

24 November 2025

Our Ref: R/2025/21  
File No: 2025/703352

Chris Eldred  
Planning Officer  
Department of Planning, Housing and Infrastructure

By email: [christopher.eldred@planning.nsw.gov.au](mailto:christopher.eldred@planning.nsw.gov.au).

Dear Chris

**Request for Advice - Exhibition of [SSD-80441462 Waterloo Mixed Use Development 881-885 Bourke Street](#)**

Thank you for your correspondence dated 12 November 2025 inviting the City of Sydney (the City) to comment on the exhibition of the main works application for the mixed-use development at 881-885 Bourke Street Waterloo.

The City raises a significant number of consistent objections in relation to the exhibited development, primarily concerned with; adverse amenity impacts due to the excessive scale of the building envelopes and massing, departures from Apartment Design Guide criteria that would contribute to a poor relationship between buildings not only for future residents but also adjoining land owners; and the inequitably allocated communal open space and deep soil areas.

The City has been clear on its position on new parking spaces beneath land that is to be dedicated by the registered Voluntary Planning Agreement, and this scheme continues to ignore the feedback previously provided in the Early Works SSD (Council Reference R/2025/14 and R/2025/14/A).

The strategic planning considerations as part of the concurrent rezoning will require diligent assessment. It is not proven that such a significant built form is in the public interest or that amenity impacts can be mitigated. Assessment considerations are set out in the following submission and the conclusion drawn is that the additional yield is dependent on non-compliance with state amenity objectives.

As such, the City **objects** to the application as currently proposed, which is a significant departure from the Concept DA approved by the City. The short exhibition period of only two weeks should be extended it is not enough time for the community to respond to such a significant proposal.

Should you wish to speak with a Council officer about the above, please contact Gavin Ho, Senior Planner, on 9265 9872 or at [gtho@cityofsydney.nsw.gov.au](mailto:gtho@cityofsydney.nsw.gov.au).

Yours sincerely

A handwritten signature in black ink, appearing to read 'G Jahn', with a stylized flourish at the end.

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

## 1. Overshadowing

- a. Appendix “E3 Architectural Design Report A2 Solar Access” has reported on overshadowing impacts to eight surrounding properties which are predominantly restricted to the immediately adjoining properties only – seen at **Figure 1** below. As required by the ADG, the documentation fails to assess the full extent of overshadowing impacts to all affected residential properties.



*Figure 1 – extract from Page 22 of Appendix “E3 Architectural Design Report A2 Solar Access”*

- b. The proposal clusters building mass (11 to 19 storeys) at the north-west of the site (Parcel 1), fronting Young Street and the tallest 36 storey tower at the south-eastern corner of the site fronting Bourke Street (Parcel 3). The massing along Young Street has the potential to significantly adversely impact on future development solar access compliance to a building’s eastern and northern façade, to the extent where a building cannot achieve consistency with the ADG 70% design criteria.
- c. The 36-storey tower at Parcel 3 impacts a number of buildings on the south side of Lachlan Street. No information or adequate assessment has been provided on the extent of impact to these properties, other than hourly sun’s eye diagrams with no quantified assessment. Extract of these locations of no quantified assessment at indicated at **Figure 2** with purple shading.

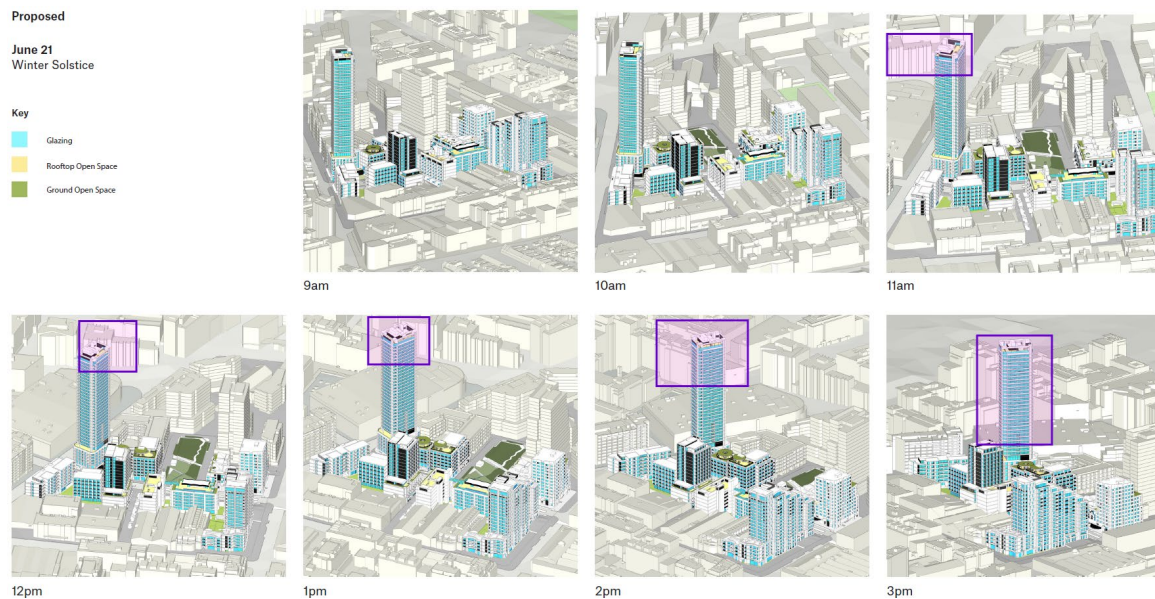


Figure 2 - extract from Page 6 of Appendix “E3 Architectural Design Report A2 Solar Access”

- d. When compared to the Concept approval (D/2020/45) issued by the Central Sydney Planning Committee, the proposed results in additional overshadowing impacts to; 788-822 Bourke Street – *Tiara* building composed of 97 units, 1 Danks Street – *Warehouse 1* comprised of 13 units, 895-899 Bourke Street – *Boronia* comprised of 74 affordable housing units. These additional overshadowing impacts are not supported by the City.

788-822 Bourke Street – *Tiara* building composed of 97 apartments.

- Existing condition is that 52% (50 units) receive 2 hours solar access and 42% (41 units) receive no direct sun.
- D/2020/45 concept approval Condition 83 and 87 required amendments to the building mass so that no less than 52% (50 units) received 2 hours solar access.
- The proposed increased envelopes and massing at Parcel 2, further reduces the number of units that receive 2 hours solar access to 48% (47 units). This is inconsistent with the City’s [“Minimising Overshadowing of Neighbouring Apartments Documentation Guide”](#), as where there are less than 70% of units achieving 2 hours solar access, there is to be no further decrease, and the 20% reduction in time does not apply to the Ground Level units as they currently receive 2 hours solar access.

1 Danks Street – *Warehouse 1* comprised of 13 apartments

- Existing condition is that 84% (11 units) receive 2 hours solar access and 100% (13 units) receive some sun.
- D/2020/45 concept approval Condition 83 required amendments to the building mass so that at least 9 units (70%) achieve 2 hours solar access.
- The proposed envelopes and massing at Parcel 1, adversely impact on solar access to this building. Overall building compliance of solar access has not been documented. At least 70% of units within the building should

be provided with at least 2 hours solar access as per Apartment Design Guide and the intention of Condition 83 in D/2020/45.

895-899 Bourke Street – Boronia comprised of 74 affordable housing units

- Existing condition as per the approved detailed design under D/2025/941 (as modified) is that 61% (44 units) receive 2 hours solar access.
  - The submitted solar access assessment against the City West Housing development at 895-899 Bourke Street which reports 70% solar access is achieved and maintained by the proposed State Significant Development is not considered accurate and it would appear a detailed assessment of compliance has not been undertaken. When it is done, it should clearly detail the solar impact on the communal area of Boronia Apartments.
- e. Solar access to the park is proposed at approximately 52% which remains consistent with the D/2020/45 concept envelope approval solar access provisions. The City raises no issue subject to the park receive at least 50% direct sun light for 4-hours as per the Sydney Development Control Plan 2012 Section 3.1.4(3).

Additional information required:

- i. Fully document all affected developments that are subject to overshadowing impacts by the tower in the south-eastern Parcel 3, in line with the City of Sydney's "[Minimising Overshadowing of Neighbouring Apartments Documentation Guide](#)" and demonstrate how overshadowing has been minimised per the requirement of the ADG (Objective 3B-2 Overshadowing of neighbouring properties).
- ii. If this cannot be documented, the south-eastern tower at Parcel 3 should be reduced from 36 to a maximum 25-storeys in height.
- iii. The Parcel 1 and Parcel 4 massing should be reduced in height and storeys, and analysis provided to demonstrate that the upper 50% of the façade for a 6-storey building mass (as permitted by the Sydney Development Control Plan 2012), will receive 2 hours solar access. This provide opportunity for future development off the western side of Young Street to achieve adequate solar access.
- iv. Demonstrate 2 hour solar access to 788-822 Bourke Street is not reduced below 52% (50 units), achieve 70% of units within 1 Danks Street, and the existing versus proposed solar access provision to 895-899 Bourke Street. Furthermore, the DASC0 precinct as approved by D/2021/1415 (as modified) achieves 67% (236 of 351 units) solar access. The proposed development will further reduce solar access on this precinct and the submitted documentation in Appendix "E3 Architectural Design Report A2 Solar Access" has not accurately assessed the extent of solar access and impacts.

## 2. Wind Analysis

- a. Appendix “X Pedestrian Wind Environment Study” is not acceptable. The Sydney Development Control Plan 2012 Section 5.1.9 outlines the consistently applied wind comfort levels for walking, sitting and standing.
- b. Figure 8a within the Study, identifies that there are several locations which do not comply with the comfort level. Additionally Figure 7c within the Study incorrectly identifies plotting points (P18, P23, P26) within the park as ‘standing’ when they should be identified as ‘siting’.

### Additional information required:

- i. Updated wind testing and reporting is required to rectify (b) above and should also be undertaken with plotting points to a distance of at least 60m from the tower, through Potter Street and Bourke Street.
- ii. Consideration of wind impacts from the development to the bike lane along Bourke Street needs to be undertaken.
- iii. Plotting points; P32, P35, P37, P53, P54, P56, and P57 within the ground floor communal open space areas should demonstrate compliance with the sitting comfort criteria.
- iv. Roof top communal open space areas should be included in windy modelling to demonstrate that the sitting comfort criteria is achievable.

## 3. Noise

- a. Appendix H “Noise and Vibration Impact Assessment” at Section 8 of the report considers the impact of road noise as required by the Transport and Infrastructure SEPP 2021. It is identified that units facing Bourke Street exceed the noise criterion under Section 2.120 of the SEPP.

### Additional information required:

- i. Lower levels of the tower building include plenums to achieve natural ventilation, however no design specification of this have been provided. Façade noise mapping for all buildings addressing Bourke Street is needed and any units which front Bourke Street are likely to require an acoustic ventilated plenum design. The façade noise mapping will need to identify exactly which units would require such a system and a detailed plan of the system documented.

## 4. Apartment Design Guide

- a. **Natural Cross Ventilation**

- Natural cross ventilation of the precinct is not considered to be accurate as there appears to be a reliance on achieving natural cross ventilation through single aspect units to common corridors. No documentation on how or the mechanism proposed has been provided to detail how natural cross ventilation will be provided through the single aspect units and the common corridors of the buildings. At this time and with the documentation provided, the City does not support the proposed percentage of naturally cross ventilated units as it would be significantly below the minimum 60% under the ADG.

Additional information required:

- i. Where single aspect units are proposed to be cross ventilated using a common corridor of the building, it needs to be documented how fire safety under the NCC is being resolved.
- ii. Demonstrate at least 60% of the development achieves natural cross ventilation. Single aspect apartments are not achieving natural cross ventilation.

**b. Minimum Apartment Sizes**

- Of the 850 units proposed, 230 units (27% of the development) are proposed as what the developer as titled 'City Starter / City Stayer' studios. Refer to Appendix "E4 Architectural Design Report A3 Areas" for development yield. These 'City Starter / City Stayer' units are a minimum of 28m<sup>2</sup> (a small hotel room) being less than the minimum 35m<sup>2</sup> required by the Apartment Design Guide. The City acknowledges the [Department's 'Build-to-rent housing and flexible design'](#) fact sheet issued April 2023, and that Section 8.2.4 of the EIS identifies that "the City Starter/Stayer units are provided as a furnished offering to ensure efficient use of the space". The City has supported smaller style units but after considerable research recommends that these studios are increased in size to be closer in line with the ADG minimum size of 35m<sup>2</sup>, preferably 38m<sup>2</sup>.

Additional information required:

- i. The City recommends that the 'City Starter / City Stayer' studios are increased in size to align with the minimum ADG studio size and accommodate the inevitable individualised furnishings that will occur once occupied.

**c. Building Separation**

- The proposed development fails to provide adequate building separation distances consistent with Section 3F of the Apartment Design Guide. The remassing is not supported as the cumulative impact of non-compliance would contribute to poor residential amenity throughout the precinct as well as to neighbouring development.

Additional information required:

- i. Parcel 1 and Parcel 2 building separation across the proposed Danks Lane is inadequate at 13m where 18m is required for 5-8 storey.
- ii. Building 2B is 15-storey in height and proposes a 9m northern separation. 12m separation should be designed for 9+ storeys as per Section 3F of the ADG.
- iii. Building 3A is 36-storey in height and proposes a minimum 3.15m southern separation. This southern elevation of the proposed building includes glazing at this minimum 3.15m setback. 12m separation should be designed for 9+ storeys as per Section 3F of the ADG.
- iv. Building 4A is 9-13 storey in height and proposes at a near nil setback from the site's boundary. This is problematic as these southern facing units are reliant on the future road dedication for light and air. Building separation distances from Building 4A to the DASCOT tower building are required.
- v. Building separation distances between Parcel 1 to Parcel 4 and Parcel 2 to Parcel 3, across Potter Street, should be detailed on the Massing Plan (Drawing No.WL-AR-SSDA-PR-0101) and achieve the minimum distances set out in Section 3F of the ADG.
- vi. Any windows that are located at a building façade that does not achieve the minimum required building separation distances is problematic and generally not supported.

**d. Communal Open Space**

- The proposal achieves 34% (24,973m<sup>2</sup>) of communal open space, which the City is supportive of, however the proportion of communal open space per Parcel lot is not supported as it is disproportionately allocated across the precinct. The City recommends that each Parcel and associated buildings on that respective Parcel is provided with sufficient communal open space to accommodate the building and residents. Requiring residents of one building to enter another building to access above ground communal open space is not encouraged or supported.

Additional information required:

- i. Each parcel lot is required to demonstrate 25% communal open space for each respective parcel lot.
- ii. A simplified plan is required to illustrate the provision of communal open space across all Parcels in a single plan sheet.

e. **Deep Soil**

- The proposal achieves 15% (2,180m<sup>2</sup>) of deep soil zones. The City is supportive of this as a minimum percentage for the development.
- The City has concern with the interface of the Parcel 1 deep soil and communal spaces adjacent to the western boundary of 1 Dank Street and the Parcel 3 planting on slab adjacent to northern boundary 895-899 Bourke Street.

Additional information required:

- i. Additional sections and/or massing diagrams should be provided to show the landscaping / communal open space areas and their relation to 1 Danks Street and 895-899 Bourke Street to ensure that residential amenity and separation is provided between the developments.
- ii. The basement envelope extent should be reduced to allow for an improved and better rationalise deep soil allocation across the precinct.
- iii. Parcel 2 only achieves 8% deep soil (258m<sup>2</sup>), not the 20% (666m<sup>2</sup>) that is described within the Appendix E1 Design Report.
- iv. Parcel 3 only achieves approximately 2% deep soil (80m<sup>2</sup>). It is recommended that the basement level envelope is pulled in from the southern boundary to allow for deep soil planting between this Parcel 3 and 895-899 Bourke Street.
- v. Sections of landscaped setbacks along the Potter Street frontage should be provided to detail that at-grade landscaping can be achieved and that there is a basement slab set down to allow for adequate soil depth.
- vi. Parcel 4 needs to demonstrate that adequate soil volumes and depths are achievable for on structure planting.
- vii. Soil volumes and depths should be detailed on the Appendix M Landscape Plans for all Parcels for each individual area of planting, not a just limited to a total area schedule.

**5. Voluntary Planning Agreement**

- a. The site is subject to a registered Voluntary Planning Agreement (VPA) that sets out the timing and delivery of the dedication and embellishment of public domain in relation to the 4 development parcels. The public benefits include a new east west street (Potter Street), a through site link (Danks Lane) and public open space area (comprising future shared zones and park).
- b. The proposal commits to delivering the public benefits under the VPA, however it is noted the proposal includes new belowground links between the basements that are not currently included in the VPA. In order for the Council to consider this

request, we will agree to consider a basement connection that must remain in common property, assured through subdivision plan and VPA. This advice has been provided in the City's submission in relation to the Early Works SSD (Council Reference R/2025/14 and R/2025/14/A).

- c. The connection between Parcel 1 and 2 shows parking spaces for various uses which are not labelled with sufficient detail. These parking spaces are marked as "R" or "CS". As per the City's submission in relation to the Early Works SSD (Council Reference R/2025/14 and R/2025/14/A), the design of this area of basement comply with the Sydney Development Control Plan 2012 by being common property and used for circulation only and not be used for; private allotment's / retail tenant's / leaseholder's storage, parking of any vehicles, or the like.
- d. If the landowner/developer wishes to introduce below ground connections as indicated by the exhibited documentation, they will need to make a written request to the City for a Deed of Variation to vary the VPA. The City's Contributions and Planning Agreements Panel will consider whether to approve the request, noting there is no certainty the basement connections beneath land to be dedicated to the City will be supported in the forms currently shown.
- e. The areas beneath the land to be dedicated are required to be remediated as the City will not take ownership of land that is contaminated or subject to a Long Term Environmental Management Plan. The VPA will need to be amended to include these connection links. Similarly, the Remediation Action Plan will need to identify the remediation methods and be subject to a Site Audit Statement.
- f. Any basement below the public domain must have a minimum clearance of 2m from the surface level of the roads or pedestrian links to the top of slab level of any basement. The documentation does not dimension this.

Additional information required:

- i. The car parking component (excluding vehicle connections) beneath land to be dedicated to the City is objected to and must be removed.
- ii. A request for a Deed of Variation to the VPA is required to be submitted to the City to amend the VPA.
- iii. The Remediation Action Plan be amended to cover areas beneath land to be dedicated to the City.
- iv. Demonstrate a minimum 2m clearance from the surface level of the roads or pedestrian links to the top of slab level of any basement.

**6. Staging**

- a. Section 3.17 of the EIS outlines that the precinct will be delivered in 2 Stages, consistent with the approach approved by D/2020/45, with Parcel 1 and 4 in Stage 1 and Parcel 2 and 3 in Stage 2.
- b. Within Stage 1 and Stage 2, there are 6 sub-stages as indicated at Table 20 of the EIS. The City is accepting of this proposed staging.

## 7. **Trees**

- a. The arboriculture report has assessed impact on 66 trees on and adjacent to the site. 65 trees are proposed to be retained, which is supported by the City.
- b. Tree canopy coverage is not documented to the City's specifications.
- c. *Melaleuca quinquenervia* tree planting on rooftops should be reconsidered, as it is a medium sized tree with a large root system.

### Additional information required:

- i. The tree canopy coverage plan indicates that each parcel proposes 20.8% to 25.4% canopy cover, however the nominated species are not entirely suitable. Such as *Banksia integrifolia*, which is listed for limited use, and a large number of palm species (*Livistona australis*, *Howea forsteriana*) which are generally not supported. An amended tree canopy coverage plan is required using species listed within the [City of Sydney Tree Species List](#).

## 8. **Traffic and Vehicular Access**

- a. Vehicle entry to parcel 4 is indicated off the future road dedication associated with the DASCO site. This is problematic in the event that this neighbouring site is not developed in suitably timing to allow for the Parcel 4 occupation certificate to be issued.
- b. Car parking and bicycle parking rates should be calculated based on the amended rates contained with the [Draft Local Environmental Plan – Policy and Housekeeping Amendments 2023](#).
- c. Appendix G “Transport Impact Assessment” at Table 8-3 indicates that the intersection of Bourke Street and Lachlan Street in the PM Peak would degrade from Level of Service B to Level of Service F and the intersection of Bouke Street and Potter Street would degrade from Level of Service A to Level of Service D. This is not acceptable.

### Additional information required:

- i. An interim solution to vehicle access is needed for Parcel 4, or there is a risk that Parcel 4 may not be able to occupy the building/s until such a

time that the southern DASCO site is developed and the road is dedication.

- ii. Evidence should be provided to demonstrate that the car share parking spaces, and associated infrastructure including pedestrian access route and communications access, are suitable to accommodate a car share scheme operator.
- iii. Information on electric vehicle charging is required.
- iv. The EIS indicates that 5% of all units will be adaptable. This equates to 43 units. 1 adaptable car parking bay should be provided per adaptable unit. This needs to be clearly documented, as the Parking Schedule on the basement plan only indicates 31 adaptable car parking bays.
- v. All parking rates should be calculated in accordance amended rates contained with the [Draft Local Environmental Plan – Policy and Housekeeping Amendments 2023](#).
- vi. Confirmation as to whether the development has been designed to accommodate the City waste collection vehicle (10.6m length) or a HRV (12.5m length) is required.
- vii. Parcel 4 loading is indicated as “temporary”. The temporary and final or permanent design needs to be assessed at this time.
- viii. Car parking is not permitted within the basement that is beneath land to be dedicated to the City.
- ix. The adaptable car parking spaces have been designed as 5.4m long by 3.8m wide. This does not comply with AS2890.6, which requires spaces to be 5.4m long by 2.4m wide with an adjacent shared space with the same dimensions. The shared space can be shared between two adjacent accessible bays. Design of accessible parking spaces (including for adaptable units) must comply with design requirements detailed in AS2890.6.
- x. Parcel 3 driveway crossing spans approximately 20m and should be reduced to be a maximum of 6m in width. Restricted ‘left only’ egress may be means to achieve this.
- xi. Parcel 1 swept path diagrams have not been submitted.
- xii. The number of bicycle parking is not clearly indicated. It must be demonstrated the number of and location of bicycle parking bays as well as end of trip facilities to adequate service the needs of the precinct. The City recommends that bicycle parking is designed at the rate required by the Policy and Housekeeping Amendments 2023.
- xiii. Demonstrate and acceptable post development Leve of Service at the intersection; Bourke Street and Lachlan Street, and Bouke Street and Potter Street.
- xiv. Attachment 4 of Appendix G is not provided.

## 9. Waste

- a. The proposal includes two loading docks with a turntables to accommodate a 10.6m waste collection vehicle.
- b. There are waste collection concerns with both Parcel 3 and Parcel 4. Parcel 3 loading dock has a 1:16 ramp where the waste collection vehicle turntable is at a lower level compared to that of the 100m<sup>2</sup> residential waste room adjacent to the 3-core lift shaft. Movement of bins from this RL.30m AHD, down the 1:16 ramping to RL.29.62m AHD is problematic and unsafe for large 1,100L bins.
- c. Parcel 4 is reliant on a future road construction that is associated with the southern adjoining DASCOS site. There is risk in that this Parcel 4 may be construction and OC issued prior to this road being complete and dedication to the City.

### Additional information required:

- i. Parcel 4 waste loading area should design the bins to be storage within a dedicated enclosed room, similar to that of Parcel 3.
- ii. Ramping between the Parcel 3 waste collection vehicle turntable and 100m<sup>2</sup> residential waste storage room needs to be resolved to allow for the safe and practical movement of waste between the spaces.
- iii. An interim solution to waste collection is needed for Parcel 4, or there is a risk that Parcel 4 may not be able to occupy the building/s until such a time that the southern DASCOS site is developed and the road is dedication.
- iv. The path of travel of the “bin moving device+trailer” for waste from the basement levels to the loading dock is not detailed in the Waste Management Plan. Paths of travel and the device need to be documented. Alternative a waste bin lift core will need to be designed to allow for more than 1 bin to moved from the basement levels to the loading dock.
- v. Waste chutes should not discharge at the loading dock. The total maximum travel distance from any residential dwelling entry at any floor to a chute system on any given should not to exceed 30m. Additional chutes may be required for buildings in order not to exceed the maximum travel distance.
- vi. Food waste bins should not be located within the chute discharge room as this presents a safety issue for future residents.
- vii. Paths of travel for the disposal of waste from all commercial uses in the precinct to the waste rooms needs to be documented.
- viii. The Waste Management Plan will need to be updated with the above.

## **10. Flooding Impact and Risk Assessment**

- a. Appendix “U Flood Impact Risk Assessment” is not acceptable in its current form and contains missing or inadequate information.

### Additional information required:

- i. The assessment needs to provide mapping for 1% AEP and PMF events only.
  - ii. A plan showing 1% AEP & PMF levels, proposed levels at all egress points along with required flood planning levels should be submitted to demonstrate compliance with City’s requirements.
  - iii. Risk assessment of the existing as well as post development situation based on duration of flooding, depth & velocity, flood warning & evacuation time, period of isolation, frequency of inundation and flood hazards for full range of events up to and including PMF.
  - iv. Flood mapping showing flood behaviour (flow depth & velocity), flood hazard and maps should be to a scale that shows flood hazard category around the building in various events.
  - v. Detail the impact assessment and corresponding risks at proposed Stage 1 and Stage 2 of the development along with measures to mitigate the risks.
  - vi. Include impacts of climate change on the PMF.
  - vii. The sensitivity assessment of flooding associated with the increased rainfall intensity of 30% indicates that flood levels would increase by up to 225mm within the site, Young Street and Danks Street, which indicate significant impacts in the future within the site and surrounding areas. The FIRA should assess the risks and corresponding impacts due to increased flood levels. This may require uplift in the flood planning levels to manage the future risk.
  - viii. The post development PMF flood mapping shows increased flood levels within neighbouring areas along Young Street. The assessment needs to assess risk and corresponding impact on existing basement carparks in the surrounding area.
- b. The Flood Emergency Response Plan within Appendix “U Flood Impact Risk Assessment” is not appropriate. The post development flood mapping in 1% AEP shows the site surrounded by flood waters restricting access to the site. Further, there is a major flow path along Young Street in the 1% AEP and the flow depth increases significantly in PMF, which is likely to affect emergency management. A comprehensive flood emergency response plan is a must to manage flood risk.

Additional information required:

- i. A detailed Flood Emergency Response Plan should be prepared in accordance with requirements in NSW Flood Risk Management Guideline:
  - EM01 Support for Emergency Management Planning
  - FB01 Understanding and Managing flood and
  - NSW Shelter-in-place guidelines.
- ii. The Flood Emergency Response Plan should address all emergency management issues associated with all storms up to PMF and address secondary risks such as medical emergencies, building fires, health and wellbeing. The Flood Emergency Response Plan should also include emergency management at various stages of the development's construction.

**11. Public Domain Works**

- a. Any works to the site frontages at Young Street, Bourke Street, Danks Street and the future dedicated land areas that include street lighting, footpath upgrades, street trees and general greening, stormwater infrastructure upgrade, street furniture, kerb and gutter upgrades, pedestrian ramps and pedestrian crossings are subject to Roads Act approval from the City.
- b. Public Domain damages bond should be conditioned in accordance with the City's requirements.
- c. Proposed stormwater works within Potter Street, Danks Lane and within the public domain will need to be detailed on civil plan sheet.

**12. Public Art**

- a. Appendix V "Preliminary Public Art Plan" is supported by the City subject to the below additional information/updates.

Additional information required:

- i. Provide a brief explanation of the correlation between the curatorial vision (Common Ground), its sub themes (Respite & Reciprocity and A Sense of Discovery) proposed projects, and the DSSP Concept Design Report community endorsed projects.
- ii. Indicate in the plan that the Songlines/Residents Walk is open 24 hours for broader community access.
- iii. Confirm the swale in Danks Lane could incorporate interpretive elements or artworks that would extend Bangawarra's (un)Remembering Daragun concept.

- iv. Engage Bangawarra to outline how the proposed Placemaking Gathering Circles relate to the Dahl'wah Circle, materially and in terms of Casuarinas, and amplify or make a distinction with Aboriginal dance and storytelling practices.
- v. While 1% of the construction budget for public art is supported, a dollar figure should be allocated to public art in this plan to enable the curators UAP, Connecting with Country consultants Bangawarra, and the architectural design teams to develop collaborative and supportive project structures for the engagement of artists and community throughout the development of public art projects and their ongoing activation and maintenance.
- vi. Indicate in the plan how the Iconic Precinct Marker, or artist led clock tower artwork, reflects and extends the (un)Remembering Daragun story proposed to run north south throughout the Dank Street South Precinct and could include reference to the water story on the site through lighting and tiles on the building façade.
- vii. To ensure ongoing community engagement, integrate Collaborative Community Design processes into the development of pursued artwork opportunities, as well as the artist, UAP and project team.
- viii. Indicate in the plan how the Unfolding Discoveries project proposed in the pocket parks aligns with the Songlines/Residents Walk and provides both functional outcomes in carved out spaces as well as interpretive artwork outcomes, including plantings of Gynea Lillies

### **13. Strategic Planning Matters**

- a. Affordable Housing Clause 7.13 of the Sydney Local Environmental Plan 2012
  - The City requires the relevant development to make a contribution to affordable housing, being 3% of total residential floor area and 1% of non-residential floor area achieved on a site.
  - The calculation of the contribution would be based on all non-affordable housing total floor area.
  - The City recommends as part of the concurrent rezoning that the site be added to the Sydney Local Environmental Plan 2012, Schedule 6C – Contribution requirement for certain development on Planning Proposal Land. This should detail a requirement that 9% of the additional floor space achieved in the rezoning (in addition to the 3% contribution under Clause 7.13) should be delivered in accordance with the City's Affordable Housing Program.
  - This would require housing stock to be provided in accordance with the City's Affordable Housing Program, specifically; dedicated to a registered Tier 1 Community Housing Provider for housing stock to be built in perpetuity (as with Boronia Apartments).

Additional information required:

- i. Total Floor Area (TBA) calculation plans should be provided in accordance with the definition under Clause 7.13 of the Sydney Local Environmental Plan 2012. The City can then calculate the expected contribution and provide a recommended condition to the Department, should the development reach a supportable stage. Payment of the contribution will be required prior to a Construction Certificate being issued.
  - ii. Gross Floor Area calculations in Table 1 of the EIS should be cross checked with Appendix E4 "Architectural Design Report A3 Areas" to ensure accuracy and consistency in documenting the gross floor area for each Parcel.
- b. Community Infrastructure Floor Space in Green Square – Clause 6.14 of the Sydney Local Environmental Plan 2012
- Clause 6.14 allows development to achieve additional FSR (above the "base" FSR set out on Maximum FSR map or in a site-specific clause) where it contributes to the delivery of community infrastructure.
  - Its purpose is to facilitate the delivery of timely and identified infrastructure required to facilitate renewal, such as new streets, footpaths, through-site links, open space, drainage and other essential enabling infrastructure.
  - Consistent with HDA criteria to 'utilise existing contribution schemes', the City objects to the EIS proposal to exclude the site from application of Clause 6.14. Rather the rezoning take into account the Area benefit under the Clause, and the planning proposal FSR amended so that the planning proposal uplift plus the Area benefit under the Clause equates to a total 3.05:1 FSR.
- c. Retail Development – Clause 7.23 of the Sydney Local Environmental Plan 2012
- Clause 7.23 ensures large supermarkets and retail offerings locate in centres to maximise the benefits of government investment in infrastructure, activate public space and create community focal points.
  - It promotes this this by limiting the size of shops to 1,000sqm (per tenancy) on land outside of identified centres. The policy was reviewed in 2022 to create additional opportunity for supermarkets to meet forecast demand in Green Square. Given the 2022 strategic review, the City does not support the proposed changes to the planning controls to remove the limit on this site as it is outside of identified centres and will threaten the success of these strategically located areas.
  - Furthermore, it is unclear how a full-sized supermarket or other retail offering exceeding 1,000sqm could be accommodated within the proposed envelopes. It would not appear possible to physically provide for the scale of building, parking or servicing areas that would be required for a retail offering of this size to function.

- The City does not support the site being excluded from the application of Clause 7.23.
- d. Application of Section 5.9 of the Sydney Development Control Plan 2012.
- The EIS seeks to remove the site from the application of the development objectives and controls contained within the Site Specific Areas Chapter 5.9 Danks Street South.
  - Arguably, the removal of the site from this chapter would simply mean that any future DA is assessed against the bare minimum of controls for the site – being maximum FSR, height and car parking in the LEP. It will result in the nuance of the controls, including the stated broader objectives which address the relationship of the site and its surroundings, being lost.
  - The City does not support the removal of the site from Chapter 5.9 of the Sydney Development Control Plan 2012.

#### **14. Community Facilities and Management**

- a. The City supports the inclusion of community facilities such as the co-working spaces, podcast and music rooms, cinema, lounges, gym, art exhibition space etc.

##### Additional information required:

- i. Confirm that all onsite residential amenities and spaces are available to all residents/renters including the affordable housing residents.
- ii. What booking management model would be used for these facilities and if public access is intended or if use is only for those residing in the precinct.

#### **15. Design Review Process**

- a. The project has been through a design review process under a State Design Review Panel. A Design Review Report (report) which is required to be publicly exhibited with the SSD as per Section 12 of the *NSW State Design Review Panel – Guidelines for Project Teams June 2025*, has not been submitted.
- b. The report should identify how the project has responded to the State Design Review Panel's design advice or provide justification where this has not been possible, and it should include the SDRP advice letters in full for transparency. The City notes that Appendix "A5 SDRP Response to Feedback" does not represent the State Design Review Panel's complete advice.

##### Additional information required:

- i. The State Design Review Panel Report should be made available as part of the public exhibition.

- ii. Page 17 of the EIS identifies that

*“the Design Team have made refinements to the scheme in response to feedback provided to ensure the design can achieve design excellence. Further feedback has been sought from the SDRP via a desktop review, concurrently with lodgement of this application.”*

To understand how the scheme might further evolve from this desktop review, any further advice from the State Design Review Panel should be made available to the City with an opportunity to consider and comment.

## **16. Design Continuity - Architects**

- a. If the SSDA is to be approved, conditions of consent should address design integrity by requiring the retention of the architects nominated in the approved Alternative Design Excellence Strategy, being SJB and Curious Practice (for Parcels 1 & 4) and Bates Smart and Chenchow Little Architects (for Parcels 2 & 3). These architects should be appointed to oversee the design quality of the project and retain a leadership role over design decisions through to delivery and completion of the project.

## **17. Energy**

- a. The development has outlined the use of gas systems for domestic hot water. The City does not support the use of onsite fossil fuels for a development of this size.
- b. Appendix MM “Alternative Design Excellence Strategy” identifies that 0.5kWp of rooftop solar PV per dwelling is designed. The submitted BASIX certificates do not align with, suggesting that only 69kWp of rooftop solar is proposed across the entire precinct.

### Additional information required:

- i. Deletion of gas energy from the development.
- ii. Confirmation of the solar panel energy generation.

ends