

ITEM 8. POST EXHIBITION - 904 BOURKE STREET ZETLAND - PLANNING PROPOSAL AND DRAFT SYDNEY DEVELOPMENT CONTROL PLAN 2012 AMENDMENT**FILE NO: S113327****SUMMARY**

This report informs the Central Sydney Planning Committee (CSPC) of the outcomes of the public exhibition of draft planning controls for 904 Bourke Street, Zetland (the site). The draft controls comprise a Planning Proposal and an associated draft DCP amendment. The report recommends that the CSPC approve the finalised Planning Proposal, at Attachment A, and note the finalised draft DCP amendment, at Attachment B.

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 south of the Lachlan Precinct. The site is 400 metres north of the Green Square train station and the Green Square Town Centre. Redevelopment of the site offers a significant opportunity to create a residential development with access to goods, services, jobs and transport. It is consistent with Direction 2.2 of the NSW Government's 'A Plan for Growing Sydney' which seeks to accelerate urban renewal across Sydney and provide homes closer to jobs. It also provides a significant opportunity to contribute to the vision and targets of *Sustainable Sydney 2030* by delivering approximately 400 new dwellings, a public park of approximately 2,700 square metres, a new public street and a landscaped pedestrian link providing connectivity to adjacent sites.

In December 2014, Council and the Central Sydney Planning Committee (CSPC) resolved to publicly exhibit draft planning controls to facilitate the redevelopment of the site. The resolutions of Council and the CSPC are at Attachment E. The draft controls comprise a Planning Proposal to amend *Sydney Local Environmental Plan 2012* (Sydney LEP 2012) and a draft amendment to *Sydney Development Control Plan 2012* (Sydney DCP 2012).

The exhibited draft controls were developed in close consultation with the landowner, JQZ, and their consultant team. They provide a balance between development viability and a sensitive and appropriate built form outcome. They were informed by the findings of an urban design study undertaken by the City, at Attachment G, and input from the Design Advisory Panel.

The exhibited draft controls provide for a new public park, a new street providing vehicular access to the site from Bourke Street and a green link for pedestrians and cyclists. They also allow for 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.

Key proposed 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 includes 0.5:1 community infrastructure floorspace) to 1.75:1 to more accurately reflect the residential development capacity of the site. It is also proposed to include a clause in Sydney LEP 2012 to allow an additional 0.25:1 FSR for appropriate commercial uses to be contained wholly 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 shown at Attachment B.

On 3 February 2015, the Department of Planning and Environment issued a Gateway Determination allowing public exhibition of the Planning Proposal. The Gateway Determination is at Attachment F and authorises Council to liaise directly with Parliamentary Counsel to legally draft and make the local environmental plan under delegation, to give effect to the Planning Proposal.

The Planning Proposal and draft DCP amendment were exhibited for 28 days from 17 February 2015 to 16 March 2015. The City received a total of 14 submissions. Nine of these submissions were from local residents and raised matters relating to building heights, traffic impacts and residential amenity and privacy. Submissions received from Sydney Water, Roads and Maritime Services, Transport for NSW and Sydney Airport raised no objections or concerns with the draft controls. A submission was also made by Urbis, on behalf of the owner of the site JQZ, recommending various amendments to the draft controls. A summary of all submissions and responses from the City is at Attachment C.

As a result of matters raised in submissions and further detailed internal review, some changes are proposed to the exhibited draft controls. The recommended changes are minor and do not change the overall objectives or intent of the controls and therefore do not require re-exhibition. A list of all changes proposed to the exhibited controls is at Attachment D and notable changes are discussed in the body of this report.

If approved, the City will request Parliamentary Counsel commence the preparation of the local environmental plan amendment. The local environmental plan will come into effect when it is published on the NSW Legislation website. The development control plan will come into effect at the same time.

RECOMMENDATION

It is resolved that:

- (A) the Central Sydney Planning Committee note the matters raised in response to the public exhibition and public authority consultation of *Planning Proposal: 904 Bourke Street, Zetland* and draft *Sydney Development Control Plan 2012 – 904 Bourke Street, Zetland Amendment*, as shown at Attachment C to the subject report;

- (B) under section 39 (1) of the *City of Sydney Act 1988*, the Central Sydney Planning Committee approve *Planning Proposal: 904 Bourke Street, Zetland* as shown at Attachment A to the subject report, to be made as a local environmental plan under section 59 of the *Environmental Planning and Assessment Act 1979*;
- (C) the Central Sydney Planning Committee note the recommendation to Council's Planning and Development Committee on 12 May 2015 that Council approve draft *Sydney Development Control Plan 2012 – 904 Bourke Street, Zetland Amendment*, as shown at Attachment B to the subject report, noting that the approved development control plan will come into effect on the date of publication of the subject local environmental plan; and
- (D) authority be delegated to the Chief Executive Officer to amend the Planning Proposal to correct any minor errors or omissions.

ATTACHMENTS

- Attachment A:** Planning Proposal: 904 Bourke Street, Zetland. Dated May 2015. Post exhibition changes marked in red.
- Attachment B:** Draft Sydney Development Control Plan 2012 – 904 Bourke Street, Zetland Amendment. Dated May 2015. Post exhibition changes marked in red.
- Attachment C:** Summary of submissions and responses from the City of Sydney
- Attachment D:** List of all post-exhibition changes to the Planning Proposal and draft Development Control Plan amendment
- Attachment E:** Resolution of Council of 8 December 2014 and Resolution of the Central Sydney Planning Committee of 4 December 2014
- Attachment F:** Gateway Determination. Dated 3 February 2015
- Attachment G:** 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 a post-exhibition Planning Proposal relating to 904 Bourke Street in Zetland. The report also recommends that the CSPC note a supporting draft DCP amendment. The Planning Proposal, at Attachment A, seeks to amend *Sydney Local Environmental Plan 2012* (Sydney LEP 2012). The draft DCP amendment, at Attachment B, seeks to amend *Sydney Development Control Plan 2012* (Sydney DCP 2012).
2. The draft Planning Proposal and draft DCP amendment were approved by Council and the Central Sydney Planning Committee (CSPC) for public exhibition on 8 December 2014 and 4 December 2014, respectively. The Council and CSPC resolutions are at Attachment E.
3. A Gateway Determination allowing and setting out the requirements for the public exhibition was issued by the Department of Planning and Environment on 3 February 2015. The Gateway Determination is at Attachment F.
4. The draft Planning Proposal and draft DCP amendment were publicly exhibited in accordance with the Gateway Determination from Tuesday 17 February 2015 to Monday 16 March 2015.
5. A total of 14 submissions were received. Nine submissions were from local residents, four were from public authorities and one was from Urbis on behalf of JQZ, the owner of 904 Bourke Street. A summary of all submissions, and the City's response, is at Attachment C. Key issues are discussed later in this report. A list of all post-exhibition changes to the Planning Proposal and draft DCP amendment is at Attachment D.

Site context

6. 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 in both figures.
7. The site is in the suburb of Zetland, close to the boundary with Waterloo. It is approximately 400 metres to the north east of the Green Square train station and town centre.
8. 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. Within this block, and adjoining the site to the east, is the 'Emerald Park' development which includes the recently upgraded Mary O'Brien Reserve.
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).



Figure 1: 904 Bourke Street – Context and location Plan



Figure 2: 904 Bourke Street aerial photograph

11. The site has been extensively excavated and has a gentle gradient. As a result of the excavation it is 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 of approximately eight metres in height.
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 over the site which provides access to the Sydney Water site. This 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 six metres wide.
15. There is a large Moreton Bay Fig tree 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, connecting Bourke Street with McPherson Lane;
 - (c) a three metre setback and dedication to Bourke Street; and
 - (d) a maximum building height of four 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.

Developing draft controls for exhibition

20. In early 2014, the landowner, JQZ, approached the City to discuss redevelopment and to determine the most appropriate planning pathway.
21. Group GSA, on behalf of JQZ, demonstrated that a redevelopment scheme which complied with the current height control, while delivering the required park and street, would result in development with an FSR of approximately 1.4:1. JQZ argued that this represented a substantial underutilisation of a highly accessible site capable of supporting density closer to the permissible limit of 2:1 under the current controls.
22. Between April 2014 and December 2014, the City worked with JQZ and their consultant team to prepare and test development scenarios. In September 2014, the Design Advisory Panel gave feedback on four site layout and built form options.
23. The draft controls, as discussed in detail below, reflect the preferred redevelopment outcome as determined through this process and incorporate feedback from the Design Advisory Panel.

The exhibited draft controls

24. 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.
25. 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

26. Sydney DCP 2012 currently 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

27. The location, as shown in Figure 3, provides a suitable buffer between future development and adjacent buildings, however, it has a number of disadvantages.
28. The linear shape and level changes across the site would result in the future park being narrow and sloped. This would limit future design and potential uses and the outlook onto rear fences and garages which front McPherson Lane would offer poor amenity for park users. When combined with the relatively poor solar access that would be experienced, the park would likely be underutilised and unsuccessful as a community benefit.
29. Alternative park locations were explored to achieve a better outcome. Details of these alternatives, including photographs showing the existing context, and overshadowing diagrams, are presented in the Urban Design Report at Attachment G.
30. The draft controls relocate the park to the north-west corner of the site, as shown in Figure 4. The proposed location allows a more regularly shaped park leading to greater flexibility of future design and uses. This location also receives excellent year-round solar access and is more visible, particularly from Bourke Street, resulting in greater public use.



Figure 4: Public domain layout under draft controls

31. 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, resulting in a more efficient use of the site as a whole.
32. This location still provides a buffer to dwellings which back on to the northern part of McPherson Lane and a good outlook for the two dwellings which front McPherson Lane nearest the junction with Navins Lane.
33. 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.
34. 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 three 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

35. 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.
36. This street layout was tested by Traffix Consultants on behalf of JQZ. This report is included as an appendix to the Planning Proposal at Attachment A. It 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.
37. Sydney Water has confirmed that vehicular access to their site at 900 Bourke Street via the existing easement will continue to be required. It is proposed to integrate the easement into the future public street to enable more efficient use of the land and a better urban design outcome. This approach is supported by Sydney Water.
38. The report by Traffix further concludes that the connection between the proposed street and McPherson Lane, currently shown in Sydney DCP 2012, is too constrained to allow safe pedestrian and vehicle access. It is approximately 4.4 metres wide at this point, with kerbside parking on one side.
39. It is proposed to amend the street layout to remove the connection through to McPherson Lane and replace it with a 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 green link is shown in dashed green in Figure 4.
40. This realigned street 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.
41. 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.
42. It is proposed to amend relevant figures and maps in Sydney DCP 2012 to reflect the proposed street layout. 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

43. The current height control under Sydney LEP 2012 is 15 metres. This is expressed as four storeys under Sydney DCP 2012.

44. As discussed earlier in this report, development which complies with these height controls achieves an FSR of approximately 1.4:1. Given the proximity of the site to public transport, goods and services, and the evolving character of the area, this is an inefficient use of the site.
45. The City's Urban Design Study, at Attachment G, establishes the desired principle of providing a broad transition in building heights from the taller buildings of the Lachlan Precinct (up to 20 storeys) and the Emerald Park development (12 storeys plus attic) to the north down to the one and two storeys dwellings of the Zetland Estate Conservation Area to the south.
46. The City undertook detailed testing of building envelope options to establish appropriate bulk and scale which respected the above desired principle and satisfied solar access and building separation requirements of the Residential Flat Design Code. In particular, detailed solar access testing was undertaken to ensure that the private open spaces of dwellings backing on to McPherson Lane and the communal open space and swimming pool of Emerald Park received a minimum two hours solar access in mid-winter in accordance with controls in Sydney DCP 2012.
47. Figure 5 shows proposed building heights. The site is separated into two 'blocks' by the green link, with taller buildings of 12 and eight storeys in the north-east block and a lower three storey form along the south and west boundary.
48. 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 and respect the lower scale character of the conservation area dwellings.
49. Detailed overshadowing and view analysis of the proposed building envelopes is provided in the Urban Design Study at Attachment G.
50. Future development will be subject to a development application. Compliance with relevant solar access provisions in Sydney DCP 2012 and the Residential Flat Design Code will need to be demonstrated at this stage.
51. 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 in storeys map.

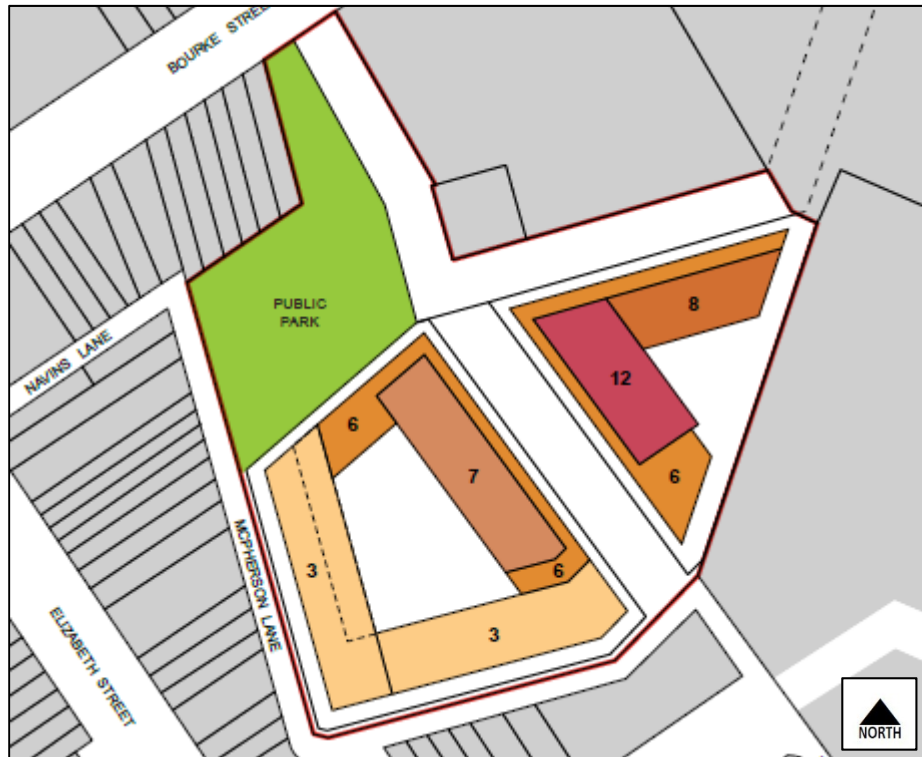


Figure 5: Proposed building height in storeys

Floor space ratio

52. Under the current 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'.
53. The preferred building envelopes, as shown in Figure 5, allow for a maximum achievable FSR of approximately 1.75:1. The Planning Proposal therefore seeks to amend the controls under Sydney LEP 2012 to reflect this achievable FSR.
54. Specifically, it is proposed to retain the 'base' FSR of 1.5:1 while reducing the additional FSR achievable for provision of 'community infrastructure' from 0.5:1 to 0.25:1, resulting in a total 1.75:1.
55. In addition to the residential floor space, JQZ proposes to develop a portion of the basement car park, equivalent to 0.25:1, for a commercial storage premises or other appropriate commercial use. This floor space would be accommodated solely within the basement and would not in any way affect the building envelopes as set out in the draft controls.
56. To accommodate this potential use, the exhibited Planning Proposal included a new clause allowing an additional 0.25:1 FSR for 'storage and/or commercial premises', if accommodated solely within the basement. As such, the exhibited Planning Proposal envisaged 1.75:1 FSR above ground for residential uses and 0.25:1 FSR in the basement for storage and/or commercial uses only.
57. Since public exhibition, JQZ have developed additional concepts for this floor space with possible broader implications. This issue is discussed in further detail later in this report.

Detailed design controls

58. The draft DCP amendment, at Attachment B, includes a new specific section for the site. This introduces detailed provisions and maps, addressing issues such as building typology, setbacks, land dedication and vehicle and pedestrian access.

Public exhibition

59. The Planning Proposal and draft DCP amendment were exhibited from 17 February 2015 to 16 March 2015.
60. Exhibition material was made available for viewing at the One Stop Shop, the Green Square Neighbourhood Service Centre and on the Sydney Your Say website. The City sent approximately 750 letters to landowners and residents to notify them of the public exhibition.
61. The exhibition was also advertised in the Southern Courier, the Central Sydney magazine, The Sydney Morning Herald, and through the City's website and the Green Square Community and Sydney Your Say e-newsletters.
62. The City also consulted Transport for NSW, Roads and Maritime Services (RMS), Office of Environment and Heritage, Sydney Water and Sydney Airport, as required by the Gateway Determination.
63. A total of 14 submissions were received during the exhibition period from Transport for NSW, RMS, Sydney Water, Sydney Airport, Urbis on behalf of JQZ and nine individual local residents. All of the issues raised in submissions and the City's response are summarised at Attachment C, with detailed discussion of key issues below.

Public authority submissions

64. Submissions from Transport for NSW, RMS, Sydney Water and Sydney Airport provide some recommendations for matters to be addressed at the development application stage, however, raised no objections to, or concerns with, the Planning Proposal and draft DCP amendment.

Local resident submissions

65. Four of the nine submissions from local residents express support for the draft controls. These submissions indicate particular support for the relocated park and the principle of locating taller buildings in the centre of the site away from neighbouring low scale dwellings.
66. These submissions also express general support for redevelopment of the site to replace the existing warehouse development which offers poor outlook and amenity.
67. The other five local resident submissions raise differing concerns, as detailed and discussed below.

Building height increase

68. Four submissions express concern that the increase in permissible building heights from 15 metres to 42 metres (or four storeys to 12 storeys) is excessive and not in keeping with the adjacent Zetland Estate Heritage Conservation Area.
69. Urban design testing undertaken by both JQZ and the City illustrates that development within the existing height control achieves a maximum of approximately 1.4:1 FSR. Development at this density represents a significant underutilisation of a site with access to existing and future transport, goods and services.
70. The City undertook the Urban Design Study to establish appropriate building heights allowing greater floorspace while providing a suitable transition to the adjacent conservation area dwellings, as detailed earlier in this report.
71. Overall, the draft building heights allow for adequate solar access to, and a reasonable outlook from, surrounding dwellings, including those in the conservation area. Future development will be subject to a detailed development application process which will assess in more detail overshadowing impacts.

Overlooking and amenity

72. Four submissions express concern that the development will compromise the existing privacy and amenity experienced by neighbouring residents.
73. A key consideration when determining building footprints and heights at the master planning stage was the potential impact on the privacy, security and amenity of surrounding development. Recommended building separations as set out in the Residential Flat Design Code and Sydney DCP 2012 were used to assess these impacts.
74. Taller buildings permitted under the draft controls would be located in the centre of the site. The tallest, at 12 storeys, is approximately 84 metres from the rear boundary of the nearest dwellings backing onto McPherson Lane. The lower 7 storey building is approximately 43 metres from the same rear boundary at its nearest point. These distances are much greater than the recommended separations of 24 metres and 18 metres, respectively, in the Residential Flat Design Code and are therefore appropriate to address privacy and amenity concerns.
75. The draft controls permit buildings up to three storeys fronting McPherson Lane. Separation between these buildings and the rear yards of properties backing onto the lane is approximately 10 metres. The draft controls require a landscaped setback of three metres to the three storey buildings within which generous planting is to be provided. The separation, when combined with the landscaped screening, provides appropriate visual privacy to both new and existing development.
76. The exhibited draft controls allow for appropriate building separations that will protect the amenity and privacy experienced by neighbouring residents.

Increase in FSR

77. Two submissions question the increase in FSR and one questions what community benefit could be expected to offset the increase.
78. The Planning Proposal does not seek to increase the FSR control on the site. Instead, it seeks to reconfigure the FSR control to reflect the floor space achievable within the City's preferred built form outcome, as discussed earlier in this report.

Traffic and parking

79. Six submissions raise various concerns relating to traffic and parking. These include the potential for increased congestion on local streets, the potential for the new street to become a short-cut for through traffic and concern that demand for on-street parking will be exacerbated.
80. The Planning Proposal reduces the residential FSR potentially achievable. As such, the number of residential dwellings, and future residents who may use the road network and contribute to traffic congestion, will be fewer under the draft controls than under the current controls. When combined with the potentially achievable commercial floor space in the basement, the total FSR proposed is the same as under the current controls.
81. Notwithstanding this, JQZ commissioned a high level traffic and parking study to support the Planning Proposal. The study assesses the implications of the draft controls on network road capacity, finding that there would be no unacceptable impacts. A more detailed traffic and transport study will be required at the development application stage.

Landowner submission

82. Urbis made a submission on behalf of JQZ. Main issues raised in this submission are discussed below.

Building heights

83. The submission contends that the 12 storey tower in the draft controls can be increased up to 15 storeys without adverse impacts on the surrounding locality.
84. As part of the master planning process to determine appropriate draft planning controls, the City tested a variety of built form outcomes. This included options with more than one tower and with building heights of more than 12 storeys.
85. Each option was modelled to provide an understanding of the potential amenity impacts, to what degree it respected the general principle of providing a transition in height from north to south and the scale and bulk as perceived from the edges of the site.
86. The building heights in the exhibited draft controls achieve a balance between these considerations while still allowing for a reasonable amount of developable floor space. No change to the exhibited building heights is proposed.

Green link

87. The submission requests a number of changes to the draft controls as they relate to the green link. It requests a reduction in width from 14 metres to 12 metres, removal of the requirement for dedication of the upper stratum of the land to Council and for it to be described as a 'through site link' rather than a green link.
88. The intention of the green link is to provide not only a connection through the site to surrounding sites, but also a secondary public open space to the main park with generous soft landscaping. The term green link is used as it best describes this desired future use and character.
89. While it is noted that a reduction in width from 14 metres to 12 metres would still allow for adequate separation between buildings fronting the link, this reduction would lead to a loss of 15 per cent of the total area of the link. Given the important function as a secondary public open space, this reduction is not supported.
90. The City's preferred outcome is for the upper stratum of land to be dedicated to Council to enable an integrated car park to serve the development underneath. Dedication of land will enable the City to manage the design and maintenance of the green link and will ensure that it appears as public space and does not become de-facto privatised space.
91. Since the public exhibition, JQZ have undertaken further feasibility and high level design analysis of how to utilise the basement commercial floor space allowed by the Planning Proposal.
92. JQZ have indicated that they wish to pursue a scheme which includes commercial units situated in the basement and pedestrian access provided via an 'opening' within the green link. The design is not fully resolved and still at a conceptual stage.
93. In the absence of a more detailed design, the City is unable to assess the appropriateness of this outcome. The City's preferred outcome is for a green link over the entire area, as indicated in the draft DCP amendment figures and provisions.
94. However, in order to provide a degree of flexibility, and not unreasonably restrict a potentially suitable future design, it is recommended that the exhibited draft controls be amended to potentially allow for a future opening in the green link. Proposed amendments are discussed later in this report.

Landscaped setbacks

95. The submission contends that the requirement for a three metre landscaped setback where dedication for a new road and or footpath is also required is unreasonably restrictive and should be deleted.
96. The draft DCP amendment provides for private landscaped setbacks across the site to achieve a number of important objectives. These include visual relief, a pleasant and green outlook, privacy for existing and future residents, adequate building separations and an improved pedestrian experience.

97. A width of three metres is the minimum required to accommodate planting which is able to reach an appropriate height to offer screening and privacy to new and neighbouring existing properties. Reducing this setback would restrict planting opportunities, prevent these objectives being achieved, and result in privacy and amenity impacts. A reduction in landscape setback is not supported, however, an amendment to the exhibited draft controls relating to footpath widening along McPherson Lane is proposed. This proposed amendment is discussed later in this report.

Building typology

98. The submission contends that the draft DCP amendment 'Building Types' figure is unnecessary and unreasonably restrictive and should be deleted.
99. This figure specifies locations where specific building types, such as apartments, maisonettes or duplexes, should be provided. Similar figures apply in other urban renewal sites including Epsom Park, Ashmore and North Rosebery and encourage provision of a diverse range of housing options and greater social diversity.
100. This type of requirement is not overly restrictive and it is recommended that the figure is retained in the draft DCP amendment.

Summary of post-exhibition changes

101. A table listing all recommended changes to the exhibited draft controls is at Attachment D. The majority of these changes are to the draft DCP amendment, with changes to the Planning Proposal limited to updates for clarity and accuracy.
102. The changes result from submissions and the City's own review, are minor in nature and do not alter the intent or objectives of the exhibited draft controls. Notable changes are discussed in the following paragraphs.
103. It is proposed to amend provisions in the draft DCP amendment to allow for an 'opening' within the green link to provide pedestrian access to commercial floor space at basement level, only if it does not detrimentally affect the primary function of the link as a public open space and connection.
104. It is also proposed to amend the draft DCP amendment to reduce the land dedication for footpath widening along McPherson Lane from 1.8 metres to 1.2 metres.
105. During the public exhibition, the City undertook further detailed analysis of existing and future setbacks along this lane. An existing 0.8 metre wide footpath along the lane means that in order to achieve a reasonable future footpath width of 2 metres, only 1.2 metres of land dedication is required, not 1.8 metres as envisaged in the exhibited controls.
106. The proposed reduction of 0.6 metres will result in new buildings being 0.6 metres closer to existing properties backing onto McPherson Lane, however, the average separation between existing and future buildings of approximately 10.2 metres is still considered sufficient to allow adequate privacy, amenity and solar access to existing and future dwellings.

107. Other changes to the draft DCP amendment include minor edits to correct an error in street frontage height mapping on McPherson Lane and re-ordering of provisions and figures to provide greater consistency, clarity and accuracy.
108. Other changes to the Planning Proposal include additional wording to clarify the calculation of future Design Excellence floor space, additional wording to clarify that additional floor space for commercial or storage uses in the basement is subject to the provision of community infrastructure and minor edits to language and expression.
109. The recommended post-exhibition changes are highlighted in the Planning Proposal and draft DCP amendment at Attachment A and B, respectively, and listed at Attachment D.

KEY IMPLICATIONS

Strategic Alignment - Sustainable Sydney 2030 Vision

110. *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 include the delivery of a new internal street, pedestrian and cycle links and public open space. These upgrades will create an environment which encourages walking and cycling and results in a greater active transport mode share.
 - (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 of 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. 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

111. 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.

112. Positive implications for the local community include significant upgrades to the public domain, including a new street, a new local park and new pedestrian connections. 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.
113. 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

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

CRITICAL DATES / TIME FRAMES

115. The Gateway Determination requires that the amendment to Sydney LEP 2012 is completed by 8 February 2016.
116. However, the owner of 904 Bourke Street has indicated their intention to commence redevelopment of the site at the earliest opportunity. Amending Sydney LEP 2012 and Sydney DCP 2012 is a critical first step in this process.
117. To improve the plan-making timeframe, the then Minister for Planning delegated his plan making powers under section 59 of the *Environmental Planning and Assessment Act 1979* to Council in December 2012.
118. The Gateway Determination authorises Council to exercise this delegation and liaise directly with Parliamentary Counsel to draft and make the local environmental plan. If the Planning Proposal is approved by Council and the CSPP, the City will commence this process. Once this process is complete and the plan is made, the amendment to Sydney LEP 2012 will come into effect when published on the NSW Legislation website.
119. If approved by Council, the amendment to Sydney DCP 2012 will come into effect on the same day as the amendment to Sydney LEP 2012.

GRAHAM JAHN, AM

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