



20 August 2021

Attention: Paul Yousseph

WL Developer Pty Ltd (ACN 637 792 888)
Level 28
200 George Street
Sydney NSW 2000

Dear Mr. Paul Yousseph,

Re: Landowner's Consent

Sydney Metro as landowner for the land identified as:

- 1368 Raglan Street (Lot 4 DP 215751);
- 59 Botany Road (Lot 5 DP 215751);
- 65 Botany Road (Lot 1 DP 814205);
- 67 Botany Road (Lot 1 DP 228641);
- 124-128 Cope Street (Lot 2 DP 228641);
- 69-83 Botany Road (Lot 1, DP 1084919);
- 130-134 Cope Street (Lot 12 DP 399757);
- 136-144 Cope Street (Lots A-E DP 108312);
- 85 Botany Road (Lot 1 DP 27454);
- 87 Botany Road (Lot 2 DP 27454);
- 89-91 Botany Road (Lot 1 DP 996765);
- 93-101 Botany Road (Lot 1 DP 433969 and Lot 1 DP 738891);
- 119 Botany Road (Lot 1 DP 205942 and Lot 1 DP 436831);
- 156-160 Cope Street (Lot 31 DP 805384);
- 107-117A Botany Road (Lot 32 DP 805384 and Lot A DP 408116); and
- 170-174 Cope Street (Lot 2 DP 205942).

Sydney Metro

Level 43, 680 George Street, Sydney NSW 2000 | PO Box K659, Haymarket NSW 1240
T 02 8265 9400 | sydneymetro.info | ABN 12 354 063 515

hereby provides the WL Developer Pty Ltd (ACN 637 792 888) Ltd with its consent to lodge the following modifications to the Concept SSD-9393 with the Department of Planning, Industry and Environment. The modifications to the Concept SSD-9393 are summarised as follows:

- amendment of concept approval SSD 9393 by way of Condition A9 of SSD 10441 to remove any inconsistency between the original and amended concept approvals upon commencement of SSD 10441 as shown in “**Attachment A - Notice of Modification to SSD 9393**”

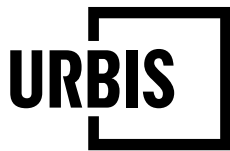
Yours sincerely,

A handwritten signature in blue ink, appearing to read 'I. Glavinic', with a horizontal line drawn underneath it.

Ivan Glavinic

Deputy Executive Director, Place Making and Property
Sydney Metro

Attachment A - Notice of Modification to SSD 9393



**ANGEL PLACE
LEVEL 8, 123 PITT STREET
SYDNEY NSW 2000**

URBIS.COM.AU
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 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.

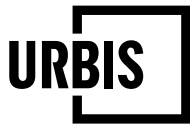
2. CLAUSE 97 OF THE ENVIRONMENTAL PLANNING AND ASSESSMENT REGULATIONS 2000

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

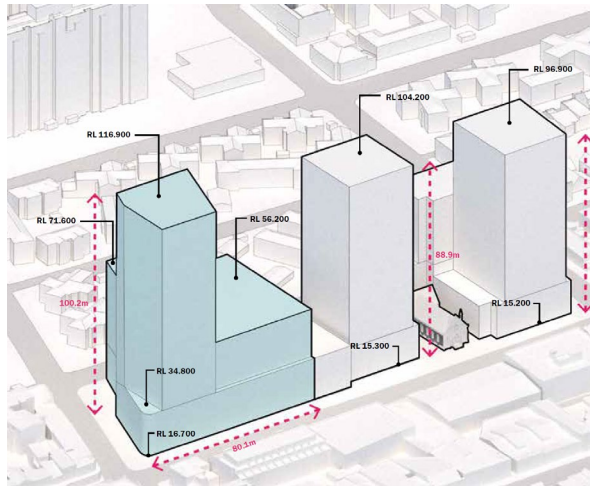
Development consent SSD 9393 is to be modified to facilitate the amended concept proposal approved under development consent SSD 10441.

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:

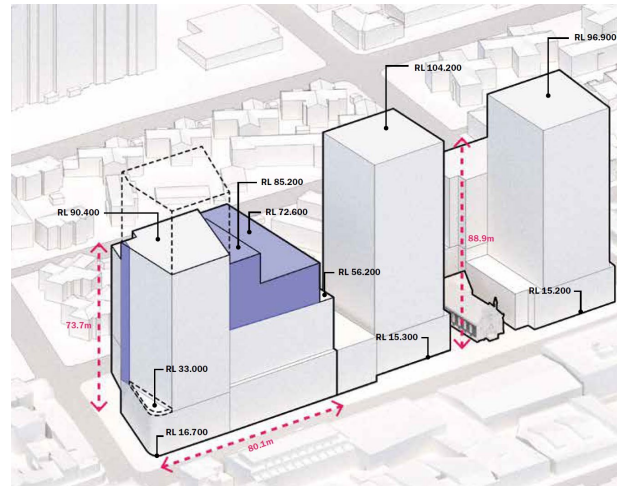
- *New building envelopes within the Northern Precinct with a maximum height of RL 90.4*
- *Use of the northern building envelopes for non-residential floorspace, including office premises and retail premises*
- *Additions to the building envelope at the podium of the Central Precinct.*

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.

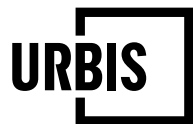
(e) if the applicant is not the owner of the land, a statement signed by the owner of the land to the effect that the owner consents to the modification or surrender of the consent or right.

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 "Kerstens." with a period at the end.

Jack Kerstens
Senior Consultant
+61 2 8233 7636
jkerstens@urbis.com.au

SCHEDULE 3 - MODIFICATIONS TO SSD 9393

- (a) Schedule 1 is amended by the insertion of the **bold and underlined** words / numbers and deletion of the ~~struck out~~ words/numbers as follows:

SCHEDULE 1

Application Number:	SSD 9393
Applicant:	Sydney Metro
Consent Authority:	Minister for Planning and Public Spaces
Site:	136B Raglan Street (Lot 4 DP 215751), 59 Botany Road (Lot 5 DP 215751), 65 Botany Road (Lot 1 DP 814205), 67 Botany Road (Lot 1 DP 228641), 124-128 Cope Street (Lot 2 DP 228641), 69-83 Botany Road (Lot 1, DP 1084919), 130-134 Cope Street (Lot 12 DP 399757), 136-144 Cope Street (Lots A-E DP 108312), 85 Botany Road (Lot 1 DP 27454), 87 Botany Road (Lot 2 DP 27454), 89-91 Botany Road (Lot 1 DP 996765), 93-101 Botany Road (Lot 1 DP 433969 and Lot 1 DP 738891), 119 Botany Road (Lot 1 DP 205942 and Lot 1 DP 436831), 156-160 Cope Street (Lot 31 DP 805384), 107-117A Botany Road (Lot 32 DP 805384 and Lot A DP 408116) and 170-174 Cope Street (Lot 2 DP 205942)
Development:	<p>Concept Development Application for Waterloo Metro Quarter precinct comprising a mixed use development over and adjacent to the approved Waterloo Metro Station including:</p> <ul style="list-style-type: none"> • maximum building envelopes for podium, mid-rise and tower buildings • a maximum gross floor area of 68,750m² excluding station floor space • conceptual land use for non-residential and residential floor space, <u>including but not limited to office premises, student housing, social housing, retail premises, business premises and residential flat buildings</u> • minimum 12,000m² of non-residential gross floor area including a minimum 2,000m 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.

- (b) Condition A1 is amended by the insertion of the **bold and underlined** words/numbers and deletion of the ~~struck out~~ words/numbers as follows:
- A1. Consent is granted to the 'Development' as described in Schedule 1 and the Environmental Impact Statement, as amended by the Response to Submissions and supplementary information, the conditions contained in this development consent- **and Schedule 1 and the Environmental Impact Statement, as amended by the Response to Submissions, and conditions contained in development consent SSD-10441.**
- (c) Condition A2 is amended by the insertion of the **bold and underlined** words/numbers and deletion of the ~~struck out~~ words/numbers as follows:
- A2. The development may only be carried out:

- (a) in compliance with the conditions of this consent;
- (b) in accordance with all written directions of the Planning Secretary;
- (c) in accordance with the EIS, Response to Submissions and supplementary information;
- (d) in accordance with the management and mitigation measures;
- (e) ~~In accordance with the approved plans in the table below:~~

(e) in accordance with State significant development application SSD 10441 Environmental Impact Statement titled Waterloo Metro Quarter Over Station Development Amending Concept SSDA prepared by Urbis dated 26 October 2020 and Response to Submissions prepared by Urbis dated 23 March 2021

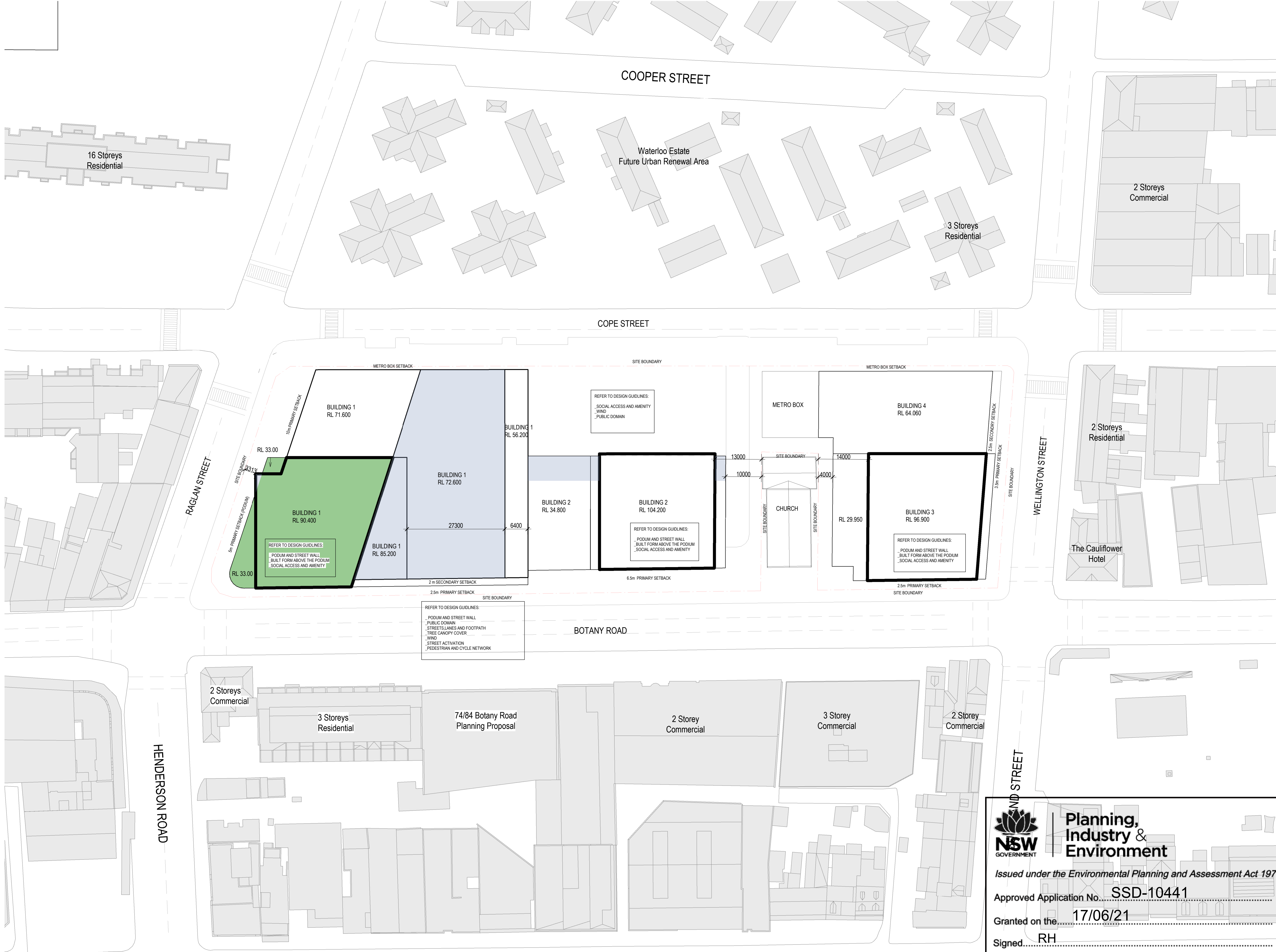
(f) in accordance with the following drawings:

Amending Concept Drawings prepared by Hassell			
Drawing Number	Drawing Name	Revision	Date
DA-001	Proposed Envelope Diagram	5	01/09/20
DA-002	Proposed Envelope Diagram	5	01/09/20
DA-003	Proposed Envelope Diagram	4	01/09/20

Architectural Drawings prepared by Turner Studio			
Drawing Number	Revision	Name of Plan	Date
MP-100-003	7	Building Envelope Plan	09.10.2019
MP-250-104	9	West Elevation — Botany Road	09.10.2019
MP-250-204	9	East Elevation — Cope Street	09.10.2019
MP-250-304	8	North and South Elevation — Raglan & Wellington Street	09.10.2019

- (d) Condition B7 is amended by the insertion of the **bold and underlined** words as follows:
 - B7. Future development applications shall address the following:
 - (a) Botany Road setback of 6.5m is to be extended to the north as identified in Response to Submissions (Figure 10, Page 139). The extended setback is to be incorporated into revised Building Envelope Plans to the satisfaction of the Planning Secretary prior to the lodgement of any future development application.
 - (b) submission of a Design Integrity Report to the satisfaction of the Planning Secretary that demonstrates how design excellence and design integrity will be achieved in accordance with:
 - the design objectives of the Concept Development Application
 - consistency with the approved Design Guidelines as amended by Condition A14
 - the DEEP's Design Excellence Report
 - the advice of the SDRP (or approved alternative under Condition A15)
 - the conditions of this consent.
 - (c) the Design Integrity Report (DIR) as required by Condition B7(b) must include a summary of feedback provided by the SDRP (or alternative approved in accordance with Condition A15) and responses by the Applicant to this advice. The DIR shall also include how the process will be implemented through to completion of the approved development.
 - (d) **Detailed design of the building(s) within the Northern Precinct must include an internal void or voids to break up building floorplate bulk and massing and provide occupant daylight amenity.**
- (e) Condition B30 is amended by the deletion of the ~~struck-out~~ words/numbers as follows:

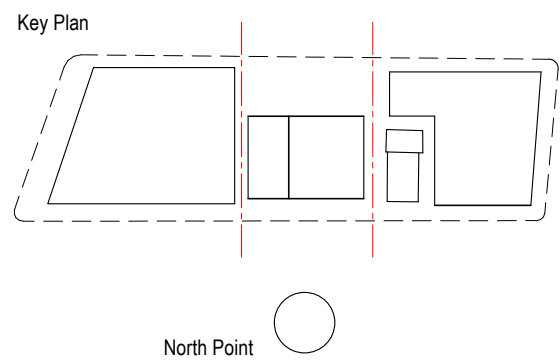
- B30. Future detailed development applications for aboveground works must comply with the following requirements:
- (a) buildings must not exceed a maximum height of 116.9 metres AHD. This includes all lift over-runs, vents, chimneys, aerials, antennas, lightning rods, and roof top garden plantings, exhaust flues, etc.
 - ~~(b) the tallest building at the site (proposed Building A at the northernmost extent of the site as indicated in the Aeronautical Impact Assessment V2.1 dated 1 November 2018) must be obstacle lit by medium intensity steady red lighting during hours of darkness at the highest point of the building. Obstacle lights are to be arranged to ensure the building can be observed in a 360 degree radius as per subsection 9.4.3 of the Manual of Standards Part 139—Aerodromes (MOS Part 139). Characteristics for medium intensity lights are stated in subsection 9.4.7 of MOS Part 13A.~~
 - ~~(c) the Proponent must ensure that the obstacle lighting has a built-in alarm system that will provide remote monitoring to notify the person responsible for the maintenance of the building's obstacle lighting. The designated person must be available 24 hours per day, 7 days per week. Immediate action must be taken to repair the obstacle lighting and notify Sydney Airport of any outage. Contact details for the person responsible for the obstacle lighting must be provided to Sydney Airport prior to the completion of the building construction and kept up to date.~~
 - (b) the proponent must advise Airservices Australia at least 3 business days prior to the controlled activity commencing by emailing ifp@airservicesaustralia.com and quoting YSSY-CA-146.
 - (c) as soon as construction commences, the Proponent must complete the Vertical Obstacle Notification Form for tall structures and submit the completed form to AirServices Australia.
 - (d) separate approval must be sought under the *Airports (Protection of Airspace) Regulations 1996* for any construction equipment (i.e. cranes) required to construct the building. Construction cranes may be required to operate at a height significantly higher than that of the proposed controlled activity and consequently, may not be approved under the Regulations. Therefore, it is advisable that approval to operate construction equipment (i.e. cranes) be obtained prior to any commitment to construct.
 - (e) within 7 days of completion of each building, the Proponent must provide the airfield design manager at Sydney Airport with a written report from a registered surveyor on the finished height of the building.



Recent revision history		
#	Status	Description
1		Issue For Coordination
2		Issue For Coordination
3		Issue for coordination
4		Issue for DA
5		Issue for DA

Notes
No material may be reproduced without prior permission
Contractor must verify all dimensions on site before commencing work or preparing shop drawings.
Do not scale drawings.

LEGEND	
---	SITE BOUNDARY
	REDUCED ENVELOPE
	INCREASED ENVELOPE



Consultant
Hassell

Project
WATERLOO METRO QUARTER DEVELOPMENT

Project number 014901-61A-P	Size check 25mm
Checked TH	Approved DT
Sheet size A1	Scale As indicated

Sheet title

PROPOSED ENVELOPE DIAGRAM

Status

Sheet number
WMQ-SITE-HAS-UD-DRG-DA_001 5

Revision

Planning, Industry & Environment

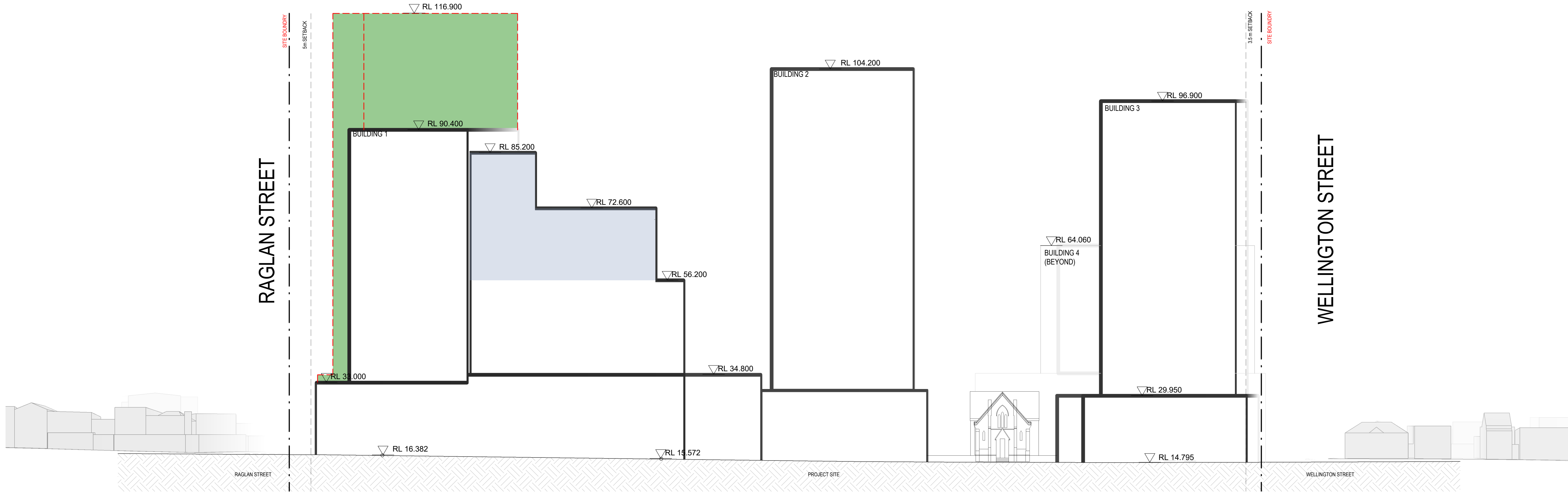
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Approved Application No. **SSD-10441**

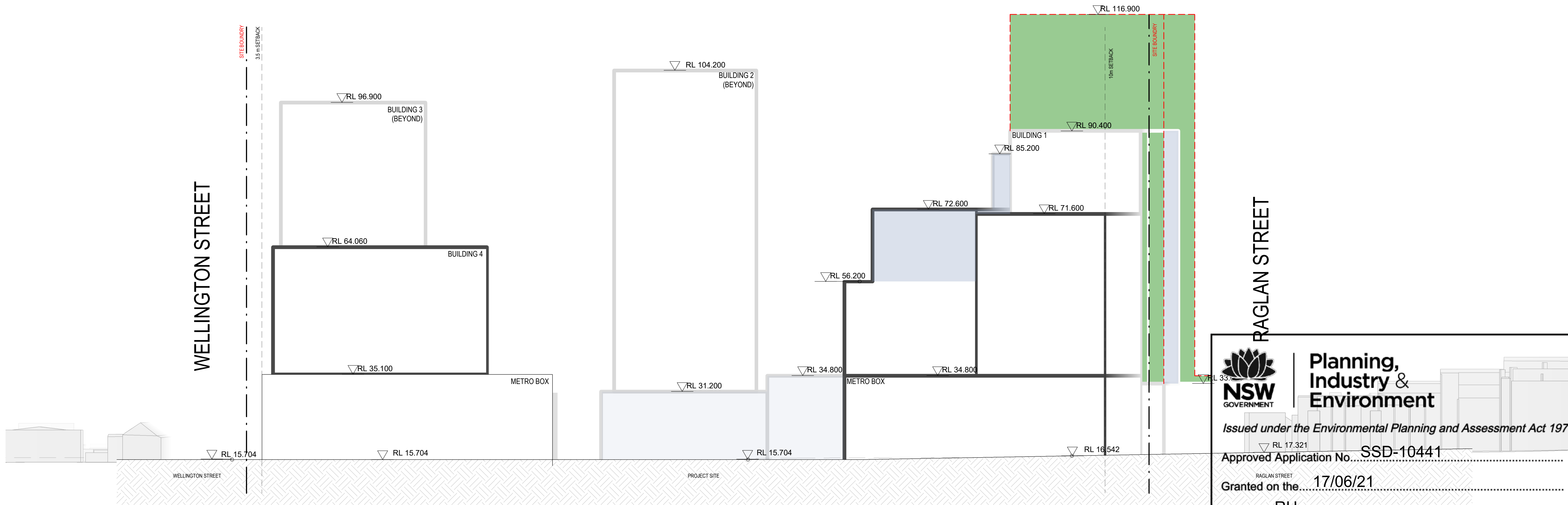
Granted on the **17/06/21**

Signed **RH**


Sheet No. **1** of **3**



1 BOTANY ROAD ELEVATION - ENVELOPE - WEST
1:500



2 COPE STRET ELEVATION - ENVELOPE - EAST
1:500



**Planning,
Industry &
Environment**

Issued under the Environmental Planning and Assessment Act 1979

Approved Application No. **SSD-10441**




Granted on the **17/06/21**

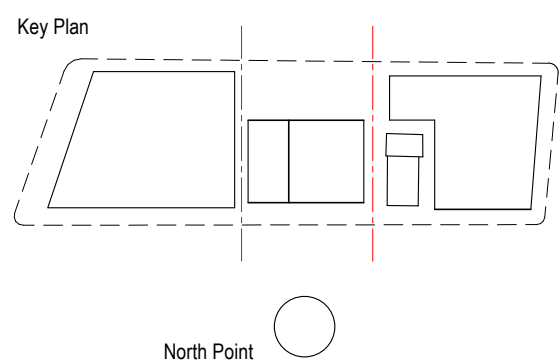
Signed **RH**

Sheet No. **2** of **3**

Recent revision history		
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2		Issue For Coordination
3		Issue for coordination
4		Issue for DA
5		Issue for DA

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LEGEND	
	SITE BOUNDARY
	REDUCED ENVELOPE
	INCREASED ENVELOPE



Consultant
Hassell

Project
WATERLOO METRO QUARTER DEVELOPMENT

Project number	Size check
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Checked	Approved
TH	DT
	A1
	As indicated

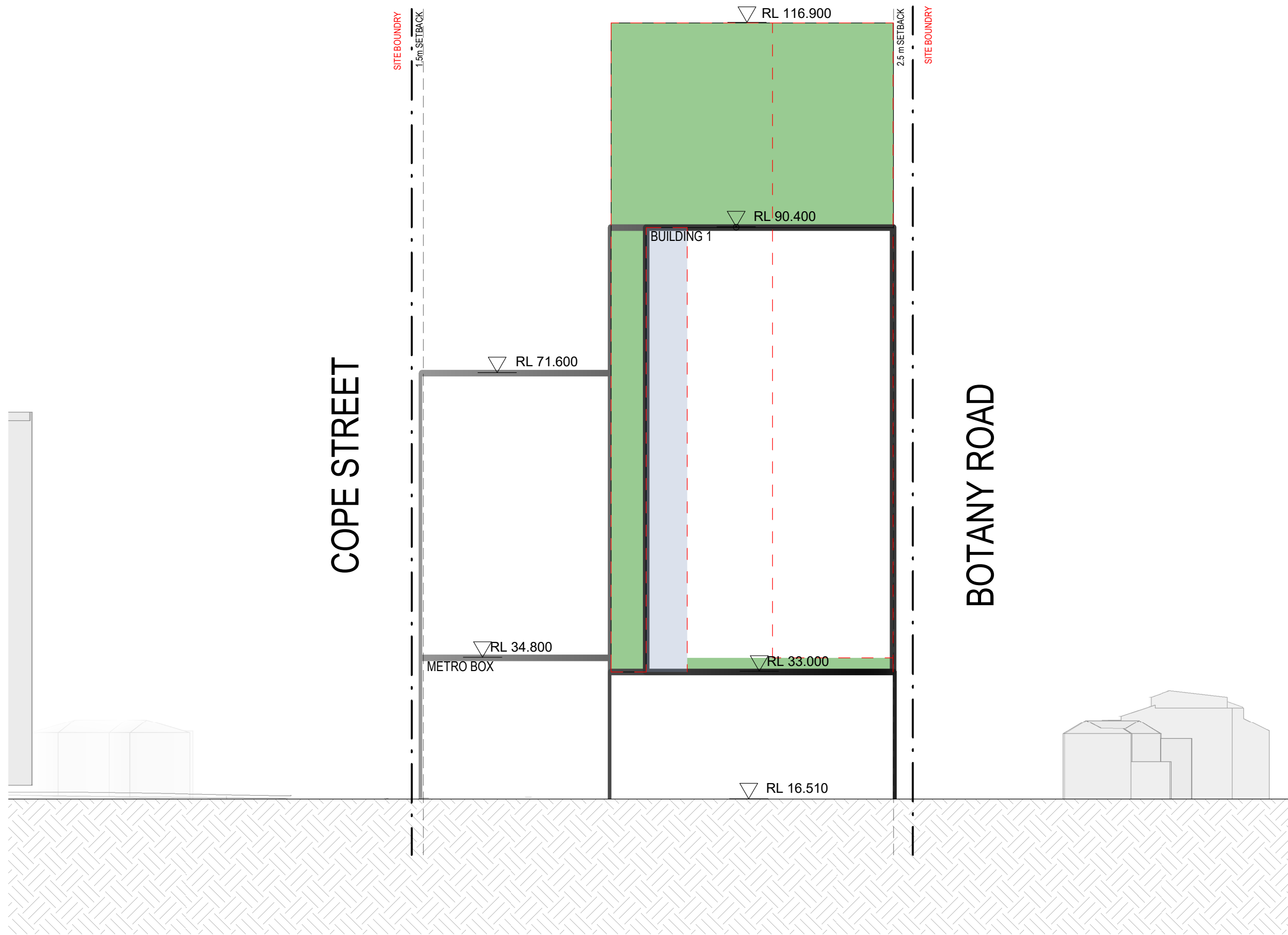
Sheet title

PROPOSED ENVELOPE DIAGRAM

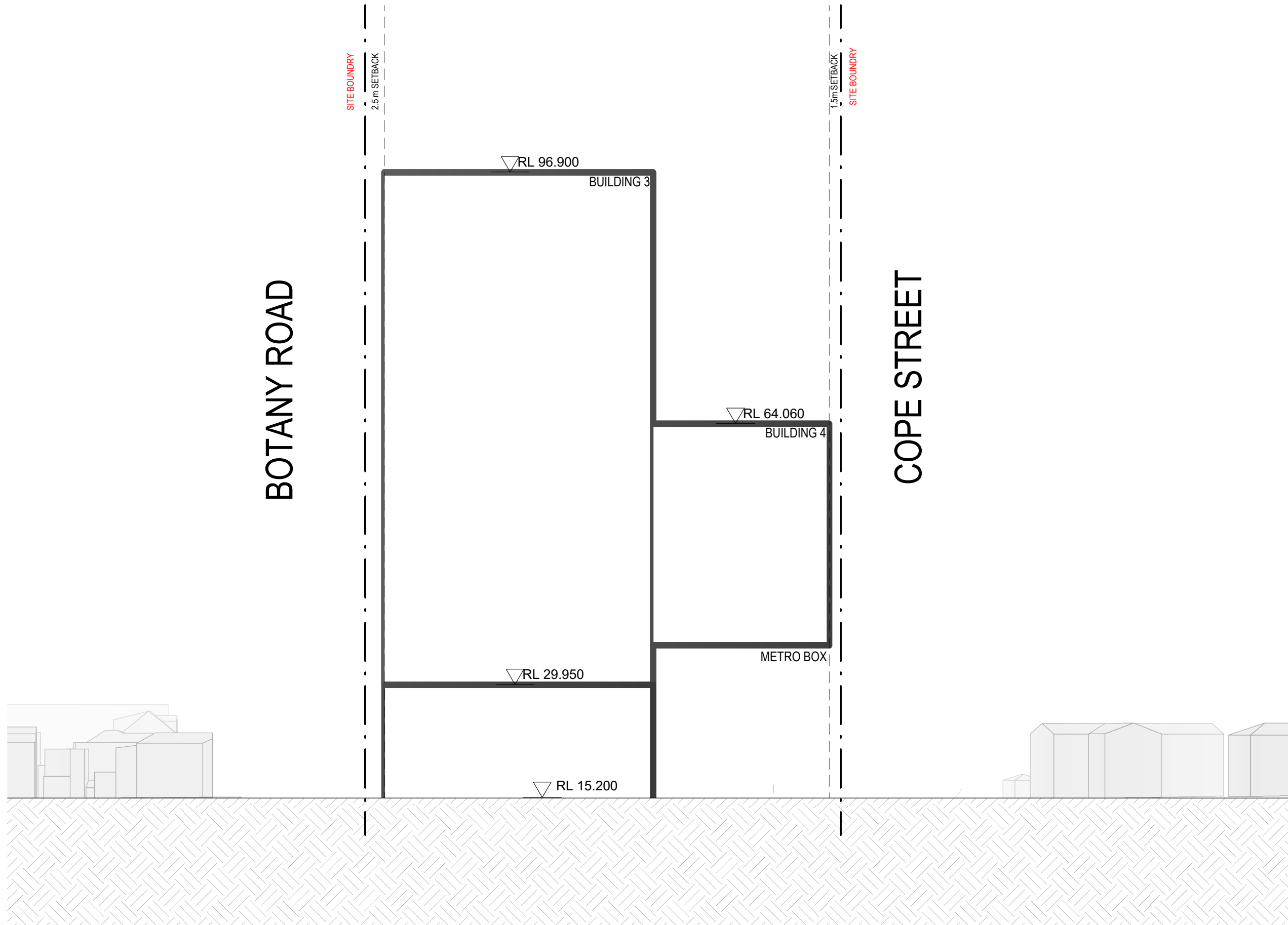
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Sheet number
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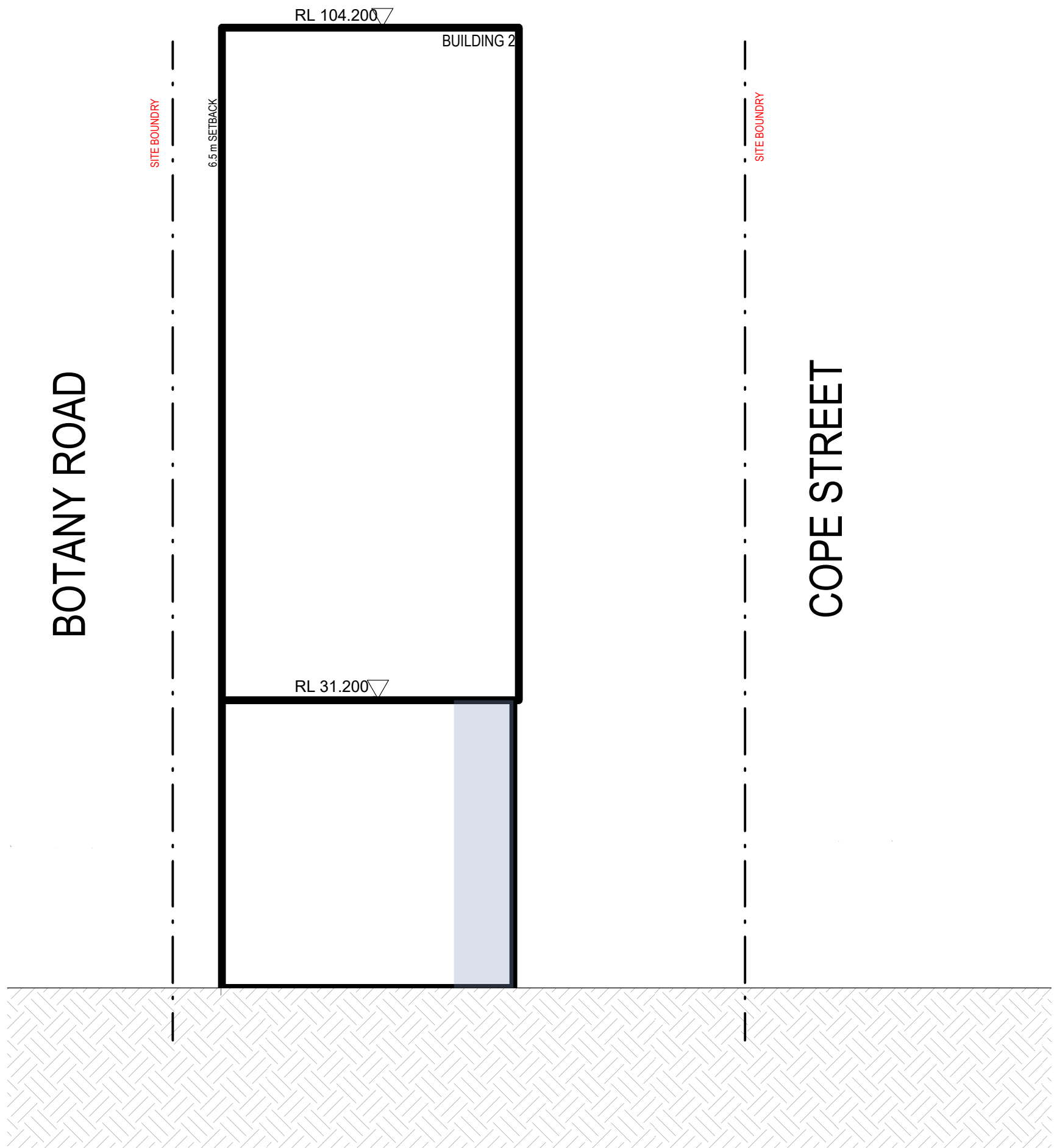
Revision
5



1 RAGLAN STREET ELEVATION - ENVELOPE - NORTH
1:500



2 WELLINGTON STREET ELEVATION - ENVELOPE - SOUTH
1:500



3 SECTION - BUILDING 2 ENVELOPE
1:500



Planning,
Industry &
Environment

Issued under the Environmental Planning and Assessment Act 1979

Approved Application No....SSD-10441.....

Granted on the....17/06/21.....

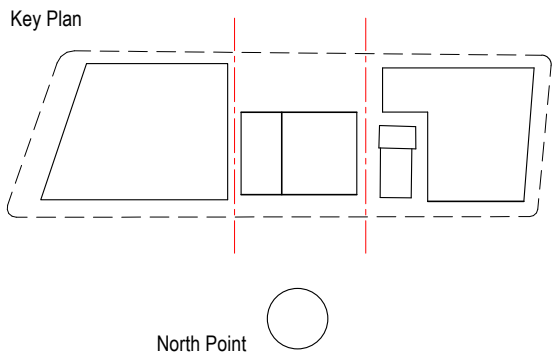
Signed....RH.....

Sheet No....3..... of....3.....

Recent revision history		
#	Status	Description
1		Issue For Coordination
2		Issue for coordination
3		Issue for DA
4		Issue for DA

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LEGEND	
- - -	SITE BOUNDARY
	REDUCED ENVELOPE
	INCREASED ENVELOPE



Consultant
Hassell

Project
WATERLOO METRO QUARTER DEVELOPMENT

Project number	Size check
014901-61A-P	25mm
Checked	Approved
TH	DT
Sheet size	Scale
A1	As indicated

Sheet title

PROPOSED ENVELOPE DIAGRAM

Status

Sheet number
WMQ-SITE-HAS-UD-DRG-DA_003 4

Development Consent – Key Sites

Section 4.38 of the Environmental Planning and Assessment Act 1979

As the Minister for Planning and Public Spaces, I approve the Development Application referred to in Schedule 1, subject to the conditions specified in Schedule 2.

These conditions are required to:

- prevent, minimise, or offset adverse environmental impacts;
- set standards and performance measures for acceptable environmental performance;
- require regular monitoring and reporting; and
- provide for the ongoing environmental management of the development

The Hon Robert Stokes MP
NSW Minister for Planning and Public Spaces

Sydney

19 December 2019

The Department has prepared a consolidated version of the consent which is intended to include all modifications to the original determination instrument.

The consolidated version of the consent has been prepared by the Department with all due care. This consolidated version is intended to aid the consent holder by combining all consents relating to the original determination instrument but it does not relieve a consent holder of its obligation to be aware of and fully comply with all consent obligations as they are set out in the legal instruments, including the original determination instrument and all subsequent modification instruments.

CONSOLIDATED CONSENT

SCHEDULE 1

Application Number:	SSD-9393
Applicant:	Sydney Metro
Consent Authority:	Minister for Planning and Public Spaces
Site:	136B Raglan Street (Lot 4 DP 215751), 59 Botany Road (Lot 5 DP 215751), 65 Botany Road (Lot 1 DP 814205), 67 Botany Road (Lot 1 DP 228641), 124-128 Cope Street (Lot 2 DP 228641), 69-83 Botany Road (Lot 1, DP 1084919), 130-134 Cope Street (Lot 12 DP 399757), 136-144 Cope Street (Lots A-E DP 108312), 85 Botany Road (Lot 1 DP 27454), 87 Botany Road (Lot 2 DP 27454), 89-91 Botany Road (Lot 1 DP 996765), 93-101 Botany Road (Lot 1 DP 433969 and Lot 1 DP 738891), 119 Botany Road (Lot 1 DP 205942 and Lot 1 DP 436831), 156-160 Cope Street (Lot 31 DP 805384), 107-117A Botany Road (Lot 32 DP 805384 and Lot A DP 408116) and 170-174 Cope Street (Lot 2 DP 205942).
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CONSOLIDATED CONSENT

SUMMARY OF MODIFICATIONS

Application Number	Determination Date	Decider	Modification Description
SSD-9393-Mod-2	1 June 2021	Team Leader, Key Sites Assessments	Condition A12: Staging of community facility obligation

CONSOLIDATED CONSENT

DEFINITIONS

Applicant	Sydney Metro, or any person carrying out any development to which this consent applies
Concept Proposal	A staged development application in accordance with the EP&A Act
Conditions of this consent	Conditions contained in Schedule 2 of this document
Construction	The demolition and removal of buildings or works, the carrying out of works for the purpose of the development, including bulk earthworks, and erection of buildings and other infrastructure permitted by this consent.
Council	City of Sydney Council
CSSI Approval	The approval of the CSSI Project (CSSI 15_7400) under the EP&A Act for the construction of the Sydney Metro City and Southwest project, as amended by subsequent modifications
CSSI	Critical State Significant Infrastructure
Department	NSW Department of Planning, Industry and Environment
Development	The development described in the EIS and Response to Submissions, including the works and activities comprising the Waterloo Metro Quarter Concept, as modified by the conditions of this consent.
EIS	The Environmental Impact Statement titled Sydney Metro City and Southwest: Waterloo Over Station Development, prepared by Ethos Urban dated 14 November 2018, submitted with the application for consent for the development, including any additional information provided by the Applicant in support of the application
Environment	Includes all aspects of the surroundings of humans, whether affecting any human as an individual or in his or her social groupings
EP&A Act	<i>Environmental Planning and Assessment Act 1979</i>
EP&A Regulation	<i>Environmental Planning and Assessment Regulation 2000</i>
Future Development Application(s)	Subsequent development application(s) for detailed proposals pursuant to this consent in accordance with the EP&A Act
GANSW	Government Architect NSW
GFA	Gross Floor Area
Land	Has the same meaning as the definition of the term in section 1.4 of the EP&A Act
Minister	NSW Minister for Planning and Public Spaces (or delegate)
Non-compliance	An occurrence, set of circumstances or development that is a breach of this consent
PA	Means a planning agreement within the meaning of the term in section 7.4 of the EP&A Act.
Planning Secretary	a) Planning Secretary under the EP&A Act, or nominee
OSD or over station development	Includes all non-rail related development that may occupy land or airspace above, below or within the immediate vicinity of the Sydney Metro CSSI but excluding space and interface works such as structural elements and services that may be constructed as part of the CSSI approval to make provision for future development.
RtS or Response to submissions	The Applicant's response to issues raised in submissions received in relation to the application for consent for the development under the EP&A Act.
RMS	NSW Roads and Maritime Services
SDRP	State Design Review Panel
Applicant	Sydney Metro, or any person carrying out any development to which this consent applies
Concept Proposal	A staged development application in accordance with the EP&A Act

CONSOLIDATED CONSENT

SCHEDULE 2

PART A ADMINISTRATIVE CONDITIONS

DEVELOPMENT DESCRIPTION

- A1. Consent is granted to the 'Development' as described in Schedule 1 and the Environmental Impact Statement, as amended by the Response to Submissions and supplementary information and the conditions contained in this development consent and Schedule 1 and the Environmental Impact Statement, as amended by the Response to Submissions, and conditions contained in development consent SSD-10441.

TERMS OF CONSENT

- A2. The development may only be carried out:

- (a) in compliance with the conditions of this consent;
- (b) in accordance with all written directions of the Planning Secretary;
- (c) in accordance with the EIS, Response to Submissions and supplementary information;
- (d) in accordance with the management and mitigation measures;
- (e) In accordance with the approved plans in the table below: In accordance with State significant development application SSD 10441 Environmental Impact Statement titled Waterloo Metro Quarter Over Station Development Amending Concept SSDA prepared by Urbis dated 26 October 2020 and Response to Submissions prepared by Urbis dated 23 March 2021;
- (f) In accordance with the following drawings:

Amending Concept Drawings prepared by Hassell			
Drawing Number	Drawing Name	Revision	Date
DA-001	Proposed Envelope Diagram	5	01/09/20
DA-002	Proposed Envelope Diagram	5	01/09/20
DA-003	Proposed Envelope Diagram	4	01/09/20

Architectural Drawings prepared by Turner Studio			
Drawing Number	Revision	Name of Plan	Date
MP-100-003	7	Building Envelope Plan	09.10.2019
MP-250-101	9	West Elevation—Botany Road	09.10.2019
MP-250-201	9	East Elevation—Cope Street	09.10.2019
MP-250-301	8	North and South Elevation—Raglan & Wellington Street	09.10.2019

- A3. Consistent with the requirements in this consent, the Planning Secretary may make written directions to the Applicant in relation to:
- (a) the content of any strategy, study, system, plan, program, review, audit, notification, report or correspondence submitted under or otherwise made in relation to this consent, including those that are required to be, and have been, approved by the Planning Secretary; and
 - (b) the implementation of any actions or measures contained in any such document referred to in condition A3(a).
- A4. The conditions of this consent and directions of the Planning Secretary prevail to the extent of any inconsistency, ambiguity or conflict between them and a document listed in condition A2(c), A2(d) or A2(e). In the event of an inconsistency, ambiguity or conflict between any of the documents listed in condition A2(c), A2(d) or A2(e), the most recent document prevails to the extent of the inconsistency, ambiguity or conflict.

DETERMINATION OF FUTURE DEVELOPMENT APPLICATIONS

- A5. In accordance with Section 4.22 of the EP&A Act, all development under the Concept and the subsequent stages are to be subject of future development applications.
- A6. The determination of future development applications are to be generally consistent with the terms of development consent SSD 9393 as described in Schedule 1 and subject to the conditions in Part B, Schedule 2.

LAPSING OF APPROVAL

- A7. This consent will lapse five (5) years from the date of consent, unless works associated with the development have physically commenced.
- A8. This consent does not allow any components of the concept development application to be carried out without further approval or prior consent being granted.

LEGAL NOTICES

- A9. Any advice or notice to the consent authority must be served on the Planning Secretary.

PLANNING SECRETARY AS MODERATOR

- A10. In the event of a dispute between the Applicant and a public authority in relation to a requirement in this approval or relevant matter relating to this development, either party may refer the matter to the Planning Secretary for resolution. The Planning Secretary's resolution of the matter shall be binding on the parties.

EVIDENCE OF CONSULTATION

- A11. Where conditions of this consent require consultation with an identified party, the Applicant must:
- (a) consult with the relevant party prior to submitting the subject document to the Planning Secretary for approval; and
 - (b) provide details of the consultation undertaken including:
 - (i) the outcome of that consultation, matters resolved and unresolved; and
 - (ii) details of any disagreement remaining between the party consulted and the Applicant and how the Applicant has addressed the matters not resolved.

PLANNING AGREEMENT / BINDING AGREEMENT

- A12. Prior to the determination of the first Future Development Application, the Applicant or its successors must enter into a Planning Agreement and/or other legally binding agreement to the satisfaction of the Planning Secretary securing the provision of the following public benefits of the Concept:
- (a) a minimum 5% of approved residential gross floor area dedicated or transferred to a Registered Community Housing Provider as affordable housing
 - (b) 70 social housing dwellings dedicated or transferred as agreed by NSW Land and Housing Corporation
 - (c) publicly accessible open space provision of minimum 2,200m² across the Metro Quarter site including its final area, design and ongoing management, noting partial provision of this publicly accessible open space may also be delivered under the CSSI Approval
 - (d) community facilities gross floor area of a minimum 2,000m² ~~including its final area, design and future operating model~~. Community facilities are as defined in the Sydney Local Environmental Plan 2012.

A12(a) Prior to the determination of the first Future development application, the Applicant must lodge a subsequent Application to seek development consent for the community facilities required under Condition A12(d), including the area and design of the community facilities. Prior to the issue of the first occupation certificate for the subsequent application containing the community facilities, evidence of an executed planning agreement or a registered covenant or restriction on title, securing the final area, design and future operating model of the Community Facilities required under Condition A12(d) must be provided to the Planning Secretary for approval.

- A13. Any Planning Agreement prepared must be in accordance with Division 7.1 of Part 7 of the EP&A Act.

DESIGN GUIDELINES

- A14. Prior to the lodgement of the first future development application, the Applicant shall revise the Waterloo Metro Quarter Design and Amenity Guidelines (dated 20 November 2019), to the satisfaction of the Planning Secretary, as set out in Attachment A.

DESIGN EXCELLENCE

- A15. Prior to the lodgement of future development applications, the Applicant shall submit an updated Design Excellence Strategy to the satisfaction of the Planning Secretary addressing the following:
- (a) independent design review process through use of the State Design Review Panel (SDRP) or an alternative endorsed by GANSW. The SDRP or alternative DRP is to be augmented by including a member of the Sydney Metro DRP to ensure consistency and continuity in design advice and expertise in integrated station developments.
 - (b) include a Design Integrity process description, prepared in consultation with GANSW, for the design development and construction documentation phases. Refer to Condition B7 in this regard.

CONSOLIDATED CONSENT

- (c) deletion of the following Disclaimer on Page 4: Disclaimer: The processes described in this document are indicative only and are based on a generic tendering process. Aspects of the process described may change.

A16. The endorsed Design Excellence Strategy in accordance with the above condition is applicable only to Waterloo Metro Quarter and is not endorsed under this consent as a Strategy which applies to other sites.

APPLICABILITY OF GUIDELINES

- A17. References in the conditions of this consent to any guideline, protocol, Australian Standard or policy are to such guidelines, protocols, Standards or policies in the form they are in as at the date of this consent.
- A18. However, consistent with the conditions of this consent and without altering any limits or criteria in this consent, the Planning Secretary may, when issuing directions under this consent in respect of ongoing monitoring and management obligations, require compliance with an updated or revised version of such a guideline, protocol, Standard or policy, or a replacement of them.

CONSULTATION WITH FIRE AND RESCUE NSW

- A19. Fire and Rescue NSW must be consulted with respect to the operational compatibility of the Precinct's proposed fire and life safety systems and their configuration at the project's preliminary and final design phases.
- A20. The pedestrian connection interfaces between the various sectors of the precinct must be appropriately assessed by fire engineering analysis with respect to emergency occupant egress, fire and smoke compartmentation, smoke hazard management and firefighting intervention.

END OF PART A

PART B CONDITIONS TO BE SATISFIED IN FUTURE DEVELOPMENT APPLICATION(S)

MAXIMUM BUILDING ENVELOPES

- B1. Future development applications must demonstrate that the buildings are wholly contained within the building envelopes consistent with the plans listed in Condition A2, as modified by the conditions of this consent.
- B2. Building height and gross floor area is to be measured in accordance with the definitions under Sydney Local Environmental Plan 2012
- B3. The maximum achievable gross floor area (GFA) for the non-station related floor space is 68,750 m² and this amount will only be achieved subject to demonstration of:
- (a) being wholly contained within the approved building envelopes
 - (b) compliance with the conditions of this concept approval
 - (c) demonstration of design excellence
 - (d) consistency with the Design Guidelines (as amended by Condition A14)
- B4. The approved podium building envelopes, as identified with green shading in the approved plans in Condition A2, must be used for non-residential uses only.

BUILT FORM AND URBAN DESIGN

- B5. The detailed development applications shall address compliance with:
- (a) the Design Guidelines as endorsed by the Planning Secretary pursuant to Condition A14
 - (b) the Design Excellence Strategy as endorsed by the Planning Secretary pursuant to Condition A15
 - (c) the conditions of this consent.
- B6. The following elements are not inconsistent with the consent proposal but are subject to further assessment with the relevant detailed development application:
- (i) conceptual land uses, except for the approved minimum non-residential GFA, community facilities GFA, affordable housing rate and number of social housing dwellings approved
 - (ii) indicative signage zones, following preparation of a Signage Strategy
 - (iii) subdivision.
- B7. Future development applications shall address the following:
- (a) Botany Road setback of 6.5m is to be extended to the north as identified in Response to Submissions (Figure 10, Page 139). The extended setback is to be incorporated into revised Building Envelope Plans to the satisfaction of the Planning Secretary prior to the lodgement of any future development application.
 - (b) submission of a Design Integrity Report to the satisfaction of the Planning Secretary that demonstrates how design excellence and design integrity will be achieved in accordance with:
 - (i) the design objectives of the Concept Development Application
 - (ii) consistency with the approved Design Guidelines as amended by Condition A14
 - (iii) the DEEP's Design Excellence Report
 - (iv) the advice of the SDRP (or approved alternative under Condition A15)
 - (v) the conditions of this consent.
 - ~~(c)~~ the Design Integrity Report (DIR) as required by Condition B7(b) must include a summary of feedback provided by the SDRP (or alternative approved in accordance with Condition A15) and responses by the Applicant to this advice. The DIR shall also include how the process will be implemented through to completion of the approved development.
 - ~~(e)~~(d) **Detailed design of the building(s) within the Northern Precinct must include an internal void or voids to break up the building floorplate bulk and massing and provide occupant daylight amenity.**

CAR PARKING AND BICYCLE PARKING

- B8. Future development applications shall reduce total car parking provision to reduce private car ownership and promote use of active and public transport. Future development applications must demonstrate compliance with:
- (a) the maximum number of car spaces to be provided for all residential accommodation within the development is limited to 170 spaces, including residents' spaces and residential car share spaces but excluding visitor spaces and service vehicle spaces.
 - (b) the allocation of residential car parking spaces, up to the maximum of 170 spaces must not exceed the following maximum rates:
 - (i) 0.1 space per studio dwelling

- (ii) 0.3 parking spaces per 1 bedroom dwelling
- (iii) 0.7 parking spaces per 2 bedroom dwelling
- (iv) 1 parking space per 3 bedroom or more dwelling
- (v) residential car share parking rate of 1 space per 50 residential car parking spaces provided
- (c) non-residential car parking to be provided in accordance with the following:
 - (i) a maximum of 1 space for 435m² of GFA for any commercial uses
 - (ii) a maximum of 2 spaces for use of the Waterloo Congregational Church
 - (iii) non-residential car share parking at rate of 1 space per 30 non-residential car parking spaces.
- B9. Future development applications must include a Car Parking Strategy and Management Plan adopting the maximum residential parking cap and allocation rates above and demonstrating compliance with the following:
 - (a) accessible car parking spaces provided as per Sydney DCP 2012 rates
 - (b) motorcycle parking spaces provided as per Sydney DCP 2012 rates
- B10. Bicycle parking and end-of-trip facilities for the OSD shall be in accordance with the rates specified within the Sydney DCP 2012 for the final land use mix in the future development application.

CONSULTATION WITH WATERLOO CONGREGATIONAL CHURCH

- B11. Future development applications must demonstrate consultation with the owners and operators of Waterloo Congregational Church and project responses. Consultation is to include consideration of:
 - (a) potential for Church gathering space
 - (b) wedding and funeral cars
 - (c) waste and servicing
 - (d) building maintenance
 - (e) design of the public domain around and within the Church property including safe access and passive surveillance in the setbacks.

HERITAGE IMPACT ASSESSMENT

- B12. Future development applications for aboveground works shall include a detailed Heritage Impact Statement and a Heritage Interpretation Strategy for the proposed works prepared in consultation with the City of Sydney Council.

WIND IMPACT ASSESSMENT

- B13. Future development applications for aboveground works shall be accompanied by a Wind Impact Assessment including computer modelling of detailed building form and demonstrating compliance with the criteria in Pedestrian Wind Environment Study by Windtech dated 26 September 2019.
- B14. The Wind Impact Assessment must consider the locations of existing and future pedestrian crossings and apply standing criteria zones to match the width of crossings and the waiting zones for crossings, including on the opposite side of streets.

TRAFFIC, ACCESS AND PARKING ASSESSMENT

- B15. Future development applications shall be accompanied by a Traffic and Transport Impact Assessment.
- B16. Future development applications shall include a Construction Traffic and Pedestrian Management Plan (CTMP) prepared in consultation with the Sydney Coordination Office and City of Sydney, and to the satisfaction of the relevant road authorities. The CTMP shall include, but not be limited to:
 - (a) construction car parking strategy
 - (b) haulage movement numbers / routes including contingency routes
 - (c) detailed travel management strategy for construction vehicles including staff movements
 - (d) maintaining property accesses
 - (e) maintaining bus operations including routes and bus stops
 - (f) maintaining pedestrian and cyclist links / routes
 - (g) independent road safety audits on construction related traffic measures
 - (h) measures to account for any cumulative activities / work zones operating simultaneously.
- B17. Independent road safety audits are to be undertaken for all stages of further design development involving road operations and traffic issues and cognisant of all road users. Any issues identified by the audits will need to be closed out in consultation with Sydney Coordination Office, RMS and/or City of Sydney to the satisfaction of the relevant roads authorities.

ENVIRONMENTAL PERFORMANCE / ESD

- B18. Future development applications must demonstrate how the principles of ecologically sustainable development (ESD) have been incorporated into the design, construction and ongoing operation of the proposal. This shall include preparation and implementation of Environmental Sustainability Strategies that incorporate low-carbon, high efficiency targets aimed at reducing emissions, optimising use of water, reducing waste and optimising carparking provision to maximise sustainability and minimise environmental impacts.
- B19. The minimum performance targets for environmental performance are:
- (a) Precinct overall:
 - (i) 6 star Green Star Communities Rating Tool
 - (ii) Endorsed under One Living Planet framework
 - (b) Commercial / office uses:
 - (i) 5 Star Green Star Design and As-Built Rating Tool
 - (ii) 5.5 Star NABERS Energy
 - (iii) 4.5 Star NABERS Water
 - (iv) 'Gold Certification: Shell and Core' under WELL Building Standard
 - (c) Residential uses:
 - (i) 5 Star Green Star Design and As-Built Rating Tool
 - (ii) more than BASIX 40 Water
 - (iii) BASIX 30 Energy.

SECURITY AND CRIME ASSESSMENT

- B20. Future development applications shall be accompanied by a Security and Crime Risk Assessment prepared in consultation with NSW Police having regard to Crime Prevention Through Environmental Design (CPTED) Principles and NSW Police publication "Safe Place: Vehicle Management: A comprehensive guide for owners, operators and designers." The future development is to have regard to the recommendations contained within the submission by NSW Police on the Concept SSD.

CONSTRUCTION IMPACT ASSESSMENT

- B21. Future development applications shall provide analysis and assessment of the impacts of construction works and include:
- (a) Construction Traffic and Pedestrian Management Plan, as per Condition B9
 - (b) Community Consultation and Engagement Plan(s)
 - (c) Noise and Vibration Impact Assessment
 - (d) Construction Waste Management Plan
 - (e) Air Quality Management Plan.
- B22. The plans above may be prepared as part of a Construction Environmental Management Plan prepared for implementation under the conditions of any consent for future development applications, having regard to the Construction Environmental Management Framework and Construction Noise and Vibration Strategy prepared for the Sydney Metro City and Southwest (CSSI 7400).

NOISE AND VIBRATION ASSESSMENT

- B23. Future development applications shall be accompanied by a Noise and Vibration Impact Assessment that demonstrates the following requirements are met:
- (a) vibration from construction activities does not exceed the vibration limits established in British Standard *BS7385-2:1993 Excavation and measurement for vibration in buildings. A guide to damage levels from groundborne vibration.*
 - (b) vibration testing is conducted before and during vibration generating activities that have the potential to impact on heritage items to identify minimum working distances to prevent damage. In the event the vibration testing and monitoring shows that the preferred values for vibration are likely to be exceeded, the Applicant must review the construction methodology and, if necessary, propose additional mitigation measures.
 - (c) advice of a heritage specialist has been incorporated on methods and locations for installed equipment used for vibration movement and noise monitoring of heritage-listed structures.
- B24. The Noise and Vibration Assessment must provide a quantitative assessment of the main noise generating sources and activities during operation. Details are to be included outlining any mitigating measures necessary to ensure the amenity of future sensitive land uses on the site and neighbouring sites is protected during the operation of the development.

- B25. The Noise and Vibration Assessment must address the conclusions and recommendations of the Concept Acoustic Assessment Report, SLR Consulting dated 9 November 2019.

FLOODING AND STORMWATER ASSESSMENT

- B26. Future development applications shall be accompanied by a Flood and Stormwater Impact Assessment. The Assessment must demonstrate the conclusions and recommendations of the Concept Water Quality, Flooding and Stormwater Report dated 31 October 2018 prepared by AECOM.

REFLECTIVITY ASSESSMENT

- B27. Future development applications for aboveground works shall include a Reflectivity Assessment demonstrating that external treatments, materials and finishes of the development do not cause adverse or excessive glare.

ARCHAEOLOGICAL AND ABORIGINAL CULTURAL HERITAGE ASSESSMENT

- B28. Future development applications shall demonstrate the recommendations and mitigation measures of the following Sydney Metro City and Southwest (CSSI 7400) reports are to be incorporated during the construction of the SSD project:
- (a) Artefact 2016, Sydney Metro City and Southwest, Chatswood to Sydenham: Aboriginal Cultural Heritage Assessment
 - (b) Artefact 2016, Sydney Metro City and Southwest, Chatswood to Sydenham: Aboriginal Heritage – Archaeological Assessment.
- B29. Future development applications shall include an Archaeological Research Design (ARD) and subsequent Archaeological Method Statement (AMS), or updated/amended CSSI ARD and AMS that clearly applies to the SSD scope of works, informed by the results of the archaeological works undertaken for the CSSI works. This may include consultation with the Registered Aboriginal Parties for the project and may include further field study. The AMS must:
- (a) provide an assessment of the findings of the eastern clearance works and reporting (i.e. the CSSI works)
 - (b) identify any new research questions, if required
 - (c) make recommendations for any revised archaeological mitigation measures, if required
 - (d) provide an assessment of benefits of completing archaeological testing, clearance and salvage and/or make a recommendation, if appropriate, that these measures are not required.

AIRSPACE PROTECTION

- B30. Future detailed development applications for aboveground works must comply with the following requirements:
- (a) buildings must not exceed a maximum height of 116.9 metres AHD. This includes all lift over-runs, vents, chimneys, aerials, antennas, lightning rods, and roof top garden plantings, exhaust flues, etc.
 - ~~(b) the tallest building at the site (proposed Building A at the northernmost extent of the site as indicated in the Aeronautical Impact Assessment V2.1 dated 1 November 2018) must be obstacle lit by medium intensity steady red lighting during hours of darkness at the highest point of the building. Obstacle lights are to be arranged to ensure the building can be observed in a 360 degree radius as per subsection 9.4.3 of the Manual of Standards Part 139 – Aerodromes (MOS Part 139). Characteristics for medium intensity lights are stated in subsection 9.4.7 of MOS Part 13A.~~
 - ~~(c) the Proponent must ensure that the obstacle lighting has a built-in alarm system that will provide remote monitoring to notify the person responsible for the maintenance of the building's obstacle lighting. The designated person must be available 24 hours per day, 7 days per week. Immediate action must be taken to repair the obstacle lighting and notify Sydney Airport of any outage. Contact details for the person responsible for the obstacle lighting must be provided to Sydney Airport prior to the completion of the building construction and kept up to date.~~
 - (d)(b) the proponent must advise Airservices Australia at least 3 business days prior to the controlled activity commencing by emailing ifp@airservicesaustralia.com and quoting YSSY-CA-146.
 - (e)(c) as soon as construction commences, the Proponent must complete the Vertical Obstacle Notification Form for tall structures and submit the completed form to AirServices Australia.
 - (f)(d) separate approval must be sought under the *Airports (Protection of Airspace) Regulations 1996* for any construction equipment (i.e. cranes) required to construct the building. Construction cranes may be required to operate at a height significantly higher than that of the proposed controlled activity and consequently, may not be approved under the Regulations. Therefore, it is advisable that approval to operate construction equipment (i.e. cranes) be obtained prior to any commitment to construct.
 - (g)(e) within 7 days of completion of each building, the Proponent must provide the airfield design manager at Sydney Airport with a written report from a registered surveyor on the finished height of the building.

END OF PART B

ADVISORY NOTES

Appeals

- AN1 The Applicant has the right to appear to the Land and Environment Court in the matter set out in the EP&A Act and the EP&A Regulation (as amended)
- AN2 The Applicant is solely responsible for ensuring all additional consents and agreements are obtained from other authorities, as relevant

ATTACHMENT A – AMENDMENTS TO DESIGN AND AMENITY GUIDELINES (CONDITION A14)

- (a) in Part 3, Section 3C “Public domain”:
- (i) add additional objective under Objective 4: ***Balance all forms of movement through creating a public domain which facilitates transport interchange.***
 - (ii) under Design Criteria, add:
 - ***Publicly accessible areas are to be designed to allow access as required by DDA requirements with consideration of use for people of all abilities***
 - ***Design of all buildings which overhang Cope Street Plaza are to include treatment to the soffit to provide interest and reduce visual bulk.***
 - ***Design of the Cope Street Plaza space underneath any building overhang is to incorporate wind mitigation***
 - in Design Criteria 3, delete ***should have regard to*** and replace with ***meet the requirements of.***
 - in Design Criteria 4, add ***through-site links*** to this criteria
- (b) in Part 3, Section 3D “Streets, lanes and footpaths”:
- (i) under Objectives add new objective: ***Material selection is to include consideration of the mass and/or sound insulation or absorption properties***
 - (ii) under Design Criteria add additional criteria:
 - ***construct footpaths in accordance with the Sydney Streets Design Code. Design footpaths so that pedestrians, regardless of mobility impairments, are able to move comfortably and safely.***
 - ***consultation is to be undertaken with the City of Sydney for any works in, under or over the public footpaths. Consideration should also be given to advice from the City of Sydney for any works contiguous with public footpaths.***
 - ***street furniture is to be consistent with the Sydney Streets Design Code.***
 - ***integrate new and relocated utilities underground within the street reservation, with services located underground and in a manner that facilitates tree planting.***
 - ***where feasible, incorporate water sensitive urban design techniques such as landscaped swales to improve the quality of groundwater and water entering the waterways and tree bays.***
 - ***in designing that portion of the cycleway adjacent to the site, consider its relationship with the design (if available) of the regional cycleway on Wellington Street from Botany Road to George Street, including how it would integrate with these other elements.***
 - (iii) amend wording in Design Criteria 1 from “Cope Street and Botany Road” to ***from Cope Street to Botany Road***.
 - (iv) at the end of Design Criteria 1 add: ***The through-site link should:-***
 - ***(a) have a minimum width of 6m, and have a clear height of at least 6m;***
 - ***(b) align with breaks between buildings so that views are extended and there is less sense of enclosure;***
 - ***(c) be clearly distinguished from vehicle access ways;***
 - ***(d) include materials and finishes such as paving materials, tree planting and furniture generally consistent with adjoining streets and public spaces and be graffiti and vandalism resistant;***
 - ***(e) be clear of obstructions or structures, such as service vents etc.;***
 - ***(f) be fully accessible 24 hours a day.***
 - ***(g) at ground level and lined with active uses;***
 - ***(h) be open at each end***
 - (v) in Design Criteria 2 and 3, reference the appropriate Section Plans that follow and include dimensions in the criteria
 - (vi) at the end of Design Criteria 5 add ***and low traffic speed – 10kph.***
 - (vii) at the end of Design Criteria 5 add: ***Development adjacent to the lane is to:***
 - ***(a) include active uses at ground level to encourage pedestrian activity;***
 - ***(b) include lighting appropriate to the scale of the lane;***
 - ***(c) enhance pedestrian access and activity;***

- **(d) avoid projections over the lane which overshadow the lane, obstruct a view or vista or impede pedestrian activity at ground level;**
 - **(e) ensure access rights of the public and other owners of property abutting the lane; and**
 - **(f) provide access for service vehicles as necessary and design to avoid or minimise any conflict with pedestrian and cyclist functions.**
- (viii) delete Design Guidance Items 1, 2 and 3.
- (ix) Add new Design Guidance as follows: ***The through-site link should:***
- ***(a) be direct and accessible to all, have a clear line of sight between public places and be open to the sky as much as is practicable;***
 - ***(b) assist in guiding people along the link while enabling long sightlines***
- (x) within the Figures following the Design Guidance:
- amend figures for any inconsistency with the setbacks of the approved building envelope plans
 - all Figures should confirm whether width of footpaths are existing or proposed
 - provide two sections of Raglan Street showing the two different building setback conditions
 - in relation to Section C-C add a note that proposed cycleways are subject to confirmation as part of the CSSI approval
- (c) in Part 3, Section 3E “Tree canopy cover”:
- (i) add new Design Criteria at the end of Criteria 4:-
- ***New habitat features including trees, shrubs and groundcover vegetation, waterbodies, rockeries and green roofs and walls are to be included, wherever possible***
 - ***Landscaping is to comprise a mix of locally indigenous tree, shrub and groundcover species as outlined in City’s Landscape Code. Where this is not possible it is preferred that plants native to Australia are used.***
 - ***Shrubs are to be densely planted and trees are to be well spaced, as outlined in the City’s Landscape Code***
 - ***Awnings and canopies are to be located and designed to maximise tree canopy***
 - ***Tree planting details are to specify horizontal clearance to awnings and buildings and tree spacing***
 - ***Centreline of new trees along Botany Road should be a minimum of 1m back from the front of the kerb and up to 1.5m from the front of the kerb, subject to services investigation***
- (ii) delete Design Guidance Item 1.
- (d) in Part 3, Section 3F “Tree planting specifications” :
- (i) at the end of Design Criteria 5 add: ***are to be provided to ensure maximisation of tree canopy spread and height***
- (ii) in the Design Criteria add additional criteria of ***Consult with the City of Sydney in relation to any tree planting in the public domain, comprising the public footpaths around the Metro Quarter.***
- (e) in Part 3, Section 3G “Wind” :
- (i) in Figure 19 include a description in the legend for the red outline areas
- (f) in Part 3, Section 3H “Building uses” :
- (i) amend Design Criteria 2 to: ***The social housing and affordable housing is to be designed to be not readily distinguishable from market housing.***
- (ii) add an additional Design Criteria of: ***A Noise Management Plan is required to ensure compatibility of late night premises uses and residential uses. The plan must provide a framework for setting noise limits for each noise-generating use within the development to ensure that sensitive receivers maintain acoustic amenity.***
- (g) in Part 3, Section 3I “Street activation” :
- (i) add an additional Objective of: ***Activation of through-site links and laneway***
- (ii) add an additional Design Criteria of: ***Building and ground floor entries are to be located and spaced to maximise street level activation.***
- (iii) at the end of Design Guidance Item 2 include: ***with design response to manage the potential impacts of flooding on level activation, such as staggered and stepped shop fronts, internal level change instead of external level changes.***
- (h) in Part 3, Section 3J “Podium and Street Wall”:
- (i) in Design Criteria, add new criteria as follows:

- **the height, proportion, scale and architectural articulation of the Botany Road podium must consider the proportion, scale and architecture of the Church**
 - **encourage active uses at the southern setback of the church and opportunities for Church users to meet**
 - **promote safe access and passive surveillance in and around the setback areas between the Metro Quarter and the Church consistent with crime prevention through environmental design (CTPED) principles**
- (i) in Part 3, Section 3K "Built Form above the Podium":
- (i) in Design Criteria, add new guideline as follows:
- **identify opportunities to improve solar access to Alexandria Park through redistribution of floorspace and building bulk and scale between the hours of 9am and 10am in midwinter (21 June) when compared to the shadow cast by the indicative scheme lodged with the RtS.**
- (ii) amend Design Criteria 4 to: **Design of residential mid-rise buildings and towers will need to be in accordance with the Apartment Design Guide**
- (iii) amend Design Guidance 5 to: **Wind mitigation is to be achieved through building form, with reliance on devices such as impermeable canopies, awnings, pergolas and trees as secondary measures**
- (j) in Part 3, Section 3L "Residential amenity" :
- (i) replace Design Criteria 1 and 2 with new criteria:
- **noise amenity to be confirmed against the following requirements - Clause 3.6 of the Development Near Rail Corridors and Busy Roads – Interim Guideline for Noise Criteria for all uses including windows closed, and Sydney DCP 2012 clause 4.2.3.11 for windows and doors open.**
 - **refer to the Apartment Design Guide part 4J and the Development Near Rail Corridors and Busy Roads – Interim Guideline clause 3.8 for general guidance on how to reduce the impact of noise, noting that these measures may not be sufficient to meet the required noise criteria.**
- (k) in Part 3, Section 3O "Carparking and access" :
- (i) add additional Design Criteria as follows:
- **design basement car parking including depth and setback from property boundaries to ensure adequate soil volume and depth for street tree planting.**
- (l) in Part 3, Section 3P "Service vehicles and waste collection" :
- (i) amend Objective 2 to: **Locate servicing and loading within buildings where access is immediately adjacent to the street to minimise potential conflicts with pedestrians and cyclists**
- (m) in Part 3, Section 3R "Sustainability" :
- (i) replace Design Criteria 1 to 4 with: **Comply with the performance targets specified in the consent to SSD 9393**
- (ii) amend Design Guidance 2 to: **Maximise opportunities for the installation of solar photovoltaic systems, aiming to meet 5% of the forecast electricity consumption of the Metro Quarter**
- (iii) add additional Design Guidance as follows:
- **Consider enabling, or not precluding, future energy technologies and initiatives.**
 - **Energy efficient and low carbon measures could include:**
 - **heat pumps to achieve the required hot water demand**
 - **provision of mixed mode HVAC for commercial and retail areas**
 - **Water efficiency measures could include:**
 - **water efficient fixtures and fittings**
 - **using drought-tolerant, low water use vegetation in gardens & green roofs to reduce irrigation water use**
- (n) in Part 3, Section 3T "Waste Management" :
- (i) add additional Design Guidance as follows:
- **The design of the waste management system should discourage waste generation and encourage recycling.**