

CENTRAL PRECINCT SSD-79307746 - STATUTORY COMPLIANCE TABLE

Table 1 Statutory Compliance Assessment Table

Statutory Reference	Relevant Considerations	Relevance	Section in EIS
<i>Environmental Planning and Assessment Act 1979</i>			
Section 1.3	<i>To promote the social and economic welfare of the community and a better environment by the proper management, development and conservation of the State's natural and other resources</i>	<p>The proposed development will promote the social and economic welfare of the community by providing high quality co-living accommodation, childcare and community facilities and retail uses that serve the local population.</p> <p>The proposed development will address a critical requirement for additional housing in Sydney and New South Wales.</p> <p>The proposed development will promote a better environment by facilitating the redevelopment of a highly accessible urban renewal site and will incorporate generous tree planting.</p>	Section 4, Section 5 and Section 6
	<i>To promote the supply, delivery and maintenance of housing, including affordable housing.</i>	<p>The proposed development include 500 co-living accommodation units, which will contribute to the supply of housing within the Waterloo area.</p> <p>The wider Waterloo Metro Quarter development also includes a significant amount of housing including affordable dwellings.</p>	
	<i>to promote productivity through the development and management of the State and its resources</i>	<p>The proposed development incorporates a significant component of non-residential floorspace, which will provide employment opportunities and contribute to the local economy and productivity. Additional non-residential floorspace is provided elsewhere within the WMQ site.</p>	
	<i>to protect the environment, including the conservation of threatened species of native animals and plants and ecological communities and their habitats,</i>	<p>The proposal involves the redevelopment of an urban renewal site and will not adversely impact threatened or other species of native animals and plants, ecological communities or their habitats.</p>	

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	<i>to promote resilience to climate change and natural disasters through adaptation, mitigation, preparedness and prevention</i>	The proposed development incorporates a range of ESD measures and has been designed to respond to various future flood risk scenarios, which will ensure that it is resilient to the impacts of climate change	
	<i>To promote the sustainable management of built and cultural heritage (including Aboriginal cultural heritage)</i>	<p>The proposed development will promote the sustainable management of built and cultural heritage. The scale, massing and design of the proposed development respects local heritage items.</p> <p>The design of the proposed development has been informed by 'Country'. Public art incorporated within the development will also celebrate Country.</p>	
	<i>to promote good design, amenity and the proper construction and maintenance of built environments, including the protection of the health and safety of the occupants of buildings,</i>	<p>The proposed development has been informed by a rigours state design review panel process and is considered to display design excellence and a high level of amenity for future residents, workers and visitors</p> <p>A structural assessment of the proposed development has been prepared and is enclosed with this SSDA.</p>	
	<i>to provide opportunities for participation in environmental planning and assessment,</i>	Detailed community engagement has been undertaken prior to the lodgement of this SSDA.	
	<i>to facilitate ecologically sustainable development by integrating relevant economic, environmental and social considerations in decision-making about environmental planning and assessment</i>	The proposed development is informed by the principles of ecologically sustainable development. It incorporates a mix of uses, including co-living accommodation and community facilities, which will serve the local population. A range of sustainability initiatives are incorporated within the proposed development, including energy and water efficiency measures and generous planting.	
	<i>to promote a proportionate and risk-based approach to environmental planning and assessment,</i>	The potential impacts of the proposed development have been assessed in detail in the EIS and accompanying technical documents. It is anticipated that the consent authority will apply a proportionate and risk-based approach to their assessment of the proposed development.	

Statutory Reference	Relevant Considerations	Relevance	Section in EIS
	<i>To promote the orderly and economic use and development of land</i>	The proposed development will promote the orderly development of the land as it involves the redevelopment of a highly accessible urban renewal site that is identified for high density development within the strategic and statutory planning framework.	
Section 4.15	<p><i>Relevant environmental planning instruments:</i></p> <hr/> <p><i>State Environmental Planning Policy (Planning Systems) 2021</i></p> <p><i>State Environmental Planning Policy (Resilience and Hazards) 2021</i></p> <p><i>State Environmental Planning Policy (Transport and Infrastructure) 2021</i></p> <p><i>State Environmental Planning Policy (Industry and Employment) 2021</i></p> <p><i>State Environmental Planning Policy (Housing) 2021</i></p> <p><i>State Environmental Planning Policy (Sustainable Buildings) 2021</i></p> <p><i>State Environmental Planning Policy (Biodiversity and Conservation) 2021</i></p> <p><i>Sydney Local Environmental Plan 2012</i></p>		
	Draft environmental planning instruments:	Not applicable	N/A
	Relevant planning agreement or draft planning agreement	Not applicable	N/A

Statutory Reference	Relevant Considerations	Relevance	Section in EIS
	<i>Environmental Planning and Assessment Regulation 2021 – Schedule 2</i>	This EIS has been prepared in accordance with Schedule 2 of the Regulations.	N/A
	Development control plans: <i>Sydney Development Control Plan 2012</i>	In accordance with clause 2.10 of the Planning Systems SEPP, the provisions of Sydney Development Control Plan 2012 (SDCP 2012) do not apply to this development. Accordingly, the DCP is not considered further.	N/A
	The likely impacts of that development, including environmental impacts on both the natural and built environments, and social and economic impacts in the locality.	The likely impacts of the development including the environmental impacts on the natural and built environments, and social an economic impact on the locality are assessed in detail within the EIS.	Section 6
	The suitability of the site for the development	The suitability of the site for the proposed development is demonstrated in the EIS.	Section 7
	Any submission made	Submissions will be considered following exhibition of the application.	Section 5
	The public interest	Section 7 of the EIS demonstrates that the proposed development is in the public interest.	Section 7
<i>Environmental Planning and Assessment Regulation 2021</i>			
Schedule 2	Schedule 2 of the Regulations provides that environmental assessment requirements will be issued by the Secretary with respect to the proposed EIS.	This EIS has been prepared to address the requirements of Schedule 2 of the Regulations and SEARs.	Appendix A
<i>Biodiversity Conservation Act 2016</i>			
Section 7.14	The likely impact of the proposed development on biodiversity values as assessed in the Biodiversity Development Assessment Report (BDAR). The Minister for Planning may (but is not required to) further consider under that BC Act the likely impact of the proposed development on biodiversity values.	A BDAR Waiver was issued by the NSW Government Conservation Programs, Heritage and Regulation Group on 15th September 2025 as the proposed development is unlikely to have any significant impact on biodiversity values. Accordingly, a biodiversity assessment report is not required.	Section 6 and Appendix EE

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<i>State Environmental Planning Policies</i>			
<i>State Environmental Planning Policy (Planning Systems) 2021 (Planning Systems SEPP)</i>	Schedule 1 of the Planning Systems SEPP states that development that is within a rail corridor or associated with railway infrastructure than has an estimated development cost of more than \$30 million for commercial premises or residential accommodation comprises state significant development.	The proposed development qualifies as State Significant Development (SSD) in accordance with Clause 19(2)(a) of Schedule 1 of the State Environmental Planning Policy (Planning Systems) 2021 as it is development associated with railway infrastructure for residential (co-living) and commercial premises and has an Estimated Development Cost (EDC) of more than \$30 million.	NA.
<i>Statutory Reference</i>	Relevant Considerations	Relevance	Section in EIS
<i>State Environmental Planning Policy (Resilience and Hazards) 2021 (R&H SEPP)</i>	Section 4.6(1) states that land must not be rezoned or developed unless contamination has been considered and, where relevant, land has been appropriately remediated.	Remediation works for the site have been undertaken as part of the CSSI approval to make the site suitable for a metro station. The central precinct will be constructed above the site-wide basement. Approval for the basement has been obtained under a separate SSDA (SSD-10438). The basement SSDA addresses contamination and remediation requirements for the central precinct.	Section 6
<i>State Environmental Planning Policy (Transport and Infrastructure) 2021 (T&I SEPP)</i>	Section 2.48: Before determining a development application (or an application for modification of a consent) for development to which this section applies, the consent authority must— (a) give written notice to the electricity supply authority for the area in which the development is to be carried out, inviting comments about potential safety risks, and (b) take into consideration any response to the notice that is received within 21 days after the notice is given	Noted.	N/A

Statutory Reference	Relevant Considerations	Relevance	Section in EIS
	Section 2.98: A consent authority must take into consideration any response from the rail authority for the rail corridor received within 21 days after the notice is given.	The proposed development is on land adjacent to a rail corridor. DPHI will refer this application to the relevant rail authority for the rail corridor. As the proposal relates to the Sydney Metro City &	N/A

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		Southwest Corridor, it will be referred to TfNSW for comment as part of the SSDA exhibition process.	
	<p>Section 2.99: The consent authority must notify the rail authority of the development application and take into consideration any response received within 21 days.</p> <p>In deciding whether to provide concurrence, the rail authority must take into account the potential effects of the proposed development on the safety or structural integrity of rail infrastructure in the rail corridor; the safe and effective operation of rail infrastructure in the rail corridor; and the measures proposed or could be taken to avoid or minimise those potential effects.</p>	<p>The central precinct SSDA seeks approval for above-ground works only.</p> <p>Approval for excavation works has been secured as part of the separate basement SSDA (SSD-10438) as modified. Accordingly, this section is not strictly relevant to the proposed development.</p>	N/A
	<p>Section 2.100: Impact of rail noise or vibration on non-rail development.</p> <p>The consent authority must take into consideration any guidelines that are issued by the Planning Secretary.</p> <p>For residential accommodation, the consent authority must not grant consent to the development unless it is satisfied that appropriate measures will be taken to ensure that the following LAeq levels are not exceeded—</p> <ul style="list-style-type: none"> (a) in any bedroom in the residential accommodation—35 dB(A) at any time between 10.00 pm and 7.00 am, (b) anywhere else in the residential accommodation (other than a garage, 	<p>An Acoustic and Vibration Impact Assessment has been prepared to assess the impacts of rail noise or vibration from the underground metro line on the proposed co-living accommodation and childcare center. The assessment demonstrates that compliance with the requirements of Section 2.100 are anticipated to be achieved subject to the implementation of the identified mitigation measures.</p>	Section 6 and Appendix T

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	kitchen, bathroom or hallway)—40 dB(A) at any time.		
	Section 2.119: Development with a frontage to a classified road requires the consent authority to be satisfied the matters listed in Section 2.119(2) have been addressed.	<p>The site has a frontage to Botany Road, which is a classified road.</p> <p>Vehicular access to the site-wide basement will be provided via Cope Street, which is not a classified road.</p> <p>The safety, efficiency and ongoing operation of Botany Road will not be adversely affected by the proposed development as a result of the design of the vehicular access; or emissions from the development.</p> <p>Additionally, as set out within the Acoustic and Vibration Impact Assessment, the proposed development will include measures to ameliorate potential traffic noise within the site arising from Botany Road.</p>	Section 6 and Appendix T
	<p>Section 2.120 Impact of Road noise or vibration on non-road development: Before determining a development application for development to which the section applies, the consent authority must take into consideration any guidelines that are issued by the Planning Secretary for the purposes of the section.</p> <p>If the development is for the purposes of residential accommodation, the consent authority must not grant consent to the development unless it is satisfied that appropriate measures will be taken to ensure that the following LAeq levels are not exceeded—</p>	<p>The section applies to residential, childcare and other specified development on land in or adjacent to the road corridor for a road with an annual average daily traffic volume of more than 20,000 vehicles and which the consent authority considers is likely to be adversely affected by road noise or vibration</p> <p>An acoustic and vibration impact assessment has been prepared to assess the impacts of rail noise or vibration from the underground metro line on the proposed co-living accommodation and childcare center. The assessment demonstrates</p>	Section 6 and Appendix T

Statutory Reference	Relevant Considerations	Relevance	Section in EIS
	<p>(a) in any bedroom in the residential accommodation—35 dB(A) at any time between 10 pm and 7 am,</p> <p>(b) anywhere else in the residential accommodation (other than a garage, kitchen, bathroom or hallway)—40 dB(A) at any time</p>	<p>that compliance with the requirements of Section 2.100 are anticipated to be achieved subject to the implementation of the identified mitigation measures.</p>	
	<p>Section 2.122 traffic generating development: Before determining a development application for development to which the section applies, the consent authority must give written notice of the application to TfNSW within 7 days after the application is made and take into consideration any submission received within 21 days after the notice was given as well as the accessibility of the site and any potential traffic safety, road congestion or parking implications of the development.</p>	<p>The proposal is considered traffic generating development as it includes 500 co-living rooms.</p> <p>Accordingly, the SSDA is required to be referred to TfNSW (Roads Division) for consideration. TfNSW will be notified as an agency as part of the SSDA exhibition process.</p> <p>A Transport, Traffic and Parking Assessment has been undertaken to support the SSDA and is enclosed in Appendix R. The assessment demonstrates that the transport impacts of the proposed development are acceptable.</p>	<p>Section 6 and Appendix R</p>
	<p>Section 3.22: Centre-based child care facility – concurrence of Regulatory Authority required for certain development</p>	<p>Section 3.22 does not apply to the proposed development as the floor area of proposed childcare and the proposed outdoor space comply with the requirements of regulations 107 and 108 of the Education and Care Services National Regulations</p>	<p>Section 3 and 6 and Appendix NN</p>
	<p>Section 3.23: Before determining a development application for development for the purpose of a centre-based child care facility, the consent authority must take into consideration any applicable provisions of the Child Care Planning Guideline, in relation to the proposed development</p>	<p>Noted. A preliminary assessment of the proposed childcare facility against the relevant provisions of the Child Care Planning Guideline has been prepared and is enclosed in Appendix OO. A detailed assessment will be undertaken as part of any future fit-out DA for the childcare center.</p>	<p>Section 3 and 6 and Appendix NN</p>

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	<p>Section 3.26: The following are non-discretionary development standards in relation to carrying out development for the purposes of a centre-based child care facility:</p>	<p>If the non-discretionary standards are complied with the consent authority cannot require more onerous standards for these matters to be achieved.</p>	<p>Section 3 and 6 and Appendix NN</p>
	<p>Location – the development may be located at any distance from an existing or proposed early education and care facility</p>	<p>The proposed development complies with the unencumbered area of indoor space requirement set out in regulations 107 of the Education and Care Services National Regulations.</p>	
	<p>Indoor or outdoor spaces – the unencumbered area of indoor space and the unencumbered area of outdoor space for the development complies with the requirements of regulations 107 and 108 of the Education and Care Services National Regulations</p>	<p>A total of 937 sqm of simulated outdoor space will be provided, which exceeds the minimum requirement (917 sqm). Given that the proposal relies on the use of simulated outdoor play space, the future fitout DA will need to seek a waiver from strict compliance with Section 108 of the Regulation.</p>	
	<p>Site area and dimensions – the development any be located on a site of any size and have any length of street frontage or any allotment depth</p>	<p>Under Clause 22(1)(b) of the Educational Establishment and Child Care Facilities SEPP 2017, concurrence with Regulatory Authority is required for a proposal that does not strictly meet the outdoor unencumbered space requirements of Section 108 of the Regulation.</p>	
	<p>Colour of building materials or shade structures – the development may be of any colour scheme unless it is state or local heritage item or in a heritage conservation area</p>	<p>The Childcare Planning Guideline published by Department of Planning, Industries and Environment outlines the requirements for simulated outdoor environments and identifies that simulated outdoor play space is a preferred alternate solution where unencumbered outdoor space requirements cannot be met.</p>	
		<p>Additionally, the site is not a heritage item or in a heritage conservation area.</p>	

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<i>State Environmental Planning Policy (Industry and Employment) (I&E SEPP)</i>	Section 3.6 states that a person must not display an advertisement, except with the consent of the consent authority or except as otherwise provided by this Policy.	Approval is sought for a signage zone on the western elevation of Building 2. The detailed design of any signage will be subject to a future DA or Complying Development Certificate. Notwithstanding, an initial assessment against the assessment criteria in Schedule 5 of the Industry and Employment SEPP is included in the table below.	Appendix II Table 2
<i>State Environmental Planning Policy (Housing) 2021 (Housing SEPP)</i>	<p>Chapter 3 Part 3 relates to Co-living housing. It states that co-living housing is permissible in a zone in which co-living housing is permitted under another EPI and in a zone in which residential flat buildings or shop top housing is permitted under Chapter 5, Chapter 6 or another EPI. It also includes non-discretionary development standards and standards for co-living housing.</p> <p>An assessment against the non-discretionary standards and standards is in Table 3 below.</p>	<p>The City of Sydney LEP Clause expressly states that Chapter 3 Part 3 of the Housing SEPP 2021 does not apply to land at the Waterloo Metro Quarter.</p> <p>Notwithstanding, the assessment in Table 3 below shows that the proposed development is broadly compliant with the non-discretionary development standards and standards.</p>	Appendix II Table 3
<i>State Environmental Planning Policy (Sustainable Buildings) 2022</i>	<p>The Sustainable Buildings SEPP aims to encourage the design and delivery of sustainable buildings and to ensure consistent assessment of the sustainability of buildings.</p> <p>Section 3.2 requires a consent authority to consider whether non-residential development has been designed to: minimise waste from construction; reduce peak demand for electricity through the use of energy efficiency technology; reduce reliant on artificial lighting and mechanical heating and cooling; enable generation and storage of renewable energy; enable energy consumption to be metered and monitored; minimise water consumption.</p>	<p>An ESD Report accompanies the proposal which demonstrates how a high level of energy efficiency and environmental sustainability are achieved in the proposed development, with a strong emphasis placed on the passive efficiency of the building, including passive heating, cooling, natural lighting and natural ventilation.</p> <p>An Embodied Emissions Report has also been prepared.</p>	Section 6 and Appendix Q

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	<p>Additionally, it states that development consent must not be granted to non-residential development unless the consent authority is satisfied the embodied emissions attributable to the development have been quantified.</p>		
<p><i>State Environmental Planning Policy (Biodiversity and Conservation) 2021</i> (B&C SEPP)</p>	<p>Clause 2.9: A permit cannot be granted to clear native vegetation in any non-rural area of the State that exceeds the biodiversity offsets scheme threshold.</p>	<p>The proposed development does not involve any tree removal</p>	<p>N/A</p>
<p>Sydney Local Environmental Plan 2012</p>			
<p>Zoning and Land Use</p>	<p>The site is zoned MU1 Mixed Use.</p>	<p>Building 2 will contain co-living accommodation, a childcare center, community facility and retail tenancies. These uses are permitted with consent in the MU1 Zone and are fully consistent with the objectives of the zone, which include <i>”to integrate suitable business, office, residential, retail and other land uses in accessible locations that maximise public transport patronage and encourage walking and cycling”</i>.</p>	<p>Section 4</p>
<p>Clause 4.3 Height of Buildings</p>	<p>Maximum height of building: RL104.2m</p>	<p>The concept envelope for Building 2 as set out in the second amending concept DA has a maximum height of RL 104.2m. Notwithstanding, the detailed central precinct SSDA seeks approval for a maximum building height for Building 2 of RL99.65m.</p>	<p>Section 4 and 6 and Appendix E</p>
<p>Clause 4.4 Floor Space Ratio (FSR)</p>	<p>Maximum FSR: 6:1</p>	<p>Building 2 forms part of the wider WMQ development. The FSR for the WMQ development will not exceed 6:1.</p>	<p>Appendix E</p>
<p>Clause 5.10 Heritage Conservation</p>	<p>Development consent is required to <i>(a) demolish or move any of the following or altering the exterior of any of the following (including, in the case of a building, making changes to its detail, fabric, finish or appearance)</i></p>	<p>A Heritage Impact Statement has been prepared by Urbis and is enclosed in Appendix Y. The assessment concludes that the proposed development is acceptable from a heritage perspective.</p>	<p>Section 6 and Appendix Y</p>

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	<p>(i) a heritage item, (ii) an Aboriginal object, (iii) a building, work, relic or tree within a heritage conservation area,</p> <p>A heritage management document may be required to be prepared for land that is within the vicinity of a heritage item. The document is to assess the extent to which the carrying out of the proposed development would affect the heritage significance of the heritage item.</p>		
<p>Clause 5.21 Flood Planning</p>	<p>Development consent must not be granted to development on land the consent authority considers to be within the flood planning area unless they are satisfied that the development is compatible with the flood function and behaviour on the land; will not adversely affect flood behaviour in a way that results in detrimental increases in the potential flood affectation of other development or properties; will not adversely affect the safe occupation and efficient evacuation of people or exceed the capacity of existing evacuation routes; incorporates appropriate measures to manage risk to life; and will not adversely affect the environment.</p>	<p>A flood impact assessment has been prepared (enclosed in Appendix W). The assessment demonstrates that the proposed development is acceptable from a flood impact perspective. The finished floor levels have been designed to be above the Flood Planning Levels and Building 2 will not cause any adverse flood impacts to adjacent properties.</p>	<p>Section 6 and Appendix W</p>
<p>Clause 6.21 Design Excellence</p>	<p>Deliver the highest standard of architectural, urban and landscape design. Development consent must not be granted to the following development to which this clause applies unless a competitive design process has been held in relation to the proposed development— (a) development in respect of a building that has, or will have, a height above ground level (existing) greater than— (i) 55 metres on land in Central Sydney, or (ii) 25 metres on any other land,</p>	<p>Complies</p> <p>The Concept DA exercises the discretion available under clause 6.21(6) of SLEP to waive the requirement for a competitive design process under clause 6.21(5) as the concept design has been subject to the Sydney Metro Waterloo Design Excellence Strategy.</p>	<p>Section 6, Appendix B and Appendix C</p>

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	<p>(b) development having a capital investment value of more than \$100,000,000, (c) development in respect of which a development control plan is required to be prepared under clause 7.20, (d) development for which the applicant has chosen such a process</p>	<p>The Design Integrity Report at Appendix C confirms that the detailed SSDA meets the design excellence requirements established for the site, in accordance with the Endorsed Design Excellence Strategy (as amended) at Appendix B and has received feedback from the Design Review Panel. Further discussion of design excellence has been addressed in Section 6 of the EIS.</p>	
<p>Clause 6.45 Waterloo Metro Quarter - General</p>	<p>The consent authority must not consent to development on land at the Waterloo Metro Quarter unless it is satisfied that the development is consistent with the following objectives:</p> <ul style="list-style-type: none"> ▪ 12,000 sqm of GFA below podium for land uses other than residential accommodation or passenger transport facilities. ▪ 2,000 sqm of GFA for the purpose of community facilities. ▪ 2,200 sqm of land for publicly accessible open space. <p>Further, the consent authority must not consent to the construction of one or more dwellings on land at the Waterloo Metro Quarter unless:</p> <ul style="list-style-type: none"> ▪ It is satisfied that at least 5% of the GFA used for the purposes of residential accommodation will be used affordable housing ▪ It is satisfied that no dwelling used for the purposes of affordable housing will have a GFA less than 50 square metres 	<p>For the purposes of calculating GFA and satisfying Clause 6.45, a 'whole of precinct' approach has been adopted whereby consideration has been given to the provision of the above land uses across the northern precinct, southern precinct and central precinct.</p> <p>Non-residential GFA (Clause 6.45 (1) (a)) Across the overall Site, including the approved southern precinct, the total amount of non-residential GFA at or below the podium is 10,631sqm, this represents a shortfall of 1,369sqm and a 11.4% departure.</p> <p>The underlying purpose of Clause 6.45(1)(a) was to secure a significant quantum of non-residential GFA in the Waterloo Metro Quarter to support activation and employment. However, the control was introduced in 2019, prior to the COVID-19 pandemic, and was based on market assumptions that have since shifted materially. As demonstrated in the Economic Needs Assessment (Urbis, 2025), the scale of commercial office previously contemplated is no longer viable in this location, with modelling showing only 4,940sqm of office demand likely by FY35.</p>	<p>Section 4 and Appendix MM</p>

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	<p>It is satisfied that land uses other than residential accommodation or passenger transport facilities will be evenly distributed throughout the Waterloo Metro Quarter.</p>	<p>Accordingly, the standard was implemented at a time when there was much stronger demand for commercial office floor space.</p> <p>In this context, the strict application of the control has become effectively redundant: it seeks an outcome that cannot be reasonably delivered or sustained by the market.</p> <p>The amended scheme (primarily due to the change of land use with within the northern precinct) ensures that the broader mixed-use and activation objectives of the zone are still met through a balanced combination of retail, community, childcare and commercial space, alongside significant housing outcomes.</p> <p>A clause 4.6 variation request has been prepared to justify for the shortfall.</p> <p>The northern precinct proposal provides 817sqm of retail floorspace and 4,871sqm of commercial floorspace on the ground floor and podium. The Central proposal provides more than 2,961sqm of non-residential GFA across retail, childcare, community facilities and community use, ensuring a broad mix of employment-generating activities within the precinct.</p> <p>Community facilities (Clause 6.45 (1) (b)) Approximately 2,251m² of GFA for community facilities is proposed within the central precinct (Building 2), which exceeds the minimum required by Clause 6.45(2)(b).</p> <p>Publicly accessible open space (Clause 6.45 (1) (c)) In accordance with Clause 6.45, 2,200sqm of land is to be used for publicly accessible open space</p>	

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		<p>across the broader WMQ site. Cope Street Plaza which will be delivered under the approved Southern Precinct SSD comprises approximately 1,341sqm of the total publicly accessible open space. The balance of the public open space will be located within Raglan Street as proposed under the Northern Precinct, the new Grit Square, Church Square and extension of Cope Street Plaza as proposed under this SSD. The total area of publicly accessible open space will be greater than 2,200sqm.</p>	
		<p>Affordable Housing (Clause 6.45 (2) (a), (b)) The consent authority must not consent to the construction of one or more dwellings on land at the Waterloo Metro Quarter unless:</p> <ul style="list-style-type: none"> ▪ It is satisfied that at least 5% of the GFA used for the purposes of residential accommodation will be used to provide affordable housing. ▪ It is satisfied that no dwelling used for the purposes of affordable housing will have a GFA less than 50 square metres. 	
		<p>Affordable housing will be delivered in the Northern Precinct. All affordable housing apartments will have a GFA greater than 50sqm. The approved Southern Precinct development has delivered 70 social housing apartments, which will positively contribute to the diversity of housing stock across the WMQ.</p>	
		<p>Distribution of Non-residential land uses (Clause 6.45 (2) (c)) The broader WMQ development satisfies Clause 6.45 (2) (c) by delivering a diverse mix of non-residential uses across the precinct to activate</p>	

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		<p>public domain areas whilst integrating with Waterloo Station.</p> <p>The proposed development contributes to this mix by delivering a non-residential podium, with ground floor retail, community facilities and a childcare center within the podium. These uses have been located at ground level to activate the precinct throughout the day and evening whilst also managing impacts from potential noise from Botany Road and a highly trafficked public domain.</p>	
<p>7.3 Car parking not to exceed maximum set out in this Division</p>	<p>The LEP sets a maximum provision of car parking based on site area. There is no maximum parking rate for co-living accommodation or community uses.</p> <p>The maximum parking rate for centre-based child care facilities is 1 space plus 1 space for every 100 square metres of the gross floor area of the building used for childcare purposes.</p> <p>The maximum parking for retail premises is calculated with reference to the total retail GFA; site area; and overall GFA of the central precinct.</p>	<p>The proposed development does not include any car parking.</p> <p>Car parking for the WMQ development will be provided within the basement, which has been approved via a separate SSDA (reference SSD-10438).</p>	<p>Section 6 and Appendix R</p>
<p>Clause 7.13 Contribution for purpose of affordable housing</p>	<p>The consent authority may, when granting development consent to development to which this clause applies, impose a condition requiring a contribution not exceeding the applicable affordable housing levy contribution for the development provided for in subclause (2A) or (2C).</p>	<p>The City of Sydney Affordable Housing Program 2023 (AH Program) provides the requirements and operational detail for various affordable housing contribution provisions in local environmental plans operating in the City of Sydney local area. The site sits within the “residual land” area under the AH Program, which is subject to the following affordable housing levy contribution:</p>	<p>N/A</p>

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		<ul style="list-style-type: none"> ▪ 3% of the total floor area of the development that is intended to be used for residential purposes, and ▪ 1% of the total floor area of the development that is not intended to be used for residential purposes. <p>However, the site is subject to clause 6.45 2(a) and (b) of the LEP, which already requires 5% of residential GFA to be provided as affordable housing. This site specific provision formed part of the rezoning for the Waterloo Metro Quarter site, which predates the application of the AH Program 2023. Accordingly, the site specific provision under the LEP provides a higher affordable housing contribution than the AH Program, which the proposed development satisfies.</p> <p>Therefore, the proposed development satisfies the volume of affordable housing contribution under the AH Program and clause 6.45 2(a) and (b) through the delivery of 5% of residential GFA being provided as affordable housing.</p>	
7.14 Acid Sulfate Soils	Ensure development does not disturb, expose or drain acid sulfate soils and cause environmental damage.	The proposed development does not involve below ground works. Below ground works including the potential impact on sulfate soils has been considered as part of the approved basement SSDA (SSD-10438).	N/A
7.16 Airspace Operations	Provide for the effective and on-going operation of the Sydney (Kingsford Smith) Airport by ensuring that such operation is not compromised by proposed development that penetrates the Limitation or Operations Surface for that airport.	The proposed building height has been governed by the envelopes set out in the Second Amending Concept SSDA (reference SSD-79307765).	Section 6

Statutory Reference	Relevant Considerations	Relevance	Section in EIS
		An airspace approval was previously obtained for the site and remains relevant to the site and this proposal.	
7.17 Development in areas subject to aircraft noise	<p>Applies to development that is on land that –</p> <p>(i) is near the Sydney (Kingsford Smith) Airport, and</p> <p>(ii) is in an ANEF contour of 20 or greater, and</p> <p>the consent authority considers is likely to be adversely affected by aircraft noise.</p>	The site is not located within an area with an ANEF contour of 20 or greater	N/A
Clause 7.20 Development requiring or authorising preparation of a development control plan	A DCP is required for sites outside of Central Sydney if the site area is more than 5,000 sqm or if the development will result in a building with a height greater than 25m above existing ground level.	<p>Section 4.23 of the Environmental Planning and Assessment Act 1979 stipulates that an obligation to prepare a DCP may be satisfied by the making and approval of a concept development application.</p> <p>A staged concept development application has been approved for the site (SSD-9393) and amended by SSD-10441. A seconding amending concept SSDA (SSD-79307765) has been submitted concurrently with this application</p> <p>Accordingly, clause 7.20 has been satisfied.</p>	N/A
7.26 Public Art	<p>Consent must not be granted for public art unless the consent authority is satisfied that the development—</p> <p>(a) will not involve the display of an advertisement, and</p> <p>(b) will not increase the gross floor area of any building, and</p>	<p>Public art will be incorporated within the facades of Building 2. The proposed public art will satisfy the provisions of Clause 7.26 and will not result in any adverse impacts on the public domain.</p> <p>A heritage impact assessment has been prepared as part of this SSDA and concludes that the heritage impacts of the proposed development are acceptable.</p>	Section 6 and Appendix F

Statutory Reference	Relevant Considerations	Relevance	Section in EIS
	<p>(c) will not have a significant adverse impact on any heritage conservation area, heritage item or other object or place of heritage significance, and</p> <p>(d) will not have a significant adverse impact on the amenity of the public domain, including by overshadowing, wind or noise impacts, and</p> <p>(e) if it is to be carried out on land to which a plan of management (within the meaning of the Local Government Act 1993) applies, will be in accordance with the plan of management.</p>		
7.27 Active Street Frontages	<p>Development consent must not be granted to the erection of a building, or a change of use of a building, on land to which this clause applies unless the consent authority is satisfied that, after its erection or change of use—</p> <p>(a) all premises on the ground floor of the building that face the street will be used for the purposes of business premises or retail premises, and</p> <p>(b) those premises will have active street frontages</p>	<p>The Active Frontages Map shows that an active frontage is required along Botany Road frontage of the site.</p> <p>All premises on the ground floor of Building 2 that will face Botany Road will comprise retail premises and have active street frontages.</p>	Section 6 and Appendix E
Waterloo Metro Quarter Design and Amenity Guide			
An assessment of the proposed development's consistency with the objectives of the Waterloo Metro Quarter Design and Amenity Guideline is set out in the accompanying Design Report prepared by Bates Smart.			
Sydney Development Control Plan 2012			
In accordance with clause 2.10 of the Planning Systems SEPP, the provisions of Sydney Development Control Plan 2012 (SDCP 2012) do not apply to this development.			

Table 2 Schedule 5 Assessment (I&E SEPP)

Assessment Criteria	Comment	Compliance
1 Character of the area		
Is the proposal compatible with the existing or desired future character of the area or locality in which it is proposed to be located?	<p>Approval is sought for a signage zone that will be located on the western facade of Building 2. The design of the signage will be subject to a future detailed DA.</p> <p>The area surrounding the site is contains a variety of signage. Signage on Building 2 will be compatible with the existing and desired future character of the area.</p>	Yes
Is the proposal consistent with a particular theme for outdoor advertising in the area or locality?	<p>The area surrounding the site is contains a variety of signage, including business identification and other large signage located on the buildings along Botany Road.</p> <p>Signage on Building 2 will therefore be consistent with the existing advertising in the area and wider locality as well as that utilised on similar development.</p>	Yes
2 Special areas		
Does the proposal detract from the amenity or visual quality of any environmentally sensitive areas, heritage areas, natural or other conservation areas, open space areas, waterways, rural landscapes or residential areas?	<p>The proposed signage zone will allow for a sign to be installed on the western facade of Building 2. The signage zone is well integrated within the development.</p> <p>The detailed design of the signage will be determined at a later stage. Signage in the location proposed is capable of complying with this requirement and will not detract from the amenity of visual quality of the area. The design of the signage can avoid adverse environmental impacts.</p>	Capable of complying
3 Views and vistas		
Does the proposal obscure or compromise important views?	The signage will be integrated onto the western facade of Building 2 and will not obscure or compromise important views	Yes
Does the proposal dominate the skyline and reduce the quality of vistas?	The signage will be integrated onto the western facade of Building 2 and will not dominate the skyline and reduce the quality of any vista	Yes

Assessment Criteria	Comment	Compliance
Does the proposal respect the viewing rights of other advertisers?	Signage located within the proposed signage zone will not impact the viewing rights of other advertisers.	Yes
4 Streetscape, setting or landscape		
Is the scale, proportion and form of the proposal appropriate for the streetscape, setting or landscape?	The scale and proportion of the signage zone is fully appropriate for the site's setting.	Yes
Does the proposal contribute to the visual interest of the streetscape, setting or landscape?	The proposed signage will be visible from along Botany Road and to the west of the site. The detailed design of the signage will be approved via a separate DA. However, it is considered that compliance with this criteria can be achieved.	Capable of complying
Does the proposal reduce clutter by rationalising and simplifying existing advertising?	Approval is sought for one signage zone. The signage zone is of an appropriate scale and proportion to the building upon which it will be located and will not contribute to visual clutter.	Yes
Does the proposal screen unsightliness?	The signage will be located on the facade of Building 2. The detailed design of the signage will be approved via a separate DA and can complement the appearance of the building.	Yes
Does the proposal protrude above buildings, structures or tree canopies in the area or locality?	The proposed signage will be located towards the upper levels of Building 2. Visibility of the signage will be limited to along Botany Road and other locations to the west of the site.	Yes
Does the proposal require ongoing vegetation management?	The proposed signage will not require ongoing vegetation management	No
5 Site and building		
Is the proposal compatible with the scale, proportion and other characteristics of the site or building, or both, on which the proposed signage is to be located?	The scale and proportion of the signage zone is fully appropriate for the proposed building. The size of the proposed signage zone will ensure that future signage will not dominate the building facade.	Yes
Does the proposal respect important features of the site or building, or both?	The signage zone has been located near the top of the western elevation of Building 2. The location of the proposed signage zone will ensure that future signage respects the important features of the building.	Yes

Assessment Criteria	Comment	Compliance
Does the proposal show innovation and imagination in its relationship to the site or building, or both?	Approval is sought for a signage zone only. The detailed design of the signage will be subject to a future DA.	Capable of complying
6 Associated devices and logos with advertisements and advertising structures		
Have any safety devices, platforms, lighting devices or logos been designed as an integral part of the signage or structure on which it is to be displayed?	Approval is sought for a signage zone only. The detailed design of the signage will be subject to a future DA.	Capable of complying
7 Illumination		
Would illumination result in unacceptable glare?	Approval is sought for a signage zone only. The detailed design of the signage will be subject to a future DA.	Capable of complying
Would illumination affect safety for pedestrians, vehicles or aircraft?	Approval is sought for a signage zone only. The detailed design of the signage will be subject to a future DA.	Capable of complying
Would illumination detract from the amenity of any residence or other form of accommodation?	Approval is sought for a signage zone only. The detailed design of the signage will be subject to a future DA.	Capable of complying
Can the intensity of the illumination be adjusted, if necessary?	Approval is sought for a signage zone only. The detailed design of the signage will be subject to a future DA.	Capable of complying
Is the illumination subject to a curfew?	Approval is sought for a signage zone only. The detailed design of the signage will be subject to a future DA.	Capable of complying
8 Safety		
Would the proposal reduce the safety for any public road?	Approval is sought for a signage zone only. The detailed design of the signage will be subject to a future DA. Notwithstanding, given the location of the proposed signage, future advertising is unlikely to reduce safety of any public road.	Capable of complying
Would the proposal reduce the safety for pedestrians or bicyclists?	Signage in the proposed signage zone will not reduce safety for pedestrians or cyclists.	Capable of complying

Assessment Criteria	Comment	Compliance
Would the proposal reduce the safety for pedestrians, particularly children, by obscuring sightlines from public areas?	Signage in the proposed signage zone will not obscure sightlines from public areas or reduce safety for pedestrians.	Capable of complying

Table 3 Assessment against Housing SEPP Non-discretionary standards (Section 68) and standards (Section 69)

Requirement	Comment
Section 68 Non-discretionary standards	
(a) for development in a zone in which residential flat buildings are permitted—a floor space ratio that is not more than—	The proposed WMQ development will have an FSR of less than 6:1, which does not exceed the maximum permitted.
(i) the maximum permissible floor space ratio for residential accommodation on the land, and	
(ii) an additional 10% of the maximum permissible floor space ratio if the additional floor space is used only for the purposes of co-living housing,	
(b) for co-living housing containing 6 private rooms—	Not applicable – the proposed co-living accommodation includes more than 6 private rooms
(i) a total of at least 30m ² of communal living area, and	
(ii) minimum dimensions of 3m for each communal living area,	
(c) for co-living housing containing more than 6 private rooms—	A total of 1,372 sqm of communal living area will be provided, which exceeds the minimum requirement (1,018 sqm) based on the number of private rooms proposed. Each communal living area will have dimensions greater than 3 meters.
(i) a total of at least 30m ² of communal living area plus at least a further 2m ² for each private room in excess of 6 private rooms, and	
(ii) minimum dimensions of 3m for each communal living area,	
(d) communal open spaces—	760 sqm of communal open space is proposed for residents of the co-living accommodation. This equates to more than 27% of the site area. The communal open space will have dimensions greater than 3 meters.
(i) with a total area of at least 20% of the site area, and	
(ii) each with minimum dimensions of 3m,	

Requirement	Comment
(e) unless a relevant planning instrument specifies a lower number— (i) for development on land in an accessible area—0.2 parking spaces for each private room, or (ii) otherwise—0.5 parking spaces for each private room,	The application does not seek approval for car parking. Basement parking for the proposed development has been approved via a separate SSDA.
(f) for development on land in Zone R2 Low Density Residential or Zone R3 Medium Density Residential—the minimum landscaping requirements for multi dwelling housing under a relevant planning instrument,	Not applicable - the site is zoned MU1 Mixed Use
(g) for development on land in Zone R4 High Density Residential—the minimum landscaping requirements for residential flat buildings under a relevant planning instrument.	Not applicable – the site is zoned MU1 Mixed use
Section 69 Standards for co-living housing	
Development consent must not be granted for development for the purposes of co-living housing unless the consent authority is satisfied that—	
(a) each private room has a floor area, excluding an area, if any, used for the purposes of private kitchen or bathroom facilities, that is not more than 25m ² and not less than – (i) for a private room intended to be used by a single occupant—12m ² , or otherwise—16m ² , and	Complies
(b) the minimum lot size for the co-living housing is not less than— (i) for development on land in Zone R2 Low Density Residential—600m ² , or (ii) for development on other land—800m ² , and	The site area exceeds 800 sqm.

Requirement	Comment
(Repealed)	
(c) for development on land in Zone R2 Low Density Residential or an equivalent land use zone, the co-living housing— (i) will not contain more than 12 private rooms, and (ii) will be in an accessible area, and	Not applicable – the site is not located in Zone R2.
(d) the co-living housing will contain an appropriate workspace for the manager, either within the communal living area or in a separate space, and	A workspace for the manager of the building will be provided at Level 03.
(e) for co-living housing on land in a business zone—no part of the ground floor of the co-living housing that fronts a street will be used for residential purposes unless another environmental planning instrument permits the use, and	The co-living accommodation will be located within the tower only (i.e. above ground floor level).
(f) adequate bathroom, laundry and kitchen facilities will be available within the co-living housing for the use of each occupant, and	Adequate bathroom, laundry and kitchen facilities are provided for each occupant. Each unit will include a kitchen and en-suite bathroom. Communal laundry facilities will be provided at Level 03.
(g) each private room will be used by no more than 2 occupants, and	The majority of the proposed co-living rooms are designed for occupancy by a single resident. One room at each level has been designed for dual occupancy. Accordingly, the proposed development complies with this provision.
(h) the co-living housing will include adequate bicycle and motorcycle parking spaces.	Adequate bicycle and motorcycle parking spaces will be provided within the basement, which has been approved via a separate SSDA.
<i>Development consent must not be granted for development for the purposes of co-living housing unless the consent authority considers whether—</i>	
(a) the front, side and rear setbacks for the co-living housing are not less than— (i) for development on land in Zone R2 Low Density Residential or Zone R3 Medium Density Residential—the minimum setback requirements for	Not applicable – the site is zoned MU1 Mixed Use

Requirement	Comment
<p>multi dwelling housing under a relevant planning instrument, or</p> <p>for development on land in Zone R4 High Density Residential—the minimum setback requirements for residential flat buildings under a relevant planning instrument, and</p>	
<p>(b) if the co-living housing has at least 3 storeys—the building will comply with the minimum building separation distances specified in the Apartment Design Guide, and</p>	<p>No building separation is necessary where building types incorporate blank party walls.</p> <p>The proposed separation distance from Building 2 to Building 1B varies from 15 to 26 metres. No windows are proposed to the co-living units on the part of the façade that is located 15m from Building 1B. Accordingly, compliance with this requirement is achieved.</p>
<p>(c) at least 3 hours of direct solar access will be provided between 9am and 3pm at mid-winter in at least 1 communal living area, and</p>	<p>Communal living areas located at levels 3 and 24 of the report will achieve compliance with this requirement as detailed further in section 6.3 below.</p>
<p>(f) the design of the building will be compatible with—</p> <p>(i) the desirable elements of the character of the local area, or</p> <p>(ii) for precincts undergoing transition—the desired future character of the precinct.</p>	<p>The design of the proposed development responds to the guidelines set out within the Waterloo Metro Quarter Design and Amenity Guidelines and the is fully compatible with the desired future character of the area, including the adjoining buildings within the northern and southern precincts.</p>