

February 2022

A summary of the proposed changes to the planning rules for Waterloo south

Planning rules for how land in an area can be used are set out in the local environment plan (LEP).

The proposed changes to the planning rules for Waterloo south will mean that:

1. the South Sydney LEP 1998 will no longer apply to Waterloo south; and
2. all planning rules for Waterloo south will be included in the Sydney LEP 2012

The following changes would need to be made to the Sydney LEP 2021:

1. include Waterloo south is on the land application map
2. include all land required for roads in Waterloo south on the land reservation acquisition map
3. include Waterloo south on the locality and site identification map
4. amend the land zoning maps to show:
 - a. land on either side of George Street, between Wellington and McEvoy Street as 'B2 Centre' on so that land can be used for shops, business and community
 - b. land between Raglan, George, Wellington and Cope Streets as 'RE1 Public Recreation'
 - c. all other land on the site as B4 Mixed Use
5. amend the floor space ratio (FSR) map Sheets 10 and 17 as shown in the planning proposal to show floor space ratios. This is to show the maximum floor space allowed in the following locations:
 - a. FSR of 2.4:1 at 233 Cope Street, Waterloo, being Lot 12 DP 1099410
 - b. FSR of 2.61:1 at 221-223 Cope Street, Waterloo, being Lot 6 DP 10721, Lot 7 DP 10721, Lot 9 DP 10721 and Lot 8 DP 1147179
 - c. FSR of 2.65:1 at 116 Wellington Street, Waterloo, being Lot 10 DP 10721 and Lot 11 DP 10721
 - d. FSR of 2.57:1 at 110 Wellington Street, Waterloo, being Lot 101 DP 1044801
 - e. FSR of 2:1 at 111 Cooper Street, Waterloo, being Lot 15 DP 10721
 - f. FSR of 2:1 at 225-227 Cope Street, Waterloo, being Lot 4 DP 10721 and Lot 5 DP 10721
 - g. FSR of 2:1 at 291 George Street, Waterloo, being Lot 10 DP 1238631

FSR on all other land is shown in Part 6 of the Waterloo south planning proposal

6. show how high buildings are allowed to be on the height of buildings map

Changes to planning rules for Waterloo south



Proposed changes to Sydney LEP 2012 and Sydney LEP 1998

7. show Waterloo south as 'Category A' on the land use and transport integration map. This helps to manage how much car parking space there is for homes, and traffic
8. show Waterloo south as "Category D" in the public transport accessibility level map. This will help manage the amount of car parking for businesses, and traffic.
9. show heritage items on the heritage map
10. show land as 'Class 5' on the acid sulfate soils map. This indicates that the land may contain acid sulfate soils and will need to be considered when assessing new development.
11. show shops and businesses on the active street frontages map.
12. The area outside the B2 zoned land fronting George Street is to be identified on the Special Character Areas and Retail Map, other than land fronting George Street as "Restricted Retail Development". This will promote the economic strength of Green Square by limiting large-scale retail development elsewhere except in specifically identified areas, including the B2 zoned land fronting George Street.
13. amend the State Environmental Planning Policy (Affordable Rental Housing) 2009 so no additional floor space bonuses can apply to Waterloo south
14. include specific rules for LAHC owned land in Waterloo south:
 - a. so that:
 - development is managed well
 - there is a mix of social housing, affordable and private homes
 - development is of high environmental performance
 - community facilities are provided to support the growing number of people living in the area
 - there is a local centre with shops and services for the community
 - b. to show the land that these specific rules apply to as 'Waterloo Estate South – Area 1' on the locality and site identification map
 - c. clause 7.13 that requires a contribution to affordable housing, does not apply
 - d. at least 12,000 square metres of floor space is for non-residential use such as shops
 - e. at least 5,000 square metres of floor space is used for community facilities, health facilities and centre-based child care facilities
 - f. ensure that a building that achieves design excellence under Clause 6.21 of the Sydney LEP 2012 is only eligible for additional FSR, and not additional building height
 - g. the definition for social housing is the same as it is in Residential Tenancies Act 2010
 - h. the definition for affordable housing is the same as it is in the Environmental Planning and Assessment Act 1979. This means that affordable housing will be owned and managed by a registered community housing provider (within the meaning of the Housing Act 2001)
 - i. floor space for community facilities can only be used for community facilities needed in Waterloo south

Proposed changes to Sydney LEP 2012 and Sydney LEP 1998

- j. areas mapped on the Active Street Frontages Map, all premises that face the street on the ground floor of buildings, will be used for the purposes of business premises, retail premises, community facilities, health facilities, and centre-based child care facilities
 - k. the objectives and provisions of the Waterloo Estate (South) Design Guide are taken into consideration for any future development
 - l. allow rooftop solar panels to be higher than the maximum building height, if there are no visual and amenity impacts
15. apply a specific rules for land in Waterloo south not currently owned by LAHC. The rule will
 - a. require a contribution to help provide affordable housing, in addition what is needed in Clause 7.13. This will take into account additional floor space included in the planning proposal
 - b. identify the land that these rules apply to as
 - 233 Cope Street, Waterloo, being Lot 12 DP 1099410
 - 111 Cooper Street, Waterloo, being Lot 15 DP 10721
 - 225-227 Cope Street, Waterloo, being Lot 4 DP 10721 and Lot 5 DP 1072
 - 221-223 Cope Street, Waterloo, being Lot 6 DP 10721, Lot 7 DP 10721, Lot 9 DP 10721 and Lot 8 DP 1147179
 - 116 Wellington Street, Waterloo, being Lot 10 DP 10721 and Lot 11 DP 10721
 - 110 Wellington Street, Waterloo, being Lot 101 DP 1044801
 - 291 George Street, Waterloo, being Lot 10 DP 1238631
 - c. ensure that a building demonstrating design excellence in accordance with Clause 6.21 of the Sydney LEP 2012 is only eligible for additional FSR, and not additional height
 - d. ensure that the objectives and provisions of the Waterloo Estate (South) Design Guide are taken into consideration for any new development.
16. include a schedule to show land that increases floor space. This is so the contribution applied for existing floor area can be different to what is applied for floor space created by the planning proposal. This will ensure:
 - a. an affordable housing contribution will need to be made for land that increases floor space where the land is being used for:
 - i. a new building over 200 square metres
 - ii. additions to an existing building resulting in more than 200 square metres of new residential floor area
 - iii. additions to an existing building resulting in more than 60 square metres of new non-residential floor area,
 - iv. a change of use of existing floor area from a non-residential use to residential use.

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- b. clause 7.13 of the Sydney LEP 2012 only applies to floor space that was available before the planning proposal.
 - c. a contribution can be paid on land in the planning proposal in line with the rate identified on the list
 - d. a contribution is required on planning proposal land as set out in the schedule
 - e. the contribution can be satisfied by:
 - i. a dedication in favour of the council of land comprising one or more homes (each having floor area at least 35 square metres), with any remainder being paid in money to council, or
 - ii. paying money to council.
 - f. money paid is in line with the rate provided in the City of Sydney Affordable Housing Program, adopted by Council 24 August 2020
 - g. a contribution is required for all development, whether it existed before, or came after the commencement of the clause
 - h. if a building is demolished or what it is used for changes the contribution will not be refunded
17. create a new 'Schedule 7 – Planning Proposal land' to list land in the planning proposal and the affordable housing contribution rate and:
- a. identify land not belonging to Land and Housing Corporation in the new schedule.
 - b. the total affordable housing contribution requirement will apply to the following sites and rates:
 - i. 233 Cope Street, Waterloo, being Lot 12 DP 1099410:
 - i. 25 per cent of total floor area: 9 per cent contribution, plus
 - ii. 75 per cent of total floor area: Contribution as required under clause 7.13 of Sydney LEP 2012
 - ii. 233 Cope Street, Waterloo, being Lot 12 DP 1099410:
 - i. 25 per cent of total floor area: 9 per cent contribution, plus
 - ii. 75 per cent of total floor area: contribution as required under clause 7.13
 - iii. 221-223 Cope Street, Waterloo, being Lot 6 DP 10721, Lot 7 DP 10721, Lot 9 DP 10721 and Lot 8 DP 1147179:
 - i. 33 per cent of total floor area: 9 per cent contribution, plus
 - ii. 67 per cent of total floor area: Contribution as required under clause 7.13 of Sydney LEP 2012
 - iv. 116 Wellington Street, Waterloo, being Lot 10 DP 10721 and Lot 11 DP 10721:
 - i. 35 per cent of total floor area: 9 per cent contribution, plus
 - ii. 65 per cent of total floor area: Contribution as required under clause 7.13 of Sydney LEP 2012
 - v. 110 Wellington Street, Waterloo, being Lot 101 DP 1044801:

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- i. 34 per cent of total floor area: 9 per cent contribution, plus
- ii. 66 per cent of total floor area: Contribution as required under clause 7.13 of Sydney LEP 2012.

18. amend Schedule 5 Environmental Heritage – Part 1 Heritage Items and the Heritage Map to include:

- 530 George Street, Waterloo (Lot 3 DP 10686)
- 229-231 Cope Street, Waterloo (lot 3, DP 10721)

It is not proposed to remove or add any Heritage items.

Waterloo Estate (South) Design Guide (draft) and draft Sydney DCP 2012

The Waterloo Estate (South) Design Guide provides more detailed requirements for what can be developed on the land.

The Design Guide will apply to the land in a similar way to a development control plan (DCP).

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