



## Gateway Determination

**Planning proposal (Department Ref: PP\_2021\_3265):** *Redevelopment of Waterloo Estate (South) to facilitate the renewal of the social housing site under the NSW Government's Communities Plus scheme*

I, the Minister for Planning and Public Spaces, have determined under section 3.34(2) of the *Environmental Planning and Assessment Act 1979* (the Act) that an amendment to the Sydney Local Environmental Plan (LEP) 2012 to facilitate the redevelopment of Waterloo Estate (South) should proceed subject to the following conditions:

1. The planning proposal is to be updated to:
  - a) Prepare the technical reports in Table 1 and make alterations to the planning proposal in response, and
  - b) Modify the planning proposal as detailed in Table 2
2. Prior to community consultation, consultation is required with the following public authorities:
  - City of Sydney Council
  - NSW Land and Housing Corporation
3. Prior to community consultation, the planning proposal is to be revised to address conditions 1 and 2 and forwarded to the Department for review and approval to ensure consistency with relevant gateway conditions.
4. Public exhibition is required under section 3.34(2)(c) and schedule 1 clause 4 of the Act as follows:
  - (a) the planning proposal must be made publicly available for a minimum of 42 days; and
  - (b) the planning proposal authority must comply with the notice requirements for public exhibition of planning proposals and the specifications for material that must be made publicly available along with planning proposals as identified in section 6.5.2 of *A guide to preparing local environmental plans* (Department of Planning and Environment, 2018).
5. Consultation is required with the following public authorities/organisations under section 3.34(2)(d) of the Act and/or to comply with the requirements of relevant section 9.1 Directions:
  - NSW Environment, Energy and Science;

- Heritage NSW;
- Transport for NSW;
- NSW Environment Protection Authority;
- Sydney Trains and Sydney Metro;
- Civil Aviation Safety Authority;
- Sydney Water;
- Utilities providers including Ausgrid and Jemena;
- NSW Aboriginal Housing Office;
- Aboriginal Affairs NSW;
- Department of Education;
- Sydney Local Health District; and
- Department of Communities and Justice

Each public authority/organisation is to be provided with a copy of the planning proposal and any relevant supporting material and given at least 42 days to comment on the proposal.

6. Given the nature of the proposal, the Principal Planning Authority, Council should not be authorised to be the local plan-making authority.
7. The time frame for completing the LEP is to be **12 months** following the date of the Gateway determination.

Dated the *23rd* day of June 2021.



**The Hon. Rob Stokes MP**  
**Minister for Planning and Public Spaces**

**Table 1: Additional Technical Documentation to be Prepared and Considered**

	Study	Addendum Reports
	Independent Advisory Group (IAG) efficiency testing	<p>The efficiencies applied in the IAG feasibility modelling for the redevelopment of the LAHC land requires further testing, as noted at Part 6.5 of the IAG report. This analysis is to determine:</p> <ol style="list-style-type: none"> <li>i. how the sellable floorspace relied upon by the IAG per <b>Table 10</b> of the Gateway report is best reflected in the FSR controls, and</li> <li>ii. how the 80% construction efficiency relied upon by the IAG for the residential development (net sellable area to development floorspace) in the feasibility model can be achieved by the proposed planning controls.</li> </ol> <p>The results of the analysis is to be exhibited concurrently with the planning proposal to assist the community and stakeholders in commenting on the revised planning proposal.</p>
2.	Urban Design	<p>Provide an addendum assessment that responds to the amended proposal and additional technical reports. This should address, but not be limited to:</p> <ul style="list-style-type: none"> <li>• Converting the net sellable area to a gross floor area using the perimeter block typology in the Design Guide,</li> <li>• Ensure the required sellable residential floorspace can be achieved in the planning proposal, as per the Waterloo IAG financial feasibility planning metrics,</li> <li>• Compliance with SEPP 65 and the Apartment Design Guide,</li> <li>• Updated overshadowing diagrams for the revised scheme,</li> <li>• Additional drawings on built form on steep sites with cross falls, and</li> <li>• Address the recommendations of updated technical studies.</li> </ul>
5.	Transport	An updated transport assessment of the proposed road network.
6.	Housing	A financial feasibility assessment of the impact of the 9% affordable housing levy on the private lands in accordance with Department guidelines for affordable housing schemes under SEPP No.70.
10.	Climate Change Mitigation and Adaptation	An addendum report to address storm events and flooding with the amended proposal.
11.	Heritage	An addendum report to address the amended proposals building envelopes and relationships to heritage. Address Ministerial Direction 2.3.
14.	Urban Forest	An addendum to address the Council concept, including opportunities to retain additional canopy trees.
17.	Water Quality, Flooding and Stormwater	A new report to address stormwater management and flooding from overland flow with the amended proposal. Address Ministerial Direction 4.3.

**Table 1: Additional Technical Documentation to be Prepared and Considered**

19.	Wind	An addendum report to address the amended proposal including the building envelopes recommended by the IAG.
24.	Economic Development, Local Retail and Services	An addendum report to discuss potential impacts of B2 zone on existing and planned centres. Address Ministerial Direction 1.1.

**Table 2 Updates and Modifications to the Planning Proposal Prior to Exhibition**

Planning proposal	Amendments and Updates Required
Zoning Map	<p>Amend the zoning map as follows:</p> <ul style="list-style-type: none"> <li>In consultation with Council and LAHC, consider zoning the land identified for public park to RE1, to provide certainty for the community during the public exhibition process. If there is no agreement reached between Council and LAHC, evidenced by a draft Voluntary Planning Agreement or letter of offer, then maintain the B4 zone.</li> <li>In consultation with Council and LAHC, consider if the proposed B2 zone needs to be modified to address Ministerial Direction 1.1 while ensuring the underlying objective to promote a high street experience along George Street is retained. For example, this may result in the B2 zone being maintained, the B2 zone being amended to only front George Street and Wellington Street, or the B4 zone being reinstated.</li> </ul>
Floor Space Ratio Map	Address Ministerial Direction 3.1 and adopt a base FSR of 2:1 for the LAHC properties or provide detailed justification why an alternate FSR is more appropriate.
LAHC Site Specific FSR Bonus Controls	<p>Modify the Site Specific control to prescribe an FSR bonus that is consistent with the Waterloo IAG's financial feasibility assessment to achieve no cost to government, less the base FSR. This is to take into account the results of the assumption testing recommended in Part 6.5 of the IAG report and any modifications to the Zoning map and Land Reservation and Acquisition map.</p> <p>The FSR bonus is to subsume the 10% floorspace previously proposed through the design excellence process because it is relied upon to deliver affordable housing required by the site specific provisions.</p> <p>Require at least 847 social housing units to replace the existing housing stock.</p> <p>Require 5 to 10% of net additional residential units be developed by a Community Housing Provider (CHP) and/or Aboriginal Community Housing Provider (ACHP) (exact percentage subject to the results of the efficiency analysis noted above).</p>

**Table 2 Updates and Modifications to the Planning Proposal Prior to Exhibition**

	<p>Amend the minimum non-residential development floorspace from 13,000m<sup>2</sup> to 12,000m<sup>2</sup>.</p> <p>Remove the requirement for “<i>the provision of publicly accessible open space has been made, to the satisfaction of Council</i>” as this provides no finality. The planning mechanism to deliver public open space is to be by either zoning of the land RE1 or by a draft Voluntary Planning Agreement. The Planning Proposal Authority is encouraged to consult with Council and LAHC prior to public exhibition to provide certainty for the community.</p>
Height of Building Map	<p>Use the Waterloo IAG storey height map as a guide and set simplified maximum heights above ground on the Height of Building Map, including an allowance for roof top communal facilities and flood levels.</p> <p>Maintain the maximum RL for the 3 proposed towers.</p> <p>Remove the 3m and/or 6m height control that depicts the location of private internal courtyards and apply the adjacent maximum heights.</p> <p>Remove the 3m and/or 6m height control on land to be dedicated for roads or laneways. Prepare a Land Reservation Acquisition Map and address road dedication through a Voluntary Planning Agreement.</p>
Active Street Frontage Map	<p>This map is to be amended to remove land that does not front an existing or proposed public road depicted on the Land Reservation and Acquisition Map.</p>
Retail Premises Map	<p>This map is to be updated as required in response to any alterations to the zoning map.</p>
Land Reservation and Acquisition Map	<p>Land to be dedicated for open space, road widening and/or pedestrian links are required to be identified on a Land Reservation and Acquisition map.</p>
Design Excellence	<p>The planning controls are to require LAHC to participate in the Design Excellence process to promote high quality outcomes. However, this should not entitle LAHC to additional floorspace or height.</p>
Explanation of Provisions	<p>Include a plain English explanation of provisions.</p>
New Affordable Housing Clause and Schedule 7	<p>Update the provisions to be consistent with the results of the additional technical report required on financial feasibility as noted under reports (Study item No.6) above.</p>
Proposed Drafting	<p>Remove proposed drafting which is undertaken at finalisation stage subject to legal advice.</p>
Planning Proposal Report	<p>Update the Report to be consistent with the final planning proposal.</p> <p>Identify the 26 technical studies required by the Department to support the Waterloo rezoning (at May 2017) and explain how the final planning proposal incorporates the recommendations within these studies within the Justification at part 5 of the report.</p>

**Table 2 Updates and Modifications to the Planning Proposal Prior to Exhibition**

Design Guide	Update the Design Guide to be consistent with the final planning proposal, and taking into account the recommendations within the Waterloo IAG report.
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