



Our ref: PP-1/2017

28 April 2021

Ms Laura Locke
Director, Eastern and South Districts
Greater Sydney, Place and Infrastructure
4 Parramatta Square
12 Darcy Street
PARRAMATTA NSW 2150

Dear Ms Locke,

Re: Response to Gateway Determination PP_2019_WAVER_003_00

On 8 July 2020, the Department of Planning, Industry and Environment provided a Conditional Gateway Determination for planning proposal PP_2019_WAVER_003_00, advising Council that 19 matters were to be addressed before the planning proposal could proceed to public exhibition. During this time, the Proponent of the site lodged separate planning proposal for the sites at 97-117 Birrell Street, Waverley, effectively completing the entire urban block. To achieve an improved urban outcome and better protect the heritage significance of the site, a new masterplan was prepared by the Proponent. This new masterplan has also been reflected in the Draft Site-Specific Development Control Plan which has been endorsed by Council for public exhibition.

In response to this determination from the Department, Council has prepared the attached updated planning proposal, with each of the matters addressed as follows:

- a) *Remove the indicative zoning map from the planning proposal to avoid confusion, as the proposal no longer involves any zoning map changes.*

No zoning map changes have been included, only a key sites map has been included with the proposal.

- b) *section 2.1 Draft Development Standards is to be revised to clearly state that the additional permitted uses (that is, seniors housing, community facilities, centre-based child care facility) only apply to the SP2 zoned land and are not "across the site" as these uses are already permissible in the R3 zoned land.*

Section 2.1 *Draft Development Standards* has been revised to reflect the changes requested.



- c) *references to the provision of open space and public access on the site must clearly state that these will be achieved through the site-specific Development Control Plan (DCP) and subsequent development applications, rather than a specific LEP provision or open space zone;*

All references to the provision of open space and public access within the Planning Proposal have been updated to reflect that this will be achieved through the Site Specific Development Control Plan.

- d) *the findings and conclusion of the Phase 1 Environmental Site Assessment regarding site contamination are to be included in the planning proposal*

The above matter has been addressed in the planning proposal in Table 20 Relevant Ministerial Directions.

- e) *the affordable housing provision is to be removed from the planning proposal, as Council currently does not have an endorsed affordable housing contribution scheme*

The affordable housing provision has been removed from the planning proposal.

- f) *the proposed high performance building standard provision is to be revised as an incentive clause, in order to avoid potential inconsistency with clause 8 of State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004;*

The proposed high performance building standard provision has been revised as an incentive clause. In addition, deep soil provision has also been revised as an incentive clause.

- g) *a site-specific DCP is to be prepared and exhibited concurrently with the planning proposal and address such matters as: scale and interface with the surrounding land uses as well as the heritage buildings and gardens within the site, pedestrian access and through-site links, and provision of landscaped open space.*

A site-specific DCP has been prepared which addresses these matters. The site-specific DCP was endorsed by Council on 2 March 2021 to proceed to exhibition and will be exhibited concurrently with the planning proposal.

- h) *further explanation is required to specifically describe how a minimum deep soil area provision will apply to the site, the proposed numerical standard and supporting analysis and justification*

The minimum deep soil provision has been restructured as an incentive provision, and discussion around this is provided in Section 3.2.5 Other Matters.



- i) *justifications are to be provided that the site-specific provisions for minimum deep soil area, design excellence and high performance building standard, as amended by the requirements of this Gateway determination, are, or will be more broadly applied across the LGA to be consistent with section 9.1 Direction – 6.3 Site Specific Provisions*

This matter has been addressed in Table 20 Relevant Ministerial Directions. The site specific provisions are not viewed to be unnecessarily restrictive, and reflect the updated masterplan prepared by the proponents.

- j) *the planning proposal is to be updated to address the new section 9.1 Direction 9.1 Direction – 2.6 Remediation of Contaminated Land*

The above matter has been addressed in the planning proposal in Table 20 Relevant Ministerial Directions.

- k) *the streetscape photomontages on page 60-68 are distorted and are to be replaced; the replacement images are to show the storey line*

Updated streetscape photomontages which provide a variety of perspective views of the massing and storey lines from different locations surrounding the site.

- l) *the shadow diagrams on page 75-80 are to be revised to ensure the shadows are legible*

Revised shadow diagrams from the updated Urban Design Report have been provided which display clearly legible shadows.

- m) *revise Part 5 Community Consultation to reflect the current notification and exhibition arrangements during the COVID-19 pandemic*

Part 5 *Community Consultation* has been revised, based on the current notification and exhibition arrangements during the COVID-19 pandemic.

- n) *include a revised project timeline.*

A revised project timeline has been included in the planning proposal.

The planning proposal has been prepared under Part 3 of the *Environmental Planning and Assessment Act 1979* and in accordance with the requirements set out in the Department's "A guide to preparing local environmental plans" and "A guide to preparing planning proposals". Please find attached the planning proposal and supporting documentation including:

- Proposed Mapping
- Response to request for additional information
- Planning Proposal report



- Urban Design Report
- Statement of Heritage Impact
- Conservation Management Plan (2005)
- Conservation Management Plan (2017)
- Phase 1 Environmental Site Assessment
- Traffic & Transport Impact Assessment
- Landscape Design Statement
- Draft Site-Specific Development Control Plan

It should be noted the original 12 month timeframe for the LEP to be completed from 8 July 2020 will need to be amended. For more information on the proposed alternative timeline, please refer to Part 6 – *Project Timeline* in the planning proposal.

Should you have any questions or require additional information please do not hesitate to contact Patrick Hay, Strategic Planner between the hours of 9.00am and 5.00pm, Monday to Friday, (excluding public holidays) on (02) 9083 8064.

Best regards,

George Bramis
Executive Manager
Urban Planning, Policy and Strategy