



## 7.0 ASSESSMENT AND JUSTIFICATION FOR THE PLANNING PROPOSAL

An assessment of the suitability of the proposal is outlined below.

### 7.1 Metropolitan Strategy and Sydney City draft Sub-regional Strategy

GSTC is identified as a “planned major centre” in the strategies.

The proposal is consistent with the aims, objectives and provisions of the Metropolitan Strategy as supported by the Sydney City draft Sub-regional Strategy.

Of particular note is the consistency with the following key directions of the draft Sub-regional Strategy:

- Improving the quality of the built environment while aiming to decrease Sydney’s ecological footprint, by including a vertical expansion on an existing site in close proximity to public transport.
- The concept is also consistent with the aims of the strategy for the economy and employment, and for the development of GSTC as a planned major centre.
- The proposal will facilitate the introduction of additional commercial floor space to support new jobs, without damaging other centres, will accommodate additional retail space to service the growing Urban Renewal Area and will also accommodate increased housing to meet the projected targets for the City of Sydney LGA.

As discussed in this report the proposal will make a major contribution to employment and housing targets established in the draft Sub-regional Strategy, particularly given that the Council’s Capacity Study of 2008 highlights that these targets will not be met, based on the current planning controls across the LGA.

The estimated commercial employment arising from the commercial floor space under the existing LEP provisions is 1,104 jobs. The increase in commercial employment, arising from the additional 40,500m<sup>2</sup> of commercial floor space is estimated to be 2,433 jobs (based on industry standards for commercial office space), providing a total estimate of 3,537 commercial jobs on the subject sites.

The proposed retail floor space provides for an estimated 750 jobs, representing an increase of 170 jobs from the existing LEP provisions.

The estimated increase in dwelling numbers is between 180-220, depending on the final housing mix.

### 7.2 Sustainable Sydney 2030 (SS2030)

SS2030 identifies directions and targets. A response to the targets is provided in Figure 17.

Figure 17: (following page) Responding to 2030.

# RESPONDING TO 2030

**Target No. 1**  
Reduce 1990 green house gas emissions by 50 per cent

**Target No. 2**  
Capacity to meet local electricity and water demand

**Target No. 3**  
48,000 additional dwellings

**Target No. 4**  
7.5 per cent of all housing social housing - 7.5 per cent affordable housing

**Target No. 5**  
97,000 additional jobs in the City

Greenhouse Gas Emissions 70%

Green Transformer 70% GHGE 80% H<sub>2</sub>O

1500 new dwellings

\$20m+ Contribution to Affordable Housing

4300 + 2500

**Target No. 6**  
80 per cent of City workers commuting on public transport - 80 per cent of work trips by City residents in non private vehicles

**Target No. 7**  
10 per cent of trips made in the City by cycling - 50 per cent of trips made by walking

**Target No. 8**  
Every resident within a 10 minute (800m) walk to a main street

**Target No. 9**  
Every resident within a 3 minute (260m) walk of continuous green link

**Target No. 10**  
The level of community Cohesion and Social Capital will have increased

1 bicycle for every dwelling

220 800

200 140

140

vision  
community  
partnerships  
village  
delivery  
connected  
belonging  
place matters



SS2030 identifies GSTC as a planned major centre and the focus for the wider urban renewal area. SS2030 also includes ambitious targets for employment and housing in the local government area. In particular SS2030 targets 97,000 additional jobs and 3.97 million square metres of additional employment floor space, over and above that estimated in the current planning controls, will be needed. The proposed increase in commercial employment floor space as outlined in the Planning Proposal, of approximately 40,500m<sup>2</sup>, will generate approximately 2,433 additional jobs, as outlined in Section 7.1. The increase in retail floor space will create an additional 750 jobs.

The Planning Proposal, as well as contributing to increased retail, commercial and residential floor space so as to ensure a commercially viable Town Centre, will provide the development opportunity, and therefore much needed catalyst, to realise the vision of GSTC, a major strategic objective of SS2030.

The Planning Proposal creates the opportunity for Council to realise its vision for 'green infrastructure'. The development of the core sites will support the business case for this new utility and likely be the first subscriber.

A more detailed analysis of the proposal against the Directions and Targets of SS2030 is included at Annexure P.

### **7.3 City Plan 2010**

The Council is undertaking the preparation of comprehensive new planning controls for the LGA.

The City Plan will deliver a new comprehensive Local Environmental Plan (LEP) and Development Control Plan (DCP) and supporting information. The current review process involves a number of projects, studies and research which all inform the new City Plan.

Some of the specific projects that are relevant to this proposal include:

- Capacity Study 2008
- Green Square and Southern Areas Retail Study 2008
- Green Square Built Form Review 2007

#### **7.3.1 Capacity Study 2008**

The City of Sydney Capacity Study 2008 undertook an assessment of the potential development capacity across the City of Sydney local government area and examined whether the Council is in a position to meet housing and employment targets under the draft Sub-regional Strategy and SS2030. The assessment is based on the planning controls across the LGA, as well as trends in development and constraints on development.

The capacity study indicated that, without any changes to planning controls, the additional capacity identified in the Study would provide sufficient floor space to meet 78.0% of the published draft Sub-regional Strategy floor area target and 70.0% of the published SS2030 target. If the additional gross floor area identified at Barangaroo and the Redfern-Waterloo Authority strategic sites is included (approx. 1 million m<sup>2</sup>), the City is only able to provide sufficient floor space to meet 90.7% of the anticipated targets for increased dwellings and workforce within the draft Sub-regional Strategy and 81.4% of SS2030. Nonetheless there remains a deficiency in planned floor space to meet both housing and employment targets.

Based on the analysis contained in the Capacity Study, the gap in floor space to meet the Sub-regional targets is 731,910m<sup>2</sup>, and the gap in meeting the SS2030 targets equates to 1.63 million m<sup>2</sup> of gross floor space.



Clearly there is a planning need for more floor space. Consistent with the strategic planning directions set by the Department of Planning and City of Sydney Council, the location for required additional floor space should be in identified centres, including the planned major centre of GSTC.

### 7.3.2 Green Square and Southern Areas Retail Study 2008

The 2008 Study recommended a number of planning actions, many of which are not directly relevant to this matter and so are not addressed in particular detail in this report.

Of particular note and relevance to this Planning Proposal are the resolutions of both the Council (3 November 2008) and Central Sydney Planning Committee (30 October 2008) when these bodies considered the Study. The resolutions included:

- (ii) that the allocation of retail floor space in the Green Square Town Centre be increased to an appropriate quantum;*
- (iii) that the retail floorspace in the nominated centres be of a type and scale that supports and does not detract from the retail hierarchy and the primacy of the Green Square Town Centre as the planned major centre;*

The Study recommends a total gross retail floor space of 26,000m<sup>2</sup> for the Town Centre. This Planning Proposal increases the gross retail floor space on the relevant sites by 3,500m<sup>2</sup>, from 12,100m<sup>2</sup> to 15,600m<sup>2</sup>, making a major contribution to realising the recommendation in the Study and the resolutions of Council and CSPC.

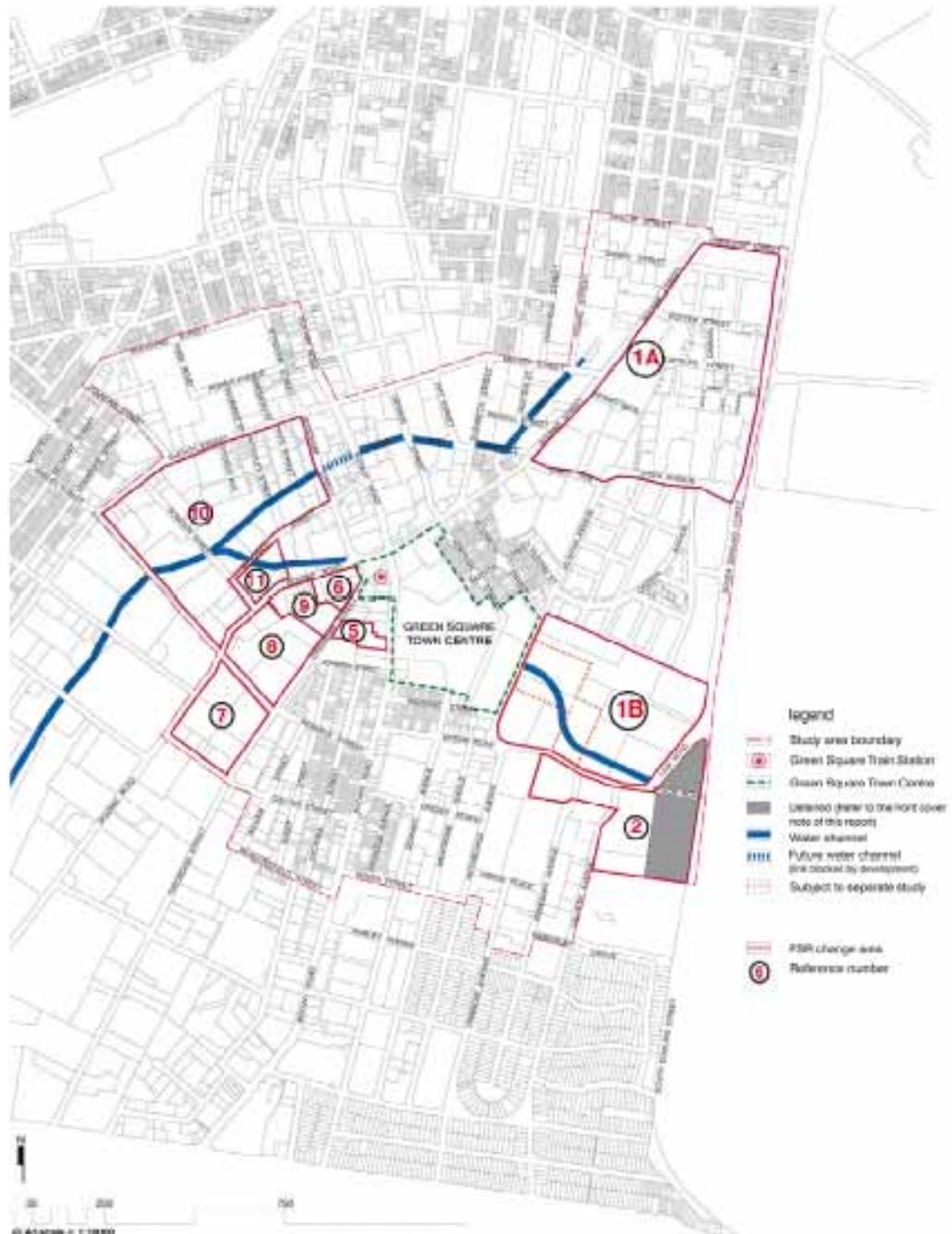
### 7.3.3 Green Square Built Form Review 2007

This Study did not involve the GSTC but instead concentrated on the remainder of the Urban Renewal Area. Nonetheless the findings of the Study have direct implications for the Town Centre and the LGA as some precincts within the Renewal Area are recommended for reduction in density and scale of development. If the Council is to meet its wider strategic objectives for employment and housing growth, identified in SS2030, the Metropolitan Strategy and the draft Sub-regional Strategy, then these reductions will need to be addressed by action to increase density elsewhere in the City.

The key objectives of this study were to:

- Identify character areas or neighbourhoods within the study area, identify their existing character and develop desired future character statements;
- Test and evaluate the existing urban design and built form controls against the objectives of the Green Square vision statements;
- Model different built form scenarios for the study area and identify where more dense development with minimal impact on existing development may occur in the future; and
- Review current public domain requirements and recommend amendments where appropriate to achieve the objectives of the future character statements for the various Green Square neighbourhoods.

The testing established where current height and FSR controls did not produce the desired built form outcome and provided the basis for the review of the controls for each test site. The study makes recommendations for each site in terms of height, FSR, proposed street network, setbacks and any open space requirements. In a number of cases large precincts are proposed to have a decrease in floor space and development potential. The map on page 58 (Figure 18) shows these areas within the Green Square area.



**Figure 18:** Decreased FSR Controls (Source: Green Square Built Form Review 2007. Architectus and City of Sydney Council).

This proposal does not provide a detailed analysis of the implications of the Study recommendations but what is clear is that, if there are to be reductions in development potential for housing and employment purposes in the Urban Renewal Area, then the loss will need to be taken up elsewhere, in order to meet the Council’s strategic planning objectives and targets.

Sound planning principles suggest that any increased development density should be located within the already identified major Town Centre, immediately adjacent to existing public transport infrastructure.



#### 7.4 Proposal Justification

The justification provided below is based on the format included in the NSW Department of Planning *A guide to preparing planning proposals* of July 2009.

##### *Need for the planning proposal*

#### 1. Is the planning proposal a result of any strategic study or report?

There is a considerable body of strategic work that supports the Town Centre and an increase in development density in the Town Centre.

The need for the Town Centre is recognised in the Metropolitan Strategy, the Sydney City draft Sub-regional Strategy and SS2030.

This proposal builds on and reinforces the strategic planning work undertaken to date, ensuring the economic and orderly redevelopment of key sites within the Town Centre.

In terms of the specific Planning Proposal the supporting documentation includes:

- The additional floor space, over and above the development potential contained in the current planning controls for the LGA, including those for GSTC, needed to meet housing and employment targets in both the Sydney City draft Sub-regional Strategy and SS2030;
- Additional retail floor space needed in GSTC as identified in the Green Square and Southern Areas Retail Study 2008;
- In addition to the additional floor space identified in the two points above, the compounding impact of the potential reduction in development density for large areas of the Urban Renewal Area as identified and recommended in the Green Square Built Form Review; and
- The result of the detailed public tendering process undertaken by Landcom in securing a development partner – confirming the commercial viability of development outlined in this Planning Proposal, and ensuring development of the Town Core Sites. Landcom has absorbed the cost of purchase of the former Waverley and Woollahra Incinerator site, as well as the cost of relocating the Police facility and in so doing has consolidated the sites necessary for the Planning Proposal to proceed.

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

It is considered that the Planning Proposal is the best means of achieving the desired outcomes for the relevant key sites. Adoption of updated planning provisions for the key sites will allow the realisation of viable, orderly and economic development of the sites.

The redevelopment of the sites will realise the integrated delivery of key community benefits for the Town Centre in the form of the public plazas and new streets.

The planning proposal is also the best means of achieving the recommendations of the Green Square and Southern Areas Retail Study 2008 regarding increased retail space in the Town Centre.

Without the updated planning provisions the key sites at the heart of the Town Centre, may not be capable of being unlocked.



### 3. Is there a net community benefit?

The community benefits arising from the proposal are discussed in Section 6 of this report and are included in the statement included at Annexure E.

In summary they include:

A range of additional public benefits will be delivered through development of the relevant Town Core Sites.

These public benefits have been classified in two broad categories – general benefits that arise from development of the Town Core Sites under this Proposal, and specific proposals for various program and initiatives.

There are a range of general benefits that will result from the Proposal, including:

- Providing a vibrant and active retail environment that will service the local community and foster a strong local character
- Facilitating the delivery of a major new public domain (plazas) by activating the adjoining sites as a catalyst for delivery
- Creating a fine-grain, pedestrian friendly environment that embraces the SS2030 principles
- Improving access and permeability through sites that are currently inaccessible to the public, which will particularly benefit existing communities to the east of the Town Centre seeking to access the Green Square Railway Station
- Providing of a variety of retail and office spaces that will support key services, such as medical suites, small business and child care
- Providing additional employment floor space
- Providing additional housing
- Multiplier effect to the sub-region of additional investment in GSTC.

Landcom and GSC have also developed specific proposals for a range of initiatives that will be implemented as part of the development, including:

- Appointing a Place Manager for a period of four years following occupation of the first development to coordinate community development activities
- Delivering a range of community and social programs in partnership with local organisations
- Implementing a 'welcome program' and providing key community information to all new residents
- Providing a bicycle to each new household with the Town Core Sites to support sustainable and health transport options
- Consulting with independent experts such as City Futures Institute, UNESCO Growing Up in Cities Project, Heart Foundation and UTS Designing Out Crime Unit to ensure a safe, healthy and inclusive design
- Fostering training and development through existing corporate programs, such as the Leighton Indigenous Program.

*Relationship to strategic planning framework*

### 4. Is the planning proposal consistent with the objectives and actions contained within the applicable regional or sub-regional strategy (including the Sydney Metropolitan Strategy and exhibited draft strategies)?

The State Government's Sydney City draft Sub-regional Strategy sets directions and actions for the implementation of the Sydney Metropolitan Strategy at a more detailed local level. Sub-regional



planning provides a framework for coordinating planning, development, infrastructure, transport, an open space network and environmental actions across local and state government agencies.

The following table identifies the actions that are directly relevant to the Planning Proposal and discusses whether the Planning Proposal is consistent with those actions. The conclusion is that the proposal is consistent with the draft Sub-regional Strategy and in particular the following 'key directions' articulated in the draft Sub-regional Strategy:

- *Reinforce global competitiveness and strengthen links to the regional economy*

The proposal will greatly assist in ensuring sufficient zoned and serviced land to meet the Employment Capacity Target for the sub-region. Proposed is an increase of approximately 40,500m<sup>2</sup> of commercial space and 3,500m<sup>2</sup> of retail space. The increase in commercial space, directly adjacent to existing heavy rail and regional bus infrastructure is estimated to create an additional 2,433 jobs. The increase in retail floor space will create an additional 750 jobs.

- *Plan for sustainable development of major urban renewal projects*

Development of GSTC, as a Planned Major Centre, is one of the key actions of the sub-regional strategy. This proposal is a major step forward in realising this.

- *Plan for housing choice*

The proposal includes a range of housing types and affordability, consistent with the key action. The increase in residential floor space is approximately 17,900m<sup>2</sup>, potentially accommodating an additional 180-220 dwellings, based on the Council's estimates in the 2008 Capacity Study.

- *Develop an improved and increasingly integrated transport system that meets the subregion's multiple transport needs*

The proposal includes an increase in employment and retail floor space immediately adjacent to an existing and underutilised railway station and line. This will assist in the ongoing viability of the public transport infrastructure.

The proposal will serve to reinforce an integrated transport and land use mix around a planned major centre and includes a dedicated public transport corridor within the public domain.

- *Improve the quality of the built and natural environment while aiming to decrease the subregion's ecological footprint.*

The proposal will transform a contaminated industrial landscape and replace this with a public domain based on water sensitive urban design and a built environment of high design quality and high level environmental performance, centred around a major transport node.

The proposed environmental initiatives will contribute to the significant improvement of downstream water quality.



*Response to draft sub-regional strategy actions*

Action	Consistency	Response
<p><b>A. Economy and Employment</b>            SC A1.1.1: The City of Sydney Council to prepare a Principal LEP which will provide sufficient zoned and serviced land to meet the employment capacity target</p>	Yes	<p>The planned Major Centre of Green Square is to accommodate a total of 14,000 jobs in 2031, approximately 5,000 of which are proposed in the Town Centre. The proposal is to increase the quantum of commercial floor space across the key sites from approximately 18,500m<sup>2</sup> to approximately 59,000m<sup>2</sup>.</p> <p>This increase in commercial space, immediately adjacent to the railway station will significantly boost employment opportunities, consistent with the strategy.</p> <p>The additional commercial floor space will generate approximately 2,433 additional jobs in GSTC (based on industry standards). The increase in retail floor space will create an additional 750 jobs.</p>
A1.2 Plan for sufficient zoned land and infrastructure to achieve employment capacity targets in employment lands	Yes	<p>The Council's 2008 Capacity Study identifies the need for additional employment based floor space within the LGA in order to meet the targets of the draft Sub-regional Strategy and SS2030.</p> <p>Increasing the quantum of commercial floor space as proposed may achieve additional commercial office employment of approximately 2,433 jobs. The increase in retail floor space will create an additional 750 jobs.</p>
A3.2 Increase integration of employment and housing markets	Yes	The guiding principles of the Town Centre are to provide integrated land uses in a sustainable model around a major transport hub. The Planning Proposal provides increased housing and employment in the planned major centre.
<p><b>B. Centres and Corridors</b>            SC B1.1.1 State agencies and City of Sydney Council to incorporate the established centre typology into their land use and infrastructure planning and Council's Principal LEP</p>	Yes	Proposal is consistent with, and substantially reinforces, the Planned Major Centre
SC B2.1.3 Landcom and the City of Sydney Council to implement the GSTC Local Environmental Plan (LEP)	Yes	Landcom is proposing to implement the first stage of the Town Centre. The first step was to seek a development partner and this Planning Proposal arises out of and responds to that process.
SC B3.1 The NSW Government to continue to leverage off its public assets to facilitate renewal of key	Yes	The strategy specifically nominates government assets at Green Square, including State and local that will enable



Action	Consistency	Response
sites in Sydney Sub-region		<p>large scale renewal of the area into a Planned Major Centre.</p> <p>This proposal has been prepared with the express purpose of achieving this action.</p>
SC B3.4.2 City of Sydney Council and NSW Government to maintain potential in local plans and strategies for commercial development in city fringe areas and at Green Square	Yes	<p>The strategy nominates the implementation of the GSTC LEP and the provision of commercial development surrounding the Green Square Station.</p> <p>The proposal introduces more commercial floor space around Green Square station, consistent with the action.</p>
SC B4.1.2 The City of Sydney to investigate appropriate locations for retail uses in Strategic Centres, Business Development Zones and Enterprise Corridors	Yes	<p>The Council has examined the need for retail space in the Green Square area via the Green Square and Southern Areas Retail Study.</p> <p>The need for additional retail space in the Town Centre was identified in the Study and the proposal is consistent with the Study recommendations and the strategic action, by including additional retail space.</p>
<b>C. Housing</b> SC C1.3.1 City of Sydney Council to plan for sufficient zoned land to accommodate their local government area housing targets through their Principal LEP.	Yes	The proposal increases the residential development potential on the key sites.
SC C2.1.1 City of Sydney Council to ensure location of new dwellings maintains the subregion's performance against the target for the State Plan Priority E	Yes	This relates to the theme of an "Improved Urban Environment" in State Plan 2006 (superseded in March 2010) and includes: Jobs Closer to Home; and A Supply of Land and Housing That Meets Demand. The Planning Proposal is consistent with this action.
SC C2.1.2 City of Sydney Council to provide in their LEP, zoned capacity for a significant majority of new dwellings to be located in strategic and local centres.	Yes	<p>The Council's 2008 Capacity Study identifies the need for additional housing potential in order to meet targets. This is then compounded by the potential "down zoning" of some areas of the Urban Renewal Area, as recommended in Green Square Built Form Review of 2007.</p> <p>As a result additional dwelling capacity needs to be found within the LGA. Increasing the available capacity within GSTC, as proposed in the Planning Proposal, is consistent with this action.</p>
SC C2.1.4 Council and Landcom to work in partnership on the implementation and delivery of the	Yes	The Planning Proposal is put forward in order to ensure delivery of the Town Centre. Landcom and the Council will



Action	Consistency	Response
GSTC		maintain the existing partnership, which will not be altered as a result of the proposal.
SC C2.3.2 City of Sydney Council to provide for an appropriate range of zoning and residential development controls to cater for changing housing needs.	Yes	The Council's 2008 Capacity Study identifies the need for additional housing potential in order to meet targets. This is then compounded by the potential "down zoning" of some areas of the Urban Renewal Area, as recommended in Green Square Built Form Review of 2007.  As a result additional dwelling capacity needs to be found within the LGA. Increasing the available capacity within GSTC, as proposed in the Planning Proposal, is consistent with this action.
C4.1 Improve the affordability of housing	Yes	There will be a monetary contribution to affordable housing, arising from the approval of new development envisaged in the proposal.
SC C5.1.1 City of Sydney Council to continue to encourage a high standard of design	Yes	This Planning Proposal includes a Design Excellence process.
<b>D. Transport</b> SC D2.3.2 State and Local Government to improve existing interchanges, stations, bus stops and ferry wharves.	Yes	The density of development included in the Planning Proposal will provide the vitality and volume of patronage needed to improve the potation and viability of the existing heavy rail line servicing GSTC.
SC D3.1.1 City of Sydney Council to implement the City of Sydney's draft Cycle Strategy and Master Plan.	Yes	The proposal will assist in implementation. In particular the improved fine grain layout of roads and the inclusion of a public transport corridor through the public domain and roads will assist the bicycle strategy.
SC D3.1.2 The Roads and Traffic Authority, in cooperation with City of Sydney Council, to continue to upgrade walking and cycling facilities to improve everyday access within and across neighbourhoods, villages, town centres and Strategic Centres in the Sydney City Subregion.	Yes	The improved public domain and urban design of the relevant Town Core Sites will significantly contribute to achieving this action.
SC D3.1.3 NSW Government and local government to align local walking and cycling networks with public transport routes to improve accessibility to public transport.	Yes	As above.
SC D3.2.1 City of Sydney Council to apply the Metropolitan Parking Policy to Strategic Centres in the Sydney City Subregion including the Planned Major Centre of Green	Not inconsistent	This is a matter for the Council. The Planning Proposal does not relate to this particular action.



Action	Consistency	Response
Square and Central Sydney in developing local parking policies.		
<b>E. Environment, Heritage And Resources</b> SC E2.1.5 City of Sydney Council, Department of Planning, Redfern-Waterloo Authority and Sydney Harbour Foreshore Authority to continue to promote water-sensitive urban design.	Yes	As outlined in Section 6 of this report, the Planning Proposal includes an enhanced water sensitive urban design outcome.
SC E3.2.1 Council to encourage other large water users such as industries and golf courses or large redevelopment of residential areas to use recycled water from industries or Sydney Water sources where applicable.	Yes	Provision will be made for dual reticulation that can then be connected to the proposed Sydney Water recycled water network when delivered by that body.
SC E3.3.1 NSW Government to give in principle support to the City of Sydney in its aim to become the first carbon neutral council in NSW	Yes	The environmental sustainability outcomes associated with Planning Proposal, as outlined in Section 6 of the report, will make a significant contribution to the achievement of this action.
SC E5.3.1 Council to plan for land affected by flooding in accordance with the Government's Flood Prone Land Policy and Floodplain Development Manual.	Yes	The Council has in place a management response to the flooding of GSTC. This Planning Proposal does not alter or hinder the Council management approach. The management of stormwater drainage and flooding, specific to the subject sites is addressed in this proposal.
<b>F. Parks, Public Places and Culture</b> SC F2.1.1 City of Sydney Council to maintain or increase the provision of local open space particularly in centres and along transport corridors where urban, and particularly residential, growth is being located.	Yes	The proposal increases the extent of public domain and formalised public space in the GSTC.
SC F2.2.1 The City of Sydney Council and Redfern Waterloo Authority to work with other agencies to provide local open space in key development areas such as Green Square, Redfern, Waterloo and other renewal areas.	Yes	The proposal is consistent with the anticipated open space envisaged for GSTC.
SC F 2.2.3 City of Sydney Council to ensure existing and new parks and public places are well adapted to their context, highly usable and robust.	Yes	The proposal provides a considered and high quality design for the public domain as detailed in the annexed architectural drawings.
SC F2.3.1 The City of Sydney to consider the need for civic space in planning for future growth or renewal	Yes	As above.



Action	Consistency	Response
of centres, such as Green Square and Redfern Waterloo		
<b>G. Implementation and Governance</b> SC G2.1.3 Landcom and City of Sydney Council to plan for the development of Green Square as a Planned Major Centre	Yes	The Planning Proposal is concerned with achieving this action and proposes an orderly and commercially viable development proposal for key sites within the Town Centre.
G2.4 Manage urban renewal projects	Yes	The Planning Proposal addresses the realisation and ongoing management of one of the largest urban renewal project in the City.  Landcom will remain involved with the Council to ensure the whole of the Town Centre emerges as planned over the longer period.

Table 7: Response to actions arising from draft Sub-regional Strategy.

#### 5. Is the planning proposal consistent with the local council's Community Strategic Plan, or other local strategic plan?

SS2030 outlines the Council's vision for a 'green, global and connected' City and sets targets, objectives and actions to achieve that vision.

A detailed response to the key directions and targets in SS2030 is included at Annexure P.

The realisation of GSTC is a major action arising from the strategic plan.

#### 6. Is the planning proposal consistent with applicable state environmental planning policies?

Several State Environmental Planning Policies (SEPPs) are relevant to the proposal and are reviewed below. These include:

- State Environmental Planning Policy (Affordable Rental Housing) 2009

The SEPP establishes a consistent planning regime for the provision of affordable rental housing. The policy provides incentives for new affordable rental housing, facilitates the retention of existing affordable rentals, and expands the role of not-for-profit providers. It also aims to support local centres by providing housing for workers close to places of work, and facilitate development of housing for the homeless and other disadvantaged people.

#### Comment

The SEPP is currently applicable and will continue to apply.

- State Environmental Planning Policy (Infrastructure) 2007

The SEPP provides a consistent planning regime for infrastructure and the provision of services across NSW, along with providing for consultation with relevant public authorities during the assessment process. The SEPP supports greater flexibility in the location of infrastructure and service facilities along with improved regulatory certainty and efficiency. In addition it provides



consultation requirements with relevant public authorities required during the development assessment process (eg. RTA).

#### Comment

The development controls in Part 3 of the SEPP are divided into 25 use based divisions. Of particular relevance is clause 104 which refers to traffic generating development. It is likely that some future developments will require RTA concurrence under the SEPP.

- State Environmental Planning Policy No 55—Remediation of Land

This SEPP prescribes a statutory process associated with the rezoning or development of land that is contaminated and needs remediation.

The policy states that land must not be developed if it is unsuitable for a proposed use because it is contaminated. If the land is unsuitable, remediation must take place before the land is developed.

Clause 6 of SEPP 55 specifically relates to a zoning or rezoning proposal, and requires the following:

- Council is to consider whether the land is contaminated;
- If the land requires remediation, Council is to be satisfied that the land will be remediated before the land is used for the proposed purpose; and
- The preparation of a preliminary investigation of the land to be carried out in accordance with the contaminated land planning guidelines.

The policy categorises remediation into two categories:

- Category 1 remediation work – work needing consent; and
- Category 2 remediation work – work not needing consent.

#### Comment

The SEPP will apply to industrial sites proposing to be redeveloped. There has been extensive analysis of contamination and remediation requirements for the whole of the Town Centre and an Interim Site Audit Statement is included with the Planning Proposal.

- State Environmental Planning Policy No 65—Design Quality of Residential Flat Development

The SEPP sets the standards framework for the design quality of residential flat development across the state through the application of a series of design principles. The SEPP provides for the establishment of Design Review Panels to provide independent expert advice to councils on the merit of residential flat development. The accompanying regulation requires the involvement of a qualified designer throughout the design, approval and construction stages.

#### Comment

The proposal includes a proposed Design Excellence process for all future development.

#### **7. Is the planning proposal consistent with applicable Ministerial Directions (s.117 directions)?**

Section 117 of the *Environmental Planning and Assessment Act 1979* (the EP&A Act) enables the Minister for Planning to issue directions regarding the content of LEPs to the extent that the



content must achieve or give effect to particular principles, aims, objectives or policies set out in those directions.

There is a range of Section 117 Directions (Local Planning Directions) requiring certain matters to be addressed if they are affected by a proposed LEP. An assessment against these is included below.

#### *Review of Section 117 Ministerial Directions*

### **1. Employment and resources**

#### **1.1 Business and industrial zones**

##### **Objectives**

- (1) The objectives of this direction are to:
  - (a) encourage employment growth in suitable locations,
  - (b) protect employment land in business and industrial zones, and
  - (c) support the viability of identified strategic centres.

Where this direction applies

- (2) This direction applies to all relevant planning authorities.

When this direction applies

- (3) This direction applies when a relevant planning authority prepares 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).

What a relevant planning authority must do if this direction applies

- (4) A planning proposal must:
  - (a) give effect to the objectives of this direction,
  - (b) retain the areas and locations of existing business and industrial zones,
  - (c) not reduce the total potential floor space area for employment uses and related public services in business zones,
  - (d) not reduce the total potential floor space area for industrial uses in industrial zones, and
  - (e) ensure that proposed new employment areas are in accordance with a strategy that is approved by the Director-General of the Department of Planning.

Consistency

- (5) A planning proposal may be inconsistent with the terms of this direction only if the relevant planning authority can satisfy the Director-General of the Department of Planning (or an officer of the Department nominated by the Director-General) that the provisions of the planning proposal that are inconsistent are:
  - (a) justified by a strategy which:
    - (i) gives consideration to the objective of this direction, and
    - (ii) identifies the land which is the subject of the planning proposal (if the planning proposal relates to a particular site or sites), and
    - (iii) is approved by the Director-General of the Department of Planning, or
  - (b) justified by a study (prepared in support of the planning proposal) which gives consideration to the objective of this direction, or



- (c) in accordance with the relevant Regional Strategy or Sub-Regional Strategy prepared by the Department of Planning which gives consideration to the objective of this direction, or
- (d) of minor significance.

Note: In this direction, "identified strategic centre" means a centre that has been identified as a strategic centre in a regional strategy, sub-regional strategy, or another strategy approved by the Director General.

#### Comment

The proposal does affect the existing zoning. The proposal will reinforce the strategic centre and will add employment floor space. The proposal is consistent.

### 2. Environment and Heritage

#### Comment

Directions under item 2 are not relevant to the Proposal.

### 3. Housing, Infrastructure and Urban Development

#### 3.1 Residential Zones

##### Objectives

- (1) The objectives of this direction are:
  - (a) to encourage a variety and choice of housing types to provide for existing and future housing needs,
  - (b) to make efficient use of existing infrastructure and services and ensure that new housing has appropriate access to infrastructure and services, and
  - (c) to minimise the impact of residential development on the environment and resource lands.

##### Where this direction applies

- (2) This direction applies to all relevant planning authorities.

##### When this direction applies

- (3) This direction applies when a relevant planning authority prepares a planning proposal that will affect land within:
  - (a) an existing or proposed residential zone (including the alteration of any existing residential zone boundary),
  - (b) any other zone in which significant residential development is permitted or proposed to be permitted.

##### What a relevant planning authority must do if this direction applies

- (4) A planning proposal must include provisions that encourage the provision of housing that will:
  - (a) broaden the choice of building types and locations available in the housing market, and
  - (b) make more efficient use of existing infrastructure and services, and



- (c) reduce the consumption of land for housing and associated urban development on the urban fringe, and
  - (d) be of good design.
- (5) A planning proposal must, in relation to land to which this direction applies:
- (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
  - (b) not contain provisions which will reduce the permissible residential density of land.

#### Consistency

- (6) A planning proposal may be inconsistent with the terms of this direction only if the relevant planning authority can satisfy the Director-General of the Department of Planning (or an officer of the Department nominated by the Director-General) that the provisions of the planning proposal that are inconsistent are:
- (a) justified by a strategy which:
    - (i) gives consideration to the objective of this direction, and
    - (ii) identifies the land which is the subject of the planning proposal (if the planning proposal relates to a particular site or sites), and
    - (iii) is approved by the Director-General of the Department of Planning, or
  - (b) justified by a study prepared in support of the planning proposal which gives consideration to the objective of this direction, or
  - (c) in accordance with the relevant Regional Strategy or Sub-Regional Strategy prepared by the Department of Planning which gives consideration to the objective of this direction, or
  - (d) of minor significance.

#### Comment

The proposal is consistent with this direction. It will provide housing choice, making more efficient use of existing infrastructure and services, and reducing the consumption of land for housing and associated urban development on the urban fringe.

### 3.4 Integrating Land Use and Transport

#### Objective

- (1) The objective of this direction is to ensure that urban structures, building forms, land use locations, development designs, subdivision and street layouts achieve the following planning objectives:
- (a) improving access to housing, jobs and services by walking, cycling and public transport, and
  - (b) increasing the choice of available transport and reducing dependence on cars, and
  - (c) reducing travel demand including the number of trips generated by development and the distances travelled, especially by car, and
  - (d) supporting the efficient and viable operation of public transport services, and
  - (e) providing for the efficient movement of freight.

#### Where this direction applies

- (2) This direction applies to all relevant planning authorities.



When this direction applies

- (3) This direction applies when a relevant planning authority prepares 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.

What a relevant planning authority must do if this direction applies

- (4) 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:
- (a) Improving Transport Choice – Guidelines for planning and development (DUAP 2001), and
  - (b) The Right Place for Business and Services – Planning Policy (DUAP 2001).

Consistency

- (5) A planning proposal may be inconsistent with the terms of this direction only if the relevant planning authority can satisfy the Director-General of the Department of Planning (or an officer of the Department nominated by the Director-General) that the provisions of the planning proposal that are inconsistent are:
- (a) justified by a strategy which:
    - (i) gives consideration to the objective of this direction, and
    - (ii) identifies the land which is the subject of the planning proposal (if the planning proposal relates to a particular site or sites), and
    - (iii) is approved by the Director-General of the Department of Planning, or
  - (b) justified by a study prepared in support of the planning proposal which gives consideration to the objective of this direction, or
  - (c) in accordance with the relevant Regional Strategy or Sub-Regional Strategy prepared by the Department of Planning which gives consideration to the objective of this direction, or
  - (d) of minor significance.

**Comment**

The planning proposal is consistent with Direction 3.4.

### 3.5 Development Near Licensed Aerodromes

Objectives

- (1) The objectives of this direction are:
- (a) to ensure the effective and safe operation of aerodromes, and
  - (b) to ensure that their operation is not compromised by development that constitutes an obstruction, hazard or potential hazard to aircraft flying in the vicinity, and
  - (c) to ensure development for residential purposes or human occupation, if situated on land within the Australian Noise Exposure Forecast (ANEF) contours of between 20 and 25, incorporates appropriate mitigation measures so that the development is not adversely affected by aircraft noise.

Where this direction applies

- (2) This direction applies to all relevant planning authorities.



When this direction applies

- (3) This direction applies when a relevant planning authority prepares a planning proposal that will create, alter or remove a zone or a provision relating to land in the vicinity of a licensed aerodrome.

What a relevant planning authority must do if this direction applies

- (4) In the preparation of a planning proposal that sets controls for the development of land in the vicinity of a licensed aerodrome, the relevant planning authority must:
- (a) consult with the Department of the Commonwealth responsible for aerodromes and the lessee of the aerodrome,
  - (b) take into consideration the Obstacle Limitation Surface (OLS) as defined by that Department of the Commonwealth,
  - (c) for land affected by the OLS:
    - (i) prepare appropriate development standards, such as height, and
    - (ii) allow as permissible with consent development types that are compatible with the operation of an aerodrome
  - (d) obtain permission from that Department of the Commonwealth, or their delegate, where a planning proposal proposes to allow, as permissible with consent, development that encroaches above the OLS. This permission must be obtained prior to undertaking community consultation in satisfaction of Section 57 of the Act.
- (5) A planning proposal must not rezone land:
- (a) for residential purposes, nor increase residential densities in areas where the ANEF, as from time to time advised by that Department of the Commonwealth, exceeds 25, or
  - (b) for schools, hospitals, churches and theatres where the ANEF exceeds 20, or
  - (c) for hotels, motels, offices or public buildings where the ANEF exceeds 30.
- (6) A planning proposal that rezones land:
- (a) for residential purposes or to increase residential densities in areas where the ANEF is between 20 and 25, or
  - (b) for hotels, motels, offices or public buildings where the ANEF is between 25 and 30, or
  - (c) for commercial or industrial purposes where the ANEF is above 30, must include a provision to ensure that development meets AS 2021 regarding interior noise levels.

Consistency

- (7) A planning proposal may be inconsistent with the terms of this direction only if the relevant planning authority can satisfy the Director-General of the Department of Planning (or an officer of the Department nominated by the Director-General) that the provisions of the planning proposal that are inconsistent are:
- (a) justified by a strategy which:
    - (i) gives consideration to the objectives of this direction, and
    - (ii) identifies the land which is the subject of the planning proposal (if the planning proposal relates to a particular site or sites), and
    - (iii) is approved by the Director-General of the Department of Planning, or
  - (b) justified by a study prepared in support of the planning proposal which gives consideration to the objective of this direction, or
  - (c) in accordance with the relevant Regional Strategy or Sub-Regional Strategy prepared by the Department of Planning which gives consideration to the objective of this direction, or
  - (d) of minor significance.



### Comment

The proposal is consistent with the Direction.

The existing planning controls for the Town Centre have been approved by the Commonwealth and the proposed scale of development does not exceed the approved scale. Nonetheless it is expected that the proposal will require further consideration of the OLS.

Any residential development is capable of being designed in order to limit noise impacts.

## 4 Hazard and Risk

### 4.3 Flood Prone Land

#### Objectives

- (1) The objectives of this direction are:
  - to ensure that development of flood prone land is consistent with the NSW Government's Flood Prone Land Policy and the principles of the Floodplain Development Manual 2005, and
  - to ensure that the provisions of an LEP on flood prone land is commensurate with flood hazard and includes consideration of the potential flood impacts both on and off the subject land.

#### Where this direction applies

- (2) This direction applies to all relevant planning authorities that are responsible for flood prone land within their LGA.

#### When this direction applies

- (3) This direction applies when a relevant planning authority prepares a planning proposal that creates, removes or alters a zone or a provision that affects flood prone land.

#### What a relevant planning authority must do if this direction applies

- (4) A planning proposal must include provisions that give effect to and are consistent with the NSW Flood Prone Land Policy and the principles of the Floodplain Development Manual 2005 (including the Guideline on Development Controls on Low Flood Risk Areas).
- (5) A planning proposal must not rezone land within the flood planning areas from Special Use, Special Purpose, Recreation, Rural or Environmental Protection Zones to a Residential, Business, Industrial, Special Use or Special Purpose Zone.
- (6) A planning proposal must not contain provisions that apply to the flood planning areas which:
  - permit development in floodway areas,
  - permit development that will result in significant flood impacts to other properties,
  - permit a significant increase in the development of that land,
  - are likely to result in a substantially increased requirement for government spending on flood mitigation measures, infrastructure or services, or
  - permit development to be carried out without development consent except for the purposes of agriculture (not including dams, drainage canals, levees, buildings or structures in floodways or high hazard areas), roads or exempt development.



- (7) A planning proposal must not impose flood related development controls above the residential flood planning level for residential development on land, unless a relevant planning authority provides adequate justification for those controls to the satisfaction of the Director-General (or an officer of the Department nominated by the Director-General).
- (8) For the purposes of a planning proposal, a relevant planning authority must not determine a flood planning level that is inconsistent with the Floodplain Development Manual 2005 (including the Guideline on Development Controls on Low Flood Risk Areas) unless a relevant planning authority provides adequate justification for the proposed departure from that Manual to the satisfaction of the Director-General (or an officer of the Department nominated by the Director-General).

#### Consistency

- (9) A planning proposal may be inconsistent with this direction only if the relevant planning authority can satisfy the Director-General (or an officer of the Department nominated by the Director-General) that:
- (a) the planning proposal is in accordance with a floodplain risk management plan prepared in accordance with the principles and guidelines of the Floodplain Development Manual 2005, or
  - (b) the provisions of the planning proposal that are inconsistent are of minor significance.

#### Comment

This matter is already addressed in the existing LEP provisions.

### 5. Regional Planning

#### Comment

Directions under item 5 are not relevant to the Proposal.

### 6 Local Plan Making

#### 6.1 Approval and Referral Requirements

##### Objective

- (1) The objective of this direction is to ensure that LEP provisions encourage the efficient and appropriate assessment of development.

##### Where this direction applies

- (2) This direction applies to all relevant planning authorities.

##### When this direction applies

- (3) This direction applies when a relevant planning authority prepares a planning proposal.

##### What a relevant planning authority must do if this direction applies

- (4) A planning proposal must:
- minimise the inclusion of provisions that require the concurrence, consultation or referral of development applications to a Minister or public authority, and



- not contain provisions requiring concurrence, consultation or referral of a Minister or public authority unless the relevant planning authority has obtained the approval of:
  - the appropriate Minister or public authority, and
  - the Director-General of the Department of Planning (or an officer of the Department nominated by the Director-General),

prior to undertaking community consultation in satisfaction of Section 57 of the Act, and

- not identify development as designated development unless the relevant planning authority:
  - can satisfy the Director-General of the Department of Planning (or an officer of the Department nominated by the Director-General) that the class of development is likely to have a significant impact on the environment, and
  - has obtained the approval of the Director-General of the Department of Planning (or an officer of the Department nominated by the Director-General) prior to undertaking community consultation in satisfaction of Section 57 of the Act.

Consistency

- (5) A planning proposal must be substantially consistent with the terms of this direction.

**Comment**

Consistent.

## 7. Metropolitan Planning

### 7.1 Implementation of the Metropolitan Strategy

Objective

- (1) The objective of this direction is to give legal effect to the vision, land use strategy, policies, outcomes and actions contained in the Metropolitan Strategy.

Where this direction applies

- (2) The direction applies to all local government areas in the Metropolitan area, including the City of Sydney LGA.

When this direction applies

- (3) This direction applies when a Relevant Planning Authority prepares a planning proposal.

What a Relevant Planning Authority must do if this direction applies

- (4) Planning proposals shall be consistent with:
- (a) the NSW Government's Metropolitan Strategy: City of Cities, A Plan for Sydney's Future, published in December 2005 ('the Metropolitan Strategy').

Consistency

- (5) A planning proposal may be inconsistent with the terms of this direction only if the Relevant Planning Authority can satisfy the Director-General of the Department of Planning (or an officer of the Department nominated by the Director-General), that the extent of inconsistency with the Metropolitan Strategy:



- (a) is of minor significance, and
- (b) the planning proposal achieves the overall intent of the Strategy and does not undermine the achievement of its vision, land use strategy, policies, outcomes or actions.

#### Comment

The Planning Proposal is consistent with the Direction.

*Environmental, social and economic impact.*

#### **8. 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?**

There is no critical habitat or threatened species that will be adversely affected. In establishing the existing planning regime for GSTC as a planned major centre these issues have been addressed. This Planning Proposal does not alter the circumstances.

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

There are a range of positive environmental outcomes associated with the proposal and these are outlined in Section 6 of this report.

There are potential additional environmental effects arising from the proposed increase in development density. These principally relate to increased traffic and environmental effects associated with additional building height. The traffic and transport issues are addressed in the Transport Report prepared by Colston Budd Hunt and Kafes at Annexure I.

The impact of additional building height is addressed in the shadow diagrams included at Annexure M. This demonstrates that the design includes a sensitive distribution of building form and scale.

The economic and social impacts of the proposal are likely to be positive, as discussed in Section 6.

#### **10. How has the planning proposal adequately addressed any social and economic effects?**

There are a number of past studies that have informed the current planning controls for GSTC. The Council, the NSW Department Of Planning and the Minister for Planning were satisfied with the adequacy of social and economic information when making the current Town Centre LEP.

The most recent economic analysis included the Green Square and Southern Areas Retail Study 2008, confirming the need for considerably more retail floor space in GSTC, over and above that contemplated in the existing LEP provisions.

What is known is that the proposal is consistent with employment and retail development recommendations included in the Metropolitan Strategy, the draft Sub-regional Strategy, SS2030 and the Green Square and Southern Areas Retail Study 2008.

The GSTC is to be the centre of social and community facilities for the Urban Renewal Area. The proposal includes an enhanced public domain. Only with the development of the subject sites within the Town Centre will the anticipated social and economic benefits be achieved. The Planning Proposal looks to realise orderly and commercially viable development on these key sites.



The proposal is not supported at this stage by further economic or social analysis. This detailed technical analysis may occur should the proposal proceed.

*Section D - State and Commonwealth interests.*

#### **11. Is there adequate public infrastructure for the planning proposal?**

The current suite of planning controls for the Town Centre includes the GSTC Infrastructure Strategy, which identifies the essential infrastructure necessary to facilitate and service the planned major centre, establishes a regime for delivery of this infrastructure and establishes a Development Rights Scheme to fund the essential infrastructure costs. This is in addition to the existing major public transport and road infrastructure already in existence and proposed to be enhanced.

The funding and roll-out of essential infrastructure, linked to future development, is not fundamentally altered by this Planning Proposal. In summary the proposal is based on:

- Dedicating land identified as Public Domain Zone to Council
- Making monetary Development Rights contributions
- Reliance on the City of Sydney to deliver the essential infrastructure
- An expectation that the staging and timetable for infrastructure delivery will be agreed in a voluntary planning agreement
- Making monetary contributions calculated on the 'base' gross floor area permitted under the current Town Centre LEP for the relevant sites – being 161,100 sqm. The total Development Rights contribution payable on this floor area is \$35.8million
- Not materially altering the scope or cost of the majority of essential infrastructure
- Acknowledging that the exception to this are utility services, which account for less than 5% of the Council's published essential infrastructure budget. Costs associated with any additional utility capacity that is specifically required to service the proposed additional floor space will be met

This matter is also addressed in Annexure E.

#### **12. What are the views of State and Commonwealth public authorities consulted in accordance with the gateway determination?**

This Section of the planning proposal is completed following consultation with the State and Commonwealth Public Authorities identified in the gateway determination and must summarise any issues raised by public authorities not already dealt with in the planning proposal, and address those issues as appropriate.