



4.0 EXISTING PLANNING REGIME

4.1 City of Sydney Planning Scheme Ordinance 1971

The key sites, and the majority of the Town Centre, remain zoned 4 (a) Industrial General under the City Of Sydney Planning Scheme Ordinance 1971, due to the deferral of the Green Square Town Centre Local Environmental Plan (SSLEP Amendment 17).

For the purposes of the Planning Proposal this report concentrates on the deferred provisions as it is the proposed amendments to these provisions that are the focus of attention.

4.2 South Sydney LEP 1998 Amendment 17 – Green Square Town Centre

The aims and objectives of this site specific LEP are:

3 Aims and objectives of plan

(1) *The aims of this plan are:*

- (a) *to foster the environmental, economic, social and cultural well-being of Green Square by encouraging the establishment of a significant new town centre (the Green Square Town Centre), and*
- (b) *to encourage the orderly and sustainable development of land within the Green Square Town Centre.*

(2) *The objectives of this plan are:*

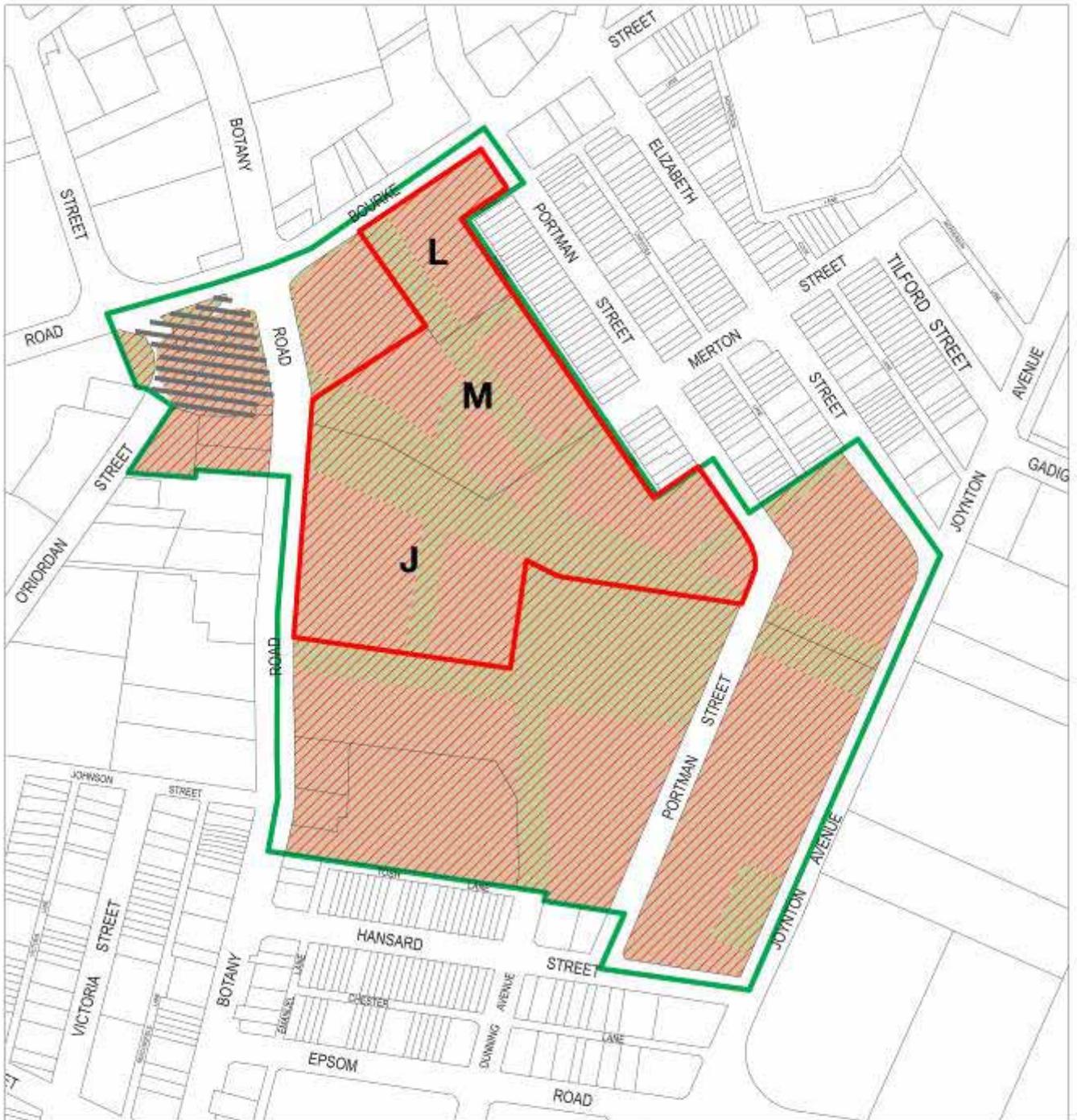
- (a) *to deliver environmental planning outcomes and benefits to the public and owners of land within the Green Square Town Centre that are significantly superior to those likely to result from development of the land in accordance with the local environmental planning instruments currently applying to that land, and*
- (b) *to establish the subdivision pattern, permissible land uses, land use mix, maximum gross floor area and maximum building heights, that together, will encourage development of the Green Square Town Centre, and*
- (c) *to establish planning provisions for development of a vibrant town centre with an appropriate mix of land uses, visual interest and a distinctive character that is meaningful to the local community, and informed by the social, cultural and historical values and attributes of Green Square, and*
- (d) *to encourage the provision of a high-quality, safe and functional public domain, and ensure high-quality building design, and*
- (e) *to facilitate the conservation of heritage items and areas of heritage significance.*

The LEP provisions are highly prescriptive and reflect the apparent intention of implementing, down to the last square metre of development floor space, the master plan design of the Town Centre. As a result each and every development site is nominated, as are the exact development outcomes on each of these sites. This approach was a result of seeking not only certainty for design outcomes, but also to provide certainty for the associated development rights contributions needed to fund the infrastructure costs.

4.2.1 Zoning and land uses

The sites "L", "M" and "J" are all zoned partly 11 (a) GSTC and 11 (b) GSTC Public Domain, as shown in Figure 3 on page 19.

These zonings reflect those areas of the Town Centre that are to accommodate future private development and future public domain, including the central plazas, open space and the new roads.



Zoning

Legend

Green Square Town Centre

-  Land subject to Clause 27KH (2)
-  Green Square Town Centre Boundary
-  Zone No. 11(a) Green Square Town Centre
-  Zone No. 11(b) Green Square Town Centre Public Domain
-  Deferred Matter

Figure 3: Zoning of sites L, M and J (extract from GSTC Zoning Map, City of Sydney Council).



The zone objectives and land use provisions are included in full as Annexure A to this report.

In summary, the 11 (a) zone allows commercial, retail and residential development, as defined in the LEP. The uses are defined as:

- **commercial development** means development for any of the following purposes: *advertising structures; amusement centres; backpackers' hostels; car parking stations; child care centres; clubs; commercial premises; commercial signs; community centres; educational establishments; high technology industries; hospitals; hotels; medical centres; motels; motor showrooms; places of assembly; places of public worship; private hotels; public buildings; recreation areas; recreation facilities; restaurants; restricted premises.*
- **residential development** means development for any of the following purposes: *bed and breakfasts; boarding houses; child care centres; community centres; dwelling houses; educational establishments; home industries; local businesses; local shops; multiple dwellings; professional consulting rooms; serviced apartments.*
- **retail development** means development for any of the following purposes: *advertising structures; amusement centres; child care centres; clubs; commercial signs; hotels; markets; restaurants; shops.*

4.2.2 Development sites

The LEP is prescriptive in defining individual development sites within the Town Centre as shown in Figure 4 on page 21. Again the subject sites and public domain are highlighted in pink.



Figure 4: Development Sites (extract from Schedule 4 Green Square Town Centre Infrastructure Strategy, City of Sydney Council).

This prescriptive approach is used to specify the exact land use mix and quantum of floor space on each of the development sites, as outlined below.

4.2.3 Gross floor area, land use mix and “conforming development”

Schedule 5 to Amendment 17 of SSLEP 1998 includes the specific land use and gross floor space mix for the development sites within GSTC. The table from Schedule 5 is reproduced in Table 3 on page 22, with the current development density on the relevant Planning Proposal sites highlighted.



Development Site	Total Gross Floor Area	Commercial Development	Residential Development	Retail Development
Site No 1	41,700 m ²	94.8%	Nil	5.2%
Site No 2	15,900 m ²	100.0%	Nil	Nil
Site No 3	5,900 m ²	98.1%	Nil	1.9%
Site No 4	5,300 m ²	100.0%	Nil	Nil
Site No 5	22,100 m ²	13.6%	72.4%	14.0%
Site No 6	35,800 m ²	27.8%	72.2%	Nil
Site No 7	19,100 m ²	31.5%	68.5%	Nil
Site No 8	43,900 m ²	10.6%	86.0%	3.4%
Site No 9	27,800 m ²	6.7%	93.3%	Nil
Site No 10	7,200 m ²	9.3%	90.7%	Nil
Site No 11	21,100 m ²	2.1%	97.9%	Nil
Site No 12	31,200 m ²	Nil	100.0%	Nil
Site No 13	35,000 m ²	6.7%	86.5%	6.8%
Site No 14	22,000 m ²	20.8%	79.2%	Nil
Site No 15	22,600 m ²	Nil	100.0%	Nil
Site No 16	11,600 m ²	10.8%	89.2%	Nil
Site No 17	6,800 m ²	22.5%	72.3%	5.2%
Site No 18	4,400 m ²	6.0%	86.3%	7.7%
Site No 19	30,600 m ²	5.5%	72.2%	22.3%

Table 3: Gross floor area and total mix of development.

Development that is consistent with the provisions in the above table is defined in the LEP as “conforming development”:

conforming development, in relation to a development site, means development that results in a total gross floor area, and a mix of commercial, residential and retail development, equal to the total gross floor area and total mix of development specified for that site in Part 2 of Schedule 5.

There are specific LEP provisions to vary the development standard, and these are discussed in Section 4.2.5.

4.2.4 Maximum height

As with floor space, there are prescriptive development standards relating to building height as well, expressed in the relevant height map, reproduced in Figure 5 shown on page 23.

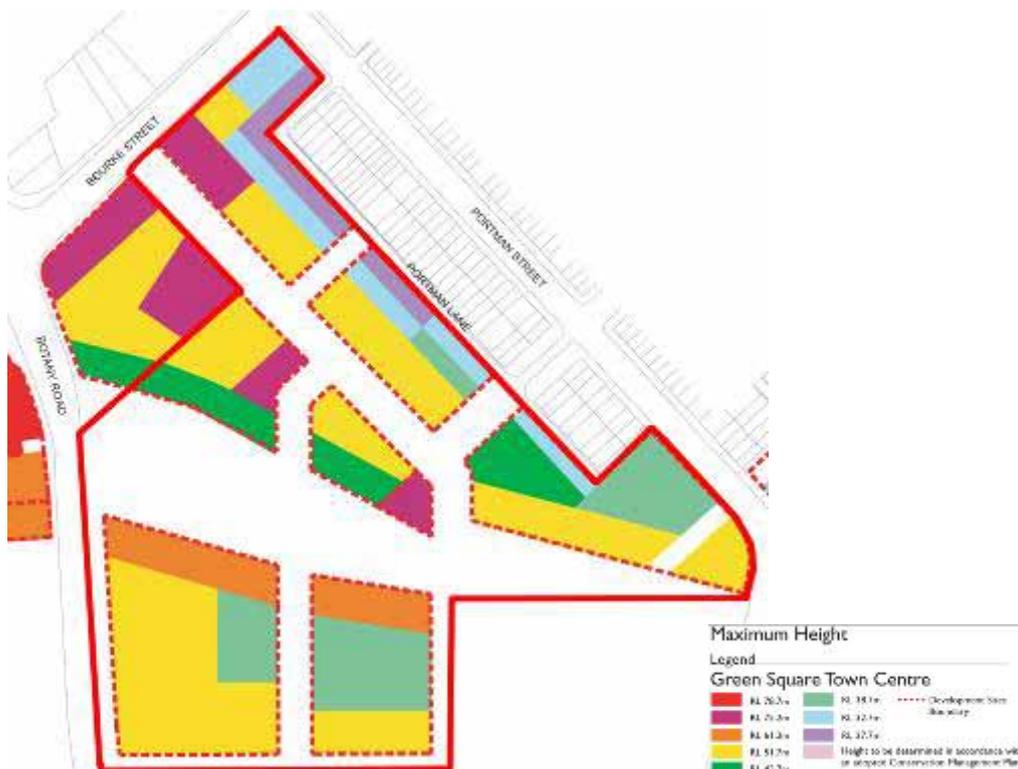


Figure 5: Maximum building heights (extract from Amendment 17, SSLEP 1998).

4.2.5 Varying the Development Standards

As mentioned in Section 4.2.3, provisions to vary the floor space and maximum height development standards are included in the LEP. State Environmental Planning Policy No 1 – Development Standards, does not apply to the land to which the GSTC LEP provisions apply.

The unique provisions include definitions of *conforming development* and *non-conforming development* and additional provisions that allow movement from one to the other – varying the development standard.

In the case of gross floor area and land use mix, the provisions are:

27KF Gross floor area and land use mix

- (1) Subject to subclause (2), the Council must not grant consent to the carrying out of non-conforming development on any development site.
- (2) The Council may grant consent to the carrying out of non-conforming development on any development site if it is satisfied that:
 - (a) the total gross floor area of all development on that site will not differ by more than 10% from the total gross floor area specified for that site in Part 2 of Schedule 5, and
 - (b) the proportion of the gross floor area of the development in respect of each purpose specified in Part 2 of Schedule 5 (commercial, residential or retail):
 - (i) if the proportion so specified in relation to that purpose is other than “nil”, will not differ by more than 10% from the proportion so specified (where, for example, 18% and 22% each differ by 10% from 20%), and
 - (ii) if the proportion so specified in relation to that purpose is “nil”, will not exceed 5% of the gross floor area of the development, and



- (c) *the design of the development is derived from, and supported by, a rigorous analysis of the development site, and*
- (d) *the development will result in a built form that contributes positively to the amenity of the public domain, and will not have a significant adverse effect on the use of any adjoining land, and*
- (e) *the development will achieve the objectives of the zone in which it is carried out in a manner that equals, or betters, that which would result from the carrying out of conforming development on that site.*

For the purposes of the above clause the following definitions apply.

conforming development, in relation to a development site, means development that results in a total gross floor area, and a mix of commercial, residential and retail development, equal to the total gross floor area and total mix of development specified for that site in Part 2 of Schedule 5.

non-conforming development, in relation to a development site, means development that is not conforming development in relation to that site.

For maximum height the provisions are:

27KG Maximum height

- (1) *The Council must not grant consent to the erection on any land within the Green Square Town Centre of any building whose height exceeds the maximum height for development on that land, expressed as reduced level (RL), as shown on the Green Square Town Centre Height Map.*
- (2) *Despite the development standard established by subclause (1), consent may be granted to the erection on any such land of a building whose height exceeds the relevant maximum height if the Council is satisfied that:*
 - (a) *the granting of such consent:*
 - (i) *will not create an undesirable precedent for other development, and*
 - (ii) *will not diminish the overall effect of the development standard for development in the vicinity of that land, and*
 - (b) *the particular physical attributes of the land (in terms of location, context, slope, site configuration and the like) will render the strict application of the development standard unreasonable or unnecessary in the circumstances, and*
 - (c) *the proposed building will improve or contribute positively to the public domain and will achieve design excellence, and*
 - (d) *the relevant maximum height will not be exceeded by more than 10%.*
- (3) *In this clause:*

height, in relation to a building, means the height of the highest point of the building (excluding plant and lift overruns, communication devices and the like).

In summary, both the gross floor area and maximum building height development standards may be varied by a maximum of 10%.

4.2.6 Building Design Quality

The LEP provisions include a relevant clause intended to ensure design quality of new buildings. Clause 27KE states:



27KE Architectural design standards

The Council must not grant consent to development on land within the Green Square Town Centre unless it is satisfied that:

- (a) a high standard in terms of architectural design, materials and detailing will be achieved, and*
- (b) the form and external appearance of the buildings associated with the development will contribute in a positive manner to the quality, amenity and character of the public domain, consistent with the objectives of the zone in which it is carried out.*

4.2.7 Floodwater Management

Due to the existing flooding and drainage issues associated with the land within the proposed Town Centre, the LEP includes specific provisions to address this.

27KH Floodwater management

- (1) The Council must not consent to development on land within the Green Square Town Centre unless it is satisfied that the development:*
 - (a) will not adversely affect flood behaviour, including:*
 - (i) the flood peak at any point upstream or downstream of the proposed development, and*
 - (ii) the flow of floodwater on adjoining lands, and*
 - (b) will not significantly increase any flood hazard or the likelihood of flood damage to any property, and*
 - (c) will not restrict the capacity of any floodway, and*
 - (d) will not increase the risk to the lives or personal safety of members of the public or emergency services and rescue personnel, and*
 - (e) incorporates any freeboard levels and other flood proofing measures adopted by the Council in any relevant floodplain risk management policy.*
- (2) Without limiting subclause (1), the Council must not consent to development on land situated on the southern corner of Botany Road and O’Riordan Street, as shown hatched on the map, unless it is satisfied that:*
 - (a) the development is consistent with any relevant floodplain risk management policies and local flood plans that have been adopted by the Council, and*
 - (b) on completion of the development, the land will achieve a low hazard categorisation for a 1% AEP (Annual Exceedance Probability) flood event (as defined in the Floodplain Development Manual), having regard to the design of the development, including flood proofing and flood modification measures, and*
 - (c) the development does not create or materially contribute to a significant risk to the safety of persons in a probable maximum flood (as defined in the Floodplain Development Manual).*
- (3) This clause does not limit the operation of clause 38.*
- (4) In this clause:*

Clause 27KH (2) does not apply to the relevant Town Core Sites within GSTC, as identified in this Planning Proposal.

4.3 South Sydney LEP 1998 Amendment 19 – Green Square Town Centre

Amendment 19 introduces provisions that allow a communal car park and retail facilities to be located below the plaza level of the Town Centre. The relevant provisions are:

27KK Communal car park in Zone No 11 (b)

- (1) The objectives of this clause are:*



- (a) to provide for a shared, publicly accessible car park which maximises the utility of spaces amongst users and uses, and
- (b) to ensure that the design and operation of the car park:
 - (i) enhances safety and security, and
 - (ii) encourages and incorporates provisions for other forms of transport including motorbikes, bicycles, shared vehicles and community buses.
- (2) The Council must not grant consent to development for the purpose of a communal car park within Zone No 11 (b) unless it is satisfied that:
 - (a) appropriate arrangements have been made to ensure co-ordinated, ongoing management and communal use of the car park, and
 - (b) appropriate facilities, including change and storage facilities, are provided for motorbike and bicycle users, and
 - (c) appropriate arrangements for shared vehicles, community buses and the like are provided, and are to be clearly and prominently identified, and
 - (d) appropriate arrangements have been made to reduce the number of private parking spaces available if the number of communal car parking spaces is insufficient to meet demand, and to designate those spaces as communal car parking spaces.

27KL Gross floor area for below-ground facilities in Zone No 11 (b)

The area of the following car parking spaces in a communal car park is to be included as part of the gross floor area of all development on a development site under clause 27KF:

- (a) car parking spaces that are allocated, by arrangement, to a particular development site (within the meaning of clause 27KF), and
- (b) exceed, when added to the number of car parking spaces located on the development site, the number of car parking spaces permitted for that development site by a development control plan or policy of the Council.

The area identified for the communal car park is shown below in Figure 6. It should be noted that the Planning Proposal does not include a car park or retail below the plazas.



Figure 6: Location of possible communal car park below the plaza level (extract from GSTC Zoning Map, City of Sydney Council).



4.4 South Sydney DCP 1997 Amendment H: Green Square Town Centre

The DCP provisions commenced operation on 26 April 2006 but only apply to land that has been rezoned under Amendment 17 to South Sydney LEP 1998 – the Green Square Town Centre LEP. To date no land has been formally rezoned as there have been no “undeferrals”.

Details of Section 2 of the DCP, outlining the Vision, Guiding Principles and Urban Structure are reproduced in full in Annexure N.

The Town Centre Structure Plan is shown below in Figure 7. The DCP Town Centre Structure Plan identifies a specific Town Core, as shown below. It is also clear the extent to which the subject sites sit within this identified Town Core, reinforcing their significance in the delivery of GSTC.



Figure 7: Town Centre Structure Plan (extract from Part H: Green Square Town Centre, South Sydney Development Control Plan 1997).



Section 3 of the DCP deals with the location of desired activities. The land use and public domain map is shown in Figure 8 below.

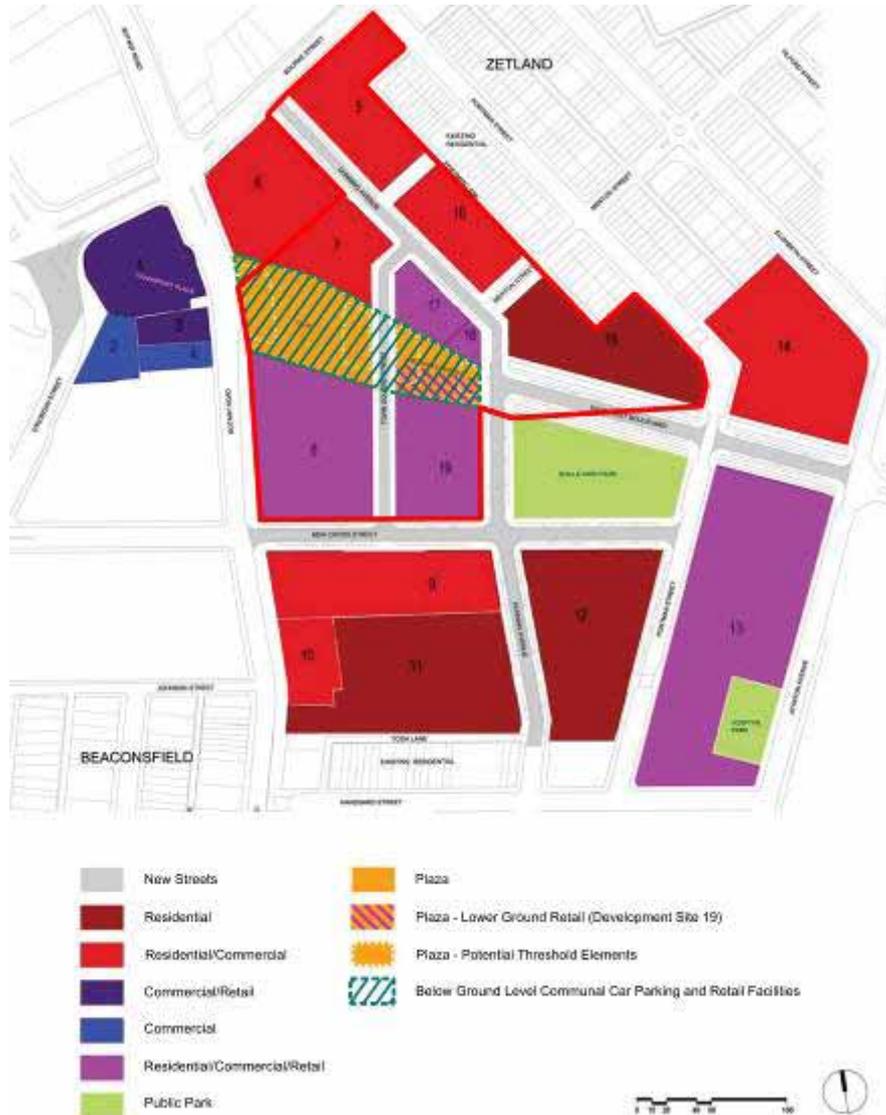


Figure 8: Land use and public domain map (extract from Part H: Green Square Town Centre, South Sydney Development Control Plan 1997).

Section 4 deals with the public domain, including the provision of public spaces, plazas and parks. The location and design criteria for all of the elements within the public domain are provided in great detail. Again, it is clear the extent to which the sites that are the subject of the Planning Proposal are critical to the delivery of the Town Centre, and in particular the majority of the public domain and central retail area.

Section 5 deals with the development and building design, including:

- through site links and vehicular entry
- provision of communal and private open space
- building alignments and setbacks
- awnings, colonnades and entries
- landscaping



The street hierarchy, traffic and transport is covered in Section 6. The transport structure plan is shown below in Figure 9.

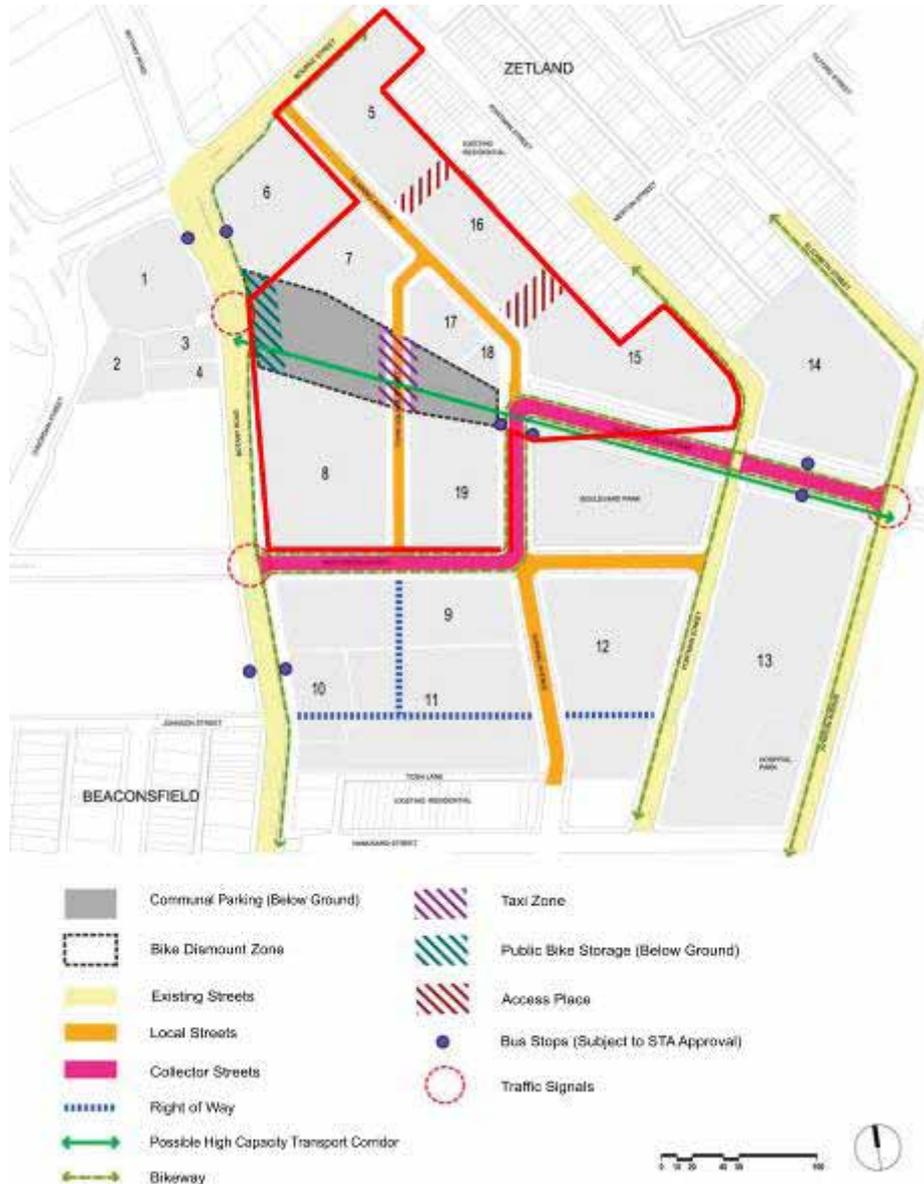


Figure 9: Transport structure plan (extract from Part H: Green Square Town Centre, South Sydney Development Control Plan 1997).

Section 6 also includes detailed design requirements for roads, footpaths and street planting.

Finally, Section 7 deals with flood risk management, including flood planning levels. This issue, along with the above key components of the Town Centre DCP, as they are relevant to the Planning Proposal, are addressed in Section 6 of this report.