

28 April 2026

Our Ref: R//2026/2/A
File No: 2026/196087
Your Ref: SSD-95997711

Chris Eldred
Senior Planning Officer Assessments
Department of Planning, Housing and Infrastructure

Via Major Projects Portal

Dear Chris,

Advice on EIS – Mixed Use Development - 903-921 Bourke St Waterloo – SSD-95997711

Thank you for your correspondence dated 9 April 2026 inviting the City of Sydney Council (the City) to comment on the above application for modifications to the existing consent (D/2021/1415) and concurrent rezoning to increase the provision of apartments from 347 to 580 and other associated changes to building heights and the provision of retail and communal spaces.

The City is committed to supporting the approvals of residential dwellings to contribute to the housing stock, in a manner that achieves high amenity for the proposed development, neighbouring existing developments, and the public domain.

However, the City has significant concerns with the proposed changes to the existing planning controls and the proposed modifications to the existing consent, as they:

- undermine the operation of the executed voluntary planning agreement
- lack clarity on how the existing consent will be modified
- adversely impact on the wind environment of the surrounding public domain, particularly on the future park and the new plazas within the site
- reduce solar access to the future park and the new plazas
- result in unreasonable additional overshadowing to neighbouring properties
- undermines the height relationships with neighbouring developments and with the heritage items on the site
- fail to achieve reasonable amenity to the proposed apartments
- fail to provide a proportional increase in communal spaces and non-residential (commercial and retail) floor space to support the proposed substantial increase in residential density
- delay the delivery of housing supply that was already approved had started on site

It is noted that many of the above issues were also raised by the State Design Review Panel (SDRP) in their meeting on 10 December 2025.

Until the above issues are resolved, the proposed rezoning does not support the delivery of a well-designed precinct that achieves a high standard of amenity necessary to support the proposed increase in residential density, nor does the detailed design proposal demonstrate design excellence in accordance with Clause 6.21C of Sydney LEP 2012.

The City, therefore, strongly objects to the application and raises the following concerns and comments for your consideration.

Rezoning

1 FSR, Clause 6.14, and Voluntary Planning Agreement

The executed Voluntary Planning Agreement (VPA/2016/16) for the site includes a monetary contribution that is intended to go towards community infrastructure in the Green Square Town Centre. The contribution amount is determined by the value of the additional Community Floor Space sought under Clause 6.14 of the LEP, less the attributed value of the dedication and embellishment of land within the subject site for public infrastructure otherwise identified in the VPA. Where the attributed value of the dedication and embellishment of land exceeds the value of the additional Community Floor Space, that amount is then deducted from any Section 7.11 contributions payable.

The proposal seeking to exclude the site from Clause 6.14 of the LEP must not be supported. This is to preserve the proper operation of the executed VPA, as the Community Floor Space allowable under that clause is critical in determining the value of the public benefits and any offset to the Section 7.11 contributions payable.

If the Department is of the mind to support the proposed increase to the maximum FSR, then the maximum must be adjusted down to retain the additional 0.5:1 allowable under Clause 6.14 of the LEP to avoid conflicts with the existing VPA. For example, adjusting the proposed 3.2:1 down to 2.7:1.

2 Affordable Housing Contributions

The City emphasises that the proponent's commitment to provide 12% of any additional floor space exceeding the current maximum FSR of 2:1, or an equivalent financial contribution, must be secured if any uplift is supported to support the delivery of more affordable housing in Green Square, noting the significant shortage of housing for very-low, low- and moderate-income households in the local area.

While it is not explicitly stated, it is assumed that the applicant's affordable housing commitment would be provided as a monetary contribution, which is supported.

Detailed instructions to modify Sydney LEP 2012 and the two conditions of consent that should be imposed to secure the monetary contributions are provided in Attachment A.

3 Traffic Strategy

The original master planning of the Danks Street South precinct, undertaken in 2018 and approved at a maximum density of 2:1 FSR, also involved the City strongly advocating for, and ultimately securing, commitment from Transport for NSW to provide additional bus and train services to serve the public transport needs of the new residents in this area.

The [Green Square and Waterloo Transport Action Plan – Danks Street Background Paper](#) and [associated announcement](#) would provide the relevant background information.

The Department must carefully consider the impact on the road network and public transport capacity caused by the significant density increase proposed for the site, as well as the cumulative impact of the proposed density increase on two other major landholdings in the precinct. This is critical considering:

- the impact that any additional private vehicles would have on congestion in the surrounding road network
- existing public transport serving the precinct was already at capacity and could not serve the future residents of Danks Street South.

4 Wind Comfort

The submitted Wind Report (Appendix 33) and the associated Environmental Wind Conditions Study by MEL Consultants **does not demonstrate** that the proposal appropriately manages wind impacts to ensure all public spaces (including the future park and plazas) and communal and private open spaces achieve an acceptable wind environment.

The Environmental Wind Conditions Study fails to recommend any comfort criteria for the substantial quantum of public spaces around the proposed buildings, including the future park and the plazas. The study's recommendation and justifications for outdoor terraces and balconies to achieve only a 'walking' comfort criterion are also inappropriate. Furthermore, Table A2 of the submitted Wind Report fails to assist in confirming that each location achieves the relevant recommended criteria, providing only a check against the 'walking' comfort criteria.

The City emphasises that any increase in density must be supported by a high-amenity public domain, and the development itself must provide communal and private open spaces that support high residential amenity.

Consistent with the SDRP's advice that wind mitigation should be prioritised as a key driver of the design, the proposal must be amended, prioritising mitigation strategies through urban design and massing amendments, to address the following:

- the future park, other non-active public spaces in the plazas, and any potential outdoor dining areas must achieve the 'sitting' comfort criteria as per Section 5.9.4.15(2) of Sydney DCP 2012
- streets and other active use areas of public spaces must achieve the 'walking' comfort criterion, or better, as per Section 5.9.4.15(1) and (3)
- all communal and private open spaces, including rooftops, top of podiums and on the ground floor, must also be provided to demonstrate compliance with a criterion that is appropriate for the function of the space. For instance, circulation spaces where residents may linger should achieve the 'standing' comfort criteria, while spaces designed for longer duration seating or similar must achieve the 'sitting' comfort criteria
- all relevant criteria must be achieved without relying on the proposed, and yet to be approved, development of SSD-80441462 at 881-885 Bourke Street.

An updated wind report, supported by wind tunnel testing, must then be provided to clearly identify all necessary mitigation strategies, and confirm that the strategies have been implemented in the amended proposal.

5 Solar Amenity

The City maintains that any increase in density must be designed to avoid overshadowing neighbouring residential developments, particularly any that do not currently achieve at least 2 hours of direct sunlight in mid-winter and maintain solar access to all future publicly accessible areas, including the future park and the plazas.

This position is reinforced by the SDRP's that the future park and proposed public domain should achieve improved solar access to accommodate increased population use.

Inadequate Analysis

The submitted overshadowing analysis is insufficient in detail to clearly identify the impact of the proposal and empirically demonstrate that the recommended level of solar access is provided to the proposed apartments, existing neighbouring apartments, and the surrounding public domains. This is due to the significant margin of error (+/- 59 minutes) presented in both the sun's eye diagrams at hourly intervals and the solar insulation diagrams with a scale bar at hourly steps, and the density of the area makes the analysis of solar access complex and challenging.

The submitted overshadowing analysis also incorrectly presents the proposed development of SSD-80441462 at 881-885 Bourke Street as an approved development. However, the only valid consent for that site is the concept approval D/2020/45, which has significantly less bulk and height (and resultant overshadowing impacts).

An updated analysis is therefore necessary to be prepared:

- at an interval no more than 5 minutes
- include the approved detailed design for the subject site and the approved concept envelope for 881-885 Bourke Street as the base case scenario
- include the subject proposal in different transparent colours to allow the individual and cumulative impacts of the proposed buildings to be clearly identified.

In addition, impacts to all neighbouring residential developments must be documented in accordance with the City's *Minimising Overshadowing of Neighbouring Apartments*, including the use of the spreadsheets. The spreadsheets should document the impacts at an interval no more than 5 minutes and provide a comparison between the approved and proposed scenarios as detailed in the paragraph above.

Future Park

The submitted solar analysis (Appendix 9E) states that the proposal will not result in additional overshadowing to the future park, and that 46% of the park would achieve 4-5+ hours of direct sunlight. However, this is contrary to the solar analysis submitted for SSD-80441462, also prepared by Bates Smart, that identifies 52% of the future park can achieve 4-5+ hours of direct sunlight.

Clarifications are required to understand the discrepancies between the 2 analyses, and where necessary. **The application must be amended to ensure that at least 50% of the future park will achieve at least 4 hours of direct sunlight** in accordance with Section 3.1.4 of Sydney DCP 2012.

Young Street Park

The submitted solar analysis demonstrates that the Young Street Park will not achieve the 4 hours of direct sunlight recommended by Section 3.1.4 of Sydney DCP 2012. While the analysis states that the massing of Young Street North has been to maintain equivalent solar access to the park, the submitted sun's eye diagrams suggest additional impacts between 9.15am and 9.45am. **Clarifications are required to confirm that there are no additional overshadowing impacts to the Young Street Park.**

Note: The submitted solar analysis also demonstrates that SSD-80441462 at 881-885 Bourke Street will result in additional overshadowing to the Young Street Park, and should be a consideration in the assessment of SSD-80441462.

Neighbouring Properties

The submitted solar analysis identifies **additional overshadowing** to 8 apartments at 830-840 Bourke Street and 2 apartments at 1-9 Lachlan Street. **Such impacts could be completely avoided by limiting the height of the 2 towers onsite sufficient to maintain solar access.**

It is also noted that no analysis has been provided to understand the impacts on the following properties:

- 1-5 Hunter Street & 7-11 Hunter Street
- 10-20 McEvoy Street
- Apartments on the west elevation of 830-840 Bourke Street
- 3 Sam Sing Street
- 11A Lachlan Street.

6 Heritage Impacts

The proposed height increases to the Tower Building, Plaza Building and Bourke Street North result in uncomfortable spatial relationships to the Valve House and the proposed plaza. Similarly, the increased wall heights of Young Street South and Bourke Street South also diminish their relationship with the Pump House.

The wall height of the Plaza Building, Young Street South and Bourke Street South must be maintained to preserve the spatial relationships with the heritage items.

The spatial relationship between the Tower and Plaza Buildings must be managed through greater separation between them in accordance with the SDRP's advice, instead of increasing the height of the Plaza Building.

Detailed Design

7 Residential Amenity

The City maintains that **any increase in density must be designed to maintain appropriate amenity to all proposed apartments** and supports the SDRP's advice that ADG compliance should be demonstrated on a building-by-building basis to ensure any proposed uplift delivers apartments of a high standard.

Solar Access

The submitted sun's eye diagrams do not support the level of solar access suggested in the solar analysis for each building. Furthermore, 'co-living units' have been strategically located in areas of buildings that achieve limited solar access and excluded them to achieve a better numerical compliance with the ADG. For instance:

- Apartments G01, 101, 201 and 301, and at least 10 of the 12 'co-living units', in Young Street North cannot achieve 2 hours of solar access. This suggests that less than 60% of the apartments would achieve 2 hours.
- Apartments 101-201 and 303-603 in the Plaza Building do not appear to achieve 2 hours of solar access. This suggests that only 33% of apartments would achieve 2 hours.
- Apartments 601-1101, 1302-2502 and 2701-3101 in the Tower Building do not appear to achieve 2 hours of solar access. This suggests that together with the Plaza Building, less than 70% of apartments would achieve 2 hours, instead of 81.7% as currently claimed.
- Apartments 103-203 and 402-2402 in Bourke Street North do not appear to achieve 2 hours of solar access. This suggests that only 57% of apartments would achieve 2 hours.
- Apartments 401, 101-201, 102-202, 401, 501-1001, 202-1002 and 108-208, and all 'co-living units' in Bourke Street South, do not appear to achieve 2 hours of solar access. This suggests that only 42.8% of apartments would achieve 2 hours.

The proposal must be amended to achieve compliance with the Apartment Design Guide, demonstrated by a more fine-grained solar analysis as requested.

Natural Cross Ventilation

The proposal has included all apartments relying on plenums as achieving natural cross ventilation. 'Co-living units' have again been strategically located in areas of buildings with a single aspect and excluded them to achieve a better numerical compliance with the ADG. For instance:

- Only 8 apartments in Bourke Street South, and only 35 apartments in Bourke Street North, achieve natural cross ventilation. This suggests that only approximately 28.6% and 47.9% of all apartments that are relying on plenums, respectively, achieve natural cross ventilation.
- Only approximately 60% of all apartments that are not relying on plenums in Young Street North achieve natural cross ventilation.
- Less than 50% of apartments in the first 9 levels of the Tower Building would achieve natural cross ventilation.

The proposal must be amended to improve natural cross ventilation, ensuring that at least 60% of all apartments that are not relying on plenums achieve natural cross ventilation.

Acoustic

The noise mapping contained in the submitted Acoustic Noise & Vibration Impact Assessment (Appendix 16) omits contextual buildings that would affect the noise environment of the area. Plenums have also been omitted in the architectural drawings despite them being recommended by the noise mapping.

Updated noise mapping is required to accurately establish the noise environment for the proposal and identify the appropriate plenum types for each facade. All architectural drawings must then be amended to incorporate the recommendations of the updated noise mapping.

Where co-living development is proposed on a noise-affected facade, plenums or alternative design measures must be provided to ensure they can achieve natural ventilation while achieving the relevant noise criteria.

Building Separation

The separation between the Tower and Plaza Buildings should be increased in accordance with the SDRP's advice. This is to improve solar access to the Plaza Building and the residential amenity of all apartments along that interface in terms of solar access, outlook, and visual and acoustic privacy.

8 Provision of 'Co-Living Units'

There is concern that the proposed 'co-living units' are not genuine co-living development pursuant to Chapter 3 Part 3 of the Housing SEPP, but an attempt to circumvent the relevant considerations of the Apartment Design Guide to provide apartments with very limited amenities.

This is because, as a co-living development, many of the communal spaces will not achieve the required 3 hours of solar access, and many of the apartments would exceed the maximum room size of 25m². There is also no Plan of Management, information on where the building manager will be housed, noting that all communal spaces appear to be shared with the 'typical' market housing, nor further consideration of subdivision, ongoing building management, and compliance with the different NCC requirements.

If the 'co-living units' are not assessed as co-living development, they are currently strategically located in areas of buildings with the poorest amenities. They receive limited solar access, being single-aspect, and most often affected by road noise with no provision of a plenum or alternative design solution to allow for natural ventilation while achieving the relevant noise criteria, particularly at nighttime.

The introduction of 'co-living units' must not be allowed to mask the amenity deficiencies arising from the proposed significant increase in residential density. The provision of any 'co-living units' must be a genuine attempt to provide diverse housing options. They should be designed in accordance with the Housing SEPP and appropriately co-located to ensure ease of management and ownership structure and avoid regulatory ambiguity.

9 Provision of Non-residential Uses

Despite the proposed significant increase in residential density, the proposal reduces the provision of non-residential floor space. This limits the opportunity for ground floor activation and the quantum of non-residential floor space necessary to support the proposed density. This is also contrary to the SDRP's advice.

The quantum of non-residential floor space must be increased significantly and proportionally to any proposed increase in residential density. The provision of non-residential floor space should follow the SDRP's advice, being in the Bourke Street buildings and the Tower Building, where the proposed apartments currently achieve limited amenities and in the Young Street South to avoid dead zones along the Pump House.

All ground floor non-residential floor spaces must provide a positive and legible interface between the buildings and the public spaces to achieve genuine activation.

10 Provision of Communal Spaces

The provision of diverse communal spaces, both indoor and outdoor, is positive and should be retained. However, the quantum of community spaces must be increased substantially to support the proposed increase in residential density. We question the accuracy of the communal space calculation. This is significantly inadequate to support the proposed 233 additional apartments.

11 Total Floor Area

Total Floor Area must be calculated in accordance with the definition contained under Clause 7.13 of the LEP.

It is noted that all indoor communal spaces have been excluded from the current calculations. These spaces are associated with the proposed residential accommodation, for the exclusive use of the residents of the buildings. They are therefore not intended as 'community facility' for the public and cannot be excluded from Total Floor Area.

12 Architectural Design Quality

Passive shading must be provided to ensure high residential amenity, particularly to any exposed facades facing north and west to address extreme summer sun exposure. It is noted that previously approved external sunshades have been removed from the west elevation of Bourke Street North, and inadequate passive shading is proposed for the Tower Building.

The selection of architects is supported, and the architectural quality of the approved development is secured through multiple conditions. As they were originally selected through the City's design excellence process, a condition requiring their ongoing involvement, similar to the City of Sydney DEX condition, should be used. Many of other conditions have also been satisfied, including the materials and finishes, hit-and-miss brick treatment and other design details. Clarifications are required on how the existing approved materials will interact with the current proposal.

13 Landscape Design

General Requirements

The proposal must be amended to increase canopy cover across the site, to achieve 15% as per Section 3.5.2 of Sydney DCP 2012. This would require additional medium to large trees to be provided at ground level, within communal open spaces, and across roof terraces. This includes the landscaped area between Young Street North and Young Street South. The proposed tree locations should also be coordinated with trees within the public domain of surrounding streets to ensure all trees have sufficient space for future growth.

The layout and design of all planters, including any planting on structure, must be reviewed to ensure they can support adequate clearance (excluding mulch and drainage layers), soil volume and soil depth in accordance with Objection 4P of the Apartment Design Guide and the City of Sydney Landscape Code Volume 2. This includes the planter along the Tower Building's east elevation.

The landscape design must ensure all proposed trees and quantities are clearly identified, with canopy trees clearly distinguished from understorey and shrub planting. The planting schedule should be amended with consideration of the City's Tree Species List, including mature size, suitability, reliability, and recommended use. It is noted that *Banksia integrifolia*, *Banksia serrata*, *Melaleuca quinquenervia*, and *Rhapis excelsa* are identified in the Tree Species List for "limited use" and should be substituted. Palm species should also be avoided and would only be supported in constrained locations where canopy trees are not feasible. For instance, the ground floor planter at the eastern end of the path between the Tower and Plaza buildings should be increased in size to accommodate a canopy tree.

Additional Design Considerations

The 'landscape turrets' proposed on the east elevation of Bourke Street North are intended to form part of a 'Birds & Bee Highway', which forms part of the Connection to Country strategies. However, the turrets have limited maintenance access and are too small (the majority less than 300mm wide) to contain any substantial soil mass for longevity of planting. The design of the turrets must be reviewed and amended.

Additional details are required for the proposed 'Intergenerational Play Space' (southwestern corner of Bourke Street North) to demonstrate how meaningful play can be supported as intended in the Connecting with Country report, despite the limited width of the area.

The terraces on levels 26, 28 and 29 of Bourke Street North; levels 7 of Young Street North, and level 36 of the Tower Building should be provided with shading structures to ensure their usability. The design of the level 36 terrace of the Tower Building should also be reviewed, as the current design results in a layout dominated by 1m wide pathways.

The design of the western approach to the residential lobbies of the Tower and Plaza buildings splits the north-south through-site link into two parallel paths, which is a poor outcome. The design of this area should be reviewed. Ideally, a consistent width along the north-south link should be maintained, and desire lines between the lobby and the northwest should be considered.

The deep soil zone between Young Street North and the Tower Building is to incorporate permeable paving and additional tree planting as per Condition (109) of the existing consent. Full specifications of the proposed permeable paving must be clearly documented in the landscape design.

14 ESD Commitments

The proposal must be amended to achieve a BASIX Water score of at least 45 points, which requires an improvement from the proposed 42 points. This is to maintain the same level of commitment set for the preceding competitive design processes and the existing consent.

The proposal should also improve the current BASIX Energy scores to maintain the same level of commitment as a BASIX Energy score of at least 40 points set for the preceding competitive design processes. This should be achieved following the SDRP's advice to *"increase the extent of photovoltaic panels combined with planting to maximise renewable energy generation and contribute to urban greening"*.

The proposal must also commit to full electrification for all buildings, not just the Bourke Street South, Young Street South, and Young Street North buildings. This is consistent with Amendment 8A of Sydney DCP 2012 - Policy and housekeeping amendments (approved by Council and CSPC in June 2025).

15 Contamination

The submitted Contamination Cover Letter (Appendix 13A) states that the proposed site remediation and validation works have been detailed in the Remediation Action Plan (Appendix 13B) and the Remedial Work Plan (Appendix 13D), and the Remedial Work Plan has been approved by a NSW EPA Accredited Auditor. However, the Remedial Work Plan does not reference the current proposal and does not consider the additional proposed basements, nor the additional management measures identified in the Contamination Cover Letter.

A NSW EPA accredited site auditor must provide an interim site auditor letter to confirm the suitability of the Remedial Work Plan and any necessary Long Term Environmental Management Plan, to support the proposed additional basements. This may require the Remedial Work Plan to be updated.

16 Flood Management

Updated Assessments

The flood impact assessment attached to the Flood Statement (Appendix 23) is based on the 2014 Alexandra Canal flood model. The City updated the Alexandra Canal flood model in 2019 considering the AR&R 2016 guidelines.

An updated flood impact assessment using the updated 2019 model is required, and with consideration of the impacts of climate change using the latest version of AR&R guidelines version 4.2. The updated assessment must:

- identify the flood risk in existing and post-development scenarios for the full range of events, up to and including PMF, based on duration of flooding, depth and velocity, flood warning and evacuation time, period of isolation, frequency of inundation, and flood hazards.
- include flood mapping showing flood behaviour (flow depth & velocity), flood hazard (H1 to H6), and flood effects around the building in various events.
- assess the risks and corresponding impacts due to increased rainfall intensities within the site and surrounding areas and demonstrate that proposed FPLs take into account the corresponding uplift in flood levels due to climate change.
- assess risk and corresponding impact on existing developments, particularly basement carparks in the surrounding area as the post-development scenario would likely result in newly flooded areas in the surrounding areas;
- include an updated compliance table and corresponding plans, similar to Table 17 and Figures 1-5 of the Flood Statement, to demonstrate compliance with the City's requirements.

Note: Changes to the finished floor levels of buildings may also require changes to public domain levels and other associated civil works.

Emergency Management

The Flood Statement recommends a shelter-in-place and emergency strategy but does not include such a strategy for review. As the post-development scenario would likely see the site surrounded by flood waters, and Young Street would

become a major flow path in 1% AEP, with the flow depth increasing significantly in PMF, access to the site would be restricted and likely to affect emergency management.

A detailed flood emergency response plan (FERP) should be prepared for individual buildings in accordance with requirements in the NSW Flood Risk Management Guideline:

- EM01 Support for Emergency Management Planning
- FB01 Understanding and Managing flood and
- NSW Shelter-in-place guidelines.

The FERP should address all emergency management issues associated with the full range of events, up to PMF, and address secondary risks such as medical emergencies, building fires, health and wellbeing.

17 Stormwater Management

The submitted Stormwater Concept Plan (Appendix 21) does not clearly demonstrate how it integrates with the already approved development and associated civil works onsite. Further details and clarifications are required.

18 Transport and Access

The provision of car parking and associated facilities needs to have consideration of Amendment 4 of Sydney DCP 2012 - Policy and housekeeping amendments, including the provision of electric vehicle charging equipment in accordance with Section J9D4 of the NCC, and the provision of accessible parking spaces.

The provision of bicycle parking spaces and end of trip facilities should also be reviewed to ensure compliance with Amendment 4 of Sydney DCP 2012 - Policy and housekeeping amendments.

19 Public Art

The proposal will increase the total cost of construction, and the public art budget should be increased proportionally. Consistent with the existing consent, the public art budget should be maintained as 1% of the updated total cost of construction. An amended public art strategy should be provided to nominate an updated public art budget and confirm the public art projects proposed for the site.

20 Waste Management

The submitted Operational Waste Management Plan (Appendix 19) should be updated to consistently reference the building cores and reflect that FOGO cannot be collected via a chute system, so adequate space must be provided on each residential level instead of the basement. The plan also needs to identify clear travel paths to confirm the distance council staff would need to travel between the collection point and bin storage areas.

The existing consent provides a feasible and sound redevelopment option for the site and should be maintained. However, should the Department recommend the application for approval, the City requests the opportunity to review the recommended conditions of consent and provide further comments prior to the application being determined.

Should you wish to speak with a Council officer about the above, please contact Bryan Li, Senior Planner, on 9265 9893 or at bli@cityofsydney.nsw.gov.au.

Yours sincerely,

A handwritten signature in black ink, appearing to be 'GJahn', written over a large, faint circular watermark.

Graham Jahn AM LFRAIA Hon FPIA
Chief Planner / Executive Director
City Planning | Development | Transport

Incl. Attachment A

Attachment A

LEP amendments and conditions to secure affordable housing commitments

The City strongly prefers that the affordable housing contributions be satisfied as an equivalent monetary contribution in accordance with the City of Sydney Affordable Housing Program. The following are recommended to secure the affordable housing contribution set out in the submitted Environmental Impact and Rezoning Statement:

1. As part of the rezoning, insert the site in Schedule 6C of the LEP with the following wording:

Planning Proposal Land	Contribution requirement
Lot XXX, 903-921 Bourke St Waterloo	The total amount of— (a) the contribution applying to the development under clause 7.13, and (b) 9% ¹ of any gross floor area ² of the development that exceeds a floor space ratio of 2:1

¹ Note: the 12% requirement in the Program includes the expected 3% requirement under clause 7.13, that is, 3% applies to all residential floor space in the development and only a 9% contribution applies to the uplift floor space (12% in total on the uplift).

² Note: Planning Proposal: Affordable Housing Review 2024 proposed the removal of the definition for Total Floor Area. It is proposed that Gross Floor Area be used going forward.

2. As part of any development consent, for the purpose of Section 7.13 of the LEP, apply the below condition of consent (standard affordable housing condition) to require a monetary contribution in accordance with the LEP and the Program.

(x) AFFORDABLE HOUSING CONTRIBUTION - GREEN SQUARE - PAYMENT IN LIEU OF FLOOR SPACE CONTRIBUTION - PRIOR TO CONSTRUCTION CERTIFICATE (SYDNEY LEP 2012 CLAUSE 7.13)

The amount of affordable housing floor space calculation is based on “total floor area” (TFA) rather than “gross floor area” used in calculating the FSR of a development - refer Cl. 7.13(6) of LEP.

In Green Square the contribution is calculated on *all* TFA to which the development application applies.

The amount for the monetary contribution is calculated by establishing 1% of the non-resi TFA and 3% of the resi TFA, multiplying both by “equivalent monetary contribution” (EMC) and adding them together. Equivalent monetary contribution is the approximate cost of delivery of affordable units (the \$/sqm rate is provided on the City’s website at: <https://www.cityofsydney.nsw.gov.au/affordable-housing-contributions/city-of-sydney-affordable-housing-program>) and is indexed annually.

Contribution = (1% of non-resi TFA x EMC (\$)) + (3% of resi TFA x EMC (\$)).]

- (a) In accordance with the City of Sydney Affordable Housing Program and prior to the issue of a Construction Certificate, the applicant must provide evidence that a monetary contribution towards the provision of affordable housing has been paid to the City of Sydney Council in accordance with this condition for an affordable housing contribution pursuant to Clause 7.13 of the Sydney LEP 2012.

- (b) The contribution is \$[insert amount] (indexed at [insert date]). This is calculated by establishing the sum of the equivalent monetary contribution \$[insert amount] multiplied by 1% of the total floor area for non-residential development ([insert area]sqm) and the equivalent monetary contribution \$[insert amount] multiplied by 3% of the total floor area for residential development ([insert area]sqm).
- (c) If the contribution is paid after the indexation period in which the consent is granted, being March [insert year] to March [insert year] [planner: insert year of annual range applicable at time of consent], the above contribution will be adjusted according to the Sydney LGA median strata dwelling price ('MDP') using the following formula.
- (d) Contribution payable at Time of Payment = $C \times \text{MDP2} / \text{MDP1}$, where:
 - (i) C is the original total contribution amount payable to the City of Sydney as shown above;
 - (ii) MDP2 is the Median Strata Dwelling Price in Sydney LGA applicable at the time of indexation of the equivalent monetary contribution rate, established by averaging the four most recently published NSW Government Rent and Sales Reports for the current period; and
 - (iii) MDP1 is the Median Strata Dwelling Price in Sydney LGA taken from the NSW Government Rent and Sales Reports used to establish the currently applicable equivalent monetary contribution rate, being March [insert year] to March [insert year] [planner: insert year of annual range as in (c)].

Contact Council's Planning Assessment Unit at planningsystemsadmin@cityofsydney.nsw.gov.au for written confirmation of the amount payable, with indexation as necessary, prior to payment.

Reason

To ensure affordable housing contributions are paid to contribute to the provision of essential affordable rental housing infrastructure.

- (xi) As part of any development consent, for the purpose of Section 7.13B of the LEP, apply also the below condition of consent to require the additional monetary contribution in accordance with the LEP (including Schedule 6C) and the Program.

(x) ADDITIONAL AFFORDABLE HOUSING CONTRIBUTION – PLANNING PROPOSAL LAND - PAYMENT IN LIEU OF FLOOR SPACE CONTRIBUTION - PRIOR TO CONSTRUCTION CERTIFICATE (SYDNEY LEP 2012 CLAUSE 7.13B)

The amount for the monetary contribution is calculated by applying the “additional contribution requirement” (the % rate established in Schedule 6C) to any GFA that exceeds the “base FSR” (set out in Schedule 6C) of the development. It is then multiplied by the “equivalent monetary contribution” (EMC). The EMC is the approximate cost of delivery of affordable units (the \$/sqm rate is provided on the City's website at: <https://www.cityofsydney.nsw.gov.au/affordable-housing-contributions/city-of-sydney-affordable-housing-program>) and is indexed annually.

Additional contribution = EMC (\$) x additional contribution requirement (%) x (GFA of development (sqm) – (base FSR x site area (sqm)))

- (a) In accordance with the City of Sydney Affordable Housing Program and prior to the issue of a Construction Certificate, the applicant must provide evidence that a monetary contribution towards the provision of affordable housing has been paid to the City of Sydney Council in accordance with this condition for an additional affordable housing contribution pursuant to Clause 7.13B of the Sydney LEP 2012.
- (b) The contribution is \$[insert amount] (indexed at [insert date]). This is calculated by multiplying the established equivalent monetary contribution of \$[insert \$/sqm amount] by the contribution rate of 9% by the amount of gross floor area in the development that exceeds a floor space ratio of 2:1, being [insert GFA that exceeds 2:1]sqm.
- (c) If the contribution is paid after the indexation period in which the consent is granted, being March [insert year] to March [insert year] [planner: insert year of annual range applicable at time of consent], the above contribution will be adjusted according to the Sydney LGA median strata dwelling price ('MDP') using the following formula.
- (d) Contribution payable at Time of Payment = $C \times MDP2 / MDP1$, where:
 - (i) C is the original total contribution amount payable to the City of Sydney as shown above;
 - (ii) MDP2 is the Median Strata Dwelling Price in Sydney LGA applicable at the time of indexation of the equivalent monetary contribution rate, established by averaging the four most recently published NSW Government Rent and Sales Reports for the current period; and
 - (iii) MDP1 is the Median Strata Dwelling Price in Sydney LGA taken from the NSW Government Rent and Sales Reports used to establish the currently applicable equivalent monetary contribution rate, being March [insert year] to March [insert year] [planner: insert year of annual range as in (c)].

Contact Council's Planning Assessment Unit at planningsystemsadmin@cityofsydney.nsw.gov.au for written confirmation of the amount payable, with indexation as necessary, prior to payment.

Reason

To ensure development contributions are paid to contribute to the provision of essential affordable rental housing infrastructure.

Should the Department considers allowing the contribution requirements to be satisfied via the delivery of built dwellings, these should be provided in accordance with the requirements of the City's Program, including that:

- Stock to be dedicated to a registered Tier 1 CHP
- Duration – in perpetuity
- Rental model – 30% of income model
- Security of affordable housing use – restriction on title through covenant

The City must be contacted for advice regarding the preparation of any planning agreement for the dedication of affordable housing.

Typical Design Excellence Condition – City of Sydney

(1) DESIGN QUALITY EXCELLENCE

- (a) In order to ensure the design quality excellence of the development is retained to completion:
 - (i) The design architect comprising [insert architects] are to have direct involvement in the design documentation, contract documentation and construction stages of the project including signing off any required certifications at DA, S4.55 applications, Construction Certificate and Occupation Certificate stages;
 - (ii) The design architects are to have full access to the site and are to be authorised by the applicant to respond directly where information or clarification is required in resolving design issues throughout the life of the project;
 - (iii) Evidence of the design architect's commission must be provided to the [insert GANSW] prior to release of the any Construction Certificate.
- (b) The design architect of the project is not to be changed without prior notice and approval of the [insert GANSW].

The Registered Certifier and Principal Certifier must be satisfied that the above matters are complied with prior to the issue of all Construction and Occupation Certificates, in accordance with written confirmation from Council.