

Notice of decision

Section 2.22 and clause 20 of Schedule 1 of the *Environmental Planning and Assessment Act 1979*

Application type	State significant development
Application number and project name	SSD-9393-MOD-1 and SSD-10437 Concept Approval MOD 1 and Southern Precinct SSD - Waterloo Metro Quarter OSD
Applicant	WL DEVELOPER PTY LTD
Consent Authority	Minister for Planning and Public Spaces

Decision

The Executive Director under delegation from the Minister for Planning and Public Spaces has, under section 4.38 of the *Environmental Planning and Assessment Act 1979 (the Act)* granted consent to the development application and modified the Concept Approval subject to the recommended conditions.

A copy of the development consent and conditions is available [here](#).

A copy of the Department of Planning and Environment's Assessment Report is available [here](#).

Date of decision

30 July 2021

Reasons for decision

The following matters were taken into consideration in making this decision:

- the relevant matters listed in section 4.15 of the Act and the additional matters listed in the statutory context section of the Department's Assessment Report;
- the prescribed matters under the *Environmental Planning and Assessment Regulation 2000*;
- the objects of the Act;
- all information submitted to the Department during the assessment of the development application;
- the findings and recommendations in the Department's Assessment Report; and
- the views of the community about the project (see Attachment 1).

The findings and recommendations set out in the Department's Assessment Report were accepted and adopted as the reasons for making this decision. Additional reasons for making the decision are also recorded in the Department's Assessment Report.

The key reasons for granting consent to the development application are as follows:

- the project would provide a range of benefits for the region and the State as a whole, including 70 social housing dwellings, 435 student housing rooms, 57 full time jobs, \$105million capital investment and local infrastructure contributions;
- the project is permissible with development consent and is consistent with NSW Government policies including the Eastern City District Plan and Future Transport Strategy 2056. The project will strengthen the competitiveness of Sydney as an economic hub and takes advantage of the Government's investment in public transport by locating social housing and student housing above and around the Waterloo Metro Station;
- the impacts on the community and the environment can be appropriately minimised, managed or offset to an acceptable level, in accordance with applicable NSW Government policies and standards;
- the issues raised by the community during consultation and in submissions have been considered and adequately addressed through justification for the project and the recommended conditions of consent;
- the proposal would achieve design excellence;
- the proposal complies with the maximum building height and floor space ratio standards for the site; and
- weighing all relevant considerations, the project is in the public interest.

Attachment 1 – Consideration of Community Views

The Department exhibited the Environmental Impact Statement for the project from 5 November 2020 until 3 December 2020 (28 days) and received 18 public submissions, including 15 objections, one in support of the project and two submissions providing comments.

The Department also inspected the site and surroundings on two occasions in the course of the assessment process to gain a deeper understanding of the issues raised in public submissions.

The key issues raised by the community (including in submissions) and considered in the Department's Assessment Report and by the decision maker include built form, land use, overshadowing, affordable housing and traffic and parking. Other issues are addressed in detail in the Department's Assessment Report.

<i>Issue</i>	<i>Consideration</i>
<p><i>Built form</i></p> <ul style="list-style-type: none"> height of student housing tower is excessive height of both buildings should transition towards neighbouring properties height and density of Waterloo Metro Quarter should be reduced in general project ruins the character of Waterloo. However, further explanation of this objection was not provided. 	<p><i>Assessment</i></p> <ul style="list-style-type: none"> The Department's assessment finds the proposal acceptable as the built form complies with the Sydney LEP and the Concept Approval envelopes and Design Guidelines. The Department acknowledges that the podium of the student housing tower has a three storey scale and its materials reflect the surrounding brick and masonry factories, warehouses and dwellings. As such, the proposal would sit comfortably within the neighbouring context. <p><i>Conditions</i></p> <p>No conditions are necessary in relation to these issues.</p>
<p><i>Land use</i></p> <ul style="list-style-type: none"> no demand for student housing students will not look after the neighbourhood like permanent residents. 	<p><i>Assessment</i></p> <ul style="list-style-type: none"> The Department considers the proposed land uses are suitable as they are permissible in the zone, in keeping with the Concept Approval and will assist in Waterloo Metro becoming a mixed use development which is highly integrated with transport. The Department accepts that the student housing tower will have an Operational Plan of Management to guide the operators and residents. <p><i>Conditions</i></p> <p>The recommended conditions include a requirement to lodge a final Operational Plan of Management prior to the Occupation Certificate.</p>
<p><i>Affordable housing</i></p> <ul style="list-style-type: none"> more affordable and social housing is required there is a reduction in affordable housing dwellings 	<p><i>Assessment</i></p> <ul style="list-style-type: none"> The Department acknowledges the Northern Precinct office floorspace, instead of the approved predominantly residential floorspace, reduces the amount of affordable housing to be provided compared to the Concept Approval for the overall Waterloo Metro Quarter. The Department notes that the Amending Concept (SSD 10441) would secure four more affordable housing apartments than the requirements in the Sydney LEP and Concept Approval. The Department considers that the proposed amount of affordable housing and social housing complies with the requirements for the site and is acceptable. <p><i>Conditions</i></p> <p>No conditions are necessary in relation to this issue.</p>
<p><i>Open space</i></p> <ul style="list-style-type: none"> more open space should be provided Cope Street Plaza will be privately owned wind impacts on open space areas. 	<p><i>Assessment</i></p> <ul style="list-style-type: none"> The Department is satisfied with the amount of public accessible open space provided as it complies with the amount required under the Sydney LEP and Concept approval. The Department notes Cope Street Plaza would be privately owned with public access rights. However, the materials and experience of the Plaza would not give the impression that the space is privately owned. The Department considers that the proposed amount of open space and its management are acceptable. <p><i>Conditions</i></p> <p>Recommended conditions include a requirement to create public rights of access over Cope Street Plaza and pedestrian walkways.</p>

<p><i>Parking and traffic</i></p> <ul style="list-style-type: none"> proposal will increase traffic and make it difficult to get to surrounding properties widen Botany Road for a permanent bus lane. proposal will increase pedestrians. 	<p><i>Assessment</i></p> <ul style="list-style-type: none"> The Department engaged an independent traffic consultant to review the proposed traffic generation, traffic impacts, car parking numbers and loading/unloading of the proposal. The Department's consultant considered the proposal has satisfactorily addressed traffic and parking issues and there are minor impacts on the road network and pedestrian facilities. In relation to pedestrian capacity along footpaths and at crossings, the Critical State Significant Infrastructure application and SSDs have been guided by detailed pedestrian forecast modelling for the operational phase of the Metro Station demonstrating the adequacy of surrounding and upgraded infrastructure. The Waterloo Metro Quarter, including the Southern Precinct, is noted to have minimal contribution to pedestrian demands compared to the Station infrastructure. The Department is satisfied the proposal will have acceptable parking and traffic impacts. <p><i>Conditions</i></p> <ul style="list-style-type: none"> The recommended conditions limit car parking, and therefore traffic generation, to below the maximum parking rates in the Sydney LEP 2012.
<p><i>Street trees and landscaping</i></p> <ul style="list-style-type: none"> project should retain existing trees in Cope Street. project should preserve existing trees in the Waterloo Estate (to the east, on the opposite side of Cope Street) extent and design of deep soil landscaping is questioned 	<p><i>Assessment</i></p> <ul style="list-style-type: none"> The Southern Precinct SSD has no impact on street trees along Cope Street and in the Waterloo Estate. The proposal includes removal of five street trees along Botany Road and Wellington Street, which is supported by an Arborists Report demonstrating low retention value, and offset by nine replacement trees to achieve the minimum site-wide and footpath canopy coverage requirements. The proposal include Cope Street Plaza which contains various areas for tree and shrub planting. The DRP process and RtS has provided further information on deep soil landscaping. <p><i>Conditions</i></p> <ul style="list-style-type: none"> No conditions are necessary in relation to the issue.
<p><i>Coordination with Waterloo Estate</i></p> <ul style="list-style-type: none"> community infrastructure should be coordinated with the Waterloo Estate to avoid duplication. 	<p><i>Assessment</i></p> <ul style="list-style-type: none"> Strategic planning for Waterloo Metro Quarter was completed in 2019 and enabled the mixed use development of the precinct with revised building heights and densities in response to the opportunity provided by the new Metro Station. The strategic planning was informed by concept land uses and rigorous assessment of the merits of the new planning controls. Waterloo Estate is subject to a current Planning Proposal for rezoning including consideration of future land uses and densities. The Department notes that the final selection of tenants and uses within the Waterloo Metro Quarter is subject to future applications, enabling the Applicant, Sydney Metro, Land and Housing Corporation and private landowners within the Waterloo Estate to coordinate the nature of uses to suit the needs and wants of the local and wider community <p><i>Conditions</i></p> <ul style="list-style-type: none"> No conditions are necessary in relation to this issue.
<p><i>Heavy rail</i></p> <ul style="list-style-type: none"> it is illogical to demolish the existing heavy rail system. 	<p><i>Assessment</i></p> <ul style="list-style-type: none"> The Department assumes the author of the submission is referring to the replacement of the Bankstown line with a Metro standard rail under the Critical State Significant Infrastructure works. The issue raised is not related to the Waterloo Metro Quarter development, however. <p><i>Conditions</i></p> <ul style="list-style-type: none"> No conditions are necessary in relation to this issue.
<p><i>Solar access</i></p> <ul style="list-style-type: none"> proposal reduces sunlight to author's apartment within 138 Botany Road. 	<p><i>Assessment</i></p> <ul style="list-style-type: none"> The Department notes that shadows cast on that building arise from the Central Precinct tower and Southern Precinct tower. The Department acknowledges that the Southern Precinct impacts five apartments in 138 Botany Road. These apartments would not receive a minimum of 2 hours solar access in midwinter in relation to their private open space. However, the Department's assessment finds this impact is reasonable and acceptable as the proposal complies with the height

	<p>standards and Concept Approval, the impact is minor and any proposal over approximately 10 storeys would cause the same level of impact.</p> <p><i>Conditions</i></p> <ul style="list-style-type: none"> • No conditions are necessary in relation to this issue.
<p><i>Heritage</i></p> <ul style="list-style-type: none"> • Heritage impacts on terraces and park within Alexandria Park Conservation Area. 	<p><i>Assessment</i></p> <ul style="list-style-type: none"> • The Department notes the proposal complies with the Sydney LEP and Concept Approval in regard to building height and density and has an acceptable relationship with Alexandria Park Conservation Area. • The Department also notes the building materials have been chosen to reflect the brick and masonry finishes of surrounding terrace houses, factories and warehouses. <p><i>Conditions</i></p> <ul style="list-style-type: none"> • No conditions are necessary in relation to this issue.
<p><i>Noise</i></p> <ul style="list-style-type: none"> • noise impact from loading dock on Wellington Street 	<p><i>Assessment</i></p> <ul style="list-style-type: none"> • The application was accompanied by an Acoustic Assessment demonstrating the loading dock can comply with noise criteria for the site. • The Department notes that the loading dock is internalised within the student housing building and that a Servicing and Freight Management Plan will be prepared to maximise the efficiency of the dock to ensure vehicle arrivals and departures are scheduled appropriately. <p><i>Conditions</i></p> <ul style="list-style-type: none"> • Recommended conditions include a requirement to comply with operational noise criteria and prepare a Servicing and Freight Management Plan.