

Public Exhibition - Planning Proposal - 1-3 Burrows Road, St Peters - Sydney Local Environmental Plan 2012 Amendment and Draft Sydney Development Control Plan 2012

File No: X019338

Summary

The City's southern enterprise area features industrial and employment lands strategically located to efficiently service Central Sydney and the international trade gateways of Port Botany and Sydney Airport. It is one of the largest consolidated areas of urban service and industrial lands left in the Eastern City District and essential to the District's ongoing productivity. While Greater City Commission's *Eastern City District Plan* aims to retain the remainder of the regions strategically located industrial and urban services land, as the city evolves, this area will need to accommodate shifts in productive and industrial activities for a range of enterprise uses in accessible and affordable locations.

The Planning Proposal: 1-3 Burrows Road, St Peters (Planning Proposal), provided at Attachment A contributes to the NSW Government's and the City's strategic priorities for industrial and urban services land. It will retain critical inner city industrial zoned land and facilitate the more intense use of industrial land in a high value, strategic location, enabling businesses to build on new connections to Sydney Airport, Port Botany and Cooks River Intermodal Terminal, key trade gateways.

1-3 Burrows Road, St Peters (the site) is located on the southern boundary of the council area on the corner of Burrows Road and Canal Road and immediately abuts the new St Peters Interchange (WestConnex) currently under construction and the future Sydney Gateway that connects Sydney Airport to the Interchange.

The Planning Proposal is to amend the Sydney Local Environmental Plan 2012 to increase the maximum building height from 18 metres to 30 metres to enable a three-storey industrial warehouse with a six-storey ancillary office space that incorporates innovative and sustainable design principles including leading technologies and best practice energy ratings. The Proposal also includes a site-specific clause to ensure key environmental and design matters are considered in a development application.

The proposed ancillary office space makes up less than 10 per cent of the total gross floor area of the proposed development. As a standalone use, office premises are not permitted in the IN1 – General Industrial Zone, though warehouses and industrial uses may have ancillary offices to support their activities. When a development application is lodged for the site the proponent will need to demonstrate any office space is strictly ancillary to industrial uses.

The City has also prepared a draft site-specific development control plan (draft DCP) to amend Sydney Development Control Plan 2012. The draft DCP, provided at Attachment B, is to ensure the objectives and intended outcomes of the Planning Proposal are achieved through site-specific controls. This report recommends approval of the Planning Proposal for submission to the Department of Planning, Industry and Environment seeking a Gateway Determination. It also recommends approval of the draft DCP for exhibition alongside the Planning Proposal.

Recommendation

It is resolved that:

- (A) Council approve Planning Proposal - 1-3 Burrows Road, St Peters, shown at Attachment A to the subject report, to be submitted to the Minister for Planning and Public Spaces with a request for Gateway Determination;
- (B) Council approve Planning Proposal - 1-3 Burrows Road, St Peters, 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 Minister for Planning and Public Spaces to exercise the delegation of the functions under section 3.36 of the Environmental Planning and Assessment Act 1979 to make the local environmental plan and to put into effect Planning Proposal - 1-3 Burrows Road, St Peters;
- (D) Council approve the draft Sydney Development Control Plan 2012 - 1-3 Burrows Road, shown at Attachment B to the subject report for public authority consultation and public exhibition concurrent with the Planning Proposal;
- (E) authority be delegated to the Chief Executive Officer to make any minor variations to Planning Proposal - 1-3 Burrows Road, St Peters, following receipt of the Gateway Determination, and;
- (F) authority be delegated to the Chief Executive Officer to make any minor variations to Draft Sydney Development Control Plan 2012 - 1-3 Burrows Road, St Peters to correct any drafting errors or ensure it is consistent with the Planning Proposal following the Gateway Determination.

Attachments

- Attachment A.** Planning Proposal - 1-3 Burrows Road, St Peters
- Attachment B.** Draft Development Control Plan 2012- 1-3 Burrows Road, St Peters
- Attachment C.** Planning Proposal Request

Background

1. WestConnex and the Sydney Gateway will have a significant impact on the City's Southern Enterprise Area (formerly referred to as the Southern Employment Lands), facilitating improved access to Sydney Airport, Port Botany and the Cooks River Intermodal Terminal. Demand for land in this strategic location will likely increase and create opportunities for industrial and warehouse bases business seeking better connecting to these trade gateways.
2. In March 2020, Goodman (representing the landowner) submitted a planning proposal request for 1-3 Burrows Road, St Peters (the site) to increase the maximum building height control for the site in Sydney Local Environmental Plan 2012 (Sydney LEP) from 18 metres to 30 metres. The request and supporting documents are provided at Attachment C.
3. The City has prepared Planning Proposal: 1-3 Burrows Road, St Peters (Planning Proposal), following assessment of the proponent's request. The Planning Proposal is provided at Attachment A. If supported, the Planning Proposal will facilitate a three-storey multi-level warehouse.
4. The Planning Proposal contributes to the City's strategic priorities for the retention of critical inner city industrial zoned land. It will also facilitate the more intense use of industrial land in a high value, strategic location, enabling businesses to build on the existing and future connections and commercial drivers in the location.
5. The City has also prepared Draft Development Control Plan: 1-3 Burrows Road, St Peters (draft DCP), shown at Attachment B. The draft DCP amends Sydney Development Control Plan 2012 (Sydney DCP) to include specific controls relating to built form, design and materiality, landscape setbacks, sustainability, signage, communal open space and design excellence.
6. This report recommends the Planning Proposal be submitted to the Minister for Planning and Public Spaces with a request for Gateway Determination. If a Gateway Determination is issued, it is recommended the Planning Proposal, together with the draft DCP, be placed on public exhibition for a period no less than 28 days.

Site description and context

7. The site, shown in its immediate context at Figure 1, is located on the southern boundary of the City of Sydney local government area (LGA). The legal description of the land is Lot 11 of Deposited Plan 606737 and Lot 1 of Deposited Plan 1227450.
8. The site is roughly rectangular in shape, has a site area of about 34,714 square metres and perimeter of approximately 830 metres. The site is visually prominent to Sydney and has a 280 metre frontage to Burrows Road and a 145 metre frontage to Canal Road.
9. The site is on the corner of Canal and Burrows Road and borders the Inner West Council local government area to the west and south. Alexandra Canal, a tributary of Cooks River, is located approximately 85 metres to the south-east of the site.

10. The site is very closely located to the St Peters Interchange (WestConnex) currently under construction and the future Sydney Gateway that connects Sydney Airport to the Interchange. A new road bridge, which when complete will span from the interchange, across Burrows Road, over Alexandra Canal and connect with Gardeners Road, runs immediately to the north-east of the site. The new roads are shown in Figure 1.



Figure 1 Site context map

11. The site is in proximity to Mascot Station (1.2 kilometres or a 15-minute walk), St Peters Station (1.8 kilometres or a 23 minute walk) and Sydenham Station (1.9 kilometres or a 24 minute walk). There is also a bus stop for route 418 outside the site on Canal Road, which runs between Kingsford and Burwood via Ashfield, Dulwich Hill, Marrickville and Rosebery.

Existing development

12. Existing development on the site consists of three single storey red brick industrial warehouses and a smaller administration building to the rear near Canal Road. The built floor space ratio (FSR) on the site is 0.78:1.
13. The site is owned by Tallina Pty Ltd and managed by Goodman and is known as the Burrows Industrial Estate. It currently consists of old low rise industrial units which are consistent with the surrounding area that is largely industrial in nature. These industrial units are comprised of four large format steel framed warehouse/distribution buildings. The units are at the end of their life cycle and do not currently meet the requirements of industrial users in this market, reflected in the site being only 30 per cent occupied.

14. The site relies on two entrances to Burrows Road and has no vehicle or pedestrian access via Canal Road. The St Peters Interchange immediately abuts the site, so there are no secondary roads or laneways servicing the rear.
15. The site has some tall, mature trees on its Canal Road boundary and at the middle driveway entrance, which complement the street trees on Canal Road and Burrows Road. The site has approximately 1,835 sqm of green cover, most of which comes from vegetation within the site. While some existing on-site trees are proposed to be removed, there will be a net increase as part of the proposal.

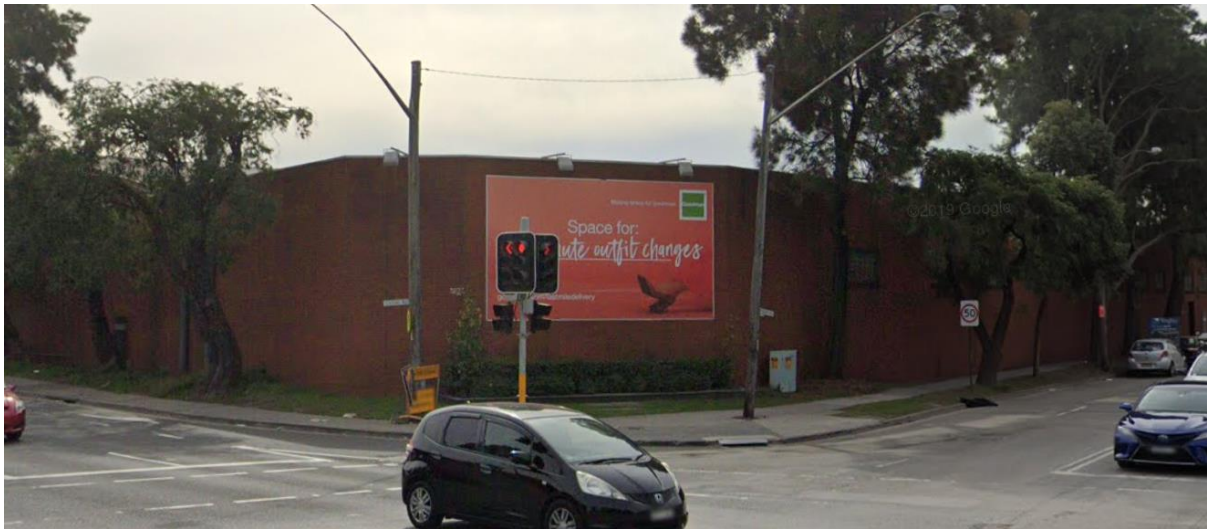


Figure 2 Existing built form from Canal Road



Figure 3 Existing built form from Burrows Road

Existing Planning Controls

16. Key planning controls applying to the site are contained in the Sydney LEP including:
 - (a) IN1 - General Industrial zoning. The objectives of this zone are to provide a wide range of industrial and warehouse land uses; encourage employment opportunities, minimise any adverse effect of industry on other land uses, support and protect industrial land for industrial uses, and ensure uses support the viability of nearby centres.
 - (b) A maximum building height control of 18m.
 - (c) A maximum floor space ratio of 1.5:1.
17. The site is currently eligible for up to 10 per cent additional building height or FSR (not both) under clause 6.21 of the Sydney LEP 2012, subject to demonstrating design excellence. It is likely future development, with an estimated capital investment value of about \$100 million, will be subject to this clause.
18. The site is not heritage listed, nor is it near listed items or conservation areas.

Proposed amendments to Sydney LEP 2012

19. The Planning Proposal is to increase the height of building controls to enable a three-storey industrial warehouse with ancillary office space in a strategic and accessible location with innovative and sustainable design principles.
20. The Planning Proposal is to amend the Height of Buildings Map 005 in the Sydney LEP to increase the maximum building height from 18 metres to 30 metres.
21. The Planning Proposal is also to insert a site-specific clause in Part 6, Division 5 of the Sydney LEP to deal with the allocation of any design excellence bonus and key matters requiring consideration prior to approving development on the site and to ensure resulting development:
 - (a) is of high aesthetic quality and responds to the site's high visibility from the public domain;
 - (b) establishes appropriate landscape setbacks;
 - (c) has no signage visible from public open space; and
 - (d) demonstrates best practice ecologically sustainable development.
22. The site-specific clause responds to the possibility future development would be designated State Significant Development (SSD) under State Environmental Planning Policy (State and Regional Development) 2011 because it is a warehouse or distribution centre with a capital investment value of over \$50 million. Where a development is designated SSD, the development control plan can be given limited or no weight in the assessment and the site-specific clause is intended to ensure the key matters otherwise dealt with in the draft DCP are given appropriate consideration.

23. The proposed site-specific controls also state that Clause 6.21(7)(b) does not apply. This is to ensure any bonus from a design excellence process results in additional height being awarded, but not floor space. This is due to additional height being more contextually appropriate than additional floor space.

Draft site-specific Development Control Plan

24. A site-specific draft DCP is at Attachment B to this report and provides further guidance for development of the site consistent with the proposed amendments to LEP. The draft DCP provisions include:

- (a) maximum height and storeys;
- (b) landscape setbacks;
- (c) design and materiality;
- (d) communal open space;
- (e) sustainability;
- (f) signage; and
- (g)** a design excellence strategy.

Development Outcomes

25. The Planning Proposal facilitates the redevelopment of the site for:
- (a) 46,322 square metres of industrial warehouse space across three levels with centralised hardstands and driveways, accessed via a one-way circular ramp system at either end of the facility;
 - (b) amenities for staff including a café;
 - (c) underground parking;
 - (d) access off Burrows Road with a separate single entry and exit driveway proposed for both cars and trucks; and
 - (e) truck access at the north-eastern corner of the site with right in / out and left in / out required for efficient access to the facility. Circulation through the facility for all truck movements would be via a one-way system designed to provide unrestricted and efficient access at all times. The dual sided loading configuration maintains an unencumbered central access driveway throughout the building. The centralised nature of the hardstands also provides exceptional weather cover and forms an acoustic buffer for surrounding developments.

It is noted that the proponent has also indicated an intention to provide 5,078 square metres of ancillary office space across six storeys, on the north-eastern end of the building and providing active frontages to Burrows Road. As office uses are prohibited in the zone any such use will need to be assessed as part of

a subsequent development application for the site, including an assessment as to whether it is ancillary in nature.

26. Detailed studies have been prepared on behalf of the proponent and submitted with the planning proposal request and inform the Planning Proposal. The studies are included at Attachment C and will be publicly exhibited as supporting documentation. The key relevant findings of the studies and the City's analysis are discussed below.



Figure 4 Proposal from St Peters Interchange

Building height and mass

27. The Planning Proposal seeks to increase the maximum building height allowance from 18 metres to 30 metres under the Sydney LEP. The increased height will enable a development that can realise the site's existing FSR of 1.5:1. This will facilitate the redevelopment of the site into a three-storey industrial and warehousing building.
28. The urban context of the area will dramatically change with the bordering construction of the St Peters Interchange and proposed flyovers over Canal and Burrows Road. New road structures will be up to 22 metres high, enabling a height relationship with the proposed height and mass of the building.
29. The reference design's bulk and length of the building is broken down through articulation of its distinct parts, with material changes and landscaped setbacks along the façade. The building's orientation and the site's position mean overshadowing impacts are minimised as shadows will be cast towards roads rather than upon adjacent sites. Also, there are no sensitive uses within proximity of the site given the industrial zoning.
30. A visual assessment was undertaken as part of the Urban Design Report submitted with the planning proposal request. Important views are shown at figures 5 and 6.
31. Whilst the mass of the building is distinctive, its visual prominence will be mitigated by foreground elements such as buildings adjacent to the canal, and its relative scale to the St Peters Interchange and its flyovers, Sydney Gateway and the adjacent viewing mound.

32. Tree lining and vegetation along the edges of the building will reduce the perceived scale of the building whilst acting as screening along the corner of Canal Road and Burrows Road.
33. The main entrance of the building at Burrows Road will have a high-quality façade design with setbacks and a porte-cochere to add civic scale to the building.



Figure 5 View from St Peters Interchange and Burrows Bridge



Figure 6 Proposed frontage from Burrows Road

Facade and setbacks

34. Along the frontages of Canal and Burrows Road, minimum six metre landscaped setbacks have been provided. This includes deeper setbacks on the corner of those roads to allow for extensive tree planting and vegetation to soften the building elevation and improve sight lines for vehicles. Articulation will enhance visual interest and break up the appearance of height, bulk and scale.

Landscaping, deep soil and canopy cover

35. The landscape plan and the arborist report propose retention of all City owned trees along both Burrows and Canal Roads. This includes further tree planting across the site, which will result in a net increase of 59 trees to 108 as part of the proposal. Further to this, a green roof is also proposed on the ancillary office space (subject to assessment at the development application stage).
36. The landscaping scheme meets the 15 per cent deep soil and 15 per cent canopy cover requirements of the DCP representing an increase in landscaping and canopy from current conditions. This will result in green cover increasing from 1,835 sqm to 5,207 sqm.
37. This includes retaining 42 trees, the removal of 18 existing trees, and planting an additional 67.

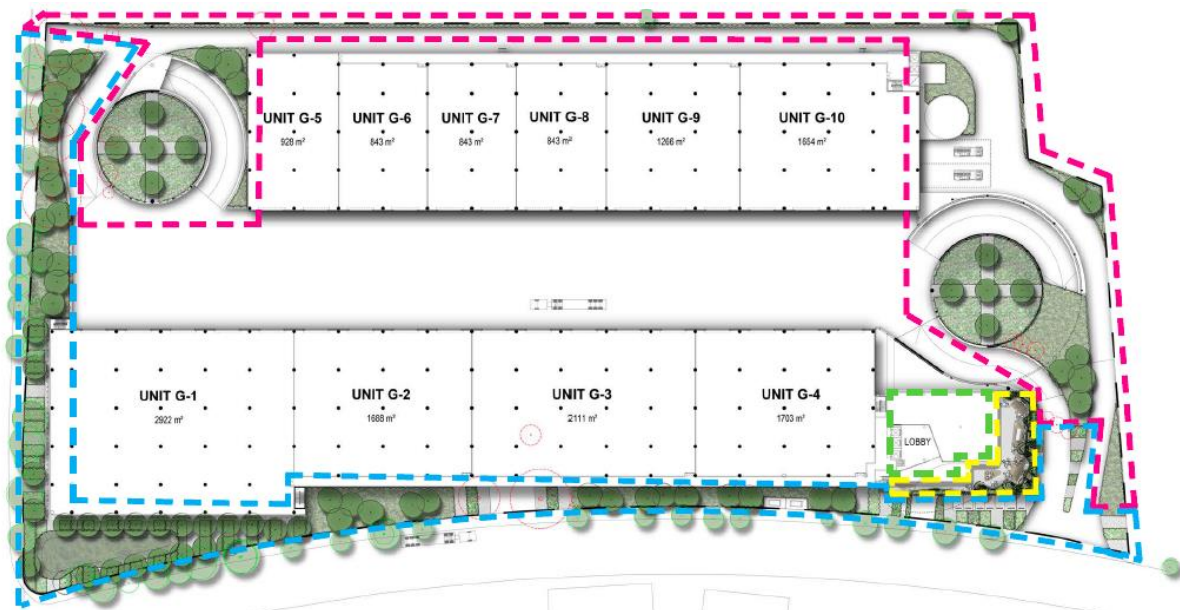


Figure 7 Proposed landscape plan

Land use

38. The site will continue to meet the objectives of zone IN1 - General Industrial of the Sydney LEP 2012.

39. The three-storey warehouse will consist a mix of industrial and warehouse uses. Light industrial and manufacturing businesses with prominent brand recognition would occupy the ground floor. Warehouse and distribution users that are top-tier retailers would be accommodated on levels one and two of the proposal.
40. The proposed ancillary office space makes up less than 10 per cent of the total gross floor area of the proposed development. As a standalone use, office premises are not permitted in the IN1 – General Industrial zone, though warehouses and industrial uses may have ancillary offices to support their activities. When a development application is lodged for the site the proponent will need to demonstrate any office space is strictly ancillary to industrial uses.

Design excellence

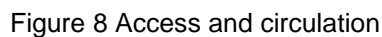
41. Future development will be subject to Clause 6.21 of the Sydney LEP 2012, which requires a competitive design process for buildings over 25 metres or capital investment value of \$100 million.
42. The draft DCP includes a design excellence strategy to be endorsed by the City. This requires a competitive design alternatives process undertaken under clause 6.21 of Sydney LEP 2012 to involve a minimum of three invited competitors including at least one emerging architectural firm.

Ecologically Sustainable Development

43. The Ecologically Sustainable Development (ESD) context analysis submitted with the planning proposal request indicates the Proposal can achieve best practice sustainability initiatives and meet requirements of current controls and wider policies.
44. The Planning Proposal includes a site-specific clause in the Sydney LEP that the development on the site is to demonstrate best practice ecologically sustainable development.
45. The draft DCP requires the multi-level industrial warehouse achieve a 5 Star Green Star rating and development must be accompanied by a 5.5 Star NABERS Energy Commitment Agreement for any ancillary office component. Other requirements include on-site stormwater detention and treatment, green roofs and walls, a photovoltaic system that will achieve a minimum of 2000 kWp and a requirement for suitable shading of glazing.

Vehicle access

46. A centralised hardstand and driveway to the warehouse will be accessed via a one-way circular ramp system at either end of the facility. Truck access will be at the north-eastern end of the site at Burrows Road. Light vehicle access for the underground car park will be along the Burrows Road frontage. Emergency and fire access will be located from Canal Road and will not allow for any operational egress from this point.



47. Parking is to be provided in accordance with the controls in the Sydney LEP and DCP. It is estimated about 300 parking spaces will be provided in conjunction with the development, predominantly underground.

48. A pedestrian-only access will be provided off Burrows Road into the lobby area. The pedestrian-only access is in accordance with the provision outlined in Sydney DCP.

49. The Sydney DCP 2012 requires signage to be no higher than the building and may only relate to a significant tenant (not necessarily the owner) of the building. An additional site-specific provision has been included in the draft DCP that signage must not be visible from public open space. This is to minimise the impact of the building to new open space as part of St Peters Interchange, including the viewing mound.

Public art

50. A Public Art Strategy submitted with the planning proposal request has been prepared to meet the requirements of the Sydney DCP 2012 and Interim Guidelines - Public Art in Private Developments. The Strategy provides an analysis of the site's locality and public art opportunities. Research was undertaken into the site and local themes, history and features of the area which was used to inform initial artwork concept formulation, and selection and development of a preferred artwork.

Retention of Industrial land

51. The Planning Proposal will ensure the continued retention of the site for industrial use and respond to the strategic locational context. Its proximity to WestConnex, Sydney Gateway (and hence Sydney Airport), the Cooks River Intermodal Terminal and Sydney CBD means it is strategically located and appropriate for multi-level warehousing to service retail, logistics and deliveries by increasing the economic viability of Sydney.

Traffic

52. A traffic study assessment submitted with the Planning Proposal request indicates Burrows Road and Canal Road will see reduced use as a result of the opening of WestConnex and Sydney Gateway. This is as an increase in traffic will be diverted towards Campbell Road and onto the Interchange, limiting impact on local road networks.

Access to public and active transport

53. The site is located 1.2 kilometre or 15-minute walk from Mascot Station, a 1.8 kilometre or 23-minute walk from St Peters Station and a 1.9 kilometre or 24-minute walk from Sydenham Station. It is also serviced by bus stops on Canal Road to those nearby stations and additional bus stops further from the site that operate towards the CBD.
54. Additionally, shared cycling paths will be introduced on Canal Road and the St Peters Interchange. This will allow direct cycle access to the site from regional routes. To facilitate this, the site will also include bicycle parking and end of trips facilities. The proponent's Preliminary Travel Plan expands on site-specific sustainable travel modes.

Economic impact

55. The existing industrial use of the site will be retained in the development. It will foster economic activity and employment, with the development projected to accommodate 370 jobs and expand the potential of the freight and logistics network due to its locational benefits.

Efficient use of land in a strategic location

56. The Planning Proposal responds to global trends to construct higher-density warehouses. The increase in height will enable Australia to be at the forefront of the industry by maximising space to enable quality design, innovation and sustainability measures. The three-storey industrial and warehouse building responds to the demand for and recent reduction of IN1 zoned land and increasing land values in south Sydney. Through this it will enable a larger number of smaller tenancies with flexibility of catering for automation and larger customers.

Land contamination

57. Contamination assessments submitted with the Planning Proposal request have confirmed the site to be suitable for continuing commercial and industrial uses under SEPP 55 – Remediation of Land provided there is implementation of control and management mechanisms. This includes adherence to a Construction-phase Site Management Plan and Long-Term Site Management Plan. During the development application stage, further assessment will be needed, and a Remedial Action Plan will need to be submitted.

Flooding

58. The subject site is located in the Alexandra Canal catchment. The Alexandra Canal Flood Study identifies 1 per cent Annual Exceedance Probability (AEP) peak flood level of RL 2.3m AHD. The proposed built form has floor levels designed with reference to this established flood level. The floor level of the ancillary offices is RL 3.8m AHD, ground floor at RL 5.5m AHD and the undercroft parking area at RL 2.3m AHD. The parking level is classified as undercroft not a basement and will not employ the use of flood gates. For the purposes of the Planning Proposal, the proposed maximum height limit is sufficient to allow for floor heights that meet the flood planning levels.

Benefits of the Planning Proposal

59. In facilitating the redevelopment of the site, the Planning Proposal will:
- (a) ensure the ongoing use of the site for industrial purposes, thereby protecting vital industrial and urban services zoned land from incursion of higher value land uses such as commercial and residential development,
 - (b) facilitate the more intense use of industrial land in a high value, strategic location close to Sydney CBD, Sydney Airport, Port Botany and the Cooks River Intermodal Terminal,
 - (c) enable the site to achieve the permissible FSR of 1.5:1, thereby ensuring enhanced land use efficiency,
 - (d) facilitate a high quality, flexible design to provide for a range of land uses appropriate to the IN1 – General Industrial zone,

- (e) build on the existing economic drivers in the location, particularly those associated with Sydney Airport, Port Botany, Cooks River Intermodal Terminal and Central Sydney,
- (f) contribute to increased employment generation in an accessible location,
- (g) facilitate a high-quality design, appropriate to the increased visual prominence of the site, and
- (h) improve sustainability outcomes through energy ratings, solar photovoltaics, water sensitive urban design and urban greening initiatives.

Strategic alignment - Greater Sydney Region Plan

- 60. A Metropolis of Three Cities - The Greater Sydney Region Plan is the NSW Government's overarching strategic plan for growth and change in Sydney. The 20-year plan provides a 40-year vision that seeks to transform Greater Sydney into a metropolis of three cities. It outlines how Greater Sydney will manage growth and change and will guide infrastructure delivery.
- 61. The Greater Sydney Region Plan is to be implemented at a local level by District Plans. The Planning Proposal is consistent with the following relevant directions and objectives of the Plan:
 - (a) Liveability - the future development will renew existing infrastructure respecting the district's heritage;
 - (b) Productivity - the future development ensures the retention of employment lands in increases employment opportunities;
 - (c) Sustainability - the Planning Proposal includes initiatives which aims to reduce carbon emissions and manage energy and water; and
 - (d) Infrastructure and collaboration - the future development plans for a city supported by well serviced infrastructure that aligns with forecast growth and needs.

Strategic Alignment - Eastern City District Plan

- 62. The Eastern City District Plan sets the local planning context for the City of Sydney local government area and provides a 20-year plan to manage growth. This Planning Proposal gives effect to relevant planning priorities from the Plan. These include:
 - (a) Planning Priority E10: Delivering integrated land use and transport planning and a 30-minute city
 - (b) Planning Priority E11: Growing investment, business opportunities and jobs in strategic centres
 - (c) Planning Priority E12: Retaining and managing industrial and urban services land

- (d) Planning Priority E19: Reducing carbon emissions and managing energy, water and waste efficiently
63. The Planning Proposal supports the above key directions in that the development responds to transport and land use integration and facilitates a target of 370 jobs by enabling a contemporary and sustainable adaption of an industrial warehouse building to retain efficient use of industrial land.

Strategic Alignment - Sustainable Sydney 2030

64. 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 plan is aligned with the following strategic directions and objectives:
- (a) Direction 1 - A Globally Competitive and Innovative City - The Planning Proposal responds to a global trend to construct a high-density warehouse.
 - (b) Direction 2 provides a road map for the City to become A Leading Environmental Performer - The Planning Proposal proposes to achieve sustainability targets that reduces carbon and manages energy and water.
 - (c) Direction 3 - Integrated Transport for a Connected City - Future development on the subject site is in proximity to nearby Mascot, St Peters and Sydenham Stations, as well as local bus stops towards strategic centres and the CBD. It will also include provision for regional cycle way access.
 - (d) Direction 9 - Sustainable Development, Renewal and Design - The Planning Proposal will support future development that is more ecologically sustainable through achieving sustainability benchmarks and design features including urban greening.

Strategic Alignment - City Plan 2036 Local Strategic Planning Statement

65. The City of Sydney's Local Strategic Planning Statement (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. It guides how the planning system will manage changes to achieve desired outcomes and guides future changes to controls.
66. The Planning Proposal gives effect to the following planning priorities of the Planning Statement:
- (a) Infrastructure I2 - Align development and growth with support infrastructure
 - (b) Sustainability S2 - Creating better buildings and places to reduce emissions and waste and use water efficiently
 - (c) Productivity P3 - Protecting industrial and urban services in the Southern Enterprise Area and evolving businesses in the Green Square-Mascot Strategic Centre

67. The Planning Proposal supports the planning priorities by integrating with WestConnex, Sydney Gateway (and hence Sydney Airport), the Cooks River Intermodal Terminal and the Sydney CBD to maximise freight and logistics services. Furthermore, the Proposal supports a building that achieves sustainability targets including Green Star rating, NABERS Energy Commitment, water sensitive urban design features and a photovoltaic system. As reflected previously, it will also enable economic growth by maximising the use of existing industrial land and contributing towards achieving 370 jobs.

Relevant Legislation

68. Environmental Planning and Assessment Act 1979.
69. Environmental Planning and Assessment Regulation 2000

Critical Dates / Time Frames

70. Should Council and the Central Sydney Planning Committee endorse the attached Planning Proposal for public exhibition, it will be forwarded to the Department in accordance with section 3.34 of the Act for Gateway Determination to proceed with consultation or resubmit the Planning Proposal.
71. Following the Gateway Determination, the typical timeframe is 21 days for public authority consultation and 28 days for public exhibition. The Gateway Determination will also determine the general date for the completion for the amendment to the LEP.
72. Following public authority consultation and public exhibition, the outcomes will be reported back to Council and the Central Sydney Planning Committee.

Delegation of Minister's Plan Making Functions

73. In October 2012, the Minister for Planning delegated plan-making functions to councils to improve the local plan-making process. In December 2012, Council resolved to accept the delegation.
74. Council is to receive case-by-case authorisation to exercise this delegation, which is granted through the Gateway Determination process for spot rezoning's that are consistent with surrounding zones and matters of local significance. Exercising the delegation means a faster plan-making process with less involvement of the Department of Planning, Industry and Environment.
75. This report recommends Council seek authority to exercise the delegation of the Minister for Planning of the functions under section 3.36 of the Act to make the Local Environmental Plan.

Public Consultation

76. The public exhibition process for this planning proposal will be determined by the Department of Planning, Industry and Environment. It is proposed that the public exhibition of the planning proposal, draft DCP and notification of the planning agreement will run concurrently. The consultation will be in accordance with the requirements of:
- (a) the Gateway Determination issued by the Department of Planning, Industry and Environment under section 3.34 of the Act;
 - (b) the Environmental Planning and Assessment Regulation 2000;
 - (c) the City of Sydney Community Participation Plan 2019.
77. The Planning Proposal and draft DCP will be publicly exhibited in accordance with the Gateway Determination and made available online on the City of Sydney website in accordance with the Planning and Assessment for Councils during Covid-19 guidelines issues by the Department of Planning, Industry and Environment in April 2020 and in accordance with the Environmental Planning and Assessment Regulation 2000.

GRAHAM JAHN, AM

Director City Planning, Development and Transport

Inaara Jindani, Cadet Planner / Jarrod Booth, Planner