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IRF21/4683

Gateway determination report – PP-2021-4262

Green Square Town Centre: 377-495 Botany Rd and
960A Bourke St, Zetland

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Table 1 Reports and plans supporting the proposal

Relevant reports and plans
Attachment A – Outgoing correspondence request for Gateway
Attachment B – Report considered by the CSPC
Attachment C – Resolution of Council and CSPC
Supporting PP Appendices
Attachment A1: Planning Proposal request
Attachment A2: Economic Assessment

Relevant reports and plans

Attachment A3: Urban Design Report

Attachment A4: Environmental Wind Assessment

Attachment A5: Proponent's Draft DCP Amendment

Attachment A6: Supplementary Information, dated 27 August 2021

Attachment A7: Revised Building Envelope, dated 15 September 2021

Attachment A8: Revised Reference Design, dated 15 September 2021

Attachment B. Draft Green Square Town Centre Development Control Plan 2012 Amendment – Green Square Town Centre: 377-495 Botany Road and 960A Bourke Street, Zetland

1 Planning Proposal

1.1 Overview and objectives of planning proposal

Table 2 Planning proposal details

LGA	City of Sydney Local Government Area
PPA	City of Sydney Council
NAME	Green Square Town Centre: 377-495 Botany Road and 960A Bourke Street, Zetland
NUMBER	PP-2021-4262
LEP TO BE AMENDED	Sydney Local Environmental Plan (Green Square Town Centre) 2013
ADDRESS	377-495 Botany Road and 960A Bourke Street, Zetland
DESCRIPTION	Lot 11 DP 1199427 and Lot 6 DP 1199427 (future development lots)
RECEIVED	25/10/2021
FILE NO.	IRF21/4683
POLITICAL DONATIONS	There are no donations or gifts to disclose and a political donation disclosure is not required
LOBBYIST CODE OF CONDUCT	There have been no meetings or communications with registered lobbyists with respect to this proposal

The planning proposal contains objectives and intended outcomes that adequately explain the intent of the proposal.

The objectives of the planning proposal are to:

- support employment growth within the Town Centre;
- facilitate the delivery of employment generating floor space and local services in the Town Centre;
- support an active and vibrant Town Centre that contains a variety of activity and experiences;
- allow non-residential development to respond to changing market demands;
- support commercial floor space on the Botany Road site, through allowing a diversity of uses that complement business and office premises;
- improve the flexibility and adaptability of commercial floor space on the Botany Road site by allowing for connection between buildings on the site; and
- facilitate flexibility of land use while retaining the potential for a cinema on the Bourke Street site.

The objectives of this planning proposal are clear and adequate.

1.2 Explanation of provisions

The planning proposal contains an explanation of provisions that adequately explains how the objectives of the proposal will be achieved, subject to Gateway Conditions.

The planning proposal seeks to amend the Sydney LEP (Green Square Town Centre) 2013 as per the changes below:

Table 3 Current and Proposed controls

Proposed Amendment	Current	Proposed
<p>Height of building:</p> <p>Increase the height of the through site link part of the Botany Road site to accommodate a sky bridge below level 10 of the building.</p>	<p>Botany Road site:</p> <ul style="list-style-type: none"> Through site link – RL 22m Northern building – RL 52m (8 storeys) and RL 115m (24 storeys) Southern building – RL 90m (17 storeys). 	<p>Botany Road site:</p> <ul style="list-style-type: none"> Through site link – RL 55.7m (increase of 33.7m) No change to height of the north or south Botany Road buildings.
<p>Clause 4.4A Exceptions to floor space ratio:</p> <p>Amend clause 4.4A(2) to broaden the range of non-residential uses that can be provided on the Botany Road site (Area 1) and Bourke Street site (Area 4).</p>	<p>(2) Specified use floor space</p> <p>A building that is on land in an Area, and is used for a purpose specified in relation to the Area in paragraph (a), (b), (c) or (d), is eligible for an amount of additional floor space (specified use floor space) as follows—</p> <p>(a) Area 1, additional floor space not exceeding a total of 44,000 square metres, associated with the following land uses:</p> <p>i. office premises</p> <p>ii. business premises.</p> <p>(d) Area 4, office premises or business premises, entertainment facilities and centre-based childcare facilities—additional floor space not exceeding 4,200 square metres.</p>	<p><u>Botany Road site (Area 1)</u></p> <p>Add the following land uses:</p> <ul style="list-style-type: none"> centre-based childcare facilities, educational establishments, health service facilities, retail premises (maximum of 1,500 sqm), entertainment facilities and function centres (maximum of 2,500 sqm), recreation facilities (indoor) (maximum of 1,500 sqm). <p><u>Bourke Street site (Area 4)</u></p> <p>Add the following land uses:</p> <ul style="list-style-type: none"> information and education facilities; artisan food and drink industry; recreation facilities (indoor).

1.3 Site description and surrounding area

Site description

The planning proposal comprises two sites (377- 495 Botany Road and 960A Bourke Street, Zetland) (**Figure 1**) located within the Green Square Town Centre (Town Centre), in the City of Sydney local government area. The sites are owned by Mirvac Projects Pty Ltd.

The sites are known as:

- 377- 495 Botany Road, Zetland – Lot 11 DP 1199427 (future development lot)

- 960A Bourke Street, Zetland - Lot 6 DP 1199427 (future development lot).

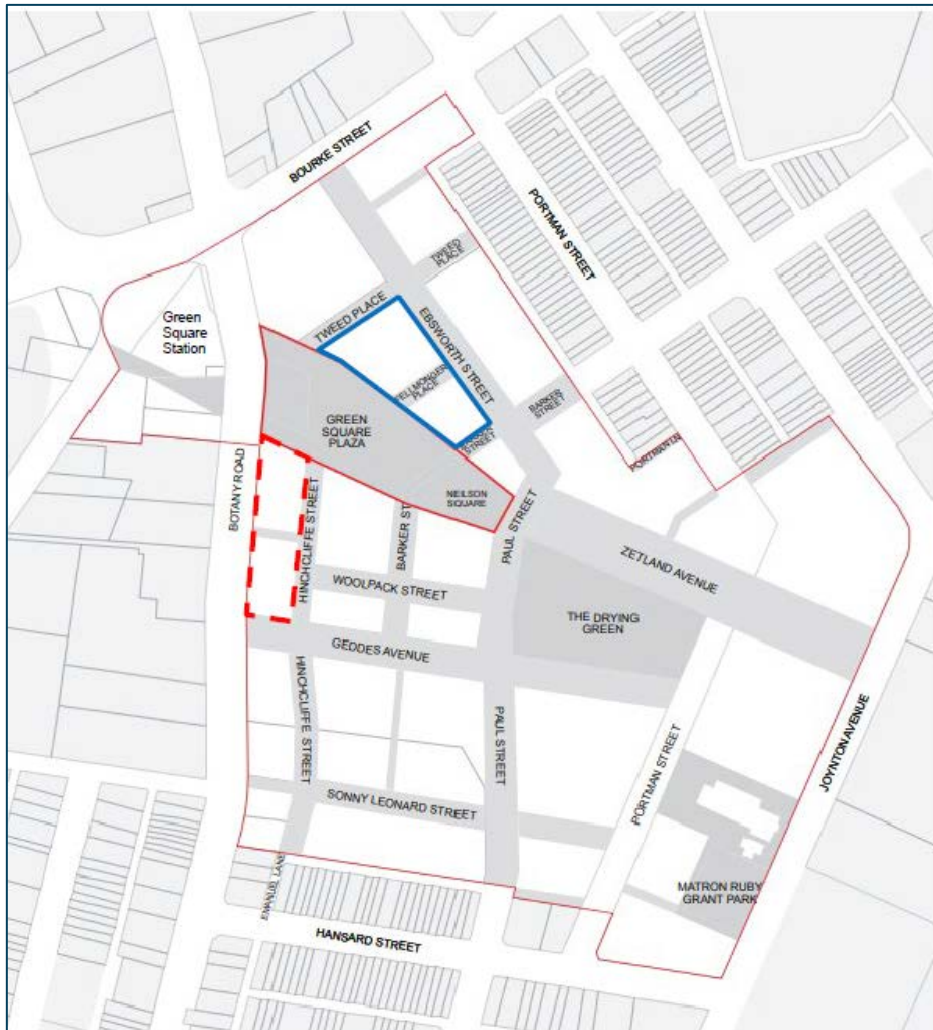


Figure 1 Subject sites – Botany Road site in dashed red and Bourke Street site in blue (source: PP report)

The Town Centre is located 4 kilometres south of Sydney CBD and 5 km north of Sydney Airport. It is the civic and economic heart of the Green Square Urban Renewal Area, which is approximately 278 hectares in area and includes the suburbs of Zetland and Beaconsfield and parts of Alexandria, Roseberry and Waterloo.

The Town Centre is serviced by the Green Square Station, located opposite the Botany Road site, and connects directly to the Sydney CBD, Mascot and Sydney Airport. When complete the Town Centre will accommodate 7,800 people and 6,700 workers.

Completed projects in the Town Centre include the Green Square library and plaza, Gunyama Park Aquatic Centre and Recreation Centre, Ovo, Infinity and other mixed-use developments.

The Botany Road site

The Botany Road site is the only site in the Town Centre intended for non-residential uses and is anticipated to contain over one third of employment in the Town Centre (approximately 2,049 jobs). Current planning controls anticipate 45,696 sqm of floor space with building heights up to 24 storeys, across two buildings.

Surrounding the site is the Green Square library and plaza to the north-east, underground tunnel access to Green Square Station across from the northern border, future residential development to the east, Geddes Avenue to the south and Botany Road on the western frontage.

The Bourke Street site

The Bourke Street site planning controls allow for two separate mixed-use buildings with heights varying up to a maximum of 24 storeys. Intended uses across the 19,000 sqm floor space include residential and supporting services such as office, business, entertainment and childcare.

The site has development consent (D/2017/564) for a 16 and 13 storey building with residential apartments, retail and commercial floor space and a cinema, however the Proponent has indicated they will not be progressing with the consent.

Surrounding the site is Tweed Place to the north, Ebsworth street to the north east, Green Square library and plaza to the south-west and future Barker Street to the south east. Opposite the site to the east is a mixed-use development that includes residential and retail, including a supermarket and to the north-west is a mixed-use development known as Infinity with residential apartments, a hotel and significant retail.

1.4 Existing Planning Controls

The Green Square Town Centre LEP 2013 and Green Square Town Centre Development Control Plan 2012 (DCP) contain zoning and development standards for the site.

Below is an overview of the controls relevant to the Planning Proposal.

- Zoning: B4 Mixed Use zone
- Floor space ratio (FSR):
 - Botany Road site – FSR 0.3:1. Clause 4.4A allows for an additional 44,000 square metres only if the additional space is used for office or business premises.
 - Bourke Street site – FSR 5.47:1. Clause 4.4A allows for an additional 4,200 sqm only if the additional space is used for office premises, business premises, entertainment facilities and centre-based childcare facilities.
- Height of buildings:
 - Botany Road site: northern building RL 52m (8 storeys) and RL 115m (24 storeys), through site link RL 22m and southern building RL 90m (17 storeys).
 - Bourke Street site: the northern building varies from RL 50m (8 storeys), RL 64m (12 storeys) and RL 75m (15 storeys) and the southern building RL 50m (8 storeys) and RL 62.5m (12 storeys).

1.5 Mapping

The planning proposal is to amend the Height of Buildings map to increase part of the Botany Road site from RL22m to RL55.7m.

The mapping in the planning proposal requires amending prior to exhibition to clearly show the proposed amendments highlighted in red (or appropriate colour) and include the context of the surrounding area.

Once updated in accordance with the recommended condition, the mapping will be suitable for public exhibition.



Figure 2 Current height of building map, with Botany Road site (red) and Bourke Street site (blue)
(Source: PP report)



Figure 3 Proposed amendment to height of building map (Source: PP report).

2 Need for the planning proposal

Is the planning proposal a result of an assured local strategic planning statement, or Department approved local housing strategy, employment strategy or strategic study or report?

The planning proposal will give effect to the objectives and actions from several strategic plans including the Greater Sydney Region Plan, the Eastern District Plan, City Plan 2036 and Sustainable Sydney 2030. The proposal aims to facilitate development that contributes to an active and vibrant Town Centre, with flexible non-residential uses that will respond to changing market demands and complement business and office premises.

The planning proposal is the best means to support employment growth within the Town Centre and allow non-residential development to respond to changing market demands. The LEP limits the permissible uses eligible for additional floor space. An amendment to the LEP is required to allow any additional uses and support economic outcomes. Amending the height map will enable improved urban design and delivery of a skybridge that is unable to be achieved under the current height map.

The proposed LEP amendments described in this planning proposal will be supported by amendments to the Green Square Town Centre DCP 2012 to ensure the objectives and intended outcomes of the proposal are achieved, including:

- limiting the length of the skybridge on the Botany Road site to 20m. The position of the skybridge between the buildings and setbacks will be determined in the development application process.
- amending figures to facilitate a wider range of uses on the first two storeys of the Botany Road site.
- require development on the Bourke Street site to be designed to include floor space which can be adapted to a cinema in the future.

The DCP will be exhibited concurrently with the Planning Proposal. This is a condition of the Gateway determination.

3 Strategic assessment

3.1 Regional Plan

The following table provides an assessment of the planning proposal against relevant aspects of the Greater Sydney Region Plan.

Table 4 Regional Plan assessment

Regional Plan Objectives	Justification
Infrastructure	The proposal is consistent with this objective as it will facilitate non-residential uses in the Town Centre, locating employment uses close to existing public transport and infrastructure including the Green Square Station located opposite.
Liveability	The proposal is consistent with this objective as it contributes to creating an active and vibrant town centre, with a variety of non-residential uses to support jobs, workers and local residents.

Regional Plan Objectives	Justification
Productivity	The proposal is consistent with this objective as it expands the land uses that may access additional non-residential floor space close to existing public transport, jobs and housing.
Sustainability	The proposal is consistent with this objective as it supports the development of the Town Centre by providing a more diverse range of services in an existing well-located area.

3.2 District Plan

The site is within the Eastern City District. The Greater Sydney Commission released the Eastern City District Plan on 18 March 2018 which contains planning priorities and actions to guide the growth of the district while improving its social, economic and environmental assets.

The planning proposal is consistent with the priorities for infrastructure and collaboration, liveability, productivity, and sustainability in the plan, as outlined below.

The Department is satisfied the planning proposal gives effect to the District Plan in accordance with section 3.8 of the *Environmental Planning and Assessment Act 1979*. The following table includes an assessment of the planning proposal against relevant directions and actions.

Table 5 District Plan assessment

District Plan Priorities	Justification
Planning Priority E10 – Delivering integrated land use and transport planning and a 30-minute city	The proposal is consistent with this priority as it supports a diversity of commercial, retail and recreational uses in the town centre. The sites are well-connected to public transport, road, cycling and pedestrian networks to support the 30-minute city.
Planning Priority E11 – Growing investment, business opportunities and jobs in strategic centres	The proposal supports development of two sites in the Town Centre with non-residential uses and will contribute to the growth of the Town Centre as an economic centre, as well as the Green Square-Mascot Strategic centre.

3.3 Local

The proposal states that it is consistent with the following local plans and endorsed strategies. It is also consistent with the strategic direction and objectives, as stated in the table below:

Table 6 Local strategic planning assessment

Local Strategies	Justification
City Plan 2036/ Local Strategic Planning Statement (LSPS)	The proposal supports the following planning priorities within the LSPS: <i>L2. Creating great places</i>

Local Strategies	Justification
	<p>The proposal diversifies the uses that can access the additional non-residential floor space and will enable a wider range of businesses and services to support the Town Centre.</p> <p><i>P3 Protecting industrial and urban services in the Southern Enterprise Area and evolving businesses in the Green Square-Mascot Strategic Centre</i></p> <p>The proposal supports floor space for a variety of non-residential uses and evolving business in the Town Centre. It will allow for the contemporary needs of businesses by supporting larger commercial floor plates.</p>
Sustainable Sydney 2030	<p>Sustainable Sydney 2030 is Council's Community Strategic Plan. It contains 10 strategic directions to guide the future of the City. The proposal will help deliver on the following directions:</p> <p><i>Direction 3 – Integrated transport for a connected City</i></p> <p>The proposal supports a variety of non-residential uses close to existing public transport including the Green Square station as well as walking and cycling networks.</p> <p><i>Direction 5 – A lively and engaging city centre</i></p> <p>The proposal supports a variety of non-residential uses in the Town Centre that will contribute to a creating a vibrant place, economic activity and street activation.</p>

3.4 Central Sydney Planning Committee

On 14 October 2021 the Central Sydney Planning Committee reviewed the Planning Proposal for the Green Square Town Centre: 377 - 495 Botany Road and 960A Bourke Street, Zetland and Green Square Town Centre Development Control Plan (**Attachment B**). The committee resolved to approve the Planning Proposal for submission to the Department with a request for a Gateway Determination (**Attachment C**).

3.5 Section 9.1 Ministerial Directions

The planning proposal's consistency with relevant section 9.1 Directions is discussed below:

Table 7 9.1 Ministerial Direction assessment

Directions	Consistent/ Not Applicable	Reasons for Consistency or Inconsistency
1.1 Business and Industrial Zones	Yes	<p>This direction aims to encourage employment growth in suitable locations, protect employment land in existing business and industrial zones, and support the viability of identified centres.</p> <p>The proposal gives effect to the objectives of the direction as it encourages employment land uses and growth in an identified Town and Strategic Centre.</p>
2.3 Heritage Conservation	Yes	<p>This direction aims to conserve items, areas, objects and places of environmental and indigenous heritage significance.</p> <p>The proposal does not include provisions that would impact the application of the direction.</p>

Directions	Consistent/ Not Applicable	Reasons for Consistency or Inconsistency
2.6 Remediation of Contaminated Land	Yes	<p>The objective of this direction is to reduce the risk of harm to human health and the environment by ensuring that contamination and remediation are considered by planning proposal authorities.</p> <p>This direction requires that before including any land specified in paragraph (2) (of the direction) in a particular zone, the planning proposal authority is to obtain and have regard to a report specifying the findings of a preliminary investigation of the land carried out in accordance with the contaminated land planning guidelines.</p> <p>The proposal notes both sites are subject to an overarching Remediation Action Plan (RAP) prepared in 2013 which concludes the sites can be made suitable for the intended uses, subject to the recommendations of the RAP. The recommendations include requirement for specific RAPs to be prepared for each site at the development application (DA) stage.</p> <p>A site-specific RAP was submitted for the Bourke Street site as part of the approved development consent. A site-specific RAP will be required for any future DAs for the Botany Road site.</p> <p>The proposal is consistent with the direction and the Department supports the requirement for site specific RAPs at DA stage.</p>
3.1 Residential Zones	Yes	<p>The objective of this direction is to encourage variety and choice of housing types, make efficient use of existing infrastructure and minimise impacts of residential development.</p> <p>The Botany Road site has an existing control that limits delivery of residential development. No changes are proposed to this control and the proposal is consistent with this direction as it does not alter residential density on the site.</p>
3.4 Integrating Land Use and Transport	Yes	<p>The objective of this direction is to ensure that the urban environment improves access to housing, jobs and services; increase transport choices; reduce travel demands; support efficient public transport services and the efficient movement of freight.</p> <p>The proposal is consistent with this direction as it enables non-residential floor space close to public transport and major connections.</p>
3.5 Development Near Regulated Airports and Defence Airfields	Yes	<p>The objectives of this direction are:</p> <ul style="list-style-type: none"> (a) to ensure the effective and safe operation of regulated airports and defence airfields; (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; (c) to ensure development, if situated on noise sensitive land, incorporates appropriate mitigation measures so that the development is not adversely affected by aircraft noise. <p>While the proposal seeks to change a height control, it is related to the height of a skybridge which remains lower than the</p>

Directions	Consistent/ Not Applicable	Reasons for Consistency or Inconsistency
		permissible height of the two buildings it links. As such consultation with the operator of Sydney Airport is not required.
4.1 Acid Sulfate Soils	Yes	<p>The objective of this direction is to avoid significant adverse impacts from use of land that contains acid sulfate soils.</p> <p>The two sites are categorised as Class 5 areas, where acid sulfate soils are not typically found, and no intensification of the land is proposed. The presence of acid sulfate soils can be addressed through the DA process.</p>
4.3 Flooding	Yes	<p>The objective of this direction is to ensure development of flood prone land is consistent with Government policy, principles of the Floodplain Development Manual 2005 and ensure that provisions in LEPs are commensurate with flood behaviour and potential flood impacts.</p> <p>The direction requires that a proposal must not contain provisions that apply to the flood planning area which permit development for centre-based childcare facilities or hospitals, where the occupants cannot effectively evacuate.</p> <p>The Botany Road site is flood affected and is zoned B4 Mixed Use, with centre-based childcare centres and health service facilities (including hospitals) permissible with consent. Although the proposal seeks to add childcare and health service facilities as uses that can access the additional floor space, these uses are already permissible. As such the proposal is consistent with this direction.</p> <p>The consideration of appropriate uses would have occurred as part of the rezoning of the Green Square Town Centre. The Green Square LEP and DCP include provisions that set flood planning levels, require assessment against 1 in 100 year storm events and compliance with the requirements of the NSW Government's Flood Development Manual 2005, the Town Centre Flood Study and Flood Risk Management Study and Plan. Future DAs for these sites will have to demonstrate the risk of flooding is minimised and that they comply with the required drainage infrastructure and overland flow paths.</p> <p>Further the Department notes Council approved a DA in 2008 for essential infrastructure and public domain works to address flood risk management in the Green Square Town Centre.</p> <p>The Bourke Street site is not identified to be affected by flooding By Council's forecast 5% or 1% flood events or a probable maximum flood event.</p>

Directions	Consistent/ Not Applicable	Reasons for Consistency or Inconsistency
5.10 Implementation of Regional Plans	Yes	<p>The objective of this direction is to give legal effect to the vision, land use strategy, goals, directions and actions contained in Regional Plans.</p> <p>The proposal is consistent with the Regional Plan, as discussed in Section 3 of this report.</p>
6.1 Approval and Referral Requirements	Yes	<p>The objective of this provision is to ensure LEP provisions encourage the efficient and appropriate assessment of development.</p> <p>This planning proposal does not include any concurrence, consultation or referral provisions and does not identify development as designated development. The proposal is considered consistent with the direction.</p>
6.3 Site Specific Provisions	Inconsistent, but of minor significance.	<p>The objective of this direction is to discourage unnecessarily restrictive site-specific planning controls.</p> <p>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 of minor significance.</p> <p>The proposal maintains the detailed site-specific provisions for the Green Square Town Centre. The Department notes these provisions are required to meet the master plan, vision and urban design outcomes for the Town Centre.</p> <p>As the provisions are the only way to achieve the intended outcomes, the inconsistency is acceptable as it is minor, does not compromise the intent of the direction and adequate justification has been provided.</p>

3.6 State environmental planning policies (SEPPs)

The planning proposal is consistent with all relevant SEPPs and is not expected to hinder the application of any relevant SEPPs, as discussed in the table below.

Table 8 Assessment of planning proposal against relevant SEPPs

SEPPs	Consistent	Reason for Consistency or Inconsistency
SEPP No 55 – Remediation of Land	Yes	The proposal does not propose provisions that would impact the application of this SEPP.
SEPP No 64 – Advertising and Signage	Yes	The proposal does not propose provisions that would impact the application of this SEPP.

SEPPs	Consistent	Reason for Consistency or Inconsistency
SEPP No 65 – Design Quality of Residential Apartment Development	Yes	The proposal does not propose provisions that would impact the application of this SEPP.
SEPP No 70 – Affordable Housing (Revised schemes)	Yes	The proposal does not propose provisions that would impact the application of this SEPP.
SEPP (Affordable Rental Housing) 2009	Yes	The proposal does not propose provisions that would impact the application of this SEPP.
SEPP (BASIX) 2004	Yes	The proposal does not propose provisions that would impact the application of this SEPP.
SEPP (Concurrences and Consents) 2018	Yes	The proposal does not propose provisions that would impact the application of this SEPP.
SEPP (Educational Establishments and Child Care Facilities) 2017	Yes	The proposal will enable development for educational establishment and childcare facilities on the Botany Road site and does not propose provisions that would impact the application of this SEPP.
SEPP (Exempt and Complying Development Codes) 2008	Yes	The proposal does not propose provisions that would impact the application of this SEPP.
SEPP (Housing for Seniors or People with a Disability) 2004	Yes	The proposal does not propose provisions that would impact the application of this SEPP.
SEPP (Infrastructure) 2007	Yes	The proposal does not propose provisions that would impact the application of this SEPP. The Botany Road site is considered traffic generating development and any future DA will require referral to TfNSW.

4 Site-specific assessment

4.1 Environmental

The subject sites are in the Green Square Town Centre, they do not contain any critical habitats, threatened species or ecological communities and therefore the likelihood of any negative environmental impacts is unlikely.

Built form

The planning proposal would facilitate changes to the height of buildings map for the through site link area of the Botany Road site, to permit a sky bridge below level 10 (RL55.7m).

The proposal makes no changes to the height of the two buildings on the Botany Road site, the floor space ratio (FSR) or any built form changes to the Bourke Street site.

The proposed skybridge will connect 8 levels of the Botany Road site buildings (levels 2 to 9), leaving the floors above unconnected so the two buildings will continue to appear separate in the skyline (**Figure 4**). A maximum skybridge length (20m) is introduced into the draft DCP and the setback of the skybridge from the building elevations will be determined at the DA stage. The DCP will continue to require a through site link at ground level with a height of 10m.

Additional floorspace is not required for the proposed skybridge as it will be accommodated in the existing FSR that applies to the site. The Urban Design Report submitted provides opportunities for how gross floor area (GFA) can be distributed including reduced height, façade articulation or increased public circulation.

The change to building height for the proposed skybridge is appropriate as it will meet the demands of the commercial market by providing larger and more flexible floor plates. The draft DCP controls will continue to ensure the delivery of high-quality built form in the Town Centre. The proposal is consistent with objectives of the Eastern City District Plan and City Plan 2036.

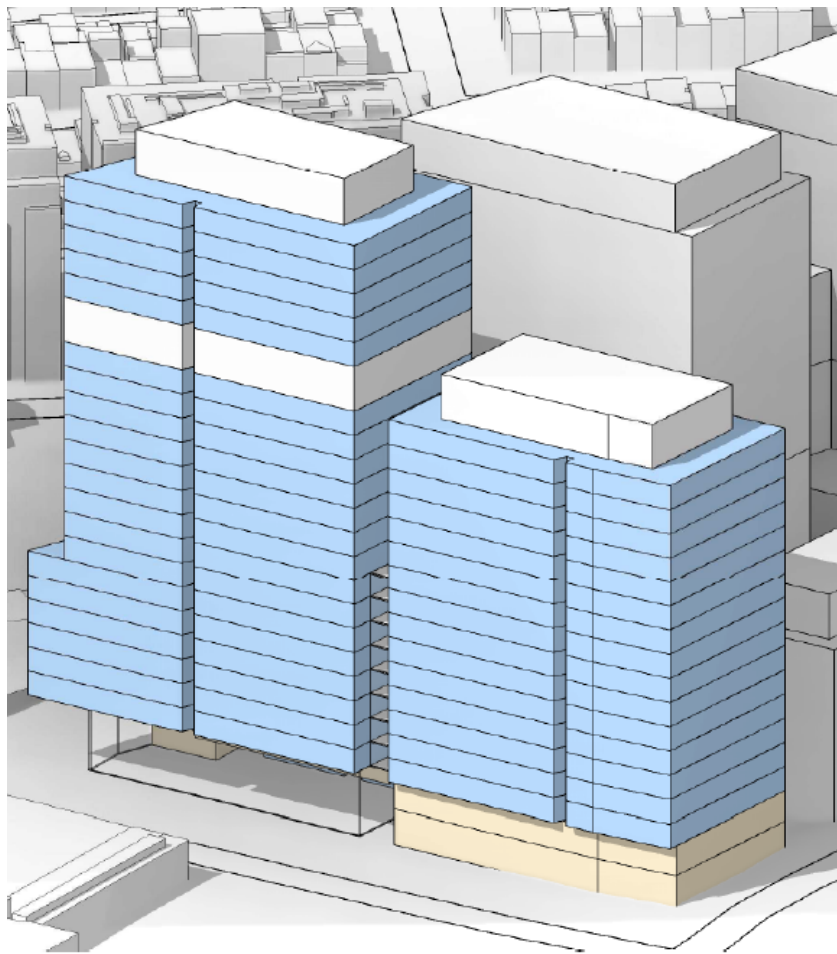


Figure 4 Photomontage of the Botany Road site showing the connecting skybridge (Source: PP report).

Wind

The planning proposal is accompanied by an Environmental Wind Assessment prepared by ARUP which assesses the impact of the larger skybridge on pedestrian comfort and safety in the through site link.

The wind assessment concludes increasing the size of the skybridge to 20m has negligible impact as the wind conditions are governed by the massing of the buildings and surrounds. The wind comfort conditions are expected to be suitable for pedestrian standing/ walking, with windier

conditions experienced under the bridge. The report concludes all locations will meet the safety criteria and are suitable for the intended use.

The Department accepts the findings of the Environmental Wind Assessment and notes further wind testing will be conducted as part of subsequent DAs should the planning controls be amended.

Compatibility of Land uses

The planning proposal seeks to amend the additional floor space clause 4.4A(2)(a) and (d) to broaden the range of land uses that are permissible. The intent is to permit a broader range of uses to provide commercial floor space aligned with market demands, tenant needs and deliver other uses that support commercial floor space.

Botany Road site

On the Botany Road site, an FSR of 0.3:1 applies (approximately 1,300 sqm of floor space). Clause 4.4A(2)(a) permits 44,000 sqm of additional floor space limited to office and business premises. The proposal seeks to add centre-based childcare services, health service facilities, education establishment, retail premises (up to 1,500 sqm), entertainment facilities and function centres (up to 2,500 sqm) and indoor recreation facilities (up to 1,500 sqm).

The proposed additional uses are appropriate as:

- they are complementary to business and office premises uses ie a childcare in the building would meet the future needs of tenants;
- they will help meet the needs of surrounding workers and residents;
- the Economic Assessment identifies the location as suitable for a school or university and the uses would contribute to an active Town Centre; and
- the limits on floor space for retail, entertainment facilities, function centres and indoor recreation facilities uses are suitable, so these uses don't displace other important commercial, business and population serving uses.

The Botany Road Site is the only non-residential building in the Town Centre and the additional uses are compatible with the vision for the Town Centre, will support job growth and the B4 Mixed use zone.

Bourke Street site

The Bourke Street site has an FSR of 5.47:1 (approximately 19,000 sqm) and clause 4.4A(2)(d) permits 4,200 sqm of additional floor space for office premises, business premises, entertainment facilities and centre based childcare facilities. The proposal seeks to add information and education facilities, artisan food and drink industry and indoor recreation facilities.

The proposed uses are appropriate as they support the creation of an active and vibrant Town Centre and provide additional recreational uses for workers, residents and visitors.

The draft DCP also includes a requirement that development of the Bourke Street site includes floor space to accommodate a cinema in the future. The approved mixed-use DA for the site uses the additional floor space for a 2,000 sqm cinema, however current market forces are affecting the viability of this use in the short to medium term. The proposed additional uses are consistent with the recreational use of this part of the site.

The Department is satisfied the proposed uses facilitate flexibility, are compatible with the B4 Mixed Use zone and align with the intent for a vibrant and activated Town Centre.

Employment Zones reform

The Department is working on a simplified employment zones framework that suits the future of work, supports productivity and jobs growth and facilitates delivery of strategic plans and priorities.

This involves replacing the existing business and industrial zones with five new employment zones and three supporting zones.

As the planning proposal involves changes to a local provision in the B4 Mixed Use zone, a condition recommends the planning proposal is updated prior to exhibition to include an employment zones translation table.

4.2 Social and economic

The planning proposal would provide a range of social and economic benefits including:

Supports a range of commercial and supporting land uses

The proposal seeks to broaden the range of land uses that can access additional floorspace for the Botany Road and Bourke Street sites.

The Economic Assessment submitted with the Planning Proposal indicates the current office market is challenging due to subdued market demand and new development activity in metro and city fringe markets that compete with the Green Square Town Centre.

The Economic Assessment also estimates employment within Green Square and surrounds will increase by 15,200 jobs between 2021 and 2036, with the largest growth in the population serving and industrial related businesses. To meet this demand approximately 916,620 sqm of non-residential floor space will be required by 2036.

The proposal supports future commercial development by providing greater flexibility in the type of commercial and supporting uses that can access the additional floor space. This will encourage non-residential development and provide jobs and services for those who work, live and visit the area.

The proposal will also meet the needs of modern businesses that require large contiguous floorplates, with the larger skybridge connecting the two Botany Road buildings allowing a business to locate across one or more interconnected floors, rather than across multiple levels.

The Department supports the additional land uses and increase in height for the skybridge, as these changes will support development of the Town Centre as an economic centre and attract future commercial development and jobs.

4.3 Infrastructure

General

The planning proposal would facilitate the delivery of more variety in non-residential floorspace permitted on the sites but won't change the existing density of the sites.

The sites are located opposite the Green Square station and an existing well-connected road, pedestrian and cycle network. Further the Green Square Town Centre has seen recent investment in infrastructure including public transport, public domain, parks, flood mitigation work, as well as community and recreation facilities including the Green Square Library and Gunyama Park Aquatic and Recreation Centre.

The Department considers the subject site has a high level of access to public transport and infrastructure to support the proposal.

Utility and Servicing Infrastructure:

The sites are well serviced by a range of public utilities (electricity, telecommunications, water, sewer and stormwater). The Department expects these services would be upgraded, as required, when the sites are developed, with further details provided at the DA stage.

5 Consultation

5.1 Community

Council proposes a community consultation period of 28 days.

The exhibition period proposed is considered appropriate, and forms the conditions of the Gateway determination.

5.2 Agencies

The proposal does not specifically raise which agencies will be consulted.

It is recommended the following agencies be consulted on the planning proposal and given 28 days to comment:

- Transport for NSW
- Relevant utility and service providers, including Sydney Water.

6 Timeframe

Council proposes a 6 month time frame (July 2022) to complete the LEP.

The Department recommends a time frame of 12 months to ensure it is completed in line with its commitment to reduce processing times. It is recommended that if the gateway is supported it also includes conditions requiring council to exhibit and report on the proposal by specified milestone dates.

A condition to the above effect is recommended in the Gateway determination.

7 Local plan-making authority

Council has advised that it would like to exercise its functions as a Local Plan-Making authority.

As the planning proposal is consistent with key State and local strategic objectives and has minor, justifiable inconsistencies with the Ministerial Directions, the Department recommends that Council be authorised to be the local plan-making authority for this proposal.

8 Assessment Summary

The planning proposal is supported to proceed with conditions for the following reasons:

- It is consistent with the Eastern City District Plan and the City of Sydney Local Strategic Planning Statement.
- It is consistent with the relevant section 9.1 Ministerial Directions. Any inconsistencies are considered to be acceptable as they are of minor significance and the only way to achieve the intended outcomes.
- It will support employment growth, allow non-residential development to respond to changing market demands and attract commercial tenants to Green Square.
- It will support the vision for the Town Centre as a vibrant and active place with jobs and services.

9 Recommendation

It is recommended the delegate of the Secretary:

- Agree that any inconsistencies with section 9.1 Directions 6.3 Site Specific provisions are minor and justified.

It is recommended the delegate of the Minister determine that the planning proposal should proceed subject to the following conditions:

1. Prior to public exhibition the planning proposal is to be updated to:
 - a) Update the height of buildings map to clearly show the proposed amendments highlighted in red (or appropriate colour) and include the context of the surrounding area
 - b) Include a table, within the planning proposal, that clearly demonstrates the:
 - i. Description of the relevant land(s) that is the subject of the local provision,
 - ii. The proposed or amended local provision,
 - iii. The intent of the local provision,
 - iv. Indicative zoning under the employment zones reform,
 - v. Whether the local provision will still be required under the incoming employment zones.
2. Council is to exhibit the associated draft amendment to Green Square Development Control Plan 2012 concurrently with the Planning Proposal.
3. Consultation is required with the following public authorities:
 - a) Transport for NSW.
 - b) Relevant utility and service providers, including Sydney Water.
4. The planning proposal should be made available for community consultation for a minimum of 28 days.
5. The planning proposal must be exhibited within 6 months from the date of the Gateway determination.
6. The planning proposal must be reported to council for a final recommendation within 10 months from the date of the Gateway determination.
7. The timeframe for completing the LEP is to be within 12 months from the date of the Gateway determination.
8. Given the nature of the proposal, Council should be authorised to be the local plan-making authority.



____ (Signature)

____ 24.11.2021 ____ (Date)

Aaron Nangle
Manager, City of Sydney



____ (Signature)

____ 25.11.2021 ____ (Date)

David McNamara
Director, Eastern Harbour