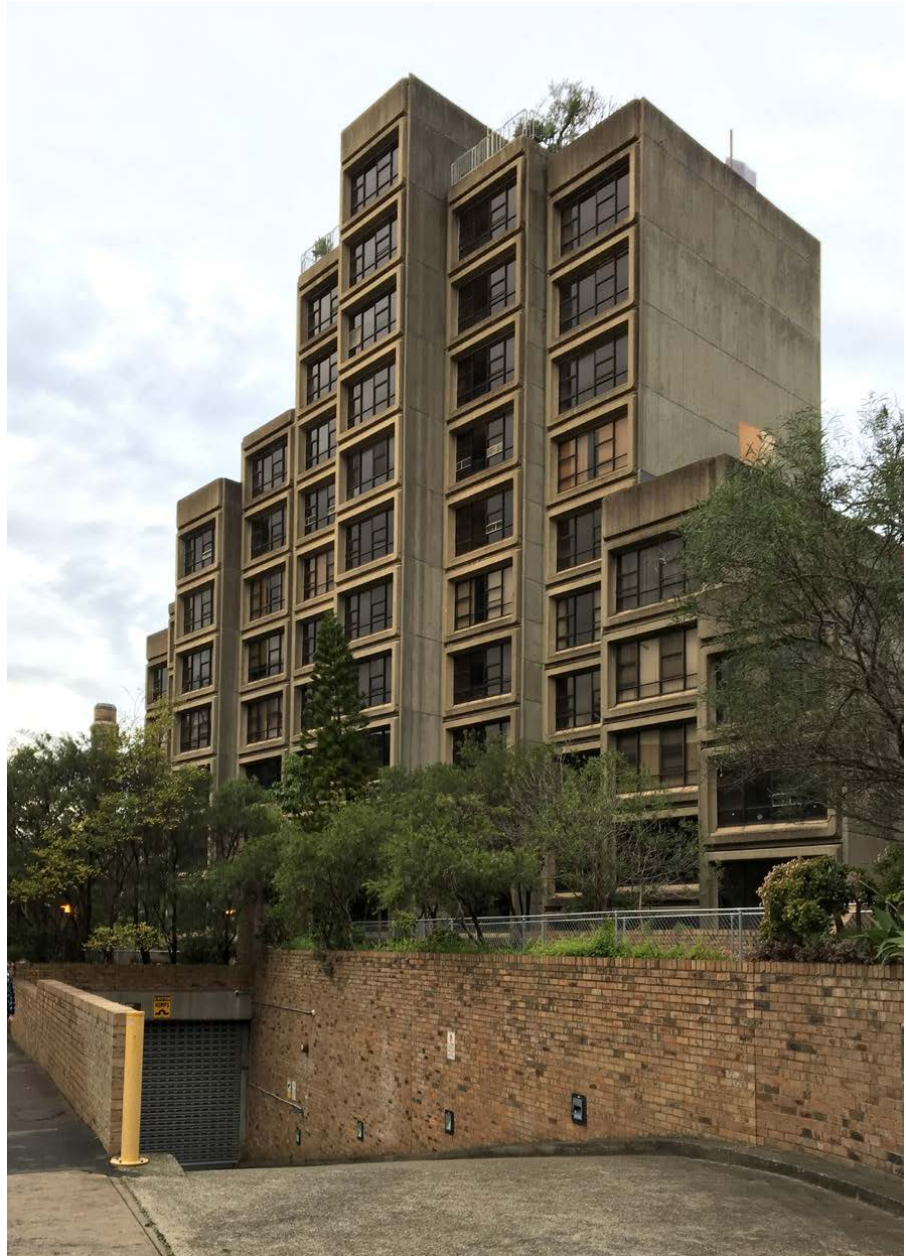


36 – 50 Cumberland Street, The Rocks (Sirius Building)



Planning Report
December 2017

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Department of Planning and Environment

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Glossary

Act	Environmental Planning and Assessment Act
AHD	Australian Height Datum
CBD	Central Business District
HIS	Heritage Impact Statement
Department	Department of Planning and Environment
FSR	floor space ratio
GFA	gross floor area
LGA	local government area
Minister	Minister for Planning
SEPP	State Environmental Planning Policy
SHR	State Heritage Register

Executive summary

The Department of Planning and Environment has prepared a site specific State Environmental Planning Policy (SEPP) for land at 36-50 Cumberland Street, The Rocks. The proposed draft SEPP outlines development standards and design principles for the site. The site is currently occupied by the Sirius building.

The NSW Government intends to divest the site and use funds from the sale for additional social housing across in Sydney, in accordance with the goals and objectives of A Plan for Growing Sydney, the revised draft Eastern District Plan and Land and Housing Corporation's Future Directions for Social Housing in NSW. The draft SEPP has been prepared to support the Government's divestment of the site.

This planning report outlines investigations and considerations that have informed the preparation of the draft planning controls for the Sirius site. The draft controls include the application of a new zone, as well as controls for building height, maximum gross floor area, car parking, active street frontages and design excellence. A key aspect of the draft controls is to limit the height of any new building or retention of the existing building on the site, to below the deck/walkway of the Sydney Harbour Bridge in order to open up views to and from the Bridge and the Sydney Opera House.

This report also outlines the key actions involved to ensure that the community has an opportunity to comment on the draft controls, as well as the next steps following the completion of community consultation including consideration of submissions and the preparation of a recommendation on the draft controls to the Minister for Planning for decision.

1 Introduction

The NSW Government is divesting land at 36 – 50 Cumberland Street, The Rocks, which is referred to as 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 to the Sirius site in conjunction with the NSW Government Architect. The new draft planning controls have been prepared to allow for view corridors to and from the Sydney Harbour Bridge and Sydney Opera House to be improved.

The Sirius site is located within The Rocks and is currently a 79 dwelling social housing development. All tenants, except one have been relocated from the site. The remaining tenant is currently transitioning to a new location and is expected to be relocated by early 2018.



Figure 1 Sirius Site Context

The planning controls for the site are 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 built form.

A draft State Environmental Planning Policy (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 to allow for redevelopment or adaptive re-use of the building.

The consent authority for development on land within the Sirius site is the Minister for Planning, as set out in *State Environmental Planning Policy (State and Regional Development) 2011*.

2 Strategic Context

2.1 Draft Greater Sydney Regional Plan

In October 2017, the Greater Sydney Commission released the draft *Our Greater Sydney 2056*, which will replace *A Plan for Growing Sydney* once adopted.

The Sirius site is located within the Eastern Harbour CBD and the Economic Corridor (Figure 2).

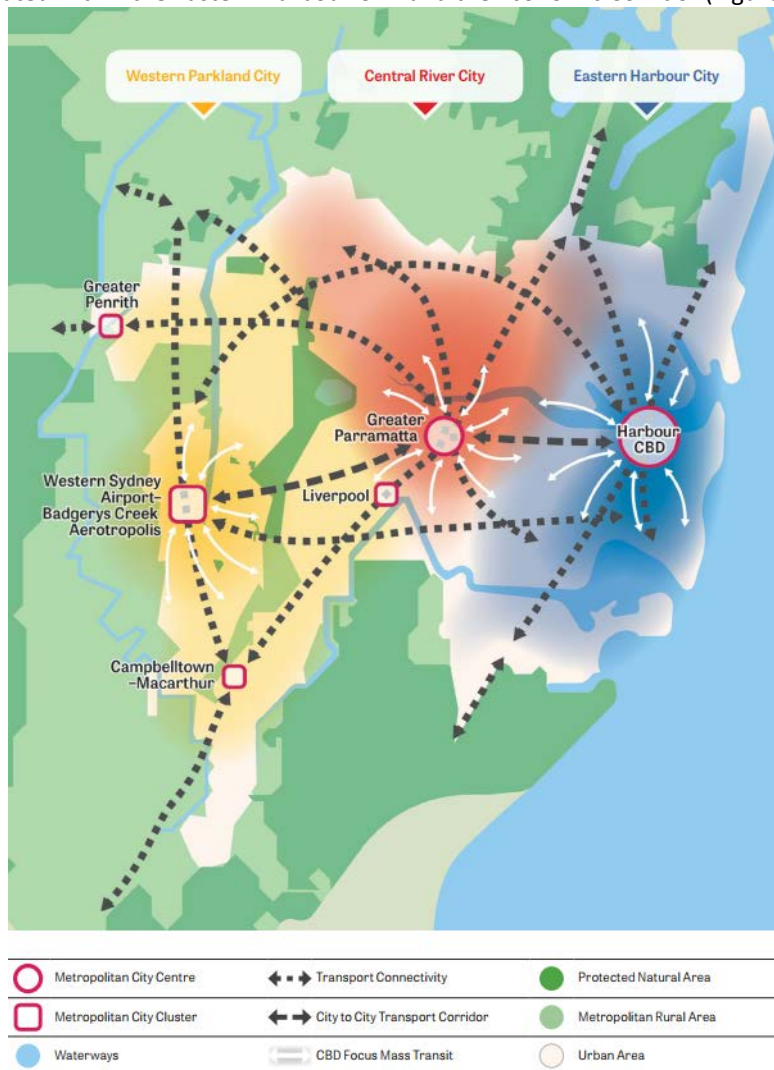


Figure 2 Our Greater Sydney 2056

The proposed SEPP amendment is consistent with the principles and objectives of *Our Greater Sydney 2056* as it delivers housing in a well serviced location, close to jobs and public transport. It will also enable additional social housing to be provided for low income households.

The proposal meets the following objectives of *Our Greater Sydney 2056*:

- Objective 6: Services and infrastructure meet communities' changing needs;
- Objective 10: Greater housing supply;
- Objective 11: Housing is more diverse and affordable;
- Objective 13: Environmental heritage is conserved and enhanced; and

- Objective 14: A metropolis of three cities – integrated land use and transport creates walkable and 30-minute cities.

2.2 A Plan for Growing Sydney

In December 2014, A Plan for Growing Sydney (the Plan) was released, it outlines the NSW Government's vision for Sydney's future for a 'strong global city, being a 'great place to live'.

The Sirius site is identified as being within the Global Economic Corridor and CBD strategic centre (Figure 3).

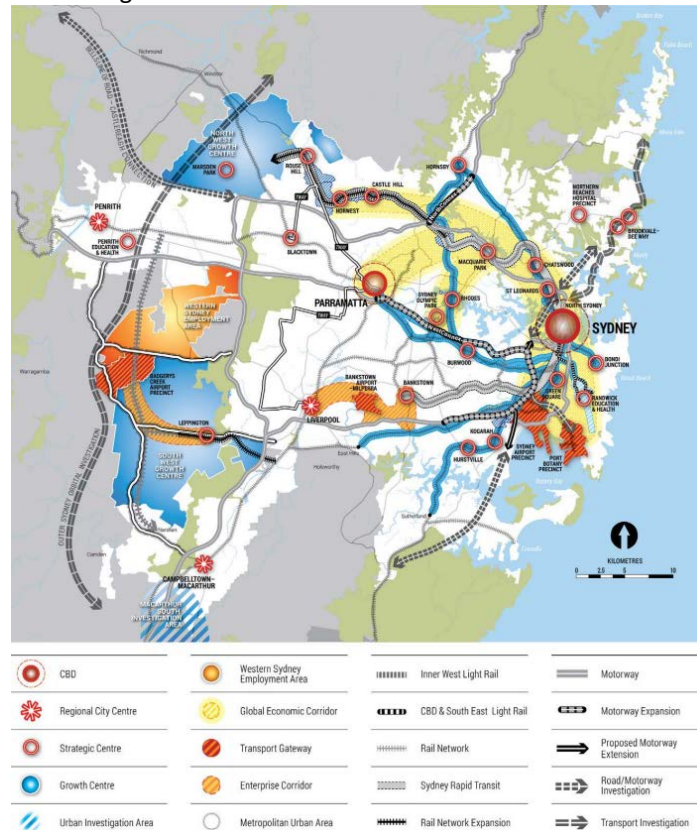


Figure 3 A Plan for Growing Sydney

A key goal of the Plan is to provide a city of housing choice, with homes that meet our needs and lifestyles (Goal 2), delivering additional housing supply, housing closer to jobs, public transport and with varied housing choices.

The proposed SEPP amendment addresses the goals and actions of the Plan to provide additional private dwellings close to the CBD and public transport options. Finance, Services and Innovation NSW have advised that proceeds from the site are set to fund more than 300 new social housing dwellings across Sydney.

The proposal will help to deliver the following strategic planning priorities for the NSW Government:

- accelerating urban renewal across Sydney by providing homes closer to jobs;
- creating mixed-use centres that provide a convenient focus for daily activities;
- providing more housing in a well serviced area.

2.3 Revised Draft Eastern City District Plan

The Greater Sydney Commission has prepared draft District Plans to set the direction for the longer term regional planning of Greater Sydney. The District Plans will determine the best locations for new homes with easy access to transport, jobs and open space.

The Sirius site is located within the Harbour CBD which aims to grow a stronger and more competitive CBD that includes many well established residential precincts that are vibrant, safe and attractive (Figure 4).

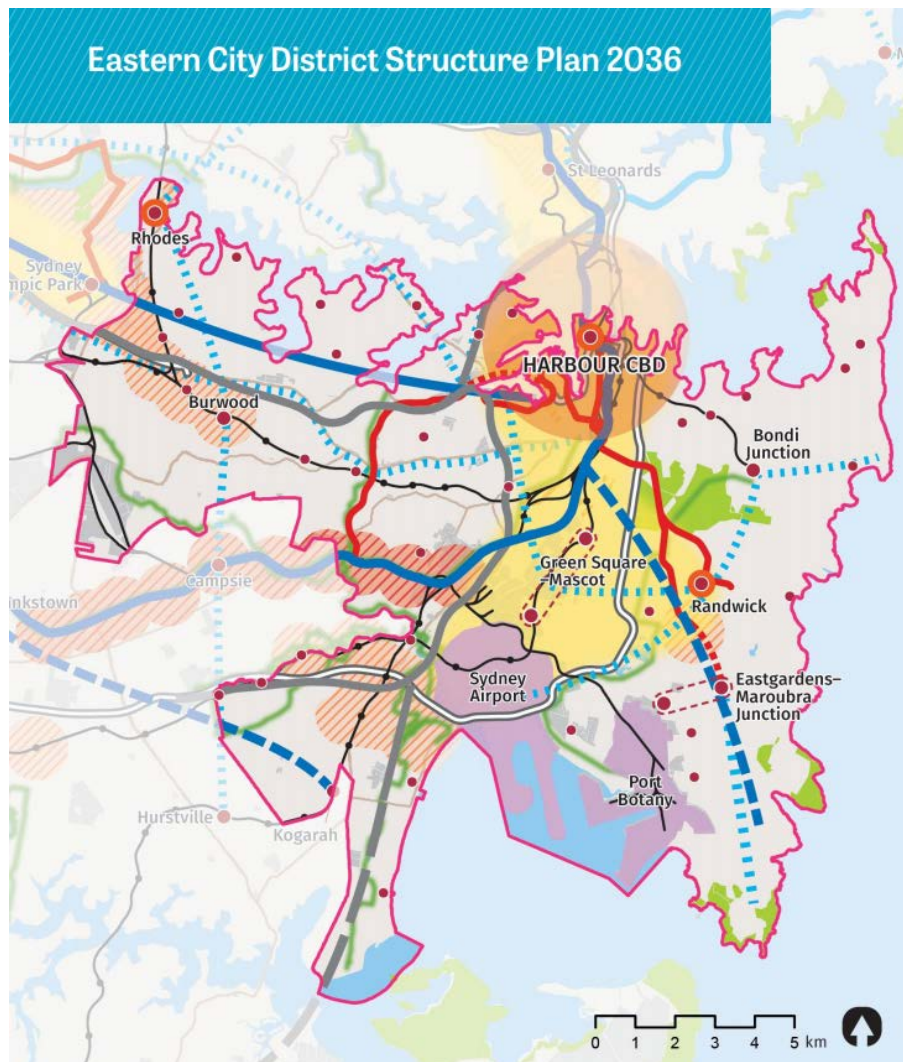


Figure 4 Eastern City District Structure Plan 2036

The proposed SEPP amendment is consistent with the priorities and actions of the plan by protecting scenic and cultural landscapes. The proposed SEPP amendment has given careful consideration to view corridors to and from the Sydney Harbour Bridge and Sydney Opera House and limits the height of new development to the Sydney Harbour Bridge deck.

Further, the divestment of the Sirius site will provide additional social housing dwellings across Sydney, funded by the sale of the Sirius site, responding to a growing and diverse population, which is consistent with Objective 6 of the draft Plan.

The proposed SEPP amendment will also contribute to provision of great places by providing dwellings that have access to jobs and public transport. The proposed SEPP amendment provides opportunities for ground floor commercial space, which is likely to service local needs of the residents.

2.4 Future Directions for Social Housing in NSW

Future Directions for Social Housing in NSW (Future Directions) sets out the NSW Government's vision for social housing over the next 10 years. The strategy intends to deliver better outcomes for social housing tenants to deliver more social housing, more opportunities, support and incentives to avoid or leave social housing, and provide a better social housing experience.

Future Directions identifies an increased demand for social housing due to an increasingly unaffordable private rental market for low income earners. There has also been an increase in the number of people waiting for social housing, reaching 60,000 in 2015.

It is intended that proceeds from the Sirius site will fund more than 300 new social housing dwellings across Sydney and address a number of actions set out in Future Directions.

While the existing site is currently used for social housing dwellings, sale of the site will enable the provision of more social housing dwellings than previously provided in the Sirius building.

2.5 State Significant Precinct

State Significant Precincts (SSP) are identified as areas that the Minister for Planning considers to be matters of state or regional planning significance, because of their social, economic or environmental characteristics.

On 19 September 2017, the Minister for Planning agreed to investigate the Sirius site as a potential SSP to enable new planning controls to be prepared for the site. In agreeing to investigate the site as a potential SSP the Minister considered the following criteria for SSP's.

Criteria	Sirius site justification
Large area of land within a single ownership or control, typically Government owned	The site comprises 3,640 sqm of Government owned land within The Rocks. A site of this size is a large strategically important site within the context of the Rocks.
State of regional importance in achieving government policy objectives, particularly those relating to increasing delivery of housing and jobs	In 2016 the NSW Government released Future Directions in Social Housing in NSW. Consistent with this strategy, the proceeds from the sale of all Millers Point properties (including the Sirius site) are intended to enable NSW Land and Housing Corporation to fund new purpose-built social housing properties. The identification of the site as a potential SSP and the preparation of new planning controls could support the sale of the land, allowing for private housing to be provided on the site and contributing to the provision of new social housing across Sydney.
State or regional importance for environmental or natural resource conservation	This criterion does not apply to the site.
State or regional importance for heritage or historical significance	The Sirius site is located adjacent to the National Heritage Listed Sydney Harbour Bridge and is within the Sydney Opera House buffer area which has been established through Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005 to preserve views and vistas between the Sydney Opera House and other public places within the buffer area and to preserve the world heritage value of the Sydney Opera House. The site is also located in The Rocks Conservation Area, one of five State listed Conservation Areas. It is a precinct of national cultural significance given its complex layering of significant fabric, uses and associations. The investigation of the site as a potential SSP will enable the heritage significance of the Sydney Harbour Bridge, significant views to and from the

Sydney Opera House, The Rocks Conservation Area and surrounding heritage items to be considered and addressed.

2.6 Sydney Cove Redevelopment Authority (SCRA) Scheme 1984

The Sirius site is currently regulated under the SCRA Scheme 1984. The Scheme sets out the planning controls for development over the site, including: maximum building heights, envelopes, permissible uses and pedestrian access (Figure 5).

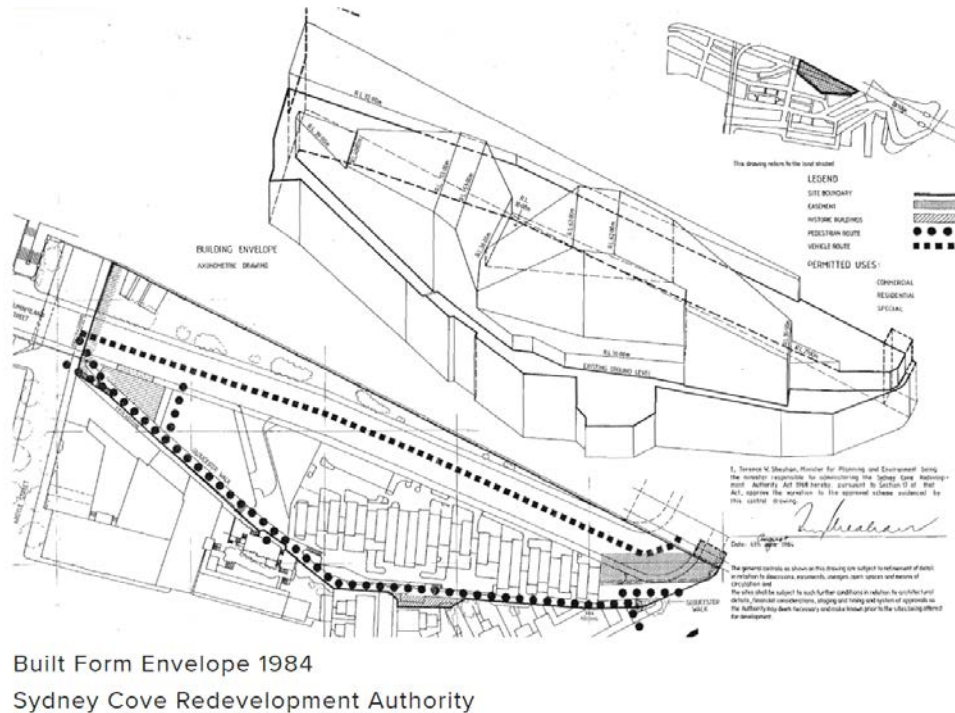


Figure 5 SCRA Scheme 1984

The SCRA Scheme permits the site to be used for commercial, retail and residential development.

The Scheme was developed following construction of the Sirius building and applies a building envelope which loosely follows the extent of the existing building. While, the SCRA controls allow for a building up to the height of the existing building (up to 11 storeys), the allowable height reduces to 3 to 4 storeys at the northern and southern ends of the site.

Under the current SCRA Scheme, additional development would be permitted with consent on the site to the extent of the envelope, subject to compliance with State Environmental Planning Policy No 65 – Design Quality of Residential Apartment Development and the Apartment Design Guide (Figure 6).

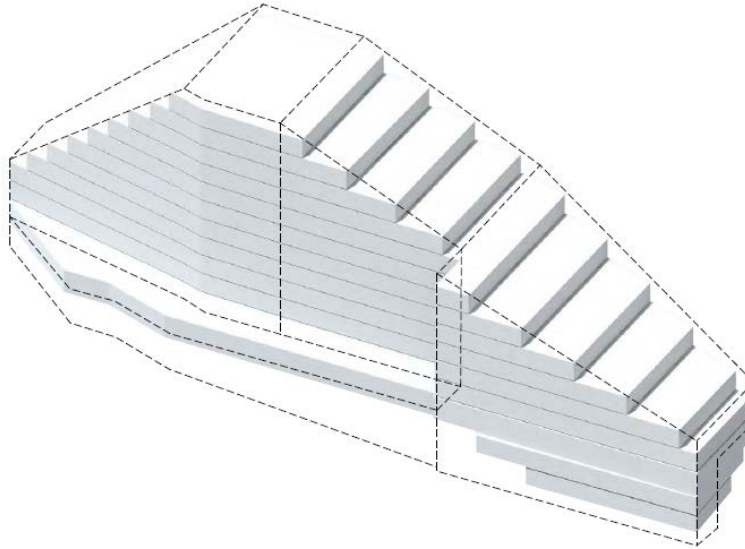


Figure 6 Maximum Built Form Envelope under SCRA Scheme 1984

2.7 State Environmental Planning Policy (State and Regional Development) 2011

The Sirius site is located within The Rocks area which is an 'Identified Site' under the State Environmental Planning Policy (State and Regional Development) 2011 (SRD SEPP).

Under Schedule 2 'State significant development—identified sites' of the SRD SEPP, development with a capital investment value of greater than \$10 million is classified as state significant development, for which the Minister for Planning is the consent authority.

It is not proposed to alter the Minister's consent authority role for development on the site.

2.8 State Environmental Planning Policy No 65—Design Quality of Residential Apartment Development

Residential apartment development requires consideration of the State Environmental Planning Policy No 65—Design Quality of Residential Apartment Development (SEPP 65), which aims to improve the design quality of residential apartment development in New South Wales.

Under SEPP 65, new development or retention of the existing development must consider and address the requirements of the Apartment Design Guideline (ADG). The ADG sets out design criteria and design guidance for:

- visual privacy,
- solar and daylight access,
- common circulation and spaces,
- apartment size and layout,
- ceiling heights,
- private open space and balconies,
- natural ventilation, and
- storage.

2.9 Local Controls

There are no local controls applying to the Sirius site.

3 Site Analysis

This section provides an overview of the Sirius site and its relationship to surrounding areas.

3.1 Site Location and Context

The Sirius site is located at 36 – 50 Cumberland Street, The Rocks, is 3,640sqm in area and comprises 79 social housing dwellings in the form of a residential flat building. Cumberland Street adjoins the site to the west and Gloucester Walk (a pedestrian route) adjoins the site to the east.

There is currently one remaining tenant on the site, who is in the process of transitioning to new accommodation. It is expected that the tenant will be relocated by early 2018.

The Sirius site is well located, close to public transport and the CBD, and is well serviced by open space and local urban services (Figure 7).



Figure 7 Map of the surrounding Area

The site is bounded by motorcycle parking to the north, commercial development to the east and south and the Sydney Harbour Bridge and commercial development along the street frontage to the west.

The surrounding Rocks area comprises a mix of residential, commercial and tourist accommodation development. Residential development is largely located on the western side of the Harbour Bridge and commercial and tourist accommodation uses are located east of the Harbour Bridge in addition to a number of retail/ entertainment facilities and museums (Figure 8).



Figure 8 Map of surrounding land uses

3.2 Land Ownership

The Sirius site is currently owned by Government Property NSW and is run and managed by the NSW Land and Housing Cooperation.

The NSW Government has determined that the Sirius site will be divested for private development following rezoning and implementation of new planning controls. The proceeds from the sale of Sirius site is intended to enable NSW Land and Housing Corporation to fund more than 300 additional social housing properties across Sydney, consistent with the NSW Government's Future Directions in Social Housing Strategy.

3.3 Historic Context

The Rocks Area Historical Context

The Sirius site is located within The Rocks Conservation Area and is surrounded by a number of heritage items of state and national significance (Figure 9) as well as areas of archaeological sensitivity (Figure 10).

A Heritage Impact Statement has been prepared to inform preparation of the draft SEPP amendment. It identifies The Rocks area as an important foreshore port settlement, with a historic focus for social and economic activity that commenced in Australia's colonial period.

The Rocks area is considered to contain a rich accumulation of features that demonstrate layers of Australian history from 1788 to today. The area displays diversity in streetscape and building style, form and texture with distinctive low-rise development and fine grain textures. This contrasts to the large scale buildings and modern architecture of the city centre to the south.

The Rocks contains authentic early convict evidence that is still accessible to the public today.

Today, The Rocks has a population of approximately 2,500 people and 2,100 dwellings. The area comprises a mix of residential and commercial uses, with retail and tourist accommodation uses located east of the site towards Circular Quay. The population is mostly made up of residents over the age of 44 that live singularly or without children.

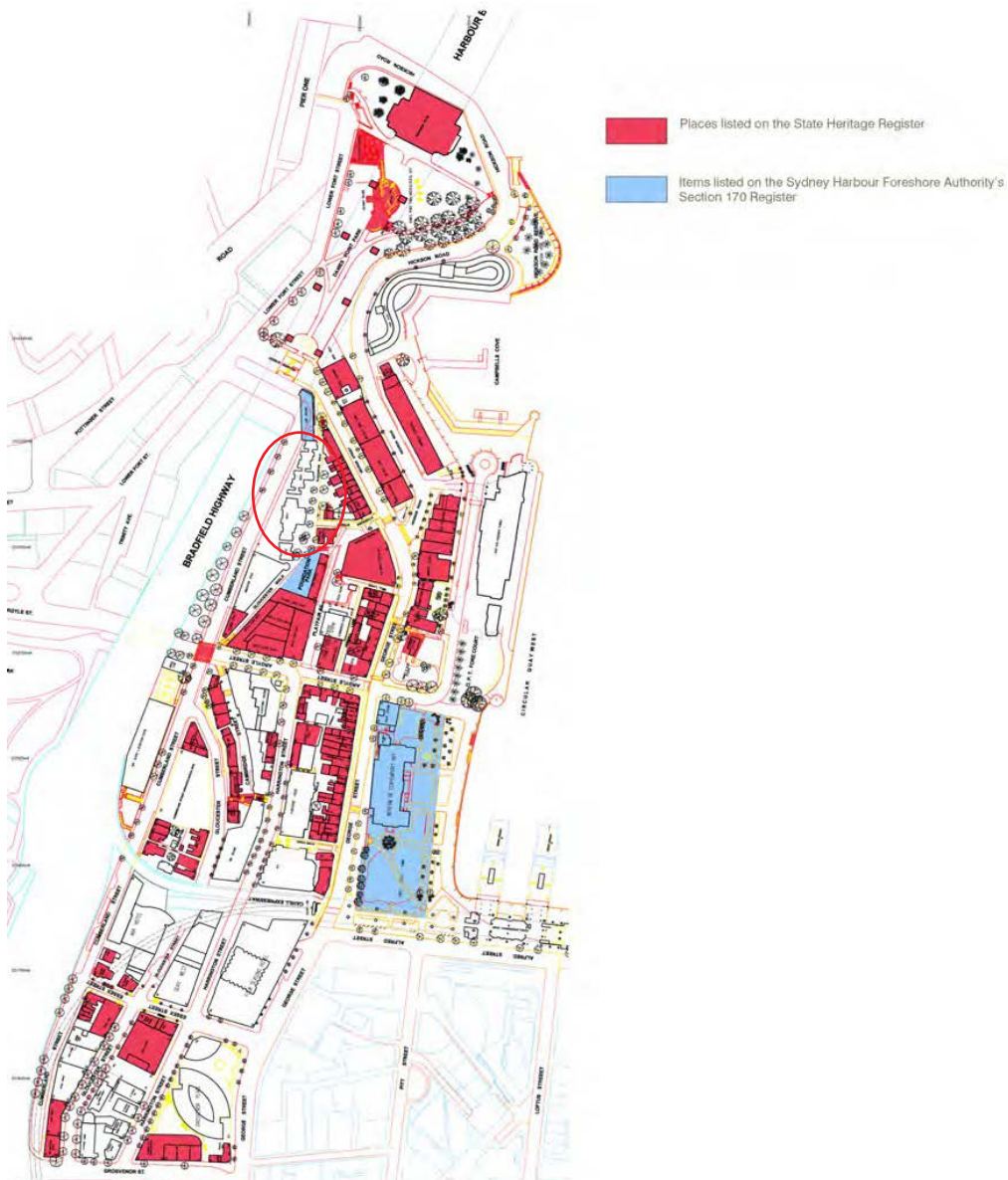


Figure 9 Heritage Items Surrounding the Sirius Site within The Rocks Conservation Area
(Source: The Rocks Conservation Management Plan)

housing to continue. As a compromise for continued works, it was agreed that there would be improved consultation between the community and government and that 240 residents of The Rocks and Millers Point would be able to stay. As part of the compromise, the Sirius Building was built. By 1980, the building was completed and occupied.

During consultation on the Sirius building, criticism was received about the height of the building in relation the Harbour Bridge, the National Trust was also critical of the proposed building.

Heritage Controls

The following table provides an overview of the heritage items within physical and visual proximity to the Sirius site as identified on the State and National Heritage Registers:

ITEM ID	HERITAGE ITEM	STREET ADDRESS	SUBURB	SIGNIFICANCE	SHI NO
4500010	Australian Hotel shops and dwellings	100-104 Cumberland Street	The Rocks	State	01528
4500009	Glenmore Hotel	96-98 Cumberland Street	The Rocks	State	01549
4500023	Ajax Building	23 George Street	The Rocks	Local	
4500038	ASN Hotel (former)	91 George Street	The Rocks	State	01527
4500037	Bushells Warehouse (former) Bushells Place	86-88 George Street	The Rocks	State	01535
4500024	Mercantile Hotel	25-27 George Street	The Rocks	State	01560
4500028	Merchants House	43-45 George Street	The Rocks	State	01561
4500027	Mining Museum	36-64 George Street	The Rocks	State	01555
4500008	ASN Co Building	1-5 Hickson Road / 35-45 Circular Quay West	The Rocks	State	01526
4500099	Cleland Bond Store (Part of Argyle Stores)	33 Playfair Street	The Rocks	State	01538
105888	Sydney Harbour Bridge,	Bradfield Hwy	Dawes Point / Milsons Point	National	N/A
105738	Sydney Opera House	2 Circular Quay East	Sydney	National / World	N/A

In December 2015 the Heritage Council recommended that the Sirius building be listed on the State Heritage Register (SHR) as an item of state heritage significant.

On 31 July 2016 the Minister for Heritage announced that the NSW Government would not proceed with listing the Sirius building on the SHR due to undue financial hardship it would cause to the NSW State Government.

This decision was subsequently challenged by the Environmental Defenders Office NSW, on behalf of the Miller Point Community Association in the Land and Environment Court on 6 and 7 of April 2017.

On 25 July 2017, the Land and Environment Court determined that the Minister for Heritage must remake the decision as to whether to list the Sirius Building on the SHR as the reasons for deciding not to list the building were not valid and had no effect.

On 25 October 2017, the Minister for Heritage re-determined that the Sirius apartment building will not be listed on the State Heritage register.

3.4 Built Form and Building Condition

The existing building on the Sirius site comprises 79 residential apartments that have been used for social housing since its completion.

The building contains the following components:

- 28 x Studio/ 1 Bed apartments;
- 38 x 2 bed (14 split level) apartments;
- 8 x 3 Bed split level apartments;
- 5 x 4 Bed split level apartments;
- Community rooms;
- Rooftop gardens; and
- Irregular shaped basement containing around 70 car parking spaces.

The built form and design consists of a stacked geometric form (Figure 11). The building's finishes include an off-form concrete and render finish with planter boxes. The building comprises a maximum building height of eleven storeys and is stepped down in a pyramid form at each end to the north and south.



Figure 11 Sirius Building Built Form

The building steps from RL 38.21 at the south of the site, to RL 39.81 in the central portion of the site and RL 41.41 at the northern end. The building currently exceeds the level of the Sydney Harbour Bridge deck/walkway

in the central part of the site and is stepped below the deck/walkway at the northern and southern parts of the site.

The building is setback from Cumberland Street, with the car parking entrance facing the street frontage along Cumberland Street. The resulting interface between the site and Cumberland street is a blank brick wall. A brick wall also separates the site to Gloucester Walk along the eastern boundary.

The basement car park is irregular in shape and can accommodate around 70 car parking spaces with access via Cumberland Street.

The internal elements of the building are currently in a poor condition, with a large proportion of the apartments being uninhabitable.

3.5 Views and Vistas

The existing building on the Sirius site has extensive views from the site (floor 5 and above) to Sydney Harbour at the east and western Sydney to the west. Views of the Sydney Harbour Bridge are also prominent for north facing apartments (Figure 12 – 14).

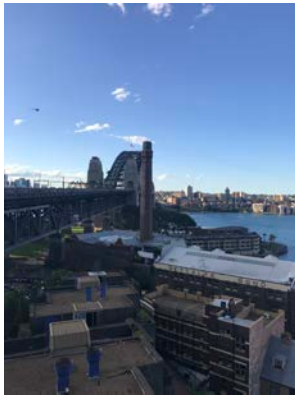


Figure 12 View North



Figure 13 View East



Figure 14 View West

Views towards the site are also prominent from the Sydney Opera House and Sydney Harbour Bridge (Figure 15 – 16).



Figure 15 View from Opera House



Figure 16 View from Sydney Harbour Bridge

It is intended that any future development on the site would improve the views and vistas to and from the Sydney Harbour Bridge and Sydney Opera House.

3.6 Traffic and Transport

Traffic

The Sirius site is located on a local road (Cumberland Street) with site access and egress at the southern portion of the site. The site is located east of the Cahill Expressway, which is accessible to the south (Figure 17). Cumberland Street is a primary traffic route through The Rocks, connecting the CBD to the Rocks and Millers Point.



Figure 17 Traffic Flows in relation to the Sirius Site

Public and Active Transport

The Sirius site is well serviced by public and active transport options.

Circular Quay and Wynyard train stations are located within 400m and 800m respectively of the site (Figure 18). The site is also within 400m of Circular Quay Ferry Terminal and is serviced by bus services 311, 324 and 325 which service the local area. Additional buses are located at Circular Quay which service greater Sydney.

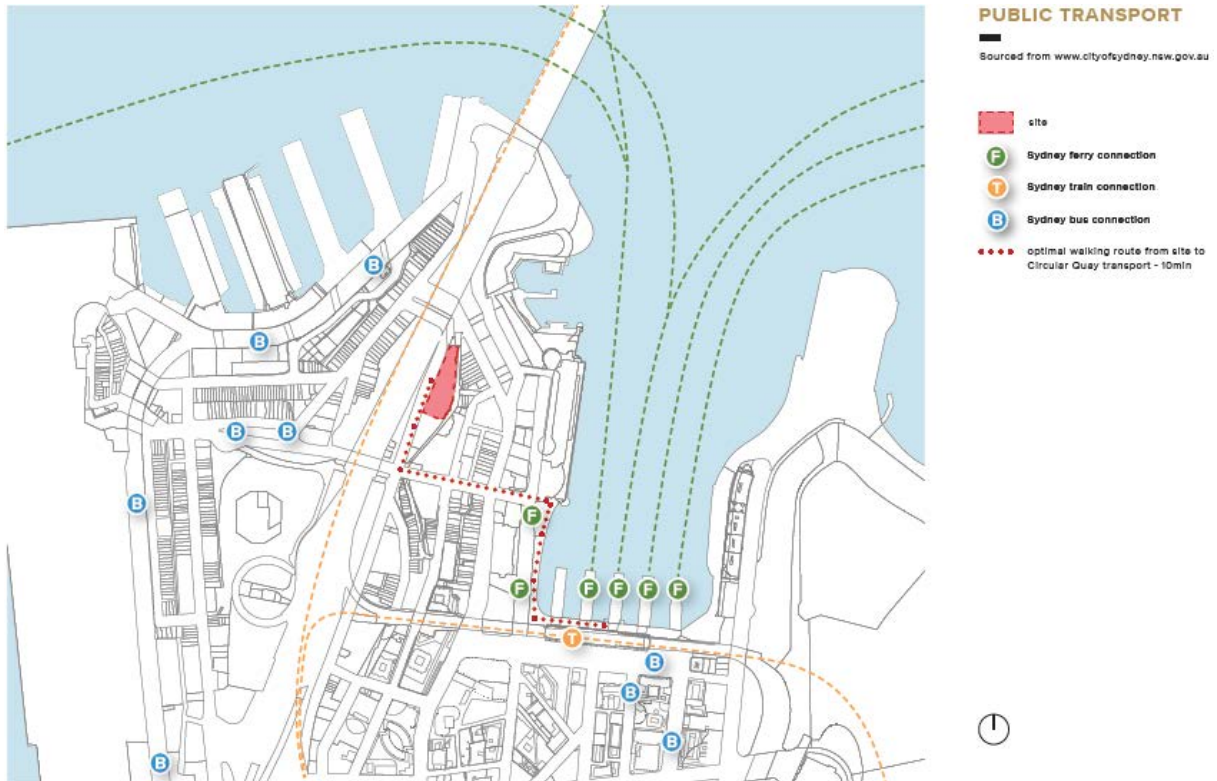


Figure 18 Public Transport Options in relation to the Sirius Site

The Sirius site is also well serviced by pedestrian paths (Figure 19) and bicycle paths (Figure 20). Gloucester Walk bounds the site to the east and connects the north and south of the site. Sydney Harbour Bridge walk is also within close proximity to the site, connecting directly to North Sydney.

Separated and dedicated bicycle paths also connect the site to the surrounding area.

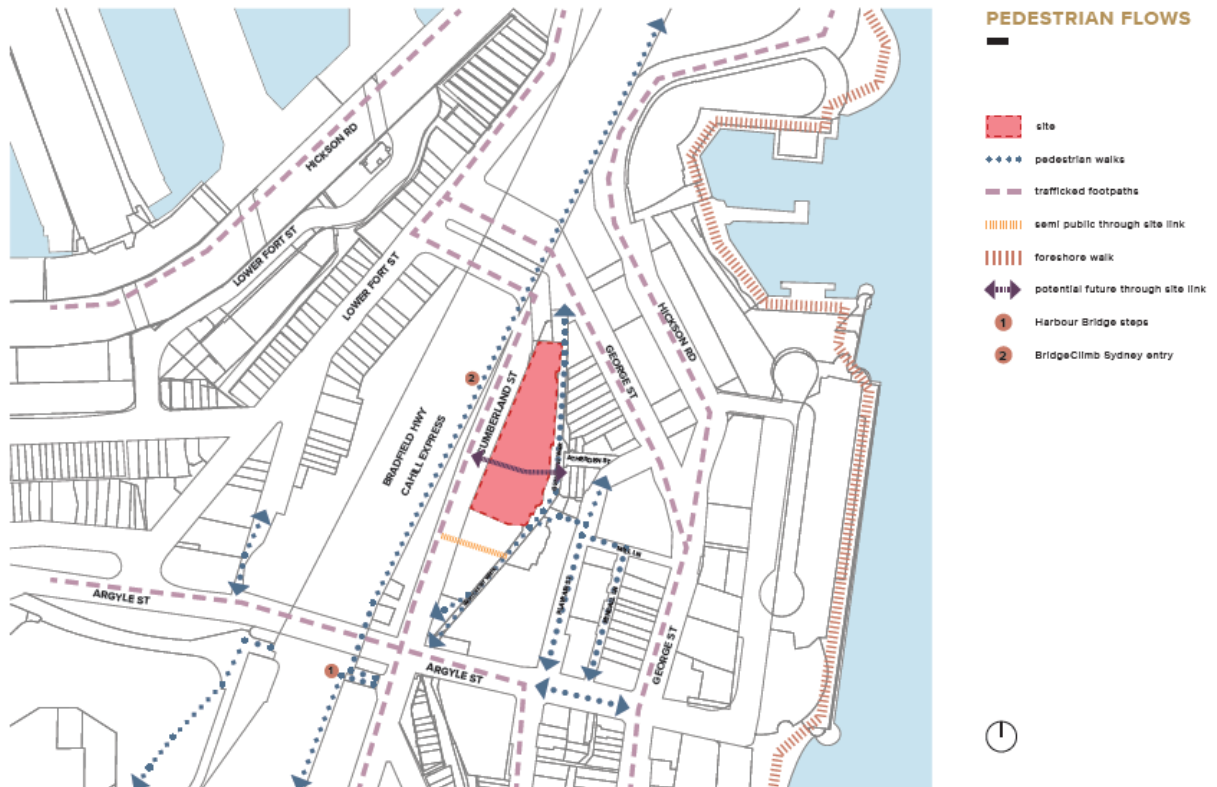


Figure 19 Pedestrian Flows in relation to the Sirius Site

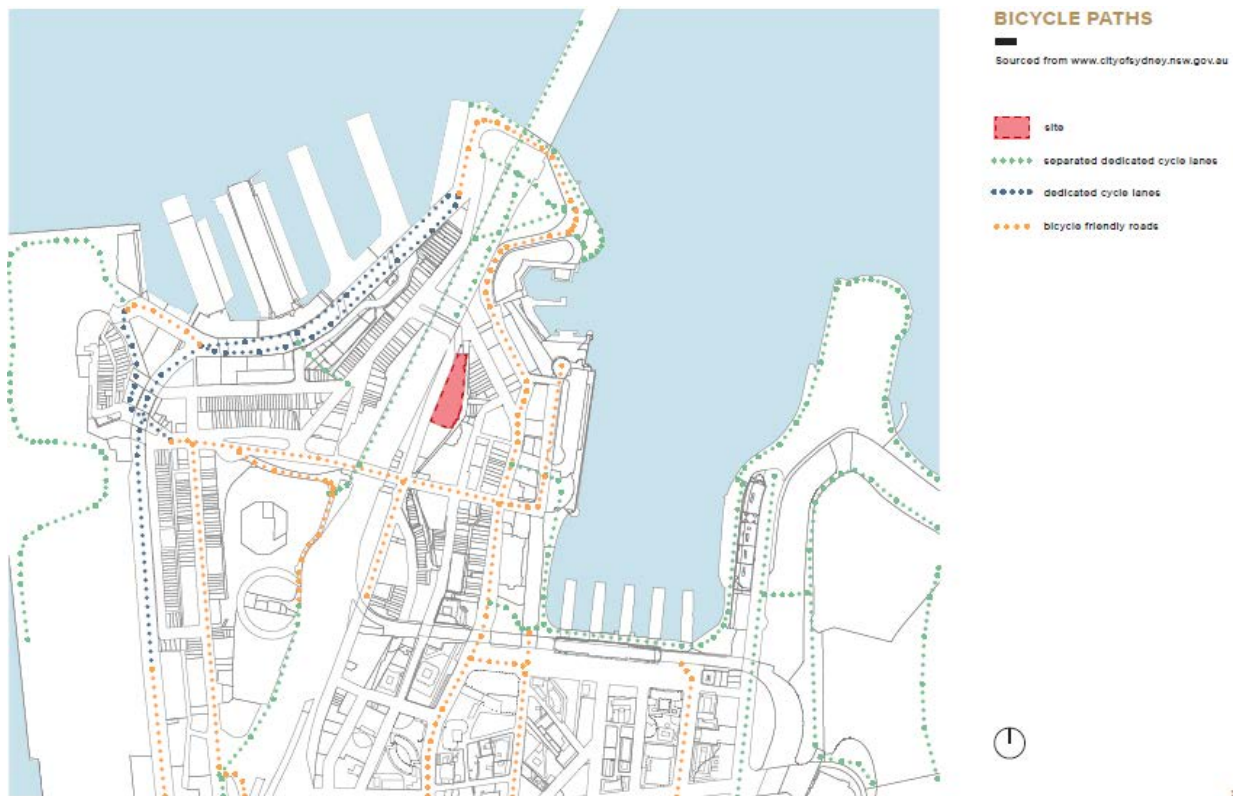


Figure 20 Bicycle Paths in relation to the Sirius Site

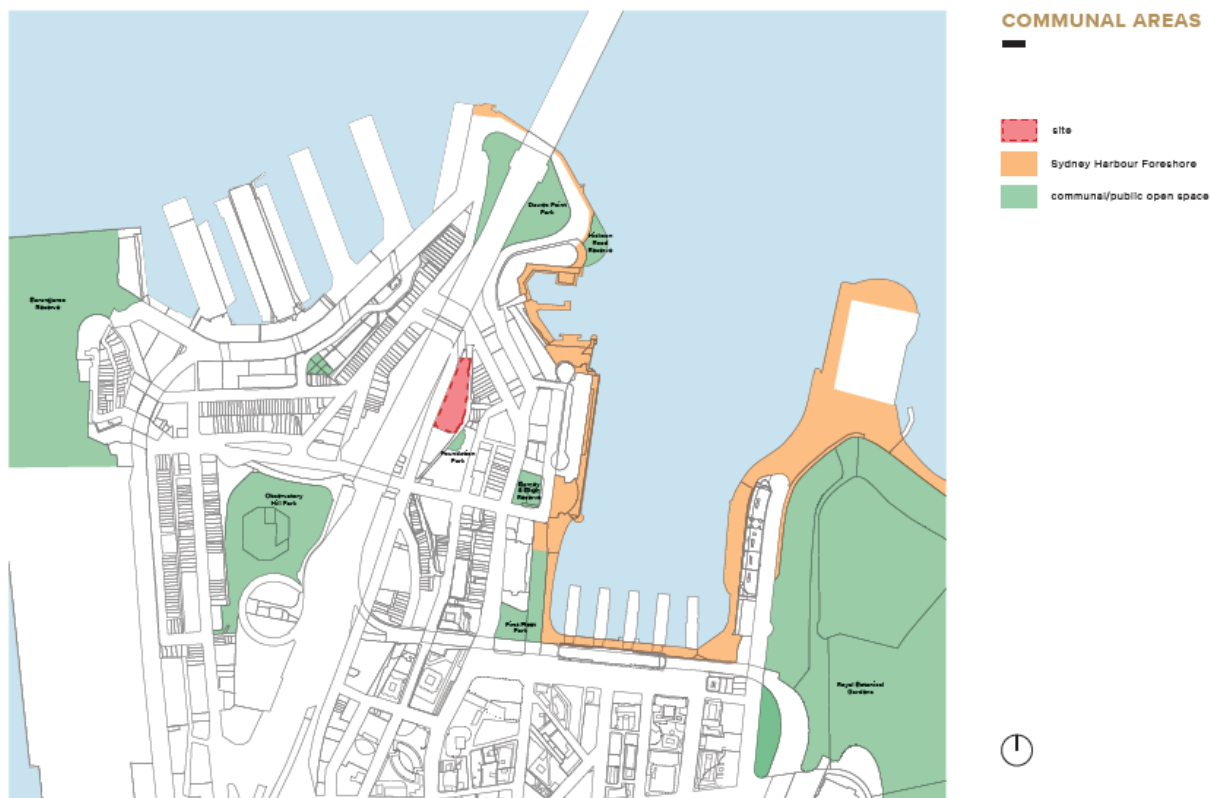
3.7 Environment and Open Space

Topography

The site slopes from the south down towards the north. There is also a steep drop along the eastern boundary of the site.

Open Space

The Sirius site is within close proximity to a number of public open spaces including Dawes Point Park, Barangaroo Reserve, and Observatory Hill Park (Figure 21). The site is also within close proximity to a number of community spaces at Circular Quay.



Noise, Vibration and Air Quality

Due to the location of the site, adjoining the Cahill Expressway, North Shore train line to the west, and the International Cruise Terminal to the east, the site is affected by potential noise, vibration and air quality impacts (Figure 22).



4 The Proposal

4.1 Background

A draft SEPP amendment has been prepared that proposes new planning controls for the Sirius site, including zone, height of building, maximum gross floor area and design excellence requirements to allow for redevelopment or adaptive re-use of the building. The built form controls were informed by careful consideration of view corridors to and from the Sydney Harbour Bridge and Sydney Opera House and ability to improve and open up views.

4.2 Urban Design

The draft planning controls have been prepared in accordance with SEPP 65 requirements and allow a density of approximately 85 residential dwellings, ground floor retail and commercial development or retention of the existing building. The Urban Design Report (Appendix A) demonstrates one response to the draft SEPP planning controls.

The density and built form permitted under the proposed controls will deliver a human scale development that is sensitive to the streetscape, promoting activity on lower levels. This will be implemented through a design excellence clause that will carefully consider building articulation and a desired mid-rise built form outcome (see section 4.10 for more detailed design excellence information).

The proposed controls will improve the streetscape along Cumberland Street and Gloucester walk allowing for casual surveillance opportunities and a more active streetscape. The proposed controls will also improve view corridors to and from the Sydney Harbour Bridge and Sydney Opera House.

The draft SEPP amendment is intended to be activated only if the Sirius site is demolished and rebuilt. If the existing building on the Sirius site is retained, it is proposed that it must be retained and/or refurbished in its current form. If the existing building is retained and a proposal is submitted to adaptively re-use the building, it will be required to comply with SEPP 65 requirements.

4.3 Views and Vistas

The proposed controls will permit a new building that would improve the view corridors to and from the Sydney Opera House and Sydney Harbour Bridge.

The Department of Planning and Environment commissioned work for urban design and view analysis (Appendix A) of the proposed building to compare the existing view corridors of the existing and proposed building (Figure 23).



Figure 23 View Analysis points

In order to investigate the potential to open up views from the Sydney Harbour Bridge to the Sydney Opera House, a view cone (Figure 24) was developed. It identifies that the maximum height of any new building must be at the lower part of the Harbour bridge deck.

VIEW ANALYSIS
VIEW CONE FROM SHB WALKWAY

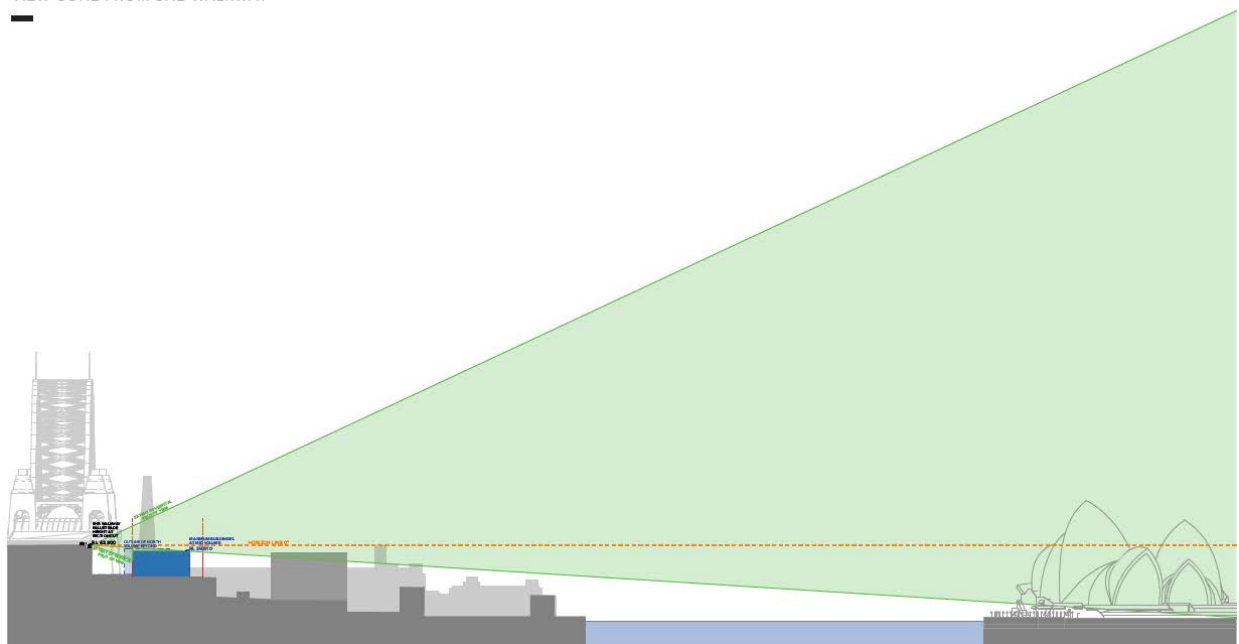


Figure 24 View Cone Analysis

Figures 25 to 34 show view corridors to and from the Opera House and Harbour Bridge of a building permitted under the draft planning controls in comparison to the existing Sirius building.

Under the proposed controls, views will be opened up to and from the Opera House. Views from the Sydney Opera House towards the Sydney Harbour Bridge will also be improved and have a lesser impact in terms of bulk and scale. The view corridor from the Opera House is a protected view corridor and as such, the proposed controls are considered to improve the outcome in comparison to the existing built form.



Figure 25 Existing view from Harbour Bridge



Figure 26 Proposed view from Harbour Bridge

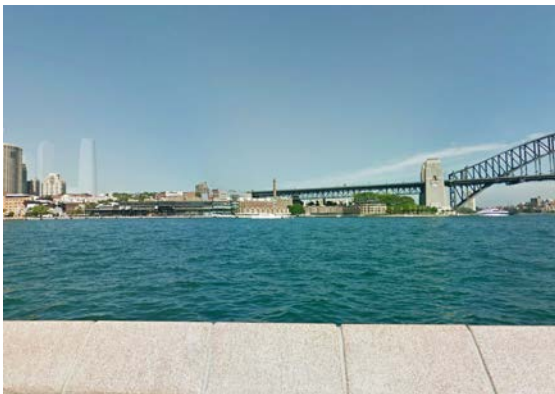


Figure 27 Existing view from Opera House

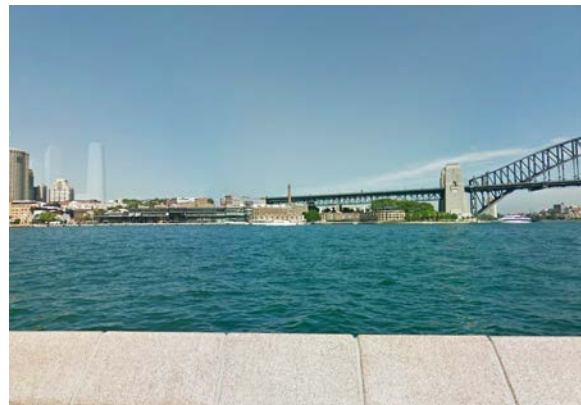


Figure 28 Proposed view from Opera House



Figure 29 Existing view from Harbour Bridge (north)



Figure 30 Proposed view from Harbour Bridge (north)



Figure 31 Existing view from Atherden Street

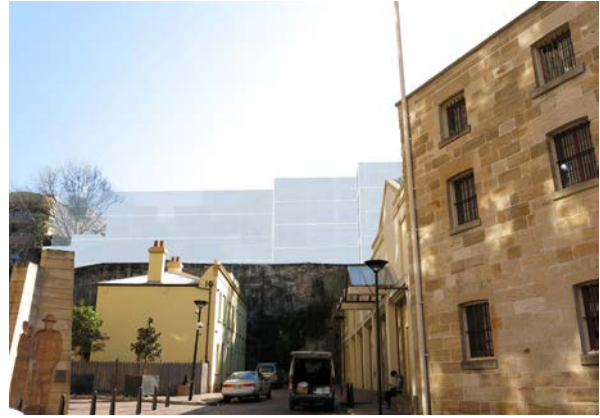


Figure 32 Proposed view from Atherden Street



Figure 33 Existing view from Cumberland Street



Figure 34 Existing view from Cumberland Street

4.4 Heritage

The Department of Planning and Environment commissioned a Heritage Impact Statement which considered the potential impact of a new development on the surrounding area (Appendix B). The report found that the proposed planning controls for the site will be sympathetic to the surrounding Rocks Conservation Area which is of national heritage significance and surrounding items of National Heritage significance.

The Heritage Impact Statement identified the proposed built form on the site would be more similar in height and scale to the surrounding development and would create a more uniform backdrop of compatible height along Gloucester Walk, east of the site and the surrounding Rocks area.

The Heritage Impact Statement identifies that further investigations should be undertaken at Development Application stage to ensure that the design articulation of any new building respects the historic pattern of streets, lanes and pathways, removing or minimising the impact of height of the site. A design excellence clause is proposed to address this recommendation (see section 4.10 for further details).

The Heritage Impact Statement also recognises that there is no impact on views to and from adjacent heritage items in the surrounding area given the reduced bulk and scale of the proposed building.

Reducing the height of the building envelope will ensure the built form is more compatible with the overall height and scale of the surrounding area. Given the heritage significance of The Rocks Conservation Area, guidelines such as the existing The Rocks Heritage Management Plan, will also ensure that the significance of The Rocks Conservation Area is adequately protected in any new development proposal.

4.5 Traffic and Transport

It is proposed to apply a maximum car parking space limit of 0.5 spaces per residential unit. No parking allocation is proposed to be permitted for the commercial component of the site.

This will provide a car parking rate less than the existing building which contains around 70 car parking spaces, to allow approximately 42 spaces. Given the close proximity of public transport and active transport opportunities, a reduction of parking spaces is considered appropriate.

There is not expected to be an increase in traffic volume as a result of this proposal, from that generated by the previous use as there is no significant increase in the number of dwellings provided on the site and car parking would be reduced.

It is also proposed to include a through site link at the northern portion of the site to improve pedestrian connectivity and permeability through the site from Cumberland Street to Gloucester Walk. This will encourage passive surveillance and increased opportunities for movement west and east of The Rocks. This will be implemented through the design excellence clause which is discussed in detail in section 4.10.

4.6 Open Space

No additional open space is proposed to be provided as part of the draft planning controls given the close proximity of the site to large scale open space.

Any new apartments on the site will be required to meet the requirements of SEPP 65 – Design Quality of Residential Apartment Development and the Apartment Design Guide. The Apartment Design Guide sets out requirements for apartment design, including the provision of private open space.

4.7 Utilities and Services

All utility services are currently available to the Sirius site.

Given the scope of the previous use and the potential development permitted under the proposed controls, significant upgrades are unlikely to be required and will be considered at Development Application Stage.

4.8 Noise, Vibration and Air Quality

The site adjoins the Cahill Expressway and North Shore rail corridor to the west. The International Cruise Terminal is also located east of the site. Any noise, vibration and air quality impacts should be considered at Development Application stage.

Any potential impacts will need to be considered under State Environmental Planning Policy (Infrastructure) 2007 and minimised. Design articulation can also assist with minimising impacts. This will be considered in detail at Development Application stage.

4.9 Overshadowing

The proposed controls will reduce the overall overshadowing impact on the site due to the reduced maximum building height. Figure 35-37 shows the overshadowing impact in mid winter (21st June) at 9am, 12pm and 3pm. Detailed diagrams of each hour are provided within the Urban Design Report (Appendix A).



Figure 35 Overshadowing Diagram 9am

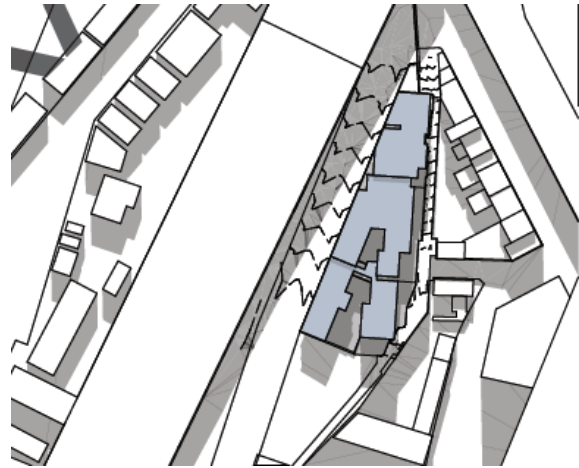


Figure 36 Overshadowing Diagram 12pm



Figure 37 Overshadowing Diagram 3pm

4.10 Proposed Zoning and Planning Controls

Land Uses and Zoning

It is proposed to apply a B4-Mixed Use zone over the site. The draft Land Zoning Map is shown in Appendix C.

Applying a B4-Mixed Use zone over the site would allow for residential development as well as commercial or retail uses.

The following B4-Mixed Use zone objectives would apply to the site:

- a) to provide a mixture of compatible land uses;
- 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; and

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 on the site:

- Extractive industries
- Heavy industries
- Heavy industrial storage establishments

The permitted uses under the B4 – Mixed Use Zone are consistent with the uses that are permitted under the SCRA Scheme.

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 residential dwellings, subject to further detailed design. This would equate to an additional 6 residential dwellings than what is currently provided on the site.

If the building is retained in its current form, a maximum Gross Floor Area of 7,010 m² would apply to the site.

Building Height

It is proposed to apply maximum building heights across the site to ensure that any future development will open up and improve protected view corridors to and from the Sydney Opera House and Sydney Harbour Bridge.

Applying a maximum building height that opens up views to and from the Sydney Opera House and Sydney Harbour Bridge would allow for a building ranging from 4 storeys at the northern part of the site (RL 41.410), 3 storeys in the central portion of the site (RL 39.810) and 2 storeys at the southern end of the site (RL 38.210) (See also Figure 38). The draft maximum building height map is shown at Appendix C.

It is proposed that the maximum height of a building would be defined as follows:

Building Height (or Height of Buildings) means the vertical distance, measured in metres, between ground level (existing) at any point to the highest point of the building, and is not to exceed the height of the Harbour Bridge deck, excluding plant and lift overruns, communication devices, antennae, satellite dishes, masts, flagpoles, chimneys, flues and the like.

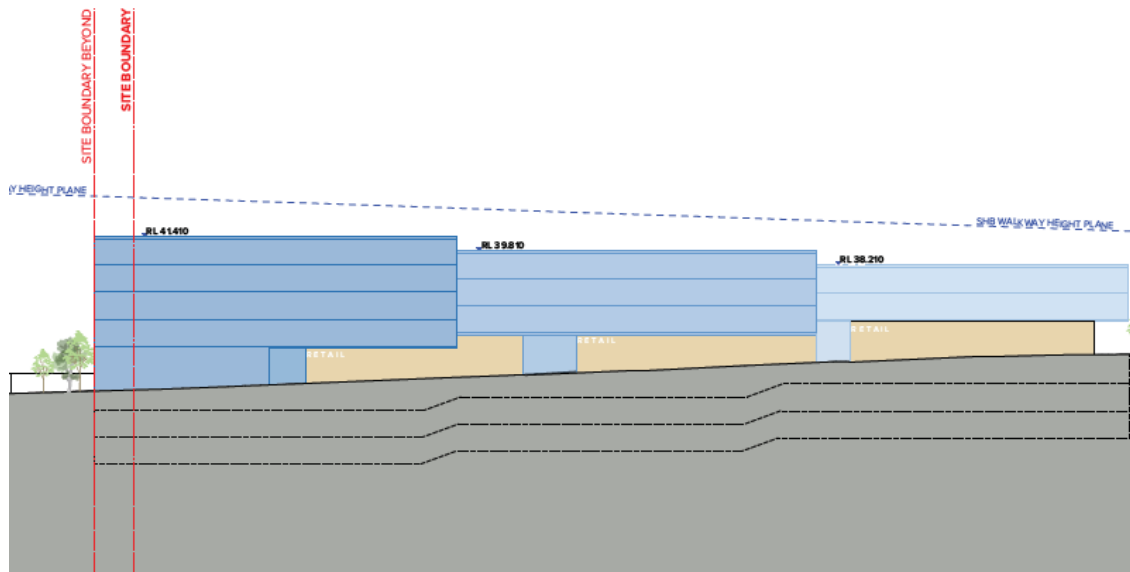


Figure 38 Proposed building height

If the Sirius site building is retained in its current form, the maximum height of the building will follow the existing outline of the building.

Design Excellence

It is proposed to apply a design excellence clause that requires any development 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 external appearance of the 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 interface with the public domain and streetscape is improved.

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

The above 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.

Any future development should also consider, through design, minimisation of noise, vibration and air quality impacts that may affect the site.

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. 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 (i.e. retail and commercial uses). The Active Street Frontage map is shown at [Attachment C](#).

It is expected that an active street frontage will improve the streetscape of Cumberland Street and encourage passive and active surveillance at street level. It will also increase foot traffic along Cumberland Street and encourage more active uses, promoting a more active streetscape and opportunities for passive surveillance.

Retention of Existing Built Form

Despite the above proposed built form controls, it is proposed to include a clause that allows the existing building to be retained and/ or refurbished.

If the building is retained, no additions would be permitted to alter the existing built form of the site. The planning controls would follow the existing outline of the Sirius building and apply a maximum GFA of 7,010sqm.

5 Next Steps

5.1 Minister's consideration

Following exhibition of the draft SEPP amendment, the Department of Planning and Environment, will consider matters raised in submissions and, where required, amend the draft planning controls. Once finalised, a recommendation on the proposal will be forwarded to the Minister for Planning for decision.

Following any approval by the Minister, amendments would need to be made to SSP SEPP.

Any approval and publication of the new planning controls would enable lodgement of Development Application's under the new controls with the Department of Planning and Environment, with any applications to be determined by the Minister for Planning.

5.2 Key Actions

The following table provides an overview of the next key actions that will be undertaken to finalised the proposed plan:

1. Community Consultation	A consultation period of a minimum of 30 days will enable the community and any stakeholders the opportunity to provide feedback to the Department regarding the proposed planning controls for the Sirius site.
2. Review of Submissions	Following community consultation, the Department will review and consider any submissions received during that time.
3. Review of finalised plan	Following review of submissions, the proposal may be amended where required in response to submissions received during community consultation.
4. Recommendation to Minister	A recommendation will be made to the Minister for Planning.
5. Adoption of proposed plan	If the Minister for Planning approves the finalised proposal, the draft SEPP amendment will be adopted and gazetted.

6 Supporting Studies and Material

Appendix A Urban Design Report

Turner Architects

Appendix B Heritage Impact Assessment Report

Architectural Projects

Appendix C Proposed SEPP maps

Department of Planning & Environment