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**PLANNING PROPOSAL:
12-40 ROSEBERY AVENUE AND
108 DALMENY AVENUE, ROSEBERY**



Planning Proposal

12-40 Rosebery Avenue and 108 Dalmeny Avenue,
Rosebery

February 2016

Sydney 2030 Green/Global/Connected

INTRODUCTION

This Planning Proposal explains the extent of, and justification for, proposed amendments to *Sydney Local Environmental Plan 2012* (Sydney LEP 2012) as it applies to 12-40 Rosebery Avenue and 108 Dalmeny Avenue, Rosebery (the site). This Planning Proposal has been prepared by the City of Sydney following a request by the landowner to amend the controls and subsequent analysis and testing undertaken by the City.

Specifically, this Planning Proposal seeks to amend the building height and FSR controls for the site. The current maximum height control is between 18 metres and 22 metres and it is proposed to amend this to up to 29 metres. The current maximum FSR control (excluding any design excellence floorspace) is 1.5:1 and it is proposed to amend this to 2:1. The proposed amendments will facilitate redevelopment of the site to provide residential uses including a diversity of housing types and sizes, a childcare centre and an improved and more efficient urban form. More detailed planning controls will be contained in an amendment to *Sydney Development Control Plan 2012* (Sydney DCP 2012).

This Planning Proposal has been prepared in accordance with Section 55 of the *Environmental Planning and Assessment Act 1979* (the Act) and guidelines published by the Department of Planning and Environment including 'A guide to preparing planning proposals' and 'A guide to preparing local environmental plans'.

BACKGROUND

Site identification

The site comprises three separate lots as follows and as illustrated in Figure 1:

- Lot 2 DP 229802 (known as 12-20 Rosebery Avenue)
- Lot 100 DP 730818 (known as 22-40 Rosebery Avenue)
- Lot 1 DP 311533 (known as 108 Dalmeny Avenue)

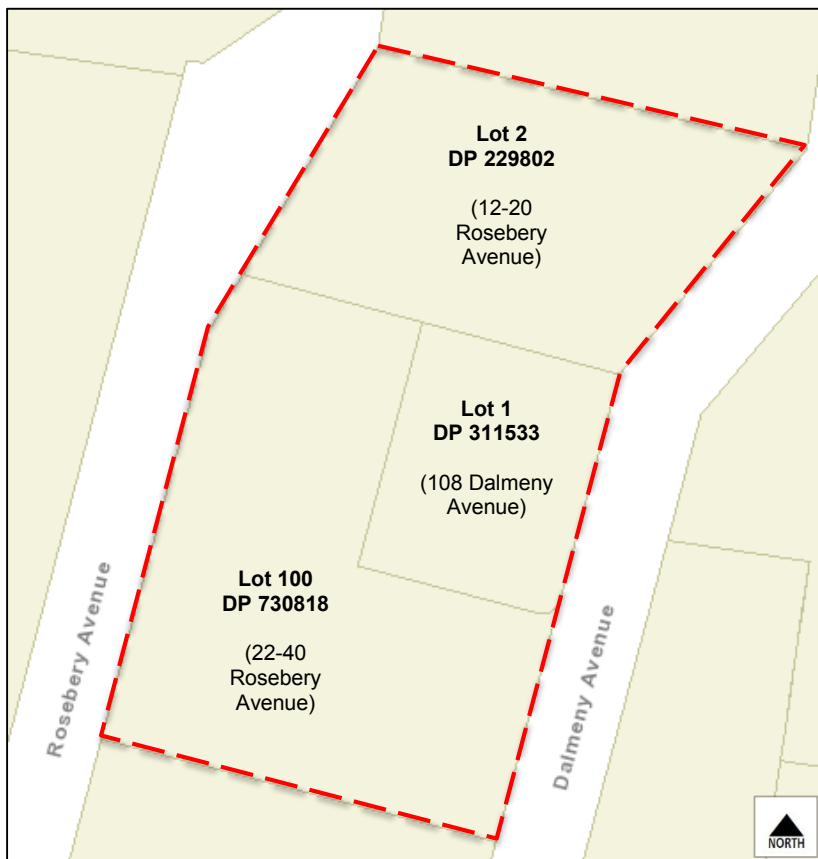


Figure 1: Land affected by this Planning Proposal

Site location

The site is located in the southern part of the City of Sydney Local Government Area approximately 1.2 kilometres to the south east of the Green Square Station and Green Square Town Centre. It is within the North Rosebery Precinct which forms part of the broader Green Square Urban Renewal Area. It is situated between the Epsom Park precinct, to the north, and the Rosebery Residential Estate, to the south.

Major nearby roads include the Eastern Distributor to the east, Botany Road to the west and Gardeners Road to the south. The site itself fronts Rosebery Avenue to the west and Dalmeny Avenue to the east and is within a larger block bound by Epsom Road to the North and Kimberley Grove to the south.

A location plan is at Figure 2.

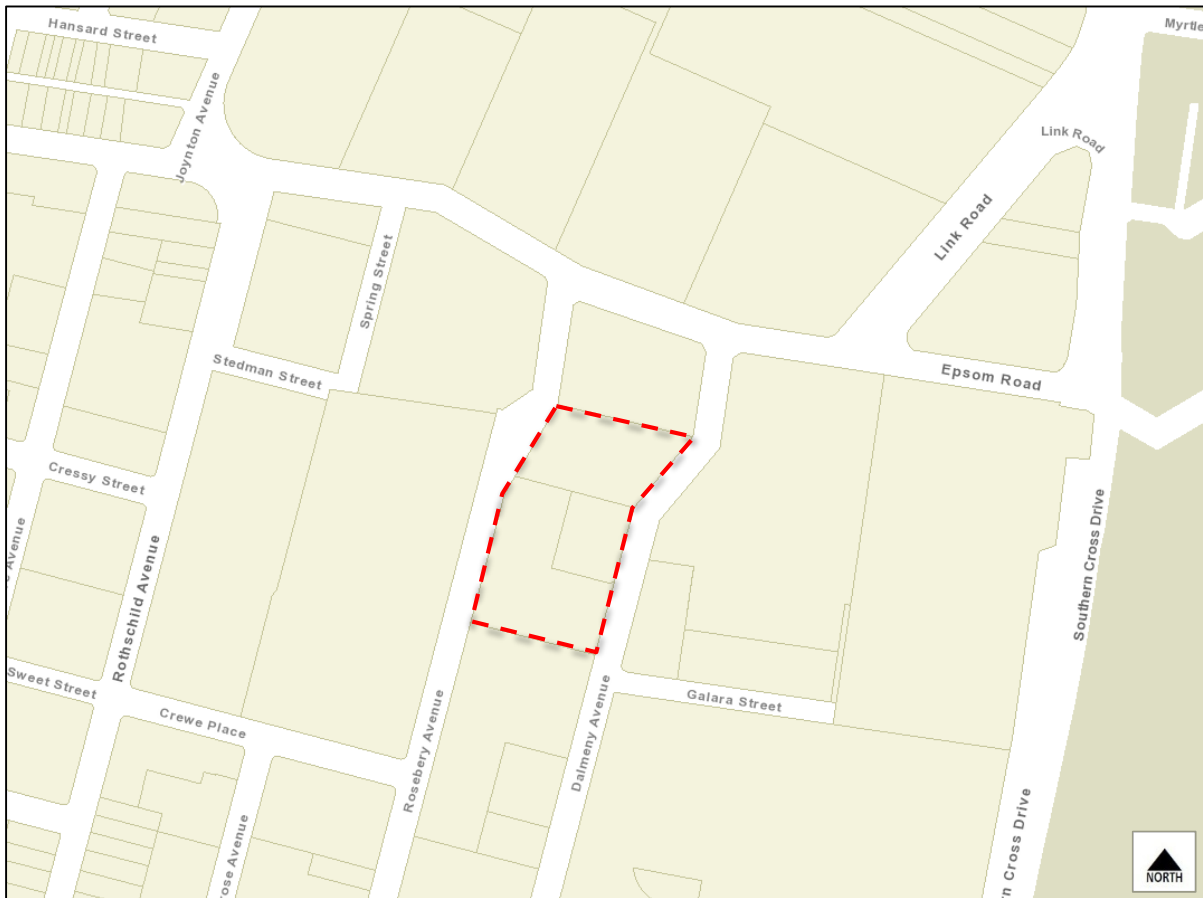


Figure 2: Location plan

Site characteristics and context

The site is a regular shape, is relatively level and has an area of 15,198 square metres. It is currently occupied by several one and two storey light industrial commercial buildings, concrete hardstand space used for parking and loading and some minor landscaping.

The site is within the North Rosebery Precinct. This precinct is in transition from light industrial and commercial uses including warehouses and office buildings, to a predominantly residential uses.

Adjoining the site directly to the north at 57-65 Epsom Road is the Optus Sydney Technical Centre. Development on this site comprises a part three storey commercial building fronting Epsom Road and a part 2 storey warehouse and workshop on the southern part.

To the east of the site is 67-97 Dalmeny Avenue. This site, along with the site to its east at 87-103 Epsom Road are the subject of several development applications for staged redevelopment for residential and mixed uses. The site has been largely cleared and construction has commenced on the first stages.

Adjoining the site directly to the south at 42-60 Rosebery Avenue and 94-102 Dalmeny Avenue is a consolidated landholding being redeveloped by Meriton for residential uses including a child care centre.

To the west of the site is 5-13 Rosebery Avenue and 25-55 Rothschild Avenue. A development application for the staged redevelopment of this large consolidated landholding is currently being assessed by the City of Sydney. At present this site houses a variety of commercial buildings including two storey warehouses and a ten storey office building but will ultimately be redeveloped for primarily residential uses. To the north of this site, at 1-3 Rosebery Avenue is a part one and part two storey commercial premises which houses office uses and a commercial laundry operation. Part of the building on this site is listed as a heritage item in Sydney LEP 2012.

As noted above, many of the surrounding sites are currently under redevelopment for primarily residential uses. Below is a summary of major development applications of note on these sites.

- **5-13 Rosebery Avenue:** Stage 1 DA (D/2014/1962) currently under assessment. Mixed use development comprising 14 buildings with residential units, retail, child care centre and car parking.
- **42-60 Rosebery Avenue and 94-102 Dalmeny Avenue:** Stage 2 DA (D/2014/526) approved 11 September 2014. Residential development comprising 236 dwellings across three buildings of up to seven storeys plus a child care centre.
- **67-95 Dalmeny Avenue:** Stage 1 DA (D/2008/102) approved 30 July 2010 for 544 dwellings across six buildings of up to 13 storeys. Stage 2 DAs approved - D/2011/1202 for 106 dwellings approved on 2 April 2012 and D/2012/1422 for 118 dwellings approved on 26 February 2013.

Figures 3 to 6 show existing development on the site and figures 7 to 13 show development on surrounding sites.

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Figure 3: Northern part of the site as viewed from Rosebery Avenue



Figure 4: Southern part of the site as viewed from Rosebery Avenue

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Figure 5: Southern part of the site as viewed from Dalmeny Avenue



Figure 6: Northern part of the site as viewed from Dalmeny Avenue

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Figure 7: Optus Sydney Technical Centre viewed from Epsom Road



Figure 8: Residential development under construction at 67-97 Dalmeny Avenue viewed from Dalmeny Avenue

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Figure 9: Residential development under construction at 67-97 Dalmeny Avenue viewed from Dalmeny Avenue



Figure 10: Residential development under construction at 42-60 Rosebery Avenue and 94-102 Dalmeny Avenue

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Figure 11: Light industrial buildings at 5-13 Rosebery Avenue



Figure 12: Office building at 5-13 Rosebery Avenue

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Figure 13: Commercial laundry operation at 1-3 Rosebery Avenue. Residential building at 5-9 Rothschild Avenue in background

Current planning controls

Sydney LEP 2012 contains the zoning and principal development standards for the site.

The site is zoned B4 Mixed Use. The objectives of the zone are to provide a mix of land uses that integrates business, office, residential, retail and other development in accessible locations so as to maximise sustainable transport options, including walking and cycling. The zoning permits a broad range of uses including the existing and proposed uses. As such, this Planning Proposal does not seek to change the zoning.

Three height controls apply to the site. A 22 metre maximum applies to 12-20 Rosebery Avenue and an 18 metre maximum applies to both 108 Dalmeny Avenue and the majority of 22-40 Rosebery Avenue. A 3 metre height limit applies to a three metre wide strip along the southern boundary of 22-40 Rosebery Avenue. This control reflects the location of a future public street. An extract from the current Height of Buildings map in Sydney LEP 2012 is at Figure 14.

The site has an FSR of 1:1 reflecting the current industrial and commercial uses. It is eligible for additional floorspace under clauses 6.14 and 6.21 of Sydney LEP 2012, subject to delivering community infrastructure and demonstrating design excellence respectively. Table 1 summarises the range of FSR available on the site and an extract from the current FSR map in Sydney LEP 2012 is at Figure 15.

	Additional	Total FSR
FSR Map	-	1:1
Community Infrastructure (cl. 6.14)	up to 0.5:1	up to 1.5:1
Design Excellence (cl. 6.21)	up to 10%	up to 1.65:1

Table 1: Current FSR control for the site



Figure 14: Existing height in metres control for the site.



Figure 15: Existing FSR control for the site

Planning Proposal request and subsequent testing

In May 2015, JBA lodged a Planning Justification Report on behalf of Rosebery Properties Pty Ltd with the City of Sydney requesting the City prepare a Planning Proposal to amend the controls for the site under Sydney LEP 2012. The Planning Justification Report was accompanied by an Urban Design Report prepared by Bates Smart (Appendix A) and a Traffic and Parking Assessment prepared by Parking and Traffic Consultants (Appendix B). The report requested the following changes:

- Increase the maximum height control from between 18 metres and 22 metres to 29 metres.
- Increase the FSR control from 1.5:1 to 2:1.

The proposed controls will facilitate redevelopment of the site to provide approximately 380 dwellings, including apartments and terraces, a privately operated childcare centre, greater activation of the public domain and built form appropriate to the context of the site and its surroundings.

Bates Smart's original report included an indicative scheme which demonstrated development under the proposed controls. In assessing the proposal, the City worked with Bates Smart and the proponent to arrive at an appropriate site layout and built form. The original Urban Design Study lodged with the City was amended by Bates Smart to reflect the outcome of this work. The amended study is at Appendix A. The impacts of development at the increased height and density are acceptable, as discussed further in this Planning Proposal.

The City subsequently modelled development on the site at an FSR of 2.2:1. This was undertaken to test the impacts of potential development should the full 10% additional floorspace for design excellence under clause 6.21 be awarded. A range of options were modelled and tested in collaboration with Bates Smart and the proponent and an FSR of 2.16:1 was established as the maximum FSR at which development was able to comply with SEPP 65 requirements and respond to the sites context. This Planning Proposal proposes the inclusion of a site-specific clause in Sydney LEP 2012 to ensure that any future floorspace awarded as the result of a competitive design process is limited to a maximum of 0.16:1.

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The body of this Planning Proposal includes discussion of the indicative scheme, testing undertaken and the proposed site-specific clause in Sydney LEP 2012.

PART 1 – OBJECTIVES AND INTENDED OUTCOMES

This Planning Proposal has the following objectives:

- Enable the orderly redevelopment of 12-40 Rosebery Avenue and 108 Dalmeny Avenue for residential uses.
- Ensure that new development responds appropriately to the surrounding built form context including existing industrial and residential and future residential development.
- Allow for the delivery of a childcare centre on site to service local residents.
- Enable the delivery of a variety of housing sizes and types to encourage a diversity in the future residential population.

PART 2 – EXPLANATION OF PROVISIONS

To achieve the intended outcomes, this Planning Proposal seeks to amend planning controls in Sydney LEP 2012 as follows:

- Amend Height of Buildings Map Sheet 18 of *Sydney Local Environmental Plan 2012* in accordance with the proposed Height of Buildings Map shown at Part 4 of this Planning Proposal.
- Amend Floor Space Ratio Map Sheet 18 of *Sydney Local Environmental Plan 2012* in accordance with the proposed Floor Space Ratio Map shown at Part 4 of this Planning Proposal.
- Include a new clause under 'Division 5 Site Specific Provisions' of *Sydney Local Environmental Plan 2012* to limit the potential FSR achievable under clause 6.21 to 0.16:1 and to ensure that the heights mapped in the height of buildings map are not exceeded under clause 6.21.

Table 2 summarises the existing and proposed planning controls.

Height		FSR					
		FSR Map		Community Infrastructure (Clause 6.14)		Design Excellence (Clause 6.21)	
Current	Proposed	Current	Proposed	Current	Proposed	Current	Proposed
Range. Up to maximum 22 metres	Range. Up to maximum 29 metres	1:1	1:1	0.5:1	1:1	Up to 10% (of 1.5:1 = 0.15:1)	Up to 8% (of 2:1 = 0.16:1)

Table 2: Summary of existing and proposed height and FSR controls

The City has also prepared a draft amendment to *Sydney Development Control Plan 2012*. This includes site specific provisions relating to building form and location, bulk and massing, street frontage heights, setbacks and vehicular entries. The draft DCP amendment will be publicly exhibited in parallel with this Planning Proposal.

PART 3 – JUSTIFICATION

This section sets out the justification for this Planning Proposal. Additional information is provided under the pro-forma questions in Sections A to D below.

2012 review of North Rosebery Precinct planning controls

In 2012, the City commenced a review of the North Rosebery Precinct planning controls. The review responded to increasingly ad-hoc residential redevelopment activity in the precinct and a need for the current controls at the time to be updated to encourage coordinated development.

A detailed urban design study was undertaken by the City in 2012 and 2013 to inform the future planning controls. This study established an appropriate future built form outcome for the precinct designed to provide a transition from the more intense development of the Green Square Town Centre and the Epsom Park precinct down towards the lower scale lower density Rosebery Estate to the south of the North Rosebery precinct. The controls at the time lacked the detail required to provide a high quality and coordinated built form outcome.

The urban design study established the following built form principles:

- a general transition in height from the north to the south of the precinct;
- upper level setbacks to reduce the perception of bulk and sense of enclosure at street level;
- taller buildings along north-south streets Rothschild Avenue, Rosebery Avenue and Dalmeny Avenue and a consistent street wall height of five storeys to provide a human scale;
- lower scale buildings in the middle of large developable lots to ensure a variety of height, scale and building typology to allow for townhouses for example, and a high level of solar access; and
- taller buildings in the northern part of the precinct which still achieve good solar access to the public and private domain. These are located close to Epsom Road where a taller built form is well established through approved development applications and planning controls.

The findings of this urban design study, including the above principles, along with the outcomes of a heritage study and a traffic and transport assessment were translated into planning controls for the precinct which took the form of amendments to Sydney LEP 2012 and specific controls within Sydney DCP 2012. These amendments included some increases to height and FSR on some sites, some decreases to height and FSR on some sites, controls to encourage delivery of future public domain and more detailed built form controls.

The draft LEP and DCP amendments were reported to Council and the Central Sydney Planning Committee (CSPC) in May 2013 and publicly exhibited between July and September 2013. The City invited submissions from landowners, local residents and public authorities. Submissions expressed general support for the objective of the draft controls to facilitate coordinated redevelopment of the precinct. The landowner of 12-40 Rosebery Avenue and 108 Dalmeny Avenue did not make a submission to the public exhibition.

The finalised post-exhibition controls were endorsed by Council and the CSPC in December 2013 and were gazetted on 14 February 2014 and have been in force since.

Analysis of current controls and indicative scheme

The Urban Design Report prepared on behalf of the proponent by Bates Smart includes analysis of the permissible built form throughout the precinct. Figure 16 is an extract from the Sydney DCP 2012 height in storeys map for the North Rosebery precinct. The permissible heights represent an FSR of approximately 1.5:1. The report argues that the height and density controls for the site are inconsistent with those of surrounding sites in the precinct and do not reflect the full redevelopment potential of the site. The report includes an indicative built form scheme which illustrates the impacts of development at the proposed increased density and height of 2:1 and up to 29 metres. This indicative scheme responds to feedback from City officers and is shown at Figure 17.



Figure 16: Extract from Sydney DCP 2012 showing current height in storeys control. Brackets indicate the preferred location of any design excellence floorspace which may be awarded.



Figure 17: Indicative scheme, height in storeys plan. Brackets indicate the preferred location of any design excellence floorspace which may be awarded.

Building scale

The Indicative scheme comprises six apartment buildings of up to seven storeys aligned with Rosebery Avenue and Dalmeny Avenue creating a strongly defined edge on both streets. The scheme also includes three lower scale buildings oriented east-west. These buildings can be configured as terraces or duplex development.

These heights provide an appropriate response to the surrounding built form context. They respond to the broader transition in height from north to south that is embodied in the planning controls for the wider North Rosebery Precinct. The predominantly five storey street wall height is consistent with the street wall height throughout the rest of the precinct and assists in minimising the perception of building bulk from the public domain, creating a human scale at street level.

Overall the indicative scheme illustrates that the additional floor space and building height can be accommodated on the site without resulting in built form which is out of context. The careful siting of additional height on the north of the site, and addition of low-rise buildings in the centre results in a built form which is consistent with surrounding sites.

It is stressed that this scheme is indicative only and has been prepared to demonstrate that the building heights that this Planning Proposal seeks can result in a development able to satisfy key objectives and provisions in Sydney LEP 2012, Sydney DCP 2012 and the Apartment Design Guide under SEPP 65. Any future competitive design processes and development applications may seek changes to the indicative scheme and this Planning Proposal does not seek approval for the indicative scheme. The Urban Design Analysis prepared by Bates Smart, at Appendix A, includes 3D drawings of the indicative scheme. Figure 18 is an extract from the report showing the indicative scheme in 3D as viewed from the south.

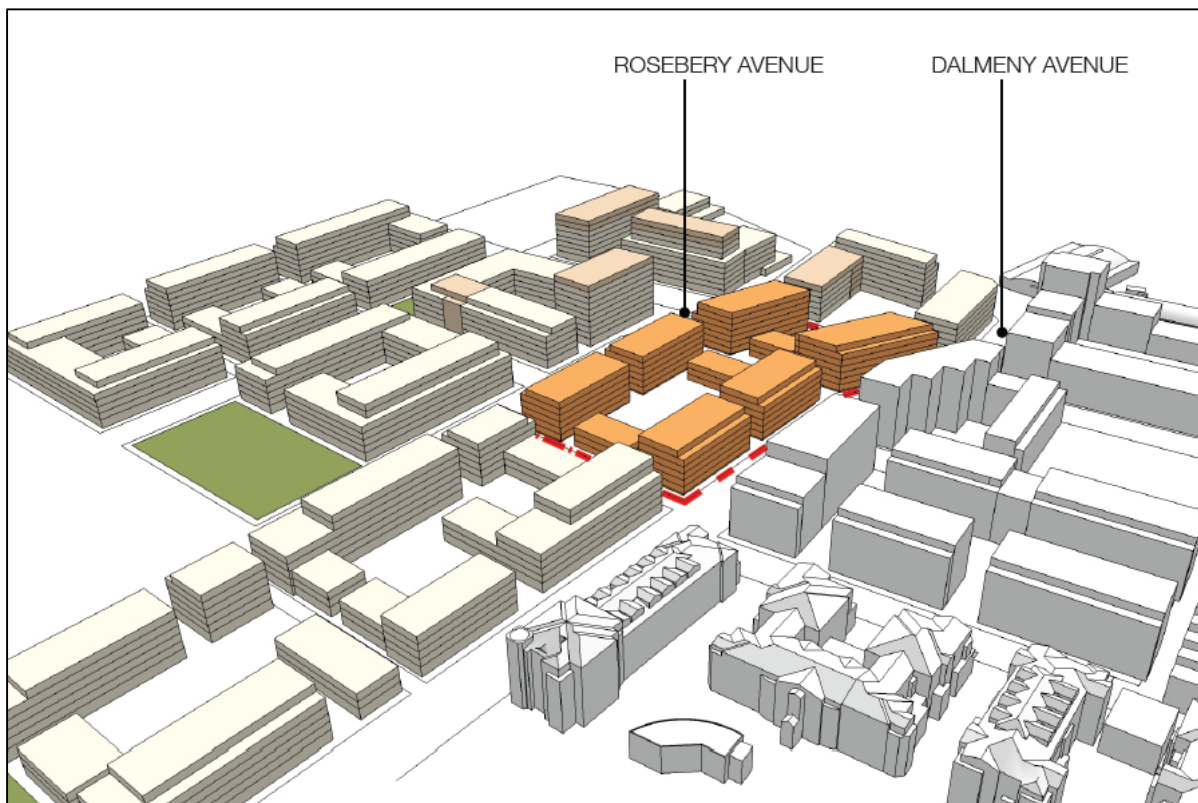


Figure 18: 3D massing illustration of the indicative scheme

Solar access and overshadowing

In addition to delivering an appropriate urban design outcome as experienced from the surrounding public domain, the indicative scheme also allows for good residential amenity to be experienced within the development. The City worked with the proponent to test different building heights and their effect on solar access to the internal private courtyards and to private open spaces and habitable rooms within the development. The combination of proposed building heights, breaks in the north-south building footprints and limiting the east-west buildings to three storeys results in good solar access to the internal courtyards and a high level of compliance with minimum solar access provisions in the Apartment Design Guide. Detailed solar and overshadowing analysis is provided in the Urban Design Analysis prepared by Bates Smart report at Appendix A. Figure 19 is an extract from the report and shows overshadowing as a result of the indicative scheme between 9am and 2pm on June 21.

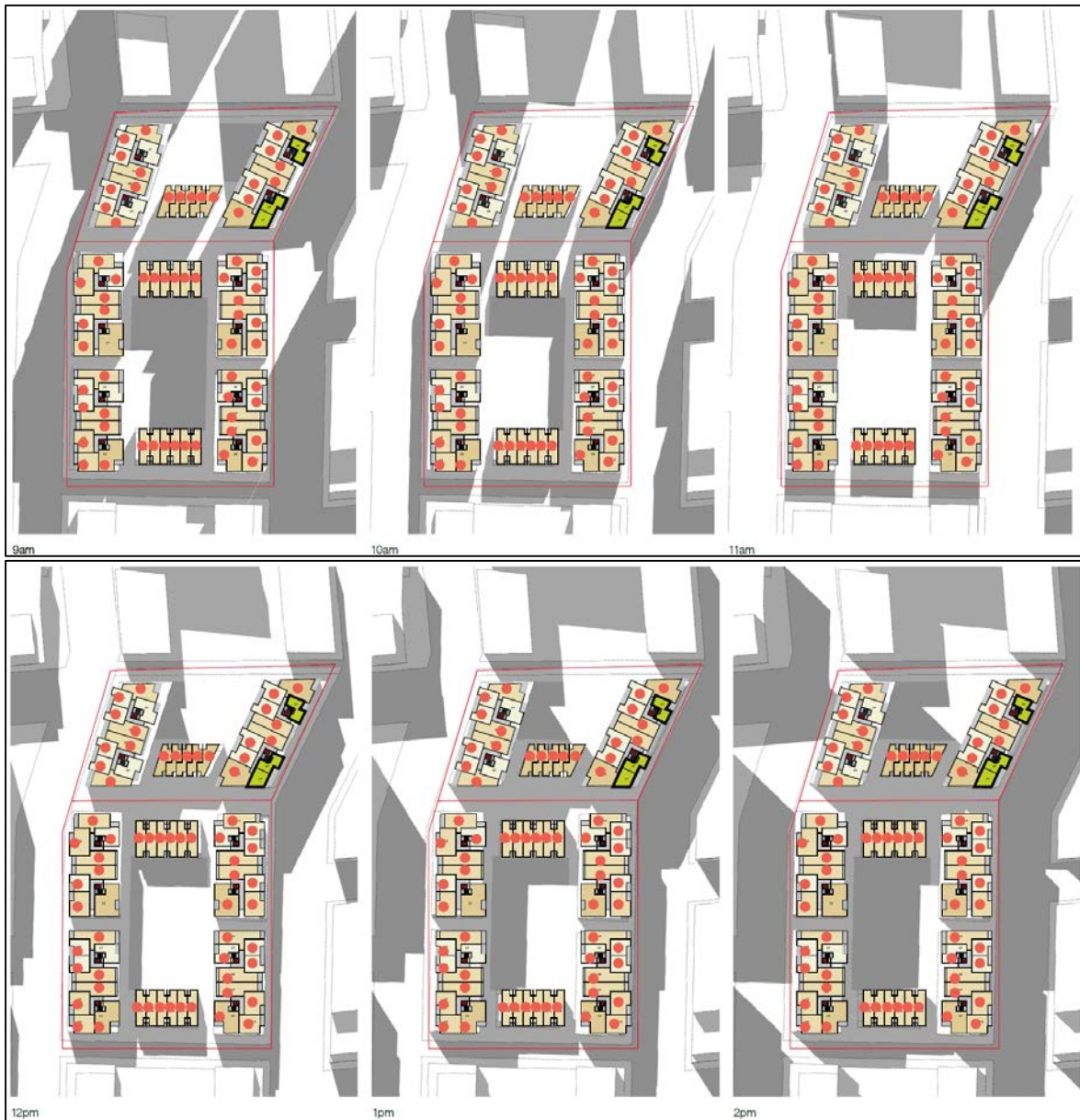


Figure 19: Overshadowing created by the indicative scheme on June 21

Notwithstanding this analysis, compliance with the Apartment Design Guide will need to be demonstrated at the development application stage to ensure solar access meets minimum criteria.

Traffic and Transport

The proponent engaged Parking and Traffic Consultants to undertake a Traffic and Parking Assessment of the proposed amended controls. The study is at Appendix B. The study examined the impact of an increase in FSR from 1.5:1 to 2:1 (which equates to an increase from approximately 290 dwellings to approximately 380 dwellings) and found that it is likely to result in an increase of up to 26 vehicular movements across the AM and PM peak. Further, the study found that the increased density would result in an additional 85 off-street parking spaces compared to what is currently permissible, however, this would result in only a minor increase in vehicles trips entering and exiting the site during the AM and PM peak. The study concludes that the proposal will result in no notable impact on the operation of the overall road network and an acceptable level of service will still be provided.

Sydney LEP 2012 and Sydney DCP 2012 currently encourage provision of a street running along the southern boundary of the site connecting Dalmeny Avenue and Rosebery Avenue. Provision of this street was included as part of the 2012 North Rosebery Precinct amendment based on analysis and consultation undertaken by the City at the time. In preparing this Planning Proposal, the City has undertaken further analysis of the function and operation of this future street and concluded that the intersection may pose a future pedestrian and vehicle safety risk. The DCP amendment will include a provision stating that the intersection access arrangements will be subject to further analysis by the City and approval by Roads and Maritime Services. No change to the height map in Sydney LEP 2012 is proposed.

More broadly, since early 2000 long term planning for the Green Square Urban Renewal Area (including this site) has included a number of transport studies and management plans which examine road capacity, traffic management and transport infrastructure required to support the redevelopment of Green Square. These studies have identified that measures to improve transport must be implemented as development occurs. Some key actions which the City is pursuing include:

- Continuing advocacy by the City for improved public transport in Green Square
- Working with the NSW Government and landowners to secure land to allow delivery of the future Eastern Transit Corridor which will connect the Green Square Town Centre with Central and may accommodate light rail in the future.
- Planning and designing to allow for increased and improved pedestrian and cycle connections to encourage sustainable travel behaviour and achieve better integration between transport modes
- Continuing work between the City and Transport for NSW to develop measures to improve transport in the area including improving reliability and capacity of public transport services.

Heritage

The site does not contain any heritage items nor is it within a conservation area. The former Moffat Virtue Warehouse at 1-3 Rosebery Avenue is the only heritage listed building within reasonable proximity. The greater building height and density envisaged by this Planning Proposal will not adversely impact the fabric, setting or significance of this item.

Contamination

As with all brownfield urban renewal, contaminated land is a potential environmental issue. The site is currently occupied by industrial and commercial uses which may have an associated risk of contamination. However, given that residential development is already permissible on the site (by way of the B4 Mixed Use zoning) this Planning Proposal does not give rise to additional implications in this regard. Detailed information relating to contamination will be required as part of any future development application and will be required to address future land uses, including residential uses. Remediation of land may be required through a future development approval if deemed necessary.

Flooding

The site falls within the Alexandra Canal Stormwater Catchment. The City has developed a Flood Management Study and Plan for the catchment. The site is not subject to any flooding issues. Redevelopment of the site will be subject to flooding provisions under Sydney LEP 2012 which will

ensure that future development will not result in adverse impacts on flood behaviour and the environment.

Design Excellence floorspace under clause 6.21

Under clause 6.21 of Sydney LEP 2012, a development may be awarded up to an additional 10% floor space over and above the amount permitted by the FSR map if a competitive design process is undertaken.

The implication of amending the FSR control for the site to 2:1 is that an FSR of 2.2:1 may be achieved via clause 6.21. The City has worked closely with the proponent to test the implications of development at 2.2:1 and concluded that it would not be in keeping with the surrounding built form context and would not respect the guiding built form principles for the North Rosebery Precinct. The City's work determined that a development at 2.16:1 could result in an acceptable outcome. This Planning Proposal seeks to add a site-specific clause to Sydney LEP 2012 which limits the potential FSR that may be achieved through clause 6.21 for the site to 8% which equals 2.16:1.

Community Infrastructure under clause 6.14

Under clause 6.14 of Sydney LEP 2012, a development is eligible for additional floorspace over and above the amount permitted by the FSR map where community infrastructure is provided. Community infrastructure includes, for example, new streets, floor management works and public open space and is in addition to infrastructure delivered through Section 94 contributions. If a proponent elects to use any or all of the additional floorspace available under this clause, the community infrastructure required to support the additional density will be agreed and formalised via a planning agreement at the development application stage. The community infrastructure will then be delivered with the development.

Section A – Need for the planning proposal

Q1. Is the planning proposal a result of any strategic study or report?

In May 2015 the proponent, Rosebery Properties Pty Ltd, lodged a request to amend the planning controls for the site. This request was supported by a Planning Justification Report prepared by JBA, an Urban Design Study prepared by Bates Smart and a Traffic and Parking Assessment prepared by Parking and Traffic Consultants.

Following initial review and testing, the City worked with the proponent to refine the preferred built form outcome and the proposed planning controls, resulting in this Planning Proposal. It details proposed amendments to Sydney LEP 2012 which will facilitate redevelopment of the site with minimal environmental impacts and demonstrable public benefits. These include more efficient use of a well located and connected site, building height, bulk and scale appropriate to the context of the site, greater activation of the public domain, through site connections to increase permeability and delivery of a child care centre.

Q2. Is the planning proposal the best means of achieving the objectives or intended outcomes, or is there a better way?

The current FSR control for the site under Sydney LEP 2012 permits development up to 1.5:1 (excluding design excellence floorspace). As illustrated in subsequent sections of this Planning Proposal, development of a greater density can be accommodated while still responding to the surrounding context and complying with key amenity requirements and controls. This additional floor space is primarily achieved by adding additional low scale buildings within the interior of the perimeter and increasing the height of some buildings by up to two storeys.

Under Clause 4.6 of Sydney LEP 2012, development consent may be granted, subject to certain criteria, for development on the site which would contravene a development standard such as building height or FSR. However, the FSR of the preferred scheme is a significant departure from the current FSR standard. Approval of a development application which contravenes a FSR standard to this degree would set an undesirable precedent that would undermine the Sydney LEP 2012 controls and preclude full consideration of, and appropriate community input into, the broader strategic considerations of allowing additional density on this site.

As such, the most appropriate means of achieving the objectives for the site is progressing an amendment to Sydney LEP 2012 by way of a Planning Proposal. This will provide an opportunity to deliver significant public benefit and allow the community and surrounding landowners an opportunity to comment on changes, providing greater certainty for all affected stakeholders.

Section B – Relationship to strategic planning framework

Q3. Is the planning proposal consistent with the objectives and actions of the applicable regional or sub-regional strategy (including the Sydney Metropolitan Strategy and the exhibited draft strategies)?

A Plan for Growing Sydney

In December 2014, the NSW Government published *A Plan for Growing Sydney*, the new strategic plan for the Sydney metropolitan area over the next 20 years. It envisages a globally competitive Sydney with a population increase of 1.6 million people, including 689,000 new jobs and 664,000 new homes by the year 2031.

The plan sets out four goals:

1. A competitive economy with world-class services and transport;
2. A city of housing choice and homes that meet our needs and lifestyles;
3. A great place to live with communities that are strong, healthy and well connected; and
4. A sustainable and resilient city that protects the natural environment and has a balanced approach to the use of land and resources.

The key priority for the Central Subregion, including Green Square, directly related to this Planning Proposal are “*provide capacity for additional mixed-use development in Green Square including offices, retail, services and housing*”. To achieve these goals, the plan includes 22 directions, supporting actions and priorities for each sub region. Relevant directions with which this Planning Proposal is consistent include:

1. Direction 2.1 - Accelerate housing supply and local housing choices. Increasing housing affordability and choice is identified as a high priority for meeting Sydney’s future housing need.
2. Direction 2.2 - Use the Greater Sydney Commission to support council-led urban infill projects – new housing supported by social infrastructure in or near centres will make the living environment more attractive. A Plan for Growing Sydney supports council led urban infill and local efforts to lift housing production around local centres and public transport to connect new homes to job rich locations.
3. Direction 2.3 – Improve housing choice to suit different needs and lifestyles. A Plan for Growing Sydney encourages the introduction of planning controls that increase the number of homes in established urban areas to take advantage of public transport, jobs and services. It will also encourage further innovative, well-designed, smaller homes to suit lifestyles and budgets.

Central District Plan

The NSW Government is currently developing District Plans in consultation with a range of stakeholders. The plans will set out how *A Plan for Growing Sydney* will apply to local areas. The plans will provide a more detailed framework for coordinating planning, development, infrastructure, transport, open space networks and environmental actions across local and state government agencies. Sydney City is no longer a Subregion or District itself, with the City of Sydney LGA included in the broader Central District.

This Planning Proposal is consistent with priorities for the Central District including focussing development in renewal corridors to maximise use of existing and planned infrastructure and improve the quality of the built form on site.

Q4. Is the planning proposal consistent with a council’s local strategy or other local strategic plan?

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Sustainable Sydney 2030 outlines the City's vision for a 'green', 'global', and 'connected' Sydney and includes targets, objectives and actions to achieve that vision. The vision was adopted by Council in 2008. This Planning Proposal is consistent with Sydney 2030 as follows:

- *Direction 2: A leading environmental performer* - Redevelopment of the site, facilitated by this Planning Proposal, will deliver new building stock with significantly better environmental performance than the current commercial and light industrial buildings.
- *Direction 3: Integrated transport for a connected city* - The site is situated approximately 1.2 kilometres from the Green Square Train Station which offers regular services to the airport and central Sydney. The site is also well serviced by bus services which connect it to central Sydney, the Randwick Education and Health Precinct and neighbouring suburbs. The site is also situated adjacent to the City's preferred future light rail route.
- *Direction 4: A city for walking and cycling* - This Planning Proposal will facilitate the delivery of new residential floor space in close proximity to a range of existing and future services and in doing so encourage active transport. Detailed controls within an associated amendment to Sydney DCP 2012 will require individual entries to ground floor residential units. This will lead to greater activation of the public domain, greater passive surveillance and a greater sense of personal security. This will in turn encourage greater pedestrian activity.
- *Direction 8: Vibrant local communities and economies* - This Planning Proposal will facilitate the provision of approximately 380 new dwellings by the private market in accordance with objective 8.1. Development on the site will also be subject to the Green Square Affordable Housing Contributions levy required under Sydney LEP 2012.
- *Direction 9: Sustainable development, renewal and design* - The built form envisaged by the proposed controls includes a variety of heights, enhancing pedestrian amenity, visual interest and good solar access within the public domain.

Q5. Is the planning proposal consistent with applicable State Environmental Planning Policies (SEPPs)?

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

Consistency with SEPPs	
State Environmental Planning Policy (SEPP)	Comment
SEPP No 1—Development Standards	Not applicable.
SEPP No 4—Development Without Consent and Miscellaneous Exempt and Complying Development	Not applicable.
SEPP No 6—Number of Storeys in a Building	Consistent - This Planning Proposal does not contradict or hinder application of this SEPP.
SEPP No 10—Retention of Low Cost Rental Accommodation	Not applicable.
SEPP No 14—Coastal Wetlands	Not applicable.
SEPP No 15—Rural Landsharing Communities	Not applicable.
SEPP No 19—Bushland in Urban Areas	Not applicable.
SEPP No 21—Caravan Parks	Not applicable.
SEPP No 22—Shops and Commercial Premises	Consistent - This Planning Proposal does not contradict or hinder application of this SEPP.
SEPP No 26—Littoral Rainforests	Not applicable.

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Consistency with SEPPs	
State Environmental Planning Policy (SEPP)	Comment
SEPP No 29—Western Sydney Recreation Area	Not applicable.
SEPP No 30—Intensive Agriculture	Not applicable.
SEPP No 32—Urban Consolidation (Redevelopment of Urban Land)	Consistent - This Planning Proposal does not contradict or hinder application of this SEPP. This Planning Proposal presents an opportunity for renewal of a key site in the Green Square Urban Renewal Area.
SEPP No 33—Hazardous and Offensive Development	Consistent - This Planning Proposal does not contradict or hinder application of this SEPP.
SEPP No 36—Manufactured Home Estates	Not applicable.
SEPP No 39—Spit Island Bird Habitat	Not applicable.
SEPP No 41—Casino Entertainment Complex	Not applicable.
SEPP No 44—Koala Habitat Protection	Not applicable.
SEPP No 47—Moore Park Showground	Not applicable.
SEPP No 50—Canal Estate Development	Not applicable.
SEPP No 52—Farm Dams and Other Works in Land and Water Management Plan Areas	Not applicable.
SEPP No 53—Metropolitan Residential Development	Not applicable.
SEPP No 55—Remediation of Land	Consistent - This Planning Proposal does not contradict or hinder application of this SEPP.
SEPP No 59—Central Western Sydney Regional Open Space and Residential	Not applicable.
SEPP No 60—Exempt and Complying Development	Consistent - This Planning Proposal does not contradict or hinder application of this SEPP.
SEPP No 62—Sustainable Aquaculture	Not applicable.
SEPP No 64—Advertising and Signage	Consistent - This Planning Proposal does not contradict or hinder application of this SEPP.
SEPP No 65—Design Quality of Residential Flat Development	Consistent - This Planning Proposal does not contradict or hinder application of this SEPP. The built form analysis which underpins the proposed height and building envelope controls reflects the requirements of the Apartment Design Guide.
SEPP No 70—Affordable Housing (Revised Schemes)	Consistent - The Planning Proposal does not contradict or hinder application of this SEPP. The Green Square Affordable Housing Scheme will continue to apply to this site under Sydney LEP 2012.
SEPP No 71—Coastal Protection	Not applicable.
SEPP (Building Sustainability Index: BASIX) 2004	Consistent - The Planning Proposal does not contradict or hinder application of this SEPP.
SEPP (Housing for Seniors or People with a Disability) 2004	Consistent - The Planning Proposal does not contradict or hinder application of this SEPP.
SEPP (Major Development) 2005	Consistent - The Planning Proposal does not contradict or hinder application of this SEPP.

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Consistency with SEPPs	
State Environmental Planning Policy (SEPP)	Comment
SEPP (Sydney Region Growth Centres) 2006	Not applicable.
SEPP (Infrastructure) 2007	Consistent - The Planning Proposal does not contradict or hinder application of this SEPP.
SEPP (Kosciuszko National Park—Alpine Resorts) 2007	Not applicable.
SEPP (Mining, Petroleum Production and Extractive Industries) 2007	Not applicable.
SEPP (Temporary Structures) 2007	Consistent - The Planning Proposal does not contradict or hinder application of this SEPP.
SEPP (Exempt and Complying Development Codes) 2008	Consistent - The Planning Proposal does not contradict or hinder application of this SEPP.
SEPP (Rural Lands) 2008	Not applicable.
SEPP (Western Sydney Parklands) 2009	Not applicable.
SEPP (Affordable Rental Housing) 2009	Not applicable – This SEPP does not apply to the site.
SEPP (Western Sydney Employment Area) 2009	Not applicable.
SEPP (Development on Kurnell Peninsula) 2005	Not applicable.

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

Consistency with REPs	
Regional Environmental Plan (REPs)	Comment
Sydney REP No 5—(Chatswood Town Centre)	Not applicable.
Sydney REP No 8 (Central Coast Plateau Areas)	Not applicable.
Sydney REP No 9—Extractive Industry (No 2—1995)	Not applicable.
Sydney REP No 11—Penrith Lakes Scheme	Not applicable.
Sydney REP No 13—Mulgoa Valley	Not applicable.
Sydney REP No 16—Walsh Bay	Not applicable.
Sydney REP No 17—Kurnell Peninsula (1989)	Not applicable.
Sydney REP No 18—Public Transport Corridors	Not applicable.
Sydney REP No 19—Rouse Hill Development Area	Not applicable.
Sydney REP No 20—Hawkesbury- Nepean River (No 2—1997)	Not applicable.
Sydney REP No 24—Homebush Bay Area	Not applicable.
Sydney REP No 25—Orchard Hills	Not applicable.

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Consistency with REPs	
Regional Environmental Plan (REPs)	Comment
Sydney REP No 26—City West	Not applicable.
Sydney REP No 28—Parramatta	Not applicable.
Sydney REP No 29—Rhodes Peninsula	Not applicable.
Sydney REP No 30—St Marys	Not applicable.
Sydney REP No 33—Cooks Cove	Not applicable.
Sydney REP (Sydney Harbour Catchment) 2005	Not applicable.
Drinking Water Catchments REP No 1	Not applicable.
Greater Metropolitan REP No 2—Georges River Catchment	Not applicable.

Q6. Is the planning proposal consistent with applicable Ministerial Directions (s.117 directions)?

This Planning Proposal has been assessed against each Section 117 direction. Consistency with these directions is shown in the table below.

No.	Title	Comment
1. Employment and Resources		
1.1	Business and Industrial Zones	Not applicable
1.2	Rural Zones	Not applicable
1.3	Mining, Petroleum Production and Extractive Industries	Not applicable
1.4	Oyster Aquaculture	Not applicable
1.5	Rural Lands	Not applicable
2. Environment and Heritage		
2.1	Environment Protection Zones	Not applicable
2.2	Coastal Protection	Not applicable
2.3	Heritage Conservation	Consistent.
2.4	Recreation Vehicle Areas	Not applicable
3. Housing Infrastructure and Urban Development		
3.1	Residential Zones	<p>Consistent.</p> <p>The objectives of this direction are to encourage a variety and choice of housing types to provide for existing and future housing needs and minimise the impact of residential development on the environment and resource lands.</p> <p>This Planning Proposal is consistent with this Direction as it facilitates new residential accommodation on the site, increasing the amount and variety of housing and reducing the consumption of land on the urban fringe for housing.</p> <p>The future inclusion of a child care centre in the development is complementary and will not result in a loss of land zoned residential nor affect the permissible residential density of the land as child care is permissible within the current B4 Mixed Use zoning.</p>
3.2	Caravan Parks and Manufactured Home Estates	Not applicable
3.3	Home Occupations	Consistent.

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No.	Title	Comment
		This Planning Proposal does not contradict or hinder application of the home occupation provisions in Sydney LEP 2012.
3.4	Integrating Land Use and Transport	<p>Consistent.</p> <p>The objective of this direction is to ensure that land use locations support the efficient and viable operation of public transport services and improve access to housing, jobs and services by walking, cycling and public transport.</p> <p>This Planning Proposal is consistent with this Direction as it provides an opportunity to integrate land use and transport through its location in proximity to Green Square Train station, and local bus routes. Development to the proposed density would generate additional traffic. However, the traffic assessment undertaken by the proponent (Appendix B) and the City's assessment indicate the impact on the surrounding street network would be minor. Detailed traffic assessment will be required at the development application stage.</p> <p>Further, this Planning Proposal is consistent with the aims, objectives and principles of <i>Improving Transport Choice – Guidelines for planning and development</i> (DUAP 2001), and <i>The Right Place for Business and Services – Planning Policy</i> (DUAP 2001).</p>
3.5	Development Near Licensed Aerodromes	Not applicable
3.6	Shooting Ranges	Not applicable
4. Hazard and Risk		
4.1	Acid Sulfate Soils	<p>Consistent.</p> <p>This Planning Proposal does not contradict or hinder application of acid sulphate soils provisions in Sydney LEP 2012.</p> <p>The site is within a Class 5 Acid Sulfate Soils Area. Sydney LEP 2012 sets out the circumstances under which an Acid Sulfate Soils Management Plan must be prepared and submitted to the consent authority.</p>
4.2	Mine Subsidence and Unstable Land	Not applicable
4.3	Flood Prone Land	<p>Consistent.</p> <p>This Planning Proposal does not contradict or hinder application of flood prone land provisions in Sydney LEP 2012.</p> <p>The site is not subject to flooding.</p>
4.4	Planning for Bushfire Protection	Not applicable
5. Regional Planning		
5.1	Implementation of Regional Strategies	Not applicable
5.2	Sydney Drinking Water Catchments	Not applicable
5.3	Farmland of State and Regional Significance on the NSW Far North Coast	Not applicable
5.4	Commercial and Retail Development along the Pacific Highway, North Coast	Not applicable
5.8	Second Sydney Airport, Badgerys Creek	Not applicable
5.9	North West Rail Link Corridor Strategy	Not applicable
6. Local Plan Making		
6.1	Approval and Referral Requirements	Consistent.

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No.	Title	Comment
		This Planning Proposal does not include any concurrence, consultation or referral provisions nor does it identify any development as designated development.
6.2	Reserving Land for Public Purposes	This Planning Proposal will not affect any land reserved for public purposes.
6.3	Site Specific Provisions	Consistent. This Planning Proposal does not contradict or hinder the application of this direction.
7. Metropolitan Planning		
7.1	Implementation of A Plan for Growing Sydney	Consistent. This Planning Proposal does not contradict or hinder application of A Plan for Growing Sydney.

Section C – Environmental, social and economic impact

Q7. Is there any likelihood that critical habitat or threatened species, populations or ecological communities, or their habitats, will be adversely affected as a result of the proposal?

The site is located in an urban mixed use area and does not contain any known critical habitat or threatened species, populations or ecological communities or habitats. Notwithstanding this, in considering any future development application for the site, the consent authority will have regard to the suitability of the land for development and any environmental impact which may be generated by the development.

Q8. Are there any other likely environmental effects as a result of the planning proposal and how are they proposed to be managed?

A detailed discussion of the environmental impacts that may result from this Planning Proposal, including overshadowing, residential amenity, traffic and transport, flooding and contamination is provided at the introduction to Part 3 of this Planning Proposal. As concluded in that section, these and other impacts have been examined in detail and will be further assessed and addressed through the development application process.

Q9. Has the planning proposal adequately addressed any social and economic effects?

It is not anticipated that this Planning Proposal will give rise to any unforeseen social or economic effects. The proposal seeks additional density above what is currently permissible, equating to an increase in possible dwellings from approximately 290 to 380. Ongoing investment in new services and facilities in Green Square by both the public and private sector will service the increased population. In addition, the increased density will be matched by a commensurate increase in the provision of 'community infrastructure' as defined in Sydney LEP 2012.

Specifically this proposal will facilitate the delivery of a new childcare centre, representing a significant social benefit. Adequate supply of high quality child care is a critical issue for the City. Current and forecast resident and worked population growth in the City, particularly in Green Square, has resulted in increasing demand for child care places, and a growing gap between demand and supply.

According to the *City of Sydney Child Care Needs Analysis, 2013*, the City saw an increase in the number of 0-5 year old resident children from 6,040 in 2006 to 7,348 in 2011. This population is forecast to grow to 12,946 by 2031. The study identifies a gap of 3,104 places within the local government area and a range of strategies that could be used to meet this gap. These strategies include direct provision; facilitating delivery of new centres by the private and not-for-profit sectors through strategic and statutory planning mechanisms; and advocacy with other levels of government.

The subject site falls within the Green Square and City South Village Group in the analysis. The gap between supply and demand in childcare provision in this village group is currently around 350 places. The gap is projected to grow to 1440 places by 2031. This Planning Proposal provides an opportunity to narrow the gap between the existing supply and the City's needs in the Green Square and City South Village Group by delivering a childcare centre of approximately 200 square metres. Controls to facilitate the delivery of the childcare centre will be included in the proposed DCP amendment that accompanies this Planning Proposal.

Section D – State and Commonwealth interests

Q10. Is there adequate public infrastructure for the planning proposal?

The site is well serviced by public transport infrastructure being within 1.2 kilometres from the Green Square Railway Station which has direct services to Central Sydney and Sydney Airport and 7 bus routes which travel to a variety of destinations. The traffic and parking report prepared by Parking and Traffic Consultants, at Appendix B, provides a high level assessment of the site access and street network as well as public transport, walking and cycling opportunities.

New public social infrastructure will be provided within walking and cycling distance of the site including Mary O'Brien Park on Joynton Avenue, a new Aquatic Centre and park in the Epsom Park Precinct to the north, community facilities and a childcare centre at the former South Sydney Hospital Site and a new library and other civic and community facilities in the Green Square Plaza in the Town Centre. Some of this infrastructure is being delivered through private development of sites while some is being delivered by the City.

The full range of utility services including electricity, telecommunications, water, sewer and stormwater are all currently available on the site. It is expected that these services would be upgraded by the developer, where required, to support the proposed development. Consultation with relevant authorities during public exhibition of the Planning Proposal will confirm the capacity of current utilities to serve the site.

Q11. What are the views of state and Commonwealth public authorities consulted in accordance with the Gateway determination?

The Gateway Determination will list public authorities to be consulted and any views expressed will be discussed in this Planning Proposal following consultation.

The Sydney Airport Obstacle Limitation Surface (OLS) defines the airspace surrounding Sydney Airport that must be protected from obstacles so aircraft flying in good weather during the initial and final stage of flight, or in the vicinity of the airport, can do so safely.

Where development is of a height that penetrates the OLS, the relevant Commonwealth body is to be consulted in accordance with Clause 7.16 of the Sydney LEP 2012. Consent will not be granted unless consultation has been held with the relevant Commonwealth body regarding the application. The consultation process is to ensure the effective and on-going operation of Sydney Airport and protect the community from undue risk from operation. Given the proposed increase in height to 29 metres, Sydney Airport Corporation will be consulted during this Planning Proposal's public exhibition period.

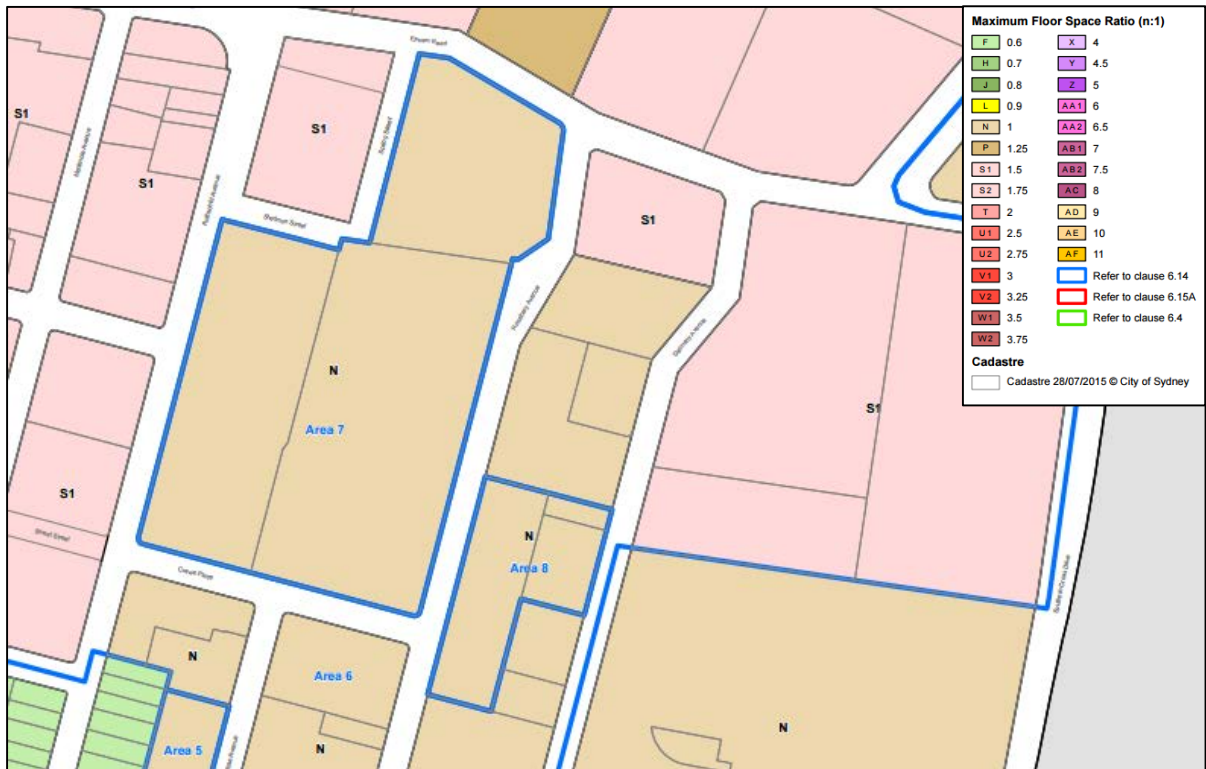
PART 4 – MAPPING

This Planning Proposal seeks to amend the FSR and height in metres maps contained in *Sydney Local Environmental Plan 2012* as they apply to the subject site in accordance with map extracts on the following pages.

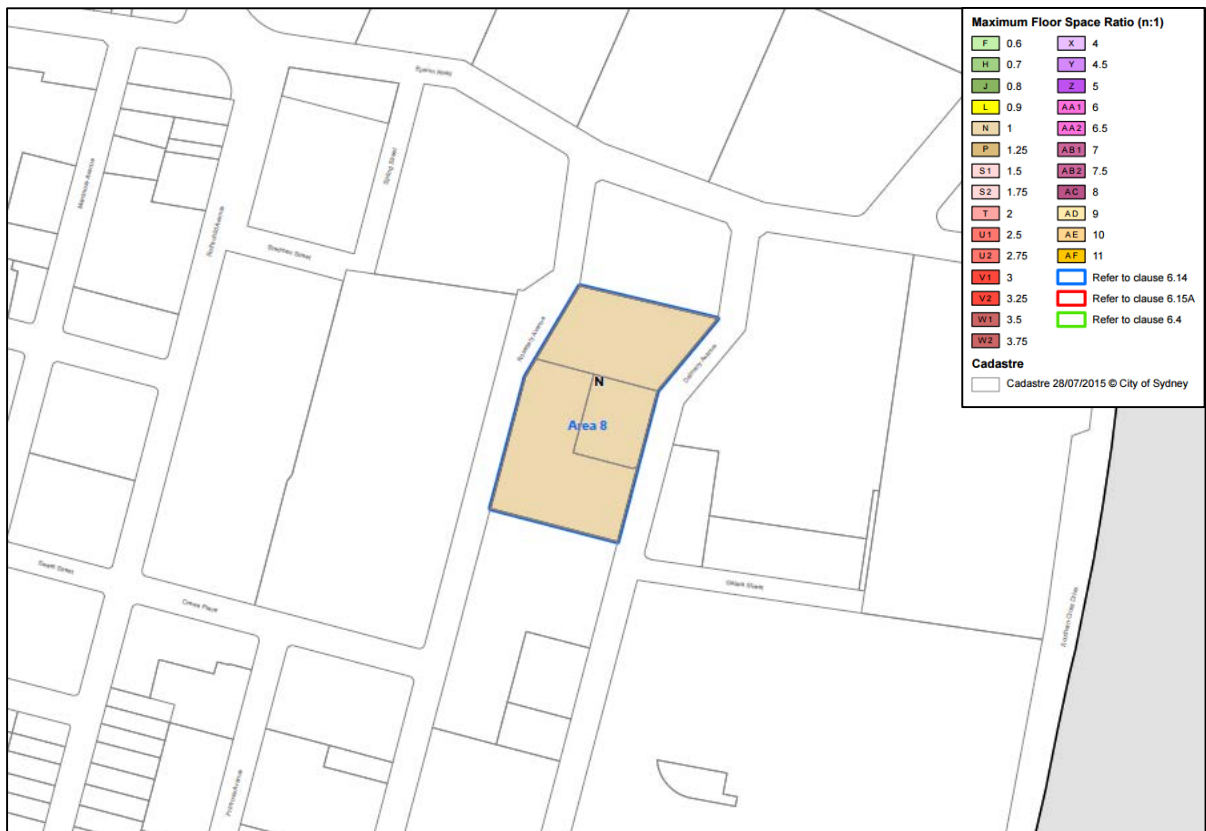
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FSR Map: Sheet FSR_018

Existing map:



Proposed map (Data for surrounding sites not displayed. No proposed changes to these sites):



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Height Map: Sheet HOB_018

Existing map:



Proposed map (Data for surrounding sites not displayed. No proposed changes to these sites):



PART 5 – COMMUNITY CONSULTATION

Public consultation will be undertaken in accordance with the requirements of the Gateway Determination.

It is proposed that, at a minimum, this will involve the notification of the public exhibition of the Planning Proposal:

- on the City of Sydney website;
- relevant local newspaper(s) circulating widely; and
- in writing to the owners and occupiers of adjoining and nearby properties and relevant community groups.

It is expected that the Planning Proposal will be publicly exhibited for a period of not less than 28 days in accordance with section 5.5.2 of 'A guide to preparing local environmental plans'.

It is proposed that exhibition material will be made available on the City of Sydney Website and at the following Council locations:

- Town Hall House, 456 Kent Street, Sydney
- Green Square, 100 Joynton Avenue, Zetland

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

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PART 6 – PROJECT TIMELINE

The following project timeline will assist with tracking the progress of the planning proposal through its various stages of consultation and approval. It is estimated that this amendment to *Sydney Local Environmental Plan 2012* will be completed by December 2016.

Stage	Timeframe
Submit Planning Proposal to Department of Planning and Environment seeking a Gateway Determination	March 2016
Receive Gateway Determination	April 2016
Public exhibition and public authority consultation of Planning Proposal and DCP Amendment	May 2016
Review of submissions received during public exhibition and public authority consultation	June 2016 to August 2016
Council and Central Sydney Planning Committee approval of Planning Proposal and DCP Amendment	September 2016
Drafting of instrument and finalisation of mapping	October/November 2016
Amendment to <i>Sydney Local Environmental Plan 2012</i> legally drafted, made and published on NSW Legislation website	December 2016