

## Department of Planning and Environment

City of Sydney Council

Attention: Monica Barone  
Chief Executive Officer

25 July 2022

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**Subject: Waterloo South Planning Proposal**

Dear Ms Barone,

Thank you for your submission to the Department of Planning and Environment regarding the Waterloo South Planning Proposal, received 19 April 2022.

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

A response to 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](mailto:alan.bright@dpie.nsw.gov.au).

Yours sincerely,

 25/07/2022

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

Council comment	Response
<p><b>Built form</b></p> <p>1. Reduce the mapped floor space so that any design excellence bonus does not exceed the maximum floor space contained in the City’s planning proposal and confirmed by the Minister’s Independent Advisory Group. This is the amount of floor space anticipated by the original Gateway Determination and illustrated in the Urban Design Review (Hassell 2022) and assumed in the Financial Feasibility Assessment (Savills, 2022).</p>	<p>The planning proposal maps a base floor space ratio.</p> <p>There is opportunity for certain sites to be eligible for up to 10% additional floor space, when the development demonstrates it can achieve design excellence through a design competition process. The bonus only relates to additional floor space, and not additional height.</p> <p>Any additional residential floor space provided as a result of a design excellence bonus, is to provide the required minimum percentages of social and affordable housing.</p>
<p>2. Rearrange the height zones on the height map so they are consistent on each side of the various streets rather than on a block by block basis and more closely aligned with the height in storeys figure in the Design Guide.</p>	<p>In accordance with the Gateway determination, the maximum height of buildings map was simplified, and adopted a block-by-block approach.</p> <p>To supplement this, multiple figures within the design guide provide additional information and guidance for future development, including guidance for the height of future buildings.</p>
<p>3. Maintain existing floor space ratio and height standards on heritage listed sites.</p>	<p>Amendments have been made.</p>
<p>4. Test the sun access to the small park and, if required, adjust the height of building maps and number of stories diagrams. Add a requirement in the Design Guide to ensure 50% of the park area</p>	<p>A requirement has been added in the design guide to ensure that the parks receive at least 4 hours of sunlight at the winter solstice between 9:00am and 3:00pm.</p>

Council comment	Response
<p>receives 4 hours of sunlight at the winter solstice between 9am and 3pm.</p>	
<p>5. Reposition and adjust the building envelope of the tower on Kellick and Gibson streets in consultation with a wind expert and with the aid of sun studies that model the heights of buildings shown on the height of buildings map and the height in storeys figure to ensure that pedestrian wind comfort and safety in the public space and at least 50% of the park area receives 4 hours of sunlight at the winter solstice between 9am and 3pm.</p>	<p>The envelope remains as proposed.</p> <p>The design guide requires consideration of wind impacts, and specific attention be given to wind impacts at design competition stage.</p> <p>A requirement has been added in the design guide to ensure that the parks receive at least 4 hours of sunlight at the winter solstice, between 9:00am and 3:00pm.</p>
<p>6. Retain the projecting building wings at George and McEvoy and Pitt and McEvoy; and make a narrower opening, say 6 metres wide, of Mead to McEvoy Streets subject to further noise testing and analysis.</p>	<p>The design guide requires consideration of wind impacts, and that specific attention be given to wind and acoustic impacts at design competition stage, for both taller buildings.</p>
<p>7. Reinstate the guidance for breaks in towers more clearly noting that this is one of a range of measures to ensure pedestrian wind safety and amenity and do not add additional floorspace to the tower envelopes.</p>	<p>The design guide requires consideration of wind impacts, and that specific attention be given to wind impacts at design competition stage, for both taller buildings.</p>

Council comment	Response
<p>8. Remove the inconsistencies across all the documents to improve clarity and transparency for the community.</p>	<p>Amendments have been made.</p>
<p>9. Publish a further addendum to the Addendum Urban Design Review (Hassell, 2022), to reconcile errors and inconsistencies in the various publicly exhibited materials.</p>	<p>A revised urban design review prepared by Hassell formed part of the package submitted to the department’s Planning and Land Use Strategy Team.</p>
<p>10. Obtain certified land surveys from LAHC and use these to calculate site areas. Confirm all site boundaries and areas with a survey that complies with the Surveying and Spatial Information Regulation 2017. Remake and reconcile the maps, diagrams and calculations to provide clarity for future planning and assessment.</p>	<p>Certified land surveys are required as part of the Stage 1 concept development application.  Maps and figures have been updated accordingly.</p>
<p>11. Reconsider and adopt where relevant the reduced building heights along streets shown in the preferred direction of the Addendum Urban Design Review.</p>	<p>The building heights along streets have been proposed in consultation with the addendum urban design review.</p>
<p>12. Rework the maximum building height map in the planning proposal to have height zones relating to street widths and park locations.</p>	<p>Figure 12 in the design guide relates height to street widths and park locations in a manner consistent with the City of Sydney’s approach.</p>

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<p>13. Reconcile the height in storeys map in the draft design guide, with the maximum height of buildings map in the planning proposal to ensure they are consistent. This is to provide clarity for the community and future landowners and ensure certainty in the development application process.</p>	<p>Figure 12 and the proposal maximum height of buildings map have been reviewed for consistency.</p>
<p>14. Amend the mapped FSRs and heights on private sites so that the resulting floor space aligns with those in the City’s planning proposal.</p>	<p>Amendments made.</p> <p>The floor space ratios for private sites have been aligned with those proposed in The City of Sydney’s planning proposal. The only exceptions being where council proposed a 0.25 bonus for additional sustainability measures. This 0.25 bonus has been incorporated into the mapped FSR for 233 Cope Street and 110 Wellington Street.</p>
<p>15. Ensure the landowners and the community can have a true understanding of the development that may result on the privately owned sites.</p>	<p>An extensive public consultation strategy was implemented over an 8 week exhibition period to ensure landowners and the general community are well-informed.</p> <p>In addition to the formal notification through the NSW Planning Portal, the department also carried out a range of engagement activities, including face-to-face drop-in sessions, online presentations (including a specific private landowner session), community briefing sessions, stakeholder briefings, surveys and attendance at various forums.</p>

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	<p>The exhibition was supported by a physical 3D model, architect impressions, fly-through animation, dedicated project webpages, and an interactive online map.</p>
<p>16. Consult further with the wind expert and conduct further wind testing to reduce the floor space allocated to the towers along McEvoy Street and to ensure enough flexibility to provide a comfortable and safe pedestrian wind environment.</p>	<p>Wind testing conducted prior to exhibition showed that locations approaching the safety criterion and poor comfort conditions, were located close to the four taller towers.</p> <p>However, as the current design is an envelope, and the final building volume will be smaller, appropriate sculpting and mitigation measures can be implemented at detailed design stage to reduce wind impacts and achieve safe wind conditions.</p> <p>The design guide requires careful consideration of wind impacts. It also requires that specific attention is given to managing the wind impacts of the taller buildings at design competition stage.</p>
<p>17. Review the recommendations from the acoustic report and where appropriate reference the City’s Alternative natural ventilation of apartments in noisy environments performance pathway guideline. Reference to this guide should be incorporated into the design guide. If the noise consultant advises that interior noise levels cannot</p>	<p>Reference to the City of Sydney’s Alternative natural ventilation of apartments in noisy environments performance pathway guideline has been included into the design guide.</p>

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Council comment	Response
<p>be provided on this pathway, the design changes must be reversed including the following:</p> <ul style="list-style-type: none"> <li>a. reduce the building depth of buildings on McEvoy Street to at least 12 metres to ensure that windows to habitable rooms can face away from the noise source; and</li> <li>b. retain the projecting building wings in the setback zones at George and McEvoy and Pitt and McEvoy streets; and make a narrower opening, say 6 metres wide, of Mead Street to McEvoy Streets subject to further noise testing and analysis.</li> </ul>	
<p><b>Housing</b></p> <ol style="list-style-type: none"> <li>1. At a minimum, restore the requirement in the publicly exhibited planning proposal that at least 30% of gross residential floor space on LAHC owned land be for social housing and 20% be for affordable housing.</li> <li>2. Ensure that the drafting instruction is explicit that the minimum % requirement for social and affordable housing applies to all residential floor</li> </ol>	<p>For NSW Land and Housing Corporation owned land, the proposed planning proposal requires no less than 26.5% of residential gross floor area is provided as social housing, and no less than 7.0% of residential gross floor area is provided as affordable housing.</p> <p>This is in line with the Gateway determination that required a minimum 847 social housing dwellings and an appropriate percentage of dwellings (between 5-10%) for affordable housing.</p> <p>The intent of the planning proposal has always been to ensure that the minimum percentage requirement for social and affordable housing applies to all residential</p>

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<p>space in Waterloo Estate (South) including any design excellence floor space.</p>	<p>floor space (including design excellence bonus floor space).</p> <p>That is, any additional floor space provided as a result of a design excellence bonus is to meet the required social and affordable housing percentages.</p> <p>Minor amendments in the planning proposal have been made to ensure this is clear.</p>
<p>3. Develop innovative funding and procurement models to allow for direct dealings with Community Housing Providers to support the increase of social and affordable housing in Waterloo Estate (South) and in later stages of the redevelopment in Waterloo Estate (North) and Waterloo Estate (Central).</p>	<p>Feedback has been forwarded to the NSW Land and Housing Corporation.</p>
<p>4. Ensure the Department of Communities and Justice develops and implements the Human Services Plan including the delivery of services to existing residents, during the relocation of residents and all future residents.</p>	<p>Feedback has been forwarded to the Department of Communities and Justice.</p>
<p>5. Prioritise development of an independent Social Impact Assessment and Social Impact Management Plan to identify and mitigate impacts</p>	<p>In accordance with the department’s Social Impact Assessment Guideline, all state significant development applications are required to prepare a social impact</p>



Council comment		Response
	on communities from the redevelopment of the Waterloo Estate (South).	assessment report to help better understand and manage the impacts of the project on people.
	6. Allocate 10 per cent or more of the total number of dwellings to be provided for Aboriginal and Torres Strait Islander households, noting there is much work to be done to achieve the outcomes aspired to in the draft design guide.	The design guide requires 10% or more of the total number of affordable housing dwellings to be provided for Aboriginal and Torres Strait Islander housing. It also requires that the proportion of Aboriginal and Torres Strait Islander housing dwellings in social housing (as of 1 January 2021) is maintained or increased.
	7. Amend the drafting of the affordable housing LEP clause for private sites to ensure the contribution requirement is commensurate with the increase in development capacity on those sites.	Amendments have been made.
	8. Work with the City of Sydney in finalising the drafting the affordable housing LEP clause for private sites to ensure consistency with other planning proposals currently under consideration.	Noted.
	9. Amend the requirement that the Housing SEPP does not apply to Waterloo Estate (South) so that only select parts of the SEPP, those that allow floor space bonuses and development concessions, are not applied.	Amendments have been made.

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Council comment		Response
<b>Public infrastructure</b>	1. Ensure that any deed or planning agreement between the City and LAHC is publicly exhibited, executed and registered on the title of LAHC owned land in Waterloo Estate (South) before any change is made to the Sydney LEP 2012 to facilitate redevelopment.	Noted.
	2. Repeal of the Redfern-Waterloo Authority Contributions Plan 2006, as it applies to Waterloo Estate (South), so that the City of Sydney Development Contributions Plan 2015 applies to the land if the subsequent development is categorised as State Significant Development.	Noted.
	3. Remove land for new roads from the land acquisition map and remove reference to the City of Sydney as an acquiring authority for the new roads, noting the City does not give concurrence for this provision to be included in the Sydney LEP 2012.	<p>Amendments have been made.</p> <p>The exhibited land acquisition map and any mention of the City of Sydney as an acquiring authority has been removed from the planning proposal.</p> <p>An alteration to the Gateway determination was issued on 7 July 2022 that removed all references to a land reservation acquisition map and council as an acquiring authority.</p>
<b>Minor issues</b>	1. Correct and clarify the minor errors and inconsistencies in the draft design guide.	Amendments have been made.

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<b>Traffic and transport</b>	1. Revise the access and circulation plan in the draft design guide to address future traffic arrangements.	Figures relating to access and circulation in the design guide have been updated to address future traffic arrangements, including not opening Pitt Street to McEvoy Street.
<b>Sustainability</b>	1. Support the long-term resilience of the community and lead by example by including in the LEP and design guide a requirement that all development in Waterloo Estate (South) demonstrate environmental performance beyond the minimum prescribed by BASIX.	The planning proposal does not include a requirement for development to demonstrate environmental performance above and beyond the minimum prescribed by BASIX.
	2. Include an appropriate requirement in the planning controls to facilitate a water recycling facility to be in Waterloo Estate (South), noting this may include an allocation of space and a stronger requirement that all buildings be dual reticulated.	The design guide includes reference to green infrastructure, including recycled water, operational waste management, and electric vehicle charging.