

Post Exhibition - Planning Proposal – Botany Road Precinct – Sydney Local Environmental Plan 2012 and Sydney Development Control Plan 2012 Amendment

File No: X031159

Summary

This report follows the public exhibition of Planning Proposal: Botany Road Precinct (planning proposal) and Draft Sydney Development Control Plan 2012 - Botany Road Precinct (draft DCP).

The proposed planning controls will facilitate the renewal of the Botany Road Precinct (the Precinct). The Precinct is strategically located within the Greater Sydney Region Plan's Innovation Corridor and close to Redfern and Waterloo Metro stations, South Eveleigh (former Australian Technology Park), Redfern town centre and Alexandria Park. The corridor connects the southern end of Central Sydney with Green Square Town Centre.

The new planning controls will encourage future commercial, enterprise and affordable housing floor space. This will help support nearby employment clusters such as University of Sydney, southern CBD, Surry Hills and Chippendale, and contribute the City's affordable housing targets. The planning controls recognise the strong connection to the Aboriginal and Torres Strait Islander community, expand heritage listings and encourage engagement with the community when projects are developed. The controls also support the City's vision in Sustainable Sydney 2030-2050: Continuing the Vision for Botany Road to be a green avenue with more trees, public space, pedestrian connections and water sensitive infrastructure.

In 2017, the NSW Department of Planning and Environment in 2017 started investigations into new planning controls for the Precinct due to NSW Government and private investment in the area. In 2019 the Department agreed to hand the project over to the City.

The City's Local Strategic Planning Statement, adopted by Council in February 2020, identified that while the City is on track to meet housing targets for market residential dwellings, additional development capacity for commercial and other enterprise uses is required to meet the target 200,000 additional jobs to 2036. The Planning Statement identified the Precinct as one of the areas for investigation where new planning controls could contribute to business and employment growth.

In July 2021 the proposed planning controls for the Precinct were endorsed by Council and the Central Sydney Planning Committee (CSPC) to be sent to the Department of Planning and Environment (Department) for a Gateway Determination, and to be publicly exhibited.

The planning proposal was granted Gateway Determination on 24 September 2021 with Council being delegated the plan-making authority. Subsequently, the planning proposal and draft DCP were publicly exhibited for 28 days from 15 November to 13 December 2021. Consultation was undertaken with Transport for NSW, Sydney Metro, Ausgrid, Metropolitan Local Aboriginal Land Council, Heritage NSW and Sydney Water.

125 submissions were received by the community including 10 technical submissions from landowners requesting site specific changes to the planning proposal. Submissions were also received from Heritage NSW, Sydney Metro, Sydney Trains and Transport for NSW.

This report describes the outcomes of exhibition, and recommends changes be made to the exhibited planning controls in response to the submissions.

Generally, landowner submissions supported the proposed planning controls, noting the benefits of more commercial and affordable housing, improved buildings and streets, and unlocking additional development potential.

About half of all submissions (64 submissions) related to proposed planning controls in the north of the Precinct, called the northern opportunity sites. 50 of the submissions were from residents living in the immediate area and raised concerns that:

- they will be displaced from their homes and their community even though they don't want to leave;
- the proposed development will result in significant amenity impacts; and
- the proposed heights are incompatible with the existing character of the area and have unreasonable impacts.

We also received 14 submissions in support of the northern opportunity sites. 11 of these are from residents or unit owners of 39-61 Gibbons Street, Redfern and raise the following:

- the area is in a strategic location and their site is well suited to development of greater intensity;
- they will be surrounded by tall buildings yet be left behind as a 4 storey building; and
- the building is not of good quality and residents are open to redevelopment of their building.

Submissions from elsewhere in the Precinct were generally supportive of the proposed planning controls, however some key concerns were raised as follows:

- the proposed building heights are too tall and will lead to overshadowing and wind;
- the proposed changes to heritage conservation areas will displace residents and prevent upgrades to older buildings;
- additional development in the area will lead to more traffic congestion and put additional pressure on street parking;
- more should be done to prioritise pedestrians in the Precinct; and
- Covid-19 has reduced the demand for commercial office space.

Following consideration of submissions, and additional urban design testing, this report recommends the following key amendments be made to the exhibited planning controls:

- removal of proposed planning controls from the planning proposal and draft DCP for the northern opportunity sites, being 32 Rosehill Street, 44-78 Rosehill Street, 80-88 Rosehill Street (five terraces to south of 44-78 Rosehill St), 15-29 Cornwallis St, 31-41 Cornwallis Street, 1 Margaret Street and 39-61 Gibbons Street;
- amendment to the planning proposal for 74-88 Botany Road, Alexandria (owned by City West Housing) to increase the floor space ratio (FSR);
- addition of a provision in the planning proposal to ensure roads identified as Classified Roads (SP2) under the Sydney LEP 2012 cannot be utilised for site area calculation purposes;
- amendment to the provision that suspended State Environmental Planning Policy (Affordable Rental Housing) 2009, that has since been replaced by State Environmental Planning Policy (Housing) 2021;
- changes to the controls relating to Aboriginal Archaeology in the draft DCP to address concerns raised by Heritage NSW;
- introduction of visual and acoustic privacy controls in the draft DCP; and
- updates to maps in the draft DCP.

The proposed planning controls, as amended post exhibition, facilitate about 225,000 square metres of commercial floor space, the equivalent of up to 11,600 jobs, if all available incentives are taken-up. While some floor space may be delivered as affordable housing, it will not have a significant impact on the commercial focus of the Precinct.

If approved by Council, the City will ask Parliamentary Counsel to draft the amendment to Sydney LEP 2012, which will come into effect when it is published on the NSW Legislation website. Amendment to the Sydney Development control Plan 2012 will come into effect at the same time as the LEP is published.

Recommendation

It is resolved that:

- (A) Council note the matters raised in response to the public exhibition of Planning Proposal: Botany Road Precinct and Draft Sydney Development Control Plan 2012 - Botany Road Precinct as shown in Attachment A to the subject report;
- (B) Council approve Planning Proposal: Botany Road Corridor, as shown at Attachment B to the subject report and amended in response to submissions, to be made as a local environmental plan under Section 3.36 of the Environmental Planning and Assessment Act 1979;
- (C) Council approve the Draft Sydney Development Control Plan 2012 - Botany Road Precinct, as shown in Attachment C to the subject report, as amended in response to submissions, noting that the approved development control plan will come into effect on the date of publication of the subject local environmental plan; and
- (D) authority be delegated to the Chief Executive Officer to make minor variations to Planning Proposal: Botany Road Precinct and Draft Sydney Development Control Plan 2012 - Botany Road Precinct to correct any minor errors prior to finalisation.
- (E)

Attachments

- Attachment A.** Summary of Submissions
- Attachment B.** Amended Planning Proposal - Sydney Local Environmental Plan 2012 - Botany Road Precinct
- Attachment C.** Draft Sydney Development Control Plan 2012 Amendment - Botany Road Precinct
- Attachment D.** Gateway Determination
- Attachment E.** Resolutions of Council and Central Sydney Planning Committee

Background

Purpose of the Report

1. This report follows the public exhibition of Planning Proposal: Botany Road Precinct (planning proposal) and Draft Sydney Development Control Plan 2012 - Botany Road Precinct (draft DCP).
2. The proposed planning controls will facilitate the renewal of the Botany Road Precinct (the Precinct). The Precinct is strategically located within the Greater Sydney Region Plan's Innovation Corridor and close to Redfern and Waterloo Metro stations, South Eveleigh (former Australian Technology Park), Redfern town centre and Alexandria Park. The corridor connects the southern end of Central Sydney with Green Square Town Centre.
3. The new planning controls will encourage future commercial, enterprise and affordable housing floor space. This will help support nearby employment clusters such as University of Sydney, southern CBD, Surry Hills and Chippendale, and contribute the City's affordable housing targets. The planning controls recognise the strong connection to the Aboriginal and Torres Strait Islander community, expand heritage listings and encourage engagement with the community when projects are developed. The controls also support the City's vision in Sustainable Sydney 2030-2050: Continuing the Vision for Botany Road to be a green avenue with more trees, public space, pedestrian connections and water sensitive infrastructure.
4. In 2017, the NSW Department of Planning and Environment in 2017 started investigations into new planning controls for the Precinct due to NSW Government and private investment in the area. In 2019 the Department agreed to hand the project over to the City.
5. The City's Local Strategic Planning Statement, adopted by Council in February 2020, identified that while the City is on track to meet housing targets for market residential dwellings, additional development capacity for commercial and other enterprise uses is required to meet the target 200,000 additional jobs to 2036. The Planning Statement identified the Precinct as one of the areas for investigation where new planning controls could contribute to business and employment growth.
6. In July 2021 the proposed planning controls for the Precinct were endorsed by Council and the Central Sydney Planning Committee (CSPC) to be sent to the Department of Planning and Environment (Department) for a Gateway Determination, and to be publicly exhibited.
7. The planning proposal was granted Gateway Determination on 24 September 2021, shown at Attachment D, with Council being delegated the plan-making authority. Subsequently, the planning proposal and draft DCP were publicly exhibited for 28 days from 15 November to 13 December 2021. Consultation was undertaken with Transport for NSW, Sydney Metro, Ausgrid, Metropolitan Local Aboriginal Land Council, Heritage NSW and Sydney Water.
8. 115 submissions were received by the community including 10 technical submissions from landowners requesting site specific changes to the planning proposal. Submissions were also received from Heritage NSW, Sydney Metro, Sydney Trains and Transport for NSW.
9. A summary of all submissions and the City's response is at Attachment A. Key issues raised in the submissions are discussed later in this report.

10. This report seeks Council approval of the planning proposal and draft DCP, as amended following public exhibition and provided at Attachment B and Attachment C respectively. The planning proposal and draft DCP amend Sydney Local Environmental Plan 2012 (Sydney LEP 2012) and Sydney Development Control Plan 2012 (Sydney DCP 2012) as it relates to the Precinct.
11. The proposed planning controls, as amended post exhibition, facilitates about 225,000 square metres of commercial floorspace, the equivalent of up to 11,600 jobs, if all available incentives are taken-up. While some floor space may be delivered as affordable housing, it will not have a significant impact on the commercial focus of the Precinct.

Site details and context

12. The Precinct, shown at Figure 1, has an area approximately of 21.4 hectares (including roads) and a perimeter of about 3,000 metres. It forms part of a larger innovation corridor as identified in the Camperdown-Ultimo health and education precinct and is defined in the District Plan as a cluster of knowledge intensive, creative and start-up industries along with health, education and research services. Planning for the area is established in the Greater Cities Commission's Camperdown-Ultimo Place Strategy, which emphasises the need for affordable employment floor space to support the growth of a knowledge-intensive health and education precinct.
13. The Precinct forms part of "Aboriginal Redfern", a place where Indigenous people from all over NSW and Australia came together and drove important changes for Aboriginal and Torres Strait Islander people. Preliminary consultation reported the local community's desire to acknowledge and celebrate the history of Aboriginal Redfern being a central birthplace of civil rights and self-determination movements.
14. Existing development in the precinct consists of a mix of residential, commercial office, industrial, showroom and retail premises.
15. The Precinct is generally bound by:
 - (a) Cope Street to the east, that is characterised by existing residential and fine grain development. Also, on the eastern portion of the Precinct the character changes to the large-scale Waterloo Metro Station development;
 - (b) on the west, Wyndham Street, that is defined by low scale development, Henderson Road, that is characterised by mixed use development and Cornwallis street, which is adjacent to the Australian Technology Park, South Eveleigh
 - (c) to the south, McEvoy Street, a busy road used as a throughfare from Alexandria to Moore Park and beyond.

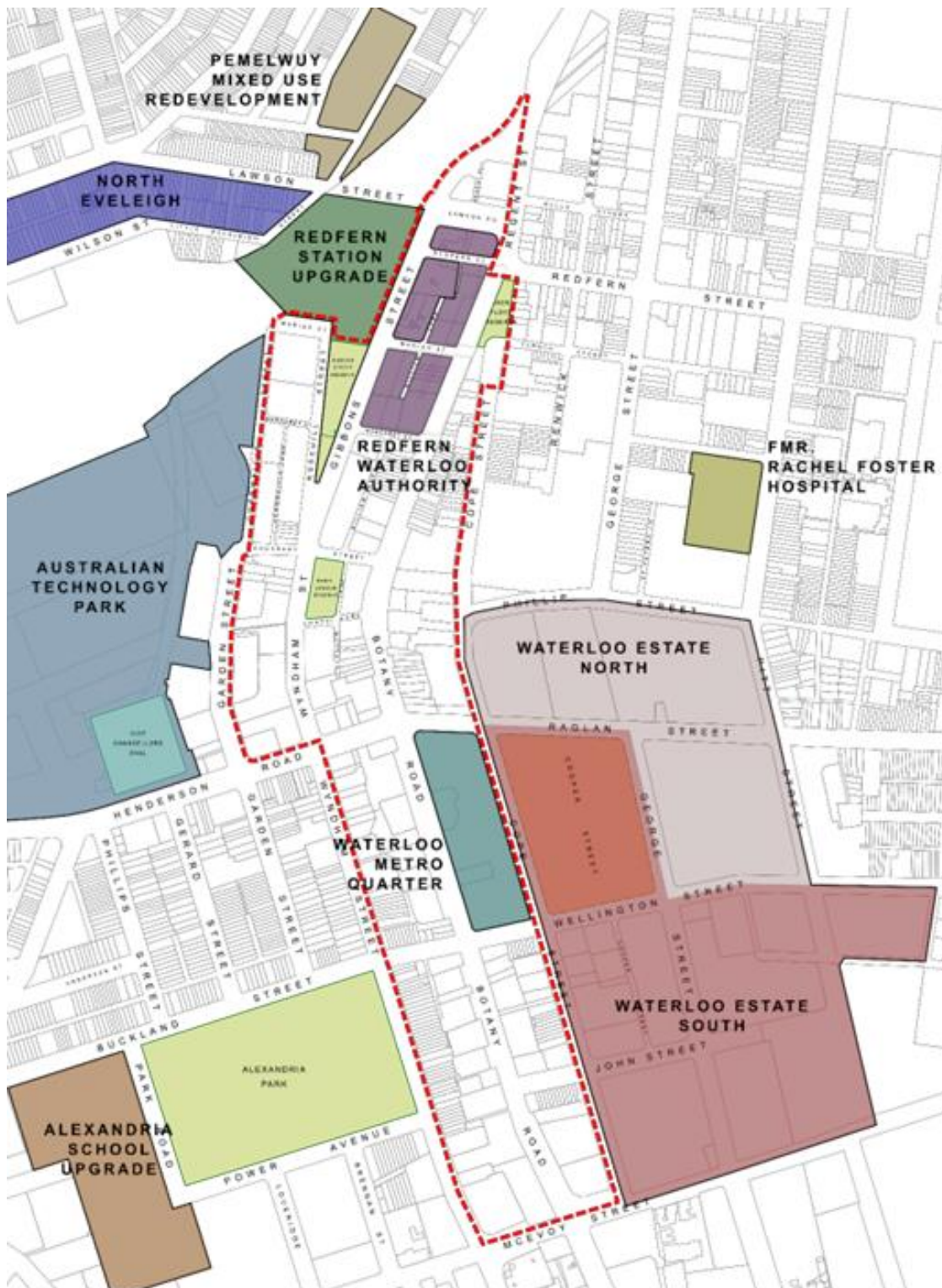


Figure 1: The Precinct and surrounding area

16. The Precinct is strategically located close to several key transport hubs and significant existing and new residential populations and employment generating development.
17. To the north west of the Precinct is Redfern Station, a key node with direct access to most stations on the Sydney Trains network which is undergoing access upgrades as part of the Redfern North Eveleigh Precinct Renewal.

18. The Redfern town centre is adjacent to the north eastern portion of the Precinct and provides a range of retail uses, local services and food and beverage premises.
19. Green Square Town Centre is close to the south of the Precinct and offers a train station connecting to Central Sydney and Sydney Airport, as well as a growing employment, retail and services offering. At the centre of the Precinct, on the eastern side of Botany Road is the future Waterloo Metro station and Waterloo Metro Quarter development.
20. Adjacent to the western edge of the Precinct is South Eveleigh (former Australian Technology Park (ATP)), that is a growing centre for employment and has seen a significant investment and addition of commercial and retail floor space in recent years.
21. To the east of the Precinct is Waterloo Estate (South) which has been identified for redevelopment under the Land and Housing Corporation's \$22 billion Communities Plus building program. In early 2022, the Department exhibited a planning proposal for public exhibition which included a new park, a new local retail centre and various heights across the Precinct including seven storeys to Cope Street and four towers of approximately 30 storeys.
22. Open Space facilities in the area include Alexandria Park (to the south), Jack Floyd Reserve to the east and Daniel Dawson Reserve at the centre. A new park is also proposed as part of the Waterloo Estate (South) planning proposal.
23. Figures 2 through 7 show key locations in the Precinct.
24. Figure 2 shows Regent Street which is at the northern end of the Botany Road Precinct and together with Botany Road they form the main spine of the Precinct. The character of Regent Street is mixed, with two storey Victorian and Federation buildings, which contribute to the historic character of the streetscape, interspersed with infill development and recent high-rise buildings. One-way traffic flows towards the south.



Figure 2: Regent Street, looking south from the corner with Redfern Street

25. Figure 3 shows Jack Floyd Reserve, a triangular-shaped plaza located at the intersection of Redfern Street and Regent Street.



Figure 3: Jack Floyd Reserve looking south

26. Figure 4 shows the Western side of Botany Road between Henderson Road and Buckland Street. The street has a mixed character with the predominant building typology of two storey post-war commercial and industrial buildings.



Figure 4: The intersection of Henderson Road and Botany Road, looking west

27. Figure 5 shows the Waterloo Metro Station site located on the eastern side of Botany Road between Raglan Street and Wellington Street.



Figure 5: Future Waterloo Metro Station, looking west

28. Figure 6 shows Gibbons Street, a north-south street which is one-way in the northern direction. On the western side of Gibbons Street is Gibbons Reserve, a sloping triangular park, and Redfern Station. The eastern side of Gibbons Street contains residential flat buildings from three storeys to 19 storeys.



Figure 6: 39-61 Gibbons Street, Redfern

29. Figure 7 shows Rosehill Street, a one-way street off Gibbons Street. The eastern side of Rosehill Street is Gibbons Reserve and the western side of Gibbons Street has a mix of residential terraces, two-storey commercial and 3-5 storey residential buildings. Cornwallis Street runs north-south and creates the north-western edge of the Precinct. The predominant building form is 3-5 storey strata residential buildings, opposite the Australian Technology Park which sits outside the Precinct boundary.



Figure 7: 44-78 Rosehill Street, Alexandria, looking west

Why is the City proposing the new planning controls?

30. The proposed planning controls are to transform the Precinct into a vibrant commercial area which contributes to growth of the Eveleigh node of the Camperdown-Ultimo Health and Education Precinct and the Innovation Corridor.
31. The Redfern-Waterloo Strategic Employment Study was prepared by BIS Oxford Economics and appended to the publicly exhibited planning controls. It found the Redfern-Waterloo area is well positioned to benefit from 'overflow demand' of businesses unable to secure suitable space in the (southern) CBD, Surry Hills and Chippendale based on availability of accommodation and/or cost.
32. The 'overflow demand' will be attracted to the Redfern-Waterloo area by its proximity to the Sydney CBD, existing and future transport links and the close proximity of several significant employment clusters. Surrounding employment clusters include the ATP, the University of Sydney and Royal Prince Alfred Hospital.
33. In 2017 the NSW Department of Planning and Environment started planning investigations for the area due to government and private investment into the Precinct including that at Waterloo Metro and South Eveleigh. In 2019, the Department agreed to hand the project over to the City. The City's Local Strategic Planning Statement (planning statement), adopted by Council in 2020, then identified the Precinct as an area for investigation.

34. While the City is on track to meet our housing targets for market residential dwellings, it identified a shortfall of floor space to meet the employment target of 200,000 additional jobs. The Precinct is an opportunity to contribute to the Council's adopted employment targets.
35. The planning statement identified the renewal of the Precinct as an opportunity to grow the Camperdown-Ultimo Health and Education Precinct and link to the future Waterloo Metro station. The Precinct has the potential for private sector business and investment to leverage off and support the offering at ATP.
36. Action P2.5 of the planning statement requires the City to strengthen the economic and productive role of the Innovation Corridor. This is to be achieved by identifying and supporting opportunities to appropriately increase capacity for commercial and other enterprise uses particularly those contributing to specialised and knowledge-based clusters, in mixed use (B2 - Local Centre and B4 - Mixed Use) zoned areas, including the Precinct.
37. To ensure sufficient housing for low income workers to live close to transport, jobs and services, the planning proposal also encourages affordable housing outcomes where it does not adversely impact on the ability of surrounding sites to develop for commercial purposes.
38. In addition to the economic benefits facilitated by the proposed planning controls, they also create opportunities for the provision of affordable housing including affordable housing for Aboriginal and Torres Strait Islander households.
39. The City's Local Housing Strategy: Housing for all, maintains the Sustainable Sydney 2030 target that 7.5 percent of all private dwellings be affordable housing. The City has a target for an additional 12,000 affordable homes to be provided in the local area by 2036. The renewal of the Precinct creates a significant opportunity to contribute to the City's strategic goal of increasing affordable housing in the local government area.

Publicly exhibited planning controls

40. The proposed planning controls were informed by technical studies including:
 - (a) Aboriginal and Torres Strait Islander community engagement and cultural heritage research, by Cox Inall Ridgeway (CIR);
 - (b) an economic and employment study, undertaken by BIS Oxford Economics;
 - (c) an urban design study, undertaken by Tonkin Zulaikha Greer Architects (TZG);
 - (d) a non-Indigenous heritage study, also undertaken by TZG;
 - (e) a traffic and transport review, by Cattell Cooper; and
 - (f) supplementary urban design study prepared by the City.

Opportunity sites

41. To achieve the vision of the Precinct as a vibrant commercial area, the exhibited planning proposal identified 'Opportunity Land' and allowed development to achieve incentive building heights and Floor Space Ratios (FSR) where:
 - (a) it is for the purposes of:
 - (i) non-residential (commercial) uses only; or
 - (ii) non-residential (commercial) uses and affordable housing only;
 - (b) it provides land for the future laneway;
 - (c) it exceeds the BASIX commitments for water and energy by not less than 10 points for energy and five points for water;
 - (d) any affordable housing provided under is owned and managed by a registered community housing provider; and
 - (e) any affordable housing does not reduce the capacity of adjoining sites to be developed for non-residential uses.
42. The proposed incentive building heights and FSRs do not replace the current height and FSR maps in Sydney LEP 2012. Should landowners prefer to develop their site under current planning controls, for example for market residential (which cannot be developed using incentive building heights and FSRs), they could still do so.
43. Incentive building heights vary on each block, up to a maximum of 17 storeys on Rosehill Street, up to 12 storeys on Botany Road opposite the Waterloo Metro Station and up to six storeys on Wyndham Street opposite the Alexandria Park Heritage Conservation Area. The same incentive building heights apply to both commercial development and development comprising a mix of commercial and affordable housing.
44. The incentive height controls for sites adjoining heritage items and heritage conservation areas provide a curtilage to heritage items, reduce solar impact on conservation areas and ensure an appropriate visual relationship between the contributory buildings and the areas of change.
45. Different incentive FSRs will apply to development comprising only commercial uses and buildings comprising a mix of commercial and affordable housing. This is because of the difference in building efficiencies, and the higher separation and amenity requirements applying to residential development.
46. The incentive heights and FSRs, as shown in the exhibited planning proposal, are shown at Figure 8, Figure 9 and Figure 10.

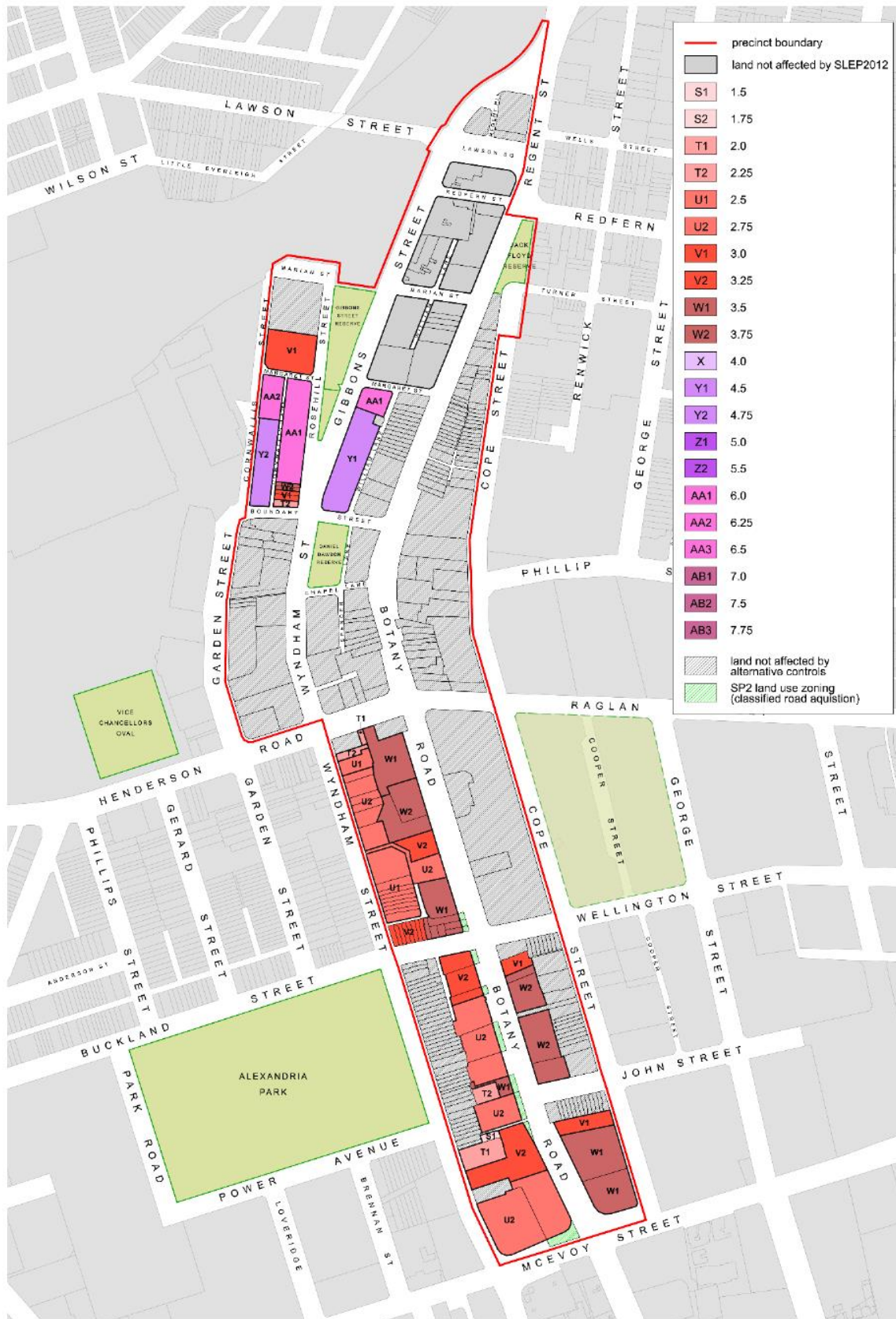


Figure 8: Proposed Opportunity Lands - Affordable Housing Sites - Incentive Floor Space Ratio Map (exhibited planning proposal)

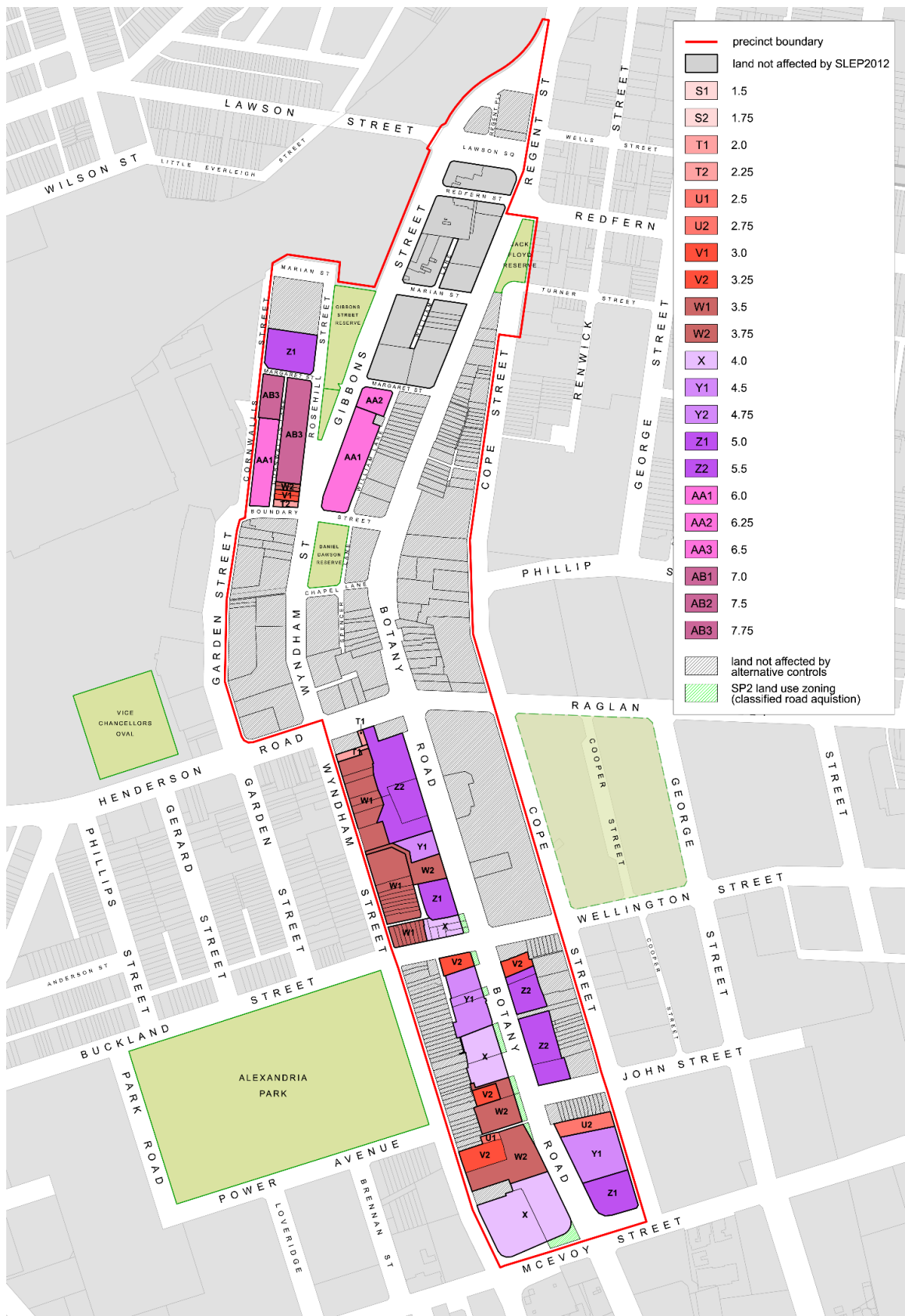


Figure 9: Proposed Opportunity Lands - Employment Sites - Incentive Floor Space Ratio Map (exhibited planning proposal)

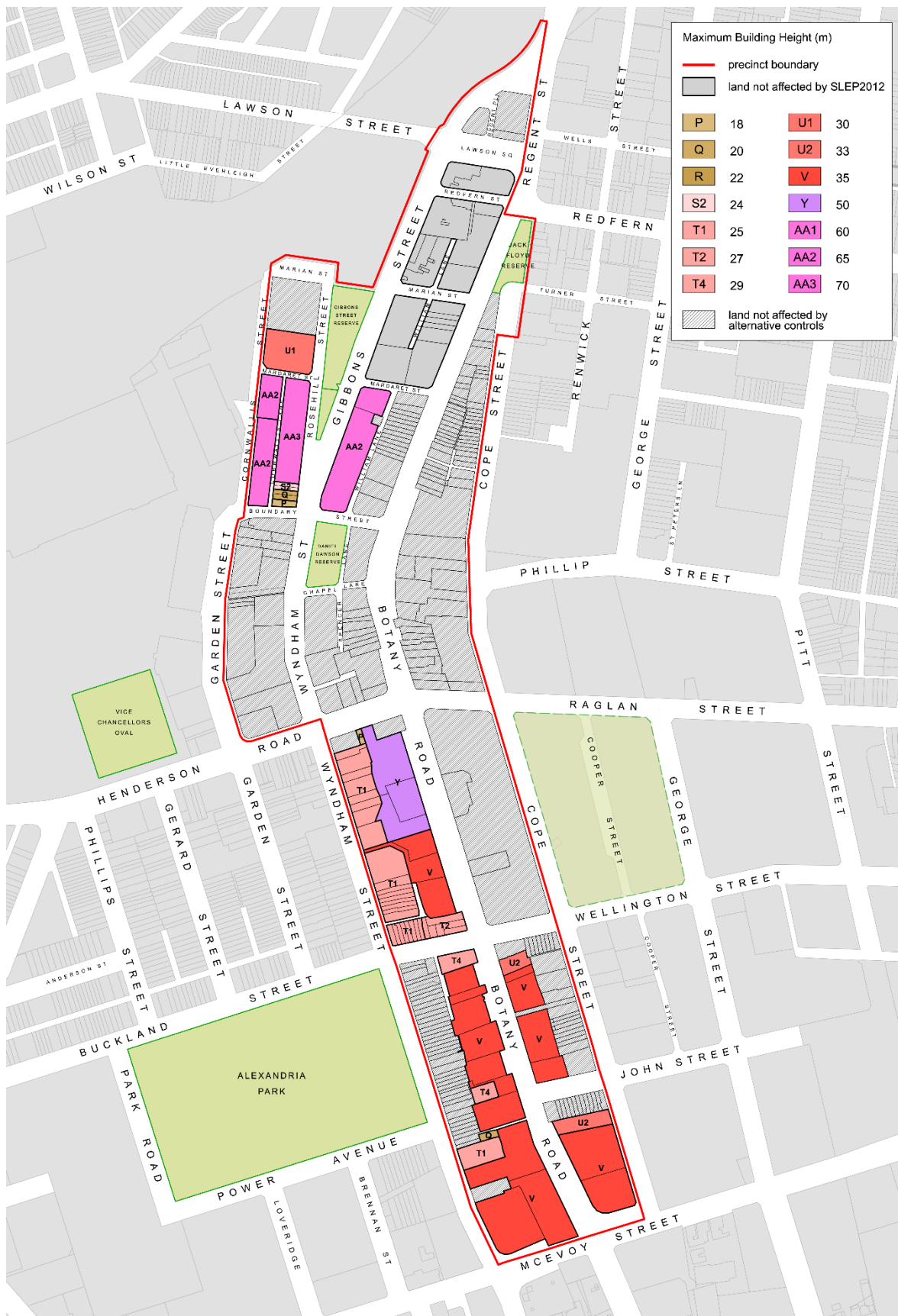


Figure 10: Proposed Opportunity Lands - Incentive Heights Map (exhibited planning proposal)

47. In addition, clause 6.21 - Design excellence of the Sydney LEP allows development that demonstrates design excellence to achieve an additional 10 per cent of height or FSR. The planning proposal requires that development, that takes advantage of incentive height or FSR, is only eligible for additional floor space under clause 6.21, not additional height.
48. Development that takes advantage of incentive height or FSR is precluded from accessing additional FSR incentives available in the State Environmental Planning Policy (Housing) 2021 (Housing SEPP), for example for co-living housing. The planning proposal excludes the application of the Housing SEPP incentives to Opportunity Lands.
49. There is no change proposed for the maximum building heights and maximum FSR of properties along Regent Street. Retaining the existing controls will encourage development that is respectful to the existing fine grain and historical built fabric. Retaining the existing height controls also ensures no additional solar impacts to the National Centre of Indigenous Excellence open space, a place of high significance for Aboriginal and Torres Strait Islander people. There is also no change proposed for heritage items or constrained street blocks where the majority of properties are strata-subdivided recent development.

Residential sites

50. Certain sites in the Precinct are identified as more suitable for residential uses than commercial uses. These sites are located on Wyndham Street opposite Alexandria Park and Cope Street, Waterloo opposite the Waterloo Estate.
51. The exhibited planning proposal increased the maximum height and FSR on these sites in accordance with Figure 11 and Figure 12. In addition, sites located on Wyndham Street, Alexandria (that are also located in the Green Square area), are subject to clause 6.14 of the Sydney LEP, that allows additional FSR to be achieved where development contributes to community infrastructure. This planning proposal changes those sites from Area 6 to Area 8 on the FSR map which increases the community infrastructure floor space available to 1:1 (from 0.5:1).
52. The exhibited planning proposal retained the existing FSR control and increases the maximum height of building from 18m to 25m (six storeys) for 131 Regent Street, Redfern. The site is a former interwar service station that was identified in the Non-indigenous Heritage Study as contributory to the Redfern Estate HCA. Increasing the height control will allow any development on the site to retain the contributory elements and achieve the existing floor space available by building on the southern portion of the site.

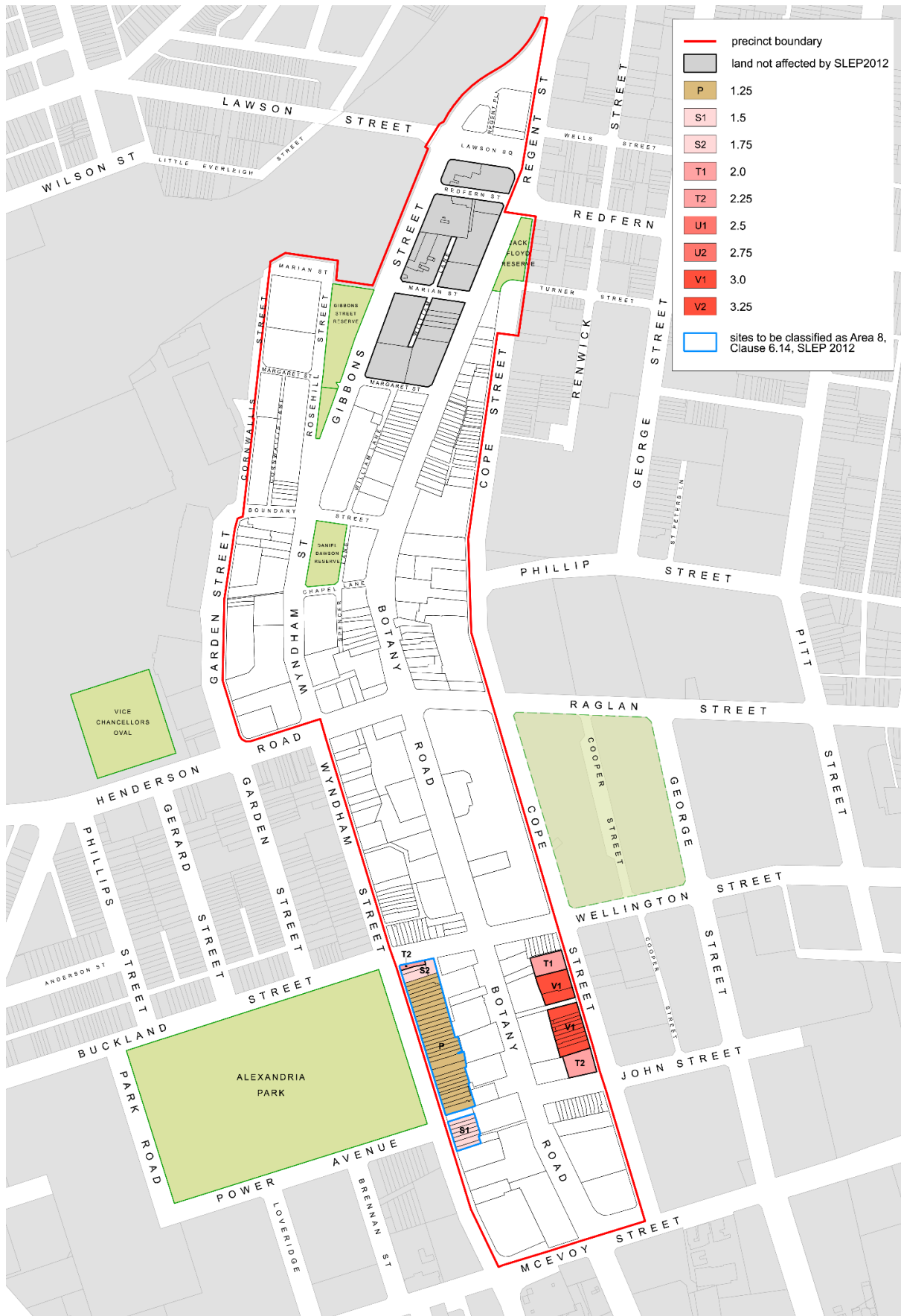


Figure 11: Proposed changes to the Floor Space Ratio Map

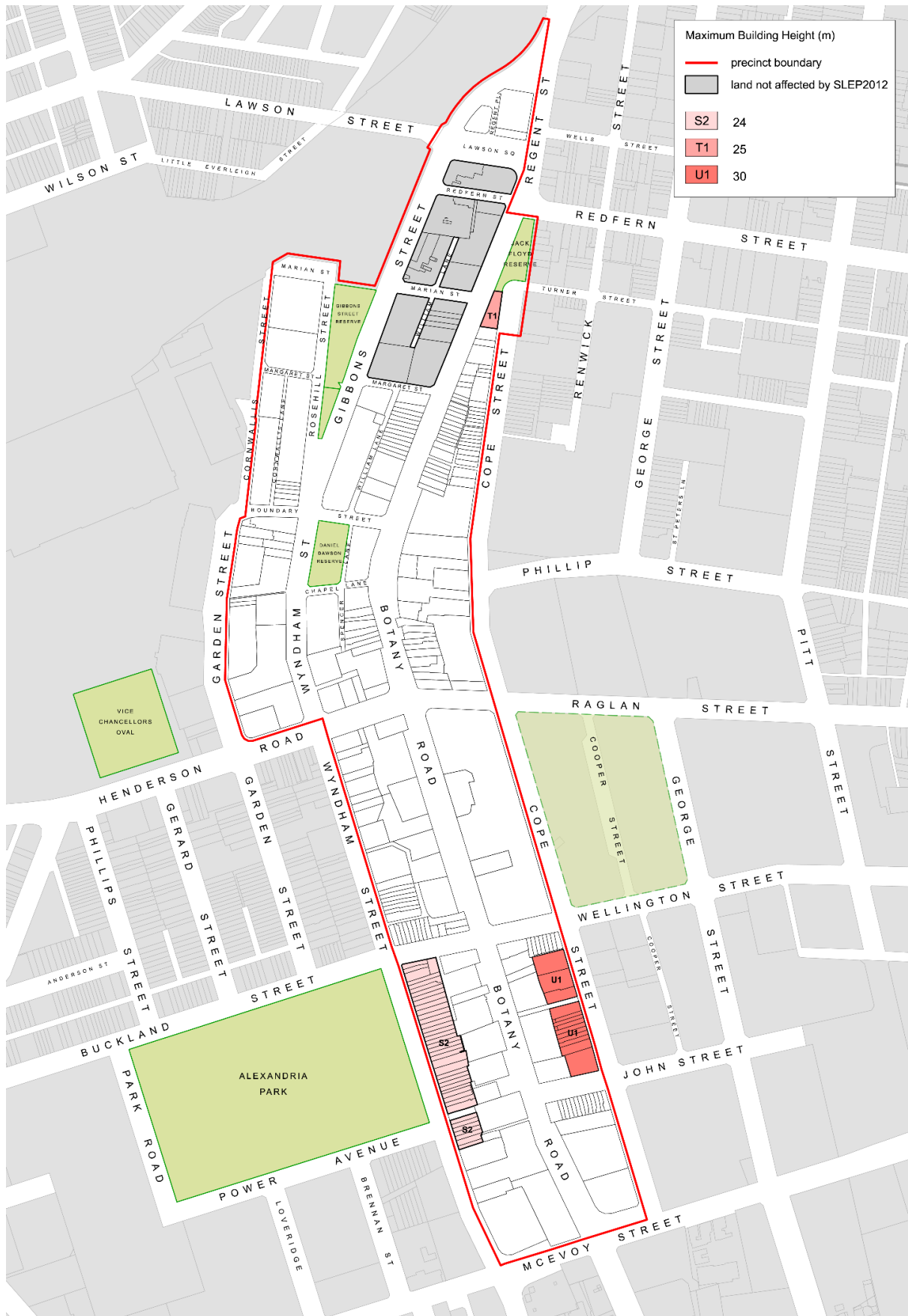


Figure 12: Proposed changes to the Height of Buildings Map

Heritage

53. The exhibited planning proposal extends the Redfern Estate Heritage Conservation Area (C56) and reduced the Alexandria Park Heritage Conservation Area (C1), as shown in Figure 13.
54. The exhibited planning proposal identified three new heritage items to be listed in the Sydney LEP 2012 for their historical and social values. These are mapped at Figure 13 and include:
 - (a) 142 Regent Street, Redfern - Former Aboriginal Legal Service. This building was used as the first shopfront for the Aboriginal Legal Service. It was established in 1970 to provide free legal assistance to Aboriginal people living in Sydney.
 - (b) 171 Regent Street, Redfern – Former Aboriginal Medical Service. The Aboriginal Medical Service operated from this building from 1971-1977. It was established to provide free medical support to Aboriginal people living in Sydney and was the first Aboriginal community-run medical service in Australia.
 - (c) 122-136 Wellington Street, Waterloo – Victorian terrace group. This row of two storey Victorian terraces that spans from Cope Street to the Cauliflower Hotel was constructed c1883 and are a representative group of terraces constructed during the key subdivision and subsequent redevelopment of Waterloo.

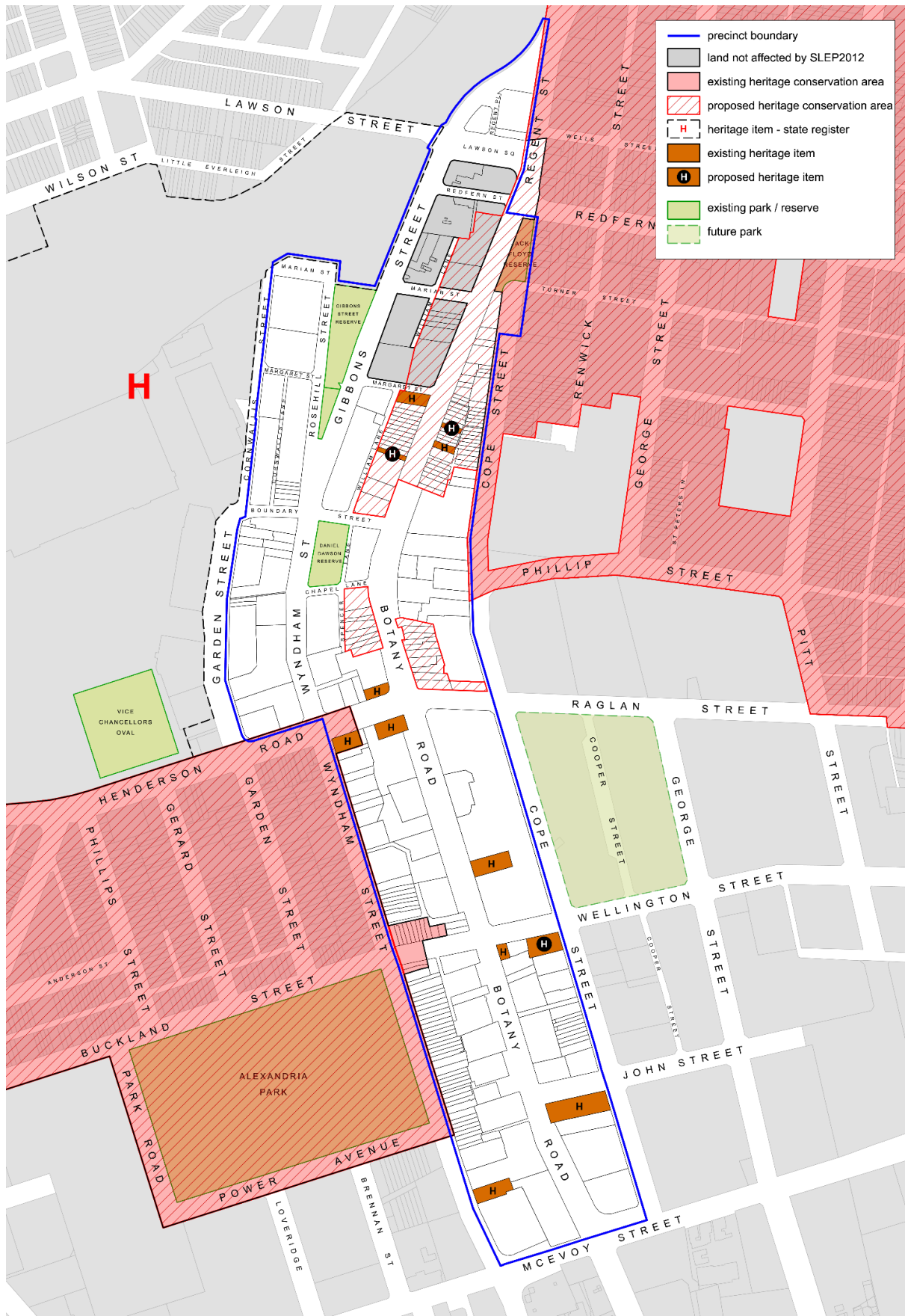


Figure 13: Proposed changes to Heritage Conservation Areas and new items

Zoning

55. The majority of lots in the Precinct are zoned B4 Mixed Use under the Sydney LEP 2012. The sites on the eastern side of Wyndham Street, between McEvoy Street and Buckland Street are zoned R1 General Residential. The exhibited planning proposal made some minor changes to zoning in the Precinct to rezone properties on Wyndham Street from R1 – General Residential to B4 – Mixed Use.

Affordable housing

56. In accordance with the recent changes to Sydney LEP, that expand the City's affordable housing levies across the local government area, an affordable housing contribution requirement for 3 per cent of all residential floor space and 1 per cent of all non-residential floor space applies to all land in the Precinct (where the LEP applies). It is noted the rates are discounted for any development application lodged by 1 July 2022.
57. In addition to the above, where sites are receiving an increase in FSR facilitated by the planning proposal (that is not subject to the incentive requirements) an additional affordable housing contribution requirement, being 9 per cent of all residential floor space, will apply only to the new floor space resulting from the planning proposal.
58. The additional affordable housing contribution requirement is consistent with the City of Sydney Affordable Housing Program, adopted by Council on 24 August 2020, that sets out the contribution rates that are to apply to floor space achieved through a planning proposal.

Active frontages

59. The exhibited planning controls identified active street frontages along Botany Road and Regent Street, and along a small section of Henderson Road. The intent of the active frontages is to create interest at the street level. Frontages on Regent Street will be identified on the LEP Active Frontage Map to encourage the conversion of residential properties back to active frontages to strengthen its main street character and role.

Sun access planes to open space

60. The exhibited planning proposal includes provision to protect open space with new sun access planes to Daniel Dawson Reserve and Alexandria Park. This limits the height of any new development to ensure adequate solar access to Daniel Dawson Reserve and Alexandria Park.

Sustainability

61. Energy use in buildings continues to be a significant contributor to greenhouse gas emissions in the City. High performing buildings are essential to community resilience and the upfront investment will reduce operating costs for housing providers and the cost of living for social and affordable housing tenants.
62. On 17 May 2021, the City endorsed for public exhibition a 'performance standards to net zero energy buildings report' and proposed planning controls. The provisions are proposed to apply to development applications for new office buildings, hotels and shopping centres and major redevelopments of existing buildings and aim to move buildings towards net zero energy use.

63. The publicly exhibited planning proposal did not repeat the proposed net zero planning controls. If the net zero planning controls are endorsed following public exhibition they will apply to the whole of the local area, including the Precinct, in addition to any site-specific planning controls that may apply.
64. For affordable residential buildings, the planning proposal includes a requirement for any BASIX affected development, which utilises the incentive height and FSR controls, must achieve stretch sustainability targets. The proposed requirement is to exceed the BASIX commitments for water and energy by not less than 10 points for energy and five points for water.

Draft DCP

65. The exhibited Draft DCP provides a place-based approach to the urban renewal of the Precinct. The Urban Strategy Map for the Precinct, shown at Figure 14, demonstrates a comprehensive long-term approach to change, with new development facilitating public domain improvements.

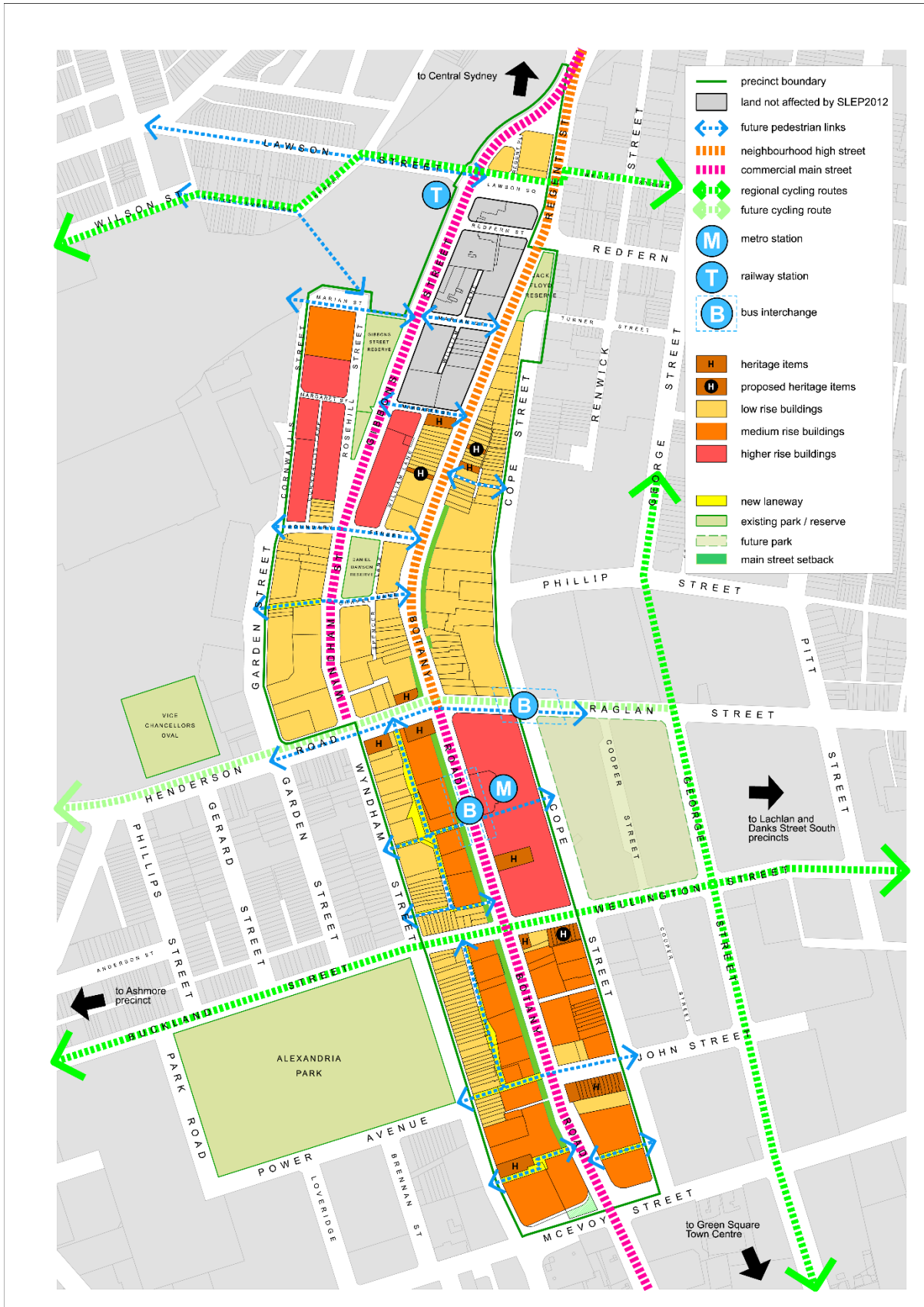


Figure 14: Botany Road Precinct Urban Strategy (as publicly exhibited)

66. The exhibited draft DCP provides a framework for changes to the public domain. Public domain upgrades, including the creation of a new laneway network, footpath widenings, new street plantings and connectivity to public transport will contribute to making the Precinct an attractive location for business
67. The proposed new laneways will improve permeability of large blocks and provide a laneway network for vehicular access and building servicing. The provision of land for the laneway network is a requirement of any development seeking to make use of height and FSR.
68. The planning proposal height and floor space ratio controls are supported by height in storeys, upper level setback and ground floor setback provisions in the draft DCP which will facilitate a smooth transition in heights, bulk and scale across the Precinct. In addition, the draft DCP street cross sections guide how upper and lower level setbacks interface with the street.
69. Provisions in the exhibited draft DCP provide guidance to achieve Council's proposed use of the SP2 setback to Botany Road to increase space for tree canopy, greening and pedestrian access.
70. The exhibited draft DCP updates the Regent Street / Botany Road, Alexandria Park, and Prince Alfred Park South locality statements and introduces the 'Botany Road Precinct' locality statement to ensure the Precinct is located within one locality. The locality statement describes the elements that contribute to this area's current and future character and includes principles to reinforce and enhance that character. The locality statement provides the direction for the development controls and built form guidelines for the Precinct.
71. The exhibited draft DCP encourages a diverse range of commercial and business land uses. Delivery of housing will be facilitated in a manner complementary to commercial uses and protected from noise and air quality impacts of major roads and surrounding non-residential uses. Change will be managed to ensure existing residential uses do not unreasonably constrain growth and change in the Precinct. Amenity impacts that may arise from new development are to be considered in the context of the locality statement and objectives for the Precinct to provide for future employment growth.
72. The exhibited draft DCP includes site-specific provisions for the properties which fall within the extension of the Redfern Estate Heritage Conservation Area. These provisions will ensure development is complementary with the unique built form characteristics of the heritage conservation area. The draft DCP also includes site-specific controls for 131 Regent Street, Redfern and 74 Botany Road, Alexandria.
73. The exhibited draft DCP includes controls to address the concerns raised in consultation undertaken by Cox Inall Ridgeway about keeping Aboriginal and Torres Strait Islander people and organisations in the area and ensuring they feel welcome. This includes a requirement for 10 per cent or more of the total number of dwellings in affordable housing developments is to be provided for Aboriginal and Torres Strait Islander housing. It also includes controls to celebrate Indigenous history, knowledge, identity and living culture through elements such as public art, landscaping, architecture and design.

74. For major development, targeted consultation with the Aboriginal and Torres Strait Islander community is required to seek community views on the impact of the proposed development and how the development may best maximise the presence, visibility and celebration of Aboriginal and Torres Strait Islander peoples, organisations, businesses and living culture.
75. There are recommendations in the Cox Inall Ridgeway report which have not fed directly into the draft DCP. The City anticipates as the Precinct grows and changes there will be opportunities to more directly act on other recommendations through public domain and infrastructure delivery.
76. To reflect the results of an Archaeological Assessment for the Botany Road Precinct undertaken by Urbis which showed varying levels of potential for historical archaeological resources from low to high, all development resulting in excavation is subject to an Aboriginal Objects Due Diligence Assessment. On sites where Aboriginal archaeological resources exist, new development is to include appropriate interpretation of Indigenous history relevant to the specific resources found.
77. The exhibited draft DCP also amends the contributory buildings maps to identify new contributory buildings within the extension of the Redfern Estate Heritage Conservation Area and to reflect the reduction in the extent of the Alexandria Park Heritage Conservation Area.

Matters raised during public exhibition

78. The planning proposal and draft DCP were placed on public exhibition from 15 November to 13 December 2021. During that time 115 submissions were received plus four submissions from public authorities.
79. The exhibition was advertised in the Sydney Morning Herald and notification of the public exhibition was advertised on the Sydney Your Say website with copies of the planning proposal, draft DCP amendment and supporting documents made available.
80. The city sent 4,948 letters to owners and occupiers to notify them of the public exhibition and provide information on how to view the supporting documentation.
81. 171 emails were sent to stakeholders including local community groups, strata managers, resident groups and business associations. Six public agencies were also consulted as required by the Gateway determination, including Transport for NSW.
82. A summary of and responses to matters raised in submissions is provided at Attachment A. The predominant issues arising from submissions are addressed below.

Northern opportunity sites

83. Over half of the submissions received (64 submissions) following public exhibition relate to opportunity sites in the northern part of the precinct, including:
 - (a) 32 Rosehill Street, Redfern
 - (b) 44-78 Rosehill Street, Redfern
 - (c) 80-88 Rosehill Street (5 terraces to south of 44-78 Rosehill Street)

- (d) 15-29 Cornwallis Street
- (e) 31-41 Cornwallis Street
- (f) 1 Margaret Street
- (g) 39-61 Gibbons Street

84. These sites, the northern opportunity sites, are outlined in red in Figure 15 below.

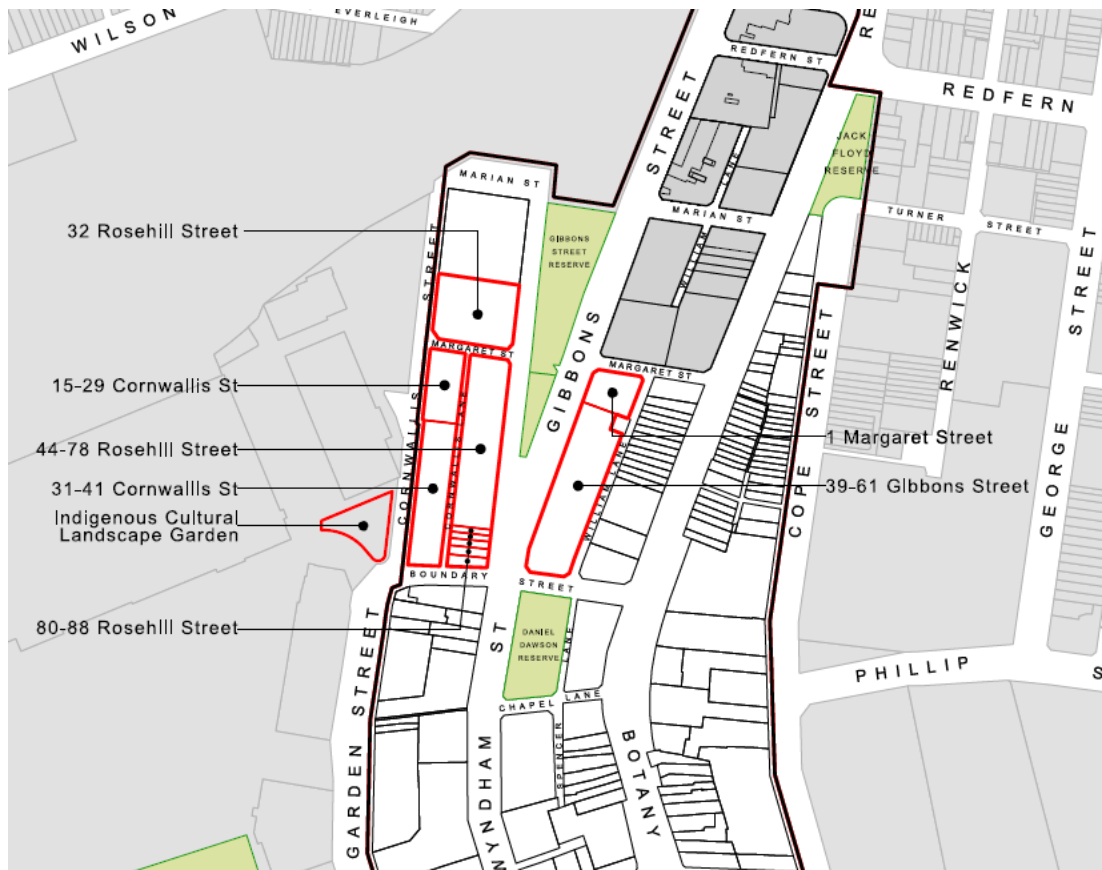


Figure 15: Northern opportunity sites

85. The northern opportunity sites, identified in Figure 15, are currently occupied by a mix of uses, including commercial, light industrial and residential. The planning proposal introduced incentive planning controls for commercial and affordable housing development on the northern opportunity sites to create a hub of commercial activity adjacent to the Australian Technology Park and Redfern Station.
86. The planning proposal was based on a future condition where all the northern opportunity sites redeveloped for commercial development. This included the existing residential buildings, which were to also get additional height and floor space to encourage their conversion and which enables owners to also benefit from the changes. This enabled the sites to contribute to objectives for the Precinct, provided an equitable opportunity for each site and aimed to avoid leaving existing residential sites with compromised amenity.
87. 50 of the submissions received regarding the northern opportunity sites were in objection to the proposed controls.

88. 3 of the submissions received were from developers in the precinct or their investors who were in support of the proposed controls. Council also received 11 submissions from residents or owners of units in 39-61 Gibbons Street, Redfern who supported the proposed planning controls.
89. The key issues raised in submissions are described and responded to below. The majority of resident submissions indicated they were a community who was committed to staying in their existing buildings and who were concerned about the negative impact of significant development on adjoining sites.
90. As a result of consideration of submissions and the lack of support for the existing residential buildings to take advantage of the proposed planning controls, this report recommends the publicly exhibited controls for the northern opportunity sites be removed from the planning proposal and the current planning controls for those sites remain in place.
91. A number of submissions from residents of the northern opportunity sites raised issues relating to traffic and transport. The traffic and transport issues are responded to later in the report.

Residents were not notified of the preliminary consultation

92. 8 submissions said they weren't notified during the preliminary consultation in August and September 2020. They expressed it was unfair that residents of the northern opportunity sites were not provided an opportunity to have their say during the preliminary consultation. In addition, residents expressed suspicion that their sites were not notified during preliminary consultation but were one of select opportunity sites included in the planning proposal.
93. From 13 August – 4 September 2020, the City undertook preliminary consultation on the Botany Road Precinct. The primary goal of the consultation was to understand the community's priorities for the future of the Botany Road precinct.
94. Council intended to notify everyone in the study area by letter that Council was undertaking preliminary community consultation regarding the Botany Road Precinct.
95. A mistake was made when organising the letter drop and some residents may not have received the letter. In particular, residents on Cornwallis and Rosehill Streets in the northern opportunity sites likely did not receive the preliminary consultation notification letter. It is unfortunate that the error was made and that some residents were not notified of the preliminary consultation.
96. The consultation was not a statutory requirement, but rather an opportunity for Council to hear from residents regarding their future aspirations for the area.
97. A summary of the results of the preliminary consultation survey was published on the Council's website during public exhibition of the Botany Road Precinct draft planning controls.
98. The public exhibition of the planning proposal and draft DCP in November and December 2021 was the opportunity for residents and landowners to provide input to the draft planning controls. The public exhibition is a statutory requirement at this stage of the review process and provides the community the opportunity to respond specifically to draft planning controls.

Confusion regarding previous site-specific planning proposal for 44-78 Rosehill Street

99. 10 submissions raised confusion and concerns about process in relation to the inclusion of 44-78 Rosehill Street as an opportunity site in the Botany Road Precinct planning proposal after a site-specific planning proposal for the site was refused by Council and the Independent Planning Commission in 2019. Residents did not understand why Council would oppose a site-specific planning proposal on the site and then later consider it suitable for development.
100. In September 2018, the Central Sydney Planning Committee (CSPC) and Council refused a site-specific planning proposal for 44-78 Rosehill Street. The planning proposal was to increase the maximum floor space ratio from 2:1 to 10.4:1 and to increase the maximum building height from 18m to 99.6m. The reference design submitted to accompany the planning proposal showed two residential towers on the site of 30 and 18 storeys respectively.
101. Following the assessment of the planning proposal request, City staff wrote a report to Council in September 2018 stating that planning proposal failed the strategic and site specific merit tests and that changes for the site should be considered as part of a broader strategic review. A key reason that the planning proposal failed the strategic merit test was that the planning proposal sought to enable residential development on the site which lies within the Innovation Corridor, an area intended for employment growth and innovation industries.
102. Strategic work for the Botany Road Precinct was already underway by the Department of Planning and Environment in the form of the Land Use and Infrastructure Implementation Plan (LUIIP). The 2018 Council report stated that changing the planning controls for just the site would be premature because of the strategic planning work underway. At no time did the City say that the site was unsuitable for investigation into new planning controls.
103. Following a rezoning review request, in March 2019, the Independent Planning Commission (IPC) determined that the planning proposal for 44-78 Rosehill Street, Redfern was not suitable for Gateway Determination (i.e. that it should not proceed). The IPC found that within the context of the strategic work underway in the Redfern-Waterloo area, the site-specific planning proposal for residential development lacked strategic merit. While site-specific matters were also considered by the IPC at that time, those matters focused on the suitability of the site for residential towers proposed at 18 and 30 storeys. The findings did not address whether the site and surrounding area should be investigated as part of a future strategic review or the merit of alternative uses and built form.
104. It is of note that the Apartment Design Guide (ADG) which applies to residential apartment buildings does not also apply to commercial development, and thus many of the standards and issues raised in Council's assessment of the 2018 planning proposal for 44-78 Rosehill Street do not apply to a commercial development on that site.
105. The IPC advice recognised that the NSW Department of Planning had started preparing a land use and infrastructure plan for the area in 2017 and that site specific rezonings should not progress ahead of such a strategic plan. The Department handed the project over to the City in 2019 and it became the Botany Road Precinct Planning Proposal. The 44-78 Rosehill Street site was located within the project area and investigated for changes, alongside other northern opportunity sites, to contribute to Council's objectives for the area.

Process and transparency

106. In addition to the concern about 44-78 Rosehill Street, 10 submissions also raised concern regarding process, transparency and the inclusion of existing residential buildings on Rosehill and Cornwallis Street as opportunity sites.
107. Some residents raised concerns that Council had included these sites in the planning proposal because of pressure from developers or because Council would profit from development in some way.
108. In 2017, the Department of Planning and Environment began preparation of the Central to Eveleigh Land Use and Infrastructure Implementation Plan (LUIIP). In 2019, the Department of Planning and Environment transferred the strategic review of the Precinct to the City. The City's review is based on the original LUIIP brief, including the general boundaries of the study area, which included the northern opportunity sites. The northern opportunity sites were therefore included within the boundaries of the study area provided to the City's urban design consultants.
109. An action to investigate planning changes in the Precinct to contribute to the Innovation Corridor and a boundary of the Precinct are included in the City's Local Strategic Planning Statement. The Statement was exhibited in 2019 and adopted by Council in 2020.
110. From August to December 2020, Urban Design consultants Tonkin Zulaikha Greer (TZG) prepared an Urban Design Report to inform the preparation of the Botany Road Precinct planning proposal. The TZG urban design analysis had a focus on public domain improvements, heritage conservation, protection of sun access and maximising commercial floor space capacity.
111. The urban design analysis tested several urban design options for groupings of sites across the precinct. The recommendations of the report included new planning controls incentivising commercial development for large sites across the precinct, including 44-78 Rosehill Street, 31-41 Cornwallis Street and 15-29 Cornwallis Street.
112. In March 2021, staff presented to the Planning Control Update working group (working group), which comprised councillors and NSW Government Central Sydney Planning Committee representatives from the Department of Planning Industry and Environment and Government Architect NSW. Council officers considered comments from the working group and undertook additional urban design and heritage analysis. The results of the additional analysis are contained within the Botany Road Precinct Supplementary Urban Design Report.
113. As a result of the additional urban design and heritage analysis, additional sites were included within the planning proposal in order to spread the opportunity across the precinct and achieve additional permeability and connectivity through the precinct. Some of the additional sites identified at this stage for inclusion in the planning proposal were 32 Rosehill Street, 39-61 Gibbons Street and 1 Margaret Street, Redfern.

114. The planning proposal included changes to all the northern opportunity sites, including 44-78 Rosehill Street, 31-41 Cornwallis Street, 32 Rosehill Street and 37-61 Gibbons Street, to contribute to our objectives for business space in the Precinct. The planning controls encourage all the sites to redevelop for commercial and business buildings. The northern opportunity sites were identified as an opportunity to collectively form a new commercial hub adjoining the ATP and Redfern Station. The existing residential buildings received additional height and floor space to encourage their conversion and which enables owners to also benefit from the changes if they so choose.
115. Following the preliminary consultation in August and September 2020, the owners of 44-78 Rosehill Street approached the City, seeking to submit a planning proposal for their site, which they are permitted to do under planning legislation. City staff met with the owners and received documentation they had prepared which related to their site. City staff asked the owner of 44-78 Rosehill Street to consider deferring their request for a planning proposal for the site as the site was being considered in the Botany Road Precinct strategic review.
116. Council has not received an offer of a voluntary planning agreement from any developer in the Botany Road Precinct.
117. City staff undertook analysis to explore the potential for the sites in the north of the precinct, within the context of the broader strategic review for the precinct. The planning proposal was not guided by any requests from proponents.
118. Some submissions questioned why Council would refuse a development application for an eight-storey boarding house at 15-29 Cornwallis Street in 2019, and then later propose that changing the planning controls to permit 16 storeys on the site.
119. In September 2018, a development application was submitted for a 6-storey boarding house at 15-29 Cornwallis Street. In September 2019, Council issued a notice of determination refusing the development application citing a range of reasons for refusal.
120. A development application is assessed against the current planning controls which are in force at the time that an application is lodged. This is different to the process of a strategic review which analyses the constraints and opportunities of an area, including the future vision and drivers for growth, and proposes new planning controls to guide future development.
121. The strategic review of the Precinct responds to the City's Local Strategic Planning Statement (planning statement). The planning statement identified the Precinct is an opportunity to grow the Camperdown-Ultimo Health and Education Precinct and link to the future Waterloo Metro station. The Precinct has the potential for private sector business and investment to leverage off and support the offering of ATP.
122. The City has undertaken the strategic review of the Precinct to identify how it can contribute to employment growth in line with City and NSW Government strategies while also improving connectivity and the public domain. This strategic review has included the creation of a planning proposal and draft DCP which proposed new planning controls to help create additional capacity for commercial and other enterprise uses.
123. Several submissions questioned why the streets named on the public exhibition letter did not include Rosehill and Cornwallis Streets given those streets contain opportunity sites and are affected by the planning proposal.

124. The public exhibition letter was sent to all residents of the Precinct and those living adjacent to the Precinct. Not all streets could be listed in the letter and so only main streets, including Botany Road, Wyndham Street and Gibbons streets were listed.
125. The letter invited residents to view the planning proposal on the website to view more detail and have their say. The Sydney Your Say webpage included a map of the Precinct to illustrate which streets were included within the Precinct.

Displacement and loss of community

126. 15 submissions raised concerns that the proposed controls would encourage developers to purchase their apartment block and that development would displace the existing residents and the existing community. Residents are concerned they will be forced out of their properties and their buildings be slated for demolition. Residents expressed that they live in a tight-knit community, they love where they live, that their existing buildings are good quality and that they do not want change around them.

The intention of the planning proposal is to incentivise commercial development and help cater to the projected increase in demand for business floor space within the Redfern-Waterloo area and meet the objectives of state and local strategic plans. The additional height and floor space on some residential sites is intended to encourage their renewal for commercial uses.

127. The northern opportunity sites were identified due to their strategic location next to the ATP and Redfern Station, their land size, and the presence of underdeveloped commercial sites within the precinct which would likely provide a catalyst for transformation and development in that area.
128. Council cannot force any landowners to sell their properties. A strata renewal plan under the Strata Schemes Development Act 2015 (NSW) (SSD Act) only allows a collective sale or redevelopment of a strata scheme to proceed if at least 75 per cent of lot owners (other than utility lots) in the scheme support a strata renewal plan for redevelopment. However, by providing additional height and floor space under the planning proposal, existing owners were also provided with the opportunity to benefit from the transformation of the area to a commercial precinct.
129. The City has recognised the lack of support to renew the existing residential buildings that are part of the northern opportunity sites and recommends removing the northern opportunity sites from the planning proposal.

Acid sulfate soils and construction concerns

130. 2 submissions raised concern that 44-78 Rosehill Street sits on Class 5 acid sulphate soils, which make the site only suitable for development of 6 storeys. Concern was raised that buttressing on 44-78 Rosehill Street, as part of the construction process, would negatively impact the water table which may lead to flooding and/or subsidence of surrounding residential buildings.
131. The entirety of the Precinct sits on Class 5 acid sulfate soils. Clause 7.14 Acid Sulfate Soils in the SLEP 2012 guides development on land identified as containing acid sulphate soils and aims to ensure that development does not disturb, expose or drain acid sulfate soils and cause environmental damage. Class 5 acid sulfate soils do not preclude development.

132. Generally, if a site contains acid sulphate soils, then development consent is required for works which involve excavation and could disturb acid sulfate soils. Detailed matters relating to managing excavation and construction processes are dealt with during the development application stage.

Heritage

133. 1 submission raised concern regarding the impact on St Luke's Presbyterian Church, a heritage item located at 118 Regent Street. The submissions raised concern regarding the proposed height at 1 Margaret St and 39-61 Gibbons Street on the historic significance and prominence of the building in the context of the Regent Street streetscape and the Redfern township. The submission requested that the exhibited building heights on Gibbons Street be lowered.
134. The church at 118 Regent Street sits within a mixed and changing context. To the north along Regent Street, the Redfern Waterloo Authority lands permit a significant level of change, with development at varying stages of progress.
135. The proposed planning controls would permit buildings up to 16 commercial storeys to 1 Margaret Street and 39-61 Gibbons Street, to the west of the church across William Lane. The proposed planning controls also extend the Redfern Estate HCA onto Regent Street, retaining the existing 2-3 storey character on Regent Street to the east and the south of the church.
136. The Botany Road Precinct is a highly strategic location with the opportunity to contribute towards the City's employment and affordable housing targets. The proposed controls took a balanced approach, conserving the existing low density main street character of Regent Street, and incentivising commercial and affordable housing on selected sites.
137. The exhibited planning proposal introduced additional building height only to west of the church; development to the south and east of the church will be limited. Council's Heritage Specialist has reviewed the proposed controls and advised that overall, the heritage significance of the church will not be adversely impacted by the proposed controls.
138. 12 submissions raised concern regarding the impact of the proposed building heights on the heritage buildings at the ATP. Submissions stated that the existing scale of the apartment buildings on Cornwallis Street are consistent with the heritage scale of the Eveleigh Railway Workshops and the proposed building heights are not.
139. NSW Heritage reviewed the exhibited planning proposal and draft DCP and did not raise any objection to the proposed controls.
140. The Eveleigh Railway Workshops (also known as South Eveleigh or the Australian Technology Park) is listed as a State heritage item. The Eveleigh Railway Yards are some of the finest historic railway engineering workshops in the world and Eveleigh contains one of the most complete late 19th century and early 20th century forge installations, collection of cranes and power systems, in particular the hydraulic system.
141. Council's Heritage Specialist has reviewed the planning proposal and advised that the eastern side of Cornwallis Street has a very different character to the Eveleigh Railway Workshops. As the two sides of the street have a very different character, the scale development on the eastern side of Cornwallis Street does not impact the heritage significance of the Eveleigh Railway Workshops.

142. The Eveleigh Railway Workshops is significant as a complex of late 19th century and early 20th century railway workshops, equipment and the spaces in between.
143. The areas surrounding the Eveleigh Railway Workshops have always been very different in character. Historically they were likely low scale residential development and more recently medium scale apartment development.
144. More recently, the ATP has been developed as the South Eveleigh precinct with new buildings in the order of 10 storeys and in form, scale and uses similar to that proposed throughout the Botany Road precinct.
145. The exhibited planning controls for increased height on Cornwallis, Margaret and Rosehill Streets will have no impact on the heritage significance of the ATP as a complex.
146. As outlined below, Council is recommending the proposed incentive height and FSRs for the northern opportunity sites be removed from the planning proposal. This will retain the existing planning controls on the northern opportunity site and maintain the existing relationship between the buildings on the eastern side of Cornwallis Street and the Eveleigh Railway Workshops.

Overshadowing impact on nearby open space

147. 14 submissions raised concern about the proposed height of buildings overshadowing nearby open spaces including Gibbons Street reserve and the recently finished Indigenous cultural landscape garden in the Australian Technology Park.
148. The Indigenous cultural landscape garden is approximately 1200m² and sits in the Australian Technology Park, at the corner of Cornwallis Street and Boundary Street.
149. While the Indigenous landscape cultural garden at the Australian Technology Park is not in public ownership, a restrictive covenant applies to the parcel of land, which requires that the space be retained for public access. The restrictive covenant provides certainty that the garden cannot be replaced by development in the future, and therefore the solar impact to the garden should be considered.
150. The indigenous landscape cultural garden contains a range of indigenous plants, trees and seating areas. The City is aware that plants and trees require a minimum 2 hours of sunlight in midwinter in order to maintain plant health.
151. Solar testing of the exhibited controls shows that the exhibited planning controls for Cornwallis and Rosehill Streets will overshadow the garden only in the morning in midwinter, with the solar impacts ending at 11am. Figure 16 below demonstrates the impact of the proposed controls on the solar access of the garden. Areas coloured white receive over 4 hours of sun and areas coloured yellow receive over 2 hours of sun in midwinter. As demonstrated, the bulk of the garden would still receive between 2-4 hours of sunlight in midwinter, which is sufficient for healthy plant and tree growth.

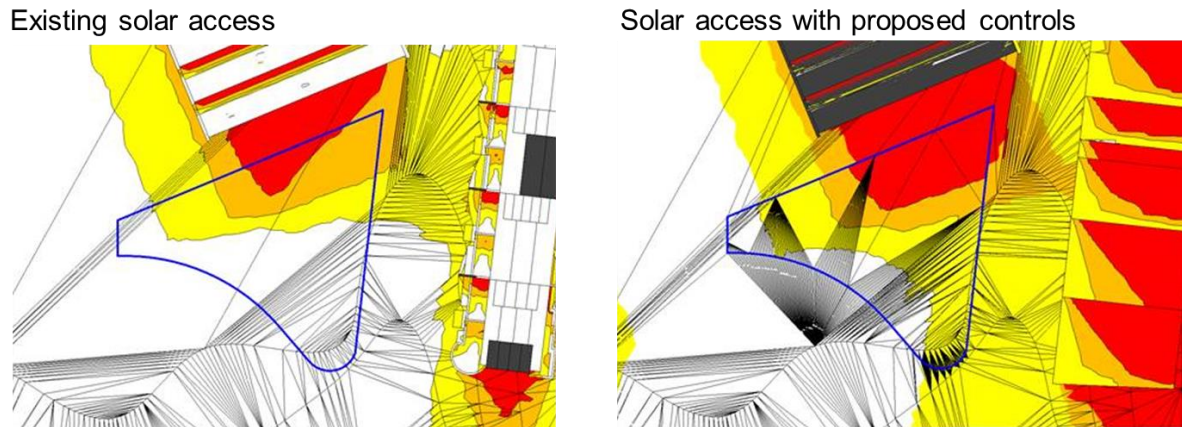


Figure 16: Comparison of solar access to the Indigenous Landscape Cultural Garden

152. Detailed solar testing of the impact of the proposed controls on Gibbons Street Reserve shows that the buildings on Rosehill Street will only cast shadows onto Gibbons Street Reserve from 1pm onwards in midwinter. Due to the height of the existing buildings on Rosehill Street, the increased overshadowing of Gibbons Street Reserve is marginal. The Reserve will continue to receive 4 hours of sun to more than 50 per cent of its area in midwinter, which is the amount required to maintain healthy lawn growth.
153. While the proposed controls would retain an acceptable level of solar access to the garden and the Reserve, the concerns of the community are noted, and it is agreed that any new planning controls in proximity of the garden or the Reserve should aim to minimise overshadowing of those open spaces.

Impact of train tunnel underneath sites

154. Two submissions raised concern that certain northern opportunity sites would be 'undevelopable' due to the railway tunnel lying underneath the sites.
155. While some of the opportunity sites do sit underneath railway tunnels and are affected by the Transport and Infrastructure State Environmental Planning Policy (Infrastructure SEPP). The relevant provisions of the Infrastructure SEPP require that Council seek concurrence from Transport for NSW at development application stage to ensure that any development does not compromise the operations or safety of the train tunnels. The presence of a railway tunnel underneath the building does not preclude additional development on the site.

Height and scale

156. 20 submissions raised concerns that the height and scale of the proposed controls would permit development that was incompatible with the existing character of the area. Concern was raised regarding compatibility of the proposed building heights with the existing strata residential buildings on Rosehill and Cornwallis Streets. Submissions raised concern regarding the visual bulk of the proposed development when viewed from existing residential buildings as well as from public places.

157. The northern opportunity sites are located in a highly valuable strategic context adjoining the ATP, Redfern Station, Regent Street, and the RWA lands. They sit within the Camperdown-Ultimo Health and Education Precinct and the Innovation Corridor. The proposed building heights reflect the strategic location and the new vision for the Precinct as an area focused on employment growth.
158. The northern opportunity sites were all envisioned to redevelop and together form a new commercial hub which adjoined and supported the ATP. Incentive heights and FSRs were proposed for all the northern opportunity sites, to provide an equitable opportunity for all existing landowners, residential and commercial, to benefit from the proposed change in character for the northern opportunity sites.
159. The relationship between the northern opportunity sites and surrounding development was carefully considered, with heights of the northern opportunity sites transitioning down to 6 stories to protect solar access to Daniel Dawson Reserve and provide a visual transition towards surrounding sites in the Precinct that were not identified as opportunity sites.
160. Despite the vision for the Precinct outlined in the planning proposal, the vast majority of resident submissions stated that they wish to stay in their existing residential buildings. This indicates that the northern opportunity sites will likely not comprehensively redevelop into a commercial hub. The northern opportunity sites are therefore recommended to be removed from the planning proposal. This is further explored below.

Amenity impacts

161. 52 submissions raised concern about impacts on the amenity of existing strata residential units from the proposed planning controls. These amenity concerns included:
 - (a) solar access to apartments and private open space;
 - (b) access to daylight and views to the sky;
 - (c) visual and acoustic privacy;
 - (d) wind; and
 - (e) separation.
162. Residents raised concern that a loss of sunlight and privacy would impact their mental and emotional wellbeing. Most submissions raised concern about impacts from a potential development at 44-78 Rosehill Street in particular.
163. As outlined above, the northern opportunity sites were all identified for additional capacity to collectively form a new commercial hub. The collective transformation of the sites enables a less restrictive amenity approach based on the future commercial development and existing owners to realise the benefits of redevelopment. However, public exhibition demonstrated that a significant proportion of existing residents do not want to renew their strata and redevelop their sites and therefore Council needs to take a different view of the amenity impacts.

164. Section 4.2.9 Non-residential development in the B4 Mixed Uses zone of the DCP contains the relevant planning controls which would apply to commercial development on the northern opportunity sites. The DCP requires Council to consider and address a range of amenity impacts when assessing a development application, including privacy, overlooking and overshadowing.
165. When assessing a development application, a merit assessment of these matters would be undertaken. While the State Environmental Planning Policy No 65—Design Quality of Residential Apartment Development (SEPP 65) and the Apartment Design Guide (ADG) do not apply to commercial development, in lieu of specific numerical standards, Council typically makes reference to ADG design criteria to assess appropriate levels of solar access, separation and privacy for apartments that are affected by development.
166. The relevant ADG design criteria for solar access is that at least 70 per cent of apartments should receive at least 2 hours of sun to their living spaces and the balconies in midwinter. If a residential apartment building does not currently meet the minimum solar access requirement, then future development must not reduce the number of apartments which currently receive the minimum 2 hours of solar access in midwinter. This means that apartments that receive more than 2 hours of sun may have these hours reduced to 2 hours but no less. Apartments that receive less than 2 hours may have their sun reduced but not so as they receive no sun.

Wind impacts

167. 13 submissions raised concern regarding wind impacts arising from the proposed planning controls. Submissions stated that the area already suffers from high winds and residents were concerned that additional development would worsen the wind conditions.
168. Documentation provided by the landowner of 44-78 Rosehill Street demonstrated that the wind impacts arising from the proposed planning controls can be managed to ensure comfortable wind conditions in the public domain.
169. The draft DCP included built form requirements including setbacks and a 2-storey wind break through longer buildings to manage wind impacts in the public domain.
170. If these planning controls were to proceed, detailed wind testing would be required at concept development application stage to ensure that a building envelope is only approved if it does not result in uncomfortable or unsafe wind conditions.

Amenity impacts on 31-41 Cornwallis Street and 32 Rosehill Street

171. 50 submissions raised concern about amenity impacts on the existing residential buildings at 31-41 Cornwallis Street and 32 Rosehill Street.
172. Regarding solar access, the apartments at 31-41 Cornwallis Street each have outlook both to Cornwallis Street and Cornwallis Lane. Units have their living rooms and living room balconies facing Cornwallis Street. The majority of the rooms, balconies and courtyards that face Cornwallis Lane are bedrooms and secondary private open spaces. The ADG does not set a standard in regard to solar access of these rooms, balconies and courtyards.

173. The apartments at 32 Rosehill Street which would be impacted by development at 15-29 Cornwallis Street and 44-78 Rosehill Street are south facing, which means they do not currently receive solar access (i.e. direct sunlight) in midwinter. While solar access in midwinter is a design criteria within the ADG, access to daylight generally is not protected by a numerical criteria.
174. Regarding visual privacy and separation, Cornwallis Lane and Margaret Street are narrow, at approximately 3m and 6m wide respectively. Figure 17 below shows the footprint of the existing buildings at 44-78 Rosehill Street, 31-41 Cornwallis Street and 32 Rosehill Street.
175. The existing building at 44-78 Rosehill Street is two storeys in height and comprises commercial floor space. It is built to its northern boundary and part of the building is built to its western boundary, while other parts of the building have an approximately 8m western setback. The existing levels of separation for units at 31-41 Cornwallis Street varies depending on where in the building the apartments are located. The current controls for 44-78 Rosehill Street permit an 18m building 4 storeys high.
176. It is noted that the existing residential building at 31-41 Cornwallis Street is built with balconies and bedroom windows less than 3m from its eastern boundary. It is also noted that 32 Rosehill Street is built with a nil setback to Margaret Street.
177. The ADG establishes setback distances between windows and side boundaries to ensure visual privacy but does not establish separation distances between buildings on different sites or across streets. Specifically, the ADG does not establish a numerical requirement for setbacks from streets or lanes, however best practice is to use the nominated side boundary visual privacy setbacks and to consider them from the centreline of surrounding streets. In this situation, neither of these buildings comply with the setback distances in the ADG considered in this way.

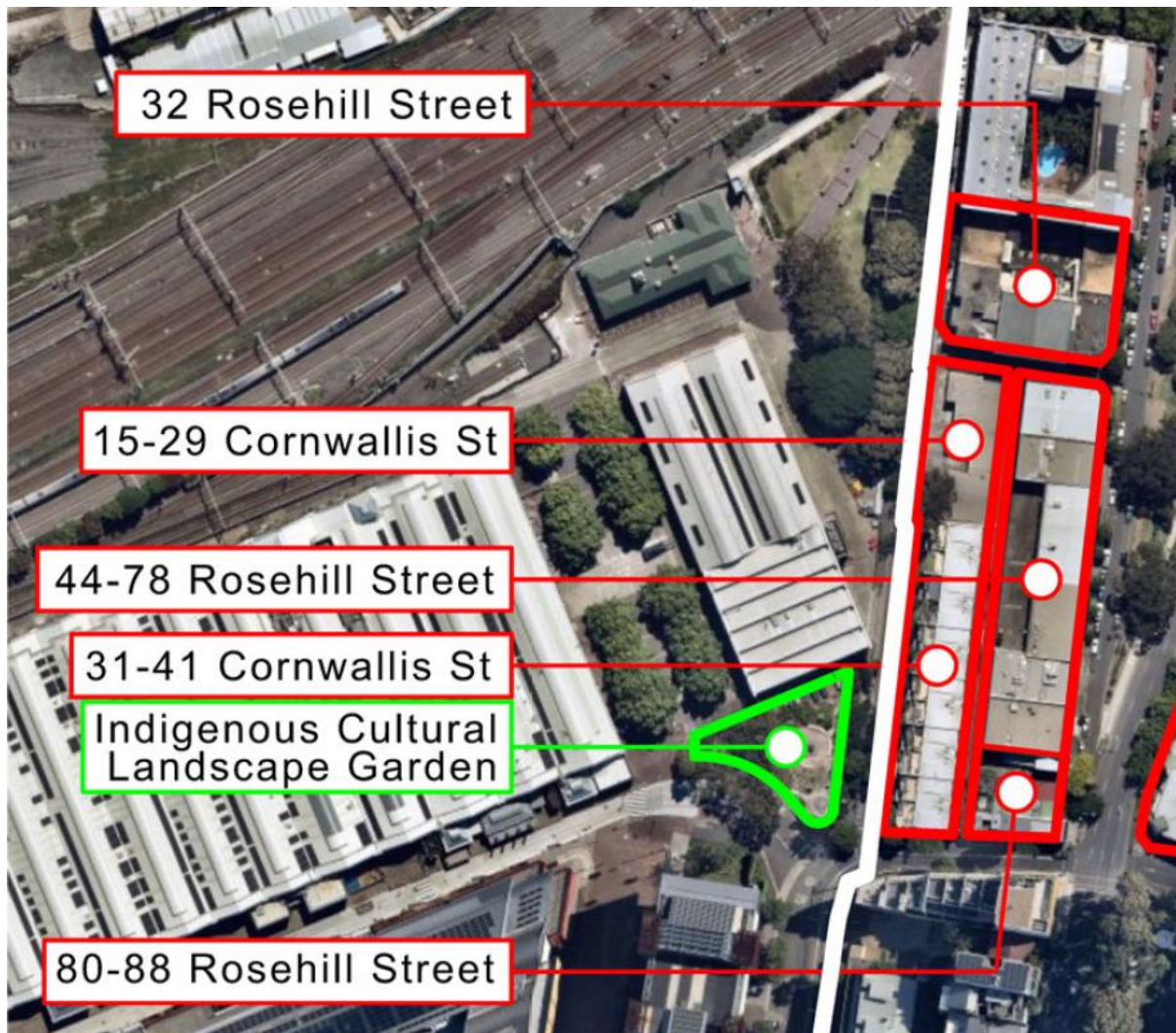


Figure 17: Existing building footprints and separation within the northern opportunity sites

178. The visual privacy concerns raised by residents could be addressed in a future development of 44-78 Rosehill Street by the combined use of setbacks, walls without windows and privacy treatments to windows such as opaque glass or external fixed screens.
179. For example, Council could require that development on 44-78 Rosehill Street comply with the ADG visual privacy setback requirements between habitable rooms and a blank wall or window treated so as not to create a visual privacy impact, which would require a minimum distance of 6m between their building and any window or balcony at 31-41 Cornwallis Street. Requirements for privacy treatments could limit direct overlooking from a development on 44-78 Rosehill Street on both 31-41 Cornwallis Street and 32 Rosehill Street.

Amenity impacts on 39-61 Gibbons Street

180. Two of the submissions regarding amenity impacts were from residents of 39-61 Gibbons Street, Redfern who are concerned about loss of sunlight to their apartments and balconies.

181. Detailed solar analysis found that due to its orientation and design, the existing strata residential block at 39-61 Gibbons Street does not meet current ADG requirements for solar access of residential apartment buildings.
182. As stated above, when a building does not meet the ADG standard for minimum levels of solar access, then any new development must not reduce the number of apartments which currently receive the minimum 2 hours of solar access in midwinter. In a situation where the existing building is expected to remain, then the number of apartments receiving 2 hours of solar access must not be reduced. This means that no apartments which currently receive 2 hours of sunlight in midwinter should have less than 2 hours of sunlight as a result of a change to planning controls on surrounding sites. Critically, the need to retain solar access to four ground floor apartments on Gibbons Street significantly limits the height of development on 44-78 Rosehill Street.
183. Following consideration of submissions, Council engaged in discussions with the landowners of 44-78 Rosehill Street and 15-29 Cornwallis Street to discuss ways to reduce the solar impact on the apartments at 39-61 Gibbons Street and address other amenity and privacy issues. A full outline of the options explored and Council's recommended response is contained below.

Submissions in support of the planning proposal from 39-61 Gibbons Street

184. 11 residents and unit owners from 39-61 Gibbons Street supported the draft planning controls as they apply to their site. Submitters recognise the changing character of the area, see their site as appropriate for redevelopment and would like Council to retain their building as an opportunity site. 5 of these submitters are concerned that their building will be left surrounded by tall buildings, suffer amenity impacts and a loss of property value from those buildings yet be unable to redevelop themselves. Several residents expressed concern that Council would make a significant change to the exhibited planning controls by removing proposed additional development potential without notifying affected residents.
185. At their request, Council staff met with members of the strata committee of 39-61 Gibbons Street to explain the process involved in preparing the planning proposal, the feedback we had received during public exhibition, and the response options that staff were considering.

Submissions from landowners in support of the planning proposal

186. Council received submissions on behalf of the landowners of 15-29 Cornwallis Street and 44-78 Rosehill Street and the investors of 44-78 Rosehill Street.
187. The original submission on behalf of the landowner of 15-29 Cornwallis Street was supportive of the planning proposal. The landowner sought an amendment to the draft DCP to include site-specific provisions for their site, in order that a development application on the site not need to submit a concept DA, and could instead submit just a detailed DA.
188. The original submission on behalf of the landowner of 44-78 Rosehill Street was supportive of the planning proposal. The landowner sought an amendment to the exhibited planning proposal to enable additional floor space on the site and an amendment to the draft DCP to remove the requirement for a 2-storey wind break on the site.

189. Given the objections raised in submissions, Council staff notified the landowners of 44-78 Rosehill Street and 15-29 Cornwallis Street that the City had received a number of submissions objecting to the inclusion of the northern opportunity sites in the planning proposal, and that the City was considering changes to the publicly exhibited planning controls. Council staff advised the landowners of the issues raised in submissions, and that staff were considering options for how to respond to the submissions.
190. Kippax, the landowner of 44-78 Rosehill Street, strongly objected to any reduction in the exhibited controls, noting their vision for a sustainable commercial building at 44-78 Rosehill Street and significant public domain improvements is in alignment with the City's vision for the Botany Road Precinct. Kippax submitted additional information, stating:
- (a) They have worked with Council staff to understand Council's vision for the Botany Road Precinct and resolve issues on the site such as wind, articulation and solar access to Daniel Dawson Reserve.
 - (b) Any reduction in the exhibited planning controls for their site would make the project unviable for them.
 - (c) The site is strategically located and is one of only a few large commercial development sites within the Precinct which can help contribute towards Council's vision for a vibrant commercial precinct that strengthens the Innovation Corridor. This strategic imperative should be considered more significant than a small number of apartments affected by overshadowing during the transition to a new character and use.
 - (d) The proposal would deliver significant social benefits, including a publicly accessible 'Town Hall' auditorium space, pedestrian upgrades to Rosehill Street, tree planting in the public domain and a 6-star Green Star hybrid timber building.
 - (e) The ground floor apartments of 39-61 Gibbons Street, which are the ones whose current solar access most restricts further development on other northern opportunity sites, currently use bamboo screening on the Gibbons Street frontage to improve their visual privacy, voluntarily blocking out their solar access.
191. Notwithstanding, the above, Kippax worked with Council staff to find a solution to the issues raised following public exhibition, submitting several built form options for Council's consideration, including:
- (a) Increasing western boundary setbacks, blank walls, privacy treatments to the north and western facades and landscaping of Cornwallis Lane in order to address concerns regarding separation and visual and acoustic privacy.
 - (b) Creating a bevelled edge to the north eastern corner of the building on the upper floors, to preserve solar access to west-facing units at 39-61 Gibbons Street. The bevelled edge would preserve 2 hours of solar access to units on levels 1-3, however the four ground floor units which currently receive more than 2 hours of sun in midwinter would still suffer a reduction in solar access to below 2 hours.

- (c) Reducing the proposed height of building on 44-78 Rosehill Street to a maximum of 11 storeys to preserve solar access to west-facing units at 39-61 Gibbons Street. This option would preserve 2 hours of solar access to units on levels 1-3, however the four ground floor units which currently receive more than 2 hours of sun in midwinter would still suffer a reduction in solar access to below 2 hours.
 - (d) Testing the impact of the exhibited planning controls on solar access of the Indigenous landscape cultural garden at the ATP.
192. The strategic attributes of the site are acknowledged however there are other sites in the Precinct which can contribute to Council's objectives. The City has analysed the additional information and alternatives submitted. However, the height of building of 44-78 Rosehill Street could not be increased beyond the current control, except for a small section at the southernmost end of the land, while preserving the solar access of all apartments at 39-61 Gibbons Street which currently receive the minimum 2 hours of sun in midwinter.
193. The landowner of 15-29 Cornwallis Street also strongly objected to any reduction in the exhibited planning controls for their site. The landowners of 15-29 Cornwallis Street undertook additional solar testing and submitted additional information, noting:
- (a) The proposed planning controls incentivise commercial development in appropriate locations to strengthen the economic and productive role of the Precinct and the wider Innovation Corridor. This results in overwhelming strategic merit, to deliver upon the objectives of the Botany Road Precinct, while also mitigating shadow and environmental impacts to surrounding properties where possible.
 - (b) There is precedent within the SDCP 2012 for the City allowing additional overshadowing to residential apartments where there is overwhelming strategic merit, or an inability to reasonably reduce overshadowing impacts within a Planning Proposal.
 - (c) Reducing the exhibited planning controls for 15-29 Cornwallis Street to 12 storeys would address the concerns raised in submissions and still allow the site to develop for commercial purposes in alignment with the vision for the Botany Road Precinct. While a 12 storey built form would reduce the solar access of the ground floor apartments at 39-61 Gibbons Street, it represents only a 5.5 per cent reduction in the apartments which achieve the minimum 2 hours of sun in midwinter.
 - (d) The actual existing solar access to the ground floor apartments is negligible. The shadows caused by existing high fences to the ground floor apartments of 35-61 Gibbons Street and existing landscaping to Gibbons Street Reserve and on Gibbons Street should be taken into consideration in a qualitative way.
 - (e) A 12-storey form at 15-29 Cornwallis Street retains solar access to the Indigenous Landscape Cultural Garden to more than 2 hours for a minimum 50 per cent area of the garden in mid-winter.
 - (f) There are few large sites within the Botany Road Precinct that can deliver commercial office floor plates and contribute towards the City's vision for a vibrant commercial precinct.

- (g) To sterilise the precinct for commercial development to protect the already compromised solar amenity of four ground floor apartments would in their view not be a balanced response to managing the public interest.

Recommended removal of the northern opportunity sites from the planning proposal

194. The overall feedback from resident submissions was an objection to the inclusion of residential buildings within the planning proposal and a request that all sites on Rosehill and Cornwallis Street be removed from the planning proposal.
195. Taking into consideration all of the submissions, this report recommends that the proposed incentive heights and FSRs be removed from all of the northern opportunity sites for the following reasons:
- (a) A number of submissions from residents raised substantial concerns about displacement and requesting the proposed controls be removed from their site, indicating a community that is committed to staying where they are.
 - (b) The number of objections from residents living in the northern opportunity sites suggest that the existing strata residential buildings would likely not redevelop.
 - (c) Development on Rosehill and Cornwallis Streets would cause a non-compliance for 39-61 Gibbons Street with respect to the minimum solar access design criteria of the ADG. While some supportive feedback was received from residents at 39-61 Gibbons Street, there were not enough submissions received to provide certainty that the apartment building would proceed through a strata renewal process and be replaced with a commercial building.
 - (d) The planning proposal provided incentive planning controls to all the northern opportunity sites to establish a new commercial hub. However, if only the commercial sites within the precinct take up the incentive planning controls, the amenity impacts onto existing residential buildings are significant and are not consistent with guidance in the ADG.
196. In addition to removing the incentive height and FSR controls for all opportunity sites, the draft DCP will also be amended to remove controls relating to building height in storeys, setbacks and the site-specific controls for 44-78 Rosehill Street.
197. While this report recommends removing the northern opportunity sites from the planning proposal, it is noted that Council cannot prevent the lodgement of a proponent-initiated planning proposal for any of these sites in the future.
198. Except where otherwise indicated, the below counts of submissions do not include submissions that relate specifically to the northern opportunity sites which have been addressed above.

Built form and character

199. The built form controls seek to pursue development outcomes that are of a high design quality, environmentally responsive and responsive to the form of surrounding buildings. The impacts of the proposal have been subject to analysis and testing in the urban design study by TZG, with further testing in the supplementary urban design report prepared by the City.

200. The urban design study and supplementary report were publicly exhibited with the planning proposal and draft DCP. The supplementary report details the considerations that guided the proposed planning controls, including:
- (a) delivering new business floor space in this highly valuable strategic location;
 - (b) minimising solar impact to parks and surrounding residential development, including the proposed new dwellings on the Waterloo Estate;
 - (c) ensuring that heights don't exceed that of existing development on Regent and Gibbons Street or the future Waterloo Metro over-station development;
 - (d) maintaining a favourable relationship to Botany Road;
 - (e) ensuring heights transition appropriately from areas of change to surrounding heritage conservation areas and adjoining heritage items;
 - (f) ensuring affordable housing development can achieve sufficient solar access, even if the adjoining sites are developed for commercial use;
 - (g) considering view corridors and minimising wind impacts; and
 - (h) maintaining buildings and uses on Regent Street and Botany Road that contribute to the unique character of the Precinct.
201. Not including those submissions that relate to the northern opportunity sites, 15 submissions have been received relating to the proposed increased building height and changing character of the precinct. Several submissions generally support development that will renew the area and facilitate commercial and affordable housing.

Requests for additional height

202. Two submissions see the area as underutilised and suggest that the building heights proposed could be increased. Two submissions call for additional height opposite the Waterloo Metro station so that the two sides of the road are of a more even scale.
203. As outlined above, the proposed building heights were developed through built form modelling and options testing which took into consideration a range of factors, including: limiting building heights to the existing tall buildings on Regent and Gibbons Street; maintaining a good ratio between the width of Botany Road and the height of buildings on Botany Road; minimising shadowing impact on Alexandria Park; and minimising shadowing impact on surrounding residential areas.
204. The heights of the over-station development above the Waterloo Metro was determined by the NSW Government, not by Council. Increasing the proposed building heights in the Precinct would lead to increased shadowing impact on streets, Alexandria Park and surrounding residential areas. The proposed building heights are considered appropriate to the urban context and balances maintaining amenity and maximising commercial floor space.

Concerns about height

205. Seven submissions raised concerns regarding the proposed building heights in the Precinct. One submission noted that the proposed heights are inconsistent with the existing buildings in the Precinct. Two submissions noted that the tall buildings on Regent and Gibbons Street have already overshadowed the street, created wind tunnels and negatively impacted the Precinct and raise concern that the planning proposal will lead to similar negative outcomes.
206. Three submissions raised concern that the area would become similar in character to Zetland and Waterloo, filled by only high-rise buildings and poorly integrated with the surrounding community. One of these submissions stated that building heights over 10 stories make an area feel unliveable, and that building heights of 6-8 storeys with a 2-storey street wall is much more liveable.
207. The strategic review of the Precinct has taken a balanced approach, identifying some areas for conservation and others for change.
208. The planning proposal includes an extension of the Redfern Estate HCA to ensure that buildings on Regent Street that contribute to the historic character of the Precinct, currently not protected, are offered a level of heritage protection for continuing adaptive reuse.
209. Areas south of Henderson Road and Raglan Street have been identified as opportunity sites, which introduces incentive height and FSR controls to encourage commercial and affordable housing development.
210. The heights proposed for Botany Road between Henderson Road and McEvoy Street vary between 6 and 12 commercial storeys. The tallest buildings are located opposite the Waterloo Metro station, which will be a centre of activity and a public transport hub. Upper level setbacks have been established to manage wind and overshadowing impacts and reduce the visual bulk of buildings. Building heights are lower where they adjoin heritage items and HCAs to respect their significance, limit overshadowing and ensure an appropriate visual relationship.
211. The proposed additional height also enables new laneways, which will improve permeability and connectivity to increase accessibility between destinations in the Precinct and the surrounding area.

Wind impacts

212. Three submissions noted that surrounding areas already suffer from significant wind impacts and requested that Council improve how they assess and mitigate wind impacts from new development.
213. It is recognised that tall buildings can impact wind conditions in the public domain. The City's document requirements for development applications require any application for a commercial building over 45m in height to include a wind effects report. This requirement is in accordance with industry best practice and ensures that wind impacts on safety in the public domain are resolved before a development is approved for a site.

Height on Regent Street

214. One submission calls for greater height on Regent Street opposite the existing 18 storey buildings so that the two sides of the street have a more even height and scale.

215. Three submissions stated that they highly valued the existing businesses and character of Regent Street and wanted the existing shops to be retained. One submission was concerned that tall buildings will 'creep' down Regent Street and Botany Road, impacting the character of the area. The submission suggested retaining the existing low scale and historic buildings on Regent Street and only introducing additional building height south of Henderson Road and Raglan Street.
216. As outlined above, strategic review of the Precinct has taken a balanced approach, identifying some areas for conservation and others for change. The Strategic Review identified that the shops on Regent Street are highly valued by the community and that the streetscape on Regent Street contains contributory buildings which have significance for both Aboriginal and non-Aboriginal people.
217. The planning proposal includes an extension of the Redfern Estate HCA to ensure that buildings on Regent Street that contribute to the historic character of the Precinct, currently not protected, are offered a level of heritage protection for continuing adaptive reuse. This will also assist in retaining the diverse uses currently occupying historic terraces, which are integral to the character of the area and the economic role of Regent Street

Height on Wyndham Street

218. One submission raised concern that the proposed building heights of 5-8 storeys on Wyndham Street opposite Alexandria Park would negatively impact the character of the area.
219. The part of Wyndham Street opposite Alexandria Park, between Buckland Street and McEvoy Street is one of two areas in the Precinct which was identified for market residential housing. The proposed building height of up to 6 stories opposite Alexandria Park was established to limit overshadowing of the park and will have no impact on the park after 10am in midwinter. This part of Wyndham Street is an area of high amenity and is an opportunity to encourage a greater intensity of residential use close to shops, services, open space and transport.

Quality of development

220. Including submissions from residents in the northern opportunity sites, three submissions expressed concern regarding the quality of recent development. These submissions expressed that improvements to the quality of building would improve the public domain and the lived experience of future residents.
221. All development that takes up the incentive provisions must go through a design excellence process to ensure that new buildings are well designed and respond well to the characteristics of their site. In addition, all residential apartment buildings in the Precinct must comply with the ADG, which contains objectives, design criteria and design guidance to ensure that new residential apartments achieve sufficient amenity.
222. No changes are recommended to the proposed planning controls following consideration of these submissions

Residential amenity

Quality of new apartments

223. Two submissions raised concern about amenity for residents of new developments, particularly relating to solar access and cross ventilation.

224. The ADG provides consistent planning and design standards for residential apartments across NSW. The ADG provides objectives, design criteria and design guidance to ensure that new residential apartments achieve sufficient amenity.
225. In the ADG, access to sunlight for habitable rooms and private open space is measured at midwinter (21 June) as this is when the sun is lowest in the sky, representing the 'worst case' scenario for solar access. It is also noted that the design criteria contains minimum amenity standards and that developments may achieve above the minimum amenity standards.

Late night trading

226. One submission raises concern regarding the operating hours of pubs and clubs and the area becoming a party district. The submission requests that pubs and clubs have their operating hours limited to 12am so that the sleep of residents is protected.
227. The Precinct is envisioned to become a vibrant commercial precinct with shops, restaurants and entertainment venues to support the new office workers and the existing residents.
228. Much of Regent Street and Botany Road are located within Local Centre Areas on the SDCP 2012 Late night trading areas map. The SDCP 2012 contains a range of provisions to manage the effects of late night trading on the neighbourhoods in which they are located. The provisions, including permissible hours, vary by use and location. The draft DCP does not change the Late night trading areas map or the DCP provisions which outline permissible late night trading hours and manage their impact.

Overshadowing of 222 Botany Road

229. One submission raised concern regarding the shadowing impact of development on their apartment at 222 Botany Road, Alexandria.
230. 222 Botany Road is a 9 storey mixed use complex which fronts both McEvoy Street and Botany Road and sits just to the south of the Precinct. Detailed solar analysis of the impact of the proposed controls has demonstrated that while there will be an impact on the solar access of the apartments which face both McEvoy Street and Botany Road, all of those apartments will still receive the minimum ADG requirement of 2 hours of sunlight in midwinter.

Overshadowing of 199 Regent Street

231. One submission raised concern regarding the shadowing impact of development on their apartment at 199 Regent Street, Redfern.
232. 199 Regent Street is a 6 storey mixed use complex which sits on the western side of Regent Street and to the West of the northern opportunity sites. Detailed solar analysis of the impact of the proposed controls has demonstrated that while there will be some reduction in solar access for the apartments which face Regent Street, most apartments in the building will still receive the minimum ADG requirement of 2 hours of sunlight in midwinter. Overall, the building will still meet the minimum amount of solar access required by the ADG.
233. In addition, as outlined above, it is recommended that the incentive planning controls be removed from the northern opportunity sites. Removing the incentive planning controls from the northern opportunity sites will mean that there is no change to the existing solar access of 199 Regent Street, Redfern.

View and sunlight impact to 13-17 Cope Street

234. One submission from 13-17 Cope Street questioned whether development at 131 Regent Street would impact their views and sunlight.
235. The planning proposal retains the existing FSR control and increases the maximum height of building from 18m to 25m (six storeys) for 131 Regent Street, Redfern. The site is a former interwar service station that was identified in the Non-indigenous Heritage Study as contributory to the Redfern Estate HCA.
236. Increasing the height control will allow any development on the site to retain the contributory elements and achieve the existing floor space available by building on the southern portion of the site. Increasing the height control in the SLEP 2012 also aligns the maximum building height in the SLEP 2012 with the existing height of building control in the SDCP 2012, which is already set at 6 stories.
237. The planning controls do not protect private views. There may be some loss of distant views from the middle levels of 13-17 Cope St to the south west due to the additional two storeys at 131 Regent St. Given the change in ground level upper most storeys of 13-17 Cope are likely to retain views and other apartments will retain outlook west over Jack Floyd Reserve.
238. Detailed solar analysis of the impact of the proposed controls for 131 Regent Street has demonstrated that there will be no impact on the solar access of 13-17 Cope Street. Due to the tall buildings across the road from 131 Regent Street, the increase to the permitted height on 131 Regent Street does not create additional overshadowing for 13-17 Cope Street.
239. No changes are recommended to the proposed planning controls following consideration of these submissions.

Transport, traffic and parking

240. The proposed planning controls seek to catalyse urban renewal and employment generation in a location well serviced by public transport. Local residential and commercial development in the Precinct will increase pedestrian and cycle activity. Planned rapid bus services will serve local demand and provide for interchange with both Waterloo and Redfern stations.

General traffic impacts and Regent / Gibbons one way pair

241. 43 submissions were received raising concerns about traffic and parking impacts. This includes submissions from residents in the northern opportunity sites.
242. As required by the Gateway Determination, the proposed planning controls were referred to Transport for NSW and Sydney Metro for comment, who raised no objection to the proposal.
243. Three submissions were in support of proposed changes which will improve pedestrian amenity and introduce new linkages and cycleways to help improve connectivity in the area.
244. Five submissions were in support of the proposed change to remove the one-way pair of Regent Street and Gibbons Street and reinforce the high street character of Regent Street.

245. 35 submissions raised concerns the planning proposal will result in increased traffic congestion in the Precinct. Five of these submissions noted there is already significant congestion within the precinct and were sceptical that the proposed removal of the one-way pair of Regent Street and Gibbons Street would result in any improvement.
246. It is acknowledged the road network though the Precinct is frequently congested, impacting air quality, generating noise pollution levels, reducing bus reliability and increasing travel times.
247. While there will be some additional vehicle trips associated with the precinct, this is expected to be offset by additional capacity for traffic due to the Westconnex project and additional public transport capacity.
248. Proposed growth in the precinct is supported by planned increases in public transport. The future Waterloo Station on the Sydney Metro line is located centrally within the site. When opened in 2024, Waterloo Station will significantly improve local accessibility and reduce the need for people to drive to the area.
249. Planned improvements to walking and cycling infrastructure will assist in a mode share shift away from private car usage to walking, cycling and public transport.
250. In addition to the above, the City and Transport for NSW together have a significant plan of projects and actions to improve connectivity in and around this precinct and to promote sustainable transport use, including:
 - (a) Green Square and Waterloo Transport Action Plan – Transport for NSW and the City jointly engaged a consultant to undertake a review of connectivity in the area of Green Square and Waterloo and develop an action plan up to 2024 and the opening of the metro;
 - (b) speed reduction – Transport for NSW and the City have been working together on a plan to reduce the majority of roads within the City area to 40km/h;
 - (c) cycleways – Transport for NSW will roll out major cycle links across the local government area, with the City continuing to plan and implement local connections;
 - (d) behaviour change – Transport for NSW and the City have recently prepared a behaviour change campaign in Green Square and the surrounding area. This is aimed at getting people to travel by more sustainable methods. This is an example of the sort of programs that the City commonly run in urban renewal precincts; and
 - (e) maximum parking rates - in its planning controls the City establishes a maximum parking rate based on the accessibility of a site to public transport and service. The approach is intended to promote public transport use in favour of driving and parking to a destination. It is noted the City is currently preparing updated parking controls for the local government area as part of its comprehensive review of the planning controls, which will be reported to Council in mid-2022. These controls will be an evolution of the existing land use and transport integration maps that are currently in Sydney LEP 2012.

251. Currently, Gibbons Street and Regent Street operate as a 'one-way pair' with traffic on Gibbons Street travelling northbound and southbound movement on Regent Street. Botany Road between Henderson Road and McEvoy Street has two-way traffic operation.
252. A key recommendation in the traffic and transport review appended to the planning proposal is the removal of the Gibbons Street / Regent Street one-way pair operation and the reinstatement of two-way traffic flow on both streets, improving network legibility for bus passengers and providing the opportunity for further active transport and amenity improvements.
253. Transport for NSW is the public authority responsible for managing state roads, including Botany Road, Regent Street and Gibbons Street. The submission from Transport for NSW identified that Regent Street, Redfern is identified for future investigation for a two-way conversion under Tech Central Camperdown-Ultimo Place-based Transport Strategy (2021). The submission notes that the conversion of the existing one way pairs would require a separate detailed investigation to determine the feasibility and implications for the existing and future transport network.
254. The City's initiatives to support traffic and transport in the area are not static or focussed around one precinct. As movement patterns adapt to the completion of significant infrastructure in the area, current initiatives will be reviewed and updated to ensure they are most effective at supporting future transport mode use.
255. Council will continue to work with Transport for NSW to support their investigations and achieve the recommended changes to the road network to improve legibility, access and amenity of the Precinct.

Traffic on Wyndham Street

256. Two submissions raised concerns regarding the current and future levels of traffic using Wyndham Street and identified a need for safety improvements and traffic calming on Wyndham Street.
257. Wyndham Street is identified as a secondary road by Transport for NSW, recognising that it plays a supporting role to Botany Road. The proposed planning controls will introduce medium density commercial and mixed use to the eastern side of Wyndham Street. This will reduce the number of residential properties on the ground floor where acoustic impacts and air quality concerns are greatest.
258. The new laneway network will bring vehicle movements into and out of properties off Wyndham Street and into the laneways. Reducing the number of driveway crossovers on Wyndham Street will improve safety for pedestrians and improve the flow of traffic on Wyndham Street.

Public transport capacity

259. Two submissions raised concerns that trains and/or buses are at capacity during peak hour and were concerned about the impact of new development on public transport capacity.
260. One submission would like to see a dedicated bus lane or option for light rail in the precinct and another requested a cycleway along Botany Road to improve cycling connectivity to the CBD. One submission raised concern regarding the noise impact if a new bus route were to run down Cope Street.

261. The Precinct is relatively well serviced by the bus network, with services operating north-south and east-west providing connections through the region. It is however acknowledged that due to the one-way traffic operation, bus services operate north on Gibbons Street and south on Regent Street, impacting bus service legibility and interchange connectivity.
262. The Transport for NSW submission noted that the Botany Road and Gibbons Street are identified for investigation for bus rapid transit opportunities as part of the South East Sydney Transport Strategy (2020).
263. The City will continue to advocate for more buses, and better connectivity of services, noting that the opening of the Waterloo Metro will provide an opportunity to facilitate transfer between buses and the Metro.
264. The City will also continue to work with Transport for NSW to support their future detailed investigations into rapid bus opportunities and changes to the road network in to facilitate improved public transport legibility and connectivity of the bus network.

Traffic on Rosehill and Cornwallis Streets

265. Four submissions state that the transport and traffic report did not consider the traffic impacts on Rosehill and Cornwallis Streets, and raise concern that the one-way streets are not suitable for the increase in traffic which will arise from the new planning controls.
266. The Transport and Traffic Study by Cattell Cooper took a 'movement and place' approach to understand the study area and solutions that focus on:
 - (a) achieving accessibility and connectivity by delivering a legible street network to encourage low car dependency;
 - (b) providing infrastructure that encourages walking and cycling; and
 - (c) ensuring that street design enables equitable access for people of all ages and abilities.
267. The Transport and Traffic Study did not model the impact of development on the road network, but rather focused on how adjustments to the road network and public domain could address the imbalance between movement and place functions throughout the Precinct to support and encourage a mode shift away from private car usage. Detailed traffic matters arising from a development will be assessed at development application stage.
268. 4 submissions question how waste management of any new development on Rosehill and Cornwallis Street will be managed, given the narrow streets and current level of congestion.
269. The road network is currently used to carry garbage trucks that service the existing apartment blocks on Rosehill and Cornwallis Street. The City of Sydney's Guidelines for Waste Management in New Developments (the Guidelines) provide the minimum waste management requirements for all new developments. The purpose of the Guidelines is to ensure all new buildings will provide for the efficient storage, separation, collection and handling of waste to maximise resource recovery and provide safe and healthy spaces for people.

270. The SDCP 2012 contains a requirement that all developments submit a waste and recycling management plan to ensure that new buildings are designed to facilitate the safe and efficient storage and collection of waste. Architectural plans and a waste and recycling management plan will be assessed at development application stage before approval of any future development in the Precinct.

Quality of footpaths

271. Five submissions stated that the existing footpaths are unpleasant and inadequate for the current level of pedestrian flow and raised concern about a future increased level of pedestrian activity in the precinct.
272. It is envisaged that as the Precinct and its surrounding area develops it will better balance the movement function of the road network with its place function, providing a more comfortable and attractive space for people to work and visit. The one-way pairing of Regent Street and Gibbons Street will be replaced with two-way streets, speed limits will be lowered and additional crossings will be introduced. New laneways and through-site links will be delivered, providing a continuous mid-block laneway network and increasing walkable connections.
273. The draft DCP includes provisions to guide the use of SP2 setbacks on Botany Road, in many instances currently used for car parking. Certain sites on Regent Street and Botany Road are subject to an SP2 setback for the purposes of road widening. Council's strategic intent is to use this land for footpath widening and to facilitate increased tree planting and greening along Botany Road to improve pedestrian amenity and connectivity.
274. The Transport for NSW submission states that Botany Road is part of an important movement corridor linking the Sydney CBD, southern suburbs, Sydney Airport and Port Botany which is identified for investigation for long term bus rapid transit opportunities as part of the South East Sydney Transport Strategy.
275. With regard to the use of the SP2 setbacks on Botany Road, the submission states that Transport for NSW's transport investigations will be required to consider and identify the future land requirement needs to support future transport infrastructure and services, which may include examination of the land reservations along this corridor.
276. While Transport for NSW stated they would not relinquish the SP2 road reservations at this time, they suggested that discussions be held between Council and TfNSW to explore opportunities. Council will continue to work with Transport for NSW to explore opportunities to improve pedestrian connectivity and amenity within the Precinct.
277. Sustainable Sydney 2030-2050: Continuing the Vision includes a project idea for a Green City with Botany Road identified as a green avenue. The project aims to turn Botany Road into a grand green boulevard that is a greener, more liveable and attractive main road that better serves the local community. It will provide the city with 5,000m² of extra space for people and trees. Reconfiguring underground utilities for stormwater recycling can help sustain and irrigate new shade trees and gardens.

Parking

278. 15 submissions raised concerns there was insufficient street parking in the Precinct, and that the proposed changes would exacerbate the issue. One submission sought that new developments be required to provide no car parking as the Precinct is well located near public transport.

279. It is acknowledged there is high demand for street parking in the Precinct. This is unlikely to improve given the constrained opportunities for street parking and the amount of proposed and planned development in and around the Precinct. However, as above, the Precinct will be supported by significant public transport, with the planned Waterloo Metro being delivered in 2024, as well as other accessibility improvement, including more cycleways and better pedestrian connections to encourage modal shift away from private vehicle use.

New laneways

280. One submission raised concern that the proposed new laneway network is not functional because it contains zig zags and does not provide for north-south flow without also driving on streets.

281. The draft DCP provides a framework for changes to the public domain, including the creation of a new laneway network. New laneways will improve permeability of large blocks and building servicing.

282. Transport for NSW has supported the Draft DCP controls delivering a continuous laneway network to reduce driveway access from classified roads and facilitating rear lane servicing and vehicle access.

283. The new laneways include both north-south and east-west connections. The new laneways are not intended to provide a 'rat run' or alternative route to the main roads for vehicles traversing through the Precinct. Their main functions are:

- (a) to facilitate rear lane access for vehicles and improve pedestrian safety and amenity on Botany Road and Wyndham Street; and
- (b) to provide east-west connections to break up the long street blocks and assist with pedestrian permeability through the Precinct.

284. No changes are recommended to the proposed planning controls following consideration of these submissions.

Heritage

285. The exhibited planning proposal proposed heritage conservation areas be amended and new heritage items identified.

286. Submissions supported the additional heritage items and two submissions also received in support of the expansion of the Redfern Estate Heritage Conservation Area.

287. Six submissions were received from residents about heritage issues in the Precinct. This does not include submissions from the north opportunity sites, a number of which also raised heritage concerns that are discussed elsewhere in this report.

288. Some submissions were general in nature and raised concerns about the loss of heritage character from the Precinct because of redevelopment and/or the heights of the buildings being proposed.

Expansion of Redfern Estate Conservation Area

289. One submission raised concerns about the proposed expansion of the Redfern Estate Heritage Conservation Area onto Regent Street, saying it would result in further degradation of this area. The submission said it is already difficult to develop and maintain the buildings in this area due to lack of access and commercial opportunity and the expansion would make it more expensive and difficult for no commercial or aesthetic gain.
290. The expansion of the Redfern Estate Heritage Conservation Area ensures that buildings on Regent Street that contribute to the historic character of the Precinct, currently not protected, are offered a level of heritage protection for continuing adaptive reuse. Extending the area will also assist in retaining the diverse uses currently occupying historic terraces, which are integral to the character of the area and the economic role of Regent Street.

Alexandria Park Conservation Area

291. Three submissions raised concern with the reduction of the Alexandria Park Heritage Conservation Area, some saying that the recommendations of the Non-Indigenous Heritage Report by TZG should be followed by extending the area.
292. The exhibited planning proposal balanced the contribution of these properties to the Heritage Conservation Area against the ability to further the employment objectives of the Precinct.
293. The Non-Indigenous Heritage Report recommends extending the Alexandria Park Heritage Conservation Area further into the site boundary. However, Council's heritage experts reviewed the proposed additional contributory buildings and found that they are not of high quality, nor are they unique to the conservation area.
294. The sites were therefore not included within the Heritage Conservation Area, which in turn enabled them to contribute towards strategic employment objectives, which is particularly relevant given the location of these sites across the road from the new Waterloo Metro station. Identifying these sites as Opportunity Lands, and allowing incentive FSR and heights, also deliver an improved public domain and increased tree canopy as new development will deliver high quality buildings addressing the public domain and setbacks to Botany Road for landscaping and tree planting.
295. Currently, there are 13 properties within the Alexandria Park Heritage Conservation Area which also fall within the Precinct boundary. The character and heritage significance of the conservation area and the properties that also fall within the boundary of the Botany Road Corridor have been reviewed. An assessment of the type and quality of the properties indicates that removing these properties from the conservation area will have little to no impact upon the character or heritage significance of the conservation area.
296. Removing the sites from the conservation area enables the sites on Botany Road to the north of Buckland Street to achieve increased height and employment capacity in line with the strategic objectives of the renewal of the Precinct.

Aboriginal archaeology

297. Heritage NSW raised in their submission that consideration should be given to Aboriginal objects found in any context.

298. In response, the draft DCP has been updated to incorporate controls so that if Aboriginal objects are found in any context (including areas mapped as having low or very low archaeological potential in the DCP) then there is a requirement to stop work and report the find to Heritage NSW in accordance with the National Parks and Wildlife Act. If harm to the Aboriginal object cannot be avoided, then the proponent is required to prepare an application for an Aboriginal Heritage Impact Permit (AHIP).
299. Other provisions require all works involving ground disturbance to identify the potential for those works to harm Aboriginal objects and develop processes to avoid, minimise or mitigate those impacts in consultation with the Aboriginal community.
300. No other changes are recommended to the proposed planning controls following consideration of these submissions.

Public domain

301. Fifteen submissions have been received about the public domain in the Precinct, including open space.
302. Several submissions are in support of the exhibited planning controls, noting the benefits to the public domain and pedestrian environment that could result from proposed changes to the one-way pairing traffic system and the introduction of active frontage requirements. Some submissions would like to see more done to increase the pedestrian friendliness of the area to help drive the local economy, improve access to the metro station and encourage local community.
303. Some submissions were supportive of additional the open space to be provided to the east of the metro station as part of the Waterloo Estate (South) redevelopment. One of these submissions was interested as to why the park was being provided given the size of Alexandria Park, and wanted to understand the different functions of park.
304. While there are limited opportunities to increase the amount of open space in the Precinct, there are several large open spaces just outside the Precinct boundary. These include Alexandria Park which sits just outside the Precinct boundary on Wyndham Street, the Vice Chancellors Oval within ATP on Henderson Road and the future park in the Waterloo Estate on Cope Street.
305. Support for open space in and around the Precinct is noted. The open space to the east of the metro station will be provided as part of the redevelopment of the Waterloo Estate (South). Timing for the delivery of the park has not yet been confirmed. The final design of the park will follow consultation with the community to be undertaken once the timing for the delivery of the park is confirmed.
306. Some submissions provided detailed suggestions regarding the improvement of the streets, for example, requests for installation of street libraries, more bins, bike-racks, street art and good quality, light coloured paving.
307. Several submissions were made in support of greening the streets, encouraging a better tree canopy, more garden beds and green spaces between buildings to help reduce heat.
308. Some submissions encouraged more space for outdoor dining to encourage street activity and local business.

309. The vision for the Precinct is for a vibrant, green and pedestrian and cyclist friendly place. Regent Street is envisaged as a reinstated high street, with opportunities for landscaping, outdoor dining and places for people sit. On Botany Road, setbacks required by Transport for NSW will be used for planting and, where possible, outdoor dining.
310. While much of the detailed design for streets is outside of this planning process, new works will be incorporated into the capital works program over time and implemented as opportunities arise.
311. Several submissions were in support of prioritising solar access for parks, noting tall buildings should not adversely impact on green space and trees.
312. The planning proposal amends Clause 6.17 of Sydney LEP 2012 to introduce new sun access planes to protect solar access to Daniel Dawson Reserve and Alexandria Park. This will limit the height of any new development to ensure adequate solar access to Daniel Dawson Reserve and Alexandria Park.

Affordable Housing and Aboriginal and Torres Strait Islander Housing

313. The planning proposal facilitates affordable housing in two ways:
 - (a) it allows development on opportunity sites to access higher FSRs for residential floor space, but only where all of the development is for affordable housing. Generally, only community housing providers who wish to purchase sites in the Precinct to develop for affordable housing are likely to access this incentive; and
 - (b) it applies an additional affordable housing contribution requirement, being nine per cent of all new residential floor space, where sites are receiving an increase in FSR resulting from the planning proposal.
314. In addition, in accordance with the City of Sydney Affordable Housing Program, an affordable housing contribution requirement for three per cent of all residential floor space and one per cent of all non-residential floorspace, applies to all land in the Precinct (where the LEP applies).
315. Seven submissions were received about affordable housing in the Precinct.
316. Several of the submissions expressed support for increasing opportunities for affordable housing, though some were also concerned about increasing densities to achieve it.
317. Some submissions supported affordable housing so long as it was for Aboriginal and Torres Strait Islander households, noting the importance of sustaining the existing Aboriginal and Torres Strait Islander people living in the area and growing it.
318. Provisions are included in the draft DCP that require that 10 per cent or more of the total number of dwellings in affordable housing developments is to be provided for Aboriginal and Torres Strait Islander housing.
319. Any affordable housing delivered in the Precinct will be owned and managed by a community housing provider. The City has contributed over \$350,000 to support an Aboriginal Housing Officer to work with the three major community housing providers operating in our area. This officer supports and helps attract new Indigenous tenancies. As at November 2021, the three providers have reported that 265 of their tenancies are now leased to Aboriginal and Torres Strait Islander tenants.

320. Some submissions state there is already plenty of affordable and student housing in the area and more was not needed.
321. Any additional affordable housing in provided in the Precinct is a welcome contribution to the City's targets.
322. No changes are recommended to the proposed planning controls following consideration of submissions about affordable housing.

Displacement

323. Four submissions raised concern regarding their homes being identified as opportunity sites and the possibility of displacement. Two submissions raised concern generally for residents displaced from existing residences, and two submissions raised concern that their house or apartment block was identified as an opportunity site.
324. The intention of the planning proposal is to incentivise commercial development and help cater to the projected increase in demand for business floor space within the Redfern-Waterloo area and meet the objectives of state and local strategic plans. The additional height and floor space on some residential sites are intended to encourage their renewal for commercial uses. Notwithstanding the vision for the Precinct, the City cannot force any landowners to sell their properties. If a resident is within a residential strata scheme, a strata renewal plan under the Strata Schemes Development Act 2015 (NSW) requires at least 75 per cent of owners in the strata to support a strata renewal plan. This means that the redevelopment of any existing residential strata building within the Precinct would only occur if over 75 per cent of owners agree to the redevelopment. If the majority of owners within a strata wish to remain where they are, then the site would not take advantage of the incentive planning controls.
325. No changes are recommended to the proposed planning controls following consideration of submissions about displacement.

Infrastructure

326. Five submissions raised concern regarding the availability of adequate infrastructure to support the new population arising from the planning proposal.
327. The planning proposal is expected to increase the population of office workers in the Precinct. It is not expected that a significant proportion of sites within the Precinct will be acquired for affordable housing.
328. The increased worker population will be able to take advantage of new infrastructure in and around the Precinct, including:
 - (a) new transport infrastructure, such as the Waterloo Metro which is projected to open in 2024 and the upgrade to Redfern Station which is currently underway;
 - (b) the new park being provided on Cope Street as part of the Waterloo Estate (South) planning proposal;
 - (c) the new parks, healthcare facility and community facilities such as Gunyama Park and Aquatic Centre and Green Square library being provided at Green Square; and
 - (d) planned public domain improvements within the Precinct.

329. The new office buildings will be supported by retail and shops on the ground floor, to support the new workers and the existing residents in the surrounding areas. This creates opportunities for a range of population-serving uses, including retail, recreation and business premises. While the future uses are not determined yet, they are expected to improve the community's access to shops and services.
330. No changes are recommended following consideration of submissions about future demand for infrastructure.

Retaining local businesses

331. 5 submissions stated that they would like the protection of local retailers to ensure the character and identity of the area is maintained. Some submissions also stated that they would like to see more shops and local services to help encourage residents to shop locally.
332. The expansion of the Redfern Estate Heritage Conservation Area onto Regent Street ensures that the terrace form buildings on Regent Street are offered a level of heritage protection for continuing adaptive reuse. Retaining the building form will assist in retaining the diverse uses currently occupying historic terraces, which are integral to the character of the area and the economic role of Regent Street. This will be supported by a new LEP active street frontage control to Regent Street that requires the ground floor of buildings to be used for retail or business premises.
333. As stated above, the new office buildings in the Precinct will be supported by retail and shops on the ground floor, to support the new workers and the existing residents in the surrounding areas. While the future uses are not determined yet, they are expected to comprise a range of population-serving uses, including retail, recreation and business premises.

The impacts of the pandemic on demand for office space

334. Six submissions raised concerns that in the post pandemic environment commercial development is unlikely to be in demand. Submissions argue this will lead to high vacancy rates.
335. The BIS Oxford Economics report found that the Precinct will attract increasing demand from businesses unable to secure suitable space in the southern CBD, Surry Hills and Chippendale. Also, highly space constrained sites such as University of Sydney, the ATP and Royal Prince Alfred Hospital can redirect some of their surplus demand towards the Precinct.
336. The proposed planning controls ensure adequate space is protected for businesses to grow in a highly strategic location.
337. The long-term effect of the pandemic on traditional office space is unknown at this stage as health orders have only recently been removed. While there is a shift to more flexible and remote working, which reduces the number of people in a traditional office there is also a move to provide more space for collaboration and other activities to make working in an office more effective and desirable, and small and medium sized businesses are growing. Despite the short-term effects of the pandemic on occupancy rates of leased space, landowners in the Precinct continue to report market demand for business space.
338. No changes are recommended following consideration of submissions about the impact of the pandemic on office demand.

The area south of McEvoy Street

339. Two submissions asked for the planning proposal to be extended to include the area south of McEvoy Street and that those sites be investigated for additional FSR and building height.
340. As outlined above, in 2017, the boundary for the Precinct is generally based on the Department's original boundary for the Central to Eveleigh Land Use and Infrastructure Implementation Plan (LUIIP). Those sites south of McEvoy Street are in the Green Square Urban Renewal Area, subject to heritage constraints and more developed with newly constructed residential flat buildings.
341. No changes are recommended to the boundary of the Precinct following consideration of submissions.

SP2 - Special Uses (Classified Road)

342. Several sites within the Precinct have land facing Botany Road zoned SP2 and identified on the Land Reservation Acquisition Map as Classified Road (SP2). The Sydney LEP 2012, in its standard provision about the calculation of FSR and site area, excludes from the calculation of site area any land on which the proposed development is prohibited. This means that SP2 land might be excluded from the calculation of site area, however there is some ambiguity in the wording of the clause, as well as some Land and Environment Court decisions, that has led to some inconsistent application across the local government area.
343. The publicly exhibited draft DCP includes a provision to clarify that SP2 zoned land is not to be included in the calculation of site area, however, the draft DCP provision would not override any provision in the LEP if it were to be interpreted in a certain way by the Land and Environment Court.
344. One submission has noted the issue as it pertains to their site and has sought clarification in how site area will be calculated in the Precinct going forward.
345. The FSR and height testing undertaken to inform the proposed planning controls for Opportunity Land assumes that SP2 zoned land (for Classified Road) is not included in the calculation of site area.
346. It is therefore recommended the planning proposal be amended to include further provision, that more definitively states that SP2 zoned land (for Classified Road) must not be included in the calculation of site area on Opportunity Land. It is also recommended the draft DCP be amended to remove the clause relating to the calculation of site area as this clarification will instead be contained in the LEP.

Landowner submissions*74 – 88 Botany Road, Alexandria (City West Housing site)*

347. The City West Housing site is identified in the planning proposal as 'Opportunity Land' and the proposed maximum FSR is 5.5:1 for employment uses and 3.75:1 for a mix of employment and affordable housing uses, with the proposed maximum building height of 50 metres. A laneway dedication is proposed at the rear of the site.
348. The submission seeks to increase the FSR control to 4.5:1 for the site. In addition, it seeks to remove the rear setback control and reduce the commercial floor space requirement to the ground level only, and acknowledgment that the Apartment Design Guidelines minimum solar requirements cannot be met on this site.

349. The site has an existing consent for a mixed-use development which includes 63 affordable housing units that was approved in 2016.
350. The proposed changes to the exhibited planning controls are sought to offset the reduction of the developable site area due to the requirements in the planning proposal for the laneway dedication and the requirements for two storeys of employment floor space. The proposed changes to the exhibited planning controls would allow the site to achieve a greater yield of affordable housing units, between 90 and 110.
351. A built form analysis accompanying this submission contained options which explored FSR controls beyond what is contained in the planning proposal.
352. In response to the submission, further testing of the site was undertaken, modelling a more flexible built form (that reduces the requirement for two storeys of non-residential development to one) to achieve a greater residential yield for affordable housing, while remaining inside the building height envisaged by the planning proposal.
353. An amendment to the publicly exhibited planning controls for the site is recommended to increase the FSR to 4:1 (exclusive of design excellence) and to reduce the commercial component to the ground floor only. This provides for an FSR on the site of 4.4:1 if design excellence is achieved.
354. The amended controls will facilitate additional affordable housing units and facilitate the laneway dedication to achieve the Precinct objectives.

158 and 158A Botany Road, and 158 Wyndham Street, Alexandria

355. 158-158A Botany Road, Alexandria is identified in the planning proposal as 'Opportunity Land' with a proposed maximum FSR of 4:1 for employment uses and 2.75:1 for a mix of employment and affordable housing uses, and a proposed maximum building height 35 metres. A laneway dedication is proposed at the rear of the site.
356. 158 Wyndham Street is not identified as 'Opportunity Land' and the proposed maximum FSR is 1.25:1 and the proposed maximum building height is 24 metres.
357. The submission initially sought to increase the FSR and building height controls for 158-158A Botany Road, Alexandria and referred to an existing consent for a mixed-use development on the combined site (D/2014/201), which has been activated. It noted the consent provides access for the development from Botany Road, and makes no provision for a laneway dedication, as identified in the exhibited planning controls. It also noted other constraints for the development of the site, including a Sydney Water culvert on the north and east perimeter and the land reservation on the frontage of Botany Road.
358. The submission was subsequently amended, no longer seeking a change to the building height control but only an increase in the employment FSR control to 4.25:1 for 158-158A Botany Road, Alexandria.
359. Built form analysis accompanying this revised submission explored concept designs which incorporated an FSR higher than what is contained in the planning proposal. The built form analysis outlined a concept design for a 9 storey commercial development on 158-158A Botany Road, Alexandria, accounting for the laneway dedication and setbacks requirement under the draft controls.

360. The submission has been reviewed and it was found that the site cannot accommodate a 9th storey within the exhibited maximum building height without foregoing sufficient freeboard at ground level to respond to the flooding conditions adjacent to the site. In addition, the City has applied consistent assumptions and a thorough approach to determining the built form outcomes across all sites.
361. No changes to the planning proposal and draft DCP, as exhibited, are recommended in response to this submission

134-136 Botany Road, Alexandria

362. The site is identified in the planning proposal as 'Opportunity Land' and the proposed maximum FSR is 3.25:1 for employment uses and 3.25:1 for a mix of employment and affordable housing uses, with the proposed maximum building height 29 metres. A laneway dedication is proposed at the rear of the site.
363. The submission seeks to increase the FSR control to 5:1 and building height control to 39.4 metres for the site. The submission states the site is appropriate for greater height and density due its proximity to the Metro precinct, the existing built form along Botany Road and site's prominent location.
364. A built form analysis accompanying the submission proposes a 12-storey building height limit (equating to 39.4 metres excluding lift overruns) and an FSR of 5.5:1 (which includes the 0.5:1 FSR available for community infrastructure).
365. The analysis depicts that the proposed development would not cast any additional shadows to Alexandria Park, that would provide the public benefit through the laneway widening and that it would comply with ADG requirements.
366. The submission was reviewed and the proposed built form was found to be inconsistent with planning proposal objectives which does not envisage higher building heights and intensity at the Precinct's intersections. Council's objective is to reduce the apparent height and massing of sites located at the intersections to minimise the visual impacts of the development and to protect the public domain.
367. No changes to the planning proposal and draft DCP, as exhibited, are recommended in response to this submission

100-108 Botany Road and 86-96 and 98-100 Wyndham Street, Redfern

368. The planning proposal and the draft DCP, as exhibited, makes changes to the planning controls for the site, which is made of multiple lots. The site is identified as 'opportunity land' and the proposed changes to the allotments are as follows:
- (a) 100 Botany Road - the proposed maximum FSR is 4.5:1 for employment uses and 3.25:1 for a development comprising both employment and affordable housing uses, with the proposed maximum building height 35 metres. A laneway dedication is proposed at the rear of the lot.
 - (b) 108 Botany Road - the proposed maximum FSR is 3.75:1 for employment and 2.75:1 for affordable housing, with the proposed maximum building height 35 metres. A laneway dedication is proposed at the rear of the lot.

- (c) 86-96 and 98-100 Wyndham Street - the proposed maximum FSR is 3.5:1 for employment and 2.5:1 for affordable housing, with the proposed maximum building height 25 metres. A laneway dedication is proposed at the rear of the lots.
369. The consolidated site has an area of 3,103 square metres with frontages to Botany Road and Wyndham Street. The submission proposes a wider laneway on the consolidated site in return for additional building height and FSR.
370. Specifically, the submission seeks the following changes to the planning controls:
- (a) amend the Draft DCP to include a laneway cross section for the site illustrating a laneway width of 8 metres along the north south laneway and part of the east-west laneway.
 - (b) amend the 'opportunity land - incentive height of buildings map' to illustrate a 45 metre building height standard on the site (noting the additional constraint imposed by the Alexandria Park sun access plane).
 - (c) amend Figures 18 and 19 in the Draft DCP 'height in storeys' where incentive heights are utilised to show the controls being 10 storeys non-residential and 9/11/2 storeys residential (for affordable housing).
 - (d) amend the 'incentive FSR map' to illustrate a 5:1 FSR standard across 100 and 108 Botany Road.
371. The proposed widened laneway across the consolidated site is not required as a 6m laneway sufficiently provides for the servicing and access role envisioned in the draft planning controls. In addition, the submission does not address the relationship between the wider laneway on the subject site and the rest of the laneway to the north and south. An increase in the maximum building height of the sites would be inconsistent with the height strategy of the planning proposal. The proposed widened laneway is not supported and therefore an increase in the building height is not justified.
372. No changes to the planning proposal and draft DCP, as exhibited, are recommended in response to this submission.

216-220 Wyndham Street, Alexandria

373. The site is identified in the planning proposal as 'opportunity land' and is proposed to be rezoned to B4 Mixed Use (currently R1 General Residential). The proposed maximum FSR is 4.0:1 for employment and 2.75:1 for affordable housing, with the proposed maximum building height 35 metres. A laneway dedication is proposed at the northern boundary of the site.
374. The submission seeks to expand the land uses eligible for incentive FSR for employment in the planning proposal to include 'health services facility' and 'centre-based child care facility'.
375. In addition, the submission seeks to amend the planning controls for the site to increase the building height and FSR. It seeks amendment to the draft controls to increase the DCP height in storeys control to 9 storeys for non-residential development, or alternatively increase the LEP building height to 42m and the FSR control to 5.6:1 for non-residential uses.

376. The submission further proposes that the planning proposal recognise the 'public infrastructure contribution' as an offset to the monetary contribution required for community infrastructure associated with the 0.5:1 FSR for community infrastructure available on the site.
377. A built form analysis accompanying the submission explored building height and FSR controls beyond what is contained in the planning proposal to demonstrate the additional massing for proposed development.
378. The submission was reviewed and exhibited planning controls are considered to be appropriate for site. Council's proposed incentive controls provide greater certainty and transparency for the community and landowners by setting out a consistent approach to managing development for desirable uses that support activity in the precinct.
379. While the planning proposal often refers to incentivising commercial development, the drafting instructions in the planning proposal use the term "non-residential uses". This allows development for the purposes of a range of non-residential uses to achieve additional height and FSR. Health services facilities and centre-based child care facilities are both permissible in the B4 Mixed use zone and both would fall within the term non-residential uses.
380. The request that 'public infrastructure contribution' offset the monetary contribution required from the development for community infrastructure is not supported as it incorrectly associates the LEP incentive FSR provisions for community infrastructure with the requirements for a development to pay monetary contributions under Council's Section 7.11 plan.
381. The built form analysis provided with the submission is inconsistent with planning proposal objectives which does not envisage greater building heights and development intensity in the southern part of the precinct.
382. The built form options presented in the submission are considered excessive for the site and the floorplates proposed are not efficient. The exhibited controls for this site are compatible with the adjoining sites in this location.
383. No changes to the planning proposal and draft DCP, as exhibited, are recommended in response to this submission.

4-54 Botany Road and 36-50 Wyndham Street, Alexandria

384. The planning proposal and the draft DCP, as exhibited, make no changes to the planning controls for the site. The site is not identified as 'opportunity land'. The site is in a low-rise area on the urban strategy map and the only LEP change for the site is the requirement for an active frontage street frontage.
385. The submission seeks for the site to be considered for inclusion in the planning proposal and states the site presents 'significant missed opportunity'. The submission requests for the site to be nominated as 'opportunity land, and the following controls to amend the planning proposal and draft DCP:
- (a) a maximum FSR of 6.7:1 along Botany Road and 5.5:1 on Wyndham Street (or 5.8:1 equivalent across the consolidated site);
 - (b) a maximum building height of 55m along Botany Road and 35m on Wyndham Street; and

- (c) nomination of 40 Botany Road within the draft DCP as a community facility, or a site-specific control be considered in the LEP (planning proposal).
386. A built form analysis and a heritage statement accompany the submission to justify the requested building height and FSR controls beyond what is contained in the exhibited planning proposal and draft DCP.
387. The submission was reviewed and the exhibited controls for the sites are not recommended to change as the submission lacks satisfactory justification.
388. The site is significantly constrained and located in a fine grain low rise area, directly to the north of a local heritage item and adjoining the proposed extension of the Redfern Estate HCA.
389. The indicative built form and heritage analysis provided with the submission lack evidence to support the proposed changes. The indicative height and massing of the proposed development raises interface and separation issues with surrounding fine grain properties and heritage items and is inconsistent with the height strategy of the planning proposal.
390. The planning proposal and the draft DCP have been informed by detailed urban design analysis and supported by other technical investigations. The strategic review of the Precinct took a balanced approach, identifying some areas for change and others for conservation. The subject site has not adequately justified the significant proposed height and FSR and has not adequately addressed the relationship between the site and its surroundings.
391. No changes to the planning proposal and draft DCP, as exhibited, are recommended in response to this submission.

Public authority submissions

392. The Gateway Determination required the City consult with the following public authorities:
- (a) Sydney Metro
 - (b) Transport for NSW
 - (c) Metropolitan Local Aboriginal Land Council
 - (d) Heritage NSW; and
 - (e) relevant utility and service providers, including Sydney Water.
393. All identified public authorities were notified by letter of the public exhibition of the proposed planning controls.
394. No public authority raised objection to the planning proposal proceeding, however they provided some comments that are summarised in Attachment A.

Post exhibition changes

395. As a result of consideration of submission, several changes are proposed to the exhibited planning proposal and draft DCP and are summarised below. The explanation for changes is included above in this report. Changes include:
- (a) removal of proposed incentive planning controls from the planning proposal and draft DCP for 32 Rosehill Street, 44-78 Rosehill Street, 80-88 Rosehill Street (five terraces to south of 44-78 Rosehill St), 15-29 Cornwallis St, 31-41 Cornwallis Street, 1 Margaret Street and 39-61 Gibbons Street, noting other draft DCP controls will continue to apply, for example, active street frontage requirements;
 - (b) amendment to the planning proposal for 74-88 Botany Road, Alexandria (owned by City West Housing) to:
 - (i) increase the FSR to 4:1 (noting no additional height is recommended);
 - (ii) remove the requirement for the entirety of the second storey to be for non-residential development;
 - (c) addition of a provision in the planning proposal to ensure roads identified as Classified Roads (SP2) under the Sydney LEP 2012 cannot be utilised for site area calculation purposes;
 - (d) amendment to the provision that suspended State Environmental Planning Policy (Affordable Rental Housing) 2009, that has since been replaced by State Environmental Planning Policy (Housing) 2021;
 - (e) changes to the controls relating to Aboriginal Archaeology in the draft DCP to address concerns raised by Heritage NSW;
 - (f) introduction of visual and acoustic privacy controls in the draft DCP in response to concerns raised about residential amenity; and
 - (g) updates to maps in the draft DCP, to reflect above changes.
396. The DCP contains map tiles which apply across the City and sit separately to the written portion of the DCP. Is it proposed to replace the relevant DCP maps from the site-specific Botany Road Precinct section of the DCP with amended DCP map tiles to ensure consistency across the DCP. Minor amendments to the exhibited draft DCP maps have been made to enable the translation onto the DCP map tiles.
397. The Planning Proposal and draft DCP, as amended following public exhibition, are at Attachment B and Attachment C respectively.

Key Implications

Strategic Alignment - Eastern City District Plan

398. The Eastern City District Plan (District Plan) was introduced in March 2018. The City of Sydney is located in the Eastern City district, along with Bayside, Burwood, Inner West, Randwick, Waverley and Woollahra Local Government Areas. The District Plan sets priorities and actions for "Liveability", "Productivity" and "Sustainability", which will inform the planning and development of Sydney over the next 20 years.
399. The planning proposal supports the priorities of the District Plan. At a localised scale, the proposal makes a positive contribution to the objective of a 30-minute city, as it will include access to local employment opportunities and commercial space. The planning proposal includes incentives for floor space for development of affordable rental housing. This is an ideal location with key workers having access to services, public transport, jobs, retail and employment clusters. Active frontages and through site links will help improve streetscape amenity in the vicinity.
400. The new Sydney metro station at Waterloo will be a catalyst for significant increase in development and densities in Redfern and Waterloo. The planned urban renewal of the Precinct adequately considers associations between infrastructure and growth.

Strategic Alignment - Sustainable Sydney 2030

401. Sustainable Sydney 2030 is a vision for the sustainable development of the City to 2030 and beyond. It includes 10 strategic directions to guide the future of the City, as well as 10 targets against which to measure progress. This report is aligned with the following strategic directions and objectives:
- (a) Direction 3 - Integrated Transport for a Connected City - Urban Renewal of the Precinct will benefit from current and future transport services. Planned rapid bus services will serve local demand and provide for interchange at both Waterloo and Redfern stations. Planned growth is being driven by the construction of the Waterloo metro station on the Sydney Metro City and South West line and the Waterloo Metro Quarter redevelopment. Waterloo Station will significantly improve local accessibility and provide relief to Redfern and Green Square Stations, along with proposals to increase capacity on the Airport Line and significantly upgrade Redfern Station.
 - (b) Direction 4 - A City for Walking and Cycling - The planning proposal will improve walkability of the area through the completion of a laneway network and pedestrian through-site links. Commercial development and the location of major transport hubs including Waterloo Metro Station and Redfern station will increase pedestrian activity in the locality.
 - (c) Direction 6 - Vibrant Local Communities and Economies - The planning proposal incentivises delivery of floor space that will support local employment, economies and local communities. Renewal of the Precinct will ensure that employment opportunities remain within the local area in close proximity to existing residential uses.

- (d) Direction 8 - Housing for a Diverse Population - The proposed incentives include a diverse range of affordable rental units that will cater for the needs of a growing and diverse population. The apartments will be well located, close to public transport, employment opportunities and services. Future development will be subject to the operational requirements of the City's Affordable Housing Program.
- (e) Direction 9 - Sustainable Development, Renewal and Design - The planning proposal establishes a built form that responds to the heritage values of the area and protects sun access to public open space.

Relevant Legislation

- 402. Environmental Planning and Assessment Act 1979.
- 403. Environmental Planning and Assessment Regulation 2000.

Critical Dates / Time Frames

- 404. The Gateway Determination requires that the amendment to the Sydney LEP 2012 is completed by 24 September 2022.
- 405. The Gateway Determination authorises Council to exercise plan-making delegation and liaise directly with Parliamentary Counsel to draft and make the new LEP.
- 406. If approved by Council and the CSPC, the City will commence the drafting and plan making process. Once this is complete, the amendment to the Sydney LEP 2012 will come into effect when published on the NSW Legislation website.
- 407. If approved by Council, the amendment to the Sydney DCP 2012 will come into effect on the same day as the LEP.

GRAHAM JAHN AM

Director City Planning, Development and Transport

Priya Uppal, Specialist Planner

Attachment A

<h2>Summary of Submissions</h2>
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Resident submissions relating to the northern opportunity sites

The table below provides a summary of submissions received specifically in relation to the northern opportunity sites. Submissions relating to the rest of the precinct are addressed later in this attachment.

64 submissions relate to opportunity sites in the northern part of the precinct, including:

- 32 Rosehill Street, Redfern
- 44-78 Rosehill Street, Redfern
- 80-88 Rosehill Street (5 terraces to south of 44-78 Rosehill Street)
- 15-29 Cornwallis Street
- 31-41 Cornwallis Street
- 1 Margaret Street
- 39-61 Gibbons Street

Summary of key matters raised in submissions	Officer’s response
General support/opposition	
<p>50 of the submissions received regarding the northern opportunity sites were in objection to the proposed controls.</p> <p>3 of the submissions received were from developers in the precinct or their investors who were in support of the proposed controls. Council also received 11 submissions from residents or owners of units in 37-61 Gibbons Street, Redfern who supported the proposed planning controls.</p>	<p>As a result of consideration of submissions and the lack of support for the existing residential buildings to take advantage of the proposed planning controls, this report recommends the publicly exhibited incentive planning controls for the northern opportunity sites be removed from the planning proposal and the current planning controls for those sites remain in place.</p>
Residents were not notified of the preliminary consultation	
<p>8 submissions said they weren’t notified during the preliminary consultation in August and September 2020. They expressed it was unfair that residents of the northern opportunity sites were not provided an opportunity to have their say during the preliminary consultation. In addition, residents expressed suspicion that their sites were not notified during preliminary consultation but were one of select</p>	<p>From 13 August – 4 September 2020, the City undertook preliminary consultation on the Botany Road Precinct. The primary goal of the consultation was to understand the community’s priorities for the future of the Botany Road precinct.</p> <p>Council intended to notify everyone in the study area by letter that Council was undertaking</p>

Summary of key matters raised in submissions	Officer's response
<p>opportunity sites included in the planning proposal.</p>	<p>preliminary community consultation regarding the Botany Road Precinct.</p> <p>A mistake was made when organising the letter drop and some residents may not have received the letter. In particular, residents on Cornwallis and Rosehill Streets in the northern opportunity sites likely did not receive the preliminary consultation notification letter. It is unfortunate that the error was made and that some residents were not notified of the preliminary consultation.</p> <p>The consultation was not a statutory requirement, but rather an opportunity for Council to hear from residents regarding their future aspirations for the area.</p> <p>The preliminary consultation survey asked for high level feedback to guide the preparation of the planning proposal, it was not a consultation on specific development outcomes.</p> <p>A summary of the results of the preliminary consultation survey was published on the Council's website during public exhibition of the Botany Road Precinct draft planning controls.</p> <p>The public exhibition of the planning proposal and draft DCP in November and December 2021 was the opportunity for residents and landowners to provide input to the draft planning controls. The public exhibition is a statutory requirement at this stage of the review process and provides the community the opportunity to respond specifically to draft planning controls.</p>
<p>Confusion regarding previous site-specific planning proposal for 44-78 Rosehill Street</p>	
<p>10 submissions raised confusion and concerns about process in relation to the inclusion of 44-78 Rosehill Street as an opportunity site in the Botany Road Precinct planning proposal after a site-specific planning proposal for the site was refused by Council and the Independent Planning Commission in 2019. Residents did not understand why Council would oppose a site-specific planning proposal on the site and then later consider it suitable for development.</p>	<p>In September 2018, the Central Sydney Planning Committee (CSPC) and Council refused a site-specific planning proposal for 44-78 Rosehill Street. The planning proposal was to increase the maximum floor space ratio from 2:1 to 10.4:1 and to increase the maximum building height from 18m to 99.6m. The reference design submitted to accompany the planning proposal showed two residential towers on the site of 30 and 18 storeys respectively.</p>

Summary of key matters raised in submissions	Officer's response
	<p>Following the assessment of the planning proposal request, City staff wrote a report to Council in September 2018 stating that planning proposal failed the strategic and site specific merit tests and that changes for the site should be considered as part of a broader strategic review. A key reason that the planning proposal failed the strategic merit test was that the planning proposal sought to enable residential development on the site which lies within the Innovation Corridor, an area intended for employment growth and innovation industries.</p> <p>Strategic work for the Botany Road Precinct was already underway by the Department of Planning and Environment in the form of the Land Use and Infrastructure Implementation Plan (LUIIP). The 2018 Council report stated that changing the planning controls for just the site would be premature because of the strategic planning work underway. At no time did the City say that the site was unsuitable for investigation into new planning controls.</p> <p>Following a rezoning review request, in March 2019, the Independent Planning Commission (IPC) determined that the planning proposal for 44-78 Rosehill Street, Redfern was not suitable for Gateway Determination (i.e. that it should not proceed). The IPC found that within the context of the strategic work underway in the Redfern-Waterloo area, the site-specific planning proposal for residential development lacked strategic merit. While site-specific matters were also considered by the IPC at that time, those matters focused on the suitability of the site for residential towers proposed at 18 and 30 storeys, not whether the site and surrounding area could be investigated as part of a future strategic review.</p> <p>It is of note that the Apartment Design Guide (ADG) which applies to residential apartment buildings does not also apply to commercial development, and thus many of the standards and issues raised in Council's assessment of the 2018 planning proposal for 44-78 Rosehill Street</p>

Summary of key matters raised in submissions	Officer's response
	do not apply to a commercial development on that site.
Process and transparency	
<p>In addition to the concern about 44-78 Rosehill Street, 10 submissions also raised concern regarding process, transparency and the inclusion of existing residential buildings on Rosehill and Cornwallis Street as opportunity sites.</p> <p>Some residents raised concerns that Council had included these sites in the planning proposal because of pressure from developers or because Council would profit from development in some way.</p>	<p>In 2017, the Department of Planning and Environment began preparation of the Central to Eveleigh Land Use and Infrastructure Implementation Plan (LUIIP). In 2019, the Department of Planning and Environment transferred the strategic review of the Precinct to the City. The City's review is based on the original LUIIP brief, including the general boundaries of the study area, which included the northern opportunity sites. The northern opportunity sites were therefore included within the boundaries of the study area provided to the City's urban design consultants.</p> <p>An action to investigate planning changes in the Precinct to contribute to the Innovation Corridor with a boundary of the Precinct are included in the City's Local Strategic Planning Statement. The Statement was exhibited in 2019 and adopted by Council in 2020.</p> <p>From August to December 2020, Urban Design consultants Tonkin Zulaikha Greer (TZG) prepared an Urban Design Report to inform the preparation of the Botany Road Precinct planning proposal. The TZG urban design analysis had a focus on public domain improvements, heritage conservation, protection of sun access and maximising commercial floor space capacity.</p> <p>The urban design analysis tested several urban design options for groupings of sites across the precinct. The recommendations of the report included new planning controls incentivising commercial development for large sites across the precinct, including 44-78 Rosehill Street, 31-41 Cornwallis Street and 15-29 Cornwallis Street.</p> <p>In March 2021, staff presented to the Planning Control Update working group (working group), which comprised councillors and NSW Government Central Sydney Planning</p>

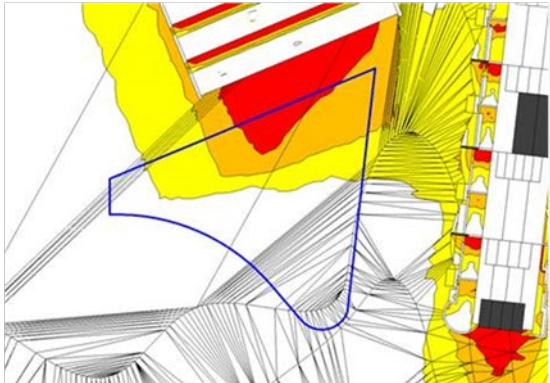
Summary of key matters raised in submissions	Officer's response
	<p>Committee representatives from the Department of Planning Industry and Environment and Government Architect NSW. Council officers considered comments from the working group and undertook additional urban design and heritage analysis. The results of the additional analysis are contained within the Botany Road Precinct Supplementary Urban Design Report.</p> <p>As a result of the additional urban design and heritage analysis, additional sites were included within the planning proposal in order to spread the opportunity across the precinct and achieve additional permeability and connectivity through the precinct. Some of the additional sites identified at this stage for inclusion in the planning proposal were 32 Rosehill Street, 39-61 Gibbons Street and 1 Margaret Street, Redfern.</p> <p>Following the preliminary consultation in August and September 2020, the owners of 44-78 Rosehill Street approached the City, seeking to submit a planning proposal for their site, which they are permitted to do under planning legislation. City staff met with the owners and received documentation they had prepared which related to their site. City staff asked the owner of 44-78 Rosehill Street to consider deferring their request for a planning proposal for the site as the site was being considered in the Botany Road Precinct strategic review.</p> <p>Council has not received an offer of a voluntary planning agreement from any developer in the Botany Road Precinct.</p> <p>City staff undertook analysis to explore the potential for the sites in the north of the precinct, within the context of the broader strategic review for the precinct and independent of any owners' aspirations for their site.</p>
<p>Some submissions questioned why Council would refuse a development application for an eight-storey boarding house at 15-31 Cornwallis Street in 2019, and then later propose that changing the planning controls to permit 16 storeys on the site.</p>	<p>In September 2018, a development application was submitted for a 6-storey boarding house at 15-29 Cornwallis Street. In September 2019, Council issues a refusal notice of determination of the development application citing a range of reasons for refusal.</p>

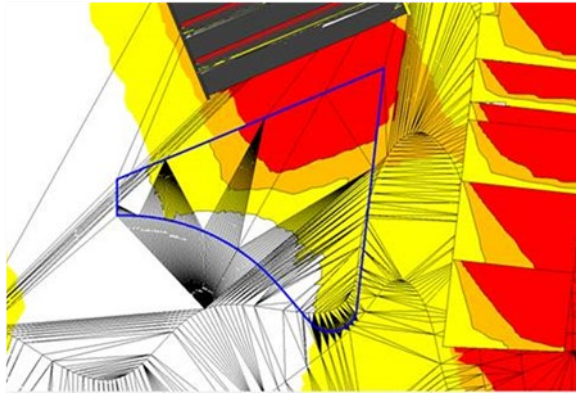
Summary of key matters raised in submissions	Officer's response
	<p>A development application is assessed against the current planning controls which are in force at the time that an application is lodged. This is different to the process of a strategic review which analyses the constraints and opportunities of an area, including the future vision and drivers for growth, and proposes new planning controls to guide future development.</p> <p>The strategic review of the Precinct responds to the City's Local Strategic Planning Statement (planning statement). The planning statement identified the Precinct is an opportunity to grow the Camperdown-Ultimo Health and Education Precinct and link to the future Waterloo Metro station. The Precinct has the potential for private sector business and investment to leverage off and support the offering of ATP.</p> <p>The City has undertaken the strategic review of the Precinct to identify how it can contribute to employment growth in line with City and NSW Government strategies while also improving connectivity and the public domain. This strategic review has included the creation of a planning proposal and draft DCP which proposed new planning controls to help create additional capacity for commercial and other enterprise uses.</p>
<p>Several submissions questioned why the streets named on the public exhibition letter did not include Rosehill and Cornwallis Streets given those streets contain opportunity sites and are affected by the planning proposal.</p>	<p>The public exhibition letter was sent to all residents of the Precinct and those living adjacent to the Precinct. Not all streets could be listed in the letter and so only main streets, including Botany Road, Wyndham Street and Gibbons Street were listed.</p> <p>The letter invited residents to view the planning proposal on the website to view more detail and have their say. The Sydney Your Say webpage included a map of the Precinct to illustrate which streets were included within the Precinct.</p>
<p>Displacement and loss of community</p>	
<p>15 submissions raised concerns that the proposed controls would encourage developers to purchase their apartment block and that development would displace the existing residents and the existing community.</p>	<p>The intention of the planning proposal is to incentivise commercial development and help cater to the projected increase in demand for business floor space within the Redfern-Waterloo area and meet the objectives of state</p>

Summary of key matters raised in submissions	Officer's response
<p>Residents are concerned they will be forced out of their properties and their buildings be slated for demolition. Residents expressed that they live in a tight-knit community, they love where they live, that their existing buildings are good quality and that they do not want change around them.</p>	<p>and local strategic plans. The additional height and floor space on some residential sites is intended to encourage their renewal for commercial uses.</p> <p>The northern opportunity sites were identified due to their strategic location next to the ATP and Redfern Station, their land size, and the presence of underdeveloped commercial sites within the precinct which would likely provide a catalyst for transformation and development in that area.</p> <p>Council cannot force any landowners to sell their properties. A strata renewal plan under the Strata Schemes Development Act 2015 (NSW) (SSD Act) only allows a collective sale or redevelopment of a strata scheme to proceed if at least 75 per cent of lot owners (other than utility lots) in the scheme support a strata renewal plan for redevelopment. However, by providing additional height and floor space under the planning proposal, existing owners were also provided with the opportunity to benefit from the transformation of the area to a commercial precinct.</p> <p>The City has recognised the lack of support to renew the existing residential buildings that are part of the northern opportunity sites and recommends removing the northern opportunity sites from the planning proposal.</p>
<p>Acid sulfate soils and construction concerns</p>	
<p>2 submissions raised concern that 44-78 Rosehill Street sits on Class 5 acid sulphate soils, which make the site only suitable for development of 6 storeys. Concern was raised that buttressing on 44-78 Rosehill Street, as part of the construction process, would negatively impact the water table which may lead to flooding and/or subsidence of surrounding residential buildings.</p>	<p>The entirety of the Precinct sits on Class 5 acid sulfate soils. Clause 7.14 Acid Sulfate Soils in the SLEP 2012 guides development on land identified as containing acid sulphate soils and aims to ensure that development does not disturb, expose or drain acid sulfate soils and cause environmental damage. Class 5 acid sulfate soils do not preclude development.</p> <p>Generally, if a site contains acid sulphate soils, then development consent is required for works which involve excavation and could disturb Acid Sulfate Soils. Detailed matters relating to managing excavation and construction</p>

Summary of key matters raised in submissions	Officer's response
	processes are dealt with during the development application stage.
Heritage	
<p>1 submission raised concern regarding the impact on St Luke's Presbyterian Church, a heritage item located at 118 Regent Street. The submissions raised concern regarding the proposed height at 1 Margaret St and 37-61 Gibbons Street on the historic significance and prominence of the building in the context of the Regent Street streetscape and the Redfern township. The submission requested that the exhibited building heights on Gibbons Street be lowered.</p>	<p>The church at 118 Regent Street sits within a mixed and changing context. To the north along Regent Street, the Redfern Waterloo Authority lands permit a significant level of change, with development at varying stages of progress.</p> <p>The proposed planning controls would permit buildings up to 16 commercial storeys to 1 Margaret Street and 37-61 Gibbons Street, to the west of the church across William Lane. The proposed planning controls also extend the Redfern Estate HCA onto Regent Street, retaining the existing 2-3 storey character on Regent Street to the east and the south of the church.</p> <p>The Botany Road Precinct is a highly strategic location with the opportunity to contribute towards the City's employment and affordable housing targets. The proposed controls took a balanced approach, conserving the existing low density main street character of Regent Street, and incentivising commercial and affordable housing on selected sites.</p> <p>The exhibited planning proposal introduced additional building height only to west of the church; development to the south and east of the church will be limited. Council's Heritage Specialist has reviewed the proposed controls and advised that overall, the heritage significance of the church will not be adversely impacted by the proposed controls.</p>
<p>12 submissions raised concern regarding the impact of the proposed building heights on the heritage buildings at the ATP. Submissions stated that the existing scale of the apartment buildings on Cornwallis Street are consistent with the heritage scale of the Eveleigh Railway Workshops and the proposed building heights are not.</p>	<p>NSW Heritage reviewed the exhibited planning proposal and draft DCP and did not raise any objection to the proposed controls.</p> <p>The Eveleigh Railway Workshops (also known as South Eveleigh or the Australian Technology Park) is listed as a State heritage item. The Eveleigh Railway Yards are some of the finest historic railway engineering workshops in the world and Eveleigh contains one of the most complete late 19th century and early 20th century forge installations, collection of cranes</p>

Summary of key matters raised in submissions	Officer's response
	<p>and power systems, in particular the hydraulic system.</p> <p>Council's Heritage Specialist has reviewed the planning proposal and advised that the eastern side of Cornwallis Street has a very different character to the Eveleigh Railway Workshops. As the two sides of the street have a very different character, the scale development on the eastern side of Cornwallis Street does not impact the heritage significance of the Eveleigh Railway Workshops.</p> <p>The Eveleigh Railway Workshops is significant as a complex of late 19th century and early 20th century railway workshops, equipment and the spaces in between.</p> <p>The areas surrounding the Eveleigh Railway Workshops have always been very different in character. Historically they were likely low scale residential development and more recently medium scale apartment development.</p> <p>More recently, the ATP has been developed as the South Eveleigh precinct with new buildings in the order of 10 storeys and in form, scale and uses similar to that proposed throughout the Botany Road precinct.</p> <p>The exhibited planning controls for increased height on Cornwallis, Margaret and Rosehill Streets will have no impact on the heritage significance of the ATP as a complex.</p> <p>Council is recommending the proposed incentive height and FSRs for the northern opportunity sites be removed from the planning proposal. This will retain the existing planning controls on the northern opportunity site and maintain the existing relationship between the buildings on the eastern side of Cornwallis Street and the Eveleigh Railway Workshops.</p>
Overshadowing impact on nearby open space	
<p>14 submissions raised concern about the proposed height of buildings overshadowing nearby open spaces including Gibbons Street reserve and the recently finished Indigenous</p>	<p>The Indigenous cultural landscape garden is approximately 1200m² and sits in the Australian Technology Park, at the corner of Cornwallis Street and Boundary Street.</p>

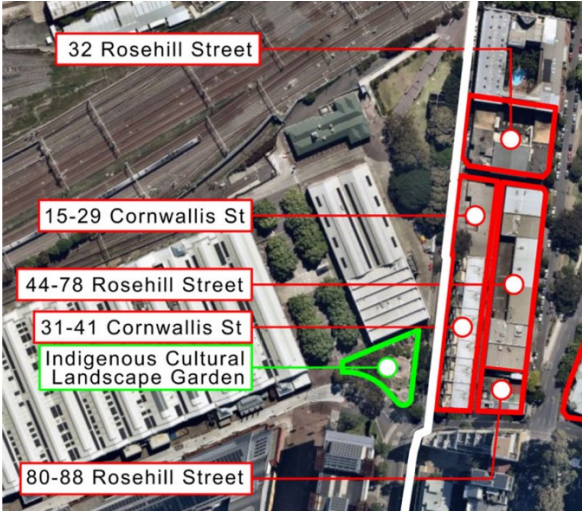
Summary of key matters raised in submissions	Officer's response
<p>cultural landscape garden in the Australian Technology Park.</p>	<p>While the Indigenous landscape cultural garden at the Australian Technology Park is not in public ownership, a restrictive covenant applies to the parcel of land, which requires that the space be retained for public access. The restrictive covenant provides certainty that the garden cannot be replaced by development in the future, and therefore the solar impact to the garden should be considered.</p> <p>The indigenous landscape cultural garden contains a range of indigenous plants, trees and seating areas. The City is aware that plants and trees require a minimum 2 hours of sunlight in midwinter in order to maintain plant health. Solar testing of the exhibited controls shows that the exhibited planning controls for Cornwallis and Rosehill Streets will overshadow the garden only in the morning in midwinter, with the solar impacts ending at 11am. The figure below demonstrates the impact of the proposed controls on the solar access of the garden. Areas coloured white receive over 4 hours of sun and areas coloured yellow receive over 2 hours of sun in midwinter. As demonstrated, the bulk of the garden would still receive between 2-4 hours of sunlight in midwinter, which is sufficient for healthy plant and tree growth.</p> <p>Existing solar access</p> 

Summary of key matters raised in submissions	Officer's response
	<p data-bbox="815 277 1278 309">Solar access with proposed controls</p>  <p data-bbox="799 741 1382 1160">Detailed solar testing of the impact of the proposed controls on Gibbons Street Reserve shows that the buildings on Rosehill Street will only cast shadows onto Gibbons Street Reserve from 1pm onwards in midwinter. Due to the height of the existing buildings on Rosehill Street, the increased overshadowing of Gibbons Street Reserve is marginal. The Reserve will continue to receive 4 hours of sun to more than 50% of its area in midwinter, which is the amount required to maintain healthy lawn growth.</p> <p data-bbox="799 1205 1390 1442">While the proposed controls would retain an acceptable level of solar access to the garden and the Reserve, the concerns of the community are noted, and it is agreed that any new planning controls in proximity of the garden or the Reserve should aim to minimise overshadowing of those open spaces.</p>
Impact of train tunnel underneath sites	
<p data-bbox="204 1532 775 1666">Two submissions raised concern that certain northern opportunity sites would be 'undevelopable' due to the railway tunnel lying underneath the sites.</p>	<p data-bbox="799 1532 1374 1980">While some of the opportunity sites do sit underneath railway tunnels and are affected by the Transport and Infrastructure State Environmental Planning Policy (Infrastructure SEPP). The relevant provisions of the Infrastructure SEPP require that Council seek concurrence from Transport for NSW at development application stage to ensure that any development does not compromise the operations or safety of the train tunnels. The presence of a railway tunnel underneath the building does not preclude additional development on the site.</p>
Height and scale	

Summary of key matters raised in submissions	Officer's response
<p>20 submissions raised concerns that the height and scale of the proposed controls would permit development that was incompatible with the existing character of the area. Concern was raised regarding compatibility of the proposed building heights with the existing strata residential buildings on Rosehill and Cornwallis Streets. Submissions raised concern regarding the visual bulk of the proposed development when viewed from existing residential buildings as well as from public places.</p>	<p>The northern opportunity sites are located in a highly valuable strategic context adjoining the ATP, Redfern Station, Regent Street, and the RWA lands. They sit within the Camperdown-Ultimo Health and Education Precinct and the Innovation Corridor. The proposed building heights reflect the strategic location and the new vision for the Precinct as an area focused on employment growth.</p> <p>The northern opportunity sites were all envisioned to redevelop and together form a new commercial hub which adjoined and supported the ATP. Incentive heights and FSRs were proposed for all the northern opportunity sites, to provide an equitable opportunity for all existing landowners, residential and commercial, to benefit from the proposed change in character for the northern opportunity sites.</p> <p>The relationship between the northern opportunity sites and surrounding development was carefully considered, with heights of the northern opportunity sites transitioning down to 6 stories to protect solar access to Daniel Dawson Reserve and provide a visual transition towards surrounding sites in the Precinct that were not identified as opportunity sites.</p> <p>Despite the vision for the Precinct outlined in the planning proposal, the vast majority of resident submissions stated that they wish to stay in their existing residential buildings. This indicates that the northern opportunity sites will likely not comprehensively redevelop into a commercial hub. The northern opportunity sites are therefore recommended to be removed from the planning proposal.</p>
<p>Amenity impacts</p>	
<p>52 submissions raised concern about impacts on the amenity of existing strata residential units from the proposed planning controls. These amenity concerns included:</p> <ul style="list-style-type: none"> • solar access to apartments and private open space; 	<p>The northern opportunity sites were all identified for additional capacity to collectively form a new commercial hub. The collective transformation of the sites enables a less restrictive amenity approach based on the future commercial development and existing</p>

Summary of key matters raised in submissions	Officer’s response
<ul style="list-style-type: none"> • access to daylight and views to the sky; • visual and acoustic privacy; • wind; and • separation. <p>Residents raised concern that a loss of sunlight and privacy would impact their mental and emotional wellbeing. Most submissions raised concern about impacts from a development at 44-78 Rosehill Street in particular.</p>	<p>owners to realise the benefits of redevelopment. However, public exhibition demonstrated that a significant proportion of existing residents do not want to renew their strata and redevelop their sites and therefore Council needs to take a different view of the amenity impacts.</p> <p>Section 4.2.9 Non-residential development in the B4 Mixed Uses zone of the DCP contains the relevant planning controls which would apply to commercial development on the northern opportunity sites. The DCP requires Council to consider and address a range of amenity impacts when assessing a development application, including privacy, overlooking and overshadowing.</p> <p>When assessing a development application, a merit assessment of these matters would be undertaken. While the State Environmental Planning Policy No 65—Design Quality of Residential Apartment Development (SEPP 65) and the Apartment Design Guide (ADG) do not apply to commercial development, in lieu of specific numerical standards, Council typically makes reference to ADG design criteria to assess appropriate levels of solar access, separation and privacy for apartments that are affected by development.</p> <p>The relevant ADG design criteria for solar access is that at least 70% of apartments should receive at least 2 hours of sun to their living spaces and the balconies off living spaces in midwinter. If a residential apartment building does not currently meet the minimum solar access requirement, then future development must not reduce the number of apartments which currently receive the minimum 2 hours of solar access in midwinter. This means that apartments that receive more than 2 hours of sun may have these hours reduced to 2 hours but no less. Apartments that receive less than 2 hours may have their sun reduced but not so as they receive no sun.</p> <p>Submissions showed the northern opportunity sites are unlikely to wholly renew as a</p>

Summary of key matters raised in submissions	Officer's response
	<p>commercial precinct. Sites that develop for commercial uses are likely to have an unacceptable amenity impact on neighbouring residential buildings which do not develop. The northern opportunity sites are therefore recommended to be removed from the planning proposal.</p>
Wind impacts	
<p>13 submissions raised concern regarding wind impacts arising from the proposed planning controls. Submissions stated that the area already suffers from high winds and residents were concerned that additional development would worsen the wind conditions.</p>	<p>Documentation provided by the landowner of 44-78 Rosehill Street demonstrated that the wind impacts arising from the proposed planning controls can be managed to ensure comfortable wind conditions in the public domain.</p> <p>The draft DCP included built form requirements including setbacks and a 2-storey wind break through longer buildings to manage wind impacts in the public domain.</p> <p>If these planning controls were to proceed, detailed wind testing would be required at concept development application stage to ensure that a building envelope is only approved if it does not result in uncomfortable or unsafe wind conditions.</p>
Amenity impacts on 31-41 Cornwallis Street and 32 Rosehill Street	
<p>50 submissions raised concern about amenity impacts on the existing residential buildings at 31-41 Cornwallis Street or 32 Rosehill Street.</p>	<p>Regarding solar access, the apartments at 31-41 Cornwallis Street each have outlook both to Cornwallis Street and Cornwallis Lane. Units have their living rooms and living room balconies facing Cornwallis Street. The majority of the rooms, balconies and courtyards that face Cornwallis Lane are bedrooms and secondary private open spaces. The ADG does not set a standard in regard to solar access of these rooms, balconies and courtyards.</p> <p>The apartments at 32 Rosehill Street which would be impacted by development at 15-29 Cornwallis Street and 44-78 Rosehill Street are south facing, which means they do not currently receive solar access (i.e. direct sunlight) in midwinter. While solar access in midwinter is a design criteria within the ADG, access to</p>

Summary of key matters raised in submissions	Officer's response
	<p>daylight generally is not protected by a numerical criteria.</p> <p>Regarding visual privacy and separation, Cornwallis Lane and Margaret Street are narrow, at approximately 3m and 6m wide respectively. The figure below shows the footprint of the existing buildings at 44-78 Rosehill Street, 31-41 Cornwallis Street and 32 Rosehill Street.</p>  <p>The existing building at 44-78 Rosehill Street is two storeys in height and commercial in nature. It is built to its northern boundary and part of the building is built to its western boundary, while other parts of the building have an approximately 8m western setback. The existing levels of separation for units at 31-41 Cornwallis Street varies depending on where in the building the apartments are located. The current controls for 44-78 Rosehill Street permit an 18m building 4 storeys high.</p> <p>It is noted that the existing residential building at 31-41 Cornwallis Street is built with balconies and bedroom windows less than 3m from its eastern boundary. It is also noted that 32 Rosehill Street is built with a nil setback to Margaret Street.</p> <p>The ADG establishes setback distances between windows and side boundaries to ensure visual privacy but does not establish separation distances between buildings on different sites or</p>

Summary of key matters raised in submissions	Officer's response
	<p>across streets. Specifically, the ADG does not establish a numerical requirement for setbacks from streets or lanes, however best practice is to use the nominated side boundary visual privacy setbacks and to consider them from the centreline of surrounding streets. In this situation, neither of these buildings comply with the setback distances in the ADG considered in this way.</p> <p>The visual privacy concerns raised by residents could be addressed in a future development of 44-78 Rosehill Street by the combined use of setbacks, walls without windows, and privacy treatments to windows such as opaque glass or external fixed screens.</p> <p>For example, Council could require that development on 44-78 Rosehill Street comply with the ADG visual privacy requirements between habitable rooms and a blank wall or window treated so as not to create a visual privacy impact which would require a minimum distance of 6m between their building and any window or balcony at 31-41 Cornwallis Street.</p> <p>Requirements for privacy treatments could limit direct overlooking from a development on 44-78 Rosehill Street on both 31-41 Cornwallis Street and 32 Rosehill Street.</p>
<p>Amenity impacts on 39-61 Gibbons Street</p>	
<p>Two of the submissions regarding amenity impacts were from residents of 37-61 Gibbons Street, Redfern who are concerned about loss of sunlight to their apartments and balconies.</p>	<p>Detailed solar analysis found that due to its orientation and design, the existing strata residential block at 39-61 Gibbons Street does not meet current ADG requirements for solar access of residential apartment buildings.</p> <p>When a building does not meet the ADG standard for minimum levels of solar access, then any new development must not reduce the number of apartments which currently receive the minimum 2 hours of solar access in midwinter. In a situation where the existing building is expected to remain, then the number of apartments receiving 2 hours of solar access must not be reduced. This means that no apartments which currently receive 2 hours of</p>

Summary of key matters raised in submissions	Officer's response
	<p>sunlight in midwinter should have less than 2 hours of sunlight as a result of a change to planning controls on surrounding sites. Critically, the need to retain solar access to four ground floor apartments on Gibbons Street significantly limits the height of development on 44-78 Rosehill Street.</p> <p>Following consideration of submissions, Council engaged in discussions with the landowners of 44-78 Rosehill Street and 15-29 Cornwallis Street to discuss ways to reduce the solar impact on the apartments at 39-61 Gibbons Street and address other amenity and privacy issues.</p>
<p>Submissions in support of the planning proposal from 39-61 Gibbons Street</p>	
<p>11 residents and unit owners from 39-61 Gibbons Street supported the draft planning controls as they apply to their site. Submitters recognise the changing character of the area, see their site as appropriate for redevelopment and would like Council to retain their building as an opportunity site. 5 of these submitters are concerned that their building will be left surrounded by tall buildings, suffer amenity impacts and a loss of property value from those buildings yet be unable to redevelop themselves. Several residents expressed concern that Council would make a significant change to the exhibited planning controls by removing proposed additional development potential without notifying affected residents.</p>	<p>At their request, Council staff met with members of the strata committee of 37-61 Gibbons Street to explain the process involved in preparing the planning proposal, the feedback we had received during public exhibition, and the response options that staff were considering.</p>
<p>Submissions from landowners in support of the planning proposal</p>	
<p>Council received submissions on behalf of the landowners of 15-29 Cornwallis Street and 44-78 Rosehill Street and the investors of 44-78 Rosehill Street.</p> <p>The original submission on behalf of the landowner of 15-31 Cornwallis Street was supportive of the planning proposal. The landowner sought an amendment to the draft DCP to include site-specific provisions for their site, in order that a development application on the site not need to submit a concept DA, and could instead submit just a detailed DA.</p>	<p>Given the objections raised in submissions, Council staff notified the landowners of 44-78 Rosehill Street and 15-29 Cornwallis Street that the City had received a number of submissions objecting to the inclusion of the northern opportunity sites in the planning proposal, and that the City was considering changes to the publicly exhibited planning controls.</p> <p>Council staff advised the landowners of the issues raised in submissions, and that staff were considering options for how to respond to the submissions.</p>

Summary of key matters raised in submissions	Officer's response
<p>The original submission on behalf of the landowner of 44-78 Rosehill Street was supportive of the planning proposal. The landowner sought an amendment to the exhibited planning proposal to enable additional floor space on the site and an amendment to the draft DCP to remove the requirement for a 2-storey wind break on the site.</p>	
<p>Kippax, the landowner of 44-78 Rosehill Street, strongly objected to any reduction in the exhibited controls, noting their vision for a sustainable commercial building at 44-78 Rosehill Street and significant public domain improvements is in alignment with the City's vision for the Botany Road Precinct. Kippax submitted additional information, stating:</p> <ul style="list-style-type: none"> • They have worked with Council staff to understand Council's vision for the Botany Road Precinct and resolve issues on the site such as wind, articulation and solar access to Daniel Dawson Reserve. • Any reduction in the exhibited planning controls for their site would make the project unviable for them. • The site is strategically located and is one of only a few large commercial development sites within the Precinct which can help contribute towards Council's vision for a vibrant commercial precinct that strengthens the Innovation Corridor. • The proposal would deliver significant social benefits, including a publicly accessible 'Town Hall' auditorium space, tree planting in the public domain and a 6-star Green Star hybrid timber building. <p>The ground floor apartments of 37-61 Gibbons Street currently use bamboo screening on the Gibbons Street frontage to improve their visual privacy, voluntarily blocking out their solar access.</p> <p>Kippax worked with Council staff to find a solution to the issues raised following public exhibition, submitting several built form options for Council's consideration, including:</p>	<p>The strategic attributes of the site are acknowledged however there are other sites in the Precinct which can contribute to Council's objectives. The City has analysed the additional information and alternatives submitted. However, the height of building of 44-78 Rosehill Street could not be increased beyond the current control, except for a small section at the southernmost end of the land, while preserving the solar access of all apartments at 39-61 Gibbons Street which currently receive the minimum 2 hours of sun in midwinter.</p>

Summary of key matters raised in submissions	Officer's response
<ul style="list-style-type: none"> • Increasing western boundary setbacks, blank walls, privacy treatments to the north and western facades and landscaping of Cornwallis Lane in order to address concerns regarding separation and visual and acoustic privacy. • Creating a bevelled edge to the north eastern corner of the building on the upper floors, to preserve solar access to west-facing units at 39-61 Gibbons Street. The bevelled edge would preserve 2 hours of solar access to units on levels 1-3, however the four ground floor units which currently receive more than 2 hours of sun in midwinter would still suffer a reduction in solar access to below 2 hours. • Reducing the proposed height of building on 44-78 Rosehill Street to a maximum of 11 storeys to preserve 2 hours of solar access to west-facing units at 39-61 Gibbons Street. This option would preserve solar access to units on levels 1-3, however the four ground floor units which currently receive more than 2 hours of sun in midwinter would still suffer a reduction in solar access to below 2 hours. • Testing the impact of the exhibited planning controls on solar access of the Indigenous landscape cultural garden at the ATP. 	
<p>The landowner of 15-29 Cornwallis Street also strongly objected to any reduction in the exhibited planning controls for their site. The landowners of 15-29 Cornwallis Street undertook additional solar testing and submitted additional information, noting:</p> <ul style="list-style-type: none"> • The proposed planning controls incentivise commercial development in appropriate locations to strengthen the economic and productive role of the Precinct and the wider Innovation Corridor. This results in overwhelming strategic merit, to deliver upon the objectives of the Botany Road Precinct, while also mitigating shadow and environmental impacts to surrounding properties where possible. • There is precedent within the SDCP 2012 for the City allowing additional overshadowing to residential apartments 	<p>Refer to above response</p>

Summary of key matters raised in submissions	Officer's response
<p>where there is overwhelming strategic merit, or an inability to reasonably reduce overshadowing impacts within a Planning Proposal.</p> <ul style="list-style-type: none"> Reducing the exhibited planning controls for 15-29 Cornwallis Street to 12 storeys would address the concerns raised in submissions and still allow the site to develop for commercial purposes in alignment with the vision for the Botany Road Precinct. While a 12 storey built form would reduce the solar access of the ground floor apartments at 37-61 Gibbons Street, it represents only a 5.5% reduction in the apartments which achieve the minimum 2 hours of sun in midwinter. The actual existing solar access to the ground floor apartments is negligible. The shadows caused by existing high fences to the ground floor apartments of 35-61 Gibbons Street and existing landscaping to Gibbons Street Reserve and on Gibbons Street should be taken into consideration in a qualitative way. A 12-storey form at 15-29 Cornwallis Street retains solar access to the Indigenous Landscape Cultural Garden to more than 2 hours for a minimum 50% area of the garden in mid-winter. There are few large sites within the Botany Road Precinct that can deliver commercial office floor plates and contribute towards the City's vision for a vibrant commercial precinct. To sterilise the precinct for commercial development to protect the already compromised solar amenity of these four ground floor apartments would in their view not be a balanced response to managing the public interest. 	
<p>Recommended removal of the northern opportunity sites from the planning proposal</p>	
<p>The overall feedback from resident submissions was an objection to the inclusion of residential buildings within the planning proposal and a request that all sites on Rosehill and Cornwallis Street be removed from the planning proposal.</p>	<p>Taking into consideration all of the submissions, this report recommends that the proposed incentive heights and FSRs be removed from all of the northern opportunity sites for the following reasons:</p> <ul style="list-style-type: none"> A number of submissions from residents raised substantial concerns about

Summary of key matters raised in submissions	Officer’s response
	<p>displacement and requesting the proposed controls be removed from their site, indicating a community that is committed to staying where they are.</p> <ul style="list-style-type: none"> • The number of objections from residents living in the northern opportunity sites suggest that the existing strata residential buildings would likely not redevelop. • Development on Rosehill and Cornwallis Streets would cause a non-compliance for 37-61 Gibbons Street with respect to the minimum solar access design criteria of the ADG. While some supportive feedback was received from residents at 39-69 Gibbons Street, there were not enough submissions received to provide certainty that the apartment building would proceed through a strata renewal process and be replaced with a commercial building. • The planning proposal provided incentive planning controls to all the northern opportunity sites to establish a new commercial hub. However, if only the non-residential sites within the precinct take up the incentive planning controls, the amenity impacts onto existing residential buildings are significant and are not consistent with guidance in the ADG. <p>In addition to removing the incentive height and FSR controls for all opportunity sites, the draft DCP will also be amended to remove controls relating to building height in storeys, setbacks and the site-specific controls for 44-78 Rosehill Street.</p>

Matters raised in submissions (not northern opportunity sites)

Summary of key matters raised in submissions Officer’s response	
Built form and character	
<p>15 submissions have been received relating to the proposed increased building height and changing character of the precinct. Several submissions generally support development that will renew the area and facilitate commercial and affordable housing.</p>	<p>The built form controls seek to pursue development outcomes that are of a high design quality, environmentally responsive and responsive to the form of surrounding buildings. The impacts of the proposal have been subject to analysis and testing in the urban design study by TZG, with further testing in the supplementary urban design report prepared by the City.</p> <p>The urban design study and supplementary report were publicly exhibited with the planning proposal and draft DCP. The supplementary report details the considerations that guided the proposed planning controls, including:</p> <ul style="list-style-type: none"> • delivering new business floor space in this highly valuable strategic location; • minimising solar impact to parks and surrounding residential development, including the proposed new dwellings on the Waterloo Estate; • ensuring that heights don’t exceed that of existing development on Regent and Gibbons Street or the future Waterloo Metro over-station development; • maintaining a favourable relationship to Botany Road; • ensuring heights transition appropriately from areas of change to surrounding heritage conservation areas and adjoining heritage items; • ensuring affordable housing development can achieve sufficient solar access, even if the adjoining sites are developed for commercial use; • considering view corridors and minimising wind impacts; and • maintaining buildings and uses on Regent Street and Botany Road that contribute to the unique character of the Precinct.

Summary of key matters raised in submissions Officer's response	
Requests for additional height	
<p>See the area as underutilised and suggest that the building heights proposed could be increased.</p>	<p>The proposed building heights were developed through built form modelling and options testing which took into consideration a range of factors, including: limiting building heights to the existing tall buildings on Regent and Gibbons Street; maintaining a good ratio between the width of Botany Road and the height of buildings on Botany Road; minimising shadowing impact on Alexandria Park; and minimising shadowing impact on surrounding residential areas.</p>
<p>Seek additional height opposite the Waterloo Metro station so that the two sides of the road are of a more even scale.</p>	<p>The heights of the over-station development the Waterloo Metro was determined by the NSW Government, not by Council. Increasing the proposed building heights in the Precinct would lead to increased shadowing impact on streets, Alexandria Park and surrounding residential areas. The proposed building heights are considered appropriate to the urban context and balances maintaining amenity and maximising commercial floor space.</p>
Concerns about height	
<p>Seven submissions raised concerns regarding the proposed building heights in the Precinct. One submission noted that the proposed heights are inconsistent with the existing buildings in the Precinct. Two submissions noted that the tall buildings on Regent and Gibbons Street have already overshadowed the street, created wind tunnels and negatively impacted the Precinct and raise concern that the planning proposal will lead to similar negative outcomes.</p> <p>Three submissions raised concern that the area would become similar in character to Zetland and Waterloo, filled by only high-rise buildings and poorly integrated with the surrounding community. One of these submissions stated that building heights over 10 stories make an area feel unliveable, and that building heights of 6-8 storeys with a 2-storey street wall is much more liveable.</p>	<p>The strategic review of the Precinct has taken a balanced approach, identifying some areas for conservation and others for change.</p> <p>The planning proposal includes an extension of the Redfern Estate HCA to ensure that buildings on Regent Street that contribute to the historic character of the Precinct, currently not protected, are offered a level of heritage protection for continuing adaptive reuse.</p> <p>Areas south of Henderson Road and Raglan Street have been identified as opportunity sites, which introduces incentive height and FSR controls to encourage commercial and affordable housing development. The heights proposed for Botany Road between Henderson Road and McEvoy Street vary between 6 and 12 commercial storeys. The tallest buildings are located opposite the Waterloo Metro station, which will be a centre of activity and a public transport hub. Upper level setbacks have been established to manage wind and overshadowing impacts and reduce the visual bulk of buildings. Building heights</p>

Summary of key matters raised in submissions	Officer's response
	<p>are lower where they adjoin heritage items and HCAs to respect their significance, limit overshadowing and ensure an appropriate visual relationship.</p> <p>The proposed additional height also enables new laneways, which will improve permeability and connectivity to increase accessibility between destinations in the Precinct and the surrounding area.</p>
Wind impacts	
<p>Three submissions noted that surrounding areas already suffer from significant wind impacts and requested that Council improve how they assess and mitigate wind impacts from new development.</p>	<p>It is recognised that tall buildings can impact wind conditions in the public domain. The City's document requirements for development applications require any application for a commercial building over 45m in height to include a wind effects report. This requirement is in accordance with industry best practice and ensures that wind impacts on safety in the public domain are resolved before a development is approved for a site.</p>
Height and character of Regent Street	
<p>One submission calls for greater height on Regent Street opposite the existing 18 storey buildings so that the two sides of the street have a more even height and scale.</p> <p>Three submissions stated that they highly valued the existing businesses and character of Regent Street and wanted the existing shops to be retained. One submission was concerned that tall buildings will 'creep' down Regent Street and Botany Road, impacting the character of the area. The submission suggested retaining the existing low scale and historic buildings on Regent Street and only introducing additional building height south of Henderson Road and Raglan Street.</p>	<p>Strategic review of the Precinct has taken a balanced approach, identifying some areas for conservation and others for change. The Strategic Review identified that the shops on Regent Street are highly valued by the community and that the streetscape on Regent Street contains contributory buildings which have significance for both Aboriginal and non-Aboriginal people.</p> <p>The planning proposal includes an extension of the Redfern Estate HCA to ensure that buildings on Regent Street that contribute to the historic character of the Precinct, currently not protected, are offered a level of heritage protection for continuing adaptive reuse. This will also assist in retaining the diverse uses currently occupying historic terraces, which are integral to the character of the area and the economic role of Regent Street</p>
Height on Wyndham Street	
<p>One submission raised concern that the proposed building heights of 5-8 storeys on Wyndham Street opposite Alexandria Park</p>	<p>The part of Wyndham Street opposite Alexandria Park, between Buckland Street and McEvoy Street is one of two areas in the Precinct which was identified for market</p>

Summary of key matters raised in submissions	Officer's response
would negatively impact the character of the area.	residential housing. The proposed building height of up to 6 stories opposite Alexandria Park was established to limit overshadowing of the park and will have no impact on the park after 10am in midwinter. This part of Wyndham Street is an area of high amenity and is an opportunity to encourage a greater intensity of residential use close to shops, services, open space and transport.
Quality of development	
Including submissions from residents in the northern opportunity sites, three submissions expressed concern regarding the quality of recent development. These submissions expressed that improvements to the quality of building would improve the public domain and the lived experience of future residents.	<p>All development that takes up the incentive provisions must go through a design excellence process to ensure that new buildings are well designed and respond well to the characteristics of their site. In addition, all residential apartment buildings in the Precinct must comply with the ADG, which contains objectives, design criteria and design guidance to ensure that new residential apartments achieve sufficient amenity.</p> <p>No changes are recommended to the proposed planning controls following consideration of these submissions.</p>
Quality of new apartments	
Two submissions raised concern about amenity for residents of new developments, particularly relating to solar access and cross ventilation.	<p>The ADG provides consistent planning and design standards for residential apartments across NSW. The ADG provides objectives, design criteria and design guidance to ensure that new residential apartments achieve sufficient amenity.</p> <p>In the ADG, access to sunlight for habitable rooms and private open space is measured at midwinter (21 June) as this is when the sun is lowest in the sky, representing the 'worst case' scenario for solar access. It is also noted that the design criteria contains minimum amenity standards and that developments may achieve above the minimum amenity standards.</p>
Late night trading	
One submission raises concern regarding the operating hours of pubs and clubs and the area becoming a party district. The submission requests that pubs and clubs have their operating hours limited to 12am so that the sleep of residents is protected.	The Precinct is envisioned to become a vibrant commercial precinct with shops, restaurants and entertainment venues to support the new office workers and the existing residents.

Summary of key matters raised in submissions	Officer's response
	<p>Much of Regent Street and Botany Road are located within Local Centre Areas on the SDCP 2012 Late night trading areas map. The SDCP 2012 contains a range of provisions to manage the effects of late night trading on the neighbourhoods in which they are located. The provisions, including permissible hours, vary by use and location. The draft DCP does not change the Late night trading areas map or the DCP provisions which outline permissible late night trading hours and manage their impact.</p>
Overshadowing of 222 Botany Road	
<p>One submission raised concern regarding the shadowing impact of development on their apartment at 222 Botany Road, Alexandria.</p>	<p>222 Botany Road is a 9 storey mixed use complex which fronts both McEvoy Street and Botany Road and sits just to the south of the Precinct. Detailed solar analysis of the impact of the proposed controls has demonstrated that while there will be an impact on the solar access of the apartments which face both McEvoy Street and Botany Road, all of those apartments will still receive the minimum ADG requirement of 2 hours of sunlight in midwinter.</p>
Overshadowing of 199 Regent Street	
<p>One submission raised concern regarding the shadowing impact of development on their apartment at 199 Regent Street, Redfern.</p>	<p>199 Regent Street is a 6 storey mixed use complex which sits on the western side of Regent Street and to the West of the northern opportunity sites. Detailed solar analysis of the impact of the proposed controls has demonstrated that while there will be an impact on the solar access of the apartments which face both Regent Street, the majority of apartments will still receive the minimum ADG requirement of 2 hours of sunlight in midwinter. Overall, the solar access of the building will still meet the minimum standard outlined in the ADG.</p> <p>In addition, it is recommended that the incentive planning controls be removed from the northern opportunity sites. Removing the incentive planning controls from the northern opportunity sites will mean that there is no change to the existing solar access of 199 Regent Street, Redfern.</p>
View and sunlight impact to 13-17 Cope Street	
<p>One submission from 13-17 Cope Street questioned whether development at 131</p>	<p>The planning proposal retains the existing FSR control and increases the maximum height of</p>

Summary of key matters raised in submissions	Officer's response
<p>Regent Street would impact their views and sunlight.</p>	<p>building from 18m to 25m (six storeys) for 131 Regent Street, Redfern. The site is a former interwar service station that was identified in the Non-indigenous Heritage Study as contributory to the Redfern Estate HCA.</p> <p>Increasing the height control will allow any development on the site to retain the contributory elements and achieve the existing floor space available by building on the southern portion of the site. Increasing the height control in the SLEP 2012 also aligns the maximum building height in the SLEP 2012 with the existing height of building control in the SDCP 2012, which is already set at 6 stories.</p> <p>The planning controls do not protect private views. There may be some loss of distant views from the middle levels of 13-17 Cope St to the south west due to the additional two storeys at 131 Regent St. Given the change in ground level upper most storeys of 13-17 Cope are likely to retain views and other apartments will retain outlook west over Jack Floyd Reserve.</p> <p>Detailed solar analysis of the impact of the proposed controls for 131 Regent Street has demonstrated that there will be no impact on the solar access of 13-17 Cope Street. Due to the tall buildings across the road from 131 Regent Street, the increase to the permitted height on 131 Regent Street does not create additional overshadowing for 13-17 Cope Street.</p> <p>No changes are recommended to the proposed planning controls following consideration of these submissions.</p>
<p>General traffic impacts and Regent / Gibbons one way pair</p>	
<p>43 submissions were received raising concerns about traffic and parking impacts. This includes submissions from residents in the northern opportunity sites.</p> <p>Three submissions were in support of proposed changes which will improve pedestrian amenity and introduce new linkages and cycleways to help improve connectivity in the area.</p>	<p>As required by the Gateway Determination, the proposed planning controls were referred to Transport for NSW and Sydney Metro for comment, who raised no objection to the proposal.</p> <p>It is acknowledged the road network though the Precinct is frequently congested, impacting air quality, generating noise pollution levels,</p>

Summary of key matters raised in submissions	Officer’s response
<p>Five submissions were in support of the proposed change to remove the one-way pair of Regent Street and Gibbons Street and reinforce the high street character of Regent Street.</p> <p>35 submissions raised concerns the planning proposal will result in increased traffic congestion in the Precinct. Five of these submissions noted there is already significant congestion within the precinct and were sceptical that the proposed removal of the one-way pair of Regent Street and Gibbons Street would result in any improvement.</p>	<p>reducing bus reliability and increasing travel times.</p> <p>While there will be some additional vehicle trips associated with the precinct, this is expected to be offset by additional capacity for traffic due to the Westconnex project and additional public transport capacity.</p> <p>Proposed growth in the precinct is supported by planned increases in public transport. The future Waterloo Station on the Sydney Metro line is located centrally within the site. When opened in 2024, Waterloo Station will significantly improve local accessibility and reduce the need for people to drive to the area.</p> <p>Planned improvements to walking and cycling infrastructure will assist in a mode share shift away from private car usage to walking, cycling and public transport.</p> <p>The City and Transport for NSW together have a significant plan of projects and actions to improve connectivity in and around this precinct and to promote sustainable transport use, including:</p> <ul style="list-style-type: none"> • Green Square and Waterloo Transport Action Plan – Transport for NSW and the City jointly engaged a consultant to undertake a review of connectivity in the area of Green Square and Waterloo and develop an action plan up to 2024 and the opening of the metro; • speed reduction – Transport for NSW and the City have been working together on a plan to reduce the majority of roads within the City area to 40km/h; • cycleways – Transport for NSW will roll out major cycle links across the local government area, with the City continuing to plan and implement local connections; • behaviour change – Transport for NSW and the City have recently prepared a behaviour change campaign in Green Square and the surrounding area. This is aimed at getting people to travel by more sustainable methods. This is an example of the sort of programs that the City commonly run in urban renewal precincts; and

Summary of key matters raised in submissions	Officer's response
	<ul style="list-style-type: none"> maximum parking rates - in its planning controls the City establishes a maximum parking rate based on the accessibility of a site to public transport and service. The approach is intended to promote public transport use in favour of driving and parking to a destination. It is noted the City is currently preparing updated parking controls for the local government area as part of its comprehensive review of the planning controls, which will be reported to Council in mid-2022. These controls will be an evolution of the existing land use and transport integration maps that are currently in Sydney LEP 2012. <p>Currently, Gibbons Street and Regent Street operate as a 'one-way pair' with traffic on Gibbons Street travelling northbound and southbound movement on Regent Street. Botany Road between Henderson Road and McEvoy Street has two-way traffic operation.</p> <p>A key recommendation in the traffic and transport review appended to the planning proposal is the removal of the Gibbons Street / Regent Street one-way pair operation and the reinstatement of two-way traffic flow on both streets, improving network legibility for bus passengers and providing the opportunity for further active transport and amenity improvements.</p> <p>Transport for NSW is the public authority responsible for managing state roads, including Botany Road, Regent Street and Gibbons Street. The submission from Transport for NSW identified that Regent Street, Redfern is identified for future investigation for a two-way conversion under Tech Central Camperdown-Ultimo Place-based Transport Strategy (2021). The submission notes that the conversion of the existing one way pairs would require a separate detailed investigation to determine the feasibility and implications for the existing and future transport network.</p> <p>The City's initiatives to support traffic and transport in the area are not static or focussed around one precinct. As movement patterns</p>

Summary of key matters raised in submissions	Officer's response
	<p>adapt to the completion of significant infrastructure in the area, current initiatives will be reviewed and updated to ensure they are most effective at supporting future transport mode use.</p> <p>Council will continue to work with Transport for NSW to support their investigations and achieve the recommended changes to the road network to improve legibility, access and amenity of the Precinct.</p>
<p>Traffic on Wyndham Street</p>	
<p>Two submissions raised concerns regarding the current and future levels of traffic using Wyndham Street and identified a need for safety improvements and traffic calming on Wyndham Street.</p>	<p>Wyndham Street is identified as a secondary road by Transport for NSW, recognising that it plays a supporting role to Botany Road. The proposed planning controls will introduce medium density commercial and mixed use to the eastern side of Wyndham Street. This will reduce the number of residential properties on the ground floor where acoustic impacts and air quality concerns are greatest.</p> <p>The new laneway network will bring vehicle movements into and out of properties off Wyndham Street and into the laneways. Reducing the number of driveway crossovers on Wyndham Street will improve safety for pedestrians and improve the flow of traffic on Wyndham Street.</p>
<p>Public transport capacity</p>	
<p>Two submissions raised concerns that trains and/or buses are at capacity during peak hour and were concerned about the impact of new development on public transport capacity.</p> <p>One submission would like to see a dedicated bus lane or option for light rail in the precinct and another requested a cycleway along Botany Road to improve cycling connectivity to the CBD. One submission raised concern regarding the noise impact if a new bus route were to run down Cope Street.</p>	<p>The Precinct is relatively well serviced by the bus network, with services operating north-south and east-west providing connections through the region. It is however acknowledged that due to the one-way traffic operation, bus services operate north on Gibbons Street and south on Regent Street, impacting bus service legibility and interchange connectivity.</p> <p>The Transport for NSW submission noted that the Botany Road and Gibbons Street are identified for investigation for bus rapid transit opportunities as part of the South East Sydney Transport Strategy (2020).</p> <p>The City will continue to advocate for more buses, and better connectivity of services, noting that the opening of the Waterloo Metro</p>

Summary of key matters raised in submissions	Officer's response
	<p>will provide an opportunity to facilitate transfer between buses and the Metro.</p> <p>The City will also continue to work with Transport for NSW to support their future detailed investigations into rapid bus opportunities and changes to the road network in to facilitate improved public transport legibility and connectivity of the bus network.</p>
<p>Traffic on Rosehill and Cornwallis Streets</p>	
<p>Four submissions state that the transport and traffic report did not consider the traffic impacts on Rosehill and Cornwallis Streets, and raise concern that the one-way streets are not suitable for the increase in traffic which will arise from the new planning controls.</p>	<p>The Transport and Traffic Study by Cattell Cooper took a 'movement and place' approach to understand the study area and solutions that focus on:</p> <ul style="list-style-type: none"> • achieving accessibility and connectivity by delivering a legible street network to encourage low car dependency; • providing infrastructure that encourages walking and cycling; and • ensuring that street design enables equitable access for people of all ages and abilities. <p>The Transport and Traffic Study did not model the impact of development on the road network, but rather focused on how adjustments to the road network and public domain could address the imbalance between movement and place functions throughout the Precinct to support and encourage a mode shift away from private car usage. Detailed traffic matters arising from a development will be assessed at development application stage.</p>
<p>4 submissions question how waste management of any new development on Rosehill and Cornwallis Street will be managed, given the narrow streets and current level of congestion.</p>	<p>The road network is currently used to carry garbage trucks that service the existing apartment blocks on Rosehill and Cornwallis Street. The City of Sydney's Guidelines for Waste Management in New Developments (the Guidelines) provide the minimum waste management requirements for all new developments. The purpose of the Guidelines is to ensure all new buildings will provide for the efficient storage, separation, collection and handling of waste to maximise resource recovery and provide safe and healthy spaces for people.</p> <p>The SDCP 2012 contains a requirement that all developments submit a waste and recycling</p>

Summary of key matters raised in submissions	Officer's response
	<p>management plan to ensure that new buildings are designed to facilitate the safe and efficient storage and collection of waste. Architectural plans and a waste and recycling management plan will be assessed at development application stage before approval of any future development in the Precinct.</p>
<p>Quality of footpaths</p>	
<p>Five submissions stated that the existing footpaths are unpleasant and inadequate for the current level of pedestrian flow and raised concern about a future increased level of pedestrian activity in the precinct.</p>	<p>It is envisaged that as the Precinct and its surround develops it will better balance the movement function of the road network with its place function, providing a more comfortable and attractive space for people to work and visit. The one-way pairing of Regent Street and Gibbons Street will be replaced with two-way streets, speed limits will be lowered and additional crossings will be introduced. New laneways and through-site links will be delivered, providing a continuous mid-block laneway network and increasing walkable connections.</p> <p>The draft DCP includes provisions to guide the use of SP2 setbacks on Botany Road, in many instances currently used for car parking. Certain sites on Regent Street and Botany Road are subject to an SP2 setback for the purposes of road widening. Council's strategic intent is to use this land for footpath widening and to facilitate increased tree planting and greening along Botany Road to improve pedestrian amenity and connectivity.</p> <p>The Transport for NSW submission states that Botany Road is part of an important movement corridor linking the Sydney CBD, southern suburbs, Sydney Airport and Port Botany which is identified for investigation for long term bus rapid transit opportunities as part of the South East Sydney Transport Strategy.</p> <p>With regard to the use of the SP2 setbacks on Botany Road, the submission states that Transport for NSW's transport investigations will be required to consider and identify the future land requirement needs to support future transport infrastructure and services, which may include examination of the land reservations along this corridor.</p>

Summary of key matters raised in submissions	Officer's response
	<p>While Transport for NSW stated they would not relinquish the SP2 road reservations at this time, they suggested that discussions be held between Council and TfNSW to explore opportunities. Council will continue to work with Transport for NSW to explore opportunities to improve pedestrian connectivity and amenity within the Precinct.</p> <p>Sustainable Sydney 2030-2050: Continuing the Vision includes a project idea for a Green City with Botany Road identified as a green avenue. The project aims to turn Botany Road into a grand green boulevard that is a greener, more liveable and attractive main road that better serves the local community. It will provide the city with 5,000m² of extra space for people and trees. Reconfiguring underground utilities for stormwater recycling can help sustain and irrigate new shade trees and gardens.</p>
Parking	
<p>15 submissions raised concerns there was insufficient street parking in the Precinct, and that the proposed changes would exacerbate the issue. One submission sought that new developments be required to provide no car parking as the Precinct is well located near public transport.</p>	<p>It is acknowledged there is high demand for street parking in the Precinct. This is unlikely to improve given the constrained opportunities for street parking and the amount of proposed and planned development in and around the Precinct. However, the Precinct will be supported by significant public transport, with the planned Waterloo Metro being delivered in 2024, as well as other accessibility improvement, including more cycleways and better pedestrian connections to encourage modal shift away from private vehicle use.</p>
New laneways	
<p>One submission raised concern that the proposed new laneway network is not functional because it contains zig zags and does not provide for north-south flow without also driving on streets.</p>	<p>The draft DCP provides a framework for changes to the public domain, including the creation of a new laneway network. New laneways will improve permeability of large blocks and building servicing.</p> <p>Transport for NSW has supported the Draft DCP controls delivering a continuous laneway</p>

Summary of key matters raised in submissions	Officer's response
	<p>network to reduce driveway access from classified roads and facilitating rear lane servicing and vehicle access.</p> <p>The new laneways include both north-south and east-west connections. The new laneways are not intended to provide a 'rat run' or alternative route to the main roads for vehicles traversing through the Precinct. Their main functions are:</p> <ul style="list-style-type: none"> • to facilitate rear lane access for vehicles and improve pedestrian safety and amenity on Botany Road and Wyndham Street; and • to provide east-west connections to break up the long street blocks and assist with pedestrian permeability through the Precinct. <p>No changes are recommended to the proposed planning controls following consideration of these submissions.</p>
Expansion of Redfern Estate Conservation Area	
<p>One submission raised concerns about the proposed expansion of the Redfern Estate Heritage Conservation Area onto Regent Street, saying it would result in further degradation of this area. The submission said it is already difficult to develop and maintain the buildings in this area due to lack of access and commercial opportunity and the expansion would make it more expensive and difficult for no commercial or aesthetic gain.</p>	<p>The expansion of the Redfern Estate Heritage Conservation Area ensures that buildings on Regent Street that contribute to the historic character of the Precinct, currently not protected, are offered a level of heritage protection for continuing adaptive reuse. Extending the area will also assist in retaining the diverse uses currently occupying historic terraces, which are integral to the character of the area and the economic role of Regent Street.</p>
Alexandria Park Conservation Area	
<p>Three submissions raised concern with the reduction of the Alexandria Park Heritage Conservation Area, some saying that the recommendations of the Non-Indigenous Heritage Report by TZG should be followed by extending the area.</p>	<p>The exhibited planning proposal balanced the contribution of these properties to the Heritage Conservation Area against the ability to further the employment objectives of the Precinct. The Non-Indigenous Heritage Report recommends extending the Alexandria Park Heritage Conservation Area further into the site boundary. However, Council's heritage experts reviewed the proposed additional contributory buildings and found that they are not of high quality, nor are they unique to the conservation area.</p>

Summary of key matters raised in submissions	Officer's response
	<p>The sites were therefore not included within the Heritage Conservation Area, which in turn enabled them to contribute towards strategic employment objectives, which is particularly relevant given the location of these sites across the road from the new Waterloo Metro station. Identifying these sites as Opportunity Lands, and allowing incentive FSR and heights, also deliver an improved public domain and increased tree canopy as new development will deliver high quality buildings addressing the public domain and setbacks to Botany Road for landscaping and tree planting.</p> <p>Currently, there are 13 properties within the Alexandria Park Heritage Conservation Area which also fall within the Precinct boundary. The character and heritage significance of the conservation area and the properties that also fall within the boundary of the Botany Road Corridor have been reviewed. An assessment of the type and quality of the properties indicates that removing these properties from the conservation area will have little to no impact upon the character or heritage significance of the conservation area.</p> <p>Removing the sites from the conservation area enables the sites on Botany Road to the north of Buckland Street to achieve increased height and employment capacity in line with the strategic objectives of the renewal of the Precinct.</p>
Aboriginal archaeology	
<p>Heritage NSW raised in their submission that consideration should be given to Aboriginal objects found in any context.</p>	<p>In response, the draft DCP has been updated to incorporate controls so that if Aboriginal objects are found in any context (including areas mapped as having low or very low archaeological potential in the DCP) then there is a requirement to stop work and report the find to Heritage NSW in accordance with the National Parks and Wildlife Act. If harm to the Aboriginal object cannot be avoided, then the proponent is required to prepare an application for an Aboriginal Heritage Impact Permit (AHIP).</p> <p>Other provisions require all works involving ground disturbance to identify the potential for</p>

Summary of key matters raised in submissions	Officer's response
	those works to harm Aboriginal objects and develop processes to avoid, minimise or mitigate those impacts in consultation with the Aboriginal community.
Public domain matters - general	
<p>Fifteen submissions have been received about the public domain in the Precinct, including open space.</p> <p>Several submissions are in support of the exhibited planning controls, noting the benefits to the public domain and pedestrian environment that could result from proposed changes to the one-way pairing traffic system and the introduction of active frontage requirements. Some submissions would like to see more done to increase the pedestrian friendliness of the area to help drive the local economy, improve access to the metro station and encourage local community.</p> <p>Some submissions were supportive of additional open space to be provided to the east of the metro station as part of the Waterloo Estate (South) redevelopment. One of these submissions was interested as to why the park was being provided given the size of Alexandria Park, and wanted to understand the different functions of park.</p> <p>Some submissions provided detailed suggestions regarding the improvement of the streets, for example, requests for installation of street libraries, more bins, bike-racks, street art and good quality, light coloured paving.</p> <p>Several submissions were made in support of greening the streets, encouraging a better tree canopy, more garden beds and green spaces between buildings to help reduce heat.</p> <p>Some submissions encouraged more space for outdoor dining to encourage street activity and local business.</p> <p>Several submissions were in support of prioritising solar access for parks, noting tall</p>	<p>While there are limited opportunities to increase the amount of open space in the Precinct, there are several large open spaces just outside the Precinct boundary. These include Alexandria Park which sits just outside the Precinct boundary on Wyndham Street, the Vice Chancellors Oval within ATP on Henderson Road and the future park in the Waterloo Estate on Cope Street.</p> <p>Support for open space in and around the Precinct is noted. The open space to the east of the metro station will be provided as part of the redevelopment of the Waterloo Estate (South). Timing for the delivery of the park has not yet been confirmed. The final design of the park will follow consultation with the community to be undertaken once the timing for the delivery of the park is confirmed.</p> <p>The vision for the Precinct is for a vibrant, green and pedestrian and cyclist friendly place. Regent Street is envisaged as a reinstated high street, with opportunities for landscaping, outdoor dining and places for people sit. On Botany Road, setbacks required by Transport for NSW will be used for planting and, where possible, outdoor dining.</p> <p>While much of the detailed design for streets is outside if this planning process, new works will be incorporated into the capital works program over time and implemented as opportunities arise.</p> <p>The planning proposal amends Clause 6.17 of Sydney LEP 2012 to introduce new sun access planes to protect solar access to Daniel Dawson Reserve and Alexandria Park. This will limit the height of any new development to ensure adequate solar access to Daniel Dawson Reserve and Alexandria Park.</p>

Summary of key matters raised in submissions	Officer's response
<p>buildings should not adversely impact on green space and trees.</p>	
<p>Affordable Housing and Aboriginal and Torres Strait Islander Housing</p>	
<p>Seven submissions were received about affordable housing in the Precinct.</p> <p>Several of the submissions expressed support for increasing opportunities for affordable housing, though some were also concerned about increasing densities to achieve it.</p> <p>Some submissions supported affordable housing so long as it was for Aboriginal and Torres Strait Islander households, noting the importance of sustaining the existing Aboriginal and Torres Strait Islander people living in the area and growing it.</p> <p>Some submissions state there is already plenty of affordable and student housing in the area and more was not needed.</p>	<p>The planning proposal facilitates affordable housing in two ways:</p> <ul style="list-style-type: none"> • it allows development on opportunity sites to access higher FSRs for residential floor space, but only where all of the development is for affordable housing. Generally, only community housing providers who wish to purchase sites in the Precinct to develop for affordable housing are likely to access this incentive; and • it applies an additional affordable housing contribution requirement, being nine per cent of all new residential floor space, where sites are receiving an increase in FSR resulting from the planning proposal. <p>In addition, in accordance with the City of Sydney Affordable Housing Program, an affordable housing contribution requirement for three per cent of all residential floor space and one per cent of all non-residential floorspace, applies to all land in the Precinct (where the LEP applies).</p> <p>Provisions are included in the draft DCP that require that 10 per cent or more of the total number of dwellings in affordable housing developments is to be provided for Aboriginal and Torres Strait Islander housing.</p> <p>Any affordable housing delivered in the Precinct will be owned and managed by a community housing provider. The City has contributed over \$350,000 to support an Aboriginal Housing Officer to work with the three major community housing providers operating in our area. This officer supports and helps attract new Indigenous tenancies. As at November 2021, the three providers have reported that 265 of their tenancies are now leased to Aboriginal and Torres Strait Islander tenants.</p>

Summary of key matters raised in submissions	Officer's response
	<p>Any additional affordable housing in provided in the Precinct is a welcome contribution to the City's targets.</p> <p>No changes are recommended to the proposed planning controls following consideration of submissions about affordable housing.</p>
<p>Displacement</p>	
<p>Four submissions raised concern regarding their homes being identified as opportunity sites and the possibility of displacement. Two submissions raised concern generally for residents displaced from existing residences, and two submissions raised concern that their house or apartment block was identified as an opportunity site.</p>	<p>The intention of the planning proposal is to incentivise commercial development and help cater to the projected increase in demand for business floor space within the Redfern-Waterloo area and meet the objectives of state and local strategic plans. The additional height and floor space on some residential sites are intended to encourage their renewal for commercial uses.</p> <p>Notwithstanding the vision for the Precinct, the City cannot force any landowners to sell their properties. If a resident is within a residential strata scheme, a strata renewal plan under the Strata Schemes Development Act 2015 (NSW) requires at least 75 per cent of owners in the strata to support a strata renewal plan. This means that the redevelopment of any existing residential strata building within the Precinct would only occur if over 75 per cent of owners agree to the redevelopment. If the majority of owners within a strata wish to remain where they are, then the site would not take advantage of the incentive planning controls.</p> <p>No changes are recommended to the proposed planning controls following consideration of submissions about displacement.</p>
<p>Infrastructure</p>	
<p>Five submissions raised concern regarding the availability of adequate infrastructure to support the new population arising from the planning proposal.</p>	<p>The planning proposal is expected to increase the population of office workers in the Precinct. It is not expected that a significant proportion of sites within the Precinct will be acquired for affordable housing.</p> <p>The increased worker population will be able to take advantage of new infrastructure in and around the Precinct, including:</p> <ul style="list-style-type: none"> • new transport infrastructure, such as the Waterloo Metro which is projected to open

Summary of key matters raised in submissions	Officer's response
	<p>in 2024 and the upgrade to Redfern Station which is currently underway;</p> <ul style="list-style-type: none"> • the new park being provided on Cope Street as part of the Waterloo Estate (South) planning proposal; • the new parks, healthcare facility and community facilities such as Gunyama Park and Aquatic Centre and Green Square library being provided at Green Square; and • planned public domain improvements within the Precinct. <p>The new office buildings will be supported by retail and shops on the ground floor, to support the new workers and the existing residents in the surrounding areas. This creates opportunities for a range of population-serving uses, including retail, recreation and business premises. While the future uses are not determined yet, they are expected to improve the community's access to shops and services.</p> <p>No changes are recommended following consideration of submissions about future demand for infrastructure.</p>
Retaining local businesses	
<p>5 submissions stated that they would like the protection of local retailers to ensure the character and identity of the area is maintained. Some submissions also stated that they would like to see more shops and local services to help encourage residents to shop locally.</p>	<p>The expansion of the Redfern Estate Heritage Conservation Area onto Regent Street ensures that the terrace form buildings on Regent Street are offered a level of heritage protection for continuing adaptive reuse. Retaining the building form will assist in retaining the diverse uses currently occupying historic terraces, which are integral to the character of the area and the economic role of Regent Street. This will be supported by a new LEP active street frontage control to Regent Street that requires the ground floor of buildings to be used for retail or business premises.</p> <p>As stated above, the new office buildings in the Precinct will be supported by retail and shops on the ground floor, to support the new workers and the existing residents in the surrounding areas. While the future uses are not determined yet, they are expected to comprise a range of population-serving uses, including retail, recreation and business premises.</p>
Concerns about inadequate demand for office floor space	

Summary of key matters raised in submissions	Officer's response
<p>Six submissions raised concerns that in the post pandemic environment commercial development is unlikely to be in demand. Submissions argue this will lead to high vacancy rates.</p>	<p>The BIS Oxford Economics report found that the Precinct will attract increasing demand from businesses unable to secure suitable space in the southern CBD, Surry Hills and Chippendale. Also, highly space constrained sites such as University of Sydney, the ATP and Royal Prince Alfred Hospital can redirect some of their surplus demand towards the Precinct.</p> <p>The proposed planning controls ensure adequate space is protected for businesses to grow in a highly strategic location.</p> <p>The long-term effect of the pandemic on traditional office space is unknown at this stage as health orders have only recently been removed. While there is a shift to more flexible and remote working, which reduces the number of people in a traditional office there is also a move to provide more space for collaboration and other activities to make working in an office more effective and desirable, and small and medium sized businesses are growing. Despite the short-term effects of the pandemic on occupancy rates of leased space, landowners in the Precinct continue to report market demand for business space.</p> <p>No changes are recommended following consideration of submissions about the impact of the pandemic on office demand.</p>
<p>The area south of McEvoy Street</p>	
<p>Two submissions asked for the planning proposal to be extended to include the area south of McEvoy Street and that those sites be investigated for additional FSR and building height.</p>	<p>The boundary for the Precinct is generally based on the Department's original boundary for the Central to Eveleigh Land Use and Infrastructure Implementation Plan (LUIIP).</p> <p>Those sites south of McEvoy Street are in the Green Square Urban Renewal Area, subject to heritage constraints and more developed with newly constructed residential flat buildings.</p> <p>No changes are recommended to the boundary of the Precinct following consideration of submissions.</p>
<p>SP2 - Special Uses (Classified Road)</p>	

Summary of key matters raised in submissions	Officer’s response
<p>Several sites within the Precinct have land facing Botany Road zoned SP2 and identified on the Land Reservation Acquisition Map as Classified Road (SP2). The Sydney LEP 2012, in its standard provision about the calculation of FSR and site area, excludes from the calculation of site area any land on which the proposed development is prohibited. This means that SP2 land might be excluded from the calculation of site area, however there is some ambiguity in the wording of the clause, as well as some Land and Environment Court decisions, that has led to some inconsistent application across the local government area.</p> <p>The publicly exhibited draft DCP includes a provision to clarify that SP2 zoned land is not to be included in the calculation of site area, however, the draft DCP provision would not override any provision in the LEP if it were to be interpreted in a certain way by the Land and Environment Court.</p> <p>One submission has noted the issue as it pertains to their site and has sought clarification in how site area will be calculated in the Precinct going forward.</p>	<p>The FSR and height testing undertaken to inform the proposed planning controls for Opportunity Land assumes that SP2 zoned land (for Classified Road) is not included in the calculation of site area.</p> <p>It is therefore recommended the planning proposal be amended to include further provision, that more definitively states that SP2 zoned land (for Classified Road) must not be included in the calculation of site area on Opportunity Land. It is also recommended the draft DCP be amended to remove the clause relating to the calculation of site area as this clarification will instead be contained in the LEP.</p>

Submissions on behalf of landowners in Botany Road precinct

From:

- 6 landowners in the Precinct

Summary of key matter raised in submission	Officer's response
74 – 88 Botany Road, Alexandria (City West Housing, landowner)	
States broad support for planning proposal.	Noted
<p>The submission seeks to increase the FSR control to 4.5:1 for the site. In addition, it seeks to remove the rear setback control and reduce the commercial floor space requirement to the ground level only, and acknowledgment that the Apartment Design Guidelines minimum solar requirements cannot be met on this site.</p> <p>The site has an existing consent for a mixed-use development which includes 63 affordable housing units that was approved in 2016.</p> <p>The proposed changes to the exhibited planning controls are sought to offset the reduction of the developable site area due to the requirements in the planning proposal for the laneway dedication and the requirements for two storeys of employment floor space. The proposed changes would allow site to achieve a greater yield of affordable housing units, between 90 and 110.</p> <p>A built form analysis accompanying this submission contained options which explored FSR controls beyond what is contained in the planning proposal.</p>	<p>The City West Housing site is identified in the planning proposal as 'Opportunity Land' and the proposed maximum FSR is 5.5:1 for employment uses and 3.75:1 for a mix of employment and affordable housing uses, with the proposed maximum building height of 50 metres. A laneway dedication is proposed at the rear of the site.</p> <p>In response to the submission, further testing of the site was undertaken, modelling a more flexible built form (that reduces the requirement for two storeys of non-residential development to one) to achieve a greater residential yield for affordable housing, while remaining inside the building height envisaged by the planning proposal.</p> <p>An amendment to the publicly exhibited planning controls for the site is recommended to increase the FSR to 4:1 (exclusive of design excellence) and to reduce the commercial component to the ground floor only. This provides for an FSR on the site of 4.4:1 if design excellence is achieved.</p> <p>The amended controls will facilitate additional affordable housing units and facilitate the laneway dedication to achieve the Precinct objectives</p>
158 and 158A Botany Road, and 158 Wyndham Street, Alexandria (consultant representing landowner)	
States broad support for planning proposal.	Noted
<p>The submission initially sought to increase the FSR and building height controls for 158-158A Botany Road, Alexandria and referred to an existing consent for a mixed-use development on the combined site (D/2014/201), which has been activated. It noted the consent provides access for the development from Botany Road, and makes no provision for a laneway dedication, as identified in the exhibited</p>	<p>158-158A Botany Road, Alexandria is identified in the planning proposal as 'Opportunity Land' with a proposed maximum FSR of 4:1 for employment uses and 2.75:1 for a mix of employment and affordable housing uses, and a proposed maximum building height 35 metres. A laneway dedication is proposed at the rear of the site.</p>

<p>planning controls. It also noted other constraints for the development of the site, including a Sydney Water culvert on the north and east perimeter and the land reservation on the frontage of Botany Road.</p> <p>The submission was subsequently amended, no longer seeking a change to the building height control but only an increase in the employment FSR control to 4.25:1 for 158-158A Botany Road, Alexandria.</p> <p>Built form analysis accompanying this revised submission explored concept designs which incorporated an FSR higher than what is contained in the planning proposal. The built form analysis outlined a concept design for a 9 storey commercial development on 158-158A Botany Road, Alexandria, accounting for the laneway dedication and setbacks requirement under the draft controls.</p>	<p>158 Wyndham Street is not identified as 'Opportunity Land' and the proposed maximum FSR is 1.25:1 and the proposed maximum building height is 24 metres.</p> <p>The submission has been reviewed and it was found that the site cannot accommodate a 9th storey within the exhibited maximum building height without foregoing sufficient freeboard at ground level to respond to the flooding conditions adjacent to the site. In addition, the City has applied consistent assumptions and a thorough approach to determining the built form outcomes across all sites.</p> <p>No changes to the planning proposal and draft DCP, as exhibited, are recommended in response to this submission.</p>
<p>134-136 Botany Road, Alexandria (consultant representing landowner)</p>	
<p>States broad support for planning proposal.</p>	<p>Noted</p>
<p>The submission seeks to increase the FSR control to 5:1 and building height control to 39.4 metres for the site. The submission states the site is appropriate for greater height and density due its proximity to the Metro precinct, the existing built form along Botany Road and site's prominent location.</p> <p>A built form analysis accompanying the submission proposes a 12-storey building height limit (equating to 39.4 metres excluding lift overruns) and an FSR of 5.5:1 (which includes the 0.5:1 FSR available for community infrastructure).</p> <p>The analysis depicts that the proposed development would not cast any additional shadows to Alexandria Park, that would provide the public benefit through the laneway widening and that it would comply with ADG requirements.</p>	<p>The site is identified in the planning proposal as 'Opportunity Land' and the proposed maximum FSR is 3.25:1 for employment uses and 3.25:1 for a mix of employment and affordable housing uses, with the proposed maximum building height 29 metres. A laneway dedication is proposed at the rear of the site.</p> <p>The submission was reviewed and the proposed built form was found to be inconsistent with planning proposal objectives which does not envisage higher building heights and intensity at the Precinct's intersections. Council's objective is to reduce the apparent height and massing of sites located at the intersections to minimise the visual impacts of the development and to protect the public domain.</p> <p>No changes to the planning proposal and draft DCP, as exhibited, are recommended in response to this submission.</p>
<p>100 and 108 Botany Road and 86-96 and 98-100 Wyndham Street, Redfern (consultant representing landowner)</p>	
<p>States broad support for planning proposal.</p>	<p>Noted</p>
<p>The submission seeks the following changes to the planning controls:</p>	<p>The planning proposal and the draft DCP, as exhibited, makes changes to the planning</p>

<p>a) amend the Draft DCP to include a laneway cross section for the site illustrating a laneway width of 8 metres along the north south laneway and part of the east-west laneway.</p> <p>b) amend the ‘opportunity land - incentive height of buildings map’ to illustrate a 45 metre building height standard on the site (noting the additional constraint imposed by the Alexandria Park sun access plane).</p> <p>c) amend Figures 18 and 19 in the Draft DCP ‘height in storeys’ where incentive heights are utilised to show the controls being 10 storeys non-residential and 9/11/2 storeys residential (for affordable housing).</p> <p>d) amend the ‘incentive FSR map’ to illustrate a 5:1 FSR standard across 100 and 108 Botany Road.</p> <p>The consolidated site has an area of 3,103 square metres with frontages to Botany Road and Wyndham Street. The submission proposes a wider laneway on the consolidated site in return for additional building height and FSR.</p>	<p>controls for the site, which is made of multiple lots. The site is identified as ‘opportunity land’ and the proposed changes to the allotments are as follows:</p> <p>a) 100 Botany Road - the proposed maximum FSR is 4.5:1 for employment uses and 3.25:1 for a development comprising both employment and affordable housing uses, with the proposed maximum building height 35 metres. A laneway dedication is proposed at the rear of the lot.</p> <p>b) 108 Botany Road - the proposed maximum FSR is 3.75:1 for employment and 2.75:1 for affordable housing, with the proposed maximum building height 35 metres. A laneway dedication is proposed at the rear of the lot.</p> <p>c) 86-96 and 98-100 Wyndham Street - the proposed maximum FSR is 3.5:1 for employment and 2.5:1 for affordable housing, with the proposed maximum building height 25 metres. A laneway dedication is proposed at the rear of the lots.</p> <p>The proposed widened laneway across the consolidated site is not required as a 6m laneway sufficiently provides for the servicing and access role envisioned in the draft planning controls. In addition, the submission does not address the relationship between the wider laneway on the subject site and the rest of the laneway to the north and south. An increase in the maximum building height of the sites would be inconsistent with the height strategy of the planning proposal. The proposed widened laneway is not supported and therefore an increase in the building height is not justified.</p> <p>No changes to the planning proposal and draft DCP, as exhibited, are recommended in response to this submission.</p>
<p>216-220 Wyndham Street, Alexandria (consultant representing landowner)</p>	
<p>States broad support for planning proposal.</p>	<p>Noted</p>
<p>The submission seeks to expand the land uses eligible for incentive FSR for employment in the planning proposal to include ‘health services facility’ and ‘centre-based child care facility’.</p>	<p>The site is identified in the planning proposal as ‘opportunity land’ and is proposed to be rezoned to B4 Mixed Use (currently R1 General Residential). The proposed maximum FSR is 4.0:1 for employment and 2.75:1 for affordable housing, with the proposed maximum building</p>

<p>In addition, the submission seeks to amend the planning controls for the site to increase the building height and FSR. It seeks amendment to the draft controls to increase the DCP height in storeys control to 9 storeys for non-residential development, or alternatively increase the LEP building height to 42m and the FSR control to 5.6:1 for non-residential uses.</p> <p>The submission further proposes that the planning proposal recognise the ‘public infrastructure contribution’ as an offset to the monetary contribution required for community infrastructure associated with the 0.5:1 FSR for community infrastructure available on the site.</p> <p>A built form analysis accompanying the submission explored building height and FSR controls beyond what is contained in the planning proposal to demonstrate the additional massing for proposed development.</p>	<p>height 35 metres. A laneway dedication is proposed at the northern boundary of the site.</p> <p>The submission was reviewed and exhibited planning controls are considered to be appropriate for site. Council’s proposed incentive controls provide greater certainty and transparency for the community and landowners by setting out a consistent approach to managing development for desirable uses that support activity in the precinct.</p> <p>While the planning proposal often refers to incentivising commercial development, the drafting instructions in the planning proposal use the term "non-residential uses". This allows development for the purposes of a range of non-residential uses to achieve additional height and FSR. Health services facilities and centre-based child care facilities are both permissible in the B4 Mixed use zone and both would fall within the term non-residential uses.</p> <p>The request that ‘public infrastructure contribution’ offset the monetary contribution required from the development for community infrastructure is not supported as it incorrectly associates the LEP incentive FSR provisions for community infrastructure with the requirements for a development to pay monetary contributions under Council’s Section 7.11 plan.</p> <p>The built form analysis provided with the submission is inconsistent with planning proposal objectives which does not envisage greater building heights and development intensity in the southern part of the precinct. The built form options presented in the submission are considered excessive for the site and the floorplates proposed are not efficient. The exhibited controls for this site are compatible with the adjoining sites in this location.</p> <p>No changes to the planning proposal and draft DCP, as exhibited, are recommended in response to this submission.</p>
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44-54 Botany Road and 36-50 Wyndham Street, Alexandria (consultant representing landowner)	
<p>The submission seeks for the site to be considered for inclusion in the planning proposal and states the site presents 'significant missed opportunity'. The submission requests for the site to be nominated as 'opportunity land, and the following controls to amend the planning proposal and draft DCP:</p> <ul style="list-style-type: none"> a) a maximum FSR of 6.7:1 along Botany Road and 5.5:1 on Wyndham Street (or 5.8:1 equivalent across the consolidated site); b) a maximum building height of 55m along Botany Road and 35m on Wyndham Street; and c) nomination of 40 Botany Road within the draft DCP as a community facility, or a site-specific control be considered in the LEP (planning proposal). <p>A built form analysis and a heritage statement accompany the submission to justify the requested building height and FSR controls beyond what is contained in the exhibited planning proposal and draft DCP</p>	<p>The planning proposal and the draft DCP, as exhibited, make no changes to the planning controls for the site. The site is not identified as 'opportunity land'. The site is in a low-rise area on the urban strategy map and the only LEP change for the site is the requirement for an active frontage street frontage.</p> <p>The submission was reviewed and the exhibited controls for the sites are not recommended to change as the submission lacks satisfactory justification.</p> <p>The site is significantly constrained and located in a fine grain low rise area, directly to the north of a local heritage item and adjoining the proposed extension of the Redfern Estate HCA.</p> <p>The indicative built form and heritage analysis provided with the submission lack evidence to support the proposed changes. The indicative height and massing of the proposed development raises interface and separation issues with surrounding fine grain properties and heritage items and is inconsistent with the height strategy of the planning proposal.</p> <p>The planning proposal and the draft DCP have been informed by detailed urban design analysis and supported by other technical investigations. The strategic review of the Precinct took a balanced approach, identifying some areas for change and others for conservation. The subject site has not adequately justified the significant proposed height and FSR and has not adequately addressed the relationship between the site and its surroundings.</p> <p>No changes to the planning proposal and draft DCP, as exhibited, are recommended in response to this submission</p>
<p>Minor inconsistencies and errors</p>	
<p>Some submissions raised minor errors or inconsistencies between the planning proposal and various attachments.</p>	<p>Minor inconsistencies and errors have been addressed as appropriate. All amendments to the planning proposal and DCP have been made in red and strikethrough so the changes are clear.</p>

Attachment B

**Amended Planning Proposal – Sydney
Local Environmental Plan 2012 – Botany Road
Precinct**

Botany Road Precinct



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Executive Summary

The revitalisation of the Botany Road Precinct (Precinct) is an opportunity to meet the future projected demand for employment growth in the Redfern-Waterloo area and transform it into a vibrant commercial precinct with an upgraded and green public domain. The Precinct is well positioned to accommodate jobs growth, being well located for businesses who need to be close to Central Sydney and key industry sectors and organisations in the Camperdown-Ultimo Health and Innovation Precinct and the Innovation Corridor. The Precinct is also an opportunity to increase the amount of affordable housing close to jobs, services and public transport.

The City's Local Strategic Planning Statement (planning statement), adopted by Council in February 2020, identifies that while the City is on track to meet housing targets for market residential dwellings, additional development capacity for commercial and other enterprise uses is required to meet the target of 200,000 additional jobs to 2036. The planning statement also identified a target for 10,000 affordable dwellings by 2036.

The City's review of the Precinct arises from an action in the City's planning statement to strengthen the economic and productive role of the Innovation Corridor by identifying and supporting opportunities to appropriately increase capacity for commercial and other enterprise uses particularly those contributing to specialised and knowledge-based clusters, in mixed use (B2 and B4) zoned areas, including the Precinct.

The Precinct is a linear north-south area stretching from Redfern Station and Redfern Street in the north to McEvoy Street in the south. The Precinct is bounded by Cope Street to the east and Wyndham Street, Garden Street and Cornwallis Street to the west. The future Waterloo Station on the Sydney Metro line is located centrally within the Precinct and once operational in 2024 will increase accessibility to the southern portion of the Precinct. The current character of the Precinct is mixed, with a high number of strata residential, strata mixed use, commercial and torrens title residential properties.

The City has undertaken a strategic review of the Precinct, including a range of technical studies, that have informed this planning proposal to amend the Sydney Local Environmental Plan 2012 (Sydney LEP 2012).

The statutory controls for most of the Precinct is the Sydney LEP 2012 and the Sydney Development Control Plan 2012 (DCP 2012). The northern part of the Precinct, known as the Redfern-Waterloo Authority (RWA) sites, is subject to the State Significant Precincts State Environmental Planning Policy (SSP SEPP). This planning proposal does not amend the planning controls for the RWA sites.

The current maximum height controls within the Precinct generally vary from 9m to 22m (2 to 6 storeys) in the Sydney LEP 2012. The maximum floor space ratios (FSR) within the Precinct vary from 1:1 to 1.75:1 and the Waterloo Metro Station has a maximum FSR control of 6:1.

The objectives of this planning proposal are to:

- incentivise the delivery of additional floor space in the Precinct for employment uses;
- incentivise the delivery of affordable housing where it does not conflict with employment uses;
- contribute to increased economic activity and employment generation in an accessible location;
- deliver high quality built form which responds to the surrounding context including adjoining residential areas and the Precinct's heritage context;
- improve the amenity of the public domain;
- maintain the amenity of streets and parks by ensuring adequate solar access to parks;
- recognise the significance of the place to Aboriginal and Torres Strait Islanders;

Botany Road Precinct

- facilitate the delivery of market residential housing in areas not suited to commercial development; and
- incentivise high environmental performance standards for buildings to mitigate the effects of climate change.

The proposed planning controls incentivise commercial development in appropriate locations to strengthen the economic and productive role of the Precinct and the wider Innovation Corridor. Incentives are also available for community housing providers who seek to develop affordable housing in the Precinct. The planning controls have been designed to ensure affordable housing development that is located adjoining commercial development can meet amenity standards. High amenity sites which are less suitable for commercial development receive an uplift in capacity to facilitate market residential development.

To meet the objectives, this planning proposal:

- identifies 'Botany Road Precinct Opportunity Land' (Opportunity Land) on the Locality and Site Identification Map;
- introduces site-specific provisions for Opportunity Land that allows development to achieve incentive planning controls identified on alternative height and FSR maps where:
 - it is for the purposes of:
 - non-residential (commercial) uses only; or
 - non-residential (commercial) uses and affordable housing only;
 - it provides land for the future laneway network;
 - BASIX-affected development exceeds the BASIX commitments for water and energy by not less than 10 points for energy and five points for water;
 - any affordable housing provided under is owned and managed by a registered community housing provider;
 - any affordable housing does not reduce the capacity of adjoining sites to be developed for non-residential uses; and
 - any building demonstrating design excellence in accordance with clause 6.21 of the Sydney LEP 2012 is only eligible for additional FSR, and not additional height.
- introduces new maps outlining the incentive planning controls:
 - Botany Road Precinct Opportunity Land - Alternative Heights Map, which permits varying heights across the Precinct, including ~~up to 70m (17 storeys) on Rosehill Street~~, up to 50m (12 storeys) on Botany Road and up to 25m (5 storeys) on Wyndham Street;
 - Botany Road Precinct Opportunity Land - Employment Sites - Alternative Floor Space Ratio Map, which permits varying FSRs across the Precinct, including ~~FSRs up to 7.75:1 on Rosehill Street~~, up to 5.5:1 on Botany Road and up to 3.5:1 on Wyndham Street; and
 - Botany Road Precinct Opportunity Land – Affordable Housing Sites - Alternative Floor Space Ratio Map, which permits varying FSRs across the Precinct, including ~~FSRs up to 6:1 on Rosehill Street~~, up to 3.75:1 on Botany Road and up to 2.75:1 on Wyndham Street;
- amends the Heritage Map to extend the C56 Redfern Estate HCA, reduce the extent of the Alexandria Park HCA and add three new heritage items, being:
 - 142 Regent Street, Redfern
 - 171 Regent Street, Redfern; and
 - 122-136 Wellington Street, Waterloo;
- amends the Land Zoning Map to rezone properties on Wyndham Street from R1 – General Residential to B4 – Mixed Use;

Botany Road Precinct

- amends the FSR Map to:
 - change the properties on Wyndham and Buckland Street (subject to clause 6.14) from Area 6 to Area 8 to increase the amount of available community infrastructure floor space to the sites to 1:1; and
 - increase the mapped FSR for the identified sites on Cope Street and Wyndham Street;
- amends the Height of Building Map to apply new height controls to identified properties on Wyndham Street, Cope Street and to 131 Regent Street, Redfern;
- amends the Active Frontages Map to identify locations on Regent Street and Botany Road;
- introduces a new 'Affordable Housing Map' to identify sites in the local government area subject to additional affordable housing requirements;
- amends clause 1.9 Application of SEPPs to ensure **parts of** State Environmental Planning Policy (~~Affordable Rental Housing~~) 2009 (**Housing**) 2021 does not apply to Opportunity Land;
- amends the clause 6.17 to introduce new sun access planes to protect solar access to Daniel Dawson Reserve and Alexandria Park;
- amends clause 6.21(7)(b)(i) so that the amount of design excellence floor space permitted on a site will be calculated on the incentive floor space maps;
- **insert a new provision that land zoned SP2 and identified on the Land Reservation Acquisition Map as Classified Road (SP2) is not included in site area for the purposes of calculating gross floor area (GFA);**
- amends Schedule 5 Environmental Heritage – Part 1 Heritage Items to identify the three new heritage items; and
- inserts a new provision for “Planning Proposal land” and a new schedule for “Planning Proposal land” to identify sites that are achieving additional residential floor space as a result of this planning proposal, and require an affordable housing contribution.

This planning proposal is supported by more detailed planning controls in the draft Botany Road Precinct DCP 2012 (draft DCP). The draft DCP also includes provisions that respond to and reflect the significance of the Precinct and surrounding area to Aboriginal and Torres Strait Islander people. ~~The draft DCP is to be publicly exhibited in conjunction with this planning proposal.~~

The planning proposal was granted Gateway Determination on 24 September 2021 with Council being delegated the plan-making authority. Subsequently, the planning proposal and draft DCP were publicly exhibited for 28 days from 15 November to 13 December 2021. Consultation was undertaken with Transport for NSW, Sydney Metro, Ausgrid, Aboriginal Land Council, Heritage NSW and Sydney Water.

1. Background

1.1 The site

1.1.1 Site identification

This planning proposal relates to the area of land identified as the 'Botany Road Precinct' (the Precinct), identified within the red outline at Figure 1.



Figure 1. Site identification

1.1.2 Site location and context

The Precinct, shown in its context at Figure 2, is within the City of Sydney local government area about 3 kilometres south of Town Hall in Sydney's CBD.

At the centre of the Precinct, on the eastern side of Botany Road is the future Waterloo Metro station and Waterloo Metro Quarter development. The approved State Significant Development concept proposal is for three mid-rise buildings between 4 and 10 storeys along Cope Street, and three towers of 23, 25 and 29 storeys above a 3 to 4 storey podium along Botany Road, above an underground station on the Sydney Metro line.

To the north west of the Precinct is the Redfern Station, a key node with direct access to most stations on the Sydney Trains network, except for Sydney Metro and the Airport Line. From Redfern Station, Martin Place is a 13 minute train ride. The Redfern Town Centre is adjacent to the north eastern portion of the Precinct, a centre providing a range of retail uses, local services and food and beverage premises.

Adjacent to the western portion of the Precinct is the former Australian Technology Park, now known as South Eveleigh. South Eveleigh is a growing centre for employment and has seen significant addition of commercial and retail floor space in recent years, with more planned soon.

Green Square Town Centre is close to the south of the Precinct and offers a train station connecting to Central Sydney and Sydney Airport, as well as a growing employment, retail and services offering. Green Square Library, Joynton Avenue Creative Centre, Perry Park Recreation Centre and Gunyama Park Aquatic and Recreation Centre are among the recently delivered community facilities.

The Precinct is adjacent to the Waterloo Estate (South) which has been identified for redevelopment under the Land and Housing Corporation's \$22 billion Communities Plus building program, part of the NSW Government's social housing policy Future Directions for Social Housing in NSW. The remainder of Waterloo Estate may also see future redevelopment proposals under this program and are currently called Waterloo Central and Waterloo North.

The Precinct is within the Eveleigh node of the Camperdown-Ultimo Health and Education precinct and within the Innovation Corridor along the western and southern fringes of the Harbour CBD. The Innovation Corridor contains knowledge intensive, creative and start-up industries along with health, education and research services that support the global competitiveness of the Harbour CBD. These places benefit from proximity to dense economic activity in Central Sydney, major health and education institutions and significant private and public investment including existing transport infrastructure and urban amenities that attract talented labour force.

Botany Road Precinct

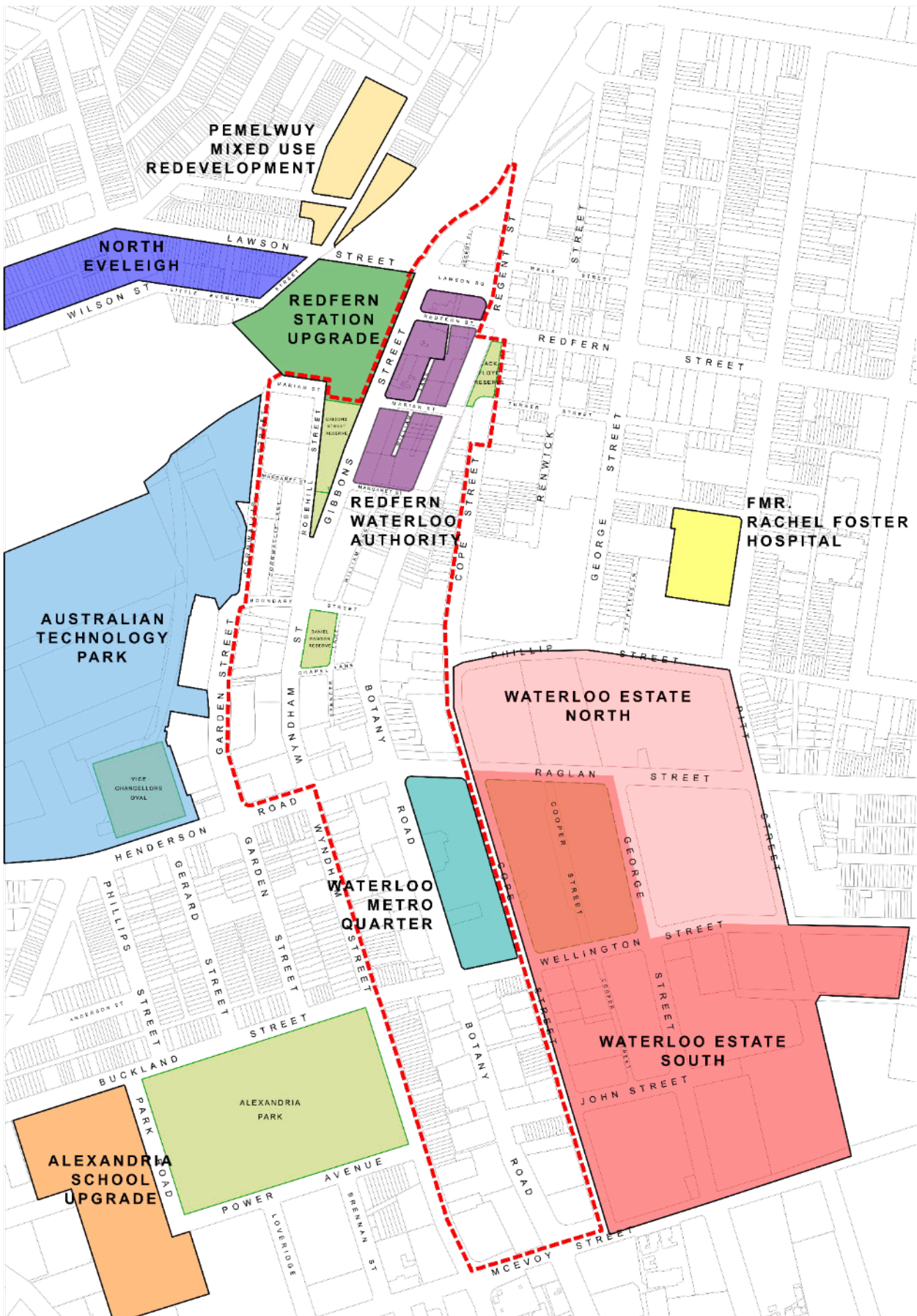


Figure 2. Site context

1.1.3 Road network and transport

The Precinct is served by arterial roads, heavy rail train stations, a future Sydney Metro station, bus routes and regional cycle routes. These connections mean access to Central Sydney is fast and efficient, with a full suite of transport options and low travel times. Access to most of Greater Sydney is relatively high through well connected and high capacity railways and arterial roads.

Arterial roads connect the Precinct to Greater Sydney, including Parramatta Road via Cleveland Street, the M8 motorway and Princes Highway via McEvoy Street, and Sydney Airport and North Sydney via the Eastern Distributor.

Local street network

Gibbons Street and Regent Street operate as a 'one-way pair' with traffic on Gibbons Street travelling northbound and southbound movement on Regent Street. Botany Road between Henderson Road and McEvoy Street has two-way traffic operation.

Botany Road, Gibbons Street and Regent Street are bus corridors, providing direct north-south routes connecting Green Square and Rosebery to the south with Redfern and the Sydney CBD to the north. Botany Road also provides opportunities for easy and legible interchange with Green Square, Redfern and the new Waterloo stations. This Precinct is a heavy vehicle route, connecting Port Botany, Sydney Airport and the Southern Enterprise Area with local customers, the Sydney CBD and areas to the north via the Sydney Harbour Bridge. This includes trucks carrying dangerous goods and which are excluded from Sydney's motorway tunnels under current policies.

The Precinct features large blocks bisected by wide north-south and east-west streets, with very few laneways and service roads. The existing street level and pedestrian environment is poor with limited crossing opportunities and heavy traffic. Along Regent Street there is a 300m distance between pedestrian crossings, despite the retail nature of the street. Along Botany Street, to the south, the distance between signalised intersections at Buckland Street and McEvoy Street is 310m with no mid-block crossings. There are several laneways between Regent Street and Gibbons Street. These generally do not have footpaths but due to constrained widths are naturally slow speed environments.

Public transport

The northern portion of the Precinct is adjacent to Redfern Station, a key node with direct access to most stations on the Sydney Trains network, except for Sydney Metro and the Airport Line. From Redfern Station, Martin Place is a 13 minute train ride.

Green Square Station is a 10 minute walk from the south of the Precinct, providing access to the Airport Line. From Green Square Station the Domestic Airport Station is a 5 minute train ride.

The future Waterloo Station on the Sydney Metro line is located centrally within the Precinct. When opened in 2024, the Metro will connect to Central Sydney, North Sydney, Macquarie Park and the Hills District in the north, and the inner west through to Bankstown in the south-west. Waterloo Station will significantly improve local accessibility and provide relief to Redfern and Green Square Stations, along with proposals to increase capacity on the Airport Line and significantly upgrade Redfern Station.

Redfern and Redfern Station are both important destinations on the bus network and services operate north-south and east-west providing connections through the region. The Precinct is serviced by the 301, 302, 303, 305, 308 and 309 bus routes.

Due to the one way traffic operation, bus services operate north on Gibbons Street and south on Regent Street, impacting bus service legibility and interchange connectivity. While northbound services stop in close proximity to Redfern Station, southbound services stop in Regent Street, and passengers interchanging between rail and bus services must cross two major roads at signalised crossings.

The road network through the Precinct is frequently congested, impacting air quality, generating noise pollution levels, reducing bus reliability and increasing travel times. Bus services are at capacity in the morning peak period, leaving people waiting at stops or looking for alternatives.

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This situation has seen a significant uptake in cycling within these areas in recent years and a review of plans and policies demonstrates continued support for active transport.

Cycling

The Precinct is served by the George Street Cycleway, a separated cycleway to the east of the Precinct which provides the main north-south connection. The cycleways on Buckland Street/Wellington Street and Mitchell Road provide east-west connections. A temporary cycleway on Henderson Road provides an additional east-west connection. As busy one way streets, Regent Street and Gibbons Street provide cyclists with limited access. Destinations along Regent Street can be accessed via Cope Street or Turner Street.

1.1.4 Site characteristics and existing development

Including roads, the Precinct is 21.4 hectares in area and has a perimeter of 2985 metres.

Regent Street is located at the northern end of the Botany Road Precinct and together with Botany Road they form the main spine of the Precinct. The character of Regent Street is mixed, with two storey Victorian and Federation buildings, which contribute to the historic character of the streetscape, interspersed with infill development and recent high-rise buildings. One-way traffic flows towards the south. Jack Floyd Reserve is a triangular-shaped plaza located at the intersection of Redfern Street and Regent Street.



Figure 3. Regent Street, looking south from the corner with Redfern Street



Figure 4. Jack Floyd Reserve



Figure 5. 189, 191, 193, 195 and 199 Regent Street, Redfern

Regent Street becomes Botany Road at Boundary Street. On the eastern side of Botany Road, to the north of Henderson Road, the footpath is widened, with seating, street trees and public art. The character of Botany Road is mixed, with two storey Victorian and Federation commercial buildings

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addressing the street, and post-war single and double storey commercial buildings set back from Botany Road to create a plaza.



Figure 6. 22-26, 28-30, 32 and 34 Botany Road, Redfern



Figure 7. Plaza outside 13-21 Botany Rd, Waterloo

South of Henderson Road, Botany Road becomes two-way for traffic. The Waterloo Metro Station site is located on the eastern side of Botany Road between Raglan Street and Wellington Street and has a site area of 12,860sqm. Historic buildings define the intersections of Botany Road with Henderson Road and Buckland Street. The Western side of Botany Road between Henderson Road and Buckland Street is mixed, with the predominant building typology two storey post-war commercial and industrial buildings.

On Botany Road, approximately between Henderson Road and Moores Lane, development on the western side of the road since the 1950s is set back to facilitate a road widening. The setback in front of more recent development is used for landscaping, and in front of older commercial development is used for car parking.

Towards the southern end of the Precinct, including on McEvoy Street, the lots on Botany Road are large and are home to 1-2 storey commercial and industrial development.



Figure 8. The intersection of Henderson Road and Botany Road, looking west



Figure 9. 1-00 Botany Road, Alexandria

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Figure 10. 132 and 134-136 Buckland Street, Alexandria



Figure 11. Future Waterloo Metro Station, 56-58 and 60 Botany Road, Alexandria



Figure 12. 156, 158 and 160 Botany Road, Alexandria



Figure 13. 186-202 Botany Road, Alexandria



Figure 14. 155-177 Botany Road, Waterloo, looking south towards the intersection with McEvoy Street



Figure 15. 216-220 Wyndham Street, Alexandria, looking east at the SP2 setback on McEvoy Street

Cope Street runs north-south, to the east of and generally parallel to Regent Street and Botany Road. The western side of the street, within the Precinct, contains a mix of four to five storey modern apartment buildings, smaller scale light industrial warehouse buildings and two-storey residential terraces.

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Figure 16. 176-178, 180-182 and 184 Cope Street, Waterloo



Figure 17. Public art on Cope Street, at the rear of 131 Regent Street, Redfern

Extending from Boundary Street in the north to McEvoy Street in the south, Wyndham Street runs north-south and comprises a wide mix of building types and uses. The Daniel Dawson Reserve provides much needed open space on the corner of Boundary Street. The northern portion of the street consists predominantly of recent residential developments three to five storeys high. South of Henderson Road, the predominant building type on the eastern side of the road is smaller scale warehouse type buildings. South of those buildings, the predominant building type is one and two storey Victorian terrace houses. On the corner of Wyndham Street and McEvoy Street are single and double storey commercial and warehouse buildings.



Figure 18. Daniel Dawson Reserve



Figure 19. 36-50 Wyndham Street and 11 Henderson Road, Alexandria



Figure 20. 64, 66-68 and 70 Wyndham Street, Alexandria



Figure 21. 124, 126, 128 and 130 Wyndham Street, Alexandria

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Gibbons Street is a north-south street which is one-way in the northern direction. On the western side of Gibbons Street is Gibbons Reserve, a sloping triangular park, and Redfern Station. The eastern side of Gibbons Street contains residential flat buildings from three storeys to 19 storeys.



Figure 22. 39-61 Gibbons Street, Redfern



Figure 23. 11 Gibbons Street, Redfern

Rosehill Street is a one-way street off Gibbons Street. The eastern side of Rosehill Street is Gibbons Reserve and the western side of Gibbons Street has a mix of residential terraces, two-storey commercial and 3-5 storey residential buildings. Cornwallis Street runs north-south and creates the north-western edge of the Precinct. The predominant building form is 3-5 storey strata residential buildings, opposite the Australian Technology Park which sits outside the Precinct boundary.



Figure 24. 44-78 Rosehill Street, Alexandria



Figure 25. 44-78 Rosehill Street and 32 Rosehill Street, Redfern



Figure 26. 88, 86, 84, 82, 80 and 44-78 Rosehill Street, Redfern

Botany Road Precinct

Land uses

The most common land uses in the Precinct are strata residential, strata mixed use, commercial and torrens title residential. Figure 27 below shows the distribution of land uses across the Precinct. Strata residential units are the most common type of property within the Precinct, making up 64% of total properties. The strata residential buildings and strata mixed use buildings are concentrated on Gibbons Street and at the northern ends of Regent and Cope Street, north of Raglan Street.

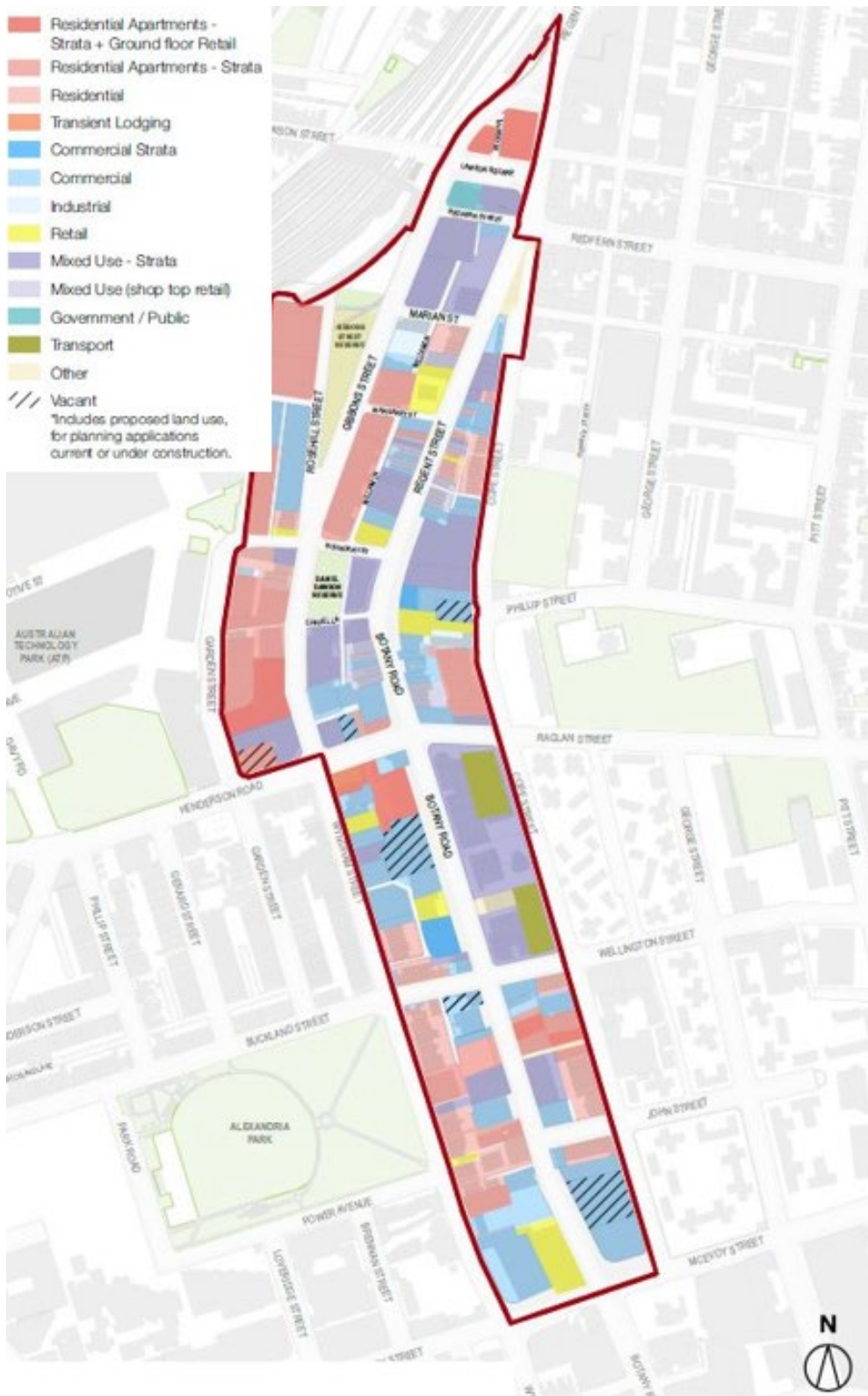


Figure 27. Current land uses

1.1.5 Indigenous heritage

Cox Inall Ridgeway (CIR) was engaged to undertake Aboriginal and Torres Strait Islander community engagement and cultural heritage research to support the strategic planning review.

As outlined in the Brief Aboriginal Historical Study of the Precinct and Surrounds prepared by CIR, Aboriginal people have a strong and unbroken connection to the Precinct and surrounds.

Located on the traditional lands of the Gadigal people of the Eora nation, the Precinct was well used by Aboriginal people prior to invasion and colonisation by the British. The Precinct and surrounds were a waterscape of permanent and semi-permanent wetlands and Gadigal people were adept and skilled at living and hunting on the land. Gadigal women were particularly expert fishers. The land was also the sacred container and the blank canvas for their stories, artistry and culture.

Despite the passing of time, Aboriginal people continued to play an active role in what became inner-city Sydney during the nineteenth and twentieth centuries. Country, including the creeks and waterways running through or near the area, remained important for Aboriginal people into the early 1900s, when the intensification of urban development led to the draining, redirection or pollution of remaining creeks and wetlands.

Botany Road itself was likely to have been established along an early Aboriginal trading route or track connecting Aboriginal clans and nations between Sydney Harbour and Botany Bay. The Precinct and surrounds is crossed east-west by another early track running along the ridge/ high ground, along which Redfern Street was formed. With further archaeological research it is likely that other routes could still be found.

The Precinct and surrounds is a central part of what has, for the last 100 years, become the most well-known and significant urban Aboriginal place in Australia - 'Aboriginal Redfern'. Aboriginal Redfern can be understood to include not only the suburb of Redfern but surrounding suburbs including Waterloo, Alexandria, Everleigh and Darlington.

Aboriginal Redfern is widely recognised as the 'birthplace of Aboriginal rights.' From the early 20th century onwards it was the place where Aboriginal and Torres Strait Islander people from across Australia, particularly from NSW, came together to work, live and build communities.

In the 1960s and 1970s, Redfern became home to Australia's largest local Aboriginal population in Australia, estimated to be up to 35,000 people. In recent decades the number of Aboriginal families living in the area has significantly reduced, impacted by recent waves of displacement and rising housing costs.

A large number of Aboriginal and Torres Strait Islander organisations remain based in or near Redfern, and many Aboriginal and Torres Strait people continue to travel to Redfern to access Aboriginal community-controlled organisations, attend events, connect with family and friends, and to maintain and pass on connections with the history and significance of the area.

2. Existing Planning Controls

2.1 Application of Environmental Planning Instruments

The Sydney Local Environmental Plan 2012 (Sydney LEP 2012), Sydney Development Control Plan 2012 (DCP) contain zoning and development standards for most of the Precinct.

The Waterloo Metro Station site and the northern part of the Precinct are subject to State and Regional Development State Environmental Planning Policy (SSD SEPP). This means that development over a certain capital investment value is identified as State significant development.

The northern parts of the Precinct also fall within the application of the State Significant Precincts State Environmental Planning Policy (SSP SEPP) and are known as the Redfern-Waterloo Authority (RWA) sites. The SSP SEPP outlines the land use zoning and development standards for the Redfern-Waterloo Authority sites.

Some sites in the east of the Precinct are subject to State Environmental Planning Policy (Urban Renewal) 2010 (Urban Renewal SEPP) as a potential urban renewal sites, however they have not been identified as an urban renewal precinct.

The application of Environmental Planning Instruments is shown in Figure 28 below.

Botany Road Precinct

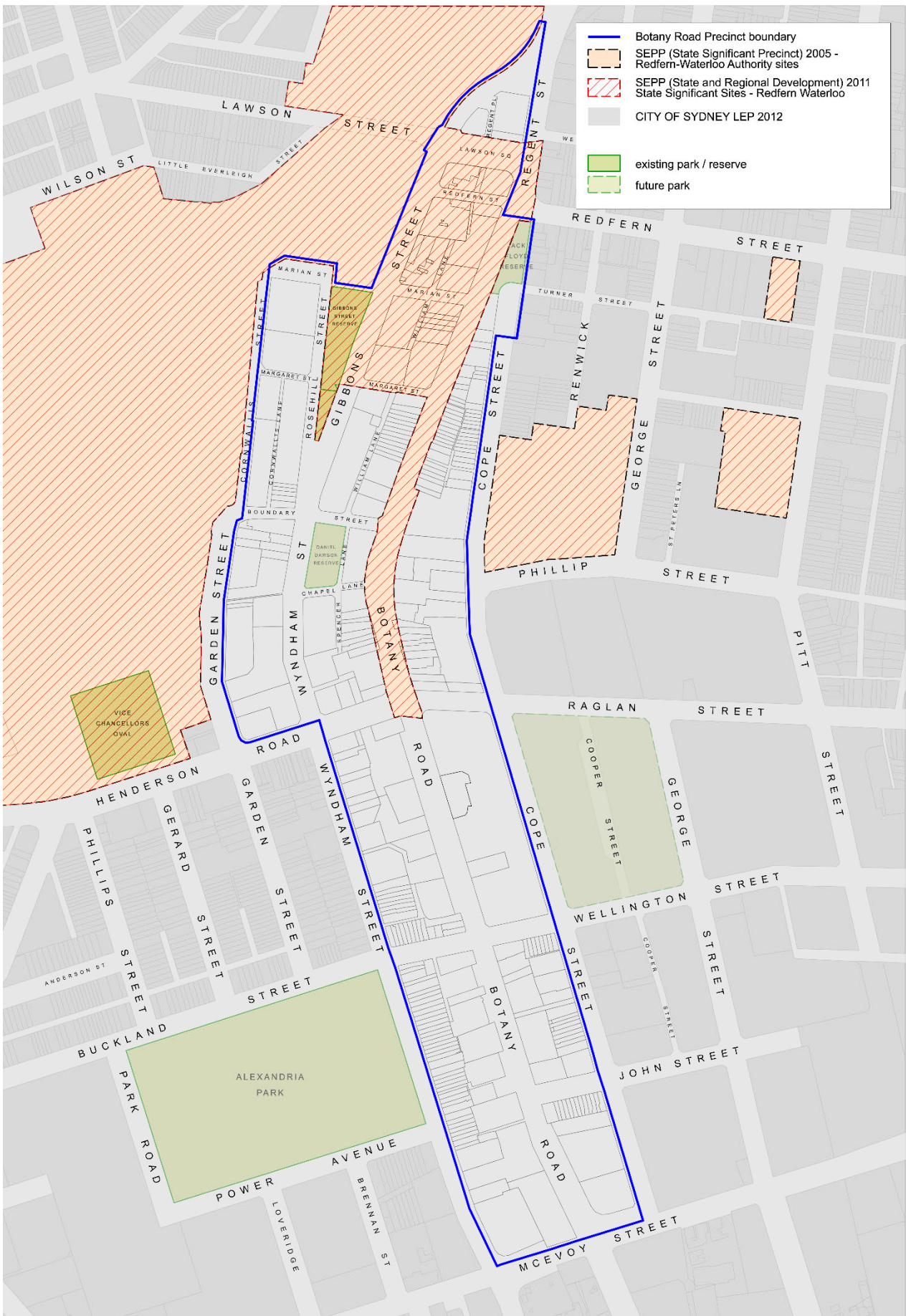


Figure 28. Application of Environmental Planning Instruments

2.2 Zoning

Sydney LEP 2012 and the SSP SEPP contain the zoning controls for the Precinct.

The majority of lots in the Precinct are zoned B4 Mixed Use under the Sydney LEP 2012. The sites on the eastern side of Wyndham Street, between McEvoy Street and Buckland Street are zoned R1 General Residential. The road reservation of Botany Road, Henderson Road and Gibbons Street are zoned SP2 Special Uses. The zoning under the Sydney LEP 2012 is shown in Figure 29.

The parts of the Precinct identified within the SSP SEPP are zoned Business Zone – Commercial Core and Recreation Zone – Public Recreation, as identified in Figure 29.

Figure 29 shows key sites around the Precinct are a mix of residential, mixed use and business zoning. In February 2021, Council endorsed a planning proposal for public exhibition to rezone the majority of the Waterloo Estate (South) to B4 Mixed Use, with the remainder to be zoned B2 Local Centre.

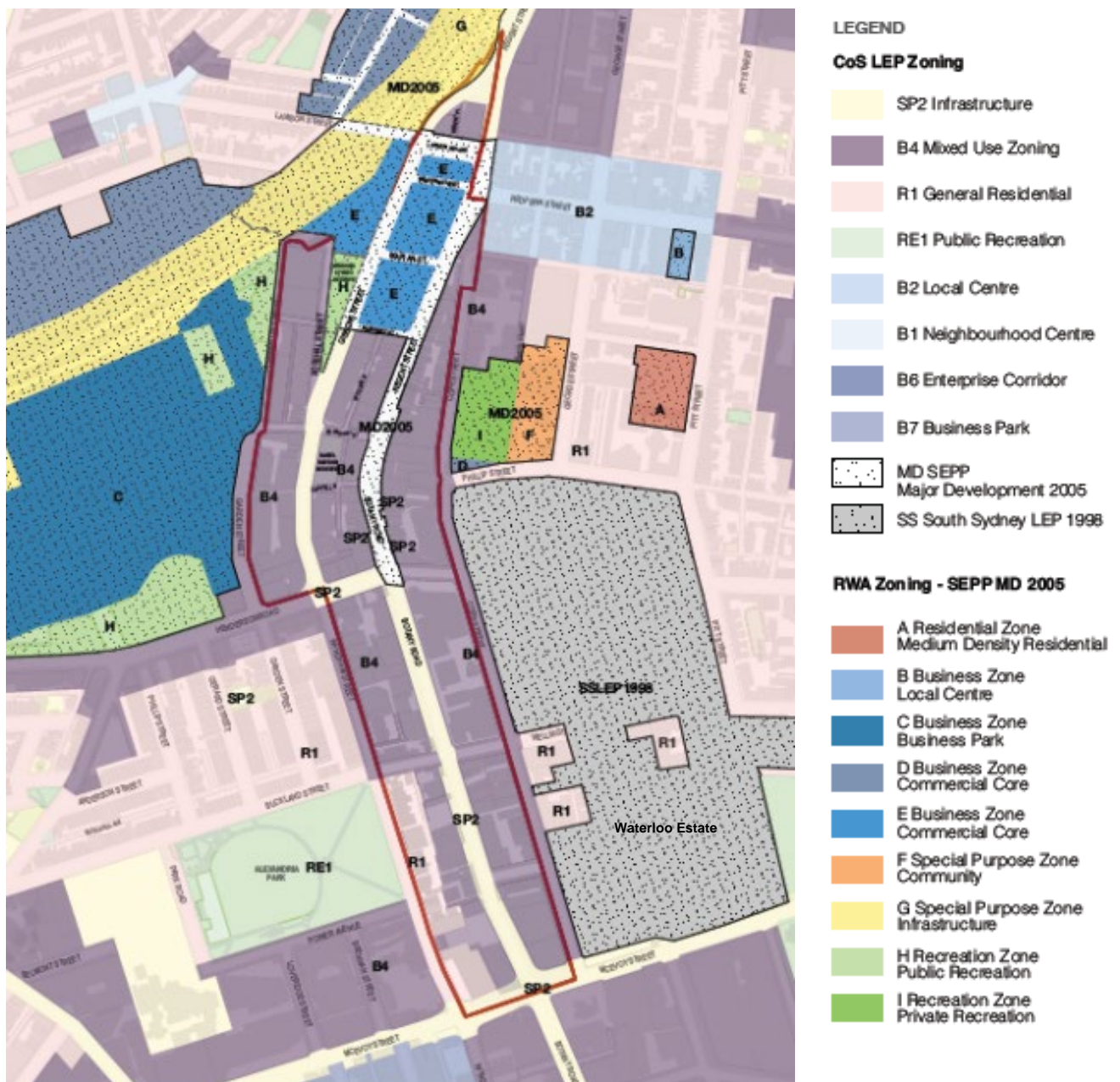


Figure 29. Land zoning controls applying to the Precinct

2.2 Floor space ratio

Sydney LEP 2012 contains floor space ratio (FSR) controls for the Precinct. As shown in Figure 30, the FSR for these lots varies from 1:1 to 1.75:1 and the Waterloo Metro Station has a maximum FSR control of 6:1. The Redfern Waterloo Authority sites have an FSR of up to 7:1.

In addition to the mapped FSRs, the block bounded by Botany Road, Buckland Street, Wyndham Street and McEvoy Street is located within Green Square and clause 6.14 of the Sydney LEP 2012 applies. This block is identified on the FSR map as Area 6, whereby an additional 0.5:1 community infrastructure floor space is available above the mapped FSR control if community infrastructure is provided.

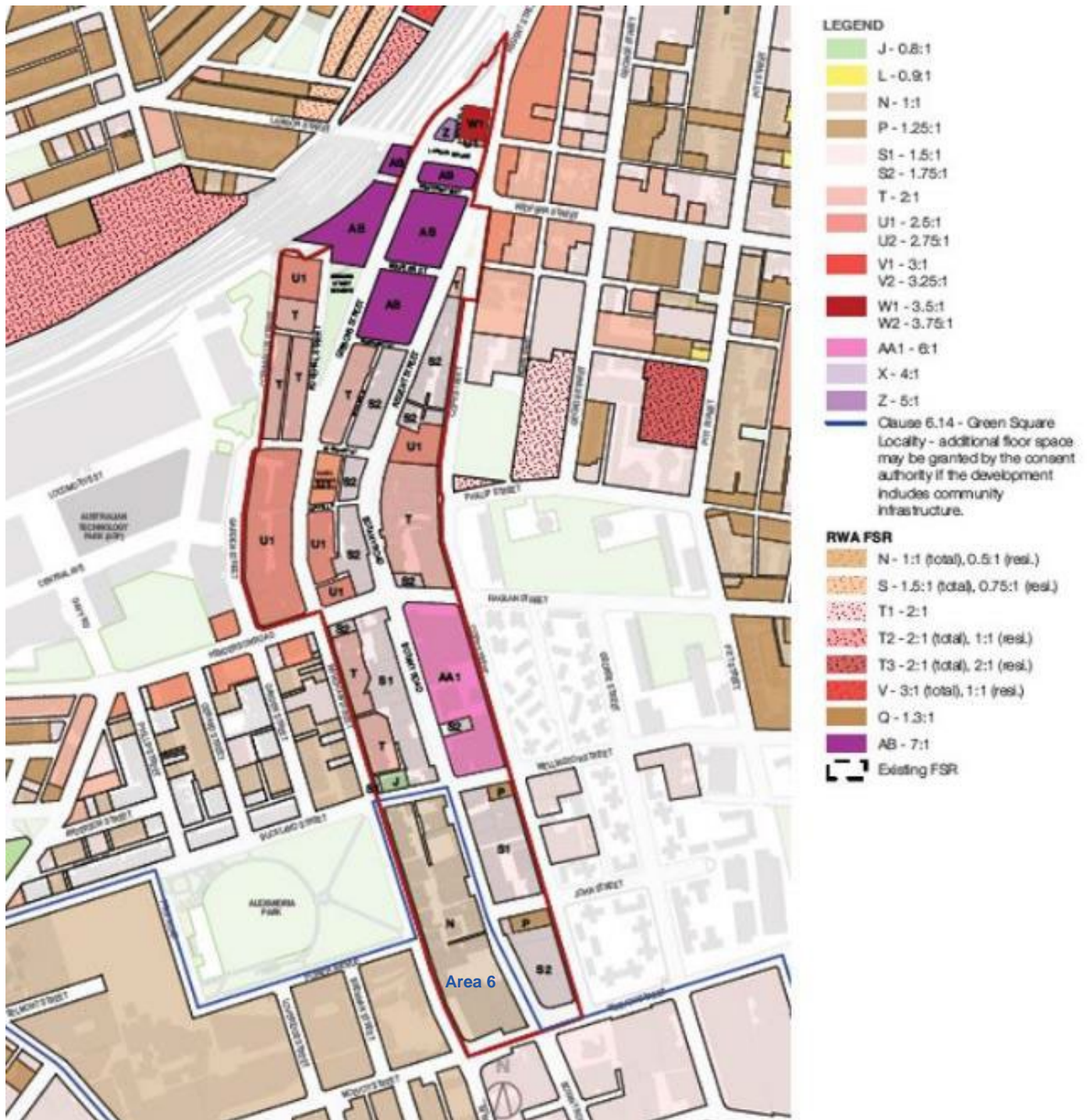


Figure 30. FSR controls applying to the Precinct

2.3 Height of building

Sydney LEP 2012 contains height of building controls for the Precinct. As shown in Figure 31, the maximum height controls within the Precinct vary from 9m to 22m. In addition, the RWA lands have a maximum height control up to 18 storeys and the Waterloo Metro site have maximum height controls varying from 96.9RL to 116.9RL. The height controls for the Waterloo Metro site enable development from 17 storeys to 25 storeys.

The planning proposal for Waterloo Estate (South) outlines various heights across the Precinct including 7 storeys to Cope Street and 3 towers of approximately 30 storeys.



Figure 31. Sydney LEP 2012 height controls

2.4 Heritage

The Precinct has 9 local heritage listed items within its boundaries, and a state heritage listed high pressure water tunnel running beneath the south of the Precinct. There are a number of local and state heritage listed items in proximity of the Precinct. Figure 32 shows the location of the Precinct with respect to local heritage listed items and conservation areas.

The Precinct adjoins two Heritage Conservation Areas (HCA) of local significance - the Alexandria Park and Redfern Estate HCAs. The Alexandria Park HCA extends marginally into the Precinct at Henderson Road, Wyndham and Buckland Streets. The Redfern Estate HCA extends marginally into the Precinct at the intersection of Cope Street, Regent Street and Redfern Street.

2.4.1 Local heritage listings

There are 9 local heritage listed items within the Precinct boundaries, which are listed below.

Item	Address	LEP #
St Lukes Presbyterian Church including interiors	118 Regent Street, Redfern	I1352
Terrace house including interior	181 Regent Street, Redfern	I1353
Cricketers Arms Hotel including interior	54-56 Botany Road, Alexandria	I4
Former CBC Bank including interiors	60 Botany Road, Alexandria	I5
Lord Raglan Hotel	12 Henderson Road, Alexandria	I16
Congregational Church including interior	103-105 Botany Road, Waterloo	I2069
Cauliflower Hotel	123 Botany Road, Waterloo	I2070
Terrace group 'Gordon Terrace' including interior	1-25 John Street, Waterloo	I2087
Former Electric Substation No.89 including interior	212-214 Wyndham Street, Alexandria	I2240

Table 1. Heritage items in the Sydney LEP 2012

Botany Road Precinct

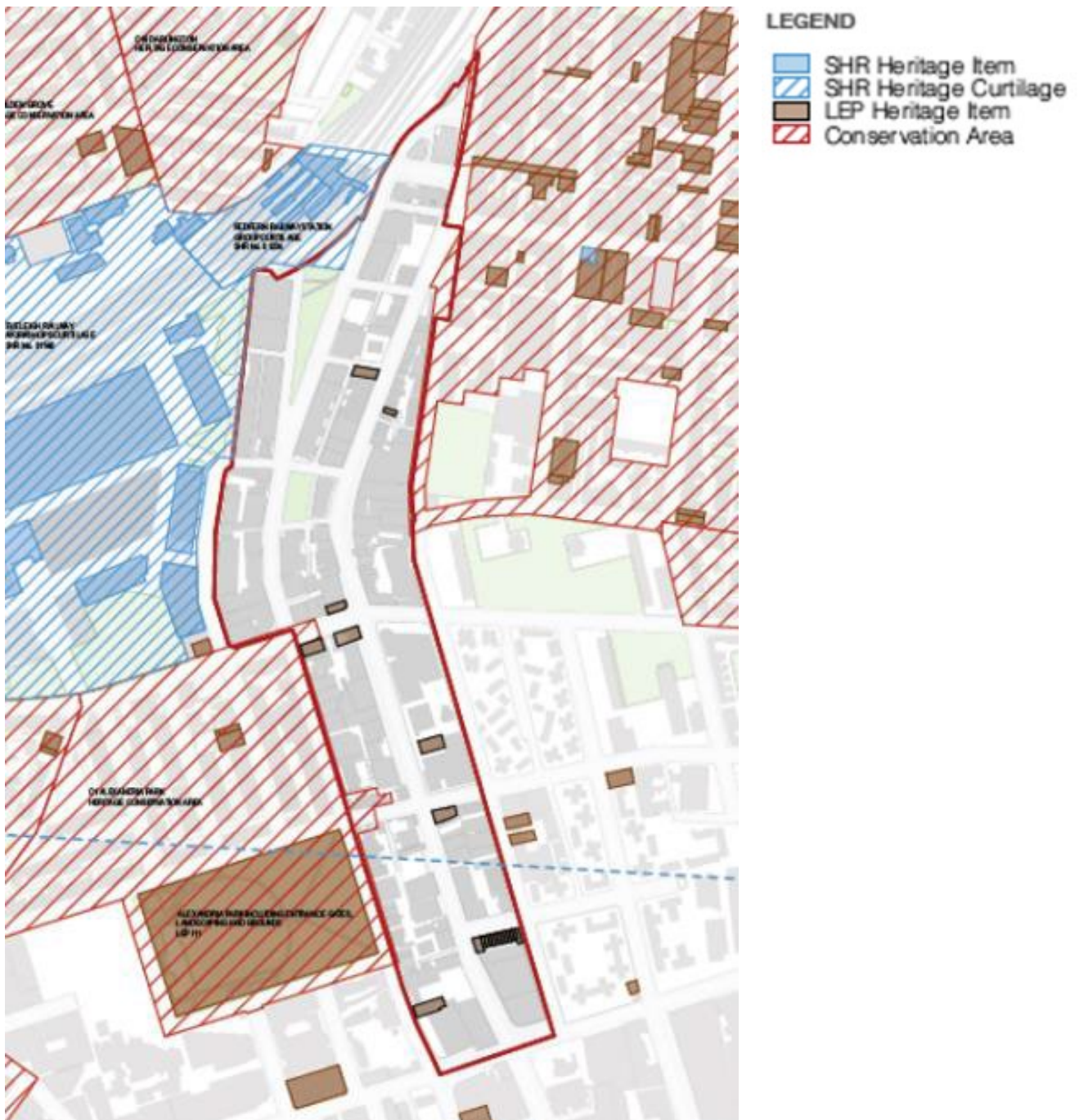


Figure 32. Sydney LEP 2012 heritage items and conservation areas and State Heritage Items

2.4.2 State heritage

The Precinct contains a state heritage listed pressure tunnel running underground. The Potts Hill to Waterloo Pressure Tunnel and Shafts (State Heritage Register ID 01630) runs underground through the middle of the Precinct. It is the third largest pressure tunnel in the world, running 16 kilometres from Potts Hill Reservoir in Bankstown to the pumping station at the corner of Bourke Street and McEvoy Street, Waterloo. The shaft structures are also heritage listed, but none exist on the Precinct. The tunnel was constructed between 1921 and 1935 and continues to this day as a functional drinking water supply to the eastern suburbs.

The Eveleigh Railway Workshops abuts the Precinct to the north west. Figure 32 shows the location of state heritage listed items within and near the Precinct.

The Precinct is in proximity to ten state listed heritage items, which are described below:

Botany Road Precinct

Item	Address	SHR ID
Redfern Park and Oval	Redfern Street, Redfern	02016
Redfern Post Office	113 Redfern Street, Redfern	01439
Fitzroy Terrace	6-18 Pitt Street, Redfern	00083
Redfern Aboriginal Children's Services and Archives	18 George Street, Redfern	01951
Cathedral of the Annunciation of Our Lady	242 Cleveland Street, Redfern	01881
Redfern Railway Station group	Great Southern and Western Railway, Redfern	01234
Eveleigh Railway Workshops	Great Southern and Western Railway, Redfern	01140
Eveleigh Railway Workshops machinery	Great Southern and Western Railway, Redfern	01141
Enginemans Resthouse	39 Brandling Street, Alexandria	00723
Yiu Ming Temple	16-22 Retreat Street, Alexandria	01297

Table 2. State Heritage Register items in proximity of the Precinct

3. Objectives

This planning proposal will facilitate the renewal of the Precinct and support the growth of business floor space. The objectives of this planning proposal are to:

- incentivise the delivery of additional floor space on the Precinct for employment uses;
- incentivise the delivery of affordable housing where it does not conflict with employment uses;
- contribute to increased economic activity and employment generation in an accessible location;
- deliver high quality built form which responds to the surrounding context including adjoining residential areas and the Precinct's heritage context;
- improve the amenity of the public domain;
- maintain the amenity of streets and parks by ensuring adequate solar access to parks;
- recognise the significance of the place to Aboriginal and Torres Strait Islanders;
- facilitate the delivery of market residential housing in areas not suited to commercial development; and
- incentivise high environmental performance standards for buildings to mitigate the effects of climate change.

4. Explanation of provisions

4.1 Proposed amendment to Sydney LEP 2012

This planning proposal is to amend the planning controls that currently apply to the Precinct. The drafting instructions to amend the Sydney LEP are provided below. An example of how these provisions may be drafted subject to agreement with the NSW Department of Planning Industry and Environment and Parliamentary Counsel is included in Appendix 1. A more detailed justification for the proposed planning controls and further explanation of the intended outcome is provided at Part 5 – Justification of this planning proposal.

Drafting Instructions

To achieve the intended outcomes this planning proposal seeks to amend the Sydney LEP 2012 as follows:

1. Amend the Locality and Site Identification Map Sheets 9, 10 and 17 as shown at Part 6 of this planning proposal to identify the area referred to as Botany Road Precinct Opportunity Land.
2. Amend the Heritage Map Sheets 9 and 10 as shown at Part 6 of this planning proposal to extend the C56 Redfern Estate HCA, reduce the extent of the Alexandria Park HCA and add three new heritage items, being:
 - a. 142 Regent Street, Redfern, being the whole of Lot 22 DP 1094178, Lots 1-3 SP 76851;
 - b. 171 Regent Street, Redfern, being the whole of Lot 2 DP 438236; and
 - c. 122-136 Wellington Street, Waterloo, being the whole of Lots 1-7 DP 33293 and Lot 12 DP 1186738.
3. Amend the Land Zoning Map Sheet 10 as shown at Part 6 of this planning proposal to re-zone 45 properties from R1 – General Residential to B4 – Mixed Use.
4. Amend the Floor Space Ratio Map Sheet 10 as shown in Part 6 of this planning proposal to:
 - a. change the properties on Wyndham and Buckland Street (subject to clause 6.14) from Area 6 to Area 8 to increase the amount of available community infrastructure floor space to the sites to 1:1; and
 - b. increase the mapped FSR for the identified sites on Cope Street and Wyndham Street.
5. Amend the Height of Building Map Sheet 10 as shown in Part 6 of this planning proposal to apply new height controls to identified properties on Wyndham Street, Cope Street and to 131 Regent Street, Redfern.
6. Amend the Active Street Frontages Map Sheets 9, 10 and 17 as shown at Part 6 of this planning proposal to apply active street frontage controls to the identified frontages.
7. Introduce a new 'Botany Road Precinct Opportunity Land - Alternative Heights' Map Sheets 9, 10 and 17 as shown at Part 6 of this planning proposal to provide alternative heights achievable under the new site-specific local clause outlined in (10) below.

Botany Road Precinct

8. Introduce a new 'Botany Road Precinct Opportunity Land - Employment Sites - Alternative Floor Space Ratio Map' Sheets 9, 10 and 17 as shown at Part 6 of this planning proposal to provide alternative FSRs for non-residential development achievable under the new site-specific clause as outlined in (10) below.
9. Introduce a new 'Botany Road Precinct Opportunity Land – Affordable Housing Sites - Alternative Floor Space Ratio Map' Sheets 9, 10 and 17 as shown at Part 6 of this planning proposal to provide alternative FSRs for mixed use development achievable under the new site-specific clause outlined in (10) below.
10. Introduce a new 'Affordable Housing Map' Sheet 10 as shown at Part 6 of this planning proposal to identify sites in the local government area subject to affordable housing requirements.
11. Amend clause 1.9 (2A) Application of SEPPs to ensure **Chapter 2, Part 2, Divisions 1, 2, 3 and 5 and Chapter 3, Part 3 of State Environmental Planning Policy (Affordable Rental Housing) 2009 (Housing) 2021** does not apply to the land identified on the Locality and Site Identification Map as a 'Botany Road Precinct Opportunity Land'. The purpose of this clause is to ensure no additional floor space bonuses, that may be sought under this SEPP, may apply to the land. ~~It is noted this reference may be updated should the proposed Housing Diversity SEPP be introduced.~~
12. Amend the existing clause 6.17 to introduce new sun access planes to protect solar access to Daniel Dawson Reserve and Alexandria Park.
13. Insert a site-specific local clause for certain identified on the Locality and Site Identification Map as a 'Botany Road Precinct Opportunity Land'. The proposed site-specific clause is to:
 - a. identify the objectives of the clause to:
 - i. incentivise employment generating uses and affordable housing,
 - ii. ensure community infrastructure is provided, as required, and
 - iii. incentivise development of high environmental performance.
 - b. allow development to achieve additional height where it is for the purposes of non-residential uses only or non-residential uses and affordable housing only;
 - c. allow development to achieve additional FSR where it is for the purposes of non-residential uses only or non-residential uses and affordable housing only;
 - d. ensure that development, that takes advantage of the incentive FSR and height at (b) and (c), provides for laneways where required;
 - e. ensure that BASIX affected development, that takes advantage of the incentive FSR and height at (b) and (c), exceeds the BASIX commitments for water and energy by not less than 10 points for energy and 5 points for water;
 - ~~f. ensure that any affordable housing provided under b. or c. above is owned and managed by a registered community housing provider and provided in accordance with the Affordable Housing Principles in the City of Sydney Affordable Housing Program, adopted by the Council on 24/08/2020;~~
 - ~~g. ensure that affordable housing is only provided where development does not reduce the capacity of adjoining sites to be developed for non-residential uses, and development will not be unreasonably impacted by existing or planned non-residential development; and~~
 - f. ensure that any affordable housing provided under b. or c. above is:**
 - i. owned and managed by a registered community housing provider;**
 - ii. provided in accordance with the Affordable Housing Principles in the City of Sydney Affordable Housing Program, adopted by the Council on 24/08/2020;**
 - iii. only provided where development does not reduce the capacity of adjoining sites to be developed for non-residential uses; and**

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- iv. only provided where development will not be unreasonably impacted by existing or planned non-residential development; and
 - v. only provided where the ground and first floor of any development are to be for non-residential use.
 - g. ensure land at 74-88 Botany Road, Alexandria, being Lot 11 DP 219505 and Lot 2 DP 136012, is only required to provide non-residential uses on the ground floor (and not on the ground and the first floor as required by f(v));
 - h. ensure that a building demonstrating design excellence in accordance with clause 6.21 of the Sydney LEP 2012 is only eligible for additional FSR, and not additional height; and
 - i. ensure that land zoned SP2 and identified on the Land Reservation Acquisition Map as Classified Road (SP2) is not included in site area for the purposes of calculating gross floor area (GFA).
14. Amend clause ~~6.21(7)(b)(i)~~ **6.21(D)(3)(b)** so that the amount of design excellence floor space permitted on a site will be calculated on the 'Botany Road Precinct Opportunity Sites - Employment Sites - Alternative FSR Map' or the 'Botany Road Precinct Opportunity Sites - Affordable Housing Sites - Alternative FSR Map' where appropriate.
15. Amend Schedule 5 Environmental Heritage – Part 1 Heritage Items to identify the following properties as local heritage items:
- a. Former Aboriginal Legal Service, 142 Regent Street, Redfern, being the whole of Lot 22 DP 1094178, Lots 1-3 SP 76851;
 - b. Former Aboriginal Medical Service, 171 Regent Street, Redfern, being the whole of Lot 2 DP 438236; and
 - c. Terrace Group, 122-136 Wellington Street, Waterloo, being the whole of Lots 1-7 DP 33293 and Lot 12 DP 1186738.
16. Insert a new clause for "Planning Proposal land" and a new schedule for "Planning Proposal land". The intent of this clause and schedule is to identify sites that are achieving additional residential floor space as a result of this planning proposal, and require an affordable housing contribution comprising:
- a. any contribution that may apply under Clause 7.13; and
 - b. a different and additional contribution (to that required under 7.13) to floor space that is available *because* of this planning proposal.

It is noted the new clause and Schedule is intended to list sites that are the subject of this planning proposal, but also future sites that may be subject to further affordable housing contributions (other than those that may apply under clause 7.13). The proposed drafting of the clause is intended to maintain flexibility.

The proposed local provision is to:

- a. require that on 'Planning Proposal land', being land listed on the new Schedule, an affordable housing contribution requirement be applied to development where it is for:
 - i. the erection of a new building over 200 square metres
 - ii. additions to an existing building resulting in the creation of more than 200 square metres of residential floor area
 - iii. additions to an existing building resulting in the creation of more than 60 square metres of non-residential floor area, or
 - iv. a change of use to existing floor area from a non-residential purpose to a residential purpose.
- b. ensure that clause 7.13 of the Sydney LEP applies to the development to the extent identified in the new Schedule.

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- c. enable the consent authority to levy a contribution on Planning Proposal land in accordance with the rate identified on the Schedule.
 - d. require on Planning Proposal land a contribution as set out in the Schedule,
 - e. allow the contribution to be satisfied either by way of:
 - i. a dedication in favour of the Council of land comprising one or more dwellings (each having a total floor area of not less than 35 square metres), in accordance with the Program, with any remainder being paid as a monetary contribution to the Council, or
 - ii. an equivalent monetary contribution to the Council. See sub-clause 4.
 - f. require that where an equivalent monetary contribution is made, the equivalent monetary contribution rate provided in the City of Sydney Affordable Housing Program, adopted by Council 24 August 2020, be applied.
 - g. ensure all development, whether it was in existence before, or is created after the commencement of the clause, is subject to the contribution.
 - h. ensure demolition of a building, or a change in the use of land, does not give rise to a claim for a refund of any contribution.
17. Insert a new 'Schedule 7 – Planning Proposal land' to:
- a. identify Planning Proposal land; and
 - b. identify the affordable housing contribution requirement on the planning proposal land.
18. Identify four areas on 'Schedule 7 – Planning Proposal land' (as identified on the 'Affordable Housing Map' and require on 'AH Area 1':
- a. the contribution rate that applies to the development under clause 7.13, and
 - b. 9% of any floor space that exceeds 1.5:1 in the development (unless the amount of non-residential floor space in the development exceeds 1.5:1).
-

4.2 Site-specific DCP

The City ~~has~~ prepared draft site specific provisions to amend Sydney DCP 2012, which provides further guidance to the proposed amendments to Sydney LEP 2012. The provisions are to be contained within Section 5 of the Sydney DCP 2012.

They will ensure an appropriate relationship with heritage items, HCAs and neighbouring residential development and support the public domain opportunities presented through urban renewal. The provisions relate to building height in storeys, setbacks, laneways and through site links, indigenous cultural heritage and sustainability outcomes.

The draft DCP ~~is to be~~ **was** publicly exhibited with this planning proposal.

5. Justification

This planning proposal and associated draft DCP is informed by a range of studies and reports prepared on behalf of City of Sydney.

This section provides a description of development outcomes facilitated by this planning proposal and the draft DCP. It also provides the justification for the proposed amendments to the Sydney LEP 2012.

5.1 Development outcome

There is a significant demand for future employment floor space

BIS Oxford Economics (BIS) was engaged by Council to undertake analysis of the current and future economic and employment role of the Redfern-Waterloo area. The Redfern-Waterloo Strategic Employment Study (see Attachment 10) found that the Redfern-Waterloo area is well positioned to benefit from 'overflow demand' of businesses unable to secure suitable space in the (southern) CBD, Surry Hills and Chippendale based on availability of accommodation and/or cost.

The 'overflow demand' will be attracted to the Redfern-Waterloo area by its proximity to the Sydney CBD, existing and future transport links and the close proximity of several significant employment clusters. Surrounding employment clusters include the Australian Technology Park (ATP), the University of Sydney and Royal Prince Alfred Hospital.

The analysis by BIS projects employment within Redfern-Waterloo to increase by 4,400 jobs by 2036 (from 2017 levels). Much of this growth will be in the health, education, professional scientific & technical, accommodation & food services and retail sectors. To meet this employment growth, an additional 125,000sqm of additional floor space is required.

Across the Redfern-Waterloo area, much of the land is constrained by residential uses or is built to its capacity. For example, once the current construction at the ATP concludes, it will have reached its capacity.

The City's Local Strategic Planning Statement (planning statement) identified the City is on track to meet our housing targets for market residential dwellings, however it identified a shortfall of floor space to meet the employment target of 200,000 additional jobs.

The planning statement identified the Precinct is an opportunity to contribute to employment targets and grow the Camperdown-Ultimo Health and Education Precinct and link to the future Waterloo Metro station. The Precinct has the potential for private sector business and investment to leverage off and support the offering of ATP.

Action P2.5 of the planning statement requires the City to strengthen the economic and productive role of the Innovation Corridor. This is to be achieved by identifying and supporting opportunities to appropriately increase capacity for commercial and other enterprise uses particularly those contributing to specialised and knowledge-based clusters, in mixed use (B2 - Local Centre and B4 - Mixed Use) zoned areas, including the Precinct.

The Botany Road Precinct is an opportunity to meet the City's jobs and affordable housing targets

The City has undertaken a strategic review of the Precinct to identify how it can contribute to employment growth in line with City and NSW Government strategies while also improving connectivity and the public domain.

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To inform how the Precinct can accommodate growth while maintaining the unique characteristics of the place, Council engaged Tonkin Zulaikha Greer Architects (TZG) to undertake an Urban Design Study and Non-Indigenous Heritage Study. The City undertook additional analysis and testing, as outlined in the Supplementary Urban Design Report.

The Supplementary Urban Design Report details the considerations that have guided the proposed planning controls, including:

- maximising the delivery of new floorspace in this highly valuable strategic location;
- minimising solar impact to parks and surrounding residential development, including the proposed new dwellings on the Waterloo Estate;
- ensuring that heights don't exceed that of existing development on Regent and Gibbons Street or the future Waterloo Metro over-station development;
- maintaining a favourable relationship to Botany Road;
- ensuring heights transition appropriately from areas of change to surrounding HCAs and adjoining heritage items;
- ensuring affordable housing development can achieve sufficient solar access, even if the adjoining sites are developed for commercial use;
- considering view corridors and minimising wind impacts;
- increasing the accessibility and connectivity throughout the Precinct;
- improving the streetscape and quality of the public domain; and
- maintaining buildings and uses on Regent Street and Botany Road that contribute to the unique character of the Precinct.

This planning proposal will support the creation of a commercial precinct in a highly accessible and strategically important location. To achieve the vision of the Precinct as a vibrant and diverse commercial area, this planning proposal establishes incentive building heights and FSRs where development meets the conditions outlined in a site-specific provision, including use and sustainability outcomes. The incentive controls will unlock existing capacity in the Precinct, help the Precinct to meet the demand for future employment floorspace and contribute towards the City's target for 200,000 jobs by 2036.

To ensure sufficient housing for low income workers to live close to transport, jobs and services, the planning proposal also incentivises affordable housing development on where it does not adversely impact on the ability of surrounding sites to develop for commercial purposes. It creates a significant opportunity to contribute to the City's target for an additional 10,000 affordable homes to be provided in the local area by 2036.

New planning controls will incentivise strategic outcomes

This planning proposal identifies sites which are suitable for providing increased employment floor space and affordable as 'Botany Road Precinct Opportunity Land' (Opportunity Land). This planning proposal allows development on Opportunity Land to achieve incentive building heights and FSRs where:

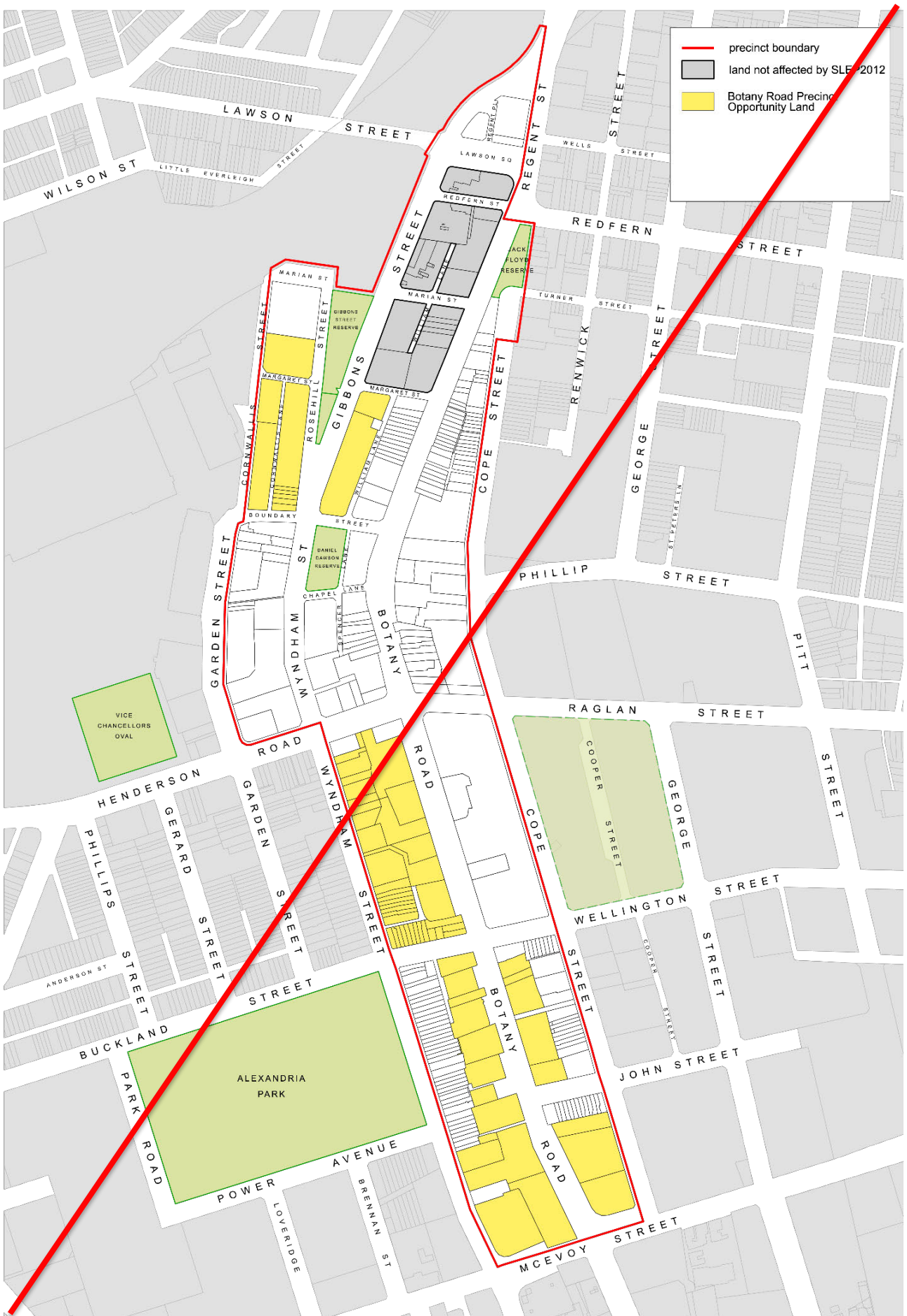
- it is for the purposes of:
 - non-residential (commercial) uses only; or
 - non-residential (commercial) uses and affordable housing only;
- it provides land for the future laneways;
- it exceeds the BASIX commitments for water and energy by not less than 10 points for energy and five points for water;

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- any affordable housing provided under is owned and managed by a registered community housing provider; and
- any affordable housing does not reduce the capacity of adjoining sites to be developed for non-residential uses.

The sites to be identified on the Locality and Site Identification Map as Opportunity Land are shown in Figure 33.

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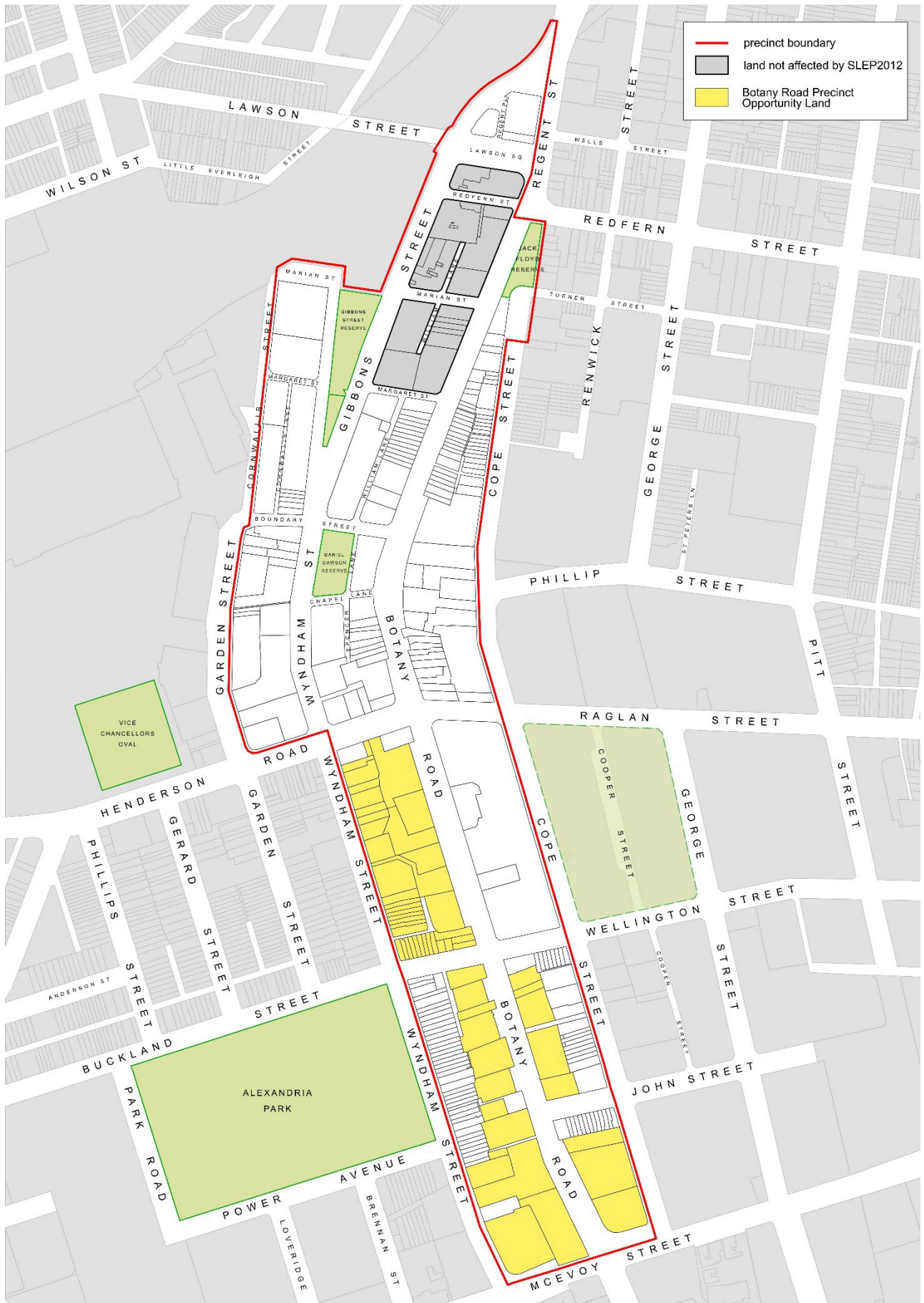
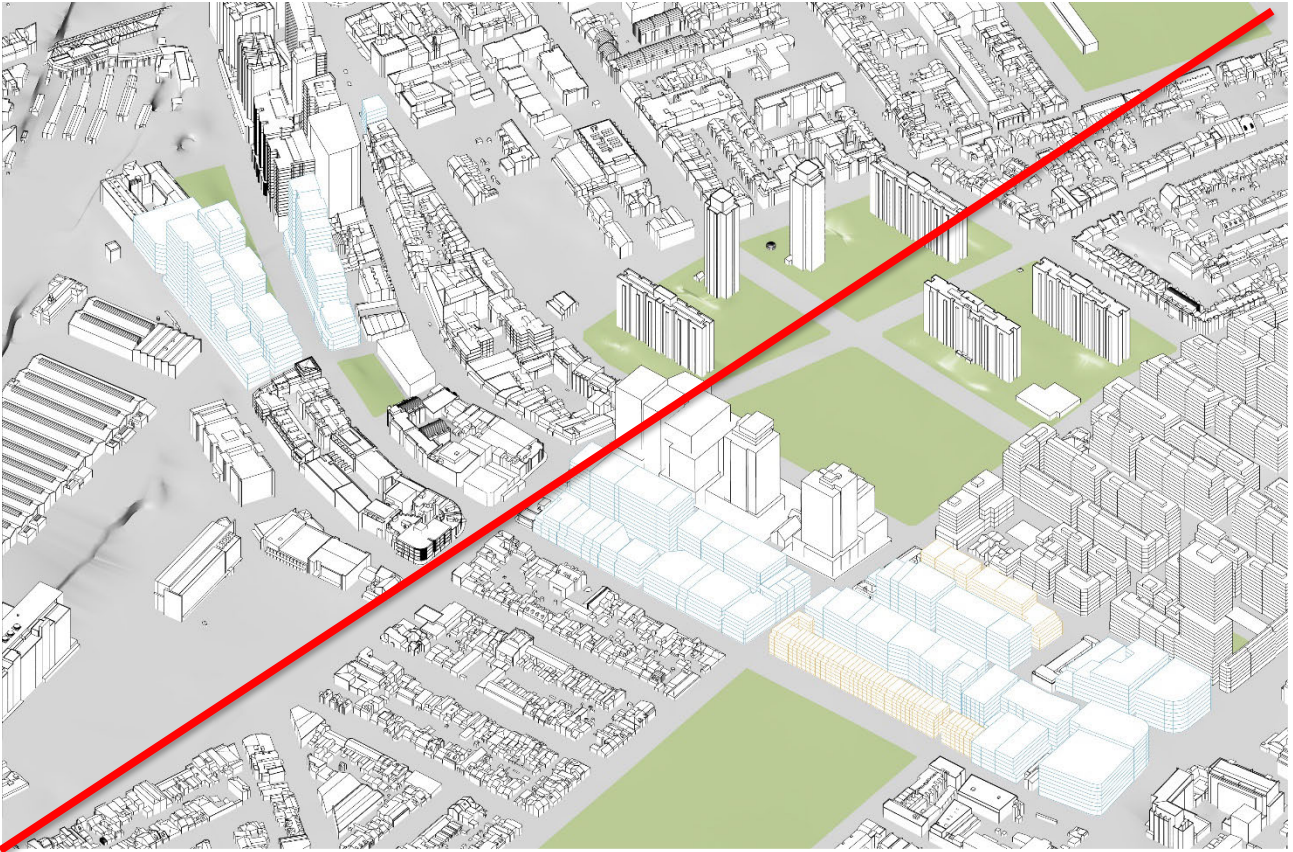


Figure 33. Botany Road Precinct Opportunity Land

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The proposed incentive building heights and FSRs do not replace the current height and FSR maps in Sydney LEP 2012 for Opportunity Land. Should landowners prefer to develop their site under current planning controls, for example for market residential (which cannot be developed using incentive building heights and FSRs), they could still do so.

A potential development outcome of the planning controls for the Botany Road Precinct is shown at Figure 34. A commercial development outcome on Opportunity Land is assumed in the Figure, though some affordable housing may access incentives in the Precinct. The Figure also shows the potential residential outcome on the sites where the mapped heights and FSRs have increased (discussed later in this report).



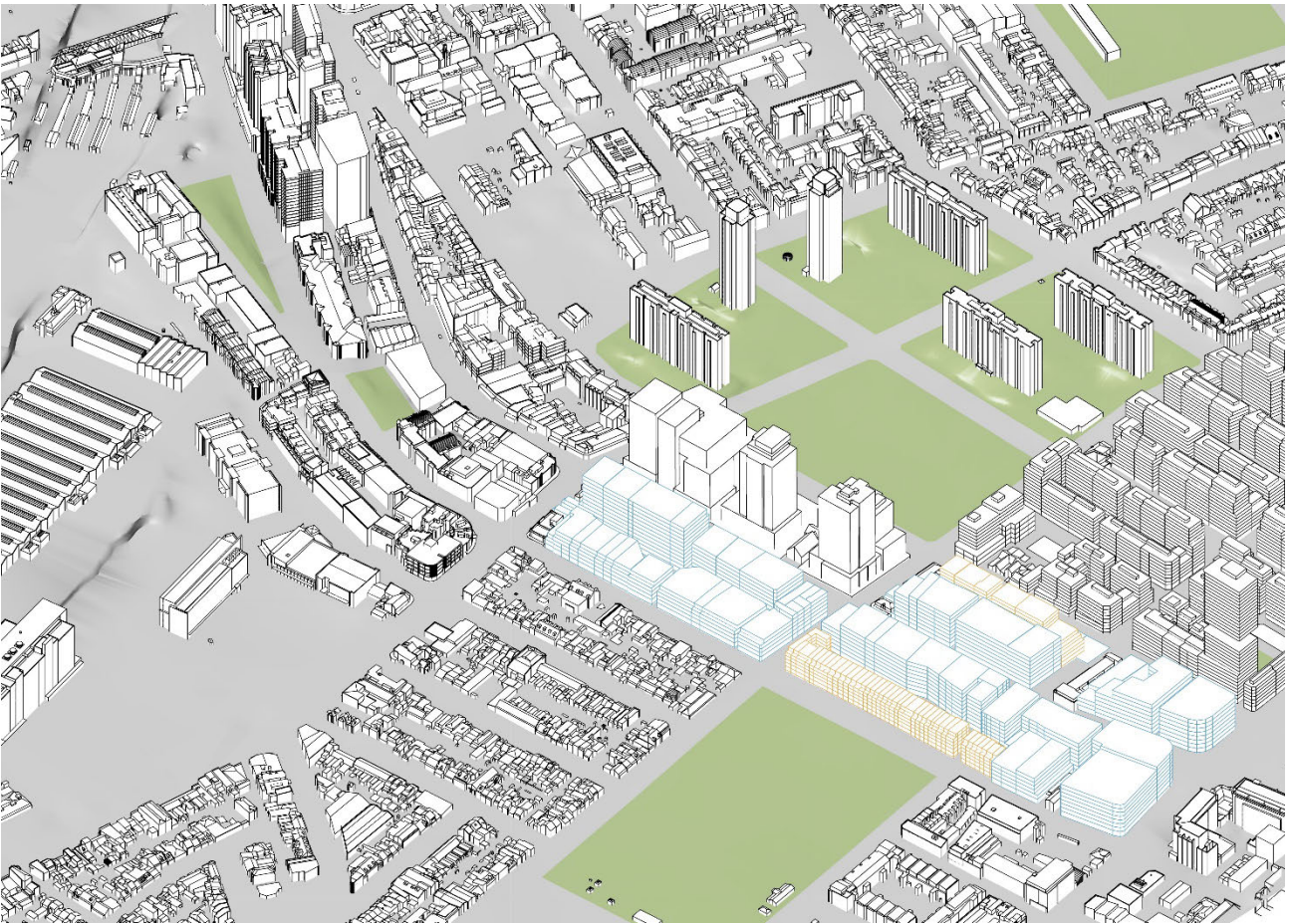


Figure 34. Axonometric showing a commercial outcome for the Precinct

This planning proposal does not change the maximum building heights and maximum FSR of most properties along Regent Street. Retaining the existing controls will encourage development that is respectful to the existing fine grain and historical built fabric. There is also no change proposed for heritage items or constrained street blocks where the majority of properties are strata-subdivided recent development.

This planning proposal excludes the application of **parts of State Environmental Planning Policy (Housing 2021)** ~~the Affordable Rental Housing SEPP 2009~~ by amending clause 1.9 in the Sydney LEP so it does not apply to Opportunity Land. This will ensure that development that utilises incentive height or FSR will be precluded from accessing additional FSR incentives available in the SEPP, for example for boarding houses.

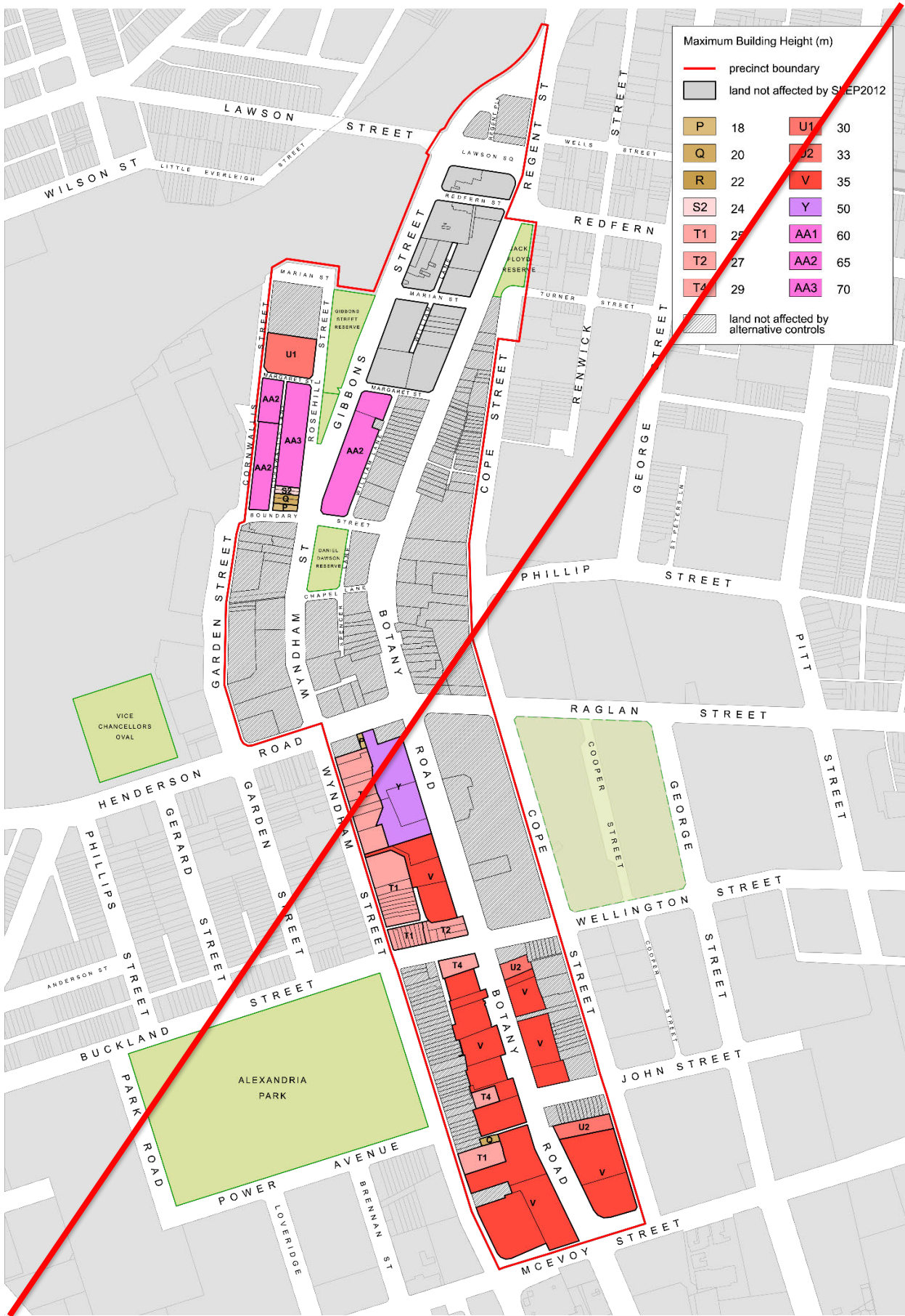
The new planning controls **facilitate about 225,000 square metre of commercial floorspace, the equivalent of up to 11,600 jobs,** ~~incentivise approximately 280,000sqm of commercial floor space, about 14,500 new jobs,~~ within walking distance of the new Waterloo Metro Station, **if all available incentives are taken-up. While some floor space may be delivered as affordable housing, it will not have a significant impact on the commercial focus of the Precinct.**

Incentive building heights

Incentive building heights, shown at Figure 35, vary on each block, up to a maximum of ~~70m (17 storeys) on Rosehill Street, up to~~ 50m (12 storeys) on Botany Road opposite the Waterloo Metro Station and up to 21m (six storeys) on Wyndham Street opposite the Alexandria Park HCA. The same incentive building heights will apply to both commercial development and development comprising a mix of commercial and affordable housing.

The incentive height controls for sites adjoining heritage items and HCAs provide a curtilage to heritage items, reduce solar impact on conservation areas and ensure an appropriate visual relationship between the contributory buildings and the areas of change.

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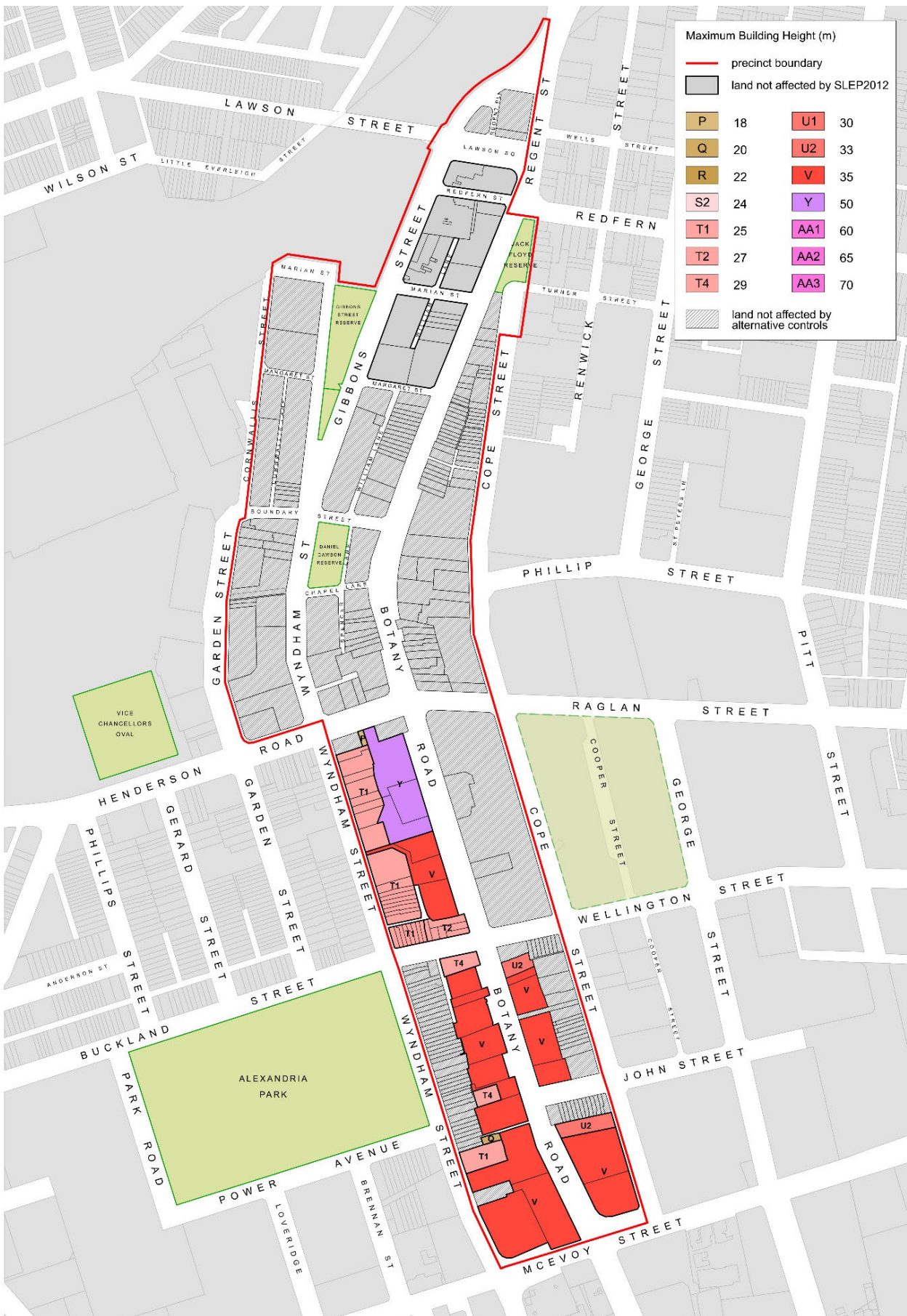


Figure 35. Proposed Opportunity Land – Incentive Height of Buildings Map

Incentive FSRs

Incentive FSRs encourage development that contributes towards the City's strategic targets for 200,000 jobs and 10,000 affordable housing units by 2036.

Different incentive FSRs will apply to development comprising only commercial uses (shown at Figure 36) and buildings comprising a mix of commercial and affordable housing (shown at Figure 37). This is because of the difference in building efficiencies and the higher separation and amenity requirements applying to residential development.

It is noted Opportunity Land sites in the Precinct, that are also located in Green Square area, are subject to clause 6.14 in Sydney LEP, which allows additional FSR where development contributes to community infrastructure. The additional 0.5:1 FSR available on these sites may be used in addition to the incentive FSRs shown in Figure 36 and Figure 37.

Non-residential development on Opportunity Land

Non-residential development within the Precinct can access incentive FSRs varying generally from 2.75:1 to ~~7.75:1~~ **5.5:1**, as shown in Figure 36. New development utilising the incentive FSR and height controls will contribute to the strategic objectives of increasing the availability of commercial floor space within the Redfern-Waterloo area and to the vision for a vibrant commercial precinct.

Affordable housing development on Opportunity Land

Mixed use developments containing only affordable housing and non-residential uses can access an incentive FSR varying generally from 2.25:1 to ~~6:1~~ **4:1**, as shown in Figure 37. Non-residential uses will be required on the first two storeys to protect the amenity of affordable housing units and to ensure the future desired character of the Precinct as a vibrant commercial area.

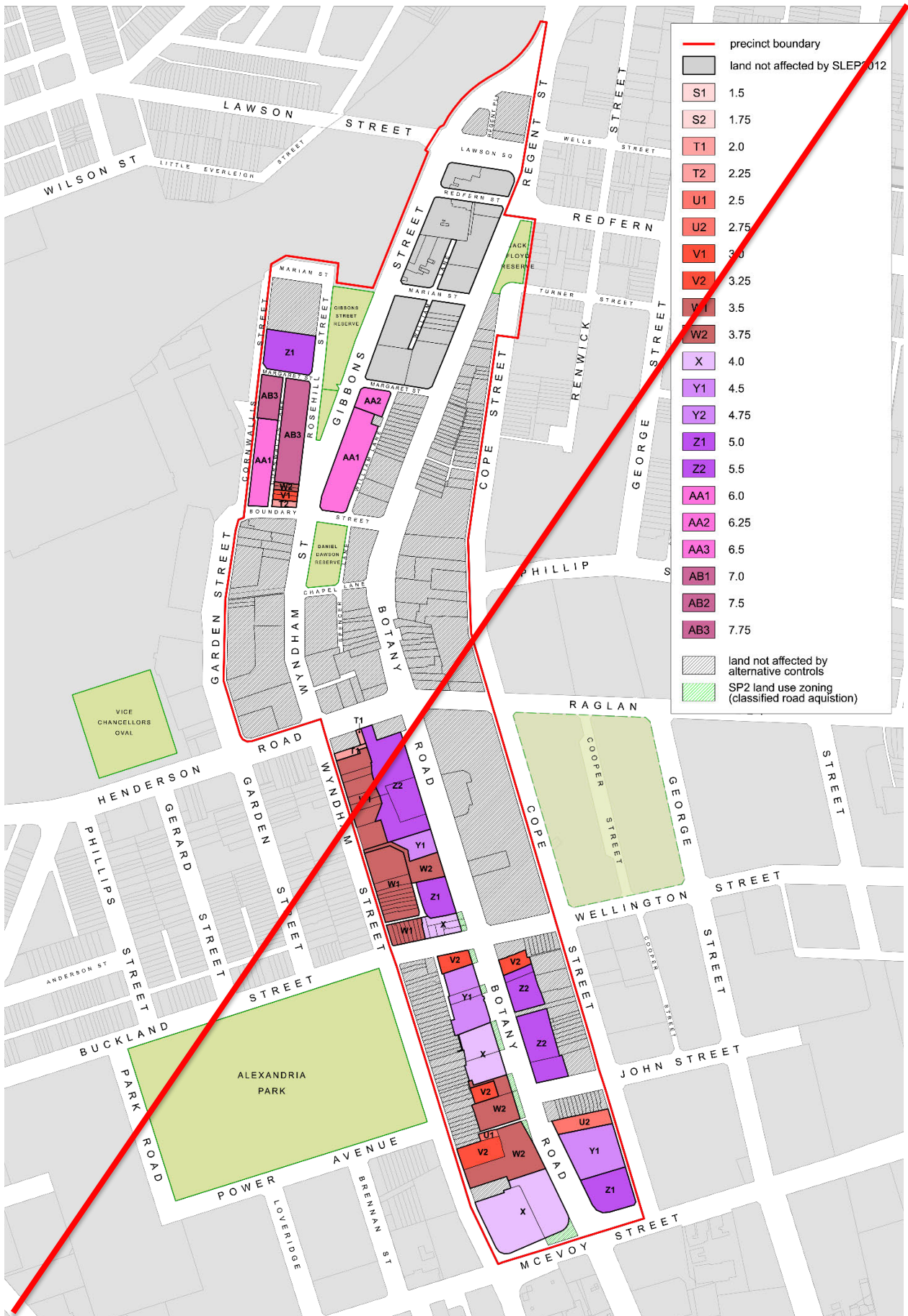
As this planning proposal incentivises both commercial and affordable development, it is likely that any affordable housing development will be located adjoining commercial development. The City's built form modelling has demonstrated that each site can achieve sufficient amenity to develop as affordable housing, even if the sites on either side are developed as commercial.

The built form modelling of affordable residential developments in the Precinct is based on a maximum envelope depth of 16.5m. This relatively 'slim' building envelope enables the living spaces and private open space of all apartments to be oriented towards the same frontage. Doing so ensures that all developments can achieve the minimum amenity requirements of the Apartment Design Guide, including natural cross ventilation to a minimum of 60% of apartments and at least 2 hours sunlight access to at least 70% of apartments.

This built form outcome is supported by the draft DCP which requires that dwellings receive solar and daylight access from the primary street frontage and not from a laneway, side, rear or interior facing façade. As the proposed building envelopes for affordable residential developments can rely on receiving sufficient solar access from the street frontage, each site is able to develop its floor space use independently of adjacent sites.

The proposed new site-specific provision requires that any development that incorporates affordable housing must not reduce the capacity of adjoining sites to be developed for non-residential uses. Moreover, affordable housing can only be provided where amenity will not be impacted by other uses such as entertainment or light industrial. This is aimed to ensure that new affordable housing development does not impede the City's vision of the Precinct as a vibrant commercial area.

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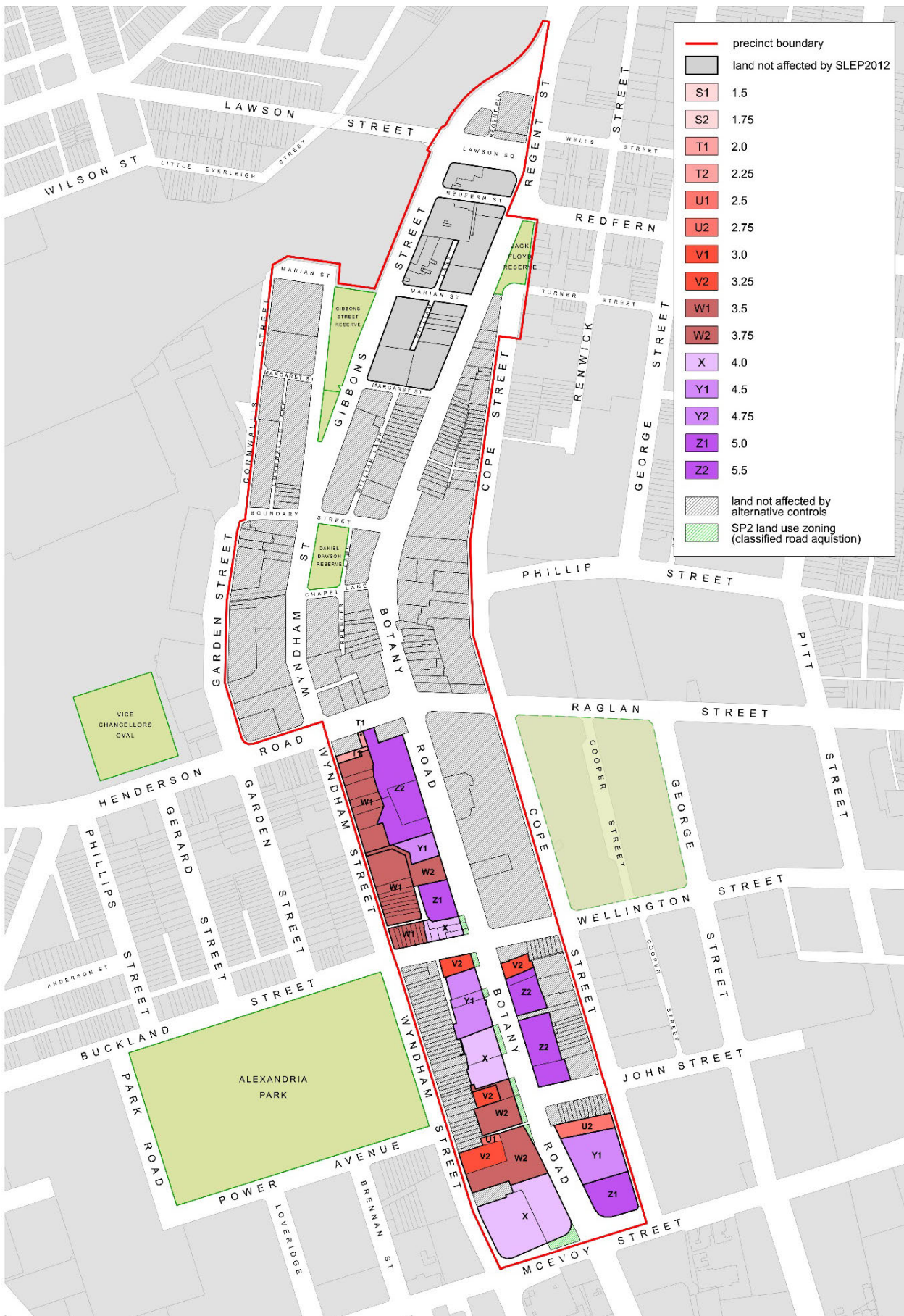
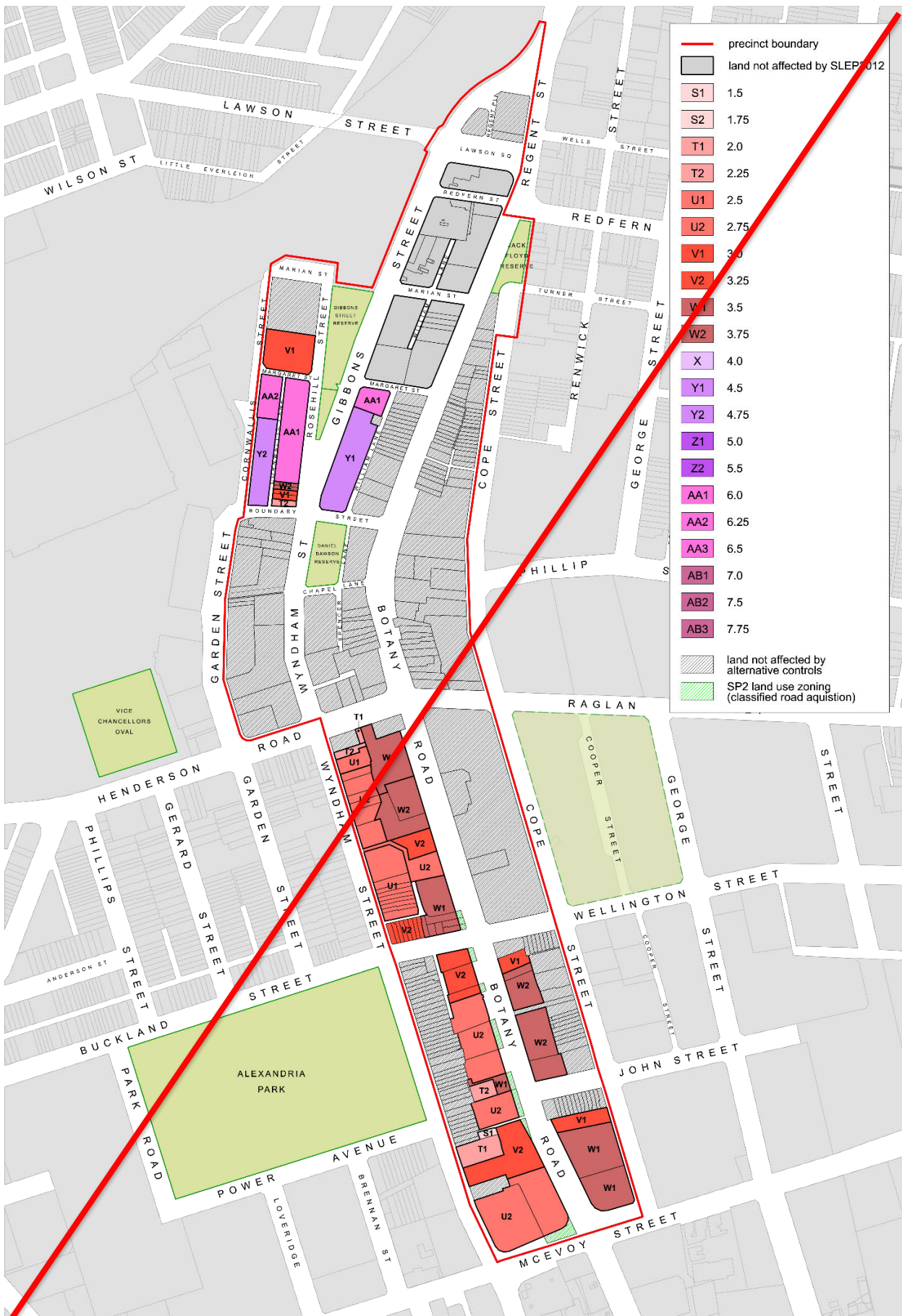


Figure 36. Proposed Opportunity Land – Employment Sites - Incentive FSR Map

Botany Road Precinct



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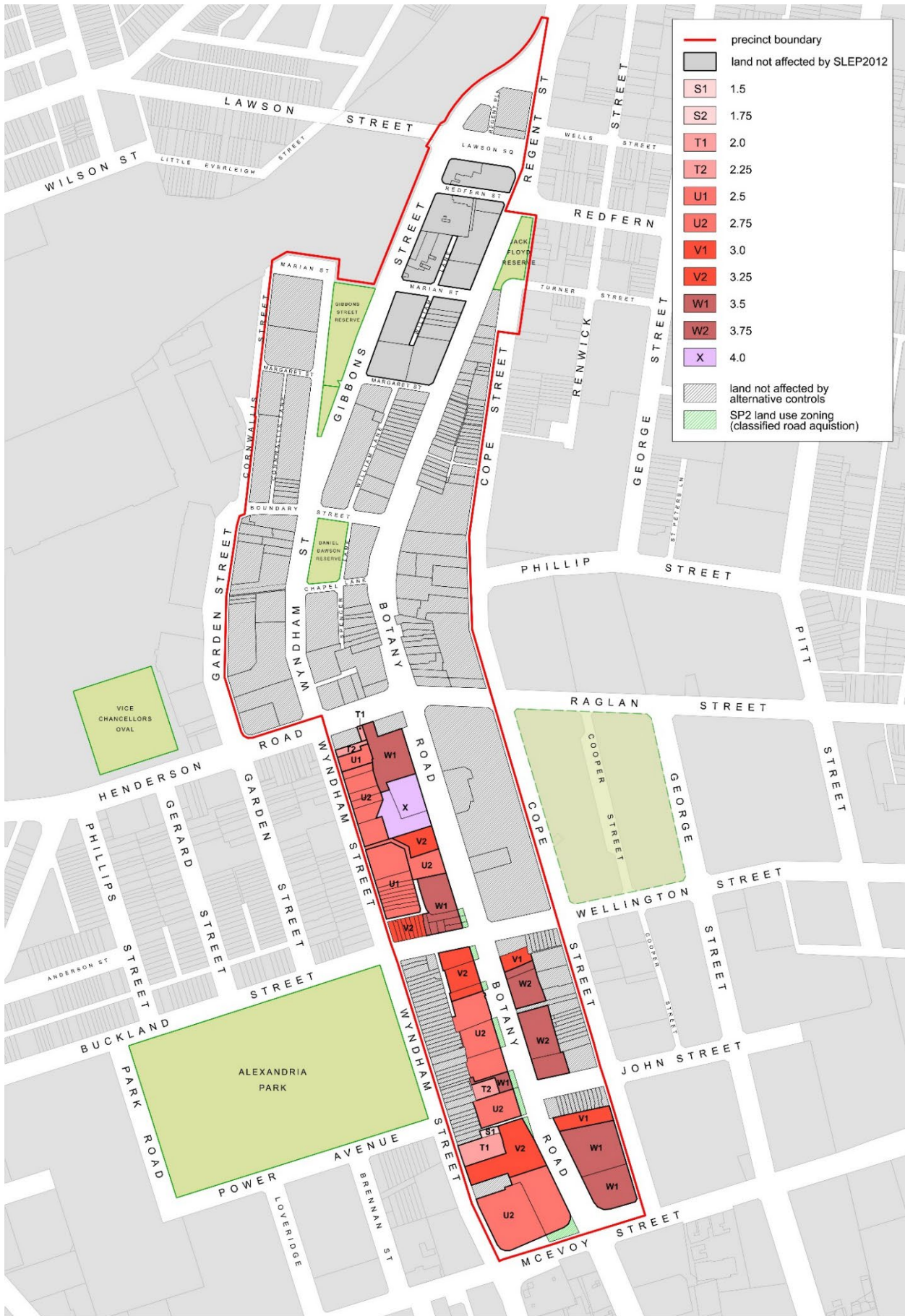


Figure 37. Proposed Opportunity Land – Affordable Housing Sites - Incentive FSR Map

Laneway network

This planning proposal includes the provision of land for the laneway network as a requirement of any development seeing to make use of the incentive height and FSR controls. New laneways will improve permeability of large blocks and provide for vehicular access and building servicing. Moving access and servicing to rear laneways improves pedestrian safety and amenity on Botany Road as well as reducing the impact of vehicular movements in and out of driveways on Botany Road's traffic flow. The laneway network is discussed further later in this report.

Market housing in select locations will utilise areas of high amenity and contribute to affordable housing

Wyndham Street, Alexandria and Cope Street, Waterloo

Certain sites in the Precinct have been identified as more suitable for residential uses than commercial uses. These sites are located on Wyndham Street, Alexandria (opposite Alexandria Park) and Cope Street, Waterloo opposite the Waterloo Estate.

This planning proposal increases the maximum height and FSR on these sites in accordance with Figure 38 and Figure 39. On Wyndham Street, development up to 24m (6 storeys) will take advantage of a high amenity location opposite Alexandria Park, while ensuring no shadowing impact on the park after 10:30am in midwinter. On Cope Street, up to 30m (8 storeys) will be permitted, which is comparable with the heights proposed for the sites across the road within the Waterloo Estate South planning proposal, endorsed by Council in February 2021.

On Wyndham Street, FSRs from 1.25:1 to 2.25:1 will be permitted and on Cope Street FSRs of 2:1 to 3:1 will be permitted. In addition, sites located on Wyndham Street, Alexandria (that are also located in the Green Square area), are subject to clause 6.14 of Sydney LEP, that allows additional FSR to be achieved where development contributes to community infrastructure. This planning proposal changes those sites from Area 6 to Area 8 on the FSR map, which increases the community infrastructure floor space available to 1:1 (from 0.5:1).

Because these areas are receiving an uplift for the purposes of market residential housing, an affordable housing contribution will be applied to these sites, in addition to that already required under clause 7.13 of the Sydney LEP 2012. This is discussed later in this planning proposal.

131 Regent Street, Redfern

This planning proposal retains the existing FSR control and increases the maximum height of building from 18m to 25m (six storeys) for 131 Regent Street, Redfern. The site is a former interwar service station that was identified by TZG in the Non-indigenous Heritage Study as contributory to the Redfern Estate HCA. Increasing the height control will allow any development on the site to retain the contributory elements and achieve the existing floor space available by building on the southern portion of the site.

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Figure 38. Proposed changes to the Height of Building Map

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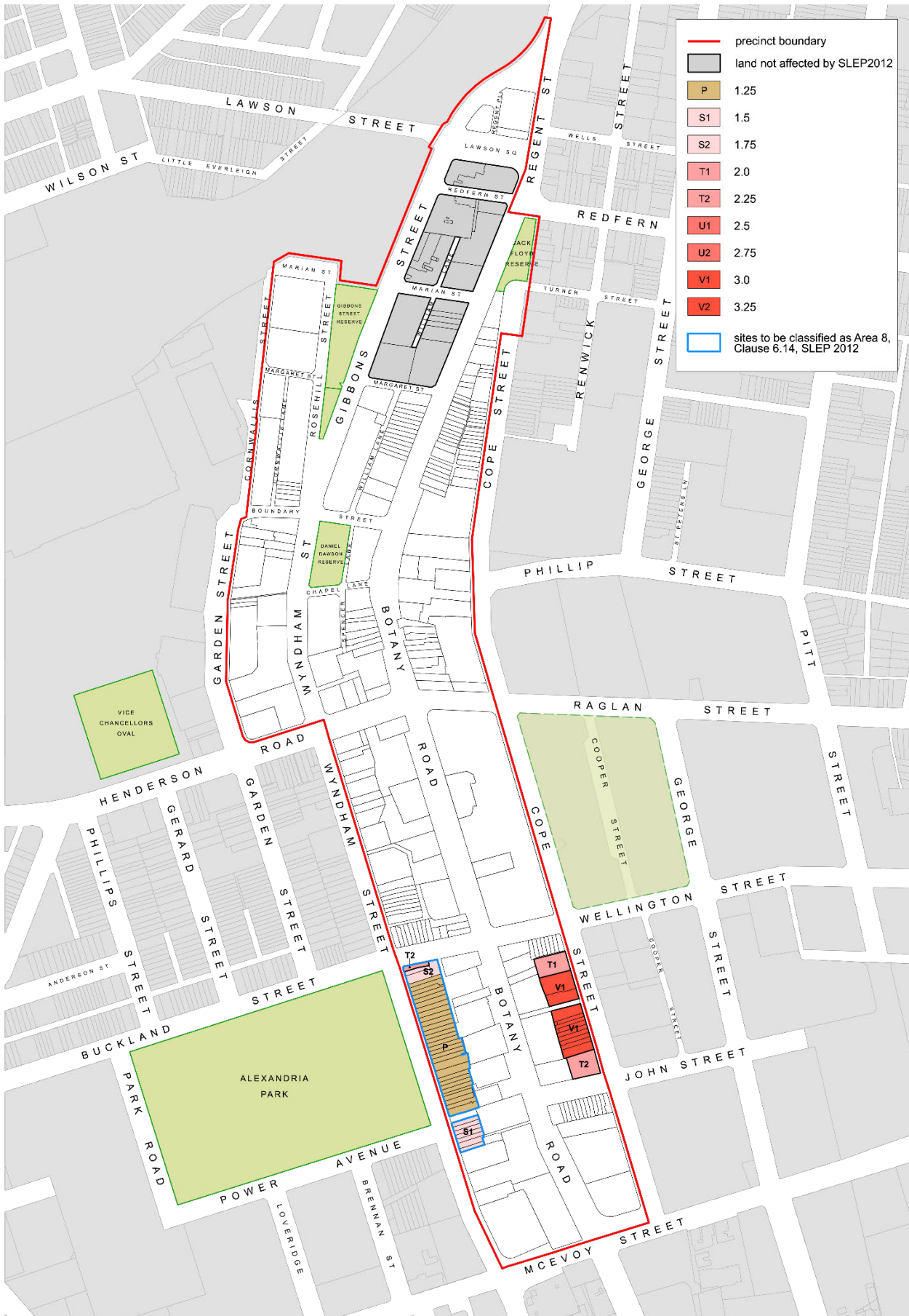


Figure 39. Proposed changes to the FSR Map

Heritage is conserved and protected

This planning proposal is to protect and enhance the heritage significance, setting and views of heritage items and contributory buildings.

The Non-Indigenous Heritage Study by TZG investigated the historic and physical context of the Precinct with a focus on the listed heritage items within the Precinct and how the Precinct interfaces to the adjoining HCAs. The 'Aboriginal and Torres Strait Islander community engagement and cultural heritage research' prepared by CIR for the Precinct informed TZG's understanding of Aboriginal cultural values associated with the place and the places that have a significant association with Aboriginal people.

New heritage listings

While the nine existing heritage listings include reference to the Gadigal people in relation to the early history of the area, CIR's review indicates that contemporary Aboriginal people's connection to many of these sites is not included. CIR recommends that existing heritage listings of sites and HCAs within the Precinct be updated to reflect a more accurate and complete record of their history and significance.

TZG also recommend three new heritage items to be listed in the Sydney LEP 2012 for their historical and social values (see Figure 40). This planning proposal lists the following new heritage items in the Sydney LEP 2012:

- 142 Regent Street, Redfern - Former Aboriginal Legal Service. This building was used as the first shopfront for the Aboriginal Legal Service. It was established in 1970 to provide free legal assistance to Aboriginal people living in Sydney.
- 171 Regent Street, Redfern – Former Aboriginal Medical Service. The Aboriginal Medical Service operated from this building from 1971-1977. It was established to provide free medical support to Aboriginal people living in Sydney and was the first Aboriginal community-run medical service in Australia.
- 122-136 Wellington Street, Waterloo – Victorian terrace group. This row of two storey Victorian terraces that spans from Cope Street to the Cauliflower Hotel was constructed c1883 and are a representative group of terraces constructed during the key subdivision and subsequent redevelopment of Waterloo.

As recommended by CIR, consultation with the Aboriginal and Torres Strait Islander community ~~will be~~ **has been** undertaken during public exhibition to ~~determine~~ **confirm** the level of significance of existing and proposed heritage items. **The City wrote to the Metropolitan Local Aboriginal Land Council, however at the time of finalising this planning proposal no response had been received.**

Redfern Estate HCA

The character of Regent Street is mixed, with two storey Victorian and Federation buildings, which contribute to the historic character of the streetscape, interspersed with infill development and recent high-rise buildings. Extending the Redfern Estate HCA (C56), as shown in Figure 40, will ensure that buildings on Regent Street that contribute to the historic character of the Precinct, currently not protected, are offered a level of heritage protection.

Retaining the existing heights on Regent Street also protects the open space at the NCIE from any additional overshadowing due to the significance of the place to the Aboriginal and Torres Strait Islander Community.

In addition, extending the Redfern Estate HCA not only means the retention of contributory buildings, it will also assist in retaining the diverse uses currently occupying historic terraces, which are integral to the character of the area and the economic role of Regent Street.

Alexandria Park HCA

The Non-indigenous Heritage Report by TZG recommends extending the Alexandria Park HCA further into the Precinct. However, Council staff have reviewed the proposed additional contributory buildings and found that they are not of high quality, nor are they unique to the conservation area.

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If the sites are not included within the HCA, those sites will be able to contribute towards strategic employment objectives, which is particularly relevant given the location of these sites across the road from the new Waterloo Metro station. Identifying these sites as Opportunity Land, and allowing incentive FSR and heights, will also deliver an improved public domain and increased tree canopy as new development will deliver high quality buildings addressing the public domain and setbacks to Botany Road for landscaping and tree planting.

This planning proposal reduces the extent of the Alexandria Park HCA (C1) to facilitate urban renewal of the Precinct and achieve strategic employment objectives. Currently, there are 13 properties within the Alexandria Park HCA which also fall within the Precinct.

Council's heritage experts have reviewed the character and heritage significance of the HCA and in particular the properties within the HCA that also fall within the boundary of the Precinct. The HCA relates to Alexandria Park and the subdivision immediately north of the park. By comparison, the properties that fall within the Precinct (facing Buckland Street, west of Wyndham Street) do not have any strong relationship to the park or this subdivision.

An assessment of the type and quality of the properties indicates that there are numerous similar properties within the remainder of the conservation area and that the properties within the Precinct boundary are not unique. Removing these properties from the conservation area will have little to no impact upon the character or heritage significance of the conservation area.

Furthermore, due to the proposed urban renewal of the Precinct, the properties in question will also be affected by overshadowing and visual bulk impacts to their north. Removing the sites from the conservation area enables the sites on Botany Road to the north of Buckland Street to achieve increased height and employment capacity in line with the strategic objectives of the renewal of the Precinct.

The contribution of these properties to the HCA has been balanced against the ability to further the employment objectives of the Precinct. The proposed amended boundary of the conservation area is shown at Figure 40.

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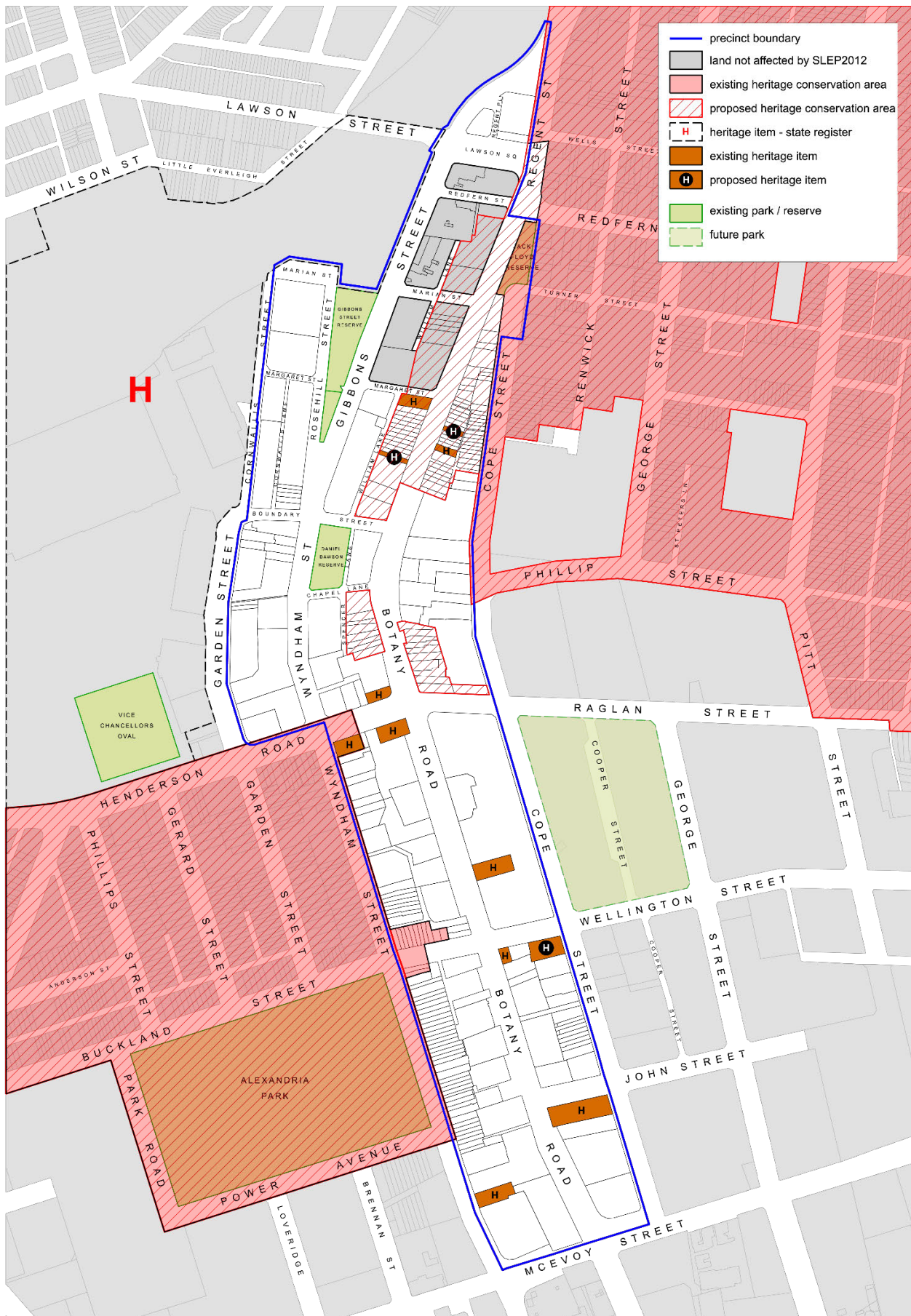


Figure 40. Proposed changes to Heritage Conservation Areas and new items

Transition heights to heritage items and HCAs

This planning proposal does not facilitate additional FSR or height for any heritage items. The current heights and FSRs for all heritage items are to be retained to preserve the heritage items and maintain their significance. The maximum height of building controls for sites adjoining heritage items have been designed to provide a curtilage to heritage items and ensure an appropriate transition to the heights in the Precinct.

The building heights taper down towards adjoining HCAs to respect the significance of the HCA and ensure an appropriate visual relationship between the contributory buildings and the areas of change. Figure 35 and Figure 38 demonstrate the transition heights opposite HCAs and adjoining heritage items. The tapering of building heights will be supported by a detailed Height in Storeys Map contained within the draft DCP.

Affordable housing contribution is required of all development in the Precinct

In accordance with the recent changes to Sydney LEP, that expand the City's affordable housing levies across the local government area, an affordable housing contribution requirement for 3% of all residential floor space and 1% of all non-residential floor space applies to all land in the Precinct (where the LEP applies). It is noted the rates are discounted for any development application lodged by 1 July 2022.

In addition to the above, where sites are receiving an increase in FSR (that is not subject to the incentive requirements) an additional affordable housing contribution requirement, being 9% of all residential floor space, will apply only to the new floor space resulting from the planning proposal. Figure 41 identifies the sites to which an additional affordable housing contribution requirement will apply.

The additional affordable housing contribution requirement is consistent with the City of Sydney Affordable Housing Program, adopted by Council on 24 August 2020, that sets out the contribution rates that are to apply to floor space achieved through a planning proposal.

Affordable housing contribution requirements do not apply where social housing and community housing providers are developing affordable housing.

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Figure 41. Affordable Housing Map

Solar access for parks and neighbouring properties is maximised

This planning proposal minimises solar impacts to neighbouring properties and to nearby open space, including Alexandria Park, the NCIE, Daniel Dawson Reserve and Jack Floyd Reserve. The shadow impacts are shown at Figure 42, Figure 43 and Figure 44. The proposal is supported by a Supplementary Urban Design Report that provides a detailed analysis of the overshadowing impacts of the development.



Figure 42. Shadows at 9am in midwinter

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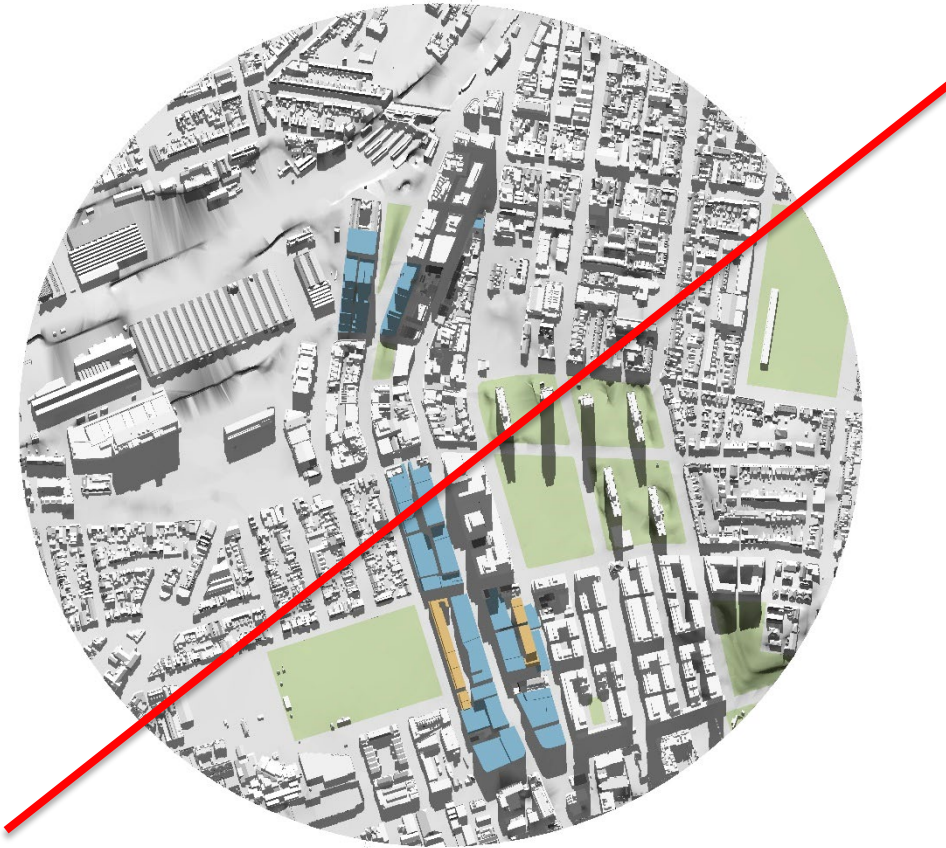


Figure 43. Shadows at 12pm in midwinter

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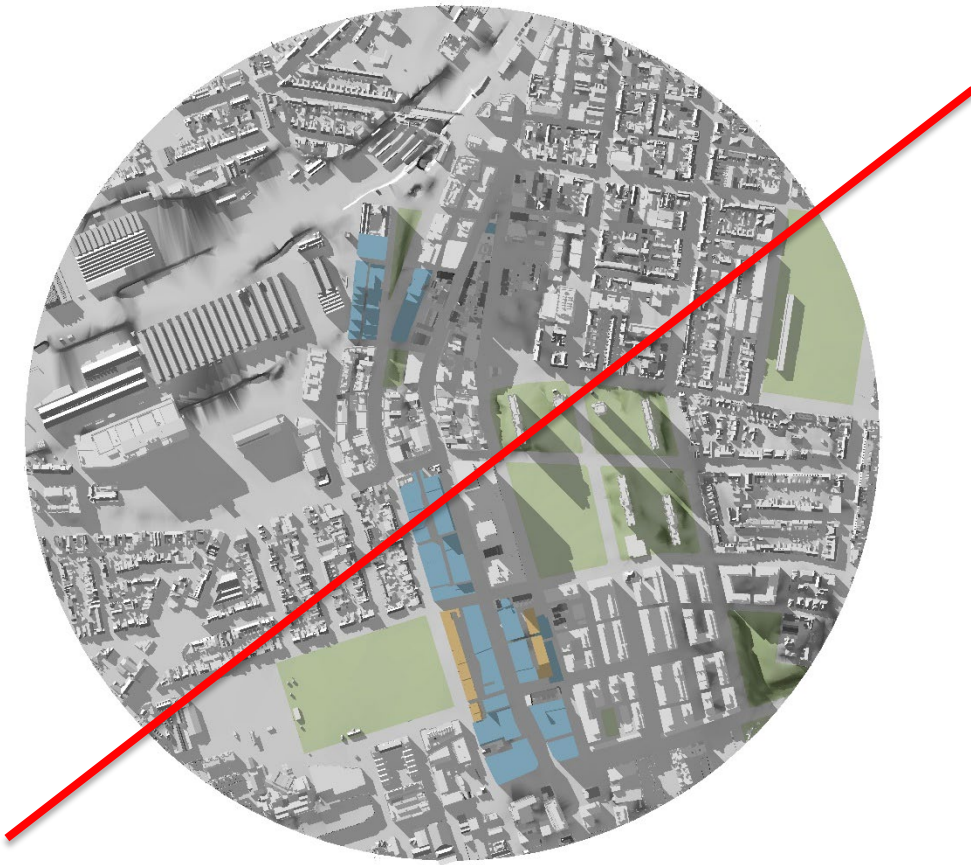


Figure 44. Shadows at 3pm in midwinter

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This planning proposal also amends clause 6.17 of Sydney LEP 2012 to introduce new sun access planes to protect solar access to Daniel Dawson Reserve and Alexandria Park. This will limit the height of any new development to ensure adequate solar access to Daniel Dawson Reserve and Alexandria Park. The solar access planes are shown at Figure 45 and Figure 46.

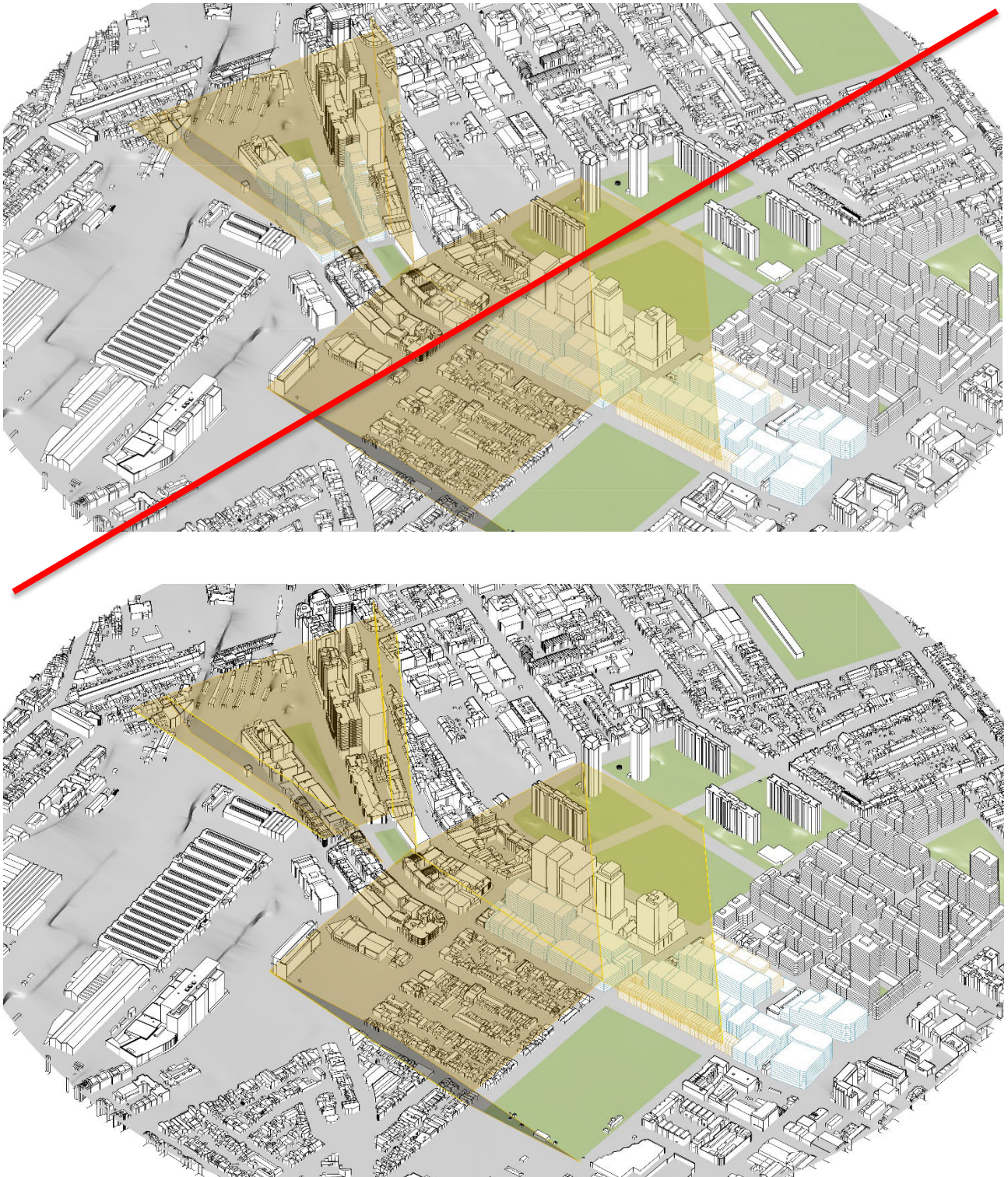
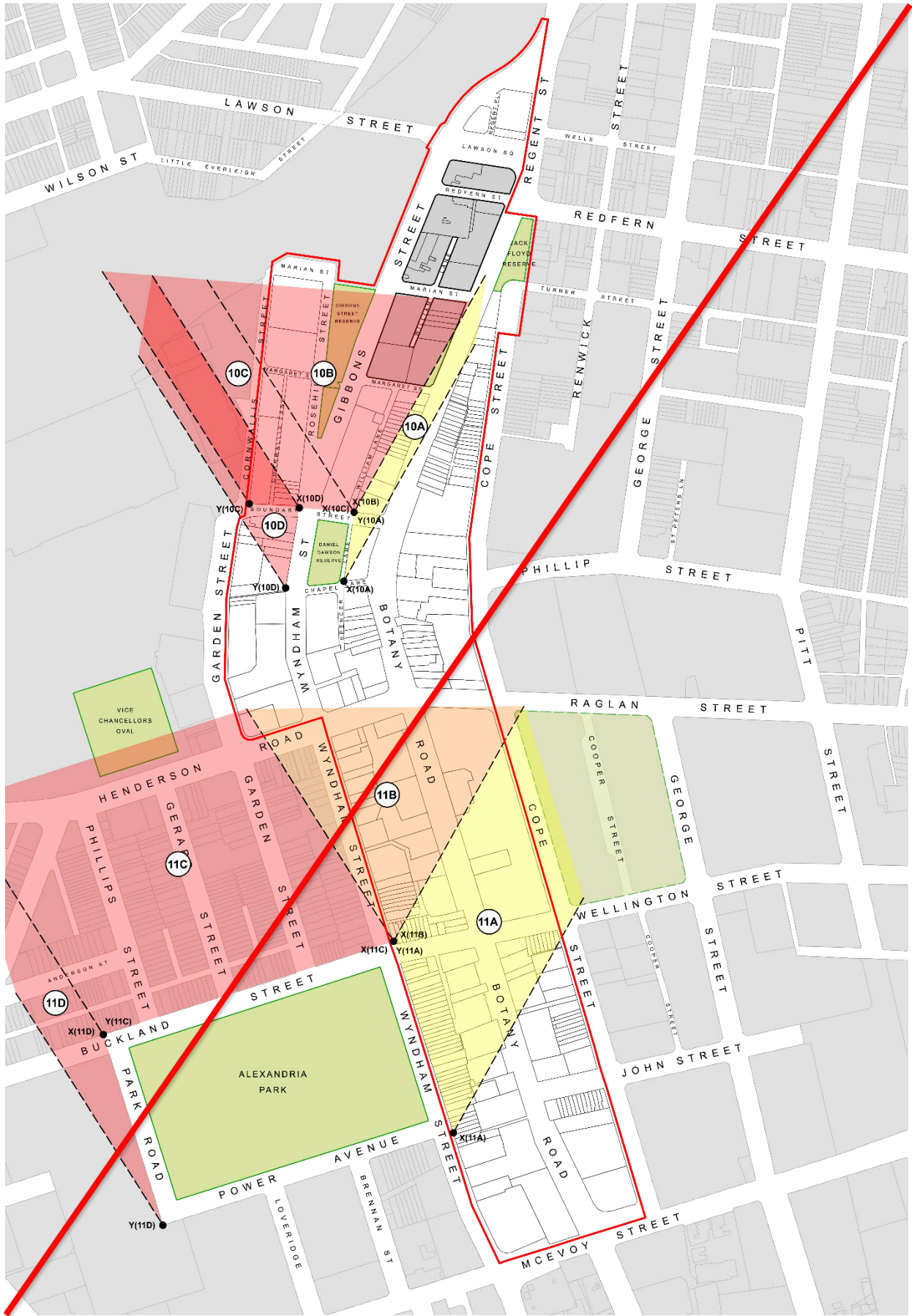


Figure 45. Solar access planes to protect Daniel Dawson Reserve and Alexandria Park

Botany Road Precinct



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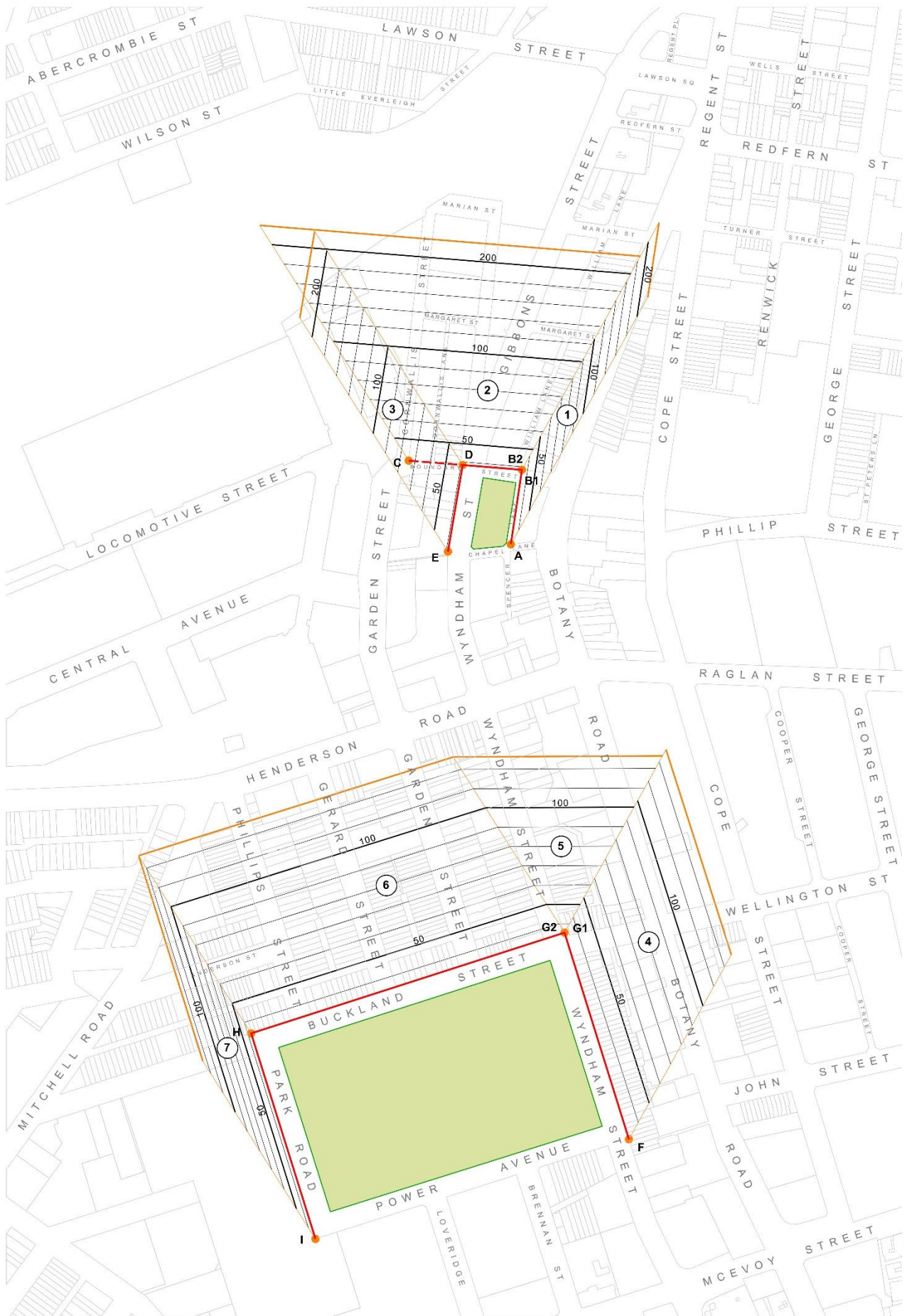


Figure 46. Map showing solar access planes to protect Daniel Dawson Reserve and Alexandria Park

New development will be eligible for design excellence floor space

If sites seeking redevelopment in the Precinct triggers the design excellence requirements of clause 6.21 of Sydney LEP 2012 a competitive design process must be carried out. This will ensure that the highest standard of architectural, urban and landscape design is achieved on large sites in the Precinct.

This planning proposal includes a provision to ensure that a building demonstrating design excellence under clause 6.21 of the Sydney LEP 2012 is only eligible for additional FSR, and not additional height. Once the competitive design process is completed, an additional 10 per cent of the permissible floor area for that site in Sydney LEP 2012 may be allowed.

This planning proposal amends clause 6.21 of the Sydney LEP 2012 to provide for the additional 10 per cent to be calculated on the incentive FSR controls in addition to any additional FSR permitted under the Green Square Community Infrastructure Scheme.

Minor changes to zoning will reflect the future vision for the Precinct

This planning proposal rezones some sites on Wyndham Street, Alexandria from R1 General Residential zone to B4 Mixed Use zone, as shown in Figure 46. These sites identified for a change in zoning are the only sites within the precinct to which the Sydney LEP 2012 applies that are not zoned B4 Mixed Use. Changing the land use zone create consistency in land use zoning across the precinct. The change to B4 Mixed Use zone introduces greater flexibility of uses and reflects the vision for the Precinct to be a vibrant commercial area with a diversity of uses.

Botany Road Precinct

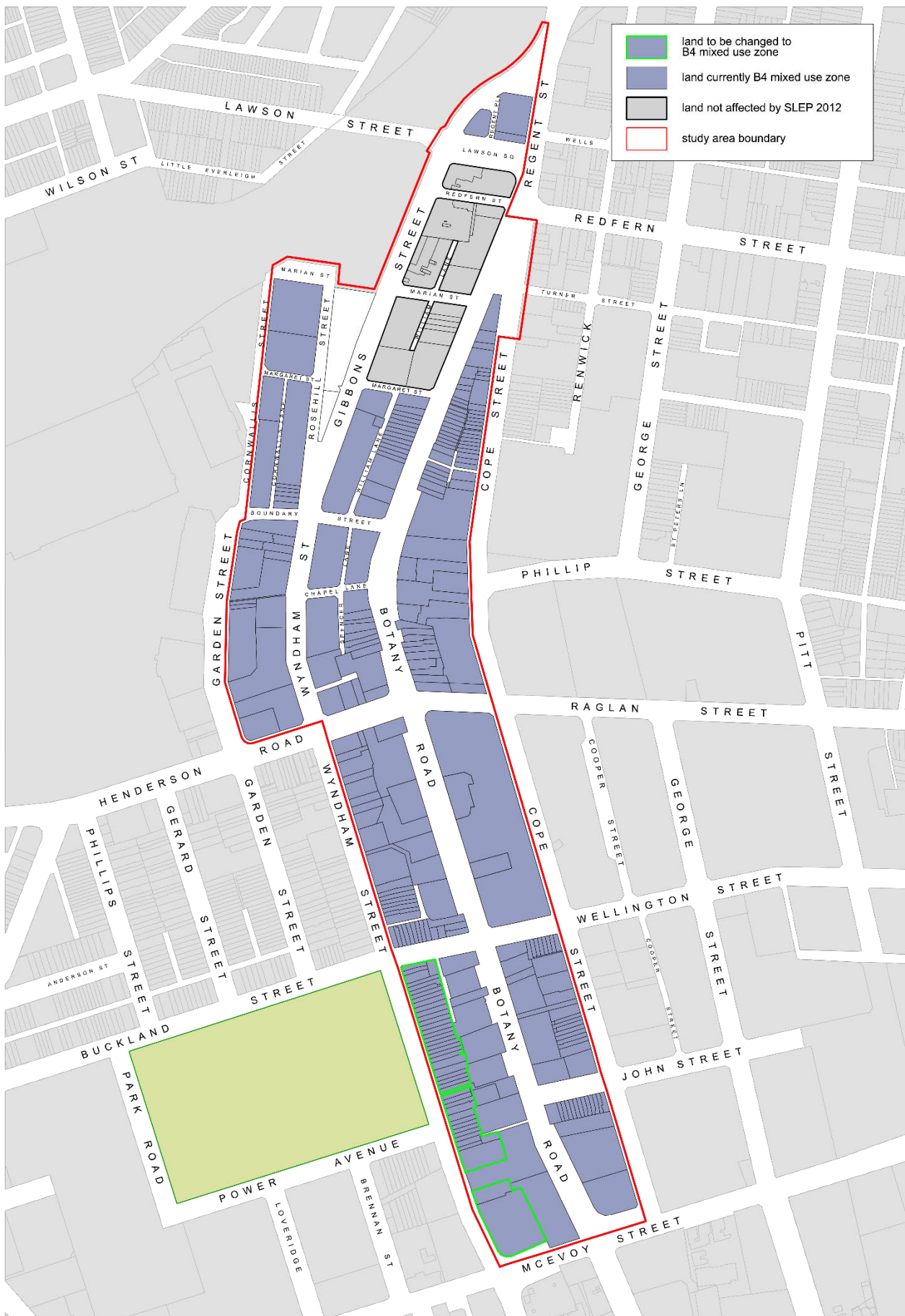


Figure 47. Land Zoning Map

New affordable residential buildings will achieve stretch sustainability targets

Energy use in buildings continues to be a significant contributor to greenhouse gas emissions in the City. High performing buildings are essential to community resilience and the upfront investment will reduce operating costs for housing providers and the cost of living for social and affordable housing tenants.

On 17 May 2021, the City endorsed for public exhibition a 'performance standards to net zero energy buildings report' and proposed planning controls. The provisions are proposed to apply to development applications for new office buildings, hotels and shopping centres and major redevelopments of existing buildings and aim to move buildings towards net zero energy use.

The proposed net zero planning controls are not repeated by the planning controls proposed for the Precinct. If the net zero planning controls are endorsed following public exhibition they will apply to the whole of the local area, including the Precinct, in addition to any site-specific planning controls that may apply.

For affordable residential buildings, this planning proposal includes a requirement for any BASIX affected development, which utilises the incentive height and FSR controls, to achieve stretch sustainability targets. The proposed requirement is to exceed the BASIX commitments for water and energy by not less than 10 points for energy and five points for water.

Active frontages are required to contribute to create interest at the street level

This planning proposal maps active street frontages on Regent Street in the Sydney LEP, as shown in Figure 48. This will ensure any new development will have non-residential uses fronting the street to strengthen the main street character and role of Regent Street.

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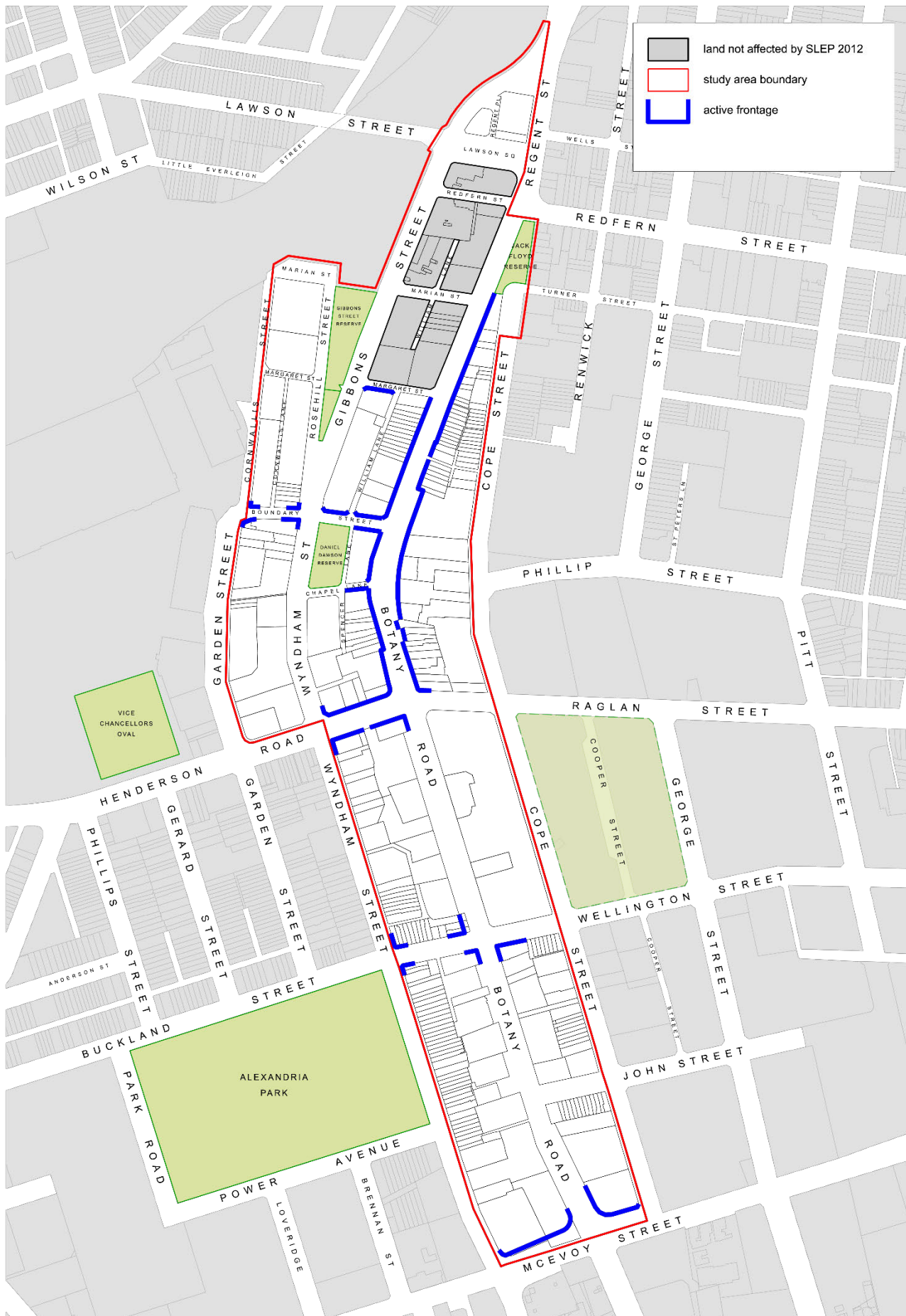


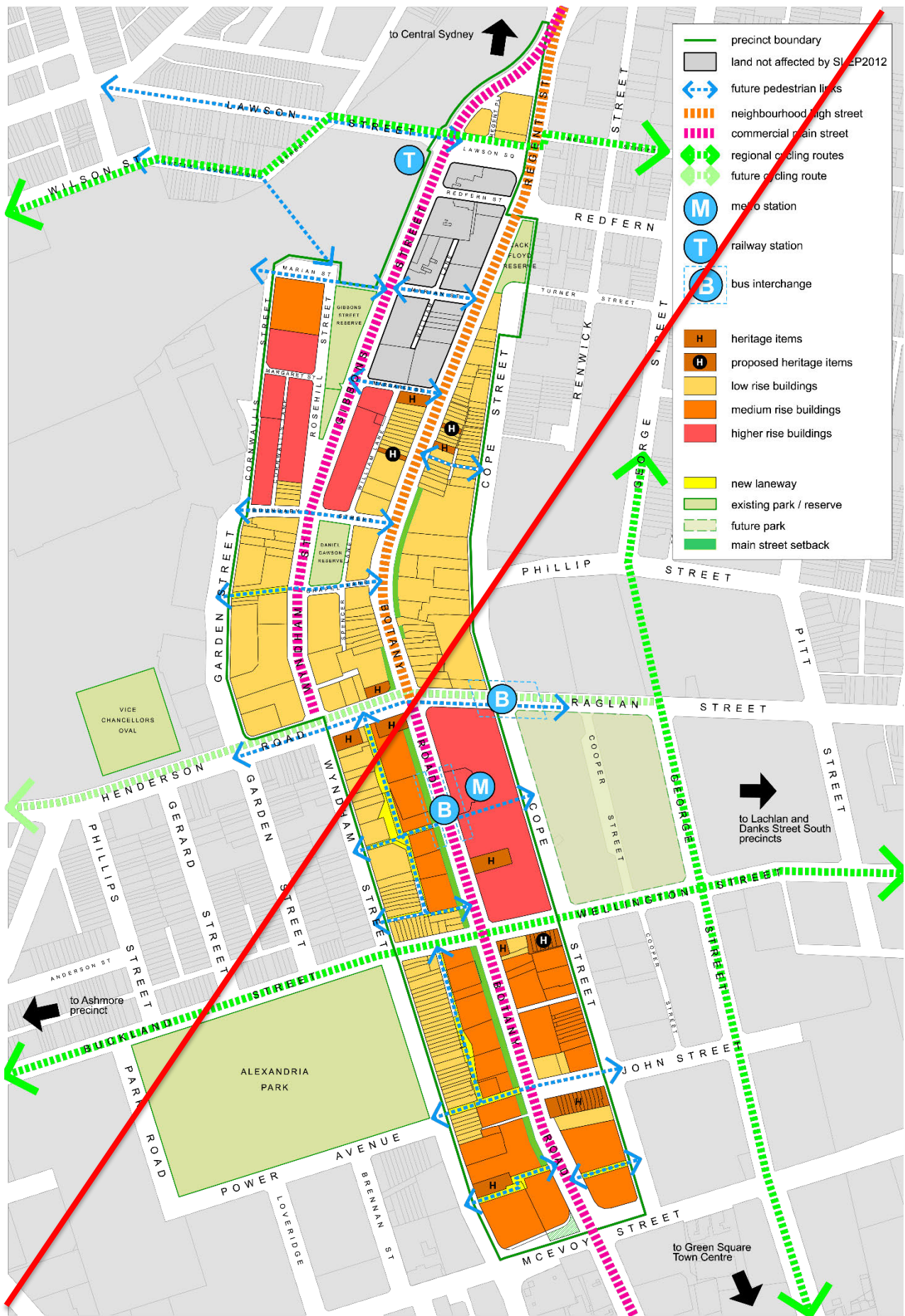
Figure 48. Active frontages map

The draft DCP includes provisions that support this planning proposal

The LEP controls in this planning proposal are supported by draft DCP provisions to assist in achieving the vision of the Precinct. ~~It is intended for the draft DCP to be placed on public exhibition with this planning proposal.~~ **The Draft DCP was publicly exhibited with this planning proposal.** As outlined in the following section, the draft DCP provides detailed planning controls to guide the design of developments and the public domain.

The Urban Strategy Map for the Precinct, contained within the draft DCP, shown at Figure 49, demonstrates a comprehensive long-term approach to change, with new development facilitating public domain improvements.

Botany Road Precinct



Botany Road Precinct

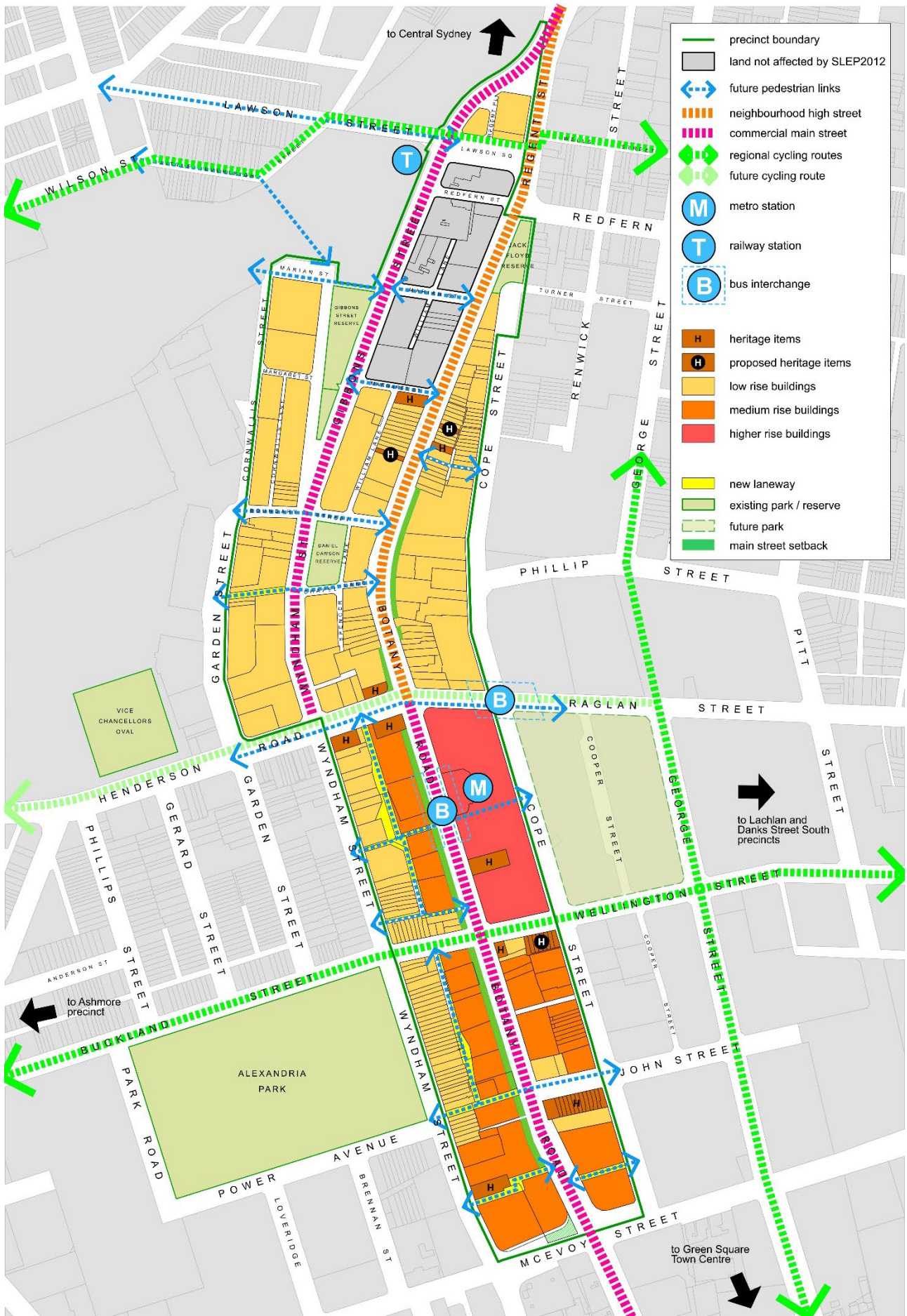


Figure 49. Urban strategy for the Precinct

Botany Road Precinct

The draft DCP provides a framework for public domain upgrades, including the creation of a new laneway network, footpath widenings, new street plantings and connectivity to public transport will contribute to making the Precinct an attractive location for businesses.

LEP building height and FSR controls are supported by DCP provisions including height in storeys, upper level setback and ground floor setback to facilitate a smooth transition in heights, bulk and scale. In addition, the draft DCP includes street cross sections guide how upper and lower level setbacks interface with the street.

The draft DCP also contains site-specific provisions for certain sites to guide development within the Redfern Estate HCA, provide site-specific built form controls and to provide a design excellence strategy for those sites to ensure development is capable of exhibiting design excellence.

Laneway network

This planning proposal require proponents who utilise the incentive planning controls to dedicate land for the purposes of laneways, where required by Council. The draft DCP includes a Streets and Lanes Map to support the provisions of this planning proposal. The new laneways will improve permeability of large blocks and provide for vehicular access and building servicing. Figure 50 shows proposed land dedications to achieve the new laneway network through the Precinct.

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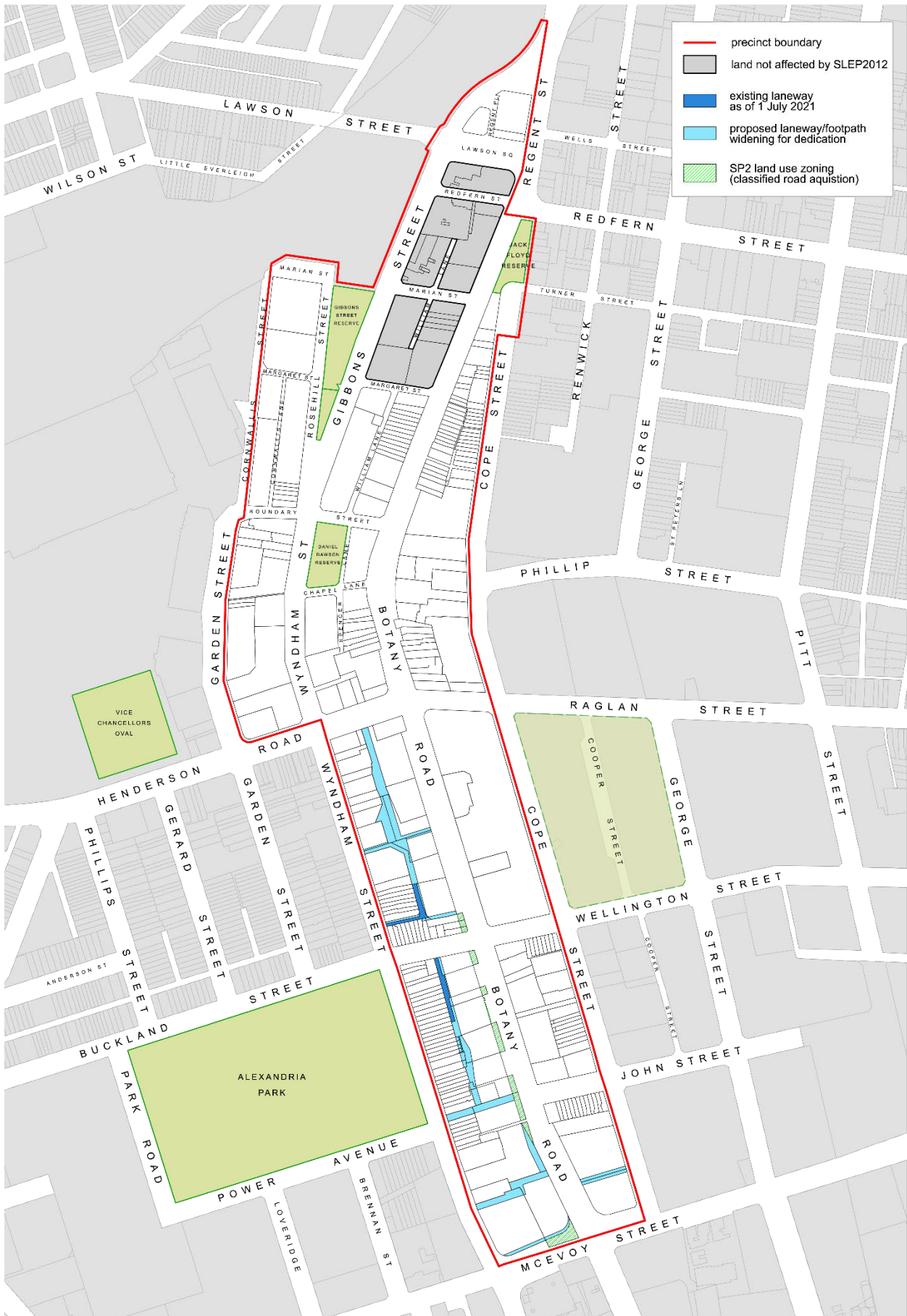


Figure 50. Land dedications for streets and lanes identified in the DCP

SP2 setback to Botany Road

The draft DCP includes provisions to guide the use of SP2 setbacks on Botany Road. Certain sites on Regent Street and Botany Road are subject to an SP2 setback for the purposes of road widening. The proposed road widening conflicts with the strategic intent to conserve buildings of heritage value within the Precinct. The widening of Botany Road would also conflict with Council's strategic intent to improve the public domain and increase tree canopy, greening, pedestrian access and connectivity.

Council's intent is to use the land identified for road widening for widened footpaths, including street tree planting and footpath dining. Provisions in the draft DCP will provide guidance to achieve Council's proposed use of the SP2 setback to Botany Road.

~~This planning proposal does not change the zoning of SP2 setback. Council will engage with Transport for NSW during public exhibition of this planning proposal to seek their agreement for the removal of the SP2 setback where it conflicts with retaining buildings of heritage value and to seek their agreement on the use of the SP2 setbacks for footpath widening.~~

This planning proposal does not change the zoning of the SP2 setback identified for road widening by Transport for NSW. During the public exhibition period, Council engaged with Transport for NSW to seek their agreement to the removal of the SP2 setback where it conflicts with retaining buildings of heritage value and to seek their agreement on the use of the SP2 setbacks for footpath widening.

Transport for NSW identified that Botany Road is part of an important movement corridor linking the Sydney CBD, southern suburbs, Sydney Airport and Port Botany which is identified for investigation for long term bus rapid transit opportunities as part of the South East Sydney Transport Strategy. Further investigation is required by Transport for NSW's to consider and identify the future land requirement needs to support future transport infrastructure and services, which may include examination of the land reservations along this corridor (i.e. reallocation of road space to service bus rapid transit). Transport for NSW stated that they have no plans to relinquish the SP2 road reservations prior to the completion of the required transport investigations.

Transport for NSW raised no objection to the proposed extension of the Redfern Estate Heritage Conservation Area, noting any conflicts between the contributory status of buildings and the SP2 road reservation can be addressed at the development application stage.

With respect to Council's request to use SP2 zone setback for public domain improvements within the SP2 zone, Transport for NSW suggested that further discussions be held between Council and Transport for NSW to explore opportunities. City staff will continue to work with Transport for NSW to progress the vision for place-making improvements to the Botany Road precinct.

A new provision has also been introduced as part of this planning proposal to ensure that land zoned SP2 and identified on the Land Reservation Acquisition Map as Classified Road (SP2) is not included in site area for the purposes of calculating FSR and permissible gross floor area (GFA). The provision was exhibited as part of the Draft DCP and is being transferred to the LEP to ensure its effective application.

Aboriginal and Torres Strait Islander heritage significance

The draft DCP includes controls to address the concerns raised in consultation undertaken by CIR about keeping Aboriginal and Torres Strait Islander people and organisations in the area and ensuring they feel welcome. This includes a requirement for 10 per cent or more of the total number of dwellings in affordable housing developments is to be provided for Aboriginal and Torres Strait Islander housing. It also includes controls to celebrate Indigenous history, knowledge, identity and living culture through elements such as public art, landscaping, architecture and design.

For major development, targeted consultation with the Aboriginal and Torres Strait Islander community is required to seek community views on the impact of the proposed development and

how the development may best maximise the presence, visibility and celebration of Aboriginal and Torres Strait Islander peoples, organisations, businesses and living culture.

Urbis prepared a desktop Archaeological Assessment (AA) to investigate Aboriginal archaeological potential within the Botany Road Precinct. Urbis investigated any known Aboriginal objects and/or places within or in close proximity to the Precinct, reviewed all available archaeological records and assessments and identified any landscape features or geological formations and soils that have the potential for Aboriginal objects and archaeological resources.

The AA concluded that the majority of the Precinct has at least moderate potential for both Aboriginal and historical archaeological resources and consequently moderate to high potential for contact archaeology and archaeological record that might shed light on how Aboriginal people kept using the land even after colonial impact disrupted their pre-1788 way of life.

The draft DCP contains requirements for all development resulting in excavation to be subject to an Aboriginal Objects Due Diligence Assessment. On sites where Aboriginal archaeological resources exist, new development is to include appropriate interpretation of Indigenous history relevant to the specific resources found.

In response to a submission received by Heritage NSW, the draft DCP was updated to incorporate provisions for when Aboriginal objects are found in any context (i.e. including areas mapped as having low or very low archaeological potential in the DCP), there is a requirement to stop work and report the find to Heritage NSW in accordance with the National Parks and Wildlife Act. If harm to the Aboriginal object cannot be avoided, then the proponent is required to prepare an application for an Aboriginal Heritage Impact Permit (AHIP).

Other provisions include that all works involving ground disturbance must identify the potential for those works to harm Aboriginal objects and develop processes to avoid, minimise or mitigate those impacts in consultation with the Aboriginal community.

5.2 Need for the planning proposal

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

In undertaking the Strategic Review of the Precinct, a range of supporting studies and reports were undertaken. These are as follows:

- Supplementary Urban Design Report – Botany Road Precinct by City of Sydney
- Urban Design Study – Botany Road Precinct by TZG
- Aboriginal and Torres Strait Islander Community Engagement and Cultural Heritage Research Summary and Advice by CIR
- Aboriginal and Torres Strait Islander Community Engagement and Cultural Heritage Research Project Report by CIR
- Brief Aboriginal Historical Study of the Botany Road Precinct and Surrounds by CIR
- Archaeological Assessment Botany Road Precinct by Urbis
- Statement of Aboriginal and Torres Strait Islander Significance by CIR
- Non-Indigenous Heritage Study by TZG
- Air Quality and Noise Study by Todoroski Air Sciences
- Transport and Traffic Report by Cattell Cooper
- Redfern-Waterloo Strategic Employment Study by BIS Oxford Economics

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

A planning proposal is the only way by which planning controls in the Precinct can be changed to facilitate redevelopment of the Precinct for additional business floor space.

5.3. Relationship to the strategic planning framework

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

Greater Sydney Region Plan

A Metropolis of Three Cities – The Greater Sydney Region Plan is the Greater Sydney Commission's strategic plan for Greater Sydney. It is a 20-year plan with a 40-year vision, seeking to transform Greater Sydney into a metropolis of three distinct but connected cities: the Eastern Harbour City, the Central River City and the Western Parkland City.

This planning proposal is consistent with the following objectives of the Greater Sydney Region Plan:

- Objective 1: Infrastructure supports the three cities – This planning proposal aligns growth with new infrastructure investment, the Sydney Metro City and Southwest. This planning proposal responds to the city-shaping project by providing for approximately **11,600** ~~44,500~~ new jobs, 310 market residential dwellings and a number of affordable housing dwellings within walking distance of the new Waterloo Metro Station.
- Objective 7: Communities are healthy, resilient and socially connected – this planning proposal will create a walkable place at a human scale with active street life and opportunities for cycling and use of public transport.
- Objective 8: Greater Sydney's communities are culturally rich with diverse neighbourhoods - the significant Aboriginal culture and heritage of the area is to be acknowledged, respected and celebrated as an integral part of placemaking. The non-indigenous heritage is conserved by ensuring an appropriate visual relationship between new development and nearby heritage items and HCAs.
- Objective 11: Housing is more diverse and affordable – this planning proposal will incentivise affordable housing within the Precinct, and is supported by the draft DCP which requires that no less than 10% of the affordable housing provided on each site is to be provided for Aboriginal and Torres Strait Islander housing.
- Objective 12: Great places that bring people together – The Precinct will be a connected and walkable place with open space, places for people to gather and a vibrant high street.
- Objective 13: Environmental heritage is identified, conserved and enhanced – the built form outlined in this planning proposal will be sensitive to, conserve and enhance the heritage items and adjoining conservation areas.
- Objective 14: Integrated land use and transport creates walkable and 30-minute cities – The Precinct will be a well-connected area supported by a public transport, walking and cycling network.
- Objective 30: Urban tree canopy cover is increased – This planning proposal protects existing trees and creates opportunities for on-structure planting and tree canopy growth.
- Objective 31. Public open space is accessible, protected and enhanced – This planning proposal improves access to parks and open spaces within and adjoining the Precinct.

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- Objective 33. A low-carbon city contributes to net-zero emissions by 2050 and mitigates climate change – This planning proposal includes sustainability measures to improve the environmental performance of the Precinct.
- Objective 38: Heatwaves and extreme heat are managed – This planning proposal provides opportunity for increased tree canopy cover and the draft DCP encourages on-structure planting to mitigate the urban heat island effect.

Eastern City District Plan

The *Eastern City District Plan* sets out the Greater Sydney Commission's vision for the Eastern City District, of which the City of Sydney is a part. This planning proposal is consistent with the following planning priorities of the Eastern City District Plan (ECDP):

Planning Priority E5 Providing housing supply, choice and affordability, with access to jobs, services and public transport

This planning proposal will incentivise affordable housing within the Precinct and is supported by the draft DCP which requires that no less than 10% of the affordable housing provided on each site is to be provided for Aboriginal and Torres Strait Islander housing. Market housing can still be achieved in the Precinct, but it cannot access incentive floor space and height.

Planning Priority E7: Growing a stronger and more competitive Harbour CBD

This planning proposal will strengthen the economic and productive role of the Innovation Corridor by incentivising non-residential development. This planning proposal creates the capacity for approximately ~~280,000~~ 225,000 sqm of non-residential development, providing for office development within the City Fringe. This planning proposal provides for the growth of knowledge intensive, creative and start-up industries along with health, education and research services to support the global competitiveness of the Harbour CBD.

Planning Priority E10: Delivering integrated land use and transport planning and a 30-minute city

This planning proposal and draft DCP will facilitate an additional ~~280,000~~ 225,000 sqm of non-residential floor space for retail and commercial, 310 private market dwellings and a number of affordable housing dwellings, all within short walking distance of the Sydney Metro City and South West. As outlined above, the Precinct is also within a 15-minute walk of Redfern and Green Square train stations. The draft DCP will also improve walking and cycling by introducing new laneways and through-site links to improve permeability and connectivity.

Planning Priority E11: Growing investment, business opportunities and jobs in strategic centres

This planning proposal will facilitate up to ~~44,500~~ 11,600 jobs by creating the capacity for ~~280,000~~ 225,000 sqm of non-residential floor space for retail and commercial development. This contributes towards the baseline District Plan jobs target for the Harbour CBD of 662,000 jobs.

Planning Priority E19 – Reducing carbon emissions and managing energy, water and waste efficiently

This planning proposal aims to improve sustainability outcomes by setting stretch sustainability targets for affordable residential development within the Precinct. The draft DCP will include provisions on the stretch sustainability targets, recycled water, on-structure planting and planting in the public domain.

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

City Plan 2036: draft Local Strategic Planning Statement

City of Sydney's recently endorsed Local Strategic Planning Statement sets out the land use planning context, 20-year vision and planning priorities to positively guide change towards the City's vision for a green, global and connected city. The planning statement explains how the

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planning system will manage that change to achieve the desired outcomes and guides future changes to controls, including those sought by proponents through planning proposals.

The Planning Statement recognises that planned infrastructure investments and NSW State government-led urban renewal projects could provide the catalyst for improvements within the Precinct. The Strategic Review is about positioning the Precinct for appropriate change in line with City and NSW Government strategies.

The LSPS identified the Precinct is an opportunity to grow the Eveleigh node of the Camperdown-Ultimo Health and Education precinct to support the NSW Government's Sydney Technology and Innovation precinct. It also noted that the Precinct has the potential for private sector business and investment to leverage off and support the offering of South Eveleigh. The Precinct will contribute **11,600** ~~14,500~~ new jobs and a number of affordable housing dwellings to contribute to the City's targets for 200,000 jobs and 10,000 affordable housing dwellings by 2036.

The Planning Statement requires the City to:

- Action P2.5 - Strengthen the economic and productive role of the Innovation Precinct by identifying and supporting opportunities to appropriately increase capacity for commercial and other enterprise uses particularly those contributing to specialised and knowledge-based clusters, in mixed use (B2 and B4) zoned areas, including the Botany Road Precinct, and
- Action I1.2 - Work with the NSW Government to plan for the transition of streets to 'people first' places so streets are quieter, cleaner and greener with increased footpath capacity throughout the city, particularly on multi-modal corridors with the priority to investigate Botany Road and its respective side streets.

This planning proposal gives effect to the following planning priorities of the Statement:

Infrastructure

- I1 – Movement for walkable neighbourhoods and a connected city – This planning proposal incentivises both commercial and affordable residential development around the Waterloo Metro station, promoting a genuine mixed-use area. The Urban Strategy within the draft DCP for the Precinct includes public domain and transport changes to improve connectivity and access to the new station.

Liveability

- L2 – Creating great places - This planning proposal promotes the 'liveable and walkable neighbourhood' model by providing a diversity of housing, a diversity of uses and the establishment of a laneway network. The draft DCP outlines the City's vision for public domain changes including footpath widening, new street tree planting, new cycleways and the establishment of new shared ways. The planning proposal and draft DCP also conserve places of heritage significance and provide for ways to recognise the importance of the Precinct and surrounds for Aboriginal and Torres Strait Islanders.
- L3 – New homes for a diverse community - This planning proposal incentivises new affordable housing development and provides for market residential housing in selected locations to provide diverse housing options within walking distance of public transport and services.

Productivity

- P2 – Developing innovative and diverse business clusters in City Fringe – This planning proposal incentivises commercial development to support employment growth within the City Fringe and the Innovation Corridor.

Sustainability

- S1 – Protecting and enhancing the natural environment for a resilient city – This planning proposal and draft DCP provide for increased street tree planting and on-structure planting to increase canopy cover across the Precinct.

- S2 – Creating better buildings and places to reduce emissions and waste and use water efficiently – This planning proposal aims to improve the City’s energy and sustainability priorities by setting sustainability targets for residential development within the Precinct. The draft DCP also contains provisions to achieve this objective.

Sustainable Sydney 2030

Sustainable Sydney 2030 is the visions for sustainable development of the City of Sydney to 2030 and beyond. It includes 10 strategic directions to guide the future of the City. The plan outlines the City’s vision for a green, global and connected city and sets targets, objectives and actions to achieve this vision. This planning proposal is aligned with the following relevant strategic directions and objectives:

- *A globally competitive and innovative city*, including:
 - 1.1 Plans are in place to accommodate growth and change in the city centre and other key economic areas
 - 1.2 The city economy is competitive, prosperous and inclusive
 - 1.3 The city economy is an integrated network of sectors, markets and high performing clusters
- *Leading environmental performer*, including:
 - 2.1 Greenhouse gas emissions are reduced across the city Sydney in 2030
 - 2.2 Waste from the city is managed as a valuable resource and the environmental impacts of its generation and disposal are minimised
 - 2.3 Across the city, potable water use is reduced through efficiency and recycling and gross pollutant loads to waterways are reduced
 - 2.6 The extent and quality of urban canopy cover, landscaping and city greening is maximised
- *Integrated transport for a connected City*, including:
 - 3.1 Investment in public transport and walking and cycling infrastructure encourages more people to use these forms of transport to travel to, from and within the city
 - 3.2 Transport infrastructure is aligned with city growth
 - 3.3 The amenity of the city centre and villages is enhanced through the careful management and integration of transport
 - 3.4 Public transport, walking and cycling are the first choice transport modes within the city
 - 3.5 Transport services and infrastructure are accessible
- *A city for walking and cycling*, including:
 - 4.1 The city and neighbouring areas have a network of accessible, safe, connected pedestrian and cycling paths integrated with green spaces
 - 4.3 The number of people who choose to walk and cycle continues to increase
- *Resilient and inclusive local communities*, including:
 - 6.1 Our city comprises many unique places – a ‘city of villages’ – for communities to live, meet, shop, study, create, play, discover, learn and work
 - 6.2 Our city is a place where people are welcomed, included and connected.
 - 6.3 Local economies are resilient, meet the needs of their community, and provide opportunities for people to realise their potential

- *A cultural and creative City*, including:
 - 7.4 The continuous living cultures of Aboriginal and Torres Strait Islander communities is visible and celebrated in our city
- *Housing for a diverse community*, including:
 - 8.1 The supply of market housing in the city meets the needs of a diverse and growing population
 - 8.2 The supply of affordable housing supports a diverse and sustainable community and economy
- *Sustainable development, renewal and design*, including:
 - 9.1 The City of Sydney leads by example to facilitate great places
 - 9.2 The city is beautiful, sustainable and functions well
 - 9.3 There are great public buildings, streets, squares and parks for everyone to use and enjoy
 - 9.5 The urban environment promotes health and wellbeing

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

This planning proposal is consistent with all applicable State Environmental Planning Policies (SEPPs) as outlined in Table 3.

State Environmental Planning Policies	Comment
SEPP (Biodiversity and Conservation) 2021	Consistent
SEPP (Building Sustainability Index: BASIX) 2004	Consistent – This planning proposal provides an incentive for achieving stretch BASIX targets, consistent with the BASIX SEPP.
SEPP (Exempt and Complying Development Codes) 2008	Consistent - This planning proposal will not contradict or hinder application of this SEPP.
SEPP (Housing) 2021	<p>This planning proposal is to exclude Opportunity Land from Chapter 2, Part 2, Divisions 1, 2, 3 and 5 and Chapter 3, Part 3 of the SEPP.</p> <p>The purpose of this is to ensure no additional floor space bonuses, that may be sought under this SEPP, may apply to the land.</p> <p>This is consistent with elsewhere in the City where specific provision is made by other means for the delivery of social and affordable housing.</p> <p>In accordance Chapter 2 of the SEPP, and with the City of Sydney Affordable Housing Program, an affordable housing contribution requirement for three per cent of all residential floor space and one per cent of all non-residential floorspace, applies to all land in the Precinct (where the LEP applies).</p>
SEPP (Industry and Employment) 2021	Consistent

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SEPP (Planning Systems) 2021	Consistent
SEPP (Precincts—Central River City) 2021	Consistent
SEPP (Precincts—Eastern Harbour City) 2021	Consistent
SEPP (Precincts—Regional) 2021	Consistent
SEPP (Precincts—Western Parkland City) 2021	Consistent
SEPP (Primary Production) 2021	Consistent
SEPP (Resilience and Hazards) 2021	Consistent
SEPP (Resources and Energy) 2021	Consistent
SEPP No 65 - Design Quality of Residential Flat Development	<p>Consistent – The City's built form modelling has tested the controls contained in this planning proposal to confirm that every site can accommodate affordable housing development which achieves the amenity requirements of this SEPP, even if commercial development is built on either side.</p> <p>In addition, SEPP 65 will continue to apply to development within the Precinct that develops for market housing.</p>
SEPP (Transport and Infrastructure) 2021	Consistent
SEPP No 1—Development Standards	Consistent—This planning proposal will not contradict or hinder application of this SEPP.
SEPP No 19—Bushland in Urban Areas	Not applicable.
SEPP No 21—Caravan Parks	Not applicable.
SEPP No 33—Hazardous and Offensive Development	Not applicable.
SEPP No 36—Manufactured Home Estates	Not applicable.
SEPP No 47—Moore Park Showground	Not applicable.
SEPP No 50—Canal Estate Development	Not applicable.
SEPP No 55—Remediation of Land	Not applicable
SEPP No 64—Advertising and Signage	Consistent—This planning proposal will not contradict or hinder application of this SEPP.
SEPP No 65—Design Quality of Residential Flat Development	<p>Consistent—The City's built form modelling has tested the controls contained in this planning proposal to confirm that every site can accommodate affordable housing development which achieves the amenity requirements of this SEPP, even if commercial development is built on either side.</p>

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In addition, SEPP 65 will continue to apply to development within the Precinct that develops for market housing.

SEPP No 70—Affordable Housing (Revised Schemes)	<p>Consistent— Affordable housing contributions apply to land in the Precinct as set out in the Sydney LEP under clause 7.13.</p> <p>In addition, additional residential floor space for market residential housing in the Precinct (at Wyndham Street and Cope Street) will be identified in the Sydney LEP as requiring an additional affordable housing contribution on the uplift enabled through this planning proposal</p>
SEPP (Aboriginal Land) 2019	Not applicable
SEPP (Affordable Rental Housing) 2009	This planning proposal is to exclude Opportunity Land from the SEPP (Affordable Rental Housing) 2009. This is consistent with elsewhere in the City where specific provision is made by other means for the delivery of social and affordable housing.
SEPP (Building Sustainability Index: BASIX) 2004	Consistent— This planning proposal provides an incentive for achieving stretch BASIX targets, consistent with the BASIX SEPP.
SEPP (Coastal Management) 2018	Not applicable
SEPP (Concurrences) 2018	Consistent— This planning proposal will not contradict or hinder application of this SEPP.
SEPP (Educational Establishments and Child Care Facilities) 2017	Consistent— This Planning proposal will not contradict or hinder application of this SEPP.
SEPP (Exempt and Complying Development Codes) 2008	Consistent— This planning proposal will not contradict or hinder application of this SEPP.
SEPP (Gosford City Centre) 2018	Not applicable.
SEPP (Housing for Seniors or People with a Disability) 2004	Consistent— This planning proposal will not contradict or hinder application of this SEPP.
SEPP (Housing) – DRAFT	<p>Consistent— This planning proposal increases capacity for market residential on identified sites and incentivises the delivery of affordable housing on opportunity lands.</p> <p>This planning proposal also seeks to exclude opportunity lands from the operation of the provisions which are to be moved from the SEPP (Affordable Rental Housing) 2009 to the SEPP (Housing). This is consistent with elsewhere in the City where specific provision is made by other means for the delivery of social and affordable housing.</p>
SEPP (Infrastructure) 2007	Consistent— This planning proposal will not contradict or hinder application of this SEPP.
SEPP (Koala Habitat Protection) 2019	Not applicable.

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SEPP (Kosciuszko National Park—Alpine Resorts) 2007	Not applicable.
SEPP (Kurnell Peninsula) 1989	Not applicable.
SEPP (Mining, Petroleum Production and Extractive Industries) 2007	Not applicable.
SEPP (Penrith Lakes Scheme) 1989	Not applicable.
SEPP (Primary Production and Rural Development) 2019	Not applicable.
SEPP (State and Regional Development) 2011	Consistent—This planning proposal will not contradict or hinder application of this SEPP.
SEPP (State Significant Precincts) 2005	Consistent—This planning proposal will not contradict or hinder application of this SEPP.
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—This planning proposal will not contradict or hinder application of this SEPP.
SEPP (Vegetation in Non-Rural Areas) 2017	Not applicable.
SEPP (Western Sydney Parklands) 2009	Not applicable.
SEPP (Western Sydney Employment Area) 2009	Not applicable.

Table 3. Consistency with State Environmental Planning Policies (SEPPs)

No Regional Environmental Plans (REPs) for the Sydney and Greater Metropolitan regions, which are deemed SEPPs, apply to the subject site.

Q6. Is the planning proposal consistent with applicable Section 9.1 Ministerial Directions?

This planning proposal is consistent with all Ministerial Directions issued under section 9.1 of the Environmental Planning and Assessment Act 1979, as summarised in **Table 4**.

Ministerial Direction	Comment
Focus area 1: Planning Systems	
1.1 Implementation of Regional Plans	This planning proposal is consistent with the Region Plan, as discussed in detail under question 3 (above) of this planning proposal.
1.2 Development of Aboriginal Land Council land	Not applicable

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1.3 Approval and Referral Requirements Consistent. This planning proposal does not include concurrence, consultation or referral provisions or identify any developments as designated development.

1.4 Site Specific Provisions

Inconsistent.

The objective of this direction is to discourage unnecessarily restrictive site specific planning controls. This direction applies when a relevant planning authority prepares a planning proposal that will allow a particular development to be carried out.

This planning proposal is inconsistent with this Direction as it proposes site specific controls to allow a particular development to be carried out.

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 the development is used for business floor space consistent with an endorsed LSPS.

The site-specific provisions are the only way to achieve the intended outcomes of this planning proposal. If the increase in development potential for opportunity lands was implemented through a change to the existing height and FSR maps, a majority of the resulting developments would be residential flat buildings or shop top housing. This would not incentivise the delivery of additional floor space on the Precinct for employment uses or encourage development to contribute to increased economic activity and employment generation in an accessible location.

In addition, the site-specific provision also requires that development seeking to utilise the alternative controls provide land for laneways, if required. This enables the creation of new north-south and east-west connections, which improves the permeability of the large blocks and moves vehicular access for many sites off Botany Road.

In this instance, the inconsistency is acceptable because it is of minor significance and is the only way to achieve the intended outcomes of the planning proposal.

Focus area 1: Planning Systems – Place-based

1.5 Parramatta Road Corridor Urban Transformation Strategy Not applicable

1.6 Implementation of North West Priority Growth Area Land Use and Infrastructure Implementation Plan Not applicable

1.7 Implementation of Greater Parramatta Priority Growth Area Interim Land Use and Infrastructure Implementation Plan Not applicable

Botany Road Precinct

1.8 Implementation of Wilton Priority Growth Area Interim Land Use and Infrastructure Implementation Plan	Not applicable
1.9 Implementation of Glenfield to Macarthur Urban Renewal Corridor	Not applicable
1.10 Implementation of the Western Sydney Aerotropolis Plan	Not applicable
1.11 Implementation of Bayside West Precincts 2036 Plan	Not applicable
1.12 Implementation of Planning Principles for the Cooks Cove Precinct	Not applicable
1.13 Implementation of St Leonards and Crows Nest 2036 Plan	Not applicable
1.14 Implementation of Greater Macarthur 2040	Not applicable
1.15 Implementation of the Pymont Peninsula Place Strategy	Not applicable
1.16 North West Rail Link Corridor Strategy	Not applicable
1.17 Implementation of the Bays West Place Strategy	Not applicable
Focus area 2: Design and Place	Not applicable
Focus area 3: Biodiversity and Conservation	
3.1 Conservation Zones	Consistent
3.2 Heritage Conservation	<p>The objective this direction is to conserve items, areas, objects and places of environmental heritage significance and indigenous heritage significance.</p> <p>This planning proposal is consistent with this direction because it facilitates the conservation of items, buildings and places of significance to the area. This planning proposal amends the Heritage Map Sheets 9 and 10 as shown at Part 6 of this planning proposal to identify three new heritage items and extend the Redfern Estate HCA.</p> <p>Development will respond appropriately to the form and setting of heritage items and HCAs. To ensure an appropriate setting for heritage items and contributory buildings, heights are limited to 6 storeys facing Wyndham Street and no height increases are proposed to sites on Regent Street to retain its heritage character.</p>

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The draft DCP contains a principle that the significant Aboriginal culture and heritage of the area is to be acknowledged, respected and celebrated as an integral part to placemaking. Development must be of high quality and respond to the existing surrounding local character and its history, particularly its significance as an urban meeting place for Aboriginal and Torres Strait Islander people.

In response to a submission received by Heritage NSW, the draft DCP was updated to incorporate provisions in the instance if Aboriginal objects are found in any context (i.e. including areas mapped as having low or very low archaeological potential in the DCP) then there is a requirement to stop work and report the find to Heritage NSW in accordance with the NPW Act. If harm to the Aboriginal object cannot be avoided, then the proponent is required to prepare an application for an Aboriginal Heritage Impact Permit (AHIP).

Other provisions include that all works involving ground disturbance must identify the potential for those works to harm Aboriginal objects and develop processes to avoid, minimise or mitigate those impacts in consultation with the Aboriginal community.

3.3 Sydney Drinking Water Catchments	Not applicable
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3.4 Application of C2 and C3 Zones and Environmental Overlays in Far North Coast LEPs	Not applicable
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3.5 Recreation Vehicle Areas	Not applicable
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Focus area 4: Resilience and Hazards

4.1 Flooding	This planning proposal will increase development potential (in terms of floor space) currently achievable under the LEP in the Precinct.
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It is noted that clause 7.15 of the LEP already includes provisions to minimise flood hazards. As identified in the Local Strategic Planning Statement, Council is investigating establishing a set of LEP flood maps.

This planning proposal makes no amendments to the flood planning clause in the LEP. Future development applications will continue to be required to address flooding risks.

4.2 Coastal Management	Not applicable
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4.3 Planning for Bushfire Protection	Not applicable
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4.4 Remediation of Contaminated Land	Consistent
--------------------------------------	------------

4.5 Acid Sulfate Soils	This planning proposal does not contain provisions that contradict or would hinder application of this direction.
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The objective of s9.1 direction 4.1 is to avoid significant adverse environmental impacts from the use of land that has a probability of containing acid sulfate soils. While the provisions in this planning proposal will result in some intensification of land uses in the Precinct, this intensification is in part in response to broader metropolitan planning objectives as detailed elsewhere in this planning proposal.

Specific responses to the presence of acid sulfate soils can be addressed site by site through the development application process.

4.6 Mine Subsidence and Unstable Land Not applicable

Focus area 5: Transport and Infrastructure

5.1 Integrating Land Use and Transport Consistent. The objectives of this Direction are to improve accessibility, increase transport options, reduce travel demand and dependence on cars, support public transport, and provide for efficient movement of freight.

The proposal seeks to facilitate the intensification of employment generating uses in a highly accessible location within walking distance to two train stations and a future metro station. The proposal will also improve access to jobs and services for nearby residents, including future residents of the redeveloped Waterloo Estate.

5.2 Reserving Land for Public Purposes Consistent

5.3 Development Near Regulated Airports and Defence Airfields Not applicable

5.4 Shooting Ranges Not applicable

Focus area 6: Housing

6.1 Residential Zones This planning proposal is consistent with the objectives of the direction given it provides for increased market residential dwellings on identified high amenity sites in the Precinct. This planning proposal also incentivises development for the purposes of affordable housing, increasing housing diversity.

6.2 Caravan Parks and Manufactured Home Estates Not applicable

Focus area 7: Industry and Employment

7.1 Business and Industrial Zones Consistent

7.2 Reduction in non-hosted short-term rental accommodation period Not applicable

7.3 Commercial and Retail Development along the Pacific Highway, North Coast Not applicable

Focus area 8: Resources and Energy

8.1 Mining, Petroleum Production and Extractive Industries Not applicable

Focus area 9: Primary Production

9.1 Rural Zones Not applicable

9.2 Rural Lands Not applicable

9.3 Oyster Aquaculture Not applicable

9.4 Farmland of State and Regional Significance on the NSW Far North Coast Not applicable

1. Employment and Resources

1.1 Business and Industrial Zones The objectives of this direction are to encourage employment growth, protect employment land, and support the viability of identified centres.

This planning proposal is consistent with this direction because it encourages employment growth in a suitable location and identifies a new local centre to provide for the local services needs of the community.

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 Management Not applicable

2.3 Heritage Conservation The objective this direction is to conserve items, areas, objects and places of environmental heritage significance and indigenous heritage significance.

This planning proposal is consistent with this direction because it facilitates the conservation of items, buildings and places of significance to the area. This planning proposal amends the Heritage Map Sheets 9 and 10 as shown at Part 6 of this planning proposal to identify three new heritage items and extend the Redfern Estate HCA.

Development will respond appropriately to the form and setting of heritage items and HCAs. To ensure an appropriate setting for heritage items and contributory buildings, heights are limited to 6 storeys facing Wyndham Street and no height increases

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are proposed to sites on Regent Street to retain its heritage character.

The draft DCP contains a principle that the significant Aboriginal culture and heritage of the area is to be acknowledged, respected and celebrated as an integral part to placemaking. Development must be of high quality and respond to the existing surrounding local character and its history, particularly its significance as an urban meeting place for Aboriginal and Torres Strait Islander people.

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

2.6 Remediation of Contaminated Land Not applicable

3. Housing, Infrastructure and Urban Development

3.1 Residential Zones This planning proposal is consistent with the objectives of the direction given it provides for increased market residential dwellings on identified high amenity sites in the Precinct. This planning proposal also incentivises development for the purposes of affordable housing, increasing housing diversity.

In addition, where sites are receiving an increase in FSR (that is not subject to the incentive requirements), an additional affordable housing contribution requirement will apply only to the new floor space resulting from the planning proposal.

3.2 Caravan Parks and Manufactured Home Estates Not applicable

3.4 Integrating Land Use and Transport Consistent. The objectives of s9.1 direction 3.4 are to improve accessibility, increase transport options, reduce travel demand and dependence on cars, support public transport, and provide for efficient movement of freight.

The proposal seeks to facilitate the intensification of employment generating uses in a highly accessible location within walking distance to two train stations and a future metro station. The proposal will also improve access to jobs and services for nearby residents, including future residents of the redeveloped Waterloo Estate.

3.5 Development Near Regulated Airports and Defence Airfields Not applicable

3.6 Shooting Ranges Not applicable

3.7 Reduction in non-hosted short term rental accommodation period Not applicable

4. Hazard and Risk

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4.1 Acid Sulfate Soils

This planning proposal does not contain provisions that contradict or would hinder application of this direction.

The objective of s9.1 direction 4.1 is to avoid significant adverse environmental impacts from the use of land that has a probability of containing acid sulfate soils. While the provisions in this planning proposal will result in some intensification of land uses in the Precinct, this intensification is in part in response to broader metropolitan planning objectives as detailed elsewhere in this planning proposal.

Specific responses to the presence of acid sulfate soils can be addressed site by site through the development application process.

4.2 Mine Subsidence and Unstable Land Not applicable

4.3 Flood Prone Land

This planning proposal will increase development potential (in terms of floor space) currently achievable under the LEP in the Precinct.

It is noted that clause 7.15 of the LEP already includes provisions to minimise flood hazards. As identified in the Local Strategic Planning Statement, Council is investigating establishing a set of LEP flood maps.

This planning proposal makes no amendments to the flood planning clause in the LEP. Future development applications will continue to be required to address flooding risks.

4.4 Planning for Bushfire Protection Not applicable

5. Regional Planning

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

5.9 North West Rail Link Corridor Strategy Not applicable

5.10 Implementation of Regional Plans This planning proposal is consistent with the Region Plan, as discussed in detail under question 3 (above) of this planning proposal.

5.11 Development of Aboriginal Land Council land Not applicable

6. Local Plan Making

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6.1 Approval and Referral Requirements	Consistent. This planning proposal does not include concurrence, consultation or referral provisions or identify any developments as designated development.
6.2 Reserving Land for Public Purposes	Not applicable
6.3 Site Specific Provisions	<p>Inconsistent.</p> <p>The objective of this direction is to discourage unnecessarily restrictive site specific planning controls. This direction applies when a relevant planning authority prepares a planning proposal that will allow a particular development to be carried out.</p> <p>This planning proposal is inconsistent with this Direction as it proposes site specific controls to allow a particular development to be carried out.</p> <p>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 the development is used for business floor space consistent with an endorsed LSPS.</p> <p>The site specific provisions are the only way to achieve the intended outcomes of this planning proposal. If the increase in development potential for opportunity lands was implemented through a change to the existing height and FSR maps, a majority of the resulting developments would be residential flat buildings or shop top housing. This would not incentivise the delivery of additional floor space on the Precinct for employment uses or encourage development to contribute to increased economic activity and employment generation in an accessible location.</p> <p>In addition, the site specific provision also requires that development seeking to utilise the alternative controls provide land for laneways, if required. This enables the creation of new north-south and east-west connections, which improves the permeability of the large blocks and moves vehicular access for many sites off Botany Road.</p> <p>In this instance, the inconsistency is acceptable because it is of minor significance and is the only way to achieve the intended outcomes of the planning proposal.</p>
7. Metropolitan Planning	
7.1 Implementation of A Plan for Growing Sydney	This planning proposal is consistent with the Greater Sydney Region Plan, as discussed in detail under question 3 (above) of this planning proposal.
7.2 Implementation of Greater Macarthur Land Release Investigation	Not applicable
7.3 Parramatta Road Corridor Urban Transformation Strategy	Not applicable

7.4 Implementation of North West Priority Growth Area—Land Use and Infrastructure Implementation Plan Not applicable

7.5 Implementation of Greater Parramatta Priority Growth Area Interim Land use and Infrastructure Implementation Plan Not applicable

7.6 Implementation of Wilton Priority Growth Area Interim Land Use and Infrastructure Implementation Plan Not applicable

7.7 Implementation of Glenfield to Macarthur Urban renewal Corridor Not applicable

7.8 Implementation of Western Sydney Aerotropolis Interim Land Use and Infrastructure Implementation Plan Not applicable

7.9 Implementation of Bayside West Precincts 2036 Plan Not applicable

7.10 Implementation of Planning Principles for the Cooks Cove Precinct Not applicable

Table 4. Consistency with Ministerial Directions

5.4. 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?

This planning proposal is unlikely to adversely affect any critical habitat or threatened species, populations or ecological communities or their habitats.

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

No.

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

This planning proposal provides an opportunity for the redevelopment of the Precinct. As previously discussed, the redevelopment of the Precinct will allow for positive social and economic effects including increasing affordable housing and providing for low income households.

5.5 State and Commonwealth Interests

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

Yes. There is adequate public infrastructure to support this planning proposal. The Botany Road Precinct is well serviced by public transport, including buses, trains and the future metro service. All utility services including electricity, telecommunications, water, sewer and stormwater are currently available on the Precinct. If the Precinct is redeveloped it is expected the developer will upgrade these services to support the proposed development.

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

The Gateway determination will **advised** the public authorities to be consulted as part of this planning proposal process. ~~Any issues raised will be incorporated into this planning proposal following consultation in the public exhibition period.~~ **Consultation was undertaken with Transport for NSW (TfNSW), Sydney Metro, Ausgrid, Aboriginal Land Council, Heritage NSW and Sydney Water in accordance with the Gateway Determination.**

No objection was raised to the planning proposal proceeding.

6. Mapping

This planning proposal seeks to amend the following maps contained in Sydney LEP 2012:

- Locality and Site Identification Map Sheets 9, 10 and 17
- Floor Space Ratio Map Sheets 10 and 17
- Height of Buildings Map Sheets 10 and 17
- Land Zoning Map Sheet 10
- Heritage Map Sheets 9 and 10
- Active Street Frontages Map Sheets 9, 10 and 17

This planning proposal also introduces the following new maps

- Botany Road Precinct Opportunity Land - Alternative Heights Map
- Botany Road Precinct - Employment Sites Opportunity Land - Alternative Floor Space Ratio Map
- Botany Road Precinct – Affordable Housing Sites Opportunity Land - Alternative Floor Space Ratio Map
- Affordable Housing Map

The above maps are included at Appendix 2.

7. Community Consultation

Public consultation ~~will be~~ **has been** undertaken in accordance with the requirements of the Gateway determination.

~~It is proposed that,~~ at a minimum, this will This involved the notification of the public exhibition of this planning proposal on the City of Sydney website and in writing to the owners and occupiers of adjoining and nearby properties and relevant community groups.

~~It is expected this planning proposal will be publicly exhibited for at least 28 days.~~ **The planning proposal was exhibited from 15 November to 13 December 2021.**

~~It is proposed that exhibition material will be made available on the City of Sydney website and at Town Hall House at 456 Kent Street, Sydney.~~ **The exhibition material was made available on the City of Sydney website.**

~~Consultation with relevant NSW agencies and authorities and other relevant organisations will be undertaken in accordance with the Gateway determination.~~ **Consultation was undertaken with Transport for NSW (TfNSW), Sydney Metro, Ausgrid, Aboriginal Land Council, Heritage NSW and Sydney Water in accordance with the Gateway Determination.**

8. Project timeline

The anticipated timeline for completion of this planning proposal is as follows:

Stage	Timeframe
Gateway determination	September 2021
Public exhibition and government agency consultation	October 2021—November 2021 November 2021-December 2021
Consideration of submissions	December 2021 – February 2021 May 2022
Post exhibition consideration of proposal by Council / CSPC	March 2021 June 2022
Drafting of LEP provisions	April 2022 July 2022
Finalisation of LEP and DCP and forwarding to Department of Planning, Industry and Environment for notification	May 2022 August 2022

Table 5. Project timeline

Appendix 1

Example clauses

The final clauses to be inserted into the Sydney LEP 2012 would be subject to drafting and agreement by Parliamentary Counsel's Office but may be written as follows (with deletions shown struck through and additions shown in **bold**).

<p>Part 1, Preliminary</p> <p>[amend] 1.9 Application of SEPPs</p> <p>...</p> <p>(2A) State Environmental Planning Policy (Affordable Rental Housing) 2009 does not apply to State Environmental Planning Policy (Housing) 2021, Chapter 2, Part 2, Divisions 1, 2, 3 and 5 and Chapter 3, Part 3 do not apply to —</p> <p>(a) <i>land at Green Square or at Ultimo-Pyrmont, or</i> (b) <i>southern employment land, or</i> (c) <i>land at the Waterloo Metro Quarter, or</i> (d) <i>land in Central Sydney, or</i> (e) Botany Road Precinct Opportunity Land.</p>
<p>Part 6, Division 3 Height of buildings and overshadowing</p> <p>[amend] 6.17 Sun access planes</p> <p>....</p> <p>(20) Daniel Dawson Reserve For the Daniel Dawson Reserve 10A sun access plane –</p> <p>a. X is a point at 333431.5E, 6247957.8N, 38.3RL, and b. Y is a point at 333441.6E, 6248025.6N, 32.8RL, and c. B is 30.00 degrees, and d. V is 26.30 degrees.</p> <p>(21) For the Daniel Dawson Reserve 10B sun access plane –</p> <p>a. X is a point at 333441.6E, 6248025.6N, 38.3RL, and b. B1 is 30.00 degrees, and c. V1 is 26.30 degrees, and d. B2 is 328.65 degrees, and e. V2 is 25.66 degrees.</p> <p>(22) For the Daniel Dawson Reserve 10C sun access plane –</p> <p>a. X is a point at 333441.6E, 6248025.6N, 38.3RL, and b. Y is a point at 333338.5E, 6248034.0N, 38.3RL, and c. B is 328.65 degrees, and d. V is 25.66 degrees.</p> <p>(23) For the Daniel Dawson Reserve 10D sun access plane –</p> <p>a. X is a point at 333387.7E, 6248030.0N, 42.7RL, and b. Y is a point at 333374.2E, 6247951.2N, 42.7, and c. B is 328.65 degrees, and d. V is 25.66 degrees.</p> <p>(24) For the Alexandria Park 11A sun access plane –</p> <p>a. X is a point at 333539.1E, 6247415.7N, 31.30RL, and b. Y is a point at 333480.5E, 6247604.0N, 32.1RL, and c. B is 30.00 degrees, and d. V is 26.30 degrees.</p>

- (25) For the Alexandria Park 11B sun access plane –
- X is a point at 333480.5E, 6247604.00N, 35.4RL, and
 - B1 is 30.00 degrees, and
 - V1 is 26.30 degrees, and
 - B2 is 328.65 degrees, and
 - V2 is 25.66 degrees.

- (26) For the Alexandria Park 11C sun access plane –
- X is a point at 333480.45E, 6247603.99N, 35.4000RL, and
 - Y is a point at 333195.00E, 6247512.20N, 34.3527RL, and
 - B is 328.65 degrees, and
 - V is 25.66 degrees.

- (27) For the Alexandria Park 11D sun access plane –
- X is a point at 333195.0E, 6247512.2N, 34.4RL, and
 - Y is a point at 333253.60E, 6247324.9N, 34.4RL, and
 - B is 328.65 degrees, and
 - V is 25.66 degrees.

Part 6, Division 4 Design Excellence

[amend] ~~6.21(7)(b)~~ **6.21(D)(3)(b)**

...

~~6.21(7)~~ **6.21(D)(3)(b)**

...

(b) is eligible for an amount of additional floor space, to be determined by the consent authority, of up to 10% of—

(i) the amount permitted as a result of the floor space ratio shown for the land on the FSR Map, or

(ii) if development is subject to 6.XX, the relevant amount permitted as a result of the floor space ratio shown for the land on the Botany Road Precinct Opportunity Sites - Employment Sites - Alternative Floor Space Ratio Map, or the Botany Road Precinct Opportunity Sites – Affordable Housing Sites - Alternative Floor Space Ratio Map; and

(ii) any accommodation floor space or community infrastructure floor space for which the building is eligible under Division 1 or 2.

Part 6, Division 5 Site specific provisions

[new] **6.XX Botany Road Precinct Opportunity Land**

- The objective of this clause is to incentivise development:
 - for employment generating uses;
 - for affordable housing, where it is compatible with non-residential uses;
 - to provide for laneways if required; and
 - that is of high environmental performance.
- This clause applies to land identified on the Locality and Site Identification Map in the 'Botany Road Precinct Opportunity Land'.
- Despite clause 4.3 Height of Buildings, the consent authority may grant development consent to development on the subject land that exceeds the maximum building height shown for the land on the Height of buildings Map where:
 - development comprises only non-residential uses and affordable housing and does not exceed the 'Botany Road Precinct Opportunity Land - Alternative Heights' Map; or
 - development comprises only non-residential uses and does not exceed the 'Botany Road Precinct Opportunity Land - Alternative Heights' Map.

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- (4) Despite clause 4.4 Floor Space Ratio, the consent authority may grant development consent to development on the subject land that exceeds the floor space ratio shown for the land on the Floor Space Ratio Map where:
- (a) development comprises only non-residential uses and affordable housing and does not exceed the 'Botany Road Precinct Opportunity Land - Affordable Housing Sites - Alternative Floor Space Ratio' Map; or
 - (b) development comprises only non-residential uses and does not exceed the 'Botany Road Precinct Opportunity Land - Employment Sites - Alternative Floor space ratio' Map.
- (5) The consent authority must not grant consent to development under subclause (3) or subclause (4) unless it is satisfied that:
- (a) development provides for laneways where appropriate; and
 - (b) any BASIX affected development exceeds the BASIX commitments for water and energy by not less than 10 points for energy and 5 points for water.
- (6) The consent authority must not grant consent to development under subclause (3)(a) or subclause (4)(a) unless it is satisfied that:
- (a) any affordable housing will be owned and managed by a registered community housing provider (within the meaning of the Housing Act 2001);
 - (b) any affordable housing is provided in accordance with the Affordable Housing Principles in the City of Sydney Affordable Housing Program, adopted by the Council on 24/08/2020;
 - (c) development does not reduce the capacity of adjoining sites to be developed for non-residential uses;
 - (d) development will not be unreasonably impacted by existing or planned non-residential development; and
 - (e) the ground and first floor of any development are to be for non-residential use.
- (7) **Despite subclause (6)(e), only the ground floor of any development on land at 74-88 Botany Road, Alexandria being Lot 11 DP 219505 and Lot 2 DP 136012 is to be for non-residential use.**
- (8) Clause 6.21~~(7)(a)~~ **D(3)(a)** does not apply to development which is granted consent under subclause (3) or (4).
- (9) **The area identified on the Land Reservation Acquisition Map as Classified Road (SP2) is excluded from the calculation of site area.**
- (10) In this clause –
- affordable housing*** has the same meaning as the Act.
- non-residential use*** means any permitted use other than the following -
- (a) residential accommodation
 - (f) serviced apartments

Part 7, Division 3 Affordable housing

[new] 7.13B Planning Proposal land

- (1) The objective of this clause is to require an affordable housing contribution commensurate with past increases to development capacity.
- (2) This clause applies to development on land identified in Column 1 of Schedule 7 – Planning Proposal land that results in:
- (a) the erection of a new building over 200 square metres, or
 - (b) additions to an existing building resulting in the creation of more than 200 square metres of residential floor area, or
 - (c) additions to an existing building resulting in the creation of more than 60 square metres of non-residential floor area, or

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- (d) demolition of existing floor area and the subsequent creation of more than 200 square metres of new floor area for the same or new purpose, or
 - (e) change of use to existing floor area from a non-residential purpose to a residential use or a tourist or visitor accommodation use.
- (3) On Planning Proposal land, clause 7.13 applies only to the extent identified in Column 2, Schedule 7.
- (4) The consent authority may, when granting development consent on Planning Proposal land, impose a condition on development under subclause (1) requiring a contribution equivalent to the total affordable housing levy contribution, being the amount identified in Column 2, Schedule 7.
- (5) The total affordable housing levy contribution is to be satisfied either by way of:
- (a) a dedication in favour of the Council of land comprising one or more dwellings (each having a total floor area of not less than 35 square metres), in accordance with the Program, with any remainder being paid as a monetary contribution to the Council, or
 - (b) monetary contribution to the Council.
- (6) The rate at which a monetary contribution is to be taken to be equivalent to floor area for the purposes of this clause is to be calculated in accordance with the Program.
- Note. The Program is made available by the Council on its website (www.cityofsydney.nsw.gov.au).*
- (7) To avoid doubt:
- (a) it does not matter whether the floor area, to which a condition under this clause relates, was in existence before, or is created after, the commencement of this clause, or whether or not the floor area concerned replaces a previously existing area, and
 - (b) the demolition of a building, or a change in the use of land, does not give rise to a claim for a refund of any contribution.
- (8) In this clause **Program** means the City of Sydney Affordable Housing Program, adopted by the Council on 24 August 2020.

Schedule 5 - Environmental Heritage

[amend] Part 1 Heritage Items

Locality	Item name	Address	Property description	Significance	Item no
Redfern	Former Aboriginal Legal Service	142 Regent Street	Lot 22, DP 1094178 (SP 76851)	Local	I2294
Redfern	Former Aboriginal Medical Service	171 Regent Street	Lot 2, DP 438236	Local	I2295
Waterloo	Terrace Group	122-136 Wellington Street	Lots 1-7, DP 33293; Lot 12 DP 1186738	Local	I2296

[new] Schedule 7 – Planning Proposal land

Botany Road Precinct

Column 1 - Planning Proposal land	Column 2 – Contribution requirement
Land identified on the Affordable Housing Map as AH Area 1	The total affordable housing contribution requirement is: (a) the contribution rate that applies to the development under clause 7.13, and (b) 9% of any floor space that exceeds 1.5:1 in the development (unless the amount of non-residential floor space in the development exceeds 1.5:1).

Appendix 2

Proposed mapping amendments to Sydney LEP 2012

Botany Road Precinct Opportunity Land – Alternative Heights Map

Maximum Building Height (m)

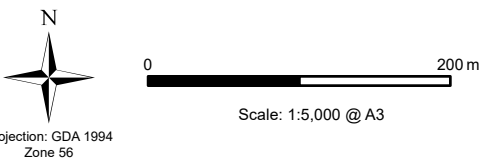
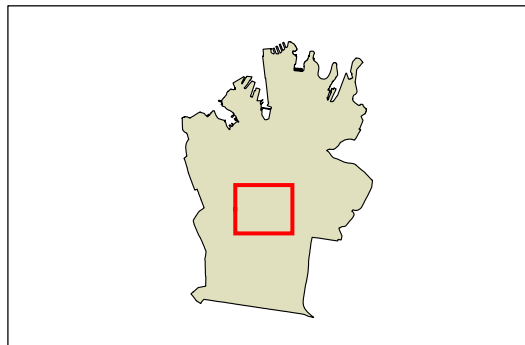
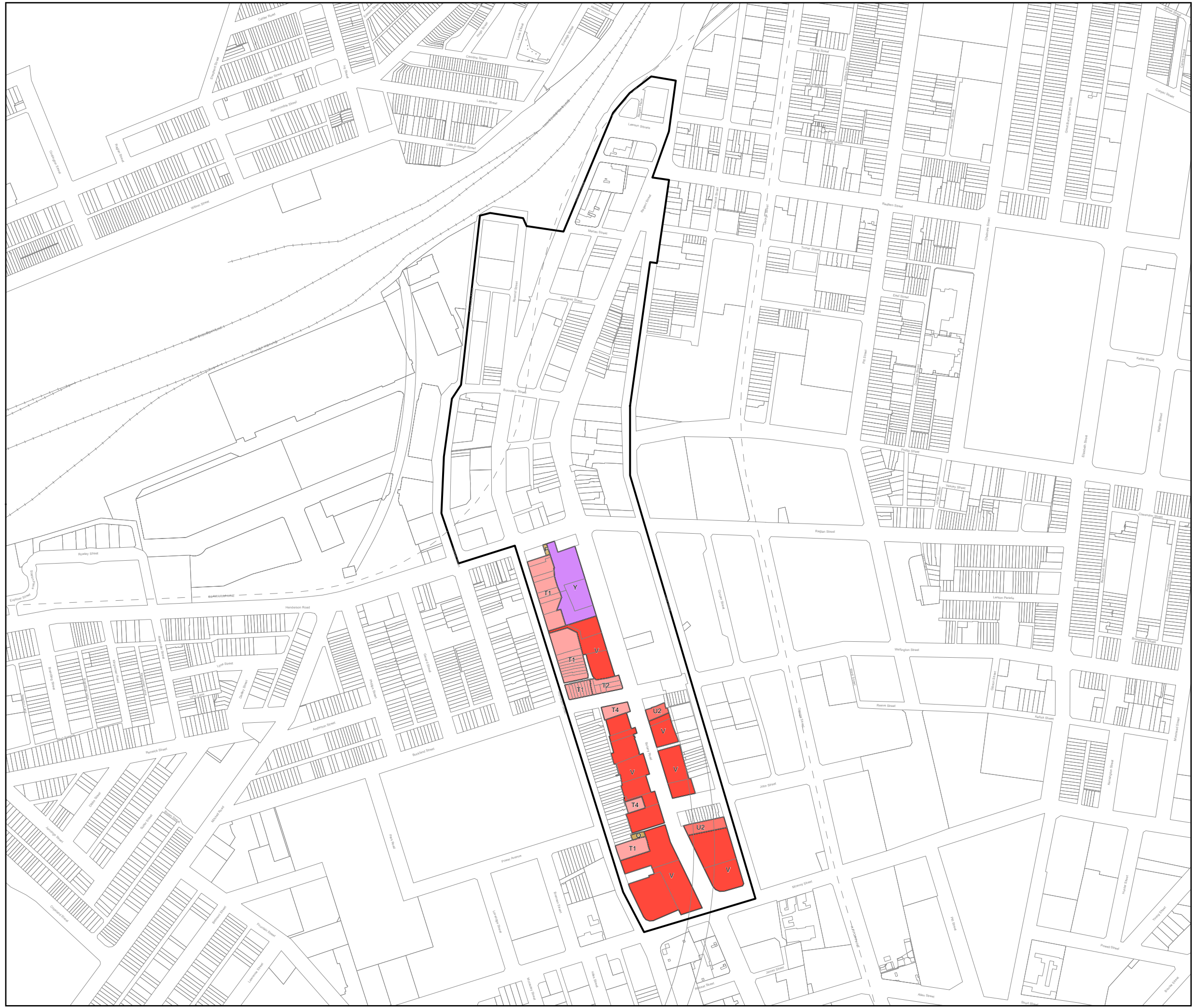
Botany Road Precinct

- P 18
- Q 20
- T1 25
- T2 27
- T4 29
- U2 33
- V 35
- Y 50

Cadastre

Cadastre 23/05/2022 © City of Sydney

Post exhibition note: the Botany Road Precinct boundary is provided for post exhibition purposes only, and shows the boundary of the study area.



Projection: GDA 1994
Zone 56

Map identification number:

Botany Road Precinct Opportunity Land - Employment Sites - Alternative Floor Space Ratio Map

Maximum Floor Space Ratio (n:1)

Botany Road Precinct

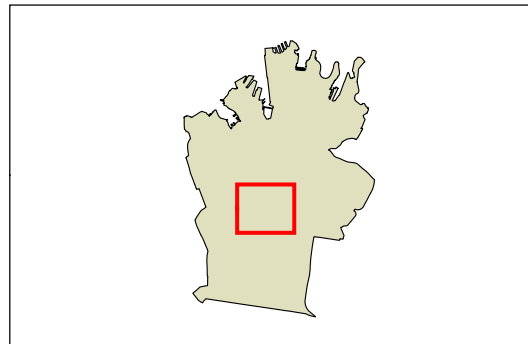
- T1 2
- U1 2.5
- U2 2.75
- V2 3.25
- W1 3.5
- W2 3.75
- X 4
- Y 4.5
- Z1 5
- Z2 5.5

Cadastre

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Post exhibition note: the Botany Road Precinct boundary is provided for post exhibition purposes only, and shows the boundary of the study area.



Scale: 1:5,000 @ A3

Projection: GDA 1994
Zone 56

Map identification number:

Botany Road Precinct Opportunity Land – Affordable Housing Sites - Alternative Floor Space Ratio Map

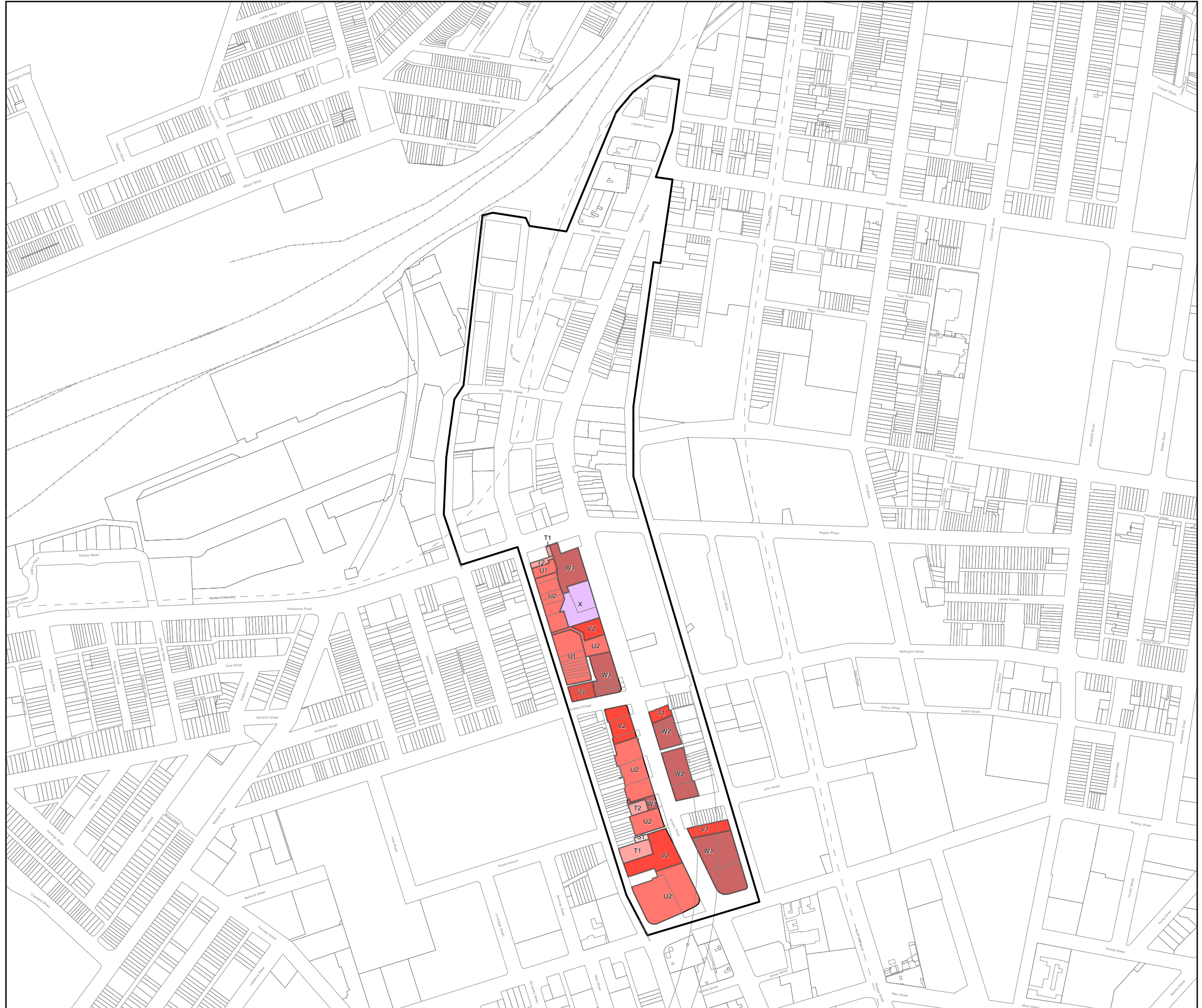
Maximum Floor Space Ratio (n:1)

Botany Road Precinct

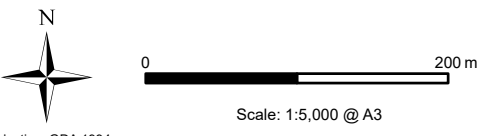
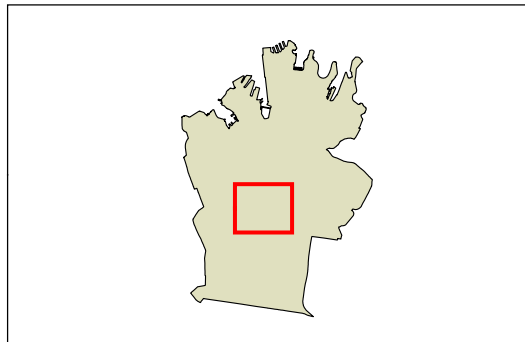
- S1 1.5
- T1 2
- T2 2.25
- U1 2.5
- U2 2.75
- V1 3
- V2 3.25
- W1 3.5
- W2 3.75
- X 4

Cadastral

Cadastral 23/05/2022 © City of Sydney



Post exhibition note: the Botany Road Precinct boundary is provided for post exhibition purposes only, and shows the boundary of the study area.





Projection: GDA 1994
Zone 56

Map identification number:


Affordable Housing Map

Affordable Housing

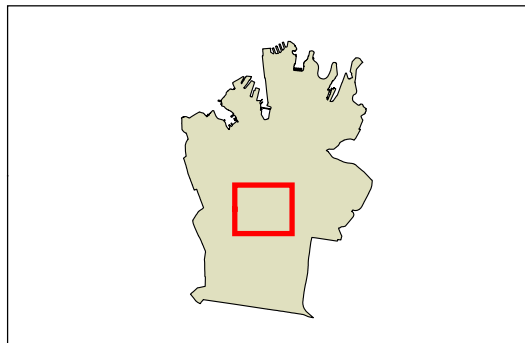
 Botany Road Precinct

 Refer to clause 7.13B

Cadastre

 Cadastre 23/05/2022 © City of Sydney

Post exhibition note: the Botany Road Precinct boundary is provided for post exhibition purposes only, and shows the boundary of the study area.

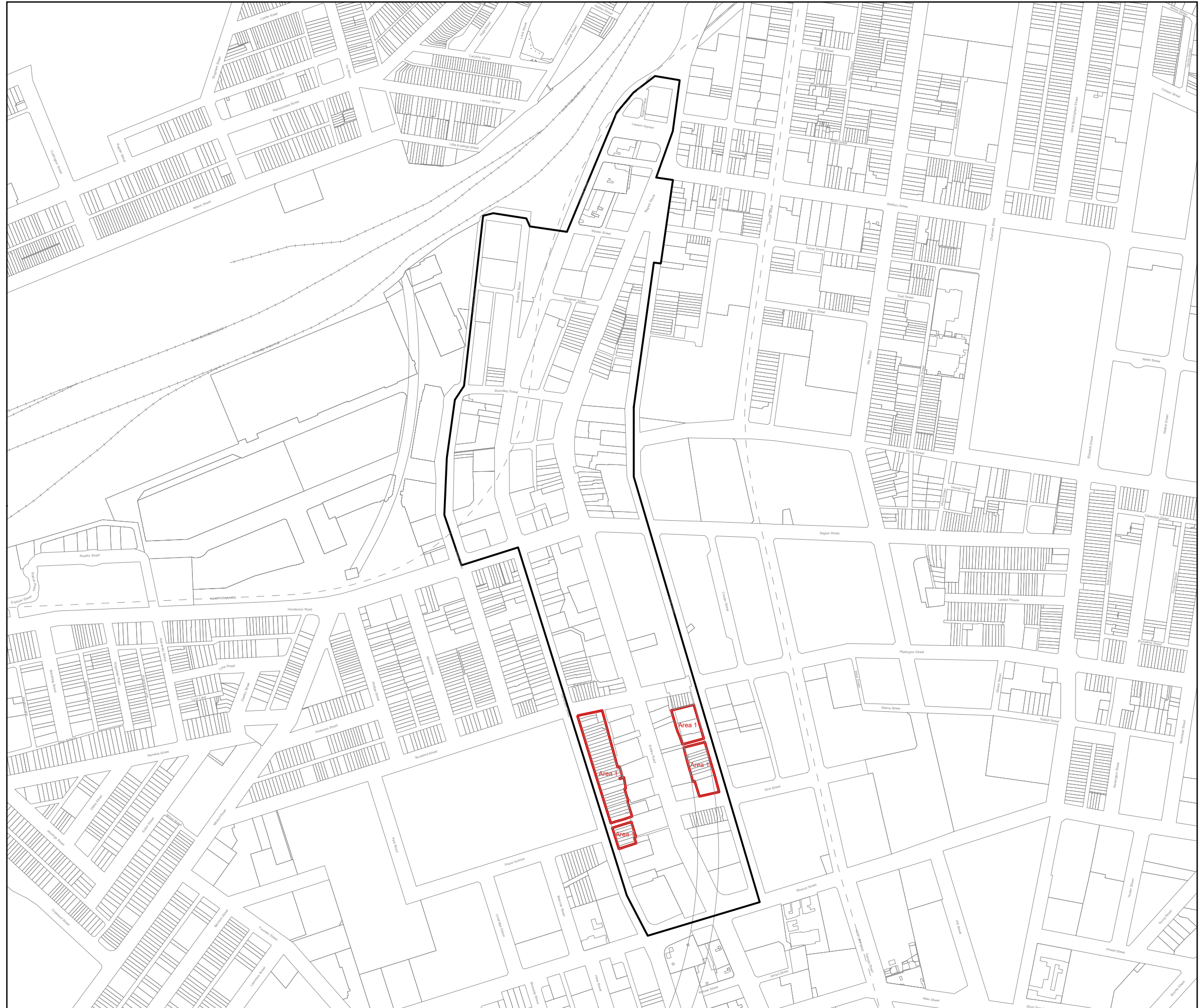


0  200 m

Scale: 1:5,000 @ A3



Projection: GDA 1994
Zone 56

Map identification number:




Active Street Frontages Map

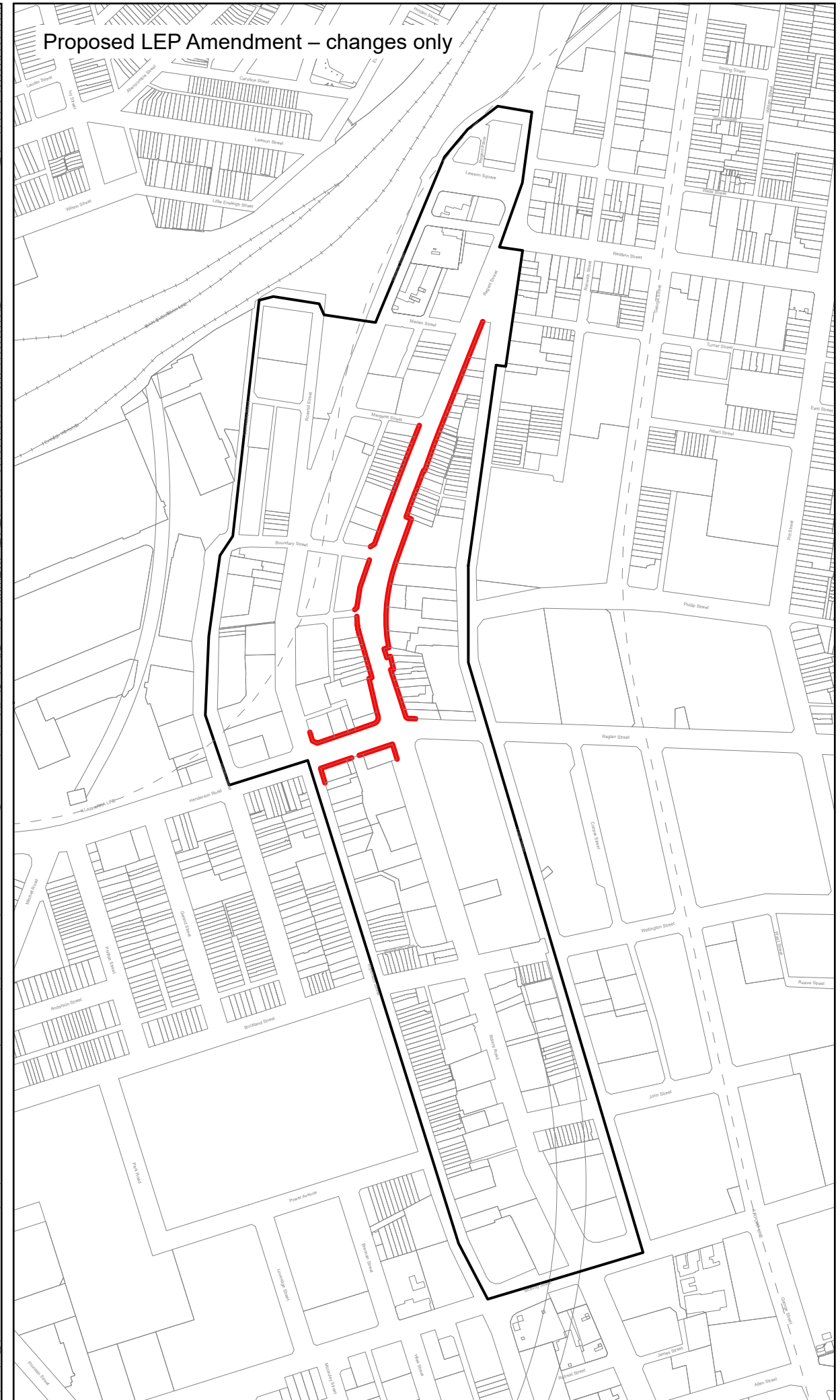
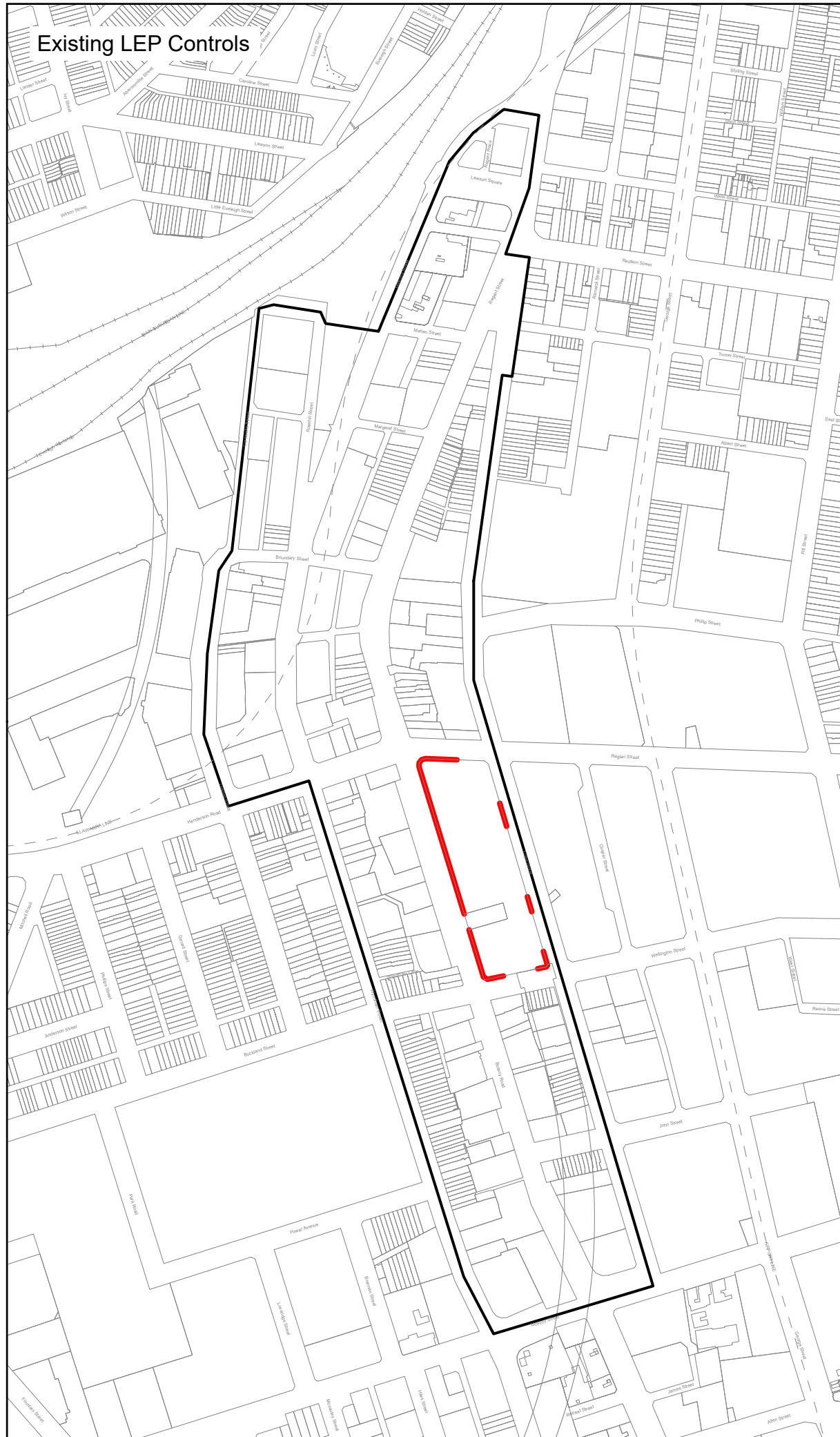
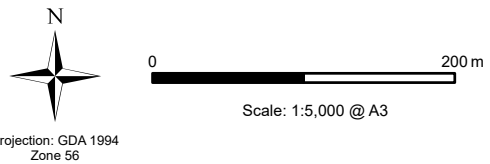
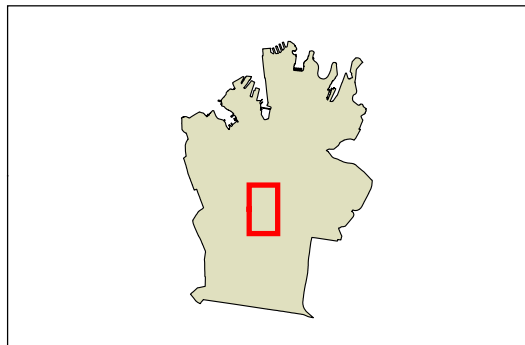
Active Street Frontages

-  Botany Road Precinct
-  Active Street Frontage

Cadastre




-  Cadastre 23/05/2022 © City of Sydney

Post exhibition note: This map is illustrative only for post exhibition purposes. The Botany Road Precinct boundary shows the boundary of the study area.




Heritage Map

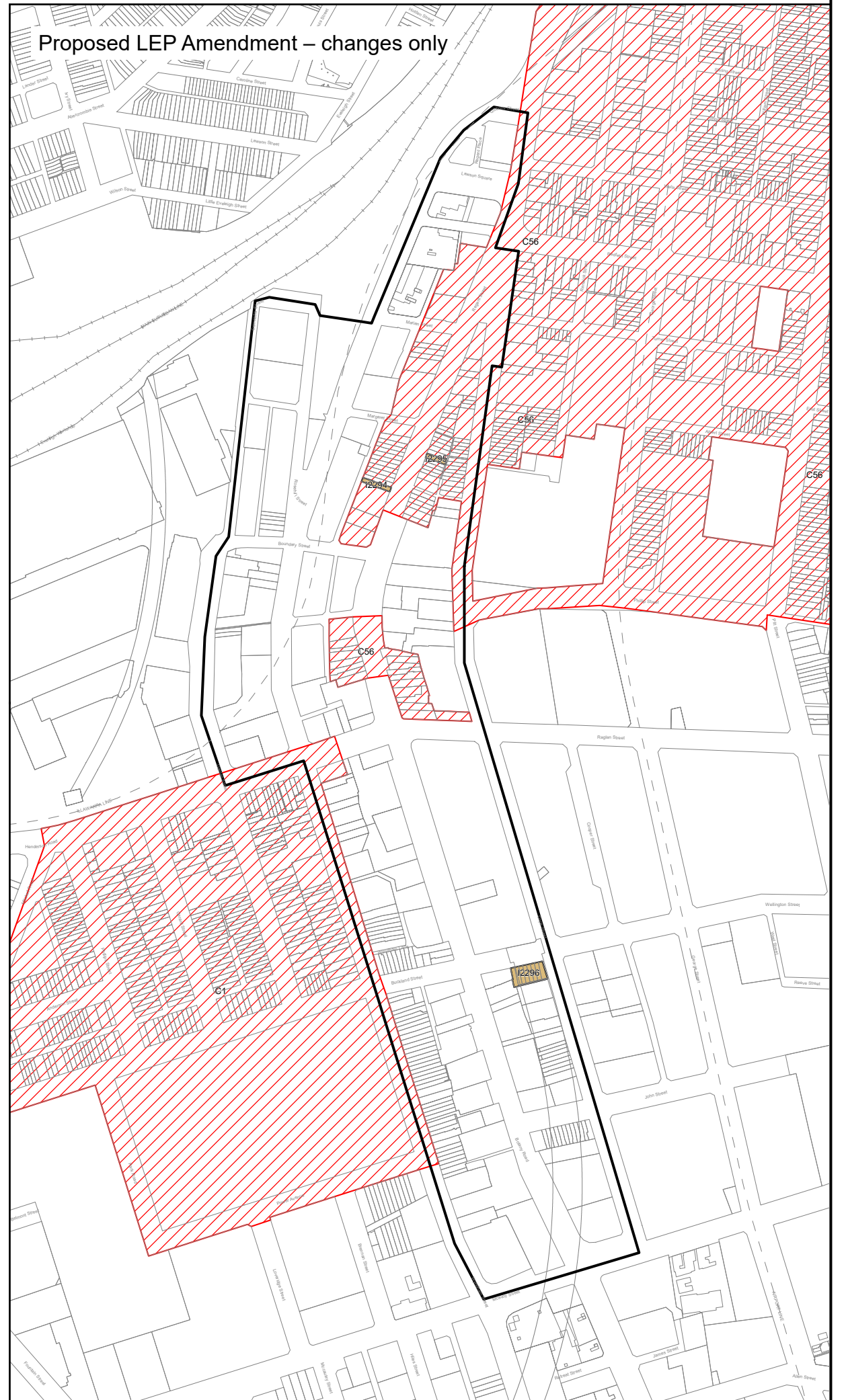
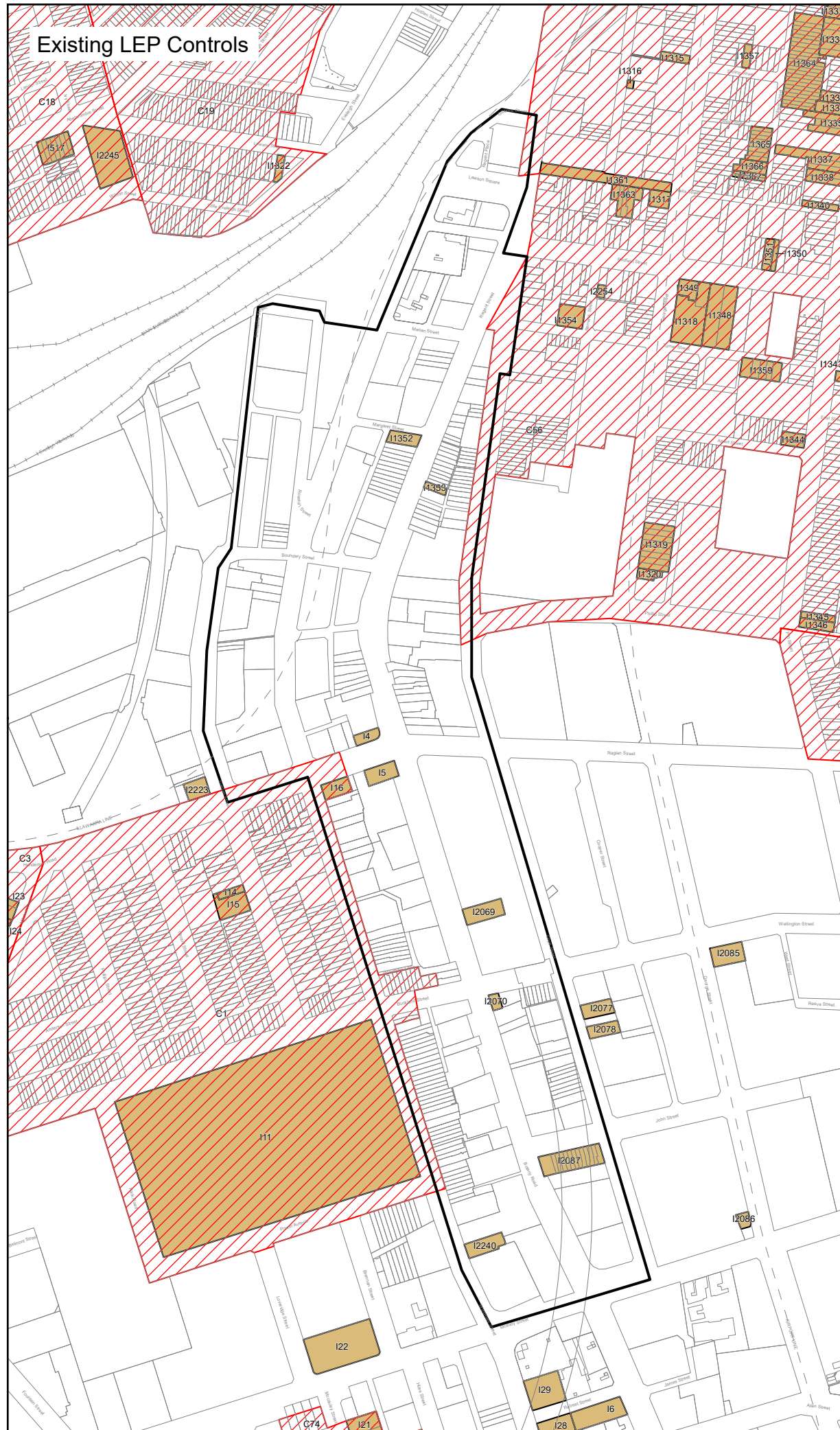
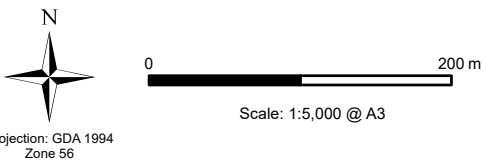
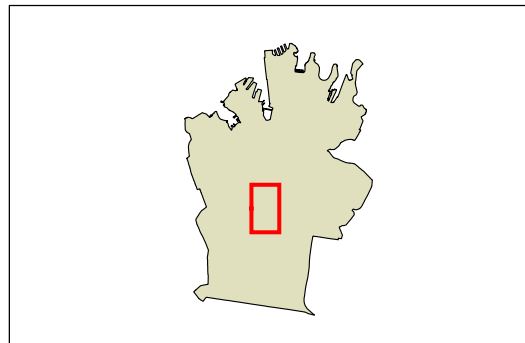
Heritage

-  Botany Road Precinct
-  Conservation Area - General
-  Item - General

Cadastral











-  Cadastral 23/05/2022 © City of Sydney

Post exhibition note: This map is illustrative only for post exhibition purposes. The Botany Road Precinct boundary shows the boundary of the study area.




Land Zoning Map

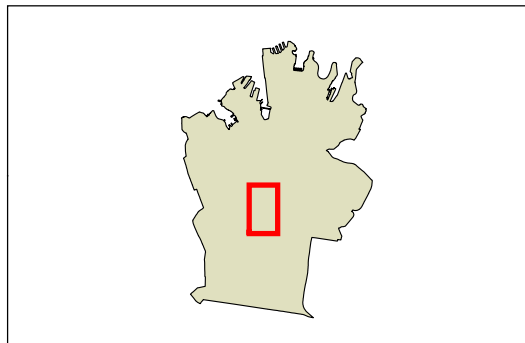
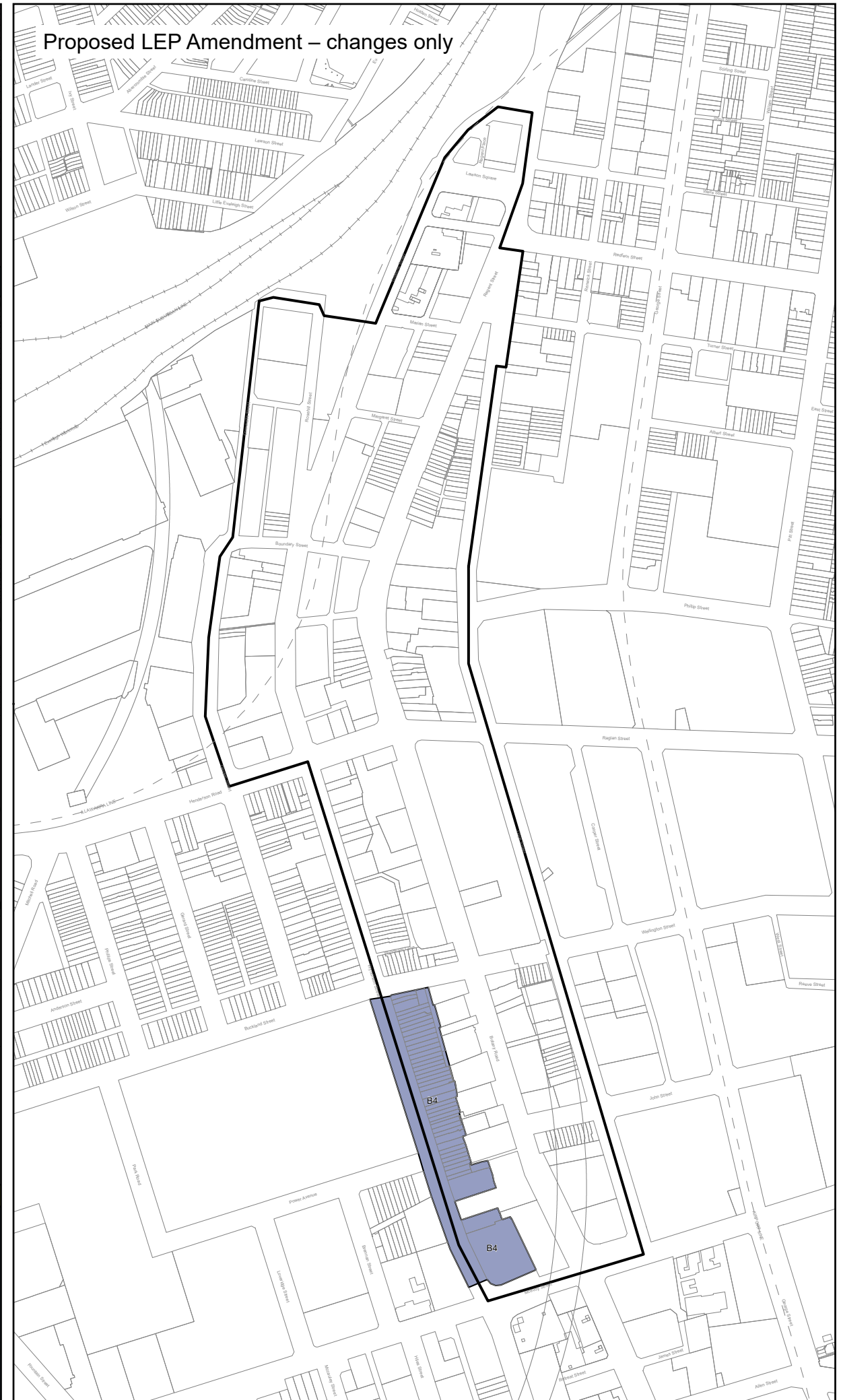
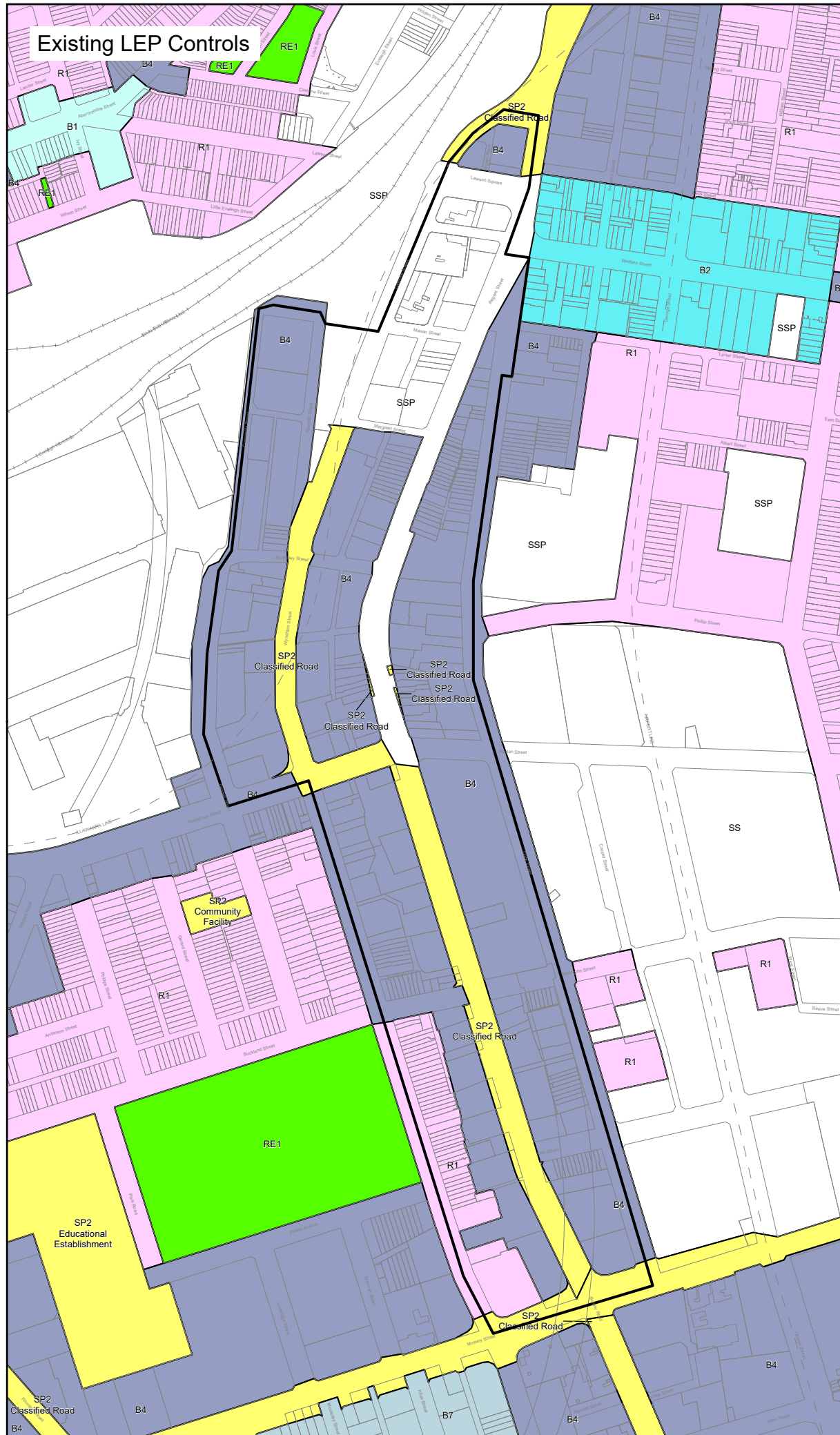
Zone

-  Botany Road Precinct
-  B1 Neighbourhood Centre
-  B2 Local Centre
-  B4 Mixed Use
-  B7 Business Park
-  R1 General Residential
-  RE1 Public Recreation
-  SP2 Infrastructure
-  SSP SEPP (State Significant Precincts) 2005
-  SS South Sydney LEP 1998

Cadastre

-  Cadastre 23/05/2022 © City of Sydney

Post exhibition note: This map is illustrative only for post exhibition purposes. The Botany Road Precinct boundary shows the boundary of the study area.



Projection: GDA 1994
Zone 56

Map identification number:

Height of Buildings Map

Maximum Building Height (m)

Botany Road Precinct

- 6
- 9
- 12
- 15
- 18
- 22
- 24
- 25
- 29
- 30

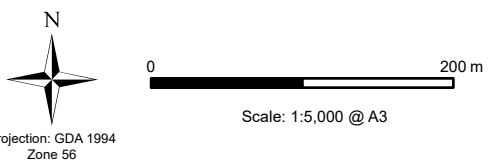
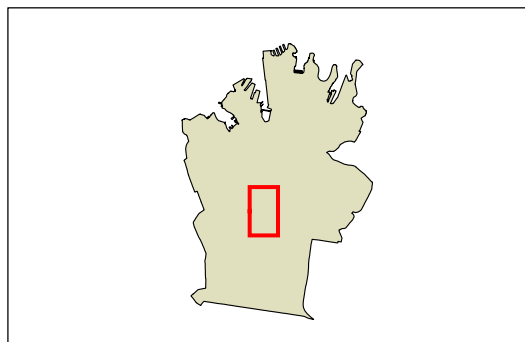
Heights shown on map in RL (m)

- 90 - 100
- 100 - 110
- 110 - 120

Cadastre

Cadastre 23/05/2022 © City of Sydney

Post exhibition note: This map is illustrative only for post exhibition purposes. The Botany Road Precinct boundary shows the boundary of the study area.



Map identification number:



Floor Space Ratio Map

Maximum Floor Space Ratio (n:1)

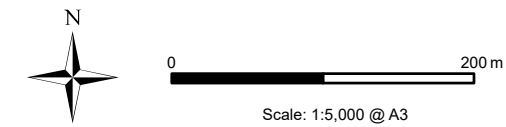
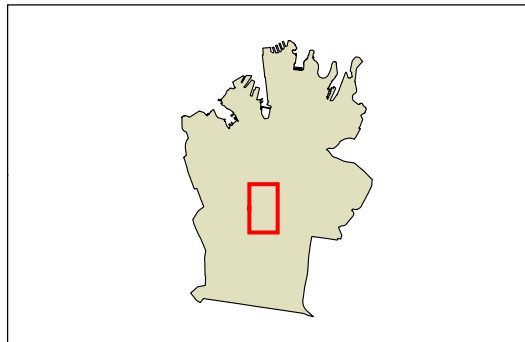
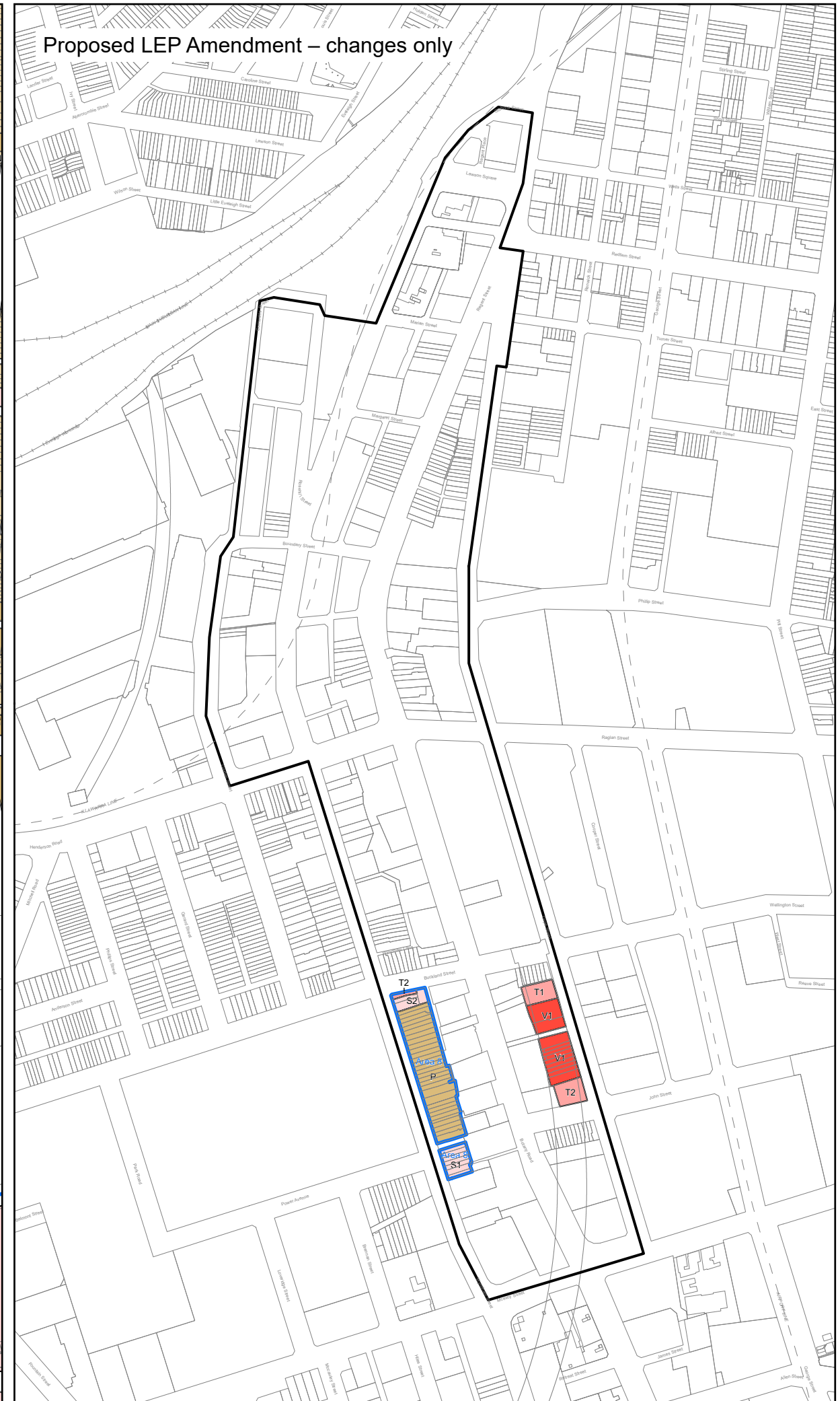
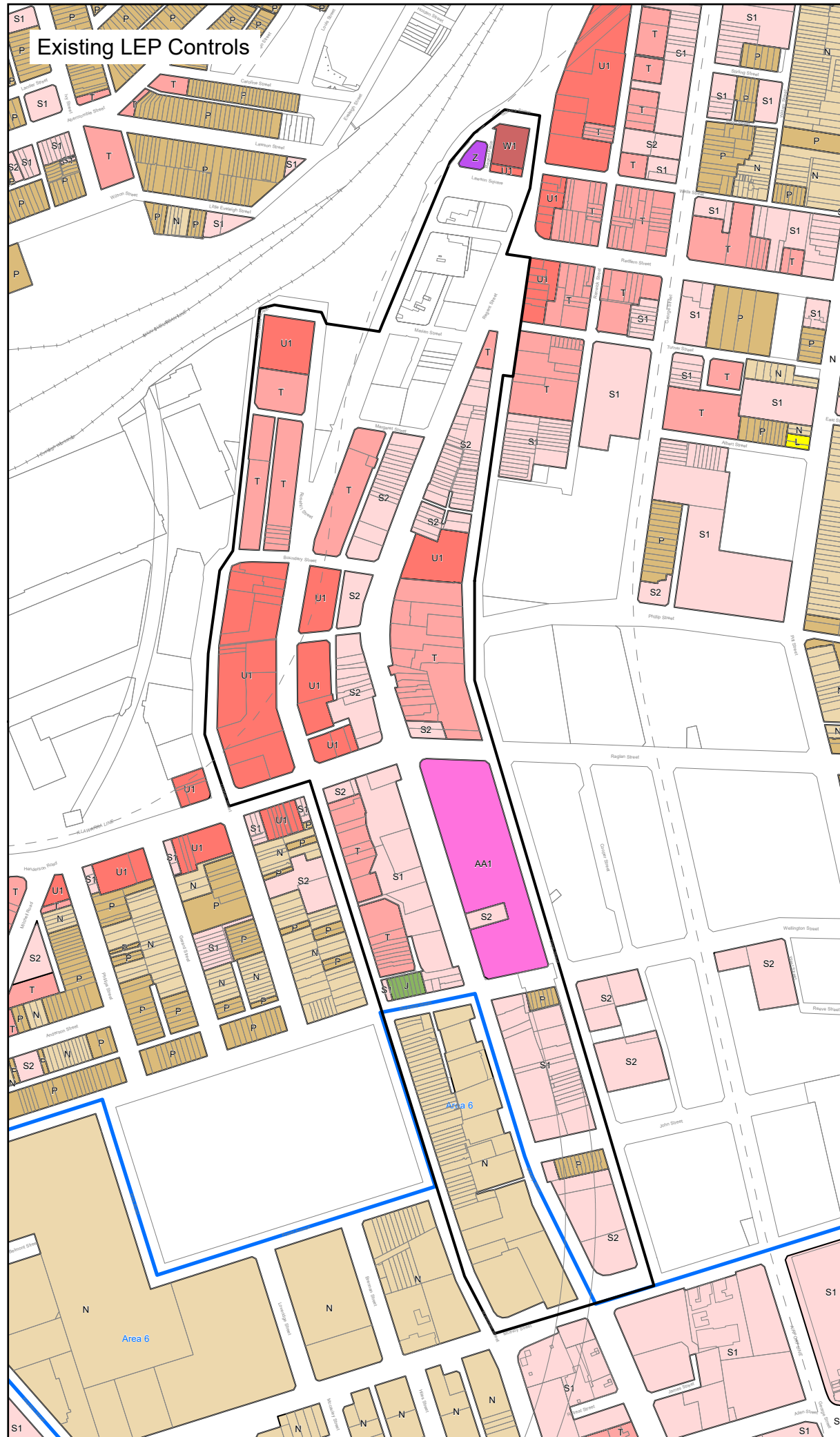
Botany Road Precinct

- 0.8
- 0.9
- 1
- 1.25
- 1.5
- 1.75
- 2
- 2.25
- 2.5
- 3
- 3.5
- 5
- 6
- Refer to clause 6.14

Cadastre

Cadastre 23/05/2022 © City of Sydney







Post exhibition note: This map is illustrative only for post exhibition purposes. The Botany Road Precinct boundary shows the boundary of the study area.



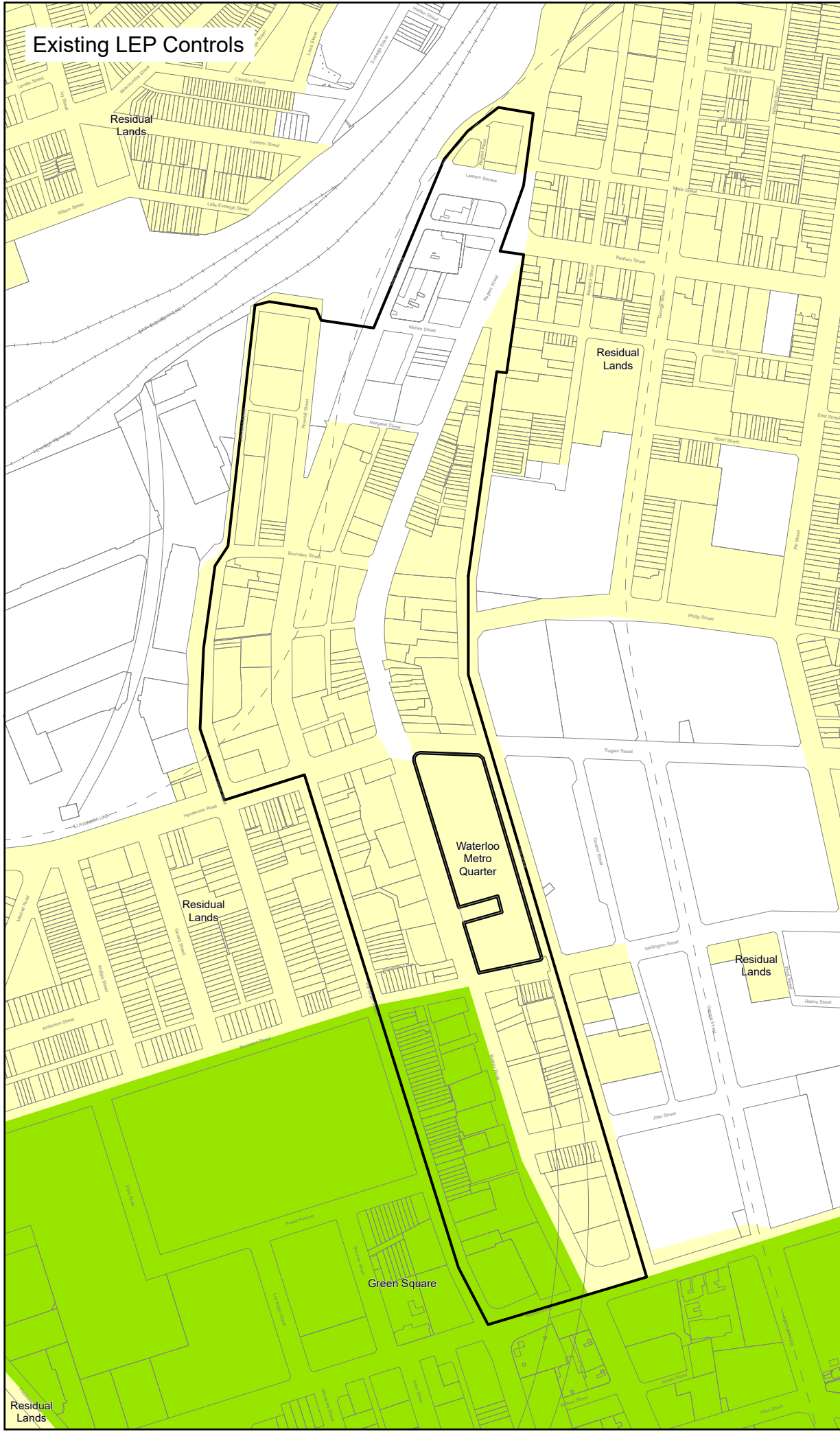
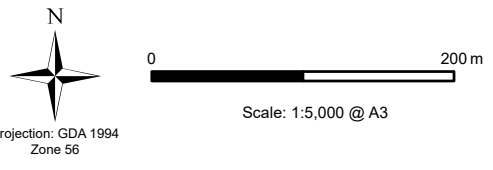
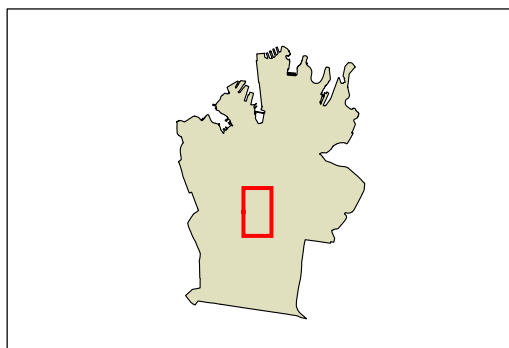
Projection: GDA 1994
Zone 56

Map identification number:

Locality and Site Identification Map Key Sites Map Foreshore Building Line Map

- Locality and Site Identification Map**
-  Botany Road Precinct
 -  Green Square
 -  Waterloo Metro Quarter
 -  Residual Lands
 -  Botany Road Precinct Opportunity Lands
- Cadastre**
-  Cadastre 27/05/2022 © City of Sydney

Post exhibition note: This map is illustrative only for post exhibition purposes. The Botany Road Precinct boundary shows the boundary of the study area.





Attachment C

**Draft Sydney Development Control Plan
2012 Amendment – Botany Road Precinct**

Draft Sydney Development Control Plan 2012 – Botany Road Precinct



Draft Sydney Development Control Plan 2012 – Botany Road Precinct

The purpose of this draft Development Control Plan

The purpose of this draft development control plan (DCP) is to amend the Sydney Development Control Plan 2012, which was adopted by Council on 14 May 2012 and came into effect on 14 December 2012.

The provisions guide future development within the area known as the Botany Road Precinct.

Citation

This amendment may be referred to as Sydney Development Control Plan 2012 – Botany Road Precinct.

Land covered by this plan

This plan applies to all land identified in the Botany Road Precinct, shown in Figure 5.1 Specific Areas.

Relationship of this plan to Sydney Development Control Plan 2012

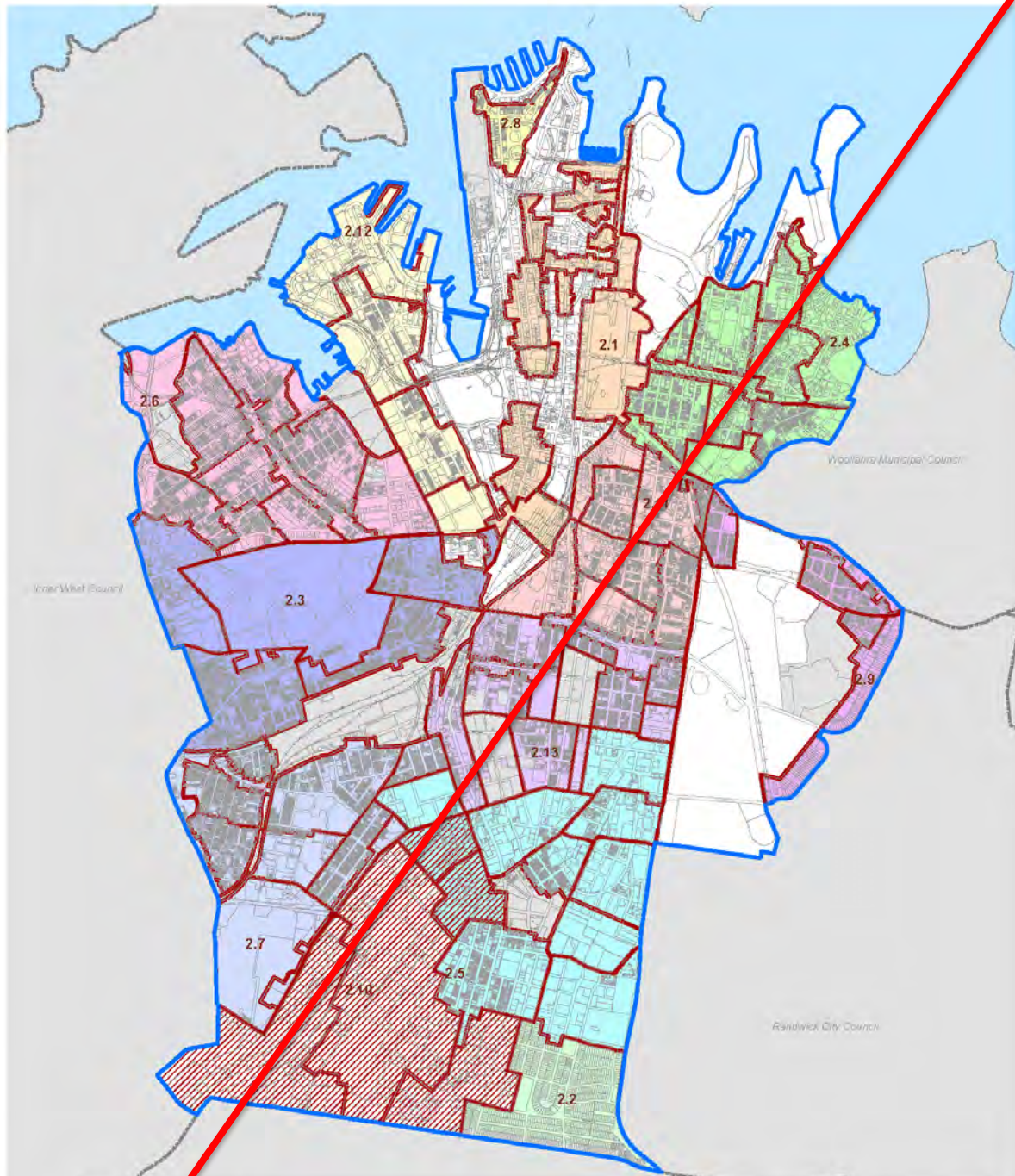
This plan amends the Sydney Development Control Plan 2012 in the manner set out below.


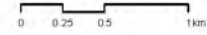
Amendment to Sydney Development Control Plan 2012

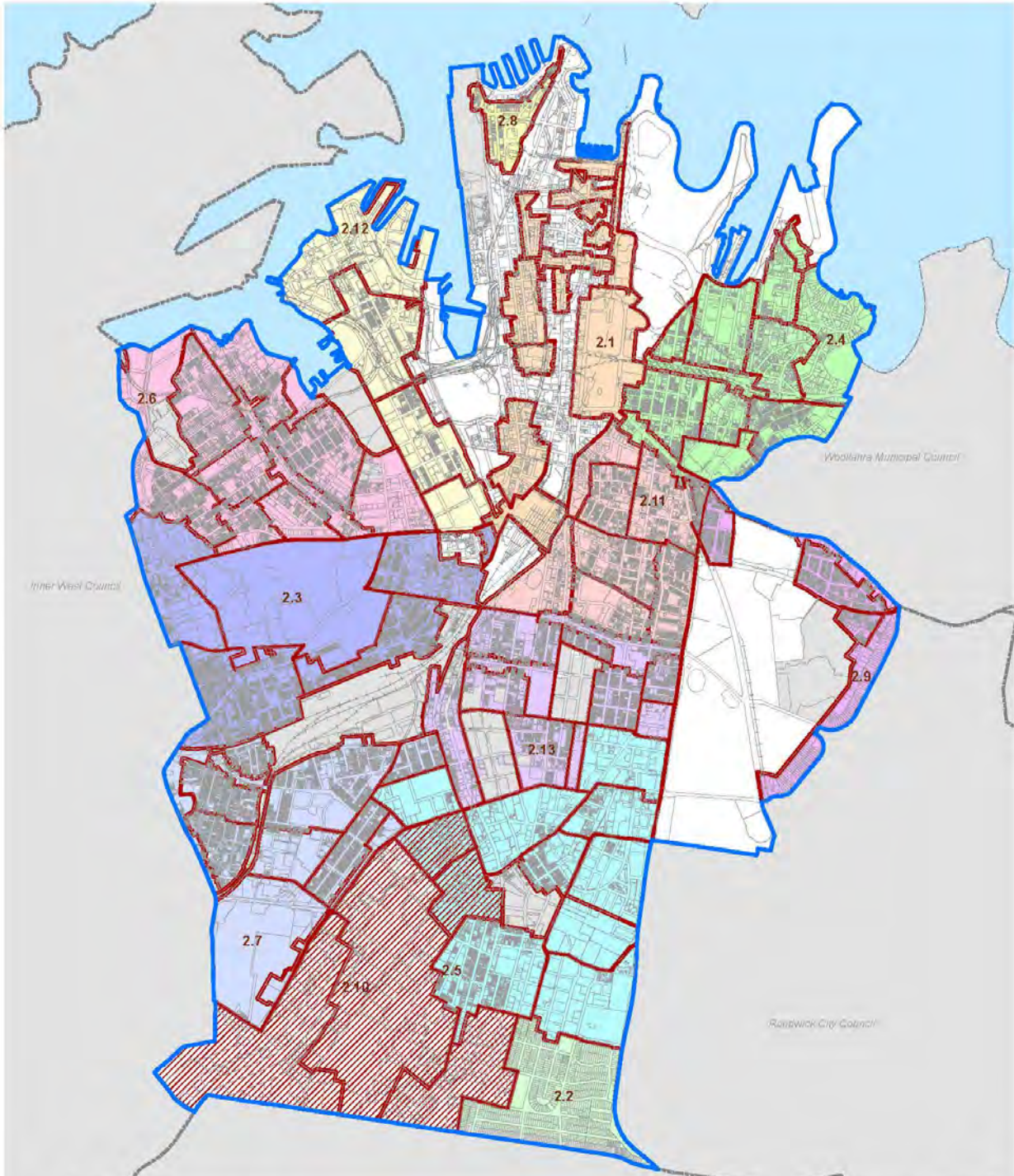
1. Amend Section 2 in accordance with Appendix 1.
2. Replace Figure 5.1 Specific areas map in accordance with the new map provided at Appendix 2.
3. Insert a new sub-section at the end of Section 5 in accordance with Appendix 3.
4. ~~Amend DCP map sheet 10 in accordance with Figures provided in Appendix 3.~~
5. Amend DCP map sheets **9, 10 and 17** in accordance with the **Figure maps** provided in Appendix 4.

Appendix 1

(a) Update Figure 2.1 to show the Figure provided below:



<p>City locality areas map</p> <p>Figure 2.1</p> <p>Legend</p> <ul style="list-style-type: none"> City LGA Boundary 2.1 Central Sydney 2.2 Rosebery Estate 2.3 Chippendale, Camperdown, Darlinghurst 2.4 City East 2.5 Green Square 2.6 Cleve and Forest Lodge 2.7 Erskineville, Alexandria (west), Newtown (south) and Ashmore 2.8 Millers Point 2.9 Paddington/Central Park 2.10 Southern Employment Lands 2.11 Surry Hills 2.12 Ultimo/Pymont 2.13 Waterloo and Redfern Land excluded from this DCP 		<p>Sydney Development Control Plan 2012</p> <div style="text-align: center;">  <p>N</p> </div> <div style="text-align: center;">  <p>0 0.25 0.5 1km</p> </div> <div style="text-align: right;"> <p>CITY OF SYDNEY</p> </div> <p><small>Copyright © 2011 City of Sydney Council. All Rights Reserved. This map has been compiled from various sources, and the publisher and/or contributor accept no responsibility for any errors, loss or damage arising from the view, error or omission therein. While all care is taken to ensure a high degree of accuracy, users are invited to verify Council's Spatial Services of any map discrepancies. No part of the map may be reproduced without written permission.</small></p> <p><small>Project: MDA Zone 98 Date: 06/04/11 Page: 10 of 11 Prepared by: STUD Printing Date: 02 July 2011 File: DCP2012_City Area</small></p>
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City locality areas map

Figure 2.1

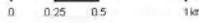
Legend

- CGS LGA Boundary
- 2.1 Central Sydney
- 2.2 Rosebery Estate
- 2.3 Chippendale, Camperdown, Darlinghurst
- 2.4 City East
- 2.5 Green Square
- 2.6 Glebe and Forest Lodge
- 2.7 Erskineville, Alexandria (west), Newtown (south) and Ashmore
- 2.8 Millers Point
- 2.9 Paddington/Centennial Park
- 2.10 Southern Employment Lands
- 2.11 Surry Hills
- 2.12 Ultimo/Pymont
- 2.13 Waterloo and Redfern
- Land excluded from this DCP

Sydney Development Control Plan 2012



N



0 0.25 0.5 1km

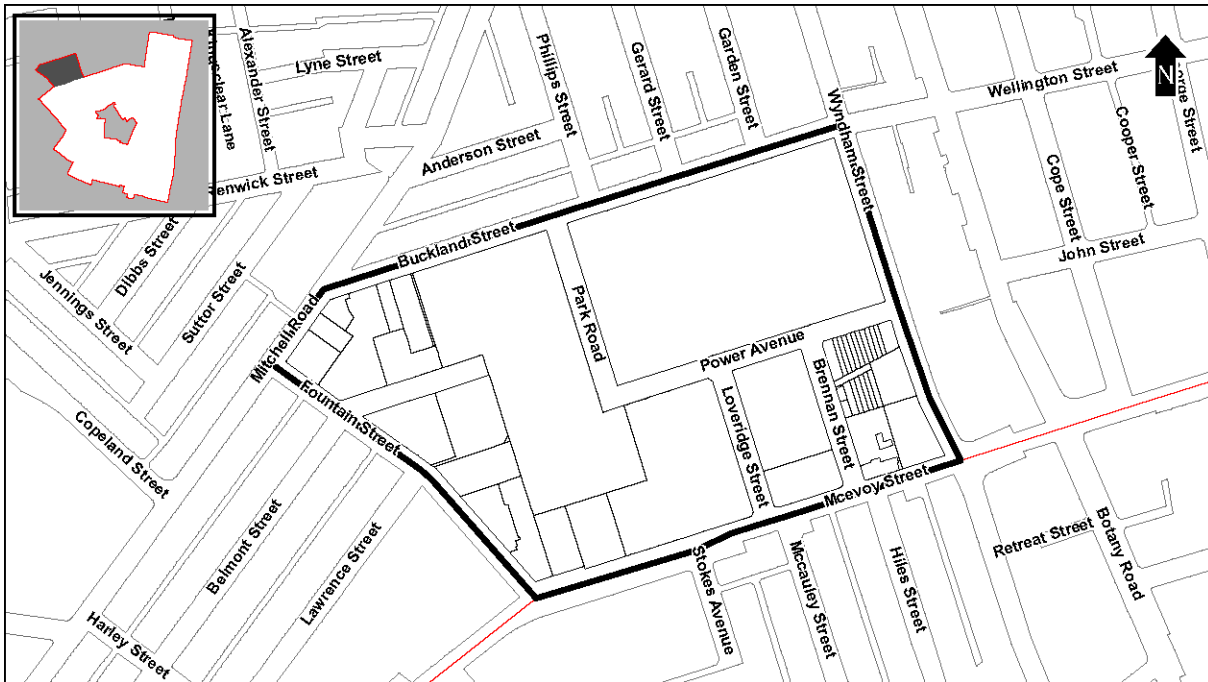
CITY OF SYDNEY

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Project: MSA Z04 09
Scale: A0/A1
Paper Size: A3
Prepared By: SPUD
Printing Date: 05 July 2012
File: DCP2012_CLA.mxd

Post-Exhibition

(b) Replace the image and amend the text in Section 2.5.1 Alexandria Park as follows



This locality is bound by Buckland Street to the north, McEvoy Street to the south, Fountain Street to the west and Wyndham Street to the east.

Alexandria Park will be a mixed use neighbourhood with a mix of residential, retail, commercial and café/dining uses that will create a vibrant neighbourhood. Alexandria Park will be the focal point of the neighbourhood and a meeting place for residents.

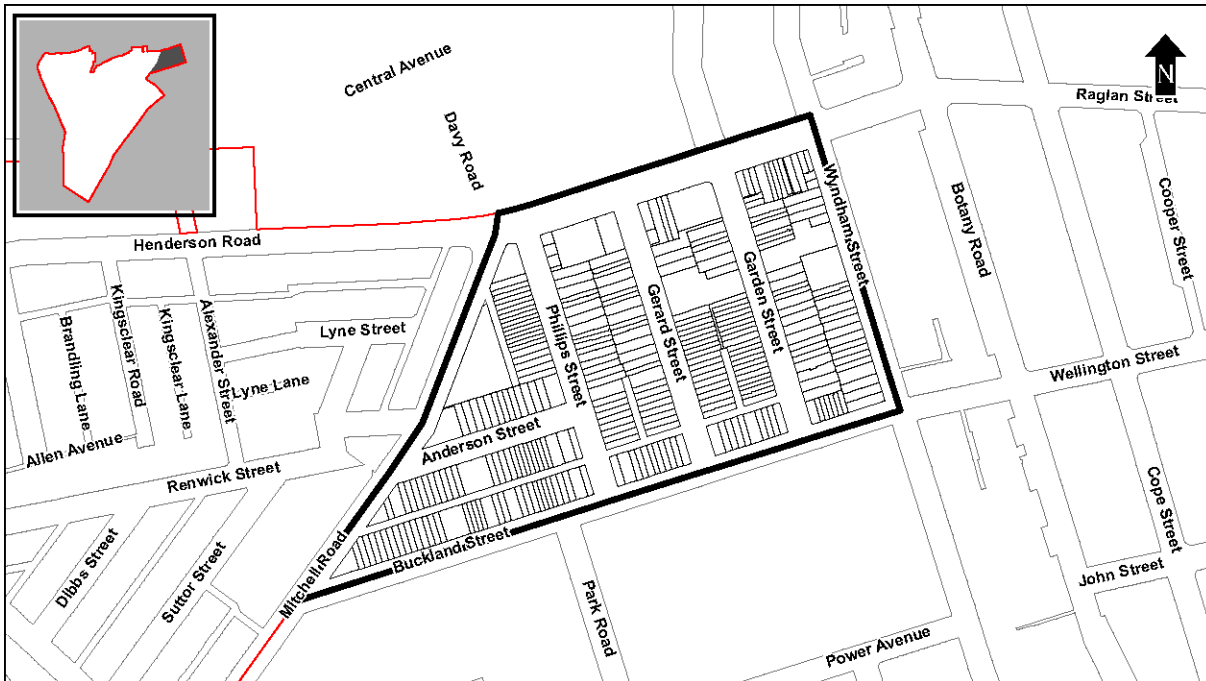
Future development of the neighbourhood will respond to the emerging mixed-use character, and provide an appropriate transition to large scale industrial buildings south of McEvoy Street.

Key changes in the area include the transition of the western part of the neighbourhood from industrial uses to harmonious, high-quality mixed-use development.

Principles

- (a) Development must achieve and satisfy the outcomes expressed in the character statement and supporting principles.
- (b) Create a new, tree-lined local street by extending Park Road to McEvoy Street to provide a connection to the parkland for future development.
- (c) Enhance street tree planting along the north-south streets between Alexandria Park and McEvoy Street to provide green links to the park, and to promote the park to pedestrian on McEvoy Street.
- (d) Introduce mainly low to medium scale development, with some increase in height along McEvoy Street.
- (e) Introduce buildings that align and address McEvoy Street at the ground level.
- (f) Recognise the function of Alexandria Park as a community node that is supported through the provision of future public domain improvements and development that addresses the open space to improve passive surveillance and create an active edge.
- (g) Facilitate the transition of the area from employment-based uses to primarily mixed use and residential. Commercial and industrial land uses can continue in this neighbourhood provided that the operational impacts of non-residential uses can be appropriately managed for residential amenity.

(c) Replace the image and text in Section 2.7.7 Alexandria Park and Wyndham Street with the following:



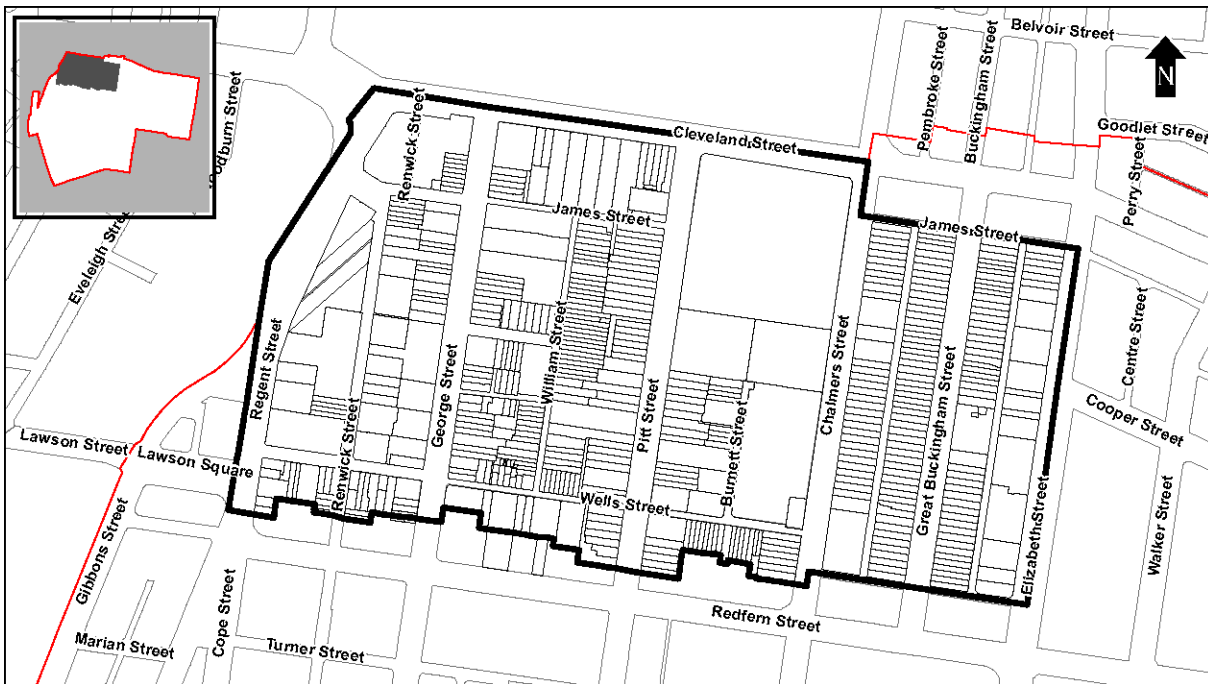
This locality consists of the Alexandria Park residential neighbourhood bounded by Wyndham Street, Mitchell Road, Henderson Road and Buckland Streets.

The predominant residential character of Alexandria Park neighbourhood with wide tree lined streets and views to Alexandria Park, shall be retained. It will retain the diversity of building types and scales that give it its unique character. Old warehouse buildings add interest to the otherwise residential character and adaptive re-use is encouraged. The consistency of terrace and cottage rows; their scale and proportion, roof design, materials palette and intact rear laneways is very important to the quality of the streetscape and are to be retained.

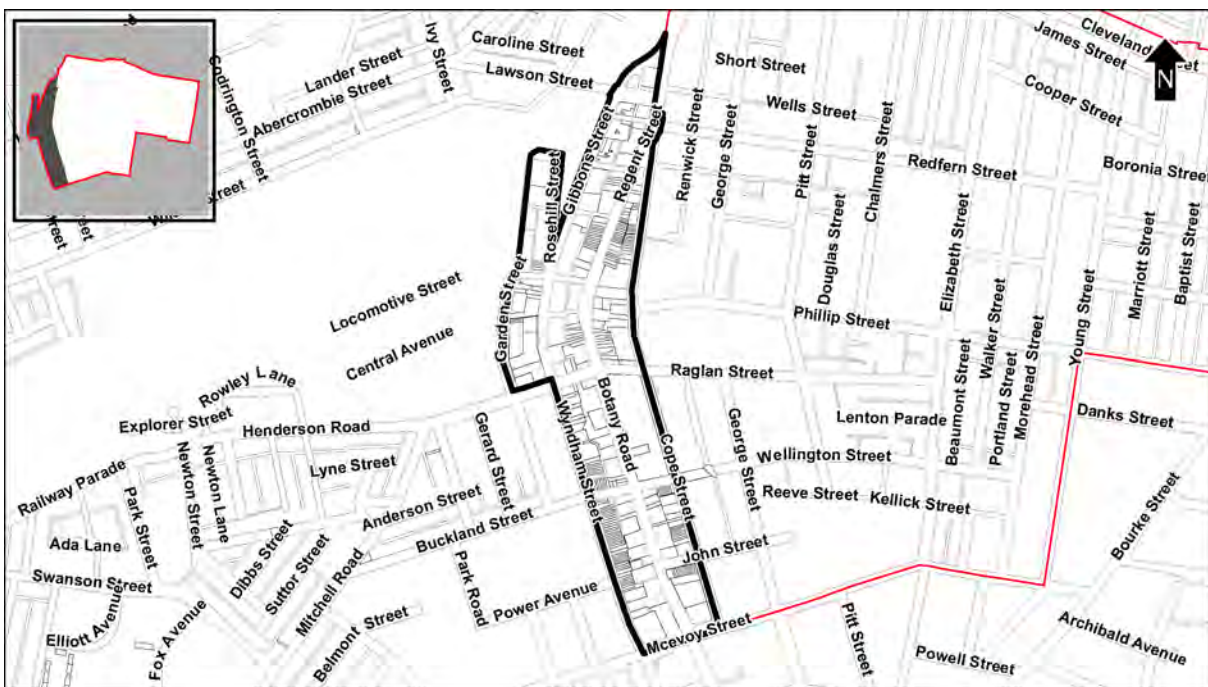
Principles

- (a) Development must achieve and satisfy the outcomes expressed in the character statement and supporting principles.
- (b) Development is to respond to and complement heritage items and contributory buildings within heritage conservation areas, including streetscapes and lanes.
- (c) Protect and enhance views from Phillips, Gerard and Garden Streets to Alexandria Park.
- (d) Retain and restore traditional strip retail buildings to enliven streetscape.
- (e) Retain the fine grained residential subdivision pattern by not permitting further amalgamation of lots;
- (f) Retain the predominantly low scale of built form (one to two storeys) and the consistency of building types including setbacks and building alignments;
- (g) Protect the visual appreciation of heritage and contributory items by designing infill to respond to height, massing, predominant horizontal and vertical proportions of existing buildings as well as design elements of adjacent dwellings;
- (h) Ensure residential infill development has an active street address to enable the passive surveillance of the street;
- (i) Encourage vehicle access to lots from rear where possible; and
- (j) Encourage timber panel lift garage doors to better respond to the original character of timber rear fences.

(d) Replace the image in Section 2.13.8 Prince Alfred Park South as follows:



(e) Replace the image and text in Section 2.13.13 as follows:



This locality includes Regent Street and Botany Road from Redfern Station south to McEvoy Street, extending one block east to Cope Street and one block west to Wyndham Street. In the north it includes both sides of Gibbons Street, including Rosehill Street and Cornwallis Street. The land shown at Figure 1: Botany Road Precinct locality is identified as the Botany Road Precinct.

Botany Road Precinct is Gadigal Country and is one key part of the broader area referred to as Aboriginal Redfern, which also centres on The Block to the north of Redfern Station, Redfern Street to the east, and extends through the broader Redfern Waterloo area. This area has historical and contemporary significance for Aboriginal and Torres Strait Islander peoples, being

the site of civil rights movements, historical and current Aboriginal community controlled services, and the part of Sydney where many First Nations peoples moved from all over Australia.

New development in the area is to showcase “Connecting with Country” design and consultation approaches, acknowledging and respecting Country as well as the social, cultural and civic rights history of Aboriginal Redfern.

Botany Road Precinct is a busy and noise-affected transport corridor, serving as the primary route for goods transport between Central Sydney, North Sydney and beyond to Sydney Airport, Port Botany and the industrial areas of Alexandria and Mascot. Waterloo Metro Station will serve as a catalyst for urban change in the Precinct, providing a high capacity public transport connection to Central Sydney, Marrickville, North Sydney and Macquarie Park and bringing in visitors and workers.

The Precinct will be an economic connector between higher order centres, including Central Sydney to the north, Green Square Town Centre to the south, the high technology employment hub of Australian Technology Park to the west, and North Sydney and Macquarie Park via Sydney Metro. It will also connect employment centres with local centres of Redfern Street and the future George Street within Waterloo Estate, providing additional daytime patronage and supporting the diversity and viability of these centres.

Additional development potential for non-residential uses and affordable housing is being provided to take advantage of the increased accessibility of the area afforded by the Metro station, other public transport improvements, a new retail centre planned at nearby Waterloo Estate and growth of the primary employment centres of Green Square Town Centre and the Australian Technology Park. This additional development potential for targeted land uses is crucial to achieving the objectives of the Camperdown-Ultimo Collaboration Area Place Strategy and the productivity priorities for City Fringe in the City’s Local Strategic Planning Statement.

To take advantage of the proximity to local services and transport options, the provision of housing may be appropriate where it does not conflict with or restrict delivery of commercial and non-residential development.

Regent Street will continue to grow as an extension of the Redfern Street centre, with improvements to the public domain and lowering of main road traffic activity contributing to it becoming a more comfortable retail street. The original Victorian and Federation subdivision and terrace groups will be maintained, and any new development will respond to heritage items and respect the existing fine- and medium-grain pattern.

As the Precinct develops and changes it will better balance the movement function of the road network with its place function, providing a more comfortable and attractive space for people to work and visit. The one-way pairing of Regent Street and Gibbons Street will be replaced with two way streets, speed limits will be lowered and additional crossings will be introduced. New laneways and through-site links will be delivered, providing a continuous mid-block laneway network and increasing walkable connections.

Principles

Development must achieve and satisfy the outcomes expressed in the locality statement and supporting principles below.

Development in Botany Road Precinct is to:

- (a) Showcase “Connecting with Country” approaches in line with the framework published by the Government Architect NSW.
- (b) Maximise the presence, visibility and celebration of First Nations organisations, businesses and cultures.
- (c) Reflect the rich social, cultural and civic rights history of “Aboriginal Redfern” alongside pre-1788 local Aboriginal histories.
- (d) Ensure sensitive uses are protected from noise and pollution impacts from major roads, including consideration for future planned changes to the road network.

- (e) Contribute to the emerging Camperdown-Ultimo Collaboration Area with employment generating uses and floor space.
- (f) Meet the needs of the growing Redfern and Waterloo area with floor space for jobs and services.
- (g) Incentivise provision of affordable housing that meets the diverse housing needs of the local community.
- (h) Ensure residential uses do not impede the delivery and operation of current and future employment generating land uses.
- (i) Contribute to a main street character with fine and medium-grain development patterns on Regent Street with multiple shopfronts and business entries.
- (j) Provide opportunities for commissioned and informal public art on Regent Street, including window displays, front facades and secondary frontages on side streets.
- (k) Contribute to a comfortable and safe pedestrian connection between McEvoy Street and the Waterloo Metro Station, especially at night time, through ground floor entertainment uses, night time activity, visible lobbies, passive lighting and public art installations on Botany Road.
- (l) Deliver lively active corners at key intersections with Botany Road, including McEvoy Street, Buckland Street and Henderson Road.
- (m) Provide a transition to the quiet, low density residential area of Alexandria Park Heritage Conservation Area.
- (n) Improve pedestrian access to key public transport nodes of Redfern Station, Waterloo Metro Station and the bus interchange with through-block permeability, active frontages on key pedestrian routes, maintaining sight-lines and wayfinding.
- (o) Prioritise pedestrian movement on Botany Road by moving driveways and servicing to a new rear lane network.

Appendix 2

(f) Update Figure 5.1 to show the Figure provided below:

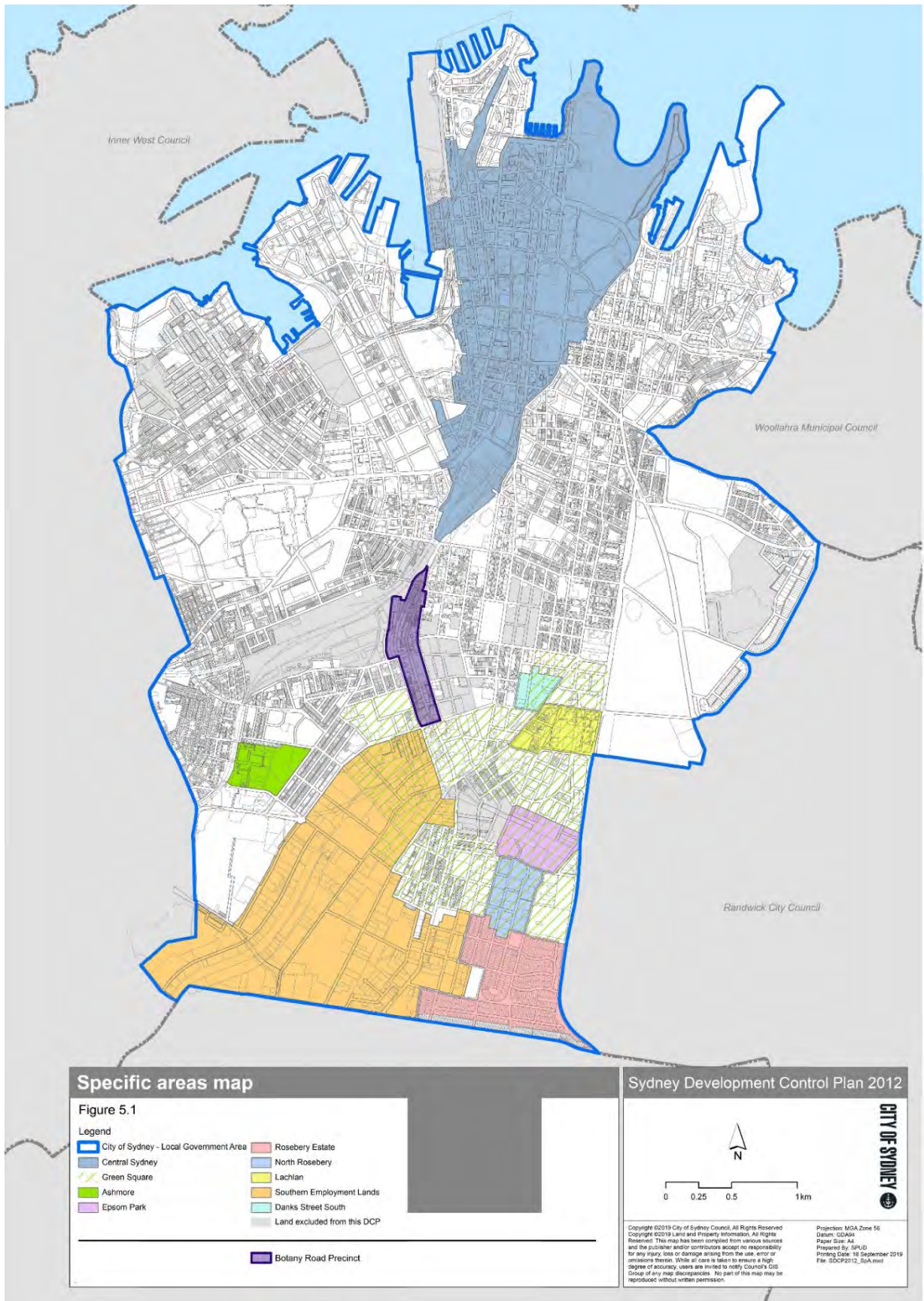


Figure 5.1 Specific Areas map

Appendix 3

5.X Botany Road Precinct

This section applies to the land identified as Botany Road Precinct (the Precinct) in Figure 5.1 Specific Areas map. It should be read in conjunction with:

- other requirements of this DCP; and
- the locality statement and principles in section 2.13.13 Botany Road Precinct.

Where land is also located in the Precinct, as well as in Green Square (and therefore subject to section 5.2), both sections of the DCP apply. Where there is an inconsistency between section 5.2 and this section, this section applies to the extent of the inconsistency.

5.X.1 General

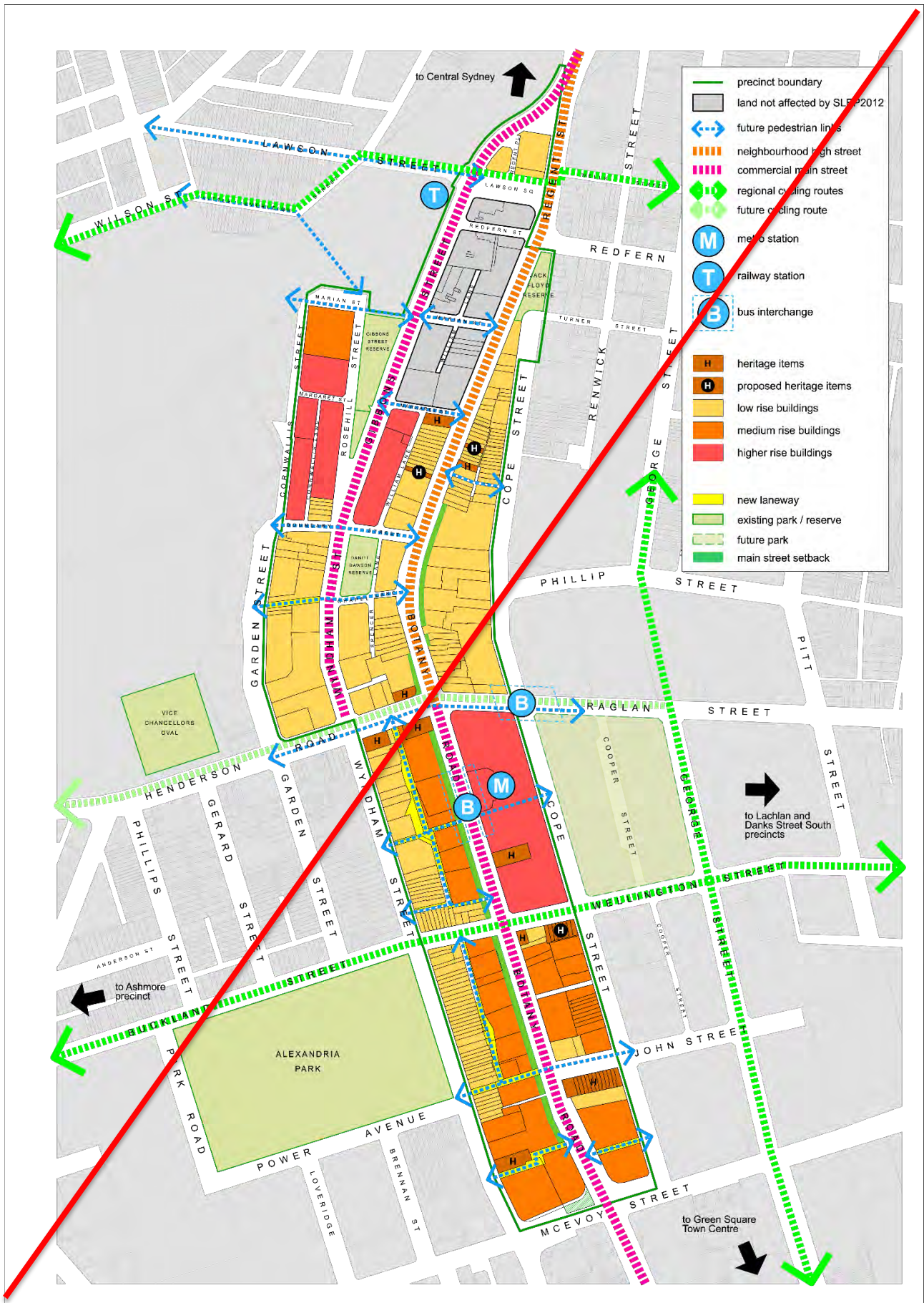
Objectives

- (a) Provide a cohesive urban strategy for future development within the Precinct.

Provisions

- (1) Development is to be in accordance with the locality statement at section 2.13.13 and supporting principles for the Botany Road Precinct.
- (2) Development is to be in accordance with Figure 1 Botany Road Precinct Urban Strategy.

Draft Sydney Development Control Plan 2012 – Botany Road Precinct



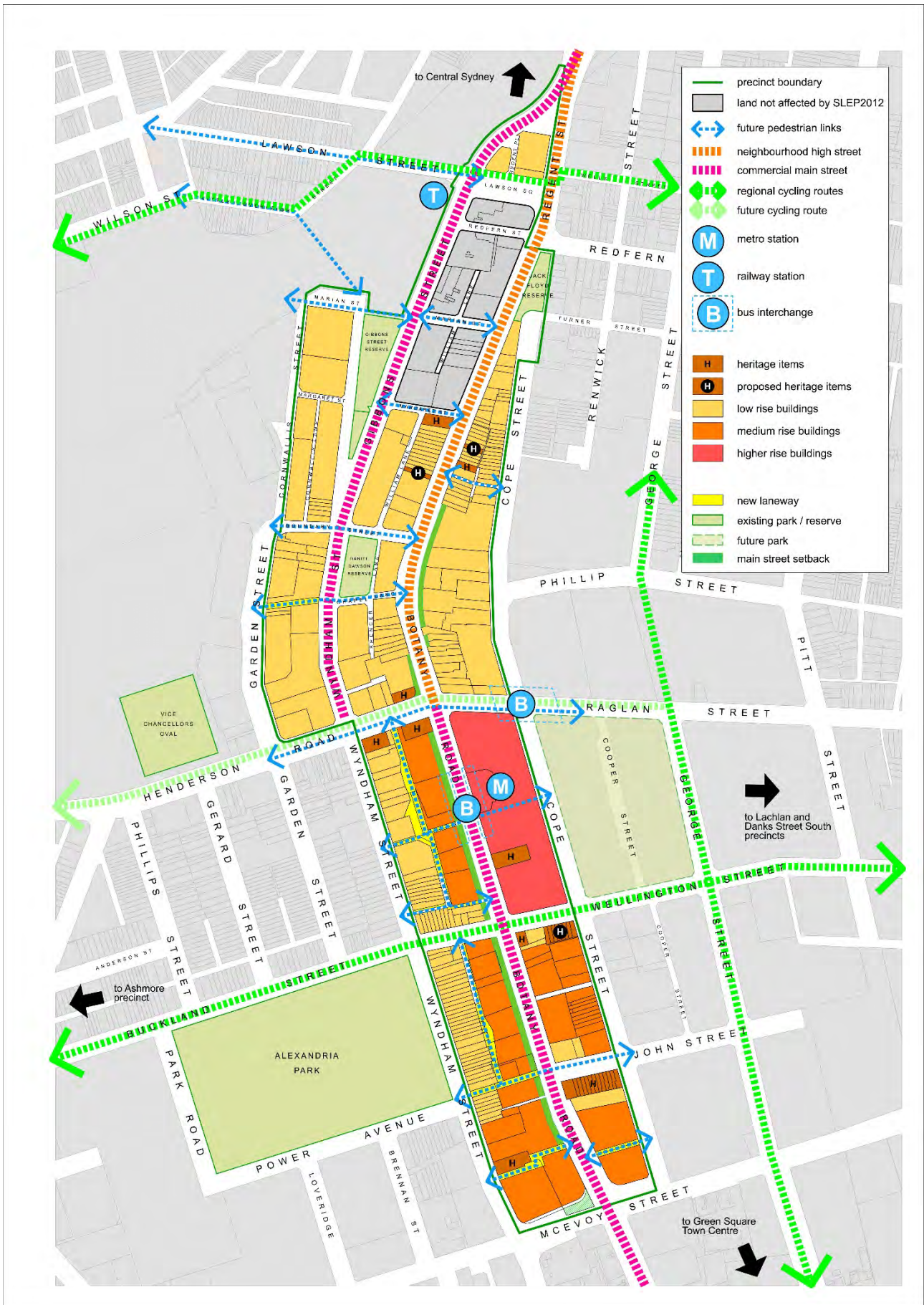


Figure 1 Botany Road Precinct Urban Strategy

5.X.2 Land use

The Precinct is an area in transition and will evolve into a vibrant commercial precinct, supporting a diverse range of businesses and employment generating land uses. Housing, including affordable housing, is supported where it can provide amenity for residents, does not impede delivery of employment floorspace on adjoining lots or disrupt the continuous commercial environment at ground level.

5.X.2.1 Land-use diversity

Objectives

- (a) Maintain and reinforce the primacy of commercial and business uses in the Precinct.
- (b) Facilitate diversity in the land-use mix.
- (c) Retain and enhance the presence and visibility of Aboriginal and Torres Strait Islander peoples, businesses and organisations.

Provisions

- (1) A diverse range of commercial and business land uses are encouraged within the Precinct.
- (2) Development comprising residential uses is permitted where it does not undermine the employment generating function of the Precinct.
- (3) Entertainment uses are encouraged to locate on Botany Road and Gibbons Street.
- (4) Development on sites with services, businesses or dwellings that are important to Aboriginal and Torres Strait Islander communities is encouraged to enable those to remain within the Precinct during and after construction.

5.X.2.2 Mixed-use development

Objectives

- (a) Facilitate the delivery of housing so it is complementary to a range of non-residential uses.
- (b) Ensure development comprising residential uses does not impact on the ability of adjoining sites to develop for a range of employment generating uses.
- (c) Ensure sensitive uses, including residential uses, are protected from noise and/or air quality impacts from major road corridors and surrounding employment and entertainment uses.

Provisions

5.X.2.2.1 General

- (1) Development comprising residential uses must mitigate noise and pollution impacts of major roads.
- (2) Habitable rooms in apartments are to be naturally ventilated.
- (3) In meeting the requirements of section 4.2.5.3 'Development on busy roads and active frontages' development must consider possible future changes to the road network, including the potential reintroduction of two-way traffic on Gibbons Street and Regent Street.
- (4) Any noise and air quality assessment must consider the displacement of traffic that may result from the conversion of Regent Street to a two-way single lane of traffic in each direction.
- (5) For development on Botany Road and Regent Street, noise impact assessments must take into consideration possible future non-residential land uses, including entertainment uses, on the ground and first floor and on adjoining lots.
- (6) For residential development on Botany Road, Wyndham Street, Cope Street, Gibbons Street or Regent Street, dwellings are to receive solar and daylight access from the primary street frontage and not from a laneway, side, rear or interior facing façade.

5.X.2.2.2 Affordable housing

Definitions

Affordable housing has the same meaning as the *Environmental Planning and Assessment Act 1979*.

Aboriginal and Torres Strait Islander housing is housing occupied by Aboriginal or Torres Strait Islander peoples.

Culturally appropriate housing is housing that is designed in consultation with the occupier/s so that it is suited to their specific needs.

Objectives

- (a) Ensure affordable housing is provided in accordance with the principles of the City of Sydney Affordable Housing Program.
- (b) Ensure affordable housing meets the needs of the local community.

Provisions

- (1) 10 per cent or more of the total number of dwellings in affordable housing developments is to be provided for Aboriginal and Torres Strait Islander housing.
- (2) Aboriginal and Torres Strait Islander housing is to be culturally appropriate housing.
- (3) Affordable housing must be provided in accordance with the City of Sydney Affordable Housing Program adopted by Council on 24 August 2020.

5.X.2.3 Ground and first floor uses, active frontages and awnings

This section is to be read in conjunction with the provisions in section 3.2.3 Active frontages and section 2.3.4 Awnings of this DCP.

Objectives

- (a) Ensure street frontages are active and create interest at the street level.
- (b) Ensure the needs of workers are met with supporting retail, services and food and drink premises.
- (c) Facilitate safe and comfortable pedestrian environments, including protection from direct sun, rain and wind, and passive surveillance.

Provisions

- (1) Ground floor and first floor uses are to be in accordance with Figure 2 Ground Floor Uses.
- (2) Ground floor uses fronting Botany Road and Regent Street are to provide windows and entrances to provide passive surveillance of the public domain and indirect lighting at night time.
- (3) Large signs and other elements at ground level that block views into ground floor tenancies must not occupy more than 15% of any glazed areas.
- (4) Sites identified in ~~Figure 3 Active Frontages~~ **the Active street frontages map** must give consideration to managing flooding and stormwater impacts while maintaining an active frontage with minimal setbacks and direct street access.
- (5) Continuous awnings are to be provided in accordance with ~~Figure 4 Awnings~~ **the Footpath, awnings and colonnades map**.

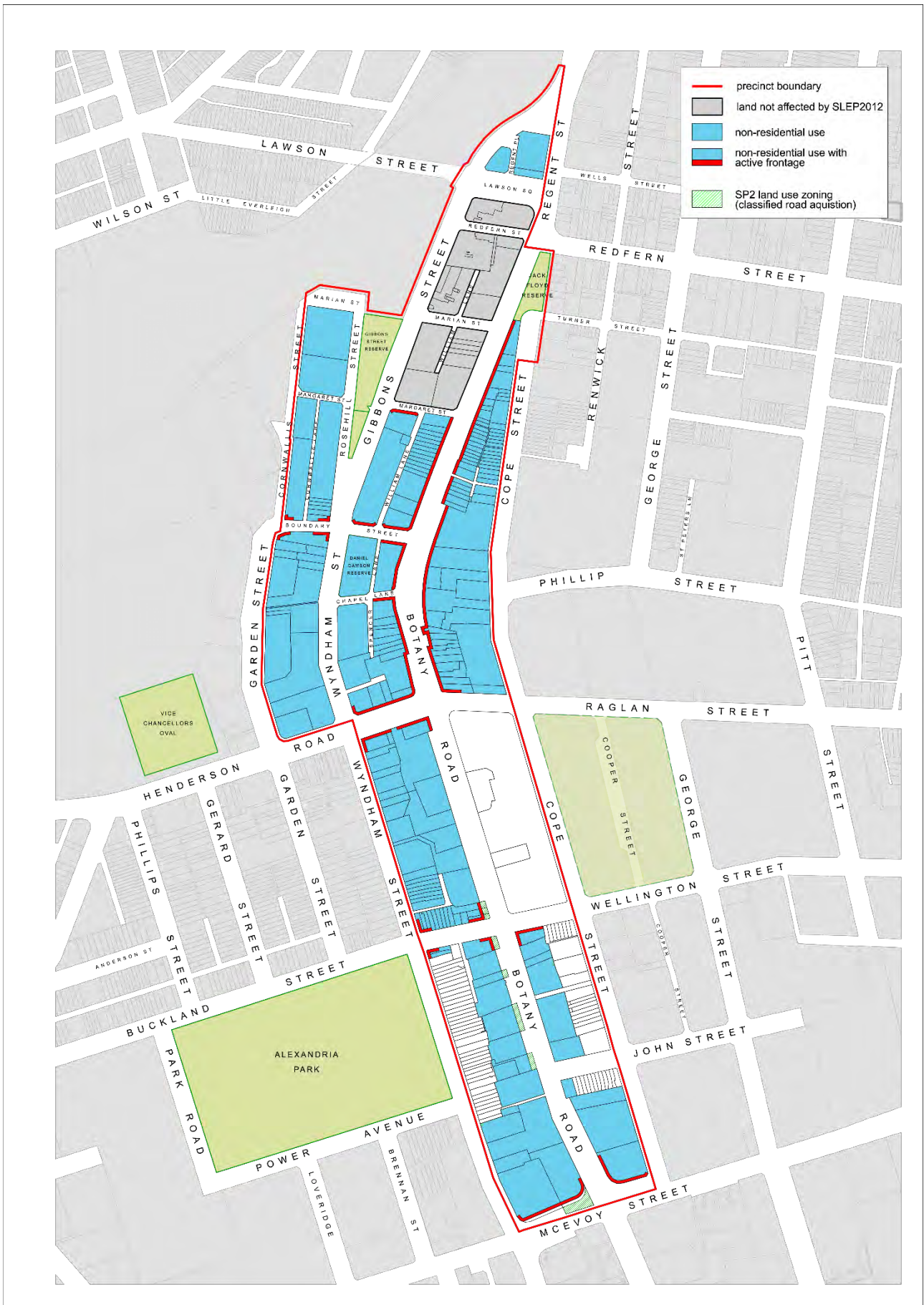


Figure 2 Ground Floor Uses

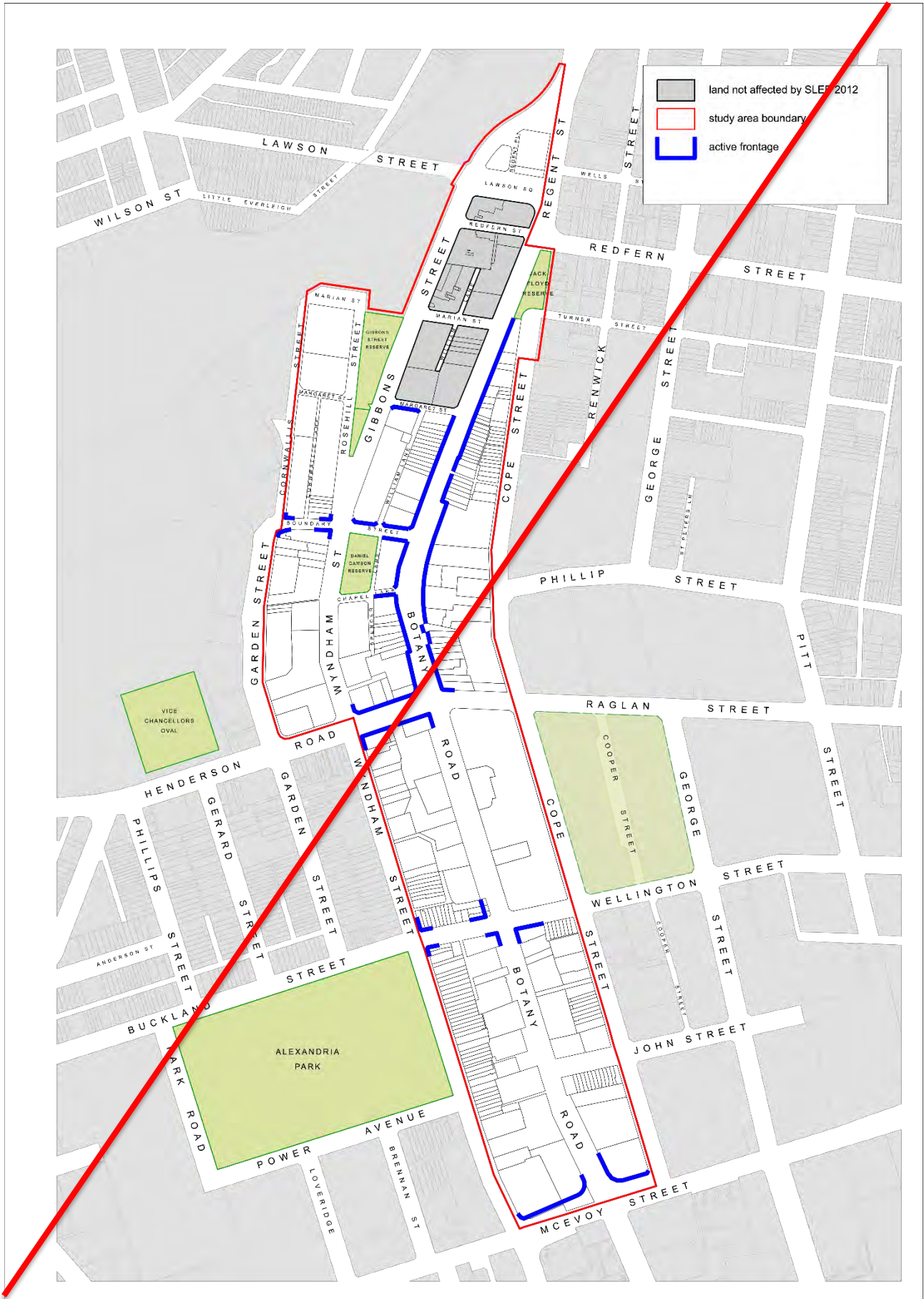


Figure 3 Active Frontages

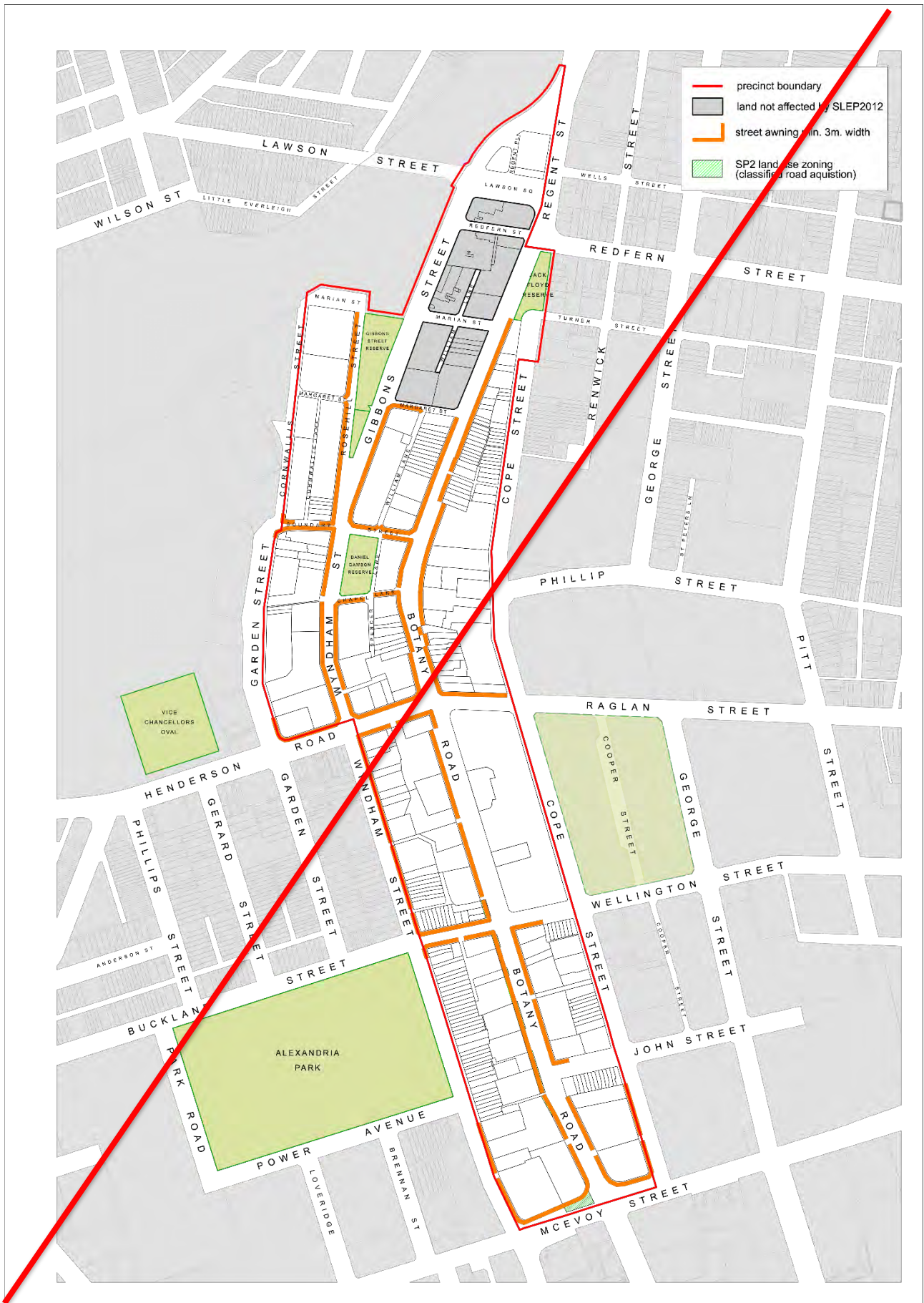


Figure 4 Awnings

5.X.2.4 Managing change

Objectives

- (a) Ensure existing built form and land uses do not unreasonably constrain growth and change in the Precinct.
- (b) Ensure development comprising residential uses does not constrain non-residential development potential.

Provisions

- (1) Section 4.2.9 'Non-residential development in the B4 Mixed Uses zone' does not apply to development in the Precinct.
- (2) Any development comprising residential uses is not to impact on the potential of adjoining sites to be developed for a non-residential purpose.
- (3) Amenity requirements for visual privacy, solar and daylight access and natural ventilation for development comprising residential uses must be satisfied within the development site, without requiring building separation or design restrictions on future development on adjoining sites.
- (4) Any development comprising residential uses cannot rely on an existing or future form of development on adjoining sites that is not consistent with the development outcomes of this DCP to achieve amenity outcomes.
- (5) Amenity impacts that may arise from non-residential development on existing or possible future residential development, such as loss of daylight or sunlight access, acoustic privacy or visual privacy, are to be considered in the context of the locality statement and objectives for the Precinct.

5.X.3 Movement and local infrastructure

Objectives

- (a) Interpret the pre-colonial function of Botany Road as a key walking track.
- (b) Create a walkable and pedestrian friendly street network to improve connectivity between sites within the Precinct and with nearby centres, residential areas, other employment zones and open space.
- (c) Deliver a continuous laneway network to facilitate rear building servicing and vehicle access.
- (d) Prevent driveways and car park entries on main roads.
- (e) Increase visibility of, and access to, key public transport nodes.
- (f) Encourage sustainable transport modes over private car usage.
- (g) Increase permeability of large street blocks and reduce walking distances to key destinations.
- (h) Deliver canopy cover and greening within road corridors and reservations.
- (i) Extend and improve connections to the regional cycling network.

Provisions

5.X.4.1 Laneway network

- (1) Where required by Council, laneways are to be provided in accordance with ~~Figure 5 Streets and Lanes~~ **the Streets and lanes map**.
- (2) Where possible, laneways are to be designed to facilitate movement of medium rigid vehicles to enable loading and servicing of buildings.
- (3) Laneways that do not have footpaths are to be designed as shared zones to ensure pedestrian safety.
- (4) Where new laneways enable rear access to existing developments with vehicle access points from a primary street, conversion to laneway access is encouraged.

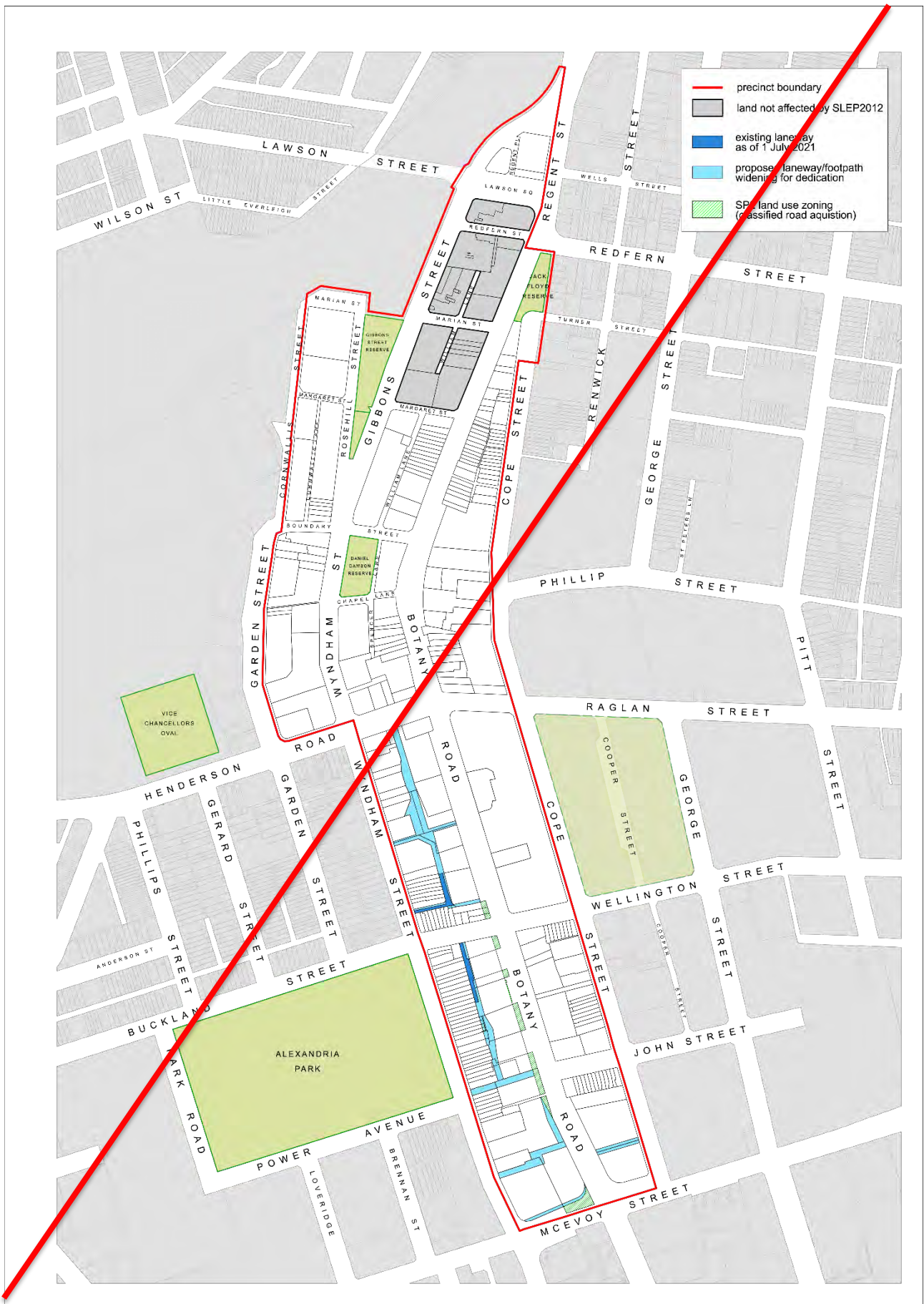


Figure 5 Streets and Lanes

5.X.4.2 Vehicle access and car parking

This section is to be read in conjunction with section 3.11.11 of this DCP.

- (1) Driveways and vehicle access points are not to be provided where shown on ~~Figure 6 Pedestrian Priority~~ *the Pedestrian priority map*.
- (2) Temporary vehicle access arrangements may be provided if a laneway identified in ~~Figure 5 Streets and Lanes~~ *the Streets and lanes map* will not provide access at the time of development completion.
- (3) Any temporary car park and/or service vehicle area must be designed to be capable of future conversion to vehicle access via the planned laneway, and for permanent closure of the temporary access arrangement.
- (4) The area used for temporary vehicle access arrangements must be capable of conversion to another use.
- (5) At grade off-street car parking is not permitted within the Precinct.
- (6) Development on a laneway must provide driveways, vehicle access, loading and servicing from the laneway.

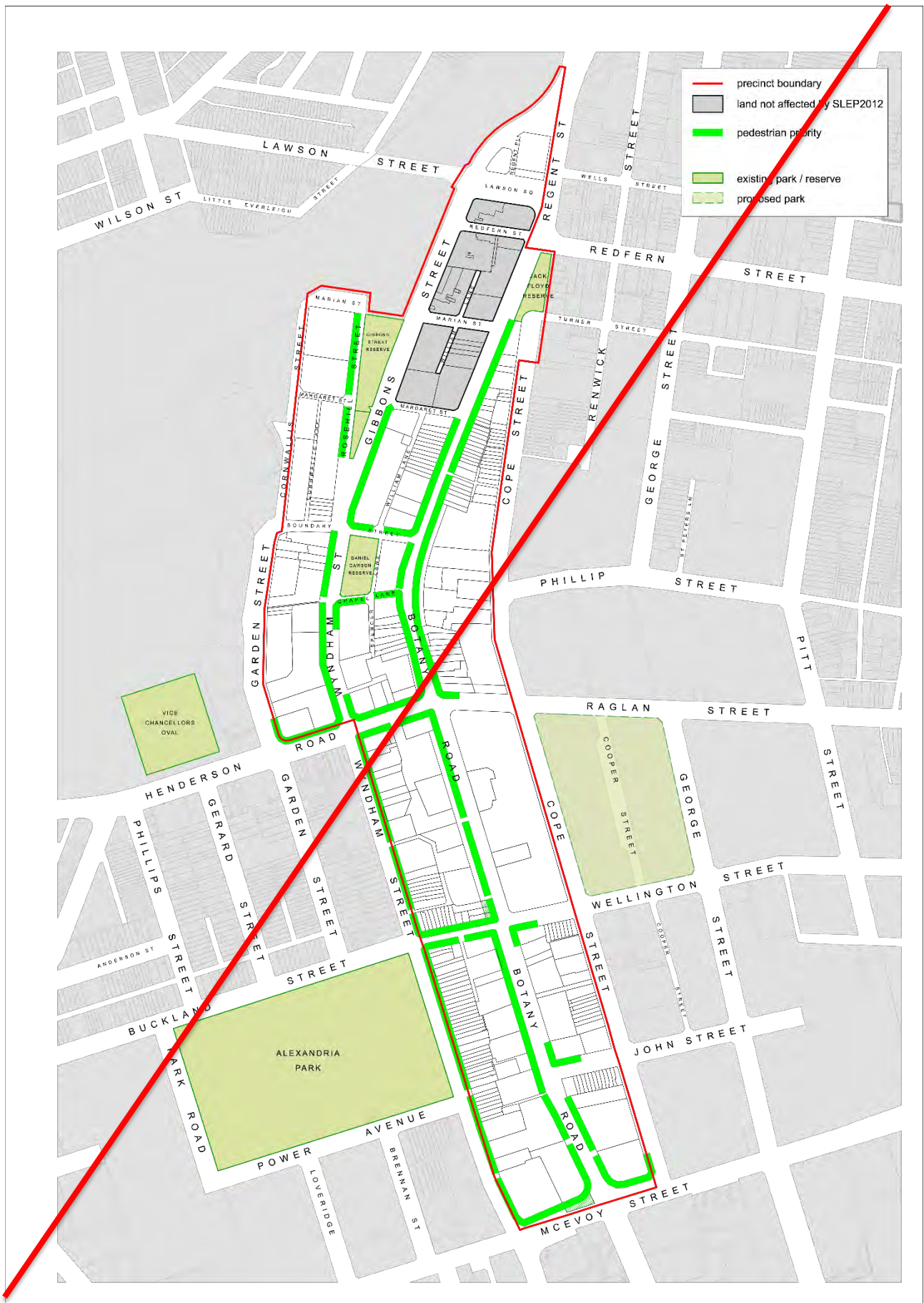


Figure 6 Pedestrian Priority

5.X.4.3 Streets

- (1) Street cross sections are to be generally in accordance with figures 73 to 1612 below.

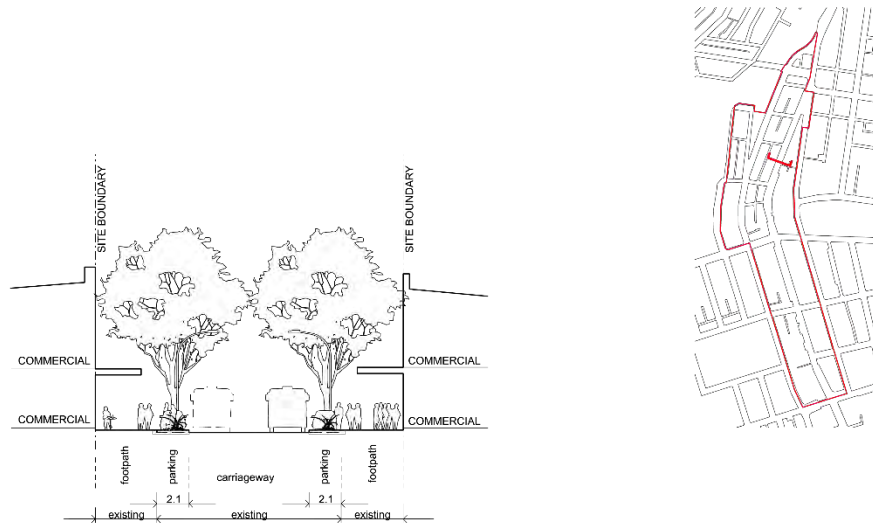


Figure 73 Street Cross Section - Regent Street



Figure 4 Street Cross Section – Rosehill Street

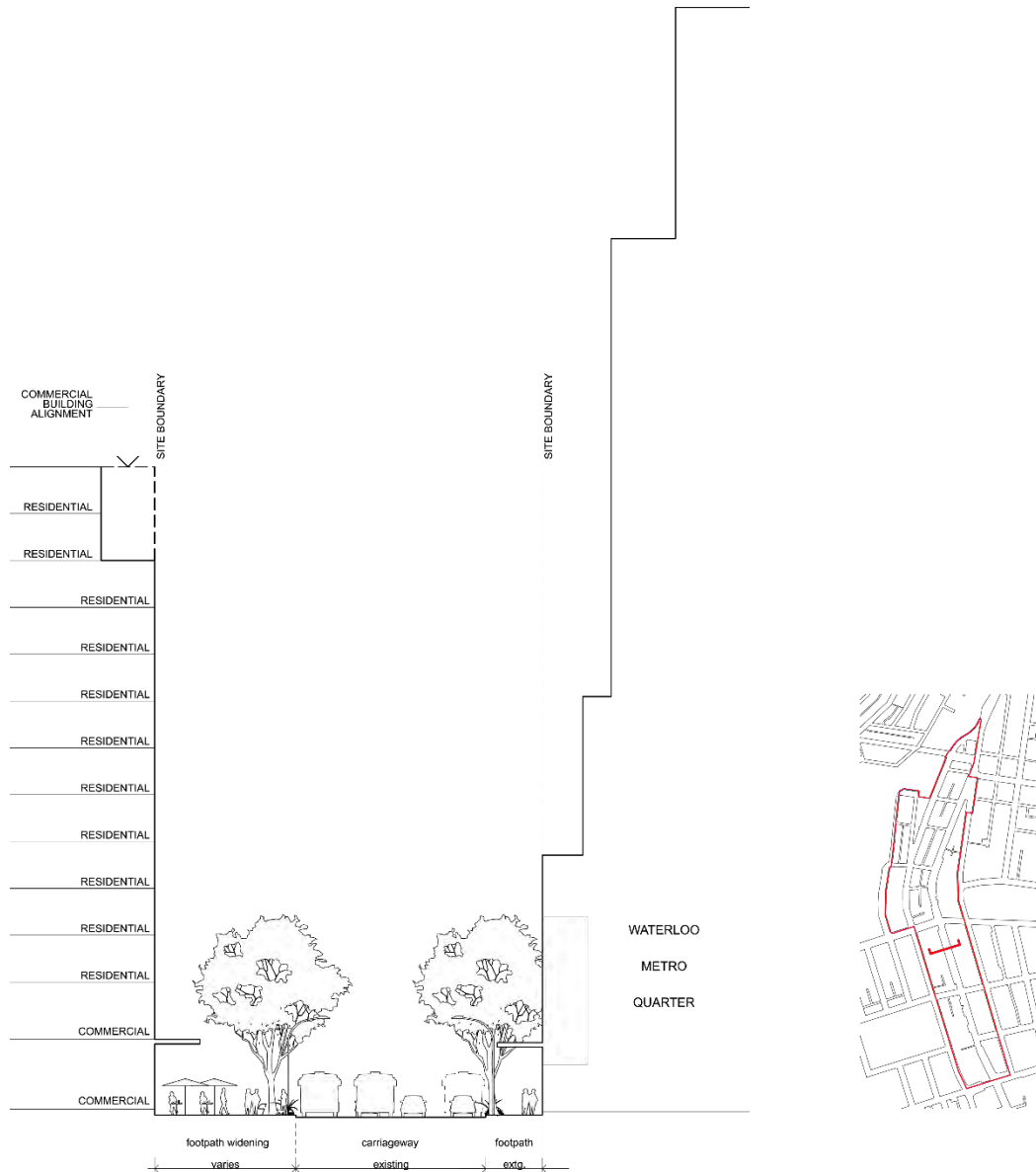


Figure 95 Street Cross Section - Botany Road (North)

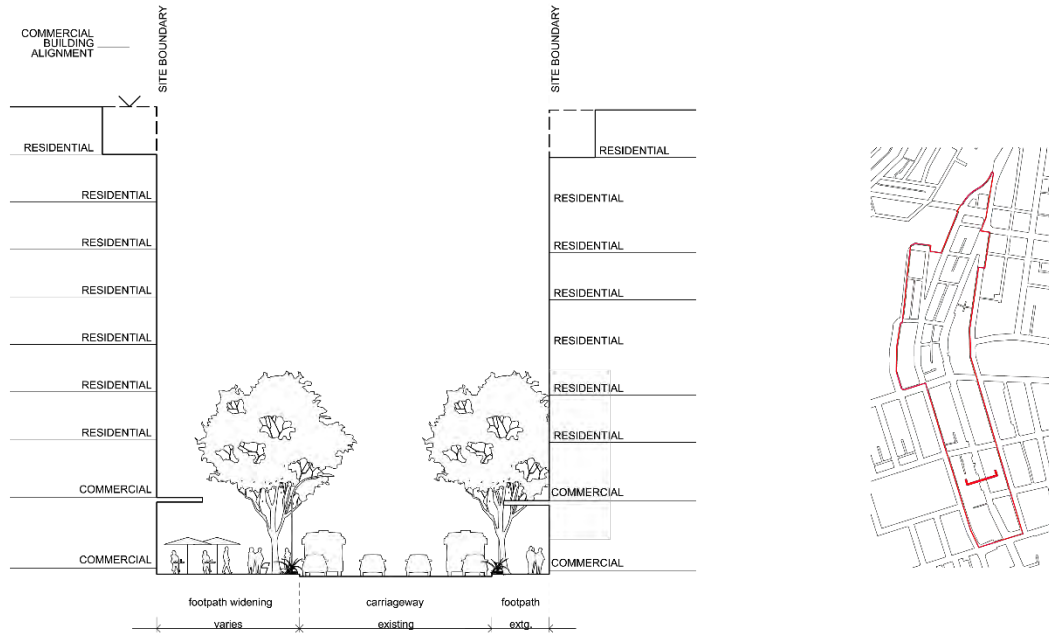


Figure 406 Street Cross Section - Botany Road (Mid)

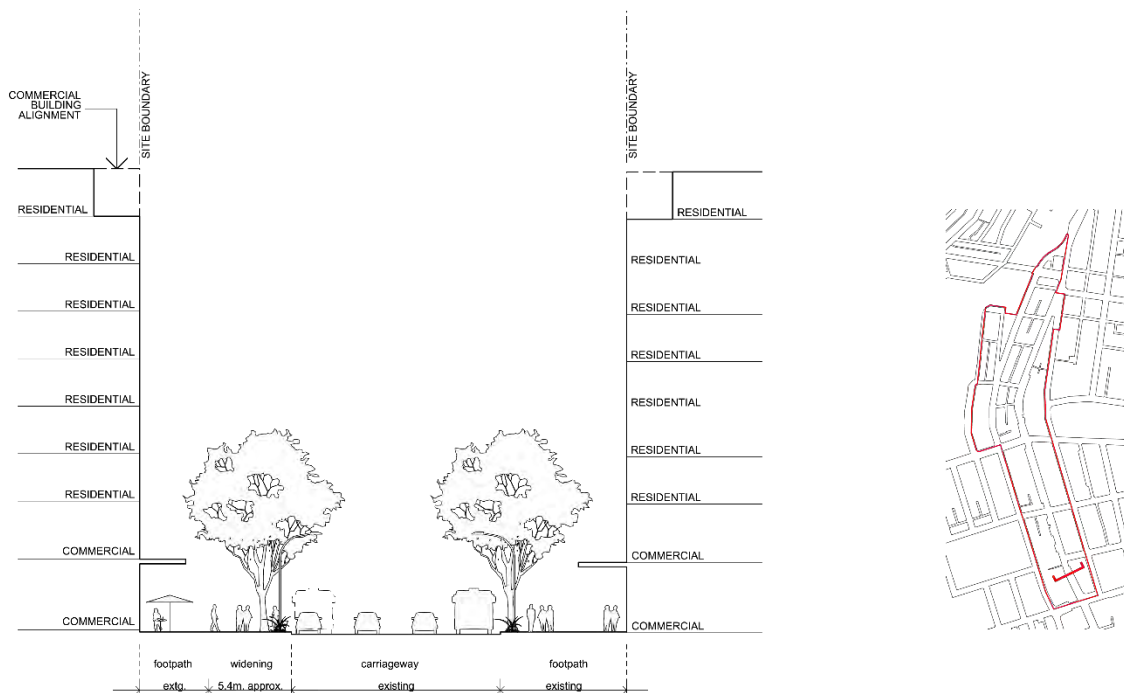


Figure 447 Street Cross Section - Botany Road (South)

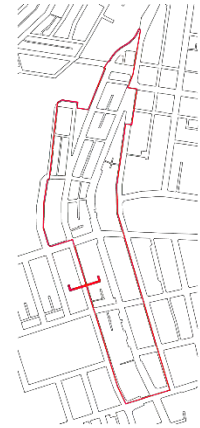
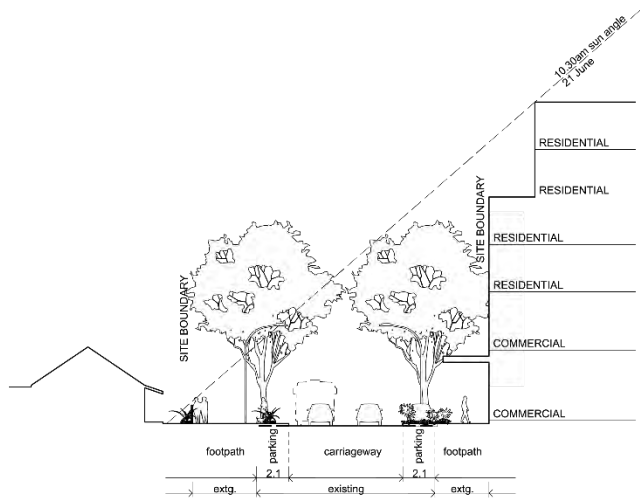


Figure 428 Street Cross Section - Wyndham Street (North)

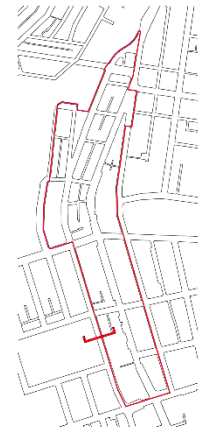


Figure 439 Street Cross Section - Wyndham Street (South)

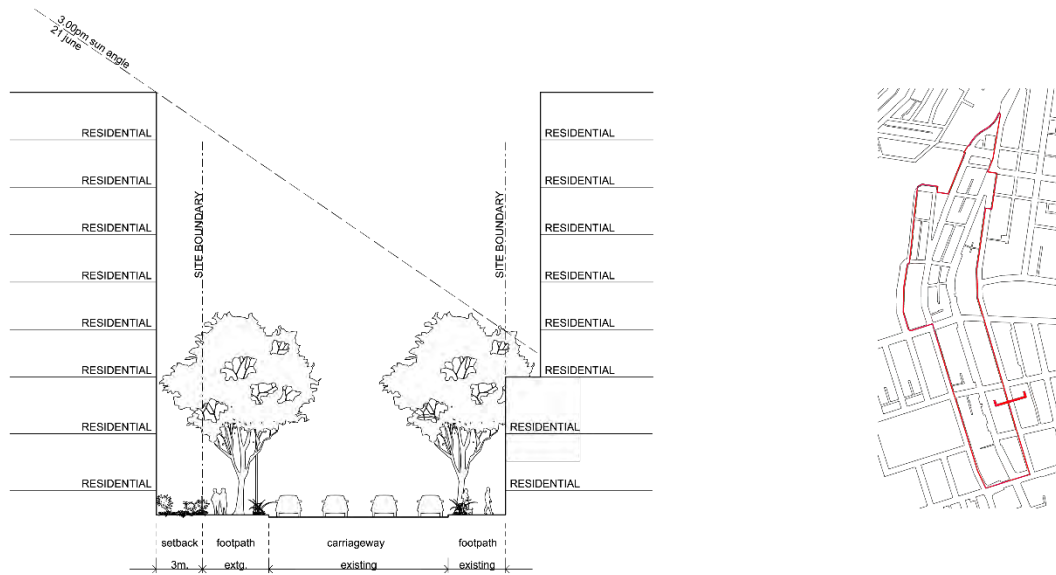


Figure 4410 Street Cross Section - Cope Street

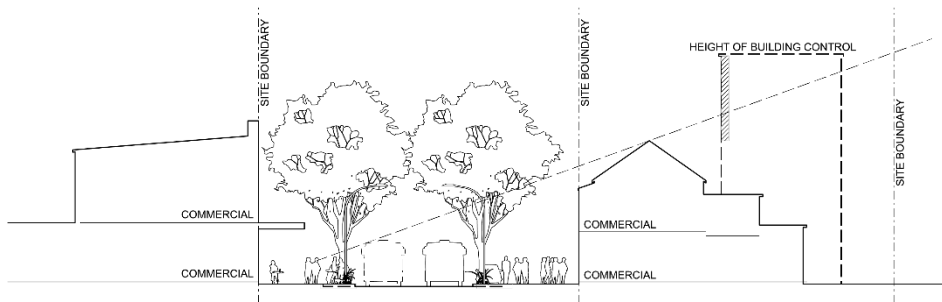


Figure 4511 Street Cross Section - Regent Street Additions (Pitched roofs)

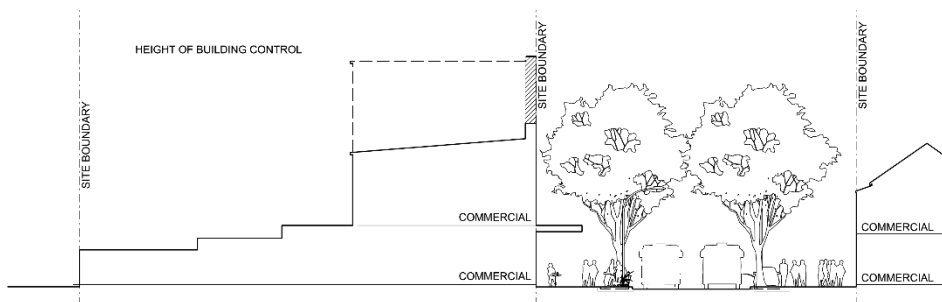


Figure 4612 Street Cross Section - Regent Street Additions (Parapets)

5.X.4.4 Design and use of SP2 zoned land

- ~~(1)~~ Any land that is identified for acquisition in the Sydney LEP 2012 is not to be included in the developable site area calculations and floor space ratio calculations.
- ~~(2)~~ (1) Development is generally not permitted on land that is identified for acquisition in the Sydney LEP 2012.
- ~~(3)~~ (2) Public domain works within SP2 zoned land is to underground utilities within the reservation as agreed with the consent authority and in a manner that facilitates tree planting and growth.

5.X.4 Building layout, form and design

5.X.4.1 Building heights

Objectives

- (a) Incentivise provision of employment floorspace and affordable housing in well located areas.
- (b) Ensure a high level of amenity at street level, enabling sunlight access to streets and a comfortable and safe wind environment.
- (c) Facilitate change and diversity in business activities through provision of flexible and adaptable spaces.
- (d) Ensure existing parks and open space are protected from excessive overshadowing from new development.
- (e) Provide landmark buildings on highly visible sites.

Provisions

- (1) Where development does not utilise incentive building heights available under clause X.X of Sydney LEP 2012, maximum height in storeys are to be in accordance with the *Building height in storeys map*.
~~[Public exhibition note: Figure 17 below is provided for public exhibition purposes only, and shows sites where this draft DCP will amend the *Building Height in Storeys map*.]~~
- (2) On Botany Road Precinct Opportunity Lands, where development utilises incentive building heights available under clause X.X of Sydney LEP 2012:
 - a. where development comprises residential uses, maximum height in storeys are to be in accordance with Figure 48~~13~~ Height in Storeys - Residential (Affordable Housing); or
 - b. where development comprises no residential uses, maximum height in storeys are to be in accordance with Figure 49~~14~~ Height in Storeys - Non-residential.
- (3) Notwithstanding clause (1) and (2), development is to minimise overshadowing to parks and other identified open space in Figure 1 Botany Road Precinct Urban Strategy between 10 am and 2pm at the winter solstice.
- (4) Where development does not utilise incentive building heights available under clause X.X of Sydney LEP 2012, development is to provide minimum floor-to-floor heights of:
 - a. Ground floor and first floor: 3.7 metres
 - b. Second floor and above: 3.1 metres
- ~~(5) On sites identified as "Area A" in Figure 19 Height in Storeys - Non-residential, where development utilises incentive building heights available under clause X.X of Sydney LEP 2012, development is to provide minimum floor-to-floor heights of:~~
 - ~~a. Ground floor: 4.6 metres~~
 - ~~b. First floor: 4.4 metres~~
 - ~~c. Second floor and above (non-residential uses): 3.8 metres~~
 - ~~d. Second floor and above (residential uses): 3.1 metres~~

- (6) ~~On all other Botany Road Precinct Opportunity Lands, w~~Where development utilises incentive building heights available under clause ~~X.X~~ of Sydney LEP 2012, development is to provide minimum floor-to-floor heights of:
- a. Ground floor: 4.6 metres
 - b. First floor: 3.8 metres
 - c. Second floor and above (non-residential uses): 3.6 metres
 - d. Second floor and above (residential uses): 3.1 metres.

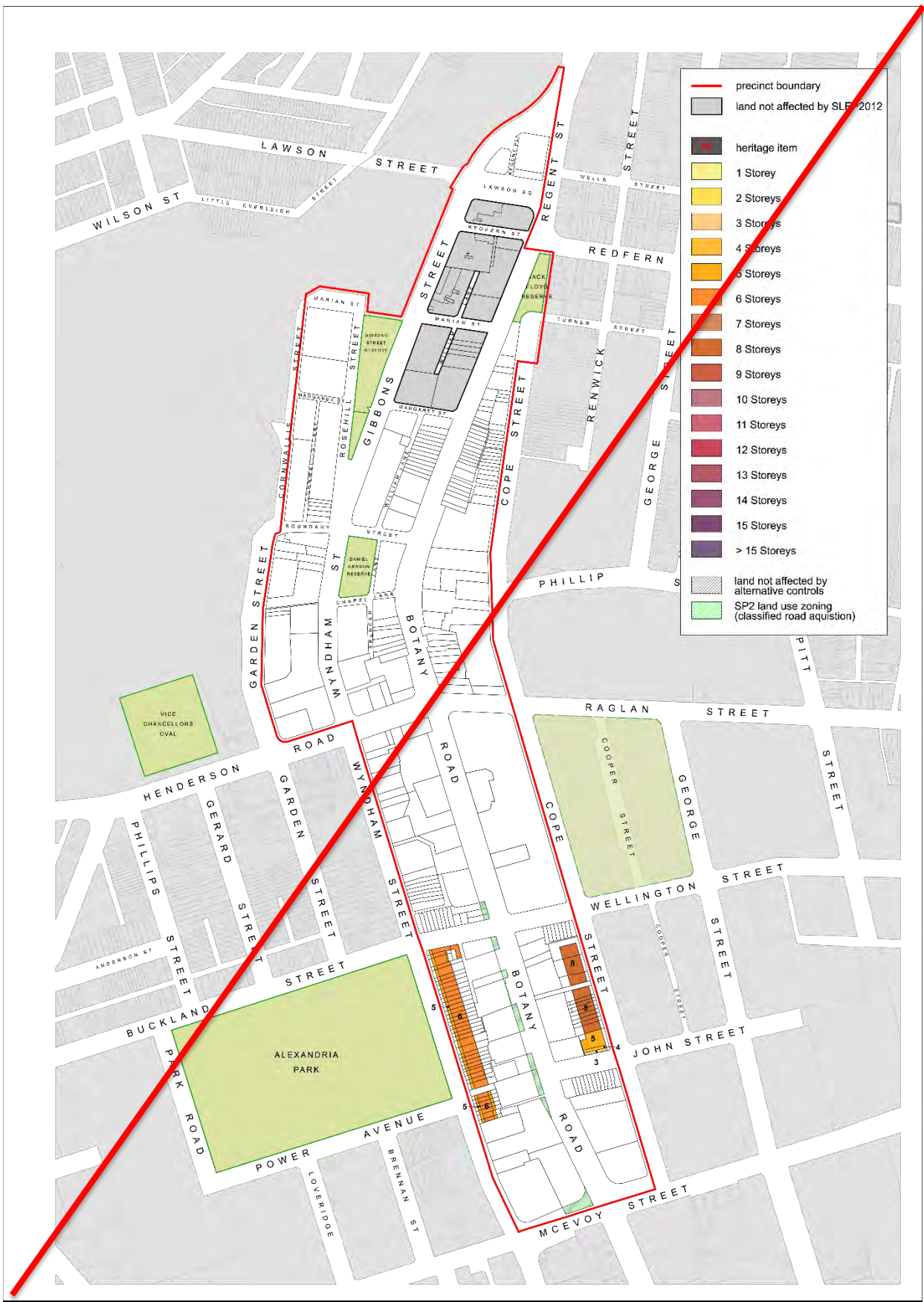
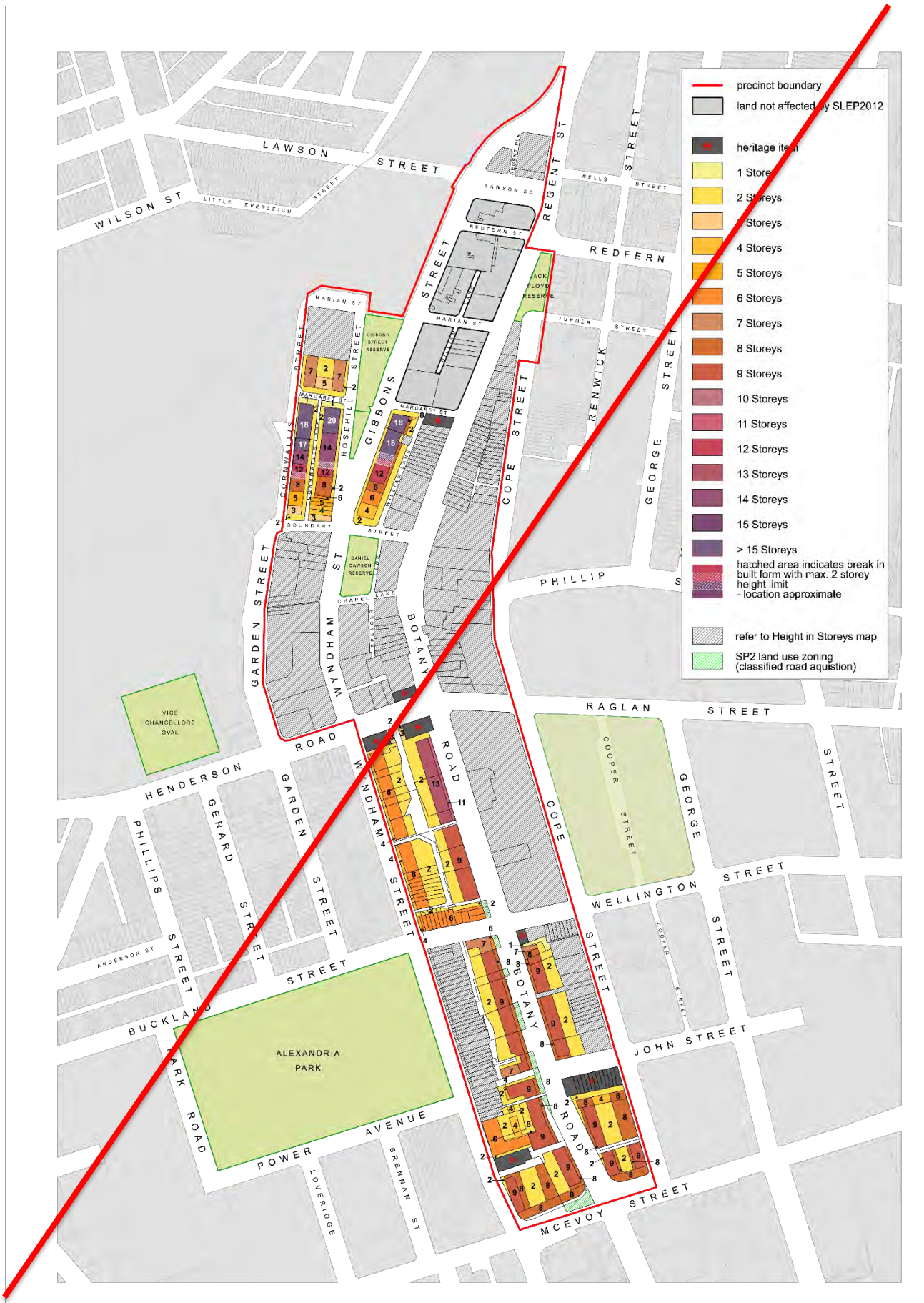


Figure 17 Height in Storeys – for public exhibition purposes only

[Public exhibition note: Figure 17 is provided for public exhibition purposes only, and shows sites where this draft DCP will amend the Height in Storeys map.]

Draft Sydney Development Control Plan 2012 – Botany Road Precinct



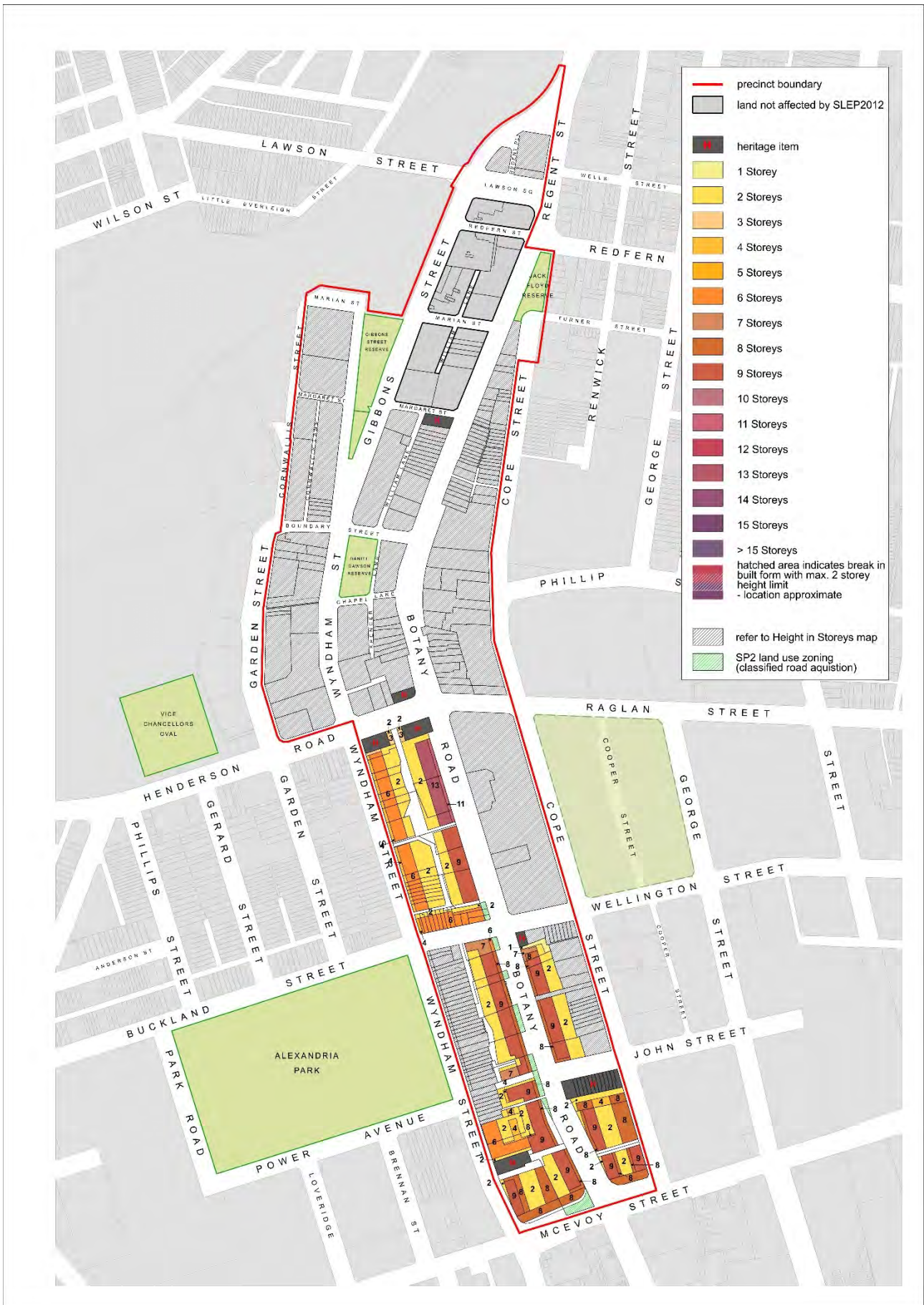
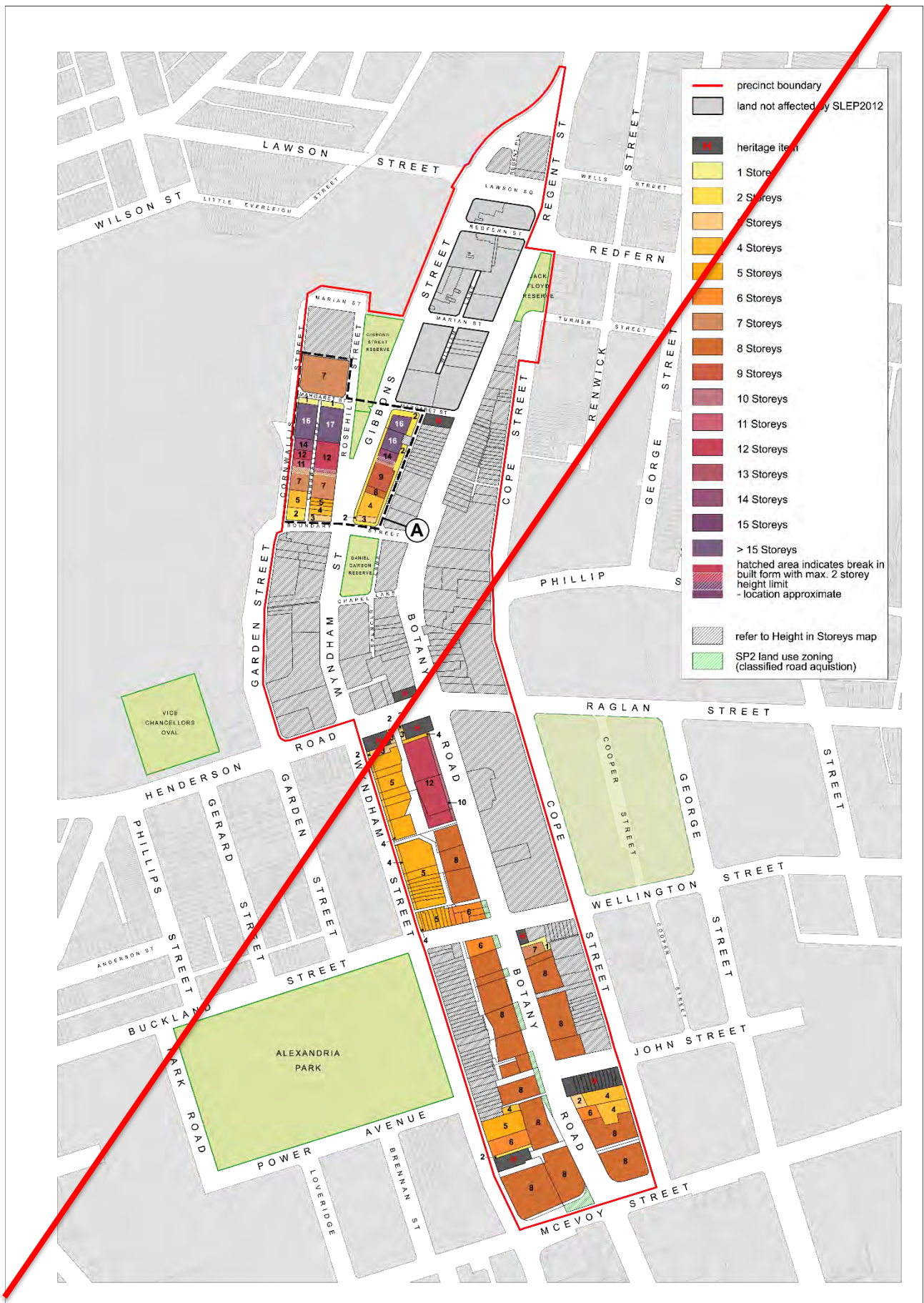


Figure 4813 Height in Storeys where incentive heights are utilised - Residential (Affordable Housing)

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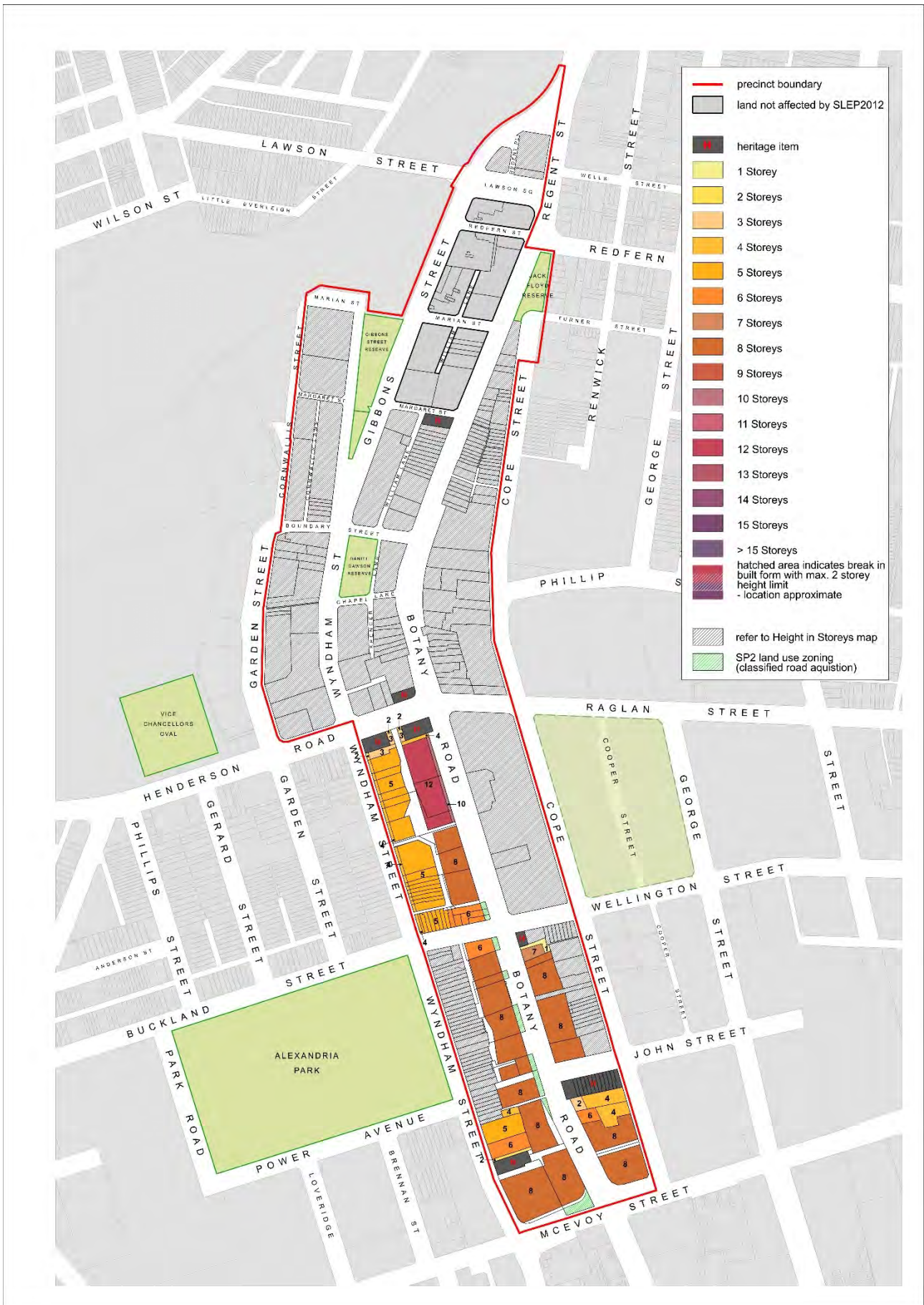


Figure 4914 Height in Storeys where incentive heights are utilised - Non-residential

5.X.4.2 Building alignment and setbacks

Objectives

- (a) Establish appropriate street wall heights and horizontal articulation.
- (b) Ensure setbacks are provided to transition to nearby heritage items and heritage conservation areas.

Provisions

- (1) Primary setbacks are to be provided in accordance with the *Building Setback and Alignment map* and the *Public domain setbacks map*.
~~[Public exhibition note: Figure 20 below is provided for public exhibition purposes only, and shows sites where this draft DCP will amend the *Building Setback and Alignment map*.]~~
- (2) Where development does not utilise incentive building heights available under clause X.X of Sydney LEP 2012, upper level setbacks are to be in accordance with the *Building Setback and Alignment map* and *Building Street Frontage Height in Storeys map*.
~~[Public exhibition note: Figure 21 below is provided for public exhibition purposes only, and shows sites where this draft DCP will amend the *Building Setback and Alignment map* and *Building Street Frontage Height in Storeys map*.]~~
- (3) On Botany Road Precinct Opportunity Lands, where development utilises incentive building heights available under clause X.X of Sydney LEP 2012:
 - (a) where development comprises residential uses, upper level setbacks are to be in accordance with Figure 22~~15~~; or
 - (b) where development comprises non residential uses, upper level setbacks are to be in accordance with Figure 23~~16~~.
- (4) Where upper level setbacks are not identified in (2) or (3), buildings are to present a consistent street wall, with no upper level setback to the street frontage.
- (5) Sun shading devices to glazing on walls at the street alignment are permitted to project up to 0.6 metres beyond the building line subject to any required approval under the Roads Act 1997.



Figure 20 Primary Setbacks — for public exhibition purposes only

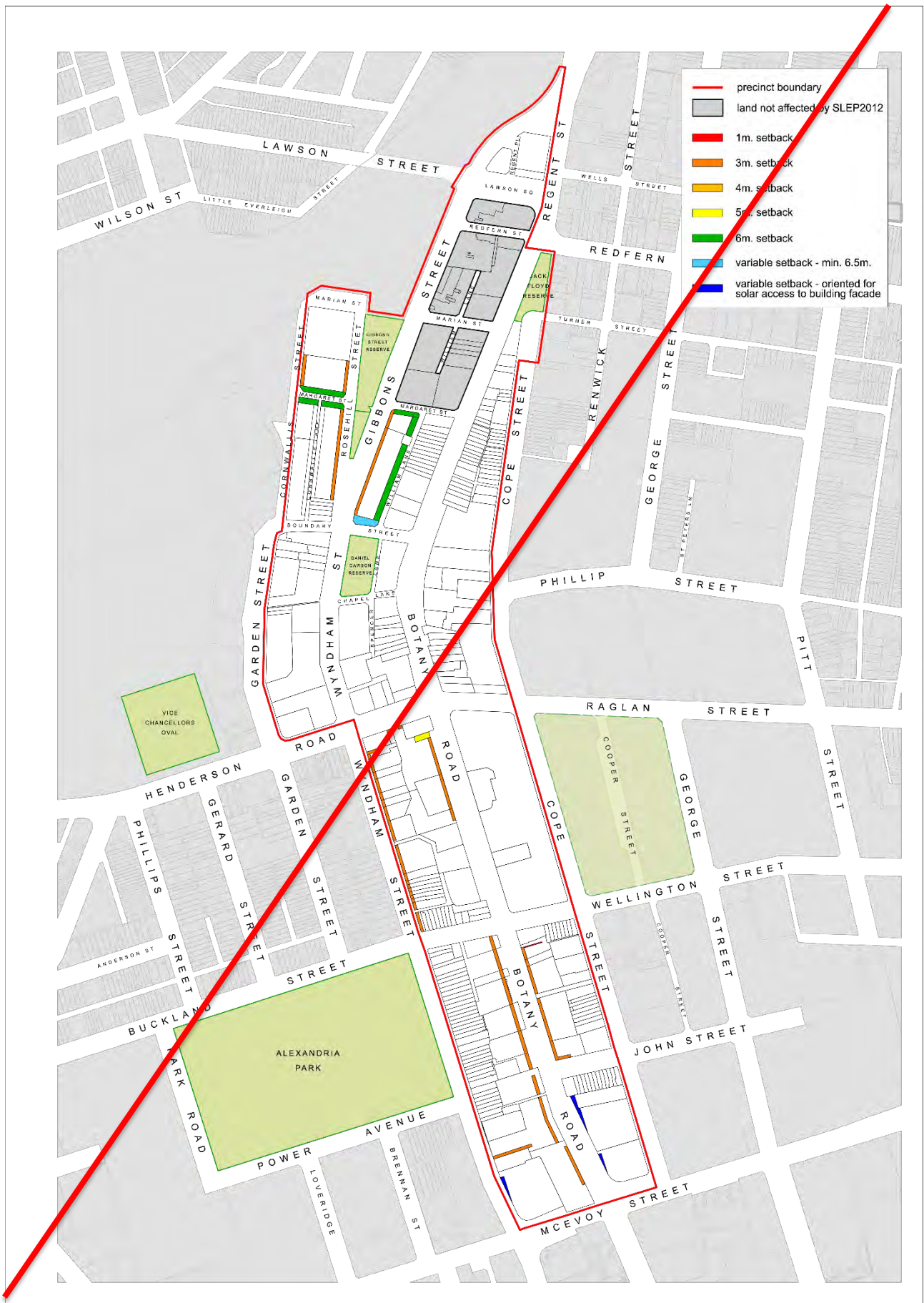
[Public exhibition note: Figure 20 is provided for public exhibition purposes only, and shows sites where this draft DCP will amend the *Building Setback and Alignment map*.]



Figure 21 Upper Level Setbacks — for public exhibition purposes only

[Public exhibition note: Figure 21 is provided for public exhibition purposes only, and shows sites where this draft DCP will amend the *Building Setback and Alignment map*.]

Draft Sydney Development Control Plan 2012 – Botany Road Precinct



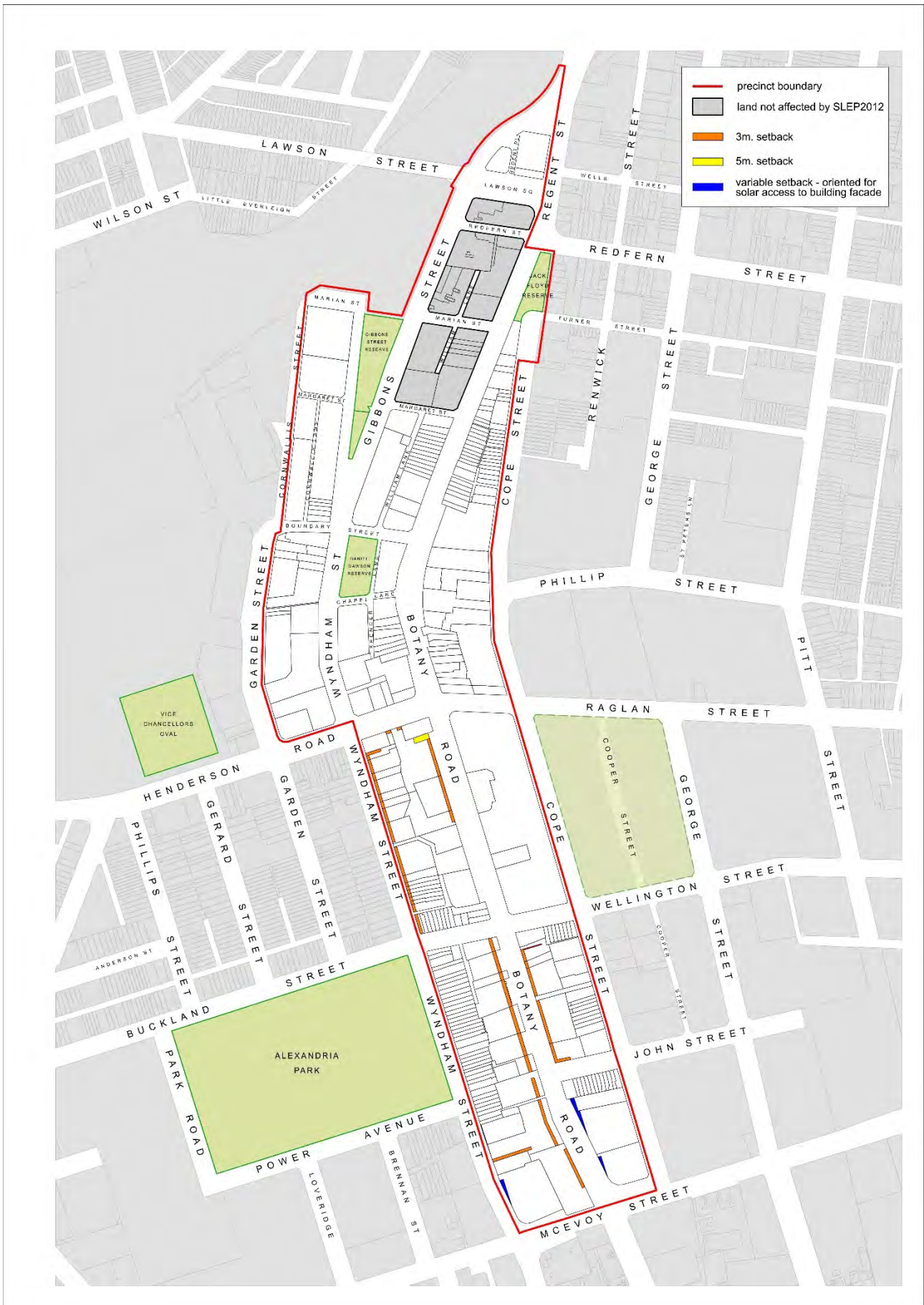


Figure 2215 Upper Level Setbacks where incentive heights are utilised - Residential (Affordable Housing)

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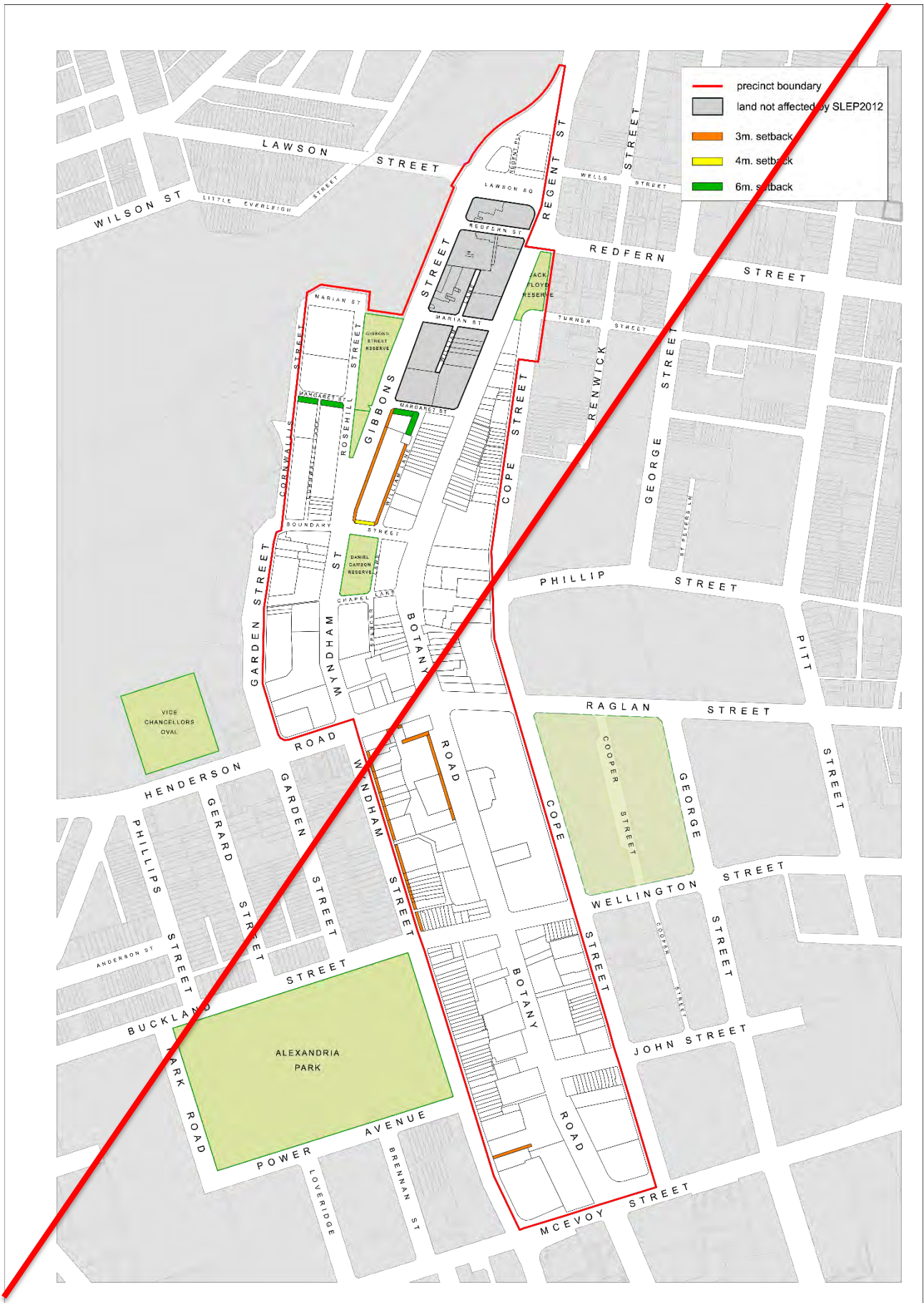




Figure 2316 Upper Level Setbacks where incentive heights are utilised - Non-residential

5.X.4.3 Materiality and design

Objectives

- (a) Retain and enhance the low scale, fine and medium-grain main street character of Regent Street.
- (b) Ensure the materiality and design of new development contributes to the Precinct being an attractive employment area.
- (c) Ensure heritage items and surrounding heritage context is respected and protected.
- (d) Maximise the use of ecologically sustainable building materials in new development.

Provisions

- (1) Facades facing Regent Street are to be sympathetic to the materiality and diversity of design shown in properties covered by the Redfern Estate Heritage Conservation Area, including face or rendered brick in a variety of matching or complementary colours.
- (2) Where development is not facing Regent Street, facades are to be of face brick for at least 70 per cent of the first four floors. Face brick is to include brick detailing and articulation with a depth of at least 350mm.
- (3) Notwithstanding provision (2) above, structural timber framed buildings (with more than 50% of the structure as timber) are encouraged. Where structural timber framed buildings are provided, a glass curtain wall façade system may be employed.
- (4) The use of coloured panels or cladding to achieve visual interest is not permitted.
- (5) Buildings exceeding 45 metres continuous frontage are to employ different architectural expressions.

5.X.4.4 On-structure plantings

Objectives

- (a) Deliver increased green coverage in excess of that achievable with trees and ground level landscaping alone.
- (b) Improve thermal performance of buildings through passive cooling.
- (c) Ensure development supports biodiversity.
- (d) Ameliorate pollution impacts of main roads.

Provisions

- (1) All non-residential development in the Precinct is to provide green roofs, as defined in schedule 9 of this DCP.
- (2) Where green roofs accessible, they are encouraged to feature local endemic indigenous plant species, including edible species.
- (3) On-structure plantings cannot be relied upon to ameliorate predicted built form-induced wind impacts.

5.X.4.5 Public art

Objectives

- (a) Encourage public art on key sites to promote a sense of place and a distinct cohesive identity for the Precinct.
- (b) Promote the visibility of local Aboriginal and Torres Strait Islander community through public art.

Provisions

- (1) Any inactive walls, service cupboards and the like on ground level secondary and rear frontages should be designed to attract and showcase informal public art.

- (2) Corner sites, particularly those on major intersections, are encouraged to incorporate formal public art commissions by Aboriginal and Torres Strait Islander artists.
- (3) Development with a capital investment value exceeding \$10 million is to provide a detailed public art plan upon submission of a stage 2 DA, consistent with the City of Sydney Guidelines for Public Art in Private Development, and prepared by, or in consultation with, First Nations artists.

5.X.4.6 Visual and Acoustic Privacy

Objective

- (a) Ensure a high level of amenity by protecting the visual and acoustic privacy of dwellings and private open spaces through design and layout of development.

Provision

- (1) Development is to use building orientation, design and layout to manage visual and acoustic privacy to ensure adequate access to daylight and natural ventilation.

5.X.4.7 Energy and water efficiency

Provisions

- (1) On Botany Road Precinct Opportunity Lands, where development utilises incentive building heights available under clause X.X of Sydney LEP 2012, any BASIX affected development must exceed the BASIX commitments for water and energy by not less than 10 points for energy and 5 points for water.
- (2) Where a recycled water network is available, development is to be dual reticulated.

5.X.5 Connecting with Country

Note: Indigenous Cultural and Intellectual Property (ICIP) means the rights that Indigenous people have, and want to have, to protect their traditional arts and culture. ICIP includes but is not limited to the following rights:

- right to protect traditional knowledge and sacred cultural material;
- right to ensure that traditional laws and customary obligations are respected;
- right to be paid for use of ICIP;
- right to full and proper attribution or naming of the community connected with the ICIP;
- right to prevent insulting, offensive and misleading uses of ICIP in all media; and
- right to control the recording of cultural customs and expressions, and language which may be essential to cultural identity, knowledge, skill, teaching about Indigenous culture.

More information about ICIP is available from the Arts Law Centre of Australia website.

Objectives

- (a) Ensure local Aboriginal and Torres Strait Islander communities are consulted about major development in the Precinct.
- (b) Provide opportunities for collaboration and co-leadership with Aboriginal and Torres Strait Islander peoples in major development.
- (c) Maintain and enhance the social, cultural and economic presence of Aboriginal and Torres Strait Islander peoples, organisations and businesses in the area.
- (d) Maximise opportunities for acknowledging and continuing the social and cultural significance of “Aboriginal Redfern”.
- (e) Ensure development maintains and contributes to the Precinct having a place of belonging and pride for Aboriginal and Torres Strait Islander peoples.

5.X.5.1 All development

- (1) Development is to consider Indigenous inclusion, comfort and access in the design and operation of publicly accessible areas, including building forecourts, through-site links, retail spaces and hospitality venues.
- (2) Development is encouraged to consider opportunities for acknowledging and celebrating Aboriginal and Torres Strait Islander living cultures through art, performance, architecture, landscaping and other creative expression involving the engagement of suitably qualified Indigenous practitioners and respect for ICIP.
- (3) Development is to identify potential impacts, such as displacement, on Aboriginal and Torres Strait Islander people and organisations.
- (4) Where impacts are identified, development is encouraged to consult with the affected community with an aim to ameliorating or reducing impacts.

5.X.5.2 Major development

Major development and delivery of public domain in the Precinct is subject to Connecting with Country considerations and requirements.

Note: Major development means development defined as major development in Part 4 of the *City of Sydney Act 1988*.

- (1) Major development is to express acknowledgement of the Gadigal people as the Traditional Owners and custodians of the area through the design of built form and public domain.
- (2) Major development is to consider opportunities to revive and enliven pre-development landscapes and traditional uses of Country (including waterways and native vegetation) through design of built form, landscaping, public art and public domain, drawing on knowledge of Country held by local Aboriginal knowledge holders.
- (3) Major development is to contribute to strengthening the sense of Aboriginal and Torres Strait Islander community in the Precinct, and where possible create spaces for the community to meet and connect.
- (4) For major development, targeted consultation with the Aboriginal and Torres Strait Islander community is required to seek community views:
 - (a) on whether the proposed development impacts on existing or recent spaces or activities on the site, or on surrounding properties, that are important for Aboriginal and Torres Strait Islander communities;
 - (b) on whether consider the proposed development impacts on the wider context of the Precinct being a place of belonging and pride for Aboriginal and Torres Strait Islander people; and
 - (c) on how the development may best maximise the presence, visibility and celebration of Aboriginal and Torres Strait Islander peoples, organisations, businesses and living cultures.
- (5) Consultation is required with all relevant groups that may be affected by the development.
- (6) Consultation activities are to be designed and led by Indigenous-owned consultation advisories or by organisations with Indigenous consultation experience.
- (7) Development applications for major development are to include an Aboriginal and Torres Strait Islander consultation report, detailing pre-lodgement consultation activities, the outcomes of consultation, and measures to address issues and concerns raised in consultation. Any ICIP is to be respected and acknowledged in the report.
- (8) Development is to implement the recommendations of the report where they:
 - (a) have evidence of broad support from those consulted;
 - (b) are within the capacity of the development to deliver; and
 - (c) are commensurate with the scale of the development.

5.X.5.3 Aboriginal archaeology

Note: ~~If the presence of Aboriginal archaeological relics is confirmed, an application for excavation or exemption permit may be necessary under the Heritage Act 1977~~ **objects are found, all work must be stopped and the find reported to Heritage NSW in accordance with the National Parks and Wildlife Act 1974.**

Note: If impact to Aboriginal archaeological resources cannot be avoided, an application for an Aboriginal Heritage Impact Permit under section 90 of the National Parks and Wildlife Act 1974 ~~may be~~ **is** required.

Note: The Heritage NSW website includes guidelines on Aboriginal and non-Aboriginal heritage and archaeology.

Objective

- (a) Ensure appropriate assessments are undertaken to identify and protect Aboriginal archaeological resources

Provisions

- (1) All development in the Precinct, with reference to Figure 2417 Aboriginal Archaeological Potential, ~~resulting in excavation or subsurface~~ **involving ground** disturbance is subject to an Aboriginal Objects Due Diligence Assessment in accordance with the Due Diligence Code of Practice for the Protection of Aboriginal Objects in New South Wales 2010. **This assessment must identify the potential for those works to harm Aboriginal objects.**
- (2) If recommended by a Due Diligence Assessment, development is to undertake a Baseline Historical Archaeological Assessment **which includes processes to avoid, minimise or mitigate impacts** and consult with the Metropolitan Local Aboriginal Land Council prior to any physical impact. Should this assessment or consultation confirm potential for archaeological resources an Historical Archaeological Assessment is to be undertaken.
- (3) On sites where Aboriginal archaeological resources exist, new development is to include appropriate interpretation of the local Aboriginal history relevant to the specific resources found. Appropriate interpretation means engagement of suitably qualified Indigenous historians or artists and respect for ICIP rights.

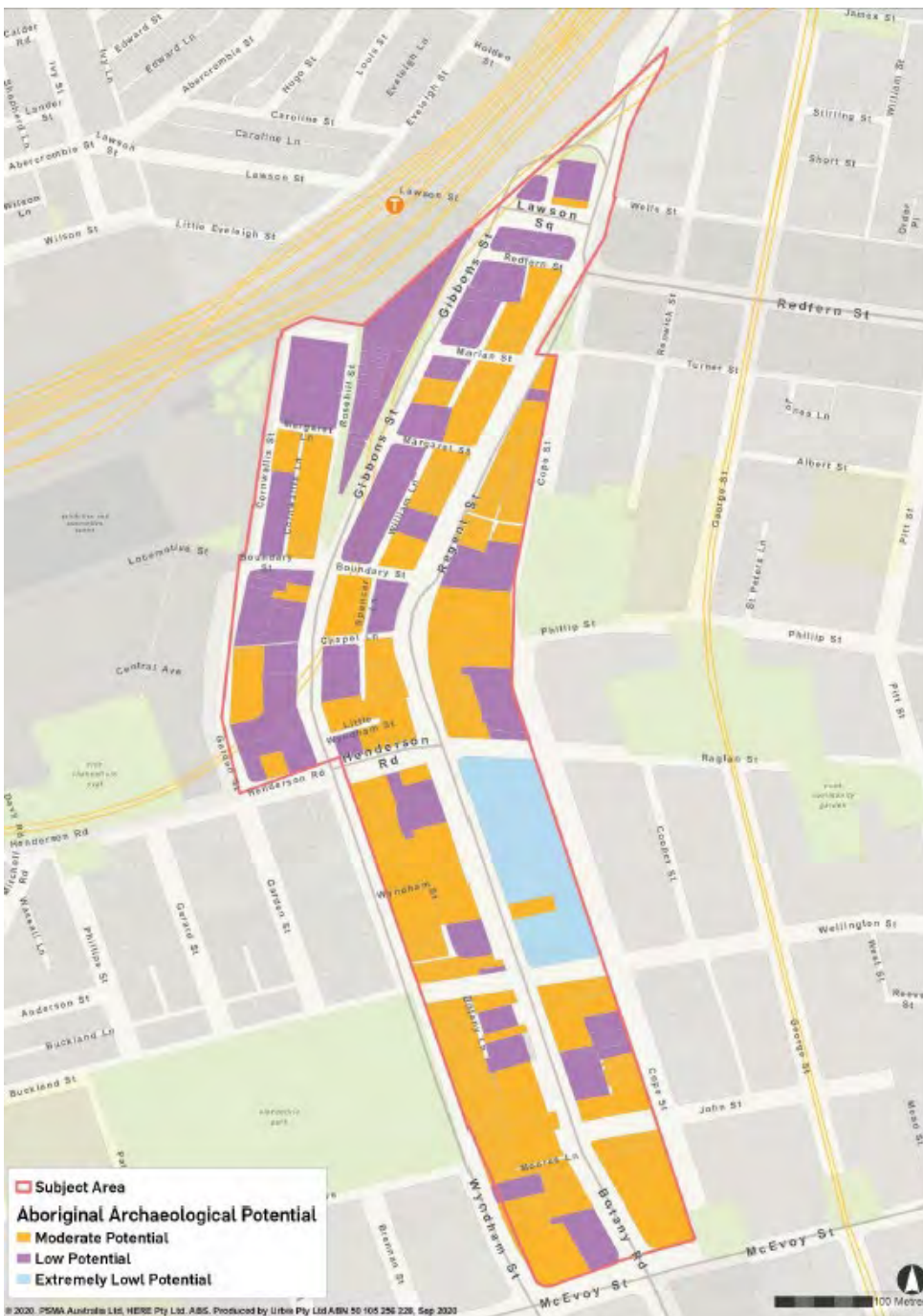


Figure 2417 Aboriginal Archaeological Potential

5.X.6 Site-specific provisions

5.X.6.1 Redfern Estate heritage conservation area

Objectives

- Ensure development is complementary with the unique built form characteristics of the heritage conservation area.
- Ensure improvement and restoration of features that are contributory to the heritage conservation area is undertaken through redevelopment.
- Focus new development on locations where it does not detract from the heritage conservation area.
- Ensure development showcases “Connecting with Country” approaches in the context of a heritage conservation area.

Provisions

- (1) For existing buildings with pitched roofs, additional built form must be entirely set back from existing pitched roofs, at a depth equal to the existing rear gutter.
- (2) For other buildings, additional built form must be set back at least 2.5 metres from the existing frontage.
- (3) Terraces fronting Regent Street must have their ground floor and first floor balconies restored to original condition, including removal of detracting awnings, signage and fill-in walls, and replacement of detracting windows.
- (4) Extensions and additional built form must be distinctive from the existing heritage fabric and employ materials clearly distinguishable from the existing building.
- (5) New development is to reflect the siting, scale, lot size, subdivision pattern and street wall height of the existing building and adjoining lots.
- (6) Reflecting the Aboriginal, pre-colonial heritage of the local area and surrounds, and acknowledging Country through design, landscaping, on-structure planting and/or public art overrides non-Indigenous heritage to the extent of any inconsistency.

5.X.6.2 131 Regent Street, Redfern

Objectives

- (a) Ensure development delivers a landmark gateway building for Botany Road Precinct on a visually prominent site.
- (b) Culturally important public art is maintained, and opportunities for additional public art are provided on a visually prominent location.
- (c) Enhance the visibility of “Aboriginal Redfern” and the cultural recognisability of Botany Road Precinct.
- (d) Provide private open space adjoining Jack Floyd Reserve.

Provisions

- (1) Development is to maintain the “Spanish Mission” wall fronting Cope Street and provide a southern extension of the wall at a similar height, for the purposes of informal public art.
- (2) A public art strategy must be provided at Stage 2 DA stage detailing initial and ongoing management of the Cope Street public art site.
- (3) Open space is to be provided adjoining Jack Floyd Reserve.

5.X.6.3 44-49 Rosehill Street, Redfern

Objectives

- ~~(a) Ensure development is capable of exhibiting design excellence.~~
- ~~(b) Establish minimum benchmarks and design criteria to achieve ecologically sustainable development.~~

Provisions

5.X.6.3.1 Design Excellence Strategy

- ~~(1) The following competitive design process must be completed before the lodgement of a detailed development application for the site:
 - ~~(a) A competitive design process is to be undertaken in accordance with clause 6.21 of Sydney LEP 2012 for the entire site of 44-49 Rosehill Street, Redfern.~~
 - ~~(b) The competitive design process is to involve a minimum of three invited competitors including at least one emerging architectural firm.~~
 - ~~(c) The selection panel is to comprise a total of four selection panel members. The proponent is to nominate two selection panel members and the City of Sydney is to nominate two selection panel members.~~
 - ~~(d) No additional height is to be awarded as a result of the competitive design process.~~~~

5.X.6.3.2 Sustainability

- ~~(1) Development must be accompanied by a 6 Star NABERS Energy Commitment Agreement~~
- ~~(2) Development must achieve a 6 star Green Star Design and As-built rating.~~
- ~~(3) Development is to make use of hybrid timber structures.~~
- ~~(4) Openable windows are to be incorporated into the facade design to permit passive ventilation.~~

5.X.6.4 74-88 Botany Road, Alexandria

Objectives

- (a) Ensure development is capable of exhibiting design excellence.
- (b) **Ensure sensitive uses, including residential uses, are protected from noise and/or air quality impacts from major road corridors and surrounding employment and entertainment uses.**

Provisions

5.X.6.4.1 Design Excellence Strategy

- (1) The following competitive design process must be completed before the lodgement of a detailed development application for the site:
 - (a) A competitive design alternatives process is to be undertaken in accordance with clause 6.21 of Sydney LEP 2012 for the entire site of 74-88 Botany Road.
 - (b) The competitive design alternatives process is to involve a minimum of three invited competitors including at least one emerging architectural firm.
 - (c) The selection panel is to comprise a total of four members. The proponent is to nominate two selection panel members and the City of Sydney is to nominate two selection panel members.
 - (d) No additional height is to be awarded as a result of the competitive design process.

5.X.6.4.2 Built Form

- (1) **Residential uses on the first floor are not to address the Botany Road frontage.**
- (2) **Residential and commercial uses on the first floor are to be sufficiently separated to maintain residential amenity.**

Appendix 4 - Maps

~~(a) Amend the *Building Contributions map* according to Figure 1 below.~~

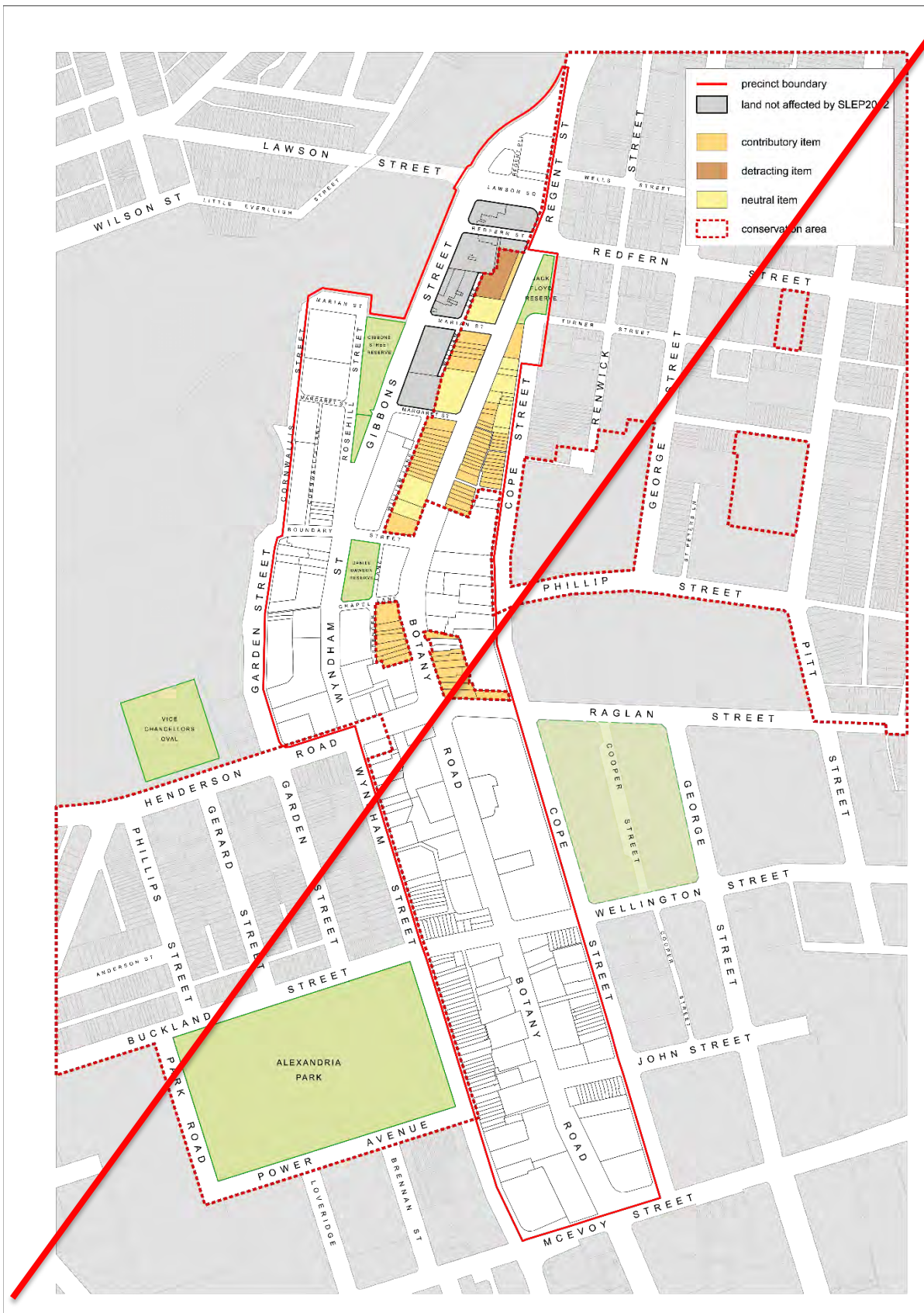






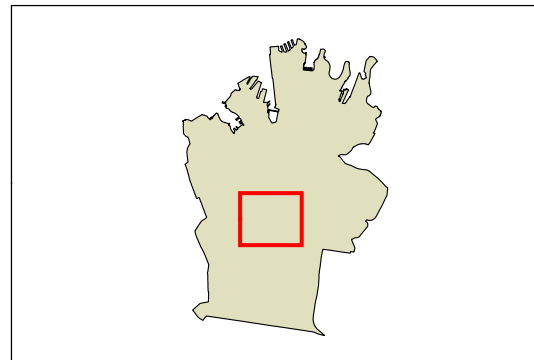
Figure 1 Building Contributions

Active frontages map

Legend







-  Botany Road Precinct
-  Refer to Table 3.1 Within Central Sydney or Outside of Central Sydney – Category 1
-  Proposed lane
-  Land excluded from this DCP

Post exhibition note: the Botany Road Precinct boundary is provided for post exhibition purposes only, and shows the boundary of the study area.

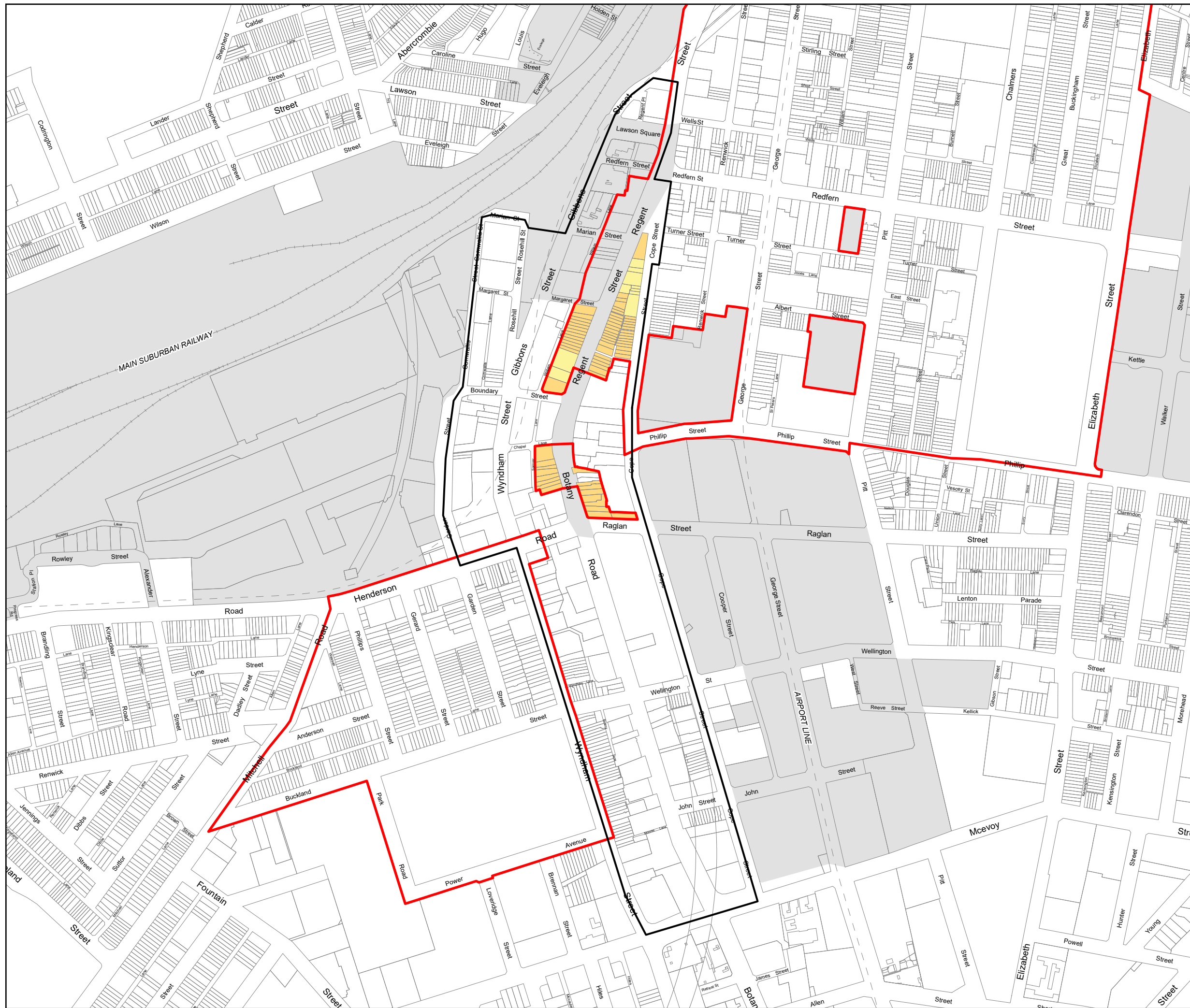
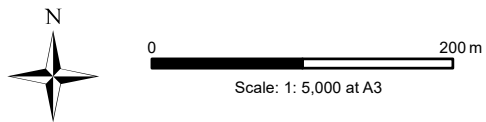
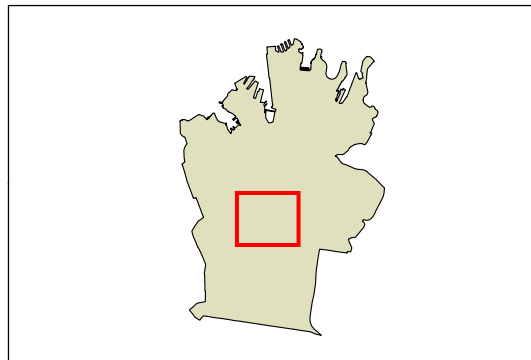


Building contributions map

Legend








-  Botany Road Precinct
-  Contributing
-  Detracting
-  Neutral
-  Conservation Area - General (for information)
-  Land excluded from this DCP

Post exhibition note: the Botany Road Precinct boundary is provided for post exhibition purposes only, and shows the boundary of the study area.

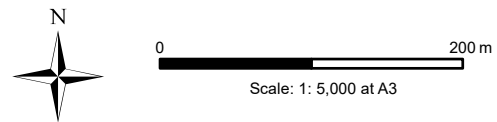
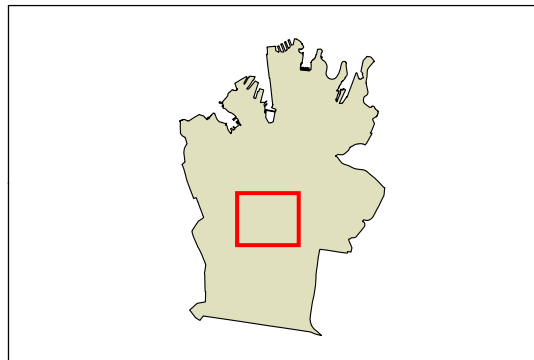


Height in storeys map

Legend







-  Botany Road Precinct
-  3 Storeys
-  4 Storeys
-  5 Storeys
-  6 Storeys
-  8 Storeys
-  Land excluded from this DCP

Post exhibition note: the Botany Road Precinct boundary is provided for post exhibition purposes only, and shows the boundary of the study area.



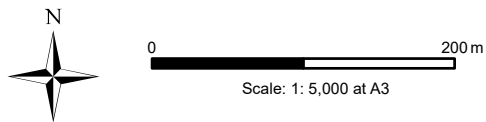
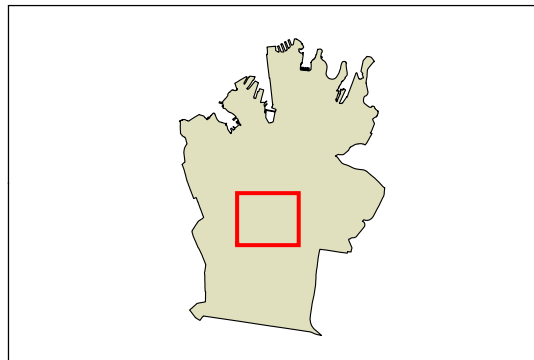
Building setback and alignment map

Legend

-  Botany Road Precinct
-  3m Primary setback
-  3m Upper level setback
-  6m Upper level setback
-  Dedication - Roads and Maritime Services
-  Land excluded from this DCP








Post exhibition note: the Botany Road Precinct boundary is provided for post exhibition purposes only, and shows the boundary of the study area.

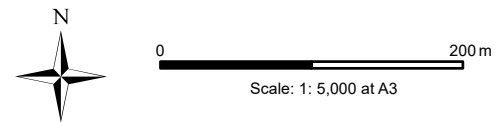
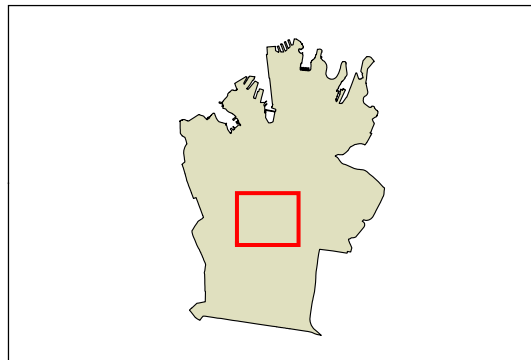


Building street frontage height in storeys map

Legend




-  Botany Road Precinct
-  2 Storeys
-  3 Storeys
-  5 Storeys
-  Land excluded from this DCP

Post exhibition note: the Botany Road Precinct boundary is provided for post exhibition purposes only, and shows the boundary of the study area.

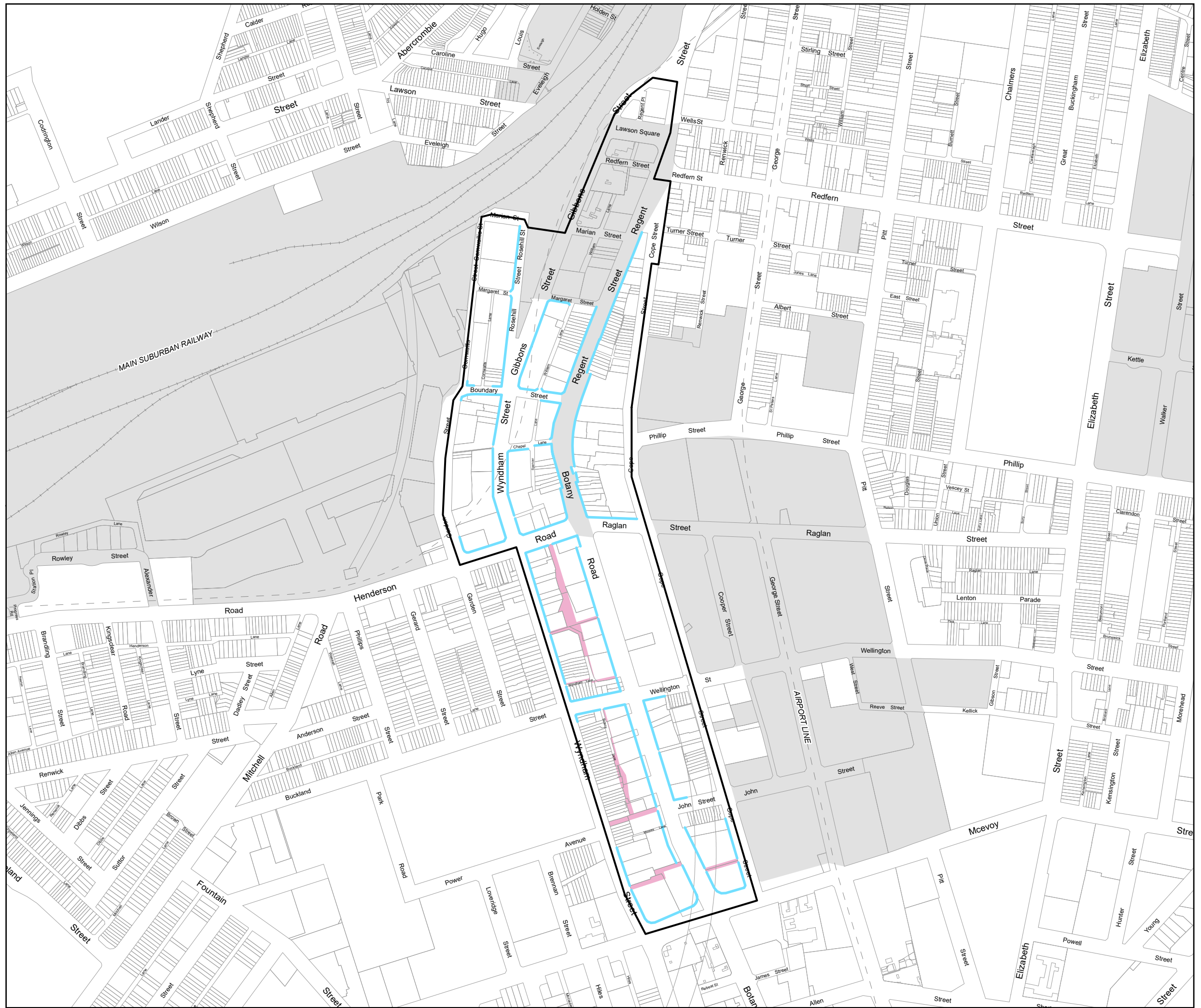
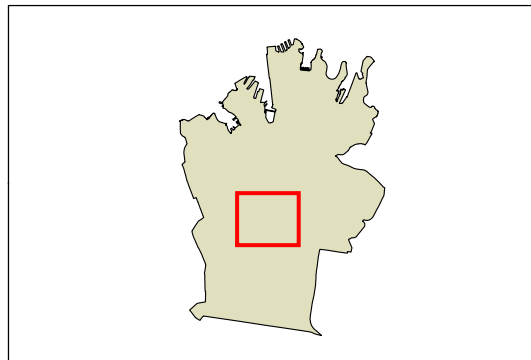


Footpath awnings and colonnades map

Legend





-  Botany Road Precinct
-  Continuous awning
-  Land excluded from this DCP

Post exhibition note: the Botany Road Precinct boundary is provided for post exhibition purposes only, and shows the boundary of the study area.

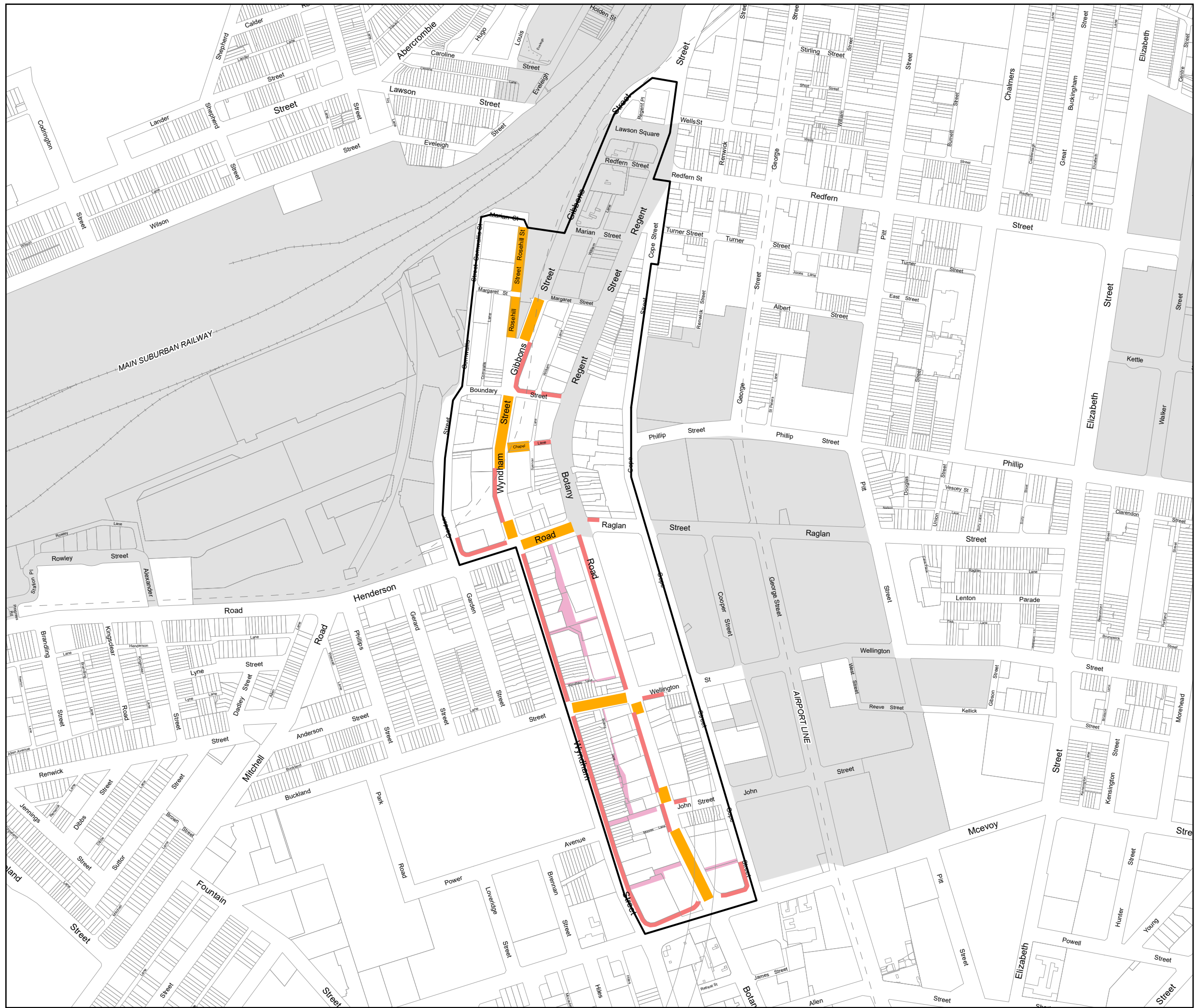
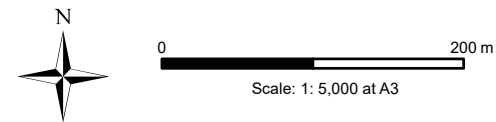
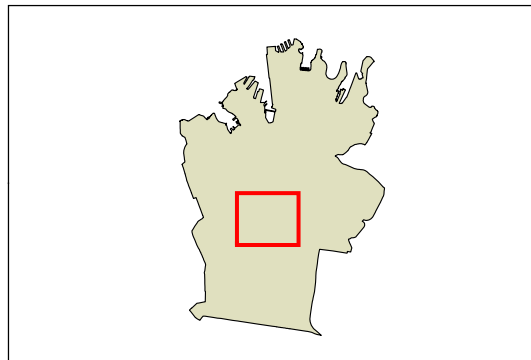


Pedestrian priority map

Legend




-  Botany Road Precinct
-  New vehicle access restricted
-  New vehicle access restricted (applies to half the street only)
-  Land excluded from this DCP

Post exhibition note: the Botany Road Precinct boundary is provided for post exhibition purposes only, and shows the boundary of the study area.

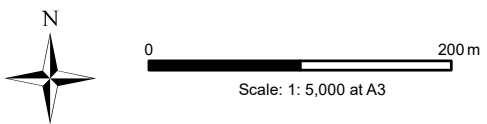
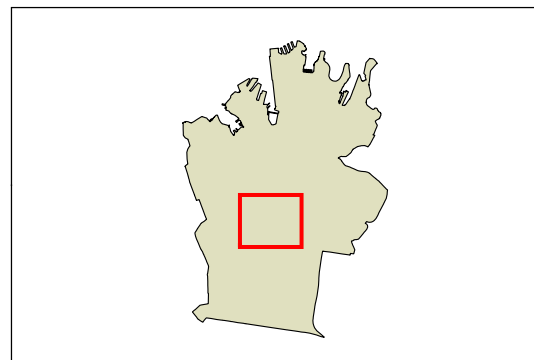


Stormwater management map

Legend




-  Botany Road Precinct
-  Proposed lane
-  Land excluded from this DCP

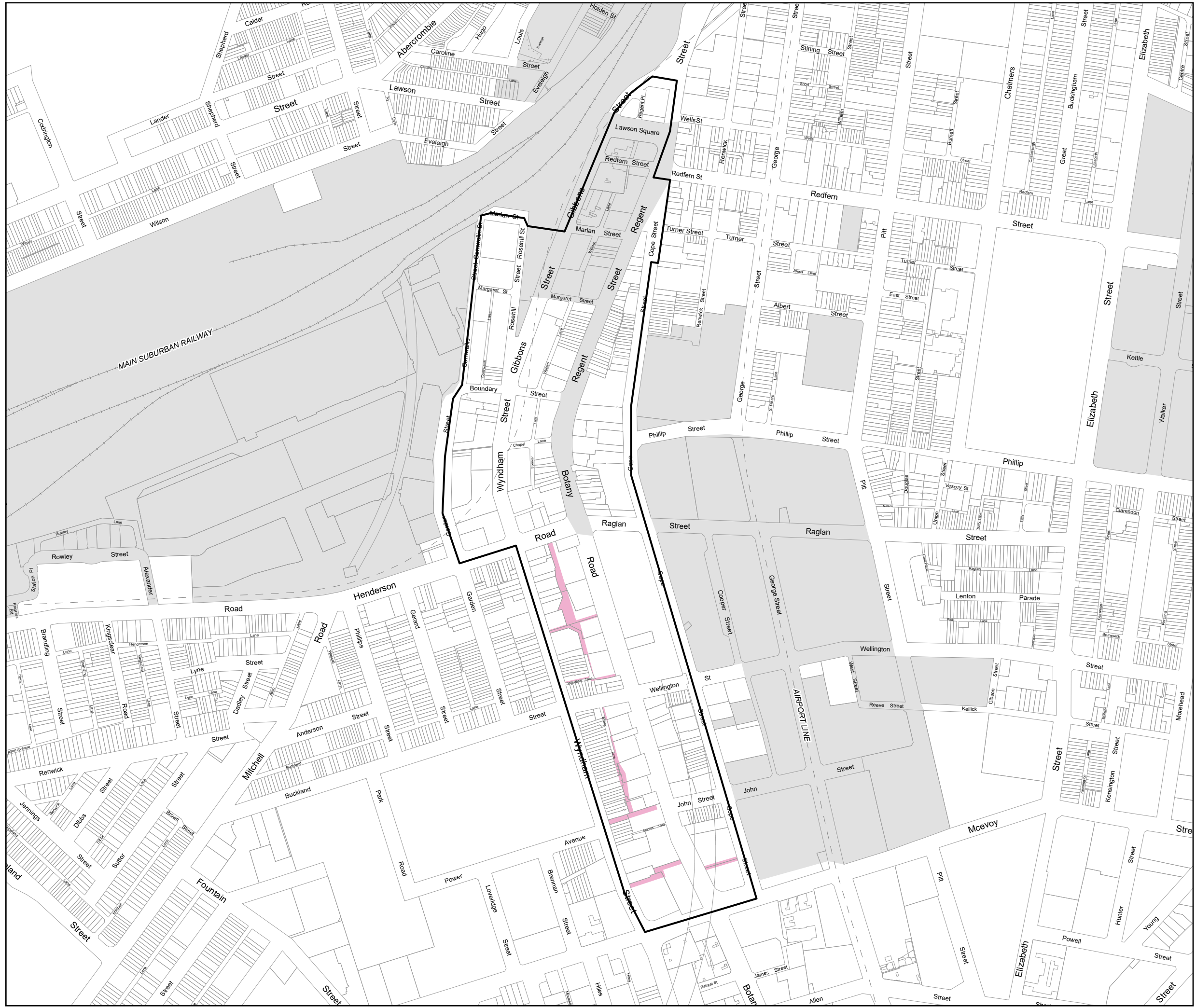
Post exhibition note: the Botany Road Precinct boundary is provided for post exhibition purposes only, and shows the boundary of the study area.



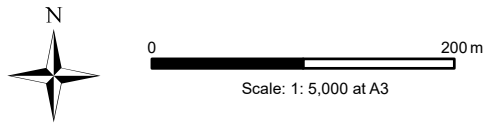
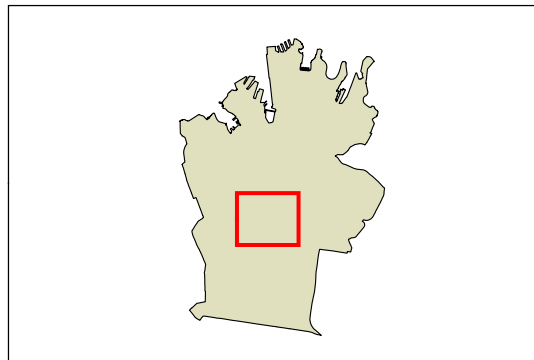
Streets and lanes map

Legend

-  Botany Road Precinct
-  Proposed lane
-  Land excluded from this DCP






Post exhibition note: the Botany Road Precinct boundary is provided for post exhibition purposes only, and shows the boundary of the study area.

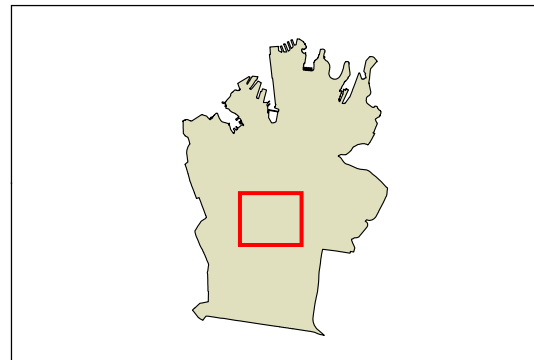


Through site links map

Legend

-  Botany Road Precinct
-  Proposed lane
-  Land excluded from this DCP

Post exhibition note: the Botany Road Precinct boundary is provided for post exhibition purposes only, and shows the boundary of the study area.



0 200 m
Scale: 1: 5,000 at A3





Attachment D

Gateway Determination



Gateway Determination

Planning proposal (Department Ref: PP-2021-5109): to amend the Sydney Local Environmental Plan 2012 to support the Botany Road Precinct.

I, the A/ Director for Eastern Harbour City at the Department of Planning, Industry and Environment, as delegate of the Minister for Planning and Public Spaces, have determined under section 3.34(2) of the *Environmental Planning and Assessment Act 1979* (the Act) that an amendment to the Sydney Local Environmental Plan (LEP) 2012 to amend the Sydney Local Environmental Plan 2012 to support the Botany Road Precinct, should proceed subject to the following conditions:

1. Prior to public exhibition the planning proposal is to be updated to:
 - a) Remove any draft clauses from the planning proposal report and place into an appendix as example clauses and include a clear plain English explanation of the principles of the proposed provisions and intended policy outcomes they need to secure.
 - b) Update the LEP maps proposed to be amended (Locality and Site Identification, FSR, Height of Buildings, Land Zoning, Heritage and Active Street Frontages) to show the existing, with proposed changes in red highlight (or other colour) or include the existing and proposed maps side by side for public exhibition.
 - c) Update the title of the proposed 'Botany Road Precinct Opportunity Land – Affordable Housing Sites - Alternative Heights Map' to remove reference to Affordable housing sites.
2. Council is to exhibit the associated draft amendment to Sydney Development Control Plan 2012 concurrently with the Planning Proposal.
3. Consultation is required with the following public authorities:
 - Sydney Metro
 - Transport for NSW
 - Aboriginal Land Council
 - Heritage NSW
 - Relevant utility and service providers, including Sydney Water.
4. The planning proposal should be made available for community consultation for a minimum of 28 days.
5. The planning proposal must be exhibited 6 months from the date of the Gateway determination.
6. The planning proposal must be reported to council for a final recommendation 10 months from the date of the Gateway determination.

7. The timeframe for completing the LEP is to be **12 months** from the date of the Gateway determination.
8. Given the nature of the proposal, Council should be authorised to be the local plan-making authority.

Dated 24 September 2021

A handwritten signature in black ink, appearing to be 'A. Nangle', with a long horizontal line extending to the right.

Aaron Nangle
A/ Director, Eastern Harbour City
Department of Planning, Industry and
Environment

Delegate of the Minister for Planning and
Public Spaces

Attachment E

**Resolutions of Council and Central Sydney
Planning Committee**

Resolution of Council

26 July 2021

Item 9.2

Public Exhibition - Planning Proposal – Botany Road Precinct – Sydney Local Environmental Plan 2012 and Sydney Development Control Plan 2012 Amendment

It is resolved that:

- (A) Council approve Planning Proposal – Botany Road Precinct, shown at Attachment A to the subject report, for submission to the Department of Planning, Industry and Environment with a request for a Gateway Determination;
- (B) Council approve Planning Proposal – Botany Road Precinct, shown at Attachment A to the subject report for public authority consultation and public exhibition in accordance with any conditions imposed under the Gateway Determination;
- (C) Council seek authority from the Department of Planning, Industry and Environment to exercise the delegation of all functions under the relevant local plan making authority under Section 3.36 of the Environmental Planning and Assessment Act 1979 to make the local environmental plan and put into effect the Planning Proposal – Botany Road Precinct;
- (D) Council approve draft Development Control Plan - Botany Road Precinct, shown at Attachment B to the subject report, for public authority consultation and public exhibition together with the planning proposal; and
- (E) authority be delegated to the Chief Executive Officer to make any minor variations to Planning Proposal – Botany Road Precinct and draft Development Control Plan – Botany Road Precinct, to correct any drafting errors or to ensure consistency with the Gateway Determination.

Carried unanimously.

X031159

Resolution of Central Sydney Planning Committee

22 July 2021

Item 7

Public Exhibition - Planning Proposal – Botany Road Precinct – Sydney Local Environmental Plan 2012 and Sydney Development Control Plan 2012 Amendment

Moved by the Chair (the Lord Mayor), seconded by Councillor Thalís -

It is resolved that:

- (A) the Central Sydney Planning Committee approve Planning Proposal – Botany Road Precinct, shown at Attachment A to the subject report, for submission to the Department of Planning, Industry and Environment with a request for a Gateway Determination;
- (B) the Central Sydney Planning Committee approve Planning Proposal – Botany Road Precinct, shown at Attachment A to the subject report for public authority consultation and public exhibition in accordance with any conditions imposed under the Gateway Determination;
- (C) the Central Sydney Planning Committee note the recommendation to Council's Transport, Heritage and Planning Committee on 19 July 2021 that Council seek authority from the Department of Planning, Industry and Environment to exercise the delegation of all functions under the relevant local plan making authority under Section 3.36 of the Environmental Planning and Assessment Act 1979 to make the local environmental plan and put into effect the Planning Proposal – Botany Road Precinct;
- (D) the Central Sydney Planning Committee note the recommendation to Council's Transport, Heritage and Planning Committee on 19 July 2021 that Council approve draft Development Control Plan - Botany Road Precinct, shown at Attachment B to the subject report, for public authority consultation and public exhibition together with the planning proposal; and
- (E) authority be delegated to the Chief Executive Officer to make any minor variations to Planning Proposal – Botany Road Precinct and draft Development Control Plan – Botany Road Precinct, to correct any drafting errors or to ensure consistency with the Gateway Determination.

Carried unanimously.

X031159