

Department of Planning and Environment

Department of Planning and Environment

Planning and Land Use Strategy

Attention: David McNamara
Director Eastern

20 July 2022

Subject: Waterloo South Planning Proposal

Dear Mr McNamara,

I refer to the Waterloo South planning proposal and Gateway determination issued 23 June 2021 (and amended on 28 January 2022 and 7 July 2022).

The planning proposal was exhibited for a period of 8 weeks between 3 March 2022 and 29 April 2022, in accordance with Gateway condition no. 4.

Following exhibition, the planning proposal has been revised. As the planning proposal authority, the revised planning proposal is now being submitted to the Planning and Land Use Strategy team for assessment and finalisation.

The following attachments are included:

- Attachment A – schedule of post-exhibition amendments
- Attachment B – revised planning proposal
- Attachment C – revised draft design guide
- Attachment D – technical studies referenced in section 9 of the planning proposal
- Attachment E – draft maps
- Attachment F – Gateway determination and amendments

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

Yours sincerely,



20/7/2022

David Gainsford

Deputy Secretary

Waterloo Estate (South) Planning Proposal Authority

Attachment A – schedule of post-exhibition amendments

| Component | Change | Explanation |
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| <p>Planning proposal</p> | <p>Intent of design guide</p> | <p>Amendments made in section 4.1.1(14), section 4.1.1(15), and section 4.2 (as well as section 1 of the design guide) to clarify that the intent of the design guide.</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. It is to allow a degree of flexibility and allow for appropriate merit-based assessment to ensure applications demonstrate satisfaction of objectives.</p> <p>This amendment resulted from LAHC’s submission where they raised concern that design guide controls will be elevated to development standards when the design guide is given effect through the proposed site-specific clause (which is not the intent).</p> <p>As such, additional wording has been included to clarify the flexible application of the design.</p> |
| | <p>Drafting of affordable housing LEP clause</p> | <p>Section 4.1.1(17) outlines the intent to introduce a new schedule to Sydney Local Environmental Plan 2012 (SLEP 2012). The new schedule will identify an affordable housing contribution requirement on the private sites that receive additional floor area potential as a result of the planning proposal.</p> <p>Amendments have been made to adjust the proportions of total floor area that will be subject to a higher percentage contribution. This is based on the percentage of new floor</p> |

| Component | Change | Explanation |
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| | | <p>area resulting from the planning proposal and has been calculated in consultation with Council.</p> <p>Council has specifically requested future involvement in the drafting and finalising of this clause to ensure consistency with other planning proposals currently under consideration.</p> |
| | Housing SEPP | Amendments made in section 4.1.1(13) to clarify that only certain parts of State Environmental Planning Policy (Housing) 2021 (i.e. those that allow additional floorspace bonuses) do not apply to the area. |
| | Minimum requirements for social and affordable housing | Amendments included in section 4.1.1(14)(f) and (g) to make clear that the intent of the planning proposal is to require that the minimum percentage of social and affordable housing applies to all residential floor area (i.e. applies to any bonus residential floor area resulting from design excellence processes). |
| | References to SEPPs | Section 5.3 assesses the consistency of the planning proposal with applicable State Environmental Planning Policies. Table 7 has been following the consolidation of 45 SEPPs into 11. |
| | Community consultation | Additional information has been included in section 7 to detail the public exhibition process. |

| Component | Change | Explanation |
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| | Miscellaneous | General wording has been amended to make the document clearer, and minor errors have been corrected. |
| Design guide | Intent of design guide | As above, amendments have been made in section 1.2 of the design guide to clarify the intent. Additional wording has been included throughout to clarify the flexible application of the design guide. |
| | Acoustic | In response to Council’s submission, we have included reference to Council’s Alternative natural ventilation of apartments in noise environments performance pathway. |
| | Updated figures | Figures within design guide have been updated as required to reflect post-exhibition changes. These largely include not opening Pitt Street to McEvoy Street, and slightly enlarged footprints for taller buildings to allow flexibility in the design of those blocks. |
| | Adjustments and additional provisions | Minor adjustments and amendments have been made throughout the design guide to ensure consistency across all documents of the planning proposal package and in response to requests in Council’s submissions. |
| | Miscellaneous | General wording has been amended to make the document clearer, and minor errors have been corrected. |

| Component | Change | Explanation |
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| | Design excellence guidelines | Minor rewording of sections 8.12.1 and 8.12.2 following consultation with Government Architect NSW to ensure design excellence processes are referenced correctly. |
| Additional reports | Submissions report | A submissions report has been prepared by Keylan Consulting to address and analyse all submissions and feedback received during public exhibition. |
| | Crime Prevention through Environmental Design (CPTED) report | In direct response to public submissions where concerns around safety and security were raised, we engaged Mecone to prepare a CPTED report. This report assesses the built form and layout proposed in the planning proposal, including through-site-links, parks and other public spaces. |
| | Addendum updated transport assessment | In direct response to public submissions where concerns were raised around the proposed opening of the Pitt Street extension to McEvoy Street, we re-engaged Bitzios Consulting to prepare an addendum updated transport assessment. This assessment investigated the impacts that would likely result on the traffic network within the precinct if the proposed Pitt Street extension did not allow vehicular movements on to or from McEvoy Street. The work found that alternative access and egress routes are available and not opening Pitt Street would be appropriate. This change was supported by Transport for NSW. |

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| | | <p>It is now proposed that Pitt Street will be extended to the south, but it will not allow vehicular movements on to or from McEvoy Street.</p> |
| | <p>Urban design review and overshadowing analysis</p> | <p>To facilitate amendments, Hassell were re-engaged to update their urban design review with any changes, including Pitt Street no longer allowing vehicular movements to McEvoy Street and enlarging of tower footprints.</p> <p>Following feedback during public exhibition, Hassell were also engaged to prepare an overshadowing analysis. This analysis has been prepared to consolidate overshadowing drawings and analyse the shadows cast on Waterloo Park, the southern pocket park, and Our Lady of Mount Carmel.</p> |
| <p>Maps</p> | <p>Floor space ratio (FSR)</p> | <ul style="list-style-type: none"> • Minor amendments to FSR maps as required. • FSRs for private sites have been mapped as proposed in Council’s original proposal. The only exceptions being 233 Cope Street and 110 Wellington Street. In Council’s original planning proposal, residential private sites had the ability to access a 0.25:1 floorspace bonus if they exceeded BASIX targets. As the stretch BASIX targets have been removed from the planning proposal, the 0.25:1 bonus has been included in the mapped FSRs for these two properties, consistent with the approach for LAHC land. Therefore, the FSRs proposed for 233 Cope Street and 110 Wellington Street are 2.4:1 (originally 2.15:1) and 2.57:1 (originally 2.32:1) respectively. |

| Component | Change | Explanation |
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| | | <ul style="list-style-type: none"> • FSRs for all heritage items have been mapped as proposed in Council’s original proposal. • FSR maps have been amended to exclude land for road widenings (i.e. maps are consistent with future road alignments) but including landscape and other setbacks to ensure consistency between FSR and HOB maps. |
| | Height of buildings | <ul style="list-style-type: none"> • Minor amendments to HOB maps as required. • The heritage item at 225-227 Cope Street has been mapped with a 9m maximum. • The footprints of the three taller buildings along McEvoy Street have been enlarged by no more than 25%. <ul style="list-style-type: none"> ○ This has been done to allow additional flexibility in the design and placement of these buildings, noting they will be subject to design competitions requiring five entries. ○ For the taller buildings at the corners of George/McEvoy Streets and Pitt/McEvoy Streets, the footprints have been extended to the north. This ensures overshadowing impacts on residential apartments on the south side of McEvoy Street are minimised. ○ The footprint of the taller building at the corner of Cope/McEvoy Streets has been extended to the north and slightly to the east. To ensure overshadowing impacts on the southern pocket park are minimised, an additional provision has been included in the design guide to ensure that at least 50% of the park |

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| | | <p>area receives a minimum of 4 hours sunlight at the winter solstice between 9am and 3pm.</p> <ul style="list-style-type: none"> ○ The amended footprints are as below. <ul style="list-style-type: none"> ▪ From 733sqm to 913sqm (25% increase) at corner of Cope and McEvoy Streets ▪ From 724sqm to 844sqm (16% increase) at corner of George and McEvoy Streets ▪ From 702sqm to 878sqm (25% increase) at corner of Pitt and McEvoy Streets ▪ No changes to footprint at corner of Kellick and Gibson Streets |
| | <p>Land reservation for acquisition</p> | <p>In Council’s submission, they outlined they have not and will not provide concurrence to become an acquiring authority.</p> <p>As such, the Gateway determination was amended on 7 July 2022 to remove any reference to acquisition, Council as an acquiring authority, or the land reservation acquisition map.</p> <p>The planning proposal as submitted does not include any land reserved for acquisition, and the land reservation acquisition map that was exhibited has been removed.</p> |



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| | Remake and reconcile maps | FSR and HOB maps have been amended to reconcile areas and property boundaries to ensure development blocks and future road widenings or extensions are appropriately and accurately mapped. |
| Miscellaneous | Correction of errors, inconsistencies etc. | A number of minor errors and inconsistencies between documents have been amended to ensure the intent of the planning proposal is clear. |