

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-10441 Amending Concept DA - 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

17 June 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; and
- 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 commercial office floorspace and retail floorspace 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; and
- 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 six objections, one in support of the project and five submissions providing comments.

The Department also inspected the site and surroundings on two occasions in the course of the assessment process to gain a deeper 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, land use, affordable housing 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</i></p> <ul style="list-style-type: none"> • support reduced building height of Northern Precinct • support increased pedestrian permeability through buildings • Northern Precinct has large bulk. • Northern Precinct building is out of character with surrounding buildings. • Northern Precinct building should have further reduced height and bulk. • eliminate the Central Precinct from the Concept and construct a large public square instead. • project ruins the character of Waterloo. However, further explanation of this objection was not provided. 	<p><i>Assessment</i></p> <ul style="list-style-type: none"> • The Department notes that public submissions contained mixed views on the built form of the proposal. • The Department's assessment finds the new Northern Precinct building envelopes and extension of the Central Precinct building envelope acceptable as the built form complies with the Sydney LEP and the envelopes have been modulated in height and massing. • The detailed design phase is subject to Concept Approval conditions, the recommend conditions and updated Design Guidelines. <p><i>Conditions</i></p> <p>Recommended conditions include a requirement for Stage 2 Detailed Design applications to demonstrate consistency with the Design Guidelines (Condition B3) and incorporate internal voids to the Northern Precinct to break up the size of the available floorspace (Condition B7).</p>
<p><i>Land use</i></p> <ul style="list-style-type: none"> • support for office land use • there is no demand for large office space due to Covid-19 pandemic. 	<p><i>Assessment</i></p> <ul style="list-style-type: none"> • The Department note there are differing views in submissions. • The Department considers the proposed land uses within the Amending Concept are suitable as the uses are permissible with consent and the Northern Precinct will enable a significant amount of employment (3,436 full time employees) directly above a rapid and connected Metro public transport system. <p><i>Conditions</i></p> <p>No conditions are necessary in relation this issue.</p>
<p><i>Affordable housing</i></p> <ul style="list-style-type: none"> • more affordable and social housing is required • there is a reduction in affordable housing dwellings 	<p><i>Assessment</i></p> <ul style="list-style-type: none"> • The Department notes the revised land use mix would reduce the amount of affordable housing to be provided compared to the Concept Approval. Affordable housing is required to be provided as 5% of the total residential floorspace. The Concept Approval involved 35 affordable housing apartments and the Amending Concept involves 24. • The Department notes that Amending Concept would secure four more affordable housing apartments than the requirements in the Sydney LEP and Concept Approval (24 rather than the 20 required). • The Department considers that 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.

	<ul style="list-style-type: none"> In relation to pedestrian capacity along footpaths and at crossings, the Critical Station 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 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"> Existing Concept Approval conditions limit car parking, and therefore traffic generation, to the maximum parking rates in the Sydney LEP 2012.
<p><i>Street trees and landscaping</i></p> <ul style="list-style-type: none"> project should retain existing trees in Cope Street. project should preserve existing trees in the Waterloo Estate (to the east, on the opposite side of Cope Street) extent and design of deep soil landscaping is questioned 	<p><i>Assessment</i></p> <ul style="list-style-type: none"> The Amending Concept has no impact on street trees, including along Cope Street and in the Waterloo Estate, and has no impact on the deep soil areas or design envisaged under the Concept Plan. <p><i>Conditions</i></p> <ul style="list-style-type: none"> No conditions are necessary in relation to the 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"> The Department considers this is an issue for Sydney Metro and the Applicant (for Waterloo Metro Quarter), and Land and Housing Corporation and private landowners (for Waterloo Estate) to work together to coordinate the exact nature of tenants and uses to suit the needs and wants of the local and wider community. <p><i>Conditions</i></p> <ul style="list-style-type: none"> No conditions are necessary in relation to this issue.
<p><i>Solar access</i></p> <ul style="list-style-type: none"> proposal reduces sunlight to author's apartment within 138 Botany Road. 	<p><i>Assessment</i></p> <ul style="list-style-type: none"> The Department notes that the Amending Concept new building envelopes for the Northern Precinct and Central Precinct do not impact on shadows to 138 Botany Road. Shadows cast on that building arise from the Central Precinct tower and Southern Precinct tower which are governed by the Design Guidelines of the Concept Approval and subject to assessment of the Stage 2 Detailed Design SSDs.. <p><i>Conditions</i></p> <ul style="list-style-type: none"> No conditions are necessary in relation to this issue.