



New South Wales

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

under the

Environmental Planning and Assessment Act 1979

I, the Minister for Planning, make the following local environmental plan under the *Environmental Planning and Assessment Act 1979*. (S05/00103/PC)

FRANK SARTOR, M.P.,
Minister for Planning

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

under the

Environmental Planning and Assessment Act 1979

1 Name of plan

This plan is *South Sydney Local Environmental Plan 1998 (Amendment No 17)—Green Square Town Centre*.

2 Land to which plan applies

This plan applies to:

- (a) the whole of the land to which *South Sydney Local Environmental Plan 1998* applies, as referred to in clause 2 (1) of that plan, and
- (b) the land shown edged green on the map marked “South Sydney Local Environmental Plan 1998 (Amendment No 17)—Green Square Town Centre—Zoning” deposited in the office of the Sydney City Council.

Note. This plan does not operate to include the land referred to in paragraph (b) within the land to which *South Sydney Local Environmental Plan 1998* applies, as the whole of that land is deferred matter under section 68 (5) of the *Environmental Planning and Assessment Act 1979*.

3 Aims and objectives of plan

- (1) The aims of this plan are:
 - (a) to foster the environmental, economic, social and cultural well-being of Green Square by encouraging the establishment of a significant new town centre (the Green Square Town Centre), and
 - (b) to encourage the orderly and sustainable development of land within the Green Square Town Centre.

- (2) The objectives of this plan are:
- (a) to deliver environmental planning outcomes and benefits to the public and owners of land within the Green Square Town Centre that are significantly superior to those likely to result from development of the land in accordance with the local environmental planning instruments currently applying to that land, and
 - (b) to establish the subdivision pattern, permissible land uses, land use mix, maximum gross floor area and maximum building heights, that together, will encourage development of the Green Square Town Centre, and
 - (c) to establish planning provisions for development of a vibrant town centre with an appropriate mix of land uses, visual interest and a distinctive character that is meaningful to the local community, and informed by the social, cultural and historical values and attributes of Green Square, and
 - (d) to encourage the provision of a high-quality, safe and functional public domain, and ensure high-quality building design, and
 - (e) to facilitate the conservation of heritage items and areas of heritage significance.

4 Amendment of South Sydney Local Environmental Plan 1998

South Sydney Local Environmental Plan 1998 is amended as set out in Schedule 1.

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Schedule 1 Amendments

Schedule 1 Amendments

(Clause 4)

[1] Clause 9 Zones indicated on the map

Insert in appropriate order:

Zone No 11 (a) Green Square Town Centre Zone

Zone No 11 (b) Green Square Town Centre Public Domain Zone

[2] Clauses 21F and 21G

Insert after clause 21E:

21F Zoning controls for Zone No 11 (a)—the Green Square Town Centre Zone

(1) What are the objectives of the zone?

The objectives of Zone No 11 (a) are:

- (a) to establish the Green Square Town Centre as the major commercial, retailing, cultural and entertainment centre for Green Square, and
- (b) to allow for a mix of land uses that will:
 - (i) ensure that there is an appropriate balance between residential, retail, commercial and other land uses within the Green Square Town Centre, and
 - (ii) encourage the provision of a range of services and facilities to help meet the needs of the population and users of the Green Square Town Centre, and
 - (iii) generate employment in the Green Square Town Centre, and
- (c) to facilitate the development of buildings and works that are of a scale, character and design quality consistent with the other objectives of the zone, and
- (d) to encourage development that is compatible with the surrounding heritage conservation areas and heritage items, and
- (e) to ensure that the public domain of the Green Square 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 (including parks, plazas and streets) they adjoin, and

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- (f) to protect the amenity of parks and community places by protecting access to sunlight, providing shelter from the rain and minimising wind speeds, and
 - (g) to provide active frontages to streets and other identified public spaces (including parks and plazas), and
 - (h) to promote the vitality of the public domain by encouraging the location of active retail, food and beverage and entertainment uses, and of community and cultural facilities, at ground level (particularly at the edges of public plazas), and
 - (i) to accommodate and integrate the management of stormwater (including floodwater) into the function and design of buildings in the Green Square Town Centre.

Zone No 11 (a) is intended to accommodate a vibrant residential, commercial, retail and cultural heart of Green Square. The scale and character of the Green Square Town Centre is supported by Zone No 11 (b), which promotes high-level public amenity through a circulation grid for vehicles and pedestrians, and a network of open spaces for active and passive recreation.

(2) **What does not require development consent?**

Exempt development referred to in clause 10A.

(3) **What requires development consent?**

Commercial development, residential development and retail development (each within the meaning of Division 2A of Part 4).

(4) **What is prohibited?**

Development not included in subclause (2) or (3).

21G Zoning controls for Zone No 11 (b)—the Green Square Town Centre Public Domain Zone

(1) **What are the objectives of the zone?**

The objectives of Zone No 11 (b) are:

- (a) to provide for a well-balanced structural layout of public spaces and built areas within the Green Square Town Centre, and
- (b) to establish a significant new people-oriented public town square, interconnected streets and other vibrant public plazas and public spaces that are designed to be safe, functional and visually interesting places to use, and that will provide appropriate settings for a range of people and varied social activities, and

- (c) to promote the vitality of the public domain by encouraging public cultural expression, and
- (d) to allow for equitable access to, within and across the Green Square Town Centre for pedestrians, cyclists, public transport and other vehicles, and
- (e) to accommodate and integrate the management of stormwater (including floodwater) into the functional design of the public domain, and
- (f) to allow for the construction of buildings within the public domain where impacts on the amenity of the public domain spaces, and on adjoining buildings (both existing and future), can be demonstrated to be satisfactory.

The spatial proportions and location of Zone No 11 (b) are intended to provide an appropriate level of public amenity to support the intensity of development and mix of uses in Zone No 11 (a).

(2) **What does not require development consent?**

Any development that is identified in a plan of management adopted by the Council under the *Local Government Act 1993* and that does not involve the creation of any gross floor area.

Development for the purpose of:
gardening; landscaping.

Exempt development referred to in clause 10A.

(3) **What requires development consent?**

Any development that is identified in a plan of management adopted by the Council under the *Local Government Act 1993* and that involves the creation of gross floor area.

Development for the purpose of:
advertising structures ancillary to another use permitted by subclause (2) or this subclause; child care centres; community centres; recreation areas; recreation facilities; roads (other than those permitted by subclause (2) or clause 55).

(4) **What is prohibited?**

Development not included in subclause (2) or (3).

[3] Part 4, Division 2A

Insert after Division 2:

Division 2A Green Square Town Centre**27KA Land to which Division applies**

This Division applies to such of the land to which this plan applies as is within the Green Square Town Centre.

Note. When this Division commenced, no part of the Green Square Town Centre was land to which this plan applies.

27KB Application of SEPP No 1 and SEPP No 4

- (1) *State Environmental Planning Policy No 1—Development Standards* does not apply to land to which this Division applies.
- (2) Part 2 of *State Environmental Planning Policy No 4—Development Without Consent and Miscellaneous Exempt and Complying Development* (clauses 10–11E excepted) does not apply to land to which this Division applies.

27KC Definitions

In this Division:

commercial development means development for any of the following purposes:

advertising structures; amusement centres; backpackers' hostels; car parking stations; child care centres; clubs; commercial premises; commercial signs; community centres; educational establishments; high technology industries; hospitals; hotels; medical centres; motels; motor showrooms; places of assembly; places of public worship; private hotels; public buildings; recreation areas; recreation facilities; restaurants; restricted premises.

residential development means development for any of the following purposes:

bed and breakfasts; boarding houses; child care centres; community centres; dwelling houses; educational establishments; home industries; local businesses; local shops; multiple dwellings; professional consulting rooms; serviced apartments.

retail development means development for any of the following purposes:

advertising structures; amusement centres; child care centres; clubs; commercial signs; hotels; markets; restaurants; shops.

27KD Development on sites within the Green Square Town Centre that have frontage to Botany Road or Bourke Street

- (1) The Council may grant consent to development for the purpose of visitor and tourist accommodation, including hotels or motels, on land having frontage to Botany Road or Bourke Street, or both, if it is satisfied that the amenity of residential uses permitted on the development site or on any adjoining development site will not be detrimentally affected by the development.
- (2) Any visitor or tourist accommodation referred to in subclause (1) is taken to be residential development for the purposes of clause 27KF.

27KE Architectural design standards

The Council must not grant consent to development on land within the Green Square Town Centre unless it is satisfied that:

- (a) a high standard in terms of architectural design, materials and detailing will be achieved, and
- (b) the form and external appearance of the buildings associated with the development will contribute in a positive manner to the quality, amenity and character of the public domain, consistent with the objectives of the zone in which it is carried out.

27KF Gross floor area and land use mix

- (1) Subject to subclause (2), the Council must not grant consent to the carrying out of non-conforming development on any development site.
- (2) The Council may grant consent to the carrying out of non-conforming development on any development site if it is satisfied that:
 - (a) the total gross floor area of all development on that site will not differ by more than 10% from the total gross floor area specified for that site in Part 2 of Schedule 5, and
 - (b) the proportion of the gross floor area of the development in respect of each purpose specified in Part 2 of Schedule 5 (commercial, residential or retail):
 - (i) if the proportion so specified in relation to that purpose is other than “nil”, will not differ by more than 10% from the proportion so specified (where, for example, 18% and 22% each differ by 10% from 20%), and

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- (ii) if the proportion so specified in relation to that purpose is “nil”, will not exceed 5% of the gross floor area of the development, and
 - (c) the design of the development is derived from, and supported by, a rigorous analysis of the development site, and
 - (d) the development will result in a built form that contributes positively to the amenity of the public domain, and will not have a significant adverse effect on the use of any adjoining land, and
 - (e) the development will achieve the objectives of the zone in which it is carried out in a manner that equals, or better, that which would result from the carrying out of conforming development on that site.
- (3) For the purposes of this clause:
- conforming development***, in relation to a development site, means development that results in a total gross floor area, and a mix of commercial, residential and retail development, equal to the total gross floor area and total mix of development specified for that site in Part 2 of Schedule 5.
- development site*** means a site identified on the map shown in Part 1 of Schedule 5.
- non-conforming development***, in relation to a development site, means development that is not conforming development in relation to that site.

27KG Maximum height

- (1) The Council must not grant consent to the erection on any land within the Green Square Town Centre of any building whose height exceeds the maximum height for development on that land, expressed as reduced level (RL), as shown on the Green Square Town Centre Height Map.
- (2) Despite the development standard established by subclause (1), consent may be granted to the erection on any such land of a building whose height exceeds the relevant maximum height if the Council is satisfied that:
 - (a) the granting of such consent:
 - (i) will not create an undesirable precedent for other development, and
 - (ii) will not diminish the overall effect of the development standard for development in the vicinity of that land, and

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- (b) the particular physical attributes of the land (in terms of location, context, slope, site configuration and the like) will render the strict application of the development standard unreasonable or unnecessary in the circumstances, and
 - (c) the proposed building will improve or contribute positively to the public domain and will achieve design excellence, and
 - (d) the relevant maximum height will not be exceeded by more than 10%.
- (3) In this clause:
- Green Square Town Centre Height Map*** means the map marked “South Sydney Local Environmental Plan 1998—Green Square Town Centre—Maximum Height”.
- height***, in relation to a building, means the height of the highest point of the building (excluding plant and lift overruns, communication devices and the like).

27KH Floodwater management

- (1) The Council must not consent to development on land within the Green Square Town Centre unless it is satisfied that the development:
 - (a) will not adversely affect flood behaviour, including:
 - (i) the flood peak at any point upstream or downstream of the proposed development, and
 - (ii) the flow of floodwater on adjoining lands, and
 - (b) will not significantly increase any flood hazard or the likelihood of flood damage to any property, and
 - (c) will not restrict the capacity of any floodway, and
 - (d) will not increase the risk to the lives or personal safety of members of the public or emergency services and rescue personnel, and
 - (e) incorporates any freeboard levels and other flood proofing measures adopted by the Council in any relevant floodplain risk management policy.
- (2) Without limiting subclause (1), the Council must not consent to development on land situated on the southern corner of Botany Road and O’Riordan Street, as shown hatched on the map, unless it is satisfied that:

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- (a) the development is consistent with any relevant floodplain risk management policies and local flood plans that have been adopted by the Council, and
 - (b) on completion of the development, the land will achieve a low hazard categorisation for a 1% AEP (Annual Exceedance Probability) flood event (as defined in the *Floodplain Development Manual*), having regard to the design of the development, including flood proofing and flood modification measures, and
 - (c) the development does not create or materially contribute to a significant risk to the safety of persons in a probable maximum flood (as defined in the *Floodplain Development Manual*).
- (3) This clause does not limit the operation of clause 38.
 - (4) In this clause:
 - Floodplain Development Manual*** means the NSW Government's *Floodplain Development Manual*, as published in April 2005.
 - floodplain risk management policy*** means a floodplain risk management plan or policy that has been prepared in accordance with the *Floodplain Development Manual*.
 - local flood plan*** includes any plan that sets out evacuation measures in the event of flooding.

27KI Suspension of certain covenants, agreements and instruments

- (1) For the purpose of enabling development to be carried out in accordance with this Division or in accordance with a consent granted under the Act, any agreement, covenant or similar instrument imposing restrictions as to:
 - (a) the erection or use of buildings for certain purposes on land within the Green Square Town Centre, or
 - (b) the use of land within the Green Square Town Centre for certain purposes,
 to the extent necessary to serve that purpose, does not apply to any such development.
- (2) Nothing in subclause (1) affects the rights or interests of any public authority under any registered instrument.
- (3) Pursuant to section 28 of the Act, before the making of this clause the Governor approved of subclause (1).

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[4] Clauses 27O (1) and 27P (1) and (4)

Omit “or 10 (e)” wherever occurring. Insert instead “, 10 (e), 11 (a) or 11 (b)”.

[5] Schedule 1 Definitions

Omit “South” from the definition of *Council*.

[6] Schedule 1, definitions of “communication device” and “Green Square Town Centre”

Insert in alphabetical order:

communication device 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.

Green Square Town Centre means the land shown edged green on the map marked “South Sydney Local Environmental Plan 1998 (Amendment No 17)—Green Square Town Centre—Zoning”.

[7] Schedule 1, definition of “heritage item”

Omit the definition. Insert instead:

heritage item means a building, work, relic, tree or place that is described in Schedule 2 and identified on any of the maps marked as follows:

South Sydney Local Environmental Plan 1998 (Amendment No 3)—Heritage Conservation

South Sydney Local Environmental Plan 1998 (Amendment No 7)—Green Square—Heritage

South Sydney Local Environmental Plan 1998 (Amendment No 11)—Green Square—Heritage

South Sydney Local Environmental Plan 1998 (Amendment No 17)—Green Square Town Centre—Heritage Conservation

[8] Schedule 1, definition of “the map”

Insert in appropriate order:

South Sydney Local Environmental Plan 1998 (Amendment
No 17)—Green Square Town Centre—Zoning

[9] Schedule 2 Heritage items

Insert the following item after item 554:

- | | | | |
|------|-------------------|-----------|---|
| 554A | Joynton
Avenue | Zetland 3 | Former Royal South Sydney Hospital Group,
including:
Administration Building, Queen Anne style building,
1913, with later alterations and additions, and
Pathology Building, single story building to Joynton
Avenue, 1913, and
Outpatients Building, single storey Inter-War
Georgian Revival style building, c 1935, and
Nurses Home (eastern wing), three storey Inter-War
Georgian Revival style building, c 1938, and
Brick and sandstone boundary fence to Joynton
Avenue, 1913, and
Landscaped area fronting Joynton Avenue between
the Nurses Home and the Pathology Building,
including the significant trees and open landscaped
areas around the buildings. |
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[10] Schedule 5

Insert after Schedule 4:

Schedule 5 Gross floor area and land use mix for specified development sites

(Clause 27KF)

Part 1 Development sites



Part 2 Gross floor area and total mix of development

Development site	Total gross floor area	Commercial development	Residential development	Retail development
Site No 1	41,700 m ²	94.8%	Nil	5.2%
Site No 2	15,900 m ²	100.0%	Nil	Nil
Site No 3	5,900 m ²	98.1%	Nil	1.9%
Site No 4	5,300 m ²	100.0%	Nil	Nil
Site No 5	22,100 m ²	13.6%	72.4%	14.0%
Site No 6	35,800 m ²	27.8%	72.2%	Nil
Site No 7	19,100 m ²	31.5%	68.5%	Nil
Site No 8	43,900 m ²	10.6%	86.0%	3.4%
Site No 9	27,800 m ²	6.7%	93.3%	Nil
Site No 10	7,200 m ²	9.3%	90.7%	Nil
Site No 11	21,100 m ²	2.1%	97.9%	Nil
Site No 12	31,200 m ²	Nil	100.0%	Nil
Site No 13	35,000 m ²	6.7%	86.5%	6.8%
Site No 14	22,000 m ²	20.8%	79.2%	Nil
Site No 15	22,600 m ²	Nil	100.0%	Nil
Site No 16	11,600 m ²	10.8%	89.2%	Nil
Site No 17	6,800 m ²	22.5%	72.3%	5.2%
Site No 18	4,400 m ²	6.0%	86.3%	7.7%
Site No 19	30,600 m ²	5.5%	72.2%	22.3%