

APPENDIX C CONSIDERATION OF ENVIRONMENTAL PLANNING INSTRUMENT(S) AND DCP(S)

Relevant EPIs and DCPs:

- Sydney Cove Redevelopment Authority Scheme (SCRA Scheme)
- State Environmental Planning Policy (State and Regional Development) 2011 (SRD 2011)
- State Environmental Planning Policy (Infrastructure) 2007 (ISEPP)
- State Environmental Planning Policy 55 – Remediation of Land (SEPP 55)
- State Environmental Planning Policy 65 (Design Quality of Residential Apartment Development) (SEPP 65)
- State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004 (BASIX)
- Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005 (SREP 2005)
- Sydney Harbour Foreshores and Waterway Area Development Control Plan 2005
- Draft State Environmental Planning Policy Environment.

Note: Clauses within the above EPIs and DCPs that are not relevant to the application or have been considered in Section 5 of this report have been omitted from the below assessment.

Consideration of the proposed variation to the SCRA Scheme is provided at **Appendix D**.

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| <p>State Environmental Planning Policy (State and Regional Development) 2011 (SRD SEPP)</p> <p>The proposed development constitutes State significant development under clause 6 of Schedule 2 of the SRD SEPP, firstly as it is development within The Rocks with a CIV in excess of \$10 million, and secondly as it does not comply with the SCRA Scheme.</p> |
| <p>State Environmental Planning Policy (Infrastructure) 2007 (ISEPP)</p> <p>The ISEPP aims to facilitate the effective delivery of infrastructure across the State by improving regulatory certainty and efficiency, identifying matters to be considered in the assessment of development adjacent to particular types of infrastructure development, and providing for consultation with relevant public authorities about certain development during the assessment process.</p> <p>The site is located at the northern edge of the CBD, adjacent to existing commercial, retail and residential development, and can rely upon existing access to bus, rail and ferry public transport services, plus the new light rail link to Circular Quay currently under construction.</p> <p>Parking spaces for the proposed buildings are located within the proposed basement car park located directly beneath the buildings. Subject to the Department's recommended condition to reduce the number of car parking spaces to 53, the number of spaces provided will be consistent with the maximum allowed under parking rates specified in SLEP 2012. In addition, bicycle parking for each unit and for workers and visitors is to be provided.</p> <p>The proposal does not meet the threshold of traffic generating development identified in Schedule 3 of the ISEPP. However, the site is located within 25 m of a rail corridor and requires referral to Sydney Trains under clause 86 of the ISEPP.</p> <p>The proposal was referred to Transport for NSW (TfNSW) and Sydney Trains for comment and their comments are summarised in Section 4 of this report. The Department considers the proposal to be consistent with the ISEPP given the consultation and consideration of the issues raised by TfNSW and Sydney Trains has been undertaken in the Department's assessment in Section 5 of this report.</p> |
| <p>State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004</p> <p>A BASIX Certificate has been submitted demonstrating that the proposed development satisfies all relevant building sustainability requirements.</p> |
| <p>State Environmental Planning Policy No.55 – Remediation of Land (SEPP 55)</p> <p>Clause 7 of SEPP 55 prevents a consent authority from issuing development consent unless it has considered:</p> |

- whether the subject site is contaminated
- whether a contaminated site is suitable for its proposed use in its current state, or will be suitable following remediation
- whether it is satisfied that the site will be remediated before the land is used for the purpose proposed under the application.

As detailed in **Section 5.8** of this report, a Phase 1 Preliminary Environmental Site Investigation, prepared by Douglas Partners, was submitted with the EIS. The Assessment confirms the site was largely used for residential purposes up until the 1960s and then commercial uses until the present time. Fill of unknown origin was imported to the site in the 1980's in association with the development of the existing building.

The Assessment concludes the site is already used for commercial purposes and the potential for significant or widespread contamination is low to moderate and the site is able to be made suitable for the proposed residential, retail and commercial development. Further investigations are recommended at a later stage including:

- development and implementation of a sampling and analysis plan (detailed investigation)
- a waste classification assessment.

The Department is satisfied the site is suitable for the proposed residential and retail uses and continued commercial use and is acceptable with regard to the provisions of SEPP 55.

State Environmental Planning Policy No.65 – Design Quality of Residential Apartment Development (SEPP 65)

SEPP 65 seeks to improve the design quality of residential developments and encourage innovative design. The Apartment Design Guide (ADG) is closely linked to the principles of SEPP 65 and sets out best practice design principles for residential developments. The Department has assessed the proposal against the aims and objectives of SEPP 65 below:

| SEPP 65 | Department's Response |
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| Proposed Principle | |
| 1. Context and Neighbourhood Character | The proposed buildings represent an appropriate design response for the site and will be consistent with the character of the area as discussed in Section 5.3 . The proposal will have acceptable impacts on the amenity of existing adjoining development. |
| 2. Built Form and Scale | <p>The proposed buildings exceed the SCRA Scheme building envelope as detailed in Appendix D. While the proposal provides for additional building height above the approved SCRA Scheme building envelope, the massing and scale of the built form is reduced because of setbacks, breaks in the façade and varied façade treatment.</p> <p>Furthermore, the proposal has sought to break up the scale and massing of a large site into smaller portions dissected by the creation of a new east-west pedestrian through-site link and the proposed public plaza.</p> <p>The built form and scale of the proposed buildings are appropriate within the context of the site and are sympathetic to the historic character of The Rocks as discussed in Section 5.3. The Department further considers the development achieves a high standard of architectural design and appearance. The development also seeks to activate street frontages through retail and residential uses fronting Harrington Street and Gloucester Street.</p> |
| 3. Density | The buildings are of an appropriate density and scale. All units exceed the minimum internal areas nominated by the ADG, providing a high level of residential amenity. |

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| 4. Sustainability | An ecologically sustainable development report, was submitted with the application. The report concludes the proposed development exceeds the requirements of BASIX and demonstrates the proposed development can achieve compliance with the BASIX water, energy and thermal efficiency targets. |
| 5. Landscape | A Landscape Plan has been provided and includes details of the proposed public domain including the plaza, and the roof top open spaces. The landscaped design will provide a high level of amenity for residents, employees and visitors. |
| 6. Amenity | The proposed buildings comply with the principles of SEPP 65 and satisfy the intent of the ADG in terms of achieving a high level of residential amenity for future residents (see Section 5.6 and the ADG assessment table below). |
| 7. Safety | <p>Various security measures are proposed including:</p> <ul style="list-style-type: none"> • passive surveillance from balconies and windows to the public domain • well-lit and easily identifiable entry points with associated security access systems • access to the public lift and access pathway from Gloucester Street will be restricted to residents only between 10 pm and 7 am • CCTV is proposed linked 24/7 to building management. <p>A condition requires the development to incorporate 'Crime Prevention Through Environmental Design' principles, particularly in regard to visual surveillance, in the design of the proposed development.</p> |
| 8. Housing Diversity and Social Interaction | The proposal provides a range of unit sizes to accommodate a broad range of residents in close proximity to infrastructure and services. A communal open space area is provided on the rooftop of Building 1 for social interaction. The proposed public plaza provides further opportunity for social interaction. The unit mix complies with the ADG. |
| 9. Aesthetics | <p>The proposal demonstrates a high standard of architectural design through an effective palette of materials and finishes to articulate the building form which respond sympathetically to the surrounding heritage context of the site.</p> <p>The architectural detail responds appropriately to the site's opportunities and constraints and improves the amenity of the existing public domain through the provision of a visually interesting contemporary building with a commercial/retail component that is differentiated from the residential component.</p> |

An assessment of the proposal against the ADG best practice design principles is provided below:

| ADG – Relevant Criteria | Proposal | Consistency? |
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| 3B Orientation | | |
| <ul style="list-style-type: none"> • Site analysis illustrates that design decisions have been based on opportunities and constraints of the site conditions and their relationship to the surrounding context. | <ul style="list-style-type: none"> • The proposal is informed by a detailed urban design and built form analysis which identified the likely visual impacts of the development and the appropriateness of the built form with respect to existing development in the vicinity. | Yes |
| <ul style="list-style-type: none"> • Building type/ layouts respond to streetscape, optimising solar access. • Overshadowing of neighbouring properties is minimised. | <ul style="list-style-type: none"> • The proposed buildings have a slender north/ south profile and are surrounded by streets to the east, west and south. • Solar access to the proposed buildings has been maximised. • The shadow analysis indicates shadows cast by the proposed buildings minimise | Yes |

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| | overshadowing of neighbouring properties (refer to Section 5.5.2). | |
| 3C Public Domain Interface | | |
| <ul style="list-style-type: none"> • Transition between public/private without compromising security. • Amenity of public domain is retained and enhanced. | <ul style="list-style-type: none"> • Passive surveillance is available from balconies and windows which overlook public domain and private areas. All ground level apartments have direct street access. • Residential lobbies will be easily identifiable. Access to the lift lobbies will be access controlled. • The buildings have been designed to provide active frontages at street level and to facilitate pedestrian movements in and around the buildings. • The proposed development incorporates significant public domain improvements that will significantly enhance the amenity of the public domain (see Section 5.4). | Yes |
| 3D Communal and Public Open Space | | |
| <ul style="list-style-type: none"> • Minimum 25% of the site. • Minimum 50% direct sunlight to principal usable part of the communal open space for a minimum of 2 hours in mid-winter. • Public open space should be well connected with nearby parks and other landscape elements. | <ul style="list-style-type: none"> • While only 6% of the site area will be available to residents of both buildings (and Baker's Terrace) as communal open space in the form of an internal/ external roof terrace on Building 1, the quantity of this area is considered exceptional. • A further 23% of the site area will be provided as public open space. • The communal open space will receive over two hours of direct sunlight in mid-winter. • The proposed public spaces around the buildings will be well connected to the existing laneway and pedestrian network. | No Refer to Section 5.6.1 |
| 3E Deep Soil Zones | | |
| <ul style="list-style-type: none"> • For sites greater than 1,500m², a minimum of 7% of the site with a minimum dimension of 6 m should provide for deep soil zone(s). | <ul style="list-style-type: none"> • The ADG recognises achieving this design criteria may not be possible in high density areas such as the CBD where there is 100% site coverage or where non-residential uses are at the ground floor. • The existing development occupies virtually the entire site and no deep soil landscaping currently exists. • No deep soil area is proposed as the development is located within The Rocks heritage conservation area and the development has instead sought to provide public domain improvements that reflect the existing character of the area. • Non-residential uses are proposed at ground level with the exception of the Gloucester Street frontage of Building 1. | No but acceptable |

| | <ul style="list-style-type: none"> The proposed public domain areas include a range of seating and soft landscaping where viable. | | | | | | | | | | | | | |
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| 3F Visual Privacy | | | | | | | | | | | | | | |
| <ul style="list-style-type: none"> Minimum separation distance from building to side and rear boundaries: <table border="1" data-bbox="177 439 630 981"> <thead> <tr> <th>Height</th> <th>Habitable rooms and balconies</th> <th>Non-habitable rooms</th> </tr> </thead> <tbody> <tr> <td>Up to 12m (4 storeys)</td> <td>6m</td> <td>3m</td> </tr> <tr> <td>Up to 25m (5-8 storeys)</td> <td>9m</td> <td>4.5m</td> </tr> <tr> <td>Over 25m (9+ storeys)</td> <td>12m</td> <td>6m</td> </tr> </tbody> </table> <ul style="list-style-type: none"> Separation distances between buildings on the same site should combine required building separations depending on the type of room. | Height | Habitable rooms and balconies | Non-habitable rooms | Up to 12m (4 storeys) | 6m | 3m | Up to 25m (5-8 storeys) | 9m | 4.5m | Over 25m (9+ storeys) | 12m | 6m | <ul style="list-style-type: none"> Given the heritage context of the site and the need to maintain characteristic setbacks, the proposed development does not seek to satisfy the ADG minimum separation distances. As detailed in Section 5.6.2, the proposed development will provide acceptable privacy outcomes through orientation of buildings and view lines, and design features such as fixed and operable privacy screens. | <p>No Refer to Section 5.6.2</p> |
| Height | Habitable rooms and balconies | Non-habitable rooms | | | | | | | | | | | | |
| Up to 12m (4 storeys) | 6m | 3m | | | | | | | | | | | | |
| Up to 25m (5-8 storeys) | 9m | 4.5m | | | | | | | | | | | | |
| Over 25m (9+ storeys) | 12m | 6m | | | | | | | | | | | | |
| 3G Pedestrian Access to Entries | | | | | | | | | | | | | | |
| <ul style="list-style-type: none"> Building entries and pedestrian access connects to and addresses the public domain. Access, entries and pathways are accessible and easy to identify. Large sites provide pedestrian links for access to streets and connection to destinations. | <ul style="list-style-type: none"> Entries and pedestrian access are clearly defined and suitably connect to and address the public domain. A large entry to each building is provided off Harrington Street and is well located, designed and easily identifiable. Townhouse units fronting Gloucester Street are provided with separate private entries, characteristic of the wider street context. Numerous balconies provide passive surveillance of the Harrington Street entry and the private entries to the townhouse units on Gloucester Street. A high quality through-site link is proposed between Harrington Street and Gloucester Street. The link will interact with the proposed public plaza and will provide ground level access to the proposed commercial level in Building 1. A new public lift is also proposed. The proposed through-site link will replace an existing link of limited amenity. | <p>Yes</p> | | | | | | | | | | | | |

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| 3H Vehicle Access | | |
| <ul style="list-style-type: none"> • Vehicle access points are to be designed to achieve safety, minimise conflicts between pedestrians and vehicles and create high quality streetscapes. | <ul style="list-style-type: none"> • A single vehicle access is located on Harrington Street at the southern end of Building 1, away from pedestrian links and access points. • Appropriate sight lines are achieved • The car park entry is well designed and integrated into the design of Building 1. | Yes |
| 3J Bicycle and Car Parking | | |
| <ul style="list-style-type: none"> • Minimum parking requirement as set out in the Guide to Traffic Generating Developments or local Council requirement, whichever is the less. • Parking is available for other modes of transport. • Car parking design access is safe and secure. • Visual and environmental impacts of underground, at grade or above ground car parking are minimised. | <ul style="list-style-type: none"> • 63 residential car parking spaces are proposed. • This figure exceeds the SLEP 2012 maximum parking rate. • Given the location of the site within the CBD and in close proximity to numerous public transport modes, the Department recommends the number of spaces be reduced to 53, consistent with the overall maximum for the development under the provisions of SLEP 2012. • The Applicant has accepted the proposed recommended reduction. • No above-ground car parking provided. • Bicycle parking spaces, comprising: <ul style="list-style-type: none"> ○ 58 secure residential spaces ○ 35 worker spaces ○ 30 visitor spaces • End-of-trip facilities are proposed. | No Refer to Section 5.7.2 |
| 4A Solar and Daylight Access | | |
| <ul style="list-style-type: none"> • Minimum of 70% of apartments' living rooms and private open spaces receive 2hrs direct sunlight between 9 am-3 pm in mid-winter in the Sydney Metropolitan Area. • Maximum of 15% of apartments have no direct sunlight between 9 am-3 pm in mid-winter. | <ul style="list-style-type: none"> • 39 (70%) of the proposed units would receive a minimum of 2 hours of direct sunlight between 9 am and 3 pm in mid-winter. • If the timeframe is extended by an hour to 8 am to 3 pm, 96% of units would receive two hours solar access. • No single aspect, south facing units are proposed. All proposed units will receive some solar access between 9 am and 3 pm. | Yes |
| 4B Natural Ventilation | | |
| <ul style="list-style-type: none"> • At least 60% of apartments are cross ventilated in the first nine storeys | <ul style="list-style-type: none"> • Of the 56 proposed units, 29 (52%) will be naturally cross ventilated. • The Applicant contends a further 18 units (32%) will achieve satisfactory levels of natural ventilation due to their design and orientation to prevailing winds (see Section 5.6.4). | No Refer to Section 5.6.4 |
| 4C Ceiling Heights | | |
| Measured from finished floor level to finished ceiling level, minimum ceiling heights are: | <ul style="list-style-type: none"> • Ceiling heights meet or exceed the recommended minimums. | Yes |

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| <ul style="list-style-type: none"> - Habitable rooms 2.7 m - Non-habitable rooms 2.4 m | | |
| 4D Apartment Size and Layout | | |
| <ul style="list-style-type: none"> • Minimum apartment sizes <ul style="list-style-type: none"> - Studio 35 m² - 1 bedroom 50 m² - 2 bedroom 70 m² - 3 bedroom 90 m² • Every habitable room must have a window in an external wall with a total glass area of not less than 10% of the floor area. Daylight and air may not be borrowed from other rooms. • Habitable room depths are limited to 2.5 x the ceiling height. • In open plan layouts the maximum habitable room depth is 8 m from a window. • Master bedroom have a minimum area of 10m² and other bedrooms have 9 m². • Bedrooms have a minimum dimension of 3 m (excluding wardrobes). • Living rooms have a minimum width of: <ul style="list-style-type: none"> - 3.6 m for studio and one bed - 4 m for 2 and 3 bed • The width of cross-over or cross-through apartments are at least 4 m internally. | <ul style="list-style-type: none"> • All units exceed the minimum design criteria. • All bedrooms meet the minimum recommended area. • All habitable rooms have a window in an external wall and windows exceed the 10% requirement. • Eight units (14.3%) have open plan living areas which extend to a depth of 9.2 m measured from the window to the rear of the combined living area. This is an additional 1.2 m compared to the ADG maximum depth of 8 m (a 15% non-compliance). • The units are located on the eastern side of Building 1 (two per floor from levels 2 to 5). The variation to the recommended maximum depth is negligible and is considered in the overall consideration of unit amenity (see Section 5.6.6). • All units satisfy the minimum living room width recommendation. | <p>No Refer to Section 5.6.6</p> |

| 4E Private Open Space and Balconies | | |
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| <ul style="list-style-type: none"> • Primary balconies are provided to all apartments providing for: <ul style="list-style-type: none"> - Studios apartments minimum area 4 m² - 1 bedroom min area 8 m², minimum depth 2 m - 2 bedroom min area 10 m², minimum depth 2 m - 3 bedroom min area 12 m², minimum depth 2.5 m • For apartments at ground floor level or similar, private open space must have a minimum area of 15 m² and depth of 3 m². • Private open space and primary balconies are integrated into and contribute to the architectural form and detail of the building. • Primary open space and balconies maximises safety. | <ul style="list-style-type: none"> • All balconies and terraces meet or exceed the area and depth guidelines except for units 501 and 512 on level 5 of Building 1. Both units contain three bedrooms. The balcony for unit 501 has a depth below the 2.4 m recommended minimum depth and the balcony for unit 512 is 2 m² below the 12 m² recommended minimum size. • The Applicant has provided indicative furniture layouts for units 501 and 512 balconies to demonstrate functionality. Given both units are dual aspect and face north with significant solar access and attractive views available, and the functionality of the balconies has been demonstrated, the proposed balcony sizes are considered reasonable. • It is furthermore noted the design and layout of unit 501 allows the entire living area to be opened onto the balcony area, including the narrower east facing section, creating a desirable indoor/ outdoor space. • No units with ground level private open space are proposed. <p><u>Baker's Terrace</u> The northern-most of the two proposed Baker's Terrace townhouses is not provided with private open space. Given the heritage restrictions involved, it is not feasible to provide a balcony to this dwelling. This is acceptable because:</p> <ul style="list-style-type: none"> - the proximity of communal private open space within Building 1 - the proximity of open space within the proposed public plaza - the lack of private open space is consistent with the heritage character of the building and the wider heritage context of The Rocks - the dwelling contains only two bedrooms. | <p>Yes</p> |
| 4F Common Circulation and Spaces | | |
| <ul style="list-style-type: none"> • Maximum number of apartments off a circulation core is eight – where this cannot be achieved, no more than 12 apartments should be provided off a single circulation core. • For buildings 10 storeys and over, the maximum number of | <ul style="list-style-type: none"> • Two lifts service a maximum of 12 units per floor. • The corridors on each level face south to allow the maximum number of units to be north facing. • The common corridor of Building 1 over levels 2 to 5 serves between five and 12 units per floor, is 40 m in length and has natural light provided from the south facing | <p>No Refer to Section 5.6.5</p> |

| <p>apartments sharing a single lift is 40.</p> <ul style="list-style-type: none"> • Natural ventilation is provided to all common circulation spaces where possible. • Common circulation spaces provide for interaction between residents. • Longer corridors greater than 12 m in length are articulated. | <p>stairwell using a 'hold open' magnetic fire door.</p> <ul style="list-style-type: none"> • Suitable articulation is proposed to the Building 1 corridors. • Daylight and ventilation to the corridor is discussed in Section 5.6.5. | | | | | | | | | | | | | | | | | | | | | |
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| 4G Storage | | | | | | | | | | | | | | | | | | | | | | |
| <ul style="list-style-type: none"> • The following storage is required (with at least 50% located within the apartment): <ul style="list-style-type: none"> - Studio apartments 4 m³ - 1 bedroom apartments 6 m³ - 2 bedroom apartments 8 m³ - 3 bedroom apartments 10 m³ | <ul style="list-style-type: none"> • Residential storage is located within the units and the basement and is provided in accordance with the minimum rates specified in the ADG. • As demonstrated in the storage schedule provide with the RTS, over 50% of the required storage is provided within the units. | Yes | | | | | | | | | | | | | | | | | | | | |
| 4H Acoustic Privacy and 4J Noise and Pollution | | | | | | | | | | | | | | | | | | | | | | |
| <ul style="list-style-type: none"> • Noise transfer is minimised through the siting of buildings and building layout and minimises external noise and pollution. • Noise impacts are mitigated through internal apartment layout and acoustic treatments. | <ul style="list-style-type: none"> • Noise transfer is minimised through the appropriate layout of the buildings. • Units are appropriately stacked and laid out to prevent noise transfer. • In accordance with the recommendations of the submitted Acoustic Assessment, units will be appropriately insulated to ensure compliance from external noise sources i.e. Cahill Expressway and rail corridor. | Yes | | | | | | | | | | | | | | | | | | | | |
| 4K Apartment Mix | | | | | | | | | | | | | | | | | | | | | | |
| <ul style="list-style-type: none"> • Provision of a range of apartment types and sizes. • Apartment mix is distributed to suitable locations within the building. | <ul style="list-style-type: none"> • A variety of unit sizes and types are accommodated and appropriately located within the buildings as follows: <table border="1" data-bbox="662 1400 1225 1608" style="margin-left: 20px;"> <thead> <tr> <th></th> <th>Building 1</th> <th>Building 2</th> <th>Total</th> </tr> </thead> <tbody> <tr> <td>1 bed</td> <td>12</td> <td>4</td> <td>16</td> </tr> <tr> <td>2 bed</td> <td>21</td> <td>2</td> <td>23</td> </tr> <tr> <td>3 bed+</td> <td>14</td> <td>3</td> <td>17</td> </tr> <tr> <td>Total</td> <td>47</td> <td>9</td> <td>56</td> </tr> </tbody> </table> • The Baker's Terrace will contain a further 1x two-bedroom and 1x three-bedroom townhouse. | | Building 1 | Building 2 | Total | 1 bed | 12 | 4 | 16 | 2 bed | 21 | 2 | 23 | 3 bed+ | 14 | 3 | 17 | Total | 47 | 9 | 56 | Yes |
| | Building 1 | Building 2 | Total | | | | | | | | | | | | | | | | | | | |
| 1 bed | 12 | 4 | 16 | | | | | | | | | | | | | | | | | | | |
| 2 bed | 21 | 2 | 23 | | | | | | | | | | | | | | | | | | | |
| 3 bed+ | 14 | 3 | 17 | | | | | | | | | | | | | | | | | | | |
| Total | 47 | 9 | 56 | | | | | | | | | | | | | | | | | | | |
| 4L Ground Floor Apartments | | | | | | | | | | | | | | | | | | | | | | |
| <ul style="list-style-type: none"> • Street frontage activity is maximised where ground floor apartments are located. • Design of ground floor apartments delivers amenity and safety for residents. | <ul style="list-style-type: none"> • Building 1 incorporates two-storey townhouse units fronting Gloucester Street. The units will have direct entry from the street, encouraging greater street front activity. • The townhouse units contain setback living areas and deep open balconies | Yes | | | | | | | | | | | | | | | | | | | | |

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| | above street level to provide satisfactory privacy and amenity. | |
| 4M Facades | | |
| <ul style="list-style-type: none"> • Building facades provide visual interest along the street while respecting the character of the local area. • Building functions are expressed by the façade. | <ul style="list-style-type: none"> • The proposal achieves a high standard of architectural design and will positively contribute to The Rocks Conservation Area. • The design provides visual interest at street level. • The separate components are expressed by the façade with an active transparent base on Harrington Street, residential façade above with recessed higher levels providing a distinctive third level within the streetscape. • The Gloucester Street frontage is entirely residential but the façade comprises three distinct residential components with the stoop style townhouse units on the lower two levels, two standard residential levels above with the further recessed upper residential levels above. | Yes |
| 4N Roof Design | | |
| <ul style="list-style-type: none"> • Roof treatments are integrated into the building design and positively respond to the street. • Opportunities to use roof space for accommodation and open space is maximised • Roof design includes sustainability features. | <ul style="list-style-type: none"> • Building 1 comprises a curved roof design that contains plant, lift overrun, communal open space and some residential floorspace. The proposed roof form minimises bulk and scale and provides an attractive design response to the site. • A flat roof is proposed to Building 2 with landscaped roof top private open space. • The proposed roof forms are considered appropriate to the respective building designs and respond positively to the character of the street and wider visual catchment of the site within The Rocks. | Yes |
| 4O Landscape Design and 4P Planting on Structures | | |
| <ul style="list-style-type: none"> • Landscape design is viable and sustainable. • Landscape design contributes to streetscape and amenity. • Appropriate soil profiles are provided and plant growth is maximised (selection/maintenance). • Plant growth is optimised with appropriate selection and maintenance. • Building design includes opportunity for planting on structure. | <ul style="list-style-type: none"> • A detailed landscape scheme has been provided for the public plaza, through-site link, street frontages and roof top gardens. Landscaping includes a mixture of native and non-native shrubs. • Two small trees are to be removed plus one street tree on Harrington Street. One new tree is proposed within the new public plaza and two new street trees on Harrington Street are proposed. • Landscape planting within the public domain includes a mix of groundcovers and climbers. • Planting and furniture is proposed within the rooftop gardens and communal open space. | Yes |

| 4Q Universal Design | | | | | | | | | | | | | | | | | | | |
|--|---|-----|---|----------|--|-----------|---|-----------|--|-----------|--|-----------|---|-----------|-------------------------|-----------|--|-----------|---|
| <ul style="list-style-type: none"> Developments should achieve a benchmark of 20% of the apartments incorporating the Liveable Housing Guideline's silver level universal design features: | | Yes | | | | | | | | | | | | | | | | | |
| <table border="1"> <thead> <tr> <th>Universal Design Guidelines (20% of apartments)</th> <th>Proposal</th> </tr> </thead> <tbody> <tr> <td>Safe and continuous levelled path to entrances</td> <td>Compliant</td> </tr> <tr> <td>Accessible entry door with a minimum 820 mm clear opening width and a step-free threshold</td> <td>Compliant</td> </tr> <tr> <td>Level landing area of 1200 mm x 1200 mm at the entrance door</td> <td>Compliant</td> </tr> <tr> <td>Internal doors with a minimum 820 mm clear opening width and a step-free transition between surfaces</td> <td>Compliant</td> </tr> <tr> <td>Internal corridors with a minimum of 1000 mm clear width.</td> <td>Compliant</td> </tr> <tr> <td>Step free shower recess</td> <td>Compliant</td> </tr> <tr> <td>Bathroom wall is reinforced for grab rails around the toilet, shower and basin</td> <td>Compliant</td> </tr> <tr> <td>A toilet is provided on the ground or entry level in multi-level apartments that provides: <ul style="list-style-type: none"> minimum clear width of 900 mm between walls minimum clear circulation space forward of the toilet pan of 1200 mm (excluding the door swing) </td> <td>Compliant</td> </tr> </tbody> </table> | | | Universal Design Guidelines (20% of apartments) | Proposal | Safe and continuous levelled path to entrances | Compliant | Accessible entry door with a minimum 820 mm clear opening width and a step-free threshold | Compliant | Level landing area of 1200 mm x 1200 mm at the entrance door | Compliant | Internal doors with a minimum 820 mm clear opening width and a step-free transition between surfaces | Compliant | Internal corridors with a minimum of 1000 mm clear width. | Compliant | Step free shower recess | Compliant | Bathroom wall is reinforced for grab rails around the toilet, shower and basin | Compliant | A toilet is provided on the ground or entry level in multi-level apartments that provides: <ul style="list-style-type: none"> minimum clear width of 900 mm between walls minimum clear circulation space forward of the toilet pan of 1200 mm (excluding the door swing) |
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| Accessible entry door with a minimum 820 mm clear opening width and a step-free threshold | Compliant | | | | | | | | | | | | | | | | | | |
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| <ul style="list-style-type: none"> A variety of apartments with adaptable designs are provided. Apartments layouts are flexible and accommodate a range of lifestyle needs. | <ul style="list-style-type: none"> All units are of a size and layout that allows for flexible use and design and therefore can accommodate a range of lifestyle needs. | | | | | | | | | | | | | | | | | | |
| 4S Mixed Use | | | | | | | | | | | | | | | | | | | |
| <ul style="list-style-type: none"> Mixed use development are provided in appropriate locations and provide street activation and encourage pedestrian movement. Residential levels are integrated within the development, safety and amenity is maximised. | <ul style="list-style-type: none"> The development appropriately addresses Harrington Street and Gloucester Street and street activation and pedestrian movement will be significantly improved through the proposed public plaza and pedestrian thoroughfare. Residential circulation areas are clearly defined and access to communal open space is provided. | Yes | | | | | | | | | | | | | | | | | |
| 4T Awning and Signage | | | | | | | | | | | | | | | | | | | |
| <ul style="list-style-type: none"> Awnings are well located and complement and integrate with the building. Signage responds to the context and design streetscape character. | <ul style="list-style-type: none"> Awnings are incorporated into the design of the buildings over the retail tenancy entries and residential entry lobby on the Harrington Street frontage. | Yes | | | | | | | | | | | | | | | | | |
| 4U Energy Efficiency | | | | | | | | | | | | | | | | | | | |
| <ul style="list-style-type: none"> Development incorporates passive environmental and solar design. Adequate natural ventilation minimises the need for mechanical ventilation. | <ul style="list-style-type: none"> A BASIX certificate was provided, showing compliance with the Thermal Comfort target and exceeding the targets for water and energy. | Yes | | | | | | | | | | | | | | | | | |
| 4V Water Management and Conservation | | | | | | | | | | | | | | | | | | | |
| <ul style="list-style-type: none"> Potable water use is minimised. Urban stormwater is treated on site before being discharged to receiving waters. | <ul style="list-style-type: none"> Proposed water re-use measures exceed BASIX requirements. Water efficient fittings and appliances will be installed. | Yes | | | | | | | | | | | | | | | | | |

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| <ul style="list-style-type: none"> Flood management systems are integrated into the site design. | <ul style="list-style-type: none"> An on-site stormwater detention tank (OSD) is proposed under the new through-site link. Stormwater from the OSD will proceed to a high efficiency gross pollutant trap. All ground levels have been designed to suit flood and freeboard requirements. | |
| 4W Waste Management | | |
| <ul style="list-style-type: none"> Waste storage facilities are designed to minimise impacts on streetscape, building entry and residential amenity. Domestic waste is minimised by providing safe and convenient source separation and recycling. | <ul style="list-style-type: none"> Residential, commercial and retail waste storage rooms are located at ground level in convenient locations. A separate bulky waste storage room for residents is proposed. The waste rooms will not be visible to non-residents/ workers. A Waste Management Plan has been prepared. Separate waste and recycling containers will be provided. The garbage chute will allow general waste and recycling waste to be separated. | Yes |
| 4X Building Maintenance | | |
| <ul style="list-style-type: none"> Building design detail provides protection from weathering. Systems and access enable ease of maintenance. Material selection reduced ongoing maintenance cost. | <ul style="list-style-type: none"> The buildings have been appropriately designed to allow ease of maintenance. The materials are robust and have been selected to require minimum ongoing maintenance. | Yes |
| Planning Circular 'Using the Apartment Design Guide' | | |
| <p>On 29 June 2017, the Planning Circular '<i>Using the Apartment Design Guide</i>' was issued by the Department. The Circular emphasised the ADG is not intended to be applied as a set of strict development standards and where it is not possible to satisfy the design criteria, the consent authority is to consider how, through good design, the objective can be achieved.</p> <p>The Circular supports the Department's approach to assessing the residential amenity of the proposed buildings in that all proposed units cannot reasonably achieve every amenity design criteria in the ADG and that this is not the intention of the ADG. As demonstrated in the analysis above and in Section 5.6, the Department considers all unit types within each building will achieve an acceptable level of amenity with most units receiving a high level of amenity. As such, the Department concludes the proposed buildings satisfy the intent of the ADG and are acceptable in relation to residential amenity.</p> | | |

| Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005 (SREP 2005) | | | |
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| <p>SREP 2005 applies to all land within the Sydney Harbour Catchment, as shown on the Sydney Harbour Catchment Map. The Rocks is within the defined Foreshores and Waterways Area. Consideration of the relevant clauses in the SREP are addressed in the table below.</p> | | | |
| Consideration of SREP 2005 | | | |
| SREP | Criteria | Department Comment / Assessment | Complies |
| Part 1, clause 3 (2) | <ul style="list-style-type: none"> The site is located within area to which the plan applies as shown | <ul style="list-style-type: none"> The Department has considered the proposal against the relevant provisions of SREP 2005. | Yes |

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| | <p>on the City Foreshores Area Map.</p> <ul style="list-style-type: none"> The site is not located within the Sydney Opera House Buffer Zone, as shown on the Sydney Opera House Buffer Zone Map. | | |
| Part 3, clause 20 Matters for Consideration | <ul style="list-style-type: none"> The matters referred to in Division 3 must be considered by the consent authority. | <ul style="list-style-type: none"> The Department has considered the relevant matters below. | Yes |
| Part 3, clause 21 Biodiversity, ecology & environmental protection | <ul style="list-style-type: none"> The consent authority must take into consideration biodiversity, ecology and environmental protection matters that are outlined in this clause. | <ul style="list-style-type: none"> The proposal involves the redevelopment of an existing site. The site does not have any biodiversity or ecological features. Stormwater quality and quantity control measures have been incorporated into the design to ensure there are no adverse environmental impacts. | Yes |
| Part 3, clause 22 Public access to, and use of, foreshores and waterways | <ul style="list-style-type: none"> The consent authority must take into consideration measures to maintain public access to foreshores and waterways. | <ul style="list-style-type: none"> The site is located over 175 m from the foreshore and will have no impact on public access to foreshores and waterways. | Yes |
| Part 3, clause 23 Maintenance of a working harbour | <ul style="list-style-type: none"> The consent authority must take into consideration measures to maintain maintenance of a working harbour. | <ul style="list-style-type: none"> The development will not impact on the ability to maintain a working harbour. | Yes |
| Part 3, clause 24 Interrelationship of waterway and foreshore uses | <ul style="list-style-type: none"> The consent authority must take into consideration the interrelationship of waterway and foreshore uses. | <ul style="list-style-type: none"> The development is located away from the foreshore, does not propose any works in the waterway, and public access along the foreshore will be maintained. | Yes |
| Part 3, clause 25 Foreshore and waterways scenic quality | <ul style="list-style-type: none"> The consent authority must take into consideration measures to maintain or enhance the scenic quality of foreshores and waterways. | <ul style="list-style-type: none"> The proposed buildings would have no adverse impact on the scenic quality of the foreshore and waterway. | Yes |
| Part 3, clause 26 Maintenance, protection and | <ul style="list-style-type: none"> The consent authority must take into consideration measures to maintain or enhance views. | <ul style="list-style-type: none"> The location, height and bulk of the proposed buildings are acceptable. View impacts of the proposals have been discussed | Yes |

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| enhancement of views | | at Sections 5.3.5 and 5.5.1 and are considered acceptable. | |
| Part 3, clause 27 Boat storage facilities | <ul style="list-style-type: none"> The consent authority must take into consideration the matters outlined in this clause in relation to boat storage facilities. | <ul style="list-style-type: none"> No boat storage facilities are proposed as part of the development. | N/A |
| Part 3, clause 29 Foreshores & Waterways Development Advisory Committee (FWDAC) | <ul style="list-style-type: none"> A consent authority must not grant consent to a DA unless it has considered any submission received from the FWDAC within 30 days of the referral. | <ul style="list-style-type: none"> The proposal is not of a type referred to in Schedule 2 of the SREP. | N/A |
| Part 3, clause 41 Strategic Foreshore Site | <ul style="list-style-type: none"> Development consent must not be granted for development on a strategic foreshore site unless there is a master plan for the site, and the consent authority has taken the master plan into consideration. | <ul style="list-style-type: none"> The site identified as a strategic foreshore site on Sheet 3 (City Foreshore Area). The Minister has not directed a master plan for the land be prepared. | Yes |
| Part 3, clause 59 Development in vicinity of heritage items | <ul style="list-style-type: none"> Before granting development consent to development in the vicinity of a heritage item, the consent authority must assess the impact of the proposed development on the heritage significance of the heritage item. | <ul style="list-style-type: none"> The proposed development would not adversely impact neighbouring heritage items and the overall heritage character of The Rocks (see Section 5.3). The proposed restoration and adaptive re-use works to the Baker's Terrace will have a beneficial impact on the heritage item and are supported (see Section 5.3.4). | Yes |

Sydney Harbour Foreshores and Waterway Area DCP 2005 (DCP)

The Sydney Harbour Foreshore and Waterways Area Development Control Plan (the DCP) complements SREP 2005 and provides more detailed design parameters for development within the foreshore area of Sydney Harbour.

The site is within the defined Foreshores and Waterways Area and is therefore subject to the controls in the DCP. The DCP includes aims and performance criteria in relation to ecological assessment, landscape assessment and design guidelines for development within the area.

The location of the buildings are not affected by any ecological or specific landscape character area. Additionally, as the development is separated from the water's edge by over 175 m, it would not result in any impacts to the harbour foreshore.

The Department considers the proposed development to be generally consistent with the DCP regarding landscaping, access to waterways and built form.

Draft State Environmental Planning Policy Environment (Environment SEPP)

The provisions of SREP 2005 are proposed to be included in the Environment SEPP, which is currently in draft form.

The relevant matters for consideration and general heritage provisions are proposed to remain as per those in the current SREP 2005 and therefore the proposed development would be consistent with the intended effect of this section of the draft SEPP.

The Sydney Harbour Foreshores and Waterway Area DCP 2005 is also proposed to be transitioned into one or more guidelines that would cover the current content and provide updated guidance to consent authorities based on design principles and landscape character. However, these guidelines are currently not in draft form.