



Sirius Building

Alterations and additions including restoration and refurbishment for a mixed-use development

State Significant Development Assessment SSD 10384

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Cover image: Aerial view of Cumberland street looking north (Source: EIS Appendix G Part 4)

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Glossary

Abbreviation	Definition
ACHAR	Aboriginal Cultural Heritage Assessment Report
ADG	Apartment Design Guide
AHD	Australian Height Datum
BDAR	Biodiversity Development Assessment Report
BCA	Building Code of Australia
BASIX	Building Sustainability Index
CIV	Capital Investment Value
Council	City of Sydney
COS	Communal Open Space
DES	Design Excellence Strategy
DIP	Design Integrity Panel
Department	Department of Planning, Industry and Environment
EESG	Environment, Energy and Science Group
EIS	Environmental Impact Statement
EP&A Act	Environmental Planning and Assessment Act 1979
EP&A Regulation	Environmental Planning and Assessment Regulation 2000
EPBC Act	Environment Protection and Biodiversity Conservation Act 1999
EPI	Environmental Planning Instrument
ESD	Ecologically Sustainable Development
FRtS	Further Response to Submissions
GA NSW	Government Architect, NSW
GSC	Greater Sydney Commission
GFA	Gross floor area
Heritage	Heritage NSW, Department of Premier and Cabinet
HIS	Heritage Impact Statement
LEP	Local Environmental Plan
Minister	Minister for Planning and Public Spaces
PMNSW	Place Management NSW
SCW	Schedule of Conservation Works
SEARs	Planning Secretary's Environmental Assessment Requirements
Planning Secretary	Secretary of the Department of Planning, Industry and Environment
SOHO	Small Office Home Office

SHB	Sydney Harbour Bridge
SOH	Sydney Opera House
SREP SHC	Sydney Regional Environmental Plan (Sydney Harbour Catchment)
SEPP	State Environmental Planning Policy
SRD SEPP	State Environmental Planning Policy (State and Regional Development) 2011
SSD	State Significant Development
TfNSW	Transport for NSW
VIA	Visual Impact Assessment
WMP	Waste Management Plan

Executive Summary

Introduction

This report provides an assessment of a State significant development (SSD) application seeking to redevelop the Sirius building at 2-60 Cumberland Street, The Rocks.

The proposal seeks approval for alterations and additions to the Sirius building including restoration and refurbishment for a mixed-use development comprising:

- an increase in gross floor area by 1,881.20 m² to 8,419.20 m² and an increase in overall height by 5.4m to RL67.4m
- 76 residential apartments, commercial (SOHO apartments) and retail premises
- a new two storey building at Cumberland Street for retail use and a pool
- a pedestrian through site link between Cumberland Street and Gloucester Walk
- landscaping, public domain works and public art
- off-site works to the public domain at Gloucester Walk and Cumberland Street.

The Applicant is Sirius Developments Pty Ltd and the proposal is located within the City of Sydney (Council) local government area. The development is predicted to generate up to 200 construction jobs and 20 full time equivalent (FTE) operational jobs.

The site is currently owned by Property NSW who has provided landowners consent to the application. Sirius Developments Pty Ltd has been granted the rights to purchase the site.

Engagement

The Department of Planning, Industry and Environment (the Department) publicly exhibited the Environmental Impact Statement (EIS) between 20 November 2020 and 17 December 2020 (28 days). The Department received 21 submissions, comprising seven from government agencies, one from Council and 13 from the public. Of these submissions, four support, four object and 13 provided comments.

The application was subsequently amended by the Response to Submissions (RtS), Further RtS (FRtS) and additional information. The RtS, FRtS and additional information were published on the Department's website and five submissions were received, two from Council and three from government agencies.

Heritage NSW and the National Trust (NSW) support the proposal and Transport for NSW (TfNSW) and Place Management NSW (PMNSW) raise no objections subject to recommended conditions.

Council generally supports the proposal subject to further consideration of car share provision, canopy cover, street trees and recommended conditions.

The key concerns raised in public submissions include amenity impacts (overshadowing, privacy, noise and views), excavation and construction impacts, lack of social housing and preference for restoration without new additions.

Assessment

The Department has considered the merits of the proposal in accordance with the relevant matters under section 4.15(1) of the Environmental Planning and Assessment Act 1979 (EP&A Act), the issues raised in submissions and the Applicant's response.

The Department considers the proposal is satisfactory for the following reasons:

- it is consistent with the Greater Sydney Region Plan and the Eastern City District Plan as it would retain and refurbish the Sirius building, provide housing in a central location with excellent access to jobs, services and public transport and enhance the public domain
- the proposal retains the existing built form and the new additions are compatible with the existing structure and the surrounding development
- it displays design excellence and achieves a high standard of architectural, urban and landscape design
- while the proposal exceeds the height controls in State Environmental Planning Policy (State Significant Precincts) 2005, the Department is satisfied the proposed height is acceptable as it would only result in a minor (1-3 storey) increase above the existing building, retains the existing architectural character of the building and protects significant views to the Sydney Opera House
- the restoration and refurbishment works respect the heritage significance of the existing Sirius building and the surrounding heritage items and the proposal would have negligible visual impacts on the Sydney Opera House and Sydney Harbour Bridge
- it provides a high level of residential amenity for apartments in accordance with the ADG, and would not result in any unreasonable impacts to surrounding properties in terms of view loss, privacy, noise or overshadowing
- the proposal includes high-quality landscaping and public domain upgrades to Cumberland Street, Gloucester Walk and the northern pocket park
- it supports the principles of ESD with rooftop solar, LED lighting, rainwater tanks and electric vehicle charging facilities for each car space
- the sale of the Sirius Building (which contained 79 social housing apartments) will fund 338 new social homes across NSW, providing housing for around 630 people
- it would result in a range of public benefits including a new through site link to improve walkability and accessibility in The Rocks, public domain improvements to Cumberland Street and Gloucester Walk, public art and heritage interpretation and approximately 200 construction jobs and 20 full time equivalent operational jobs.

Conclusion

Following its detailed assessment, the Department concludes the proposal is consistent with the strategic planning framework for the site and would deliver a high-quality mixed-use building that would make a positive contribution to the architectural landscape.

The proposal substantially retains the existing Sirius Building, respects the heritage significance of the site and The Rocks and will improve pedestrian connections. Council, Heritage NSW and other government agencies generally support the proposal and concerns raised in submissions have been addressed by the Applicant's RtSs and the Department's recommended conditions of consent.

For these reasons, the Department's assessment concludes the proposal is in the public interest and is approvable, subject to recommended conditions.

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1 Introduction

This report provides an assessment of a State Significant Development (SSD) application to redevelop the Sirius building at 2-60 Cumberland Street, The Rocks. The application seeks approval for alterations and additions to the Sirius building including restoration and refurbishment for a mixed-use development, comprising:

- an increase in gross floor area by 1,881.20 m² to 8,419.20 m² and an increase in overall height by 5.4m to RL67.4m
- 76 residential apartments, commercial (SOHO apartments) and retail premises
- construction of a new two-storey building at Cumberland Street for retail use, pool and basement vehicle access
- a pedestrian through site link between Cumberland Street and Gloucester Walk
- landscaping, public domain works and public art.

The application has been lodged by Sirius Developments Pty Ltd (the Applicant).

1.1 Sirius Building

The Sirius building was commissioned in 1975 by the NSW Housing Commission and completed in 1980. The building was designed by Tao Gofers and is a prominent example of brutalist architecture, comprising stacked geometric cuboids finished in off-form concrete and render (**Figure 1**). The site was used for social housing until 2018.

In 2014, the NSW Government announced the sale of the Sirius site to fund new social housing in Sydney. On 3 August 2018 the State Environmental Planning Policy (State Significant Precincts) (SEPP SSP) was amended to include site specific planning controls for the redevelopment of the Sirius site.

In June 2019 Sirius Developments Pty Ltd was granted the rights to purchase the Sirius site under the terms of a Development Agreement. The site currently remains under the ownership of Property NSW and will transfer to Sirius Developments Pty Ltd ownership once the Development Agreement milestones are satisfied.

1.2 The site

The site is located at 2-60 Cumberland Street, The Rocks and is legally described as Lot 100 and 101 DP 264104 (**Figure 2**). The site has an area of 3,664.5 m², is irregular in shape and has a frontage of approximately 115 m to Cumberland Street (west) and 120 m to Gloucester Walk (east).



Figure 1 | Sirius Building, western elevation (Source: Applicant's EIS)



Figure 2 | Site location (Source: Nearmap)

The site contains the Sirius building, which comprises 79 social housing apartments, community rooms, rooftop garden terraces and a basement with 70 car spaces. The main pedestrian entrance and vehicle access to the basement is from Cumberland Street. The building is currently vacant.

The Sirius building has a varied height, rising from the north and south to a central tower with a height of 34.6 m (11 storeys). The maximum height is RL 62 m, stepping down to RL 32.2-36.3 m to the north and RL 30.8-57.1 m to the south.

The site is in the City of Sydney Local Government Area.

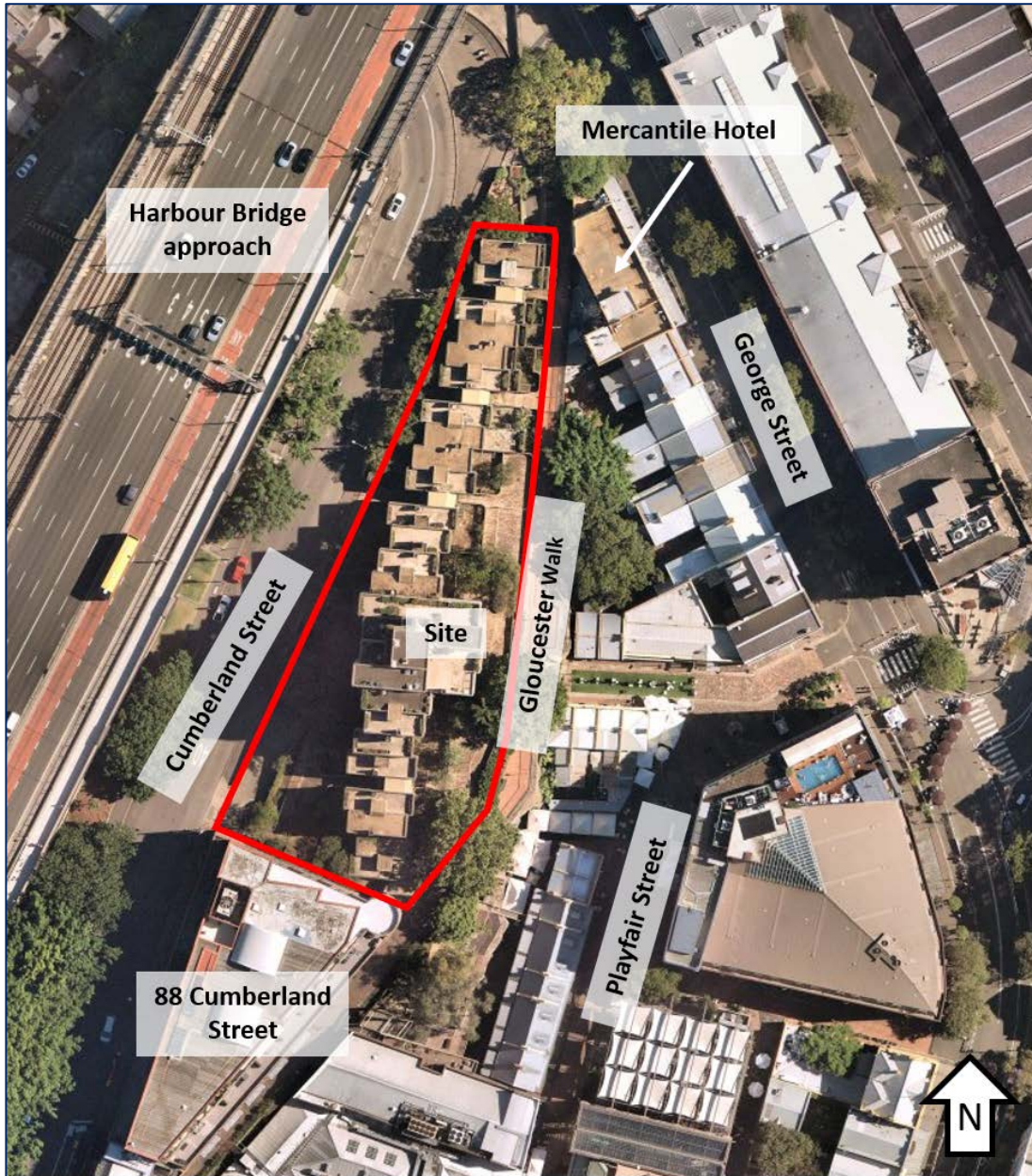


Figure 3 | Aerial view of the site and its immediate surroundings (Source: Nearmap)

1.3 Surrounding development

The site is immediately surrounded by (Figure 3):

- Cumberland Street and the Sydney Harbour Bridge approach ramp and pylons to the west
- George Street to the north
- Gloucester Walk, a pedestrian pathway, located atop a sandstone escarpment to the east

- a five-storey mixed use commercial and residential building (88 Cumberland Street) to the south.

Development surrounding the site includes a mix of commercial and retail uses, including two to three storey terrace buildings along George Street and Playfair Street to the east, below the sandstone escarpment. The Mercantile Hotel is located to the north-east of the site and is a three-storey building containing a bar, restaurant and accommodation (**Figure 3**).

Millers Point is located on the western side of the Harbour Bridge and is characterised by predominantly low-density residential terraces and dwellings (**Figure 2**).

The Sydney Opera House is approximately 600m to the east of the site, with the Royal Botanic Gardens beyond. Circular Quay Wharf is located approximately 350m south east of the site, with Walsh Bay (220m) and Barangaroo Headland Park (600m) to the west (**Figure 2**). The Sydney CBD is south of the site with Martin Place located approximately 1 km from the site.

The site is within walking distance of public transport at Circular Quay including ferry, train, light rail and bus services (**Figure 2**).

1.4 Heritage context

The site is not a heritage item however the Sirius building is recognised by the Heritage Council of NSW and the National Trust of Australia as a building of heritage value.

The site is located within The Rocks Conservation Area listed on the Place Management NSW Section 170 Heritage and Conservation Register and is surrounded by heritage items including the Sydney Harbour Bridge (National Heritage), Sydney Opera House (World and National Heritage) and other State listed items as shown in **Figure 4**.

The site is also within the Sydney Opera House Buffer Zone under the Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005 (SREP SHC).



Figure 4 | State heritage items surrounding the site (Source: Applicant's EIS)

2 Project

The application seeks approval for alterations and additions to the Sirius building including restoration and refurbishment for a mixed-use development, comprising:

- an increase in gross floor area by 1,881.20 m² to 8,419.20 m² and an increase in overall height by 5.4m to RL67.4m
- 76 residential apartments, commercial (SOHO apartments) and retail premises
- construction of a new two-storey building at Cumberland Street for retail use, pool and basement vehicle access
- a pedestrian through site link between Cumberland Street and Gloucester Walk
- landscaping, public art and off-site public domain works.

The key components and features of the proposal are summarised at **Table 1** and shown in **Figure 5** to **Figure 8**.

Table 1 | Main Components of the Project

Aspect	Description																
Demolition and excavation	<ul style="list-style-type: none"> • Removal of: <ul style="list-style-type: none"> ○ internal walls/ floors to amalgamate apartments ○ existing facades for new glazing ○ concrete façade for new balcony pods ○ part of the ground plane to realign vehicle access to the basement level ○ existing stair slots ○ two ground level bays for the through-site link between Cumberland Street and Gloucester Walk. • Excavation for a new split-level basement level. 																
Use	<ul style="list-style-type: none"> • Residential and commercial uses comprising: <ul style="list-style-type: none"> ○ 76 residential apartments ○ four Small Office Home Office (SOHO) apartments ○ three retail tenancies. 																
Height	<table border="1"> <thead> <tr> <th>Area of Sirius Building</th> <th>Existing height (RL)</th> <th>Proposed height (RL)</th> <th>Change (+/-)</th> </tr> </thead> <tbody> <tr> <td>South</td> <td>30.8 – 57.1</td> <td>36.8 – 57.1</td> <td>+6.8m</td> </tr> <tr> <td>Central</td> <td>35 – 62</td> <td>40.1 – 67.4</td> <td>+5.1 to +5.4m</td> </tr> <tr> <td>North</td> <td>32.2 – 36.3</td> <td>37.5 – 43.5</td> <td>+5.3m to +7.2m</td> </tr> </tbody> </table>	Area of Sirius Building	Existing height (RL)	Proposed height (RL)	Change (+/-)	South	30.8 – 57.1	36.8 – 57.1	+6.8m	Central	35 – 62	40.1 – 67.4	+5.1 to +5.4m	North	32.2 – 36.3	37.5 – 43.5	+5.3m to +7.2m
Area of Sirius Building	Existing height (RL)	Proposed height (RL)	Change (+/-)														
South	30.8 – 57.1	36.8 – 57.1	+6.8m														
Central	35 – 62	40.1 – 67.4	+5.1 to +5.4m														
North	32.2 – 36.3	37.5 – 43.5	+5.3m to +7.2m														
GFA	<ul style="list-style-type: none"> • 8,419.20 m², comprising: <ul style="list-style-type: none"> ○ residential: 7,272.28 m² ○ retail: 151.55 m² ○ commercial (SOHO): 153.98 m² ○ common property: 841.38 m². 																

Alterations and additions	<ul style="list-style-type: none"> • Restoration and alterations to the existing interior, concrete façade and brickwork at the ground level • Addition of new lightweight prefabricated pods to the building and alterations to limited areas of existing precast concrete • Addition of four SoHo apartments fronting Gloucester Walk • Through-site link between Cumberland Street and Gloucester Walk, including lift • New lift lobbies and stairs in north and south stair slots • Structural upgrades.
Phillip Room	<ul style="list-style-type: none"> • Refurbishment (subject to schedule of conservation works) for use as a lobby and common room for residents.
Commercial premises	<ul style="list-style-type: none"> • Construction of a new two-storey building fronting Cumberland Street (street height of RL38.2m (11m) and a maximum height RL42.24m (15.04m)) including: <ul style="list-style-type: none"> ○ retail premises (café) ○ pool ○ vehicle access and truck lift to the basement car park ○ plant room. • A retail premise at the north of the site (adjacent to the northern pocket park at Cumberland Street) and at Gloucester Walk (adjacent to the through site link).
Basement	<ul style="list-style-type: none"> • Construction of a new split-level basement level to allow for vehicle and truck circulation and plant/ services • Truck lift to loading area accessed from Cumberland Street • Retention, upgrade and reconfiguration of the existing 70 car spaces • Bicycle parking (80 spaces) and visitor/ end of trip facilities at basement level 1.
Landscaping	<ul style="list-style-type: none"> • Landscaping to Cumberland Street public forecourt, private courtyards, terraces and green roofs • Removal of 41 trees, retain two existing Plane trees adjacent to Gloucester Walk and planting of 67 new trees (43 at ground level and 24 on roof terraces) • Planting of 10 street trees along Cumberland Street.
Public Art	<ul style="list-style-type: none"> • Public Art Strategy including provision for public art in the Cumberland Street public forecourt and the through site link.
Public domain works	<ul style="list-style-type: none"> • Off-site public domain works on seven lots (Lots 1-6 DP 776315 and Lot 7 DP 264080) that adjoin the subject site, owned by Place Management NSW <ul style="list-style-type: none"> ○ upgrades to the northern pocket park including seating, stair access and trees ○ upgrades to Cumberland Street and Gloucester Walk including new paving, landscaping, seating and street lighting ○ 12 visitor bicycle parking spaces.
Jobs	<ul style="list-style-type: none"> • 200 construction jobs and 20 full time equivalent operational jobs.



Figure 5 | Aerial view of Cumberland Street elevation, looking north (Source: Applicant's EIS Appendix G)



Figure 6 | Aerial view of Gloucester Walk elevation, looking south to the city (Source: Applicant's RtS Appendix A).



Figure 7 | Gloucester Walk and through site link, looking south (Source: Applicant's EIS Appendix G)



Figure 8 | Cumberland Street elevation, with public forecourt, through site link and new two storey building with retail tenancy, pool and vehicle access (Source: Applicant's FRtS Attachment B)

3 Strategic context

3.1 The Greater Sydney Region Plan

The Greater Sydney Commission's (GSC) role is to coordinate and align planning to shape the future of Metropolitan Sydney. The GSC has prepared the Greater Sydney Region Plan to provide a 40-year vision for a metropolis of three cities, the Eastern Harbour City, the Western Parkland City and the Central River City, that will rebalance growth and deliver its benefits more equally and equitably to residents across Greater Sydney.

The Plan aims to integrate land use, transport links and infrastructure across the three cities, with more people having access within 30 minutes to jobs, schools, hospitals and services.

The proposal is consistent with the directions of the Region Plan as it:

- delivers a healthy, safe and inclusive place, by creating walkable places with active street frontages, a through site link and encourages sustainable transport (objective 7)
- contributes to housing supply by providing residential apartments in a central location (objective 10)
- provides a well-designed built environment that brings people together, with additional publicly accessible areas, a through site link and improved public domain (objective 12)
- will restore and refurbish the existing Sirius building (objective 13)
- provides residential uses in a central location connected to public transport, employment and services, contributing to the 30-minute city (objective 14)
- provides additional jobs within the Harbour CBD and contributes to the productivity and strength of this precinct (objective 18).

3.2 Eastern City District Plan

The GSC has also prepared District Plans to implement the Regional Plan through local planning and influence state agency decisions. District plans connect local planning with the longer-term metropolitan planning for Greater Sydney. The site is located within the Eastern City District area. The proposal is consistent with the relevant objectives in the Eastern City District Plan as it will:

- foster a healthy and connected community with a through site link, active street fronts and additional public open space (planning priority E4)
- provide housing supply in a central location with excellent access to jobs, services and public transport (planning priority E5)
- refurbish the existing Sirius building, with an enhanced public domain while recognising and conserving the history of the site and The Rocks (planning priority E6)
- contribute to the growth of a stronger and more competitive Harbour CBD by providing residential, retail and commercial uses in a central location (planning priority E7)
- support the goal for a 30-minute city by providing jobs and employment opportunities close to existing public transport (planning priority E10)
- protect the scenic and cultural landscape of Sydney Harbour and important views to world and State heritage listed buildings (planning priority E16).

3.3 State Significant Precincts SEPP Amendment

In August 2018 the State Environmental Planning Policy (State Significant Precincts) 2005 (SSP SEPP) was amended to include site specific planning controls for the Sirius site.

The planning controls envisage two development options for the Sirius building, demolition of the existing building or reuse, and include:

- a B8 Metropolitan Centre land use zoning
- design excellence requirements including the requirement for a design competition, except in the case of a minor alteration of the existing building
- maximum car parking requirements
- maximum height of any new building or alterations to the existing building of RL 41.4 m, RL 39.8 m and RL 38.2 m (stepping down from north to south below the pedestrian deck of the Sydney Harbour Bridge)
- If the existing building is demolished:
 - maximum GFA of 8,420 m²
 - no variation to development standards permitted.
- If the existing building is retained:
 - maximum GFA of 7,010 m² (approximately the GFA of the existing building)
 - Clause 14 permits flexibility in applying the GFA (up to a maximum of 8,420 m²), height and car parking development standards to achieve better outcomes in the case where the existing building is retained.

4 Statutory Context

4.1 State significant development

The proposal is SSD under clause 6 of Schedule 2 of State Environmental Planning Policy (State and Regional Development) 2011 (SRD SEPP), as it is for a development within The Rocks site, which is identified as an SSD site under the SRD SEPP and it has a CIV over \$10 million (the CIV is \$113,504,887).

The proposal also includes off-site public domain works on land owned by Place Management NSW (PMNSW), who have provided landowners consent. These works are declared SSD in accordance with clause 8(2) of the SRD SEPP, as they are sufficiently related to the proposed development.

4.2 Consent authority

The Minister for Planning and Public Spaces (the Minister) is the consent authority under section 4.5 of the Act. However, in accordance with the Minister's delegation, the Director, Key Sites Assessments may determine this application as:

- the relevant Council has not made an objection
- there are less than 15 public submissions in the nature of objection
- a political disclosure statement has not been made.

4.3 Permissibility

The site is zoned 'B8 Metropolitan centre' under State Environmental Planning Policy (State Significant Precincts) 2005 (SSP SEPP).

The proposed residential, retail and commercial uses are permissible with consent and are consistent with the objectives of the B8 Metropolitan centre zone as:

- the restoration and refurbishment of the Sirius building will make a positive contribution to the architectural landscape of Sydney
- the land use responds to the location and continues to provide for residential accommodation
- the site is well connected to public transport to encourage sustainable transport
- the development provides active street frontages.

The Department has considered the proposal against the objectives of the B8 zone in detail in **Appendix B**.

4.4 Planning Secretary's Environmental Assessment Requirements

On 20 November 2019, the Department notified the Applicant of the Planning Secretary's Environmental Assessment Requirements (SEARs) for SSD 10384. The Department is satisfied the EIS for alterations and additions to the Sirius building adequately address the requirements of the SEARs to enable the assessment and determination of the application.

4.5 Biodiversity Development Assessment Report

Under section 7.9(2) of the *Biodiversity Conservation Act 2016* (BC Act), SSD applications are to be accompanied by a Biodiversity Development Assessment Report (BDAR) unless the Planning Agency Head and the Environment Agency Head determine that the proposed development is not likely to have any significant impact on biodiversity values.

The Department's Environment, Energy, and Science Group waived the requirement for a BDAR for SSD 10384 on 4 May 2020 and the Department waived the requirement for a BDAR on 2 June 2020 as the proposal is not considered likely to have an impact on biodiversity values.

4.6 Mandatory Matters for Consideration

The following are the relevant mandatory matters for consideration:

- the matters in section 4.15(1) of the EP&A Act
- relevant EPIs
- objects of the EP&A Act
- Ecological Sustainable Development (ESD)
- Environmental Planning and Assessment Regulation 2000 (EP&A Regulation).

The Department has undertaken a detailed assessment of these matters in **Appendix B** and is satisfied the application appropriately addresses the mandatory matters for consideration.

5 Engagement

5.1 Department's engagement

The Department publicly exhibited the EIS on its website on 20 November 2020 for 28 days and notified surrounding landowners, Council and relevant government agencies in writing.

The application has been revised three times, by the Applicants Response to Submissions (RtS), Further Response to Submissions (FRtS) and additional information.

The Department published the Applicant's RtS, FRtS and additional information on its website and notified Council and relevant Government agencies.

A summary of the Department's engagement and submissions received is provided at **Table 2**.

A summary of the issues raised in the submissions is provided at **Section 5.2 to 5.4**. Copies of the submissions may be viewed at **Appendix B**.

Table 2 | Summary of public exhibition and notification of the application

Stage	Exhibition / Notification period	Consultation method	Submissions
EIS	Exhibition: 20 November to 17 December 2020 (28 days)	Displayed: • Department's website Notified: • Adjoining landowners • Council • Government agencies	21 submissions comprising: • 7 government agencies • 1 Council • 13 public
RtS	Notification: 19 March to 1 April 2021 (14 days)	Displayed: • Department's website Notified: • Council • Government agencies	4 submissions comprising: • 3 government agencies • 1 Council
FRtS	Notification: 10 May to 17 May 2021	Displayed: • Department's website Notified: • Council	1 submission from Council.

The Department has considered the advice provided by Council and government agencies and the issues raised in public submissions during the assessment of this application (**Section 6**) and in the recommended conditions of consent at **Appendix E**.

5.2 Key issues – Government agencies

The key issues raised in government agency submissions are summarised in **Table 3**.

Table 3 | Government agency submissions to the EIS and RtS

Heritage NSW (Heritage Council)	
EIS	<p>The Heritage Council of NSW Approvals Committee resolved to:</p> <ul style="list-style-type: none"> • support a development at the Sirius Building to ensure its long-term adaptive reuse • note that modular clip-on additions utilise a similar scale and proportion to the characteristic Brutalist narrative of the subject building • advise that efforts should be made to preserve and interpret the existing character of the building within the common spaces, including the Phillip Room • support inclusion of interpretation in public areas to reflect the social housing history of the site • recommend the Applicant consider how the new material relates to the old in terms of weathering and staining.
RtS	<p>Heritage NSW supports the updated Heritage Impact Statement recommendations regarding interpretation and conservation works.</p>
Heritage NSW (Aboriginal Cultural Heritage)	
EIS	<p>Aboriginal Cultural Heritage (ACH) supports the recommendations outlined in the submitted Aboriginal Cultural Heritage Assessment Report (ACHAR), requiring:</p> <ul style="list-style-type: none"> • the preparation and implementation of an Archaeological Chance Find Procedure (to be part of the Construction Environmental Management Plan) • the development of an Aboriginal Cultural Heritage Interpretation Strategy in consultation with the Registered Aboriginal Parties (RAPs).
Place Management NSW (PMNSW)	
EIS/RtS	<p>PMNSW, as the landowner of the site, provided comments on the EIS and RtS (refer Appendix A). PMNSW's advice on the proposal is summarised below:</p> <p><u>Heritage:</u></p> <ul style="list-style-type: none"> • a conservation works schedule should be prepared prior to issue of the CC, in consultation with Heritage NSW • the detailed design of the northern park must consider impacts on 23 George Street • the design of the park and Gloucester Walk must be prepared in consultation with PMNSW. <p><u>Archaeological:</u></p> <ul style="list-style-type: none"> • PMNSW accepts the archaeological recommendations, however the potential for deep features (wells and cesspits) has not been assessed • recommend conditions for archaeologist/s on site during ground disturbance and excavation in and near Gloucester Walk. <p><u>Place planning and urban review:</u></p> <ul style="list-style-type: none"> • the detail design of the public domain, landscaping, signage & wayfinding is subject to consultation, review and approval with PMNSW • additional public seating should be provided on Gloucester Walk and Bunker Hill • bicycle parking spaces in the public domain are to be approved by PMNSW • the activation of the northern pocket park is supported (but not for a playground) • any car share spaces are to be located within the site • pruning specifications for the existing Plane trees to be approved by PMNSW • PMNSW also reiterated its advice on the Public Art Strategy, Construction Management Plan and CPTED.
Transport for NSW (TfNSW)	
EIS	<p>TfNSW advised the proposal is located within the CBD Rail Link (CBDRL) corridor and requested a geotechnical report, structural report, acoustic assessment and electrolysis report.</p> <p>TfNSW also provided the following comments:</p> <ul style="list-style-type: none"> • Further details of the proposed loading dock space should be provided to ensure it is adequate to accommodate the freight and servicing demand of the development • conditions should be imposed requiring a green travel plan, travel access guide, Loading and Servicing Management Plan, a Construction Pedestrian and Traffic Management Plan (CPTMP), prepared in consultation with TfNSW.

Heritage NSW (Heritage Council)

RtS	TfNSW reviewed the RtS and recommend conditions of consent requiring a Green Travel Plan, Transport Access Guide, Loading and Servicing Management Plan and CPTMP.
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Environment, Energy and Science (EES) Group

EIS	EES advised a Biodiversity Development Assessment Report (BDAR) Waiver was approved on 4 May 2020 and it has no further comments in relation to flooding.
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Sydney Water

EIS	Sydney Water have no objection to the proposal and advise that servicing requirements have already been provided to the Applicant and detailed requirements will be provided when the Applicant lodges a Section 73 Application with Sydney Water.
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Ausgrid

EIS	Ausgrid advises the Applicant has contacted Ausgrid to determine a supply point and encourages the Applicant to continue to discuss their requirements directly with Ausgrid as needed.
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5.3 Key issues – Council

Council generally support the proposal and provided three submissions, on the EIS, RtS and FRtS (refer **Appendix A**). Council provided comments on a range of issues including design of adaptable units, heritage, urban design, affordable housing, public domain, traffic and transport, landscaping and tree management and ESD. The key issues raised in Council’s final submission on the FRtS are summarised in **Table 4**.

Table 4 | Council's submissions to the EIS and RtS and FRtS

Council

FRtS	<p>Council generally supports the application, acknowledges issues raised previously have been addressed and provides the following comments:</p> <ul style="list-style-type: none"> • <u>Heritage</u>: support relocation of existing wall-mounted timber bison artwork to level 3 • <u>Stormwater</u>: no further issues raised. Recommend future public domain plans be submitted to Council for consideration • <u>Traffic and parking</u>: provide 1 car share space in a public location in the driveway • <u>Trees</u>: <ul style="list-style-type: none"> ○ remove trees outside the site included in canopy cover calculations and increase size of trees within the site to provide more canopy cover ○ amend planter volumes to support medium sized trees ○ replace Frangipani trees with a more appropriate species ○ support the inclusion of 10 street trees in Cumberland Street, to be planted in accordance with Council’s Street Tree Masterplan technical specifications. ○ setback the Cumberland Street building awning for future tree planting. • <u>Communal open space</u>: the areas calculated as communal open space continue to include access paths and leftover spaces that do not contribute to recreational needs of residents. Private roof terraces have been provided at the expense of communal open space. • <u>Landscape management</u>: recommend conditions of consent for landscaping of the site and green roofs • <u>Waste</u>: notes Applicant’s response regarding waste management. Recommend 1100L bin sizes are adjusted to match Council’s guidelines and a waste management plan be prepared in consultation with Council, including contingency plan for servicing if truck lift
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Council

and/ or turntable fail.

5.4 Key issues – Community and special interest groups

A total of 13 submissions were received from the community (seven) and special interest groups (six).

Community issues

Seven public submissions were received from the community, three in support, three objecting and one providing comments.

The three submissions in support noted more units could be provided, the proposal is sensitive to the heritage of The Rocks and provided support with no further comments.

The three submissions objecting to the proposal raised the following concerns:

- additional overshadowing
- loss of northern view corridors
- loss of privacy from inadequate side setback
- noise from the pool/ communal area
- concerns about basement excavation
- request strict construction management conditions
- adverse impact on property values
- proposal should include social, artists or affordable housing
- support for the additional public space and through site link
- prefer restoration of the building without new additions
- proposal should tell stories of the green ban
- the vision for the Sirius building is lost in the redevelopment.

The one submission providing comments noted additional overshadowing impacts, loss of northern view corridors, loss of privacy, noise from pool/ communal area, concerns about basement excavation impacts and request conditions to protect the amenity of the area during construction.

Special interest groups

Six submissions were received from special interest groups, one in support, one objecting and four providing comments. The key issues raised in the submissions are summarised in **Table 5**.

Table 5 | Special interest groups submissions to the EIS report

National Trust (NSW)

EIS

The National Trust **supports** the proposal and provided the following comments:

- pleased to see retention of the Sirius building's original structure
- welcome the activation of Cumberland Street and the through site link to Gloucester Walk
- support the retention of significant original fixtures and fittings in common areas, including the Phillip room.

Millers Point Community Resident Action Group (MPCRAG)

EIS

The MPCRAG **objects** to the proposal and provided the following comments:

National Trust (NSW)

- a portion of the proposal should be allocated to social housing and/ or units set aside for a residency program associated with arts organisations
- appreciate the retention of and extension of outdoor public space
- recommend recoding of site's history in public spaces
- the development should provide public access to the Phillip room
- it would prefer building restored without major modifications
- the height increase should not set a precedence for building heights in The Rocks.

MPCRAG however support the following elements:

- the existing building is clearly visible and the additions are different
- maintenance of the existing stepped appearance of the building
- retention of pedestrian areas at front and rear
- the through site link
- the Gloucester walk commercial spaces which will increase activation
- the vehicle entrance is minor.

Save Our Sirius Foundation (SOS)

EIS

SOS provided the following **comments**:

- prefer no amendments to the building and it be reused for social and affordable housing
- concern that funds from the sale of Sirius will not be used for more social housing
- it will be impossible to find suitable sites for social housing in the city centre
- it is contrary to direction of Greater Sydney Planning Commission that all new development should include up to 10% social or affordable housing
- recommend at least one unit be designated as affordable housing
- the substantial retention of the building including the Phillip room will retain social history
- the public use of the Phillip room should be required by condition and an operational plan of management
- support new lighting for passive surveillance
- public art should convey the social and cultural history of the building
- the through site link should always be publicly accessible
- the proposed height should not be used to extend height limits in the area.

Mercantile Hotel

EIS

The Mercantile Hotel provided the following **comments**:

- recommend the Noise Impact Assessment report is updated to consider the hotel use and noise impacts to Sirius building, and any mitigation measures
- recommend all apartments within 100 m of the hotel be provided with levels of glazing and wall thickness to match apartments facing the Bradfield Highway
- recommend the visual impact assessment be updated to reflect the rooftop development approved at the hotel as some lower level apartment views will be affected
- recommend external balconies or rooms that overlook the hotel are fitted with privacy screening to minimise overlooking from the rooftop bar
- additional apartments adjacent to the hotel will result in sense of enclosure and overlooking to the rooftop bar and restaurant and increase the potential number of apartments that may complain about the hotel use.

AngelPark Pty Ltd ATFT MH Cumberland Street Unit Trust (88 Cumberland Street)

EIS

88 Cumberland St commend the overall quality of design, design team and design excellence, however provided the following **comments**:

- the nil setback of the Cumberland Street building to 88 Cumberland Street is inappropriate as it covers north facing windows and the ADG requires a 3 m setback to the boundary (for non-habitable)
- amenity concerns associated with the nil setback of pool and plant room
- the proposal exceeds the site specific planning controls at the south of the site and request shadow diagrams of a compliant scheme (to RL38.2)
- 88 Cumberland Street is a mixed use building and impacts to residential apartments should be assessed accordingly
- consider if the height exceedances in the southern part of the site affects view corridors to the Opera House
- may provide a further submission about the nil setback of the basement structures

National Trust (NSW)

- as a neighbouring building owner, consultation prior to lodgement would have been desirable.

Historic Houses Association of Australia (HHAA)

- EIS
- HHAA provided the following **comments**:
- the adaptive reuse is a good outcome and respects the heritage of the building
 - however, displacing the residents of the building has diminished its heritage significance, as does increasing the height and adding other elements
 - request some of the building be used for social housing, or an arts residency program
 - the additional height should not be used as a precedence for higher buildings in the Rocks.

5.5 Response to submissions

The Department placed copies of all submissions received on its website and requested the Applicant provide a response to the issues raised.

On 19 March 2021 the Applicant provided its RtS. The RtS includes additional information, justification and amendments to the proposal in response to the issues raised in submissions, including:

- adjustments to apartment 18.19.01 resulting in new building massing
- depth of some balconies increased from 1.5 m to 2 m
- louvres on apartment 10.11.07 re-orientated to minimise overlooking to 1/88 Cumberland Street
- provision of visitor and staff end of trip facilities in the basement and 12 visitor bicycle parking spaces in the public domain
- re-naming eight studio apartments to 1-bedroom apartments
- re-design of adaptable units
- relocate Cumberland building southern wall 250 mm to the north to accommodate an existing retaining wall, with associated adjustments to the truck lift position (for appropriate ramp grading) and Cumberland building
- main entry lobby canopy height increased to match the balcony add-ons
- updated Heritage Impact Statement, including commitment to a heritage interpretation strategy and schedule of conservation works
- request to vary the car parking development standard control (no change to proposed car parking spaces).

On 7 May 2021 the Applicant provided its Further RtS (FRtS) in response to comments and issues raised in the Council, PMNSW, TfNSW and Heritage NSW submissions to the RtS. The Applicant provided additional information and clarification including minor changes to the Cumberland building plant room, landscaping, canopy cover, street trees and waste management.

On 20 May 2021 the Applicant provided a further response to Council's comments and additional information including revised landscape drawings.

6 Assessment

The Department has considered the Applicant's EIS, RtS and FRtS and the issues raised in submissions in its assessment of the proposal. The Department considers the key assessment issues associated with the proposal are:

- design excellence
- heritage
- built form
- amenity impacts
- car parking.

These issues are discussed in the following sections of the report. Other issues considered during the assessment are addressed in **Section 6.6**.

6.1 Design excellence

The SSP SEPP sets out design excellence requirements for the site, including the requirement for an architectural design competition. The Applicant provided a Design Excellence Strategy (DES) which confirms an Architectural Design Competition (endorsed by the Government Architect NSW) was undertaken in accordance with the SEPP SSP design excellence provisions. The competition included:

- the preparation of a DES competition brief endorsed by the Government Architect NSW and establishment of a Competition Jury with five members
- invitation to SJB, Tzannes and BVN to submit a design concept
- the unanimous selection of BVN as the competition winner in December 2019 as:
 - it provided an architecturally sensitive approach that allows for a strong reading of the existing built form, with a compelling selection of materials
 - the re-imagined streetscapes of Gloucester Walk and Cumberland Street provides a contemporary response to activate the local area
 - it included design excellence qualities including the ability to read elements of the existing building from the northern approach over the Sydney Harbour Bridge, the reworking of the existing building and the prefabricated modular building form, the public benefits (through site link, public forecourt, public art and retention of the Phillip room) and sustainable elements.

In accordance with the DES, the Design Integrity Panel (DIP) reviewed the proposal prior to submission of the SSD to ensure the standards of design excellence were upheld through the design development. The DIP considers the proposed design is equivalent to, or an improvement to the design excellence qualities of the Competition winning scheme.

The Department has considered the design excellence requirements of the SSP SEPP having regard to the findings of the Design Competition and DIP advice, in detail in **Appendix B**. The Department concludes the proposal meets the design excellence requirements as it achieves the highest standard of architectural, urban and landscape design, having also considered the specific site constraints and the ability to read elements of the existing building.

The Department is satisfied the development will achieve design excellence and maintain design integrity, subject to implementation of the DES, including the ongoing involvement of the DIP at key stages including construction documentation, contract documentation, tender and construction phases through to completion, as well as any modifications or post approval matters.

6.2 Heritage

The site is not identified as a heritage item however the Sirius building represents an important historical phase of development within The Rocks and reflects the late twentieth century approach to providing inner city public housing. The site is within The Rocks Conservation Area and is surrounded by World, National and State Heritage items (refer **Section 1.4**).

The Department considers the key heritage issues are:

- heritage significance of the Sirius building, heritage interpretation and conservation
- impacts to surrounding World, National and State Heritage items

Heritage significance of the Sirius building, interpretation and conservation

The Applicant has provided a Heritage Impact Statement (HIS) which concludes the proposal would have no adverse heritage impacts and respects the design of the Sirius building. The HIS includes recommendations for a Schedule of Conservation Works (SCW) and an Interpretation Strategy to identify and direct conservation works and develop interpretation devices to reveal meaning and connections to the Sirius building.

The Applicant has also confirmed its commitment to the retention and restoration of the Phillip Room and will pursue opportunities to provide public access through open days or architectural events.

The Heritage Council, Heritage NSW, the National Trust (Australia) and Council support the proposal. Council recommended conditions for interpretation and conservation works. The Historic Houses Association of Australia (HHAA) also consider the proposal is respectful of the heritage of the building, however concerns were raised in other public submissions about the retention of the Phillip Room and public access.

The Department considers the proposed restoration and refurbishment is respectful of the heritage significance of the Sirius building as:

- the existing building is substantially retained and the new building elements complement the original building form and materials
- the distinctive stepped character of the building is continued with the proposed additions providing an irregular roof profile similar to the existing building
- internal demolition work allows for the refurbishment of apartments and compliance with the Apartment Design Guide (ADG) and the Building Code of Australia (BCA) without detracting from the modular form of the building
- the Phillip Room (an important intact brutalist interior space) will be retained and restored as a communal space for the building's residents, including:
 - the retention and restoration of the original distinctive decorative elements (including the timber lining, exposed concrete and existing four wooden artworks designed by Penny Rosier)

- relocation of the existing wall mounted timber-bison work fixed to the southern wall of the kitchenette to a common area at Level 3 of the building
- opportunities within the Interpretation Strategy for regular public access to the room, such as Sydney Open/ public art events.

The Department recommends conditions to ensure:

- a SCW is finalised in consultation with PMNSW and Council and approved by the Planning Secretary prior to the issue of Construction Certificate 1
- an Interpretation Strategy is prepared in consultation with PMNSW and Council and approved by the Planning Secretary prior to the issue of Construction Certificate 1
- the interpretation devices are installed prior occupation of the building.

The Department is satisfied the proposal will have a positive heritage impact as it substantially retains the existing building, proposes sensitive alterations and additions, will conserve significant elements and provides interpretation to enhance knowledge and connections to the site. Overall, the Department considers this will preserve the historical, social and aesthetic significance of the building.

Impacts to surrounding World, National and State heritage items

The Applicant's HIS concludes the proposal has been designed to be compatible with the character of surrounding heritage items and the heritage values of The Rocks as there are no physical changes to heritage items in the vicinity and they all retain their existing setting and curtilages.

The Applicant has also submitted a Visual Impact Assessment (VIA) which considered sight lines and visual connectivity to and through the site from key locations (Sydney Harbour Bridge and bridge approaches, Sydney Opera House World Heritage Area and The Rocks Heritage area) and concludes the proposal has negligible visual impact to heritage items.

The Department has considered the impacts to items of World, National and State heritage including the Sydney Opera House (SOH), Sydney Harbour Bridge (SHB) and The Rocks conservation area and considers:

- there are no significant impact on views to or from the SOH as the overall scale, form and design of the Sirius building is generally maintained, and the new additions complement the building (**Figure 9** and **Figure 10**)
- the proposal will not adversely affect the world heritage values of the SOH as there are no significant impacts to the SOH shell form, setting or silhouette against the harbour and city
- the new additions ensure the visual outlook from the SHB to the city remains generally unchanged as the majority of the off-form concrete is retained (**Figure 11**)
- the proposal will not change the visual or historic setting of The Rocks, as the proposal enhances the existing Sirius building and no surrounding State heritage items will be altered, have their setting or curtilages affected or significantly alter any existing view towards the surrounding heritage item.

On this basis, the Department concludes the proposal has no adverse heritage impacts on surrounding World, National and State heritage items and The Rocks conservation area as it would have minimal impacts on significant views, outlook and setting of the heritage items and the values of The Rocks conservation area.



Figure 9 | View of Sydney Opera House from Sydney Harbour bridge pedestrian walkway (Source: RtS Appendix B, Visual Impact Assessment)

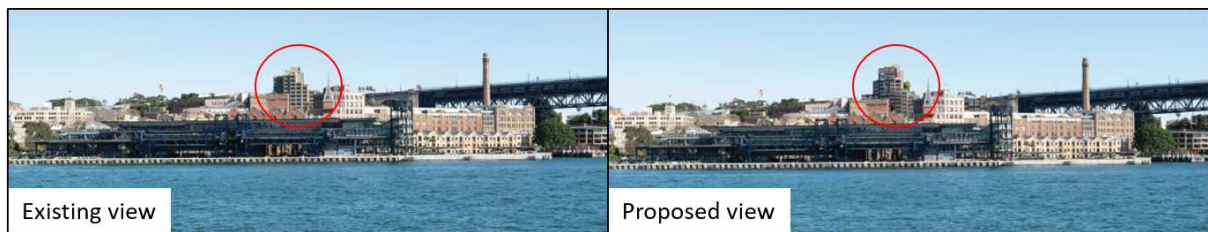


Figure 10 | View of Sirius building from Sydney Opera House forecourt (Source: EIS Appendix M, Visual Impact Assessment)



Figure 11 | View of Sirius building from Sydney Harbour Bridge towards the city (Source: EIS Appendix M, Visual Impact Assessment)

6.3 Built form

Building height and floor space

The proposal involves the retention of the existing building structure which ranges in height from RL 30.8 m to RL 62 m and has an existing GFA of approximately 6,500 m².

The proposal seeks approval for additions to the building resulting in a maximum building height of RL 67.4m or 40.9m (measured above ground level at Cumberland Street), an increase of 5.4 m above the existing highest point of the building (RL 62 m) (**Figure 12**).

The proposal seeks approval for a maximum gross floor area (GFA) of 8,419.20 m².

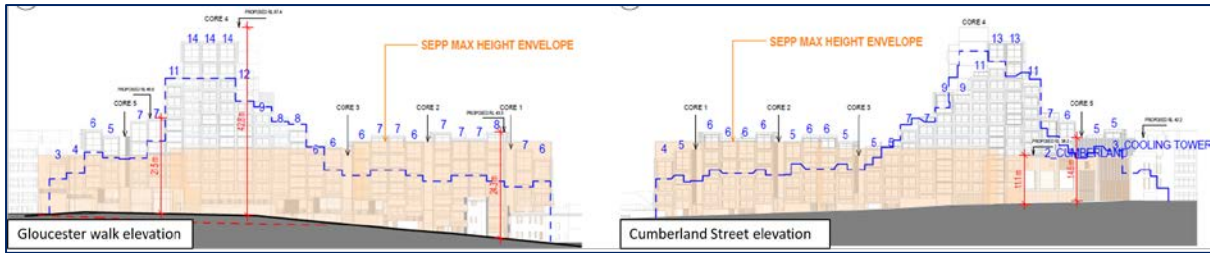


Figure 12 | SEPP height (orange), existing (blue line) and proposed building height (grey) (Source: EIS Appendix G, Architectural Plans)

As outlined in **Section 3.3**, the SSP SEPP provides a maximum height of RL 38.2m, 39.8m and 41.4m (**Figure 13**) and a maximum GFA of 8,420 m² (if the building is demolished) or 7,010 m² (if the building is retained). Notwithstanding, in the case where the existing building is retained Clause 14 permits both the maximum height and GFA control (up to a maximum of 8,420 m²) to be varied to achieve better outcomes.

The planning controls encourage the retention of the existing building by permitting additional GFA to equal the GFA permissible if the building is demolished, if it is sympathetic to the existing built form. The SEPP sets the maximum building height to be below the Sydney Harbour bridge pedestrian walkway to protect significant views to the Sydney Opera House. However, where the building is retained the building height and floor space can be varied if it can be demonstrated a better outcome is achieved and significant views are protected.

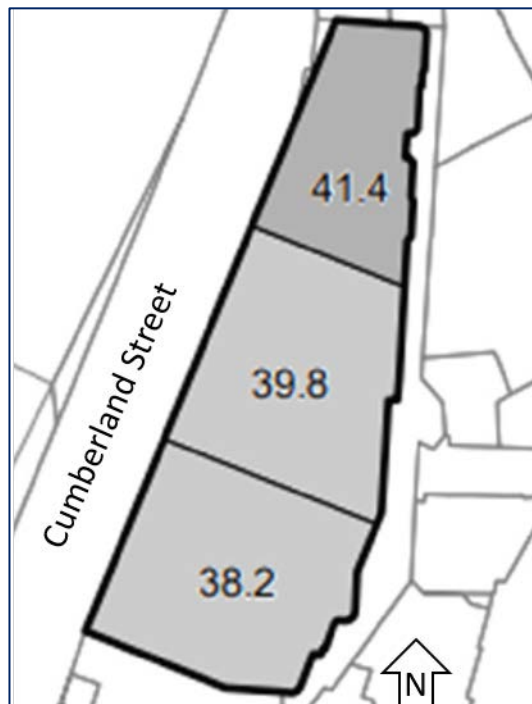


Figure 13 | SSP SEPP height (RL m) (Source: SSP SEPP Height of Buildings Map)

The Applicant seeks to vary the maximum building height and GFA standards in accordance with clause 14 as summarised at **Table 6** and **Table 7**. The Applicant contends compliance with the standards are unreasonable and unnecessary as:

- almost 30% of the existing Sirius building is above the SEPP maximum building height
- the SEPP incentivises the retention of the existing building by permitting additional GFA

- the proposal will not cause any unreasonable environmental impacts.

Table 6 | Variation to building height development standard

Area of Sirius Building	SSP SEPP Height (RL)	Existing building height (RL)	Height of proposed additions (RL)	Height increase above existing building
South	38.2 m	30.8 m - 57.1 m	36.8 m – 48.0 m	1-2 storeys
Central	39.8 m	35 m – 62 m	52.4 m – 67.4 m	2 storeys
North	41.4 m	32.2 m – 36.3 m	37.5 m – 43.5 m	1-3 storeys

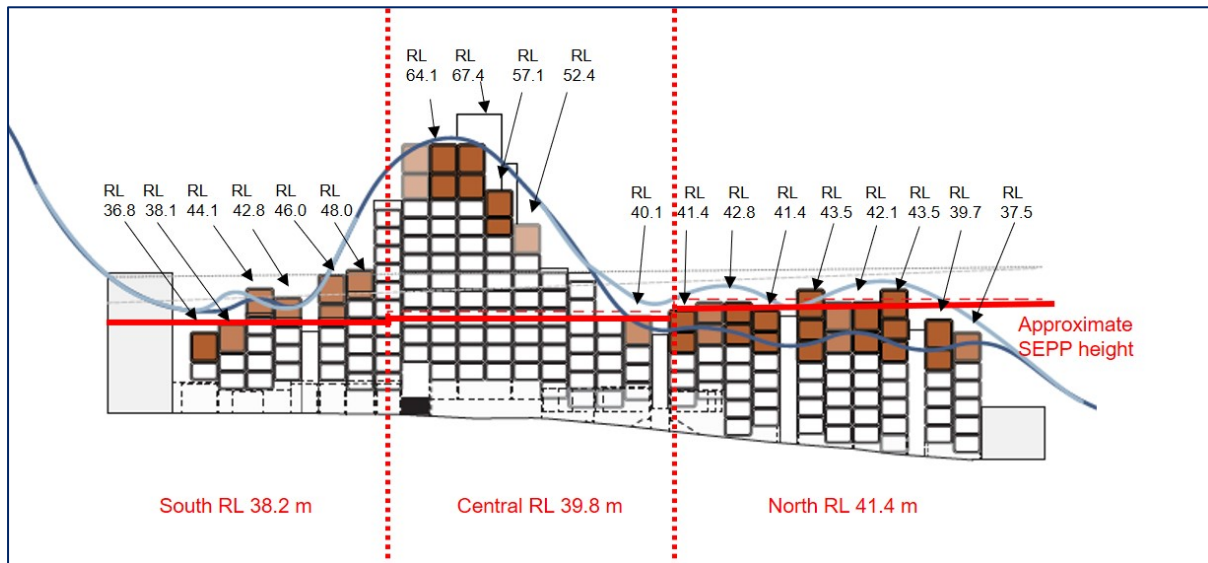


Figure 14 | The SEPP maximum building height (shown in red) with the existing building (shown in white) and the proposed additions to the building (shown in brown) (Base image source: EIS Appendix H, Architectural Design Report)

Table 7 | Variation to GFA development standard

SSP SEPP GFA (Clause 13 – existing building not demolished)	SSP SEPP GFA (Clause 14 – vary development standard)	Existing GFA	Proposed GFA	Difference (+/-)
7,010 m ²	8,420 m ²	6,538 m ²	8,419.20 m ²	+ 1,881.20 m ² (existing) +1,409.20 m ² (clause 13)

The Department considers the retention of the Sirius building delivers significant heritage, social and ESD benefits, compared to the alternate scenario of demolishing and rebuilding on the site. Although both the existing building and the proposed new additions exceed the SEPP height controls, the Department is satisfied the variations result in a good design, heritage, social and environmental outcomes and therefore considers that compliance with the building height and GFA standards is unreasonable and unnecessary.

The Department has considered the Applicant's variation requests in detail at **Appendix C** and in summary supports the proposed height and floor space as:

- the change to the overall maximum height of the building is minor (5.4m above the existing height) and this central tower height reflects the current design (plant room atop the tower), which is supported by the DIP as a defining feature of the existing building that should be reflected in the proposed design (**Figure 12**)
- the proposed additional height in the north exceeds the SEPP height control by a maximum of 2.1m and does not result in any material impacts to significant views from the Sydney Harbour Bridge pedestrian walkway across the site to the Sydney Opera House (refer **Section 6.2** and **6.4**)
- at the south, the additions are 1-2 storeys above the existing building and the proposed height responds to the adjoining development to the south along Cumberland Street without any impact on significant views
- the proposed additions (one to three storeys) have been positioned to protect and enhance the existing architectural character and modulating roof line of the building (**Figure 14**)
- the additional height and floor space results in minor additional overshadowing to surrounding buildings and the public domain (refer **Section 6.4**)
- green roofs are provided to the new additions, in line with the original architect's vision for a 'fifth elevation' and will make a positive contribute to the visual appearance of the building from the public domain
- the new residential dwellings located in areas above the maximum SEPP building height will have a high level of residential amenity, including good levels of solar access, natural ventilation and outlook
- the proposal does not exceed the maximum GFA of 8,420 m² set in clause 14 of the SSP SEPP and the built form exhibits design excellence, with a high standard of architectural design that responds appropriately to the site and surrounding context.

The Department concludes the variations to the building height and GFA standards are appropriate as the resulting built form respects and retains the existing Sirius building, exhibits design excellence and does not result in any significant adverse environmental impacts.

6.4 Amenity impacts to surrounding buildings

Concerns were raised in submissions received from surrounding buildings about building separation/privacy, overshadowing, view impacts and noise. The Department has considered these issues below.

Building separation to 88 Cumberland Street

The owners of 88 Cumberland Street raised concern about inadequate building separation (**Figure 3**).

88 Cumberland Street is a six-storey building comprising commercial floor space over levels 1-5 and residential apartments on level 6. Levels 1-5 of 88 Cumberland Street are built with a nil setback to the northern boundary with windows which benefit from solar access over the Sirius site.

In response to concerns raised the Applicant contends:

- the nil setback between the proposed Cumberland Street building and 88 Cumberland Street is consistent with development in The Rocks and the Sydney CBD and will only affect commercial uses at levels 3-5
- the setback between the proposed new apartments and the closest residential apartment, 1/88 Cumberland Street (level 6), is 9 m which is consistent building separation recommended by the Apartment Design Guide (ADG). In addition, louvres are proposed on the southern elevation of the building to provide additional visual privacy.

The Department considers building separation between the proposal and 88 Cumberland Street is appropriate as:

- the nil setback between the Cumberland Street building and 88 Cumberland Street is consistent with the planning controls for the Sirius site in the SSP SEPP (which do not specify setbacks) and the planning controls for 88 Cumberland Street in the Sydney Cove Redevelopment Authority Scheme (a nil setback up to RL 36 m) and pattern of nil building setbacks between commercial buildings in the street and The Rocks
- while 9 windows on the northern elevation of 88 Cumberland Street will be covered (**Figure 15**), it is not reasonable to expect to retain solar access to windows with a nil setback to a private boundary) and the building has numerous windows oriented to Cumberland Street to the west and Gloucester Walk to the east
- the proposed 9 m setback at level 6 is consistent with the ADG recommendation for building separation for habitable rooms and balconies up to 25m (5-8 storeys) (**Figure 16**)
- the proposal includes louvre screens on the living room windows of new apartment 10.11.07 oriented towards the city and away from the adjacent residential apartment (1/88 Cumberland Street) to minimise overlooking and increase privacy.

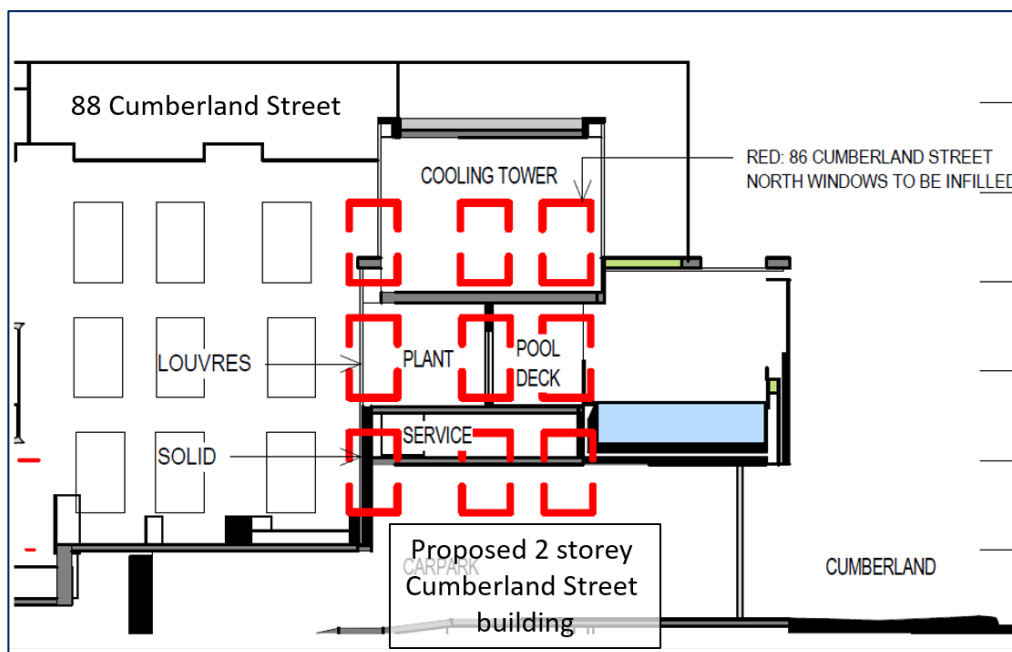


Figure 15 | Separation to 88 Cumberland Street, red windows to be infilled (Source: EIS Appendix G)

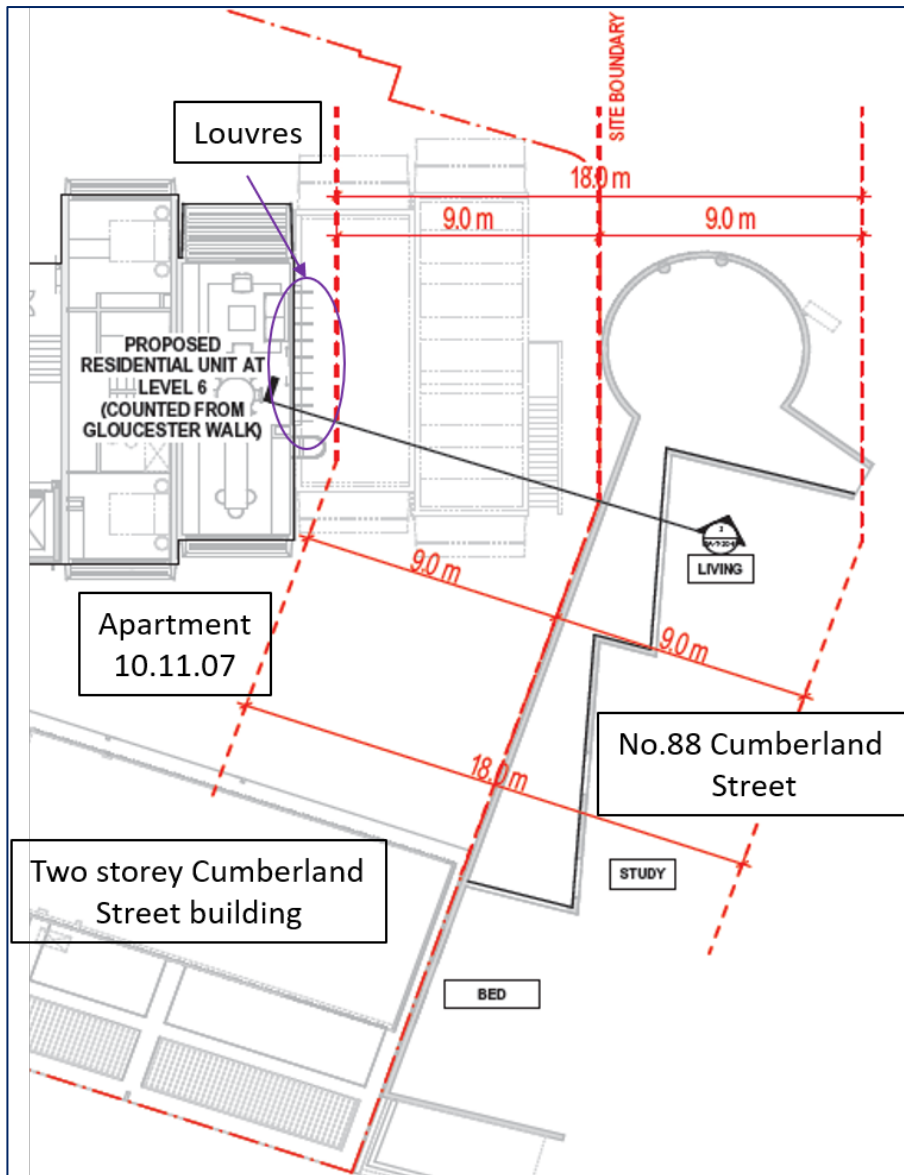


Figure 16 | Separation between Sirius building and residential apartment, 88 Cumberland Street (Source: RtS)

Privacy impacts to/from the Mercantile Hotel

The Mercantile Hotel raised concerns about loss of privacy to residential apartments from overlooking (across Gloucester Walk) from the hotel rooftop and overlooking from apartments to the hotel rooftop.

The Applicant considers there is an appropriate level of privacy to and from the apartments and the Mercantile Hotel as the additions to the Sirius building are located above the level of the roof of the rooftop bar and any overlooking would be onto the roof rather than internal spaces.

The Department considers the proposal will not result in undue overlooking to or from the Mercantile Hotel as:

- the existing building is substantially retained and there is no change to the 6 m setback between the Sirius building and the Mercantile Hotel

- the new apartments that face towards the Mercantile Hotel are located above the level of the hotel rooftop bar, and it is unlikely hotel patrons will be able to see into these apartments and adversely impact privacy
- the approved (but not yet constructed) rooftop bar is orientated to George Street (east) and includes landscaping on the western elevation to minimise overlooking towards the Sirius building

Overshadowing

Submissions from residential and commercial occupants of 88 Cumberland Street raised concerns about overshadowing.

The Applicant provided shadow diagrams which demonstrates the proposal overshadows the commercial levels of 88 Cumberland Street between 9am and 3pm and the northern most apartment (1/88 Cumberland Street) between 9am and 11am, in mid-winter.

The Department has reviewed the shadow diagrams prepared by the Applicant and considered the concerns raised in submissions however, is satisfied the proposal does not result in unacceptable overshadowing impacts as:

- the commercial levels will continue to receive solar access to some windows (between 11am and 2pm, mid-winter) which is considered reasonable noting the building has a nil setback to the private property boundary
- the apartment at 1/88 Cumberland Street continues to receive more than 3 hours solar access, which exceeds the minimum 2 hours recommended by the ADG.

The Department also notes the proposal would not result in any adverse overshadowing impacts of heritage items or the surrounding public domain as additional overshadowing is primarily limited to streets, rooftops and areas already in shadow by existing buildings, structures and trees.

View impacts

The owner of the apartment at 1/88 Cumberland Street raised concerns about loss of northern views.

In response, the Applicant undertook additional visual impact analysis (VIA) from 1/88 Cumberland Street and considers all impacts to be generally minor or negligible.

The Department has considered view impacts in accordance with the planning principle established by *Tenacity Consulting v Waringah* [2004] NSWLEC 140 and the four-step process to, assess the view and its qualitative value, identify where the views are obtained from, the extent of the impact and the reasonableness of the proposal causing the impact.

The findings of the Department's assessment against the first three steps are summarised in **Table 8**.

Table 8 | Department's consideration of Tenacity steps 1 to 3

View and qualitative value	Where the view is obtained from	Extent of impact
Iconic views to the east including the Sydney Opera House (SOH), Circular Quay and Sydney harbour	Living area and east and north facing terrace	Moderate to negligible

Views to the north including the existing Sirius building, Sydney Harbour bridge approach and partial oblique views of the Sydney Harbour bridge	Living area, a bedroom and east and north facing terrace	Moderate to Severe
Iconic view south of the city skyline	East facing terrace	No impact

The fourth step of the Tenacity principle is to assess the reasonableness of the proposal that is causing the impact. The Department has carefully considered the visual impact analysis and considers the proposal and view impacts reasonable as:

- the apartment’s primary open space (a large circular terrace) and living area continue to have unobstructed views to the east and south, including the SOH, Sydney harbour and the CBD skyline, which remain unchanged by the proposal (**Figure 17**)
- while the view of the Sydney Harbour bridge will be affected by the proposed eastern facade treatments of the Sirius building, the impact is reasonable as it is a partial view obtained from a standing position at the most eastern point of the circular terrace, from an oblique angle and across a side boundary (**Figure 18**)
- the view to the north on the western side of the Sirius building is considered a secondary view as it is obtained from the side terrace outside a bedroom and is across a side boundary. Although the view of the harbour bridge on-ramp is reduced by the proposed 2-storey Cumberland Street building, the expansive sky views to the north are retained (**Figure 19**).

The Department therefore concludes the proposed alterations and additions to the Sirius building do not unreasonably impact views obtained from 1/88 Cumberland Street as the expansive views of the SOH, the harbour and the CBD skyline from the apartment’s primary open space and living area are retained. The Department considers impacts to views to the north are acceptable as the existing building is largely retained (with façade articulation) and it is unreasonable to retain views across a side boundary at an oblique angle over private property.



Figure 17 | Retained view of SOH and Sydney harbour from the apartment’s primary living area (left) and open space (right) (Source: realestate.com.au and Applicant’s RtS Appendix B)



Figure 18 | Existing view north (eastern side of Sirius building) from apartment 1/88 Cumberland Street (Source: Applicant's RtS)



Figure 19 | Existing view north (western side of Sirius building) from apartment 1/88 Cumberland Street of the harbour bridge approach ramp (Source: Applicant's RtS)

Noise

88 Cumberland Street

Submissions from 88 Cumberland Street raised concerns about noise impacts from the plant and the proposed swimming pool.

The Applicant has advised the proposed pool and plant room in the new Cumberland Street building will comply with the relevant noise emissions criteria.

The Department has considered these concerns and is satisfied that the proposal is unlikely to result in any noise impacts to 88 Cumberland Street as:

- the pool is for private residential use, not a commercial or public purpose, is located at a lower level than the residential apartments at level 6 of 88 Cumberland Street and is orientated away from the residential apartments
- the plant room, and any equipment associated with the pool, would not adversely impact the adjacent commercial and residential uses, subject to conditions of consent to ensure the plant complies with the relevant noise emissions criteria.

Mercantile Hotel

The Mercantile Hotel raised concerns about noise impacts on the Sirius building from the approved operation of the pub and the potential for noise complaints. The hotel advised it recently received development consent for refurbishment of the building, including a new rooftop bar which can operate until 10pm and indoor areas that can operate until 12 midnight. It requested the new apartments be appropriately treated to minimise noise impacts to apartments.

The Department notes the approved refurbishments to the Mercantile Hotel, including the rooftop bar, have not been constructed. However, the approved plans indicate the rooftop bar is enclosed on the western side (facing the Sirius building) and includes fixed glazed panels for acoustic privacy. The consent issued for the rooftop bar includes the following conditions:

- the use is not to emit noise to surrounding sensitive noise receivers (including Sirius) above background noise +5dB(A)
- varied hours of operation for internal, enclosed and external areas and a three-year trial period for the approved hours of operation
- a plan of management, including a complaints procedure.

In response to concerns raised, the Applicant's Noise and Vibration Report (NVR) notes the glazing to apartments on the eastern façade of the Sirius building will be designed to mitigate the noise impacts above the background noise +5dB(A). The Applicant considers the proposed glazing will be adequate to mitigate noise impacts from the operation of the Mercantile Hotel, as it must operate within the consent requirements and not emit noise above background noise +5dB(A).

The Department is satisfied these glazing requirements, in conjunction with the glazing and operational conditions of consent imposed on the Mercantile Hotel, are sufficient to prevent any unreasonable noise impacts and potential for noise complaints from future residents of the Sirius building and will provide suitable indoor acoustic conditions the building.

Traffic noise

The Applicant's NVR includes detailed modelling of traffic noise emissions and impacts on the façades of the proposed development given the proximity of the site to the Bradfield Highway and Cahill expressway.

The NVR makes recommendations for glazing performance standards to all external glazed windows and doors ranging from R_w 31 to R_w 40 depending on the location, height and use of the internal space.

The Department notes acoustic glazing rated 2 (R_w 35 to R_w 37) is recommended for most of the bedroom glazing on the eastern and western facades of the building with a rating of 1 (R_w 31 to R_w 33) for living areas (Figure 20). Higher rated glazing is recommended on upper levels, predominantly on the western elevation to ensure a high level of internal amenity is achieved to rooms facing the Bradfield Highway and Cahill expressway.

The Department supports the findings of the NVR, and recommends conditions to ensure the NVR requirements, including all glazing requirements, are implemented during construction and prior to occupation.

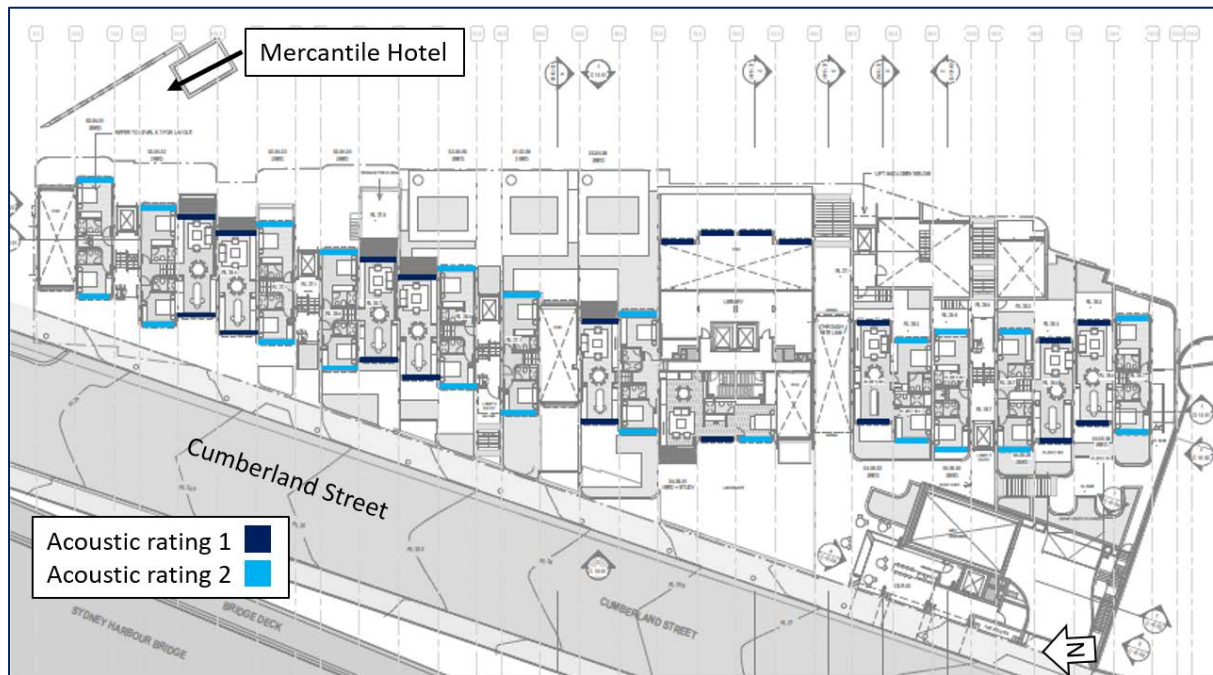


Figure 20 | Recommended acoustic glazing for levels 3-5 of the Sirius Building (Source: Applicant's RTS Appendix O)

6.5 Car Parking

The proposal seeks to retain the existing 70 car spaces, which is greater than the maximum 53 car spaces permitted by the SSP SEPP. The Applicant has submitted a request to vary the car parking development standard, as discussed in detail in **Appendix C**.

Council considers parking on the site should not exceed the maximum permitted, to align with sustainable transport objectives and one car share space should be provided in the driveway (publicly accessible).

The Applicant contends that compliance with the car parking standard is unreasonable and unnecessary as the existing building is not being demolished and the existing number of car spaces are retained.

In response to Council's comments about car share, the Applicant advises it is not possible to accommodate a public car share space in the basement driveway. In addition, the Applicant advises there are eight existing car share vehicles located within a five-minute walk of the site.

The Department has considered the comments from Council and the Applicant's response and is satisfied the retention of the existing 70 car spaces is appropriate as:

- the proposal will not result in any increased traffic impacts, with a net reduction in trips in the morning peak as the number of apartments is reduced from 79 to 76
- it would be unreasonable to reduce the existing number of car spaces provided as the existing building is being retained and refurbished and provides substantial heritage, social and environmental benefits, compared to the demolition and redevelopment of the site
- the proposal supports sustainable transport alternatives by providing bicycle parking in the basement for residents and visitor bike parking in the public domain, end of trip facilities and encourages walking through provision of the through site link and activation of Gloucester Walk and Cumberland Street
- the ESD report advises each car space will have electric vehicle charging facilities.

The Department has carefully considered Council's request for a car share space however in this instance agrees with the Applicant that the site is unable to provide a car share space in a publicly accessible location due to the secure basement access and driveway width. PMNSW have also advised it does not support an on-street car share space.

Notwithstanding, the Department is satisfied that the site has good access to existing car share spaces in surrounding streets in The Rocks and Millers Point including Hickson Road and Lower Fort Street, which can adequately service the needs of the area.

The Department therefore considers the proposed car parking is acceptable and recommends conditions ensuring the provision/design of car parking spaces in accordance with the relevant Australian Standards.

6.6 Other issues

The Department has considered other issues in **Table 9**.

Table 9 | Summary of other issues

Issue	Findings	Recommendations
Affordable housing	<ul style="list-style-type: none"> • Concern was raised in public submissions that the proposal does not provide any affordable or social housing. • Council also raised concerns the proposal does not provide any affordable housing • The Department notes: <ul style="list-style-type: none"> ○ the NSW Government divested the site as part of its Future Direction in Social Housing Strategy to fund new social housing ○ the sale of the site will fund 338 new social homes across NSW to house around 630 residents. • The Department is satisfied that the sale of the site and use of the funds for new social housing across Sydney is a significant public benefit. 	No additional conditions recommended.

Issue	Findings	Recommendations
Waste management	<ul style="list-style-type: none"> • The Applicant has provided a waste management plan (WMP) which details that: <ul style="list-style-type: none"> ○ residential waste and recycling for the site will be managed in accordance with Council's <i>Guidelines for Waste Management in New Developments 2018</i> ○ Council's residential waste trucks will enter the site and use the truck lift to basement level 2b, where bins will be presented for collection ○ a private contractor will be engaged to collect commercial waste from the site, also using the truck lift. • Council has advised it can provide a residential waste collection service subject to an amended WMP being prepared in consultation with Council, amending the width of each 1100L bin and a contingency plan for servicing in event of failure of the truck lift and/or turntable. • TfNSW have raised no issues subject to the preparation of a Loading and Servicing Management Plan • The Department considers the proposed waste management is satisfactory as residential waste will be collected by Council on site at basement level which will avoid the need for bins to be moved across the public domain for collection. • The information provided by the Applicant demonstrates Council's residential waste vehicle and a commercial waste vehicle can access the site to collect waste. • The Department therefore recommends conditions requiring compliance with Council's requirements to ensure that waste will be appropriately managed on site. 	<p>The Department recommends conditions requiring the final waste management plan in accordance with Council's <i>Guidelines for Waste Management in New Developments 2018</i>.</p>
Public domain	<ul style="list-style-type: none"> • The proposal includes new paving, landscaping, seating and other associated upgrades to the public domain surrounding the site at Cumberland Street, Gloucester Walk and the pocket park to the north of the site • The public domain works are located off site, under the ownership of Place Management NSW (PMNSW). • PMNSW requests the design of the public domain, including seating and landscaping plans be developed in consultation with and approved by PMNSW. • Council also requested that it be consulted in the preparation of all future public domain plans. • The Department supports the public domain works as: <ul style="list-style-type: none"> ○ the upgraded public domain will allow people to interact with the Sirius building in conjunction with the new through site link and active street frontages ○ new paving and landscaping, along with entries to the building will revitalise Gloucester Walk ○ the activation of the northern pocket park will rejuvenate a currently neglected public space ○ the public spaces have been designed to address public safety and CPTED principles. • The Department recommends conditions requiring the public domain works are prepared in consultation PMNSW and Council and approved by PMNSW. 	<p>The Department recommends conditions requiring the public domain be developed in consultation PMNSW and Council and approved by PMNSW.</p>

Issue	Findings	Recommendations
Northern pocket park	<ul style="list-style-type: none"> PMNSW have provided comments about the northern pocket park, including that they prefer a retail tenancy bordering the park and seating to activate the area. PMNSW advised it does not support a playground in this location. The architectural plans show the tenancy bordering the park as a commercial use, which could support a café and seating, noting the future use will be subject to separate development consent. The Applicant has confirmed it is not proposing a playground and intends to develop the pocket park in accordance with PMNSW recommendations. The Department notes the pocket park is part of the public domain under PMNSW ownership, and as per the public domain recommended conditions, final plans for the pocket park will be subject to consultation and approval by PMNSW. 	No additional conditions are necessary.
Tree canopy	<ul style="list-style-type: none"> Council has raised concerns the proposed canopy cover is inadequate, and the size of proposed trees should be increased to achieve adequate canopy cover. The Applicant advises the existing canopy cover has been calculated from survey and arborist data and has provided amended landscape plans indicating: <ul style="list-style-type: none"> existing canopy cover is 14.01% proposed canopy cover is 15.06% the proposal achieves the 15% canopy cover required by Sydney DCP 2012 small trees on balconies have not been included in the canopy cover calculation. The Department has reviewed the additional information provided by the Applicant and Council's comments and considers the proposed canopy cover acceptable as: <ul style="list-style-type: none"> it represents an increase from the existing cover (+1%) it meets Council's DCP requirement it provides more trees on site than existing, with a range of tree heights and species the proposal also includes street tree planting, planting on structures and retains two large Plane trees adjacent to the site, which all contribute to tree cover in and surrounding the site. Overall, the Department is satisfied the proposal provides extensive landscaping across the site which will provide adequate canopy cover and improve the amenity of the site and surrounding area. As such the Department recommends the landscape plan is implemented by conditions of consent. 	The Department recommends conditions requiring implementation of the submitted landscape plan.
Street tree planting	<ul style="list-style-type: none"> Council recommends 10 street trees be planted in Cumberland Street (to be planted in accordance with Council's Street tree Masterplan technical specifications). Council also requests the Cumberland Street building awning be reduced in size for future additional street tree planting The Applicant has provided updated plans showing 10 street trees will be provided in Cumberland Street, north of the 	The Department recommends conditions requiring implementation of the submitted landscape plan and street trees in Cumberland Street (planted to Council's

Issue	Findings	Recommendations
	<p>Cumberland Street building and awning and has confirmed PMNSW, as landowner, support the planting.</p> <ul style="list-style-type: none"> • However, the Applicant has not amended the Cumberland building awning for any additional future street tree planting as they advise trees in this location would impact access to fire boosters and site lines from the vehicular access. • The Department supports the addition of 10 street trees in Cumberland Street, north of the Cumberland Street building, noting that final details will be subject to confirmation with PMNSW as the landowner and recommends an appropriate condition. • The Department considers it is not necessary to amend the awning for future street tree planting as: <ul style="list-style-type: none"> ○ 10 street trees will be provided along Cumberland Street, north of the Cumberland Street building awning ○ additional trees under the awning would impact clear access required to the fire boosters located in the Cumberland Street building and sight lines for vehicles using the driveway access ○ the awning provides weather protection to the retail space and pedestrian access to the Cumberland Street building. 	<p>technical specifications and with the approval of PMNSW).</p>
<p>Planting on structures</p>	<ul style="list-style-type: none"> • Council has noted that as the application includes extensive planting on structures the following is required: <ul style="list-style-type: none"> ○ detailed design to ensure all this planting is viable ○ clarify ownership and maintenance ○ an engineer's report to confirm the building has the structural capacity to support the weight of soil and planting ○ landscape and green roof plans to be prepared in consultation with Council. • The Applicant supports Council's recommendations. • The Department supports Council's recommendations and recommends conditions requiring a detailed landscape plan and green roof plan be prepared in consultation with Council. 	<p>The Department recommends conditions requiring detailed landscape plan, engineers structural report and green roof maintenance report.</p>
<p>Deep soil</p>	<ul style="list-style-type: none"> • Council initially raised concerns the proposal does not comply with the ADG requirement for deep soil and the retention of existing building fabric should not limit the provision of potential new areas of deep soil • The Applicant advises the existing basement slab sits on rock, is not being altered and therefore the ability to provide additional deep soil is limited • The proposal provides 19.8 m² (0.7%) deep soil, which is less than the 7% required by the ADG. However, the ADG acknowledges achieving 7% deep soil may not be possible in all situations, and in these cases, acceptable stormwater management and alternative planting should be provided. • The Department considers in this instance the variation is acceptable as: <ul style="list-style-type: none"> ○ the existing basement covers the whole site, which limits the ability to provide deep soil areas 	<p>No additional conditions are necessary.</p>

Issue	Findings	Recommendations
	<ul style="list-style-type: none"> ○ the existing site has no deep soil zone areas, so the proposal is a small improvement ○ the lack of deep soil has not affected the provision of new trees, with the proposal including 67 new trees (41 removed), 10 street trees in Cumberland Street and a proposed canopy cover of 15.06% (increase from 14.01% currently) ○ the proposal includes an extensive landscape plan with the design including landscaped courtyards, roof terraces, green roofs and public domain ○ rainwater tanks are provided to collect water and reduce stormwater runoff. ● The Department is satisfied that despite the variation the proposal meets the objectives of deep soil zones, with a variety of trees that contribute to canopy cover, shade and amenity for residents and includes appropriate stormwater management measures. 	
<p>Communal open space</p>	<ul style="list-style-type: none"> ● The ADG recommends that 25% of the site area is provided as communal open space. The proposal seeks to provide 795.3 m² of communal open space which represents 21.7% of the site area. ● Council considers many spaces included as communal open space are access paths and leftover spaces that do not contribute to the recreational needs of residents. ● The Department notes the ADG definition of communal open space is <i>“outdoor space located within the site at ground level or on a structure that is within common ownership and for the recreational use of residents of the development. Communal open space may be accessible to residents only, or to the public”</i> ● The Department considers the communal open space areas within the site include the Phillip Room terrace, the pool and terrace, the Cumberland Street forecourt, through site link and communal garden for residents, which are all areas that can be used for recreational use and include resident only and public access areas. ● While the provided communal open space does not meet the 25% required by the ADG, the Department considers the communal open space provided satisfactory as: <ul style="list-style-type: none"> ○ all apartments are provided with private open space, with some having a large courtyard or terrace ○ the proposal includes upgrades to the surrounding public domain including Cumberland Street and Gloucester Walk ○ there are extensive areas of open space close to the site, including Dawes Point Reserve, Observatory Hill Park, First Fleet Park, Circular Quay and Barangaroo Reserve. ● The Department is satisfied the provision of communal open space will adequately serve the needs of future residents. 	<p>No additional conditions are necessary.</p>

Issue	Findings	Recommendations
Apartment Design Guide (ADG)	<ul style="list-style-type: none"> • The proposal is generally consistent with the ADG, providing apartments and balconies which meet or exceed the minimum size requirements, are cross-ventilated and achieve good levels of solar access. • The Department notes the proposal varies the following ADG recommendations: <ul style="list-style-type: none"> ○ balcony size and depth ○ eight apartments are below the ADG minimum 1-bedroom size ○ 21.7% of the site is communal open space (required 25%) ○ 0.7% deep soil (required 7%) ○ apartment ceiling heights in the existing building are approximately 2.42 m (required 2.7m). • The Department has considered these variations in detail in Appendix B and considers the restoration and refurbishment of the existing building restricts consistency with some aspects of the ADG due to structural limitations and the existing building footprint. • The Department notes the apartments have been designed with well-proportioned rooms, many with dual aspect, full height glazing and all apartments have a balcony. Overall, the Department concludes the development is consistent with the objectives of the ADG for apartment amenity. 	No additional conditions are necessary.
Public Art	<ul style="list-style-type: none"> • Concerns were raised in public submissions about the Public Art Strategy budget and the need for public art to reflect local stories and history. • PMNSW requested it be involved in the preparation of the Public Art Strategy. • Council recommends conditions requiring: <ul style="list-style-type: none"> ○ suitable consultation and engagement with community groups prior to finalising the public art strategy, to address social history and stories ○ presentation of the artists concepts to the Council's Public Art Advisory Panel ○ the Applicant discuss the longlist of artists with Council's Public Art team prior to shortlisting • The Department notes the Public Art Strategy: <ul style="list-style-type: none"> ○ proposes an open brief for artists to respond to the Sirius site that captures the history of the area, the building, Australian history and identity ○ suggests the involvement of the Museum of Contemporary Art (MCA) ○ identifies possible locations for the art, including the Cumberland Street public forecourt and through site link ○ has a budget of \$1 million. This will enable the delivery of high-quality public art in line with Council guidelines (1% of the capital works cost) and industry practice. • The Department supports the recommendations of Council to engage with community groups, including those residents who were relocated, as part of finalising the Public Art Strategy and presentation to Council's Public Art Advisory panel. 	The Department recommends conditions requiring implementation of the Public Art Strategy, commissioning of public art and the inclusion of Council and PMNSW, including engagement with the community.

Issue	Findings	Recommendations
	<ul style="list-style-type: none"> The Department is satisfied the Public Art Strategy will deliver high quality public art and is supportive of the possible partnership with the MCA. The Department recommends conditions requiring Council and PMNSW be involved in the development of the Public Art Strategy. 	
Adaptable units	<ul style="list-style-type: none"> The proposal includes two adaptable units and 16 units will be designed as compliant as possible with the Liveable Housing Guidelines. The Applicant contends the proposed adaptable housing is consistent with other residential SSD consents, reflects the challenges with retaining an existing building, and has re-designed the units to improve the ease of adaptability. Council initially raised concern with the quantity and design of the adaptable units however has advised the RtS amendments have addressed their previous comments. The Department notes the existing building has a split-level design, except for the units in core 4 (the central tower), which limits the number of units that can be adapted. The Department considers the provision of two adaptable units satisfactory as: <ul style="list-style-type: none"> the existing building is being refurbished and restored and the existing structure and split floor levels limits flexibility in the design compared to a new build the SSP SEPP does not contain any requirements for adaptable apartments the pre and post architectural drawings demonstrate the bathroom and kitchen design and bedroom circulation space can be conveniently adapted in accordance with AS 4299. 	<p>The Department recommends a condition requiring 2 adaptable apartments and an additional 16 apartments with a high level of compliance with the Liveable Housing Design Guidelines.</p>
Aboriginal cultural heritage and Aboriginal and non-Aboriginal Archaeology	<ul style="list-style-type: none"> The Applicant has prepared an Aboriginal Cultural Heritage Assessment Report (ACHAR) which recommends the preparation and implementation of an Archaeological Chance Find Procedure (to be part of the Construction Environmental Management Plan) and the development of an Aboriginal Cultural Heritage Interpretation Strategy in consultation with the Registered Aboriginal Parties (RAPs). The Applicant has also prepared a Historic Archaeological Assessment (HAA) which concludes it is highly unlikely any archaeological materials remain at the site due to the extensive disturbance across the site associated with construction of the existing Sirius building. The HAA notes there are sandstone blocks in the boiler room, origins unknown and recommends protection along with an unexpected finds procedure. No objections have been raised to the ACHAR or HAA by Heritage NSW. PMNSW recommend an archaeologist is present during any ground disturbance works on Gloucester Walk and within 4m of the western side of Gloucester Walk, with the PMNSW Archaeologist informed. 	<p>The Department recommends conditions that the recommendations of the ACHAR and HAA are implemented during construction.</p>

Issue	Findings	Recommendations
	<ul style="list-style-type: none"> The Department is satisfied the potential for Aboriginal and non-Aboriginal archaeology at the site is low given past levels of site disturbance. Subject to recommended conditions, including the PMNSW recommendations, the Department considers that Aboriginal and non-Aboriginal Cultural Heritage will be appropriately managed during construction works. 	
Bicycle parking	<ul style="list-style-type: none"> Submissions from Council and Place Management NSW raised the need for visitor bike parking. The Applicant has provided 12 visitor bike parking spaces close to the main entrances, on Cumberland Street and Gloucester Walk. The Department is satisfied with the number and location of the visitor bike parking spaces and notes it also meets the requirements of the Sydney DCP for visitor bike parking. The Department recommends a condition for the provision of bike parking, noting it will be subject to consultation and agreement with PMNSW. 	The Department recommends a condition for the provision of 12 visitor bike parking spaces.
Green Travel Plan/ Travel Access Guide	<ul style="list-style-type: none"> TfNSW have recommended the preparation of a Green Travel Plan (GTP) and Transport Access Guide (TAG). The Applicant has committed to the preparation of a GTP and TAG. The Department supports the preparation of these documents as they will ensure residents, visitors and works are aware of travel options to the site and encourage sustainable travel to and from the site. As such the Department recommends the TfNSW conditions requiring a GTP and TAG. 	The Department recommends conditions requiring the preparation of a GTP and TAG
Construction impacts	<ul style="list-style-type: none"> Concern was raised in public submissions about construction impacts. PMNSW requested the opportunity to review the draft Construction Management Plan and TfNSW recommended a Construction, Pedestrian and Transport Management Plan (CPTMP) be prepared. The application includes a draft Construction Management Plan (CMP) and Construction Noise and Vibration Management Plan (CNVMP), which includes the requirement to prepare a dilapidation report and the management of noise and vibration impacts. The Applicant has also met with the owners of 88 Cumberland Street to discuss the construction methodology for excavation works. The Department has considered the Applicant's draft CMP and CNVMP and considers construction impacts of the proposal can be appropriately managed, subject to conditions including construction hours and respite periods for higher impact works to minimise impacts to surrounding sensitive receivers. The Department recommends conditions in accordance with PMNSW and TfNSW requirements for a CPTMP and a 	The Department recommends conditions requiring a CMP and CNVMP prior to issue of the construction certificate and conditions to regulate the hours of work.

Issue	Findings	Recommendations
	<p>CNVMP to manage and mitigate potential environmental impacts.</p>	
<p>Stormwater</p>	<ul style="list-style-type: none"> • Council requested further stormwater details for Gloucester Walk and the vehicle access at Cumberland Street. • The Applicant has refined the gradients at Gloucester Walk to direct stormwater away from entries, provided strip drains and advises the vehicle access levels will be confirmed at the detailed design. • The existing stormwater system is proposed to be used where possible, to collect and discharge stormwater and the proposed stormwater quality will comply with Council's Water Sensitive Urban Design strategy. • The Department is satisfied, subject to recommended conditions of consent, that the stormwater design can be satisfactorily resolved prior to the issue of a construction certificate. 	<p>The Department recommends conditions to require the final stormwater design to be resolved prior to the issue of a construction certificate.</p>
<p>Precedent for height increases in The Rocks</p>	<ul style="list-style-type: none"> • Concern was raised in public submissions that the proposed height should not set a precedence for height increases in The Rocks • The Department acknowledges community concerns, however any future applications in the surrounding area would be assessed according to the controls that apply, including a detailed assessment of the merits and analysis of any environmental impacts. 	<p>No additional conditions are necessary.</p>

6.7 Public Interest

The Department is satisfied the proposal would be in the public interest. The restoration and refurbishment is responsive to the heritage significance of the Sirius building, maintains the legibility of the existing building and provides new additions in appropriate locations.

The proposal includes the following public benefits:

- substantial retention of the Sirius building, including the conservation and fit out of the Phillip Room
- a through site link between Cumberland Street and Gloucester Walk, to improve connectivity and walkability within The Rocks
- Cumberland Street public forecourt, a landscaped public space to activate Cumberland Street
- public domain improvements to Cumberland Street, Gloucester Walk and the northern pocket park, including new paving, seating, bicycle parking and landscaping
- contribution of public art to The Rocks area, to be indicatively located in the Cumberland Street forecourt and through site link
- heritage interpretation elements.

The Department also notes the sale of the Sirius building (which contained 79 social housing apartments) will fund the delivery of 338 new social homes across NSW and will provide housing for around 630 people.

The proposal is predicted to generate up to 200 construction jobs and 20 full time equivalent operational jobs.

Overall, the Department concludes the proposal is in the public interest, having regards to the public benefits to be delivered to The Rocks. It will result in satisfactory environmental impacts, subject to the recommended conditions of consent.

7 Evaluation

The Department has assessed the merits of the proposal, taking into consideration the issues raised in the submissions as well as the Applicant's response to these, and is satisfied that the impacts have been satisfactorily addressed in the proposal and through the Department's recommended conditions.

The Department considers the proposal is satisfactory as:

- it is consistent with the Greater Sydney Region Plan and the Eastern City District Plan as it would retain and refurbish the Sirius building, provide housing in a central location with excellent access to jobs, services and public transport and enhance the public domain
- the proposal retains the existing built form and the new additions are compatible with the existing structure and the surrounding development
- it displays design excellence, achieves a high standard of architectural, urban and landscape design
- while the proposal exceeds the height controls in State Environmental Planning Policy (State Significant Precincts) 2005, the Department is satisfied that the proposed height is acceptable as it would only result in a minor (1-3 storey) increase above the existing building, retains the existing architectural character of the building and protects significant views to the Sydney Opera House
- the restoration and refurbishment works respect the heritage significance of the existing Sirius building and the surrounding heritage items and the proposal would have negligible visual impacts on the Sydney Opera House and Sydney Harbour Bridge
- it provides a high level of residential amenity for apartments in accordance with the ADG, and would not result in any unreasonable impacts to surrounding properties in terms of view loss, privacy, noise or overshadowing
- the proposal includes high-quality landscaping and public domain upgrades to Cumberland Street, Gloucester Walk and the northern pocket park
- it supports the principles of ESD with rooftop solar, LED lighting, rainwater tanks and electric vehicle charging facilities for each car space
- the sale of the Sirius Building (which contained 79 social housing apartments) will fund 338 new social homes across NSW, providing housing for around 630 people
- it would result in a range of public benefits including a new through site link to improve walkability and accessibility in The Rocks, public domain improvements to Cumberland Street and Gloucester Walk, public art and heritage interpretation and approximately 200 construction jobs and 20 full time equivalent operational jobs.

The Department's assessment therefore concludes the proposal is in the public interest and is approvable subject to conditions (**Appendix E**).

8 Recommendation

It is recommended that the Director, Key Sites Assessments, as delegate of the Minister for Planning and Public Spaces:

- **considers** the findings and recommendations of this report
- **accepts and adopts** all of the findings and recommendations in this report as the reasons for making the decision to grant approval to the application
- **agrees** with the key reasons for approval listed in the notice of decision
- **grants consent** for the application in respect of SSD 10384
- **signs** the attached development consent and recommended conditions of consent (see **Appendix E**).

Recommended by:



Emily Dickson
Senior Planning Officer
Key Sites Assessments

Recommended by:



Amy Watson
Team Leader
Key Sites Assessments

9 Determination

The recommendation is **Adopted / ~~Not adopted~~** by:

 18 June 2021

Anthony Witherdin

Director

Key Sites Assessments

Appendices

Appendix A – List of documents and relevant supporting information

Appendix B – Mandatory matters for consideration

Appendix C – Consideration of exception to development standards

Appendix D – Consideration of community views

Appendix E – Recommended Instrument of Consent/Approval

Appendix A – List of Documents and Relevant Supporting Information

The following supporting documents and information to this assessment report can be found on the Department's website:

- Environmental Impact Statement
- Submissions
- Response to Submissions
- Further Response to Submissions
- Further Information

<https://www.planningportal.nsw.gov.au/major-projects/project/25721>

Appendix B – Mandatory matters for consideration

Section 4.15(1) matters for consideration

The matters for consideration under section 4.15(1) that apply to SSD in accordance with section 4.40 of the EP&A Act have been addressed in **Table 10**.

Table 10 | Section 4.15(1) Matters for Consideration

Section 4.15(1) Evaluation	Consideration
(a)(i) any environmental planning instrument	The Department's consideration of the relevant EPIs is provided below.
(a)(ii) any proposed instrument	Not applicable.
(a)(iii) any development control plan	Under clause 11 of the SRD SEPP, development control plans (DCPs) do not apply to SSD.
(a)(iii)(a) any planning agreement	Not applicable.
(a)(iv) the regulations Refer Division 8 of the EP&A Regulation	The application satisfactorily meets the relevant requirements of the EP&A Regulation, including the procedures relating to applications (Part 6), public participation procedures for SSD and Schedule 2 of the EP&A Regulations relating to EIS.
(a)(v) any coastal zone management plan	No coastal zone management plan applies to the site.
(b) the likely impacts of that development including environmental impacts on both the natural and built environments, and social and economic impacts in the locality,	Appropriately mitigated or conditioned as discussed in Section 6 of this report.
(c) the suitability of the site for the development	The site is suitable for the development as discussed in Sections 6 of this report.
(d) any submissions	Consideration has been given to the submissions received during the exhibition of the proposal as discussed at Sections 5 and 6 of this report.
(e) the public interest	The proposal is in the public interest as discussed at Section 6 of this report.

Objects of the EP&A Act

Decisions made under the EP&A Act must have regard to the objects as set out in section 1.3 of that Act. The objects of the EP&A Act are the underpinning principles upon which the assessment is conducted. The statutory powers in the EP&A Act (such as the power to grant consent / approval) are to be understood as powers to advance the objects of the legislation, and limits on those powers are set by reference to those objects. Therefore, in making an assessment, the objects should be considered to the extent they are relevant.

The Department has considered the proposal to be satisfactory with regard to the objects of the EP&A Act as detailed in **Table 11**.

Table 11 | Consideration of the proposal against the objects of section 1.3 the EP&A Act

Objects of the EP&A Act	Consideration
(a) to promote the social and economic welfare of the community and a better environment by the proper management,	The proposal provides for the restoration and refurbishment of the existing Sirius building and this will preserve the social and architectural significance

Objects of the EP&A Act	Consideration
development and conservation of the State's natural and other resources	of the building. The proposal will provide social, cultural and economic benefits to the community. The site is within an existing urban area and its restoration and refurbishment would not negatively impact the economic welfare of the community or the natural environment.
(b) to facilitate ecologically sustainable development by integrating relevant economic, environmental and social considerations in decision-making about environmental planning and assessment,	The retention of the existing building promotes a better environment by delivering a reduction in embodied energy of over 8,000 tonnes of CO ₂ e emissions. The proposal is designed to minimise waste, reduce energy consumption and improve efficient water use to deliver ESD, as discussed below.
(c) to promote the orderly and economic use and development of land,	The proposal promotes the orderly and economic use and development of land as it provides for the restoration and refurbishment of the Sirius building for residential and commercial uses, while retaining the existing building. The development of the site will also provide economic benefits through job creation and infrastructure investment during the construction stage. The merits of the proposal are considered in Section 6 .
(d) to promote the delivery and maintenance of affordable housing,	The Sirius building was sold in 2015 by the NSW Government to fund new social housing. The proceeds from the sale of the Sirius building will enable NSW Land and Housing Corporation to fund 338 social housing properties. The proposal does not include any affordable housing and complies with the applicable planning controls (refer Section 6.6).
(e) to protect the environment, including the conservation of threatened and other species of native animals and plants, ecological communities and their habitats,	The project involves the restoration and refurbishment of an existing urban building and will not adversely impact on any native animals and plants, including threatened species, populations and ecological communities, and their habitats. The requirement for a BDAR has been waived.
(f) to promote the sustainable management of built and cultural heritage (including Aboriginal cultural heritage)	The Sirius building is not listed as an item of environmental heritage, however it is recognised as a building of value by the Heritage Council of NSW and National Trust of Australia. The proposal retains and proposes to restore and refurbish the Sirius building and recognise the buildings representation of an important phase of development within The Rocks. The Department has considered the management of heritage in Section 6 of this report and concludes the proposal is satisfactory. An Aboriginal Cultural Heritage Assessment Report (ACHAR) has been prepared and confirms there are no Aboriginal sites within or adjacent to the site.
(g) to promote good design and amenity of the built environment,	The proposal is the result of a Design Excellence Competition and is considered to exhibit a high standard of design and maintains the design excellence qualities of the Competition winning scheme. Refer to Section 6 .
(h) to promote the proper construction and maintenance of buildings, including the protection of the health and safety of their occupants,	The Applicant has demonstrated the proposal is capable of meeting relevant construction standards.
(i) to promote the sharing of the responsibility for environmental planning and assessment between the different levels of government in the State,	The Department publicly exhibited the proposed development as outlined in Section 5 , which included consultation with Council and other public authorities and consideration of their responses.

Objects of the EP&A Act	Consideration
(j) to provide increased opportunity for community participation in environmental planning and assessment.	The Department provided opportunities for community participation in the assessment process, which included notifying adjoining landowners and displaying the proposal on the Department's website. The Department has considered the issues raised in submissions in Sections 5 and 6.

Ecologically sustainable development

The EP&A Act adopts the definition of ESD found in the *Protection of the Environment Administration Act 1991*, section 6(2) of that Act states that ESD requires the effective integration of economic and environmental considerations in decision-making processes and that ESD can be achieved through the implementation of:

- the precautionary principle
- inter-generational equity
- conservation of biological diversity and ecological integrity
- improved valuation, pricing and incentive mechanisms.

The proposed retention and refurbishment of the existing building exhibits exemplar sustainability benefits as it:

- delivers a reduction in embodied energy of greater than 80% or over 8,000 tonnes of CO₂ eq emissions
- reduces demolition and construction impacts
- retains social and community links by retaining and adding to the existing architectural form
- delivers an optimal layout for cross ventilation, creating opportunity for significant energy reductions.

In addition, the SSD proposal includes the following ESD features:

- rooftop solar system
- a central chilled water and heating waster system will be used to provide efficient active air conditioning and eliminate visible heat rejection units from the design
- gas microturbines will provide low carbon electricity as well as waste heat for domestic hot water, with space to retrofit for batteries once the technology has further developed
- 100% LED lighting
- a 5000 L rainwater tank, for non-potable and landscape use
- EV charging and e-bike facilities for each bike/ car space
- lighting control system, with occupancy and daylight sensors
- individual apartment electricity metering
- use of highest star WELS fittings.

The Department has considered the project in relation to the ESD principles. The Precautionary and Inter-generational Equity Principles have been applied in the decision-making process by a thorough assessment of the environmental impacts of the development.

To ensure the ESD measures are achieved, the Department has recommended a condition requiring compliance with the ESD Report. Subject to this condition, the Department concludes the proposal would be consistent with ESD principles in accordance with the objects of the EP&A Act.

Environmental Planning and Assessment Regulation 2000

Subject to any other references to compliance with the EP&A Regulation cited in this report, the requirements for Notification (Part 6, Division 6) and Fees (Part 15, Division 1AA) have been complied with.

Environmental Planning Instruments (EPIs)

To satisfy the requirements of Section 4.15(a)(i) of the Act, this report includes references to the provisions of the EPIs that govern the carrying out of the proposal and have been taken into consideration in the Department's environmental assessment.

The EPIs that have been considered as part of the assessment of the proposal are:

- State Environmental Planning Policy (State & Regional Development) 2011
- State Environmental Planning Policy (State Significant Precincts) 2005
- State Environmental Planning Policy No. 65 – Residential Apartment Development
- State Environmental Planning Policy (Infrastructure) 2007
- Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005
- State Environmental Planning Policy No. 55 – Remediation of Land and Draft Remediation of Land SEPP
- State Environmental Planning Policy (Building Sustainability Index – BASIX) 2004
- Draft State Environmental Planning Policy
- State Environmental Planning Policy (Coastal Management) 2018

State Environmental Planning Policy (State and Regional Development) 2011 (SRD SEPP)

The aims of the SRD SEPP are to identify SSD, State significant infrastructure (SSI), critical SSI and to confer functions on regional planning panels to determine development applications. The proposal is SSD as summarised at **Table 12**.

Table 12 | SRD SEPP compliance

Relevant Sections	Department's consideration	Compliance
3 Aims of Policy The aims of this Policy are as follows: (a) to identify development that is State significant development,	The proposed development is identified as SSD.	Yes
8 Declaration of State significant development: section 4.36 (1) Development is declared to be State significant development for the purposes of the Act if: (a) the development on the land concerned is, by the operation of an environmental planning instrument, not permissible without development consent under Part 4 of the Act, and	The proposed development is permissible with development consent. The development is identified as SSD under Schedule 2 (Clause 6) of the SRD SEPP. The off-site public domain works are declared SSD in accordance with clause 8(2) of the SRD SEPP, as they	Yes

Relevant Sections	Department's consideration	Compliance
(b) the development is specified in Schedule 1 or 2.	are sufficiently related to the proposed development.	
<p>Schedule 2 State significant development — identified sites</p> <p>Clause 6 Development in The Rocks</p> <p>Development on land identified as being within The Rocks Site on the State Significant Development Sites Map if—</p> <p>(a) it has a capital investment value of more than \$10 million, or</p> <p>(b) it does not comply with the approved scheme within the meaning of clause 27 of Schedule 1 to the Environmental Planning and Assessment (Savings, Transitional and Other Provisions) Regulation 2017.</p>	The development is located in The Rocks Site and has a CIV of more than \$10 million.	Yes

State Environmental Planning Policy (State Significant Precincts) 2005 (SSP SEPP)

The SSP SEPP seeks to facilitate the development, redevelopment or protection of important urban, coastal and regional sites of economic, environmental or social significance to the State for the benefit of the State. The SSP SEPP is the relevant EPI for the site and contains applicable development standards, as outlined in **Table 13**.

Table 13 | SSP SEPP compliance

Relevant Sections	Department's consideration	Compliance
<p>Appendix 18 Sirius Site</p> <p>Part 2 Development Standards</p> <p>5 Land Use Zones</p> <p>(1) For the purposes of this Policy, land within the Sirius site is in Zone B8 Metropolitan Centre.</p> <p>(2) The consent authority must have regard to each of the objectives for development in Zone B8 Metropolitan Centre when determining a development application in respect of land within that zone.</p>	The Department has considered the objectives of Zone B8 Metropolitan Centre below.	Refer below.
<p>6 Zone B8 Metropolitan Centre</p> <p>(1) The objectives for development in Zone B8 Metropolitan Centre are as follows—</p> <p>(a) to recognise and provide for the pre-eminent role of business, office, retail, entertainment and tourist premises in Australia's participation in the global economy,</p> <p>(b) to provide opportunities for an intensity of land uses commensurate with Sydney's global status,</p> <p>(c) to permit a diversity of compatible land uses characteristic of Sydney's global status and that serve the workforce, visitors and wider community,</p> <p>(d) to encourage the use of alternatives to private motor vehicles, such as public transport, walking or cycling,</p> <p>(e) to promote uses with active street frontages on main streets and on streets in which</p>	<p>The Department considers the proposal meets the objective of the zone as:</p> <p>(a) the proposal restores and refurbishes an iconic Sydney building and will provide a positive contribution to the architectural landscape of Sydney</p> <p>(b) the proposal provides compatible land uses for its location in the Sydney CBD, including residential, commercial and retail, to serve the workforce, visitors and wider community</p> <p>(c) the proposal is for a mixed-use development with residential, retail and commercial uses that will service the workforce, community and wider community</p> <p>(d) the site is well connected to public transport, cycling routes and pathways to facilitate active transport. The proposal does not increase the existing number of car parking spaces.</p>	Yes

Relevant Sections	Department's consideration	Compliance
<p>buildings are used primarily (at street level) for the purposes of retail premises.</p> <p>(2) Development for any of the following purposes is permitted without development consent on land within Zone B8 Metropolitan Centre—</p> <p>Nil</p> <p>(3) Development for any of the following purposes is permitted only with development consent on land within Zone B8 Metropolitan Centre—</p> <p>Centre-based child care facilities; Commercial premises; Community facilities; Educational establishments; Entertainment facilities; Function centres; Information and education facilities; Passenger transport facilities; Recreation facilities (indoor); Registered clubs; Respite day care centres; Restricted premises; Roads; Tourist and visitor accommodation; Any other development not specified in subclause (2) or (4)</p> <p>(4) Development for any of the following purposes is prohibited on land within Zone B8 Metropolitan Centre—</p> <p>Nil</p>	<p>(e) the proposal promotes active uses to Cumberland Street and Gloucester Walk with the provision of retail and commercial spaces.</p> <p>(3) The proposal includes residential, commercial and retail uses which are all permissible with consent.</p>	
<p>7 Design excellence</p> <p>(1) The objective of this clause is to deliver the highest standard of architectural, urban and landscape design.</p> <p>(2) This clause applies to development involving the erection of a new building on land within the Sirius site or alterations to the existing building.</p> <p>(3) Development consent must not be granted for development to which this clause applies unless the consent authority considers that the development exhibits design excellence</p>	<p>The clause applies as the proposal seeks alterations to the existing building.</p> <p>The proposal achieves a high standard of architectural, urban and landscape design.</p> <p>The Department has considered the design of the proposal and concludes it exhibits design excellence as discussed at Section 6.1.</p>	Yes
<p>(4) In considering whether the development exhibits design excellence, the consent authority must have regard to the following matters—</p>		
<p>(a) whether a high standard of architectural design, materials and detailing appropriate to the building type and location will be achieved</p>	<p>A high standard of architectural design is achieved. The retention and restoration of the existing building and the new building mass, design and materials respect the integrity of the existing building and important view lines, as discussed at Section 6.1.</p>	Yes
<p>(b) whether the form and external appearance of the development will improve the quality and amenity of the public domain and, in the case of an alteration to the existing building, enhance the building's unique historic characteristics</p>	<p>The proposed form and appearance of the proposal provides a positive contribution to the public domain with active street frontages, a new through site link and public plaza. The alterations enhance the existing building by retaining the original Brutalist building form with sensitive new additions.</p>	Yes
<p>(c) whether the development detrimentally impacts on view corridors, with particular regard to views to and from National Heritage sites, including the Sydney Opera House and Sydney Harbour Bridge</p>	<p>The Visual Impact Assessment undertaken demonstrates the proposal will not have a detrimental impact on view corridors, including the Sydney Opera House and Sydney Harbour Bridge, as discussed at Section 6.2 and 6.3.</p>	Yes

Relevant Sections	Department's consideration	Compliance
(d) whether the development detrimentally impacts the world heritage value of the Sydney Opera House having regard to Division 3A of Part 5 of Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005	The proposed building form is similar to the existing and the new building mass respects existing view lines so the world heritage values of the Sydney Opera House are not affected. The Department has considered the provisions of Division 3A of Part 5 of SREP SHC in Table 17 .	Yes
(e) the requirements of the Design Excellence Guidelines	The proposal is consistent with the Design Excellence Guidelines and includes a Design Excellence Strategy (DES) endorsed by the GA NSW.	Yes
(f) how the development addresses the following matters—		
(i) the suitability of the land for development	The proposal is consistent with the existing use and the surrounding area, and suitable for the site, as discussed at Section 6 .	Yes
(ii) existing and proposed uses and use mix	The proposed use (residential) is consistent with the existing residential use and retail/commercial uses will provide activation to the public domain.	Yes
(iii) impacts on world, national, state and local heritage items in proximity to the site	The Department has considered heritage impacts at Section 6.2 and concludes the proposal will not adversely impact any heritage items in the vicinity of the site.	Yes
(iv) the relationship of the development with other development (existing or proposed) on the same site or on neighbouring sites in terms of separation, setbacks, amenity and urban form	The existing building is retained, and the new additions are considered to respond appropriately to surrounding development. The Department has discussed the relationship of the development to other sites at Section 6 .	Yes
(v) bulk, massing and modulation of buildings	The proposed alterations and additions respect the integrity of the existing building and are of an appropriate bulk and scale, that responds to the heritage character of The Rocks. The Department has considered the built form at Section 6.3 and concludes the proposal is appropriate.	Yes
(vi) street frontage heights	The new Cumberland building height matches the adjoining commercial building to the south. At Gloucester Walk the building height of the SOHO apartments and private open space is softened with direct entries to the public domain and landscaping.	Yes
(vii) environmental impacts such as sustainable design, overshadowing, wind and reflectivity	The shadow diagrams show there are no adverse solar impacts from the proposal and wind, acoustic and reflectively impacts have been satisfactorily considered.	Yes
(viii) the achievement of the principles of ecologically sustainable development	The proposal achieves the principles of ESD as outlined in Appendix B	Yes
(ix) pedestrian, cycle, vehicular and service access, circulation and requirements	The proposal will improve pedestrian access with a new through site link and upgrades to the public domain at Cumberland Street and Gloucester Walk. The proposal provides a single point for vehicular and service access to the basement, which also contains bicycle parking.	Yes
(x) the impact on, and any proposed improvements to, the public domain and streetscape	Upgrades are proposed to Gloucester Walk and Cumberland Street to improve the surface and landscaping, a new public through site link is proposed as well as a	Yes

Relevant Sections	Department's consideration	Compliance
	public plaza at Cumberland Street, to enhance the public domain and streetscape.	
(xi) the impact on any special character area,	The site is in The Rocks Conservation Area and the proposal improves the sites interface with the public domain and minimises impacts from the new built form, as discussed at Section 6.2 .	Yes
(xii) achieving appropriate interfaces at ground level between the building and the public domain	The proposal significantly improves the current buildings interaction with the public domain by providing active street frontages to Gloucester Walk and Cumberland Street, upgrades to the public domain and a new through site link.	Yes
(xiii) excellence in and integration of landscape design	A comprehensive landscape design is provided for the whole site and complements the existing building with new ground floor level landscaping, landscaping of private courtyard, roof terraces and green rooves.	Yes
(5) Development consent must not be granted for development to which this clause applies unless— <ul style="list-style-type: none"> (a) an architectural design competition that is consistent with the Design Excellence Guidelines has been held in relation to the proposed development, and (b) the consent authority takes into account the results of the architectural design competition, and (c) a design review panel has reviewed the design of the proposed development. 	A type A invited architectural design competition has been held in accordance with the Design Excellence Guidelines and the Department has considered the results of the competition. The design of the proposed development has been reviewed by the Design Integrity Panel (DIP) and the recommendations of the DIP have been incorporated in the design. Refer Section 6.1 for more detail.	Yes
8 Car parks (1) The maximum number of car parking spaces for residential flat buildings and multi dwelling housing on land within the Sirius site is as follows— <ul style="list-style-type: none"> (a) for each studio dwelling—0.1 spaces, (b) for each 1 bedroom dwelling—0.3 spaces, (c) for each 2 bedroom dwelling—0.7 spaces, (d) for each 3 or more bedroom dwelling—1 space. 	The Applicant has requested to vary the car parking development standard as 70 car spaces are proposed, which exceeds the maximum control of 53 spaces. The Department considers the retention of the existing 70 car spaces is satisfactory as the building is being retained and the proposal will not result in any increased traffic impacts, TfNSW does not object and the proposal maintains the site's existing 70 car spaces. The variation is considered reasonable as discussed in Section 6.5 and Appendix C .	No, refer to Section 6.5 and Appendix C .
9 Height of buildings The height of any new building, or any alterations to the existing building, on land within the Sirius site is not to exceed the maximum height shown for the land on the Height of Buildings Map.	The maximum building height controls for the site are RL38.2m, RL39.8m and RL41.4m. The proposal has an overall maximum building height of RL67.4 m, which is an increase of 5.4 m above the existing maximum building height. The Applicant has sought an exception to the building height. The Department has discussed this in Section 6.3 and Appendix C and considered it is reasonable as the additional height maintains the integrity of the existing building and does not cause any unreasonable overshadowing impact or loss of views.	No, refer to Section 6.3 and Appendix C .

Relevant Sections	Department's consideration	Compliance
<p>10 Active street frontages</p> <p>(1) The objective of this clause is to promote uses that attract pedestrian traffic along certain ground floor street frontages on land within the Sirius site.</p> <p>(2) This clause applies to land identified as "Active street frontage" on the Active Street Frontages Map.</p> <p>(3) Development consent must not be granted to the erection of a building, the alteration of the existing building or a change of use of a building, on land to which this clause applies unless the consent authority is satisfied that the building will have an active street frontage after its erection, alteration or change of use.</p> <p>(4) Despite subclause (3), an active street frontage is not required for any part of a building that is used for any of the following—</p> <p>(a) entrances and lobbies (including as part of mixed use development),</p> <p>(b) access for fire services,</p> <p>(c) vehicular access.</p>	<p>The Cumberland Street and Gloucester Walk frontages of the site are identified as active frontages.</p> <p>The Department is satisfied the proposal provides active street frontages and promotes uses that attract pedestrian traffic along Cumberland Street and Gloucester Walk as:</p> <ul style="list-style-type: none"> • a through site link connects Cumberland Street and Gloucester Walk • new retail tenancies are proposed to Cumberland Street and Gloucester Walk • all ground floor apartments have direct street entry • a retail tenancy is provided adjacent to the northern pocket park • three SOHO apartments are provided and are accessed from Gloucester Walk. 	Yes
<p>11 Maximum gross floor area</p> <p>(1) This clause applies if the existing building is completely demolished.</p> <p>(2) The maximum gross floor area of a building on any land within the Sirius site is 8,420m².</p>	This clause is not applicable as the existing building is retained.	N/A
<p>Part 3 Additional development standards if existing building not demolished</p> <p>12 Application of Part</p> <p>This Part applies if the existing building is not completely demolished.</p>	Part 3 applies as the existing building is retained and not demolished.	
<p>13 Maximum gross floor area</p> <p>The maximum gross floor area of a building on land within the Sirius site is 7,010 m².</p>	<p>The proposed maximum gross floor area is 8,419.20 m².</p> <p>The Applicant has submitted a variation to the clause. The Department has considered this in Section 6.3 and Appendix C and finds the variation reasonable as the proposal does not exceed the maximum GFA permitted under Clause 14, the existing building is substantially retained and important views are protected and maintained.</p>	No, refer to Section 6.3 and Appendix c.
<p>14 Exceptions to development standards</p> <p>(3) Development consent must not be granted for development that contravenes a development standard unless the consent authority has considered a written request from the applicant that seeks to justify the contravention of the development standard by demonstrating that—</p> <p>(a) compliance with the development standard is unreasonable or unnecessary in the circumstances of the case, and</p> <p>(b) there are sufficient environmental planning grounds to justify contravening the development standard.</p>	<p>The Applicant has provided a written request to contravene the following development standards:</p> <ul style="list-style-type: none"> • 8 – Car parks • 9 - Height of Buildings and • 13 - Maximum Gross Floor Area <p>As discussed in Section 6.3, 6.5 and Appendix C, the Department is satisfied compliance with the car parking, building height and gross floor area standards in the circumstances of the case is unreasonable and unnecessary and there are sufficient environmental planning grounds to contravene the development standards.</p>	Yes, refer to Section 6.3, 6.5 and Appendix C.

Relevant Sections	Department's consideration	Compliance
<p>(4) Development consent must not be granted for development that contravenes a development standard unless the consent authority is satisfied that—</p> <p>(a) the applicant's written request has adequately addressed the matters required to be demonstrated by subclause (3), and</p> <p>(b) the proposed development will be in the public interest because it is consistent with the objectives of the particular standard and the objectives for development within the zone in which the development is proposed to be carried out.</p> <p>(7) This clause does not allow development consent to be granted for development that would contravene any of the following—</p> <p>(a) a development standard for complying development,</p> <p>(b) a development standard that arises, under the regulations under the Act, in connection with a commitment set out in a BASIX certificate for a building to which State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004 applies or for the land on which such a building is situated,</p> <p>(c) any variation to the maximum gross floor area of a building on land within the Sirius site that would result in a gross floor area of more than 8,420m².</p>	<p>The Department is satisfied the Applicant's written request has adequately addressed the matters in clause 14(3) and the development is in the public interest as it is consistent with the objectives of the zone (there are no objectives for the development standards).</p> <p>The development does not contravene any standards relating to complying development, a BASIX commitment or result in a GFA of more than 8,420m².</p>	

State Environmental Planning Policy No. 65 – Residential Apartment Development

State Environmental Planning Policy 65 – Residential Apartment Development (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 SEPP 65 principles in **Table 14**.

Table 14 | Consideration against SEPP 65 principles

SEPP 65 – Design Quality Principles	Department's Response
1. Context and Neighbourhood Character	<p>The Department has considered the site context and neighbourhood character at Section 6 and considers the height and bulk is consistent with the existing building and responds appropriately to The Rocks and surrounding development.</p> <p>The Department is satisfied the proposal would be consistent with Principle 1.</p>
2. Built form and scale	<p>The Department has considered the built form and scale at Section 6 and considers the proposed alterations and additions result in a building form and scale which complements the retained building and is of a high architectural quality.</p> <p>The Department is satisfied the proposal would be consistent with Principle 2.</p>
3. Density	<p>The Department considers the density of the site is appropriate and the variation to the SSP SEPP controls is justified, reasonable and results in an improved outcome. The proposed density can be accommodated with acceptable built form, heritage, traffic, amenity and infrastructure impacts.</p>

SEPP 65 – Design Quality Principles	Department’s Response
	The density is appropriate for the site and consistent with Principle 3.
4. Sustainability	ESD is considered in Appendix B . The recommended conditions of consent require the Applicant to undertake the ESD measures outlined in the ESD report, consistent with Principle 4.
5. Landscape	The site contains a comprehensive landscape design, with new landscaping at ground level to activate the site and create inviting spaces, new paving to the through site link, Cumberland Street, Gloucester Walk and pocket park, rooftop garden and green roofs will complement the ground level landscaping. The proposal is considered consistent with Principle 5.
6. Amenity	The Department has considered amenity in Section 6.4 and Table 15 and considers the proposed upgrades to the existing building meet the requirements of the ADG and provide a high level of amenity, in accordance with Principle 6.
7. Safety	A CPTED report has been provided and considers issues such as surveillance, activation, accessibility, wayfinding and impacts on local amenity. The Department considers the proposal satisfies Principle 7 subject to the recommendations of the CPTED report.
8. Housing diversity and social interaction	The proposal does not include any affordable housing. The proposal provides a mix of apartment sizes providing housing choice for different demographics, living needs and household budgets. Two adaptable units are provided and 16 units have a high level of compliance with the Liveable Housing Design Guidelines.
9. Aesthetics	The proposal is considered to exhibit design excellence as it has a high standard of architectural design, materials and details achieved through conservation of the existing building and new building mass, as discussed at Section 6.1 .

The ADG sets out guidelines for residential apartments to ensure an appropriate level of residential amenity. The Department has assessed the proposal against the relevant recommended criteria of the ADG at **Table 15**.

Table 15 | Consideration against relevant controls of the ADG

ADG – Relevant Criteria	Proposal
3A Site Analysis Site analysis illustrates design decisions have been based on opportunities and constraints of the site conditions and their relationship to the surrounding context.	The proposal to restore and refurbish the Sirius building is supported by an urban design report. The Department notes the proposal retains the existing building form and modular composition, with new mass located having regard to views, the original massing and overshadowing.
3B Orientation Building types and layouts respond to the streetscape and site while optimising solar access within the development. Overshadowing of neighbouring properties is minimised during mid-winter.	The proposal includes improved activation to Gloucester Walk and Cumberland Street The new additions continue the existing building alignment, creating east and west facing glazed areas with treatments for solar gain and protection. The Department has considered overshadowing to neighbouring properties in midwinter and is satisfied impacts are acceptable. Refer discussion at Section 6.4 .
3C Public Domain Interface Transition between public/private domain is achieved without compromising safety and security. Amenity of the public domain is retained and enhanced.	The proposal has been designed to provide direct residential access at street level, with clearly identifiable entry lobbies from Cumberland Street and Gloucester Walk and direct street entry for all ground level apartments. A new through site link is provided between Cumberland Street and Gloucester Walk to enhance local connections. The proposal includes

ADG – Relevant Criteria	Proposal												
	improvements to the public domain including upgrades to Gloucester Walk, Cumberland Street and a pocket park, new landscaping and retail spaces to activate the public domain.												
<p>3D Communal and Public Open Space</p> <p>Communal open space has a minimum area equal to 25% of the site.</p> <p>Minimum 50% direct sunlight to principal usable part of the communal open space for a minimum of two hours in mid-winter.</p> <p>Communal open space is designed to allow for a range of activities and to maximise safety.</p> <p>Public open space should be well connected with nearby parks and other landscape elements.</p>	<p>The proposal provides 795.3 m² of communal open space (21.7% of the site area). This includes a communal garden for residents, a terrace and pool at level 2 of the Cumberland building, the public forecourt to Cumberland Street, through site link and the Phillip Room external terrace.</p> <p>The Department considers the area for communal space is limited by the existing building footprint and the non-compliance with the ADG is less than 4%.</p> <p>The provided communal open space is complemented by balconies associated with all apartments and extensive public open space in proximity of the site. The Department therefore considers the site provides satisfactory communal space.</p> <p>The site overall receives direct sunlight to usable communal and public open space.</p>												
<p>3E Deep Soil Zones</p> <p>For sites greater than 1,500 m², a minimum of 7% of the site with a minimum dimension of 6 m should provide for deep soil zone(s).</p>	<p>The site provides 19.8 m² (0.7%) of deep soil landscaping.</p> <p>While this does not comply with the ADG minimum requirement, deep soil zones are restricted by the existing basement that covers most of the site and is not being altered. As the existing building is retained, opportunities for new and additional deep soil zones are limited. However, the proposal includes extensive landscaping of private courtyards, balconies, roof terraces and green roofs, which provides areas for plant and tree growth. In addition, the proposal includes enhancements to the public domain including additional landscaping and street tree planting.</p> <p>The site currently has a tree canopy cover of 19% and the proposal increases this to 21.7%.</p> <p>The Department is therefore satisfied the site provides landscaping despite not meeting the ADG requirement for deep soil zones.</p>												
<p>3F Visual Privacy</p> <p>Minimum separation distance from building to side and rear boundaries:</p> <table border="1" data-bbox="193 1552 769 1809"> <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>	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	<p>The existing building is positioned to provide separation to neighbouring buildings.</p> <p>New building additions along Gloucester Walk are more than 6m away from neighbouring habitable rooms, in accordance with the requirement for 6m separation between habitable rooms and balconies up to 12m (4storeys).</p> <p>The new additions on the southern end of the building are setback 9m from the closest residential dwelling on the upper level of 88 Cumberland Street. This complies with the ADG requirement for habitable setbacks for buildings of 5 to 8 storeys.</p> <p>The Cumberland building is a commercial building and adjoins a commercial building, therefore the ADG setbacks do not apply.</p> <p>On site separation between the Cumberland building and residential apartments in the Sirius building is approximately 4 m, for the first 3 levels of the Cumberland building, which presents as a blank wall.</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											

ADG – Relevant Criteria	Proposal
	This complies with separation to non-habitable rooms, being greater than 3m.
<p>3G Pedestrian Access to Entries</p> <p>Building entries and pedestrian access connects to and addresses the public domain.</p> <p>Access, entries and pathways are accessible and easy to identify.</p> <p>Large sites provide pedestrian links for access to streets and connection to destinations.</p>	<p>Direct street access to residential lobbies is provided, which are easily identifiable with full height glass, canopy and entry awnings.</p> <p>Direct street entry is provided to all ground level apartments.</p> <p>The proposal includes a new through site link and lift from Gloucester Walk to Cumberland Street to improve pedestrian connections.</p>
<p>3H Vehicle Access</p> <p>Vehicle access points are to be designed to achieve safety, minimise conflicts between pedestrians and vehicles and create high-quality streetscapes.</p>	<p>A new ramp to the basement carpark is proposed to meet current standards, within the Cumberland building. The Cumberland building contains the vehicle ramp and truck lift for waste and removal trucks.</p> <p>A single access point is provided to minimise visual impacts and conflicts with pedestrians.</p>
<p>3J Bicycle and Car Parking</p> <p>The minimum car parking requirement for residents and visitors is set out in the Guide to Traffic Generating Developments, or the car parking requirement prescribed by the relevant council, whichever is less</p> <p>Car park design and access is safe and secure.</p> <p>Visual and environmental impacts of above ground enclosed car parking are minimised.</p>	<p>70 car parking spaces are provided in the basement. The Department has considered car parking at Section 6.6 and Appendix C.</p> <p>Basement access is from Cumberland Street, via remote control and motion sensor lights.</p> <p>The existing partial above ground basement carpark is proposed to be enclosed so it will no longer be visible from the public domain.</p> <p>80 bicycle parking spaces are provided in the basement for residents and 12 spaces in the public domain for visitors.</p>
<p>4A Solar and Daylight Access</p> <p>To optimise the number of apartments receiving sunlight to habitable rooms, primary windows and private open space.</p> <p>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.</p> <p>Maximum of 15% of apartments have no direct sunlight between 9 am – 3 pm in mid-winter.</p> <p>Daylight access is maximised where sunlight is limited.</p> <p>Design incorporates shading and glare control, particularly for warmer months.</p>	<p>The submitted solar analysis indicates 70% of apartments (53 of 76) receive a minimum of 2 hours direct sunlight between 9am and 3pm in midwinter.</p> <p>The proposal maximises solar access with dual aspect apartments, full height glazing and glass balustrading.</p> <p>Two units receive no direct sunlight in mid winter (2.6%).</p> <p>The proposal includes a balcony or articulation to all new pods and sun hoods to all existing window bays to provide shading and glare control.</p>
<p>4B Natural Ventilation</p> <p>At least 60% of apartments are cross ventilated in the first nine storeys (apartments 10 storeys or greater are deemed to be cross ventilated).</p>	<p>A total of 57 apartments (80%) in the first nine storeys are naturally cross ventilated.</p> <p>Cross through apartments are 13-15 m deep.</p>

ADG – Relevant Criteria	Proposal
Overall depth of a cross-over or cross-through apartment does not exceed 18m.	
<p>4C Ceiling Heights</p> <p>Measured from finished floor level to finished ceiling level, minimum ceiling heights are:</p> <p>Habitable rooms 2.7 m</p> <p>Non-habitable rooms 2.4 m.</p>	<p>All new pods have a minimum ceiling height of 2.7m in habitable rooms.</p> <p>In the existing building, apartments have a ceiling height of approximately 2.42m, which varies across the building.</p> <p>The Department notes requiring 2.7m ceiling heights in all habitable rooms would result in significant changes to the existing built form, which is celebrated as an iconic example of Brutalist architecture.</p> <p>As such the Department considers the non-compliance satisfactory as the proposal retains the existing building and the apartment layouts have been designed to provide high amenity with spacious well-proportioned rooms, dual aspect, full height glazing and balcony pods.</p>
<p>4D Apartment Size and Layout</p> <p>Minimum apartment sizes</p> <ul style="list-style-type: none"> • Studio 35 m² • 1 bedroom 50 m² • 2 bedroom 70 m² • 3 bedroom 90 m² • 4 bedroom 102 m². <p>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.</p>	<p>The GFA schedule indicates all apartments comply with the ADG minimum apartment size requirements, expect for 8 one-bedroom apartments (apartment type 1C) that range in size from 44.08 – 44.95m².</p> <p>The Applicant advises these are all existing one-bedroom apartments.</p> <p>The Department notes these apartments are all provided with new balconies, the living space is 4m wide and the bedrooms 3.5m wide, providing a layout that is useable and functional. In addition, the apartments all receive 2 hours direct sunlight in midwinter, providing a high level of amenity.</p> <p>The Department concludes the variation to the one-bedroom apartment sizes is reasonable in this case as the existing apartment is retained and a high level of amenity is provided.</p> <p>All habitable rooms have a window in an external wall of the floor area served.</p>
<p>4E Private Open Space and Balconies</p> <p>Primary balconies are provided to all apartments</p> <p>Private open space and primary balconies are integrated into and contribute to the architectural form and detail of the building.</p> <p>Primary open space and balconies maximises safety.</p>	<p>All apartments are provided with private open space, in the form of private courtyard, balcony and/ or roof terrace.</p> <p>New clip on balconies have been added where there was no balcony previously and are restricted in size due to the structural limitations of the building.</p> <p>Ground level apartments have private open space that is greater than 15 m² and minimum depth of at least 3m.</p>
<p>4F Common Circulation and Spaces</p> <p>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.</p> <p>For buildings 10 storeys and over, the maximum number of apartments sharing a single lift is 40.</p>	<p>In cores 1, 2, 3 and 5, 2 apartments are serviced per level. In core 4, 2 lifts are provided to service a maximum of 5 apartments per level.</p> <p>Core 4 exceeds 10 storeys tall and is serviced by 2 lifts.</p>
<p>4G Storage</p> <p>The following storage is required (with at least 50% located within the apartment):</p> <ul style="list-style-type: none"> • Studio apartments 4 m³ • 1-bedroom apartments 6 m³ • 2-bedroom apartments 8 m³ 	<p>The submitted storage schedule show the required storage is provided for each apartment, with 50% located within the apartment.</p> <p>Basement storage is located in a secure area at the rear of the allocated parking space or a dedicated storage zone adjacent to the lift core.</p>

ADG – Relevant Criteria	Proposal
<ul style="list-style-type: none"> • 3-bedroom apartments 10 m3 	
<p>4H Acoustic Privacy</p> <p>Noise transfer is minimised through the siting of buildings and building layout and minimises external noise and pollution.</p>	<p>The building is located adjacent to the Sydney Harbour Bridge which has significant acoustic impacts. The submitted Acoustic Noise Impact Assessment Report has recommended window glazing and wall thickness to address this impact.</p> <p>Similarly, noise from surrounding licensed venues has been considered in Section 6.4.</p> <p>The layout of apartments generally locates living and bedroom areas away from common areas.</p>
<p>4J Noise and Pollution</p> <p>In noisy or hostile environments, the impacts of external noise and pollution are minimised through the careful siting and layout of buildings.</p>	<p>As above, the submitted Acoustic Noise Impact Assessment Report has considered noise transfer from external noise sources and demonstrates compliance can be achieved with relevant Australian Standards.</p>
<p>4K Apartment Mix</p> <p>Provision of a range of apartment types and sizes</p> <p>Apartment mix is distributed to suitable locations within the building.</p>	<p>The proposal has a range of apartment types and sizes and includes:</p> <ul style="list-style-type: none"> ○ 1 x studio ○ 14 x 1 bed ○ 42 x 2 bed ○ 14 x 3 bed ○ 5 x 4 bed. <p>Larger apartments are located at the ends or higher in the building, with the adaptable and liveable apartments in the main tower due to the existing split-level configuration of the building.</p>
<p>4L Ground floor Apartments</p> <p>Street frontage activity is maximised where ground floor apartments are located</p> <p>Design of ground floor apartments delivers amenity and safety for residents</p>	<p>All ground floor apartments facing both Cumberland Street and Gloucester Walk have direct access from the public domain.</p> <p>The courtyards are designed to provide privacy as well as passive surveillance by using brick walls and screen fencing.</p>
<p>4M Facades</p> <p>Building facades provide visual interest along the street while respecting the character of the local area</p> <p>Building functions are expressed by the facade</p>	<p>The proposal retains most of the exposed concrete of the existing building with new building elements in copper cladding to distinguish the new elements from the existing.</p> <p>The various building functions, lobby, residential apartments, retail spaces and common facilities, are individually expressed to distinguish their use.</p>
<p>4N Roof Design</p> <p>Roof treatments are integrated into the building design and positively respond to the street.</p> <p>Roof design includes sustainability features.</p>	<p>The proposed roof design continues the modulating/stepped building mass of the existing building. The roof includes private residential terraces and non-accessible landscaped roofs, with solar panels.</p>
<p>4O Landscape Design and 4P Planting on Structures</p> <p>Landscape design is viable and sustainable.</p> <p>Landscape design contributes to streetscape and amenity.</p> <p>Building design includes opportunity for planting on structure.</p>	<p>The proposal includes a comprehensive landscape design for the site and public domain.</p> <p>The proposal includes green roofs and landscaped terraces, with appropriate soil depths, to improve the buildings contribution to the streetscape and improve amenity.</p>
<p>4Q Universal Design</p> <p>Universal design features are included in apartment design to promote flexible housing for all community members. Developments should achieve a benchmark of 20% of the apartments incorporating the Liveable Housing Guideline's silver level universal design features.</p>	<p>No apartments fully compliant with the Liveable Housing Guideline due to the existing split-level design of the building.</p> <p>19 units in Core 4 would comply with the design requirements, however the existing corridor widths don't meet entry circulation requirements and would require significant changes to the core structure to comply.</p>

ADG – Relevant Criteria	Proposal
<p>A variety of apartments with adaptable designs are provided.</p> <p>Apartment layouts are flexible and accommodate a range of lifestyle needs.</p>	<p>To address this Applicant has designed 16 apartments to be as compliant as possible with the Liveable Housing Guideline which includes power operated entry doors, circulation in bathrooms, hob-less showers and meets most of the required clear corridor widths.</p> <p>The Department considers that as the existing building is being refurbished and restored, the Applicant's approach is satisfactory in the circumstances of the case as requiring compliance with all the provisions of the Liveable Housing Guidelines would require significant works to address the split level design and existing corridor widths.</p>
<p>4R Adaptive re-use</p> <p>New additions to existing buildings are contemporary and complementary and enhance an area's identity and sense of place</p>	<p>The proposal retains the existing building and adds new building mass that preserves and enhances the buildings original modular concept.</p> <p>As discussed in Section 6.1, the proposal is considered to exhibit design excellence and successfully combines new contemporary additions with the existing building.</p>
<p>4S Mixed Use</p> <p>Mixed use developments are provided in appropriate locations and provide active street frontages that encourage pedestrian movement</p>	<p>The proposal provides retail spaces and SOHO units to Cumberland Street and Gloucester Walk to activate these frontages to the public domain. The through site link enhances the connectivity between Cumberland Street and Gloucester Walk.</p>
<p>4T Awning and Signage</p> <p>Awnings are well located and complement and integrate with the building.</p>	<p>All residential lobbies have wind and rain canopies, to identify the entries and provide weather protection.</p> <p>Awnings are provided to the retail tenancy on Cumberland Street and smaller scaled awnings for retail tenancies along Gloucester Walk.</p>
<p>4U Energy Efficiency</p> <p>Development incorporates passive environmental and solar design.</p> <p>Adequate natural ventilation minimises the need for mechanical ventilation.</p>	<p>BASIX Certificates have been provided which indicates the development achieves required environmental and solar design.</p> <p>An ESD Report has been provided which outlines sustainability measures, as discussed in Appendix B.</p> <p>Natural and cross ventilation is maximised for all apartments.</p>
<p>4V Water Management and Conservation</p> <p>Potable water use is minimised.</p> <p>Urban stormwater is treated on site before being discharged to receiving waters.</p> <p>Flood management systems are integrated into the site design.</p>	<p>The proposal will collect and re-use rainwater.</p> <p>The proposal provides updated stormwater drainage and that includes water quality improvement measures.</p>
<p>4W Waste Management</p> <p>Waste storage facilities are designed to minimise impacts on streetscape, building entry and residential amenity.</p> <p>Domestic waste is minimised by providing safe and convenient source separation and recycling.</p>	<p>Waste storage facilities are provided for each core in the building and are easily accessible for residents and for collection. The basement includes a waste storage area capable of accommodating waste generated by the development and will be collected by Council's residential waste vehicle.</p>
<p>4X Building Maintenance</p> <p>Building design detail provides protection from weathering.</p> <p>Systems and access enable ease of maintenance.</p>	<p>The design includes movement joints, weatherproofing seals and drip lines integrated into the façade to provide protection from weathering.</p> <p>Robust materials have been selected.</p> <p>Safe access is provided to roof areas including latch points for abseiling, lift and stairwell access.</p>

State Environmental Planning Policy (Infrastructure) 2007

The Infrastructure SEPP 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.

The Department has consulted and considered the comments from relevant public agencies (**Sections 5 and 6**). The Department has recommended conditions to manage and/or mitigate the impacts of the development (**Appendix E**).

The Department has considered the relevant clauses of the Infrastructure SEPP in **Table 16**.

Table 16 | Consideration against relevant controls of the Infrastructure SEPP

Relevant Sections	Department's consideration	Compliance
88 Development within or adjacent to interim rail corridor	The site is in land marked as "Zone B" on the rail corridors map and in the area identified for the CBD Rail link corridor. TfNSW have advised any impacts from the proposal would be negligible and they do not require geotechnical or engineering modelling. The Department notes the Construction Management Plan has been updated to include vibration monitoring of the rail corridor structure to manage any issues, in accordance with the comments from TfNSW. Conditions requiring compliance with the Construction Management Plan are recommended.	Yes
88A Major development within Interim Metro Corridor	The subject site is in located in a rail link corridor, not a metro corridor.	N/A
101 Development with frontage to classified road	The site doesn't have frontage to a classified road; however it is located adjacent to the Bradfield Highway (Western Distributor), a State classified road. The proposal will not affect the operation of the Bradfield Highway as the vehicular access to the site is provided from Cumberland Street. The development is sensitive to traffic noise and includes measures to ameliorate noise impacts including glazing thickness, acoustic seals and acoustic treatments to roof and walls, as recommended in the Acoustic Report.	Yes
102 Impact of road noise or vibration on non-road development	The Bradfield Highway (Western Distributor), has an annual average daily traffic volume of more than 20,000 vehicles (traffic volumes of the Sydney Harbour Bridge exceed 150,000 vehicles a day). The Sirius building is a sensitive residential receiver and is likely to be adversely affected by road noise. The Acoustic Report demonstrates the development can meet the LAeq levels for any bedroom (35 dB(A)) between 10 pm and 7 am and elsewhere at any time (40 dB(A)).	Yes
103 Excavation in or immediately adjacent to corridors	No excavation works are proposed in or immediately adjacent to the Bradfield Highway.	Yes
104 Traffic-generating development	The development is not defined as traffic generating development.	N/A

Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005 (SREP SHC)

SREP SHC 2005 provides planning principles for development within the Sydney Harbour Catchment. The site is within the Sydney Harbour Catchment area, the Foreshores and Waterways area, the Sydney Opera House Buffer Zone and is also defined as a Strategic Foreshore Site. The Department has considered the relevant clauses of the SREP SHC in **Table 17**.

Table 17 | Consideration against relevant controls of the SREP SHC

Relevant Sections	Department's consideration	Compliance
2 Aims of plan	The proposal is consistent with the aims of the plan as it: <ul style="list-style-type: none"> would not adversely affect the catchment, foreshore and waterways of Sydney Harbour would not have any adverse environmental impacts, noting the site is not considered to have high environmental values will refurbish and retain the Sirius building and contribute to a culturally rich and vibrant place for people. 	Yes
13 Sydney Harbour Catchment	The site is located within the Sydney Harbour Catchment and the proposal is consistent with the planning principles as: <ul style="list-style-type: none"> a stormwater management plan proposes water quality improvement measures that will benefit the catchment erosion and sediment controls will be implemented during construction to control sediment runoff to the harbour the development will not adversely impact the natural assets and health of the harbour a visual impact assessment has been carried out and demonstrates the proposal will not affect the unique visual qualities of Sydney Harbour. 	Yes
14 Foreshores and Waterways Area	The site is in the Foreshores and Waterways Area and the proposal is consistent with the planning principles as: <ul style="list-style-type: none"> public access to the foreshore and access to waterways is not affected by the proposal the development will not affect the natural assets and unique environmental qualities of Sydney Harbour a visual impact assessment has been carried out and demonstrates the proposal will not affect the unique visual qualities of Sydney Harbour. 	Yes
15 Heritage conservation	The Department has considered the proposal in relation to built and Aboriginal heritage in Section 6.2 and Section 6.5 . The proposal will not alter any existing heritage items and will preserve views and vistas to the Sydney Opera House. An Aboriginal Cultural Heritage Assessment Report (ACHAR) has been prepared and confirms there are no Aboriginal sites within or adjacent to the site.	Yes
29 Consultation required for certain development application	The site is not listed in Schedule 2 and consultation with the Advisory Committee is not required.	N/A
Part 4 Strategic Foreshore Sites	The site is in Strategic Foreshore Site 1 – City Foreshores Area. Clause 41 (4) notes a master plan does not have to be prepared for the City Foreshores Area unless the Minister so directs. The Minister has not directed a master plan be prepared for the land.	Yes
Part 5 Heritage provisions	The site is not identified as a heritage item on the Heritage Map. The site is adjacent to item no.67 Sydney Harbour Bridge including approaches and viaducts (road and rail). The submitted Heritage Impact Statement concludes the proposal will not impact any listed heritage items.	Yes

Relevant Sections	Department's consideration	Compliance
57 Development affecting matters of Aboriginal heritage significance	An Aboriginal Cultural Heritage Assessment Report (ACHAR) has been prepared and confirms there are no Aboriginal sites within or adjacent to the site.	Yes
58 Development affecting matters of non-Aboriginal heritage significance	The archaeological potential is low and the submitted Historic Archaeological Assessment does not anticipate the proposal will impact any archaeological materials.	Yes
Division 3A Sydney Opera House 58B Protection of world heritage value of Sydney Opera House	The site is in the Sydney Opera House (SOH) Buffer zone. The Department considers the proposal: <ul style="list-style-type: none"> is consistent with the objectives in clause 53(2) preserves views and vistas between the SOH and other public places in the zone as the existing building is retained and the proposed additions will not significantly alter existing views preserves the world heritage values of the SOH as it will not affect outward views from the SOH does not diminish the visual prominence of the SOH as the proposal has no impact on the significant form or silhouette of the SOH against the Harbour and city. 	Yes
59 Development in vicinity of heritage items	The Department has considered the impact of the proposal on nearby heritage items (refer Section 6.2) and is satisfied the development will not adversely affect any heritage items listed under the SREP.	Yes

The Sydney Harbour Foreshore and Waterways Area Development Control Plan (DCP) provides detailed design parameters for development within the foreshore area of Sydney Harbour (in relation to ecological assessment, landscape assessment and design guidelines). The Department has considered the DCP as outlined in **Table 18** is satisfied the proposal is consistent with the DCP.

Table 18 | Consideration against relevant controls of the Sydney Harbour Foreshores and Waterways Area DCP

Relevant Sections	Department's consideration	Compliance
2 Ecological Assessment	<ul style="list-style-type: none"> The site is not located within or adjacent to an area of ecological significance and this section is not applicable. 	N/A
3 Landscape Assessment	<ul style="list-style-type: none"> The site is not located within an identified landscape character area and this section is not applicable. 	N/A
4 Design Guidelines for water-based and land/water interface developments	<ul style="list-style-type: none"> The proposal is not water based and the site does not have a land/ water interface, as such this section is not applicable. 	N/A
5 Design Guidelines for land-based development	The proposal is consistent with the design guidelines for land-based development as follows: <ul style="list-style-type: none"> the site does not have foreshore access, but will enhance pedestrian connections with a new through site link the proposal is sited appropriately as it retains the existing built form and the new additions and alterations do not disturb native vegetation and maintain views and vistas from public places and landmarks the proposed built form is sympathetic to the surrounding area and the scale and design enhances the existing built form the proposal incorporates extensive landscaping at the ground level, the public domain, private courtyards/ balconies and the rooftop, and retains existing mature trees 	Yes

Relevant Sections	Department's consideration	Compliance
	<ul style="list-style-type: none"> the proposal has been designed to address the requirements of SEPP 65. 	

State Environmental Planning Policy No.55 – Remediation of Land

SEPP 55 aims to promote the remediation of contaminated land to prevent the risk of harm to human health and the environment. SEPP 55 requires the consent authority to consider whether the land is contaminated, and if so, whether the land is suitable for the purpose for the proposed development.

A detailed site investigation has been undertaken by the Applicant and considers the potential for site contamination is low and that the site is suitable for the proposed development.

The Department is satisfied the proposal has addressed the requirements under SEPP 55.

Draft Remediation of Land State Environmental Planning Policy

The Explanation of Intended Effect for the Draft Remediation of Land SEPP was exhibited until 13 April 2018. The Draft Remediation of Land SEPP proposes to better manage remediation works by aligning the need for development consent with the scale, complexity and risks associated with the proposed works. As the proposal has demonstrated it can be suitable for the site, the Department considers it would be consistent with the intended effect of the Remediation of Land SEPP.

State Environmental Planning Policy (Building Sustainability Index – BASIX) 2004 (SEPP BASIX)

The BASIX SEPP encourages sustainable residential development by setting targets that measure efficiency of buildings in relation to water and energy use and thermal comfort.

The development includes BASIX Certificates for all existing and new apartments and conditions requiring compliance with each BASIX certificate are recommended.

Draft State Environmental Planning Policy (Draft Environment SEPP)

The Explanation of Intended Effect for the Environment SEPP was exhibited until 31 January 2018.

The relevant matters for consideration and the general provisions relating to Sydney Harbour are proposed to remain in accordance with those in the current SEPP and therefore the proposal would be consistent with the intended effect of the Environment SEPP.

State Environmental Planning Policy (Coastal Management) 2018 (SEPP Coastal Management)

The Coastal Management SEPP gives effect to the objectives of the Coastal Management Act 2016 (NSW) and defines four coastal management areas.

The site is in the Coastal Environment Area and Coastal Use Area, with controls provided under Clauses 13 and 14. However, Clause 13 and 14 note that where land is in the Foreshores and Waterways Area of the SREP SHC, the clauses do not apply.

Appendix C – Consideration of exception to development standards

Clause 14 of the SSP SEPP permits the consent authority to consider a variation to a development standard imposed by an EPI. The aim of clause 14 is to provide an appropriate degree of flexibility in applying development standards to achieve better development outcomes. In consideration of the proposed variation, clause 14 requires the following:

(3) Development consent must not be granted for development that contravenes a development standard unless the consent authority has considered a written request from the applicant that seeks to justify the contravention of the development standard by demonstrating that—

- (a) compliance with the development standard is unreasonable or unnecessary in the circumstances of the case, and*
- (b) there are sufficient environmental planning grounds to justify contravening the development standard.*

The Applicant has prepared written requests in accordance with clause 14(3) (**Appendix A**) to vary three applicable development standards:

- car parks (clause 8)
- height of buildings (clause 9)
- maximum gross floor area (clause 13).

The development standards and the Applicant's proposed variations are summarised below.

Clause 14(4) requires the consent authority to be satisfied that:

- (i) the Applicant's written request has adequately addressed the matters required to be demonstrated by subclause (3), and*
- (ii) the proposed development will be in the public interest because it is consistent with the objectives of the particular standard and the objectives for development within the zone in which the development is proposed to be carried out.*

Development standards and variations

Car parks

Clause 8 of the SSP SEPP sets the maximum number of car parking spaces for residential flat buildings and multi dwelling housing on land within the Sirius site, based on the following:

- (a) for each studio dwelling—0.1 spaces,*
- (b) for each 1 bedroom dwelling—0.3 spaces,*
- (c) for each 2 bedroom dwelling—0.7 spaces,*
- (d) for each 3 or more bedroom dwelling—1 space.*

Based on the above rates, the maximum number of car parking spaces for the proposal is 52.7 (53) car spaces. The proposal includes 70 car parking spaces and exceeds the control by 17 car spaces.

Height of buildings

Clause 9 of the SSP SEPP sets a maximum building height for the site of RL 38.2m, RL39.8m and RL41.4m, as shown in the Height of Buildings Map (**Figure 21**).

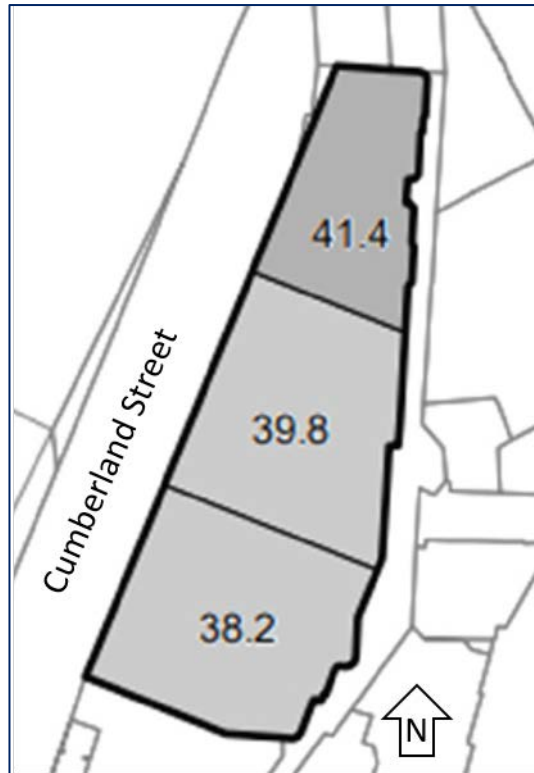


Figure 21 | Height of Building Maps (Source: SSP SEPP)

The proposal would exceed the maximum building height control as summarised at **Table 19**. The proposed overall maximum height (RL 67.4m) is an increase of 5.4m above the existing maximum building height (RL 62m).

Table 19 | Variation to building height development standard

Area of Sirius Building	SSP SEPP Height (RL)	Proposed height (RL)	Existing height (RL)
South	38.2	36.8 – 57.1	30.8 – 57.1
Central	39.8	40.1 – 67.4	35 – 62
North	41.4	37.5 – 43.5	32.2 – 36.3

Maximum gross floor area

Clause 13 of the SSP SEPP sets a maximum gross floor area (GFA) control for the site (where the existing building is not demolished) of 7,010 m².

Clause 14(7)(c) states any variation to the maximum gross floor area must not result in a gross floor area of more than 8,420 m² which is equivalent to the maximum GFA is 8,420 m² if the existing building is completely demolished (clause 11).

The proposal has a GFA of 8,419.20 m² and would exceed the maximum GFA control by 1,409.20 m² but would be consistent with the maximum variation permitted under Clause 14(7)(c).

Table 20 | Department's consideration of Clause 14 requirements

1: Is the consent authority satisfied that the proposed development will be consistent with the objectives of the zone

Car parks	<p>The objectives of B8 Metropolitan Centre zone are:</p> <p>(a) to recognise and provide for the pre-eminent role of business, office, retail, entertainment and tourist premises in Australia's participation in the global economy,</p> <p>(b) to provide opportunities for an intensity of land uses commensurate with Sydney's global status,</p> <p>(c) to permit a diversity of compatible land uses characteristic of Sydney's global status and that serve the workforce, visitors and wider community,</p> <p>(d) to encourage the use of alternatives to private motor vehicles, such as public transport, walking or cycling,</p> <p>(e) to promote uses with active street frontages on main streets and on streets in which buildings are used primarily (at street level) for the purposes of retail premises.</p> <p>The Department is satisfied that the proposed development is consistent with the objectives of the B8 Metropolitan Centre zone, as the:</p> <ul style="list-style-type: none"> the proposal substantially retains, restores and refurbishes an iconic Sydney building and will provide a positive contribution to the architectural landscape of Sydney the proposal provides compatible land uses given its location in the Sydney CBD, including residential, commercial and retail, to serve the workforce, visitors and wider community the site is well connected to public transport, cycling routes and pathways to facilitate active transport the proposal promotes active uses to Cumberland Street and Gloucester Walk with the provision of retail and commercial spaces.
Height of buildings	
GFA	

2: Is the consent authority satisfied the proposed development will be consistent with the objectives of the standard

Car parks	<p>The car parks, height of buildings and GFA standards do not include objectives.</p>
Height of buildings	
GFA	

3: Has the consent authority considered a written request that demonstrates compliance with the development standard is unreasonable or unnecessary in the circumstances of the case and they are satisfied that the matters required to be demonstrated have adequately been addressed

Car parks	<p>The Applicant has demonstrated compliance with the car parks development standard is unreasonable or unnecessary in the circumstances of the case by addressing the matters required under Clause 14(3) and (4).</p> <p>The Department supports the Applicant's conclusions that the proposed development meets the objectives of the zone. The Department considers compliance with the development standard is:</p> <ul style="list-style-type: none"> unnecessary in this case as the existing building is not being demolished and the existing 70 car spaces will be retained as part of the proposed restoration and refurbishment unreasonable as the proposal will not result in any increased traffic impacts unreasonable as no purpose is served by requiring strict compliance. <p>Having considered the Applicant's written request, the Department is satisfied that the Applicant has adequately addressed that compliance with the development standard is unreasonable or unnecessary in the circumstances of the case and the matters required to be demonstrated have been adequately addressed.</p>
Height of buildings	<p>The Applicant has demonstrated that compliance with the development standards are unreasonable or unnecessary in the circumstances of the case, by addressing the matters required under Clause 14(3) and (4).</p> <p>The Department supports the Applicant's conclusions that the proposed development meets the objectives of the zone. The Department considers compliance with the development standard is:</p> <ul style="list-style-type: none"> unnecessary as the objectives of the zone are still achieved unreasonable as no purpose is achieved by requiring strict compliance. <p>Having considered the Applicant's written request, the Department is satisfied that the Applicant has adequately addressed that compliance with the development standard is unreasonable or unnecessary in the circumstances of the case and the matters required to be demonstrated have been adequately addressed.</p> <p>In supporting the Applicant's request, the Department considers that the development will deliver an overall better planning outcome for the site, for the following reasons:</p>
GFA	

1: Is the consent authority satisfied that the proposed development will be consistent with the objectives of the zone

- the proposal achieves a high standard of architectural, urban and landscape design and exhibits design excellence
- the existing building and character is substantially retained, with the alterations and additions continuing the pattern of lower building mass at the north and south, rising to a central tower
- the proposal maintains important view corridors including from the Sydney Harbour Bridge pedestrian walkway to the Sydney Opera House and responds to surrounding development within The Rocks
- the proposal will not result in any adverse environmental impacts and the residential apartments within the building will have a high level of amenity
- the proposal provides for a residential use in a location that is highly accessible by public transport and is well connected to existing pedestrian and cycling links.

4: Has the consent authority considered a written request that demonstrates there are sufficient environmental planning grounds to justify contravening the development standard

Car parks	The Department has considered the Applicant's written request which justifies contravention of the development standard and considers that there are sufficient environmental planning grounds to justify the variation:
Height of buildings	
GFA	
	<ul style="list-style-type: none"> • the development is consistent with the Objects of the EP&A Act and the aims of the SSP SEPP by supporting the redevelopment of an important urban site • the design is the outcome of a design excellence competition run in accordance with the Design Excellence Strategy endorsed by the GA NSW and exhibits design excellence • the proposal substantially retains, restores and refurbishes the existing building and provides a built form that responds to the significant heritage items surrounding the site including World, National and State Heritage Items and The Rocks conservation area • the substantial retention of the building provides • the proposal does not result in any significant adverse impacts on neighbouring residential amenity • the proposal includes significant public domain upgrades and active street frontages are provided to key interfaces in accordance with the SSP SEPP requirements.

Having considered the Applicant's written request, the Department is satisfied the Applicant has adequately demonstrated there are sufficient environmental planning grounds to justify the contravention of the development standards and the matters required have been adequately addressed.

The Department therefore concludes the Applicant's written request adequately addresses the matters required to be demonstrated under clause 14 of the SSP SEPP and the proposed development will be in the public interest because it is consistent with the objectives for development within the zone and results in a better outcome for the site.

Appendix D – Consideration of community views

Table 21 | Summary of the Department’s consideration of key community views

Issue	Consideration
Loss of amenity (privacy, overshadowing, views, noise)	<ul style="list-style-type: none"> • Public submissions raised concerns about amenity impacts from the proposal including additional overshadowing, loss of privacy and views and increased noise • The Department has undertaken a detailed assessment of the amenity concerns raised in submissions in Section 6.4 • The proposal would not result in adverse amenity impacts to adjoining properties as: <ul style="list-style-type: none"> ○ building separation is provided in accordance with the ADG requirements to maintain privacy and privacy louvres have been provided to further minimise opportunities for overlooking ○ Adjoining residential properties continue to receive at least 2 hours of solar access in mid winter to habitable rooms ○ The proposal does not adversely impact any existing significant views ○ The proposal will comply with the relevant noise emissions criteria and internal noise criteria can be met for apartments facing the Mercantile Hotel. <p><i>Recommended Conditions</i></p> <ul style="list-style-type: none"> • Require the mechanical plant complies with the relevant noise emissions criteria.
Nil setback to 88 Cumberland Street	<ul style="list-style-type: none"> • Public submissions raised concerns the nil setback to 88 Cumberland Street is inappropriate. • The Department has considered the proposed setback in Section 6.4 and considers it is satisfactory as it is only the commercial Cumberland Street building that has a nil setback, which is consistent with the existing planning controls and the pattern of setbacks between commercial buildings in the street. <p><i>Recommended Conditions</i></p> <ul style="list-style-type: none"> • No conditions necessary.
Basement excavation impacts	<ul style="list-style-type: none"> • Public submissions raised concerns about impacts of the basement excavation to adjoining properties. • The Applicant has provided a Construction Management Plan that addresses the concerns raised about construction impacts including requirement for preparation of a dilapidation report prior to construction commencing and management of noise and vibration impacts. • In addition, the Applicant met with the adjoining property owner to discuss construction methodology for excavation works. <p><i>Recommended Conditions</i></p> <ul style="list-style-type: none"> • Pre and post construction dilapidation reports • Construction Noise and Vibration Management Sub-Plan
Construction management measures to protect amenity	<ul style="list-style-type: none"> • Public submissions requested conditions be imposed to protect the amenity for residential and commercial tenants surrounding the site during construction. • The Applicant has provided a Construction Management Plan that addresses the concerns raised about construction impacts including the management of noise and vibration impacts. • The Department has considered the Applicant’s draft CMP and considers construction impacts of the proposal can be appropriately managed. • The Department has recommended conditions including a Construction Environmental Management Plan to manage and mitigate potential

Issue	Consideration
	<p>environmental impacts and a Community Communication Strategy to provide mechanisms to facilitate communication between the Applicant and the community.</p> <p><i>Recommended Conditions</i></p> <ul style="list-style-type: none"> • Construction Environmental Management Plan • Construction Noise and Vibration Management Sub-Plan • Community Communication Strategy
<p>Loss of property values</p>	<ul style="list-style-type: none"> • Public submissions raised concerns the proposal would adversely affect property values. • The Department has assessed the merits of the modification in detail at Section 6 and concludes it is appropriate as it retains the existing built form, the new additions are compatible with surrounding development and it includes high-quality landscaping and public domain upgrades to Cumberland Street, Gloucester Walk and the northern pocket park. The Department also concludes the proposal is unlikely to have adverse amenity impacts to neighbouring properties. • The Department is therefore satisfied the proposal is unlikely to result in any adverse impacts on property prices. <p><i>Recommended Conditions</i></p> <ul style="list-style-type: none"> • No conditions necessary.
<p>Provision of social housing and Greater Sydney Commission (GSC) requirements for social housing</p>	<ul style="list-style-type: none"> • Concerns were raised in public submissions that the proposal does not provide any social housing. Concern was also raised the GSC requirements for social housing were not met. • The NSW Government divested the site as part of its Future Direction in Social Housing Strategy to fund new social housing across Sydney. • The Department has considered the strategic merits of the proposal in Section 3 and the directions of the GSC Greater Sydney Region Plan and the Eastern City District Plan. • The Department is satisfied the proposal is consistent with the directions of the Region Plan and Eastern City District Plan as it provides housing supply in a central location with excellent access to jobs, services and public transport and will refurbish the existing Sirius building, enhance the public domain while recognising and conserves the history of the site and The Rocks. • The Department is satisfied the sale of the site for social housing has previously been addressed and SSP SEPP site specific planning controls do not require any social or affordable housing at the Sirius site. <p><i>Recommended Conditions</i></p> <ul style="list-style-type: none"> • No conditions necessary.
<p>Funds from the sale won't be used for social housing</p>	<ul style="list-style-type: none"> • Concerns were raised in public submissions that funds from the sale of the site would not be used to fund social housing • The NSW Government divested the site as part of its Future Direction in Social Housing Strategy to fund new social housing. Funds from the sale of the Sirius building will be used for 338 new social homes across NSW. <p><i>Recommended Conditions</i></p> <ul style="list-style-type: none"> • No conditions necessary.
<p>Provide a residency program associated with arts organisation</p>	<ul style="list-style-type: none"> • Public submissions suggested the proposal should include a residency program associated with an arts organisation. • The proposal is for a mixed-use building and is consistent with the zoning and planning controls applying to the site, as discussed in Appendix B. • The Applicant has also prepared a Public Art Strategy which acknowledges the social and cultural history of the building and explores opportunities for

Issue	Consideration
	<p>collaboration with the Museum of Contemporary Art, as discussed at Section 6.6.</p> <ul style="list-style-type: none"> The Department is satisfied the proposal will provide a cultural contribution to the local area. <p><i>Recommended Conditions</i></p> <ul style="list-style-type: none"> Public Art Strategy.
<p>Exceeds the site-specific planning controls</p>	<ul style="list-style-type: none"> The Department has assessed the proposal against the controls in the State Significant Precincts (SSP) SEPP in Section 6.3 and Appendix B. The site-specific planning controls in the SSP SEPP provide flexibility for the demolition or the retention of the existing building. Where the building is retained, the SEPP controls allow flexibility for the building height and floor space to be varied if it can be demonstrated a better outcome is achieved and significant views are protected. The Department supports the variations to the building height and GFA development standards as the resulting built form respects and retains the existing Sirius building, exhibits design excellence and does not result in any significant adverse impacts. <p><i>Recommended Conditions</i></p> <ul style="list-style-type: none"> No conditions necessary.
<p>Height increase</p>	<ul style="list-style-type: none"> Public submissions raised concerns the height increase should not set a precedence for building height in The Rocks The Department has considered the proposed height in Section 6.3 and considers it results in an appropriate built form and does not result in any significant adverse amenity impacts. Any applications in the surrounding area will be assessed according to the controls that apply, a detailed assessment of merits and analysis of any environmental impacts. <p><i>Recommended Conditions</i></p> <ul style="list-style-type: none"> No conditions necessary.
<p>Vision of Sirius building lost</p>	<ul style="list-style-type: none"> Public submissions raised concerns the vision of the Sirius building is lost in the redevelopment and they prefer restoration without any new additions. The Department acknowledges the community's concerns; however the proposal seeks to substantially retain and restore the existing Sirius building. The proposal is the result of an architectural design competition (endorsed by the Government Architect NSW) and exhibits design excellence as it provides an architecturally sensitive approach that retains the existing building and key design elements, including the rise and fall of the built form and modular appearance. The proposal provides public benefits including active street frontages, a new through site link and improvements to the public domain at Cumberland Street, Gloucester Walk and the northern pocket park. The proposal also includes a heritage interpretation strategy, schedule of conservation works and Public Art, which will reflect the sites social and cultural history. <p><i>Recommended Conditions</i></p> <ul style="list-style-type: none"> Heritage Interpretation Plan Schedule of Conservation Works Public Art.
<p>Record the site's history and Green Ban movement</p>	<ul style="list-style-type: none"> Public submissions raised concerns about the recording of the site's history, including the Green Ban movement and opportunity to tell these stories in public spaces

Issue	Consideration
	<ul style="list-style-type: none"> The proposal includes commitments to prepare and finalise a Heritage Interpretation Strategy and a Public Art Strategy for the site, as discussed in Section 6.2 and 6.6. The Public Art Strategy brief seeks responses which convey the social and cultural history of Sirius, which will be further refined through the detailed design of the proposal. The Art will be in a publicly accessible area. The Heritage Interpretation Strategy has identified four themes including, history of the green ban movement, public housing, early history of the site and pre and post-colonial Aboriginal land use. The final interpretative elements and their location will be finalised as the strategy is prepared, in consultation with Council and key community groups. The Department is satisfied the proposal will provide meaningful stories about the site history, with art and interpretative elements to be provided in the public domain. <p><i>Recommended Conditions</i></p> <ul style="list-style-type: none"> Heritage Interpretation Plan Public Art.
<p>Provide public access to the Phillip Room</p>	<ul style="list-style-type: none"> Public submissions raised concerns that public access should be retained to the Phillip Room The Department has considered this in Section 6.2, and notes the Applicant is committed to the retention and restoration of the Phillip Room and will pursue opportunities to provide public access The Department acknowledges the community's desire for public access to the Phillip Room however notes the building is for private residential use and is identified as communal space for residents of the building. Nonetheless, the Department recommends the Heritage Interpretation Strategy address how public access can be provided to the Phillip Room. <p><i>Recommended Conditions</i></p> <ul style="list-style-type: none"> Heritage Interpretation Plan.
<p>Adequacy of consultation</p>	<ul style="list-style-type: none"> The Applicant has confirmed it consulted with community and stakeholders prior to and following lodgement of the application. The Department exhibited the EIS and notified surrounding properties in writing and made the RtS and FRtS available on its website and is satisfied the community has had sufficient opportunity to comment on the proposal. <p><i>Recommended Conditions</i></p> <ul style="list-style-type: none"> No conditions necessary
<p>Support</p>	<ul style="list-style-type: none"> Public submissions supported a variety of elements including the additional public space, retention of the existing building and Phillip Room, new through site link, new commercial spaces, the smaller vehicle entrance and new lighting. The Department considers the proposal exhibits a high standard of architectural, urban and landscape design and provides a number of public benefits including the new through site link and public domain and will make a positive contribution to the surrounding area. <p><i>Recommended Conditions</i></p> <ul style="list-style-type: none"> No conditions necessary

Appendix E – Recommended Instrument of Consent/Approval