being used as a Building Managers office and that it contained stored items. To address this, written compliance instructions were issued on 5 May 2025 requiring the owners of the building to relocate the Building Managers office by 4 June 2025. Follow up inspections will be undertaken to ensure the work is completed, addressing this issue.
1C	Access and Egress	
A	Exit signs – Some exit signs throughout 'the premises' were not illuminated and had not maintained, contrary to the requirements of Clause 81 of the EPAR 2021.	An inspection undertaken by the City Investigation Officer on 24 April 2025 of the Basement levels and random residential floor levels of the building confirmed that all exit signs sighted were illuminated, addressing this issue.
1D	Annual Fire Safety Statement (AFSS) and Fire Safety Schedule (FFS)	
A	A copy of the current AFSS and FSS were not prominently displayed within the building in accordance with Clause 89 of the EPAR 2021. The only AFSS FRNSW found displayed was adjacent to the mimic panel within a ground floor lobby and was dated 08/08/19.	An inspection undertaken by the City Investigation Officer on 24 April 2025 confirmed that a current AFSS and FSS was not prominently displayed adjacent to the mimic panel located within the ground floor level of the building. To address this, written compliance instructions were issued on 5 May 2025 requiring the owners of the building to provide a current ASS and FSS in the location mentioned above by 4 June 2025. Follow up inspections will be undertaken to ensure the work is completed, addressing this issue.

Ref.	Issue	City response
2	General	
2A	Access and Egress	
A	Re-entry from fire-isolated exits – The doors to the fire-isolated stairways serving the residential levels (effective height greater than 25m), were locked from the inside. Whilst the doors were fitted with a fail-safe device that would automatically unlock the door upon activation of a fire alarm, it was apparent that re-entry wasn't available every fourth floor with appropriate signage stating that re-entry is available, contrary to the requirements of Clause D3D27 of the NCC.	An inspection undertaken by the City Investigation Officer on 24 April 2025 confirmed that that re-entry was not available at every fourth floor, and that signage stating that re-entry is available was not provided. To address this, written compliance instructions were issued on 5 May 2025 requiring the owners of the building to address this matter by 4 June 2025. Follow up inspections will be undertaken to ensure the work is completed, addressing this issue.

8. FRNSW have recommended that the City inspect the subject premises and appropriately address noted (and other) deficiencies identified within their report..

Council Investigation Officer Recommendations

9. As a result of site inspections undertaken by the Council investigation officer:
- (a) A corrective action letter was issued on 5 May 2025 to the building owners to address the fire safety deficiencies identified by the City and FRNSW. Follow up inspections will be undertaken to ensure action has been taken to the satisfaction of authorised officers and further compliance action will be taken if this is not the case.
 - (b) It is recommended Council not exercise its powers to give a fire safety order at this time.
 - (c) It is recommended that the Commissioner of FRNSW be informed of the City's decision.

Unclassified



File Ref. No: FRN14/2832 - BFS24/5516 - 8000037662
TRIM Ref. No: D25/34029
Contact: John Bruscano

4 April 2025

The General Manager
City of Sydney
GPO Box 1591
SYDNEY NSW 2001

Email: council@cityofsydney.nsw.gov.au

Attention: Manager Compliance / Fire Safety

Dear Sir / Madam

**Re: INSPECTION REPORT
15 GADIGAL AVENUE, ZETLAND ("the premises")**

In response to the Project Remediate programme being undertaken by the NSW Department of Customer Service, to remove high-risk combustible cladding on residential apartment buildings in NSW, inspections of 'the premises' on 28 August 2024 and 6 December 2024 were conducted by Authorised Fire Officers from the Fire Safety Compliance Unit of Fire and Rescue NSW (FRNSW), pursuant to the provisions of Section 9.32(1)(b) of the *Environmental Planning and Assessment Act 1979* (EP&A Act).

In this instance, the inspections revealed fire safety concerns that may require Council as the appropriate regulatory authority to use its discretion and address the concerns observed at the time of the inspection.

In this regard, the inspection was limited to the following:

- A visual inspection of the essential Fire Safety Measures as identified in this report only.
- A conceptual overview of the building, where an inspection had been conducted without copies of the development consent or copies of the approved floor plans.

Fire and Rescue NSW	ABN 12 593 473 110	www.fire.nsw.gov.au
Community Safety Directorate	1 Amarina Ave	T (02) 9742 7434
Fire Safety Compliance Unit	Greenacre NSW 2190	F (02) 9742 7483
www.fire.nsw.gov.au		Page 1 of 9

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On behalf of the Commissioner of FRNSW, the following comments are provided for your information in accordance with Section 9.32(4) and Schedule 5, Part 8, Section 17(1) of the EP&A Act.

COMMENTS

Please be advised that this report is not an exhaustive list of non-compliances. The proceeding items outline concerns in general terms, deviations from the fire safety provisions prescribed in Section 9.32(1)(b) of the EP&A Act and Clause 112 of the Environmental Planning and Assessment (Development Certification and Fire Safety) Regulation 2021 (EPAR 2021).

The following items were identified as concerns at the time of the inspection:

1. Essential Fire Safety Measures

1A. Combined Fire Hydrant and Sprinkler System:

A. Pumpset

- a. The Secondary Pump (Pump 2) Diesel Pump Controller panel had the 'Mains Isolating Switch' in the *'off'* position and the 'Crank Isolate' control key in the *'crank isolate'* position, indicating the automatic operation of the pump was disabled.
- b. The Secondary Pump (Pump 2) Diesel Pump Controller panel was displaying the following issues:
 - *'Power fail'*
 - *'Crank isolate'*
 - *'Battery low voltage'*
 - *'Alarm'*
- c. The Secondary Pump (Pump 2) Diesel Pump Controller panel had a warning sign placed over the top of the display screen stating the following:
 - *'Warning – Life Safety Equipment – Out of Service'*
- d. The maintenance logbook records showed that the Secondary Pump (Pump 2) had issues with since 28 October 2022.

B. Pumproom

- a. Access to pump room did not have adequate signage to indicate the location of the pumproom. Wayfinding signage should be provided to assist the operational requirements of FRNSW fire fighters in locating the pumproom.

C. Booster Assembly:

a. Signage

- i. The signage at the booster states '*Fire & Sprinkler Booster*', where it should state the words 'COMBINED FIRE HYDRANT AND SPRINKLER BOOSTER', in accordance with the requirements of Clause 2.2.3 of AS2118.6-2012.
- ii. The booster is configured into a '*low rise booster*' and '*high rise booster*' with signage identifying as such. The attending fire fighters would benefit from additional signage identifying the levels which the 'low' and 'high' rise boosters serve, e.g.:
 - 'low rise booster – B3 - L11'
 - 'high rise booster – L12 - roof'
- iii. Warning signage is fixed to the wall at the booster assembly stating that the booster is connected *in parallel* with the fixed on-site pumps. Warning signage is only required for pumps *in series*, in accordance with the requirement of Clause 11.3.7.1 of AS2419.1-2021, and as the booster is connected in parallel with the pumps, the warning sign should be removed as it may cause confusion to the attending firefighters.

D. Automatic Fire Suppression System

- a. A 500mm clear space is not being maintained below the level of the sprinkler deflectors throughout the storage cage areas in the carpark levels, contrary to the requirements of Clause 5.4.8 of AS2118.1-1999.
- b. Floor block plans were not provided at each sprinkler control assembly located within the fire isolated stairs throughout the premises, contrary to the requirements of Clause 2.2 of AS2118.6-2012.

1B. Fire Control Room

- A. The fire control room was being used as a Building Manager's Office and contained various additional items, including items such as a ladder and bike, which restricted the clear space within the room, contrary to the requirements of Clause S19C10 of the NCC.

1C. Access and Egress

- A. Exit signs – Some exit signs throughout 'the premises' were not illuminated and had not maintained, contrary to the requirements of Clause 81 of the EPAR 2021.

1D. Annual Fire Safety Statement (AFSS) and Fire Safety Schedule (FFS)

- A. A copy of the current AFSS and FSS were not prominently displayed within the building in accordance with Clause 89 of the EPAR 2021. The only AFSS FRNSW found displayed was adjacent to the mimic panel within a ground floor lobby and was dated 08/08/19.

FRNSW is therefore of the opinion that the fire safety provisions prescribed for the purposes of 9.32(1)(b) of the EP&A Act, have not been complied with.

ADDITIONAL COMMENTS

In addition to the items identified above, relating to the Fire Safety Provisions prescribed by Clause 112 of the EPAR 2021, the following item was also identified as a concern at the time of the inspection and it would be at council's discretion as the appropriate regulatory authority to conduct its own investigation and consider the most appropriate action.

2. Generally:

2A. Access and Egress

- A. Re-entry from fire-isolated exits – The doors to the fire-isolated stairways serving the residential levels (effective height greater than 25m), were locked from the inside. Whilst the doors were fitted with a fail-safe device that would automatically unlock the door upon activation of a fire alarm, it was apparent that re-entry wasn't available every fourth floor with appropriate signage stating that re-entry is available, contrary to the requirements of Clause D3D27 of the NCC.

FIRE SAFETY ORDER NO. 1

In relation to the item 1.1A.A, Authorised Fire Officers from the Fire Safety Compliance Unit of FRNSW issued an Order No. 1, dated 11 September 2024 under the provisions of Section 9.34 of the EP&A Act (copy attached in Annexure 1). A re-inspection conducted on 6 December 2024 found that the terms of the order were compliant.

RECOMMENDATIONS

FRNSW recommends that Council:

- a. Inspect and address item no. 1 of this report.
- b. Give consideration to the other deficiencies identified on 'the premises' identified in item no. 2 of this report.

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This matter is referred to Council as the appropriate regulatory authority. FRNSW therefore awaits Council's advice regarding its determination in accordance with Schedule 5, Part 8, Section 17 (4) of the EP&A Act.

Should you have any enquiries regarding any of the above matters, please do not hesitate to contact John Bruscino of FRNSW's Fire Safety Compliance Unit on (02) 9742 7434. Please ensure that you refer to file reference FRN14/2832 - BFS24/5516 - 8000037662 for any future correspondence in relation to this matter.

Yours faithfully



John Bruscino
Senior Building Surveyor
Fire Safety Compliance Unit

Attachment: [Appendix 1- FRNSW Fire Safety Order No. 1]

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Appendix 1 – Fire Safety Order No.1



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File Ref. No: FRN14/2832 - BFS24/5516 - SRID 8000037662
TRIM Ref. No: D24/108653
Contact: John Bruscano

11 September 2024

The Owners of Strata Plan: SP85320
15 Gadigal Avenue
ZETLAND NSW 2017

Dear Owners of Strata Plan No. 85320

Re: FIRE SAFETY ORDER – ORDER NO.1
'RUBY TOWER'
15 GADIGAL AVENUE, ZETLAND ("the premises")

Fire & Rescue NSW (FRNSW) has received your email dated 6 September 2024 in response to the Notice of Intention to give a Proposed Fire Safety Order – Order No.1 dated 30 August 2024.

FRNSW has determined to issue the Fire Safety Order – Order No.1 ('Order No.1'), in response to your representations (email from Netstrata, dated 6 September 2024) and consideration given under the provisions of Schedule 5, Part 7 (Section 14 and Section15) of the *Environmental Planning & Assessment Act 1979* (EP&A Act). Accordingly, I have attached a copy of the FRNSW "Order No. 1" dated 11 September 2024, issued under Section 9.34 of the EP&A Act.

A copy of the "Order No.1" will be forwarded to City of Sydney Council, under Schedule 5, Part 6, Section 12 of the EP&A Act. Authorised Fire Officers will conduct inspections to assess compliance with the "Order No.1".

Please do not hesitate to contact John Bruscano of FRNSW's Fire Safety Compliance Unit at FireSafety@fire.nsw.gov.au or call on (02) 9742 7434 if there are any questions or concerns about the above matters. Please ensure that you refer to file reference FRN14/2832 - BFS24/5516 - SRID 8000037662 regarding any correspondence concerning this matter.

Yours faithfully,


John Bruscano
Senior Building Surveyor
Fire Safety Compliance Unit

CC Mail Netstrata
PO Box 285
HURSTVILLE NSW BC 1481

CC Email Netstrata
Attention: Ryan Hewit
ryan.hewit@netstrata.com.au Netstrata
hello@netstrata.com.au

Fire and Rescue NSW	ABN 12 593 473 110	www.fire.nsw.gov.au
Community Safety Directorate	1 Amarna Ave	T (02) 9742 7434
Fire Safety Compliance Unit	Greenacre NSW 2190	F (02) 9742 7843
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Fire Safety Order ORDER No. 1

*Under the Environmental Planning and Assessment Act 1979 (EP&A Act)
Part 9 Implementation and Enforcement – Division 9.3 Development Control Orders
Fire Safety Orders in accordance with the table to Part 2 - Schedule 5.
Give an Order in accordance with Section 9.34(1)(b)*

I, **John Bruscano** **Senior Building Surveyor** **902873**
(name) (rank) (number)

being an authorised Fire Officer within the meaning of Schedule 5, Part 8, Section 16 of the *Environmental Planning and Assessment Act 1979*, and duly authorised for the purpose, hereby order you

The Owners of Strata Plan: SP85320 **Owner**
(name of the person whom Order is served) (position, i.e. owner, building manager)

with respect to the premise

'RUBY TOWER'
15 GADIGAL AVENUE, ZETLAND ("the premises")
(name/address of premises to which Order is served)

to do, or refrain from doing, the following things:

1. Ensure the Combined Fire Hydrant and Sprinkler System installed in 'the premises' is fully operational, by:
 - a. Re-instating the Diesel Combined Booster Pumpset, known as Secondary Pump (Pump 2).
2. Upon completion, provide certification from the installing fire safety contractor, including testing and commissioning records/documentation, for the Diesel Combined Booster Pumpset, known as Secondary Pump (Pump 2).

Fire and Rescue NSW	ABN 12 593 473 110	www.fire.nsw.gov.au
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www.fire.nsw.gov.au		Page 2 of 4

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The reasons for the issue of this Fire Safety Order - Order No.1 are:

- a. At the time of the inspection, on 28 August 2024, the Secondary Pump (Pump 2), Diesel Pump Controller panel, had the 'Mains Isolating Switch' in the 'off' position and the 'Crank Isolate' control key in the 'crank isolate' position, indicating the automatic operation of the pump was disabled.
- b. At the time of the inspection, on 28 August 2024, the Secondary Pump (Pump 2), Diesel Pump Controller panel, was displaying the following issues:
 - i. Power fail
 - ii. Crank isolate
 - iii. Battery low voltage
 - iv. Alarm
- c. At the time of the inspection, on 28 August 2024, the Secondary Pump (Pump 2), Diesel Pump Controller panel, had a warning sign placed over the top of the display screen stating the following:
 - i. 'Warning – Life Safety Equipment – Out of Service'
- d. The maintenance records in the 'Fire and Jacking Pumpsets' logbook for 'Pump 1/2' shows that 'Pump 2' (Secondary Pump) has had issues since 28 October 2022 to the latest record on 31 July 2024, with no testing of the Secondary Pumpset being carried out in that time period. The following are a sample of the comments shown between these dates:
 - i. 31/07/24 – 'No test. Pump offline for repairs. Engine flywheel seized.'
 - ii. 24/06/24 – 'No test. Starter motor issue.'
 - iii. 30/01/24 – 'No test. Possible starter motor issue. Need to investigate.'
 - iv. 30/10/23 – 'No test.'
 - v. 28/10/22 – 'No test both batteries low. 2x 12v 100Ah deep cycle.'
- e. To ensure that the Combined Fire Hydrant and Sprinkler System is capable to operating in accordance with the standard of performance it was designed and installed to.
- f. To ensure compliance with the requirements of Section 81 of the Environmental Planning and Assessment (Development Certification and Fire Safety) Regulation 2021.
- g. To do or refrain from doing such things specified in the Order to ensure or promote adequate fire safety or awareness.
- h. Representations to the Proposed Fire Safety Order – Order No.1, received by FRNSW from Ryan Hewit, Senior Strata Manager of Netstrata, dated 6 September 2024, (includes email and defect quotation from Amber Fire Services, dated 6 September 2024), informs that the secondary pump has failed and requires replacement.

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The terms of this Fire Safety Order - Order No.1 are to be complied with:

By no later than 12:00pm on the 16 October 2024.

You are required to submit the certification to:

John Bruscano
Senior Building Surveyor
Fire & Rescue NSW
Locked Bag 12
GREENACRE NSW 2190
e-mail: firesafety@fire.nsw.gov.au

Appeals

Pursuant to Section 8.18 of the Environmental Planning & Assessment Act 1979 (EP&A Act), there is no right of appeal to the Court against this Fire Safety Order - Order No.1 other than an order that prevents a person from using or entering premises.

Non-Compliance with Fire Safety Order – Order No.1

Failure to comply with this Fire Safety Order - Order No.1 may result in further Orders and/or fines being issued.

Substantial penalties may also be imposed under Section 9.37 of the EP&A Act for failure to comply with a Fire Safety Order - Order No.1.



John Bruscano
Senior Building Surveyor
Fire Safety Compliance Unit

This Fire Safety Order - Order No. 1 was mailed on 11 September 2024.

Attachment G

**Inspection Report
108 Parramatta Road, Camperdown**



Figure 1: 108 Parramatta Road, Camperdown, viewed from the north-west

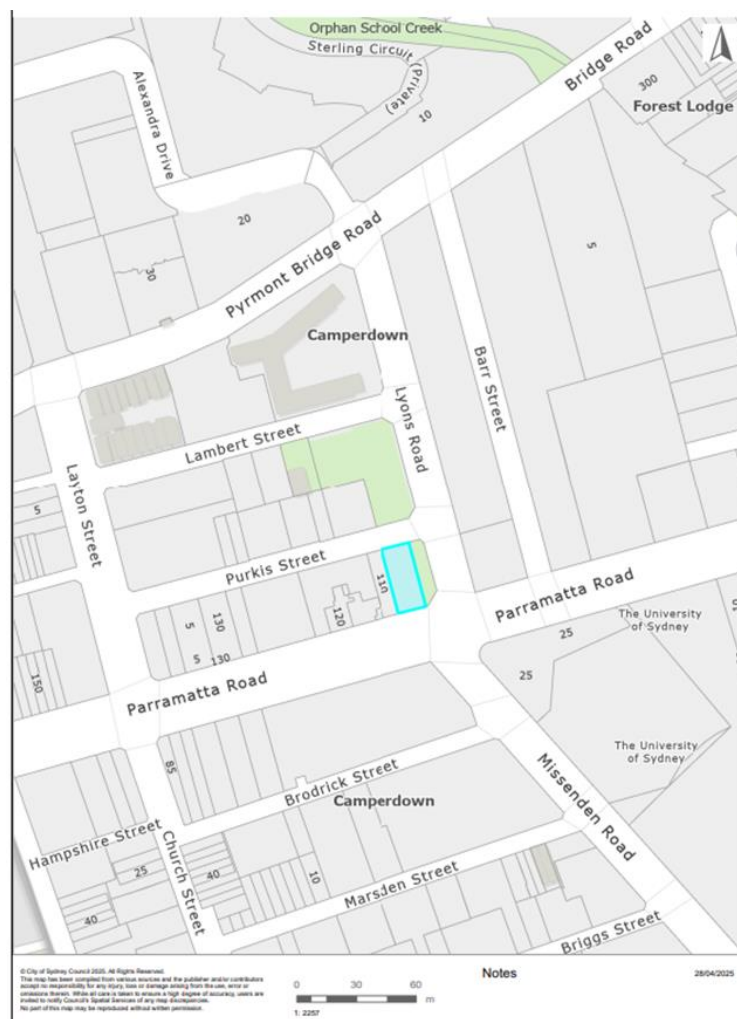


Figure 2: Location map of 108 Parramatta Road, Camperdown

Council Investigation Officer Inspection and Recommendation Report; Clause 17(2) Part 8 of Schedule 5 of the Environmental Planning and Assessment Act 1979 (the Act)

Officer: Andrew Porter

Date: 30 April 2025

Premises: 108 Parramatta Road, Camperdown

Executive Summary

1. The City received correspondence from the Commissioner of Fire and Rescue NSW (FRNSW) in relation to the subject premises dated 9 April 2025 with respect to matters of fire safety.
2. The premises consists of a three (3) storey building used for hotel accommodation.
3. The City inspected the premises on 29 April 2025, accompanied by the hotel manager. This inspection identified fire safety provisions requiring maintenance, which can be addressed under the City's instruction.
4. The inspection further noted the building contains external wall cladding which was previously subject of an additional fire safety order issued by the City's dedicated Cladding team to remove and replace combustible cladding that had been identified on the building façade.
5. The terms of this order have been completed as the previously combustible cladding has now been removed and replaced with non-combustible cladding.

Chronology

Date	Event
9 April 2025	FRNSW correspondence received regarding the subject premises at 108 Parramatta Road, Camperdown.
29 April 2025	The City inspected the premises on 29 April 2025 and identified several issues including fire doors held open, missing closers and signage, items of furniture placed within the fire isolated stairs and the annual fire safety statement not on display as required. Written compliance instructions were issued by the City on 29 April 2025, requiring the building owners to address the identified fire safety maintenance and management issues by 6 May 2025.
7 May 2025	The City reinspected the premises on 7 May 2025 and confirmed all maintenance and management issues had been rectified in accordance with the City's instruction.

Fire and Rescue NSW Report

6. FRNSW conducted an inspection of the subject premises on 27 March 2025.

Issues

7. The report from FRNSW detailed issues as shown in the table below.

Ref.	Issue	City response
1	Essential Fire Safety Measures	
1A	Fire Hose Reels - Non-firefighting equipment was stored within multiple hose reel cabinets throughout the premises, contrary to the requirements Clause 10.4.4 of AS2441-2005.	The City inspected premises on 29 April 2025 and observed no storage of non-firefighting equipment in hose reel cabinets. The premises manager advised he had cleaned out the items after FRNSW inspection, addressing this issue.
1B	Fire Hydrants – The building appears to have a total floor area greater than 500m ² and is therefore required to be provided with a fire hydrant system in accordance with Clause E1D2 of the NCC. In this regard, the building is not provided with internal fire hydrants and it appears that there may be a shortfall of hydrant coverage throughout 'the premises' from a	The City inspected the premises on 29 April 2025 and further reviewed plans of the building and observed two street hydrant locations adjacent to the building. As per the current Fire Hydrant Australian Standard and Fire and Rescue NSW position statement for when Councils are considering or issuing

Ref.	Issue	City response
	FRNSW pumping appliance when using street hydrants.	development control orders on existing buildings, this building would be able to rely on street fire hydrants with two FRNSW appliances able to provide fire hose coverage to the entire building, therefore internal/external onsite hydrant system is not required to be installed. Given this, no work is considered required to address this issue.
2	Compartmentation	
2A	Fire-Isolated Stairways - The subject building is three storey Class 3 and at the time of the inspection, many fire doors into both the northern and southern fire-isolated stairways were chocked/held open by door chocks/magnetic devices. Furthermore, the fire doors were not fitted with a device which would automatically unlock upon the activation of a smoke detector.	The City officer inspected premises on 29 April 2025 and observed several fire doors had been held in the open position and or had the self-closers removed. The Manager of the premises was instructed to immediately close the doors. To address this matter further, the City issued written compliance instructions on 29 April 2025 requiring the building owners rectified this by 6 May 2025. A follow up inspection was undertaken by the City on 7 May 2025 which confirmed the issue had been addressed.
2B.	Fire-Isolated Passageway - The laundry at the ground level northern side of the premises opens into what appears to be a fire-isolated passageway, contrary to the requirements of Clause D2D12. The door to the laundry was also chocked open contrary to the requirements of Clause C4D5 and Specification 12 of the NCC.	The City inspected premises on 29 April 2025 and observed the laundry at the northern end of the premises opens onto the fire isolated passage. The hotel manager was advised that the door to the laundry must be kept closed at all times. Considering the laundry was approved in the location by development consent and further the construction and occupation certificates have been issued confirming the Private Certifier is satisfied at the time the

Ref.	Issue	City response
		development complied the National Construction Code. It is assumed that the Private Certifier has determined that as sanitary compartments, airlocks or the like are permitted to open on to fire isolated passages, the like also includes a laundry. Given the findings above, including that the building has not changed in use or configuration, no action is considered necessary to address this matter.
3	Access and Egress	
3A	Path of Travel - Items were stored in the exit stair way at the southern fire stair, that may cause an obstruction.	The City inspected premises on 29 April 2025 and observed items of furniture placed within what is required to be a fire isolated exit creating a habitable common area for hotel guests. To address this, the City issued written compliance instructions on 29 April 2025 requiring the building owners rectified this non-compliance by 6 May 2025. The City officer reinspected the premises on 7 May 2025 and confirmed all cited matters had been rectified, addressing this issue.
4	General	
4A.	Annual Fire Safety Statement (AFSS) - Clause 89(4)(b) of the DCFS Regulation states that the AFSS must be prominently displayed in the building. At the time of the inspection the AFSS could not be located.	The City officer inspected premises on 29 April 2025 and observed a copy of the Annual Fire Safety Statement was not on display as required. To address this, the City issued written compliance instructions on 29 April 2025 requiring the building owners rectified this non-compliance by 6 May 2025.

Ref.	Issue	City response
		The City officer reinspected the premises on 7 May 2025 and confirmed the AFSS was on display, addressing this issue.

8. FRNSW have recommended that the City inspect the subject premises and appropriately address noted (and other) deficiencies identified within their report..

Council Investigation Officer Recommendations

9. As a result of site inspections undertaken by the Council investigation officer:
- (a) The above recommendations of FRNSW have been complied with.
 - (b) It is recommended Council not exercise its powers to give a fire safety order at this time.
 - (c) It is recommended that the Commissioner of FRNSW be informed of the City's decision.

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File Ref. No: FRN25/190 - BFS25/141 - 8000040251
TRIM Ref. No: D2025/036469
Contact: Station Officer Alex Cross

9 April 2025

General Manager
City of Sydney
GPO Box 1591
SYDNEY NSW 2001

Email: council@cityofsydney.nsw.gov.au

Attention: Manager Compliance/Fire Safety

Dear General Manager

**Re: INSPECTION REPORT
BEST WESTERN SUITES
108 PARRAMATTA ROAD CAMPERDOWN ("the premises")**

Fire and Rescue NSW (FRNSW) received correspondence on 27 December 2024 concerning the adequacy of the provision for fire safety in connection with 'the premises'.

The correspondence related to alleged blocked fire exits at the premises.

Pursuant to Section 9.32(1) of the *Environmental Planning and Assessment Act 1979* (EP&A Act), Authorised Fire Officers from the Fire Safety Compliance Unit of FRNSW inspected 'the premises' on 27 March 2025.

On behalf of the Commissioner of FRNSW, the comments in this report are provided under Section 9.32(4) and Schedule 5, Part 8, Section 17(1) of the EP&A Act.

The items listed in the comments of this report are based on the following limitations:

- A general overview of the building was obtained without using the development consent conditions or approved floor plans as a reference.
- Details of the Provisions for Fire Safety and Fire Fighting Equipment are limited to a visual inspection of the parts in the building accessed and the fire safety measures observed at the time.

Fire and Rescue NSW

ABN 12 593 473 110

www.fire.nsw.gov.au

Community Safety Directorate
Fire Safety Compliance Unit

1 Amarina Ave
Greenacre NSW 2190

T (02) 9742 7434
F (02) 9742 7483

www.fire.nsw.gov.au

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COMMENTS

This report is limited to observations and sections of the building accessed at the time of the inspection and includes potential deviations from the National Construction Code 2022 Building Code of Australia – Volume One (NCC) and applicable Australian Standards. Please be advised that whilst the report is not an exhaustive list of non-compliances, the items as listed may contradict development consent approval or any fire engineered performance solutions.

The following items were identified during the inspection:

1. Essential Fire Safety Measures
 - 1A. Fire Hose Reels - Non-firefighting equipment was stored within multiple fire hose reel cabinets throughout the premises, contrary to the requirements Clause 10.4.4 of AS2441-2005.
 - 1B. Fire Hydrants – The building appears to have a total floor area greater than 500m² and is therefore required to be provided with a fire hydrant system in accordance with Clause E1D2 of the NCC. In this regard, the building is not provided with internal fire hydrants and it appears that there may be a shortfall of hydrant coverage throughout 'the premises' from a FRNSW pumping appliance when using street hydrants.
2. Compartmentation
 - 2A. Fire-Isolated Stairways - Clause D2D4 of the NCC states that for Class 3 buildings, every stairway or ramp serving as a required exit must be fire-isolated unless it connects, passes through, or passes by not more than 2 consecutive storeys and one extra storey of any classification may be included under specified conditions.

The subject building is three storey Class 3 and at the time of the inspection, many fire doors into both the northern and southern fire-isolated stairways were chocked/held open by door chocks/magnetic devices contrary to the requirements of Clause C4D5 and Specification 12 of the NCC. Furthermore, the fire doors were not fitted with a device which would automatically unlock upon the activation of a smoke detector, as per the requirements of Clause D3D26(3)(d) of the NCC.
 - 2B. Fire-Isolated Passageway - The laundry at the ground level northern side of the premises opens into what appears to be a fire-isolated passageway, contrary to the requirements of Clause D2D12. The door to the laundry was also chocked open contrary to the requirements of Clause C4D5 and Specification 12 of the NCC.
3. Access and Egress
 - 3A. Path of Travel - Items were stored in the exit stair way at the southern fire stair, that may cause an obstruction, contrary to the requirements of Clause 109 of the DCFS Regulation.

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4. General

- 4A. Annual Fire Safety Statement (AFSS) - Clause 89(4)(b) of the DCFS Regulation states that the AFSS must be prominently displayed in the building. At the time of the inspection the AFSS could not be located.

FRNSW believes that there are inadequate provisions for safety within the building.

RECOMMENDATIONS

FRNSW recommends that Council:

- a. Review items 1 to 4 of this report and conduct an inspection.
- b. Address any other deficiencies identified on "the premises".

Please be advised that Schedule 5, Part 8, Section 17(2) requires any report or recommendation from the Commissioner of FRNSW to be tabled at a Council meeting. This matter is referred to Council as the appropriate regulatory authority. FRNSW awaits the Council's advice regarding its determination under Schedule 5, Part 8, Section 17 (4) of the EP&A Act.

Please do not hesitate to contact Station Officer Alex Cross of FRNSW's Fire Safety Compliance Unit at FireSafety@fire.nsw.gov.au or call (02) 9742 7434 if there are any questions or concerns about the above matters. Please refer to file reference FRN25/190 - BFS25/141 - 8000040251 regarding any correspondence concerning this matter.

Yours faithfully



Conor Hackett
Senior Building Surveyor
Fire Safety Compliance Unit