

ITEM 8. POST EXHIBITION – GREEN SQUARE AQUATIC CENTRE AND GUNYAMA PARK, EPSOM PARK AND KELICK STREET – PLANNING PROPOSAL AND DEVELOPMENT CONTROL PLAN AMENDMENT

FILE NO: S107148

SUMMARY

The Epsom Park Precinct (Epsom Park) is a planned new neighbourhood within the Green Square Urban Renewal Area. The purpose of this report is to inform the Central Sydney Planning Committee of the results of the exhibition of a draft planning proposal and an amendment to the *Sydney Development Control Plan 2012* for Epsom Park. No changes to the exhibited plans are recommended as a result of submissions received, however, some further changes to the public domain are proposed due to internal review.

Approximately 19 hectares in size, Epsom Park is located in Zetland, directly to the east of the Green Square Town Centre. It is situated between the developing Victoria Park residential precinct to the north and the emerging North Rosebery mixed use precinct to the south.

The redevelopment of Epsom Park will contribute to the City's Sustainable Sydney 2030 Strategy through the delivery of homes, commercial floor space and community infrastructure.

The proposed *Green Square Aquatic Centre* and *Gunyama Park* will be located on primarily Council-owned property on Joynton Avenue, opposite the proposed community cultural hub on the former South Sydney Hospital site. An architectural design competition for the Aquatic Centre and Gunyama Park is currently underway, with construction expected to finish in 2018.

In mid-2013, it was established that an amendment to the land use zoning, under the *Sydney Local Environmental Plan 2012* (Sydney LEP 2012) would be required for Council-owned land in Epsom Park, including the site of the Aquatic Centre and Gunyama Park and the Epsom Park Depot site. The rezoning of this land from SP2 Infrastructure - Community Facility to B4 Mixed Uses will provide a consistent land use zone across Epsom Park and will allow for ancillary commercial development, such as cafes, to be incorporated into the Aquatic Centre. A small, redundant Council-owned property at 75-77 Kellick Street, Waterloo (outside of Epsom Park) also requires rezoning from SP2 Infrastructure to a mixed use zoning.

For Epsom Park, amendments to the proposed street layout and building envelopes in the Sydney LEP 2012 and *Sydney Development Control Plan 2012* (Sydney DCP 2012) are also required to accommodate the easement needed for a new trunk drainage system from the precinct through the Green Square Town Centre to Alexandra Canal. Various further amendments to the DCP are required to update the document.

These changes form the basis of a draft *Planning Proposal: Green Square Aquatic Centre and Gunyama Park, Epsom Park and Kellick Street* (the draft planning proposal) and a draft amendment to the Epsom Park provisions in the Sydney DCP 2012. On 18 November and 14 November 2013, Council and the Central Sydney Planning Committee, respectively, resolved to seek a Gateway Determination to allow public exhibition of the draft planning proposal. At the same time, Council approved the draft DCP amendment for public exhibition. The Council and CSPC resolutions are shown at **Attachment E**.

The Department of Planning issued a Gateway Determination on 7 February 2014 allowing the planning proposal to be publicly exhibited. To improve the plan-making process the Minister for Planning delegated his plan making powers under Section 59 of the *Environmental Planning and Assessment Act 1979* to Council in December 2012. The Gateway Determination, at **Attachment D**, authorises Council to exercise this delegation and liaise directly with Parliamentary Counsel to draft and make the local environmental plan, giving effect to the draft planning proposal.

The draft planning proposal and draft DCP amendment were placed on public exhibition from 25 March to 7 May 2014. Four submissions were received: from Transport for NSW; Roads and Maritime Services (RMS); Randwick City Council; and Design Collaborative (on behalf of Suttons Motor Group, a landowner in Epsom Park).

The submissions are generally supportive of the proposals, with some concerns raised about the need to safeguard bus routes, the realignment of road corridors resulting in the loss of road frontage to the south of Gunyama Park, the delineation of public and open space, the legal necessity for rezoning Council land, and the reduction in the height envelope for two portions of the Suttons site in the east of Epsom Park. A summary of submissions, including responses from the City, is at **Attachment C** to this report.

Proposed amendments arising from further internal review are shown at **Attachment B** and marked in blue text. These changes provide further detail and clarification of the public domain. The changes are minor in nature and further public exhibition is not required.

This report recommends the Central Sydney Planning Committee endorse the planning proposal and draft DCP amendment, as shown in **Attachment A** and **Attachment B**, respectively.

RECOMMENDATION

It is resolved that:

- (A) the Central Sydney Planning Committee note submissions received in response to the public exhibition of the *Draft Planning Proposal: Green Square Aquatic Centre and Gunyama Park (Epsom Park), Zetland and Kellick Street, Waterloo*, as shown at **Attachment C** to the subject report;
- (B) the Central Sydney Planning Committee approve the *Planning Proposal: Green Square Aquatic Centre and Gunyama Park (Epsom Park), Zetland and Kellick Street, Waterloo*, dated August 2014, as shown at **Attachment A** to the subject report, to be made by Council as a local environmental plan under section 59(2) of the *Environmental Planning and Assessment Act*;

- (C) the Central Sydney Planning Committee note the report to the Planning and Development Committee on 19 August 2014 recommends that Council approve the draft *Sydney Development Control Plan 2012 (Amendment x)*, dated August 2014, as shown at **Attachment B** to the subject report, specifying the commencement date as the date of publication of the subject local environmental plan in accordance with clause 21 of the *Environmental Planning and Assessment Regulation 2000*; and
- (D) authority be delegated to the Chief Executive Officer to make any minor amendments to the *Planning Proposal: Green Square Aquatic Centre and Gunyama Park (Epsom Park), Zetland and Kellick Street, Waterloo*, to correct any minor drafting errors.

ATTACHMENTS

Attachment A: *Planning Proposal: Green Square Aquatic Centre and Gunyama Park (Epsom Park), Zetland and Kellick Street, Waterloo* dated August 2014

Attachment B: *Draft Amendment: Sydney Development Control Plan 2012* dated August 2014
(Note - This attachment will be circulated separately from the agenda paper and to Central Sydney Planning Committee members and relevant senior staff only. It will be available for inspection on Council's website and at the One Stop Shop and Neighbourhood Service Centres.)

Attachment C: Summary of submissions received during the public exhibition and responses from the City

Attachment D: Gateway Determination dated 7 February 2014

Attachment E: Resolution of Council of 18 November, 2013 and Resolution of the Central Sydney Planning Committee of 14 November 2013

BACKGROUND

1. This report recommends that the Central Sydney Planning Committee (CSPC) endorse proposed amendments to the *Sydney Local Environmental Plan 2012* (Sydney LEP 2012) and *Sydney Development Control Plan 2012* (Sydney DCP 2012) relating to the Epsom Park precinct, Zetland, the Green Square Aquatic Centre and Gunyama Park, and 75-77 Kellick Street, Waterloo.
2. The proposed amendments relate to the land use zoning of Council-owned land in the Epsom Park precinct and at Kellick Street, Waterloo. Other changes are to building envelopes to accommodate the easement needed for a new trunk drainage system and to update other aspects of the Council's DCP. These changes formed the basis of a draft *Planning Proposal: Green Square Aquatic Centre and Gunyama Park, Epsom Park and Kellick Street* (the draft planning proposal) and a draft amendment to the Epsom Park precinct provisions in the *Sydney DCP 2012*.
3. The proposed amendments were approved by Council and the CSPC for public exhibition on 18 November and 14 November 2013, respectively, and to seek a Gateway Determination from the Department of Planning to allow the public exhibition of the draft planning proposal to occur. The Council and CSPC resolutions are shown at **Attachment E**.
4. The draft planning proposal and draft DCP amendment were placed on public exhibition from 25 March to 7 May 2014. Four submissions were received: from Transport for NSW; Roads and Maritime Services (RMS); Randwick City Council; and Design Collaborative (on behalf of Suttons Motor Group, landowner of 118-130 Epsom Road, Zetland and 905 South Dowling Street). The issues raised in submissions are discussed later in this report.

Epsom Park Precinct

5. The Epsom Park Precinct (Epsom Park), shown in Figure 1, is 19 hectares in area. It comprises 11 large lots, owned by seven landowners, with the City of Sydney owning three lots. Epsom Park is located in the suburb of Zetland, within the Green Square Urban Renewal Area and approximately 5kms south of Central Sydney. Directly to the west is the Green Square Town Centre, which includes the Green Square Railway Station. To the north is the Victoria Park residential precinct, and the emerging North Rosebery mixed use precinct lies to the south.
6. The predominant land use is light industrial, with service depots, including the City's Epsom Road Depot, warehousing and distribution, a vehicle showroom and offices. Development is generally large in footprint and up to two storeys high. Redevelopment at Epsom Park presents an opportunity to contribute to the City's *Sustainable Sydney 2030* vision and targets through the delivery of homes, commercial floor space, public domain improvements, community facilities and open space.

Green Square Aquatic Centre and Gunyama Park

7. An Aquatic Centre, sports field and park, Gunyama Park, are proposed for the former South Sydney City Council offices sites at 132-138 and 140 Joynton Avenue. Approximately 4,700 square metres of the property 106-116 Epsom Road Zetland is required for Gunyama Park, and this portion will be dedicated to the Council under the terms of a voluntary Planning Agreement with the landowner, Lincon Development Pty Ltd.
8. The Aquatic Centre is to accommodate a 50 metre pool, 25 metre pool, hydrotherapy pool, recreational pools, and administration and fitness facilities. Gunyama Park will contain a multi-purpose playing field and passive recreational spaces.
9. A two-stage design competition for the design of the Aquatic Centre and Gunyama Park is being undertaken by the City. The first stage of the competition saw 144 entries received. These were placed on public display, with community responses taken into consideration by an independent jury, who announced the five finalists on 17 June 2014. In the second stage, the five chosen entrants will prepare more detailed designs from which a final winner will be selected in September 2014. The City intends to lodge a development application for the project in September 2015, with the facility anticipated to open in late 2018.
10. Figure 1 shows the boundary of Epsom Park and the location of the Aquatic Centre site and neighbouring properties.



Figure 1 – Location of Epsom Park Precinct showing Aquatic Centre site. Council-owned properties are at 132-138 and 140 Joynton Avenue and 94-104 Epsom Road.

Kellick Street

11. The Gordon Ibbett Activity Centre at 75-77 Kellick Street, Waterloo is a Council-owned property of approximately 450 square metres on a quiet residential street in Waterloo. It houses a community building, which is now vacant following the relocation of its previous occupier, the AIDS Luncheon Club. The City's analysis of the site concluded that there are no other viable community uses for the site and, on 5 December 2011, Council resolved to endorse the sale, with proceeds to be held as internally restricted funds within the Community Facilities reserve.
12. The properties on either side (71-73 Kellick Street and 79 Kellick Street) are owned by the NSW Housing Corporation. The predominant land use surrounding the site is residential and the site is directly opposite a housing development known as Kensington Mews. The location of the site is shown in Figure 2.

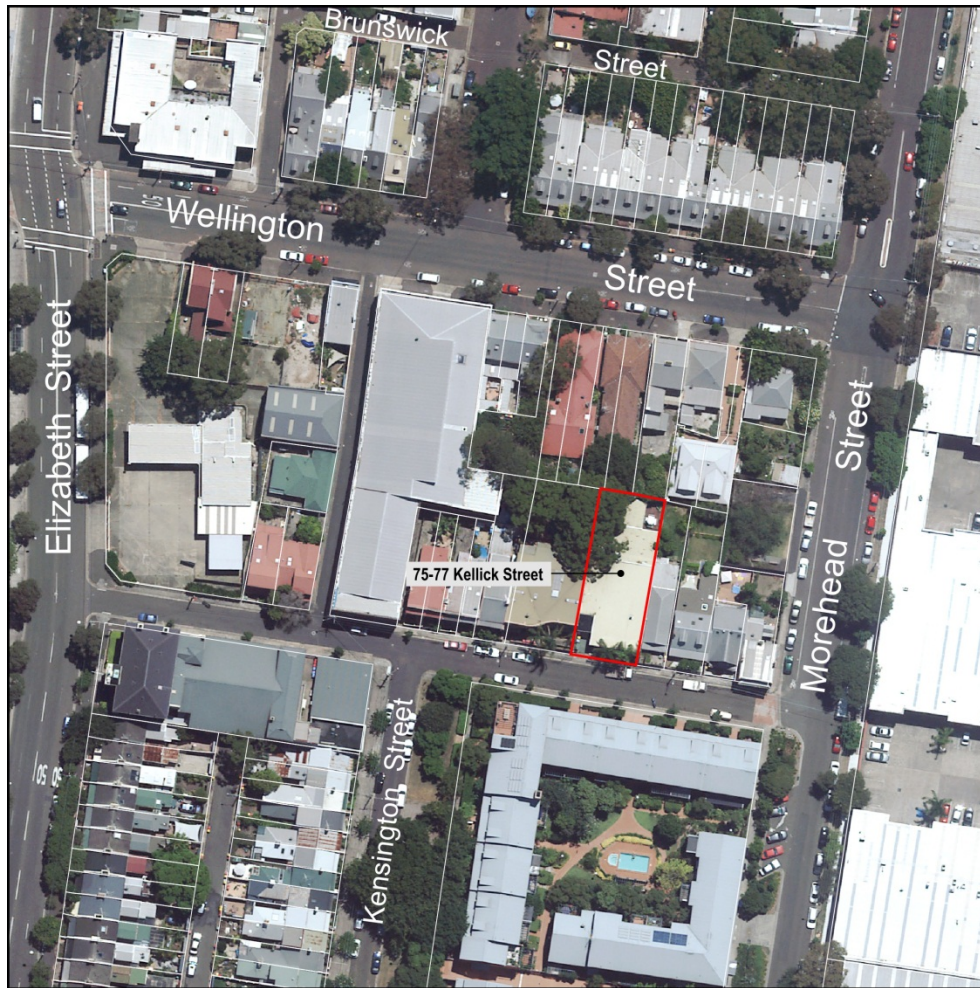


Figure 2 – Location of Council-owned property at 75-77 Kellick Street, Waterloo

Current Planning Controls

13. The primary planning controls that apply to Epsom Park under the Sydney LEP 2012 are:
 - (a) SP2 Infrastructure - Community Facility zone applying to the Council-owned sites at 132-138 and 140 Joynton Avenue and 94-104 Epsom Road. Under this zoning, the sites may be used for a community facility, defined as a building or place a) owned or controlled by a public authority or non-profit community organisation, and b) used for the physical, social, cultural or intellectual development or welfare of the community, but that does not include an educational establishment, hospital, retail premises, place of public worship or residential accommodation;
 - (b) B4 Mixed Use zone applying to the remainder of Epsom Park;
 - (c) maximum building heights ranging from 45 metres (at the corner of Epsom Road and Joynton Avenue) to 25 metres (part of the Aquatic Centre site);
 - (d) maximum base Floor Space Ratio (FSR) of 2.5:1 applying generally to the north-eastern corner of Epsom Park, with most of the remainder of the precinct having an FSR of 1.5:1 or 1.25:1. The FSR applying to the Aquatic Centre and Gunyama Park site is 0.6:1; and

- (e) an additional “community infrastructure” FSR of 0.5:1 for the provision of public domain benefits, such as streets and stormwater management works.
14. The primary planning controls that apply to 75-77 Kellick Street Waterloo under the Sydney LEP 2012 are:
- (a) SP2 Infrastructure - Community Facility zone;
 - (b) a maximum building height of 9 metres; and
 - (c) a maximum Floor Space Ratio of 1.25:1

Amendment to Sydney Local Environmental Plan 2012

15. The draft planning proposal seeks to amend the zoning of the Council-owned sites: 132-138 and 140 Joynton Avenue; 94-104 Epsom Road, Zetland; and 75-77 Kellick Street, Waterloo. The current zone, SP2 Infrastructure - Community Facility will be amended to B4 Mixed Uses. This is the land use zone for the surrounding land in each case. It is the most appropriate zone under the Sydney LEP 2012 for an Aquatic Centre, providing sufficient flexibility for future use associated with the centre, such as cafes, a gymnasium and other ancillary commercial uses.
16. It is proposed to reduce the height limit applying to the Aquatic Centre site, from a maximum of 45 metres to 27 metres across the site. It is also proposed to reduce the maximum height limit applying to Gunyama Park from 12 metres to three metres, to ensure consistency with the three metre height limit applied to future open space and main roads in the Sydney LEP 2012.
17. For the wider Epsom Park, further changes to the Height of Building Map are proposed to accommodate the new street layout, whilst ensuring that the overall development potential and FSR achievable on each site remains the same as under the Sydney LEP 2012.
18. These changes are shown in the planning proposal at **Attachment A**.
19. No changes to the LEP FSR map are proposed.

Amendment to Sydney Development Control Plan 2012

20. An amendment to the Sydney DCP 2012 is proposed to reflect the height changes proposed for the Sydney LEP 2012, as outlined above. To accommodate the stormwater culvert realignment, changes are also proposed to street alignments, building envelopes, heights of buildings and traffic arrangements.
21. Further refinements and updates are proposed, to account for issues that have arisen since the DCP was first prepared and adopted in 2012, to update the maps to show the heights that can potentially be achieved under design excellence provisions in Sydney LEP 2012, and to clarify certain clauses. These changes are included at **Attachment B** to this report.

KEY IMPLICATIONS

Public exhibition and proposed additional amendments

22. The Gateway Determination required public authority consultation to be undertaken with Transport for NSW and the RMS. The City considered it would also be appropriate to consult with the Office of Environment and Heritage, Sydney Airport Corporation Limited, Sydney Water, and the neighbouring Local Authorities, the City of Botany Bay Council and Randwick City Council.
23. The draft planning proposal and draft DCP amendment were placed on public exhibition from 25 March to 7 May 2014. Exhibition materials were made available for viewing at the CBD, Redfern and Green Square Neighbourhood Service Centres and on the City's website. The City sent letters to approximately 2,800 landowners and residents to notify them of the public exhibition. The exhibition was also advertised in the Southern Courier and Central Courier newspapers.
24. Four submissions were received: from Transport for NSW; RMS; Randwick City Council; and Design Collaborative (on behalf of Suttons Motor Group, the landowner for 118-130 Epsom Road and 905 South Dowling Street (now Link Road)). No changes are proposed in response to the submissions.
25. The submissions were generally supportive of the proposals, with each submission summarised below and in **Attachment C** of this report.

Transport for NSW

26. Transport for NSW expressed support for the pedestrian access provisions for the Aquatic Centre and Gunyama Park. The submission also noted the need to safeguard existing bus services and bus stops and to ensure that development does not impact on bus services.
27. The City has noted the response from Transport for NSW and will seek to ensure that impacts on existing bus routes are identified and that measures are proposed to mitigate any impacts at the time of development.

Roads and Maritime Services

28. The RMS has reviewed the proposal and raises no objection.

Randwick City Council

29. The key issues raised by Randwick City Council, and the City's response, are summarised below:

- (a) Due to the proposed changes to street layout, Gunyama Park has lost one of three street frontages defined under the current LEP and DCP controls. This results in a major potential view corridor being blocked and the loss of accessibility and visibility. Zetland Avenue will now be the only direct east-west corridor, restricting accessibility within Epsom Park.

Response: The changes to the street layout are necessary to accommodate Sydney Water's requirement to not allow construction over the stormwater drain. This results in Gunyama Park having two street frontages, where it has three under the current controls. To maximise the activation of the south side of the park, the draft DCP amendment includes requirements for an active edge for new development to the south of Gunyama Park.

- (b) Concerns about delineation between public and private space, with regard to north-south easement for public access connecting Rose Valley Way and Gunyama Park.

Response: The provision of public access easements through private developments is common. It is important to delineate this space. As with other sites where this occurs, the City will work with developers to ensure inclusion of appropriate surface treatments, lighting and signage in public easements.

- (c) There is no legal necessity to rezone Council land from an SP2 Infrastructure to B4 Mixed Use zoning. An RE 1 Public Recreation zone may be more appropriate.

Response: The B4 Mixed Use zoning is the most appropriate to apply across the precinct to provide certainty that commercial operation of ancillary uses is permissible and to provide consistency with neighbouring land zoning.

- (d) Supports the incentives for design excellence and sustainable transport for the Aquatic Centre, but comments that the needs of drivers should also be accommodated.

Response: The City is aware of the importance of balancing sustainable transport with drivers needs and is undertaking to achieve this balance in planning for the Aquatic Centre.

Design Collaborative (on behalf of Suttons Motor Group)

30. Design Collaborative raised two issues on behalf of Suttons, the owners of the properties 118-130 Epsom Road and 905 South Dowling Street. These are summarised and the City's response is below:

- (a) For Lot 2, 905 South Dowling Street, the LEP height map has been amended to reduce the north-eastern corner of the building from 40 metres to 35 metres, without a clear rationale. A 40 metre standard would be consistent with the prevailing pattern.

Response: The LEP height map has been amended to reflect the controls set out in the DCP height map, which permits 10 storeys to be built on the north-eastern corner of the site. A 35 metre LEP height limit permits 10 storeys, whereas a 40 metre height limit may permit 11 storeys. The DCP height map shows that additional height (above the 10 storey and 35 metre height limit) may be added to the north-eastern corner if Design Excellence is achieved through the design excellence provisions of the Sydney LEP 2012.

It is noted that the permitted height at the western boundary of the Suttons site, as exhibited, has increased from 18 metres to 27 metres and the overall development potential of the site remains the same as under the current controls.

- (b) For Lot 7, 118-130 Epsom Road, the building footprint and height of development permitted on the southern portion of that lot is reduced, reflecting the proposed changes to the street layout.

Response: The intention for this portion of the site is for it to accommodate Rose Valley Way. Development would not be permissible, due to the location of a stormwater drain underneath this proposed street. This is also clearly indicated in the current Sydney DCP 2012 and the LEP has been corrected to illustrate this. Under the DCP, a building would not have been permitted on this portion. The correction results in no loss of development potential.

Further changes resulting from internal review

31. Since the draft planning proposal and draft DCP amendment were considered by Council in November 2013, the City has further developed the design of the street network in Epsom Park and the Green Square Town Centre. As a result of this work, minor amendments are required to the draft DCP amendment to reflect the updated design.
32. The amendments are detailed in a table and in blue text at **Attachment B**. The changes to public domain and circulation are illustrated in Figure 5.65 Epsom Park Circulation and Access of **Attachment B**, and include:
- (a) a reduction from two lanes to one lane for the eastern section of Peters Street, and the replacement of the second traffic lane with an expanded Mulgu Park;
 - (b) a reduction in width for the eastern section of Zetland Avenue and extension of the neighbouring park southwards into the area currently shown as road reservation;
 - (c) a minor realignment of Letitia Street to the east to reflect the Court-approved development application for the Lincon site at 106-116 Epsom Road;

- (d) consequential minor changes to building envelopes in the block bounded by George Julius Avenue, Peters Street, Defries Avenue and Zetland Avenue to reflect the Letitia Street realignment;
 - (e) the closure of George Julius Avenue north at its intersection with Zetland Avenue to reduce traffic entering the Zetland Avenue transit corridor to facilitate the movement of public transport; and
 - (f) additional detail, including new signalised intersections, pedestrian crossings and a potential set-down on George Julius Avenue.
33. Street sections and other figures included in the DCP have also been amended to provide further clarification and to reflect the changes to Figure 5.65 Epsom Park Circulation and Access and detailed above. The changes are minor in nature and further public exhibition is not required.

KEY IMPLICATIONS

Strategic Alignment - Sustainable Sydney 2030 Vision

34. *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.
35. The draft planning controls for the Green Square Aquatic Centre, Epsom Park and Kellick Street are aligned with *Sustainable Sydney 2030* strategic directions and objectives. The following are specifically relevant to Epsom Park:
- (a) Direction 1 – A globally competitive and innovative city - The proposal supports competition and innovation through helping to facilitate the design competition for the Aquatic Centre at Green Square.
 - (b) Direction 2 – A leading environmental performer - The Aquatic Centre will be required to meet high-level sustainability targets. The DCP changes for Epsom Park include provisions to create a green, landscaped and pedestrian friendly area.
 - (c) Direction 3 – Integrated transport for a connected city – Epsom Park is well located in relation to the Green Square train station and adjacent to the future Zetland Avenue transit corridor and bus services. Longer term plans include light rail along Zetland Avenue into the Green Square Town Centre.
 - (d) Direction 4 – A city for pedestrians and cyclists – The proposed changes to the Sydney DCP 2012 will help facilitate safe cycle and pedestrian access through Epsom Park and the wider Green Square renewal area. Limited car parking at the Aquatic Centre and cycling facilities will encourage walking and cycling.
 - (e) Direction 7 – A cultural and creative city – Epsom Park and, in particular, the Aquatic Centre will help to support the role of the Green Square Town Centre in acting as a hub for community, cultural and creative activity.

- (f) Direction 9 – Sustainable development, renewal and design – The design brief for the Aquatic Centre will include requirements for Ecologically Sustainable Development, including daylighting, natural ventilation, insulation, energy consumption, Water Sensitive Urban Design and water reuse.

Social / Cultural / Community

36. Providing the Aquatic Centre, playing fields and parklands at Epsom Park will bring significant positive social, health and wellbeing benefits to the local area and the wider community in the south of the City. The provision of a hydrotherapy pool and accessible access will ensure the facility can be used by a wide sector of the community.
37. The Planning Proposal and amendment to the Sydney DCP 2012 seeks to provide greater certainty to the local community, landowners and developers through specifying the detail for the alignment of stormwater and road layouts in Epsom Park and setting out the height limits for the Aquatic Centre and Gunyama Park.

Economic

38. Through returning Council land to a zone that allows for a greater permissibility of uses, the planning proposal will further enhance the economic benefits that may occur through development of the Aquatic Centre, adding to the overall economic benefits associated with development at Green Square.
39. The proposed changes to the wider Epsom Park, in particular the realignment of stormwater drainage and changes to roads and building envelopes, are required to ensure the economic development of land in the precinct and wider Green Square area, reducing the risk and cost of flooding.
40. The rezoning of the Council's property at 75-77 Kellick Street, Waterloo will allow its sale to proceed and the funds to be used for community facilities.

BUDGET IMPLICATIONS

41. There are no budget implications resulting directly from the recommended approval of the Planning Proposal and draft amendment to the Sydney DCP 2012. The City has set aside a budget of \$81.5M for the Aquatic Centre and Gunyama Park. If approved, the planning controls will facilitate redevelopment of the Council's sites to develop these facilities.

RELEVANT LEGISLATION

42. *Environmental Planning and Assessment Act 1979* and *Environmental Planning and Assessment Regulation 2000*.

CRITICAL DATES / TIME FRAMES

43. The Gateway Determination requires that the amendment to the local environmental plan be completed by 10 February 2015.

44. The City intends to lodge a development application for the Aquatic Centre in early 2015.

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