

Part 1 – Objectives or Intended Outcomes

It is intended to implement a Standard Instrument LEP across the Green Square Town Centre area of the City of Sydney that replaces the current LEP made as an amendment to *South Sydney Local Environmental Plan 1998*, which operates as a deferred instrument under provision 59(3) of the EP&A Act.

The work the City has undertaken in drafting the City of Sydney city-wide City Plan, *Sydney Draft Local Environmental Plan 2011* (reported to Council and the CSPC in September 2010, but not yet publicly exhibited) and *Draft Sydney Development Control Plan 2011* informs the preparation of the site-specific controls for the residual sites. The Town Centre planning controls are excluded from the *Draft Sydney Local Environmental Plan 2011*, due to the planning controls not being easily integrated into the Standard Instrument template, in particular because of their highly prescriptive nature. This Town Centre LEP will be incorporated in the City's comprehensive LEP at a later time.

The objectives of this LEP Planning Proposal are to:

1. Enable the redevelopment of the residual sites for a mix of land uses that:
 - a. contribute to sub-regional housing and employment targets;
 - b. provide for the economic and social needs of the local community;
 - c. contribute to the creation of the Green Square Town Centre as a major commercial, retailing, cultural and entertainment centre for the southern areas of the City;
 - d. are located to take advantage of access to public transport; and
 - e. enhance the amenity and environment of the local area.
2. Maximise the use of public transport, walking and cycling by integrating land uses, access to public transport and services and the provision of on-site parking.
3. Encourage the development of buildings that achieve design excellence and a public domain that is safe, accessible and attractive.
4. Ensure that development is designed so as to promote the vitality of the public domain by providing active frontages to streets and other identified public spaces.
5. Ensure the use of land is appropriate to managing and minimising risks from flooding.
6. Allow equitable access to, within and across the Town Centre for pedestrians, cyclists, public transport and other vehicles.
7. Achieve sustainable development and encourage best practice.

It is intended the new LEP will update the current provisions and integrate the outcomes of recent studies and strategies, and the consideration of proposal(s) submitted to the City seeking an amendment of the current planning controls.

As previously mentioned, the primary objectives of the review are to produce:

- (d) a more flexible regulatory framework that can respond to market demand and that is compliant with Standard Instrument requirements;
- (e) a land use, built form and public domain framework that reflects good urban design and sustainability principles; and
- (f) a scheme that generates the catalyst for the creation of new jobs, services and dwellings serviced by the appropriate infrastructure and a high level of public transport accessibility.

The "deferral" model applies to all sites in the Town Centre under the current Town Centre LEP. It is intended to continue as the basis for ensuring the essential infrastructure is provided with any redevelopment. The mechanism for un-deferring land is an offer by the site owner/developer to commit to contribute to the delivery of the essential infrastructure and land. This commitment is set out in a Planning Agreement negotiated with the City of Sydney upon the request of the site owner/developer.

It is therefore intended to include in the LEP Standard Instrument clauses that apply to the land, in addition to establishing the criteria under which the instrument can be un-deferred. Additional local provisions on stormwater and flood management, architectural design standards, affordable housing, and car parking provision are proposed to be included.

Part 2 – Explanation of the Provisions

The proposed LEP will be a new site-specific principal LEP based on the Standard Instrument LEP and with local provisions that address site-specific issues. This LEP will be incorporated in the City's comprehensive LEP at a later time.

Primarily, the objectives will be achieved by:

1. Replacing the current Town Centre LEP controls to allow redevelopment for a mix of uses;
2. Providing appropriate development standards; and
3. Providing local provisions to manage environmental, social and economic impacts from future developments.

2.1 LEP Provisions

The Standard Instrument LEP provisions will cover, amongst others, the following key matters:

- **Land use zoning:** The current zoning consists of non-Standard Instrument compliant land use zones, which differentiate between the public open space and street network, and 'development sites'. As previously mentioned, in order to comply with the Standard Instrument, the LEP will apply Zone B4 Mixed Uses to the lots east of Botany Road and Zone B3 Commercial Core to the lots west of Botany Road at the Green Square railway station. The Planning Proposal does not intend to prohibit land uses otherwise permissible in the land use table.

Additionally the Planning Proposal will zone the site at 2A Bourke Road, Zone SP2 Road, as this lot is required for the realignment of O'Riordan Street, regional traffic management and will facilitate redevelopment of the Green Square railway station site at 312-318 Botany Road. The lot is identified in the Land Acquisitions Map.

Botany Road is also proposed as Zone SP2 Road as roads are to be zoned under the Standard Instrument, and this is the approach taken in the Draft *Sydney Local Environmental Plan 2011*.

- **Height of buildings:** The current Town Centre LEP provides for height of buildings expressed as RLs, where height is measured to the highest point of the building excluding plant and lift overruns, communication devices and the like. Under the Standard Instrument, height is measured from existing ground level to the highest point of the building, including plant and lift overruns, but excluding communication devices, antennae, etc. This Planning Proposal adopts the Standard Instrument definition and expresses height of buildings in RLs. This approach seeks to accommodate proposed ground levels and flood planning levels as documented in the essential infrastructure Development Application approved by Council in November 2008. It is noted subsequent minor adjustments will be necessary to accommodate future detailed design. (Flood planning levels are further explained in the section on Local Standard Instrument Provisions).

Height variations are shown for each lot, and reflects the maximum height of buildings within the 'development sites' and their alignment with the major public domain elements. In most cases the building heights also reflect the additional 10% floor space ratio permitted under the proposed Design Excellence provisions (see section 2.4 Local Provisions below).

- **Floor space ratio:** The current controls provide for a gross floor area for each 'development site', rather than a floor space ratio for lot areas. This Planning Proposal

sets floor space ratios for each of the residual sites which correspond to the aggregated gross floor area of each of the 'development sites' that will result from the proposed street layout. More detailed development site building bulk and form controls are to be contained in the DCP.

The floor space ratio calculations do not include the additional 10% permitted under the proposed Design Excellence provisions (see section 2.4 Local Provisions below).

- **Exceptions to development standards:** The current Town Centre LEP allows for a variation to the gross floor area and height controls of 10%. While providing limited flexibility in the development standards for the area, the prescriptive nature of the current gross floor area controls is necessary to ensure a minimum amount of floor space is generated for each 'development site' and ensure that adequate funding is contributed under the *Green Square Town Centre Infrastructure Strategy* for the delivery of essential infrastructure. This Infrastructure Strategy and the existing nexus between gross floor area, land use mix and development contributions is being reviewed by the City separately to this Planning Proposal. This matter is addressed later in this Planning Proposal.
- **Heritage:** This proposed heritage listing reflects the South Sydney Hospital heritage items currently listed on *Schedule 2 – Heritage Items of South Sydney Local Environmental Plan 1998*, which are based on the *Royal South Sydney Hospital, Joynton Avenue, Zetland Heritage Assessment*, undertaken in March 2004 by consultants City Plan Heritage.

The identified Royal South Sydney Hospital Group includes:

- (a) Administration Building, Queen Anne Style Building, 1913, with later alterations and additions;
- (b) Pathology Building, single storey building to Joynton Avenue, 1913;
- (c) Outpatients Building, single storey Inter-War Georgian Revival Style building c1935;
- (d) Nurses Home (eastern wing), three storey Inter-War Georgian Revival style building;
- (e) brick and sandstone boundary fence to Joynton Avenue, 1913 and;
- (f) landscaped area fronting Joynton Avenue between the Nurses Home and Pathology Building, including significant trees and open landscaped areas around the buildings.

2.2 LEP Maps

The LEP will adopt the following maps, as shown at Appendix C, and described below:

Provision	Explanation
1. Land Application	This map shows the land to which the plan applies (the Residual sites).
2. Land Use Zone Map	This map shows the land use zone that applies to the land: B4 Mixed Use, SP2 Road and B3 Commercial Core
3. Height of Buildings Map	This map shows the maximum height of buildings in 'Australian Height Datum Reduced Levels' with variations within each site which reflect heights in each 'development site'.
4. Floor Space Ratio Map	This map shows the maximum floor space ratio for each site.
5. Flood Planning Map	This map identifies the 'flood planning area' subject to the relevant Flood Planning provision of the LEP.
6. Acid Sulfate Soils Map	This map identifies the class of land referred to in the Acid Sulfate Soils provision of the LEP.
7. Land Acquisitions	This map identifies any land which a State Government agency,

Provision	Explanation
Map	NSW Roads and Traffic Authority in this case, has formally agreed to purchase the land at some point in time.
8. Active Frontages Map	This map defines those areas where activities that activate the street (such as retail) are to be located.
9. Heritage Map	This map defines the site where heritage listed items (the South Sydney Hospital site) are located within the residual sites.

2.3 Optional Standard Instrument Provisions

Provision	Explanation
Height of buildings	This provision limits the height of buildings to that shown on the Height of Buildings Map. Building heights range from 21 storeys on the site at the Green Square railway station to 3 storeys in the former South Sydney Hospital site, and are expressed in 'Australian Height Datum Reduced Levels' (RL).
Floor Space Ratio	This provision sets the maximum floor space ratio for a building on a site as that shown on the Floor Space Ratio Map. The proposed Floor Space Ratio across the sites ranges from 1.81:1 on the Waverley Council Depot site at 97-115 Portman Street, to 11.54:1 on 6-12 O'Riordan Street, adjacent to the Green Square railway station.

2.4 Local Provisions

The local provisions contained in this Planning Proposal are generally consistent with the proposed *Sydney Local Environmental Plan 2011*, except for car parking rates, as discussed below.

The LEP will include the following provisions which cover matters more specific to the sites:

Provision	Explanation
Flood planning	The Town Centre is subject to significant floodwater management constraints, and certain requirements to ensure potential risks and hazards are addressed are included in this provision. A similar provision is contained in the current Town Centre LEP. The purpose of this provision is to minimise flood associated risks to life and property and avoid significant adverse impacts to flood behaviour and the environment. The provision applies to the land identified as the "flood planning area" on the Flood Planning Map, which refers to the area subject to flood-related development controls, shown at Appendix C. Before granting consent to development the provision requires the consent authority to be satisfied that development: 1. is compatible with the flood hazard of the land; 2. will not significantly and adversely affect flood behaviour to the detriment of other properties or the environment; and 3. manages risks from flooding.

Provision	Explanation
	The detailed design of the infrastructure undertaken for submission of the essential infrastructure Development Application approved by Council in November 2008, involved the preparation of a Flood Study and Flood Risk Management Plan in accordance with the NSW Government's <i>Floodplain Development Manual</i> (2005). This establishes "flood planning levels" that vary across the Town Centre. Therefore the definition of "flood planning level" in the LEP for the residual sites refers to the level of a 1:100 ARI (average recurrent interval) flood event plus a freeboard of 0.5 metres or as otherwise defined by a specific <i>Flood Risk Management Plan</i> prepared for the land. The ground levels for future development sites have not been finalised. This will occur once new roads and other civil works infrastructure are finally designed and constructed, taking into account the flood planning outlined above. As ground levels may change, so may the absolute height of future buildings when expressed as RLs. The Height of Buildings Map assumes an overall height, inclusive of the necessary flood planning level, however, this may be adjusted taking into account the future height of civil works.
Design excellence	The purpose of this provision is to ensure that development achieves design excellence. It requires the consent authority to be satisfied that a development achieves design excellence and sets out the matters which the consent authority must consider in determining whether the development exhibits design excellence.
Land use mix	The current land use controls are specific about the breakdown of commercial, residential and retail floorspace permissible for each 'development site', applied through the land use zoning. This is to ensure a desirable mix of land uses within the Town Centre, but also to ensure that contributions to the delivery of the essential infrastructure required under the Development Rights Scheme (which is tied to the land use mix and amount) are achieved. It is proposed that the residual sites to the east of Botany Road be zoned Zone B4 Mixed Uses, with sites west of Botany Road at the Green Square railway station being zoned Zone B3 Commercial Core to ensure a balance of commercial and residential uses. In reviewing the Infrastructure Strategy and the operation of the funding mechanism, the Development Rights Scheme, to deliver the essential infrastructure, the need for provisions in the LEP to complement the land use zone addressing certain land uses and density is to be considered.

Airspace operations	The Town Centre is within the Inner Horizontal Surface at 51m AHD for the Sydney Airport Obstacle Limitation Surface. The provision seeks to ensure that airport operations are not compromised by proposed development that penetrates the Obstacle Limitation Surface. The provision requires that before granting development consent the consent authority must consult with Sydney Airport.
Development in areas subject to airport noise	Due to the proximity of the Town Centre to Sydney Airport, requirements for consideration of the noise impact of aircraft on development are proposed to be included in the LEP. The provision requires the consent authority, before granting consent, to consider whether the development is within and designed to appropriate standards, including interior noise levels.
Car parking ancillary to other development	The current car parking controls are contained in South Sydney DCP No. 11 – Transport Guidelines for Development. It is intended to include revised car parking rates within the LEP, consistent with the approach proposed for the City's new comprehensive City Plan LEP currently under preparation, and to recognise the extensive work that has been undertaken to determine appropriate car parking rates for the Green Square and wider City area
Car parks	The current Town Centre LEP enables development for the purpose of a communal car park to be undertaken beneath the proposed public plazas. Car parks are permissible use under the proposed Zone B4 Mixed Use. The provision includes the criteria the consent authority is to consider before granting development consent for any car park.
Car parking ancillary to other development	The purpose of this provision is to set the maximum number of car parking spaces (ancillary to development) that may be provided to achieve the environmental and social objectives of the plan. The maximum number of car parking spaces permitted for a use are set out in the Drafting Instructions at Appendix B. The Planning Proposal applies the current car parking rates contained in <i>South Sydney Development Control Plan No. 11 – Transport Guidelines for Development 1996</i> (DCP 11). The comprehensive city-wide <i>Sydney Local Environmental Plan 2011</i> applies revised car parking rates throughout the entire City of Sydney, which would allow fewer car parking spaces within the residual sites. The Planning Proposal therefore has the potential to be inconsistent with the approach proposed for <i>Sydney Local Environmental Plan 2011</i>. In considering this inconsistency it is to be noted the Green Square TMAP states that whilst adopting lower parking rates than those in DCP 11 would support the "No Car Growth" mode share targets, it would not be realistic to impose such tighter restrictions without delivery of major improvements in transit along the key regional transport corridors.
Affordable housing	The purpose of this provision is to ensure the provision of affordable housing within the residual sites. The provision is a continuation of the existing <i>Green Square Affordable Housing Scheme</i> and the provisions applicable to the current Town Centre LEP. The provision applies a levy calculated as a percentage of the residential and non-residential floor area of the development.
Acid sulfate soils	The purpose of this provision is to ensure any development on land containing, or potentially containing, acid sulfate soils does not result in environmental damage caused by acid sulfate soils.

	The provision requires development consent for certain works on a class of land identified on the 'Acid Sulfate Soils Map' at Appendix C, and the preparation and submission of an acid sulfate soils management plan prior to the granting of consent.
Public utility Infrastructure	The purpose of this provision is to ensure that sufficient infrastructure is available to service the development. The provision requires the consent authority to be satisfied that public utility infrastructure essential for the proposed development is available or that adequate arrangements have been made to make that infrastructure available when it is required.
Active street frontages	The purpose of this provision is to ensure continuous business or retail land uses that open directly to the footpath provide active, people-oriented street frontages. The provision seeks to enhance public security and passive surveillance and to improve the amenity to the public domain by encouraging pedestrian activity. 'Active street frontages' are identified in the Active Street Frontages Map shown at Appendix C.

Part 3 – Justification

Section A – Need for a Planning Proposal

A.1 Is the Planning Proposal a result of any strategic study or report?

The Planning Proposal responds to the need to provide a Standard Instrument LEP compliant LEP for the Town Centre. The Town Centre lands are to be excluded from the City-wide *Sydney Local Environmental Plan 2011*, and will continue to be governed by the deferred current Town Centre LEP under Clause 59(3) of the EP&A Act. The need to review and update the current planning controls and supporting Infrastructure Strategy is the result of the outcomes of recent strategies the City has endorsed for its renewal areas, such as the *Green Square and Southern Areas Retail Study 2008*, the *Green Square Transport Management and Accessibility Plan 2008*, and *Sustainable Sydney 2030*. It has also been expedited by Landcom/Mirvac/Leighton proposal request to amend the current LEP controls for their three sites, covering about 40% of the Town Centre lands, and for which a separate Planning Proposal is being progressed. This Planning Proposal seeks to amend the current LEP controls for the remaining twelve sites within the Town Centre, the residual sites.

The current controls are prescriptive in terms of gross floor area, height and land use location and mix. The controls define the 'development sites' and the public domain (roads and open space) through land use zoning. Each 'development site' is prescribed a gross floor area and height, which can be varied up or down by 10% only. This prescriptive gross floor area is used to ensure the appropriate level of essential infrastructure contribution under the associated Development Rights Scheme set in the *Green Square Town Centre Infrastructure Strategy*. The land use mix is also prescribed for each development site with only a minor variation permitted.

As previously mentioned, the primary objectives of the review of the planning controls are to produce:

- (g) a more flexible regulatory framework that can respond to market demand and that is compliant with Standard Instrument requirements;
- (h) a land use, built form and public domain framework that reflects good urban design and sustainability principles; and
- (i) a scheme that generates the catalyst for the creation of new jobs, services and dwellings serviced by the appropriate infrastructure and a high level of public transport accessibility.

The review of the planning controls and this Planning Proposal will therefore apply recommendations from the recent studies and strategies applicable to the Town Centre, and will be informed by the work undertaken to progress the Landcom/Mirvac/Leighton Planning Proposal and other proposals within the Town Centre.

A.2 Is the Planning Proposal the best means of achieving the objectives or intended outcomes, or is there a better way?

The Planning Proposal is the only means of enabling the substantial amendments to the planning controls for the Town Centre, to ensure that development is capable of being undertaken in a timely manner, and to deliver the substantial public benefits inherent in the scheme. Since the original scheme was developed, and subsequently adopted by the Council and the CSPC in April 2006, a number of factors have necessitated the need to review the planning controls, namely:

- Considerations relating to additional technical studies (such as flooding, transport etc)
- the introduction of the Standard Instrument LEP and other amendments to the EP&A Act
- State and local strategic objectives (Metropolitan and Subregional strategies, and *Sustainable Sydney 2030*); and
- significant changes to the legislative framework for the levying of funding for infrastructure.

At the same time substantial development has now been undertaken in the wider Green Square area and the significantly larger population increasingly rely on the facilities and amenities to be provided in the Town Centre. This emphasises the need to achieve the development of the major centre in a timely manner.

A.3 Is there a net community benefit?

There is a net community benefit provided by the development of the Town Centre. The sites are currently zoned for industrial uses in most part (except the former South Sydney Hospital site which is zoned for special uses), and include various industrial developments, and vacant sites. The Planning Proposal will facilitate the development of a major residential, commercial and retail centre to service the substantial residential and worker population in Green Square and the wider southern Sydney area. This includes substantial public domain in the form of two plazas, two parks, and a network of new streets with cycle and pedestrian routes providing access across the area and to the Green Square Railway Station.

Issue	Comment	Net community benefit?
Will the LEP be compatible with agreed State and regional strategic direction for development in the area (e.g. land release, strategic corridors, development within 800 metres of a transit node)?	The Town Centre is located within the City to Airport Strategic Corridor and is identified as a 'Planned Major Centre' in the Metropolitan Strategy. The Planning Proposal will be compatible with these designations.	Yes
Is the LEP located in a global/regional city, strategic centre or corridor nominated within the Metropolitan Strategy or other regional/subregional strategy?		

Is the LEP likely to create a precedent or create or change the expectations of the landowner or other landholders?	The Planning Proposal is being prepared, in part, to integrate the work associated with a submission received on behalf of Landcom/Mirvac/Leighton, which control substantial sites within the Town Centre. The submission seeks to significantly amend the current Town Centre LEP and raises implications for the planning framework for the entire Town Centre. Other submissions have been subsequently received by the City of Sydney on behalf of other landowners within the Town Centre. This Planning Proposal, will allow for a holistic review of the planning controls for the entire Town Centre.	Yes
Have the cumulative effects of other spot rezoning proposals in the locality been considered? What was the outcome of these considerations?	No other spot rezonings in the locality have been progressed in the recent past. The land use zones in the area have been subject to extensive review to inform the zones to be incorporated into the proposed new comprehensive City-wide <i>Sydney Local Environmental Plan 2011</i>. It is not intended the Planning Proposal will significantly amend the intent of the existing non-Standard Instrument compliant zones. A Planning Proposal for the site at 301 Botany Road, which seeks to amend the land use mix for this site was recently exhibited, as was the Planning Proposal for the Landcom/Mirvac/Leighton sites at 956-960 Bourke Street, 355 Botany Road and 377-397 Botany Road, Zetland. The outcomes from submissions are being currently assessed.	Yes

Will the LEP facilitate a permanent employment generating activity or result in a loss of employment lands?	The LEP will effectively result in the loss of industrially zoned lands (as the effective land use zone applying to the LML sites). However the current Town Centre LEP, although deferred, has the potential to allow through the Green Square Town Centre, and Green Square Town Centre Public Domain Zones, for mixed use development, including commercial, retail and residential. The Planning Proposal is intended to continue this approach and once LEP zonings are activated, the loss of 'employment lands' on the low density industrial sites will be replaced by commercial and retail employment generating activities.	Yes
Will the LEP impact upon the supply of residential land and therefore housing supply and affordability?	The Planning Proposal will significantly increase the supply of residential development in the area. The current deferred Town Centre LEP permits 286,700sqm of residential GFA. The Planning Proposal will consider the opportunity to increase this, and to make a significant contribution to meeting the residential dwelling targets contained in the Metropolitan Strategy for the City of Sydney.	Yes

Is the existing public infrastructure (roads, rail, utilities) capable of servicing the proposed site? Is there good pedestrian and cycling access? Is public transport currently available or is there infrastructure capacity to support future public transport?	The site is located at the junction of three significant roads through the southern Sydney area, Botany Road, Bourke Street and O'Riordan Street. These roads provide an essential link between the Central Sydney, the airport and Port Botany. The additional capacity of these roads is limited and will be further stretched by the increase in population in the Town Centre. The Town Centre is directly adjacent to the Green Square railway station, however, the application of a station access charge dissuades the widespread use of this station. Changes to the station surcharge, and the provision of improved public transport services will be necessary to effectively service the Planning Proposal. The Planning Proposal includes requirements for significant public domain in the form of new streets including cycleways and pedestrian links, and a proposed route for the future provision of light rail. These requirements will be supported by a detailed DCP and a reviewed Infrastructure Strategy that will detail the essential infrastructure funding and delivery mechanism to support future development of the Town Centre. It is not until site landowners/developers agree to commit to contribute to the essential infrastructure that development will be permitted in the Town Centre.	Yes/No
Will the proposal result in changes to the car distances travelled? If so, what are the likely impacts in terms of greenhouse gas emissions, operating costs and road safety?	The Planning Proposal is likely to result in decreased car distances to be travelled by residents and employees in the Green Square and wider southern Sydney area. The Planning Proposal will contribute to the provision of a major retail, commercial and residential Town Centre to service the wider area and thereby reduce the distance to travel for retail and other services by the local population (existing and proposed).	Yes

Are there significant Government investments in infrastructure or services in the area whose patronage will be affected by the proposal? If so, what is the expected impact?	The Town Centre area includes the site of the Green Square railway station in the Airport Link Line. Although, the application of a station access charge dissuades the widespread use of this station, redevelopment of the Town Centre has the potential to significantly activate the station. Transport infrastructure upgrades have been identified in the Green Square TMAP to service the Town Centre and the wider Green Square. Future investment in this infrastructure will be supported by the Planning Proposal.	Yes
Will the proposal impact on land that the Government has identified a need to protect (e.g. land with high biodiversity values) or have other environmental impacts? Is the land constrained by environmental factors such as flooding?	The Town Centre land has not been identified as having a need for protection due to environmental impacts. The land has been identified as being subject to flood risk. The Green Square area including the Town Centre is the subject of a Floodplain Risk Management Study and Plan to address this risk. It is intended to include provisions in the LEP to require flood mitigation measures for development. This requirement will be supported by the flood management strategy detailed in the above Study and Plan.	Yes
Will the LEP be compatible/complementary with surrounding land uses? What is the impact on amenity in the location and wider community?	The development of a Town Centre in this strategic location is complementary to the extensive residential development that has occurred in the east of the Green Square area, and to its location within the City to Airport Corridor. The site will also provide services to the industrial and commercial uses to the west. The current planning controls the proposed LEP will amend have been developed to address the interface with surrounding land uses and potential amenity impacts on the residential properties surrounding the site.	Yes
Will the public domain improve?	The LEP will support redevelopment of the land and significant improvements to the public domain throughout the whole Town Centre with the provision of public plazas, a new network of streets, cycleways and pedestrian links, and a major transit corridor.	Yes

Will the proposal increase choice and competition by increasing the number of retail and commercial premises operating in the area?	The Planning Proposal will enable the development of a large retail and commercial centre to support the surrounding residential and industrial area. The site is planned to provide significant retail uses, including much needed fresh food/supermarket uses for the wider Green Square area.	Yes
If a stand-alone proposal and not a centre, does the proposal have the potential to develop into a centre in the future?	The Planning Proposal is for a centre, a 'Major Planned Centre' identified in the Metropolitan Strategy.	Yes
What are the public interest reasons for preparing the draft plan? What are the implications of not proceeding at that time?	The draft plan is needed to facilitate the development of a major component of the Town Centre which will provide new jobs and dwellings to meet Metropolitan Strategy targets, and to provide essential retail and services to the wider Green Square and southern Sydney area. There is a current plan in operation, however, since its gazettal no development has been forthcoming under the controls. The plan needs updating with regard to current development conditions and to respond to the submission of a Planning Proposal request for a major part of the Town Centre as well as other proposals. Delay in the progress of the plan may impede the development of this major part of the Town Centre and thereby further delay the provision of services and amenities to the rapidly increasing population of Green Square.	Yes

Section B – Relationship to Strategic Planning Framework

B1 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 Green Square Town Centre presents many opportunities to satisfy the objectives and targets set out in the Metropolitan Strategy and the *draft Subregional Strategy*. The LML sites provide an opportunity to provide a significant proportion of the proposed jobs and dwellings and the public domain and essential infrastructure in the Town Centre, as detailed below.

Metropolitan Strategy

Economy and Employment and Centres and Corridors – The site is identified as being located within the City to Airport Corridor and a Planned Major Centre, in the Centres and Corridors section of the Metropolitan Strategy. The strategy identifies the need to achieve strong and viable centres which provide employment, retail and residential functions for the wider metropolitan area. The Green Square 'Planned Major Centre' is allocated an employment capacity of 14,000 jobs by 2031. In order to achieve this capacity it is important that the Town Centre provides an attractive centre for commercial activities. (It is noted the strategy defines the boundaries of the centre as including adjacent areas to the east.)

Housing – The strategy seeks to focus residential development around centres. The Town Centre will assist in the concentration of residential development and in achieving the residential dwelling targets of the strategy. The progress of the review of the planning controls may confirm the increase in residential gross floor area sought by this Planning Proposal and the Planning Proposal for the Landcom/Mirvac/Leighton sites at 301 Botany Road and 956-960 Bourke Street, 355 Botany Road and 377-397 Botany Road, Zetland, and may therefore result in more dwellings. The Planning Proposal will enable an important contribution to the supply of housing (Actions C2.1 and C2.3). The Planning Proposal will also include requirements for the provision of affordable housing contributions (in-kind provision of affordable housing units and monetary contributions) to improve the stock of affordable housing in the area, and expand the housing mix.

Transport – The provision of additional infrastructure will support the growth of the centre and improve the amenity and connectivity for the wider area. The Town Centre will include the provision of significant cycle and pedestrian routes to enhance the existing network, consistent with the strategy. It will also facilitate the future provision of a light rail system which will enable the integration of existing modes of transport, improve the accessibility of the area, and reduce car dependency.

Environment and Resources – The Planning Proposal seeks to further consolidate the projected employment and population growth of Sydney within the existing urban footprint through the redevelopment of an underutilised industrial site for a major commercial, retail and residential centre. Sustainability outcomes such as recycled water use, Water Sensitive Urban Design initiatives, sustainable flood management and connectivity to tri-generation are being examined in the review of current planning controls.

Parks and Public Places – The Town Centre will provide for significant increases in public open space in the form of two plazas and two parks, to serve the needs of the future Town Centre residents and workers, and the wider community. These spaces will be linked the wider network of existing and proposed parks and public places within Green Square and the adjacent areas.

Sydney City Draft Subregional Strategy

The State Government's *Sydney City Draft Subregional Strategy* sets directions and actions for the implementation of the Metropolitan Strategy at a more detailed local level. Subregional planning provides a framework for coordinating planning, development, infrastructure, transport, open space networks and environmental actions across local and state government agencies. The Draft Subregional Strategy sets targets for 55,000 new dwellings and 58,000 new jobs to be provided in the Sydney City Subregion by 2031.

Economy and Employment: The Planning Proposal intends to zone the residual sites for Zone B4 Mixed Use and Zone B3 Commercial Core, which will allow for development that will contribute to the subregional jobs target (Action 1.4). The Planning Proposal will not result in a loss of employment lands identified as Category 1 and 2 land in the 'Schedule of Future Employment Lands' in the *Draft Subregional Strategy*.

Centres and Corridors – Green Square is nominated as a Planned Major Centre providing a major shopping and business centre serving the subregion with large shopping malls, specialist retail, medical services, taller offices and residential buildings and a minimum of 8,000 jobs (within a 1km radius of the train station). The figures specifically for the Green Square Town Centre provide for 5,500 residents and 5,000 jobs. The review of the planning controls will reassess the projections for the Town Centre and examine the opportunity to increase the commercial and retail floorspace achievable.

Housing – The City of Sydney will seek to continue to facilitate the delivery of the Town Centre and the provision of around 5,500 new dwellings identified in the strategy. The review of the planning controls will also reassess the projections for the Town Centre and examine the opportunity to increase the residential floorspace achievable.

The provision of new dwellings will support the State Plan Priority for 'jobs closer to homes' by increasing the number of people living within 30 minutes of a major centre by public transport (Action C2.1.1). The Planning Proposal will require the consideration of design excellence in the development approval process (Action C5.1) and encourages a range of housing types. A supporting DCP will encourage various housing typologies and mixes as well as adaptable and accessible housing to provide for a broad demographic mix of residents (Action C2.3).

Transport – The Town Centre is located on the Miranda to City Strategic Bus Corridor which will target a 25km/hr average bus speed and new integrated bus network. This and other measures being pursued through the Green Square TMAP will support the development of the Town Centre. The Planning Proposal will incorporate transport considerations and actions resulting from this plan.

Environment, Heritage and Resources: The Planning Proposal identifies the Flood Planning Area and requires the consideration of relevant matters in the development process. The Planning Proposal incorporates the outcomes of the *Green Square Town Centre Flood Study* and the *Flood Risk Management Plan* (2008), prepared accordance with the *Flood Prone Land Policy* and *Floodplain Development Manual* (2005) which considers the latest information available including that related to climate change (Action E2.1.1, E2.1.5 and E5.3.1).

The Planning Proposal assists in containing the urban footprint of the metropolitan region by providing dwellings within an existing area (Action E3.1) and incentivises reductions in greenhouse gas emissions and potable water use beyond minimum standards (Actions E3.2 and E3.3).

Parks, Public Places and Culture – The Planning Proposal will accommodate significant public open space and civic urban space in the form of plazas that will foster cultural and social activities. Community facilities and amenities are planned in these spaces. This is consistent with the subregional policy provisions.

B.2 Is the Planning Proposal consistent with the local council's Community Strategic Plan or other local strategic plan?

Sustainable Sydney 2030 Strategic Plan – *Sustainable Sydney 2030* is a vision for the sustainable development of the City to 2030 and beyond. It includes 10 strategic directions to guide the future of the City, as well as 10 targets against which to measure progress. Of these, the following Directions are relevant to the Town Centre and this Planning Proposal.

Direction	Comment	Compatible
Direction 2 provides a road map for the City to become <i>A Leading Environmental Performer</i> and sets measurable targets to drive down the environmental footprint, including reducing greenhouse gas emissions by 70% compared to 1990 levels by 2030. Objectives include increasing the capacity for local energy generation and water supply; reducing waste generation.	Investigations are being undertaken for the Town Centre to be a possible location for tri-generation and water recycling. The Landcom/Mirvac/Leighton submission proposes to make provision for connection to a Green Transformer energy source, and dual reticulation that could connect to non potable/recycled water sources in all buildings. Similar opportunities will be pursued by the City for other sites in Green Square.	Yes
Direction 3 - <i>Integrated Transport for a Connected City</i> includes objectives supporting and planning for enhanced access by public; developing an integrated inner Sydney public	Measures being pursued through the Green Square TMAP will support the development of the Town	Yes

transport network; and managing regional roads to support increased public transport use.	Centre, such as the development of more efficient transit corridors and services, improved access to the Green Square railway station, and pedestrian routes and more pleasant walking environments. The Planning Proposal supports the development of a future public transport route through the Town Centre, terminating at Botany Road, adjacent to the Green Square railway station. The City continues to lobby for the removal of the service fee currently being charged at the Green Square railway station and introduce light rail to service the area. The City has made a number of submission to the State Government and Infrastructure Australia for funding of the light rail corridor.	
Direction 4 - <i>A City of Pedestrians and Cyclists</i> outlines actions that will make walking and cycling an easy option for residents and visitors in our City. Objectives include developing a network of safe, linked pedestrian and cycle paths integrated with green spaces.	The Planning Proposal seeks to enable a finer grain street pattern which will provide increased pedestrian and cyclist linkages throughout the Town Centre. Supporting controls will also promote the inclusion of cycleways and improved pedestrian amenity, with an improved public domain at the ground level through the introduction of active uses including retail at ground level.	Yes
Direction 6 - <i>Vibrant Local Community and Economies</i> recognises and seeks to build on our diverse City communities with diverse lifestyles, interests and needs. Objectives include creating a network of Activity Hubs as places for meeting, shopping, creating, learning and working for local communities.	The Town Centre will form a new activity hub, providing a focal point for the wider Green Square area, and facilities including retail and community buildings.	Yes

Direction 8 - <i>Housing for a Diverse Population</i> recognises that housing affordability is an increasing challenge in inner Sydney. Objectives include facilitating the supply of housing by the private market; ensuring that housing developments provide a diversity of housing opportunities for different lifestyle choices and household types; ensuring that a substantial proportion of housing is aimed at the lower end of the market; facilitating and promoting growth in the 'affordable housing' sector including by Not-for Profit (NFP) and other housing providers.	The Planning Proposal will enhance the provision of residential development in the inner city and supports the provision of affordable housing.	Yes
Direction 9 - <i>Sustainable Development, Renewal and Design</i> includes objectives to ensure renewal areas make major contributions to the sustainability of the City; planning for a beautiful City and promoting design excellence; and ensuring new development is integrated with the diversity and 'grain' of the surrounding City.	The Planning Proposal increases the contribution that the Town Centre will make towards accommodating the projected increases in residential and worker populations. It is set to be an example of sustainable high quality urban renewal. The Planning Proposal seeks to establish a finer grain block pattern that integrates with the surrounding street pattern. Provisions relating to design excellence are also proposed.	Yes/No

In addition to the above Directions, *Sustainable Sydney 2030* identifies *Connecting Green Square* as one of 10 Project Ideas. The 2030 Vision proposes the Town Centre be strengthened and supported by the addition of residential, retail and business activity and improved public transport. The Planning Proposal will consider the opportunity to generally increase the development potential of the area to provide additional residential, commercial and retail development, and will enable the future provision of public transport linking Green Square to the City Centre.

B.3 Is the Planning Proposal consistent with applicable state environmental planning policies?

State Environmental Planning Policy	Comment	Compatible
SEPP (Affordable Rental Housing) 2009	The Divisions anticipated to apply to the land uses zones to be applied to the Town Centre are: Division 3 Boarding Houses – enables an additional 20% FSR for sites with an FSR over 2.5:1 when developed for the purpose of a boarding house, subject to specific provisions relating to the standard of development. Division 4 – Supportive accommodation is permissible without consent provided it does	Yes

	not involve alterations or additions to the building. Division 5 – Social housing joint ventures are permissible on any sites proposed to be zoned B3 Commercial Core. Division 7 – Group homes includes provisions relating to the exempt and complying development provisions for such development. Nothing in the Planning Proposal is inconsistent with these provisions.	
SEPP (Infrastructure) 2007	The SEPP includes provisions relating to development with impacts on flood liable land, flood mitigation works, educational establishments, health service facilities, public administration buildings, development in rail corridors, and development adjacent to road corridors. The Planning Proposal is not inconsistent with the provisions of this SEPP.	Yes
SEPP No. 55 - Remediation of Land	The Planning Proposal does not propose to change the zoning of the land to permit uses which would not be permissible under the current LEP controls. The site is considered to be able to be made suitable for purpose through remediation.	Yes
SEPP No. 32 - Urban Consolidation (Redevelopment of Urban Land)	The site has been identified as providing the potential for urban consolidation under the current LEP controls and this Planning Proposal supports this. The Planning Proposal is to enable significant multi-unit residential development on previously vacant or low scale industrial land.	Yes
SEPP No. 1 - Development Standards	The current deferred LEP for the Town Centre excludes the operation of SEPP 1. The Planning Proposal intends to provide controls consistent with the Standard LEP Instrument including provisions relating to varying the development standards.	Yes
SEPP No. 70 – Affordable Housing	The SEPP allows for the collection of development contributions for the purpose of affordable housing in Green Square. The Planning Proposal does not affect the operation of this scheme.	Yes

B.4 Is the Planning Proposal consistent with applicable Ministerial Directions (S117 directions)?

Section 117 Direction	Comment	Compatible
1.1 Business and Industrial Zones	The current deferred LEP proposes a change from an existing industrial zone to the Green Square Town Centre and Green Square Town Centre Public Domain Zones. The Planning Proposal will consider opportunities to increase	Yes

	the potential floor area for employment generating uses through the intensification of development to provide for higher level employment uses. Significant strategic planning has been undertaken in the Green Square area to review the quantum of industrial and business land and development.	
2.3 Heritage Conservation	The Planning Proposal maintains the currently listed Heritage Item at the site of the former South Sydney Hospital.	Yes
3.1 Residential Zones	The Planning Proposal seeks to increase the housing choice in a location close to existing transport infrastructure, and to propose future infrastructure. The Planning Proposal will not reduce the permissible residential density of the land.	Yes
3.4 Integrating Land Use and Transport	The Planning Proposal will improve the accessibility of the area through the provision of significant new streets providing cycle, pedestrian and vehicular access. The integration of land use and the provision of a new major centre will reduce the car trip distances for the wider Green Square area.	Yes
3.5 Development Near Licensed Aerodromes	The Planning Proposal does not alter the permissible land uses from those enabled under the current deferred LEP. Consideration has been given to the Obstacle Limitation Surface for Sydney Airport.	Yes
4.3 Flood Prone Land	The Planning Proposal seeks to maintain the existing provisions relating to floodwater management and integrate the outcomes of the Floodplain Risk Management Study and Plan.	Yes
7.1 Implementation of the Metropolitan Strategy	As discussed in Section B1 and throughout this report, the Planning Proposal promotes the policies, outcomes and actions contained in the Metropolitan Strategy. The Planning Proposal will facilitate redevelopment Town Centre sites and thereby contribute to the realisation of the Green Square Town Centre as a 'Planned Major Centre' as envisaged by the Metropolitan Strategy.	Yes

Section C – Environmental, Social and Economic Impact

C.1 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 Grey-headed Flying-fox (*Pteropus poliocephalus*) is listed as a vulnerable species in the *Threatened Species Conservation Act 1995* and as a threatened species under the *Environment Protection and Biodiversity Conservation Act 1999* of the Commonwealth. In addition, the Atlas of NSW Wildlife on the National Parks and Wildlife website records sightings of other threatened species (2 animal species and 1 plant species) in the City of Sydney since 1980.

An Ecological Assessment for the Town Centre was undertaken in 2003 by consultants Kevin Mills & Associates as one of the technical studies in the masterplanning for the site. The assessment found that:

- the flora and fauna found/observed on the site are all common and widespread typical of urban environments; and
- there are no rare or threatened plant species likely to be present on the site, nor endangered populations, ecological communities or identified critical habitat.

The Ecological Assessment establishes that the only threatened animal species likely to occur on the site from time to time are visiting Grey-headed Flying-foxes and Large Bentwing-bats, and possibly nomadic honey-eating birds such as the Swift Parrot (*Lathamus discolor*).

Section 34A of the *Environmental Planning and Assessment Act 1979* requires a council to consult with the Department of Environment, Climate Change and Water (DECCW) before an LEP is made if, in the opinion of the council, critical habitat or threatened species, populations or ecological communities, or their habitats, will or may be adversely affected by the proposed LEP.

Although it is considered the Planning Proposal is unlikely to adversely affect the Grey-headed Flying-foxes or other threatened species, and therefore consultation under section 34A of the Act may not be necessary, it is proposed to consult with DECCW during public exhibition of the Planning Proposal.

C.2 Are there any other likely environmental effects as a result of the Planning Proposal and how are they proposed to be managed?

Flooding

The current deferred Town Centre LEP includes specific provisions relating to floodwater management. It is intended that these provisions will be incorporated in the proposed new LEP, and supported by DCP controls. The Planning Proposal includes changes to the infrastructure layout for the Town Centre, with associated changes to the development block layout and size. Further review and assessment of any changes to development types, patterns and public domain networks will include an assessment of any potential changes to flood risk, and will be reflected in amendments to the proposed controls, if necessary.

Built Form and Public Domain

This Planning Proposal proposed minor increases in gross floor area which are derived from a detailed urban design analysis undertaken by the City in consideration of the Landcom/Mirvac/Leighton proposal. The increases in gross floor area being sought by Landcom/Mirvac/Leighton are much greater and have implication for the wider Town Centre sites and also existing adjacent streets and development. The City will consider these implications thoroughly and with input from the public consultation in progressing the Landcom/Mirvac/Leighton Planning Proposal to ensure that the resulting built form can provide a precinct where people are willing to live, shop and work and that the potential impacts on the adjacent development sites and neighbourhoods are minimised. Input from are also

Amenity of public open space

The Planning Proposal will examine the opportunity to provide for additional gross floor area for some development sites. The impact of this and any height increases upon the amenity of the public domain, in particular in terms of overshadowing, has been tested, and will be examined in more detail as the Planning Proposal progresses. It is proposed to include supporting DCP controls to guide the built form to ensure that high levels of amenity are provided to the public domain.

Transport

The Planning Proposal proposes minor increases in gross floor area for the residual sites. In progressing this Planning Proposal, the City will assess the potential impact of the additional traffic generation resulting from the proposed relatively minor increase in gross floor area for

the residual sites in terms of parking and transport provision (the proposed increases are shown in Table 1). This includes the impact of any proposed changes to the street network, and the Green Square TMAP which sets measures to achieve a "No Car Growth" target in Green Square.

The Planning Proposal proposes to apply parking rates in DCP 11. These rates are higher than those proposed under the Draft *Sydney Local Environmental Plan 2011*. The parking requirements for development will be examined further in the review of the planning controls for the Town Centre to recognise its accessibility with regard to planned transport improvements.

The TMAP states that the current parking rates in the *South Sydney Development Control Plan No. 11* (DCP 11) should be reviewed with the aim of reducing further private vehicle use in the area, though this must be in conjunction with the provision of increased transit services and patronage to Green Square railway station. The TMAP also states that whilst adopting lower parking rates than those in DCP 11 would support the "No Car Growth" mode share targets, it would not be realistic to impose such tighter restrictions without delivery of major improvements in transit along the key regional transport corridors.

C.3 How has the Planning Proposal adequately addressed any social and economic effects?

The development of planning controls for the Town Centre has been subject to the many studies focused on sustainability solutions for economic and social effects of the planning scheme. The Planning Proposal does not intend to significantly amend the concept of the original scheme and therefore it is not considered necessary to undertake extensive social and economic impact assessments. However, the following issues are being considered.

Community facilities

The Town Centre has been earmarked as the site for a large multi-purpose community facility, incorporating a library, aged persons and family spaces and art and cultural spaces. The facility is to serve the population of the Town Centre and the southern areas of the City. It is proposed to be located within the new Civic Plaza and planning controls will enable it.

Affordable housing

The planning controls for the Town Centre will continue to include provision for affordable housing contributions in accordance with the Green Square Affordable Housing Scheme. In addition, consideration is being given to ensuring the on-site provision of affordable housing through the review of planning controls.

Retail development

The *Green Square and Southern Areas Retail Study 2008* considered the economic impact of retail development in the wider Green Square area on the development of a major retail centre at the Town Centre. The study recommends an increase in retail floorspace from 16,500 sqm to approximately 26,000 sqm. The study and its recommendations will be considered in the review of planning controls.

Infrastructure funding and delivery

The current *Green Square Town Centre Infrastructure Strategy* establishes essential infrastructure funding methodology and delivery for the Town Centre. The prescriptive nature of the current Town Centre LEP land use and gross floor area controls ensures that the overall funding strategy for the essential infrastructure is maintained and can be achieved. This strategy is a significant component of the package of controls tied in with the LEP 'deferral' model. Any proposed increase in floor space in the Town Centre and the public domain layout has implications for strategy.

Detailed assessment is being undertaken by the City to establish the additional consider essential infrastructure required to support potential additional development density and the cost implications of this Planning Proposal and others being progressed for the Town Centre. The review of the package of planning controls also includes an assessment of the economic feasibility of future development in the Town Centre so as to inform the revision of the Infrastructure Strategy.

Section D – State and Commonwealth Interests

D.1 Is there adequate public infrastructure for the Planning Proposal?

The Town Centre is located at the junction of three significant roads through the southern Sydney area: Botany Road, Bourke Street and O'Riordan Street. These roads provide an essential link between the City, the Airport and Port Botany. The additional capacity of these roads is limited and will be further stretched by the increase in population on the Town Centre. The Town Centre area, however, includes the site of the Green Square railway station, in the Airport Link Line.

Although, the application of a station access charge dissuades the widespread use of this station, redevelopment of the Town Centre has the potential to significantly activate the Station. Transport infrastructure upgrades have been identified in the Green Square TMAP to service the Town Centre and the wider Green Square renewal area, including a future light rail line. Future investment in this infrastructure will be supported by the Planning Proposal.

The current and proposed planning scheme for the Town Centre includes the *Green Square Infrastructure Strategy* which identifies the essential infrastructure required to service and facilitate the development of the Town Centre and establishes the Development Rights Scheme mechanism to fund this provision. It is not intended to substantially alter this mechanism for infrastructure funding and provision, beyond amendments resulting from proposed changes to the planning controls.

The public infrastructure identified in the *Infrastructure Strategy* comprises civil and public domain infrastructure including new streets, substantial public plazas and parks, and stormwater management works. The planning controls will incorporate provision for this infrastructure.

Services and facilities within 5km of the Town Centre include the Royal Prince Alfred and Prince of Wales Hospitals, the Universities of Sydney and NSW and primary and secondary schools.

The development of the current planning scheme for the Town Centre considered the provision of public infrastructure, utilities and essential services in the area, and any impact that a change in the planning controls may have on this provision will be identified during consultation with the relevant authorities.

D.2 What are the views of State and Commonwealth public authorities consulted in accordance with the gateway determination?

This matter is to be completed after the Planning Proposal has been submitted for the Gateway Determination by the Minister for Planning and consultation with the relevant authorities has been undertaken.

Consultation with the following public authorities is proposed and confirmation of this list is sought through the Gateway Determination:

- Department of Environment, Climate Change and Water;
- Department of Housing;
- Energy Australia;
- NSW Police Service;
- NSW Transport and Infrastructure;
- Rail Corporation of NSW;
- State Transit Authority of NSW;
- Sydney Water;
- Marrickville Council;
- Botany Council;
- Randwick Council;

- Leichhardt Council;
- Transgrid;
- Roads and Traffic Authority;
- Airservices Australia; and
- Sydney Airports Corporation.
- City West Housing;
- Redfern Waterloo Authority;
- NSW Fire Brigade;
- NSW Health Department;
- NSW Department of Education and Training;
- NSW Department of Industry, Investment and Energy; and
- NSW Department of Industry and Investment, State and Regional Development.

Part 4 – Community Consultation

This Planning Proposal is of a type that does not fall within the definition of a 'low impact Planning Proposal' and therefore, it is proposed to be on public exhibition for a minimum period of 28 days.

Notification of the public exhibition will be:

- on the City of Sydney website;
- in newspapers that circulate widely in the area (Sydney Morning Herald and Central); and
- in writing to the landowners; the adjoining landowners; community groups; and the surrounding community in the immediate vicinity of the site.

Information relating to the Planning Proposal will be available on the City of Sydney website and on display at Council locations at:

- Town Hall House, 456 Kent Street, Sydney,
- Redfern, 158 Redfern Street, Redfern, Waterloo Library, 770 Elizabeth Street, Waterloo, and
- the 'Tote Building', 52-112 Joynton Ave, Victoria Park.