

**ITEM 16. PUBLIC EXHIBITION - 904 BOURKE STREET ZETLAND -
PLANNING PROPOSAL AND DRAFT SYDNEY DEVELOPMENT
CONTROL PLAN 2012 AMENDMENT****FILE NO: S113327****SUMMARY**

904 Bourke Street, Zetland (the site) is located in the northern part of the Green Square Urban Renewal Area, adjacent to the 'Emerald Park' development and to the west of the 'Victoria Park' precinct. The site is in a highly accessible location being 400 metres from Green Square train station and the Green Square Town Centre. It is also in close proximity to Mary O'Brien Reserve, the 'East Village' shopping centre in Victoria Park, the future Green Square Aquatic Centre and future community facilities at the former South Sydney Hospital Site on Joynton Avenue.

Redevelopment of the site offers a significant opportunity to create a residential development with excellent access to goods, services and transport. It also provides a significant opportunity to contribute to the vision and targets of *Sustainable Sydney 2030* by delivering approximately 400 new dwellings, a 2,700 square metre public park, a new public street and a landscaped pedestrian link providing greater connectivity.

This report seeks Central Sydney Planning Committee (CSPC) approval to submit a Planning Proposal to amend *Sydney Local Environmental Plan 2012* (Sydney LEP 2012) as it applies to the site to the Minister for Planning for a Gateway Determination. The Planning Proposal is at Attachment A to this report. This report further seeks CSPC approval to publicly exhibit the Planning Proposal, in accordance with the Gateway Determination, alongside an associated draft amendment to *Sydney Development Control Plan 2012* (the draft DCP amendment). The draft DCP amendment is at Attachment B.

The Planning Proposal and draft DCP amendment seek to amend the current planning controls to reflect the outcome of a detailed urban design analysis undertaken by City staff in consultation with the landowner's consultant team. A report detailing this urban design analysis is at Attachment C.

The urban design analysis took into account the scale of built form on neighbouring sites, solar access, the character of surrounding areas particularly the Zetland Estate Conservation Area, topography, access and circulation for pedestrians, cyclists and vehicles and the optimum location for future public domain infrastructure including a new street and public park.

The draft planning controls provide for a new public park, a new street providing vehicular access to the site, a landscaped pedestrian link, a range of building types which respond to the character of surrounding development and buildings of varied bulk and scale to maximise residential amenity within the new development and protect the amenity of dwellings on neighbouring sites.

City staff presented a number of site layout and built form options to the Design Advisory Panel in September 2014. The panel's advice is integrated into the proposed controls.

The draft controls have been developed in close consultation with the landowner, JQZ, and their consultant team and represent an appropriate balance between development viability for JQZ and a sensitive and appropriate outcome for the local community.

Key amendments to Sydney LEP 2012 include an increase in the maximum height of building control from 15 metres to a range of heights between 3 metres and 42 metres. The Planning Proposal also seeks to reduce the floor space ratio (FSR) from 2:1 (which include 0.5:1 community infrastructure floorspace) to 1.75:1 to more accurately reflect the residential development capacity of the site, determined through the master planning process. It is further proposed to include a clause in Sydney LEP 2012 to allow an additional 0.25:1 FSR for appropriate commercial uses to be contained exclusively within the basement of the development. These amendments are discussed in detail in the body of this report and in the Planning Proposal at Attachment A.

Key amendments to Sydney DCP 2012 include the addition of a new section which will contain site specific provisions and maps to guide the detailed design of the public domain and built form. This includes provisions relating to street layout, public open space, heights in storeys, building setbacks, dedication of land, street frontage heights and vehicle and pedestrian circulation. These amendments are discussed in detail in the body of this report and in the draft DCP amendment at Attachment B.

RECOMMENDATION

It is resolved that:

- (A) the Central Sydney Planning Committee approve *Planning Proposal: 904 Bourke Street, Zetland*, shown at Attachment A to the subject report, for submission to the Minister for Planning with a request for a Gateway Determination;
- (B) the Central Sydney Planning Committee approve *Planning Proposal: 904 Bourke Street, Zetland*, for public authority consultation and public exhibition in accordance with any conditions imposed under the Gateway Determination;
- (C) the Central Sydney Planning Committee note the recommendation to Council's Planning and Development Committee on 2 December 2014 that Council approve *draft Sydney Development Control Plan 2012 – 904 Bourke Street, Zetland Amendment*, shown at Attachment B to the subject report, for public authority consultation and public exhibition in parallel with the Planning Proposal;
- (D) the Central Sydney Planning Committee note the recommendation to Council's Planning and Development Committee on 2 December 2014 that Council seek authority from the Secretary of the Department of Planning and Environment to exercise the delegation of the Minister for Planning of all the functions under section 59 of the *Environmental Planning and Assessment Act 1979* to make the local environmental plan to put into effect *Planning Proposal: 904 Bourke Street, Zetland*;
- (E) the Central Sydney Planning Committee note the recommendation to Council's Planning and Development Committee on 2 December 2014 that Council delegate authority to the Chief Executive Officer to make any minor variations to *Planning Proposal: 904 Bourke Street, Zetland* and *draft Sydney Development Control Plan 2012: 904 Bourke Street, Zetland Amendment* following receipt of the Gateway Determination; and

- (F) the Central Sydney Planning Committee note that following consideration of any submissions, and refinements as necessary, *Planning Proposal: 904 Bourke Street, Zetland* and *Sydney Development Control Plan 2012: 904 Bourke Street, Zetland Amendment* will be reported back to the Central Sydney Planning Committee for final approval.

ATTACHMENTS

Attachment A: Planning Proposal: 904 Bourke Street, Zetland. Dated December 2014

Attachment B: Draft Sydney Development Control Plan 2012 – 904 Bourke Street, Zetland Amendment. Dated December 2014.

Attachment C: Urban Design Study: 904 Bourke Street, Zetland. Dated December 2014

BACKGROUND

Purpose of this report

1. This report seeks Central Sydney Planning Committee (CSPC) approval of *Planning Proposal: 904 Bourke Street, Zetland* (the Planning Proposal), at Attachment A, for submission to the Minister for Planning with a request for a Gateway Determination to allow public exhibition.
2. The Planning Proposal seeks to amend key development standards that apply to 904 Bourke Street (the site) under *Sydney Local Environmental Plan 2012* (Sydney LEP 2012) including permissible building height and FSR.
3. This report also seeks that the CSPC note that subject to Council approval, *Draft Sydney Development Control Plan 2012: 904 Bourke Street, Zetland Amendment* (the draft DCP amendment), at Attachment B, will be publicly exhibited alongside the Planning Proposal.
4. The draft DCP amendment seeks to amend *Sydney Development Control Plan 2012* (Sydney DCP 2012) to include detailed public domain and built form provisions to guide development of the site.

Site details and context

5. 904 Bourke Street is a single landholding of approximately 14,680 square metres in the north eastern part of the Green Square Urban Renewal Area. The site context is illustrated at Figures 1 and 2. The site is marked red.



Figure 1: 904 Bourke Street – Context and location Plan



Figure 2: 904 Bourke Street aerial photograph

6. The site is in the suburb of Zetland, close to the boundary of Zetland and Waterloo. It is in a highly accessible location approximately 400 metres to the north east of the Green Square train station and future town centre and 200 metres to the west of Victoria Park.
7. The site forms a large part of an irregularly shaped street block bounded by Bourke Street, O'Dea Avenue, Joynton Avenue, Lamond Lane, Merton Street and Elizabeth Street.
8. Within this block, and adjoining the site to the east is the 'Emerald Park' development which includes the recently upgraded Mary O'Brien Reserve. This is a residential development currently under construction. This development is discussed in further detail later in this report.
9. Adjoining the site to the south and west are several single and two storey terraced dwellings fronting Bourke, Elizabeth and Merton Streets. These dwellings form part of the Zetland Estate Conservation Area and three are heritage items under Sydney LEP 2012. A further heritage listed building is at the south eastern corner of Bourke Street and Elizabeth Street and this currently operates as a mosque.
10. The remainder of the street block comprises two sites to the north east of the site currently used for commercial purposes and a small landlocked site, at 900 Bourke Street, owned and operated by Sydney Water (the Sydney Water site).
11. The site has been extensively excavated and is generally flat. As a result of the excavation it is generally artificially lower than the surrounding land. The difference in levels is greatest at the southern boundary where the surrounding land is four metres higher than the site and a retaining wall has been built.

12. The site is currently used for commercial purposes and accommodates several commercial units. These are arranged around the perimeter with at-grade parking provided in the centre. Buildings on the site are typically concrete units of little architectural merit varying in height up to a maximum of approximately eight metres.
13. The site has a 20 metres frontage to Bourke Street. A driveway at this frontage provides the only means of vehicle and pedestrian access to the site. The driveway follows the same alignment as an existing easement on the site which provides access to the Sydney Water site. The Sydney Water site and associated easement is discussed later in this report.
14. Navins Lane and McPherson Lane follow the perimeter of the site to the south and west and combine to connect Elizabeth Street and Merton Street. These lanes provide rear vehicle and service access to the dwellings on Bourke, Elizabeth and Merton Streets but do not currently provide access to the site. The lanes are typically 6 metres wide.
15. There is a large Moreton Bay Fig on the western boundary of the site fronting McPherson Lane. This tree is listed in the City's 'Significant Tree Register' and is required to be retained and protected.

Current Planning controls

16. Sydney LEP 2012 contains zoning and principal development standards for the site including:
 - (a) A 'B4 Mixed Use' zoning which permits a broad range of uses including commercial and residential;
 - (b) A maximum floor space ratio (FSR) of 2:1 comprising a 'base' FSR of 1.5:1 plus an additional 0.5:1 FSR subject to the provision of 'community infrastructure'; and
 - (c) A maximum building height of 15 metres.
17. Sydney DCP 2012 contains public domain and built form controls including:
 - (a) Provision of a new public open space along the western boundary of the site fronting McPherson Lane;
 - (b) Delivery of a new 12 metre wide north-south public street through the site;
 - (c) A 3 metre setback and dedication to Bourke Street; and
 - (d) A maximum building height of 4 storeys.
18. While these controls provide a broad framework to guide future development, they currently lack a level of detail for public domain and built form design that is required to ensure delivery of a high quality development that is appropriate to the surrounding context.
19. This level of detail is in place for some other significant sites and precincts in the Green Square Urban Renewal Area and throughout the City and is established through a detailed master planning process.

Request to amend planning controls

20. In early 2014 the owner of the site, JQZ, approached the City to discuss redevelopment and to determine the most appropriate planning pathway.
21. Group GSA, on behalf of JQZ, presented building envelope testing which illustrated that a redevelopment scheme which sought to achieve close to the maximum permissible FSR of 2:1, while delivering the required park and street, resulted in building heights which were non-compliant with the height control of 15 metres or 4 storeys.
22. Group GSA's testing illustrated that a scheme which complied with the height control while also delivering the park and street resulted in a development which achieved approximately 1.4:1 FSR. JQZ argued that this represented a substantial underutilisation of a highly accessible site which could support higher density.
23. The City advised that the most suitable planning pathway to establish an appropriate density was for JQZ and their consultant team to work with City staff to undertake detailed master planning to explore alternative public domain and built form layouts and formalise a preferred outcome through a Planning Proposal and amendment to Sydney DCP 2012.
24. Since April 2014, the City, JQZ and their consultant team have worked closely to prepare and test a number of development scenarios for the site.
25. Options for the site layout and built form were presented to the Design Advisory Panel in September 2014 by City staff. Feedback from the panel was integrated into the draft controls discussed in detail below.

KEY IMPLICATIONS**The draft controls**

26. Existing development on the site represents an underutilisation of a highly accessible site in close proximity to existing and planned future goods and services including the Green Square Town Centre and station, Mary O'Brien Reserve, East Village shopping centre in Victoria Park, the Green Square Aquatic Centre and future community facilities at the former South Sydney Hospital site.
27. Proposed amendments to Sydney LEP 2012 and Sydney DCP 2012 can facilitate the delivery of a high quality residential development and public domain and a more appropriate use of a well located and serviced site. Key aspects are discussed below.

Open space

28. Sydney DCP 2012 requires provision of a public open space on the western boundary of the site fronting McPherson Lane. Figure 3 shows the current public domain layout under Sydney DCP 2012.



Figure 3: Current public domain layout under Sydney DCP 2012

29. While the current proposed location offers a potential buffer between dwellings which back onto or front McPherson Lane and future buildings on the site, it has a number of disadvantages as outlined below. Furthermore, a suitable buffer can be achieved through appropriate setbacks and low scale built form as discussed later in this report.
30. The current proposed open space has a linear shape which, due to the topography of the site, would need to be appropriately graded to negotiate the existing change in levels at the south end. The result would be a narrow, sloping park which would limit future design and potential uses.
31. Furthermore, the outlook from the proposed location on to McPherson Lane and garage doors of dwellings fronting Elizabeth Street would offer particularly poor amenity for park users. This would discourage public use and result in limited activation.
32. A park in this location would also lack legibility as a public place, would receive comparatively poor solar access and would not link particularly well with the broader network of public open spaces including Mary O'Brien Reserve.
33. Alternative park locations were explored as part of the master planning process with the intent of addressing the shortcomings of the location currently envisaged by Sydney DCP 2012. Details of these alternatives, including photographs showing the existing context, and overshadowing diagrams, are in the Urban Design Report at Attachment C.

34. The draft controls provide for delivery of the park in the north west corner of the site as shown and annotated in Figure 4. This location allows a more regularly shaped park enabling greater flexibility for the future design and uses. It would also receive excellent year-round solar access and be highly visible, particularly from Bourke Street, resulting in good legibility as a public place and greater activation.



Figure 4: Proposed public domain layout

35. This location also capitalises on the amenity offered by the existing Moreton Bay Fig tree and serves to protect the tree by allowing for greater solar access than it currently receives. Furthermore, the curtilage of approximately 15 metres around the tree required to protect it is absorbed as open space rather resulting in a more efficient use of the site as a whole.
36. This location still provides a buffer to dwellings which back on to the northern part of McPherson Lane. Importantly, it provides an excellent outlook for the two dwellings which front McPherson Lane nearest the junction with Navins Lane.
37. The proposed relocation of the public open space provides an appropriate balance between the private interest of landowners on Elizabeth Street and McPherson Lane with the broader public interest of delivering an accessible, functional and legible public open space.
38. It is proposed to amend relevant figures and maps in Sydney DCP 2012 to show the new proposed open space location. It is also proposed to amend height maps in Sydney LEP 2012 to reflect a 3 metre height limit for the park consistent with the approach taken throughout the Green Square Urban Renewal Area for other open spaces and key streets.

Street network

39. Sydney DCP 2012 requires provision of a 12 metre wide north-south street through the site as shown at Figure 3. The street is to connect with McPherson Lane to the south and continue north through the adjacent site at 890-898 Bourke Street, connecting with Bourke Street to the south west of the O'Dea Avenue intersection.
40. The street layout was analysed and tested by Traffix Consultants on behalf of JQZ. The report by Traffix, included as an appendix to the Planning Proposal at Attachment A, concludes that the current street layout in Sydney DCP 2012 compromises vehicle and pedestrian safety and amenity and provides an alternative outcome as discussed below and illustrated in Figure 4. The conclusions of the report are supported by the City's public domain and transport units.
41. Sydney Water has confirmed that vehicular access to their site at 900 Bourke Street via the existing easement will continue to be required in the long term. It is proposed to integrate the easement with the future public street to enable more efficient use of the land and a better urban design outcome. Sydney Water has confirmed this outcome is acceptable as the intention of the easement, to provide access to their asset, is still achieved.
42. By relocating the proposed street to follow the alignment of the existing easement, the point at which the proposed street meets Bourke Street is in a more suitable location being midway between the intersections of Bourke Street and Elizabeth Street and Bourke Street and O'Dea Avenue.
43. The report by Traffix further concludes that the connection between the proposed street and McPherson Lane under Sydney DCP 2012 is too constrained to allow safe pedestrian and vehicle access. McPherson Lane is 4.4 metres wide at this point and kerbside parking is permitted on one side. Given the topography of the site and surrounds, the street would need to be appropriately graded resulting in a potentially poor urban design outcome.
44. It is proposed to amend the street network to remove the connection through to McPherson Lane, replacing it with a pedestrian-only green link. After following the alignment of the Sydney Water easement, the proposed street continues east along the northern boundary of the site and then through 888 Bourke Street to connect with O'Dea Avenue. The proposed new street is shown in orange and the proposed pedestrian link is shown in dashed green in Figure 4.
45. This street network provides vehicular access and public street frontage to all three sites in the block, access to the Sydney Water asset and connectivity between Bourke Street and O'Dea Avenue. It also allows the subject site and the two remaining undeveloped sites in the block, 890-898 Bourke Street and 888 Bourke Street, to develop independently of one another.
46. The street network will also discourage through traffic through a left in/left out arrangement at the intersections between the new street and O'Dea Avenue and the new street and Bourke Street.

47. The removal of the connection to McPherson Lane will remove potential future routes for through traffic to bypass higher order, busier roads and use the lower order streets such as McPherson Lane and Merton Street which are not suited to high volumes of traffic. As such, the residential amenity of these streets will be maintained.
48. It is proposed to amend relevant figures and maps in Sydney DCP 2012 to reflect the proposed street network consistent with the master plan. A new site specific section in Sydney DCP 2012, at Attachment B, will contain plans illustrating the future access and circulation arrangement for vehicles and pedestrians.

Built form

49. Sydney LEP 2012 and Sydney DCP 2012 currently contain a height of building control across the entire site of 15 metres and 4 storeys respectively.
50. The detailed urban design study undertaken by the City in collaboration with JQZ and their consultant team established a number of urban design principles. Detailed envelope testing was undertaken against these principles to establish appropriate bulk and scale and address solar access requirements. The principles are described below and discussed in detail in the Urban Design Report at Attachment C.
51. Broadly, the draft controls provide a transition of building heights from the taller buildings of the Lachlan Precinct (up to 20 storeys) and the Emerald Park development (up to 12 storeys plus attic) to the north and the lower scale one and two storey dwellings of the Zetland Estate Conservation area to the south.
52. The draft controls also achieve an appropriate transition by locating taller buildings of 12 and eight storeys in the north-east and providing low scale two and three storey buildings along the south and west boundary of the site. Figure 5 shows the proposed building heights.
53. By locating taller buildings adjacent to Emerald Park and lower scale buildings adjacent to the rear of dwellings on Elizabeth Street and Merton Street, the built form outcome integrates with existing development and respects the character and significance of the Zetland Estate Conservation Area.
54. The through site green link divides the site into two separate blocks. These two blocks can be developed separately, with distinct building typologies and architectural characters: the north-eastern block to integrate with the taller, larger scale character of Emerald Park; and the south-western block to integrate with the lower scale character of the conservation area dwellings and provide a pedestrian scale to McPherson Lane
55. Detailed overshadowing and view analysis in support of the proposed controls is provided in the Urban Design Study report at Attachment C.
56. The proposed building envelopes were modelled to test compliance with solar access and overlooking provisions of the Residential Flat Design Code and Sydney DCP 2012.

57. In particular, solar access was tested for the rear private open spaces of dwellings fronting Merton Street and Elizabeth Street which in some cases have limited dimensions and are already overshadowed. By restricting development to three storeys around the west and south boundary of the site, and providing a minimum setback to McPherson Lane including footpath widening of 4.3 metres, a minimum of two hours solar access in mid-winter can be achieved in these private open spaces.
58. The proposed building envelopes in the north of the site step down to eight and six storeys at the boundary with Emerald Park. This allows the Emerald Park communal open space and pool to achieve a minimum two hours solar access in mid-winter and more solar access at other times of the year.
59. It should be noted that future development on the site will be subject to a development application and compliance with relevant solar access provisions in Sydney DCP 2012 and the Residential Flat Design Code will need to be demonstrated at this stage.
60. The proposed lower scale two storey buildings fronting McPherson Lane serve as a buffer between dwellings backing on to McPherson Lane and the higher scale development in the north eastern part of the site.
61. The Urban Design Study, at Attachment C, contains 3D renderings of the building envelopes taken from McPherson Lane and this illustrates that from ground level the two storey building blocks the view of the taller buildings further to the east.
62. It is proposed to amend both Sydney LEP 2012 and Sydney DCP 2012 to reflect the proposed building heights. The Planning Proposal, at Attachment A, contains the proposed amendments to the height in metres map in Sydney LEP 2012 and the draft DCP amendment at Attachment B contains a new site specific height map.

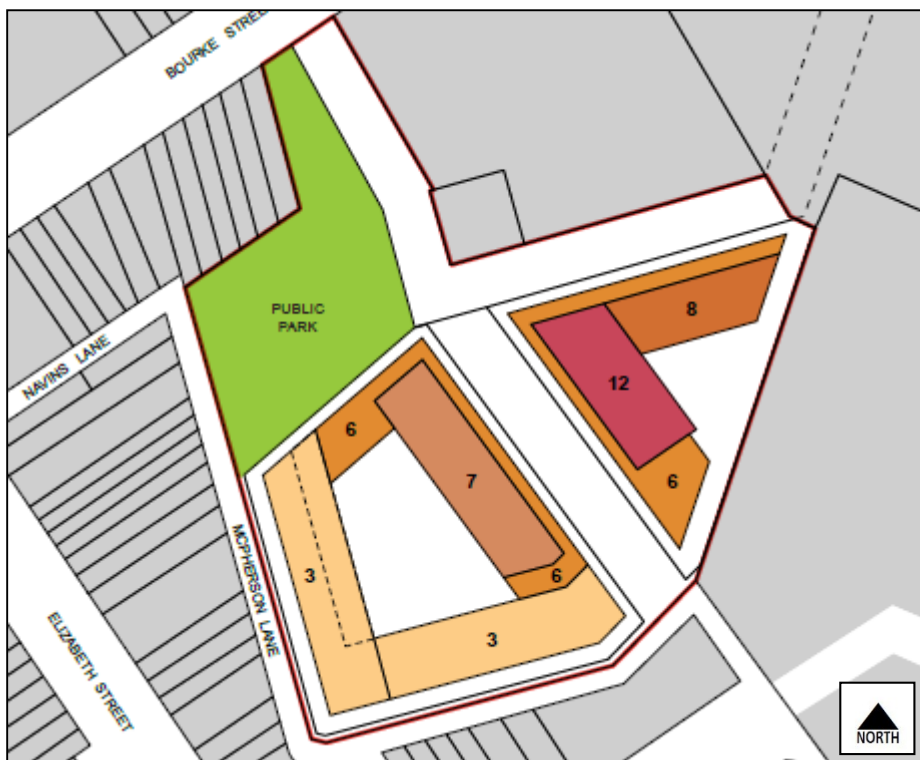


Figure 5: Proposed building height in storeys

Floor space ratio

63. Under Sydney LEP 2012, the site has an FSR control of 2:1 comprising a 'base' FSR of 1.5:1 and an additional 0.5:1 FSR subject to the provision of 'community infrastructure'.
64. The proposed building envelopes indicate the maximum achievable FSR is approximately 1.75:1. The Planning Proposal, at Attachment A, therefore seeks to amend the controls under Sydney LEP 2012 to reflect this achievable FSR.
65. It is proposed to retain the 'base' FSR of 1.5:1 while reducing the additional FSR achievable subject to provision of 'community infrastructure' from 0.5:1 to 0.25:1.
66. JQZ intend to develop a portion of the basement car park, equivalent to 0.25:1, for a commercial storage premises or another appropriate commercial use. This development would be accommodated solely within the basement and would not result in an increase of the building envelopes set out in the master plan.
67. To accommodate this potential use, the Planning Proposal at Attachment A seeks to include a new clause in Sydney LEP 2012 allowing an additional 0.25:1 FSR for 'commercial premises', provided that this is accommodated solely within the basement. This further 0.25:1 FSR would be in addition to the 1.75:1 FSR discussed above.
68. Design excellence provisions would continue to apply to the site under Sydney LEP 2012. Under this clause, an additional 10% height or FSR may be achieved where a competitive design process is undertaken and design excellence is demonstrated.

Detailed controls

69. The draft DCP amendment, at Attachment B, includes a new specific section for the site. This introduces detailed provisions and maps which will facilitate realisation of the master plan.
70. These provisions and maps address detailed design issues including design of the public domain, building typology, private and public setbacks, street wall heights, vehicle and pedestrian access and circulation and land dedication.
71. Indicative cross sections are also included and provide guidance on the design of key public spaces including the park and the publicly accessible through site link.

Summary of proposed changes to controls

72. In summary, the detailed urban design analysis and testing undertaken result in a revised public domain layout and building envelopes that balance redevelopment of the site, public and private amenity and the surrounding context.
73. Proposed amendments to Sydney LEP 2012, as sought by the Planning Proposal at Attachment A, are:
 - (a) Changes to the height of building map from a site-wide 15 metre control to heights ranging from 3 metres (for the park and street) to 42 metres;

- (b) Change to the FSR map to reduce the FSR achievable subject to the provision of community infrastructure from 0.5:1 to 0.25:1, effectively reducing the FSR from 2:1 to 1.75:1; and
 - (c) A new clause to allow an additional FSR of 0.25:1, in addition to the 1.75:1 discussed above, provided the additional floorspace is for the purpose of 'commercial premises' to be accommodated solely in the basement.
74. Proposed amendments to Sydney DCP 2012, as sought by the DCP amendment at Attachment B, are:
- (a) A new site-specific section in Part 6 of the DCP which provides detailed provisions guiding the future design of the public domain and built form including height in storeys ranging from three to 12, a new park of 2,650 square metres, a 14 metre wide green link and a 12 metre wide street; and
 - (b) Amendments to existing figures and maps to reflect the new site specific provisions.

Strategic Alignment - Sustainable Sydney 2030 Vision

75. *Sustainable Sydney 2030* is a vision for the sustainable development of the City to 2030 and beyond. It includes 10 strategic directions to guide the future of the City, as well as 10 targets against which to measure progress. The Planning Proposal and amendment to Sydney DCP 2012 are aligned with the following strategic directions and objectives:
- (a) Direction 4 - A City for Walking and Cycling – Redevelopment of the site will allow for the delivery of a new internal street, pedestrian and cycle links and public open space. This network will enhance pedestrian activity and allow for greater permeability through the site. This will encourage more trips by active transport.
 - (b) Direction 8 - Housing for a Diverse Population – Redevelopment of the site provides an opportunity to deliver a range of residential development in close proximity to employment opportunities and social and public transport infrastructure. Detailed controls for the site specify a range of dwelling types and sizes which will contribute to diverse housing options. The Green Square Affordable Housing Program will continue to apply to the site.
 - (c) Direction 9 - Sustainable Development, Renewal and Design – The proposed planning controls are based on principles for sustainable development. These include provision of a 'fine grain' urban layout to maximise accessibility and legibility, built form that responds to the surrounding context, a high quality public domain and high quality and flexible public open space. The design excellence provisions in Sydney LEP 2012 will continue to apply to the site and will ensure a high quality architectural outcome.

Social / Cultural / Community

76. The Planning Proposal and DCP amendment will provide greater certainty to the local community and the landowner by clearly establishing the City's intended outcome for the site.

77. Positive implications for the local community include significant upgrades to the public domain including a new street and pedestrian links and a new local park. These new public domain elements will allow for greater connectivity through the site to local attractors including Mary O'Brien Park, the Green Square train station and the future Green Square Town Centre.
78. The Green Square Affordable Housing levy will continue to apply to the site under Sydney LEP 2012. Assuming full development of the site in accordance with the draft controls, a monetary contribution of approximately \$4.2 million (at current rates) towards the provision of affordable housing in Green Square will be secured, equivalent to approximately 18 affordable housing units.

RELEVANT LEGISLATION

79. *Environmental Planning and Assessment Act 1979* and *Environmental Planning and Assessment Regulations 2000*.

CRITICAL DATES / TIME FRAMES

80. Should Council and the CSPC endorse the Planning Proposal for exhibition and consultation, it would be forwarded to the Minister for Planning in accordance with Section 56 of the *Environmental Planning and Assessment Act 1979*. The Minister would then provide a Gateway Determination to either proceed, with or without variation, to consultation, or to resubmit the Planning Proposal.
81. The typical timeframes, once a Gateway Determination has been made, are 21 days for public authority consultation and 28 days for public exhibition. The Gateway Determination would also specify a date by which the local environmental plan amendment is to be finalised.
82. Following public authority consultation and public exhibition of the Planning Proposal and draft DCP amendment, the outcomes will be reported to Council and the CSPC.
83. In October 2012, the then Minister for Planning and Infrastructure delegated his plan-making functions to councils to improve the local plan-making process. In December 2012, Council resolved to accept the delegation.
84. Council needs to receive an authorisation on a case by case basis to exercise the delegation. The authorisation is given through the Gateway process and means a faster plan-making process with less involvement of the Department of Planning and Environment. This report recommends the CSPC note a report to Council's Planning and Development Committee on 2 December 2014 which seeks Council authority to exercise this delegation.

PUBLIC CONSULTATION

85. The public exhibition process and requirements will be informed by the Gateway Determination. Subject to the Gateway Determination, it is proposed to publicly exhibit the Planning Proposal and the DCP amendment concurrently for a minimum period of 28 days with notification:
 - (a) On the City of Sydney website;
 - (b) In newspapers that circulate widely in the area; and

- (c) In writing to owners, adjoining and nearby landowners, relevant community groups and stakeholders and the community in the vicinity of the site.
86. A full package of exhibition material will be made available for viewing on the City of Sydney website, at the One Stop Shop at Town Hall House and at the Tote Building in Green Square.

GRAHAM JAHN, AM

Director City Planning, Development and Transport

(Tim Aldham, Specialist Planner)