



Planning,  
Industry &  
Environment

IRF21/3239

## Gateway determination report – PP-2021-5109

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Botany Road Precinct

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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 – Botany Road Precinct
Attachment C – Resolution of Council and CSPC – Botany Road Precinct
Supporting PP Appendices
Attachment A1: Supplementary Urban Design Report

Attachment A2: Urban Design Study

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Attachment A3: Aboriginal and Torres Strait Islander Community Engagement and Cultural Heritage Research

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Attachment A4: Brief Aboriginal Historical Study of the Botany Road Precinct and Surrounds

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Attachment A5: Archaeological Assessment

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Attachment A6: Statement of Aboriginal and Torres Strait Islander Significance

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Attachment A7: Non-Indigenous Heritage Study

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Attachment A8: Air Quality and Noise Study

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Attachment A9: Transport and Traffic report

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Attachment A10: Redfern - Waterloo Strategic Employment Study

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Attachment B. Draft Sydney Development Control Plan 2012 Amendment – Botany Road Precinct

# 1 Planning Proposal

## 1.1 Overview and objectives of planning proposal

**Table 2 Planning proposal details**

<b>LGA</b>	City of Sydney Local Government Area
<b>PPA</b>	City of Sydney Council
<b>NAME</b>	Botany Road Precinct
<b>NUMBER</b>	PP-2021-5109
<b>LEP TO BE AMENDED</b>	Sydney Local Environmental Plan 2012
<b>ADDRESS</b>	Botany Road Precinct, a linear north south area stretching from Redfern Station and Redfern Street in the north to McEvoy Street in the south, comprising multiple allotments in Redfern, Alexandria and Waterloo.
<b>RECEIVED</b>	17/08/2021
<b>FILE NO.</b>	IRF21/3239
<b>POLITICAL DONATIONS</b>	There are no donations or gifts to disclose and a political donation disclosure is not required.
<b>LOBBYIST CODE OF CONDUCT</b>	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:

- incentivise the delivery of additional floor space in the Precinct for employment uses;
- incentivise the delivery of affordable housing where it does not conflict with employment uses;
- contribute to increased economic activity and employment generation in an accessible location;
- deliver high quality built form which responds to the surrounding context including adjoining residential areas and the Precinct's heritage context;
- improve the amenity of the public domain;
- maintain the amenity of streets and parks by ensuring adequate solar access to parks;
- recognise the significance of the place to Aboriginal and Torres Strait Islanders;
- facilitate the delivery of residential housing in areas not suited to employment development; and
- incentivise high environmental performance standards for buildings to mitigate the effects of climate change.

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 2012 as per the changes in **Table 3**.

**Table 3 Proposed controls**

Proposed Amendment	Overview
Site specific provisions for the Botany Road Precinct	<ul style="list-style-type: none"> <li>Update the LEP to include a new site-specific provision applicable to opportunity land in the Botany Road Precinct. The precinct and opportunity land will be identified on the Locality and Site Identification Map.</li> <li>The objectives of the proposed site specific clause is to incentivise development: <ul style="list-style-type: none"> <li>for employment uses and affordable housing (where compatible with employment uses);</li> <li>to provide for laneways, if required; and</li> <li>of high environmental performance.</li> </ul> </li> <li>The provision will: <ul style="list-style-type: none"> <li>allow development to achieve additional height and FSR where it is for the purposes of employment uses only or employment uses and affordable housing only;</li> <li>ensure development that takes advantage of the incentives provides for laneways, where required;</li> <li>ensure that BASIX affected development, that takes advantage of the incentives, exceeds the BASIX commitments for water and energy by not less than 10 points for energy and 5 points for water;</li> <li>ensure that any affordable housing provided is owned and managed by a registered community housing provider and in accordance with the Affordable Housing Principles in the City of Sydney Affordable Housing Program, adopted by the Council on 24/08/2020;</li> <li>ensure that affordable housing does not reduce the capacity of adjoining sites to be developed for employment uses; and</li> <li>ensure that a building demonstrating design excellence in accordance with clause 6.21 is only eligible for additional FSR, not additional height.</li> </ul> </li> </ul>
Height of Buildings (HOB)	<ul style="list-style-type: none"> <li>New HOB map outlining the incentive planning controls: <ul style="list-style-type: none"> <li>Botany Road Precinct Opportunity Land - Alternative Heights Map, which permits varying heights across the Precinct, including up to 70m (17 storeys) on Rosehill Street, up to 50m (12 storeys) on Botany Road and up to 25m (5 storeys) on Wyndham Street.</li> </ul> </li> <li>Amend the current HOB Map to apply new height controls to identified properties on Wyndham Street (24m), Cope Street (30m) and 131 Regent Street, Redfern(25m).</li> </ul>
Floor Space Ratio (FSR)	<ul style="list-style-type: none"> <li>New FSR map outlining the incentive planning controls: <ul style="list-style-type: none"> <li>Botany Road Precinct Opportunity Land - Employment Sites - Alternative Floor Space Ratio Map, which permits varying FSRs across the Precinct, including FSRs up to 7.75:1 on Rosehill Street, up to 5.5:1 on Botany Road and up to 3.5:1 on Wyndham Street; and</li> </ul> </li> </ul>

	<ul style="list-style-type: none"> <li>○ Botany Road Precinct Opportunity Land – Affordable Housing Sites - Alternative Floor Space Ratio Map, which permits varying FSRs across the Precinct, including FSRs up to 6:1 on Rosehill Street, up to 3.75:1 on Botany Road and up to 2.75:1 on Wyndham Street.</li> <li>• Amend current FSR Map to change properties on Wyndham (opposite Alexandria Park) and Buckland Streets (subject to Clause 61.14) from Area 6 to Area 8 to increase the amount of available community infrastructure floorspace to 1:1; and</li> <li>• Increase the mapped FSR for identified sites on Cope Street and Wyndham Street.</li> </ul>
Land zoning	<ul style="list-style-type: none"> <li>• Amend the Land Zoning Map to re-zone 45 properties on Wyndham Street from R1 – General Residential to B4 – Mixed Use.</li> </ul>
Heritage	<ul style="list-style-type: none"> <li>• Amend the Heritage Map to extend the C56 Redfern Estate Heritage Conservation Area (HCA) and reduce the extent of the Alexandria Park HCA; and</li> <li>• Add three new heritage items, 142 Regent Street, Redfern, 171 Regent Street, Redfern and 122-136 Wellington Street, Waterloo.</li> </ul>
Affordable Housing	<ul style="list-style-type: none"> <li>• Amend clause 1.9 Application of SEPPs to ensure SEPP (Affordable Rental Housing) does not apply to the Botany Road Precinct Opportunity Land;</li> <li>• Introduce a new ‘Affordable Housing Map’ to identify sites subject to additional affordable housing requirements;</li> <li>• insert a new provision and schedule for “Planning Proposal land” to identify sites that are achieving additional residential floor space because of the planning proposal, and require an affordable housing contribution comprising: <ul style="list-style-type: none"> <li>○ any contribution under clause 7.13 and 9% of any floor space that exceeds 1.5:1</li> <li>○ the new clause and schedule are intended to list sites subject of this planning proposal, but also future sites that may be subject to affordable housing provisions.</li> </ul> </li> </ul>
Design Excellence	<ul style="list-style-type: none"> <li>• Amend clause 6.21(7)(b)(i) so the amount of design excellence floor space permitted on a site will be calculated on the incentive floor space maps.</li> </ul>
Sun access planes	<ul style="list-style-type: none"> <li>• Amend clause 6.17 to introduce new sun access planes to protect solar access to Daniel Dawson Reserve and Alexandria Park.</li> </ul>
Active Street Frontages	<ul style="list-style-type: none"> <li>• Apply active street frontage controls to identified locations on Regent Street and Botany Road.</li> </ul>

## 1.3 Site description and surrounding area

### Site description

The Botany Road Precinct is located about 3 km south of the Town Hall in Sydney’s CBD and is within the City of Sydney local government area.

The Precinct has a total area of 21.4 hectares and stretches from Redfern Station and Redfern Street in the north to McEvoy Street in the south. It is bound by Cope Street to the east and Wyndham, Garden and Cornwallis Streets to the west (**Figure 1**). Regent Street and Botany Road form the main spines of the Precinct.

Regent Street has a mixed character, containing two storey Victorian and Federation buildings, infill development and high rise buildings clustered around Redfern Station ranging from 3 to 19 storeys. Botany Road contains a mixture of two storey Victorian and Federation commercial

buildings, commercial and light industrial buildings and residential developments of 3 to 5 storeys. Larger commercial and light industrial buildings are located on McEvoy Street, Rosehill Street and parts of Wyndham Street. The other parts of the Precinct are predominantly residential.

The most common land use in the Precinct is strata residential units (64%) and these are concentrated on Gibbons Street and the northern end of Regent and Cope Street.

The future Waterloo Metro Station and Waterloo Metro Quarter development is located centrally within the Precinct, on the eastern side of Botany Road and the approved concept plan includes three buildings of 4 to 10 storeys and three towers of 23, 25 and 29 storeys.

Open space in the Precinct comprises Jack Floyd Reserve in the north, Daniel Dawson Reserve on Wyndham Street and Gibbons Reserve, a park at Gibbons Street.

Gibbons Street and Regent Street operate as a 'one-way pair', with northbound traffic on Gibbons Street and southbound traffic on Regent Street. Between Henderson Road and McEvoy Street Botany Road has two-way traffic.

### **Surrounding area**

The Precinct is located close to Central Sydney and forms part of the Camperdown Ultimo Health and Innovation Precinct.

To the north east along Redfern Street is the Redfern Town Centre which provides a range of retail, local services and food and drink premises. To the north west is Redfern Station, providing direct access to the Sydney Trains network (**Figure 2**).

Adjoining the western side of the Precinct is the Australian Technology Park, now known as South Eveleigh, with recently constructed commercial and retail buildings.

To the east of the Precinct is the Waterloo Estate which is identified for redevelopment.

South of the Precinct is Green Square Town Centre, including a train station, employment, retail and services.

Large open spaces outside the Precinct boundary include Alexandria Park on Wyndham Street, the Vice Chancellors Oval at South Eveleigh on Henderson Road and a future park in the Waterloo Estate on Cope Street.





**Figure 1 Subject site (source: Planning Proposal Report)**

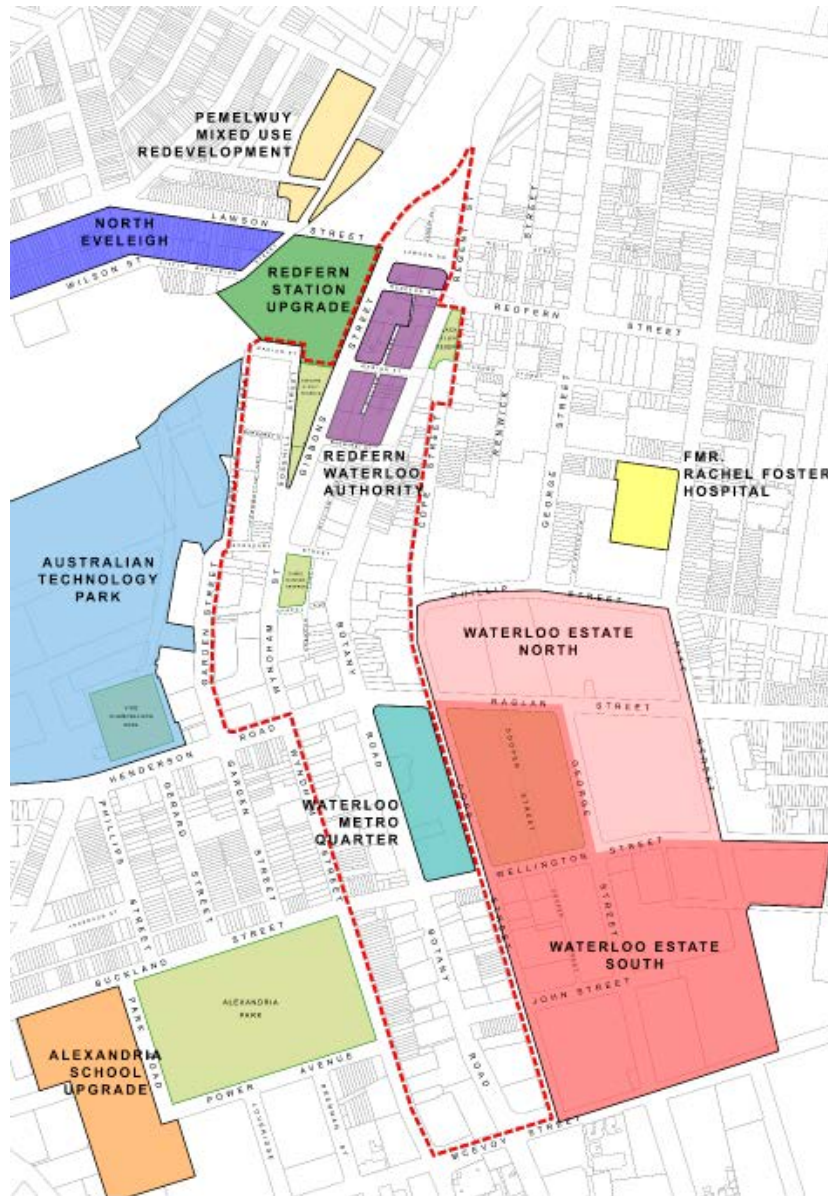


Figure 2 Site context (source: Planning Proposal Report)

## 1.4 Existing planning controls

Most of the Precinct is subject to the planning controls in the Sydney Local Environmental Plan 2012 (Sydney LEP 2012) and Sydney Development Control Plan (Sydney DCP 2012).

The Waterloo Metro Station site and northern part of the Precinct are subject to the State and Regional Development State Environmental Planning Policy (SRD SEPP). The northern part of the precinct is also subject to the State Significant Precincts SEPP (SSP SEPP).

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

### Zoning

The Precinct zoning controls are contained in Sydney LEP 2012 and the SSP SEPP and include:

- Under Sydney LEP 2012:
  - B4 Mixed Use zone covers most of the Precinct

- R1 General Residential for sites on the eastern side of Wyndham Street, between McEvoy and Buckland Street
- SP2 Special Uses on the road reservation of Botany Road, Henderson Road and Gibbons Street.
- Under the SSP SEPP, Business Zone – Commercial Core and Recreation Zone – Public Recreation, in the northern part of the Precinct at Gibbons and Regent Street.

### Floor Space ratio (FSR)

The Sydney LEP 2012 FSR controls for the Precinct vary from 1:1 to 1.75:1. The Waterloo Metro Station site has a maximum FSR of 6:1 and the SSP SEPP sites have an FSR up to 7:1.

The block bounded by Botany Road, Buckland Street, Wyndham Street and McEvoy Street is located within Green Square, identified as Area 6 on the FSR map and an additional 0.5:1 FSR is available if community infrastructure is provided (under clause 6.14 of Sydney LEP 2012).

### Height of Building

The maximum height controls across the Precinct, under Sydney LEP 2012, vary from 9m to 22m.

The Waterloo Metro site has a height control varying from RL96.9 to RL116.9m (17 to 25 storeys). The SSP SEPP lands have a maximum height control up to 18 storeys.

### Heritage

The Precinct has 9 local heritage listed items and a State listed high pressure water tunnel runs beneath the south of the Precinct.

The Alexandria Park Heritage Conservation Area (HCA) extends slightly into the Precinct at Henderson Road, Wyndham and Buckland Street. The Redfern Estate HCA also extends into the Precinct at the intersection of Cope Street, Regent and Redfern Street.

## 1.5 Mapping

The planning proposal is to make the following amendments to the Sydney LEP 2012 maps:

- identify the Botany Road Precinct and Opportunity Land on the Locality and Site Identification Map;
- a new alternative Height Map to provide alternative heights, under the new site-specific local clause (varying from 18m to 70m);
- two new alternative FSR Maps, providing FSR for employment uses (3.5:1 to 7.75:1) and employment and affordable housing uses (2.75:1 to 6:1), under the new site specific clause;
- amend the Heritage Map to extend the Redfern Estate HCA, reduce the extent of the Alexandria Park HCA and add three new heritage items;
- amend the Land Zoning Map to rezone 45 properties on Wyndham Street from R1 – General Residential to B4 – Mixed Use;
- amend the FSR Map to:
  - change properties on Wyndham and Buckland Street from Area 6 to Area 8 to increase the community infrastructure floor space to 1:1, and
  - increase the mapped FSR for identified sites on Cope Street and Wyndham Street;
- amend the Height of Building Map to apply new height controls to properties on Wyndham Street (24m), Cope Street (30m) and 131 Regent Street (25m);
- amend the Active Frontages Map to identify locations on Regent Street and Botany Road; and



- a new Affordable Housing Map to identify sites subject to additional affordable housing requirements.

The mapping in the planning proposal requires amending prior to exhibition to clearly demonstrate the changes proposed, including:

- all maps to be amended should either be updated to clearly show the proposed amendments highlighted in red (or appropriate colour) and include the context of the surrounding area or include the existing and proposed map side by side for public exhibition; and
- the alternative heights map title should be updated to remove reference to Affordable housing sites, as this map applies to both employment and affordable housing sites.

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



**Figure 3 Proposed Botany Road Precinct (black outline) and Opportunity Land (yellow) (source: Planning Proposal)**



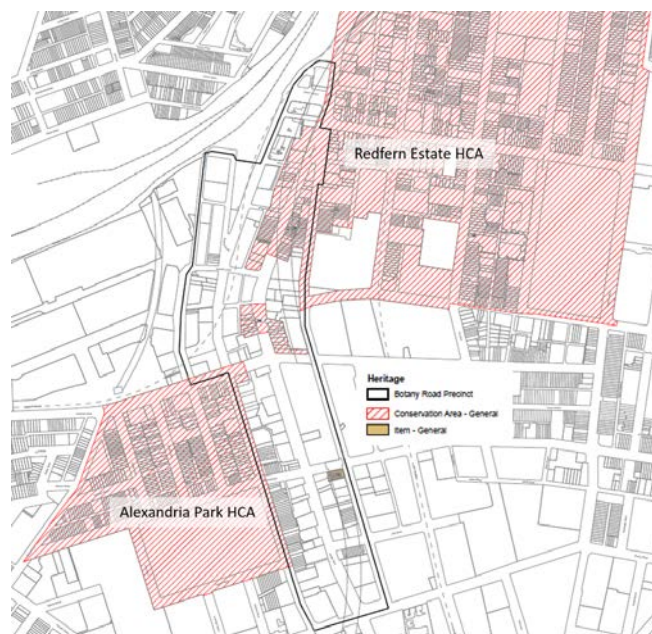
**Figure 4 Proposed incentive height of buildings map (source: Planning Proposal)**



**Figure 5 Proposed incentive FSR Map – Employment Sites (source: Planning Proposal)**



**Figure 6 Proposed incentive FSR Map – Affordable Housing Sites (source: Planning Proposal)**



**Figure 7 Proposed Heritage Map (source: Planning Proposal)**

## 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 will help to revitalise the Botany Road Precinct, meet the future projected demand for employment growth in Redfern-Waterloo area and the targets for commercial uses and affordable dwellings identified in City Plan 2036.

The planning proposal is the best means to facilitate the delivery of employment floor space and affordable dwellings in the Redfern-Waterloo area. It is the most appropriate mechanism by which the proposed provisions, maps and definitions may be introduced and amended in the Sydney LEP 2012.

The proposal includes the introduction of site specific provisions to encourage employment land uses and affordable housing, while managing the impacts of future development and transforming the area into a vibrant commercial precinct with an upgraded public domain.

The proposed LEP amendments described in this planning proposal will be supported by new provisions under the Sydney DCP 2012 and other relevant DCPs which outline guidance relating to the Botany Road Precinct addressing:

- Updated locality statements and a Precinct Urban Strategy;
- Land use diversity and mixed use development provisions, to ensure existing and new residential development does not constrain employment development;
- Affordable housing provisions requiring 10 percent or more of affordable dwellings in a development to be provided for Aboriginal and Torres Strait Islander housing;
- Ground floor and first floor commercial uses, active frontages and awnings;
- Provision for laneways and through site links;
- Vehicle access and parking;
- The design and use of SP2 zoned land;
- Building height in storeys, floor to floor heights and setbacks;
- Energy and water efficiency including stretch BASIX targets for incentive development;
- Connecting with Country considerations and requirements, including additional guidance for major development and Aboriginal archaeology provisions; and
- Site specific provisions for the Redfern Estate HCA, 131 Regent St, Redfern, 44-49 Rosehill St, Redfern and 74 Botany Road, Alexandria.

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 employment and housing growth within walking distance of new infrastructure investment, especially the Waterloo Metro Station located within the Precinct.
Liveability	The proposal is consistent with this objective as it will create a walkable place, with an active street life and encourage public transport use. The proposal acknowledges and celebrates the significant Aboriginal culture and heritage of the area as well as built heritage.
Productivity	The proposal is consistent with this objective as it incentivises additional employment floor space close to existing and future public transport to support the 30-minute city.
Sustainability	The proposal is consistent with this objective as it includes sustainability measures to improve the environmental performance of the Precinct, protects existing trees and improves and protects access to existing parks and open spaces.

## 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 E5 – Providing housing supply, choice and affordability with access to jobs, services and public transport	The proposal is consistent with this priority as it will incentivise additional height and FSR for affordable housing development and increase height/FSR for market housing in select locations. It also includes affordable housing provisions requiring 10 percent or more of affordable dwellings in a development to be provided for Aboriginal and Torres Strait Islander housing. The proposal provides additional housing choice in a location that is close to jobs, services, and public transport.
Planning Priority E6 – Creating and renewing great places and local centres, and respecting the Districts heritage	The proposal seeks to protect heritage significance by extending an existing heritage conservation area and adding new heritage items. The DCP acknowledges and celebrates Aboriginal and Torres Strait Islander culture with new Connecting with Country guidance and provisions.

Planning Priority E7 – Growing a stronger and more competitive Harbour CBD	The proposal will incentivise employment uses floor space and strengthen the economic and productive role of the Innovation Corridor by creating capacity for approximately 280,000 sqm of employment uses development. The location of the Precinct on the city fringe will support the global competitiveness of the Innovation Corridor.
Planning Priority E10 – Delivering integrated land use and transport planning and a 30-minute city	The proposal will facilitate additional employment uses and affordable housing dwellings within walking distance of the future Waterloo Metro Station. The Precinct is also within walking distance of Redfern Station and Green Square Station. The draft DCP supports improved connectivity with new laneway requirements and through site links.
Planning Priority E11 – Growing investment, business opportunities and jobs in strategic centres	The proposal facilitates up to 14,500 new jobs by incentivising new employment floor space and adding additional commercial and retail floor space in the Harbour CBD.
Planning Priority E19 – reducing carbon emissions and managing energy, water and waste efficiently	The proposal aims to improve sustainability by requiring stretch BASIX targets for affordable housing developed under the incentive controls. The draft DCP includes provisions on energy and water efficiency, recycled water, planting on-structure and in the public domain.

### 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	<p>The proposal supports the following planning priorities within the LSPS:</p> <p><i>L1. Movement for walkable neighbourhoods and a connected city</i></p> <p>The proposal promotes a mixed use area, near existing and new public transport, services and jobs. To encourage a pedestrian network the draft DCP includes public domain and transport changes to improve connectivity.</p> <p><i>L2. Creating great places</i></p> <p>The proposal provides for a diversity of housing, land uses and a new laneway network as well as a vision for public domain changes in the draft DCP. The proposal also conserves places of heritage significance to protect the character of the precinct and recognise the importance of the Precinct and surrounds to Aboriginal and Torres Strait Islanders.</p> <p><i>L3. New homes for a diverse community</i></p> <p>The proposal incentivises new affordable housing development and market residential in select locations to provide diverse housing options. It also supports provision of affordable housing targets for Aboriginal Torres Strait Islander housing.</p>



	<p><i>P2. Developing innovative and diverse business clusters in City fringe</i></p> <p>The proposal supports the growth of employment floor space in the City fringe by providing incentive planning controls.</p> <p><i>S1. Protecting and enhancing the natural environment for a resilient city</i></p> <p>The proposal and draft DCP support increasing canopy cover with provisions for increased street tree planting and on-structure planting.</p> <p><i>S2. Creating better buildings and places to reduce emissions and waste and use water efficiently</i></p> <p>The proposal supports sustainability benchmarks by setting targets for new residential development.</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 1 – A globally competitive and innovative city</i></p> <p>The proposal provides additional employment floor space and supports Sydney as an attractive city for global investors.</p> <p><i>Direction 2 – A leading environmental performer</i></p> <p>The proposal supports sustainable development in the precinct by setting sustainability targets for future development.</p> <p><i>Direction 3 – Integrated transport for a connected City</i></p> <p>The proposal is close to existing and future public transport including, the Redfern and Green Square Stations and future Waterloo Metro Station.</p> <p><i>Direction 4 – A city for walking and cycling</i></p> <p>The proposal supports the creation of a network of laneways and through site links to encourage active transport and connectivity.</p> <p><i>Direction 6 – Resilient and inclusive communities</i></p> <p>The proposal supports the creation of a vibrant commercial precinct that supports a diverse range of businesses, employment land uses and housing.</p> <p><i>Direction 7 – A cultural and creative City</i></p> <p>The proposal supports celebrating the living cultures of Aboriginal and Torres Strait Islander communities with Connecting with Country provisions in the draft DCP.</p> <p><i>Direction 8 – Housing for a diverse community</i></p> <p>The proposal incentivises the provision of affordable housing including targets for Aboriginal and Torres Strait Island housing, and market residential in select locations.</p> <p><i>Direction 9 – Sustainable development, renewal and design</i></p> <p>The proposal establishes aspirational sustainability benchmarks.</p>

## 3.4 Central Sydney Planning Committee

On 26 July 2021 the Central Sydney Planning Committee reviewed the Planning Proposal for the Botany Road Precinct and Sydney Development Control Plan 2012 amendment (**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 by encouraging employment land uses with incentive height and FSR controls. The proposal supports the development of a new local centre with local services for the community.</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 is consistent with this direction as it identifies three new heritage items and modifies the Alexandria Park HCA and Redfern Estate HCA. The new heritage items and extension of the Redfern Estate HCA will facilitate the conservation of items, buildings, and places of significance to the area. The reduced area of the Alexandria Park HCA is appropriate as the removed sites are not unique or of high quality and it allows these sites to contribute to increasing employment land uses in the Precinct.</p> <p>The proposal also ensures development will respond to heritage items and HCAs with appropriate built form controls, including no height increases to sites on Regent Street to retain its heritage character.</p> <p>The draft DCP also includes Connecting with Country provisions to ensure the significant Aboriginal culture and heritage of the area is acknowledged, respected and celebrated.</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 proposal is consistent with the direction as it incentivises development for affordable housing, increasing housing diversity and provides for increased market residential dwellings in select locations where there is high amenity. The proposal also includes draft DCP controls that 10% of affordable housing is to be Aboriginal and Torres Strait Islander housing, providing increased variety and choice.</p>

		In addition, residential sites that are receiving an increase in FSR under this proposal will be subject to an affordable housing contribution requirement.
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 seeks to increase employment floor space, affordable housing and residential housing in proximity to two train stations and a future metro station.</p>
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 Precinct is identified as having Class 5 Acid Sulfate Soils. Acid Sulfate Soils are not typically found in Class 5 areas.</p> <p>While the Planning Proposal will result in intensification on parts of the Precinct, the presence of acid sulfate soils can be addressed site by site through the development application 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 Sydney LEP includes provisions to minimise flood hazards and this planning proposal does not amend these provisions. The Department considers the proposal is consistent with the direction and future development applications will be required to address flooding risks.</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>

The proposal seeks to introduce site specific provisions to transform the Botany Road Precinct into a vibrant commercial precinct and meet employment growth in the Redfern-Waterloo area. Site specific planning controls have been introduced to incentivise employment uses, with alternative height and FSR. The proposal also incentivises affordable housing development, where high amenity can be provided without impacting employment land use development potential.

The proposal states that it does not contradict or hinder the application of this direction and the site specific provisions would not restrict future development from being undertaken in the precinct as the existing planning controls remain applicable.

The Department notes the site specific provisions are the only way to achieve the intended outcomes of the proposal, as a change to height and FSR controls only may not result in an increase in employment land uses. It is likely, without the incentive controls tied to employment land uses, that the majority of development would be shop top housing or residential flat buildings, which is the predominant building type currently in the precinct.

As such, the inconsistency is acceptable as it is minor, does not compromise the intent of the direction and adequate justification has been provided.

## 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	Reasons for Consistency or Inconsistency
SEPP 1 – Development Standards	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.
SEPP No 65 – Design Quality of Residential Development	Yes	<p>The proposal incentivises the development of affordable housing on certain sites. Council has undertaken built form modelling and is satisfied every site can accommodate affordable housing and meet the amenity requirements of this SEPP, even if employment development is built on either side.</p> <p>SEPP 65 also continues to apply to residential development within the Precinct.</p>

SEPP No 70 - Affordable Housing (Revised Schemes)	Yes	<p>The proposal does not propose provisions that would impact the application of this SEPP and affordable housing contributions apply as per clause 7.13 of Sydney LEP.</p> <p>The proposal includes a provision that requires an additional affordable housing contribution on the residential uplift enabled by this proposal for market residential at Wyndham and Cope Streets.</p>
SEPP (Affordable Rental Housing) 2009	Yes	The planning proposal excludes the opportunity land in the Precinct from SEPP ARH as it provides specific provisions for the delivery of social and affordable housing. This is consistent with other sites in the City.
Draft Housing SEPP		The planning proposal seeks to exclude the opportunity land from the provisions of the SEPP ARH that are to be moved to the SEPP Housing. This is consistent with other sites in the City as specific provisions are made in the proposal for the delivery of social and affordable housing.
SEPP (Building Sustainability Index: BASIX) 2004	Yes	The proposal includes provisions for stretch BASIX targets for BASIX affected development that utilises the incentive provisions. This is consistent with the SEPP as it encourages and offers incentives for achieving measures beyond those required by the SEPP.
SEPP (Concurrences) 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 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 (Infrastructure) 2007	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 (State and Regional Development) 2011	Yes	The proposal does not propose provisions that would impact the application of this SEPP.

SEPP (State Significant Precincts) 2005	Yes	The proposal does not propose provisions that would impact the application of this SEPP.
SEPP (Urban Renewal) 2010	Yes	The proposal does not propose provisions that would impact the application of this SEPP.

## 4 Site-specific assessment

### 4.1 Environmental

The subject site is in Central Sydney, it does 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 building height and FSR increases to the Opportunity Land in the Precinct, and to other sites that benefit from good amenity. The incentive height and FSR controls are supported by DCP provisions for number of storeys, street wall heights, upper level and ground floor setbacks and street cross sections.

The planning envelopes established by the controls are appropriate as:

- The areas identified for incentive height and FSR can support an increase in capacity as they are not constrained by heritage items or existing strata subdivided development and are located close to existing and future public transport;
- The increased building heights appropriately relate to surrounding development and are grouped, with additional heights close to Redfern Station where surrounding sites are up to 19 storeys, opposite the Waterloo Metro site where the height increase is responsive, but not greater than the Metro development, and sites with good amenity opposite Alexandria Park and the future Waterloos Estate (south);
- The incentive FSR varies for employment and residential development, acknowledging the difference in building efficiencies and amenity requirements for residential development;
- The building heights align with the new solar access planes for public open space and protect solar access for existing residential development in the Precinct and surrounds; and
- There is no change to the heights on Regent Street to protect the existing character and historic buildings in this area, as well as nearby open space.

The incentive building height and FSR controls will increase employment floorspace, deliver high quality built form and create a vibrant commercial Precinct along Botany Road. The proposal is consistent with objectives of the Eastern City District Plan and City Plan 2036 and any impacts associated with the uplift can be considered at the DA stage.

#### Solar Access

New sun access planes are proposed to protect solar access to Alexandria Park and Daniel Dawson reserve between 10am and 2pm on June 21. The proposed height controls for opportunity sites and other sites in the Precinct have also been designed to comply with the sun access planes.

Council has also undertaken built form modelling to confirm affordable housing development, even if surrounded by employment development, can achieve a high level of amenity. This is achievable as the incentive controls are supplemented by draft DCP controls including a requirement to obtain solar access from primary street frontages and slim built form envelopes.

The Department considers solar access impacts have been adequately considered and the proposal includes provisions and controls to protect and maintain solar access for public spaces, new affordable housing development and existing residential development.

### **Heritage**

The planning proposal protects and enhances the heritage significance of heritage items and contributory buildings with three new heritage listings and changes to the boundaries of the Redfern Estate Heritage Conservation Area (HCA) and Alexandria Park HCA.

The current Alexandria Park HCA boundary is proposed to be reduced at the intersection of Buckland and Wyndham Streets. The Department accepts the Council's findings that the buildings are not unique to the conservation area. Further, identifying this area as Opportunity Land provides significant benefits to achieving employment land uses and opportunities for laneways and through site links in this block.

The proposed extension of the Redfern Estate conservation area will protect the historic fabric of Victorian and Federation buildings along Regent Street and retain the diversity of uses that contribute to the streets character. While some of the boundary extensions are disjointed from the body of the HCA, Council considered several options and concluded the proposal was the most effective approach. The Department notes while it is not common to have non-contiguous parts of a HCA, it is an appropriate approach as it excludes detracting parcels of land.

### **Compatibility of uses**

The planning proposal seeks to incentivise employment and affordable housing development in opportunity sites, but does not seek to change the zoning of the opportunity sites, as the proposed uses are permissible with consent in the B4 Mixed Use zone.

To ensure the vision for a vibrant commercial area is achieved, the controls permit affordable housing development only where it will not conflict with employment uses and requires employment uses on the first two storeys of residential only development.

The proposal also includes the rezoning of 45 properties on Wyndham Street from R1 Residential to B4 Mixed Use. This is appropriate as these properties are the only sites in the Precinct that are not zoned B4 Mixed Use (where the Sydney LEP 2012 applies). The change will result in consistent land zoning across the Precinct, flexibility of uses and aligns with the vision for the Precinct to be a vibrant commercial area.

The Department is satisfied the proposed uses are compatible under the B4 Mixed Use zone as currently a variety of employment uses and residential uses coexist in the area.

### **Road network and transport**

The planning proposal requires land for a laneway network if incentive heights and FSR are used. This will improve access for vehicles, servicing and improve pedestrian safety and amenity on Botany Road. Council also aims to use land zoned SP2 on Botany Road for footpath widening and street tree planting, subject to consultation with TfNSW.

Council has a long term ambition to remove the one-way pair operation of Gibbons and Regent Street. The Department acknowledges this and expects future DAs would respond to any changes to the road network.

The Department is satisfied the proposal will increase employment uses in a highly accessible location close to public transport and encourages active transport options.

### **Sustainability**

The planning proposal supports the delivery of high performance buildings by requiring affordable housing buildings to meet stretch BASIX targets. For commercial development, Council is pursuing



a separate planning proposal for net zero planning controls which would apply to new office buildings, hotels and shopping centres and apply to the precinct, if endorsed.

The Department is satisfied the proposal is consistent with the BASIX SEPP and the strategic objectives of the Eastern City District Plan and City Plan 2036.

## 4.2 Social and economic

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

### **Increasing employment floorspace**

The proposal could result in more than 280,000sqm of commercial floorspace and up to 14,500 jobs and will strengthen the economic and productivity role of the Precinct and the Innovation Corridor.

An economic study undertaken by Council identified demand for additional employment floorspace to support the Innovation Corridor. The Precinct is well positioned to benefit from overflow businesses demand due to its proximity to Sydney CBD, existing and future public transport and surrounding employment clusters.

The proposal encourages employment floorspace by providing incentive height and FSR controls for appropriate sites. The draft DCP also requires employment floor space to be provided at ground floor and first floor levels for both employment and affordable housing sites, to support the creation of a commercial precinct.

The Department supports the increase of employment floorspace in appropriate locations and alignment with the strategic objectives of the Eastern City District Plan and City Plan 2036.

### **Increasing Affordable Housing**

The proposal incentivises the provision of affordable housing in appropriate locations and the draft DCP requires at least 10 percent of dwellings in an affordable housing development to be provided as Aboriginal and Torres Strait Islander housing. The proposal also requires an additional affordable housing contribution where certain residential sites receive an increase in FSR.

The proposal seeks to exclude SEPP ARH from applying to opportunity land in the Precinct as it provides specific affordable housing provisions. The Department notes SEPP ARH is to be consolidated with 4 other SEPPs into the Draft Housing SEPP, due to be finalised October 2021.

The Department is satisfied this policy change is adequately addressed in the Planning Proposal and provisions in SEPP ARH that are moved to the Housing SEPP are also sought to be excluded. As the Housing SEPP is expected to be finalised in October 2021, the Department considers this will not impact the timeline for completing the planning proposal and the policy change can be incorporated into the draft LEP provisions.

The Department is satisfied the proposal supports providing diverse and affordable housing, in an accessible location, contributing to the strategic direction of Council to increase the number of affordable housing dwellings.

### **Public domain improvements**

The draft DCP includes provisions to upgrade and green the public domain, including footpath widening, street tree planting, new cycleways and creation of new laneways and through site links, to improve connectivity and activation of the Precinct.

The Department is satisfied the proposed laneway network and public domain upgrades will provide social benefits through improved amenity, activation and safety.



### **Celebrate Indigenous culture**

The Precinct and surrounds have a high level of significance to Aboriginal and Torres Strait Islander people and the draft DCP includes provisions to recognise and celebrate Indigenous history, knowledge and living culture through elements such as public art, landscaping, architecture and design.

The Department is satisfied the acknowledgment of Aboriginal culture and heritage in the Precinct will provide social benefits, support the diverse community in the precinct and positively contribute to placemaking in the area.

## **4.3 Infrastructure**

### **General**

The planning proposal would facilitate the development of additional employment floorspace and affordable housing on opportunity sites in the Precinct. The Precinct is within walking distance of two train stations and contains the future Waterloo Metro Station, as well as being serviced by a variety of bus routes.

The Department considers the subject site has a high level of access to public transport and infrastructure to support an uplift in development.

### **Utility and Servicing Infrastructure:**

The planning proposal advises all utility services (electricity, telecommunications, water, sewer and stormwater) are currently available. The Department expects these services would be upgraded, as required, when 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
- Sydney Metro
- Aboriginal Land Council
- Heritage NSW
- Relevant utility and service providers, including Sydney Water.

## **6 Timeframe**

The Planning Proposal includes a timeframe of May 2022 to complete the LEP.

The Department recommends a time frame of 12 months as the proposed 9 month timeframe is considered insufficient.

A condition will be included in the Gateway determination requiring council to exhibit and report on the proposal by specified milestone dates.

## 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 increase employment floor space and affordable housing in the Precinct, strengthening economic and employment growth to create a more globally competitive Sydney.
- It will facilitate the management of environmental impacts resulting from development and preserve local character and heritage.

The proposal should also be updated as follows:

- Remove any draft clauses from the planning proposal report and place into an appendix as example clauses and include a clear plain English explanation of the principles of the proposed provisions and intended policy outcomes they need to secure.
- Update the LEP maps proposed to be amended (Locality and Site Identification, FSR, Height of Buildings, Land Zoning, Heritage and Active Street Frontages) to show existing with proposed changes in red highlight (or other appropriate colour) or include the existing and proposed maps side by side for public exhibition.
- Update the title of the proposed 'Botany Road Precinct Opportunity Land – Affordable Housing Sites - Alternative Heights Map' to remove reference to Affordable housing sites, as the incentive building heights apply to both employment development and employment and affordable development.

## 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) Remove any draft clauses from the planning proposal report and place into an appendix as example clauses and include a clear plain English explanation of the principles of the proposed provisions and intended policy outcomes they need to secure.

- b) Update the LEP maps proposed to be amended (Locality and Site Identification, FSR, Height of Buildings, Land Zoning, Heritage and Active Street Frontages) to show the existing, with proposed changes in red highlight (or other colour). or include the existing and proposed maps side by side for public exhibition.
  - c) Update the title of the proposed 'Botany Road Precinct Opportunity Land – Affordable Housing Sites - Alternative Heights Map' to remove reference to Affordable housing sites.
2. Council is to exhibit the associated draft amendment to Sydney Development Control Plan 2012 concurrently with the Planning Proposal.
3. Consultation is required with the following public authorities:
  - Transport for NSW
  - Sydney Metro
  - Aboriginal Land Council
  - Heritage NSW
  - 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 6 months from the date of the Gateway determination.
6. The planning proposal must be reported to council for a final recommendation 10 months from the date of the Gateway determination.
7. The timeframe for completing the LEP is to be 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)\_\_\_\_\_  
21/09/2021 (Date)

Emma Hitchens

Manager, City of Sydney

\_\_\_\_\_  
(Signature)\_\_\_\_\_  
24/09/2021 (Date)

Aaron Nangle

A/ Director, Eastern Harbour, City of Sydney