

Department of Planning and Environment

NSW Land and Housing Corporation

Attention: Deborah Brill
Acting Chief Executive Officer

25 July 2022

Subject: Waterloo South Planning Proposal

Dear Ms Brill,

Thank you for your submission to the Department of Planning and Environment regarding the Waterloo South Planning Proposal, dated 29 April 2022.

Your submission was carefully reviewed and considered when making post-exhibition amendments to the planning proposal.

A response to each of the comments raised in your submission is found in **Attachment 1**.

We wish to advise that the planning proposal was submitted to the department's Planning and Land Use Strategy Team on 21 July 2022.

If you require any further information, please contact Alan Bright, Director, Waterloo South Planning Proposal Authority at alan.bright@dpie.nsw.gov.au.

Yours sincerely,



25/07/2022

David Gainsford
Deputy Secretary
Waterloo Estate (South) Planning Proposal Authority

Department of Planning and Environment

LHC comment	Response
<p>1. Planning controls</p> <p>Recommendation 1(a): dispense with the proposed LEP provision mandating a proportion of social housing.</p>	<p>During public exhibition, the feedback was clear about the importance of social and affordable housing at Waterloo.</p> <p>While we acknowledge that the NSW Land and Housing Corporation has a strategic objective to deliver social housing, it is important in this instance that a minimum requirement be included in the legislation to provide certainty.</p> <p>As such, the provision mandating a proportion of social housing remains proposed for the site-specific local environment plan clause.</p>
<p>Recommendation 1(b): adopt a maximum floorplate control of 750m² GFA, which would require larger tower building footprints on the Draft Height of Building Map. This is consistent with contemporary examples in the LGA and will allow more flexibility for tower design resolution and excellence to be achieved, while still achieving the design intent for slender towers (shown in Figure 1 below).</p>	<p>Investigations were undertaken to increase the footprint of the three taller buildings along McEvoy Street.</p> <p>The footprints of these three taller buildings have been enlarged by up to 25%.</p> <p>The investigations to determine the extent of enlarging the footprints was underpinned by ensuring good amenity outcomes remained and ensure that footprints allow for future compliance with the Apartment Design Guide.</p> <p>For the taller buildings at the corners of George Street and McEvoy Street, and Pitt Street and McEvoy Street, the footprints have been extended to the north. This ensures overshadowing impacts on residential apartments on the south side of McEvoy Street are minimised.</p>
<p>Recommendation 1(c): validate the development potential on LHC</p>	<p>The footprint of the taller building at the corner of Cope Street and McEvoy Street has been extended to the north and slightly to the east. This ensures overshadowing impacts on residential apartments on the south side of McEvoy Street are minimised. To ensure overshadowing impacts on the</p>

LAHC comment	Response
<p>land is capable of achieving 255,000m2 GFA (plus provision for design excellence), through auditing the site areas and FSR maps.</p>	<p>southern pocket park are minimised, an additional provision has been included in the design guide so that at least 50% of the park area receives a minimum of 4 hours sunlight at the winter solstice between 9:00am and 3:00pm. Our urban design review has modelled the shadows cast on the pocket park by the revisions, and it is deemed capable of compliance with the new solar access requirement.</p> <p>The amended footprints are as below.</p> <ul style="list-style-type: none"> • From 733sqm to 913sqm (a 25% increase) at the corner of Cope Street and McEvoy Street • From 724sqm to 844sqm (a 16% increase) at the corner of George Street and McEvoy Street • From 702sqm to 878sqm (a 25% increase) at the corner of Pitt Street and McEvoy Street • No changes to footprint at the corner of Kellick Street and Gibson Street. <p>The site areas and floor space ratio maps have been reviewed and the planning proposal authority is confident the area can be delivered by the planning proposal.</p>
<p>2. Proposed dwelling yields</p> <p>Recommendation 2(a): validate the full 255,000m2 of GFA plus the additional 10% design excellence bonus can be accommodated within the proposed planning controls, with</p>	<p>As above.</p>

LAHC comment		Response
	<p>appropriate flexibility for design excellence, as per the Gateway Determination recommendation. This would be ideal prior to finalising the proposed LEP amendments. It is noted the requested tower floorplate amendments and relaxation of tower height envelope set out in 1(b) may also contribute.</p>	
<p>3. Design excellence processes</p>	<p>Recommendation 3(a): adopt a more streamlined process to drive design excellence. Design excellence integrity could be achieved more simply with competitive processes for tower blocks, and an alternative design excellence process for the remainder of the site including specific criteria for design diversity.</p>	<p>The design excellence process that was exhibited did not deviate from the City of Sydney’s process.</p> <p>It included the requirement for design competitions for each competitive design process site identified in the design guide.</p> <p>For the taller buildings, a competition with five entries is required. For all other sites, a competition with three entries is required.</p> <p>This could result in up to 15 design competitions; however, these will occur over the long-term redevelopment period for the area (around 15 years).</p> <p>If during the Stage 1 concept development application, the area is subdivided into a pattern different to that in the design guide, a revised design excellence strategy is to be prepared by NSW Land and Housing Corporation and endorsed by the Government Architect NSW. This could affect the number of competitions to be undertaken.</p>
	<p>Recommendation 3(b): LAHC will prepare a design excellence strategy, in consultation with DPE,</p>	

LAHC comment	Response
<p>and for endorsement by Government Architect NSW.</p>	<p>We engaged with the Government Architect NSW and they raised no concerns with the proposed design excellence process, nor the number of competitions.</p> <p>Given the high density proposed, it is essential that design excellence is achieved across all parts of the redevelopment.</p> <p>As such, the proposed design excellence approach remains unchanged.</p>
<p>4. Establishing development controls</p> <p>Recommendation 4(a): review the design guideline, and instead implement a site-specific DCP (consistent with standard planning practice and clause 7.20 of the Sydney LEP). This will ensure compliance with the regulatory framework, allow for appropriate best-practice merit-based assessment of future development, and minimise delays to project delivery, by not mandating the requirement for a further Concept DA process for the entire site.</p>	<p>The design guide has been prepared to provide a hierarchy of objectives, design guidance and other provisions to guide future development in the area.</p> <p>The intent of the design guide is to provide guidance for development while still allowing for appropriate merit-based assessment.</p> <p>The design guide outlines that any application is to demonstrate how it meets the objectives and guidance. If it is not possible to fully satisfy the provisions of the design guide, applications must demonstrate what other responses are used to still achieve the objectives.</p> <p>The planning proposal package retains the design guide as exhibited, rather than implementing a site-specific development control plan.</p> <p>Post-exhibition amendments have been made to the planning proposal and design guide. The amendments clarify the role of the design guide and ensure it allows appropriate merit-based flexibility, when applications demonstrate they satisfy the objectives of the design guide.</p>
<p>Recommendation 4(b): consider the recommendations in the SJB</p>	<p>As above, post-exhibition amendments have been made to ensure the purpose of the design guide is clear and appropriate flexibility is provided.</p>

LHC comment	Response
<p>advice, that the proposed design guidance be incorporated into a site-specific DCP, to maintain appropriate statutory flexibility.</p>	
<p>Recommendation 4(c): adopt a site-specific DCP, to satisfy clause 7.20 of the Sydney LEP, which would remove the requirement for a Concept DA, and consider referencing the DCP in any future SEARs for SSD projects.</p>	<p>The requirement for a stage 1 concept development application remains in the planning proposal.</p> <p>The concept development application will satisfy clause 7.20 of the Sydney Local Environment Plan 2012, but more importantly will ensure a number of critical issues are dealt with prior to individual applications for development blocks.</p> <p>The design guide is clear on what information should be addressed in the concept development application.</p> <p>In this, the concept development application must be informed by a detailed survey and subdivide the existing landholdings into the blocks identified in the design guide, establishing streets, through-site-links, parks and building lots.</p> <p>The concept development application must also allocate the floor area across the development lots, including the floor area to be allocated for social and affordable housing. It must also assign and locate the required non-residential floor area for community facilities, childcare facilities, health facilities and other non-residential uses.</p> <p>Importantly, the concept development application must resolve difficult flooding and contamination issues and provide an indicative staging plan and delivery sequencing.</p>



LHC comment	Response
	<p>The requirements outlined for the concept development application are separate to those dealt with in the design guide.</p> <p>Therefore, adopting a site-specific development control plan based on the design guide, does not resolve or provide the information that is provided in the concept development application.</p> <p>As such, the design guide will remain as exhibited (with minor amendments), and the planning proposal will still require a concept development application.</p>