

Planning Proposal

Danks Street South Precinct, Waterloo

November 2016



SYDNEY 2030
Green Global Connected

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INTRODUCTION

This planning proposal explains the extent of, and justification for, proposed amendments to *Sydney Local Environmental Plan 2012* (Sydney LEP 2012) as it applies to sites collectively known as the Danks Street South Precinct (DSS precinct) in Waterloo. The DSS precinct is made up of the following sites:

Address	Lot/DP	Owner
207-229 Young Street	Lot 3 DP775039	Jeffman Pty Ltd
241 Young Street	Lot 201 DP 1203340	Ausgrid
198 -222 Young Street	Lot 1 DP 792863 Lots 1-15 SP 36039 Lots 17-55 SP 36721 Lots 57-59 SP 37210 Lots 60-61 SP 64460	Strata Plan 36039
224-248 Young Street	Lot 1 DP 68206	Majesty Properties Pty Ltd
230-234 Young Street	Lot 2 DP 592165	Majesty Properties Pty Ltd
3 McEvoy Street	Lot 101 DP 1203640	Sydney Water Corporation
903-921 Bourke Street	Lot 102 DP 1203640	Dahua Group Waterloo Project Pty Ltd
901 Bourke Street	Lot B DP 88095	City West Housing Pty Ltd
895-899 Bourke Street	Lot 1 88482	City West Housing Pty Ltd
887-893 Bourke Street	Lot A 438772 Lot B 438772, Lot1DP89250	Jeffman Pty Ltd
881-885 Bourke Street	Lot4 600884	Red Breast Pty Ltd

Table 1 Danks Street South Precinct, Landownership, Lot and DP, and site address

This planning proposal has been prepared in accordance with Section 55 of the Environmental Planning and Assessment Act 1979 (the Act) and guidelines published by the Department of Planning and Environment including 'A guide to preparing planning proposals' and 'A guide to preparing local environmental plans'. This planning proposal has been prepared by the City of Sydney. Regular progress updates on the preparation of this planning proposal have been undertaken with the following landowners and their respective consultants:

- Dahua;
- City west Housing;
- Jeffman/RedBreast; and
- Majesty.

Specifically, this planning proposal seeks to amend the maximum permissible building height control for the DSS Precinct as contained in Sydney LEP 2012. More detailed planning controls are contained within a draft amendment to *Sydney Development Control Plan 2012* (Sydney DCP 2012) which has been prepared alongside this planning proposal.

BACKGROUND

Site location

The DSS precinct is in the southern part of the City of Sydney Local Government Area in the suburb of Waterloo. Approximately 80% of the precinct is within the Green Square Urban Renewal Area. It is approximately a one kilometre walk from the centre of the precinct to the Green Square train station, and approximately a 1.4 kilometre walk from the new Waterloo Station.

The precinct is not within Urban Growth's Waterloo investigation area.

A location plan detailing the precinct boundary is at Figure 1. Figure 2 shows the DSS precinct in the wider context of the Green Square Urban Renewal Area.



Figure 1: Danks Street South Precinct Boundary



Figure 2 Danks Street South Precinct – Context Map

Precinct characteristics

The DSS precinct comprises 11 separate lots, some of which are owned by the same landowner (refer to Table 1 and Figure 3). The total site area is approximately 92,500 square metres. The lots range in size from 19,350 square metres to 140 square metres.

The precinct’s northern boundary has two small frontages to Danks Street in the north, Bourke Street to the east, McEvoy Street to the south, and Morehead Street to the west.

The precinct is relatively flat with a small cross fall of approximately 4 metres from north to south.

Figure 3 shows the site boundary and landownership.



Figure 3: Danks Street South Precinct Site Boundary and Landownership

Existing development

The DSS precinct is currently occupied by warehouse buildings, some industrial strata units, a dry cleaners, and redundant/derelict land. It is also occupied by retail/commercial spaces which provide predominantly bespoke specialised furniture showrooms, bathrooms fixtures and fitting showrooms, some warehouses, and further bespoke retail, cafes and restaurants on Danks Street. Figure 4 to 12 show development within the precinct.

The industrial strata units between Young and Morehead Street were constructed in approximately 1990. The warehouses at 207-229 Young Street were constructed in the late 1980s, and the warehouses on Bourke Street are significantly older, but are not heritage listed.

There are four heritage listed buildings in the precinct. Two are owned by Sydney Water and date back to the mid 1920s. The third building is an electricity sub-station owned by Ausgrid and dates back to around 1915. The fourth building is on Young Street and is part of a larger commercial development. It dates back to early 1900s.

The two Sydney Water buildings, the Valve House and the Pump House, and the electricity sub-station are still operational, housing infrastructure that provides electricity to the area, and drinking water to the eastern suburbs.

Currently, there are few vacant tenancies across the DSS precinct.



Figure 4: Danks Street South Precinct – Bourke Street South (looking south)



Figure 5: Danks Street South Precinct – Dahua Site (with two Sydney Water Heritage listed buildings in the distance).



Figure 6: Danks Street South Precinct – Corner of Young Street and Danks Street (looking east)



Figure 7: Danks Street South Precinct – Dahua Site and Sydney Water Heritage Listed Buildings (looking south)



Figure 8: Commercial Uses on Young Street (Jeffman site)



Figure 9: Dahua Site looking north from Young Street



Figure 10: Ausgrid Heritage listed Sub Station – Young Street



Figure 11: Commercial uses on Strata Site – Young Street



Figure 12: Heritage listed building 222 Young Street

Surrounding development

The site is surrounded by a mix of predominantly residential development. Crown Square, on the eastern side of Bourke Street, was completed by Meriton in 2010 (shown in Figure 13). It is a predominantly residential development with some retail uses including supermarket, childcare, cafes, and serviced apartments. Building heights in Crown Square range from four storeys to 15 storeys.



Figure 13: Crown Square Development by Meriton - Bourke Street

The Divercity development lies to the south east of the DSS precinct, south of Lachlan Street. This development was completed around 2013. It is a predominantly residential development with building heights ranging from six to 12 storeys. There are some local retail/restaurants at ground floor, mostly concentrated on Bourke Street and a small plaza area.

The Moore Park Gardens development to the north (shown in Figure 14) was completed in 2000. It has building heights ranging from five to 20 storeys.

The buildings to the south of McEvoy Street are relatively low scale predominantly commercial and light industrial warehouses. They provide a range of products and services such as hairdressing, car accessories, a service station and film school.

The area to the west of Morehead Street is the Waterloo Conservation Area. This area is predominantly residential area of one and two storey Victorian terraces.

Danks Street to the north provides a range of bespoke retail, including art galleries, fine rugs and furnishings/designer furniture, electrical appliances (Winnings) and a timber yard. It also has wholefood shops, some cafes and restaurants. Some low scale residential redevelopment has occurred on Danks Street over the past 3-5 years.



Figure 14: Moore Park Gardens Development, corner of Phillip and Bourke Streets

Planning history

Most of the development applications across the DSS precinct have been relatively minor and relate to changes of use, signage or internal modifications.

The sites at 895-899 and 901 Bourke Street are owned by City West Housing. A development application for 72 affordable housing apartments and ground floor retail was approved by Council in April 2016, subject to the finalisation of a planning agreement. The sites are currently leased.

Current planning controls

The DSS precinct is located on land zoned B4 Mixed Use under Sydney LEP 2012. A wide range of uses are permissible with consent in this zone including the commercial and light industrial uses for which the site is currently used. Also permissible within this zone is residential uses and local retail.

A base floor space ratio (FSR) ranging from 1.5:1 to 2.0:1 is permissible across the DSS precinct under Sydney LEP 2012. The portion of the precinct that lies within the Green Square Urban Renewal Area has a maximum FSR of 1.5:1 and under clause 6.14 of Sydney LEP 2012 is eligible for 0.5:1 additional FSR, subject to the delivery of community infrastructure.

Clause 6.21 of Sydney LEP specifies that an additional 10% height or FSR (not both) is permissible on sites where design excellence is demonstrated through a competitive design process.

Most sites are also eligible for additional FSR subject to demonstrating design excellence through a competitive design process under clause 6.21 of Sydney LEP 2012. This provides a maximum potential permissible gross floor area up to 2.2:1.

The height controls that apply across the precinct under Sydney LEP 2012 range from 15 to 22 metres, with the predominant permissible height being 15 metres for approximately 90% of the site. The site at 224-234 Young Street has a maximum height of 18 metres, and the sites at 881-893 Bourke Street have a street frontage height of 22 metres. Part 4 – Mapping of this planning proposal shows the current height controls.

Planning Proposal requests

A planning proposal request from LEFTA Pty Ltd was submitted in October 2014, for the site at 824 Bourke Street, Waterloo. The site contains a Toyota/Lexus car dealership. This proposal sought to increase the permissible building heights from 25 metres to 50 metres and the FSR from a maximum of 2.5:1 to 6:1. The request was accompanied by an urban design analysis, economic feasibility report and a traffic assessment.

The LEFTA planning proposal request was not supported by the City and the proponent withdrew the request in December 2015.

In November 2015 Dahua submitted a planning proposal request for their site at 903-921 Bourke Street, Waterloo. This planning proposal sought to increase the permissible building heights from 15 metres to 85 metres. The request did not seek any amendment to the zoning or the floor space ratio controls.

The Dahua request was supported by the technical studies listed below:

- Heritage and archaeology;
- Contamination;
- Open space and public domain layouts;
- Traffic and transport;
- Stormwater management; and
- Urban design.

Dahua also submitted a public benefit offer for land dedication and delivery of public works. Some of this information has informed the preparation of the draft planning controls.

The City does not support the Dahua planning proposal request primarily due to the public domain layout and resultant built form. However, some of the above studies have informed the preparation of the proposed planning controls.

PART 1 – OBJECTIVES AND INTENDED OUTCOMES

This planning proposal intends to:

- enable the orderly redevelopment of the Danks Street South Precinct for residential, retail and commercial uses;
- facilitate the delivery of market housing and services in an area with good access to public transport, social infrastructure, employment opportunities, goods and services;
- ensure that new development responds appropriately to the surrounding built form context;
- ensure that existing and future neighbouring properties and the public domain receive appropriate solar access; and
- facilitate the delivery of significant public benefits including two new local parks, a new plaza and new streets.

PART 2 – EXPLANATION OF PROVISIONS

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

Mapping

- Amend Height of Buildings Map Sheet 17 of Sydney LEP 2012 in accordance with the proposed Height of Buildings Map shown at Part 4 of this planning proposal.
- Insert a new Map Sheet 17 in Sydney LEP 2012 as shown in the Active Street Frontages Map shown at Part 4 of this planning proposal.

Clauses

- Include in Division 5 Site specific provisions of SLEP 2012 a clause that excludes the land zoned SP2 Infrastructure – Road reservation at 903-921 Bourke Street (Lot 102 DP 1203640) and 230-234 Young Street (Lot 2 DP 592165) from the site area calculation.
- Include in Division 5 Site specific provisions of SLEP 2012 a clause to specify that a building demonstrating design excellence is eligible for additional building height only, and is not eligible for additional FSR. The clause should reference current clauses in 6.21 and 4.6. The City's urban design testing has demonstrated that additional FSR cannot be accommodated across the precinct without compromising building amenity. The Height of Buildings Map in the planning proposal, shows the maximum building heights. Additional building height, resulting from a competitive design process, would be awarded through clause 6.21 of Sydney LEP 2012 Design Excellence.

Site specific DCP

The City has prepared draft site specific provisions to amend Sydney DCP 2012, which provide further guidance to the proposed amendments to Sydney LEP 2012. The provisions are to be contained within Section 5 of the Sydney DCP 2012. They include building form and location, bulk and massing of buildings, design excellence, street frontage heights, setbacks and vehicular entrances. The draft DCP is to be publicly exhibited with the planning proposal.

PART 3 - JUSTIFICATION

Section A – Need for the planning proposal

Q1. Is the planning proposal a result of any strategic study or report?

This planning proposal has been prepared by the City of Sydney to provide greater certainty and clarity on future development in the DSS Precinct, and continue to implement the aims of the Sydney LEP 2012. The need for this planning proposal results from consideration of a planning proposal request submitted by Dahua Group for 903-921 Bourke Street, Waterloo to increase the permissible building heights under SLEP 2012. In addition the City prepared an Urban Design Study (the Study), shown at Appendix A. There are a number of constraints to development in the DSS Precinct, including:

- Reservations for a future arterial road upgrade;
- Easements;
- Heritage;
- Access for utilities;
- Noise and air quality; and
- Staging of development.

The Study addresses these constraints and provides a recommended development scenario. The Study has been informed by documentation submitted by Dahua Group that support their planning proposal request. The recommended development scenario is reflected in this planning proposal, by seeking to amend the permissible building heights across the precinct to reflect the recommended built form.

This planning proposal does not seek to amend the DSS Precinct zoning or the permissible floor space ratio.

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

Base testing of the current planning controls to establish potential building envelopes was undertaken as part of the Study (shown at Appendix A). The results of this testing found that if the precinct were to be redeveloped for residential uses permissible under the Mixed Uses zoning and the requirement to provide essential infrastructure such as new streets, none of the sites would be able to achieve the current permissible FSR, within the current permissible height controls as shown in Table 1.

Site (see Figure 3)	Site Area ⁽¹⁾	Total GFA	Permissible LEP FSR	Achieved FSR
Strata (industrial)	13,162	15,967	1.75:1	1.21:1
Majesty Properties	3,467	7,268	2.0:1	2.1:1
Jeffman/Red Brest	21,443	26,570	2.0:1 ⁽²⁾	1.24:1
Dahua Group	17,500	5,623	2.0:1 ⁽²⁾	0.32:1
City West Housing (approved development application)	2,738	4,889	2.0:1 ⁽²⁾	1.78:1

Table 1: FSRs achieved under current permissible height controls

Notes:

⁽¹⁾ Site area calculation includes areas that cannot be built over and is consistent with site area definition in Sydney LEP 2012, but excludes areas affected by the arterial road reservation.

(2) Permissible LEP FSR includes 0.5:1 FSR under the Green Square Community Infrastructure scheme

The Study also undertook a site analysis to understand the built form in the immediate area, topography, landownership, existing development (dwelling type and land uses), connections with existing streets, proximity to open space and public transport, and the site constraints. The analysis was used to establish the following urban design principles that would inform the recommended development scenario:

Social infrastructure

- Create a recreation spine within the public domain to facilitate community interaction
- Create opportunities that help with social interaction and relaxation

Heritage

- Respect and integrate heritage

Built form

- Provide a variety of scale and building type
- Define appropriate locations for buildings and their orientation
- Provide a permeable built form
- Integrate the precinct with the surrounding neighbourhoods

Transport and movement

- Connect to the existing public transport network
- Manage vehicles and their access
- Encourage cycling, walking, shared zones and the use of public transport

Public domain

- Provide a public domain structure that has an 'identity' and 'sense of place'
- Provide safe spaces that prioritises walking and cycling
- Create a new park where the design integrates the history of the area with future users recreation needs
- Provide a strong landscape character within all public spaces

Viability

- Ensure proposed development is economically viable.

The design philosophy for the built form outcomes is to create a range of building typologies and heights, as seen in other Green Square neighbourhoods. Providing a range of heights within the precinct creates variety in the built form and architectural interest, and help define the public domain.

Earlier iterations of the built form options shown in the Study were presented to the City's Design Advisory Panel on 17 May 2016 before finalising the proposed built form discussed above.

The Panel supported the Study approach and urban design principles. The Panel advised that impacts of taller buildings need to be studied for sun access to the public domain and provision of edge activation. Other feedback was to consider further the placement and separation of towers to ensure sufficient separation between the two towers on the Dahua site.

The Panel also recommended a reduced scale of buildings on the Jeffman/Red Breast site, which has predominantly east-west facing blocks. Taller buildings could be located on the corner of the new east-west street and Bourke Street to minimise overshadowing apartment buildings or open space. Land ownership is shown at Figure 3.

Section B – Relationship to strategic planning framework

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

A Plan for Growing Sydney

The *Plan for Growing Sydney* is a NSW Government strategic document that outlines a vision for Sydney over the next 20 years. It identifies key challenges facing Sydney including a population increase of 1.6 million by 2034, 689,000 new jobs by 2031 and a requirement for 664,000 new homes.

In responding to these and other challenges, the plan sets out four goals:

1. A competitive economy with world-class services and transport;
2. A city of housing choice and homes that meet our needs and lifestyles;
3. A great place to live with communities that are strong, healthy and well connected; and
4. A sustainable and resilient city that protects the natural environment and has a balanced approach to the use of land and resources.

To achieve these goals, the plan proposes 22 directions and associated actions. Actions of particular relevance to this planning proposal include: 1.7 Grow strategic centres; 2.1 Accelerate housing supply across Sydney; 2.2 Accelerate urban renewal across Sydney; and 2.3 Improve housing choice to suit different needs and lifestyles.

This planning proposal is consistent with several relevant goals, directions and actions of the plan. Specifically, it will:

- Facilitate redevelopment of the site to include commercial and retail premises, resulting in the creation of new jobs;
- Create a new predominantly residential precinct that is approximately 1 kilometre walk to Green Square Town centre – which is defined as a strategic centre;
- Promote urban renewal of a site which is accessible by public transport;
- Encourage supply of 1,275 new and diverse dwellings; and
- Encourage the provision of critical community facilities including new open spaces and local retail and services.

NSW Government District Plans – Central District

The NSW Government has prepared plans for each of the six districts that comprise the Sydney Metropolitan Area. The City of Sydney is in the Central District. The District Plans set out how *A Plan for Growing Sydney* will apply to local areas. They will influence the delivery of housing supply, inform and influence planning for business and jobs growth, particularly in strategic centres and inform the decision making for infrastructure planning.

The *Draft Central District Plan* had just been released at the time of completing this planning proposal. It was prepared by the NSW Government in consultation with a wide range of stakeholders. It sets out priorities and actions for:

A Productive City – seeks to focus on planning and investment in Sydney City. It focuses on emerging and future needs of industrial activities and urban services, particularly those linked to Port Botany, Sydney Airport and support for a variety of industries.

A Liveable City – seeks to provide a dynamic urban network of unique places, safe neighbourhoods and vibrant communities. It also focuses on the planning for more housing and employment opportunities, and investment in public transport and cycling.

A Sustainable City – seeks to find the balance between protecting environmental assets, delivery of infrastructure, particularly innovative responses to efficient use of water, energy and management of waste.

Action tables identify outcomes, lead agencies, and partner agencies for these three themes.

This planning proposal is consistent with this broad priorities of the *Draft Central District Plan* as it continues to provide capacity for mixed use development including offices, retail, services and housing across Green Square.

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

The City's *Sustainable Sydney 2030 Strategic Plan* is the vision for the sustainable development of the City to 2030 and beyond. It includes 10 strategic directions to guide the future of the City, as well as 10 targets against which to measure progress. This planning proposal is consistent with key directions of Sustainable Sydney 2030 as demonstrated in the following table.

Consistency with Sustainable Sydney 2030	
Direction	Comment
Direction 4 – A city for walking and cycling	<p>The draft planning controls require the provision of a three-metre wide setback along Bourke Street. This will further widen the existing shared pedestrian/cycleway on Bourke Street. In addition, new streets will be designed to accommodate only local traffic with an emphasis on shared zones. The draft controls also provide a pedestrian and cycle connection from local retail and services in Danks Street to McEvoy Street.</p> <p>The precinct is approximately 1 kilometre walk to Green Square Town Centre.</p>
Direction 6 – Vibrant local communities and economies	<p>The residential component of the DSS precinct will deliver dwellings immediately adjacent to a range of goods and services, employment opportunities, transport and social infrastructure. The future residential population will support the wider Green Square local economy. The commercial/retail component of the building at the intersection of Bourke/McEvoy and Lachlan Street will deliver new retail opportunities, further activating the area, and providing an additional focal point for the local community and strengthening the local economy.</p>
Direction 8 – Housing for a diverse population	<p>Redevelopment of the precinct will deliver approximately 1,275 market dwellings of different sizes, catering for a diverse range of future residents. It will also contribute towards delivery of Affordable Housing through contributions under the current Green Square Affordable Housing Program.</p>
Direction 9 – Sustainable development, renewal and design	<p>The proposed planning controls are based on principles for sustainable development, including ensuring that built form delivers high levels of amenity for future residents. The design excellence provisions of Sydney LEP 2012 will continue to apply to the site, ensuring high quality architecture and sustainable outcome.</p>

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

The consistency of this planning proposal with current State Environmental Planning Policies (SEPPs) is outlined in the table below. SEPPs which have been repealed or were not finalised are not included in this table.

Consistency with SEPPs	
State Environmental Planning Policy (SEPP)	Comment
SEPP No 1—Development Standards	Not applicable.
SEPP No 4 – Development Without Consent and Miscellaneous Exempt and Complying Development	Not applicable
SEPP No 6 - Number of Storeys in a Building	Consistent - This planning proposal does not contradict or hinder application of this SEPP.
SEPP 10 - Retention of Low Cost Accommodation	Not applicable.
SEPP No 14—Coastal Wetlands	Not applicable.
SEPP No 15 – Rural Landsharing Communities	Not applicable.
SEPP No 19—Bushland in Urban Areas	Not applicable.
SEPP No 21—Caravan Parks	Not applicable.

Consistency with SEPPs	
State Environmental Planning Policy (SEPP)	Comment
SEPP No 22 – Shops and Commercial Premises	Consistent – This planning proposal does not contradict or hinder application of this SEPP.
SEPP No 26—Littoral Rainforests	Not applicable.
SEPP No 29 – Western Sydney Recreation Area	Not applicable.
SEPP No 30—Intensive Agriculture	Not applicable.
SEPP 32 – Urban Consolidation (Redevelopment of Urban Land)	Consistent – This planning proposal does not contradict or hinder application of this SEPP.
SEPP No 33—Hazardous and Offensive Development	Consistent - This planning proposal does not contradict or hinder application of this SEPP.
SEPP No 36—Manufactured Home Estates	Not applicable.
SEPP No 39 – Spit Island Bird Habitat	Not applicable.
SEPP No 42 – Casino Entertainment Complex	Not applicable.
SEPP No 44—Koala Habitat Protection	Not applicable.
SEPP No 47—Moore Park Showground	Not applicable.
SEPP No 50—Canal Estate Development	Not applicable.
SEPP No 52—Farm Dams and Other Works in Land and Water Management Plan Areas	Not applicable.
SEPP No 53 – Metropolitan Residential Development	Not applicable.
SEPP No 55—Remediation of Land	Consistent - This planning proposal does not contradict or hinder application of this SEPP. The proponent has provided evidence confirming that the site can be made suitable for residential uses.
SEPP 59 Central western Sydney Regional Open Space and Residential	Not applicable.
SEPP 60 Exempt and Complying Development	Consistent – This planning proposal does not contradict or hinder application of this SEPP.
SEPP No 62—Sustainable Aquaculture	Not applicable.
SEPP No 64—Advertising and Signage	Consistent - This planning proposal does not contradict or hinder application of this SEPP.
SEPP No 65—Design Quality of Residential Flat Development	Consistent - This planning proposal does not contradict or hinder application of this SEPP. The built form analysis which underpins the proposed height and building envelope controls reflects the requirements of the Apartment Design Guide.
SEPP No 70—Affordable Housing (Revised Schemes)	Consistent - The planning proposal does not contradict or hinder application of this SEPP. The Green Square Affordable Housing scheme under Sydney LEP 2012 will continue to apply to those sites in the precinct that are within the Green Square Urban Renewal Area.
SEPP No 71—Coastal Protection	Not applicable.
SEPP (Building Sustainability Index: BASIX) 2004	Consistent - The planning proposal does not contradict or hinder application of this SEPP.

Consistency with SEPPs	
State Environmental Planning Policy (SEPP)	Comment
SEPP (Housing for Seniors or People with a Disability) 2004	Consistent - The planning proposal does not contradict or hinder application of this SEPP.
SEPP (Major Development) 2005	Consistent - The planning proposal does not contradict or hinder application of this SEPP.
SEPP (Sydney Region Growth Centres) 2006	Not applicable.
SEPP (Infrastructure) 2007	Consistent. A referral to NSW Roads and Maritime Services during the public exhibition of the planning proposal will be undertaken as some land in the DSS Precinct is identified as road reservation.
SEPP (Kosciuszko National Park—Alpine Resorts) 2007	Not applicable.
SEPP (Mining, Petroleum Production and Extractive Industries) 2007	Not applicable.
SEPP (Temporary Structures) 2007	Consistent - The planning proposal does not contradict or hinder application of this SEPP.
SEPP (Exempt and Complying Development Codes) 2008	Consistent - The planning proposal does not contradict or hinder application of this SEPP.
SEPP (Rural Lands) 2008	Not applicable.
SEPP (Western Sydney Parklands) 2009	Not applicable.
SEPP (Affordable Rental Housing) 2009	Consistent - The planning proposal does not contradict or hinder application of this SEPP.
SEPP (Western Sydney Employment Area) 2009	Not applicable.
SEPP (Development on Kurnell Peninsula) 2005	Not applicable.

The below table shows the consistency of this planning proposal with former Regional Environmental Plans (REPs) for the Sydney and Greater Metropolitan Regions, which are deemed to have the weight of SEPPs.

Consistency with REPs	
Regional Environmental Plan (REPs)	Comment
Sydney REP No 5—(Chatswood Town Centre)	Not applicable.
Sydney REP No 8 (Central Coast Plateau Areas)	Not applicable.
Sydney REP No 9—Extractive Industry (No 2—1995)	Not applicable.
Sydney REP No 11—Penrith Lakes Scheme	Not applicable.
Sydney REP No 13—Mulgoa Valley	Not applicable.
Sydney REP No 16—Walsh Bay	Not applicable.
Sydney REP No 17—Kurnell Peninsula (1989)	Not applicable.
Sydney REP No 18 – Public Transport	Not applicable.

Consistency with REPs	
Regional Environmental Plan (REPs)	Comment
Sydney REP No 19 – Rouse Hill Development Area	Not applicable.
Sydney REP No 20—Hawkesbury- Nepean River (No 2—1997)	Not applicable.
Sydney REP No 24—Homebush Bay Area	Not applicable.
Sydney REP No 25—Orchard Hills	Not applicable.
Sydney REP No 26—City West	Not applicable.
Sydney REP No 28—Parramatta	Not applicable.
Sydney REP No 29—Rhodes Peninsula	Not applicable.
Sydney REP No 30—St Marys	Not applicable.
Sydney REP No 33—Cooks Cove	Not applicable.
Sydney REP (Sydney Harbour Catchment) 2005	Consistent - The planning proposal does not contradict or hinder application of this REP.
Drinking Water Catchments REP No 1	Not applicable.
Greater Metropolitan REP No 2—Georges River Catchment	Not applicable.

Q6. Is the planning proposal consistent with applicable Ministerial Directions (s.117 directions)?

This planning proposal has been assessed against each Section 117 direction. Consistency with these directions is shown in the table below.

No.	Title	Comment
1. Employment and Resources		
1.1	Business and Industrial Zones	Not applicable
1.2	Rural Zones	Not applicable
1.3	Mining, Petroleum Production and Extractive Industries	Not applicable
1.4	Oyster Aquaculture	Not applicable
1.5	Rural Lands	Not applicable
2. Environment and Heritage		
2.1	Environment Protection Zones	Not applicable
2.2	Coastal Protection	Not applicable
2.3	Heritage Conservation	Consistent. This planning proposal will not hinder protection of the four heritage listed buildings within the DSS Precinct.
2.4	Recreation Vehicle Areas	Not applicable
2.5	Application of E2 and E3 Zones and Environmental Overlays in Far North Coast LEPs	Not applicable
3. Housing Infrastructure and Urban Development		

No.	Title	Comment
3.1	Residential Zones	<p>Consistent.</p> <p>The Zone B4 Mixed Use which applies to the DSS Precinct permits a range of residential uses and the provisions of Sydney LEP 2012, for those sites within the Green Square Urban renewal Area require a contribution for affordable rental housing. The detailed controls in Sydney DCP 2012 set the mix of unit size. This planning proposal will encourage diversity of housing through different building typologies.</p>
3.2	Caravan Parks and Manufactured Home Estates	Not applicable
3.3	Home Occupations	<p>Consistent.</p> <p>This planning proposal does not contradict or hinder application of the home occupation provisions in Sydney LEP 2012.</p>
3.4	Integrating Land Use and Transport	<p>Consistent.</p> <p>The centre of DSS precinct is approximately one kilometre walk to the Green Square train station and approximately 1.2 kilometres to the proposed Waterloo Station. The precinct is also well served by bus services. There are bus stops on both sides of Bourke Street.</p> <p>The wider DSS Precinct area has been planned to facilitate walking and cycling.</p> <p>Development fronting Bourke Street will be required to be set back 3 metres to enable the widening of the Bourke Street cycleway.</p> <p>This planning proposal is consistent with the aims, objectives and principles of <i>Improving Transport Choice – Guidelines for planning and development</i> (DUAP 2001), and <i>The Right Place for Business and Services – Planning Policy</i> (DUAP 2001).</p>
3.5	Development Near Licensed Aerodromes	Not applicable
3.6	Shooting Ranges	Not applicable
4. Hazard and Risk		
4.1	Acid Sulfate Soils	<p>Consistent.</p> <p>This planning proposal does not contradict or hinder application of acid sulphate soils provisions in Sydney LEP 2012.</p>
4.2	Mine Subsidence and Unstable Land	Not applicable
4.3	Flood Prone Land	<p>Consistent.</p> <p>This planning proposal does not contradict or hinder application of flood prone land provisions in Sydney LEP 2012.</p> <p>Any relevant future development application for the sites will be required to address the NSW Government's <i>Flood Prone Land Policy</i>, the principles of the <i>Floodplain Development Manual 2005</i> and the Sydney LEP 2012 Flood Prone Land controls.</p>
4.4	Planning for Bushfire Protection	Not applicable
5. Regional Planning		

No.	Title	Comment
5.1	Implementation of Regional Strategies	Not applicable
5.2	Sydney Drinking Water Catchments	Not applicable
5.3	Farmland of State and Regional Significance on the NSW Far North Coast	Not applicable
5.4	Commercial and Retail Development along the Pacific Highway, North Coast	Not applicable
5.8	Second Sydney Airport, Badgerys Creek	Not applicable
5.9	North West Rail Link Corridor Strategy	Not applicable
5.10	Implementation of Regional Plans	Consistent. This planning proposal does not contradict or hinder the implementation of the draft Central District Plan.
6. Local Plan Making		
6.1	Approval and Referral Requirements	Consistent. This planning proposal does not include any concurrence, consultation or referral provisions nor does it identify any development as designated development.
6.2	Reserving Land for Public Purposes	This planning proposal will not affect any land reserved for public purposes.
6.3	Site Specific Provisions	Consistent. This Planning proposal does not contradict or hinder the application of this direction.
7. Metropolitan Planning		
7.1	Implementation of A Plan for Growing Sydney	Consistent. This planning proposal does not contradict or hinder application of <i>A Plan for Growing Sydney</i> .

Section C – 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 DSS Precinct is located in an urban area. Currently the precinct does not contain any known critical habitat or threatened species, populations or ecological communities or habitats. There are limited numbers of trees in the precinct. These trees are generally part of landscaping treatments.

Notwithstanding this, in considering any future development application for the site, the consent authority will have regard to the suitability of the land for development and any environmental impact which may be generated by the development. This will include an assessment of any street trees adjacent to the site and retention of these where possible. The draft DCP amendment also seeks to increase the numbers of native tree species as street tree planting, and tree planting within the plaza and park areas.

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

This planning proposal seeks to amend the height controls for the DSS Precinct under Sydney LEP 2012 and in doing so facilitate redevelopment of the site for commercial, retail and residential uses. In preparing this planning proposal, environmental considerations were assessed. The precinct's former industrial uses have resulted in large land holdings, with very little physical or social infrastructure (excluding the Sydney Water infrastructure), such as roads open spaces, community facilities or open spaces. There is also the complex arrangement of easements across the Dahua site at 903-921 Bourke Street. The main constraints were addressed in the Study (shown at Appendix A) and are listed below:

Drainage and Sewer infrastructure

A stormwater culvert runs along the western side of the Dahua site, adjacent to Young Street. Sydney Water have confirmed they would not allow development over this culvert.

Access and movement

There are no public roads within the precinct. The Dahua site is currently fenced, with access only to Sydney Water maintenance vehicles.

Existing easements and reservations

There is a complex arrangement of infrastructure related easements across the Dahua site, shown in Figure 15. This infrastructure will remain as the precinct redevelops. There are also high pressure underground water pipes associated with the Sydney Water buildings and high voltage electricity cabling. The relevant agencies have confirmed this infrastructure cannot be relocated or built over. Development therefore will need to be located around it.

Heritage

There are four heritage listed buildings in the precinct. Two are owned by Sydney Water, the Pump House and Valve House, and are still operational, supplying water to the eastern suburbs. The heritage listing also includes the underground pipes associated with these two buildings. The other two heritage listed buildings are on Young Street, one is an electricity substation, the other is currently a commercial building.

Sydney Water access

Sydney Water maintenance vehicles must have ongoing 24-hour access to the Pump House and Valve House. This access also requires allocated parking for vehicles and cranes up to 12 metres in length. Currently the easements across the Dahua site at 903-921 Bourke Street makes provision for this access. It is proposed that alternate access could be provided from Young Street if the current access on McEvoy Street cannot be maintained.

Reservation upgrade/WestConnex

Approximately 2,200 square metres of the Dahua site, at the intersection of Bourke Street and McEvoy Street is zoned for arterial road reservation in Sydney LEP 2012, as shown in Figure 8. The Majesty Properties site at 230-234 McEvoy Street is also affected. NSW Roads and Maritime Services (RMS) is the designated acquisition authority for the reservation. They are currently developing designs to upgrade the intersection to improve traffic flows between the WestConnex portal at Sydney Park and South Dowling Street. RMS have undertaken some consultation with City staff on the design of the intersection. City staff have expressed concern to RMS about the impact of the widening of the intersection and have provided urban design comments that seek to minimise the impact. RMS are aware the City is reviewing the planning controls, however, they have not provided design details for the upgrade. It is anticipated the City will be required to consult with the RMS as part of the gateway approval.

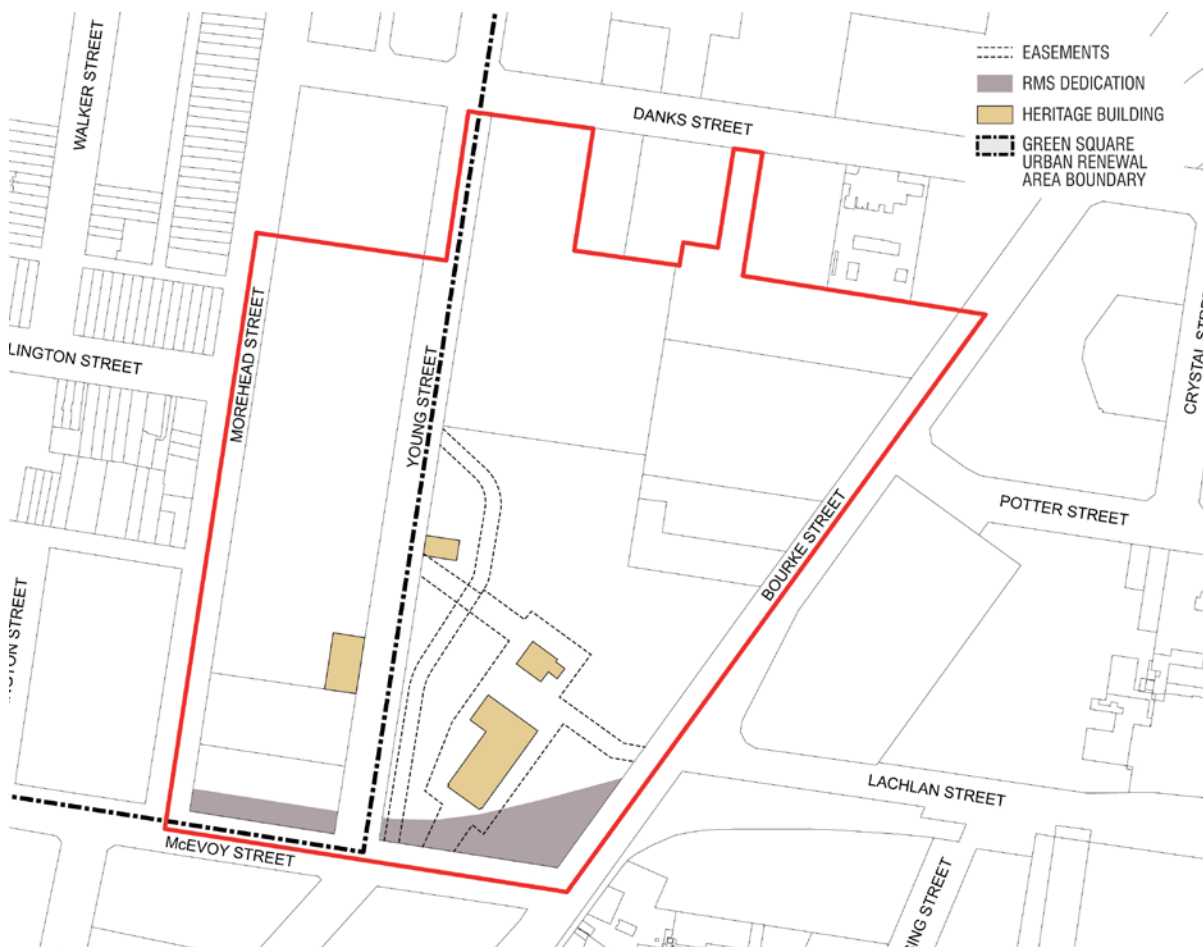


Figure 15: Danks Street South Precinct – Easements and Reservations

Compliance with the Apartment Design Guide

The *Apartment Design Guide* was released in June 2015 and supersedes the *Residential Flat Building Design Code*. It provides design criteria and general guidance about how development proposals can achieve the nine design quality principles identified in SEPP 65. Objective 4J-1 states that “in noisy or hostile environments the impacts of external noise and pollution are minimised through the careful siting and layout of buildings”.

Design guidance under this objective states that where achievement of the design criteria is not possible, alternatives in the areas of solar access, private open space and natural cross ventilation may be considered. This effectively places the consideration of noise above that of solar access, private open space and natural cross ventilation when considering the siting and layout of buildings. It does not, however, place it above the consideration of natural ventilation.

This challenge was not contained in the *Apartment Design Guide's* predecessor, the *Residential Flat building Design Code* and represents an emerging challenge. The business as usual model where noise is minimised by closing windows, thus denying access to natural ventilation and relying on mechanical ventilation, is now being challenged.

Under the objectives of the *Apartment Design Guide*, every habitable room must be naturally ventilated. Under separate objectives, buildings which are affected by noise from busy roads must achieve minimum internal noise levels.

This is particularly relevant for the development at the intersection of Bourke/Lachlan and McEvoy Streets, Bourke Street and McEvoy Street. The *Apartment Design Guide* requires appropriate internal noise levels to be achieved through building siting, orientation and design, rather than by closing windows and denying access to natural ventilation. Designing buildings which comply with these objectives is an emerging industry challenge.

This will be a significant consideration in the assessment of future development applications particularly for the building at the intersection of Lachlan/Bourke/McEvoy Streets. The draft DCP has provided some guidance on the design of this building. It also provides some flexibility in the design of the building to allow for architectural innovation to address the noise/natural ventilation issue in this location.

Public domain solar access

Testing for solar access has been undertaken, and the proposal complies with the City's Sydney DCP 2012 requirements. The results from the solar access testing is shown in the Study shown at Appendix A.

Contamination

There is a court order to remediate the land around site 887-893 Bourke Street (currently occupied by Lawrence Dry Cleaning). Remediation is underway and the landowner has advised that adjacent sites have been remediated. As with all brownfield urban renewal, contaminated land is a potential environmental issue. The site is currently occupied by industrial and commercial uses which may have an associated risk of contamination. However, given that residential, commercial and retail development is already permissible on the site under the B4 Mixed Uses zoning this planning proposal does not give rise to additional implications in this regard.

In assessing a development applications, the City requires compliance with the requirements of SEPP 55. Detailed information relating to contamination will be required at any future development application stage and will be required to address future land uses, including residential uses. Remediation of land may be required through a future development approval if deemed necessary.

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

While this planning proposal will facilitate redevelopment of the site, it does not propose an increase in density above that which is currently permissible under Sydney LEP 2012. As such, it will not result in an increase in residential or worker population greater than that already anticipated, and is not expected to result in any significant negative social or economic effects.

Ongoing investment in new services and facilities in Green Square by both the public and private sectors will service the new population as development occurs. The City's Green Square Community Infrastructure floor space scheme under Sydney LEP 2012, as explained earlier in this planning proposal, will deliver critical community infrastructure to support the growing population. Furthermore, this planning proposal will deliver some important social benefits, as described below.

New Public Domain

Two new local parks of about 2,750 and 1,600 square metres will be dedicated to the City through the community infrastructure and planning agreement process. The larger park will be located in the centre of the precinct and the smaller park off Young Street. Both park designs will facilitate passive recreation opportunities, and supplement existing open spaces at nearby parks such as Rope Walk Park, Crown Park and Waterloo Oval. They will also provide habitat for local fauna and flora, which is currently under supplied in the area. The DSS Precinct is also approximately a 900 metre walk to Moore Park.

A new publicly accessible plaza area around the Sydney Water heritage buildings of about 1,500 square metres will also be provided. This forms part of a pedestrian and cycle connection from Danks Street through the central park. This link will feature high quality landscaping and street trees.

The Mixed Uses zoning across the precinct permits child care facilities, which are a critical issue for the City. Current and forecast resident and worked population growth in the City, particularly in Green Square, has resulted in increasing demand for child care places, and a growing gap between demand and supply.

Retail

Redevelopment of the precinct would provide for additional localised retail opportunities, particularly along the western side of Bourke Street and local cafes close to the central park and the plaza area. Opportunities for larger scale retail such as a car showroom or a supermarket could be located on Bourke Street, close to the intersection of Bourke/Lachlan Streets. This location will have a strong visual presence from the street and passing traffic.

This planning proposal will assist in meeting the retail demand in and around Green Square and represents a positive social and economic outcome.

Housing

The proposed planning controls are based on principles for sustainable development, including ensuring that built form delivers high levels of amenity for future residents. The design excellence provisions of Sydney LEP 2012 will continue to apply to the site, ensuring a high quality architectural outcome.

Redevelopment of the site will deliver approximately 1,275 market dwellings of different sizes, catering for a diverse range of future residents. It will also contribute towards delivery of Affordable Housing through contributions under the existing Green Square Affordable Housing Program.

Section D – State and Commonwealth interests

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

The *Green Square Infrastructure Strategy and Plan* was endorsed by Council in March 2015. It provides a comprehensive overview of strategies, plans and studies that identify both the physical and social infrastructure required to support the growth of Green Square. The plan seeks to ensure that the necessary infrastructure is clearly understood so that it can be in place as development occurs. Key infrastructure requirements that will be required to support the growth of the precinct are discussed below.

Public Transport

There are a number of bus services along Bourke Street which service the precinct and provide connections north through Surry Hills and Redfern to Central Sydney, and south towards Green Square Town Centre and station, Rosebery and East Gardens. Transport for NSW and Sydney Buses regularly review services to monitor patronage and services hours. Under the NSW Government’s Growth Buses program, additional service kilometres are introduced in areas of high demand.

Sydney buses have more recently increased services on Bourke Street citybound peak from 22 to 27 per hour, an increase of almost 23%. This has been achieved by insertion of more 303 services (commencing Mascot), as shown in Table 2. There are also additional late morning services on the M20.

Service	Services to City 7:30:8:30 weekdays	
	2012	2016
301	12	12
302	0	0
303	4	9
M20	6	6

Table 2. Increases in Bus services on Bourke Street

Source: Green Square Urban Renewal Area Updated TMAP (Parson Brinckerhoff, Sept 2012, p.35); www.Sydney Buses.info

The precinct is also approximately a one kilometre walk or cycle to Green Square train station, along Bourke Street. Whilst Bourke Street is a busy road, the recent upgrade of the shared path has improved pedestrian crossings, increased the number of street trees and improved the path surface, which has made it a more pleasant walking and cycling environment. The planned Waterloo Station is about a 1.4 kilometre walk away. The precinct is also within 400 metres of the proposed light rail route, on Potter and Crystal Streets. The City has ensured the preservation of the light rail corridor and the new streets along its alignment are being designed and constructed to future proof for its delivery by the NSW Government. Even though the NSW Government has not yet committed to it, the City continues to advocate strongly for its delivery. Figure 16 identifies the key bus routes, main roads and proposed light rail alignment.

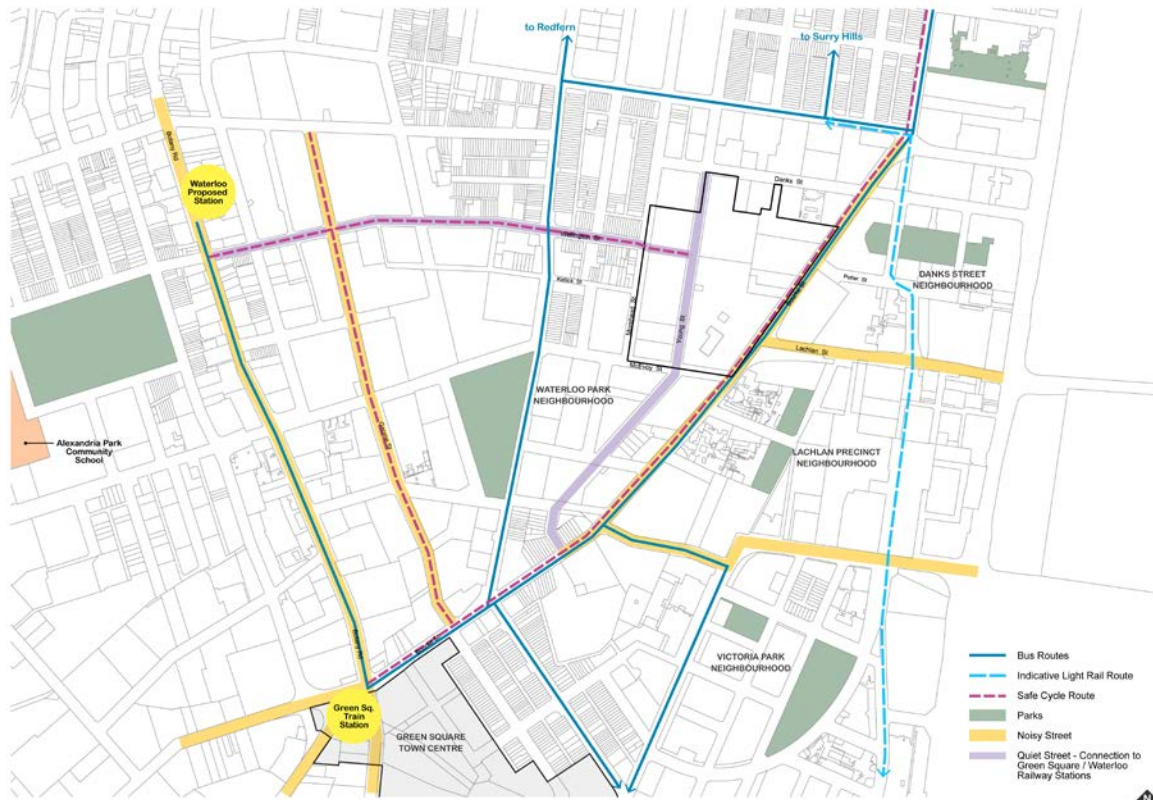


Figure 16: Danks Street South - Key routes and connections Map

This planning proposal does not seek to increase the permissible FSRs across the precinct. Redevelopment therefore, will not increase the traffic in the area from what is currently permissible.

New public social infrastructure will be provided within walking and cycling distance of the DSS precinct including the new Green Square Town Centre Library and Plaza, and community facilities including a childcare centre at the former South Sydney Hospital Site, a new Aquatic Centre, the Joynton Avenue Creative Centre, and a 15,500 square metre public park in the Epsom Park Precinct to the east. This park, known as Gunyama Park, will provide both passive and active recreation uses.

The full range of utility services including electricity, telecommunications, water, sewer and stormwater are all either available on the site or available in adjacent (existing) streets. It is expected that these services would be upgraded by the developer, where required, to support the proposed development. Consultation with relevant authorities during public exhibition of the planning proposal will confirm the capacity of current utilities to service the site.

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

The Gateway Determination will identify the public authorities to be consulted as part of the planning proposal process and any views expressed will be included in this planning proposal following consultation.

Approximately 2,200 square metres of the Dahua site, at the intersection of Bourke Street and McEvoy Street is zoned for arterial road reservation in the Sydney LEP 2012 as shown in Figure 15. The Roads and Maritime Services are currently developing designs to upgrade this intersection to improve traffic flows between the WestConnex portal at Sydney Park and South Dowling Street. The Roads and Maritime Services have not provided design details for the upgrade. Formal advice from the Roads and Maritime Services on the intersection design will be sought during the public exhibition of the planning proposal.

It is anticipated that traffic flows will increase substantially along McEvoy Street once stage 2 of WestConnex is operational.

Measures to mitigate the impacts of increased traffic flows, pollution and noise in the area will need to be discussed with the RMS. It is also likely to form part of the assessment of any future development application.

Clause 7.16 of Sydney LEP 2012 sets out requirements for consultation with the relevant Commonwealth body where proposed development penetrates the Limitation or Operations Surface for Sydney Airport. The Sydney Airport Obstacle Limitation Surface for the site is 70-90m AHD. This planning proposal seeks to allow development up to a maximum of 65 metres in one location.

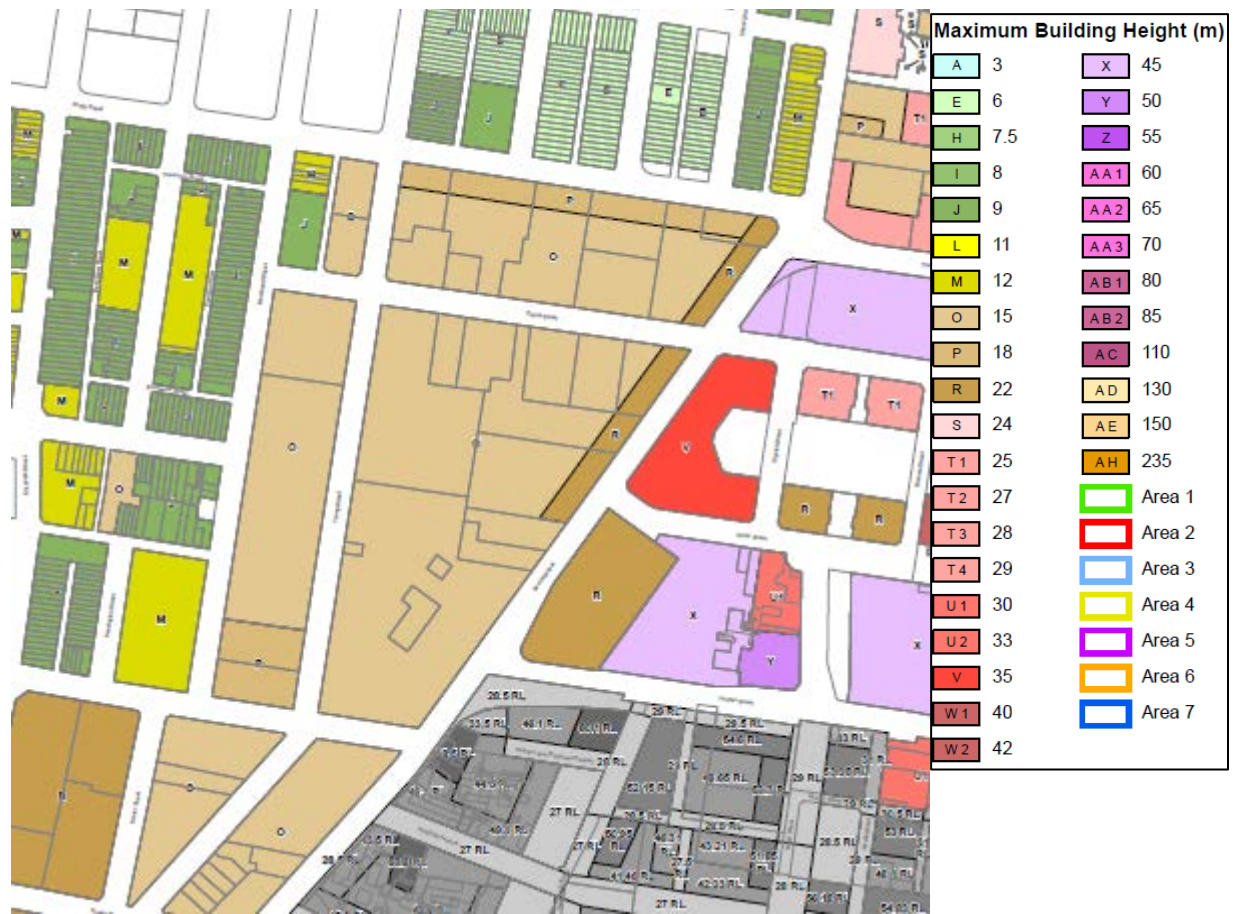
It is proposed that Sydney Airport will be consulted during the public exhibition of this planning proposal. Consultation with the relevant Commonwealth body will also be required under Clause 7.16 as part of the development assessment process once the proposed planning controls are finalised.

PART 4 - MAPPING

This planning proposal seeks to amend the height in metres map contained in Sydney LEP 2012 as it applies to the DSS precinct in accordance with map extracts on the following pages.

Height Map: Sheet HOB_017

Current map:



Proposed Map

Height of Buildings Map: Sheet HOB_017

**Sydney
Local Environmental
Plan 2012**



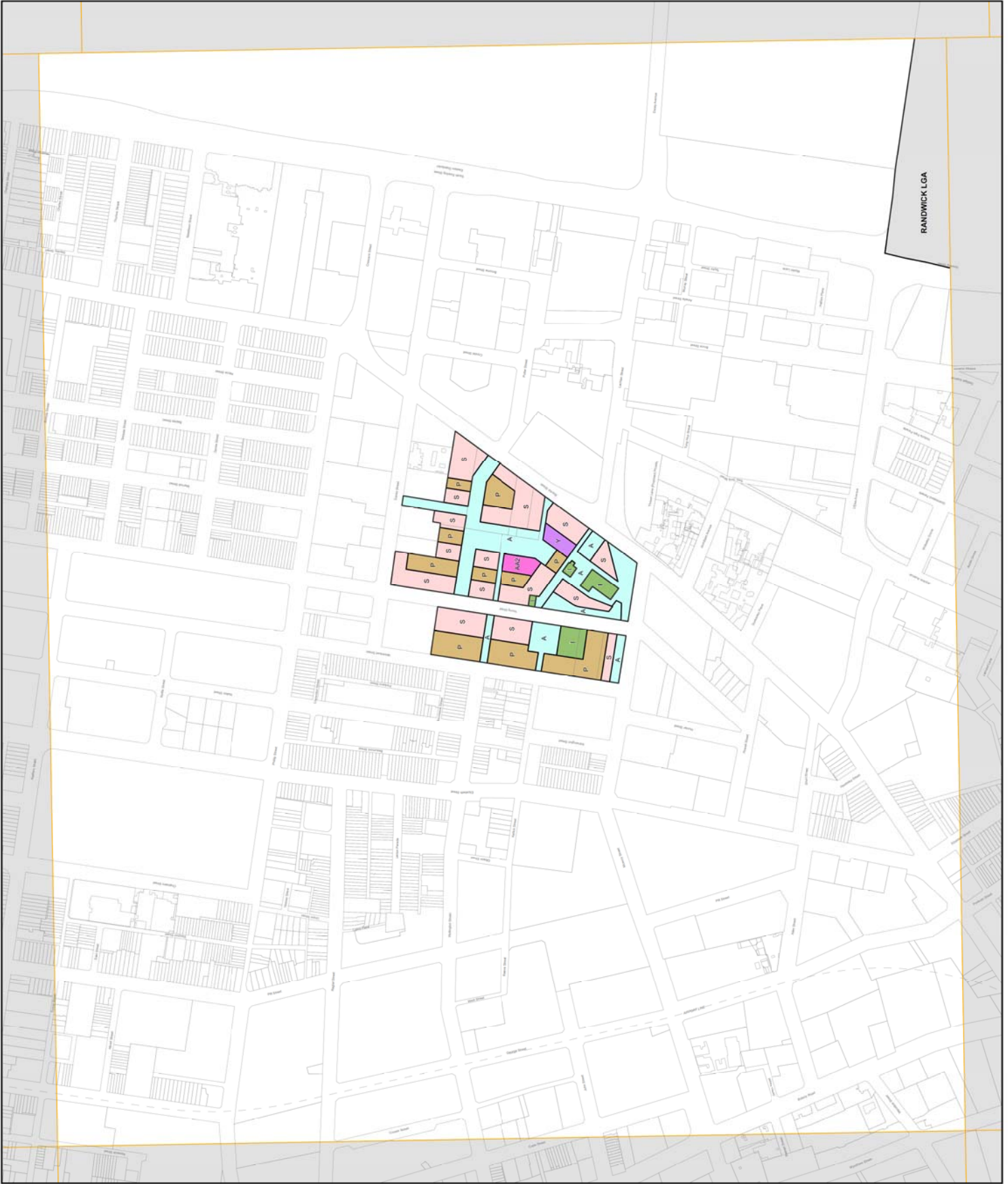
**Height of Buildings Map
- Sheet HOB_017**

Maximum Building Height (m)

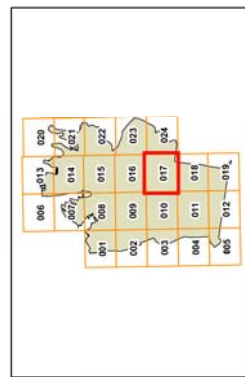
- A 3
- B 8
- C 18
- D 24
- E 50
- AA2 65

Cadastre

Cadastre 28/11/2016 © City of Sydney



RANDWICK LGA



Scale: 1:5,000 @ A3



Projection: GDA 1984
Zone 56

Map identification number:
2002_COM_HOB_017_005_20161128

Proposed map

Active Street Frontages Map: Sheet ASF_017

Sydney Local Environmental Plan 2012



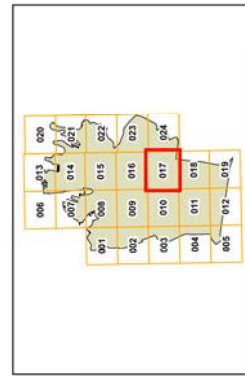
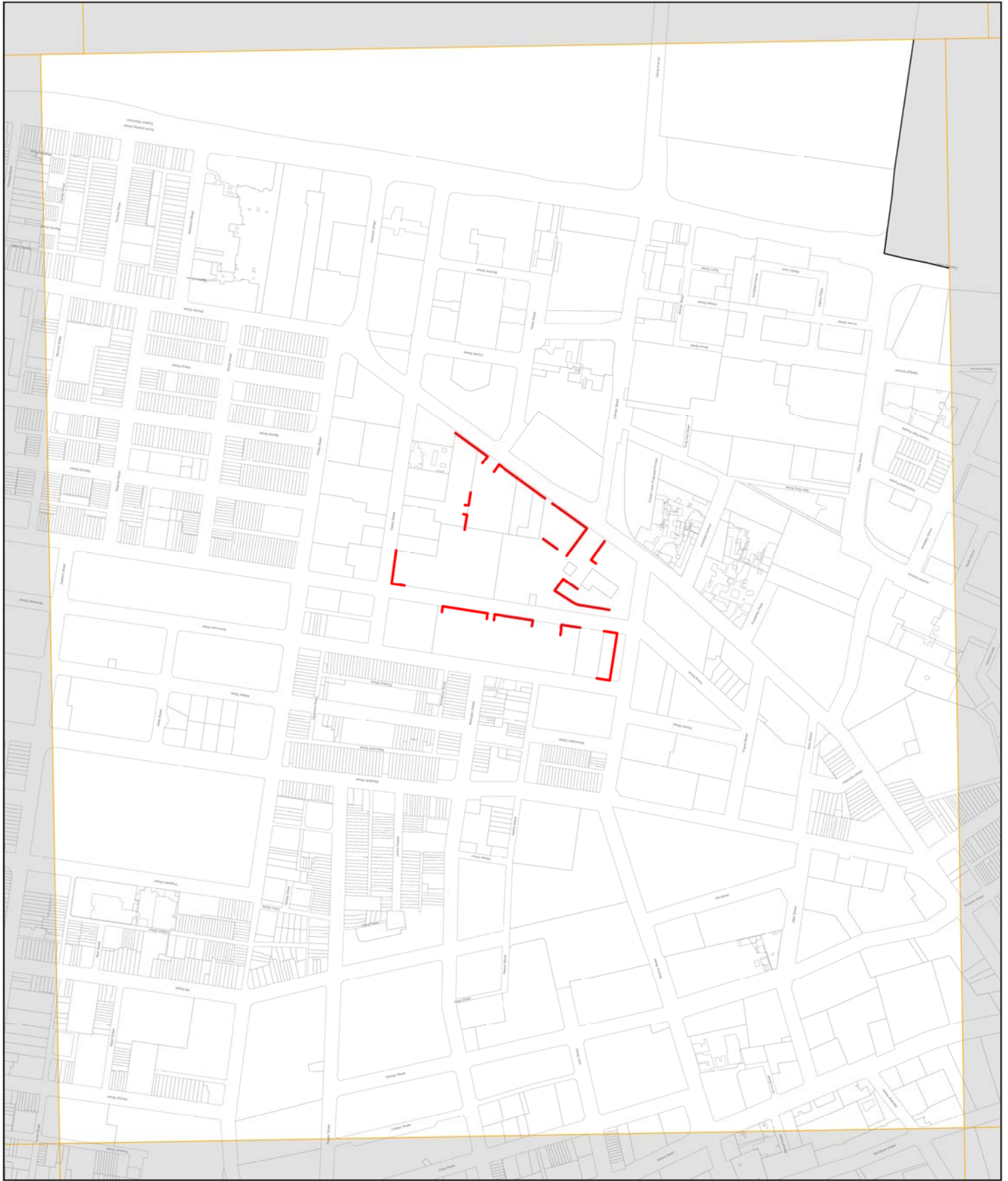
Active Street Frontages - Sheet ASF_017

Active Street Frontages

Active Street Frontage

Cadastral

Cadastral 25/11/2016 © City of Sydney



Scale: 1:5,000 @ A3

Projection: GDA 1994
Zone 95

Map identification number:
F200_CEN_ASF_017_005_2018125

PART 5 – 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 the planning proposal:

- on the City of Sydney website;
- in the Sydney Morning Herald and/or a relevant local newspaper; and
- in writing to the owners and occupiers of adjoining and nearby properties and relevant community groups.

It is anticipated that the planning proposal will be publicly exhibited for a period of not less than 28 days in accordance with section 5.5.2 of 'A guide to preparing local environmental plans'.

It is proposed that exhibition material will be made available on the City of Sydney Website and at the following Council locations:

- Town Hall House, 456 Kent Street, Sydney
- Green Square, 100 Joynton Avenue, Zetland
- Redfern, 158 Redfern St, Redfern

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

PART 6 – PROJECT TIMELINE

The following project timeline will assist with tracking the progress of the planning proposal through its various stages of consultation and approval. It is estimated that this amendment to SLEP 2012 will be completed by July 2017.

Stage	Timeframe
Submit planning proposal to Department of Planning and Environment seeking a Gateway Determination	December 2016
Receive Gateway Determination	January 2017
Public exhibition and public authority consultation of planning proposal and DCP Amendment	February 2017
Review of submissions received during public exhibition and public authority consultation	March 2017 to April 2017
Council and Central Sydney Planning Committee approval of planning proposal and DCP Amendment	May 2017
Drafting of instrument and finalisation of mapping	June 2017 to July 2017
Amendment to <i>Sydney Local Environmental Plan 2012</i> legally drafted and made	July 2017

**APPENDIX A: DANKS STREET SOUTH PRECINCT URBAN DESIGN STUDY
PREPARED BY CITY OF SYDNEY**

