



Explanation of Intended Effect

State Environmental Planning Policy (Western Gateway Sub-precinct) – Block C) Amendment 2020

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Introduction

Purpose

This Explanation of Intended Effect (EIE) has been prepared to set out the proposed planning controls for Block C of the Western Gateway sub-precinct. The Department will consider the proposed amendments to the current planning controls for Block C alongside the Central Precinct Strategic Framework (draft) to ensure that the proposed changes to planning controls are consistent with the overarching vision, themes and principles outlined for the broader Central SSP and the Western Gateway sub-precinct.

Tech Central (formerly Sydney Innovation and Technology Precinct)

Tech Central is the NSW Government's commitment to creating the biggest technology hub of its kind in Australia. Located between Central and Eveleigh, Tech Central aims to capitalise on the existing rich heritage, culture, activity, innovation and technology, education and health institutions of the surrounding suburbs and the excellent transport links provided by Central and Redfern Station transport interchanges.

In August 2018, the NSW Government established the Sydney Innovation and Technology Precinct Panel (the Panel) comprising representatives from various industry, health, education, government agencies and key community members.

The Panel's vision for Tech Central is to be "a place where world-class universities, ambitious start-ups, high-tech giants and the community collaborate to solve problems, socialise and spark ideas that change our world. The Precinct will be underpinned by high quality physical and digital infrastructure."

The Innovation and Technology Precinct Panel Report identifies the goals of Tech Central. It will aim to create 250,000 square metres of net lettable floor space for technology companies, including affordable work space for start ups and early stage companies. It will also aim to create 25,000 new jobs, increased educational opportunities focused on Science, Technology, Education and Mathematics (STEM) and life sciences and increased technology exports.

In February 2019, the NSW Government endorsed the findings and recommendations of the Panel, which among other social and economic benefits aims to deliver an additional 10,000 – 25,000 jobs in Central Sydney by 2036.

Planning for Central Station

Located within the heart of Sydney City, Central Station is NSW's largest and busiest transport hub servicing nearly 270,000 passengers daily. The station and its immediate surrounds are also highly accessible and well connected. The grandeur of the Main Station Building, the concourse and the Clocktower, along with the historical and social significance of the broader place, makes Central Station and its surrounds a highly unique and remarkable location within Sydney.

In July 2019, the Minister for Planning and Public Spaces announced the investigation of Central Precinct as a State Significant Precinct (SSP). State Significant Precincts are areas which are deemed to have planning significance to the State of NSW because of their social, economic or environmental characteristics. The SSP process allows for planning investigations for the future redevelopment of the station and surrounding area to commence. Transport for NSW (TfNSW) is the applicant for the SSP and is responsible for leading the planning investigations.

The nominated Central SSP area is 24 hectares, bounded by Pitt Street and Regent Street to the west, Cleveland Street to the south, Eddy Avenue, Hay Street and Goulburn Street to the north, and Elizabeth Street and Chalmers Street to the east, as shown on Figure 1.

As part of the first stage of planning for Central SSP, TfNSW prepared a draft Central Precinct Strategic Framework (draft Strategic Framework), based around sub-precincts, to set the vision for the site, identify priorities and key planning considerations, and establish a commitment to design excellence to guide planning for the Central Precinct. Alongside the draft Strategic Framework, TfNSW also prepared a rezoning proposal for the first sub-precinct for renewal within the Central SSP, known as the Western Gateway Rezoning Proposal 'Stage 1'. The rezoning proposal sought amendments to the planning controls relating to Block A and Block B of the Western Gateway sub-precinct under the Sydney LEP 2012, including:

- rezoning part of the sub-precinct to B8 Metropolitan Centre;
- introducing a site-specific provision for the sub-precinct that will:
 - allow an additional 232,000 sqm of floor space providing the building is for non-residential purposes;
 - introduce new requirements to ensure high-quality design;
 - include stricter control of overshadowing; and
 - increase the height of building controls to enable the additional floor space.

In August 2020, the Minister for Planning and Public Spaces approved the proposed amendments to the Sydney LEP 2012. Whilst the LEP amendments were gazetted for Blocks A and B of the Western Gateway sub-precinct, the draft Western Gateway Design Guide (V3) and draft Strategic Framework, submitted during the RTS process, have yet to be adopted and are still in the process of being finalised.

Block C was not included in the initial Western Gateway rezoning process. Consequently, this proposal seeks to amend the planning controls applicable to Block C in order to provide a holistic planning framework for each block within the Western Gateway sub-precinct. The proposal will ensure the impacts associated with each proposed building are assessed against the future desired criteria and built form for the precinct. Furthermore, any revision made to the draft Western Gateway Design Guide (V3) and draft Strategic Framework as part of the finalisation process for Western Gateway Rezoning Proposal 'Stage 1' will be considered by the Block C rezoning proposal at the response to the submissions stage.



Central State Significant Precinct Western Gateway sub-precinct

Figure 1: Central Station SSP – Western Gateway Sub-precinct

The Western Gateway Sub-Precinct

The Western Gateway sub-precinct is located on the western edge of Central Station, bounded by Lee Street and Railway Square to its west, Devonshire Street Tunnel and Central Station to its east, Ambulance Avenue to its north and the Lee Street Bus Layover to its south. Figure 2 identifies the Western Gateway sub-precinct within the Central SSP area. An aerial photograph of the site is provided at Figure 2. The sub-precinct is defined by the following sites:

- The Railway Square YHA site (referred to as Block A)
- The Henry Deane office block (referred to as Block B)
- The Adina Apartment Hotel building and the Henry Deane Plaza (referred to as Block C)

Block C

Block C is located at the north western corner of the Western Gateway sub-precinct on the corner of Lee Street and the existing northern vehicular access to the precinct. Block C is generally described as the land including the Adina Apartment Hotel building and Henry Deane Plaza and is legally defined as comprising:

- Lot 30 in Deposited Plan 880518 (Adina Apartment Hotel)
- Lot 13 in Deposited Plan 1062447 (Henry Deane Plaza)



Figure 2: Aerial photograph

Proposed Amendment Summary

Overview

A State Environment Planning Policy (SEPP) is proposed to amend Sydney Local Environmental Plan 2012 (Sydney LEP 2012). The proposed SEPP amendment will apply to the area known as 'Block C' of the Western Gateway sub-precinct, as mapped in Figure 2. The Western Gateway sub-precinct (Block C) rezoning proposal report (on exhibition along with this EIE) has been prepared by TfNSW to support the proposed amendments to the site-specific provisions for the Western Gateway Sub-precinct (under Clause 6.53 of the Sydney LEP 2012) to:

- Introduce site-specific provisions for Block C that seek to incentivise development for non-residential uses through the provision of greater building height and gross floor area controls.
- Exclude Clause 6.21(5)–(7) of the Sydney LEP 2012 from applying to Block C, removing its eligibility to an additional amount of height or floor space of up to 10% of the maximum permissible that is the result of a competitive design process.

Objectives and Intended Outcomes

The primary objective is to amend the existing planning controls that apply to Block C of the Western Gateway sub-precinct to include a new suite of controls to guide the future development of Tech Central as the first stage of the renewal program for the broader Central SSP area.

The intended outcome of the proposed SEPP is to amend Sydney LEP 2012 to facilitate the future development of the Western Gateway as an exciting new destination at the southern end of Sydney City that celebrates the area's historical significance and delivers a new globally recognised innovation and technology precinct.

Infrastructure to support the proposal will be determined through the planning process for the wider Central SSP, including consideration of the contributions framework and mechanisms to delivery infrastructure for the sub-precinct.

The Department will continue to work with City of Sydney Council, agencies and infrastructure providers to enable the framework to be finalised. Key outcomes of the proposed amendment are delivering on the Premier's commitment to establishing a globally competitive Tech Central and the contribution to strategic State, metropolitan and local policies to provide 25,000 additional innovation jobs.

Proposed Amendments to Sydney Local Environmental Plan 2012

Amendments to Site Specific Provision – Western Gateway sub-precinct (Block C)

The current site-specific provisions for the Western Gateway sub-precinct under the Sydney LEP 2012 (Clause 6.53) are proposed to be amended to set out controls that apply to Block C. It is proposed to include the following in the site-specific provision:

- Alternate building height and gross floor area controls for Block C (despite Clauses 4.3 and 4.4 of the Sydney LEP 2012), where development is for the purposes of non-residential land use only. These provisions are proposed to ensure the objectives for an innovation and technology based sub-precinct are achieved, in accordance with the Draft Strategic Vision prepared for Central SSP.
- The maximum building heights proposed to be included for Block C is RL 211.9 metres.
- The maximum floor space provisions proposed to be included for Block C is 43,000 square metres.
- Clause 6.21(5)–(7) of the Sydney LEP 2012 will not apply to Block C, removing its eligibility to an additional amount of height or floor space of up to 10% of the maximum permissible that is the result of a competitive design process (Note: The Western Gateway Design will require a competitive design process to be undertaken for Block C in accordance with the applicable guidelines of the Government Architect NSW or the City of Sydney Competitive Design Policy).

Western Gateway Design Guide

The proposal includes an amended version of the Western Gateway Design Guide which includes guidelines to inform and guide future development for Block C as part of the Western Gateway sub-precinct. The amended Design Guide, on exhibition along with the EIE, set out a suite of built form and urban design provisions to ensure that new development in the sub-precinct achieves high quality outcomes for built form, public domain and heritage and seeks to improve the amenity of the sub-precinct and its surrounds.

The consideration of the Design Guide is required under Clause 6.53(4) of the Sydney LEP 2012 so that any future development on Block C will need to demonstrate consistency with the guidelines which, as drafted, address matters such as:

- Open space and public domain
- Building massing and envelopes
- Design quality and character (including requirement for a competitive design process for future buildings)
- Active frontages

- Heritage
- Views and vistas
- Pedestrian and cycle network
- Vehicular access and parking
- Solar access, wind and stormwater management
- Sustainability
- Public Art.

Unchanged Provisions

Noting that the majority of the provisions within the Sydney LEP 2012 will continue to apply, below is an overview of critical controls which will not be amended.

Height of buildings under Clause 4.3 of the Sydney LEP 2012

The proposed planning amendments would seek to amend the height controls through the site-specific clause instead of amending the maximum building heights detailed in the associated maps under Clause 4.3 of the Sydney LEP 2012. The proposed site-specific provision provides for additional floor space and height subject to certain conditions, such as the redevelopment of the sites as only non-residential floorspace, etc.

Floor Space Ratio under Clause 4.4 of the Sydney LEP 2012

The proposed planning amendments would not amend the maximum Floor Space Ratio limits provided by Clause 4.4 Sydney LEP 2012. However, the site-specific provisions propose to allow the following maximum Gross Floor Areas of 43,000 sqm for non-residential land uses on Block C.

Note that the site-specific provision would prevail over the maximum floor space controls.

Heritage Provisions

The heritage provisions of the Sydney LEP 2012, including the listed items on Block C, will continue to apply to the Western Gateway sub-precinct and any future development on the site will need to consider the archaeological and heritage character and significance of the area.

Parking rates

The current parking rates within the Sydney LEP 2012 will continue to apply.

Temporary uses

Clause 2.8 of Sydney LEP 2012 extending to development in the Western Gateway Sub-precinct to allow temporary uses for a maximum period of 100 days in any period of 12 months.

Overshadowing

The proposed planning amendments would not amend the provision preventing any additional overshadowing to Prince Alfred Park (beyond the shadow that would be cast by a wall with a 20 metre frontage height on the boundary between the park and the railway land), at any time of year, between 10.00–14.00.

Additional floor space

The proposed planning amendments would not amend Clause 6.53 preventing a building in the Western Gateway sub-precinct from accessing additional floor space provisions provided by Clause 6.3 - Additional floor space in Central Sydney, nor Subdivision 2 of Division 1 - Types of additional floor space.

Guidelines made by the Planning Secretary (Western Gateway Design Guide)

The current provision requiring the consent authority to consider any guidelines made by the Planning Secretary (i.e. the Western Gateway Design Guide) relating to the design and amenity of the Western Gateway Sub-precinct will not be amended.

Preparation of a Development Control Plan

Clause 7.20 of the Sydney LEP 2012 requiring a Concept Development Application or a site-specific DCP to be prepared will continue to not apply to the Western Gateway Instructions for using this template