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**PLANNING PROPOSAL: SYDNEY LOCAL
ENVIRONMENTAL PLAN 2012 – VARIOUS
SITES IN THE WATERLOO PARK
PRECINCT**



Planning Proposal

Various Sites in the Waterloo Park Precinct, Green Square

October 2013

Sydney 2030 Green/Global/Connected

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Introduction

This Planning Proposal explains the intent of, and justification for, the proposed amendment to *Sydney Local Environmental Plan 2012* (Sydney LEP 2012). The amendment will change the planning controls for properties identified within the Waterloo Park Precinct, generally bound by McEvoy, George, Bourke and Young Streets, Waterloo.

The proposal has been prepared in accordance with Section 55 of the *Environmental Planning and Assessment Act 1979* (the Act) and the relevant Department of Planning Guidelines, including *A Guide to Preparing Local Environmental Plans* and *A Guide to Preparing Planning Proposals*.

It is noted that this Planning Proposal is being progressed together with associated amendments to *Sydney Development Control Plan 2012*.

Background

The sites covered by this Planning Proposal are contained within the Green Square Urban Renewal Area. For planning purposes they have been grouped into an area described as the Waterloo Park Precinct, shown at Figure 1 of the Planning Proposal. 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 and non-residential uses. It also contains the former “Chubb” heritage listed office and warehouse building at 830-838 Elizabeth Street, opposite Waterloo Park, and terraced properties along Elizabeth Street which form part of the Zetland Estate Conservation Area.

This Planning Proposal proposes an amendment to the controls for the sites listed in Table 1. The summary and justification for each of the changes is addressed individually in the following pages.

Table 1 - Site Description and Proposed Amendments

Site	Property Description	Proposed Amendment
10-18 Allen Street, Waterloo	Lot 1 DP 78101	Rezone from R1 General Residential to B4 Mixed Uses
20-26 Allen Street, Waterloo	Lot A DP 155422, Lot 1 DP 77716	Rezone from R1 General Residential to B4 Mixed Uses
10-20 McEvoy Street, Waterloo	Lot 1 DP 748007, Lots 1-3 SP 35066	Rezone from R1 General Residential to B4 Mixed Uses
34-38 McEvoy Street, Waterloo	Lot A DP 397569	Rezone from R1 General Residential to B4 Mixed Uses
40-46 McEvoy Street, Waterloo	Lot 20 DP 707769	Rezone from R1 General Residential to B4 Mixed Uses
266 Pitt Street, Waterloo	Lot 1 DP 1049162, Lots 1-198 SP 71897	Rezone from R1 General Residential to B4 Mixed Uses
707-711 Elizabeth Street, Waterloo	Lot A DP 337044	Rezone from R1 General Residential to B4 Mixed Uses
713-721 Elizabeth Street, Waterloo	Lot B DP 338527, Lot 2 DP 814956	Rezone from R1 General Residential to B4 Mixed Uses
723-725 Elizabeth Street, Waterloo	Lot 1 DP 89479	Rezone from R1 General Residential to B4 Mixed Uses
810-822 Elizabeth Street, Waterloo	Lot 1 DP 79752	Rezone from R1 General Residential to B4 Mixed Uses
824-828 Elizabeth Street, Waterloo	Lot 100 DP 1174270	Rezone from R1 General Residential to B4 Mixed Uses
830-838 Elizabeth Street, Waterloo	Lot 2 DP 1014267	Rezone from R1 General Residential to B4 Mixed Uses
840 Elizabeth Street, Waterloo	Lot 20 DP 84277	Rezone from R1 General Residential to B4 Mixed Uses
842 Elizabeth Street, Waterloo	Lot 19 DP 1061730	Rezone from R1 General Residential to B4 Mixed Uses

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Site	Property Description	Proposed Amendment
844 Elizabeth Street, Waterloo	Lot 1 DP 199931	Rezone from R1 General Residential to B4 Mixed Uses
846 Elizabeth Street, Waterloo	Lot A DP 89307	Rezone from R1 General Residential to B4 Mixed Uses
848 Elizabeth Street, Waterloo	Lot B DP 89307	Rezone from R1 General Residential to B4 Mixed Uses
850 Elizabeth Street, Waterloo	Lot C DP 89307	Rezone from R1 General Residential to B4 Mixed Uses
852 Elizabeth Street, Waterloo	Lot D DP 89307	Rezone from R1 General Residential to B4 Mixed Uses
852A Elizabeth Street, Waterloo	Lot 1 DP 1132513	Rezone from R1 General Residential to B4 Mixed Uses
854 Elizabeth Street, Waterloo	Lot 1 DP 194859	Rezone from R1 General Residential to B4 Mixed Uses
856 Elizabeth Street, Waterloo	Lot 1 DP 194860	Rezone from R1 General Residential to B4 Mixed Uses
858 Elizabeth Street, Waterloo	Lot 1 DP 195682	Rezone from R1 General Residential to B4 Mixed Uses
860 Elizabeth Street, Waterloo	Lot 1 DP 997102	Rezone from R1 General Residential to B4 Mixed Uses
2-4 Powell Street, Waterloo	Lot 11 DP 1047036, Lots 1-143 SP 69259	Rezone from R1 General Residential to B4 Mixed Uses
242 Young Street, Waterloo	Lot 1 DP 84655	Rezone from R1 General Residential to B4 Mixed Uses
244-258 Young Street, Waterloo	Lot B DP 161650, Lot A DP 161650	Rezone from R1 General Residential to B4 Mixed Uses
1A Allen Street, Waterloo	Lot 1 DP 381527	Rezone from R1 General Residential to B4 Mixed Uses and increase in height control from 15m to 22m
7-11 Allen Street, Waterloo	Lot 3 DP 201225	Rezone from R1 General Residential to B4 Mixed Uses and increase in height control from 15m to 22m
50 McEvoy Street, Waterloo	Lot 12 DP 806016, Lots 1-4 SP 46910	Rezone from R1 General Residential to B4 Mixed Uses and increase in height control from 15m to 22m
Ground Lvl 52-54 McEvoy Street, Waterloo	Lot 1 DP 1052790, Lots 1-8 SP 70321 Ground Level commercial suites	Rezone from R1 General Residential to B4 Mixed Uses and increase in height control from 15m to 22m
52-54 McEvoy Street, Waterloo	Lot 2 DP 1052790, Lots 1-73 SP 70319 (upper levels - residential units)	Rezone from R1 General Residential to B4 Mixed Uses and increase in height control from 15m to 22m
1-5 Hunter Street, Waterloo	Lot 1 DP 1042589, Lots 1-82 SP 69746	Rezone from R1 General Residential to B4 Mixed Uses and increase in height control from 15m to 22m
7-11 Hunter Street, Waterloo	Lot 2 DP 1042589, Lots 1-95 SP 71241	Rezone from R1 General Residential to B4 Mixed Uses and increase in height control from 15m to 22m
183 Botany Road, Waterloo	Lot 1 DP 669212	Increase in height control from 15m to 22m
191-195 Botany Road, Waterloo	Lot 70 DP 786275	Increase in height control from 15m to 22m
201-211 Botany Road, Waterloo	Lot 71 DP 786275	Increase in height control from 15m to 22m
3-5 Allen Street, Waterloo	Lot 2 DP 1086862	Increase in height control from 15m

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Site	Property Description	Proposed Amendment
		to 22m
8 Allen Street, Waterloo	Lot 312 DP 1155195, Lots 1-32 SP 84149	Increase in height control from 15m to 22m
356-368 George Street, Waterloo	Lot 4 DP 554372	Increase in height control from 15m to 22m
10 James Street, Waterloo	Lot 1 DP 1086862	Increase in height control from 15m to 22m

Part 1 – Objectives or Intended Outcomes

The Planning Proposal will enable the redevelopment of identified sites within the Waterloo Park Precinct for mixed use and residential purposes in a manner compatible with the emerging built form in the surrounding area.

It will enable the amendment of planning controls to:

- rezone identified properties from R1 General Residential to B4 Mixed Uses to ensure that existing appropriate non-residential uses can continue to operate and/or expand without undue restriction; and
- address a mismatch between height and floor space ratio controls for some identified sites, through an increase in height control.

Part 2 – Explanation of the Provisions

To achieve the intended outcomes, the Planning Proposal seeks to introduce amended planning controls as follows:

- Amend Land Zoning Map – Sheet LZN_017 of *Sydney Local Environmental Plan 2012* in accordance with the proposed Land Zoning Map shown at Map 1 of Part 4 of this Planning Proposal.
- Amend Height of Buildings Map – Sheet HOB_017 of *Sydney Local Environmental Plan 2012* in accordance with the proposed Height of Buildings Map shown at Map 2 of Part 4 of this Planning Proposal.

Part 3 – Justification

Section A – Need for the planning proposal

Is the planning proposal a result of any strategic study or report?

The public exhibition of the draft *Sydney Local Environmental Plan 2011* (draft Sydney LEP 2011), now made as *Sydney Local Environmental Plan 2012* (Sydney LEP 2012), has led to the need for this Planning Proposal. The exhibition generated several submissions which requested changes to the draft controls. However, because a full and appropriate analysis of some submissions would have required substantial time and resources, it was considered that the progression of the LEP should not be delayed and the issues raised in the those submissions should be addressed separately.

The draft Sydney LEP 2011 was adopted by Council and the Central Sydney Planning Committee in March 2012. In acknowledgement of the submissions yet to be resolved, a number of sites were noted in the resolutions of Council and the Central Sydney Planning Committee as warranting further consideration for a planning proposal to amend the planning controls. An extract of the Council and Central Sydney Planning Committee resolutions is included at Appendix A of the Planning Proposal. These included various sites identified in the Waterloo Park area of Green Square and rather than reviewing the controls in isolation, a wider precinct review has been undertaken to ensure that the zoning and built form controls work together appropriately. The Waterloo Park Precinct is identified below in Figure 1. It contains a reduced number of sites compared with the Waterloo Park neighbourhood as defined within the *Sydney Development Control Plan 2012*.

Figure 1 - Waterloo Park Precinct, edged in red



N.B. R1 General Residential Zoning currently applies to sites coloured pink, B4 Mixed Uses Zoning currently applies to sites coloured purple, as shown. Extent of coloured sites reflects boundaries of Waterloo Park neighbourhood defined in *Sydney Development Control Plan 2012*.

Zoning Review

A large part of the Waterloo Park Precinct is currently zoned R1 General Residential under Sydney LEP 2012. In response to the public exhibition of draft Sydney LEP 2011, two submissions raised concerns about the R1 zoning and requested a B4 Mixed Uses zoning. Following gazettal of Sydney LEP 2012 in December 2012, a further submission has requested a B4 zoning. One of the submissions also requested a review of the built form controls, given the context of recent redevelopment outcomes achieved in the precinct.

The three submissions refer to the following sites:

- 34 McEvoy Street, Waterloo;
- 1A and 3-5 Allen Street, Waterloo; and
- 713-721 Elizabeth Street and 409 George Street, Waterloo.

A review of development applications in the precinct reveals that several mixed use residential and commercial developments have been approved and constructed within the last five years. The area has also seen existing light industrial and warehouse buildings being improved for showrooms, offices and retail outlets, and an emergence of creative industries, including fashion and IT, can be observed.

There are 14 sites zoned R1 in the precinct currently operating purely non-residential uses, in many instances with development approvals within the last five years. Entire street blocks, bound by Allen, Elizabeth, Bourke and George Streets and McEvoy, Young and Hunter Streets, remain in well-established non-residential use, including information technology and hardware premises, vehicle depots, fashion headquarters and outlets, showrooms and warehouses. Given that these sites do not contain residential or other uses permissible under the R1 zone, these established businesses are now reliant on existing use rights, potentially restricting their operations and preventing any desired future expansion.

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Given the proximity of the precinct to the Green Square Town Centre, continued operation and future expansion of suitable non-residential uses in this precinct is appropriate to contribute to the vibrant mixed use vision for Green Square. A B4 Mixed Use zoning will also allow for future residential development capitalising on proximity to Waterloo Park. The zoning will permit ground floor non-residential uses for predominantly residential developments along the major street frontages, such as McEvoy Street, providing increased amenity for residential units above.

Built Form Review

In considering a rezoning of the precinct from R1 General Residential to B4 Mixed Uses, a review of the principal built form controls was also undertaken to ensure that they would be appropriate under a different zone. This is to ensure that the height of buildings can accommodate the higher floor to ceiling heights required for non-residential uses. In addition the purpose of the built form review is to ensure an appropriate matching of height and floor space ratio (FSR) controls.

Under Sydney LEP 2012, the current 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 15m and 20m across the precinct.

Most large sites with a 22m height limit have redeveloped or have active development applications for mixed use residential developments. The built form outcomes achieved on these sites have often been part 4-storey, part 6-storey buildings – or up to 22m in height. The urban design testing found that generally a 15m height limit is insufficient to accommodate an FSR of 2:1.

Notwithstanding this, an increased height limit may not be necessary for sites wishing to remain in commercial or other non-residential uses or incorporate larger amounts of non-residential into mixed use developments. This is because non-residential building footprints can be larger and their envelopes are more efficient in accommodating floor space. Mixed use and residential development are less efficient in using the building envelope as they require more internal space for circulation and articulation.

Retaining the current height controls on those contiguous street blocks occupied by viable and well-established non-residential uses (bound by Allen, Elizabeth, Bourke and George Streets, and McEvoy, Young and Hunter Streets) may also help to protect their continued business operation from land value and rent increases, and from increased pressure for residential development.

An increased height limit was also found to be inappropriate where the 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 1-2 storey heritage listed office and warehouse building at 830-838 Elizabeth Street, opposite Waterloo Park.

This Planning Proposal therefore seeks a rezoning from R1 General Residential to B4 Mixed Use across the Waterloo Park Precinct and an increase in building height from 15m to 22m for identified sites within the precinct. The proposed changes are listed in Part 1 and shown at Maps 1 and 2 in Part 4 of this Planning Proposal.

Is the planning proposal the best means of achieving the objectives or intended outcomes, or is there a better way?

A planning proposal to progress an amendment of *Sydney Local Environmental Plan 2012*, is considered the most effective way to ensure the planning controls reflect the objectives for a vibrant, mixed use precinct in close proximity to the planned Green Square Town Centre. The Planning Proposal will provide certainty for the local community and landowners and allowing orderly and economic development of the affected land.

Section B – Relationship to strategic planning framework

Is the planning proposal consistent with the objectives and actions contained within the applicable regional or sub-regional strategy?

In March 2013 the NSW Government published the draft *Metropolitan Strategy for Sydney to 2031*. Once adopted, it will replace the *Metropolitan Plan for Sydney 2036*. The draft *Sydney City Subregional Strategy* is also applicable. In assessing the consistency of this Planning Proposal with metropolitan-wide objectives, both the adopted and new draft strategies have been considered, as shown in the following tables.

Table 2 - Consistency with Metropolitan Plan for Sydney 2036

Consistency with Metropolitan Plan for Sydney 2036	
Action	Consistency
B1.3: Aim to locate 80% of all new housing within the walking catchments of existing and proposed centres of all sizes with good public transport	The precinct is located close to the services, facilities and public transport links that will be provided in the Green Square Town Centre.
D1.1: Locate at least 70% of new housing within existing urban areas and up to 30% of new housing in new release areas	The Planning Proposal will contribute towards the target of 70% of new housing being located within existing urban areas.
E2.7: Prepare and implement measures to assist development of low cost space for creative industries and business start ups	Applying a B4 Mixed Uses zoning to the precinct will allow for additional businesses to enter the area, utilising the existing former industrial building stock. Allowing for an increase in building heights on some street blocks, whilst retaining the height limit on others provides an environment to achieve a true mix of uses in the precinct, safeguarding key blocks currently in well-established business use from development pressure for residential development.
E4.1: Ensure all new local environmental plans provide for a broad range of local employment types	Amending the zoning control from R1 General Residential to B4 Mixed Uses will mean that existing business activities are not reliant on existing use rights and will enable additional businesses to establish themselves in the area.
G7.2: Plan appropriately for development adjacent to busy roads	The proposed change in zoning from General Residential to Mixed Uses will allow for non-residential uses to be incorporated along the busy road frontages around the precinct. It will also allow for incorporation of non-residential uses at ground floor in predominantly residential buildings, providing some separation between the residential uses and noise and air pollution impacts from traffic.
G8.1: Avoid noise-based land use conflict through strategic planning and the development assessment processes	The proposed B4 zoning will provide an appropriate framework through which to assess land use conflict between existing business activities and residential development in the precinct. Amenity impacts resulting from noise will be a key consideration during the development application process, as with all development in mixed use zones.

Table 3 - Consistency with draft Metropolitan Plan for Sydney to 2031

Consistency with draft Metropolitan Plan for Sydney to 2031	
Objective	Consistency
2: Strengthen and grow Sydney's centres	The Planning Proposal will support redevelopment of housing, employment and services to achieve a vibrant mixed use area in close proximity to the future Green Square Town Centre.

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Consistency with draft Metropolitan Plan for Sydney to 2031	
5: Deliver new housing to meet Sydney's growth	The proposed B4 zoning will continue to allow residential redevelopment in the precinct, which can capitalise on proximity to Waterloo Park. The proposed amendments to the height controls will better reflect appropriate built form outcomes for development in the area, providing greater certainty for housing delivery.
8: Create socially inclusive places that promote social, cultural and recreational opportunities	The existing public open space within the precinct will act as a focal point for the new community, encouraging community connections and inclusiveness among existing and new residents. The continued operation of non-residential uses in the area will also support a mix of services and facilities which the local population can enjoy.
10: Provide capacity for jobs growth and diversity across Sydney	The proposed change in zone from R1 to B4 will ensure existing viable and well-established businesses in the area can continue to operate, redevelop and adapt, rather than relying on existing use rights. Furthermore, retaining the current built form controls on key street blocks will protect them from upward development pressure and increasing land values.
14: Support the land use requirements of industries with high potential	Creative industries, including the information technology and fashion activities which are currently operating in the Waterloo Park Precinct, play a crucial supporting role for Sydney's global economy. Appropriate planning controls recognising the non-residential nature of key pockets of business activity in the precinct will enable the continued operation of a viable mixed business area in Waterloo Park.
26: Improve accessibility and connectivity for centres and for new urban areas	The proximity of the Waterloo Park Precinct to Green Square Town Centre allows for high levels of accessibility to future services and facilities and to future major public transport connections. Enabling a greater variety of uses in the area and providing certainty over development outcomes will allow both workers and residents to benefit from the precinct's location.

Table 4 - Consistency with Sydney City Draft Subregional Strategy

Consistency with Sydney City Draft Subregional Strategy	
Strategy A: Economy and Employment	
Directions	Consistency
A1: Provide suitable commercial sites and employment lands in strategic areas.	Given that the precinct sits in close proximity to the Green Square Town Centre and is an appropriate location for employment generation, the Planning Proposal seeks an amendment from R1 General Residential to B4 Mixed Uses. This will facilitate the retention of existing commercial uses in the area and allow for more to develop.
Strategy B: Centres and Corridors	
Directions	Consistency
B1: Provide places and locations for all types of economic activity and employment across the Sydney region. B4: Concentrate activities near public transport.	The proposed B4 Mixed Use zone will allow for the continued operation of existing businesses in the area which are well established and considered appropriate in this location, adjacent to the Green Square Town Centre. A B4 zoning will also allow for a greater variety of business uses which will contribute to the vibrant mixed use vision for Green Square.
Strategy C: Housing	
Directions	Consistency

Consistency with Sydney City Draft Subregional Strategy	
<p>C1: Ensure adequate supply of land and sites for residential development.</p> <p>C2: Plan for a housing mix near jobs, transport and services.</p> <p>C5: Improve the quality of new development and urban renewal.</p>	<p>The planning proposal will incentivise and provide greater certainty for mixed use residential development on certain lots through increased height controls which better match the current floor space control. The built form controls reflect the built form outcomes of appropriate redevelopment already achieved within the precinct.</p> <p>The proposed B4 zoning will enable a mix of residential and compatible non-residential uses in the precinct, creating jobs and housing in close proximity and with easy access to public transport at Green Square Town Centre.</p>
Strategy F: Parks, Public Places and Culture	
Directions	Consistency
<p>F1: Increase access to quality parks and public places.</p> <p>F2: Provide a diverse mix of parks and public places.</p>	<p>Residents and workers are within easy walking distance of an existing public open space of 20,000sqm, located at the centre of the precinct, at Waterloo Park. This provides opportunities for active recreation. Other passive recreation opportunities will be provided within the Green Square Town Centre and neighbouring Lachlan Precinct.</p>

Is the planning proposal consistent with the local council's Community Strategic Plan, or other local strategic plan?

The City's *Sustainable Sydney 2030* Strategic Plan is the 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 targets against which to measure progress.

The Planning Proposal will facilitate the orderly and economic use and development of properties in the Waterloo Park Precinct. The permissible uses under the B4 Mixed Uses zone will encourage development that will complement the Green Square Town Centre. The proposed zoning will also encourage a vibrant mixed use area and uses that will promote ground floor activation to enliven the precinct for both residents and workers. The area has good connections to public transport links, recreation opportunities, facilities and services and is therefore appropriate for both residential and non-residential development. Revising the built form controls to better match the anticipated building typologies for residential and non-residential development will also provide greater certainty for built form outcomes.

As such, the Planning Proposal is consistent with *Sustainable Sydney 2030*, particularly Strategic Direction 6 – Vibrant Local Communities and Economies, Strategic Direction 8 – Housing for a Diverse Population and Strategic Direction 9 – Sustainable Development, Renewal and Design.

Is the planning proposal consistent with applicable state environmental planning policies?

The consistency of the Planning Proposal with applicable State Environmental Planning Policies (SEPPs) is outlined in Table 5. Those SEPPs which have been repealed or were not finalised are not included in this table.

Table 6 shows the consistency of the Planning Proposal with former Regional Environmental Plans (REPs) for the Sydney and Greater Metropolitan Regions, which are deemed to have the weight of SEPPs.

Table 5 - Consistency with State Environmental Planning Policies (SEPPs)

State Environmental Planning Policy (SEPP)	Comment
SEPP No 1—Development Standards	Consistent - The Planning Proposal will not contradict or hinder application of this SEPP.
SEPP No 4—Development Without Consent and Miscellaneous Exempt and Complying Development	Not applicable.

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State Environmental Planning Policy (SEPP)	Comment
SEPP No 6—Number of Storeys in a Building	Consistent - The Planning Proposal will not contradict or hinder application of this SEPP.
SEPP No 10—Retention of Low Cost Rental Accommodation	Consistent - The Planning Proposal will not contradict or hinder application of this SEPP.
SEPP No 14—Coastal Wetlands	Not applicable.
SEPP No 15—Rural Landsharing Communities	Not applicable.
SEPP No 19—Bushland in Urban Areas	Not applicable.
SEPP No 21—Caravan Parks	Not applicable.
SEPP No 22—Shops and Commercial Premises	Consistent - The Planning Proposal will not contradict or hinder application of this SEPP.
SEPP No 26—Littoral Rainforests	Not applicable.
SEPP No 29—Western Sydney Recreation Area	Not applicable.
SEPP No 30—Intensive Agriculture	Not applicable.
SEPP No 32—Urban Consolidation (Redevelopment of Urban Land)	Consistent - The Planning Proposal will not contradict or hinder application of this SEPP. It presents an opportunity for urban renewal and enables a range of uses appropriate to the precinct.
SEPP No 33—Hazardous and Offensive Development	Consistent - The Planning Proposal will not contradict or hinder application of this SEPP.
SEPP No 36—Manufactured Home Estates	Not applicable.
SEPP No 39—Spit Island Bird Habitat	Not applicable.
SEPP No 41—Casino Entertainment Complex	Not applicable.
SEPP No 44—Koala Habitat Protection	Not applicable.
SEPP No 47—Moore Park Showground	Not applicable.
SEPP No 50—Canal Estate Development	Not applicable.
SEPP No 52—Farm Dams and Other Works in Land and Water Management Plan Areas	Not applicable.
SEPP No 53—Metropolitan Residential Development	Not applicable.
SEPP No 55—Remediation of Land	Consistent - The Planning Proposal will not contradict or hinder application of this SEPP. The proposed zoning change will permit similar land uses as currently permissible. Assessment of contamination is required at development application stage to ensure that sites can be remediated appropriately for their proposed use.
SEPP No 59—Central Western Sydney Regional Open Space and Residential	Not applicable.
SEPP No 60—Exempt and Complying Development	Consistent - The Planning Proposal will not contradict or hinder application of this SEPP.
SEPP No 62—Sustainable Aquaculture	Not applicable.
SEPP No 64—Advertising and Signage	Consistent - The Planning Proposal will not contradict or hinder application of this SEPP.
SEPP No 65—Design Quality of Residential Flat Development	Consistent - The Planning Proposal will not contradict or hinder application of this SEPP. The built form analysis which underpins the proposed amendments to height controls reflects the requirements of the RFDC.
SEPP No 70—Affordable Housing (Revised Schemes)	Consistent - The Planning Proposal will not contradict or hinder application of this SEPP. The Green Square Affordable Housing Scheme will continue to apply.
SEPP No 71—Coastal Protection	Not applicable.
SEPP (Building Sustainability Index: BASIX) 2004	Consistent - The Planning Proposal will not contradict or hinder application of this SEPP.

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State Environmental Planning Policy (SEPP)	Comment
SEPP (Housing for Seniors or People with a Disability) 2004	Consistent - The Planning Proposal will not contradict or hinder application of this SEPP.
SEPP (Major Development) 2005	Consistent - The Planning Proposal will not contradict or hinder application of this SEPP.
SEPP (Sydney Region Growth Centres) 2006	Not applicable.
SEPP (Infrastructure) 2007	Consistent - The Planning Proposal will not contradict or hinder application of this SEPP.
SEPP (Kosciuszko National Park—Alpine Resorts) 2007	Not applicable.
SEPP (Mining, Petroleum Production and Extractive Industries) 2007	Not applicable.
SEPP (Temporary Structures) 2007	Consistent - The Planning Proposal will not contradict or hinder application of this SEPP.
SEPP (Exempt and Complying Development Codes) 2008	Consistent - The Planning Proposal will not contradict or hinder application of this SEPP.
SEPP (Rural Lands) 2008	Not applicable.
SEPP (Western Sydney Parklands) 2009	Not applicable.
SEPP (Affordable Rental Housing) 2009	Consistent - The Planning Proposal will not contradict or hinder application of this SEPP.
SEPP (Western Sydney Employment Area) 2009	Not applicable.
SEPP (Development on Kurnell Peninsula) 2005	Not applicable.

Table 6 - Consistency with former Sydney and Greater Metropolitan Regional Environmental Plans (REPs)

Regional Environmental Plan (REPs)	Comment
Sydney REP No 5—(Chatswood Town Centre)	Not applicable.
Sydney REP No 8 (Central Coast Plateau Areas)	Not applicable.
Sydney REP No 9—Extractive Industry (No 2—1995)	Not applicable.
Sydney REP No 11—Penrith Lakes Scheme	Not applicable.
Sydney REP No 13—Mulgoa Valley	Not applicable.
Sydney REP No 16—Walsh Bay	Not applicable.
Sydney REP No 17—Kurnell Peninsula (1989)	Not applicable.
Sydney REP No 18—Public Transport Corridors	Not applicable.
Sydney REP No 19—Rouse Hill Development Area	Not applicable.
Sydney REP No 20—Hawkesbury- Nepean River (No 2—1997)	Not applicable.
Sydney REP No 24—Homebush Bay Area	Not applicable.
Sydney REP No 25—Orchard Hills	Not applicable.
Sydney REP No 26—City West	Not applicable.
Sydney REP No 28—Parramatta	Not applicable.
Sydney REP No 29—Rhodes Peninsula	Not applicable.
Sydney REP No 30—St Marys	Not applicable.
Sydney REP No 33—Cooks Cove	Not applicable.
Sydney REP (Sydney Harbour Catchment) 2005	Consistent - The Planning Proposal will not contradict or hinder application of this REP.
Drinking Water Catchments REP No 1	Not applicable.
Greater Metropolitan REP No 2— Georges River Catchment	Not applicable.

Is the planning proposal consistent with applicable Ministerial Directions (s.117 directions)?

The Planning Proposal has been assessed against each Section 117 Direction. The consistency of the Planning Proposal with these directions is shown in Table 7 below.

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Table 7 - Consistency with applicable Ministerial Directions under Section 117

No.	Title	Comment
1. Employment and Resources		
1.1	Business and Industrial Zones	Not applicable
1.2	Rural Zones	Not applicable
1.3	Mining, Petroleum Production and Extractive Industries	Not applicable
1.4	Oyster Aquaculture	Not applicable
1.5	Rural Lands	Not applicable
2. Environment and Heritage		
2.1	Environment Protection Zones	Not applicable
2.2	Coastal Protection	Not applicable
2.3	Heritage Conservation	Consistent. The proposed rezoning will not impact on the terraced properties along Elizabeth Street within the Zetland Estate Conservation Area or on the former "Chubb" heritage building at 830-838 Elizabeth Street. No amendments to built form controls are proposed for these sites. Further, the proposed increases in building height elsewhere in the precinct have been mindful of the need to transition to the predominant single and two storey heritage item and conservation area.
2.4	Recreation Vehicle Areas	Not applicable
3. Housing Infrastructure and Urban Development		
3.1	Residential Zones	Justifiably inconsistent. The Planning Proposal facilitates the rezoning of various sites within the Waterloo Park Precinct from R1 General Residential to B4 Mixed Uses. Although this results in a loss of the amount of land zoned residential within the Local Government Area, only 12 of 32 properties are in solely residential use (which includes 11 terraced properties). A further 6 developments incorporate a mix of uses including residential. A change to B4 Mixed Uses will not inhibit the future use of these sites for residential development as it is a permissible use within the zone. It will also permit further mixed use/residential developments.
3.2	Caravan Parks and Manufactured Home Estates	Not applicable
3.3	Home Occupations	Consistent. The Planning Proposal does not contradict or hinder application of the home occupation provisions of Sydney LEP 2012.
3.4	Integrating Land Use and Transport	Consistent. The Planning Proposal is consistent with the aims, objectives and principles of <i>Improving Transport Choice – Guidelines for planning and development</i> (DUAP 2001) and <i>The Right Place for Business and Services – Planning Policy</i> (DUAP 2001).
3.5	Development Near Licensed Aerodromes	Not applicable
3.6	Shooting Ranges	Not applicable
4. Hazard and Risk		
4.1	Acid Sulfate Soils	Consistent. The Planning Proposal does not contradict or hinder

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		application of acid sulphate soils provisions in Sydney LEP 2012.
4.2	Mine Subsidence and Unstable Land	Not applicable
4.3	Flood Prone Land	Consistent. The Planning Proposal does not contradict or hinder application of flood prone land provisions in Sydney LEP 2012.
4.4	Planning for Bushfire Protection	Not applicable
5. Regional Planning		
5.1	Implementation of Regional Strategies	Not applicable
5.2	Sydney Drinking Water Catchments	Not applicable
5.3	Farmland of State and Regional Significance on the NSW Far North Coast	Not applicable
5.4	Commercial and Retail Development along the Pacific Highway, North Coast	Not applicable
5.8	Second Sydney Airport, Badgerys Creek	Not applicable
6. Local Plan Making		
6.1	Approval and Referral Requirements	Consistent. The Planning Proposal does not include any concurrence, consultation or referral provisions nor does it identify any development as designated development.
6.2	Reserving Land for Public Purposes	Consistent. The Planning Proposal will not affect any land reserved for public purposes.
6.3	Site Specific Provisions	Not applicable
7. Metropolitan Planning		
7.1	Implementation of the Metropolitan Plan for Sydney 2036	Consistent. The Planning Proposal does not contradict or hinder achievement of the vision, land use strategy, policies, outcomes or actions of the <i>Metropolitan Plan for Sydney 2036</i> .

Section C – Environmental, social and economic impact

Is there any likelihood that critical habitat or threatened species, populations or ecological communities, or their habitats, will be adversely affected as a result of the proposal?

The Planning Proposal is unlikely to adversely affect any critical habitat or threatened species, populations or ecological communities or their habitats. In considering a development proposal in the precinct, the consent authority must have regard to the suitability of the land for development and any environmental impact which may be generated by the development.

Are there any other likely environmental effects as a result of the Planning Proposal and how are they proposed to be managed?

The Planning Proposal would increase permissible heights to 22m on some street blocks within the precinct. The urban design analysis undertaken has shown that incorporating some taller elements (up to 22m) has generated acceptable built form outcomes on various sites already redeveloped within the precinct. Additional controls will be included within the *Sydney Development Control Plan 2012* to establish appropriate street wall heights, with lower street frontages to be established along east-west streets to ensure maximum solar access into the public domain. Further, SEPP 65 would ensure any overshadowing or overlooking is minimised at development application stage to protect the amenity of surrounding properties.

ATTACHMENT A

As with all brownfield urban renewal, contaminated land is a potential environmental issue. However, given that residential development is permitted under the current R1 General Residential zoning, the proposal to amend the zoning to B4 Mixed Uses does not give rise to additional implications in this regard. Contamination assessments are required at development application stage, to address appropriate remediation for different future uses.

How has the planning proposal adequately addressed any social and economic effects?

The proposed rezoning from R1 General Residential to B4 Mixed Uses will recognise over 40% of the properties in the precinct operating in non-residential uses which are prohibited under the R1 General Residential zone. Many of these are well-established, viable businesses, often creative industries, which would need to rely on existing use rights. The current R1 General Residential Zone unduly restricts their operations and any future expansion, which, subject to a merit based assessment, would be appropriate within this well-connected area in close proximity to the Green Square Town Centre.

Mixed use development in this precinct will create a vibrant public domain and provide opportunities for services and facilities which can benefit workers and residents alike. The B4 zoning controls will ensure that incompatible non-residential uses are not permitted.

Revising the building heights on certain sites to better match the floor space controls will facilitate the orderly and economic use of the land.

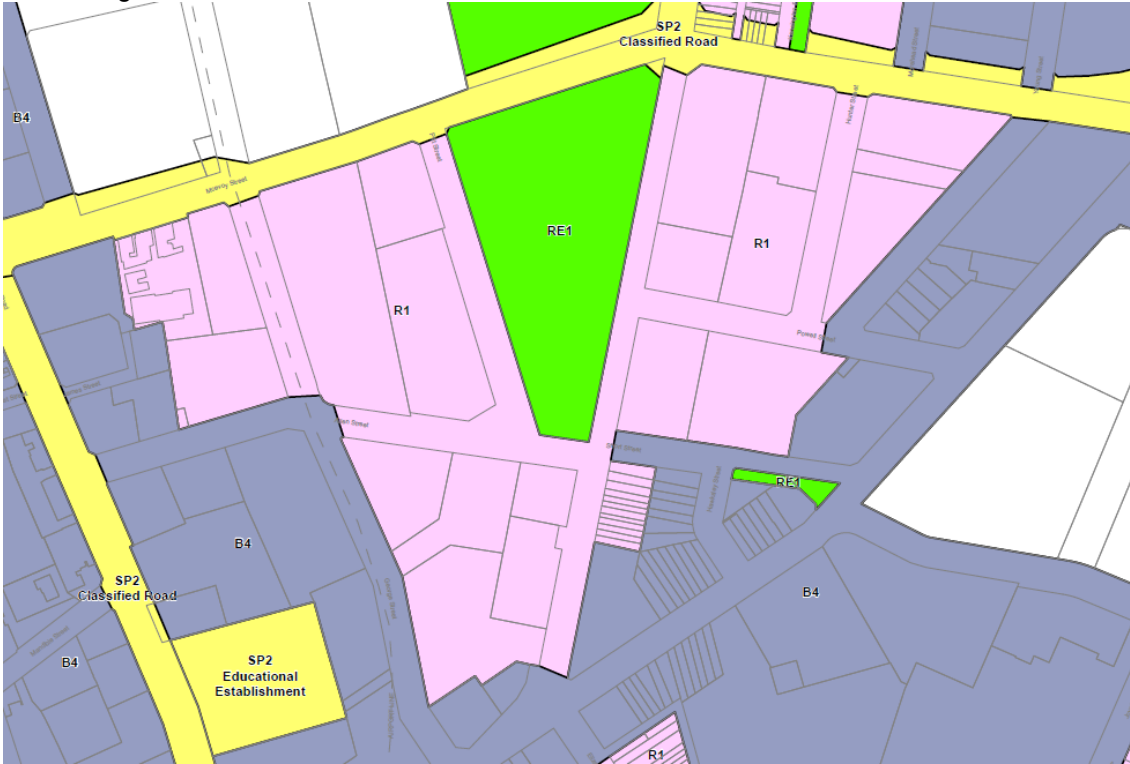
Part 4 – Mapping

This Planning Proposal seeks to amend the zoning and height controls in *Sydney Local Environmental Plan 2012* in accordance with the maps on the following pages.

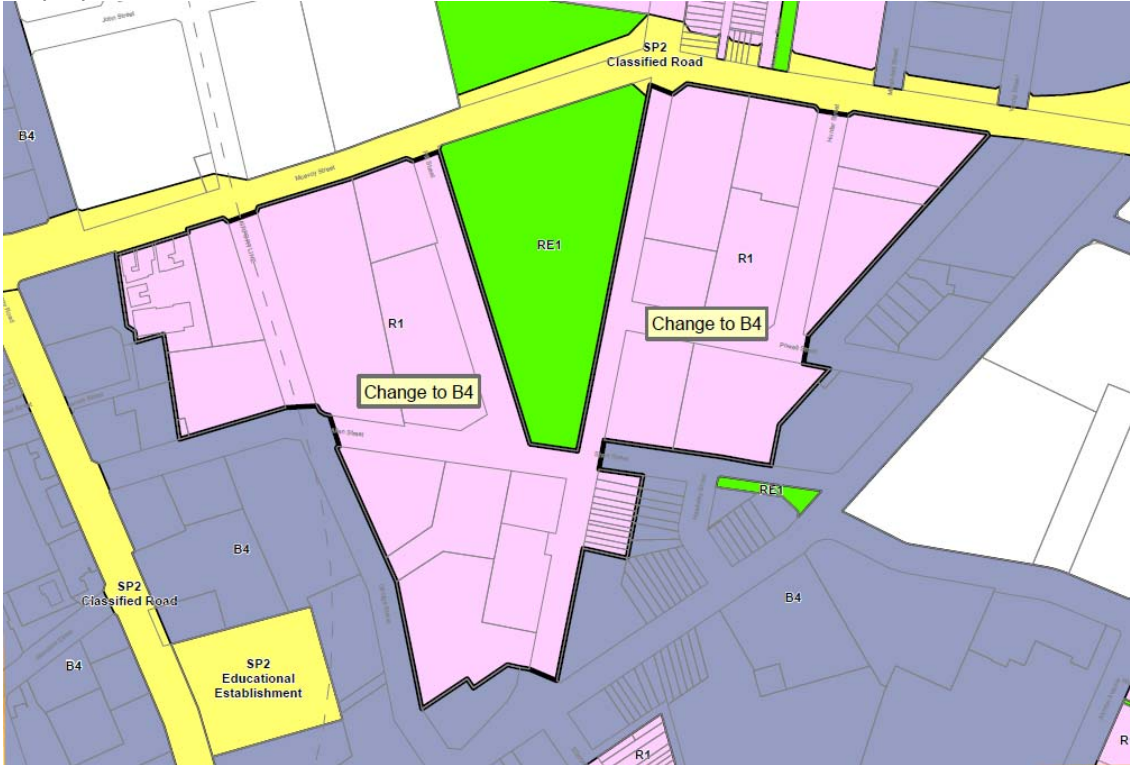
ATTACHMENT A

Map 1: Land Zoning Map – Sheet LZN_017

As existing:



As proposed:



ATTACHMENT A

Map 2: Height of Buildings Map – Sheet HOB_017

As existing:



As proposed:



Part 5 – Community Consultation

Public Exhibition

This Planning Proposal is to be exhibited in accordance with the Gateway Determination once issued by the Minister for Planning and Infrastructure. It is anticipated the Gateway Determination will require a public exhibition for a period of not less than 14 days in accordance with section 4.5 of *A Guide to preparing Local Environmental Plans*.

Notification of the public exhibition will be via:

- the City of Sydney website; and
- in newspapers that circulate widely in the area; and
- letters to landowners within the Waterloo Park Precinct and immediately adjacent area.

Information relating to the Planning Proposal will be on display at the following City of Sydney customer service centres:

- CBD – Level 2, Town Hall House, 456 Kent Street, Sydney NSW 2000
- Green Square – 100 Joynton Avenue, Zetland NSW 2017
- Redfern – 158 Redfern Street, Redfern NSW 2016

Consultation with relevant NSW agencies and authorities and other relevant organisations will be undertaken in accordance with the Gateway Determination.

ATTACHMENT A

Appendix A – Resolutions of Council and the Central Sydney Planning Committee

Resolution of Council

12 MARCH 2012

ITEM 9.6

POST EXHIBITION - DRAFT SYDNEY LOCAL ENVIRONMENTAL PLAN 2011

(S048243)

The Planning Policy Sub-Committee decided that consideration of this matter be deferred to the meeting of Council on 12 March 2012.

The motion, as adopted by Council, is as follows:

It is resolved that:

- (A) Council note the matters raised in submissions received in response to the public exhibition of Draft Sydney Local Environmental Plan 2011, the draft Green Square Affordable Housing Program and the draft City of Sydney Competitive Design Policy;
- (B) Council approve the amendments proposed to *Draft Sydney Local Environmental Plan 2011*, as shown at Attachments A and B to the subject report;
- (C) Council, under section 68(5) of the *Environmental Planning and Assessment Act 1979*, exclude from *Draft Sydney Local Environmental Plan 2011* the following parcels of land (deferred matters):
 - (i) the Goodman site at 57 Ashmore Street and 165-175 Mitchell Road, Erskineville, due to unacceptable impacts, including overshadowing and amenity impacts, insufficient infrastructure to support increased densities and inappropriate urban design outcomes that would result from the exhibited controls;
 - (ii) the Lachlan Precinct in Green Square, to enable further detailed building envelope, height, solar access and amenity testing to establish appropriate floor space ratio controls to be undertaken; and

- (iii) land fronting Gardeners Road, Rosebery between Durdans Avenue and the Southern Cross Drive, to enable further review of the exhibited controls and their impact on the privacy and amenity of adjoining landowners and the Rosebery Estate's low density residential character;
- (D) subject to the provisions of the *City of Sydney Act 1988*, Council submit *Draft Sydney Local Environmental Plan 2011* (as amended) to the Director-General of the Department of Planning and Infrastructure, together with a report prepared in accordance with section 68(4) of the *Environmental Planning and Assessment Act 1979*, that outlines the outcomes of public exhibition, the justification for the proposed alterations to the Plan, and a request that the Minister for Planning and Infrastructure make the Local Environmental Plan;
- (E) authority be delegated to the Chief Executive Officer to make drafting changes to *Draft Sydney Local Environmental Plan 2011*, in order to address issues of an operational nature and other non-substantive matters that may arise from discussions with the Department of Planning and Infrastructure and Parliamentary Counsel;
- (F) Council adopt the draft *Green Square Affordable Housing Program*, as shown at Attachment C to the subject report, to take effect from the date on which *Sydney Local Environmental Plan 2011* takes effect;
- (G) Council adopt the draft *City of Sydney Competitive Design Policy*, as shown at Attachment D to the subject report, to take effect from the date on which *Sydney Local Environmental Plan 2011* takes effect;
- (H) authority be delegated to the Chief Executive Officer to make changes to the draft *Green Square Affordable Housing Program* at Attachment C and the draft *Competitive Design Policy* at Attachment D, in order to address issues of an operational nature and reflect *Sydney Local Environmental Plan 2011* when made;
- (I) subject to the provisions of the *City of Sydney Act 1988*, Council prepare and exhibit one or more planning proposals to:
 - (i) reflect planning controls for the Goodman site arising from consideration of submissions to the exhibition of the *Draft Amendment to South Sydney Development Control Plan 1997: Urban Design – Part G Special Precinct No. 7 – Ashmore Precinct*, in accordance with the Resolution of Council of 5 December 2011;
 - (ii) rezone the following parcels of land at Pymont Point to Zone R1 General Residential reflecting their completed development:
 - (a) 2-8 Point Street, Pymont;
 - (b) 5 Tambua Street, Pymont;
 - (c) 15 Bowman Street Pymont;
 - (d) 25 Bowman Street, Pymont;
 - (e) 45 Bowman Street, Pymont;

- (f) 66 Bowman Street, Pyrmont;
 - (g) 1-3 Distillery Drive, Pyrmont;
 - (h) 3 Harris Street, Pyrmont; and
 - (i) 2-4 and 6-8 Mount Street Walk, Pyrmont;
- (iii) rezone land at 37 to 61 Nickson Street, Surry Hills to Zone R1 General Residential;
- (iv) identify “The Three Proud People” mural at 39 Pine Street, Newtown as a heritage item; and
- (v) identify portions of the following parcels of land as being required by the Roads and Maritime Authority for classified road purposes;
- (a) northern side of Henderson Road, corner of Wyndham Street (Lot 1000 DP 1092450, Lots 1-47 SP 78596);
 - (b) eastern side of Botany Road, corner of John Street (Lot 1 DP 229389);
 - (c) land at McEvoy Street, opposite Harley Street (DP243107 SP 2506);
 - (d) land adjoining 377-497 Botany Road, Zetland (Lot 1 DP 628547); and
 - (e) 583 Botany Rd (Lot 11 DP 604322);
- (J) subject to the provisions of the *City of Sydney Act 1988*, Council prepare planning proposals to determine appropriate planning controls for:
- (i) the Lachlan Precinct in Green Square; and
 - (ii) the land fronting Gardeners Road, Rosebery between Durdans Avenue and the Southern Cross Drive;
- (K) Council note that consideration is being given to whether a planning proposal should be prepared in the future to amend the planning controls for the following sites:
- (i) 263 Broadway, Glebe;
 - (ii) 287-289 Crown Street, Surry Hills;
 - (iii) 4-44 Wentworth Avenue and 9-19 Brisbane Street, Surry Hills;
 - (iv) 2-6 Allen Street, Waterloo;
 - (v) 2-10 Fountain Street, Alexandria;
 - (vi) 1 Hutchinson Walk, Zetland;
 - (vii) 106–116 Epsom Road, Zetland;

- (viii) 26-58 Rothschild Avenue, Rosebery (former RTA site);
 - (ix) 1-3 Rosebery Avenue, Rosebery;
 - (x) Jacksons Landing, Pyrmont, including 21 Harris Street, Pyrmont;
 - (xi) 18 Huntley Street, Alexandria;
 - (xii) 2-32 Junction Street, Forest Lodge; and
 - (xiii) 4, 4A, 6 and 8 Macleay Street, Potts Point;
- (L) Council note 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 on the draft Land Zoning Map at Attachment B;
- (M) Council note that appropriate heritage assessment is to be undertaken to consider whether the following items warrant heritage listing in the future:
- (i) 35 Arundel Street, Forest Lodge;
 - (ii) 96-104 Mitchell Street, Glebe;
 - (iii) 113 Mitchell Street, Glebe (the Old Fire Station);
 - (iv) 127-153 Riley Street, Darlinghurst;
 - (v) 134-140 Riley Street, Darlinghurst;
 - (vi) 56 Watkin Street, Newtown;
 - (vii) 22 Campbell Street, Haymarket;
 - (viii) 398-402 Sussex Street, Haymarket; and
 - (ix) the Glebe foreshore sea walls;
- (N) Council note that the Employment Lands Study for the southern area of the City is under preparation and the recommendations of the Study may inform a future planning proposal to amend controls in this area;
- (O) Council approve the amendment of the Draft Sydney Local Environmental Plan 2011 Height of Buildings Map to show the maximum building height for 21 Harris Street, Pyrmont as 33m and the Floor Space Ratio Map to show the maximum FSR for 21 Harris Street, Pyrmont as 6:1;
- (P) Council request that staff commence work and advise Council on how planning instruments can be used to restrict the development of megabrothels in close proximity to residential developments or student housing; and
- (Q) Council request that urgent consideration be given to whether a planning proposal should be prepared in the future with regard to the appropriate zoning of land zoned mixed use in Chippendale.

Motion carried.

Resolution of Central Sydney Planning Committee

08 MARCH 2012

ITEM 6

POST EXHIBITION - DRAFT SYDNEY LOCAL ENVIRONMENTAL PLAN 2011

(S048243)

Moved by the Chair (the Lord Mayor), seconded by Councillor McInerney -

It is resolved that the Central Sydney Planning Committee:

- (A) note the matters raised in submissions received in response to the public exhibition of Draft Sydney Local Environmental Plan 2011, the draft Green Square Affordable Housing Program and the draft City of Sydney Competitive Design Policy;
- (B) approve the amendments proposed to Draft Sydney Local Environmental Plan 2011, as shown at Attachments A and B to the subject report;
- (C) note the recommendation to the Planning Development and Transport Committee at their meeting on 5 March 2012 and resolve to exclude from Draft Sydney Local Environmental Plan 2011 the following parcels of land (deferred matters):
 - (i) the Goodman site at 57 Ashmore Street and 165-175 Mitchell Road, Erskineville, due to unacceptable impacts including overshadowing and amenity impacts, insufficient infrastructure to support increased densities and inappropriate urban design outcomes that would result from the exhibited controls;
 - (ii) the Lachlan Precinct in Green Square to enable further detailed building envelope, height, solar access and amenity testing to establish appropriate floor space ratio controls to be undertaken; and
 - (iii) land fronting Gardeners Road, Rosebery between Durdans Avenue and the Southern Cross Drive to enable further review of the exhibited controls and their impact on the privacy and amenity of adjoining landowners and the Rosebery Estate's low density residential character;

- (D) under section 39(1) of the City of Sydney Act 1988, approve the submission of Draft Sydney Local Environmental Plan 2011 (as amended) to the Director-General of the Department of Planning and Infrastructure, together with a report prepared in accordance with section 68(4) of the Environmental Planning and Assessment Act 1979, that outlines the outcomes of public exhibition, the justification for the proposed alterations to the Plan, and a request that the Minister for Planning and Infrastructure make the Local Environmental Plan;
- (E) delegate authority to the Chief Executive Officer to make drafting changes to Draft Sydney Local Environmental Plan 2011, in order to address issues of an operational nature and other non-substantive matters that may arise from discussions with the Department of Planning and Infrastructure and Parliamentary Counsel;
- (F) note the recommendation to the Planning Development and Transport Committee at their meeting on 5 March 2012 to adopt the draft Green Square Affordable Housing Program, as shown at Attachment C to the subject report, to take effect from the date on which Sydney Local Environmental Plan 2011 takes effect;
- (G) note the recommendation to the Planning Development and Transport Committee at their meeting on 5 March 2012 to adopt the draft City of Sydney Competitive Design Policy, as shown at Attachment D to the subject report, to take effect from the date on which Sydney Local Environmental Plan 2011 takes effect;
- (H) delegate authority to the Chief Executive Officer to make changes to the draft Green Square Affordable Housing Program at Attachment C and the draft Competitive Design Policy at Attachment D, in order to address issues of an operational nature and reflect Sydney Local Environmental Plan 2011 when made;
- (I) under section 39(1) of the City of Sydney Act 1988, approve the preparation and exhibition of one or more planning proposals to
 - (i) reflect planning controls for the Goodman site arising from consideration of submissions to the exhibition of the Draft Amendment to South Sydney Development Control Plan 1997: Urban Design – Part G Special Precinct No. 7 - Ashmore Precinct, in accordance with the Resolution of Council of 5 December 2011;
 - (ii) rezone the following parcels of land at Pymont Point to Zone R1 General Residential reflecting their completed development:
 - (a) 2-8 Point Street, Pymont;
 - (b) 5 Tambua Street, Pymont;
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- (iv) identify “The Three Proud People” mural at 39 Pine Street, Newtown as a heritage item; and
- (v) identify portions of the following parcels of land as being required by the Roads and Maritime Authority for classified road purposes;
 - (a) northern side of Henderson Road, corner of Wyndham Street (Lot 1000 DP 1092450, Lots 1-47 SP 78596);
 - (b) eastern side of Botany Road, corner of John Street (Lot 1 DP 229389);
 - (c) land at McEvoy Street, opposite Harley Street (DP243107 SP 2506);
 - (d) land adjoining 377-497 Botany Road, Zetland (Lot 1 DP 628547); and
 - (e) 583 Botany Rd (Lot 11 DP 604322);
- (J) under section 39(1) of the City of Sydney Act 1988, approve the preparation of planning proposals to determine appropriate planning controls for:
 - (i) the Lachlan Precinct in Green Square; and
 - (ii) the land fronting Gardeners Road, Rosebery between Durdans Avenue and the Southern Cross Drive;
- (K) note that consideration is being given to whether a planning proposal should be prepared in the future to amend the planning controls for the following sites:
 - (i) 263 Broadway, Glebe;
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 - (viii) 398-402 Sussex Street, Haymarket; and
 - (iv) the Glebe foreshore sea walls.
- (N) note that the Employment Lands Study for the southern area of the City is under preparation and the recommendations of the Study may inform a future planning proposal to amend controls in this area; and
- (O) approve the amendment of the Draft Sydney Local Environmental Plan 2011 Height of Buildings Map to show the maximum building height for 21 Harris Street, Pyrmont as 33m and the Floor Space Ratio Map to show the maximum FSR for 21 Harris Street, Pyrmont as 6:1.

Carried unanimously.