

## **Public Exhibition - Planning Proposal – Botany Road Precinct – Sydney Local Environmental Plan 2012 and Sydney Development Control Plan 2012 Amendment**

**File No: X031159**

### **Summary**

The revitalisation of the Botany Road Precinct (Precinct) is an opportunity to meet the future projected demand for employment growth in the Redfern-Waterloo area and transform it into a vibrant commercial precinct with an upgraded and green public domain. New laneways, widened footpaths and new cycleways will improve access to the new Waterloo Metro Station and create more place for tree canopy. There will be green spaces for people to gather and a strong sense of the indigeneity of the place. The Precinct is also an opportunity to increase the amount of affordable housing close to jobs, services and public transport.

The City's Local Strategic Planning Statement (planning statement), adopted by Council in February 2020, identifies that while the City is on track to meet housing targets for market residential dwellings, additional development capacity for commercial and other enterprise uses is required to meet the target of 200,000 additional jobs to 2036.

The Precinct is well positioned to accommodate jobs growth, being well located for businesses who need to be close to Central Sydney and key industry sectors and organisations in the Camperdown-Ultimo Health and Innovation Precinct and the Innovation Corridor.

This report recommends Council approve 'Planning Proposal - Botany Road Precinct' (planning proposal) and draft Sydney Development Control Plan 2012: Botany Road Precinct (draft DCP) for public exhibition to amend the Sydney Local Environmental Plan 2012 and Sydney Development Control Plan 2012 respectively.

The proposed planning controls incentivise commercial development in appropriate locations to strengthen the economic and productive role of the Precinct and the wider Innovation Corridor. Incentives are also available for community housing providers who seek to develop affordable housing in the precinct. This creates an important opportunity to increase the amount of affordable housing in the City to achieve its target of an additional 10,000 dwellings to 2036.

The proposed planning controls could result in more than 280,000 sqm of commercial floorspace, and up to 14,500 jobs, if all available incentives are taken-up. While some floor space may be delivered as affordable housing, it will not have a significant impact on the commercial focus of the Precinct.

Where developers choose to access incentives for commercial development or for affordable housing, incentive floor space ratios and building heights are available of up to 17 storeys on Rosehill and Gibbons Street at the north of the Precinct near Redfern Station, and up to 12 storeys opposite the Waterloo Metro Station. Heights across the rest of the Precinct are generally eight storeys on Botany Road and Cope Street and six storeys on Wyndham Street.

Development of the Precinct over time will be supported and guided by the proposed planning controls that:

- recognise the significant Aboriginal culture and heritage of the area is to be acknowledged, respected and celebrated as an integral part to placemaking;
- require development to respond to the existing surrounding local character and its history, particularly its significance as an urban meeting place for Aboriginal and Torres Strait Islander people;
- address the public domain and improve connectivity, accessibility and the quality of public spaces;
- protect and enhance heritage, including the identification of three new heritage items, an extension of the Redfern Estate Heritage Conservation Area (HCA) and a reduction in the extent of the Alexandria Park HCA;
- activate street frontages to promote a vibrant main street environment;
- introduce new sun access planes to protect solar access to public open spaces;
- facilitate the delivery of additional market residential housing in high amenity areas less suited to commercial development;
- incentivise high environmental performance standards for buildings to mitigate the effects of climate change; and
- encourage engagement with Aboriginal and Torres Strait Islander people about development in the Precinct

If approved, the draft planning proposal, after receiving a Gateway determination from the Department of Planning, Industry and Environment, and draft DCP, will be publicly exhibited, giving the community and other stakeholders an opportunity to provide feedback.

## Recommendation

It is resolved that:

- (A) Council approve Planning Proposal – Botany Road Precinct, shown at Attachment A to the subject report, for submission to the Department of Planning, Industry and Environment with a request for a Gateway Determination;
- (B) Council approve Planning Proposal – Botany Road Precinct, shown at Attachment A to the subject report for public authority consultation and public exhibition in accordance with any conditions imposed under the Gateway Determination;
- (C) Council seek authority from the Department of Planning, Industry and Environment to exercise the delegation of all functions under the relevant local plan making authority under Section 3.36 of the Environmental Planning and Assessment Act 1979 to make the local environmental plan and put into effect the Planning Proposal – Botany Road Precinct;
- (D) Council approve draft Development Control Plan - Botany Road Precinct, shown at Attachment B to the subject report, for public authority consultation and public exhibition together with the planning proposal; and
- (E) authority be delegated to the Chief Executive Officer to make any minor variations to Planning Proposal – Botany Road Precinct and draft Development Control Plan – Botany Road Precinct, to correct any drafting errors or to ensure consistency with the Gateway Determination.

**Attachments**

**Attachment A.**

Planning Proposal - Botany Road Precinct

Attachment A1: Supplementary Urban Design Report – Botany Road Precinct

Attachment A2: Urban Design Study – Botany Road Precinct

Attachment A3: Aboriginal and Torres Strait Islander Community Engagement and Cultural Heritage Research – Botany Road Precinct

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

Attachment A5: Archaeological Assessment – Botany Road Precinct

Attachment A6: Statement of Aboriginal and Torres Strait Islander Significance – Botany Road Precinct

Attachment A7: Non-Indigenous Heritage Study – Botany Road Precinct

Attachment A8: Air Quality and Noise Study – Botany Road Precinct

Attachment A9: Transport and Traffic report – Botany Road Precinct

Attachment A10: Redfern - Waterloo Strategic Employment Study – Botany Road Precinct

**Attachment B.**

Draft Sydney Development Control Plan 2012 Amendment – Botany Road Precinct – Botany Road Precinct

## Background

### Changes are proposed to the planning controls that apply to the Botany Road Precinct

1. This report recommends Council approve 'Planning Proposal - Botany Road Precinct' (planning proposal) and draft Sydney Development Control Plan 2012: Botany Road Precinct (draft DCP) for public exhibition. These are shown at Attachment A and Attachment B respectively.
2. The proposed controls are to amend Sydney Local Environmental Plan 2012 (Sydney LEP) and Sydney Development Control Plan 2012 (Sydney DCP) as they apply to the Botany Road Precinct (the Precinct) as outlined in red at Figure 1. The Precinct has an area of about 21.40 hectares (including roads) and a perimeter of about 3,000 metres.



3. The Precinct and surrounding areas, shown at Figure 2, are undergoing significant change and investment. It forms part of the Camperdown-Ultimo Health and Education Precinct and the Innovation Corridor.
4. At the centre of the Precinct, on the eastern side of Botany Road is the future Waterloo Metro station and Waterloo Metro Quarter development.
5. To the north west of the Precinct is Redfern Station, a key node with direct access to most stations on the Sydney Trains network which is planned for an upgrade as part of the Redfern North Eveleigh Precinct Renewal.
6. The Redfern Town Centre is adjacent to the north eastern portion of the Precinct, a centre providing a range of retail uses, local services and food and beverage premises.
7. Adjacent to the western edge of the Precinct is Australian Technology Park (ATP), that is a growing centre for employment and has seen a significant addition of commercial and retail floor space in recent years, with more planned soon.
8. To the east of the Precinct is Waterloo Estate (South) which has been identified for redevelopment under the Land and Housing Corporation's \$22 billion Communities Plus building program. In February 2020, Council endorsed a planning proposal for public exhibition which included a new park, a new local retail centre and various heights across the Precinct including seven storeys to Cope Street and three towers of approximately 30 storeys.

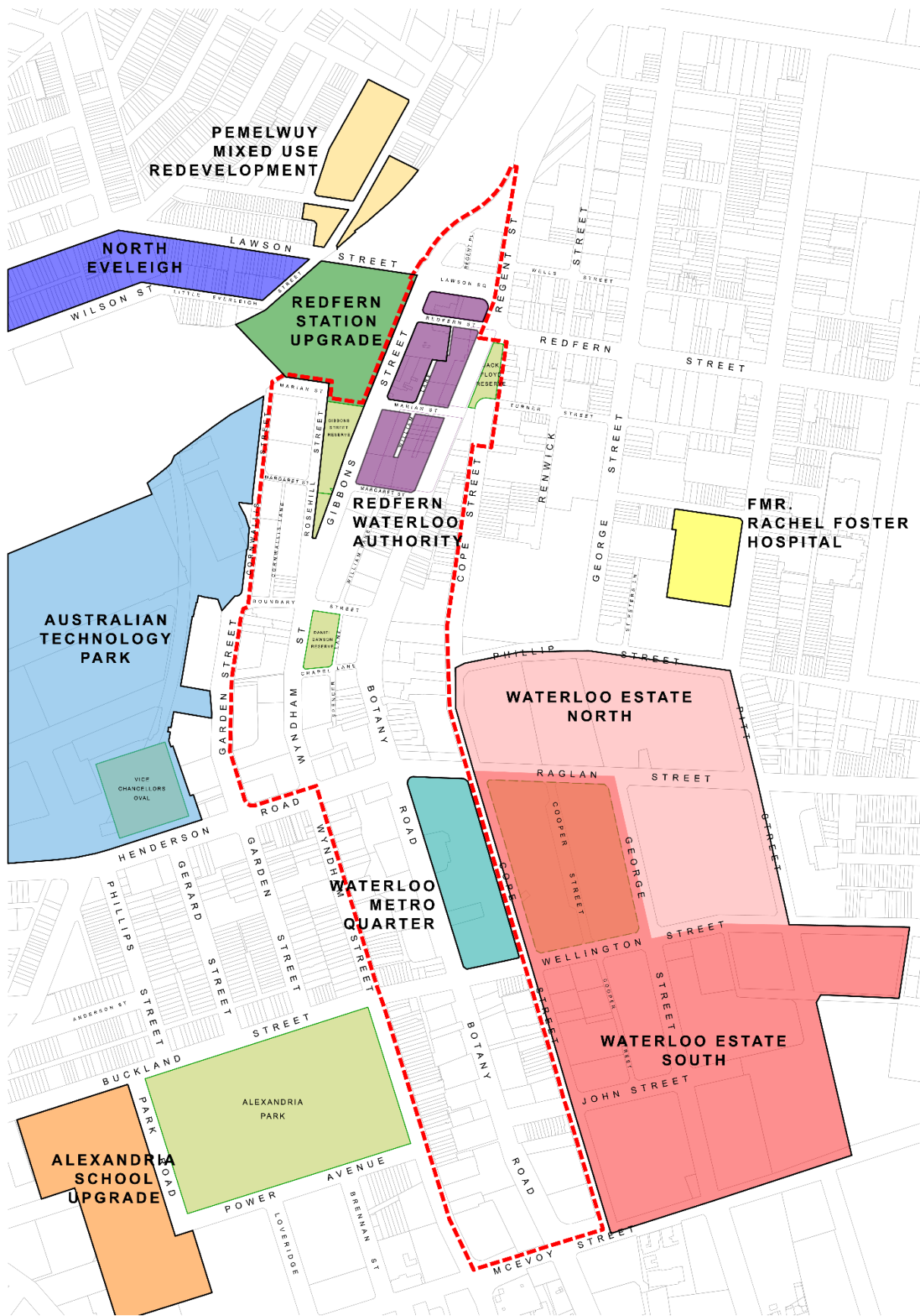


Figure 2: Local context map



**The Precinct is highly significant for Aboriginal and Torres Strait Islander people**

9. The City engaged Cox Inall Ridgeway (CIR) to undertake Aboriginal and Torres Strait Islander community engagement and cultural heritage research to guide the development of draft planning controls for the Precinct (see Attachments A3, A4 and A6). The Cox Inall Ridgeway report includes background research to establish the historical context of the Precinct and outcomes of interviews with Aboriginal and Torres Strait Islander people about the Precinct.
10. The Cox Inall Ridgeway report confirms the high level of cultural heritage and significance of the Precinct for Aboriginal and Torres Strait Islander people, including those who have direct connections to the area by living, working and visiting, as well as indirectly to people based across Sydney, NSW and Australia.
11. The Precinct is part of an area referred to as “Aboriginal Redfern”, a place where Indigenous people from all over NSW and Australia came together and drove important changes for Aboriginal and Torres Strait Islander people. Preliminary consultation reported the local community’s desire to acknowledge and celebrate the history of Aboriginal Redfern being a central birthplace of civil rights and self-determination movements.

**An economic study has identified demand for additional employment floorspace to support the Innovation Corridor**

12. Revitalising the Precinct provides an opportunity to transform the area into a vibrant commercial area which contributes to growth of the Eveleigh node of the Camperdown-Ultimo Health and Education Precinct and the Innovation Corridor.
13. BIS Oxford Economics (BIS) was engaged by the City to undertake analysis of the current and future economic and employment role of the Redfern-Waterloo area. The Redfern-Waterloo Strategic Employment Study (see Attachment A10) found the Redfern-Waterloo area is well positioned to benefit from ‘overflow demand’ of businesses unable to secure suitable space in the (southern) CBD, Surry Hills and Chippendale based on availability of accommodation and/or cost.
14. The ‘overflow demand’ will be attracted to the Redfern-Waterloo area by its proximity to the Sydney CBD, existing and future transport links and the close proximity of several significant employment clusters. Surrounding employment clusters include the ATP, the University of Sydney and Royal Prince Alfred Hospital.
15. The analysis by BIS projects employment within Redfern-Waterloo to increase by 4,400 jobs by 2036 (from 2017 levels). Much of this growth will be in the health, education, professional scientific & technical, accommodation and food services and retail sectors. To meet this employment growth, an additional 125,000sqm of additional floor space is required.
16. The City’s Local Strategic Planning Statement (planning statement) identified the City is on track to meet our housing targets for market residential dwellings, however it identified a shortfall of floor space to meet the employment target of 200,000 additional jobs.
17. The planning statement identified the Precinct is an opportunity to grow the Camperdown-Ultimo Health and Education Precinct and link to the future Waterloo Metro station. The Precinct has the potential for private sector business and investment to leverage off and support the offering of ATP.

18. Action P2.5 of the planning statement requires the City to strengthen the economic and productive role of the Innovation Corridor. This is to be achieved by identifying and supporting opportunities to appropriately increase capacity for commercial and other enterprise uses particularly those contributing to specialised and knowledge-based clusters, in mixed use (B2 - Local Centre and B4 - Mixed Use) zoned areas, including the Precinct.
19. The City has undertaken the strategic review of the Precinct to identify how it can contribute to employment growth in line with City and NSW Government strategies while also improving connectivity and the public domain. To inform how the Precinct can accommodate growth, while maintaining the unique characteristics of the place, Council engaged Tonkin Zulaikha Greer Architects (TZG) to undertake an Urban Design Study (see Attachment A2) and Non-Indigenous Heritage Study (see Attachment A7).
20. The new planning controls incentivise an additional 280,000 of commercial floor space, about 14,500 new jobs, within walking distance of the new Waterloo Metro Station, contributing to the City's target for 200,000 additional jobs by 2036.

#### **The proposed planning controls will create opportunities for affordable housing**

21. To ensure sufficient housing for low income workers to live close to transport, jobs and services, the planning proposal encourages affordable housing outcomes where it does not adversely impact on the ability of surrounding sites to develop for commercial purposes. It creates a significant opportunity to contribute to the City's target for an additional 10,000 affordable homes to be provided in the local area by 2036.
22. The planning proposal also includes additional floor space for residential sites in the Precinct where additional affordable housing contribution requirements will apply.

#### **Consultation with City Panels has informed the proposed planning controls**

23. In October 2020, the City's Design Advisory Panel (DAP) reviewed the City's draft review of the Precinct. The DAP comments were as follows:
  - (a) the panel supports the overall approach to the Strategic Review. The comprehensive analysis of the Precinct is commended, and the ambitions are good;
  - (b) there is a difficult interface between busy/noisy roads and appropriate land use and provisions for acoustic controls will be required;
  - (c) residential uses in the southern part of the Precinct may be possible only where noise impacts can be reasonably mitigated.
  - (d) there needs to be detailed DCP controls to ensure character and streetscape ambitions are achieved;
  - (e) the Panel supports the concentration of entertainment and cultural uses on Regent Street, with no increase in height controls. Consistent streetscape and street wall controls will be needed;
  - (f) 12 storeys opposite the Waterloo Metro Station has merit as it adds floor space closest to the Metro Quarter.

24. In March 2021, the early concepts for the proposal were presented to the Planning Control Update Working Group which included councillors and NSW Government Central Sydney Planning Committee representatives from the Department of Planning Industry and Environment and Government Architect NSW. The actions from the Working Group were as follows:
- (a) provide a justification for the uplift in the north of the Precinct being close to Redfern Station focused on employment uses only and consider residential uses;
  - (b) consider including affordable housing opportunities in areas proposed for change, as long as amenity is protected;
  - (c) consider residential development in locations with good amenity, such as opposite Alexandria Park;
  - (d) for the block opposite Metro Quarter, re-examine the status of the conservation area and consider spread development across the block and extending the lane network;
  - (e) include actions to make Botany Road and Gibbon Street roads 2-way where possible; and
  - (f) focus on new walkable connections to break long blocks and allow access to parks, transport and services. Prioritise a walking connection between John Street and Power Street.
25. Council officers considered the comments of the Working Group and undertook additional urban design and heritage analysis. The results of the additional analysis are contained within the Supplementary Urban Design Report at Attachment A1.
26. In June 2021, the revised proposal was presented to the Planning Control Update Working Group and their comments were as follows:
- (a) general support for the revised and reduced extent of the Alexandria Park conservation area;
  - (b) support for extending the permissible land uses to include affordable housing;
  - (c) the Working Group would like to see public domain dimensions to support the plans.

## **Precinct characteristics**

### **The Precinct has high levels of connectivity and accessibility**

27. The northern portion of the Precinct is adjacent to Redfern Station, a key node with direct access to most stations on the Sydney Trains network. Green Square Station is a 10 minute walk from the south of the Precinct, providing access to the Airport Line. The future Waterloo Station on the Sydney Metro line is located centrally within the site. When opened in 2024, Waterloo Station will significantly improve local accessibility and provide relief to Redfern and Green Square Stations.

28. Gibbons Street and Regent Street operate as a 'one-way pair' with traffic on Gibbons Street travelling northbound and southbound movement on Regent Street. Botany Road between Henderson Road and McEvoy Street has two-way traffic operation. The road network though the Precinct is frequently congested, impacting air quality, generating noise pollution levels, reducing bus reliability and increasing travel times.
29. The Precinct is well serviced by the bus network, with services operating north-south and east-west providing connections through the region. Due to the one-way traffic operation, bus services operate north on Gibbons Street and south on Regent Street, impacting bus service legibility and interchange connectivity.
30. The Precinct is served by the George Street cycleway, a separated cycleway to the east of the Precinct which provides the main north-south connection. The cycleways on Buckland Street/Wellington Street and Mitchell Road provide east-west connections. A temporary cycleway on Henderson Road provides an additional east-west connection.
31. The street layout within the Precinct creates long blocks running north-south and pedestrian crossings are infrequent, impacting accessibility. Pedestrian and cycling accessibility will be increasingly important with the opening of the Waterloo Metro station in 2024.

**The character of the Precinct is mixed, with many strata residential buildings**

32. The most common land uses in the Precinct are strata residential, strata mixed use, commercial and Torrens Title residential. The strata residential buildings and strata mixed use buildings are concentrated on Gibbons Street and at the northern ends of Regent and Cope Street, north of Raglan Street.
33. Currently, Regent Street contains finer grain retail and services, with larger commercial and light industrial buildings on Botany Road, McEvoy Street, Rosehill Street and parts of Wyndham Street. The other parts of the Precinct are predominantly residential, with a mix of fine grain residential buildings and recent residential developments three to five storeys high.
34. There is a concentration of taller residential buildings around Redfern Station. The eastern side of Gibbons Street and the western side of Regent Street contains residential flat buildings from three storeys to 19 storeys.
35. Front setbacks on Botany Road vary, with two storey Victorian and Federation buildings addressing the street and more recent development set back. Many of the front setbacks on Botany Road are used for car parking.
36. There are several large open spaces just outside the Precinct boundary. These include Alexandria Park which sits just outside the Precinct boundary on Wyndham Street, the Vice Chancellors Oval within ATP on Henderson Road and the future park in the Waterloo Estate on Cope Street.

## Planning controls and development outcomes

### The current planning controls are to be amended to realise strategic objectives

37. The northern part of the Precinct, including Gibbons Reserve and part of Gibbons Street, Regent Street and Botany Road, fall within the application of the State Significant Precincts State Environmental Planning Policy (SSP SEPP) and are known as the Redfern-Waterloo Authority (RWA) sites. The site of the Waterloo Metro Station falls within the application of State and Regional Development SEPP (SSD SEPP). The remainder of the Precinct falls within the Sydney LEP.
38. The key controls that currently apply to the Precinct in Sydney LEP include:
  - (a) a B4 Mixed Use zone applies to most of the precinct. The zone permits a wide range of uses including commercial facilities, entertainment facilities, hotel or motel accommodation, light industrial, residential flat buildings and shop top housing;
  - (b) an R1 General Residential zone applies to the properties on the eastern side of Wyndham Street between Buckland Street and McEvoy Street;
  - (c) an SP2 Special Purpose zone applies to some roads within the Precinct, specifically parts of Botany Road, Henderson Road, Wyndham Street and Gibbons Street. The SP2 zone also applies to some properties on Botany Road and is intended to facilitate future road widening;
  - (d) the maximum height controls within the Precinct generally vary from 9m to 22m (2 to 6 storeys) and are shown in Figure 3. In addition, the RWA sites have a maximum height control up to 18 storeys and the height controls for the Waterloo Metro site enable development from 17 storeys to 25 storeys;
  - (e) the maximum FSRs for lots within the Precinct generally vary from 1:1 to 2.5:1 and the Waterloo Metro Station has a maximum FSR control of 6:1 as shown at Figure 4. The RWA sites that are covered by the State Significant Precincts SEPP have an FSR of up to 7:1;
  - (f) the block bounded by Botany Road, Buckland Street, Wyndham Street and McEvoy Street is located within Green Square and clause 6.14 applies. This block is identified on the Floor Space Ratio (FSR) map as Area 6, making an additional 0.5:1 community infrastructure floor space available above the mapped FSR control where community infrastructure is provided; and
  - (g) the Alexandria Park HCA extends into the Precinct at the intersection of Buckland Street and Wyndham Street, and into the intersection of Henderson Road and Wyndham Street. The Precinct also includes nine local heritage items.

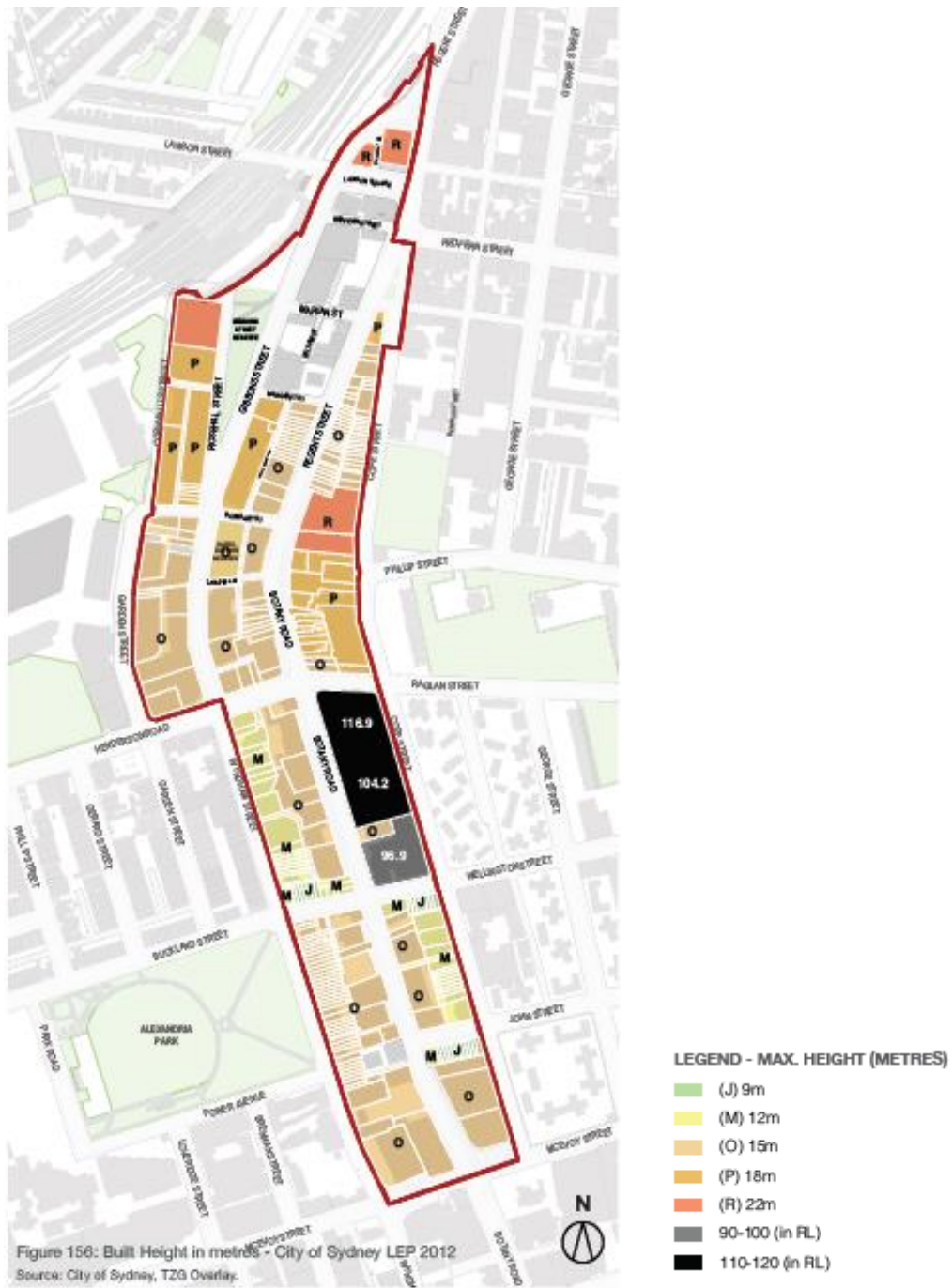


Figure 3: Existing Height of Building Map

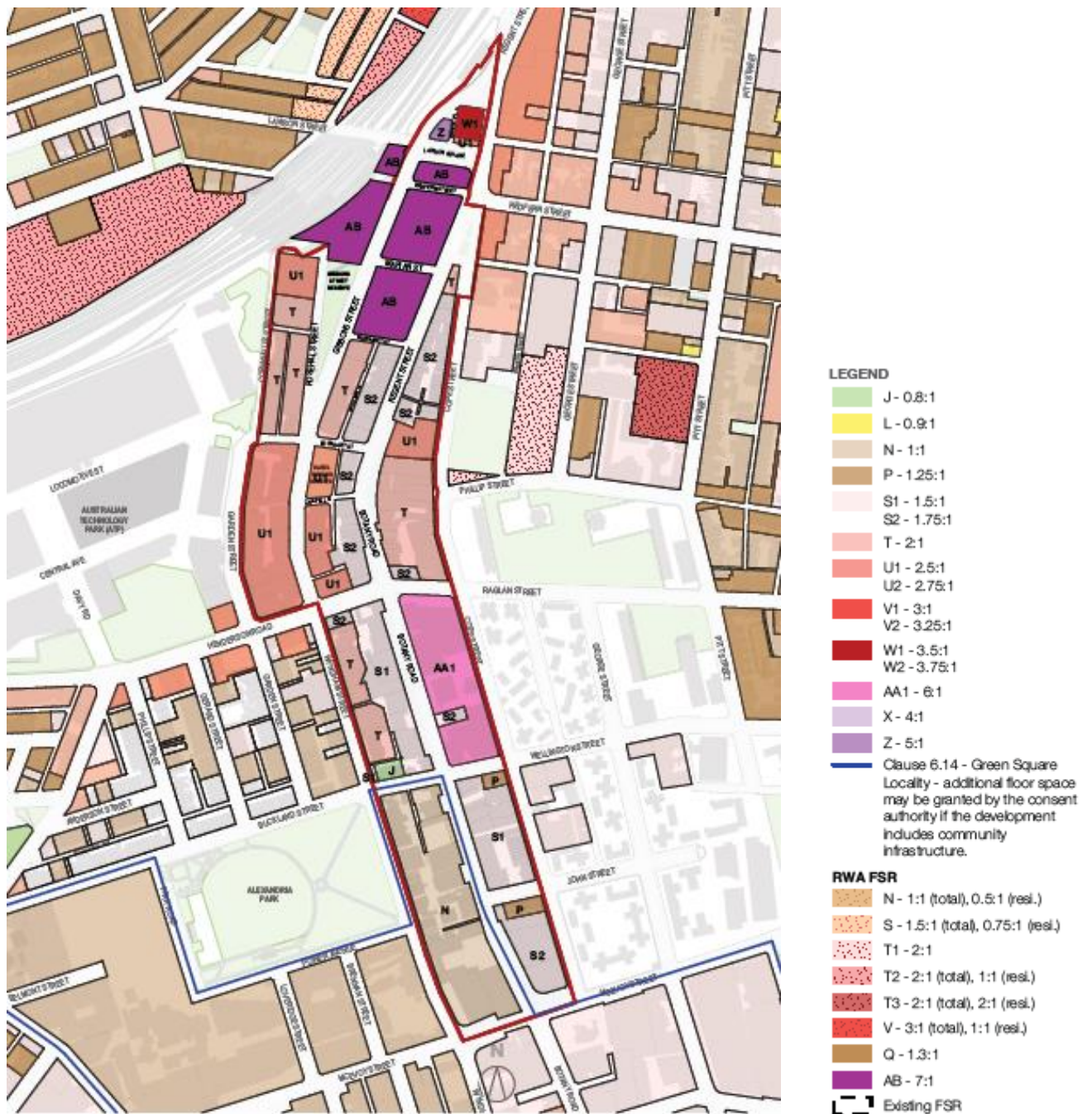


Figure 4: Existing Floor Space Ratio Map

39. The proposed planning controls, that are the subject of this report, will incentivise in time, commercial and affordable housing development in a highly accessible and strategically important location.

**The proposal will provide alternative height and FSR controls in the Precinct to incentivise strategic outcomes**

40. To achieve the vision of the Precinct as a vibrant commercial area, the planning proposal identifies 'Opportunity Land' and allows development to achieve incentive building heights and FSRs where:
  - (a) it is for the purposes of:
    - (i) non-residential (commercial) uses only; or
    - (ii) non-residential (commercial) uses and affordable housing only;
  - (b) it provides land for the future laneway;
  - (c) it exceeds the BASIX commitments for water and energy by not less than 10 points for energy and five points for water;
  - (d) any affordable housing provided under is owned and managed by a registered community housing provider; and
  - (e) any affordable housing does not reduce the capacity of adjoining sites to be developed for non-residential uses.
41. The proposed incentive building heights and FSRs do not replace the current height and FSR maps in Sydney LEP. Should landowners prefer to develop their site under current planning controls, for example for market residential (which cannot be developed using incentive building heights and FSRs), they could still do so.
42. Incentive building heights vary on each block, up to a maximum of 17 storeys on Rosehill Street, up to 12 storeys on Botany Road opposite the Waterloo Metro Station and up to six storeys on Wyndham Street opposite the Alexandria Park Heritage Conservation Area. The same incentive building heights will apply to both commercial development and development comprising a mix of commercial and affordable housing.
43. The incentive height controls for sites adjoining heritage items and heritage conservation areas provide a curtilage to heritage items, reduce solar impact on conservation areas and ensure an appropriate visual relationship between the contributory buildings and the areas of change.
44. Different incentive FSRs will apply to development comprising only commercial uses and buildings comprising a mix of commercial and affordable housing. This is because of the difference in building efficiencies, and the higher separation and amenity requirements applying to residential development. The incentive heights and FSRs are shown at Figure 5, Figure 6 and Figure 7.



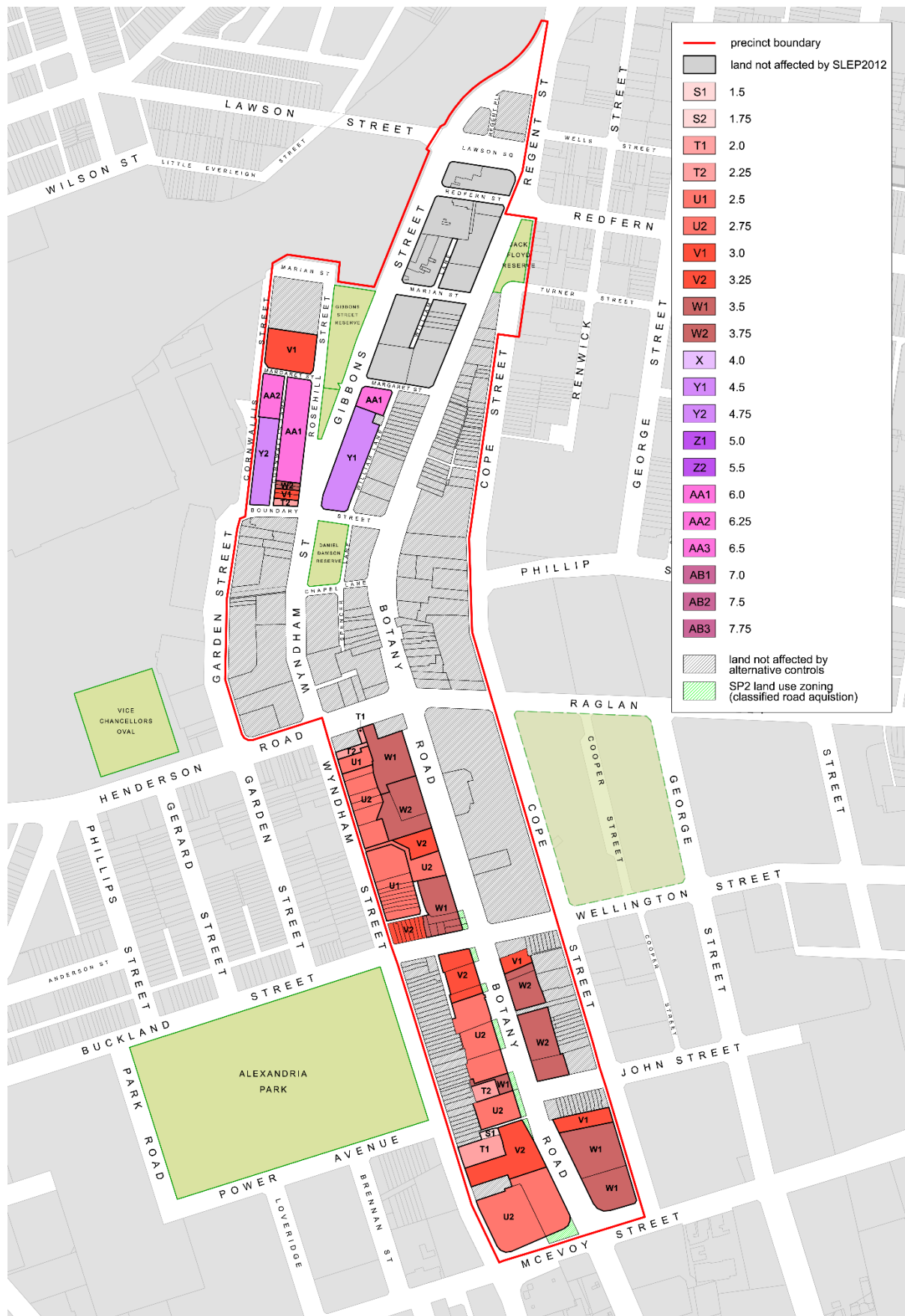


Figure 5: Proposed Opportunity Lands – Affordable Housing Sites - Incentive Floor Space Ratio Map

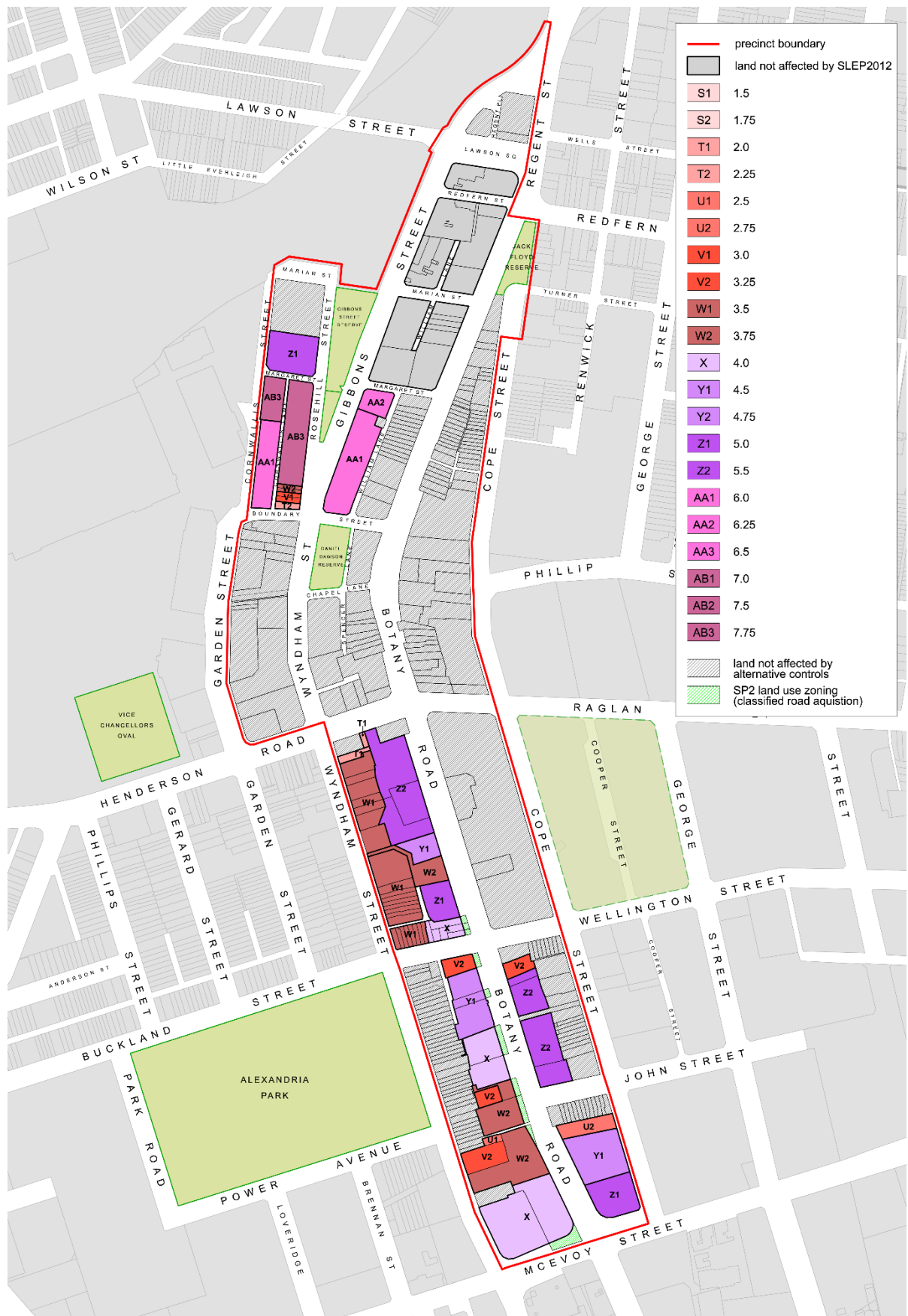


Figure 6: Proposed Opportunity Lands - Employment Sites - Incentive Floor Space Ratio Map

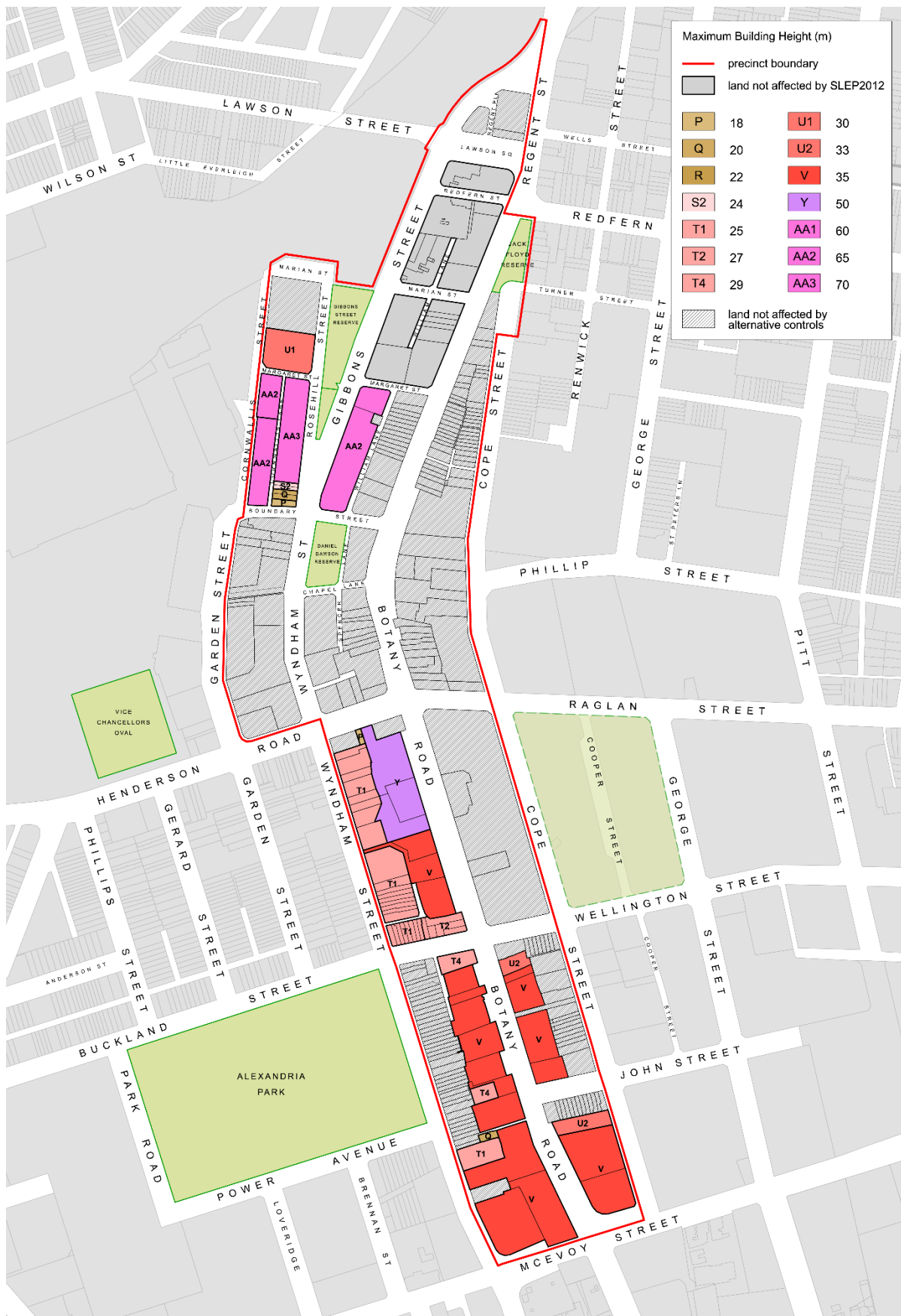


Figure 7: Proposed Opportunity Lands – Incentive Heights Map

45. In addition, clause 6.21 - Design excellence of the Sydney LEP allows development that demonstrates design excellence to achieve an additional 10% of height or FSR. The planning proposal requires that development, that takes advantage of incentive height or FSR, is only eligible for additional floor space under clause 6.21, not additional height.
46. Development that takes advantage of incentive height or FSR will be precluded from accessing additional FSR incentives available in the Affordable Rental Housing SEPP 2009, for example for boarding houses. The planning proposal excludes the application of the SEPP by amending clause 1.9 in the Sydney LEP so it does not apply to Botany Road Precinct Opportunity Lands.
47. A potential development outcome of the incentive height and FSR controls for Opportunity Land is shown at Figure 8. A predominantly business/commercial outcome on Opportunity Land is assumed in the Figure, though some affordable housing may access incentives in the Precinct. The Figure also shows a potential residential outcome on the sites where the mapped heights and FSRs have increased (discussed later in this report).
48. There is no change proposed for the maximum building heights and maximum FSR of properties along Regent Street. Retaining the existing controls will encourage development that is respectful to the existing fine grain and historical built fabric. Retaining the existing height controls also ensures no additional solar impacts to the NCIE open space, a place of high significance for Aboriginal and Torres Strait Islander people. There is also no change proposed for heritage items or constrained street blocks where the majority of properties are strata-subdivided recent development.

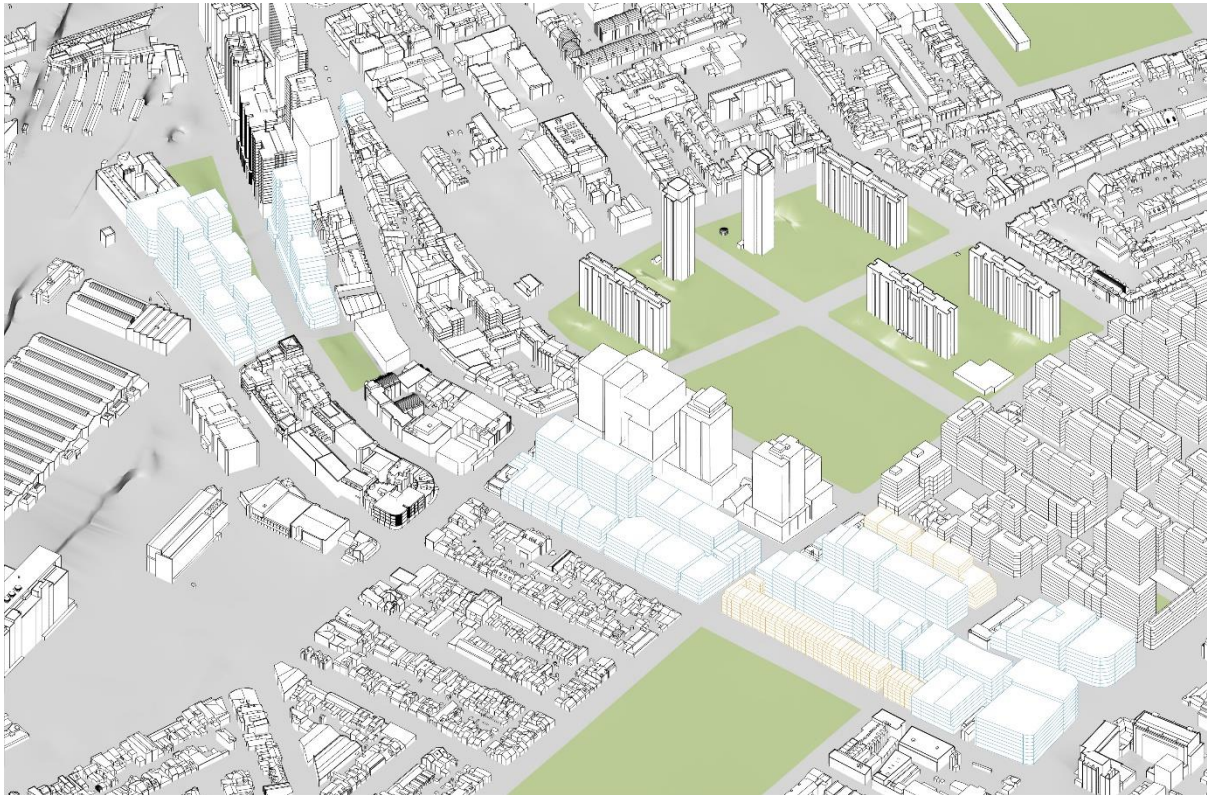


Figure 8: Axonometric showing the predominant business/commercial outcome for the Precinct

49. The impacts of the proposal have been subject to analysis and testing in the Urban Design Study by TZG, with further testing in the Supplementary Urban Design Study prepared by the City (see Attachment A1).
50. The Supplementary Urban Design Report details the considerations that have guided the proposed planning controls, including:
  - (a) maximising the delivery of new floorspace in this highly valuable strategic location;
  - (b) minimising solar impact to parks and surrounding residential development, including the proposed new dwellings on the Waterloo Estate;
  - (c) ensuring that heights don't exceed that of existing development on Regent and Gibbons Street or the future Waterloo Metro over-station development;
  - (d) maintaining a favourable relationship to Botany Road;
  - (e) ensuring heights transition appropriately from areas of change to surrounding heritage conservation areas and adjoining heritage items;
  - (f) ensuring affordable housing development can achieve sufficient solar access, even if the adjoining sites are developed for commercial use;
  - (g) considering view corridors and minimising wind impacts; and
  - (h) maintaining buildings and uses on Regent Street and Botany Road that contribute to the unique character of the Precinct.

#### **Market housing in select locations will utilise areas of high amenity**

51. Certain sites in the Precinct have been identified as more suitable for residential uses than commercial uses. These sites are located on Wyndham Street, Alexandria opposite Alexandria Park and Cope Street, Waterloo opposite the Waterloo Estate.
52. The planning proposal will increase the maximum height and FSR on these sites in accordance with Figure 9 and Figure 10. In addition, sites located on Wyndham Street, Alexandria (that are also located in the Green Square area), are subject to clause 6.14 of the Sydney LEP, that allows additional FSR to be achieved where development contributes to community infrastructure. This planning proposal changes those sites from Area 6 to Area 8 on the FSR map which increases the community infrastructure floor space available to 1:1 (from 0.5:1).
53. The planning proposal retains the existing FSR control and increases the maximum height of building from 18m to 25m (six storeys) for 131 Regent Street, Redfern. The site is a former interwar service station that was identified by TZG in the Non-indigenous Heritage Study as contributory to the Redfern Estate HCA. Increasing the height control will allow any development on the site to retain the contributory elements and achieve the existing floor space available by building on the southern portion of the site.

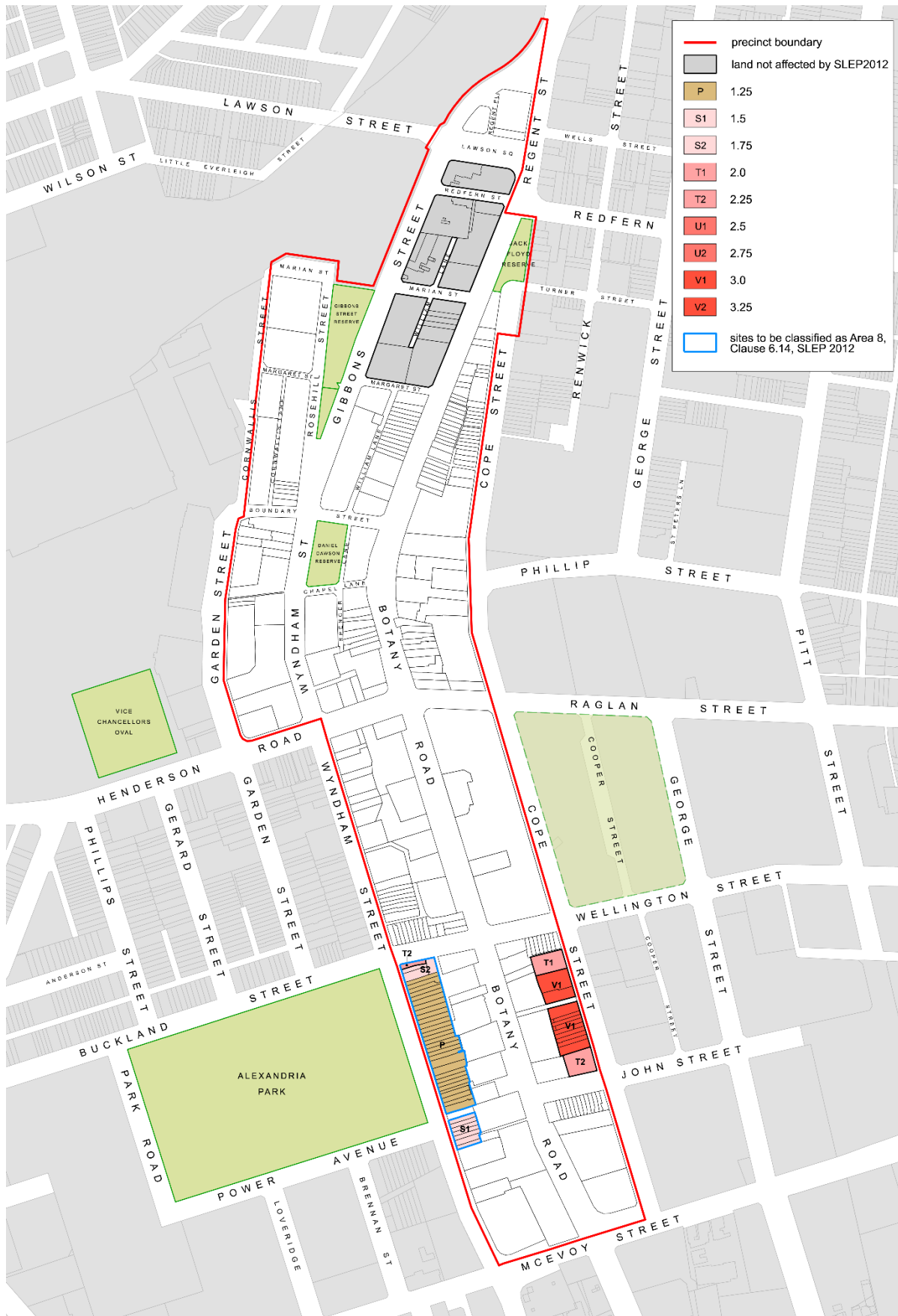


Figure 9: Proposed changes to the Floor Space Ratio Map



Figure 10: Proposed changes to the Height of Buildings Map

**An affordable housing contribution is required of all development in the Precinct**

54. In accordance with the recent changes to Sydney LEP, that expand the City's affordable housing levies across the local government area, an affordable housing contribution requirement for 3% of all residential floor space and 1% of all non-residential floor space applies to all land in the Precinct (where the LEP applies). It is noted the rates are discounted for any development application lodged by 1 July 2022.
55. In addition to the above, where sites are receiving an increase in FSR (that is not subject to the incentive requirements), shown on Figure 9, an additional affordable housing contribution requirement, being 9% of all residential floor space, will apply only to the new floor space resulting from the planning proposal.
56. The additional affordable housing contribution requirement is consistent with the City of Sydney Affordable Housing Program, adopted by Council on 24 August 2020, that sets out the contribution rates that are to apply to floor space achieved through a planning proposal.
57. Affordable housing contribution requirements do not apply where social housing and community housing providers are developing affordable housing.

**Heritage Conservation Areas are to be amended and new heritage items identified***Redfern Estate Heritage Conservation Area*

58. The character of Regent Street is mixed, with two storey Victorian and Federation buildings, which contribute to the historic character of the streetscape, interspersed with infill development and recent high-rise buildings. Extending the Redfern Estate Heritage Conservation Area (C56), as shown in Figure 11, will ensure that buildings on Regent Street that contribute to the historic character of the Precinct, currently not protected, are offered a level of heritage protection for continuing adaptive reuse.
59. Extending the Redfern Estate Heritage Conservation Area not only mean the retention of contributory buildings, it will also assist in retaining the diverse uses currently occupying historic terraces, which are integral to the character of the area and the economic role of Regent Street.

*Alexandria Park Heritage Conservation Area*

60. The Non-Indigenous Heritage Report by TZG recommends extending the Alexandria Park Heritage Conservation Area further into the site boundary. However, Council's heritage experts have reviewed the proposed additional contributory buildings and found that they are not of high quality, nor are they unique to the conservation area.
61. If the sites are not included within the Heritage Conservation Area, those sites will be able to contribute towards strategic employment objectives, which is particularly relevant given the location of these sites across the road from the new Waterloo Metro station. Identifying these sites as Opportunity Lands, and allowing incentive FSR and heights, will also deliver an improved public domain and increased tree canopy as new development will deliver high quality buildings addressing the public domain and setbacks to Botany Road for landscaping and tree planting.



62. Currently, there are 13 properties within the Alexandria Park Heritage Conservation Area (C1) which also fall within the site boundary. The character and heritage significance of the conservation area and in particular the properties within the conservation area that also fall within the boundary of the Botany Road Corridor have been reviewed. An assessment of the type and quality of the properties indicates that removing these properties from the conservation area will have little to no impact upon the character or heritage significance of the conservation area.
63. Furthermore, due to the proposed urban renewal of the Precinct, the properties in question will also be affected by overshadowing and visual bulk impacts to their north. Removing the sites from the conservation area enables the sites on Botany Road to the north of Buckland Street to achieve increased height and employment capacity in line with the strategic objectives of the renewal of the Precinct.
64. The contribution of these properties to the Heritage Conservation Area has been balanced against the ability to further the employment objectives of the Precinct. The proposed amended boundary of the conservation area is shown at Figure 11.

*New heritage items*

65. Three new heritage items are proposed to be listed in the Sydney LEP 2012 for their historical and social values. These are mapped at Figure 11 and include:
  - (a) 142 Regent Street, Redfern – Former Aboriginal Legal Service. This building was used as the first shopfront for the Aboriginal Legal Service. It was established in 1970 to provide free legal assistance to Aboriginal people living in Sydney.
  - (b) 171 Regent Street, Redfern – Former Aboriginal Medical Service. The Aboriginal Medical Service operated from this building from 1971-1977. It was established to provide free medical support to Aboriginal people living in Sydney and was the first Aboriginal community-run medical service in Australia.
  - (c) 122-136 Wellington Street, Waterloo – Victorian terrace group. This row of two storey Victorian terraces that spans from Cope Street to the Cauliflower Hotel was constructed c1883 and are a representative group of terraces constructed during the key subdivision and subsequent redevelopment of Waterloo.

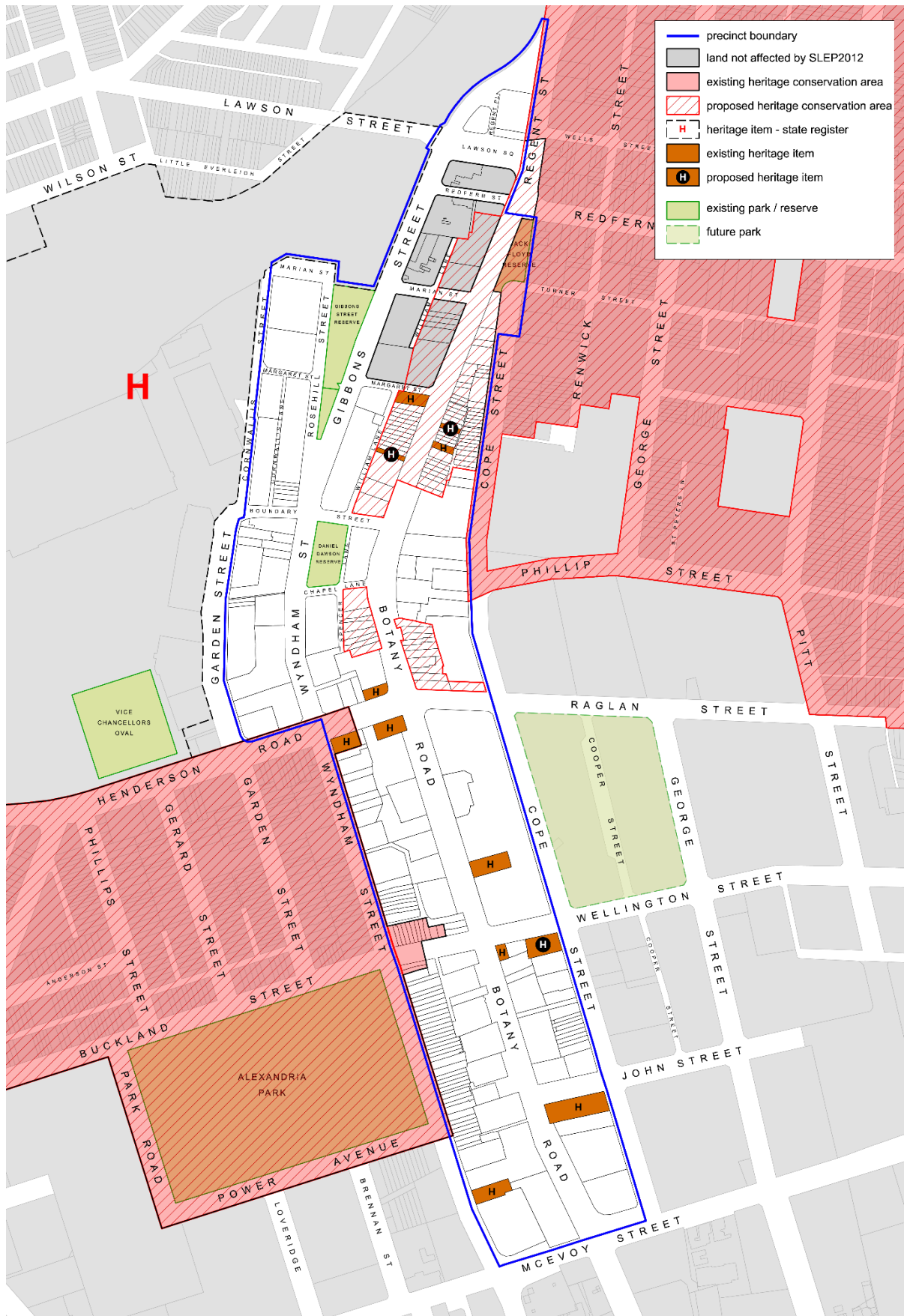


Figure 11: Proposed changes to Heritage Conservation Areas and new items

**Some minor changes are being made to zoning in the Precinct**

66. The planning proposal rezones some sites on Wyndham Street, currently zoned R1 General Residential zone. Rezoning the sites to B4 Mixed Use zone, as shown in Figure 12, will introduce consistent zoning which reflects the vision for the Precinct to be a vibrant commercial area.
67. As identified on the Land Zoning Map and Land Dedications Map, an SP2 setback is identified for certain sites on Botany Road to facilitate the widening of Botany Road. The proposed SP2 setback conflicts with Council's strategic intent to conserve buildings of heritage value and widen footpaths to increase accessibility and greening.
68. Council will engage with Transport for NSW during public exhibition of the planning proposal to seek removal of the SP2 setback where it conflicts with retaining buildings of heritage value and to seek their agreement on the use of the SP2 setbacks for footpath widening.



**Active frontages are required to contribute to create interest at the street level**

69. Frontages on Regent Street will be identified on the LEP Active Frontage Map, as shown in Figure 13, to encourage the conversion of residential properties back to active frontages to strengthen its main street character and role.

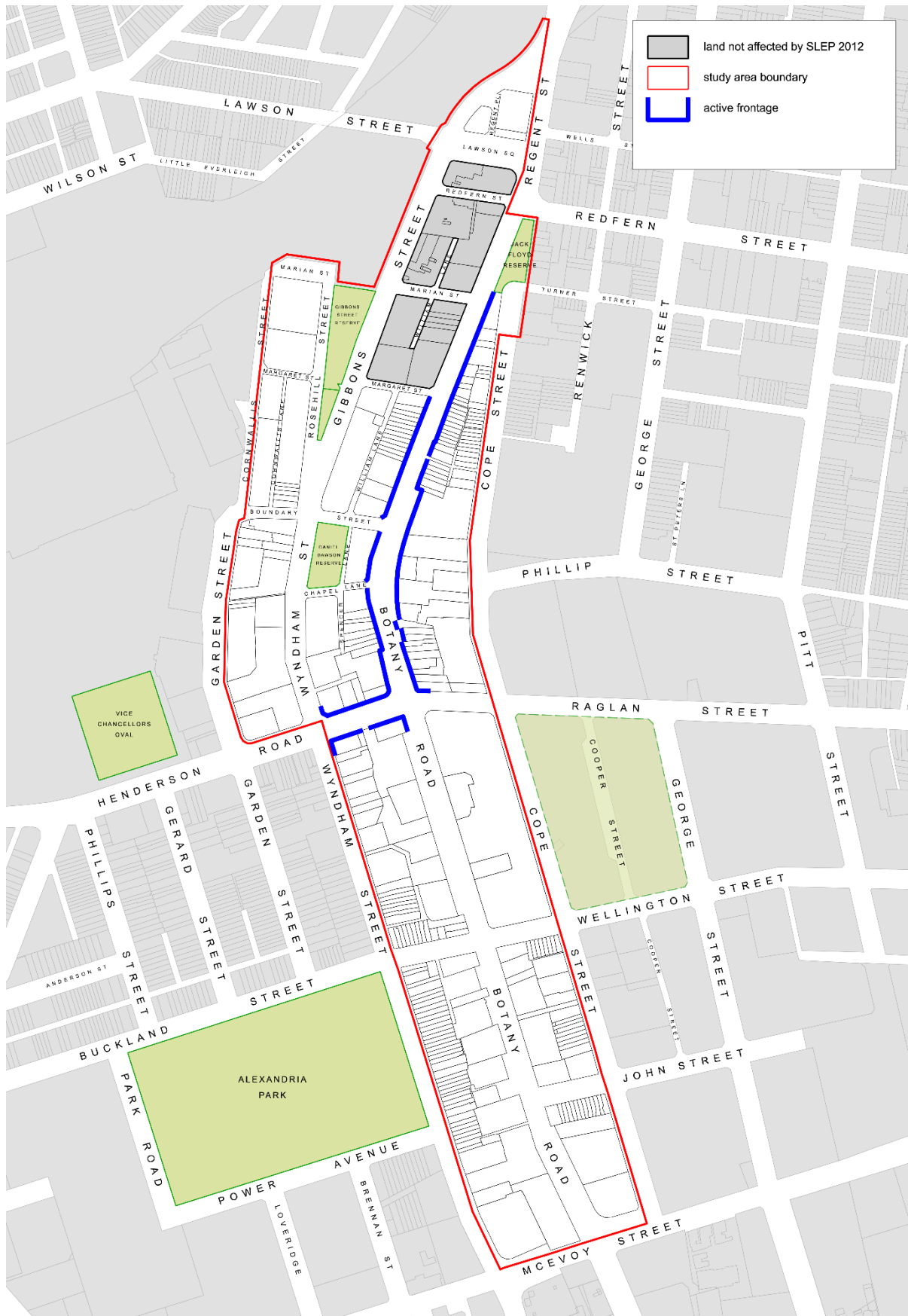


Figure 13: Proposed Active Frontage Map

**Open space is protected by new sun access planes**

70. The planning proposal will amend the existing Clause 6.17 of Sydney LEP 2012 to introduce new sun access planes to protect solar access to Daniel Dawson Reserve and Alexandria Park. This will limit the height of any new development to ensure adequate solar access to Daniel Dawson Reserve and Alexandria Park.

**New buildings will achieve stretch sustainability targets**

71. Energy use in buildings continues to be a significant contributor to greenhouse gas emissions in the City. High performing buildings are essential to community resilience and the upfront investment will reduce operating costs for housing providers and the cost of living for social and affordable housing tenants.
72. On 17 May 2021, the City endorsed for public exhibition a 'performance standards to net zero energy buildings report' and proposed planning controls. The provisions are proposed to apply to development applications for new office buildings, hotels and shopping centres and major redevelopments of existing buildings and aim to move buildings towards net zero energy use.
73. The proposed net zero planning controls are not repeated by the planning controls proposed for the Precinct. If the net zero planning controls are endorsed following public exhibition they will apply to the whole of the local area, including the Precinct, in addition to any site-specific planning controls that may apply.
74. For affordable residential buildings, the planning proposal includes a requirement for any BASIX affected development, which utilises the incentive height and FSR controls, must achieve stretch sustainability targets. The proposed requirement is to exceed the BASIX commitments for water and energy by not less than 10 points for energy and five points for water.

**The draft DCP will assist in achieving outcomes**

75. The City has taken a place-based approach to the urban renewal of the Precinct. The Urban Strategy Map for the Precinct, shown at Figure 14, demonstrates a comprehensive long-term approach to change, with new development facilitating public domain improvements.

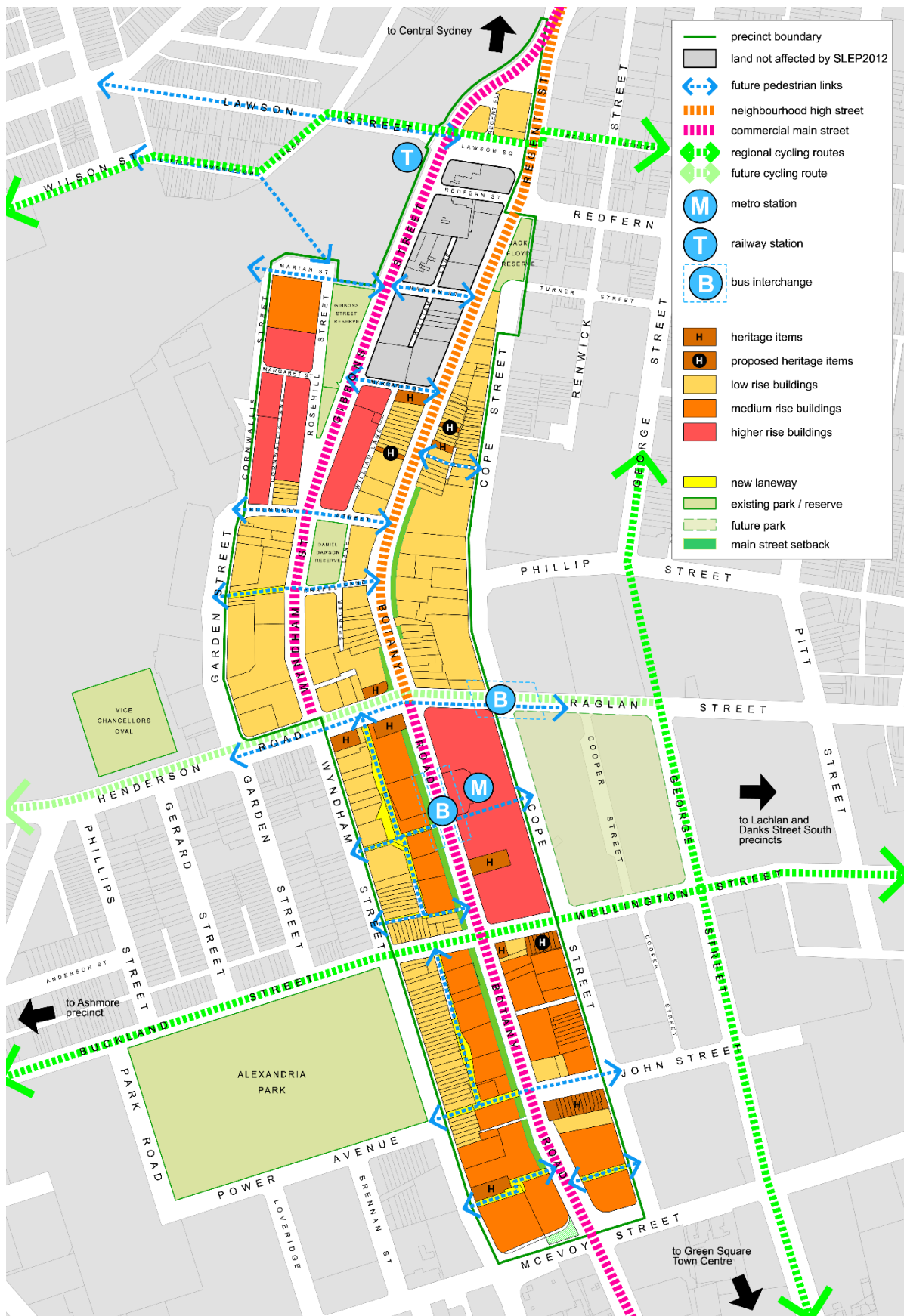


Figure 14: Botany Road Precinct - Urban Strategy



76. The draft DCP provides a framework for changes to the public domain. Public domain upgrades, including the creation of a new laneway network, footpath widenings, new street plantings and connectivity to public transport will contribute to making the Precinct an attractive location for businesses.
77. New laneways will improve permeability of large blocks and provide a laneway network for vehicular access and building servicing. The provision of land for the laneway network is a requirement of any development seeking to make use of the incentive height and FSR. Figure 15 shows proposed land dedications to achieve the new laneway network through the Precinct.

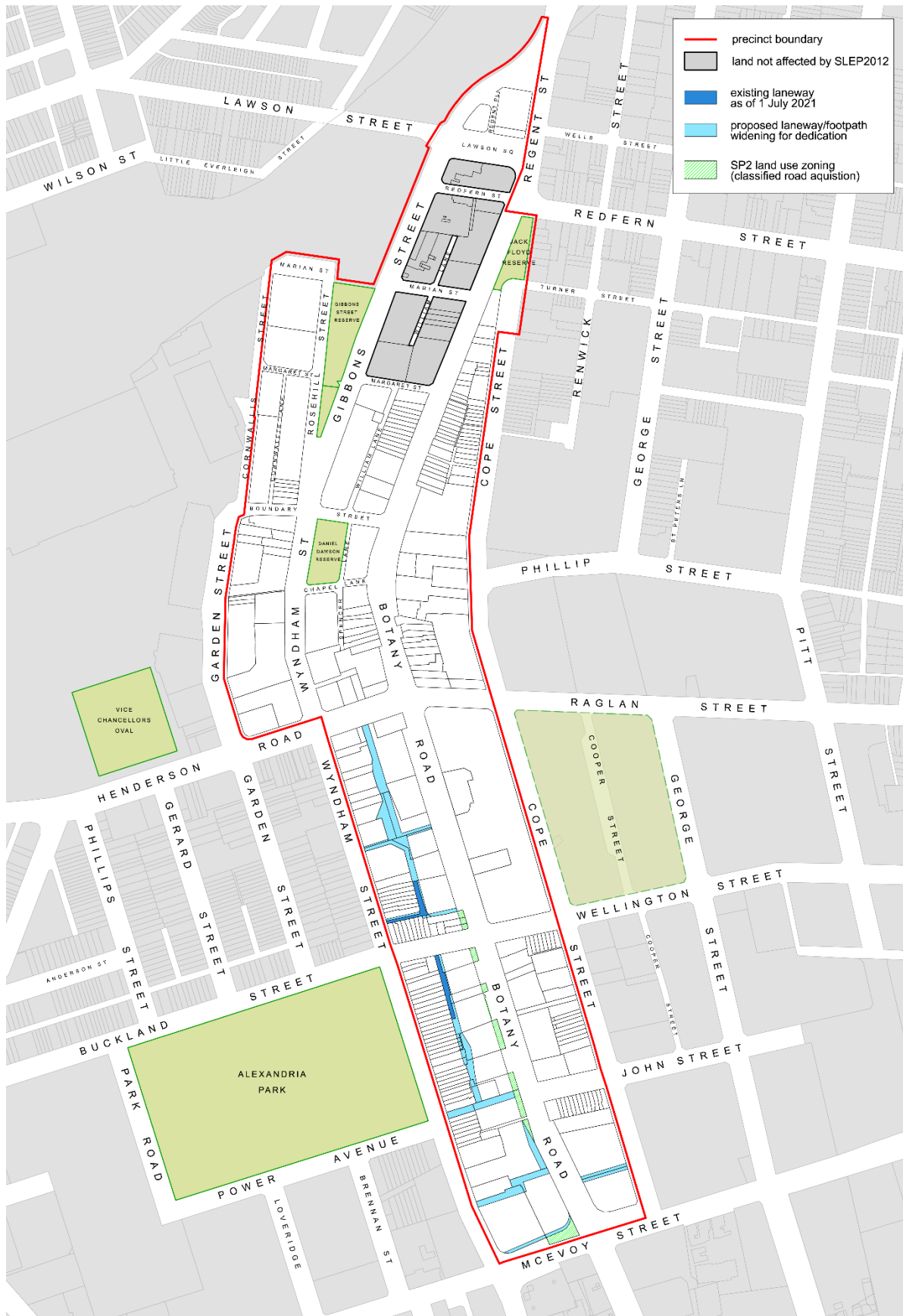


Figure 15: Land dedications

78. The planning proposal height and floor space ratio controls are supported by height in storeys, upper level setback and ground floor setback provisions in the draft DCP which will facilitate a smooth transition in heights, bulk and scale across the Precinct. In addition, the draft DCP street cross sections guide how upper and lower level setbacks interface with the street.
79. Provisions will provide guidance to achieve Council's proposed use of the SP2 setback to Botany Road to increase space for tree canopy, greening and pedestrian access.
80. The draft DCP updates the Regent Street / Botany Road, Alexandria Park, and Prince Alfred Park South locality statements and introduces the 'Botany Road Precinct' locality statement to ensure the Precinct is located within one locality. The locality statement details the elements that contribute to this area's current and future character and includes principles to reinforce and enhance that character. The locality statement provides the direction for the development controls and built form guidelines for the Precinct.
81. Provisions in the draft DCP encourage a diverse range of commercial and business land uses and facilitate diversity in the land-use mix. Delivery of housing will be facilitated in a manner complementary to commercial uses and protected from noise and air quality impacts of major roads and surrounding non-residential uses. Change will be managed to ensure existing residential uses do not unreasonably constrain growth and change in the Precinct. Amenity impacts that may arise from new development are to be considered in the context of the locality statement and objectives for the Precinct to provide for future employment growth.
82. The draft DCP includes site-specific provisions for the properties which fall within the extension of the Redfern Estate Heritage Conservation Area. These provisions will ensure development is complementary with the unique built form characteristics of the heritage conservation area. The draft DCP also includes site-specific controls for 131 Regent Street, Redfern, 44-78 Rosehill Street, Redfern and 74 Botany Road Alexandria.
83. The draft DCP includes site-specific controls for 131 Regent Street, Redfern that capture the opportunities presented for the site at the north of Regent Street and ensure the contributory elements of the site are retained.
84. Site-specific controls are also included for 44-78 Rosehill Street, Redfern, including a design excellence strategy for the site as well as additional sustainability requirements including 6 Star NABERS and 6 star Green Star Design and As-built rating. These reflect documentation submitted by the owner of the site to inform Council of their intent for future development on the site.
85. The draft DCP includes controls to address the concerns raised in consultation undertaken by Cox Inall Ridgeway about keeping Aboriginal and Torres Strait Islander people and organisations in the area and ensuring they feel welcome. This includes a requirement for 10 per cent or more of the total number of dwellings in affordable housing developments is to be provided for Aboriginal and Torres Strait Islander housing. It also includes controls to celebrate Indigenous history, knowledge, identity and living culture through elements such as public art, landscaping, architecture and design.

86. For major development, targeted consultation with the Aboriginal and Torres Strait Islander community is required to seek community views on the impact of the proposed development and how the development may best maximise the presence, visibility and celebration of Aboriginal and Torres Strait Islander peoples, organisations, businesses and living culture.
87. There are recommendations in the Cox Inall Ridgeway report which have not fed directly into the draft DCP. The City anticipates as the Precinct grows and changes there will be opportunities to more directly act on other recommendations through public domain and infrastructure delivery.
88. To reflect the results of an Archaeological Assessment for the Botany Road Precinct undertaken by Urbis (see Attachment A5) which showed varying levels of potential for historical archaeological resources from low to high, all development resulting in excavation is subject to an Aboriginal Objects Due Diligence Assessment. On sites where Aboriginal archaeological resources exist, new development is to include appropriate interpretation of Indigenous history relevant to the specific resources found.
89. The draft DCP will also amend the contributory buildings maps to identify new contributory buildings within the extension of the Redfern Estate Heritage Conservation Area and to reflect the reduction in the extent of the Alexandria Park Heritage Conservation Area.

### **The proposed controls will be supported by transport improvements**

90. The City engaged consultants Cattell Cooper to undertake a transport and traffic review of the Precinct (see Attachment A9). Cattell Cooper recommended changes to the road network to recognise the importance of local places, respond to the needs of residents and workers, and improve safety and amenity.
91. A key recommendation is the removal of the Gibbons Street / Regent Street one-way pair operation and the reinstatement of two-way traffic flow on both streets, improving network legibility for bus passengers and providing the opportunity for further active transport and amenity improvements.
92. Council will work with Transport for NSW to achieve the recommended changes to the road network to improve legibility, access and amenity of the Precinct.
93. In 2020, Council constructed a temporary cycleway on Henderson Road, connecting Swanston Street, Erskineville to Mitchell Road, Alexandria. The urban design analysis by consultants TZG has recommended the east-west cycleway be made permanent and extended eastwards to connect with the George Street cycleway.

## **Key Implications**

### **Strategic Alignment - Planning**

94. The Greater Sydney Commission's Greater Sydney Region Plan and Eastern City District Plan are used to shape strategic planning and infrastructure in metropolitan Sydney and align planning from the broadest regional area down to the local area. The City's Local Strategic Planning Statement sets the land use planning strategy for the city which is required to align with the Region and District Plans. The City's planning controls are then required to give effect to the strategic plans.

95. The Region Plan, District Plan and Local Strategic Planning Statement adopt planning priorities of similar themes, being infrastructure, liveability, productivity, sustainability and governance. How this proposal gives effect to these priorities is discussed in detail in the planning proposal and summarised below:
- (a) **Infrastructure** - The planning proposal aligns growth with new infrastructure investment, the Sydney Metro City and Southwest. Responding to the city-shaping project by providing for new jobs within walking distance of the new Waterloo Metro Station contributes to infrastructure strategic planning objectives particularly:
    - (i) 'I1 Movement for walkable neighbourhoods and a connected city' in the Local Strategic Planning Statement, and
    - (ii) 'Planning Priority E10: Delivering integrated land use and transport planning and a 30-minute city' in the District Plan.
  - (b) **Liveability** - The Precinct will be a connected and walkable place with open space, places for people to gather and a vibrant high street. This planning proposal will incentivise affordable housing within the Precinct, takes a balanced approach to conserving and celebrating places of heritage significance and contributes to liveability strategic planning objectives particularly:
    - (i) 'L2 Creating great places' and 'L3 New homes for a diverse community' in the Local Strategic Planning Statement, and
    - (ii) 'Planning Priority E5: Providing housing supply, choice and affordability, with access to jobs, services and public transport' and 'Planning Priority E6 Creating and renewing great places and local centres and respecting the District's heritage' in the District Plan.
  - (c) **Productivity** The planning proposal will strengthen the economic and productive role of the Innovation Corridor by incentivising non-residential development in the City Fringe. Incentivising non-residential development creates the capacity for and additional area of non-residential development, providing for additional jobs. This planning proposal gives effect to productivity strategic planning objectives, particularly:
    - (i) 'P2– Developing innovative and diverse business clusters in City Fringe' in the Local Strategic Planning Statement, and
    - (ii) 'Planning Priority E7: Growing a stronger and more competitive Harbour CBD' and 'Planning Priority E11: Growing investment, business opportunities and jobs in strategic centres' in the District Plan.
  - (d) **Sustainability** - The planning proposal includes. This gives effect to sustainability strategic planning objectives, particularly:
    - (i) 'S1 – Protecting and enhancing the natural environment for a resilient city' and 'S2 Creating better buildings and places to reduce emissions and waste and use water efficiently' in the Local Strategic Planning Statement, and

- (ii) 'Planning Priority E17: Increasing urban tree canopy cover and delivering Green Grid connections' and 'Planning Priority E19: Reducing carbon emissions and managing energy, water and waste efficiently' in the District Plan.

### **Strategic Alignment - Sustainable Sydney 2030**

96. Sustainable Sydney 2030 is a 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 plan is aligned with the following strategic directions and objectives:
- (a) Direction 1 - A Globally Competitive and Innovative City - The planning proposal will strengthen the economic and productive role of the Innovation Corridor by incentivising additional non-residential development. The planning proposal provides for the growth of knowledge intensive, creative and start-up industries along with health, education and research services to support the global competitiveness of the Harbour CBD.
  - (b) Direction 2 provides a road map for the City to become A Leading Environmental Performer - This planning proposal aims to improve the City's energy and sustainability priorities by setting sustainability targets for residential development within the Precinct. The draft DCP also contains provisions to achieve this direction.
  - (c) Direction 3 - Integrated Transport for a Connected City - The planning proposal incentivises both commercial and affordable residential development around the Waterloo Metro station, promoting public transport use.
  - (d) Direction 4 - A City for Walking and Cycling - To improve connectivity and access, the planning proposal includes dedication of land for new laneways as a requirement for accessing the incentive provisions. The Urban Strategy in the draft DCP also includes public domain and transport changes to improve connectivity and access for pedestrians and cyclists.
  - (e) Direction 6 - Vibrant Local Communities and Economies - To recognise the unique history and significance of the site, the planning proposal includes an extension of the Redfern Estate HCA and the listing of three new heritage items. The draft DCP also includes provisions to recognise and respond to the significance of the area to Aboriginal and Torres Strait Islander people.
  - (f) Direction 7 - A Cultural and Creative City - The draft DCP includes provisions to provide opportunities for collaboration and co-leadership with Aboriginal and Torres Strait Islander peoples in major development and to maximise opportunities for acknowledging and continuing the social and cultural significance of "Aboriginal Redfern".
  - (g) Direction 8 - Housing for a Diverse Population - The planning proposal will increase the supply of affordable dwellings within the City and is supported by the draft DCP which requires that no less than 10% of the affordable housing provided on each site is to be provided for Aboriginal and Torres Strait Islander housing; and

- (h) Direction 9 - Sustainable Development, Renewal and Design - The planning proposal and DCP aim to improve sustainability outcomes by setting stretch sustainability targets for residential development within the Precinct and including provisions for recycled water and on-structure planting.

### **Relevant Legislation**

- 97. Environmental Planning and Assessment Act 1979
- 98. Environmental Planning and Assessment Regulation 2000

### **Public Consultation**

- 99. The minimum public exhibition process for this planning proposal will be determined by the Department of Planning, Industry and Environment. It is proposed that the public exhibition of the planning proposal and draft DCP will run concurrently. The consultation will be in accordance with the requirements of:
  - (a) the Gateway determination issued by the Department of Planning, Industry and Environment under section 3.34 of the Act;
  - (b) the Environmental Planning and Assessment Regulation 2000; and
  - (c) the City of Sydney Community Participation Plan 2019.
- 100. Public exhibition would be a minimum of 28 days, with notification on the City's Sydney Your Say website.
- 101. The planning proposal and draft DCP will be publicly exhibited online on the City of Sydney website in accordance with the Environmental Planning and Assessment Regulation 2000.

### **GRAHAM JAHN, AM**

Director City Planning, Development and Transport

Rebecca Jacobs, Senior Specialist Planner