

Attachment B

**Department of Planning, Industry and
Environment
Gateway Determination**

Greater Sydney Place and Infrastructure

IRF20/3461

Gateway determination report

LGA	City of Sydney
PPA	City of Sydney
NAME	600-660 Elizabeth Street, Redfern (351 homes, 30 jobs)
NUMBER	PP_2020_SYDNE_004_00
LEP TO BE AMENDED	Sydney Local Environmental Plan 2012
ADDRESS	600-660 Elizabeth Street, Redfern
DESCRIPTION	Lot 1 DP 1249145
RECEIVED	16 July 2020
FILE NO.	IRF20/3461
POLITICAL DONATIONS	There are no donations or gifts to disclose and a political donation disclosure is not required
LOBBYIST CODE OF CONDUCT	There have been no meetings or communications with registered lobbyists with respect to this proposal

1. INTRODUCTION

1.1 Description of planning proposal

The planning proposal seeks to amend Sydney Local Environmental Plan 2012 (Sydney LEP 2012) for the site at 600-660 Elizabeth Street, Redfern as follows (**Attachment A**):

- amend the Land Application Map to un-defer the site from South Sydney LEP 1998 and include it in Sydney LEP 2012.
- amend the Land Zoning Map to introduce the R1 General Residential zone.
- amend the Floor Space Ratio Map to introduce a floor space ratio (FSR) of 1.5:1.
- amend the Height of Building Map to increase the maximum building height to various heights ranging from RL 50.3 (approx. 4 storeys) to RL 87.5 (approx. 16 storeys).
- amend the Land Use and Transport Integration Map to introduce the Category B maximum car parking rate.
- amend the Public Transport Accessibility Level Map to introduce Category F to the site.
- amend the Acid Sulfate Soils Map to introduce Class 5 to the site.
- introduce new Active Street Frontages Map to apply active street frontage controls to the Elizabeth St boundary of the site.
- amend clause 1.9 Application of SEPPs to ensure State Environmental Planning Policy (Affordable Rental Housing) 2009 does not apply to the site.

- insert a site-specific local clause for community facilities, affordable and social housing, BASIX, and overshadowing. The proposed site-specific provision will facilitate:
 - a bonus FSR is available if land for community facilities is provide in the development or if arrangements are made by the land owner to provide community facilities elsewhere in the locality.
 - a bonus FSR is available if the development exceeds BASIX commitments for water and energy.
 - any development must include at least 10% of total floor area, used for the purposes of residential development, being used for the purposes of affordable housing.
 - any development must include at least 30% of total floor area, used for the purposes of residential development, being used for the purposes as social housing premises.
 - in this clause, social housing premises has the same meaning as in the Residential Tenancies Act 2010.
 - any development on the site must not overshadow Redfern Park and Oval between 9.00-15.00.
 - the consent authority must not consent to development of the site unless it is satisfied the redevelopment has taken into consideration any guidelines adopted by the City of Sydney (Note – clause only required if Department does not confirm that the development will be assessed as local development).

Details of the proposed amendment is further discussed and assessed in Section 2 of this report.

1.2 Site description

The site consists of a single lot described as Lot 1 DP 1249145, known as 600-660 Elizabeth Street, Redfern, rectangular in shape and has a total area of 10,850m² (**Figure 1**). The site is entirely owned by NSW Land and Housing Corporation.

Existing development on the site consists of the South Sydney Police Citizens' Youth Club (PCYC) located on the corner of Phillip and Elizabeth Streets. The PCYC buildings on-site comprise of three single story 1950s brick buildings with a Colourbond roof (**Figure 2**). The PCYC also has an outdoor basketball court and children's playground (**Figure 3**).

The northern portion of the site previously comprised of 18 social housing dwellings. However, the dwellings were demolished in 2013 and that portion of the site has remained vacant since that time. The majority of the site contains 67 planted native and exotic tree species. The site forms part of the Redfern Housing Estate.



Figure 1: Site map (site outlined in red)



Figure 2 and 3: Photograph of PCYC building and basketball court (source: Planning Proposal)

1.3 Existing planning controls

The South Sydney Local Environmental Plan 1998 and South Sydney Development Control Plan 1997 (DCP) apply to the site. The site is a deferred matter under the Sydney Local Environmental Plan 2012.

Land Use Zone

The site is currently zoned No. 2(b) Residential (Medium Density) and No. 5 Special Uses (Activity Centre) under the South Sydney LEP 1998, as shown **Figure 4**.

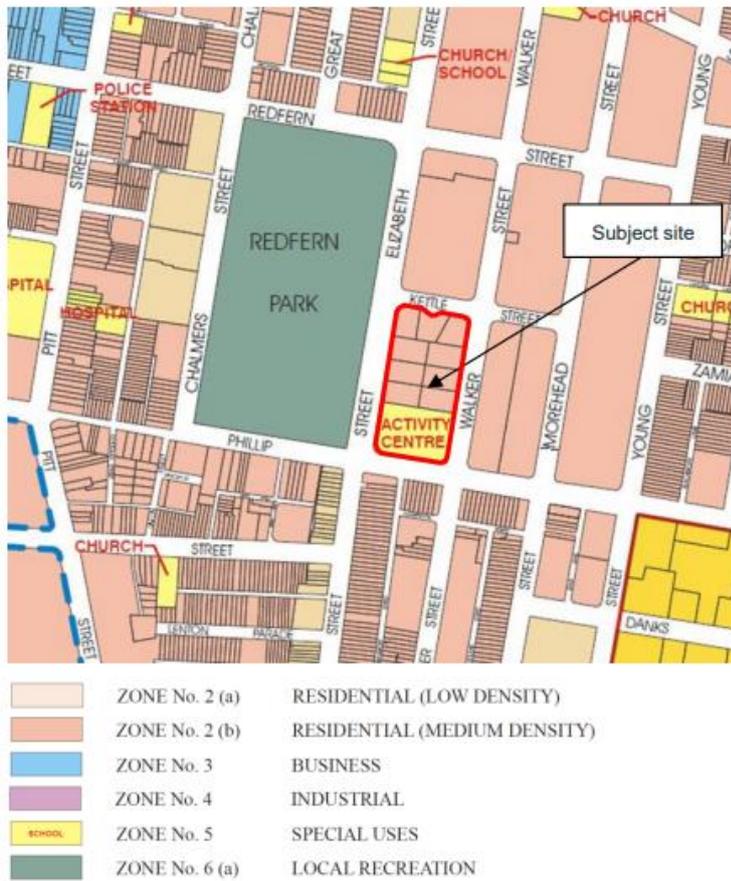


Figure 4: Land Use Zone Map

Building Height

The South Sydney DCP 1998 applies a maximum building height of 6 metres for land zoned No. 2(b) Residential as shown in **Figure 5**. The DCP does not specify a maximum building height for the portion of the site zoned No.5 Special Uses.

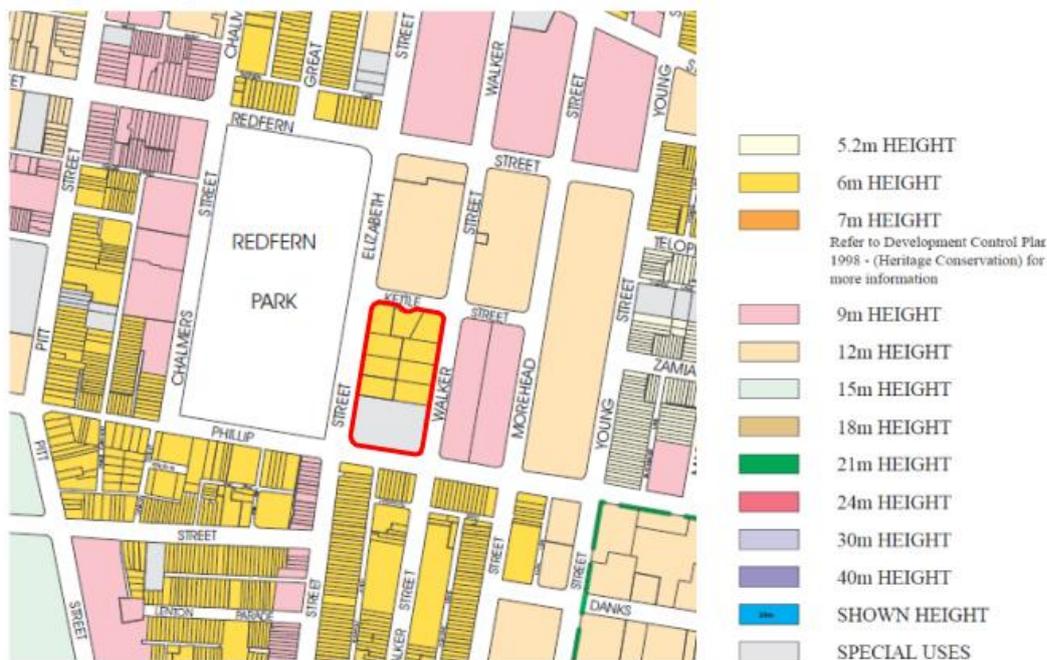


Figure 5: South Sydney DCP Maximum Building Height

Floor Space ratio

The South Sydney DCP applies a maximum Floor Space Ratio (FSR) of 1.5:1 to land zoned No. 2(b) Residential as shown in **Figure 6**. There is no maximum FSR for the portion of the site zoned No.5 Special Uses – Activity Centre.

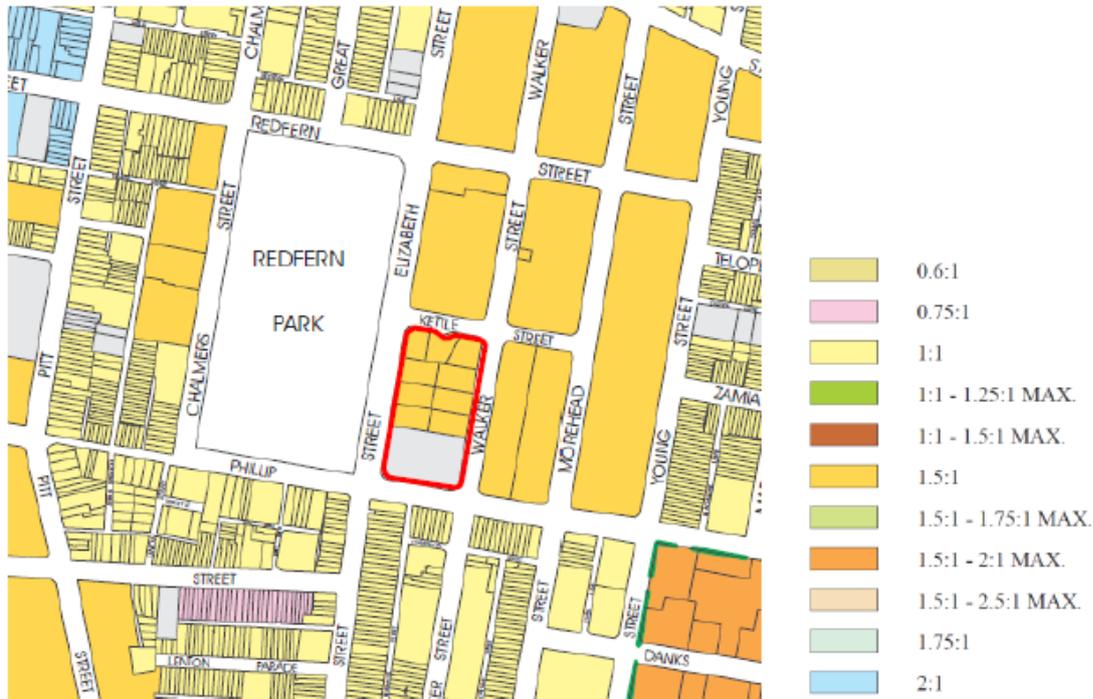


Figure 6: South Sydney DCP Floor Space Ratio

Heritage

There are no Heritage listed items on the site, however the adjoining land which is subject to the Sydney LEP 2012, includes the adjacent local heritage listed Redfern Park. To the south, the site adjoins the Waterloo Heritage Conservation Area and Redfern Heritage Conservation Area. The Heritage Map from the Sydney LEP 2012 is shown in **Figure 7**.



Figure 7: Sydney LEP 2012 Heritage Map

1.4 Surrounding area

The site forms part of the Redfern Housing Estate. Surrounding context consists of residential development to the north, east and south and the State Heritage listed Redfern Park to the west. Adjoining the Park is the Redfern Oval which provides training facilities for the South Sydney Rugby League Club.

To the east is Walker Street which contains low medium scale housing comprising 1-2 storey townhouses and 4 storey apartment buildings constructed in 2013.

To the north is Kettle Street which contains a cul-de-sac and residential buildings range from 3-9 storeys. Kettle Street provides pedestrian connection between Redfern Estate and Redfern park. The street closure creates a small pocket park at the signalised pedestrian crossing on Elizabeth Street.

To south is Philip Street which is the northern boundary of the Waterloo Conservation Area and contains low rise terrace housing and fine grain shopfronts on Elizabeth Street.

The following open space facilities and public transport are within the locality of the site (**Figure 8**):

- Waterloo Oval and Park 450m
- Future Waterloo Metro 850m
- Prince Alfred Park 770m
- Redfern Station 900m

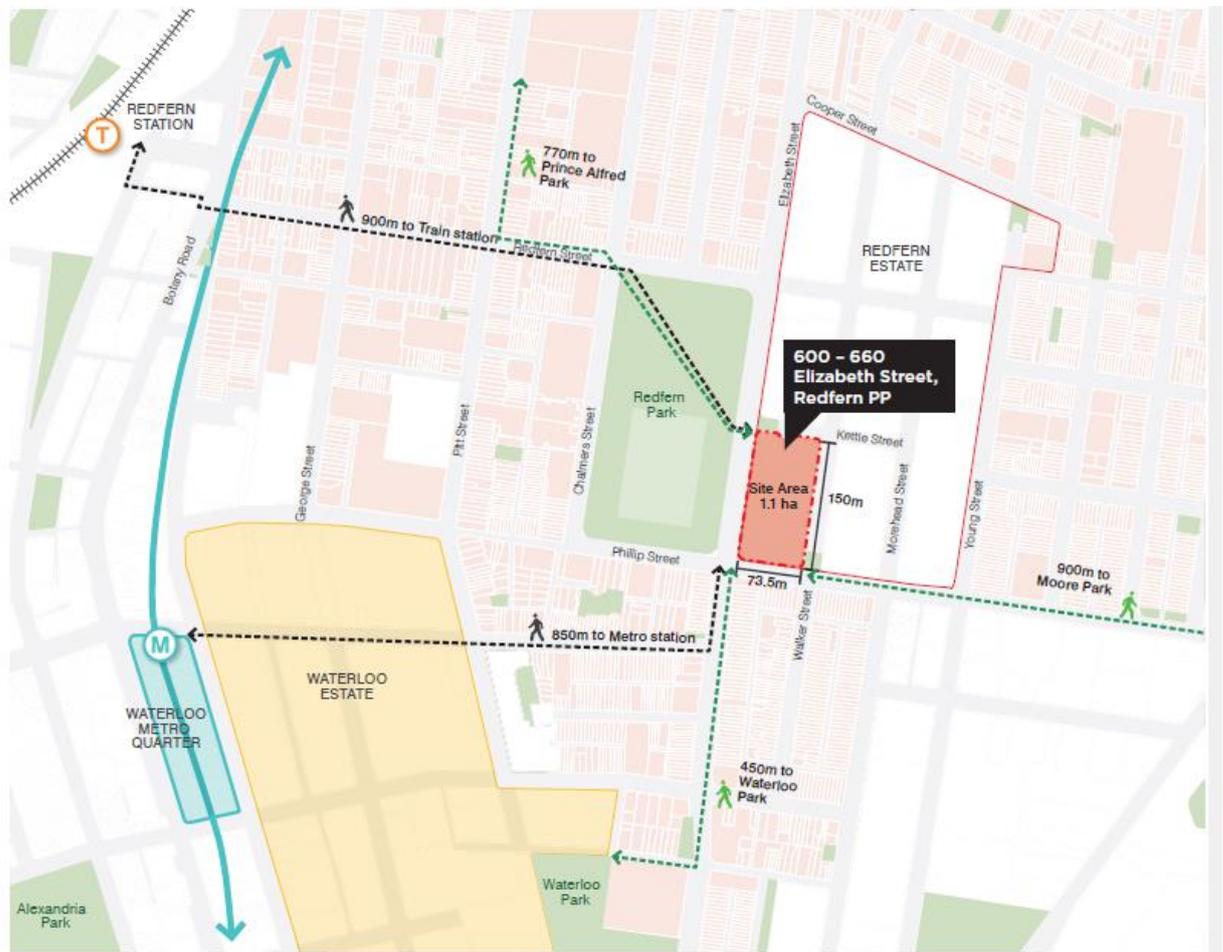


Figure 8: Locality Map

2. PROPOSAL

2.1 Objectives or intended outcomes

The objectives of the planning proposal are to:

- introduce new planning controls for the site under the Sydney LEP 2012;
- facilitate development of the site for new social and affordable housing;
- to deliver a high-quality, predominately residential development, supported with a range of small-scale neighbourhood uses, that will renew the site and contribute to local character;
- provide floor space for the continued operation of the Police Citizens' Youth Club either within the development or elsewhere in the locality;
- to facilitate development that responds to its context and achieves a high level of amenity to neighbouring properties; and
- to ensure no overshadowing to Redfern Park.

The intended outcome is to facilitate the redevelopment of the site to provide additional and better social housing, consistent with the strategic directions in the NSW Government's Future Directions for Social Housing.

2.2 Explanation of provisions

The planning proposal seeks to amend Sydney Local Environmental Plan 2012 (Sydney LEP 2012) for the site at 600-660 Elizabeth Street, Redfern as follows:

- amend the Land Application Map to un-defer the site in the South Sydney LEP 1998 and include it in Sydney LEP 2012.
- amend the Land Zoning Map to introduce the R1 General Residential zone.
- amend the Floor Space Ratio Map to introduce a floor space ratio (FSR) of 1.5:1.
- amend the Height of Building Map to increase the maximum building height to various heights ranging from RL 50.3 (approx. 4 storeys) to RL 87.5 (approx. 16 storeys).
- amend the Land Use and Transport Integration Map to introduce the Category B maximum car parking rate.
- amend the Public Transport Accessibility Level Map to introduce Category F to the site.
- amend the Acid Sulfate Soils Map to introduce Class 5 to the site.
- introduce new Active Street Frontages Map to apply active street frontage controls to the Elizabeth St boundary of the site.
- amend clause 1.9 Application of SEPPs to ensure State Environmental Planning Policy (Affordable Rental Housing) 2009 does not apply to the site.
- insert a site-specific local clause for community facilities, affordable and social housing, BASIX, and overshadowing. The proposed site-specific provision will facilitate:
 - a bonus FSR of 0.75:1 is available if land for community facilities is provide in the development or;

- a bonus FSR of 1:1 is available if arrangements are made by the landowner to provide community facilities elsewhere in the locality; and
- a bonus FSR of 0.25:1 is available if the development exceeds BASIX commitments for water and energy by at least 5 points.
- any development must include at least 10% of total floor area, used for the purposes of residential development, being used for the purposes of affordable housing.
- any development must include at least 30% of total floor area, used for the purposes of residential development, being used for the purposes as social housing premises.
 - in this clause, social housing premises has the same meaning as in the Residential Tenancies Act 2010.
- any development on the site must not overshadow Redfern Park and Oval between 9.00-15.00.
- the consent authority must not consent to development of the site unless it is satisfied the redevelopment has taken into consideration any guidelines adopted by the City of Sydney (Note – clause only required if Department does not confirm that the development will be assessed as local development).

The planning proposal includes draft example clauses to clarify the intended amendments to Sydney LEP 2012. It is noted that final drafting of the clauses is subject to legal drafting by Parliamentary Counsel.

Overshadowing

The Department notes overshadowing requirements generally relate to a certain day or day range, however it was not specified in the proposed provision. Council subsequently advised that the intent of the clause is for no additional overshadowing of Redfern Park from 9am-3pm all year round. The Department recommends a condition to Gateway to update the planning proposal to specify when the overshadowing requirement applies.

Affordable and Social Housing

There are a range of different affordable and social housing targets / ambitions in different state and local government policies.

The Greater Sydney Commission's target in the Eastern City District Plan is 5 to 10% of new residential floor space to be affordable housing. Land and Housing Corporation seeks to achieve a 70:30 ratio of private to social housing on its sites, as outlined in the Government's 'Future Directions for Social Housing in NSW' plan.

Council's Local Strategic Planning Statement identifies that Government development sites should:

- deliver a minimum 25% of floor space as affordable rental housing in perpetuity on all NSW Government sites, including on social housing sites; and
- significantly increase the proportion of social housing on NSW Government sites that are being renewed.

This is further clarified by Council's local housing strategy which identifies a target of 3,368 social and affordable dwellings in the LGA between 2016-2022. This is based

on the Council's target of 7.5% of all housing to be provided as affordable housing and 7.5% of all housing to be provided as social housing.

The Department notes the importance of increasing social and affordable housing in areas with an identified need for affordable housing. However, the proposed provision to deliver a minimum 30% social housing on site and 10% of dwellings as affordable housing is inconsistent with the target for Land and Housing Corporation sites to achieve a 70:30 ratio of private to social housing outlined in the 'Future Directions for Social Housing in NSW' plan.

At present, the Elizabeth Street site contains no social housing. Any development for social housing is an increase to the base amount of social housing already in the LGA.

To contribute towards achieving Council's 7.5% target for social and affordable housing, and the Greater Sydney Commission's target in the Eastern City District Plan, the Department recommends the proposed provision be amended to require at least 30% of total floor area to be used as social and affordable housing as a condition of Gateway. This recommended rate is consistent with the 30% LAHC target and significantly above both the District plan (5-10% affordable, subject to feasibility) and Council targets (25% affordable rental housing).

To ensure there is a genuine mix of both social housing and affordable housing as part of the future development, the Department recommends that the planning proposal be updated prior to finalisation to specify the minimum percentage of social, and affordable housing, not being less than 30% of the total floor area. This is to provide certainty on both the quantum and the split of social and affordable housing that will be delivered on site prior to the LEP being finalised.

Community Facilities

The proposed provisions contain two options for additional FSR relating to the delivery of community facilities either on site or off site.

The Department considers the proposed provision for additional community facilities floor space being located elsewhere in the locality is not appropriate. Whilst the Department acknowledges the intent of this provision, a clause can only be drafted if the additional floor space ratio is linked to the provision of community facilities as part of the development. Therefore, the Department recommends this provision be removed from the planning proposal and the proposed floor space ratio and associated mapping be updated accordingly.

The Department understands from its discussions with Council and LAHC there is a preference and commitment for PCYC to remain on site therefore the proposed provision which allows additional FSR if land for community facilities is provided in the development will be retained. The details of the dedication arrangement will be undertaken separately to the planning proposal. This may include dedication of part of the site to Council to facilitate development and occupation by PCYC.

Draft Design Guide

A draft Design Guide has been prepared to support the planning proposal (**Attachment Q**). It applies to the site and addresses the following key design considerations:

- Infrastructure and servicing;
- Stormwater management;

- Street trees;
- Active frontages;
- Building height;
- Street frontage heights and setbacks;
- Building design and bulk;
- Parking and vehicular access;
- Public art, and
- Design excellence provisions.

The Department notes there is a similar provision under Clause 6.45 2(d) of Sydney LEP 2012 which refers to any guidelines made by the Planning Secretary relating to design and amenity of the Waterloo Metro Quarter. It is understood this planning proposal seeks to reference a guideline adopted by City of Sydney Council.

To ensure consistency and equity it is recommended that this clause instead refer to a guideline made or endorsed by the Planning Secretary. This provides an additional layer of oversight to the process of developing and endorsing the guideline, also reducing the likelihood of the guideline being continuously updated and changed.

The Department recommends this provision be amended as a condition of Gateway. Further, it is recommended to remove the note which stipulates this clause is only required if the development is not a local development. It is not appropriate for a LEP provision to be conditional on the basis of whom the consent authority is for the development application.

The endorsement of the draft Design Guide by the Planning Secretary will be undertaken as a separate process to the Gateway. In such circumstances and the Design Guide will still be required to be considered as part of any assessment and used to guide the future development outcome.

2.3 Proposed development outcome

The original planning proposal submitted by LAHC sought to facilitate 351 residential apartments, approximately 3,500m² of community facilities and ground floor non-residential uses (mix of community, commercial and retail) fronting Elizabeth Street. The planning proposal submitted by Council provides a revised scheme of two development options, one option with the PCYC forming part of the development and an alternative building layout in the event that community facilities are secured off-site.

Building height

This planning proposal seeks to introduce the following maximum building heights:

- RL 50.3 (approx. 4 storeys) on the southern section of Elizabeth Street, Phillip Street and the southern section of Walker Street;
- RL 53.4 (approx. 5 storeys) on the northern section of Elizabeth Street;
- RL 65.8 (approx. 9 storeys) on Kettle Street;
- RL 87.5 (approx. 16 storeys) on the corner of Kettle Street and Walker Street; and
- RL 62.7 (approx. 8 storeys) on Walker Street and in the middle of the site.

The proposed building height along Elizabeth Street avoids overshadowing of Redfern Park and Oval from 9am-3pm all year round.

The proposed building heights along Walker street are scaled to suit the residential streets and to minimise solar and visual impacts on the terraces east of Walker Street.

Four storey buildings with setbacks provide a sensitive interface with the Waterloo Conservation Area to the south of the site.

The planning proposal provides reference scheme for two development options, one option with the PCYC forming part of the development and the other without (**Figure 9 to Figure 13**).



Figure 9: Revised reference scheme with PCYC (looking north)



Figure 10: Revised reference scheme without PCYC (looking north)



Figure 11: Revised reference scheme with PCYC (looking south)



Figure 12: Revised reference scheme without PCYC (looking south)

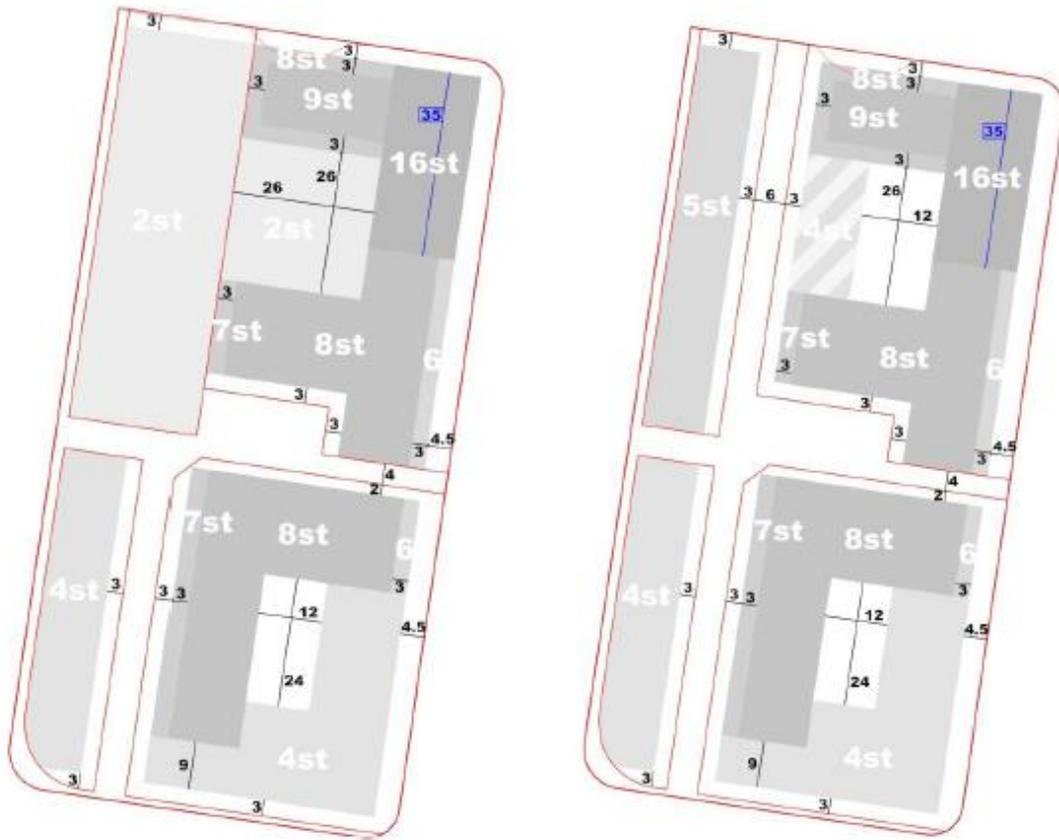


Figure 13: Maximum Heights in Storeys with community facility (left) and without community facilities (right) within the site (draft Design Guide)

Floor Space Ratio

This planning proposal seeks a floor space ratio (FSR) for the site of 1.5:1, to be included on the Floor Space Ratio Map in the LEP. Floor space incentives will be available in a site-specific local clause based on whether community facilities are provided as part of the development or if other arrangements are made.

If land for community facilities is provided in the development, an additional FSR of 0.75:1 is available for the development. If arrangements are made by the landowner for a similar amount of land for community facilities elsewhere in the locality, an additional FSR of 1:1 is available for the development.

Regardless of the presence of community facilities, the development can achieve an additional FSR of 0.25:1, if the development exceeds BASIX commitments for water and energy.

Future development is also eligible for up to 10% bonus floor space, if a competitive design process is undertaken and design excellence is demonstrated. For a development including community facilities, the total FSR that can be achieved, including design excellence is 2.75:1. For a development without community facilities, the total FSR that can be achieved, including design excellence is 3.025:1.

2.4 Mapping

The planning proposal will seek to amend the following maps of Sydney LEP 2012.

- Land Application Map – Sheet LAP_001
- Land Zoning Map - Sheet LZN_017

- Floor Space Ratio Map - Sheet FSR_017
- Height of Buildings Map - Sheet HOB_017
- Land Use and Transport Integration Map - Sheet LUT_017
- Public Transport Accessibility Level Map – Sheet TAL_017
- Active Street Frontages Map - Sheet AFS_017
- Acid Sulfate Soils Map – Sheet ASS_017.

The maps are shown in Part 6 of the planning proposal and in **Attachment E**. The Department considers the mapping to be adequate for public exhibition.

3. NEED FOR THE PLANNING PROPOSAL

In November 2019, the Minister for Planning and Public Spaces announced a new approach to precinct planning. As a result, NSW Land and Housing Corporation sites previously announced as potential state significant precincts would now be considered through a local council plan making process with a request to amend Sydney LEP 2012.

The planning proposal was initiated by Land and Housing Corporation to change the planning controls that relate to the site. A planning proposal is needed to un-defer the site from South Sydney LEP 1998 and introduce standard instrument LEP controls to facilitate the redevelopment of the site.

The redevelopment of the site presents opportunities to be the pilot for NSW Land and Housing Corporation’s Communities Plus initiative to deliver a build to rent development scheme.

The build to rent scheme allows the Government to deliver new and integrated social, affordable and private rental housing by collaborating with the private and not for profit sectors under a long term lease. It is understood any final decision on the inclusion of build to rent will be made by LAHC subject to investigations and market soundings with the private and not for profit sectors.

4. STRATEGIC ASSESSMENT

4.1 Eastern City District Plan

The Eastern City District Plan establishes a 20 year vision for the Eastern District which is guided by associated planning priorities and actions for productivity, liveability and sustainability. The planning proposal is considered consistent with the planning priorities from the Plan, outlined in the table below.

Table 1: Consistency with Eastern District Plan

Planning priority	Comment
Planning Priority E1: Planning for a city supported by infrastructure	The District Plan addresses the need to provide more residential dwellings to support the projected population increase of 325,000 by 2036. This planning proposal seeks to plan for a city supported by infrastructure by increasing residential capacity of the site near to jobs, services and amenities. Future residents will be near to jobs, as the site is located 3km from the CBD. The future Waterloo Metro will also support the new communities living within the proposed

	development, by providing efficient connectivity across Sydney.
<p>Planning Priority E3 – Providing services and social infrastructure to meet people’s changing needs</p> <p>Planning Priority E4 – Fostering healthy, creative, culturally rich and socially connected communities</p>	The planning proposal seeks to facilitate redevelopment of the site to provide new social and affordable housing in an area of increasing demand and support a diverse community by providing a mix of housing and new public spaces that promote social integration and connectivity.
<p>Planning Priority E5 – Providing housing supply, choice and affordability, with access to jobs, services and public transport</p>	<p>The planning proposal seeks to facilitate redevelopment of the site under a build to rent scheme. It will provide a mix of social, affordable and private dwellings, in a highly accessible and well-served location. The build to rent scheme allows the Government to deliver new and integrated social, affordable and private housing by collaborating with the private and not for profit sectors.</p> <p>The site is within walking distance to public transport connections to key employment centres.</p>
<p>Planning Priority E6 – Creating and renewing great places and local centres, and respecting the District’s heritage</p>	The planning proposal seeks to facilitate redevelopment of the site to renew a predominately vacant Government-owned site to create new social, affordable and private housing. The Planning Proposal considers the adjacent heritage conservation area and State Heritage item, Redfern Park. The proposed built form responds to the site’s heritage setting with lower scale buildings, landscaped setbacks and site-specific provisions
<p>Planning Priority E10 – Delivering integrated land use and transport planning and a 30-minute city</p>	The site is located within walking distance from the future Waterloo Metro Station and the bus services along Elizabeth Street, enabling the 30-minute city concept by way of active and public transport.
<p>Sustainability Priority E19 – Reducing carbon emissions and managing energy, water and waste efficiently</p>	The planning proposal includes targets to exceed BASIX requirements for water and energy targets, and sustainability targets.

4.2 Local

Local Strategic Planning Statement

City of Sydney’s Local Strategic Planning Statement (LSPS) was assured by the Greater Sydney Commission in March 2020. The LSPS sets out the land use planning context and 20-year vision to positively guide change towards the City’s vision for a green, global and connected city. The planning priorities and actions in the LSPS are provided to achieve the vision.

The planning proposal is consistent with the following planning priorities of the LSPS:

- I1 – Movement for walkable neighbourhoods and a connected city

- I3 – Supporting community wellbeing with social infrastructure
- L1 – A creative and socially connected city
- L2 – Creating great places
- L3 – New homes for a diverse community
- S2 – Creating better buildings and places to reduce emissions and waste and use water efficiently
- S3 – Increasing resilience of people and infrastructure against natural and urban hazards
- G1 – Open, Accountable and collaborative planning

The planning proposal will improve community well-being and social outcomes by providing new social and affordable housing in an established inner-city community. Furthermore, the proposed development will provide high levels of amenity and opportunity of social housing within Redfern.

4.3 Section 9.1 Ministerial Directions

The consistency with the relevant 9.1 Ministerial Directions is assessed in the table below.

Table 2: Consistency with 9.1 Directions

Ministerial Direction	Consistency	Comment
2.3 Heritage Conservation	Yes	<p>The objective of this direction is to conserve items, areas, objects and places of environmental heritage significance and indigenous heritage significance.</p> <p>The site is not identified as a heritage item but is located adjacent to a Heritage item and three Heritage Conservation Areas.</p> <p>The planning proposal is accompanied by an Aboriginal Cultural Heritage Assessment and Historical Archaeological Assessment by Extent Heritage. The studies find that whilst no Aboriginal sites, objects, sandstone rock outcrops or culturally modified trees were identified within the study area during the preliminary assessment, an area of moderate archaeological potential has been identified across the entire study area. Further archaeological investigation of the study area can be undertaken at DA stage.</p> <p>The Department considers the proposal consistent with this Direction.</p>
2.6 Remediation of Contaminated Land	Yes	<p>The objective of this direction is to reduce the risk of harm to human health and the environment by ensuring that contamination and remediation are considered by planning proposal authorities.</p> <p>The planning proposal authority must consider whether the land is contaminated and if the land is contaminated, the planning proposal authority is satisfied that the land is suitable in its</p>

		<p>contaminated state (or will be suitable, after remediation)</p> <p>If the land requires remediation to be made suitable for any purpose for which land in that zone is permitted to be used, the planning proposal authority is satisfied that the land will be remediated before the land is used for that purpose.</p> <p>The planning proposal is accompanied by a Stage 2 Contamination Assessment which concludes that the site can be made suitable for the proposed development, subject to development of a remediation strategy and associated environmental management measures. The site's suitability will be demonstrated as part of a future detailed development application for the site.</p>
3.1 Residential Zones	Yes	<p>This direction applies when a relevant planning authority prepares a planning proposal that will affect land within:</p> <ul style="list-style-type: none"> a) an existing or proposed residential zone (including the alteration of any existing residential zone boundary), b) any other zone in which significant residential development is permitted or proposed to be permitted. <p>The planning proposal is considered consistent with this direction as it will not reduce the permissible residential density on the site.</p>
3.4 Integrating Land Use and Transport	Yes	<p>This direction applies when a relevant planning authority prepares a planning proposal that will create, alter or remove a zone or a provision relating to urban land, including land zoned for residential, business, industrial, village or tourist purposes.</p> <p>The site is well located with easy access to transport services, including Redfern train station within 900 metres of the site, Waterloo Metro within 850 metres and access to multiple bus routes.</p> <p>The planning proposal is consistent with this Direction as it will enable the intensification of housing in a well-connected site and will encourage use of public transport services.</p>
3.5 Development near Licensed Aerodromes	Yes	<p>This direction applies when a relevant planning authority prepares a planning proposal that will create, alter or remove a zone or a provision relating to land near a regulated airport which includes a defence airfield.</p> <p>For the purposes of this direction, Sydney Kingsford Smith Airport (1- PMBD) is the closest licensed aerodrome to the subject site. The site is not within the Australian Noise Exposure Forecast (ANEF) contours of between 20 and</p>

		<p>25. The proposed building heights are under the Obstacle Limitation Surface (OLS).</p> <p>The planning proposal is consistent with this Direction.</p>
4.1 Acid Sulfate Soils	No	<p>This direction applies when a relevant planning authority prepares a planning proposal that will apply to land having a probability of containing acid sulfate soils as shown on the Acid Sulfate Soils Planning Maps.</p> <p>The relevant planning authority must consider the Acid Sulfate Soils Planning Guidelines adopted by</p> <p>The Director-General of the Department of Planning when preparing a planning proposal that applies to any land identified on the Acid Sulfate Soils Planning Maps as having a probability of acid sulfate soils being present.</p> <p>A relevant planning authority must not prepare a planning proposal that proposes an intensification of land uses on land identified as having a probability of containing acid sulfate soils on the Acid Sulfate Soils Planning Maps unless the relevant planning authority has considered an acid sulfate soils study assessing the appropriateness of the change of land use given the presence of acid sulfate soils.</p> <p>The planning proposal is supported by a Stage 2 Contamination Report which found within the site, two areas identified in containing Actual Acid Sulfate Soils (AASS) and 17 areas were identified as Potential Acid Sulfate Soils (PASS). The reported results indicate that an Acid Sulfate Soil Management Plan will be required for the management of AASS and PASS during future excavation works in this area.</p> <p>For the purpose for exhibition, the Department recommends that the planning proposal be updated to prior to community consultation. This should include justifying the proposed amendment to identify the site as class 5 on the Acid Sulfate Soil Map, address the consistency with this Direction and provide consideration on the appropriateness of the intensification of the land use given the presence of acid sulfate soils.</p>
4.3 Flood Prone Land	No	<p>This direction applies when a relevant planning authority prepares a planning proposal that creates, removes or alters a zone or a provision that affects flood prone land.</p> <p>In accordance with the Direction, a planning proposal must not contain provisions that apply to the flood planning areas which permit a significant increase in the development of that land.</p>

		<p>A planning proposal may be inconsistent with this direction only if the planning proposal is in accordance with a floodplain risk management plan prepared in accordance with the principles and guidelines of the Floodplain Development Manual 2005.</p> <p>The planning proposal's inconsistency with the Direction is justified as it is consistent with the City of Sydney Interim Floodplain Management Policy, prepared in accordance with the principles and guidelines of the Floodplain Development Manual 2005.</p> <p>For the purpose of exhibition, it is recommended that the planning proposal be updated to identify its inconsistency.</p>
6.3 Site Specific Provision	No	<p>The objective of this direction is to discourage unnecessarily restrictive site specific planning controls.</p> <p>This direction applies when a relevant planning authority prepares a planning proposal that will allow a particular development to be carried out.</p> <p>The planning proposal is inconsistent with this Direction as it proposes site specific controls to allow a particular development to be carried out.</p> <p>The Department notes that Division 5 of the LEP contains site-specific provisions for various sites across the City. The planning proposal introduces site-specific controls into the LEP to ensure an appropriate dwelling mix and community facilities on the site.</p> <p>The Department considers this inconsistency to be of minor significance. However, for the purpose of exhibition the planning proposal should be updated prior to community consultation to identify this inconsistency. The Department recommends this to be a condition of Gateway.</p>

4.4 State environmental planning policies (SEPPs)

The consistency with the relevant SEPPs is assessed in the table below.

Table 3: Consistency with relevant SEPPs

State Environmental Planning Policy	Consistency	Comments
SEPP (Site and Regional Development) 2011	Yes	<p>The aim of this SEPP is to identify development that is State Significant Development.</p> <p>Currently under the SRD SEPP, development on land identified as a NSW Land and Housing Corporation Site on the State Significant Development Sites Map and has capital investment value of more than 30 million is considered State Significant Development.</p>

		<p>The Department exhibited an Explanation of Intended Effect for a proposed new Housing Diversity State Environmental Planning Policy (Housing Diversity SEPP) which proposes to amend the SRD SEPP so that projects will become SSD if:</p> <ul style="list-style-type: none"> • they are carried out by or on behalf of LAHC; and • they have a capital investment value of more than \$100 million (increased from \$30 million). <p>If this amendment is made, the future development facilitated by this planning proposal may be considered SSD.</p>
SEPP 65—Design Quality of Residential Flat Development;	Yes	<p>The Department understands the original concept design submitted by LAHC took into consideration the Apartment Design Guide (ADG). However, an updated assessment against the was not provided for the revised scheme which this planning proposal relates to.</p> <p>The Department recommends that planning proposal be updated to address SEPP 65 and the ADG against the revised scheme prior to exhibition.</p>
SEPP (Affordable Rental Housing) 2009;	Yes	<p>The planning proposal is consistent with the aims of the SEPP. The planning proposal includes a provision requiring affordable housing to be provided as part of future development. As this planning proposal requires a minimum amount of affordable housing, the proposal seeks to list the site in clause 1.9(2A) of the Sydney LEP 2012 so the SEPP does not apply.</p>
SEPP (Building Sustainability Index: BASIX) 2004	Yes	<p>The planning proposal seeks to introduce a site-specific provision to award additional floor space if a development exceeds the BASIX targets. The proposed incentive provisions are consistent with the SEPP.</p> <p>However, the mandatory provisions in the draft Design guide for BASIX Energy 40 exceed the BASIX targets for some (but not all) developments, and therefore are inconsistent with clauses 7 and 9 of the BASIX SEPP.</p> <p>Further, the requirement to install solar panels in the draft design guide on all new development is inconsistent with BASIX. BASIX does not mandate specific design elements but allows the developer to choose the design elements to meet the BASIX target. The Department recommends as a condition of Gateway that the Design Guide be updated to remove the mandatory nature of the BASIX energy target requirement and the requirement to install solar panels. The</p>

		endorsement of the draft Design Guide by the Planning Secretary will be undertaken as a separate process to the Gateway. It is expected that the finalisation of the Design Guide will occur currently with the finalisation of the planning proposal.
SEPP (Infrastructure) 2007	Yes	The proposal is close to and well serviced by rail and bus. The building is in an established area well serviced by infrastructure and no additional services are required.
SEPP (Vegetation in Non-Rural Areas) 2017	Yes	<p>The aims of this Policy are to protect the biodiversity values of trees and other vegetation in non-rural areas of the State, and to preserve the amenity of non-rural areas of the State through the preservation of trees and other vegetation.</p> <p>The planning proposal is supported by Flora and Fauna assessment Arboricultural Impact Assessment. Mitigation measures to reduce and/or prevent loss of vegetation will be considered at the detailed design stage and addressed as part of any future development applications on the site.</p> <p>The Department recommends as a condition of Gateway that NSW Environment, Energy and Science are consulted during public exhibition.</p>

5. SITE-SPECIFIC ASSESSMENT

5.1 Social

The planning proposal facilitates redevelopment of the site to deliver positive social impacts including increasing social and affordable housing in an area with an identified need for affordable housing. The delivery of both social and affordable housing will contribute to Council's Local Housing Strategy and the Eastern City District Plan's target for social and affordable housing. Social and affordable housing is identified as 'housing for very low income households, low income households or moderate income households'.

The planning proposal also includes a site-specific clause to provide land for the continued operation of a community facility onsite. This would allow for the Police Citizens Youth Club (PCYC) to maintain its presence in the area and continue to serve the local community. This represents a significant public benefit.

5.2 Environmental

The planning proposal is accompanied by several studies based on the original scheme lodged by LAHC. It is considered the conclusions are still relevant to Council's revised scheme as there is no change to the proposed density.

Threatened Species

The site is likely to provide foraging habitat for the Grey-Headed Flying-Fox. This species is listed as vulnerable under the *Biodiversity Conservation Act 2016* (BC Act) and *Environmental Protection and Biodiversity Conservation Act 1999* (EPBC Act).

Future development would potentially impact on the 0.24 ha of planted native vegetation which may provide foraging habitat for the species.

The site contains a threatened flora species, the Magenta Lilly Pilly which was identified on the southern boundary along the foot path. This species is listed as vulnerable under the Biodiversity Conservation Act 2016 and Environmental Protection and Biodiversity Conservation Act 1999.

The planning proposal is accompanied by a Flora and Fauna assessment by Eco Logical Australia (**Attachment F**) which concludes that a test of significance is not required for the Magenta Lilly Pilly as it is a planted street tree and does not form part of a naturally occurring population. However, a test of significance consistent with the BC Act would be required for the foraging habitat for the Grey-Headed Flying-Fox. The study recommends that this be undertaken at the time of Development Application (DA) submission.

The Department recommends as a condition of Gateway that Environment, Energy and Science are consulted during public exhibition.

Trees

The planning proposal is accompanied by an Arboricultural Impact Assessment by report Eco Logical Australia (**Attachment G**) which assesses the potential impacts of the development footprint on the tree protection zones of trees in the subject site. The report concludes the following:

- The site contains a total of 67 trees which have been ranked from high, medium, low and no impact;
 - 48 trees are classified as high impact with four trees considered for high retention value. The trees would be subject to major encroachment within the Tree Protection Zone (TPZ). These trees are unable to be sustainably retained without substantial modification of the proposed building footprint.
 - 6 trees would be subject to medium impact of the TPZ. Three of those trees are considered to be of high retention value.
 - 3 trees would be subject to low impact within the TPZ. The anticipated low impact of the proposed development will have negligible impacts to the tree's health, vigour or stability. All three trees are considered to be of medium retention value.
 - 10 trees would not be affected by the proposed development. Of these, four trees are considered to be of high retention value.

In summary out of the 67 trees on site, 11 trees were identified as high retention value. Recommendations from the Study include measures around tree pruning, removal, tree protection fencing, hold points during construction and replacement planting. All high retention value trees are considered worthy of preservation and consideration should be given to their retention. The detailed placement and site design should consider TPZs of these trees during DA stage.

In addition to mitigate any potential loss of trees, the draft Design Guide provides for a minimum 15% tree canopy cover and a minimum of 1650 square metres of deep soil is to be provided on the site. This is more than required by the ADG and will

ensure any loss of trees is adequately offset and will improve landscape values and biodiversity outcomes with more appropriate tree plantings.

The Department recommends as a condition of Gateway that NSW Environment, Energy and Science are consulted during public exhibition.

Heritage

The site is not identified as a heritage item but is located adjacent to a Heritage item and three Heritage Conservation Areas (HCA) (**Figure 14**). The planning proposal is supported by a Preliminary Built Heritage Assessment by Extent Heritage (**Attachment H**).

The Waterloo HCA is a largely residential area and includes sections of Phillip Street which forms the southern edge of the subject site. The area has significance as early residential subdivisions of the Mount Lachlan Estate, which developed incrementally from the 1850s through to the early twentieth century.

The Redfern Estate HCA to the west contains residential fabric and Redfern Park. The area is historically significant as an early Victorian structured subdivision covering the entire grant to William Redfern.

The Baptist Street HCA is two streets to the east of the site, thereby it would have to be considered to a lesser extent in terms of any proposals to the subject site

Redfern Park is listed as a Heritage Item which contains rainforest plants such as the *Araucaria sp.*, *Brachychiton sp.* and the exotic species such as *Washingtonian sp.*, *Phoenix sp.* and *Catalpa* which reflect the approach to horticulture. The park was planned in late 1880s a key development phase of Redfern. It is a significant element of establishment of Redfern Township.

The assessment finds that redevelopment of the site will not generate any unacceptable impacts to surrounding heritage items and will not result in visual dominance over, or detract from, the context or setting of these items.

The Department recommends as a condition of Gateway that Heritage NSW is consulted during public exhibition.



Figure 14: Sydney LEP 2012 Heritage Map

Aboriginal Cultural Heritage and Archaeology

The planning proposal is accompanied by an Aboriginal Cultural Heritage Assessment (**Attachment I**) and Historical Archaeological Assessment (**Attachment J**) by Extent Heritage. The studies find that whilst no Aboriginal sites, objects, sandstone rock outcrops or culturally modified trees were identified within the study area during the preliminary assessment, an area of moderate archaeological potential has been identified across the entire study area. The site may also have Aboriginal cultural value relating to its use as an occupation and resource gathering site in the past; and due to other contemporary activities in the last two hundred years.

The rezoning of the site itself will not result in impacts to any known or potential Aboriginal archaeological sites however the development as a result of this planning proposal has the potential to impact upon any as yet unidentified Aboriginal archaeological sites.

The studies recommend further archaeological investigation of the study area would be required to define the nature, extent and significance of the historical archaeological resource, and to mitigate the potential impacts that may result from the development. Such investigation should be undertaken prior to any DA submissions for the site.

The Department recommends as a condition of Gateway that Heritage NSW is consulted during public exhibition.

Flood

Stormwater Strategy Report by Aecom (**Attachment K**) confirms the southern portion of the site is affected during the 100-year Average Recurrence Interval (ARI), and the entire site is affected by the Probable Maximum Flood (PMF). Under existing conditions there is significant ponding on Phillip Street, with a depth of 0.9 metres for the 100-year ARI (Figure 1) and up to 2.8 metres for the PMF (Figure 16).

The study concludes to offset the potential flood impacts, mitigation measures will likely comprise a combination of on-site detention, compensatory floodplain storage and conveyance works that minimise or counteract the impact of obstructions placed within the existing flow paths across the site.

Buildings within the site will need to be designed to account for the internal flood risks during rare floods such as the 100 year ARI in the streets surrounding the site. Proposed entry levels and minimum habitable flood levels will need to be raised to ensure that the risk of floodwater breaches from significant storm events at the building entrances is manageable.

The redevelopment of the site must be designed to meet the following flood planning levels:

- Flood Planning Level (FPL) will be 100-year ARI flood level + 0.5 m freeboard for entrances to habitable areas (FPL equates to RL 32.7 metres on the site);
- 100-year ARI flood level to above ground carparks;
- Where the depth of flow is less than 0.25 metres, the FPL may be reduced to twice the flow depth, or at least 0.3 metres, above the 100-year ARI flood level; and
- FPL will be PMF for below ground garages and carparks.

The PMF for the site is higher than the 100-year ARI, and therefore, the basement entry and lobbies (where accessed from a basement) will need to be designed to be above the PMF level.

The planning proposal identifies that a detailed flood assessment will be required as part of the DA submission for the site. The Department considers the flooding constraints can be addressed at DA stage.

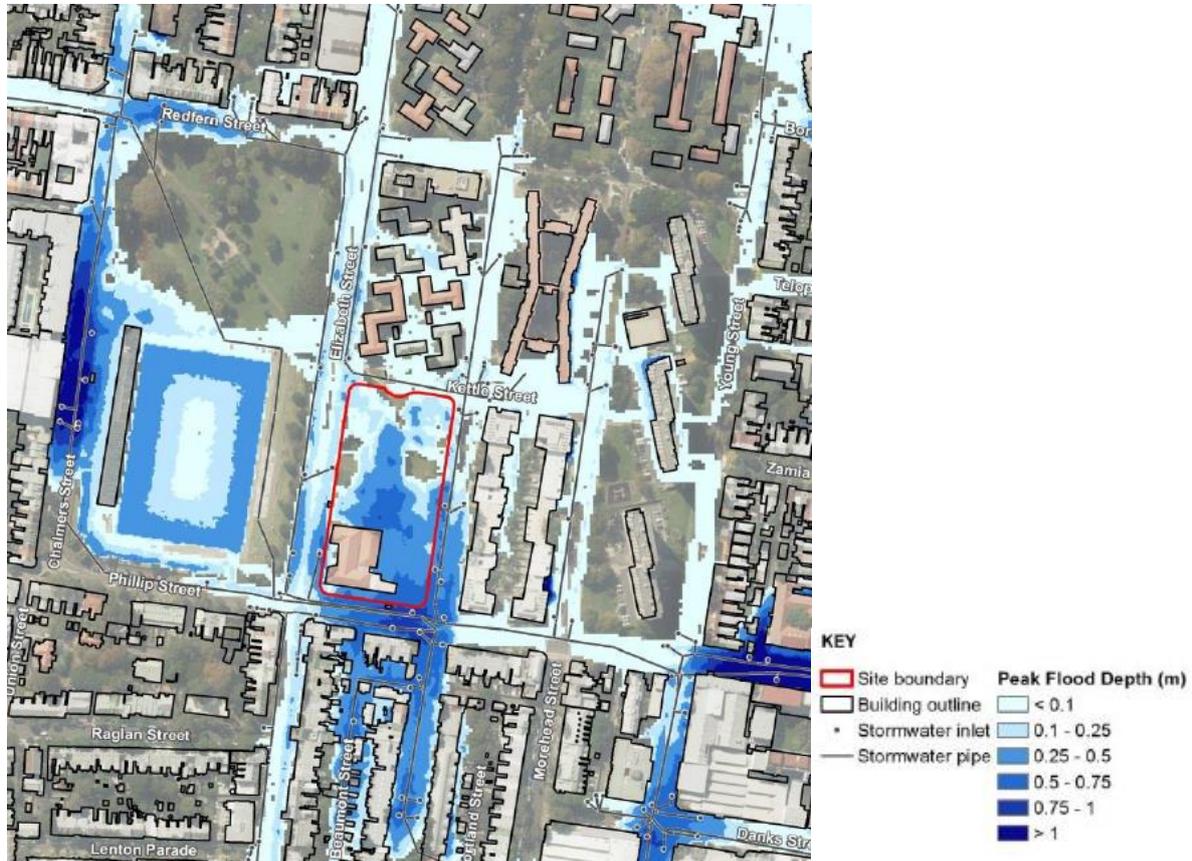


Figure 15: Existing case 100-year ARI peak flood depth

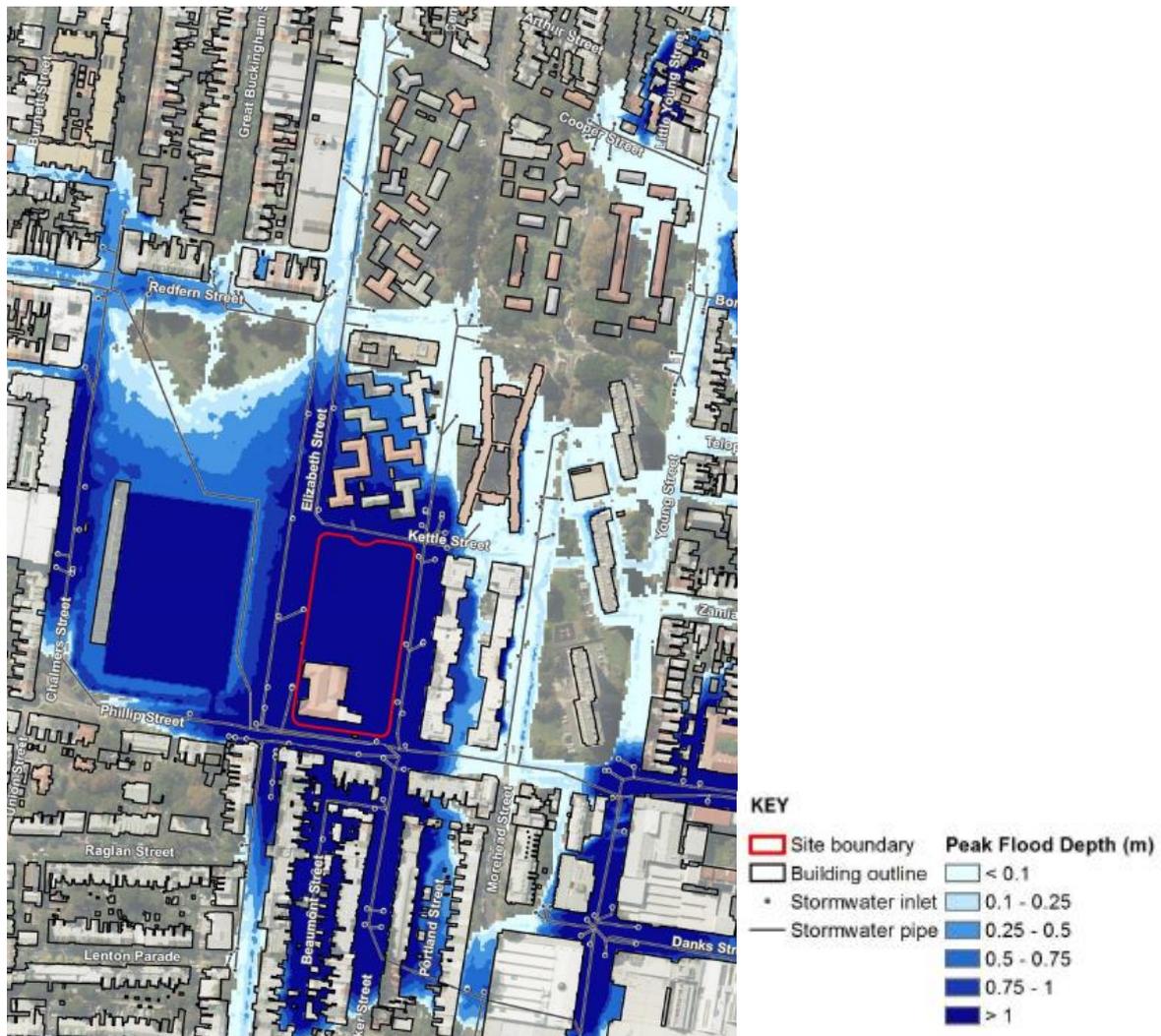


Figure 16: Existing case PMF peak flood depth

Wind

The planning proposal is accompanied by Wind Assessment by Windtech (**Attachment L**). The results of the study indicate that wind conditions for most trafficable outdoor locations within and around the development will be suitable for their intended use. However, the south-east corner of the development will experience strong winds which will exceed the relevant criteria for comfort and or safety. The study recommends including densely foliating evergreen trees capable of growing to a height of 4-6m along Elizabeth and Phillip street.

With the inclusion of these treatments applied at DA stage in the final design, it is expected that wind conditions for all outdoor trafficable areas within and around the development will be suitable for their intended uses.

Contamination

The planning proposal is supported by a Stage 1 Environmental Site Assessment and Geotechnical Desktop Study and a Stage 2 Contamination Report (**Attachment M and Attachment N**). The Stage 1 Study identifies the general environmental condition and risks from current and past land uses which may have resulted in contamination at the site. Key findings from the Stage 1 study found:

- An SAS for the site (Golder, 2005) concluded that the site was not suitable for medium density residential land use and a Remediation Action Plan (RAP) was required to address contamination identified by PB (2004).

- Potential sources of contamination identified which may impact the condition of soil and groundwater within the site and its surrounds include the following:
 - Commercial and industrial properties in the immediate surrounding areas, including: car servicing and mechanical repairs, manufacturers and a laundry – Waterloo Coin Laundry.
 - Use of fill material of unknown origin: potentially containing or impacted by contaminants.
 - Historical use of asbestos containing materials (ACM) within buildings and structures erected since the 1920s.
 - Historical use of lead based paints on the interior and exterior of historical and current buildings.
 - Concentrations of lead and PAHs in soil identified as part of the ERM (2001) investigation.
 - Known concentrations of lead, B(a)P, sum of PAHs, toluene, TPH C10-C36 in soil, heavy metals and up-gradient B(a)P and sum of PAHs in groundwater and potential acid sulfate soils as noted in the SAS (Golder, 2005) and as identified by PB (2004).

The Stage 2 detailed contamination study was undertaken to provide information on soil and groundwater contamination conditions within the site. The results indicate that the site is underlain by shallow fill material and a naturally occurring peat layer, which contain concentrations of Total Recoverable Hydrocarbons (TRH) and B(a)P greater than the assessment criteria for the proposed high density residential, retail and commercial land uses.

In addition, Asbestos Containing Material (ACM) was detected in shallow fill in the south-west corner of the Site, and the presence of actual or potential acid sulfate soils was identified across most of the Site. In order to make the site suitable for the proposed future land use, development of a remediation strategy and associated environmental management measures such as a Remediation Action Plan, Construction Environmental Management Plan and Asbestos Management Plan. This is expected to be undertaken at DA stage.

The Department recommends as a condition of Gateway that NSW Environment Protection Authority is to be consulted during public exhibition.

Acid Sulphate

As part of the Stage 2 Contamination report, samples were analysed for Suspension Peroxide Oxidation Combined Acidity and Sulfur (SPOCAS) to evaluate the potential for or actual acid sulfate soils. Within the site, two areas were identified in containing Actual Acid Sulfate Soils (AASS) and 17 areas were identified as Potential Acid Sulfate Soils (PASS). The reported results indicate that an Acid Sulfate Soil Management Plan will be required for the management of AASS and PASS during future excavation works in this area.

The planning proposal seeks to identify the site as Class 5 in the Acid Sulfate Soils Map. In accordance with Environmental Planning Instruments, Acid sulfate soils are to be classified into 5 different classes based on the likelihood of the acid sulfate soils being present in particular areas and at certain depths. Areas classified as Class 5 are located within 500 metres on adjacent class 1,2,3 or 4 land. The Department recommends that as a condition of Gateway that Council provide justification for the site to be identified as Class 5 in the Acid Sulfate Soils Map. In addition, the planning proposal should be updated prior to community consultation to

address the consistency with 9.1 Direction 4.1 Acid Sulfate Soils and provide consideration on the appropriateness of the intensification of the land use given the presence of acid sulfate soils.

Overshadowing

The planning proposal states that the development will not result in any additional overshadowing to Redfern Park and Oval and will minimise solar impacts to neighbouring properties on Walker Street and Philip Streets.

Redfern Park

The planning proposal states that the revised preferred scheme demonstrates that development on the site can be designed to achieve this outcome. To ensure that any development does not overshadow Redfern Park and Oval between 9am and 3pm all year round, the planning proposal includes a site-specific provision in the Sydney LEP 2012 to prevent overshadowing of these important spaces.

Walker Street

To the east of the site, on Walker Street, there are 21 attached dwellings and two apartment buildings facing Walker Street. The buildings were constructed in 2013 and are owned by NSW LAHC.

The Sydney DCP 2012 provides guidance for solar access to single dwellings including maintaining 2 hours of solar access to surrounding dwellings and not creating any additional overshadowing to habitable rooms, where the dwelling does not currently achieve 2 hours.

Due to the existing building design, currently 5 of the 21 dwellings on Walker Street do not meet the minimum solar requirements to their front windows. However, all dwellings receive more than 2 hours of solar access to their rear private open space. In most dwellings, the kitchen and dining room is located adjacent to the rear private open space. The dwellings have excellent amenity to their rear backyards.

Phillip Street

Properties located to the south of Phillip Street form part of the Waterloo Conservation Area. The majority of dwellings on Phillip Street do not meet the minimum solar access requirements. The revised preferred scheme provides a setback on this interface to minimise overshadowing to properties on the southern side of Phillip Street.

The Department notes that the shadow analysis undertaken as part of the Design Report which accompanies the planning proposal was based off the original concept design lodged by LAHC which has been subsequently revised. The Department recommends that as a condition of Gateway that the planning proposal be updated prior to community consultation to provide a shadow analysis to assess the impact of shadows casted by the revised scheme. The shadow analysis should be undertaken at hourly intervals during winter solstice.

5.3 Economic

The planning proposal seeks to facilitate the delivery of additional social, affordable and market housing in the Redfern locality. It is expected this will provide positive economic effects as future residents will be close to jobs, as the site is located 3km from the CBD.

5.4 Infrastructure

Traffic and Transport

A Traffic Impact Assessment has been prepared by Jacobs (**Attachment O**) to support the planning proposal. The report provides an assessment of the existing traffic and transport environment and the impact of the proposed development on the traffic and transport network. Conclusions from the report indicate the following:

- The proposed development will likely generate an additional 45 car trips per hour which includes trips for all purposes, and not just work trips.
- The proposed development would generate additional demand of about 18 bus passengers and about 20 train passengers. Bus stops are currently provided on Elizabeth Street and Phillip Street.
- Bus and train services accessible from the development are already operating close to or at capacity. The future Waterloo Station is expected to improve public transport capacity and therefore the projected additional public transport trips generated by the development would be readily accommodated.
- Access to the development via Walker Street would have the least impact on the road network.
- Key intersections surrounding the site would continue to operate at an acceptable level.
- Phillip Street currently carries in the order of 700 vehicles per hour and exceeds the environmental capacity for a collector road.
- Walker Street has relatively low traffic volumes in the order of 120 vehicles per hour in the peak periods. The addition of 45 vehicles although concentrated near the site it would not exceed the 200 vehicles per hour environmental goal.
- Kettle Street functions as an access street west of Walker Street with fewer than 10 vehicles per hour. East of Walker Street, Kettle Street also has low traffic volumes in the order of 100 vehicles per hour. The forecast additional traffic of around 45 vehicles per hour from this site once split between Kettle and Philip Street would have no perceptible impact on either Kettle Street or Walker Street north of Kettle Street.

The Department understand the traffic modelling was undertaken based off the original concept design lodged by LAHC. The traffic generation is unlikely to change as result of the revised scheme. The revised scheme will provide an equivalent amount of GFA and achieve a similar number of apartments to the original scheme prepared by LAHC. The Department recommends consultation with Transport for NSW during public exhibition of the planning proposal.

Car Parking

The planning proposal seeks to apply the Category B car parking rate in Sydney LEP 2012 Map to the site which determines the maximum car parking rate.

Parking provision for most modes is consistent with Category B rates defined in Sydney LEP 2012 and should be as follows:

- 200 parking spaces (maximum) for residents, 10 of which are accessible parking spaces;
- 327 bicycle parking spaces (minimum) for resident's and 33 for their visitors;
- 8 parking spaces (minimum) for service vehicles; and
- 17 parking spaces (minimum) for motorcycles.

The supporting traffic analysis suggests the number of parking spaces is not anticipated to degrade the performance of the road network to an unacceptable level. The exact amount of car parking to be provided on the site will be determined as part of the detailed design phase.

The revised reference scheme proposes access to basement parking from Phillip Street as it will have the least impact on the local road network and is the least flood affected area of the site. Access is to be restricted from Elizabeth Street.

Servicing

The planning proposal is supported by a Utilities and Infrastructure Servicing Report by Aecom (**Attachment P**). The report concludes that the site has minimal utility infrastructure as majority of it is vacant land. Local amplifications to potable water, wastewater, electrical and gas delivery systems will be required for future development. Upgrades to the local zone substation may also be required subject to confirmation by Ausgrid.

It is expected that these services would be upgraded by the developer and appropriate investigations into utilities infrastructure upgrades will be provided at the DA stage. The Department recommends consultation with Sydney Water and Ausgrid during public exhibition.

6. CONSULTATION

6.1 Community

Council has proposed a public exhibition period of 28 days. The Department considers this to be appropriate.

Council, as the planning proposal authority, will be responsible for public consultation. In accordance with section 6.5.2 of 'A guide to preparing local environmental plans' notification in writing to all affected and adjoining landowners is required.

6.2 Agencies

The planning proposal does not specify any agencies that are to be notified of the proposal. The Department recommends notification and consultation with the following agencies:

- NSW Environment, Energy and Science;
- Heritage NSW;
- Transport for NSW;
- NSW Environment Protection Authority;
- Sydney Water; and
- Ausgrid.

7. TIME FRAME

The planning proposal provides a project timeframe with the completion date anticipated for February 2021. The Department considers a timeframe of 12 months to be appropriate. This does not preclude the planning proposal from being finalised sooner.

8. LOCAL PLAN-MAKING AUTHORITY

Council has requested to be the local plan making authority for this planning proposal. The Department recommends that Council should not be the local plan-making authority for this planning proposal due to the nature and complexity of the proposal.

Given the draft Design Guide is recommended to be endorsed or made by the Planning Secretary, the Department considers it appropriate that the Planning Secretary or delegate also make arrangements for the drafting of any required local environmental plan to give effect to the final proposals of the planning proposal authority.

It is noted that under Section 3.36 of the EP&A Act, the Department is required to consult with Council regarding the drafting of the instrument.

9. CONCLUSION

The Department recommends that the planning proposal proceed, subject to recommended conditions, for the following reasons:

- it is generally consistent with the Eastern City District Plan and the relevant section 9.1 Ministerial Directions and State Environmental Planning Policies;
- consistent with City of Sydney's Local Strategic Planning Statement;
- it will deliver positive social effects including increasing social and affordable housing in an area with an identified need for affordable housing; and
- it will support redevelopment of the site as the pilot for Communities Plus build-to-rent consistent with the NSW Government's Future Directions for Social Housing policy.

10. RECOMMENDATION

It is recommended that the delegate of the Secretary:

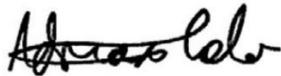
1. agree that any inconsistencies with section 9.1 Directions 4.1 Acid Sulfate Soils, 4.3 Flood Prone Land and 6.3 Site Specific Provision are justified.

It is recommended that the delegate of the Minister determine that the planning proposal should proceed subject to the following conditions:

1. Prior to community consultation the planning proposal is to be updated as follows:
 - (a) Provide a shadow analysis to assess the impact of shadows casted by the revised scheme. The shadow analysis should be undertaken at hourly intervals during the winter solstice;
 - (b) Revise the overshadowing clause to specify the day range to which it applies;

- (c) Address SEPP 65 and the Apartment Design Guide against the revised scheme;
 - (d) Revise the requirement for the development to achieve the minimum BASIX Energy 40 target in the draft Design Guide to be only required if the additional floor space is elected to be used;
 - (e) Remove the requirement for all new development to install solar panels in the draft Design Guide;
 - (f) Remove the note in the explanation of provisions section which instructs that the clause regarding consideration of the Design Guide will only be required if the development is not assessed as local development;
 - (g) Revise the proposed clause relating to the Design Guide from being adopted by City of Sydney Council to being endorsed by the Planning Secretary;
 - (h) Remove the provision which allows a bonus FSR of 1:1 if arrangements are made by the landowner to provide community facilities elsewhere in the locality. The proposed distribution of FSR and associated mapping is to be updated accordingly;
 - (i) Remove from the planning proposal the provision which requires the development to include at least 30% of total floor area used for the purposes of social housing and 10% of total floor area used for affordable housing. Instead introduce a provision which requires at least 30% of total floor area to be used for the purposes of a mix of social housing and affordable housing;
 - (j) Identify and address inconsistency with 9.1 Ministerial Direction 4.1 Acid Sulfate Soils, 4.3 Flood Prone land, 6.3 Site Specific Provision; and
 - (k) Provide an explanation and justification for the site to be identified as Class 5 in the Acid Sulfate Soils Map.
2. The revised planning proposal is to be provided to the Department for review and approval prior to public exhibition.
 3. Prior to finalisation, the planning proposal is to be updated as follows:
 - (a) demonstrate the proposed scheme is capable of achieving the BASIX commitments identified in the Site Specific Provision and draft Design Guide; and
 - (b) specify the minimum percentage of total floor area to be used for social housing and affordable housing, not being less than 30% of the total floor area.
 4. The planning proposal should be made available for community consultation for a minimum of 28 days.
 5. Consultation is required with the following public authorities:
 - NSW Environment, Energy and Science;
 - Heritage NSW;
 - Transport for NSW;

- NSW Environment Protection Authority;
 - Sydney Water; and
 - Ausgrid.
6. The time frame for completing the LEP is to be 12 months from the date of the Gateway determination.
 7. Given the nature of the planning proposal, Council should not be authorised to be the local plan-making authority to make this plan.



05/02/2021

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