

ATTACHMENT A

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**PLANNING PROPOSAL: SYDNEY LOCAL
ENVIRONMENTAL PLAN –
397-399 CLEVELAND STREET AND
2-38 BAPTIST STREET, REDFERN**

Planning Proposal:

2–38 Baptist Street and 397–399 Cleveland Street, Redfern

City of Sydney
Town Hall House
456 Kent Street
Sydney NSW 2000

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Executive summary

The City of Sydney (the City) has prepared this Planning Proposal for the site at 397-399 Cleveland Street and 2-38 Baptist Street, Redfern, in response to a request from the site owner, Surry Hills Project Pty Ltd, for the City to prepare a planning proposal for the site.

This Planning Proposal explains the intent of and justification for proposed amendments to the Sydney Local Environmental Plan 2012 (LEP) as it applies to the site. This Planning Proposal has been prepared by the City in accordance with Section 55 of the Environmental Planning and Assessment Act 1979 and the Department of Planning and Environment's 'A guide to preparing planning proposals' and 'A guide to preparing local environmental plans'.

The site is about 12,244 square metres in area and is bounded by Cleveland Street, Baptist Street, Baptist Lane and Marriott Street. Existing development on the site includes a supermarket, various retail specialty shops, a heritage-listed former Bank of NSW building, and an open surface car park.

Under existing LEP controls, the site is zoned B2 Local Centre, has a maximum floor space ratio of 2:1 and a maximum building height of 12 to 15 metres across different parts of the site. The site's B2 Local Centre zone permits retail, commercial and residential uses on the site. The site is also within the Baptist Street Heritage Conservation Area.

The City prepared the Planning Proposal following a detailed review of the proponent's planning proposal request. The City has worked with the proponent to incorporate various changes to address issues related to building bulk and scale, activation of street frontages, relationship to existing dwellings surrounding the site, heritage conservation area characteristics, public domain and amenity.

The Planning Proposal is to amend the LEP to:

- Amend the relevant Height of Building map in clause 4.3 of the LEP to increase the maximum building height control from 15 metres to a maximum 21 metres along Cleveland Street, 25 metres along Baptist Street, 18 metres along Marriott Street. The building height on the south-west corner of the site will be reduced from 12 metres to three metres. No change in building height is proposed to the north-west corner of the site.
- Insert a new site-specific subclause in clause 6.21 specifying that development on the site demonstrating design excellence can obtain additional height but not additional floor space.
- ~~Insert a new site-specific subclause in clause 4.6 specifying that the clause does not allow development on the site to contravene development standards, including maximum building height and maximum floor space ratio.~~
- Amend the relevant Heritage Map in clause 5.10 to omit the site from the Baptist Street Heritage Conservation Area.

The Planning Proposal does not propose to amend the maximum floor space ratio control applying to the site of 2:1.

The Planning Proposal to increase the maximum building height but not the maximum floor space will provide significantly improved amenity, accessibility and public domain outcomes compared to development envisaged under existing controls.

Development envisaged under the Planning Proposal includes a new mixed-use development comprising about 8,000 - 9,000 square metres gross floor area of retail and commercial uses, about 170 residential apartments, new rear lane, public open space and basement car parking.

The Planning Proposal to increase the maximum building height but not the maximum floor space ratio allows a number of improvements compared to existing controls. These include:

- Improved built form design: the site will have a two-storey street wall height and setbacks that reduce impacts to surrounding properties.
- Improved mix and distribution of uses: the retail, commercial and residential uses will be strategically located to provide an effective retail configuration with active frontages while minimising impact to existing surrounding residential premises.
- Improved permeability across the site: a new laneway, through-site link and public open space area will provide improved permeability across the site, which is safe and contributes to the amenity of the retail activity and public domain areas.
- Compliance with State Environmental Planning Policy No 65 – Design Quality of Residential Apartment Development: requirements for visual privacy, solar and daylight access, common circulation spaces, apartment sizes and layout, building depth, private open space and balconies, efficiency ratios and natural ventilation can be satisfied.
- Design excellence: additional height that can be awarded if development demonstrates design excellence process will provide the opportunity to achieve a high architectural quality design outcome.

The proponent has submitted a public benefit offer in support of this Planning Proposal. The offer includes the provision of new public open space to expand the existing adjoining park, a new laneway, footpath widening along Marriott Street, sustainability measures and a local bus service between the site and a nearby supermarket during construction. The proponent's offer will need to be secured in a planning agreement.

The City has prepared a draft site-specific amendment to Sydney Development Control Plan 2012 (the draft DCP) to help ensure the objectives and intended outcomes of this Planning Proposal are achieved. The draft DCP controls are intended to replace existing site-specific controls and relate to the built form, through-site links, parking, vehicular access and servicing, flooding and stormwater, noise and design excellence. Built form controls include building heights in storeys, building setbacks and street wall heights.

The City intends to publicly exhibit this Planning Proposal concurrently with the draft DCP and the draft planning agreement and explanatory note.

1 Site identification

1.1 Site identification

The site comprises four separate lots as follows:

- Lot 1 DP 72567 and Lot 2 DP 112938, known as 397–399 Cleveland Street, Redfern
- Lot 31 DP 1223099, known as 399A Cleveland Street, Redfern
- Lot 1 DP 1107252, known as 2-38 Baptist Street, Redfern.

The lots are shown in Figure 1.

Figure 1: Land affected by this Planning Proposal



1.2 Site location

The site is located in Redfern in the City of Sydney. Redfern and Central stations are about 1.2 kilometres west and north-west of the site. The future South East Light Rail Line will include a stop at the corner of Devonshire and Marlborough Streets, about 500 metres to the north of the site. The site is also located about one kilometre to the east of Prince Alfred Park and about 500 metres to the west of Moore Park.

The site has four road frontages: Baptist Street to the east, Baptist Lane to the south, Marriott Street to the west and Cleveland Street to the north. Cleveland Street is a classified road and connects with the Eastern Distributor about 500 metres to the east. A site location plan and aerial photo of the site are shown at Figures 2 and 3.

Figure 2: Site location

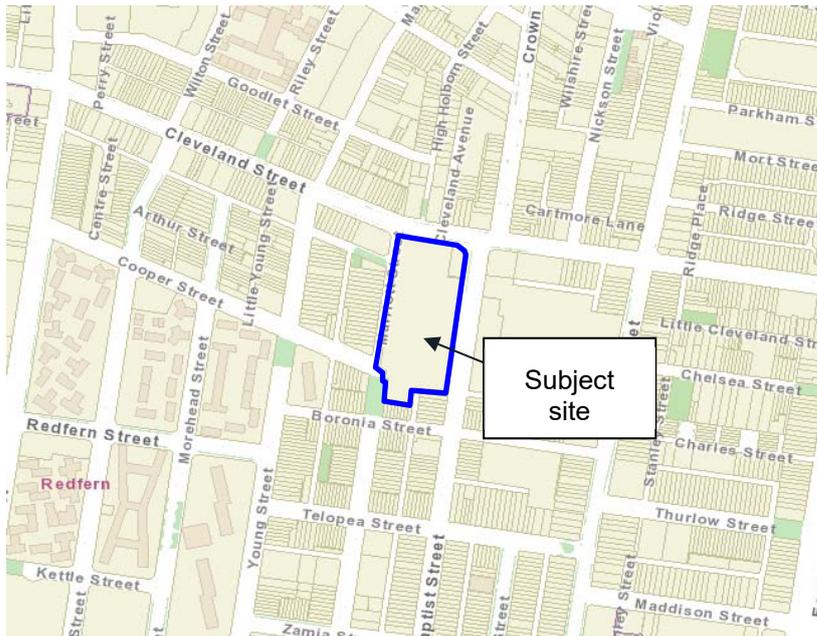


Figure 3: Aerial photo of the site



1.3 Site characteristics and context

The site is irregular in shape and has a total area of about 12,244 square metres. The site's northern boundary fronts Cleveland Street and is about 70 metres long. The site's other boundaries front public streets as follows: 163 metre frontage to Baptist Street to the east; 22 metre frontage to Baptist Lane to the south; and 160 metre frontage to Marriott Street to the west.

Existing development on the site consists of a single-storey building, with a total gross floor area of about 5,385 square metres of retail and non-retail uses. This comprises a Coles supermarket of about 3,100 square metres of gross floor area, various specialty retail shops with a combined 1,800 square metres of gross floor area and non-retail uses of about 485 square metres of gross floor area. Pedestrian access into the building is via Cleveland Street, Baptist Street and the car park area.

The site has a local heritage item identified under the LEP located on the corner of Baptist and Cleveland Streets. It comprises a two-storey Federation building previously occupied by the former Bank of NSW. The site is within the Baptist Street Heritage Conservation Area under the LEP.

The southern portion of the site is used for outdoor at-grade retail car parking and servicing of the retail uses. There are currently 145 car parking spaces on the site with vehicle access from Baptist Street, Cooper Street and Marriott Street. Trucks servicing the existing retail uses access the site via the loading dock area off Marriott Street. There is no vehicle access from Baptist Lane.

The site contains limited vegetation. There is a small open space reserve area adjoining the site to the south west. It contains a playground and provides a pedestrian connection between Cooper and Boronia Streets.

The site slopes downwards from north to south with a fall of about 5 metres or nearly two storeys from boundary to boundary. The south western portion of the site bounded by Baptist Lane, existing residential housing and the existing open space is prone to flooding.

The surrounding context varies in land use and built form. The NSW Police Force Stables is to the east and is a local heritage item under the LEP. Two storey terrace housing fronting Baptist and Boronia Streets adjoin the site at its southern boundary. The western side of Marriott Street is lined with single storey residential terraces. Cleveland Street contains a mixture of retail, business and residential uses in two to three-storey buildings.

The trade area for the Surry Hills Shopping Village generally extends into Surry Hills, Redfern and Waterloo and is bounded by South Dowling Street to the east and Regent Street to the west. Other prominent retail sites within the trade area include Crown Street and a retail strip opposite Redfern station along Redfern Street. Redfern also has a Woolworths supermarket on Chalmers Street, about one kilometre from the site.

Crown Street is about 20 metres to the north-east of the site. It is known for its cafes, restaurants, pubs, bars and diversity of businesses. Crown Street and the immediate surrounds contain a variety of community services and facilities and is a hub for the Crown Street village.

Retailing beyond the trade area includes Danks Street Plaza, about 500 metres to the south, and Easts Village, about 2.5 kilometres to the south. These are anchored by a Coles supermarket and Central Park, about two kilometres to the north-west, which contains a Woolworths supermarket.

Figures 4 to 10 show existing development on the site and surrounding areas is shown in Figures 5 to 15.

Figure 4: View looking south-west showing the existing heritage building on the north east corner site, at Cleveland and Baptist Streets.



Figure 5: View looking south-east along Cleveland Street with the site visible on the right side of the photo.



Figure 6: View looking south, along Marriott Street, with the site visible on the left.



Figure 7: View looking north along Marriott Street showing retail servicing and car park access on the right.



Figure 8: View looking south-west showing the existing car park in the south-west portion of the site.



Figure 9: View from Baptist Lane looking north across the existing car park.



Figure 10: View looking north along Baptist Street showing the site on the left.



Figure 11: View looking east along Cleveland Street showing the site on the right hand side of the photo.



Figure 12: View looking north-west showing existing single storey terraces fronting Marriott Street



Figure 13: View looking south showing existing open space adjoining the south-west corner of the site



Figure 14: View looking south-east across the car park to existing two-storey terraces fronting Baptist and Boronia Streets



Figure 15: View looking north-east along Baptist Street showing the NSW Police Stables on the right hand side



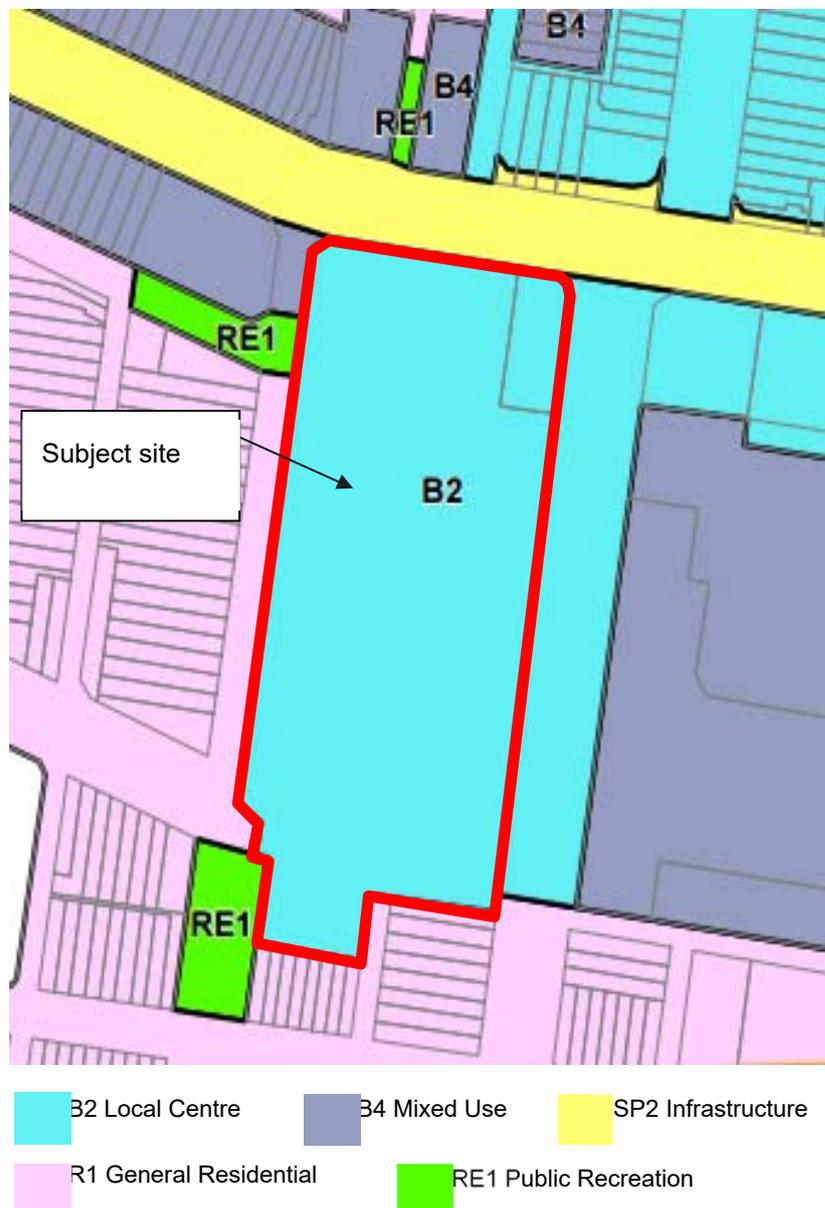
2 Existing planning controls

The LEP contains zoning and principal development standards for the site. These are discussed below.

2.1 Zoning

Zoning is shown in the Land Zoning Maps referred to in clause 2.2 of the LEP. The site is zoned B2 Local Centre, as shown in the extract at Figure 16. The objectives of the zone include providing a range of retail, business, entertainment, community and residential uses so as to encourage employment opportunities, maximise public transport usage and support the vitality of local centres. The zoning permits a broad range of uses including the existing uses and residential accommodation. This Planning Proposal does not seek to change the site's existing zoning.

Figure 16: Extract from Sydney LEP 2012 Zoning Map

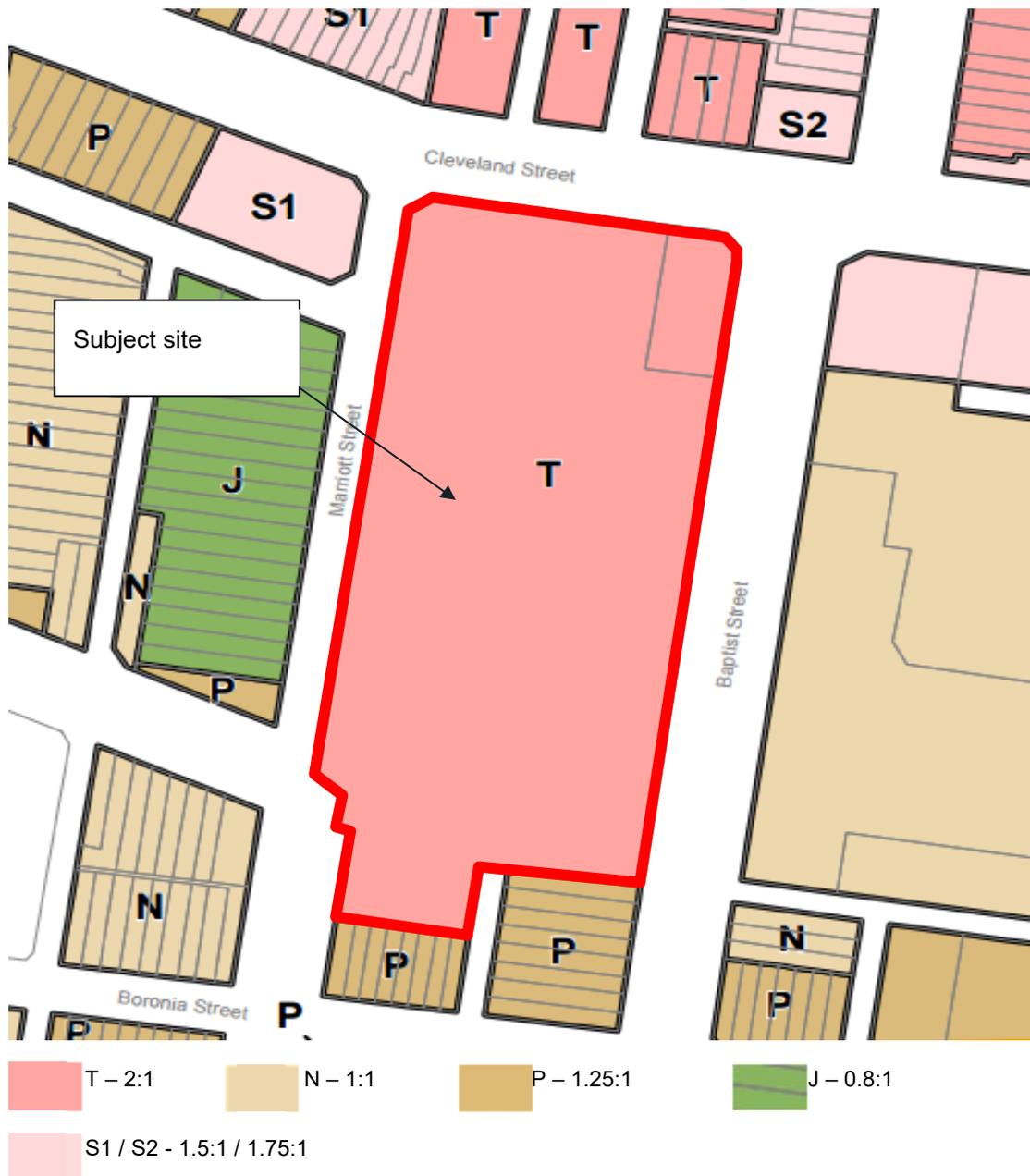


2.2 Floor Space Ratio

Maximum floor space ratio controls are shown in the Floor Space Ratio Maps referred to in clause 4.4 of the LEP. Reference to the relevant map indicates the site has a maximum floor space ratio control of 2:1. Currently it is eligible for up to 10 per cent additional floor space under clause 6.21 of the LEP, subject to demonstrating design excellence. An extract of the relevant Floor Space Ratio Map from the LEP is shown in Figure 17.

This Planning Proposal does not propose to change the maximum floor space ratio control applying to the site.

Figure 17: Extract from Sydney LEP 2012 Floor Space Ratio Map



2.3 Building height

Most of the site has a maximum building height control of 15 metres, as shown in Figure 18. Exceptions are the north east and south west corners of the site, which have a slightly lower maximum building height control of 12 metres.

The site is currently eligible for up to 10 per cent additional building height under clause 6.21 of the LEP, subject to demonstrating design excellence.

This Planning Proposal is to amend the relevant Maximum Building Height Map to increase the maximum building height.

Figure 18: Extract from Sydney LEP 2012 Building Height Map



2.4 Planning proposal request

In January 2016, JBA planning consultants submitted a Planning Proposal request to the City of behalf of the landowner, Surry Hills Project Pty Ltd. The request included a Planning Justification Report and various supporting studies.

The request sought to increase the maximum building height control from the current 15 metres up to 22 metres along Marriott and Cleveland Streets and 29 metres along Baptist Street. No change to the height control was requested for the heritage building on the corner of Baptist and Cleveland Streets and the land located in the south-western portion of the site.

The requested change to the building height controls would facilitate a mixed-use development comprising about 9,000 square metres gross floor area of supermarket, specialty retail shops and commercial premises, about 170 apartments in four to seven storey buildings and basement car parking.

The proponent has submitted a public benefit offer in conjunction with this Planning Proposal. The proponent has offered to provide new public open space, a new laneway towards the southern boundary of the site, footpath widening along Marriott Street, sustainability measures and local community bus service throughout the construction stage.

The City prepared this Planning Proposal following a detailed review and assessment of the proponent's proposed development concept. It includes a number of revisions to address issues relating to building bulk and scale, activation of street frontages, relationship to existing dwellings surrounding the site, heritage conservation area characteristics and amenity. The Planning Proposal and draft DCP addresses the issues arising from the assessment of the proponent's planning proposal request.

3 Objectives and intended outcomes

The Planning Proposal will enable the redevelopment of 397-399 Cleveland Street and 2-38 Baptist Street, Redfern so that:

- an appropriate mix of residential, retail and commercial uses can achieve the maximum floor space permitted under existing controls and meet the B2 Local Centre zone objectives;
- an appropriate transition in building height, bulk and scale can be achieved across the site that responds the heritage conservation area characteristics and existing residential surrounding the site;
- the existing maximum floor space ratio of 2:1 permitted on the site can be better accommodated on the site without so impacts on surrounding uses are reduced and maintained within acceptable levels;
- the delivery of market housing is facilitated in an area with good access to public transport, social infrastructure, employment opportunities, goods and services;
- new buildings achieve design excellence and improve the amenity and existing contribution of the site to the surrounding area;
- new development responds appropriately to the surrounding built form context and provides an appropriate transition between existing lower-scale development surrounding the site;
- new public through-site links can be created to increase permeability through and around the site; and
- existing neighbouring properties receive adequate solar access.

4 Explanation of provisions

To achieve the intended outcomes, this Planning Proposal seeks to amend Sydney Local Environmental Plan 2012 as follows:

- Amend the Height of Buildings Map Sheet 16 in accordance with the proposed Height of Buildings Map shown at Part 6 of this Planning Proposal.
- Amend Division 5 Site Specific Provisions to include a site-specific clause specifying that a building demonstrating design excellence on the site is eligible for an increase to the maximum building height under clause 6.21 but not an increase to the maximum floor space ratio.
- ~~Amend clause 4.6(8) so that the maximum floor space ratio for the site cannot be varied.~~
- Amend Division 5 Site Specific Provisions to insert a new clause linking the award of additional height as an incentive for design excellence with achieving a BASIX energy score that exceeds the State-mandated minimum target by 5 points.
- **Amend Division 5 of Site Specific Provisions to insert a new clause identifying a height plane using RLs for the area to become a through site link ensuring it is open to the sky, optimises visual and physical access between Marriott and Baptist Streets and improves the perception of public space.**
- Amend the Heritage Map Sheet 16 of *Sydney Local Environmental Plan 2012* in accordance with the proposed Heritage Map shown at Part 4 of this Planning Proposal.

An example clause is shown in Figure 19.

The City has also prepared a draft DCP, which includes site specific provisions relating to land use and built form, street frontage heights, setbacks, vehicular access and through-site links, retail noise attenuation, a new laneway and a design excellence strategy. The draft DCP will be publicly exhibited with this Planning Proposal.

Figure 19: Example clause

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| <p>4.6 Exceptions to developments standards</p> <p>(8) This clause does not allow development consent to be granted for development that would contravene any of the following:</p> <p>— (egx) clause 6.XX (Surry Hills Shopping Village Site)</p> <p>6.XX Surry Hills Shopping Village Site</p> <p>(1) The objective of this clause is to ensure a better built form outcome on the Surry Hills Shopping Village Site without increasing density.</p> <p>(2) This clause applies to the Surry Hills Shopping Village Site at 2-38 Baptist Street and 397-399 Cleveland Street, Redfern being Lot 1, DP 72567, Lot 2, DP 112938, Lot 31, DP 1223099 and Lot 1, DP 1107252.</p> <p>(3) Development consent must not be granted to development on land that results in any of the following:</p> <p>(a) if development will exceed the maximum permitted floor space ratio for the land as shown on the Floor Space Ratio Map with no further floor area permitted under clause 6.12 and 6.21,</p> <p>(b) the height of a building on land identified as “Area XXX” on the Height of Buildings Map projects higher than an incline plane extending from RL 34.50 at the land’s western boundary to RL 35.65 at the land’s eastern boundary excluding bins, awnings, furniture, landscape structures, goods displays and the like.</p> <p>(4) Before granting development consent to any additional building height referred to in 6.21(7)(a), the consent authority must be satisfied that any part of the building that is BASIX affected development is rated at least 5 points above the minimum State-mandated BASIX points target for energy and water.</p> |
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5 Justification

This section is structured as follows:

- 5.1 – Description of the proposed development concept
- 5.2 – Proposed changes to building height controls
- 5.3 – Benefits of increasing maximum building height control
- 5.4 – Managing impacts
- 5.5 – Draft development control plan
- 5.6 – Need for the planning proposal
- 5.7 – Relationship to strategic planning framework.

5.1 Description of the proposed development concept

The City’s vision for the development of the site is based on an assessment of the proponent’s concept, which the City amended to address issues and achieve improved outcomes.

The Planning Proposal will enable existing buildings on the site to be demolished and a new mixed-use development comprising of retail, commercial and residential uses erected on the site. New building heights will range from eight metres,

equivalent to two storeys, to 27.5 metres, equivalent to seven storeys. A number of the new buildings will contain green roofs.

The tallest buildings will be located towards the northern part of the site, at the intersection of Cleveland and Baptist Streets. There will be two-storey street wall height around the site with storeys above this setback from the street wall to create a tiered built form. The existing two-storey heritage item on the corner of Cleveland and Baptist Streets will be retained and integrated into the overall design.

The commercial and retail uses will be located on the lower ground and ground floor of the development. Commercial tenancies will be located on the first floor of the building fronting Cleveland Street. It is envisaged that around 8,000 to 9,000 square metres of floor space will be provided for retail and commercial uses including a supermarket ranging from 3,800 to 4,200 square metres.

Retail and commercial activity will be focused around a through-site link for pedestrian use located at the northern end of the site, connecting James Street Reserve to Baptist Street. The through-site link will allow for finer grain tenancies, which are consistent with the retail characteristics of the area. Access to the retail uses along this through-site link will be available from Cleveland, Baptist and Marriott Streets. Retail uses will also be located on the ground floor fronting Cleveland and Baptist Streets and the northern end of Marriott Street.

The proposed development concept includes about 170 residential apartments distributed across the site. Residential uses will be located above the retail and commercial uses fronting Baptist and Cleveland Streets. Residential uses will also be at ground level fronting Marriott Street and the laneway at the southern end of the site. The proposed built form allows for a large communal private open space area to be located through the middle of the site, above the supermarket, which provides separation between the new residential buildings.

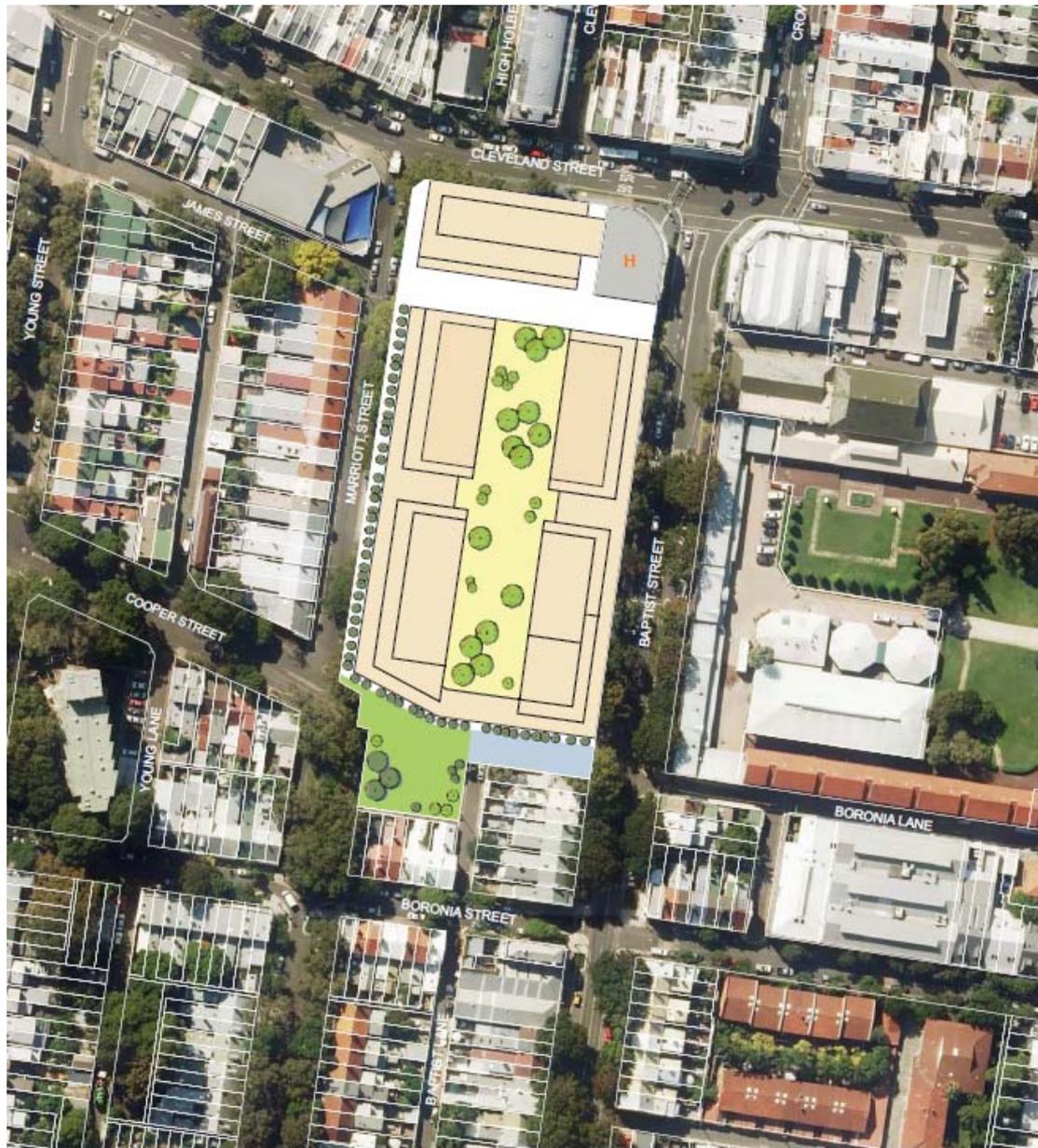
For new residents and some retail, vehicular access will be provided from Marriott Street to a new basement car park. For retail uses, vehicular access will be provided from Baptist Street to a new basement car park. Retail service vehicles and some retail vehicles will also have access to the site at the southern end of Baptist Street.

A new laneway will be provided towards the southern end of the site. It will be comprised of a share-way connecting Baptist Lane to Baptist Street at the south-eastern corner of the site and a pedestrian path connecting the share-way to Cooper Street. New two-storey residential terraces will front the laneway.

The proponent submitted a public benefit offer in conjunction with this Planning Proposal to provide new public open space in the south west corner of the site. This will be integrated with existing public open space adjoining the site to the west.

The City's proposed site plan and building envelopes are shown in Figures 19 to 24.

Figure 19: Proposed site plan



- KEY
- SITE BOUNDARY
 - BUILDINGS
 - PROPOSED OPEN SPACE
 - HERITAGE
 - PROPOSED SHAREWAY



Figure 20: South west perspective of the City's proposed scheme

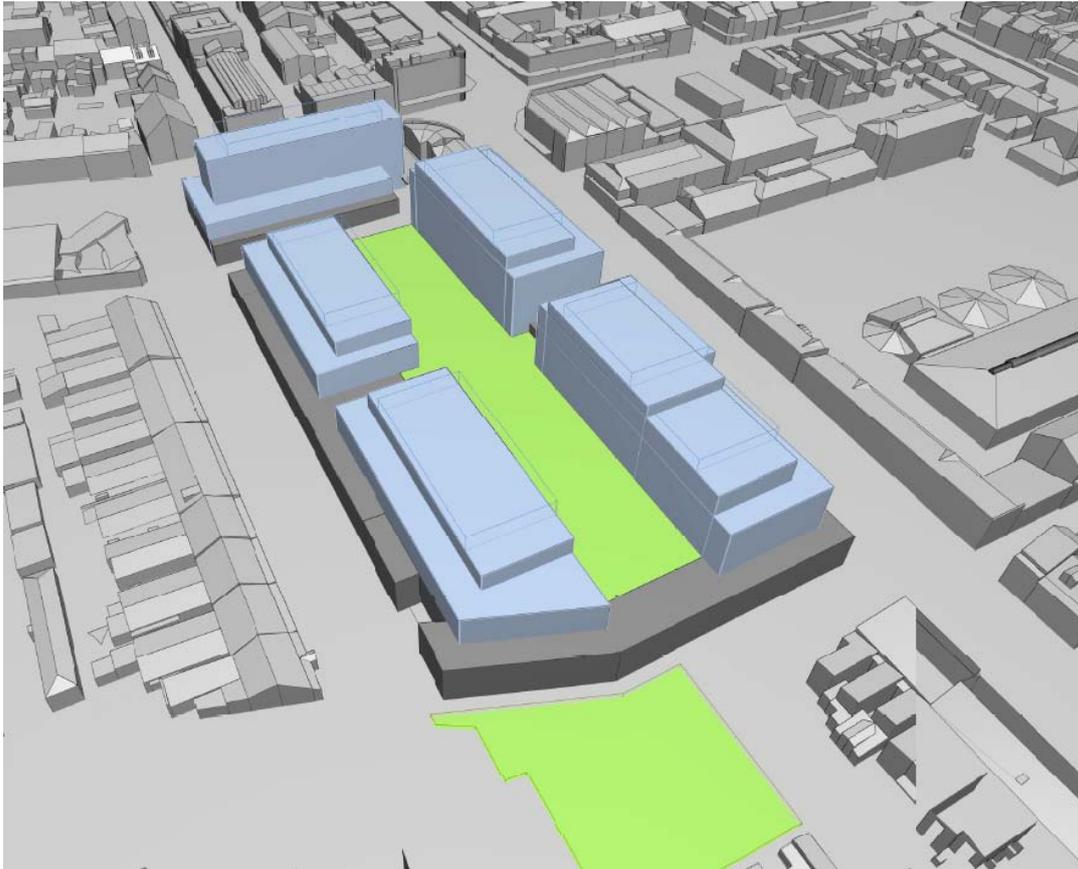


Figure 21: Southern perspective along Marriott Street of the City's proposed development concept.

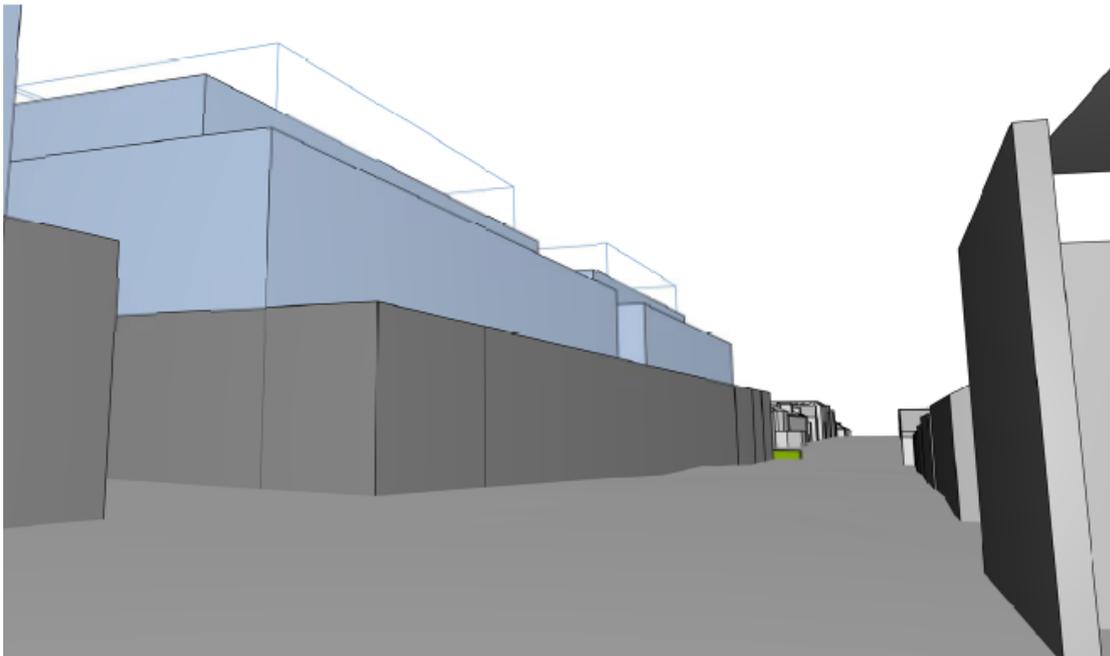


Figure 22: Northern perspective along Marriott Street of the City's proposed development concept.

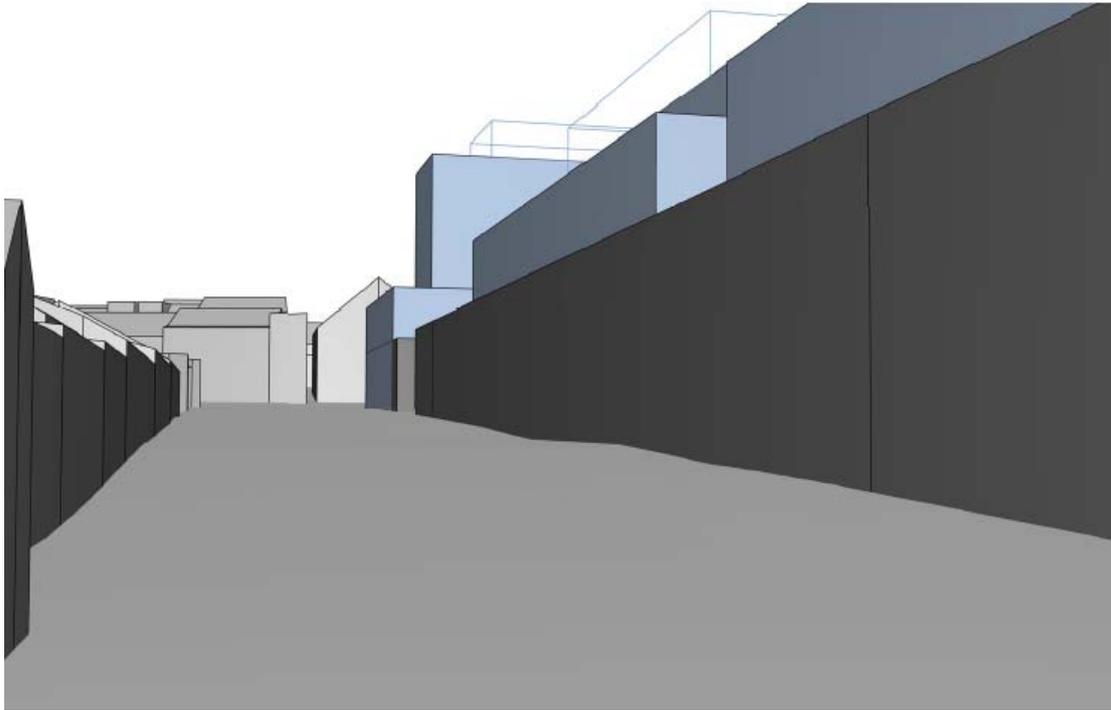


Figure 23: Northern perspective along Baptist Street of the City's proposed development concept.

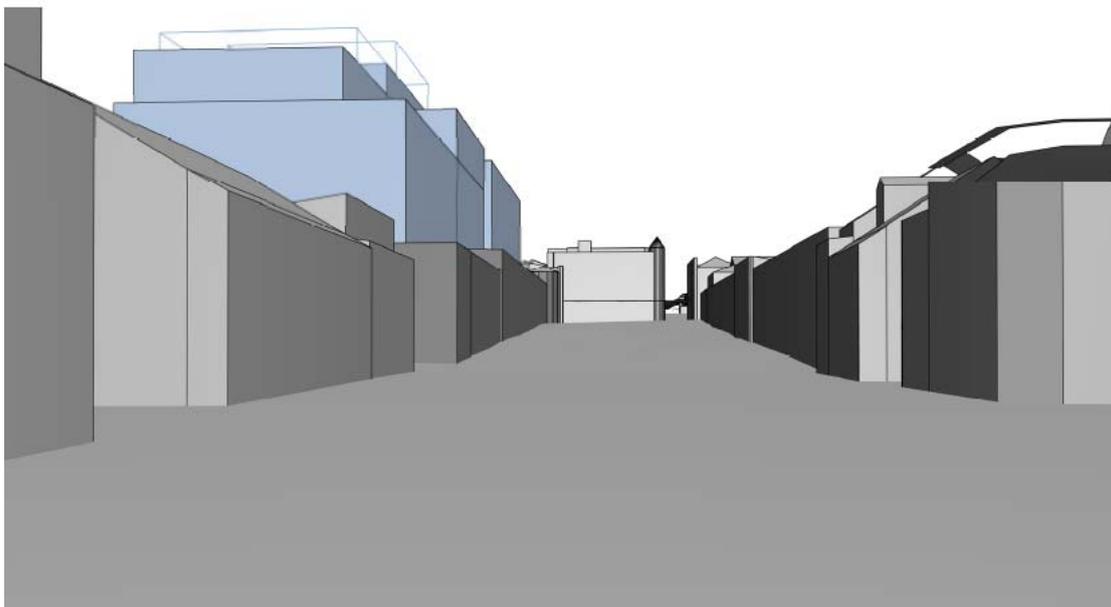
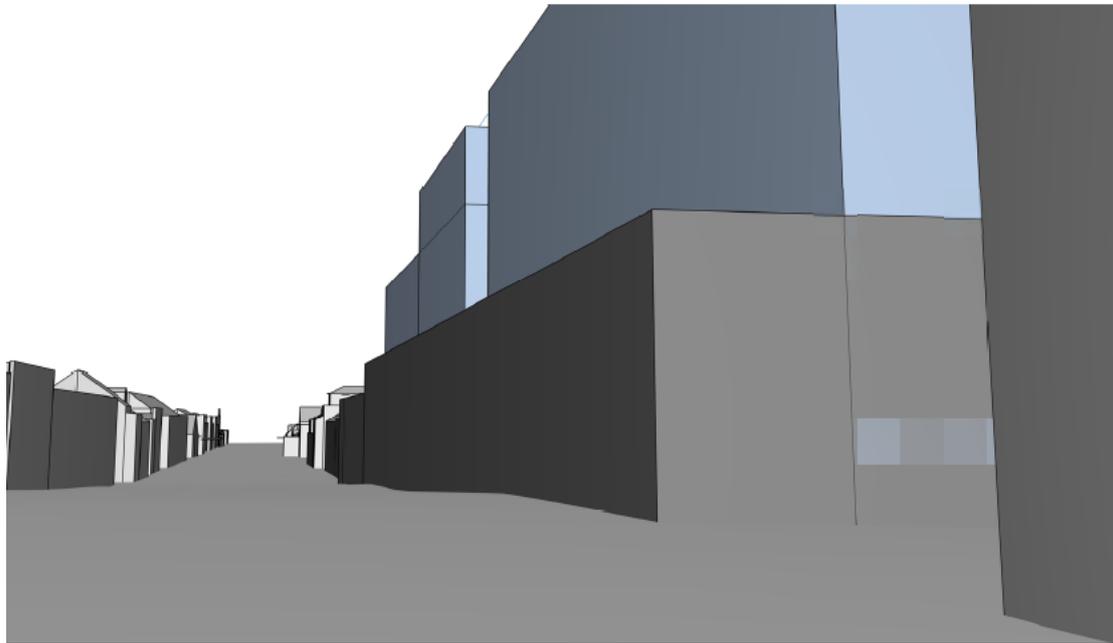


Figure 24: Southern perspective along Baptist Street of the City's proposed development concept.



5.2 Proposed changes to building height controls

This Planning Proposal is to change the maximum building height controls at the site in the LEP to achieve intended outcomes of the proposed development concept. Table 1 shows existing and proposed maximum building height controls. It also shows the maximum building height that can be achieved with design excellence through a competitive design process at the development application stage.

Table 1: Existing and proposed maximum building height controls

| Location (refer Figure 19) | Existing control | Proposed control | Design excellence |
|---|--------------------------------|---|--------------------------|
| Heritage building on north-eastern corner of site | 12 metres 3 storeys | No change to heritage item | n/a |
| Cleveland Street Frontage | 15 metres 4 storeys | 22 metres 5 storeys | 24.2 metres 6 storeys |
| Baptist Street Frontage – north | 15 metres 4 storeys | 25 metres 6 storeys | 27.5 metres 7 storeys |
| Baptist Street Frontage – south | 15 metres 4 storeys | 23 metres 5 storeys | 25.3 metres 6 storeys |
| Marriott Street Frontage – north | 15 metres 4 storeys | 18 metres 4 storeys | 19.8 metres 5 storeys |
| Southern Laneway Frontage | 15 metres 4 storeys | 9 metres 2 storeys | 9.9 metres 2 storeys |
| Baptist, Marriott and Cleveland Street Wall Frontages | 15 metres 4 storeys | 9 metres 2 storeys | 9.9 metres 2 storeys |
| New Open Space – south west | 12 metres 3 storeys | 3 metres | n/a |
| Through site link easement | 15 metres 4 storeys | Baptist Street – RL 35.65 (ground level) Marriott Street – RL 34.50 (ground level) | n/a |

The proposed changes to the planning controls have required consideration of any increase to the maximum floor space or maximum building height that could be achieved as part of a future development application.

As the site is more than 5,000 square metres in area any future development application is required to undertake a competitive design process to achieve design excellence. Under clause 6.21 of the LEP, a consent authority may award up to an additional 10% of the maximum permitted floor space or maximum building height to a development demonstrating design excellence.

Urban design testing undertaken by the City indicates development with a maximum floor space ratio exceeding 2:1 and a maximum building height exceeding those in the City's proposed development concept will result in unacceptable impacts. This

includes impacts on existing low-density residential dwellings to the south and west of the site and impacts on the character of the surrounding area and heritage conservation area.

The proposed building height controls account for any additional building height that may be awarded through design excellence. The proposed building height controls, shown on the LEP map at Part 6 of this Planning Proposal, are less than the heights shown in the proposed development concept. If the proposed development demonstrates design excellence, up to an additional 10% of the proposed building height control may be awarded. This will also allow the existing maximum floor space ratio control of 2:1 to be achieved, and the City's proposed development concept realised. If the proposed development does not demonstrate design excellence it will not be eligible for additional height beyond the proposed maximum building height.

Maximum building heights that can be achieved under existing controls, proposed controls and including design excellence are shown in Figures 25 to 27.

Figure 25: Maximum building height under existing controls, proposed controls and with design excellence – Cleveland Street frontage

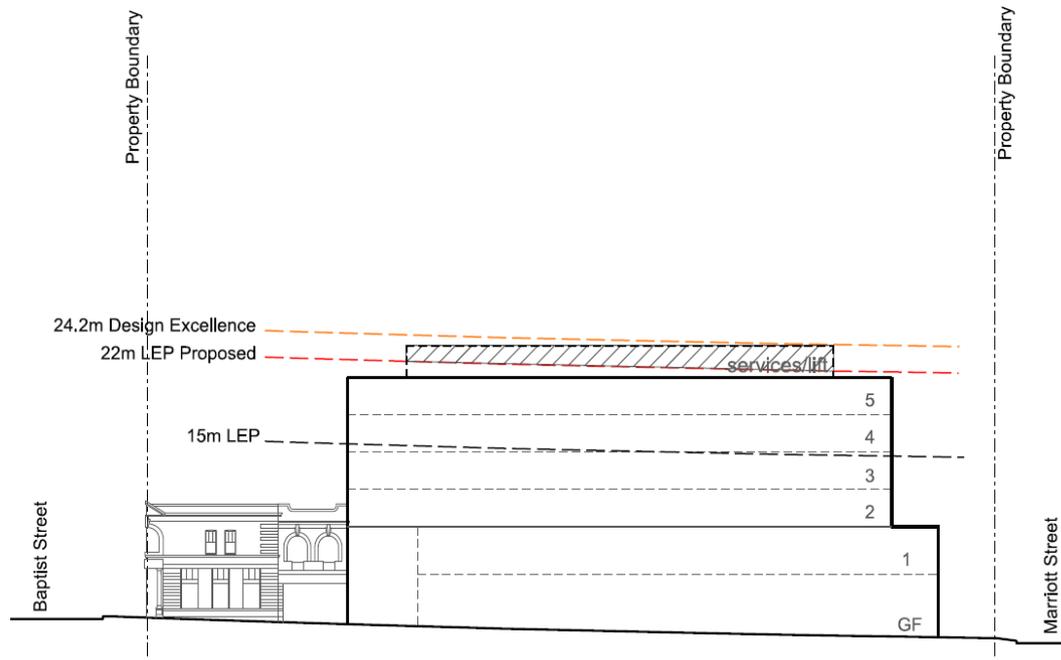
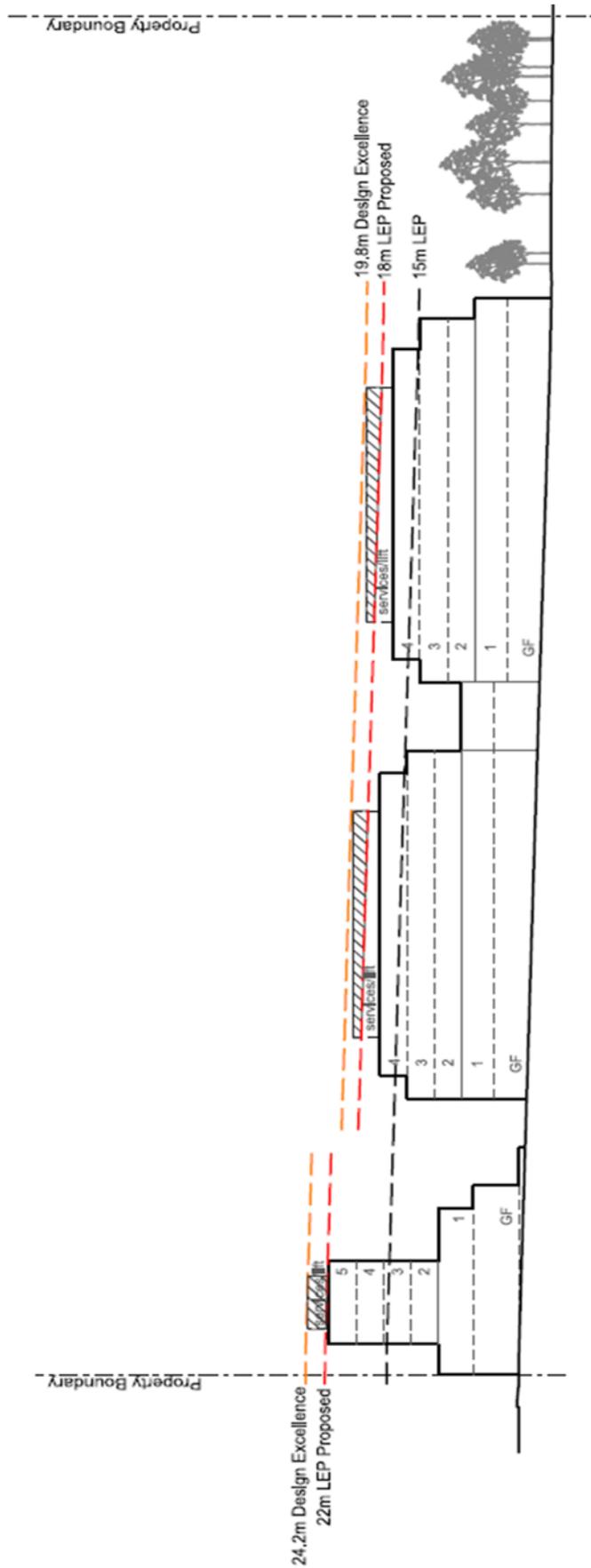


Figure 26: Maximum building height under existing controls, proposed controls and with design excellence – Baptist Street frontage



Figure 27: Maximum building height under existing controls, proposed controls and with design excellence – Marriott Street frontage



5.3 Benefits of increasing maximum building height control

The proposed increase to the maximum building height control in the LEP across the site results in various improvements compared to development possible under existing controls, including existing site-specific controls in the DCP. These improvements are discussed below.

Open Space

The proposed development concept includes new public open space in the south-west corner of the site. By contrast, existing controls envisage a three-storey building in this location, with resulting impacts on neighbouring terraces.

The new open space results from floor space being shifted to other parts of the site due to the proposed increase in the maximum building height control. The new open space will be integrated with the existing open space adjoining the site. The existing and new open space will have a combined area of 1,650 square metres. This aligns with the City's preference for open space to be at least 1,500 square metres to increase its usability.

Through-site link

The proposed development concept includes a new through-site link for pedestrian use at the northern end of the site, connecting Marriott and Baptist Streets. Again, the redistribution of floor space resulting from the proposed increase in building height allows for the provision of a new through-site link.

The through-site link allows for finer grain retail tenancies in Building B, consistent with other retail premises in the area, a more amenable environment and active streets. It also improves permeability as the link will connect James Street Reserve to Matterson Lane.

Improved mix and distribution of uses

The proposed development concept incorporates a mix of retail, commercial and residential uses. These uses are in line with the objectives of the B2 Local Centre zone as it will:

- Provide retail and commercial uses comprised of a large supermarket, specialty retail shops and commercial office areas. These uses will service the needs of the community who live, work and visit the area;
- Provide increased retail and commercial employment opportunities on a site that is in an accessible location;
- Maximise the use of existing and future public transport services close to the site; and
- Provide additional residential dwellings to support the vitality of the site and surrounding areas.

The proposed uses have been strategically located on the site to ensure an effective outcome that revitalises the area while minimising impact to existing surrounding residential premises.

In recent years the commercial and retail industry have changed the design and layouts of their developments in response to the changing retail economy and the shift to online retailing. Developments are now ensuring retail uses are clustered in one area, easily accessible to the community and provide a combination of outdoor and indoor areas. These design initiatives make retail projects with publically accessible space appealing to the community. The increased building height controls

allows these measures to be implemented as part of the proposed development concept.

The proposal focuses the retail activity towards the north, away from the existing residential uses to the south and west of the site, closer to the existing retail strip along nearby Crown Street. A new supermarket will replace the existing supermarket. Fine grain specialty retail shops and commercial tenancies will be provided over two levels, which is consistent with other contemporary retail designs.

The proposed development concept results in more active street frontages with retail tenancies fronting Baptist and Cleveland Streets and the northern part of Marriott Street. This part of the site will turn into a retail hub and become an extension of the Crown Street retail area and enhance the Cleveland Street retail precinct.

The outcome will improve upon the site's existing retail offering and public domain experience. It will also improve upon the retail, commercial and public domain experience envisaged by the current controls. The existing controls require three to four levels of retail and commercial space in a traditional shopping centre configuration, entirely within a single building with no new through-site links or publicly accessible outdoor spaces. The proposed approach will create significantly more street life and activity.

Residential uses to laneway and Marriott Street

New residential dwellings will be located at ground level fronting the new laneway, and Marriott Street, south of James Street Reserve. The location of these residential dwellings reflect the design and bulk of the existing low-scale residential dwellings to the south and west of the site. A smoother transition in building and land use type will be achieved which will minimise any land use conflicts. The residential dwellings along the laneway will promote passive surveillance to the new lane and open space area, improving public safety.

New laneway

The distribution of floor space resulting from the proposed increased building heights allows for a new laneway comprising of a share-way from Baptist Lane to Baptist Street and a new pedestrian path from the share-way through to Cooper Street. The new nine metre wide laneway will provide increased permeability and improve access to the retail services for pedestrians and cyclists travelling from the south and west.

Street wall heights and setbacks

The proposed increase to the maximum building height controls allows new street wall heights and setbacks to be introduced. These will help to reduce the built form appearance as a result of the proposed increased building heights. It is proposed to introduce a new two-storey street wall height to all street frontages and a tiered setback for storeys above the street wall height. This will ensure an appropriate scale of built form and transition in height to the existing one and two-storey buildings surrounding the site.

Design excellence

The additional building height that can be awarded through the design excellence process provides the opportunity to achieve a high architectural quality design outcome and development that is sensitive to the surrounding context and streetscape.

State Environmental Planning Policy No 65 – Design Quality of Residential Apartment Development

The proposed increase to the maximum building height control allows the proposed residential development concept to comply with design quality requirements in State Environmental Planning Policy No 65 – Design Quality of Residential Apartment Development (SEPP 65.) It will allow the proposed development to provide appropriate visual privacy, solar and daylight access, common circulation spaces, apartment sizes and layouts, building depths, private open spaces, balconies and building efficiency ratios.

Development will also be able to be designed so adequate natural ventilation is provided to all habitable rooms while still complying with noise requirements under the State Environmental Planning Policy (Infrastructure) 2007's '*Development Near Rail Corridors and Busy Roads Interim Guideline*.' The new building fronting Cleveland Street and the buildings at the northern portion of the site fronting Baptist and Marriott Streets affected by these natural ventilation and noise requirements will have an appropriate level of amenity.

Existing controls were prepared before Apartment Design Guide requirements commenced. New building widths and arrangements required under existing controls would not comply with the Apartment Design Guide. The proposed development concept satisfies these requirements.

Floor space ratio

The proposed increase in building heights results in an improved distribution of floor space and ensures the existing maximum floor space ratio of 2:1 can be achieved without compromising the amenity of surrounding uses, particularly low-scale residential uses to the south and west of the site. It will also deliver better public domain and design outcomes, compared to outcomes that would be achieved under existing controls.

Footpath widening and deep soil planting along Marriott Street

The proposed increase in building heights allow for generous ground-level setbacks along Marriott Street. The development concept includes footpath widening and deep soil planting along Marriott Street. The public footpath along Marriott Street will be widened to three metres to improve the public domain, pedestrian safety and increase sightlines. An additional three metre setback will be provided along Marriott Street for deep soil planting that won't not be impacted by new basement car parking. These measures will improve the amenity and character of the streetscape.

Solar access

The existing residential dwellings to the south of the site will receive at least 2 hours of sunlight on 21 June between 12.30 pm to 2.30 pm, as required by existing solar access controls in the DCP. This level of solar access would not be able to be achieved under existing controls, as new four-storey buildings are permitted along the entire southern boundary.

5.4 Managing impacts

The City has developed a draft DCP with this Planning Proposal to help guide the vision for the site. The draft DCP controls include site-specific measures to ensure impacts from the proposed increased building heights can be effectively managed. These are discussed below.

Built form

The existing building height control limits the extent to which development can be designed to an effective and contemporary built form layout. To achieve the existing maximum floor space ratio of 2:1 and comply with the existing height control, there is limited opportunity for a building design to sensitively respond to the surrounding context through articulation, street wall heights, setbacks and through-site links. Development would also occur along the southern boundary, resulting in reduced amenity for the existing residential properties to the south of the site.

A better transition in built form can be achieved by allowing greater building heights. The tallest buildings will be located towards the corner of Cleveland and Baptist Streets, which will increase the bulk and scale of development at this end of the site. However, the appearance of the scale of development will be reduced through the introduction of street wall heights and setbacks. From the north-eastern part of the site the building height gradually falls towards the south-western corner, where the building will be four storeys. The building height step down across the site will provide a sensitive response to the existing surrounding low-scale residential housing.

The draft DCP includes street wall height and setback controls to articulate the buildings, respond to the scale of buildings and reduce the appearance of the built form. Cleveland and Baptist Streets will have a street wall height of two storeys, which is consistent with the height of the existing heritage item on the site. The second to the seventh storey along Baptist Street will be setback four metres. This compares to any additional storeys above two storeys along Cleveland Street to be setback four metres from the street wall.

The street wall heights and setback requirements continue along Marriott Street which will predominantly have residential uses south of James Street Reserve. The maximum building height along Marriott Street will be five storeys. The building will be setback six metres from Marriott Street allowing the footpath to be widened to three metres. The remaining three metre setback will provide the opportunity for deep soil planting. A street wall height of two storeys will be introduced where the above third and fourth storeys will be setback four metres. The fifth storey will be setback an additional five metres. The building articulation and setbacks ensure the built form, bulk and scale respond to the existing low-scale residential uses opposite the site. The proposed built form will improve on the existing planning controls, which require four storey buildings to the property boundary and no setbacks.

The proposed built form design responds to the existing lower density residential dwellings to the south. The development will be separated from Baptist Street dwellings to the south of the site by a nine metre laneway which connects Baptist Lane to Baptist Street. A large setback is also proposed from the residential dwellings fronting Boronia Street due to the introduction of new open space and a new laneway for pedestrian use. New two-storey residential terraces will front the laneway. This design configuration results in a development that is sympathetic to the existing residential built form to the south of the site.

Traffic and vehicular access

The proposed development concept provides an improved traffic outcome to manage vehicular traffic around the site. The existing DCP requires vehicle access from Baptist Lane which would impact on surrounding terraces. The proposal has two vehicular access locations. The first is towards the south-eastern corner of the site to minimise impact to traffic movement at the Cleveland, Crown and Baptist Street intersection. This vehicular access point will be for loading dock and basement retail car parking use only.

Marriott Street will also have a vehicular access towards the southern end of the site. The draft DCP will ensure this is used by some retail patrons and future residents of the site. This will help minimise the traffic generated along Cooper and Marriott Streets from the retail portion of the development.

Overshadowing

Compared to development possible under existing controls, the proposed development concept and draft DCP controls provide for improved solar access to existing dwellings to the south of the site. New buildings will be separated from the residential terraces south, along Baptist Street by a nine metre wide laneway for shared use. There is also separation between the Marriott and Baptist Street buildings, allowing sunlight to the Baptist Street terraces. The new open space in the south-western corner of the site will also provide about 30 metres of separation from the existing terraces fronting Boronia Street.

The proposed southern setbacks together with the configuration and height of the buildings on the site ensures existing dwellings south of the site will receive adequate solar access to living room windows and private open space areas.

Heritage

The draft DCP controls ensure the existing heritage item on the site will be given an appropriate visual and physical setting that retains its significance. The proposed development concept with a floor space ratio of 2:1 will ensure the new building along Baptist Street will be separated from the existing heritage item by approximately 10.8 metres at ground level.

The development has also been designed so it will not encroach upon the heritage item or its airspace above along Cleveland Street. The proposed increased building height allows floor space to be distributed to other less sensitive parts of the site so the characteristics of the heritage building, conservation area and locality are conserved.

5.5 Draft development control plan

This Planning Proposal is to amend the LEP to increase the maximum building height control for the site. Site-specific controls have also been included in the draft DCP. These controls address setbacks, street wall heights, acoustic amenity, sunlight access, through-site link, relationship to the existing heritage item and the provision of new open space. These controls will help to ensure the benefits of the increased maximum building height are realised and impacts are appropriately managed.

5.6 Need for the planning proposal

Q1. Is the Planning Proposal the result of any strategic study or report?

This Planning Proposal is not a result of any strategic study or report. The proposed increased building height will result in a better built form, layout and configuration of land uses to achieve existing maximum floor space ratio on the site of 2:1.

The proposed increase to the maximum building height will ensure resultant development creates an effective retail and commercial activity hub at the northern end of the site with improved pedestrian connectivity, streetscape amenity and services for the community. The increased height will provide the opportunity for new public open space and a new laneway to be provided at the south of the site. The new open space will be integrated with existing open space adjoining the site to the south west. It will also provide an appropriate separation from the development on the site to existing residences to the south of the site. The expanded open space will enhance residential amenity.

The proposed increase to the maximum building height also allows for an appropriate transition in building heights across the site, greater building setbacks, establishment of street wall heights and modulation of new buildings. These built form elements produce a building envelope that is sensitive to existing surrounding residential uses, heritage buildings and the heritage conservation area.

These matters are discussed in further detail in section 5.3 of this Planning Proposal.

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

The objectives for the site include enabling a new retail, commercial and residential development that will improve services, integrate with the surrounding built form, improve amenity and access, encourage design excellence and support housing supply.

The current building height controls permit buildings up to 15 metres except for the south-western corner on the site and the heritage item where 12 metres is permitted.

As the site is close to public transport, social infrastructure, employment opportunities and goods and services, it is appropriate to facilitate a retail, commercial and residential development on this site. Changing the height control will result in a better built form and land use layout outcome that is sensitive to the surrounding existing uses. If the existing maximum building height control is retained, any resultant future mixed-use development will be inconsistent with the desired future character of the area. Additionally, the opportunity to improve access, provide new public open space, community services and enhanced amenity will be substantially reduced.

Varying the existing maximum building height control through a development application is not an appropriate way to achieve the objectives. Under Clause 4.6 of the LEP, development consent may be granted for development which exceeds the height as set out on the relevant map. However, the height of the preferred scheme is substantially greater than the existing height control. Approval of a development application that substantially exceeds the height control would set an undesirable precedent, undermine the LEP height controls and prevent broader strategic considerations of allowing additional height at the site.

5.7 Relationship to strategic planning framework

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

A Plan for Growing Sydney

The Plan for Growing Sydney is a NSW State 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: 2.1 Accelerate housing supply across Sydney; 2.2 Accelerate urban renewal across Sydney; 2.3 Improve housing choice to suit different needs and lifestyles; 3.1 Revitalise existing suburbs; 3.3 Create healthy built environments; and 3.4 Promote Sydney's heritage, arts and culture.

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

- Provide renewed retail and commercial premises, which will result in additional employment opportunities;
- Promote urban renewal of a site which is well situated close to public transport; and
- Accelerate supply of new and diverse residential accommodation.

Draft Central District Plan

The Draft Central District Plan sets out the NSW Government's vision, priorities and actions for the Central District, including the City of Sydney. It establishes a 40 year vision for the Central District to be a global sustainability leader, managing growth while maintaining and enhancing liveability, productivity and attractiveness for residents and visitors. Priorities and associated actions for productivity, liveability and sustainability seek to deliver this vision.

This Planning Proposal is consistent with the following priorities from the Draft Plan:

- **Productivity Priority 3.7: Improve 30-minute access to jobs and services** – This Planning Proposal will involve redevelopment of the site for mixed-use purposes. At a local scale, the proposed development concept satisfies the objective of a 30-minute city as it will include access to local employment opportunities, retail shops and public open space areas. It is also close to existing and future public transport with good access to employment in Central Sydney within 30 minutes travel time.

- [Liveability Priority 4.3: Improve housing choice](#) – This Planning Proposal will provide about 170 new residential dwellings on the site to support the vitality of the B2 Local Centre zone. The provision of residential uses will contribute towards achieving the Central District’s five-year housing supply target of 46,550 new dwellings, including 18,300 new dwellings in the City of Sydney.
- [Liveability Priority 4.4: Improve housing diversity and affordability](#) – This Planning Proposal will improve housing diversity and affordability in the local housing market. It will provide a range of one-, two- and three-bedroom apartments and terrace-style dwellings that will have high quality design outcomes from achieving design excellence.
- [Liveability Priority 4.6: Create great places](#) – This Planning Proposal will contribute towards the creation of great places as it enhances local walking and cycling connections. A new through-site link at the northern part of the site and a new laneway at the southern part will increase permeability through and across the site. These links will enhance the walkability of the neighbourhood and improve the viability of local bus services and the future South East Light Rail Line. Retail and commercial spaces clustered around a publicly accessible and open through site link will enable a high quality and amenable place that encourages street activity.
- [Liveability Priority 4.7: Foster cohesive communities in the Central District](#) – This Planning Proposal will contribute towards retaining cohesive communities in the Central District by protecting areas of heritage significance. Redevelopment of the site through its design and layout will ensure the significance of the heritage conservation area and heritage building on the site would be conserved.

This Planning Proposal proposes amending the Baptist Street conservation area to omit the site. It does this because the proposed planning controls will enable redevelopment that does not reflect the desired heritage character. However, the proposed development concept demonstrates a sensitive design approach can be achieved to complement the heritage significance of the area.

- [Sustainability Priority 5.6: Delivering Sydney’s Green Grid](#) – This Planning Proposal incorporates measures to ensure provision of deep soil planting areas along Marriott Street to allow for the establishment of an urban tree canopy that will improve the amenity of the streetscape and provide shade to the street. The new open space area will also provide further opportunity to extend the urban tree canopy in the area.
- [Sustainability Priority 5.7: Creating an efficient Central District](#) – This Planning Proposal and site-specific draft DCP will ensure sustainability benchmarks, for retail, commercial and residential uses, are achieved.

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

Sustainable Sydney 2030 is Council’s vision for the sustainable development of the City to 2030 and beyond. It includes 10 strategic directions to guide the future of the City and 10 targets against which to measure progress. This Planning Proposal is aligned with the following relevant strategic directions and objectives:

- [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 development. Through the design excellence process the development will achieve above BASIX compliance, four-star green star rating for the supermarket, and green roofs.

- [Direction 3: Integrated transport for a connected City](#) – The site is close to bus services providing connections to Central Sydney and other areas in the Sydney metropolitan area. It is also close to the future South East Light Rail Line, expected to be completed in 2019. A new light rail stop will be located about 500 metres to the north of the site. This new light rail line will connect Circular Quay to Randwick and Kingsford.
- [Direction 4: A City for walking and cycling](#) – Redevelopment of the site, facilitated by this Planning Proposal, will incorporate a through-site link towards the north and introduction of a laneway towards the southern boundary and a wider footpath along Marriott Street, which will enhance connectivity from the site to surrounding areas. The provision of improved local retail services will also encourage more trips by walking and reduce the need to travel outside the local area by private vehicle. Cycling is supported as the proposed concept design incorporates bike parking into the development.
- [Direction 6: Vibrant local communities and economies](#) – The Planning Proposal will result in a mixed-use development that revitalises the site and surrounding area. The increase in retail and commercial activity will provide better local services and increased employment opportunities. The design of the development will significantly improve the public domain, which will positively contribute towards fostering a sense of community. The arrangement of retail and commercial spaces in a publicly accessible and open through-site link will encourage street activity.
- [Direction 7: A cultural and creative city](#) – Any design excellence process will ensure the provision of high quality public art. This will promote liveability and quality of life of the community and contribute towards the cultural vitality of the City.
- [Direction 8: Housing for a diverse population](#) – There is currently no residential development on the site. Redevelopment of the site, through this Planning Proposal, will provide about 170 new residential apartments, which will cater for the needs of the growing and diverse population and contribute to the City's housing targets.
- [Direction 9: Sustainable development, renewal and design](#) – This Planning Proposal will amend the planning controls to ensure the built form responds to the surrounding context and delivers a high level of amenity for future residents. Any design excellence process will ensure high quality sustainable measures are incorporated into the design and development, including increased energy and water efficiency targets.

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

The Planning Proposal's consistency with current State Environmental Planning Policies (SEPPs) is summarised in Table 2. SEPPs which have been repealed or have not finalised are not included in the table.

The Planning Proposal's consistency with Regional Environmental Plans (REPs) for the Sydney and Greater Metropolitan Regions, which are deemed SEPPs, is summarised in Table 3.

Table 2: Consistency with State Environmental Planning Policies

| State Environmental Planning Policy | Comment |
|--|--|
| 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. |
| SEPP No 33 – Hazardous and Offensive Development | Not applicable. |
| SEPP No 36 – Manufactured Home Estates | Not applicable. |
| SEPP No 44 – Koala Habitat Protection | 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 | Consistent. There is no proposed change to the zoning. This Planning Proposal does not contradict or hinder application of this SEPP. The proponent has provided evidence indicating that the site can be made suitable for residential uses. |
| SEPP No 62 – Sustainable Aquaculture | Not applicable. |
| SEPP No 64 – Advertising and Signage | Not applicable. |
| SEPP No 65 – Design Quality of Residential Apartment Development | Consistent. The proposed change to the controls enable a development that is capable of complying with the SEPP and Apartment Design Guide. |
| SEPP No 70 – Affordable Housing (Revised Scheme) | Not applicable. |
| SEPP No 71 – Coastal Protection | Not applicable. |
| SEPP (Affordable Rental Housing) 2009 | This Planning Proposal does not contradict or hinder the application of this SEPP at the development application stage. |
| SEPP (Building Sustainability Index: BASIX) 2004 | Consistent. This Planning Proposal does not contradict or hinder application of this SEPP. The design excellence process provides an incentive at the development application stage for BASIX measures. |
| SEPP (Exempt and Complying Development Codes) 2008 | Consistent. This Planning Proposal does not contradict or hinder application of this SEPP. |
| SEPP (Housing for Seniors or People with a Disability) 2004 | Consistent. This Planning Proposal does not contradict or hinder application of this SEPP. |
| SEPP (Infrastructure) 2007 | Consistent. The proposed height control provides flexibility so that the SEPP requirements for development adjacent to road corridors, including the requirements of the Interim Guideline – Development Near Rail Corridors and Busy Roads, can be met. |
| SEPP (Integration and Reveals) 2016 | Not applicable. |
| SEPP (Kosciuszko National Park – Alpine Resorts) 2007 | Not applicable. |
| SEPP (Kurnell Peninsula) 1989 | Not applicable. |

| State Environmental Planning Policy | Comment |
|--|---|
| SEPP (Mining, Petroleum Production and Extractive Industries) 2007 | Not applicable. |
| SEPP (Miscellaneous Consent Provisions) 2007 | Consistent. This Planning Proposal does not contradict or hinder application of this SEPP. |
| SEPP (Penrith Lakes Scheme) 1989 | Not applicable. |
| SEPP (Rural Lands) 2008 | Not applicable. |
| SEPP (State and Regional Development) 2011 | Not applicable. |
| SEPP (State Significant Precincts) 2005 | Not applicable. |
| SEPP (Sydney Drinking Water Catchment) 2011 | Not applicable. |
| SEPP (Sydney Region Growth Centres) 2006 | Not applicable. |
| SEPP (Three Ports) 2013 | Not applicable. |
| SEPP (Urban Renewal) 2010 | Consistent. The site is located within the Redfern-Waterloo Precinct. The Planning Proposal to increase the maximum building height control is consistent with the SEPP's aims to provide higher-density mixed-use development with access to services, facilities and public domain areas associated with existing and future public transport services. |
| SEPP (Western Sydney Employment Area) 2009 | Not applicable. |
| SEPP (Western Sydney Parklands) 2009 | Not applicable. |

Table 3: Consistency with Regional Environmental Plans

| Regional Environmental Plan | Comment |
|--|-----------------|
| Sydney REP No 8 (Central Coast Plateau Areas) | Not applicable. |
| Sydney REP No 9 – Extractive Industry (No 2 – 1995) | Not applicable. |
| Sydney REP No 16 – Walsh Bay | Not applicable. |
| Sydney REP No 20 – Hawkesbury-Nepean River (No 2 – 1997) | Not applicable. |
| Sydney REP No 24 – Homebush Bay Area | Not applicable. |
| Sydney REP No 26 – City West | Not applicable. |
| Sydney REP No 30 – St Marys | Not applicable. |
| Sydney REP No 33 – Cooks Cove | Not applicable. |
| Sydney REP (Sydney Harbour Catchment) 2005 | Not applicable. |

Q6. Is the Planning Proposal consistent with applicable section 117 Ministerial directions?

The Planning Proposal's consistency with applicable section 117 Ministerial directions is outlined in Table 4.

Table 4: Consistency with Ministerial directions

| No. | Direction | Comment |
|------------------------------------|---|--|
| 1. Employment and Resources | | |
| 1.1 | Business and Industrial zones | Consistent. The subject site is zoned B2 Local Centre under the LEP. The zone permits retail, commercial and residential uses with development consent. This Planning Proposal does not propose to change the site's existing zoning. The Planning Proposal is consistent with the objectives and requirements of this direction as the proposed development concept will increase the provision of new retail and commercial uses, enhance the vitality of the area and provide an increased amount of employment opportunities in the community. The residential dwellings will contribute towards improving the vitality of the site. |
| 1.2 | Rural zones | Not applicable. |
| 1.3 | Mining, petroleum production and extractive industries | Not applicable. |
| 1.4 | Oyster aquaculture | Not applicable. |
| 1.5 | Rural lands | Not applicable. |
| 2. Environment and Heritage | | |
| 2.1 | Environment protection zones | Not applicable. |
| 2.2 | Coastal protection | Not applicable. |
| 2.3 | Heritage conservation | The site is located in the Baptist Street Heritage Conservation Area. This Planning Proposal proposes amending the conservation area's boundary to omit the site. It does this because the proposed height and scale of development enabled by this Planning Proposal are not consistent with the conservation area's character and established streetscape. Additionally, large site are not common in the conservation area and the existing large lots that do exist contain low-scale buildings. However, the Planning Proposal will ensure the ongoing protection of the heritage listed building located on the north-western corner of the site, previously occupied by the former Bank of NSW. The redevelopment of the site resulting from this Planning Proposal will also be designed so it is sympathetic towards the character and built form of the conservation area. |
| 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. |

| No. | Direction | Comment |
|--|--|--|
| 3. Housing Infrastructure and Urban Development | | |
| 3.1 | Residential zones | Not applicable. The site is zoned B2 Local Centre. The objective is to serve the needs of the community and provide employment. The objectives do not promote significant residential development, only residential development that supports the vitality of centres. Nevertheless, this Planning Proposal will facilitate about 170 new residential dwellings and increase the provision and variety of housing in the City. |
| 3.2 | Caravan parks and manufactured home estates | Not applicable. |
| 3.3 | Home occupations | Consistent. This direction aims to encourage the operation of low-impact small businesses in dwelling houses. This Planning Proposal does not contradict or hinder application of the home occupation provisions in the LEP. |
| 3.4 | Integrating land use and transport | Consistent. The objective of this direction is to ensure building forms, land use locations, development designs, subdivision and street layouts improve access to housing, jobs, services by reducing the dependence on cars. The location of the site and proposed mixed-use development will encourage the use of public transport including the existing bus services and the new light rail. The provision of services and housing will also facilitate walking trips. This Planning Proposal is consistent with the aims, objectives and principle of <i>Improving Transport Choice – Guidelines for planning and development (DUAP 2001)</i> , and <i>The Right Place for Business and Services – Planning Policy (DUAP 2001)</i> . |
| 3.5 | Development near licensed aerodromes | Not applicable. |
| 3.6 | Shooting ranges | Not applicable. |
| 4. Hazard and Risk | | |
| 4.1 | Acid sulphate soils | Not applicable. There is no change to the intensity of the land use in this Planning Proposal. Only the height is proposed to change. |
| 4.2 | Mine subsidence and unstable land | Not applicable. |
| 4.3 | Flood prone land | Consistent. This Planning Proposal does not change the uses or intensity of development permitted. The proposed increase in height provides flexibility to accommodate flood planning levels. |
| 4.4 | Planning for bushfire protection | Not applicable. |
| 5. Regional Planning | | |
| 5.1 | Implementation of regional strategies | Not applicable. |
| 5.2 | Sydney drinking water catchments | Not applicable. |
| 5.3 | Farmland of State and Regional significance on the NSW far north coast | Not applicable. |

| No. | Direction | Comment |
|---------------------------------|--|--|
| 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 direction requires planning proposals to give effect to the vision, land use strategy, goals, directions and actions contained in Regional Plans. This Planning Proposal supports the implementation of the draft Central District Plan as discussed in section 5.7 of this Planning Proposal. |
| 6. Local Plan Making | | |
| 6.1 | Approval and referral requirements | Consistent. This direction ensures that LEP provisions encourage the efficient and appropriate assessment of development. This Planning Proposal does not include any concurrence, consultation or referral provisions. Additionally, it does not 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 | Division 5 of the LEP contains site-specific provisions for various sites across the City. This Planning Proposal involves introducing site-specific controls into the LEP to ensure that additional height but not floor space can be achieved through design excellence under clause 6.21 of the LEP. Controls will also be prepared to ensure no additional FSR can be pursued through a Clause 4.6 variation under the LEP. These site-specific provisions will also ensure development is sympathetic to existing surrounding development. |
| 7. Metropolitan Planning | | |
| 7.1 | Implementation of A Plan for Growing Sydney | Consistent. The aim of this direction is to give legal effect to the principles, directions and priorities contained in A Plan for Growing Sydney. Section 5.7 of this Planning Proposal discusses how the proposal is consistent with A Plan for Growing Sydney. |
| 7.2 | Implementation of Greater Macarthur Land Release Investigation | Not applicable. |

5.8 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 Planning Proposal?

The subject site is located in an urbanised area and does not contain any known critical habitat or threatened species, populations, ecological communities or habitats. This Planning Proposal supports new street tree planting through additional building height.

As part of any future redevelopment of the site, resulting from this Planning Proposal, the City will consider environmental impacts that may be generated by the development. This will include the assessment of street trees, communal open space areas (including roof top areas) for residential development and additional vegetation that can be incorporated into the design of facades and the through-site link.

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 is to amend the maximum building height control applicable to the site under the LEP. The additional height will help to provide a development suitable for retail, commercial and residential purposes. Any environmental effects have been identified and the proposed scheme has been developed in collaboration with the proponent. Design principles to ensure the environmental effects such as overshadowing and noise attenuation are appropriately managed have been incorporated into the draft DCP. Environmental impacts are discussed in section 5.4 of this Planning Proposal.

Q9. Has the Planning Proposal adequately addressed any social and economic effects?

This Planning Proposal will facilitate redevelopment of the site. However, it does not propose an increase in density above that which is currently permissible under the LEP. The proposed concept design will introduce residential and increase the worker population compared to the existing development. However it will not result in an increase in residential or worker population greater than that already anticipated under the existing planning controls, and is not expected to result in any negative social or economic effects.

Redevelopment of the site will offer a range of social and economic benefits including improving the amenity, public access to services, public domain and vitality of the area. It will also increase consumer choice, provide additional employment opportunities and increase housing choice.

A range of public benefits that are made possible by changing the height controls have also been offered by the proponent and will be secured through a Planning Agreement. The public benefits will ensure the provision of new public open space, a new laneway towards the southern boundary of the site, footpath widening along Marriott Street, sustainability measures and the provision of new local community services.

5.9 State and Commonwealth interests

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

The site is located in an area that is well serviced by public transport. Frequent bus services are located within walking distance of the site. These public transport services provide access to various destinations in the Sydney metropolitan area, including Redfern and Central train stations and beyond. The new South East Light Rail Line, currently under construction, will include a stop close to the site. It is envisaged this service will be operational by the time the subject site is developed.

The traffic assessment prepared by TTM Consulting Pty Ltd found there are no traffic or transport issues that would prevent the proposed scheme from being approved.

The Planning Proposal will not increase the amount of development floor space permitted under the existing floor space ratio control of 2:1. The draft DCP proposes site-specific controls to manage traffic impacts including maximum parking rates for retail uses and location of vehicle entries and servicing.

Social infrastructure close to the site includes retail, commercial, community services and facilities along Cleveland and Crown Streets and various public open space areas.

All utility services including electricity, telecommunications, water, sewer and stormwater are currently available on the site. If the site is redeveloped it is expected the developer will upgrade these services to support the proposed development, including a new substation. 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 will advise the public authorities to be consulted as part of the Planning Proposal process. Any issues raised will be incorporated into this Planning Proposal following consultation in the public exhibition period.

6 Mapping

This Planning Proposal is to amend the relevant Building Height and Heritage Map in Sydney Local Environmental Plan 2012 by:

- Changing the building height control from 15 metres to a maximum 22 metres along Cleveland Street, 25 metres along Baptist Street, 18 metres along Marriott Street. The building height on the south-west corner of the site will be reduced from 12 metres to three metres. No change in building height is proposed to the north-west corner of the site.
- **Identifying an easement for the through site link as “Area XXX” to ensure it does not project higher than the incline plane extending from RL 34.50 at the land’s western boundary to RL 35.65 at the land’s eastern boundary.**
- Changing the boundary of the Baptist Street Heritage Conservation Area to omit the site.

An extract of the existing Height of Buildings Map is shown at Figure 28 and the proposed amended map is shown at Figure 29.

An extract of the existing Heritage Map is shown at Figure 30 and the proposed amended Heritage Map is shown at Figure 31.

Figure 28: Extract of existing Height of Buildings Map: Sheet HOB_016

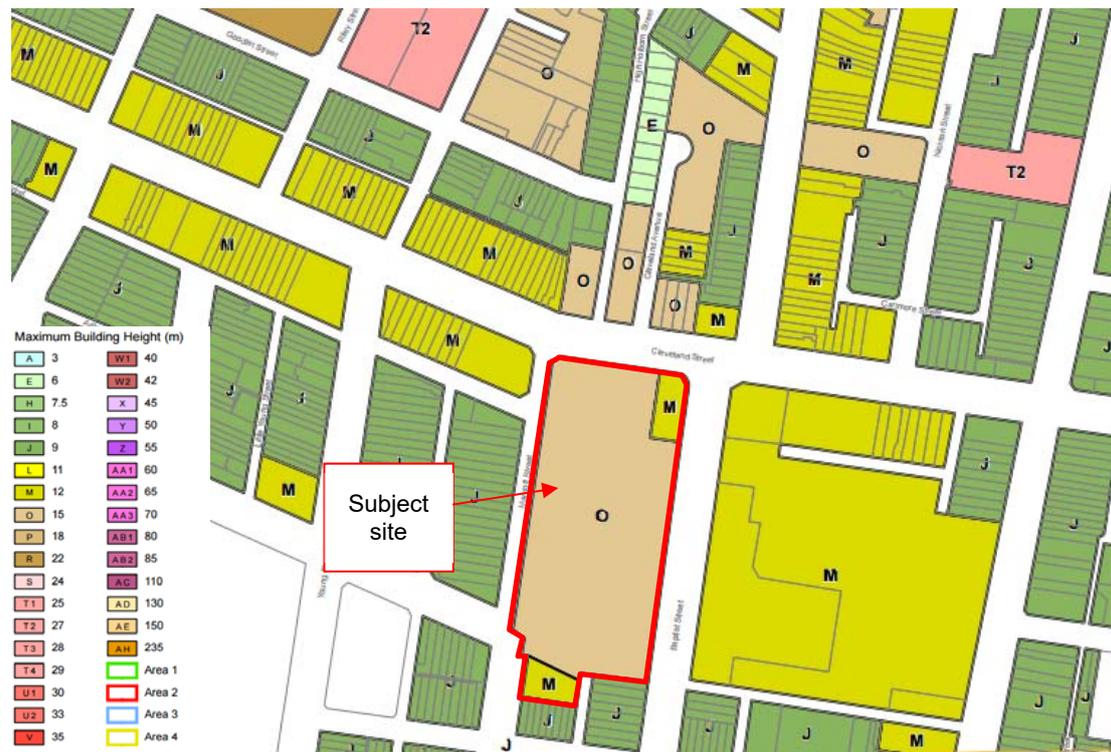


Figure 29: Proposed amended Height of Buildings Map HOB_16

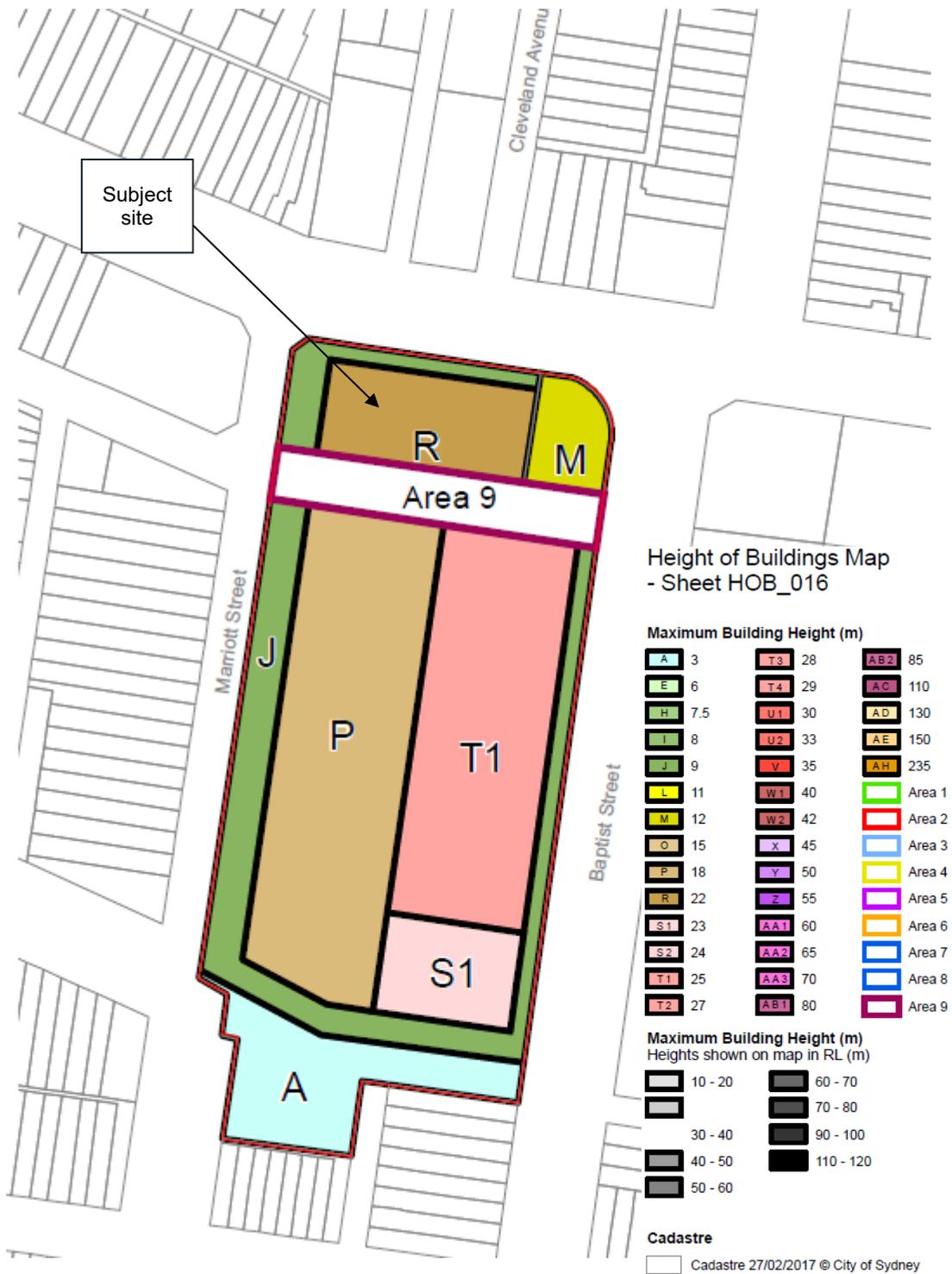


Figure 30: Extract of existing Heritage Map Sheet HER_016

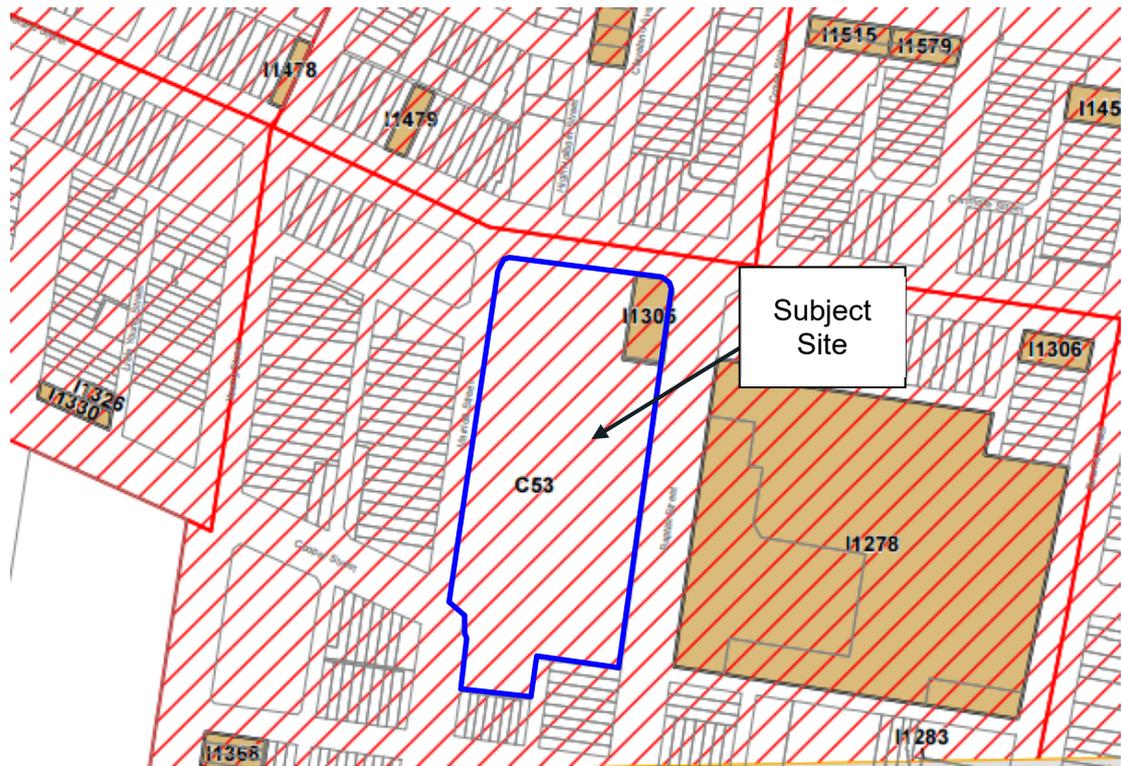


Figure 31: Proposed amended Heritage Map Sheet HER_016



7 Community consultation

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

It is proposed that, at a minimum, this will involve the notification of the public exhibition of the Planning Proposal on the City of Sydney website, relevant local newspaper(s) circulating widely and in writing to the owners and occupiers of adjoining and nearby properties and relevant community groups.

It is expected the Planning Proposal will be publicly exhibited for at least 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, at Town Hall House at 456 Kent Street, Sydney, and at the Redfern Neighbourhood Service Centre at 158 Redfern Street, Redfern.

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

8 Project timeline

The proposed project timeline is shown in Table 5. It will assist with tracking the Planning Proposal's progress through its various stages of consultation and approval. It is estimated this amendment to Sydney Local Environmental Plan 2012 will be completed by February 2018.

Table 5: Proposed project timeline

| Stage | Timeframe |
|--|--------------------------|
| Submit Planning Proposal to Department of Planning and Environment seeking Gateway Determination | March 2017 |
| Receive Gateway Determination | May 2017 |
| Public exhibition and public authority consultation of Planning Proposal, DCP Amendment and Planning Agreement. | August to September 2017 |
| Review of submissions receive during public exhibition and public authority consultation | October to November 2017 |
| Council and Central Sydney Planning Committee approval of Planning Proposal, DCP Amendment and Planning Agreement | December 2017 |
| Drafting of instrument and finalisation of mapping | January to February 2018 |
| Amendment to <i>Sydney Local Environmental Plan 2012</i> legally drafted, made and published on NSW legislation website. | February 2018 |