

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

The Green Square Urban Renewal Area was identified in the late 1990s and since that time it continues to deliver new homes and commercial space, as well as new public domain, including streets and parks, and new community facilities. This supports the objectives and delivery of outcomes outlined in *Sustainable Sydney 2030*.

This report details the outcomes of the public exhibition of draft planning controls for 296-298 Botany Road and 284 Wyndham Street, Alexandria, referred to as the "Gazcorp Site". It recommends approval of the finalised controls which incorporate post-exhibition amendments. The controls comprise a planning proposal to amend *Sydney Local Environmental Plan 2012*, at Attachment A, and a draft amendment to *Sydney Development Control Plan 2012*, at Attachment B.

The Gazcorp Site is located near the centre of the Green Square Urban Renewal Area. It occupies a prominent and highly visible location directly to the north of Green Square town centre and Green Square train station. The site has three street frontages – Bourke Road, Botany Road and Wyndham Street, with Figures 1 and 2 showing its location and context.

The site has excellent access to public transport, employment opportunities and goods and services. It is 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 December 2014, the landowner submitted a planning proposal request to amend the maximum building height on the site to allow for the development of residential towers above a podium. 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 amendment increases the maximum height up to a Reduced Level (RL) of 96.5 (approximately 85 metres above ground level) at the highest point. It also introduces a detailed building envelope in place of a blanket height control. The proposal does not involve a change to the floor space ratio, but will allow floor space to be distributed more evenly across the two lots. The proposal will allow for a residential scheme on the site which will be able to achieve greater compliance with the Apartment Design Guide (ADG) and a superior built form outcome.

The proposal will contribute to the vision and targets of *Sustainable Sydney 2030, A Plan for Growing Sydney* and the draft *Central District Plan* by facilitating redevelopment of the site to deliver approximately 480 new dwellings, new commercial floor space and a childcare centre for approximately 100 children. The dwellings will be of different sizes to accommodate a range of household types, and located immediately adjacent to a mix of goods and services, employment opportunities, public transport and social infrastructure. The commercial podium of the new development will deliver new retail opportunities, contribute to the activation of the area and strengthen the local economy. The proposed planning controls require the widening of the existing footpath on Bourke Road and Botany Road which will increase pedestrian amenity in the area. The proposed controls also include a requirement for the development to meet a BASIX score above the NSW mandated minimum score for energy, which will reduce energy consumption and contribute to the City's target of reducing greenhouse gas emissions.

In August 2016, Council and the Central Sydney Planning Committee resolved to publicly exhibit the proposed controls. Copies of the resolutions are at Attachment C.

On 17 October 2016, the Department of Planning and Environment, under delegation of the Greater Sydney Commission, issued a Gateway Determination allowing public exhibition of the planning proposal. The Gateway Determination is at Attachment D and authorises Council to liaise directly with Parliamentary Counsel to legally draft and make the local environmental plan under delegation, to give effect to the planning proposal.

The planning proposal and draft DCP amendment were exhibited for 28 days from 1 November 2016 to 30 November 2016. The City received a total of 20 submissions. Six submissions were from local residents, and seven were submitted through the "Sydney Your Say" website (sydneyyoursay.com.au), while seven were from public authorities. Issues raised included building heights, density, infrastructure, traffic and transport. These are discussed in the body of the report and a full summary is at Attachment E.

A number of post-exhibition changes have been made to the planning proposal and the draft DCP amendment, having regard to public exhibition submissions and further internal consideration by the City.

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

RECOMMENDATION

It is resolved that:

- (A) the Central Sydney Planning Committee note the matters raised in response to the public exhibition and public authority consultation of *Planning Proposal: Gazcorp Site (296-298 Botany Road and 284 Wyndham Street, Alexandria)* and draft *Sydney Development Control Plan 2012 – Gazcorp Site Amendment*, as shown at Attachment E to the subject report;
- (B) the Central Sydney Planning Committee approve *Planning Proposal: Gazcorp Site (296-298 Botany Road and 284 Wyndham Street, Alexandria)*, as shown at Attachment A to the subject report, to be made as a local environmental plan under section 59 of the *Environmental Planning and Assessment Act 1979*;

- (C) the Central Sydney Planning Committee note the recommendation to Council's Planning and Development Committee on 8 May 2017 that Council approve draft *Sydney Development Control Plan 2012 – Gazcorp Site Amendment*, as shown at Attachment B to the subject report, noting that the approved development control plan will come into effect on the date of publication of the subject local environmental plan;
- (D) the Central Sydney Planning Committee note that a Design Excellence Strategy, which requires the approval of Council, has been incorporated into the draft Sydney Development Control Plan 2012 – Gazcorp Site Amendment, to guide any future competitive design process; and
- (E) authority be delegated to the Chief Executive Officer to amend the planning proposal to correct any minor errors or omissions prior to the making of the amendment to the local environmental plan.

ATTACHMENTS

- Attachment A:** Planning Proposal: Gazcorp Site (296-298 Botany Road and 284 Wyndham Street, Alexandria). Dated May 2017. Post exhibition changes marked in red.
(Note – due to their size, a hard copy of the appendices to Attachment A has not been circulated. They are available for inspection on Council's website).
- Attachment B:** Draft Sydney Development Control Plan 2012 – Gazcorp Site Amendment. Dated May 2017. Post exhibition changes marked in red.
- Attachment C:** Resolution of Council of 15 August 2016 and Resolution of the Central Sydney Planning Committee of 11 August 2016.
- Attachment D:** Gateway Determination. Dated 17 October 2016.
- Attachment E:** Summary of submissions and responses from the City of Sydney.

BACKGROUND

Purpose of this report

1. This report seeks Central Sydney Planning Committee approval of a planning proposal relating to 296-298 Botany Road and 284 Wyndham Street, Alexandria, referred to as the "Gazcorp Site". The planning proposal, at Attachment A, seeks to amend *Sydney Local Environmental Plan 2012* (Sydney LEP 2012). The draft DCP amendment, at Attachment B, seeks to amend *Sydney Development Control Plan 2012* (Sydney DCP 2012).
2. Council and the Central Sydney Planning Committee (CSPC) approved the draft planning proposal and draft DCP amendment for public exhibition on 15 August 2016 and 11 August 2016, respectively. The Council and CSPC resolutions are at Attachment C.
3. The Department of Planning and Environment issued a Gateway Determination setting out the requirements for the public exhibition on 17 October 2016. The Gateway Determination is at Attachment D.
4. The draft planning proposal and draft DCP amendment were publicly exhibited in accordance with the Gateway Determination from Tuesday 1 November 2016 to Wednesday 30 November 2016.
5. The City received a total of 20 submissions. Six submissions were from local residents, and seven were submitted through the "Sydney Your Say" website (sydneyyoursay.com.au), while seven were from public authorities. A summary of all submissions, and the City's response, is at Attachment E. Key issues raised in submissions are discussed later in this report.
6. A number of post-exhibition changes have been made to the planning proposal and the draft DCP amendment, having regard to public exhibition submissions and further internal consideration by the City. These changes are discussed in this report.
7. This report also notes that a Design Excellence Strategy to guide any future competitive design process on the site has been incorporated into the draft DCP amendments.

Site details and context

8. The site comprises two separate lots, which combined have 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

9. The site is located near the centre of the Green Square Urban Renewal area, and to the immediate north of the Green Square town centre and Green Square train station. It has three street frontages with Botany Road to the east, Wyndham Street to the west and Bourke Road to the south.
10. Existing development on the site comprises a mix of retail, storage and office uses within low rise buildings of low architectural merit. Large concrete hardstand areas on the southern lot are used for tenant and visitor parking, and can be accessed from Wyndham Street and Botany Road.
11. To the immediate south, at 310A Botany Road, is a part one / part two storey retail outlet store which occupies the corner of Bourke and Botany Roads. No changes to the planning controls for this lot are proposed.
12. The site is surrounded by a mixture of development, including commercial offices, retail outlets, light industrial uses and residential properties. To the north-east, on the opposite side of Botany Road, is Green Square Public School.



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

Current planning controls

13. Under Sydney LEP 2012, the site is zoned B4 Mixed Use. The B4 zone permits a broad range of uses, including residential, commercial and retail.
14. Sydney LEP 2012 permits an FSR of 2:1 on both lots. In addition, the northern lot is eligible for an additional FSR of 1.5:1 and the southern lot is eligible for an additional FSR of 2.2:1, subject to the provision of “community infrastructure”. Up to a further 10% of the total FSR may be awarded subject to a development demonstrating design excellence through a competitive design process. When the lots are combined, the site has potential for a total maximum gross floor area of 39,194.54 square metres which equates to an FSR of 4.29:1 (if the full design excellence bonus of 10% were to be awarded).
15. Sydney LEP 2012 permits a maximum height above ground level of 22 metres on the northern lot and 60 metres on the southern lot. Sydney DCP 2012 permits 6 storeys on the northern lot and greater than 15 storeys (>15) on the southern lot.

Planning History

16. The site has been the subject of a number of 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 application is discussed below.
17. In November 2012, a deferred commencement approval (D/2012/1021) was granted for the construction of a 3 storey retail and commercial development on the site. This approval became operational on 20 November 2013 (once the deferred commencement conditions had been satisfied) and will lapse on 20 November 2018.
18. This consent has subsequently been modified twice. The first modification (D/2012/1021/A) was granted approval on 18 April 2013 and involved amendments to the fitout, use and operation of the supermarket tenancy within the building. The second modification (D/2012/1021/B) was granted approval on 14 October 2016, and included changes to the height of the building to make it part 2 / part 3 storeys, alterations to vehicle and pedestrian access points, and the deletion of a basement level and a subsequent reduction in parking spaces.
19. The approved podium does not preclude the future development of the podium proposed through the planning proposal. The podium proposed through the planning proposal accommodates additional levels which may be used to accommodate additional commercial uses and above ground car parking to service the residential towers screened from the public domain by other uses.

Amendment request and the indicative scheme

20. In December 2014, Gazcorp submitted a planning proposal request to the City. The request sought an increase to the two height controls applicable 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 the zoning or FSR controls.
21. The request was supported by an Urban Design Study prepared by SJB Architects and a Traffic and Transport Impact Assessment prepared by AECOM. The supporting studies are included as Appendices to the planning proposal at Attachment A.
22. The Urban Design Study includes detailed testing of the current controls and a number of different potential schemes. It finds that redistributing the permissible floor space by increasing the maximum height control can result in a superior built form outcome with better amenity and less impact on the surrounding environment.
23. 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.
24. The City identified a range of issues that needed resolution and worked collaboratively with the proponent to address them and develop an amended scheme.

25. The indicative scheme which guided the preparation of the proposed planning controls is an evolution of the original scheme submitted with the planning proposal request and responds to environmental considerations. It was subject to detailed testing to ensure that a built form outcome on the site is capable of complying with the acoustic and ventilation requirements of the Apartment Design Guide (ADG). The indicative scheme and the issues considered are discussed in detail in the planning proposal at Attachment A.

Exhibited controls

26. The City developed draft amendments to both Sydney LEP 2012 and Sydney DCP 2012 to allow the indicative scheme, or a similar scheme, to be realised.

The planning proposal

27. The planning proposal seeks to amend planning controls in Sydney LEP 2012 as follows:
- (a) amend the Height of Building Map Sheets 17 and 18, replacing the current 22 metre and 60 metre height controls with a detailed plan showing maximum RLs across the site. The maximum height proposed on the site is RL 96.5;
 - (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. There is no proposed increase in the maximum FSR; and
 - (c) insert a site-specific control which requires the consent authority to be satisfied that all BASIX affected development on the site is rated at least 5 points above the NSW mandated BASIX points target for energy prior to granting development consent for any additional floor space awarded through the City's design excellence incentive.

The draft DCP amendment

28. The draft amendment to Sydney DCP 2012 contains site-specific provisions relating 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. These provisions provide detailed design guidance for the development of the site.
29. These provisions also refer to a requirement for a competitive design process to be undertaken in accordance with a Design Excellence Strategy that has been approved by the consent authority.
30. The provisions are proposed to be contained in a new part of "Section 6 – Specific Sites" of Sydney DCP 2012. Associated amendments to maps within Sydney DCP 2012 are also proposed.

Public exhibition

31. The planning proposal and draft DCP amendment were exhibited from 1 November 2016 to 30 November 2016.

32. Relevant documents were made available for viewing at the One Stop Shop, the Green Square Neighbourhood Service Centre and on the "Sydney Your Say" website. The city sent over 800 letters to landowners and residents to notify them of the public exhibition.
33. The exhibition was also advertised in The Sydney Morning Herald, Central Sydney magazine, and through the City's website and the "Sydney Your Say" e-newsletter.
34. A total of 20 submissions were received in response to the exhibition. This comprised seven submissions from public authorities, six submissions from local residents and seven submissions through the "Sydney Your Say" website.
35. Issues raised in submissions and the City's response are summarised at Attachment E, with discussion of key issues below.

Public authority submissions

36. Of the seven submissions from public authorities, Roads and Maritime Services (RMS), Sydney Trains, Sydney Water and Ausgrid raised no objections and identified matters to be considered at the development application stage. Other submissions from public authorities are discussed below

Transport for NSW

37. Transport for NSW notes that Botany Road is a classified road under the care and control of RMS, and that the proposed access arrangements for the development from Botany Road should be approved by RMS. (In this regard, RMS have not raised objection to the proposed Botany Road access arrangements).
38. Transport for NSW raises concerns with the proposed residential driveway and traffic management measures, including a median strip to prevent right hand turns into the residential vehicular entry. This may impact on bus services operating along Botany Road which is a key bus corridor. Transport for NSW has requested that they be consulted about any proposed median strip along Botany Road.
39. Transport for NSW requests that the applicant demonstrate that the proposed left in / left out arrangement on Botany Road would not cause queuing on Botany Road and not impact upon bus operations. To counter the potential for queuing, RMS advised that the residential car park access point be located in the farthest north easterly point of the building at least 100 metres from the Bourke Road/ Botany Road intersection. This advice is incorporated in the draft DCP controls which show the residential vehicular entry to be located on the Botany Road frontage, at the most northerly point, as far away from the Bourke Road/Botany Road intersection as possible.
40. Transport for NSW has also requested that bicycle facilities be well located and secure on the site, and wayfinding strategies and travel access guides be developed to assist with increasing walking and cycling. These are matters to be taken into account in the detailed design of a proposal.

NSW Department of Education

41. The NSW Department of Education notes that the site is located close to Green Square School which provides programs for students experiencing challenges in their mainstream school setting. The school is listed as a heritage item under Sydney LEP 2012.
42. The NSW Department of Education raises concern that the proposed redevelopment of the site, along with potential further development in and around the Green Square precinct, will have a cumulative impact in the locality in terms of traffic generation, overshadowing, overlooking and noise impacts. The successful operation of the school relies on safe pedestrian and vehicle access, minimal noise interference and avoidance of overshadowing and overlooking of internal and external spaces.
43. The NSW Department of Education requests that, when considering the proposal and design options, Council include an assessment of these environmental impacts to ensure that the school can continue with its programs without adverse impact.
44. Botany Road serves as a significant barrier between the site and Green Square School, and the school buildings are setback within the site. As part of the Urban Design Study prepared to support the planning proposal, a view analysis was undertaken which illustrates the impacts of increased building heights on the setting of the heritage item are minor and acceptable. The potential for any proposed development on the site to adversely impact on the heritage item is relatively low.
45. The Traffic and Transport Impact Assessment prepared to support the planning proposal concludes that the majority of residents will utilise rail services rather than private cars for the majority of trips, and that net vehicular impacts of the proposed development are minimal. In this respect, it is noted that the planning proposal does not propose an increase in the current FSR or development intensity.
46. With regard to solar access, shadow testing shows that a high rise development on the site would not result in any overshadowing of Green Square School between 9am and 3pm at the winter solstice, given the school's location to the north-east of the site.
47. The detailed design of a scheme for the redevelopment of the site will need to consider how to mitigate against potential adverse impacts on neighbouring properties, including Green Square School. The assessment of a development application will provide further opportunity for impacts on Green Square School to be considered.

Sydney Airport Corporation

48. Sydney Airport Corporation advises that the proposed height controls will penetrate the Obstacle Limitation Surfaces (OLS), which are a series of surfaces that set the height limits for structures around an aerodrome for the purposes of protecting aviation airspace. The OLS height restriction for the site is 51 metres AHD, and the proposed maximum building height is RL 96.5 AHD. This means that the proposed height controls will allow for a development which penetrates the OLS by approximately 45.5m. Sydney Airport Corporation do not support the development of any structure that intrudes into the OLS.

49. Sydney Airport Corporation advises that the proposal has been referred to the Department of Infrastructure and Regional Development for their determination, as the Commonwealth body with ultimate airspace operation responsibilities. They have also invited submissions from the Civil Aviation Safety Authority, Airservices and Airlines.
50. A Preliminary Aeronautical Assessment was submitted in support of the planning proposal. This report concluded that, based on a preliminary assessment, an application supported by a full aeronautical assessment and safety case would be approved by the Department of Infrastructure and Regional Development.
51. A post exhibition amendment has been incorporated which specifies that the maximum building heights as specified on the Height of Building Maps 17 and 18 are subject to the written approval of the relevant Commonwealth body with regard to airspace operations. It is also noted that any future development application which penetrates the Obstacle Limitation Surfaces would require the concurrence of Sydney Airport Corporation.

Local resident / “Sydney your say” submissions

Height

52. Many of the submissions raised objection to the proposed increase in the height limit. Main concerns raised include: a building height of around 85 metres is excessive and out of balance with the heights of nearby buildings; the proposal expands the Green Square town centre further; high rise apartment buildings are casting shadows and blocking access to the sky; and the proposal would adversely impact upon neighbouring residential properties.
53. Extensive analysis has been undertaken by the proponent and the City of Sydney in relation to the proposal to raise the maximum building height on the site. This has included building massing and siting studies, view analysis, testing of shadow and wind impacts, and a traffic and transport impact assessment. The planning proposal was supported by a detailed Urban Design Study which found that the site can support a development of greater height than the current planning controls allow.
54. The site occupies a prominent position and is in a highly visible location within the Green Square Urban Renewal Area. It is located opposite the Green Square town centre where there are higher maximum building heights. Taller elements (maximum RL 96.5) are proposed on the western side of the site to respond to the taller maximum heights on the western side of Wyndham Street and on the Bourke Road/O’Riordan Street corner. Lower elements (maximum RL 87.5 and 79) are proposed on the eastern side of the site to respond to the lower permissible heights on the eastern side of Botany Road and the medium rise development to the north.
55. The proposed building envelope allows for a commercial/retail podium with high rise residential towers above. The building envelope adopts setbacks for the taller residential towers to reduce impacts on the public domain and adjoining properties.

56. The proposed building heights and building envelope can result in a scheme that is able to satisfy key objectives and provisions of relevant SEPPs, Sydney LEP 2012 and Sydney DCP 2012. The Sydney DCP 2012 incorporates a design excellence strategy which sets out the competitive design process to be followed for the site's redevelopment. The process will ensure that a high quality development which exhibits design excellence and makes a positive contribution to the urban form is delivered on the site.
57. In response to submissions, and to avoid the possibility of the maximum building heights determined through this planning proposal being exceeded, post-exhibition amendments have been incorporated to preclude the use of Clause 4.6 – Exceptions to development standards or Clause 6.21(7)(a) – Design Excellence of Sydney LEP 2012 to achieve additional height.
58. The detailed design of a development for the site, along with the assessment of a future development application, will provide further opportunity for the impacts on neighbouring properties to be addressed.

Infrastructure; Traffic and Transport

59. Many of the submissions raised concerns regarding the impact of the development on existing infrastructure in the area – particularly transport infrastructure, with concerns being raised about road congestion, public transport overcrowding and parking problems. Respondents noted that the proposal would result in a significant increase in the residential population of the area, putting additional pressure on infrastructure and services.
60. The planning proposal does not involve any change to the maximum floor space ratio permitted on the site. This means that the proposal will not increase density on the site, only the way in which the density is physically expressed. Therefore, the planning proposal and draft DCP controls will not, in themselves, result in an increase in pressure on existing infrastructure in the locality. Notwithstanding this, given the concerns elicited through the public exhibition regarding parking and congestion in the local area, the proponent offered for a restriction to be included in the planning proposal relating to car parking spaces. This restriction would be that no on-site parking can be provided for any residential apartments within the development which have been created as a result of floor space awarded through a competitive design process. This restriction has been incorporated into the site-specific provisions of Sydney LEP 2012.
61. It is acknowledged that there are concerns about infrastructure investment not keeping pace with the rapid redevelopment and population growth in the Green Square Urban Renewal Area. In response to this, the City prepared the Green Square Infrastructure Strategy and Plan. The plan details the strategies, plans and studies that support and guide the growth of Green Square and seeks to ensure that the necessary physical and social infrastructure required to support development is clearly identified so that it can be delivered as development occurs. The plan recognises that some services, such as schools, health facilities and public transport provision, are not the responsibility of the City and provides a framework to work with relevant agencies to achieve more timely infrastructure provision by the NSW Government.

62. The City continues to pursue actions to improve transport in the Green Square Urban Renewal Area, including continued advocacy for improved public transport and continued work with Transport for NSW to improve capacity and reliability of public transport services.

Open space provision and trees

63. One local resident argues that open space and trees should not be replaced with a “concrete jungle”.
64. The City recognises that the provision of high quality open spaces is essential to ensure a healthy, vibrant and sustainable community. The City’s *Open Space, Sports and Recreation Needs Study 2016* makes reference to a number of projects which are already underway in the Green Square Urban Renewal area which will contribute to the provision of open space and recreational facilities in the locality.
65. There are a number of mature street trees located on the footpaths surrounding the site, and the protection of these trees will be a matter for consideration during the assessment of a future development application. Any such development application will also need to be supported by a landscape plan which details how the proposed development will contribute to the greening of the area.

Construction impacts

66. Some residents raised concerns regarding construction impacts. One resident noted that there has been construction work in the locality for several years resulting in noise/dust pollution, while another noted that there would be prolonged construction work at a busy intersection with increased truck movements and noise.
67. The development of the site is likely to result in construction related impacts, including noise, dust and additional truck movements. These impacts can be mitigated through appropriate management at the development application stage, through a requirement for a Construction Traffic Management Plan and a Noise and Vibration Management Plan.
68. With regard to dust, construction site operators are required by law to minimise dust emissions from sites.

Bicycle facilities

69. Two respondents to the “Sydney Your Say” website consultation raised the need for bicycle parking and end-of-trip facilities to be provided within the development, with one of these respondents requesting better cycling access around the development.
70. The City is supportive of cycling as an active mode of transport, and is committed to creating and maintaining a bicycle friendly environment in Sydney. The City is building a network of cycle paths across the local government area, including extensive cycling infrastructure within the Green Square Urban Renewal Area. While some of the actions required to achieve cycling accessibility and safety within Green Square are the responsibility of NSW Government agencies, the City works with them to ensure the delivery of necessary cycling infrastructure.

71. With regard to bicycle parking and end-of-trip facilities on site, any future development will be required to provide such in accordance with the rates set out in Sydney DCP 2012. If the current development consent (D/2012/1021/B) for a commercial/retail development on the site is implemented, bicycle parking and facilities will need to be provided in accordance with the conditions of this consent.

Post exhibition changes

72. A review of the planning proposal and draft DCP amendment was undertaken with regard to public exhibition submissions and further internal consideration by the City. This review has resulted in a number of post exhibition changes to the planning proposal and the draft DCP amendment. These are discussed below.

Planning proposal

73. The changes to the planning proposal are shown at Attachment A, with deleted wording shown with ~~strikethrough~~ and additional wording shown in red. They include:
- (a) within the new clause under “Division 5 Site Specific Provisions” of Sydney LEP 2012:
 - (i) a limitation on the extent of site redevelopment which can occur without the formal consolidation of the two lots into a single lot. This restriction will have the effect of requiring the two lots to be consolidated into 1 prior to the redevelopment of the site in accordance with the planning proposal. This provision is to provide clarity that the specified maximum heights and gross floor area are only achievable when the two lots are redeveloped as one;
 - (ii) a restriction that no on-site parking is to be provided for any residential apartments within the development which have been created as a result of floor space awarded as a design excellence incentive through a competitive design process. The proponent offered for this restriction to be incorporated into the planning proposal in response to concerns regarding parking and congestion in the local area. The restriction on on-site parking will have the effect of reducing car dependency and encouraging uptake of alternative transport modes;
 - (iii) a provision which specifies that a building which is the winner of a competitive design process and exhibits design excellence is not eligible for additional building height under Clause 6.21(7)(a) of Sydney LEP 2012. This is because the heights proposed through the planning proposal are considered to be the maximum heights achievable without resulting in unacceptable overshadowing impacts; and
 - (iv) a provision which specifies that the maximum building heights as specified on the Height of Buildings Maps Sheets 17 and 18 are subject to the written approval of the relevant Commonwealth body with regard to airspace operations. This is because the proposal penetrates the Obstacle Limitations Surfaces and the written approval of the Department of Infrastructure and Regional Development is required; and

- (b) a further amendment to Clause 4.6(8) to ensure that the maximum heights permitted through these amendments may not be exceeded. This is because the heights proposed through the planning proposal are considered to be the maximum heights achievable on the site without resulting in unacceptable overshadowing impacts. This is in addition to the amendment to clause 4.6(8) to ensure that the maximum gross floor area specified in the site specific clause is not exceeded.
74. In addition to the above post-exhibition amendments, the planning proposal has been updated to include:
- (a) updated information regarding the approval of a section 96 modification application (D/2016/1021/B) relating to an active development consent for a commercial/retail building on the site;
 - (b) consideration of the strategic alignment with the draft *Central District Plan* released in November 2016;
 - (c) some updates to the tabulated information relating to consistency with SEPPs and Ministerial Directions;
 - (d) outcomes of the public exhibition, including an appended summary of the submissions from both public authorities and local residents; and
 - (e) updates to the project timeline.

Draft DCP amendment

75. The changes to the draft DCP amendment are shown at Attachment B, with deleted wording shown with ~~strikethrough~~ and additional wording shown in red. They include:
- (a) the addition of provisions to address the design excellence strategy requirements of the City's Competitive Design Policy and Sydney DCP 2012. This includes details on the competitive design process to be followed, and the minimum number of architectural firms to be invited to participate in the competition;
 - (b) further guidance on the provision that limits the additional floor space under Clause 6.21(7)(b) to the portion of the development that is subject to the competitive design process. This guidance is provided in provision 6.3.X.8(4);
 - (c) replacement of "Figure 6.XX:Section 3" and "Figure 6.XX: Section 4" with new drawings to correct the basement position to align with the footpath setback. This is consistent with provision 6.3.X.2(1) which states that no underground carpark is to be located under areas to be dedicated for footpath widening.
76. The development application history for the site is such that further guidance is warranted in relation to the award of additional floor space for a development that exhibits design excellence. As explained elsewhere in this report, development consent exists for retail/commercial development on the site which would accommodate a full line supermarket. This development consent, as modified (D/2012/1021/B), grants consent for 7,585 square metres of floor space. This consent will lapse on 20 November 2018. This approved development has not been subject to a competitive design process.

77. It is possible that development consent D/2012/1021/B will be implemented. This approved development, which adopts a podium form, does not preclude the future development of the podium proposed through the planning proposal. It is therefore possible that the proponent could choose to implement the active development consent, and incorporate this approved development into the wider redevelopment of the site as per the planning proposal.
78. It is also possible for further development applications to be submitted, and approved, in relation to the site which would result in the creation of new floor space. These development applications may not necessarily preclude the development of the site as per the planning proposal.
79. If current active development consents were to be relied upon in the redevelopment of the site in accordance with the planning proposal, draft provision 6.3.X.8 (4) would apply. This would mean that any additional floor space available as a design excellence incentive under Clause 6.21 of Sydney LEP 2012 would only be calculated on the portion of the development that is subject to the competitive design process.
80. It is acknowledged that, to facilitate the redevelopment of the site as per the planning proposal (and in particular to enable the residential towers), some floor space within current active development consents may require conversion or modification, for example, into residential lift lobbies. As this floor space has already been approved, it would be inappropriate to allow its inclusion in calculating the available quantum of additional floor space granted as a result of a competitive design process. Therefore, to avoid doubt, such floor space should be excluded when calculating the available quantum of additional floor space.
81. The maximum additional floor space of up to 10% eligible under Clause 6.21 Design Excellence of Sydney LEP 2012 may be achievable only if the whole development on the site is subject to a competitive design process.

KEY IMPLICATIONS

Strategic Alignment – draft *Central District Plan*

82. In November 2016, the Greater Sydney Commission released for public exhibition the draft District Plans for the Greater Sydney Metropolitan Region. The District Plans set out how *A Plan for Growing Sydney* applies to local areas.
83. The City of Sydney is in the Central District. The draft *Central District Plan* includes 20 year targets for housing and jobs, specifically:
 - (a) a short term (5 years) housing target of 46,550 new dwellings, with 18,300 dwellings to be delivered in the City of Sydney local area;
 - (b) a 2036 target for 157,500 dwellings; and
 - (c) a 2036 lower end 'baseline' target for 497,000 jobs, 75,000 in the Green Square-Mascot strategic centres, and an upper end 'higher' aspirational target of 732,000 and 80,000 jobs, respectively.

84. The draft *Central District Plan* sets priorities and actions for “Productivity”, “Liveability” and “Sustainability”, which will directly inform the planning, growth and development of Sydney over the next 20 years. Actions, sub-actions and priorities of particular relevance are discussed in the planning proposal at Attachment A.
85. The planning proposal supports the targets for the Central District. It will facilitate the redevelopment of the site to deliver approximately 480 new dwellings, new commercial floor space and a childcare centre for approximately 100 children. The commercial uses within the podium will provide new employment opportunities, while also contributing to the provision of goods and services in close proximity to residential dwellings and public transport. The proposal also includes a requirement for the development to meet a BASIX score above the NSW mandated minimum score for energy, which will reduce energy consumption and reduce carbon emissions.

Strategic Alignment - Sustainable Sydney 2030 Vision

86. *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 *Sustainable Sydney 2030* 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 NSW mandated minimum score for energy. This will reduce the energy consumption of future development, and directly contribute towards the City’s target of reducing gas emissions by 70% by 2030.
 - (b) Direction 3 - Integrated Transport for a Connected City – The site has excellent access to existing public transport infrastructure, located immediately to the north of Green Square train station. Residents of the development will have excellent access to public transport, which will reduce car traffic and road congestion.
 - (c) Direction 4 - A City for Walking and Cycling – The proposed planning controls require widening of the existing footpath on the Bourke Road and Botany Road boundaries of the site. This will increase pedestrian amenity by providing additional capacity in a high activity area. The proposed planning controls also require a through-site connection to be provided from Botany Road to Wyndham Street to increase pedestrian permeability and connectivity. These controls will encourage further trips by walking. The development will also include bicycle parking and end-of-trip facilities, as required by Sydney DCP 2012, and further encourage active transport.
 - (d) 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.

- (e) Direction 8 - Housing for a Diverse Population – Redevelopment of the site will deliver approximately 480 market dwellings of different sizes. It will also contribute towards delivery of affordable housing through contributions under the current Green Square Affordable Housing Program.
- (f) 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.

Social / Cultural / Community

- 87. The planning proposal and DCP amendment will provide greater certainty to the local community and the landowner by clearly establishing the City's intended outcome for the site.
- 88. The Green Square Affordable Housing levy applies under Sydney LEP 2012. The redevelopment of the site will require a monetary contribution towards the provision of affordable housing to be secured prior to construction. This monetary contribution will be given to City West Housing to be used to deliver affordable rental housing within the Green Square Urban Renewal area.
- 89. The draft planning controls make provision for a childcare centre within the podium which represents a significant social benefit and addresses an identified social need in the local area. The draft DCP amendment includes an objective which seeks to achieve mixed uses on the site such as retail, commercial and childcare. Any childcare centre on the site will need to be designed to comply with specific provisions for childcare centres in Sydney DCP 2012.

RELEVANT LEGISLATION

- 90. *Environmental Planning and Assessment Act 1979* and *Environmental Planning and Assessment Regulation 2000*.
- 91. 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 and giving this responsibility to the Greater Sydney Commission. Under the new legislation, the Greater Sydney Commission will be responsible for making the local environmental plan amendment sought by the planning proposal.

CRITICAL DATES / TIME FRAMES

- 92. The Gateway Determination requires that the amendment to Sydney LEP 2012 is completed by October 2017.
- 93. To improve the plan-making timeframe, the then Minister for Planning delegated his plan making powers under section 59 of the *Environmental Planning and Assessment Act 1979* to Council in December 2012.

94. The Gateway Determination authorises Council to exercise this delegation and liaise directly with Parliamentary Counsel to draft and make the local environmental plan. If the planning proposal is approved by Council and the CSPC, the City will commence this process. Once this process is complete and the plan is made, the amendment to Sydney LEP 2012 will come into effect when published on the NSW Legislation website.
95. If approved by Council, the amendment to Sydney DCP 2012 will come into effect on the same day as the amendment to Sydney LEP 2012.

GRAHAM JAHN, AM

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