

Attachment A

**Planning Proposal – 118-130 Epsom Road and
905 South Dowling Street, Zetland**

118-130 Epsom Road and 905 South Dowling Street, Zetland



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Executive Summary

The Green Square urban renewal area is Australia's largest urban renewal area and features the Green Square Town Centre (Town Centre) at its heart. The urban renewal area is forecast to grow to around 32,000 dwellings, housing around 60,000 to 70,000 people by 2036. This growth is being supported with substantial investment in local infrastructure.

In 2010 the City developed planning controls for the Epsom Park neighbourhood in the eastern periphery of the urban renewal area. The planning controls facilitated the redevelopment of much of the area, unlocking substantial local infrastructure, including new roads, parks, community facilities such as Gunyama Park and Aquatic Centre and trunk drainage.

118-130 Epsom Road and 905 South Dowling Street, Zetland is approximately one kilometre south-east of the Green Square Town Centre and is one of the last and largest undeveloped sites within the Epsom Park neighbourhood.

The City has prepared this planning proposal following a request by Meriton Group Pty Ltd (the proponent) to change the planning controls that apply to the site.

The planning proposal allows for a redistribution of height on the site, with additional height in some locations balanced with areas of height reduction to:

- deliver greater solar access to a planned local park (Mulgu Park);
- introduce different building typologies, including family terraces, promoting greater housing diversity;
- deliver planned and additional public domain, including new streets, plaza, local park and through-site link;
- facilitate heights which are visually appropriate in the South Dowling Street corridor;
- respond to the bulk and scale of neighbouring properties / approvals and introduce improved building separation to adjoining sites;
- allow appropriate flexibility in building envelopes to allow meaningful competitive design excellence processes; and
- secure strategic benefits in the form of stretch sustainability targets and a minimum non-residential floor space requirement.

The current maximum height controls on the site range from three to 45 metres in the Sydney Local Environmental Plan 2012 (Sydney LEP 2012). The maximum FSR is 2.2:1, which includes a base FSR of 1.5:1, an additional 0.5:1 for the provision of community infrastructure and 0.2:1 for demonstrating design excellence.

The planning proposal seeks to amend Sydney LEP 2012 to enable the redevelopment of the site under 'alternative controls' for a mixed-use development comprising residential, commercial and retail uses.

It allows for alternative building heights up to 90 metres, to be expressed on a new Alternative Heights Map Sheet, subject to a site-specific provision which secures:

- a BASIX score of at least five points higher than current minimum BASIX requirements for energy and water;
- no less than four per cent of the gross floor area on the land being provided for non-residential purposes;
- a new Active Street Frontages map to guide the location of non-residential uses; and
- there being no additional FSR being awarded for the achievement of design excellence.

The planning proposal does not facilitate any additional FSR.

The current controls also continue to apply to the site should the proponent prefer to develop under those controls. If the alternative heights are utilised however, the entirety of the site must be developed under those controls.

The planning proposal is supported by more detailed planning controls in a draft amendment to Sydney Development Control Plan 2012 (draft DCP). The draft DCP provides the framework for the changes to the public domain on the site and underpins the alternative height controls with provisions to guide the bulk and scale of development and how the buildings interface with the street.

The proponent has also made an offer to enter into a planning agreement. The letter of offer includes a commitment to:

- provide no less than four per cent of the gross floor area of the development for non-residential purposes;
- achieve an energy and water BASIX score of at least five points above the required targets for all BASIX-affected development on the site;
- design and construct all future buildings on the site so as to be capable of providing a dual reticulation water system for water consumption; and
- ensure all private residential parking spaces are capable of being fitted with an Electric Vehicle Charger.

The draft DCP and planning agreement will be exhibited alongside the planning proposal.

1. Background

1.1 Introduction

In July 2022, Meriton Group Pty Ltd (the proponent) submitted a request to amend the planning controls for 118-130 Epsom Road and 905 South Dowling Street, Zetland (the site). The site is currently owned by Investment and Loans Pty Ltd who have provided Meriton with consent to negotiate and deal with the planning authority in relation to the proposed development of the site.

In September 2022, the proponent provided further documentation in response to a request for additional information by the City.

Planning Proposal: 118-130 Epsom Road and 905 South Dowling Street, Zetland (this planning proposal) is to amend the Sydney Local Environmental Plan (LEP) 2012 to facilitate a mixed-use development on the site. The proposed changes to the planning controls are to:

- increase the current maximum building height control to facilitate a greater diversity of residential development types and to improve solar access to public spaces;
- require a minimum proportion of floor space be provided as non-residential floor space; and
- apply higher sustainability standards for all affected development.

No additional floor space ratio (FSR) is proposed in this planning proposal.

In addition, the proponent has made an offer to enter into a planning agreement for:

- all future buildings on the site to be designed and constructed so as to be capable of providing a dual reticulation water system for water consumption;
- all private residential parking spaces to be capable of being fitted with an Electric Vehicle Charger;
- a commitment to a five point increase on current minimum BASIX requirements for energy and water for all BASIX affected development on the site; and
- a minimum of four per cent of all floor space in the development to be provided as non-residential floor space.

A draft planning agreement is to be publicly exhibited generally at the same time as this planning proposal.

1.2 The Site

1.2.1 Site identification

The site at 118-130 Epsom Road and 905 South Dowling Street, Zetland is owned by Investment and Loans Pty Ltd. The legal description of the site is DP 24134 and Lot 2 in DP 830870 respectively, as shown in below in Figure 1.

The site formerly operated as the Suttons car dealership. The site currently contains a mix of non-residential buildings with differing architectural characters reflecting the various periods of construction. Several buildings throughout the site are reaching the end of their economic life.



Figure 1 Site identification: 118-130 Epsom Road and 905 South Dowling Street, Zetland (Source: Near Maps)

1.2.2 Metropolitan context

The subject site is located in the suburb of Zetland approximately 5km south of the Sydney CBD. Zetland is part of the Green Square urban renewal precinct, with the subject site situated along its eastern periphery. As part of the Metropolis of Three Cities – The Greater Sydney Region Plan (Region Plan), Green Square forms part of the economic corridor which runs through Sydney CBD, Chatswood and terminates at Macquarie Park.

The Green Square urban renewal precinct and its associated suburbs is one of the largest urban renewal projects within Australia. The renewal of these areas seeks to deliver a shift from former industrial uses to a mixed use precinct with residential and commercial uses, improving public and active (walking and cycling) transport, sustainability and liveability. The projected population of the urban renewal area is between 60,000 to 70,000 people living in the area at build out.

The growing community in Green Square is being supported by extensive community infrastructure, recreational facilities and new open space. Green Square Library, Joynton Avenue Creative Centre, Perry Park Recreation Centre and Gunyama Park Aquatic and Recreation Centre are among the recently delivered community facilities.

At the heart of the urban renewal area is the Green Square Town Centre, which together with Mascot, is identified as a strategic centre in the Region Plan. The Green Square Town Centre has a train station connecting to Central Sydney and Sydney Airport, as well as a growing employment, retail and services offering. Green Square Town Centre has approximately 1,489 established dwellings, and a further 1,552 approved, under construction or recently completed. When complete, the Town Centre will be home to 7,800 people and accommodate 6,700 workers.

1.2.3 Site context

The subject site is situated within Zetland and is located approximately 1km south-east of the Green Square Town Centre. Zetland benefits from a strategic location which boasts ease of

access to a number of transport links, land uses and localities thus solidifying its place as an area of urban renewal.

The locality provides the general public, workers and residents with a high level of amenity due to its centralised location, ease of access and the provision of numerous facilities, including shopping centres and retail premises, public open spaces, recreational facilities and various services. As part of the Green Square renewal, this is anticipated to be improved over time aligning with the City Plan 2036: Local Strategic Planning Statement (LSPS).

Figure 2 below shows the location of the subject site relative to the Green Square Town Centre, Railway Station and surrounding localities. The subject site is located to the west of Randwick Local Government Area (LGA) and Southern Cross Drive and is within 1km walking distance to Green Square Railway Station.



Figure 2 Site context (Source: Planning Ingenuity)

1.2.4 Site characteristics

The site has a combined frontage to Link Road of 227.275m and a combined frontage length of 103.72m to Epsom Road. It also has a curved frontage of 9.37m to the intersection of Link Road and Epsom Road. The site has dimensions of 265.3m to the northern (side) boundary, 90.59m and 152.635m to the western (rear) boundaries, and 93.855 metres to the southern (side) boundary which adjoins 106-116 Epsom Road. 118-130 Epsom Road has an area of 1.618 hectares and 905 South Dowling Street an area of 2.4686 hectares, resulting in an overall site area of 4.09 hectares.

Easements affecting 118-130 Epsom Road are:

- an easement for drainage along the western boundary;
- an easement for drainage running across the site in an east-west direction; and

- an easement for drainage running in a north-south direction between the southern boundary and the east-west drainage easement.

This lot is also affected by a covenant.

Easements and covenants affecting 905 South Dowling Street are:

- an easement for drainage in the western portion of the site;
- an easements for drainage benefitting the site;
- a right of carriageway along a portion of the western-most boundary; and
- four covenants.

The site contains no significant natural features given the current use of the site for car sales and service centres, including associated activities. Each lot contains a number of buildings to facilitate the current use. 118-130 Epsom Road has driveway access off both Epsom Road and Link Road, while 905 South Dowling Street has driveway access off Link Road. Existing vegetation on the site includes a mix of trees and shrubs along boundaries and adjacent hardstand areas.

The site generally slopes gently down in a northern direction, with a high point of approximately 21 metres AHD in the southern portion of the site. The lowest points of the site are typically along the northern boundary at approximately 19 metres AHD.

The subject site is also identified as flood prone land and potential for local flooding has been considered as part of this application and is discussed in Part 5 of this planning proposal.

The site is subject to an Obstacle Limitation Surface of 51m AHD as identified within Sydney LEP 2012, that this planning proposal seeks to exceed. This is discussed in Part 5 of this planning proposal.

Photographs of the subject site are provided at Figures 3 to 6.



Figure 3 Subject site as viewed from Link Road (Source: Planning Ingenuity)



Figure 4 Subject site as viewed from corner of Epsom and Link Road (Source: Planning Ingenuity)



Figure 5 Subject site as viewed from Epsom Road (Source: Planning Ingenuity)



Figure 6 Subject site as viewed from Defries Avenue (Source: Planning Ingenuity)

1.2.5 Surrounding development

A number of sites within the immediate locality contain approved or recently constructed residential flat buildings and mixed-use developments.

Immediately adjoining the site to the west is 106-116 Epsom Road ('Deicorp'), which is subject to an approval under DA/2015/913 for a mixed-use development comprising five buildings ranging between five and 14 storeys, accommodating 555 residential apartments and 840sqm of retail uses (Figure 7).

This development will contain high density built form across the site, basement parking and internal roadways which directly adjoin the boundary shared with the subject site. This property includes the provision of Peters Street and Rose Valley Way which will be continued through the subject site.



Figure 7 106-116 Epsom Road (Diecorp) (Source: Planning Ingenuity)

Further to the west is 94-104 Epsom Road (owned by Meriton Group Pty) which was approved under D/2019/976 and is currently under construction for three mixed use buildings up to 14 storeys in height (Figure 8).



Figure 8 94-104 Epsom Road viewed from Epsom Road (Source: Planning Ingenuity)

Adjoining the subject site to the north-west is Gunyama Park and Gunyama Park Aquatic and Recreation Centre (D/2016/824). Both the park and aquatic centre have recently been constructed and are shown in Figures 9 and 10 below.

It is noted that part of Gunyama Park where it adjoins the subject site has not yet been constructed. Pursuant to Sydney DCP 2012, George Julius Avenue will be provided parallel to the western (side) boundary of the subject site (and also 106-116 Epsom Road).



Figure 9 Gunyama Park Aquatic and Recreation Centre as viewed from Joynton Avenue (Source: Planning Ingenuity)



Figure 10 Gunyama Park as viewed from Zetland Avenue (Source: Planning Ingenuity)

To the north of the subject site and on the opposite side of the Zetland Avenue are a mixture of undeveloped and recently developed mixed use buildings. Specifically, this includes the following:

- residential flat building developments to the north and north-east (constructed by Meriton Pty Ltd) fronting Eastern Distributor, Zetland Avenue, Bindon Place, Defries Avenue and Naulty Place (Figures 11 and 12);
- the former Ausgrid Zetland Depot at 130 Joynton Avenue, which has recently been sold. It is noted that this occupies Zetland Avenue (future roadway) and adjoins the (entire) northern boundary of the subject site (Figure 13); and
- a number of residential flat building developments further to the north-west, addressing Kirby Walk, Victoria Park Parade, Grandstand Parade and Joynton Avenue (Figure 14).



Figure 11 Developments to the north and north-east as viewed from Link Road (Note, subject site in foreground)
(Source: Planning Ingenuity)



Figure 12 Developments to the north and north-east as viewed from Defries Avenue (Source: Planning Ingenuity)



Figure 13 No. 130 Joynton Avenue as viewed from Defries Avenue (Source: Planning Ingenuity)



Figure 14 Developments to the north-west as viewed from Zetland Avenue (Note, Ausgrid site in foreground) (Source: Planning Ingenuity)

To the south-east and on the opposite side of Link Road is 1 Link Road and 132-136 Epsom Road which contains recently constructed mixed use developments of varying building heights as shown in Figures 15 and 16 below. This property has buildings ranging between five and 15 storeys.



Figure 15 132-136 Epsom Road as viewed from Epsom Road (Source: Planning Ingenuity)



Figure 16 132-136 Epsom Road as viewed from Link Road (Source: Planning Ingenuity)

Directly to the south of the subject site is 67 Epsom Road which was approved for the construction of a part nine, part 14 storey mixed use development. This has been constructed as shown in Figures 17 and 18 below, noting that Banilung Park further to the south is also recently constructed.



Figure 17 67 Epsom Road as viewed from Link Road (Source: Planning Ingenuity)



Figure 18 67 Epsom Road as viewed from Epsom Road (Source: Planning Ingenuity)

To the south-east is 87-103 Epsom Road which contains an existing storage facility per Figure 19. This contains an approval for a Stage 1 DA approved in 2007, which has commenced and is still operational. To the south-west is an existing commercial premises at 57-65 Epsom Road per Figure 20. This site does not contain any previous or current approvals for redevelopment as exhibited throughout the surrounding locality.



Figure 19 87-103 Epsom Road as viewed from Epsom Road (Source: Planning Ingenuity)



Figure 20 57-65 Epsom Road as viewed from Epsom Road (Source: Planning Ingenuity)

Context is also provided in the current Epsom Park Urban Strategy in Sydney DCP 2012, shown in Figure 21.

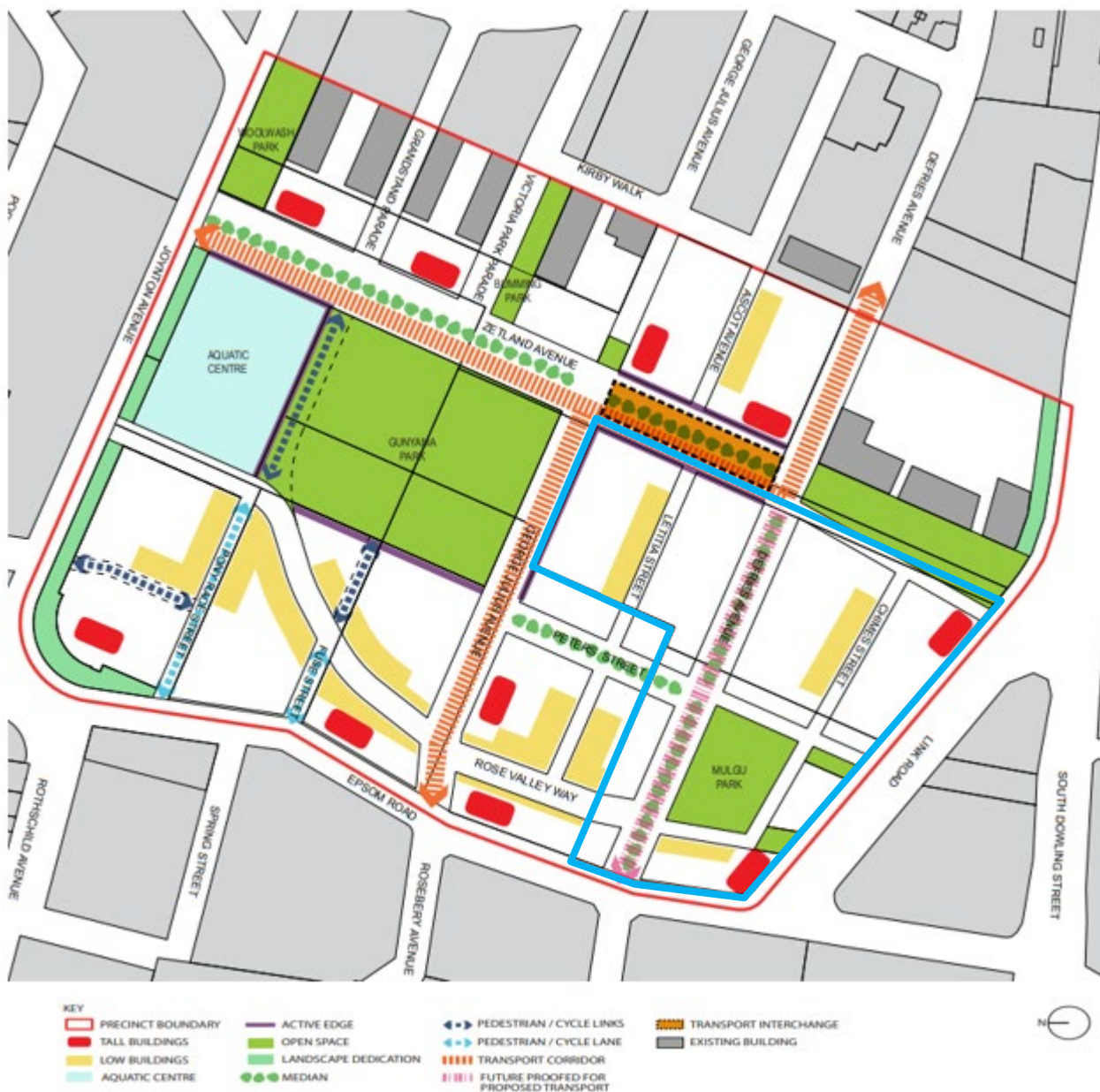


Figure 21 Current Epsom Park Urban Strategy, Sydney DCP 2012 outlined in blue

1.2.7 Accessibility

Overall, the site has a high level of accessibility.

A traffic impact assessment, prepared by TRAFFIX, appended to this planning proposal, provides an analysis of existing transport conditions, summarised below.

Public transport accessibility

Green Square railway station is located approximately 1km from the western edge of site (about a 10-12 minutes' walk). The station is serviced by the T8 (Airport and South) line which provides direct access to the Sydney CBD, Sydney Airport, Revesby and Glenfield, Campbelltown and Macarthur. Between 6am and 10pm on weekdays train services operate every 5 to 7 minutes in each direction, with frequencies increasing to every 15 minutes outside of this time period.

The site is also located within 400m walking distance of several bus stops, with the closest situated on Epsom Road, opposite Dalmeny Avenue. These bus stops provide services along the following routes and peak weekday frequencies:

- 306 – Redfern to Mascot Station, approximately every 10 minutes; and

- 370 – Coogee to Glebe Point, approximately every 10-20 minutes.

In addition to the above, these bus services provide regular services to Green Square Railway Station. Green Square Train Station and bus routes are shown at Figure 22.

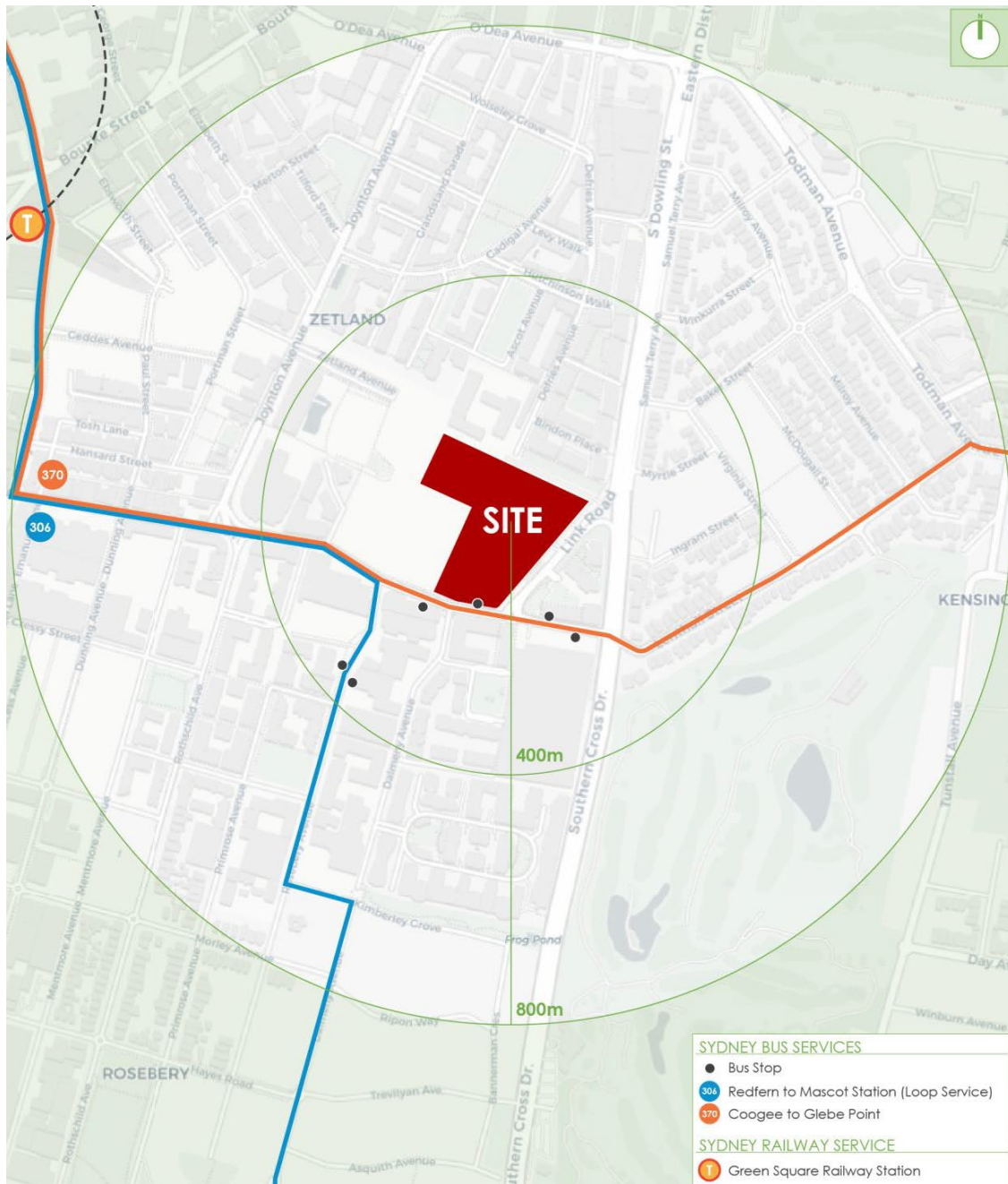


Figure 22 Public transport network (Source: TRAFFIX Transport Impact Assessment, 2022)

The site will also deliver part of a planned eastern transit corridor, a surface transport corridor linking Green Square town centre and its rail station to a future metro station in Zetland and to the City centre. This corridor could support light rail or emerging trackless tram technologies, with zero emissions bus services as an interim measure. Upon completion, the corridor will pass the northern boundary of the subject site heading towards the town centre and down through the site to suburbs further south. Metro connections to Zetland are planned for 2041, although the City is advocating for this extension to be brought forward to 2031. The transit corridor, together with a metro station at Zetland and improved bus links, cycleways and walking connections, would ensure that the area and site are appropriately serviced by public transport.

Pedestrian and cycling network

There is various existing pedestrian infrastructure surrounding the site, with pedestrian footpaths along both sides of Link Road and Epsom Road, as well as a signalised pedestrian crossing at the Epsom Road and Dalmeny Avenue intersection.

In addition, there are several existing on-road and off-road bicycle routes surrounding the site that connect the site with adjoining precincts, to Central Sydney, and to the wider network of regional bike paths. Figure 23 shows existing bike paths.

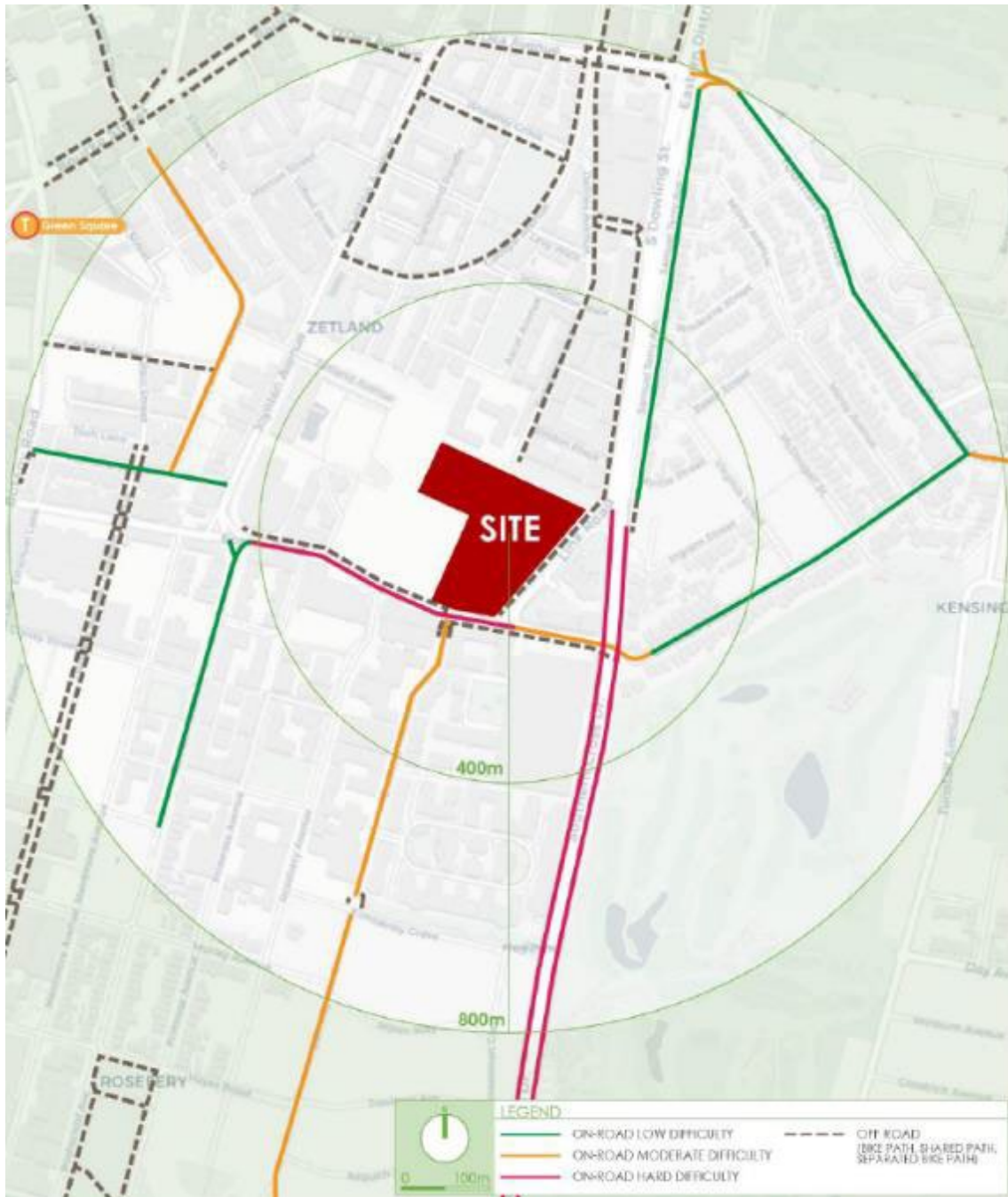


Figure 23 Cycling network (Source: TRAFFIX Transport Impact Assessment, 2022)

Road network connectivity

The road hierarchy in the vicinity of the site is shown in Figure 24 with the following roads of particular interest:

- South Dowling Street: a Transport for NSW (TfNSW) Main Road (MR 593) that traverses north-south between Oxford Street in the north and Southern Cross Drive in the south. Within the

vicinity of the site, it is subject to 80km/h speed zoning and accommodates 3-4 lanes of traffic in each direction. South Dowling Street does not permit on-street parking on either side of the road.

- Epsom Road: a local road that traverses east-west between Lenthall Street in the east and Botany Road in the west. It is subject to 50km/h speed zoning and accommodates 1-2 lanes of traffic in each direction. Epsom Road permits sections of on-street parking, subject to various restrictions.
- Joynton Avenue: a local road that that traverses north-south between O'Dea Avenue in the north and Epsom Road in the south. Within the vicinity of the site, it is subject to 40km/h speed zoning and accommodates a single lane of traffic in each direction. Joynton Avenue permits sections of on-street parking, subject various restrictions.
- Rothschild Avenue: a local road that traverses north-south between Epsom Road in the north and Harcourt Parade. It is subject to 40km/h speed zoning and accommodates a single lane of traffic in each direction. Rothschild Avenue permits on-street parking, subject to various restrictions.
- Dalmeny Avenue: a local road that traverses north-south between Epsom Road in the north and Gardeners Road in the south. Within the vicinity of the site, it is subject to 40km/h speed zoning and accommodates a single lane of traffic in each direction. Dalmeny Avenue permits on-street parking, subject to various restrictions.

The site is located close to the main arterial road serving the region, being South Dowling Street. As such, traffic is able to be distributed onto the wider road network, minimising traffic impacts.



Figure 24 Road hierarchy (Source: TRAFFIX Transport Impact Assessment, 2022)

2. Existing planning controls

The Sydney Local Environmental Plan 2012 (Sydney LEP 2012) and Sydney Development Control Plan 2012 (Sydney DCP 2012) contain zoning, development standards and other planning controls for the site.

2.1. Sydney Local Environmental Plan 2012

The Sydney LEP 2012 is the principal environmental planning instrument applying to the site. The existing planning controls that apply to the site are summarised at Table 1.

Control	Existing requirement
Clause 2.1 Land use zones	The site is zoned B4 Mixed Use (see Figure 4). All development permitted with consent under the B4 Mixed Use zone, excepting <i>Extractive industries; Heavy industrial storage establishments; Heavy industries; Pond-based aquaculture</i>, that are prohibited. See Figure 25
Clause 4.3 - Height of Buildings	The maximum height of buildings that applies to the site ranges from 3m to 45m See Figure 26
Clause 4.4 - Floor Space Ratio	1.5:1
Clause 6.12 and 6.14 – Bonus Floor Space Ratio	Development may be eligible for community infrastructure floor space (in addition to floor space available under Clause 4.4) where community infrastructure is provided as part of the development. The site is identified in Area 6 on Floor Space Ratio Map (0.5:1 FSR).
Clause 6.21D Competitive Design Process	Development may be eligible for 10% additional building height <u>or</u> FSR where design excellence is demonstrated. All together the site may achieve an FSR of up to 2.2:1 See Figure 27
Clause 5.10 Heritage conservation	None. The site is not mapped as a heritage item or within a heritage conservation area.
Clause 5.21 Food Planning	The site is affected by flooding

Control	Existing requirement
Clause 7.5 - Car parking for residential accommodation	Category C – Maximum parking rates specified under Clause 7.5
Clause 7.6 – Car parking for office and business premises	Category F - Maximum parking rates specified under Clause 7.6
Clause 7.7 – Car parking for retail premises	Category F - Maximum parking rates specified under Clause 7.7
Clause 7.9 – Car parking for other land uses	Category F - Maximum parking rates specified under Clause 7.7
Clause 7.14 – Acid Sulfate Soil	Class 5 Acid Sulfate
Clause 7.16 – Airspace Operations	OLS 51m AHD PAN-OPS 126.4m AHD
Clause 7.23 – Restricted Retail Development	No shops or supermarkets with a GFA of greater than 1,000m2 permitted.

Table 1 Summary of existing planning controls applying to the site under Sydney LEP 2012

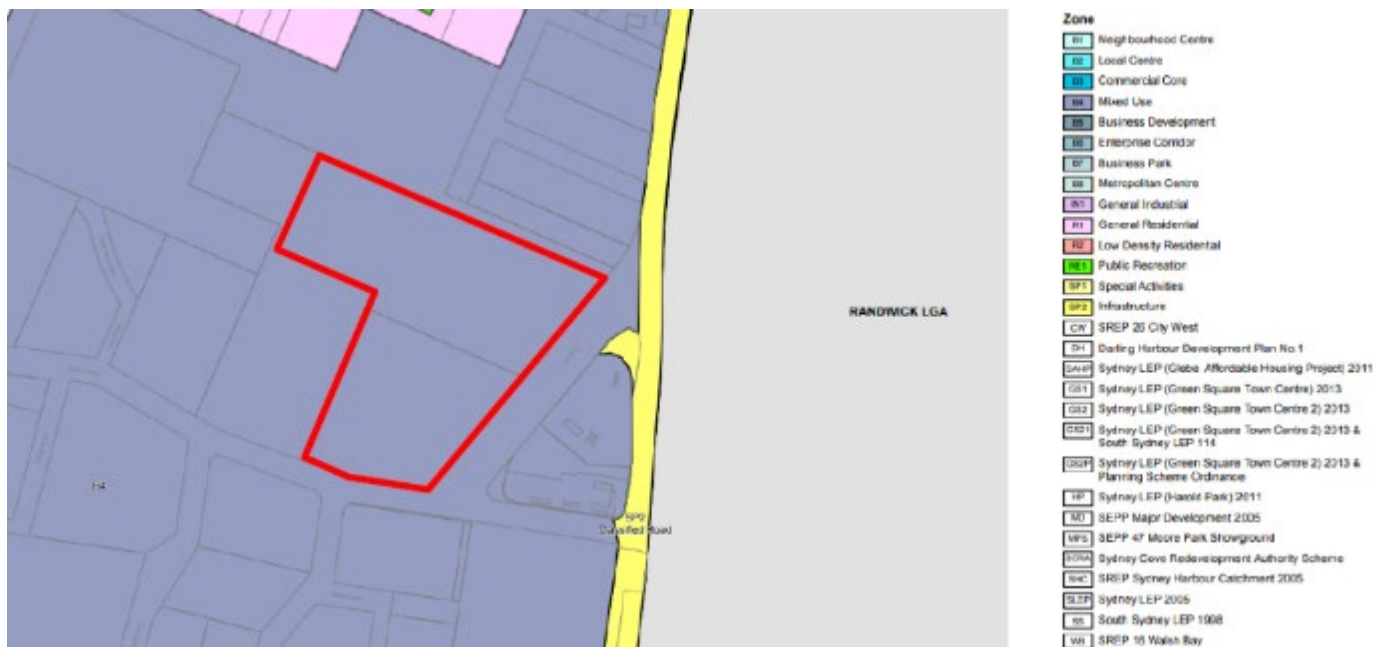


Figure 25 Extract from SLEP 2012 Land Zoning Map 018 (site edged in red)

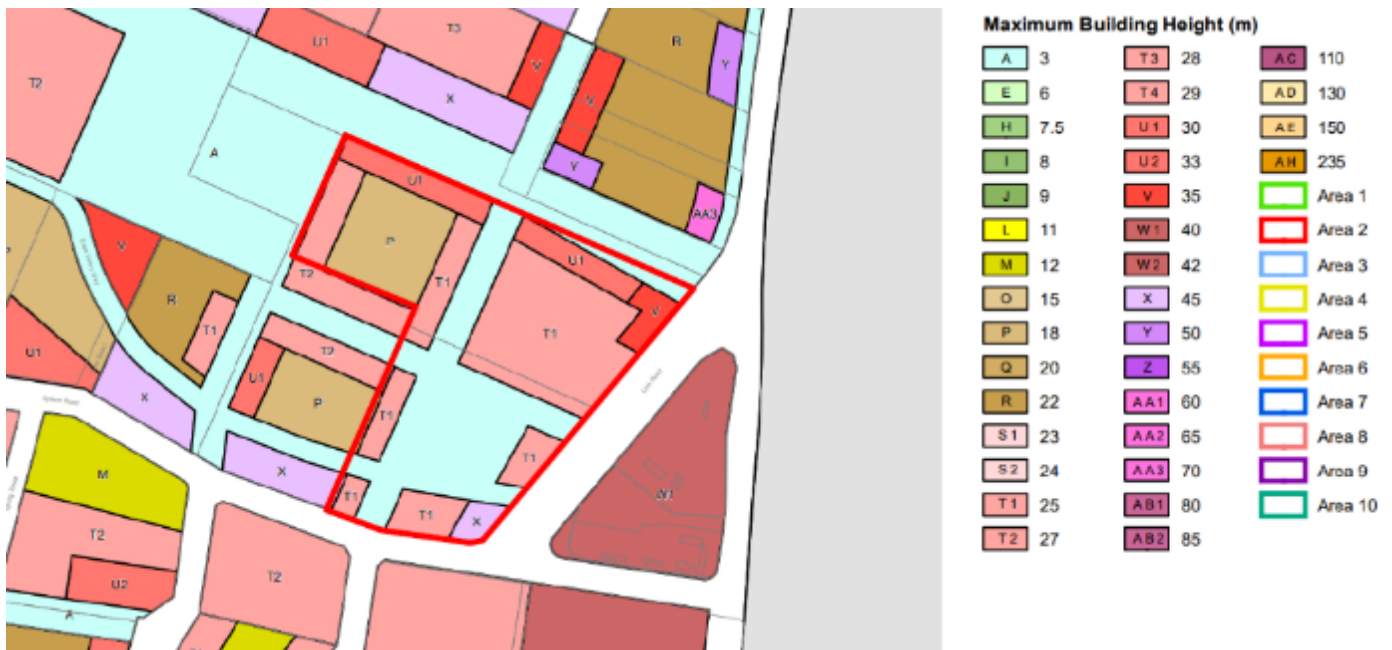


Figure 26 Extract from SLEP 2012 Height of Buildings Map 018 (site edged in red)

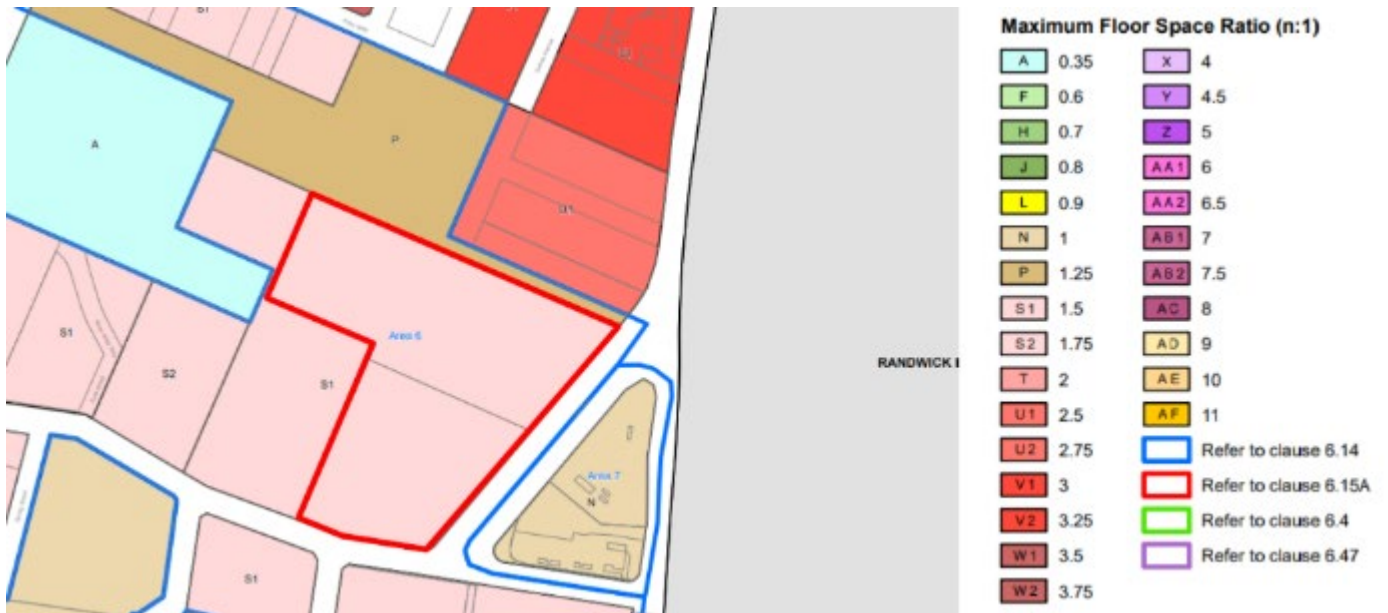


Figure 27 Extract from SLEP 2012 Floor Space Ration Map 018 (site edged in red)

2.2. Sydney Development Control Plan 2012

The site is subject to Sydney DCP 2012, Section 5, Part 5.2 Green Square and Part 5.3 Green Square – Epsom Park. Key controls that apply to the site include:

- the delivery of public roads and open space, including a 23m-wide public transport corridor and a 2,500sqm public open space known as Mulgu Park;
- a 1.4m setback along the Epsom Road frontage for footpath widening;
- an easement for the provision of trunk stormwater drainage infrastructure to manage flooding in the locality;

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- the siting of two towers (11 and 12 storeys) at the north and south corners of the site on the Link Road frontage;
- a general 6 - 8 storey built form throughout the remainder of the site; and
- a mix of land uses, with non-residential (predominantly retail and commercial) activating and responding to noise along the main street frontages and residential apartments elsewhere.

3. Objectives

This planning proposal will provide surety in the capacity of building envelopes permissible on the site, thereby facilitating the redevelopment of a key site in Epsom Park neighbourhood and supporting Green Square's urban renewal.

It will achieve this through a redistribution of building heights on site, balancing additional height in some locations with height reductions in others, under 'alternative controls' which enable a mixed use development comprising residential, commercial and retail uses.

The objectives of this planning proposal are to:

- ensure built form controls on the site respond to the bulk, scale and siting of neighbouring developments, introducing improved building separation to adjoining sites;
- allow for flexibility in the delivery of individual sites across the neighbourhood;
- facilitate heights which are appropriate in the South Dowling Street corridor;
- improve the amenity of Mulgu Park, a planned public open space, by delivering greater solar access;
- promote greater housing diversity through the introduction of different building typologies;
- create greater visual amenity in the public domain with a variety of building scales and forms;
- allow appropriate flexibility in building envelopes to allow meaningful competitive design excellence processes;
- facilitate the delivery of appropriately located commercial and retail floor space to provide non-residential uses which meet the needs of future residents and create a balance between day and night activity to enliven the neighbourhood; and
- incentivise high environmental performance standards for buildings to mitigate the effects of climate change.

4. Explanation of provisions

4.1. Proposed amendments to Sydney LEP 2012

The drafting instructions to amend Sydney LEP 2012 are provided below. A detailed justification for the proposed planning controls and further explanation of the intended outcome is provided at Part 5 – Justification of this planning proposal.

Drafting instructions

To achieve the intended outcomes, this planning proposal seeks to amend Sydney LEP 2012 as follows:

1. Introduce a new map sheet 018 to the 'Alternative Height of Buildings Map' to show a maximum height of building control, as indicated at Part 6 of this planning proposal, that:
 - incorporates a 3 metres height limit for areas of expected public domain;
 - ranges between 11 metres and 90 metres within street blocks, reflecting a variety of built form and securing good solar amenity within Mulgu Park;
 - introduces building heights which respond to adjoining development and the hierarchy of streets within and around the site.
2. Amend the Active Street Frontages Map Sheet 018, as indicated at Part 6 of this planning proposal, to apply active street frontage controls to the identified frontages at:
 - Epsom Road;
 - Link Road;
 - Zetland Avenue;
 - George Julius Avenue; and
 - key street frontages within the site.
3. Insert a site-specific local clause for land identified as 118-130 Epsom Road and 905 South Dowling Street, Zetland, being DP 24134 and Lot 2 in DP 830870 respectively. The proposed site-specific clause is to:
 - a. identify the objectives of the clause to:
 - i. incentivise diverse housing;
 - ii. incentivise local shops and services; and
 - iii. incentivise high environmental performance.
 - b. ensure the consent authority does not grant development consent to development on land to which this clause applies unless a development control plan / staged development application has been prepared for the site;
 - c. ensure that where a development control plan / staged development application is approved on the site using either the Height of Building map or the Alternative Height of Building map, that all development on the site is subject to that map and that map only i.e. the planning controls on the unused map are switched off by the development control plan / staged development application and are no longer available for development on any part of the site;

- d. allow development to achieve the maximum building height shown on the 'Alternative Height of Buildings Map', when:
 - i. no less than four per cent of gross floor area on the land is provided as non-residential development; and
 - ii. BASIX affected development exceeds the BASIX targets for water and energy by not less than 5 points for energy and water.
- e. ensure any development on the site demonstrating design excellence in accordance with clause 6.21 of the Sydney LEP 2012 is only eligible for additional FSR, and not additional height.
- f. for the purposes of this clause, non-residential purpose means development, that is permitted in the zone, for a purpose other than residential accommodation or serviced apartments.

Note: The proposed drafting (3) is for 'alternative controls' that allow for the site to develop either under the current controls, or under the planning controls proposed in this planning proposal. Drafting instruction 3(b-c) ensures that once the developer has prepared a development control plan for the site, or activated a staged development, that the 'unused' controls are switched off. This would then govern any future detailed Stage 2 development application should the site be subdivided.

The purpose of providing alternative controls, that allow for significant increase to 90m in height at the north-east corner of the site, is that it incentivises specific outcomes to be achieved on the site, where they may not be achieved under the current controls, including:

- achieving a reduction in height to 11m for the two street blocks north of Mulgu Park, delivering a commensurate improvement in solar access to that public space and greater housing diversity associated with a wider variety of building heights;
- delivering a genuine non-residential use offering which is appropriately located in accordance with an Active Frontages Map to support community activity and natural surveillance along nominated streets and public places, and respond to noise and curtailed amenity along some major road frontages; and
- achieving high environmental performance across the site.

The 'alternative controls' approach is a mechanism to implement this planning proposal's intended outcomes. The final form of the LEP provisions will be subject to drafting by NSW Parliamentary Counsel and are subject to change.

4.2. Site-specific DCP

The City has prepared a draft amendment to Sydney DCP 2012. The draft site-specific DCP provisions are to ensure the objectives and intended outcomes of this planning proposal are achieved.

The draft DCP is to be publicly exhibited with this planning proposal.

Should a different drafting approach be taken to what is proposed above in this planning proposal, complementary changes may be required to the draft DCP amendment to fully implement the intended outcomes of this planning proposal.

5. Justification

This planning proposal to amend Sydney LEP 2012 and the accompanying draft DCP for the site are informed by the City's assessment of a planning proposal request and supporting documentation submitted by the proponent. This is provided at Appendix A.

Some planning controls proposed as part of this planning proposal differ from what was proposed by the proponent in their request and in their supporting documentation. These changes have been informed by detailed assessment of the documentation submitted.

5.1 Indicative reference scheme

The proponent has prepared an indicative reference scheme for the site with the purpose of demonstrating, at the concept level, a development that can achieve the proposed maximum permissible FSR whilst also addressing other DCP matters and achieving the requirements of the Apartment Design Guide (ADG). The reference scheme is only one iteration of the built form that may be facilitated by the proposed planning controls.

The reference scheme tests a maximum FSR of 2.2:1 (which includes all potential floor space bonuses available to the site under Sydney LEP 2012). Figures 28 and 27A and 27B illustrate the indicative reference scheme.



Figure 28 Indicative ground floor submitted by proponent (source: Reference Design, Mako Architecture)

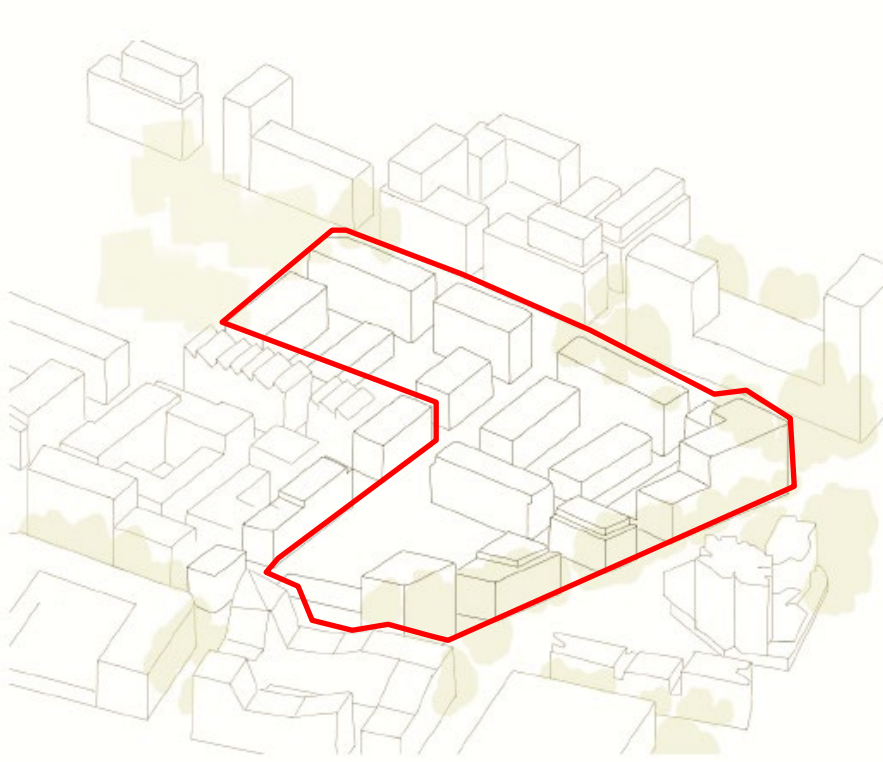


Figure 29A Indicative built form under current planning controls (source: Urban Design Report, Mako Architecture)



Figure 29B Indicative built form under proposed planning controls (source: Urban Design Report, Mako Architecture) (* denotes key areas of change)

The reference scheme was considered by the City's Design Advisory Panel, who were generally supportive of the redistribution of building heights and augmentation of the public domain that was proposed. The Panel requested further consideration of the siting and footprint of the proposed towers. This additional work has determined the maximum building height controls contained in this planning proposal.

This planning proposal does not imply approval of the indicative reference scheme, which provides only concept level information that requires further testing and analysis. The development of the site is to be subject to a Stage 1 development application, a competitive design process and detailed Stage 2 development applications.

The accompanying draft DCP details matters that need further consideration as part of a Stage 1 (concept) development application.

5.2 Development outcomes

This planning proposal and accompanying draft DCP seek to facilitate a high-quality mixed use development outcome on the site, alongside the delivery of key items of community infrastructure.

It supports a re-distribution of building heights on the site to enable this outcome, with increases or reductions to the maximum permissible height of building in key locations.

This planning proposal is to facilitate 'alternative' height controls in Sydney LEP 2012 that secure key strategic benefits alongside the amended building heights, in the form of improved housing diversity, stretch sustainability targets and a minimum non-residential floor space requirement.

The current planning controls will continue to apply to the site if the proponent prefers to develop under these controls.

It is proposed the planning controls include a provision to ensure the whole of the site must develop under either the exiting height map, or under the proposed 'alternative' height map. The current controls, and the alternative controls, have distinctly different strategic approaches to height and FSR distribution across the site. The proposed provision is to ensure that once an approach is settled on for the site, that is, where there is a development application approval for one or more buildings on the site, that future approvals must remain consistent with that approach.

5.2.1. Built form

This planning proposal allows for a redistribution of height on the site, with additional height proposed in some locations, and reduction of height in others. It enables development ranging in height from 3 metres to 90 metres or 1 storey to 25 storeys. It is noted that these proposed heights and the proposed Height of Buildings Map vary from those in the planning proposal request. A reduced height of 11 metres is proposed for the street blocks north of Mulgu Park to reflect a town house style building typology and secure the solar amenity improvements in the park. An increased height of 90 metres is incorporated for the tallest tower to enable its floor plate to be reduced compared with the indicative reference scheme.

The proposed alternative height controls (compared with the current Sydney LEP Height of Buildings Map at Figure 31), will facilitate a wider range of housing typologies, including low rise town houses for families and large households, and for medium to high-density mixed-use apartment buildings.



Figure 30 Sydney LEP 2012 Height of Buildings Map alongside proposed Alternative Height of Buildings Map

Higher density towers are located on the corners of the site, with medium density around the periphery and lower density centrally, establishing a hierarchy of built form that responds to the order of roads within and around the site. The height of towers responds appropriately to others already constructed in the South Dowling Street corridor and their floorplate is controlled to maximise visual amenity.

Building footprints and street heights are arranged to improve amenity in the public domain and relocating building mass from the ground plane allows for the provision of new publicly accessible open spaces throughout the site, linking various streets and key open spaces in the neighbourhood.

The reference scheme demonstrates an acceptable impact on solar access to neighbouring developments, compared with current DCP envelopes. The draft DCP highlights the need for the proposed towers to address solar impact on neighbouring dwellings with respect to relevant existing Sydney DCP 2012 controls and the NSW Government's Apartment Design Guide standards.

The re-massing of built form, particularly the introduction of the three storey townhouses, delivers greater solar access to Mulgu Park, allowing 78% of the park to receive 4 hours of sun between 9am and 3pm in midwinter compared with 53% under the current controls. Greater solar access allows for greater tree planting possibilities and higher levels of comfort through seasonally appropriate sun on the ground plane.

The reference scheme demonstrates the maximum building heights required to accommodate a maximum FSR of 2.2:1. As such, the building heights proposed make allowance for any potential floor space bonus awarded for demonstrating design excellence. The planning proposal therefore also proposes that, upon demonstrating design excellence through a competitive design process, any building only be eligible for additional FSR under Clause 6.21 of Sydney LEP and not additional height.

In order to secure strategic benefits, the planning proposal links the amended building heights to appropriate stretch BASIX targets and minimum non-residential floor space requirements (detailed below at 5.2.2).

5.2.2. Land Uses

The planning proposal supports a genuine mixed use development, with housing diversity and a non-residential use offering that will serve and enliven the locality.

The reference scheme indicates an ability to achieve an approximate total Gross Floor Area (GFA) of 89,924 sqm on the site, including:

- 86,228 sqm of residential, with a housing mix of:
 - 30 townhouses
 - 784 apartments
 - 130 x 1 bedroom
 - 399 x 2 bedroom
 - 184 x 3 bedroom
 - 71 x 4 bedroom
- 3,696 sqm of non-residential, broken down into:
 - 1,117 sqm childcare facility (130 children)
 - 2,579 sqm retail
 - 1,054 sqm supermarket
 - 1,526 sqm general retail

The proportion of non-residential uses in the reference scheme represents just over four per cent of the total GFA on the site. This planning proposal includes a requirement that any redevelopment must achieve at least four per cent non-residential uses. This target reflects the findings of the City's recent Green Square and Southern Areas Retail Review (SGS Economics and Planning, 2022), that highlights the importance of providing smaller-format retail, including supermarkets, to meet the day-to-day needs of residents within a walking catchment.

Providing a variety of retail on the site, including a small supermarket, plays a role in meeting the demand of future residents and workers in a more distributed way that encourages walking trips. More general commercial floor space will also assist in generating activity during the day, to prevent these areas of Green Square becoming dormitory suburbs.

Active frontages, to be detailed in an amended Active Frontages Map Sheet, together with DCP provisions that detail land use requirements at the ground floor, are proposed to guide the location of non-residential uses throughout the site and will assist with activating key spaces in the Epsom Park neighbourhood, creating interest at street level.

5.2.3. Public Domain

This planning proposal will facilitate public domain improvements that are functional, respond to the expected population growth in the area, contribute to the improved permeability of the urban renewal area and provide a high level of amenity.

Redevelopment of the site will deliver:

- approximately 13,500 square metres of public roadway, including a critical public-transit corridor and a newly proposed east-west street which provides additional street frontage for the inclusion of townhouses;
- approximately 5,500 square metres of public open space, including Mulgu Park (an area for passive recreation serving the Epsom Park neighbourhood) and three additional areas of newly proposed open space;
- a newly proposed through-site link, to be provided as an easement from Defries Avenue to Letitia Street, to connect with the public open space; and
- a 1.4m road widening along the Epsom Road frontage.

The proposed changes to the public domain layout are shown at Figure 31. Whilst dealt with in the accompanying draft DCP, it is worth noting that the proposed public domain layout removes from the current controls one small 212 sqm pocket park just to the east of Mulgu Park, extending a building envelope into this space and effectively narrowing a visual connection from there to Link Road. This acts to reduce the acoustic impact on Mulgu Park from road noise and is considered appropriate.



Figure 31 Key changes proposed (source: Mako Architecture)

5.2.4. Voluntary Planning Agreement

In support of the planning proposal request, the proponent made a public benefit offer on the 3 November 2022 to enter into a Voluntary Planning Agreement (VPA) for the delivery of the following environmental benefits being delivered alongside the redevelopment of the site:

- a commitment to provide at least four per cent of the GFA to be achieved on the site as non-residential development;
- achieving an energy and water BASIX score of at least five points above the required commitments for all BASIX-affected development on the site;
- a commitment to design and construct all future buildings on the site so as to be capable of providing a dual reticulation water system for water consumption; and
- a commitment that all private residential parking spaces are capable of being fitted (by a future owner/occupant) with an Electric Vehicle Charger (EVC).

The key aspects of the planning agreement are reinforced with provisions in the planning proposal and draft DCP.

5.2.5. Parking

The reference scheme indicates about 860 parking spaces being provided in conjunction with the development, being the maximum levels currently permitted under Sydney LEP 2012.

Given the highly accessible location of the site, it would be expected that a Stage 1 and Stage 2 development application would explore opportunities to reduce the amount of parking for private vehicles on the site from those maximum levels.

5.2.6. Draft DCP

The LEP controls in this planning proposal are supported by draft DCP provisions. The draft DCP does not form part of this planning proposal but will be placed on exhibition alongside it.

The draft DCP provides the framework for the changes to the public domain on the site, including a new local street, pocket park, plaza and through-site link. It also underpins the Alternative Height of Buildings LEP map with indicative building envelopes, height in storeys (ranging from 1 to 25 storeys), and primary and upper level setback provisions to guide the bulk and scale of development and how the buildings interface with the street.

Draft DCP controls support the provision of a range of non-residential uses and guide their siting to best respond to site opportunities and constraints and activate key spaces in the neighbourhood.

The draft DCP also includes provisions for sustainable development and the delivery of green infrastructure.

The draft DCP identifies how development on the site is to manage likely impacts associated with contamination and noise and details a list of requirements for any future Stage 1 (concept) development application.

5.3 Need for the planning proposal

Q1. Is the planning proposal the result of an endorsed LSPS, strategic study or report?

No, the planning proposal is applicant-initiated and site-specific. It results from difficulties that the proponent has found when trying to accommodate the current maximum permissible FSR within the current maximum permissible building height. Approved developments on adjoining sites have put pressure on building envelopes within the site due to required building separations and access requirements. Once these elements are accounted for, the proponent has demonstrated that the height and footprint arrangement leads to potentially unacceptable levels of overshadowing of future public open space, Mulgu Park, which is also to be delivered on the site. Solar access is reduced still further when factoring in potential bonus floor space for design excellence.

When exploring alternative building arrangements, an opportunity has arisen to secure a re-massing that delivers greater than required solar access to Mulgu Park and deliver additional public domain, including a plaza, a pocket park and a through-site link. In improving building separations to adjoining sites and creating appropriate street address for buildings within the site, the proposal also delivers additional street frontage. The development outcome that this enables allows for a greater variety of building typologies and homes, creating greater housing diversity ranging from low density townhouses to medium and high density apartment buildings with a mix of bedrooms. The variety of forms and scales in turn will provide greater visual amenity in the public domain.

Q2. Is the planning proposal the best means of achieving the objectives or intended outcomes, or is there a better way?

Yes. This planning proposal is the best means of achieving the objectives and intended outcomes discussed in this report.

The site is within the Epsom Park neighbourhood of Green Square, a former industrial area earmarked for urban renewal. When planning for this neighbourhood's redevelopment, the delivery mechanisms for key physical and community infrastructure necessary to support the new residential population were also taken into account. In part, the development capacity of sites in Epsom Park reflects the feasibility of development to deliver that key infrastructure.

As a corollary, providing more surety around achieving the development capacity of this site, via an amendment to building heights in Sydney LEP 2012, will in turn help to secure key community infrastructure.

If developed, the site will deliver a significant number of new dwellings and non-residential floor space alongside new public open spaces for the enjoyment of the neighbourhood, sections of a public transport corridor which will ultimately connect the Green Square with the City, and a section of stormwater infrastructure which assists in regional flood management.

A planning proposal is the best way of dealing with the need to redistribute heights and building envelopes within the site, as it provides the most certainty for development outcomes at Stage 1 and Stage 2 development application stage. The additional benefits described in Q1 above can also be delivered should a planning proposal to vary the height limits on the site be progressed.

A planning proposal also allows for the opportunity to secure strategic benefits alongside the increased height that will be permitted on the site – including stretch ESD and non-residential land use targets.

5.4 Relationship to the strategic planning framework

Q3. Is the planning proposal consistent with the objectives and actions of the applicable regional or sub-regional strategy (including any exhibited draft plans or strategies)?

Yes. This planning proposal is consistent with the relevant objectives and actions of the applicable regional or sub-regional strategy as summarised below.

Greater Sydney Region Plan

A Metropolis of Three Cities, Plan for Growing Sydney is the strategic plan for Greater Sydney region. It is a 20-year plan with a 40-year vision, seeking to transform Greater Sydney into a metropolis of three distinct but connected cities: the Eastern Harbour City, the Central River City and the Western Parkland City. The directions and objectives of the strategic regional plan relate to:

- Liveability;
- Productivity;
- Sustainability; and
- Infrastructure and collaboration.

This planning proposal is consistent with the directions and objectives of the regional plan to encourage land use planning and infrastructure integration to deliver a 30-minute city, including creating diverse jobs, and developing infrastructure and services that align with forecast population growth.

Direction 1: A city supported by infrastructure

Objective 2: Infrastructure aligns with forecast growth

Objective 3: Infrastructure adapts to meet future needs

Objective 4: Infrastructure use is optimised

This planning proposal aligns with existing and planned infrastructure. The site is within the Green Square urban renewal area where infrastructure investment is planned to support the significant growth.

The site is located close to local bus routes along Epsom Road and is within a 10-minute walking distance of Green Square train station. The site also has good access to the existing cycling and pedestrian network that connects to the locality and the broader region.

This planning proposal amends the maximum building height control for the site and does not change the density currently permitted on the site. The proposal therefore does not require any additional infrastructure to support the changes to the planning controls.

Providing more surety around achieving the development capacity of this site, via an amendment to building heights in Sydney LEP 2012, will help to secure planned community infrastructure. Additional local public domain will also be delivered in conjunction with the amended controls in the form of a plaza, a pocket park and a through-site link.

Direction 3: A city for people

Objective 6: Services and infrastructure meet communities' changing needs

The site is located within a large urban renewal area with an emerging residential and worker population. The future development will meet the communities' changing needs providing greater access within a walking catchment to supermarket facilities and other retail and commercial services, a diverse and sustainable housing mix, new public open spaces and pedestrian / cycle connections and active street frontages which will enliven the locality.

Objective 7: Communities are healthy, resilient and socially connected

The site is located within 1km walking distance from Green Square railway station and close to bus routes along Epsom Road which provide access to the surrounding locality and the broader region. The site also has access to the community facilities within the locality, including the Green Square Town Centre Library.

This planning proposal will support the delivery of additional accessible open spaces and through-site links that will create spaces for social gathering and interaction and provide better opportunities for walking and cycling, enhancing connectivity for the area.

Being supported by public transport and connected to a walking and cycling network, and accessible to local facilities, the proposed development will support a healthy and socially connected community.

Direction 4: Housing the city

Objective 10: Greater housing supply

Objective 11: Housing is more diverse and affordable

This planning proposal facilitates the delivery of local housing in line with the strategic planning objectives for the urban renewal area, including the supply of diverse housing. The supporting reference scheme envisages 814 new dwellings within a strategic location within the urban renewal area, close to public transport, local services and community facilities.

The scheme proposes a housing mix which that includes 30 townhouses and 784 apartments, within a variety of low to high density-built forms which are afforded by reallocating the floor area and the increased building heights, with the development density on the site remaining unchanged.

The scheme supports a broad range of housing choices for a variety of needs and incomes which will improve housing affordability and choice in a highly accessible and strategic location. The mix of town homes and apartment dwellings will support the diverse housing needs of the community and allows for aging in place.

Direction 5: A city of great places

Objective 12: Great places that bring people together

The reference scheme demonstrates that the proposed amendments to the building height will enhance the public domain, providing open spaces and through site connections. The scheme supports a mix of employment and residential uses that align with planning framework for the urban renewal area.

The proposal will attract people to the site and promote connectivity and a sense of place. The mix of uses on site, in addition to public domain improvements, will encourage interaction and provide for employment and services in proximity to residential accommodation.

The proposal will improve the pedestrian environment and urban fabric of the locality through a responsive built form.

Objective 13 - Environmental heritage is identified, conserved and enhanced

The site is not a heritage item or within a heritage conservation area.

The site is located in proximity to LEP Local Heritage Item 1379 at Nos. 1-3 Rosebery Avenue (known as the 'Former "Moffat Virtue" warehouse and office building including interiors').

The proposed increases in building height are some distance from the heritage item and will have no direct relationship with or impact on it.

Direction 6: A well-connected city

Objective 14: A Metropolis of Three Cities – integrated land use and transport creates walkable and 30-minute cities

The proposed mixed use development will include residential and employment uses that are supported by public and active transport. The proposed public domain improvements, including delivery Mulgu Park, other public open spaces and through-site links will improve the area's amenity and create opportunities for walking and cycling for residents, workers and visitors.

Provision of smaller format retail on the site, including a local supermarket, will meet the day-to-day needs of residents within a walking catchment. This dense residential neighbourhood currently falls outside the walking catchment of any supermarket and it is essential to provide one before all sites are redeveloped for residential. The planning proposal supports appropriate non-residential development on the site and guides its location.

Providing a variety of retail on the site, including a small supermarket, plays a role in meeting the demand of future residents and workers in a more distributed way that encourages walking trips.

Direction 8 – A city in its landscape

Objective 30: Urban tree canopy cover is increased

The proposed development will provide improvements to the urban canopy and public realm with a significant number of trees to be planted in and around the site within the new public domain. The choice of landscaping and its placement around and within each development block and within the public domain will enhance ground level amenity and provide a leafy outlook for workers and residents on the site.

Objective 31: Public open space is accessible, protected and enhanced

Objective 32: The Green Grid links parks, open spaces, bushland and walking and cycling paths

The proposal facilitates the delivery of Mulgu Park, a 2,500 square metre local park, in addition to a number of smaller pocket parks and through-site links. This will enhance the provision of open spaces and walking and cycling network in the Green Square urban renewal area.

Direction 9: An efficient city

Objective 33: A low-carbon city contributes to net-zero emissions by 2050 and mitigates climate change

Objective 34: Energy and water flows are captured, used and re-used

Objective 35: More waste is re-used and recycled to support the development of a circular economy

This planning proposal will secure stretch ESD targets alongside the amended building heights, supporting a development that exceeds current BASIX requirements by 5 points for both energy and water. The accompanying draft DCP will secure capabilities for dual water reticulation and Electric Vehicle charging.

Direction 10 – A resilient city

Objective 37: Exposure to natural and urban hazards is reduced

The site is flood prone land. The proposed floor levels in the indicative reference scheme, which have informed the building heights in this planning proposal, have been designed to respond to the site's flood affectation and have been informed by flood assessment which is consistent with the City's floodplain management policy. The site constraints will be further addressed at the detailed DA stage, to demonstrate the development will be resilient to the natural hazard.

Eastern City District Plan

The Eastern City District Plan (District Plan) is a statutory consideration under the provisions of Environmental Planning and Assessment Act 1979, which requires this planning proposal to give effect to the directions and priorities set out in the district plan.

The District Plan sets out directions and priorities for the district, of which the City of Sydney is a part. This planning proposal is consistent with the following planning priorities of the District Plan.

Direction 1: A city supported by infrastructure

Priority E1: Planning for a city supported by infrastructure

This planning proposal is supported by existing and planned infrastructure. The site is located in Australia's largest urban renewal area, Green Square, where growth is being supported by substantial investment in local infrastructure.

Redevelopment of the site will deliver key infrastructure including a section of 23m-wide public transport corridor, 2,500sqm Mulgu Park, a 1.4m setback for footpath widening, and an easement for trunk stormwater drainage infrastructure.

The future development will be supported by pedestrian and cycling infrastructure that will connect the site to the locality and the broader urban renewal area.

The site is in close proximity to local bus routes and is within walking distance to Green Square train station.

Direction 3 – A city for people

Priority E4: Fostering healthy, creative culturally rich and socially connected communities

The proposed built form will deliver a safe and inclusive environment that supports activity in the public domain and within the site. The proposal will create high quality publicly accessible open space areas for new residents, visitors, neighbouring sites and the general public. The mix of uses on the site will cater for a wide variety of people and day to day activities.

The site will be connected to open spaces, various services and community facilities in and around the Green Square urban renewal area, including neighbouring Gunyama Park and Aquatic Centre which has recently been completed. In addition, the site is within 1km walking distance of Green Square railway station and in close proximity to bus services.

Direction 4 – Housing the city

Priority E5: Providing housing supply, choice and affordability with access to jobs, services and public transport

The reference scheme shows low, medium, and high density built forms that include town homes, residential apartments, and non-residential floor area. The variety of proposed housing types and employment uses are supported by the site's strategic location which is in proximity to numerous services, public transport, open spaces and community facilities. Introducing a reduced building height in some areas of the site will secure townhouse style family homes and broaden the range of housing choices in the area.

Direction 5 – A city of great places

Priority E6: Creating and renewing great places and local centres, and respecting the District's heritage

The proposal will facilitate the redevelopment of a key site in the Epsom Park neighbourhood of Green Square, Australia's largest urban renewal area. This planning proposal will facilitate a development that is responsive to the streetscape and surrounding area, and that also creates a public domain to improve connectivity and amenity.

The planning proposal will facilitate visually appropriate heights that also help deliver greater solar access to a planned local park and introduce different building typologies that promote greater housing diversity.

Planned land uses will activate the area and address local service needs in key locations which add interest at street level.

An augmented public domain provides additional public spaces and connections.

Direction 6 – A well connected city

Priority E10: Delivering integrated land use and transport planning and a 30-minute city

The proposed mixed use development will include residential and employment uses that are supported by public and active transport. The proposed public domain improvements, including delivery of Mulgu Park, other public open spaces and through-site links will improve the area's amenity and create opportunities for walking and cycling for residents, workers and visitors.

Direction 8 – A city in its landscape

Priority E17: Increasing urban tree canopy cover and delivering Green Grid connections

The proposal will enhance the public domain and add to the greening of the local area. The proposed development provides significant planting and landscaping opportunities throughout the public domain and around development blocks to expand the urban tree canopy and connect to the existing street tree network. It will also facilitate the delivery of Mulgu Park, and other publicly accessible spaces, which will further improve the green amenity for the area.

Direction 9 – An efficient city

Priority E19: Reducing carbon emissions and managing energy, water and waste efficiently

This planning proposal secures sustainability improvements alongside the increased building heights, including a BASIX stretch target and the requirement for dual water reticulation and EV charging capabilities.

Direction 10 – A resilient city

Priority E20: Adapting to the impacts of urban and natural hazards and climate change

As noted, the site is flood prone land. The concept development proposal, including the proposed floor levels have been designed to respond to the site's flood affection and have been informed by flood assessment which is consistent with the City's floodplain management policy. The site constraints will be further addressed at the detailed DA stage, to demonstrate the development will be resilient to the natural hazard.

Q4. Is the planning proposal consistent with council's local strategy or other local strategic plans?

Yes. This planning proposal is consistent with relevant local strategies and plans as summarised below.

Sustainable Sydney 2030-2050

Sustainable Sydney 2030-50 is the vision for sustainable development of the City of Sydney to 2030 and beyond. The strategic plan builds on three key themes of Green, Global and Connected and includes 6 guiding principles for a sustainable city, 10 specific targets to measure progress, and 10 strategic directions to guide its future development.

This planning proposal supports the following Sustainable Sydney strategic directions:

D2. A leading environmental performer

This planning proposal includes provisions for the future development to reduce greenhouse gas emissions through improved energy efficiency and low carbon energy in line with the City's 2026 targets for net zero emissions.

It will secure a high environmental performance standard for water and energy use through the inclusion of BASIX stretch targets, provisions for electric vehicle charging, and dual water reticulation.

D3. Public places for all

The proposed built form will create a high quality public domain for all users and improve the amenity of the surrounding area, including for walking and cycling, by providing publicly accessible open spaces, through site links, footpath widening, and active frontages.

D4. Design excellence and sustainable development

The built form will demonstrate design excellence by creating a high quality, comfortable, safe and inclusive built environment. The design will integrate public domain elements and landscape features adding to the attractiveness and amenity of the built form, and high environmental performance standards for water, energy and waste.

Proposed building envelopes embed a certain degree of flexibility to allow for meaningful competitive design processes.

D5. A city for walking, cycling and public transport

The proposal will encourage walking and cycling by improving the public domain, including creating additional through site links, footpath widening, and active frontages. The development will be supported by accessible public transport, including Green Square train station and frequent bus services.

D10. Housing for all

This planning proposal supports delivery of housing in the urban renewal area and contributes to the City's housing targets.

A mix of dwelling sizes within low, medium and high density-built form will provide housing choice for a range of needs and incomes in an accessible and strategic location. The mix of housing types will support the diverse housing needs of the community and allows for aging in place.

City Plan 2036: Local Strategic Planning Statement

The City of Sydney Local Strategic Planning Statement (LSPS) sets out the City's 20-year vision for strategic land use and the planning priorities to guide development towards a green, global and connected city. The Sydney LSPS provides directions for infrastructure, liveability, productivity and sustainability to manage the change and growth.

This planning proposal gives effect to the Sydney LSPS as follows:

Infrastructure

I1 – Movement for walkable neighbourhoods and a connected city

I2 – Align development and growth with supporting infrastructure

I3 – Supporting community wellbeing and infrastructure

This planning proposal will improve the public domain amenity and walkability of the local area by connecting the site to its surroundings. Increasing the maximum building height allows for a redistribution of the developable floor area in a built form that creates additional through-site links as well as publicly accessible open spaces.

The resulting built form and the public domain will enhance the amenity of residents, workers and visitors, improve connectivity for the surrounding area and prioritise pedestrian movements to and through the site which will encourage a healthier and more active lifestyle.

The proposal also facilitates a variety of low, medium, and high density residential living options. The mix of town homes and apartment dwellings will support the diverse housing needs of the community and allows for aging in place.

Providing appropriate retail, including a local supermarket which will serve the neighbourhood will meet the day-to-day needs of residents in a walking catchment.

Liveability

L1 – A creative and socially connected city

L2 – Creating great places

This planning proposal amends building height to redistribute floor area on the site. The resulting built form will create a quality public domain outcome by improving solar access and creating visual interest and streetscape character that supports walkability and social connectedness.

The proposal will improve the liveability and amenity of the site and the surrounding area by providing active street frontages, publicly accessible open spaces and through-site links, and with the provision of deep soil and soft landscaping.

L3 – New homes for a diverse community

The proposal also supports delivery of housing in the urban renewal area and contributes to the City's housing targets.

The reference scheme includes a mix of dwelling sizes within low, medium and high density-built form, made up of 30 townhouses and 784 apartments. The indicative scheme supports a broad range of housing choices for a variety of needs and incomes which will improve housing affordability and choice in a highly accessible and strategic location. To secure this varied built form, reductions in building heights, which support a townhouse typology, are proposed in some parts of the site.

Productivity

S2 – Protecting industrial and urban services in the Southern Enterprise Area and evolving businesses in the Green Square-Mascot Strategic Centre

The proposal will address the need for local retail provision, including a small scale supermarket, within a walking catchment of the local neighbourhood, which is otherwise under-provisioned. The non-residential floor space will also provide for additional employment in close proximity to transport infrastructure, supporting but not competing with the Green Square Town Centre's role as the strategic centre in the City's South.

Sustainability

S2 – Creating better buildings and places to reduce emissions and waste and use water efficiency

The future development includes stretch ESD targets to reduce carbon emissions in line with the City's 2026 targets, generating efficiencies for energy and water and incorporating provisions for electric vehicle charging.

S3 – Increasing resilience of people and infrastructure against natural and urban hazards

The site is flood prone land. The concept development proposal, including the proposed floor levels have been designed to respond to the site's flood affection and have been informed by flood assessment which is consistent with the City's floodplain management policy. The site constraints will be further addressed at the detailed DA stage, to demonstrate the development will be resilient to the natural hazard.

Q5. Is the planning proposal consistent with applicable State Environmental Planning Policies (SEPPs)?

This planning proposal is consistent with all applicable State Environmental Planning Policies (SEPPs), as summarised in Table 2.

State Environmental Planning Policy	Comment
SEPP (Biodiversity and Conservation) 2021	Consistent. This planning proposal will not contradict or hinder application of this SEPP.
SEPP (Building Sustainability Index: BASIX) 2004	Consistent. This planning proposal will not contradict or hinder application of this SEPP.
SEPP (Exempt and Complying Development Codes) 2008	Consistent. This planning proposal will not contradict or hinder application of this SEPP.
SEPP (Housing) 2021	Consistent. This planning proposal will not contradict or hinder application of this SEPP.
SEPP (Industry and Employment) 2021	Consistent. This planning proposal will not contradict or hinder application of this SEPP.
SEPP No 65—Design Quality of Residential Apartment Development	Consistent. This planning proposal will not contradict or hinder application of this SEPP.
SEPP (Planning Systems) 2021	Consistent. This planning proposal will not contradict or hinder application of this SEPP.
SEPP (Precincts—Central River City) 2021	Not applicable
SEPP (Precincts—Eastern Harbour City) 2021	Not applicable
SEPP (Precincts—Western Parkland City) 2021	Not applicable
SEPP (Primary Production) 2021	Not applicable
SEPP (Resilience and Hazards) 2021	Consistent. This planning proposal will not contradict or hinder application of this SEPP.
SEPP (Resources and Energy) 2021	Not applicable.
SEPP (Sustainable Buildings) 2022	Consistent. This planning proposal will not contradict or hinder application of this SEPP.
SEPP (Transport and Infrastructure) 2021	Consistent. This planning proposal will not contradict or hinder application of this SEPP.

Table 2 Consistency with SEPPs

Q6. Is the planning proposal consistent with applicable Section 9.1 Ministerial Directions?

This planning proposal is consistent with all Ministerial Directions issued under section 9.1 of the Environmental Planning and Assessment Act 1979, as summarised in Table 3.

Ministerial Direction	Comment
Focus area 1. Planning Systems	
1.1 Implementation of Regional Plans	Consistent. This planning proposal supports the Region Plan, as discussed in detail under Question 3 (above).

Ministerial Direction	Comment
1.2 Development of Aboriginal Land Council land	Not applicable
1.3 Approval and Referral Requirements	Consistent. This planning proposal does not include concurrence, consultation or referral provisions or identify any developments as designated development.
1.4 Site Specific Provisions	Inconsistent. This planning proposal includes site specific planning controls which allow for an alternative built form arrangement on the subject site, subject to appropriate stretch targets. In this instance, the inconsistency is of minor significance. It is also not considered to be unnecessarily restrictive in that the landowner may choose to develop under existing controls.
Focus area 1: Planning Systems – Place-based	
1.5 Parramatta Road Corridor Urban Transformation Strategy	Not applicable
1.6 Implementation of North West Priority Growth Area Land Use and Infrastructure Implementation Plan	Not applicable
1.7 Implementation of Greater Parramatta Priority Growth Area Interim Land Use and Infrastructure Implementation Plan	Not applicable
1.8 Implementation of Wilton Priority Growth Area Interim Land Use and Infrastructure Implementation Plan	Not applicable
1.9 Implementation of Glenfield to Macarthur Urban Renewal Corridor	Not applicable
1.10 Implementation of the Western Sydney Aerotropolis Plan	Not applicable
1.11 Implementation of Bayside West Precincts 2036 Plan	Not applicable
1.12 Implementation of Planning Principles for the Cooks Cove Precinct	Not applicable
1.13 Implementation of St Leonards and Crows Nest 2036 Plan	Not applicable

Ministerial Direction	Comment
1.14 Implementation of Greater Macarthur 2040	Not applicable
1.15 Implementation of the Pyrmont Peninsula Place Strategy	Not applicable
1.16 North West Rail Link Corridor Strategy	Not applicable
1.17 Implementation of the Bays West Place Strategy	Not applicable
Focus area 2: Design and Place	
This Focus Area was blank when the Directions were made.	Not applicable
Focus area 3: Biodiversity and Conservation	
3.1 Conservation Zones	Not applicable
3.2 Heritage Conservation	Not applicable
3.3 Sydney Drinking Water Catchments	Not applicable
3.4 Application of C2 and C3 Zones and Environmental Overlays in Far North Coast LEPs	Not applicable
3.5 Recreation Vehicle Areas	Not applicable
3.6 Strategic Conservation Planning	Not applicable
Focus area 4: Resilience and Hazards	
4.1 Flooding	Consistent. The planning proposal request is supported by a flood assessment which determined the minimum floor levels in the indicative reference scheme based upon the City's floodplain management policy. This planning proposal makes no amendments to the flood planning clause in the LEP. Future development applications will continue to be required to address flooding risks.
4.2 Coastal Management	Not applicable
4.3 Planning for Bushfire Protection	Not applicable
4.4 Remediation of Contaminated Land	Consistent. This planning proposal amends the maximum building height control for the site. The analysis for the proposed

Ministerial Direction	Comment
	changes to the building height control are at a concept level only and does not include detailed development plans. The site is already zoned B4 Mixed Use which allows for a range of residential and non residential land uses. No changes are proposed to the land use permissibility for the site. The assessment of potential contamination on the site, including the remediation and management of any contamination, will be addressed at a Stage 1 concept and Stage 2 detailed DA stage.
4.5 Acid Sulfate Soils	Consistent. This planning proposal amends the maximum building height control for the site and does not propose an intensification of land uses as no increase in gross floor area is proposed. The analysis for the proposed changes to the building height control are at a concept level and does not include detailed development plans. The assessment of potential acid sulfates on the site, including the management of any acid sulfates, will be addressed at the detailed DA stage.
4.6 Mine Subsidence and Unstable Land	Not applicable
Focus area 5: Transport and Infrastructure	
5.1 Integrating Land Use and Transport	Consistent. The proposal enables a mixed use development in a location that is served by public transport, cycling and pedestrian infrastructure. The proposal does not increase the density currently permitted on the site and does not require additional infrastructure to support the proposed development. The planning proposal request is supported by a transport assessment. It demonstrates that the indicative reference scheme will not have an adverse impact on the road network. It should be noted that the indicative reference scheme provides parking at maximum levels currently permitted under Sydney LEP 2012. Given the highly accessible location of the site, it would be expected that a Stage 1 and Stage 2 DA would look for opportunities to significantly reduce the amount of parking provided on the site from those maximum provisions.
5.2 Reserving Land for Public Purposes	Consistent.

Ministerial Direction	Comment
	This planning proposal does not create, alter or reduce existing zonings or reservations of land for public purposes.
5.3 Development Near Regulated Airports and Defence Airfields	An obstacle height limitation surface of 51m AHD applies to the site, in addition to a Pans-OPS of 126.4m AHD. The proposal will result in built form which penetrates the OLS and must therefore be referred to the relevant authority for any development application. Supporting documentation submitted with the planning proposal request includes an OLS Certification Plan prepared by JBW Surveyors which deems the proposed concept envelopes and increased building height as acceptable. It is noted that there are small increases in building height proposed in this planning proposal in addition to the planning proposal request. It is proposed to consult with the relevant authority as part of the consultation on this proposal.
5.4 Shooting Ranges	Not applicable
Focus area 6: Housing	
6.1 Residential Zones	Not applicable
6.2 Caravan Parks and Manufactured Home Estates	Not applicable
Focus area 7: Industry and Employment	
7.1 Business and Industrial Zones	Consistent. The site is zoned B4 Mixed Use (MU1 Mixed Use zone). This planning proposal does not restrict employment uses on the site. The increase to building height control enables a more feasible mixed use development that will include employment floor space, a minimum proportion of which is proposed to be secure alongside the alternative building heights.
7.2 Reduction in non-hosted short-term rental accommodation period	Not applicable
7.3 Commercial and Retail Development along the Pacific Highway, North Coast	Not applicable
Focus area 8: Resources and Energy	
8.1 Mining, Petroleum Production and Extractive Industries	Not applicable
Focus area 9: Primary Production	

Ministerial Direction	Comment
9.1 Rural Zones	Not applicable
9.2 Rural Lands	Not applicable
9.3 Oyster Aquaculture	Not applicable
9.4 Farmland of State and Regional Significance on the NSW Far North Coast	Not applicable

Table 3 Consistency with Section 9.1 Ministerial Directions

5.5 Environmental, social and economic impact

Q7. Is there any likelihood that critical habitat or threatened species, populations or ecological communities, or their habitats, will be adversely affected as a result of the proposal?

The site is part of an urban environment and does not contain habitat for threatened species, populations or ecological communities. The brownfield site has been cleared of vegetation and currently supports a car dealership operation.

Q8. Are there any other likely environmental effects as a result of the planning proposal and how are they proposed to be managed?

A detailed discussion of the environmental effects of this planning proposal is provided in Section 5 of this planning proposal.

Relevant management and mitigation measures are identified where appropriate in the draft DCP, and the proposed redevelopment of the site will be subject to further assessment at the detailed DA stage.

Q9. Has the planning proposal adequately addressed any social and economic effects?

A detailed discussion of the social and economic effects of this planning proposal is provided in Section 5 of this planning proposal.

The density and zoning of the site will not change as part of this planning proposal. The proposed increased building height to redistribute the floor area on the site makes redevelopment of site more feasible, which will facilitate the delivery of new housing and employment floor space in the urban renewal area alongside key community infrastructure. The built form outcome will have positive social and economic benefits for the site and the surrounding area.

5.6 State and Commonwealth interests

Q10. Is there adequate public infrastructure for the planning proposal?

The site is within the Green Square urban renewal area - which is well serviced by infrastructure, utilities, public transport and a variety of social support services and recreational facilities.

This planning proposal does not increase the development density of the site and therefore does not increase the demand for additional State or Commonwealth infrastructure. Demand for local infrastructure as result of the redevelopment of the site will be satisfied through development contributions under the City of Sydney Development Contributions Plan 2015.

Q11. What are the views of State and Commonwealth public authorities consulted in accordance with the Gateway determination?

To be determined in further consultation with public authorities following Gateway determination.

It is noted this planning proposal increases the maximum building height control which exceeds the mapped Obstacle Limitation Surface and consultation will be undertaken with the relevant public authority accordingly.

6. Mapping

This planning proposal is to introduce a new map sheet 018 to the 'Alternative Height of Building Map' – extract as shown below in Figure 32 and full map sheet following.

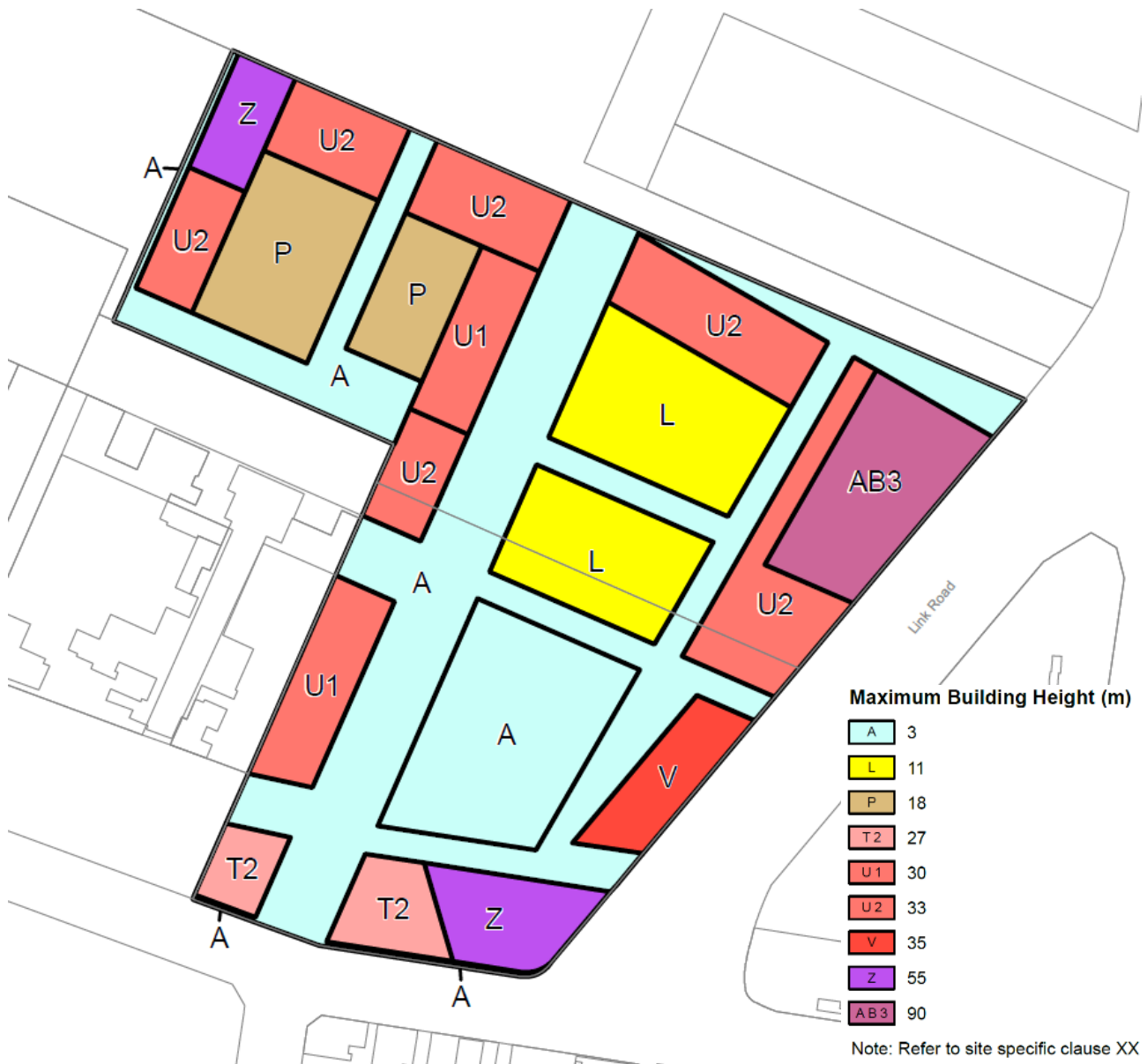


Figure 32 Proposed Alternative Height of Building Map (extract)

Alternative Height of Buildings Map
- Sheet AHOB_018

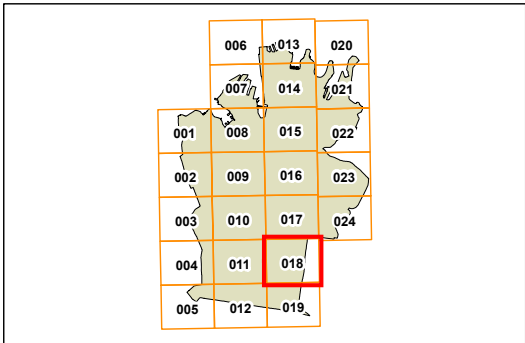
Maximum Building Height (m)

- A 3
- L 11
- P 18
- T2 27
- U1 30
- U2 33
- V 35
- Z 55
- AB3 90

Note: Refer to site specific clause XX

Cadastre

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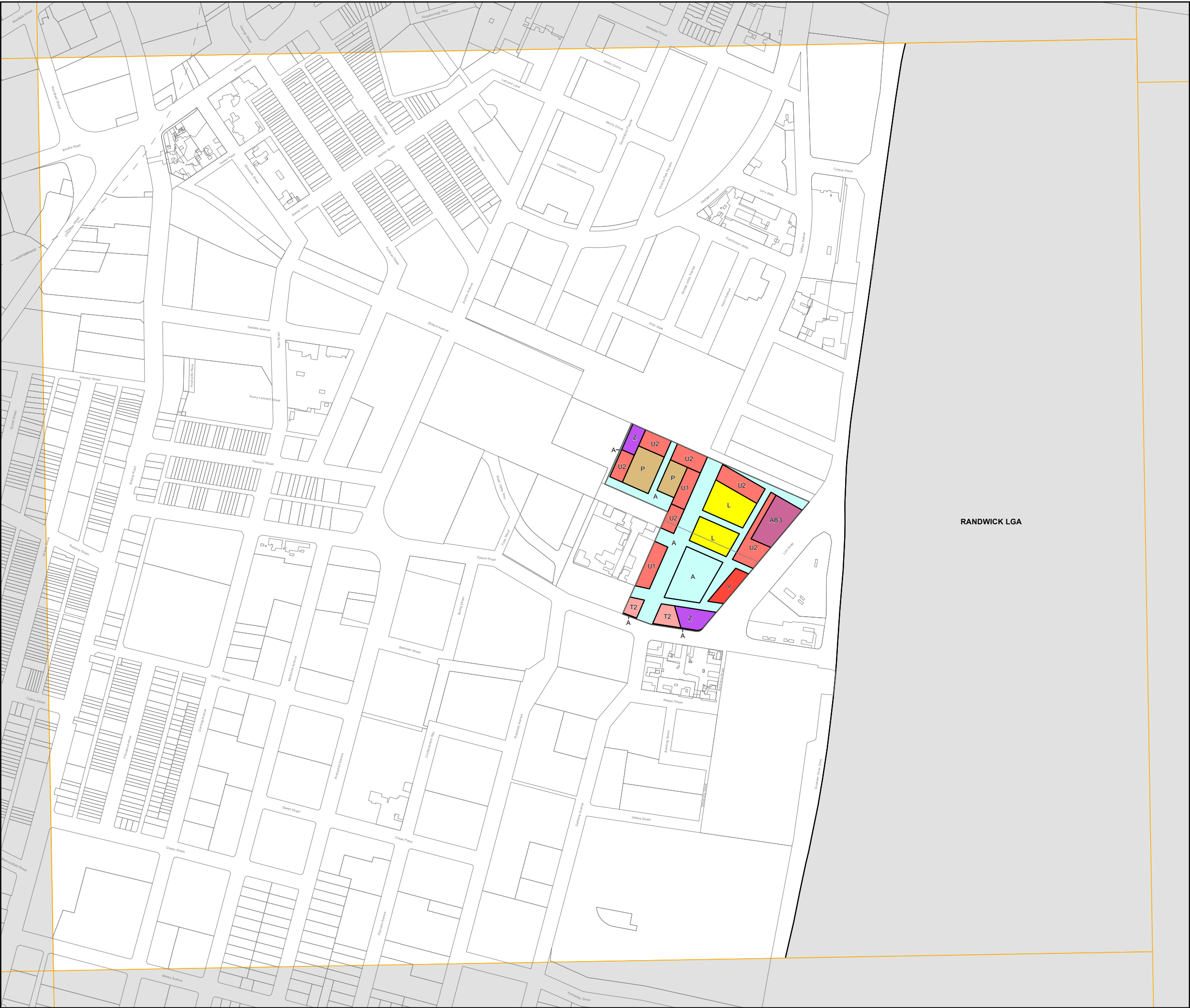


0 200m

Scale: 1:5,000 @ A3

Projection: GDA 1994
Zone 56

Map identification number:
7200_COM_AHOB_018_005_20221108



This planning proposal is to amend the Active Street Frontages Map Sheet 018 – extract as shown in Figure 33 and full map sheet following.



Figure 33 Proposed Active Street Frontages Map (Extract)

Active Street Frontages
- Sheet ASF_018

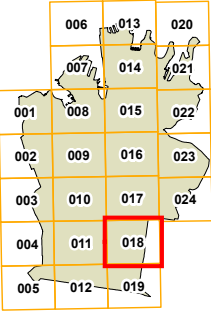
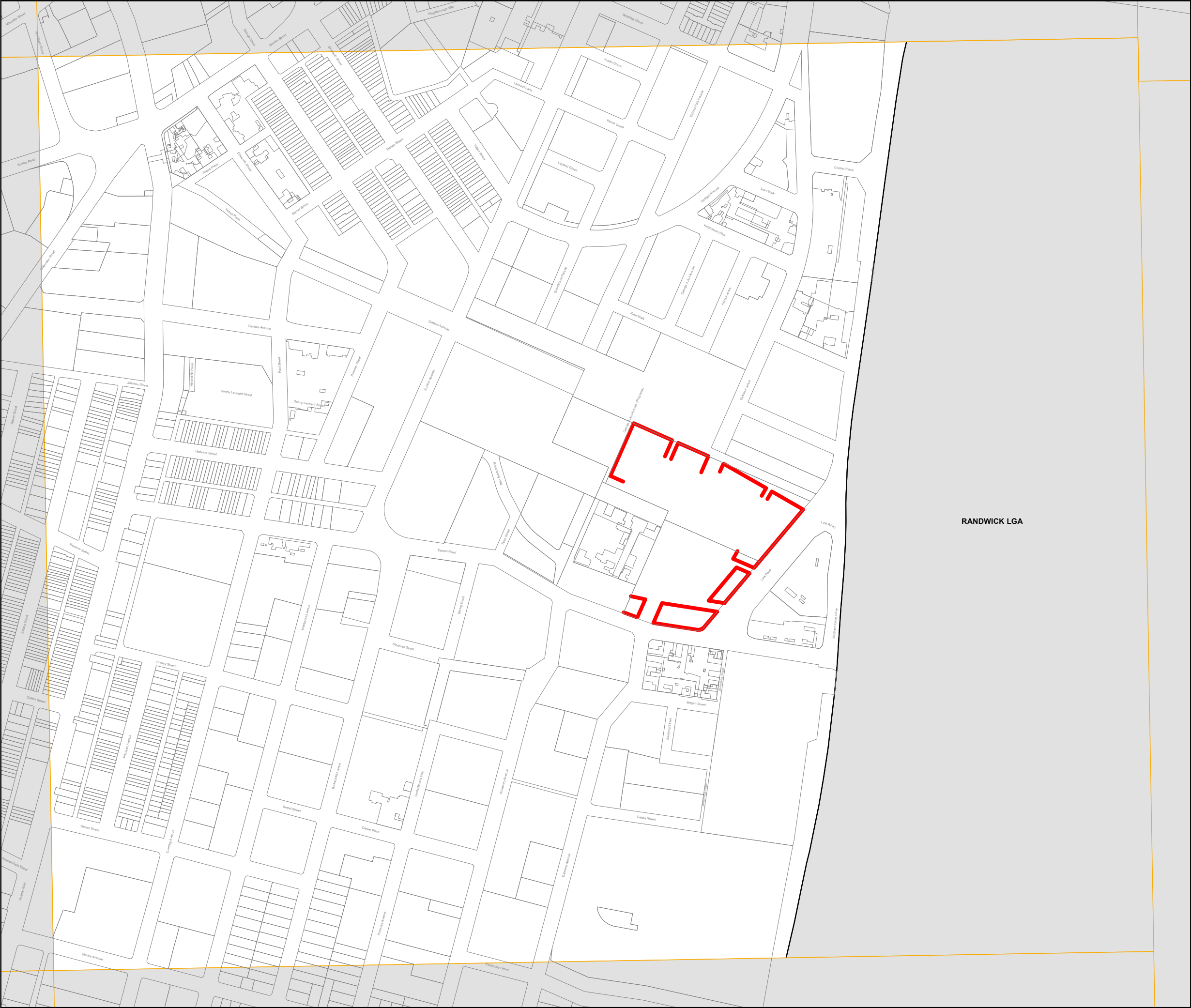
Active Street Frontages

Active Street Frontage

Note: Refer to site specific clause XX

Cadastre

Cadastre 15/11/2022 © City of Sydney



0 200 m

Scale: 1:5,000 @ A3

Projection: GDA 1994
Zone 56

Map identification number:
7200_COM_ASF_018_005_20221115

7. Community consultation

Public consultation will be undertaken in accordance with the requirements of the Gateway determination.

It is proposed that, at a minimum, this will involve the notification of the public exhibition of this planning proposal on the City of Sydney website and in writing to the owners and occupiers of adjoining and nearby properties and relevant community groups.

It is expected this planning proposal will be publicly exhibited for at least 28 days.

It is proposed that exhibition material will be made available on the City of Sydney website.

Consultation with relevant NSW agencies and authorities and other relevant organisations will be undertaken in accordance with the Gateway determination.

8. Project timeline

The anticipated timeline for completion of this planning proposal is shown at Table 4,

Stage	Timeframe
Referral to DPE for Gateway determination	December 2022
Gateway determination	February 2023
Public exhibition and government agency consultation	March 2023
Consideration of submissions	April – May 2023
Post exhibition consideration of proposal by Council / CSPC	July 2023
Drafting of LEP provisions	August 2023
Finalisation of LEP and DCP	September 2023

Table 4 Project timeline

