

SUBMISSION OBJECTING TO STATE SIGNIFICANT DEVELOPMENT APPLICATION

Application No: SSD-83899206

Green Square HDA Scheme – Sites 7, 17 and 18

960A Bourke Street, Zetland (Lot 6 DP1199427), City of Sydney

Applicant: Mirvac Green Square Pty Limited

Date: 10 March 2026

Name withheld

1. Introduction and Standing

I am a resident of Waterloo and submit this objection to the State Significant Development application SSD-83899206, lodged by Mirvac Green Square Pty Limited for Stage 3 of the Green Square HDA Scheme at 960A Bourke Street, Zetland.

This submission objects specifically to the concurrent rezoning component of the application, which seeks to permanently amend the Sydney Local Environmental Plan (Green Square) 2013 (GSLEP 2013) to increase the maximum height of buildings from RL83m to RL89m and the maximum floor space ratio from the current standard to 7.6:1, and which also seeks to exclude the statutory affordable housing provisions of Clause 6.5 of the GSLEP 2013 from applying to the development.

My objection is grounded in three substantive planning concerns, each of which is supported directly by documents lodged by the applicant as part of this application. I do not object to housing delivery in Green Square. I object to this rezoning because it is not supported by adequate planning justification, has not achieved the design excellence standard required by the GSLEP 2013, and seeks to remove community protections from the planning framework without adequate justification or compensation.

2. Ground 1: The Concurrent Rezoning Is Calibrated to the Developer's Yield, Not to Strategic Planning Principles

2.1 The FSR Amendment Has No Independent Planning Rationale

The concurrent rezoning seeks to amend Clause 4.4 of the GSLEP 2013 by increasing the maximum permitted floor space ratio to 7.6:1. This figure is not derived from any independent urban design analysis, infrastructure capacity assessment or strategic planning study. It is derived directly from the applicant's proposed development, which is stated in Appendix C (Statutory Compliance Table) to have an FSR of 7.59:1.

A maximum FSR of 7.6:1 has no planning rationale beyond accommodating this specific developer's yield requirement. The gap of 0.01:1 between the proposed control and the proposed development leaves no meaningful planning headroom for

any future development on the site and serves no strategic purpose. This is not strategic planning — it is a bespoke LEP amendment calibrated to a single development proposal.

2.2 A Rezoning Must Be Justified Independently of the Development It Accompanies

A concurrent rezoning permanently amends the GSLEP 2013 for all time and all future owners of this land. The height limit and FSR, once raised, cannot be reduced without a further LEP amendment. The community's legal rights in relation to this land are permanently diminished.

The applicant's Concurrent Rezoning Compliance Table (Appendix A) addresses the requirement for strategic and site-specific merit by cross-referencing Section 5.0 of the EIS — a document prepared by the applicant's own consultants to support the applicant's own development proposal. There is no independent strategic merit assessment. The rezoning justification is entirely circular: the height increase is justified because the development requires it, and the development is justified because the rezoning will permit it.

The objectives of Clause 4.4 of the GSLEP 2013 require that development intensity be commensurate with the capacity of existing and planned infrastructure, and that development reflect the desired character of the locality and minimise adverse amenity impacts. Neither objective is addressed independently in the rezoning documentation.

2.3 The Height Amendment

The height increase from RL83m to RL89m represents a 7.2% increase above the current statutory limit. Clause 6.9(5) of the GSLEP 2013 provides that a building demonstrating design excellence through a competitive design process may exceed the height limit by up to 10% as a consent-stage bonus. This consent-stage bonus mechanism exists precisely so that height increases can be earned through demonstrated design quality at the time of consent — not permanently locked into the planning framework through a LEP amendment.

By pursuing the height increase through a concurrent rezoning rather than through the Clause 6.9 design excellence bonus mechanism, the applicant is seeking to permanently raise the statutory ceiling rather than earn a project-specific bonus within it. The community loses the protection of the existing height limit regardless of whether design excellence is subsequently demonstrated.

3. Ground 2: Design Excellence Has Not Been Demonstrated as Required by the GSLEP 2013

3.1 The Statutory Requirement

Clause 6.9 of the GSLEP 2013 requires that development consent must not be granted unless, in the opinion of the consent authority, the proposed development exhibits design excellence. Clause 6.9(5) requires a competitive design process for any development exceeding RL75 or with a capital investment value greater than \$100 million. Both thresholds are met by this application.

An exemption from the competitive design process was granted on 23 September 2025 under the Alternative Design Excellence Strategy framework available to HDA projects. The Alternative Strategy substituted a Project-Specific Design Review Panel (DRP) for the competitive design process.

3.2 The DRP's Own Finding

The DRP held its second formal design review meeting (DRP2.3) on 11 November 2025. The Panel's letter of advice (DD2, dated 17 November 2025), signed by Elizabeth Carpenter as GANSW Nominee and Chair, states in terms:

"In its current form, the Stage 3 pre-DA material does not exhibit design excellence, however if the items raised below in this advice were each positively addressed in the SSDA, then Stage 3 may exhibit design excellence in accordance with the requirements of Clause 6.9 of the LEP."

The Panel listed 29 items requiring resolution and stated:

"The Panel recommends a significant extent of design refinement, and suggests that further review and consideration of the design merits be undertaken by the Panel. Ideally further review would occur ahead of formal SSDA lodgment."

The Panel further noted it was open to post-lodgment review, but only if the applicant preferred — and only given the approaching year-end and the time-bound HDA pathway. The application was lodged on 9 February 2026, without the further Panel review the DRP recommended.

3.3 The Statutory Compliance Table Contradicts the DRP's Finding

Appendix C of the application (Statutory Compliance Table) addresses Clause 6.9 by stating that the DRP process has "demonstrated that the proposed development achieves design excellence."

This statement directly contradicts the Panel's own written finding of 17 November 2025 — six weeks before lodgment — that the material did not exhibit design excellence and that significant further refinement was required. The claim in the Statutory Compliance Table is not a reasonable characterisation of the DRP's advice. It is the opposite of what the Panel found.

The consent authority cannot be satisfied that design excellence has been demonstrated when the body responsible for assessing design excellence found that it had not been demonstrated, and when no further review by that body has occurred since that finding was made.

Since, section 10.6 of the EP&A Act makes it an offence to provide false or misleading information in or in connection with a development application, I suggest that the Department is obliged to require the applicant to reconcile this contradiction before the application proceeds to assessment, and to confirm whether the REAP certification was made with knowledge of both documents.

3.4 The Composition of the Panel

The Alternative Design Excellence Strategy substituted a panel of five members for the competitive design process. Two of those five members — Matthew Pullinger and Tai Ropiha — are nominees of the applicant, Mirvac. A further structural concern is that the DRP letter was compiled, as it explicitly states, "with the assistance of Colliers Urban Planning as the applicant's independent consultant."

A process in which two of five panel members are appointed by the developer, and in which the applicant's planning consultant assists in drafting the Panel's advice letter, cannot provide the same degree of independent scrutiny as a competitive design process. The competitive design process was waived on grounds of time pressure, not on grounds that it was genuinely unreasonable or unnecessary. The community bears the permanent consequences of a height increase that was assessed through an expedited process with structural independence limitations.

4. Ground 3: The Exclusion of the Affordable Housing Clause Is Contrary to the Objects of the Act and the Zone Objectives

4.1 The Exclusion of Clause 6.5

Appendix C (Statutory Compliance Table) confirms that the applicant is seeking to exclude Clause 6.5 of the GSLEP 2013 — the statutory affordable housing provision — from applying to this development entirely. The entry states: "an alternative approach to affordable housing provision is proposed and it is sought to exclude clause 6.5 from applying to the development."

Clause 6.5 of the GSLEP 2013 is the mechanism by which the Green Square planning framework secures affordable housing contributions from development. It was embedded in the LEP as a community protection when the Green Square Town Centre was originally planned. Excluding it removes a statutory right that existed for the benefit of the community, not the developer.

4.2 Conflict with the Objects of the EP&A Act

Section 1.3(d) of the Environmental Planning and Assessment Act 1979 establishes as a fundamental object of the Act the promotion of the delivery and maintenance of affordable housing. The Statutory Compliance Table addresses this object by claiming the proposal promotes affordable housing through the provision of BTR dwellings. This claim cannot be reconciled with the simultaneous exclusion of the statutory clause designed to secure affordable housing in this precinct.

A voluntary commitment to provide some affordable housing within a BTR model is not equivalent to a statutory obligation under Clause 6.5. The quantum, tenure, pricing, management requirements and in-perpetuity nature of affordable housing secured under Clause 6.5 are defined by the LEP. Affordable housing secured

through a Voluntary Planning Agreement or development consent conditions is subject to negotiation, is time-limited, and does not bind future owners of the land in the same way.

4.3 The Community Is Being Asked to Surrender Two Protections Simultaneously

Through this application, the community is being asked simultaneously to accept:

- A permanent increase in the height limit from RL83m to RL89m;
- A permanent increase in the maximum FSR to 7.6:1; and
- The removal of the statutory affordable housing obligation under Clause 6.5.

The height and FSR limits in the GSLEP 2013 were calibrated as part of a planning framework that included Clause 6.5's affordable housing obligations. The applicant is seeking to increase both the development yield and remove the community obligation that formed part of the basis on which that yield framework was established. This is not a planning trade-off — it is a request for two concessions in exchange for none.

4.4 The MU1 Zone Objectives Are Not Met

The site is zoned MU1 Mixed Use under the GSLEP 2013. The MU1 zone exists to encourage the establishment of Green Square Town Centre as the major commercial, retail, cultural and entertainment centre and to generate employment. The height and FSR controls in the GSLEP 2013 for the MU1 zone were calibrated in the context of this expected mix of uses.

The Design Review Panel's own advice (DD2, Item 22) found:

"Provision of non-residential uses should be increased to achieve the objectives of the Green Square Town Centre LEP 2013 to encourage the establishment of Green Square Town Centre as the major commercial, retail, cultural and entertainment centre and to provide an appropriate mix of land use and generate employment in the Town Centre."

This is not an aesthetic observation — it is the government's own appointed design advisory body finding that the scheme fails to achieve the statutory objectives of the zone in which the rezoning is being sought. A predominantly Build-to-Rent residential scheme with ground floor retail does not represent the mix of uses for which the MU1 zone's height and FSR controls were designed. Increasing those controls for a scheme that the DRP found inadequate in its non-residential component is internally contradictory.

The applicant's response to this finding — that ground floor retail is provided and that Building 7 has been designed for potential future adaptation to non-residential use — does not address the substance of the DRP's concern. "Potential future adaptation" is an aspiration, not a planning commitment. Once the height increase and FSR uplift are locked into the GSLEP 2013, the economic logic of the site will permanently favour residential use over commercial or employment-generating uses, regardless of any aspiration for future adaptation.

5. Requested Outcome

I request that the consent authority:

- Refuse the concurrent rezoning component of Application SSD-83899206, specifically the proposed amendments to the maximum building height and maximum FSR controls in the GSLEP 2013, and the proposed exclusion of Clause 6.5 (Affordable Housing) from applying to the development;
- Require the applicant to demonstrate design excellence to the satisfaction of the Design Review Panel — through a further Panel meeting specifically addressing the 29 items identified in DD2 — before any determination of the application is made; and
- Require that any consent granted be subject to affordable housing obligations consistent with Clause 6.5 of the GSLEP 2013, and that the exclusion of Clause 6.5 not be permitted.

In the alternative, if the consent authority is minded to support some form of height or density increase, I request that:

- Any height increase be limited to the 10% design excellence bonus available under Clause 6.9(5) of the GSLEP 2013, and only after design excellence has been independently demonstrated to the satisfaction of the DRP following further Panel review;
- The FSR increase be subject to independent infrastructure capacity analysis demonstrating that the additional yield is commensurate with existing and planned infrastructure capacity in the Green Square precinct; and
- Clause 6.5 affordable housing obligations apply in full, consistent with the objectives of Section 1.3(d) of the EP&A Act.

Finally, the application asserts, without further explanation, that no political donations disclosure is required under section 10.4 of the Environmental Planning and Assessment Act 1979. No disclosure statement accompanies the application documents, and a search of the publicly available application materials confirms that the words "political" and "donation" do not appear anywhere in the Environmental Impact Statement. Section 10.4 requires a disclosure *statement* to accompany the application — a simple notation asserting that no disclosure is required does not satisfy this obligation. Section 10.5 requires the Department to publish any such statement within 14 days of receipt; no such document has been published. The Department is respectfully asked to confirm publicly how it has satisfied itself that the disclosure obligation has been properly discharged, and to publish any disclosure statement it has received as required by section 10.5, before proceeding to assessment.

6. Conclusion

The three grounds set out in this submission are each substantiated by documents lodged by the applicant as part of this application. They do not rely on contested technical judgments or competing expert opinions. They rely on:

- The applicant's own Statutory Compliance Table, which reveals the FSR uplift is calibrated to the development's own yield and that Clause 6.5 is being excluded;
- The Design Review Panel's own letter of 17 November 2025, signed by the GANSW Nominee as Chair, finding that the scheme did not exhibit design excellence and requiring significant further design refinement; and
- The Design Review Panel's own advice at Item 22 finding that non-residential uses are insufficient to achieve the objectives of the GSLEP 2013 MU1 zone.

Green Square is Australia's largest urban renewal area. Its residents have a legitimate and documented interest in the long-term liveability of the precinct, in the quality of the buildings that will define its most important public space for generations, and in the preservation of the planning framework that was built — with community input over many years — to protect that liveability. This application asks the community to permanently surrender key elements of that framework in exchange for a development that the government's own design advisory body found did not yet meet the applicable design standards.

I respectfully urge the consent authority to refuse the concurrent rezoning as proposed, and to require that the conditions described above be met before any determination is made.