

# **Attachment A1**

**Planning Proposal Request**



## APPLICATION FOR A PLANNING PROPOSAL

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Amendment to Sydney Local Environmental Plan 2012 as it applies to land at Nos. 118-130 Epsom Road and 905 South Dowling Street, Zetland to amend the height of buildings standard to permit increases in the maximum height ranging from 18m to 85m throughout the site.

118-130 Epsom Road & 905 South Dowling Street,  
Zetland

Prepared for: Meriton Group Pty Ltd

REF: M220044

Date: 12 July 2022





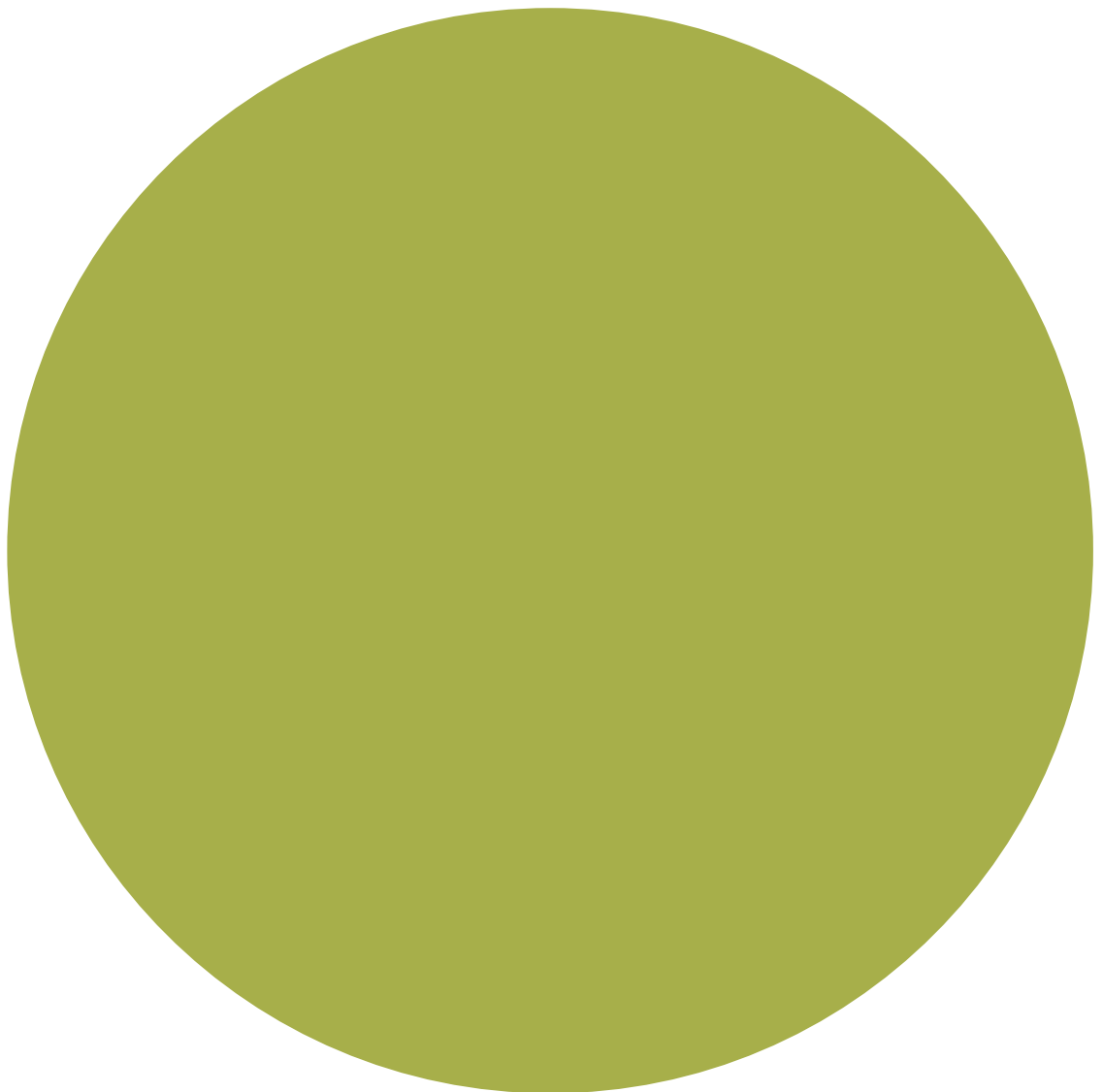
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***Acknowledgement of Country:*** Planning Ingenuity acknowledges the Traditional Custodians of the land and pays respect to Elders past, present and future. We recognise First Nations peoples' unique cultural and spiritual relationships to place and their rich contribution to society.

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# Executive Summary

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This application for a Planning Proposal seeks to amend the provisions of *Sydney Local Environmental Plan 2012* (SLEP 2012) for land at Nos. 118-130 Epsom Road and 905 South Dowling Street, Zetland. Specifically, the Planning Proposal seeks to amend the height of building development standard as it applies to the subject site, with no change to the B4 Mixed Use zoning or Floor Space Ratio (FSR) standard.

There are compelling Urban Design and Town Planning reasons for an increase to the maximum building height as has been considered within the subject application for a Planning Proposal. Specifically, the increase to maximum building height presents the opportunity to deliver a flexible urban and architectural design, providing for a suite of public benefits that have not been entirely realised by the current building height standards and controls within the *Sydney Development Control Plan 2012* (SDCP 2012). The amended building height allows for the strategic distribution of floor space throughout the site, which will permit the delivery of a mixture of building typologies (from low to high density forms) and by virtue, significant improvements to the public domain.

The application for a Planning Proposal will provide a unique opportunity to unlock the development potential of the subject site given its considerable site area, dimension and numerous frontages. The flexibility offered by the change in height controls will allow for the delivery of a built form which is consistent with the surrounding properties and will significantly improve the public domain, both existing and future. The vision for the Planning Proposal, as is consistent with the concept proposal which forms part of the Stage 1 Concept Development Application (submitted concurrently), is as follows:

- Contribute towards the renewal of Green Square-Epsom Park by improving flexibility in architectural and urban design;
- Allow for the delivery of additional connections and strengthening links to surrounding locality;
- Improve the character and amenity of the public domain;
- Provide a mix of housing choices offered by the flexibility;
- Create livable communities by providing high quality amenities and open space to meet the needs of existing and future residents of the locality; and
- Deliver the highest standards of urban planning and excellence in architectural design.

As the subject is located within the Green Square Urban Renewal Area, the locality has been undergoing significant change leading to increased density, rejuvenation and activation. The redevelopment of the site, in line with this Planning Proposal, provides a significant number of public benefits which include the following:

- The provision of high quality, mixed use and residential buildings that will better define the street frontages and relate to surrounding developments;
- Improve the distribution of massing, thus increasing visual amenity through building arrangement, bulk and scale;
- Allowing for a variation in building heights across the site, with high density towers located on the corners, medium density around the periphery and lower density centrally (per the Stage 1 DA);
- Contribution to a more cohesive streetscape and skyline, establishing hierarchy in built form which will positively contribute to the envisaged and desired future character of the Green Square – Epsom Park Precinct (per the SDCP 2012);
- Improvements to public safety and amenity by rationalising the location of built form within key portions of the site and relating to neighbouring properties, thus allowing for improvements to the public domain, particularly as this pertains to public open spaces and lower order roadways;

- Opportunities to improve the variety of residential accommodation throughout the site, ranging from low density townhouses to medium and high density residential apartment buildings;
- Opportunities to improve the amenity of surrounding public domain and open spaces (Mulgu Park), through the rearrangement and redistribution of floor area within appropriate locations;
- Relocation of building mass and floor space away from the ground plane to allow for the provision of new, publicly accessible open spaces (not envisaged by the SLEP or SDCP) throughout the site that provide links between the various streets; and
- Improved activation and natural surveillance of the new publicly accessible open spaces, non-residential areas and public domain through flexibility in building mass arrangement.

As detailed, this Planning Proposal is submitted concurrently with a Stage 1 DA which seeks approval for concept envelopes as prepared by *Mako Architecture*. As part of this Planning Proposal, an Urban Design Study (UDS) and concept scheme have been prepared and are submitted separately. The UDS provides an analysis of the existing and future urban fabric against the opportunities and constraints present at the site to demonstrate the benefits of the Planning Proposal.

Furthermore, the UDS demonstrates that the proposed LEP (and subsequent DCP) changes will facilitate high quality urban forms compatible with the context and setting of the broader locality and the immediate surroundings. The UDS and concept envelopes illustrate how the proposal relates positively to the features of the site, surrounding public domain (existing and proposed) and neighboring properties. The concept proposal (per the Stage 1 DA) will provide for the following:

- The provision of nine (9) blocks across the site, ranging from one (1) to 23 storeys, including;
  - Three (3) storey low density town houses located centrally within the site;
  - Four (4) to 9 storey medium density mixed use and residential flat buildings around the periphery of the site; and
  - 14 to 23 storey tower forms within the north-western, north-eastern and south-eastern corners of the site;
- The delivery of 3,696m<sup>2</sup> of non-residential floor area to improve activation and vitality;
- Provision of 86,228m<sup>2</sup> of residential floor area within differing building typologies;
- 5,556m<sup>2</sup> of publicly accessible open space, including new parks not envisaged by the SLEP and SDCP;
- Public domain and roadway improvements, including additional east-west links not envisaged by the SLEP and SDCP; and
- Basement level and above ground car parking and on-site loading.

As discussed in this document, the application is consistent with the local, regional and state planning strategies for City of Sydney Local Government Area (LGA), Eastern City District Plan and Greater Sydney Region Plan. This application has the potential to make a substantial positive contribution to the quality and utility of public space and result in the efficient use of a well-serviced site, to provide a development which is diverse and vibrant, compatible with neighbouring properties and delivers a high quality urban environment.





# 1. Introduction

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This application for a Planning Proposal ('Document') has been prepared for Meriton Group Pty Ltd, owner of Nos. 118-130 Epsom Road and 905 South Dowling Street, Zetland ('site'). The purpose of this application is to initiate a Planning Proposal process to amend *Sydney Local Environmental Plan 2012* (SLEP 2012) to change the maximum building height development standard as it applies to the site. Specifically, it is proposed to change the maximum building height throughout the site, ranging from 18m and 85m with no other changes sought to the remaining LEP provisions.

There are compelling Urban Design and Town Planning reasons for Nos. 118-130 Epsom Road and 905 South Dowling Street to be considered within the subject application for a Planning Proposal. Specifically, the subject site represents a unique opportunity to deliver a high quality urban block and deliver a suite of public benefits that will not be realized if the current planning controls are retained and the opportunity for redevelopment passes. That is, the current maximum building heights which apply to the site are not capable of accommodating the permitted FSR and they do not represent the most suitable response to the character of the locality and surrounding built forms and public domain.

The application to increase the maximum height on the subject site will provide for a unique opportunity to deliver a well-thought and refined built form which represents a significant improvement over the current envelopes envisaged under the SLEP 2012 and *Sydney Development Control Plan 2012* (SDCP 2012). This Planning Proposal is submitted concurrently with a Stage 1 Concept Development Application ('Stage 1 DA') which seeks to deliver a site arrangement and built form ('Concept Proposal') varying the maximum building height under Clause 4.3 of the SLEP 2012 and the envelopes per the *Green Square – Epsom Park Precinct* of the SDCP 2012. The Planning Proposal provides for inherent flexibility to deliver an outcome which is far superior to the current planning controls. The Stage 1 DA is supported by a 'Reference Scheme' which identifies potential uses, yield, internal design, vehicular and pedestrian access points and the like.

This application for a planning proposal has been prepared in accordance with Division 3.4 and Division 3.5 of the *Environmental Planning and Assessment Act 1979* as well as the NSW Department of Planning, Industry and Environment publication "*Local Environmental Plan Making Guideline*" (December 2021) (DPIE Guideline). It explains the intended effect of the proposed amendment to SLEP 2012 and sets out the justification for making the amendment to that Plan.

This application demonstrates that the proposed LEP amendment has strategic and site specific merit. It is aligned with the relevant matters for consideration set out in City of Sydney Council's Local Strategic Planning Statement. As detailed, the primary intent of the application is to initiate a Planning Proposal process to amend the maximum building height and encourage future development on the site.

An Urban Design Study (UDS) and concept proposal have been prepared by *Mako Architecture* and are submitted with this application. The UDS provides analysis of existing urban fabric, current planning controls and the constraints of the site, demonstrating how the changes to maximum building height will support redevelopment. The concept proposal, which is also the subject of the Stage 1 DA, demonstrates how the increase to maximum building height will improve the urban fabric of the immediate and wider locality.

This increase in building height and subsequent development is consistent with local and state government planning strategies to drive more efficient and economic use of urban land within the Green Square – Epsom Park Precinct. The subject site is well located within a B4 Mixed Use zone and in close proximity to established transport, services and a variety of infrastructure and facilities. The Stage 1 DA includes the delivery of a mixed use development, with significant improvements to the public domain, new public connectivity and open space, residential and non-residential uses, enhancements to the streetscape and pedestrian environment and achieves positive environmental, social and



economic outcomes. Of relevance and as is discussed throughout this Report, although the Planning Proposal seeks increase in building height, the envelopes and actual built form will be defined by the Stage 1 DA which is submitted concurrently. Furthermore, this Planning Proposal does not seek to increase the permissible Floor Space Ratio (FSR) on-site, and seeks to only allow for a flexible redistribution of floor area.

This application for a Planning Proposal has relied on, and been informed by, the Urban Design Study and Concept proposal prepared by *Mako Architecture*, as well as the following documents submitted alongside this Report:

Table 1 Supporting Documents	
Document	Author
Urban Design Study	<i>Mako Architecture</i>
Survey Plan	<i>Real Serve</i>
Landscape Plan	<i>Urbis</i>
Traffic and Parking Assessment	<i>Trafix</i>
Wind Assessment Report	<i>SLR</i>
Acoustic Assessment	<i>E-Lab</i>
ESD Report	<i>E-Lab</i>
Flood and Stormwater Management Report	<i>TTW</i>
Waste Management Plan	<i>Elephants Foot</i>
Public Art Strategy	<i>Aileen Sage</i>
Design Excellence Strategy	<i>Planning Ingenuity</i>
Arborist Report	<i>Ross Jackson Nature Works</i>
OLS Certification Plan	<i>JBW Surveyors</i>

An initial pre-lodgement meeting was held with City of Sydney Council's Strategic Unit and Director of City Planning and Development on 31 January 2022. Feedback from the pre-lodgement meeting was supportive of the preparation and lodgement of this application, noting the detailed analysis requested by Council is submitted with this application. Further, a number of specialist studies were identified by Council as necessary to support the application, as has been submitted per **Table 1** above. In accordance with the DPIE Guideline a copy of Council's Pre-lodgement Advice is included in **Annexure O**.

This report is divided into sections including a locality and site analysis, background, existing planning provisions, the proposed amendments, justification for the proposal, project timeline and a conclusion. This planning proposal application demonstrates with evidence that there will be positive outcomes from the proposed change to the maximum building height.



## 2. Locality and Site Analysis

### 2.1 THE CONTEXT

#### 2.1.1 Metropolitan Context

The subject site is located in the suburb of Zetland approximately 5km south of the Sydney CBD. Zetland is part of the Green Square urban renewal precinct, with the subject site situated along its eastern periphery. As part of the *Metropolis of Three Cities – The Greater Sydney Region Plan*, the Green Square Precinct forms part of the economic corridor which runs through the Sydney CBD, Chatswood and terminates at Macquarie Park.

The Green Square urban renewal precinct and its associated suburbs is one of the largest urban renewal projects within Australia. The renewal of these areas seeks to deliver a shift from former industrial uses to mixed use precinct with residential and commercial uses, improving public and active (walking and cycling) transport, sustainability and liveability. The precinct is built around the Green Square Town Centre and is anticipated to deliver 30,000 new residential dwellings and 8,000 new jobs by 2030.

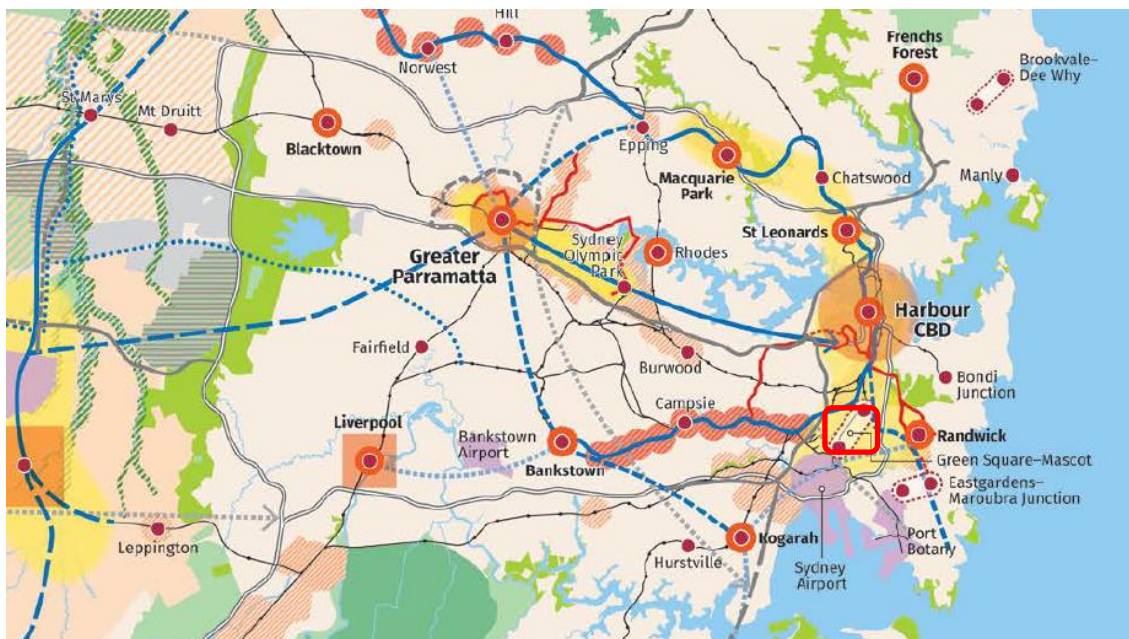


Figure 1 The metropolitan context (Source: A Metropolis of Three Cities)

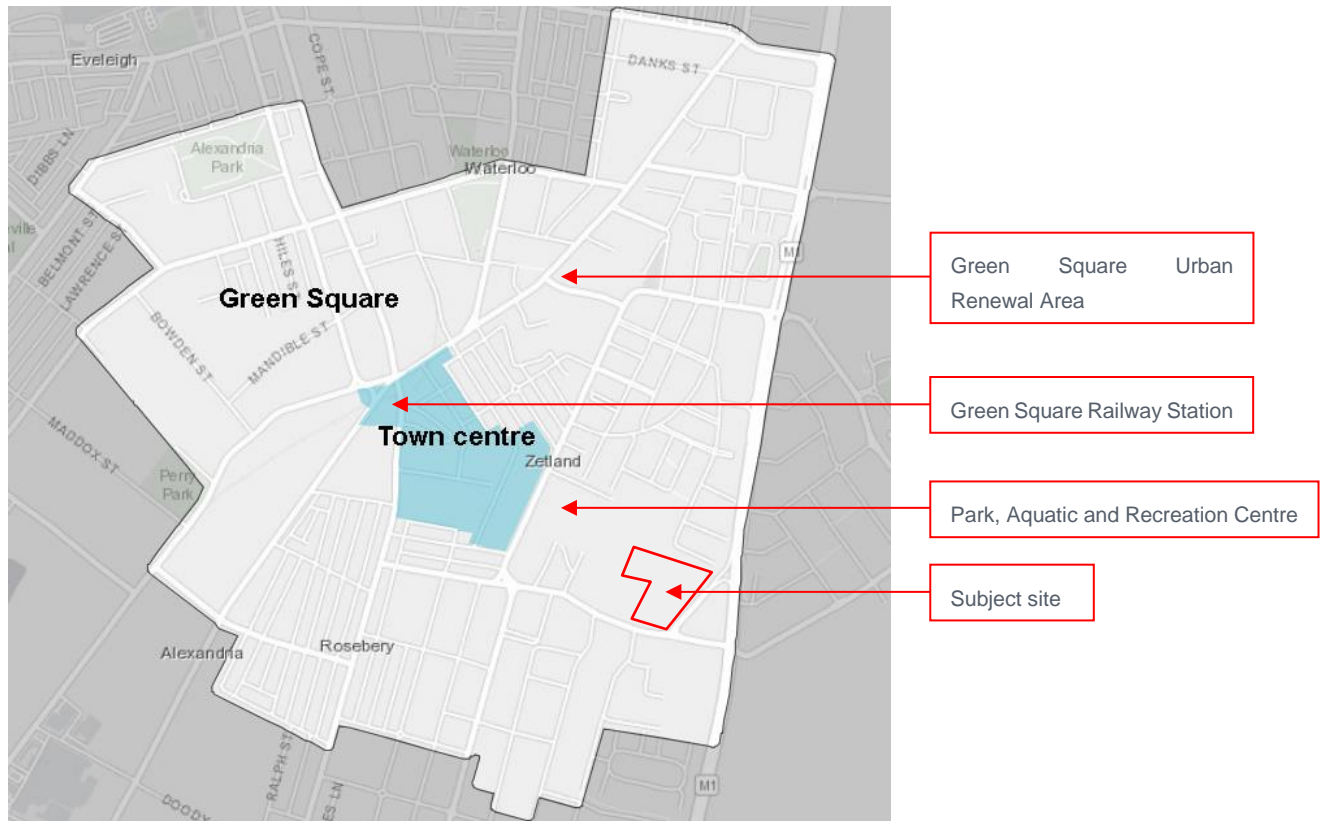
#### 2.1.2 Zetland

The subject site is situated within Zetland and is located approximately 1km south-east of the Green Square Town Centre. Zetland benefits from a strategic location which boasts ease of access to a number of transport links, land uses and localities thus solidifying its place as an area of urban renewal.

The locality provides the general public, workers and residents with a high level of amenity due to its centralised location, ease of access and the provision of numerous commercial facilities, including shopping centres and retail premises, public open spaces, recreational facilities and various services. As part of the Green Square renewal, this is anticipated to be improved over time aligning with the *City Plan 2036: Local Strategic Planning Statement (LSPS)*.



**Figure 2** below demonstrates the location of the subject site with regards to the Green Square Town Centre, Railway Station and surrounding localities. The subject site is located to the west of Randwick Local Government Area (LGA) and Southern Cross Drive, and is within 1km walking distance to Green Square Railway Station.



**Figure 2** Green Square Urban Renewal Precinct (Source: City of Sydney)

## 2.2 THE SITE

The subject site comprises two lots known as Nos. 118-130 Epsom Road and 905 South Dowling Street, Zetland with legal description of Lot 7 in DP 24134 and Lot 2 in DP 830870 respectively. An aerial image of the site is provided at **Figure 3**.





**Figure 3** Aerial image of subject site (outlined in red) (Source: Near Maps)

The site has a combined frontage to Link Road of 227.275m and a combined frontage length of 103.72m to Epsom Road. It also has a curved frontage of 9.37m to the intersection of Link Road and Epsom Road. The site has dimensions of 265.3m to the northern (side) boundary, 90.59m and 152.635m to the western (rear) boundaries, and 93.855 metres to the southern (side) boundary which adjoins 106-116 Epsom Road. 118-130 Epsom Road has an area of 1.618 hectares and 905 South Dowling Street an area of 2.4686 hectares, resulting in an overall site area of 4.0866 hectares.

Easements affecting 118-130 Epsom Road are:

- Easement for drainage along the western boundary;
- Easement for drainage running across the site in an east-west direction; and
- Easement for drainage running in a north-south direction between the southern boundary and the east-west drainage easement.

This lot is also affected by a covenant. Easements and covenants affecting 905 South Dowling Street are:

- Easement for drainage in the western portion of the site;
- Easements for drainage benefitting the site;
- Right of carriageway along a portion of the western most boundary; and
- Four covenants.

The site contains no significant natural features with the current use of the site for car sales and service centres, including associated activities. Each lot contains a number of buildings to facilitate the current use. No. 118-130 Epsom Road has driveway access off both Epsom Road and Link Road, while No. 905 South Dowling Street has driveway



access off Link Road. Existing vegetation on the site includes a mix of trees and shrubs along boundaries and adjacent hardstand areas.

The site generally slopes gently down in a northern direction, with a high point of approximately 21 metres AHD in the southern portion of the site. The lowest points of the site are typically along the northern boundary at approximately 19 metres AHD.

The subject site is also identified as flood prone land and potential for local flooding has been considered as part of this application, as discussed under Section 5.5.3 of this Statement. Additionally, the site is subject to an Obstacle Limitation Surface of 51m AHD as identified within SLEP 2012 and pursuant to the Commonwealth Legislation, and is considered in this application and supporting documentation.

Photographs of the subject site are provided at **Figures 4 to 8**.



**Figure 4** Subject site as viewed from Link Road



**Figure 5** Subject site as viewed from corner of Epsom and Link Road







Figure 6 Subject site as viewed from Epsom Road



Figure 7 Subject site as viewed from Defries Avenue

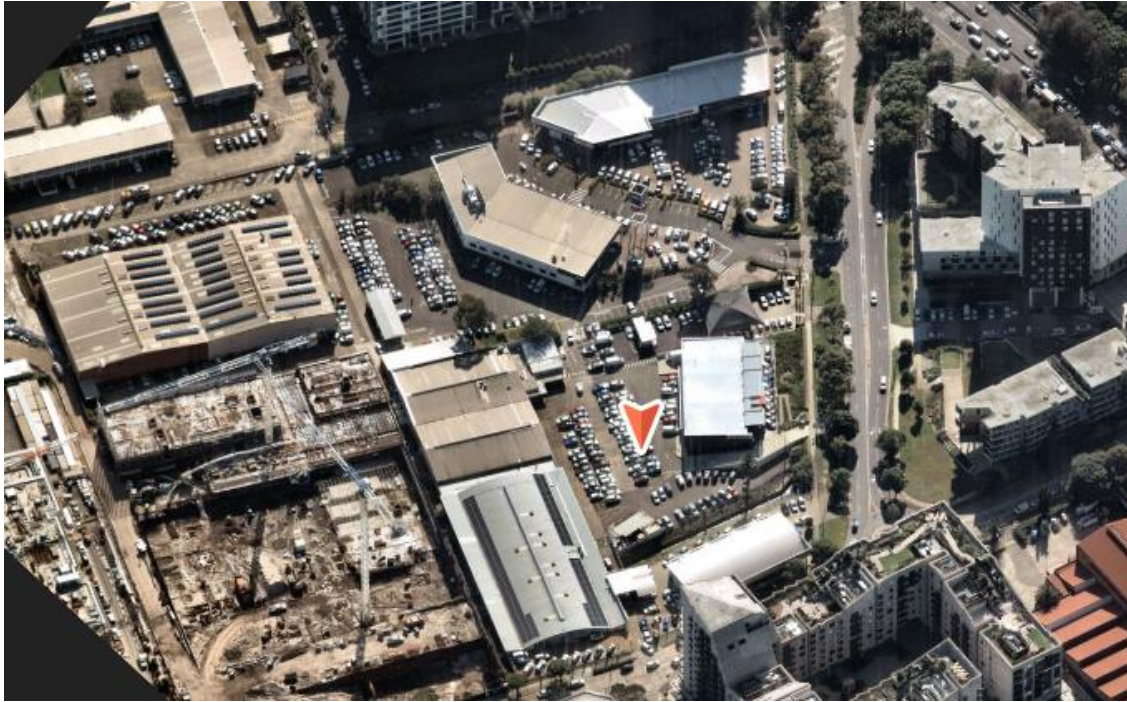


Figure 8 Oblique aerial of subject site (Source: NearMaps)

### 2.3 EXISTING AND DESIRED FUTURE CHARACTER

The subject site is located within the B4 Mixed Use Zone which is anticipated to accommodate a significant increase in density in accordance with relevant development standards of the SLEP 2012 and SDCP 2012. More specifically, the subject site and surrounding properties are identified under *Part 5.2 Green Square* and *Part 5.3 Green Square – Epsom Park* of the SDCP 2012. The subject site is earmarked for redevelopment which seeks to incorporate a high density development amongst public open spaces.



**Figure 9** Excerpt from SDCP 2012 (Green Square – Epsom Park)

In accordance with the above, a number of controls apply to the subject site as it pertains to the street layout, building height, active frontages, setbacks and provision of public open space. As detailed, this Planning Proposal only seeks to increase the building height across the subject site, with the Stage 1 DA dealing with issues pertaining to built form. Of relevance, the objectives of the *Part 5.3 Green Square – Epsom Park* are as follows:

- (a) *Development in Epsom Park should be undertaken in accordance with the following objectives and Figure 5.59 Epsom Park Urban Strategy.*
- (b) *Future development is to be of the highest quality, and sympathetic to the existing surrounding local character and history of Epsom Park and its former industrial uses. Redevelopment should be coordinated to effectively manage the redevelopment and provide adequate community facilities and services as required.*
- (c) *Introduce a mix of dwelling types to provide flexibility and choice that reflects the needs of a diverse community.*
- (d) *Ensure building heights provide a transition to the surrounding areas. Respond to the urban strategy for the Precinct, locating taller buildings on main streets and lower development on small streets.*
- (e) *Introduce a permeable network of streets that responds to key connections and maximises opportunities for walking and cycling.*
- (f) *Create an attractive public domain with pedestrian and bike connections. Links to public transport are to be clear and legible, and are to prioritise pedestrians with slow speed traffic lanes. All streets should include tree planting.*
- (g) *Provide one main park, known as Gunyama Park, for passive and active recreation.*

(h) High quality streetscapes are to be provided throughout Epsom Park. All new streets will provide trees for shade and amenity and incorporate water sensitive urban design where appropriate.

(i) Create a strong and consistent landscape character that unites development in Epsom Park by setting back buildings from the public domain and providing native planting in accordance with Council's Landscape Code.

(j) Introduce an appropriate mix of land uses with commercial/retail uses at ground level on Zetland Avenue and Epsom Road and at the public transport interchange.

(k) Provide an Aquatic Centre with active frontages to Gunyama Park and Zetland Avenue.

Currently, the subject site consists of an eclectic mix of non-residential buildings with differing architectural characters reflecting the various periods of construction. As demonstrated by the surrounding properties, the locality is clearly one going through transition whereby ageing built forms are interspersed with more recently constructed higher density developments. Several buildings throughout the locality are reaching the end of their economic life and are earmarked for replacement. The proposed development will satisfy the objectives for the desired future character of the locality as discussed throughout this document.

## 2.4 SURROUNDING DEVELOPMENT

In accordance with envisaged urban renewal of the Green Square – Epsom Park Precinct, a number of sites within the immediate locality contain approved or recently constructed residential flat buildings and mixed use developments. Immediately adjoining the site to the west is Nos. 106-116 Epsom Road (Diecorp), which is subject to an approval under DA/2015/913 for the following (**Figure10**):

*'Demolition of the existing structures and removal of trees on site for the construction of a mixed use development comprising 5 buildings ranging between 5 and 14 storeys, accommodating 555 residential apartments and 840sqm of retail premises and the excavation of 2-4 levels of basement to accommodate 516 cars. The application also proposes landscaping, public domain works and subdivision to create 6 new lots.'*

Works subject to this application have commenced on the subject site as demonstrated in **Figure 12**. Of relevance, this neighbouring development will contain high density built form across the subject site, basement parking and internal roadways which directly adjoin the boundary shared with the subject site. This property is zoned B4 Mixed Use and includes the provision of Peters Street and Rose Valley Way which will be continued through the site as part of the Stage 1 DA.

Further to the west is Nos. 94-104 Epsom Road (owned by Meriton Group Pty) which was approved under D/2019/976 for the construction of a three mixed use buildings up to 14 storeys in height and is currently under construction (**Figure 11 and 13**).

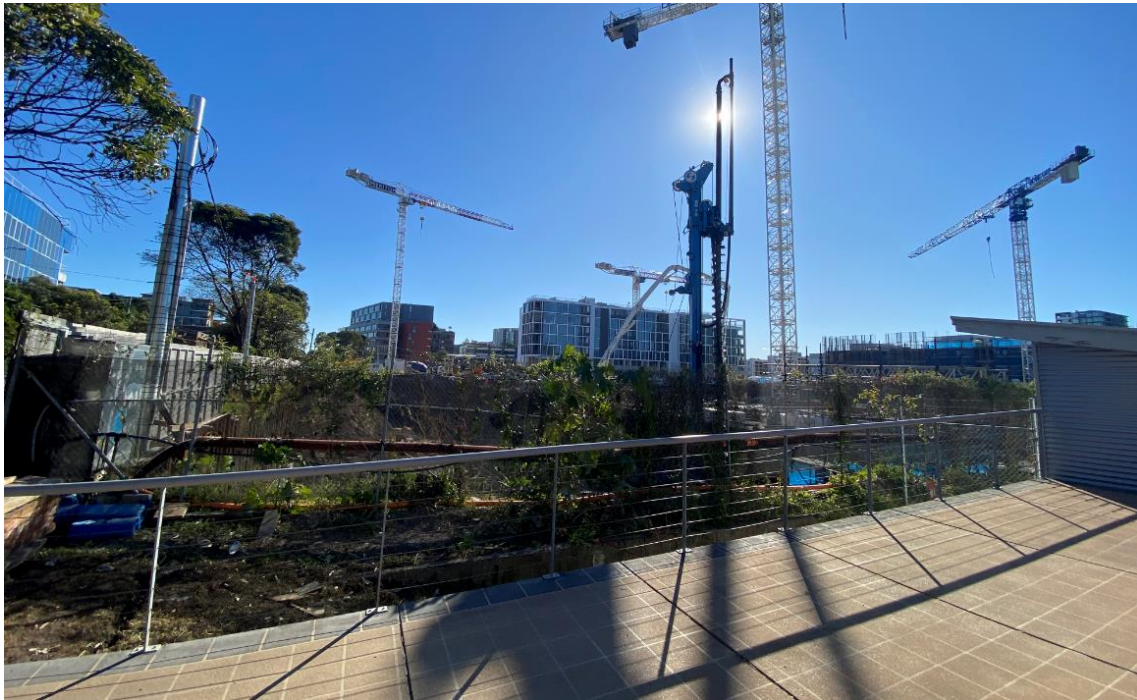


Figure 10 Approved development at Nos. 106-116 Epsom Road viewed from Epsom Road



Figure 11 Approved development at Nos. 94-104 Epsom Road viewed from Epsom Road





**Figure 12** Approved developments under construction to the west of the subject site (Diecorp foreground, Meriton background)

Adjoining the subject site to the north-west is Gunyama Park and Gunyama Park Aquatic and Recreation Centre (D/2016/824). Both the park and aquatic centre have recently been constructed and are shown in **Figures 13** and **14** below. However, it is noted that part of Gunyama Park where it adjoins the subject site has not yet been constructed. Pursuant to SDCP 2012, George Julius Avenue will be provided parallel to the western (side) boundary of the subject site (and also Nos. 106-116 Epsom Road).



**Figure 13** Gunyama Park Aquatic and Recreation Centre as viewed from Joynton Avenue



**Figure 14** Gunyama Park as viewed from Zetland Avenue

To the north of the subject site and on the opposite side of the Zetland Avenue are a mixture of undeveloped and recently developed mixed use buildings. Specifically, this includes the following:

- Residential flat building developments to the north and north-east (by Meriton Pty Ltd) fronting Eastern Distributor, Zetland Avenue, Bindon Place, Defries Avenue and Naulty Place (**Figures 15 and 16**);
- Ausgrid Zetland Depot at No. 130 Joynton Avenue, which has recently been sold. It is noted that this occupies Zetland Avenue (future roadway) and adjoins the (entire) northern boundary of the subject site (**Figure 17 and 18**); and
- Further to the north-west are a number of residential flat building developments addressing Kirby Walk, Victoria Park Parade, Grandstand Parade and Joynton Avenue (**Figure 19**).



**Figure 15** Developments to the north and north-east as viewed from Link Road (Note, subject site in foreground)



Figure 16 Developments to the north and north-east as viewed from Defries Avenue



Figure 17 No. 130 Joynton Avenue aerial image (source: Real Commercial)





**Figure 18** No. 130 Joynton Avenue as viewed from Defries Avenue



**Figure 19** Developments to the north-west as viewed from Zetland Avenue (Note, Ausgrid site in foreground)

To the south-east and on the opposite side of Link Road is No. 1 Link Road and Nos. 132-136 Epsom Road which contains recently constructed mixed use developments of varying building heights as shown in **Figures 20** and **21** below. Of relevance, this property has buildings ranging between 5 and 15 storeys as is consistent with the proposed development.



**Figure 20** No. 132-136 Epsom Road as viewed from Epsom Road



**Figure 21** No. 132-136 Epsom Road as viewed from Link Road

Directly to the south of the subject site is No. 67 Epsom Road which was approved for the construction of a part nine, part fourteen storey mixed use development. This has been constructed as shown in **Figures 22** and **23** below, noting that Banilung Park further to the south is also recently constructed.



Figure 22 No. 67 Epsom Road as viewed from Link Road



Figure 23 No. 67 Epsom Road as viewed from Epsom Road

To the south-east is Nos. 87-103 Epsom Road which contains an existing storage facility per **Figure 24**. This contains an approval for a Stage 1 DA approved in 2007, which has commenced and is still operational. To the south-west is an



existing commercial premises at Nos. 57-65 Epsom Road per **Figure 25**. This site does not contain any previous or current approvals for redevelopment as exhibited throughout the surrounding locality.



**Figure 24** Nos. 87-103 Epsom Road as viewed from Epsom Road



**Figure 25** Nos. 57-65 Epsom Road as viewed from Epsom Road



## 2.5 CONNECTIVITY TO PUBLIC TRANSPORT

The subject site is situated within a highly accessible location in close proximity to key road corridors, bus stops and Green Square Railway Station. Specifically, the site is just west of Southern Cross Drive which provides vehicular access to the surrounding suburbs and Sydney CBD. The site directly opposes a number of bus stops along Epsom Road which provide access to Glebe, Green Square and Coogee Beach and is within 1.3km walking distance from Green Square Railway Station which provides access to the Sydney CBD, airport, surrounding and wider suburbs. The precinct envisages public and active (walking and cycling) transport as a key feature of the locality.

Further to the above, the site is also located within close proximity to numerous commercial, retail, community and health care facilities, in addition to a variety of public open spaces.

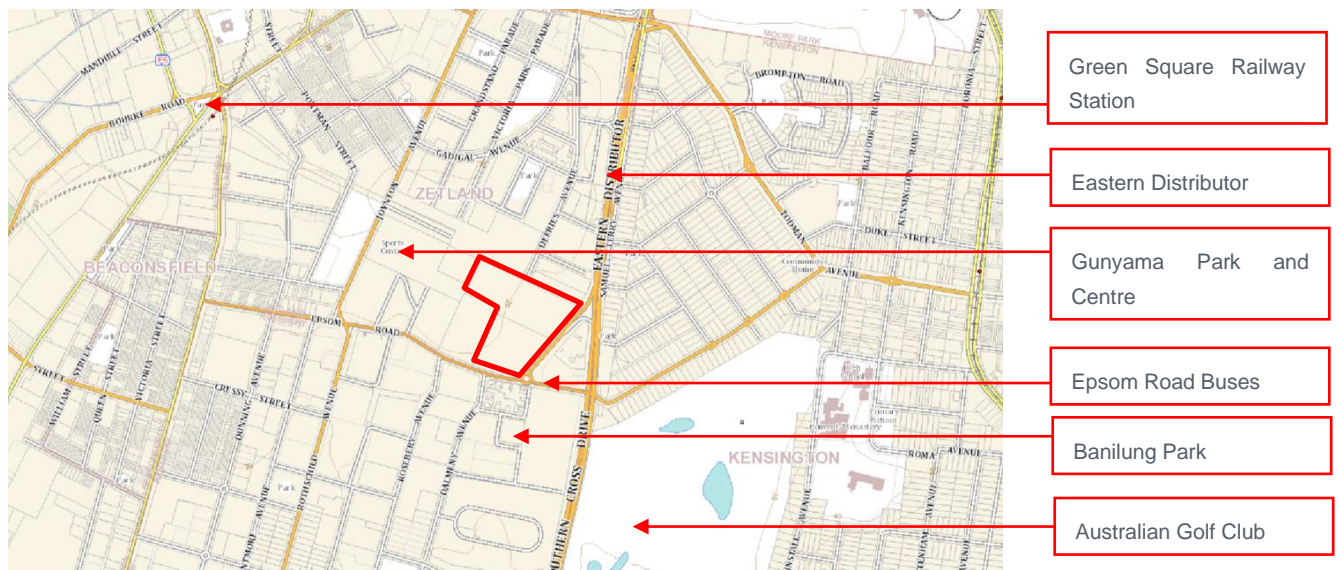


Figure 26 Surrounding locality and key features

## 2.6 AMENITY

The site is in a strategic location containing numerous street frontages and orientation to public open spaces. With this being said, vehicular traffic along Southern Cross Drive, Link Road and Epsom Road are a source of noise. However, it is noted that recently constructed developments on surrounding properties are located at the same distance or closer to these noise sources and have been demonstrated to achieve appropriate levels of acoustic attenuation to protect internal amenity, whilst also achieving ventilation.

As detailed, the site is located at the eastern edge of the Green Square urban renewal precinct and is within walking distance to the extensive variety of established (and future) services and facilities including the civic facilities, recreational facilities, public open spaces, commercial premises and public transport.

## 2.7 OPEN SPACE AND LANDSCAPING

The subject site is envisaged to deliver public open spaces and improved landscaping. Currently, the site does not include the provision of any extensive landscaping or vegetation and is not accessible to the general public. As discussed under Section 4, the Stage 1 DA will significantly increase the quantum of open space and landscaping on-site, including the provision of roadways, through-site links, share ways and public open spaces.



Currently, there are a number of large public open spaces available to future occupants of the site. Most notably, this includes the recently constructed (but not yet completed) Gunyama Park. The site is also within proximity to other smaller open spaces, including Banilung Park, Nuffield Park and Zetland Basketball Court.



# 3. Background

## 3.1 DEVELOPMENT APPLICATIONS

### 3.1.1 Demolition Application

A development application has been submitted for the demolition of existing structures and remediation of land on the subject site under D/2022/469 and is currently being assessed by Council. This application will allow for the clearing of land and subsequent remediation to permit the efficient and safe construction of future development.

### 3.1.2 Stage 1 Concept Application

This Planning Proposal is submitted concurrently with a Stage 1 Concept DA for the subject site. The Stage 1 DA seeks to gain approval for the concept building envelope of a large mixed use development, comprising of three separate stages and a mixture of residential and non-residential uses with basement and above ground parking. The Stage 1 proposal is separated (and staged) into three precincts, being the North-West Precinct (NW Precinct), North-East Precinct (NE Precinct) and South Precinct (S Precinct) and involves the provision of nine separate blocks. In addition to the proposed mixed use blocks, the development will also deliver a number of roadways, pedestrian access ways, public open spaces and landscaping.

Of relevance, the Stage 1 DA seeks to provide building heights which exceed the maximum currently permitted under the SLEP 2012. Accordingly, this Planning Proposal is submitted to ensure the building envelopes and heights proposed under the Stage 1 DA will technically comply with the SLEP 2012, as amended. It is pertinent to note that although this Planning Proposal seeks to increase building height across the site, the FSR applying to the subject site will be unchanged and the built form will be dictated by the envelopes subject to the Stage 1 application. Following this, subsequent competitive design processes will be required for each stage and precinct, thus ensuring an appropriate design outcome (demonstrating design excellence) is achieved.

Ultimately, this Planning Proposal seeks to allow for flexibility in building height for the concurrent Stage 1 DA. As is discussed further, the re-arrangement of built form and height results in a superior outcome compared to the current SLEP 2012 and envisaged masterplan of the Green Square – Epsom Park Precinct under the SDCP 2012. Importantly, the Stage 1 application will improve the streetscape and urban design of the site and locality, provide a better relationship to surrounding properties and result in significant improvements to the public domain.

## 3.2 DISCUSSIONS WITH COUNCIL

The Applicant (*Meriton Pty Ltd*) and City of Sydney Council (*Strategic Unit, Director of City Planning and Development*) have undertaken preliminary discussions regarding the Planning Proposal and concurrent Stage 1 DA. A meeting was held on 31 January 2022 with subsequent written comments provided by Council on 11 March 2022. The comments provided have been considered and the Planning Proposal and Stage 1 DA modified in response, whilst maintaining the viability of the project within the constraints of the site. **Table 2** below summarises Council’s comments and provides a response to each of those.

**Table 2** Council Comments and Responses

Council Comment	Response
<i>Existing residents are likely to have concerns regarding in new high-rise tower. Review after your submission will include</i>	The increase in building height, which is supported by the proposed concept envelopes per the Stage 1 DA,

**Table 2 Council Comments and Responses**

*whether surrounding residential properties are unreasonably affected by the increased height of a tower in the south western corner of the precinct and that parks have equal of better solar access as a result of the proposal.*

demonstrate that the change to planning controls will not have any adverse impact to the privacy, solar access or views of the surrounding buildings and residents. The impacts of the proposed concept envelopes are discussed in detail and are deemed acceptable.

Furthermore, the concept envelopes also allow for an improvement to solar access and relationship of the built form to the public domain. Specifically, the increase in building heights and subsequent rearrangement of envelopes will significantly improve the amenity of Mulgu Park, in addition to providing new publicly accessible spaces not envisaged by the SLEP or SDCP.

*The other potential benefits that a planning proposal may bring is a focus on greening, tree canopy and deep soil and as noted, a more diverse housing mix.*

The rearrangement of building form facilitated by increasing the maximum building height has allowed for improved vegetation and landscaping throughout the site. As part of the Stage 1 DA, this includes the provision of two new parks within the NW Precinct and an east-west share way within NE Precinct.

Per the submitted Reference Scheme, the increase in building height throughout the site will allow for a diversity of residential accommodation, including low rise townhouses and medium to high density apartments. The redistribution of floor area will ensure that each residential component, whether low rise or high rise, will achieve suitable levels of amenity, being solar access, ventilation, views and visual and aural privacy.

*The City of Sydney's strategic direction begins with the Greater Sydney Region Plan and Eastern City District Plan, which provide the foundations for the strategic objectives outlined in our Local Strategic Planning Statement (City Plan 2036). All requests to change the planning controls are evaluated to ensure alignment with City Plan 2036.*

The increase to maximum building height will allow for numerous improvements to the building and site arrangement which align with the LSPS and ultimately result in public benefit. This includes an improved relationship between the built form, public domain and neighbouring properties, increased diversity in residential accommodation and overall enhancements to amenity.

*Any planning proposal request must establish the strategic merit of the proposal, including establishing the public benefit of the proposal.*

Importantly, the proposal will enhance permeability throughout the site and will establish a hierarchy of built forms as they respond to the order of roads in the locality.

*There is an opportunity in changing the planning controls for the site to deliver on wider public benefits, including, but not limited to, a commitment to broader sustainability measures, including stretch BASIX targets and green infrastructure such as dual reticulation (to facilitate the site being able to be linked into any precinct wide water recycling scheme, where it is provided) and provision for electric vehicle charging.*

The increase in maximum building height (and concurrent Stage 1 DA) seek to deliver numerous public benefits as detailed above. An ESD Report prepared by *E-Lab* demonstrates capability of future detailed applications to achieve high levels of sustainability.

**The following information should be included as part of a planning proposal request:**

• *detailed urban design analysis, including analysis of options explored and performance of the preferred option's capacity to comply with planning controls including overshadowing of public open space and the Apartment Design Guide;*

An Urban Design Report prepared by *Mako Architecture* is submitted with this Planning Proposal. This provides an analysis of options, planning controls and solar studies in accordance with the concept envelopes.

• *wind and noise analysis and proposed impact mitigation measures focusing on siting and layout proposed to be implemented;*

A Noise and Vibration Assessment has been prepared by *E-Lab* and is submitted with this Planning Proposal.



**Table 2 Council Comments and Responses**

<ul style="list-style-type: none"><li>• <i>an analysis of urban ecology and trees and contribution of the site towards tree canopy and green cover targets;</i></li></ul>	A Landscape Plan prepared by <i>Urbis</i> is submitted with this application, demonstrating the extent of vegetation which can be achieved throughout the site.
<ul style="list-style-type: none"><li>• <i>an Arboriculture Tree Impact Assessment Report;</i></li></ul>	An Arborist Report prepared by <i>Jackson Nature Works</i> is submitted with this application.
<ul style="list-style-type: none"><li>• <i>a traffic and transport assessment, detailing local traffic and transport impacts, assessment of transport infrastructure, public transport, cycle and pedestrian movement, measures to promote sustainable transport;</i></li></ul>	A Traffic Impact Assessment prepared by <i>Traffix</i> is submitted with this application which assesses the potential impacts of the proposal. Of relevance, as this Planning Proposal does not seek to increase the maximum permitted FSR, the quantitative impact will not be worsened.
<ul style="list-style-type: none"><li>• <i>a local infrastructure and services assessment, that analyses future residents' access to local infrastructure and services, including appropriate retail and local businesses, and identifies opportunities to service future demand;</i></li></ul>	An assessment of the local infrastructure and services is submitted with this application.
<ul style="list-style-type: none"><li>• <i>a public art strategy; and</i></li></ul>	A Public Art Strategy prepared by <i>Aileen Sage</i> is submitted with this Planning Proposal.
<ul style="list-style-type: none"><li>• <i>an ecologically sustainable development strategy including any precinct level green infrastructure.</i></li></ul>	An ESD Report prepared by <i>E-Lab</i> is submitted with this Planning Proposal.

## 4. Stage 1 Concept DA

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### 4.1.1 Proposed Concept Envelopes

The Stage 1 DA seeks to gain approval for the concept building envelope of a large mixed use development, comprising of three separate stages and a mixture of residential and non-residential uses with basement and above ground parking. As detailed, the proposal is separated (and staged) into three precincts, being the North-West Precinct (NW Precinct), North-East Precinct (NE Precinct) and South Precinct (S Precinct) and involves the provision of nine separate blocks. In addition to the proposed mixed use blocks, the development will also deliver a number of roadways, pedestrian access ways, public open spaces and landscaping.

The proposed blocks will range from 1 to 23 storeys and include the provision of low rise town houses and medium to high density mixed use structures. The building envelopes and forms have been arranged and orientated to improve the amenity of the public domain and open spaces, streetscape character and overall relationship to the immediate and wider locality. The envelope is capable of accommodating the bonus FSR allowed under Clause 6.14 and 6.21D of the SLEP 2012, as the development will deliver public open spaces which are defined as Green Square Community Infrastructure and also involve future competitive design processes.

In addition to the above, the proposal will also deliver a number of public domain improvements, including Defries Avenue, Letitia Street, Chimes Street, Rose Valley Way, (part-of) Zetland Avenue and other through-site links. This is in conjunction to the delivery of Mulgu Park and improved pedestrian access ways. As detailed, the Stage 1 DA and this Planning Proposal are also submitted with a Reference Scheme which demonstrates the potential layout and uses within the development.

### 4.1.2 Voluntary Planning Agreement (VPA)

This Planning Proposal is not submitted with a VPA as it does not seek to secure any additional GFA (or FSR). As is described, the proposal will only seek to redistribute floor area throughout the site and therefore does not increase the density permitted on-site. Resultantly, there will be no fundamental benefit for the proponents beyond the flexibility offered through increasing the building height. With this being said, it is noted that a VPA is submitted alongside the Stage 1 DA which will seek to provide a monetary contribution at a rate of \$475/m<sup>2</sup> for the community infrastructure bonus as it applies to the site. The VPA will also provide land and works credit for public domain spaces, including new and altered roadways, open spaces and extensions to easements.

Although it is noted that no VPA will be submitted with this Planning Proposal, there will be distinctive public benefits provided through the flexibility offered by increasing the maximum building height. As discussed, these include:

- Improved presentation to the established and future streetscapes at multiple scales, being the pedestrianised and greater urban fabric;
- Distribution of massing increasing visual amenity through building arrangement, bulk and scale;
- Significant improvements to the amenity of the public domain, in particular, the delivery of solar access to Mulgu Park;
- Opportunity to deliver more public open spaces and through-site links at ground level (as a result of the rearrangement of floor space), thus improving improve site permeability;
- Provision of greater deep soil and soft landscaping;
- Opportunity to provide greater housing diversity within building envelopes ranging from low to high density, thus delivering housing for a greater cross-section of the community; and



- Improvements to public safety and amenity by rationalising the location of built form within key portions of the site, thus allowing for improvements to the public domain particularly as this pertains to public open spaces and the public domain.





## 5. Existing Planning Provisions

### 5.1 B4 SYDNEY LOCAL ENVIRONMENTAL PLAN 2012

The current planning controls that apply to the site under SLEP 2012 are summarised as follows:

Table 3 Summary of Current Planning Controls		
Control	Existing Requirement	Figure
Zoning	Zone B4 - Mixed Use	27
Clause 4.3 - Height of Buildings	Ranging from 3m to 45m	28
Clause 4.4 - Floor Space Ratio	1.5:1	29
Clause 5.21 Food Planning	Site is affected by flooding	-
Clause 6.12 and 6.14 – Bonus Floor Space Ratio	Area 6 – Bonus 0.5:1 for the provision of Green Square Community Infrastructure Total FSR: 2:1	29
Clause 6.21D Competitive Design Process	(3)(b) Applies and the maximum permitted FSR on-site will be 2.2:1, as subsequent stages will be subject to competitive design processes.	-
Clause 7.5 - Car parking for residential accommodation	Category C – Maximum parking rates specified under Clause 7.5	-
Clause 7.6 – Car parking for office and business premises	Category F - Maximum parking rates specified under Clause 7.6	-
Clause 7.7 – Car parking for retail premises	Category F - Maximum parking rates specified under Clause 7.7	-
Clause 7.9 – Car parking for other land uses	Category F - Maximum parking rates specified under Clause 7.7	-
Clause 7.14 – Acid Sulfate Soil	Class 5 Acid Sulfate	-
Clause 7.16 – Airspace Operations	OLS 51m AHD PAN-OPS 126.4m AHD	-
Clause 7.23 – Restricted Retail Development	No shops or supermarkets with a GFA of greater than 1,000m <sup>2</sup> permitted.	-

The land is not mapped as being a heritage item or within a heritage conservation area, requiring an active frontage, or subject to any other environmental or hazard constraints (excluding flooding). This application does not seek to change the manner in which these clauses apply to the subject site.

Of the above listed provisions, this Planning Proposal seeks to amend the maximum building height as described in Section 4.



### 5.1.1 Existing Zoning

The zoning table for the B4 – Mixed Use Zone states the following:

#### 'Zone B4 Mixed Use

##### 1 Objectives of zone

- To provide a mixture of compatible land uses.
- To integrate suitable business, office, residential, retail and other development in accessible locations so as to maximise public transport patronage and encourage walking and cycling.
- To ensure uses support the viability of centres.

##### 2 Permitted without consent

Home occupations

##### 3 Permitted with consent

Boarding houses; Centre-based child care facilities; Commercial premises; Community facilities; Educational establishments; Entertainment facilities; Function centres; Hotel or motel accommodation; Information and education facilities; Medical centres; Oyster aquaculture; Passenger transport facilities; Recreation facilities (indoor); Registered clubs; Respite day care centres; Restricted premises; Roads; Seniors housing; Shop top housing; Tank-based aquaculture; Any other development not specified in item 2 or 4

##### 4 Prohibited

Extractive industries; Heavy industrial storage establishments; Heavy industries; Pond-based aquaculture'

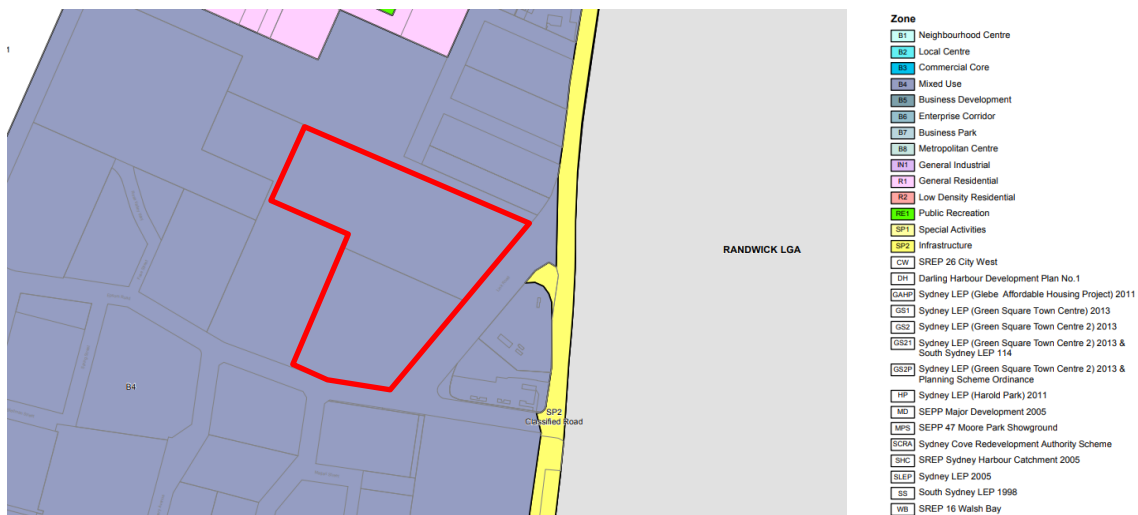


Figure 27 Extract from SLEP 2012 Land Zoning Map 0018 (site edged in red)

### 5.1.2 Current Development Standards

The current development standards are detailed in the following maps:

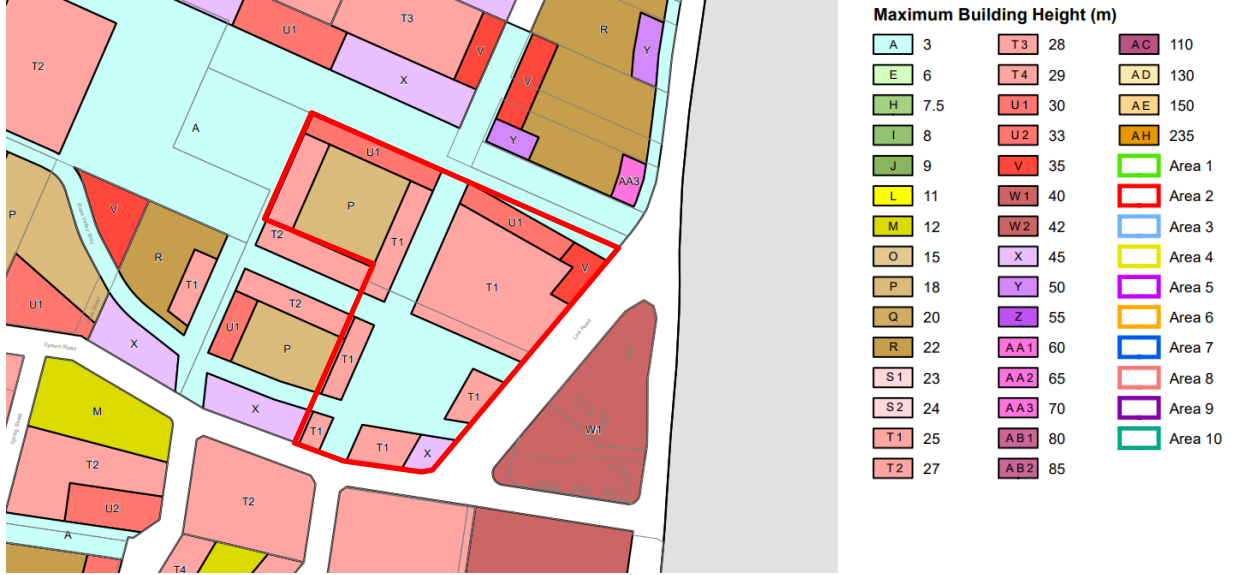


Figure 28 Extract from SLEP 2012 Height of Buildings Map 0018 (site edged in red)

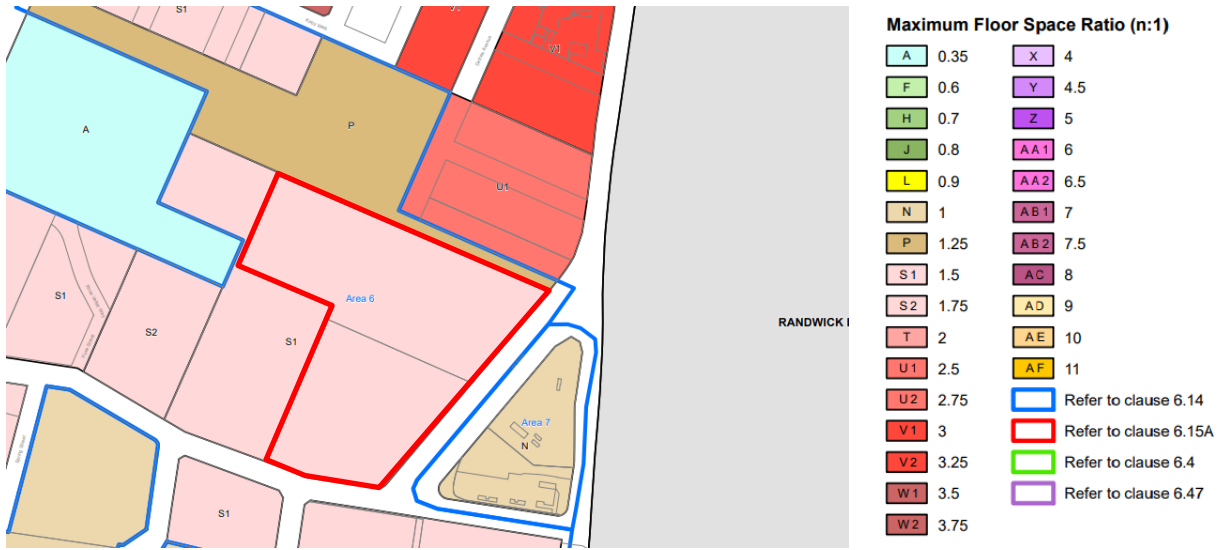


Figure 29 Extract from SLEP 2012 Floor Space Ratio Map 0018 (site edged in red)

Clause 6.14 Community infrastructure floor space at Green Square allows for a 0.5:1 bonus for land identified as Area 6, where Green Square community infrastructure is provided. This is reproduced below:

(3) In deciding whether to grant development consent, the consent authority—

(a) must be satisfied that the development is consistent with the objectives of this clause, and

(b) must be satisfied that the Green Square community infrastructure is reasonably necessary at Green Square, and

(c) must take into account the nature of the Green Square community infrastructure and its value to the Green Square community.

(4) Under subclause (2), a building on land in an Area specified in paragraph (a), (b), (c), (d), (e) or (f) is eligible for an amount of additional floor space determined by the consent authority but no more than that which may be achieved by applying the floor space ratio specified in the relevant paragraph to the building—

(a) Area 5—0.25:1,

(b) Area 6—0.5:1,

(c) Area 7—0.75:1,

(d) Area 8—1:1,

(e) Area 9—1.5:1,

(f) Area 10—2.2:1.

(5) In this clause—

**Area** means an Area shown on the Floor Space Ratio Map.

**Green Square community infrastructure** means development at Green Square for the purposes of recreation areas, recreation facilities (indoor), recreation facilities (outdoor), public roads, drainage or flood mitigation works.

In addition, Clause 6.21D allows for a 10% floor space bonus as future detailed applications will be subject to competitive design processes and will be capable of achieving design excellence. The subject site is therefore permitted a maximum FSR of 2.2:1, inclusive of the bonus afforded by Clause 6.14. For reference, Clause 6.21D is reproduced below.

(1) Development consent must not be granted to the following development to which this Division applies unless a competitive design process has been held in relation to the proposed development—

(a) development in respect of a building that has, or will have, a height above ground level (existing) greater than—

(i) 55 metres on land in Central Sydney, or

(ii) 25 metres on any other land,

(b) development having a capital investment value of more than \$100,000,000,

(c) development in respect of which a development control plan is required to be prepared under clause 7.20,

(d) development for which the applicant has chosen such a process.

(2) A competitive design process is not required under subclause (1) if the consent authority is satisfied that such a process would be unreasonable or unnecessary in the circumstances or that the development—

(a) involves only alterations or additions to an existing building, and

(b) does not significantly increase the height or gross floor area of the building, and

(c) does not have significant adverse impacts on adjoining buildings and the public domain, and

(d) does not significantly alter any aspect of the building when viewed from public places.



(3) A building demonstrating design excellence—

(a) may have a building height that exceeds the maximum height shown for the land on the Height of Buildings Map by an amount, to be determined by the consent authority, of up to 10% of the amount shown on the map, or

(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 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.

## 5.2 SYDNEY DEVELOPMENT CONTROL PLAN 2012

The subject site at Nos. 118-130 Epsom Road and 905 South Dowling Street is subject to *Section 5, Part 5.2 Green Square* and *Part 5.3 Green Square – Epsom Park*. **Figure 29** shows the subject site in relation to the anticipated building height under the DCP.



**Figure 30** Extract from SDCP 2012 detailing envisaged building height under *Part 5.3 Green Square – Epsom Park*

A site-specific Development Control Plan for the subject site, in accordance with the proposed building heights will be prepared post-Gateway for public exhibition with the draft Planning Proposal documents. Details of intended controls are demonstrated in the Urban Design Report and Concept proposal (for the Stage 1 DA) which provides sufficient information on building envelope controls to enable Gateway Determination.

It is noted that the concept proposal has varied a number of the building envelope controls contained within the SDCP. This is not a consideration of this Planning Proposal however has been discussed in the Stage 1 DA submitted concurrently with this application.

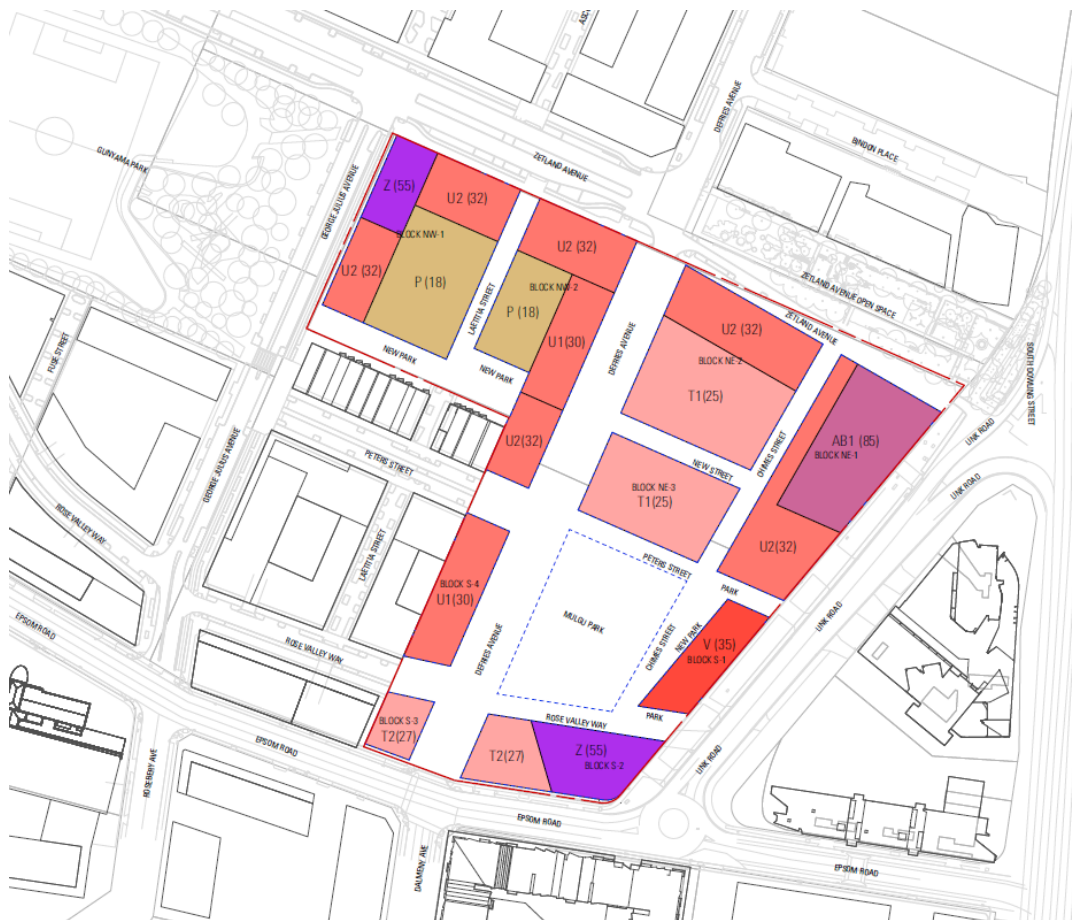




# 6. Proposed LEP Amendments

## 6.1.1 Proposed Development Standard – Height

The proposed amendments to SLEP 2012 are to amend the height of buildings controls to apply maximum building heights as shown in **Figure 31**.



**Figure 31** Proposed amendment to Height of Buildings Map to SLEP 2012

As demonstrated in **Figure 31** above, the proposal will seek to concentrate an increase in building height within the south-eastern, north-eastern and north-west corners of the site. In addition, the proposal will also seek to provide other relatively minor increases as to permit flexibility in the concept envelope designs, per the concurrent Stage 1 DA. As explained above, the current height mapping does not allow:

- The maximum permitted FSR to be achieved on-site, including the bonus afforded by Clause 6.14 and 6.21D;
- A high level of urban design, including relationship to the streetscape, public domain and neighbouring built forms;
- Maximisation of the amenity for future residents, surrounding properties and the public domain, namely Mulgo Park; and
- Limits the flexibility in building forms and envelopes.



### **6.1.2 Site Specific DCP**

A site-specific Development Control Plan for the subject site, in accordance with the proposed building heights will be prepared post-Gateway for public exhibition with the draft Planning Proposal documents. Details of intended controls are demonstrated in the Urban Design Report and Concept proposal (for the Stage 1 DA) which provides sufficient information on building envelope controls to enable Gateway Determination.





# 7. Planning Proposal

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## 7.1 PART 1 - OBJECTIVES OR INTENDED OUTCOMES

### 7.1.1 Objectives

The objectives for this application for a Planning Proposal are:

- i. Increase maximum building height throughout the site to allow for flexibility of development and submission of the Stage 1 DA;
- ii. Maintain the maximum density on-site as permitted by the FSR development standard, however subject to flexible building heights;
- iii. To reinforce the streetscape and relationship of the concept proposal to surrounding development and the public domain;
- iv. Allow for site arrangement and built forms to better relate to the amenity of the public domain and surrounding properties;
- v. Create built forms and public domains which will allow for the delivery of livable communities by virtue of the flexibility established by increasing the maximum building height; and
- vi. Deliver the highest standards of urban planning and excellence in architectural design.

### 7.1.2 Intended Outcomes

The Planning Proposal will amend SLEP 2012 to facilitate redevelopment of the site in a flexible and appropriate manner as presented in detail in the UDS prepared by *Mako Architecture*. The intended outcomes are as follows:

- i. Establish a maximum building height with the potential to deliver a built form arrangements which integrate with the setting and context of the continually emerging character and built form in the surrounding area;
- ii. Deliver a scheme that allows for flexibility in built form and site arrangement, facilitating and supporting the permitted land uses and open spaces;
- iii. Maintaining density on site, albeit within flexible built forms allowing residential and non-residential targets set by state, regional and local strategies to be achieved;
- iv. Assist with meeting strategic development outcomes for high quality mixed use development within a highly accessible site;
- v. Deliver a variety of housing opportunities (within low to high density built forms) with improved amenity and good access to a variety of transport, social infrastructure and recreational spaces;
- vi. To achieve a public benefit in terms of improving amenity of the public domain, including public open spaces, delivering a mixture of compatible land uses and minimizing a significant loss of amenity for adjoining properties;
- vii. Providing additional public open spaces not envisaged by the current planning controls and establishing a hierarchy of built form across the site; and,
- viii. Allow for the orderly and economic development of the land.

This application and Stage 1 DA is based on a detailed urban design analysis of the site and its setting combined with input from specialist studies. This includes analysis as it pertains to traffic and movement, flooding, acoustics and ventilation, environmentally sustainable development, civil works, wind assessments, tree retention, landscaping and public art opportunities. Furthermore, detailed analysis of visual and amenity impacts to the public domain, future occupants and neighboring properties has been considered as part of the concept envelopes.



## 7.2 PART 2 - EXPLANATION OF PROVISIONS

The proposed outcome will be achieved by amending the SLEP 2012 Height of Buildings Map Sheet HOB\_0018 to increase the maximum building heights for the subject site. The heights are to range between 18m and 85m as demonstrated in **Figure 31**.

All other provisions of SLEP 2012 are to remain unchanged, namely, Floor Space Ratio.

## 7.3 PART 3 – JUSTIFICATION OF STRATEGIC AND SITE-SPECIFIC MERIT

This section details the reasons for the proposed LEP amendment and is based on a series of questions and matters for consideration as outlined in the DPIE Guideline (December 2021). The matters to be addressed include the strategic planning context of the amendments, strategic merits, site-specific merits, potential State and Commonwealth agency interests, environmental, social and economic impacts.

In summary, the proposed amendment to the maximum height of buildings for 118-130 Epsom Road and 905 South Dowling Street is:

- Aligned with the relevant key priorities and strategic merit matters in the Greater Sydney Regional Plan and Eastern City District Plan;
- Consistent with the relevant key planning priorities and strategic and site-specific merit matters contained in the City Plan 2036: Local Strategic Planning Statement (LSPS);
- A response to circumstances that are not recognised by the existing development standard, in that the current building height cannot accommodate the maximum permitted FSR (2.2:1, per Clause 6.14 and 6.21D) and does not offer the most superior urban design outcome; and
- Facilitating opportunities for development of the site (per the Stage 1 DA) which will be compatible with the surrounding developments, existing and future public domain and open spaces, resulting in improvements to the urban design, streetscape character and amenity of the locale.

### Questions for consideration in demonstrating justification

#### 7.3.1 Section A - The Need for the Planning Proposal

##### ***Q1: Is the Planning Proposal the result of any strategic study or report?***

No, the LEP amendment is an applicant-initiated, site specific planning proposal. It is not a result or recommended outcome from a strategic study or report. In this regard, the Planning Proposal seeks to allow for flexibility in urban and architectural design which can be achieved through increasing the building height. With this being said, the Planning Proposal does not seek to change the zoning or density which applies to the subject site and aligns with the various strategic plans, as discussed. Furthermore, it is noted that this Planning Proposal is required due to an oversight or anomaly made in the application of the current FSR and building height development standards, in that the building height is not able to accommodate the 2.2:1 FSR (inclusive of bonuses) across the subject site, in accord with Council efficiencies.

As discussed throughout this document, the current building heights which apply to the site limit the potential redevelopment of the site. It is sought to change this to maximise flexibility and allow for a better urban and architectural design outcome.

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



Yes. A Planning Proposal is the best and only means of achieving the objectives and intended outcomes discussed in Part 7.1.1 and 7.1.2 of this report.

The current maximum building height of SLEP 2012 does not permit a built form as described in the supporting UDS by *Mako Architecture* and therefore cannot deliver the opportunity for flexible building design as is proposed as part of the Stage 1 DA. Furthermore, under the current planning controls, redevelopment options for the site are limited and do not reflect the established (and emerging) streetscape character, built form of surrounding development or desired amenity within the public domain.

Per the USD, it is demonstrated that the site (and its relationship to the surrounding locality) has a variety of attributes which allow for the redistribution of floor space within the proposed building heights. This will ultimately allow for the delivery of a development which will improve the amenity of the public domain and future residential accommodation, thus providing public benefits. Not only will the Planning Proposal achieve the objectives and intended outcomes, but will also deliver the following public benefits:

- Provision of high quality, mixed use and residential buildings that will better define the street frontages and relate to surrounding developments;
- Opportunities to improve the amenity of surrounding public domain and open spaces (Mulgu Park), through the rearrangement and redistribution of floor area within appropriate locations;
- Improve the distribution of massing thus increasing visual amenity through building arrangement, bulk and scale;
- Allowing for a variation in building heights across the site, with high density towers located on the corners, medium density around the periphery and lower density centrally (per the Stage 1 DA). This improves the urban fabric of the site and establishes an appropriate hierarchy of built form;
- Following this, the variation in heights will contribute to a more cohesive streetscape and skyline, which will positively contribute to the envisaged and desired future character of the Green Square – Epsom Park Precinct (per the SDCP 2012);
- Improvements to public safety and amenity by rationalising the location of built form within key portions of the site and relating to neighbouring properties, thus allowing for improvements to the public domain particularly as this pertains to public open spaces and the public domain;
- Opportunities to improve the variety of residential accommodation throughout the site, ranging from low density townhouses to medium and high density buildings;
- Relocation of building mass and floor space away from the ground plane to allow for the provision of new, publicly accessible open spaces throughout the site that provide links between the various streets; and
- Improved activation and natural surveillance of the new publicly accessible open spaces, non-residential areas and public domain through flexibility in building mass arrangement.

The public benefits can only be delivered through changes to the current maximum building height which applies to the site. It is noted that the LEP Amendment fits the category of a 'Standard' planning proposal described in the DPIE Guideline as follows:

<b>Standard</b>	A standard planning proposal refers to any one or more of the following proposed LEP amendment types, including an amendment:
	<ul style="list-style-type: none"><li>• To change the land use zone where the proposal is consistent with the objectives identified in the LEP for that proposed zone</li><li>• That relates to altering the principal development standards of the LEP</li><li>• That relates to the addition of a permissible land use or uses and/or any conditional arrangements under Schedule 1 Additional Permitted Uses of the LEP</li><li>• That is consistent with an endorsed District/Regional Strategic Plan and/or LSPS</li><li>• Relating to classification or reclassification of public land through the LEP</li></ul>

As discussed, the proposal seeks to increase the maximum building height across the site between 18m and 85m. The change in height will complement the built forms of surrounding developments and allow for flexibility in site arrangement and design, as demonstrated in the Stage 1 DA. The Planning Proposal to increase the maximum building height is the only way to satisfy objectives and intended outcomes as detailed above.

### 7.3.2 Section B – Relationship to the Strategic Planning Framework

Assessment against the following matters for consideration listed in the guidelines (Questions 3-6) demonstrate that the planning proposal has clear strategic and site-specific planning merit.

This application for a Planning Proposal is consistent with the applicable regional and sub-regional strategies. The strategic plans identify the need to deliver new housing and new employment opportunities throughout the established urban metropolitan area, particularly on sites within a strategic centre and in close proximity to a variety of public transport options. This application for a Planning Proposal seeks to increase building height throughout the site (whilst maintaining maximum FSR) to allow for flexibility in urban and architectural design as detailed in the UDS and demonstrated in the concurrent Stage 1 DA.

***Q3: Will the planning proposal give effect to the objectives and actions of the applicable regional, or district plan or strategy (including any exhibited draft plans or strategies)?***

#### 7.3.2.1 Greater Sydney Region Plan – A Metropolis of Three Cities (GSRP)

On 23 March 2018, the Greater Sydney Commission released A Metropolis of 3 Cities: The Greater Sydney Region Plan (GSRP) which sets out strategic priorities for 2016 to 2036. The Regional Plan contains ten directions for the Greater Sydney Metropolitan Area. The Directions include the following:

1. A city supported by infrastructure;
2. A collaborative city;
3. A city for people;
4. Housing the city;
5. A city of great places;
6. A well connected city;
7. Jobs and skills for the city;
8. A city in its landscape;
9. An efficient city;
10. A resilient city.

The Metropolitan Strategy identifies Green Square – Mascot as a Strategic Centre, within the 'Eastern Harbour City' as detailed in **Figure 32**. Of relevance, the subject site is located within the Green Square – Epsom Park Precinct per the DCP and forms part of this Strategic Centre.

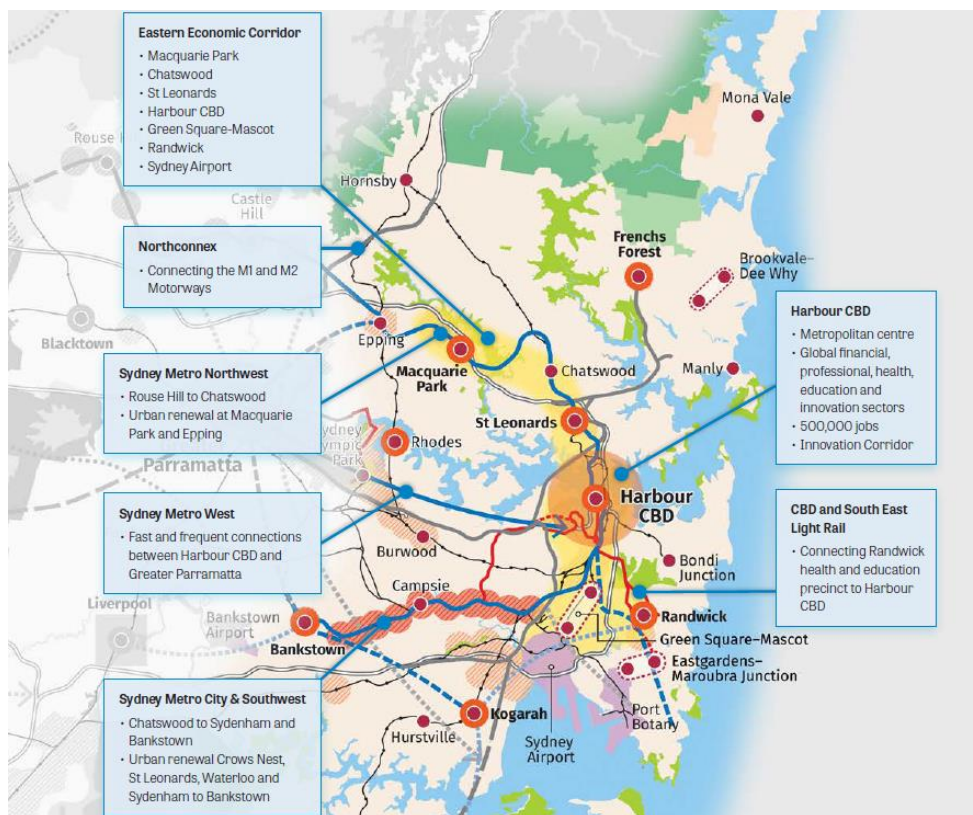


Figure 32 The Eastern Harbour City (Source: A Metropolis of 3 Cities: The Greater Sydney Region Plan)

An assessment against the relevant directions and their objectives is provided in the table below.

Table 4 Greater Sydney Region Plan: A Metropolis of Three Cities Directions
<b>Direction 1 – A city supported by infrastructure</b>
<i>Objectives 1 to 4</i>
<p>These objectives relate to the provision of infrastructure to support the future needs of the three cities.</p> <p>The increase in maximum building height will have no bearing on the capacity or delivery of infrastructure, as the maximum FSR applicable to the site will be unchanged. Per the concurrent Stage 1 DA, it is noted that public domain works, including roadways and public open spaces, will be delivered.</p>
<b>Direction 3 – A city for people</b>
<i>Objective 6: Services and infrastructure meet communities' changing needs</i>
<p>This objective is about providing social infrastructure and public places that reflects the needs of the community now and in the future.</p> <p>The proposal will facilitate the delivery of additional public open spaces not envisaged by the SDCP, which will be afforded by the inherent flexibility to relocate floor space within additional building height away from the ground plane. That is, the UDS submitted with this application (and per the Stage 1 DA) indicates that the change to maximum building height will allow for the delivery of additional public open spaces and through-site links. The concept scheme delivers 5,556m<sup>2</sup> of publicly accessible open space area which is directly accessible from the various streets.</p>

**Table 4 Greater Sydney Region Plan: A Metropolis of Three Cities Directions**

*Objective 7 Communities are healthy, resilient and socially connected*

This objective is about creating a lively connected neighbourhood that is in close proximity to shops, creative arts centres, schools, health care centres and community facilities. It promotes the benefits of mixed use centres and the opportunities for public and alternative forms of transport.

The subject site is located at the periphery of the Green Square-Epsom Park Precinct and is within 1.3km walking distance from Green Square railway station. The site is also within walking distance to numerous bus stops provided along Epsom Road which provide access to the surrounding locality. The site affords excellent connectivity and access to the facilities provided around the subject site and within the wider locality, including Green Square Town Centre. Given the site is well serviced by public transport and various facilities, active transport (being walking and cycling) will be encouraged.

As the proposal does not seek to gain any additional FSR (or density), the increase in building height throughout the site will ensure that the envisaged connectedness per the GSRP will be maintained. It is noted that the flexibility permitted through the increased building height will ultimately allow for the redistribution of floor area thus allowing for the provision of additional publicly accessible open spaces and through-site links. This will improve the public domain which will enhance connectivity for the surrounding residents and encourage more travel by walking and cycling.

*Objective 8 - Greater Sydney's communities are culturally rich with diverse neighbourhoods*

This objective is about fostering cultural diversity and facilitating their growth.

The flexibility allowed through the increase in building height will allow for a delivery in housing diversity not currently permitted through the SLEP 2012. That is, the provision of three tower forms within the corners of the site allows for an appropriate distribution of floor area to permit the delivery of lower and medium density residential accommodation. This ultimately provides greater satisfaction of Objective 8, whereby the current height permits a built form comprising mainly of medium density residential flat buildings. Of relevance, testing contained within the UDS identifies that the current height standards are not capable of accommodating the maximum FSR.

*Objective 9 - Greater Sydney celebrates the arts and supports creative industries and innovation*

This objective is about fostering creative thinking, expression and innovation.

This Planning Proposal and Stage 1 DA is submitted with a Public Art Strategy which provides details on the artwork types and location and will facilitate a variety of non-residential spaces capable of use for arts and creative industry.

**Direction 4 – Housing the city**

*Objective 10 - Greater housing supply*

The NSW Government has identified that 725,000 new homes will be needed to meet demand based on current population projections to 2036.

The reference scheme will provide a supply of employment and dwellings as desired within the Green Square – Epsom Park Precinct. This involves the provision of 814 new dwellings within a highly accessible location in terms of public transport, services and community facilities, including 30 town houses and 784 apartments within low to high density built forms afforded by the increase to maximum building height. Of relevance, the density (or FSR) applicable to the subject site will be unchanged.

*Objective 11 - Housing is more diverse and affordable*

The Plan encourages the provision of a supply of diverse housing supply and encourages the provision of Affordable Housing.

In providing a supply of apartments, the concept proposal will add to the diversity of accommodation in the locality. As discussed, this is achieved through allowing flexibility in building height and the distribution of floor area which will ultimately allow for the



**Table 4** Greater Sydney Region Plan: A Metropolis of Three Cities Directions

delivery of residential accommodation within low, medium and high density building envelopes. The proposal will include 30 x 3/4 bedroom town houses and 130 x 1 bedroom, 399 x 2 bedroom, 184 x 3 bedroom and 71 x 4 bedroom apartments. The variety of supply which can be achieved through the proposed building height will satisfy Objective 11.

**Direction 5 – A city of great places**

*Objective 12 - Great places that bring people together*

The Metropolitan Plan promotes the following principles for the design of great places:

- People friendly public open space areas and streets
- Fine grain fabric and activity
- A diverse mix of uses
- A socially connected region
- Ensure adequate car parking which takes into account access to public transport
- Encourage the use of car sharing and hybrid vehicles

The Stage 1 DA demonstrates that increasing the maximum building height will enhance the public domain and provide through site connections as well as a mix of employment and residential uses that directly accords with the plans ambition and supersedes the SDCP. The concept proposal will attract people to the site and promote connectivity and a sense of place. The mix of uses on site, in addition to public domain improvements, will encourage interaction and provide for greater employment and services in close proximity to residential accommodation. As detailed, the proposal will improve the pedestrianised and urban fabric of the locality through delivering a hierarchy of built form which responds to the order of roadways.

The site is in a highly accessible location and the provision of car parking will be cognisant of the proximity to public transport and surrounding services. Alternative forms of transport, car sharing and electric vehicles will be encouraged.

*Objective 13 - Environmental heritage is identified, conserved and enhanced*

The Metropolitan Plan promotes the conservation and enhancement of environmental heritage to understand heritage values and how they contribute to the significance of the place.

The subject site is not a heritage item or within a heritage conservation area. The site is located in proximity to the Local Heritage Item I1379 at Nos. 1-3 Rosebery Avenue, known as the 'Former "Moffat Virtue" warehouse and office building including interiors'. The proposal seeks to increase the building height at corners of the site which do not bear any direct relationship to the heritage item and is therefore acceptable with regards to Objective 13.

**Division 6: A well-connected city**

*Objective 14: A Metropolis of Three Cities – integrated land use and transport creates walkable and 30-minute cities*

This objective seeks to create a well-connected city with transport and other services.

The UDS demonstrates that the concept proposal will improve the public domain through the strategic location for floor area and building envelopes. The proposal, by virtue of locating floor area within greater building heights (as opposed to at-grade), will increase permeability throughout the site not envisaged by the DCP and will by virtue encourage walking, cycling and the use of public transport. Furthermore, the location of floor area within strategic corners of the site will also improve the pedestrianized scale of the public domain, particularly as this pertains to Mulgu Park, other public open spaces and through-site links. Imperative to note, the increase of built form within the north-west, north-east and south-eastern corners of the site relate to the established built form of neighboring developments and the character of the public domain, ultimately improving streetscape relationships.

**Table 4** Greater Sydney Region Plan: A Metropolis of Three Cities Directions

*Objective 15: The Eastern, GPOP and Western Economic Corridors are better connected and more competitive*

The Eastern Economic Corridor which runs from Macquarie Park to Sydney Airport is of national significance, currently contains 775,000 jobs and major assets.

The concept scheme will provide for 3,696m<sup>2</sup> of non-residential floor area which will satisfy Objective 15. It is noted that this Planning Proposal has no impact on the delivery of employment opportunities and economic growth within the Eastern Economic Corridor.

**Division 7: Jobs and skills for the city**

*Objective 22: Investment and business activity in centres*

This objective seeks to strength centres, including strategic centres, through attracting investment, business and jobs.

The planning proposal will have no impact on the Green Square – Mascot strategic centres. The concept proposal, irrespective of the increase in building height, will deliver non-residential uses appropriate to the site’s location within the Green Square – Epsom Park Precinct.

**Direction 8 – A city in its landscape**

*Objective 30 - Urban tree canopy cover is increased*

The Metropolitan Plan seeks to expand the urban tree canopy in the public realm.

The subject site is largely devoid of a cohesive vegetation network, with planting provided sporadically throughout the site. As discussed, the flexibility offered through the increase in maximum building height will allow for the delivery of increased landscaping throughout the site via the public parks and public domain improvements. The concept proposal will provide improvements to the urban canopy and public realm with a significant number of trees to be planted in and around the site. The choice of landscaping and its placement around the periphery of the site and within the public open spaces will enhance ground level amenity and provide a leafy outlook for workers and residents on the site.

*Objective 31: Public open space is accessible, protected and enhanced*

The Metropolitan Plan seeks to deliver public open spaces across Greater Sydney.

As detailed, the concept proposal will allow for the delivery of Mulgu Park, in addition to a number of other parks and through-site links. This will enhance the provision of open spaces in the Green Square – Epsom Park Precinct and will be improved through the redistribution of floor area permitted via this Planning Proposal.

**Direction 9 – An efficient city**

*Objective 34: Energy and water flows are captured, used and re-used*

The Metropolitan Plan supports precinct based initiatives to increase renewable energy generation and efficiencies.

It is proposed to explore a number of sustainability measures through the development of the site as detailed in the ESD Report submitted. It is noted that the increase of building height sought as part of this proposal has been designed as to ensure high levels of amenity for future residents, neighboring properties and the public domain per the USD.

**Direction 10 – A resilient city**

*Objective 37: Exposure to natural and urban hazards is reduced*

This objective seeks to ensure the delivery of resilient communities.

**Table 4** Greater Sydney Region Plan: A Metropolis of Three Cities Directions

The subject site is flood affected. As such, a Flood Assessment and Storm water Management Report is submitted as to ensure that the concept proposal has considered the sites flood affectation to ensure the delivery of a resilient development. It is noted that the additional height sought as part of this Planning Proposal has considered (at a high level) the raised floor levels and flood affectation as to satisfy Objective 37.

**7.3.2.2 Eastern City District Plan (ECDP)**

The Eastern City District Plan (ECDP) adopts the Directions of the GSRP and lists Planning Priorities relevant for consideration in demonstrating that this application for a Planning Proposal is aligned. **Figure 33** details the land within the Eastern City District which details that Green Square – Mascot is a Strategic Centre:



**Figure 33** The Eastern City District Plan excerpt

The Proposal supports a number of the *Directions* and *Planning Priorities* outlined in the plan as outlined in the following table:

<b>Table 5</b> Eastern City District Plan
<b><i>Direction 1 - A city supported by infrastructure</i></b>
<i>Planning Priority E1 Planning for a city supported by infrastructure</i>
The concept proposal will allow for the delivery of increased residential and non-residential accommodation within a highly accessible location in close proximity to numerous services, facilities and public transport options. The proposal will significantly improve the public domain and will deliver infrastructure consistent with the Green Square – Epsom Park Precinct.
<b><i>Direction 3 – A city for people</i></b>
<i>Planning Priority S4 Fostering healthy, creative culturally rich and socially connected communities</i>
The concept proposal will deliver a safe and inclusive environment that provides activity on the public domain and within the site. The concept proposal intends to create high quality publicly accessible open space areas for new residents, visitors, neighbors and the general public thus catering for a wide variety of people and day to day activities. The site is well connected to existing

**Table 5 Eastern City District Plan**

open spaces, various services and community facilities in and around the Green Square – Epsom Park Precinct. In addition, the subject site is within 1.3km walking distance of Green Square railway stations and within close proximity to numerous bus stops along Epsom Road which will promote alternative forms of transport.

As detailed, an increase in building height maximums allows for flexibility in architectural and urban design. Per the Stage 1 DA, this will better facilitate the creation of new places and buildings that enhance the site for users and the general public.

**Direction 4 – Housing the city**

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

The concept proposal and reference scheme will include the provision of 30 town houses, 784 apartments and 3,696m<sup>2</sup> of non-residential floor space as part of the Reference Scheme. The Planning Proposal, which seeks to increase maximum building height and allow for appropriate and strategic distribution of floor area, will have the capacity to deliver a variety of residential accommodation which will cater for the future population. As discussed, this includes accommodation within low to high density envelopes. The variety of housing is also supported by the site's strategic location which is in proximity to numerous services, public transport, open spaces and community facilities.

**Direction 5 – A city of great places**

*Planning Priority E6 Creating and renewing great places and local centres, and respecting the District's heritage*

The subject site is located within the Green Square – Epsom Park Precinct under the SDCP. Per the ECDP, Green Square is designated as a Strategic Centre. The concept proposal seeks to deliver a development which is respectful of the streetscape, surrounding properties and public domain to improve connectivity and amenity. The Planning Proposal will permit the delivery of a development (per the Stage 1 DA) which seeks to strategically arrange and locate floor space to create a cohesive private and public domain, thus enhancing the character of the locality.

This is inclusive of 5,556m<sup>2</sup> of publicly accessible open space and 5,087m<sup>2</sup> of landscaped area, which enhances the streetscape and improves the amenity and aesthetics of the site and surrounds. The Stage 1 DA will also enhance the public domain with the new publicly accessible through-site vehicular and pedestrian links and public parks significantly improving permeability and safety for vehicles and pedestrians.

Ultimately, the provision of additional building height will allow for the above-mentioned to be more readily achieved through permitting flexibility in site arrangement, urban and architectural design. The diversity of building typology offered by this proposal will ensure the delivery of a more cohesive public domain and building form arrangement. As detailed, the relocation of floor area away from the ground plan and relationship of lower and medium density buildings to the public domain enhances the quality of place.

**Direction 6 – A well connected city**

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

The Planning Proposal will have no negative bearing on delivering integrated land uses and transport planning. As discussed, the opportunity to relocate floor space within a higher density envelope affords the benefit of improving permeability on-site through the delivery of additional public parks and through-site links. Furthermore, the concept proposal also relocates built form away from Mulgo Park further encouraging active transport, such as walking and cycling, whilst also improving amenity.

**Table 5 Eastern City District Plan****Direction 7 – Jobs and skills for the city***Planning Priority E7 Growing a stronger and more competitive Harbour CBD*

The subject site is located within the Eastern Economic Corridor and therefore contributes to providing a more competitive Harbour CBD. As discussed, this proposal will not impact the ability of the subject site to offer employment opportunities which will benefit the Eastern Economic Corridor.

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

As the site falls within the Green Square – Epsom Park Precinct, the Green Square Strategic Centre has an effect on the subject site. Notwithstanding this and as detailed above, the proposal will create and deliver business opportunities and jobs through the provision of non-residential floor space. In this regard, the concept proposal (per the Stage 1 DA) seeks to provide 3,696m<sup>2</sup> of non-residential floor area which will support economies within Zetland as is located in proximity to Green Square Strategic Centre.

**Direction 8 – A city in its landscape***Planning Priority E17 Increasing urban tree canopy cover and delivering Green Grid connections*

The concept proposal will enhance the public domain by providing significant landscaping throughout and around the periphery of the site to expand the urban tree canopy and make connections with the existing tree network. Importantly, the concept proposal will provide Mulgu Park, in addition to other publicly accessible spaces, which will include the provision of various landscaped planting and features. The flexibility offered by the additional height sought after in this proposal allows for built form to be relocated away from ground and located within the tower forms. Importantly, the proposal will provide two additional parks and a through site link within the NW Precinct and a new (east-west) share way in the NE Precinct.

*Planning Priority E18 Delivering high quality open space*

The concept proposal will provide 5,556m<sup>2</sup> of publicly accessible open space, including Mulgu Park and other secondary parks and through-site links. The publicly accessible open spaces will provide new links between the neighbouring properties and between the existing and proposed public domain and will be enhanced through the relocation of built form and building height. In addition and subject to subsequent detailed applications, the proposed buildings will be capable of providing further private landscaped communal open spaces on upper levels.

Furthermore, the opportunity to relocate built form within the proposed towers will not only maximise the availability of at-grade open space, but will also improve the amenity of the public domain. Most notably, the USD and Stage 1 DA demonstrates that the increase in building height away from the centre of the site will improve the solar access Mulgu Park. Specifically, the concept scheme demonstrates that Mulgu Park will achieve 4 hours of solar access to 78% of space during mid-winter. In comparison, the current building height and envelopes as envisaged by the DCP achieve 4 hours of solar access to 53% of space (also during mid-winter). This is a consequence of the concept proposals provision of lower density, three storey townhouses to the north of Mulgu Park. Not only will this increase amenity, but also improves the visual and physical relationship of built form to the public open spaces.

**Direction 9 – An efficient city***Planning Priority E19 Reducing carbon emissions and managing energy, water and waste efficiently*

It is proposed to explore a number of sustainability measures through the development and per the Stage 1 DA as detailed in the accompanying ESD Report. The relocation of floor space strategically throughout the site (within higher density buildings) will also improve the amenity for future residents, inclusive of solar access and ventilation thus delivering a more sustainable outcome. Not only this, but the concept envelopes have also considered the solar impact to neighbouring properties and the primary public open spaces.

**Table 5** Eastern City District Plan

It is also noted that water and waste will be appropriately managed per the stormwater and waste documentation submitted.

**Direction 9 – A resilient city**

*Planning Priority E20 Adapting to the impacts of urban and natural hazards and climate change*

As discussed, the subject site is flood affected. It follows that a Flood Assessment and Storm water Management Report is submitted which demonstrates that the concept proposal has considered the minimum levels required to ensure the delivery of a resilient development.

### 7.3.2.3 Strategic Merit

In addressing Question 3, the DPIE Guideline requires an application for a Planning Proposal to address the assessment criteria for strategic merit. The DPIE Guideline provides assessment criteria to determine if a planning proposal has strategic and site-specific planning merit. Accordingly, the planning proposal is considered against the assessment criteria below.

#### Strategic Merit

The assessment criteria to determine if a Planning Proposal has strategic planning merit is addressed in **Table 6** below (known as the 'strategic merit test').

**Table 6** Strategic Merit Test

Assessment Criteria	Comment
Will the proposal “give effect to the relevant regional plan outside of the Greater Sydney Region, the relevant district plan within the Greater Sydney Region, or corridor/precinct plans applying to the site, including any draft regional, district or corridor/precinct plans released for public comment”	<p>The applicable strategic plan is the Eastern City District Plan (ECDP) prepared by the Greater Sydney Commission.</p> <p>Alignment with the relevant Planning Priorities of the ECDP has been demonstrated in Section 7.3.2.2. It has been demonstrated that the planning proposal is considered to give effect to the Eastern City District Plan. This is primarily achieved by virtue of the flexibility in urban and architectural design which increasing the maximum building height and thus redistributing floor area offers.</p>
Will the proposal “give effect to a relevant local strategic planning statement or strategy that has been endorsed by the Department or required as part of a regional or district plan or local strategic planning statement”	<p>Consideration of the proposal against the City Plan 2036: Local Strategic Planning Statement (LSPS) is addressed in detail under 'Question 4' below.</p> <p>In summary, the proposal will give effect to the LSPS by being aligned with the relevant themes and Planning Priorities and the potential public benefits that can be realised by facilitating flexible redevelopment options for the site.</p>
Is the proposal “responding to a change in circumstances that have not been recognised by existing strategic plans”	<p>The proposal is a response to the limitations of the current building height standards of the site. It is not a specific response to a circumstance that has not been recognised by an existing strategic plan. Specifically, the current SLEP 2012 height limits do not correctly account for the 2.2:1 FSR permitted on the subject site, inclusive of the bonus afforded by Clause 6.14 and 6.21D. Furthermore, the current height standards do not allow for the flexibility required to establish high quality urban design and architectural outcomes.</p>

### 7.3.2.4 Site-Specific Merit

#### Site-Specific Merit

The planning proposal has site-specific merit given the following:

- The site is surrounded by numerous developments with building heights which will be compatible with the maximum height sought as part of this proposal;
- The increase in heights will allow for flexibility in building typology, site arrangement and built form which enables superior urban design and architectural outcomes, such as;
  - Improved presentation to the established and future streetscapes at multiple scales, being the pedestrianised and greater urban fabric;
  - Distribution of massing increasing visual amenity through building arrangement, bulk and scale;
  - Allowing for a variation in building heights across the site, with high density towers located on the corners, medium density around the periphery and lower density centrally, thus achieving hierarchy in built form as it relates to roadways and public domain;
  - Superior relationship of the proposed built form to the surrounding properties, without adversely impacting their amenity as it pertains to solar access, privacy and views;
  - Significant improvements to the amenity of the public domain, in particular, the delivery of solar access to Mulgu Park;
  - Opportunity to deliver more public open spaces and through-site links at ground level (as a result of the rearrangement of floor space away from the ground floor plane), thus improving site permeability;
  - Provision of greater deep soil and soft landscaping;
  - Opportunity to provide greater housing diversity within building envelopes ranging from low to high density, thus delivering housing for a greater cross-section of the community; and
  - Improvements to public safety and amenity by rationalising the location of built form within key portions of the site, thus allowing for improvements to the public domain particularly as this pertains to public open spaces and the public domain.
- The Planning Proposal will not result in any significant adverse environmental impacts, which are outlined as follows and discussed in further detail under Section 7.3.3 of this document:

**Solar access and ventilation:** As demonstrated by the UDS and reference scheme, future residential accommodation will be capable of meeting minimum solar access and ventilation requirements. In terms of overshadowing to the neighbouring properties and public domain, the proposal to relocated floor space is considered a superior outcome. In terms of solar access to the public domain, most notably Mulgu Park, the proposal will significantly increase solar access during mid-winter, being greater than 78% of the area for four hours. Under the current SDCP envelopes, Mulgu Park will only receive solar access to 53% of the park during mid-winter for four hours.

- **Visual Privacy:** Subject to detailed applications, inter dwelling visual privacy and visual privacy between the proposal and neighbouring properties will be appropriately protected as anticipated by the Apartment Design Guide (ADG). The accompanying Reference Scheme demonstrates that the increase in building height will not result in any adverse privacy concern as appropriate separation, orientation and design elements can be incorporated to ensure this is maintained.
- **Acoustic Privacy:** The acoustic privacy of future residents will form part of detailed applications. Notwithstanding, the Reference Scheme and concept envelopes (per the Stage 1 DA) have been considered through the preparation of a Noise and Vibration Impact Assessment prepared by *E-Lab*. In this regard and subject to detailed applications, the Assessment has found that future residential accommodation will be capable to meeting internal noise requirements and where it not capable (for example, in the instance of the “windows open assessment”), appropriate recommendations are provided. Acoustic privacy of future residents will not be adversely impacted by this proposal. It is



also noted that the acoustic privacy of neighbouring properties is also considered acceptable as the density of the site is unchanged, albeit concentrated strategically throughout the site.

- **Views:** As demonstrated within the Stage 1 DA and concept scheme, the views (of the Sydney CBD skyline and surrounding district) from the neighbouring properties located to the south and east of the subject site will not be adversely impacted by the proposal. That is, the increase to building height has considered the view corridors from the neighbouring properties and these are predominately protected per the UDS.
- **Flooding:** The increases to maximum building height has accounted for the minimum RLs required as a result of the site's flood affectation. Furthermore, the changes to the maximum building height and concept proposal do not adversely impact flooding throughout the site. A Flood Assessment and Stormwater Management Report has been prepared by *TTW* and is submitted with this application.
- **Traffic:** The proposal does not seek to alter the maximum FSR as it applies to the subject site and as such, the traffic generation and management will be unchanged as a result. A Traffic Impact Assessment prepared by *Traffix* is submitted with this application.
- **Arboriculture and Landscaping:** Although the concept proposal will require the removal of trees throughout the site to accommodate the built form, the Planning Proposal has no bearing on this element as this is predetermined by the SDCP building envelope controls. Notwithstanding, increasing building height to allow for the redistribution of floor area ultimately increases the provision of at-grade landscaping thus improving vegetation and canopy planting.
- **OLS:** An obstacle height limitation surface of 51m AHD applies to the subject site, in addition to a Pans-OPS of 126.4m AHD. The concept proposal indicates that the built form will penetrate the OLS and therefore it must be referred to the relevant authority for any development application. This Planning Proposal is submitted with an OLS Certification Plan prepared by *JBW Surveyors* which deems the proposed concept envelopes and increased building height as acceptable.

The assessment criteria outlined in the DPIE Guideline to determine if a planning proposal has site-specific planning merit is addressed in **Table 7**.

Table 7 Site-Specific Merit Test	
Site-Specific Merit Test	Comment
<i>Does the proposal have site-specific merit, with regards to the following:</i>	
<i>The natural environment (including known significant environmental values, resources or hazards)</i>	<p>The site is not subject to any hazards or risks, excluding flooding as detailed above. A Flood Assessment and Stormwater Management Report has been prepared by <i>TTW</i> and the Planning Proposal is considered acceptable in this regard. It is noted that the increase to maximum building height has also considered the raised floor levels which has resulted from the sites flood affectation.</p> <p>Furthermore, the site does not contain items or features that have significant natural or environmental values. The increase to maximum building height will have no site specific impact in this regard.</p>
<i>The existing uses, approved uses, and likely future uses of land in the vicinity of the proposal</i>	The change to maximum building height will not impact or restrict the existing or future development of the neighbouring properties. The redistribution of floor area afforded by this proposal will facilitate options for future development which are compatible with the context and setting of the mixed use environment. The UDS and supporting documentation demonstrates that the proposal will have no adverse impact in terms of amenity.
<i>The services and infrastructure that are or will be available to</i>	The change to maximum building height will not generate demand for additional essential services. Importantly, the proposal does not seek to increase the maximum FSR (or density)





**Table 7 Site-Specific Merit Test**

<i>meet the demands arising from the proposal and any proposed financial arrangements for infrastructure provision</i>	applicable to the subject site and as such, the current infrastructure available will be utilised and not burdened by the proposal.
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As demonstrated in the above assessment, the planning proposal has both strategic and site-specific merit and is suitable to be progressed to a Gateway determination.

**Q4: Is the Planning Proposal consistent with a Council's local strategic or other local strategic plan?**

**7.3.2.5 City Plan 2036 – Local Strategic Planning Statement (LSPS)**

Local Strategic Planning Statements (LSPS) are a legislative requirement for Council's, requiring a 20-year vision for land use, as well as outlining strategies for managing change and preserving the unique character of their areas. The LSPS will provide Council with strategic direction for planning and help facilitate a coordinated approach to managing growth and development in the City of Sydney Local Government Area. The LSPS will align with the GSRP and ECDP.

In March 2020, the City Plan 2036 was made. The following table details how the Planning Proposal is consistent with the relevant themes and planning priorities of the City Plan 2036:

**Table 8 City Plan 2036 - Local Strategic Planning Statement**

<b>01 Infrastructure</b>	
<b>I1</b> Movement for walkable neighbourhoods and a connected city	The concept proposal will improve through site links between the existing and proposed public domain, neighbouring properties and subject site. As discussed, increasing the maximum height allows for a distribution of floor space which permits the built form to be relocated away from natural ground level. In accord with the concept proposal and Stage 1 DA, the redistribution of floor area has allowed for additional through-site links within the NW and NE Precincts not envisaged by the current SLEP and SDCP, thus improving connectivity and permeability. Furthermore, this proposal also allows for improved relationships between public open spaces and built forms, noting specifically that the concept proposal provides low density buildings directly opposing Mulgu Park to the north, thus improving walkability and streetscape character.
<b>I2</b> Align development and growth with supporting infrastructure	This Planning Proposal will not seek to increase the maximum FSR and density of the subject site. The Stage 1 DA will align with the envisaged redevelopment of the Green Square – Epsom Park Precinct. However, it is noted that the proposal will deliver significant public domain improvements, including the provision of roadways and public parks as envisaged by the DCP. As a result of the increase in height, the concept proposal demonstrates that additional roadways, public parks and through-site links not envisaged by the DCP can be provided through the relocation of floor area.
<b>I3</b> Supporting community wellbeing with social infrastructure	The Stage 1 DA will deliver a total of 5,556m <sup>2</sup> of public accessible open space which will support community wellbeing. As discussed above, a number of additional transitional and lower order public open spaces and through-site links will be provided as allowed by the redistribution of floor area.

**Table 8** City Plan 2036 - Local Strategic Planning Statement

	Further to the above, the UDS demonstrates that the redistribution of floor area within tower forms considerably improves the solar access to Mulgu Park and therefore promotes community wellbeing.
<b>02 Liveability</b>	
<b>L1</b> A creative and socially connected city	L1 encourages people focused urban design, planning and place making. As reiterated throughout this document, the proposal will allow for the strategic distribution of floor area to improve the amenity and streetscape quality of the public domain, at a pedestrianised scale. It is considered that this will directly improve social connectedness. This is further bolstered through public art as is proposed per the Public Art Strategy.
<b>L2</b> Creating great places	<p>As detailed under 01 Infrastructure, the proposal will improve liveability and walkability of the subject site and surrounding Zetland locality. The concept proposal provides active street frontages, public domain improvements and numerous through-site links in conjunction with appropriate massed building envelopes to deliver an appropriate urban and architectural character. This is further bolstered through the provision of deep soil and soft landscaping throughout the subject site and within the public domain.</p> <p>The proposal will also ensure a high level of amenity for future occupants, neighbouring properties and the general public as demonstrated in the UDS. Amenity, in addition to architectural design, will be subject to detailed applications and the required competitive design processes, per the Design Excellence Strategy.</p> <p>When considering heritage, this Planning Proposal and the Stage 1 DA will have no adverse impact on the nearby heritage item and is considered acceptable in this regard.</p>
<b>L3</b> New homes for a diverse community	The concept proposal will deliver a variety of accommodation within a mixture of low, medium and high density built forms afforded by this Planning Proposal. As a result, the concept proposal and Reference Scheme has the capacity to deliver 30 townhouses within low density built forms and 784 apartments within the medium and higher density structures. The apartments (per the Reference Scheme) will comprise 130 x 1 bedroom, 399 x 2 bedroom, 184 x 3 bedroom and 71 x 4 bedroom apartments, thus delivering a broad range of housing choice for a variety of needs and incomes. This will ultimately improve affordability and housing choice within a highly accessible and strategic locality.
<b>03 Productivity</b>	
<b>P1</b> Growing a stronger, more competitive Central Sydney	Not applicable.
<b>P2</b> Developing innovative and diverse business clusters in City Fringe	Not applicable. The subject site is not located within the City Fringe business clusters.
<b>P3</b> Protecting industrial and urban services in the Southern Enterprise Area and evolving businesses in	The subject site is located within the Green Square-Mascot Strategic Centre and is situated within the Eastern Economic Corridor. The Planning Proposal will protect and delivery businesses on the subject site, with the concept proposal providing 3,696m <sup>2</sup> of non-residential floor space which can support a variety of commercial premises. Furthermore, whilst the



<b>Table 8 City Plan 2036 - Local Strategic Planning Statement</b>	
the Green Square-Mascot Strategic Centre	subject site is not identified as containing any key industry clusters per Figure 68 of the LSPS, the concept proposal will provide appropriate floor area dedicated to non-residential uses which will enhance employment opportunities in the locality. These non-residential uses are integrated with the public domain to allow for active street frontages and high quality, attractive spaces.
<b>04 Sustainability</b>	
<b>S1</b> Protecting and enhancing the natural environment for a resilient city	The Stage 1 DA and concept proposal will incorporate 5,087m <sup>2</sup> of deep soil landscaping on the site which will be supplemented by a further 5,556m <sup>2</sup> of publicly accessible open space at ground level, comprising of a significant number of trees and landscaping above structures. The Landscape Scheme submitted by <i>Urbis</i> demonstrates that the urban tree canopy on the site will be enhanced and dispersed throughout and around the periphery of the site. The provision of additional landscaping will reduce urban heat loads and will by virtue, improve liveability for future residents, neighbouring properties and the general public.
<b>S2</b> Creating better buildings and places to reduce emissions and waste and use water efficiently	Environmentally friendly measures and ESD principles have been investigated per the ESD Report. In addition, waste management and water efficiency as part of the Stage 1 DA and concept proposal have been similarly assessed by the Flood Assessment and Stormwater Management Report and Operational Waste Management Brief. In all regards, sustainability will form part of detailed design stages.  When considering the concept proposal and provision of built forms with greater building heights, it is noted that appropriate solar access and ventilation can be achieved. Furthermore, the concept proposal will also improve solar access to the public domain.
<b>S3</b> Increasing resilience of people and infrastructure against natural and urban hazards	The subject site is affected by flood prone land. The concept proposal has been designed to respond to the sites flood affection as informed by the Flood Assessment and Stormwater Management Report prepared by <i>TTW</i> . This will ensure, subject to detailed future applications, that the development will be resilient to the natural hazard.
<b>05 Governance and Implementation</b>	
<b>G1</b> Open, accountable and collaborative planning	The Planning Proposal will have no impact on G1.

### 7.3.2.6 Sustainable Sydney 2030: Community Strategic Plan

The Sustainable Sydney 2030 Community Strategic Plan 2017-2021 was adopted by Council on 26 June 2017. The Community Strategic Plan sets out outcomes and ten targets for the City of Sydney and is updated regularly to reflect the community and their vision of the city. The ten strategic directions for Sustainable Sydney 2030 are provided in the table below, with the responses detailing how the proposal is consistent with these initiatives:

<b>Table 9 Sustainable Sydney 2030: Community Strategic Plan</b>	
<b>1. A globally competitive and innovate city;</b>	The Planning Proposal will maintain the desired vision of the Green Square Urban Renewal Area and will allow the delivery of a high quality, mixed use development as envisaged. As detailed, the proposal is consistent with this vision as the amendments will allow for a flexible design which will improve urban and architectural innovation.



**Table 9** Sustainable Sydney 2030: Community Strategic Plan

<p><b>2. A leading environmental performer;</b></p>	<p>The concept proposal is submitted with an ESD Report, Flood and Stormwater Management Plan and Operational Waste Management Brief to ensure future detailed development applications are capable of achieving an environmentally sustainable design. Furthermore, the flexibility offered by this proposal will also improve amenity of future occupants and the public domain, thus maximising the benefits afforded by natural processes.</p>
<p><b>3. Integrated transport for a connected city;</b></p>	<p>As detailed, the Planning Proposal will allow for flexibility in design and deliver additional public open spaces and through-site links not envisaged under the current controls. This directly responds to this strategic direction in that the walkability, connectivity and liveability of future occupants, neighbouring properties and the general public will be improved.</p>
<p><b>4. A city for walking and cycling;</b></p>	<p>As above, this Planning Proposal will improve permeability through the site by offering additional publicly accessible space to encourage walking and cycling. Furthermore, the concept proposal demonstrates that improvement to the pedestrianised scale will be achieved, alongside amenity of public open spaces, namely Mulgu Park.</p>
<p><b>5. A lively and engaging city centre;</b></p>	<p>Improvements to the public domain are offered via the flexibility envisaged by this proposal, which will improve the safety, liveability and diversity of built form and experiences. This is achieved through the concept building typologies and strategic placement of floor space afforded by increasing maximum building height within key portions of the site.</p>
<p><b>6. Resilient and inclusive local communities;</b></p>	<p>The concept proposal demonstrates the activation and improvement of non-residential floor area and public open spaces. This will in turn ensure the delivery of resilient communities, both socially and economically, and is considered acceptable.</p>
<p><b>7. A cultural and creative city;</b></p>	<p>A Public Art Strategy is submitted which details the potential location and type of public art which can be placed across the site.</p>
<p><b>8. Housing for a diverse community;</b></p>	<p>This Planning Proposal allows for the delivery of flexible building typologies, ranging from low density townhouses to medium and high density apartment buildings. The concept proposal and reference scheme demonstrates that 30 townhouses and 784 apartments can be provided across the site therefore increasing housing diversity and supply.</p>
<p><b>9. Sustainable development, renewal and design; and</b></p>	<p>As detailed, the concept proposal has investigated sustainable design initiatives which will be subject to future detailed applications. Furthermore, the proposal will also improve the liveability and amenity of the public domain as discussed.</p>
<p><b>10. Implementation through effective governance and partnerships.</b></p>	<p>The proposal is not antipathetic to this strategic direction.</p>

### 7.3.2.7 Housing for All: Local Housing Strategy

The Housing for All: Local Housing Strategy (Housing Strategy) was adopted by Council in February 2020. The Housing Strategy seeks to deliver 56,000 new residential dwellings by 2036, most of which will be in Green Square, including 80% within high density residential accommodation. The Housing Strategy provides seven priority objectives which are outlined below, with responses detailing how the proposal is consistent with these initiatives. It is relevant to note that



although the proposal does not seek to increase the maximum FSR (or density), it will allow for flexibility in building design and housing diversity.

**Table 10** Sustainable Sydney 2030: Community Strategic Plan

<b>H1 Facilitating more homes in the right locations</b>	The reference scheme indicates that the proposal will provide 30 townhouses and 784 apartments within a highly strategic location in proximity to public transport, services, open spaces and community facilities.
<b>H2 Coordinating housing growth with the delivery of infrastructure</b>	The concept proposal will deliver the coordinated increase of residential accommodation alongside a number of public domain improvements. As discussed, this Planning Proposal will improve the walkability and liveability of public domain spaces available through the strategic location of floor space.
<b>H3 Increasing diversity and choice in housing</b>	The current SLEP and SDCP planning controls seek to deliver residential accommodation predominantly within a medium density form, interspersed with high density. The Planning Proposal offers the capability to improve building typology and housing diversity through the strategic distribution of floor space. Per the concept proposal, this includes the delivery of low density town houses and medium to high density residential apartments.
<b>H4 Increasing the diversity and number of homes available for lower-income households</b>	Subject to detailed design applications, affordable housing can be sought. Notwithstanding this, the reference scheme indicates that 130 x single bedroom and 399 x two bedroom dwellings can be provided which will improve the opportunity for lower-income households to live within the area. Furthermore, the concept proposal and Reference Scheme demonstrates the capability to deliver a variety of residential accommodation.
<b>H5 Increasing the amount of social and supported housing</b>	The provision of social and supported housing can form part of detailed design applications. The Planning Proposal is not antipathetic in this regard.
<b>H6 Improving NSW Government controlled site outcomes</b>	The Planning Proposal is not antipathetic to this objective.
<b>H7 Increasing liveability, sustainability and accessibility through high-quality residential design</b>	This Planning Proposal allows for the delivery of a variety of housing which will achieve high levels of liveability and amenity through residential design. Subject to detailed applications, the provision of a mixture of low to high density built forms will achieve a high level of liveability for all future residents.

**Q5: Is the planning proposal consistent with applicable state and regional studies or strategies?**

There are no other state and regional studies or strategies to which the proposed LEP amendment to maximum building height is required to align.

**Q6: Is the Planning Proposal consistent with the applicable State Environmental Planning Policies?**

There are no State Environmental Planning Policies (SEPPs) or draft Policies or Deemed SEPPs that would prohibit or restrict this Planning Proposal. A list of relevant SEPPs is included in **Table 11**.



Table 11 Relevant State Environmental Planning Policies			
SEPP	Relevance	Y/N	Comments
SEPP Resilience and Hazards 2021	The Resilience and Hazards SEPP repealed and replace three former SEPPs related to coastal management, hazardous and offensive development and remediation of land.	Yes	<p>The application for a Planning Proposal will not change the land use zoning and therefore any development for residential and non-residential uses will require contamination investigations. Preliminary and Detailed Site Investigations and a Remedial Action Plan prepared by <i>Ramboll</i> has been submitted for the site. This application for a Planning Proposal will not result in any activities which would be likely to expose humans or the environment to risks of contamination.</p> <p>In terms of Coastal Management and Hazardous or Offensive Material, the application does not change the manner in which the chapters of the SEPP applies to the site.</p>
SEPP (Building Sustainability Index: BASIX) 2004	This SEPP requires residential development to achieve minimum performance standards for thermal comfort and water efficiency with the intention of reducing demand for energy and potable water.	Yes	This application does not change the manner in which this SEPP will apply to any future development application for new residential accommodation.
SEPP (Housing) 2021	<p>This SEPP aims to incentivise the supply and ensure the effective delivery of new affordable and diverse housing. The Housing SEPP consolidates five existing housing related policies, including:</p> <ul style="list-style-type: none"> <li>• State Environmental Planning Policy (Affordable Rental Housing) 2009 (ARHSEPP);</li> <li>• State Environmental Planning Policy (Housing for Seniors and People with a Disability) 2004 (Seniors SEPP);</li> <li>• State Environmental Planning Policy No 70 - Affordable Housing (Revised Schemes) (SEPP 70);</li> <li>• State Environmental Planning Policy No 21 - Caravan Parks; and</li> <li>• State Environmental Planning Policy No 36 - Manufactured Home Estates.</li> </ul>	Yes	This application does not change the manner in which this SEPP applies to the site. It would need to be determined if the site is within an accessible area for the relevant chapters of the SEPP (Housing) 2021 to apply.

Table 11 Relevant State Environmental Planning Policies			
SEPP	Relevance	Y/N	Comments
SEPP (Exempt and Complying Development Codes) 2008	This SEPP defines types of development for which development consent is not required.	Yes	This application for a Planning Proposal does not change the manner in which this SEPP applies to the site.
SEPP (Transport and Infrastructure) 2021	This SEPP aims to facilitate the delivery of new infrastructure and protect the safe and efficient operation of existing infrastructure. This SEPP repeals and replaces four former SEPPs related to infrastructure, transport, education and childcare.	Yes	<p>The application for a Planning Proposal does not change the way in which the SEPP would apply to the site or to future development upon the site.</p> <p>Noise and vibration attenuation measures have been investigated as part of this concept proposal and will be investigated with any future detailed application to ensure new dwellings are compatible with the ongoing operation of the surrounding roadways.</p> <p>On-site parking has also been considered against this SEPP in accordance with the submitted Traffic Impact Assessment.</p> <p>Any future childcare centre under Chapter 3 will be subject to detailed applications and this Planning Proposal does not change the way the SEPP applies.</p>
SEPP 65 (Design Quality of Residential Apartment Development)	This SEPP aims to improve the design quality of developments containing apartments. The SEPP is linked to the Apartment Design Guide (ADG) which includes specific objectives and recommendations for detailed design requirements.	Yes	<p>This application seeks increased height to allow for flexibility of built form, per the Stage 1 DA submitted concurrently. The provisions of SEPP 65 will continue to apply to the site.</p> <p>The concept proposal and Reference Scheme prepared by <i>MAKO Architecture</i> submitted with the application demonstrates general compliance with the ADG provisions, including, but not limited to the following:</p> <ul style="list-style-type: none"> <li>• A mix of apartment sizes of sufficient area and private open space;</li> <li>• Solar access to 80.7% of apartments;</li> <li>• Cross ventilation to more than 69.9% of apartments;</li> <li>• Improved building to building separation; and</li> <li>• Publicly accessible open space and sufficient communal open space on the ground level and rooftops.</li> </ul> <p>The application for a Planning Proposal does not change the way in which the SEPP would apply to the site or to future development upon the site.</p>



Table 11 Relevant State Environmental Planning Policies			
SEPP	Relevance	Y/N	Comments
SEPP (Biodiversity and Conservation) 2021	This SEPP repeals and replaces 11 previous SEPPs.	Yes	The application for a Planning Proposal does not change the way in which the SEPP would apply to the site or to future development upon the site.
SEPP (Industry and Employment) 2021	This SEPP repeals and replaces two former SEPPs related to employment lands in Western Sydney and advertising and signage.	Yes	The Planning Proposal does not change the way in which the SEPP (specifically Chapter 3 Advertising and Signage) would apply to the site or to future development upon the site.

**Q7: Is the Planning Proposal consistent with the applicable Ministerial Directions?**

The proposal is consistent with all applicable Ministerial Directions under Section 9.1 of the *Environmental Planning and Assessment Act 1979* as outlined in the below table.

Table 12 Section 9.1 Ministerial Directions			
Ministerial Direction	Relevance	Y/N	Comments
<b>3. Biodiversity and Conservation</b>			
3.1 Conservation Zones	This direction applies to all relevant planning authorities when preparing a planning proposal.  A planning proposal must include provisions that facilitate the protection and conservation of environmentally sensitive areas	N/A	Not applicable to subject Planning Proposal.
3.2 Heritage Conservation	This direction applies to all relevant planning authorities when preparing a planning proposal.  A planning proposal must contain provisions that facilitate the protection and conservation of heritage significance and Indigenous heritage significance	Yes	The subject site is located within proximity to a heritage item, identified as I1379 at Nos. 1-3 Rosebery Avenue, known as the 'Former "Moffat Virtue" warehouse and office building including interiors'.  The concept proposal submitted as part of the Stage 1 DA takes into account the additional height sought as part of this Planning Proposal. It is demonstrated that the envelopes will be compatible with the context and setting of the surrounding properties and the nearby heritage item. The change to building height will have no significant physical or visual impact on the significance of this item, particularly as the additional height within the south-western corner is limited.





**Table 12 Section 9.1 Ministerial Directions**

			<p>A full assessment of potential heritage impacts would be required as part of the future detailed development applications and would address any potential impacts, including visual impacts. The proposed LEP amendment is consistent with Direction 3.2</p>
<p><b>4. Resilience and Hazards</b></p>			
<p>4.1 Flooding</p>	<p>This direction applies to all relevant planning authorities that are responsible for flood prone land when preparing a planning proposal that creates, removes or alters a zone or a provision that affects flood prone land.</p> <p>A planning proposal must include provisions that give effect to and are consistent with:</p> <ul style="list-style-type: none"> <li>(a) the NSW Flood Prone Land Policy,</li> <li>(b) the principles of the Floodplain Development Manual 2005,</li> <li>(c) the Considering flooding in land use planning guideline 2021, and</li> <li>(d) any adopted flood study and/or floodplain risk management plan prepared in accordance with the principles of the Floodplain Development Manual 2005 and adopted by the relevant council.</li> </ul> <p>(3) A planning proposal must not contain provisions that apply to the flood planning area which:</p> <ul style="list-style-type: none"> <li>(a) permit development in floodway areas,</li> <li>(b) permit development that will result in significant flood impacts to other properties,</li> <li>(c) permit development for the purposes of residential accommodation in high hazard areas,</li> <li>(d) permit a significant increase in the development and/or dwelling density of that land,</li> <li>(e) permit development for the purpose of centre-based childcare facilities, hostels, boarding houses, group homes, hospitals, residential care facilities, respite day care centres and seniors housing in areas where the occupants of the development cannot effectively evacuate,</li> <li>(f) permit development to be carried out without development consent except for the purposes of exempt development or agriculture. Dams,</li> </ul>	<p>Yes</p>	<p>The Planning Proposal which seeks to increase the maximum building height throughout the site will have no bearing on how the flood prone land will affect future development.</p> <p>Submitted with this Planning Proposal and the concurrent Stage 1 DA is a Flood Assessment and Stormwater Management Report prepared by <i>TTW</i>.</p> <p>The Planning Proposal will not:</p> <ul style="list-style-type: none"> <li>Permit development in any floodway area.</li> <li>Will not result in any significant flood impact to neighbouring properties;</li> <li>Will not change the permitted uses on-site, including residential accommodation;</li> <li>Will maintain the permitted FSR and density on the subject site as is existing.</li> <li>Will not change permissibility on-site, with all future detailed applications being designed in accordance with the sites flood affectation.</li> </ul> <p>The Planning Proposal has no affect in this regard.</p>

**Table 12** Section 9.1 Ministerial Directions

	<p>drainage canals, levees, still require development consent,</p> <p>(g) are likely to result in a significantly increased requirement for government spending on emergency management services, flood mitigation and emergency response measures, which can include but are not limited to the provision of road infrastructure, flood mitigation infrastructure and utilities, or</p> <p>(h) permit hazardous industries or hazardous storage establishments where hazardous materials cannot be effectively contained during the occurrence of a flood event.</p> <p>(4) A planning proposal must not contain provisions that apply to areas between the flood planning area and probable maximum flood to which Special Flood Considerations apply which:</p> <p>(a) permit development in floodway areas,</p> <p>(b) permit development that will result in significant flood impacts to other properties,</p> <p>(c) permit a significant increase in the dwelling density of that land,</p> <p>(d) permit the development of centre-based childcare facilities, hostels, boarding houses, group homes, hospitals, residential care facilities, respite day care centres and seniors housing in areas where the occupants of the development cannot effectively evacuate,</p> <p>(e) are likely to affect the safe occupation of and efficient evacuation of the lot, or</p> <p>(f) are likely to result in a significantly increased requirement for government spending on emergency management services, and flood mitigation and emergency response measures, which can include but not limited to road infrastructure, flood mitigation infrastructure and utilities.</p> <p>(5) For the purposes of preparing a planning proposal, the flood planning area must be consistent with the principles of the Floodplain development Manual 2005 or as otherwise determined by a Floodplain Risk Management Study or Plan adopted by the relevant council.</p>		<p>The Planning Proposal will not result in any significantly increased requirement for government spending as it only involves increases in height.</p> <p>Will not change permissibility on-site.</p> <p>No Special Flood Considerations apply.</p> <p>A Flood Assessment and Stormwater Management Report prepared by <i>TTW</i> is submitted with this Planning Proposal.</p>
<p>4.4 Remediation of Contaminated Land</p>	<p>This direction applies when a planning proposal authority prepares a planning proposal that applies to:</p> <p>(a) land that is within an investigation area within the meaning of the Contaminated Land Management Act 1997,</p> <p>(b) land on which development for a purpose referred to in Table 1 to the contaminated land</p>	<p>Yes</p>	<p>A Preliminary and Detailed Site Investigation, in addition to Remedial Action Plan have been prepared by <i>Ramboll</i>. Any remediation works are subject to the separate development application which applies to the subject site and is currently being assessed by Council.</p>

**Table 12** Section 9.1 Ministerial Directions

	<p>planning guidelines is being, or is known to have been, carried out,</p> <p>(c) the extent to which it is proposed to carry out development on it for residential, educational, recreational or childcare purposes, or for the purposes of a hospital – land:</p> <p>i. in relation to which there is no knowledge (or incomplete knowledge) as to whether development for a purpose referred to in Table 1 to the contaminated land planning guidelines has been carried out, and</p> <p>ii. on which it would have been lawful to carry out such development during any period in respect of which there is no knowledge (or incomplete knowledge).</p>		<p>The planning proposal can be satisfied that land is or can be made suitable for development and this application for a Planning Proposal is therefore consistent with Direction 4.4.</p>
<p><b>5. Transport and Infrastructure</b></p>			
<p>5.1 Integrating Land Use and Transport</p>	<p>This direction applies to all relevant planning authorities when preparing a planning proposal that will create, alter or remove a zone or a provision relating to urban land, including land zoned for residential, business, industrial, village or tourist purposes.</p> <p>(1) A planning proposal must locate zones for urban purposes and include provisions that give effect to and are consistent with the aims, objectives and principles of:</p> <p>(a) Improving Transport Choice – Guidelines for planning and development (DUAP 2001), and</p> <p>(b) The Right Place for Business and Services – Planning Policy (DUAP 2001)</p>	<p>Yes</p>	<p>This Planning Proposal will increase maximum building height, however does not alter the FSR which applies to the subject site. Therefore, the maximum density on-site will be unchanged, albeit strategically distributed throughout the site.</p> <p>It is noted that the concept proposal will provide a mixture of residential and non-residential uses as is currently anticipated by the SLEP and SDCP. A Traffic Impact Assessment has been prepared by <i>Traffix</i> which concludes that the concept proposal and Reference Scheme will not have any adverse impact to the locality. The application for a Planning Proposal is therefore consistent with Direction 5.1.</p>
<p>5.2 Reserving Land for Public Purposes</p>	<p>This direction applies to all relevant planning authorities when preparing a planning proposal.</p> <p>(1) A planning proposal must not create, alter or reduce existing zonings or reservations of land for public purposes without the approval of the relevant public authority and the Planning Secretary (or an officer of the Department nominated by the Secretary).</p>	<p>N/A</p>	<p>Not applicable to subject Planning Proposal.</p>
<p>5.3 Development Near Regulated Airports and Defence Airfields</p>	<p>This direction applies to all relevant planning authorities when preparing a planning proposal that will create, alter or remove a zone or a provision relating to land near a regulated airport which includes a defence airfield.</p>	<p>Yes</p>	<p>This Direction applies only if the concept proposal breached the Obstacle Limitation Surface (OLS). The OLS for the site is 51m AHD.</p> <p>The concept proposal indicates that the maximum height which will breach the OLS. An OLS Certification Plan is prepared by JBW Surveyors and submitted. This will be</p>

**Table 12** Section 9.1 Ministerial Directions

			<p>required to be referred to the relevant authority.</p> <p>The application for a Planning Proposal is therefore consistent with Direction 5.3.</p>
<b>6. Housing</b>			
6.1 Residential Zones	<p>This direction applies to all relevant planning authorities when preparing a planning proposal that will affect land within an existing or proposed residential zone (including the alteration of any existing residential zone boundary), or any other zone in which significant residential development is permitted or proposed to be permitted.</p> <p>(1) A planning proposal must include provisions that encourage the provision of housing that will:</p> <p>(a) broaden the choice of building types and locations available in the housing market, and</p> <p>(b) make more efficient use of existing infrastructure and services, and</p> <p>(c) reduce the consumption of land for housing and associated urban development on the urban fringe, and</p> <p>(d) be of good design.</p> <p>(2) A planning proposal must, in relation to land to which this direction applies:</p> <p>(a) contain a requirement that residential development is not permitted until land is adequately serviced (or arrangements satisfactory to the council, or other appropriate authority, have been made to service it), and</p> <p>(b) not contain provisions which will reduce the permissible residential density of land.</p>	Yes	<p>The Planning Proposal will increase the maximum building height which applies to the B4 Mixed Use zone, on the subject site. As detailed, this proposal will not alter the zone or maximum FSR which applies to the subject.</p> <p>The maximum height amendments will offer the opportunity to increase housing diversity through low to high density building typologies, per the concept proposal.</p> <p>The Planning Proposal will maintain the density permitted on-site, and therefore maintain use of the infrastructure and services.</p> <p>The Planning Proposal is not antipathetic in this regard.</p> <p>The concept proposal delivers a high quality, strategic mixed use development.</p> <p>The land is adequately serviced and residential accommodation is permitted under the current zoning, which will not be changed.</p> <p>As above.</p> <p>The application for a Planning Proposal is therefore consistent with Direction 6.1.</p>
<b>7. Industry and Employment</b>			
7.1 Business and Industrial Zones	<p>This direction applies to all relevant planning authorities when preparing a planning proposal that will affect land within an existing or proposed business or industrial zone (including the alteration of any existing business or industrial zone boundary).</p>	Yes	<p>Direction 1.1 applies to this application for a planning proposal as it seeks to increase the maximum building height in the B4 Mixed Use zone.</p>

**Table 12** Section 9.1 Ministerial Directions

	<p>(1) A planning proposal must:</p> <p>(a) give effect to the objectives of this direction,</p> <p>(b) retain the areas and locations of existing business and industrial zones,</p> <p>(c) not reduce the total potential floor space area for employment uses and related public services in business zones,</p> <p>(d) not reduce the total potential floor space area for industrial uses in industrial zones, and</p> <p>(e) ensure that proposed new employment areas are in accordance with a strategy that is approved by the Planning Secretary.</p>		<p>The increase to maximum building height will not have any impact to the delivery of employment opportunities and economic growth.</p> <p>The B4 Mixed Use zoning will be unchanged.</p> <p>As above, the potential floor space for employment uses and public services on-site will be unchanged.</p> <p>Not applicable.</p> <p>Not applicable.</p>
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**7.3.3 Section C - Environmental, Social and Economic Impacts**

**Q8: 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?**

The site is part of an urban environment and does not contain habitat for threatened species, populations or ecological communities.

**Q9: Are there any other likely environmental effects as a result of the Planning Proposal and how are they proposed to be managed?**

As is submitted concurrently with this Planning Proposal, the Stage 1 DA and concept proposal demonstrates the site arrangement and building envelopes sought to be approved, subject to the increase of maximum building height. The urban design approach ensures that any environmental effect will be appropriately managed, as discussed in detail below.

**Strategic Massing and Building Envelopes**

The intent of this Stage 1 Concept DA and this Planning Proposal are to provide concept envelopes which better relate to the characteristics of the locality and surrounding developments, significantly improve the public domain and ensure a high level of liveability and amenity for future residents and the general public. The concept envelopes proposed vary from that as envisaged by the SLEP and SDCP, as to deliver a number of distinctive public benefits. When considered against this Planning Proposal, the concept envelopes seek to increase (and decrease in-part) the maximum storey height throughout the site to ensure the delivery of a development which will complement the desired future character of the Green Square – Epsom Park Precinct (per Section 5.3 of the SDCP. The concept envelopes and strategic massing also seek to amend the street frontage heights, setbacks and active frontages when compared to the SDCP.

Notwithstanding, the proposed concept envelopes and massing have been designed to maintain the key publicly accessible spaces, including roadways, pedestrian access ways and public open spaces, as desired within the Green Square – Epsom Park Precinct. This ensures that the proposed envelopes will continue to align with the envisaged character of the public domain.



The proposed concept envelopes have undergone various amendments and iterations and has been designed in response to an urban design analysis of the site and surrounding locality. As detailed, the SLEP and SDCP envisages a site arrangement and built form which is restrictive in nature. This imposes limitations and restrictions on flexibility for the redevelopment on the subject site which have been considered as part of this Planning Proposal and the concurrent Stage 1 DA. The flexibility offered by increasing the maximum building height allows for the delivery of a concept scheme which better relates to the character of the locality, public domain and neighbouring properties, whilst also improving liveability and amenity.

In accordance with the objectives of *Section 5.3.1 Epsom Park Urban Design Strategy* per the SDCP, the proposed building envelopes provide high quality mixed-use and residential developments which appropriately address the public domain and surrounding properties. The redistribution of floor area has allowed for the delivery of three towers within the north-eastern, north-western and south-eastern corners of the site. The towers, which are strategically located given their high visibility, relate to the bulk and scale of neighbouring properties and will improve the urban fabric and character of the locality. Importantly, the *Green Square – Structure Plan* (per the SDCP) identifies that the north-eastern and south-eastern corners of the site are '*Highly Visible Sites*', to which the proposed envelopes appropriately respond. With regards to the proposed north-west tower, this is considered to appropriately relate to Gunyama Park, Zetland Avenue and the properties to the north. This will not only improve the wider streetscape and urban character, but also allow for pedestrianised improvements through the redistribution of floor area.

The proposal has purposefully located medium density buildings around the periphery of the site, with low density townhouses centrally. The concept envelopes and strategic distribution of floor space allows for variety in architectural and urban design, whilst also improving the relationship to and the amenity of the public domain. Specifically, the distribution of FSR within the proposed towers subsequently allows for the reduction of built form elsewhere, noting that the maximum FSR as it applies to the subject site is unchanged. This allows for envelopes to be placed throughout the site in an appropriate hierarchy and respond to the order, capacity and nature of roadways. Subsequently, this improves the amenity of public open spaces (primarily Mulgu Park), whilst also allowing for the delivery of additional publicly accessible spaces not envisaged by the DCP. That is, the proposed scheme provides additional public parks, through-site links and shared-ways running along the east-west axis in both the NW and NE Precincts. Not only does this improve permeability, liveability and walkability through the site and surrounding locality, but also increases the opportunity for deep soil and soft landscaping.

The strategic massing and concept envelopes have undergone a number of iterations in order to achieve the best possible outcome for the site in terms of improving streetscape character, ensuring compatibility with the surrounding locality and providing a high level of amenity for future occupants and the public domain. The built form will seek to provide a cohesive streetscape and urban design, which strategically relocates floor area within key portions of the site, whilst reducing bulk and scale elsewhere. The outcome of this concept scheme is the ability to provide a high quality urban design which will deliver distinct improvements to the locality not currently envisaged by the DCP. That is, the proposal provides lower and medium density built forms adjacent to lower order roadways, with greater density forms adjacent to higher order roadways. This arrangement is further bolstered given the considerable site area, numerous frontages and perimeter dimensions which allows the desired flexibility to be achieved.

It is also pertinent to note that the building envelopes have been designed with appropriate curtilage to allow for the delivery of high quality, contemporary developments which will form part of detailed applications in accordance with the three stages as sought via the Stage 1 DA. Importantly, each stage will be subject to a separate architectural design competitions which will be undertaken to ensure design excellence will be achieved. The concept envelopes will allow for a suitable relationship at a pedestrianised scale and neighbourhood scale, with the integration of active frontages, podium levels and tower components at varying scales throughout the site. Importantly, the building heights have considered the bulk and scale of neighbouring properties to inform the design thus allowing for a cohesive streetscape and urban design.



In summary, the proposed building envelopes will sit comfortably within their surroundings, providing a strong base for the delivery of high quality, modern and attractive design as will be subject to future detailed applications. Being located in a prominent position, the proposal will allow for the delivery of a landmark development that will provide a higher density transit-orientated development, with a centralised open space and public domain improvements. The development will therefore be consistent with the desired future character objectives of the Green Square – Epsom Road Precinct.

### **Solar Access**

Shadow diagrams have been prepared by *Mako Architecture* and show the extent of shadows cast by the concept envelopes between 9am and 3pm on 21 June. The shadow diagrams demonstrate shadows cast by the complaint envelopes and proposed development. Importantly, the zoning of the locality, permitted increase of density and general orientation results in unavoidable overshadowing to the surrounding properties. Notwithstanding and as discussed below, it is considered that the proposed development will retain adequate solar access to the neighbouring properties, particularly when compared to the permitted built form per the SLEP and SDCP. Under *Section 4.2.3.1 Solar access* of the SDCP, the following is noted:

*(1) Development applications are to include diagrams in plan and elevation that show solar access to proposed apartments and the shadow impact on neighbouring development at hourly intervals between 9am, 12noon and 3pm on 22 March and 21 June. In some cases, Council may require hourly intervals.*

In accordance with the above, analysis of the shadow impacts is considered below.

### **Overshadowing to the neighbouring properties**

Along the western side boundary of the site are residential buildings and public open spaces. Per the submitted shadow diagrams, these will be cast into shadow by the proposed development from 9am to 10am, after which they will not be affected. Specifically, the proposal will only impact the solar gain of the neighbouring allotments as follows:

- Nos. 106-116 Epsom Road (approved and under construction mixed use development): The proposal will result in a solar impact at 9am from the approved development. Importantly, the extent of overshadowing is generally consistent with the impact created by the permitted building envelopes. As such, the proposed envelopes and their impact is considered to be entirely acceptable.
- Nos. 94-104 Epsom Road (approved and under construction mixed use development): The proposal will result in minimal solar impact to the approved development. As above, the extent of overshadowing is consistent with the impact created by the permitted building envelopes. As such, the proposed envelopes and their impact is considered to be entirely acceptable.
- Gunyama Park: The proposal will result in a solar impact from 9am to 10am of the public open space. The proposed building envelopes will not result in any adverse increase in overshadowing when compared to the permitted built form under the current SLEP and SDCP.

To the south of the subject site and on the opposite side of Epsom Road are a mixture of commercial, mixed-use and warehouse structures. It is reasonably anticipated that over time, the commercial and warehouse structures will be replaced with mixed use development. The proposal will impact the solar gain of these properties, as follows:

- Nos. 57-65 Epsom Road (existing commercial development): Per the submitted shadow diagrams, the proposal will result in an overshadowing impact to this commercial development from 9am to 12pm during mid-winter. This ensures that solar access to the existing and any future development will be retained for approximately 3 hours from 12pm to 3pm, when considered against the proposal. A comparison between the permitted and proposed envelope creates no adverse solar impact and is considered acceptable.

- Nos. 67-77 Epsom Road (newly constructed mixed use development): Per the submitted shadow diagrams, the proposal will result in an overshadowing impact to this newly developed mixed use building from 9am to 3pm during mid-winter, to varying degrees. This is consistent with the permitted envelopes and ensures that solar access of this development will be appropriately retained.
- Nos. 87-103 Epsom Road (existing warehouse development): The proposal will not result in any overshadowing to this property.

To the east of the subject site and on the opposite side of Link Road are Nos. 3 Link Road and 132-134 Epsom Road, which contain recently developed mixed use buildings. The proposal will impact the solar gain of these properties, as follows:

- No. 3 Link Road (recently constructed mixed use development): Per the submitted shadow diagrams, the proposal will result in an overshadowing impact to this mixed use development at 3pm, during mid-winter. This ensures that solar access to the recently constructed development will be retained for approximately 5 hours from 9am to 2pm. A comparison between the permitted and proposed envelope creates no adverse solar impact and is considered acceptable.
- Nos. 132-134 Epsom Road (recently constructed mixed use development): Per the submitted shadow diagrams, the proposal will result in an overshadowing impact to this mixed use development from 12pm to 3pm during mid-winter, to varying degrees. This ensures that solar access to the existing, recently constructed development will be retained for approximately 3-4 hours during mid-winter. A comparison between the permitted and proposed envelope creates no adverse solar impact and is considered acceptable.

As such, the extent of impact to the solar gain of the neighbouring properties is considered to be entirely reasonable given the permitted increase in density, site orientation and varying built forms of the surrounding locality.

### **Solar access to proposed residential accommodation**

In terms of solar access to the concept proposal and reference scheme, this will be subject to future detailed applications. Notwithstanding, the Reference Scheme submitted with this application details that 80.7% residential apartments) will receive 2 hours of solar access from 9am to 3pm during mid-winter which complies with the ADG Design Criteria. In addition, the proposal will not exceed the 15% requirement in which apartments receive no solar access during mid-winter and this should be given weight in consideration of this variation.

With regards to the proposed townhouses per the reference scheme, *Section 4.1.3.1 Solar Access* under *Part 4.1 Single Dwellings, Terraces and Dual Occupancies* the SDCP states the following:

*1) Development sites and neighbouring dwellings are to achieve a minimum of 2 hours direct sunlight between 9am and 3pm on 21 June onto at least 1sqm of living room windows and at least 50% of the minimum amount of private open space.*

The living areas and private open spaces of these townhouses will receive 2 hours of solar access during mid-winter. Importantly, solar access will be further determined by future detailed application. The submitted reference scheme demonstrates that appropriate solar access to the lower density town houses (and residential apartments), can be achieved.

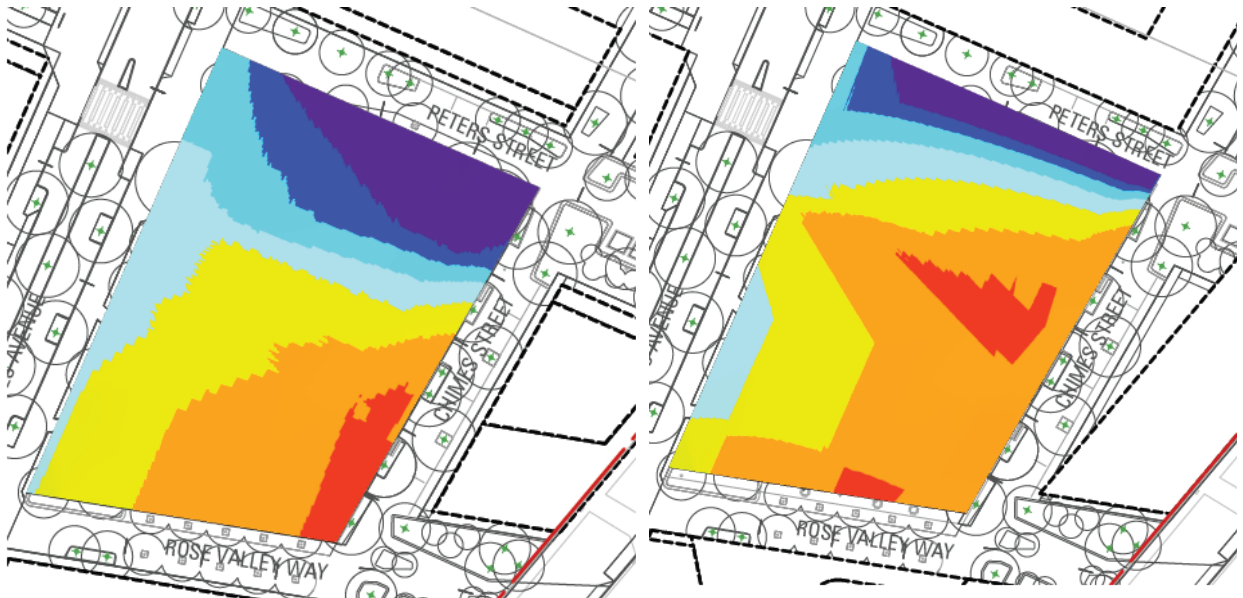
Accordingly, sun-eye and shadow diagrams which accompany this concept application demonstrate that despite there being internal overshadowing, the proposal will achieve an appropriate degree of solar access to the residential accommodation.



### Solar access of the proposed public open spaces

The proposed envelopes will result in a significant improvement to the solar access to the primary public open space, being Mulgu Park compared with the current SLEP and SDCP envelopes. The shadow diagrams demonstrate that Mulgu Park will only receive solar access to 53% for four hours, during mid-winter. However, with the revised site arrangement and built form under this application (and the Stage 1 DA), Mulgu Park will receive solar access to greater than 78% for four hours during mid-winter. This will significantly improve the amenity of this public open space and therefore deliver a substantial public benefit. **Figures 34** and **35** below provide a comparison of the overshadowing impact created by the permitted and proposed development to Mulgu Park.

In terms of the solar access to the public domain and secondary parks throughout this site, the impact between the compliant and proposed envelopes is considered negligible.



**Figure 34** Solar gain public open space – permitted development

**Figure 35** Solar gain public open space – proposed development

Accordingly, the proposed development is considered to result in acceptable impacts to the solar gain of neighbouring properties, future residential accommodation on the subject site and public open spaces.

### Visual Privacy

In terms of privacy, the concept envelopes have been designed to minimise, as far as practicable, the likelihood of any adverse overlooking of neighbouring properties and between the proposed residential and non-residential uses. Subject to future detailed design, the envelopes have been designed to ensure appropriate separation and orientation can be provided to protect the visual privacy of current and future residents. Importantly and per the reference scheme, it is demonstrated that the buildings can be designed to maintain acceptable levels of visual privacy.

### Internal Site Privacy

Per the above, the building envelopes have been designed with appropriate separation which are capable of an internal design which ensures no adverse privacy impact. **Table 13** below details the extent of separation and potential design measures which can be implemented.

Table 13 Internal Site Privacy		
Blocks	Separation	Comment
NW-1 and NW-2	12m separation between envelopes	In addition to the considerable separation, the concept envelopes have been designed to limit the extent of facades opposing each other between NW1 and NW2. This limits the extent of openings between built forms and therefore protects privacy, as demonstrated in the reference scheme.
NW-2 to NE-2 and NE-3	26.5m separation between envelopes	The provision of 26.5m of separation is substantial and mitigates any visual privacy concern.
NE-2 to NE-3	9m separation between envelopes	The proposed envelopes are provided with low density townhouses which ensures that the no privacy impacts will result, particularly given living areas and private open spaces can be appropriately orientated as demonstrated in the reference scheme.
NE-1 to NE-2 and NE-3	12m separation between envelopes	The proposed separation between the blocks is considered sufficient, in addition to the design measures which can include the orientation of spaces to ensure overlooking is minimised. The reference scheme demonstrates that where the residential accommodation opposes each other, blank facades and the location of living areas reduces overlooking concerns.
NE-1 to S-1	9m separation between envelopes	As above, the separation is considered sufficient and can be appropriately designed with orientation and the location of lower trafficked (or non-habitable) areas opposing one another.
S-1 to S-2	13m separation between envelopes	As detailed above, the same urban design and architectural conditions apply which ensure that subject to future applications, they can be appropriately designed to protect visual privacy.
S-2 to S-3	26m separation between envelopes	The provision of 26.5m of separation is substantial and mitigates any visual privacy concern.
S-3 to S-4	18m separation between envelopes	The provision of 18m of separation is substantial and mitigates any visual privacy concern.
NW-2 to S-4	20m separation between envelopes	The provision of 20m of separation is substantial and mitigates any visual privacy concern.

Per the above, the separation and potential design measures will ensure that visual privacy between future residential accommodation on-site can be protected. Importantly, each precinct will be subject to future staged applications which will require detailed design input to ensure privacy is acceptable.

As demonstrated in the Reference Scheme, overlooking between properties is minimised through orientation and potential design measures. Of particular relevance is the relationship between the residential apartments and townhouses. As demonstrated in the Reference Scheme, these typologies are adequately separated as to ensure overlooking will be minimised. Furthermore, where both typologies are in closer proximity, the Reference Scheme identifies that blank facades and lower trafficked spaces can be orientated to protect privacy.

In addition and where residential apartments are also located in proximity to one another (throughout and between blocks and precincts), the Reference Scheme again details that orientation and design measures can protect privacy as required.

### **Neighbouring Property Privacy**

To the north, east and south of the site, visual privacy impacts between the proposed envelopes and existing buildings is mitigated due to the location of Zetland Avenue, Link Road and Epsom Road (respectively). The width and location of these public domain spaces ensures that no overlooking impact between residential accommodation will result, and is therefore considered acceptable. Similarly, to the west, the building envelope opposes Gunyama Park which mitigates any overlooking.

To the south, where the NW precinct adjoins No. 106 Epsom Road, the proposal provides a setback of 18m to 25m which is sufficient to manage privacy impacts. To the west and where the NW and S precinct also adjoins No. 106 Epsom Road, the proposal provides nil setbacks which limits any privacy impact. Where a step in the envelope is proposed to S-4 (to reflect the approved built form of the neighbour to the west,) the reference scheme demonstrates that design measures (such as bay windows) can be provided to appropriately protect privacy.

In summary, the proposed building envelopes can be architecturally designed to protect the visual privacy of neighbouring properties and future residents of the subject site.

### **Aural Privacy**

As discussed, the acoustic privacy of future residents will form part of a detailed application. Notwithstanding, the concept envelopes and Reference Scheme have considered acoustic privacy through the preparation of a Noise and Vibration Impact Assessment as prepared by *E-Lab*. The Assessment has utilised two methodologies, being the 'windows closed' and 'windows open' assessments. When considering the 'windows closed' assessment, the Report concludes that subject to future design development, including layout and facade types, aural privacy can be appropriately maintained. Acoustic testing is provided in Appendix A of the Noise and Vibration Impact Assessment demonstrating which facades will require certain design measures as indicated in Table 13 of the Assessment.

It follows that the 'windows open' assessment seeks to maintain aural privacy whilst allowing for natural ventilation in accordance with the Apartment Design Guide. In this regard, given the sites location adjoining numerous roadways, including Southern Cross Drive, maintaining aural privacy will require specific design measures (Table 13 of the Assessment). Of relevance, these measures will only be required for selected facades as demonstrated in by the 'windows open' acoustic testing provided in Appendix B of the Noise and Vibration Impact Assessment. A relatively minor selection of facades will be in exceedance of 7dB(A) which is considered a suitable outcome.

In addition to the above, the Assessment has considered the noise and vibration impact to surrounding properties during construction. Subject to future applications and further acoustic assessment, appropriate measures can be implemented to protect the amenity of neighbouring properties from noise and vibration impacts.

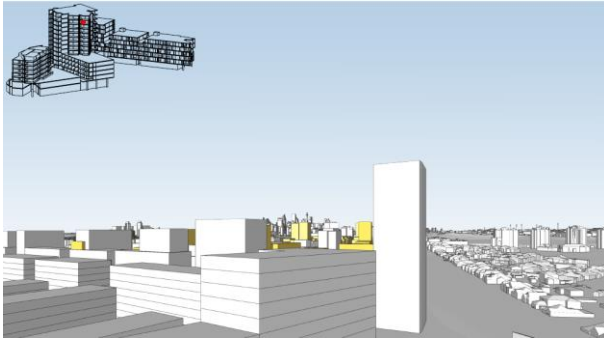
### **Views**

There are views currently enjoyed across the site to the CBD skyline. As such, the maximum increase in building height and concept envelopes have been designed with a bulk, scale and form that is compatible with other developments in the locality. The location of building height has been designed to ensure key view corridors are maintained, as far as practicable. Specifically, the UDS submitted with application has considered view loss from Nos. 1 Link Road and 136-142 Epsom Road to the east and No. 67 Epsom Road to the south. This has provided a view loss comparison between the permitted SLEP and SDCP controls and the concept envelopes.

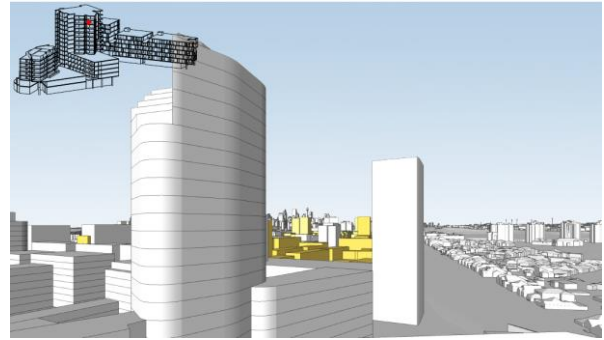
When considering view loss from the properties to the east, as demonstrated in **Figures 36** and **37** below, the extent of view impact when compared to the permitted scheme is considered to be entirely reasonable. That is, from the upper



levels of the neighbouring property, the principle view corridor will be maintained as the tower form within the north-eastern corner of the site has been strategically placed and sculpted. This design is considered to be a successful response to the redistribution of floor area across the site and is an acceptable outcome.

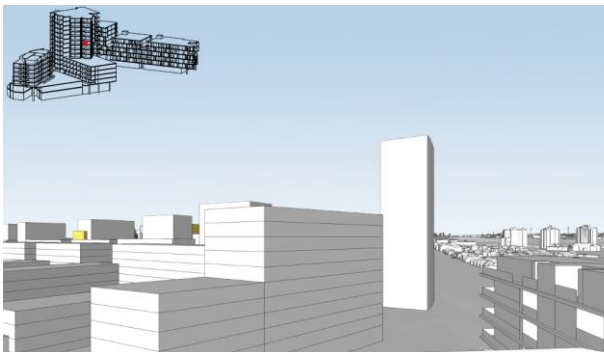


**Figure 36** View loss from property to the east – permitted envelopes, upper floors

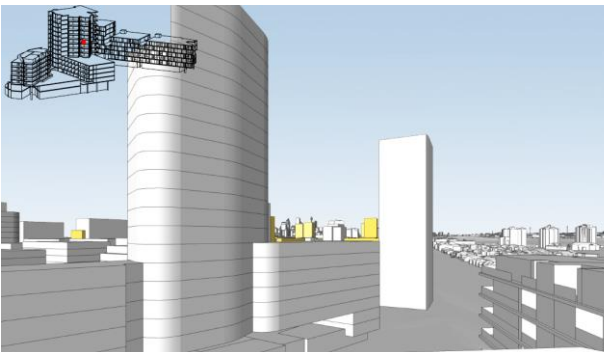


**Figure 37** View loss from property to the east – proposed envelopes, upper floors

When considering the view loss from residential apartments on the lower level of the neighbouring property to the east, per **Figure 38** and **39** below, the permitted envelopes will entirely remove any views of the distant CBD skyline. As such, the redistribution of floor space within higher tower components is considered to be entirely reasonable.



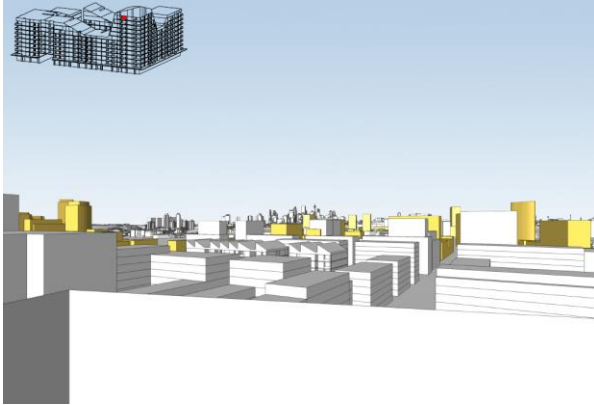
**Figure 38** View loss from property to the east – permitted envelopes, lower floors



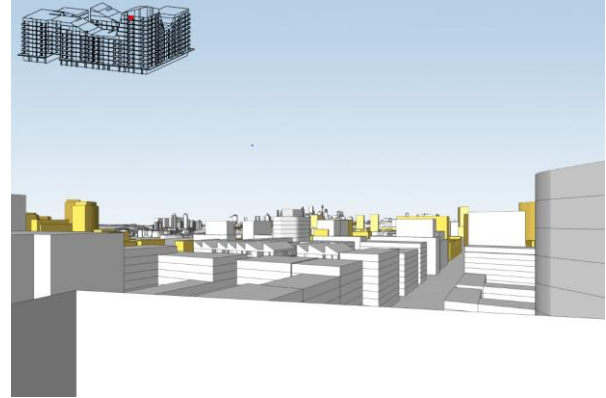
**Figure 39** View loss from property to the east – proposed envelopes, lower floors

To the south, the proposed envelope will result in a minor loss of views to the CBD skyline when compared to the current SLEP and SDCP (**Figures 40** and **41**). Although there will be a generally minor loss of views, this is considered to be acceptable given the proposed tower form within the north-western corner of the site is limited to a minor section of the overall view corridor. As such, the impact is considered to be entirely reasonable within a dense urban environment.





**Figure 40** View loss from property to the south – permitted envelopes, upper floors



**Figure 41** View loss from property to the south – proposed envelopes, upper floors

In summary, the potential view loss created by proposed concept envelopes are a direct result of the underdeveloped nature of the subject site. That is, the existing buildings are single and two storey which do not reflect the desired bulk, scale and character of the Green Square – Epsom Park Precinct. As such, the subsequent view loss impact created by the proposal, which is generally consistent with the permitted SLEP and SDCP controls, is considered entirely reasonable.

**Density**

As discussed throughout this document, this Planning Proposal will not seek to increase the maximum applicable FSR and density on the subject site. The changes to the maximum building height will allow for the strategic location of building mass which will provide improvements pedestrian and urban character, amenity of public domain and future occupants and neighboring properties.

**Demands for infrastructure, utilities and services**

As the permitted density on the subject site will be unchanged, the demand for infrastructure, utilities and services to support the day to day demands of future uses are likely to be within the functional capacity of infrastructure, utilities and services currently available on-site, and is therefore considered acceptable.

**Vehicle Traffic**

A Transport Impact Assessment (TIA) has been prepared by *Traffix* and is submitted under a separate cover. The TIA provides consideration on the vehicular movements, quantum of car and bicycle parking as part of the concept proposal (Reference Scheme) and the transport impact on the concept proposal on the surrounding road network. It was found, subject to future applications, that the proposal would not have any adverse impacts on the traffic network of the locality.

The conclusions for the car parking generation rates and traffic generation will be examined in more detail below.

**Car Parking Generation Rates**

The concept proposal and reference scheme generates the following car parking rate:

Table 14 Parking Provision – Reference Scheme			
Land Use	SLEP 2012	Requirement	Provision

**Table 14** Parking Provision – Reference Scheme

<p><i>Residential</i></p>	<p>(c) on land in category C—                  (i) for each studio dwelling—0.4 spaces, and                  (ii) for each 1 bedroom dwelling—0.5 spaces, and                  (iii) for each 2 bedroom dwelling—1 space, and                  (iv) for each 3 or more bedroom dwelling—1.2 spaces, and                    (v) for each dwelling up to 30 dwellings—0.2 spaces, and                  (vi) for each dwelling more than 30 and up to 70 dwellings—0.125 spaces, and                  (vii) for each dwelling more than 70 dwellings—0.067 spaces.</p>	<p>Total of 784 apartments, including:                  - 130 x 1 bedroom = 65 spaces                  - 399 x 2 bedroom = 399 spaces                  - 184 x 3 bedroom = 220.8 (221) spaces                  - 71 x 4 bedroom = 85.2 (85) spaces                    - 30 x 3/4 bedroom townhouses = 36 spaces                    Visitors = 54.5 (55) spaces</p>	<p>The concept envelopes are capable of accommodating the maximum parking rates.</p>
<p><i>Centre-based childcare facility</i></p>	<p>(2) Centre-based child care facilities The maximum number of car parking spaces for a building used for the purposes of a centre-based child care facility is 1 space plus 1 space for every 100 square metres of the gross floor area of the building used for those purposes.</p>	<p>Childcare centre is 1,117m<sup>2</sup>. This equates to a maximum of 12 spaces.</p>	<p>As above.</p>
<p><i>Retail</i></p>	<p>(1) This clause does not apply to a building if the building has more than 2,000 square metres of gross floor area used for the purposes of retail premises.                  (2) The maximum number of car parking spaces for a building used for the purposes of retail premises is as follows—                  (b) if the building is on land in category F—1 space for each 50 square metres of gross floor area of the building used for those purposes,</p>	<p>Total retail area of 2,579m<sup>2</sup>, noting this is spread across the subject site. Total of 51.58 (52) spaces required.</p>	<p>As above.</p>

As such, the concept proposal and Reference Scheme are capable of providing a compliant amount of car parking for the site.

**Wind**

A Wind Assessment Report prepared by SLR is submitted with this application. This Assessment has considered the existing site arrangement and proposed site arrangement. The Assessment concludes the following regarding the existing and proposed wind environments:

**‘...“Baseline” (Existing) Wind Environment**



Close to the ground, the “regional” wind patterns described above are affected by the local terrain, topography and built environment, all of which influence the “local” wind environment.

- As noted in Section 1.3, the site is currently surrounded by a mixture of medium to high-rise commercial and residential buildings, vegetation and trees, with modest change in topography. Immediately to the north and north-northeast, across Zetland Avenue are a series of tall buildings
- The site will therefore receive reasonable wind shielding depending upon oncoming wind direction at lower levels with upper levels exposed to higher winds from most wind directions.

#### “Proposed” Wind Environment

- In general, the site is expected to receive reasonable shielding especially at ground level from majority of the wind directions provided by the proposed envelopes themselves as well as by the neighbouring existing buildings.

#### Already Planned Wind Amelioration Treatments

The following treatments relevant to wind mitigation have already been proposed:

- Existing and significant trees located along Zetland Avenue, Link Road, and Epsom Road – refer Figure 12A;
- Already proposed and significant tree planting along the new proposed roads located within the site, and around the new proposed Mulgu Park – refer Figure 12B.

It is recommended that all of the above planned features are retained and that new landscaping treatments (trees, hedges, etc) are evergreens (providing year-round protection) and of mature foliage when installed.

All proposed landscaping should be densely foliated and evergreen, given the occurrence of adverse winter wind conditions...’

#### Flooding

Per the Flood Assessment and Stormwater Management Report prepared by TTW submitted with the application, updated flood modelling shows that there is significantly less flooding across the site as is affected by the 1% AEP. The reduction in flooding is a result of the overland flow path being directed through the roadways and the provision of the Green Square Trunk Drainage line through the site. **Figure 42** below provides excerpts of the 1% AEP and PMF.



**Figure 42** Flood risk maps (Left – 1% AEP, Right – PMF)



It follows that future to detailed applications will require further assessment as the flood planning levels correspond to the exact uses and design of the proposal. The Flood Assessment and Stormwater Management Report provides a summary of the flood level around the proposed envelopes in addition to the flooding requirement.

### **Heritage**

The subject site is located in the vicinity to one heritage item, being I1379, 'Former "Moffat Virtue" warehouse and office building including interiors' at Nos. 1-3 Rosebery Avenue.

The proposed concept envelopes will not have any adverse impact to the character of this item as they are adequately separated from the nearby item. Furthermore, subject to future detailed applications and competitive design processes, it is anticipated that any design will achieve the principles of design excellence which will therefore limit any impact to the heritage items.

### ***Q10: Has the Planning Proposal adequately addressed any social and economic effects?***

The Planning Proposal is not considered to have any negative social or economic effects as the intended use and density of the subject site will remain unchanged. With this being said, there are clear benefits associated with the flexibility delivered through allowing the strategic placement of floor area throughout the site. These are described further below.

### **Social Impact**

As detailed, the concept proposal will deliver a mixture of low, medium and high density building typologies which will improve access to housing diversity in the Zetland locality. Per the Reference Scheme, the proposed envelopes are capable of supporting 30 x 3/4 townhouses and 130 x 1 bedroom, 399 x 2 bedroom, 184 x 3 bedroom and 71 4 bedroom residential apartments. This residential accommodation will be provided in a mixture of building forms which will also achieve high levels of amenity and is ultimately a superior outcome when compared to the current planning controls.

Importantly, the provision of 30 x townhouses is considered to provide a significant public benefit not currently envisaged by SLEP and SDCP. That is, the current planning controls do not allow for the flexible distribution of floor area and will ultimately deliver homogenous, medium to high density residential accommodation. The provision of lower density townhouses and higher density towers improves social diversity and variety. It is considered that the concept scheme can cater for a wide variety of occupants of varying socio-economic status' through the proposed built form and housing diversity.

Further to the above, the Planning Proposal and concurrent concept scheme improves the amenity, liveability and character of the public domain. That is, the relocation of built form has improved solar access to publicly accessible spaces, in addition to delivering further through-site connections in an east-west direction. The proposed public domain works will improve social interaction, the vitality of the site (and non-residential uses) and further encourage walking and cycling.

The concept scheme will provide 86,228m<sup>2</sup> of residential accommodation, 3,696m<sup>2</sup> of non-residential floor area and significant improvements to the public domain which will only have positive social benefits for the Zetland locality.

### **Economic Impact**

As discussed, this Planning Proposal will have no impact to the envisaged quantum of residential and non-residential floor area on the subject site. The relocation of floor area strategically throughout the site will have no negative economic implications on the Green Square – Epsom Park Precinct. It is noted that the concept scheme will deliver 3,696m<sup>2</sup> of non-residential floor area which upon future detailed application, can provide appropriate uses as desired within the locality.





### 7.3.4 Section D - State and Commonwealth Interests

#### ***Q11: Is there adequate public infrastructure for the Planning Proposal?***

The site is within the Green Square-Mascot Strategic Centre which is well serviced by infrastructure, utilities, public transport and a variety of social support services and recreational facilities. The Planning Proposal seeks to only increase maximum height with no change to FSR or density. The height amendments will therefore not trigger requirements for local or regional scale amplification or introduction of new infrastructure, services or facilities.

Appropriate Development Contributions will be levied at the time of development consent for any future building work, subject to the Stage 1 DA submitted concurrently with this application. It is noted that no VPA is submitted with this Planning Proposal as there will be no fundamental benefit for the applicant given the quantum of floor area permitted currently under the SLEP 2012 is unchanged.

#### ***Q12: What are the views of State and Commonwealth public authorities consulted in accordance with the Gateway determination?***

The proposed LEP amendment does not trigger any changes to:

- Infrastructure and services provided by State agencies and public authorities;
- Resources managed by State agencies and public authorities.

The proposal does not trigger the referral criteria in Attachment B to the DPIE Guideline. For these reasons no referrals or consultation with State agencies and authorities are considered necessary.

A future Gateway determination will specify the list of agencies and public authorities required to be consulted and the methods and timing of such consultation.

## 7.4 PART 4 - MAPPING

The proposed amendment to LEP maps is indicated in **Figure 31**. Should Council resolve to support the application for a Planning Proposal, proposed mapping amendments will be prepared by Council staff.

## 7.5 PART 5 - COMMUNITY CONSULTATION

Consistent with the requirements for a Standard LEP amendment and the DPIE Guidelines, it is anticipated that a draft Planning Proposal would be publicly exhibited for a period of 28 days. The exhibition material will include documents as specified in the Gateway determination and will include a copy of the Planning Proposal, an explanation of provisions, draft LEP maps and an indication of the timeframes for completion of the process as estimated by Council.

It is anticipated that the Community Consultation methods will include forwarding copies of relevant documents to appropriate State and Commonwealth agencies, notice of public exhibition in a local newspaper and on City of Sydney Council's website, providing copies of exhibition material in electronic and hard copy form at relevant local government premises and letters of notification to nearby and potentially affected land owners.

## 7.6 PART 6 - PROJECT TIMELINE

The estimation of the project timeline is provided below with the intention of optimising efficiency in the process:





**Table 15 Project Timeline**

Phase	Timing
Gateway determination date	TBD (by Department of Planning & Environment)
Completion of required technical information	No additional supporting studies required  Draft DCP Provisions to be completed within 3 weeks of Gateway determination, if required.
Government agency consultation (pre-exhibition)	Not required
Government agency consultation (during exhibition)	Concurrent with public exhibition (28 days)
Commencement and completion dates for public exhibition period	TBD
Consideration of submissions	Two weeks from close of public exhibition
Post-exhibition consideration of the application	Four weeks from close of public exhibition
Date of submission to the Department to finalise the LEP / anticipated date RPA will make the plan (if delegated)	Six weeks from close of public exhibition



## 8. Conclusion

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This planning proposal seeks to amend *Sydney Local Environmental Plan 2012* to increase the maximum building height at Nos. 118-130 Epsom Road and 905 South Dowling Street, Zetland. The amendment is submitted concurrently with a Stage 1 Concept Development Application which seeks approval for numerous building envelopes across the site, of which a number of envelopes exceed the maximum height permitted under Clause 4.3 of the SLEP 2012.

This application for a planning proposal has been prepared in accordance with Division 3.4 and Division 3.5 of the *Environmental Planning and Assessment Act 1979* (EP&A Act) as well as the NSW DPIE "*Local Environmental Plan Making Guideline*" (December 2021).

The application demonstrates the proposed LEP amendment has strategic and site specific merit. The amendment is consistent with the Greater Sydney Regional Plan, the Eastern City District Plan, majority of key priorities of the Local Strategic Planning Statement, applicable State Environmental Planning Policies and Ministerial Directions as prescribed by Section 9.1 of the EP&A Act.

This application for a Planning Proposal demonstrates that the proposed amendments to SLEP 2012 to allow changes to building height will result in a superior outcome during the development application stages. This Application for a Planning Proposal will allow for improved flexibility in site arrangement and design which will ultimately deliver a built form which will enhance the streetscape character, relationship to surrounding developments and amenity of neighboring properties and the public domain. The changes to the planning controls will:

- Improve presentation to the established and future streetscapes at multiple scales, being the pedestrianized and greater urban fabric;
- Distribution of massing increasing visual amenity through building arrangement, bulk and scale;
- Allowing for a variation in building heights across the site to establish hierarchy, with high density towers located on the corners, medium density around the periphery and lower density centrally;
- Superior relationship of the proposed built form to the surrounding properties, without adversely impacting their amenity as it pertains to solar access, privacy and views;
- Significant improvements to the amenity of the public domain, in particular, the delivery of solar access to Mulgu Park;
- Opportunity to deliver more public open spaces and through-site links at ground level (as a result of the rearrangement of floor space), thus improving improve site permeability;
- Provision of greater deep soil and soft landscaping;
- Opportunity to provide greater housing diversity within building envelopes ranging from low to high density, thus delivering housing for a greater cross-section of the community; and
- Improvements to public safety and amenity by rationalising the location of built form within key portions of the site, thus allowing for improvements to the public domain particularly as this pertains to public open spaces and the public domain.

In addition, the changes to maximum building height will provide a significant number of public benefits which are discussed throughout this application for a Planning Proposal. The application is entirely consistent with the local, regional and state strategic planning directions. It follows that the proposal will not result in unacceptable environmental effects or demands for new or augmented local and regional infrastructure and services. The amendment will facilitate future development options on the site that:

- are consistent with adopted key planning strategies
- are compatible with the context and setting including the heritage-listed conservation areas and streetscape; and

- can deliver future social, environmental, cultural and economic benefits.

The UDS and concept proposal prepared by *Mako Architecture* demonstrates that a high quality scheme integrated with public domain works, including roadways and public open spaces, pedestrian links and movement paths, compatible building forms, landscaped areas and high levels of amenity will be delivered. The Stage 1 DA comprehensively demonstrates that the proposed building form which will be supported by this Planning Proposal, will deliver a high quality development capable of supporting contemporary architectural designs achieving design excellence.

The UDS concludes that the concept proposal contributes to the Green Square – Epsom Park Precinct to allow for the delivery of a built form which is entirely compatible with the continually emerging character of the locality. Furthermore, the Planning Proposal has the potential to deliver better design outcomes and public benefits for both future residents and the wider public.

This application for a Planning Proposal is worthy of Council's support.



# ANNEXURE A

## Urban Design Report



# ANNEXURE B

## Concept and Reference Scheme



# ANNEXURE C

## Survey Plan



# ANNEXURE D

## Landscape Plan





# ANNEXURE E

## Traffic and Parking Assessment



# ANNEXURE F

## Wind Assessment Report



# ANNEXURE G

## Acoustic Assessment Report



# ANNEXURE H

## ESD Report



# ANNEXURE I

## Flood and Stormwater Management Report



# ANNEXURE J

## Public Art Strategy



# ANNEXURE K

## Arborist Report



# ANNEXURE L

## OLS Certification





# ANNEXURE M

## Council Pre-Lodgement Letter

