



Waterloo Metro Quarter Basement Modification 1

Design modifications
State Significant Development Modification Assessment
(SSD 10438 MOD 1)

August 2022

Published by the NSW Department of Planning and Environment

dpe.nsw.gov.au

Title: Waterloo Metro Quarter Basement Modification 1

Subtitle: Internal design changes

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Glossary

Abbreviation	Definition
AHD	Australian Height Datum
BCA	Building Code of Australia
CIV	Capital Investment Value
Council	City of Sydney Council
Department	Department of Planning and Environment
EIS	Environmental Impact Statement
EP&A Act	<i>Environmental Planning and Assessment Act 1979</i>
EP&A Regulation	Environmental Planning and Assessment Regulation 2021
EPI	Environmental Planning Instrument
ESD	Ecologically Sustainable Development
LEP	Local Environmental Plan
Minister	Minister for Planning
Planning Secretary	Secretary of the Department of Planning and Environment
Planning Systems SEPP	State Environmental Planning Policy (Planning Systems) 2021
SEARs	Planning Secretary's Environmental Assessment Requirements
SEPP	State Environmental Planning Policy
SSD	State Significant Development
SSI	State Significant Infrastructure
TfNSW	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 10438 for Waterloo Metro Quarter Southern Precinct.

The modification application seeks to alter the consent to:

- reduce the extent of excavation for the basement
- make minor internal changes to the location of car parking spaces, end of trip facilities and services
- alter basement and ground floor slab levels
- alter the approved on-site detention tank
- exclude the gross floor area of end-of-trip facilities from the gross floor area of the basement.

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 the 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 Director, Key Sites Assessments for the detailed design and construction of the Basement Car Park.

The Basement Car Park consent permits the following works:

- excavation for a two-level basement structure
- 155 car parking spaces, 13 motorcycle spaces and 315 bicycle parking spaces
- ground floor slabs to cap the basement, upon which future Northern Precinct and Central Precinct buildings will be constructed
- end-of-trip facilities and storage.

The Basement Car Park 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 the Southern Precinct student housing tower, social housing building and Cope Street Plaza (SSD 10437).

This is the first modification application relating to the Basement Car Park SSD.

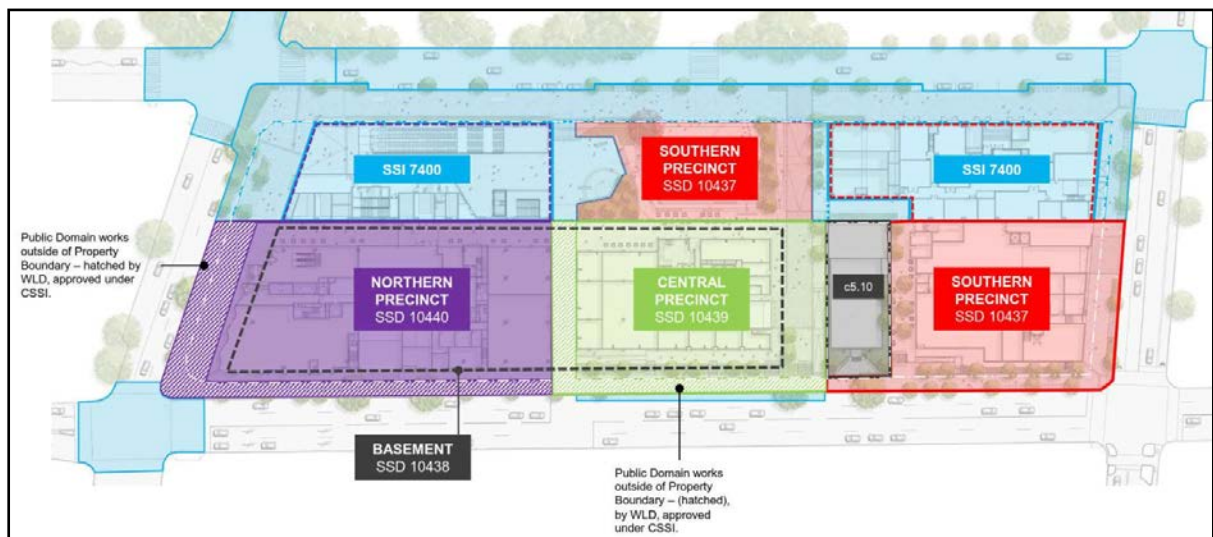


Figure 2 | Plan of Waterloo Metro Quarter Precincts (Source: SSD 10437 EIS)

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:

- reduction in the excavation for the basement by 200 m² or 1400 m³
- reconfiguration of services
- relocation of end-of-trip facilities to align with Northern Precinct and Central Precinct lift cores and accesses
- introduce one way circulation to northern aisles within the two-level car park
- consolidate residential parking to Basement B01 level and reconfigure the layout of the residential spaces
- adjustments to slab levels on ground level to reflect flood analysis requirements
- alter the footprint of the on-site detention tank to the south of the Central Precinct.

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

The modification also proposes to exclude the gross floor area of the approved end-of-trip facilities from the GFA of the Waterloo Metro Quarter development on the basis the space is non-habitable area and should not be included in the definition of GFA.

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>Section 5 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 changes do not alter 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 public submission was made on the application.</p> <p>Council made a submission which has been considered in the assessment of 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 10438. 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 maximum GFA or building height.
(a)(ii) any proposed instrument	No draft instruments are relevant to the modification.
(a)(iii) any development control plan	Under clause of the SRD SEPP, 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 Section 5 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

No 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, supporting the delivery of the approved mixed-use land uses above.

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 submission from the public.

Council does not object to the modification application and advised that the proposed modification would result in improvements in the operation of the basement. Specifically, Council supports the one-way circulation at the northern end of the basement, the consolidation of residential parking and the relocation of the end-of-trip facilities.

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:

- design changes to the basement levels and the degree to which the modified proposal is different from the presently approved development
- exclusion of end-of-trip facilities from GFA.

5.1 Design changes to basement

The modification application seeks approval for design changes, comprising:

- reduction in the excavation footprint of the basement by 200 m² or 1400 m³ below Church Square and Raglan Street Plaza
- reconfiguration of service areas
- relocation of end-of-trip facilities to better align with Northern Precinct and Central Precinct lift cores and accesses
- introduce one way circulation to northern aisles within the two-level car park
- consolidate residential parking to Basement 01 level and reconfigure the layout of the residential spaces
- adjustments to slab levels on ground level to reflect flood analysis requirements
- alter the footprint of the on-site detention tank to the south of the Central Precinct.

Figures of the proposed changes are below, including a mark-up of the changes.

The Applicant states the proposed modifications are minor and typical of design refinement changes that occur during design development. The Applicant also says the rearrangement of the basement will be safer for users, the reduced excavation will increase deep soil landscaping within Church Square, and the floor levels are all above the probable maximum flood and 1% annual exceedance +500mm levels.

Council said the proposed changes are an improvement in the design, as mentioned in Section 4 above.

The Department also supports the proposed changes and considers them an improvement on the current design.



Figure 3 | Approved Basement Level 01 Plan

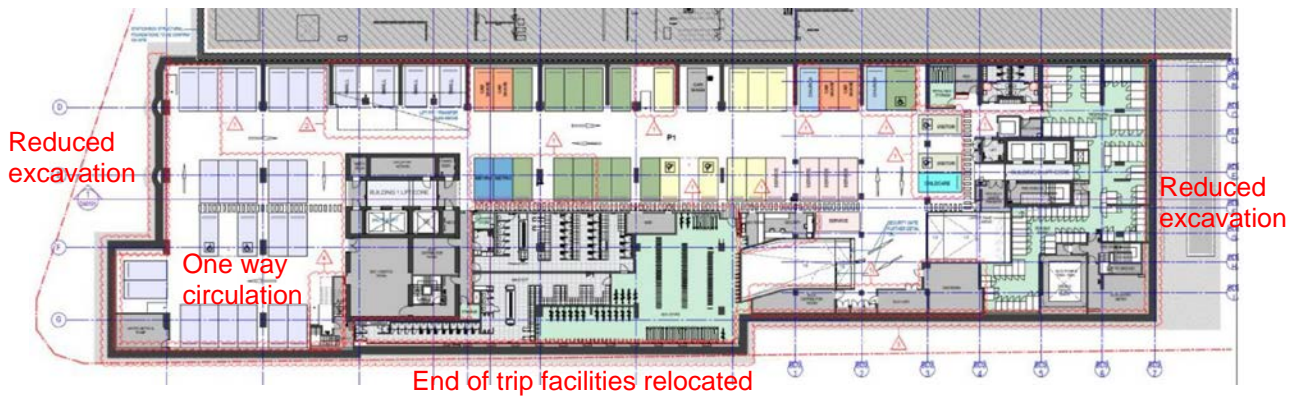


Figure 4 | Proposed Basement Level 01 Plan

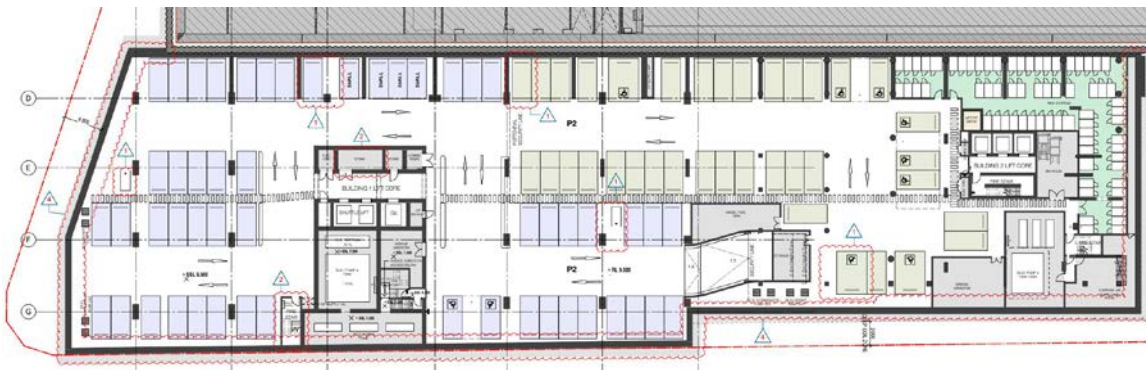


Figure 5 | Approved Basement Level 02 Plan

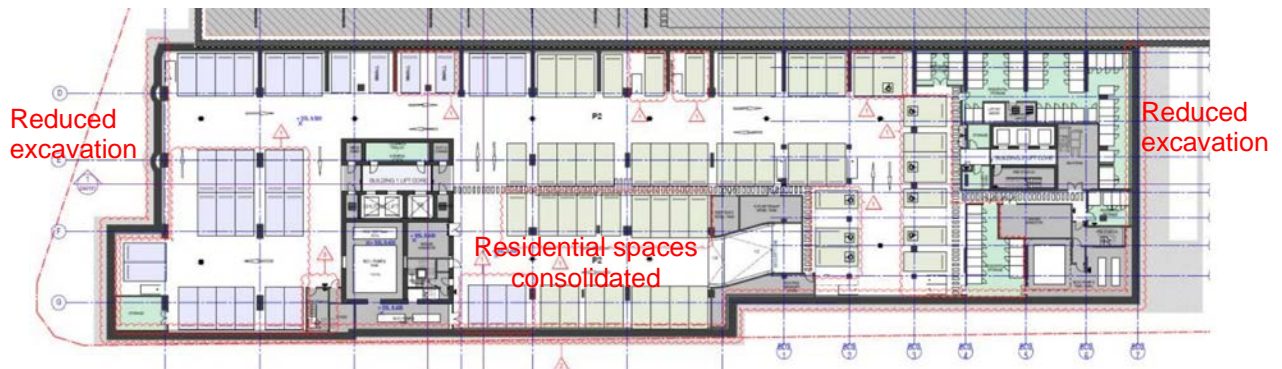


Figure 6 | Proposed Basement Level 02 Plan

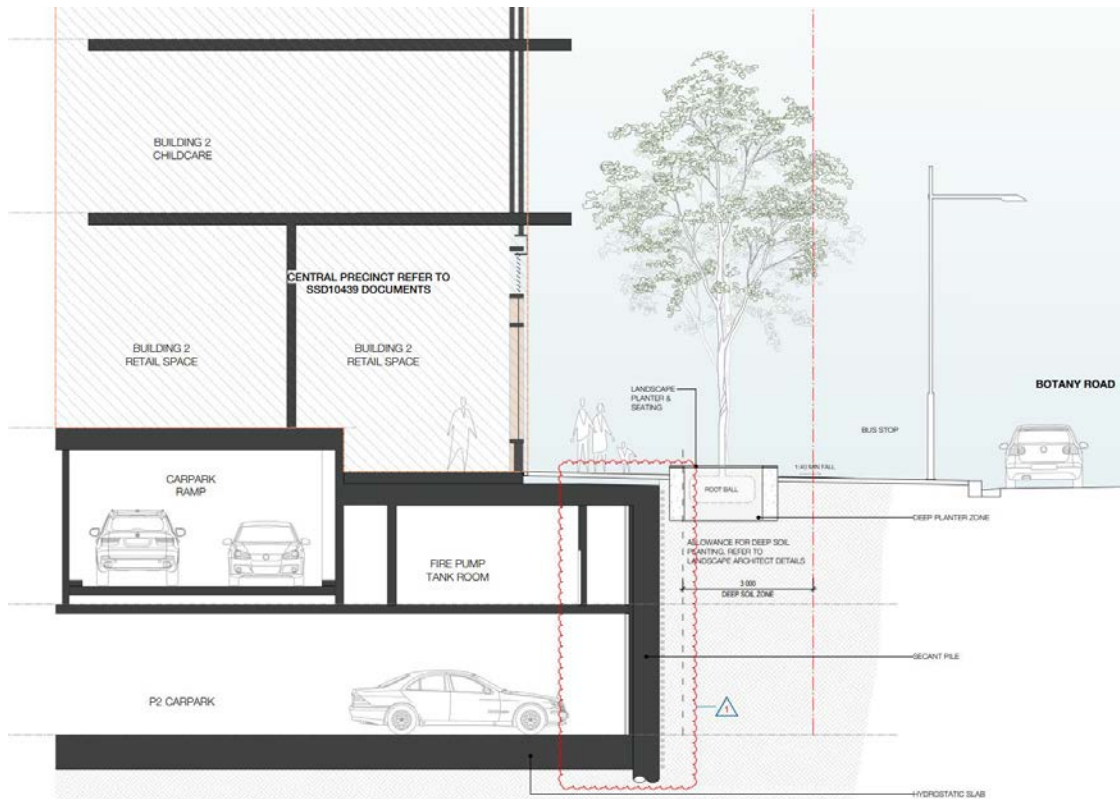


Figure 7 | Approved Section Plan for Botany Road

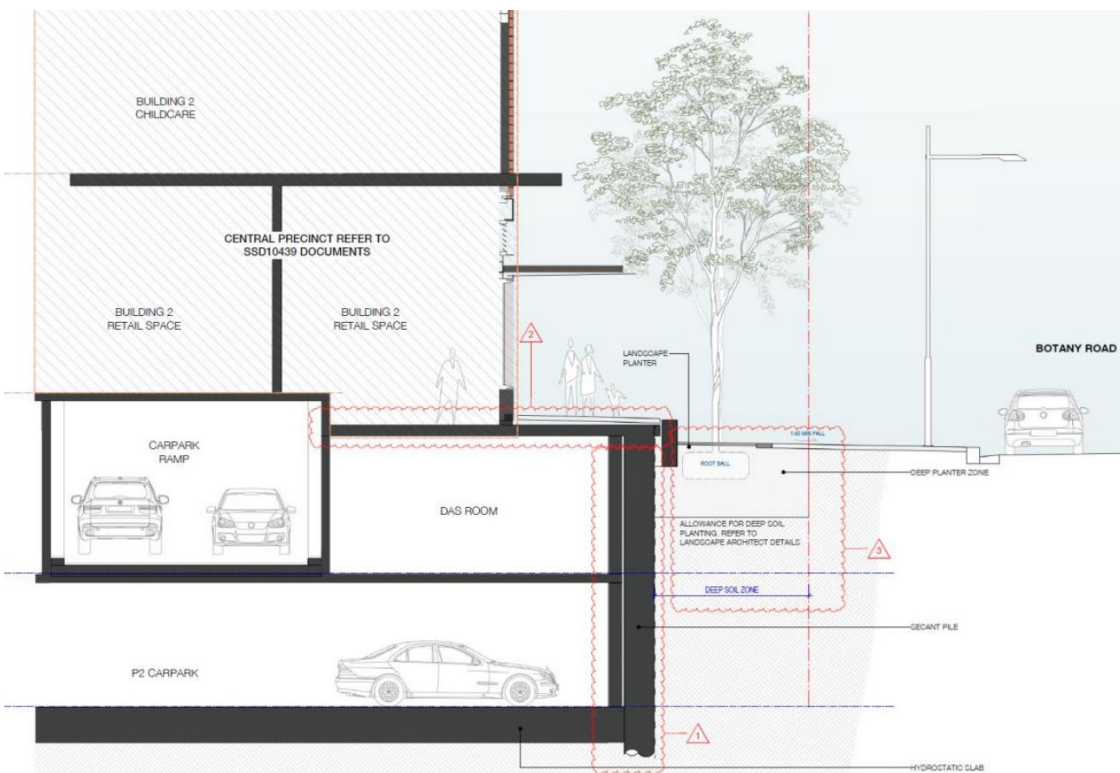


Figure 8 | Proposed Section Plan for Botany Road

5.2 Exclusion of end-of-trip facilities from GFA

The application proposes to exclude the approved end of trip facilities (EOTF) from the approved gross floor area (GFA) of the basement. The area of the relevant EOTF is 289.9 m² with 258.2 m² originating from the office building EOTF and 31.7 m² from the retail EOTF.

The Applicant argues that EOTF is not a habitable room and therefore does not meet the definition of GFA under the Sydney Local Environmental Plan 2012. They say that although there is no definition of “habitable room” in the LEP, the Building Code of Australia (BCA) and the Apartment Design Guide (ADG) provide guidance that EOTF components such as bathrooms, showers, lockers and storage should be excluded from GFA.

The Applicant also cites a comparable example from Barangaroo South (Stage 1B Basement SSD 6960) where EOTF in the basement were excluded from GFA.

Council did not raise any concerns with the proposed exclusion of EOTF area from GFA.

The Department has considered the proposed change and accepts the exclusion of the relevant area from the GFA of the development. EOTF in a basement would not be counted as habitable rooms in a residential or mixed-use development under the definitions provided in the BCA and ADG and an example has been provided of a development with similar attributes where the approved floorspace has been excluded.

The Department notes that the security and management rooms will continue to be counted as GFA in the basement.

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 changes are a refinement on the location of services, car parking and slab levels compared to the approved development
- 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 10438 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:



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-basement-modification-1>

Appendix B – Council submission

<https://www.planningportal.nsw.gov.au/major-projects/projects/waterloo-metro-quarter-basement-modification-1>

Appendix C – Notice of modification

<https://www.planningportal.nsw.gov.au/major-projects/projects/waterloo-metro-quarter-basement-modification-1>