

EXPLANATION OF INTENDED EFFECT (EIE)

Amendments to State Environmental Planning Policy (State Significant Precincts) 2005 to include planning controls for 36 – 50 Cumberland Street, The Rocks (Sirius site)

Background and Intent of the Proposal

The NSW Government is seeking to divest the Sirius site to fund new social housing as part of its Future Directions in Social Housing Strategy. To support the sale of the site, the Department of Planning and Environment has reviewed the planning controls applying land at 36 – 50 Cumberland Street, The Rocks (Sirius site) ([Attachment A](#)).

The planning controls for the site are currently set out in the Sydney Cove Redevelopment Authority (SCRA) Scheme and include maximum building heights, envelopes, permissible uses and pedestrian access. The planning controls under the SCRA Scheme were developed following the construction of the Sirius building and apply a building envelope which roughly follows the existing building.

A draft SEPP amendment is proposed to be prepared to include the site within Schedule 3 of the *State Environmental Planning Policy (State Significant Precincts) 2005* (SSP SEPP) and apply new zone, building height, maximum gross floor area, active street frontages and design excellence controls over the site.

If approved, the proposed new controls would replace the SCRA Scheme and it would no longer apply to the Sirius site.

Proposed Controls

Land Use Zone

It is proposed to apply a B4-Mixed Use zone over the site. The draft Land Zoning Map is shown in [Attachment B](#).

The following B4 Zone Objectives would apply to the site:

- a) to provide a mixture of compatible land uses; and
- b) to integrate suitable business, office, residential, retail and other development in accessible locations so as to maximise public transport patronage and encourage walking and cycling;

The following uses would be permitted with consent:

- Boarding houses
- Commercial premises
- Educational establishments
- Function centres
- Information and education facilities
- Passenger transport facilities
- Registered clubs
- Restricted premises
- Seniors housing
- Any other development not specified as permitted without consent (home occupations) or prohibited
- Centre-based child care facilities
- Community facilities
- Entertainment facilities
- Hotel or motel accommodation
- Medical centres
- Recreation facilities (indoor)
- Respite day care centres
- Roads
- Shop top housing

The following uses would be prohibited:

- Extractive industries
- Heavy industries
- Heavy industrial storage establishments

Height of Buildings

It is proposed to apply maximum building heights across the site to ensure that any future building will not exceed the height of the Sydney Harbour Bridge deck and to protect views to and from the Sydney Harbour Bridge and Sydney Opera House. This would allow for development ranging from 2 to 4 storeys as shown at Attachment C.

The maximum height of a building is proposed to be defined as follows:

***building height (or height of building)** means the vertical distance, measured in metres, between ground level (existing) at any point to the highest point of the highest habitable floor (including above ground car parking) of the building, excluding plant and lift overruns, communication devices, antennae, satellite dishes, masts, flagpoles, chimneys, flues and the like.*

Maximum Gross Floor Area

It is proposed to apply a maximum Gross Floor Area over the site of 8,420m².

This floor area would allow for approximately 85 dwellings, subject to further detailed design. The existing Sirius building contains 79 dwellings.

If the existing building is to be retained it is proposed that the maximum Gross Floor Area of the existing building (7,010m²) will apply. This means that if the existing building is retained additions will not be permitted.

Maximum Car Parking

It is proposed to apply a maximum car parking space limit of 0.5 spaces per residential unit. This will provide a car parking rate that is similar to that of the existing building which contains space for around 70 cars.

No parking allocation is proposed to be permitted for commercial components of any future development or change of use.

Design Excellence

It is proposed to apply a design excellence clause that requires any development carried out on the site to deliver the highest standard of architectural, urban and landscape design.

The design excellence clause would require consideration of design articulation and the external appearance of any future development in the context of The Rocks area and heritage significance of the surrounding area.

The design excellence clause would also ensure that consideration is given to the height, massing and modulation of any future development and that the interface with the public domain and streetscape is improved.

It is also proposed that any development over the value of \$10 million would require that a competitive design competition is undertaken to ensure the outcome on the site is of the highest quality.

The design excellence clause would ensure that any new or refurbished development works on the site are architecturally considerate to the surrounding area and will deliver a high quality urban design outcome.

Retention of Existing Built Form

Despite the proposed built form controls, it is also proposed to include a clause that allows the existing building to be retained in its current envelope over the site.

A maximum Gross Floor Area of 7,010m² will apply if the existing building is retained to ensure no additions are made to the existing building.

Active street frontages

It is proposed to apply an active street frontage clause to the site to promote uses that attract pedestrian traffic along Cumberland Street at the Site. The clause will require that development consent must not be granted for a building or change of use of a building unless it has an active street frontage at ground level, consisting of retail and/ or commercial uses or any active use that is permitted with consent under the B4 – Mixed Use Zone. The draft Active Street Frontage map is shown at Attachment D.

Consent Authority

The Sirius site is located within 'The Rocks Site' under the State Environmental Planning Policy (State and Regional Development) 2011 (SRD SEPP). The SRD SEPP provides that any development with a capital investment value of more than \$10 million in 'The Rocks Site' is State Significant Development and the Minister for Planning is the consent authority.

It is not proposed to change the Minister's consent authority role under the SRD SEPP. This means that the Minister for Planning will continue to be the consent authority for development applications over \$10 million.

Attachments

Attachment A: Land Application map

Attachment B: Zoning map

Attachment C: Maximum Building Height map

Attachment D: Active Street Frontages map