

20 August 2021

File No: R/2020/8/B
Our Ref: 2021/371890

Russell Hand
Department of Planning, Industry and Environment
Ket Sites Assessment

Via Planning Portal

Dear Russell,

Response to RtS – Waterloo OSD Southern Precinct – SSD 10439

Thank you for your correspondence dated 5 August 2021 seeking comment on the Response to Submissions (RtS) for the Waterloo OSD Central Precinct. City staff have reviewed the information accompanying the RtS and provide our response at Attachment A.

While the City does not wish to 'object' to the proposal, we raise significant issues beginning with the planning process to date and matters unresolved from the original EIS. We request that the City be provided the opportunity to review and respond to any recommended conditions of consent prior to determination.

You can contact Senior Planner David Zabell on 9288 5842 or at dzabell1@cityofsydney.nsw.gov.au if you wish to discuss any matters raised in this submission.

Yours sincerely



Andrew Rees
Area Planning Manager
City Planning | Development | Transport

Attachment A – Response to RtS

Planning Process

1. The City has previously raised concerns with the uncoordinated approach to the redevelopment of Waterloo OSD, Waterloo social housing and Botany Road precinct. A holistic approach would have allowed for a better understanding and management of traffic impacts, storm and wastewater runoff and treatment, and established a desired future character regarding bulk, scale, architecture, materiality, signage and landscaping.
2. The Waterloo Metro Quarter Design and Amenity Guidelines should have been finalised prior to the lodgement of these applications. However, the planning process for Waterloo OSD appears to endorse placing 'the cart before the horse' with the detailed design applications dictating the final form of the planning controls. This does not provide any certainty to the community, is poor planning practice and erodes community confidence in the planning process. Further, this process raises the perception that DCP level planning controls are being driven by the developer's commercial objectives at the expense of appropriate building design, the amenity of future occupants, and the quality of the public domain.
3. DPIE should therefore treat any proposed changes to the Waterloo Metro Quarter Design and Amenity Guidelines with caution and note further within our response where City staff discourage this to occur.

Misapplication of ADG design criteria and guidance

4. City staff have met with the applicant on several occasions during the assessment of these applications and have raised clear concerns with the responses provided to the Apartment Design Guide (ADG). City staff have drawn the applicant's attention to the "How to use this guide" section, which states that:
5. *The key to working with Parts 3 and 4 is that a development needs to demonstrate how it meets the objective and design criteria. The design criteria set a clear measurable benchmark for how the objective can be practically achieved. If it is not possible to satisfy the design criteria, applications must demonstrate what other design responses are used to achieve the objective and the design guidance can be used to assist in this.*
6. Unfortunately, the applicant up until this point, has failed to follow this approach in the design and assessment of their application with particular regard to measuring solar access, natural cross ventilation, natural ventilation and visual privacy. City staff have addressed each under relevant headings below.
7. City staff appreciate that not all developments will be able to achieve the design criteria under each objective. This is why design guidance is provided, which provides alternative pathways to ensuring a reasonable standard of amenity for residents. The applicant, however, has consistently adopted design responses or

methods of assessment which are either not reflected in the ADG or are in contravention of the design criteria and guidance. Examples include widening the assessment period for solar access and asserting that plenums provide natural cross ventilation contrary to the definition within the ADG.

8. If DPIE does approve the development, even though it does not meet relevant design criteria, inappropriate or novel responses should not be relied upon as they undermine State Environmental Planning Policy 65 – Design Quality of Residential Apartment Development and the ADG.

Centre-based childcare

9. The City maintains its opposition to the use of the required community facility floor space for centre-based childcare. City staff also acknowledge concerns raised by DPIE as to the appropriateness of a centre-based childcare as a community facility under the definitions of the Sydney Local Environmental Plan 2012 (SLEP).

Wind

10. The wind report notes significant improvements to pedestrian amenity and that the development can generally comply with the comfort and safety criteria of the Waterloo Metro Quarter Design and Amenity Guidelines. However, this relies on the success of extensive tree canopy coverage throughout the site and as such it is imperative that sufficient/ample soil volumes and depths are provided for each tree type.
11. It is recommended that any conditions for tree planting reference the City's Landscape Code Volume 2, and that replacement tree planting occur within the first 10 years of the development where trees fail. The recommendations of the wind report must form part of the conditions of consent, including any coordination with architectural plans.

Awnings

12. Awnings located over the footpath and adjacent at grade spaces should by way of condition comply with the Section 3.2.3 of the Sydney Development Control Plan 2012 to provide weather protection and amenity to pedestrians.

Materials

13. Any condition of consent regarding materials selection must require specifics including colour, material and where relevant manufacturer. Words such as "or similar" should not be permitted on the drawings. No substitutes should be permitted without the approval of an independent Design Review Panel.
14. The glazing selection does not appear to be clear and untinted. High performance and heavily tinted glazing is not good urban design and should not be supported.

15. A minimum parapet height of 1.2 metres should be provided above RL92.81 to shield proposed plant and equipment, and provide a strong architectural detail to the top of the building.
16. Awning windows provide substandard amenity for occupants by minimising airflow. It is recommended that sashes or casement windows be provided instead.

Solar access and external sun shading

17. The City maintains its calculations regarding solar access in accordance with Objective 4A-1 of the ADG. It is imperative that DPIE accurately identify the number of apartments that will receive direct solar access in accordance with the minimum requirements of the ADG.
18. The development still has not adequately addressed Objective 4A-3, particularly low summer afternoon sun. The design guidance calls for operable shading devices to allow adjustment and choice. A condition should be recommended requiring the provision of operable shading to windows affected by direct summer sun between 8am and 6pm from 1 December to 29 February designed in consultation with a Design Review Panel.

Natural cross ventilation

19. Similarly, DPIE should not identify noise affected apartments that rely on plenums as achieving natural cross ventilation. The City maintains its calculations regarding natural cross ventilation.

Natural ventilation

20. The City encourages DPIE to refer to the [Alternative Natural Ventilation of Apartments in Noisy Environments Performance Pathway Guideline](#) to ensure that the plenums are designed sufficiently to provide both acoustic privacy and natural ventilation to noise affected apartments.

Public art

21. The City requests a condition be imposed requiring consultation with the City's Public Art Advisory Panel in the preparation of any Public Art Plan for the site.

Waste

22. The Waste Management Plan, provision of bin rooms and numbers of bins are to be amended to be consistent with the Guidelines for Waste Minimisation in New Developments as follows:
 - (a) The application has been amended to reduce the size of the bin rooms and incorporate garbage chutes. A chute room is required on each habitable floor of a development that has a chute system. The chute room must be accessible, not adjacent to a habitable area and be able to accommodate at least 2 x 240L bins for waste and recycling in case of chute failure.

- i. It is recommended that space be provided for future FOGO bins to provide ease for residents. The applicant's waste consultant recommends residents transport their food waste to the basement which will discourage its use.
- (b) The City is the waste contractor for this building. The City does not support more than weekly collection, and as such sufficient bins and storage areas are to be provided.

Note: The City recommends that a minimum 50mm be provided between each bin to allow for access/manoeuvrability between bins and provisions for disability access should be considered (i.e. 1500mm isle width between bin rows and avoid bin stacking). Doorway widths into and out of WSA should be designed with appropriate space to accommodate the movement of the largest bin proposed for development. The Waste Management Plan should identify the path of access for residents, retail staff, cleaners and collection vehicles demonstrating the functionality of the bin stores and loading dock.

- (c) Daily waste collection is proposed for retail/commercial tenancies. This is inconsistent with Sustainable Sydney 2030 and the TOD model which seek to reduce vehicle movements. Sufficient bin storage should be provided to allow for no more than 3x weekly collection.
- (d) Food waste generation cannot be merged with general waste. Separate space must be allocated for food waste recycling. Food waste must be stored in bins 240L or smaller.
- (e) Details of the ongoing management, storage and collection of waste, including responsibility for cleaning, transfer of bins between storage areas and collection points, implementation and maintenance of signage, and security of storage areas.
- (f) As the City will be the contractor for the collection of residential waste from this site, a condition of consent is recommended requiring the waste management plan to be approved by the City of Sydney prior to the issue of any Construction Certificate. An additional condition is recommended requiring an inspection of waste rooms by City staff prior to the issue of any Occupation Certificate.

Landscape

- 23. As previously stated, the development relies heavily on the success of tree planting to mitigate wind impacts caused by the buildings. It is therefore imperative that all the recommendations of the wind report are incorporated into the conditions of consent.
- 24. The removal of street trees is generally discouraged except where power lines are to be put underground. A condition of consent is recommended requiring maximum tree planting along Botany Road in consultation with the City's Public Domain team prior to the issue of the relevant Construction Certificate.

25. The proposed raise garden beds along the through site link will likely not provide sufficient soil volumes to allow these trees to provide meaningful canopy cover. They should be amended to allow for the tree to achieve a mature size in line with the Landscape Code.
26. All new street trees must be planted in accordance with the City's Street Tree Master Plan (STMP) 2011. The plans indicate planting *Lophostemon confertus* (Brush Box) along Botany Road. The STMP 2011 specifies alternating trees species of *Robinia pseudoacacia 'Frisia'* (Robinia) and *Lophostemon confertus* (Brush Box) on Botany Road.
27. Conditions of consent are recommended requiring any landscaping plans to be prepared in consultation with City staff and to have regard to the City's Landscape Code Vol 2.

Public Domain and Flooding

28. The Public Domain plan submitted with the application is not supported. Conditions of consent are recommended requiring the plans to be approved by the City's Public Domain team prior to the relevant Construction Certificate. The Plan is to be prepared in accordance with the Public Domain Manual, Sydney Streets Code and the Sydney Streets Technical Specification.
29. Public Domain lighting is to be provided in accordance with the Sydney Lights: Public Domain Design Code. Power lines are to be buried or bundled.
30. The City acknowledges amendments made to flood planning levels and raises no further comment.

Remediation

31. Any land to be dedicated to the City of Sydney, for example setbacks, roads and pavements will be subject to remediation to a minimum depth of 1.5m below ground level with no Long Term Environmental Management Plan (LTEMP) attached. Conditions are recommended accordingly.