

ITEM 8. POST EXHIBITION - GREEN SQUARE TOWN CENTRE REVIEW OF PLANNING CONTROLS**FILE NO: S022751****SUMMARY**

The Green Square Town Centre will be the lively residential, commercial, retail and cultural centre for Green Square. In addition, it will make a substantial contribution to the *Sustainable Sydney 2030* targets and directions which support sustainable urban renewal, sustainable forms of transport and affordable housing. The City is undertaking work in a number of areas to achieve the targets and, significantly, the review of the current planning framework to facilitate redevelopment.

The planning controls for the Green Square Town Centre have been comprehensively reviewed. This was initiated in response to the submission of a Planning Proposal request for three core sites by a consortium of Landcom/Mirvac/Leighton (the LML) which was submitted in May 2010 proposing a change to the street network and amendments to the built form and scale. The Planning Proposal for the LML sites is one of three Planning Proposals that have recently been considered for the Green Square Town Centre. The other Planning Proposals are for an amendment to the *South Sydney Local Environmental Plan 1998 (Amendment No 17) – Green Square Town Centre* (the current LEP) relating to the “John Newell” site at 301 Botany Road, which is awaiting gazettal, and a new Local Environmental Plan for the remainder of the Town Centre (excluding the LML sites, but including 301 Botany Road).

This report is concerned with this last Planning Proposal (the Town Centre Planning Proposal) and the comprehensive Green Square Town Centre Development Control Plan (the revised DCP) which provides development controls for the entire Town Centre.

On 3 November 2011 and 7 November 2011, the Central Sydney Planning Committee and Council respectively resolved to place the draft Town Centre Planning Proposal and the revised DCP on joint public exhibition. This public exhibition generated 12 submissions, including four from landowners, three from local residents, and five from State and local authorities.

The main issues raised are partial overshadowing to Hansard Street, inconsistencies in the numerical controls and site areas for specific sites, provisions relating to the competitive design process and architectural diversity, the location of desired activities, the indicative street sections and traffic. Where appropriate, the revised DCP has been amended to address these issues.

Other minor amendments are the result of discussions with stakeholders and through internal review. They relate to biodiversity, flooding and stormwater management, building heights in storeys and “Green Infrastructure” (tri-generation, recycled water and waste infrastructure).

Minor adjustments to the maximum height of buildings are proposed to ensure consistency in the calculation of the building height above the flood planning level for all sites across the Town Centre, associated with revised floor to ceiling heights for particular uses, the need for increased structural depths where building floorplates change, and changes to flood planning level assumptions.

No changes are proposed to the height of buildings in metres above the RL contained in the Planning Proposal as a result of this, with the exception of the site on the southern boundary of the Town Centre, adjacent to Tosh Lane. Detailed testing has shown an additional storey can be accommodated on this site without additional overshadowing impact on the properties to the south. A height adjustment for this site is recommended in the Planning Proposal, together with additional sun access controls in the revised DCP.

The amendments proposed to the revised DCP following its public exhibition are not significant and will not require its re-exhibition.

It is recommended that the Central Sydney Planning Committee approve the Town Centre Planning Proposal, at **Attachment A**, and note that the revised DCP, at **Attachment B**, is recommended for approval by Council.

The timing for the approval of the revised DCP is crucial, as several of the land owners are progressing detailed development plans and require the certainty of an approved DCP to guide the development process. The Planning Proposal for the LML sites has been approved for gazettal, subject to the negotiations of a voluntary Planning Agreement. This process can be assisted through the certainty provided by the detailed DCP controls.

The City is progressing plans for the community facility to be located in the Green Square plaza, informed by the provisions in the revised DCP. The DCP also includes provisions relating to the public domain which will inform the development of the plans for the essential infrastructure and the public domain. Approval of the DCP will facilitate the progress of this work.

If approved, the Town Centre Planning Proposal will be submitted to the Department of Planning and Infrastructure requesting that a Local Environmental Plan be legally drafted and made. The revised DCP will be made once the City gives public notice of its approval.

It is noted that, as with the current Town Centre LEP and DCP, both the Town Centre Planning Proposal LEP and the DCP are proposed to be “deferred” from operation until sites are “un-deferred” at the request of landowners who undertake to commit to the delivery of the Town Centre infrastructure.

RECOMMENDATION

It is resolved that the Central Sydney Planning Committee:

- (A) note the matters raised in response to the public exhibition of the *Draft Green Square Town Centre Development Control Plan 2012* and the *Planning Proposal: Sydney Local Environmental Plan 2010 (Green Square Town Centre) – Sites 301 Botany Road, 501 Botany Road, 509 Botany Road, 3 Joynton Avenue, 511-515 Botany Road, 97-115 Portman Street, 811 Elizabeth Street, Zetland; 312-318 Botany Road, 320-322 Botany Road, 324 Botany Road, 318A Botany Road, 6-12 O’Riordan Street and 2A Bourke Road, Alexandria*, as summarised in Attachment C to the subject report;

- (B) approve the revised *Planning Proposal: Sydney Local Environmental Plan 2010 (Green Square Town Centre) – Sites 301 Botany Road, 501 Botany Road, 509 Botany Road, 3 Joynton Avenue, 511-515 Botany Road, 97-115 Portman Street, 811 Elizabeth Street, Zetland; 312-318 Botany Road, 320-322 Botany Road, 324 Botany Road, 318A Botany Road, 6-12 O’Riordan Street and 2A Bourke Road, Alexandria, March 2012*, as shown at Attachment A to the subject report, for submission to the Director-General of the Department of Planning and Infrastructure to request a local environmental plan be legally drafted and made, in accordance with Sections 58 and 59 of the *Environmental Planning and Assessment Act 1979*;
- (C) delegate authority to the Chief Executive Officer to make any minor amendments and corrections to the *Planning Proposal: Sydney Local Environmental Plan 2010 (Green Square Town Centre) – Sites 301 Botany Road, 501 Botany Road, 509 Botany Road, 3 Joynton Avenue, 511-515 Botany Road, 97-115 Portman Street, 811 Elizabeth Street, Zetland; 312-318 Botany Road, 320-322 Botany Road, 324 Botany Road, 318A Botany Road, 6-12 O’Riordan Street and 2A Bourke Road, Alexandria, March 2012*, to finalise matters prior to submission to the Department of Planning and Infrastructure;
- (D) note the recommendation to the Council’s Planning Development and Transport Committee at their meeting on 26 March 2012 for Council to approve the *Draft Green Square Town Centre Development Control Plan 2012*, as shown at Attachment B to the subject report; and
- (E) note the recommendation to the Council’s Planning Development and Transport Committee at their meeting on 26 March 2012 for Council to delegate authority to the Chief Executive Officer to make any minor amendments and corrections that may be required as a result of Council’s consideration of the *Draft Green Square Town Centre Development Control Plan 2012*.

ATTACHMENTS

Attachment A: Planning Proposal: Sydney Local Environmental Plan 2010 (Green Square Town Centre) - Sites 301 Botany Road, 501 Botany Road, 509 Botany Road, 3 Joynton Avenue, 511-515 Botany Road, 97-115 Portman Street, 811 Elizabeth Street, Zetland; 312-318 Botany Road, 320-322 Botany Road, 324 Botany Road, 318A Botany Road, 6-12 O’Riordan Street and 2A Bourke Road, Alexandria, March 2012.

Attachment B: Draft Green Square Town Centre Development Control Plan 2012.

(Note - Attachments A and B will be circulated separately from the Agenda Paper and to CSPC members and relevant senior staff only. A copy will be available for viewing on Council’s website and at the One Stop Shop and Neighbourhood Service Centres).

Attachment C: Summary of submissions received and the City’s response.

Attachment D: Resolution of Council of 7 November 2011 and Resolution of the Central Sydney Planning Committee of 3 November 2011.

Attachment E: Gateway Determination, Department of Planning, 4 March 2011.

Attachment F: Relevant key maps from Planning Proposal Sydney Local Environmental Plan 2010 (Green Square Town Centre) and Draft Green Square Town Centre Development Control Plan 2012.

BACKGROUND

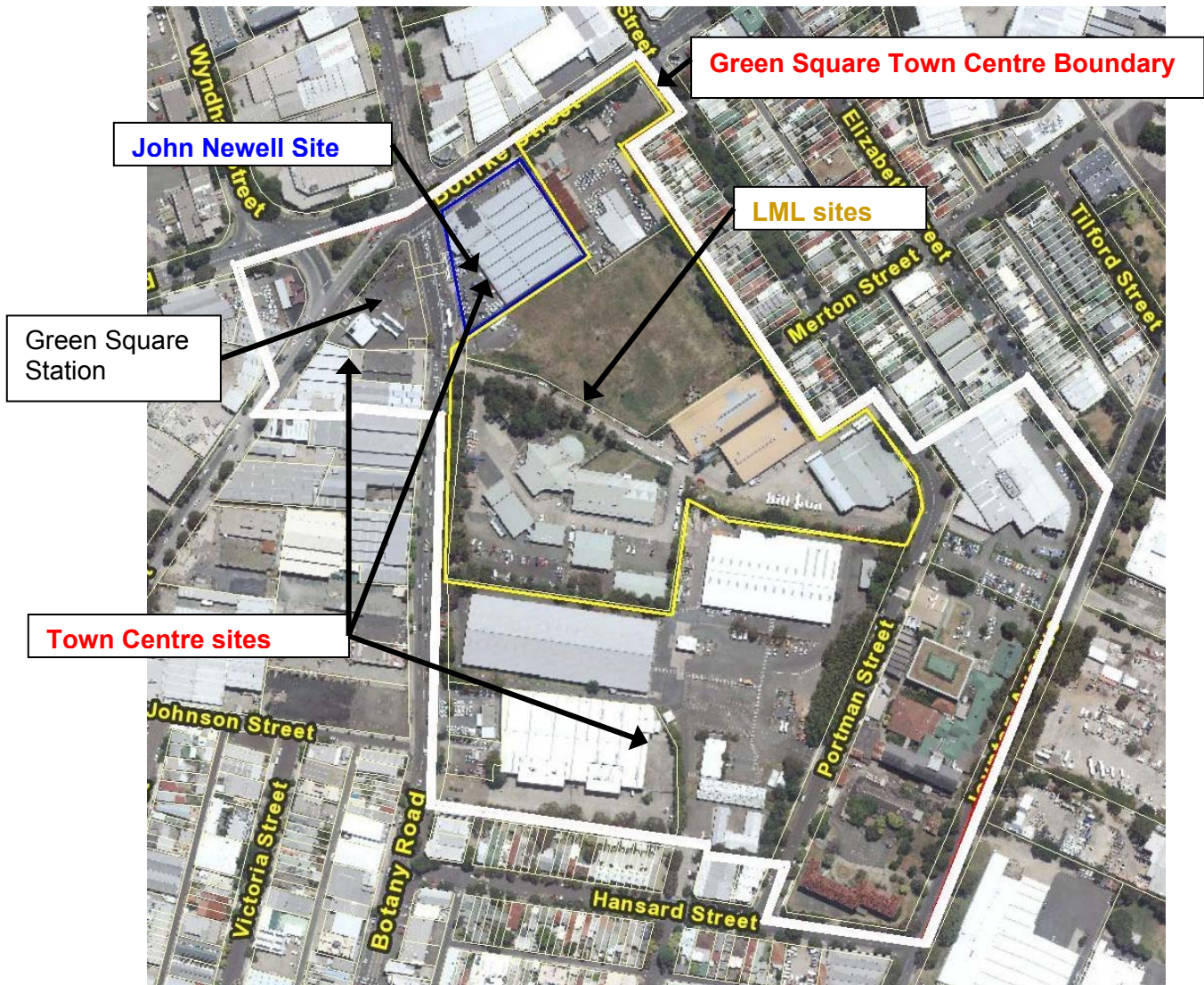
1. The current controls for the Green Square Town Centre (the Town Centre) consist of *Local Environmental Plan 1998 (Amendment No. 17) – Green Square Town Centre* (the current LEP) and *South Sydney Development Control Plan 1998: Urban Design – Precinct H: Green Square Town Centre* (the current DCP). These are supported by the *Green Square Town Centre Infrastructure Strategy (2006)*. The controls were adopted by Council and the Central Sydney Planning Committee (the CSPC) in April 2006. The LEP was gazetted in December 2006.
2. Although gazetted, the current LEP controls operate as a “deferred matter” under section 59(3) of the *Environmental Planning and Assessment Act 1979*. The effective zoning of the Town Centre sites is Industrial, except the former South Sydney Hospital site, which is zoned Special Uses 5(a) Hospital.
3. In order to “un-defer” sites (or effect the rezoning), a site owner/developer is to commit to contribute to the delivery of the essential land and essential infrastructure to support and service redevelopment of the Town Centre. Following a request from a site owner/developer, this commitment or public benefit is set out in a voluntary Planning Agreement made with Council. Upon the “un-deferral” of the provisions of the current LEP, the current DCP becomes applicable to the site. Amendments to the current LEP proposed under the Town Centre Planning Proposal are intended to operate in the same way, that is, to be “deferred” until a Planning Agreement is finalised between a site owner/developer and Council.
4. Council, on 26 July 2010, and the CSPC, on 22 July 2010, considered a report on the Town Centre Planning Proposal and review of planning controls for the entire Town Centre. The report also considered the submission of a Planning Proposal request by Landcom and the Green Square Consortium (a joint venture between Mirvac Projects Pty Ltd and Leighton Properties Pty Ltd) for three key sites within the Town Centre, at 956-996 Bourke Street, 355 Botany Road and 377-497 Botany Road, Zetland. These are known as the Landcom/Mirvac/Leighton (LML) sites. This proposal sought changes to the public domain layout and significant increases in height and gross floor area.
5. Council and the CSPC resolved at that time to commence the process to prepare *Planning Proposal: Sydney Local Environmental Plan 2010 – Green Square Town Centre* (the Town Centre Planning Proposal) for the entire Town Centre, and submit it to the Minister for Planning and Infrastructure to seek a Gateway Determination. Council and the CSPC also resolved to commence the review of the supporting current DCP and the *Green Square Town Centre Infrastructure Strategy (2006)*.
6. With respect to the LML sites, Council and the CSPC also resolved at those meetings to commence a concurrent and separate amendment to the current LEP in response to the Planning Proposal submitted by LML.
7. This report is concerned with this last Planning Proposal (the Town Centre Planning Proposal) and the comprehensive draft Green Square Town Centre Development Control Plan (the revised DCP) which provides development controls for the entire Town Centre.

8. The Gateway Determination for the Town Centre Planning Proposal was issued by the Department of Planning and Infrastructure on 4 March 2011. The Town Centre Planning Proposal was placed on public exhibition for 28 days between 22 November and 20 December 2011 in accordance with the Gateway Determination and Section 57 of the *Environmental Planning and Assessment Act 1979*. The draft DCP was also placed on public exhibition concurrently, in accordance with the *Environmental Planning and Assessment Regulation 2000*.
9. A third Planning Proposal is also being progressed for the “John Newell” site at 301-303 Botany Road, within the Town Centre.
10. Details on the progress of the Planning Proposals are given below.

Concurrent Planning Proposals

11. There are currently two other Planning Proposals, in various stages of progression, applying to the Town Centre, in addition to the Town Centre Planning Proposal. The area they cover is shown at Figure 1.

Figure 1: Green Square Town Centre – Area covered by concurrent Planning Proposals



- (a) **Landcom/Mirvac/Leighton sites at 956-996 Bourke Street, 355 Botany Road and 377-497 Botany Road, Zetland** – The Department of Planning and Infrastructure issued the Gateway Determination on 16 September 2010, requiring that a standalone *Standard (LEP) Instrument* compliant LEP be prepared for the sites, rather than an amendment to the current LEP.

The Planning Proposal was publicly exhibited between 20 November and 20 December 2010, and again between 16 September and 3 October 2011. Council, on 5 December 2011, and the CSPC, on 1 December 2011, resolved to submit the Planning Proposal to the Director-General of the Department of Planning and Infrastructure to request a Local Environmental Plan be drafted and made upon the finalisation of the voluntary Planning Agreement (VPA) for the sites. The VPA between LML and Council for the provision of key public benefits is currently being negotiated.

- (b) **John Newell site, at 301-303 Botany Road, Zetland** – Council, on 13 September 2010, and the CSPC, on 9 September 2010, resolved to approve a Planning Proposal to amend the current LEP to change the land use mix controls. On 20 October 2010, the Department of Planning and Infrastructure issued a Gateway Determination and the Planning Proposal was publicly exhibited from 3 December to 20 December 2010. Following the review of the public submissions, Council and the CSPC approved the final Planning Proposal on 25 July 2011 and 21 July 2011, respectively.

The owner of the site has entered into a voluntary Planning Agreement with Council to contribute to essential land and infrastructure, and for future buildings on the site being connected to the City's 'green infrastructure'. The Planning Proposal is currently with the Department of Planning and Infrastructure for drafting of the LEP amendment and gazettal.

As the Planning Proposal seeks to amend the current *South Sydney Local Environmental Plan 1998 (Amendment No 17): Green Square Town Centre*, the Town Centre Planning Proposal (that is the subject of this report) includes this site in order to prepare a *Standard (LEP) Instrument* compliant LEP for the site.

Relationship with the City Plan

12. The City Plan is the new set of City-wide planning controls comprising Draft *Sydney Local Environmental Plan 2011* (the Draft City Plan LEP) and Draft *Sydney Development Control Plan 2010* (the Draft City Plan DCP). The City Plan was publicly exhibited from 4 February to 21 April 2011. The Draft City Plan LEP and the outcomes of the public exhibition were considered by Council on 12 March 2012 and the CSPC on 8 March 2012.
13. The LEP under the Town Centre Planning Proposal will operate as a standalone LEP. It is consistent with provisions of the Draft City Plan LEP and the Planning Proposal for the Landcom/Mirvac/Leighton sites. It is intended the standalone LEPs in both Planning Proposals will be incorporated into the City Plan LEP at a future stage.

14. The revised DCP, also the subject of this report, is a standalone document. It includes general provisions, including those relating to development types, such as environmental performance, convenience stores and sex industry premises, notifications, and tree management, which have been taken from the Draft City Plan DCP, with minor drafting amendments where required. It is recognised that the draft City Plan DCP has been amended in response to the submissions received through the public exhibition process. The revised DCP will be integrated into the City Plan DCP at a later date, once both plans have been approved, and any inconsistencies in the controls will be rationalised at that time.

KEY IMPLICATIONS

15. The revised DCP and Town Centre Planning Proposal propose an urban structure for the Town Centre which will achieve the City's objectives for renewal sites with respect to site layout, built form, design excellence, green infrastructure and in meeting the objectives of the *Sustainable Sydney 2030* vision.
16. This report notes the changes made in the revised DCP which is to be recommended to Council for approval. The report seeks approval for the submission of the Town Centre Planning Proposal to the Director-General of the Department of Planning and Infrastructure, to request the LEP be legally drafted and made, in accordance with Sections 58 and 59 of the *Environmental Planning and Assessment Act 1979*.
17. The draft DCP and Planning Proposal were jointly placed on public exhibition between the 22 November and 20 December 2011. A total of 12 submissions were received, including four from landowners, three from local residents, and five from State and local authorities. Changes proposed to the exhibited documents result from issues raised in the submissions, further testing and review undertaken by the City and ongoing discussions with Town Centre landowners. **Attachment C** includes a summary of the submissions with the City's response.
18. The main issues raised and changes proposed relate to the draft DCP, at **Attachment B**, with minor changes to the Town Centre Planning Proposal, at **Attachment A**. They are summarised below.

Built form

19. The Town Centre Planning Proposal and revised DCP propose to amend the built form controls in the current LEP and DCP, in particular the maximum building heights, to accommodate the changes to the street layout and better integrate the built form with the built form proposed for the LML sites. One submission seeks confirmation that these revised built form controls have been tested to ensure that the maximum gross floor area and building height could be accommodated on the sites.
20. The controls have been extensively tested to ensure that the maximum potential gross floor area and building height would result in appropriate built form. However, it is noted these controls are an absolute maximum. In order to achieve the best outcome in terms of design excellence and amenity for building occupiers and, more broadly, in terms of compliance with other controls contained in the LEP and DCP, the maximum may not always be achievable on each development site. This will be determined at the detailed design stage.

21. As a result of the testing undertaken, minor refinements have been made to *Table 6.2: Height of Buildings* in the revised DCP to ensure closer consistency with the assumptions made for the floor level heights for the LML sites. The height in storeys is unamended. However, some adjustments are necessary to the building heights in metres above the flood planning level as detailed in the revised DCP table. These changes are the result of changes to the height to accommodate transfer structures where building floorplates change, and refinements to the flood planning levels. These changes are all to be absorbed within the overall building height in metres contained in the Town Centre Planning Proposal and, therefore, no changes to buildings heights are proposed to this, with the exception of site 11B which is discussed further below. Figure 2 shows the development sites.

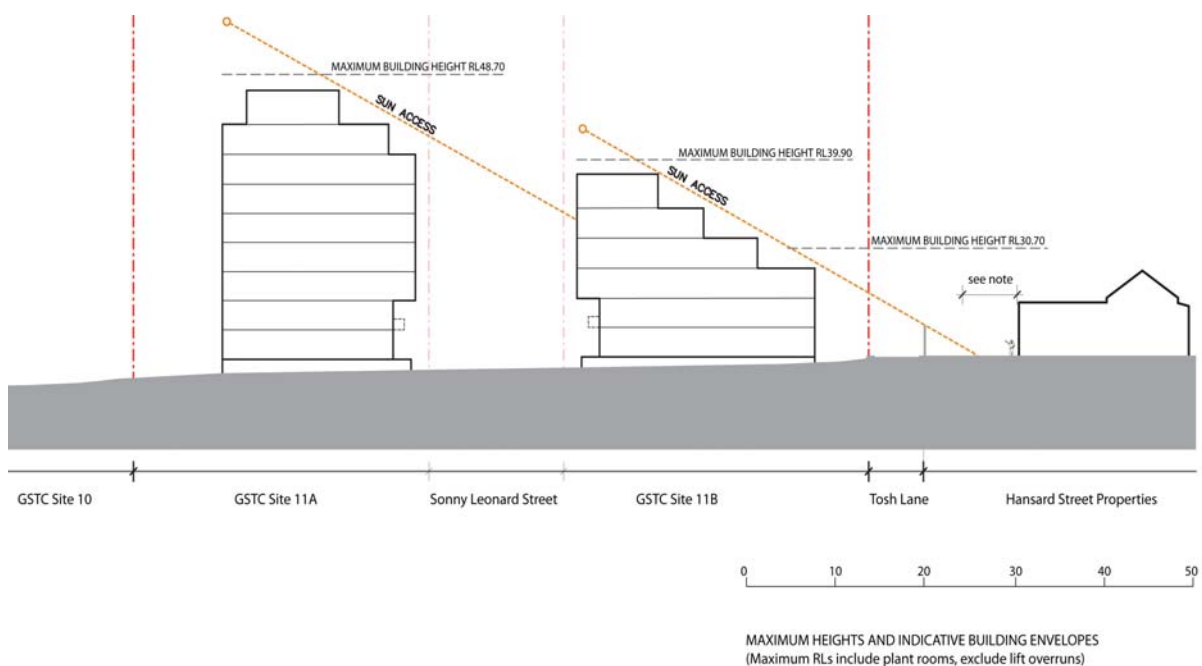
Figure 2: Green Square Town Centre – Development Sites



KEY
X Development sites (name)
 Existing lot boundaries

22. Detailed design drawings for sites 11A and 11B have been submitted by the site owners, indicating an additional building storey can be achieved within the envelope set by the maximum height in metres – up to 9 storeys in site 11A and 6 storeys in site 11B – without any additional overshadowing impact on the properties to the south of the site. Testing has confirmed this and an additional storey is supported. *Table 6.2: Height of Buildings* in the revised DCP has been amended to allow for the additional storey. *Provision 6.4: Height in storeys and street frontage* includes additional controls to ensure this additional storey will not have a detrimental overshadowing impact on the properties to the south of the site, on Hansard Street. Figure 3 below has been added to the revised DCP (as Figure 6.9) to ensure that the sun access during mid-winter to the buildings on Hansard Street is retained.

Figure 3: Maximum building height and mid-winter sun access for development sites 11A and 11B



23. Consistent with the DCP control shown in Figure 3 above, the RL height on the northern portion of site 11B shown in the Town Centre Planning Proposal Height of Buildings Map is proposed to be slightly increased from RL38.7m to RL39.9m. This is primarily to enable rooftop plant and overruns, rather than increase the overall height of the building.

Overshadowing to Hansard Street

24. A submission from a Hansard Street resident is concerned about the increase in height for sites 11C and 10B along Botany Road, which will lead to increased overshadowing to properties on Hansard Street. The height contained in the Planning Proposal provides for an increase from RL43.7m under the current LEP to RL47.2m for Site 11C, immediately to the north-west of Emmanuel Lane. This will increase the overshadowing to the property at 2 Hansard Street. However, extensive testing ensures that the proposed built form will enable compliance with the control requiring a minimum of 2 hours of direct sunlight between 9.00am and 3.00pm on 21 June to the properties on Hansard Street.

25. In addition, the additional sun access control for site 11B, which is parallel to Tosh Lane to the north, shown in Figure 3 above, will ensure sun access during mid-winter is maintained to the properties on Hansard Street.

Inconsistencies in numerical controls and site area

26. Two submissions identify minor inconsistencies or errors in the site areas, height or FSR controls. The built form controls have been reviewed to ensure that they are accurate and consistent across the planning documents. An amendment has been made to the site area of development site 11 at 511-515 Botany Road, which resulted from a detailed survey undertaken by the land owners. This has not impacted on the maximum gross floor area or the FSR for the site.
27. A correction to the site area of the “John Newell” development site 6 at 301-303 Botany Road has also been made in response to detailed surveys. This has resulted in a recalculation of the FSR to ensure the overall gross floor area remains unchanged.
28. Minor changes have also been made with regard to the FSR for the sites, as indicated in *Table 1: Breakdown of current Town Centre LEP and proposed gross floor area (GFA) of the Planning Proposal*, to correct inaccuracies caused by the rounding up of figures and to more accurately reflect the desired GFA for the sites.

Competitive design process

29. Two submissions on behalf of landowners relating to the competitive design process seek clarification of, and object to, the requirement to undertake a competitive design process to achieve the additional FSR. *Provision 6.1 Competitive design process* in the revised DCP, intends to complement the design excellence provisions contained in the Town Centre Planning Proposal. The provision has been amended to be consistent with the Planning Proposal requirement for buildings 16 storeys or greater to undertake a competitive design process.
30. Additional clauses under provision 6.1 are also included to clarify that the additional floorspace awarded for the undertaking of a competitive design process will be relative to the area of the development site or stage, rather than to the entire lot area. For example, those lots which contain several development sites - and where only one is subject to a competitive design process - will be awarded an additional FSR proportional to that achieved on the subject development site or stage, rather than the entire lot. Provisions have also been included from the draft City Plan DCP relating to design excellence.

Architectural Diversity

31. Two submissions object to provision 6.2 *Design and architectural diversity*, which requires that buildings designed by the same architectural or design company are not to be located adjacent or opposite to one another, on the grounds that it restrains architectural practice. The provision has been amended to require that buildings adjacent or opposite are not to replicate the same design. This will ensure architectural diversity is maintained, but will not prevent the same architectural firms from being involved in multiple development sites across a lot.

Traffic

32. Two resident submissions raise concerns about the impact on the local street network of the additional traffic created by the development of the Town Centre. In 2008, the Green Square Transport Management Accessibility Plan (TMAP) for the entire Green Square Area was completed. This was undertaken by Transport for NSW in collaboration with the City, the Roads and Traffic Authority, RailCorp, Landcom, and the Department of Planning and Infrastructure. Changes to the planning controls for the Town Centre have enhanced the need to update the TMAP, with a review (TMAP2) currently being led and managed by Transport for NSW.
33. TMAP2 will focus on the Eastern Transit Corridor which will connect the Green Square Town Centre with neighbourhoods to the east. It will identify how transport can be coordinated and delivered to support the changes in density that are expected in Green Square. The review will also determine which agencies will be responsible for delivering which services or infrastructure – for example, Transport for NSW will be responsible for public transport related actions.
34. The Town Centre Planning Proposal details the maximum number of car parking spaces permitted. This is consistent with the current parking rates under *South Sydney Development Control Plan – Transportation Guidelines for Development* (1998), but is less stringent than those contained in the draft City Plan LEP. These rates could be reviewed as improvements are made to the public transport and connectivity of the Town Centre. This approach is consistent with that taken for the LML sites.
35. The revised DCP identifies car parking access points and where car parking is permitted under the roads, to minimise the impacts of access ways on the public domain. The Transport Structure Plan also identifies the location of potential public transport stops and cycleways for alternative transport options.
36. In order to minimise the impacts of the traffic accessing the Town Centre, vehicular traffic will not be able to access the Town Centre through the existing lane network. Access will be provided by the new streets connecting with Portman Street, Joynton Avenue, Bourke Road and Botany Road, with the exception of Paul Street, which is an extension of Dunning Avenue. This strategy has been clarified in *Figure 3.23: Access and Circulation* and addresses residents' concerns about vehicular access using Tosh and Emmanuel Lanes.
37. Minor amendments have been made in response to submissions, in particular to clarify or respond to comments made by Transport for NSW. Further minor amendments to the revised DCP may be necessary when the TMAP2 is finalised later in 2012.

Location of desired activities

38. The provisions relating to the location of desired activities has been the subject of discussions with Town Centre landowners/developers who object to some requirements for non-residential uses.

39. *Provision 4.1 Location of desired activities* in the revised DCP is supported by plans showing the desired land uses at ground, first and second floor and above (*Figures 4.1 to 4.2: Land use*). Generally these provide for retail uses at ground floor along the primary retail streets of Ebsworth Street, Woolpack Street and fronting the Plazas, and fronting Botany Road and Geddes Avenue, where commercial uses are also permissible.
40. Retail or commercial uses are required at first floor level for frontages to Bourke Street, Botany Road and the Plazas. It is important that non-residential uses are provided to these nominated streets at ground and first floor level, as traffic and amenity conflicts make residential uses at lower levels less desirable.
41. Whilst retail or commercial uses are preferred at first floor level for sites along Ebsworth Street, Geddes Avenue, Tweed Place and Barker Street, *Figure 4.2: Land use – first floor* has been amended to not preclude residential uses to these sites. *Provision 6.10.8 Acoustic privacy* has been amended to set out the design control to attenuate noise impacts for residences above active uses fronting these streets.
42. No other changes are recommended to the land use plans, particularly with regard to first floor uses. Sites fronting the plazas and major roads will be subject to significant land use conflict resulting from the noise generated by vehicular traffic and proposed ground floor land uses. The principles for the development of the Town Centre are for the provision of a major centre, which can include late night trading for retail and service uses, planned major events in the plazas, and active recreation opportunities in the public domain. In order to provide a buffer between these ground level uses and the upper level residential uses to the surrounding buildings, it is imperative that first floor non-residential uses be provided in the nominated areas.

Flooding and stormwater management

43. *Provision 3.4 Flooding and stormwater management* in the revised DCP includes requirements for specified uses to have a flood planning level above ground floor level. This effectively means that buildings on affected sites and with nominated uses are required to have a floor level higher than the adjacent public domain. This requirement can lead to an undesirable outcome where active uses, particularly retail and commercial ground floor uses, are provided.
44. Amendments have been made to the DCP provisions to enable alternative solutions to the flood planning level requirements where these can be demonstrated to comply with the relevant Green Square Town Centre Flood Study and Flood Risk Management Plans. This will enable engineering or design solutions to be further explored and implemented to allow retail and commercial uses to access directly from the public domain.
45. No changes are proposed to the floodwater management provisions included in the Town Centre Planning Proposal.

Tree Preservation and Biodiversity

46. The revised DCP contains controls relating to tree management and biodiversity, taken from those contained in the City Plan. The controls include the need for approval for the removal or pruning of trees. As many of the development sites have been vacant or underused for many years, an abundance of vegetation has evolved over the sites.
47. *Provision 8.6 Biodiversity* has been expanded to encourage the maintenance of the existing trees, where feasible, and to require an Ecological Assessment to be undertaken to identify and mitigate any adverse impacts on flora or fauna found on the development sites.

Green Infrastructure

48. Minor changes have been made to the revised DCP in relation to the provision of "Green Infrastructure" (tri-generation, non-potable recycled water and automated waste systems). These have sought to clarify the location and connections to the green infrastructure facilities which have been earmarked for the former South Sydney Hospital Site.

Strategic Alignment - Sustainable Sydney 2030 Vision

49. *Sustainable Sydney 2030* is a vision for the sustainable development of the City to 2030 and beyond. It includes 10 strategic directions to guide the future of the City, as well as 10 targets against which to measure progress. The Town Centre has the potential to provide an important opportunity for the realisation of aspects of the Sustainable Sydney 2030.

- (a) Direction 2 provides a road map for the City to become A Leading Environmental Performer. We have set measurable and accountable targets to drive down our environmental footprint, including to reduce greenhouse gas emissions by 70% compared to 1990 levels by 2030.

Investigations are underway to define the location and operation of the City's "green infrastructure". Consistent with this Direction, the revised DCP includes provisions to encourage development that is capable of future connection to the City's decentralised tri-generation system, dual reticulation water sources and automated waste collection. Voluntary Planning Agreement discussions between the City and Town Centre landowners seek to achieve this Direction.

- (b) Direction 3 - Integrated Transport for a Connected City - responds to consultation for Sydney 2030 that highlighted a strong desire from our communities for a City that is connected, accessible, easy to get to and easy to get around.

The Town Centre is pivotal to achieving an integrated transport network for the southern areas of the City of Sydney, and will become an important public transport hub.

- (c) Direction 6 - Vibrant Local Community and Economies - recognises and seeks to build on our diverse City communities with diverse lifestyles, interests and needs – each with an important economic and employment role.

The Town Centre is identified as a major centre and will develop into an important place for entertainment, shopping and working for the southern Sydney area. It will also provide a location for significant public open space and community facilities and services which will be focal points of community activity and development. New streets and a new transport corridor will connect the Town Centre from the Transport Plaza through Neilson Square and the Green Square plaza onto other Villages, such as Victoria Park and Danks Street.

- (d) Direction 8 - Housing for a Diverse Population - seeks to build on Sydney's character as a city of diversity and equity, with a place for everyone. It recognises that housing affordability is an increasing challenge in inner Sydney. While State and Federal Governments share responsibility for housing policy, including housing provision, the City can support and advocate for initiatives to expand affordable housing opportunities.

The Town Centre Planning Proposal continues the affordable rental housing provisions in accordance with the *Green Square Affordable Housing Scheme*. The City has identified dedication of land for future provision of affordable rental housing in the Town Centre as a priority, and this includes the direct provision by landowners and developers where this can be negotiated.

- (e) Direction 9 - Sustainable Development, Renewal and Design - responds to sustainability and environmental imperatives facing our cities. Actions under this direction aim to better capture the potential of streets, parks and squares in public life and improve design excellence in our buildings.

The revised DCP contains provisions to ensure that the development of the Town Centre will be a forerunner in sustainable development and in achieving design excellence.

Organisational Impact

50. The development of the Town Centre requires new essential infrastructure and public domain works, built either by a developer, as 'in-kind' works, or by the City. These works are detailed in the infrastructure and public domain development applications approved by Council in 2008.
51. The City has established processes for managing delivery of works through voluntary Planning Agreements with individual landowners, which identify the specific deliverables required in association with development of a site. In this, the City is required to liaise with developers to ensure that works are delivered in accordance with the Planning Agreement and infrastructure and public domain approvals, and staged to match development progress.

52. The Town Centre Planning Proposal and the revised DCP propose changes to the street layout and certain provisions. The infrastructure and public domain development applications therefore require updating, a process which is being managed by the City. This, and the organisational impacts of arrangements to be put in place for the delivery of the Town Centre infrastructure, will be the subject of separate Council reports.

Social / Cultural / Community

53. A key focal point of the Town Centre is the Green Square plaza where the City's community facility is to be located. The facility is proposed to be approximately 3,500sqm, including a library, neighbourhood service centre, exhibition/gallery space and older people's space. A co-facility housing approximately 1,700 sqm is proposed in the former South Sydney Hospital site. Further details on these facilities will be the subject of a separate Council report.
54. The plaza areas will deliver a total of 4,200sqm of civic open space in addition to two new parks, The Drying Green and Matron Ruby Grant Park, which provide over 6,000sqm of soft landscaped open space for recreation.
55. The Town Centre Planning Proposal and the revised DCP integrate the work the City is undertaking to define the scope of these facilities and will inform the progress of their detailed planning.

Environmental

56. The Town Centre Planning Proposal and revised DCP provide the City with an opportunity to facilitate the delivery of the Town Centre as Australia's first precinct connected to green infrastructure. The revised DCP encourages development to be designed to include the necessary connections and in-building infrastructure to connect to tri-generation, non-potable recycled water and evacuated waste systems to be provided by the City.
57. The City anticipates achieving the commitment from landowners and the potential capability of development connecting to the "green infrastructure" through the voluntary Planning Agreement discussions between the City and landowners during the process of "un-deferring" each site within the Town Centre.

Economic

58. The Town Centre Planning Proposal intends to continue the current "deferral" scheme that applies to the Town Centre. As such, the Planning Proposal, together with the revised DCP, enables the opportunity for redevelopment to higher order uses and densities than under the industrial zone. With this uplift, there is the need for the provision of essential land and infrastructure to ensure the full development capacity of the Town Centre can be realised in an orderly and sustainable way. Redevelopment of the Town Centre by the private sector, coupled with the City's commitment to green infrastructure, community facilities and facilitating public transport improvements with the State Government, is expected to create a significant impetus for economic development in the southern areas of the City.
59. The proposed residential, commercial and retail uses within the Town Centre will enhance its role as a 'Planned Major Centre' utilising the public transport links and connecting networks that operate within close proximity to the Town Centre.

BUDGET IMPLICATIONS

60. Funding for the delivery of infrastructure and public domain works is critical to the success of the Town Centre. The *Green Square Town Centre Infrastructure Strategy (2006)* sets out the process for funding, through development, the delivery of civil infrastructure and public domain required to service the Town Centre. Two thirds of this funding is to come from Town Centre landowners, with the City contributing one-third.
61. Council's commitment to forward-funding the delivery of infrastructure ahead of receipt of developer contributions and consideration of bringing forward community facilities will continue, in order to support the renewal of the Town Centre and the wider Green Square area.
62. The Town Centre Planning Proposal and the revised DCP will facilitate development of the Town Centre, and so facilitate the delivery of the necessary infrastructure.

RELEVANT LEGISLATION

63. *Part 3, Environmental Planning Instruments and Part 4, Division 6, Subdivision 2 Planning Agreements of the Environmental Planning and Assessment Act 1979.*
64. *Part 2, Environmental Planning Instruments, Part 3, Development Control Plans, and Part 4, Division 1A Planning Agreements of the Environmental Planning and Assessment Regulation 2000.*

CRITICAL DATES / TIME FRAMES

65. The Gateway Determination issued by the Department of Planning and Infrastructure, shown at **Attachment E**, sets the timeframe for finalising the Town Centre Planning Proposal to March 2012. It is necessary that the Planning Proposal be approved for submission to the Director-General of the Department of Planning and Infrastructure in order to meet this timeframe.
66. The Planning Proposal for the Landcom/Mirvac/Leighton sites was approved by Council on 5 December 2011 and the CSPC on 1 December 2011 for submission to the Director-General of the Department of Planning and Infrastructure to request the LEP be drafted and made, upon the finalisation of the voluntary Planning Agreement. Once a Planning Agreement is reached with Landcom/Mirvac/Leighton, the Planning Proposal is to be submitted to the Minister for Planning for the "un-deferral" of the sites and gazettal of the LEP. It is desirable that the revised DCP, which applies to the entire Town Centre, be approved by Council prior to the "un-deferral" of the Landcom/Mirvac/Leighton sites, in order to inform the determination of forthcoming development applications associated with this scheme.
67. Other landowners are also undertaking detailed design schemes for developments in the Town Centre and require the certainty of the detailed DCP provisions to progress their schemes. Delaying the approval of these controls would have a detrimental impact on the timely development of the Town Centre.

OPTIONS

68. Nil.

PUBLIC CONSULTATION

69. The Town Centre Planning Proposal was placed on public exhibition for 28 days, between the 22 November and 20 December 2011, in accordance with the Gateway Determination and Section 57 of the *Environmental Planning and Assessment Act 1979*. The draft DCP was also placed on public exhibition, concurrently with the Planning Proposal, in accordance with the *Environmental Planning and Assessment Regulation 2000*.
70. Twelve submissions were received in response to the public exhibition, including:
- (a) four from landowners;
 - (b) three from residents; and
 - (c) five from State and local authorities.
71. Submissions, with responses, are summarised at **Attachment C**.
72. Key matters raised in the submissions are addressed in this report. Refinements and minor drafting changes have been made to the Town Centre Planning Proposal and revised DCP as a result. Some additional provisions have also been included in the revised DCP in response to ongoing discussions with landowners, other stakeholders and the City's further testing and assessment of the controls.
73. The Town Centre Planning Proposal, at **Attachment A**, and the revised DCP, at **Attachment B**, show the amendments made. Additions are shown in coloured **bold** text, with deletions shown in coloured ~~strike through~~ text.

GRAHAM JAHN

Director City Planning, Development and Transport

(Nicola Robinson, Senior Specialist Planner)