



STATE SIGNIFICANT PRECINCTS

# Waterloo Metro Quarter Finalisation Report

---

September 2019



Published by NSW Department of Planning, Industry and Environment

[dpie.nsw.gov.au](http://dpie.nsw.gov.au)

Title: Waterloo Metro Quarter Finalisation Report:

First published: September 2019

---

© State of New South Wales through Department of Planning, Industry and Environment 2019. You may copy, distribute, display, download and otherwise freely deal with this publication for any purpose, provided that you attribute the Department of Planning, Industry and Environment as the owner. However, you must obtain permission if you wish to charge others for access to the publication (other than at cost); include the publication in advertising or a product for sale; modify the publication; or republish the publication on a website. You may freely link to the publication on a departmental website.

Disclaimer: The information contained in this publication is based on knowledge and understanding at the time of writing (September 2019) and may not be accurate, current or complete. The State of New South Wales (including the NSW Department of Planning, Industry and Environment), the author and the publisher take no responsibility, and will accept no liability, for the accuracy, currency, reliability or correctness of any information included in the document (including material provided by third parties). Readers should make their own inquiries and rely on their own advice when making decisions related to material contained in this publication.

# Contents

<b>Overview</b> .....	<b>1</b>
<b>Background</b> .....	<b>3</b>
Overview – State Significant Precincts .....	3
Overview – Sydney Metro City & Southwest.....	3
State Significant Infrastructure Approval.....	4
State Significant Development Application .....	4
<b>Context</b> .....	<b>5</b>
Waterloo Metro Quarter Precinct .....	5
Site Surrounds.....	7
Planning and Policy Context.....	7
State Planning Policies .....	8
Local Plans and Policies .....	10
Other relevant policies .....	10
<b>Waterloo State Significant Precinct</b> .....	<b>10</b>
Precinct Nomination .....	10
Collaborative Working Arrangement.....	11
Study Requirements and Study Lodgement .....	11
Project Review Panel .....	12
<b>Exhibited Proposal</b> .....	<b>13</b>
<b>Consultation</b> .....	<b>14</b>
Exhibition.....	14
Submissions.....	14
Community submissions .....	15
Government Agencies .....	17
Submissions in support.....	17
City of Sydney Council.....	18
<b>Amended Proposal</b> .....	<b>19</b>
<b>Consideration</b> .....	<b>20</b>
Land Use .....	20
Amenity.....	22
Built Form .....	24
Open Space/Public Domain .....	26
Design Excellence .....	29
Transport Access.....	30
Pedestrian Movement .....	32
Parking .....	33
Affordable + Social Housing.....	34

Infrastructure/Contributions..... 35

Separation of the Waterloo Metro Quarter and Waterloo Estate..... 37

Wind ..... 38

Heritage ..... 40

Process and Information ..... 41

**Conclusion ..... 41**

**Attachments**

- A. Terms of Reference for Collaborative Working Arrangements with the City of Sydney
- B. Study Requirements for Waterloo State Significant Precinct
- C. Project Review Panel Reports for Waterloo State Significant Precinct
- D. Waterloo Metro Quarter Summary of Submissions
- E. Consistency with Strategic Plans

## Overview

The Waterloo Metro Quarter is being investigated as a State Significant Precinct (SSP) for urban renewal. Infrastructure NSW (INSW) is leading the investigations in partnership with Sydney Metro and NSW Land and Housing Corporation (LAHC).

INSW's vision for the wider Waterloo Precinct is depicted in Figure 1 and has been used to shape the SSP study and proposed planning controls for Waterloo Metro Quarter.



**Figure 1. INSW's vision for the Waterloo Metro Precinct**

The SSP study seeks to amend the planning controls in *Sydney Local Environmental Plan 2012* as they apply to the Waterloo Metro Quarter and amend *State Environmental Planning Policy (State and Regional Development)* to list the Waterloo Metro Quarter site under Schedule 2, to be considered at State Significant Development (subject to criteria).

It is not proposed to amend the land use zoning of the site, B4 Mixed Use zoning will continue to apply. Among others, the key amendments to the planning controls include:

- Increase the maximum building heights to RL 116.9m (equivalent to 29 storeys), RL 104.2m (equivalent to 25 storeys) and RL 96.9m (equivalent to 23 storeys);
- Increase the maximum floor space ratio to 6:1 across the site
- Require 5% of the total residential floor area to be dedicated as affordable housing;
- Require a minimum of 12,000sqm be used for non-residential land uses, including community facilities.

A Terms of Reference has been agreed with City of Sydney Council's Lord Mayor to establish a collaborative working arrangement between the Department and Council. The Department lead the SSP process and ensure coordination with other agencies and community consultation is undertaken.

Governance arrangements between the Minister for Planning and the Lord Mayor of City of Sydney Council (CoS) were established through an agreed Terms of Reference (ToR). The Department has worked with the City through out the assessment process collaborating on the key milestones such as preparation of Study Requirements, undertaking the Test of Adequacy of the SSP Study, preparation for Exhibition, review of Submissions and final Assessment.

The SSP Study, associated technical studies and draft planning controls, were on public exhibition between 22 November 2018 and 30 January 2019. A total of 124 submissions were received during the exhibition period, with a further 20 identified from those made against the concurrent State Significant Development (SSD) as relevant to the SSP.

A concept SSD (SSD18\_9393) was exhibited concurrently with the SSP study and is being considered by the Department's Key Sites Assessment Team.

This report responds to issues raised in submissions and includes:

- A summary of the number, type and issues raised; and
- responses to issues raised by the community, organisations, agencies and council.

There was a range of views expressed in community submissions, including concerns about density, built form, height, affordable and social housing, public open space, the future capacity of the road network and public transport infrastructure, upgrades needed to community facilities, pedestrian and cyclist accessibility and potential heritage impacts.

The City of Sydney Council provided a detailed submission which raised matters related to land use, poor residential amenity particularly in relation to protecting future residents from adverse health outcomes due to noise and pollution, overshadowing of Alexandria Park, lack of public space, poor amenity of open space. lack of tree canopy particularly to Botany Road and poor wind conditions in public space and open space.

A Response to Submissions has been submitted by INSW in response to the issues raised in submissions and by the Department during the assessment process. The proposal has satisfactorily addressed the key issues raised for rezoning purposes, subject to the planning controls for the Waterloo Metro Quarter being amended to reflect the recommendations of this finalisation report.

## Background

### Overview – State Significant Precincts

State Significant Precincts (SSP) are areas with state or regional planning significance because of their social, economic or environmental characteristics. The urban renewal process for State Significant Precincts involves firstly the nomination of a SSP for investigation, followed by study scoping – issuing of Study Requirements, and preparation of SSP study by the applicant – for submission to the Department.

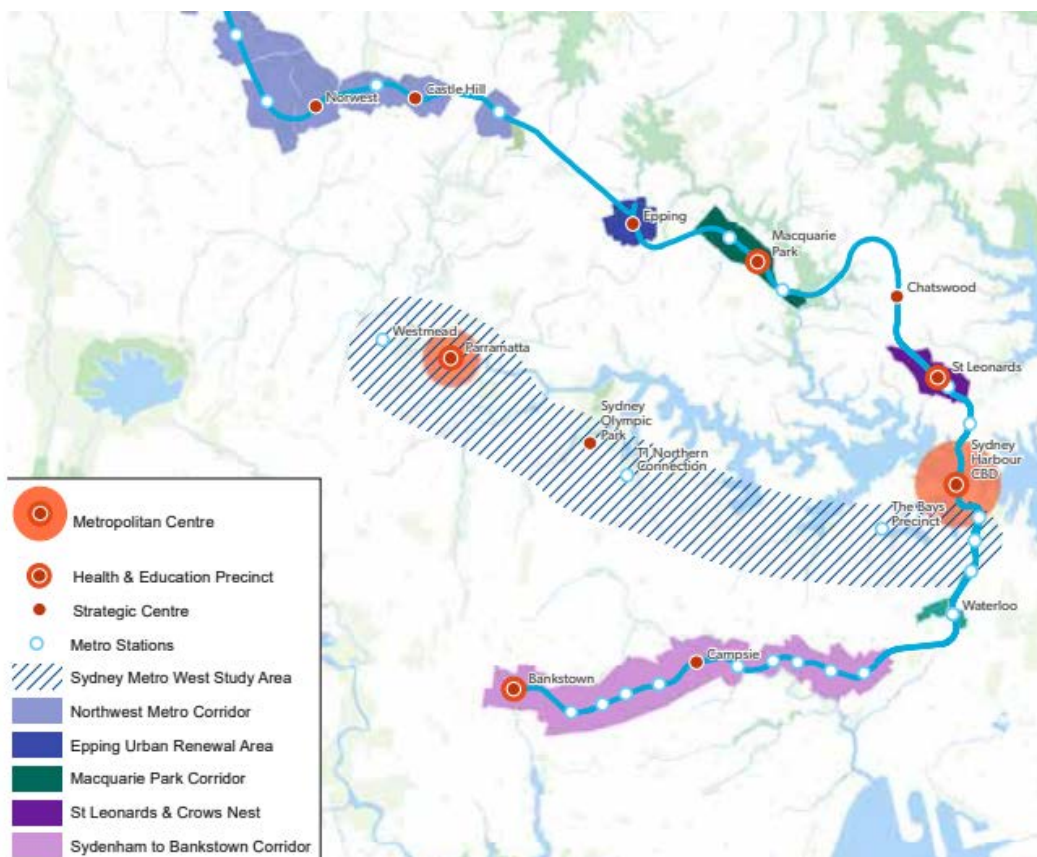
The Department is responsible for undertaking a comprehensive assessment of the SSP study to determine the development potential of these areas, carefully considering environmental and social factors, and identifying the infrastructure needs of the future population.

The Department undertakes this assessment and an assessment of public submissions in collaboration with local government and relevant State agencies to make a recommendation to the Minister for determination.

### Overview – Sydney Metro City & Southwest

Sydney Metro, Australia's largest public transport project, is a city-shaping project. The NSW Government has invested more than \$11 billion on the Sydney Metro City & Southwest stage of the project. With this significant public investment in world-class transport infrastructure comes a number of benefits – opportunities for transit-orientated development to provide jobs, homes, a new public domain and community infrastructure around the new stations.

Figure 2 shows Sydney Metro City and Southwest in the context of the wider Metro project.



**Figure 2 Proposed Sydney Metro Network**

## State Significant Infrastructure Approval

In January 2017, the Critical State Significant Infrastructure (CSSI) Application SSI 15\_7400 for Sydney Metro City & Southwest: Chatswood to Sydenham was approved. The approval included construction and operation of a 16.5km metro rail line, between Chatswood and Sydenham, including construction of a tunnel under Sydney Harbour, links with the existing rail network, seven metro stations, and associated ancillary infrastructure.

Specifically, the CSSI identified the following Waterloo Station Design Elements:

- New pedestrian crossings on Raglan and Cope streets
- New bike parking on Cope Street
- New on-road marked cycle link on Raglan Street
- Existing bus stops retained northbound along Botany Road
- Relocation of the bus stops southbound on Botany Road closer to Raglan Street and on Cope Street to Botany Road
- New taxi and kiss-and-ride bays on Cope Street

## State Significant Development Application

In November 2018, a State Significant Development Application (SSDA) was lodged by Sydney Metro. The SSDA seeks approval for a concept plan in accordance with the proposed amendments to planning controls sought in the SSP study. The key components of the SSDA include:

- Maximum building envelopes for podium, midrise and towers between three and 29 storeys (maximum RL 116.9m).
- A maximum GFA of approximately 68,750sqm comprising:
  - 56,200sqm residential accommodation (700 dwellings, including 5 to 10 percent affordable housing and 70 social housing dwellings)
  - 3,905sqm retail and entertainment uses
  - 8,645sqm commercial uses, including a minimum 2,000 sqm for community uses
- Public domain works
- Up to 427 car parks and cycle parking to support the site and station

This application is currently under consideration by the Department's Key Sites team and will be determined following the finalisation of the SSP process.



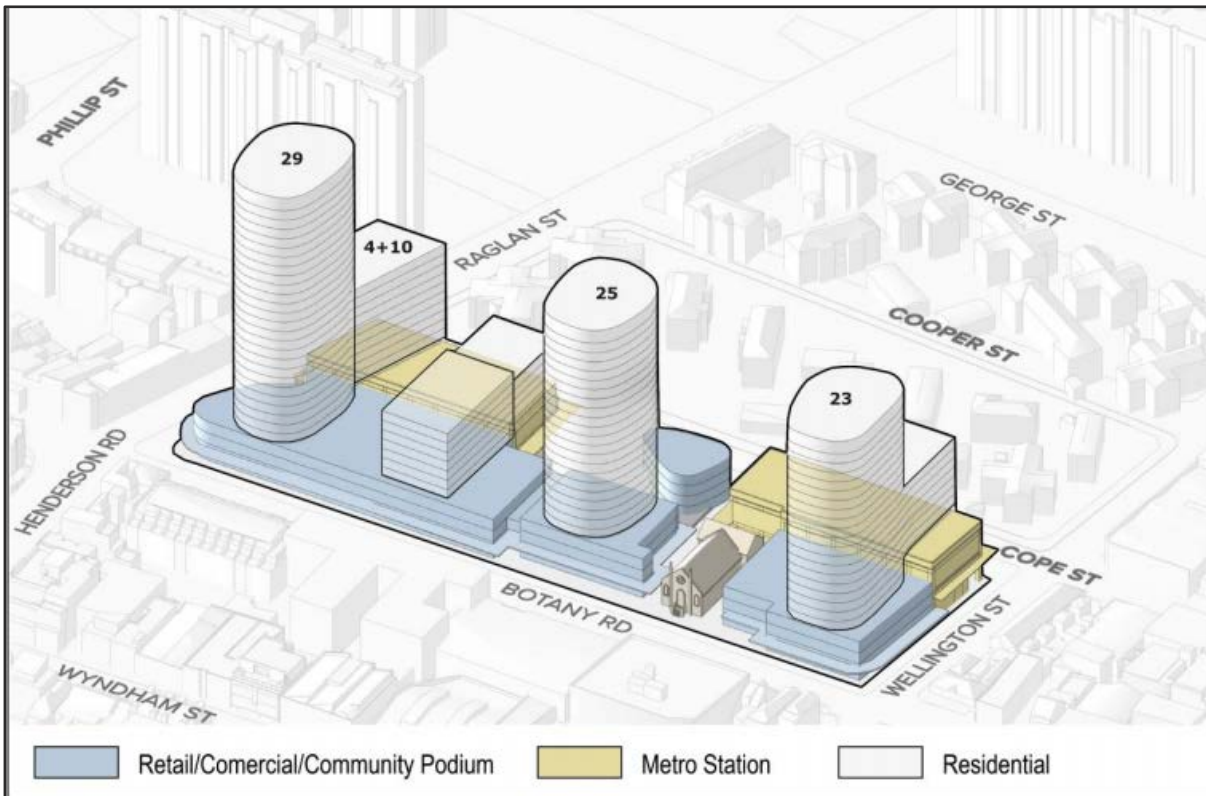


Figure 3. Concept SSDA indicative built form and land uses, as viewed from the west (SSDA18\_9393)

## Context

### Waterloo Metro Quarter Precinct

The Waterloo Metro Quarter is located approximately 3.3km south of the Sydney CBD, defined by the area bounded by Botany Road to the west, Cope Street to the east, Raglan Street in the north and Wellington Street in the south.



**Figure 4. Wider context map**

The site is owned by Transport for NSW to facilitate construction on the Metro Station. The Waterloo Congregational Church at 103-105 Botany Road – a locally listed heritage item, does not form part of the site; but is surrounded by the site on three of its site boundaries, the fourth fronting Botany Road. The total site area, excluding the church, is 1.28 hectares.

The site is cleared and the new Waterloo Metro Station, approved under Critical State Significant Infrastructure approval (SSI 15\_7400), is currently under construction with entrances to be located on the corner of Raglan and Cope Streets. It is scheduled to open in 2024.

Previous land uses on site included 3-5 storey commercial buildings and shop top housing developments.



**Figure 5 Waterloo Metro Quarter Locality Plan**

## Site Surrounds

Surrounding land uses include Waterloo housing estate to the east and low scale terrace housing within the Alexandria Park Heritage Conservation Area to the west, beyond Botany Road. To the north and south are a mix of commercial, light industrial and residential land uses and built forms along Botany Road. The Waterloo Housing Estate is the subject of a separate State Significant Precinct investigation.

Botany Road is identified as a route for oversize vehicles and vehicles carrying dangerous goods. The road is characterised by heavy traffic with clearways both north and south bound providing two lanes in both directions during the am and pm peaks. Outside of peak times kerb parking is provided on both sides of the road.

## Planning and Policy Context

The SSP process aims to establish an appropriate planning framework for the site. In order to do this, the proposal must demonstrate how it responds to the broader strategic planning framework and the local policy context of the area.

The applicable planning and policy documents relevant to the site are identified below. These are considered in further detail as part of the assessment of the proposal in the Consideration section of this report and at Attachment E to this report.



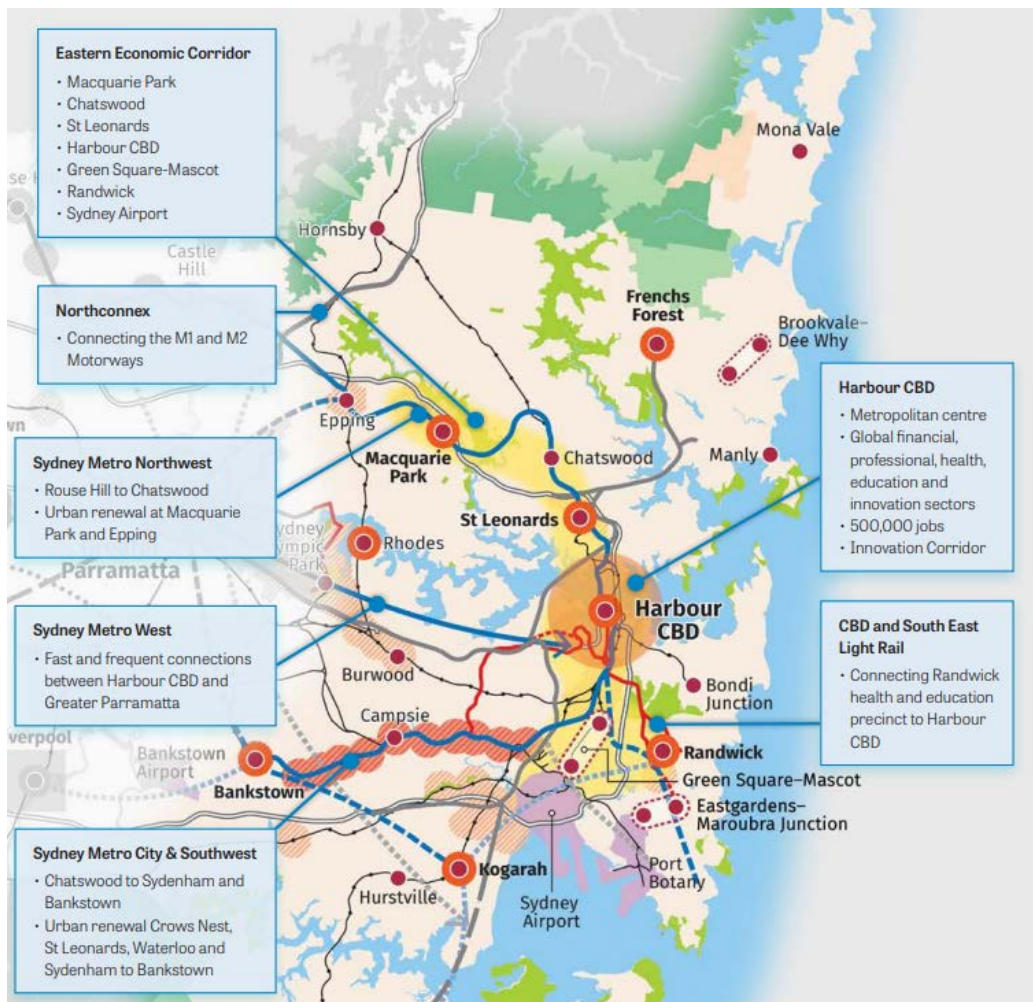
## State Planning Policies

### Greater Sydney Region Plan: A Metropolis of Three Cities

The Greater Sydney Region Plan is a strategy for managing growth and change to guide integrated land use planning and infrastructure delivery for Greater Sydney to 2056.

The Greater Region Plan is built on a vision of three cities where most residents live within 30 minutes of their jobs, education and health facilities, services and great places. The vision brings new thinking to land use and transport patterns to boost Greater Sydney's liveability, productivity and sustainability by spreading the benefits of growth (Greater Sydney Region Plan, Greater Sydney Commission 2018).

The Waterloo Metro Quarter is located within the Eastern Harbour City, Structure Plan shown at Figure 6. The structure plan emphasises how the principal spatial elements are interconnected and integrated to best deliver on the vision for the Eastern Harbour City. Specifically, the integration of the transit network – in this case the Sydney Metro project, with the economic corridors, centres and urban renewal areas is of key importance to increase Sydney's global competitiveness, boost business to business connections and attract skilled workers with faster commuting times.



**Figure 6. Structure Plan for the Eastern Harbour City Greater Sydney Region Plan (Greater Sydney Commission 2018).**

## Eastern City District Plan

The five District Plans, prepared by the Greater Sydney Commission, are guides for implementing the Greater Sydney Region Plan at a District level, structured around the strategies for infrastructure and collaboration, liveability, productivity, sustainability and implementation.

The Waterloo Metro Quarter is located in the Eastern City District, at the centre of the Eastern Harbour City. The vision will see the Eastern City District become more innovative and globally competitive, carving out a greater portion of knowledge intensive jobs from the Asia Pacific Region. The vision will improve the District's lifestyle and environmental assets (Eastern City District Plan, Greater Sydney Commission 2018).

The Plan states that the City of Sydney will accommodate 32% of the District's total growth to 2036, an increase of 102,600 people. The Plan identifies the new Metro station at Waterloo as the key to supporting the urban renewal of this area. The focus of growth will be on well-connected walkable places that build on local strengths and deliver quality places. The renewal of Waterloo is also earmarked as having the potential to become a low-emissions and high environmental efficiency precinct.

The key planning priorities to be addressed by the Waterloo Metro Quarter proposal include:

- Fostering healthy, creative, culturally rich and socially connected communities (Eastern City District Planning Priority E4)
- Providing housing supply, choice and affordability with access to jobs, services and public transport (Eastern City District Planning Priority E5)
- Creating and renewing great places and local centres, and respecting the District's heritage (Eastern City District Planning Priority E6)
- Delivering integrated land use and transport planning and a 30-minute city (Eastern City District Planning Priority E10)
- Increasing urban tree canopy cover and delivering Green Grid Connections (Eastern City District Planning Priority E17)
- Delivering high quality open space (Eastern City District Planning Priority E18)
- Reducing carbon emissions and managing energy, water and waste efficiently (Eastern City District Planning Priority E19)

## Future Transport Strategy 2056

The Strategy, prepared by Transport for NSW in alignment with the Greater Sydney Commission's Plans; sets out a transport vision, directions and outcomes framework for NSW to guide transport investment and policy. The aim is to achieve greater capacity, improved accessibility to housing jobs and services and continued innovation in the transport sector.

The Strategy also focuses on the role of transport in delivering movement and place outcomes that support the character of the places and communities we want for the future.

Key priorities set out in the Future Transport Strategy 2056 which future development of the Waterloo Metro Quarter will need to address include:

Customer focused – where possible and appropriate new technology is harnessed to provide an integrated, end-to-end journey experience for workers, residents and visitors and future transport forms are able to be integrated into the station precinct.

Successful places – master planning for the area will need to ensure that walking or cycling is the most convenient option for short trips around the precinct, supported by a safe road environment and suitable footpaths. The development of the station precinct will need to balance the need for convenient access with enhancing the attractiveness of the place.

A strong economy – the station precinct should focus on connecting people to jobs, goods and services in our cities and regions through fast and convenient interchanging between transport modes and readily available transport options.

### **NSW State Infrastructure Strategy 2018-2038**

The NSW State Infrastructure Strategy 2018–2038 sets out the NSW Government’s infrastructure vision for the state over the next 20 years, across all sectors. It is underpinned by, among others, the documents discussed earlier in this report – Greater Sydney Region Plan and Future Transport 2056 to bring together infrastructure investment and land-use planning.

The new strategy switches the focus from developing an infrastructure project pipeline to achieving sustainable growth in the NSW population and economy – aligning investment in infrastructure with the creation of communities to achieve innovation. Coordinated investment in growth areas across transport, health, education and water is prioritised as a way to create new places over individual assets. The strategy aims to ensure capital investment keeps pace with new homes and jobs in priority locations, to support population growth while maintaining local amenity.

The State Infrastructure Strategy reinforces the importance of enabling the future development of Waterloo Metro Quarter to maximise the capital investment in significant transport infrastructure to provide a well-connected, well serviced and accessible precinct.

### Local Plans and Policies

The local plans and policies that apply to the subject site are listed as follows.

**Sydney Local Environmental Plan 2012** – The rezoning of Waterloo Metro Quarter includes changes to the building heights and floor space controls that apply to the site, including the addition of a number of site specific provisions. However, some controls in the Sydney LEP 2012 will continue to apply and will be addressed through future development applications for the redevelopment of the site.

**Sydney DCP 2012** – the DCP will not apply to any future State Significant Development applications, but will be considered at a high level in the finalisation of the SSP.

**Sustainable Sydney 2030** – includes a set of goals to guide future development in the city to be as green, global and connected as possible by 2030. These sustainability targets will need to be addressed through future detailed design of proposals.

### Other relevant policies

Other relevant policies that will need to be considered in the development and assessment of future development applications on the site include:

- Apartment Design Guide 2015
- Sydney Green Grid (NSW Government Architect)
- Greener Places (NSW Government Architect)
- Better Placed (NSW Government Architect)
- Evaluating Good Design (NSW Government Architect)

## Waterloo State Significant Precinct

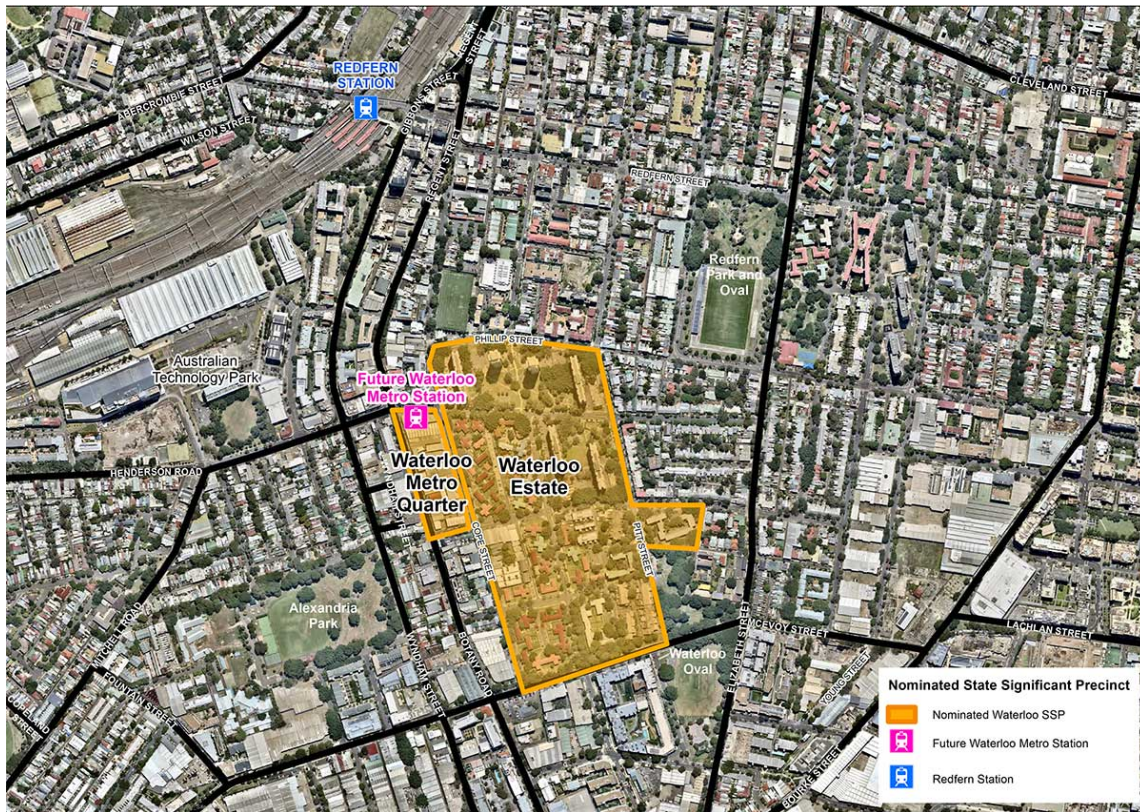
### Precinct Nomination

The former UrbanGrowth NSW Development Corporation (now known as INSW), acting on behalf of LAHC and Sydney Metro, requested nomination of the Waterloo Precinct as a State Significant Precinct in November 2016.



In March 2017, the Minister for Planning nominated Waterloo as an SSP. As shown in Figure 7, the Waterloo Precinct is a wider area made up of Waterloo Metro Quarter and Waterloo Estate.

The Waterloo Metro Quarter project has been accelerated ahead of the study for Waterloo Estate to align with the delivery of the Waterloo Metro Station, scheduled to open in 2024. It is noted that the Waterloo Estate State Significant Precinct is progressing separately and is expected to be lodged with the Department of Planning and Environment in 2019.



**Figure 7. Waterloo Precinct, incorporating Waterloo Metro Quarter and Waterloo Estate (Department of Planning, Industry and Environment)**

## Collaborative Working Arrangement

A Terms of Reference has been agreed between the Minister of Planning and Environment and City of Sydney Council's Lord Mayor to establish a collaborative working arrangement between the Department and Council.

The Terms of Reference (at Attachment A) defines a governance structure of roles and responsibilities throughout the project. Key elements of the arrangement are discussed in the following sections and include collaboration on:

- Overall project collaboration – including joint roles in drafting of Study Requirements, undertaking the Test of Adequacy review and assessment of the project.
- Project Review Panel (PRP) – to provide advice at key stages of the SSP process.
- Project Working Groups – to provide project direction and advice on a regular basis, including attendees from Transport for NSW and INSW as required.

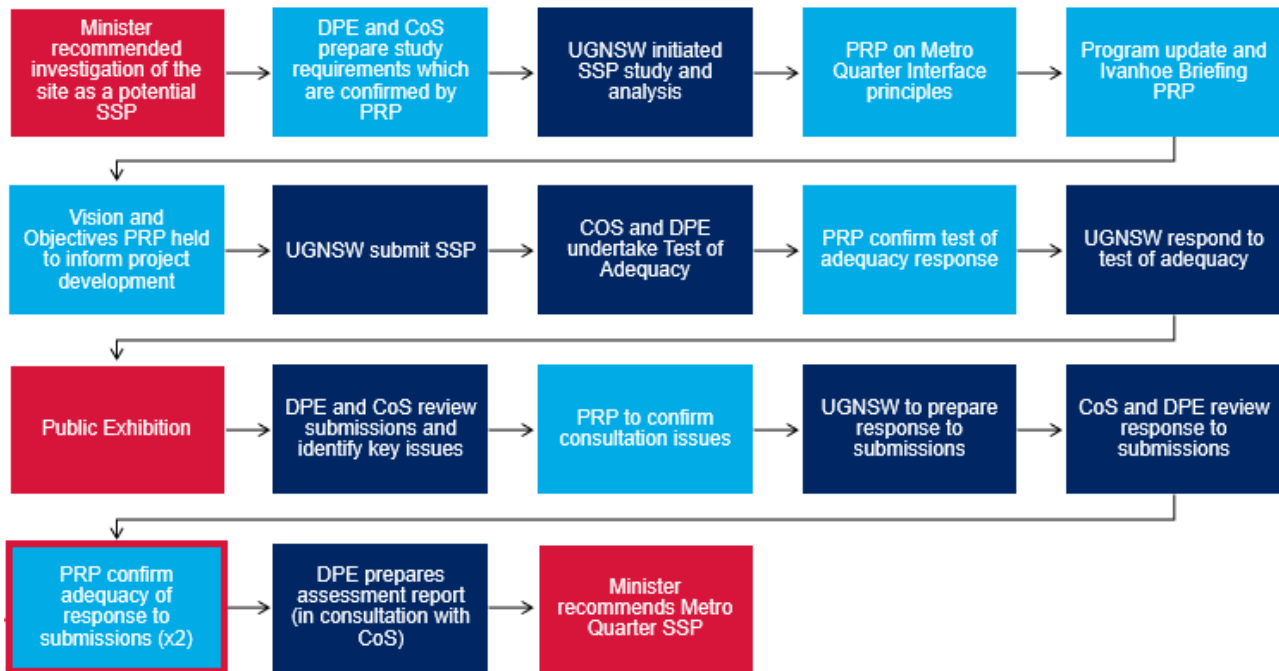
## Study Requirements and Study Lodgement

In May 2017, in consultation with City of Sydney Council, the Department issued Study Requirements for the Waterloo Metro Quarter (at Attachment B).

The SSP study for Waterloo Metro Quarter was lodged by the then UrbanGrowth NSW (now INSW) in July 2018. The Test of Adequacy review, led by the Department, revealed some further matters for the study to address. An amended SSP study was lodged in October 2018 and deemed adequate to proceed to the next stage, public exhibition.

## Project Review Panel

The PRP includes executive level staff from council, NSW Government Architect, Transport for NSW, and the Department. The SSP process is set out in figure 8 and demonstrates the milestones where the PRP met to review and provide advice regarding the proposal (light blue boxes).



**Figure 8. State Significant Precinct Process demonstrating Project Review Panel meetings**

The following is a summary of the key issues raised during meetings where the Panel reviewed the merits of the proposal:

**Land Use** – Concerns that the mix of residential and non-residential land uses was inappropriate based on the context of the site on Botany Road and did not respond to the Eastern District Plan.

**Amenity** – Concerns regarding the amenity of the proposed high density residential uses on Botany Road.

**Built Form** – Inadequate setbacks, excessive built form/massing and ability for future development to comply with the Apartment Design Guide.

**Open Space/Public Realm** – Open space needs of future residents noting that Cope Street Plaza and Raglan Street Plaza are functional entrances to the new Metro station. Alexandria Park should not be overshadowed.

**Design Excellence** – Proposal should meet Design Excellence competition requirements.

**Wind** – Concern regarding excessive wind impacts on balconies, public plazas and pedestrian thoroughfares.

**Transport Access** – Concerns regarding traffic generation, bicycle and vehicle access.

**Pedestrian Access** – Concerns regarding safety and comfort of the pedestrian environment.

**Parking** – Extent of car parking provision, noting the site's location above a Metro station.



**Affordable and Social Housing** – Maximisation of the 5-10% affordable housing target in the Eastern City District Plan and provision in perpetuity.

**Infrastructure Contributions** – Lack of information regarding infrastructure provision and delivery.

**ESD** – Lack of commitment to potential ESD measures.

At the final PRP meeting, the Panel noted that the above issues had not been addressed adequately in the Response to Submissions report submitted by INSW, this is discussed in further detail in the Consideration section. PRP Reports are included at Attachment C to this report.

## Exhibited Proposal

The SSP Study is a rezoning proposal that seeks approval for new planning controls needed to develop the Waterloo Metro Quarter. The Explanation of Intended Effect initially exhibited with the proposal identified that the planning controls were to be applied through the additions to the *State Environmental Planning Proposal (State Significant Precinct) 2005* (SSP SEPP). The following key amendments are proposed to the existing planning controls:

- Increase building heights from 12m (3-4 storeys) and 15m (4-5 storeys) to a maximum height of RL 116.9m (equivalent to 29 storeys);
- Increase the maximum FSR from 1.75:1 to 6.1:1 across the whole site (excluding public roads);
- No changes to land zoning are proposed. The B4 Mixed Use zone will continue to apply across the Metro Quarter Precinct;
- Introduce Active Street Frontage provisions to promote uses that attract pedestrian traffic along ground floor street frontages along Botany Road, Wellington Street and Raglan Street;
- Introduce a Design Excellence Clause to ensure best-practice design; and
- Introduce the requirement for a Development Control Plan (DCP) to provide detailed design controls and principles for future development in the Precinct.

The planning framework proposed by the SSP study is underpinned by a concept plan which supports the built form controls and land use planning.



Figure 9. Indicative concept plan

## Consultation

A full consultation summary report is provided at Attachment D to this report. The consultation report sets out the following details:

- Consultation activities undertaken by the Department
- Engagement undertaken by INSW
- Details of the exhibition period
- Other agencies and stakeholders consulted
- Number of submissions
- Issues raised in submissions

The following section sets out an overview of the key components of the consultation undertaken and the key issues raised in submissions.

## Exhibition

The SSP Study, associated technical studies and draft planning controls, were on public exhibition for a period of 10 weeks between 22 November 2018 and 30 January 2019.

The exhibition was advertised through the Department's website, the newspaper, an electronic database communication to registered parties and a notification mailout to 12,583 addresses in the surrounding area. The study documents were available on the Department's Waterloo Metro Quarter website and hard copies were provided at Green Square library and Council.

Urban Growth NSW (now INSW) also undertook their own consultation program, including a letter box drop and nine engagement events with the local community. INSW's website (at that time Urban Growth NSW) also featured a video fly through of the proposal.

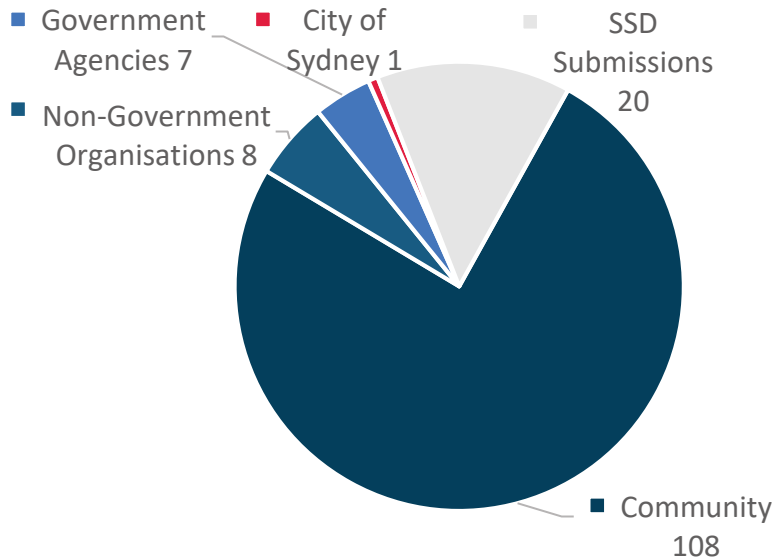
A 3D model of the proposal was prepared by Urban Growth NSW (now INSW) and made available at Town Hall House.

## Submissions

During the exhibition period, a total of 144 submissions were considered in response to the proposal. The breakdown is shown in Figure 10 and comprises: 108 community submissions, eight non-government organisations submissions, City of Sydney Council's submission and seven government agency submissions.

In addition, a further 20 community submissions made on the SSDA (exhibited concurrently) were identified as being relevant to the SSP and have been considered in this assessment.

A detailed review and analysis of the submissions has been undertaken, further detail is provided in the attached submissions summary report (Attachment D).



**Figure 10. Breakdown of submissions received on the SSP study**

### Community submissions

The following sets out an over view of the broad range of concerns raised in the community submissions:

- The proposed level of **density** was excessive (64% of submissions received);
- Insufficient **social and affordable housing** was being provided with affordable housing only provided for a period of 10 years and not held in ownership by government agency (59% of submissions received);
- The proposed quantity of **open space** provided is insufficient and of low quality with minimal solar access (54% of submissions received);
- **Traffic** congestion and generation from the proposed development would be excessive (48% of submissions received);
- The proposed number of **car parking** spaces was inadequate (47% of submissions received);
- **Waterloo Estate and Waterloo Metro Quarter** should be assessed jointly (45% of submissions received);
- **Development of government owned land** should be held to a greater standard, specifically in delivery of affordable housing and achieving best practice design (38% of submissions received);
- Excessive **overshadowing** impacts on surrounding properties, proposed open space and Alexandria Park (22% of submissions received); and
- Excessive **building heights** that do not respond to the local character and context (19% of submissions received).

Secondary issues raised by the community include:

- The proposal does not respond to the **existing local character** (8% of submissions received);
- Insufficient **public transport** exists to support the proposed development and further investigations are required to plan for the wider region (6% of submissions received);

- That the proposed range of **land uses** are too focused on residential and should include a broader range of land uses (4% of submissions received);
- Poor **pedestrian access** will be provided to the station and surrounding facilities including Alexandria Park (4% of submissions received);
- Insufficient **community consultation** was carried out with consultation occurring over the school holidays and that the Waterloo Metro Quarter should remain on exhibition until the Waterloo Estate is released (4% of submissions received);
- **Insufficient information** has been provided to the community to allow for effective consultation, the documentation provided was too complex, and the quality of reports poor including specific reference to the CPTED Report (4% of submissions received);
- Inadequate **cycling facilities and regional network** are provided (3% of submissions received);
- **Privacy** of surrounding properties will be reduced due to overlooking and proximity of future residential uses (3% of submissions received);
- The proposed built form will result in poor **wind conditions** at the ground plane due to wind tunnel effects and placement of high rise buildings (2% of submissions received);
- A higher level of **sustainable design** requirements should be applied to ensure that sustainable energy (wind turbines and solar panels) and water reuse is encouraged. The reuse of existing buildings would be more environmentally friendly than demolition of buildings (2% of submissions received);
- The proposal will have an unreasonable **visual impact** from surrounding properties including those within the Heritage Conservation Area and from Alexandria Park (2% of submissions received)
- The proposal will increase **pedestrian and traffic noise** to surrounding properties and does not respond to the existing noise from Botany Road (2% of submissions received);
- the proposal would **reduce property values** in the surrounding area due to density and associated impacts (2% of submissions received);
- The proposal does not respond to the **heritage listed Waterloo Congregation Church** and the adjacent Heritage Conservation Area (1% of submissions received);
- The proposal fails to consider **the air quality** of Botany Road which will be worsened by the additional traffic congestion generated (1% of submissions received).
- Insufficient **community facilities** are proposed or exist in the surrounding area to support the proposed population (1% of submissions received);
- The proposed towers will block **views** from surrounding buildings of the city skyline (1% of submissions received);
- The **2-stage process for the delivery of the site** is unclear and creates uncertainty for the community (1% of submissions received);
- **Additional entrances to the station** should be provided and the proposed development will not allow adequate access (1% of submissions received);
- **Insufficient buses and associated infrastructure** are provided, with the proposed bus interchange too far from the station entrance (1% of submissions received);
- **Inadequate access to surrounding schools** is provided which will create low levels of safety for children walking to school (1% of submissions received); and
- **Poor access for service vehicles** has been provided (1% of submissions received).

A response to these issues is found in the Consideration section of this report.

## Non-government Organisations

A total of eight submissions were received from non-government organisations. The key issues raised in these submissions are broadly covered by the community submissions summary provided earlier in this section. However, a number of organisation-specific matters were also raised, as summarised below. These are set out in full at Attachment D, and a response to these issues is found in the Consideration section of this report.

- WalkSydney – movement, traffic and pedestrian environment.
- REDWatch – separation of wider precinct planning process, traffic and parking, social and affordable housing, provision of community facilities and infrastructure, quality of public open space, sale of government land.
- The Salvation Army Australia – provision of community spaces and accommodation.
- Aboriginal Housing Company – provision of Aboriginal and Torres Strait Islander housing.
- Shelter NSW – provision of social housing, need for a baseline assessment of rental stress/housing need, time limitation on affordable housing provision, amenity of social and affordable housing, separation of wider precinct planning process.
- Groundswell – parking and traffic, affordable housing, community facilities, climate change, density, employment, social sustainability, ownership of public domain, separation of wider precinct planning process.
- Counterpoint Community Services – separation of wider precinct planning process, inadequate community consultation, traffic and parking, social and affordable housing.
- Vigilanti - cumulative impact of growth on the traffic network, density, quality and quantity of affordable housing, quality of open space.

## Government Agencies

A total of seven submissions were received from government agencies, listed as follows. The key issues raised in these submissions are specific matters related to each agency, summarised below. These are set out in full at Attachment D, and a response to these issues is found in the Consideration section of this report.

- Environment Protection Authority NSW – land contamination, DCP controls, water quality, air quality, noise.
- Office of Environment and Heritage, Heritage Division – separation of Estate and Metro Quarter planning process.
- Office of Environment and Heritage, Communities and Greater Sydney Division – quality of open space, planting and trees, street trees, planning controls for ESD, DCP details.
- Fire and Rescue NSW – supports the proposal, demand for FRNSW resources likely to be improved.
- Department of Education NSW – sharing of community and school facilities, movement of students to Alexandria Park Community School.
- Sydney Local Health District – provision of health facility and funding, support for community concerns, need for supporting infrastructure, quality of Social Impact Assessment.
- Sydney Water – no objection to the proposal noting that further consideration will be provided as part of subsequent development applications.

## Submissions in support

Of the 144 submissions received, 4 submissions are in support or neutral. These submissions stated that development above the Metro Station would lead to an improved range of services provided for the local community and a more connected Sydney. While one submission put forward



that less social housing should be provided additional car parking should be provided to support the redevelopment.

Further, a number of submissions which objected to the proposal did raise support for certain aspects of the proposal such as:

- A maximum number of car parking spaces
- co-ordination of the delivery of the station and over station development
- consolidation of density over the station

## City of Sydney Council

City of Sydney Council is the local government authority, principal planning authority and future owner of the public domain of the Waterloo Metro Quarter precinct. The City lodged submissions on the State Significant Precinct Study and proposed planning controls. These submissions were prepared by a team operating independently and separately to the Waterloo Project Working Group and with reference to the publicly exhibited documents only. Council's representatives on the Waterloo Project Working Group responsible for co-assessing the SSP Study and proposed planning controls did not review or provide input into the submission.

Council's submission on the SSP identified the following key concerns.

- Key objections related to the proposed response to the strategic context of the precinct. Concerns were raised regarding the separation of the planning process from the neighbouring Waterloo Estate SSP preventing holistic consideration of the appropriate planning response for the area. The City also objected to justification of intense residential development given the impacts of heavy transport on Botany Road and the alternative, city-shaping opportunity for enterprise and cultural uses to be provided in this key location. In addition to this, the City raised objection to the height proposed for the precinct which was identified as a response to airport height restrictions rather than a place-based response to the local context.
- Objections to the design response proposed included the absence of public open space, noting that the proposed publicly-accessible plazas would be privately-owned, and affected by overshadowing and wind impacts. The impact of overshadowing on existing public open space at Alexandria Park was also raised as a concern with a recommendation that overshadowing of the Park after 9am should be eliminated.
- Further objections to the proposed design response and planning controls included the recommendation that more than 10 percent of dwellings should be provided for social housing and a minimum of 10 percent for affordable housing provided in perpetuity, that infrastructure and contributions were not adequately planned for, that car parking should be limited to 65 spaces, that the proposed design excellence approach does not provide for a competitive design process and, therefore does not provide for excellent design outcomes, and that the proposal does not outline adequate commitments to reducing carbon emissions and managing energy, water and waste efficiently.

## SSD Submission

Council also lodged a submission on the concept SSDA Concept for the site which was exhibited concurrently with the SSP. Whilst this report considers the SSP only, there are matters raised by Council regarding the SSD Concept Plan which have relevance to the proposed planning controls for the site.

Objections raised by the City of Sydney on the SSD, further to the issues raised in the SSP submission, include:

- impacts on the heritage listed church in the precinct due to inadequate setbacks, wind and excavation,

- inaccuracies in the noise assessment and inappropriateness of the noise mitigation devices proposed,
- inadequate solar access, building separation, natural ventilation, quality common open space and noise mitigation for the proposed residential uses,
- excessive bulk and scale due to limited setbacks and transitions in height and the continuous podium,
- inadequate response to pedestrian circulation needs and safety at key intersections,
- location of proposed street trees and the likelihood of vehicle strike,
- inadequate traffic modelling,
- failure to consider precinct-scale environmental infrastructure in conjunction with Waterloo Estate SSP,
- inclusion of public art, and
- use and operation of community facilities.

City of Sydney Lord Mayor Clover Moore also raised concerns on her website encouraging community members to make submissions on the SSP study and SSDA.

## Amended Proposal

In response to the submissions, the proposal has been amended to seek approval to modify the planning controls in *Sydney Local Environmental Plan 2012* for Waterloo Metro Quarter and amend *State Environmental Planning Policy (State and Regional Development)* to list the Waterloo Metro Quarter site under Schedule 2 to identify future development as State Significant Development, where relevant thresholds are met.

Other options for enacting the proposed planning provisions were considered and included amending the controls within either the State Environmental Planning Policy (State Significant Precincts) 2005 or the Sydney Regional Environmental Plan No 26—City West. These options were not preferred as they would result in unnecessary duplication of existing controls within the SLEP 2012 and would require a complex drafting process due to these policies not being consistent with the Standard Instrument format.

It is not proposed to amend the land use zoning of the site. The B4 Mixed Use zone will continue to apply across the Metro Quarter Precinct. The following key amendments are proposed to the existing planning controls:

- Increase the maximum building heights from 12m (3-4 storeys) and 15m (4-5 storeys) to a maximum height of RL 116.9m (equivalent to 29 storeys), stepping down to RL104.2 (equivalent to 25 storeys) and RL 96.9 (equivalent to 23 storeys);
- Increase the maximum floor space ratio from 1.75:1 to 6.0:1 across the site;
- Introduce a clause which requires that a minimum of 12,000sqm of gross floor area is used for non-residential land uses including 2,000sqm of floor space for community facilities, and 2,200sqm of publicly accessible open space be provided which is in addition to the 12,000sqm of non-residential uses;
- Introduce a requirement for 5% of the total residential floor area to be dedicated as affordable housing in perpetuity;
- Introduce a clause for the consent authority to make guidelines relating to the design and amenity of the Waterloo Metro Quarter;
- Introduce a satisfactory arrangements clause for the provision of designated State public infrastructure for residential land use;

- Introduce a Design Excellence clause to ensure best-practice design, including an exclusion from a 10% floorspace bonus applicable under the existing clause in the SLEP 2012;
- Introduce maximum car parking provisions for residential and commercial uses on the site; and
- Introduce Active Street Frontage provisions to promote uses that attract pedestrian activity along ground floor street frontages along Botany Road, Wellington Street, Cope Street and Raglan Street.

## Consideration

The inclusion of the planning controls within SLEP 2012 was considered and agreed through the collaborative assessment process with advice from the PRP. CoS also recommended during the assessment that the inclusion of the site within the SRD SEPP be limited to the current applications are considered as State Significant Development. It is noted that the proposed schedule will ensure that any development that is not carried out by Sydney Metro and with a CIV not less than \$30m will not be affected by this provision.

Based on the matters raised during the exhibition of the proposal and the assessment process, the following issues have been identified as key considerations:

- **Land Use**
- **Amenity**
- **Built Form**
- **Open Space/Public Domain**
- **Design Excellence**
- **Wind**
- **Transport Access**
- **Pedestrian Movement**
- **Parking**
- **Affordable and Social Housing**
- **Infrastructure/Contributions**
- **Separation of the Waterloo Metro Quarter and Waterloo Estate**
- **Environmentally Sustainable Design**
- **Heritage**
- **Process and Information**

### Land Use

#### Issue

No change is proposed to the current B4 Mixed Use Zone but the quantum of development potential on the site is proposed to be increased. The concept plan on which the proposed planning controls have been based nominates the following breakdown of uses:

- Approximately 56,500 sqm GFA of residential accommodation
- Approximately 4,000 sqm of GFA for retail premises and entertainment facilities
- Approximately 8,500 sqm for business and commercial premises and community and recreation facilities (indoor)

Submissions received during consultation raised the following issues:



- Conflict regarding high density residential development and air and noise pollution associated with the Botany Road corridor;
- The proposal will erode the international competitiveness of the Harbour CBD by failing to appropriately grow and support the area's commercial sector;
- It does not take advantage of the city-shaping opportunity presented by being located on a high capacity public transport service by proposing an unequal proportion of residential development over enterprise and cultural uses that would grow the economy; and
- Metro Quarter can form part of / support the Camperdown-Ultimo Collaboration Area by providing additional commercial floorspace.

## Consideration

The PRP confirmed the issues raised in submissions and recommended that:

- The proposal responds to the submissions through amendments which consider the greater strategic opportunities for commercial land uses, noting this can assist addressing residential amenity issues;
- A reduction to the overall amount of residential and increase in non-residential on the Botany Road frontage may also address other issues with the site including:
  - Residential amenity issues; and
  - Alternate building forms which may reduce overshadowing of Alexandria Park and the proposed publicly accessible space.
- INSW explore opportunities to increase the non-residential floor space and consider implementing a requirement for the minimum amount of non-residential floor space.

In response to the issues raised in submissions and by the PRP, INSW has proposed a new site-specific provision requiring a minimum of 12,000 square metres of non-residential GFA to be provided on site. This would exclude any floor space associated with *passenger transport facilities*. These uses would include:

- *Commercial premises;*
- *Centre-based child care facilities;*
- *Community facilities;*
- *Early education and care facilities;*
- *Educational Establishments;*
- *Entertainment facilities;*
- *Function centres;*
- *Health services facilities; and*
- *Recreation Facility (indoor).*

No change to the overall quantum of residential floor area has been proposed by INSW in its Response to Submissions report. The report provides support for this position noting the proposal adequately addresses relevant District Plan priorities and sufficient non-residential uses in particular retail, community services, and local commercial uses will be provided to service and support the local area.

The exhibited SSP Study identified that around 372 additional jobs would be created across the whole Waterloo Precinct between 2011 to 2036 without any change to the current planning controls. As a result of the proposed amendments, it has been forecasted by INSW that the proposal will provide approximately 221 additional jobs between 2016 to 2036 on the Waterloo Metro Quarter alone.

At its review of the Response to Submissions report, the PRP noted that INSW proposed to amend the planning framework to include a minimum non-residential floor space provision but that no

modification had been made to the concept design to address amenity concerns raised previously that will result from the large amount of residential floor space to be located on Botany Road. It is also noted that in addressing these amenity concerns (eg noise mitigation) there is a risk that the maximum GFA under the proposed FSR cannot be achieved in the development application process.

The PRP also recommended that Design and Amenity Guidelines be drafted by the PWG with advice from the PRP to assist in addressing these issues to replace a DCP.

Future SSDA approvals will need to provide evidence that the proposed land uses adequately address the requirements of the B4 Mixed Use Zoning. This may result in an increase of non-residential floor space. Whilst any changes to land uses may result in changes to building envelopes, this would need to be considered and assessed as part of any subsequent Concept Plan SSDA or detailed design SSDA.

The SSDA will be supported by Design and Amenity Guidelines to inform detailed design outcomes. The guidelines will be prepared by the applicant for review by the PRP and will then be finalised by the consent authority to ensure they are rigorous and transparent.

Through the collaborative assessment process, CoS also identified that the proposed retail and commercial uses at ground floor level play an important role in the use of the precinct by supporting activity and passive surveillance. CoS recommended that the Active Street Frontages proposed in the EIE be extended to include all site frontages.

The proposal's response to the broader planning framework within which it sits is considered in further detail as part of **Attachment E**.

## Recommendation

- That a clause be included in SLEP 2012 requiring the provision of 12,000m<sup>2</sup> GFA non-residential uses, excluding passenger transport facilities on the Waterloo Metro Quarter site.
- The clause should require that these uses are to be provided at podium level to ensure an appropriate response to the context of Botany Road and the future plaza to be delivered on site. The clause should also require that these uses are evenly distributed across the site to avoid pressure on the final stages of the development.
- That provisions for Active Street Frontages be applied to street frontages of the site where retail and commercial uses are proposed through inclusion on the Active Street Frontages map.

## Amenity

### Issue

Submissions received during consultation raised the following issues:

- Locating residential development adjacent to Botany Road is in conflict with the health and wellbeing of future residents due to noise and air quality impacts;
- Implementing noise control at a strategic planning level is recommended to manage noise-based land use conflict; and
- The proposal will increase pedestrian and traffic noise to surrounding properties and does not respond to the existing noise from Botany Road.

Additionally, Council raised concerns that the proposal allows for a significant number of residential dwellings close to Botany Rd, and it should be demonstrated that Apartment Design Guide requirements for natural ventilation can be met while also meeting requirements for acceptable noise levels within future apartments. Council noted that Botany Road is a Classified road and is only one of 2 north to south routes for oversize vehicles and vehicles carrying dangerous goods between Sydney Airport/Port Botany and Sydney's northern suburbs.

## Consideration

The PRP confirmed the issues raised in submissions and noted/recommended that:

- The proximity of Botany Road may significantly constrain residential land uses;
- Further information relating to noise mitigation measures to be applied and how these will respond to the natural ventilation measures under the Apartment Design Guide should be provided;
- The concept plan be amended to factor noise mitigation measures into the building envelopes;
- The Acoustic Report be updated to correctly consider the noise criteria under the *State Environmental Planning Policy (Infrastructure) 2007* (ISEPP) and *Sydney Development Control Plan 2012* (SDCP 2012); and
- Further information relating to measured noise level on Botany Road, the target noise level inside dwellings, and the proposed mitigation measures to achieve that target noise level should be provided.

In response to the issues raised in submissions and by the PRP, INSW has advised that this is a matter to be resolved during assessment of the Concept Plan SSDA. In support of this position, the Response to Submissions report outlines that surrounding existing residential and recent approvals along Botany Road and Regent Street indicate ability to comply with relevant noise and amenity requirements and that its testing of the proposal against SDCP 2012 'open window' requirements indicates compliance. Additionally, the Response to Submissions report notes that the concept plan has been designed to appropriately consider and mitigate the impact of noise on residential development including the following measures:

- Separation of residential from Botany Road by a three-storey non-residential podium;
- Providing a continuous podium with limited breaks to shield Cope Street Plaza from noise;
- Aligning longer elevations perpendicular to Botany Rd to maximise separation and setback of dwellings from Botany Rd; and
- Including indented balconies and inclusion of noise mitigation measures such as built form that shields apartment openings and is capable of including additional screened openings.

At its review of the Response to Submissions report, the PRP noted that the proposal had not adequately responded to concerns raised previously by the panel and that this issue may be difficult to address through the SSDA assessment process. The Panel also recommended that outstanding amenity issues for the Waterloo Metro Quarter precinct should be managed through design and amenity guidelines prepared by the PWG with advice from the PRP.

It is noted that future development on site will need to demonstrate compliance with the relevant statutory and environmental compliance requirements, including the ISEPP, Apartment Design Guide and Sydney DCP 2012. Any future development will need to be subject to the relevant requirements and evidence compliance. Future development will also be subject to conditions of consent which will ensure that the noise impacts on surrounding residents are within acceptable limits.

The SSDA will also be supported by Design and Amenity Guidelines prepared with advice from the PRP to be adopted by the consent authority to ensure appropriate rigour in the establishment of design controls.

## Recommendation

- That a clause be included in SLEP 2012 requiring the making of Design and Amenity Guidelines for the Waterloo Metro Quarter to inform future development.

- That the SSDA assessment process consider whether future development is appropriately designed to adequately address the relevant noise criteria for impacts on surrounding buildings and acceptable noise levels within future buildings developed on site.

## Built Form

### Issue

In considering built form, it must be noted that the rezoning does not seek consent for detailed design of the site but for amendments to the existing planning provisions. To evidence that the proposed provisions are appropriate for the site, the amendments have been based on a concept plan SSDA currently under consideration concurrently by DPIE.

Many of the submissions received during consultation raised issues regarding the concept plan, including:

- Proposed building heights are excessive and do not respond to the local character and low-density context;
- Heights should be limited on the Waterloo Metro Quarter and increased in the Waterloo Estate;
- The proposed heights will set a precedent for the surrounding areas, resulting in future overdevelopment of the surrounding suburbs;
- The Waterloo Metro Quarter is not a gateway site that needs to be identified with tall buildings;
- Privacy of surrounding properties will be reduced due to overlooking and proximity of future residential uses;
- The proposal will have an unreasonable visual impact from surrounding properties including those within the Heritage Conservation Area and from Alexandria Park;
- The proposed level of density is excessive; and
- The proposal fails to adequately consider the compound impacts of the proposed number of dwellings in addition to those existing, planned and in construction in the surrounding areas. This will result in insufficient public transport, open space, schools, medical facilities and other critical infrastructure.

### Consideration

The PRP confirmed the issues raised in submissions and noted some issues with the concept plan on which the amended planning controls are based including:

- Concerns regarding the site permeability, length of unrelieved podium, setbacks of towers to podium, and street level setbacks adjacent to Waterloo Congregational Church and along Botany Road;
- Justification for building heights and how they transition to surrounding areas;
- Relationship of future buildings to the church;
- The need to increase setbacks along Botany Rd to ensure:
  - sufficient deep soil zones to facilitate street tree planting (noting the Premier's Priority to plant one million trees by 2022);
  - sufficient space for safe pedestrian movement; and
  - flexibility of the kerbside space for a range of uses.

In response to the issues raised in submissions and by the PRP, INSW confirmed that these matters can be resolved during assessment of the Concept Plan SSDA and in particular through preparation of design and amenity guidelines. In support of this position, the Response to Submissions report outlines:

- Population growth should be located in areas that have good access to transport, jobs, services, entertainment and recreation;
- The planning framework seeks to deliver an integrated, mixed use station precinct at the Metro Quarter and the studies which support the application have included consideration of existing and potential future character and context;
- The local context is varied and Botany Road is not identified by any relevant endorsed planning document as worthy of protection, allowing for the built form and massing of the Metro Quarter to be transformative;
- The height of the Metro Quarter responds to the existing heights of Matavai and Turanga towers within the Waterloo Estate;
- The proposal makes efficient use of the site through a high density building envelope, commensurate with an inner city location, benefitting from excellent access to high frequency public transport, goods, services and open space;
- The proposal seeks to create a signature urban marker denoting the location of the metro station;
- The proposed podium length is acceptable as the 2 mid-block connections are provided, allowing access to bus stops along Botany Rd, podium setbacks are appropriate subject to detailed design;
- Setbacks at ground floor ensure that sufficient pedestrian movements are possible as evidenced in the modelling undertaken;
- Setbacks to the church are acceptable in light of the heritage impact statement submitted;
- Any additional cross site links are not possible due to location of Metro station service boxes;
- The indicative concept plan achieves compliance with the requirements of the ADGs; and
- The site is well separated from adjacent and surrounding conservation areas by Botany Rd which is a heavily trafficked road and the site is largely obscured due to existing trees and north south orientation of blocks.

At its review of the final RtS, the Panel reaffirmed its previous advice on the proposal relating to built form, in particular to address inadequate setbacks of the towers above the podium, poor transition to the surrounding context, excessive built form and massing including the unrelieved length of the podium. The Panel also recommended an amendment to the proposed Maximum Height of Buildings Map in Sydney LEP 2012 to preserve solar access to Alexandria Park. This has been considered under the Open Space section of this report.

The panel recommended that the proposal extend the increased setback along Botany Road to the north of the Waterloo Congregational Church for the full length of the block. The panel noted that this could be achieved by introducing a setback of 6m from the property boundary in the proposed height maps to ensure:

- Sufficient deep soil zones to facilitate street tree planting (noting the Premier's Priority - Greening our City);
- Sufficient space for safe pedestrian movements and improved pedestrian amenity;
- Flexibility of the kerbside space for a range of uses.

The PRP recommended that further guidance on built form is managed through Design and Amenity Guidelines for the Waterloo Metro Quarter.

Noting that the panel identified that many of the built form issues can be resolved through the Design and Amenity Guidelines to be applied to the site, it is considered that these issues are to be addressed as part of subsequent SSDAs.

## Recommendation

- The revised FSR for the precinct should be identified as 6.0:1 consistent with the SSDA exhibited concurrently with the rezoning proposal.
- Future development will be subject to Design and Amenity Guidelines which will accompany subsequent SSDA and will provide guidance on:
  - built form with respect for the surrounding local character; and
  - building layout, form and design to balance its regional significance with responsiveness to local character.
- Based on appropriate design guidelines and considerations through the concept plan SSDA and future detailed Development Applications, the proposed built form is acceptable for rezoning purposes.

## Open Space/Public Domain

### Issue

Submissions received during consultation raised the following issues:

- Quantity of open space provided is insufficient and of low quality with minimal solar access;
- Future development will cause excessive overshadowing impacts on proposed open space and Alexandria Park;
- The proposal fails to adequately consider the compound impacts of the proposed number of dwellings in addition to those existing, planned and in construction in the surrounding areas on the provision of public open space;
- Shortage of open space provided within the site when combined with additional residents will place greater demand on surrounding open spaces which are already at capacity and are difficult to access with poor pedestrian environments;
- Open space provided should enhance the natural environment, including local native species to increase urban tree canopy, promote connection to nature and provide resilient, healthy and diverse urban forest; and
- Separation of the Waterloo Estate and Metro Quarter SSP processes makes assessment of the Metro Quarter master plan difficult for example with respect to overshadowing of proposed open space on the Estate.

### Consideration

The concept plan which has informed the proposed planning controls includes publicly accessible open space along Cope Street adjacent to the Station Boxes, and future development will also include roof top communal open space for the use of future residents.

The consideration of the issues identified in consultation are largely focused on the provision of future open space and impacts to Alexandria Park. These issues are considered separately below.

### Future Open Space

The PRP confirmed the issues raised in submissions regarding the provision of future open space and noted/recommended:

- Further information should be provided including:
  - how the proposed removal of the community building will affect the uses and performance of Cope Street Plaza, including solar access and suitability for the proposed uses;
  - whether the recreation needs of existing and future populations can continue to be accommodated.



- The proposal should investigate how development of the Waterloo Estate can guarantee provision of open space required to support the new population at the Metro Quarter.
- The proponent should examine whether a contributions schedule for open space is required.

In response to the issues raised in submissions and by the PRP, INSW has proposed to update the concept plan to remove the proposed community building within the Cope Street Plaza to increase the amount and flexibility of publicly accessible open space. The Response to Submissions report also proposes that design guidelines for the SSDA will require that a total area of publicly accessible open space provided on site collectively receives a minimum of 3 hours solar access to 50% of its areas on June 21, between 9am and 3pm.

At its review of the Response to Submissions report, the PRP noted that insufficient information has been provided regarding the quality of the public spaces to be delivered and concerns continue regarding the final design and function of these spaces including wind conditions, solar access and comfort for future users. The PRP also noted that this is an issue that may be resolved through the Design and Amenity Guidelines for the Precinct.

It is noted that the location and size of the Station Boxes approved under the Critical State Significant Infrastructure application have significantly impacted the ability of the Precinct to provide central open space not impacted by overshadowing. The 1,650m<sup>2</sup> publicly accessible Cope Street plaza will however provide a new multifunctional space for residents, workers and visitors, while a total of 2,200sqm of public accessible open space (up from the exhibited 1,920sqm) is proposed to be provided across the Precinct. The Design and Amenity Guidelines for Waterloo Metro Quarter can address matters associated with the design of these public spaces. New trees that will also be planted in the precinct will support the Premier's priorities of Greening our City and Greener Public Spaces.

In addition, it is noted that future development will be subject to monetary contributions. Some of these funds could be used towards embellishment of local passive and active recreation facilities to assist catering for increased demand as a result of the development. These embellishments could improve the capacity of these parks to cater for increased usage, and potentially deliver a wider range of recreational facilities and activities to meet the needs of the local community. Contributions may also fund the provision of embellishments or connections to regional open space.

### **Impacts on Alexandria Park and surrounding open spaces**

The proposal seeks to increase heights to between 23 storeys to 29 storeys. This would result in some overshadowing of Alexandria Park, a significant local park adjacent to the Alexandria Park Community School which is subject to considerable expansion.

During the winter solstice, the proposed buildings at Waterloo Metro Quarter would result in 12.2% of Alexandria Park being overshadowed at 9am and 6.7% of the park being overshadowed at 9:30am. By 10:10am, Alexandria Park would not be overshadowed by the proposed development.

The current SDCP 2012 applies the following provisions for solar access to open space:

- Overshadowing effects of new buildings on publicly accessible open space are to be minimised between the hours of 9am to 3pm on 21 June. (3.2.1.1 (1) of SDCP 2012)
- In relation to parks (i.e. non-linear public open space): 50% of the total area is to receive sunlight for 4 hours from 9am to 3pm on 21 June (3.1.4 (3)(a) of SDCP 2012)

The PRP confirmed the issues raised in submissions regarding the provision of future open space and noted/recommended:

- Further information should be provided including:

- whether there are opportunities to minimise any potential increase in overshadowing of Alexandria Park, noting the limited ability of the proposed open space at the Waterloo Metro Quarter meet opens space needs, e.g. recreation needs;
  - clarification of what the impacts of the proposed overshadowing of Alexandria Park would be including the areas affected, how these areas are currently used and an understanding of what areas of the park will be used under agreement with Alexandria Park Community School,
  - a comparison of the potential overshadowing impacts to the park under the existing LEP controls and existing overshadowing to the park from nearby buildings; and
  - whether the recreation needs of existing and future populations can continue to be accommodated.
- Proponent should investigate how development of the Waterloo Estate can guarantee provision of open space required to support the new population at the Metro Quarter;
  - Proponent should examine whether a contributions schedule for open space is required; and
  - The proposal should identify what improvements to pedestrian / cycle access to regional / local open spaces including Alexandria Park.

In response to the issues raised in submissions and by the PRP, the Response to Submissions report outlines:

- The overshadowing of Alexandria Park complies with the requirements of SDCP 2012 as the proposed height planes will not result in overshadowing after 10:10am on the 21 June.
- Areas that would be overshadowed before 10am are principally used for informal passive recreation and are partly in shade as a result of the many large mature fig trees in the Park. The majority of Alexandria Park would not be affected by overshadowing would be available for passive recreation use during the brief period when overshadowing occurs.
- Current SLEP 2012 maximum heights would allow up to 7% of the area of Alexandria Park and Oval to be overshadowed. The Metro Quarter indicative concept proposal would increase the area of the park that is in shade by 9 percent (noting there is some overlap of shadows). The total area of the park shaded by buildings would be up to 16 percent.
- The extent of trees and existing buildings currently overshadowing Alexandria Park has been estimated as approximately 62 percent of Alexandria Park and Oval. Taking these areas into account, shadows cast by the indicative concept proposal would increase the area of Alexandria Park in shade by 0.5 percent. The position of buildings in the indicative concept proposal means that shadows cast by them overlap with shadows from tree, resulting in minimal change to the area of the Park that would enjoy sunlight at 9am on June 21.
- The options to reduce overshadowing are considered unacceptable as this would require a limitation of the development potential (identified as approximately a loss of 163 dwellings) of land directly above the metro station, failing to adequately recognise the catalytic nature of the metro station and new infrastructure being delivered.
- Sufficient connections are currently provided to Redfern and Waterloo Park and whilst Botany Road is currently a significant barrier, future development will provide enhanced pedestrian crossings of Botany Road at the Wellington Street and Raglan Street intersections, and accommodates part of the planned upgrade of the Wellington Street cycle path to an on-road configuration.

At its review of the Response to Submissions the PRP reaffirmed its previous advice that opportunities to minimise any increase in overshadowing of Alexandria Park after 9am in midwinter should be investigated and that amendment of the proposed Maximum Height of Buildings Map in Sydney LEP 2012 should reduce the maximum height of the southern tower by 3 metres, and



include sun access planes to protect sunlight to Alexandria Park at 9am in midwinter, taking into account the existing Sydney LEP 2012 height limits.

The Department notes that the proposal complies with the City of Sydney's solar access controls and recognises that development allowed under the proposed planning controls will cause some overshadowing impacts on Alexandria Park until 10:10am in mid winter. The Department considers the impact to be acceptable for rezoning purposes.

### Recommendation

- That a clause be included in SLEP 2012 requiring that a minimum of 2,200m<sup>2</sup> publicly accessible open space be delivered on the Waterloo Metro Quarter site.
- That a clause be included in SLEP 2012 requiring the making of Design and Amenity Guidelines for the Waterloo Metro Quarter.
- That a clause be included in SLEP 2012 requiring satisfactory arrangements to be made for the provision of designated State public infrastructure prior to development of the land.

## Design Excellence

### Issue

The SSP Study as lodged, sought to apply Sydney Metro's Design Excellence Strategy which includes the following key steps:

- Phase 1 – Establish Design Quality Expectations
- Phase 2 – Competitive Selection:
  - Form a Design Excellence Evaluation Panel (DEEP) to provide independent review of short-listed tenderers.
  - DEEP provide design improvement advice to tenderers and prepare a Design Excellence Report.
- Phase 3 – Design Integrity
  - Sydney Metro Design Review Panel ensures continuity of design advice and incorporation of key design elements from the Design Excellence Report

This approach does not include a competitive design process as currently required under Clause 6.21 of the SLEP 2012.

This approach was not supported by Council as it does not include a competitive design process. Council identified that the submitted design excellence Strategy primarily seeks to improve tenderers' design submissions to achieve better design. It did not ensure a competitive design process to achieve excellent design outcomes. Council believes that a competitive design process is a prerequisite to design excellence as it serves to demonstrate the superior quality of a proposed development through the comparative evaluation of several competing design concepts.

### Consideration

The PRP noted the issues and noted that:

- the proposal needs to meet design excellence requirements and that the DEEP is a process for eliciting design excellence in a procurement process,
- the design excellence strategy was not process associated with the planning framework; and
- the design excellence process should be included as part of the planning framework.

In response to the issues raised in the submissions and by the PRP, INSW amended the proposal so that the planning framework would sit within the SLEP 2012. This would ensure that the current Design Excellence provisions of SLEP 2012 under cl 6.21 would continue to apply to the site.

The Response to Submissions stated that the submitted Design Excellence Strategy provides sufficient justification for an alternative design process which does not include design competitions. This is primarily due to the complexity of a metro station being delivered and that a design competition is not considered appropriate.

At its review of the Response to Submissions, the PRP identified that the potential design competition bonuses of 10% to height or FSR permitted under clause 6.21(7) of SLEP 2012 should not apply to the project. The PRP also recommended that a new design review panel is required, (preferably under the Government Architect's State Design Review Panel policy) to address design excellence for any future applications. The PRP also recommended that the new design review panel process should be included in the SSDA Design Guidelines.

In considering the advice of the PRP, it is recommended that cl 6.21 of the SLEP 2012 continues to apply to future development at the site, with the exception of the potential 10% bonus to height or FSR. It is noted that under Clause 6.21 (6) a consent authority may waive a competitive design process where it is considered that such a process would be unreasonable or unnecessary in the circumstances of the development. Recent SSDA approvals for Pitt St North and South Stations have supported no design competition being held where the proposals were determined to have exhibited design excellence.

The proposed approach does not seek to either require or reject a design competition for the site as this is a matter which would need to be resolved as part of subsequent SSDAs on the site. Noting the PRPs comments regarding a need for a new design review panel, this matter would be considered as part of any Design Guidelines prepared for the site.

### **Recommendation**

- That the design excellence clause at clause 6.21 of the SLEP 2012 continue to apply to the site;
- That potential building height or floor space bonuses permitted under cl 6.21(7) of the SLEP 2012 be excluded from applying to the site; and
- Future Design Guidelines for the site consider the establishment of a new design review panel under the Government Architect's State Design Review Panel framework to address design excellence for any future detailed development application.

## **Transport Access**

### **Issue**

The proposed amendments to the planning framework are based upon an indicative concept plan which was submitted as part of the SSP Study. The SSP Study was supported by a Transport Study which considered the likely impacts of future development on the broader road and transport networks.

Submissions received during consultation raised the following issues:

- Traffic congestion and generation from the proposed development would be excessive;
- Insufficient public transport exists to support the proposed development and further investigations are required to plan for the wider region;
- Inadequate cycling facilities and regional network are provided;
- Insufficient buses and associated infrastructure are provided, with the proposed bus interchange too far from the station entrance;
- Poor access for service vehicles has been provided;
- The surrounding streets are already congested and will be worsened by the proposal and WestConnex; and

- Alternate approaches to street network would improve traffic. This would include extending the one-way sections of Regent/Botany Rd and Gibbons/ Wyndham Streets to have a better flow of traffic. This could also be supported by the opening of Buckland St to allow two-way traffic to have the ability to change directions along the two existing one-way streets.

## Consideration

The PRP noted these issues and recommended that:

- a revised Traffic Impact Statement to address the issues raised in consultation and reference to a midblock Botany Rd pedestrian connection be prepared; and
- further information on how future development will manage a desire line across the site and its interface with Botany Rd be provided.

In response to the community concerns and the guidance provided by the PRP, the Response to Submissions identified the following key points:

- The transport analysis took into consideration:
  - future mode share targets;
  - analysis of total travel demand based on trip generation surveys;
  - background movements and demand generated by the Metro Quarter;
  - assessment of cumulative impacts of known surrounding development including Australian Technology Park and infrastructure interventions (including Alexandria to Moore Park and WestConnex);
- An Aimsun traffic model was prepared which assessed the cumulative impact and determined that the uplift was acceptable;
- Sufficient cycling infrastructure will be provided which adequately addresses demands generated subject to the provision of:
  - On-road cycle path along Wellington Street;
  - Pending finalisation of the Waterloo Estate, designation of Cope Street as a low speed shared street that prioritises pedestrians and cyclists and includes continuation of the north-south regional cycle route along Cope Street providing interface with Waterloo Metro Station; and
  - Bicycle parking, storage and associated facilities for 700 resident bicycles and 550 spaces for other users.
- Details of the shared way will be resolved as part of subsequent SSDAs but this will ensure that pedestrians, cyclists and low speed vehicles are able to share the same space with minimal conflict.

The PRP identified some concerns with the concept plan upon which the amended planning controls are based including the amount of traffic generation, pedestrian safety at intersections. The PRP also questioned the viability of a mid-block connection over Botany Road and the proposed shared path adjacent to the church.

The final PRP report reaffirmed its previous advice and identified that the Design and Amenity Guidelines for the SSDA would need to include:

- measures to encourage use of public transport and active transport.
- consideration of design for adaptive reuse of carparking spaces.
- encourage the provision of car share spaces and accessible spaces, and includes objectives to prioritise active and public transport over the use of private cars

The Department has reviewed the matters addressed in the RtS and considers that sufficient information has been provided for rezoning purposes to evidence that the proposed increase to

development yields at the site are acceptable. It is noted that many of the issues raised during the exhibition will be further considered and addressed through subsequent SSDAs and controls incorporated in the Design and Amenity Guidelines.

## Recommendation

- Future development will be subject to Design and Amenity Guidelines which will accompany subsequent SSDA and provide guidance on transport.

## Pedestrian Movement

### Issue

The proposed amendments to the planning framework are based upon an indicative concept plan which was submitted as part of the SSP Study. The concept plan identified paths of travel, connections to surrounding street networks and interconnectivity with the future Metro Station.

Submissions received during consultation raised the following issues:

- Poor pedestrian access will be provided to the station and surrounding facilities including Alexandria Park;
- Inadequate access to surrounding schools is provided which will create low levels of safety for children walking to school;
- Movement of students and community between the Metro Quarter and Alexandria Park Community School is lacking in detail and should be addressed more clearly;
- Pedestrian / bicycle paths within the site should not be shared with cars;
- The design of Raglan, Cope and Wellington Streets as high quality slow-speed Shared Zones designed for 30km/hour speed limits is supported;
- Footpaths on both sides of Botany Road and protected bicycle/scooter lanes should be provided;
- Limited vehicle access points should be provided to encourage safe pedestrian environments; and
- No Metro Interchange Access Plan (IAP) and Station Design and Precinct Plan (SDPP) has been provided to demonstrate adequate and safe access to and from Station entries.

### Consideration

The PRP noted these issues and recommended that:

- The proposal should provide an increased setback to Botany Road;
- Further detail should be provided which demonstrates suitable pedestrian comfort at intersections, bus stops and throughout public domain;
- The proposed shared way should be redesigned to improve pedestrian use and priority of shared way; and
- Details of necessary improvements for access to local and regional facilities, including Alexandria Park and Alexandria Park School.

In response to the issues raised in the submissions and by the PRP, INSW noted no further change was proposed as part of the SSP study other than removing the mid-block crossing over Botany Road. INSW also advised further design measures to ensure pedestrian safety would be a matter to be addressed as part of subsequent SSDAs.

At its review of the Response to Submissions report, the PRP reiterated its previous advice, noting the removal of the mid-block connection over Botany Road does not remove the desire line established by the concept plan. The PRP noted that evidence of how the desire line will be managed to ensure pedestrian safety must be provided. The PRP noted that limited additional information had been provided to address previous advice and recommendations.

## Recommendation

- Future development will be subject to Design and Amenity Guidelines which will accompany subsequent SSDA and provide guidance on pedestrian movement. The Guidelines to be made by the Planning Secretary should include a requirement for high quality, safe connections for pedestrians and cyclists within and immediately surrounding the Metro Quarter, including from the Metro Station entrance to the Waterloo Congregational Church and Botany Road. The amendment to the City of Sydney's local environmental plan requires the design guidelines to be prepared and adopted by the Secretary to ensure quality design outcomes.

## Parking

### Issue

The EIE as exhibited identified parking space for approximately 65 cars, 700 residential bicycles and 520 public bicycles. However, the supporting draft DCP exhibited proposed the following parking rates:

- for residential uses:
  - a. for each studio dwelling: 0.1 spaces
  - b. for each 1 bedroom dwelling: 0.3 spaces
  - c. for each 2 bedroom dwelling: 0.7 spaces
  - d. for each 3 or more bedroom dwelling: 1 space
- for retail uses:
  - $M = (G \times A) / (50 \times T)$  where M is the maximum number of carparking spaces, G is the gross floor area of all retail premises in the building in square metres, A is the site area in square metres and T is the total gross floor area of all buildings on the site in square metres

These rates align with the SLEP 2012 for residential flat buildings under Category A (most restrictive parking rates under SLEP 2012) and with the standard requirements of retail uses. This would result in approximately 427 spaces.

Submissions received during consultation raised the following issues:

- minimal parking should be provided, in recognition that a new metro station would be delivered on site;
- parking should be provided for future social housing;
- additional parking should be provided to reduce impacts on current amounts of on-street parking; and
- reliance on existing parking controls within the SLEP 2012 are not an acceptable justification given the delivery of a new metro station.

## Consideration

The PRP noted these issues and recommended that:

- The proposal provide minimal parking, effectively zero for residential/retail/commercial components with adequate provision of car-share spaces, accessible parking and service/loading space;
- Further investigation on the sites ability to provide parking, noting the potential construction limitations of the metro station and any other spatial limitations, should be undertaken;
- The planning framework should ensure that future basement car parks can be adapted to other uses, should the demand for parking change; and

- The proposal should reconsider the application of the SLEP 2012 rates to the site given that the proposal was creating a new planning framework.

In response to the issues raised in submissions and by the PRP, INSW noted that the proposed rates are the most restrictive within the SLEP 2012 and are maximums, allowing for future development to exclude parking if appropriate. The Response to Submissions also identified that future Design and Amenity Guidelines would encourage design of parking spaces capable for adaption for other uses over time, preferencing provision of spaces for car share, retail / commercial and accessible parking for disabled residents and workers. Final determination of parking numbers would be determined through subsequent SSDAs, which would be influenced by final land use mix, site constraints including Waterloo Station, Waterloo Congregational Church and groundwater, and feasibility in determining the final carparking numbers to be delivered.

The final PRP considered the submitted Response to Submissions and recommended the site should be subject to the maximum of 65 car parking spaces, as originally proposed in the EIE.

Through the collaborative assessment process CoS has proposed that the site be excluded from the Land Use and Transport Integration map and Public Transport Accessibility Level map and that a site specific amendment be included to ensure that the development provides no more than 65 car-parking spaces.

### Recommendation

- That the SLEP 2012 maps be updated to ensure that the lowest rates currently permissible within the SLEP 2012 are applied to the site.
- The SSDA Design and Amenity Guidelines will include consideration of:
  - measures to encourage use of public and active transport;
  - consideration of design for adaptive reuse of carparking spaces; and
  - objectives to encourage the provision of car share spaces and accessible spaces, and prioritise active and public transport over the use of private cars.

## Affordable + Social Housing

### Issue

The SSP Study indicated that the developer of the site would be required to provide a minimum of 5% and up to 10% of the total residential dwellings as Affordable Housing for Very Low, Low and Moderate income households as defined by *State Environment Planning Policy (Affordable Rental Housing) 2009* for a minimum of 10 years. The Study identified further that the Affordable Housing would be managed by a Tier 1 Community Housing Provider and designed to be 'tenure blind' (indistinguishable from market-priced housing types). The SSP Study also identified that 70 social housing dwellings are to be provided as part of future development.

Submissions received during consultation raised the following issues:

- Affordable housing should be provided in perpetuity at a rate of 10% of total dwellings;
- The potential lower rate of 5% and for only 10 years will set a poor precedent for government owned land;
- Only 10% of dwellings as social housing on public land is unacceptable; and
- Dedicated housing for Aboriginal and Torres Strait Islander people should be provided.

### Consideration

The PRP confirmed the submission issues and recommended that:

- the provision of affordable housing should be maximised and that it should be provided in perpetuity; and
- affordable housing should be provided for Aboriginal and Torres Strait Islanders.



In response to the issues raised in submissions and by the PRP, INSW has proposed that 5% of affordable housing will be provided in perpetuity. Land and Housing Corporation has also committed to acquire 10% of dwellings (70) to be provided as social housing at the site.

Based on the indicative yield of 700 dwellings, this will ensure that future development achieves approximately 15% of total dwellings as affordable and social housing. The Response to Submission notes that this is greater than the 5-10% of dwellings target established by the Greater Sydney Commission in the Regional Plan.

Additionally, the Response to Submissions identifies that at the rezoning stage, the proposal does not differentiate between end user groups. As a result there is no specific planning requirement to allocate or design specifically for the ATSI community. Notwithstanding this, it is acknowledged that Waterloo is a place of importance to members of the ATSI community and that FACS seeks to provide safe, low cost and culturally appropriate housing and tenancy services for Aboriginal people living in NSW. Aboriginal applicants have the same right to be housed in public housing as all other applicants.

At its review of the Response to Submissions, the PRP recommended that either an irrevocable letter of offer from the proponent or site-specific planning provision in Sydney LEP 2012 be applied to ensure that a total of 15% of all residential floor space is provided as social and affordable housing.

Through the collaborative assessment process, the City of Sydney recommended that the proportion of affordable housing provided be linked to the residential GFA delivered on the site and not to the number of dwellings. CoS also recommended that a minimum size of 50m<sup>2</sup> for affordable housing dwellings be adopted for the site.

The Department is satisfied the commitment by Land and Housing Corporation to deliver 70 social housing dwellings and statutory control for 5% of the residential floor space to be delivered as affordable housing will ensure 15% of all residential floor space in accordance with PRP recommendations is delivered as social and affordable housing.

### **Recommendation**

- That a clause be included in SLEP 2012 requiring the provision of a minimum of 5% of all residential floor space as affordable housing.
- That a clause be included in SLEP 2012 requiring that dwellings to be provided as affordable housing must be a minimum of 50m<sup>2</sup>.

### **Infrastructure/Contributions**

#### **Issue**

The proposed planning framework and concept plan SSDA for Waterloo Metro Quarter is expected to result in a significant population increase at this site with resultant increased demands on local, State and regional infrastructure. The SSP Study identified a range of infrastructure to be delivered by the developer during the construction process through either works-in-kind or by paying contributions in line with the Sydney Development Contributions Plan 2015 with indicative arrangements for ownership of this infrastructure.

The following indicative list of local infrastructure provisions were included in the SSP Study:

- Multi-purpose community facility
- Cope St slow traffic environment
- Local road improvements
- Public recreation – active open space
- Internal through site link/new road
- Public recreation – passive open space

- Public domain improvements
- Public art installation

The SSP Study identified the following State and regional infrastructure to be delivered through a Special Infrastructure Contribution or via works-in-kind as part of the proposed development:

- New Botany Road bus interchange
- Botany Road intersection improvements at Raglan Street and Wellington/Buckland Street
- Revision of bus services including
  - Re-route 355 bus service to Wellington Street
  - Increase frequency and operational hours of 355 bus service
  - Increase frequency and operational hours of Botany Road bus services

Submissions received during consultation raised the following concerns regarding provision of infrastructure:

- Lack of sufficient social and affordable housing, that the affordable housing is proposed to be provided for a limited time, and does not include affordable housing to support the local Aboriginal and Torres Strait Islander community.
- Mechanisms for funding and delivery of infrastructure were not provided in the SSP Study.
- Insufficient certainty that suitable infrastructure will be funded and delivered including: stormwater management, pedestrian / cycling paths, community / cultural / recreation spaces and public toilets.
- Potential for the Social Impact Assessment (SIA) to consider shared use of school facilities to accommodate recreational needs of residents.
- Lack of sufficient public open space.
- Need for a health facility.

### Consideration

It is noted that the site will deliver a key piece of infrastructure that supports the vision for a 30-minute city in the Greater Sydney Regional Plan. Consistent with Planning Priority E1: Planning for a city supported by infrastructure within the Eastern City District Plan, the site will deliver part of the new Metro line and a station allowing local residents and businesses greater connection to other parts of the city.

In addition to this, it was anticipated by INSW that the site would be subject to Special Infrastructure Contributions, providing a mechanism for contribution to State and regional infrastructure. Satisfactory arrangements for contributions to State and regional infrastructure will be secured via a clause within SLEP 2012 and can include contributions for:

- (a) State and regional roads,
- (b) Bus interchanges and bus lanes,
- (c) Land required for regional open space,
- (d) Embellishments or connections to regional open space,
- (e) Social infrastructure and facilities.

The PRP confirmed the issues raised in submissions and noted/recommended that:

- That the proposal be amended to address concerns including detailing the required level of infrastructure provision, funding, timing of delivery and responsible agency/authority (including evidence of acceptance) for Local, Regional and State Infrastructure.
- That provision of the above requires commitment to funding for infrastructure and may include a planning agreement.



In response to the issues raised in submissions and by the PRP, INSW and Sydney Metro propose to continue to work with the City of Sydney Council to develop an infrastructure schedule to outline improvements to local infrastructure to meet demand created by the proposal. Legal mechanisms to secure works in kind and monetary contributions will also be further considered as part of the concept plan SSDA.

At its review of the Response to Submissions report, the PRP noted that the proposal had not adequately responded to Panel concerns and recommended that an irrevocable letter of offer or site specific provision in SLEP 2012 was required to ensure that:

- a total of 2,200m<sup>2</sup> publicly accessible open space is provided;
- a 2,000m<sup>2</sup> community facility is delivered as part of future development;
- 15% of all dwellings are provided as affordable/social housing; and
- full development contributions applicable under Council's Development Contributions Plan 2015 are paid.

### **Recommendation**

- That a clause be included in SLEP 2012 requiring at least 2,000 square metres of gross floor area of buildings to be used for community facilities and at least 2,200 square metres of land to be used for publicly accessible open space.
- That a clause be included in SLEP 2012 preventing development consent from being issued unless 5% of all residential GFA will be used for the purposes of affordable housing.
- That a clause be included in SLEP 2012 requiring satisfactory arrangements to be made for the provision of designated State public infrastructure prior to development of the land.

## Separation of the Waterloo Metro Quarter and Waterloo Estate

### **Issue**

To allow the Waterloo Metro Quarter to be developed in time to support the opening of the approved Waterloo Metro station planned for 2024, planning for the Waterloo Metro Quarter has proceeded ahead of Waterloo Estate.

Despite the initial stages of planning addressing both the Estate and the Metro Quarter, the Project Working Group envisaged the possibility that planning for the Metro Quarter would advance independently and separate but interrelated SSP Study Requirements were issued to allow for this. Where relevant, the Study Requirements referenced the need to consider contextual and cumulative impacts. Study Requirements include the need to prepare a comprehensive transport impact assessment that considers the transport network context of the site and cumulative growth, cumulative impacts on flooding, air quality and noise.

Submissions raised the concern that both the Waterloo Estate and the Waterloo Metro Quarter should be considered concurrently to ensure that the cumulative impacts of development would be appropriately considered, especially with respect of overshadowing, traffic and infrastructure needs, and heritage impacts.

### **Consideration**

The PRP considered this issue and identified that proposal should respond to the submissions and should demonstrate impacts on the existing Waterloo Estate site and/or the preferred Master Plan for the Estate and any effects of this on the site.

The Response to Submissions, in response to the PRP report and the submissions received identified that the proposal for the Metro Quarter has been designed to stand on its own merit and that future planning for the Estate will need to respond to the new baseline condition established by any amendments to the proposed planning controls. The Response to Submissions also noted that the proposal has responded to the planning undertaken to date for the Waterloo Estate.

At its review of the Response to Submissions report the PRP noted that separation of the Waterloo Metro Quarter and Waterloo Estate is an ongoing issue and reiterated its previous recommendation that future planning for the Waterloo Estate will need to respond to the final approved planning framework for the Waterloo Metro Quarter, as identified in the Response to Submissions.

## Recommendation

It is considered that the proposal adequately responds to the context of the site. No change to the proposed planning framework is required.

## Wind

### Issue

Due to the proposed heights, the SSP Study considered potential wind conditions resulting from the proposed built form. This is primarily focused on the pedestrian experience at ground level and how the proposal will ensure an acceptable wind condition is achieved.

The submissions received during consultation raised the following issues:

- The proposed built form will result in poor wind conditions at the ground plane due to wind tunnel effects and placement of high rise buildings;
- That the Cope Street Plaza fails wind performance criteria for pedestrian comfort and safety;
- That communal open space areas would be exposed to untested wind conditions; and
- That wind mitigation measures would result in unacceptable impacts on the heritage listed Waterloo Congregational Church due to the need to erect an awning to ensure suitable wind conditions alongside the church.

### Consideration

The PRP noted these issues recommended that:

- Additional information be provided regarding where the wind criteria should be applied based on uses occurring;
- Further testing occur including consideration of whether amendments to built form and massing would improve wind conditions; and
- Full details of any wind mitigation measures be detailed as part of the proposal.

In response to the issues raised in submissions and by the PRP, INSW have identified in the Response to Submissions that wind impacts will be further resolved as part of subsequent SSDAs. This would include further consideration of the application of wind criteria and mitigation measures to be applied as part of future development. Further investigation of the potential wind impacts identified that an awning would no longer be required adjacent to the church.

The Response to Submissions was considered by the PRP which recommended that a framework be prepared which details how and where wind criteria is to be applied. This is to form part of the Waterloo Metro Quarter Design and Amenity Guidelines and is to include:

- At least 50% of the publicly accessible open space to meet the wind criterion for sitting
- Waiting areas at bus stops and pedestrian crossings to meet the wind criterion for standing.

This is considered to be acceptable, effectively addressing the consultation concerns raised in response to wind. The SSP seeks to amend the current planning controls for the site to increase height and FSR in response to the delivery of the new Waterloo Metro Station, but does not seek concept approval for any detailed design or building envelopes under SSP Process. The proposal seeks to respond to the catalytic nature of the metro station by supporting and encouraging urban renewal.

## Recommendation

Given that the SSP considers amendments to the planning controls, this detailed design matter can be effectively addressed through the Waterloo Metro Quarter Design and Amenity Guidelines and assessed in further detail as part of the Concept Plan SSDA.

## Ecologically Sustainable Design

### Issue

The SSP Study was accompanied by a draft DCP and supporting Ecologically Sustainable Design (ESD) Report. These documents provided commitments and recommendations to be applied against future development to manage and minimise environmental impacts of the proposal.

The submissions received during consultation raised the following issues:

- the draft planning framework does not provide certainty in ESD commitments including:
  - precinct based solutions for energy, water, wastewater, waste and servicing/unloading;
  - photovoltaics;
  - higher BASIX targets for residential and NABERS 5.5-star equivalent for commercial;
  - minimum tree canopy coverage of 15%; and
  - inconsistency with Planning Priority E19 'Reducing carbon emissions and managing energy, water and waste efficiently and associated actions'
- there is a disconnect between ESD Report commitments and proposal
- a higher level of sustainable design requirements should be applied to ensure that sustainable energy (wind turbines and solar panels) and water reuse is encouraged. The reuse of existing buildings would be more environmentally friendly than demolition of buildings
- the proposal does not outline adequate commitments to reducing carbon emissions and managing energy, water and waste efficiently.
- mechanisms should be considered for achieving ESD principles such as the 50 percent renewable precinct goal.

### Consideration

The PRP noted these issues and recommended that:

- recommended the proposal is amended to detail how the planning framework for future development will ensure high standard of ESD measures can be realised and maintained; and
- further detail be provided detailing how the ESD commitments will be applied to the proposal through the planning framework.

The Response to Submissions identified an 'Ecologically Sustainable Development Study' was prepared to support the SSP Study, which concluded the integration of sustainability into the proposal is a complex process and one best resolved through the concept SSD application.

The PRP noted ESD will be addressed through the subsequent SSDA Design Guidelines, and recommended that the ESD commitments made as part of the SSP and supporting technical reports are included in the Waterloo Metro Quarter Design and Amenity Guidelines.

### Recommendation

This matter will be further addressed and resolved as part of subsequent SSDAs, subject to the application of Design and Amenity Guidelines.

## Heritage

### Issue

The precinct contains the locally listed heritage item Waterloo Congregation Church (I2069) and is in close proximity to:

- Cricketers Arms Hotel including interior (I4);
- Former CBC Bank including interior (I5);
- Cauliflower Hotel including interior (I2070); and
- the Alexandria Park Heritage Conservation Area (C1).

These items are identified as items of local heritage significance by the SLEP 2012.

Submissions received during consultation raised that the proposal does not respond to the heritage listed Waterloo Congregation Church and the adjacent Heritage Conservation Area. Additionally, the Test of Adequacy PRP identified that the study requirements relating to aboriginal cultural heritage (Section 12 of the Study Requirements), had not been adequately addressed.

### Consideration

The PRP noted these consultation issues and recommended:

- building envelopes respond to the church through increased setbacks and lowered podium heights; and
- that reduced car parking be provided to address proximity of the basements to the church.

In response to the issues raised in submissions and by the PRP, INSW identified that as a result of further investigation into wind impacts, no awning is required adjacent to the church. The Response to Submission also noted that the scale and form of potential future development provided for by the proposed new planning framework is not considered to have any detrimental impacts on the proximate heritage items or heritage conservation areas.

The Response to Submissions identifies that future basements would consider the structural integrity of the Church as part of subsequent detailed SSDAs. The detailed SSD Application would be required to address the extent of excavation to support the final basement design, the potential vibration and structural impacts on the Church, and what will be implemented to mitigate these impacts. The construction methodology would similarly be required to address how potential structural impacts on the station would be managed.

At its review of the Response to Submissions report, the PRP did not provide additional advice or recommendations on these issues. It is noted however that the current proposal seeks to amend the planning controls as they apply to the site, with detailed consideration of site constraints to occur as part of subsequent SSDAs. Future applications will also be subject to conditions of consent which will ensure sufficient mitigation measures are applied and investigations are carried out to ensure that the church is not impacted during construction.

With regards to Aboriginal Cultural Heritage, it is noted that the site has been heavily disturbed as a result of the development of the Metro Station under the CSSI Application SSI 15\_7400 for Sydney Metro City & Southwest: Chatswood to Sydenham. However, future development of the site would be subject to further assessments which would require further investigations and appropriate assessment of likely impacts on any cultural heritage remnants on site.

### Recommendation

- The Department is satisfied that sufficient information has been provided for rezoning purposes. This matter will be further assessed at the SSDA stage with relevant controls to be considered during preparation of the Design and Amenity Guidelines.

## Process and Information

### Issue

Submissions received raised concerns that:

- Development of government owned land should be held to a greater standard, specifically in delivery of affordable housing and achieving best practice design;
- Insufficient community consultation was carried out with consultation occurring over the school holidays and that the Waterloo Metro Quarter should remain on exhibition until the Waterloo Estate is released;
- Insufficient information has been provided to the community to allow for effective consultation, the documentation provided was too complex;
- The proposal would reduce property values in the surrounding area due to density and associated impacts;
- The 2 stage process for the delivery of the site is unclear and creates uncertainty for the community;
- The Metro Quarter and Waterloo Estate sites are on public land and should exist for the public good, and any development should deliver more social and affordable housing on the site, permanently;
- The development of government owned land creates an opportunity to set a high benchmark for amenity, sustainability, community, urban design and innovation;
- It is unreasonable that the Metro Quarter proposal can progress independently of an integrated proposal for the Waterloo Estate;
- The claim by UrbanGrowthNSW that there is 53% open space is misleading as this includes privately owned rooftop gardens; and
- Errors and misrepresentations of the local human services and facilities were identified in the social baseline report which may also distort decisions about human services and facilities planning.

### Consideration

The exhibition period for the proposal was extensive and several avenues for consultation occurred throughout the plan making process. Consideration was given to providing materials and information to assist the community in understanding the proposal.

### Recommendation

- The Department is satisfied that sufficient information has been provided for rezoning purposes. This matter will be further assessed at the SSDA stage with relevant controls to be considered during preparation of the Design and Amenity Guidelines.

## Conclusion

The Department recommends the rezoning be supported to enable the benefits of the Waterloo Integrated Station Development to be realised, delivering positive outcomes for the community. The rezoning will include sufficiently strong controls to ensure design and amenity issues are incorporated in the final development form.

The issues raised in submissions have been comprehensively considered through the assessment process as well as in the formal Response to Submissions by the proponent.

The Department has undertaken a detailed assessment of the rezoning proposal and is satisfied the issues raised have been adequately addressed for rezoning purposes.