

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 9393 Waterloo Metro Quarter Over Station Development - Concept Application
Applicant	Sydney Metro
Consent Authority	Minister for Planning and Public Spaces

Decision

The Minister for Planning and Public Spaces, 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

10 December 2019

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 and additional information considered in the Department's Assessment Report;
- 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.

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

- *Consistent with NSW Government Policy* – the project is permissible with development consent, and is consistent with NSW Government policies including the Greater Sydney Region Plan, Eastern City District Plan and State Infrastructure Strategy
- *Benefits* – the project would provide a range of benefits for the region and the State as a whole, including new residential uses, retail uses, commercial uses, community facilities and open space, up to 1,800 operational jobs and 550 construction jobs and a capital investment value of \$327 million
- *Impacts can be managed* - 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
- *Community views considered* - the issues raised by the community during consultation and in submissions have been considered and adequately addressed through changes to the project and the recommended conditions of consent.
- 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 22 November 2018 until 30 January 2019 (70 days) and received 100 submissions, including 89 objections, 3 supporting and 8 commenting on the project.

The Department also undertook the following consultation activities:

- 2 site visits
- attended 3 community drop-in sessions in Alexandria and Redfern
- attended 3 Waterloo Estate community drop-in sessions.

The key issues raised by the community (including in submissions) and considered in the Department's Assessment Report and by the decision maker include density and scale of building envelopes; overshadowing of Alexandria Park; traffic and transport congestion; and proposed rate and duration of affordable and social housing. Other issues are addressed in detail in the Department's Assessment Report.

Issue	Consideration
<p><i>Building envelope density and scale</i></p> <ul style="list-style-type: none"> • excessive building height • excessive number of apartments • inadequate setbacks to street frontages and podiums • density will impact existing community infrastructure and existing quality of life 	<p><i>Assessment</i></p> <ul style="list-style-type: none"> • the proposed building heights and floor space ratio fully comply with the planning controls in the Sydney LEP 2012 established by the Waterloo State Significant Precinct (SSP) process • the RtS included increased building setbacks from Botany Road and Waterloo Congregational Church • the Department's assessment found the proposed built form in terms of density and scale is appropriate at this location due to the increased transport capacity by the Waterloo Metro Station and comparable scale of other development such as the 29 storey Matavai and Turanga towers within the Waterloo Estate • the detailed design phase will include Section 7.11 Contributions to fund local infrastructure such as open space and local roads • the Concept is subject to certification in relation to State infrastructure as the Metro project would have broad infrastructure benefits including new intersections, cycleway, footpaths, street trees and public domain. <p><i>Conditions</i></p> <ul style="list-style-type: none"> • conditions include requirements for: <ul style="list-style-type: none"> - amendments to Design Guidelines to include new and updated objectives, criteria and guidance to direct good design and amenity outcomes with the detailed design; - compliance with the Design Excellence Strategy to ensure the proposal delivers the highest standard of architectural, landscape and urban design; - amendments to the Design Excellence Strategy to ensure design review by a Design Review Panel chaired by the NSW Government Architect; - reallocation of floorspace from towers to the mid-rise buildings to reduce tower bulk and scale in subsequent applications when land use is determined. This would also increase solar access to Alexandria Park; and - reduction in the bulk and scale of the podium building along Botany Road to better reflect the scale and character of the Waterloo Congregational Church.
<p><i>Overshadowing of Alexandria Park</i></p> <ul style="list-style-type: none"> • proposal should not result in any overshadowing of Alexandria Park 	<p><i>Assessment</i></p> <ul style="list-style-type: none"> • the Department concluded the shadow impact on the Park is acceptable as 70% of the Park achieves sunlight between 9am and 10am in midwinter and the Park is not overshadowed after 10am; • nevertheless, the RtS included amendments to the building envelopes to allow for increased commercial premises and a commensurate reduction in residential development in the towers, which would further reduce shadow cast onto the Park. <p><i>Conditions</i></p> <ul style="list-style-type: none"> • conditions include the requirement to increase solar access to the Park by reallocation of floor space from the southern two towers to the mid-rise building envelopes in subsequent applications.
<p><i>Traffic and transport</i></p> <ul style="list-style-type: none"> • increase in road traffic congestion • increase in public transport congestion • too much car parking • no need for parking above Metro station 	<p><i>Assessment</i></p> <ul style="list-style-type: none"> • the Department engaged an independent traffic and transport consultant to peer review the traffic reports submitted with the application. The Department's consultant found the traffic and transport impacts of the proposal are acceptable including congestion impacts on the local road network and on public transport;

	<ul style="list-style-type: none"> the Department noted that views about car parking varied, with some submitters arguing for less parking, others arguing for more; the original application sought approval for up to 427 parking spaces by the adoption of the maximum parking rates in the SLEP 2012; the Applicant amended the proposed amount of car parking by introducing a cap on spaces for residential uses and a more conservative non-residential car parking rate, resulting in a 47% reduction compared to the maximum car parking rates. <p><i>Conditions</i></p> <ul style="list-style-type: none"> conditions include requirements to comply with the reduced car parking set out in the application and provide a detailed Car Parking Strategy and Management Plan with the detailed design application.
<p><i>Rate and duration of affordable and social housing</i></p> <ul style="list-style-type: none"> affordable and social housing should be provided in perpetuity there should be an increase in affordable and social housing NSW Government should deliver affordable and social housing and not leave it to a developer 	<p><i>Assessment</i></p> <ul style="list-style-type: none"> the original application proposed 5% affordable housing for a period of 10 years and 70 social housing dwellings; the Applicant's RtS amended the application in relation to affordable housing to commit to dedicating affordable housing in perpetuity; the RtS maintained the social housing proposed, but added these dwellings would be transferred to NSW Land and Housing Corporation to operate. <p><i>Conditions</i></p> <ul style="list-style-type: none"> conditions include requirements for the Applicant to enter into agreement (such as a Planning Agreement or other agreement) for the securing of the affordable housing and social housing committed
<p><i>Residential use along Botany Road</i></p> <ul style="list-style-type: none"> proposal does not demonstrate management of high traffic noise and poor air quality 	<p><i>Assessment</i></p> <ul style="list-style-type: none"> the Applicant's RtS reoriented the residential towers to demonstrate that Apartment Design Guide (ADG) compliant solar access can be achieved; the Applicant's RtS provided further acoustic and natural ventilation information to demonstrate that ADG compliant ventilation can be achieved alongside applicable residential noise criteria. <p><i>Conditions</i></p> <ul style="list-style-type: none"> conditions include the requirement for the detailed design to demonstrate full compliance with the ADG and for additional Acoustic Assessment to accompany the detailed design application.
<p><i>Separation of assessment process from the Waterloo Estate</i></p> <ul style="list-style-type: none"> the SSD should be exhibited with the Waterloo Estate proposal proposal lacks context without Estate proposal uncertainty with infrastructure funding/works 	<p><i>Assessment</i></p> <ul style="list-style-type: none"> the timing of the SSP processes for the Metro Quarter has proceeded ahead of the Waterloo Estate to align the development with the construction and opening of the Metro line; the Waterloo Metro Quarter's planning framework was finalised in September 2019 and the SSD assessment has proceeded; the Metro Quarter and Waterloo Estate are capable of assessment independent of each other. <p><i>Conditions</i></p> <ul style="list-style-type: none"> no conditions are necessary
<p><i>Heritage impacts</i></p> <ul style="list-style-type: none"> inadequate setbacks to Waterloo Congregational Church (the Church) clutter around the Church through awnings and wind canopies excavation impacts on the Church impact on Alexandria Park Conservation Area 	<p><i>Assessment</i></p> <ul style="list-style-type: none"> the Department has carefully assessed the impacts of the proposal on the significance of Waterloo Congregational Church Alexandria Park Conservation Area; the Applicant's RtS included additional building setbacks to the sides of Waterloo Congregational Church and confirmed wind mitigation structures are not required in the setback zones. <p><i>Conditions</i></p> <ul style="list-style-type: none"> conditions include the requirement for the Applicant to consult with the owners of the Waterloo Congregational Church regarding the interface with the development and a series of Design Guidelines for the detailed design of structures near the Church.
<p><i>Support for proposal</i></p> <ul style="list-style-type: none"> higher density should be provided height is reasonable compared with existing and proposed precincts near stations the three tower approach is supported the scale and density is appropriate 	<p><i>Assessment</i></p> <ul style="list-style-type: none"> support for the proposal is noted; the Department's assessment concludes the proposal is acceptable subject to the recommended conditions. <p><i>Conditions</i></p> <ul style="list-style-type: none"> no conditions are necessary