

Attachment C

**Draft Sydney Development Control Plan
2012: 923-935 Bourke Street, Waterloo
(as amended following public exhibition)**

Draft Sydney Development Control Plan 2012

923-935 Bourke Street, Waterloo

~~November 2022~~ **August 2023**

The purpose of this Development Control Plan

The purpose of this plan is to amend Sydney Development Control Plan 2012 to insert site specific provisions to guide future development at 923-935 Bourke Street, Waterloo.

Citation

This plan may be referred to as Draft Sydney Development Control Plan 2012: 923-935 Bourke Street, Waterloo.

Land covered by this plan

This plan applies to land identified as 923-935 Bourke Street, Waterloo, Lot 10 DP 705894.

Relationship of this plan to Sydney Development Control Plan 2012

This plan amends Sydney Development Control Plan 2012 in the manner set out below.

Amendments to Sydney Development Control Plan 2012

This plan amends the Sydney Development Control Plan 2012 by:

- 1) Amending Figure 5.49 Green Square – Structure Plan, to identify active frontages at Bourke and McEvoy Streets.
- 2) Amending Figure 6.1 Specific sites map, to include 923-935 Bourke Street, Waterloo.
- 3) Inserting a new section 6.3.X 923-935 Bourke Street, Waterloo, as shown at Appendix A.
- 4) Updating figure numbers as required.
- 5) Updating Sydney Development Control Plan 2012 map tiles as shown at Appendix B.

Appendix A

6)3.X 923-935 Bourke Street, Waterloo

The following objectives, future character statement and provisions apply to the site 923-935 Bourke Street, Waterloo, as shown in Figure 6.1.

This section should be read in conjunction with the locality statement in Section 2 of this DCP. The DCP general provisions, Section 5.2 Green Square and this Section of the DCP apply to the site. Where there is an inconsistency, this Section applies to the extent of the inconsistency

6.3.X.1 Land uses

Objectives

- (a) Encourage compatible land uses, including retail, commercial and residential.
- (b) Provide fine grain non-residential uses at the ground level that activate Bourke Street and McEvoy Street and separate residential development from busy roads.

Provisions

- (1) Active street frontages are to be provided in accordance with the *Active Frontages Map*. **Driveways and service entries may be provided on active street frontages where other options cannot be reasonably achieved and where they are minimised in width.**
- (2) A fine grain and diverse retail offer is encouraged along the active frontages of the site, with Bourke Street to provide the primary active frontage, and McEvoy Street the secondary frontage.
- (3) Building services are ~~not to be provided~~ **avoided** on Bourke Street **where possible, with building services arrangement, materials and details to be seamlessly integrated into the ground level design.**
- (4) Any pedestrian paths through the site are to be designed to activate retail and commercial uses on the ground level.
- (5) Tenancies along active frontages are to be designed with a minimum depth of 6m, and to incorporate large areas of transparent glazing that enable clear sightlines between the public domain and internal area.
- (6) Retail, and other commercial and community uses are to be provided on north-east corner of the site. **Where residential uses are proposed in this location appropriate residential amenity must be demonstrated** ~~are not appropriate.~~
- (7) Any retail development (such as a supermarket) with a consolidated floor area greater than 1,000sqm is to be provided predominantly below ground with a clearly visible entrance lobby at ground level.
- (8) Servicing, loading and storage requirements are to be appropriately screened and not impact the active street frontage.

6.3.X.2 Public domain

Objectives

- (a) Ensure a high quality public domain is provided to encourage walking and cycling.
- (b) Ensure pedestrian paths within the site are safe and provide a high level of amenity.
- (c) Ensure the through site link at the south of the site provides a mid-block pedestrian connection to improve the permeability of the wider area.
- (d) Maximise canopy coverage from street trees to provide shade and shelter.

Provisions

- (1) Dedicate land to Council for footpath widening setbacks on McEvoy and Bourke Streets in accordance with the *Public Domain Setbacks Map*.
- (2) Provide a through site link along the southern boundary of the site in accordance with the *Through Site Links Map*. The through site link is to be:
 - (a) minimum 6.0m wide, clear to the sky, unobstructed, clear and safe path for pedestrians with an easement ensuring 24 hour public access; and
 - (b) incorporate high-quality landscaping with features such as indigenous tree species, public art and sculptural elements.
- (3) Footpath widenings and through site link are to be finished in accordance with detailed public domain plans, RLs, cross and longitudinal sections and construction specifications to be supplied by the City of Sydney at detailed development application stage.
- (4) Footpath widenings are to be clear of obstructions except existing trees.
- (5) Overhead power lines, communication cables and utility services are to be undergrounded within all streets servicing the site. All services are to be designed and installed in a manner that does not restrict **the health of trees on the site and the surrounding street trees that are to be retained and future tree planting. An assessment report prepared by a qualified arborist is to be provided to support any future development application, and the associated works that may impact trees.**

6.3.X.3 Trees, deep soil and landscaping

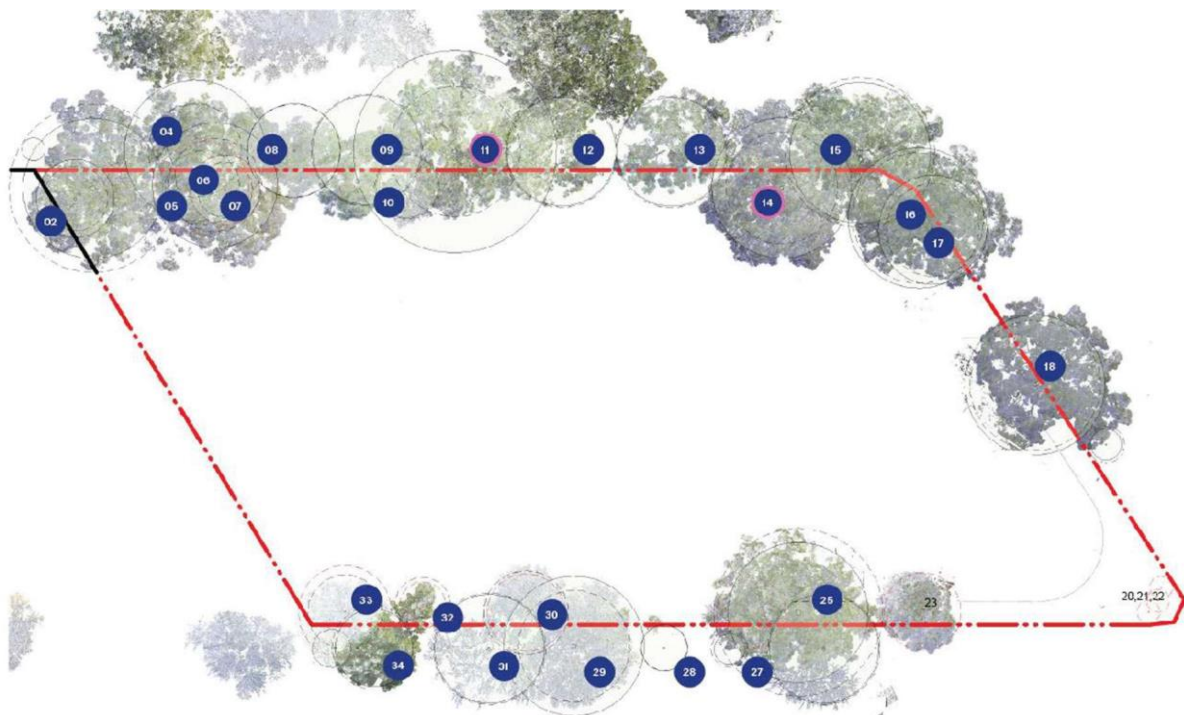
Objectives

- (a) Retain and protect surrounding trees to provide amenity and shade.
- (b) Ensure high-quality landscaping that enhances the development and provides opportunities for deep soil and the protection of existing trees.

Provisions

- (1) Retain and protect trees, both on the site, and the surrounding street trees, in accordance with **Figure X.X: Tree Retention and Protection**.

Figure X.X: Tree Retention and Protection



- (2) Trees identified in **Figure X.X: Tree Retention and Protection** must be retained and protected. Trees that may be removed or significantly pruned (numbers) are 05, 07, 20, 21, 22, 23 and 32.
- (3) Landscape setbacks, in addition to the public domain setbacks, are to be provided accordance with the *Building Setback Alignment Map*.
- (4) The root zones of trees to be retained are to be protected throughout construction.
- (5) Trees to be retained must not have more than 15% of their canopy removed when pruned in accordance with relevant Australian Standards.
- (6) A minimum of 20% of the total site area is to be covered by tree canopy when trees reach maturity.
- (7) Any development application is to provide details of:
 - (a) proposed pruning of trees and likely impacts on the ongoing health and viability of the trees;
 - (b) proposed extent and effect of excavation to ensure adequate soil quantities for retained trees;
 - (c) how the massing and location of new development will allow for sufficient aeration and groundwater intake for the long-term survival of trees; and
 - (d) the construction methodology and management measures to be put in place to protect existing trees from damage during demolition, excavation and construction, including for piling, scaffolding, loading and operation of cranes.
- (8) Above ground services are not to be located within landscaped setback areas.

6.3.X.4 Height, massing and amenity

Objectives

- (a) Minimise overshadowing of surrounding residential development.
- (b) Ensure residential amenity by managing noise impacts and providing natural ventilation to all habitable rooms.

Provisions

- (1) Development is not to exceed the building heights in the *Height of Buildings Map*.
- (2) Buildings with a frontage to Bourke Street must be massed to maintain solar access to neighbouring development, including apartments on the level above ground level in the developments on the eastern side of Bourke Street.
- (3) Minimise the number of habitable rooms fronting Bourke Street and McEvoy Street. Any habitable rooms fronting busy streets must include natural ventilation openings that are augmented with appropriate noise mitigation measures.

6.3.X.5 Design excellence strategy

Objective

- (a) Ensure the development exhibits design excellence.

Provisions

- (1) An invited competitive design alternatives process is to be undertaken in accordance with the Sydney Local Environmental Plan 2012 and the City of Sydney Competitive Design Policy.
- (2) The competitive design alternatives process must include:
 - (a) no less than four competitors;
 - (b) at least one competitor that is an emerging architect;
 - (c) a minimum of 50% of competitors that are Australian based architects (where a competitor

is a consortium, partnership or other joint authorship, the Australian local firm must be the principle/lead architect); and

- (d) a selection panel of six members. The proponent to nominate three members (including at least one independent member, being a person who has no pecuniary interest, nor is a pending or contracted employee or consultant to the proponent), and the City is to nominate three members.
- (3) A building demonstrating design excellence is eligible for an amount of additional floor space in accordance with the design excellence provisions of Sydney LEP 2012. No additional height is to be awarded as a result of a competitive design process.
- (4) All competitors are to be provided with the digital LIDAR tree survey data and briefed by an arborist in relation to the tree retention and protection requirements of this DCP.

6.3.X.6 Public art

Objectives

- (a) Ensure a collaborative approach to public art that involves artists working with the local communities to realise high quality public art of relevance and meaning to the local communities is integrated with the design of the development and the public domain.
- (b) Public art contributes to the identity and amenity of the development.

Provisions

- (1) Public Art is to be provided in accordance with the *City of Sydney Guidelines for Public Art in Private Development* and the *Public Art Policy*.
- (2) Development is to incorporate high quality public art in publicly accessible locations.
- (3) The scale and budget of the public art is to be commensurate with the scale of development.
- (4) Where appropriate, public art should reference the history of the site, or area, recognise and respond to former and existing uses including by traditional custodians of the land and cultural practices.
- (5) Ensure the respectful engagement of First Nations artists and cultural knowledge by following Indigenous Cultural and Intellectual Property protocols.

6.3.X.7 Vehicular access

Objectives

- (a) Create a high-quality interface at ground level between vehicles, pedestrians and the public domain to maintain safety, amenity, and to minimise impacts on the existing street network.
- (b) Driveway crossovers manage conflict between vehicle and footpath users and ensure safe pedestrian and cyclist crossing.

Provisions

- (1) No more than one vehicle access point, with no more than one lane in each direction, is to be provided from Young Street to access all parking on the site.
- (2) Access for service and loading may be permitted from Bourke Street, subject to a detailed assessment of the impact on Bourke Street, including pedestrian safety.
- (3) Continuous footpaths are to be provided at the same level as the driveway. Ramped footpaths between the kerb line and the property line are not acceptable.
- (4) A Traffic Management Plan is to accompany any future development application and is to provide a detailed assessment of the traffic and safety measures required for the development, including for any supermarket development incorporating 'direct to boot' or 'click and collect' options, for

servicing and loading, and for movement of medium-ridged and heavy-ridged vehicles.

6.3.X.8 Sustainable transport and infrastructure

Objectives

- (a) Encourage alternatives to private motor vehicle use and support sustainable transport, such as public transport, walking or cycling.

Provisions

- (1) Provide end of trip and bicycle parking facilities on-site that are weather protected and secure for employees, visitors and other users of any retail and commercial development. Facilities are not to be located on through-site link land and footpath widening areas.

6.3.X.9 Water and flood management

Objectives

- (a) Ensure development resilience by minimising the risk from flooding.

Provisions

- (1) Design the through site link and any pedestrian paths through the site to safely convey any overland flow.
- (2) Where at-grade entries cannot be provided due to flood levels, the design alternative is to minimise the impact of the development on the public domain and improve the accessibility for users.

6.3.X.10 Ecologically sustainable development and green infrastructure

Objectives

- (a) Minimise energy and water use, waste generation, and urban heat effects.
- (b) Maximise on-site renewable energy generation, water re-use and waste recycling.
- (c) Ensure the efficient use of resources in building design, construction and operation.
- (d) Ensure that development is resilient against the effects of climate change.

Provisions

- (1) Development is to be designed and constructed to reduce the need for active heating and cooling by incorporating passive design measures including design, location and thermal properties of glazing, natural ventilation, appropriate use of thermal mass and external shading, including vegetation.
- (2) The consent authority must be satisfied that development is capable of achieving net zero emissions from energy use prior to commencing use through achievement of:
 - (a) For retail uses (base building only):
 - i. Minimum 5 Star NABERS Energy Commitment Agreement , or
 - ii. certified Green Star Buildings rating with “exceptional performance” in Credit 22: Energy Use (or equivalent); or
 - iii. a maximum of 45 kWh/yr/m² of GFA;and renewable energy procurement equivalent to “net zero emissions from ~~energy~~ electricity use”.
 - (b) For office uses over 1,000 square metres Net Lettable Area (base building only):
 - i. Minimum 5.5 Star NABERS Energy Commitment Agreement + 25%; or

- ii. certified Green Star Buildings rating with “exceptional performance” in Credit 22: Energy Use (or equivalent); or
 - iii. a maximum of 45 kWh/yr/m² of GFA;
- and renewable energy procurement equivalent to “net zero emissions from ~~energy~~ electricity use”
- (3) In this sub-section:
- (a) net zero emissions from ~~energy~~ electricity use means the development consumes no more total energy, ~~including electricity, natural gas and thermal energy~~, other than is provided by:
 - i. renewable energy generated on-site; and/or
 - ii. renewable energy sourced/procured from off-site sources for a period of at least 5 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.~~
 - (b) renewable energy procured from off-site sources may be demonstrated by GreenPower certified power plans, power purchase agreements with renewable energy generators or retiring large-scale generation certificates, ~~with an appropriate provision to oversupply to offset total forecast non-electrical energy use (including natural gas).~~
- (4) The development is to include the following environmental performance and features:
- (a) in multi-tenant or strata-subdivided developments, electricity sub-metering for lighting, air-conditioning and power within each tenancy or strata unit. Locations are to be identified on the development plans;
 - (b) electricity sub-metering for significant end uses that will consume more than 10,000 kWh/annum; and
 - (c) for plant and equipment, the use of only natural refrigerants with a low global warming potential where suitable systems are available.
- (5) Design, performance and features are to be referenced in City of Sydney Design for Environmental Performance Template submitted with the detailed development application.
- (6) Development for retail premises must be capable of achieving a 3.5 Star NABERS Water rating, as demonstrated with a third party verification statement.
- (7) Development for office premises [over 1,000 square metres Net Lettable Area] must be capable of achieving a 4 Star NABERS Water rating, as demonstrated with a third party verification statement.
- (8) Parking spaces are to be equipped with electric vehicle charging infrastructure as follows:
- (a) power supply and distribution boards for electric vehicle charging in accordance with Section J9D4 ‘Facilities for electric vehicle charging equipment’ in NCC 2022 Volume One – Building Code of Australia.
 - (b) all car spaces are to be located within 10 metres of a cable tray sized to accommodate cabling for 100% of spaces it serves and terminates at the closest electric vehicle distribution board;
 - (c) 10% of worker car spaces are to be fitted with a Level 2 charger or higher;
 - (d) 25% of retail customer car spaces are to be fitted a three phase Level 2 electric vehicle charger at 22 kilowatts or higher; and
 - (e) at least two (2) Level 3 or Level 4 rapid chargers publicly accessible ~~during supermarket or retail and commercial operating hours (whichever is the greater)~~ 24 hours a day, with at least one charger using the Combined Charging System (CCS) standard and the other preferably using a different standard.
- (9) Electric vehicle chargers required in accordance with (6) (c)-(e) are to be retained in common property ownership, be individually metered, equipped with an Open Charge Point Protocol compatible payment system and supplied by renewable energy through a GreenPower power plan, renewable power purchase agreement or similar for a period of at least 5 years.
- (10) 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.

6.3.X.11 Circular economy and waste management

Objectives

- (a) Embed circular economy principles within the design, build and operation of the development.
- (b) Minimise the generation of waste and to maximise resource recovery.
- (c) Enable safe and efficient collection and collection of waste and recycling materials.

Provisions

- (1) Any development application is to demonstrate best practice site-wide resource recovery for operational waste and recycling systems.
- (2) Any supermarket development is to submit an operational waste management plan that, at minimum:
 - (a) Establishes targets that match or exceed the NSW government targets, including:
 - i. more than 50% recovery of food organics;
 - ii. 80% resource recovery rate from all waste streams; and
 - iii. Australia's 2025 National Packaging Targets.
 - (b) Specifies design and operational measures required to meet targets.
 - (c) Commits to attaining Green Star Performance with "exceptional performance" under Responsible Resource Management.
 - (d) Specifies how the development embeds core circular economy principles, including:
 - i. designing out waste and pollution;
 - ii. keeping products and materials in use; and
 - iii. regenerating natural systems.
 - (e) Specifies strategies and actions to encourage public recycling for 'return and earn' containers and small household problem waste such as batteries, light bulbs, mobile phones and small electronics.

6.3.X.12 Contamination

Objectives

- (a) Ensure development addresses any on site contamination.

Provisions

- (1) In accordance with *State Environmental Planning Policy (Resilience and Hazards) 2021*, a detailed contamination study and remediation strategy is required for any development to demonstrate that potential contaminants on the site can be reduced to a level appropriate for the proposed land use(s).
- (2) Any dedication of land to Council is required to secure an appropriate remediation outcome that is endorsed by Council to confirm the land is fit for purpose.

Appendix B – DCP Maps

Proposed mapping amendments to Sydney DCP 2012 map tiles



Sydney Development Control Plan 2012

Height in storeys map
Sheet 017

Legend

- 5 Storeys
- 7 Storeys
- Land excluded from this DCP

Scale: 1:5,000 @A3

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Drawing Title: Sydney Development Control Plan 2012
Drawing Description: Height in storeys map
Drawing Status: Final



Sydney Development Control Plan 2012

Building setback and alignment map
Sheet 017

Legend

- 3m Landscape setback
- G1-7m Landscape setback
- Dedication - Roads and Maritime Services
- Land excluded from this DCP

Scale: 1:5,000 @A3

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