Item 8.

Post Exhibition - Planning Proposal – Green Square Town Centre: 377 - 495 Botany Road and 960A Bourke Street, Zetland – Sydney Local Environmental Plan (Green Square Town Centre) 2013 and Green Square Town Centre Sydney Development Control Plan 2012 Amendment

File No: X026151

Summary

This report follows the public exhibition of a planning proposal and draft development control plan (draft DCP) to amend the planning controls for two sites in the Green Square Town Centre (Town Centre).

The Town Centre will be the civic and economic heart of the Green Square Urban Renewal Area and the southern parts of the council area. The Town Centre will be a resilient, lively and unique urban place, with jobs, well-serviced residences, community facilities and open space. When complete, the Town Centre itself will be home to 7,800 people and accommodate up to 6,700 workers.

A number of milestone development projects have been completed in the Town Centre over the last five years, including substantial residential development such as the Ovo and Infinity buildings, as well as community spaces, including the Green Square Library and Plaza. Retail floor space has been delivered as part of some of these recent developments, however other planned employment floor space for additional retail, entertainment, recreation and commercial uses, have proven more difficult to develop in the recent market and are yet to be provided.

Mirvac Projects Pty Ltd (the landowner) lodged a request in July 2021 to change the planning controls for two sites at 377 - 495 Botany Road and 960A Bourke Street, Zetland (the sites) to increase flexibility, facilitate the development and attract tenants that will fulfil the vision for the Town Centre.

The Botany Road site at 377-495 Botany Road, Zetland is the only site within the Town Centre that is intended for a purely commercial use. Up to one third of the Town Centre's employment will be achieved on this site, with a potential 2,049 jobs. Workers coming to and from the site and using the Town Centre's facilities and services will make an important contribution to the vibrancy, activity and character of the place.

It is proposed to allow a larger floor plate at the lower levels of the Botany Road site to cater to the demand for larger, more flexible commercial space and assist in attracting tenants. It is proposed to enable this by amending the height of buildings map in the Town Centre LEP to enable a wide sky bridge which connects the site's two buildings between levels 2 and level 9 (8 levels in total).

It is also proposed to accommodate additional uses on the Botany Road site that complement commercial uses and create an attractive precinct for tenants. This will be done by broadening the range of land uses which can utilise 'additional floor space' to include education facilities (such as a university or school), child care facilities, medical facilities and space for functions and conferences, in addition to commercial uses.

The Bourke Street site at 960A Bourke Street, Zetland is intended to be a mixed-use building, incorporating residential development as well as a range of population serving uses, including entertainment facilities. Entertainment and recreation uses in the lower levels of the building are intended to attract people to the Town Centre and activate the Green Square Plaza.

The approved development application for the site relies on 'additional floor space' allocated for an entertainment facility and includes a cinema. However evolving preferences for entertainment and Covid-19 are affecting the cinema market and use of that floor space in the short to medium term.

It is proposed to broaden the range of uses that can utilise 'additional floor space' on the Bourke Street site to enable other uses that can contribute to activity in the Town Centre. The other land uses proposed include information and education facilities (galleries), artisan food and drink and indoor recreation facilities, in addition to entertainment facilities. Together, these uses can respond to emerging entertainment and recreational trends and activate the Town Centre.

No changes to current zoning or floor space ratios in the Town Centre LEP are proposed.

In October 2021, Council and the Central Sydney Planning Committee resolved to exhibit the planning proposal and draft DCP to amend the *Sydney Local Environmental Plan (Green Square Town Centre) 2013* (Town Centre LEP) and the *Green Square Town Centre Development Control Plan 2012* (Town Centre DCP) and facilitate these changes. The resolutions of Council and the Central Sydney Planning Committee are at Attachment C.

The Gateway Determination at Attachment D was issued by the Department of Planning and Environment (the Department) in November 2021 which required minor clarifications to the planning proposal prior to public exhibition and had no impact on the aims or intent of the planning proposal.

The planning proposal and draft DCP were publicly exhibited for 28 days from 14 February to 14 March 2022. The City received no public submissions to the exhibition.

No changes are proposed to the planning proposal and the draft DCP following public exhibition.

The report recommends the Central Sydney Planning Committee approve the finalised planning proposal at Attachment A and the note the draft DCP at Attachment B and that Council exercises its delegation to amend the Town Centre LEP in accordance with the planning proposal.

The report also recommends the Central Sydney Planning Committee approve a design excellence strategy for 377 - 495 Botany Road, Zetland, shown at Attachment E, so that a design competition for the site may commence.

Recommendation

It is resolved that:

(A) the Central Sydney Planning Committee note that no matters were raised in response to the public exhibition of Planning Proposal – Green Square Town Centre: 377 - 495 Botany Road and 960A Bourke Street, Zetland and draft Development Control Plan - Green Square Town Centre: 377 - 495 Botany Road and 960A Bourke Street, Zetland*;*

(B) the Central Sydney Planning Committee approve Planning Proposal – Green Square Town Centre: 377 - 495 Botany Road and 960A Bourke Street, Zetland shown at Attachment A to the subject report to be made as a local environmental plan under Section 3.36 of the Environmental Planning and Assessment Act 1979;

(C) the Central Sydney Planning Committee note the recommendation to Council's Transport, Heritage, Environment and Planning Committee on 4 April 2022 that Council approve draft Development Control Plan - Green Square Town Centre: 377 - 495 Botany Road and 960A Bourke Street, Zetland shown at Attachment B to the subject report, noting that the approved development control plan will come into effect on the date of publication of the subject local environmental plan;

(D) the Central Sydney Planning Committee approve the Design Excellence Strategy for 377-495 Botany Road, Zetland (also known as site 8A and 8B), version 3.0, prepared by Ethos Urban Pty Ltd and dated 11 March 2022, as shown in Attachment E to the subject report, pursuant to Section 6.1 of the Green Square Town Centre Development Control Plan 2012 and Section 1.2 of the Competitive Design Policy; and

(E) authority be delegated to the Chief Executive Officer to make minor variations to Planning Proposal – Green Square Town Centre: 377 - 495 Botany Road and 960A Bourke Street, Zetland and draft Development Control Plan - Green Square Town Centre: 377 - 495 Botany Road and 960A Bourke Street, Zetland to correct any minor drafting errors prior to finalisation.

Attachments

Attachment A. Planning Proposal Green Square Town Centre: 377 - 495 Botany Road and 960A Bourke Street, Zetland

Attachment A1 - Planning Proposal Request

Attachment A2 - Economic Assessment

Attachment A3 - Urban Design Report

Attachment A4 - Environmental Wind Assessment

Attachment A5 - Proponent's Draft DCP Amendment

Attachment A6 - Supplementary Information dated 27 August 2021

Attachment A7 - Revised Building Envelopes dated 15 September 2021

Attachment A8 - Revised Reference Design dated 15 September 2021

Attachment B. Draft Green Square Town Centre Development Control Plan 2012 Amendment - Green Square Town Centre: 377 - 495 Botany Road and 960A Bourke Street, Zetland

Attachment C. Resolution of Council dated 18 October 2021 and Resolution of the Central Sydney Planning Committee dated 14 October 2021

Attachment D. Gateway Determination dated 25 November 2021

Attachment E. Design Excellence Strategy - 377 - 495 Botany Road, Zetland

Background

1. The Green Square Town Centre (Town Centre) is the civic and economic heart of the Green Square Urban Renewal Area and the southern parts of the local area. The vision for the Town Centre is for a resilient, lively and unique urban place, with jobs, well-serviced residences, community facilities and open space.

2. The Town Centre is four kilometres south of Central Sydney and five kilometres north of Sydney Airport and is serviced by a train station on the Airport Line connecting directly to Central Sydney, Mascot and Sydney Airport. When complete, the Town Centre itself will be home to 7,800 people and accommodate up to 6,700 workers.

3. Green Square-Mascot is identified in the District Plan as one of the key strategic centres for economic and business activity outside Central Sydney. The District Plan includes actions to protect development capacity for jobs, remove barriers to cultural and creative uses and strengthen the economic role of Green Square as urban renewal continues.

4. A number of milestone development projects have been completed in the Town Centre over the last five years, including substantial residential development such as the Ovo and Infinity buildings, as well as community spaces, including the Green Square Library and Plaza.

5. The Town Centre currently has approximately 1,489 established dwellings, and a further 1,552 approved, under construction or recently completed. Retail floor space has been delivered as part of some of these recent developments, however other planned employment floor space for additional retail, recreational and commercial uses, have proven more difficult to develop in the recent market environment and are yet to be provided.

6. Mirvac Projects Pty Ltd (the landowner) has lodged a request to change the planning controls for 377 - 495 Botany Road and 960A Bourke Street, Zetland (the sites). When developed, these sites will comprise over 48,000 square metres of employment floor space and are critical to the overall success of the Town Centre.

7. The Botany Road site (377 - 495 Botany Road, Zetland) adjoins the Green Square Plaza and is the only site within the Town Centre that is intended for a purely commercial office use. Up to one third of the Town Centre's planned employment will be achieved on this site, with a potential 2,049 jobs.

8. The Bourke Street site (960A Bourke Street, Zetland) fronts the Green Square Plaza and is intended for a mixed-use building, incorporating residential development as well as a range of population serving uses, including entertainment facilities. The land uses in the lower levels of the building will activate the Green Square Plaza and make it a place for people to visit, be entertained, recreate and find the services they need.

9. The purpose of the landowner request is to increase the flexibility of the current planning controls to facilitate development of planned employment and entertainment floor space in the Town Centre. The key elements of the request are to:

    (a) broaden the range of non-residential uses that can be provided on the sites, to allow for a broader range of activities; and

(b) facilitate a wide sky bridge between the two commercial towers planned on the Botany Road site, allowing larger and more flexible floor plates to attract commercial tenants.

10. Following assessment of the landowners request, the City prepared Planning Proposal: Green Square Town Centre: 377 - 495 Botany Road and 960A Bourke Street, Zetland (the planning proposal) and draft Development Control Plan 2012: Green Square Town Centre: 377 - 495 Botany Road and 960A Bourke Street, Zetland (the draft DCP). These are shown at Attachment A and Attachment B respectively.

11. The proposed controls are to amend the *Sydney Local Environmental Plan (Green Square Town Centre) 2013* (Town Centre LEP) and the *Green Square Town Centre Development Control Plan 2012* (Town Centre DCP), as they apply to 377-495 Botany Road and 960A Bourke Street, Zetland.

The landowner has made a formal request to change the planning controls on two sites in the Town Centre

12. The planning proposal has been the subject of ongoing pre-lodgement discussions between City of Sydney and the landowner. On 7 July 2021 the landowner submitted a formal request to amend the planning controls (**Attachment A1**). The request was supported by:

    (a) an urban design report, provided at **Attachment A3**;

    (b) a site-specific development control plan amendment, provided at **Attachment A5**;

    (c) an economic assessment, provided at **Attachment A2**; and

    (d) a desktop wind impact review, provided at **Attachment A4**.

13. The subject of the original request was the Botany Road site only. It sought to:

    (a) expand the range of uses that could be achieved on the site to allow for a wider range of uses and activities to support the future residential and working population; and

    (b) facilitate sky bridges at every level between the two commercial towers, unrestricted in height, to enable a larger floorplate across to meet current market demand in this area.

14. The original request did not seek to change the planning controls that apply to the Bourke Street site.

15. Following lodgement, the City raised concerns with the landowner regarding the extent of the proposed sky bridges that would effectively join the two commercial buildings into one large building with a frontage spanning approximately 110 metres.

16. While still preferring sky bridges that spanned all levels, the landowner agreed to reduce the extent of the wider sky bridges to limit its maximum height to below level 10, ensuring the buildings present as separate elements in the skyline. The revised building envelope and an updated reference design, lodged 15 September 2021, are provided **Attachment A7 and A8** respectively.

17. Separate to discussions being held in relation to the Botany Road site, the landowner had also approached the City about potential changes to the Town Centre LEP to facilitate a broader range of entertainment and recreational uses that could be provided on the Bourke Street site.

18. The City requested the landowner provide supplementary material to support the expansion of uses on the Bourke Street site so it could be incorporated into a single planning proposal, that is the subject of this report. The supplementary information, lodged 27 August 2021, is provided at **Attachment A6**.

The planning proposal affects two sites in the Town Centre

19. The planning proposal applies to the Botany Road site, shown in a red dashed outline in Figure 1 and the Bourke Street site, shown in a blue outline in Figure 1.

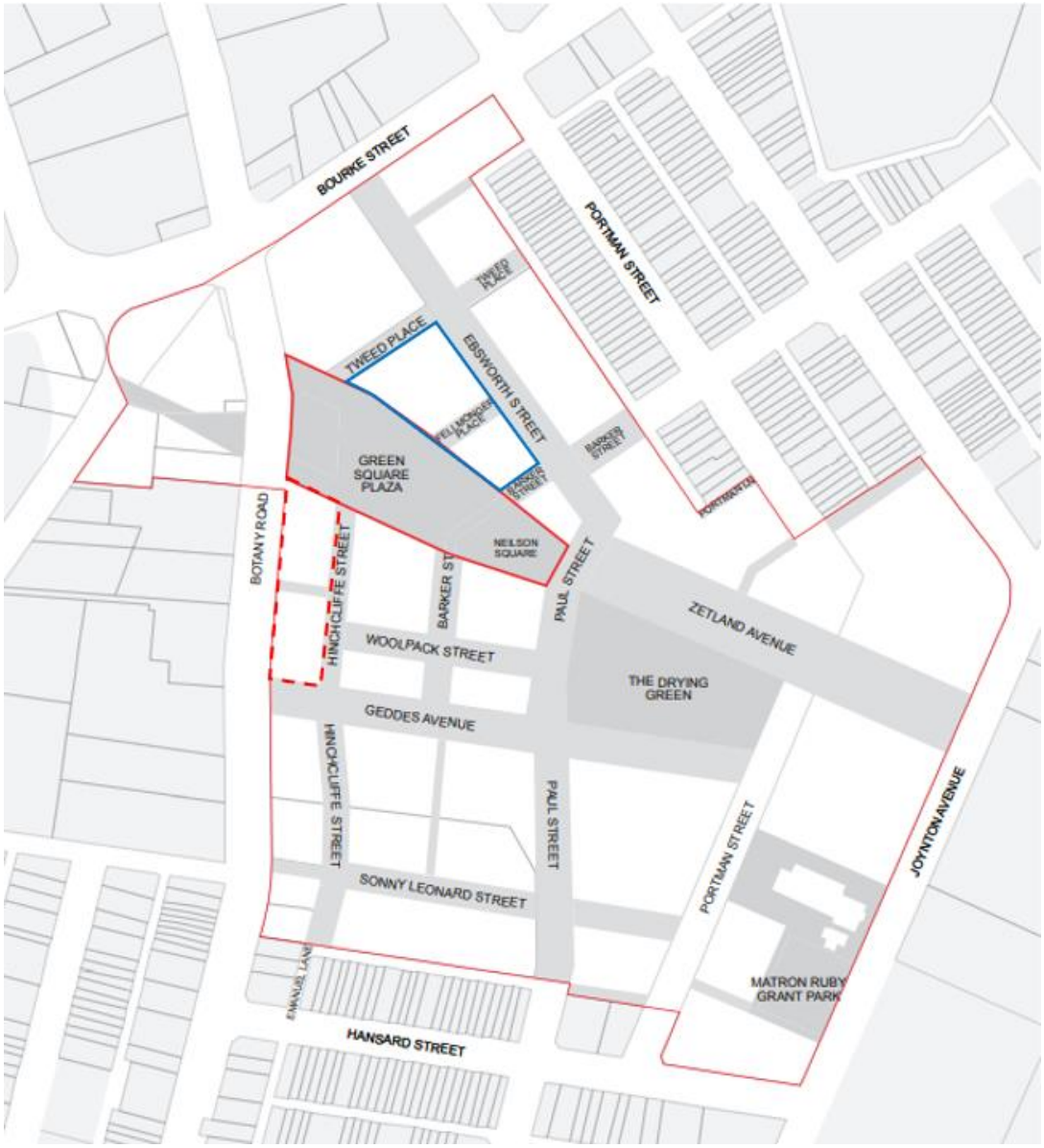
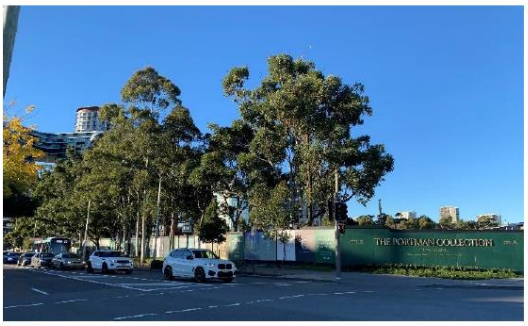


Figure 1: Location and context of the sites with the Botany Road site shown in a dashed red outline and the Bourke Street site shown in blue outline.

20. There is no existing development on either of the sites. They have been cleared and prepared for future development as part of earlier public domain and land remediation projects. Photos of the sites are provided below at Figures 2 and 3.

The site as viewed from Green Square Plaza (north)

The site as viewed from Botany Road (west)



The site as viewed from Botany Road (south-west)

The site as viewed from Geddes Avenue (south)

Figure 2: Photos of the Botany Road site

The site as viewed from the plaza (south)

The site as viewed from Ebsworth Street (east)

The site as viewed from the plaza (south west)

The site as viewed from the plaza (south east)

Figure 3: Photos of the Bourke Street site

The sites play an important role in the urban life of the Town Centre

The Botany Road site

21. The planning controls for the Botany Road site allow for two separate buildings. The south building fronts Botany Road on the east and the new Geddes Avenue on the south. The north building also fronts Botany Road on the east and the Green Square Plaza, Library and underground entrance to the train station, making its north frontage an important contribution to a highly visible and heavily used public spaces.

22. The Botany Road site is the only site within the Town Centre that is intended for a purely commercial office use. Almost one third of the employment that has been projected in the Town Centre will be achieved on this site, with a potential 2,049 jobs.

23. The Botany Road site is therefore critical to support the employment function of the Town Centre, which along with Mascot is identified as a major strategic centre in the Greater Sydney Commission Eastern City District Plan (the District Plan).

24. The Botany Road site has an area of about 4,300 square metres. It is currently cleared of all structures and contains only a row of trees along the western frontage to Botany Road. Current planning controls for the Botany Road site facilitate about 45,700 square metres of floor space. A small portion of floor space (about 1,300 square metres) can be used for any purpose that is permissible in a mixed use zone, however the vast majority is required to be used for an office premises or business premises (as defined in the Town Centre LEP).

The Bourke Street site

25. The Bourke Street site is one of the most centrally located sites in the Town Centre, with a primary frontage to Green Square Plaza and Tweed Place. When developed it will make a significant contribution to the functioning of the Town Centre as well as the look and feel of the plaza.

26. The planning controls for the Bourke Street site allow for two separate buildings that are intended for a mix of uses, including residential development as well as a range of population serving uses. They facilitate about 23,200 square metres of floor space with variable building heights up to 15 storeys at the highest part of the site.

27. Most of the floor space in the Bourke Street site (about 19,000 square metres) can be used for any permissible use in the B4 – Mixed use zone including residential uses, with an additional 4,200 square metres of floorspace available under the Town Centre LEP for population serving uses, being office premises, business premises, entertainment facilities or childcare facilities.

28. The land uses that locate in the lower levels of the building are critical for the activation of the Green Square Plaza as a place where people can visit, be entertained and recreate, and find the facilities and services they need.

29. The Bourke Street site has an area of about 3,700 square metres. It is currently cleared of all structures and has hoardings around its perimeter to shield it from the public domain. It is bounded by Ebsworth Street to the north-east, Tweed Place to the north-west, Green Square Library and Plaza to the south-east, and the future Barker Street to the south-west.

The current planning controls incentivise non-residential uses on the sites

30. The sites are zoned B4 Mixed Use, which permits a wide range of uses, including the proposed uses. No change is proposed to the zoning of the site.

31. The relevant LEP controls that apply to the Botany Road site include:

    (a) a mapped FSR of 0.3:1 with additional FSR (44,000 square metres) available under clause 4.4A Exceptions to floor space ratio, only if that additional floor space is used for office premises or business premises; and

    (b) variable height controls, including:

        (i) the northern building on the Botany Road site has a height of RL115 (24 storeys) with a street wall fronting the plaza of RL52 (8 storeys);

        (ii) the southern building on the site has a height of RL90 (17 storeys); and

        (iii) the through-site link identified between the north and the south building is RL22, which does not currently allow for the proposed sky bridges.

32. The relevant LEP controls that apply to the Bourke Street site include:

    (a) a mapped FSR of 5.47:1 with additional FSR (4,200 square metres) available under Clause 4.4A Exceptions to floor space ratio, only if that additional floor space is used for office premises, business premises, entertainment facilities and centre-based child care facilities; and

    (b) variable height controls, including:

        (i) the part of the northern building fronting the plaza being RL50 (8 storeys), the central part of the northern building being RL64 (12 storeys) and the eastern edge of the northern building being RL75 (15 storeys); and

        (ii) the part of the southern building fronting the plaza being RL50 (8 storeys) and the central part of the southern building being RL62.5 (12 storeys).

33. The Town Centre DCP supports the provisions in the Town Centre LEP and contains site specific built form, land use and public domain controls including requirement for a through site link across the Botany Road site, connecting Hinchcliffe Street to Botany Road.

The planning proposal will facilitate sky bridges on the Botany Road site

34. The planning proposal amends the Height of Buildings map in the Town Centre LEP to facilitate limited sky bridges of increased width between the two buildings on the Botany Road site.

35. The Town Centre DCP currently envisages sky bridges of significantly smaller proportions than what is proposed in this planning proposal. However, the Town Centre LEP does not facilitate it, and any future development application made under current controls that incorporated sky bridges would be subject to a request to vary the maximum height control under Clause 4.6 of the LEP to allow for its delivery.

36. The Economic Assessment provided by the landowner has demonstrated that the capacity to provide large floorplates over 2,000 square metres is essential if the building is to meet the needs of the commercial office market and find suitable tenants.

37. The increase in height resulting from the planning proposal will enable the buildings to be effectively joined-up between level 2 and level 9 (8 levels in total) to create large 'campus style' commercial floor plates at the lower levels of about 2,700 square metres. This leaves the levels above unconnected to ensure the two buildings appear as separate towers in the skyline. In addition, the sky bridges will be set back from Botany Road and Hinchcliffe Street to reduce the visual bulk of the buildings when viewed from the street and/or surrounding buildings.

38. The proposed sky bridges allow the two buildings to present as two separate elements, while enabling some flexibility for large floorplates. The proposed sky bridges do not require additional floor space in the Town Centre LEP, which can be accommodated in the existing floor space ratio that applies to the site.

39. The urban design report provided by the landowner shows that using floor space for the sky bridges allows the building to be designed with either a reduced building height, increased public circulation at ground level, or façade articulation to the north or south elevations. A competitive design process is required for the detailed design of the building, that will be undertaken at the development application stage.

40. The amendment to the Town Centre LEP Height of Building Map to facilitate the sky bridge is shown at Figure 4. The amendment increases the height from RL22 to RL55.7, which will provide for the sky bridge to join the two buildings below level 10.

Figure 4: Proposed amendment to the Town Centre LEP Height of Building Map

41. In conjunction with the amendment to the Town Centre LEP, an amendment to the Town Centre DCP is also proposed to reflect the proposed changes to the LEP. The Draft DCP (Attachment B) will continue to identify a through site link between the buildings from Botany Road to Hinchcliffe Street, which is required to be provided at ground level with a height of 10 metres (below level 2). The draft DCP also identifies the maximum width of the sky bridge as 20 metres, to ensure sufficient setbacks from Botany Road and Hinchcliffe Street can be achieved.

42. A resulting indicative built form is shown at Figures 5 and 6. The perspective of the Botany Road site at Figure 6 shows a 20 metre sky bridge connecting the podiums with a setback of 4 metres from Botany Road. It is noted the setback of the sky bridges to the Botany Road frontage is to be explored in the design competition and assessed in the development application stage.

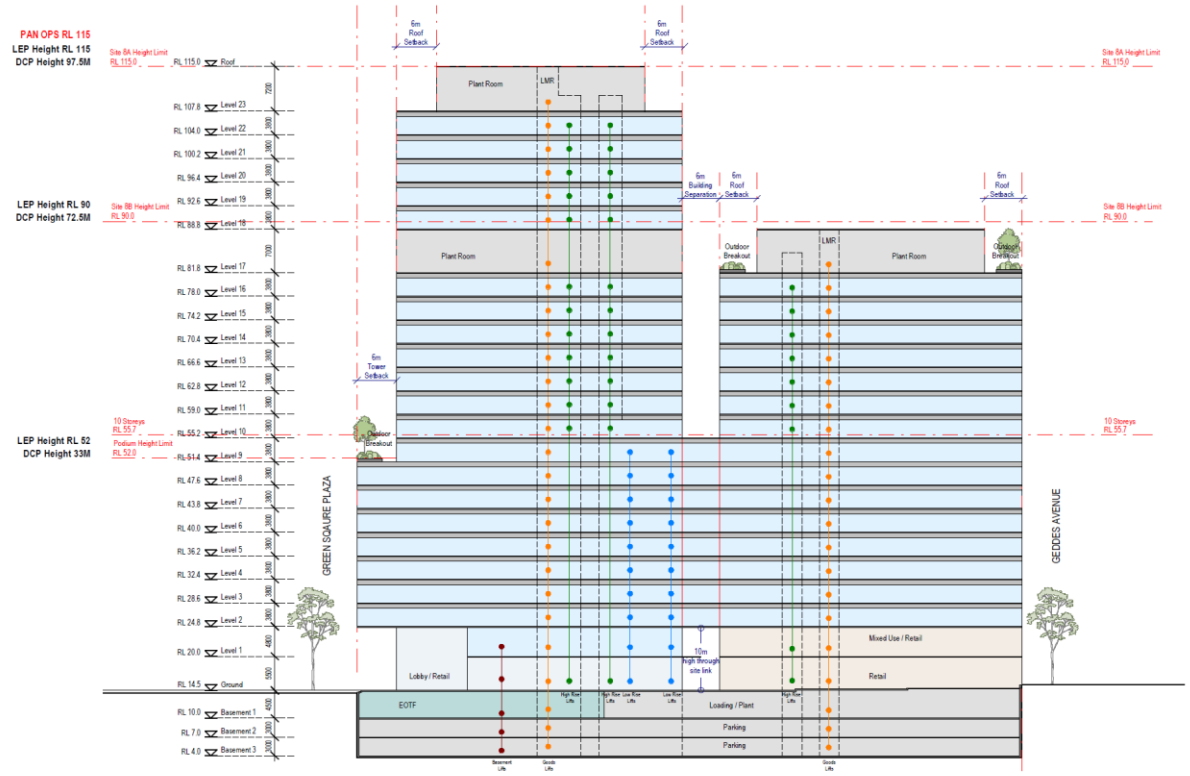


Figure 5: Botany Road site section

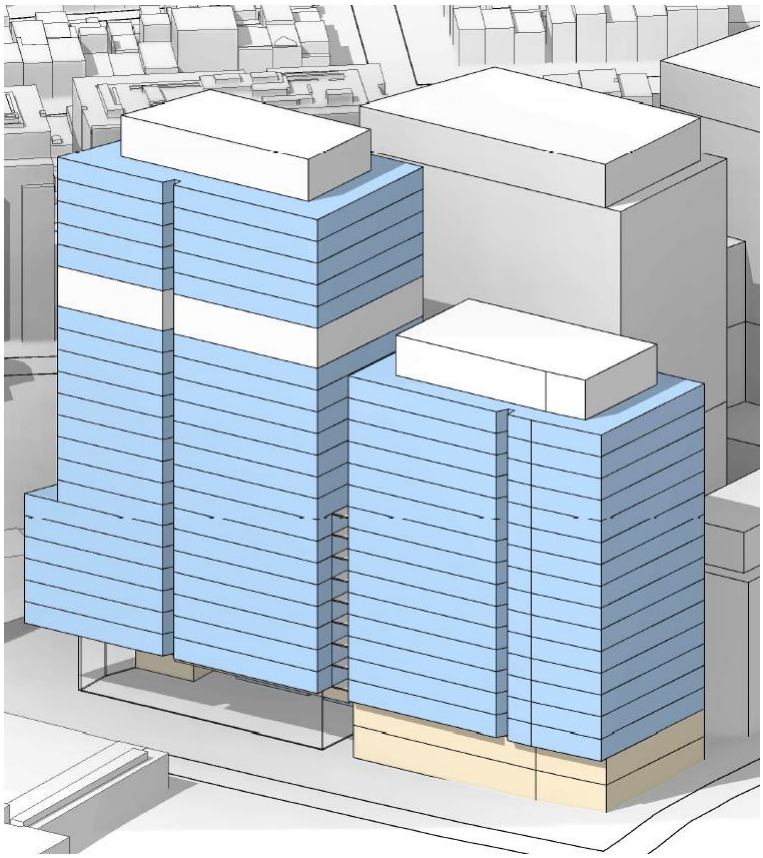


Figure 6: Perspective of Botany Road site showing the skybridges connecting the podiums

43. In support of the proposed changes, Arup prepared an Environmental Wind Assessment on behalf of the landowner to assess the impact of widening the sky bridge. The Assessment found that increasing the width of the sky bridge to 20 metres would have negligible impact.

The through site link to be provided on the Botany Road site under current planning controls will still be required

44. In 2013 Council entered into a voluntary planning agreement (VPA) with Mirvac and Landcom, the then owner of the sites, for the carrying out of work in the Town Centre. The VPA provides for the developer to undertake infrastructure work, pay monetary contributions as well as dedicate land to the City.

45. The VPA requires the developer to register an easement to allow access for the public along the east-west through-site link on the Botany Road site. The VPA requires the easement be six metres wide and clear to the sky, except for a three-metre long sky bridge.

46. The proposed change to the planning controls will not affect the developer's obligation to provide an easement for public access to the through site link. If the planning proposal proceeds, Council officers will confirm that the change to the built form controls don't necessitate amendment of the VPA.

The planning proposal will facilitate additional uses on the Botany Road site

47. Currently, most of the floor space achievable on the Botany Road site is limited to providing office or business uses by the Town Centre LEP.

48. The planning proposal amends clause 4.4A(2)(a) of the Town Centre LEP to broaden the range of potential land uses that can be achieved on the site. The purpose of the proposed change is to increase flexibility for the site and the prospect of these commercial sites being delivered in the short to medium term. Importantly, increasing the flexibility of uses will:

    (a) enable a range of complementary uses to support the commercial and business floor space on the site; and

    (b) increase the potential range of tenants to occupy the commercial and business floor space on the site.

49. The additional proposed uses are:

    (a) centre-based child care facilities;

    (b) educational establishments;

    (c) health service facilities;

    (d) retail premises (up to a total of 1,500 square metres);

    (e) entertainment facilities and function centres (up to a total of 2,500 square metres); and

    (f) recreation facilities (indoor) (up to total of 1,500 square metres).

50. The inclusion of the above uses on the site supports employment growth and activity in the Town Centre.

51. To ensure the focus of the building remains business and office premises, certain uses will be limited in size, as outlined above. The limits to the floor space of certain uses means that retail premises, entertainment facilities, function centres and recreation facilities (indoor) will together take up no more than 3 floors of the commercial buildings.

The proposed planning controls for the Botany Road site are supported by an Economic Assessment

52. The proposed amendments to the Town Centre LEP are supported by the Economic Assessment, that identifies the demand requirements for commercial and other supporting land uses in the Town Centre.

53. There is a significant pipeline of development within Green Square, however only a small proportion of that planned development is for non-residential buildings (see Figure 6). Botany Road site is the only purely commercial building in the Town Centre.

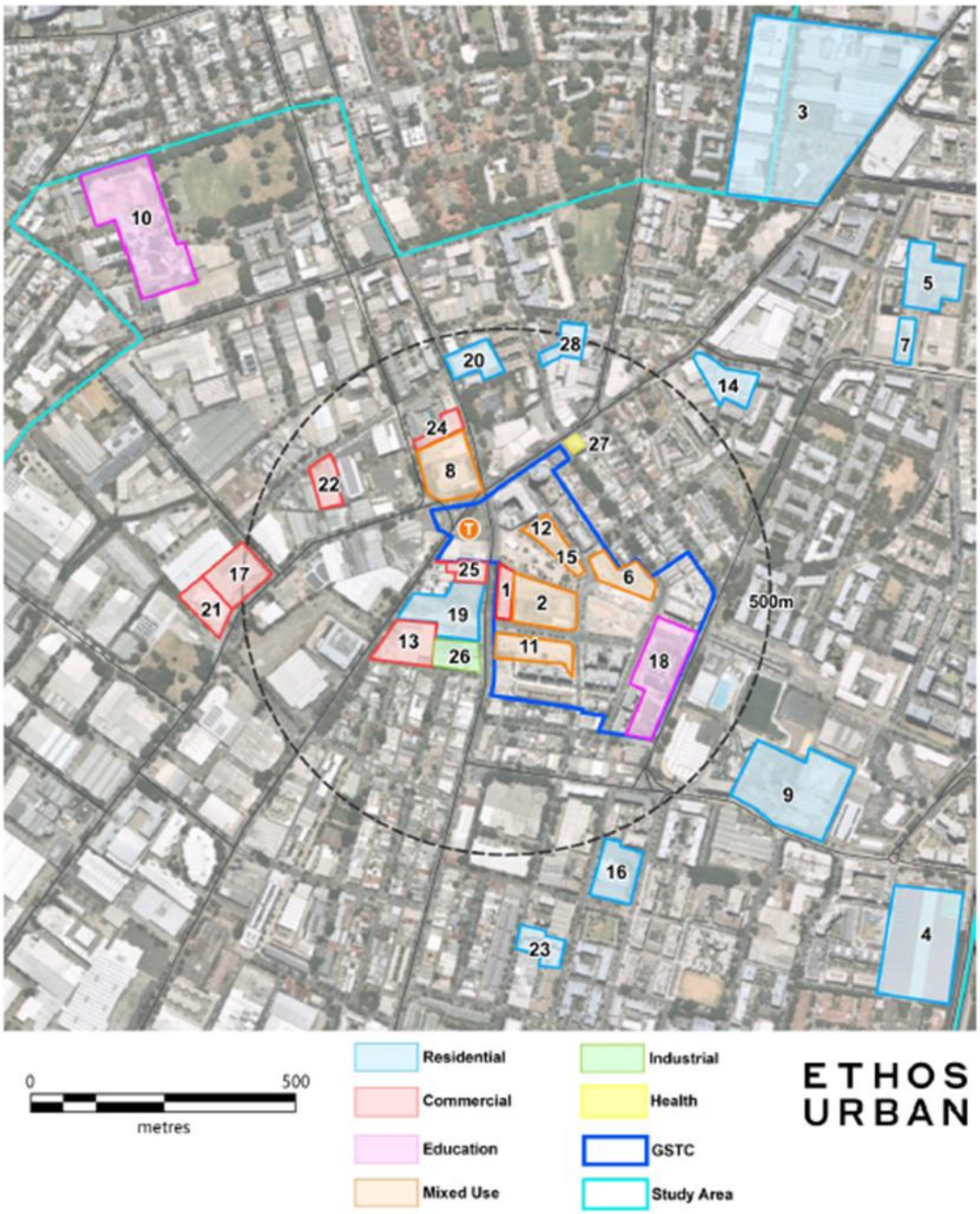


Figure 6: Proposed developments within the Green Square and City South Village

54. The Economic Assessment outlines that major occupiers in South Sydney often select the location due to its proximity to the CBD, Port and Airport, as well as the ability to secure sizeable floorplates at an affordable rate.

55. The report predicts the market for commercial office floor space in South Sydney is likely to remain challenging as a result of subdued market demand and the level of new development activity that will continue to occur in the metropolitan and city fringe markets.

56. Commercial office space in South Sydney competes for tenants against the city fringe market (Pyrmont, Redfern, Surry Hills, South Eveleigh) as well as Macquarie Park. These markets share several similar characteristics including proximity to the CBD, access to public transport and the ability to provide large floorplates.

The planning proposal will facilitate additional uses on the Bourke Street site

57. Clause 4.4A(2)(d) of the Town Centre LEP provides for 4,200 square metres of additional floor space on the Bourke Street site to be used only for the purposes of office premises, business premises, entertainment facilities and centre-based childcare facilities.

58. Development consent was granted for the Bourke Street site on 20 June 2019 (D/2017/564) for the purposes of a mixed-use development comprising retail, commercial, entertainment and residential uses. The detailed design included approximately 2,000 square metres of entertainment facility floor space in the form of a 5-screen cinema complex, in addition to other retail and commercial space within the development.

59. Due to changing entertainment preferences and COVID-19 there is currently little interest from cinema operators to establish a cinema, at least in the short to medium term.

60. The landowner's catchment analysis, provided in the supplementary material, identified there is local demand for entertainment and recreation uses, contemporary music and architecture and design sectors for uses such as a creative bar, distillery or brewery, fashion design and textile incubator, and digital services.

61. The planning proposal is to amend the Town Centre LEP to facilitate flexibility for the use of floor space, which in the approved development application was to be used for a cinema, to more closely align to current entertainment trends. The planning proposal will allow the ‘additional floor space’ to be used for:

    (a) information and education facilities (such as a school or tertiary education use);

    (b) artisan food and drink industry; and

    (c) recreation facilities (indoor).

62. These additional uses do not derogate from the intended outcomes of the additional floor space on this site, which are to provide entertainment and recreational activities and to realise the Town Centre as an activated and desirable place to live, work and visit. Figure 7 illustrates a potential concept to repurpose the cinema floor space for these alternative uses. The reference design demonstrates a potential distribution of new uses in the space and maintains the volume necessary to allow for the space to be reutilised for a cinema use in the future.

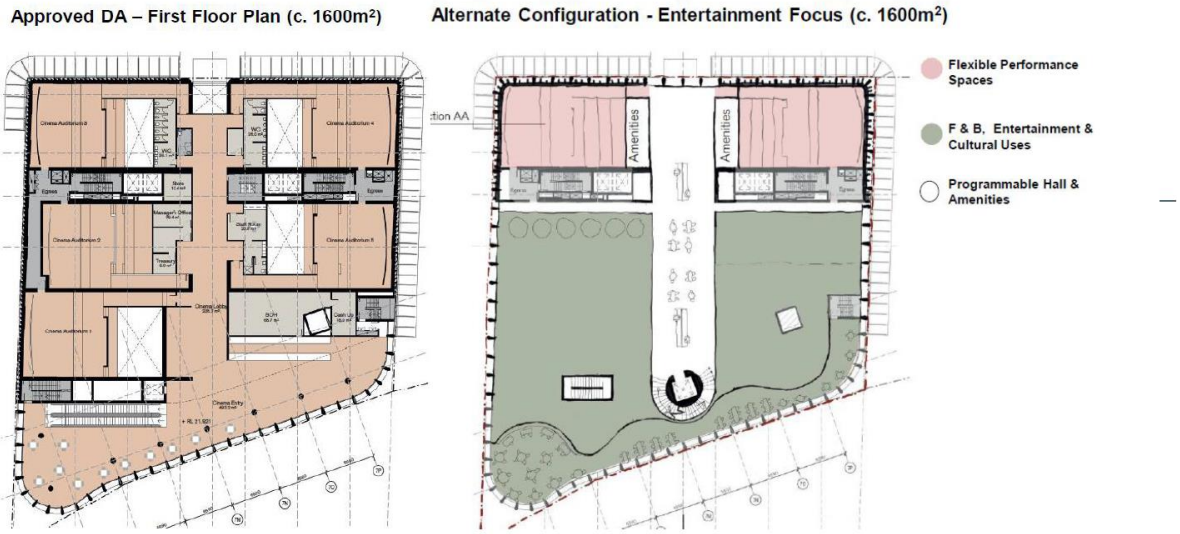


Figure 7: Concept to repurpose cinema floor space

63. The planning proposal makes no change to the built form of the Bourke Street site. Internal arrangement of the floor space at the lower levels will be subject to a future development application.

Proposed amendments to the Town Centre DCP will align it with the Town Centre LEP

64. The draft DCP, at Attachment B, has been prepared to amend the Town Centre DCP and align it with the planning proposal. The draft DCP:

(a) continues to identify a through site link between the buildings on the Botany Road site (from Botany Road to Hinchcliffe Street), 10 metres in height (below level 2), which is to be provided to council as an easement for public access at the development application stage;

(b) limits the length of the sky bridge on the Botany Road site to 20 metres, measured from Botany Road to Hinchcliffe Street. While the overall depth of the buildings is about 29m, the positioning of the sky bridge between the buildings, and the setbacks from the Botany Road frontage and the Hinchcliffe Street frontages is to be determined in the development application process;

(c) amends key figures in the Town Centre DCP to facilitate a wider range of uses on the Botany Road site; and

(d) requires that development on the Bourke Street site be designed to include floor space which can be adapted to a cinema in the future.

Council and the Central Sydney Planning Committee support the changes

65. In October 2021, Council and the Central Sydney Planning Committee approved the planning proposal for submission to the Department of Planning and Environment (the Department) with a request for a Gateway Determination for public exhibition. The draft DCP was also approved for public exhibition. The resolutions of Council and the Central Sydney Planning Committee are at **Attachment C**.

The Gateway Determination required minor edits to the planning proposal

66. The Department requested additional commentary be included in the section 9.1 direction relating to flooding to note that child care and health care facility uses are permissible and can be developed under the current zoning and the proposal only enables child care to be provided and allow the additional floor space to be accessed. Any development application will need to address flooding and evacuation, including any particular measures for a child care or heath care use.

67. A Gateway Determination was then issued by the Department in November 2021. A copy of the Gateway Determination can be found at **Attachment D**.

68. Conditions attached to the determination required the planning proposal be amended prior to public exhibition to:

    (a) update the height of buildings map, to include the context of the surrounding area rather than just the proposed amendment; and

    (b) include a table of additional information detailing any impact on the intent and application of the planning proposal associated with the Department's proposed employment zones reform.

69. Consequently, the height of buildings map included in the planning proposal has been updated to include the maximum building heights in RLs of all surrounding buildings in the Town Centre.

70. Additional information is also provided to explain that the planning proposal would still be necessary under the Department's proposed simplified framework for employment zones. The reform involves replacing the existing business and industrial zones with five new employment zones and three supporting zones, in a framework which suits the future of work, supports productivity and jobs growth, and facilitates delivery of strategic plans and priorities.

71. The sites currently have a B4 Mixed Use zoning, which would remain a mixed uses zone under the proposed reform. Nevertheless, as the planning proposal seeks to link specific uses to additional floor space and to limit the total floor area of some of those uses, the planning proposal is still required.

72. Changes made to the planning proposal prior to public exhibition are shown in highlighted text in **Attachment A**.

The planning controls were exhibited from 14 February until 14 March 2022 and no submissions were received

73. The Gateway Determination required a public exhibition of a minimum 28 days and consultation with Transport for NSW and relevant utility and service providers.

74. The planning proposal and draft DCP were exhibited concurrently from 14 February until 14 March 2022. The City sent 1,488 letters to neighbouring residents and businesses within a 75 metre radius of the site to notify them of the consultation. The exhibition was also advertised on the City's Sydney Your Say webpage.

75. Transport for NSW, Ausgrid and Sydney Water were also consulted given that the proposal expands on the permissible land uses and could therefore give rise to a variety of utility and servicing needs.

76. The Sydney Your Say webpage, which outlined the proposed planning changes and made the supporting documents available for review and download, received 102 unique page views, but no enquiries or submissions were received.

No changes to the planning proposal and draft DCP are needed following exhibition

77. No amendments are proposed to the planning proposal or draft DCP as a result of the public exhibition.

78. If approved, the planning proposal and draft DCP will support the Eastern City District Plan's actions to protect development capacity for jobs, remove barriers to cultural and creative uses and strengthen and reinforce the economic role of Green Square as urban renewal continues.

79. The Gateway Determination authorises Council to liaise directly with Parliamentary Counsel to draft and make the local environmental plan under delegation, giving effect to the Planning Proposal.

80. Once this process is complete and the plan is made, the amendment to the Town Centre LEP will come into effect when published on the NSW Legislation website. The draft DCP would come into effect on the same day as the amendment to the Town Centre LEP.

A Design Excellence Strategy is recommended for approval alongside the planning proposal and draft DCP

81. The height of development on the Botany Road site triggers the need for a competitive design process under Section 6.9 of the Town Centre LEP. The City's Competitive Design Policy requires such a process to be undertaken in accordance with a Design Excellence Strategy approved by the Consent Authority as part of an associated site specific DCP or concept stage development application (or Stage 1 development application).

82. Given the level of detail which already exists in the Green Square Town Centre planning controls however, the City has typically not required an initial Stage 1 concept plan or site-specific DCP to be prepared for sites in the Town Centre, allowing proponents to move directly to a Stage 2 development application. It is anticipated that a similar approach will be taken on the Botany Road site.

83. Consequently, it is proposed that the Central Sydney Planning Committee approve the Design Excellence Strategy at **Attachment E** as part of this planning proposal to allow a competitive design process to be undertaken prior to the lodgement of any future detailed design development application.

84. The attached Design Excellence Strategy has been prepared by Ethos Urban on behalf of Mirvac and is the result of ongoing discussion and amendment since December 2021. The Strategy will guide the competitive design process to high quality and varied architectural design and enhanced ecologically sustainable design (ESD) outcomes.

85. If approved, the proponent will utilise the Strategy to develop a design brief for competitors who will be taking part in any competitive design process for the site. The design competition will not commence until the LEP and DCP amendments come into effect and will then inform a Stage 2 detailed design development application. It should be noted that no additional floor space or height is awarded as a result of any competitive design process undertaken for sites in the Green Square Town Centre.

Key Implications

Strategic Alignment - Sustainable Sydney 2030

86. Sustainable Sydney 2030 is a vision for the sustainable development of the City to 2030 and beyond. It includes 10 strategic directions to guide the future of the City, as well as 10 targets against which to measure progress. This planning proposal and DCP amendment is aligned with the following strategic directions and objectives:

    (a) Direction 1 - A Globally Competitive and Innovative City - The planning proposal will strengthen the economic role of the Green Square - Mascot strategic centre by facilitating employment and recreation development in the Town Centre. Development of the Botany Road site for commercial buildings will encourage additional commercial development through spill over effects and better recognition of the Town Centre as an emerging economic and business centre.

    (b) Direction 6 - Vibrant Local Communities and Economies - The planning proposal will unlock the development capacity of two sites, facilitating employment growth in the Town Centre. The planning proposal enables a diversity of commercial and entertainment land uses, increasing the provision of population-serving uses and the diversity of job opportunities in the Town Centre.

Relevant Legislation

87. Environmental Planning and Assessment Act 1979.

88. Environmental Planning and Assessment Regulation 2000.

GRAHAM JAHN AM

Director City Planning, Development and Transport

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