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9 June 2022

Russell Hand  
Principal Planning Officer  
Key Sites Assessments  
Department of Planning and Environment  
4 Parramatta Square, 12 Darcy St,  
Parramatta, NSW 2150

Dear Russell,

## **SECTION 4.55(1A) - MODIFICATION OF SSD-10437 - WATERLOO METRO QUARTER OSD SOUTHERN PRECINCT DETAILED DESIGN SSDA**

### **1. INTRODUCTION**

This letter has been prepared by Urbis on behalf of WL Developer Pty Ltd with regards to a Section 4.55(1A) application to modify State Significant Development (SSD) Waterloo Metro Quarter Over Station Development (OSD) Southern Precinct Detailed Design SSD-10437.

As part of the detailed design development (for construction), minor internal and external design changes are proposed to the architecture of Building 3 and landscaping within the Southern Precinct. The majority of the proposed changes are internal and considered to be minor. The external changes relate to minor landscape changes, configuration of rooftop plant and inclusion of additional louvres. Accordingly, this application seeks to update the architectural and landscape plans referenced in the Terms of Consent.

The proposed design changes do not result in changes to the maximum building height approved or the approved gross floor area.

In addition, wording of some of conditions are proposed to be changed to reflect staged occupation certificate and minor construction related details, such as bicycle parking and contamination.

The application has been prepared in accordance with the *Environmental Planning and Assessment Act 1979* (EP&A Act) and *Environmental Planning and Assessment Regulations 2000* (the Regulations).

This report provides a description of the site, surrounding context, description of the proposed modifications and an environmental assessment of the proposed modification.

This letter is accompanied by the following documentation:

- Architectural plans prepared by Bates Smart (Appendix A)
- Architectural Statement prepared by Bates Smart (Appendix B)
- Landscape plans prepared by Aspect Studios (Appendix C)

- Landscape Statement prepared by Aspect Studios (Appendix D)
- Building Code of Australia statement prepared by City Plan (Appendix E)
- Access Statement prepared by Morris Goding Access (Appendix F)
- Overshadow impact assessment prepared by RWDI (Appendix G)
- Traffic Assessment prepared by ptc (Appendix H)
- Confirmation Letter prepared by DPE (Appendix I)

## **2. BACKGROUND**

The site is located within the City of Sydney Local Government Area (LGA). The site is situated approximately 3.3 kilometres south of Sydney CBD and approximately 8 kilometres northeast of Sydney International Airport within the suburb of Waterloo.

The Waterloo Metro Quarter (WMQ) site comprises land to the west of Cope Street, east of Botany Road, south of Raglan Street and north of Wellington Street (refer to Figure 1). The heritage listed Waterloo Congregational Church located at 103–105 Botany Road is within this street block but does not form a part of the WMQ site boundaries.

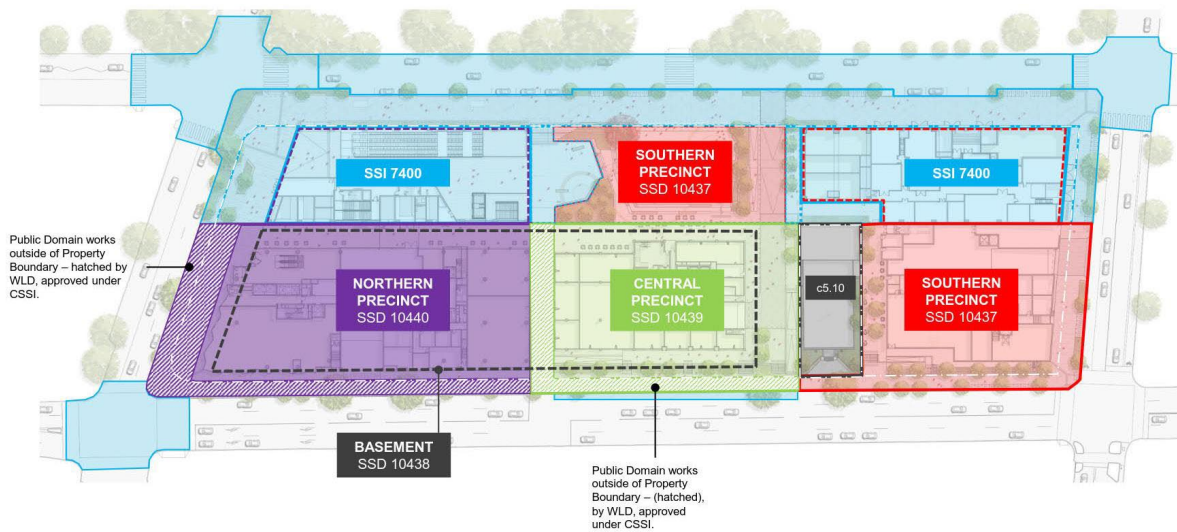
The WMQ site is a rectangular shaped allotment and has an overall site area of approximately 1.287 hectares. The detailed SSDA applies to the Southern Precinct (the site) of the WMQ site. The boundaries of the Southern Precinct within the WMQ are illustrated at Figure 2. The area surrounding the site consists of a mix of commercial, residential and light industrial uses, civic uses and open space.

Figure 1 Aerial View of Site



Source: NearMap

Figure 2 Waterloo Metro Quarter Station Site Precinct Identification (SSDA Boundaries)



Source: WL Developer Pty Ltd

### 3. DEVELOPMENT BACKGROUND

SSD 10437 was approved by the Department of Planning and Environment (DPE) on 30 July 2021. Development consent was granted for:

*Construction of the Southern Precinct within Waterloo Metro Quarter, comprising:*

- *a student housing tower accommodating up to 474 students*
- *a social housing building containing 70 apartments*
- *a maximum gross floor area of 18,789 m<sup>2</sup> (excluding gross floor area approved under CSSI 7400)*
- *publicly accessible open space including Cope Street Plaza, a shared zone from Cope Street into the site and expanded footpaths along Botany Road and Wellington Street*
- *building identification signage for student housing building*
- *staged stratum subdivision.*

This modification application proposes to amend the SSD consent as approved.

### 4. PROPOSED MODIFICATION

This Section 4.55(1A) application proposes minor internal and external design changes to Building 3 (which comprise the student accommodation, Makerspace and Gym), as well as minor changes to the surrounding landscape. The majority of the proposed changes are internal and are considered to be minor. The external changes proposed relate to minor landscape changes, reconfiguring the rooftop plant, and the addition of louvres.

The proposed increase height of rooftop plant zones does not exceed the approved Concept building envelope under Concept SSD 9393 and does not affect the approved gross floor area for the Southern Precinct. No changes are proposed to Building 4 within the Southern Precinct, which comprise social housing dwellings.

A detailed breakdown of the proposed design changes are summarised below:

#### **Architectural**

##### Building 3 External

Revised rooftop plant zones – Increase height of plant zones to maximum RL93.95, which is at the same height as the maximum height of the approved building, and does not exceed the approved Concept building envelope maximum height (Concept SSD 9393), which is RL 96.9 (see Figure 3 and Figure 4).

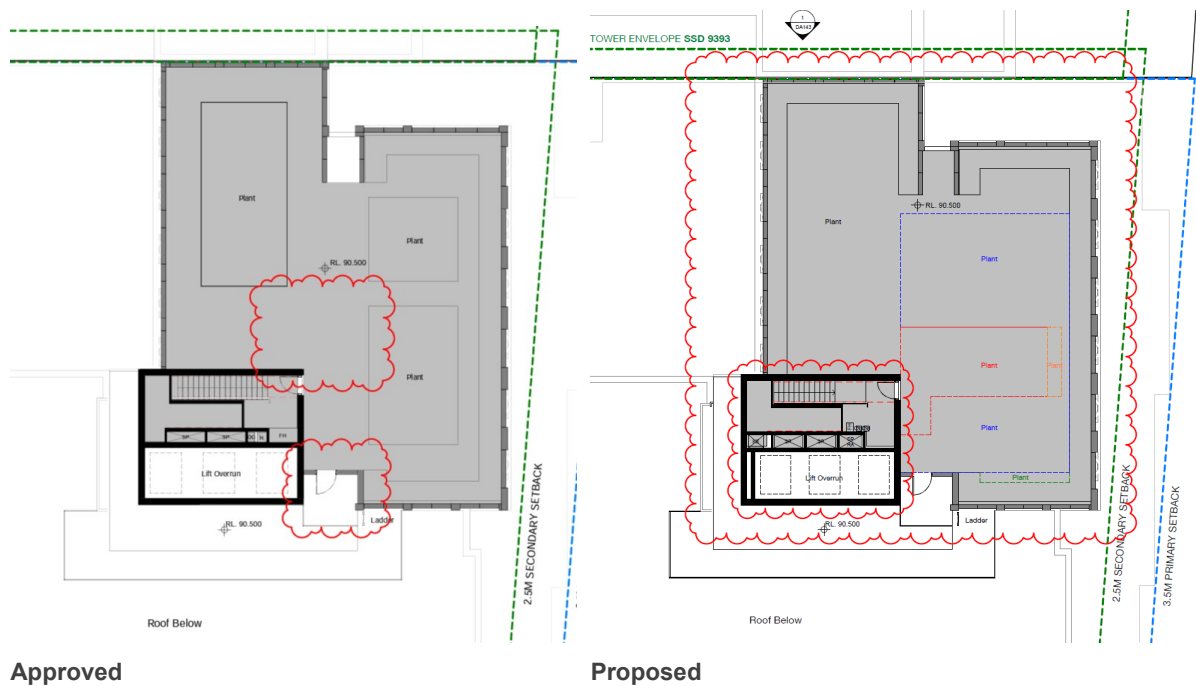
- Addition of louvre for ventilation on western elevation to Level 24 lift core.
- Additional service doors to podium roof.
- Addition of louvres to podium of the mezzanine level and Level 1.
- Addition of louvres to northern elevation of the ground level and Level 2.



### Building 3 Internal

- Student accommodation – reconfiguration to the core and services areas.
- Gym – lift and stair reconfiguration.
- Addition of block wall and boom gate to loading dock driveway.

Figure 3 Approved and Proposed Building 3 Roof Plant Plan

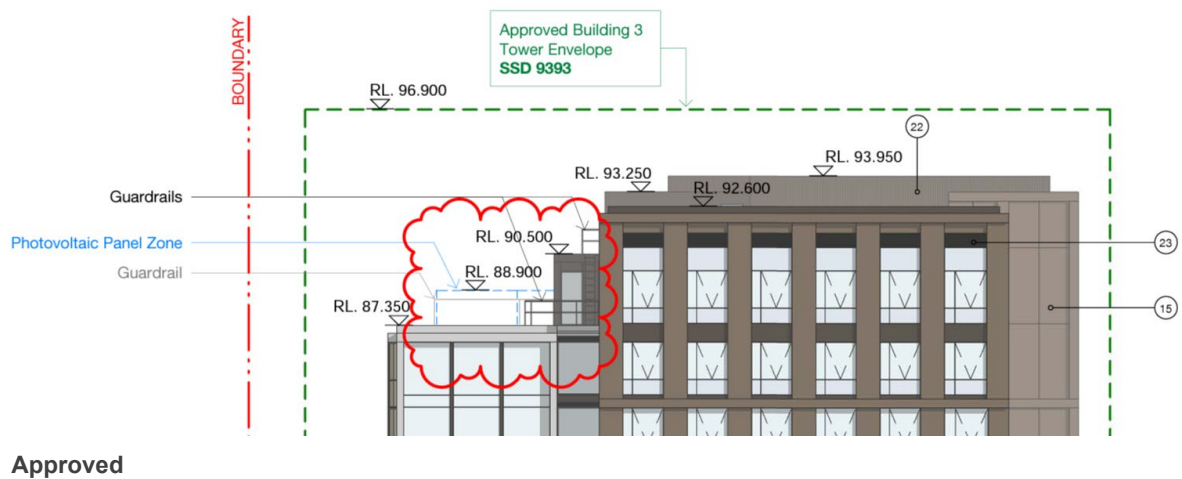


**Approved**

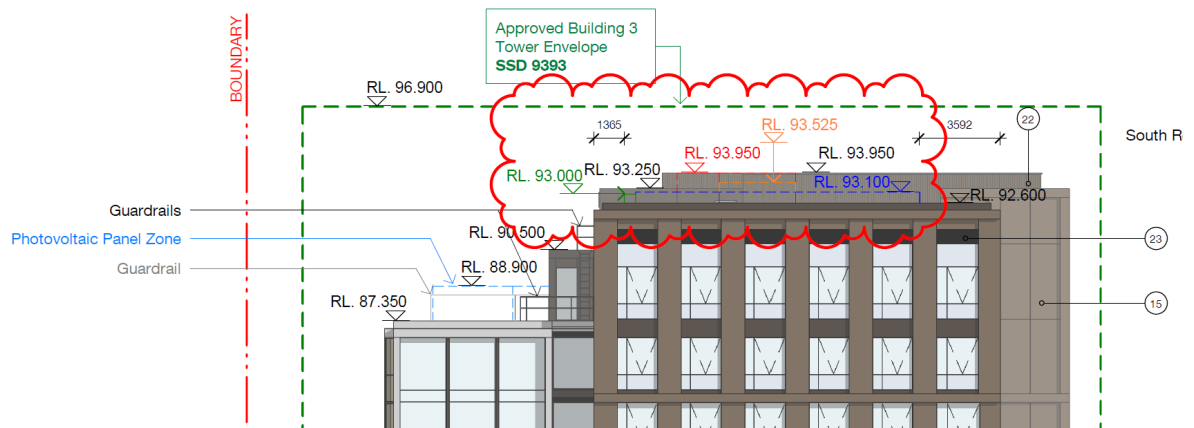
**Proposed**

Source: Bates Smart

Figure 4 Approved and Proposed Building Southern Elevation Extract



**Approved**



## Proposed

Source: Bates Smart

## Landscape

- Landscape changes to Cope Street Plaza, including:
  - Removal of indicative pergola
  - Reconfiguration of southern planter wall alignment to improve pedestrian safety and increase soil volume to trees
  - Reconfiguration of seating bench locations
  - Adjustment to bollard location to be in line with guidance from security consultant.
- Landscape changes to the rear of Waterloo Congregational Church Boundary, including:
  - Provide additional landscape area to rear of Waterloo Congregational Church
  - Removal of raised steel planters to provide seven bike racks.
  - Raised planter seating wall.
- Landscape changes to Church Yard, including:
  - Reduction in retaining wall height alongside the Waterloo Congregational Church to improve site visibility and reduce potential construction impacts.
  - Creation of landscape terraces to give the Waterloo Congregational Church access to planting at lower height than previously designed.
  - Additional bike parking behind the Church to achieve the overall bike parking requirement across the site (relocated from the Central Precinct).
  - Seating and stairs design updated to align to new landscape geometry.
- Minor changes to Building 3 Level 2 Terrace, including:
  - Three proposed trees relocated away from balustrade edge and closer to seating zone.

- Removal of one proposed tree in the eastern corner as a result of design development and structural coordination requirements.

The proposed landscape changes do not impact on the overall tree canopy coverage across the broader WMQ site (25.7% overall canopy cover and 54.8% street tree canopy cover) or the overall deep soil area approved.

Detailed landscape plan changes are described in Landscape Statement prepared by Aspect Studios and attached at Appendix C.

#### 4.1. AMENDMENT TO CONDITIONS

The following conditions are proposed to be amended. Proposed amendments are outlined in Table 1 in red and strike-through text.

Table 1 Proposed changes to conditions

Approved	Proposed	Comment
<p><b>TERMS OF CONSENT</b></p> <p><i>Building 3 architectural drawings prepared by Bates Smart</i></p> <p>....</p> <p><i>Landscape Plans prepared by Aspect Studios</i></p>	<p>Approved Plan references to be amended to reflect the proposed architectural and landscape changes.</p>	
<p><b>LANDSCAPING</b></p> <p><i>B12. Prior to the issue of the relevant Construction Certificate, the Applicant must prepare detailed Landscape Plans, to the satisfaction of the Certifier. The plans must be consistent with the Landscape Plans submitted with the RtS and:</i></p> <p>.....</p>	<p><b>LANDSCAPING</b></p> <p><i>B12. Prior to the issue of the relevant Construction Certificate, the Applicant must prepare detailed Landscape Plans, to the satisfaction of the Certifier. The plans must be consistent with the Landscape Plans <b>approved:</b></i></p> <p>.....</p>	<p>Condition to be updated to reference the approved landscape plan.</p>
<p><b>REMEDATION – SITE AUDIT REPORT AND SITE AUDIT STATEMENT</b></p> <p><i>C39. Upon completion of the remediation works and prior to</i></p>	<p><b>REMEDATION – SITE AUDIT REPORT AND SITE AUDIT STATEMENT</b></p> <p><i>C39. Upon completion of the remediation works and prior to</i></p>	<p>Modify the wording of this condition, so the requirement is the consistent with the remediation condition C36 <i>Remediation – Site Audit Report And Site Audit</i></p>

Approved	Proposed	Comment
<p>the commencement of construction of works within the land affected by contamination as identified in Figure 3 - Southern Precinct of the Contaminated Sites Strategy Report prepared by Douglas Partners dated 30 September 2020, a Site Audit Report and a Site Audit Statement, prepared in accordance with the NSW Contaminated Land Management - Guidelines for the NSW Site Auditor Scheme 2017, which demonstrates the site is suitable for its approved land use, must be submitted to the Planning Secretary for information.</p>	<p>the <b>completion of the structure</b> within the land affected by contamination as identified in Figure 3 - Southern Precinct of the Contaminated Sites Strategy Report prepared by Douglas Partners dated 30 September 2020, a Site Audit Report and a Site Audit Statement, prepared in accordance with the NSW Contaminated Land Management - Guidelines for the NSW Site Auditor Scheme 2017, which demonstrates the site is suitable for its approved land use, must be submitted to the Planning Secretary for information.</p>	<p>Statement under the consent for Basement Detailed SSD 10438, which only require the submission of Site Audit Report and a Site Audit Statement upon completion of the remediation works.</p> <p>This is also to allow the installation of retention structure alongside the Waterloo Church boundary (if required) to ensure structural safety during remediation works.</p>
<p><b>CAR PARKING</b></p> <p>E16. Prior to the issue of the relevant Occupation Certificate, the Applicant shall submit to the satisfaction of the Certifier plans demonstrating access for the Southern Precinct to the following within the Basement development (SSD 10438) within the Waterloo Metro Quarter: (a) eight car spaces for the Social Housing Building.</p>	<p><b>CAR PARKING</b></p> <p>E16. Prior to the issue of <b>final</b> Occupation Certificate, the Applicant shall submit to the satisfaction of the Certifier plans demonstrating access for the Southern Precinct to the following within the Basement development (SSD 10438) within the Waterloo Metro Quarter: (a) eight car spaces for the Social Housing Building.</p>	<p>To reflect the staged issue of occupation certificate for the Southern Precinct.</p>
<p><b>BICYCLE PARKING AND END-OF-TRIP FACILITIES</b></p> <p>E17. Prior to the issue of the relevant Occupation Certificate, the Applicant shall submit to the satisfaction of the Certifier plans demonstrating</p>	<p><b>BICYCLE PARKING AND END-OF-TRIP FACILITIES</b></p> <p>E17. Prior to the issue of the <b>final</b> Occupation Certificate, the Applicant shall submit to the satisfaction of the Certifier plans demonstrating access for</p>	<p>To reflect the staged issue of occupation certificate for the Southern Precinct.</p> <p>Amend the condition to reflect the location of visitor bike storage spaces.</p>



Approved	Proposed	Comment
<p>access for the Southern Precinct to the following within the Basement development (SSD 10438) within the Waterloo Metro Quarter:</p> <p>(a) a minimum of 5 retail staff bike storage spaces and 5 lockers and 1 shower for retail staff use</p> <p>(b) a minimum of 15 retail visitor bike storage spaces</p>	<p>the Southern Precinct to the following: <del>within the Basement development (SSD 10438)</del> <del>within the Waterloo Metro Quarter:-</del></p> <p>(a) a minimum of 5 retail staff bike storage spaces and 5 lockers and 1 shower for retail staff use within the Basement development (SSD 10438)</p> <p>(b) a minimum of 15 retail visitor bike storage spaces within the public domain of the Waterloo Metro Quarter site.</p>	<p>15 retail visitor bike storage spaces are located within the public domain of the Southern Precinct not within the Basement.</p>
<p><b>WORKS AS EXECUTED DRAWINGS</b></p> <p>E20. Prior to the issue of any Occupation Certificate, the Applicant must submit to the satisfaction of the Certifier works-as-executed drawings signed by a registered surveyor demonstrating that the stormwater drainage and finished ground levels have been constructed as approved.</p>	<p><b>WORKS AS EXECUTED DRAWINGS</b></p> <p>E20. Prior to the issue of <i>final</i> Occupation Certificate, the Applicant must submit to the satisfaction of the Certifier works-as-executed drawings signed by a registered surveyor demonstrating that the stormwater drainage and finished ground levels have been constructed as approved.</p>	<p>To reflect the staged issue of occupation certificate for the Southern Precinct.</p>
<p><b>STORMWATER COMPLETION DEED OF AGREEMENT AND POSITIVE COVENANT</b></p> <p>E24. Prior to the issue of any Occupation Certificate:</p> <p>(a) The Owner is required to enter into a Deed of Agreement with the City of Sydney and obtain registration of Title of a Positive Covenant</p>	<p><b>STORMWATER COMPLETION DEED OF AGREEMENT AND POSITIVE COVENANT</b></p> <p>E24. Prior to the issue of <i>final</i> Occupation Certificate:</p> <p>(a) The Owner is required to enter into a Deed of Agreement with the City of Sydney and obtain registration of Title of a Positive Covenant</p>	<p>To reflect the staged issue of occupation certificate for the Southern Precinct.</p>

Approved	Proposed	Comment
<p><i>for all proposed connections to the City's underground drainage system. The deed and positive covenant will contain terms reasonably required by the City and will be drafted by the City's Legal Services Unit at the cost of the applicant, in accordance with the City's Fees and Charges.</i></p> <p><i>(b) A Positive Covenant must be registered on the property title for all drainage systems involving On-Site Detention (OSD) to ensure maintenance of the approved OSD system regardless of the method of connection. The positive covenant will contain terms reasonably required by the City and will be drafted by the City's solicitor at the cost of the applicant, in accordance with the City's Fees and Charges.</i></p>	<p><i>for all proposed connections to the City's underground drainage system. The deed and positive covenant will contain terms reasonably required by the City and will be drafted by the City's Legal Services Unit at the cost of the applicant, in accordance with the City's Fees and Charges.</i></p> <p><i>(b) A Positive Covenant must be registered on the property title for all drainage systems involving On-Site Detention (OSD) to ensure maintenance of the approved OSD system regardless of the method of connection. The positive covenant will contain terms reasonably required by the City and will be drafted by the City's solicitor at the cost of the applicant, in accordance with the City's Fees and Charges.</i></p>	
<p><b>REMEDIATION AND SITE AUDIT STATEMENT</b></p> <p><i>E39. Any land to be dedicated to the City of Sydney must be remediated to a minimum depth of 1.5m below finished ground level with no Long Term Environmental Management Plan attached.</i></p>	<p><b>REMEDIATION AND SITE AUDIT STATEMENT</b></p> <p><del><i>E39. Any land to be dedicated to the City of Sydney must be remediated to a minimum depth of 1.5m below finished ground level with no Long Term Environmental Management Plan attached.</i></del></p>	<p>Remove condition – there is no land being dedicated to City of Sydney Council.</p>

## 5. SECTION 4.55 (1A) ASSESSMENT

The application has been assessed in accordance with the relevant requirements of Section 4.55(1A) of the *Environmental Planning and Assessment Act 1979* (EP&A Act) as set out below. DPE may modify a development consent under the provision of Section 4.55(1A) of the Act if satisfied that the amendment is of 'minimal environmental impact' and the development remains 'substantially the same' as originally approved.

### 5.1. MINIMAL ENVIRONMENTAL IMPACT

The potential environmental impacts are minimal and can be considered in accordance with the provisions under Section 4.55(1A) as:

- **Built form:** The proposed modifications do not impact the approved built form and articulation of the built form from the public domain as outlined in Section 6.4.1 of this report. The revised plant zone and the location of additional louvres will have negligible visibility from the public domain and surrounding buildings.
- **Visual impact:** The revised plant zones are setback from the building edge and is not readily visible from the public domain as outlined in Section 6.4.1 of this report.
- **View impact:** As the plant zones are for small roof top elements and do not exceed the approved maximum building height, they do not significantly impact view corridors to and from the site.
- **Overshadow:** Overshadowing to Cope Street Plaza and Alexandria Park will not have any measurable impact from the minor modification of building services protruding above the roof. The change in rooftop plant zones is still consistent with the overshadowing anticipated by the approved Southern Precinct Detailed Design SSD which demonstrated a reduction in overshadowing than the Concept SSD Response to Submission (RTS for Concept SSD 9393) reference scheme. This is further outlined at Section 6.4.2 of this report.
- **Amenity Impact:** The addition of louvres to the elevation improves the amenity of the building with no detriment to surrounding buildings. The internal reconfiguration relates to rationalising core, services areas and circulation areas, which will not have any external amenity impact. The additional block wall and boom gate will also improve security. Overall these changes make neutral or better amenity contribution to the development and will not create additional amenity impact to nearby developments.
- **Landscape and public domain:** The same tree canopy coverage is maintained, therefore the proposed modification can continue to enhance wind comfort condition for Cope Street Plaza. The proposed modifications do not impact the public domain, including Cope Street Plaza and pedestrian movement to the southern station entries.
- **Heritage:** The landscape changes around the Waterloo Congregational Church will provide additional landscaping area around the Church, improve site visibility and reduce potential construction impacts to the heritage item. Overall the proposed landscape modification has a positive impact to the Church.

### 5.2. SUBSTANTIALLY THE SAME DEVELOPMENT

The development as modified will remain substantially the same as the approved development for the reasons outlined below:

- The modifications do not seek to amend the approved gross floor area (GFA).

- The proposed rooftop plant zone increase is at the same height as the maximum height of the approved building, and does not exceed the approved Concept building envelope maximum height (Concept SSD 9393).
- The modifications do not change the approved land uses of the OSD.
- The modifications do not seek to amend the approved unit numbers, internal layout or GFA allocation for student housing and social housing.
- There are no alterations to the predominant architectural design of the building and no significant changes proposed to the landscape design of Cope Street Plaza and public domain areas.
- When considered in the context of the entire site, the proposal will result in substantially the same development as that approved, with no new impacts resulting from the proposal that have not already been addressed.

As detailed above, the consent authority can be satisfied that the modified proposal is substantially the same development for which consent was originally granted. The modification of development consent SSD 10437 can therefore lawfully be approved pursuant to Section 4.55(1A) of the EP&A.

## **6. SECTION 4.15 ASSESSMENT**

The matters referred to in Section 4.15 of the EP&A Act also need to be considered in the assessment of the proposed modification. Each of the matters relevant to the proposal is addressed below.

### **6.1. ANY ENVIRONMENTAL PLANNING INSTRUMENT**

The proposed modification has been assessed in accordance with the relevant planning controls. The application has been submitted in accordance with the requirements of Section 4.55(1A) of the EP&A Act.

#### **6.1.1. State Environmental Planning Policy (Transport and Infrastructure) (TISEPP) 2021**

*State Environmental Planning Policy (Transport and Infrastructure) 2021* (TISEPP) came into force on 02 December 2021 and aims to facilitate the effective delivery of infrastructure across the State.

The TISEPP identifies matters for consideration in the assessment of types of infrastructure development, including all new development that generates large amounts of traffic in a local area. The following clauses are relevant to this application:

- Development on land in or adjacent to a rail corridor (clause 2.97 of Division 15 Railways).
- Excavation in, above, below or adjacent to rail corridors (clause 2.98 of Division 15 Railways)
- Major development within the Interim Metro Corridor (clause 2.101 of Division 15 Railways).
- Development near proposed metro stations (clause 2.102 of Division 15 Railways).
- Development with a frontage to a classified road (clause 2.118 of Division 17 Roads and Traffic).
- Impact of road noise or vibration on non-road development (clause 2.119 of Divisions 17 Roads and Traffic).
- Traffic generating development (Schedule 3).

As per clause 2.97, the consent authority must provide notice to the relevant rail authority within seven days after the application is made for their consideration prior to the determination of the modification application.

The proposal relates to development located within the Sydney Metro City & South-West corridor and will be referred to Sydney Metro and TfNSW for comment.

Pursuant to clause 2.121 (Traffic Generating development) and schedule 3 of the TISEPP, the modification application also triggers consultation with the TfNSW (Roads Division), as the proposed development has more than 75 dwellings with access to a road that is less than 90m from a classified road.

The proposed developments traffic generation has been assessed as part of the approved Southern Precinct Detailed Design SSD. Traffic generation was projected with reference to the RMS 'Guide to Traffic Generating Developments' and the rates utilised in the concept approval (SSD 9393), whilst also taking into account the proposed parking provisions for the WMQ OSD proposals. The assessment concluded that the external road network should operation at acceptable levels of service or at a level of service less than the concept approval (SSD 9393), and therefore, the development is not considered to have a detrimental impact on the operation of the road network.

Given this modification does not propose to change the approved GFA or the approved car parking number under the Basement Detailed SSD (SSD-10438), the proposal will generate the same amount of traffic generation as the approved.

### **6.1.2. State Environmental Planning Policy (Planning Systems) 2021**

*State Environmental Planning Policy (Planning Systems) 2021* (Planning System SEPP) has the purpose of identifying development that is SSD, State Significant Infrastructure (SSI) (including critical) and regionally significant development.

The concept SSDA (SSD 9393) was classified as SSD under Section 4.36 of the EP&A Act as the development has a CIV in excess of \$30 million, and was for the purpose of residential accommodation associated with railway infrastructure under clause 19 of schedule 1 of the Planning System SEPP.

In accordance with clause 2.11 of the SRD SEPP, subsequent detailed DAs under the Concept DA are considered SSD regardless of CIV. Accordingly, all subsequent detailed DAs, including the Southern Precinct Detailed SSD for the WMQ site are considered SSD.

The proposed modifications (as demonstrated at Section 5.2) are substantially the same as the approved development. Accordingly, the development remains consistent with the Planning System SEPP and the concept approval.

### **6.1.3. State Environmental Planning Policy (Resilience and Hazards) 2021**

*State Environmental Planning Policy (Resilience and Hazards) 2021* (Resilience and Hazards SEPP) provides a State-wide approach to the remediation of contaminated land, and primarily promotes the remediation of contaminated land for the purpose of reducing risk of harm to human health.

The Contaminated Sites Strategy Report prepared by Douglas Partners dated 30 September 2020 was approved as part of the Southern Precinct Detailed SSD. The Contaminated Sites Strategy also critically notes that upon completion of the remediation works the site (or nominated portion of the site) will be suitable for the proposed development.



The proposed amendment to condition C39 will not comprise the remediation works under the approved Contaminated Sites Strategy. A Site Audit Report and a Site Audit Statement will be prepared upon completion of the remediation works, which is consistent with the wording of the remediation condition *C36 Remediation – Site Audit Report And Site Audit Statement* under Basement Detailed SSD 10438.

The proposed modification will not impact the findings of the approved Contaminated Sites Strategy.

#### **6.1.4. State Environmental Planning Policy No. 65 – Design Quality of Residential Apartment Development (SEPP 65)**

*State Environmental Planning Policy No 65 – Design Quality of Residential Apartment Development* (SEPP 65) applies to development for the purposes of a building that comprises three or more storeys and four or more self-contained dwellings. As per clause 4(4) of SEPP 65, the SEPP and the ADG do not apply to a boarding house (which includes student accommodation) development, unless otherwise prescribed by a local environmental plan. The *Sydney Local Environmental Plan 2012* (SLEP) makes no such prescription and as such SEPP 65 and the ADG do not apply to Building 3, the student accommodation component of the proposal.

No changes are proposed to Building 4, which comprise social housing dwellings that SEPP 65 applies to. Accordingly, the development will remain capable of achieving the relevant provisions of SEPP 65 and the Apartment Design Guide.

#### **6.1.5. State Environmental Planning Policy (Housing) 2021**

The Housing SEPP aims to facilitate the delivery of diverse housing that meets the needs of the State's growing population and will support the development of diverse housing typologies, and delivery of social and affordable housing.

Clause 1.9(2A) of the SLEP states that Chapter 2, Part 2, Divisions 1, 2, 3 and 5 and Chapter 3, Part 3 of the Housing SEPP do not apply to:

*(c) land at the Waterloo Metro Quarter.*

Accordingly, the Housing SEPP does not apply to the proposed development. Notwithstanding, the proposed modification will continue to deliver a diversity of housing that responds to the changing needs of the State's growing population including the approved 70 social housing dwellings and 474 student beds.

#### **6.1.6. State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004**

*The State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004* (BASIX SEPP) requires all residential development in NSW to achieve a minimum target for energy efficiency, water efficiency and thermal comfort.

The proposed student accommodation and social housing has been assessed in accordance with the relevant requirements, and a BASIX Certificate prepared by Cundall Johnston and Partners Pty Ltd and dated 01 September 2020 was assessed as part of the Southern Precinct Detailed SSD (Appendix QQ of the EIS).

Given the proposed modifications are minor, an updated BASIX Certificate is not warranted for this modification application. The development can continue to achieve the minimum water and thermal performance ratings required and meet the project-specific BASIX commitments made in the concept DA.

Updated BASIX Certificate will be issued to the Certifying Authority prior to the issue of relevant Construction Certificate as per condition B28 of the consent for Southern Precinct Detailed SSD-10437.

### 6.1.7. Sydney Local Environmental Plan 2012

*Sydney Local Environmental Plan 2012* (SLEP) is the principal environmental planning instrument governing development at the site. An assessment against the relevant controls of the SLEP has been undertaken in Table 2 below.

Table 2 SLEP 2012 Compliance Table

Clause	Comment	Compliance
<b>Clause 2.1 Land Use Zoning</b>  B4 – Mixed Use	<p>The site is zoned B4 Mixed Use. The modification does not seek to amend the land uses approved under SSD-10437.</p> <p>The modification remains consistent with the zone objectives as it:</p> <ul style="list-style-type: none"> <li>Continues to provide an appropriate mix of compatible land uses including residential, recreation and community uses that will support the viability of the neighbourhood;</li> <li>Continues to maximises public transport patronage by locating residential development directly above the Waterloo metro station;</li> <li>Continues to provide a diverse mix of residential and non-residential uses to activate the site out of business hours and ensure the viability of the centre.</li> </ul>	Yes
<b>Clause 4.3 Height of Buildings</b>	<p>The approved development has a maximum height of RL 93.95. The maximum height of the plant zone is proposed at RL 93.95, which is the same as the approved.</p> <p>In addition, the proposed plant zone height is below the approved concept building envelope maximum height (Concept SSD 9393), which is RL 96.9.</p>	Yes
<b>Clause 4.4 Floor Space Ratio</b>	<p>The modification does not propose any change to the approved GFA under SSD-10437 or the overall WMQ site floor space ratio.</p>	Yes

Clause	Comment	Compliance
<b>Clause 5.10 Heritage Conservation</b>	<p>The site is located within close proximity to a number of local heritage items listed under the SLEP 2012.</p> <p>The modification does not propose any significant external changes.</p> <p>The revised plant zones are setback from the building edge and is not readily visible from the public domain or surrounding heritage items.</p> <p>The addition of louvres to the elevation are discreet to the architectural design and has no detriment to surrounding buildings.</p> <p>The landscape changes around the Waterloo Congregational Church will provide additional landscaping area around the Church, improve site visibility and reduce potential construction impacts to the heritage item. Overall the proposed landscape modification has a positive impact to the Church.</p> <p>Therefore, the proposed modifications will not have any adverse impacts on the surrounding heritage items, including the building's relationship with the adjoining Waterloo Congregational Church.</p>	Yes
<b>Clause 6.21 Design Excellence</b>	<p>The Concept SSD 9393 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>The Design Integrity Report submitted for the Southern Precinct Detailed SSD confirms that the detailed SSDA meets the design excellence requirements established for the site in accordance with the Endorsed Design Excellence Strategy.</p> <p>The proposed changes are minor and do not affect the quality of the architectural design. Notably the proposed changes do not amend the key components of the scheme that were considered</p>	Yes

Clause	Comment	Compliance
	<p>fundamental to the success of the Architectural Design as outlined in the Design Integrity Report submitted with the SSDA.</p> <p>As such, the modification application remains consistent with the Endorsed Design Excellence Strategy.</p>	
<b>Clause 6.45 Waterloo Metro Quarter</b>	<p>Clause 6.45 states that the consent authority must not consent to development on land at the WMQ unless it is satisfied that the development is consistent with the following objectives:</p> <ul style="list-style-type: none"> <li>▪ 12,000sqm of GFA below podium for land uses other than residential accommodation or passenger transport facilities.</li> <li>▪ 2,000 sqm of GFA for the purpose of community facilities.</li> <li>▪ 2,200 sqm of land for publicly accessible open space.</li> </ul> <p>The proposed modification does not seek to amend the approved building envelopes under Concept SSD 9393, land use mix or GFA relating to student housing, social housing, Makerspace, gym and public open space. The development will continue to provide 70 social housing dwellings.</p> <p>As stated above and in accordance with clause 6.45(2)d, the proposed modifications remain consistent with the Design Guidelines made by the Planning Secretary relating to the design and amenity of the WMQ.</p> <p>A letter from DPE (Refer Appendix J) dated 06 June 2022 also confirms that the modification application does not need to be reviewed by the Sydney Metro Design Review Panel (DRP).</p>	Yes
<b>Clause 6.46 Waterloo Metro Quarter - State Public Infrastructure</b>	<p>As per the consent authority's assessment report for the concept DA (SSD 9393), it has been confirmed that the Secretary is satisfied that an arrangement has been made for the contribution to the</p>	

Clause	Comment	Compliance
	provision of designated State public infrastructure through the WMQ Integrated Station Development project.	
<b>Clause 7.20 Development requiring or authorising preparation of a Development Control Plan (DCP)</b>	A staged development application has been approved for the site (SSD 9393), therefore clause 7.20 has been satisfied.	
<b>Clause 7.3 Car parking not to exceed maximum set out in this Division</b>	No changes are proposed to the car parking rates approved under Basement Detailed SSD 10438.	
<b>Clause 7.15 Flood Planning</b>	The proposed modification does not impact the sites flood management plan.	Yes
<b>Clause 7.16 Airspace Operations</b>	The proposed modification does not cause the proposed buildings to exceed the existing airspace height approval to the maximum height of 116.9m AHD.	Yes
<b>Clause 7.27 Active Street Frontages</b>	The proposed modification will continue to promote active street frontages to Botany Road, Wellington Street and Cope Street and does not propose any changes to the entrance spaces to the residential accommodation within the OSD.	Yes

### 6.1.8. Any Draft Environmental Planning Instrument

There are no relevant draft planning instruments applicable to the proposal.

### 6.1.9. Any Development Control Plan

In accordance with clause 2.10 of the Planning System SEPP, the provisions of Sydney Development Control Plan 2012 (SDCP 2012) do not apply to this development.

## 6.2. PLANNING AGREEMENT

The site is not the subject of a Voluntary Planning Agreement.

## 6.3. REGULATIONS

The application has been prepared in accordance with the relevant provisions of the *Environmental Planning and Assessment Regulation 2000*.



## 6.4. LIKELY IMPACTS OF THE PROPOSAL

### 6.4.1. Visual impact

Bates Smart has prepared indicative CGI street views to assess the visual impact from the proposed changes to rooftop plant zones (refer to Appendix B).

It is important to note that the modified rooftop plant zones have been designed to minimise visual impact, and are:

- Setback from the building edge to reduce visibility, and
- The plant zones are predominantly below the approved maximum height of the building. One plant zone is at the same height as the maximum height of the approved building (at RL 93.95).

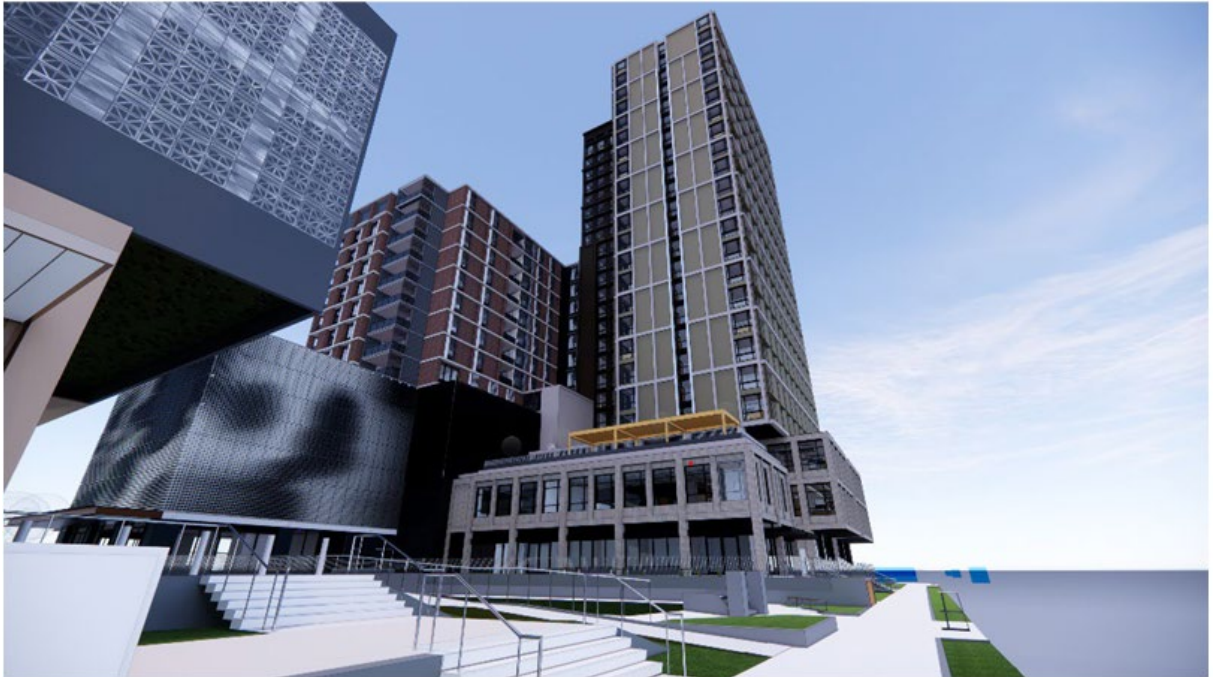
As per Figure 5, the proposed plant zones are not visible from

- From the corner of Botany Road and Wellington Street looking north.
- View from Botany Road adjacent to Building 2 looking south.
- View from Botany Road - approximately 80m from the south western corner of Building 3.

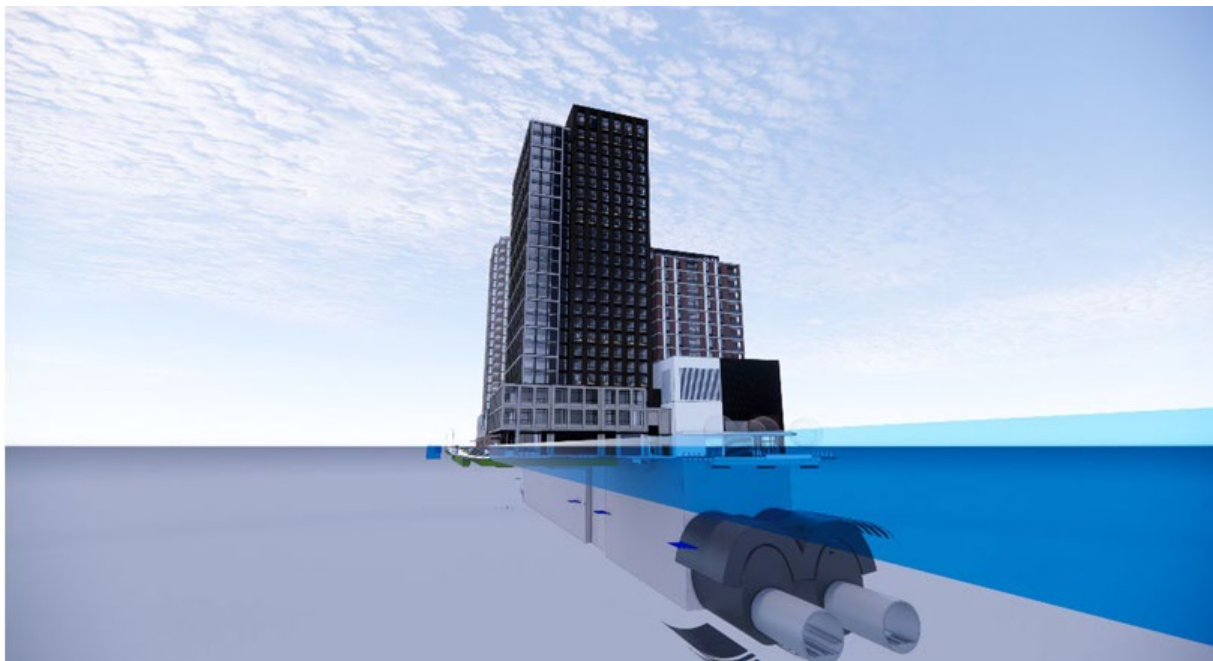
Figure 5 Indicative views from the various location of the public domain



Corner of Botany Road and Wellington Street looking north



**Botany Road adjacent to Building 2 looking south**



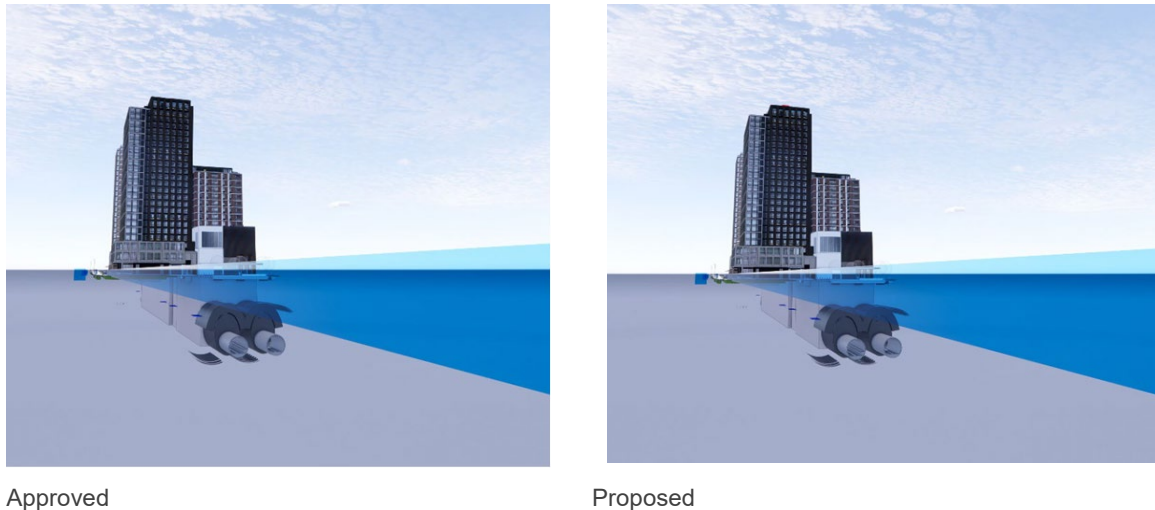
**Botany Road - approximately 80m from the south western corner of Building 3**

*Source: Bates Smart*

When viewed from the corner of Botany Road and John Street (looking north), approximately 160m from the south western corner of Building 3, the tallest rooftop plant zone (at RL 93.95) is slightly

visible from the public domain. However the visual impact is considered to be minimal when compared to the approved, and the top portion of the plant zone is hardly perceivable (refer to Figure 6).

Figure 6 View comparison from the corner of Botany Road and John Street (looking north)



**Source:** Bates Smart

Accordingly, the proposed changes to rooftop plant zones is not readily visible from the public domain and are considered to have minimal visual impact.

### 6.4.2. Overshadow

An Overshadowing Report has been prepared by RWDI and submitted at Appendix G to determine the impact of the proposed modification on the contribution of additional shadowing to Alexandria Park, in particular compliance with the following design criteria in the Waterloo Design Amenity Guidelines:

1. *Development does not result in any additional overshadowing of Alexandria Park after 10am on 21 June*
2. *No more than 30% of Alexandria Park excluding the oval...is overshadowed by the development as measured at any time after 9:00 am on 21 June.*

The assessment confirms that the proposed plant zone increase will:

- Not penetrate the 10am solar plane to Alexandria Park. Therefore the proposed modification will not result in additional overshadow to Alexandria Park after 10am on 21 June when compared to the approved development.
- Not increase shadow to additional areas of Alexandria Park at any time after 9:00 am on 21 June when compared to the approved development.

Therefore, the proposed modification will not create additional shadow to Alexandria Park and is predicted to remain compliant with solar access design criteria in the Waterloo Metro Quarter Design and Amenity Guidelines. Overall, the proposed modification to rooftop plant zones remain consistent with the overshadowing anticipated by the Southern Precinct Detailed

DA, which demonstrated a reduction in overshadowing than the Concept SSD 9393 RTS reference scheme.

#### **6.4.3. Building Code of Australia (National Construction Code)**

City Plan were engaged to assess the proposed modification for compliance capability with the Building Code of Australia (BCA) 2019 Amendment 1 (refer to Appendix E).

City Plan concluded that the proposed amendments are capable with complying with the Building Code of Australia. Although the assessment identifies minor areas of non-compliance, the areas of non-compliance intended to be addressed by performance justification or via design modifications at the construction certificate stage.

#### **6.4.4. Accessibility**

Morris Goding Access Consulting (MGAC) were engaged to undertake accessibility assessment regarding the proposed Basement Carpark changes (refer to Appendix F).

MGAC concluded from their assessment that the proposed amendments do not differ majorly from the previously approved DA drawings, therefore do not require additional design amendment to comply with DDA Premises Standards and relevant Australian Standards.

### **6.5. SUITABILITY OF THE SITE**

The modification does not propose significant amendments or a change of use to the approved development that would make it unsuitable for the site. The development as modified will remain suitable for the site for the reasons stated in the original approval of SSD 10437.

### **6.6. PUBLIC INTEREST**

The proposed modification is in the public interest for the following reasons:

- The proposed amendments will not result in any negative amenity impacts to surrounding properties.
- The proposed development does not detrimentally impact the achievement of design excellence on the site. No adverse environmental, social, or economic impacts will result from the proposal.
- The proposed use is permissible with consent and consistent with the objectives of the zone.
- The proposal will not have any unacceptable impacts on adjoining or surrounding properties or the public domain in terms of traffic, noise, and environmental impacts.

## **7. CONCLUSION**

This Section 4.55(1A) modification application has been prepared by Urbis Pty Ltd on behalf of WL Developer Pty Ltd for the construction of the Southern Precinct located within the Waterloo Metro Quarter Over Station Development (SSD 104347).

The proposed modifications have been assessed in accordance with Section 4.55(1A) and Section 4.15 of the EP&A Act and are considered appropriate as summarised below:

- The proposed modifications do not impact the permissibility of the development within the SLEP 2012.

- The modifications do not seek to amend the approved GFA.
- The proposed rooftop plant zone increase is at the same height as the maximum height of the approved building and does not exceed the approved Concept building envelope maximum height (Concept SSD 9393).
- The proposed modification is compatible in the site context and character of the locality.
- The proposed modifications are minor and do not detract from the architectural quality of the approved development as originally assessed in the Design Integrity Report. Overall these design changes make neutral or better amenity contribution to the development.
- The proposed modifications are considered appropriate and to result in a minimal amenity and environmental impact to adjoining properties, heritage item and the streetscapes:
  - The revised rooftop plant zones are setback from the building edge and is not readily visible from the public domain.
  - As the plant zones are for small roof top elements and do not exceed the maximum building height, they do not significantly impact view corridors.
  - The same tree canopy coverage is maintained, therefore the proposal can continue to enhance wind comfort condition for Cope Street Plaza.
  - The proposed modifications do not impact privacy or interface considerations between the site and adjacent buildings.
  - Overshadowing to Cope Street Plaza and Alexandria Park will not have any measurable impact from the minor modification of building services above the roof.
  - The landscape changes around the Waterloo Congregational Church will provide additional landscaping area around the Church, improve site visibility and reduce potential construction impacts to the heritage item. Overall the proposed landscape modification has a positive contribution to the nearby heritage item.
- The development remains substantially the same as that to which consent was originally granted.

Based on the context contained throughout this report and the accompanying attachments, it is considered that the proposed modifications of the conditions of SSD-10437 will result in substantially the same development as was originally approved and therefore should be approved, subject to the implementation of appropriate conditions.

Please do not hesitate to contact me should you wish to discuss our application in greater detail.

Kind regards,

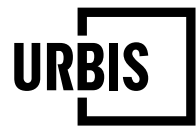


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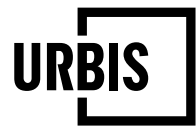
## **APPENDIX A**

## **ARCHITECTURAL PLANS**



## **APPENDIX B**

## **ARCHITECTURAL STATEMENT**



## **APPENDIX C**

## **LANDSCAPE PLANS**



## **APPENDIX D**

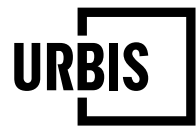
## **LANDSCAPE STATEMENT**





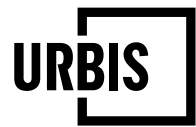
## **APPENDIX E**

## **BUILDING CODE OF AUSTRALIA STATEMENT**



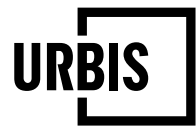
## **APPENDIX F**

## **ACCESS STATEMENT**



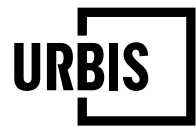
## **APPENDIX G**

## **OVERSHADOW IMPACT ASSESSMENT**



## **APPENDIX H**

## **TRAFFIC ASSESSMENT**



## **APPENDIX I**

## **CONFIRMATION LETTER**

