

## **Attachment B**

**Planning Proposal - 923-935 Bourke Street,  
Waterloo (as amended following public  
exhibition)**

# Planning Proposal: 923-935 Bourke Street, Waterloo



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## Executive Summary

The Green Square Urban Renewal Area is Australia's largest urban renewal area with the Green Square Town Centre (Town Centre) at its heart. The urban renewal area is forecast to grow to around 32,000 dwellings, housing around 63,000 people by 2036. This growth is being supported with substantial investment in local infrastructure including new roads, parks, community facilities such as Gunyama Park and Aquatic Centre and Green Square library and utilities upgrades.

In 2012 the City introduced in its planning controls a hierarchy of centres with the Town Centre being established as the primary commercial, retail and civic centre. The hierarchy is underpinned by planning controls in the Sydney Local Environmental Plan 2012 that only allow larger retail premises in the Town Centre and permits smaller retail tenancies outside of centres. This is to ensure that major retail, specifically supermarkets, continue to locate in the Town Centre and other planned centres, supporting their viability and their role as a place of economic and community focus.

In late 2021 the City commissioned SGS Economics and Planning to undertake the Green Square and Southern Areas Retail Review (the Review). The objective of the review was to understand the changes to demand and supply of retail area since the planning requirements were introduced in 2012, and to recommend any required changes to planning controls to ensure the retail needs of the community were being met. The Review identified a net shortfall of about 9,000 square metres of supermarket floor space in the eastern parts of Waterloo, the Town Centre and North Alexandria areas, close to dense residential communities.

Planning Proposal - Retail Review and Retail Parking, that is the subject of a separate planning proposal (CSPC) is being considered by Council and the Central Sydney Planning Committee concurrently with this planning proposal. It will create opportunities for supermarkets to meet the growing needs of the Green Square community, including in North Alexandria close to the Green Square Town Centre and in Waterloo.

Planning Proposal - 923-935 Bourke Street, Waterloo (this planning proposal) been prepared by the City following a request by Fabcot Pty Ltd (Woolworths Property Group) to change the planning controls at 923-935 Bourke Street, Waterloo (the site). The request is to enable the redevelopment of the site for a mixed-use development comprising residential, commercial and retail uses, including a large format supermarket below ground level.

The site is not located in any planned centre in the City's current planning controls, and as such a restriction on the size of retail tenancies applies. The planning proposal is to amend the planning controls to allow for a supermarket of up to 3,200 square metres to be provided on the site. The planning proposal is consistent with the Review, which identified an undersupply of supermarket floor space in Waterloo.

The planning proposal and associated amendment to the Sydney Development Control Plan 2012 will also:

- amend the maximum building heights to facilitate a development of 5 to 7 storeys to allow a built form that does not unreasonably impact on surrounding development, can achieve compliance with the Apartment Design Guide and continues to provide housing as planned under the LEP;
- allow for an additional 0.5:1 of floor space ratio, but only where it is provided as a supermarket below ground level; and

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- apply a maximum car parking rate to the supermarket to mitigate impacts on the surrounding road network;
- increase affordable housing provision;
- meets high sustainability standards through energy and water targets and electric vehicle charging; and
- applies setbacks that ensures the protection of 33 high value and medium value trees forming the existing mature canopy around the site.

The landowner has also made a letter of offer to enter into a planning agreement. The offer includes a commitment to:

- implement in the development sustainability targets and measures consistent with the City's Net Zero Energy provisions;
- onsite rainwater capture and waste recovery measures in the future operation of the development;
- provision of electric vehicle charging facilities in car parking spaces, including upfront provision of 25 per cent of retail spaces with Level 2 charging and two (2) spaces with Level 3 or 4 charging provisions; and
- provision of affordable housing contributions, equating to 12 percent of the new floor space facilitated by this planning proposal (about 5 affordable housing dwellings in addition to those otherwise required by the planning controls).

The City will work with the landowner to prepare a draft planning agreement to secure the above public benefits on the site

The proposed redevelopment is an opportunity to provide a sustainable mixed-use development, located close to public transport in an area well supported by local infrastructure. A supermarket in this location ensures the community has access to adequate retail and will encourage residents and workers close by to walk or cycle for their day to day retail needs.

# 1. Background

## 1.1 Introduction

In November 2021, Fabcot Pty Ltd (the landowner) submitted a request to amend the planning controls for 923-935 Bourke Street, Waterloo (the site). In September 2022, landowner modified the request to address the issues raised in the City's assessment of the initial proposal.

Planning Proposal - 923-935 Bourke Street, Waterloo (this planning proposal) is to amend the Sydney Local Environmental Plan (LEP) 2012 to facilitate a mixed-use development on the site. The proposed changes to the planning controls are to:

- increase the current maximum building height control;
- allow additional floor space to be provided for the purpose of a supermarket only;
- identify where and how supermarket floor space is to be provided;
- limit parking for retail development to reduce car usage and encourage active transport; and
- apply higher sustainability standards for all the affected development.

In addition, the landowner has made an offer to enter into a planning agreement for the provision of affordable housing, electric vehicle changing facilities, as well as a commitment to a range of sustainability targets and measures. A draft planning agreement is to be publicly exhibited generally at the same time as this planning proposal.

This planning proposal supports the strategic vision for the City's hierarchy of centres.

## 1.2 The Site

### 1.2.1 Site identification

The site at 923-935 Bourke Street, Waterloo is owned by Fabcot Pty Ltd. The legal description of the site is Lot 10 DP 705894, as shown in below in Figure 1.

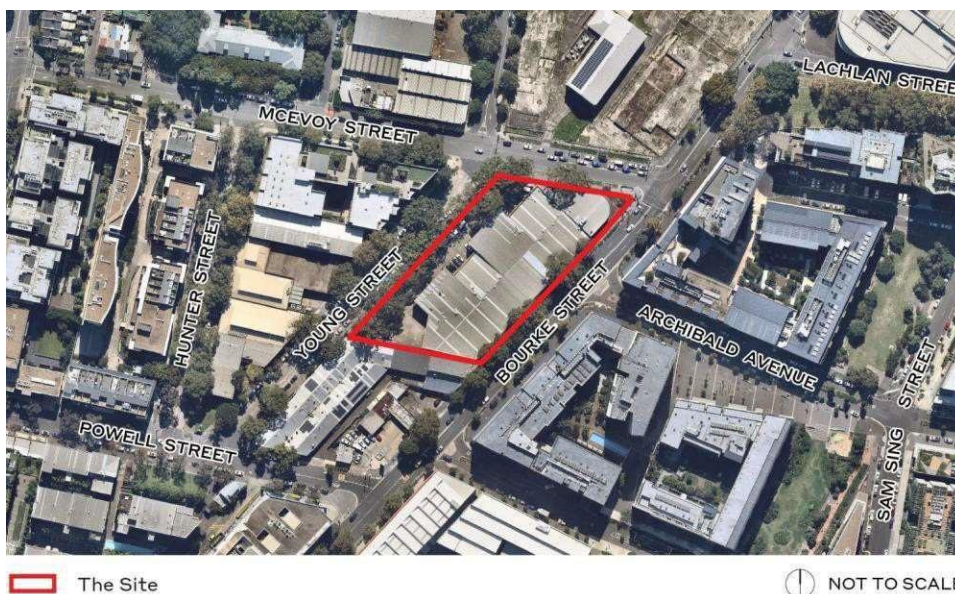


Figure 1 Site identification: 923-935 Bourke Street, Waterloo outlined in red line. Source Ethos Urban.

### 1.2.2 Site context

The site is located in the Waterloo suburb. It is within the Green Square Urban Renewal Area, approximately 4km south-east of Sydney Central Business District. Green Square Train Station and Green Square Town Centre (Town Centre) are south-west of the site, approximately 900m and 800m respectively. The new Waterloo Metro Station is 1.2km north-west of the site and is scheduled to be completed in 2024.

The site context is shown below in Figure 2.

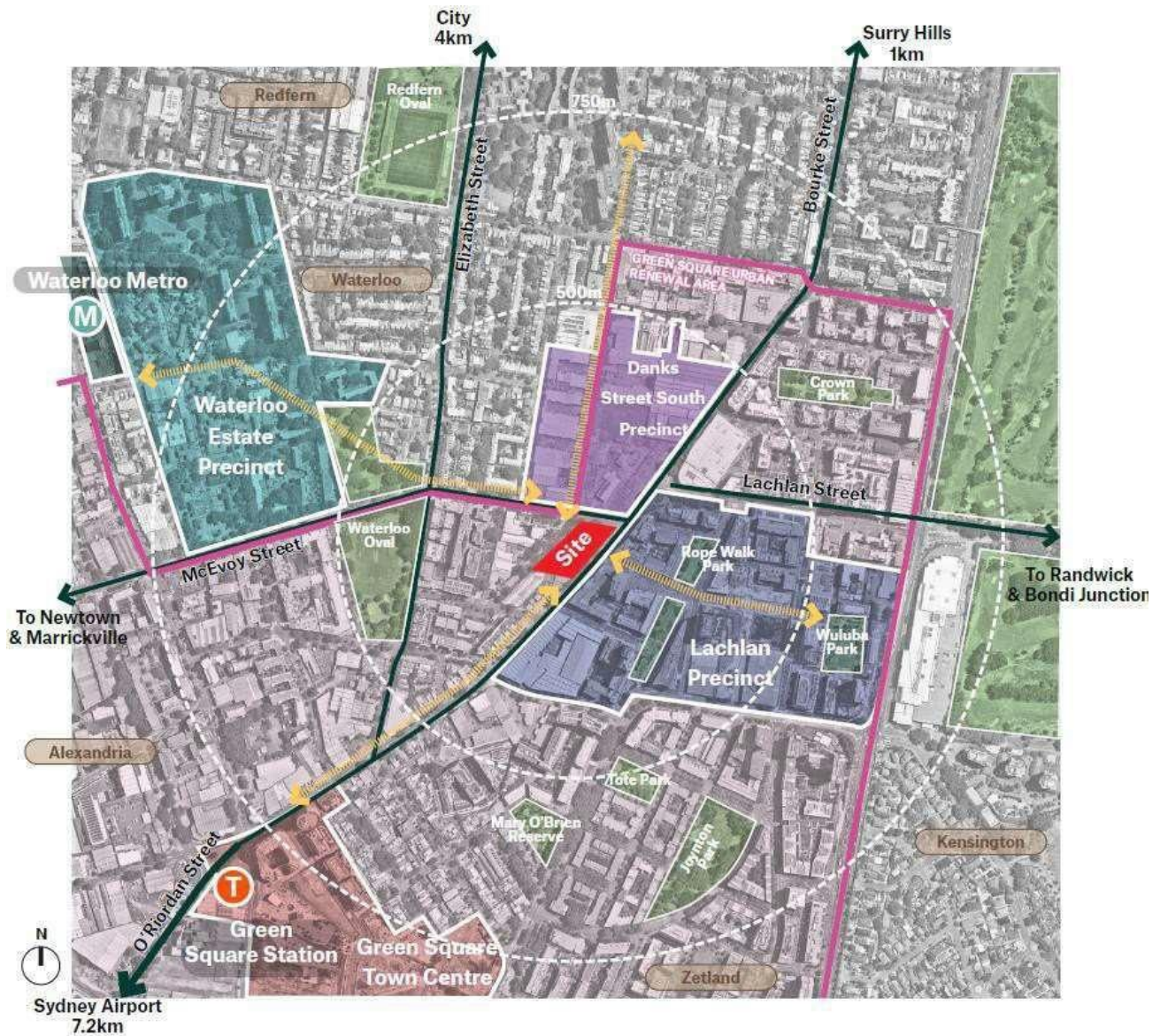


Figure 2 Green Square Urban Renewal Area and Regional Context. Source: Bates Smart Urban Design Report.

The area surrounding the site is in transition and is characterised by a variety of uses that includes residential, mixed use, and urban services.

To the east of the site, on Bourke Street, is the Lachlan precinct, the former industrial lands which have been redeveloped into a mixed-use precinct that comprises of 6-12 storey buildings, set on either side of Archibald Avenue, connecting east-west to Bourke Street.

To the north of the site is the Danks Street South urban renewal precinct, set within the former Sydney Water site which is surrounded by former light industrial parcels to the north and north-west, which are planned for between 4-7 storey buildings and 12-23 storey towers.

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To the south and south-west of the site are 1-2 storey light industrial and retail showroom premises along Young and Powell Streets, within older brick and masonry buildings.

Directly to the west of the site on Young Street is a contemporary 4 storey residential flat building, fronting Hunter Street.

Street views of site and surrounding area are shown below in Figure 3.



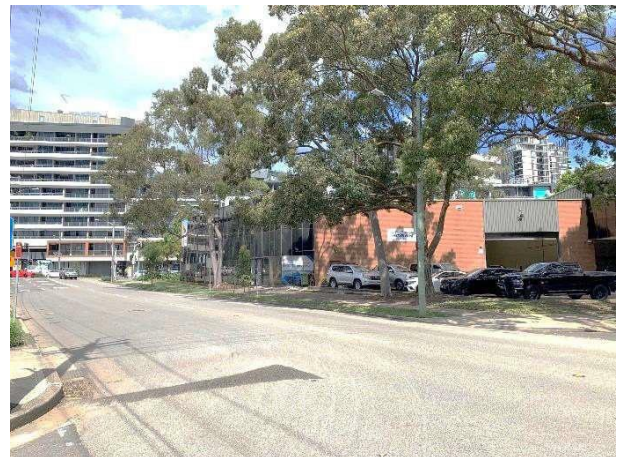
View looking north on Bourke Street along frontage of site



View looking south on Bourke Street along frontage of site



View looking west on McEvoy Street along frontage of site



View looking east on McEvoy Street along frontage of site



View looking south on Young Street along frontage of site



View looking north on Young Street along frontage of site

Figure 3 Street views of 923-953 Bourke Street site and surrounding area.

### 1.2.4 Green Square Urban Renewal Area

The Green Square Urban Renewal Area is a high-density urban renewal area in the City's south. As of 2016, the population of the urban renewal area and City South was forecast to grow by an



additional 44,452 persons, at an annual rate of 4.4 per cent, to about 63,000 people in 2036 when the urban renewal area is expected to be built out. The population estimate for Green Square as of 30 June 2021 is 34,253.

At the heart of the urban renewal area is the Green Square Town Centre, which together with Mascot, is identified as a strategic centre in the Greater Sydney Region Plan: A Metropolis of Three Cities and the Eastern City District Plan.

The Green Square Town Centre has a train station connecting to Central Sydney and Sydney Airport, as well as a growing employment, retail and services offering. Green Square Library, Joynton Avenue Creative Centre, Perry Park Recreation Centre and Gunyama Park Aquatic and Recreation Centre are among the recently delivered community facilities.

Green Square Town Centre has approximately 1,489 established dwellings, and a further 1,552 approved, under construction or recently completed. When complete, the town centre will be home to 7,800 people and accommodate 6,700 workers. Currently, the centre supports a 2,000 sqm supermarket on Ebsworth Street, as well as a range of speciality retail and food and drink premises.

### **1.2.5 Site characteristics**

The site is irregular in shape with a total area of approximately 6,534sqm, and a perpendicular average depth of 58m. The site is bounded by McEvoy Street to the north, Bourke Street to the east, Young Street to the west, and adjoining properties to the south.

The site has significant street frontages, with approximately 67m along McEvoy Street, 113m along Bourke Street and 109m along Young Street. The topography generally falls in an east to west direction of approximately 1-2m across the width of the site.

### **1.2.6 Accessibility**

Overall, the site has a high level of accessibility.

The site is within a 10 to 15 minute walk from Green Square railway station (900m), providing connections to Central station, Sydney CBD and the wider regional rail network. The future Waterloo Metro station is 1.2km, or approximately 15-20 minute walking distance from the site.

Local and express bus services connect the site to the broader region, including services to Redfern, Erskineville, Botany, Gore Hill, Chatswood, Moore Park, Eastgardens, Kingsford. The frequent peak services include M20 (10-15 minutes), 304 (5-15 minutes), and 343 (3-5 minutes).

The site is connected to a pedestrian walking environment that includes footpaths on both sides of all surrounding streets. Controlled pedestrian crossings are provided on all legs at the following signalised intersections:

- Bourke Street with Danks Street;
- Bourke Street with Potter Street;
- Bourke Street with Lachlan Street; and
- Bourke Street with McEvoy Street.

The site is connected to an extensive cycleway network, with Bourke Street providing an off-road shared path along the site, which provides a connection through to the Sydney CBD. A similar facility is also provided along George Street to the west of the site.

The site is connected by a network of state and regional roads, which includes McEvoy Street, Bourke Street, Lachlan Street, and Elizabeth Street. The site is also serviced by a local street network, having a direct frontage to Young Street.

# 2. Existing planning controls

The Sydney Local Environmental Plan (LEP) 2012 and Sydney Development Control Plan (DCP) 2012 contain zoning and development standards for the site. These are discussed below.

## 2.1. Sydney Local Environmental Plan 2012

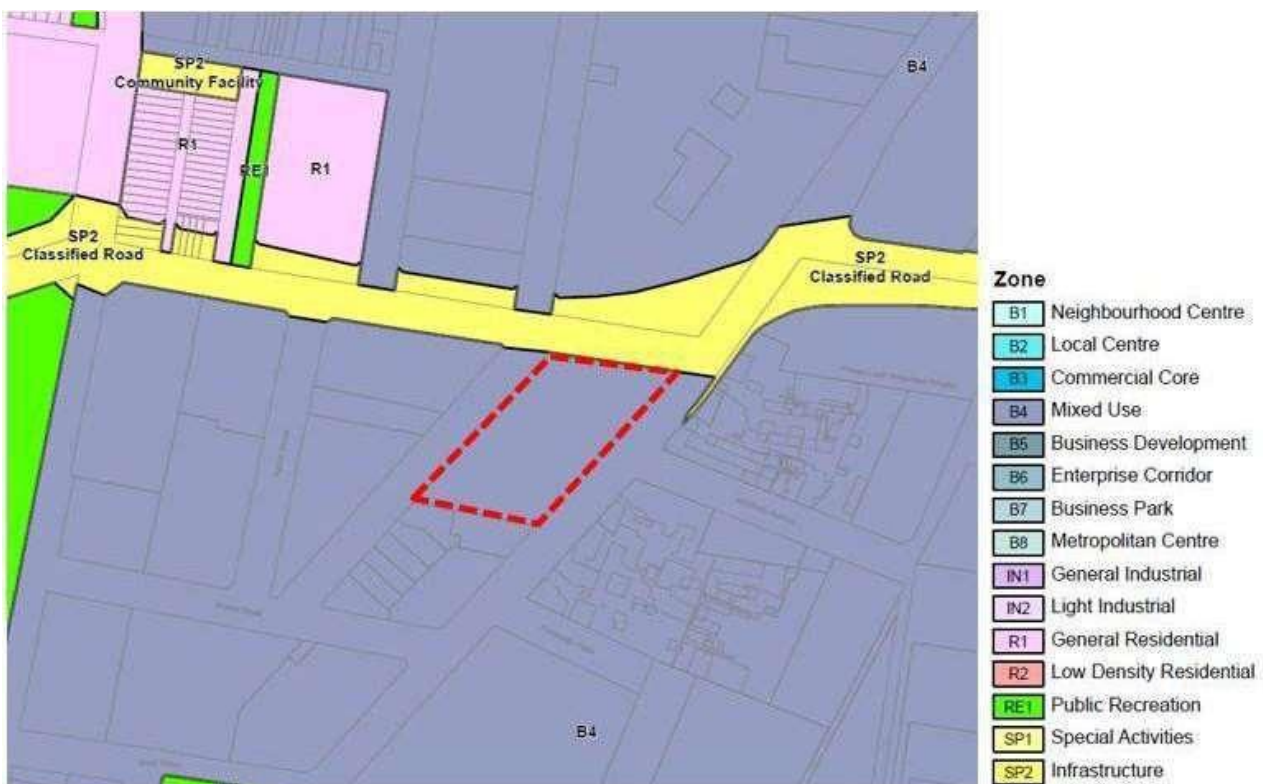
The Sydney LEP 2012 applies to the site. The relevant existing planning controls under the LEP for the site are outlined below in Table 1 and shown in Figures 4 – 7.

LEP Clause	Provision
Land use zones (Clause 2.1)	The site is zoned B4 Mixed Use (see Figure 4).  All development permitted with consent under the B4 Mixed Use zone, excepting <i>Extractive industries; Heavy industrial storage establishments; Heavy industries; Pond-based aquaculture</i> , that are prohibited.
Height of buildings (Clause 4.3)	The maximum height of buildings that applies to the site is 15m (see Figure 5).
Floor space ratio (Clause 4.4)	The maximum base floor space ratio that applies to the site is 1.5:1 (see Figure 6).
Community infrastructure floor space at Green Square (Clause 6.14)	Development may be eligible for community infrastructure floor space (in addition to floor space available under Clause 4.4) where community infrastructure is provided as part of the development. The site is identified in Area 6 on Floor Space Ratio Map (0.5:1 FSR).
Design excellence (Clause 6.21)	Development may be eligible for 10% additional building height <u>or</u> FSR where design excellence is demonstrated.  All together the site may achieve an FSR of up to 2.2:1.
Heritage conservation (Clause 5.10)	The site is not identified as a heritage item and is not within a heritage conservation area (see Figure 7).  A search of the NSW State Heritage Register did not identify any further heritage items on the site, or on any adjacent land.
Flood planning (Clause 5.21)	Flood planning provisions require the consent authority to be satisfied prior to granting development consent.

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<p>Car parking - Residential flat buildings and multi dwelling housing (Clause 7.5)</p>	<p>The site is identified as land in Category B on the Land Use and Transport Integration Map (residential development).</p> <p>The maximum number of car parking spaces for residential flat buildings is:</p> <ul style="list-style-type: none"> <li>- each dwelling up to 30 dwellings—0.167 spaces</li> <li>- each dwelling more than 30 and up to 70 dwellings—0.1 spaces</li> <li>- each dwelling more than 70 dwellings—0.05 spaces</li> </ul>
<p>Car parking - Office and business premises (Clause 7.6)</p>	<p>The site is identified as land in Category F on the Public Transport Accessibility Level Map.</p> <ul style="list-style-type: none"> <li>- If FSR is no more than 1.5:1—1 space for each 75sqm GFA</li> <li>- FSR more than 1.5:1, a formula for maximum parking spaces is used</li> </ul>
<p>Car parking – Retail (Clause 7.7)</p>	<p>The site is identified as land in Category F on the Public Transport Accessibility Level Map.</p> <ul style="list-style-type: none"> <li>- 1 space for each 50sqm GFA for building up to 2,000sqm GFA</li> </ul>
<p>Contribution for the purpose of affordable housing (Clause 7.13)</p>	<p>The proposed development must contribute 3% of the total floor area intended for residential purposes for affordable housing and 1% of the total floor area for non-residential development. The contribution may be made as floor space or as a monetary contribution.</p>
<p>Acid Sulfate Soils (Clause 7.14)</p>	<p>The site is identified Class 5 for acid sulfate soils.</p>
<p>Large retail development outside of Green Square Town Centre other planned centres (Clause 7.23)</p>	<p>The site is located within the area in which retail development is restricted to a maximum gross floor area of 1,000sqm.</p>

Table 1 Current provisions in Sydney LEP 2012.



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Figure 4 Land Zoning Map Sydney LEP 2012



**Maximum Building Height (m)**

A	3	T3	28	AC	110
E	6	T4	29	AD	130
H	7.5	U1	30	AE	150
I	8	U2	33	AH	235
J	9	V	35	Area 1	
L	11	W1	40	Area 2	
M	12	W2	42	Area 3	
O	15	X	45	Area 4	
P	18	Y	50	Area 5	
Q	20	Z	55	Area 6	
R	22	AA1	60	Area 7	
S1	23	AA2	65	Area 8	
S2	24	AA3	70	Area 9	
T1	25	AB1	80		
T2	27	AB2	85		

Figure 5 Building Height Map Sydney LEP 2012



**Maximum Floor Space Ratio (n:1)**

F	0.6	X	4
H	0.7	Y	4.5
J	0.8	Z	5
L	0.9	AA1	6
N	1	AA2	6.5
P	1.25	AB1	7
S1	1.5	AB2	7.5
S2	1.75	AC	8
T	2	AD	9
U1	2.5	AE	10
U2	2.75	AF	11
V1	3	Refer to clause 6.14	
V2	3.25	Refer to clause 6.15A	
W1	3.5	Refer to clause 6.4	

Figure 6 Floor Space Ratio Map Sydney LEP 2012



Figure 7 Heritage Map Sydney LEP 2012

# 3. Objectives

The objectives of this planning proposal are to:

- facilitate the delivery of market housing, affordable housing and retail services (including a supermarket) in an area with good access to public transport, social infrastructure, employment opportunities, goods and services;
- incentivise high sustainability performance standards for the future development;
- limit the number of car parking spaces for retail uses to minimise impact on the surrounding road network and encourage use of public and active transport;
- ensure that new development responds appropriately to the surrounding built form context;
- ensure development contributes to the permeability and activity of the Green Square urban renewal area; and
- ensure trees are protected where the site is redeveloped.

# 4. Explanation of provisions

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## 4.1. Proposed amendments to Sydney LEP 2012

The drafting instructions to amend the Sydney LEP 2012 are provided below. A detailed justification for the proposed planning controls and further explanation of the intended outcome is provided at Part 5 – Justification of this planning proposal.

To achieve the objectives of this planning proposal, the Sydney LEP 2012 is to be amended as follows:

1. amend the Height of Buildings Map Sheet 17 to increase the maximum height of building control, as indicated at Part 6 of this planning proposal, to:
  - increase the height control on part of the site fronting Bourke Street to 22m; and
  - increase the height control on part of the site fronting Young Street to 27m;
2. amend the Active Street Frontages Map Sheet 17, as indicated at Part 6 of this planning proposal, to apply active street frontage controls to site along Bourke Street and McEvoy Streets.
3. insert a new clause to Division 5 Site specific provisions to:
  - identify the site as Lot 10 DP 705894, 923-935 Bourke Street, Waterloo; and
  - notwithstanding Clause 7.23 – Large retail development outside of Green Square Town Centre and other planned centres, allow development consent to be granted to development for the purposes of a shop with a gross floor area not greater than 3,200 square metres;
  - allow development to achieve an additional 0.5:1 FSR (above the FSR shown on the FSR Map, and any FSR available under clause 6.13 – End of journey floor space, clause 6.14 – Community infrastructure floor space at Green Square, and clause 6.21D(3)(b) – design excellence floor space), but only where the consent authority is satisfied:
    - the FSR is provided as a single consolidated floor area for the purpose of a “shop or market”; and
    - no less than 90% of the additional floor area is provided below existing ground level; and
    - ~~any development on the site that is BASIX affected development, exceeds the BASIX commitment for Energy and Water by not less than 5 points; and~~
    - any development for retail or other commercial uses will have net-zero emissions from energy ~~energy~~ **electricity** use.
  - any bonus or additional floor space available under other clauses of Sydney LEP 2012 cannot use the additional FSR of this clause for the purpose of calculating the bonus floor space;
  - notwithstanding clause 7.7 – Retail premises car parking, limit the number of car parking spaces for retail purposes to 1 space for each 50 square metres of gross floor area;
  - any development on the site demonstrating design excellence in accordance with clause 6.21 of the Sydney LEP 2012 is only eligible for additional FSR, and not additional height; and
  - define ‘net-zero emissions from energy ~~energy~~ **electricity** use’ as:

**Net zero emissions from energy electricity use** means the development consumes no more energy electricity than is provided by a combination of:

- a) renewable energy generated on-site, and
- b) renewable energy sourced/procured from off-site sources for a period of at least five years.

~~In this definition, energy includes gas, electricity and thermal energy, and excludes diesel used for emergency back-up generation. Other emissions, such as those from refrigerants, are not included.~~

Note: The proposed additional local provision will be subject to the legal drafting process by Parliamentary Counsel.

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## 4.2. Site-specific DCP

The City has prepared a draft amendment to Sydney Development Control Plan 2012 (draft DCP) which provides further guidance to the proposed amendments to Sydney LEP 2012.

The draft DCP is to be publicly exhibited with this planning proposal.



# 5. Justification

This planning proposal and the accompanying draft DCP for the site are informed by the City's assessment of the request for a planning proposal and supporting documentation submitted by the landowner.

Some planning controls proposed as part of this planning proposal differ from what was proposed by the landowner in their request and in the supporting documentation. These changes have been informed by detailed assessment of the documentation submitted.

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## 5.1 Indicative reference scheme

The proponent has prepared an indicative reference scheme for the site. The purpose of the reference scheme is to test, at the concept level, that a development can be provided within the proposed controls while achieving the requirements of other existing planning controls and the Apartment Design Guide (ADG). The reference scheme is only one iteration of the built form that may be facilitated by the proposed planning controls.

The planning proposal does not imply approval of the indicative reference scheme, which provides only concept level information. The development of the site will be subject to a competitive design process and a development application.

The urban design analysis and the reference scheme prepared by Bates Smart, appended to this report, provides detailed analysis of the planning framework, site context and proposed built form, including the physical, technical and topographical factors for the site's redevelopment.

The concept vision for the site and its future redevelopment is for a high-quality mixed-use development that supports the service and retail needs of the surrounding population, whilst enhancing the liveability of the locality through the provision of fine grain retail, enhanced pedestrian permeability and linkages, activated commercial floorspace and integrated on-site basement parking.

It is proposed the site will support the retail and service needs for the surrounding area. The development will serve as a focal point at the intersection of Bourke Street and McEvoy Street, with active street frontages, and improve pedestrian movement with new through site links connecting Bourke Street to Young Street.

The scheme includes a 3,200 sqm supermarket within the subterranean level, a commercial development on the north west corner, specialty fine grain retail and commercial uses at the ground level and residential development above. This will result in a built form that is in line with local planning objectives for the area, addressing the potential impacts from height, bulk, scale and appearance.

Vehicle entries are located away from the primary pedestrian areas and to be setback from building line and main intersection to conceal the visual impact.

The massing for the buildings provides increased setbacks for landscaping and retention of the existing mature tree canopy. Residential building depths ensure the configuration of apartments maximise solar access, natural ventilation, visual privacy and noise protection for residents.

The two residential buildings are located along Bourke Street and Young Street with an internal landscaped courtyard between the two.

The Bourke Street residential building is narrow with a single-sided floorplate to orient apartments away from traffic noise improving amenity of apartments by overlooking the courtyard.

A smaller mixed-use building occupies the primary northeast corner of the site at the intersection of McEvoy Street and Burke Street. This building acts as a buffer to the busy street corner and is intended to accommodate smaller office tenancies as well as a rooftop garden to allow residents to gather and socialise.

The full line retail supermarket is proposed to be located below ground to reduce overall bulk and scale and enable activation to street frontages with smaller retail tenancies at ground level. Access to the supermarket is via a prominent entrance at the ground plane from both McEvoy Street and the proposed pedestrian plaza.

The building envelopes, including controls for height and setback, allows for the massing of a built form that optimises residential amenity and minimises impacts to adjacent sites.

The indicative reference scheme for the site is shown at Figures 13 – 24.

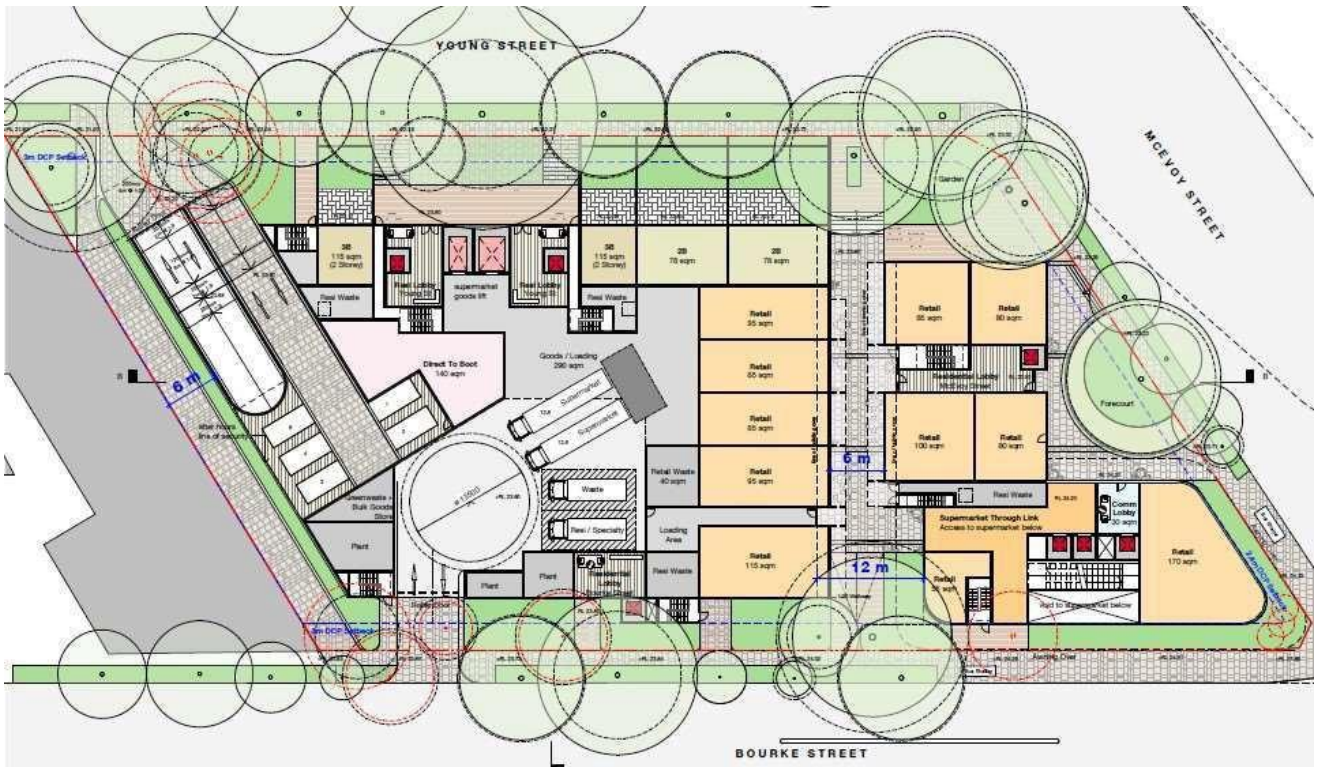


Figure 8 Indicative ground floor plan. Source: Bates Smart Urban Design Report.

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Figure 9 Indicative typical residential floor plan. Source: Bates Smart Urban Design Report.

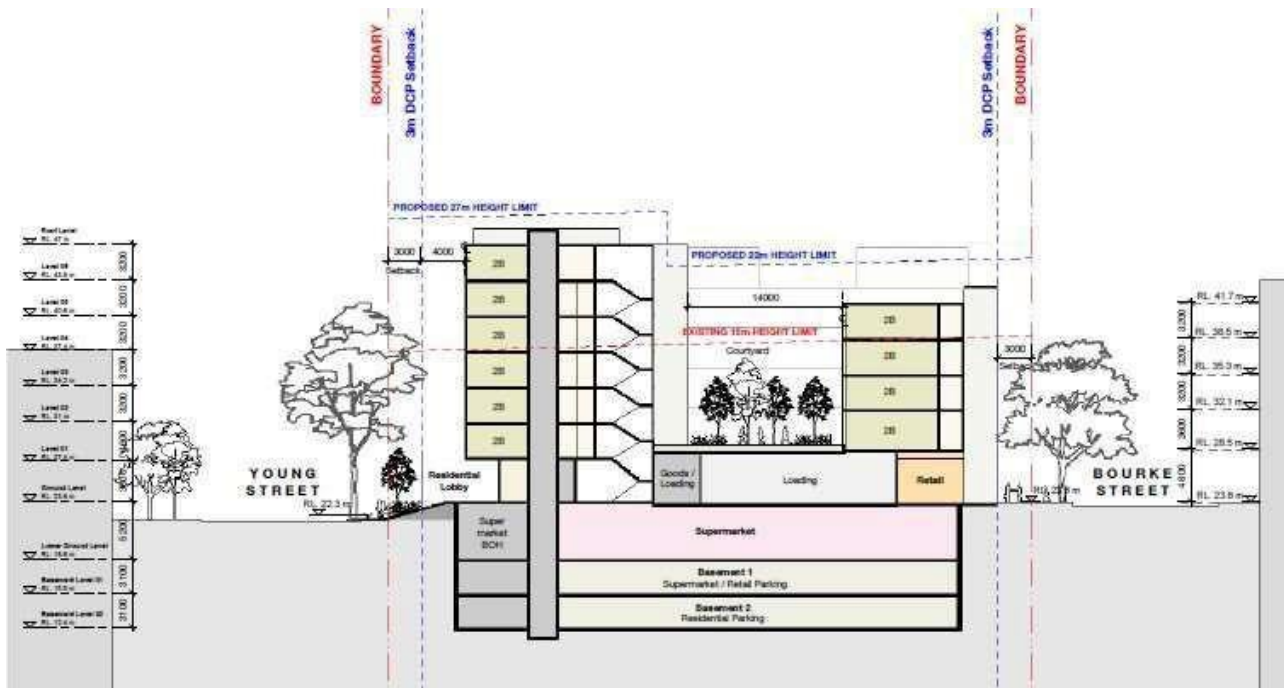


Figure 10 East-west cross section of indicative building envelope. Source: Bates Smart Urban Design Report.

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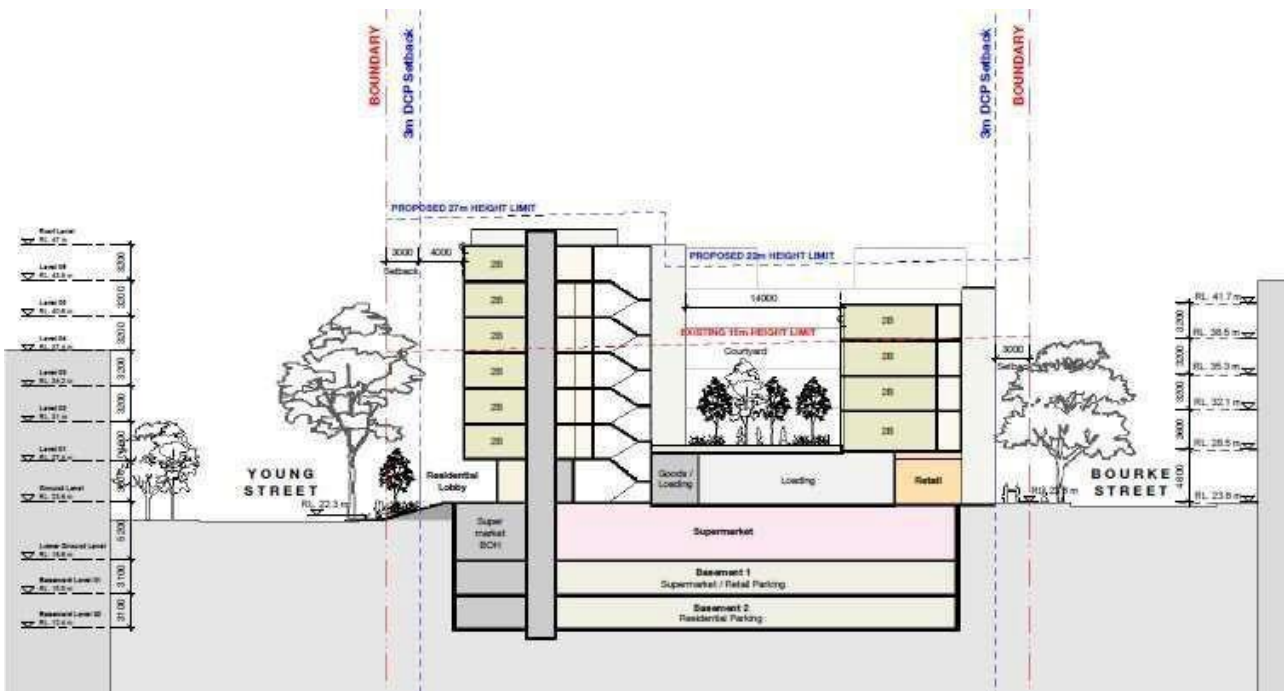


Figure 11 North-south cross section of indicative building envelope. Source: Bates Smart Urban Design Report.

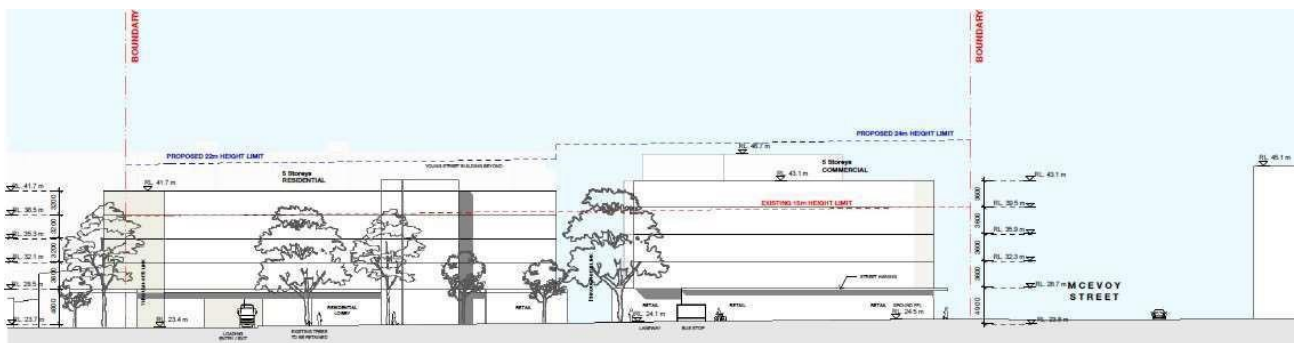


Figure 11 View from Bourke Street of indicative built form. Source: Bates Smart Urban Design Report.



Figure 12 View from Young Street of indicative built form. Source: Bates Smart Urban Design Report.



Figure 15 Indicative landscape opportunities. Source: Turf Landscape Report.



Figure 16 Indicative development concept – view looking south-east from corner of Young and McEvoy Streets. Source: Bates Smart Urban Design Report.



Figure 17 Indicative development concept – view looking south-t from McEvoy Street. Source: Bates Smart Urban Design Report.

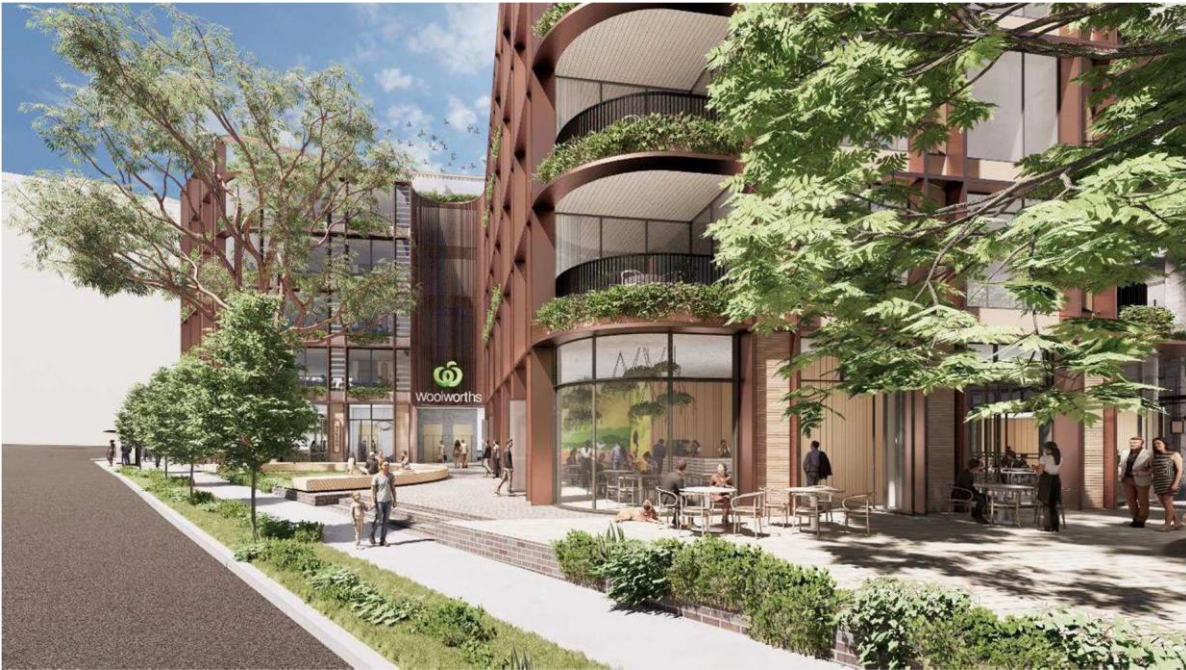


Figure 18 Indicative development concept – view looking east from McEvoy Street. Source: Bates Smart Urban Design Report.



Figure 19 Indicative development concept – view looking west from Bourke Street. Source: Bates Smart Urban Design Report.

## 5.2 Development outcomes

This planning proposal and the accompanying draft DCP seek to facilitate a mixed-use development outcome on the site, incorporating a range of commercial, retail (including a potential supermarket) and residential uses.

The indicative reference scheme, provided by the landowner and tested in the urban design study attached to this planning proposal, shows a development outcome on the site that includes:

- a total of 17,575 sqm GFA for the development that includes:

- 3,200 sqm for a full line supermarket;
- 1,670 sqm for speciality retailing;
- 2,025 sqm for commercial; and
- 10,680 sqm for residential (approximately 121 dwellings);
- building heights of:
  - up to 5 storeys along Bourke Street, active uses at the ground level and residential above;
  - up to 7 storeys along Young Street, primarily residential at ground level and above; and
  - up to 6 storeys along McEvoy Street, active uses at ground level, with a mix of commercial and residential above;
- communal open space and facilities at podium and roof-top levels;
- car parking made up of:
  - 97 spaces for supermarket and speciality retail (at basement level);
  - 27 spaces for commercial (at basement level);
  - 91 spaces for residential (at basement level); and
  - 6 spaces for supermarket pick up at ground level;
- loading and servicing facilities at ground level to support medium and heavy ridged vehicles;
- active street frontages along Bourke and McEvoy Streets;
- an internal pedestrian plaza to support retail and active uses;
- a minimum 6m through-site link to the south of the site to facilitate mid-block permeability;
- public domain setbacks for footpath widening and landscaping; and
- retention of existing trees on and surrounding the site.

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## 5.3 Proposed changes to Sydney LEP 2012

### 5.3.1. Land use

This planning proposal makes no change to the B4 Mixed Use (MU1 Mixed Use) zoning that applies to the site. The zone allows for a wide range of land uses on the site, including for residential, retail, and commercial.

#### *Residential*

Residential uses are currently permitted on the site, that is zoned B4-Mixed Use zone.

This planning proposal makes no change to the permissible residential use of the site and contains no provision for a minimum or maximum amount of residential floor space (though additional FSR facilitated through this planning proposal cannot be used for residential development). The change to building heights will ensure existing residential capacity can be delivered as envisaged under the City's housing targets.

The draft DCP provides further guidance on the on how and where the proposed residential uses are to be provided on the site.

The bulk of the floor space proposed in the indicative reference scheme is for residential use, made up of 121 dwellings that includes a mix of studio, 1, 2, and 3-bedroom apartments, with a total 10,680 sqm GFA.

#### *Retail*

Retail uses are currently permitted on the site as the site is zoned B4-mixed Use. However, clause 7.23 of Sydney LEP 2012 restricts floor space for 'shops' and 'markets' to a maximum 1,000sqm of consolidated GFA outside of Green Square Town Centre and other planned centres.

The intent of this clause is to ensure the economic viability of centres by ensuring substantial retail, in particular supermarkets that act as anchors for other retail, does not locate where it would compete against planned centres, that are the focus on local and state investment. It is also to ensure large scale retail premises locate in areas of community focus, with good public transport accessibility, close to residential populations to encourage walking, and high levels of amenity.



The site is not located within boundaries of the Town Centre or any other planned centre, and as such a supermarket with a floor area of 1,000sqm cannot currently be achieved on the site.

This planning proposal is to allow an additional 0.5:1 FSR (about 3,200m of GFA) to be achieved on the site for consolidated retail space, despite the requirements of clause 7.23. The effect of the change is to facilitate a large format supermarket as part of a mixed-use development.

The indicative reference scheme proposes a subterranean supermarket of 3,200 sqm, together with 1,670 sqm of speciality retail on the ground plane supporting active uses.

### Green Square and Southern Areas Retail Review

In late 2021 the City commissioned SGS Economics and Planning to undertake the Green Square and Southern Areas Retail Review (the Review). The objective of the Review was to understand the changes to demand and supply of retail floor space since the planning requirements were introduced in 2012, and to recommend any required changes to planning controls to ensure the retail needs of the community were being met.

The Review identified a net shortfall in retail floor space across the City South area and found that to 2041 an additional 15,000 square metres of retail floorspace is needed close to the Green Square Town Centre to address the undersupply and meet retail demand. It found the greatest undersupply in hospitality and services, supermarkets, and other food retail.

Planning for full-line supermarkets will be a significant factor in meeting projected demand with over \$462 million out of \$1.4 billion expected to be supermarket spending by 2041. The Review found that there will be an undersupply of about 9,000 square metres of supermarket floor space. The largest supermarket under-supply will emerge in the eastern parts of Waterloo, the Town Centre and North Alexandria areas.

The Review includes a capacity analysis to determine if there is sufficient capacity under existing planning controls to accommodate the identified shortfalls in retail supply. It found that while small format retail is widely accommodated under current planning controls, there is limited opportunity in the Town Centre to support large format retail. The Review also found more opportunity was needed to address the undersupply of large format retail, in particular supermarkets.

The Review recommended that the City investigate options to remove sites close to the Town Centre from the City's restricted retail map to create more opportunity for large format retail.

Following the review, the City has prepared *Planning Proposal: Green Square and Southern Areas Retail Review* that is currently under consideration. The key proposed changes to the planning controls resulting from the Review include:

- amendment of the Special Character Areas Map - Retail Premises Map to remove the current 1,000 square metres restriction on the amount of consolidated floor space for 'shops' and 'markets' from an expanded retail area (identified land adjacent to the Green Square Town Centre). This allows for single retail tenancies of greater than 1,000 square metres to be developed within the expanded retail area;
- a requirement that all retail in the expanded retail areas to front a public place and to locate the primary entry so that it is from a public place. The intent of the proposed control is to prevent 'inward' facing retail, such as shopping centres or malls; and
- the removal of the car parking provisions that currently apply to retail over 2,000 square metres, that allows the rate of parking to be established by a site-specific parking study. This will ensure that all retail development in the LGA will have a maximum parking rate that is consistent with those that apply to all other retail development that is less than 2,000 square metres.

The retail review planning proposal, including the SGS study, is intended to be exhibited prior to, or alongside, this planning proposal so the broader strategic context for the City's approach to retail can be understood.

### Assessment of impacts

The Review (discussed above) identified that to 2041 there will be an undersupply of about 9,000 square metres of supermarket floor space, with the largest undersupply being identified in the eastern parts of Waterloo, the Town Centre and North Alexandria areas.

The retail review planning proposal will create additional opportunities for supermarket floor space close to the Town Centre (in North Alexandria).

This planning proposal is to facilitate a supermarket in the Waterloo area to address identified undersupply.

The landowner has provided retail needs and economic impact assessment prepared by Ethos Urban, appended to this report.

The City engaged SGS Planning and Economics to prepare a peer review of the landowners impact assessment, also appended to this report.

The purpose of the impact assessment is to ascertain the proposed supermarket on the site would not impact on the viability of existing and planned centres.

The landowners impact analysis was consistent with the Review in that it found there is an existing undersupply of supermarket floor space in the urban renewal area to support the day-to-day needs of the current population, and that this undersupply is significant in Waterloo locality due to the growth in residential developments.

The landowners impact analysis found that the provision of a supermarket on this site would have minimal impacts on the viability nearby centres, including Green Square Town Centre.

The City's peer review concluded that there was not as much need for supermarket floor space as the landowner's retail need analysis indicated however the peer review concurred with the landowner's assessment that the proposed development would have only a minimal impact on the viability of nearby centres, including Green Square Town Centre. The peer review also confirms that the impact of the proposed development would be less than 10 per cent on the retail turnover of the nearby centres, which is considered to be within an acceptable range when assessing the economic impacts of the proposal on existing or planned centres.

### *Other commercial uses (business and office uses)*

This planning proposal makes no change to the permissible business and office uses of the site and contains no provision for a minimum or maximum amount of business and office floor space (though additional FSR facilitated through this planning proposal cannot be used for residential development).

The indicative reference scheme proposes 2,025 sqm GFA for commercial development, with this floor space being concentrated in the northeast portion of the site.

The draft DCP provides further guidance on the general quantum of business and office floor space, as well as the location (as per the reference scheme).

### **5.3.2. Floor space ratio**

The current maximum FSR that can be achieved on the site under the Sydney LEP 2012 is 2.2:1, This includes:

- a mapped FSR of 1.5:1;
- an additional 0.5:1 where community infrastructure floor space is provided; and
- up to an additional 10% of FSR (or height) where the building demonstrates design excellence (a total of 0.2:1 on this site).

This planning proposal facilitates an additional 0.5:1 FSR, to a total of 2.7:1, on the site, contingent on a number of conditions, including:

- at least 90% of the additional floor space is provided as consolidated 'shop' below ground level, that is, a proposed supermarket; and

- meeting a number of sustainability requirements (discussed in detail later in this planning proposal).

The reference scheme shows a development above ground level that achieves the current maximum FSR for the site (being 2.2:1). It also shows a supermarket being provided below ground of about 3,200sqm (approximately 0.5:1 FSR).

The additional FSR is supported because:

- it facilitates a larger supermarket to help meet the community's retail needs in an area with limited sites capable of providing a supermarket;
- it allows a large supermarket to be provided in a highly accessible location, close to transport and to current and planned high density residential populations who may walk to do their shopping;
- ensures planned floor space for residential development which contributes to the City's housing targets is retained; and
- it is generally limited below ground and does not contribute to the overall massing of the built form.

### **5.3.3. Maximum building height**

This planning proposal amends the current 15m maximum building height control to allow:

- 22m on part of the site fronting Bourke Street (5 storeys); and
- 27m on part of the site fronting Young Street (7 storeys).

The current maximum 15m building heights do not allow for the current maximum 2.2:1 FSR, inclusive of bonus provisions, on the site to be achieved. This planning proposal facilitates additional building height so that the current floor space can be achieved with the resulting residential development contributing to the City's housing target. The proposed height does not make any allowance for the additional FSR facilitated by this planning proposal, which is to be achieved below ground level only.

The proposed heights allow a natural transition in height and massing of the development to adjoining sites, the existing residential apartments along Young Street and the mixed-use developments along Bourke Street, as well as responding to the surrounding area, where building heights are up to 40m within the Danks Street South precinct and up to 68.5m within the Lachlan precinct.

The additional height allows for the massing of the development in key locations on the site which will minimise impacts on residential uses on the adjacent sites.

The proposed 27m building height fronting Young Street facilitates the site to achieve the current permissible FSR without impacting the residential buildings opposite as Young Street has approximately a 20m road width and provides sufficient separation between the sites. In addition, the retention of the tree canopy and additional building setback along Young Street reduce the any impacts such as from overlooking on those residential developments.

The 22m building height fronting Bourke Street provides a transition in the height of the built form to Bourke Street which reduces the overshadowing impacts of the development on the residential apartments opposite on Bourke Street.

The proposed heights also enable the future development to support other commercial uses on the northeast corner of the site, which is not suited for residential uses as it is affected by noise from the busy intersection at McEvoy and Bourke Streets. The heights provide the opportunity to create a quality public realm with additional footpath widening, landscaped setbacks, deep soil, tree retention and generous internal communal spaces and a public plaza to support active uses.

The indicative reference scheme indicates compliance with the ADG objective to optimise the number of apartments receiving sunlight to habitable rooms, with indicative testing showing of the total 121 apartments, 85 dwellings or 70% achieving two hours or more of solar access on the winter solstice.

While comprehensive testing will be required at the development application stage, the City is satisfied there is a solution that can be achieved.

The proposed maximum building heights are shown at Part 6 – Mapping, of this planning proposal.

The draft DCP also amends the building height in storeys map to include additional guidance for the development of the site, including a 'height in storeys' map to achieve the expected development outcome.

#### 5.3.4. Sustainability

This planning proposal includes site-specific provisions incentivising the future development to achieve higher sustainability standards with the additional FSR for the supermarket. The site-specific provisions include **that:**

- ~~any development on the site that is BASIX affected development is required to exceed the BASIX commitment for Energy and Water by not less than 5 points; and~~
- any development for retail or other commercial uses is required to achieve net-zero emissions from energy use.

~~The stretch BASIX targets will ensure that all residential development on the site exceeds current BASIX standards.~~

The net zero provisions apply to non-residential part of the development, including include large format supermarket and office uses. These provisions align with the net-zero provisions that are soon to come into effect in the Sydney LEP 2012. This planning proposal however will require net-zero commitment for the development to come into effect immediately and bring forward the LEP target for 2026.

The landowner has offered to enter into a planning agreement to secure the above outcomes, as well as made other commitments to support resilience and sustainability of the development, including:

- **BASIX scores (existing BASIX standards) of 40 for energy and 45 for water for the residential development;**
- electric vehicle charging facilities in residential, retail and commercial car parking areas;
- incorporation of onsite rainwater capture and re-use for non-potable purposes within the development; and
- development of best practice site-wide resource recovery for operational waste / recycling systems.

The sustainability requirements are to be secured in a planning agreement and the detailed requirements are to be included in the draft DCP to be publicly exhibited together with this planning proposal.

The draft DCP also includes a requirement that where there is a commitment to provide a recycled water network, all buildings are to be constructed to be capable of providing a dual reticulation water system for water services and be capable of fully connecting to a non-potable recycled water network and configured to supply all toilets, washing machine taps, car wash bays, cooling towers and irrigation usage.

The sustainable design objectives for the proposed development are informed by a sustainability statement prepared by Floth, appended to this report.

#### 5.3.5. Parking

The Sydney LEP 2012 does not currently stipulate car parking rates for retail premises for buildings with more than 2,000 sqm of retail GFA, relying instead on the preparation of a site-specific parking study.

This planning proposal includes a maximum car parking rates of 1 space for each 50 square metres of retail GFA. The proposed rate is the same currently applied for retail development less than 2,000 square metres of GFA.

Based on the indicative reference scheme, parking to be provided on the site will include about:

- 103 spaces for the residential development;
- 97 spaces for the retail development; and
- 27 spaces for the commercial (business and office) development.

The purpose of limiting carparking on this site is to mitigate impacts of development on the surrounding road network.

The proposed retail parking rates in this planning proposal are consistent with changes being proposed to retail parking rates in the Planning Proposal: Retail review, currently under consideration.

### **5.3.6. Design excellence**

Clause 6.21 of the Sydney LEP 2012 includes a provision that development may be eligible for 10% additional building height or FSR where design excellence is demonstrated.

This planning proposal includes, in the site-specific clause, a requirement that the development may only utilise the design excellence clause for the purpose of additional FSR, and not height. It also includes provision to ensure that Clause 6.21 cannot be applied to the additional FSR facilitated by this planning proposal.

The purpose of this is to ensure the floor space permitted on the site can fit within the proposed building heights and not create unacceptable externalities, such as overshadowing.

The draft DCP includes a Design Excellence Strategy so that the landowner may commence a design competition process for the site to inform a detailed development application.

### **5.3.7. Active street frontages**

This planning proposal maps an active frontage to Bourke Street and McEvoy Street. The active frontages are to improve the amenity for pedestrians and limit the residential uses along these busy streets by encouraging fine grain and diverse retail uses along these frontages.

The proposed active street frontages are shown in Part 6 – Mapping, of this planning proposal.

The draft DCP discussed below reinforces the objectives for active street frontages in this planning proposal.

### **5.3.8. Heritage**

No change is proposed to current heritage provisions in the Sydney LEP 2012. The site is not identified as a heritage item and is not located in a heritage conservation area.

There are local heritage listed items north of the site in the Danks Street South precinct, including:

- Item 12073 Former Sydney Water pumping station and valve house including interiors and associated underground pipework (903–921 Bourke Street);
- Item 12103 Commercial building part of “Federation Business Centre” (222 Young Street) including interior; and
- Item 21204 Electrical substation including interior (241 Young Street).

Further away from the site, towards the south are:

- Item 12082 Former Chubb Pty Ltd including interior (830–838 Elizabeth Street);
- Item 12094 Electrical substation including interior (2A Powell Street); and
- Item 2072 Federation warehouse with art deco additions (866–882 Bourke Street).

There are no state listed heritage items in the vicinity.

The review of the heritage items mentioned above confirms the proposed changes to the planning controls does not impact these nearby heritage items.

## 5.4 Other development controls

The draft DCP includes more detailed provisions to support the implementation of the requirements in the Sydney LEP 2012 and the proposed planning agreement.

Generally, provisions that have been included in the draft DCP are intended to facilitate a development outcome that is similar to that shown in the indicative reference scheme and described above. Key provisions are discussed below.

### 5.4.1. Public domain

This planning proposal and the accompanying draft DCP ensure the proposed development facilitates a public domain that is functional, responds to the expected population growth in the area, contributes to the improved permeability of the urban renewal area, and provides a high level of amenity.

#### *Through site link*

The current Sydney DCP 2012 requires a through site link be provided along the southern boundary of the site. No change is proposed to this requirement by the draft DCP.

The through site link has the dual purpose of providing mid-street block access for pedestrian from Bourke to Young Street, but also is critical to facilitate an overland flow path.

The draft DCP requires through site link to be minimum 6m wide, clear to the sky, unobstructed, clear and safe for pedestrians, publicly accessible 24 hours a day through an easement and landscaped.

#### *Footpath widening and landscaping*

The current Sydney DCP 2012 identifies the following public domain setbacks:

- 3m along Bourke for footpath widening;
- 2.4m along McEvoy Street for footpath widening; and
- 3m along Young Street for landscaping.

No change is proposed to these setbacks by the draft DCP.

The identified footpath widening land is to be dedicated to the City when the site is developed. The dedication of land for footpath widening is facilitated by Clause 6.14 of the Sydney LEP 2012, which allows a landowner access to community infrastructure floor space (in addition to floor space available under Clause 4.4) where community infrastructure, such as land for footpath widening, is provided as part of the development.

#### *Active frontages*

As noted above, it is proposed to identify active frontages for the site along Bourke Street and McEvoy Street to promote the activation of the public domain.

The active frontages are to be provided to encourage fine grain and diverse retail uses with Bourke Street to provide the primary active frontage and McEvoy Street the secondary frontage.

The controls also ensure that building services are not to be provided on Bourke Street, and that any pedestrian paths through the site are to be designed to activate retail and commercial uses on the ground level.

Figure 21 below provides indicative development outcome the public domain and active street frontages.

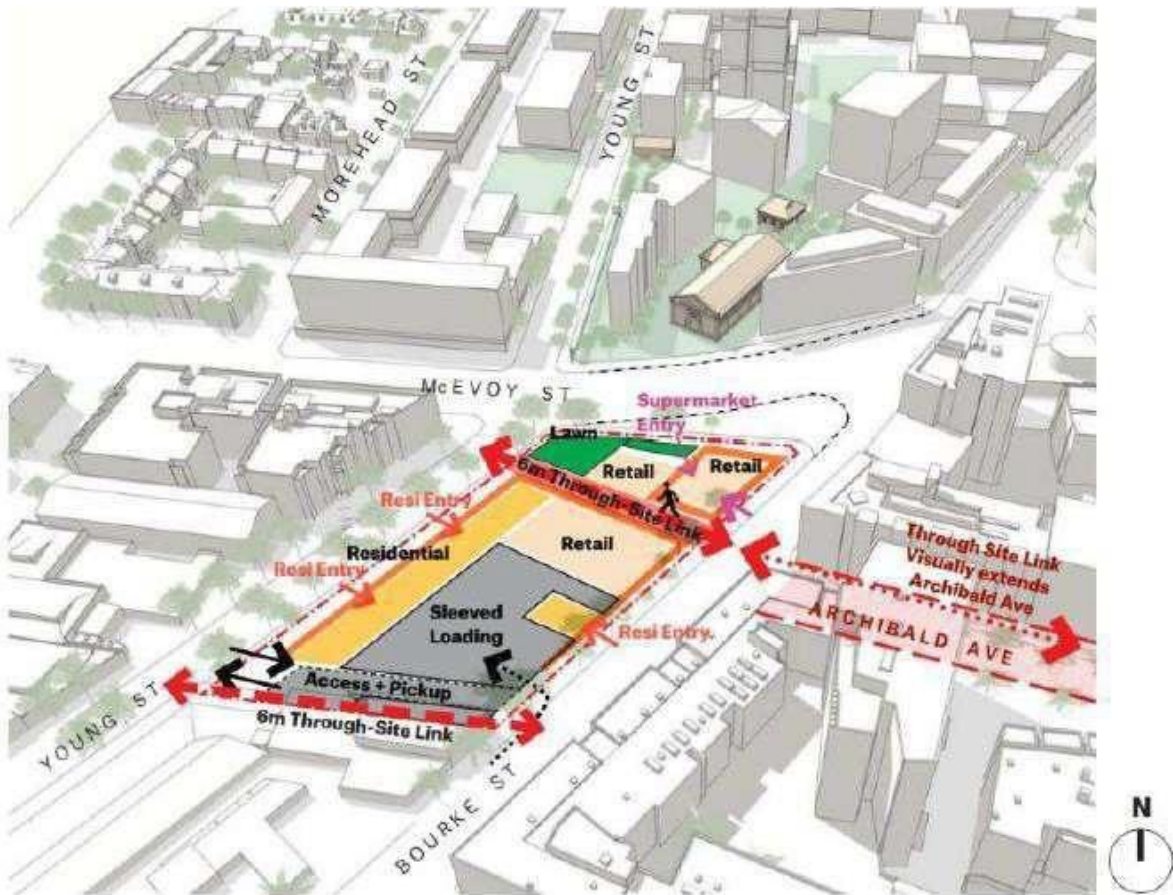


Figure 20 Public domain analysis. Source Bates Smart Urban Design Report.

In addition, the indicative scheme shows a second pedestrian link at the northern part of the site. The link is shown as lined with retail and commercial uses to support activation and improve the public amenity of the site and the surrounding area.

The alignment of this link connects with Archibald Avenue to the east and provides a visual desire line and easy connection for east-west pedestrian movements from the Lachlan Precinct.

This planning proposal and draft DCP do not require this second link, however the landowner proposes to provide the link to improve permeability across the site and to open up the site to provide active fine grain and retail uses at the ground level and to improve the amenity of the development.

#### 5.4.2. Landscape building setbacks

In addition to the DCP public domain setbacks noted above, the draft DCP includes landscape building setbacks for the development. These landscape setbacks are to be provided wholly within the development site and to be measured from the front of the developable site boundary.

The landscape building setbacks ensure retention of the substantial tree canopy that is on the site, and secondly improves the frontages for the residential uses, as well as creating visual interest of for the development from the street level.

The landscape building setback from Young Street is to be 7m, and from Bourke Street 3m.

#### 5.4.3. Trees protection

The increased landscape building setbacks ensure the future development retains a substantial portion of the tree and canopy structure that currently occupy both the perimeter of the site and the street verge.

The indicative reference scheme shows the retention of existing mature canopy trees within the public domain and landscape setbacks. The building footprint and basement is in line with an arboricultural impact assessment prepared by Birds Tree Consultancy, appended to this planning proposal.

The assessment includes a lidar survey to determine the extent of the tree roots and tree crowns, and the potential impacts from the proposed building envelope shown in the indicative reference scheme. The assessment shows the indicative reference scheme can generally be achieved while retaining trees and canopy structure, including making allowances for deep soil to protect the tree roots.

The draft DCP identifies the street trees surrounding the site, as well as trees on the site, that must be protected in developing the site. There are currently a total of 39 trees, of which 33 trees are identified to be protected. These include all the high value trees and a majority of the medium value trees. The 6 trees that may be removed include 3 low value trees and 3 medium value trees that are impacted by development.

The provisions to retain and protect the trees ensure amenity and shade for users. As noted, it proposed the future development includes sufficient landscape setbacks to minimise the impacts of the built form (height and massing) and to ensure that there is sufficient deep soil for the for the protection of trees.

A survey of the tree on the site is shown below in Figure 22.

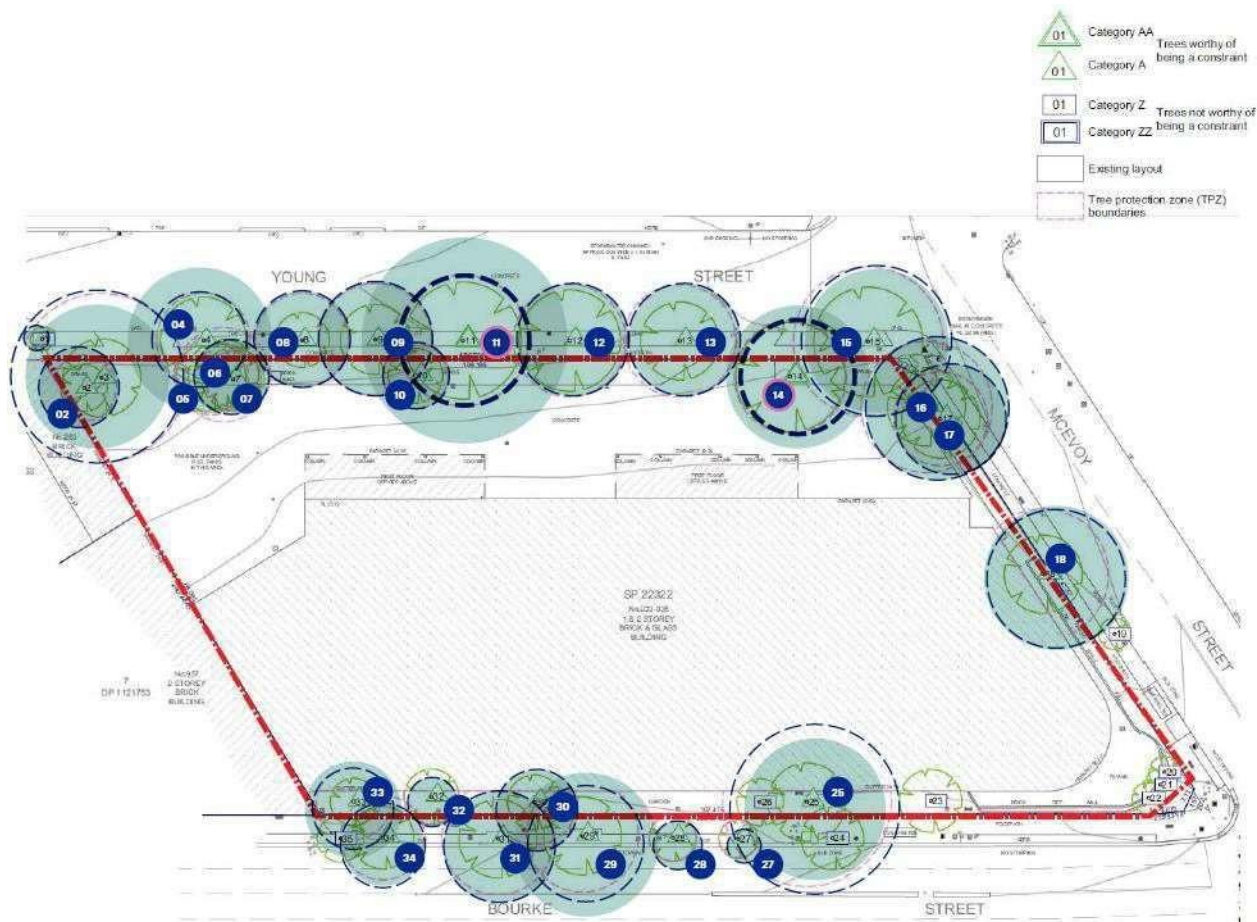


Figure 21 Tree survey. Source: Bates Smart Urban Design Report.

#### 5.4.4. Vehicular access and circulation

The draft DCP includes provisions for vehicular access to create a high-quality and safe interface at ground level between vehicles, pedestrians and the public domain and to minimise impacts of vehicular traffic on the adjoining streets.



It is proposed to limit access for residential, retail and other commercial car users to one vehicle access point, with no more than one lane in each direction, from Young Street. Access for service and loading for the development will be considered from Bourke Street, subject to a detail assessment of the impacts on Bourke Street, including pedestrian safety.

Figure 23 shows the proposed vehicular access for the site.

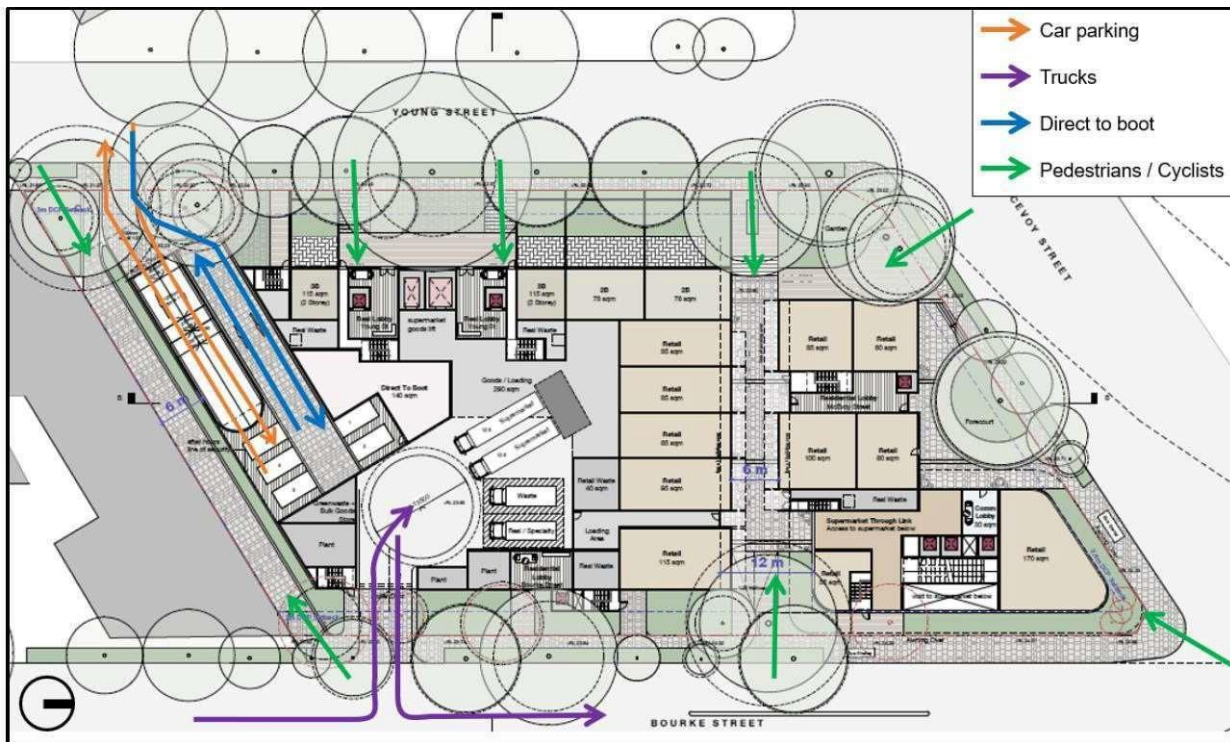


Figure 22 Site access. Source: JMT Consulting Transport Assessment Report.

The proposed planning controls are consistent with the traffic and transport study prepared by JMT Consulting, appended to this planning proposal. The report supports the indicative reference scheme that shows vehicle access for residential, retail and other commercial users would be obtained from Young Street at the south-western end of the site. The access point and ramp on Young Street to the basement for retail and residential users is proposed to be located as far as practical away from the heavily trafficked McEvoy Street.

To ensure safe egress and separation from the quieter residential streets, including Young Street, service vehicles accessing the site would be separated from the other general vehicles and enter and exit the site via Bourke Street with a left in, left out arrangement.

The ability to provide a loading dock and servicing area at ground level from Bourke Street takes into account the need for these to be sleeved by street level activation that can be accessed from the street level.

The separation of basement parking for residents, commercial tenants and retail/ public visitors, together with the reduced parking provision for retail users proposed in this planning proposal are to minimise impacts on the local road network.

A loading dock management plan is required to be lodged with a future development application would be in place ensure safe egress in and out from the loading dock at all times of the day.

#### 5.4.5. Service and loading

As above, the draft DCP facilitates service and loading access from Bourke Street, subject to a detailed assessment of the impact on Bourke Street, including pedestrian safety.

The indicative reference scheme shows an on-site loading dock (including adjacent turntable) to accommodate up to four vehicles at any one time, including one Heavy Rigid Vehicle (HRV),

12.5m in length, two Medium Rigid Vehicle (MRV), 8.8m in length, and one courier van or ute. The loading dock is in accordance with the requirements outlined in the relevant Australian Standard (AS2890.2, 2018) and considered suitable to accommodate the needs of the site based on the development yields associated with the reference scheme.

#### **5.4.6. Public art**

The draft DCP includes provisions for the delivery of public art on the site.

The proposed provisions are to identify initial opportunities and constraints for providing public art with the redevelopment of the site, and to guide a future detailed public art strategy at the detailed development application stage.

The approach is consistent with the City of Sydney's Interim Guidelines for Public Art in Private Development and sets out to achieve exemplary art in the public realm in accordance with the Sydney DCP 2012 and City of Sydney Public Art Policy.

This planning proposal and accompanying draft DCP are supported by a public art statement prepared by Amanda Sharrad Consulting, appended to this report.

#### **5.4.7. Flood management**

In addition to those provisions already included in the Sydney LEP and DCP 2012, the draft DCP includes provisions to ensure the development uses passive design, the finished floor levels are above flood levels, and that the through site link on the south boundary of the site is free of any development to provide for an overland flow path across the site.

This planning proposal and accompanying draft DCP are supported by a preliminary flood assessment prepared by Michael Frost & Associates and Capital Consulting Engineers, appended to this report.

The flood assessment determined the minimum finished floor level for to comply with the City's Interim Floodplain Management Policy. The assessment incorporates the flood model results of Alexandra Canal Catchment Report by WMAwater in February 2020, with survey, cadastral, stormwater network data and the concept model in the indicative reference scheme.

The assessment has determined the minimum permissible floor (or entry) level based upon the 1% AEP + 0.5m and the PMF flood levels in the locality. Particular attention has been paid to any void to the basement (stair, escalator, lift, vehicle ramp) so that is higher than the PMF level whilst retail areas and lobbies etc are located above the 1% AEP level.

Further assessment for the redevelopment of site will be undertaken at the detailed development application stage.

#### **5.4.8. Contamination**

The draft DCP includes provisions to ensure development addresses any on site contamination. ~~and that land that is dedicated to Council is no constrained by a long-term Environmental Management Plan.~~

This planning proposal and accompanying draft DCP are supported by a preliminary contamination assessment prepared by Douglas Partners, appended to this report.

The assessment determined the site can be made suitable for the proposed mixed use development, subject to the preparation of a remedial action plan (RAP) which are to detail:

- removal and validation of the underground storage tank and associated infrastructure on site;
- details of additional sampling beneath the current building footprint following demolition; and
- details of any additional sampling required to ensure there is adequate site coverage in relation to any potential data gaps created by the proposed development layout.

Further assessment for the redevelopment of site will be undertaken at the detailed at the development application stage. Any dedication of public land will be in accordance with the City contaminated land management policy.

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## 5.5 Key considerations

### 5.5.1. ADG compliance

The proposed LEP provisions and the accompanying draft DCP together establish the maximum development envelope for the redevelopment of the site, including the subterranean supermarket. The entire built form is to be contained wholly within this envelope, including the allowances for building articulation. The indicative reference scheme, that is consistent with the provisions of this planning proposal, has been tested to ensure the objectives and requirements of the *Apartment Design Guide* (ADG) can be achieved.

#### *Solar access*

The indicative reference scheme indicates compliance with the ADG objective to optimise the number of apartments receiving sunlight to habitable rooms, with indicative testing showing of the total 121 apartments, 85 dwellings or 70% achieving two hours or more of solar access on the winter solstice.

While comprehensive testing will be required at the development application stage, the City is satisfied there is a solution that can be achieved.

#### *Cross ventilation*

The indicative reference scheme indicates compliance with the ADG objective to optimise the number of apartments receiving natural cross ventilation, with of the total 121 apartments, 63 or 65% being cross ventilated.

While comprehensive testing will be required at the development application stage, the City is satisfied there is a solution that can be achieved.

#### *Building separation*

The indicative reference scheme indicates compliance with the ADG objective for minimum building setbacks, with adequate separation distances provided between the three buildings internally within the site:

- 14m separation between the building fronting Bourke Street and building fronting Young Street; and
- 9m separation distance between the two above buildings Bourke Street and the building fronting McEvoy Street.

While comprehensive testing will be required at the development application stage, the City is satisfied there is a solution that can be achieved.

### 5.5.2. Impact on the road network

A traffic and transport study prepared by JMT Consulting, appended to this report, provides an assessment of the proposed development resulting from this planning proposal and impacts to the adjacent roads.

The assessment indicates that with appropriate access requirements and limited parking provision the proposal will not substantially impact existing local roads as the supermarket.

#### *Traffic generation*

Existing traffic movements generated by the proposed development on the site were estimated at 32 vehicles per hour during both the AM and PM peak periods, based on 0.5 vehicle trips per

100m<sup>2</sup>. Trip generation rates for future traffic were derived from comparable surrounding and regional developments as follows:

- **Residential per unit:** AM peak hour: 0.09 vehicle trips, PM peak hour: 0.11 vehicle trips and Saturday peak hour: 0.10 vehicle trips;
- **Commercial per space:** 0.40 vehicle trips AM peak hour and 0.25 vehicle AM peak hour; and
- **Retail per space:** 0.39 vehicle trips AM peak hour, 1.03 vehicle trips PM peak hour and 1.04 vehicle trips Saturday peak hour.

The assessment for this planning proposal has considered 25% passing trade as per *Transport for NSW Guide to Traffic Generating Developments*. The forecast arrival and departure directions for visitors to the supermarket, based on the trade catchment for the site, were determined to spread the traffic load and minimising the impact on the surrounding road network.

### *Intersection modelling*

Based on the reference scheme, the following two scenarios for traffic modelling were considered:

- **Base case:** traffic flows following the completion of the adjacent Danks Street South precinct; and
- **Base case + development:** traffic flows following the completion of the adjacent Danks Street South precinct as well as the development of the subject site as envisaged in this planning proposal.

The modelling undertaken indicates that the proposed development is not anticipated to result in unacceptable traffic impacts on the surrounding road network.

Intersection level of service remains unchanged for all sites when compared to the 'future base' scenario (i.e. no development) with most intersections operating at Level of Service D or below.

The exception to this is the Bourke Street / Lachlan Street in the AM peak hour and Saturday peak hour, where due to the adopted traffic growth rates the intersection is forecast to operate at Level of Service F. This performance issue is a direct result of background traffic growth on the surrounding road network, with the modelling demonstrating that this planning proposal would not materially change the operation of this intersection.

Therefore, the proposed development is not expected to adversely impact the operation of the surrounding road network.

### *Traffic and transport assessment summary*

The traffic and transport assessment undertaken by JMT Consulting, on behalf of Fabcot Pty Ltd, with review and input from the City provides directions for this planning proposal and the draft DCP.

The assessment found the traffic impacts from the proposed development was acceptable, and that the development would not necessarily require additional transport infrastructure to support the various land uses, including the supermarket.

As noted above, this planning proposal limits car parking for all retail uses to a maximum car parking rate of 1 space for each 50sqm of retail GFA. The proposed rate is the same currently applied for retail development less than 2,000sqm GFA. The limit on car parking spaces for retail users discourages car use to access the site from the surrounding area, and also discourages longer car trips from outside the catchment.

The draft DCP includes site specific provisions to further minimise the impacts of the development on area surrounding the site. The provisions in the draft DCP address site access, and include:

- limiting access to the site for general vehicles is be provided from only one access point on Young Street, minimising conflict with pedestrians and impacts on the public domain; and
- separating heavy vehicle access for on-site loading and services to Bourke Street, providing a better safety outcome for both pedestrians and car users

This planning proposal will provide benefits to the broader road network by facilitating a large format supermarket in a rapidly growing area currently underserved by retail floor space. The proposed development will reduce the need for residents of Waterloo to have to drive longer distances to other supermarkets meet their shopping needs.

### 5.5.3. Public benefit offer

The proponent has made a letter of offer to enter into a planning agreement, ~~provided at Attachment C to this report.~~ The offer includes commitments to:

- sustainability targets and measures consistent with the City's NetZero Energy 2026 provisions;
- onsite rainwater capture and waste recovery measures in the future operation of the development;
- provision of electric vehicle charging facilities in car parking spaces, including upfront provision of 25 percent of retail spaces with Level 2 charging and two (2) spaces with Level 3 or 4 charging provisions; and
- provision of affordable housing contributions **to be built on-site**, equating to 12 percent of the new floorspace facilitated by this planning proposal (resulting in about 5 additional affordable housing dwellings, above that under the current provision). **The contribution requirement is equivalent to the affordable housing contribution requirements under the Sydney LEP 2012 (3 percent of residential floor space and 1 per cent non-residential floor space), plus an additional contribution requirement for 12 per cent of 'new' floor space resulting from the 0.5:1 FSR increase that may result from this planning proposal. It is estimated around 12 affordable housing dwellings will result from this requirement.**

~~The City will commence the preparation of a draft planning agreement to secure the delivery of affordable housing and electric vehicle charging facilities, consistent with the landowners letter of offer.~~

~~The draft planning agreement is to exhibited together with this planning proposal and draft DCP.~~

### 5.5.4. Social infrastructure

A social assessment and strategy review, that includes a review of social infrastructure within walking distance of the site, was prepared by Ethos Urban and is appended to this report, examined the social policy context and the issues and trends relevant for this planning proposal. The review identified the priorities and opportunities for the site and the directions for establishing a social strategy.

The key drivers for social infrastructure demand relate to the urban renewal driving population growth, including Green Square Town Centre, Waterloo State Significant Precinct, and Waterloo Metro over station development. The demand for infrastructure and services due to the planned growth has created the need for additional retail, community and cultural services within the urban renewal area.

Preliminary community consultation undertaken to inform the social strategy indicated support for space to provide premium food and retail services close to existing residents, the need for a high-quality environment for social gatherings, and sustainability design standards.

This planning proposal supports these outcomes.

### 5.5.5. Noise impacts

The planning proposal and accompanying draft DCP are supported by the preliminary assessment of noise impacts prepared by Acoustic Logic, appended to this report.

The assessment report identifies relevant noise emissions criteria applicable to the development and nearby sensitive noise receivers, predicts noise emissions and suggests management controls necessary to ensure compliance with noise emission goals.

Noise impacts from the proposed mixed use development have been assessed with reference to the requirements of the NSW EPA Noise Policy for Industry (2017), City of Sydney DCP 2012 and NSW Road Noise Policy (2011). The following components were assessed and found to meet

noise emission objectives:

- loading dock,
- carpark (peak usage);
- waste collection;
- supermarket; and
- ground floor retail /cafe uses

Detailed plant selection has not been determined and a detailed acoustic review is to be undertaken at the detailed DA stage to determine acoustic treatments to control noise emissions to satisfactory levels.

The assessment finds satisfactory levels will be achievable through appropriate plant selection, location and standard acoustic treatments.

Further assessment will be undertaken in the detailed development application process.

### **5.5.6. Services and utilities**

The planning proposal and accompanying draft DCP are supported by the preliminary assessment of services and infrastructure prepared by Newman MEP, appended to this report. The assessment findings for key infrastructure provisions are outlined below.

#### *Hydraulic services*

The services infrastructure capacities for the proposed development are expected to satisfactorily cater for loads associated with the size and type of the proposed development. Infrastructure connection points are available depending on load volumes. Stormwater flows are required to be controlled to restrict volumes entering the stormwater infrastructure.

There are two (2) constraints which directly encumber the site. These are, a 450mm sewer main and a 1350mm water main both traversing the site. The two services may affect the siting of building structures or impose conditions of access and clearances or require diversion. The scope and complexity of these undertakings will be addressed at the detailed design and development application stage of the proposal.

#### *Fire services*

The proposed development is required to provide onsite fire services. Fire hose reel, fire hydrant and automatic fire sprinkler protection systems are to be installed throughout. It is likely storage tanks and pumps will be required for the fire hydrant and automatic sprinkler systems.

#### *Electrical services*

Electrical maximum demand calculations indicate a requirement for an onsite chamber substation of approximately 3060 kVA capacity. This would require a 3-hour fire rated room of either approximately 60m<sup>2</sup> or 130m<sup>2</sup> depending on selection of transformer size. The location of the substation will be derived from the proposed development design outcomes in the architectural competition phase.

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## **5.6 Need for the planning proposal**

### **Q1. Is the planning proposal the result of an endorsed LSPS, strategic study or report?**

Yes. This planning proposal is the result of a request from Fabcot Pty Ltd (Woolworths Group) to change the planning controls applying to the site. A range of strategic and technical studies were undertaken to support this planning proposal, are appended to this report, and discussed in this planning proposal.

This planning proposal is also consistent with the City's *Planning Proposal: City South Retail Review*, currently under consideration.

**Q2. Is the best means of achieving the objectives or intended outcomes, or is there a better way?**

Yes. Clause 7.23 of Sydney LEP 2012 limits retail floor space up to 1,000 sqm outside of Green Square Town Centre and other planned centres. Exempting the site from the clause requires an amendment to the LEP, and a planning proposal is the best way of achieving this (refer to section 5 discussion above).

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## 5.7 Relationship to the strategic planning framework

**Q3. Is the planning proposal consistent with the objectives and actions of the applicable regional or sub-regional strategy (including any exhibited draft plans or strategies)?**

Yes. This planning proposal is consistent with the relevant objectives and actions of the applicable regional or sub-regional strategy as summarised below.

### *Greater Sydney Region Plan*

*A Metropolis of Three Cities, Plan for Growing Sydney* is the strategic plan for Greater Sydney region. It is a 20-year plan with a 40-year vision, seeking to transform Greater Sydney into a metropolis of three distinct but connected cities: the Eastern Harbour City, the Central River City and the Western Parkland City. The directions and objectives of the strategic regional plan relate to:

- Liveability;
- Productivity;
- Sustainability; and
- Infrastructure and collaboration.

This planning proposal is consistent with the directions and objectives of the regional plan to encourage land use planning and infrastructure integration to deliver a 30-minute city, including creating diverse jobs, and developing infrastructure and services that align with forecast population growth.

#### Directions 1: A city supported by infrastructure

##### *Objective 2: Infrastructure aligns with forecast growth*

This planning proposal aligns with existing and planned infrastructure. The site has access to cycling and pedestrian infrastructure that connects the site to the Waterloo locality and the Green Square urban renewal area.

The site is also in close proximity to local bus routes and is within walking distance to Green Square train station and the future Waterloo metro station.

##### *Objective 3: Infrastructure adapts to meet future needs*

##### *Objective 4: Infrastructure use is optimised*

This planning proposal ensures the provision of the infrastructure required to support the proposed development.

#### Directions 2: A collaborative city

##### *Objective 5: Benefits of growth realised by collaboration of governments, community and business*

This planning proposal informed a preliminary community consultation undertaken by JOC Consulting, on behalf of Fabcot, to understand the retail needs of the community to inform the indicative reference scheme.

Further engagement will be undertaken with public, community groups and businesses through the detailed design process for public oriented components of the development, such as public art.

### Direction 3: A city for people

#### *Objective 6: Services and infrastructure meet communities' changing needs*

The future development provides a population serving retail function to meet the everyday needs of the growing local community. The proposed development will serve as a focal point to accommodate the needs of the local area, including opportunities for fine grain retail, food services, and commercial uses.

#### *Objective 7: Communities are healthy, resilient and socially connected*

The site is in close proximity to high density residential development. The proposed development will deliver local shops and spaces for local residents and workers to gather which will contribute to enhanced social opportunities for local residents.

### Direction 4: Housing the city

#### *Objective 10: Greater housing supply*

#### *Objective 11: Housing is more diverse and affordable*

This planning proposal will facilitate residential uses within an existing urban renewal area, increasing housing supply in close proximity to public transport infrastructure.

The proposed mixed use that includes residential, retail, and commercial with an improved public domain will create a level of activation on the site that can support the broader neighbourhood.

The redevelopment of the site to increase housing supply presents the opportunity to improve housing diversity, with the indicative reference scheme providing a range of apartment sizes and typologies, including walk-up terrace apartments.

This planning proposal and public benefit offer includes provisions for the delivery of affordable housing as part of the redevelopment of the site.

### Direction 5: A city of great places

#### *Objective 12: Great places that bring people together*

By increasing residential uses and providing supporting retail and commercial uses of sufficient density, this planning proposal enables development that will act as a focal point for the surrounding neighbourhood.

The proposed development will provide opportunity to improve pedestrian and user amenity by providing spaces and connections, including a through site link and ground level activation with fine grain retail uses, to support the site as a location for people to pass through and to gather, contributing to the transformation of the urban renewal area.

### Direction 6: A well-connected city

#### *Objective 14: A Metropolis of Three Cities – integrated land use and transport creates walkable and 30-minute*

The location of the site within a dense urban renewal area is an ideal for establishing the site as a focal point with a fine grain character for the immediately surrounding area.

The provision of a supermarket as part of the mixed land use will improve local amenity and convenience, encouraging people to walk to meet their daily shopping needs. The location of a supermarket to serve the needs of the local area will provide an option for locals which does not require travel to centres outside of the immediate catchment, ultimately contributing to reduction in private car trips, as well as the time and distance travelled.

#### *Objective 15: The Eastern, GOP and Western Economic Corridors are better connected and more competitive*

Green Square Town Centre is identified as a strategic centre in the region plan, and an important contributor to the economic corridor. By enabling the redevelopment of the site to support



additional retail uses, this planning proposal compliments and strengthens Green Square role as a higher order commercial centre.

#### Direction 7: Jobs and skills for the city

*Objective 22: Investment and business activity in centres*

By enabling the redevelopment of the site to provide additional retail floor space, this planning proposal supports Green Square role as a strategic centre by attracting investment, business activity and jobs.

#### Direction 9: An efficient city

*Objective 33: A low-carbon city contributes to net-zero emissions by 2050 and mitigates climate change*

*Objective 34: Energy and water flows are captured, used and re-used*

*Objective 35: More waste is re-used and recycled to support the development of a circular economy*

This planning proposal includes sustainable design provisions to address climate change.

#### Direction 10: A resilient city

*Objective 36: People and places adapt to climate change and future shocks and stresses*

This planning proposal supports an indicative reference scheme that has been designed to accommodate suitable flood planning levels to support the future development.

### *Eastern City District Plan*

The Eastern City District Plan (District Plan) is a statutory consideration under the provisions of Environmental Planning and Assessment Act 1979, which requires this planning proposal to give effect to the directions and priorities set out in the district plan.

The District Plan sets out directions and priorities for the district, of which the City of Sydney is a part. This planning proposal is consistent with the following planning priorities of the District Plan.

#### Direction 1: A city supported by infrastructure

*Priority E1: Planning for a city supported by infrastructure*

This planning proposal is supported by existing and planned infrastructure. The site has access to cycling and pedestrian infrastructure that connects the site to the Waterloo locality and the Green Square urban renewal area.

The site is also in close proximity to local bus routes and is within walking distance to Green Square train station and the future Waterloo metro station.

In addition, the provisions for new infrastructure provided by the proposed development include:

- new pedestrian through-site links and footpath widening to support active transport; and
- electric vehicle charging in the retail parking spaces and EV ready commercial and residential parking spaces.

#### Direction 2: A collaborative city

*Priority E2: Working through collaboration*

This planning proposal involved the preliminary community consultation undertaken by JOC Consulting, on behalf of Fabcot, to understand the retail needs of the community and to inform the design options for the indicative reference scheme.

Further engagement will be undertaken with public, community groups and businesses through the detailed design process for public oriented components of the development, such as public art.

#### Direction 3: A city for people

*Priority E3: Providing services and social infrastructure to meet people's changing needs*

*Priority E4: Fostering healthy, creative, culturally rich and socially connected communities*

This planning proposal enables a supermarket, with other retail and commercial uses to cater to the daily needs of the local community that is within a walkable distance in area that is growing rapidly.

The proposed development will include a population serving supermarket that will not undermine the importance of Green Square strategic centre. The proposed development will respond to the identified needs of the growing population and reduce existing retail pressures that surrounding supermarkets are experiencing.

The future built form will deliver a focal point for local activity and opportunities for social gathering, by providing enhanced local connections with through-site links and footpath widening.

Further, the development will benefit from its proximity to the Green Square strategic centre which provides major recreational and higher order community facilities for the broader urban renewal area.

#### Direction 4: Housing the city

*Priority E5: Providing housing supply, choice and affordability with access to jobs, services and public transport*

The site is strategically positioned to accommodate residential uses, increasing supply within proximity to the strategic centre and public transport infrastructure.

Redevelopment of the site to increase housing supply presents the opportunity to improve housing diversity and affordability in the locality in the form of various apartment sizes.

There is a need to ensure greater diversity in housing products to meet the growing needs of single person households, older persons and down- sizers. The planning proposal addresses affordability through the provisions for affordable housing contribution.

#### Direction 6: A well connected city

*Priority E10: Delivering integrated land use and transport planning and a 30 minute city*

This planning proposal enables a future built form that will provide a local population serving function for the daily and weekly needs of the surrounding community, without the need for car-based trips to other centres.

The site is in close proximity to the Green Square strategic centre which comprises well established health, education, and other services and a concentration of local jobs, and includes a train station.

#### Direction 7: Jobs and skills for the city

*Priority E11: Growing investment, business opportunities and jobs in strategic centres*

This planning proposal facilitates a large format supermarket investment in the site for the benefit of the wider community in terms of employment and multiplier effects, which are detailed in the economic impact assessment, appended to this report.

#### Direction 9: An efficient city

*Priority E19: Reducing carbon emissions and managing energy, water and waste efficiency*

This planning proposal enables a future built form that supports a sustainable design with high efficiencies for water, energy and waste and to reduce carbon emissions.

The future development also supports active transport infrastructure to improve walkability and cycling opportunities, and provisions for electric vehicles.

**Q4. Is the planning proposal consistent with council's local strategy or other local strategic plans?**

Yes. This planning proposal is consistent with relevant local strategies and plans as summarised below.

### *Sustainable Sydney 2030-2050*

Sustainable Sydney 2030-2050 is the vision for the sustainable development of the City of Sydney. The strategic plan builds on three key themes of Green, Global and Connected and includes 6 guiding principles for a sustainable city, 10 specific targets to measure progress, and 10 strategic directions to guide its future development.

The planning proposal supports following Sustainable Sydney strategic directions:

#### *D2. A leading environmental performer*

#### *D4. Design excellence and sustainable development*

This planning proposal includes provisions for the future development to reduce greenhouse gas emissions through improved energy efficiency and low carbon energy in line with the City's 2026 targets for net zero emissions.

The built form will also be designed to operate with high environmental performance standards for water, energy and waste which include efficient stormwater management design for on-site retention and reuse, provisions for electric vehicle charging, and reducing and recycling supermarket food and material waste.

The built form will demonstrate design excellence and architectural interest by creating a high quality, comfortable, safe and inclusive built environment. The design will also integrate the retention of the tree and canopy structure both on and surrounding the site adding to the attractiveness and amenity of the built form.

#### *D3. Public places for all*

The future built form will accommodate all users, including walking and cycling by creating through the site links and footpath widening. The public domain will be improved with an activated ground plane to support fine grain active uses.

In addition, the protection of the tree and canopy structure both on and surrounding the site will add to the attractiveness and amenity of the public domain.

#### *D5. A city for walking, cycling and public transport*

The future built form will encourage walking and active transport and minimise private car trips to for the limiting the number of car parking spaces for retail user.

#### *D7. Resilient and diverse communities*

The future built form is innovative in accommodating economic trends in the retail sector and will improve the retail amenity, including the need for supermarket floor space, in the local area. The proposed development responds to the changing needs of the community by providing a more diverse range of retail services in one location.

The future built environment will serve as a focal point for the local area by creating a sense of place and providing opportunities for social gathering and activities. The site will accommodate people to work, shop and conduct businesses close to where they live and provide a place for the community to socialise and take part in cultural life.

#### *D6. An equitable and inclusive city*

#### *D10. Housing for all*

The future development will provide a variety of high density residential living options, with apartment sizes that can accommodate all abilities and facilities to support the diverse needs of future residents. This will support varying household structures including people ageing in place.

The future development will contribute to the provision of affordable housing as part of the housing choice for low to moderate income earners. This will support the growth and sustainability of the

affordable housing sector and enable low to moderate income households to rent close to places of employment.

### *City Plan 2036: Local Strategic Planning Statement*

The City of Sydney Local Strategic Planning Statement (LSPS) sets out the City's 20-year vision for strategic land use and the planning priorities to guide development towards a green, global and connected city. The Sydney LSPS provides directions for infrastructure, liveability, productivity and sustainability to manage the change and growth.

This planning proposal gives effect to the Sydney LSPS as follows:

#### *Infrastructure*

*I1: Movement for walkable neighbourhoods and a connected city*

*I2 – Align development and growth with supporting infrastructure*

*I3 – Supporting community wellbeing and infrastructure*

The redevelopment of the site will improve the walkability of the local area by providing through site links and footpath widening. The future built form will deliver a variety of public infrastructure within the site, including an enhanced public, an activated ground plane, and additional landscaped setbacks.

The built environment will be further enhanced by protecting the existing tree canopy structure, adding to the amenity of residents, workers and visitors.

The built form also provides the opportunity for the community meet their local retailing needs. This includes access to a larger supermarket.

The proposed development responds to the needs of the growing population and will reduce existing retail pressures that surrounding supermarkets are experiencing.

The future built form will include through site links that will improve connectivity and prioritise pedestrian movements to and through the site. This will contribute to encouraging more active and healthy lifestyles.

The proposal will provide a variety of high density residential living options. Various apartment sizes that are accommodating to all abilities will be delivered to support the diverse needs of future apartment dwellers. This will support varying household structures including people ageing in place.

#### *Liveability*

*L1 – A creative and socially connected city*

*L2 – Creating great places*

The redevelopment of the site will respond to the social make-up of the area and create a diverse, accessible, safe and appealing place for people of all ages, backgrounds and abilities to encourage a vibrant, healthy lifestyle.

The built form will serve as a vibrant and inclusive focal point that will enable people in the local area to walk or make shorter car trips for their daily and essential needs, with the development providing a mix of retail and socialising options.

*L3 – New homes for a diverse community*

The proposed planning controls support delivery of planning housing under the current planning controls contributing to the City's housing targets. The housing is in a good location close to Green Square train station, Waterloo metro station and bus stops, as well as jobs and local services.

The housing mix will respond to the changing housing needs of the community. This will include providing a mix of studio, one, two and three or more bedrooms to support diverse communities

that require diverse apartment sizes to accommodate ageing in place, intergenerational housing and families with children living in apartments, as well as provisions for affordable housing.

### Sustainability

#### S2 – Creating better buildings and places to reduce emissions and waste and use water efficiency

The proposed planning controls ensure high sustainability targets for the future redevelopment site. The built form will include measure that reduce carbon emissions, manage energy, water and waste.

#### Q5. Is the planning proposal consistent with applicable State Environmental Planning Policies (SEPPs)?

This planning proposal is consistent with all applicable State Environmental Planning Policies (SEPPs), as summarised below Table 2 below.

State Environmental Planning Policy	Comment
SEPP (Biodiversity and Conservation) 2021	Consistent. This planning proposal will not contradict or hinder application of this SEPP.
SEPP (Building Sustainability Index: BASIX) 2004	Consistent. This planning proposal will not contradict or hinder application of this SEPP.
SEPP (Exempt and Complying Development Codes) 2008	Consistent. This planning proposal will not contradict or hinder application of this SEPP.
SEPP (Housing) 2021	Consistent. This planning proposal will not contradict or hinder application of this SEPP.
SEPP (Industry and Employment) 2021	Consistent. This planning proposal will not contradict or hinder application of this SEPP.
SEPP No 65—Design Quality of Residential Apartment Development	Consistent. This planning proposal will not contradict or hinder application of this SEPP.
SEPP (Planning Systems) 2021	Consistent. This planning proposal will not contradict or hinder application of this SEPP.
SEPP (Precincts—Central River City) 2021	Not applicable
SEPP (Precincts—Eastern Harbour City) 2021	Not applicable
SEPP (Precincts—Western Parkland City) 2021	Not applicable
SEPP (Primary Production) 2021	Not applicable
SEPP (Resilience and Hazards) 2021	Consistent. This planning proposal will not contradict or hinder application of this SEPP.
SEPP (Resources and Energy) 2021	Not applicable.
SEPP (Sustainable Buildings) 2022	Consistent. This planning proposal will not contradict or hinder application of this SEPP.

State Environmental Planning Policy	Comment
	as an incentive is provided for higher BASIX targets.
SEPP (Transport and Infrastructure) 2021	Consistent. This planning proposal will not contradict or hinder application of this SEPP.

Table 1 Consistency with SEPPs

#### Q6. Is the planning proposal consistent with applicable Section 9.1 Ministerial Directions?

This planning proposal is consistent with all Ministerial Directions issued under section 9.1 of the Environmental Planning and Assessment Act 1979, as summarised in Table 2 below.

Ministerial Direction	Comment
<b>Focus area 1. Planning Systems</b>	
1.1 Implementation of Regional Plans	Consistent. This planning proposal supports the Region Plan, as discussed in detail under Question 3 (above).
1.2 Development of Aboriginal Land Council land	Not applicable
1.3 Approval and Referral Requirements	Consistent. This planning proposal does not include concurrence, consultation or referral provisions or identify any developments as designated development.
1.4 Site Specific Provisions	<p>Inconsistent.</p> <p>The objective of this direction is to discourage unnecessarily restrictive site specific planning controls. This direction applies when a relevant planning authority prepares a planning proposal that will allow a particular development to be carried out.</p> <p>This planning proposal is inconsistent with this Direction as it proposes site specific controls to allow a particular development to be carried out.</p> <p>Division 5 of the LEP contains site-specific provisions for various sites across the City. This planning proposal introduces site-specific controls into the LEP to ensure the development is used for a mixed use development, including consolidated retail floor space.</p> <p>In this instance, the inconsistency is acceptable because it is of minor significance and is the only way to achieve the intended outcomes of this planning proposal.</p>
<b>Focus area 1: Planning Systems – Place-based</b>	

Ministerial Direction	Comment
1.5 Parramatta Road Corridor Urban Transformation Strategy	Not applicable
1.6 Implementation of North West Priority Growth Area Land Use and Infrastructure Implementation Plan	Not applicable
1.7 Implementation of Greater Parramatta Priority Growth Area Interim Land Use and Infrastructure Implementation Plan	Not applicable
1.8 Implementation of Wilton Priority Growth Area Interim Land Use and Infrastructure Implementation Plan	Not applicable
1.9 Implementation of Glenfield to Macarthur Urban Renewal Corridor	Not applicable
1.10 Implementation of the Western Sydney Aerotropolis Plan	Not applicable
1.11 Implementation of Bayside West Precincts 2036 Plan	Not applicable
1.12 Implementation of Planning Principles for the Cooks Cove Precinct	Not applicable
1.13 Implementation of St Leonards and Crows Nest 2036 Plan	Not applicable
1.14 Implementation of Greater Macarthur 2040	Not applicable
1.15 Implementation of the Pyrmont Peninsula Place Strategy	Not applicable
1.16 North West Rail Link Corridor Strategy	Not applicable
1.17 Implementation of the Bays West Place Strategy	Not applicable
<b>Focus area 2: Design and Place</b>	
This Focus Area was blank when the Directions were made.	Not applicable
<b>Focus area 3: Biodiversity and Conservation</b>	
3.1 Conservation Zones	Not applicable
3.2 Heritage Conservation	Not applicable

Ministerial Direction	Comment
3.3 Sydney Drinking Water Catchments	Not applicable
3.4 Application of C2 and C3 Zones and Environmental Overlays in Far North Coast LEPs	Not applicable
3.5 Recreation Vehicle Areas	Not applicable
3.6 Strategic Conservation Planning	Not applicable
<b>Focus area 4: Resilience and Hazards</b>	
4.1 Flooding	<p>This planning proposal will increase development potential (in terms of floor space) currently achievable under the LEP.</p> <p>It is noted that clause 7.15 of the LEP already includes provisions to minimise flood hazards. As identified in the Local Strategic Planning Statement.</p> <p>This planning proposal makes no amendments to the flood planning clause in the LEP. Future development applications will continue to be required to address flooding risks.</p>
4.2 Coastal Management	Not applicable
4.3 Planning for Bushfire Protection	Not applicable
4.4 Remediation of Contaminated Land	<p>This planning proposal is consistent with the preliminary contamination assessment which determined the site is suitable for the proposed development. This planning proposal does not change the permitted land uses.</p> <p>Detailed contamination assessment of the site will be further undertaken at the development application stage in accordance with the City's contamination management policy.</p>
4.5 Acid Sulfate Soils	<p>This planning proposal is consistent with the geotechnical and acid sulphate soil assessment undertaken by Douglas Partners, appended to this report. 25 samples were collected from the site. Laboratory testing confirm that there samples test are not actual or potential acid sulphate soils.</p>
4.6 Mine Subsidence and Unstable Land	Not applicable
<b>Focus area 5: Transport and Infrastructure</b>	
5.1 Integrating Land Use and Transport	<p>Consistent.</p> <p>The objectives of this Direction are to improve accessibility, increase transport options, reduce</p>



Ministerial Direction	Comment
	<p>travel demand and dependence on cars, support public transport, and provide for efficient movement of freight.</p> <p>The planning proposal will enable development of housing, jobs and services in a location well served by public and active transport infrastructure.</p>
5.2 Reserving Land for Public Purposes	Consistent
5.3 Development Near Regulated Airports and Defence Airfields	Not applicable
5.4 Shooting Ranges	Not applicable
<b>Focus area 6: Housing</b>	
6.1 Residential Zones	Not applicable
6.2 Caravan Parks and Manufactured Home Estates	Not applicable
<b>Focus area 7: Industry and Employment</b>	
7.1 Business and Industrial Zones	<p>Consistent.</p> <p>This planning proposal enables a broader range of employment uses in the existing B4 Mixed Use zone (MU1 Mixed Use zone).</p>
7.2 Reduction in non-hosted short-term rental accommodation period	Not applicable
7.3 Commercial and Retail Development along the Pacific Highway, North Coast	Not applicable
<b>Focus area 8: Resources and Energy</b>	
8.1 Mining, Petroleum Production and Extractive Industries	Not applicable
<b>Focus area 9: Primary Production</b>	
9.1 Rural Zones	Not applicable
9.2 Rural Lands	Not applicable
9.3 Oyster Aquaculture	Not applicable
9.4 Farmland of State and Regional Significance on the NSW Far North Coast	Not applicable

Table 2 Consistency with Section 9.1 Ministerial Directions

## 5.8 Environmental, social and economic impact

### **Q7. Is there any likelihood that critical habitat or threatened species, populations or ecological communities, or their habitats, will be adversely affected as a result of the proposal?**

This planning proposal and the accompanying specialist technical studies do not identify or assess any critical habitat or threatened species, populations or ecological communities, or their habitats on this site.

Mature vegetation within the site is not listed as critical habitat or threatened. The indicative reference scheme for the proposed development intends to retain a significant part of existing tree and canopy structure.

### **Q8. Are there any other likely environmental effects as a result of the planning proposal and how are they proposed to be managed?**

A detailed discussion of the environmental effects of this planning proposal is provided in Section 5 of this planning proposal.

Relevant management and mitigation measures are identified where appropriate, and the proposed redevelopment of the site will be subject to further assessment at the detailed DA stage.

### **Q9. Has the planning proposal adequately addressed any social and economic effects?**

A detailed discussion of the social and economic effects of this planning proposal is provided in Section 5 of this planning proposal.

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## 5.9 State and Commonwealth interests

### **Q10. Is there adequate public infrastructure for the planning proposal?**

A detailed discussion of the impacts of the proposed development on existing public infrastructure is provided in Section 5 of this planning proposal.

Demand for infrastructure from the minor increase in floor space for the supermarket will be satisfied through development contributions under the City of Sydney Development Contributions Plan 2015.

### **Q11. What are the views of State and Commonwealth public authorities consulted in accordance with the Gateway determination?**

~~To be determined in further consultation with public authorities following~~ In accordance with the Gateway determination, Transport for NSW and Heritage NSW were consulted on this planning proposal. The public authorities did not raise any objections to the proposed changes to the planning controls.

Heritage NSW noted the site is not heritage listed and stated the proposed changes did not impact the State Heritage Register. Transport for NSW provided minor comments in relation to the draft DCP for improving access, safety and movement for vehicles, pedestrians and cyclists across the site.

# 6. Mapping

## Height of Buildings Map

This planning proposal is to amend Height of Buildings Map (Sheet 17) in the Sydney LEP 2012, as shown below at Figure 24.



Figure 23 Proposed change to Height of Buildings Map

## Active Frontages Map

This planning proposal is to amend Height of Buildings Map (Sheet 17) in the Sydney LEP 2012, as shown at Figure 25.

# Planning Proposal: 923-935 Bourke Street, Waterloo

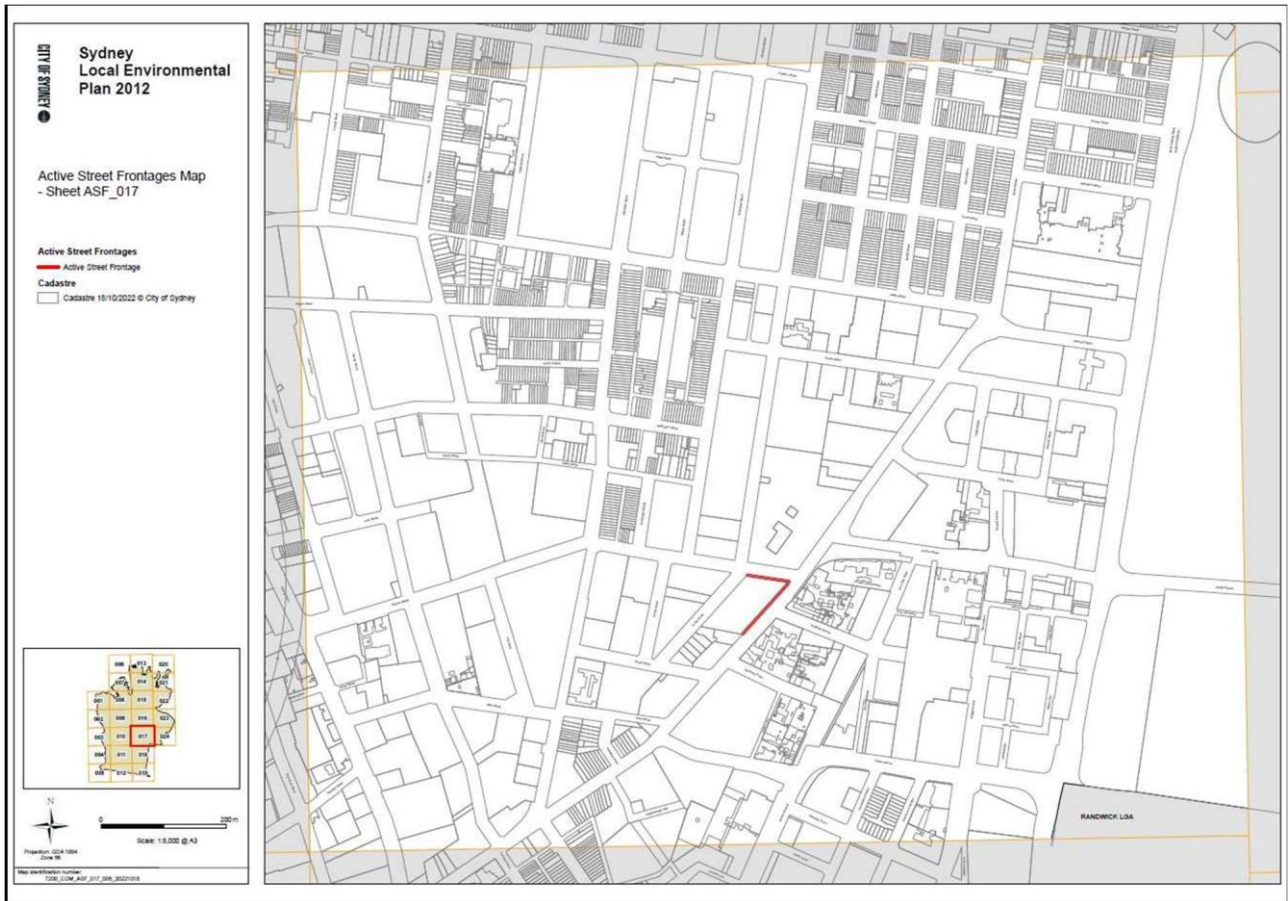


Figure 24 Proposed change to Active Street Frontages Map

# 7. Community consultation

~~Community consultation will be undertaken in accordance with the requirements of the Gateway determination.~~

~~It is proposed that, at a minimum, this will involve the notification of the public exhibition of this planning proposal on the City of Sydney website and in writing to the owners and occupiers of adjoining and nearby properties and relevant community groups.~~

~~It is expected this planning proposal will be publicly exhibited for at least 20 working days consistent with the recommendation for Standard planning proposals under Department of Planning and Environment 's Local Environmental Plan Making Guideline.~~

~~It is proposed that exhibition material will be made available on the City of Sydney website.~~

~~Consultation with relevant NSW agencies and authorities and other relevant organisations will be undertaken in accordance with the Gateway determination.~~

Community consultation was undertaken in accordance with the requirements of the Gateway determination.

Notification of the public exhibition of this planning proposal was made on the City of Sydney website and in writing to the owners and occupiers of adjoining and nearby properties, up to 75 metres from the site.

The planning proposal was publicly exhibited from 12 April to 24 May 2023, exceeding the minimum requirements for Standard planning proposals under Department of Planning and Environment 's Local Environmental Plan Making Guideline.

The exhibition material was made available on the City of Sydney website.

Consultation with NSW agencies and authorities was undertaken in accordance with the Gateway determination. The public authorities consulted included Transport for NSW and Heritage NSW.

# 8. Project timeline

The anticipated timeline for completion of this planning proposal is as follows:

Stage	Timeframe
Referral to DPIE for Gateway determination	November 2022
Gateway determination	January-February 2023
Public exhibition and government agency consultation	<del>March</del> April - <del>May</del> 2023
Consideration of submissions	May June - <del>July</del> 2023
Post exhibition consideration of proposal by Council / CSPC	August 2023
Drafting of LEP provisions	September - October 2023
Finalisation of LEP and DCP	November - <del>December</del> 2023

