

Notice of decision

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

Application type	State significant development
Application number and project name	SSD-10440 Northern Precinct SSD - Waterloo Metro Quarter OSD
Applicant	WL DEVELOPER PTY LTD
Consent Authority	Minister for Planning and Public Spaces

Decision

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

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

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

Date of decision

23 September 2021

Reasons for decision

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

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

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

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

- the project would provide a range of benefits for the region and the State as a whole, including 3,436 full time jobs, \$160million capital investment and local infrastructure contributions
- the project is permissible with development consent and is consistent with NSW Government policies including the Eastern City District Plan and Future Transport Strategy 2056. The project will strengthen the competitiveness of Sydney as an economic hub and takes advantage of the Government's investment in public transport by locating employment uses above and around the Waterloo Metro Station
- the impacts on the community and the environment can be appropriately minimised, managed or offset to an acceptable level, in accordance with applicable NSW Government policies and standards
- the issues raised by the community during consultation and in submissions have been considered and adequately addressed through justification for the project and the recommended conditions of consent
- the proposal would achieve design excellence
- the proposal complies with the maximum building height and floor space ratio standards for the site
- weighing all relevant considerations, the project is in the public interest.

Attachment 1 – Consideration of Community Views

The Department exhibited the Environmental Impact Statement for the project from 5 November 2020 until 3 December 2020 (28 days) and received 12 public submissions, including 10 objections and two submissions providing comments.

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

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

<i>Issue</i>	<i>Consideration</i>
<p><i>Built form and density</i></p> <ul style="list-style-type: none"> height and density of Waterloo Metro Quarter should be reduced in general scale of Northern Precinct should be reduced. 	<p><i>Assessment</i></p> <ul style="list-style-type: none"> The Department's assessment finds the proposal acceptable as the built form complies with the Sydney LEP and the Concept Approval envelopes and the Design Guidelines. The Department acknowledges the built form of the building would be appropriately mitigated by the proposed modulation, articulation, materials and finishes. For instance, the building has a defined base, middle and top with varied setbacks and heights. As such, the proposal would sit comfortably within the building envelope and within the neighbouring context. <p><i>Conditions</i></p> <p>No conditions are necessary in relation to these issues.</p>
<p><i>Land uses</i></p> <ul style="list-style-type: none"> question whether there is demand for office land use due to the Covid-19 pandemic. support office and retail uses. 	<p><i>Assessment</i></p> <ul style="list-style-type: none"> The Department considers the proposed land uses are suitable as they are permissible in the zone, in keeping with the Concept Approval and will assist in Waterloo Metro becoming a mixed use development which is highly integrated with transport. Support for office and retail uses is noted. <p><i>Conditions</i></p> <p>No conditions are necessary in relation to this issue.</p>
<p><i>Open space</i></p> <ul style="list-style-type: none"> more open space should be provided wind impacts on open space areas. 	<p><i>Assessment</i></p> <ul style="list-style-type: none"> The Department is satisfied with the amount of public accessible open space provided as it complies with the amount required under the Sydney LEP and Concept approval. The Department's assessment finds that wind impacts on proposed open spaces (i.e. Cope Street Plaza, internal walkways and external footpaths) are acceptable as they have been mitigated to acceptable standards. The Department considers that the proposed amount of open space and its management are acceptable. <p><i>Conditions</i></p> <p>Recommended conditions include a requirement to create public rights of access over pedestrian walkways.</p>
<p><i>Affordable housing</i></p> <ul style="list-style-type: none"> office floorspace reduces affordable housing dwellings 	<p><i>Assessment</i></p> <ul style="list-style-type: none"> The Department acknowledges the approved Amending Concept SSD, which included the Northern Precinct's office floorspace instead of the predominantly residential floorspace in the original Concept Approval, reduced the amount of affordable housing to be provided compared to the original Concept Approval. The Department notes that the Amending Concept secured four additional affordable housing apartments than required under the Sydney LEP and Concept Approval. The Department is satisfied the proposed amount of affordable housing complies with the requirements for the site and is acceptable. <p><i>Conditions</i></p> <p>No conditions are necessary in relation to this issue.</p>

<p><i>Parking and traffic</i></p> <ul style="list-style-type: none"> proposal will increase traffic and make it difficult to get to surrounding properties widen Botany Road for a permanent bus lane. proposal will increase pedestrians. 	<p><i>Assessment</i></p> <ul style="list-style-type: none"> The Department engaged an independent traffic consultant to review the proposed traffic generation, traffic impacts, car parking numbers and loading/unloading of the proposal. The Department's consultant considered the proposal has satisfactorily addressed traffic and parking issues and there are minor impacts on the road network and pedestrian facilities. In relation to pedestrian capacity along footpaths and at crossings, the Critical State Significant Infrastructure application and SSDs have been guided by detailed pedestrian forecast modelling for the operational phase of the Metro Station demonstrating the adequacy of surrounding and upgraded infrastructure. The Waterloo Metro Quarter, including the Northern Precinct, is noted to have minimal contribution to pedestrian demands compared to the Station infrastructure. The Department is satisfied the proposal will have acceptable parking and traffic impacts. <p><i>Conditions</i></p> <ul style="list-style-type: none"> The recommended conditions limit car parking, and therefore traffic generation, to below the maximum parking rates in the Sydney LEP 2012.
<p><i>Overshadowing impacts on:</i></p> <ul style="list-style-type: none"> Alexandria Park Cope Street Plaza existing dwellings to the west. 	<p><i>Assessment</i></p> <ul style="list-style-type: none"> The Department's assessment finds: <ul style="list-style-type: none"> the Northern Precinct does not cast shadows onto Alexandria Park more than 50% of Cope Street Plaza will receive solar access for more than two hours between 9am and 3pm in midwinter as is required in the endorsed Design Guidelines private dwellings to the west will have continue to maintain more than two hours solar access between 9am and 3pm in midwinter <p><i>Conditions</i></p> <ul style="list-style-type: none"> No conditions are necessary in relation to this issue.
<p><i>Coordination with Waterloo Estate</i></p> <ul style="list-style-type: none"> community infrastructure should be coordinated with the Waterloo Estate to avoid duplication. 	<p><i>Assessment</i></p> <ul style="list-style-type: none"> Strategic planning for Waterloo Metro Quarter was completed in 2019 and enabled the mixed use development of the precinct with revised building heights and densities in response to the opportunity provided by the new Metro Station. The strategic planning was informed by concept land uses and rigorous assessment of the merits of the new planning controls. Waterloo Estate is subject to a current Planning Proposal for rezoning including consideration of future land uses and densities. The Department notes that the final selection of tenants and uses within the Waterloo Metro Quarter is subject to future applications. <p><i>Conditions</i></p> <ul style="list-style-type: none"> No conditions are necessary in relation to this issue.
<p><i>Heritage</i></p> <ul style="list-style-type: none"> Heritage impacts on terraces and park within Alexandria Park Conservation Area. 	<p><i>Assessment</i></p> <ul style="list-style-type: none"> The Department notes the proposal complies with the Sydney LEP and Concept Approval in regard to building height and density and has an acceptable relationship with Alexandria Park Conservation Area. The Department also notes the building materials have been chosen to reflect the brick and masonry finishes of surrounding terrace houses, factories and warehouses. <p><i>Conditions</i></p> <ul style="list-style-type: none"> No conditions are necessary in relation to this issue.