

ITEM 7. PUBLIC EXHIBITION - PLANNING PROPOSAL FOR VARIOUS SITES IN WATERLOO AND AMENDMENTS TO SYDNEY DEVELOPMENT CONTROL PLAN 2012 IN ALEXANDRIA AND WATERLOO

FILE NO: S107972

SUMMARY

Draft Sydney Local Environmental Plan 2011 was exhibited from 2 February 2011 to 4 April 2011. The exhibition generated over 1,000 submissions.

In March 2012, Council and the Central Sydney Planning Committee adopted the draft Local Environmental Plan, now made as *Sydney Local Environmental Plan 2012*, following consideration of a report on the submissions. The report noted that a number of submissions requested changes that, although considered to have merit, would have resulted in significant departures from the exhibited Plan. Council and the Central Sydney Planning Committee resolved to address these requested changes through separate planning proposals so as not to delay adoption of the Plan.

Following a more detailed examination of submissions, this report recommends approval for public exhibition of a Planning Proposal to amend the controls in *Sydney Local Environmental Plan 2012* and that the Central Sydney Planning Committee note that a draft amendment to *Sydney Development Control Plan 2012* is also being reported to Council for public exhibition for the Waterloo Park Precinct, generally bound by McEvoy Street, George Street, Bourke Street and Young Street, Waterloo. The key amendments are described below:

- Rezoning of identified properties from R1 General Residential to B4 Mixed Uses. The purpose of this amendment is to recognise current non-residential uses in the area which are now reliant on existing use rights, potentially restricting their operations and preventing any desired future expansion.
- An increase in height control from 15 metres to 22 metres for identified properties to ensure that the height of buildings can accommodate the higher floor to ceiling heights required for non-residential uses.

The resolutions of Council and the Central Sydney Planning Committee also identified the height and floor space ratio controls for 2-10 Fountain Street and 18 Huntley Street, Alexandria for further consideration.

A review of the built form controls for both sites found the existing planning controls under *Sydney Local Environmental Plan 2012* to be the maximum achievable. Constraints including proximity to the Cooper Estate Conservation Area and requirements for stormwater easements were found to affect both sites. It is recommended that amendments to *Sydney Local Environmental Plan 2012* not be progressed for either site. Amendments to *Sydney Development Control Plan 2012* are however recommended for 18 Huntley Street to ensure an appropriate built form is achieved.

This report seeks approval of the Planning Proposal at Attachment A to this report for submission to the Minister for Planning and Infrastructure for a Gateway Determination. Public authority consultation and public exhibition of the Planning Proposal would then commence.

It is also recommended that the Central Sydney Planning Committee note that the accompanying *draft Sydney Development Control Plan 2012 – Amendment X* at Attachment B to this report is being reported to Council for approval for concurrent public exhibition.

RECOMMENDATION

It is resolved that:

- (A) the Central Sydney Planning Committee approve the *Planning Proposal: Sydney Local Environmental Plan 2012 – Various sites in the Waterloo Park Precinct*, shown at Attachment A to the subject report, for submission to the Minister for Planning and Infrastructure with a request for a Gateway Determination;
- (B) the Central Sydney Planning Committee approve the *Planning Proposal: Sydney Local Environmental Plan 2012 – Various sites in the Waterloo Park Precinct* for public authority consultation and public exhibition in accordance with the Gateway Determination;
- (C) the Central Sydney Planning Committee note the recommendation to Council's Planning and Development Committee on 15 October 2013 that Council approve *draft Sydney Development Control Plan 2012 – Amendment X*, shown at Attachment B to the subject report, for public exhibition in accordance with the *Environmental Planning and Assessment Act 1979*;
- (D) the Central Sydney Planning Committee note the *Planning Proposal: Sydney Local Environmental Plan 2012 – Various sites in the Waterloo Park Precinct* and the *draft Sydney Development Control Plan 2012 – Amendment X* will be exhibited concurrently and reported back to Council and the Central Sydney Planning Committee following their exhibition;
- (E) the Central Sydney Planning Committee note that a planning proposal for changes to the height and floor space ratio controls that apply to 2-10 Fountain Street, Alexandria under *Sydney Local Environmental Plan 2012* will not be progressed, as the current controls are appropriate given the site's context and constraints;
- (F) the Central Sydney Planning Committee note that a planning proposal for changes to the height and floor space ratio controls that apply to 18 Huntley Street, Alexandria under *Sydney Local Environmental Plan 2012* will not be progressed, as the current controls are appropriate given the site's context and constraints, and note changes to indicative building envelopes and associated provisions are included in the *draft Sydney Development Control Plan 2012 – Amendment X* proposed for the site;

- (G) authority be delegated to the Chief Executive Officer to make minor variations and/or corrections to the *Planning Proposal: Sydney Local Environmental Plan 2012 – Various sites in the Waterloo Park Precinct* to correct any minor errors and enable public authority consultation and public exhibition following receipt of the Gateway Determination;
- (H) the Central Sydney Planning Committee note the recommendation to Council's Planning and Development Committee on 15 October 2013 that Council delegate authority to the Chief Executive Officer to correct any minor errors in the *draft Sydney Development Control Plan 2012 – Amendment X* and ensure its consistency with the *Planning Proposal: Sydney Local Environmental Plan 2012 – Various sites in the Waterloo Park Precinct*.

ATTACHMENTS

Attachment A: *Planning Proposal: Sydney Local Environmental Plan 2012 – Various sites in the Waterloo Park Precinct*

Attachment B: *Draft Sydney Development Control Plan 2012 – Amendment X*

Attachment C: Resolutions of Central Sydney Planning Committee and Council dated 8 March 2012 and 12 March 2012 respectively

Attachment D: 18 Huntley Street, Alexandria – Built Form Context

BACKGROUND

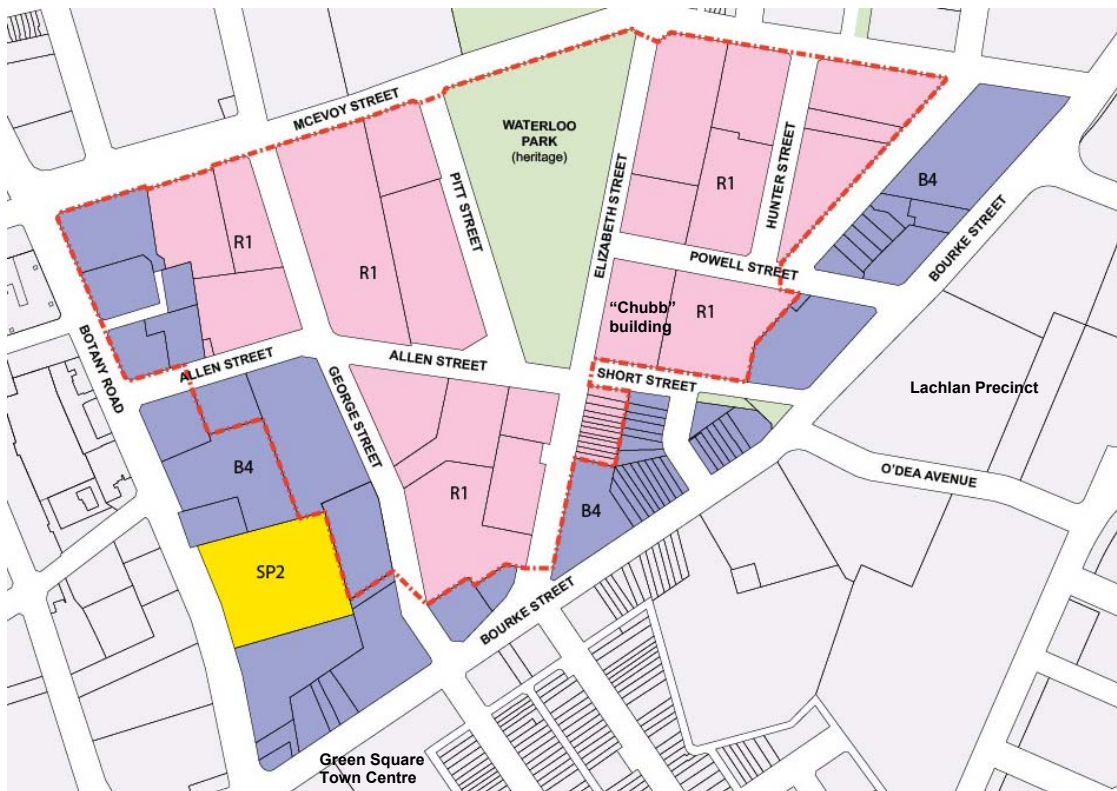
1. Following the public exhibition of *draft Sydney Local Environmental Plan 2011* (draft Sydney LEP 2011), now made as *Sydney Local Environmental Plan 2012* (Sydney LEP 2012), between 2 February and 21 April 2011, a number of submissions were received which, on initial analysis, indicated potential for changes to the draft planning controls. Where a full analysis was likely to take some time or where the proposed changes were so significant as to require re-exhibition, further investigation of the proposals was held back so as not to delay progress of the entire plan.
2. The recommendation to Council and the Central Sydney Planning Committee (CSPC) to adopt draft Sydney LEP 2011 included a list of sites and localities which warranted further consideration. Copies of the resolutions of Council and CSPC from 12 March 2012 and 8 March 2012, respectively, are shown at **Attachment C**.
3. This report addresses the planning controls for a number of sites within the Waterloo and Alexandria areas which were listed for further investigation in the Council and CSPC resolutions, as follows:
 - (a) Land zoned R1 General Residential in the “Danks Street locality” at Green Square;
 - (b) 2-6 Allen Street, Waterloo;
 - (c) 2-10 Fountain Street, Alexandria; and
 - (d) 18 Huntley Street, Alexandria.
4. Following further analysis, amended controls are recommended for the R1 zoned land and the Allen Street site, Waterloo. These are contained in *Planning Proposal: Sydney Local Environmental Plan 2012 – Various sites in the Waterloo Park Precinct*, shown at **Attachment A**, and that *draft Sydney Development Control Plan 2012 – Amendment X*, shown at **Attachment B**.
5. It is recommended that the CSPC note that a planning proposal is not to be progressed for 2-10 Fountain Street or 18 Huntley Street, Alexandria, but amendments to *Sydney Development Control Plan 2012* (Sydney DCP 2012) for 18 Huntley Street are proposed.
6. A discussion of planning considerations and proposed amendments is provided below.

Various Properties zoned R1 General Residential - Waterloo Park Precinct

7. On adoption of draft Sydney LEP 2011, Council and the CSPC noted, that “...consideration is being given to whether a planning proposal should be prepared in the future to rezone the land in the Alexandria Park and Danks Street localities at Green Square, shown as Zone R1 General Residential...” (**Attachment C**, Resolution (L)).

8. The “Alexandria Park locality” rezoning is already being progressed via a planning proposal that Council and the CSPC endorsed on 15 October and 11 October 2012 respectively. The Planning Proposal seeks to rezone several properties around Alexandria Park from R1 General Residential to B4 Mixed Uses. A Gateway Determination was issued in December 2012 and public exhibition was undertaken in January and February 2013. The outcomes of the public exhibition are to be reported to Council and the CSPC in 2013.
9. “Danks Street locality” refers to R1 zoned land bounded by McEvoy Street, Bourke Street and Botany Road, Waterloo, as shown in Figure 1. This is more accurately described as land in the vicinity of Waterloo Park, and is hereafter referred to as the “Waterloo Park Precinct”.
10. The Waterloo Park Precinct includes the Waterloo Oval on Elizabeth Street. The precinct is located immediately north of the planned Green Square Town Centre. It contains a diversity of land parcels occupied by residential apartment buildings and non-residential uses. It also contains the former “Chubb” heritage listed building at 830-838 Elizabeth Street and terraced properties along Elizabeth Street which form part of the Zetland Estate Conservation Area.

Figure 1 – Waterloo Park Precinct, edged in red, with Sydney LEP 2012 zones



N.B. R1 General Residential Zoning currently applies to sites coloured pink, B4 Mixed Uses Zoning currently applies to sites coloured purple.

11. Prior to the application of the R1 General Residential zone under Sydney LEP 2012, properties to the east of Waterloo Park were zoned Mixed Uses 10(b) under *South Sydney Local Environmental Plan 1998* and properties to the west were zoned Mixed Uses 10(c), as shown at Figure 2. The Mixed Uses 10(b) zone is a predominantly residential zone that allows up to 25% non-residential uses whilst the Mixed Uses 10(c) zone seeks to promote mixed uses requiring a minimum of 25% non-residential uses on each development site.

Figure 2 – Zonings under South Sydney LEP 1998



12. The City's *Mixed Uses Zone Review 2006* and *Green Square Background Paper 2008* identified that both the Mixed Uses 10(b) and 10(c) zones had resulted in predominantly residential development. Whilst the Standard Instrument B4 Mixed Uses zone would be an appropriate translation for the 10(c) Mixed Uses zone, in that it reflects the zone objective to achieve a higher percentage of non-residential development, the R1 General Residential zone was chosen as the best overall match with the 10(b) and 10(c) Mixed Uses zones in the Waterloo Park Precinct. The R1 zone reflects the desired and emerging residential character of the neighbourhood, supported by the amenity of the park. Some non-residential uses are permitted in the R1 zone, including child care centres, food and drink premises, home industries and neighbourhood shops.
13. In response to the public exhibition of the draft Sydney LEP 2011, two submissions were received with respect to 34 McEvoy Street and adjoining sites at 1A, 3-5 and 7-11 Allen Street and 201-211 Botany Road, raising concerns about the proposed R1 General Residential zone. Following gazettal of Sydney LEP 2012, a further submission was received from adjoining sites at 713-721 Elizabeth Street and 409 George Street, which also raises zoning concerns. The three sites are shown in Figure 3. The concerns raised are:
- (a) inappropriate R1 General Residential zoning in proximity to heavy traffic routes;

- (b) continued operation of sites in well-established non-residential uses, which would not be permissible under the R1 zone and would therefore be reliant on existing use rights; and
- (c) consistency in zoning across the precinct to avoid planning and design issues where the permitted zone varies across amalgamated landholdings and to ensure consistent street frontage treatments.

Figure 3 – Location of sites for which submissions raised zoning concerns



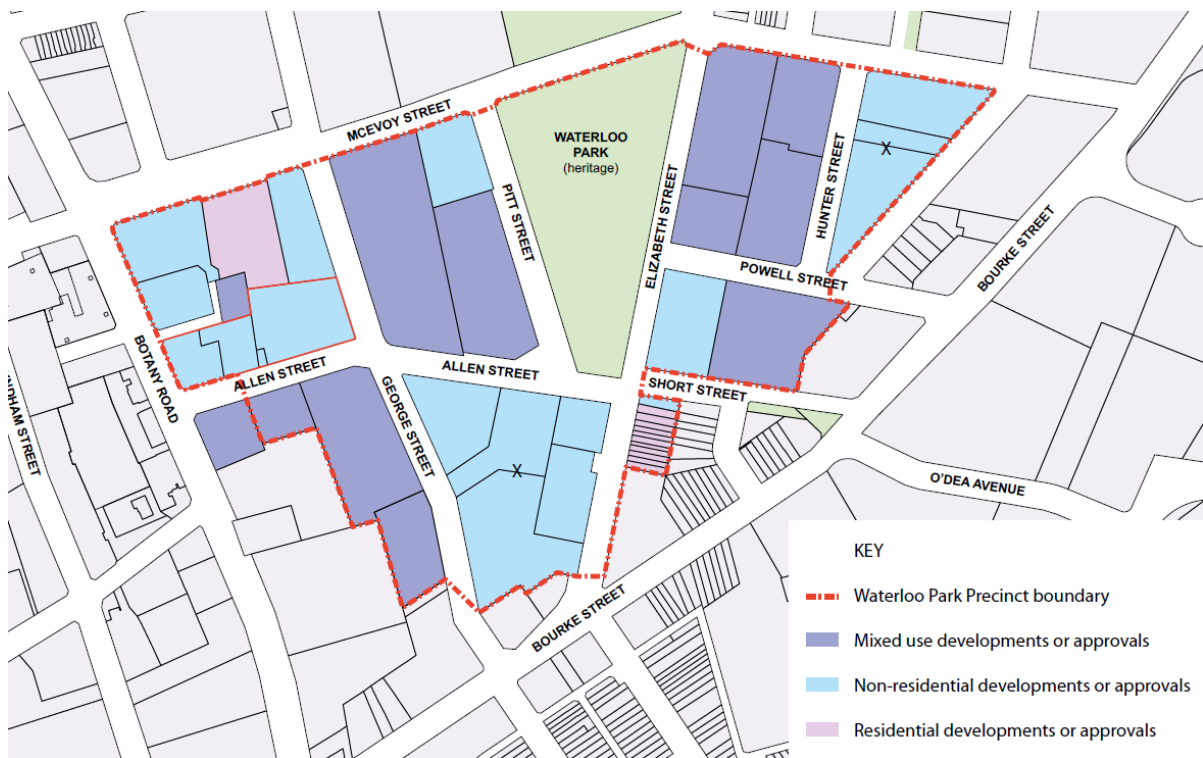
14. All three submissions request a B4 Mixed Uses zoning.

Zoning

15. The objectives of the R1 General Residential zone are to maintain existing areas of predominantly residential uses, provide for a variety of housing types and densities, and enable other land uses that provide facilities or services for the day to day needs of residents. The objectives of the B4 Mixed Uses zone are to provide for a mixture of compatible land uses, integrating suitable business, office, residential, retail and other development in accessible locations so as to maximise public transport patronage and encourage walking and cycling.
16. The R1 and B4 zones both permit residential development. The B4 Mixed Uses zone allows for a greater variety of compatible non-residential uses and will generate more activity. A B4 zoning in the Waterloo Park Precinct will allow for the continued operation of existing businesses which are well established and considered appropriate in this area, adjacent to the Green Square Town Centre. A B4 zoning will also allow for the integration of non-residential uses at ground level along major street frontages such as McEvoy Street, enhancing amenity for residential uses above by providing separation from traffic and shielding associated noise.

17. A recent review of development applications, shown at Figure 4, reveals that several mixed use residential and commercial developments have been approved and constructed, particularly in the street block bounded by McEvoy, Hunter, Powell and Elizabeth Streets, in the east of the precinct. The area has also been subject to existing light industrial and warehouse buildings being improved for showrooms, offices and retail outlets. The street blocks bound by Allen, Elizabeth, Bourke and George Streets, and McEvoy, Young and Hunter Streets, marked with an 'X' in Figure 3, are currently in purely non-residential use including information technology and hardware premises, vehicle depots, fashion headquarters and outlets, showrooms, and warehouses. In many instances, these uses have been facilitated by recent development approval within the last five years.

Figure 4 – Current and Future Uses



18. There are 33 sites with an R1 General Residential zoning within the Waterloo Park Precinct. Seven sites throughout the precinct have been or are in the process of being redeveloped primarily for residential purposes, although six of these have a non-residential element in the approved development mix. There are a further 11 terraced properties located along the Elizabeth Street frontage in residential use. The remaining 13 sites and 1 terraced property contain non-residential uses which would be prohibited under the R1 General Residential zone, but nonetheless contribute to the vibrant mixed use vision for Green Square.
19. A B4 Mixed Use zoning will allow for the continued operation and appropriate expansion of these compatible non-residential uses. It will also allow development that is exclusively residential, such that the properties currently used solely for residential purposes will not be affected by a change from R1 to B4. Further, it will continue to allow for future residential development capitalising on proximity to Waterloo Park.

Built Form

20. In considering a rezoning of the precinct from R1 to B4, a review of the principal built form controls was undertaken to ensure that they would be appropriate under the proposed B4 zone. Mixed use building envelopes, assuming ground floor non-residential uses with residential above, were used in testing because this type of building represents a 'worst case' in terms of building height, being less efficient in accommodating floor space than a purely commercial building. Mixed use and residential developments are less efficient in using the building envelope as they require more internal space for circulation and articulation.

21. Under Sydney LEP 2012, the current Floor Space Ratio (FSR) control is 1.5:1 with a potential 0.5:1 for the provision of community infrastructure, such as new streets or setbacks, and a further 10% available for design excellence. The current height control varies between 15 metres and 20 metres across the precinct, as shown in Figure 5.

Figure 5 – Current Height Controls under Sydney LEP 2012



22. Most large sites with a 22 metre height limit have redeveloped or have active development applications for mixed use residential developments. The built form on these developments often has four and six storey buildings, with the lower building heights fronting the street. These developments achieve 2:1 FSR.

23. For those sites with a 15 metres height limit, or three to four storeys, the urban design testing found that 15 metres is generally insufficient to achieve an FSR of 2:1.

24. An increased height limit is not necessary, however, for sites wishing to remain in commercial and other non-residential uses, given that a lower built form is often favoured by such developments. It is also not necessary where greater proportions of non-residential development are proposed as part of the development mix, given the greater amount of floor space that can be accommodated by non-residential floorplates.
25. An increased height limit is not appropriate where the Waterloo Park Precinct transitions into the Zetland Estate Conservation Area to the south, which is characterised by single and two storey terraced housing, or adjacent to the one and two storey heritage office and warehouse building at 830-838 Elizabeth Street, opposite Waterloo Park.
26. In these instances, retaining the 15 metre height limit is recommended. As discussed earlier in this report, entire street blocks, marked 'X' in Figure 4, remain in viable and well-established non-residential use. For these street blocks, retaining the 15 metre height limit may also help to protect their continued business operation from land value and rent increases, and from increased pressure for residential development.
27. In protecting sites from development pressure and increasing land values, pockets of key business activity in appropriate, accessible locations can be retained. Creative industries, including the information technology and fashion activities which are currently operating in the Waterloo Park Precinct, play a significant supporting role for Sydney's global economy. Appropriate planning controls reflecting the non-residential nature of these street blocks will enable the continued operation of a creative, mixed business area in Waterloo Park.
28. The built form analysis also found that a street wall height of 2 storeys along the southern portion of Elizabeth Street (between Powell Street and Bourke Street) should be introduced to create a transition in scale from the Conservation Area to the south and reflect the built form of the terraced properties and saw-tooth roof heritage warehousing on this street.
29. A four storey street wall height along lower order streets, including Hunter, Young, Allen and Pitt Streets, reflects their narrower proportions and helps to achieve an appropriate pedestrian scale. A four storey street frontage is particularly important along east-west streets to ensure appropriate levels of solar access within the public domain. Fronting McEvoy and Bourke Streets and along George Street, a five to six storey street wall height is considered appropriate, reflecting the higher order of these streets and the built form outcomes of recent redevelopments.

Recommendation

30. It is recommended that properties in the Waterloo Park Precinct be rezoned in Sydney LEP 2012 from R1 General Residential to B4 Mixed Uses to reflect the mix of appropriate uses present within the neighbourhood.
31. It is also recommended that the height limit be increased in Sydney LEP 2012 from 15 metres to 22 metres for identified sites in the street blocks bounded by Allen, George, and McEvoy Streets and Botany Road and Hunter, McEvoy, Elizabeth and Powell Streets.

32. These changes are included in the Planning Proposal to amend Sydney LEP 2012 shown at **Attachment A**.
33. To accompany the Planning Proposal, it is also recommended that relevant sections of the Sydney DCP 2012 be amended, namely the precinct Locality Statement, building height in storeys and street wall heights. These changes are shown at **Attachment B**.

Allen Street, Waterloo

34. On adoption of draft Sydney LEP 2011, Council and the CSPC noted that consideration would be given to a planning proposal for 2-6 Allen Street, Waterloo (**Attachment C** Resolution (K)(iv)). On further investigation, this was found to involve adjoining sites at 1A, 3-5 and 7-11 Allen Street and 201-211 Botany Road, Waterloo. A submission to the draft Sydney LEP 2011 sought rezoning of 1A and 3-5 Allen Street from R1 to B4, as discussed earlier in this report, together with additional height and FSR in the context of surrounding redevelopment.
35. The properties are currently occupied by one to two storey office buildings and warehousing, with associated hardstanding for parking and vehicle circulation.
36. Under Sydney LEP 2012, the principal planning controls are an FSR of 2:1, which includes a 0.5:1 incentive for provision of community infrastructure, and a height limit of 15 metres, equivalent to three to four storeys.
37. Using the taller built form along Botany Road as context, the submission seeks an FSR of 3:1 and a height limit of 28 metres, equivalent to nine storeys.
38. The review of the submission involved analysis of solar access to the site, surrounding properties and the public domain; compliance with the *NSW Residential Flat Design Code*; height in relation to the surrounding context; bulk of the proposed development; and appropriate setbacks.

Built Form

39. The review concluded that the existing nine storey building height and eight storey street wall height along the western side of Botany Road (the "Hudson" development) should not be a precedent for the eastern side. This would create a canyon effect along this section of Botany Road and does not reflect the urban character or street hierarchy of Allen Street. The existing six storey height present at the corner of Allen Street and Botany Road defines an appropriate street edge and assists in the transition from Botany Road into the Waterloo Park locality.
40. In line with the wider review of built form in the Waterloo Park Precinct detailed earlier in this report, a four storey east-west street wall height will create an appropriate pedestrian scale along Allen Street whilst also allowing solar access into the public domain. This is important given other submissions received during the exhibition of the draft Sydney LEP 2011 from residents of developments along the southern side of Allen Street, who raised concerns about potential overshadowing associated with increased building heights to their north.

41. The review supports a six storey building height for north-south oriented buildings along the Botany Road and George Street site frontages. An increase in building height from 15 metres to 22 metres will facilitate a four and six storey mixed use/residential development without adverse environmental impact and reflects similar built form outcomes recently constructed or approved in the immediate vicinity of the site. It will also allow for a better match with the existing 2:1 FSR control, plus any design excellence floor space incentive. No increase in FSR is supported.
42. Figure 6 shows the likely four and six storey built form which would be achievable with a 22 metre height limit and a B4 zoning, in the context of recently approved or constructed development.

Figure 6 – Indicative built form outcome for 1A, 3-5 and 7-11 Allen Street and 201-211 Botany Road under proposed planning controls



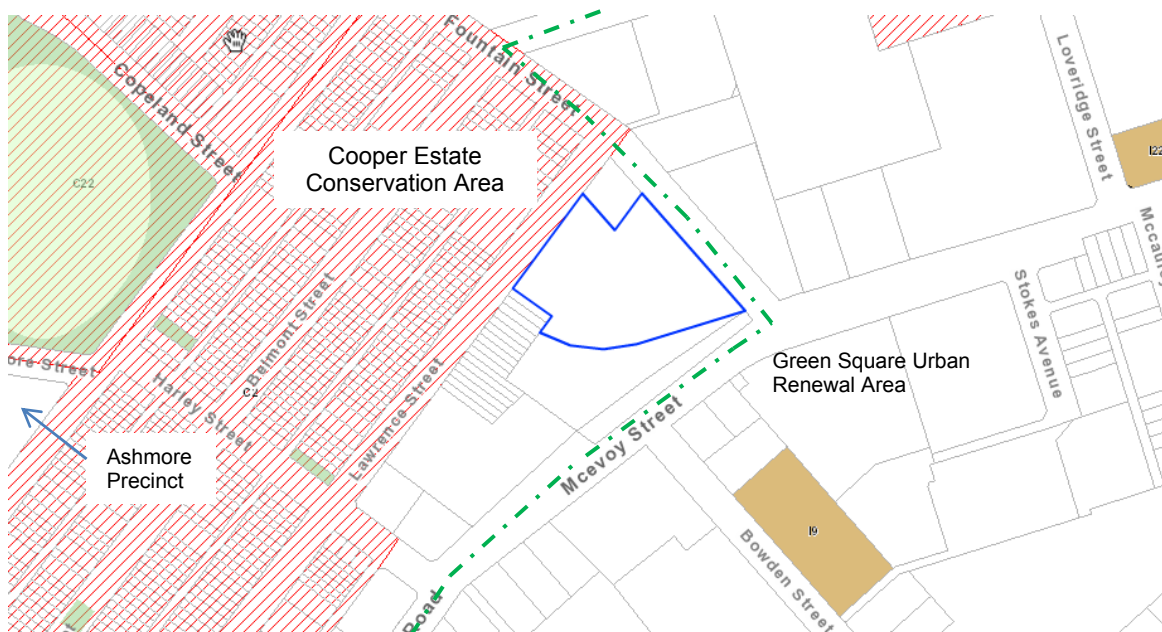
Recommendation

43. It is recommended that the height control for 1A, 3-5 and 7-11 Allen Street and 201-211 Botany Road, Waterloo be increased from 15 metres to 22 metres, with no change to the current maximum FSR. These changes are included in the Planning Proposal to amend Sydney LEP 2012 shown at **Attachment A**.
44. It is also recommended that the Height in Storeys Map in Sydney DCP 2012 be amended from four storeys to six storeys and a street frontage height of four storeys be introduced along the Allen Street frontage in the Building Street Frontage Height in Storeys Map. These changes are shown at **Attachment B**.

2-10 Fountain Street, Alexandria

45. On adoption of draft Sydney LEP 2011, Council and the CSPC noted that consideration be given to a planning proposal for 2-10 Fountain Street, Alexandria (Resolution K(v) at **Attachment C**).
46. 2-10 Fountain Street is located at the corner of Fountain Street and McEvoy Street in Alexandria. Its principal frontage is to Fountain Street, which is currently undergoing substantial redevelopment, with several recent development approvals to reuse existing warehouse buildings for cafes and retail, and some new mixed use residential flat buildings. The site also has a frontage to Lawrence Street, the northern side of which forms part of the Cooper Estate Conservation Area, and is characterised by one and two storey terraced properties and some sensitively designed new developments. Adjoining the site to the south on McEvoy Street is a residential development of six storeys. The location of the site is shown in Figure 7.

Figure 7 – Location of 2-10 Fountain Street, Alexandria, edged in blue



47. The site is currently occupied by a large, two storey, modern warehouse building which operates as a Dan Murphy's store and two other currently vacant tenancies. There is also a significant amount of associated hardstanding which provides parking for approximately 60 vehicles. There is a 2008 development consent for a supermarket within the vacant tenancies. The site is zoned B4 Mixed Uses.
48. A submission to draft Sydney LEP 2011 sought an increase in maximum height and FSR controls from 12 metres (three storeys) and 1.5:1 to 22 metres (six storeys) and 2.5:1. Given the size of the site and the built form context, an initial review of the submission indicated that there may be potential for some increase.
49. Detailed urban design analysis has been undertaken to establish an appropriate built form for the site, having regard to: *NSW Residential Flat Design Code* requirements for building separation and solar access; height in relation to the surrounding context; vehicular access into and circulation around the site; bulk of proposed development; and appropriate setbacks and easements.

50. The analysis found that a maximum three storey height limit along the northern site boundary would allow for an appropriate transition to the predominantly two storey building height on Lawrence Street and the Cooper Estate Conservation Area. A significant change in levels between the site and those properties to the south also limits the height of buildings achievable on the remainder of the site despite the presence of taller built form along McEvoy Street.
51. The lack of street frontage on two sides of the site prevents full perimeter block style development. This constrained site configuration combined with building separation requirements, both within the site and between the site and adjoining developments, results in large areas of the site which cannot be built upon. Siting development blocks internally within the site is also constrained by requirements for vehicular access and circulation. Approximately 11% of the site is affected by a stormwater easement which dissects the eastern corner of the site. These constraints result in a maximum achievable FSR of 1.5:1, as currently permitted. An increase in FSR is therefore not supported.

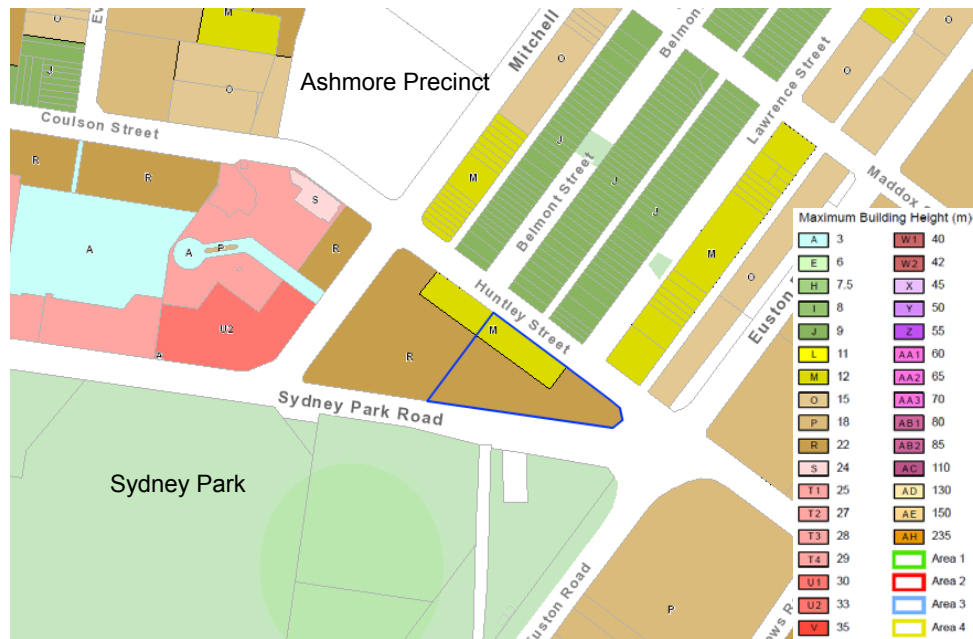
Recommendation

52. Urban design analysis has demonstrated that the current height and FSR controls under Sydney LEP 2012 represent the maximum achievable given the site's context and constraints. It is therefore recommended that a planning proposal is not progressed for 2-10 Fountain Street, Alexandria.

18 Huntley Street, Alexandria

53. On adoption of draft Sydney LEP 2011, Council and the CSPC noted that consideration be given to a planning proposal for 18 Huntley Street, Alexandria (Resolution K(xi) at **Attachment C**).
54. 18 Huntley Street is occupied by a relatively modern, two storey commercial building with associated hardstanding for parking. The site is an underutilised, triangular, corner site with frontages to Sydney Park Road, Huntley Street and a five-way traffic roundabout, which also connects with Euston Road. It is a highly visible site from Sydney Park to its south, the Cooper Estate Conservation Area to its north and along the approach from Huntley Street from the east.
55. A submission to draft Sydney LEP 2011 uses the highly visible location of the site and the context of taller development along Sydney Park Road to seek increased building height at the Sydney Park Road/Huntley Street intersection. The submission suggests this could become a "gateway" marker to Sydney Park Road and "bookend" the existing built form on this street.
56. The height controls under Sydney LEP 2012 are 12 metres (three storeys) along the Huntley Street frontage and 22 metres (six storeys) for the rest of the site, as shown in Figure 8. The submission proposes to retain the 12 metre Huntley Street frontage, but requests an increase to 45 metres (15 storeys) at the Sydney Park Road/Huntley Street intersection and a 21 metre (seven storey) height transition for the rest of the site. The submission also requests an increase in FSR from 2:1 to 2.75:1.

Figure 8 – Location of 18 Huntley Street, Alexandria and height controls under Sydney LEP 2012



57. Urban design analysis shows that whilst some tall buildings exist along Sydney Park Road, the predominant street wall height, accounting for the gradient of the street, is the equivalent of six storeys on this site. This is shown in **Attachment D** to this report.
58. The site's relationship with the Cooper Estate Conservation Area to its north also constrains the height achievable. This is also shown in **Attachment D**. The properties in the Conservation Area, along Belmont and Lawrence Streets, have a predominant one and two storey built form. Some more recent developments have achieved three storeys at the south-eastern end of Lawrence Street as a transition to three and four storey development along Euston Road.
59. The urban design analysis found that three storeys, with a two storey street wall height, is appropriate along the Huntley Street frontage to respond to the character of the Conservation Area. Given that the development fronting Huntley Street acts as a visual termination of Lawrence Street, it should reflect the pattern and rhythm of the surrounding terraced properties with a fine grain, 'town house' style appearance and maximised individual property entries. A six storey height limit elsewhere on the site ensures that the building scale and bulk is not overwhelming when perceived from the Conservation Area.
60. A stormwater easement and an underground Transgrid connection also affect the western portion of the site, meaning that approximately 25% of the site cannot be developed. As such, the testing found that the maximum achievable FSR on the site within appropriate height limits is 2:1, as currently permitted. The land affected by easements, however, provides an opportunity to achieve a connection between Belmont Street and Sydney Park and public open space. The building fronting Sydney Park Road should also incorporate non-residential uses at ground floor to further activate the street, and as a buffer against road noise to residential properties above.

Recommendation

61. Testing has demonstrated that the current height and FSR controls under Sydney LEP 2012 represent the maximum achievable on the site given its constraints. It is therefore recommended that a planning proposal is not progressed for 18 Huntley Street, Alexandria.
62. Amendments are recommended to the Street Frontage Heights Map in Sydney DCP 2012 to show a two storey street wall height on Huntley Street. Refinements are also proposed to Section 6 – Specific Sites to provide amended development objectives and amended indicative building envelopes which respond to the easement affecting the site.

Next Steps

63. Subject to approval of the Planning Proposal, at **Attachment A** to this report, it will be forwarded to the Minister for Planning and Infrastructure in accordance with Section 56 of the *Environmental Planning and Assessment Act 1979* to seek a Gateway Determination for public exhibition.
64. If approved, the *Draft Sydney Development Control Plan 2012 – Amendment X* is to be exhibited concurrently.
65. The outcomes of the exhibition will be reported back to Council and the CSPC to finalise the Planning Proposal and DCP amendment.

KEY IMPLICATIONS**Strategic Alignment - Sustainable Sydney 2030 Vision**

66. *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, of which the following are most relevant to the Planning Proposal and DCP amendment:
 - (a) Direction 6 - Vibrant Local Community and Economies - The Planning Proposal will facilitate the orderly and economic use and development of properties within the Waterloo Park Precinct following rezoning from R1 General Residential to B4 Mixed Uses. The variety of permissible uses under the B4 zone will allow for the continued operation of and encourage further uses that will complement the Green Square Town Centre. The B4 zone will also encourage a vibrant mixed use area that will promote ground floor activation to enliven the area. The built form controls aim to facilitate appropriate mixed use residential development and safeguard appropriate sites for creative industries.
 - (b) Direction 4 - A City for Walking and Cycling – Promoting a vibrant, mixed use precinct in Waterloo Park will provide employment opportunities within walking distance of the Green Square Town Centre and a variety of services and facilities for residents in the precinct, reducing car movements.

- (c) Direction 8 - Housing for a Diverse Population – The proposed Sydney LEP and DCP 2012 amendments to built form controls for the Waterloo Park Precinct (including Allen Street) and DCP amendments for Huntley Street optimise residential redevelopment options for the affected sites and ensure development can comply with *NSW Residential Flat Design Code* requirements for overshadowing, overlooking and separation. This will assist in the delivery of new dwellings and residential growth consistent with broader strategic dwelling targets in the *Metropolitan Plan for Sydney 2036*, the *Sydney City Draft Subregional Strategy* and appropriate Ministerial Directions. It will also help to deliver residential buildings of different scales and grains and a variety of dwelling types and sizes.
- (d) Direction 9 - Sustainable Development, Renewal and Design – The Planning Proposal and proposed DCP amendments will assist with the delivery of built form appropriate to its context and which revitalises its area. In ensuring a better match between height and FSR controls, the Planning Proposal also allows redevelopment to be optimised. The Planning Proposal and amendment to Sydney DCP 2012 will provide greater certainty to the local community, landowners and developers through greater detailing of the City's intended outcomes.

RELEVANT LEGISLATION

- 67. *Environmental Planning and Assessment Act 1979* and *Environmental Planning and Assessment Regulation 2000*.

CRITICAL DATES / TIME FRAMES

- 68. The typical timeframes, once a Gateway Determination is issued by the Department of Planning and Infrastructure to proceed to consultation, are for a minimum of 21 days for public authority consultation and 28 days for public exhibition. The Gateway Determination will also specify a timeframe for completion of the local environmental plan amendment.

PUBLIC CONSULTATION

- 69. Following consideration of the issues raised, City officers have discussed the outcomes of the analysis with the submitters.
- 70. The public exhibition process for the Planning Proposal will be subject to the conditions on the Gateway Determination issued by the Department of Planning and Infrastructure, under Section 56 of the *Environmental Planning and Assessment Act 1979* and the relevant provisions of the *Environmental Planning and Assessment Regulation 2000*. It is anticipated the public exhibition will be for a minimum of 28 days.
- 71. It is proposed that the Planning Proposal and accompanying amendment to Sydney DCP 2012 be exhibited concurrently. The DCP adds an additional level of detail to the proposed LEP controls and will assist public authorities, landowners and the community to fully understand the nature and intention of the proposed changes.

72. Notification of the public exhibition is proposed as follows:
- (a) on the City of Sydney website;
 - (b) in newspapers that circulate widely in the City of Sydney Local Government Area; and
 - (c) in writing to the owners, adjoining landowners, relevant community groups and the surrounding community in the immediate vicinity of the sites affected.
73. Following public authority consultation and public exhibition, the outcomes will be reported to Council and the CSPC.

LOUISE KERR

Acting Director City Planning, Development and Transport

(Samantha Bird, Specialist Planner)