



IRF22/3174

## Plan finalisation report – PP-2021-3265

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Waterloo Estate (South) - Sydney Local Environmental  
Plan 2012 Amendment No. 83

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# Acknowledgment of Country

The Department of Planning and Environment acknowledges the Traditional Owners and Custodians of the land on which we live and work and pays respect to Elders past, present and future.

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## Attachments

Attachment	Document
A	Final Planning Proposal
B	Design Guide
C	Gateway Determination and Alterations
D	Submission Summary Report
E	Response to LAHC
F	Response to City of Sydney
G	Schedule of Post Exhibition Changes
H	Gateway Determination Report
I	Overshadowing Analysis (Hassell)
J	Revised addendum to urban design (Hassell)
Maps	LEP Maps

# 1 Introduction

The following report assesses any revisions to the proposal proposed as a consequence of requirements from the Gateway determination conditions and as a result of recommendations by the Planning Proposal Authority (PPA) in response to resubmissions and/or the PPA's own further assessment of the proposal. This assessment report has been prepared by the Department as Local Plan Making Authority (LPMA).

This report should be read in conjunction with the detailed Gateway determination report prepared by the Department (**Attachment H**), which provides a comprehensive assessment of the proposal.

## 1.1 Overview of the Planning Proposal

### 1.1.1 Name of draft LEP

Sydney Local Environmental Plan 2012 (Amendment No. 83).

### 1.1.2 Site description

**Table 1: Site description**

<b>Site Description</b>	The Planning Proposal ( <b>Attachment A</b> ) applies to Waterloo Estate (South) - see Figure 1
<b>Council / LGA</b>	City of Sydney



**Figure 1 Subject site**

**Table 2: Land subject to rezoning**

Address	Lot/DP	Owner/s
209-219 Cope Street, Waterloo	Lot 1 DP 217386 Lot 1 DP 225159	NSW Land and Housing Corporation
238-246 George Street, Waterloo	Lot 1 DP 225159	NSW Land and Housing Corporation
229-231 Cope Street Waterloo	Lot 3 DP 10721	NSW Land and Housing Corporation
6 John Street, Waterloo	Lot 1 DP 533762	NSW Land and Housing Corporation
97-109 Cooper Street, Waterloo	Lot A DP 105916 Lot B DP 105916 Lot C DP 105916 Lot 14 DP 10721	NSW Land and Housing Corporation
248-254 George Street, Waterloo	Lot 2 DP 533678	NSW Land and Housing Corporation
232 Pitt Street, Waterloo	Lot 11 DP 635663 Lot 10 DP 635663	NSW Land and Housing Corporation
74-76 Wellington Street, Waterloo	Lot 1 DP 224728	NSW Land and Housing Corporation
331-337 George Street, Waterloo	Lot 3 DP 533680	NSW Land and Housing Corporation
247-251 Cope Street, Waterloo	Lot 1 DP 533679	NSW Land and Housing Corporation
339-341 George Street, Waterloo	Lot 1 DP 77168	NSW Land and Housing Corporation
250 Pitt Street, Waterloo	Lot 313 DP 606576	NSW Land and Housing Corporation
221-223 Cope Street, Waterloo	Lot 6 DP 10721 Lot 7 DP 10721 Lot 9 DP 10721 Lot 8 DP 1147179	Ethnic Communities Council NSW
225-227 Cope Street, Waterloo	Lot 5 DP 10721 Lot 4 DP 10721	Ms Stephanie Mary Hurst
233 Cope Street, Waterloo	Lot 12 DP 1099410 Lots 1-41 SP 79210	The Owners – Strata Plan No 79210
116 Wellington Street, Waterloo	Lot 10 DP 10721 Lot 11 DP 10721	Tillow Enterprises Pty Ltd
111 Cooper Street, Waterloo	Lot 15 DP 10721	Mrs Elaine Lau and Mr Andy Jeme
291 George Street, Waterloo	Lot 10 DP 1238631 Lots 1-20 SP 96906	The Owners – Strata Plan No 96906
110 Wellington Street, Waterloo	Lot 101 DP 1044801 Lots 1-58 SP 69476	The Owners – Strata Plan No 69476
336 George Street, Waterloo	Lot 3 DP 10686	Alpha Distribution Ministerial Holding Corporation
213-215 Cope Street, Waterloo	Lot 2 DP 217386	Alpha Distribution Ministerial Holding Corporation

### 1.1.3 Purpose of plan

The plan as revised by the PPA intends to:

- repeal the *South Sydney LEP 1998* to the extent it applies to the land and apply *Sydney LEP 2012*.
- incorporate new planning controls and maps into *Sydney LEP 2012* for LAHC-owned sites currently subject to *South Sydney LEP 1998*.
- introduce site specific controls for LAHC owned land requiring:
  - Clause 7.13 of the *Sydney LEP 2012*, that requires a contribution to affordable housing, does not apply to the land.
  - no less than 12,000sqm is used for non-residential uses.
  - no less than 5,000sqm is being used for community facilities, health facilities and centre-based childcare facilities.
  - no less than 26.5% of residential GFA<sup>1</sup> is provided as social housing (this requirement is to extend to any additional residential gross floor area received from design excellence bonuses).
  - no less than 7.0% of residential GFA is provided as affordable housing (this requirement is to extend to any additional residential gross floor area received from design excellence bonuses).
  - buildings demonstrating design excellence under Clause 6.21 of the *Sydney LEP 2012* may be eligible for additional FSR, but not additional height.
  - all premises that face the street on the ground floor of buildings, will be used for the purposes of business premises, retail premises, community facilities, health facilities, and centre-based childcare facilities.
  - the objectives and provisions of the *Waterloo Estate (South) Design Guide* are taken into consideration in the event of any future development application (the intent of this is to require the design guide be considered, but not to elevate the guidance within the design guide to development standards) – see **Section 1.1.4** for more detail.
  - allow rooftop solar panels to penetrate the mapped maximum building height if no additional visual and amenity impacts will result.
- Introduce site specific controls for private sites requiring:
  - building demonstrating design excellence in accordance with Clause 6.21 of the *Sydney LEP 2012* is only eligible for additional FSR, and not additional height.

<sup>1</sup> GFA is Gross Floor Area as defined under *Sydney LEP 2012* as “the sum of the floor area of each floor of a building measured from the internal face of external walls, or from the internal face of walls separating the building from any other building, measured at a height of 1.4 metres above the floor, and includes—

- (a) the area of a mezzanine, and
- (b) habitable rooms in a basement or an attic, and
- (c) any shop, auditorium, cinema, and the like, in a basement or attic, but excludes—
- (d) any area for common vertical circulation, such as lifts and stairs, and
- (e) any basement—
  - (i) storage, and
  - (ii) vehicular access, loading areas, garbage and services, and
- (f) plant rooms, lift towers and other areas used exclusively for mechanical services or ducting, and
- (g) car parking to meet any requirements of the consent authority (including access to that car parking), and
- (h) any space used for the loading or unloading of goods (including access to it), and
- (i) terraces and balconies with outer walls less than 1.4 metres high, and
- (j) voids above a floor at the level of a storey or storey above.”

- the objectives and provisions of the Waterloo Estate (South) Design Guide are taken into consideration in the event of any future development application (the intent of this is to require the design guide be considered, but not to elevate the guidance within the design guide to development standards).
- introduce a new schedule called 'Planning Proposal Land' that will identify an affordable housing contribution requirement on the private sites that receive additional floor area potential as a result of the planning proposal.

The table below outlines the current and proposed controls for the LEP.

**Table 3: Current and proposed controls**

Control	Current	Proposed
<b>Zone</b>	<b>LAHC owned land</b> Zone No 2 (b) – Residential (Medium Density) Zone in South Sydney LEP 1998	B4 Mixed use and B2 Local Centre
	<b>Private Land</b> R1 – General Residential	B4 Mixed Use
<b>Maximum building height</b>	<b>LAHC owned land</b> 9 metres, and 15 metres	9 metres to 48 metres across the site, with the four tower buildings being up to 110 metres in height (RL 126.4). Refer to figure 3 for heights in storeys.
	<b>Private Land</b> 18 metres and 15 metres	24 metres to 34 metres. Refer to figure 3 for heights in storeys.
<b>Maximum Floor space ratio (FSR)</b>	<b>LAHC owned land</b> 1.5:1 under South Sydney DCP 1997 1.5:1 under South Sydney DCP 1997	0.85:1 to 8.41:1
	<b>Private Land</b> 1.75:1 under Sydney LEP 2012	Shown in Table 3 below
<b>Number of dwellings</b>	749 social housing dwellings and 120 private dwellings are currently on the site	3,012 dwellings in total. This includes 847 social housing, 227 affordable housing, 1,938 market dwellings (including 127 market dwellings on privately owned sites)
<b>Number of jobs</b>	3,000 sqm GFA of commercial and other uses Approx. 60 jobs	17,000 sqm of non-residential floor space. Approx. 775 jobs



**Table 4: Private Land Proposed FSR**

Street Block	Privately owned land	Proposed FSR
2C	233 Cope Street, Waterloo, being Lot 12 DP 1099410	<b>2.4:1</b>
2A	221-223 Cope Street, Waterloo, being Lot 6 DP 10721, Lot 7 DP 10721, Lot 9 DP 10721 & Lot 8 DP 1147179	<b>2.61:1</b>
2A	116 Wellington Street, Waterloo, being Lot 10 DP 10721 and Lot 11 DP 10721	<b>2.65:1</b>
4A	110 Wellington Street, Waterloo, being Lot 101 DP 1044801	<b>2.57:1</b>
2F	111 Cooper Street, Waterloo, being Lot 15 DP 10721	<b>2:1</b>
2E	225-227 Cope Street, Waterloo, being Lot 4 DP 10721 and Lot 5 DP 10721	<b>1.75:1</b>
N/A (Heritage listed)	291 George Street, Waterloo, being Lot 10 DP 1238631.	<b>1.75:1</b>



**Figure 2: Location of private sites**



**Figure 3: Proposed maximum building heights in storeys for the Waterloo South site**

### 1.1.4 Design Guide

The planning proposal is supported by a Design Guide, which when approved will supplement the provisions of the Sydney Local Environmental Plan 2012 by providing more detailed provisions to guide future development. This Guide will be considered in the preparation and assessment of development applications for the site.

The Design Guide was simultaneously publicly exhibited with the planning proposal for Waterloo Estate (South) from 3 March to 29 April 2022.

The Design Guide includes provisions relating to the site's desired future character, staging and implementation, land uses, community facilities, public spaces, building layout, built form, transport, parking, flooding and public art.

The approval of the Design Guide is subject to a separate process. Once approved it will be published on the Department's website and provide certainty as to the future building controls that an applicant might need to address to meet the requirements of the LEP.

### 1.1.5 State electorate and local member

The site falls within the Heffron state electorate. Ron Hoeing MP is the State Member.

The site falls within the Sydney federal electorate. Tanya Plibersek, MP is the Federal Member.

To the team's knowledge, neither MP has made any written representations regarding the proposal.

There are no donations or gifts to disclose, and a political donation disclosure is not required.

There have been no meetings or communications with registered lobbyists with respect to this proposal.

## 2 Planning Proposal Authority, Council and LPMA

In May 2020, LAHC submitted a planning proposal to City of Sydney Council to seek to change the planning controls applying to the Waterloo South site.

On 22 February 2021, Council endorsed a different and alternative planning proposal for the Waterloo South site. Council also resolved to approve that this alternative planning proposal be sent to the Minister with a request for Gateway determination, only once the NSW Government made an appropriate offer for the delivery of the necessary infrastructure.

On 16 March 2021, the then Minister for Planning and Public Spaces appointed the Secretary of the Department as the Planning Proposal Authority (PPA) for Waterloo South instead of the Council. This was due to Council and LAHC being unable to come into agreement for the delivery of necessary public infrastructure prior to the planning proposal being lodged for Gateway determination.

The Secretary's delegate was responsible for the functions of the PPA including preparation of the planning proposal to be considered for Gateway determination, carrying out community consultation and submitting the planning proposal for finalisation to the Local Plan Making Authority.

The Gateway determination did not authorise the PPA to be the Local Plan Making Authority (LPMA) given the site is of State and regional significance. The Minister's delegate is the LPMA and is responsible for determining whether the plan should be made. This includes ensuring compliance with Gateway conditions, arranging the drafting of any required LEP to give effect to the proposal of the PPA and making the LEP, which gives effect to the rezoning of the site.

## 3 Gateway determination and alterations

The Gateway determination was issued on 23/06/2021 (**Attachment C**), which determined that the proposal should proceed subject to conditions. The Planning Proposal Authority (PPA) has met all the Gateway determination conditions.

The Gateway determination was altered on 28 January and 7 July 2022 – see **Attachment C**.

The alteration issued in January 2022 amended the Gateway conditions related to site specific floor space ratio (FSR) provisions, design excellence and land reservation and acquisition mapping. The alteration removed the condition to subsume the 10% design excellence floorspace bonus and reduce the items contained in the proposed land reservation and acquisition map.

The alteration issued in July 2022 amended the Gateway conditions to remove the requirement to prepare a Land Reservation and Acquisition Map and extend the timeframe to complete the LEP to 31 October 2022.

City of Sydney Council's submission requested removal of land for new roads from the land reservation and acquisition map and reference to the City of Sydney as an acquiring authority for the new roads. Council indicated that they have not and will not provide concurrence to be identified as an acquiring authority.

In accordance with the Gateway determination (as altered) the proposal is due to be finalised by 31 October 2022.

## 4 Public exhibition and post-exhibition changes

In accordance with the Gateway determination, the proposal was publicly exhibited by the PPA from 3/03/2022 to 29/04/2022, as required by section 29 of the *Local Government Act 1993*.

A total of 135 individual submissions, 16 submissions from non-government organisations, 14 submissions from public authorities and 2,342 individual form submissions.

The PPA reviewed the planning proposal following public exhibition and considered all submissions made. The PPA's submission summary report is available in **Attachment D**.

The PPA revised the planning proposal and Design Guide in response to submissions. The revised planning proposal and Design Guide was submitted to the Department as the LPMA for finalisation.

The LPMA's responses below reflect the original Gateway determination assessment (where appropriate) and assessment of the revisions to the proposal (at **Section 5** of this report), taking into consideration information provided by the PPA and all feedback received in the submissions during exhibition.

### 4.1 Submissions during exhibition

The following outlines the responses by PPA and assessment by the LPMA of key issues raised in submissions.

**Table 5: Summary of Key Issues**

Issue raised	PPA response and Department assessment of adequacy of response
<p><b>Housing Mix</b></p> <p>Lack of affordable and social housing, including dedicated housing for aboriginal people</p>	<p><b>PPA response:</b></p> <p>The proposed housing mix of 26.5% residential GFA provided as social housing and 7% residential GFA provided as affordable housing is in accordance with the Gateway determination's minimum number of social homes, and the requirement to determine the appropriate percentage of affordable housing. As such, the mix is considered appropriate to deliver a good redevelopment outcome.</p> <p><b>LPMA Response:</b></p> <p>The Department considers PPA's response adequate. The proposed amount of affordable housing and social housing is consistent with the Eastern City District Plan target of 5-10% for affordable housing and NSW Government Policy Future Directions for Social Housing target of a 70:30 ratio of private to - ---social housing.</p>
<p><b>Height and Density</b></p> <p>Overdevelopment in the area and building heights are too high</p>	<p><b>PPA response:</b></p> <p>The building typology is appropriate for the location and future character of the area and provides a good framework for future buildings to achieve good quality outcomes. The height and density proposed has been informed by the</p>

Issue raised	PPA response and Department assessment of adequacy of response
	<p>location of heritage items, neighbouring land uses, retention of significant trees, overshadowing, wind impacts, and other amenity considerations.</p> <p><b>LPMA Response:</b></p> <p>The Department considers PPA's response adequate. The proposed development is supported by an urban design study and environmental testing to ensure the proposed built form is acceptable and standards of the ADG can be achieved. Further assessment of the proposed height and density sought by the planning proposal is outlined in <b>Section 5</b> below.</p>
<p><b>Safety and Crime Prevention</b></p> <p>Safety concerns associated with proposed development</p>	<p><b>PPA response:</b></p> <p>This issue is considered to have been satisfactorily addressed in the Planning Proposal, and a Crime Prevention Through Environmental Design Report was prepared in response to submissions received. Safety and crime prevention does not warrant further investigation until the Development Application stage.</p> <p><b>LPMA Response:</b></p> <p>The Department considers PPA's response adequate. The proposal is supported by a Crime Prevention Through Environmental Design Report, which was prepared in response to submissions. Future development on the site will take into considerations recommendations of the CPTED report and the Design Guide, which requires public space is to be designed in accordance with CPTED requirements.</p>
<p><b>Design Excellence and sustainability</b></p> <p>The proposal does not address sustainability and design excellence standards</p>	<p><b>PPA response:</b></p> <p>Preparing future Development Applications with guidance from the Design Guide will ensure sustainability principles are appropriately incorporated into the designs.</p> <p><b>LPMA Response:</b></p> <p>The Department considers PPA's response adequate. The Design Guide contains controls for design excellence and sustainability. Future development is to comply with the minimum sustainability ratings identified in the design guide and relevant State Environmental Planning Policy including the new <i>State Environmental Planning Policy (Sustainable Buildings) 2022</i>, which sets sustainability standards for residential and non-residential development.</p>
<p><b>Overshadowing and amenity</b></p> <p>Overshadowing to public domain and private properties</p>	<p><b>PPA response:</b></p> <p>Feedback received during community consultation included comments that further solar access investigations were undertaken. In response, an additional overshadowing analysis has been prepared and included in the planning proposal.</p> <p><b>LPMA Response:</b></p> <p>The Department considers PPA's response adequate. The additional overshadowing analysis undertaken shows that the Design Guide controls will ensure that each park at least 50% of this area will receive a minimum 4 hours of sunlight at the winter solstice between 9am and 3pm.</p>

Issue raised	PPA response and Department assessment of adequacy of response
<p><b>Traffic</b></p> <p>Traffic congestion and new road openings</p> <p>No cycleways</p>	<p><b>PPA response:</b></p> <p>The cycling routes for the site as shown in the planning proposal are considered appropriate in providing for active transport. Potential conflicts between cyclists, pedestrians and cars can be appropriately managed during the future Development Application stages.</p> <p>Following public exhibition and the feedback received, the PPA has amended the planning proposal to remove the proposed opening of Pitt Street on to McEvoy Street. Pedestrian access is still available; however, Pitt Street will not allow vehicle movements onto or from McEvoy Street.</p> <p><b>LPMA Response:</b></p> <p>The LPMA considers PPA’s response adequate as the proposal is supported by additional traffic and transport study prepared in response to submissions. The LPMA supports the post exhibition change to remove the proposed the opening of Pitt Street on to McEvoy Street as this change addresses concerns raised in submissions.</p>
<p><b>Parking</b></p> <p>Propose removal and reduction of car space</p>	<p><b>PPA response:</b></p> <p>The proposed car parking is adequate and aligns with the City of Sydney’s policy and desire to reduce car dependency and encourage the use of active and public transport. Given the area is well serviced by public transport (including existing rail and buses, and future Metro) it is considered that reduced car parking will likely have positive impacts on reducing car dependency.</p> <p><b>LPMA Response:</b></p> <p>The LPMA considers PPA’s response adequate. The precinct is adjacent to future Waterloo Metro Station, providing great transport access for the future occupants and workers on the site. The most restrictive parking rates in Sydney LEP 2012 (Part 7 of Division 1 – car parking ancillary to other development) are proposed for Waterloo Estate (South). This requires that:</p> <ul style="list-style-type: none"> <li>• the Land Use and Transport Integration Map is amended to categorise Waterloo Estate (South) as “Category A”</li> <li>• the Public Transport Accessibility Level Map is amended to categorise Waterloo Estate (South) as “Category D”.</li> </ul> <p>Based on these rates, the future redevelopment of Waterloo Estate (South) could result in approximately 1,685 residential and 114 commercial parking spaces.</p>
<p><b>Impact on current tenants</b></p> <p>Relocation during construction and right to return for existing tenants</p>	<p><b>PPA response:</b></p> <p>The impacts on current tenants have been considered by the NSW Land and Housing Corporation (LAHC) and the NSW Department of Communities and Justice (DCJ) as part of the Planning Proposal and engagement strategies. The ongoing engagement with current tenants and appropriate relocation strategies will be developed.</p> <p><b>LPMA Response:</b></p> <p>The LPMA considers PPA’s response adequate in respect to the rezoning. Construction and relocation of the tenants is unlikely to progress in the short</p>

Issue raised	PPA response and Department assessment of adequacy of response
	<p>term and the Department notes the future relocation of tenants is an important consideration and will need to be carefully considered by LAHC and NSW Department of Communities in consultation with the current tenants.</p>
<p><b>Impacts on neighbouring residents and school uses</b></p> <p>Lack of privacy and visual impacts</p>	<p><b>PPA response:</b></p> <p>These impacts have been appropriately considered and have informed the design of the planning proposal, especially with regard to heights, and the layouts of buildings and roads. Future Development Applications will also minimise impacts on neighbouring properties</p> <p><b>LPMA Response:</b></p> <p>The LPMA considers PPA's response adequate because the proposal is supported by amenity testing to ensure the proposed development is acceptable and controls have been implemented in the Design Guide to ensure development does not impede development on adjoining sites' access to light, ventilation and privacy. Future development applications will also have to consider amenity impacts on neighbouring properties.</p>
<p><b>Community Facilities</b></p> <p>Lack of community facilities</p>	<p><b>PPA response:</b></p> <p>The locations of proposed new community facilities take into consideration existing spaces and relocated spaces to better suit the needs of those living within the precinct. No further consideration of the community facilities is warranted at the planning proposal stage.</p> <p><b>LPMA Response:</b></p> <p>The LPMA considers PPA's response adequate because the proposal is informed by a social baseline study which outlines the social infrastructure needs for Waterloo South. The LEP amendment and design guide identifies the minimum amount of community facilities to be delivered in the precinct to adequately support the site's development. This includes:</p> <ul style="list-style-type: none"> <li>• 2,000 – 2,500 sqm of multipurpose community facility space in one or more buildings that may include multipurpose space, meeting rooms, library link, recreational space and creative spaces and that subject to agreement may be owned and operated by Council</li> <li>• approximately 600 sqm childcare centre providing for about 45 places, including subsidised spaces, and to be owned and operated by an organisation other than Council</li> <li>• approximately 2,000 sqm healthcare facility for the purposes of a Health One or similar service and to be owned and operated by an organisation other than Council.</li> </ul>
<p><b>Open Space</b></p> <p>Lack of open space</p>	<p><b>PPA response:</b></p> <p>Preparing future Development Applications with guidance from the design guide will ensure high quality open spaces are provided. The future public parks are considered appropriate in terms of location, size and potential uses.</p> <p><b>LPMA Response:</b></p> <p>The LPMA considers PPA's response adequate as it remains consistent with the Gateway determination which required the proposal to deliver approximately 2.36 hectares of new public opens space within the Waterloo South Precinct. This will provide significant new open space for surrounding</p>

Issue raised	PPA response and Department assessment of adequacy of response
	communities, future residents and commuters using the new Waterloo Metro Station.
<p><b>Noise, flooding and construction impacts</b></p> <p>Lack of acoustic measures to ensure noise is mitigated and flooding concerns</p>	<p><b>PPA response:</b></p> <p>The supporting information on noise impacts is sufficient and does not warrant further investigation until the Development Application stage. The design guide provides appropriate guidance on the design of future buildings with regards to noise.</p> <p>Future design stages within the precinct should be supported by further investigation and detailed flood studies to define the flood and flood impacts.</p> <p>The supporting information surrounding construction impacts is sufficient and does not warrant further investigation until the Development Application stage.</p> <p><b>LPMA Response:</b></p> <p>The LPMA considers PPA's response adequate as the proposal is supported by an acoustic study and flood study, which finds that appropriate mitigation measures can be accommodated and implemented in future development. The Design Guide contains controls around acoustic impacts and flood management, for which future development applications will need to comply with and be supported by further technical investigations around flood and noise impacts.</p>
<p><b>Heritage impacts</b></p> <p>Impacts on heritage items within Waterloo South</p>	<p><b>PPA response:</b></p> <p>The location of heritage items has informed the planning proposal, in particular building heights. A post gateway Heritage Impact Assessment provides an analysis of the Planning Proposal on nearby heritage items and provides recommendations which should be adhered to throughout the future Development Application process.</p> <p><b>LPMA Response:</b></p> <p>The LPMA considers PPA's response adequate as the proposal's heritage impact assessment and an Aboriginal cultural heritage study demonstrate that whilst there would be increased visual impact to the heritage items located within the boundary of the precinct due to the increase in height of the proposed buildings directly adjacent to those items. There would be no direct impact to these items.</p> <p>The Aboriginal cultural heritage study found that no Aboriginal objects or new areas of archaeological potential were identified during the site survey. One area of low to moderate archaeological potential is located within the study area and the remainder of the precinct has nil to low potential for Aboriginal archaeological resources.</p>
<p><b>Project needs</b></p> <p>Need for project and cost to the public</p>	<p><b>PPA response:</b></p> <p>The planning proposal request was submitted by LAHC in 2020 to change the planning controls that apply to Waterloo South site. The planning proposal seeks to support and facilitate redevelopment of the site to accommodate new social housing units, affordable housing by a Community Housing Provider, private housing, commercial space, community services, open space, new streets and access.</p>



Issue raised	PPA response and Department assessment of adequacy of response
	<p>The planning proposal has been prepared in accordance with the Gateway determination and in consultation with NSW Land and Housing Corporation (LAHC) and City of Sydney Council to provide an appropriate framework for the redevelopment of Waterloo South.</p> <p>An extensive consultation period has occurred during the preparation of the planning proposal.</p> <p>The Waterloo Independent Advisory Group tested a development scenario involving redevelopment of the area at a lower density. The conclusion was that the density proposed in City of Sydney’s scheme was appropriate, however urban amenity and design quality should be prioritised.</p> <p><b>LPMA Response:</b></p> <p>The Department considers PPA’s response adequate as the planning proposal is needed to change the planning controls on the site to enable additional social and affordable housing. The proposal is considered to have strategic and site-specific merit for the same reasons as assessed as part of the Gateway Determination stage.</p>

## 4.2 Advice from agencies

In accordance with the Gateway determination, the PPA was required to consult with agencies listed below in Table 4 who have provided the following feedback. The responses to agency submissions have been addressed in the submission summary report in **Attachment D**.

**Table 6: Advice from public authorities**

Agency	Advice raised	Response
Civil Aviation Safety Authority	<p>CASA has no major issues with the Aeronautical Impact Assessment and CASA notes the intention to ‘Maintain the maximum RL for the 3 proposed towers’ listed in Table 2 of the Gateway Determination.</p> <p>CASA will assess the buildings (and cranes) in detail from an airspace obstacle perspective under the Airspace Regulations when the heights have been finalised.</p> <p>The Aeronautical Impact Assessment advises that the PANS-OPS CIRCLING Surface for Category B Aircraft is 126.4m above AHD and that none of the proposed building envelopes exceed this height.</p>	Comments from CASA are noted. Further consultation may be needed for future development applications.
Department of Education	SINSW has reviewed the exhibition package and, based on the information provided, finds that the number of students projected to be generated by the proposal can be accommodated by the surrounding schools.	Comments from SINSW are noted.

Agency	Advice raised	Response
	SINSW requests that transport planning for the proposal (and surrounding development) be guided by the NSW Government's Movement and Place Framework (MAPF) and its Built Environment Performance Indicators	
Department of Infrastructure, Transport, Regional Development and Communications	No comments	Nil
Environment Protection Authority	No comments	Nil
Heritage NSW	<p>The subject area includes the State Heritage Register (SHR) listed 'Pressure Tunnel and Shafts' (SHR 01630).</p> <p>Excavation for future development may have an adverse impact on the heritage significance of the SHR item. It is recommended that at the detailed design stage consideration is given to measures that avoid, mitigate and manage any impacts to the SHR item. A Statement of Heritage Impact (prepared by a suitably qualified heritage consultant in accordance with the guidelines in the NSW Heritage Manual) is recommended for any future development or State Significant Development application.</p> <p>If the planning proposal is approved and future development proceeds, the proponent would need to consider the Aboriginal cultural heritage impacts within their environmental assessments.</p>	Comments from Heritage NSW are noted. Future development applications will consider impacts to the State Heritage Item and Aboriginal cultural heritage impacts.
NSW Environment and Heritage Group	<p>EHG notes that that flora and fauna study did not discuss the potential for impact on microbat species because of the demolition of buildings. EHG also notes that several threatened microbat species in urban areas use buildings and other man-made structures as roosts.</p> <p>EHG considers the proponent should ensure that the roadworks in Cope Street and Raglan Street associated with the Sydney Metro are included in the flood mode</p>	<p>Comments from EHG are noted. Further investigations into flora and fauna will be undertaken at development application stage.</p> <p>Further investigations regarding flood management can be undertaken at development application stage when detailed design is known.</p>

Agency	Advice raised	Response
	<p>EHG notes the planning proposal seeks to create parts of retail tenancies at floor levels lower than the flood planning level (FPL), which is generally not supported where this would introduce unacceptable flood risk to a new tenancy. The level of flood immunity would need careful consideration</p>	
Sydney Trains	<p>The area that is subject to the proposed planning controls includes the Sydney Trains rail tunnel and associated easements, located adjacent to the Sydney Trains rail corridor and land owned by Transport Asset Holding Entity (TAHE).</p> <p>The proposed planning controls whilst supported in principle will require future potential Applicant/Developer to approach TfNSW (Sydney Trains) early in the design process (as part of the pre-DA discussion) to ensure that all relevant matters of consideration are taken into account and are incorporated in the future design of the development.</p>	<p>Comments from Sydney Trains are noted. Further consultation with Sydney Trains can be undertaken at development application stage when detailed design is known.</p>
Sydney Water	<p>As noted in Sydney Water's most recent Growth Servicing Plan (2020-2025), there is limited existing trunk water capacity. Upgrades to the network are currently only in the strategic planning phase and cannot progress without additional intel/ further assessment of this proposal.</p> <p>In terms of recycled water servicing due to the size and nature of the development, Sydney Water recommends alternative / non potable water supply methods be considered (including but not limited to recycled water).</p>	<p>Comments from Sydney Water are noted. Considerations regarding servicing can be undertaken at development application stage when detailed design is known.</p>
Sydney Local Health District	<p>The SLHD recommends increasing the affordable housing to 15% and social housing to 35% and sustaining the Aboriginal community in this area. The SLHD recommends reducing off street parking.</p> <p>Community facilities will need to include a childcare centre, facilities for aged people, youth facilities, community meeting spaces and health facilities. The proposed 5,000sqm is inadequate to support health services.</p>	<p>Comments from SLHD are noted. The proposed housing mix is consistent with the Eastern City District Plan and NSW Government policy Future Directions for Social Housing. These requirements are a minimum and does not preclude additional affordable and social housing from being delivered.</p> <p>The proposed community facilities are informed by a Social Baseline Study. A range of social</p>

Agency	Advice raised	Response
	<p>The SLHD recommends that a comprehensive health impact assessment be undertaken of the development.</p>	<p>infrastructure has been identified to support the significant population growth as a result of the redevelopment of Waterloo South. This includes new public open space and new streets being delivered.</p>
Sydney Airport	<p>Any of the proposed buildings that are designed to penetrate Sydney Airport's protected airspace, would be subject to assessment &amp; approval under the Federal Airports (protection of airspace) Regulations 1996.</p> <p>Sydney Airport advises that approval to operate construction equipment (i.e. cranes) should be obtained prior to any commitment to construct.</p>	<p>Comments from Sydney Airport are noted. Further approval will be required at development application stage when detailed design is known.</p>
Sydney Metro	<p>Sydney Metro is generally supportive of the Waterloo Estate (South) Planning Proposal as it will respond to and complement the outcomes being delivered by the Waterloo Metro Quarter Precinct</p> <p>There are sites within these precincts which are positioned above the tunnel alignments for Sydney Metro West. We advise that any future development on this land will need to consider the State Environmental Planning Policy (Transport and Infrastructure) 2021 and the Sydney Metro Underground Corridor Protection Guidelines or Sydney Metro At Grade and Elevated Sections Guidelines (as applicable).</p>	<p>Comments from Sydney Metro are noted. Further consultation will be required at development application stage when detailed design is known.</p>
Transport for NSW	<p>TfNSW provided the following comments:</p> <ul style="list-style-type: none"> <li>• land reservations facing McEvoy Street have been identified for acquisition</li> <li>• consideration should be given to reducing the proposed car parking rates</li> <li>• TfNSW supports proposed active transport measures, including enhanced pedestrian connectivity between Mead Street and McEvoy Street and reduced posted speed limit within the site</li> <li>• proposal to ban northbound right turn movement from Botany Road</li> </ul>	<p>Comments from TfNSW are noted. Further consultation with TfNSW and preparation of a Transport Management Plan is expected at development application stage when detailed design is known.</p>

Agency	Advice raised	Response
	<p>into Wellington Street will require a Transport Management Plan</p> <ul style="list-style-type: none"> <li>• proposal to change the traffic flow direction of Coopers Street and West Street should identify impacts of such changes on the site accessibility</li> <li>• clarification in the figures in both Addendum to Traffic Study and Hassell review.</li> </ul>	

The Department considers the PPA has adequately addressed matters raised in submissions from public authorities.

## NSW Land and Housing Corporation

The NSW Land and Housing Corporation being the landowners of majority of the land made a submission to the proposal. The PPA's detailed response to each of the matters is shown in **Attachment E**.

**Table 7: Summary of response to LAHC**

Recommendation	PPA response and Department assessment of adequacy of response
<p>Dispense with the proposed LEP provision mandating a proportion of social housing.</p>	<p><b>PPA Response:</b></p> <p>Feedback from public exhibition was clear about the importance of a distinct quantum for both social and affordable housing at Waterloo.</p> <p>While it is acknowledged 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 around expectations on what will be delivered by the project.</p> <p>As such, the provision mandating a proportion of social housing and affordable housing remains proposed for the site-specific LEP clause.</p> <p><b>LPMA Response:</b></p> <p>The Department considers PPA's response adequate. No change is proposed.</p>
<p>Adopt a maximum floorplate control of 750m<sup>2</sup> GFA, which would require larger tower building footprints on the Draft Height of Building Map.</p>	<p><b>PPA Response:</b></p> <p>Investigations were undertaken by the PPA 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% by amending the footprints as follows:</p> <ul style="list-style-type: none"> <li>• From 733sqm to 913sqm (a 25% increase) at the corner of Cope Street and McEvoy Street (Block 8)</li> <li>• From 724sqm to 844sqm (a 16% increase) at the corner of George Street and McEvoy Street (Block 9)</li> <li>• From 702sqm to 878sqm (a 25% increase) at the corner of Pitt Street and McEvoy Street (Block 10)</li> </ul>

Recommendation	PPA response and Department assessment of adequacy of response
	<ul style="list-style-type: none"> <li>No changes to footprint at the corner of Kellick Street and Gibson Street (Block 7).</li> </ul> <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. This testing is detailed in the revised Urban Design Study by Hassell.</p> <p>To ensure overshadowing impacts on the 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.</p> <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><b>Department Response:</b></p> <p>The Department considers PPA's response adequate. The post exhibition changes are supported.</p>
<p>Validate the development potential on LAHC land is capable of achieving 255,000m<sup>2</sup> GFA (plus provision for design excellence), through auditing the site areas and FSR maps.</p>	<p><b>PPA Response:</b></p> <p>The site areas and floor space ratio maps have been reviewed and the planning proposal authority is confident the floor space area can be delivered by the planning proposal.</p> <p><b>Department Response:</b></p> <p>The Department considers PPA's response adequate.</p>
<p>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>LAHC will prepare a design excellence strategy, in consultation with DPE, and for endorsement by Government Architect NSW.</p>	<p><b>PPA Response:</b></p> <p>The design excellence process that was exhibited did not deviate from the City of Sydney's process. 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 potentially reduce the total number of competitions to be undertaken, for example for sites with consolidated basement parking.</p> <p>The Government Architect NSW were consulted, and no concerns were raised with the proposed revised 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>

Recommendation	PPA response and Department assessment of adequacy of response
	<p><b>Department Response</b></p> <p>The Department considers PPA’s response adequate. No changes are proposed.</p>
<p>Review the Design Guide, and instead implement a site specific DCP (consistent with standard planning practice and clause 7.20 of the Sydney LEP).</p> <p>Consider the recommendations in the SJB advice, that the proposed design guidance be incorporated into a site-specific DCP, to maintain appropriate statutory flexibility.</p>	<p><b>PPA Response:</b></p> <p>The intent of the Design Guide is to provide guidance for development while still allowing for appropriate merit-based assessment.</p> <p>Depending on the value of future applications, Waterloo Estate (South) is likely to be State Significant Development (SSD). In accordance with Clause 2.10 of the SEPP (Planning Systems), DCPs do not apply to State Significant Development. Whereas a Design Guide as required in the LEP must be considered in the preparation and assessment of development applications (including SSD) for the site.</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 (DCP).</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>As above, post-exhibition amendments have been made to ensure the purpose of the Design Guide is clear and appropriate flexibility is provided.</p> <p><b>Department Response:</b></p> <p>The Department considers PPA’s response adequate. No changes are proposed.</p>

Recommendation	PPA response and Department assessment of adequacy of response
<p>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><b>PPA Response:</b></p> <p>The requirement for a site specific DCP or Staged Concept Development Application remains in the planning proposal.</p> <p>A Staged Concept Development Application can satisfy Clause 7.20 of the Sydney Local Environment Plan 2012, but more importantly will ensure a number of critical issues are dealt with, settled and approved prior to individual detailed development applications for development blocks.</p> <p>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 flooding and contamination issues and provide an indicative staging plan and delivery sequencing.</p> <p><b>Department Response:</b></p> <p>The Department considers PPA’s response adequate. No changes are proposed. In accordance with clause 7.20, the requirement for a site specific DCP will be taken into consideration by the consent authority.</p>



## 4.3 Advice from City of Sydney Council

The City of Sydney Council made a submission to the planning proposal. The Department considers the PPA's response to Council's submission to be adequate. The PPA's detailed response to each of the matters is shown in **Attachment F**.

**Table 7: Summary of response to City of Sydney**

Recommendation	PPA response and Department assessment of adequacy of response
<b>Built Form</b>	
<p>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.</p>	<p><b>PPA Response:</b></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 still to provide the required minimum percentages of social and affordable housing.</p> <p><b>LPMA Response:</b></p> <p>The Department considers PPA's response adequate. No changes are proposed</p>
<p>Rearrange the height zones on the proposed LEP 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><b>PPA Response:</b></p> <p>In accordance with the Gateway determination, the LEP 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><b>LPMA Response:</b></p> <p>The Department considers PPA's response adequate as the simplified LEP height map is consistent with the Gateway determination. Further detail of the building heights is more appropriate in the Design Guide rather than the LEP map.</p>
<p>Maintain existing floor space ratio and height standards on heritage listed sites.</p>	<p><b>PPA Response:</b></p> <p>Amendments have been made to retain existing FSR and height controls for heritage listed sites.</p> <p><b>LPMA Response:</b></p> <p>The Department considers PPA's response adequate and support the changes.</p>

Recommendation	PPA response and Department assessment of adequacy of response
<p>Test the sun access to the small park and, if required, adjust the height of building maps and number of storeys diagrams. Add a requirement in the Design Guide to ensure 50% of the park area receives 4 hours of sunlight at the winter solstice between 9am and 3pm.</p>	<p><b>PPA Response:</b></p> <p>Council's recommendation is supported. A requirement has been added in the Design Guide to ensure that each park receive at least 4 hours of sunlight at the winter solstice between 9:00am and 3:00pm.</p> <p><b>LPMA Response:</b></p> <p>The Department considers PPA's response adequate and support the changes as it ensures protection of solar access to public open space. Further overshadowing analysis undertaken by Hassell (<b>Attachment I</b>) post exhibition finds that open spaces (Waterloo Park and the new small park) are able to receive a minimum of 4 hours of solar access to at least 50% of the area between 9:00am and 3:00pm.</p>
<p>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><b>PPA Response:</b></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. The Guide also refers to the Council's DCP wind controls that will apply to future development on the site.</p> <p>A requirement has been added in the Design Guide to ensure that the parks receive at least 4 hours of direct solar access to at least 50% of the area at the winter solstice, between 9:00am and 3:00pm.</p> <p><b>LPMA Response:</b></p> <p>The Department considers PPA's response adequate as it ensures protection of solar access to public open space. Further overshadowing analysis undertaken by Hassell post exhibition finds that open space (Waterloo Park and the new small park) affected by the proposal are able to receive a minimum of 4 hours of solar access to at least 50% of the area between 9:00am and 3:00pm (<b>Attachment I</b>).</p>
<p>Retain the projecting building wings at George and McEvoy and Pitt and McEvoy Streets; and make a narrower opening, say 6 metres wide, of Mead to McEvoy Streets subject to further noise testing and analysis. This is to mitigate noise impacts to apartments fronting Mead street and McEvoy Street.</p>	<p><b>PPA Response:</b></p> <p>The wind and acoustic impacts from the taller buildings in the precinct are acknowledged.</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>The Design Guide has been amended to reference City of Sydney's 'Alternative natural ventilation of apartments in noisy environments performance pathway guideline' as recommended by Council.</p>

Recommendation	PPA response and Department assessment of adequacy of response
	<p><b>LPMA Response:</b></p> <p>The Department considers PPA’s response adequate. The Design Guide contains several objectives and controls to reduce wind and acoustic impacts in the area. Sites that are subject to a design excellence process must consider and address wind amelioration, particularly at tower sites and impacts of external noise and acoustic treatment to ensure adequate amenity for buildings along McEvoy Street.</p>
<p>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><b>PPA Response:</b></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> <p><b>LPMA Response:</b></p> <p>The Department considers PPA’s response adequate. It is noted that the City’s proposal prescribed breaks in the towers for wind mitigation, however there could be other options to reduce the effect of wind down draft caused by the towers whilst allowing flexibility in the building design.</p> <p>The revised urban design study by Hassell finds ensuring a comfortable ground plane should be the guiding mechanism within planning controls instead of a specific envelope control. This will allow flexibility for proponents to consider a range of specific design solutions.</p> <p>The Design Guide includes controls for:</p> <ul style="list-style-type: none"> <li>• tree retention to help offset the proposed tower heights and assist in wind amelioration.</li> <li>• specific consideration to wind impacts and ground interface conditions as part of the required design excellence process.</li> </ul> <p>It is noted that wind assessment undertaken by ARUP concludes that a safe wind environment could be achieved by detailed design of the buildings through a design excellence competition.</p>
<p>Remove the inconsistencies across all the documents to improve clarity and transparency for the community</p>	<p><b>PPA Response:</b></p> <p>Amendments have been made.</p> <p><b>LPMA Response:</b></p> <p>The Department considers PPA’s response adequate and support the changes.</p>
<p>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><b>PPA Response:</b></p> <p>A revised Urban Design Review prepared by Hassell has been published and formed part of the package submitted to the Department for finalisation (<b>Attachment J</b>).</p> <p><b>LPMA Response:</b></p> <p>The Department considers PPA’s response adequate.</p>

Recommendation	PPA response and Department assessment of adequacy of response
<p>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><b>PPA Response:</b></p> <p>Certified land surveys are required as part of the Stage 1 concept development application.</p> <p>Maps and figures have been updated accordingly.</p> <p><b>LPMA Response:</b></p> <p>The Department considers PPA's response adequate. The LEP mapping will be prepared in accordance with the standard technical requirements for spatial datasets and maps.</p>
<p>Reconsider and adopt where relevant the reduced building heights along streets shown in the preferred direction of the Addendum Urban Design Review.</p>	<p><b>PPA Response:</b></p> <p>The proposed building heights along streets have been developed with consideration of the Addendum Urban Design Review (<b>Attachment J</b>).</p> <p><b>LPMA Response:</b></p> <p>The Department notes the building heights were informed and align with by the Addendum Urban Design Review (<b>Attachment J</b>) and considers PPA's response adequate.</p>
<p>Rework the maximum building height map in the planning proposal to have height zones relating to street widths and park locations.</p>	<p><b>PPA Response:</b></p> <p>Figure 12 in the Design Guide relates maximum building heights to street widths and park locations in a manner consistent with the City of Sydney's approach.</p> <p><b>LPMA Response:</b></p> <p>The Department considers PPA's response adequate. The detail in the height map sought by Council is more appropriate in the Design Guide.</p>
<p>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><b>PPA Response:</b></p> <p>Figure 12 in the Design Guide and the proposal maximum height of buildings map have been reviewed for consistency.</p> <p><b>LPMA Response:</b></p> <p>The Department considers PPA's response adequate</p>
<p>Amend the mapped FSRs and building heights on private sites so that the resulting floor space aligns with those in the City's planning proposal.</p>	<p><b>PPA Response:</b></p> <p>Amendments have been made, such that 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 0.25:1 bonus for additional sustainability measures. This 0.25:1 bonus has been incorporated into the mapped FSR for 233 Cope Street and 110 Wellington Street.</p>

Recommendation	PPA response and Department assessment of adequacy of response
	<p><b>LPMA Response:</b></p> <p>The Department considers PPA's response adequate and support the changes.</p>
<p>Ensure the landowners and the community can have a true understanding of the development that may result on the privately owned sites</p>	<p><b>PPA Response:</b></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> <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><b>LPMA Response:</b></p> <p>The Department considers that the 8 week period for exhibition was adequate and provide suitable time for the community and stakeholders to review and make comment.</p>
<p>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><b>PPA Response:</b></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 and requires that specific attention is given to managing the wind impacts of the taller buildings during detailed design of the buildings and is considered through a design competition and subsequent detailed development applications.</p> <p><b>LPMA Response:</b></p> <p>The Department considers PPA's response adequate.</p>

Recommendation	PPA response and Department assessment of adequacy of response
<p>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.</p>	<p><b>PPA Response:</b> 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> <p><b>LPMA Response:</b> The Department considers PPA's response adequate as that development of the designs for the future buildings can consider alternative measures for ventilation that align with the City of Sydney's approach used elsewhere in the LGA.</p>
<b>Housing</b>	
<p>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.</p>	<p><b>PPA Response:</b> For NSW Land and Housing Corporation owned land, the 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>These minimums align 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><b>LPMA Response:</b> The Department considers PPA's response adequate as the proposed housing mix is consistent with the Gateway Determination. The Design Guide also requires 10% or more of the total number of affordable housing dwellings provided in Waterloo Estate (South) is to be provided for Aboriginal and Torres Strait Islander housing.</p>
<p>Ensure that the drafting instruction is explicit that the minimum % requirement for social and affordable housing applies to all residential floor space in Waterloo Estate (South) including any design excellence floor space.</p>	<p><b>PPA Response:</b> 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 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><b>LPMA Response:</b> The Department considers PPA's response adequate as the minimum percentage of social and affordable housing in consistent with the Gateway Determination and intent of the exhibited planning proposal.</p>

Recommendation	PPA response and Department assessment of adequacy of response
<p>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><b>PPA Response:</b> Feedback has been forwarded to the NSW Land and Housing Corporation for their consideration.</p> <p><b>LPMA Response:</b> The Department considers PPA's response adequate.</p>
<p>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><b>PPA Response:</b> Feedback has been forwarded to the Department of Communities and Justice for consideration.</p> <p><b>LPMA Response:</b> The Department considers PPA's response adequate.</p>
<p>Prioritise development of an independent Social Impact Assessment and Social Impact Management Plan to identify and mitigate impacts on communities from the redevelopment of the Waterloo Estate (South).</p>	<p><b>PPA Response:</b> In accordance with the Department's Social Impact Assessment Guideline, all state significant development applications are required to prepare a social impact assessment report to help better understand and manage the impacts of the project on people</p> <p><b>LPMA Response:</b> The Department considers PPA's response adequate.</p>
<p>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.</p>	<p><b>PPA Response:</b> 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.</p> <p><b>LPMA Response:</b> The Department considers PPA's required commitment is adequate.</p>
<p>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.</p>	<p><b>PPA Response:</b> Council's recommendation is supported, and amendments have been made.</p> <p><b>LPMA Response:</b> The Department considers PPA's response adequate.</p>

Recommendation	PPA response and Department assessment of adequacy of response
<p>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.</p>	<p><b>PPA Response:</b> Noted.</p> <p><b>LPMA Response:</b> Council was consulted on the draft instrument – see <b>Section 6</b> below for more detail.</p>
<p>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.</p>	<p><b>PPA Response:</b> Council’s recommendation is supported and amendments have been made.</p> <p><b>LPMA Response:</b> The Department considers PPA’s response adequate, and amendments have been made the planning proposal to specific chapters of the Housing SEPP which does not apply.</p>
<b>Public Infrastructure</b>	
<p>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.</p>	<p><b>PPA Response:</b> Noted.</p> <p><b>LPMA Response:</b> Council’s request is noted. A more detailed response is discussed in Section 5.1 of this report.</p>
<p>Repeal of the <i>Redfern-Waterloo Authority Contributions Plan 2006</i>, 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.</p>	<p><b>PPA Response:</b> Noted.</p> <p><b>LPMA Response:</b> Council’s request is noted. Currently the Redfern-Waterloo Authority Contributions Plan 2006 applies to the site. The repeal of the RWA Contributions Plan is subject to a separate process to this planning proposal and is not technically required prior to finalising the plan.</p>
<p>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>	<p><b>PPA Response:</b> Amendments have been made such that the exhibited land acquisition map and any mention of the City of Sydney as an acquiring authority are proposed to be removed from the proposal.</p> <p>An alteration to the Gateway determination was issued on 7 July 2022 (post exhibition) that required the removal of all references to a land reservation acquisition map and council as an acquiring authority.</p> <p><b>LPMA Response:</b> The LEP maps are proposed to be amended to reflect this outcome and this approach is considered appropriate.</p>



Recommendation	PPA response and Department assessment of adequacy of response
<b>Other issues</b>	
Correct and clarify the minor errors and inconsistencies in the draft design guide.	<p><b>PPA Response:</b> Amendments have been made to make the corrections.</p> <p><b>LPMA Response:</b> The Department considers PPA's response adequate.</p>
<b>Traffic and Transport</b>	
Revise the access and circulation plan in the draft Design Guide to address future traffic arrangements.	<p><b>PPA Response:</b> Figures In the Design Guide relating to access and circulation have been updated to address future traffic arrangements, including not opening Pitt Street to McEvoy Street.</p> <p><b>LPMA Response:</b> The Department considers PPA's response adequate.</p>
<b>Sustainability</b>	
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.	<p><b>PPA Response:</b> The planning proposal does not include a requirement for development to demonstrate environmental performance above and beyond the minimum prescribed by BASIX.</p> <p><b>LPMA Response:</b> The Department considers PPA's response adequate. Future development will have to comply with the relevant State Environmental Planning Policy including the new <i>State Environmental Planning Policy (Sustainable Buildings) 2022</i>, which sets increased sustainability standards for residential and non-residential development.</p>
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.	<p><b>PPA Response:</b> The Design Guide does not include a requirement for water recycling facility to be in the Waterloo South Precinct, however it includes reference to green infrastructure and ensures all buildings are to be constructed to be capable of providing a dual reticulation water system for water services and be capable of fully connecting to a non-potable recycled water network.</p> <p><b>LPMA Response:</b> The Department considers PPA's response adequate.</p>

## 4.4 Post-exhibition changes

### 4.4.1 PPA recommended changes

The PPA made changes to the planning proposal and Design Guide in response to submissions. The proposed changes are outlined below. More detail is provided at **Attachment G** to this report.

#### Planning Proposal

- Amendments made to the explanation of provisions 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.
- Amendments have been made to Schedule 7 'Planning proposal land' to adjust the proportions of total floor area that will be subject to a higher percentage contribution towards affordable housing. This is based on the percentage of new floor area resulting from the planning proposal and has been calculated in consultation with Council.
- Amendments made in section 4.1.1(13) to clarify that certain parts of State Environmental Planning Policy (Housing) 2021 (i.e. those that allow additional floorspace bonuses) do not apply to the Waterloo South site.
- 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).
- Amendment to references to SEPPs following the consolidation of 45 SEPPs into 11 SEPPs.
- Additional information has been included in section 7 to detail the public exhibition process.
- General wording has been amended to make the document clearer, and minor errors have been corrected.

#### Design Guide

- Inclusion of reference to Council's Alternative natural ventilation of apartments in noise environments performance pathway.
- 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
- 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.
- General wording has been amended to make the document clearer, and minor errors have been corrected.
- 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.

#### LEP Maps

- 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. 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.
- 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.
- 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% -
  - 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
- Removal of the land reservation acquisition map as Council will not provide concurrence to become an acquiring authority.
- 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.

#### 4.4.2 Justification for post-exhibition changes

The Department notes that these post-exhibition changes are justified and do not require re-exhibition. It is considered that the post-exhibition changes:

- Are a reasonable response to comments provided by the public authorities and Council; and
- Do not alter the intent of the planning proposal and are minor amendments to the planning proposal.

## 5 Department's assessment

The proposal has been subject to detailed review and assessment through the Department's Gateway determination (**Attachment C**) and subsequent planning proposal processes. It has also been subject to a high level of public consultation and engagement.

The following reassesses the proposal against relevant Section 9.1 Directions, SEPPs, Regional and District Plans and Council's Local Strategic Planning Statement. It also reassesses any potential key impacts associated with the proposal (as modified).

As outlined in the Gateway determination report (**Attachment H**), the planning proposal submitted to the Department for finalisation:

- Remains consistent with the regional and district plans relating to the site
- Remains consistent with the Council's Local Strategic Planning Statement
- Remains consistent with all relevant Section 9.1 Directions
- Remains consistent with all relevant SEPPs.

The following tables identify whether the proposal is consistent with the assessment undertaken at the Gateway determination stage. Where the proposal is inconsistent with this assessment, requires further analysis or requires reconsideration of any unresolved matters these are addressed in Section 4.1.

**Table 8: Summary of strategic assessment**

	Consistent with Gateway determination report Assessment		
Regional Plan	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No, refer to section 4.1	
District Plan	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No, refer to section 4.1	
Local Strategic Planning Statement	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No, refer to section 4.1	
Local Planning Panel (LPP) recommendation	<input type="checkbox"/> Yes	<input type="checkbox"/> No, refer to section 4.1	<input checked="" type="checkbox"/> N/A
Section 9.1 Ministerial Directions	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No, refer to section 4.1	
State Environmental Planning Policies (SEPPs)	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No, refer to section 4.1	

**Table 9 Summary of site-specific assessment**

Site-specific assessment	Consistent with Gateway determination report Assessment		
Social and economic impacts	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No, refer to section 4.1	
Environmental impacts	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No, refer to section 4.1	
Infrastructure	<input type="checkbox"/> Yes	<input type="checkbox"/> No, refer to section 4.1	

## 5.1 City of Sydney Local Housing Strategy

At the time of issuing the Gateway determination the subject planning proposal wasn't assessed against the council's adopted and Department approved Local Housing Strategy (LHS).

Based on the revised proposal submitted by the PPA, the scheme for the site has the potential to deliver 3,012 dwellings in total, which aligns with Council's expectation for the site as outlined in the LHS. This includes 847 social housing, 227 affordable housing, and 1,938 market dwellings (including 127 market dwellings on privately owned sites). This supports the realisation of the Council's expectations to have this site rezoned to start to facilitate the delivery of additional and new dwellings in the LGA within the 6-10 year housing target timeframe of 2021 to 2026 (as required by the Greater Cities Commission (GCC)).

Council's LHS sought to advocate for a 7.5% target for social housing and 7.5% affordable housing for new residential developments in the LGA more generally, but then sought to require that the NSW Government deliver a minimum of 25% of floor space as affordable rental housing in perpetuity on all of their sites, including social housing sites.

While the Department couldn't approve this approach to require these outcomes when it conditionally approved the LHS; the Waterloo South planning proposal aligns with these expectations by ensuring that 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. This includes the requirement for delivery of affordable housing for the redevelopment of private sites within the Waterloo South site.

The proposal will also address concerns outlined in the LHS by ensuring that there is no decline in the amount of social housing provided in the LGA and will improve the quality of social and affordable housing in the LGA. The proposal also aligns with the objective to deliver new housing opportunities for Aboriginal and Torres Strait Islander persons, especially within the Redfern and Waterloo areas.

On this basis the Waterloo South proposal aligns with the objectives of council's approved LHS.

## 5.2 Detailed assessment

The following section provides details of the Department's assessment of key matters and any recommended revisions to the planning proposal to make it suitable.

### 5.2.1 Built Form

The proposal enables a built form of predominantly medium rise (6-13 storeys) and high rise (27-33 storeys) buildings in the precinct. Four towers are proposed, with three along McEvoy Street, and one near the corner of Gibson and Kellick Streets. The towers have been located to increase amenity, limit overshadowing within and outside of the precinct, and increase solar access to future apartments and open space.

As discussed in Section 4.2 of this report, LAHC recommended adopting a maximum floorplate control of 750m<sup>2</sup> GFA, which would require larger tower building footprints on the Draft Height of Building Map. The PPA undertook investigations to increase the footprint of the three taller buildings along McEvoy Street and the footprints of these three taller buildings have been enlarged by up to 25% by amending the footprints as follows:

- From 733sqm to 913sqm (a 25% increase) at the corner of Cope Street and McEvoy Street (Block 8)
- From 724sqm to 844sqm (a 16% increase) at the corner of George Street and McEvoy Street (Block 9)
- From 702sqm to 878sqm (a 25% increase) at the corner of Pitt Street and McEvoy Street (Block 10)

- No changes to footprint at the corner of Kellick Street and Gibson Street (Block 7).

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.

The built form controls in the LEP and Design Guide are informed by and respond to:

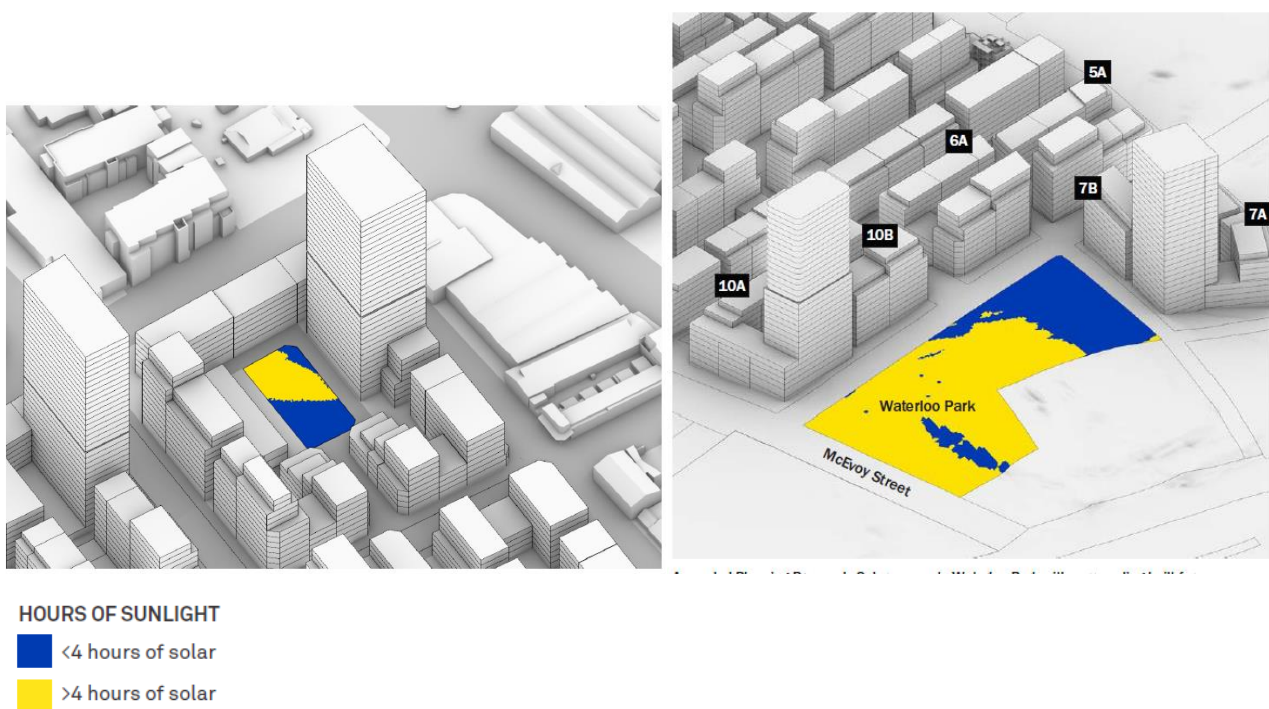
- Tree retention
- Interface with heritage items and conservation areas,
- Wind amelioration
- Solar access
- Noise impacts from McEvoy Street
- Amenity impacts to surrounding development.

The Design Guide contains detailed controls to guide appropriate design responses for future development. Comments from both City of Sydney Council and LAHC have been taken into consideration and in some cases adopted into the Design Guide. The Department considers these and the LEP controls adequate in achieving the future desired built form for the site.

### 5.2.2 Solar Access

Solar access to new and existing public open space was one of the key concerns raised in submissions. Further overshadowing analysis undertaken by Hassell (**Attachment I**) post exhibition finds that Waterloo Park and the new small park are each able to receive a minimum of 4 hours of solar access to at least 50% of the area between 9:00am and 3:00pm. This new control has been included in the Design Guide to ensure the solar access to public open spaces is protected.

**Figure 4** shows the overshadowing impacts to the new small park and existing Waterloo Park, approximately 50.25% of the small park and 63% of Waterloo Park receives more than 4 hours of sunlight between 9:00am and 3:00pm mid-winter.



**Figure 4: Shadow Diagram of small park (left) and Waterloo Park (right)**

### 5.2.3 Wind

The proposed towers may produce wind environments at ground level in public space, parks and streets that are not comfortable and may not be safe for people. The revised urban design study by Hassell finds ensuring a comfortable ground plane should be the guiding mechanism within planning controls instead of a specific envelope control. This will allow flexibility for proponents to consider a range of specific design solutions.

Hence, the Design Guide includes controls for:

- tree retention to help offset the proposed tower heights and assist in wind amelioration.
- specific consideration to wind impacts and ground interface conditions as part of the required design excellence process.

It is noted that wind assessment undertaken by ARUP concludes that a safe wind environment could be achieved by detailed design of the buildings through the detailed design stages that will look at fenestration, built form and other mitigations to ensure a suitable ground plane window environment. The design competition designs for taller developments will be subjected to further detailed testing and consideration of potential wind impacts at the development application stage.

### 5.2.4 Housing Tenure

The revised planning proposal submitted to the LPMA for finalisation requires a provision for:

- at least 26.5% of residential GFA is provided as social housing (this requirement is to extend to any additional residential gross floor area received from design excellence bonuses).
- at least 7.0% of residential GFA is provided as affordable housing (this requirement is to extend to any additional residential gross floor area received from design excellence bonuses).

This remains consistent with the Gateway determination, which required a minimum of 847 social housing dwellings and an appropriate percentage of dwellings (between 5-10%) for affordable housing. The percentage equates to approximately 847 social housing and about 227 affordable dwellings on LAHC owned sites.

### 5.2.5 Traffic and Parking

A traffic and transport analysis were undertaken by Bitzios consultants, which found that the existing and proposed road networks would have sufficient capacity to accommodate the development.

The Department notes that the proposed opening of Pitt Street onto McEvoy Street received a lot of community concern that it may result in increased traffic and noise for nearby residents. The Design Guide has been revised by the PPA to remove the opening of Pitt Street onto McEvoy Street in response to community feedback. Pedestrian access will still be available, however Pitt Street will not allow vehicle movements onto or from McEvoy Street.

Additional traffic analysis was undertaken to determine the impacts of not opening Pitt Street to McEvoy. The analysis found that alternative access and egress routes are available, and as such Pitt Street can remain closed to McEvoy. This post exhibition change is considered appropriate as it is in response to public submissions.

To reduce the amount of traffic and car dependency in the precinct, it is proposed that the most restrictive maximum car parking rates are implemented given the high accessibility to public transport in the precinct. The new Waterloo Metro Station is adjacent to the precinct which provides access to the Sydney Metro City & Southwest line, with connections to the suburban rail network at interchanges like Central Station.

It is proposed that the precinct be categorised as:

- Category A on the Land Use and Transport Integration Map
- Category D on the Public Transport Accessibility Level Map.

Based on these rates, the future redevelopment of Waterloo Estate (South) could result in approximately 1,685 residential and 114 commercial parking spaces.

### 5.2.6 Public Infrastructure

A range of public infrastructure has been identified as being required to support the significant population growth and demographic change brought about by the redevelopment of Waterloo Estate (South), including:

- public open space
- new streets and the upgrade of existing streets
- flood mitigation works in public space
- community facilities.

Council requested in their submission that any deed or planning agreement between the City and LAHC is publicly exhibited, executed and registered on the title before any change is made to the Sydney LEP 2012 in respect to this proposal.

The Department agrees with the importance of securing public infrastructure arrangements prior to rezoning. To allow for a draft Voluntary Planning Agreement to be publicly exhibited and ensure arrangements for public infrastructure can be in place prior to the controls coming into the effect a deferred commencement is recommended to be inserted in the LEP. In this regard the LEP controls will commence on 28 February 2023 to allow time to exhibit and finalise the VPA.

### 5.2.7 Planning proposal Land

The planning proposal seeks to introduce a new schedule to Sydney Local Environmental Plan 2012 (SLEP 2012) which will identify an affordable housing contribution requirement on the private sites that receive additional floor area potential as a result of the planning proposal. The following privates will be affected by this clause:

- 233 Cope Street, Waterloo.
- 221-223 Cope Street, Waterloo.
- 116 Wellington Street, Waterloo.
- 110 Wellington Street, Waterloo.
- 111 Cooper Street, Waterloo.

The schedule will require a 9% contribution towards affordable housing as well as contribution under clause 7.13 of Sydney LEP 2012 (3% for residential use and 1% for non-residential use). It is noted the adopted City of Sydney Affordable Housing Program 2020 identifies a contribution rate of 12% for South precinct applying only to the new floor area facilitated with the change to planning controls.

In accordance with section 7.32(3)(b) of the EP&A Act, a condition requiring affordable housing contributions may only be imposed if the condition is authorised to be imposed by an LEP and is in accordance with a scheme for dedications or contributions set out in or adopted by such a plan.

Council advised the 12% contribution rate identified in the Affordable Housing Program is inclusive of the 3% contribution required under Clause 7.13; however, this is not clearly identified in the Program.

It is noted Council plans to update its Affordable Housing Program through a planning proposal and has received a Gateway Determination on 19 August 2022. In its update, Council clarifies the



rates incorporate the LEPs requirement for a 3 per cent contribution. For example, the 12 per cent rate includes 9 per cent for new residential floor area on planning proposal land, plus 3 percent.

In the absence of the updated Program in time for the rezoning it is proposed that Council update its website and publish an update to the rates and how its calculated in the interim.

It is estimated if all the privately-owned sites in the Waterloo Estate (South) are redeveloped, that up to 11 affordable housing dwellings may be provided.

### 5.2.8 Project Need

The initial planning proposal request was submitted by LAHC in 2020 to change the planning controls that apply to Waterloo South to facilitate the redevelopment of the site for social housing units, affordable housing by a Community Housing Provider, private housing, commercial space, community services, open space, new streets and access.

The planning proposal has been prepared in accordance with the Gateway determination and in consultation with NSW Land and Housing Corporation and City of Sydney Council to provide an appropriate framework for the redevelopment of Waterloo South.

An extensive consultation period has occurred during the preparation of the planning proposal. The Department considers the proposal to have strategic and site-specific merit as for the same reasons as was assessed as part of the Gateway Determination stage.

## 6 Post-assessment consultation

The Department consulted with the following stakeholders after the assessment.

**Table 10 Consultation following the Department's assessment**

Stakeholder	Consultation	The Department is satisfied with the draft LEP
Mapping	Maps have been prepared by the Department's ePlanning team and meet the technical requirements. ( <b>Attachment Maps</b> )	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No, see below for details
PPA	<p>The PPA was consulted on the terms of the draft instrument under clause 3.36(1) of the <i>Environmental Planning and Assessment Act 1979</i>.</p> <p>The PPA confirmed that the draft instrument is satisfactory and the Plan can be made.</p>	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No, see below for details
Council and LAHC	Council and LAHC were consulted on the draft instrument and comments have been addressed in the final instrument.	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No, see below for details
Parliamentary Counsel Opinion	On 2/11/2022 , Parliamentary Counsel provided the final Opinion that the draft LEP could legally be made.	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No, see below for details

## 7 Recommendation

It is recommended that the Minister's delegate as the local plan-making authority determine to make the draft LEP under clause 3.36(2)(a) of the Act because:

- The draft LEP has strategic merit being consistent with State Policy, Eastern District City Plan and City of Sydney Local Strategic Plan.
- It is consistent with the Section 9.1 Ministerial Directions
- It is consistent with the Gateway Determination and alterations
- Issues raised during consultation have been addressed, and there are no outstanding agency objections to the proposal.
- The final plan enables the renewal of Waterloo Estate for new housing, including social and affordable housing that will have good access to new community facilities, shops, open space and transport.



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**26 October 2022**

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