

# Modification of Development Consent

Section 4.55(1A) of the *Environmental Planning and Assessment Act 1979*

As delegate of the Minister for Planning, I approve the modification of the development consent referred to in Schedule 1, subject to the conditions in Schedule 2.



Annie Leung  
**Team Leader**  
**Key Sites Assessments**

Sydney

16 August 2022

## SCHEDULE 1

<b>Development consent:</b>	<b>SSD 10437</b> granted by the Executive Director, Key Sites Assessments on 30 July 2021.
<b>For the following:</b>	Construction of the Southern Precinct within Waterloo Metro Quarter, comprising: <ul style="list-style-type: none"><li>• a student housing tower accommodating up to 474 students</li><li>• a social housing building containing 70 apartments</li><li>• a maximum gross floor area of 18,789m<sup>2</sup> (excluding gross floor area approved under CSSI 7400)</li><li>• publicly accessible open space including Cope Street Plaza, a shared zone from Cop Street into the site and expanded footpaths along Botany Road and Wellington Street</li><li>• building identification signage for student housing building</li><li>• staged stratum subdivision.</li></ul>
<b>Applicant:</b>	WL Developer Pty Ltd
<b>Consent Authority:</b>	Minister for Planning
<b>The Land:</b>	136B Raglan Street (Lot 4 DP 215751), 59 Botany Road (Lot 5 DP 215751), 65 Botany Road (Lot 1 DP 814205), 67 Botany Road (Lot 1 DP 228641), 124-128 Cope Street (Lot 2 DP 228641), 69-83 Botany Road (Lot 1, DP 1084919), 130- 134 Cope Street (Lot 12 DP 399757), 136-144 Cope Street (Lots A-E DP 108312), 85 Botany Road (Lot 1 DP 27454), 87 Botany Road (Lot 2 DP 27454), 89-91 Botany Road (Lot 1 DP 996765), 93-101 Botany Road (Lot 1 DP 433969 and Lot 1 DP 738891), 119 Botany Road (Lot 1 DP 205942 and Lot 1 DP 436831), 156-160 Cope Street (Lot 31 DP 805384), 107- 117A Botany Road (Lot 32 DP 805384 and Lot A DP 408116) and 170-174 Cope Street (Lot 2 DP 205942)

**Modification:**

**SSD 10437 MOD 1:** Internal and external design modifications including:

- changes to lift cores, services, plant, loading dock and Level 2 external terrace for the student housing tower
- changes to the design of the publicly accessible open space areas including Cope Street Plaza and access paths.

## SCHEDULE 2

The consent (SSD 10437) is modified as follows:

1. Part A – Administrative Conditions – Condition A2 is amended by the deletion of ~~struck out~~ works and the insertion of **bold and underlined** words as follows:

- A2. The development may only be carried out:
- (a) in compliance with the conditions of this consent;
  - (b) in accordance with all written directions of the Planning Secretary;
  - (c) in accordance with the EIS and RtS;
  - (d) in accordance with the management and mitigation measures;
  - (e) in accordance with the approved plans in the table below (except where modified by the conditions of this consent):

Building 3 architectural drawings prepared by Bates Smart			
Drawing Number	Rev	Name of Plan	Date
WMQ-BLD3-BSA-AR-DRG-DA003	G	Site Plan	26.03.21
WMQ-BLD3-BSA-AR-DRG-DA100	<del>M</del> <b><u>N</u></b>	General Arrangement Plan – Ground Floor Plan	<del>26.03.21</del> <b><u>05.04.22</u></b>
WMQ-BLD3-BSA-AR-DRG-DA100M	<del>L</del> <b><u>M</u></b>	General Arrangement Plan – Mezzanine Plan	<del>26.03.21</del> <b><u>05.04.22</u></b>
WMQ-BLD3-BSA-AR-DRG-DA101	<del>L</del> <b><u>M</u></b>	General Arrangement Plan – Level 1 Plan	<del>26.03.21</del> <b><u>05.04.22</u></b>
WMQ-BLD3-BSA-AR-DRG-DA102	<del>L</del> <b><u>M</u></b>	General Arrangement Plan – Level 2 Plan	<del>26.03.21</del> <b><u>05.04.22</u></b>
WMQ-BLD3-BSA-AR-DRG-DA103	<del>L</del> <b><u>M</u></b>	General Arrangement Plan – Level 3-5 Plan	<del>26.03.21</del> <b><u>05.04.22</u></b>
WMQ-BLD3-BSA-AR-DRG-DA106	<del>L</del> <b><u>M</u></b>	General Arrangement Plan – Level 6-15 Plan	<del>26.03.21</del> <b><u>05.04.22</u></b>
WMQ-BLD3-BSA-AR-DRG-DA116	<del>J</del> <b><u>K</u></b>	General Arrangement Plan – Level 16-22 Plan	<del>26.03.21</del> <b><u>05.04.22</u></b>
WMQ-BLD3-BSA-AR-DRG-DA123	<del>L</del> <b><u>M</u></b>	General Arrangement Plan – Level 23 Plan	<del>26.03.21</del> <b><u>05.04.22</u></b>
WMQ-BLD3-BSA-AR-DRG-DA124	<del>L</del> <b><u>N</u></b>	General Arrangement Plan – Level 24 (Plant) Plan	<del>26.03.21</del> <b><u>01.06.22</u></b>
WMQ-BLD3-BSA-AR-DRG-DA125	<del>L</del> <b><u>N</u></b>	General Arrangement Plan – Roof Plan	<del>26.03.21</del> <b><u>01.06.22</u></b>

WMQ-BLD3-BSA-AR-DRG-DA140	J <b><u>K</u></b>	Elevation – North	26.03.21 <b><u>05.04.22</u></b>
WMQ-BLD3-BSA-AR-DRG-DA141	J <b><u>L</u></b>	Elevation – West	26.03.21 <b><u>01.06.22</u></b>
WMQ-BLD3-BSA-AR-DRG-DA142	J <b><u>L</u></b>	Elevation – South	26.03.21 <b><u>01.06.22</u></b>
WMQ-BLD3-BSA-AR-DRG-DA143	J <b><u>L</u></b>	Elevation – East	26.03.21 <b><u>01.06.22</u></b>
WMQ-BLD3-BSA-AR-DRG-DA150	K <b><u>L</u></b>	Section E-W	26.03.21 <b><u>05.04.22</u></b>
WMQ-BLD3-BSA-AR-DRG-DA151	K <b><u>M</u></b>	Section N-S	26.03.21 <b><u>01.06.22</u></b>
WMQ-BLD3-BSA-AR-DRG-DA160	I	Area Calculation (GFA)	26.03.21
<b>Building 4 architectural drawings prepared by Bates Smart</b>			
<b>Drawing Number</b>	<b>Rev</b>	<b>Name of Plan</b>	<b>Date</b>
WMQ-BLD4-BSA-AR-DRG-DA101	O	General Arrangement Plan	26.03.21
WMQ-BLD4-BSA-AR-DRG-DA102	J	Level 02	26.03.21
WMQ-BLD4-BSA-AR-DRG-DA103	O	Level 03-07 (Typical)	26.03.21
WMQ-BLD4-BSA-AR-DRG-DA108	N	Level 08	26.03.21
WMQ-BLD4-BSA-AR-DRG-DA109	N	Level 09	26.03.21
WMQ-BLD4-BSA-AR-DRG-DA110	N	Roof Plan	26.03.21
WMQ-BLD4-BSA-AR-DRG-DA140	J	Elevation North	26.03.21
WMQ-BLD4-BSA-AR-DRG-DA141	J	Elevation East	26.03.21
WMQ-BLD4-BSA-AR-DRG-DA142	J	Elevation South	26.03.21
WMQ-BLD4-BSA-AR-DRG-DA143	J	Elevation West	26.03.21
WMQ-BLD4-BSA-AR-DRG-DA150	M	Section A	26.03.21
WMQ-BLD4-BSA-AR-DRG-DA170	J	Area Calculations	26.03.21
<b>Landscape Plans prepared by Aspect Studios</b>			
<b>Drawing Number</b>	<b>Rev</b>	<b>Name of Plan</b>	<b>Date</b>
WMQ-BLD3-ASP-LS-DRG-DA-001	6 <b><u>9</u></b>	Landscape Plan – Ground Floor	12/02/21 <b><u>05/04/22</u></b>
WMQ-BLD3-ASP-LS-DRG-DA-002	4 <b><u>6</u></b>	Landscape Plan – Level 02 Communal Terrace	12/02/21 <b><u>22/03/22</u></b>

WMQ-BLD3-ASP-LS-DRG-DA-003	3	Landscape Plan – Level 03 Inaccessible Green Roof	12/02/21
WMQ-BLD3-ASP-LS-DRG-DA-004	2	Landscape Plan – Level 01 Inaccessible Green Roof Terrace	28/07/20
WMQ-BLD3-ASP-LS-DRG-DA-005	3	Landscape Plan – Level 09 – Communal Terrace	12/02/21
WMQ-BLD3-ASP-LS-DRG-DA-006	<del>6</del> <b><u>10</u></b>	Landscape Plan – Ground Floor (Cope Street Plaza)	<del>12/02/21</del> <b><u>24/05/22</u></b>
WMQ-BLD3-ASP-LS-DRG-DA-001	2	Legend	28/07/20
WMQ-BLD3-ASP-LS-DRG-DA301	<del>2</del> <b><u>4</u></b>	<del>Landscape Sections – Southern Precinct</del> <b><u>Landscape Sections - Streets</u></b>	<del>12/02/21</del> <b><u>11/03/22</u></b>
WMQ-BLD3-ASP-LS-DRG-DA302	2	Landscape Sections – Cope Street Plaza	12/02/21
WMQ-BLD3-ASP-LS-DRG-DA303	1	Landscape Sections – Southern Precinct	12/02/21
WMQ-BLD3-ASP-LS-DRG-DA304	<del>2</del> <b><u>4</u></b>	Landscape Sections – Building 3 Roof Terraces	<del>02/06/21</del> <b><u>11/03/22</u></b>
<b>Draft Stratum Subdivision plans prepared by Veris</b>			
Reference 202254.01b	Sheets 1 to 16		01.09.21

2. Part B – Prior to Issue of Construction Certificate – Condition B12 is amended by the deletion of ~~struck-out~~ works and the insertion of **bold and underlined** words as follows:

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 RfS and~~ **approved** and:

- detail the location, species, maturity and height at maturity of plants to be planted on-site;
- demonstrate soil depth and volumes to support the proposed plantings consistent with the requirements of the ADG and City of Sydney Landscape Code Volume 2;
- demonstrate soil depths for the Level 3 terrace of the student housing tower are maintained at minimum 200mm to 400mm at the edges of garden beds rather than tapered to zero,
- demonstrate adequate drainage and watering systems for the planters,
- include details of plant maintenance and watering for the first 12 months and
- commit to replace plants with the same species should any plant loss occur within the maintenance period

3. Part C – Prior to Commencement of Works – Condition C39 is amended by the deletion of ~~struck-out~~ works and the insertion of **bold and underlined** words as follows:

- C39. Upon completion of the remediation works and prior to the commencement of construction of works **completion of the structure** 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.
4. Part E – Prior to Occupation or Commencement of Use – Condition E16 is amended by the deletion of ~~struck-out~~ works and the insertion of **bold and underlined** words as follows:
- E16. Prior to the issue of the relevant Occupation Certificate **occupation of the development**, 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
5. Part E – Prior to Occupation or Commencement of Use – Condition E17 is amended by the deletion of ~~struck-out~~ works and the insertion of **bold and underlined** words as follows:
- E17. Prior to the issue of the relevant Occupation Certificate **occupation of the development**, 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) a minimum of 5 retail staff bike storage spaces and 5 lockers and 1 shower for retail staff use within the Basement Car Park (SSD-10438)
  - (b) a minimum of 15 retail visitor bike storage spaces
6. Part E – Prior to Occupation or Commencement of Use – Condition E20 is amended by the deletion of ~~struck-out~~ works and the insertion of **bold and underlined** words as follows:
- E20. Prior to the issue of any **the relevant** 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.
7. Part E – Prior to Occupation or Commencement of Use – Condition E24 is amended by the deletion of ~~struck-out~~ works and the insertion of **bold and underlined** words as follows:
- E24. Prior to the issue of any **the relevant** Occupation Certificate:
- (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 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.
  - (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

**End of modification**  
**(SSD 10437 MOD 1)**