

From: [Alexander Galea](#)
To: [Samantha Bird](#)
Subject: Planning Proposal for 30-62 Barcom Street, Darlinghurst
Date: Friday, 19 October 2018 3:03:51 PM

Hi Samantha,

Thanks again for the phone conversation on Wednesday afternoon, I hope you have a great weekend.

As discussed, we are seeking clarification on the use/s that will trigger the extra FSR and height.

The explanation of provisions states that whole building must be used as a commercial premises in order to trigger the additional height & FSR clause. The concern with this being that the self-storage facility on the lower levels will preclude the use of this clause, as discussed, as it does not fall under the umbrella term of commercial premises.

I just wanted to clarify this and the trigger use/s before finalising the assessment.

Thanks again for your help.

Any questions, don't hesitate to contact me.

Kind Regards,

Alexander Galea
Senior Planning Officer
Sydney Region East
Level 24, 320 Pitt Street | GPO Box 39 | Sydney NSW 2001
T 02 8289 6793 | E alexander.galea@planning.nsw.gov.au



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I wish to acknowledge the Traditional Custodians of the land and pay respect to all Elders past and present.

From: [Kate Masters](#)
To: [Samantha Bird](#)
Subject: RE: Request for Gateway determination and delegation - Planning Proposal: 30-62 Barcom Avenue, Darlinghurst
Date: Friday, 26 October 2018 3:16:57 PM

Hi Samantha

We have an urgent query about the definitions in the above mentioned planning proposal in particular, that the planning proposal refers to a commercial premises however self-storage premise (which is the intended use) is not considered as a commercial premises.

Could you please give me or Alex a call when your free.

Kind Regards,
Kate Masters
Specialist Planning Officer
Sydney Region East

Department of Planning & Environment
Level 22, 320 Pitt Street, SYDNEY NSW 2000 | GPO Box 39, SYDNEY NSW 2001 | T 02 9274 6321
Kate.Masters@planning.nsw.gov.au

From: Samantha Bird <sbird@cityofsydney.nsw.gov.au>
Sent: Tuesday, 9 October 2018 2:45 PM
To: Kate Masters <Kate.Masters@planning.nsw.gov.au>
Cc: Mary Su <Mary.Su@planning.nsw.gov.au>
Subject: FW: Request for Gateway determination and delegation - Planning Proposal: 30-62 Barcom Avenue, Darlinghurst

Hi Kate,

Mary Su has requested I forward this request for Gateway to you. I have also forwarded the relevant FX file share (not One Drive, sorry, my mistake!)

Kind regards,
Samantha

Samantha Bird
Specialist Planner
Strategic Planning & Urban Design



Telephone: +612 9265 9209
cityofsydney.nsw.gov.au

From: Samantha Bird
Sent: Monday, 8 October 2018 3:14 PM
To: 'metrocbd@planning.nsw.gov.au' <metrocbd@planning.nsw.gov.au>; 'Mary.Su@planning.nsw.gov.au' <Mary.Su@planning.nsw.gov.au>
Subject: Request for Gateway determination and delegation - Planning Proposal: 30-62 Barcom Avenue, Darlinghurst

Dear Mary,

Please find attached correspondence relating to a gateway determination request for 30-62 Barcom Avenue in Darlinghurst.

Due to the size of the planning proposal documentation, it will be sent separately via One Drive.

Kind regards,
Samantha

Samantha Bird
Specialist Planner
Strategic Planning & Urban Design



Telephone: +612 9265 9209
cityofsydney.nsw.gov.au

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From: [Alexander Galea](#)
To: [Samantha Bird](#)
Subject: Planning proposal for 30-62 Barcom Ave, Darlinghurst
Date: Monday, 29 October 2018 11:02:20 AM

Hi Samantha,

Thanks again for the earlier phone call.

In relation to our discussion, I'm looking to recommend that the Gateway determination include a requirement to amended the explanation of provisions. This is to ensure that the floor space and height bonus applies only where the whole building is used for non-residential and non-tourist & visitor accommodation and the additional floor space is used as office premises. This has been formulated in consideration of the concept design and planning proposal objectives.

If this does change I will confirm this with Council. Likewise if you have any concerns with this, please don't hesitate to contact me.

Finally, can you also provide more detail for the need to achieve a 6 Star NABERS rating for the building. We do note that for some other recently issued planning proposals, only a 5 star rating was required (4-6 Bligh Street, Sydney).

If you have any questions, please don't hesitate to contact me.

Kind Regards,

Alexander Galea

Senior Planning Officer

Sydney Region East

Level 24, 320 Pitt Street | GPO Box 39 | Sydney NSW 2001

T 02 8289 6793 | E alexander.galea@planning.nsw.gov.au



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I wish to acknowledge the Traditional Custodians of the land and pay respect to all Elders past and present.

From: [Samantha Bird](#)
To: [Alexander Galea](#)
Subject: RE: Planning proposal for 30-62 Barcom Ave, Darlinghurst
Date: Monday, 29 October 2018 5:13:00 PM

Hi Alex,

Good to talk this through this morning.

Just confirming I'm happy with the approach you suggest.

I will forward your email on to our Sustainability Program manager for some commentary on the 6 star NABERS rating and come back to you later this week.

Kind regards,
Samantha

Samantha Bird
Specialist Planner
Strategic Planning & Urban Design



Telephone: +612 9265 9209
cityofsydney.nsw.gov.au

From: Alexander Galea <Alexander.Galea@planning.nsw.gov.au>
Sent: Monday, 29 October 2018 11:02 AM
To: Samantha Bird <sbird@cityofsydney.nsw.gov.au>
Subject: Planning proposal for 30-62 Barcom Ave, Darlinghurst

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Sydney Region East

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I wish to acknowledge the Traditional Custodians of the land and pay respect to all Elders past and present.

From: [Samantha Bird](#)
To: "Alexander Galea"
Subject: RE: Planning proposal for 30-62 Barcom Ave, Darlinghurst
Date: Wednesday, 31 October 2018 9:42:00 AM

Hi again Alex,

Just further to your NABERS rating question, I've managed to get hold of Clare Donovan, our Sustainability Program manager to discuss your points.

To confirm, we're using a NABERS rating in this instance as it applies to commercial office – BASIX applies to residential development only.

NABERS is a state governed, OEH managed rating tool which has a wide buy-in from industry.

We've nominated 6 stars in this instance for 2 reasons. Firstly, the draft Building Code, which is due for finalisation in February next year, will contain a verification method of a minimum 5.5 star NABERS Energy Commitment Agreement for commercial office. If this is "standard", then we feel a 6 star requirement for additional floor space secured through a planning proposal is reasonable. Secondly, the commercial premises in question is low-rise and it far easier for low rise buildings to achieve the 6 star NABERS Energy rating than taller commercial buildings (which usually achieve 5.5 – and as was achieved at Bligh Street, not 5 stars). As an example, a similar lower rise commercial building, the [Mirvac Bay Centre at Pyrmont](#) recently achieved 6 stars NABERS Energy ([5 office levels – about 16,000 sqm](#)). Additionally, the site and building in question at Barcom Ave lends itself to a large array of solar PV. This would be a very cost effective and efficient way for the building to work towards achieving 6 stars.

Hope this information is of assistance. Please let me know if you require anything further. I can put you in touch with Clare directly to discuss if you'd like.

Kind regards,
Samantha

From: Alexander Galea <Alexander.Galea@planning.nsw.gov.au>
Sent: Tuesday, 30 October 2018 9:22 AM
To: Samantha Bird <sbird@cityofsydney.nsw.gov.au>
Subject: RE: Planning proposal for 30-62 Barcom Ave, Darlinghurst

Hi Samantha,

Likewise.

Thanks for the confirmation as well, much appreciated.

Kind Regards,

Alexander Galea
Senior Planning Officer
Sydney Region East
Level 24, 320 Pitt Street | GPO Box 39 | Sydney NSW 2001
T 02 8289 6793 | E alexander.galea@planning.nsw.gov.au



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From: [Alexander Galea](#)
To: [Samantha Bird](#)
Subject: RE: Planning proposal for 30-62 Barcom Ave, Darlinghurst
Date: Wednesday, 31 October 2018 9:45:18 AM

Hi Samantha,

Thanks for getting back to me on this, it's greatly appreciated!

Kind Regards,

Alexander Galea
Senior Planning Officer
Sydney Region East
Level 24, 320 Pitt Street | GPO Box 39 | Sydney NSW 2001
T 02 8289 6793 | E alexander.galea@planning.nsw.gov.au



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Sent: Wednesday, 31 October 2018 9:42 AM
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Kind regards,
Samantha

From: Alexander Galea <Alexander.Galea@planning.nsw.gov.au>
Sent: Tuesday, 30 October 2018 9:22 AM

From: [Alexander Galea](#)
To: [Samantha Bird](#)
Subject: RE: Planning proposal for 30-62 Barcom Ave, Darlinghurst
Date: Monday, 12 November 2018 1:32:18 PM

Hey Samantha,

Thanks again for the information below.

We are working through the Gateway, I just want to confirm that Council does not object to the bonus floor area being restricted to 'commercial premises' rather than 'office premises'.

Any questions, don't hesitate to contact me.

Kind Regards,

Alexander Galea
Senior Planning Officer
Sydney Region East
Level 24, 320 Pitt Street | GPO Box 39 | Sydney NSW 2001
T 02 8289 6793| E alexander.galea@planning.nsw.gov.au



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From: Samantha Bird <sbird@cityofsydney.nsw.gov.au>
Sent: Wednesday, 31 October 2018 9:42 AM
To: Alexander Galea <Alexander.Galea@planning.nsw.gov.au>
Subject: RE: Planning proposal for 30-62 Barcom Ave, Darlinghurst

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Hope this information is of assistance. Please let me know if you require anything further. I can put you in touch with Clare directly to discuss if you'd like.

Kind regards,
Samantha

From: [Samantha Bird](#)
To: [Alexander Galea](#)
Cc: [Tamara Bruckshaw](#)
Subject: RE: Planning proposal for 30-62 Barcom Ave, Darlinghurst
Date: Monday, 12 November 2018 1:35:00 PM

Hey Alex,

Commercial is fine.

Thanks,
Samantha

From: Alexander Galea <Alexander.Galea@planning.nsw.gov.au>
Sent: Monday, 12 November 2018 1:32 PM
To: Samantha Bird <sbird@cityofsydney.nsw.gov.au>
Subject: RE: Planning proposal for 30-62 Barcom Ave, Darlinghurst

Hey Samantha,

Thanks again for the information below.

We are working through the Gateway, I just want to confirm that Council does not object to the bonus floor area being restricted to 'commercial premises' rather than 'office premises'.

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From: Samantha Bird <sbird@cityofsydney.nsw.gov.au>
Sent: Wednesday, 31 October 2018 9:42 AM
To: Alexander Galea <Alexander.Galea@planning.nsw.gov.au>
Subject: RE: Planning proposal for 30-62 Barcom Ave, Darlinghurst

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We've nominated 6 stars in this instance for 2 reasons. Firstly, the draft Building Code, which is due for finalisation in February next year, will contain a verification method of a minimum 5.5 star NABERS Energy Commitment Agreement for commercial office. If this is "standard", then we feel a 6 star requirement for additional floor space

From: [Kate Masters](#)
To: [Samantha Bird](#)
Cc: [Alexander Galea](#)
Subject: FW: Planning proposal for 30-62 Barcom Ave, Darlinghurst
Date: Wednesday, 21 November 2018 9:54:41 AM
Attachments: [image006.png](#)

Hi Samantha

We are in the process of finalising the Barcom Avenue Gateway but there are two outstanding issues:

1. Does Council have any evidence that a 6 star NABERS rating can be achieved on the site?
2. The Proponent states that end of journey facilities will be provided however the planning proposal does not discuss end of journey floor space, could you please clarify why this is?

Could you please get back to me asap so that we can try to expedite the gateway.

Kind Regards,

Kate Masters

Specialist Planning Officer

Sydney Region East

Level 22, 320 Pitt Street | GPO Box 39 | Sydney NSW 2001

T 02 9274 6321 | E kate.masters@planning.nsw.gov.au



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From: Samantha Bird <sbird@cityofsydney.nsw.gov.au>
Sent: Wednesday, 31 October 2018 9:42 AM
To: Alexander Galea <Alexander.Galea@planning.nsw.gov.au>
Subject: RE: Planning proposal for 30-62 Barcom Ave, Darlinghurst

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Hope this information is of assistance. Please let me know if you require anything further. I can put you in touch with Clare directly to discuss if you'd like.

From: [Alexander Galea](#)
To: [Samantha Bird](#)
Cc: [Tamara Bruckshaw](#); [Kate Masters](#)
Subject: 30-62 Barcom Ave, Darlinghurst Planning Proposal
Date: Friday, 7 December 2018 3:29:50 PM

Hi Samantha,

Hope you are well.

I just have a question in relation to the proposed NABERS provision which will trigger the bonus floor space and height. We do note that the proposal does state 'new development'. Could you clarify how the NABERS will be applied to development of the site.

- Is 6 Star NABERS only to apply to the 2 additional storeys of bonus commercial floor space; or
- Is 6 Star NABERS to be applied to the whole building (i.e. existing 3 storey storage facility as well as the 2 storeys of office space); or
- Could a change of the development concept where the existing storage premises become commercial floor space change the application of the 6 Star NABERS to the whole building.

Any questions, please don't hesitate to contact me.

Kind Regards,

Alexander Galea

Senior Planning Officer

Sydney Region East

Level 24, 320 Pitt Street | GPO Box 39 | Sydney NSW 2001

T 02 8289 6793 | E alexander.galea@planning.nsw.gov.au



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I wish to acknowledge the Traditional Custodians of the land and pay respect to all Elders past and present.

From: [Samantha Bird](#)
To: ["Alexander Galea"](#)
Cc: [Tamara Bruckshaw](#); [Kate Masters](#)
Subject: RE: 30-62 Barcom Ave, Darlinghurst Planning Proposal
Date: Monday, 10 December 2018 10:31:00 AM

Hi Alex,

Thanks for your email.

I've organised a meeting with our sustainability experts to discuss the best way to respond to you on this and previous questions from Kate on a similar subject. The earliest I can get us all together is Wednesday morning – so I will make sure I come back to you in the afternoon before I finish up for the week.

In the meantime, I'm going through all of the emails that have been going back and forth whilst I was on leave a few weeks ago to see if I can provide further clarification.

Thanks and speak later in the week.

Samantha.

From: Alexander Galea <Alexander.Galea@planning.nsw.gov.au>
Sent: Friday, 7 December 2018 3:30 PM
To: Samantha Bird <sbird@cityofsydney.nsw.gov.au>
Cc: Tamara Bruckshaw <tbruckshaw@cityofsydney.nsw.gov.au>; Kate Masters <Kate.Masters@planning.nsw.gov.au>
Subject: 30-62 Barcom Ave, Darlinghurst Planning Proposal

Hi Samantha,

Hope you are well.

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Alexander Galea
Senior Planning Officer

Sydney Region East
Level 24, 320 Pitt Street | GPO Box 39 | Sydney NSW 2001
T 02 8289 6793 | E alexander.galea@planning.nsw.gov.au



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From: [Kate Masters](#)
To: [Samantha Bird](#)
Cc: [Tamara Bruckshaw](#); [Alexander Galea](#)
Subject: RE: Planning proposal for 30-62 Barcom Ave, Darlinghurst
Date: Thursday, 13 December 2018 4:20:27 PM
Attachments: [image009.png](#)
[image013.png](#)
[image017.png](#)

Hi Samantha

As per my email dated 23 November 2018 and 7 December 2018, could you please detail the potential number of jobs that would be generated as a result of the above mentioned planning proposal. If you're not presently able to provide this information we may include it as a condition of gateway.

Kind Regards,

Kate Masters

Specialist Planning Officer
Sydney Region East
Level 22, 320 Pitt Street | GPO Box 39 | Sydney NSW 2001
T 02 9274 6321 | E kate.masters@planning.nsw.gov.au



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From: Kate Masters
Sent: Friday, 7 December 2018 10:56 AM
To: Samantha Bird <sbird@cityofsydney.nsw.gov.au>
Cc: Tamara Bruckshaw <tbruckshaw@cityofsydney.nsw.gov.au>
Subject: RE: Planning proposal for 30-62 Barcom Ave, Darlinghurst

Hi Samantha

Could you please get back to me on the below.

Many Thanks,

Kind Regards,

Kate Masters

Specialist Planning Officer
Sydney Region East
Level 22, 320 Pitt Street | GPO Box 39 | Sydney NSW 2001
T 02 9274 6321 | E kate.masters@planning.nsw.gov.au



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From: Tamara Bruckshaw <tbruckshaw@cityofsydney.nsw.gov.au>
Sent: Friday, 23 November 2018 1:56 PM
To: Kate Masters <Kate.Masters@planning.nsw.gov.au>; Samantha Bird <sbird@cityofsydney.nsw.gov.au>

Subject: RE: Planning proposal for 30-62 Barcom Ave, Darlinghurst

Thanks Kate – Sam will respond next week

From: Kate Masters <Kate.Masters@planning.nsw.gov.au>
Sent: Friday, 23 November 2018 1:34 PM
To: Samantha Bird <sbird@cityofsydney.nsw.gov.au>
Cc: Tamara Bruckshaw <tbruckshaw@cityofsydney.nsw.gov.au>
Subject: RE: Planning proposal for 30-62 Barcom Ave, Darlinghurst

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Kind Regards,
Kate Masters
Specialist Planning Officer
Sydney Region East
Level 22, 320 Pitt Street | GPO Box 39 | Sydney NSW 2001
T 02 9274 6321 | E kate.masters@planning.nsw.gov.au



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From: Samantha Bird <sbird@cityofsydney.nsw.gov.au>
Sent: Wednesday, 21 November 2018 9:55 AM
To: Kate Masters <Kate.Masters@planning.nsw.gov.au>
Subject: Automatic reply: Planning proposal for 30-62 Barcom Ave, Darlinghurst

Thank you for your email.

I am out of the office until Tuesday 27th November 2018.

I will attend to your email when I return to the office.

Samantha Bird
Specialist Planner, Green Square and Major Projects
Strategic Planning and Urban Design

sbird@cityofsydney.nsw.gov.au
Tel: +612 9246 9209
Fax: +612 9265 9679
cityofsydney.nsw.gov.au

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From: [Kate Masters](#)
To: [Tamara Bruckshaw](#); [Samantha Bird](#)
Cc: [Alexander Galea](#)
Subject: RE: Planning proposal for 30-62 Barcom Ave, Darlinghurst
Date: Friday, 14 December 2018 9:58:12 AM
Attachments: [image001.png](#)
[image007.png](#)
[image013.png](#)
[image021.png](#)

Thanks Tamara

Kind Regards,
Kate Masters
Specialist Planning Officer
Sydney Region East
Level 22, 320 Pitt Street | GPO Box 39 | Sydney NSW 2001
T 02 9274 6321 | E kate.masters@planning.nsw.gov.au



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From: Tamara Bruckshaw <tbruckshaw@cityofsydney.nsw.gov.au>
Sent: Thursday, 13 December 2018 5:10 PM
To: Kate Masters <Kate.Masters@planning.nsw.gov.au>; Samantha Bird <sbird@cityofsydney.nsw.gov.au>
Cc: Alexander Galea <Alexander.Galea@planning.nsw.gov.au>
Subject: RE: Planning proposal for 30-62 Barcom Ave, Darlinghurst

Hi Kate,

The economic study identifies the new space as providing 150 desks in a co-working environment – but that is not actually job creation

Our section 94 plan assumes 33 workers per sqm so that's around 35 workers in the new component of the building.

Regards

Tamara

From: Kate Masters <Kate.Masters@planning.nsw.gov.au>
Sent: Thursday, 13 December 2018 4:20 PM
To: Samantha Bird <sbird@cityofsydney.nsw.gov.au>
Cc: Tamara Bruckshaw <tbruckshaw@cityofsydney.nsw.gov.au>; Alexander Galea <Alexander.Galea@planning.nsw.gov.au>
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Sydney Region East

From: [Samantha Bird](#)
To: ["Alexander Galea"](#)
Cc: [Kate Masters](#); [Tamara Bruckshaw](#); [Clare Donovan](#)
Subject: Re: 30-62 Barcom Ave, Darlinghurst Planning Proposal
Date: Monday, 17 December 2018 10:54:00 AM

Hi Alex,

Further to our conversation on Wednesday, below is some information about the operation of NABERS relative to base buildings and tenancy changes in general. To be clear, I have also provided answers to your specific questions as part of your email below.

The NABERS Energy rating measures energy efficiency for commercial offices. The 6 star NABERS Energy Commitment Agreement will only apply to the base building's central services and common areas such as heating and cooling systems, lifts and lobby lighting.

For Base Building ratings, the NLA of all spaces that are leased or available for lease for office tenancies in the building are considered. Accordingly, the energy consumption related to the base building services for the storage facility area could be excluded, provided it is properly sub-metered and that a NABERS accredited assessor ensures the configuration of the building and its uses reflects this when performing the rating assessment.

If there is a change of the development concept and the existing storage premises become commercial floor space the 6 Star NABERS Energy rating will still be a base building rating, although it would then apply to all floors. When a development proponent enters into a NABERS Commitment Agreement they are agreeing for the completed development to be rated, post completion and when occupancy has reached a defined threshold and when energy billing is available for a 12 month period. Should the rating fall short of that targeted in the Commitment Agreement OEH's way forward is a *collaborative approach* whereby a NABERS accredited assessor (commonly but not necessarily engineer-qualified) works with the building owner to better tune the buildings energy systems and fit-out to improve the rating.

As we discussed, the NABERS Program is a national and highly regarded rating program run by the Office of Environment and Heritage. We have had Dennis Lee, Head of Technical Standards - NABERS present to DA planners here. We would suggest requesting a briefing on the rating tools and how they apply. We have contact details for Dennis Lee and the manager of the program, Carlos Flores. We are also happy to facilitate setting up the briefing and inviting some of our Strategic Planning staff as well. Just let me know.

Kind regards,
Samantha

Samantha Bird
Specialist Planner
Strategic Planning & Urban Design

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From: Alexander Galea <Alexander.Galea@planning.nsw.gov.au>
Sent: Friday, 7 December 2018 3:30 PM
To: Samantha Bird <sbird@cityofsydney.nsw.gov.au>
Cc: Tamara Bruckshaw <tbruckshaw@cityofsydney.nsw.gov.au>; Kate Masters <Kate.Masters@planning.nsw.gov.au>
Subject: 30-62 Barcom Ave, Darlinghurst Planning Proposal

Hi Samantha,

Hope you are well.

I just have a question in relation to the proposed NABERS provision which will trigger the bonus floor space and height. We do note that the proposal does state 'new development'. Could you clarify how the NABERS will be applied to development of the site.

- Is 6 Star NABERS only to apply to the 2 additional storeys of bonus commercial floor space; or
No – the rating would apply to the whole base building. The fact that some of the building is already in existing will not stop them achieving the 6 stars, particularly as they would likely be doing some service upgrades anyway (e.g. HVAC/Hot Water etc.) and reconfigurations such as new lifts etc. as part of the new works. Efficiency decisions for these items will help them with their rating.
- Is 6 Star NABERS to be applied to the whole building (i.e. existing 3 storey storage facility as well as the 2 storeys of office space); or
Yes, it applies to the whole base building. (But to be clear, it does not apply to individual tenancies/their individual energy use, just common elements to the whole building – e.g. heating, ventilation, cooling systems etc.) A NABERS assessor would be able to account for the storage component of the building – i.e. they are able to exclude the storage premises floor area out of their calculations under the NABERS rules if required.
- Could a change of the development concept where the existing storage premises become commercial floor space change the application of the 6 Star NABERS to the whole building.
In that case, the 6 Star NABERS Energy rating will still be a base building rating, although it will now also include additional commercial office floor space (formally storage). For Base Building ratings, the NLA of all spaces that are leased or available for lease for office tenancies in the building are considered.

Any questions, please don't hesitate to contact me.

Kind Regards,

Alexander Galea

Senior Planning Officer

Sydney Region East

Level 24, 320 Pitt Street | GPO Box 39 | Sydney NSW 2001

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I wish to acknowledge the Traditional Custodians of the land and pay respect to all Elders past and present.

From: [Alexander Galea](#)
To: [Samantha Bird](#)
Subject: RE: 30-62 Barcom Ave, Darlinghurst Planning Proposal
Date: Tuesday, 18 December 2018 9:36:23 AM

Hey Samantha,

Thank you for the below information.

If we need anything else, I'll let you know.

Kind Regards,

Alexander Galea
Senior Planning Officer
Sydney Region East
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I wish to acknowledge the Traditional Custodians of the land and pay respect to all Elders past and present.

From: Samantha Bird <sbird@cityofsydney.nsw.gov.au>
Sent: Monday, 17 December 2018 10:54 AM
To: Alexander Galea <Alexander.Galea@planning.nsw.gov.au>
Cc: Kate Masters <Kate.Masters@planning.nsw.gov.au>; Tamara Bruckshaw <tbruckshaw@cityofsydney.nsw.gov.au>; Clare Donovan <CDonovan@cityofsydney.nsw.gov.au>
Subject: Re: 30-62 Barcom Ave, Darlinghurst Planning Proposal

Hi Alex,

Further to our conversation on Wednesday, below is some information about the operation of NABERS relative to base buildings and tenancy changes in general. To be clear, I have also provided answers to your specific questions as part of your email below.

The NABERS Energy rating measures energy efficiency for commercial offices. The 6 star NABERS Energy Commitment Agreement will only apply to the base building's central services and common areas such as heating and cooling systems, lifts and lobby lighting.

For Base Building ratings, the NLA of all spaces that are leased or available for lease for office tenancies in the building are considered. Accordingly, the energy consumption related to the base building services for the storage facility area could be excluded, provided it is properly sub-metered and that a NABERS accredited assessor ensures the configuration of the building and its uses reflects this when performing the rating assessment.

If there is a change of the development concept and the existing storage premises become commercial floor space the 6 Star NABERS Energy rating will still be a base building rating, although it would then apply to all floors. When a development proponent enters into a NABERS Commitment Agreement they are agreeing for the completed development to be rated, post completion and when occupancy has reached a defined threshold and when energy billing is available for a 12 month period. Should the rating fall short of that targeted in the Commitment Agreement OEH's way forward is a *collaborative approach* whereby a NABERS accredited assessor (commonly but not necessarily engineer-qualified) works with the building owner to better tune the buildings energy systems and fit-out to improve the rating.

As we discussed, the NABERS Program is a national and highly regarded rating program run by the Office of

From: [Samantha Bird](#)
To: ["Alexander Galea"](#)
Subject: Energy and Waste DCP amendment to Sydney DCP 2012
Date: Tuesday, 18 December 2018 2:42:00 PM

Hi Alex,

The proposal to amend the energy and waste provisions in Sydney DCP was first proposed to Council in April this year and it was reported back to Council, following public exhibition, in August. My report on Barcom Ave was reported to Council the following meeting round, in September, and was therefore being finalised before we knew Council's decision on the post-exhibition energy and waste changes – hence the repetition.

See the following link:

<https://meetings.cityofsydney.nsw.gov.au/ieListMeetings.aspx?CId=137&Year=0>

Item 3 in the 9 April 2018 agenda.

Item 8 in the 6 August 2018 agenda.

(Barcom Ave is item 5 in the 10 September 2018 agenda).

Hope that helps!

Samantha Bird
Specialist Planner
Strategic Planning & Urban Design



Telephone: +612 9265 9209
cityofsydney.nsw.gov.au

From: [Alexander Galea](#)
To: [Samantha Bird](#)
Cc: [Tamara Bruckshaw](#); [Kate Masters](#)
Subject: Planning proposal - 30-62 Barcom Ave, Darlinghurst - Sydney LEP 2012
Date: Tuesday, 26 February 2019 5:03:04 PM

Hey Samantha and Tamara,

We have a further following question regarding the inclusion of the 6 Star NABERS provision within this proposed amendment to the Sydney LEP 2012 concerning 30-62 Barcom Ave, Darlinghurst.

The proposed provision requires that the building meet specified NABERS ratings to receive additional site-specific FSR and building height, and that this is to be evidenced through an executed commitment agreement prior to the grant of consent.

The Department is concerned that inserting NABERS requirements in the LEP is not appropriate. As NABERS is a performance-based system, the actual rating is not determined until the building has operated for 12 months. Could Council please clarify their intended course of action if the proponent enters into a commitment agreement for the performance ratings outlined above, but the building components fail to achieve the necessary performance rating 12 months after their construction.

I do note we have asked a similar question as part of the finalisation for the planning proposal at 4-6 Bligh Street, Sydney.

If you have any questions, please don't hesitate to contact me.

Kind Regards,

Alexander Galea

Senior Planning Officer

Sydney Region East

Level 24, 320 Pitt Street | GPO Box 39 | Sydney NSW 2001

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I wish to acknowledge the Traditional Custodians of the land and pay respect to all Elders past and present.

From: [Tamara Bruckshaw](#)
To: [Alexander Galea](#); [Kate Masters](#); [Mary Su \(mary.su@planning.nsw.gov.au\)](mailto:Mary.Su@planning.nsw.gov.au)
Cc: [Samantha Bird](#); [Andrew Thomas](#); [Sally Peters](#)
Subject: Planning proposal - 30-62 Barcom Ave, Darlinghurst - Sydney LEP 2012
Date: Thursday, 28 February 2019 9:38:05 AM
Attachments: [2018-Sept_NABERS_CA_new_buildings_refurbs.pdf](#)
[image005.png](#)

Hi Alex,

The current NABERS Commitment Agreement with non-compliance text highlighted on page 4 is attached. I also spoke to Dennis, who heads up the NABERS Technical Standards team about non-compliance and have the following suggested changes to the current draft text:

The City has applied conditions of consent to a number of development applications for NABERS Energy Commitment Agreements for required star ratings. Examples are available on the City's website and include:

- D/2014/1575 – 137-151 Clarence Street
- D/2015/509 – 58-60 Martin Place

Commitment Agreements contain provisions dealing with non-compliance (please see attached example agreement with text highlighted on page 4). Should the building components fail to achieve the necessary performance rating, OEH, the National Administrator of NABERS will grant an extended review period for the building to improve its performance to align with the target rating. The City would use these provisions to require the proponent to fine tune and commission the building to meet the NABERS target, or for maximum possible performance. If the second performance rating does not reach the target rating, the Commitment Agreement is marked as 'not achieved' on the NABERS website. The NABERS team have advised that in 2018 ninety percent of Commitment Agreement target ratings were met.

Regards

Tamara Bruckshaw
Manager Green Square & Major Development Projects
Strategic Planning & Urban Design



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Mobile: +61 408 485 781
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From: Alexander Galea <Alexander.Galea@planning.nsw.gov.au>
Sent: Tuesday, 26 February 2019 5:03 PM
To: Samantha Bird <sbird@cityofsydney.nsw.gov.au>

From: [Kate Masters](#)
To: [Samantha Bird](#); [Tamara Bruckshaw](#)
Cc: [Alexander Galea](#)
Subject: RE: Planning proposal for 30-62 Barcom Ave, Darlinghurst
Date: Thursday, 23 May 2019 10:35:04 AM
Attachments: [image014.png](#)
Importance: High

Hi Tamara/Samantha

Just so that it is clear could Council please confirm that the planning proposal for Barcom Avenue aims to amend the Sydney Local Environmental Plan 2012 to:

- allow additional floor space and height to achieve maximum FSR of 3.75:1 and a maximum height of 18m if:
 - the entire building is not used for residential accommodation or serviced apartments;
 - the additional floor space and height is restricted to a commercial premises;
 - car parking on the site is prohibited; and
 - a 6-star NABERS Energy Commitment Agreement for new development is provided.

Could you please confirm this asap.

Kind Regards,
Kate Masters
Specialist Planning Officer
Sydney Region East
Level 22, 320 Pitt Street | GPO Box 39 | Sydney NSW 2001
T 02 9274 6321 | E kate.masters@planning.nsw.gov.au



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From: Samantha Bird <sbird@cityofsydney.nsw.gov.au>
Sent: Monday, 12 November 2018 1:36 PM
To: Alexander Galea <Alexander.Galea@planning.nsw.gov.au>
Cc: Tamara Bruckshaw <tbruckshaw@cityofsydney.nsw.gov.au>
Subject: RE: Planning proposal for 30-62 Barcom Ave, Darlinghurst

Hey Alex,

Commercial is fine.

Thanks,
Samantha

From: Alexander Galea <Alexander.Galea@planning.nsw.gov.au>
Sent: Monday, 12 November 2018 1:32 PM
To: Samantha Bird <sbird@cityofsydney.nsw.gov.au>
Subject: RE: Planning proposal for 30-62 Barcom Ave, Darlinghurst

Hey Samantha,

Thanks again for the information below.

We are working through the Gateway, I just want to confirm that Council does not object to the bonus floor area being restricted to 'commercial premises' rather than 'office premises'.

Any questions, don't hesitate to contact me.

From: [Kate Masters](#)
To: [Samantha Bird](#); [Tamara Bruckshaw](#)
Subject: FW: Planning proposal for 30-62 Barcom Ave, Darlinghurst
Date: Friday, 24 May 2019 8:03:32 AM
Attachments: [image006.png](#)
[image010.png](#)
Importance: High

Hi Samantha/Tamara

Sorry I'm not sure if the car parking should be prohibited or 'no additional parking'. Could you please confirm this in your response.

Give me a call if you would like to discuss.

Kind Regards,
Kate Masters
Specialist Planning Officer
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From: Kate Masters
Sent: Thursday, 23 May 2019 10:35 AM
To: Samantha Bird <sbird@cityofsydney.nsw.gov.au>; Tamara Bruckshaw <tbruckshaw@cityofsydney.nsw.gov.au>
Cc: Alexander Galea <Alexander.Galea@planning.nsw.gov.au>
Subject: RE: Planning proposal for 30-62 Barcom Ave, Darlinghurst
Importance: High

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Kind Regards,
Kate Masters
Specialist Planning Officer
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From: Samantha Bird <sbird@cityofsydney.nsw.gov.au>

From: [Samantha Bird](#)
To: [Kate Masters](#); [Tamara Bruckshaw](#)
Cc: [Alexander Galea](#)
Subject: RE: Planning proposal for 30-62 Barcom Ave, Darlinghurst
Date: Tuesday, 28 May 2019 11:01:00 AM
Attachments: [image012.png](#)
[image018.png](#)

Hi Kate and Alex,

Thanks for your emails on this.

I am now in a position to confirm the following (changes in ~~strike through~~ and red and explanatory notes in green):

- allow additional floor space and height to achieve maximum FSR of 3.75:1 and a maximum height of 18m if:
 - the entire building is not used for residential accommodation or ~~serviced apartments~~ **tourist and visitor accommodation**; (This was something green we worked through with Alex as the most accurate reflection of the uses we wished to restrict on the site going forward.)
 - the additional floor space and height is restricted to a commercial premises;
 - car parking ~~on the site~~ **associated with the additional floor space and height** **is prohibited**; (Apologies that this is a bit ambiguous in the Planning Proposal, the Council report makes clear that the parking restriction is to apply to the additional floor space – see below link, page 9, paragraph 30. We also think that ‘prohibited’ is the better term, as ‘no additional parking’ would require us to define ‘additional to what?’ – for example the current operating needs? (i.e. zero) or the current parking controls? (very much more permissive and defined as a maximum anyway) etc... and we feel this could open up a lot more discussion and questions!) and
 - a 6-star NABERS Energy Commitment Agreement for ~~new development~~ **the base building** is provided. (The rating for the new development would be based on the ‘base building’, so this is probably a better term to use.)

Link to Council report:

<https://meetings.cityofsydney.nsw.gov.au/documents/s18412/Public%20Exhibition%20-%20Planning%20Proposal%20-%2030-62%20Barcom%20Avenue%20Darlinghurst%20-%20Sydney%20Local%20Environment.pdf>

Are you able to let me know what the next steps are now and whether we might expect the Gateway Determination in the near future? Any further questions, please let me know.

Many thanks,
Samantha

Samantha Bird
Specialist Planner
Strategic Planning & Urban Design



Telephone: +612 9265 9209
cityofsydney.nsw.gov.au

From: Kate Masters <Kate.Masters@planning.nsw.gov.au>
Sent: Friday, 24 May 2019 8:03 AM
To: Samantha Bird <sbird@cityofsydney.nsw.gov.au>; Tamara Bruckshaw <tbruckshaw@cityofsydney.nsw.gov.au>
Subject: FW: Planning proposal for 30-62 Barcom Ave, Darlinghurst
Importance: High

From: [Kate Masters](#)
To: [Samantha Bird](#); [Tamara Bruckshaw](#)
Cc: [Alexander Galea](#)
Subject: RE: Planning proposal for 30-62 Barcom Ave, Darlinghurst
Date: Tuesday, 28 May 2019 6:41:25 PM
Attachments: [image002.png](#)
[image006.png](#)

Thanks Samantha – the below will assist in progressing the Gateway.

From: Samantha Bird <sbird@cityofsydney.nsw.gov.au>
Sent: Tuesday, 28 May 2019 11:01 AM
To: Kate Masters <Kate.Masters@planning.nsw.gov.au>; Tamara Bruckshaw <tbruckshaw@cityofsydney.nsw.gov.au>
Cc: Alexander Galea <Alexander.Galea@planning.nsw.gov.au>
Subject: RE: Planning proposal for 30-62 Barcom Ave, Darlinghurst

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 - a 6-star NABERS Energy Commitment Agreement for ~~new development~~ **the base building** is provided. (The rating for the new development would be based on the ‘base building’, so this is probably a better term to use.)

Link to Council report:

<https://meetings.cityofsydney.nsw.gov.au/documents/s18412/Public%20Exhibition%20-%20Planning%20Proposal%20-%2030-62%20Barcom%20Avenue%20Darlinghurst%20-%20Sydney%20Local%20Environment.pdf>

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Many thanks,
Samantha

Samantha Bird
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Strategic Planning & Urban Design



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