

ITEM 6. POST EXHIBITION - PLANNING PROPOSAL FOR VARIOUS SITES IN WATERLOO AND AMENDMENTS TO SYDNEY DEVELOPMENT CONTROL PLAN 2012 IN ALEXANDRIA AND WATERLOO**FILE NO: S107972****SUMMARY**

This report recommends approval of the *Planning Proposal for Various Sites in Waterloo* (the Planning Proposal) and the *Draft Sydney Development Control Plan 2012 – Amendment X* (draft DCP amendment).

The Planning Proposal will amend the zoning and height controls in the Waterloo Park Precinct. The draft DCP amendment reflects these changes. For 18 Huntley Street Alexandria, the draft DCP amendment amends built form provisions in response to the relocation of a stormwater channel and adds site specific DCP provisions.

The Waterloo Park Precinct is part of the Green Square Urban Renewal Area and is generally bounded by McEvoy Street, George Street, Bourke Street and Young Street, Waterloo. It is located immediately north of the planned Green Square Town Centre. The precinct contains a diversity of land parcels occupied by residential apartment buildings, non-residential uses and the Waterloo Oval on Elizabeth Street.

18 Huntley Street, Alexandria is occupied by a two storey commercial building with onsite parking. It is across the road and highly visible from Sydney Park to its south, with the Cooper Estate Conservation Area to its north and along the approach from Huntley Street from the east. A map showing the subject sites is provided at Figure 1.

The Planning Proposal and the draft DCP amendment are the result of submissions received during the exhibition of the *Draft Sydney Local Environmental Plan 2011* (draft Sydney LEP 2011). The purpose of the Planning Proposal and draft DCP amendment is to:

- rezone identified properties from R1 General Residential to B4 Mixed Uses for Waterloo Park to recognise current non-residential uses which would otherwise be reliant on existing use rights, potentially restricting their operations, future investment and employment;
- increase the height control from 15 metres to 22 metres for identified properties in Waterloo Park to enable the current floor space ratio to be achieved and to ensure that the height of buildings can accommodate the higher floor to ceiling heights required for non-residential uses; and
- amend building envelopes and built form provisions for a proposed realignment of the stormwater easement affecting 18 Huntley Street.

On 21 October 2013 and 17 October 2013, Council and the Central Sydney Planning Committee, respectively, resolved to seek a Gateway Determination to allow public exhibition of the Planning Proposal. The Department of Planning and Infrastructure issued a Gateway Determination on 22 January 2014. The Gateway Determination authorises Council to exercise its delegation and liaise directly with Parliamentary Counsel to draft and make the local environmental plan to give effect to the Planning Proposal.

The draft controls were placed on public exhibition for 28 days from 27 May 2014 to 24 June 2014. The City received submissions from Mecone on behalf of the 18 Huntley Street land owner, a local resident and the Roads and Maritime Services. The submissions address the zonings and heights in Waterloo Park, as well as requesting additional detail for 18 Huntley Street. A summary of all submissions, including responses from the City, is shown at **Attachment C**.

As a result of the public exhibition, no changes are proposed to the exhibited Planning Proposal. Refinements to include more detailed provisions for 18 Huntley Street are proposed in the draft DCP amendment. The refinement of the exhibited provisions does not alter exhibited built form controls, but adds site specific detail. Therefore, these amendments do not warrant re-exhibition.

It is recommended that the Central Sydney Planning Committee approve the finalised Planning Proposal and note the draft DCP amendment, shown at **Attachment A** and **Attachment B**, respectively.

RECOMMENDATION

It is resolved that:

- (A) the Central Sydney Planning Committee note the matters raised in response to the public exhibition of *Planning Proposal: Various Sites in the Waterloo Park Precinct, Green Square* dated August 2014 and *Draft Sydney Development Control Plan 2012 – Amendment X* dated August 2014, as shown at **Attachment C** to the subject report;
- (B) the Central Sydney Planning Committee approve *Planning Proposal: Various Sites in the Waterloo Park Precinct, Green Square* dated August 2014, as shown at **Attachment A** to the subject report to be made by Council, under delegation, as a local environmental plan under section 59(2) of the *Environmental Planning and Assessment Act 1979*;
- (C) the Central Sydney Planning Committee note the *Draft Sydney Development Control Plan 2012 – Amendment X* dated August 2014, as shown at **Attachment B** to the subject report, noting that the approved development control plan will come into effect on the date of publication of the subject local environmental plan insofar as it applies to the Waterloo Park Precinct, and that it will come into effect on the date of the public notice given in accordance with clause 21 of the *Environmental Planning and Assessment Regulation 2000* insofar as it applies to 18 Huntley Street, Alexandria;
- (D) authority be delegated to the Chief Executive Officer to make any minor amendments to the Planning Proposal, to correct any minor drafting errors.

ATTACHMENTS

Attachment A: *Planning Proposal: Various Sites in the Waterloo Park Precinct, Green Square* dated August 2014.

Attachment B: *Draft Sydney Development Control Plan 2012 - Amendment X* dated August 2014.

Attachment C: Submissions Table: Various Sites in Waterloo and Alexandria.

Attachment D: Erratum Sheet – Draft Sydney Development Control Plan 2012 – Amendment X, Building street frontage height in storeys map – Sheet 017 Waterloo Park Precinct.

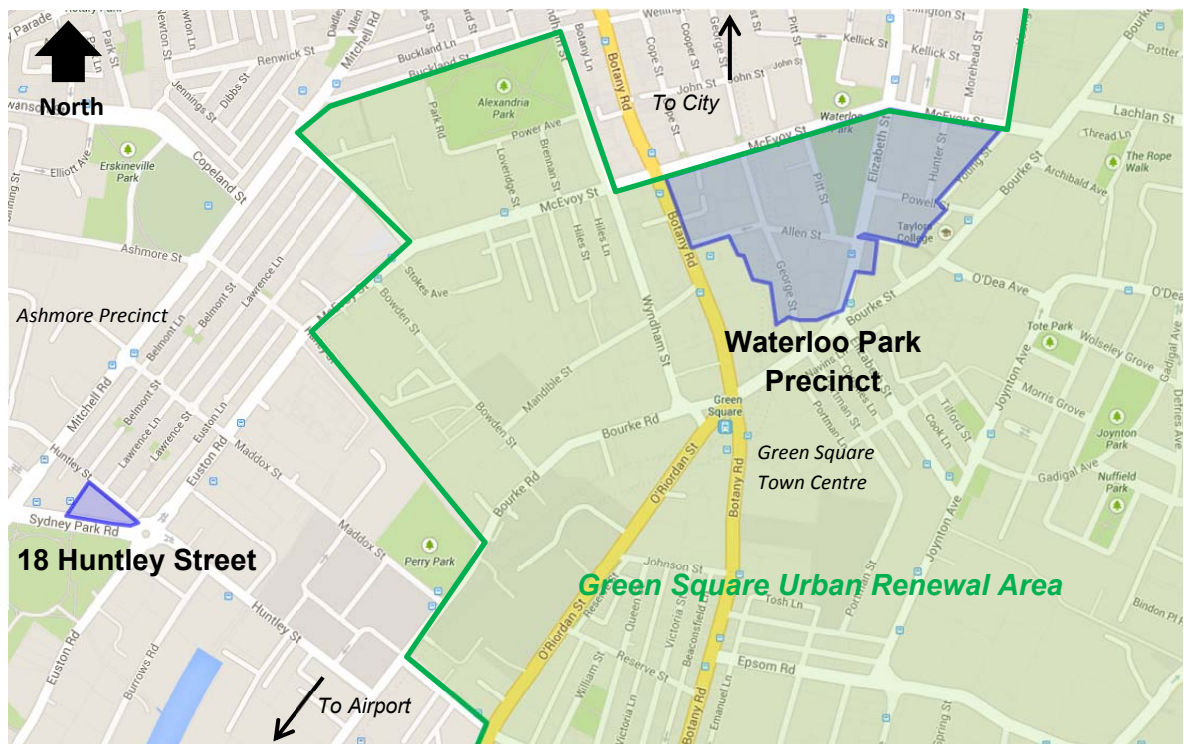
Attachment E: Gateway Determination dated 22 January 2014.

Attachment F: Resolution of Council of 21 October 2013 and resolution of the Central Sydney Planning Committee of 17 October 2013.

BACKGROUND

1. The exhibition of draft Sydney Local Environmental Plan 2011 (draft Sydney LEP 2011) now made as Sydney Local Environmental Plan 2012 (Sydney LEP 2012) led to a number of submissions that requested significant changes. Submissions from property owners in Waterloo Park and 18 Huntley Street Alexandria were made at that time and led to a review of the planning controls applying to these properties.
2. The City undertook an urban design analysis of the built form controls. From this analysis, officers recommended amendments for consideration of Council and the Central Sydney Planning Committee (CSPC).
3. Council and the CSPC, at their meetings of 21 October 2013 and 17 October 2013, respectively, endorsed the public exhibition of the draft *Planning Proposal for Various Sites in Waterloo* (the Planning Proposal) to amend the Sydney LEP 2012. At that time Council also endorsed the public exhibition of the *Draft Sydney Development Control Plan 2012 – Amendment X* (the draft DCP amendment).
4. The Department of Planning and Environment issued a Gateway Determination for the public exhibition on 22 January 2014. The Planning Proposal and draft DCP amendment were exhibited from 27 May 2014 to 24 June 2014.
5. The Planning Proposal relates to the Waterloo Park Precinct, generally bound by McEvoy Street, George Street, Bourke Street and Young Street, Waterloo. The draft DCP amendment relates to both the Waterloo Park Precinct and 18 Huntley Street Alexandria. These sites are shown in context at Figure 1.

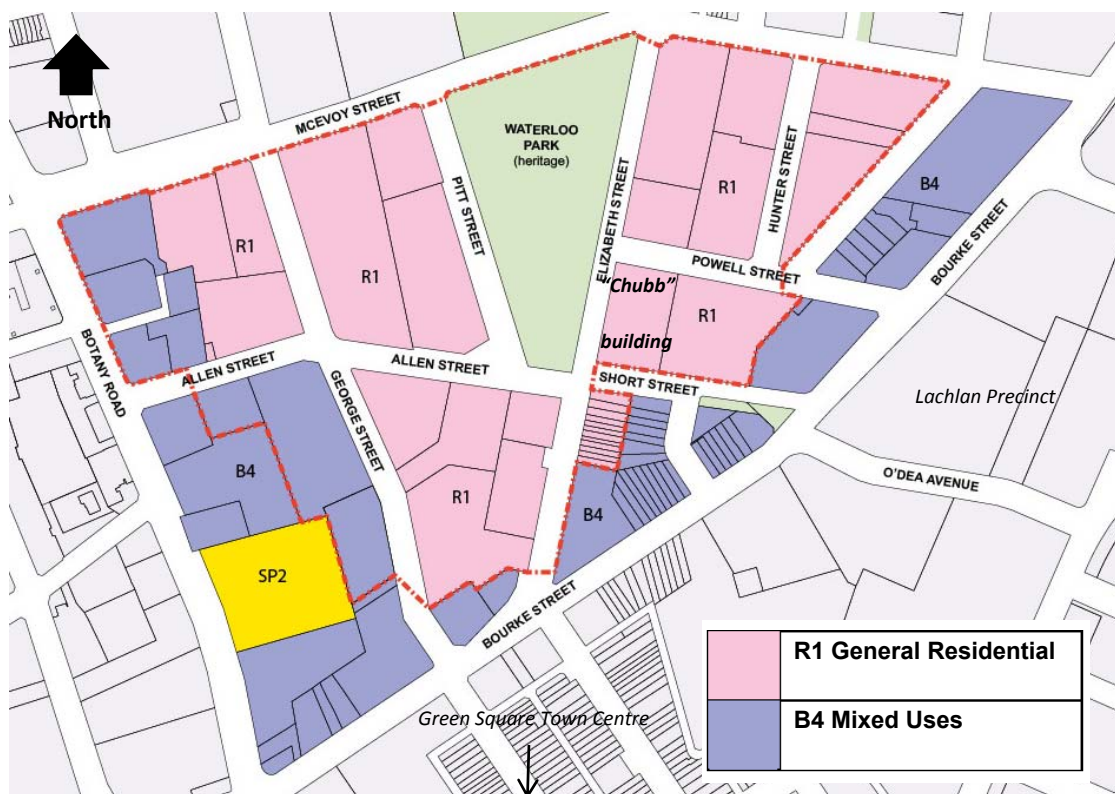
Figure 1 – Waterloo Park and 18 Huntley Street Context



Waterloo Park Precinct

6. The Waterloo Park Precinct is within the Green Square Urban Renewal Area and includes the Waterloo Oval. The precinct is located immediately north of the planned Green Square Town Centre as shown in Figure 2. It contains a diversity of land parcels occupied by residential apartment buildings and non-residential uses. It also contains the former “Chubb” heritage listed building at 830-838 Elizabeth Street and terraced properties along Elizabeth Street which form part of the Zetland Estate Conservation Area.

Figure 2 – Waterloo Park Precinct, edged in red, with current Sydney LEP 2012 zones



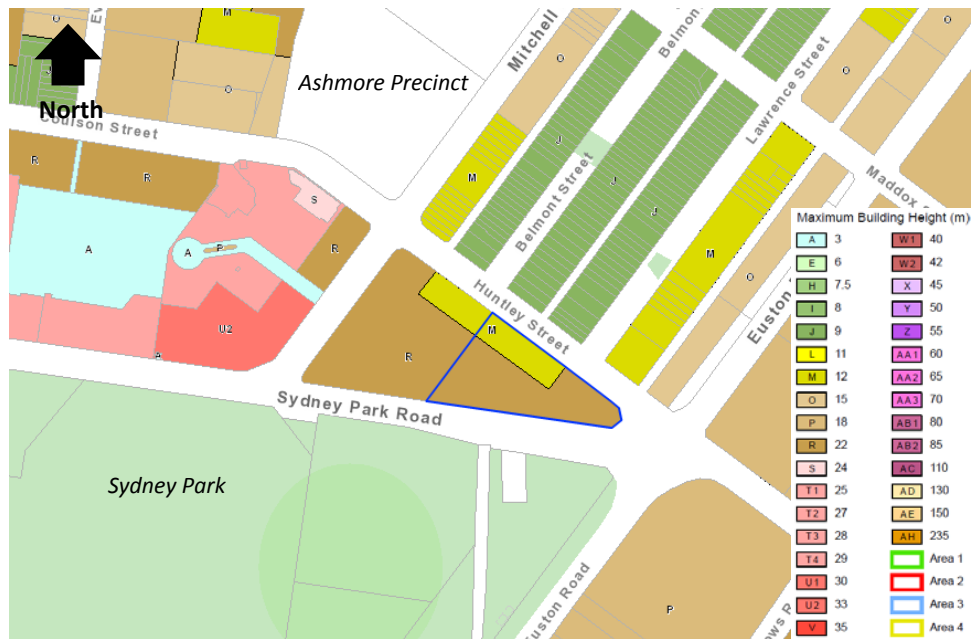
7. Submissions received during the exhibition of the draft Sydney LEP 2011 raised the following concerns about the proposed R1 General Residential zone:
- continued operation of well-established non-residential uses, which would not be permissible under the R1 zone and would therefore be reliant on existing use rights; and
 - consistency in zoning across the precinct was not being achieved and this led to planning and design issues where the permitted zone varies across amalgamated landholdings. It also interfered with consistent street frontage treatments.
8. To address these issues, the Planning Proposal will:

- (a) change the zoning from R1 General Residential to B4 Mixed Uses. The purpose of this amendment is to recognise current compatible non-residential uses in the area which are now reliant on existing use rights, potentially restricting their operations, future investment and employment. The B4 Mixed Use zone provides more flexibility of uses, including compatible non-residential uses; and
 - (b) increase height controls from 15 metres to 22 metres for identified sites in the street blocks bounded by Allen, George, and McEvoy Streets and Botany Road and Hunter, McEvoy, Elizabeth and Powell Streets. To enable the current floor space ratio of 2:1 (including community infrastructure floor space) to be achieved and to ensure that the height of buildings can accommodate the higher floor to ceiling heights required for non-residential uses.
9. The draft DCP amendment in relation to the Waterloo Park Precinct includes:
 - (a) amendments to the precinct locality statement to reflect the proposed zoning change; and
 - (b) amendments to the building height in storeys and street wall heights maps to reflect the revised height controls.
10. No changes are proposed to the Planning Proposal and the draft DCP amendment for the Waterloo Park Precinct as a result of the public exhibition.

18 Huntley Street Alexandria

11. 18 Huntley Street is currently occupied by a relatively modern, two storey commercial building with associated hard standing for parking. The site is a triangular corner site with frontages to Sydney Park Road, Huntley Street and a five-way traffic roundabout, which also connects with Euston Road. It is a highly visible site from Sydney Park to its south, the Cooper Estate Conservation Area to its north and along the approach from Huntley Street from the east.
12. Only one submission was received from the landowner during and following the exhibition of the draft Sydney LEP 2011 relating to the site. The submission requested additional height and FSR because of its high visibility and built form context. The submission requested:
 - (a) retain the 12 metre Huntley Street frontage;
 - (b) increase the building height to 45 metres (15 storeys) at the Sydney Park Road/Huntley Street intersection and a 21 metre (seven storey) height transition for the rest of the site; and
 - (c) an increase in FSR from 2:1 to 2.75:1.
13. The current height controls under Sydney LEP 2012 are 12 metres (three storeys) along the Huntley Street frontage and 22 metres (six storeys) for the rest of the site, as shown in Figure 3.

Figure 3 – Location of 18 Huntley Street, Alexandria and current height controls under Sydney LEP 2012



14. The City undertook an urban design analysis and concluded the existing planning controls under Sydney LEP 2012 to be the maximum achievable on the site, given its context and constraints of two stormwater easements covering 25% of the site area. Therefore, a Planning Proposal was not pursued.
15. The draft DCP amendment was pursued to ensure an appropriate built form can be achieved. The exhibited amendments are:
 - (a) a change to the Building Street Frontage Heights Map in Sydney DCP 2012 to show a two storey street wall height on Huntley Street;
 - (b) refinement of Section 6 Specific Sites relating to 18 Huntley Street to provide amended development objectives; and
 - (c) amended indicative building envelopes which respond to the realignment of the stormwater easement affecting the site.
16. Following public exhibition and landowner discussions with City officers, further amendments are proposed to provide site specific provisions for 18 Huntley Street. These are discussed later in this report.
17. The site specific provisions are a refinement of the controls that were publicly exhibited. They add more detail, but do not change the essence of the controls.
18. This report recommends the CSPPC approve the final Planning Proposal, shown at **Attachment A** and note the draft DCP amendment, shown at **Attachment B**. If approved by Council, the draft DCP amendment for Waterloo Park Precinct will come into force at the same time that the amendment to Sydney LEP 2012 is made. For 18 Huntley Street, it will come into effect on the date of publication of a notice in a local newspaper.

KEY IMPLICATIONS

Public exhibition and submissions

19. The Planning Proposal and draft DCP amendment were exhibited from 27 May 2014 to 24 June 2014. Exhibition materials were made available for viewing at the CBD, Redfern, and Green Square Neighbourhood Centres and on the City's website. The City sent letters to adjacent landowners and residents to notify them of the public exhibition. The exhibition was also advertised in The Sydney Morning Herald, Southern Courier and Central Courier newspapers.
20. During the exhibition, an error in the draft DCP Building Street Frontage Heights Map Sheet 017 was identified for the Waterloo Park Precinct. An erratum sheet was placed on the City's website informing the public of the error and a letter was sent to the three affected land owners notifying them of the error. The erratum sheet is found at **Attachment D**.
21. The Gateway Determination required public authority consultation with Transport for NSW, the Roads and Maritime Services and the Office of Environment and Heritage. Each of these agencies was sent an exhibition pack and letter requesting comments on the draft amendments.
22. Three submissions were received during the exhibition period from Mecone on behalf of the 18 Huntley Street land owner, a local resident, and the Roads and Maritime Services. Key issues raised during the exhibition, and the City's response, are summarised at **Attachment C** to this report and discussed in the body of this report.

Local Resident

23. The purpose of the rezoning is to reflect the mixed use character of the precinct. The local resident's submission raises concern about the proposed change of zone in the Waterloo Park Precinct from R1 General Residential to B4 Mixed Uses which may cause further rapid development. The submission also objected to the increase in height along Allen Street from 18 metres to 22 metres, which may lead to excessive overshadowing, and the lack of consideration in the Planning Proposal of other factors such as traffic, access and parking.

Response:

24. A B4 Mixed Use zone will allow for the continued operation and appropriate expansion of compatible non-residential uses. It will also allow development that is exclusively residential, such that the properties currently used solely for residential purposes will not be affected by a change from R1 to B4. Further, it will continue to allow for future residential development capitalising on proximity to Waterloo Park.
25. The Planning Proposal height limit of 22 metres is defined in more detail in the draft DCP amendment. This includes a four storey east-west street wall height along Allen Street. Figure 4 shows an indicative four and six storey built form which would be achievable with a 22 metre height limit and a B4 zoning, in the context of recently approved or constructed development.

Figure 4 – Indicative built form outcome for 1A, 3-5 and 7-11 Allen Street and 201-211 Botany Road under exhibited planning controls



26. The exhibited four storey east-west street wall height will allow solar access into the Allen Street public domain and reduce overshadowing impact from a potential development. This provision was written in response to other similar submissions received during the exhibition of the draft Sydney LEP 2011 from residents of developments along the southern side of Allen Street. Additionally, future development applications are required to comply with access to sunlight through the *State Environmental Planning Policy No. 65 - Design Quality of Residential Flat Development* (SEPP 65) and *NSW Residential Flat Design Code*. Solar access testing undertaken by the City shows the indicative building envelopes can comply.
27. With respect to impact on views, the Sydney DCP 2012 requires development to provide “a pleasant outlook, as distinct from views from all apartments” (section 4.2.3.10). Views and outlooks from existing developments are to be considered in the site planning and massing of the new development.
28. Issues of traffic and other additional details will be considered during the development assessment stage. The proposed rezoning aims to reflect the current mixed use character of the precinct and does not change the current floor space ratios and therefore does not change the intensity of use.

Roads and Maritime Services

29. The Roads and Maritime Services raised no objection in principle to the amendments.

Mecone on behalf of 18 Huntley Street landowner

30. Mecone, on behalf of the landowner, provided a submission requesting:
- (a) further detail for a site specific DCP to be added to satisfy Clause 7.20 of Sydney LEP 2012;
 - (b) residential uses on the ground floor based on the lack of commercial viability of non-residential on the Sydney Park Road frontage;
 - (c) to bridge the gap between the Huntley Street building and the western elevation building with a six storey extension to achieve the design excellence incentive; and
 - (d) the encroachment of the basement car park into the minimum frontage setback in response to the site constraints and adequate allowance of deep soil on the remainder of the site.
31. City officers and the landowner have been in discussion to respond to the submission and address site specific provisions. The landowner is pursuing site specific provisions in the DCP to satisfy the requirements of clause 7.20 of the LEP.
32. Clause 7.20 states required matters which are to be provided for in a site specific DCP. This includes matters such as site suitability for development, built form, environmental impacts, such as overshadowing and vehicular access, and circulation on the site. Clause 7.20 is supported by clause 3.3.8 of the Sydney DCP 2012 which describes appropriate documentation to support and inform a site specific DCP. Mecone has submitted supporting documentation seeking to address these site specific requirements.
33. Further more detailed site specific provisions are recommended to address built form, uses, setback, access and circulation and landscaping. The refinement of the exhibited provisions does not alter exhibited built form controls, but adds site specific detail. Therefore, these amendments are not considered to warrant re-exhibition. The provisions are shown in **Attachment B** and are discussed below.

Built Form

34. The landowner requests a six storey building envelope extension between Huntley Street and the western elevation building. This is not supported, as an extension of this scale would overshadow the neighbouring western property and impose a bigger bulk upon the Cooper Estate Conservation Area which is predominantly one and two storeys. A three storey envelope to match the Huntley Street envelope may be appropriate, if demonstrated through design excellence and provided solar access to the neighbouring properties is maintained.

Building Materials

35. The building materials used in the development are to complement and reflect the character of the Cooper Street Conservation Area to the north of Huntley Street. This includes use of local brick types which once characterised the area, including blue, red and brown bricks which were formerly made in the Sydney Park Brick Kilns.

Land Uses and Setbacks

36. The exhibited draft DCP amendment requires non-residential ground floor uses along Sydney Park Road to achieve appropriate amenity for residential uses above because of the high traffic volumes on Sydney Park Road. The landowner has requested residential uses on the ground floor.
37. Although non-residential uses are preferred, residential uses may be appropriate in this frontage if they are adequately setback and have appropriate acoustic screening and treatment to address amenity. If residential uses are to occur, a provision has been added to the draft DCP amendment that requires a setback of 1.5 metres at 50% of the frontage, with the setback for the other half of the frontage being three metres. The setback will provide opportunity for articulation of the buildings along the frontage. This will result in an interesting façade which breaks up the rhythm of the building whilst providing opportunity for amenity screening and treatments.
38. In discussions with the landowner to develop more detailed provisions, Council officers have considered the request for a departure from the general DCP provision restricting the encroachment of the basement carpark into the minimum frontage setback. An underground parking structure that encroaches on the front setback would reduce the opportunity for deep soil planting. However, in recognition of the site constraints, the revised draft DCP amendment includes a site-specific provision that allows the flexibility to depart from the general DCP provision only where the development exceeds the required minimum area of deep soil landscaping across the site.

Through-site link

39. Additional detail for the landscape design of the through-site link has been included.

Green Roof

40. The draft DCP amendment shows the location of the green roof/ community garden on the Huntley Street building rooftop. Provisions include ease of access to the roof for residents, privacy of neighbouring properties and suitable plant types.

Common Room and Music Practice Room

41. The City's Cultural Policy recommends the provision of a common room and sound-proofed music practice room in high density housing developments. The draft DCP amendment includes the preferred location for ease of access to the rooms, the necessity of soundproofing and considerations for appropriate size.

Design Excellence

42. The provisions outline the preferred locations for additional floor space if achieved through the design excellence floor space incentive.

Public Art

43. The preferred location of public art based on the preliminary public art strategy submitted by the land owner is shown in the through-site link through the centre of the site and the Huntley Street landscape area.

PROPOSED AMENDMENTS TO PLANNING CONTROLS

44. The proposed amendments are summarised below.

Sydney Local Environmental Plan 2012

45. These changes are shown in the Planning Proposal at **Attachment A** and are as exhibited:
- (a) properties in the Waterloo Park Precinct be rezoned from R1 General Residential to B4 Mixed Uses to reflect the mix of appropriate uses present within the neighbourhood; and
 - (b) the height limit be increased from 15 metres to 22 metres for identified sites in the street blocks bounded by Allen, George, and McEvoy Streets and Botany Road, and Hunter, McEvoy, Elizabeth and Powell Streets to enable the current floor space ratio to be achieved and to ensure that the height of buildings can accommodate the higher floor to ceiling heights required for non-residential uses.

Sydney Development Control Plan 2012

46. Changes to the exhibited DCP are shown at **Attachment B**.
47. Changes to **Waterloo Park** DCP provisions reflect the changes to the Sydney LEP 2012, including:
- (a) a revised precinct locality statement; and
 - (b) revised building height in storeys and street wall heights maps to reflect the Planning Proposal height controls.
48. Changes to **18 Huntley Street** to the Sydney DCP 2012 and from the exhibited DCP include:
- (a) revised building street frontage height in storeys map to show a two storey street wall height on Huntley Street;
 - (b) revised building envelopes which respond to the stormwater easements affecting the site and areas where the design excellence floor space incentive maybe appropriate; and
 - (c) additional site specific provisions which provide more detail on the built form and site layout controls and more certainty on the urban design outcome.

Strategic Alignment - Sustainable Sydney 2030 Vision

49. *Sustainable Sydney 2030* is a vision for the sustainable development of the City to 2030 and beyond. It includes 10 strategic directions to guide the future of the City, as well as 10 targets against which to measure progress, of which the following are most relevant to the Planning Proposal and DCP amendment:
- (a) Direction 6 - Vibrant Local Community and Economies - The Planning Proposal will facilitate the orderly and economic use and development of properties within the Waterloo Park Precinct following rezoning from R1 General Residential to B4 Mixed Uses. The variety of permissible uses under the B4 zone will allow for the continued operation of and encourage further uses that will complement the Green Square Town Centre. The B4 zone will also encourage a vibrant mixed use area with ground floor activation. The built form controls aim to facilitate appropriate mixed use residential development and safeguard appropriate sites for creative industries.
 - (b) Direction 4 - A City for Walking and Cycling – Promoting a vibrant, mixed use precinct in Waterloo Park will provide employment opportunities within walking distance of the Green Square Town Centre and a variety of services and facilities for residents in the precinct, reducing car movements.
 - (c) Direction 8 - Housing for a Diverse Population – The proposed amendments optimise residential redevelopment options for the affected sites. This will assist in the delivery of new dwellings and residential growth consistent with broader strategic dwelling targets in the *Metropolitan Plan for Sydney 2036*, the *Sydney City Draft Subregional Strategy* and appropriate Ministerial Directions. It will also help to deliver residential buildings of different scales and grain and a variety of dwelling types and sizes.
 - (d) Direction 9 - Sustainable Development, Renewal and Design – the proposed amendments will assist with the delivery of built form appropriate to its context and which revitalises the area. In ensuring a better match between height and FSR controls, the Planning Proposal also allows redevelopment to be optimised.

Social / Cultural / Community

50. If adopted, the new planning controls will provide greater certainty to businesses which are now relying on existing use rights in the Waterloo Park Precinct.
51. The Planning Proposal and draft DCP amendment will provide greater certainty to the local community, landowners and developers through greater detailing of the City's intended outcomes.

OPTIONS

52. This report recommends the CSPC approve the Planning Proposal and note the draft DCP amendments.

53. It is noted that the report to the Planning and Development Committee on 9 September 2014 identifies that as an option Council could resolve to place the draft DCP amendment for 18 Huntley Street Alexandria on further public exhibition. This is not recommended. As discussed in the body of this report, the refinements to provide more site specific provisions do not alter exhibited built form controls, but rather add detail and do not warrant re-exhibition.

RELEVANT LEGISLATION

54. *Environmental Planning and Assessment Act 1979* and *Environmental Planning and Assessment Regulation 2000*.
55. If Council approves this draft DCP amendment, it will be made in accordance with clause 21(1)(b) of the *Environmental Planning and Assessment Regulation 2000*, which enables Council to approve the draft DCP amendment with such alterations as Council thinks fit.

CRITICAL DATES / TIME FRAMES

56. The Gateway Determination requires that the amendment to the local environmental plan be completed by 29 January 2015.
57. Under the relevant legislation mentioned above, Council is required to provide public notification of any approval of a new development control plan within 28 days of its adoption.
58. The Gateway Determination, at **Attachment E**, authorises Council to exercise this delegation and liaise directly with Parliamentary Counsel to draft and make the local environmental plan, giving effect to the Planning Proposal. Once the plan is made, it comes into effect once published on the NSW Legislation website.
59. The draft DCP amendment will come into effect on the date of publication of the subject local environmental plan insofar as it applies to the Waterloo Park Precinct, and it will come into effect on the date of the public notice insofar as it applies to 18 Huntley Street, Alexandria.

GRAHAM JAHN, AM

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