



# Waterloo Metro Quarter Southern Precinct Modification 1

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Changes to student housing tower and open space areas  
State Significant Development Modification Assessment  
(SSD 10437 MOD 1)

August 2022



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Subtitle: Internal and external design changes

Cover image: *Photomontage of Southern Precinct from corner Botany Road and Wellington Street*

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# Glossary

Abbreviation	Definition
<b>AHD</b>	Australian Height Datum
<b>BCA</b>	Building Code of Australia
<b>CIV</b>	Capital Investment Value
<b>Council</b>	City of Sydney Council
<b>Department</b>	Department of Planning and Environment
<b>EIS</b>	Environmental Impact Statement
<b>EP&amp;A Act</b>	<i>Environmental Planning and Assessment Act 1979</i>
<b>EP&amp;A Regulation</b>	Environmental Planning and Assessment Regulation 2021
<b>EPI</b>	Environmental Planning Instrument
<b>ESD</b>	Ecologically Sustainable Development
<b>LEP</b>	Local Environmental Plan
<b>Minister</b>	Minister for Planning
<b>Planning Secretary</b>	Secretary of the Department of Planning and Environment
<b>Planning Systems SEPP</b>	State Environmental Planning Policy (Planning Systems) 2021
<b>SEARs</b>	Planning Secretary's Environmental Assessment Requirements
<b>SEPP</b>	State Environmental Planning Policy
<b>SSD</b>	State Significant Development
<b>SSI</b>	State Significant Infrastructure
<b>TfNSW</b>	Transport for NSW

# Executive Summary

This report provides the NSW Department of Planning and Environment's (the Department's) assessment of an application to modify the State significant development (SSD) consent SSD 10437 for Waterloo Metro Quarter Southern Precinct.

The modification application seeks to alter the consent to make minor internal and external changes to the student housing tower and minor changes to the publicly accessible public open spaces.

The application has been lodged by WL Developer Pty Ltd (the Applicant) pursuant to Section 4.55(1A) of the *Environmental Planning and Assessment Act 1979* (EP&A Act).

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# 1 Introduction

## 1.1 Background

The Waterloo Metro Quarter (the site) sits approximately 3.3 km south of the Sydney CBD, 700 m south-west of Redfern and 5 km north-east of Sydney Airport.

The site sits above and around the future Waterloo Metro Station, which is currently under construction and scheduled to open in 2024. The site is largely rectangular in shape and is bound by Cope Street (east), Raglan Street (north), Botany Road (west) and Wellington Street (south) (**Figure 1**).

The sites surrounding the Waterloo Metro Quarter include commercial premises to the north, light industrial and mixed-use development to the south, residential development to the east (Waterloo Estate) and predominantly commercial and light industrial development to the west.



**Figure 1** | Local context map (Source: Concept SSD EIS)

## 1.2 Approval history

On 10 December 2019, development consent was granted by the Minister for Planning for Concept application (SSD 9393) for the Waterloo Metro Quarter which is located over and adjacent to the approved Waterloo Metro Station. The development consent enabled lodgement of detailed design



applications for a mixed use development containing office premises, retail and business premises, residential flat buildings, student housing, community uses and open space.

The Concept consent has been modified on three occasions to date.

On 17 June 2021, approval was granted by the Director, Key Sites Assessments for an Amending Concept (SSD 10441) to create a new mid-rise building envelope (instead of the approved tower development) and change the use (from residential to commercial) of the Northern building and an extension of the podium of the Central building.

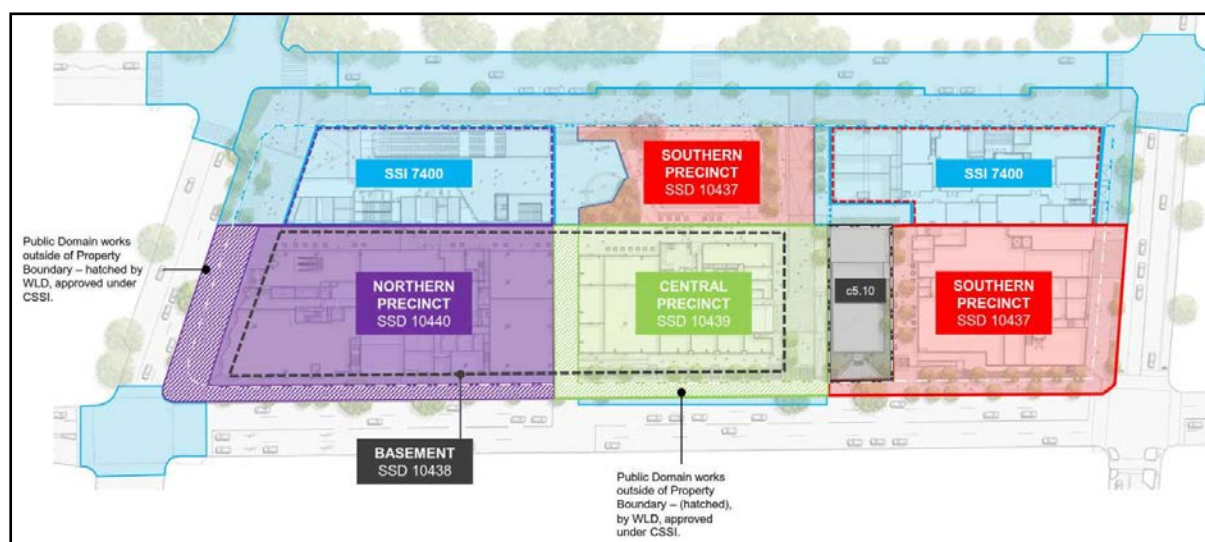
On 30 July 2021, development consent was granted by the Executive Director, Key Sites Assessments for the detailed design and construction of the Southern Precinct.

The Southern Precinct consent permits the following works:

- a student housing tower accommodating up to 474 students
- a social housing tower containing 70 apartments
- a maximum GFA of 18,789 m<sup>2</sup>
- 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.

The Southern Precinct SSD was assessed and approved alongside three other SSDs for the Northern Precinct office building (SSD 10440), the Central Precinct residential building (SSD 10439), and a basement car park (SSD 10438).

This is the first modification application relating to the SSD.



**Figure 2 | Plan of Waterloo Metro Quarter Precincts (Source: SSD 10437 EIS)**

## 2 Proposed modification

The modification application seeks approval to modify the approved architectural and landscape plans in the following areas, and amend Condition A2 referring to the approved plans accordingly:

### **Student housing tower**

- reconfigure lift cores, service areas and stairs for the gym and student accommodation
- additional height and area for plant zone on the roof
- additional louvres to the base of the building on the Ground Floor and Levels 1 and 2
- additional louvre to the west elevation of Level 24 lift core
- additional block wall and boom gate to the loading dock driveway
- revisions to layout of Level 2 external terrace.

### **Publicly accessible open space**

- changes to building setback zones including relocation of proposed trees, reconfiguration of garden beds, revised awnings, bench seating and stair widths
- changes to Cope Street Plaza including removal of canopy structure, reconfiguration of garden beds and bench seating, and alterations to shared zone with additional landscaping.

Figures of the proposed design amendments are contained in **Section 5** below.

The modification application also seeks approval to amend seven conditions related to staging and other matters.

The proposed changes do not alter the approved maximum height of the student housing tower or the approved GFA of the development.



## 3 Statutory context

### 3.1 Scope of modifications

Section 4.55(1A) of the Environmental Planning and Assessment Act (EP&A Act) outlines the matters that a consent authority must take into consideration when determining an application that seeks to modify an SSD application. The matters for consideration under section 4.55(1A) of the EP&A Act that apply have been considered in **Table 1**.

**Table 1** | Assessment against Section 4.55 of the EP&A Act

Section 4.55 (1A) Evaluation	Consideration
a) that the proposed modification is of minimal environmental impact, and	<p>The Department is satisfied that the proposed modification will have minimal environmental impacts as the amendments are largely internal design refinements and will not result in any adverse environmental impacts.</p> <p><b>Section 5</b> of this report provides an assessment of the impacts associated with the modification application.</p>
b) that the development to which the consent as modified relates is substantially the same development as the development for which the consent was originally granted and before that consent as originally granted was modified (if at all), and	<p>The Department is satisfied the modification application is substantially the same development as the proposed modifications. The modifications proposed do not alter key aspects or elements of the original development as approved. The external changes are related to building services and publicly accessible open space and do not change the key built form elements or appearance of the original development as approved.</p>
c) the application has been notified in accordance with the regulations, and	<p>The application was made publicly available on the Departments website.</p> <p>Notification is not required for this application.</p>
d) any submission made concerning the proposed modification has been considered.	<p>No submission was made on the application.</p>

### 3.2 Consent authority

The Minister for Planning is the consent authority for the application under Section 4.5(a) of the EP&A Act. However, under the Minister's delegation, the Team Leader, Key Sites Assessments, may determine the application as:

- the application involves minor environmental impacts pursuant to section 4.55(1A) of the EP&A Act
- a political disclosure statement has not been made
- no public submission in nature of an objection has been received
- Council has not objected to the application.

### 3.3 Mandatory matters for consideration

The Department conducted a comprehensive assessment of the project against the mandatory matters for consideration as part of the original assessment of SSD 10437. The Department considers this modification application does not result in significant changes that would alter the mandatory matters for consideration under section 4.15 of the EP&A Act and conclusions made as part of the original assessment.

**Table 2** identifies the matters for consideration that apply to the proposed modification.

**Table 2** | Section 4.15 Evaluation

Section 4.15 (1) Evaluation	Consideration
(a)(i) any environmental planning instrument	The modified proposal is consistent with the relevant legislation, the Sydney Local Environmental Plan 2012. The modifications are contained within the approved building footprint and do not alter the GFA or building height.
(a)(ii) any proposed instrument	No draft instruments are relevant to the modification.
(a)(iii) any development control plan	Under SEPP (Planning Systems) 2021, Development Control Plans do not apply to SSD.
(a)(iv) any planning agreement	Not applicable.
(a)(iv) the regulations	The application meets the relevant requirements of the EP&A Regulation, including the procedures relating to applications, the requirements for notification, and fees.
(b) 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 Department considers the likely impacts of the development are acceptable and have been appropriately addressed (refer to <b>Section 5</b> of this report).
(c) the suitability of the site for the development	The site remains suitable for the development as assessed in the original application.

(d) any submissions	Council made a submission which is outlined in Section 4 below. No public submissions were received for this proposal.
(e) the public interest	The Department considers the modified proposal continues to be in the public interest as the changes are minor. The proposal would remain consistent with the objects of the Act and the objectives of the zone, delivering student housing, social housing and open space above and around the new Waterloo Metro station.

### 3.4 Objects of the Act

The Minister or delegate must consider the objects of the EP&A Act (the Act) when making decisions under the Act. The Department is satisfied the proposed modifications are consistent with the objects of the Act.

### 3.5 Reason for Granting Consent

The proposed modification does not detract from the reasons for which the original consent was granted.

## 4 Engagement

### 4.1 Department's engagement

Section 105(4) of the Environmental Planning and Assessment Regulation 2021 (EP&A Regulation) specifies that the notification requirements of the EP&A Regulation do not apply to section 4.55(1A) modifications with minimal environmental impact applications. Accordingly, the application was not notified or advertised. However, it was made publicly available on the Department's website and was referred to Council for comment.

The Department received no submissions from the public.

Council supported the internal and external changes to the student housing building.

Council said the following in relation to the changes to the landscape design:

- the changes reduce the amount of shade to be provided due to the inclusion of additional bicycle racks, removal of a pergola structure in Cope Street Plaza, and removal of a tree on the Level 2 external terrace
- although not part of the modification application, the drawings show a garden bed extending the width of the Wellington Street footpath with pedestrians directed into the publicly accessible open space. Council said whilst the public domain plans have not been endorsed by Council Officers at this stage, the arrangement may require conditions to be imposed to ensure an easement for public access and maintenance of the land.

## 5 Assessment

The Department has considered the proposed modification application and the potential environmental impacts resulting from the modification and considers the key issues relevant to the proposal are the design changes to the student housing tower and areas of open space, and the degree to which the modified proposal is different from the presently approved development.

### 5.1 Changes to student housing tower

The modification application seeks changes to the internal and external design, comprising:

- Reconfiguration of lift cores, service areas, and stairs for the gym and student housing tower (**Figures 3 - 6**)
- additional block wall and boom gate to the loading dock driveway (**Figures 3 and 4**)
- additional height and area for plant zone on the roof (**Figures 7 and 8**)
- landscaping revisions to the Level 2 external terrace (**Figures 9 and 10**)
- additional louvres at the Ground Floor, Level 1 and Level 2 (**Figure 11**)
- additional small louvre to the west elevation of the Level 24 lift core for fresh air supply.

The Applicant states the proposed modifications are minor and typical of refinements that occur during design development. That there are no alterations to the predominant architectural design of the building and the changes are neutral or improve the functionality, security, and amenity outcomes of the building.

The Applicant also states that the landscape changes do not impact the overall tree canopy coverage across the Waterloo Metro Quarter or the overall deep soil provided. See **Section 5.2** for more information.

Council said it raised no issues with the proposed external changes to the plant rooms, louvres or service doors or the internal changes to the student housing podium, gym fit out or driveway.

Council said the removal of a tree on the Level 2 terrace due to structural constraints reduces shade for new residents and dilutes the landscape quality of the private open space.

The Department accepts the proposed internal and external design changes as they are detailed design matters and notes the following:

- the changes are minor and to be expected as a result of architectural and services coordination during the construction certificate phase
- the changes do not affect the overall design quality of the building as viewed from the public domain or surrounding development
- no additional overshadowing of Alexandria Park is present due to the plant rooms being set back from the southern, eastern and western edges of the building.

Specifically, in relation to the Level 2 landscaping amendments, the Department notes:

- three instead of four trees remain on the terrace area, and spaced appropriately from each other, providing shade to users of the terrace and barbeque area. In particular, the eastern

most tree is the one proposed to be removed whilst the western trees are maintained for shade from harsh afternoon summer sunlight

- minor loss of tree canopy from removing the one tree is compensated by the additional tree planting in Cope Street Plaza which maintains the overall canopy cover across Waterloo Metro Quarter.

As such, the Department has considered the Applicant's and Council's submissions on the proposed changes, including the Level 2 terrace, and finds they are acceptable because the proposed changes only involve minor changes to design of the approved building and terrace area and would not result in notable change in design quality or amenity.



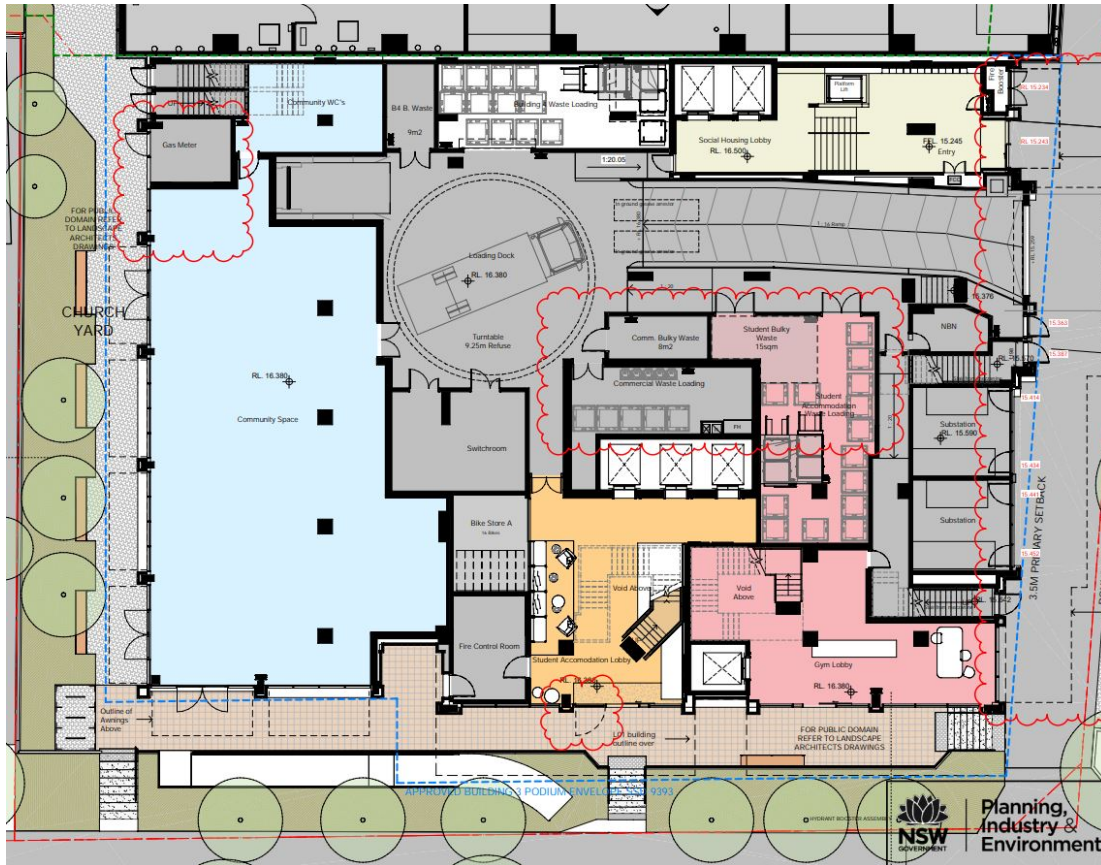


Figure 3 | Approved ground floor plan for student housing tower

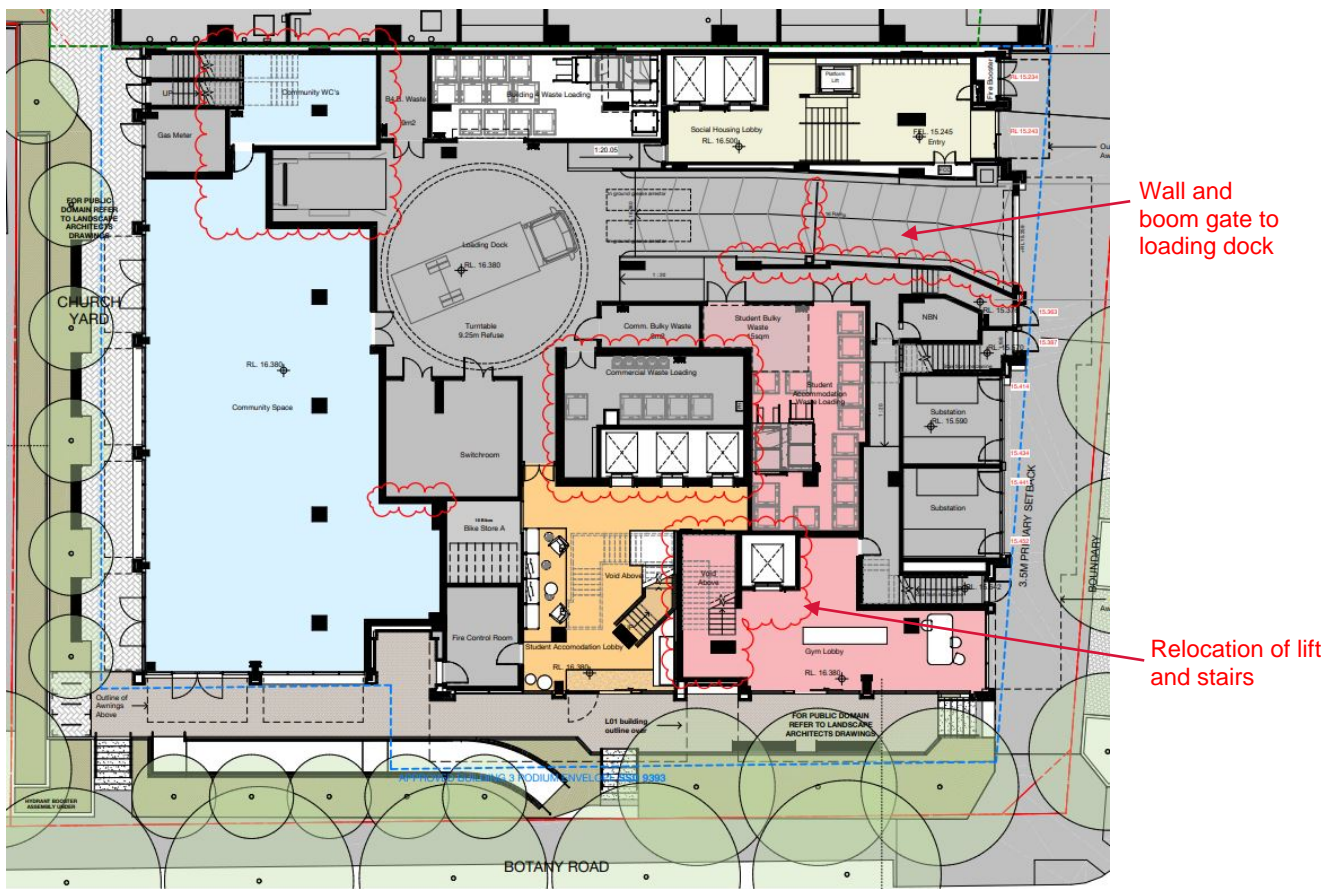


Figure 4 | Proposed ground floor plan





Figure 5 | Approved typical student housing level

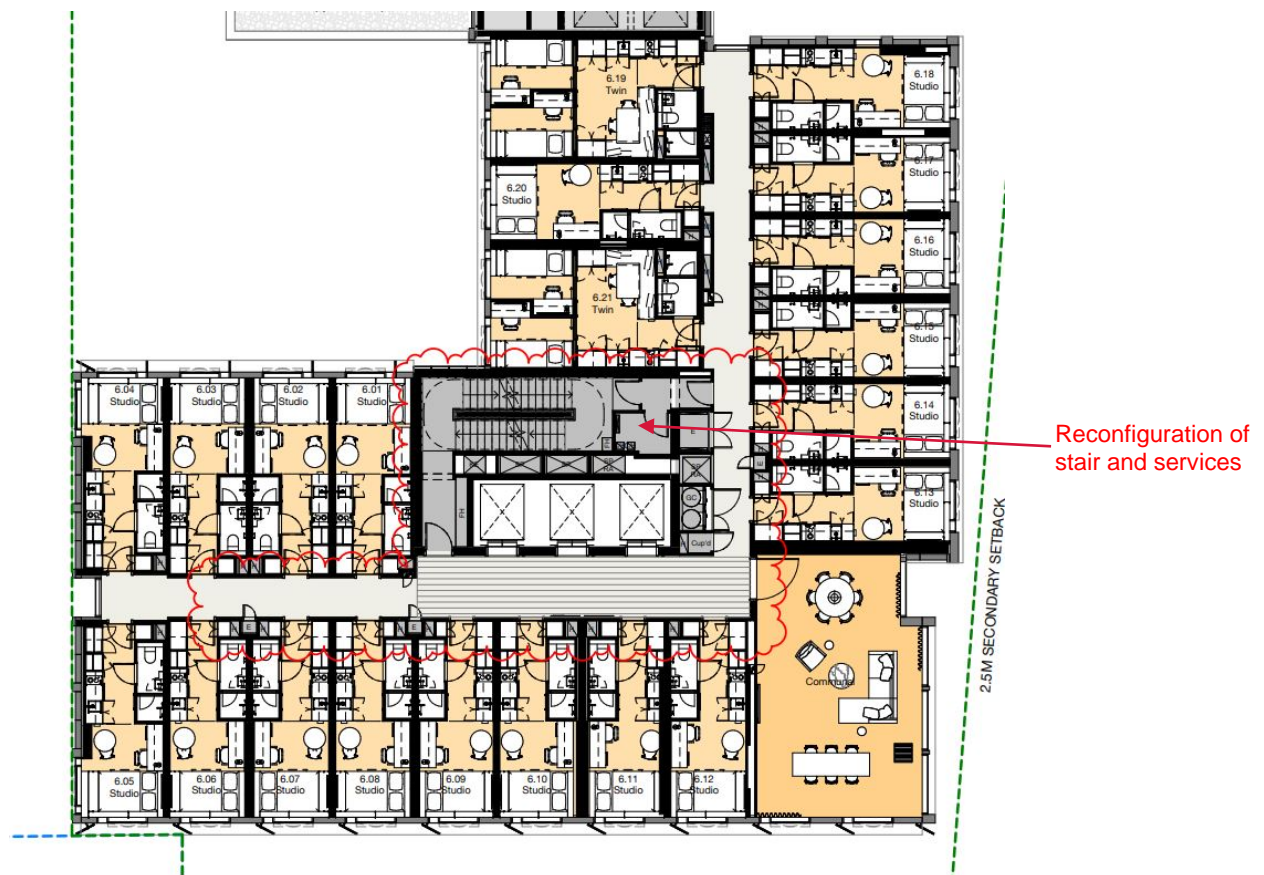
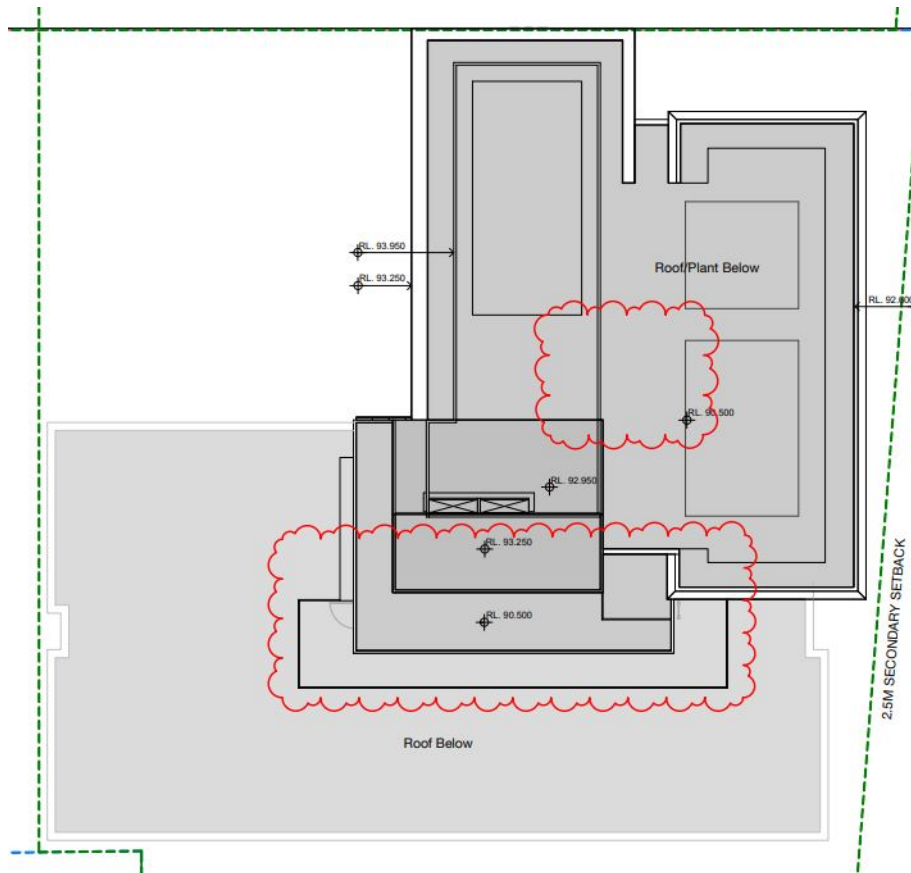
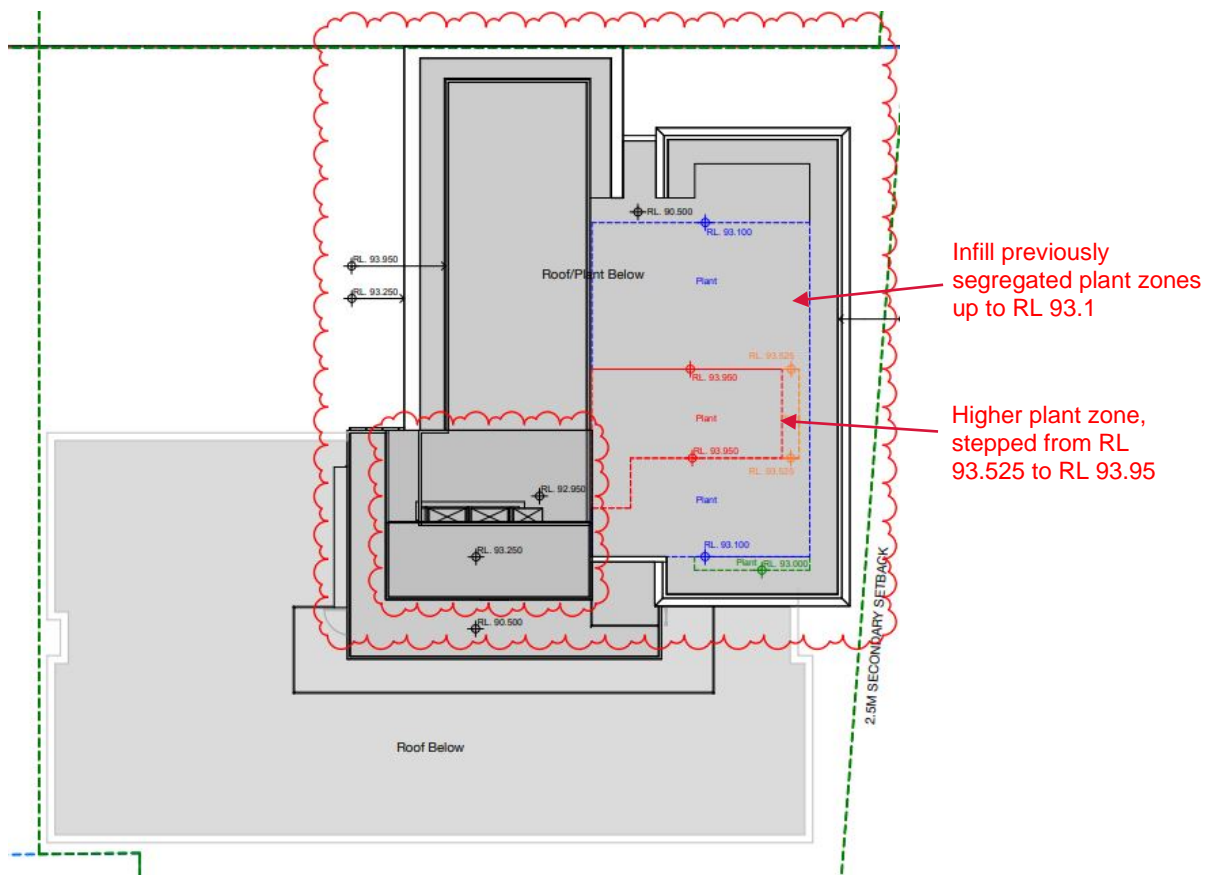


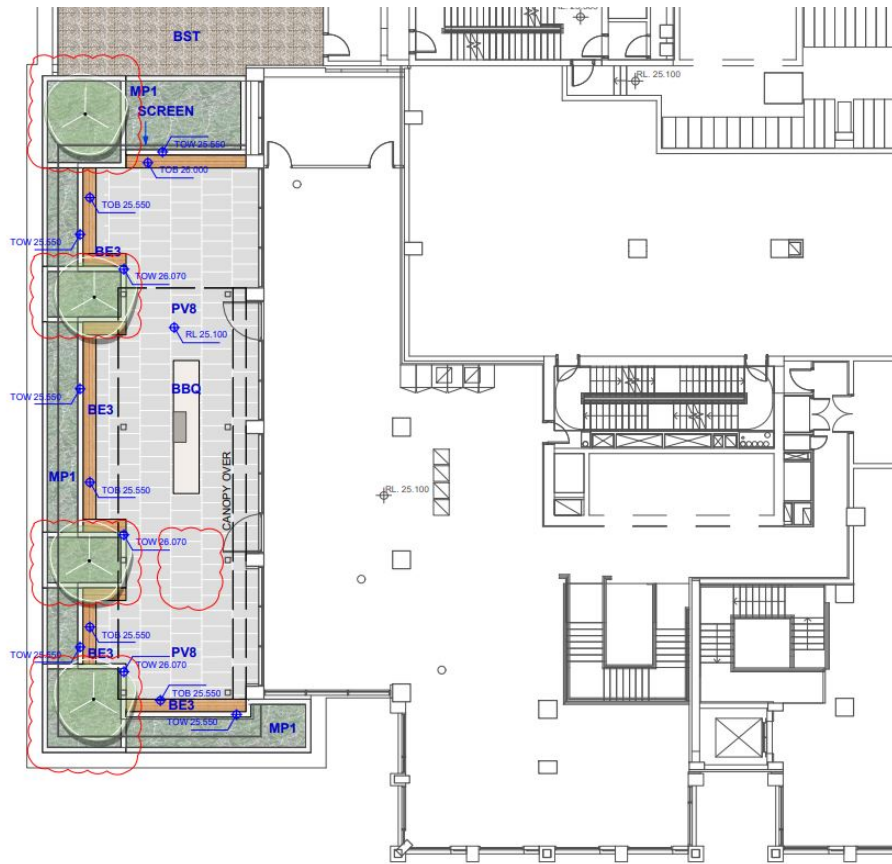
Figure 6 | Proposed typical student housing level



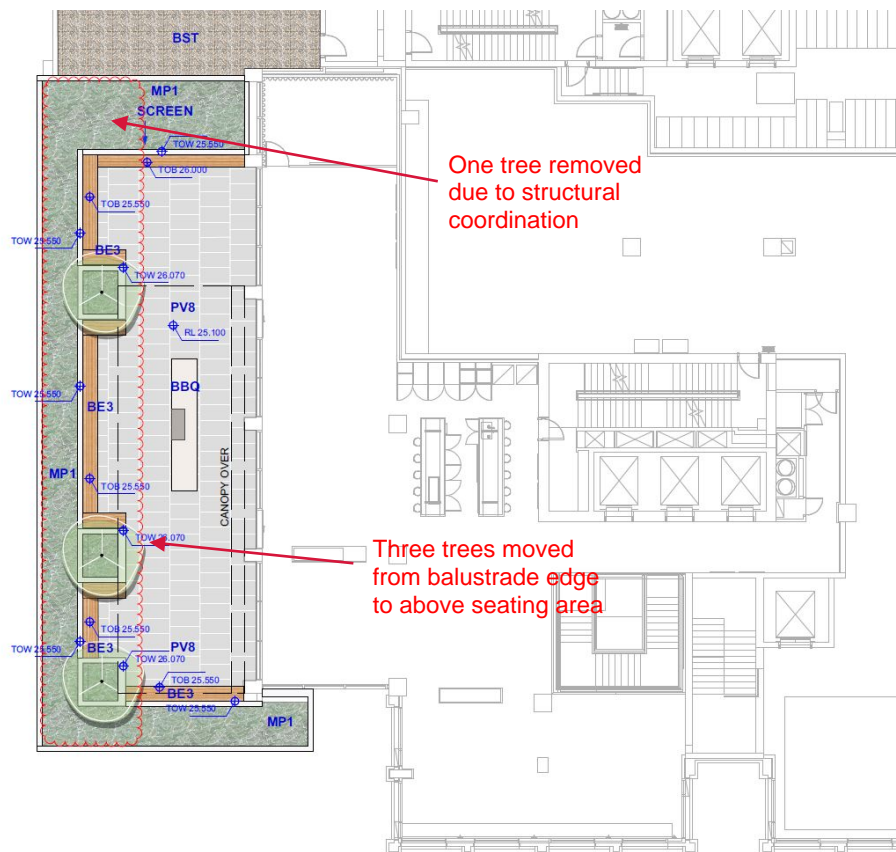
**Figure 7 |** Approved roof plan showing plant zones



**Figure 8 |** Proposed roof plan

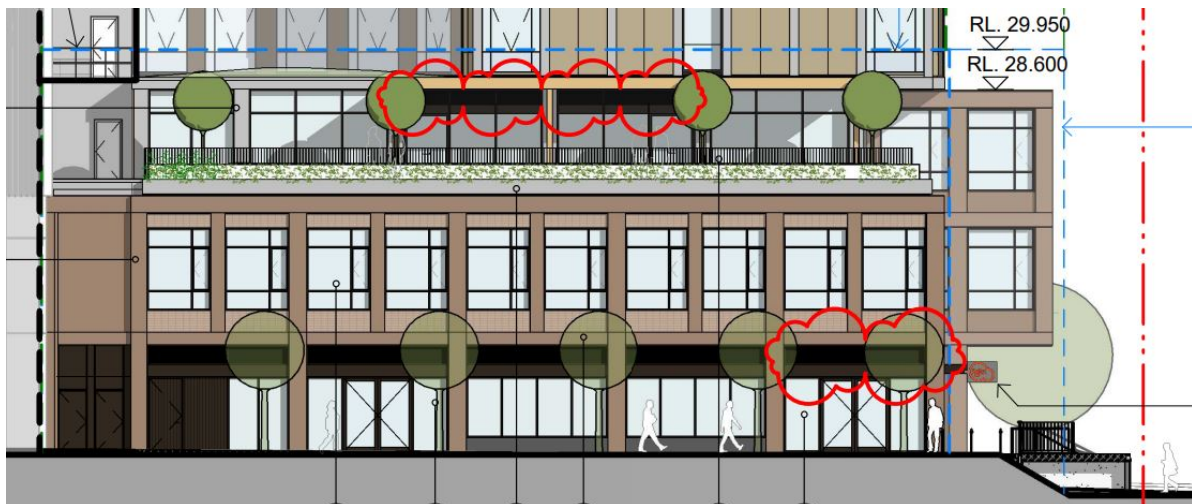


**Figure 9 |** Approved Level 2 landscape terrace plan



**Figure 10 |** Proposed Level 2 landscape terrace plan





**Figure 11 | Additional louvres on northern elevation of podium at Ground and Level 2**

## 5.2 Changes to publicly accessible open spaces

The modification application seeks approval for:

- changes within building setback zones (i.e. publicly accessible open space) including relocation of proposed trees, reconfiguration of garden beds, revised awnings, revised bench seating, and altered stair widths (**Figures 12 and 13**)
- changes to Cope Street Plaza including reconfiguration of garden beds and benches, and additional landscaping along the shared zone to the south of the plaza (**Figures 14 and 15**).

The Applicant argues the approved tree canopy coverage is maintained, there are no additional wind impacts, and the changes do not impact on pedestrian movement in the public domain and publicly accessible open spaces.

Council said there is a loss of shade and landscape quality due to the inclusion of additional bicycle racks, removal of a pergola in Cope Street Plaza and priority of the shared zone as vehicle access to car parking.

Although not part of the modification, Council also commented that the landscape drawings currently identify a garden bed across the width of the Council owned footpath along Wellington Street. It said that public domain plans are currently under consideration by Council Officers and an easement may be necessary if the design is supported.

In relation to the indicative landscaping along Wellington Street, the Department notes public domain design is subject to agreement with Council including any rights of access.

The Department notes the following in relation to Council's concerns regarding shade and design quality:

- no pergola structure was approved and the drawings identified a potential canopy area (**Figure 14**) as part of the original approval. The area was removed from the SSD as part of the Response to Submissions phase in consultation with the Design Review Panel and Council when the design direction changed to mobile tents or marquees as an event space.

- the 15 bicycle racks are being relocated from the Central Precinct public domain and are not additional racks (**Figure 13**). They will be located behind the adjoining church. Whilst they occupy a space previously identified as garden, there is a net increase in garden space from the proposed changes to Cope Street Plaza.
- there is an increase and improvement in the shared zone landscaping beds at the western end near the Central Precinct and there are no changes to the shared zone access as approved (**Figure 15**).

The Department has considered the Applicant's and Council's submissions on the proposed landscaping changes and finds the changes are acceptable because they would not change the overall landscape outcome as envisaged under the original approval.

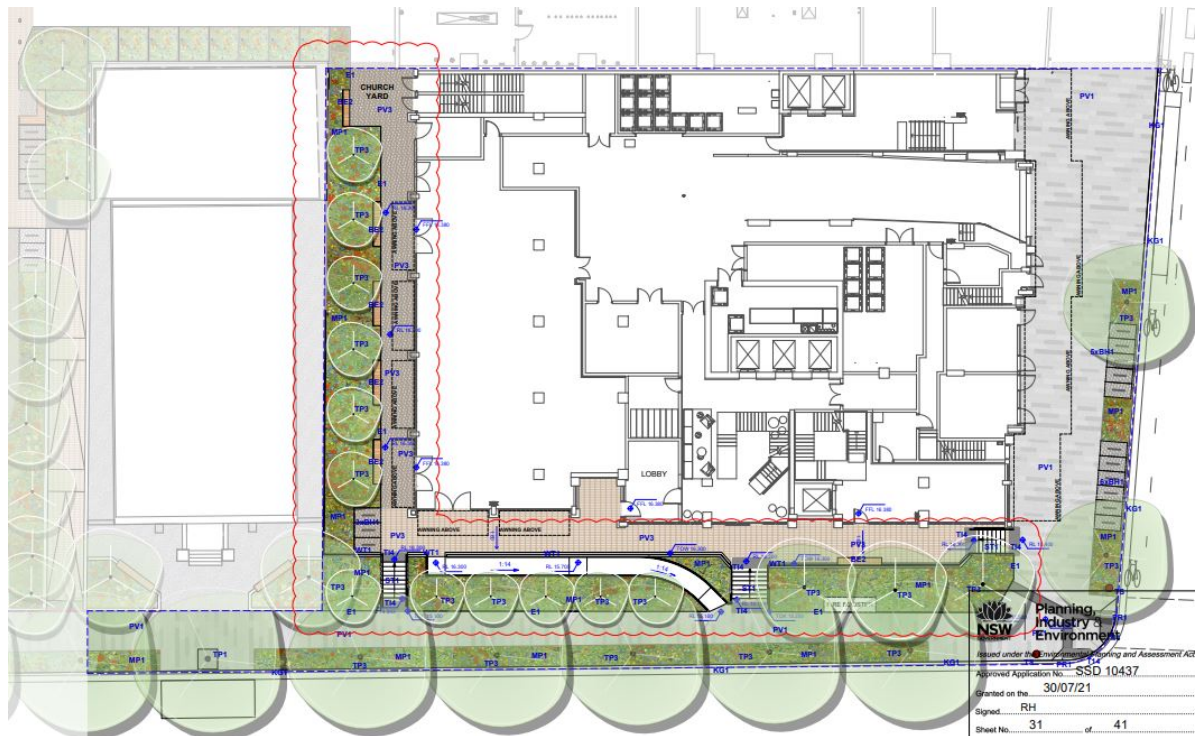


Figure 12 | Approved ground floor landscape plan

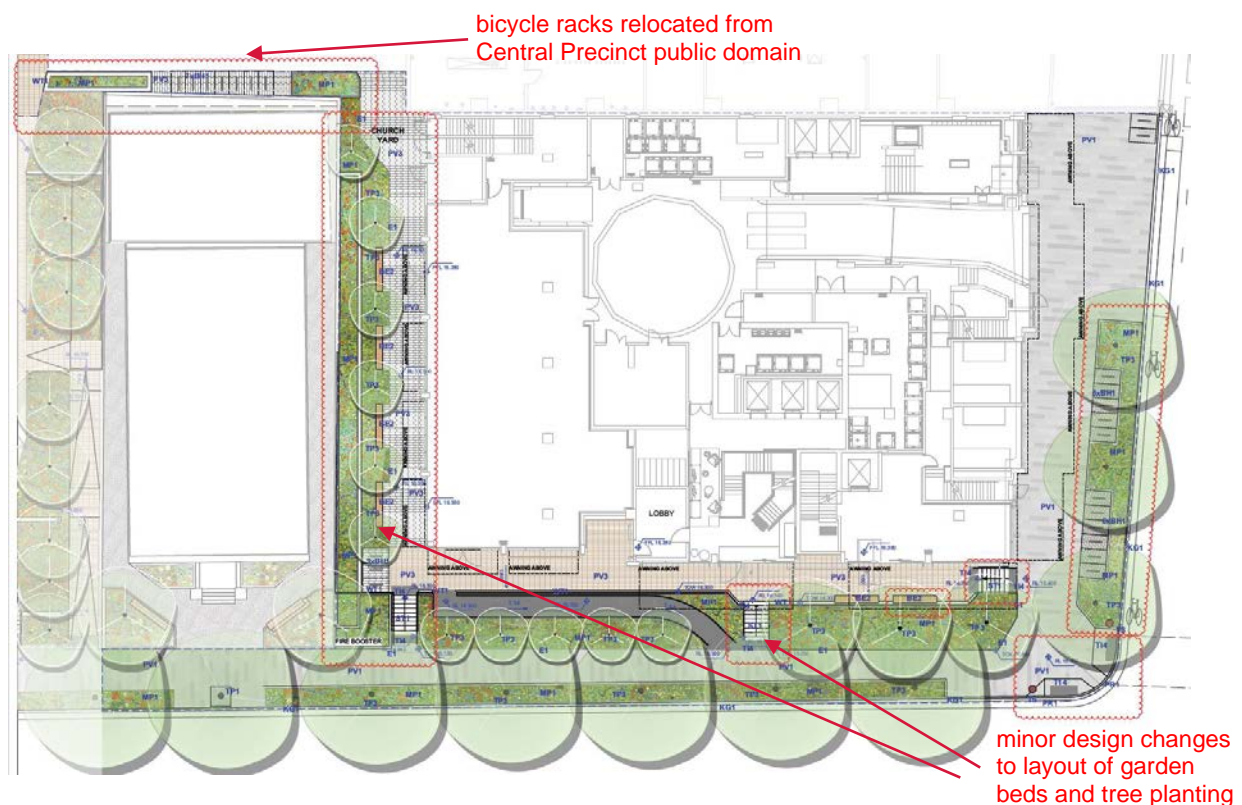


Figure 13 | Proposed ground floor landscape plan



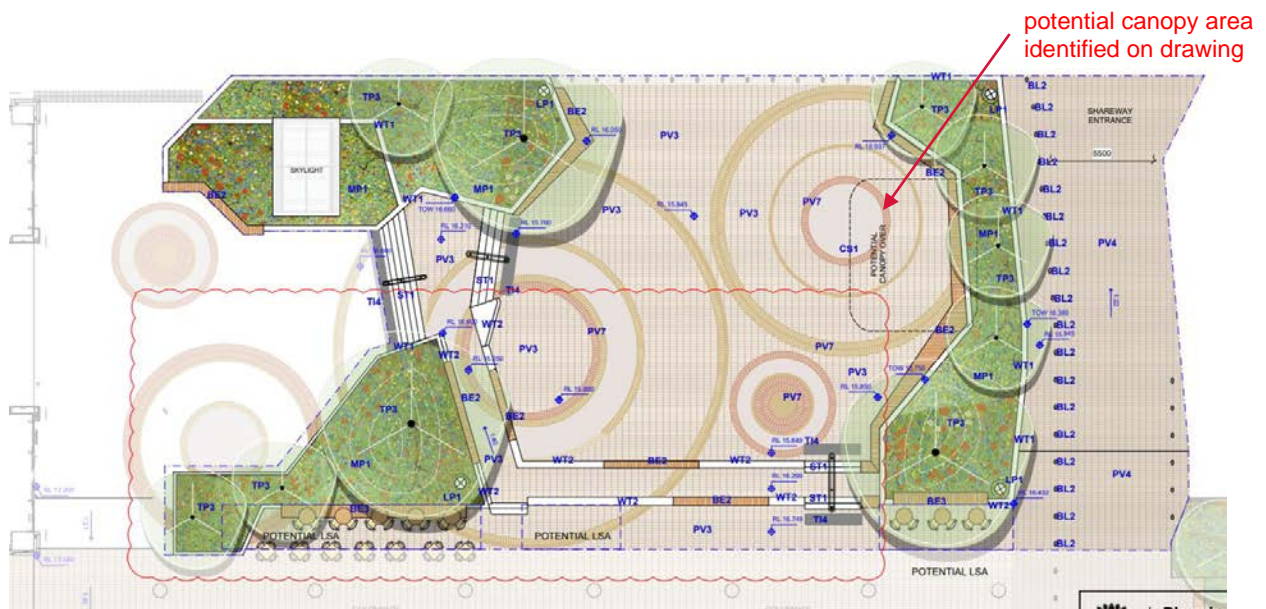


Figure 14 | Approved Cope Street Plaza landscape plan

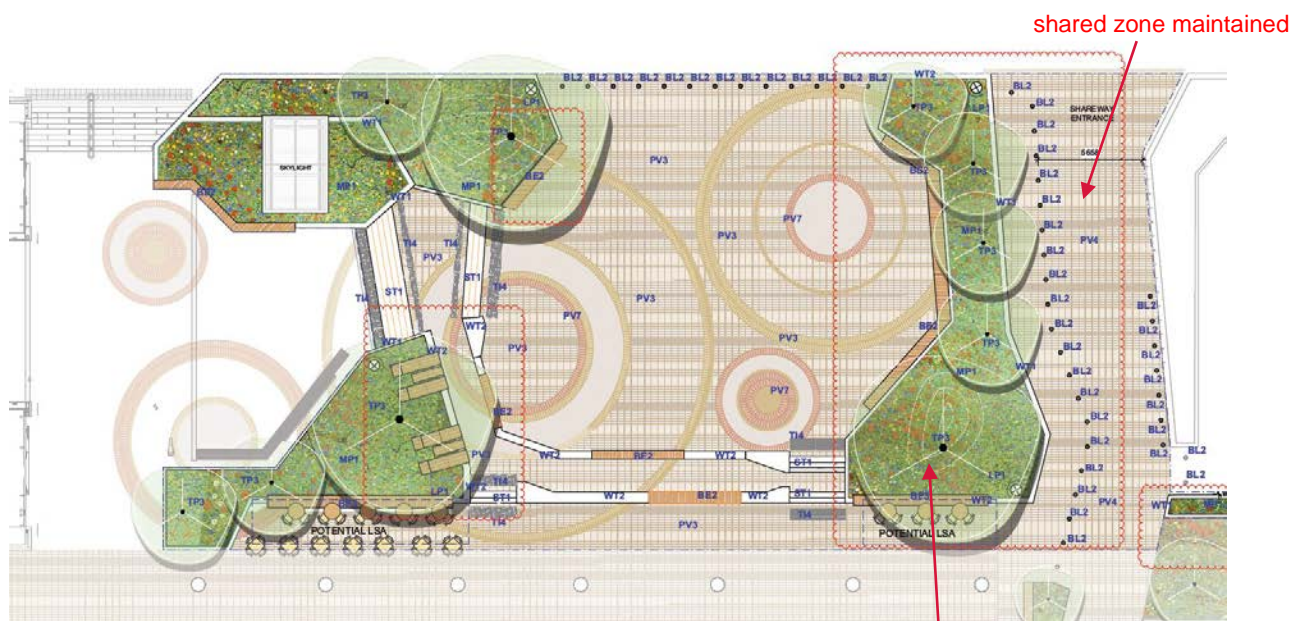


Figure 15 | Proposed Cope Street Plaza landscape plan

### 5.3 Other changes to conditions

The application also seeks to alter the wording of seven conditions for different reasons.

The proposed changes and Department's assessment are contained in the table below.

Condition	Proposed change	Department's assessment
<b>B12</b> <b>Landscaping</b>	Replace a reference to the Landscape Plans submitted with the RtS and instead refer to the Landscape Plans approved.  The change relates to the way in	The proposed change is logical and acceptable.  Council raised no issues regarding the amendment.



which the approved landscape plans will be altered by this modification application and any future modifications.

<b>C39 Remediation</b>	<p>Replace the words “prior to commencement of works” with “prior to completion of the structure” in relation to the trigger for lodgement of Site Audit Report and Site Audit Statement.</p> <p>The proposed change would enable the reports to be submitted upon completion of the remediation works and allow structural support works for a neighbouring site to be carried out if necessary.</p>	<p>Structural support alongside the Waterloo Congregational Church is likely to be required during the remediation works. This would not be permitted prior to completion of remediation works with the current condition.</p> <p>Council recommended that the condition refers to a particular Construction Certificate phase so the certifier can enforce compliance and as a mean of ensuring remediation is carried out before any significant structure has been built.</p> <p>The Department finds the proposed wording acceptable as the trigger for lodgement is prior to completion of the structure.</p>
<b>E16 Car Parking</b>	<p>Replace the words “prior to the issue of the <b>relevant</b> Occupation Certificate” with “prior to the issue of the <b>final</b> Occupation Certificate” in relation to the trigger for evidence of car parking being provided for the Precinct.</p>	<p>The Department supports the term “prior to occupation of the development” to be clear that the obligation must be satisfied before use of the development and untie it from any particular OC.</p> <p>Council raised no issues regarding the amendment.</p>
<b>E17 Bicycle Parking</b>	<p>(a) Replace the words “prior to the issue of the <b>relevant</b> Occupation Certificate” with “prior to the issue of the <b>final</b> Occupation Certificate” in relation to the trigger for evidence of bicycle parking being provided for the Precinct.</p> <p>(b) Remove a reference to the location of retail visitor bicycle parking in the basement within the Waterloo Metro Quarter as 15 retail visitor spaces are provided in the publicly accessible open space around the Southern Precinct.</p>	<p>In relation to (a), the Department supports the phrase “prior to occupation of the development” to be clear that the obligation must be satisfied before use of the development.</p> <p>In relation to (b), the 15 retail spaces are within the publicly accessible open space and therefore the change is acceptable.</p> <p>Council said the final location of bicycle spaces has not been agreed to by Council’s Public Domain Unit at this stage.</p> <p>The Department considers the 15 retail visitor spaces in the publicly accessible open space is acceptable and will not cause issues for public domain plan negotiations with Council.</p>

<b>E20</b> <b>Works as Executed Drawings</b>	Replace the words “prior to the issue of any Occupation Certificate” with “prior to the issue of the <b>final</b> Occupation Certificate” in relation to the trigger for works-as-executed drawings for stormwater and ground levels being provided to the Certifier.	<p>The Department supports the phrase “prior to the relevant Occupation Certificate rather than “final” as the Works-As-Executed drawings are linked to work in a particular Construction Certificate and therefore a particular OC towards the end of the project.</p> <p>Council raised no issues regarding the amendment</p>
<b>E24</b> <b>Stormwater Deed</b>	Replace the words “prior to the issue of any Occupation Certificate” with “prior to the issue of the <b>final</b> Occupation Certificate” in relation to the trigger for evidence of Deed of Agreement and Positive Covenant with Council.	<p>The Department supports the phrase “prior to the relevant Occupation Certificate” rather than “final” as the Works-As-Executed drawings are linked to work in a particular Construction Certificate and therefore a particular OC towards the end of the project.</p> <p>Council said clarification is required whether stormwater will be directed to Botany Road (under TfNSW control) or the Council’s stormwater system. However, this is not relevant to the nature of the modification proposed and will be resolved in the detailed design.</p>
<b>E39</b> <b>Remediation and Site Audit</b>	Delete the condition. It refers to any land to be dedicated to Council needing to be remediated. The Applicant says no land is to be dedicated to Council in the Southern Precinct.	<p>The amendment is not necessary as the condition refers to “any land to be dedicated” and provides sufficient flexibility if no land is being dedicated.</p> <p>Council also said the condition should remain in the event that some land may be dedicated in the future.</p>

The Department carefully reviewed Council’s recommendations and consulted with the Applicant on the proposed modifications to conditions. The Applicant agreed with the proposed modifications to conditions as recommended in **Appendix C**.

## 6 Evaluation

The Department has assessed the modification request and supporting information in accordance with the relevant requirements of the EP&A Act.

The Department's assessment concludes that the proposed modifications are appropriate as:

- the proposal is substantially the same development as the originally approved development and consistent with the Concept Approval
- the proposed changes are minor in nature and will have no discernible change from the approved design when viewed from the public domain
- the changes will not result in any additional environmental impacts
- it complies with the relevant statutory provisions and remains consistent with relevant EPIs.

Consequently, the Department concludes the proposal is in the public interest and should be approved, subject to the recommended changes to existing conditions of consent as outlined in **Appendix C**.

## 7 Recommendation

It is recommended that the Team Leader, Key Sites Assessments, as delegate of the Minister for Planning:

- **considers** the findings and recommendations of this report
- **determines** that the application SSD 10437 MOD 1 falls within the scope of section 4.55(1A) of the EP&A Act
- **accepts and adopts** all of the findings and recommendations in this report as the reasons for making the decision to approve the modification
- **modifies** the consent
- **signs** the attached approval of the modification (**Appendix C**).

**Recommended by:**



**Paula Bizimis**  
Senior Planner  
Key Sites Assessments

**Recommended by:**



**Russell Hand**  
Principal Planner  
Key Sites Assessments

## 8 Determination

The recommendation is **Adopted** by:

A handwritten signature in black ink, appearing to read 'Annie Leung', with a stylized, flowing script.

**Annie Leung**

Team Leader

Key Sites Assessments

as delegate of the Minister for Planning

# Appendices

## Appendix A – List of referenced documents

Modification Application

<https://www.planningportal.nsw.gov.au/major-projects/projects/waterloo-metro-quarter-southern-precinct-mod-1>

## Appendix B – Council submission

<https://www.planningportal.nsw.gov.au/major-projects/projects/waterloo-metro-quarter-southern-precinct-mod-1>

## Appendix C – Notice of modification

<https://www.planningportal.nsw.gov.au/major-projects/projects/waterloo-metro-quarter-southern-precinct-mod-1>