

## ITEM 7 DRAFT DEVELOPMENT CONTROL PLAN - GREEN SQUARE TOWN CENTRE: REPORT ON SUBMISSIONS

FILE NO: S044004

### SUMMARY

The *Draft South Sydney Development Control Plan 1997 Green Square Town Centre* (Draft LEP) was exhibited between 16 February and 16 March 2006. A total of 14 submissions were received as a result of the exhibition. Issues raised in the submissions included the interface of the Town Centre with surrounding areas, built form controls and stormwater and flooding controls. A detailed review of the DCP was also undertaken by planning staff during the exhibition to identify any further areas where the draft DCP might be improved. This has resulted in a number of changes to the content of the draft DCP. However, there have been no changes to the urban structure put forward by the DCP as a result of the exhibition.

This report outlines the changes made to the Draft DCP as a consequence of the public exhibition and review and recommends the approval of the draft DCP. The Draft DCP provides comprehensive planning controls that compliment the statutory planning controls contained in the *South Sydney Local Environmental Plan 1998 (Amendment No 17) Green Square Town Centre* (draft GSTC LEP).

### RECOMMENDATION

It is resolved that:-

- (A) Council approve the development control plan, shown at **Attachment A** to the subject report, pursuant to Clause 21(1)(b) of the *Environmental Planning and Assessment Regulation 2000* as the *South Sydney Development Control Plan 1998 Part H Green Square Town Centre*, with its operation to commence from the date of publication of its Notice of Approval; and
- (B) Authority be delegated to the Chief Executive Officer to make any minor drafting changes to the development control plan at **Attachment A** that may be required as a result of the Council's consideration of the *South Sydney Development Control Plan 1998 Green Square Town Centre*.

### ATTACHMENTS

**Attachment A:** *Draft South Sydney Development Control Plan 1997 Part H Green Square Town Centre* recommended for approval

**Attachment B:** Council resolution to exhibit the Draft DCP

**Attachment C:** Summary of submissions received in response to the public exhibition of the *Draft South Sydney Development Control Plan 1997 Green Square Town Centre*.

**Attachment D:** List of Changes to the draft DCP

**Attachment E:** Solar Access study for Portman Street and Tosh Lane

Note: All submissions made on the exhibition have been collated and will be made available on request at the meeting.

## BACKGROUND

1. The City in association with Landcom has been working on a draft Development Control Plan (draft DCP) to support the primary development provisions contained in the draft GSTC LEP. The draft DCP is an accompanying document to the draft GSTC LEP, containing design and development guidance for the Town Centre.
2. The draft DCP is primarily based on the 2003 draft *Green Square Town Centre Masterplan* and includes amendments as a result of the 2005 urban design review, which has been reported to Council and the Central Sydney Planning Committee and reflected in the draft GSTC LEP. However, the draft DCP varies from the draft Masterplan in one important area. It does not include detailed building designs. Instead it translates these into built form objectives and design provisions.
3. The draft DCP was exhibited for a period of 29 days between the 16 February and 16 March 2006.

### Department of Planning Reforms Regarding Development Control Plans

4. New legislative requirements for DCPs come into effect on 1 May 2006. These changes allow only one DCP to apply to any one piece of land. The reforms allow amendments to be made to DCPs that apply to the whole LGA.
5. This means that the City will not be able to approve site-specific or issue specific DCPs if they come into force after 30 April 2006. The City's legal officers have advised that if the City were to approve a DCP after this date it would potentially risk invalidating one or more of the other existing DCPs that also must apply.
6. These changes have a significant impact on the City Plan Review Programme and have resulted in the need to ensure selected site-specific DCPs such as the draft GSTC DCP are approved prior to the 30 April 2006.

## KEY IMPLICATIONS

7. An amended version of the Draft DCP for the Green Square Town Centre is recommended for approval (refer to **Attachments A**). Changes have been made to the draft DCP as a consequence of its public exhibition and further review by City Planning Officers.

### Structure and Content of the draft GSTC DCP

8. The draft DCP follows the City's standard DCP structure used in other site-specific draft DCP's such as the Ashmore Estate and the Carlton and United Breweries Site.
9. The contents and main aspects of the draft GSTC DCP at **Attachment A** include:
  - (a) **Introduction:** this section introduces the draft DCP and explains how the draft DCP fits into the planning framework and identifies the area to which the draft DCP will apply.
  - (b) **Green Square Town Centre Strategy:** this section outlines the Town Centre vision, guiding principles and urban structure. It includes an indicative 3D diagram of future vision for the Town Centre.

- (c) **Location of Desired Activities:** this section contains objectives and provisions for the location and distribution of land use activities in the Town Centre. The section breaks land use into the various possible land use mixes:
- (i) retail and residential,
  - (ii) commercial and residential,
  - (iii) retail and commercial,
  - (iv) residential,
  - (v) commercial,
  - (vi) entertainment,
  - (vii) Community, library and community space (also identified on a map – refer to Figure 3.1 of **Attachment A**).
- (d) **Public Domain:** this section outlines objectives and controls for the public domain. All public domain elements are identified on a map (Figure 4.1 of **Attachment A**). The controls ensure that the planning and design of parks, plazas and public spaces must consider the following:
- (i) *Location.* The location of each public domain space is identified;
  - (ii) *Purpose.* The primary purpose is identified;
  - (iii) *Activity.* To encourage appropriate activities in appropriate locations in the public domain.
  - (iv) *Requirements.* Including any specific requirements for each piece of public domain.
- (e) **Development and Building Design:** this section of the draft DCP contains the objectives and provisions that will control the built form in the Town Centre. The *Development and Building Design* section is further broken down into the following sub-sections:
- (i) *Urban Form and Development Potential:* this section outlines the permissible building forms in the Town centre.  
  
The section also outlines the location and the dimension of critical details such as through site links, building alignments (which are generally to the street alignment except in specific circumstances where irregular alignment is desired), floor to ceiling heights, building separation, apartment sizes and mix and solar performance for buildings fronting the public domain.
  - (ii) *Landscape:* this section requires landscape plans be submitted with development applications and sets out landscaping requirements for podiums, roofs and paved areas.

- (iii) *Building Design*: the section includes controls for setbacks, building modulation, design controls (including awnings, entry and exit points, disabled access, balconies and building corners). Diagrammatical examples of how these controls maybe applied is included in this section. This section also covers Apartment Amenity including provisions on solar amenity, aspect, ventilation, storage and waste for individual apartments within the proposed development.
- (iv) *Signs*: given the unique character planned for the Town Centre, being a new CBD-style centre, more specific signage provisions are included in the draft DCP. These provisions expand upon the basic provisions in the existing *City of Sydney Signage and Advertising DCP*.
- (v) *Private and Communal Open space*: this section sets out minimum dimensions and locational requirements for private and communal open space.
- (f) ***Street Hierarchy, Traffic and Transport***: this section sets out the transport planning framework and structure including a *Transport Structure Plan* and typical street cross sections. More sustainable forms of transport usage are encouraged such as bicycling and public transport through the provision of bicycle parking facilities and public transport infrastructure provision.

Importantly, this section also allows for the pooling of publicly accessible car parking for non-residential uses in the Public Plaza Area. This means that development sites around the Public Plaza may transfer their parking allocation to another land holding in order to achieve the pooled car park. The car park operation is designed in this way to assist in the commercial viability of the Town Centre.

- (g) ***Environmental Management***: the Green Square Town Centre offers the opportunity to provide more sustainable residential and non residential buildings and public domain. Controls to achieve this include using the Green Stars Rating System for non residential/mixed use buildings, water sensitive urban design controls and stormwater controls. Importantly, there is an existing flooding problem in the Town Centre Area. Flood study recommendations by hydrology consultants Webb McKeown are included in a preferred flood management approach within the draft DCP. This approach is to ensure that development of the Green Square Area does not exacerbate flooding conditions down-stream of the Town Centre and the design of individual buildings must address flooding.

10. Submissions received: there were a total of fourteen (14) submissions received in response to the public exhibition of the draft DCP. These are discussed in the public consultation section of this report. A summary of these submissions and response to issues raised is at **Attachment D** to this report.

## **CRITICAL DATES / TIME FRAMES**

11. The timing for the approval for the draft GSCT DCP is critical. As stated above the NSW Department of Planning development control plan reforms mean that the City will not be able to amend or create new DCP's after 1 May 2006.

## RELEVANT LEGISLATION

12. *Environmental Planning and Assessment Act 1979.*
13. *Environmental Planning and Assessment Regulation 2000.*

## PUBLIC CONSULTATION

14. The draft DCP was placed on public exhibition from Thursday 16 February until Thursday 16 March 2006. The public exhibition included:
  - (a) An update of the City's website;
  - (b) Notice boards at the City's One Stop shop and Redfern and Erskineville Neighbourhood Service Centres; and
  - (c) Advertisements in local and metropolitan newspapers.
15. In addition to this:
  - (a) Landowners were briefed on the planning controls for the Town Centre. These briefings are occurred over late January/early February 2006; and
  - (b) A community forum for the Green Square Area was held on 18 February 2006 where the planning for the Town Centre was discussed.
16. Fourteen (14) Submissions were received as a result of the public exhibition of the draft DCP. The submissions are summarised with comments in response at **Attachment D**.

## MAIN ISSUES RAISED IN SUBMSSIONS

17. The following major issues were raised (detailed list of issues at **Attachment H**) as a result of the exhibition of the draft DCP:
  - (a) **The role of non-statutory Built Form Guidelines:** a number of submissions questioned the role of the non statutory Built Form Guidelines that are referred to in the introduction to the draft DCP.

**Comment:** These guidelines will be prepared by Landcom as a set of examples of how the draft planning controls may be achieved. They are non-statutory as they are intended to be an example only, but not the only way the controls may be met. The Guidelines will not be endorsed or distributed by the City. Landowners when preparing their designs will be able to approach Landcom as the Town Centre developer, for a copy of the Guidelines.

- (b) **Cumulative impact of growth in the Green Square Town Centre:** this issue was raised by Randwick Council.

**Comment:** These impacts are well understood and have been addressed through a number of strategic planning exercises that are being or have been undertaken for the area including:

- (i) The Zetland Area Traffic Study;

- (ii) A review of strategic public transport corridors being undertaken by the City;
  - (iii) The review of zones in the Green Square Redevelopment Area;
  - (iv) A review of the Public Domain Plans currently being undertaken; and
  - (v) A review of the Section 94 Plan currently being undertaken.
- (c) **The interface of the Town Centre with surrounding areas.** This issue was raised by local residents and primarily related to the areas on Portman Street and Tosh Lane. The primary concerns were overshadowing, loss of privacy and a general the incompatibility between the built form of the two areas.

**Comment:** Solar access testing has shown that there will be no loss of solar amenity as a result of the development of the Town Centre Area (refer to solar access testing diagrams Attachment I). The intention of the planning controls is to provide a gradation in heights from the Town Centre to existing areas. Further changes have been made to both the draft LEP including a new height notation to create a gradation in heights towards Portman Street and to the DCP including a new setback control on Portman Lane to ensure that these interfaces are treated sympathetically (refer below). The draft DCP as exhibited also included a 2.75m setback on Tosh Lane.

- (d) **The land use requirements in the DCP (and LEP) are too restrictive:** this issue was raised by a number of landowners.

**Comment:** The draft DCP gives further guidance on land use location that is required by the draft LEP. Refer to comments in main issues raised within the Draft LEP report.

- (e) **Issues relating to the site coverage requirement in the draft DCP:** a number of landowner submissions raised concerns over the site coverage requirements in the draft DCP. These requirements stipulate the percentage of land that can be covered by a building footprint.

**Comment:** After assessing the relationship between the land use mix controls in the draft LEP and the site coverage provisions in the draft DCP were removed due to potential inconsistencies with the LEP. In particular, there was the potential that some land owners may not be able to develop retail or commercial uses on their entire ground floor. Other provisions in the draft DCP are considered to give adequate control over the bulk and scale of buildings.

- (f) **Issues relating to public domain provisions:** there was a concern that the size of Boulevard Park was not mandated and some additional provisions to improve the amenity of the park such as including children's play equipment were suggested (Centennial Parklands and Moore Park Trust). This section also related to *Chapter 6 Development In and Around the Town Core* (as exhibited).

**Comment:** A number of additional provisions were added to sub-chapter 4.1 of the draft DCP to improve the design amenity of the park. Chapter 6 was deleted and relevant provisions were added to *Chapter 4 Public Domain* (see Main Amendment to the Draft DCP Below).

- (g) **Issues relating to the development and building design controls:** a number of submissions raised issues regarding height, building typology diagrams, building forms and building separations.

**Comment:** The chapter has been significantly revised to address a number of issues raised in submissions (as detailed in Attachment H, refer to Chapter 5) and outlined below (see Main Amendment to the Draft DCP Below).

- (h) **Issues relating to parking controls:** a number of submissions raised concerns over the car parking controls. Issues included suggesting a reduction in the car parking rate (RailCorp) and issues over how the pooled car parking scheme would work.

**Comment:** In regard to the parking rate, the City will apply the existing rates and as a matter of policy does not treat specific sites differently or outside of the controls. In regard to the pooled parking scheme the draft DCP allows parking to be pooled in the Town Core area only. This control is intended to allow additional parking to be provided for land owners that cannot provide parking on their own site such as those above the Railway line and also is aimed to support the retail functions within the Town Centre.

- (i) **Issues relating to the Environmental Management Chapter.** The Department of Natural Resources raised a number of issues relating to the Chapter. Department of Natural Resources requested additional provisions to ensure personal safety could be guaranteed during a flooding event. More information regarding flood planning levels for underground parking and concourse retail was also sought.

**Comment:** Additional provisions regarding personal safety were added to the DCP to require the design of buildings to consider the potential need for vertical evacuation in the event of a major flood. Also added were more detailed provisions requiring the entry points for car parks and underground retail to be at least 50cm above the 1% Annual Exceedence Probability (AEP) flood level.

## **MAIN AMENDMENTS TO THE DRAFT DCP**

18. The Draft DCP recommended for approval follows is in the same structure as that which was exhibited. However, a large number of amendments to the content have been made as a result of an internal review of the DCP and comments made as a result of the public exhibition. A complete list of changes made to the draft DCP is at **Attachment H**.
19. The following outlines the most significant amendments made to the draft DCP as a result of issues raised during the public exhibition of the plan and further review work undertaken by City Planning staff:
- (a) **Figure 2.2 Structure Plan:** the Structure Plan was amended to include public domain elements.
- (b) **Chapter 3 Location of Desired Activities:** a new provision was placed to encourage The development of multiple retail outlets per block frontage and A minimum of 3 retail outlets per block street.

- (c) **Public Domain:** additional provisions were added for Boulevard park including precluding parking underneath it and stipulating a minimum size of 5,500 sq.m. Also, *Chapter 4 Public Domain* was amended to include a new sub Chapter titled "*Public Domain Elements in the Town Core*" to replace the former *Chapter 6 Development in and around the Town Core*" which has been deleted.
- (d) **Through site links:** figure 5.1 through site links was simplified to show only the required links and areas where car parking entrances are not permitted.
- (e) **Site Coverage Provisions** were removed due to potential conflicts with the LEP land use mix controls
- (f) **Building alignments and Building Setbacks** (Figures 5.1 and 5.2 as exhibited) were combined with the provisions relating to the figures also combined. Also, in response to community concerns over the interface between the Town Centre and Portman Street/Lane an additional 2.75m setback control was put in place along parts of Portman lane to ensure adequate distance separation between new buildings and the existing terraces that back onto Portman Lane.
- (g) **Chapter 6 Development in and Around the Town Core:** this chapter related primarily to public domain design principles. These have been moved to *Chapter 4 Public Domain* and Chapter 6 has been deleted.
- (h) **Street Cross sections:** the street cross sections within *Chapter 7 Street Hierarchy Traffic and Transport* were reviewed and the following issues were identified:
  - (i) Some of the drawings are not legible
  - (ii) Some footpaths are too narrow
  - (iii) Some diagrams mix up verges, foot paths and landscaping
  - (iv) Some diagrams do not include dimension lines
  - (v) Some diagrams do not include the component name (between sections)
  - (vi) Unclear if some lines are for bicycle lanes

The Cross sections were revised to address these issues.

- (i) **Flooding** provision were strengthened (refer to sub-chapters 7.5 and 7.6 of **Attachment A**) to require evacuation procedures in the event of a large flood to be addressed in building design and flood planning levels for car park and below ground retail (and other structures) The flood planning level for these entrances has been set at 500mm above the 1% AEP.
20. In addition to these changes a large number of minor changes were made to improve the readability of the document and ensure its consistency with other planning controls. These changes are detailed in **Attachment D**.

## **CONCLUSION**

21. The Draft DCP controls have been improved in a number of ways to address issues raised during the plans public exhibition and as a result of a further review by City planning staff. The Draft DCP is considered to give appropriate guidance in addition to the statutory controls within the *Draft South Sydney Local Environmental Plan (Amendment 17) Green Square Town Centre*.

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