

**ATTACHMENT A**

**PLANNING PROPOSAL:  
GAZCORP SITE (296-298 BOTANY ROAD AND  
284 WYNDHAM STREET, ALEXANDRIA)  
DATED MAY 2017**

**POST EXHIBITION CHANGES  
MARKED IN RED**



# Planning Proposal

Gazcorp Site (296-298 Botany Road and 284 Wyndham Street, Alexandria)

August 2016 **May 2017**

Sydney 2030 / Green / Global / Connected



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## 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 296-298 Botany Road and 284 Wyndham Street, Alexandria (the site). 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'. It follows a request from the landowner, Gazcorp, to Council to prepare a Planning Proposal.

Specifically, this Planning Proposal seeks to amend the maximum permissible building height control for the site as contained in Sydney LEP 2012. More detailed planning controls are contained within a draft amendment to Sydney Development Control Plan 2012 (Sydney DCP 2012) which has been prepared alongside this Planning Proposal.

## BACKGROUND

### *Site location*

The site is in the southern part of the City of Sydney Local Government Area in the suburb of Alexandria. It is located at the centre of the Green Square Urban Renewal Area, immediately to the north west of the Green Square Town Centre and Green Square Train Station. It has frontages to Botany Road, Wyndham Street and Bourke Road and is a prominent corner site. A location plan is at Figure 1, with the site marked in blue.

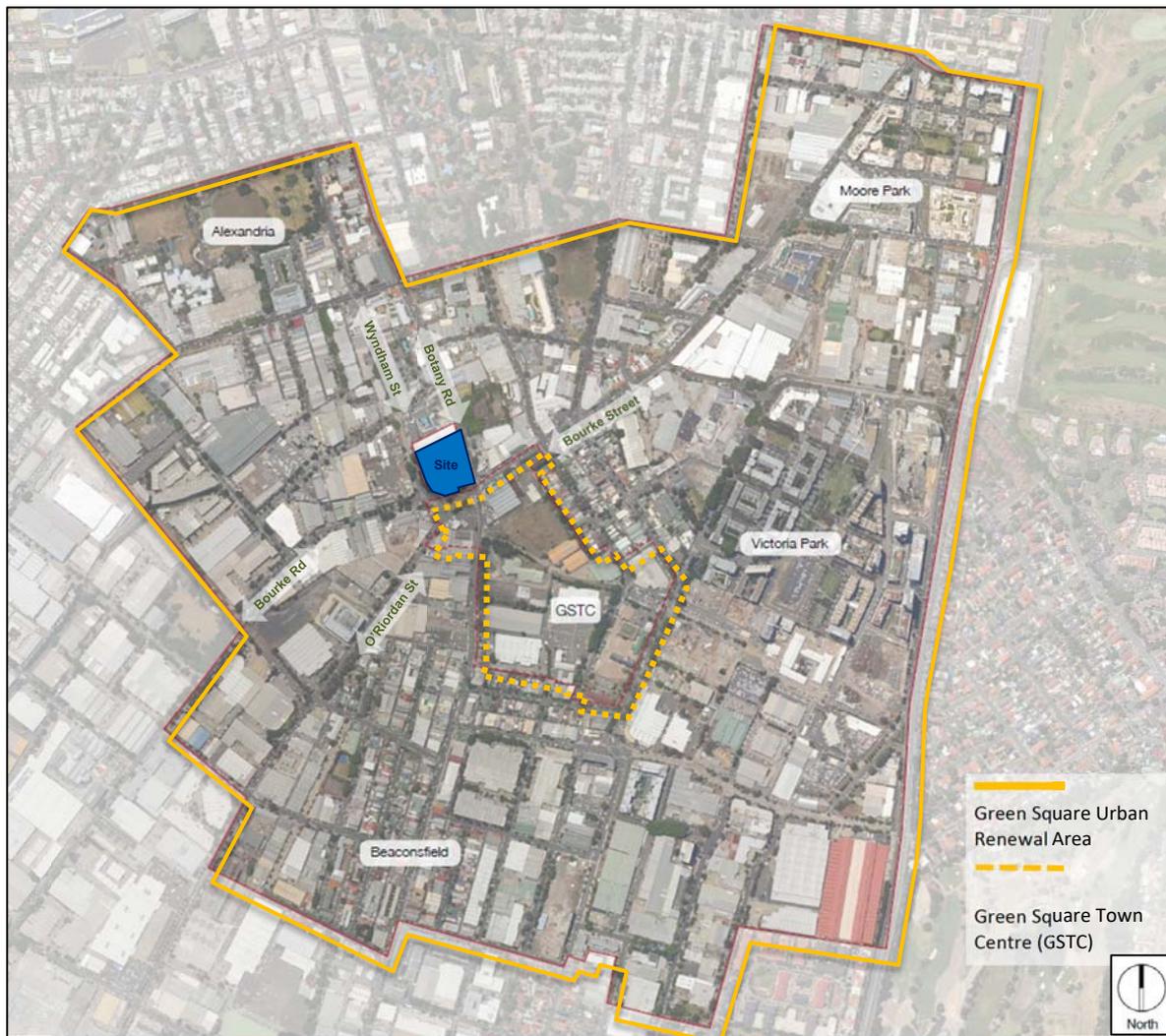


Figure 1: Location plan

Figure 2 shows the site, shaded blue, as it relates to the Green Square Town Centre, outlined in orange.

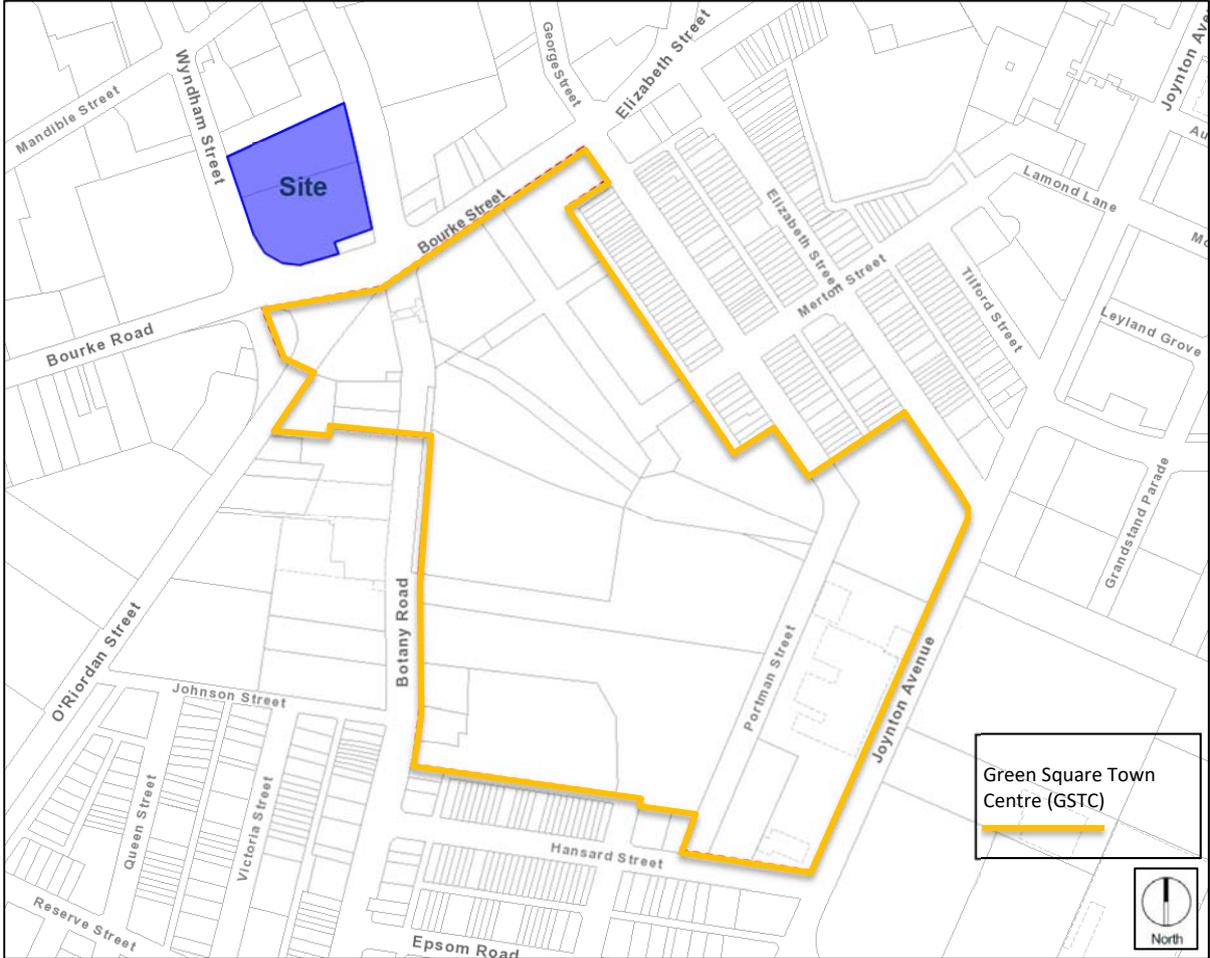


Figure 2

**Site characteristics**

The site comprises two separate lots. Lot 1 in Deposited Plan 544953 (commonly referred to as 296-298 Botany Road) is 3,938 square metres in area. Lot 1 in Deposited Plan 708087 (commonly referred to as 284 Wyndham Street) is 5,202 square metres in area. The total site area is 9,135 square metres.

The site's northern boundary fronts 290-294 Botany Road and is approximately 100 metres in length. The site's other boundaries front public streets as follows: 100 metres frontage to Botany Road to the east; 54 metres frontage to Bourke Road to the south; and 74 metres frontage to Wyndham Street to the west. The site also shares a boundary with 310a Botany Road. This site is discussed in more detail below. There is a cross fall of approximately 4 metres from east to west across the site. Figure 3 shows the site and lot boundaries.

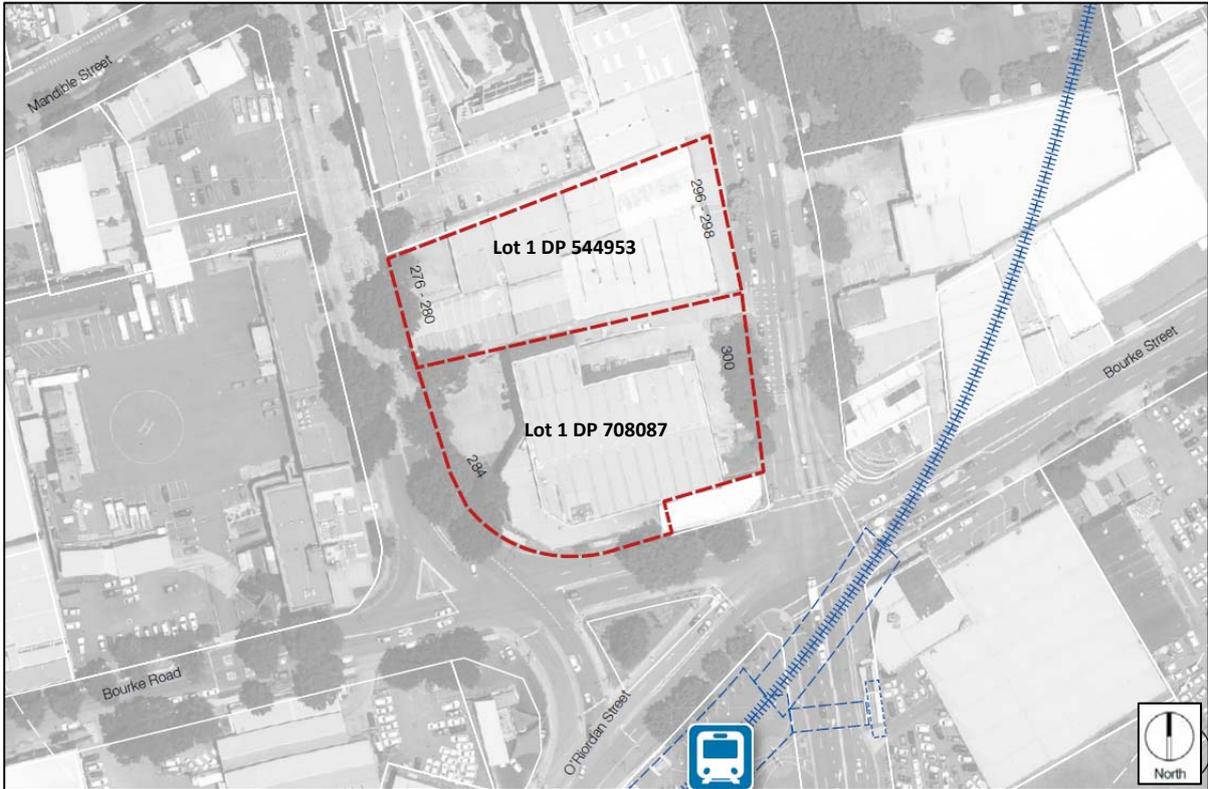


Figure 3: Lot boundaries

**Existing development on the site**

The site is currently occupied by two warehouse buildings. A large two storey retail outlet store stands on the southern part of the site with frontage to Bourke Road. This building has a large at-grade concrete parking area accessible from both Wyndham Street and Botany Road. A part-one, part-two storey building stands on the northern part of the site. This building accommodates storage uses at ground floor and commercial office space at first floor and has access from Botany Road. Existing development on the site is shown in Figures 4 to 7.



Figure 4: The site (both lots) as viewed looking north from the corner of Bourke Road and Botany Road. 310a Botany Road in foreground.



Figure 5: The site (southern lot) as viewed looking east from the corner of Bourke Road and Wyndham Street.



Figure 6: The site (northern lot) as viewed looking west from Botany Road.



Figure 7: The site (northern lot) as viewed looking east from Wyndham Street

**Surrounding development**

The site is surrounded by a mix of different development comprising residential, commercial, retail and light industrial uses. Immediately to the north at 290-294 Botany Road is a three storey retail and commercial building and an eight storey mixed use building with commercial and retail uses at ground floor and residential apartments above. Further north are a number of others residential, commercial and mixed use buildings ranging between five and ten storeys. To the south at 310a Botany Road, within the same street block, is a two and three storey retail outlet store. Further south on the opposite side of Bourke Road, is the Green Square Train Station within the Green Square Town Centre and several retail warehousing and light industrial buildings. To the south-east are the core sites of the Green Square Town Centre where construction of mixed use buildings and public domain has already commenced. To the east on the opposite side of Botany Road are a number of two storey commercial buildings and the heritage listed Green Square School. To the west on the opposite side of Wyndham Street is the NSW Fire Brigade State Training College which comprises numerous low scale buildings, a tall training structure and large areas of hardstand car parking. Existing development on surrounding sites is shown in Figures 8 to 12.



Figure 8: Development to the north fronting Botany Road



Figure 9: Development to the north fronting Wyndham Street



Figure 10: Development to the east fronting Botany Road



Figure 11: Development to the east at the Bourke Road and Botany Road intersection



Figure 12: Part of the NSW Fire Brigade Training College, fronting Wyndham Street to the west

## ***Planning history***

The site has been the subject of a number of development applications and Land and Environment Court proceedings in recent years. The site's recent planning history is summarised below.

### Development application D/2007/1566

On 20 August 2007, Gazcorp lodged a development application with Council seeking consent for the demolition of the existing light industrial buildings and construction of a part three and part four storey mixed use building comprising 14,949 square metres of retail floor space and 10,733 square metres of commercial floor space with three basement levels containing 614 parking spaces accessed from Wyndham Street. The retail floor space included a full line supermarket of approximately 4,000 square metres. Deferred commencement consent was granted by the Central Sydney Planning Committee on 4 February 2008.

On 23 February 2010 a Section 95 Lapsing of Consent application (D/2007/1566/1) was lodged with Council seeking an extension of the consent. Council approved this application on 8 March 2010, thus extending the application lapse date to 17 February 2012.

On 26 May 2010 the Environmental Planning and Assessment Act 1979 (Development Consent) Bill 2010 commenced. This amended section 95 of the Act and thus afforded the original consent an extended lapse date of 17 February 2014. This consent has now lapsed.

### Section 96 application D/2007/1566/A

On 7 May 2008 Gazcorp lodged a section 96 modification to D/2007/1566 with Council seeking to increase the amount of retail floorspace; reduce the amount of office floor space; make internal alterations and façade changes; provide 186 additional car parking spaces and obtain a section 94 credit. Following discussions with Council, this application was withdrawn by the proponent on 18 December 2008.

### Section 96 application D/2007/1566/B

On 26 November 2008 Gazcorp lodged a section 96 modification to D/2007/1566 with Council seeking to allow the deferred commencement condition to be satisfied within 21 months from the date of determination. This application was approved by Council on 2 February 2009.

### Development application D/2008/1092

On 2 July 2008 Gazcorp lodged a development application with Council seeking consent to demolish the existing buildings and construct a part 3 part 4 storey development comprising 23,717 square metres of total retail floor space (including a full line supermarket of approximately 4,000 square metres) plus 3,686 square metres of commercial floor space and four levels of basement parking for 800 vehicles.

### LEC Proceedings 11081 of 2008: Humphrey and Edwards Pty Ltd v. Council of the City of Sydney

Subsequent to lodging D/2008/1092 Gazcorp lodged an appeal with the Land and Environment Court on the basis of a deemed refusal. The subject development application sought a net increase of retail floor space from the amount approved under D/2007/1566 and an additional basement car parking level accommodating 186 car parking spaces. A primary concern of Council was that the increased retail component would likely have a detrimental impact on the vitality, viability and ultimate success of the Green Square Town Centre and threaten broader strategic planning objectives for Sydney at a metropolitan level.

The Court dismissed the appeal and refused the development application, finding that:

- The amount of retail floor space would have an adverse impact on the role of the Green Square Town Centre;
- The proposed development will create unacceptable "...economic impacts in the locality" (s79C(1)(b)) and will not be in "the public interest" (s79C(1)(e));

- The proposed development is in conflict with the objectives of the Act 1979 in that it does not encourage “the promotion and coordination of the orderly and economic use and development of land” (s5(a)(ii));
- The significant inconsistency of the proposed development with the adopted planning controls, not only in numerical terms but the likely impact on the Green Square Town Centre, is not in the public interest;
- The proposal was not in “the public interest” given the substantial financial commitment already made on the implementation of the Green Square Town Centre based on the existing planning controls and the likely additional future expenditure; and
- The connectivity between the site and the Green Square Town Centre is not optimal in relation to pedestrian accessibility and safety.

#### Development application D/2012/1021

On 6 July 2012 Gazcorp lodged a development application with Council seeking consent to demolish the existing buildings and construct a three storey development comprising 8,919.5 square metres of total retail floor space (including a full line supermarket of approximately 3,800 square metres) plus 2,330.5 square metres of commercial floorspace and two levels of basement car parking for 327 vehicles. Deferred commencement approval was granted and a notice of operational consent was issued on 20 November 2013. This consent will lapse on 20 November 2018.

#### Section 96 application D/2012/1021/A

On 27 February 2013 Gazcorp lodged a section 96 application with Council seeking to amend a number of conditions related to the fit-out, use and operation of a supermarket tenancy within the base building. Consent was granted on 18 April 2013.

#### Section 96 application D/2012/1021/B

On 23 December 2015 Gazcorp lodged a second section 96 application with Council seeking to amend the consent granted under D/2012/1021. ~~The application seeks to make a number of amendments to the design of the podium including reduction in car parking provision, realignment of finished floor levels in the building, reconfiguration of the retail tenancies to include a new mall configuration, changes to the building façade and frontages and reconfiguration of commercial space on Level 1. The application proposes a net decrease in retail tenancies to 6,055 square metres and commercial floorspace to 1,105 square metres. The application is currently being assessed by the City separately to the proposed changes to the planning controls sought by this Planning Proposal.~~ This section 96 application was approved on 14 October 2016. It made numerous amendments to the approved development, including the deletion of a floor level and a basement level, alterations to vehicular and pedestrian access points, reconfiguration of commercial space, tenancies, lobbies and plant, and changes to the building facade. The approved development, as modified through this section 96, is for the demolition of the existing structures, excavation for 1 basement level accommodating 205 car parking spaces and construction of a 2 and 3 storey retail and commercial development. As per condition (7) of D/2012/1021/B, the amount of gross floor area approved on the site is 7,585 square metres.

### **Current planning controls**

#### Zoning

The site is located on land zoned B4 Mixed Use under Sydney LEP 2012. A wide range of uses are permissible with consent in this zone including the commercial and light industrial uses for which the site is currently used. Also permissible within this zone are the retail and commercial uses for which previous development applications have sought consent, and the residential use for which the additional building height sought through this Planning Proposal would be used.

#### Floor space ratio (FSR)

A base Floor Space Ratio (FSR) of 2:1 is permissible on the site under Sydney LEP 2012. The site is also eligible for additional floorspace under clause 6.14 of Sydney LEP 2012 subject to the delivery of community infrastructure. Under this clause, the southern lot is eligible for 2.2:1 additional FSR while

the northern lot is eligible for 1.5:1 additional FSR. Subject to the provision of community infrastructure, an FSR of 4.2:1 is permissible on the southern lot and an FSR of 3.5:1 is permissible on the northern lot. Across the site as a whole, this equates to a maximum permissible FSR of 3.9:1. The site is also eligible for additional FSR **or height (not both)** subject to demonstrating design excellence under clause 6.21 of Sydney LEP 2012 as discussed below. The maximum potentially permissible gross floor area across the site as a whole is shown in the table below. ~~This Planning Proposal seeks to include a clause in Sydney LEP 2012 which clarifies the maximum gross floor area permissible across both lots. This clause would provide clarity only and would not result in any increase in permissible gross floor area above what is already permissible.~~

284 Wyndham Street – 5,202 sqm site area	296-298 Botany Road – 3,938 sqm site area
Base FSR 2:1 = 10,404 sqm	Base FSR 2:1 = 7,876 sqm
Community infrastructure FSR 2.2:1 = 11,444.4 sqm	Community infrastructure FSR <b>1.5:1</b> = 5,907 sqm
Total GFA = 21,848.4 sqm	Total GFA = 13,783 sqm
Total site GFA = 35,631.4 sqm	
+ up to 10% FSR for Design Excellence (3,563.14 sqm) (potential)	
<b>Total maximum permissible GFA = 39,194.54 sqm</b>	

### Height

Two height controls apply to the site under Sydney LEP 2012: A maximum of 22 metres applies to the northern lot and a maximum of 60 metres applies to the southern lot. The site is also eligible for additional height subject to demonstrating design excellence under clause 6.21 of Sydney LEP 2012 as discussed below. Clause 6.21 of Sydney LEP 2012 specifies that **up to** an additional 10% height or FSR (not both) is permissible on the site where design excellence is demonstrated through a competitive design process.

### Planning Proposal request

In December 2014, JBA submitted a Planning Proposal request to the City on behalf of the landowner Gazcorp Pty Ltd. The request included a Planning Justification Report prepared by JBA, and supporting studies including an Urban Design Report prepared by SJB Architects and a Traffic Assessment prepared by AECOM. The request sought an amendment to the two height controls for the site under Sydney LEP 2012 from 22 metres to up to 85 metres and from 60 metres to 65 metres. The proposed amendments seek to provide greater flexibility across the site to achieve a better built form outcome than could be achieved under the existing controls. The proposed redevelopment of the site is anticipated to include a three to four storey podium building accommodating retail and commercial uses and car parking and three residential towers of differing heights on top of the podium. The proposal also includes a child care centre with capacity to accommodate approximately 100 children. The proposed development is discussed in greater detail in the body of this Planning Proposal.

### Amendments to Planning Proposal

A review of the Planning Proposal was undertaken in the light of public exhibition submissions and further internal consideration by the City. This review has resulted in the following post-exhibition amendments to the Planning Proposal:

- Clarification that a building that is the winner of a competitive design process and exhibits design excellence is eligible for additional FSR only, and is not eligible for additional building height. This is because the heights proposed through the Planning Proposal are considered to be the maximum heights achievable without resulting in unreasonable overshadowing impacts;
- Clarification that the building heights as amended 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;
- A restriction that no on-site parking be allocated to residential apartments within the development which have been created as a result of floor space awarded through a competitive design process;
- A requirement for the 2 lots to be consolidated into 1 lot prior to the redevelopment of the site in accordance with the Planning Proposal;

- A further amendment to clause 4.6(8) to ensure that the maximum heights permitted through the amendments to the Height of Buildings Map Sheets 17 and 18 of Sydney LEP 2012 may not be exceeded. This is in addition to the amendment to clause 4.6(8) to ensure that the gross floor area specified in the proposed site specific clause is not exceeded.

## PART 1 – OBJECTIVES AND INTENDED OUTCOMES

This Planning Proposal will:

- enable the orderly redevelopment of 296-298 Botany Road and 284 Wyndham Street for residential, retail and commercial uses;
- facilitate the delivery of market housing in an area with excellent access to public transport, social infrastructure, employment opportunities, goods and services;
- ensure that new development responds appropriately to the surrounding built form context and provides an appropriate transition between taller development in the Green Square Town Centre and lower scale development to the north and east of the site;
- ensure that existing and future neighbouring properties and the Green Square Plaza receive adequate solar access; and
- facilitate the delivery of significant public benefits including community infrastructure floorspace contributions and achievement of above minimum BASIX rating.

## PART 2 – EXPLANATION OF PROVISIONS

### Sydney Local Environmental Plan 2012 amendments

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

- Amend Height of Buildings Map Sheets 17 and 18 of *Sydney Local Environmental Plan 2012* in accordance with the proposed Height of Buildings Map shown at Part 4 of this Planning Proposal.
- Insert a new clause under ‘Division 5 Site Specific Provisions’ of *Sydney Local Environmental Plan 2012* to:
  - limit the extent of site redevelopment which can occur without the formal consolidation of the two lots into a single lot. This will have the effect of requiring the 2 lots to be consolidated into 1 prior to the redevelopment of the site in accordance with the Planning Proposal;
  - provide clarification of the maximum gross floor area potentially permissible on the site;
  - specify that a building which has been subject to a competitive design process and exhibits design excellence is eligible for additional FSR only, and is not eligible for additional building height under Clause 6.21 of Sydney LEP 2012;
  - incorporate a restriction that no on-site parking 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;
  - clarify that the building heights as amended 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; and
  - link achievement of the Design Excellence floor space incentive to meeting a BASIX energy score which exceeds the State-mandated minimum target.
- Amend clause 4.6(8) to ensure that: ~~the gross floor area specified in site-specific clause 6.XX(2) may not be exceeded.~~
  - no additional floor space can be achieved by way of a variation to the proposed new site specific clause in Division 5;

- o no additional building height can be achieved in excess of the maximum heights permitted through the amendments to Height of Buildings Map Sheets 17 and 18 of Sydney LEP 2012.

### Recommended wording of site-specific clause in Division 5 Site Specific Provisions

#### 6.XX - Gazcorp Site

*(1) This clause applies to the Gazcorp Site at 296-298 Botany Road, Alexandria being Lot 1 DP 544953 and 284 Wyndham Street, Alexandria being Lot 1 DP 708087.*

*(2) Despite clause 4.3, development consent must not be granted to development over:*

- (a) 22m on Lot 1 DP 544953, or*
- (b) 60m on Lot 1 DP 708087*

*unless the consent authority is satisfied that all land to which this clause applies has been formally consolidated into a single lot.*

~~(2)~~ *(3) Development consent must not be granted to development on land to which this clause applies if development will result in the gross floor area of all buildings being more than 39,194.54 square metres inclusive of any and all gross floor area permitted under clauses 6.12, 6.14 and 6.21.*

*(4) 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 under Clause 6.21(7)(b).*

*(5) 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).*

*(6) In accordance with clause 7.16, 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.*

~~(3)~~ *(7) Before granting development consent to any additional floor space referred to in 6.21(7)(b), the consent authority must be satisfied that any part of the building that is BASIX affected development is rated at least at 5 points above the minimum State-mandated BASIX points target for energy.*

#### Intent of site specific sub-clauses (2) and (3)

Clauses 6.XX (2) and (3) ~~is~~ are intended to provide clarity as to the maximum amount of floor space permitted on the site where the two lots which comprise the site are redeveloped as one. It does not alter the gross floor area for which the site is currently eligible under Sydney LEP 2012.

The above wording will be subject to final drafting and agreement by Parliamentary Counsel.

#### Use of RLs in place of height in metres

Currently the northern lot has a single maximum height control of 22 metres and the southern lot has a single maximum height control of 60 metres. It is proposed to amend the height map to replace these broad maximums, expressed in metres, with more detailed areas, with maximums expressed in Reduced Levels (RLs). The proposed RLs range from RL 79 to RL 96.5. This equates to approximately 69 metres and 86 metres, as measured from existing ground level. The RLs have been set to provide certainty of built form outcome while still allowing sufficient flexibility for design evolution through the competitive design and development application processes.

RLs reduce or equate levels to a common datum whereas the height in metres control under the Standard Instrument LEP is measured from existing ground level. RLs can more easily reflect topography, finished street levels and flood levels for example. In addition, height in metres under the Standard Instrument LEP are subject to rounding in three metre intervals. In the context of this site, rounding heights up or down by this magnitude would have the potential to significantly impact upon

solar access or to reduce development capacity. Given the extensive urban design analysis of this site undertaken by both the proponent and the City, using RLs is an appropriate approach. The Department of Planning and Environment has expressed in-principle support for using RLs to map heights on this site.

### **Site specific DCP Development Control Plan (including post-exhibition amendments)**

Site specific draft development control plan (draft DCP) provisions have been prepared to provide further guidance to the proposed amendments to Sydney LEP 2012. The draft DCP ~~will be~~ **was** publicly exhibited ~~with~~ **alongside** the Planning Proposal. In order to give certainty as to the position of residential towers on the site, and safeguard amenity, the draft DCP includes provisions relating to building form and location, bulk and massing of buildings, street frontage heights, setbacks and vehicular entrances.

The draft DCP has been amended to incorporate the following post-exhibition changes:

- Provisions to address the design excellence strategy requirements of the City's Competitive Design Policy and Sydney DCP 2012.
- Provision of further guidance on applying draft provision 6.3.X.8(4) (previously draft provision 6.3.X.8(3)) which limits the additional floor space under Clause 6.21(7)(b) to the portion of the development that is subject to a competitive design process.
- 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.

## **PART 3 - JUSTIFICATION**

### ***Section A – Need for the planning proposal***

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

This Planning Proposal has been prepared in response to a number of detailed studies undertaken on behalf of the landowner, Gazcorp Pty Ltd. The key findings of these studies are described and discussed in detail in Section C of this Planning Proposal. The individual studies, and subsequently issued addendums and clarifying statements are appended to this Planning Proposal as follows:

- Appendix A: Urban Design Study - SJB
- Appendix B: Traffic Assessment - AECOM
- Appendix C: Wind Report – CPP
- Appendix D: Road Traffic Noise Report – Renzo Tonin
- Appendix E: Preliminary Aeronautical Impact Assessment – Strategic Airspace

The above studies, along with a Planning Justification Report prepared by JBA, were submitted to the City in December 2014. The City engaged MAKO Architecture to undertake a detailed independent assessment of the preferred built form scheme. The findings of the MAKO Architecture report were used by SJB to further develop and refine the proponent's preferred scheme. Where relevant, updated reports and addendums were prepared by the above consultants assessing the impact of the refined scheme. The findings and recommendations of the above reports are discussed in detail in Section C of this Planning Proposal.

**This Planning Proposal is the result of this collaborative and iterative process between the proponent and the City, along with the City's post-exhibition amendments having regard to the public exhibition submissions and following further internal review. is this Planning Proposal. It This Planning Proposal details the proposed amendments to Sydney LEP 2012 which will facilitate redevelopment with acceptable environmental impacts and demonstrable public benefits including greater activation of the public domain and a building height, bulk and scale appropriate to the context of the site and its surroundings.**

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

The current height controls for the site under Sydney LEP 2012 permit buildings up to 60 metres on the southern lot and up to 22 metres on the northern lot.

SJB developed a number of schemes which comply with the height control. These options demonstrate the difficulty of accommodating the maximum permissible GFA within the height control while also achieving a good urban design outcome and complying with important objectives of the Apartment Design Guide under SEPP 65. This is discussed in greater detail in Section C of this Planning Proposal. Given the close proximity of the site to public transport, social infrastructure, employment opportunities, goods and services, it is appropriate to facilitate residential development in this location. The preferred residential scheme developed collaboratively between the City and the proponent exceeds the current height control by up to 65 metres on the northern lot and 25 metres on the southern lot.

Under Clause 4.6 'Exceptions to development standards' of Sydney LEP 2012, development consent may be granted, subject to certain criteria, for development which exceeds the height as set out on the relevant map. However, the height of the preferred scheme is considered a significant departure from the current height standard. Approval of a development application which contravenes a height standard to this degree would set an undesirable precedent that would undermine the Sydney LEP 2012 height controls and preclude full consideration of the broader strategic considerations of allowing additional height on this site.

As such, the most appropriate means of achieving the objectives for the site is progressing an amendment to the current height control under 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 proposed 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 or district plan strategy (including the Sydney Metropolitan Strategy and the any exhibited draft plans or strategies)?**

### *A Plan for Growing Sydney*

The Plan for Growing Sydney is a NSW Government strategic document that outlines a vision for Sydney over the next 20 years. It identifies key challenges facing Sydney including a population increase of 1.6 million by 2034, 689,000 new jobs by 2031 and a requirement for 664,000 new homes.

In responding to these and other challenges, 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.

To achieve these goals, the plan proposes 22 directions and associated actions. Actions of particular relevance to this Planning Proposal include: 1.7 Grow strategic centres; 2.1 Accelerate housing supply across Sydney; 2.2 Accelerate urban renewal across Sydney; and 2.3 Improve housing choice to suit different needs and lifestyles.

This Planning Proposal is consistent with several relevant goals, directions and actions of the plan. Specifically, it will:

- Facilitate redevelopment of the site to include commercial and retail premises, resulting in the creation of new jobs;
- Promote urban renewal of a site which is accessible by public transport;
- Encourage supply of new and diverse residential accommodation; and
- Encourage the provision of critical community facilities including a child care centre

### *NSW Government District Plans – draft Central District Plan*

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.

The City of Sydney is in the Central District. The draft *Central District Plan* includes 20 year targets for housing and jobs, specifically:

- A short term (5 year) housing target of 46,550 new dwellings in the Central District with 18,300 dwellings to be delivered in the City of Sydney local area.
- A 2036 target for 157,500 dwellings in the Central District.
- A 2036 lower end 'baseline' target for 497,000 jobs in Central Sydney, 75,000 jobs in the Green Square – Mascot strategic centre and an upper 'higher' target of 732,000 and 80,000 respectively.

This 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 in the area in close proximity to dwellings and public transport.

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 to this Planning Proposal include:

- Productivity priority 1: Creating opportunities for the growth of commercial floor space.

The development of a retail/commercial podium on the site is consistent with the draft Central District Plan's priority for creating opportunities for the growth of commercial floor space. Over 7,000m<sup>2</sup> of retail and commercial floor space has already been approved on the site. The Planning Proposal's podium is larger than the approved podium, which provides additional opportunity for further retail and commercial floor space on the site. The retail / commercial podium is in an easily accessible location, near resident and worker populations and in close proximity to public transport.

- Action L3: Councils to increase housing capacity across the District.

The Planning Proposal is consistent with the draft Central District Plan's priority to increase housing capacity as it will contribute to the delivery of around 480 dwellings of different sizes on the site. These dwellings will contribute to the delivery of the City's housing targets.

- Action L11: Provide design-led planning to support high quality urban design.

The City requires all new buildings to exhibit design excellence and to deliver the highest standard of architectural, urban and landscape design. Given the scale of development proposed through the Planning Proposal, a competitive design process will be required for the detailed design of a scheme for the site. This process requires proposals to demonstrate how they exhibit design excellence. The consent authority will ultimately determine whether a proposal demonstrates design excellence in accordance with the requirements of Sydney LEP 2012.

- Liveability Priority 2; Deliver housing diversity.

The Planning Proposal will facilitate the redevelopment of the site to deliver around 480 new dwellings of different sizes which will accommodate a variety of household types. The development will also provide adaptable dwellings to contribute to the creation of inclusive and accessible housing.

- Liveability Priority 6: Facilitate enhanced walking and cycling connections.

The current and draft planning controls require the dedication of land on the Bourke Road and Botany Road frontages of the site for the purposes of footpath widening. This will improve the pedestrian environment in the locality. The City is also supportive of improving cycling accessibility and safety in Green Square, and is committed to working with relevant agencies to ensure the delivery of cycling infrastructure.

- Action S10: Support the development of environmental performance targets and benchmarks.

The Planning Proposal includes a requirement that development meets a BASIX score above the state-mandated minimum score for energy if a floor space incentive is awarded for design excellence. This will support the implementation of a stricter environmental performance targets for energy, which will result in reduced energy consumption and greenhouse gas emissions.

~~The NSW Government is preparing plans for each of the six districts that comprise the Sydney Metropolitan Area. The City of Sydney is in the Central District. The District Plans will set out how *A Plan for Growing Sydney* will apply to local areas. They will influence the delivery of housing supply, inform and influence planning for business and jobs growth, particularly in strategic centres and inform the decision making for infrastructure planning.~~

~~The District Plans are currently being prepared by the NSW Government in consultation with a wide range of stakeholders. It is anticipated that a priority for Green Square under the new District Plan will be to continue to provide capacity for mixed use development including offices, retail, services and housing. This Planning Proposal is consistent with this broad priority.~~

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

The City's Sustainable Sydney 2030 Strategic Plan is the 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. This Planning Proposal is consistent with key directions of Sustainable Sydney 2030 as demonstrated in the below table.

<b>Consistency with Sustainable Sydney 2030</b>	
<b>Direction</b>	<b>Comment</b>
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 buildings. Any future design competition for the site will be judged in part against the environmental sustainability credentials of the building.
Direction 3 – Integrated transport for a connected city	The site is situated directly adjacent to Green Square Train Station which offers regular services to the airport and central Sydney. The site is also serviced by bus routes which connect it to central Sydney and neighbouring areas.
Direction 4 – A city for walking and cycling	This Planning Proposal will facilitate the delivery of new residential, retail and commercial floor space in close proximity to a range of existing and future services and in doing so encourage active transport.  The new uses and design of the ground floor will lead to greater activation of the public domain and a greater sense of security, encouraging further pedestrian activity.
Direction 6 – Vibrant local communities and economies	This Planning Proposal will facilitate the redevelopment of a large area of land for residential and retail uses. The commercial floorspace at the podium levels will provide for retail tenancies which will activate the site and generate economic activity.
Direction 8 – Housing for a diverse population	This Planning Proposal will facilitate the provision of approximately 480 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 levy required under Sydney LEP 2012.
Direction 9 – Sustainable development, renewal and design	This Planning Proposal will amend the planning controls to ensure that built form responds to the surrounding context and delivers a high level of amenity for future residents. The design excellence provisions of Sydney LEP 2012 will continue to apply to the site ensuring a high quality and sustainable development.

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

The consistency of this Planning Proposal with current 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.

<b>Consistency with SEPPs</b>	
<b>State Environmental Planning Policy (SEPP)</b>	<b>Comment</b>
SEPP No 1—Development Standards	Not applicable.
SEPP No 14—Coastal Wetlands	Not applicable.
SEPP No 19—Bushland in Urban Areas	Not applicable.
SEPP No 21—Caravan Parks	Not applicable.
SEPP No 26—Littoral Rainforests	Not applicable.
SEPP No 30—Intensive Agriculture	Not applicable.

Consistency with SEPPs	
State Environmental Planning Policy (SEPP)	Comment
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 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 55—Remediation of Land	<p>Consistent - This Planning Proposal does not contradict or hinder application of this SEPP.</p> <p><del>The proponent has provided evidence confirming that the site can be made suitable for residential uses.</del></p> <p>The proponent has provided evidence that contamination studies (a Remedial Action Plan and Interim Advice from a Site Auditor) have been undertaken on the basis of a proposed mixed use commercial/retail development on the site.</p> <p>Residential development is permitted in the B4 Mixed Use zone under Sydney LEP 2012. The Planning Proposal does not involve any zoning changes. Further studies will be required in support of any future development application involving residential use, to ensure that the site can be remediated and made suitable for residential use.</p>
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	<p>Consistent - This Planning Proposal does not contradict or hinder application of this SEPP.</p> <p>The built form analysis which underpins the proposed height and building envelope controls reflects the requirements of the Apartment Design Guide.</p>
SEPP No 70—Affordable Housing (Revised Schemes)	<p>Consistent - The Planning Proposal does not contradict or hinder application of this SEPP.</p> <p>The Green Square Affordable Housing Scheme will continue to apply to this site under Sydney LEP 2012.</p>
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.
SEPP (Sydney Region Growth Centres) 2006	Not applicable.

Consistency with SEPPs	
State Environmental Planning Policy (SEPP)	Comment
SEPP (Infrastructure) 2007	<p>Consistent.</p> <p>Under Clause 86 of the SEPP, development including excavation within 25 metres of a rail corridor must be referred to the relevant rail authority for concurrence. <del>It is proposed to refer the Planning Proposal to RailCorp during the public exhibition.</del> The Planning Proposal was referred to Transport for NSW and Sydney Trains for comment. Transport for NSW provided comments, but did not make any reference to trains or railway infrastructure. Sydney Trains raised no objections to the proposal, but noted that given the proximity of the site to the Airport Line Tunnel, any proposed development will need to comply with the <i>Airport Line Tunnel Protection Guidelines</i>.</p> <p>The potential impact of road noise on the development (particularly the residential component) was considered in detail and was a major driver in determining the form of the indicative scheme and the maximum permissible building envelope.</p>
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	Consistent - The Planning Proposal does not contradict or hinder application of this SEPP.
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.

<b>Consistency with REPs</b>	
<b>Regional Environmental Plan (REPs)</b>	<b>Comment</b>
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.
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	Consistent - The Planning Proposal does not contradict or hinder application of this REP.
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.

<b>No.</b>	<b>Title</b>	<b>Comment</b>
<b>1. Employment and Resources</b>		
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
<b>2. Environment and Heritage</b>		
2.1	Environment Protection Zones	Not applicable
2.2	Coastal Protection	Not applicable
2.3	Heritage Conservation	Consistent.  This Planning Proposal will not hinder protection of the heritage listed Green Square School which is situated in close proximity to the subject site.
2.4	Recreation Vehicle Areas	Not applicable
2.5	Application of E2 and E3 Zones and Environmental Overlays in Far North Coast LEPs	Not applicable
<b>3. Housing Infrastructure and Urban Development</b>		
3.1	Residential Zones	Consistent.  This Planning Proposal will facilitate the delivery of approximately 480 new dwellings on the site, increasing the amount and variety of housing in the City of Sydney LGA.
3.2	Caravan Parks and Manufactured Home Estates	Not applicable

No.	Title	Comment
3.3	Home Occupations	Consistent.  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	Consistent.  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).
3.5	Development Near Licensed Aerodromes	<b>The Planning Proposal was referred to Sydney Airport Corporation for comment. Sydney Airport Corporation have advised that the proposed development will penetrate the Obstacle Limitation Surfaces. They have advised that they do not support the development of any structure that intrudes into the Obstacle Limitation Surfaces.</b>  <b>Sydney Airport has advised that the proposal has been referred to the Department of Infrastructure and Regional Development for their determination (the Commonwealth body with airspace operation responsibilities), and that they have also invited submissions from the Civil Aviation Safety Authority, Airservices and Airlines.</b>  <b>The building heights as amended on the Height of Buildings Map Sheets 17 and 18 are subject to the written approval of the relevant Commonwealth body with regard to airspace operations.</b>  <del>Not applicable</del>
3.6	Shooting Ranges	Not applicable
<b>4. Hazard and Risk</b>		
4.1	Acid Sulfate Soils	Consistent.  This Planning Proposal does not contradict or hinder application of acid sulfate soils provisions in Sydney LEP 2012.
4.2	Mine Subsidence and Unstable Land	Not applicable
4.3	Flood Prone Land	Consistent.  This Planning Proposal does not contradict or hinder application of flood prone land provisions in Sydney LEP 2012.
4.4	Planning for Bushfire Protection	Not applicable
<b>5. Regional Planning</b>		
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
5.10	Implementation of Regional Plans	Consistent.  This Planning Proposal does not contradict or hinder the implementation of the Central Regional Plan.

No.	Title	Comment
<b>6. Local Plan Making</b>		
6.1	Approval and Referral Requirements	Consistent.  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.
<b>7. Metropolitan Planning</b>		
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.
7.2	Implementation of draft <i>Central District Plan</i>  The objective of this direction is to give 20 year targets for housing and jobs in the Central District and provide actions for Productivity, Liveability and Sustainability.	Consistent.  The Planning Proposal supports the targets and is consistent with the priorities and actions outlined in the draft <i>Central District Plan</i> . It will facilitate the redevelopment of the site to deliver approximately 480 new dwellings, new commercial floor space and a child care centre. The commercial uses within the podium will provide new employment opportunities in the area in close proximity to dwellings and public transport.
<del>7.2</del> 7.3	Implementation of Greater Macarthur Land Release Investigation	Not applicable

## **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 subject site is located in an urban area and does not contain any known critical habitat or threatened species, populations or ecological communities or habitats. The site does not contain any trees. 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. This will include an assessment of any street trees adjacent to the site and retention of these where possible.

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

This Planning Proposal seeks to amend the height control for the site under Sydney LEP 2012 and in doing so facilitate redevelopment of the site for commercial, retail and residential uses. In preparing this Planning Proposal, a number of environmental considerations were assessed. These are discussed in detail below.

#### *Indicative scheme*

Figures 13 and 14 show visualisations of the indicative scheme and figures 15 and 16 show a building envelope within which the indicative scheme may be realised.



Figure 13: Indicative scheme viewed from north east



Figure 14: Indicative scheme viewed from south west

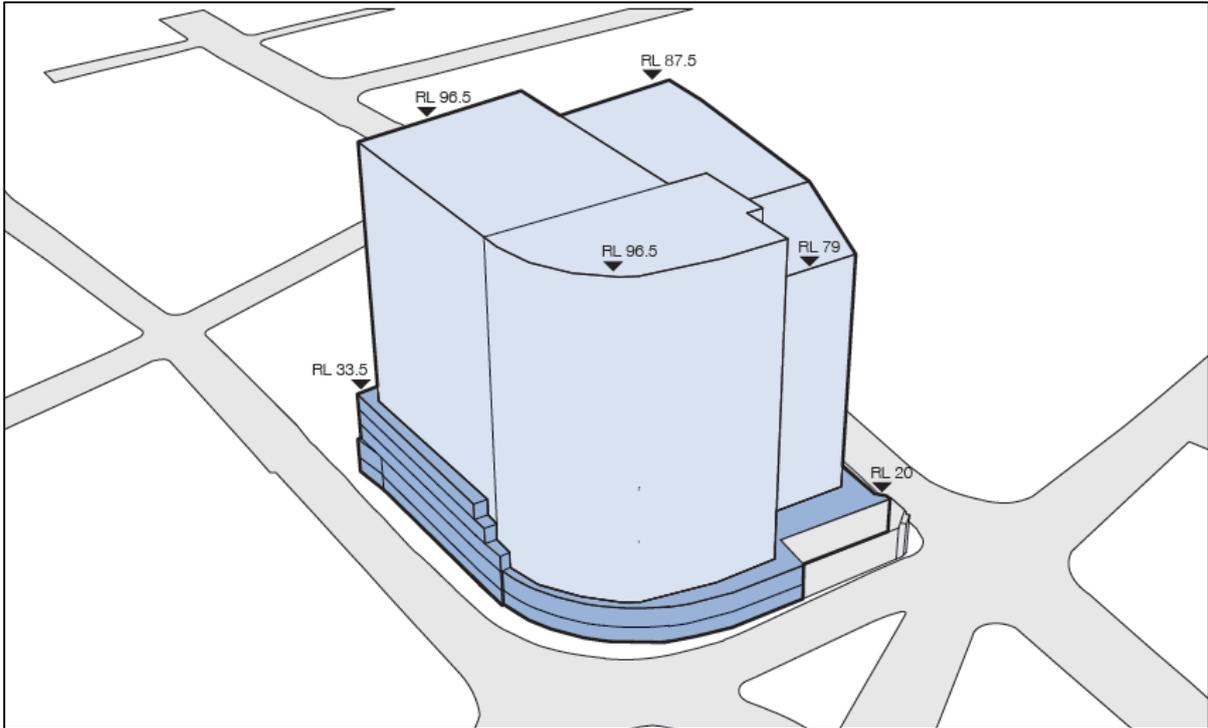


Figure 15: Maximum permissible envelope viewed from south west

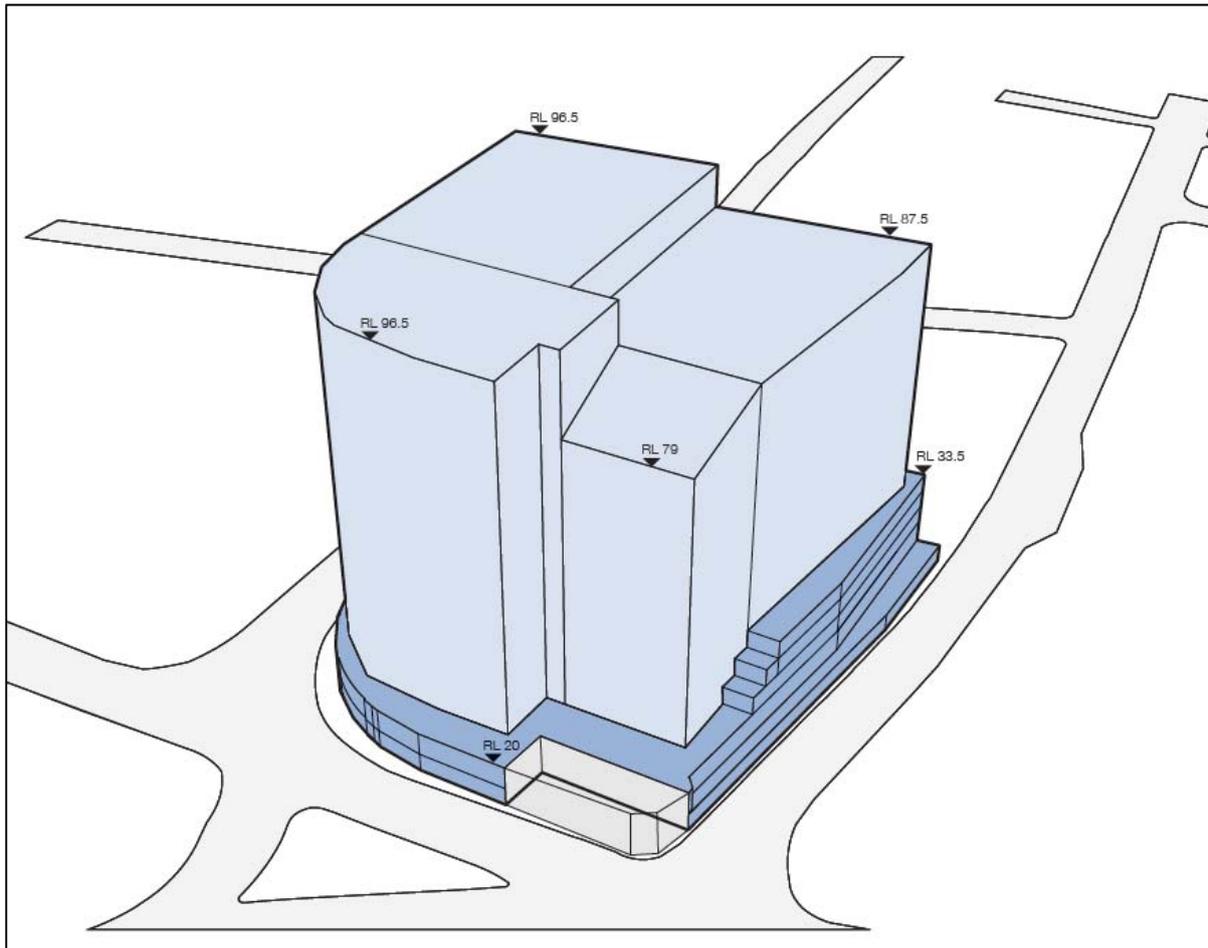


Figure 16: Maximum permissible envelope viewed from south east

In arriving at the preferred indicative scheme, SJB analysed several initial built form options. These options seek to demonstrate the difficulty in achieving the maximum permissible floor space within the maximum permissible height limit and demonstrate various built form outcomes that may be achieved on the site, both compliant and non-compliant. The options tested are shown at Attachment A.

The report concludes that seeking to achieve the maximum permissible floorspace within the current height controls results in relatively poor built form outcomes. These outcomes generally comprise excessive bulk which dominates the streetscape and is overbearing from the public domain; large and slow moving shadows resulting in low levels of solar access to surrounding sites and public domain; and a poor relationship to surrounding built form context and transition between adjacent areas.

The preferred indicative scheme is based on a redistribution of permissible GFA across both lots and was developed by SJB in close consultation with the City. It comprises a **part two/part five** four storey podium building comprising retail and commercial floorspace and above ground vehicle parking. One level of below ground car parking is also provided. ~~The retail floorspace and basement car parking elements of the podium are subject to an existing Section 96 modification application discussed earlier in this Planning Proposal.~~ The upper levels of the podium including the above ground car parking to service the residential component will be subject to future development applications.

On top of the podium the residential component comprises three towers of differing heights. The tower fronting Wyndham Street on the western part of the site has a maximum height of RL 96.5 and 19 storeys. The tower fronting Bourke Road is RL 96.5 at its highest point on the western side and steps down to RL 79 at its lowest point on the eastern side. The tower fronting Botany Road has a maximum height of RL 77.9. By adopting a more even distribution of permissible GFA across both lots, the massing of the preferred scheme provides a more appropriate response to the surrounding built form context. Figure 17 shows the surrounding permissible heights.

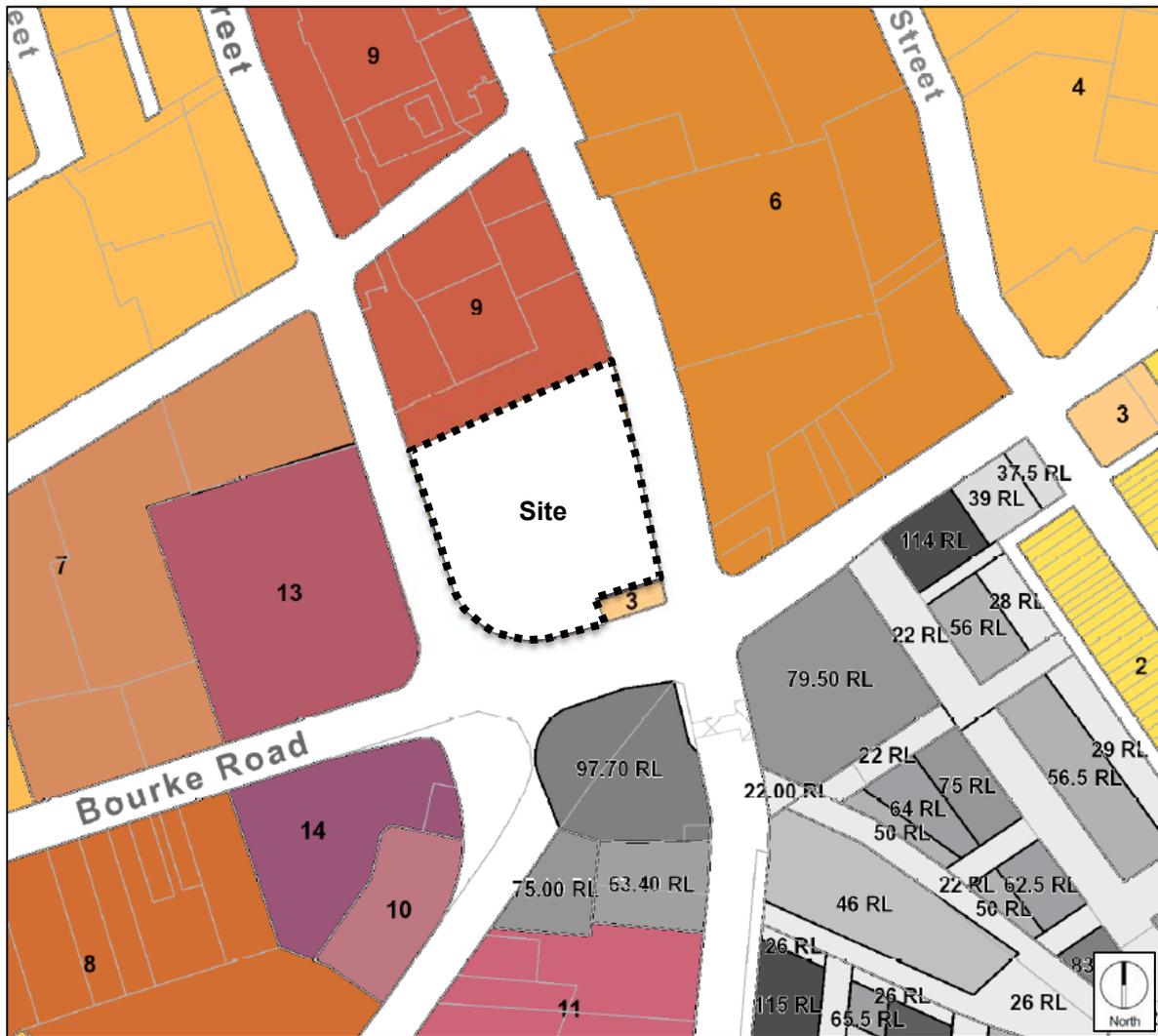


Figure 17: Permissible heights of surrounding sites

The taller tower elements fronting Wyndham Street and the western part of Bourke Road (up to RL 96.5 or 23 storeys) respond to the taller maximum permissible heights on the western side of Wyndham Street and the southern side of Bourke Road of 13 and 14 storeys respectively and the taller development in the Green Square Town Centre of up to RL 97.7 or 21 storeys. Meanwhile the relatively lower elements fronting Botany Road and the eastern part of Bourke Road (up to RL 79 or 16 storeys) respond to the lower permissible heights on the eastern side of Botany Road and the medium rise residential development to the north of the site of 6 and 9 storeys respectively. Overall the tower configuration will ensure that the development will integrate into the area and deliver an appropriate transition.

The site to the immediate south of the site on the corner of Bourke Road and Botany Road, known as 310a Botany Road, is under separate ownership. Amalgamation of this site with the subject site would allow coordinated redevelopment of the sites and potentially a better overall built form outcome. The proponent has provided Council with evidence of reasonable efforts to acquire the site to allow for amalgamation, which have been unsuccessful. As such, the site does not form part of this Planning Proposal.

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~~ differ from the indicative scheme. This Planning Proposal does not seek approval for the indicative scheme. The City has developed an envelope within which the indicative scheme, or a similar scheme can be accommodated. This envelope forms the basis of the proposed amendments to the

maximum height of building control sought by this Planning Proposal. A full package of drawings illustrating both the envelope and the indicative scheme are at Attachment A.

*Public domain solar access*

Green Square Town Centre Development Control Plan 2012 contains provisions which seek to ensure that Green Square Plaza receives an appropriate amount of direct sunlight year round. The two key provisions are 3.1.3 (m) and 3.1.3 (n). Figure 3.2 of the DCP illustrates the consolidated areas of direct sunlight within the plaza that should be generally achieved on 21 June. Both provisions are shown below. Figure 3.2 of the DCP is at Figure 18, below.

*3.1.3 (m) excluding shadows cast by community buildings in site 20, [the public open space is to] achieve direct sunlight each hour between 12 midday and 2pm on 21 June for at least 50% of a 4m wide strip along the full length of the southern edge of the Green Square plaza*

*3.1.3 (n) excluding shadows cast by community buildings in site 20, [the public open space is to] achieve consolidated areas of direct sunlight each hour between 12 midday and 2pm on 21 June generally consistent with the location and size indicated in Figure 3.2: Direct sunlight to Green Square plaza*



Figure 18: Required areas of direct sunlight to Green Square plaza (as per GSTC DCP Figure 3.2)

These provisions effectively govern the maximum height and scale of building envelopes on the subject site given its position to the north west of the Green Square Plaza. As part of its engagement by the City, MAKO Architecture analysed the Green Square Plaza solar access provisions and plans and established a detailed understanding of the potential of built form on the site to overshadow the

Plaza. The analysis was based on the assumption that Site 1 of the Green Square Town Centre (situated above Green Square Station) will build to its maximum permissible height under the Green Square Town Centre LEP.

Figure 19 illustrates the relative location of the sun on 21 June and the maximum RL at which buildings can generally comply with provisions 3.1.3 (m) and 3.1.3 (n) of the Green Square Town Centre DCP 2012. MAKO Architecture’s analysis was used to inform further overshadowing analysis undertaken by SJB.

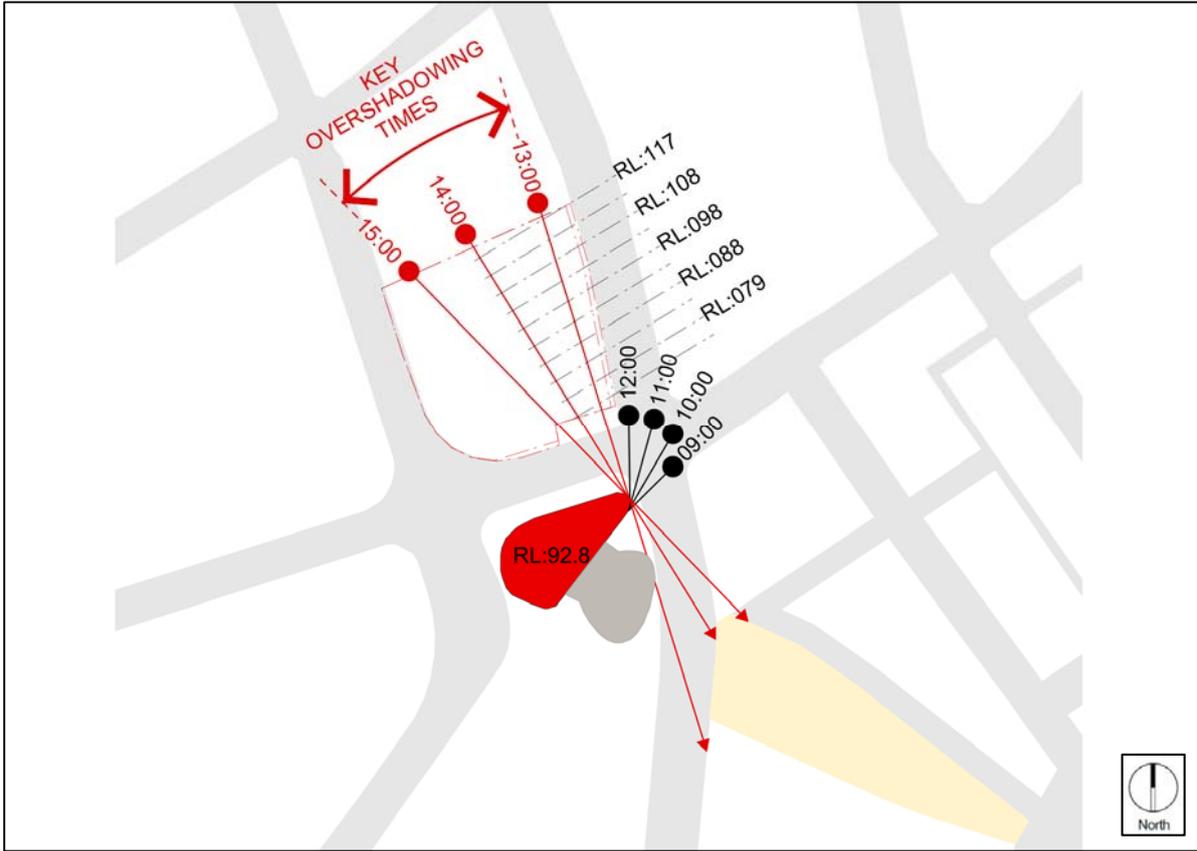


Figure 19: Key overshadowing times for the subject site. Image prepared by MAKO Architecture on behalf of City of Sydney.

SJB undertook detailed overshadowing testing to demonstrate that the maximum proposed envelope and indicative scheme generally achieve the areas of consolidated direct sunlight as required by the provisions of the Green Square Town Centre DCP. The full analysis, including overshadowing diagrams and eye of the sun diagrams is at Appendix A.

The analysis shows that at the key control times of 12pm and 1pm, the indicative scheme does not cast any shadow on the Green Square Plaza. This is illustrated in Figures 20 and 21. The DCP control area 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. This is also shown in ‘View from the sun’ diagrams at Figures 22 and 23. These diagrams show the view from the sun; everything shown in these diagrams receives direct sunlight at the time shown.

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. This is illustrated in Figures 24 and 25. The shadow cast accounts for approximately 3% of the total DCP control area at this time. Importantly the shadow does not cover any of the Green Square Library buildings including the entry, garden and amphitheatre. The study concludes that the overall shadow cast by the indicative scheme is generally consistent with the current Green Square Town Centre DCP control and the overall impact is acceptable.

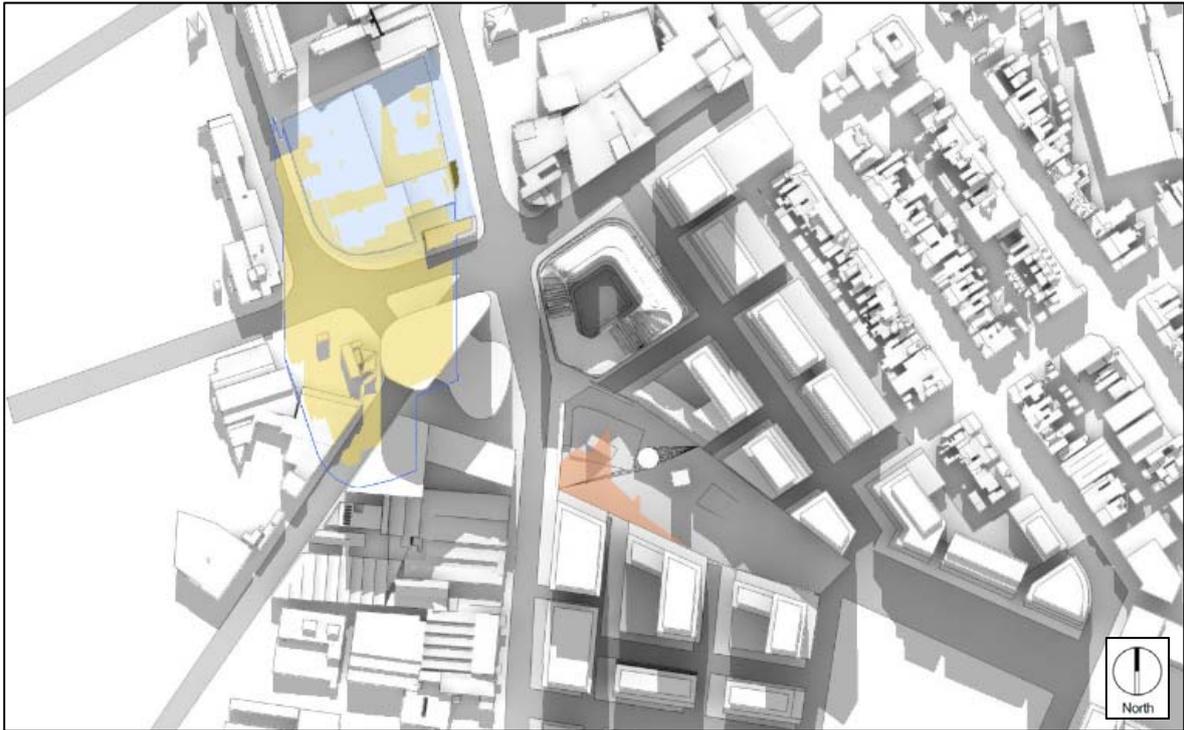


Figure 20: Shadow cast at 12pm on 21 June – no overshadowing of DCP control area



Figure 21: Shadow cast at 1pm on 21 June – no overshadowing of DCP control area

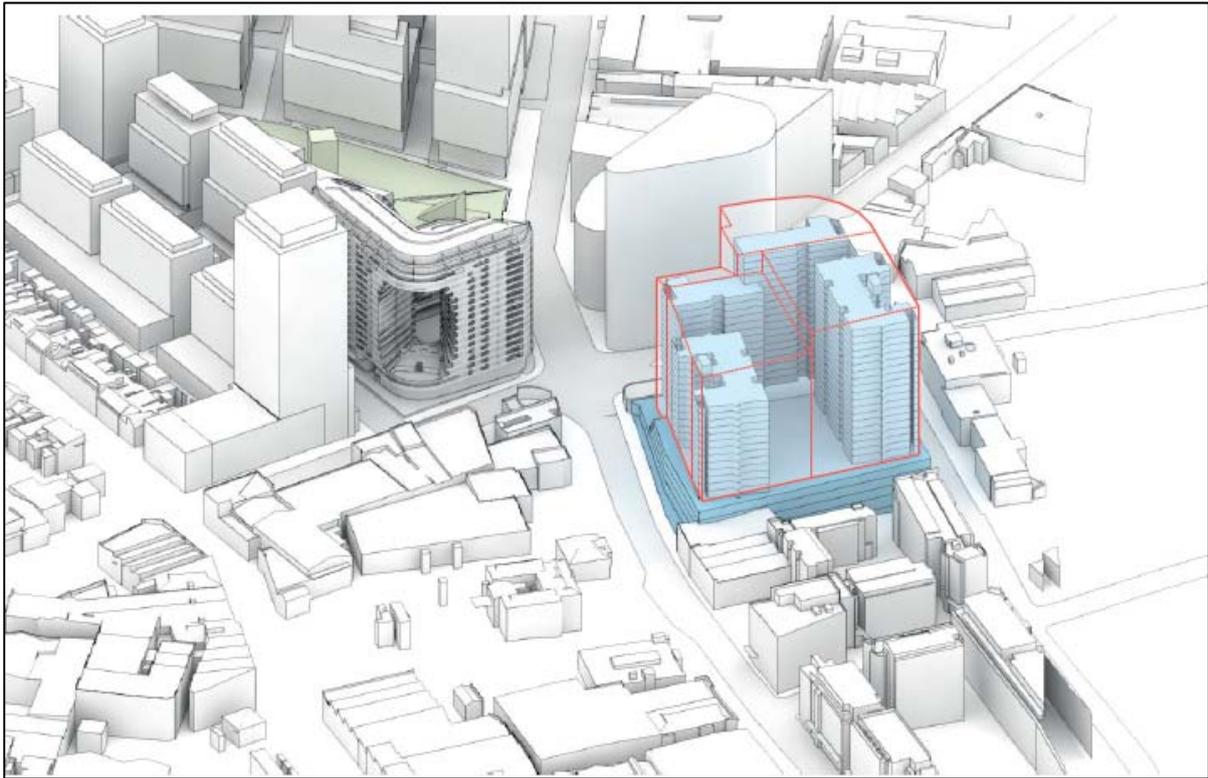


Figure 22: View from the sun at 12pm on 21 June - no overshadowing of DCP control area

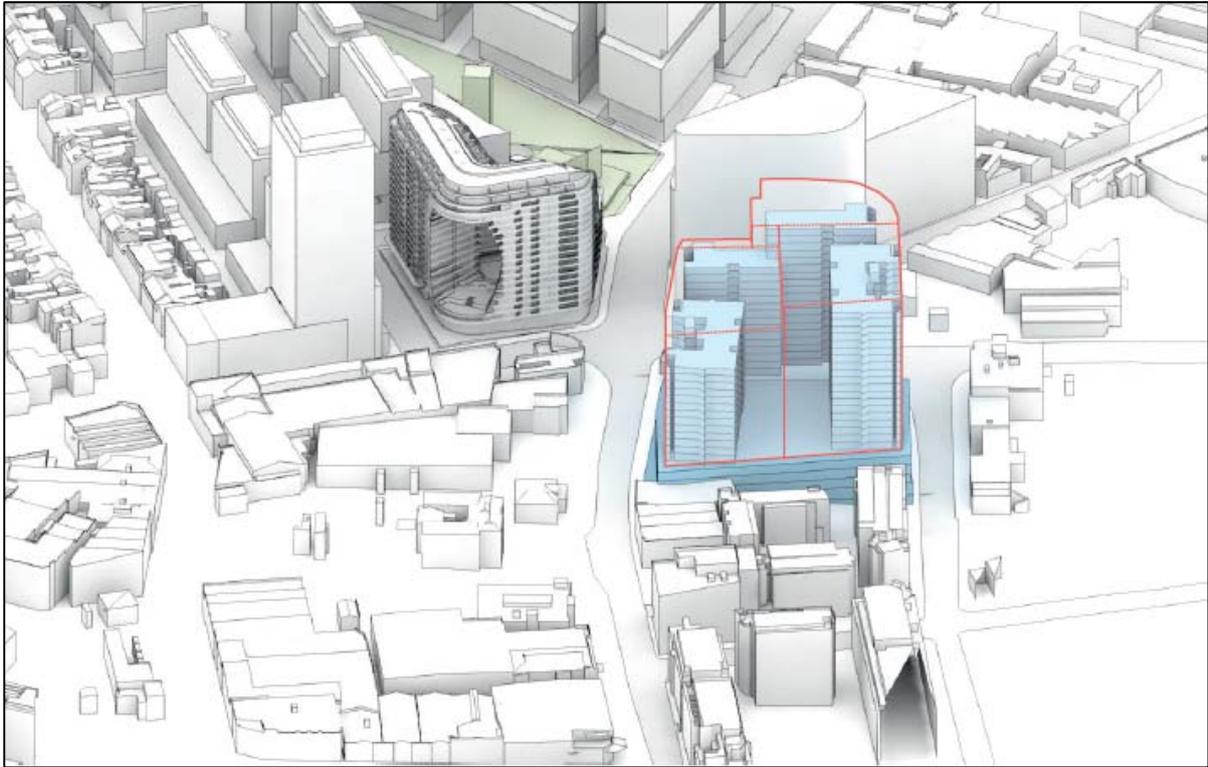


Figure 23: View from the sun at 1pm on 21 June - no overshadowing of DCP control area

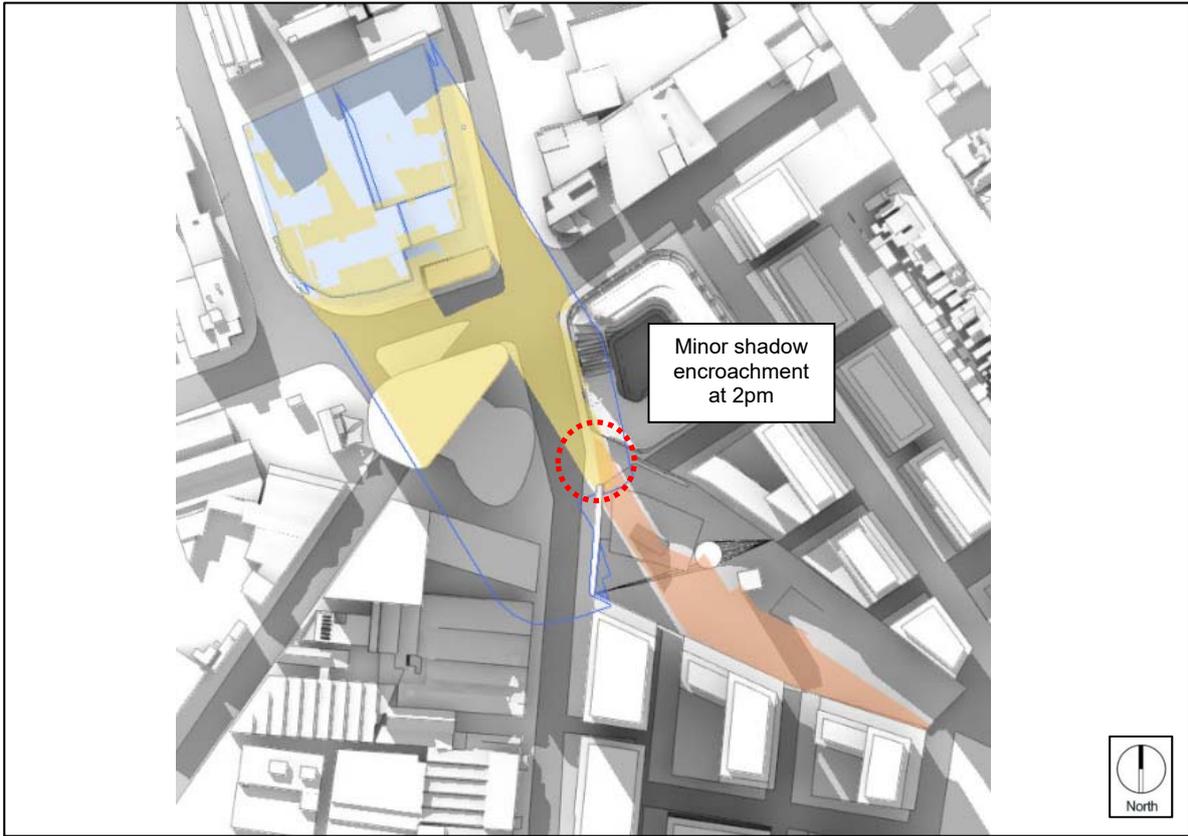


Figure 24: Shadow cast at 2pm on 21 June – Minor overshadowing of DCP control area

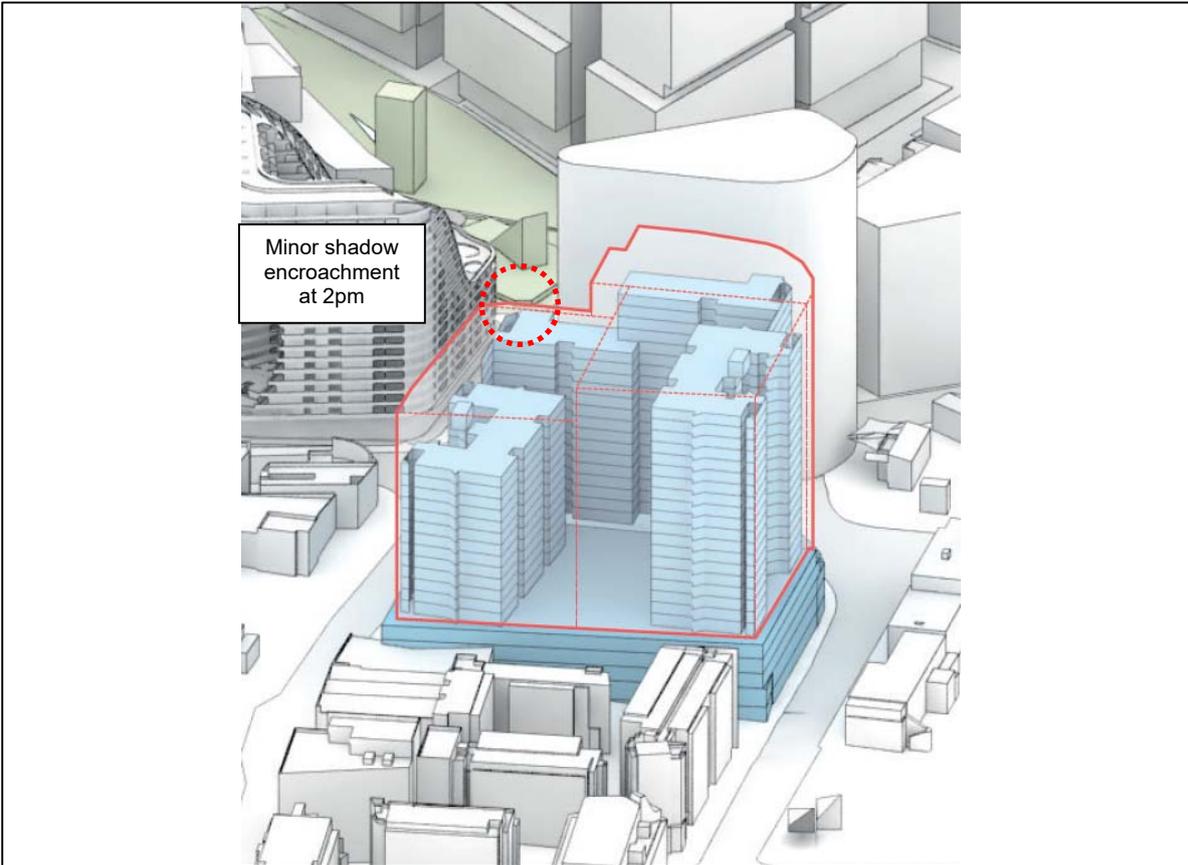


Figure 25: View from the sun at 2pm on 21 June – Minor overshadowing of DCP control area

### *Apartment Design Guide – Noise and natural ventilation*

The objectives and provisions of the Apartment Design Guide relating to noise and natural ventilation were major design drivers of the indicative scheme and the maximum permissible building envelope.

In June 2015 the Apartment Design Guide was released. It provides design criteria and general guidance about how development proposals can achieve the nine design quality principles identified in SEPP 65. Objective 4J-1 states that “in noisy or hostile environments the impacts of external noise and pollution are minimised through the careful siting and layout of buildings”. Design guidance under this objective states that where achievement of the design criteria is not possible, alternatives in the areas of solar access, private open space and natural cross ventilation may be considered. This effectively places the consideration of noise above that of solar access, private open space and natural cross ventilation when considering the siting and layout of buildings. It does not, however, place it above the consideration of natural ventilation. This challenge was not contained in the Apartment Design Guide’s predecessor, the Residential Flat building Design Code and represents an emerging challenge. The business as usual model where noise is minimised by closing windows, thus denying access to natural ventilation and relying on mechanical ventilation, is now being challenged.

The Apartment Design Guide references the NSW Government’s Development near Rail Corridors and Busy Roads Interim Guideline as called up by State Environmental Planning Policy (Infrastructure) 2007 which provides guidance in relation to appropriate noise levels for apartments. The need for noise protection is relative to noise exposure and the appropriateness of design solutions varies according to the noise level to which an apartment is exposed. This new provision requires innovative approaches to reform what was previously common practice and collaborative work between qualified acousticians and designers to determine appropriate and effective building siting, layout and design solutions.

The City worked closely with SJB and Renzo Tonin to test solutions and approaches. This included different tower siting and orientation and the inclusion of barrier wings and enclosed balconies. Renzo Tonin’s testing, analysis and recommendations are at Appendix D. The testing demonstrates that the indicative scheme can comply with the Apartment Design Guide requirement for all habitable rooms to be naturally ventilated while also satisfying the provisions of the Infrastructure SEPP for maximum internal repeatable noise levels.

### *Wind assessment*

The proponent engaged CPP to undertake a preliminary wind assessment of an early version of the preferred scheme. CPP also undertook analysis of the refined scheme. The original report including supplementary statements is at Appendix C.

The report finds that the site is in a relatively windy location with prevailing winds coming from the north-east, south and west. As construction in the Green Square Town Centre proceeds, it is expected that these winds will be accelerated around large neighbouring developments. It is anticipated that the preferred scheme will result in both wind downwash and wind channelling. Channelling is expected to occur along the through site link which links Botany Road with Bourke Road. Downwash is expected to occur along the upper level of the through site link and along Wyndham Street in a northerly direction.

CPP recommend a range of measures to mitigate these wind effects. To mitigate channelling along the through site link, one of the entrances should be reduced considerably in cross section. The through site link will also need to be covered to mitigate the effects of downwash. Downwash along Wyndham Street can be mitigated by a combination of setting the tower back from the podium edge and installing an awning to dissipate wind flow.

The draft amendment to Sydney DCP 2012 which supports this Planning Proposal includes detailed built form controls which provide for setbacks to the towers from the podium edge as recommended by the CPP report. The draft provisions also require an awning fronting Wyndham Street and consideration of the impact of wind and wind-driven rain on the design of the through site link as part of the assessment process.

Further, the draft DCP amendment includes a provision requiring submission of a detailed wind assessment as part of any future development application. This will provide more detail on anticipated impacts and how they may be managed.

### *Traffic and Transport*

AECOM has reviewed the traffic and parking impacts of the indicative scheme to determine the likely impacts of a future mixed use scheme on the site. AECOM has assessed the impacts of the retail component and the residential component separately. ~~The City is considering the assessment related to the retail component as part of its current assessment of the Section 96 modification application discussed earlier in this Planning Proposal.~~ For the purposes of this Planning Proposal, it is noted that the report states the traffic impacts of the retail component are acceptable and manageable.

The report submitted specifically in support of this Planning Proposal finds that the residential component will result in 151 trips across the AM and PM peaks. Generally this increase will account for less than two per cent of the total existing volume on main arterial roads. The report concludes that, based on the proposed left in/left out arrangement that will be imposed on the residential car park driveway, the impact of additional trips will be negligible on the Botany Road/Bourke Road/O'Riordan Street intersection. The study concludes that the impact on local intersections will also be negligible as vehicles will disperse across a number of different routes after exiting the development. In conclusion, AECOM's analysis finds that the additional vehicle traffic generated by both the retail, childcare and residential uses will be absorbed into the local road network with negligible impacts. It should be noted that this Planning Proposal does not give rise to development of a density in excess of that already permitted by Sydney LEP 2012 and as such will not result in a residential population greater than that already anticipated for the area.

Notwithstanding this, **the public exhibition of the Planning Proposal elicited concerns from local residents in relation to existing and future transport infrastructure provision in the area, including comments that the area is already gridlocked and further development pressure will exacerbate existing problems with parking and congestion. The proponent offered to incorporate a restriction relating to car parking into the Planning Proposal, so 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 as a design excellence incentive through a competitive design process. This restriction has been incorporated into the proposed site specific provisions of Sydney LEP 2012.**

**a** A Traffic Impact Assessment will be required at the development application stage and this will provide a detailed assessment of the anticipated impact to the local road network.

AECOM also assessed the vehicle access arrangements for their suitability. The retail and residential car parks are to be separated with the retail car park accessed from Wyndham Street and the residential car park accessed from Botany Road. The study proposes a left in/left out arrangement for the Botany Road entrance and the construction of a median to enforce the movement. Consultation with Roads and Maritime Services on the location, design and arrangement of the car park entrances will be undertaken as part of public exhibition of this Planning Proposal.

In terms of public transport, the site is well serviced by existing infrastructure and services being immediately adjacent to the Green Square Train Station which has direct services to Central Sydney and Sydney Airport. It is also well serviced by a number of bus routes which travel to a variety of destinations.

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 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.

- 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 Green Square School at 237-271 Botany Road is situated to the north east of the site on the opposite side of Botany Road. It is listed in Sydney LEP 2012 as an environmental heritage item. The listing includes the buildings, building interiors, landscaping and the retaining wall. It is the only environmental heritage item within close proximity of the site.

Given the distance between the site and the heritage item, approximately 60 metres, and the presence of Botany Road between the two which serves as a significant barrier, the potential for development on the site to adversely impact the heritage item is relatively low. Additionally, the school buildings themselves are well setback within the site and separated by a row of mature trees. Notwithstanding this, the view analysis undertaken by SJB examines the views to and from the heritage item and illustrates that the impact of increased building heights on the setting of the heritage item is minor and acceptable. This view analysis forms part of the Urban Design Study at Appendix A. Furthermore, being situated to the north east of the site, the heritage item will not be overshadowed by development on the site.

### *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 under the B4 Mixed Uses zoning this planning proposal does not give rise to additional implications in this regard.

As discussed earlier in this Planning Proposal, the site has consent for retail and commercial uses under a current Development Approval. In assessing this application, input was sought from the City's Health Compliance Unit who concluded that the site is suitable for the proposed retail uses and is able to satisfy the requirements of SEPP 55. Notwithstanding this, detailed information relating to contamination will be required at any future development application stage 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 is moderately flood affected. The City's data suggests that the Peak Maximum Flood levels affecting the site range from 0.2 metres on the Botany Road frontage up to 1.45 metres on the corner of Wyndham Street and Bourke Road.

The City's Interim Floodplain Management Policy, adopted by Council in May 2014, provides flood planning levels for different types of development which must be used when assessing a Development Application. The finished levels and design of the podium has and will be assessed against these levels. This is a separate process to this Planning Proposal. Notwithstanding this, the proposed height controls under this Planning Proposal provide sufficient flexibility to accommodate any raising of the podium to meet higher flood planning levels than anticipated.

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

While this Planning Proposal will facilitate redevelopment of the site, it does not propose an increase in density above that which is currently permissible under Sydney LEP 2012. As such, it will not result in an increase in residential or worker population greater than that already anticipated, and is not expected to result in any significant negative social or economic effects. Ongoing investment in new services and facilities in Green Square by both the public and private sectors will service the new population as development occurs, and the City's Green Square Community Infrastructure Floorspace Scheme under Sydney LEP 2012, as explained earlier in this Planning Proposal, will

deliver critical community infrastructure to support the growing population. Furthermore, this Planning Proposal will deliver some important social benefits, as follows.

### *Childcare Centre*

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 2,000 sqm that could accommodate approximately 100 children depending upon final configuration and design. Allowance for this childcare centre will be included in the draft DCP amendment to provide certainty.

### *Retail podium*

Development approval was granted on 20 November 2013 for a 3 and 4 storey podium including a full line supermarket and several specialty retail tenancies. This consent is valid until 20 November 2018. ~~The City is currently assessing a Section 96 modification to this consent to reconfigure the podium and reduce the overall retail floorspace. The proposal being assessed includes approximately 6,528 sqm of retail floorspace including a full line supermarket.~~ **Two section 96 applications to modify this consent have been approved. These are discussed below.**

#### Section 96 application D/2012/1021/A

On 27 February 2013 Gazcorp lodged a section 96 application with Council seeking to amend a number of conditions related to the fit-out, use and operation of a supermarket tenancy within the base building. Consent was granted on 18 April 2013.

#### Section 96 application D/2012/1021/B

On 23 December 2015 Gazcorp lodged a second section 96 application with Council seeking to amend the consent granted under D/2012/1021. ~~The application seeks to make a number of amendments to the design of the podium including reduction in car parking provision, realignment of finished floor levels in the building, reconfiguration of the retail tenancies to include a new mall configuration, changes to the building façade and frontages and reconfiguration of commercial space on Level 1. The application proposes a net decrease in retail tenancies to 6,055 square metres and commercial floorspace to 1,105 square metres. The application is currently being assessed by the City separately to the proposed changes to the planning controls sought by this Planning Proposal.~~ **This section 96 application was approved on 14 October 2016. It made numerous amendments to the approved development, including the deletion of a floor level and a basement level, alterations to vehicular and pedestrian access points, reconfiguration of commercial space, tenancies, lobbies and plant, and changes to the building facade. The approved development, as modified through this section 96, is for the demolition of the existing structures, excavation for 1 basement level accommodating 205 car parking spaces and construction of a 2 and 3 storey retail and commercial development. As per condition (7) of D/2012/1021/B, the amount of gross floor area approved on the site is 7,585 square metres.**

The delivery of new retail tenancies and a childcare centre will activate the public domain through the replacement of existing blank walls with active frontages resulting in increased pedestrian activity and

passive surveillance. New and refreshed business activity on the site will create employment opportunities and flow on economic benefits to the local area and the City more broadly.

The City ~~is currently finalising~~ **completed** a study ~~in 2016~~ that examined ~~the current supply of retail in Green Square and estimates~~ **the future demand**. ~~Preliminary findings are~~ **This study found** that over the next 15 years there will be significant demand for retail in Green Square, particularly in and around the Green Square Town Centre. This Planning Proposal will assist in meeting some of this demand and represents a positive social and economic outcome.

## **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 immediately adjacent to the Green Square Railway Station which has direct services to Central Sydney and Sydney Airport and several bus routes which travel to a variety of destinations. The traffic impact assessment prepared by AECOM, at Appendix B, provides a high level assessment of the site access and parking arrangements and the impact of the proposed development on the local street network. It should be noted that this Planning Proposal does not include any increase in density over and above what is permitted by the current controls.

New public social infrastructure will be provided within walking and cycling distance of the site including the new Green Square Town Centre Library and plaza, community facilities including a childcare centre at the former South Sydney Hospital Site and a new Aquatic Centre and public park in the Epsom Park Precinct to the east.

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 service the site.

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

The Gateway Determination required consultation to be undertaken with the following public authorities:

- Transport for NSW;
- Roads and Maritime Services (RMS);
- Department for Education and Communities;
- Office of Environment and Heritage;
- Sydney Airport Corporation;
- Sydney Water; and
- Ausgrid.

The Planning Proposal was also referred to Sydney Trains for comment.

Responses were received from six public authorities. Sydney Water, Ausgrid, RMS and Sydney Trains raised no specific objections. The Office of Environment and Heritage did not make a submission.

Transport for NSW raised a number of concerns regarding the proposal's impact on the functioning of Botany Road, given that it is an important bus corridor. They have noted that the proposed vehicular access and traffic movement arrangements on Botany Road require approval from RMS, given that it is a classified road. In this regard, RMS has not raised objection to the proposed access arrangements to the site.

The Department for Education requested that Council include an assessment of heritage impacts, traffic impacts, overshadowing, overlooking and noise impacts to ensure that the nearby Green Square School can continue its operations without significant adverse effects from the redevelopment of nearby properties.

Sydney Airport Corporation have advised that the proposed development will penetrate the Obstacle Limitation Surfaces. They do not support the development of any structure that intrudes into the Obstacle Limitation Surfaces. They have advised that the proposal has been referred to the Department of Infrastructure and Regional Development for their determination (the Commonwealth body with airspace operation responsibilities), and that they have also invited submissions from the Civil Aviation Safety Authority, Airservices and Airlines.

Not applicable

The Gateway Determination will advise the full list of public authorities to be consulted as part of the Planning Proposal process and any views expressed will be included in this Planning Proposal following consultation.

~~Clause 7.16 of Sydney LEP 2012 sets out requirements for consultation with the relevant Commonwealth body where proposed development penetrates the Limitation or Operations Surface for Sydney Airport. The Sydney Airport Obstacle Limitation Surface for the site is 51m AHD. This Planning Proposal seeks to allow development up to approximately RL96.5 on the site. As such, consultation with the relevant Commonwealth body will be required under Clause 7.16 as part of the development assessment process. It is proposed that Sydney Airport will be consulted during the public exhibition of this Planning Proposal.~~

Notwithstanding the above, the proponent commissioned Strategic Airspace to undertake a preliminary aeronautical impact assessment to support this Planning Proposal. This assessment is at Appendix E. The assessment found that the proposal would penetrate the OLS Inner Horizontal Surface but that there was precedents for approved penetrations of a similar extent in the adjacent Green Square Town Centre. The assessment also found that the proposal would not penetrate the lowest PANS-OPS surface. The assessment concluded that there is no technical impediment to the approval of the development. Consultation with and referral to Sydney Airport will also be required at the development assessment stage.

**A summary of all public authority submissions, along with the City of Sydney response to the issues raised, is at Appendix F.**

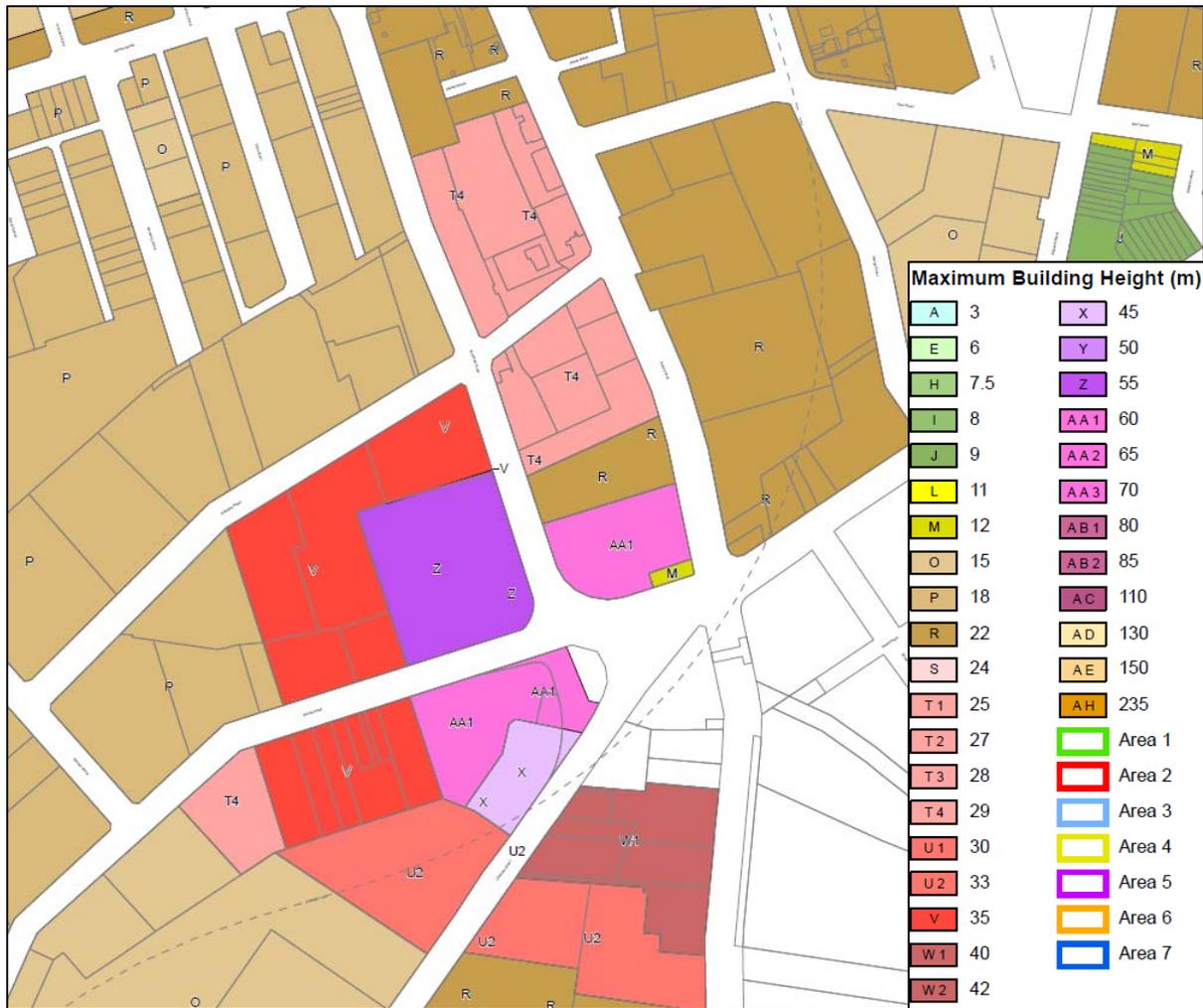
## **PART 4 - MAPPING**

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

**NB.** The site is split between map sheet 17 and 18. For clarity, the below maps have been produced to show the site as a whole and do not reflect the exact boundaries of sheets 17 and 18.

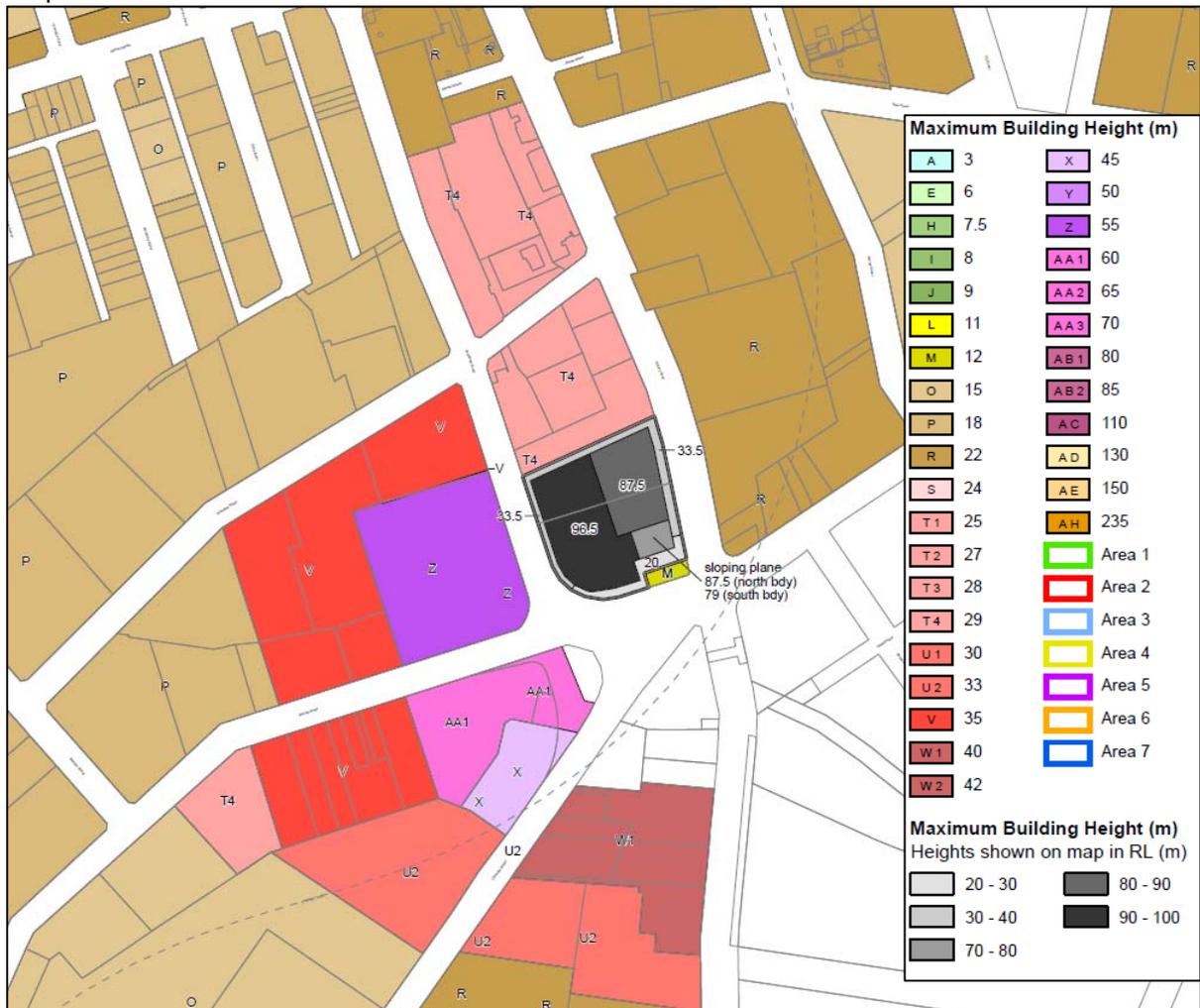
# Height Map: Sheet HOB\_017 and Sheet HOB\_018 (combined)

Existing map:



Proposed map:

Proposed



## PART 5 – COMMUNITY CONSULTATION

Public consultation ~~will be~~ **was** 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;~~
- ~~• in the Sydney Morning Herald and/or a relevant local newspaper; 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.~~

**In August 2016, Council and the Central Sydney Planning Committee resolved to seek a Gateway Determination from the Greater Sydney Commission to allow exhibition of the Planning Proposal. The Gateway Determination was issued in October 2016 and required the Planning Proposal to be exhibited for 28 days. The Planning Proposal was exhibited from 1 November 2016 to 30 November 2016.**

**Relevant exhibition material was made available for viewing at the One Stop Shop in Town Hall House and the Green Square Neighbourhood Centre. The City sent over 800 letters to landowners and residents in close proximity to the subject site to notify them of the public exhibition.**

**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.**

**A total of 20 submissions were received in response to the public exhibition. Seven submissions were from public authorities and are discussed in Section D: Q11 of this Planning Proposal. Six submissions were from local residents, and seven were submitted through the "Sydney your Say" website. A number of issues were raised, including in relation to building height, pressure on infrastructure, traffic and transport impacts, heritage impacts, open space provision, construction impacts and provision of cycling facilities. A summary of all the submissions, along with the City's response to the issues raised, is included at Appendix F.**

**A number of post-exhibition changes to the Planning Proposal have been made, with the provision which involves an additional restriction on on-site car parking being incorporated in response to concerns regarding parking and congestion raised in the submissions. This additional restriction will have the effect of reducing car dependency and encouraging use of alternative modes of transport.**

## 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 July 2017.

Stage	Timeframe
Submit Planning Proposal to Department of Planning and Environment seeking a Gateway Determination	August 2016
Receive Gateway Determination	October 2016
Public exhibition and public authority consultation of Planning Proposal and DCP Amendment	November 2016 to December 2016
Review of submissions received during public exhibition and public authority consultation	January 2017 to March 2017
Council and Central Sydney Planning Committee approval of Planning Proposal and DCP Amendment	<del>April</del> May 2017
Drafting of instrument and finalisation of mapping	<del>May</del> June 2017 to <del>June</del> July 2017
Amendment to <i>Sydney Local Environmental Plan 2012</i> legally drafted and made	<del>July</del> August / September 2017

## APPENDIX A: URBAN DESIGN STUDY PREPARED BY SJB



**APPENDIX B: TRAFFIC AND TRANSPORT IMPACT ASSESSMENT PREPARED BY AECOM**



**APPENDIX C: WIND ASSESSMENT PREPARED BY CPP**



**APPENDIX D: ROAD TRAFFIC NOISE ASSESSMENT PREPARED BY RENZO TONIN**



**APPENDIX E: PRELIMINARY AERONAUTICAL IMPACT ASSESSMENT  
PREPARED BY STRATEGIC AIRSPACE**



## APPENDIX F: SUMMARY OF SUBMISSIONS AND RESPONSES FROM THE CITY OF SYDNEY

