

ATTACHMENT E

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**LIST OF MATTERS ADDRESSED AND
RECOMMENDED CHANGES TO THE
EXHIBITED DRAFT GSTC LEP**

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Draft South Sydney Local Environmental Plan 1998 (Amendment No 17) – Green Square Town Centre

List of matters addressed and recommended changes to exhibited Draft

CLAUSE/MAP AND ISSUE	CHANGE
A. Clause 1 Land covered by this plan	
Clause 2(2) of the exhibited Draft GSTC LEP makes reference to the "Deferred Matter" in respect of land. As it is intended to proceed with the Draft GSTC LEP only as it applies to the heritage elements on the former South Sydney Hospital, the clause has been deleted. (see clause 4 amendment).	Clause 2(2) deleted.
B. Clause 4 Amendments to South Sydney Local Environmental Plan 1998	
Clause 4 has been amended to make the nature of the "deferral" clearer. Refer to point above.	"(b) Items 5, 8, and 10 of Schedule 1 take effect upon the making of this plan. All other clauses, items, schedules and maps are deferred under section 68(5) of the Act."
C. Schedule 1 Clause 21F Zoning Controls for Zone 11(a)-the Green Square Town Centre Zone	
(i) Clause 21F(1)(d) objective has been amended to refer to "heritage conservation areas", so as not to diminish the importance of this adjacent heritage areas. <i>(Refer to submission 3.2 and 4.1 in Attachment D)</i>	<i>"(d) to encourage development that is compatible with the surrounding heritage conservation areas and with items of environmental heritage,..."</i>
(ii) Clause 21F(1)(e) objective has been amended to specify more clearly "public spaces" to enable full consideration of future development against the objective. <i>(Refer to submission 4.1 in Attachment D)</i>	<i>"(e) to ensure that the public domain of the town centre is fronted by high-quality buildings having a scale and alignment that both define, and contribute positively to, the amenity of the public spaces they adjoin (including public parks, plazas and streets), and"...</i>
(iii) Clause 21F(1)(f) objective has been amended to clarify the intent and refer to additional aspects that affect the amenity of parks and community places, these being shelter from rain and minimising wind speed. <i>(Refer to submission 3.2 and 4.1 in Attachment D)</i>	<i>"(f) to protect the amenity of open spaces, plazas and community places in the public domain ((both existing and future) by protecting sun access and providing appropriate shelter from the rain and minimising wind speed, and"...</i>
(iv) Clause 21F(1)(g) objective has been amended to specify more clearly "identified public spaces" to enable full consideration of future development against the objective. <i>(Refer to submission 4.1 in Attachment D)</i>	<i>"(g) to provide active frontages to streets and other identified public spaces such as public parks and plazas."</i>
(v) Clause 21F(1)(h) objective relating to activities fronting the public domain has been transferred from the Public Domain zone and redrafted into this zone, where it is better placed. <i>(Refer to submission 4.1 in Attachment D)</i>	<i>"(h) to promote the vitality o the public domain by encouraging the location of active retail, food and beverage, entertainment uses and community and cultural facilities at ground level, particularly to the edges of the new public plazas, and"...</i>
(vi) Clause 21F(1)(i) objective has been added to express the need for stormwater management in this zone. <i>(Refer to submission 4.1 in Attachment D)</i>	<i>"(i) to accommodate and integrate the management of stormwater (including flood water) into the function and design of buildings and structures in the Town Centre."</i>
D. Schedule 1 Clause 21G Zoning Controls for Zone 11(b)-the Green Square Town Centre Public Domain Zone	
(i) 21G(1)(c) objective has been amended to delete the inference that uses such as retail and entertainment are permissible in the zone. The	<i>"(c) to promote the vitality of the public domain by encouraging public cultural expression, and"...</i>

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<p>objective has been redrafted under Zone 11(a) Town Centre, new objective 21G(1)(h).</p> <p><i>(Refer to submission 4.1 in Attachment D)</i></p>	
<p>(ii) 21G(1)(e) objective has been amended to read better and clarify the use of the term "stormwater" in the clause, ie. stormwater, derived from a more frequent event, includes "floodwater", a less frequent and more significant event.</p> <p><i>(Refer to submission 1.6 in Attachment D)</i></p>	<p>"(e) to accommodate and integrate the management of stormwater (including floodwater) into the function and design of the Town Centre public domain,"...</p>
<p>(iii) 21G(3) has been amended to clarify when consent for roads is required (essentially, when it is being undertaken by developers).</p> <p>Other changes to this clause include:</p> <p>_the word "incidental" has been removed from "advertising structures" to emphasise the nature of the permissible structures, being intrinsically related to another permitted use in the zone.</p> <p>_ "Public lighting" has been deleted, as it is not considered development of this nature requires consent;</p> <p>_ "markets", "minor special events" and "public entertainment" has been deleted, as it is considered these events, should they be proposed in the GSTC, should not be subject to development application. They would occur in Council owned land, and Council will be able to impose controls on these activities through the issuing of a licence. In addition, it is envisaged a plan of management prepared under the <i>Local Government Act 1993</i> would outline the nature and scale of activities considered appropriate for these future public lands.</p> <p><i>(Refer to submission 4.1 in Attachment D)</i></p>	<p>"advertising structures ancillary to another permitted use;"...</p> <p>... "roads, unless carried out as excepted development or in accordance with a plan of management."</p> <p>... "public lighting;" "markets," "minor special events," and "public entertainment," deleted.</p>
<p>E. Clause 27KC Definitions</p>	
<p>Correction of error in the definitions of "commercial development".</p>	<p>Add "hotels;" after "private", to read ";private hotels;"</p>
<p>F. Schedule 1 Clause 27KD Development on sites within the Green Square Town Centre that have frontage to Botany Road and Bourke Street (new clause)</p>	
<p>A new clause has been inserted after clause 27KC Definitions, to permit development for visitor and tourist (short-term) accommodation, including hotels and motels within a development site that has frontage to Botany Rd and Bourke St. These uses are considered suitable along these busy road frontages, subject to satisfying amenity criteria to protect residential uses permitted within the same development site or on adjoining/abutting sites.</p> <p>The clause applies to development sites No. 5, 6, 8, 9, 10 & 11 which have more that 70% of their floorspace allocated to residential in Schedule 5 Part of the Draft GSTC LEP. Residential development, as defined in Draft GSTC LEP includes "serviced apartments", but not other forms of short-term accommodation. The clause is intended to allow more flexibility in the type of accommodation that can be developed under the residential floorspace given to the above sites, having regard to their specific location.</p>	<p>"Despite the provisions of clause 27F(4), the Council may grant consent to development for the purpose of visitor and tourist accommodation, including hotels or motels, provided that:</p> <p>(a) the development has frontage to Botany Road and/or Bourke Street; and</p> <p>(b) the Council is satisfied that the amenity of residential uses permitted within the development site or in an adjoining development site will not be detrimentally affected by the development, and</p> <p>(c) the floorspace is calculated within the "Residential development" floorspace allocated for that development site under Schedule 5 Part 2."</p>

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<i>(Refer to submission 2.1 in Attachment D)</i>	
G. Schedule 1 Clause 27KE Gross floor area and land use mix	
<p>(i) Subclause (2)(a) permits a 10% variation in the total gross floor area and mix of development specified in Schedule 5. Some submissions argued the clause is ambiguous. Legal advice was sought on the clarity in the intent and application of the clause expressed in the wording. The clause has been slightly amended (as shown to the side) and the heading of the table in Schedule 2 has been made consistent with the clause.</p> <p><i>(Refer to submission 1.12 & 4.1 in Attachment D)</i></p>	<p><i>"The Council may grant consent to the carrying out of non-conforming development on any development site if it is satisfied that:</i></p> <p><i>(a) the total gross floor area of that site, or the mix of commercial, residential and retail development on that site, differ by no more than 10% from the total gross floor area and total mix of development specified for that site in Part 2 of Schedule 5, and"...</i></p>
<p>(ii) Subclause (3) has been amended to more clearly express the intent of the 5% variation in the land use mix specified in Schedule 5 for a development site. The intent of the clause has not changed.</p> <p><i>(Refer to submission 4.1 in Attachment D)</i></p>	<p><i>"(3) The Council may grant consent to the carrying out of commercial, residential or retail development on any development site for which the land use mix specified in Part 2 of Schedule 5 in relation to commercial, residential or retail development is nil if the development would result in no more than 5% of the total gross floor area proposed being used for that purpose."</i></p>
H. Schedule 1 Clause 27KF Maximum height	
<p>The Definition of height in Clause 27KF(2) has been amended to exclude plant and lift overruns from the height measurement. Draft GSTC DCP requires these elements be designed to minimise visual impact and/or integrated within the building design.</p> <p>The exclusion will not result in development which encroaches on solar access or on the airspace protection requirements set out in DoTARS's conditional approval for the proposed GSTC heights, referred to in the report. The solar access modelling undertaken during the urban design review of the 2003 Town Centre Masterplan and the information submitted to DoTARS had accounted for the potential additional height of those roof-top elements.</p> <p><i>(Refer to submissions 1.6, 1.15, 2.5 and 4.1 in Attachment D)</i></p>	<p><i>"height, in relation to a building, means the height of the highest point of the building (excluding plant and lift overruns, communication devices and architectural roof features)."</i></p>
I. Schedule 1 [6] Schedule 1, definition of "communication devices"	
<p>No definition of "communication devices" referred to in the definition of "height" exists in <i>South Sydney Local Environmental Plan 1998</i>. The new definition added to Draft GSTC LEP is from <i>Sydney Local Environmental Plan 2005</i>.</p> <p><i>(Refer to submission 4.1 in Attachment D)</i></p>	<p><i>"communication devices" means a satellite communication dish or similar structure, or a television antenna or radio transmission mast or aerial, with a maximum dimension of no more than 5 metres".</i></p>
J. Schedule 1 [7] Schedule 1, definition of "Green Square Town Centre"	
<p>The boundary of the GSTC was shown edged red on the Zoning Map of Draft GSTC LEP.</p> <p>This is the colour of the entire Green Square boundary. To avoid confusion, the GSTC boundary colour has now been changed to green.</p> <p><i>(Refer to submission 4.1 in Attachment D)</i></p>	<p><i>"Green Square Town Centre means the land shown edged green on the map."</i></p>
K. Part 2 Gross floor area and total mix of development	
<p>The heading of the table at Schedule 5 Part 2 has been changed as shown to the side, to make it</p>	<p>Change heading of Schedule 5 Part 2 table to "Gross floor area and total mix of development".</p>

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consistent with the terms used in clause 27KF(4). (Refer to comments in point G above.)	
L. Zoning Map	
(i) The Zoning Map has been amended to show with red cross-hatching as "Deferred Matter" the lands proposed to be deferred from the operation of the Draft GSTC LEP upon adoption by Council and gazettal of the LEP.	Refer to amended Zoning Map in Attachment A to this report.
(ii) The boundary of the GSTC In the Zoning Map, shown with red edging, has been changed to green edging to avoid confusion with the red edging that identifies the wider Green Square area. (Refer to submission 2.1 in Attachment D)	Refer to amended Zoning Map in Attachment A to this report.
M. Heritage Conservation Map	
<p>The Heritage Conservation Map has been amended to show the entire South Sydney Hospital site as Heritage Item, to make it consistent with the approach in showing listed items in <i>South Sydney Local Environmental Plan 1998</i> (which the Draft GSTC LEP amends). The heritage listing No. has been added to the Map.</p> <p>Under <i>South Sydney Local Environmental Plan 1998</i> a Heritage Item boundary shown in the Heritage Conservation Map is the property boundary and the Schedule 2 Heritage Items entry lists those elements within the property considered of heritage significance.</p> <p>An example of this approach is the recent heritage listing of the College of Fine Arts, UNSW in Greens Road, Paddington which contains buildings both of heritage significance and of no significance. The Heritage Conservation Map shows the entire property, and Schedule 2 lists only two buildings on the site, indicating that the other buildings not mentioned in the listing are of no heritage significance.</p> <p>Other examples include the former Alexandria Hospital for Children, Pyrmont Bridge Rd, Camperdown, and the former St Margarets Hospital for Women, Bourke St, Surry Hills.</p> <p>It is considered this approach assists in protecting the curtilage of heritage buildings on a site.</p>	Refer to amended Heritage Conservation Map in Attachment A to this report.
N. Height Map	
(i) The Height Map has been amended to reduce the maximum height permitted on the eastern part of the Station site (Site 1) from RL78.7m to RL 51.7m, to limit this area to a lower form, consistent with the GSTC design intent. (Refer to submission 2.5 in Attachment D)	Refer to amended Height Map in Attachment A to this report.
(ii) The Height Map has been amended to reduce the maximum height permitted on sites abutting Portman Lane (Sites 5 & 16) and along the frontage to the lane, from RL 32.7m to RL27.7m. The bulk of buildings fronting Portman Lane was	Refer to amended Height Map in Attachment A to this report.

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<p>considered in the urban design review of the Draft LEP and Masterplan publicly exhibited in 2003. The bulk had been reduced, and the proposed amendment to the Height Map is to ensure a more sympathetic bulk transition towards existing residential properties to the east.</p> <p><i>(Refer to submissions 1.5, 3.2 & 3.3 in Attachment D)</i></p>	