

ITEM 13. PUBLIC EXHIBITION - GAZCORP SITE - GREEN SQUARE - PLANNING PROPOSAL AND DRAFT AMENDMENT TO SYDNEY DEVELOPMENT CONTROL PLAN 2012**FILE NO: S116061****SUMMARY**

The Gazcorp Site at 296-298 Botany Road and 284 Wyndham Street, Alexandria, is in a prominent and highly visible location directly adjacent to the Green Square Town Centre on the northern side of Bourke Road. It has excellent access to public transport, employment opportunities, goods and services. It is also in close proximity to future social infrastructure and recreational facilities, including the Green Square Library and Plaza, community facilities at the former South Sydney Hospital site and Gunyama Park and Aquatic Centre.

In 2012, a development application for approximately 8,000 square metres of retail floor space in a three storey podium building was approved. This consent is valid until November 2017. In December 2014, the site owner, Gazcorp, submitted a planning proposal request to amend the maximum building height to allow development of residential towers above the podium.

The City has prepared a planning proposal to amend *Sydney Local Environmental Plan 2012* and a draft amendment to *Sydney Development Control Plan 2012*. This report seeks Central Sydney Planning Committee (CSPC) approval to submit the planning proposal to the Greater Sydney Commission, with a request for a Gateway Determination to allow public exhibition. The report also recommends the CSPC notes the draft Development Control Plan (DCP) amendment.

The proposed amendments offer a significant opportunity to contribute to the vision and targets of *Sustainable Sydney 2030* and *A Plan for Growing Sydney* by facilitating redevelopment of the site to include approximately 480 dwellings and a child care centre accommodating approximately 100 children. The proposed amendments also respond to a key energy saving opportunity identified in the City's Energy Efficiency Master Plan. Future development will be required to be rated at 5 BASIX points above the State-mandated target for energy. This will directly assist in reducing energy consumption and contribute towards the City's goal of reducing greenhouse gas emissions by 70 per cent by 2030.

The current controls specify a maximum height of 22 metres on the northern part of the site and 60 metres on the southern part. The proposed amendments increase the maximum height up to Reduced Level (RL) 96.5 (approximately 85 metres) at the highest point. The amendment introduces a detailed building envelope in place of the current blanket height controls. The amendments will not increase the floor space ratio, but will allow floor space to be distributed more evenly to achieve a superior built form outcome.

The proposed building envelope is the result of detailed analysis and collaborative work between the proponent and the City. This included extensive testing of potential environmental impacts, including building bulk and scale, overshadowing, wind, views, noise, natural ventilation and traffic and transport. This report discusses how potential environmental impacts are addressed and the planning proposal at Attachment A includes further discussion and detailed consultant reports. On balance, the environmental impacts are acceptable and manageable.

The draft DCP amendment, at Attachment B, contains detailed provisions guiding the built form outcome. It includes provisions for building setbacks, scale transition, solar access, access, design of child care and public domain improvements.

If approved, the proposed amendments will unlock the full redevelopment potential of a site with excellent access to necessary infrastructure, including public transport, employment opportunities, goods, services, recreational opportunities and community facilities. They will also ensure future development responds appropriately to the surrounding context, enhances the public domain and provides appropriate residential amenity. Redevelopment will also deliver significant contributions under the existing Green Square community infrastructure floorspace and affordable housing programs.

RECOMMENDATION

It is resolved that:

- (A) the Central Sydney Planning Committee approve *Planning Proposal: Gazcorp Site (296-298 Botany Road and 284 Wyndham Street, Alexandria)*, shown at Attachment A to the subject report, for submission to the Greater Sydney Commission with a request for a Gateway Determination;
- (B) the Central Sydney Planning Committee approve *Planning Proposal: Gazcorp Site (296-298 Botany Road and 284 Wyndham Street, Alexandria)* for public authority consultation and public exhibition in accordance with any conditions imposed under the Gateway Determination;
- (C) the Central Sydney Planning Committee note the recommendation to Council's Planning and Development Committee on 9 August 2016 that Council approve *Draft Sydney Development Control Plan 2012 - Gazcorp Site Amendment*, shown at Attachment B to the subject report, for public exhibition in parallel with the Planning Proposal and in accordance with the Gateway Determination;
- (D) the Central Sydney Planning Committee note the recommendation to Council's Planning and Development Committee on 9 August 2016 that Council seek authority from the Greater Sydney Commission to exercise its delegation under section 59 of the *Environmental Planning and Assessment Act 1979* to make the amending local environmental plan;
- (E) the Central Sydney Planning Committee note the recommendation to Council's Planning and Development Committee on 9 August 2016 that Council delegate authority to the Chief Executive Officer to make any minor changes and any changes required by the Greater Sydney Commission to *Planning Proposal: Gazcorp Site (296-298 Botany Road and 284 Wyndham Street, Alexandria)* and *Draft Sydney Development Control Plan 2012 - Gazcorp Site Amendment* prior to the public exhibition; and
- (F) the Central Sydney Planning Committee note that, following consideration of any submissions, and any modifications as necessary, *Planning Proposal: Gazcorp Site (296-298 Botany Road and 284 Wyndham Street, Alexandria)* will be reported back to the Central Sydney Planning Committee for final approval.

ATTACHMENTS

- Attachment A:** Planning Proposal: Gazcorp Site (296-298 Botany Road and 284 Wyndham Street, Alexandria). Dated August 2016.
(Note – Attachment A will be circulated separately from the Agenda Paper in limited numbers. It will be available for inspection on Council’s website and at the One Stop Shop and Neighbourhood Service Centres)
- Attachment B:** Draft Sydney Development Control Plan 2012 – Gazcorp Site Amendment. Dated August 2016.

BACKGROUND

Purpose of this report

1. This report seeks Central Sydney Planning Committee (CSPC) approval of *Planning Proposal: Gazcorp Site (296-298 Botany Road and 284 Wyndham Street, Alexandria)* (the planning proposal), at Attachment A, for submission to the Greater Sydney Commission with a request for a Gateway Determination to allow public exhibition.
2. The planning proposal seeks to amend the height controls that apply to 296-298 Botany Road and 284 Wyndham Street, Alexandria under *Sydney Local Environmental Plan 2012* (Sydney LEP 2012).
3. This report also recommends that the CSPC note that subject to Council approval, *Draft Sydney Development Control Plan 2012: Gazcorp Site Amendment* (the draft DCP amendment), at Attachment B, will be publicly exhibited alongside the planning proposal.
4. The draft DCP amendment seeks to amend *Sydney Development Control Plan 2012* (Sydney DCP 2012) to include detailed built form and public domain provisions to guide redevelopment of the site.

Site details and context

5. The site comprises two separate lots with a total area of 9,140 square metres. The site location and surrounding context are shown in Figures 1 and 2.

Figure 1: Location and context plan



Figure 2: Aerial photograph, taken April 2016 (Town Centre boundary shown with dashed green line)



6. The site is directly adjacent to the Green Square Town Centre and the Green Square station. It has frontages to Bourke Road on the south, Botany Road on the east and Wyndham Street on the west.
7. Existing development comprises a mix of retail, storage and office uses within a part one, part two storey building of low architectural merit. A large area of at-grade concrete hardstand on the southern lot is used for tenant and visitor car parking and is accessible from both Wyndham Street and Botany Road.
8. Directly adjacent to the south at 310a Botany Road is a part two, part three storey retail outlet store. No changes to the planning controls for 310a Botany Road are proposed.
9. To the north, east and west is a mix of developments comprising residential apartments, commercial offices, retail outlets and light industrial uses.

Current planning controls

10. Sydney LEP 2012 contains zoning and principal development standards, as described below:

- (a) 'B4 Mixed Use' zoning which permits a broad range of uses, including residential, commercial and retail;
- (b) a base FSR of 2:1 on both lots. In addition, the northern lot is eligible for an additional 1.5:1 FSR and the southern lot is eligible for an additional 2.2:1 FSR, subject to the provision of 'community infrastructure'. Up to a further 10% FSR may be awarded, subject to development demonstrating design excellence. When the lots are combined, the site has a total maximum gross floor area of 39,194.54 square metres which equates to a maximum FSR of 4.29:1, if the design excellence bonus is granted; and
- (c) a maximum building height of 22 metres on the northern lot and 60 metres on the southern lot. These heights are expressed in Sydney DCP 2012 as six storeys and 15+ storeys, respectively.

Planning History

11. The site has been the subject of several development applications and Land and Environment Court proceedings in recent years. A full planning history is provided in the planning proposal at Attachment A. The most relevant and recent development applications are discussed below.
12. On 6 July 2012, the site owner, Gazcorp, submitted a development application to construct a three storey podium building comprising 8,920 square metres of retail floorspace (including a 3,800 square metre supermarket), 2,330 square metres of commercial floorspace and two levels of basement car parking for 327 vehicles. The application (D/2012/1021) was approved under delegated authority on 20 November 2013.
13. On 23 December 2015 Gazcorp submitted a Section 96 modification to amend this consent. The Section 96 application seeks to reduce the total retail floorspace to 6,055 square metres and reduce the total commercial floorspace to 1,105 square metres. The application also seeks amendments to the configuration and layout of tenancies and to the building façade, and a reduction in the number of car parking spaces from 327 to 205.
14. The City is currently assessing the Section 96 application. The application does not rely on the proposed amended controls sought by the planning proposal and draft DCP amendment.

Request to amend planning controls

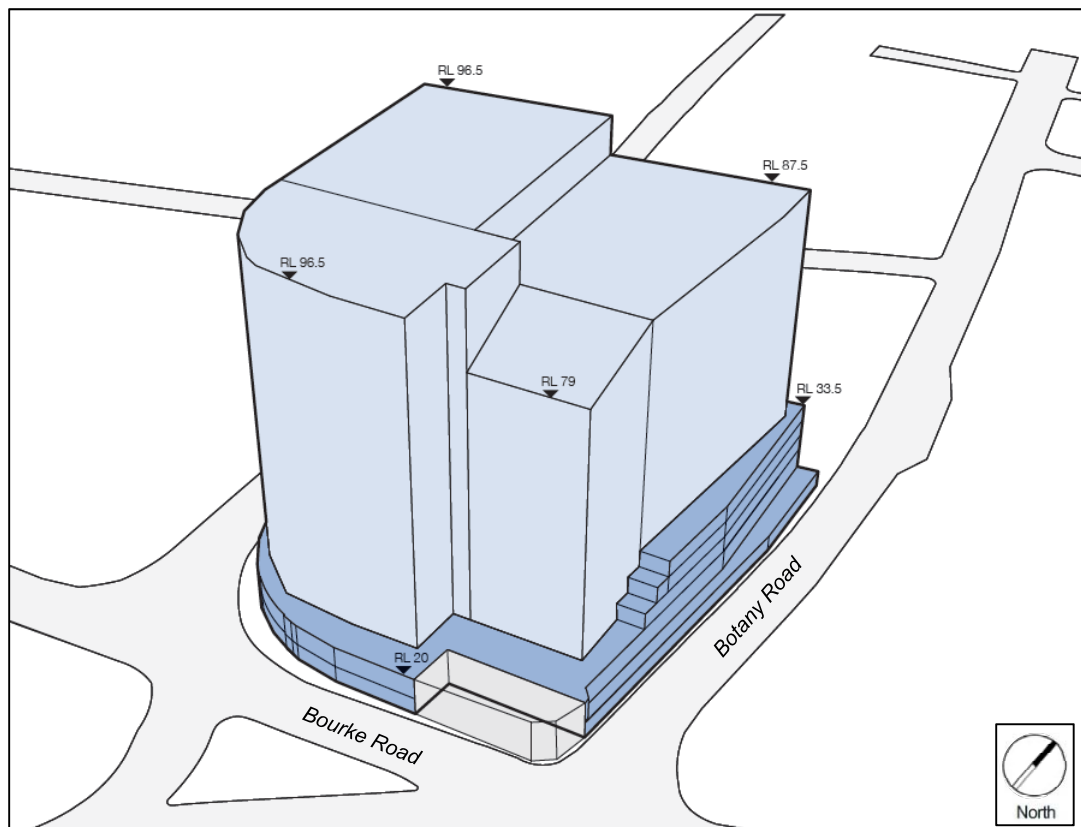
15. In December 2014, Gazcorp submitted a planning proposal request to the City. The request sought an increase to the two height controls under Sydney LEP 2012 from 22 metres and 60 metres to 85 metres and 65 metres, respectively. The request did not seek any amendment to zoning or FSR controls.
16. The request was supported by an Urban Design Report prepared by SJB and a Traffic and Transport Assessment prepared by AECOM. The supporting studies are included as Appendices to the planning proposal at Attachment A.

17. The Urban Design Study includes detailed testing of the current controls and a number of different potential schemes. It concludes that redistributing the permissible floor space by increasing the maximum height control can result in a superior built form outcome with better amenity and lesser impact on the surrounding context.
18. The City engaged MAKO Architecture to assess the Urban Design Study and test the proposed scheme. MAKO Architecture's analysis and the City's preliminary assessment supported the principle of varying the height control.
19. The City identified a range of issues that needed resolution and worked collaboratively with the proponent to address these issues and develop an amended scheme.
20. The indicative scheme described below is an evolution of the scheme submitted with the original planning proposal request and responds to environmental considerations. The indicative scheme and the issues considered are summarised below and discussed in detail in the planning proposal at Attachment A.

Proposed maximum envelope and indicative scheme

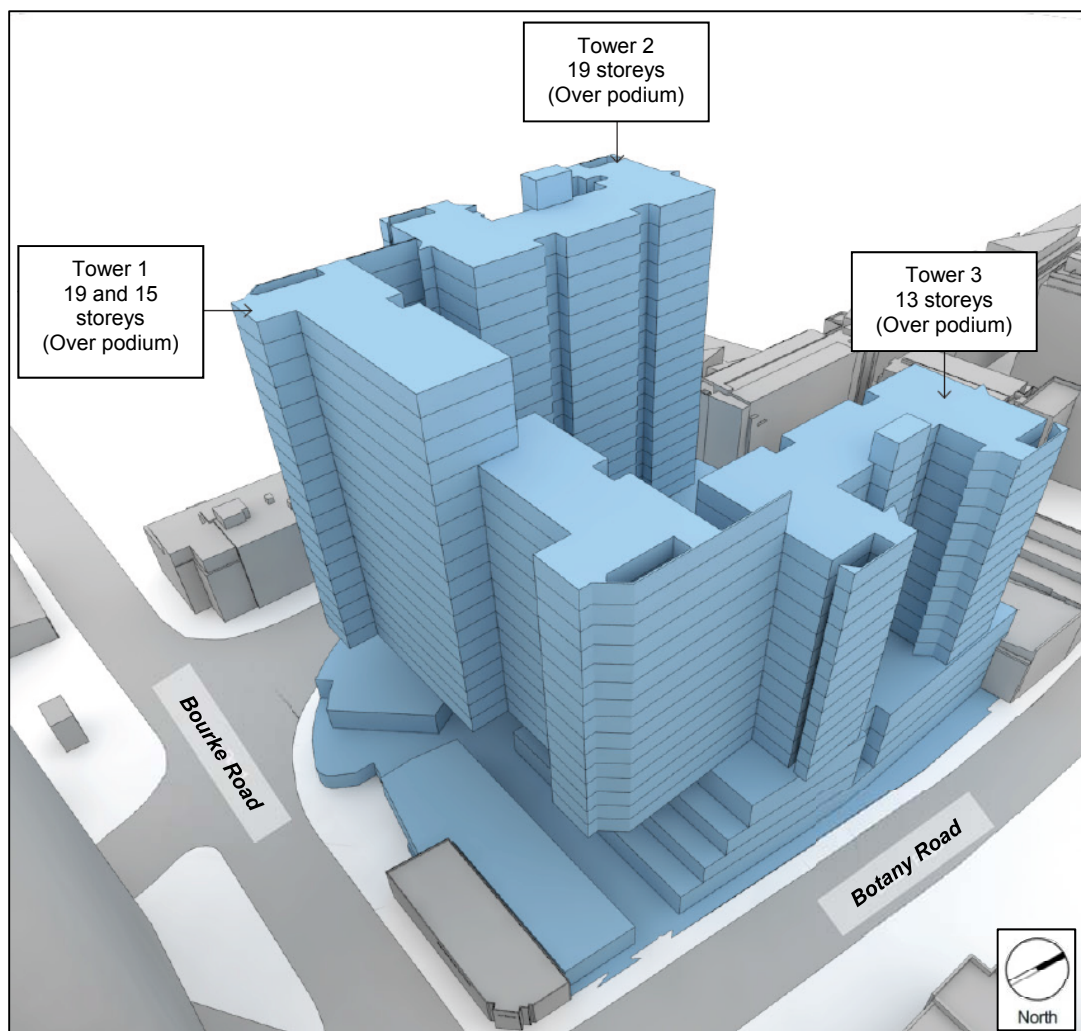
21. Figure 3 shows the proposed maximum building envelope. This illustrates the maximum volume within which future development may be arranged. The envelope extends to a maximum height of RL 96.5 fronting Wyndham Street and between RL 87.5 and RL 79 fronting Botany Road.
22. This envelope is the basis of the proposed amendments to the planning controls.

Figure 3: Proposed maximum building envelope viewed from south east



23. The proponent, in collaboration with the City, developed an indicative scheme that shows a potential arrangement of permissible floorspace within the built form envelope. The indicative scheme is shown at Figure 4. It includes three residential towers on top of a retail and commercial podium.
24. Part of the podium, including the retail and commercial floor space and the basement car parking, is subject to the current Section 96 application discussed earlier in this report. The City is assessing this application separately and it does not rely on the proposed controls contained in the planning proposal. The remainder of the podium, not included in the Section 96 application, comprises above-ground car parking to service the residential apartments.
25. The residential component comprises one tower of 19 storeys fronting Wyndham Street, one tower of 13 storeys fronting Botany Road and one tower of part 19 storeys, part 15 storeys fronting Bourke Road.

Figure 4: Indicative scheme viewed from south east



26. The indicative scheme represents one possible built form outcome. It demonstrates that the proposed building envelope can deliver a feasible development outcome. This report does not seek approval for the indicative scheme.

27. If the planning control amendments outlined in this report are approved following public consultation, the City will require a detailed building design to be developed through a competitive design process and development application(s). The indicative scheme is likely to change through this process.

Proposed amendments to Sydney LEP 2012

28. The following amendments to Sydney LEP 2012, sought and justified by the planning proposal at Attachment A, will allow the indicative scheme, or a similar scheme, to be realised:
- (a) amend the maximum height of buildings map, replacing the current 22 metres and 60 metre height controls with a detailed plan showing maximum RLs across the site;
 - (b) insert a site specific control to clarify the maximum gross floor area that may be achieved when treating both lots as a single site. Note, there is no proposed increase to the maximum FSR; and
 - (c) insert a site-specific control linking a BASIX score of 5 points above the minimum State-mandated target for energy to the existing design excellence floor space incentive.

Proposed amendments to Sydney DCP 2012

29. Site specific provisions, contained in the draft amendment to Sydney DCP 2012 at Attachment B, provide detailed design guidance.
30. These provisions relate to matters including: building bulk, massing and articulation; tower setbacks; solar access to the public domain; design of the childcare centre; vehicular access; wind impacts; and residential amenity.
31. These provisions also refer to a Design Excellence Strategy to guide any future competitive design process. This Strategy will be developed by the proponent in consultation with the City and reported to Council and CSPC for approval following the public exhibition of the planning proposal and draft DCP amendment.
32. The provisions are proposed to be contained in a new site-specific section at 'Section 6 – Specific Sites' of Sydney DCP 2012. Associated amendments to maps within Sydney DCP 2012 are also proposed.

KEY IMPLICATIONS

Benefits of amending the controls

33. The proposed amendments to Sydney LEP 2012 and Sydney DCP 2012 provide a site specific framework that will provide certainty to the community, the landowner and Council about future development outcomes. Redevelopment, as facilitated by the amended controls, will enable the following:
- (a) provision of approximately 480 new dwellings in immediate proximity to public transport, social infrastructure, employment opportunities, goods and services;
 - (b) urban design benefits arising from a high quality building design appropriate to its context and highly visible location;

- (c) supply of new childcare through the provision of a childcare centre accommodating approximately 100 children;
- (d) a direct contribution towards the City's goal of reducing greenhouse gas emissions by 70 per cent by 2030 through development achieving a BASIX score of at least 5 points above the minimum State-mandated target for energy;
- (e) delivery of community infrastructure contributions through the existing community infrastructure floorspace scheme under Sydney LEP 2012; and
- (f) delivery of affordable housing contributions through the existing Green Square Affordable Housing Scheme under Sydney LEP 2012.

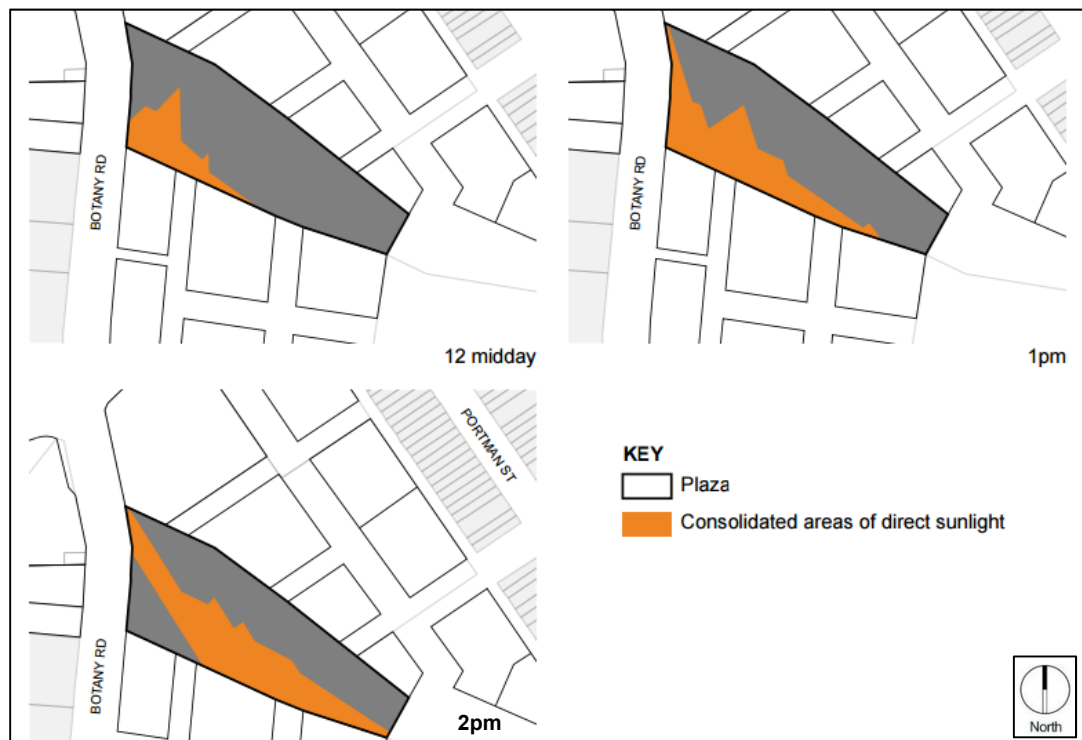
Consideration of environmental impacts

- 34. Following receipt of the planning proposal request, the City worked with the landowner and their consultant team to further evaluate and resolve a series of environmental issues, including solar access, appropriate bulk, scale and transition, views and compliance with the Apartment Design Guide.
- 35. The planning proposal at Attachment A includes detailed consultant studies as appendices. The studies, along with the City's detailed testing and analysis as described in the planning proposal, are a sound basis upon which to progress the proposed controls. Key findings of the studies and analysis are discussed below.

Solar access to Green Square Plaza

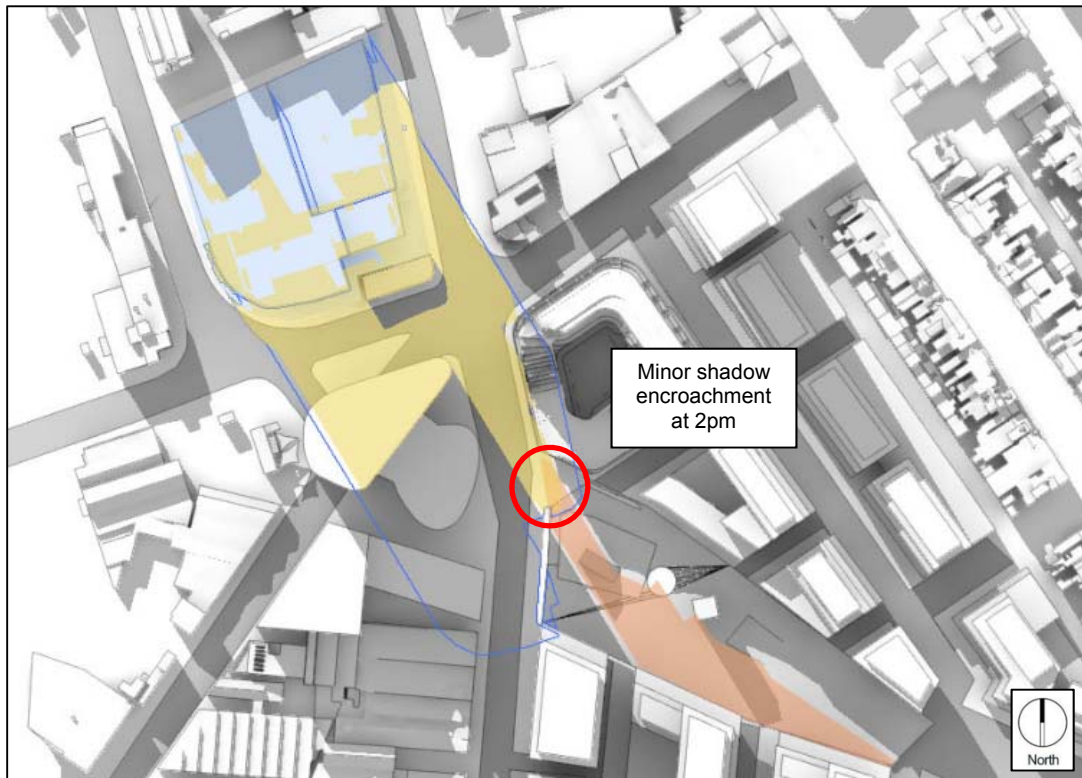
- 36. The Urban Design Study submitted by SJB assessed the impact of the proposed envelope and indicative scheme on surrounding buildings and public domain. The main focus of this work was to assess the impact on solar access to the Green Square Plaza. The full analysis is at Appendix A to the planning proposal at Attachment A.
- 37. *Green Square Town Centre Development Control Plan 2012* includes provisions to protect the amount of direct sunlight the Green Square Plaza receives between 12pm and 2pm at the winter solstice. Provision 3.1.3 (n) of the Town Centre DCP requires that direct sunlight should be generally consistent with the areas illustrated in Figure 3.2. The control is reproduced below at Figure 5.

Figure 5: Green Square Town Centre DCP 2012 solar access provision



38. Figure 6 shows the overshadowing caused by the envelope and the indicative scheme at 2pm on 21 June overlayed on the Town Centre DCP control. The control is shown in pink, the blue line indicates the shadow cast by the envelope and the yellow indicates the shadow cast by the indicative scheme.
39. At the control times of 12pm and 1pm, the indicative scheme does not cast any shadow on the Green Square Plaza. At 2pm there is a minor encroachment of the shadow cast by the indicative scheme onto the north-west corner of the DCP control area. The shadow cast accounts for approximately 3% of the total DCP control area at this time, and is indicated by a red ring.

Figure 6: Minor edge of plaza shadow cast by envelope and indicative scheme at 2pm on 21 June



40. Importantly, the indicative scheme and proposed envelope do not cast any shadow on the Green Square Library buildings, including the entry, garden and amphitheatre, at the key control times of 12pm to 2pm.
41. On the basis that the indicative scheme causes no overshadowing at 12pm and 1pm and only results in overshadowing that is generally consistent with the Town Centre DCP controls at 2pm, the overall impact is acceptable.
42. Future development on the site will be subject to a competitive design process and a development application. Notwithstanding the minor encroachment discussed above, the draft DCP amendment, at Attachment B, includes a provision which calls up the relevant provisions in the Town Centre DCP. Compliance with these provisions will be fully tested and assessed at both these stages.

Apartment Design Guide – Noise and natural ventilation

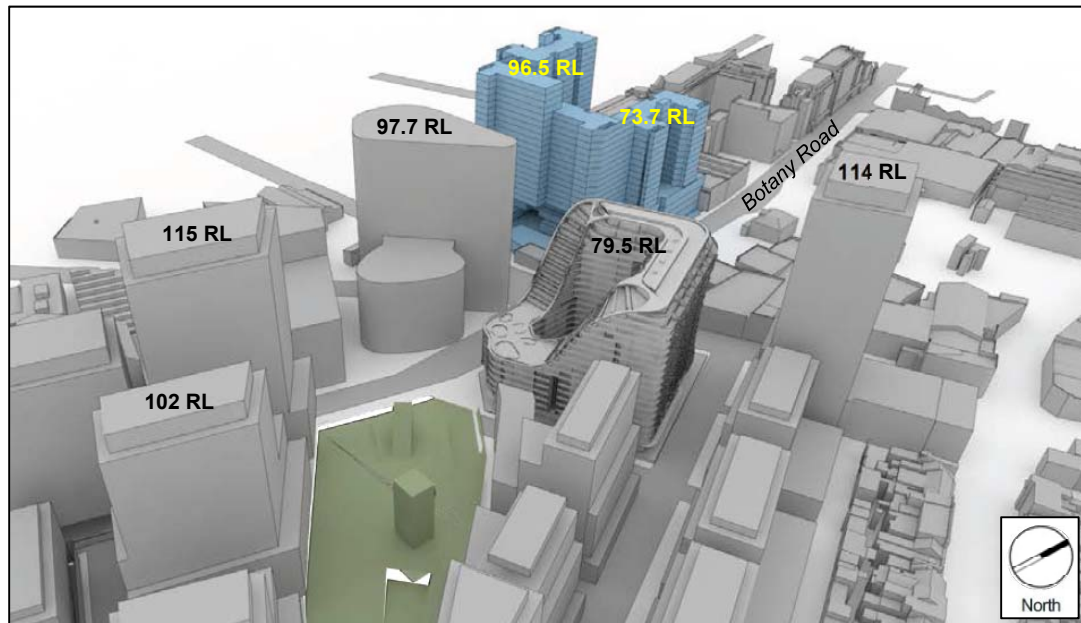
43. The City worked with the proponent and their consultant team to develop an indicative scheme which responds to the requirements of the NSW Government's Apartment Design Guide, particularly objectives relating to noise and natural ventilation.
44. The Apartment Design Guide was released in June 2015 and supersedes the Residential Flat building Design Code. Under the objectives of the Apartment Design Guide, every habitable room must be naturally ventilated. Under separate objectives, buildings which are affected by noise from busy roads must achieve minimum internal noise levels.

45. The Apartment Design Guide requires appropriate internal noise levels to be achieved through building siting, orientation and design, rather than by closing windows and denying access to natural ventilation. Designing buildings which comply with these objectives is an emerging industry challenge.
46. The proponent engaged Renzo Tonin to test approaches and solutions to this challenge in collaboration with SJB and the City. The testing included alternative tower siting and orientation and use of barrier wings and enclosed balconies. The noise analysis is at Appendix D to the planning proposal at Attachment A.
47. The testing demonstrates that the indicative scheme is capable of complying with the requirements for noise and natural ventilation under the Apartment Design Guide.
48. Compliance with these objectives will be fully tested at the design excellence and development application stage. The draft DCP amendment at Attachment B calls up the provisions of the Apartment Design Guide to guide this process.

Building bulk and scale

49. The site sits between the Town Centre, low-rise mixed-use development to the north and east and taller future commercial development to the west. In terms of bulk and scale, future development needs to provide a transition between these areas and also respond to the highly visible and prominent location it will occupy.
50. Figure 7 shows the indicative scheme in the context of surrounding existing and future built form, with the Town Centre in the foreground. The height limit of surrounding sites is marked in black numbers, the height of the indicative scheme in yellow.
51. The indicative scheme achieves an appropriate transition through locating the taller towers of 19 storeys on the Wyndham Street and Bourke Road frontages. These buildings will respond to the predominant maximum height controls of the northern part of the Town Centre (up to 21 storeys) and on the western side of Wyndham Street (13 storeys).
52. The lower tower of 13 storeys fronting Botany Road responds to the lower scale built form permissible on adjacent sites to the north (9 storeys) and the maximum height controls of sites on the eastern side of Botany Road (6 storeys). It will fit into the streetscape on the western side of Botany Road and provide an appropriate transition.

Figure 7: Indicative scheme in surrounding context



Views

53. SJB undertook a detailed analysis of the impact of the envelope and preferred scheme on the view from various vantage points in the vicinity. The full view analysis is at Appendix A to the planning proposal at Attachment A.
54. The analysis identifies the view down Bourke Street from the north east as a key vista to the site. Figure 8 shows the proposed envelope in red outline and the indicative scheme in solid red shade from this location. The maximum building envelope of Development Site 1 in the Town Centre (above the station) is also illustrated for context.

Figure 8: Proposed envelope and indicative scheme from Bourke Street looking in a south west direction



55. The analysis concludes that the residential towers will sit comfortably within the context established by buildings on adjacent sites, particularly once development in the Town Centre is complete. It should also be noted that development on the sites in the foreground, currently occupied by the blue buildings, is permitted up to six storeys.
56. The draft DCP amendment at Attachment B requires minimum setbacks to each of the residential towers. This will increase the sense of openness at ground level for pedestrians and ensure that obstruction of long range views is minimised.

Wind

57. The proponent engaged CPP Wind Engineering to undertake a preliminary wind assessment of the indicative scheme. The report is at Appendix C to the planning proposal at Attachment A and includes detailed discussion of the proposed impacts and options for mitigation.
58. The report finds that the site is exposed to prevailing winds that have the potential to cause undesirable conditions for pedestrians on both Wyndham Street and in the retail through-site connection at the podium level.
59. The report recommends mitigation measures, including setting back the towers from the podium edge, providing an awning on Wyndham Street, and providing entries to the through-site link designed to minimise wind speed. The indicative scheme responds to the findings of the report.
60. The draft DCP amendment at Attachment B includes provisions which require minimum tower setbacks, the provision of an awning along Wyndham Street and landscaping on the upper levels of the podium to mitigate wind impacts. It also requires provision of a detailed wind assessment with any future development application.

Traffic and transport

61. The planning proposal does not propose any increase in the maximum FSR for the consolidated site and will not result in a residential or worker population greater than that anticipated for the site under the current controls.
62. Notwithstanding this, AECOM has reviewed the traffic and parking impacts of the indicative scheme on behalf of the proponent to determine the likely impacts of redevelopment of the site. AECOM's analysis is at Appendix B to the planning proposal at Attachment A.
63. The analysis finds that the residential component of the development will result in an additional 151 trips across the AM and PM peak. This increase accounts for less than two per cent of the total existing volume on adjacent main arterial roads. The impact of these additional trips is expected to be negligible, given the manner in which vehicles are expected to disperse across a number of different routes after exiting the development.

64. The study also assesses vehicle access arrangements. These include a driveway off Botany Road for access to off-street parking servicing the residential development and a separate driveway off Wyndham Street for access to off-street car parking servicing the retail development. Roads and Maritime Services has indicated its support for this arrangement through previous consultation. Further consultation will be undertaken during the public exhibition of the planning proposal.
65. The planning proposal does not propose any amendments to the parking rates in Sydney LEP 2012. Consideration of appropriate parking provision will be made at the development application stage and will take into consideration the maximum rates in Sydney LEP 2012 and the proximity to public transport.
66. Subject to further analysis at the development application stage, traffic impacts are acceptable and any impacts can be appropriately managed.

Environmental impacts assessment conclusion

67. The planning proposal and supporting studies provide a strong rationale for amending the maximum height. The environmental impacts associated with the increased height are within acceptable limits and are able to be managed. A detailed assessment of potential environmental impacts, including those discussed in detail above and those raised by the Apartment Design Guide, will be undertaken at the development application stage.
68. In summary, the key benefits of increased building height across the site enabled by the planning proposal and draft DCP amendment are:
 - (a) realisation of the site's full residential development capacity, given its excellent proximity and access to public transport, employment opportunities, goods and services;
 - (b) protection of solar access to Green Square Plaza in line with the existing provisions of the Green Square Town Centre DCP;
 - (c) a high level of amenity for future occupants of the building in terms of protection from road noise, while providing access to natural ventilation in all habitable rooms;
 - (d) a better urban design outcome and an appropriate transition in height and scale between the Town Centre and the lower scale areas to the north and east;
 - (e) flexibility for the proponent to explore different design outcomes through a future competitive design process; and
 - (f) improved environmental performance achieved through linking a BASIX score of 5 points above the State-mandated minimum score for energy to the potential floor space awarded for undertaking a competitive design process.

Strategic Alignment - Sustainable Sydney 2030 Vision

69. *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 proposed planning control amendments are aligned with the following strategic directions and objectives:
- (a) Direction 2 – A Leading Environmental Performer – The proposed controls include a requirement that development meets a BASIX score of 5 points above the State-mandated minimum score for energy. This will reduce the energy consumption of future development and directly contribute towards the City's target of reducing greenhouse gas emissions by 70% by 2030.
 - (b) Direction 4 - A City for Walking and Cycling – The planning controls require widening of the existing footpath which borders the site. This will increase pedestrian amenity by providing additional capacity in a high activity area. In doing so, it will encourage further trips by walking. The development will also include bicycle parking and end-of-trip facilities, as required by Sydney DCP 2012, further encouraging active transport.
 - (c) Direction 6 - Vibrant Local Communities and Economies – The residential component of future redevelopment will deliver dwellings immediately adjacent to a range of goods and services, employment opportunities, transport and social infrastructure. The future residential population will support the Green Square local economy. The commercial podium will deliver new retail opportunities, further activating the area, providing an additional focal point for the local community and strengthening the local economy.
 - (d) Direction 8 - Housing for a Diverse Population – Redevelopment of the site will deliver approximately 480 market dwellings of different sizes, catering for a diverse range of future residents. It will also contribute towards delivery of Affordable Housing through contributions under the existing Green Square Affordable Housing Program.
 - (e) Direction 9 - Sustainable Development, Renewal and Design – The proposed planning controls are based on principles for sustainable development, including ensuring that built form delivers high levels of amenity for future residents. The design excellence provisions of Sydney LEP 2012 will continue to apply to the site, ensuring a high quality architectural outcome.

RELEVANT LEGISLATION

70. *Environmental Planning and Assessment Act 1979* and *Environmental Planning and Assessment Regulation 2000*.
71. On 27 January 2016, the *Greater Sydney Commission Act 2015* commenced. It makes several amendments to the *Environmental Planning and Assessment Act 1979*, including removing the ability of the Minister for Planning to make a Local Environmental Plan (LEP) and giving this responsibility to the Greater Sydney Commission. Under the new legislation, the Greater Sydney Commission will be responsible for making the LEP amendment sought by the planning proposal.

CRITICAL DATES / TIME FRAMES

72. Should Council and the CSPC endorse the planning proposal for exhibition and consultation, it will be forwarded to the Greater Sydney Commission. The Greater Sydney Commission will then provide a Gateway Determination to either proceed, with or without variation, to consultation, or to resubmit the planning proposal.
73. The typical timeframes, once a Gateway Determination has been issued, are 21 days for public authority consultation and 28 days for public exhibition. The Gateway Determination will also specify a date by which the local environmental plan amendment is to be finalised.
74. Following public authority consultation and public exhibition of the planning proposal and draft DCP amendment, the outcomes will be reported back to Council and the CSPC.
75. In October 2012, the then Minister for Planning and Infrastructure delegated his plan-making functions to councils to improve the local plan-making process. In December 2012, Council resolved to accept the delegation. Following the making of the *Greater Sydney Commission Act 2015* in January 2016, the Minister's delegation is now taken to mean the Greater Sydney Commission's delegation.
76. Council needs to receive an authorisation on a case-by-case basis to exercise the delegation. The authorisation is given through the Gateway process and means a faster plan-making process with less involvement of the Department of Planning and Environment. This report recommends the CSPC note the recommendation to Council's Planning and Development Committee on 9 August 2016 that Council seeks this delegation.

PUBLIC CONSULTATION

77. The public exhibition process and requirements will be informed by the Gateway Determination. Subject to the Gateway Determination, it is proposed to publicly exhibit the planning proposal, DCP amendment and draft VPA concurrently for a minimum period of 28 days with notification:
 - (a) on the City of Sydney website;
 - (b) in newspapers that circulate widely in the area; and
 - (c) in writing to residents, landowners and community groups in the vicinity of the site.
78. A full package of exhibition material will be made available for viewing on the City of Sydney website, at the One Stop Shop at Town Hall House and at the Green Square Neighbourhood Service Centre.

GRAHAM JAHN, AM

Director City Planning, Development and Transport

(Tim Aldham, Specialist Planner)