

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;

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- 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;

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- 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.

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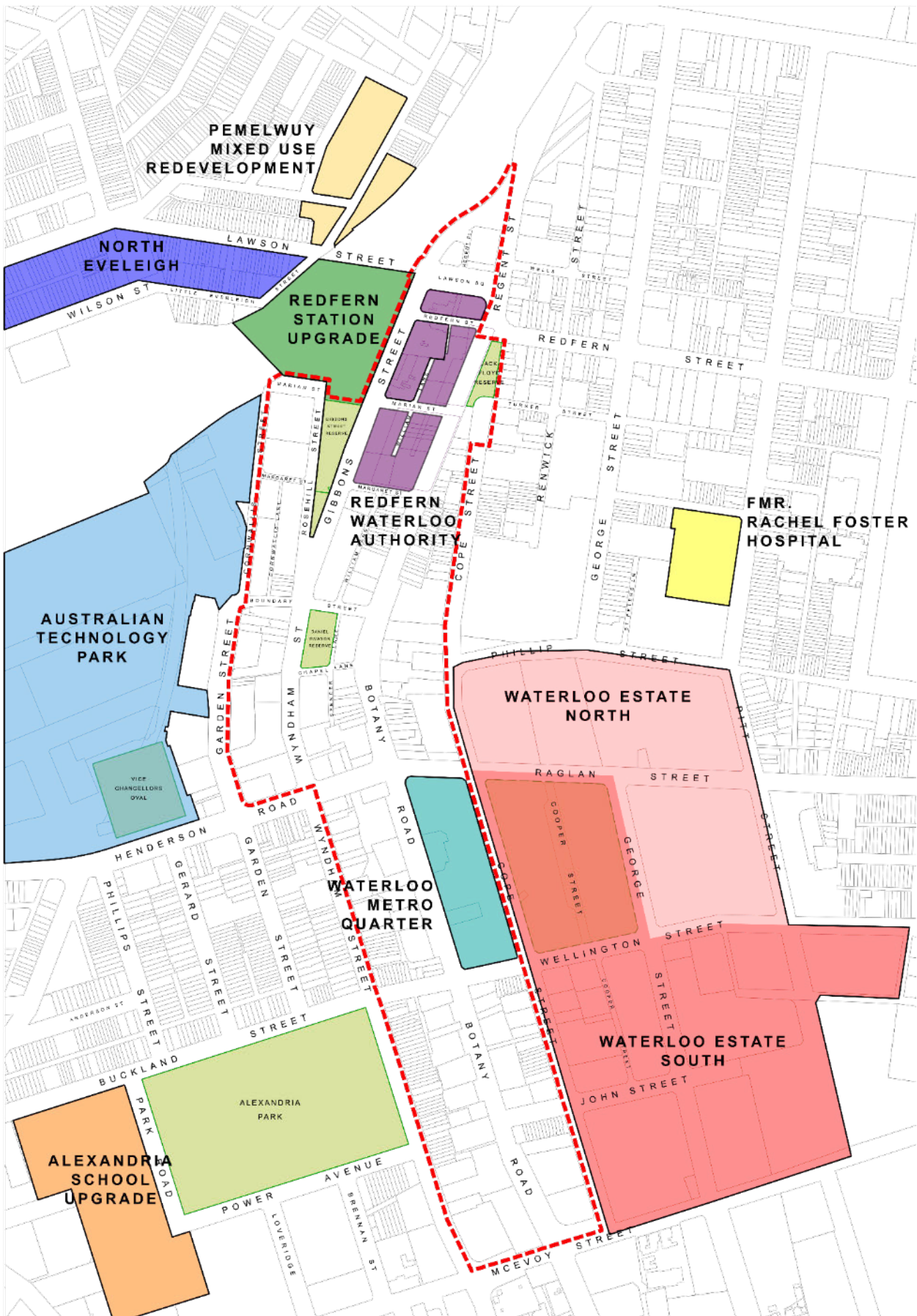


Figure 2. Site context

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

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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.

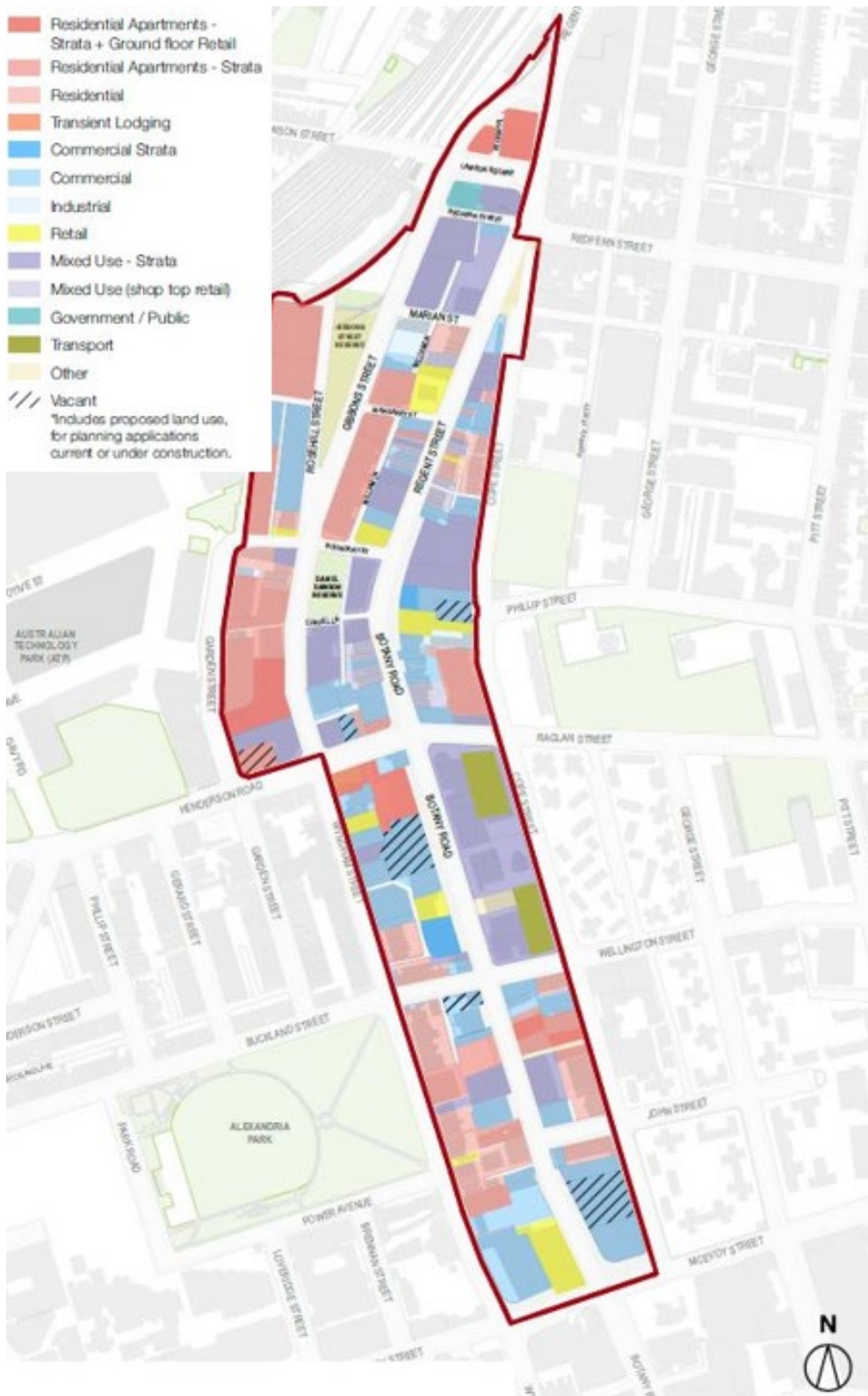


Figure 27. Current land uses

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.

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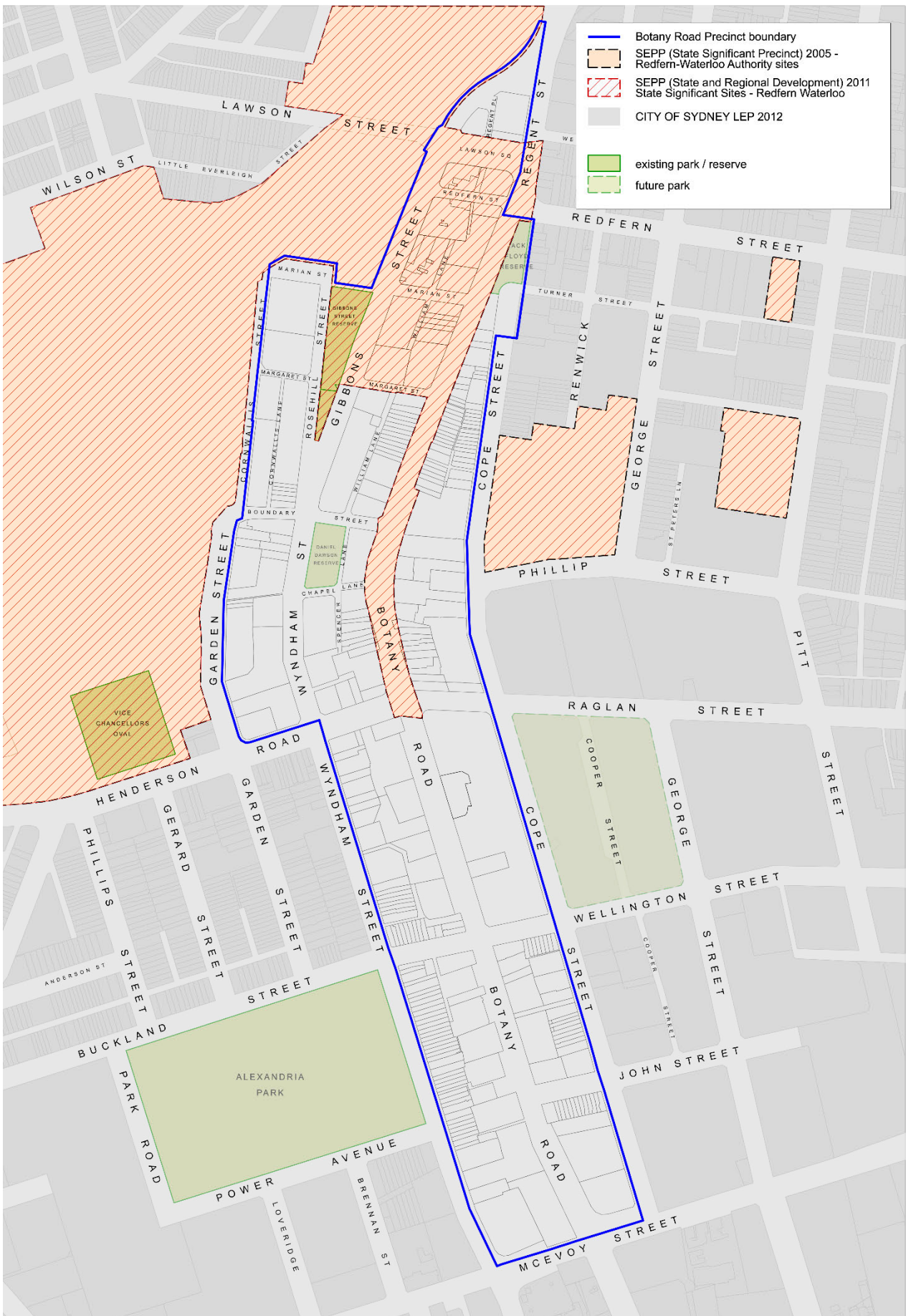


Figure 28. Application of Environmental Planning Instruments

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.

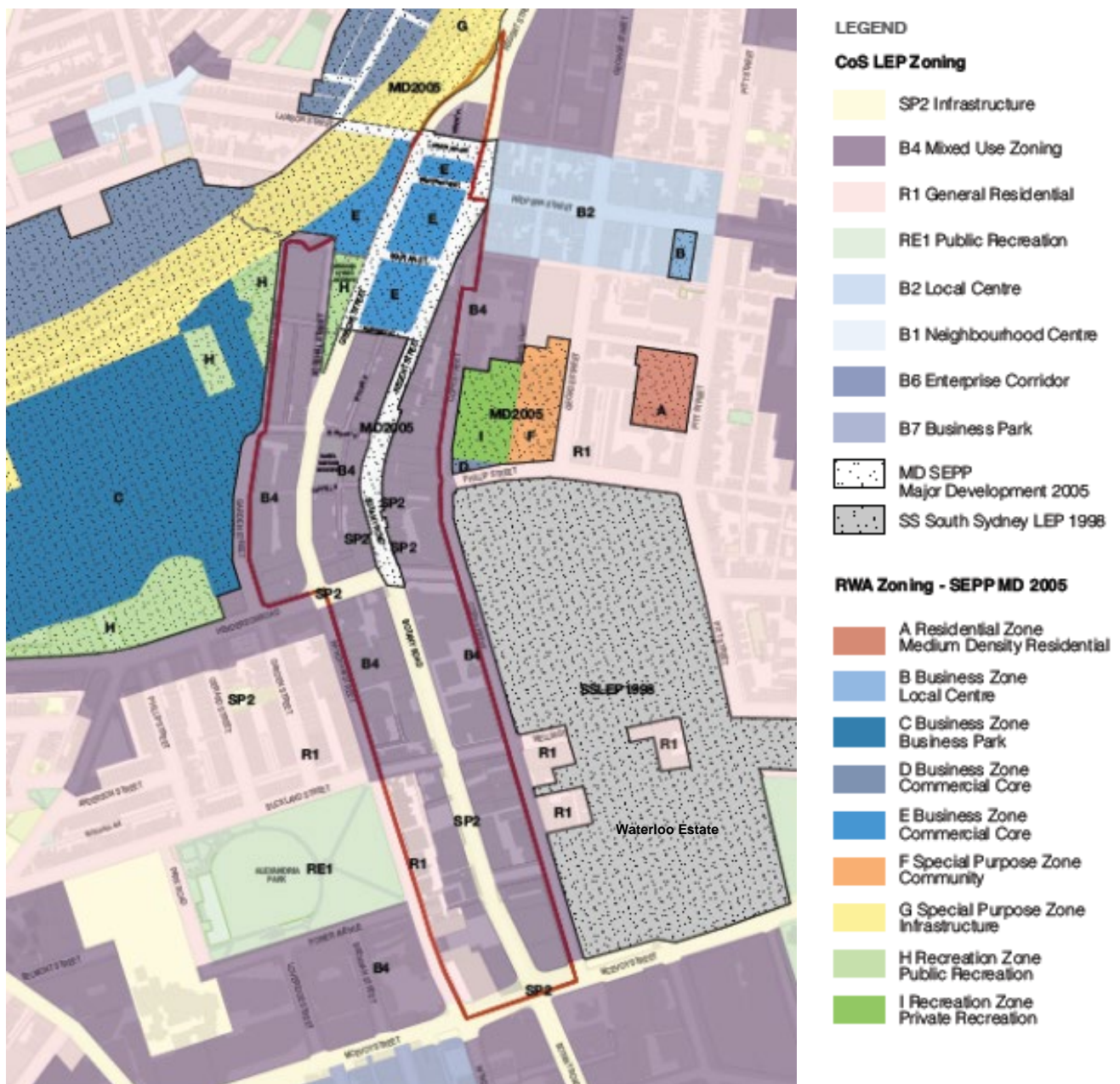


Figure 29. Land zoning controls applying to the Precinct

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.

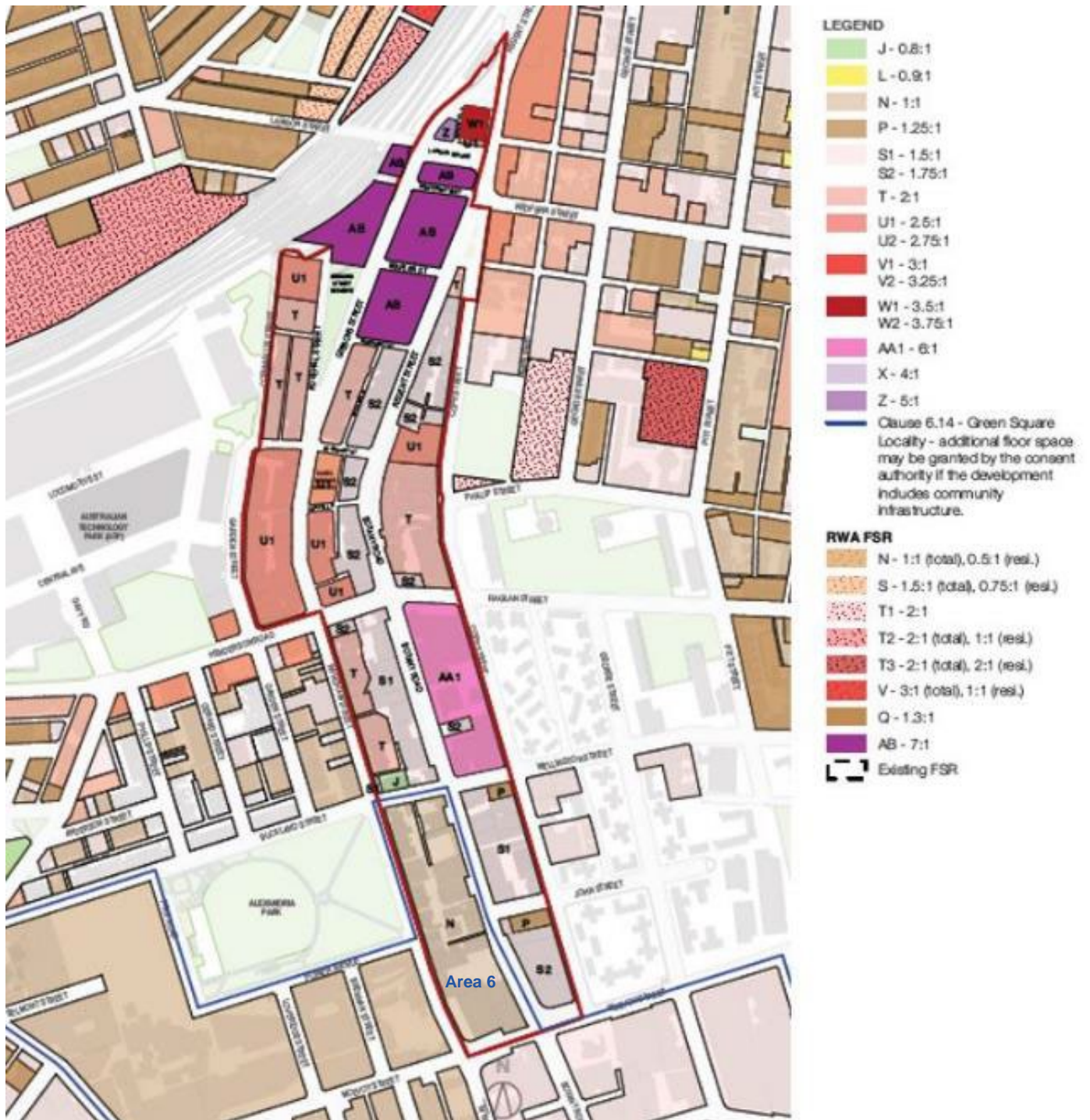


Figure 30. FSR controls applying to the Precinct

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

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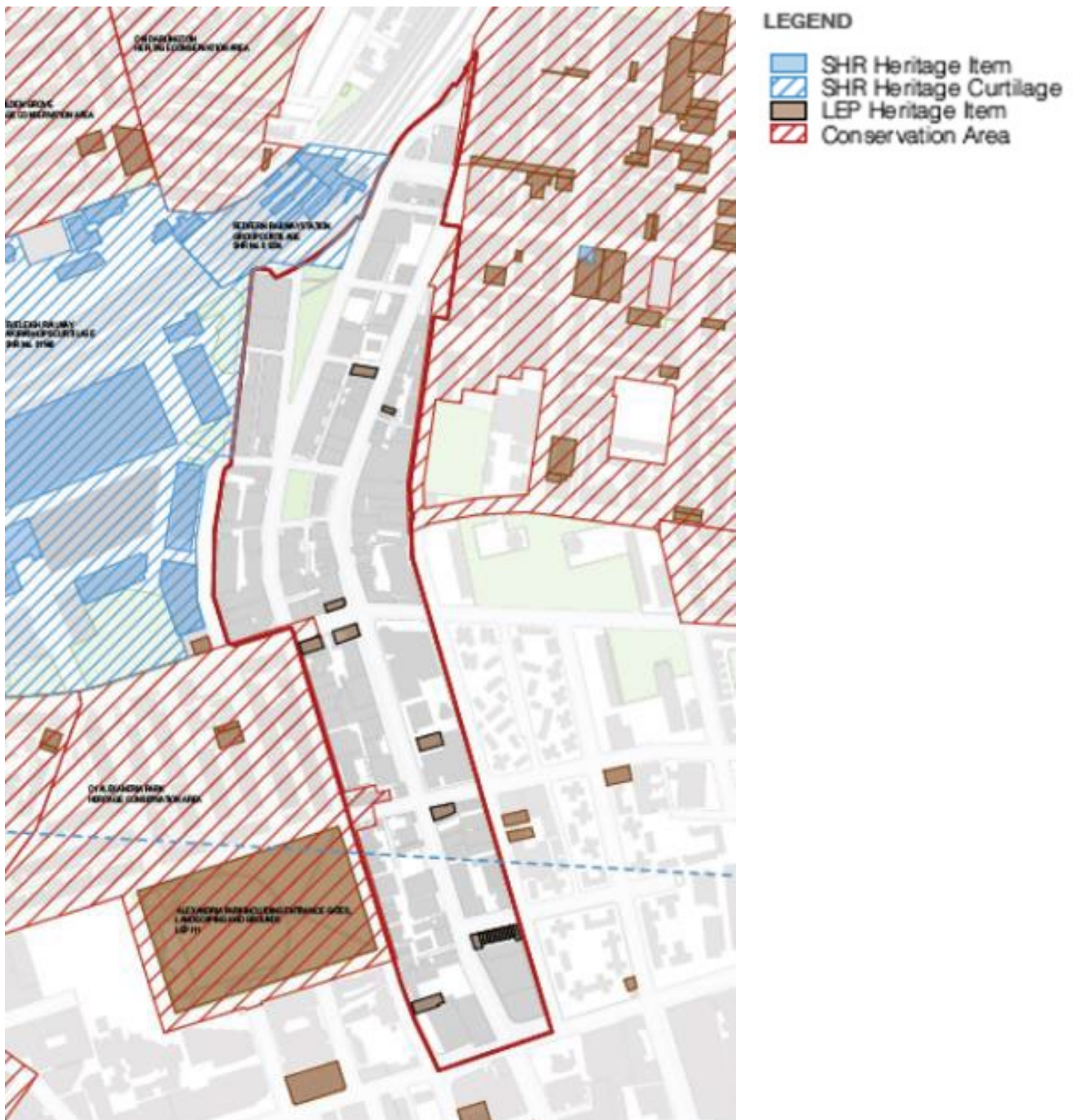


Figure 32. Sydney LEP 2012 heritage items and conservation areas and State Heritage Items

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:

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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.

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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.

- 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:

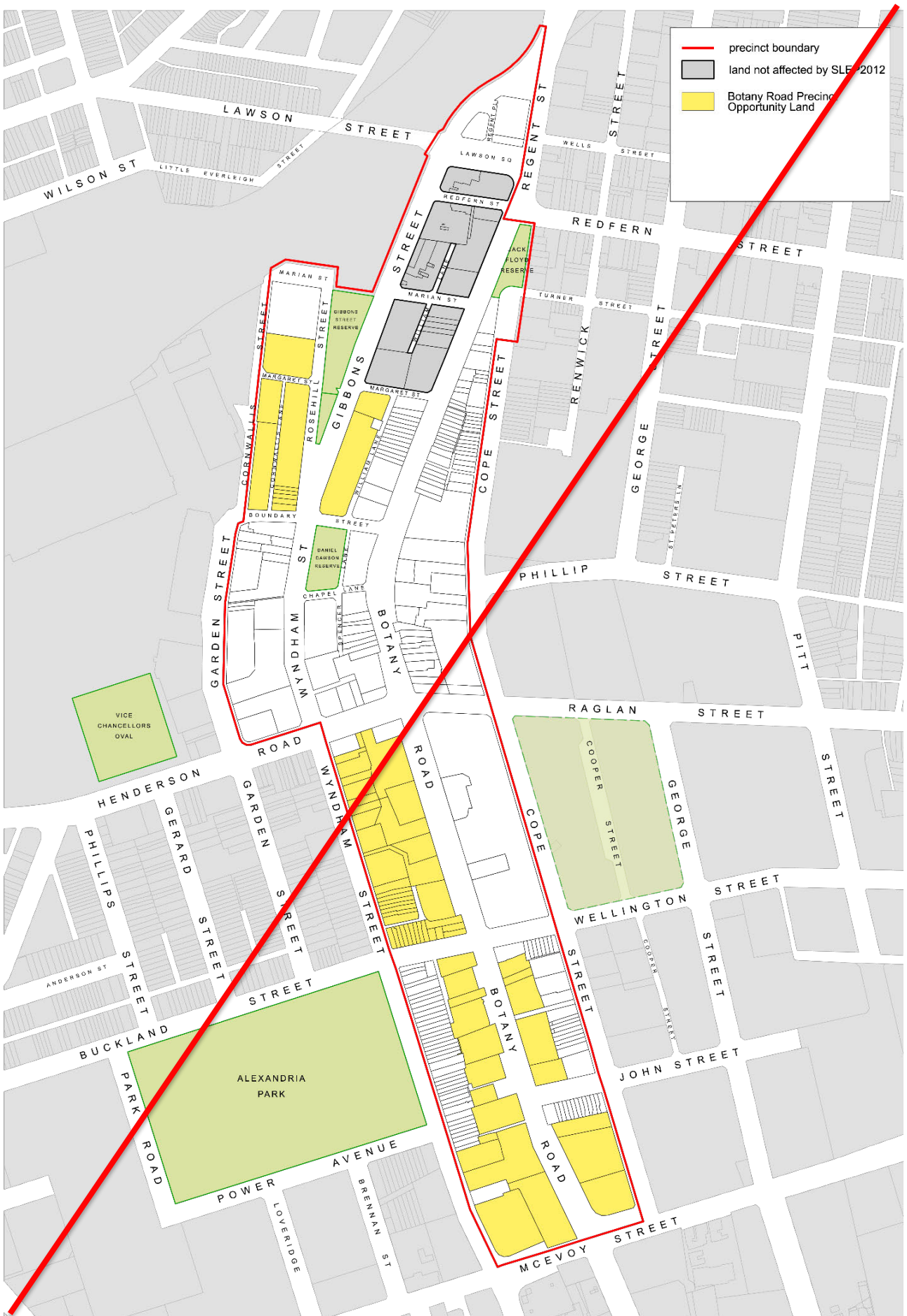
- it is for the purposes of:
 - non-residential (commercial) uses only; or
 - non-residential (commercial) uses and affordable housing only;
- it provides land for the future laneways;
- it exceeds the BASIX commitments for water and energy by not less than 10 points for energy and five points for water;

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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.

Botany Road Precinct



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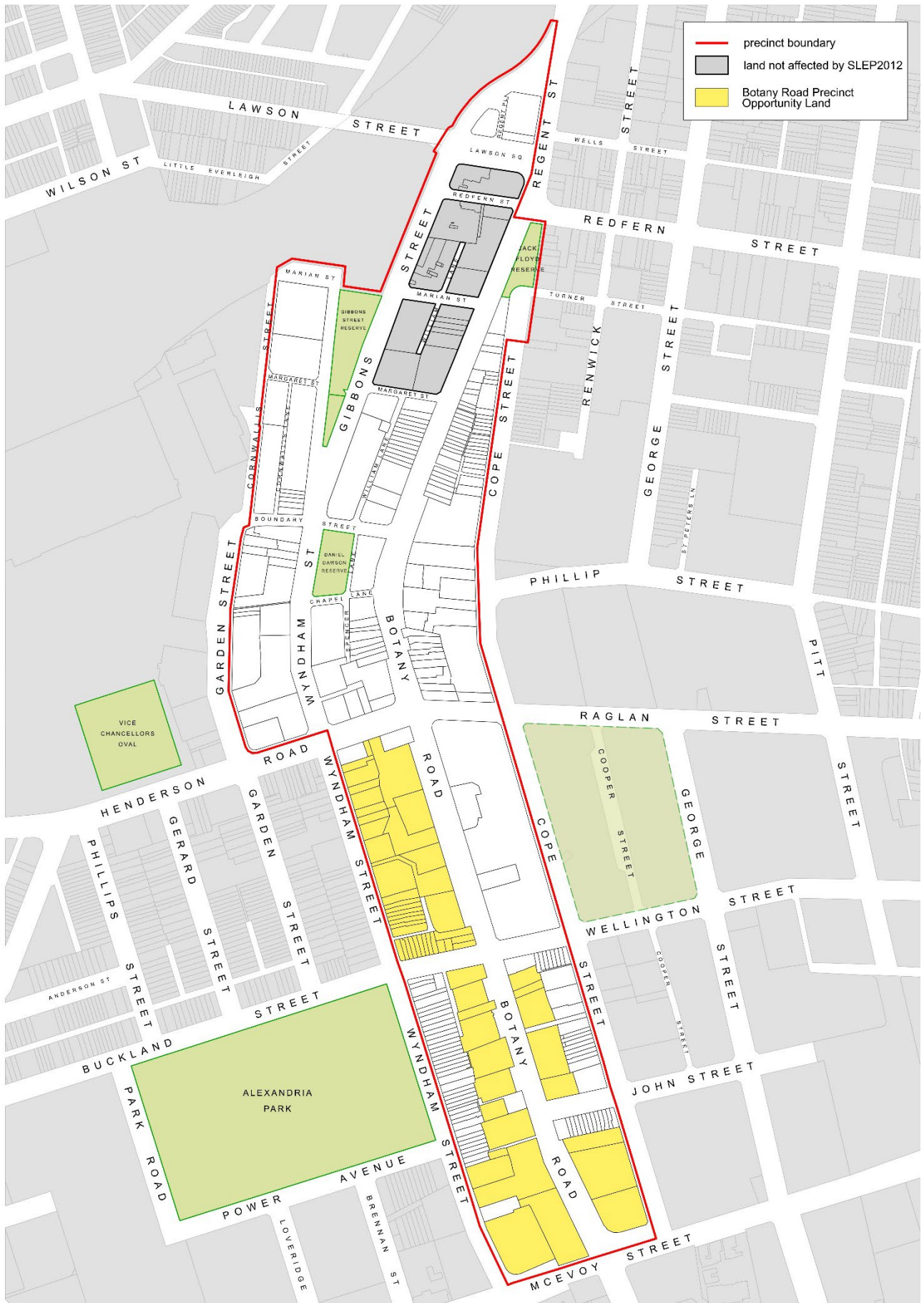
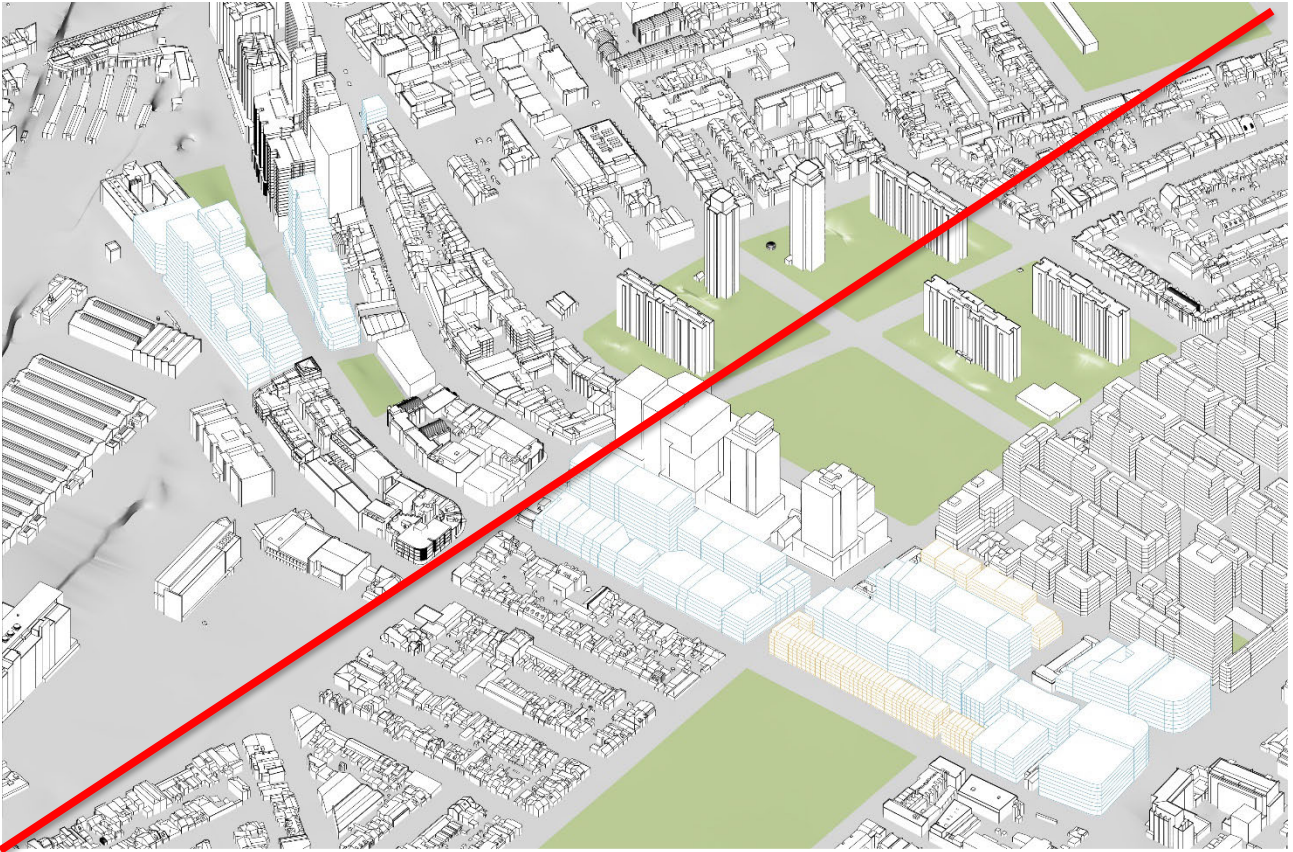


Figure 33. Botany Road Precinct Opportunity Land

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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).



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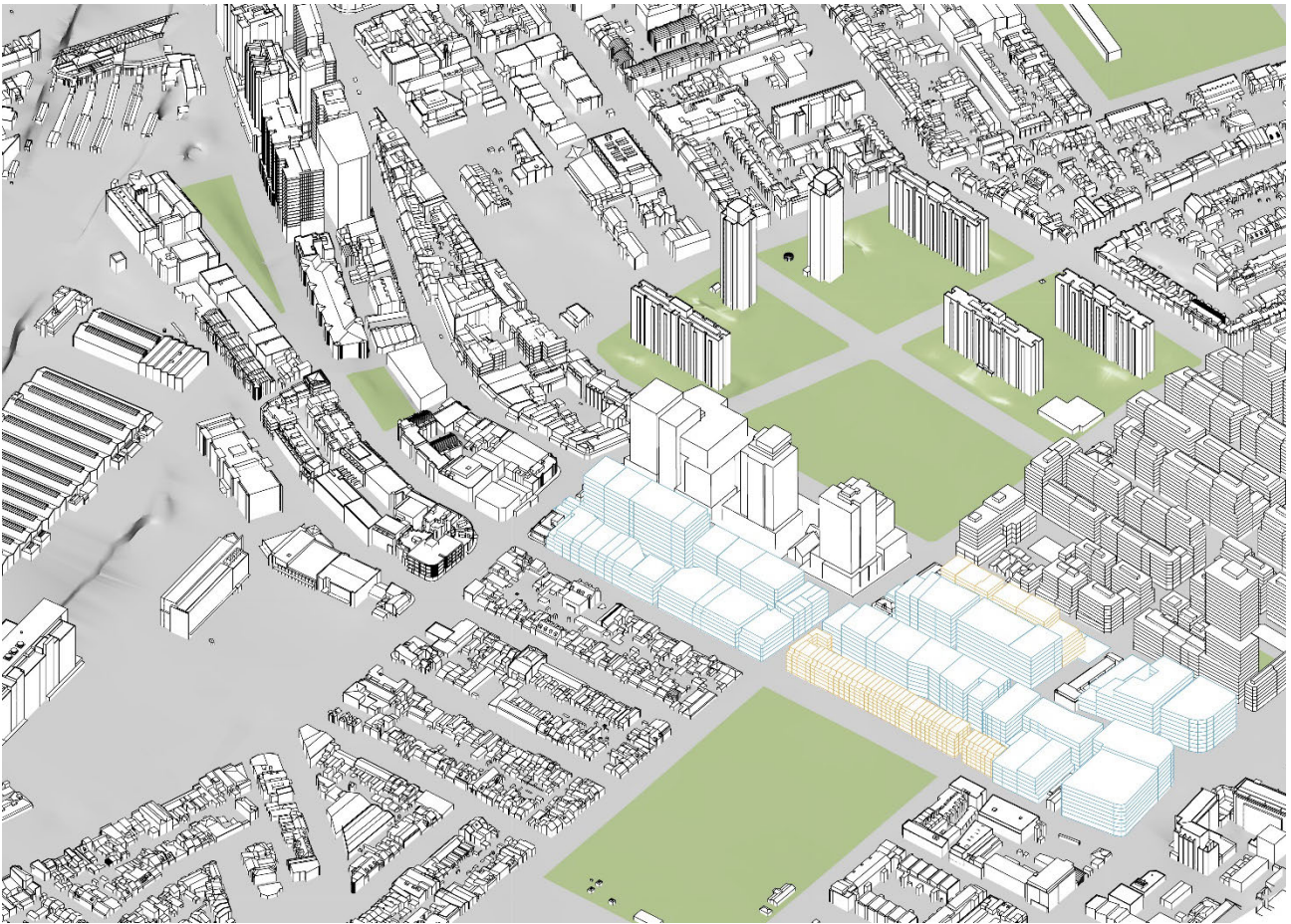


Figure 34. Axonometric showing a commercial outcome for the Precinct

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.

Botany Road Precinct

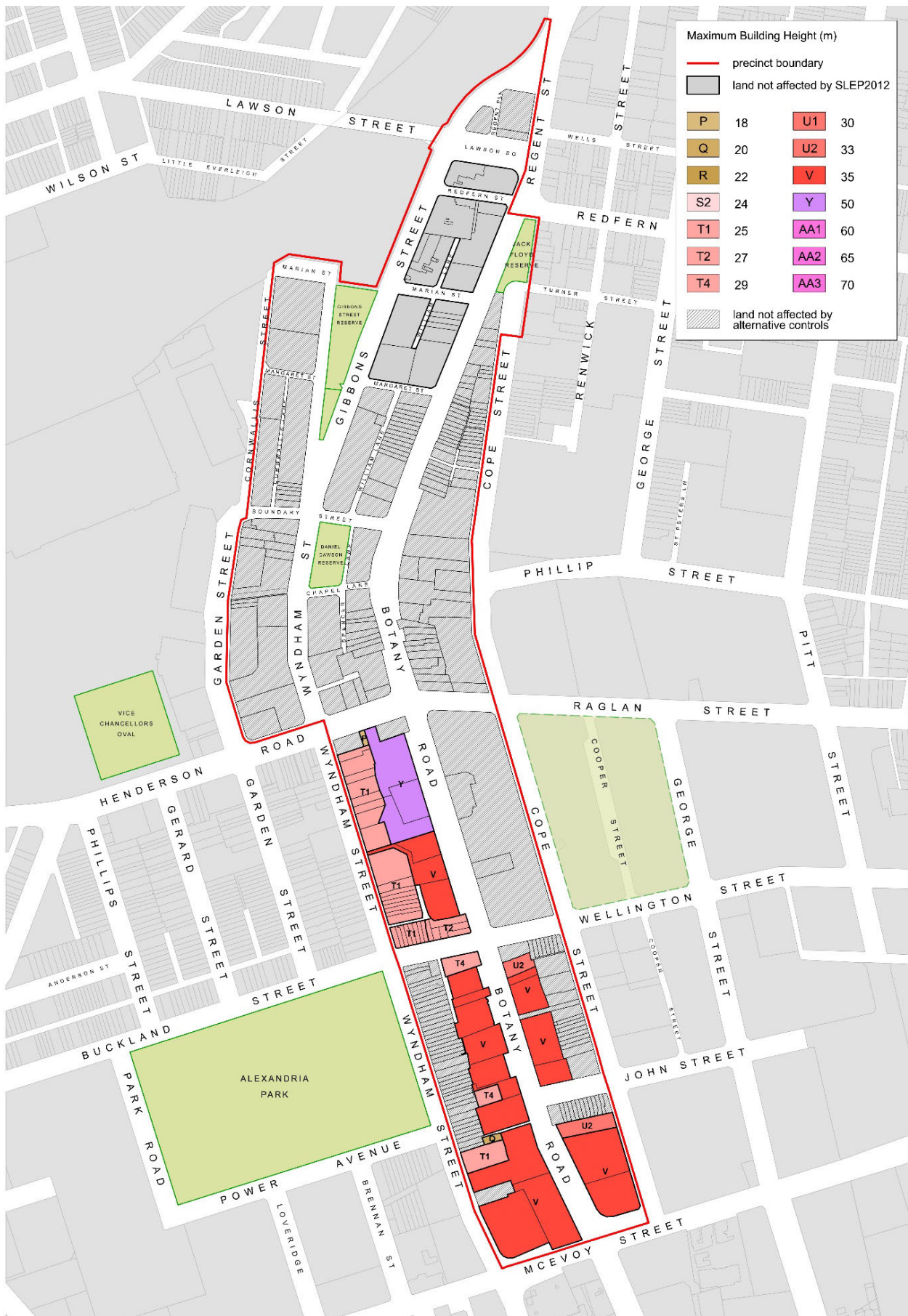


Figure 35. Proposed Opportunity Land – Incentive Height of Buildings Map

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.

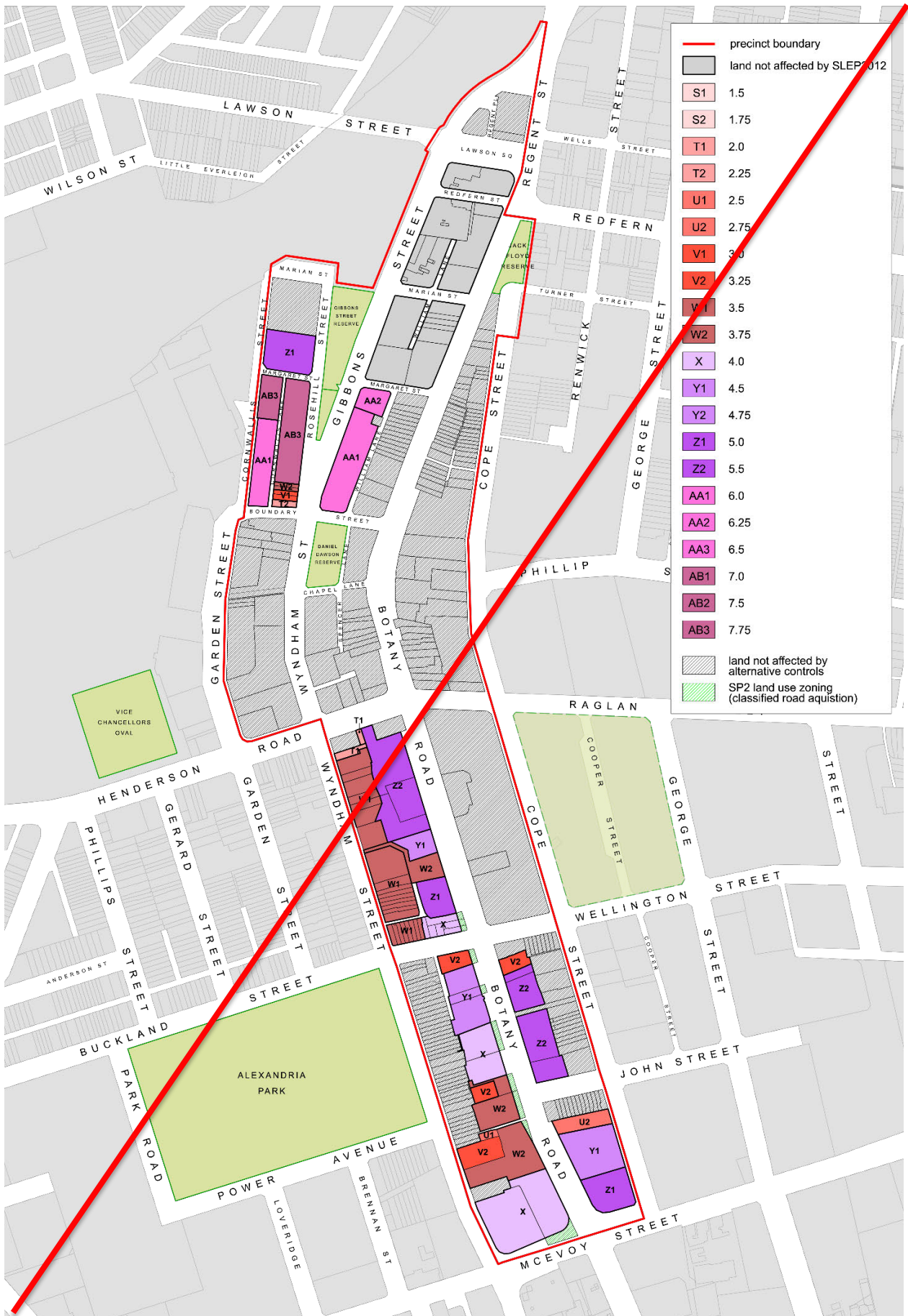
As this planning proposal incentivises both commercial and affordable development, it is likely that any affordable housing development will be located adjoining commercial development. The City's built form modelling has demonstrated that each site can achieve sufficient amenity to develop as affordable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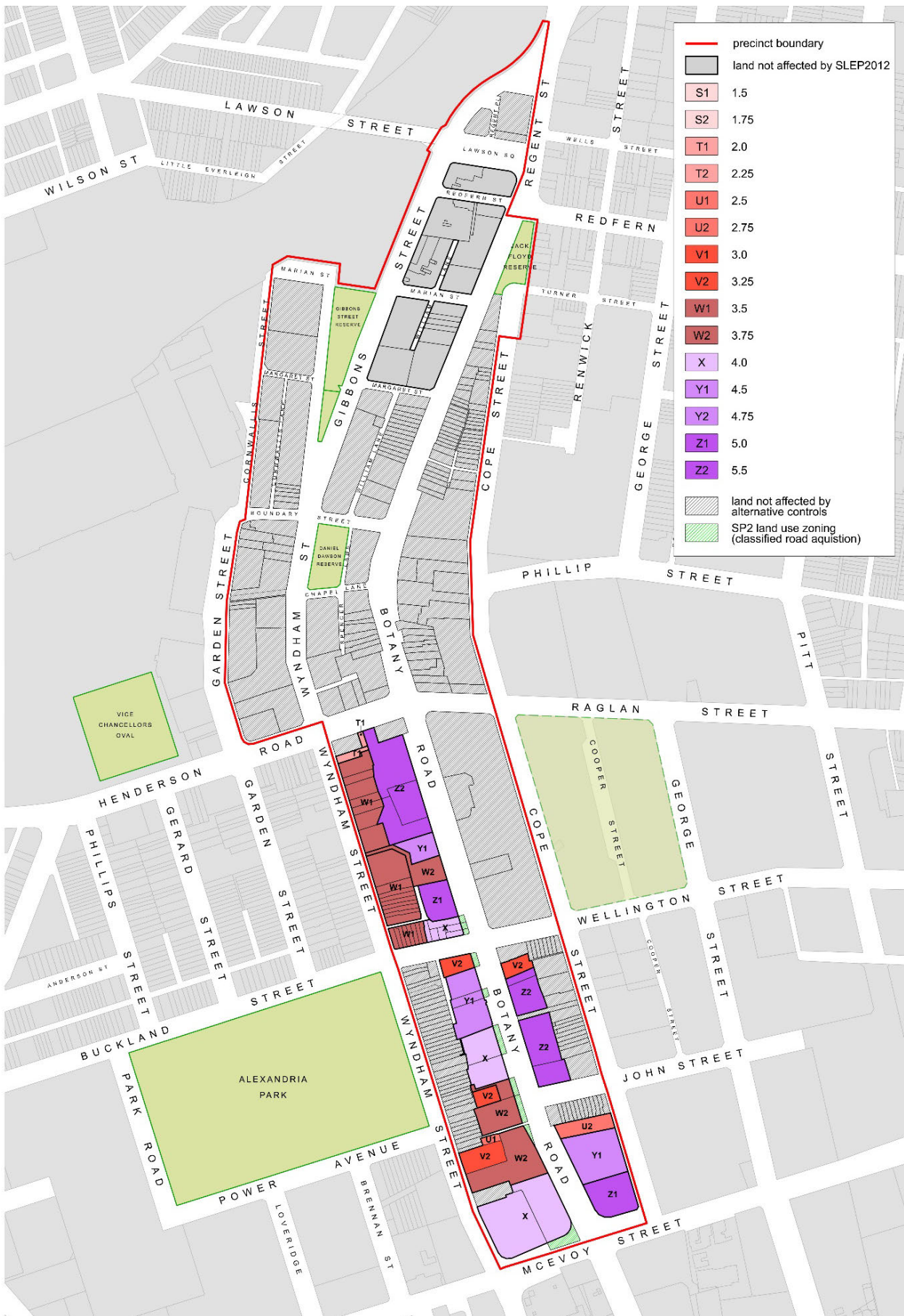
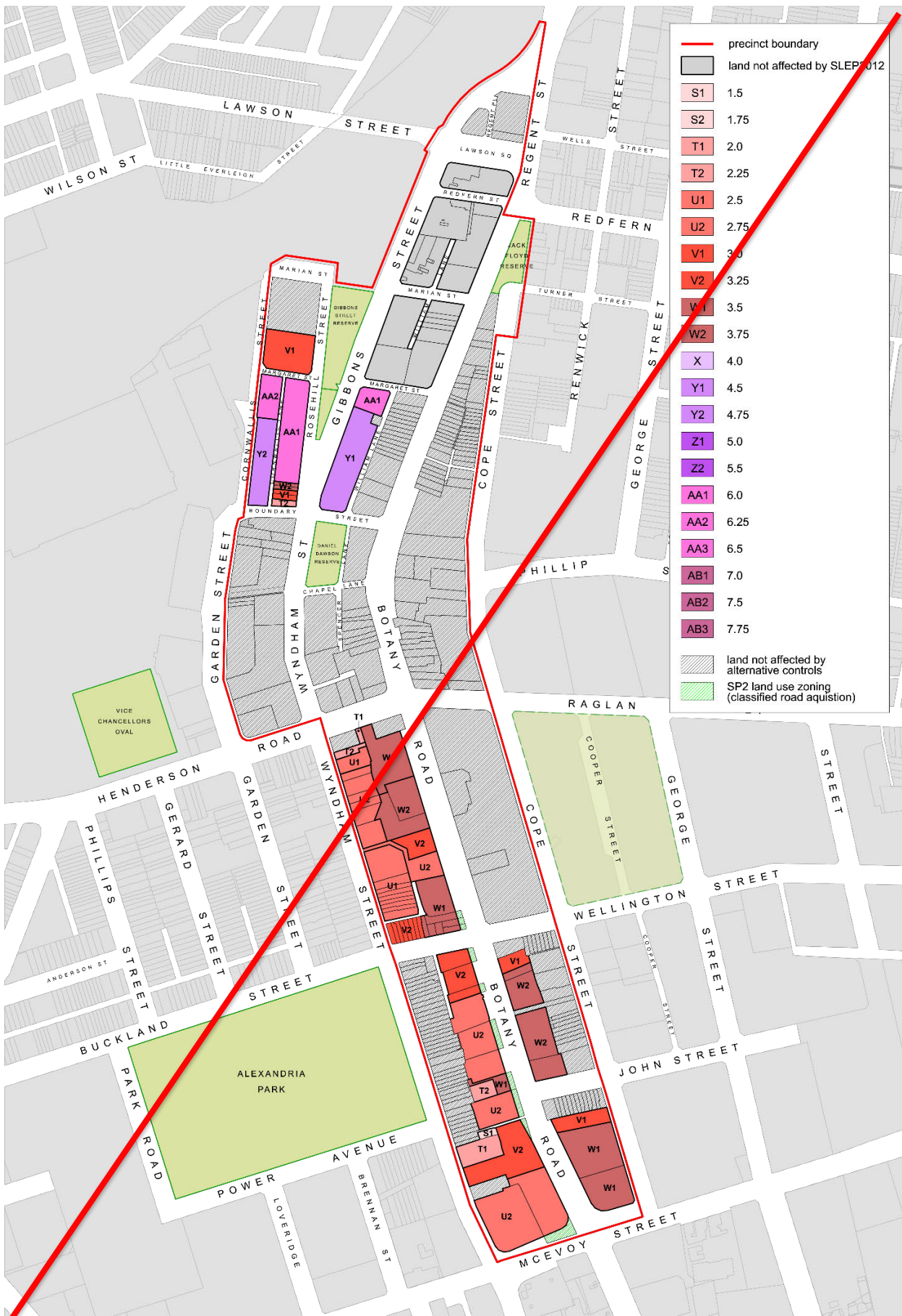


Figure 36. Proposed Opportunity Land – Employment Sites - Incentive FSR Map

Botany Road Precinct



Botany Road Precinct

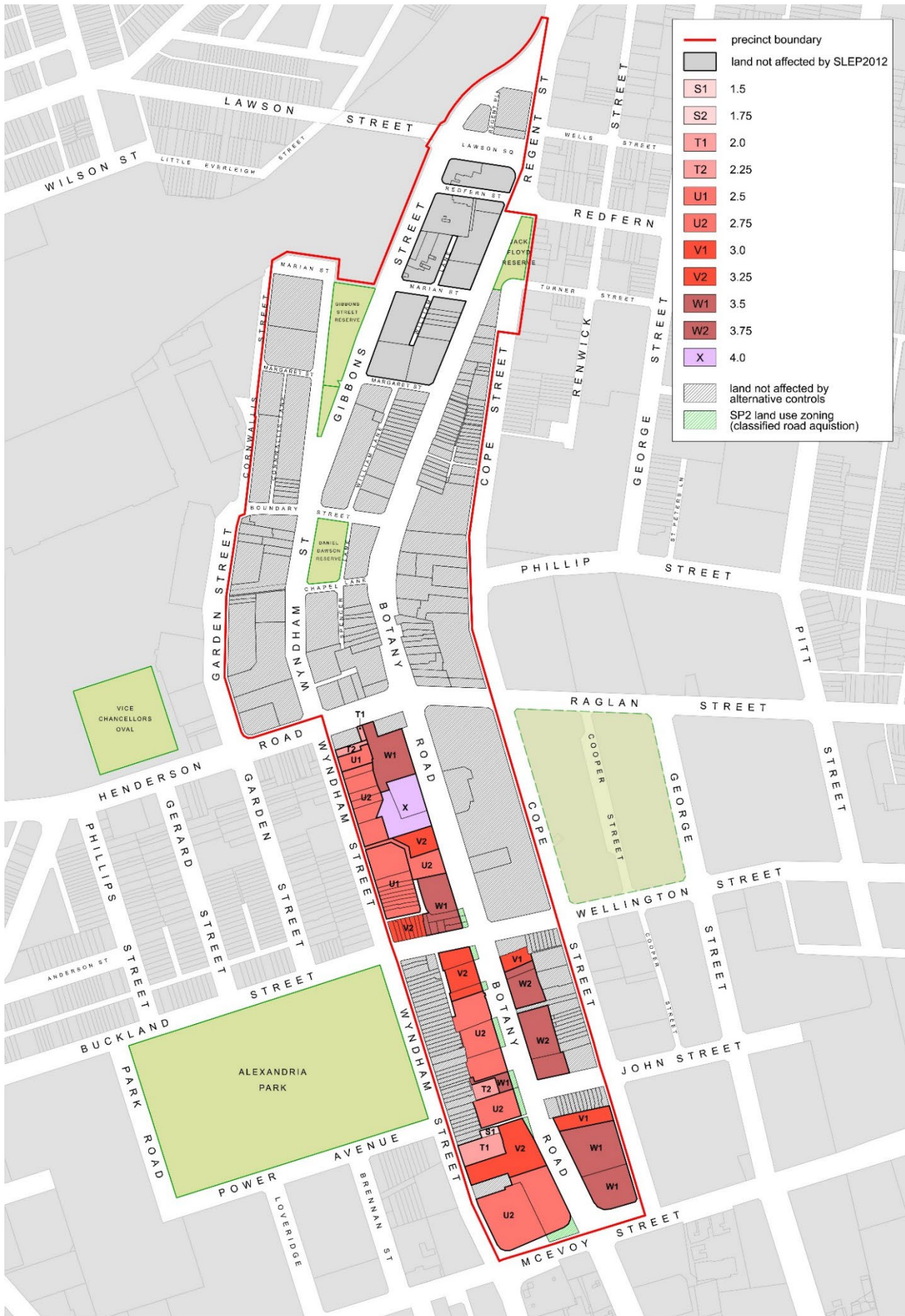


Figure 37. Proposed Opportunity Land – Affordable Housing Sites - Incentive FSR Map

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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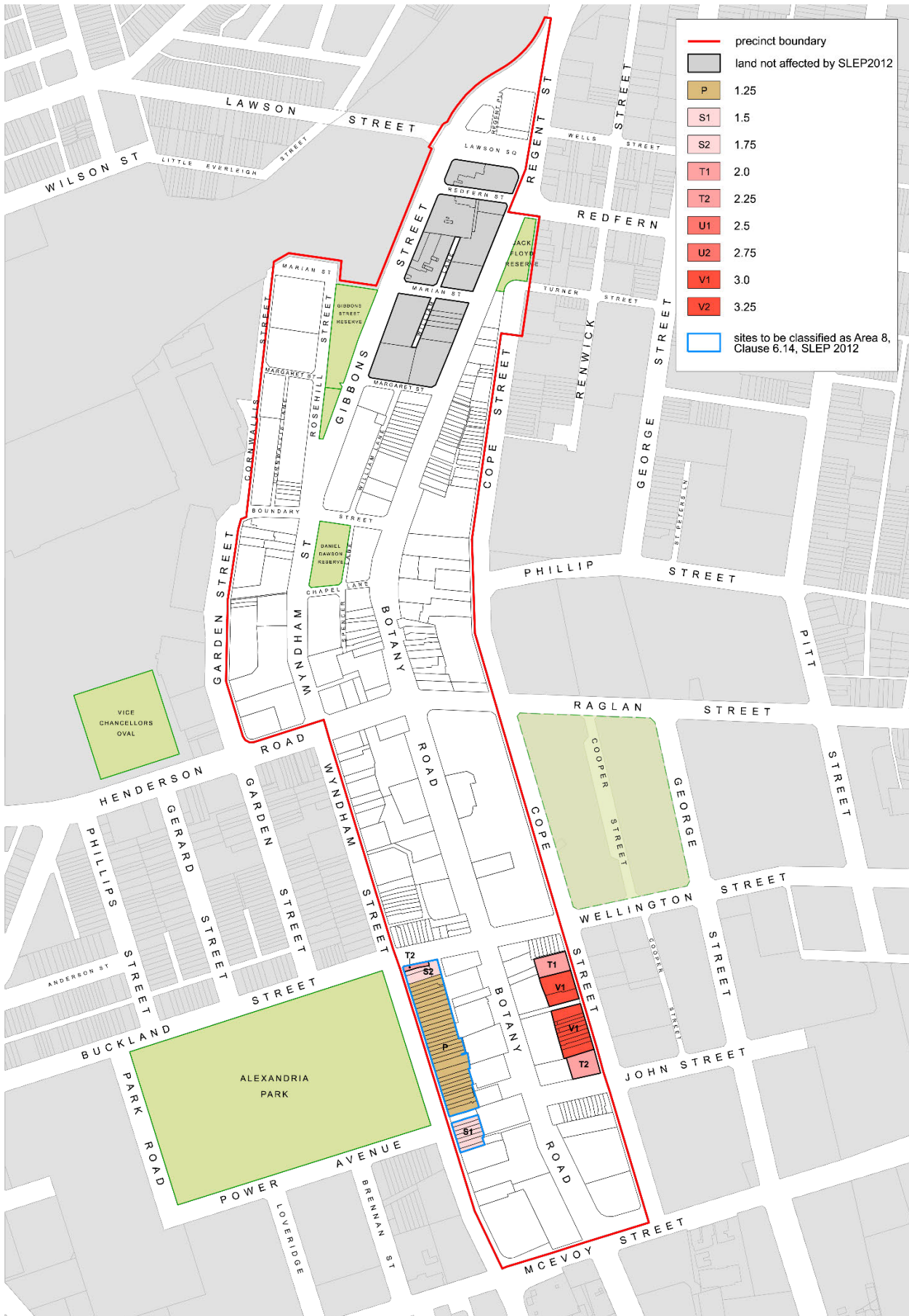


Figure 39. Proposed changes to the FSR Map

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.

Botany Road Precinct

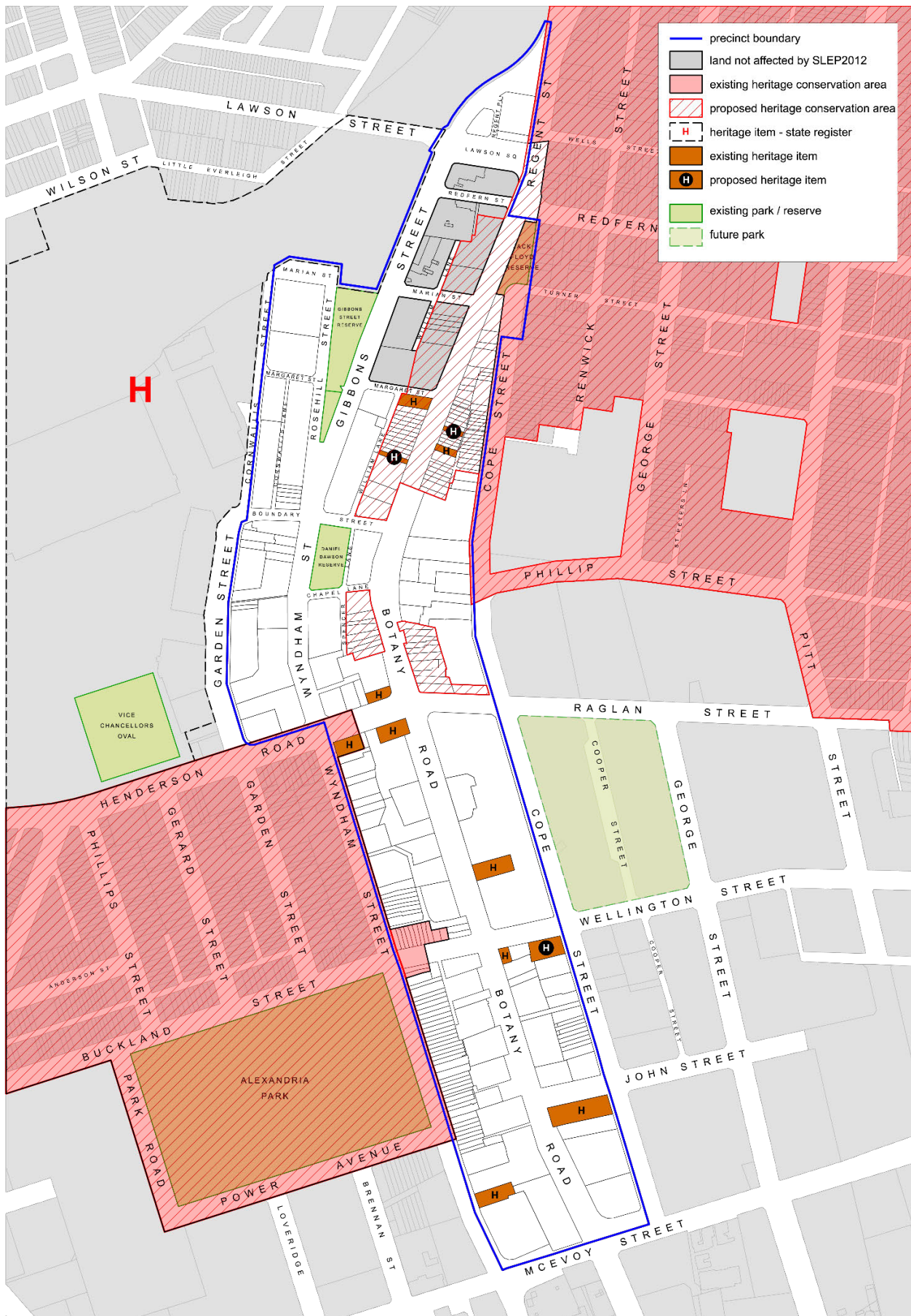


Figure 40. Proposed changes to Heritage Conservation Areas and new items

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.

Botany Road Precinct

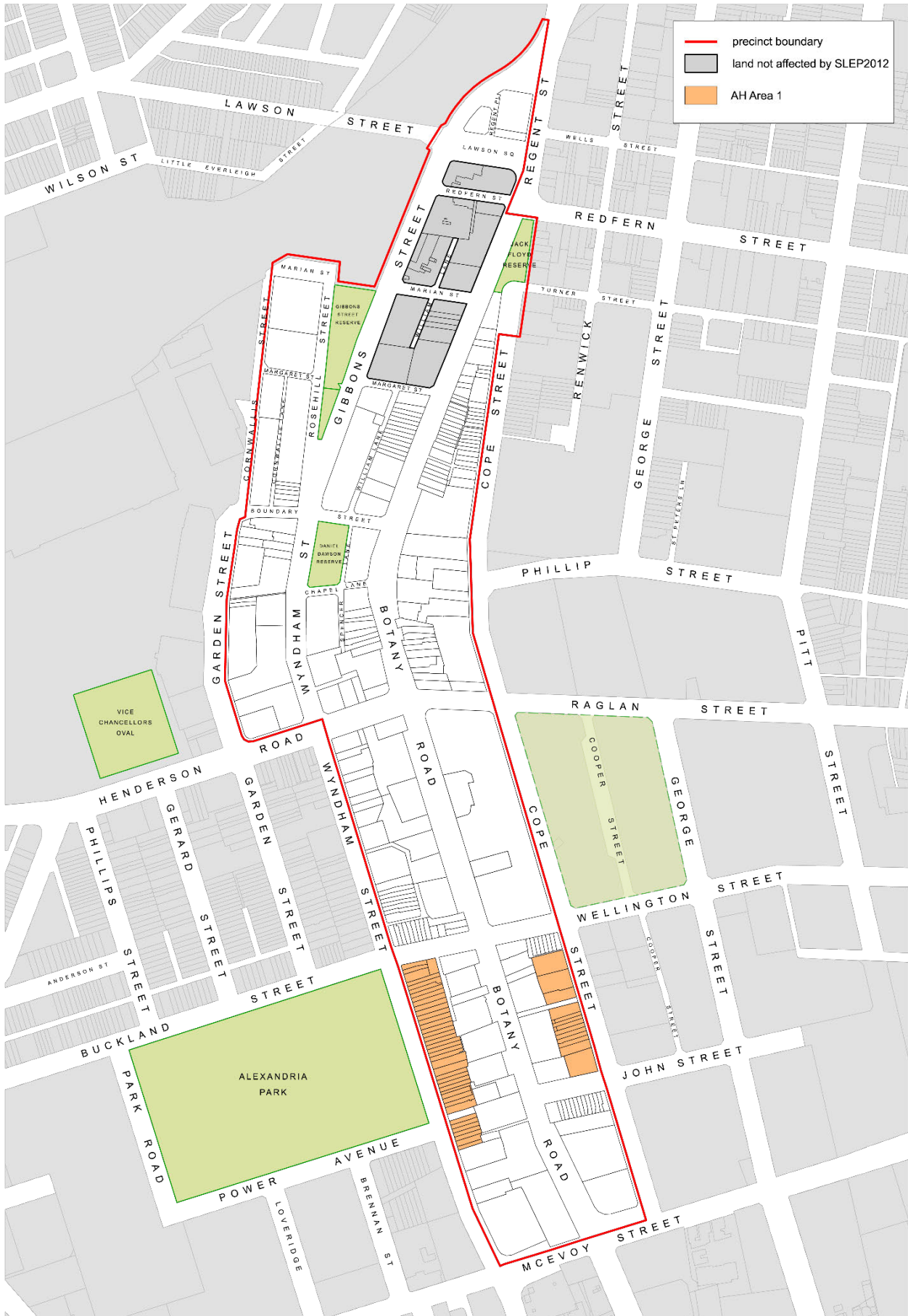


Figure 41. Affordable Housing Map

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.

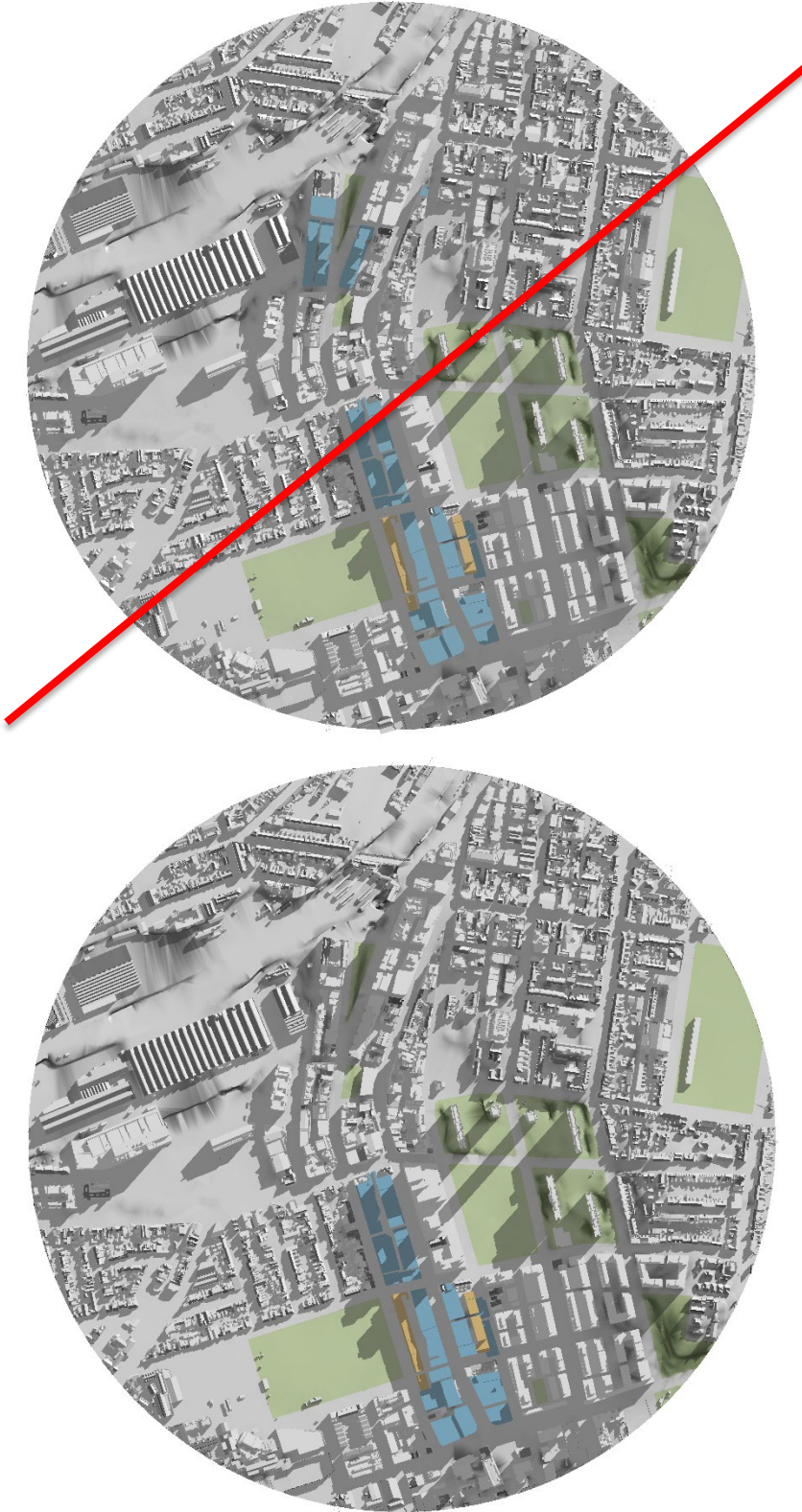


Figure 42. Shadows at 9am in midwinter

Botany Road Precinct

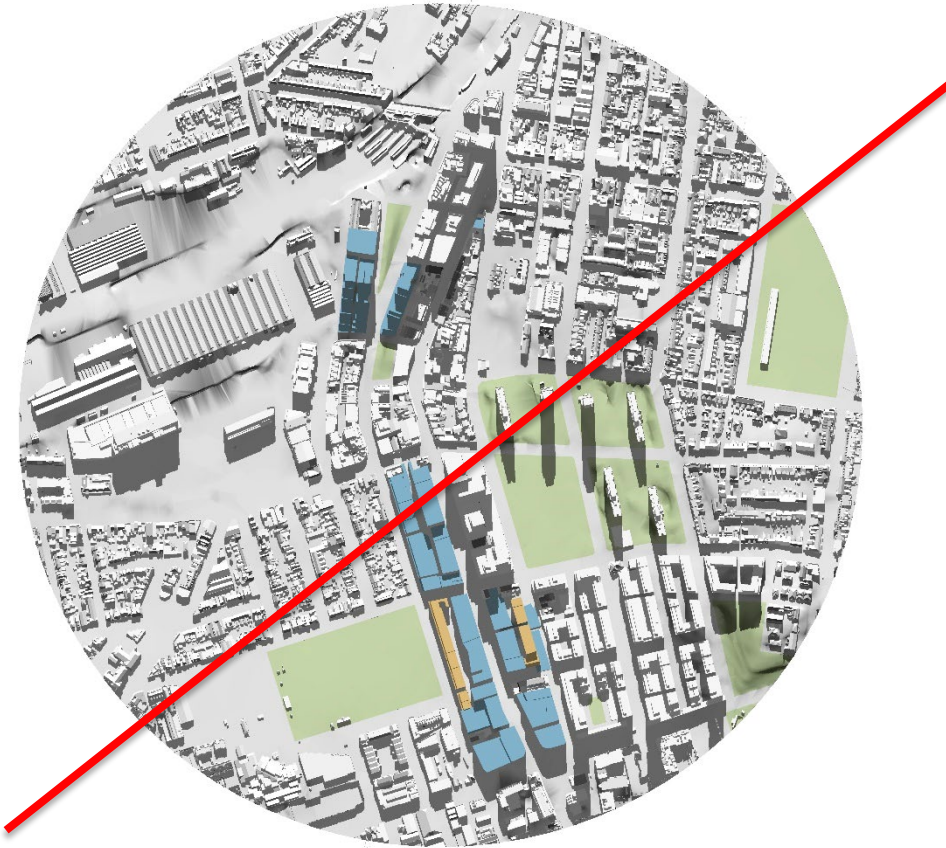


Figure 43. Shadows at 12pm in midwinter

Botany Road Precinct



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.

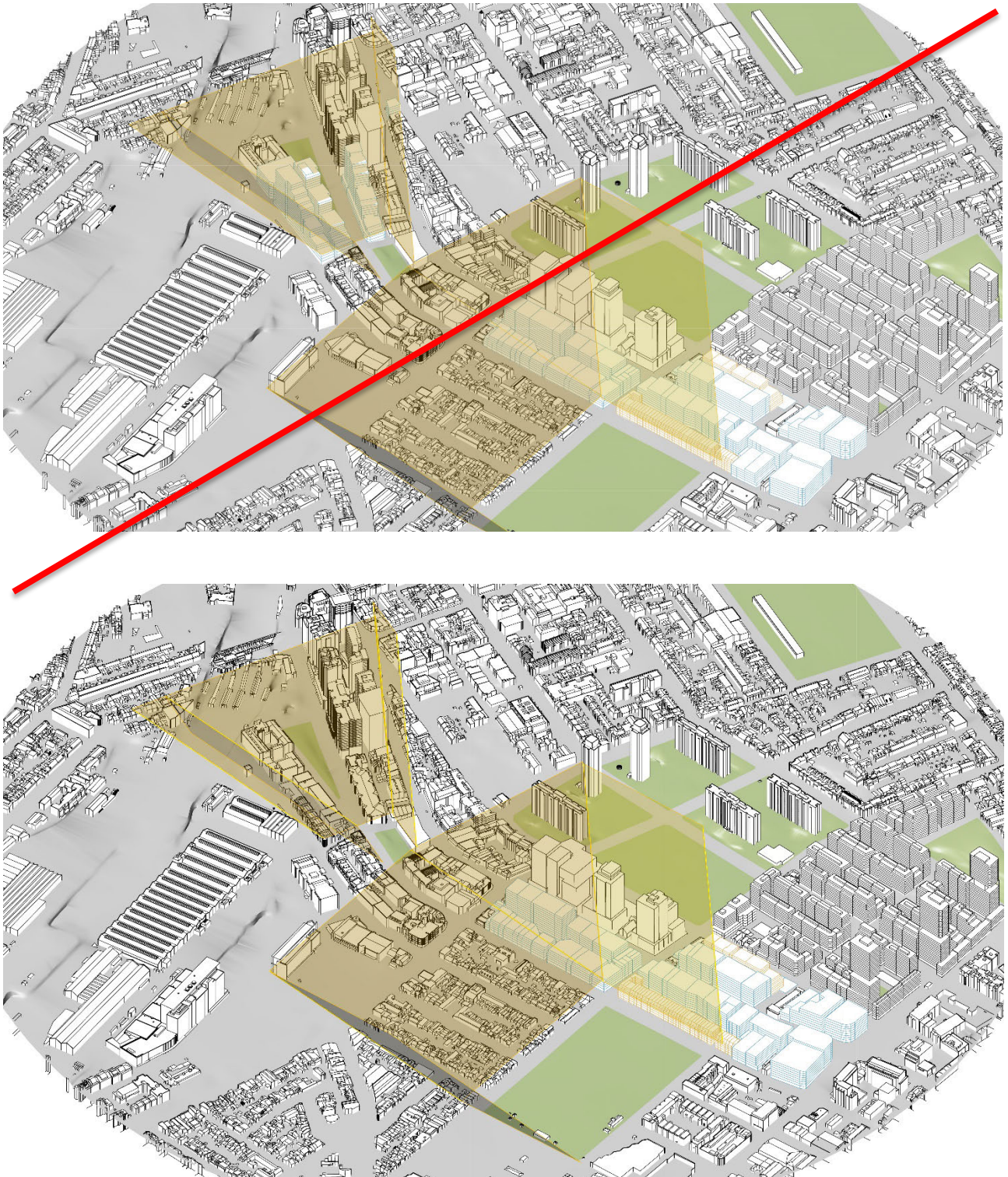
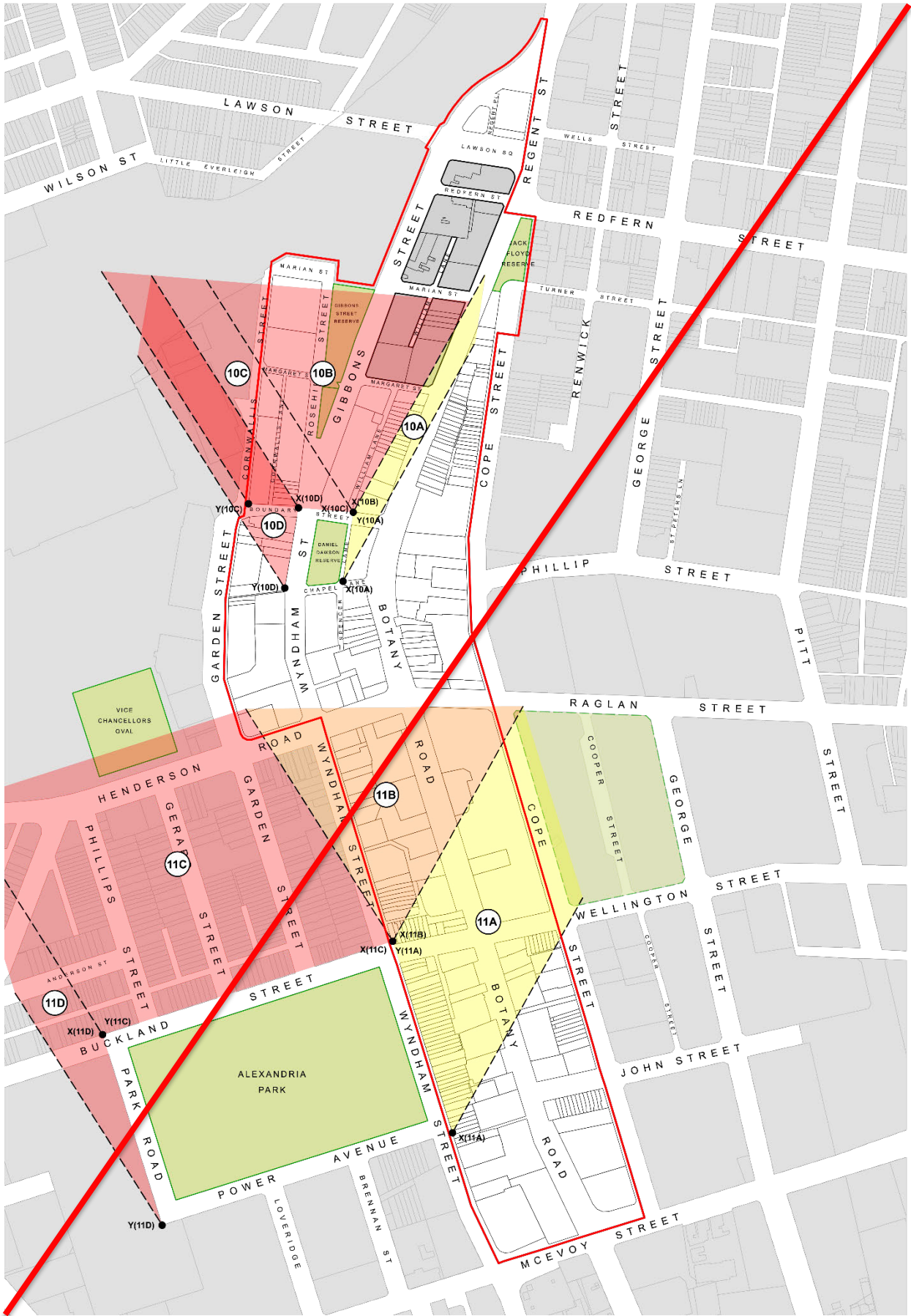


Figure 45. Solar access planes to protect Daniel Dawson Reserve and Alexandria Park

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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

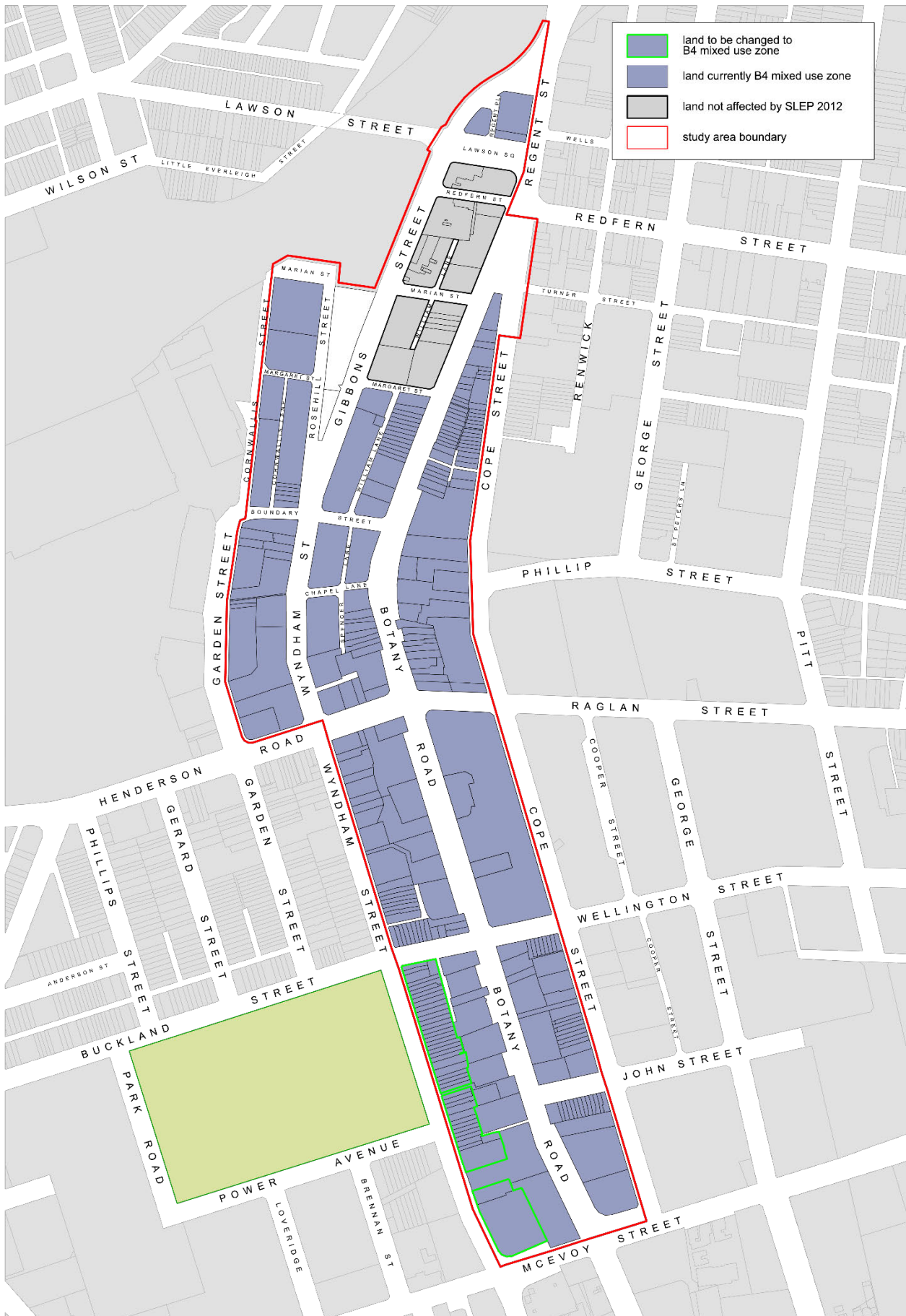


Figure 47. Land Zoning Map

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

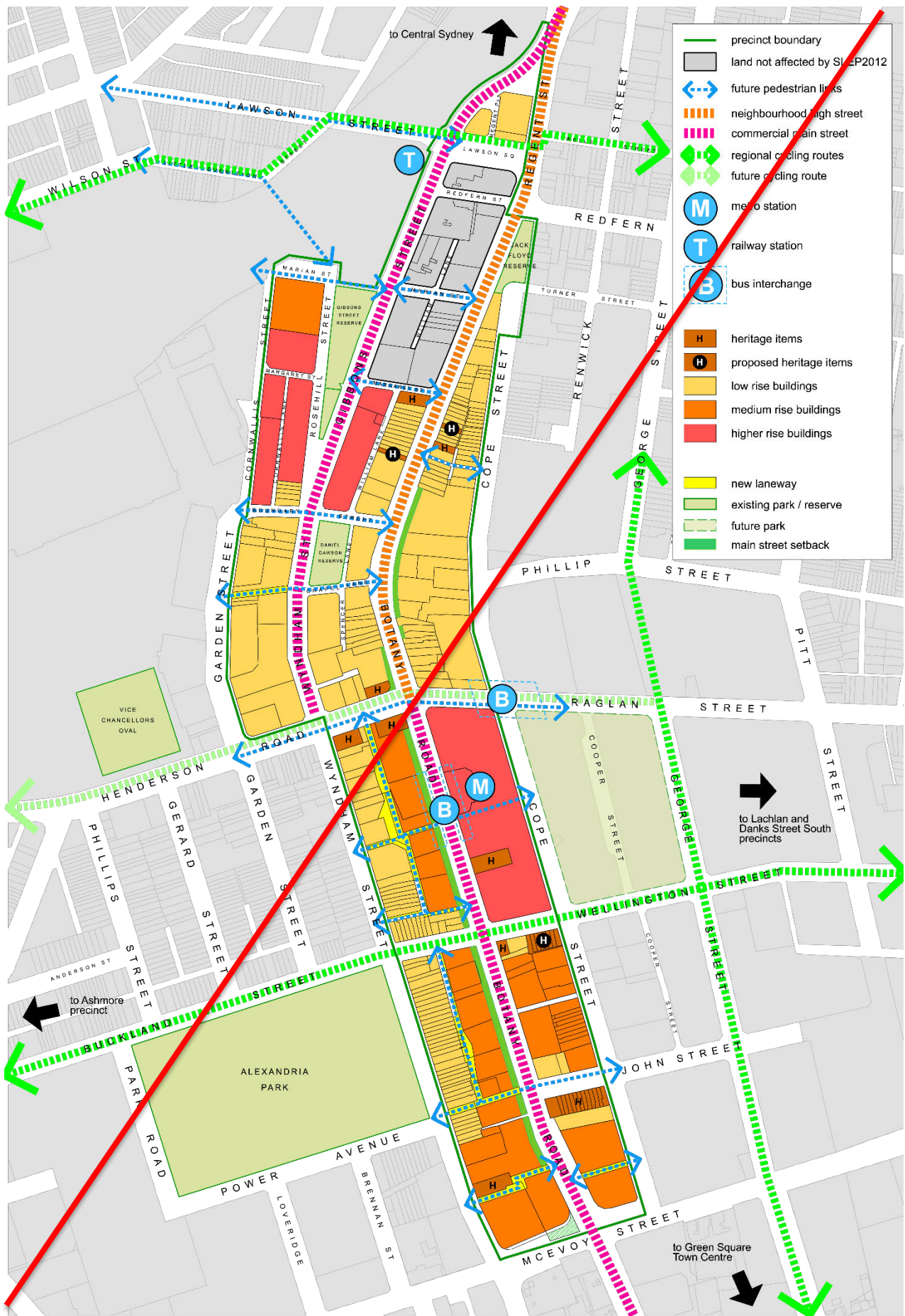
This planning proposal maps active street frontages on Regent Street in the Sydney LEP, as shown in Figure 48. This will ensure any new development will have non-residential uses fronting the street to strengthen the main street character and role of Regent Street.

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

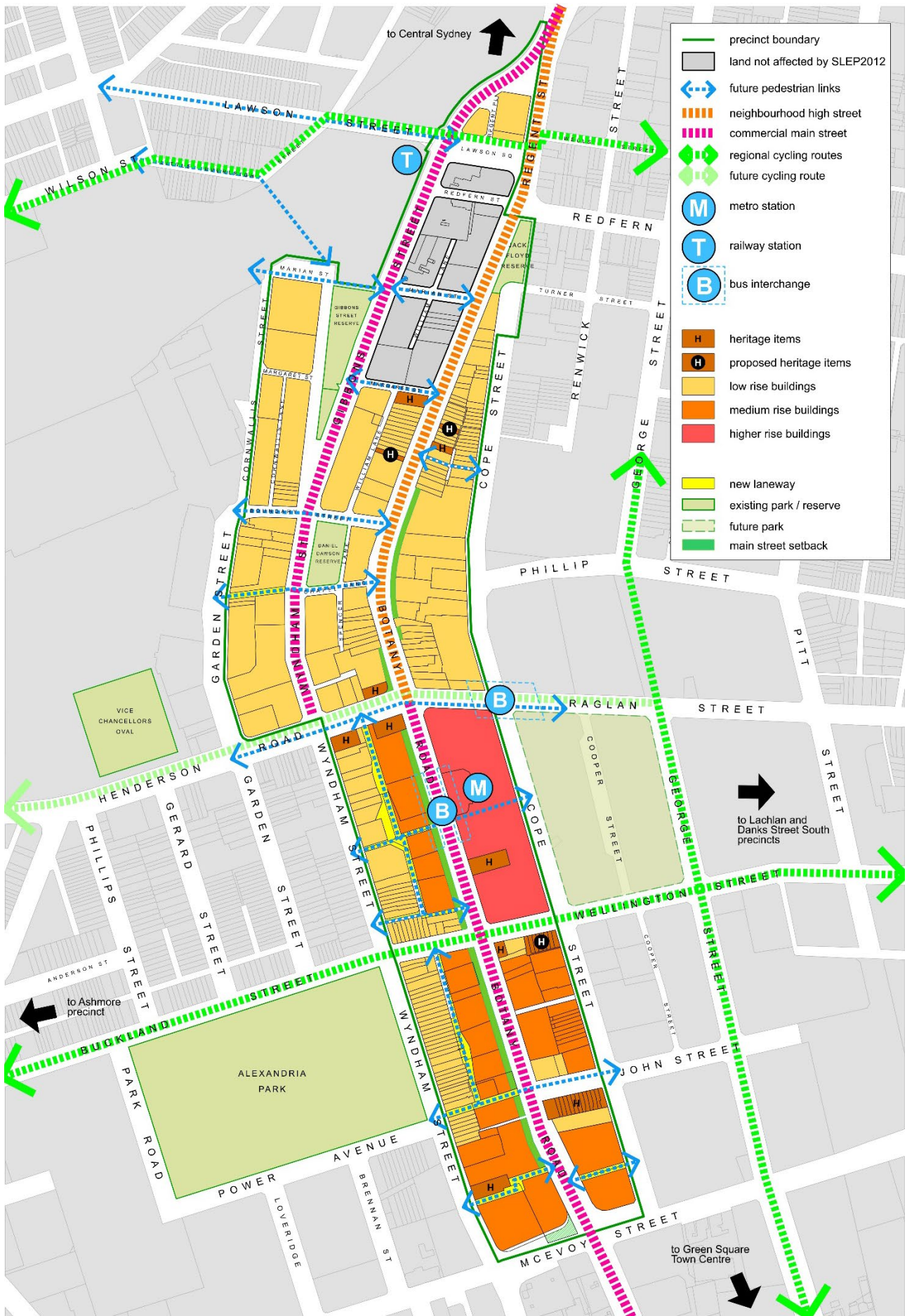


Figure 49. Urban strategy for the Precinct

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.

Botany Road Precinct

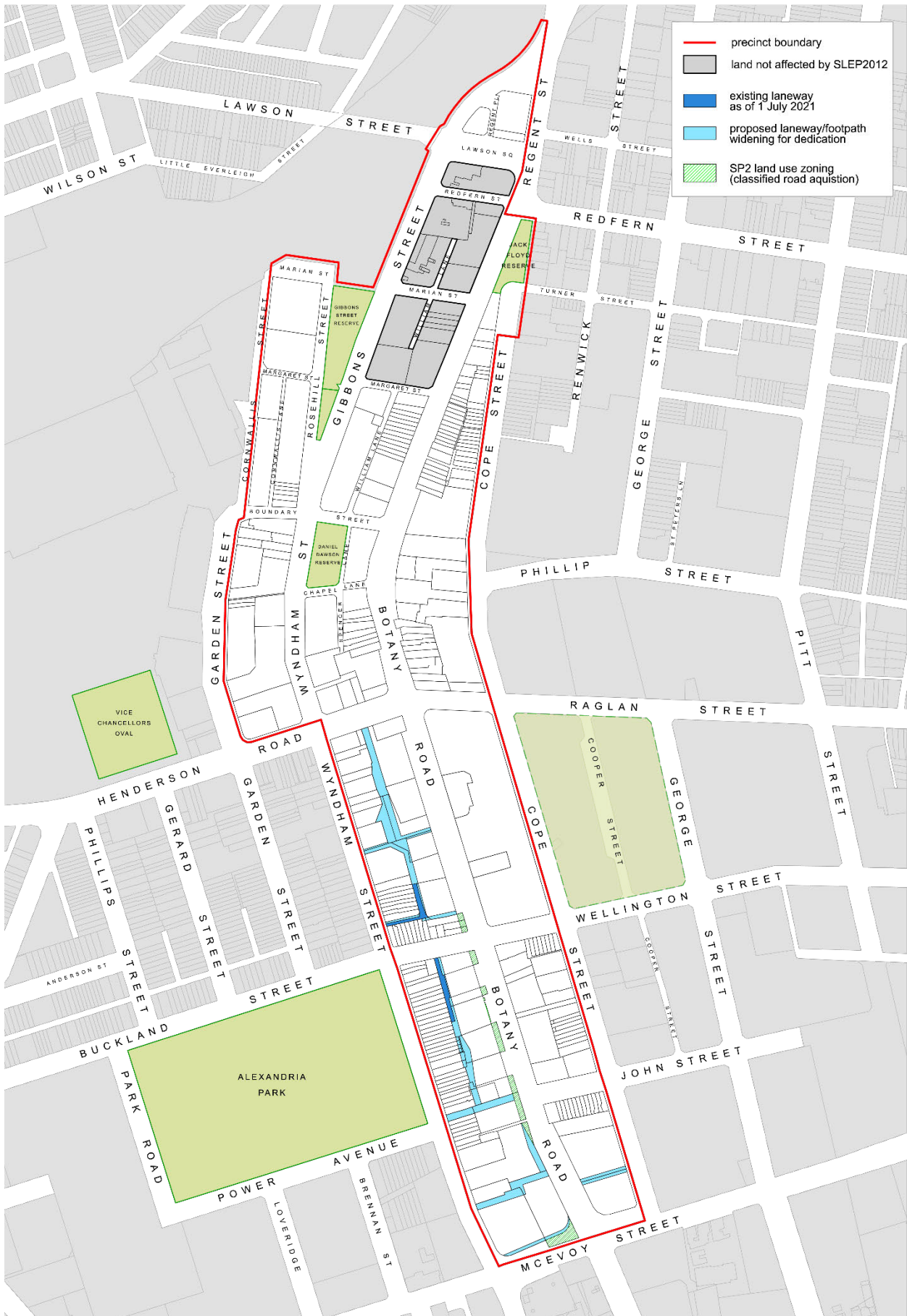


Figure 50. Land dedications for streets and lanes identified in the DCP

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.

- 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

Botany Road Precinct

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

Botany Road Precinct

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

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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
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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**).

Part 1, Preliminary

[amend] 1.9 Application of SEPPs

...

(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 —**

- (a) *land at Green Square or at Ultimo-Pyrmont, or*
- (b) *southern employment land, or*
- (c) *land at the Waterloo Metro Quarter, or*
- (d) *land in Central Sydney, or*
- (e) **Botany Road Precinct Opportunity Land.**

Part 6, Division 3 Height of buildings and overshadowing

[amend] 6.17 Sun access planes

....

(20) **Daniel Dawson Reserve For the Daniel Dawson Reserve 10A sun access plane –**

- 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.

(21) **For the Daniel Dawson Reserve 10B sun access plane –**

- 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.

(22) **For the Daniel Dawson Reserve 10C sun access plane –**

- 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.

(23) **For the Daniel Dawson Reserve 10D sun access plane –**

- 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.

(24) **For the Alexandria Park 11A sun access plane –**

- 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.

- (25) For the Alexandria Park 11B sun access plane –
- a. X is a point at 333480.5E, 6247604.00N, 35.4RL, 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.
- (26) For the Alexandria Park 11C sun access plane –
- a. X is a point at 333480.45E, 6247603.99N, 35.4000RL, and
 - b. Y is a point at 333195.00E, 6247512.20N, 34.3527RL, and
 - c. B is 328.65 degrees, and
 - d. V is 25.66 degrees.
- (27) For the Alexandria Park 11D sun access plane –
- a. X is a point at 333195.0E, 6247512.2N, 34.4RL, and
 - b. Y is a point at 333253.60E, 6247324.9N, 34.4RL, and
 - c. B is 328.65 degrees, and
 - d. 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**

- (1) The objective of this clause is to incentivise development:
 - (a) for employment generating uses;
 - (b) for affordable housing, where it is compatible with non-residential uses;
 - (c) to provide for laneways if required; and
 - (d) that is of high environmental performance.
- (2) This clause applies to land identified on the Locality and Site Identification Map in the 'Botany Road Precinct Opportunity Land'.
- (3) 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:
 - (a) development comprises only non-residential uses and affordable housing and does not exceed the 'Botany Road Precinct Opportunity Land - Alternative Heights' Map; or
 - (b) 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)

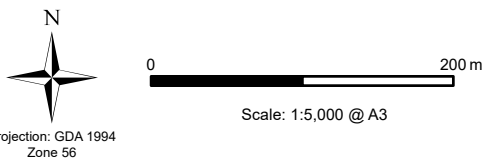
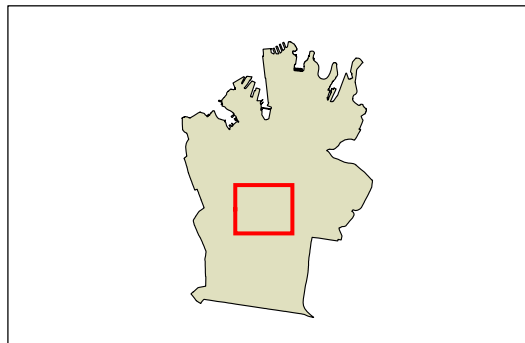
Botany Road Precinct

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

Cadastre

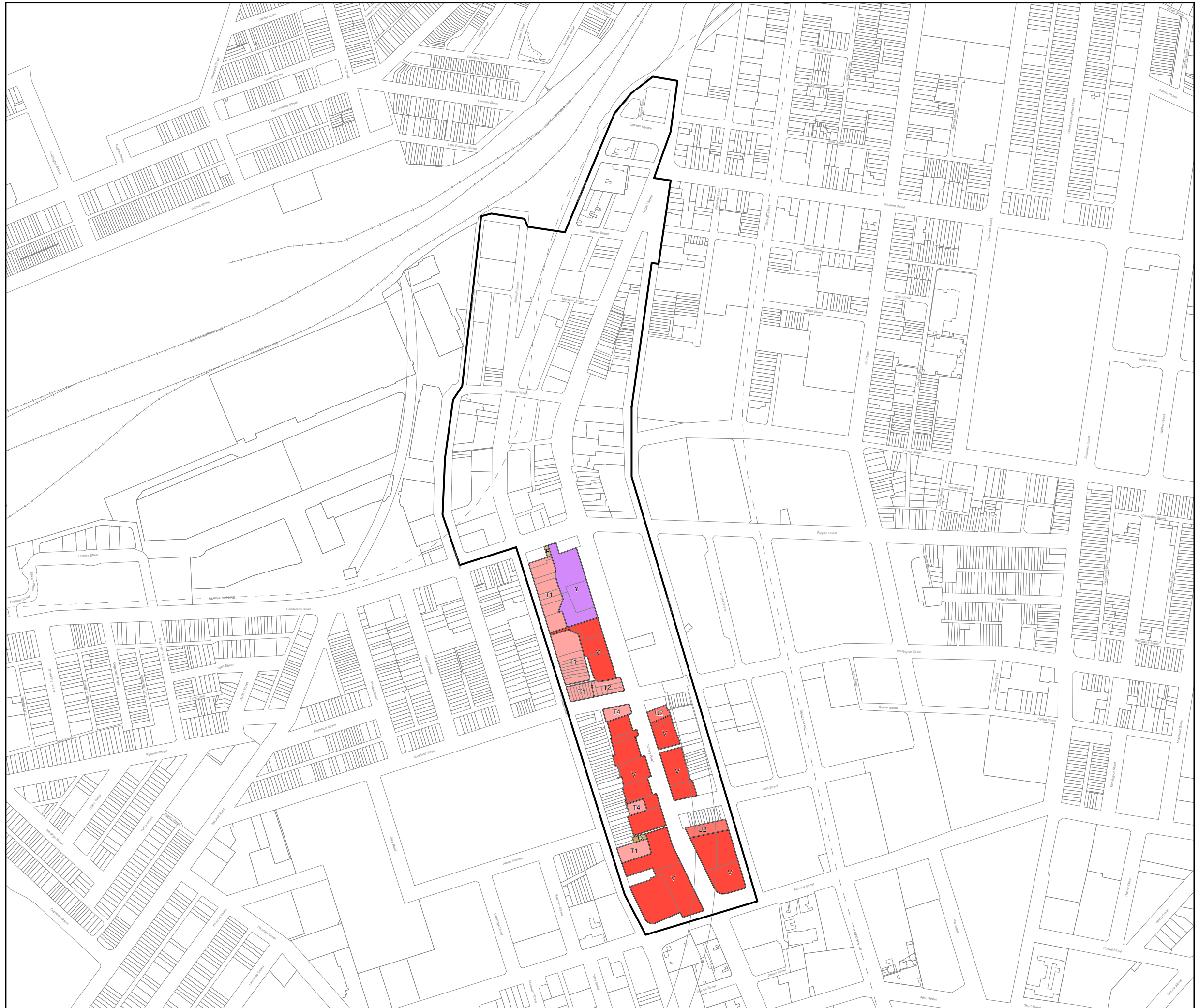
Cadastre 23/05/2022 © City of Sydney

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

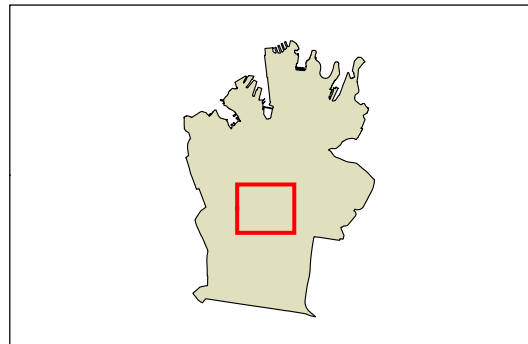
- T1 2
- U1 2.5
- U2 2.75
- V2 3.25
- W1 3.5
- W2 3.75
- X 4
- Y 4.5
- Z1 5
- Z2 5.5

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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.



0 200m

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

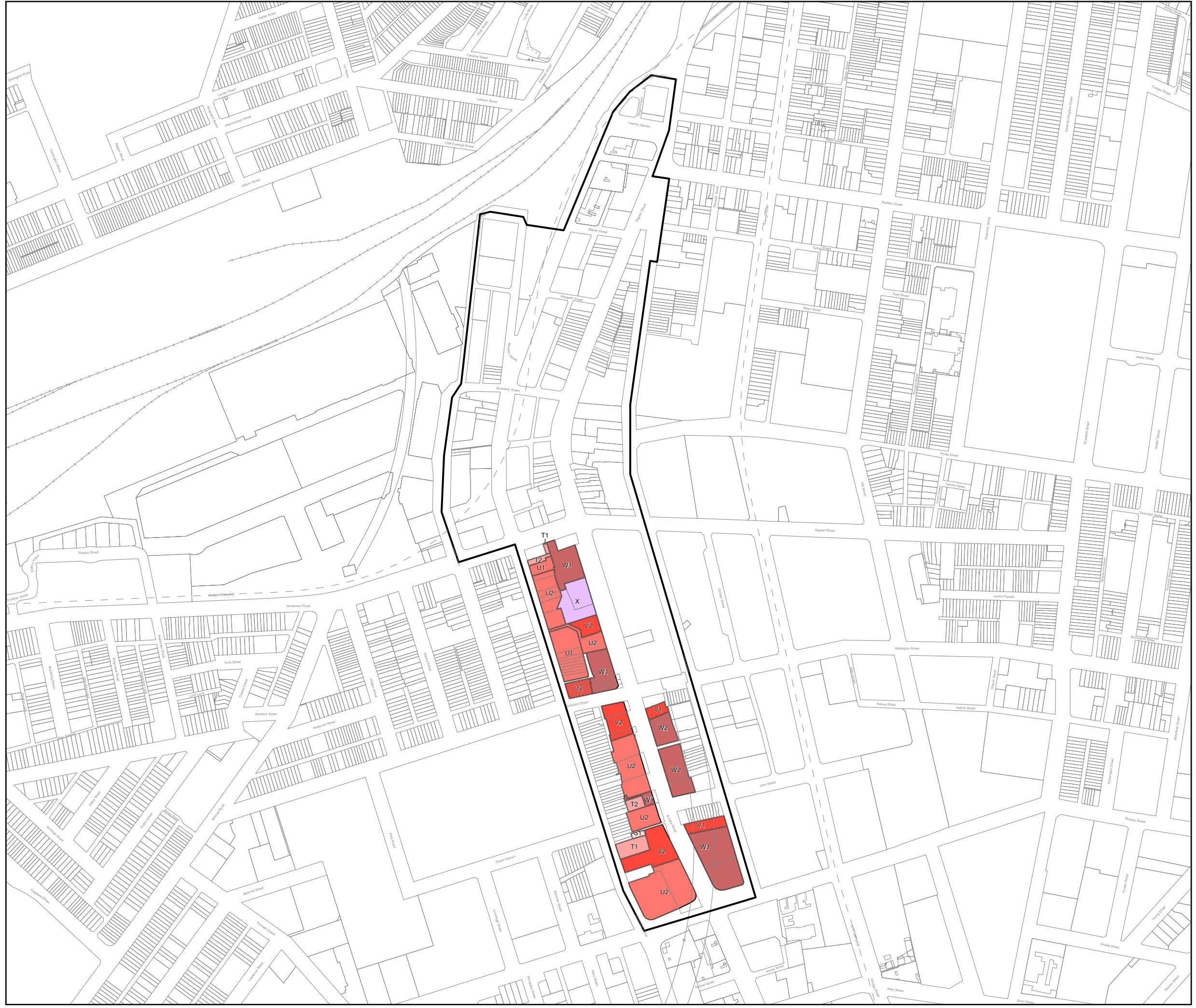
Maximum Floor Space Ratio (n:1)

Botany Road Precinct

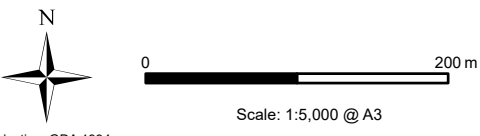
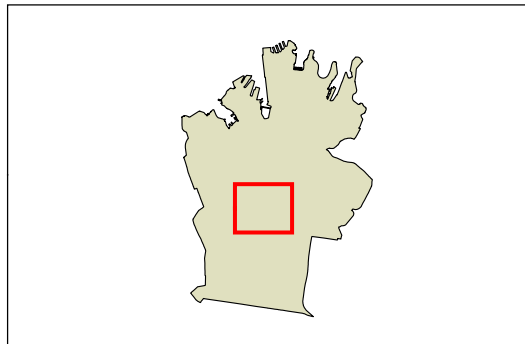
- S1 1.5
- T1 2
- T2 2.25
- U1 2.5
- U2 2.75
- V1 3
- V2 3.25
- W1 3.5
- W2 3.75
- X 4

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Projection: GDA 1994
Zone 56

Map identification number:


Affordable Housing Map

Affordable Housing

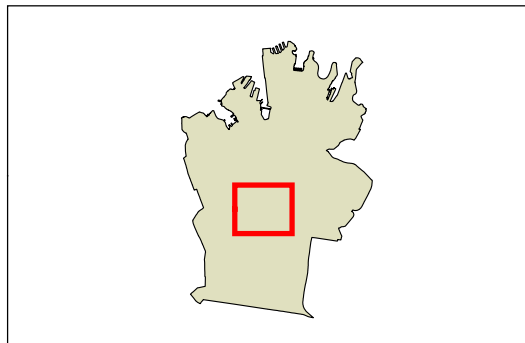
 Botany Road Precinct

 Refer to clause 7.13B

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 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.

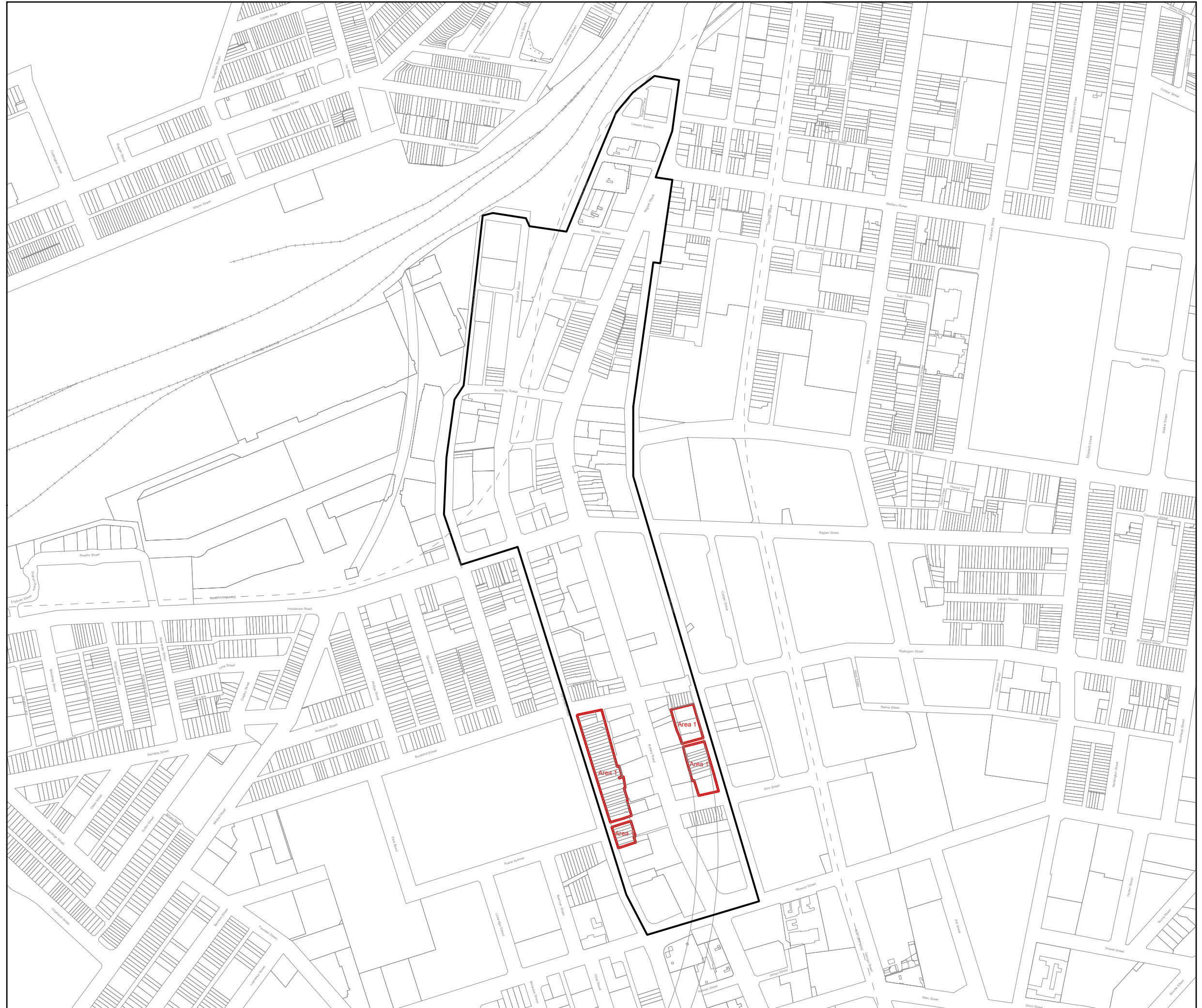


0  200 m

Scale: 1:5,000 @ A3



Projection: GDA 1994
Zone 56

Map identification number:




Active Street Frontages Map

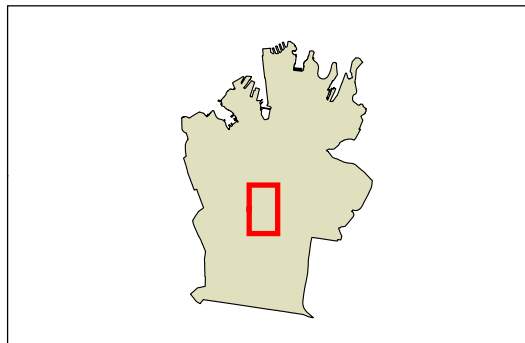
Active Street Frontages

-  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.

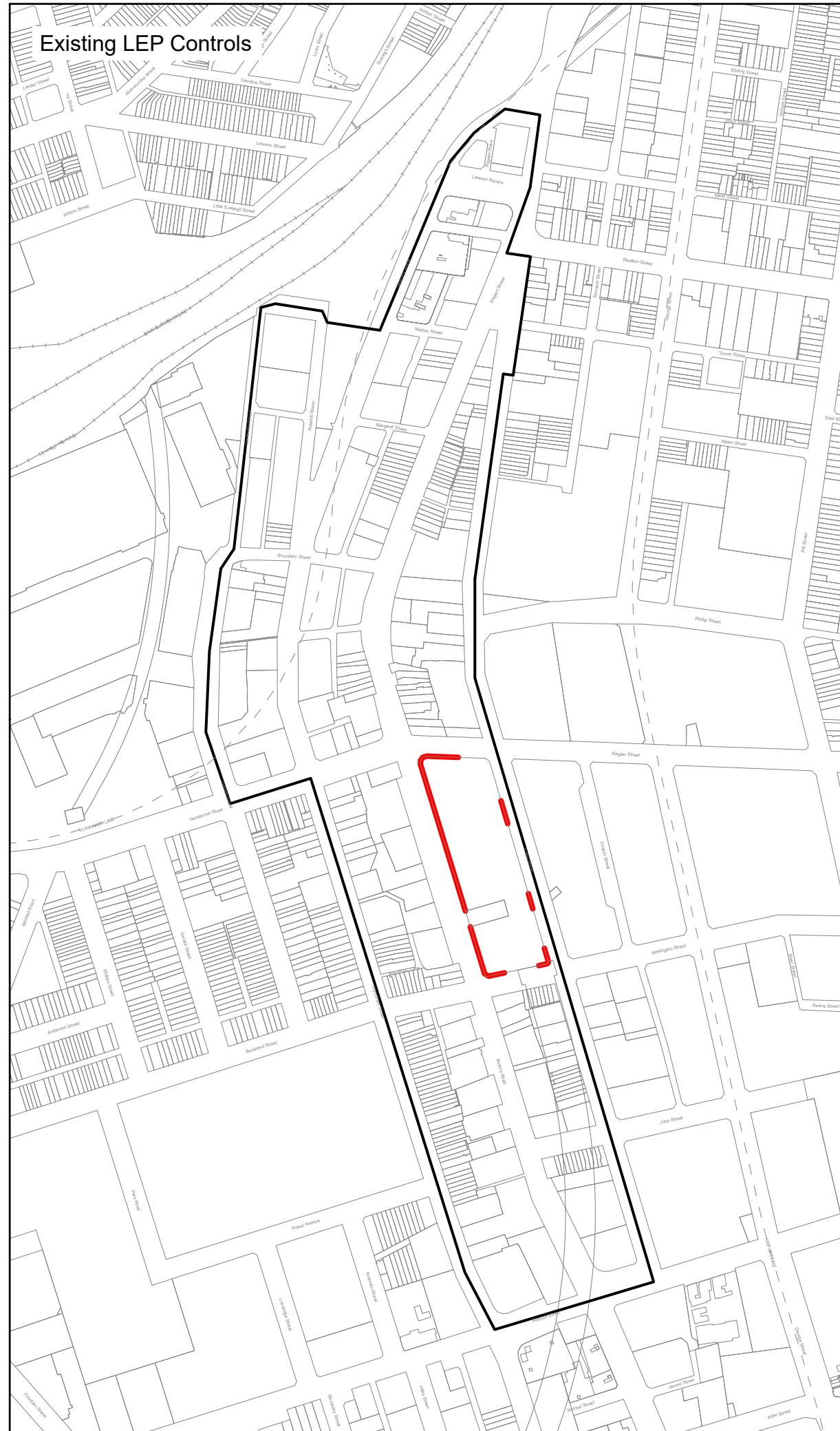


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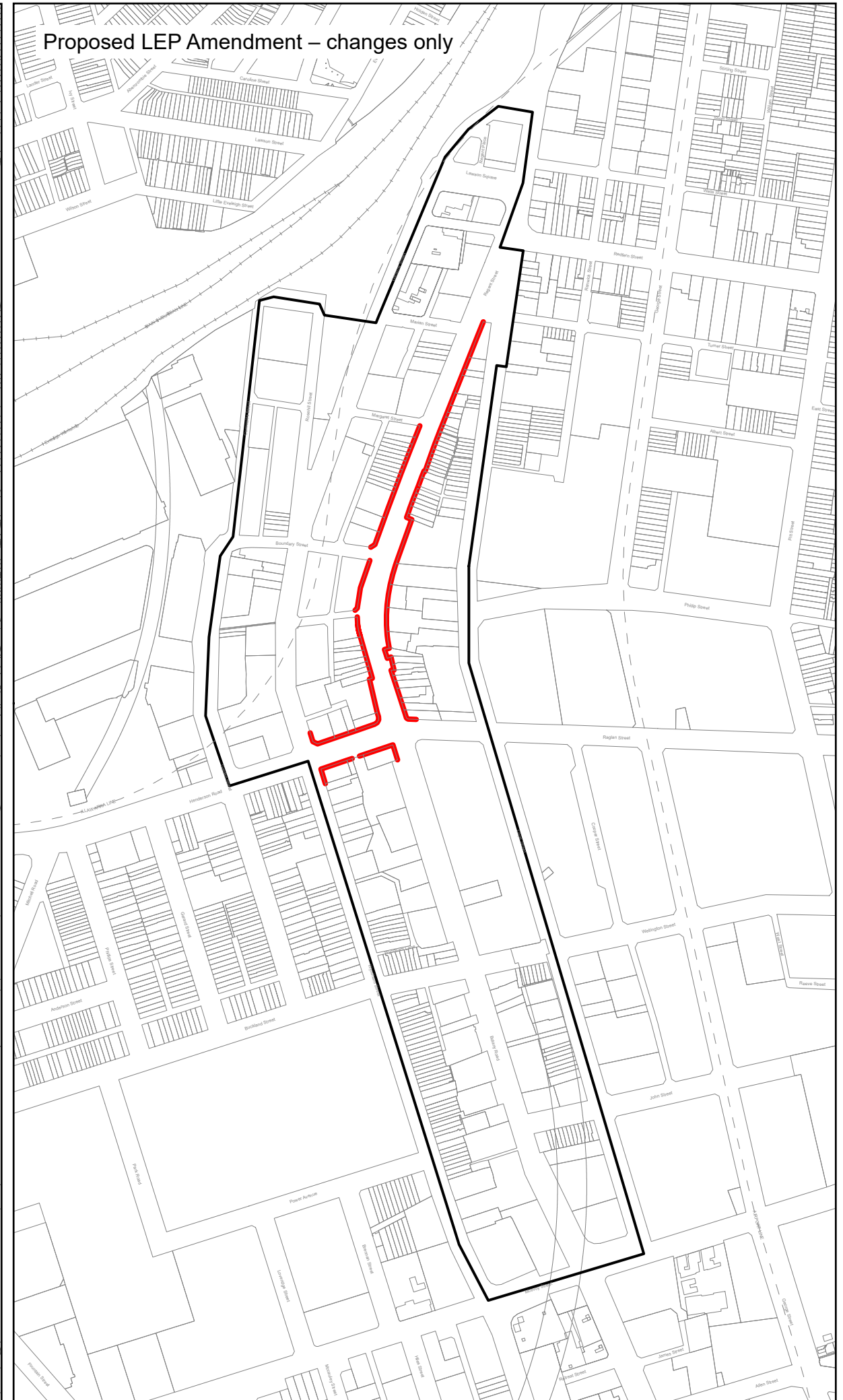
Projection: GDA 1994
Zone 56

Map identification number:

Existing LEP Controls






Proposed LEP Amendment – changes only




Heritage Map

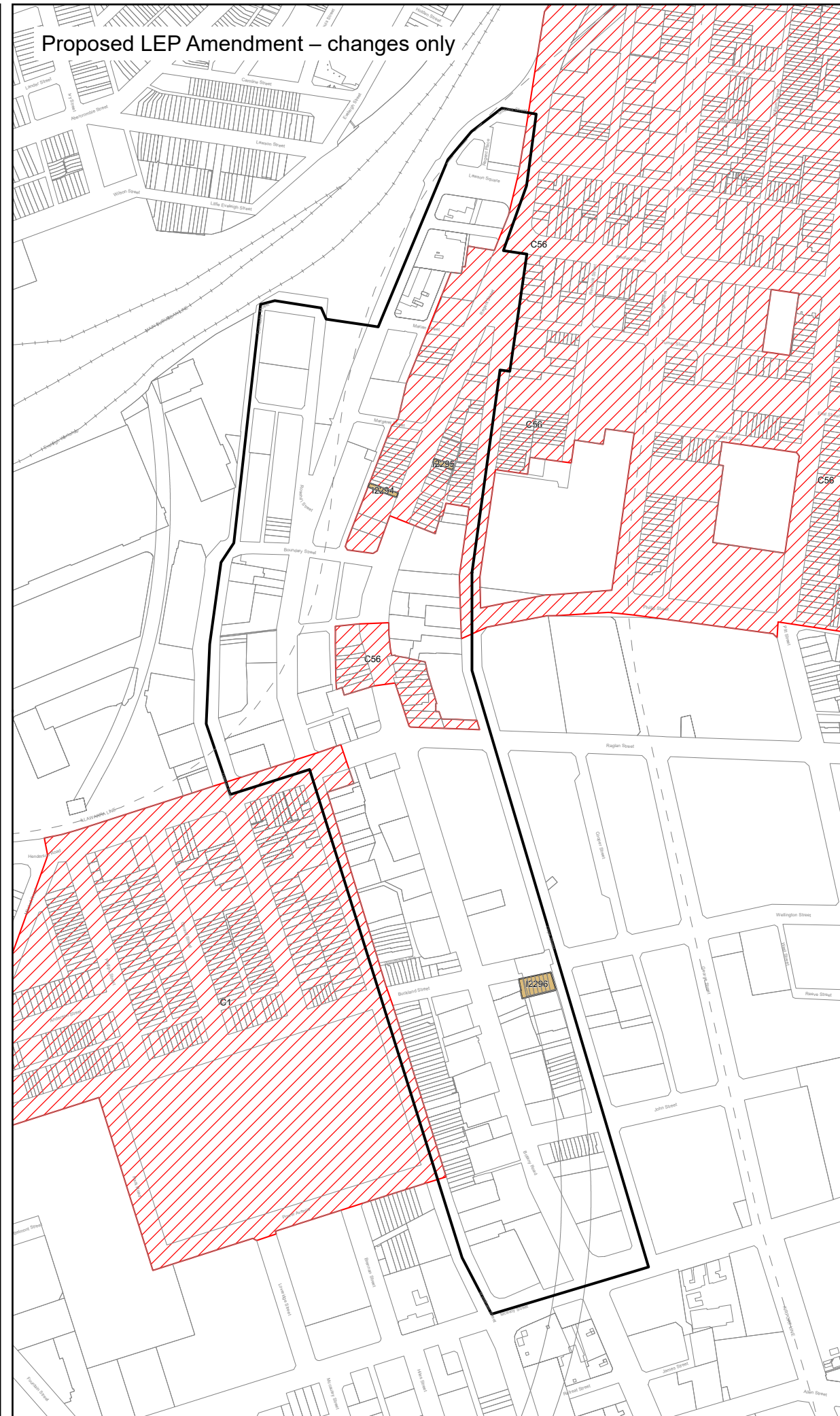
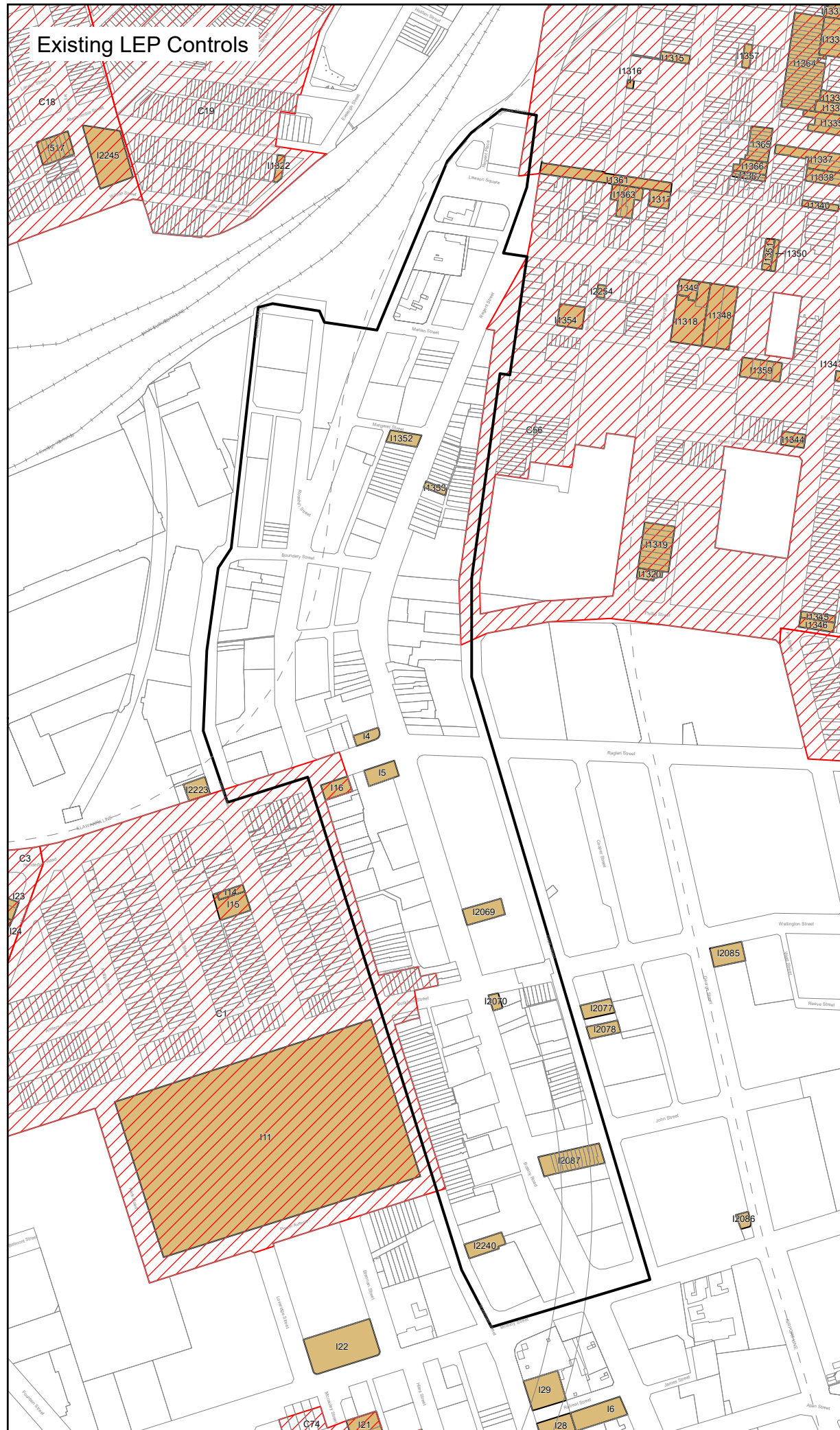
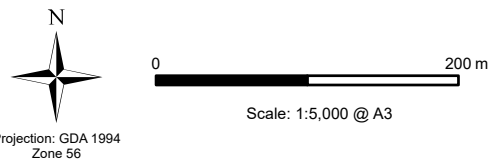
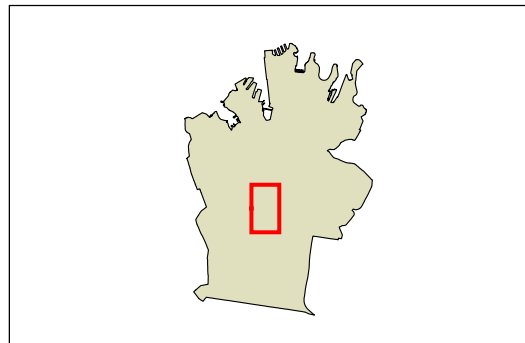
Heritage

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

Cadastral











-  Cadastral 23/05/2022 © City of Sydney

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Land Zoning Map

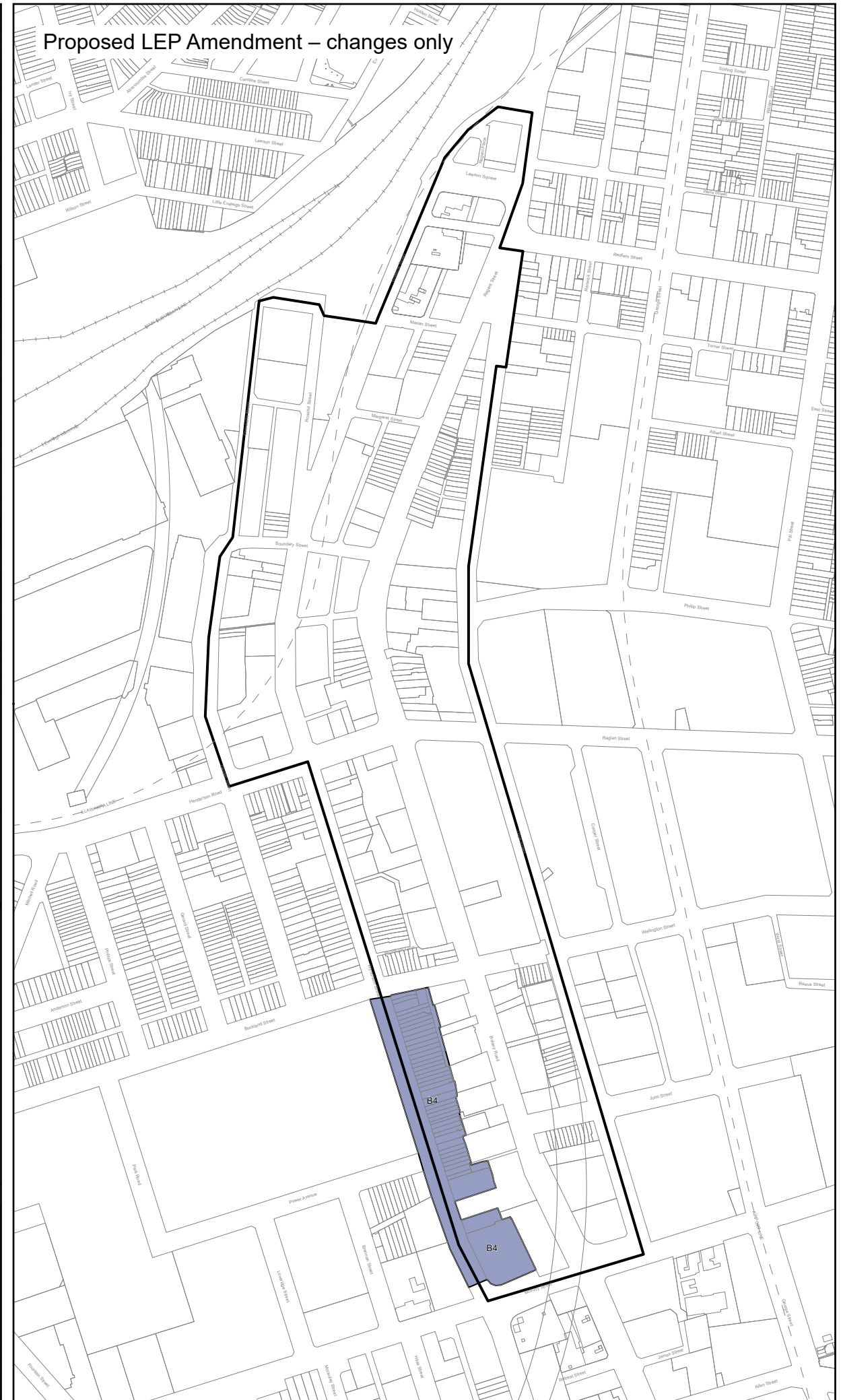
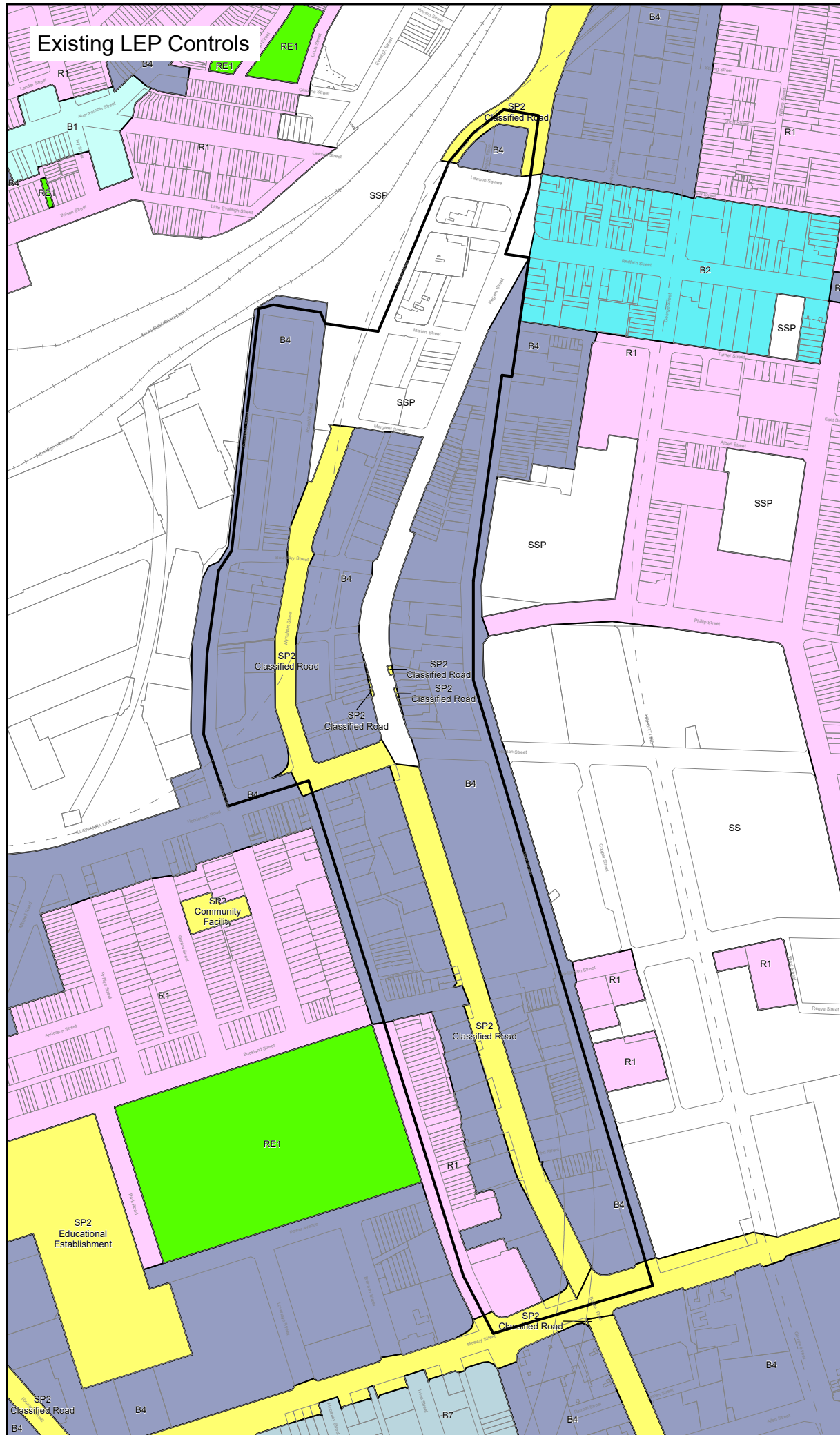
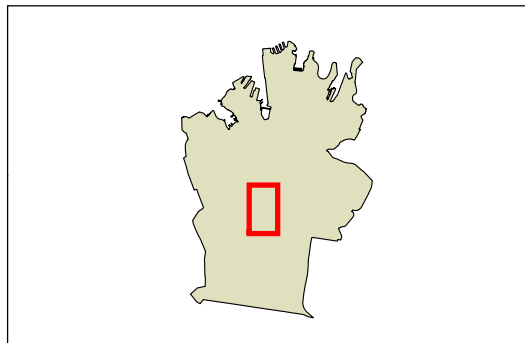
Zone

-  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

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Height of Buildings Map

Maximum Building Height (m)

Botany Road Precinct

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

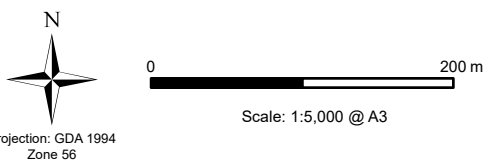
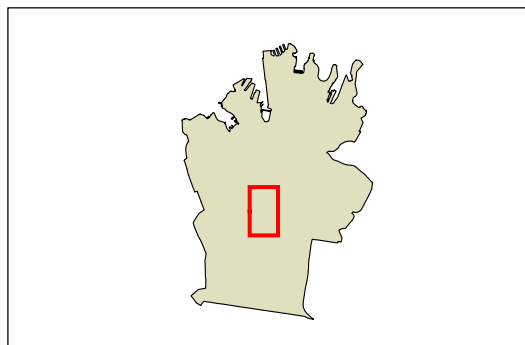
Heights shown on map in RL (m)

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

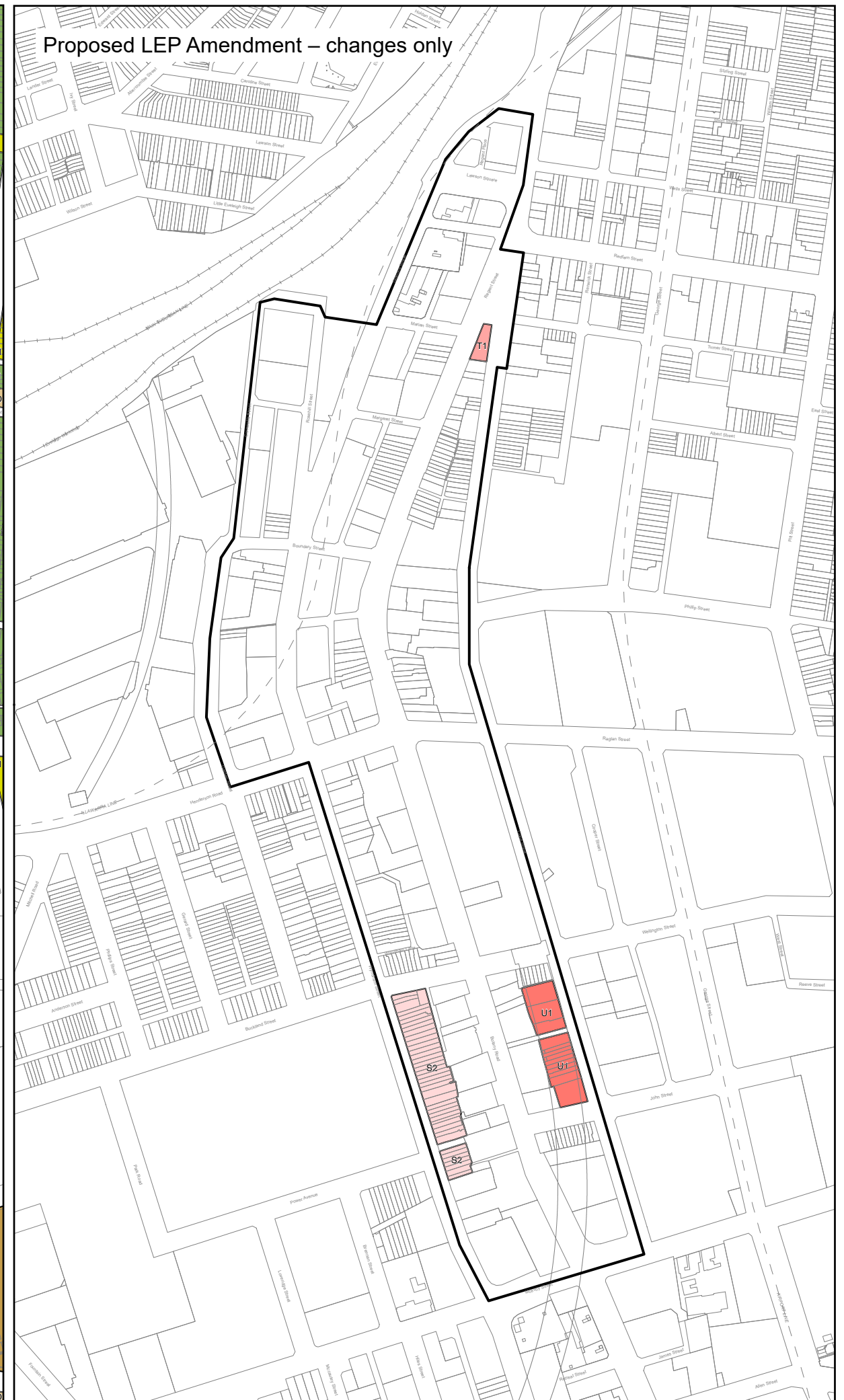
Cadastre

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Map identification number:



Floor Space Ratio Map

Maximum Floor Space Ratio (n:1)

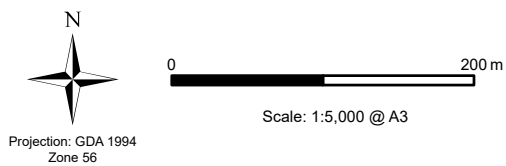
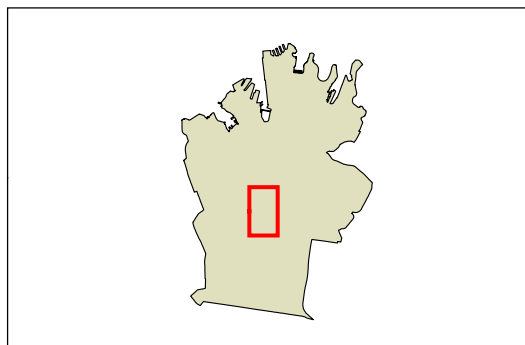
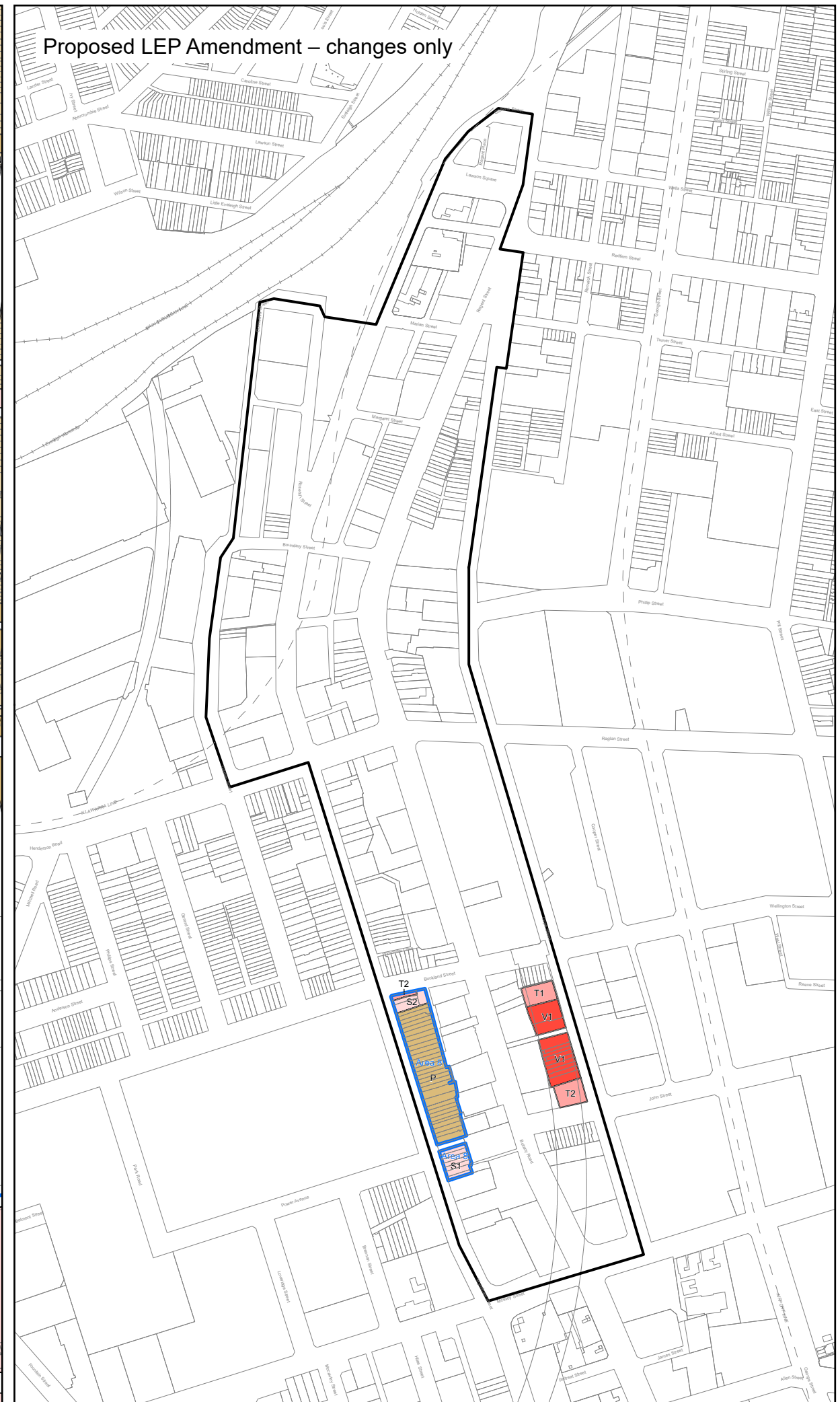
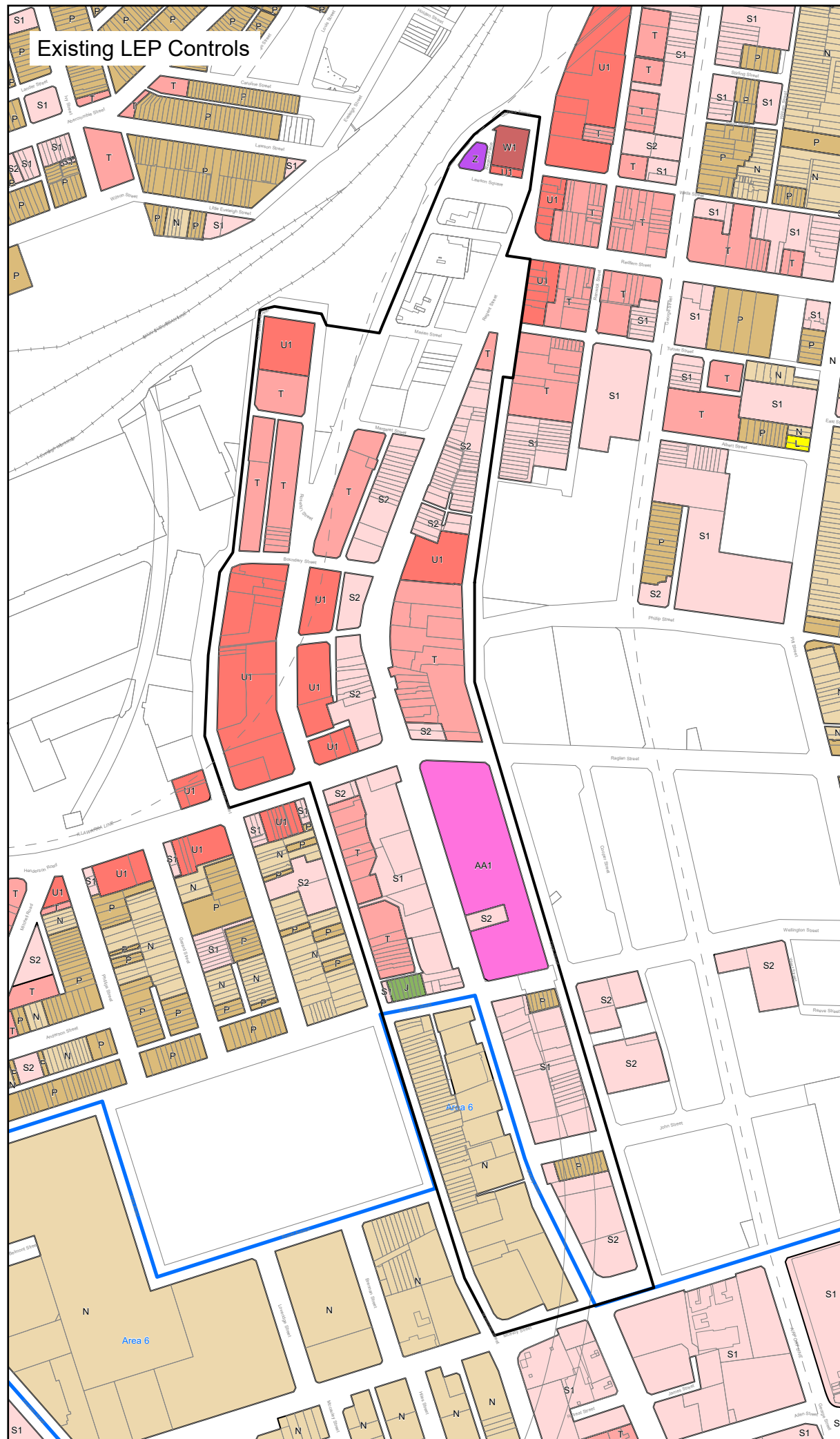
Botany Road Precinct

- 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







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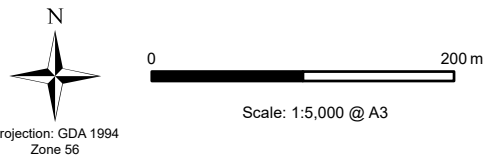
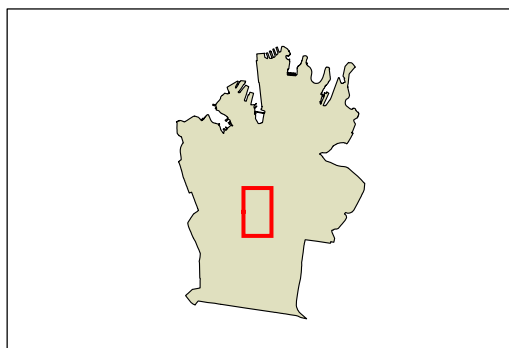
Post exhibition note: This map is illustrative only for post exhibition purposes. The Botany Road Precinct boundary shows the boundary of the study area.



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**
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Map identification number:

