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SYDNEY NSW 2000**

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Urbis Pty Ltd
ABN 50 105 256 228

20 July 2021

Mr Jim Betts
Secretary
Department of Planning, Industry and Environment
4 Parramatta Square, 12 Darcy Street,
Parramatta 2150 Sydney

Dear Jim,

WATERLOO METRO QUARTER - NOTICE OF MODIFICATION TO CONCEPT DEVELOPMENT APPROVAL SSD 9393

This letter has been prepared by Urbis on behalf of the WL Developer Pty Ltd to accompany a formal notice of modification (**Notice**) to State Significant Development (**SSD**) concept development approval SSD 9393, as it relates to the Waterloo Metro Quarter (**WMQ**) site redevelopment.

This notice has been prepared in accordance with the following:

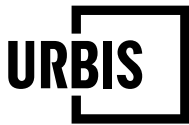
- Section 4.17(5) of the *Environmental Planning and Assessment Act 1979* (**EP&A Act**),
- Clause 97 of the *Environmental Planning and Assessment Regulations 2000* (**EP&A Regs**), and
- Condition A9 ('Amendments to Consent SSD 9393') of the development consent for SSD 10441.

The amendment of concept approval SSD 9393 by way of Condition A9 of SSD 10441 removes any inconsistency between the original and amended concept approvals upon commencement of SSD 10441.

It is noted that this also removes any potential inconsistency between the concept approval and the subsequent detailed SSDs currently under assessment by the Department of Planning, Industry and Environment (**DPIE**) (notably for the Southern Precinct - SSD 10437, Basement - SSD 10438, Central Precinct - SSD 10439 and Northern Precinct - SSD 10440).

This Notice is accompanied by the following:

- Modifications to conditions of development consent SSD 9393 as detailed within Schedule 3 of development consent SSD 10441 (**Attachment A**), and
- Approved Modified Architectural Drawings (SSD 10441) prepared by Hassell (**Attachment B**).
- Consolidated Consent SSD 9393 as modified by SSD 10441, track changed (**Attachment C**).
- Signed owner's consent documentation (**Attachment D**).



1. BACKGROUND TO CONCEPT APPROVAL

Development consent was granted to SSD 9393 on 10 December 2019 for a concept proposal comprising an integrated mixed-use development across three precincts and a basement building envelope over and adjacent to the approved Waterloo metro station.

Subsequently a Section 4.55(1A) modification application to concept approval SSD 9393 (**MOD-2**) was approved on 1 June 2021 modifying Condition A12 for the staged delivery of public benefits. This enables the determination of development applications on the WMQ site prior to the final resolution of the design, area and future operating model of the proposed community facilities located within Central Precinct.

Further to the above, development consent was granted to an amending concept DA, SSD 10441, on 17 June 2021 for a revised concept proposal comprising amended building envelopes for the Northern and Central Precincts of the WMQ.

The amended concept proposal SSD 10441 was not consistent with concept approval SSD 9393, and hence, sought that a condition be imposed on any approval pursuant to clause 4.17(1)(b) of the EP&A Act.

Accordingly, Condition A9 ('Amendments to Consent SSD 9393') of SSD 10441 was imposed and states the following:

*The Applicant must deliver a notice of modification to the Planning Secretary that complies with Clause 97 of the Environmental Planning and Assessment Regulation 2000 within three months of the date of this determination. The notice must set out the modifications to conditions in SSD 9393 that are listed in **Schedule 3** of this consent.*

Section 4.17(5) of the EP&A Act allows for a consent to be modified or surrendered, and states:

***(5) Modification or surrender of consents or existing use rights.** If a consent authority imposes (as referred to in subsection (1)(b)) a condition requiring the modification or surrender of a consent granted under this Act or a right conferred by Division 4.11, the consent or right may be modified or surrendered subject to and in accordance with the regulations.*

Pursuant to Condition A9 of SSD 10441 and section 4.17(5) of the EP&A Act, this Notice provides the information required under clause 97 of the EP&A Regs, enabling SSD 9393 to be modified.

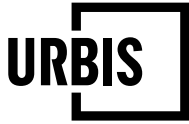
2. CLAUSE 97 OF THE ENVIRONMENTAL PLANNING AND ASSESSMENT REGULATIONS 2000

Clause 97 of the EP&A Regs states the following:

(1) A notice of modification or surrender of a development consent or existing use right, as referred to in section 4.17(5) of the Act, must include the following information—

(a) the name and address of the person by whom the notice is given,

(b) the address, and formal particulars of title, of the land to which the consent or right relates,



(c) a description of the development consent or existing use right to be modified or surrendered,

(d) particulars as to whether the consent or right is to be modified (including details of the modification) or surrendered,

(e) if the applicant is not the owner of the land, a statement signed by the owner of the land to the effect that the owner consents to the modification or surrender of the consent or right.

Accordingly, the required information under clause 97(a) to (e) of the EP&A Regs is provided in the following sub-sections.

(a) Name and address of the person by whom notice is given

This Notice is given by WL Developer Pty Ltd. The address of WL Developer Pty Ltd is Level 10, 54 Park Street, Sydney NSW 2000.

(b) Address, and formal particulars of title, of the land to which the consent or right relates

The land of the WMQ site to which Development Consent SSD 9393 and SSD 10441 relate are described in the **Table 1** below.

Table 1 WMQ Site Legal Description

Address	Lot and DP
136B Raglan Street	Lot 4 in DP 215751
59 Botany Road	Lot 5 in DP 215751
65 Botany Road	Lot 1 in DP 814205
67 Botany Road	Lot 1 in DP 228641
124-128 Cope Street	Lot 2 in DP 228641
69-83 Botany Road	Lot 1 in DP 1084919
130-134 Cope Street	Lot 12 in DP 399757
136-144 Cope Street	Lots A-E in DP 108312
85 Botany Road	Lot 1 in DP 27454
87 Botany Road	Lot 2 in DP 27454
89-91 Botany Road	Lot 1 in DP 996765
93-101 Botany Road	Lot 1 in DP 433969 and Lot 1 in DP 738891

Address	Lot and DP
119 Botany Road	Lot 1 in DP 205942 and Lot 1 in DP 436831
156-160 Cope Street	Lot 31 in DP 805384
107-117A Botany Road	Lot 32 in DP 805384 and Lot A in DP 408116
170-174 Cope Street	Lot 2 in DP 205942

(c) Description of the development consent or existing use right to be modified or surrendered

Development Consent SSD 9393 is to be modified. SSD 9393 granted consent for a concept proposal for the Waterloo Metro Quarter precinct comprising a mixed use development over and adjacent to the approved Waterloo Metro Station, including:

- *Maximum building envelopes for podium, mid-rise and tower buildings*
- *A maximum gross floor area of 68,750sqm, excluding station floor space*
- *Conceptual land use for non-residential and residential floor space*
- *Minimum 12,000sqm of non-residential gross floor area including a minimum 2,000sqm of community facilities*
- *Minimum 5% residential gross floor area as affordable housing dwellings*
- *70 social housing dwellings*
- *Basement car parking, motorcycle parking, bicycle parking and service vehicle spaces*

(d) Particulars as to whether the consent or right is to be modified (including details of the modification) or surrendered

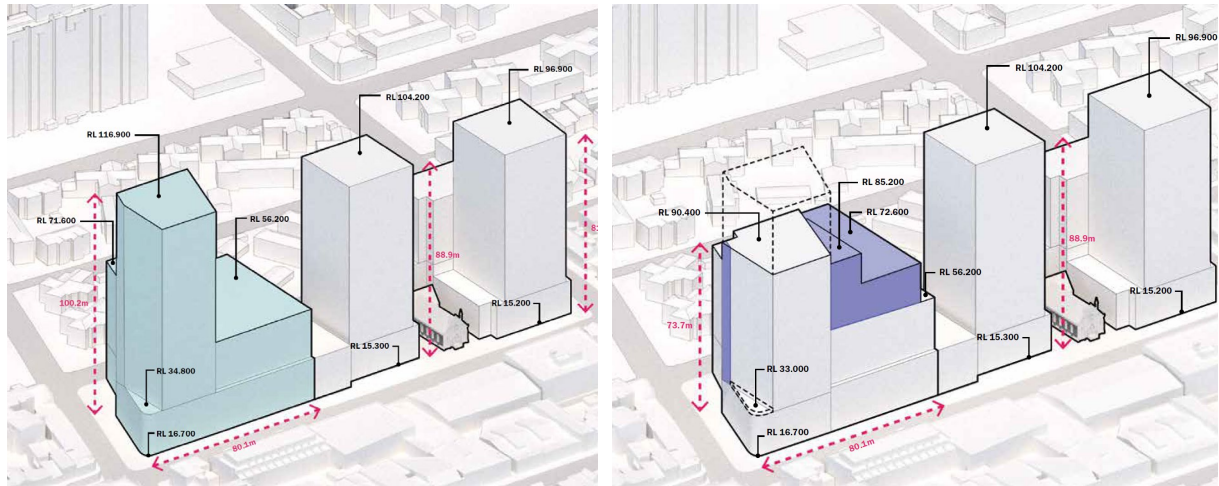
Development consent SSD 9393 is to be modified to facilitate the amended concept proposal approved under development consent SSD 10441.

SSD 10441 modifies the approved building envelope for the Northern Precinct (previously comprising 'Building A', 'Building B', 'Building C' and 'Building D' under SSD 9393), as well as a minor amendment to the Central Precinct. Development consent SSD 10441 provides for new building envelopes and land uses for the Northern Precinct and an extended building envelope for the Central Precinct within the Waterloo Metro Quarter, comprising:

- *New building envelopes within the Northern Precinct with a maximum height of RL 90.4*
- *Use of the northern building envelopes for non-residential floorspace, including office premises and retail premises*
- *Additions to the building envelope at the podium of the Central Precinct.*

These modifications are illustrated in the comparative image provided at **Figure 1** below.

Figure 1 Comparison of SSD 9393 and SSD 10441 Approved Building Envelopes (north-west view)



Picture 1 SSD 9393 Approved Envelope

Picture 2 SSD 10441 Modified Approved Envelope

Source: Hassell

The modifications to development consent SSD 9393 are made by way of amending the conditions of consent and updating references to the revised stamped building envelope plans. Specifically, this includes:

- Amending the conditions as detailed within Schedule 3 of development consent SSD 10441 (**Attachment A**), and
- Replacing the previously approved Architectural Drawings prepared by Turner Studio and adopting the Revised Architectural Drawings (as approved under SSD 10441) prepared by Hassell (**Attachment B**).

To assist DPIE, **Attachment C** provides a ‘track changed’ version of Consolidated Development Consent SSD 9393 as modified by SSD 10441.

(e) if the applicant is not the owner of the land, a statement signed by the owner of the land to the effect that the owner consents to the modification or surrender of the consent or right.

WL Developer Pty Ltd is not the owner of the land for the modified consent. As such, a signed owner’s consent letter from Sydney Metro (owner of the land) providing consent to the modification of development consent SSD 9393 is provided at **Attachment D**.

3. OPERATION AND EFFECT

The consolidated development consent SSD 9393, which adopts the modifications approved under SSD 10441 and as described above, effectively becomes the applicable development consent and concept proposal which future detailed SSD applications will need to demonstrate consistency in accordance with section 4.24 of the EP&A Act.

In accordance with clause 97(2) of the EP&A Regs, this Notice takes effect when received by the consent authority and operates according to its terms to modify development consent SSD 9393. This letter therefore satisfies Condition A9 of Development Consent SSD 10441.



Should you wish to discuss this Notice in further detail, please do not hesitate to contact the undersigned or Ashleigh Ryan via email (aryan@urbis.com.au).

Yours sincerely,

A handwritten signature in black ink that reads "Jack Kerstens". The signature is fluid and cursive, with a period at the end.

Jack Kerstens
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