



Waterloo Metro Quarter Over Station Development – Northern Precinct

State Significant Development Assessment
SSD 10440

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Glossary

Abbreviation	Definition
CIV	Capital Investment Value
CSSI	Critical State Significant Infrastructure
Council	City of Sydney Council
Department	Department of Planning, Industry and Environment
DRP	Design Review Panel
EESG	Environment, Energy and Science Group
EIS	Environmental Impact Statement
EPA	Environment Protection Authority
EP&A Act	<i>Environmental Planning and Assessment Act 1979</i>
EP&A Regulation	Environmental Planning and Assessment Regulation 2000
EPI	Environmental Planning Instrument
ESD	Ecologically Sustainable Development
FRNSW	Fire and Rescue NSW
Heritage	Heritage NSW, Department of Premier and Cabinet
Minister	Minister for Planning and Public Spaces
OSD	Over Station Development
RMS	Roads and Maritime Services, Transport for NSW
SEARs	Planning Secretary's Environmental Assessment Requirements
Planning Secretary	Secretary of the Department of Planning, Industry and Environment
RtS	Response to Submissions
SEPP	State Environmental Planning Policy
SLEP	Sydney Local Environmental Plan 2012
SSD	State Significant Development
SSI	State Significant Infrastructure
TfNSW	Transport for NSW

Executive Summary

This report provides an assessment of a State significant development application (SSD 10440) seeking approval for the design and construction of a 9 to 15 storey commercial building within the Northern Precinct of the Waterloo Metro Quarter Over Station Development.

The Applicant is WL Developer and the proposal is located within the City of Sydney local government area. The Capital Investment Value (CIV) for the proposal is \$160million and the proposal would generate 463 construction jobs and 3,436 operational jobs.

Engagement

The Department publicly exhibited proposal between 5 November 2020 and 2 December 2020 (28 days) and received a total of 20 submissions, comprising eight from Government agencies, a submission from Council, four submissions from special interest groups and seven submissions from the public.

Council did not object to the proposal but it provided comments about materials and finishes, wind conditions, top-of-building signage and bicycle parking. The key issues raised in the public submissions included affordable housing, traffic and overshadowing impacts.

The Applicant's Response to Submissions (RtS) provided further justification for the proposal in relation to design excellence, materials and finishes, wind impacts and traffic issues (refer to **Section 6**).

Assessment

The Department has assessed the proposal in accordance with section 4.15(1) of the *Environmental Planning and Assessment Act 1979* (EP&A Act) and has carefully considered the issues raised in submissions. The Department considers the proposal is acceptable for the following reasons:

- it is consistent with the strategic planning framework adopted for the site as it would support integrated land use and public transport planning by providing 3,446 additional employment opportunities above the new Waterloo Metro Station
- it fully complies with the Sydney LEP 2012 and Amending Concept Approval in relation to density, land use and height
- the proposed building is 33m lower than the maximum permissible height limit. The proposed building height reduces overshadowing impacts on surrounding properties and the proposal would not result in any overshadowing of Alexandria Park.
- it achieves design excellence, is appropriate within its urban context and is supported by the Sydney Metro DRP
- the proposal appropriately minimises car parking which would support the use of public and sustainable transport options and it would not result in any adverse traffic impacts
- it contributes to public domain improvements, including the delivery of a portion of Raglan Plaza, a publicly accessible through-site walkway and widening of footpaths along Botany Road and Raglan Street.

Based on the reasons outlined above, the Department's assessment concludes the proposal is in the public interest and recommends that the application be approved subject to conditions.

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1 Introduction

This report provides an assessment of a State significant development (SSD) application (SSD 10440) for the design and construction of commercial building and associated public domain works within the Northern Precinct of the Waterloo Metro Quarter.

Specifically, this proposal seeks development consent for the detailed design, construction and operation of the Northern Precinct, comprising:

- a building height of 9 to 15 storeys
- gross floor area (GFA) of 34,738m²
- use of the building for commercial premises including office premises, business premises and retail premises
- a pedestrian plaza to the north of the building along Raglan Street
- a pedestrian through-site link from Raglan Street to Cope Street Plaza
- vehicle loading and servicing facilities
- signage zones
- staged stratum subdivision.

The application was lodged by WL Developer Pty Ltd (the Applicant). The site is located within the City of Sydney local government area. The Capital Investment Value (CIV) for the proposal is \$160million and would generate 463 construction jobs and 3,436 operational jobs.

The Waterloo Metro station is one of seven new stations approved as part of the Critical State Significant Infrastructure (CSSI) approval (CSSI 7400) for the Sydney Metro City and Southwest Metro between Chatswood and Sydenham (**Figure 1**).

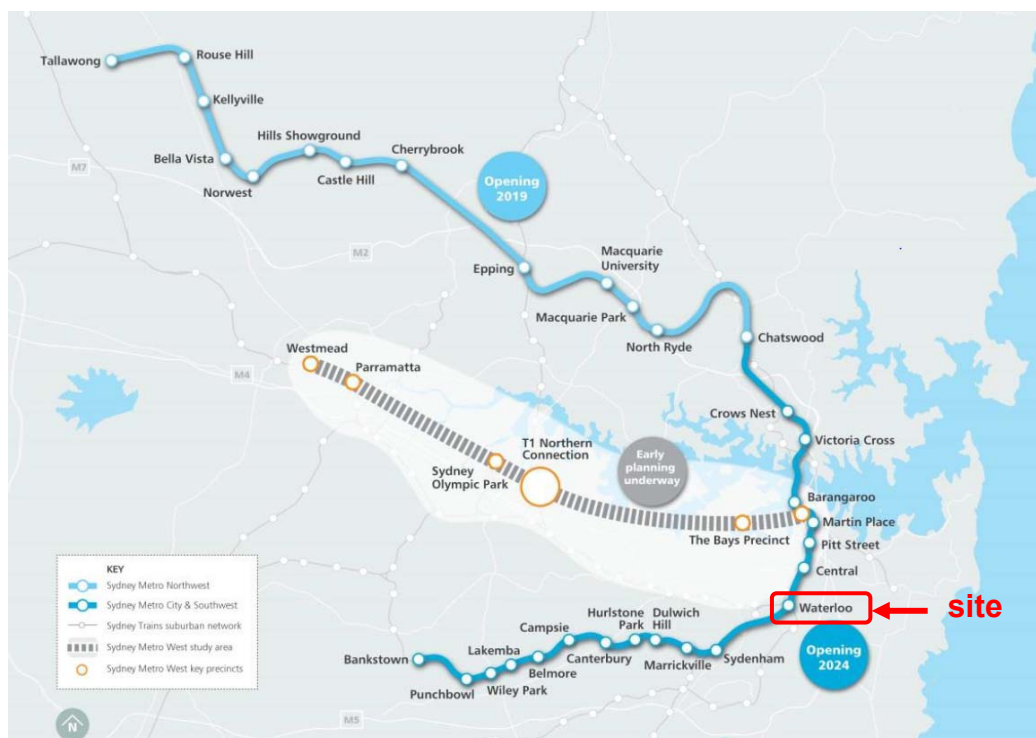


Figure 1 | Regional context (source: Applicant's EIS)

1.1 Waterloo

Waterloo is located to the south of the Sydney CBD. It extends north to Redfern, south to Green Square, east to Moore Park and west to Alexandria. Waterloo has excellent access to employment uses, public transport, urban services and open space. The closest existing rail stations are Redfern to the north and Green Square to the south. Waterloo Park and Waterloo Oval are at the corner of McEvoy and Elizabeth Streets, Redfern Park is north of the suburb and Alexandria Park is to the west. Moore Park and Centennial Park are to the east.

To the north-west of Waterloo is the Australian Technology Park containing significant employment generating technology, media and financial businesses providing approximately 20,000 jobs.

Much of the eastern end of Waterloo has transitioned from a former industrial suburb, as former warehouses and manufacturing sites have been redeveloped for mixed use development in the past 15 – 20 years. High density housing has been developed on former large industrial sites in clusters such as the Danks Street Precinct and former ACI Glass site.

Waterloo is characterised by a diverse mix of building heights ranging from single storey dwellings to 32 storey residential towers.

A large portion of the western end of the suburb is occupied by the Waterloo Estate social and affordable housing development owned and managed by the NSW Government. The estate is subject to a precinct planning process that is being managed by City of Sydney Council. Draft plans for the southern part of the Waterloo Estate propose opportunities for new community spaces, residential and commercial uses and a new public park immediately east of the Waterloo Metro Quarter.

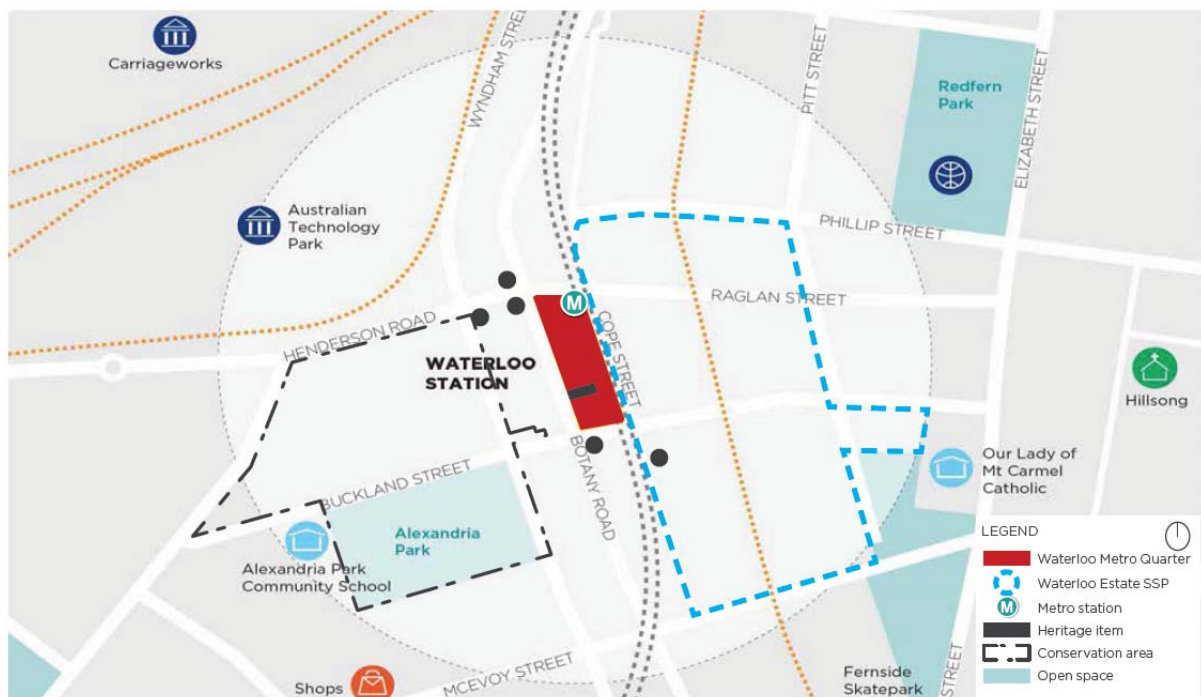


Figure 2 | Surrounding context (source: Applicant's EIS)

1.2 Waterloo Metro Quarter

The Waterloo Metro Quarter) sits approximately 3.3 km south of the Sydney CBD, 700 m south-west of Redfern and five km north-east of Sydney Airport.

The Waterloo Metro Quarter is largely rectangular in shape and occupies land above and around the new, underground Waterloo Metro Station, and is bound by Cope Street (east), Raglan Street (north), Botany Road (west) and Wellington Street (south) (**Figure 3**).

The Waterloo Congregational Church at 103-105 Botany Road (**Figure 3**) is a locally listed heritage item. The Church is surrounded on three of its boundaries but does not form part of the Waterloo Metro Quarter. The approved station works extend up to the Church boundaries.

All previous structures have been demolished and the Waterloo Metro Quarter is currently being used to facilitate construction of the Waterloo Metro Station. Previous development included three to five storey commercial, light industrial and shop top housing buildings.

The Waterloo Metro Station entrance is proposed via the corner of Raglan and Cope Streets, and active retail or other commercial uses along its Cope Street and Raglan Street frontages. Construction of the Sydney Metro is under way and Waterloo Station is scheduled to open in 2024.

The north-eastern corner of the Waterloo Metro Quarter will accommodate an above ground metro station structure, comprising the station entrance, spaces for retail and commercial opportunities as well as the station plant room and other servicing areas.

The south-eastern corner of the Waterloo Metro Quarter will accommodate a second aboveground station structure for power supply, traction systems and other mechanical services.

Between the two station structures is a station cavern that has been excavated and, when covered, will form the ground level of the proposed Cope Street Plaza within the Southern Precinct SSD.

Approval for construction of the station was subject to the CSSI approval (SSI 7740).



Figure 3 | Local context map (Base source: Applicant's EIS)

1.1 The site and its surrounds

The site

The Northern Precinct (the site) is irregular in shape, occupying the northern end of the WMQ site. The site has street frontages to Botany Road (western frontage), Raglan Street (northern frontage) and Cope Street (eastern frontage). The site shares a southern boundary with the adjoining Central Precinct proposal (SSD 10439) (**Figure 3**).

A part of the site, the eastern edge fronting Cope Street, accommodates the Waterloo Metro Station entry (currently under construction as part of the CSSI).

The Northern Precinct has a total site area of 5,100m² and the broader WMQ site has an area of 1.287ha.

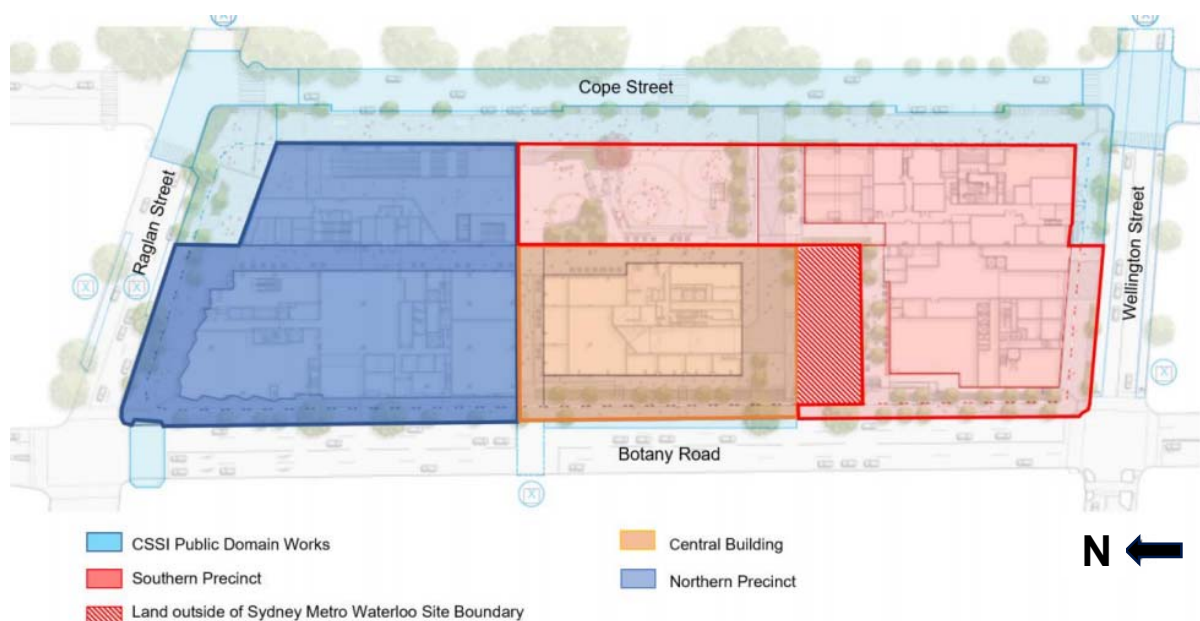


Figure 4 | Site plan of the Northern Precinct (shaded blue). (Source: Applicant's EIS)

Surrounding development

Beyond the Waterloo Metro Quarter, surrounding development comprises commercial premises to the north, light industrial and mixed-use development to the south, residential development to the east (Waterloo Estate) and predominantly commercial and light industry uses to the west.

To the north and beyond Raglan Street are 1 and 2 storey retail and commercial premises mostly accommodated in former terraces or other buildings. Further north is the Redfern Town Centre with a mix of residential, retail and student housing development of varying scale and configuration including numerous tall buildings and towers (**Figure 5**).

To the south beyond Wellington Street is a two storey hotel 'Cauliflower Hotel' on the corner of Botany Road and Wellington Street and two-storey terrace housing toward Cope Street (**Figure 6**).

To the east and beyond Cope Street is a mix of one and three storey mid-century residential flat buildings and attached dwelling houses that are part of the Waterloo Estate (**Figure 7**). Further east and north-east are high density residential towers in parkland settings that are also part of the Waterloo Estate.

To the west and beyond Botany Road are two to three storey commercial and light industrial premises and a large 5 storey mixed use residential flat building (**Figure 8**). No's 74-88 Botany Road is subject to development consent granted by Council for a four and five storey affordable housing development with ground floor retail premises fronting Botany Road. Further west are low scale terrace dwellings within the Alexandria Park Heritage Conservation Area and the Australian Technology Park with high density employment uses.

To the south-west is Alexandria Park, a regional open space containing formal and informal recreation areas (**Figure 9**). The eastern half of the Park comprises open grassed areas with walking paths and shade trees for passive recreation. The western half contains a grassed oval and other facilities used for active recreation including cricket, soccer, athletics, tennis and basketball. The adjacent Alexandria Park Community School has agreement with Council for the use of the Park.



Figure 5 | View of Raglan Street looking west from Cope Street roundabout showing existing commercial uses to the northern side of Raglan Street (Source: DPIE)



Figure 6 | View of Wellington Street from Cope Street roundabout showing existing two storey terrace dwellings on the south side of Wellington Street (Source: DPIE)



Figure 7 | View of Cope Street from the Wellington Street roundabout showing existing 2 and 3 storey housing and tall towers within the Waterloo Estate on the eastern side of Cope Street (Source: DPIE)



Figure 8 | Commercial and light industrial developments along western side of Botany Road (Source: DPIE)



Figure 9 | View to the east from within Alexandria Park showing open grassed areas, pathways and lighting which facilitate passive recreation and some active recreation (Source: DPIE)

1.2 Related Applications and Previous Approvals

State Significant Precinct

Approximately 20 hectares of land in Waterloo's north west was declared a State Significant Precinct (SSP) in 2019. The SSP area comprised the Waterloo Metro Quarter and the Waterloo Estate (**Figure 10**).

As part of the SSP process, the planning controls that applied to the Waterloo Metro Quarter were amended through a State-led rezoning, enabling its development with opportunities for a new public plaza, residential, social and affordable housing, commercial and community uses.

In 2019, the Minister of Planning and Public Spaces announced that City of Sydney Council is to manage the precinct planning process for the adjoining Waterloo Estate. The planning for the estate is currently underway. Draft plans for the southern part of the Estate propose new community spaces, residential and commercial uses and a new public park adjoining the Waterloo Metro Quarter.



Figure 10 | Waterloo SSP area (source: DPIE website)

Concept and Amending Concept Approval

The Concept Application for the Waterloo Metro Quarter was granted approval by the Minister on 10 December 2019. The approval granted consent for the concept envelope of three towers on top of mid-rise podiums (4-8 storeys) for residential uses, including social and affordable housing, a new public plaza, commercial and retail uses.

The Concept Approval included endorsement of Design Guidelines to direct the detailed design of subsequent SSD applications.

An Amending Concept Application seeking new concept envelopes for the Northern Precinct and an expanded building envelope for the Central Precinct, as well as the use of the Northern Precinct for commercial premises, has also been assessed by the Department.

The Amending Concept application was approved by the Minister's delegate on 17 June 2021.

The Amending Concept Application included updated Design Guidelines due to the new and expanded building envelopes and land uses. These amended Design Guidelines have been considered in the Department's assessment in Section 6 and Appendix F of this report.

Waterloo Metro Quarter Over Station Development

This assessment has been carried out concurrently with the following applications that collectively make up the detailed designs for the Waterloo Metro Quarter:

- Southern Precinct (SSD 10437)
- Central Precinct (SSD 10439)
- Basement SSDA (SSD 10438)

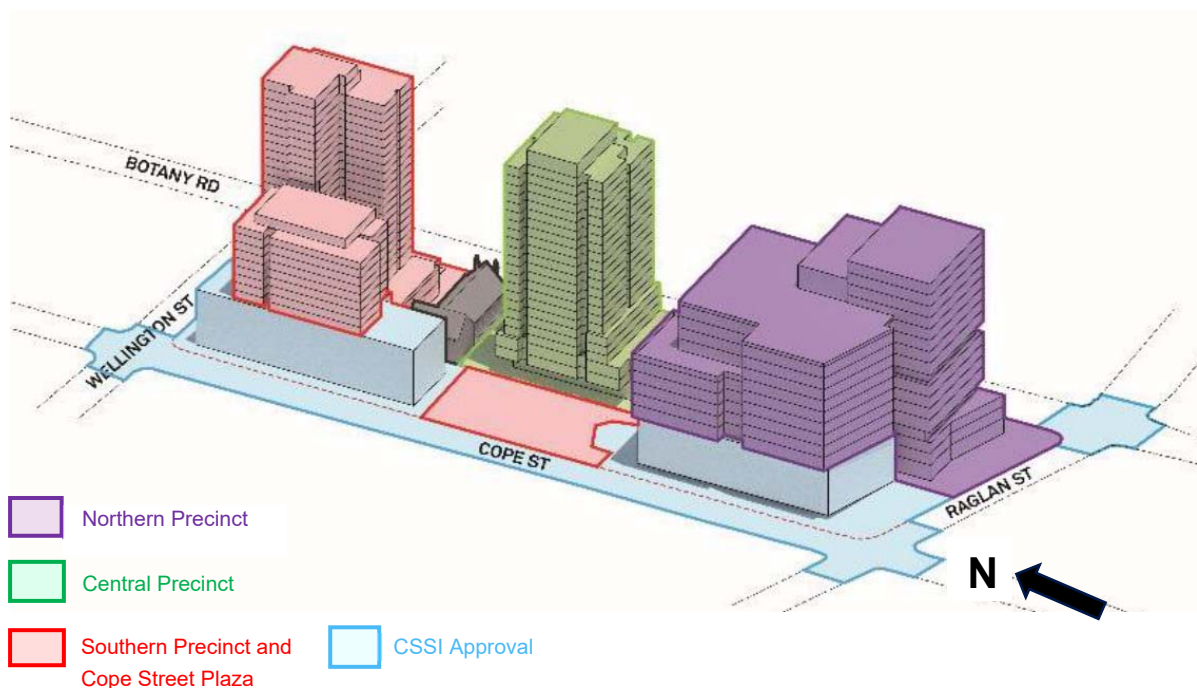


Figure 11 | The Waterloo Metro Quarter and sub-precincts (source: Applicant's EIS)

2 Project

2.1 Project Outline

The proposal seeks SSD consent for the design, construction and operation of the Northern Precinct within the Waterloo Metro Quarter.

The SSD application involves the design, construction and operation of a nine to 15 storey commercial office tower with ground floor retail tenancies. The application also includes retail and commercial tenancies, loading and unloading facilities, end of trip facilities, pedestrian entries, utilities and services, signage and Stratum subdivision.

The key components of the proposal (as amended by the RtS) are summarised at **Table 1**. A link to the Applicant's SSD documents is provided at **Appendix A**.

Table 1 | Main Components of the Project

Aspect	Description
Built form	<ul style="list-style-type: none">• Construction of a part-9, part-13 and part-15 storey commercial building• Publicly accessible open space, including Raglan Plaza to the north, a walkway from Raglan Street to Cope Street Plaza and extended footpaths along Botany Road and Raglan Street• Integration with the approved CSSI station box
GFA	<ul style="list-style-type: none">• total GFA of 34,738m², excluding floor space approved by the CSSI• 34,150m² for commercial premises• 588m² for retail premises
Land uses	<ul style="list-style-type: none">• Office premises• Business premises• Podium retail premises
Employment	<ul style="list-style-type: none">• 436 construction jobs• 3,436 operational jobs
Capital Investment Value (CIV)	<ul style="list-style-type: none">• \$159,619,153



Figure 12 | Photomontage of proposed building with detailed designs for Central Precinct and Southern Precinct in background (source: Applicant's RtS)



Figure 13 | Artist's impression of proposed building with Metro station entry at base (left) (source: Applicant's RtS)



Figure 14 | Artist's impression of Cope Street Plaza with detailed design for the Northern Precinct shown in backdrop and Central Precinct to the left (source: Applicant's EIS)



Figure 15 | Artist's impression of north-south section through the centre of the building (source: Applicant's RtS)

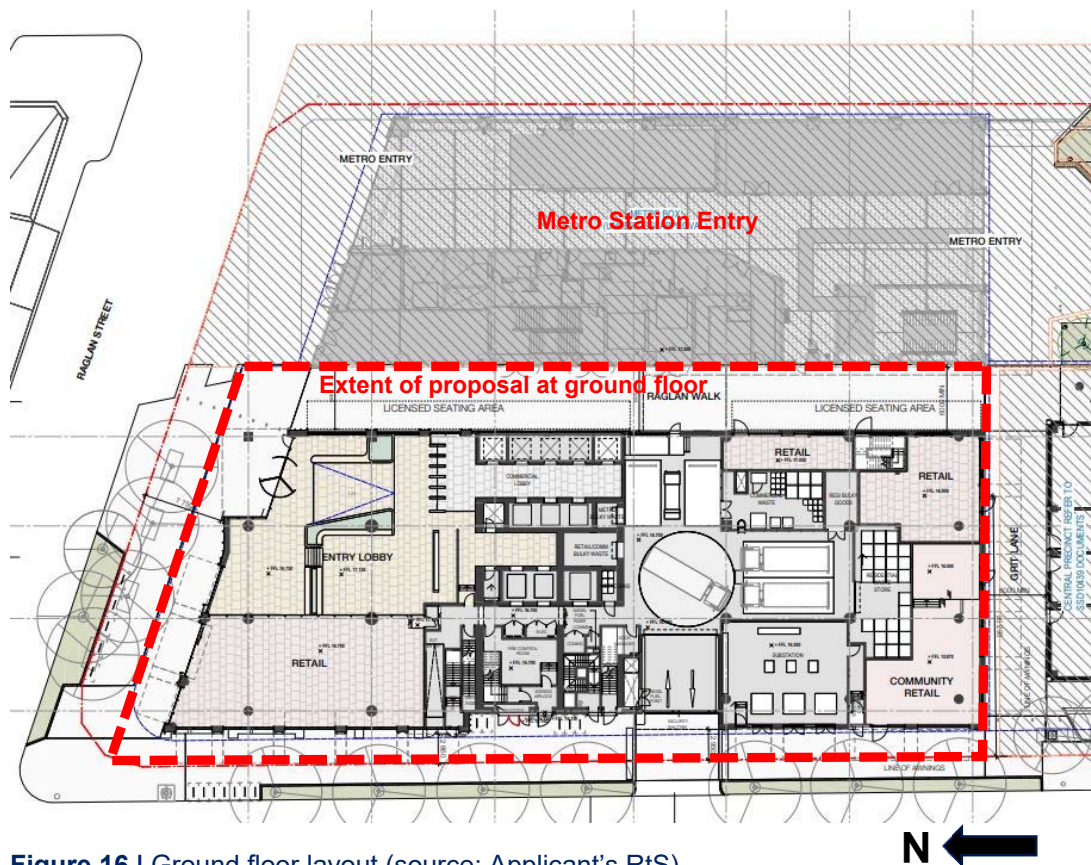


Figure 16 | Ground floor layout (source: Applicant's RtS)

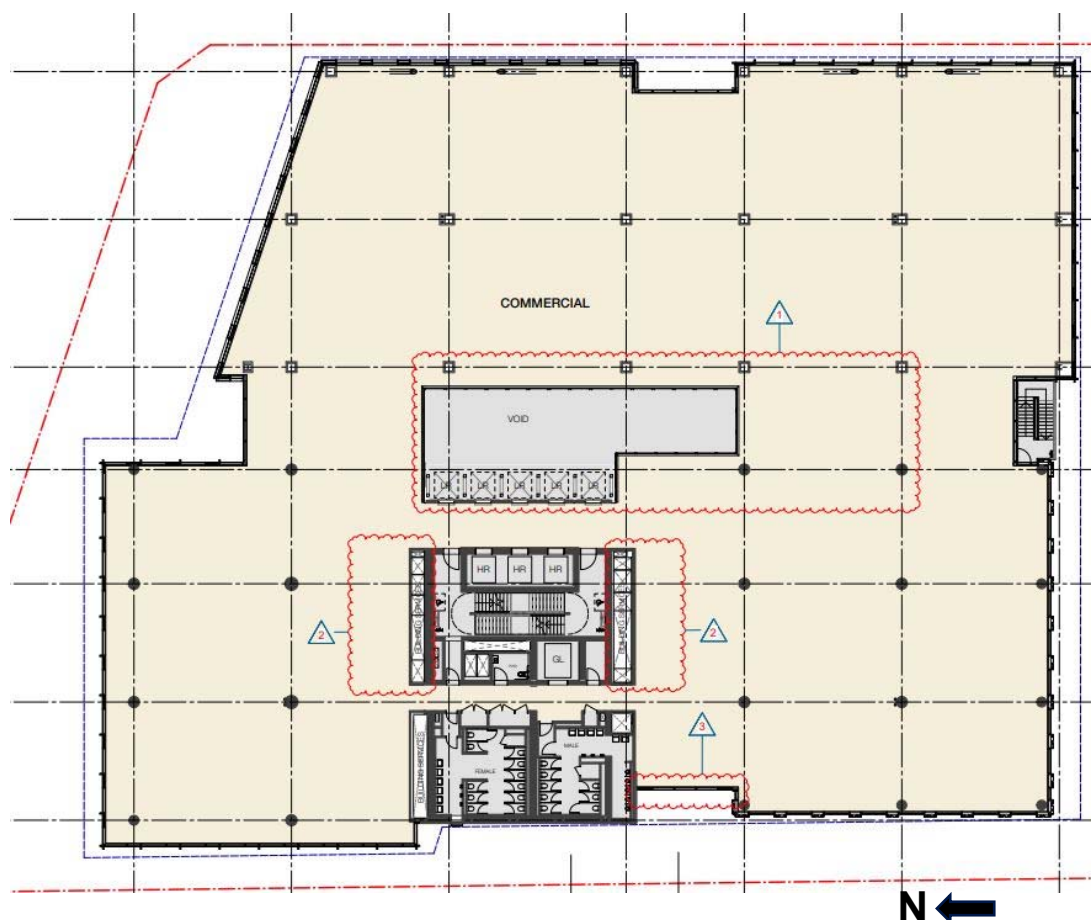


Figure 17 | Typical commercial floor (source: Applicant's RtS)

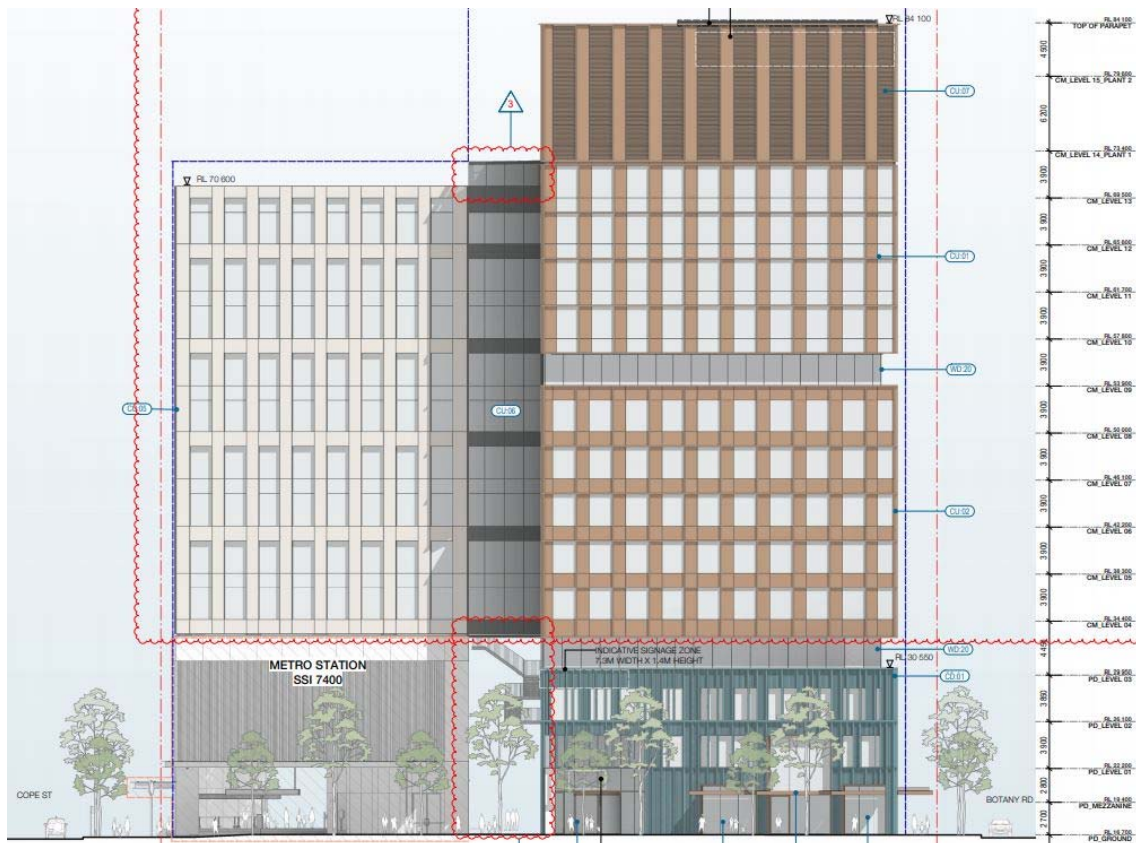


Figure 18 | North Elevation (Raglan Street) (source: Applicant's RtS)

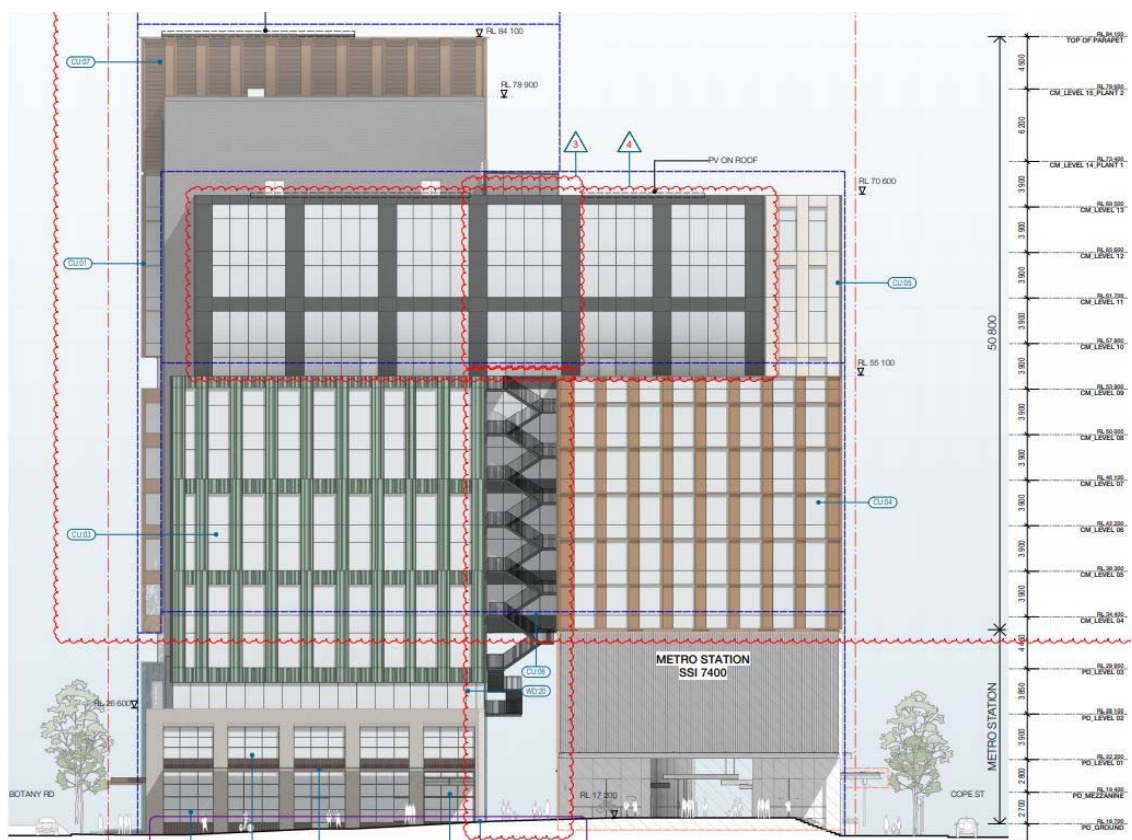


Figure 19 | South Elevation (towards Cope Street Plaza and Central Precinct) (source: Applicant's RtS)

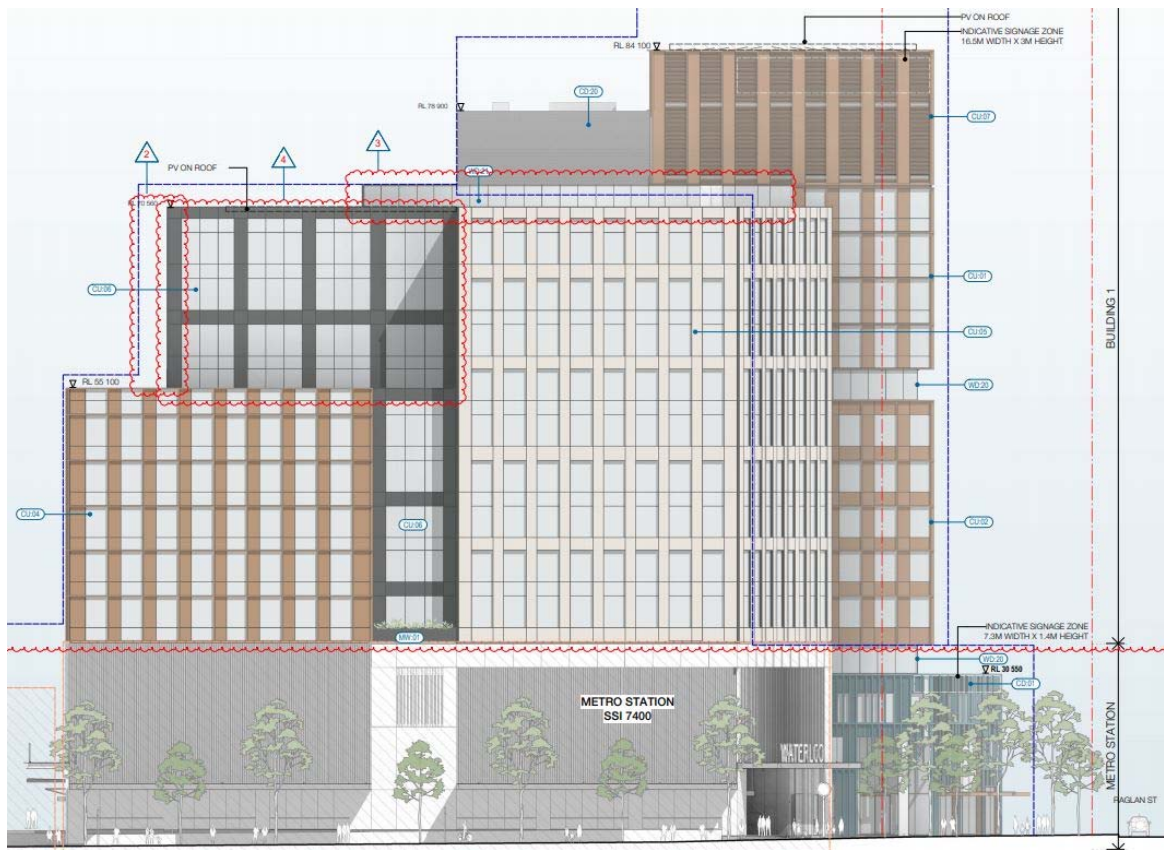


Figure 20 | East Elevation (Cope Street) (source: Applicant's RtS)



Figure 21 | West Elevation (Botany Road) (source: Applicant's RtS)

2.2 Related Development

Sydney Metro City and Southwest Metro (CSSI 7400)

On 9 January 2017, the Minister for Planning granted infrastructure approval (CSSI 7400) for the construction and operation of the Sydney Metro City and Southwest Metro between Chatswood and Sydenham, including approval for 16.5km of rail lines, a tunnel under Sydney Harbour, links with the existing rail network, metro stations and associated infrastructure (**Figure 1**).

The CSSI approval as it relates to the Waterloo Station provides for:

- demolition of existing buildings within the site.
- excavation of the rail tunnel, concourse and platforms and therefore the setting of surrounding structural zones, services and accesses
- the establishment of two aboveground station footprints of approximately four storeys (between RL 33 and RL 35) in height along the eastern edge of the site, fronting Cope Street.
- non-rail related structure within the station footprint for retail premises and OSD uses
- station entry via a large pedestrian entrance on Raglan Street and via the public plaza from Cope Street
- public domain works.

The CSSI approval conditions relevant to OSD at Waterloo include:

- Condition A4 which notes that any OSD, including associated future use, does not form part of the CSSI and will be subject to the relevant assessment pathway
- Condition E92 requires an Interchange Access Plan (IAP) to be prepared and approved for each station, in consultation with the Sydney Metro Design Review Panel (DRP), to inform the final design of transport and access facilities and services, including footpaths, cycleways, passenger facilities, parking, traffic and road closures, and integration of public domain and transport initiatives
- Condition E100 requires the Sydney Metro Design Review Panel (DRP) be established to refine the design objectives for the development and provide advice on place making, architecture, heritage, urban design, landscape design and artistic aspects. The DRP comprises five members, chaired by the NSW Government Architect, with the opportunity for Council or other stakeholders, including the Heritage Council (or delegate) to attend
- Condition E101 requires the preparation and approval of Station Design Precinct Plans (SDPPs) for each station. The SDPPs are to present an integrated urban and place making outcome. The SDPPs must be prepared in collaboration and consultation with relevant stakeholders, including council, the local community and the DRP. The SDPP must identify and address specific design objectives, principles and standards as are identified in Condition E101.

Eight requests to modify the CSSI approval have been determined by the Department. These requests have no direct influence on the Waterloo Metro Quarter.

3 Strategic context

3.1 Greater Sydney Region Plan: A Metropolis of Three Cities

The *Greater Sydney Region Plan: A Metropolis of Three Cities* ('Regional Plan') superseded *A Plan for Growing Sydney* and sets out the NSW Government's vision, through the Greater Sydney Commission, for Sydney to be "...a metropolis of three cities where the people of Greater Sydney live within 30 minutes of their jobs, education and health facilities, services and great places." These cities are: the Western Parkland City, the Central River City and the Eastern Harbour City.

Ten directions underpin the Regional Plan which focus on infrastructure and collaboration, liveability, productivity, sustainability and implementation. The overall direction of which is to manage population growth and support economic growth and environmental sustainability.

The site is located within the Eastern Economic Corridor, which extends from Macquarie Park through the Waterloo and South Sydney to Sydney Airport. The proposal is consistent with the Directions and Actions of the Plan, including:

- the proposal increases the competitiveness of Sydney by providing additional job opportunities in strategic employment centres (Objective 14: A Metropolis of Three Cities – integrated land use and transport creates walkable and 30-minute cities)
- the proposal is located in the Eastern Economic Corridor and provides for the economic use of land immediately above and around the future metro station (Objective 15: The Eastern, GOP and Western Economic Corridors are better connected and more competitive)
- the proposal will increase jobs along the emerging innovation corridor that stretches from The Bays Precinct to the Australian Technology Park at Redfern via the Harbour CBD (Objective 18: Harbour CBD is stronger and more competitive)
- the proposed development supports the strategic goals, directions and actions of the Plan by providing additional open space and commercial floor space in a strategic transport corridor. The proposal underscores the concept of integrated land use and transport by linking public transport use and promoting employment opportunities in a highly accessible part of Sydney.

3.2 Eastern Harbour City District Plan

The Greater Sydney Commission has prepared District Plans to inform regional and local-level planning and assist the actions of State agencies. The aim of the District Plans is to connect local planning with longer-term metropolitan planning for Greater Sydney.

The Waterloo Station is located within the Eastern City District. The Eastern City District Plan contains key priorities for infrastructure that are relevant to the proposed development including:

- Planning Priority E1 - Planning for a city supported by infrastructure
- Planning Priority E7 - Growing a stronger and more competitive Harbour CBD
- Planning Priority E8 - Growing and investing in health and education precincts and the Innovation Corridor
- Planning Priority E10 - Delivering integrated land use and transport planning and a 30-minute city
- Planning Priority E18 - Delivering high quality open space.

The proposal is consistent with the above priorities as it facilitates the construction of high-quality business and office premises that forms part of broader Waterloo Metro Quarter for a vibrant mixed-use precinct and a well-designed and engaging public realm, above and around a new metro station.

On completion, the proposal for the wider Waterloo Metro Quarter will contribute towards the area's employment generation, housing diversity, replenishing affordable and social housing stock in the area, providing student housing and delivering new public open space. The commercial floor space in particular is located in proximity to the innovation and tech precinct from Central Station to Eveleigh, increasing investment opportunities along the emerging innovation corridor.

3.3 Future Transport Strategy 2056

The Strategy was published by Transport for NSW to align with the Greater Sydney Commission's Regional Plans and sets out a transport vision, directions and outcomes framework for NSW to guide transport investment and policy. The aim is to achieve greater capacity, improved accessibility to housing, jobs and services and continued innovation. A planned and coordinated set of actions is set out to address challenges faced by the NSW transport system to support the State's economic and social performance over 40 years.

The proposal is consistent with the key outcomes of the Strategy as:

- it would provide new jobs and open space above and around a new Metro station
- it will encourage the use of the new Metro station, other forms of public transport, walking and cycling
- the site is located within walking distance to other high frequency public transport services including bus services and existing rail station
- the proposal provides for active transport options by providing bicycle parking spaces and end-of-trip facilities for walkers, runners and cyclists.

3.4 Sydney Metro City and Southwest Project

Sydney Metro is Australia's largest public transport project and a city-shaping project. The Sydney Metro City to Southwest stage of the project has an investment value over \$11 billion. With this significant public investment in transport infrastructure comes a number of benefits and opportunities for placemaking and transit-oriented development to provide jobs, homes, a new public domain and community infrastructure around new stations.

The proposal would take advantage of the Government's investment in public transport by locating commercial premises, generating ongoing jobs, as well as retail tenancies above and around the new Waterloo Station.

4 Statutory Context

4.1 State significance

The proposal is SSD under section 4.36 of the *Environmental Planning and Assessment Act 1979* (EP&A Act) as the development is permissible with consent and has a CIV in excess of \$30 million for the purpose of commercial premises associated with railway infrastructure under clause 8 of State Environmental Planning Policy (State and Regional Development) 2011.

In accordance with section 4.5(a) of the EP&A Act, clause 8A of State Environmental Planning Policy (State and Regional Development) 2011 (SRD SEPP), the Minister for Planning and Open Spaces is designated as the consent authority.

However, under the Minister's delegation, the Director, Key Sites Assessments may determine the application as:

- there have been less than 15 submissions in the way of objection
- no objection was received from Council
- no reportable political donation has been made by the Applicant.

4.2 Permissibility

The site is located within the B4 – Mixed Use zone under the Sydney Local Environmental Plan 2012 (SLEP). The proposed commercial premises are permissible with consent. See **Appendix C** for the Department's detailed assessment against the zone objectives.

4.3 Other approvals

Under sections 4.41 and 4.42 of the EP&A Act, a number of other approvals are either integrated into the SSD approval process and consequently are not required to be separately obtained for the proposal or are required, but must be substantially consistent with any development consent for the proposal (e.g. approvals for any works under the Roads Act 1993).

The Department has consulted with the relevant public authorities responsible for integrated and other approvals, considered their advice in its assessment of the proposal, and have included suitable conditions in the recommended conditions of consent (see **Appendix G**).

4.4 Mandatory Matters for Consideration

Section 4.15(1) of the EP&A Act outlines the matters that a consent authority must take into consideration when determining development applications. These matters are summarised as:

- the provisions of any environmental planning instruments (including draft instruments), development controls plans, planning agreements, the Environmental Planning and Assessment Regulation 2000
- the likely environmental, social and economic impacts of the development
- the suitability of the site for the development
- any submissions
- the public interest, including the objects in the EP&A Act and the encouragement of ecologically sustainable development (ESD).

The Department has considered all of these matters in its assessment of the proposal, as well as the Applicant's consideration in its EIS and RtS, as summarised in **Section 6** and **Appendix C** of this report.

4.5 Planning Secretary's Environmental Assessment Requirements

The Department is satisfied that the EIS and RtS adequately address the Planning Secretary's Environmental Assessment Requirements (SEARs) to enable the assessment and determination of the application.

4.6 Biodiversity Conservation Act 2016

Under section 7.9(2) of the Biodiversity Conservation Act 2016 (BC Act), SSD applications are *"to be accompanied by a biodiversity development assessment report (BDAR) unless the Planning Agency Head and the Environment Agency Head determine that the proposed development is not likely to have any significant impact on biodiversity values"*.

On 24 July 2020, the Environment, Energy and Science Group (EESG) determined that the proposed development is not likely to have any significant impact on biodiversity values and that a BDAR is not required. The Department supported EESG's decision and on 28 July 2020 also determined that the application is not required to be accompanied by a BDAR.

5 Engagement

5.1 Department's engagement

In accordance with Schedule 1 of the EP&A Act, the Department publicly exhibited the proposed SSD application between 5 November 2020 and 2 December 2020 (28 days):

- on the Department's website
- at NSW Service Centres
- at City of Sydney's One Stop Shop.

The Department notified adjoining landowners, previous submitters to the original Concept Approval and relevant Government agencies in writing regarding the SSD.

The Department also inspected the site and surroundings on 25 November 2020 to gain a better understanding of the issues raised in submissions.

5.2 Summary of submissions

The SSD application received 20 submissions (10 objecting, 1 supporting and 9 providing comments), including:

- eight from Government agencies
- one submission from Council
- four from special interest groups
- seven from the public.

A link to all submissions is provided at **Appendix A**.

5.3 Key Issues – Government agencies

A summary of the Government agencies submissions to the SSD is provided in **Table 4**.

Table 4 | Summary of Government agency submissions

Environmental Protection Agency (EPA)

- | | |
|------------|---|
| EIS | EPA did not object to the proposal, however provided the following comments: <ul style="list-style-type: none">• proposal does not constitute a Scheduled Activity under Schedule 1 of the Protection of the Environment Operations Act 1997.• any consent should include acceptable vibration and ground borne noise limits for spaces within the development drawn from the EPA's Rail Infrastructure Guidelines and Assessing Vibration: A Technical Guideline. |
|------------|---|

Environment, Energy and Science Group (ESS)

- | | |
|------------|---|
| EIS | EES did not object and made the following comments: <ul style="list-style-type: none">• the proposal is unlikely to impact on biodiversity values. A Biodiversity Development Assessment Report (BDAR) waiver was issued on 24 July 2020• flood level mapping for multiple scenarios is required• further information on flood mitigations measures are required• if flood impacts on downstream properties cannot be reduced to a tolerable level, detailed investigation of the flood affected properties is necessary |
|------------|---|

- assurance is required from Ausgrid on one of the floor levels which is below the 1% AEP and houses substations
- a flood emergency management plan is required, particularly around floor levels, areas for refuge and flood evacuation

RtS EES had remaining issues with flood evacuation and recommends review of a range of storm durations is needed to inform future flood emergency management. EES advised that neither a floor emergency plan nor details emergency management procedures are necessary at the DA stage.

Transport for NSW (TfNSW)

EIS TfNSW did not object and made the following comments:

- independent road safety audits for loading docks should be prepared as part of the RtS
- update the Green Travel Plan in consultation with TfNSW prior to the issue of an Occupation Certificate
- Green Travel Plan should be implemented and updated annually
- update the Transport Access Guide in consultation with TfNSW prior to the issue of an Occupation Certificate
- prepare a final Construction Pedestrian and Traffic Management Plan in consultation with TfNSW and submit a final copy for endorsement prior to the issue of any Construction Certificate or any early works
- review inconsistencies in Freight and Servicing Management Plan
- update the Freight and Servicing Management Plan in consultation with TfNSW prior to the issue of any Construction Certificate
- bicycle facilities should be located in secure, convenient, accessible areas close to main entries.

RtS TfNSW recommended a series of conditions of consent be imposed regarding road safety audits, travel planning, construction management and freight/servicing management, which are reflected in the Department's recommended conditions.

Sydney Metro Corridor Protection Team

EIS Sydney Metro advised that concurrence is not required for the SSD and that Sydney Metro has no comments

Sydney Water

EIS Sydney Water provided advice on:

- what works may be required to provide water servicing, recycled water, wastewater and stormwater
- the presence of a major stormwater channel on the west side of Cope Street and likely within the footpath
- detailed servicing requirements will be subject to a Section 73 Certificate at the Construction Certificate phase.

NSW Health – Sydney Local Health District

EIS NSW Health did not object and made the following comments in relation to human health impacts:

- support consideration given to several factors comprising active and public transport; sustainability and adaptation; equity and affordable housing; mixed

- use development associated with major public transport hub; and design that is sensitive to the existing varied community and area
- the detailed SSD improves upon the original concept design in relation to the abovementioned factors
- broader cumulative impacts of concurrent and consecutive projects should be taken into account
- support the amendments from the concept resulting in fewer residents experiencing traffic noise
- all reasonable and feasible measures should be adopted to mitigate road traffic noise
- support water recycling, but public health risks need to be managed
- remediate the site as outlined in the Contamination Assessment
- include the SLHD guidelines *Building Better Health* as a reference when considering the health impacts of the development.

Sydney Airport Corporation

EIS No objection, and noted that a controlled activity approval has already been issued for the Concept Application.

Civil Aviation Safety Authority (CASA)

EIS No objection, and noted that a controlled activity approval has already been issued for the Concept Application.

Fire and Rescue NSW

EIS and RtS No comments were received.

NSW Police

EIS and RtS No comments were received

5.4 Key Issues – Council

A summary of Council's submissions is provided in **Table 5**.

Table 5 | Summary of Council submission

City of Sydney Council (Council)

EIS **General issues:**

- recommend greater use of masonry and a larger solid-to-void ratio in response to local character
- proposed glazing on the elevations should have greater sun shading through operable devices
- recommend an alternative and higher quality finish for proposed fibre cement panels on the west elevation in the centre of the building
- detailed materials, colours, finishes schedule and sample boards should be provided
- non-compliance with SLEP and Design Guidelines on active street frontages due to plant along Botany Road

- wind comfort within Cope Street Plaza and surrounding retail tenancies
- external staircase on southern elevation creates bulk
- recommend co-locating green roofs and photovoltaic cells on Level 13 rooftop terrace
- car parking is excessive and should be constrained or zero to reduce conflict between people walking and people driving through shared zone.

Other:

Council also provided the following comments:

- awning design should address signage, weather protection and clearance for vehicles, trees and infrastructure
- landscape drawings lack detail such as levels and sections
- existing street trees should be retained and protected
- prepare a detailed Heritage Interpretation Strategy
- traffic modelling data requires clarifications
- bike parking and end-of-trip facilities should be maximised
- loading and unloaded spaces are under provided
- sustainability ratings and targets should be clarified and made stronger
- support the proposed minimum 99kW capacity of photovoltaic system
- strengthen Public Art Strategy by artists accessing materials budgets for awnings and paving, working with landscape architects through design and species selection and expressions of interest for Aboriginal artists
- proposal should demonstrate sufficient waste storage infrastructure
- a holistic signage strategy should be subject to a separate application to Council
- clarity is required on the extent of the public domain works under the CSSI and SSD.

RtS

Council withdrew its objection to the SSD and provided the following comments:

- a more coordinated approach between Waterloo Metro Quarter, Waterloo Estate and Botany Road Precinct would have been preferable
- Design Guidelines should have been finalised prior to lodgement of the SSD
- the Wind Assessment shows improvements to pedestrian amenity and compliance with comfort and safety criteria. However, wind outcome relies on tree canopy coverage, so tree depth and volume should be provided.
- awnings over footpaths should be conditioned to comply with Sydney DCP
- externally mounted operable sun shading should be included to reduce solar load in summer. Reliance on glazing and proposed small sun shades may result in dark and reflective glass being used.
- parapets should be raised a minimum 1.2m - 1.5m above roof level to obscure views to solar panels, services, exhausts and plant
- recommend condition of consent requiring specific materials and finishes schedule and no substitutes permitted without first consulting the Design Review Panel
- traffic modelling should have considered forecast from Waterloo Estate to the east. However, noted that this information is not currently available.
- greater visitor bike parking spaces should be provided
- public art opportunities should be open Expressions of Interest for all First Nations' artists to apply.
- recommend conditions of consent requiring consultation with Council's public art team regarding shortlist of artists before selection
- waste bin allocation should be consistent with Council's Guidelines

- projected waste collection five times a week is excessive and should be reduced to three times or less
- extent of soil mounding on Level 13 is not supported and the garden bed wall heights should be increased
- top of building signs are not supported
- any land to be dedicated to Council will need to be remediated to minimum depth of 1.5m and no Long Term Environmental Management Plan attached.

5.5 Key Issues – Community and public interest groups

The Department received a total of seven submissions from the community and four from special interest groups, comprising 10 objections and one providing comments. A summary of the key issues raised in submissions is provided in **Table 6** below.

Table 6 | Summary of submissions

Issue	%
Increased commercial floorspace reduces proportion of affordable housing	55 %
More affordable housing should be provided	55 %
Density of Waterloo Metro Quarter generally	18 %
More open space is required	18 %
Support office and retail uses	18 %
Support Raglan Walk and public domain	9 %

Other issues raised in individual submissions were:

- scale of the building should be reduced
- building should fit with surrounding character of neighbourhood
- solar access to Cope Street Plaza is at the minimum
- overshadowing of Alexandria Park Conservation Area and Alexandria Park
- visual impact from Conservation Area to the west
- low demand for office space with Covid-19 pandemic
- support reduction in height of Northern Precinct compared to original Concept Approval.

5.6 Response to submissions

Following the exhibition period, the Department placed copies of all submissions received on its website and requested the Applicant provide a response to the issues raised in the submissions.

On 9 April 2021, the Applicant submitted its Response to Submissions (RtS) which provided further justification and clarification for the proposed development.

On 21 June 2021, the Applicant submitted a response to request for information from the Department

The RtS was accompanied by the following:

- supplementary technical reports responding with further analysis and recommendations in relation to matters raised in submissions, including further wind impact assessment, additional ecologically sustainable development review, further traffic and parking analysis, etc
- modified architectural plans.

The RtS was made publicly available on the Department's website and was referred to relevant Government agencies and Council. An additional two submissions were received from Government agencies and a submission from Council.

All public authorities re-stated the recommendations of their EIS submissions.

Council advised the RtS did not address its concerns in relation to materials and finishes and landscaping. However, Council downgraded its submission from an objection to comments.

6 Assessment

The Department has considered the EIS, the issues raised in submissions, the Applicant's RtS and the Applicant's additional information in its assessment of the proposal.

The Department considers the key assessment issues associated with the proposal are:

- Density / land use
- Built form
- Amenity impacts
- Public domain
- Design Excellence
- Parking and traffic

All other issues associated with the proposal have been considered in **Section 6.6**.

6.1 Density / Land use

The Concept Approval provides for a maximum of 68,750m², including a minimum of 12,000m² of non-residential floor space across the overall Waterloo Metro Quarter.

The Amending Concept Approval (SSD 10441) increased the amount of non-residential floorspace within the Northern Precinct from between 12,000m² and 20,000m² to 34,715m². The Amending Concept Approval did not change the overall maximum floorspace for the Waterloo Metro Quarter.

The proposal contains 34,738m² of overall GFA comprising commercial land uses (retail premises, business premises and office premises).

Public submissions raised concern about the density of the overall Waterloo Metro Quarter development and suggested that it should be reduced.

The Applicant argues the proposal complies with the floor space ratio control for the Waterloo Metro Quarter and has an appropriate density in the context of the surrounding development including a transition from lower density buildings to the north and west and the future higher density development in the east at Waterloo Estate.

The Department considers the proposed land uses and density are acceptable because:

- the proposal fully complies with the SLEP requirements in relation to overall FSR and the requirement for non-residential floorspace
- the proposed building, together with the Central and Southern Precincts would have a total floorspace not exceeding the maximum of 68,750m² under the Concept Approval
- the proposed commercial floor space is consistent with the amount of non-residential floor space approved under the Amending Concept Approval
- the proposed density and land uses would be in keeping with State and Regional strategic planning strategies aimed at encouraging more jobs along major transport corridors.
- the impacts of the proposal, including amenity and traffic impacts are acceptable (see **Section 6.3 and 6.6**).

The Department's assessment therefore concludes the proposed density and land uses are appropriate because the proposal would remain consistent with the gross floor area and land uses envisaged for Waterloo Metro Quarter under the Sydney LEP and the Amending Concept Approval.

6.2 Built form

The Amending Concept Approval established the maximum permitted building envelope for the proposal with a maximum building height of RL 90.4 for the Northern Precinct. The Sydney LEP 2012 has a maximum building height standard of RL 116.9.

The proposed building has a varied building height ranging from 9 to 15 storeys with a maximum height up to RL 84.1. The proposed building modulates in height along different street frontages and locations in response to the position of the Metro Station below and the building envelope controls of the Amending Concept Approval.

The building steps down in height from its tallest point at the north-east corner towards the south and east. It has a two-to-three storey podium which is consistent with the proposed podium heights along Botany Road for the Central Precinct and Southern Precinct and the existing Waterloo Congregational Church. It also has horizontal articulation through variation in the length of components of the building and use of a recessed level (**Figure 23**).



Figure 23 | Proposed vertical and horizontal proportions of the building (source: Applicant's RtS)

The DRP supported the proposed building heights but suggested the design team review the position of the proposed Level 9 recess to the north-western corner to examine the overall proportions of the building.

In response, the Applicant:

- amended the proposal by reducing the height of the north-western corner by 5.3m and the south-western corner by 1m (**Figures 24 and 25**)

- reviewed the proportions of the building's base, middle and top and in particular, the height-to-width ratio of the middle section and the position of the recessed level.

The Applicant argues that the scale and proportion of the proposed building is appropriate because the building includes clear horizontal breaks to reduce the visual perception of the building's height when viewed from the corner of Botany Road and Raglan Street. The Applicant also argues the bulk of the proposed building is further broken down into two distinctive vertical forms at 27m and 34m wide respectively along Botany Road. These vertical forms are similar in width and compatible with the proposed buildings in the Central Precinct and Southern Precinct as viewed along Botany Road (**Figure 24**).

The DRP supported the Applicant's RtS amendments, including the reduction in height and the associated alteration to the height proportions of the building above and below the Level 9 recess.

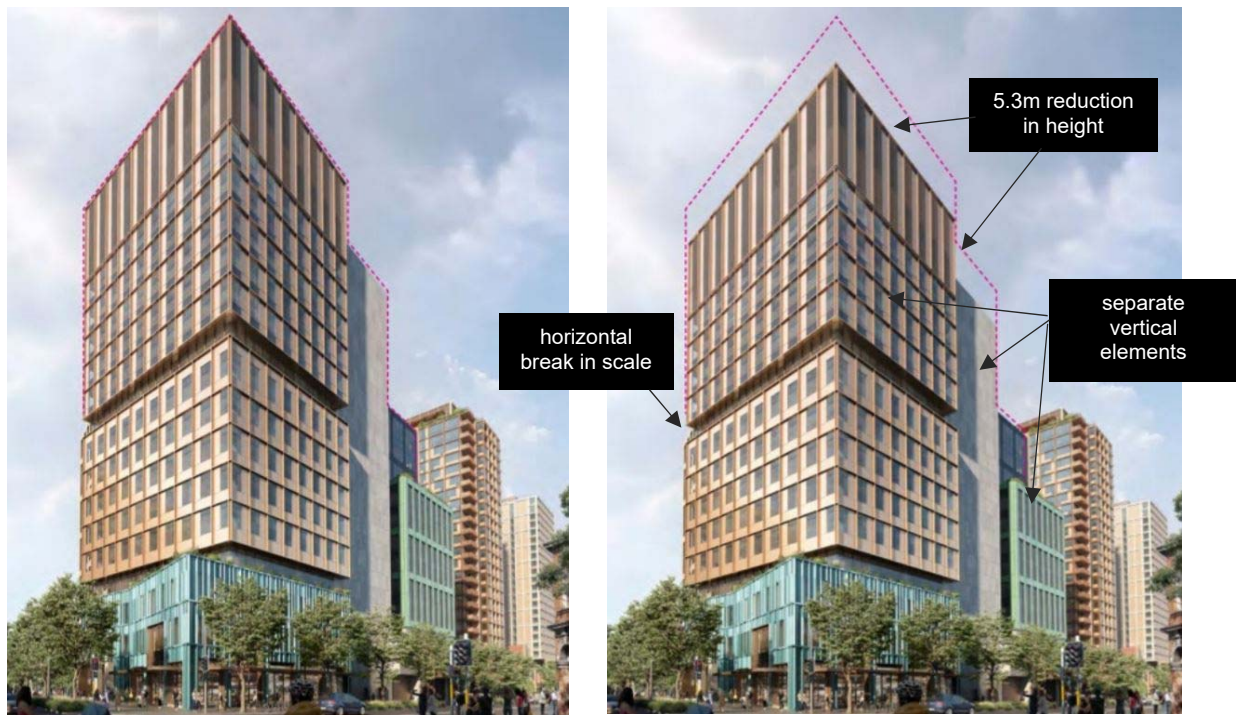


Figure 24 | Left – south-east view artist's impression of height at lodgement of the SSD, prior to DRP feedback **Right** – height lodged with RtS, after DRP feedback (source: Applicant's RtS)



Figure 25 | Left – south-west view of height at lodgement of the SSD, prior to DRP feedback Right – height lodged with RtS, after DRP feedback (source: Applicant's RtS)

The Department has carefully assessed the proposed built form and is satisfied it is acceptable because:

- the building is above and adjacent to the new Metro station and suitable for higher scale development as envisaged in the permitted height standard of the LEP and envelope heights in the Concept Approval
- the proposed building complies with the maximum building height permitted by LEP. The proposed building at RL 84.1 is 33m lower than the maximum LEP height at RL 117
- the building is 6.3m lower than the maximum building envelope under the Amending Concept Approval
- the building is highly modulated in height and articulated in form to break up the visual bulk of the building and ensure that it is compatible with the site's context and vision for the overall Waterloo Metro Quarter.
- the proposed built forms are acceptable in relation to overshadowing, visual and wind impacts (refer **Section 6.2**).

The Department is also satisfied the Applicant's RtS amendments addressed the DRP's advice and improved the proportion of the proposed building to suitably mitigate its visual bulk, noting:

- the height was reduced by 5.3m at the north-west corner and 1m elsewhere by deletion of a storey at the north-west corner and reduced floor-to-ceiling heights across the building
- adjustments were made to the number of storeys above and below the Level 9 recess has reduced the apparent bulk and scale of the north-western corner of the building.

The Department's assessment therefore concludes the proposed built form is appropriate because it complies with the built form controls in the Sydney LEP 2012 and concept approval and the design of the proposal is supported by the DRP.

6.3 Amenity impacts

6.3.1 Overshadowing of Alexandria Park

The Concept Approval requires the Waterloo Metro Quarter development to:

- limit overshadowing impacts to Alexandria Park to a maximum of 30% of the area of the Park after 9am in midwinter
- result in no shadows on the Park after 10am in midwinter
- identify opportunities to improve solar access to Alexandria Park between the hours of 9am and 10am in midwinter when compared to the shadows cast by the indicative scheme lodged with the Response to Submissions for the Concept Approval.

Council raised concern that the proposal does not achieve sufficient solar access improvements to Alexandria Park compared to the Concept Approval as required by Section 3K of the endorsed Design Guidelines. Council noted a minor reduction in shadows between 9am and 10am in midwinter.

Public submissions raised concerns with overshadowing impacts to Alexandria Park.

The proposal is supported by solar analysis to identify the potential overshadowing impacts of the proposed buildings to Alexandria Park. The submitted shadow diagrams identified that the proposed building within the Northern Precinct would not overshadow Alexandria Park. The overshadowing impacts on Alexandria Park are limited to those cast by the proposed buildings in the Central and Southern Precincts before 10am (**Figure 26**).

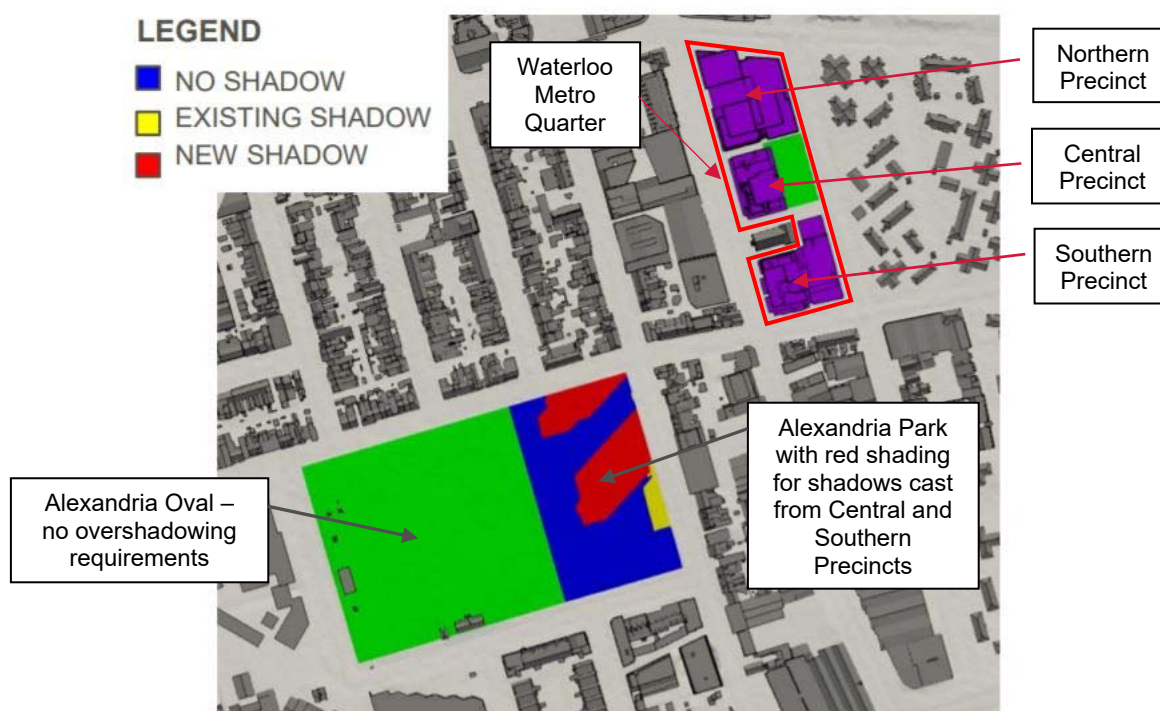


Figure 26 | Overshadowing analysis on Alexandria Park showing impact caused from Central and Southern Precinct buildings at 9:30am in midwinter (Source: Applicant's EIS)

The Department engaged an independent solar access consultant to review the Applicant's shadow analysis. The Department's consultant accepted the Applicant's analysis to be accurate and commented that the modelling provided sufficient detail to assess the proposal.

The Department has reviewed the submitted shadow analysis and is satisfied the proposed development within the Northern Precinct does not cast any shadows over Alexandria Park. The Department therefore accepts the proposal fully complies with the requirements of the Concept Approval and associated Design Guidelines.

6.3.2 Solar access to Cope Street Plaza

The approved Design Guidelines require the proposed Cope Street Plaza to receive at least two hours of sunlight to 50% of its area in midwinter between 9am and 3pm.

Public submissions raised concerns that the Northern Precinct should be designed to allow for more sunlight to the Plaza.

The Applicant's overshadowing analysis shows that 57.3% of the area of Cope Street Plaza will receive at least two hours of sunlight, mostly in the morning hours between 9:15am and 11:15am.

Figure 27 below shows the locations in Cope Street Plaza where the two hours of sunlight is available.



Figure 27 | Overshadowing analysis on Cope Street Plaza in midwinter (Source: Applicant's EIS)

The Department accepts the proposal complies with the requirements of the Concept Approval and notes the Cope Street Plaza design prioritises active recreation at the southern end, such as performance space and weekend markets, in the locations where midwinter sunlight is provided.

The Department also notes that providing additional sunlight to the Cope Street Plaza would be difficult to achieve given the orientation of the site and the approved buildings. In this context, the Department is satisfied the proposal provides an acceptable level of sunlight to Cope Street Plaza, consistent with the approved Concept Plan.

6.3.3 Overshadowing of private properties

Public submissions raised concerns about overshadowing of the residential properties within the Heritage Conservation Area to the west.

Council acknowledged improvements to solar access to residential properties in the Heritage Conservation Area due to the reduced height of the Northern Precinct compared to the original Concept Approval (**Figure 28**).

However, Council, raised concern that the Applicant's solar analysis did not demonstrate specific criteria in the Design Guidelines had been met with respect to analysis of all living rooms windows and did not adequately consider impacts to residential properties to the south.

In response, the Applicant submitted additional overshadowing analysis of private residential properties to the west (**Figure 28**). The analysis showed that all affected properties are able to maintain at least two hours solar access between 9am and 3pm in midwinter. Whilst some properties in the Alexandria Park Conservation Area show reduced shadow impact compared to the Concept Approval, other properties in the block immediately west of the Waterloo Metro Quarter have marginally increased shadow impact whilst maintaining at least two hours.

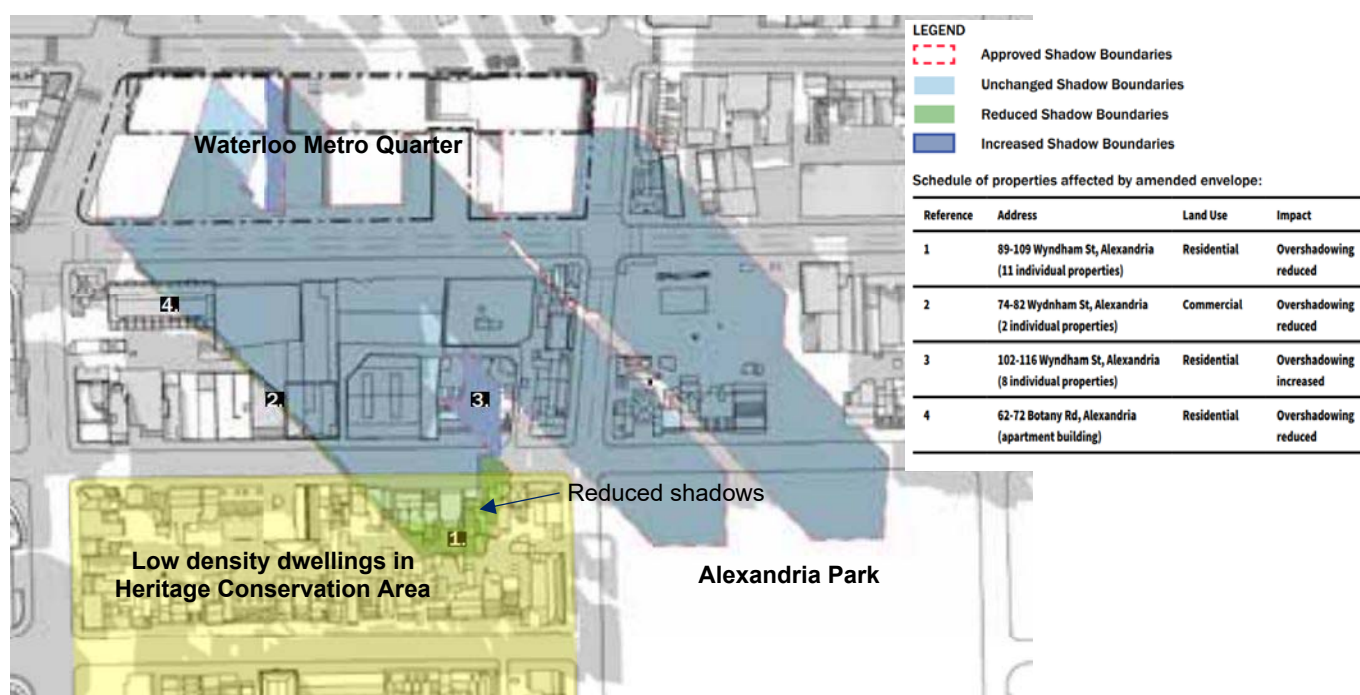


Figure 28 | Solar access to Alexandria Park Heritage Conservation Area to the west at 10am
(Source: Applicant's EIS)

The Department has carefully considered the issues raised in submissions and the Applicant's response and finds the overshadowing impact is acceptable because the proposal:

- complies with the maximum building height and density standards of the Sydney LEP and Concept Approval
- has demonstrated it has less impact than the Concept Approval building envelopes;
- meets the requirements of the approved Design Guidelines in relation to maintaining two hours solar access to surrounding properties.

The Department therefore accepts that the proposal would reduce its overshadowing impacts to the Conservation Area compared to the Concept Approval between 9am and 3pm in midwinter and considers the overshadowing impact of the proposal on private residential properties to the west is acceptable.

6.4 Public domain

6.3.1 Public plazas

The Sydney LEP 2012 and the Concept Approval require a minimum of 2,200m² of publicly accessible open space across the Waterloo Metro Quarter.

The Concept Approval identifies the LEP open space requirement would be met by two separate plazas, including Cope Street Plaza (a larger and centrally located plaza fronting Cope Street) and Raglan Street Plaza a separate smaller plaza fronting Raglan Street.

The design and construction of Cope Street Plaza was approved as part of the Southern Precinct SSD (SSD 10437).

Whilst most of the Raglan Street Plaza is being delivered under the separate infrastructure (CSSI 7400) approval, a portion of Raglan Plaza towards Botany Road, as well as a publicly accessible through-site walkway and widened footpaths along Botany Road and Raglan Street, are included in the proposal for the Northern Precinct (**Figure 29**).

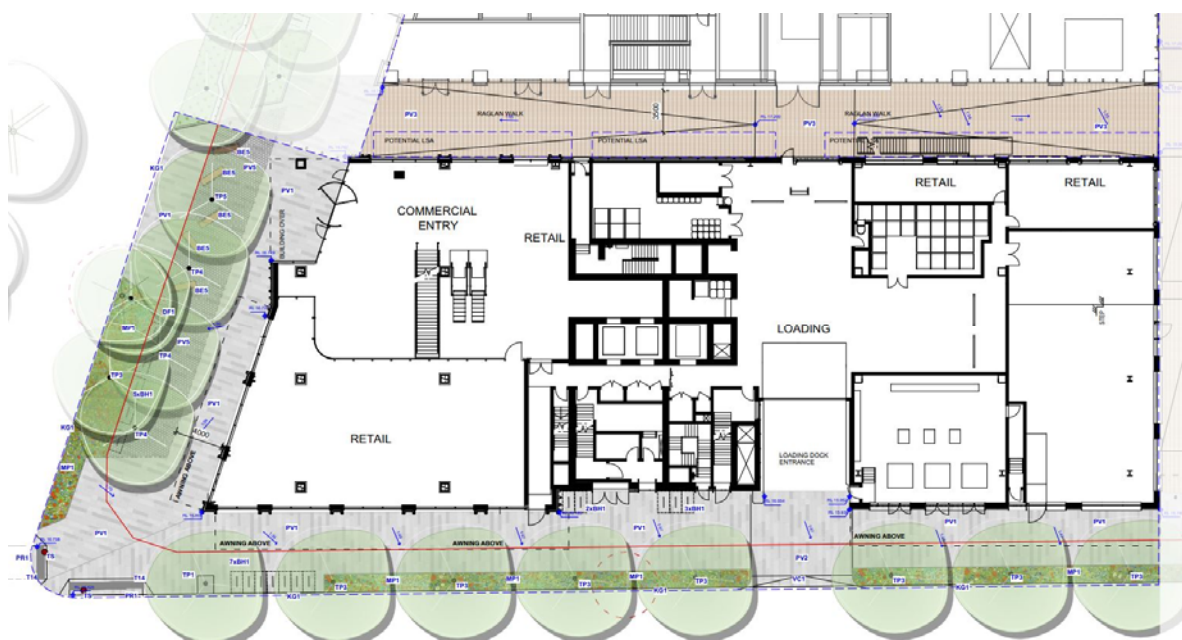


Figure 29 | Proposed publicly accessible open spaces (Source: Applicant's RtS)

The SSD public domain works are integrated with public domain works to be carried out under the CSSI approval for the Metro station such as station forecourts.

Public submissions raised concerns regarding insufficient public open space within the Waterloo Metro Quarter.

The Department notes the proposed Raglan Plaza has an area of 1,155m². Together with Cope Street Plaza of 1,390m², the combined area of open space at the Waterloo Metro Quarter is 2,545m².

The Department therefore accepts the proposed open space areas meet the requirements of the LEP and the Concept Approval for a minimum of 2,200m² of open space.

The Department is also satisfied that the Applicant has provided evidence demonstrating the Raglan Plaza publicly accessible open space is subject to a legally binding agreement with Sydney Metro to be delivered for the site as required by the Condition A12 of the Concept Approval.

The Department recommends conditions of consent requiring easements and covenants over the publicly accessible open space to secure public rights of access prior to occupation of the development.

6.4.2 Pedestrian Wind Environment

The Applicant submitted a Wind Impact Assessment to assess the proposal against the wind criteria in the Design Guidelines for the public domain and publicly accessible and private open spaces (Figure 30).

The Design Guideline requires at least 50% of publicly accessible open space to achieve a wind comfort criteria for sitting rather than standing or walking.

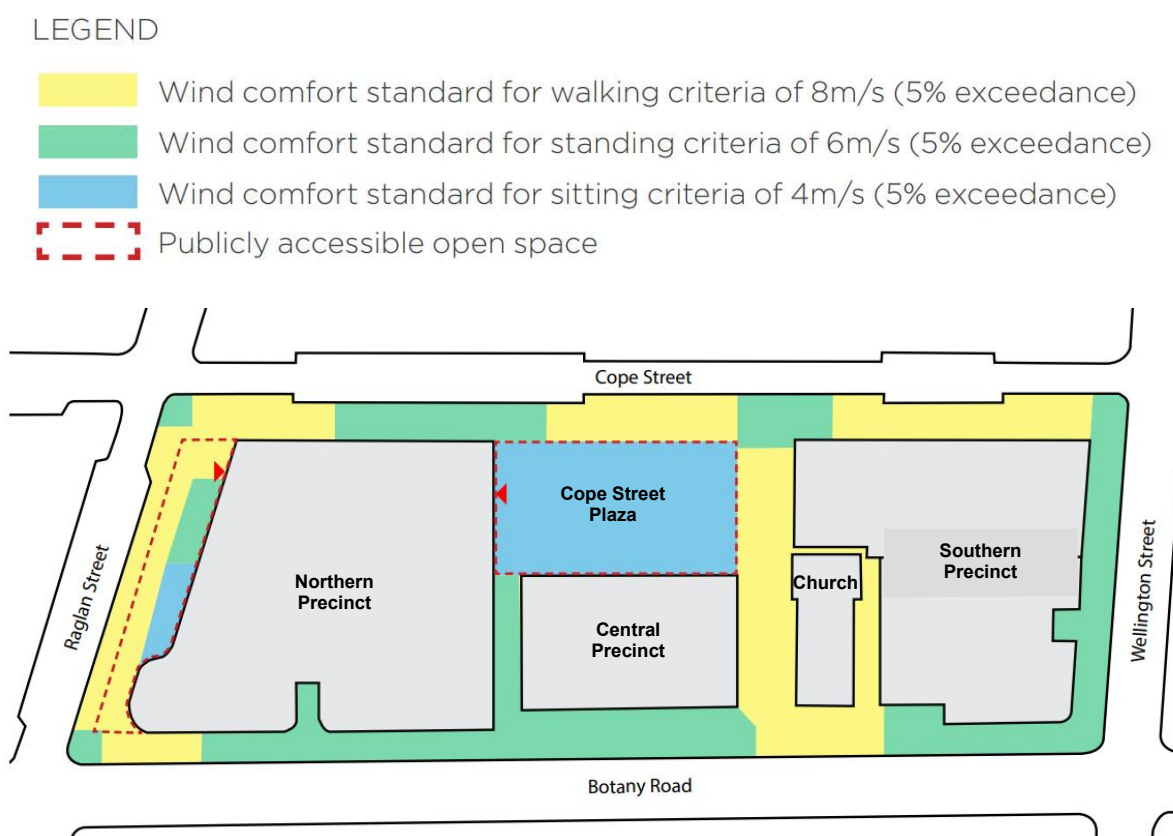


Figure 30 | Wind comfort criteria in endorsed Design Guidelines (Source: SSD 9393)

Council noted that wind conditions would generally be in accordance with the Design Guidelines and the RtS amendments to the design demonstrated improvements compared to the EIS. Council also noted the compliant wind conditions rely on the success of extensive tree canopy coverage throughout the Waterloo Metro Quarter site. Council requested:

- the recommendations of the wind assessment form part of the conditions of consent and the required measures be fully coordinated with architectural plans;

- sufficient soil volumes and depth be provided for each tree type chosen; and
- replacement tree planting occurs where trees fail.

In response to Council's concerns, the Applicant provided additional wind modelling demonstrating the wind criteria are generally achieved subject to suitable mitigation measures including awnings and tree planting.

The Department accepts the findings of the submitted wind assessment and considers the proposal would achieve a reasonable level of wind comfort for the proposed open space and surrounding public domain, noting:

- with design elements that are targeted to reduce wind impact, Cope Street Plaza will achieve sitting criteria all year round. The design elements include raised planters, bench seating, soil mounds and mature trees.
- the bus stop areas along Botany Road, will achieve standing criteria throughout the year.
- there are some marginal localised exceedances of the desired standing criteria at footpaths opposite the site, however these are limited in annual probability and duration and will be further mitigated by existing street trees opposite the site and proposed street trees at maturity.

The Department is therefore satisfied that the proposal would not result in any unacceptable wind impacts subject to the recommended wind mitigation measures contained in the wind impact assessment.

6.4.3 Active Frontage

Active street frontages must be provided along parts of Botany Road and Raglan Street as identified in Clause 7.27 of the Sydney LEP 2012 (**Figure 31**). The endorsed Design Guidelines also require maximising active frontages through the ground plane.

The proposal includes ground floor frontage along Botany Road and Ragan Street. However, the corner of Raglan Street and Cope Street is to be occupied by the approved Metro station structure under CSSI 7400, with the proposed office building from Level 4 above (**Figure 31**).

Council advised that the proposal does not comply with Clause 7.27 of the Sydney LEP 2012 in relation to providing an active street frontage to Botany Road (**Figure 32**) and the Applicant should provide a statement under Clause 4.6 of the LEP in relation to the non-compliance.

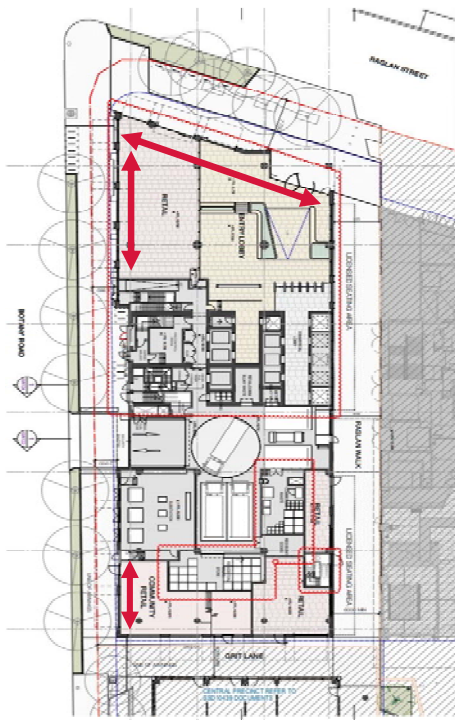


Figure 31 | Proposed ground floor showing extent of active street frontage (Source: RtS)

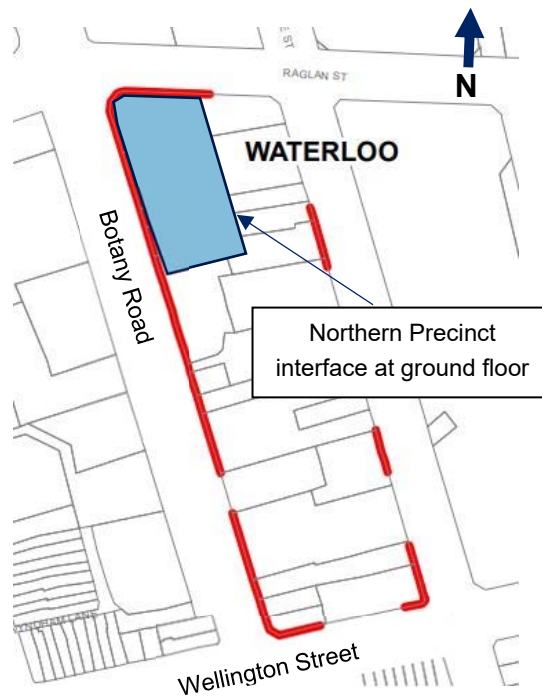


Figure 32 | Sydney LEP Active Street Frontage Map (Source: Sydney LEP)



Figure 33 | Artists impression of corner Botany Road and Raglan Street (Source: RtS)



Figure 34 | Artists impression of corner Raglan Walk and Grit Lane (Source: RtS)

In response, the Applicant lodged a request under Clause 4.6 of the Sydney LEP in relation to building services along the Botany Road frontage that are not excluded by Clause 7.27. The Applicant contends the proposal's non-compliance with Clause 7.27 –Active Frontage is acceptable because the street frontages have acceptable activation and the site also has the internal laneways for activation.

The Department's detailed consideration of the Applicant's Clause 4.6 request is included in **Appendix D**.

The Department notes the objective of the SLEP's Active Frontage Clause is to promote uses that attract pedestrian traffic along affected ground floor street frontages. It states development consent must not be granted unless the consent authority is satisfied all premises on the ground floor of the building that face the street will be used for business premises or retail premises and those premises

have an active street frontage, with the exception of entries and lobbies, access for fire services and vehicular access.

The Department considers the objectives of the Active Frontage requirements of the SLEP have been achieved because:

- the frontage of the site along Botany Road would be occupied by active frontages at the northern and southern ends of the building
- only a small portion of the frontage is taken up by substations
- the building is highly activated along Raglan Street and along the two internal pedestrian walkways
- substations are required by energy authorities to be located along a street frontage and close to the street for ease of access and maintenance
- the Detailed SSD for the Central Precinct located immediately to the south also has a publicly accessible walkway running along the southern frontage of the Northern Precinct, known as 'Grit Lane'. These internal interfaces with the Northern Precinct contribute to activation of the Northern Precinct and the overall Waterloo Metro Quarter in accordance with the endorsed Design Guidelines.

The Department considers the extent of non-compliance is minor and acceptable and the location of the substations are driven by utility and other authorities' requirements. The Department therefore supports the Applicant's Clause 4.6 request and concludes the proposed variation is well founded because the objective of the active street frontage clause would still be achieved.

6.5 Design Excellence

Clause 6.21 of the Sydney Local Environmental Plan 2012 (SLEP 2012) outlines the provisions for design excellence. The Concept Approval also sets out a framework for demonstrating design excellence. This includes:

- independent review of an expert design review panel
- address the approved Design Guidelines
- the provision of a Design Integrity Report.

The Applicant presented the proposal to the DRP on a number of occasions, seeking its views on the design of the proposal. Following the Applicant's final presentation to the DRP on 19 March 2021, the DRP confirmed its outstanding matters had been resolved. The DRP confirmed the proposal meets the design quality benchmarks in the Design Guidelines and reinforces the positive aspects of the tender winning scheme presented to the DRP.

The DRP advised that the proposal can achieve design excellence subject to:

- sun shading and glazing being subject to further review by the DRP prior to the Construction Certificate phase when specific products are known. This is to test the final selection of sun shading fins and their depth and confirm the tint darkness of the facade glazing
- achieving a better transition between materials at the base of the ground floor along Botany Road where the external facade of the services core currently has a rigid approach between patterned brickwork and a patterned cement sheeting material

- the void within the proposed building remaining a permanent feature of the proposal to provide occupant amenity, daylight access and increase the ability to divide the building into future tenancies.

The Department has also carried out a detailed consideration of the proposal against the matters with respect to Design Excellence such as built form, façade design, integration with the public domain and amenity as specified in Clause 6.21(4) of SLEP 2012 in **Appendix C**. Overall, the Department's assessment concludes the proposal satisfies the Design Excellence requirements of the SLEP and the proposal would deliver a high standard of architectural and urban design outcome for the site.

The Department also support the DRP's recommendations in relation to further review of the sun shading and glazing materials and the transition of materials along Botany Road (**Condition B10**).

The Department also recommends a further Design Integrity Review process should be put in place where any future design changes, particularly on the key aspects contributing to design excellence, can be referred for further advice from the DRP (**Conditions B3 to B9**). The recommended conditions for Design Integrity Review are consistent with the endorsed Design Excellence Strategy and conditions for other over station developments on the City to Southwest Metro.

6.6 Parking and traffic

6.6.1 Traffic Generation

Public submissions raised concern about the proposal increasing traffic within the local road network.

Council raised concern that Waterloo Metro Quarter was proceeding ahead of the Waterloo Estate and that the cumulative traffic impacts of the developments is not currently known.

The Department engaged an independent traffic consultant to assess the traffic impacts of the proposal. The Department's independent traffic consultant reviewed the Applicant's Traffic and Parking Impact Assessment and advised that:

- the proposed traffic generation rates are acceptable and consistent with the RMS *Guide to Traffic Generating Development* and *RMS Technical Direction – updated traffic surveys*
- the use of background traffic growth rather than defined traffic generation from surrounding development is appropriate in assessing and determining cumulative impacts on the surrounding road network
- the Applicant's comparison with comparable high-density development for traffic generation rates is prudent and provides a robust assessment
- the proposal will have a relatively minor impact on existing travel delays and level of service along the surrounding road network including on five key surrounding intersections.

The consultant also found, the proposed on-site car parking would help minimise on-street parking in the surrounding road network, compared to the minimal or zero parking Council was seeking.

The Department agrees with the advice of its consultant and is satisfied that the proposal would not result in any adverse traffic impacts given its limited car parking provision and high accessibility to public transport.

6.6.2 Car Parking

Car parking for the proposal would be provided within a basement which is subject to the separate Basement Car Park SSD (SSD 10438) application. The Basement Car Park SSD seeks approval for the construction of 155 car parking spaces, including 63 parking spaces and 2 car share spaces for commercial staff.

Public submissions did not raise any concerns with the proposed amount of car parking for commercial staff.

Council said the amount of parking is excessive to promote a transit-oriented development and recommends zero or absolute minimum parking be provided.

The Applicant argues the proposed number of spaces is appropriate as:

- it is 20% less than the maximum number permitted in the Sydney LEP (78 spaces)
- it is appropriate to service the estimated workforce of 3,430 staff in the Northern Precinct
- it will reduce private vehicle dependency and encourage active and sustainable transport
- it will alleviate on-street parking pressure in the surrounding streets.

The Department engaged an independent traffic consultant to review the submitted Transport, Traffic and Parking Assessment, including comments on the quantum of the proposed car parking. The consultant considered the number of spaces is low compared to the number of commercial staff on site as it accommodates less than 2% of the 3,430 staff projected.

The Department accepts the consultant's advice and considers an appropriate amount of spaces are provided because the proposed 65 car parking spaces represents a 20% reduction in car spaces compared to the maximum car parking rates permitted under the SLEP and the Concept Approval. Further, the proposed spaces represents parking for less than 2% of the projected staff. The Department therefore recommends conditions of consent requiring a maximum allocation of 65 car spaces for the proposal.

6.6.3 Servicing and Loading Facilities

The proposal includes a loading dock accessed from Botany Road and further small servicing spaces in the proposed basement (Basement Car Park SSD 10438).

The loading dock has two medium rigid vehicle spaces and two small vehicle spaces, which are sized to allow for servicing and loading and unloading vehicles. The basement has an additional five small spaces for tradespeople or contractors.

The Department's independent traffic consultant reviewed the proposed loading and servicing arrangement and advised the proposal is acceptable noting:

- there would be 10 total loading docks across the Waterloo Metro Quarter and they would be subject to a site-wide Freight and Servicing Management Plan to manage the available spaces and prevent on-street kerbside parking and loading.
- the location of the loading dock is satisfactory.

The Department accepts the traffic consultant's findings and is satisfied the proposed servicing is acceptable, subject to a condition of consent requiring a Freight and Servicing Management Plan to be prepared in consultation with TfNSW prior to the occupation.

6.5.4 Bicycle Parking

The proposal includes bicycle parking satisfying the minimum rates prescribed in the Sydney DCP 2012 in relation to commercial staff (236 spaces are proposed where 225 are recommended), retail staff (3 spaces where 3 are recommended) and retail visitors (10 spaces where 7 are recommended).

However, the proposal does not comply with the Sydney DCP in relation to commercial visitor bicycle spaces as it only provides 24 of the 84 spaces required.

All of the proposed bicycle parking numbers comply with the rates adopted in the Concept Approval, including commercial visitor spaces.

Council raised concerns the visitor bike spaces do not comply with Sydney DCP. Council recommends visitor bike parking should be maximised to encourage active transport use by staff and visitors as due to new cycling infrastructure in the region.

In response to Council's submission, the Applicant asserts that visitor bike parking is reasonable as:

- office visitors can use the visitor bike spaces provided in the public domain (114 spaces) and in the Sydney Metro bike parking hub (220 spaces)
- there is low demand as office visitors are unlikely to cycle to the building in business attire.
- the number complies with Green Star guidelines which recommend 8 spaces
- it is not financially viable for the proposal to provide 84 spaces.

The Department's independent transport consultant reviewed the proposal and advised:

- the overall bike parking across the Waterloo Metro Quarter comprises 93% of the DCP recommendation
- the shortfall in commercial visitor spaces is offset by the significant amount of other spaces available in the precinct
- commercial visitors will be able to use the 114 spaces in the public domain and 220 spaces in the Sydney Metro structure as there will be no access restrictions.

The Department accepts the independent transport consultants advice and is satisfied the proposal provides sufficient bicycle spaces, consistent with the rates specified in the approved concept plan.

6.7 Other issues

The Department's consideration of other issues is summarised in **Table 8** below.

Table 8 | Response to other assessment issues

Issue	Findings	Recommendations
Consistency with the	<ul style="list-style-type: none"> • The Concept Approval sets the parameters for future development on the site and conditions to be met by future applications. 	No additional conditions required.

Concept Approval	<ul style="list-style-type: none"> The Department is satisfied the application has adequately addressed the requirements of the Concept Approval, as discussed earlier in the report at: <ul style="list-style-type: none"> Section 6.1 in relation to the proposed land use mix and density Section 6.2 with respect to the design of the proposed built form Section 6.6 in addressing the parking and traffic impacts of the proposal. The Department has undertaken a detailed assessment of the proposal against the conditions of the Concept Approval at Appendix E of this report. The Department has also undertaken a detailed assessment of the proposal against the Design Guidelines in Appendix F. The Department is satisfied the proposal is consistent with the Concept Approval and the adopted design guidelines. 	
Public Benefits	<ul style="list-style-type: none"> Condition A12 of the Concept Approval requires evidence of agreements for public benefits within the overall Waterloo Metro Quarter. Relevant to the Northern Precinct is the requirement to provide a minimum of 2,200m² of publicly accessible open space across the Waterloo Metro Quarter. The proposal includes the construction of a portion of Raglan Plaza, comprising 1,155m² of publicly accessible open space. This public benefit satisfies Condition A12, in combination with publicly accessible open space proposed as part of the Southern Precinct (Cope Street Plaza) and infrastructure approval for the Metro station. The Department is therefore satisfied the necessary public benefits relating to the proposal are provided. 	Condition E3 sets out requirements for future publicly accessible open space to have rights of access to the public.
Local Developer Contributions	<ul style="list-style-type: none"> The proposal is subject to contributions under the City of Sydney Section 7.11 Contributions Plan 2015. The Department has recommended a condition requiring contributions to be paid in accordance with Council's Contributions Plan 2015 	Condition B1 sets out requirements for required payment.
Affordable Housing	<ul style="list-style-type: none"> Concern was raised in public submissions about the proposed commercial land use reducing the Concept Approval's original commitment to provide 35 affordable housing dwellings across the Waterloo Metro Quarter. Sydney LEP requires a minimum of 5% of total residential gross floor area (GFA) across Waterloo Metro Quarter to be provided as affordable housing. The Applicant proposes 24 affordable apartments in the Central Precinct, which is 6% of the total residential floor space. The Department acknowledges the approved Amending Concept reduced the total number of affordable housing dwellings as it increased the non-residential floor space. However, the Department considered the land uses were acceptable as they comply with the SLEP requirement of providing a 	No conditions are necessary in relation to this issue.

minimum of 5% of residential gross floor area (GFA) across Waterloo Metro Quarter as affordable housing.

Ecologically Sustainable Development (ESD)	<ul style="list-style-type: none"> • The proposal includes a range of ESD measures including a large solar panel array and rainwater re-use. • Council supported the adopted energy rating scores and methodologies proposed to achieve the rating efficiencies, as well the onsite rainwater harvesting. • However, Council recommended larger rainwater detention systems be investigated and use of the Green Star Buildings Tool rather than Green Star Design and As-Built Rating Tool as the former is more up-to-date in its requirements. • In response, the Applicant's RtS reiterated that the proposal includes best practice ESD measures and it exceeds the minimum Green Star targets. It also reaffirmed the proposal would register for Green Star Design and As-Built as a transitional project and that rainwater collection tanks have been maximised. • The Department is satisfied suitable ESD measures have been incorporated into the project in accordance with the ESD commitments outlined as part of the Concept Approval. The Department also accepts that the Green Star rating system allows applicant to use As-Built tool under transitional provisions. Notwithstanding, the proposal would still provide appropriate ESD credentials. 	Condition B27 and B28 set out requirements to ensure the committed ESD initiatives are carried through to the construction and operational phases.
Visual Impacts	<ul style="list-style-type: none"> • The Application is supported by a Visual Impact Assessment to compare key views from vantage points around the site with and without the proposed development and comment on the change to views. • A public submission raised concern the height of the proposed building would cause visual impacts to the nearby Alexandria Park Heritage Conservation Area, which contains one and two storey dwellings. Public submissions also raised concern about the building impacting sky views from the Conservation Area and therefore the current setting and context of the dwellings. • The Applicant submits the building has reduced visual impact compared to the SLEP and Amended Concept, the building bulk and scale has been broken down and the impact on the Conservation Area is acceptable. • Based on the submitted VIA, the Department considers the proposal has less visual impact than the approved building envelopes. The visual impacts of the proposal have been mitigated through its detailed architectural design, street planting, green roofs and public domain design. • The Department therefore accepts the proposal will have acceptable visual impact on the Alexandria Park Conservation Area. 	No conditions are necessary in relation to this issue.
Construction Impacts	<ul style="list-style-type: none"> • The EIS addressed construction impacts and was accompanied by a Construction Management Plan and a Construction Traffic and Pedestrian Management Plan. 	Condition C19 sets out requirements for a Construction Management Plan

	<ul style="list-style-type: none"> The Department notes the proposed construction staging and management strategies would mitigate and manage noise, vibration, dust, soil, water, works zones, waste management and the like. The Department is satisfied the construction impacts can be appropriately managed subject to relevant conditions of consent. 	and associated sub-plans.
Heritage	<ul style="list-style-type: none"> Council recommended the proposal should adopt all heritage and archaeology-related recommendations in the consultant reports lodged with the EIS. The Department recommends appropriate heritage interpretation be installed prior to the operational stage in line with the submitted Heritage Interpretation Strategy. 	<p>Condition B46 requires implementation of the Heritage Interpretation Strategy.</p> <p>Condition B44 deals with public art opportunities, which may incorporate elements of heritage interpretation.</p>
Signage	<ul style="list-style-type: none"> The proposal seeks approval for top-of-building signage zones. Council raised concerns the signage is inconsistent with Sydney DCP as they are prohibited in this location, not common in the locality and would set an unacceptable precedent. In response, the Applicant's RtS reduced the number of signage zones from three to two, provided further design direction for the future Construction Certificate phase and argued the placement and scale of the signage integrates with the design of the building. They also argued the signage is consistent with several top-of-building signs in the City of Sydney LGA at Central, Redfern and Broadway; is 500m east of the ATP site which has several top-of-building signs; and the Sydney DCP 2012 does not apply to an SSD. The Department considers two signs is an appropriate number of signs for a large office tower and they are designed to complement the architecture of the tower. The top-of-building signage is consistent with other signage, including those in the ATP site to the west, and considered reasonable. The Department has carried out an assessment of the signage zones against State Environmental Planning Policy No. 64 – Advertising and Signage and find the proposal acceptable. The Department is therefore satisfied the proposed signage is acceptable. 	<p>Condition A6 sets out requirements for separate consent to be obtained for signage other than the proposed two top-of-building signage zones.</p> <p>Condition B11 provides limitations on the future signage within the signage zones.</p>
Site Suitability	<ul style="list-style-type: none"> The proposal involves commercial premises and partially above the approved Metro station and partially above vacant land. The Department has considered the potential contamination and archaeology impacts associated with the proposal and is satisfied these issues have been appropriately addressed under works approved by the CSSI. 	<p>Conditions A2, B42 and B43 require the development to be carried out in accordance with the Flood Management Plan, Stormwater Assessment, Archaeological</p>

- With regard to flooding and stormwater issues the Applicant submitted a Stormwater and Flood Management Plan which found that the ground floor and loading dock comply with flood planning levels.
 - The Environment, Energy and Science Group raised concerns with the location and size of flood refuge areas for occupants of the ground floor.
 - The Applicant responded by nominating future refuge areas and the expected capacities of each ground floor area. The Applicant advised that a detailed Flood Emergency Management Plan will be prepared in consultation with the State Emergency Service.
 - The Department is satisfied the site is suitable for the proposed development and has recommended conditions requiring site contamination management and auditing, compliance with the flood planning levels and flood emergency planning.
-

Reports,
Geotechnical Report
and Contamination
Strategy.

7 Evaluation

The Department has assessed the merits of the proposal taking into consideration the issues raised in submissions, as well as the Applicant's response and is satisfied the impacts have been addressed by the proposal and through the Department's recommended conditions.

The Department considers the proposal is acceptable for the following reasons:

- it is consistent with the strategic planning framework adopted for the site as it would support integrated land use and public transport planning by providing 3,446 additional employment opportunities above the new Waterloo Metro Station
- it fully complies with the Sydney LEP 2012 and Amending Concept Approval in relation to density, land use and height
- the proposed building is 33m lower than the maximum permissible height limit. The proposed building height reduces overshadowing impacts on surrounding properties and the proposal would not result in any overshadowing of Alexandria Park.
- it achieves design excellence, is appropriate within its urban context and is supported by the Sydney Metro DRP
- the proposal appropriately minimises car parking which would support the use of public and sustainable transport options and it would not result in any adverse traffic impacts
- it contributes to public domain improvements, including the delivery of a portion of Raglan Plaza, a publicly accessible through-site walkway and widening of footpaths along Botany Road and Raglan Street.

The Department's Assessment therefore concludes the proposal is in the public interest and recommends the application be approved subject to the conditions (**Appendix G**).

8 Recommendation

It is recommended that the Director, Key Sites Assessments:

- **considers** the findings and recommendations of this report
- **accepts and adopts** all of the findings and recommendations in this report as the reasons for making the decision approve SSD 10440
- **agrees** with the key reasons for approval listed in the notice of decision (**Appendix B**)
- **grants consent** for the application in respect of SSD 10440, subject to the conditions in the attached development consent (**Appendix G**)
- **signs** the attached development consent (**Appendix G**).

Recommended by:



Russell Hand
Principal Planner
Key Sites Assessments

Recommended by:



Annie Leung
Team Leader
Key Sites Assessments

9 Determination

The recommendation is **Adopted** by:

A handwritten signature in dark ink, appearing to read 'A. Witherdin', is written over a faint, light-colored rectangular stamp or watermark.

Anthony Witherdin
Director
Key Sites Assessments

Appendices

Appendix A – List of documents

1. Environmental Impact Statement
2. Submissions
3. Applicant's Response to Submissions
4. Notice of Decision

<https://www.planningportal.nsw.gov.au/major-projects/project/29601>

Appendix B – Community Views for Draft Notice of Decision

Issue	Consideration
<p><i>Built form and density</i></p> <ul style="list-style-type: none"> height and density of Waterloo Metro Quarter should be reduced in general scale of Northern Precinct should be reduced. 	<ul style="list-style-type: none"> The Department's assessment finds the proposal acceptable as the built form complies with the Sydney LEP and the Concept Approval envelopes and the Design Guidelines. <p>The Department acknowledges the built form of the building would be appropriately mitigated by the proposed modulation, articulation, materials and finishes. For instance, the building has a defined base, middle and top with varied setbacks and heights. As such, the proposal would sit comfortably within the building envelope and within the neighbouring context.</p>
<p><i>Land uses</i></p> <ul style="list-style-type: none"> question whether there is demand for office land use due to the Covid-19 pandemic. support office and retail uses. 	<ul style="list-style-type: none"> The Department considers the proposed land uses are suitable as they are permissible in the zone, in keeping with the Concept Approval and will assist in Waterloo Metro becoming a mixed use development which is highly integrated with transport. <p>Support for office and retail uses is noted.</p>
<p><i>Open space</i></p> <ul style="list-style-type: none"> more open space should be provided wind impacts on open space areas. 	<ul style="list-style-type: none"> The Department is satisfied with the amount of public accessible open space provided as it complies with the amount required under the Sydney LEP and Concept approval. The Department's assessment finds that wind impacts on proposed open spaces (i.e. Cope Street Plaza, internal walkways and external footpaths) are acceptable as they have been mitigated to acceptable standards. The Department considers that the proposed amount of open space and its management are acceptable.
<p><i>Affordable housing</i></p> <ul style="list-style-type: none"> office floorspace reduces affordable housing dwellings 	<ul style="list-style-type: none"> The Department acknowledges the approved Amending Concept SSD, which included the Northern Precinct's office floorspace instead of the predominantly residential floorspace in the original Concept Approval, reduced the amount of affordable housing to be provided compared to the original Concept Approval. The Department notes that the Amending Concept secured four additional affordable housing apartments than required under the Sydney LEP and Concept Approval. <p>The Department is satisfied the proposed amount of affordable housing and social housing complies with the requirements for the site and is acceptable.</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. 	<ul style="list-style-type: none"> The Department engaged an independent traffic consultant to review the proposed traffic generation, traffic impacts, car parking numbers and loading/unloading of the proposal. The Department's consultant considered the proposal has satisfactorily addressed traffic and parking issues and there are minor impacts on the road network and pedestrian facilities. In relation to pedestrian capacity along footpaths and at crossings, the Critical State Significant Infrastructure application and SSDs have been guided by detailed pedestrian forecast modelling for the operational phase of the Metro Station demonstrating the adequacy of surrounding and upgraded infrastructure. The Waterloo Metro Quarter, including the Northern Precinct, is noted to have minimal contribution to pedestrian demands compared to the Station infrastructure. <p>The Department is satisfied the proposal will have acceptable parking and traffic impacts.</p>
<p><i>Overshadowing impacts on:</i></p> <ul style="list-style-type: none"> Alexandria Park Cope Street Plaza existing dwellings to the west. 	<ul style="list-style-type: none"> The Department's assessment finds: <ul style="list-style-type: none"> the Northern Precinct does not cast shadows onto Alexandria Park more than 50% of Cope Street Plaza will receive solar access for more than two hours between 9am and 3pm in midwinter as is required in the endorsed Design Guidelines private dwellings to the west will have continue to maintain more than two hours solar access between 9am and 3pm in midwinter
<p><i>Coordination with Waterloo Estate</i></p> <ul style="list-style-type: none"> community infrastructure should be coordinated with the Waterloo Estate to avoid duplication. 	<ul style="list-style-type: none"> Strategic planning for Waterloo Metro Quarter was completed in 2019 and enabled the mixed use development of the precinct with revised building heights and densities in response to the opportunity provided by the new Metro Station. The strategic planning was informed by concept land uses and rigorous assessment of the merits of the new planning controls. Waterloo Estate is subject to a current Planning Proposal for rezoning including consideration of future land uses and densities. The Department notes that the final selection of tenants and uses within the Waterloo Metro Quarter is subject to future applications..
<p><i>Heritage</i></p> <ul style="list-style-type: none"> Heritage impacts on terraces and park within Alexandria Park Conservation Area. 	<ul style="list-style-type: none"> The Department notes the proposal complies with the Sydney LEP and Concept Approval in regard to building height and density and has an acceptable relationship with Alexandria Park Conservation Area. The Department also notes the building materials have been chosen to reflect the brick and masonry finishes of surrounding terrace houses, factories and warehouses.

Appendix C – Mandatory Matters for Consideration

Decisions made under the EP&A Act must have regard to the objects set out in **Section 1.3** of the Act. A response to the objects is below.

Object of Section 1.3 of EP&A Act	Department's Response
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a) to promote the social and economic welfare of the community and a better environment by the proper management, development and conservation of the State's natural and other resources	<ul style="list-style-type: none"> the proposal promotes the social and economic welfare of the community by providing significant employment generation within a highly accessible site for transport and urban services, and, in doing so, contributing to the achievement of State, regional and local planning objectives the proposal comprises development above the approved station infrastructure and does not have any impacts on the State's natural or other resources.
b) to facilitate ecologically sustainable development by integrating relevant economic, environmental and social considerations in decision-making about environmental planning and assessment	<ul style="list-style-type: none"> the proposal has integrated ESD principles as discussed below.
c) to promote the orderly and economic use and development of land	<ul style="list-style-type: none"> the proposal represents the orderly and economic use of the land primarily as it will increase employment opportunities near services and public transport. The proposed land uses are permissible and the form of the development has regard to the planning controls that apply, the character of the locality and the context of surrounding sites.
d) to promote the delivery and maintenance of affordable housing	<ul style="list-style-type: none"> not applicable to this application. Affordable housing is to be provided in the Central Precinct under SSD 10439.
e) to protect the environment, including the conservation of threatened and other species of native animals and plants, ecological communities and their habitats	<ul style="list-style-type: none"> the proposal, comprising a commercial building above the metro station, will not have any natural environmental impacts.
f) to promote the sustainable management of built and cultural heritage (including Aboriginal cultural heritage)	<ul style="list-style-type: none"> the Department considers that the heritage impacts of the development are acceptable, as set out in Section 6.
g) to promote good design and amenity of the built environment	<ul style="list-style-type: none"> the proposal demonstrates a good design approach to the relevant planning controls and local character. Amenity impacts in the locality are managed by either the form of the development or by the recommended conditions of consent for mitigation measures during the construction and operational phase of the development.

h) to promote the proper construction and maintenance of buildings, including the protection of the health and safety of their occupants	<ul style="list-style-type: none"> the proposal demonstrates that construction work will be undertaken in accordance with national construction standards, relevant regulation and the site specific construction management plan. Any impacts during this phase will be monitored and managed in keeping with the conditions of consent set out to mitigate impacts. Ongoing management and maintenance of the development shall be managed by the building management.
i) to promote the sharing of the responsibility for environmental planning and assessment between the different levels of government in the State	<ul style="list-style-type: none"> the Department publicly exhibited the proposal as outlined in Section 5. This included consultation with Council and other public authorities and consideration of their responses.
j) to provide increased opportunity for community participation in environmental planning and assessment.	<ul style="list-style-type: none"> the Department publicly exhibited the application which included notifying adjoining landowners and displaying the application on the Department's website and at the Council's office and Service NSW Centres. The Department also provided the RtS to Council and other relevant agencies and placed the RtS on its website. the engagement activities carried out by the Department are detailed in Section 5.

Ecologically sustainable development

The EP&A Act adopts the definition of ESD found in the Protection of the Environment Administration Act 1991. Section 6(2) of the Protection of the Environment Administration Act 1991 states that ESD requires the effective integration of economic and environmental considerations in decision-making processes and that ESD can be achieved through the implementation of:

- the precautionary principle;
- inter-generational equity;
- conservation of biological diversity and ecological integrity; and
- improved valuation, pricing and incentive mechanisms.

The development proposes ESD initiatives and sustainability measures, including targeting minimum environmental standards of 5 Star Green Star Design and As-Built and 5.5 Star NABERS Energy rating. The proposal may achieve a 6 Star Green Star rating depending on the source of energy used to power the building and systems, which will be confirmed in the detailed design phase.

The Department has considered the project in relation to the ESD principles. The Precautionary and Inter-generational Equity Principles have been applied in the decision-making process by a thorough assessment of the environmental impacts of the project. Overall, the proposal is consistent with ESD principles and the Department is satisfied the proposed sustainability initiatives will encourage ESD, in accordance with the objects of the EP&A Act.

Section 4.15(1) matters for consideration

Table 9 identifies the matters for consideration under section 4.15 of the EP&A Act that apply to SSD in accordance with section 4.40 of the EP&A Act. The table represents a summary for which additional information and consideration is provided for in **Section 6** and relevant appendices or other sections of this report and EIS, referenced in the table.

Table 9 | Summary of matters for consideration

Section 4.15(1) Evaluation	Consideration
(a)(i) any environmental planning instrument	A comprehensive assessment of all relevant EPIs by the Department is discussed below this table.
(a)(ii) any proposed instrument	Relevant applicable draft EPIs have been considered below.
(a)(iii) and development control plan (DCP)	Under clause 11 of the SRD SEPP, DCPs do not apply to SSD. Notwithstanding, the Department has considered relevant provisions of the Sydney DCP 2012 in its consideration of issues in Section 6.
(a)(iia) any planning agreement	Not applicable.
(a)(iv) the regulations	The application satisfactorily meets the relevant requirements of the EP&A Regulation, including the procedures relating to applications (Part 6 of the EP&A Regulation), public participation procedures for SSD and Schedule 2 of the EP&A Regulation relating to EIS.
(a)(v) any coastal zone management plan	Not applicable.
(b) the likely impacts of that development including environmental impacts on both the natural and built environments, and social and economic impacts in the locality	Likely impacts are proposed to be appropriately mitigated or conditioned. Refer to Section 6 of this report.
(c) the suitability of the site for the development	The site is deemed suitable for the proposed development.
(d) any submissions	Consideration has been given to the submissions received during the exhibition period. See Section 5 of this report.
(e) the public interest	The proposal is considered acceptable and within the public's interest as the uses will provide employment generation and enable the Waterloo Metro Quarter to become a quality mixed use development supported by high frequency public transport.

Environmental Planning Instruments (EPIs)

To satisfy the requirements of Section 4.15 of the Act, this report includes references to the provisions of the EPIs that govern the carrying out of the project and have been taken into consideration in the Department's environmental assessment of the project.

The EPIs that have been considered as part of the assessment of the proposal are:

- State Environmental Planning Policy (State & Regional Development) 2011
- State Environmental Planning Policy (Infrastructure) 2007
- State Environmental Planning Policy No. 55 – Remediation of Land
- Draft State Environmental Planning Policy (Remediation)
- State Environmental Planning Policy No. 64 – Advertising and Signage
- Sydney Local Environmental Plan 2012

State Environmental Planning Policy (State and Regional Development) 2011

The development is identified as State Significant Development under Clause 19 of Schedule 2 of SEPP. The Minister for Planning and Public Spaces is the consent authority for the application.

State Environmental Planning Policy (Infrastructure) 2007

The application was referred to Transport for NSW under the requirements of Clause 86 and 88B of the SEPP. TfNSW, through its Sydney Metro Corridor Protection Team, provided comments and recommended conditions.

The Applicant's EIS considered the provisions of the Development Near Rail Corridors and Busy Roads - Interim Guideline in relation to earthing, bonding, electrolysis and safety.

The development constitutes traffic-generating development under Clause 104 and was referred to Transport for NSW for review and comment. Transport for NSW recommended several conditions of consent regarding management of construction traffic, servicing and green travel plans.

The Department has considered Transport for NSW's comments and incorporated their recommendations into the recommended conditions of consent.

State Environmental Planning Policy No. 55 – Remediation of Land

The proposed development will be subject to the approved CSSI remediation strategy. The CSSI approval covered demolition and excavation works on the eastern half of the Waterloo Metro Quarter. The SSD proposes that the remediation and site audit regime adopted for the eastern half of the site be rolled onto the western half of the site during the construction of the basement (SSD 10439).

The EPA recommends that conditions of consent be applied to ensure compliance with the CSSI remediation methodology and ensure the site is remediated to a standard suitable for the proposal.

Accordingly, SEPP 55 is satisfied, and the proposal is suitable for the site.

Draft State Environmental Planning Policy (Remediation)

As above, the CSSI approval covered demolition and excavation works on the eastern half of the Waterloo Metro Quarter. The SSD proposes that the remediation and site audit regime adopted for the eastern half of the site be rolled onto the western half of the site.

Accordingly, the draft SEPP is satisfied, and the proposal is suitable for the site.

State Environmental Planning Policy 64 – Advertising and Signage

The proposed development includes provision of two top-of-building business identification signs and four podium signage zones.

The Department has considered the proposed signage and finds that they are consistent with existing signage within the surrounding mixed use area and complies with the requirements of SEPP 64, as set out in the table below.

Table 10: SEPP 64, Schedule 1 compliance table

Assessment Criteria	Comments	Compliance
1. Character of the area		
Is the proposal compatible with the existing or desired future character of the area or locality in which it is proposed to be located?	The proposed signs are compatible with the bulk and scale of the proposed buildings and other future buildings in the Waterloo Metro Quarter	Yes
Is the proposal consistent with a theme for outdoor advertising in the area or locality?	The surrounding area does not have a theme for outdoor advertising.	Yes
2. Special areas		
Does the proposal detract from the amenity or visual quality of any environmentally sensitive areas, heritage areas, natural or other conservation areas, open space areas, waterways, rural landscapes or residential areas?	The site is not located in a heritage conservation area or other environmentally sensitive area. The proposed signage, the area of the signs and their location on the development are consistent with other signage observed and is not considered to detract from the amenity or visual quality of the surrounding area.	Yes
3. Views and vistas		
Does the proposal: obscure or compromise important views? dominate the skyline and reduce the quality of vistas? respect the viewing rights of other advertisers?	As the signage is located on the building facades they will not obscure views or vistas and will not impact on the viewing rights of other advertisers.	Yes
4. Streetscape, setting or landscape		
Does the proposal: provide an acceptable scale, proportion and form, appropriate for the streetscape, setting or landscape?	The scale of the signage is acceptable for its location and is consistent with similar signage on the top of buildings.	Yes
contribute to the visual interest of the streetscape, setting or landscape?	The signage will function as building/business identification and will be consistent with similar signage across the City of Sydney LGA.	Yes
reduce clutter by rationalising and simplifying existing advertising?	Not applicable.	N/A
screen unsightliness?	Not applicable.	N/A
protrude above buildings, structures or tree canopies in the area or locality?	The signage is contained within the building façade and does not protrude above the building.	Yes
require ongoing vegetation management?	No vegetation management required.	N/A
5. Site and building		

Assessment Criteria	Comments	Compliance
<p>Is the proposal compatible with the scale, proportion and other characteristics of the site or building, or both, on which the proposed signage is to be located?</p> <p>Does the proposal respect important features of the site or building, or both?</p> <p>Does the proposal show innovation and imagination in its relationship to the site or building, or both?</p>	The signage is compatible with the scale and context of the proposed building. It will not detract from the design features of the building.	Yes
6. Associated devices and logos with advertisements and advertising structures		
Have any safety devices, platforms, lighting devices or logos been designed as an integral part of the signage or structure on which it is to be displayed?	Not applicable. These controls relate to freeway advertising signs.	Yes
7. Illumination		
Would illumination: result in unacceptable glare? affect safety for pedestrians, vehicles or aircraft? detract from the amenity of any residence or other form of accommodation?	Not applicable. No illumination is proposed.	Yes
Can the intensity of the illumination be adjusted, if necessary and is the illumination subject to a curfew?	Not applicable. No illumination is proposed.	Yes
8. Safety		
Would the proposal reduce safety for: pedestrians, particularly children, by obscuring sightlines from public areas? any public road?	As the signage is wall mounted on the podium and top-of-building they will not obscure any sightlines for pedestrians.	Yes

Sydney Local Environmental Plan 2012 (SLEP)

An assessment of the proposal against the aims, objectives, standards and relevant provisions of SLEP is set out in the table below.

SLEP Clause	Relevant controls / criteria	Department's Assessment
1.2 – Aims of the Plan	<p>The relevant aims of the Plan include:</p> <ul style="list-style-type: none"> To support the City of Sydney as an important location for business, education and cultural activities and tourism To promote ecologically sustainable development To encourage economic growth To encourage growth and diversity in residential population by providing a range of appropriately located housing including affordable housing To enable a range of services and infrastructure that meet the needs of residents, workers and visitors To enhance the amenity and quality of life of local communities 	The proposal is in keeping with the aims of the Plan in that the land use is compatible with the desire to support business and encourage economic growth and Compliance is achieved with standards governing bulk and scale, protection of solar access to public space and amenity of surrounding properties.

SLEP Clause	Relevant controls / criteria	Department's Assessment
	<ul style="list-style-type: none"> To achieve high quality urban form through design excellence. 	
2.3 – Land use zoning	<p>The site is within the B4 Mixed Use. The objectives of the Zone are:</p> <ul style="list-style-type: none"> To promote a mixture of compatible land uses To integrate suitable business, office, residential, retail and other development in accessible locations so as to maximum public transport use and encourage walking and cycling To ensure uses support the viability of centres. 	The proposal is permissible with consent and consistent with the objectives of the zone.
4.3 – Height of buildings	The height of a building is not to exceed the maximum height shown on the <i>Height of Buildings Map</i> . In this case, the relevant height standard is RL 96.9.	The proposal complies with the maximum height standards applying to the site.
4.4 – Floor space ratio	<p>The floor space ratio for a building is not to exceed the FSR shown on the map.</p> <p>In this case, the Waterloo Metro Quarter has an FSR standard of 6:1.</p>	The proposal complies with the maximum FSR standard applying to the site. A cumulative tally of GFA will be required for this proposal and subsequent proposals to determine the overall FSR of the Waterloo Metro Quarter.
4.6 – Exceptions to development standards	The clause enables a degree of flexibility in applying certain development standards.	<p>The Applicant has lodged a Clause 4.6 submission in relation to non-compliance with strict imposition of Clause 7.27 in relation to active street frontages.</p> <p>The Department's consideration of the Clause 4.6 submission is contained in Appendix D.</p>
5.6 – Architectural roof features	Development consent can be granted to development that includes an architectural roof feature.	The proposed development does not include any architectural roof features as the proposal complies with the height standard.
5.10 – Heritage conservation	<p>The consent authority must consider the effect of the proposed development on the heritage significance of a heritage item or conservation area.</p> <p>The consent authority may require a heritage assessment before granting consent to any development on land that is within the vicinity of a heritage item or conservation area.</p>	The site does not contain any heritage items. However, the site is near the Alexandria Park Heritage Conservation Area. A Heritage Impact Assessment has been lodged and the Department has considered this assessment and the views of the NSW Heritage Council in its assessment of the application.

SLEP Clause	Relevant controls / criteria	Department's Assessment
6.21 - Design Excellence	Consent must not be granted unless, in the opinion of the consent authority, the proposal exhibits design excellence.	<p>The Department's assessment on design excellence is contained in Section 6.6.</p> <p>In terms of the design excellence process followed, the Design Excellence Strategy was endorsed by the Concept Approval, including independent review of the development by the State Design Review Panel (State DRP) or an alternative endorsed by GA NSW.</p> <p>An independent DRP process in lieu of a competitive design process under SLEP 2012 was held, because it is considered to deliver better design outcomes due to the circumstances of the site and relationship with the metro station below.</p> <p>GA NSW endorsed the Sydney Metro DRP (the DRP) as an alternative to the State DRP. The endorsement was subject to a revised set of terms of reference for the DRP, which was updated to include an independent panel secretariat and panellist nominated by Council.</p> <p>The Department notes the DRP is providing advice on the design of the Waterloo Metro Station to assist with achieving an integrated design outcome</p> <p>The Department finds that the Minister may form the opinion that the proposal exhibits design excellence.</p>
6.45 – Waterloo Metro Quarter - general	<p>(1) The consent authority must not grant consent unless the development is consistent with the following objectives:</p> <p>(a) there must be at least 12,000 sqm of GFA at or below podium level of buildings used for land uses other than residential accommodation or passenger transport facilities</p> <p>(b) at least 2,000 sqm of GFA of buildings at the Waterloo Metro Quarter must be used for community facilities</p> <p>(c) at least 2,200 sqm of land at the Waterloo Metro Quarter must be used for publicly accessible open space.</p>	<p>The proposal, together with other precincts under separate SSDs, will contribute to a minimum 12,000m² of non-residential uses at or below podium levels.</p> <p>Community facility floorspace is proposed in the Central Precinct SSD (SSD-10439).</p> <p>The proposed Cope Street Plaza and Church Yard contribute to the satisfaction of at least 2,200m² of publicly accessible open space.</p> <p>Affordable housing is proposed in the Central Precinct SSD.</p>

SLEP Clause	Relevant controls / criteria	Department's Assessment
	<p>(2) Consent must not be granted to development involving one of more dwellings unless:</p> <p>(a) it is satisfied at least 5% of GFA of residential accommodation will be used for affordable housing.</p> <p>(b) <i>not relevant to this application – minimum apartment size for affordable housing</i></p> <p>(c) it is satisfied that land uses other than residential accommodation or passenger transport facilities will be evenly distributed through the Waterloo Metro Quarter</p> <p>(d) it has taken into consideration any guidelines made by the Planning Secretary relating to the design and amenity of the Waterloo Metro Quarter.</p>	<p>Non-residential floorspace is split up across all proposed buildings in the Waterloo Metro Quarter including the proposed building.</p> <p>The Department has considered the Design and Amenity Guidelines in the assessment of the application. A summary assessment is contained in Appendix F.</p>
6.46 – Waterloo Metro Quarter – State public infrastructure	Consent must not be granted for residential accommodation unless the Planning Secretary has certified in writing that satisfactory arrangements have been made to contribute to State public infrastructure such as roads, regional open space and social infrastructure.	<p>The Planning Secretary's delegate certified on 24 November 2019 that satisfactory arrangements have been made in relation to development that is consistent with the concept proposals set out in SSD 9393 (the Concept Approval)</p> <p>The Minister therefore may grant consent to the application as Clause 6.46 of the Sydney LEP has been satisfied.</p>
7.1-7.9 – Car parking	Maximum car parking rates apply to the proposal including residential rates, business premises rates and retail premises rates.	The proposal does not exceed the maximum permissible parking rates of the LEP. There are 64 proposed spaces for the commercial office employees. The Department's independent traffic consultant advised that this amount of parking is satisfactory.
7.16 – Airspace Operations	<p>The consent authority must consult with the relevant Commonwealth body for any application which penetrates the Limitation or Operations Surface (OLS).</p> <p>The consent authority may grant consent for the development if the relevant Commonwealth body advises that it has no objections to its construction.</p>	The proposal penetrates the OLS for Sydney Airport. Approval has been granted by the Commonwealth Department of Infrastructure, Regional Development and Cities for the maximum height of the building envelope up to RL 230. Relevant conditions of the approval have been included in the recommended conditions.

SLEP Clause	Relevant controls / criteria	Department's Assessment
7.27 – Active Street Frontages	Development consent must not be granted unless the consent authority is satisfied all premises on the ground floor that face the street, on the map accompanying the LEP, will be used for business premises or retail premises and those premises have an active street frontage. Exclusions apply for entrances and lobbies, access for fire stairs and vehicle accesses.	<p>The Department's consideration of non-compliance with this Clause is found in Section 6.4 and in the Department's response to the Applicant's Clause 4.6 submission in Appendix D.</p> <p>The Department is satisfied the non-compliance is acceptable and the proposal has maximised active street frontages.</p>

Sydney Development Control Plan (SDCP) 2012

It is noted that Clause 11 of State Environmental Planning Policy (State & Regional Development) 2011 provides that development control plans do not apply to SSD. Notwithstanding, consideration of relevant controls under SDCP has been given in Section 6 of this Assessment where the controls are taken as guidance on aspects of the proposal.

Appendix D – Department's consideration of Clause 4.6 submission – Active Frontage

The proposal seeks a variation to the extent of active street frontages along Botany Road as required under the Sydney Local Environmental Plan 2012 (SLEP).

As set out in **Section 6** of this assessment report, the proposal includes ground floor activation on street frontages along Raglan Street and Botany Road. However, the proposal also has critical building infrastructure and services along the Botany Road frontage.

Clause 4.6(2) of the SLEP permits the consent authority to consider a variation to a development standard. The aims of clause 4.6 are to provide an appropriate degree of flexibility in applying certain development standards and to achieve better outcomes for and from development by allowing flexibility in particular circumstances.

When considering a proposed variation, clause 4.6(3) requires the following:

Development consent must not be granted for development that contravenes a development standard unless the consent authority has considered a written request from the applicant that seeks to justify the contravention of the development standard by demonstrating:

- (c) that compliance with the development standard is unreasonable or unnecessary in the circumstances of the case, and
- (d) *that there are sufficient environmental planning grounds to justify contravening the development standard.*

Clause 4.6(4)(a) requires the consent authority to be satisfied that:

- i. the applicant's written request has adequately addressed the matters required to be demonstrated by subclause (3) (above), and
- ii. the proposed development will be in the public interest because it is consistent with the objectives of the particular standard and the objectives for development within the zone in which the development is proposed to be carried out, and

- iii. the concurrence of the Secretary has been obtained (although this is not required for SSD).

The following provides an assessment of the proposed exception to the development standard under clauses 4.3 of the SLEP, applying the tests summarised by *Preston CJ in Initial Action Pty Ltd v Woollahra Municipal Council* [2018] NSWLEC 118 and *Wehbe v Pittwater Council* [2007] 156 LGERA 446; [2007] NSWLEC 827.

1. Is the consent authority satisfied that the proposed development will be consistent with the objectives of the zone?

The objectives of the B4 Mixed Use zone are:

- to promote a mixture of compatible land uses
- to integrate suitable business, office, residential, retail and other development in accessible locations so as to maximise public transport use and encourage walking and cycling
- to ensure uses support the viability of centres.

The Department considers the proposal is consistent with the objectives of the B4 zone as the proposed development:

- will provide a genuine mix of retail uses to the overall mixed-use precinct that will support ground level and upper level commercial uses
- encourages the integration of uses within the broader Waterloo Metro Quarter that will enable greater activation during the day and night, contribute to create a lively streetscape and desired sense of place for the site and broader precinct
- will support the patronage of the site by providing activated uses at the ground floor and take advantage of the close proximity to public transport including the adjacent Metro station
- will provide areas of active frontages for the purposes of retail commercial premises to support the viability and growth of the long-term development of the Innovation Corridor, contributing to its economic success and global competitiveness.

2. Is the consent authority satisfied that the proposed development will be consistent with the objectives of the standard?

The objective of Clause 7.27 Active street frontages in the SLEP is to promote uses that attract pedestrian traffic along certain ground floor street frontages. The Clause states development consent must not be granted unless the consent authority is satisfied all premises on the ground floor of the building that face the street will be used for business premises or retail premises and those premises have an active street frontage. Exclusions apply for entries and lobbies, access for fire services and vehicular access.

The Department considers the proposal is consistent with the objectives of the active street frontages standard as:

- the frontage of the site along Botany Road would be occupied by active frontages at the northern and southern ends of the building
- only a small portion of the frontage is taken up by the substations
- the building is highly activated along Raglan Street and along the two internal pedestrian walkways

- substations are required by energy authorities to be located along a street frontage and close to the street for ease of access and maintenance.
- the Detailed SSD for the Central Precinct located to the south also has a publicly accessible walkway running along the southern frontage of the Northern Precinct, known as 'Grit Lane'. These internal interfaces with the Northern Precinct contribute to activation of the Northern Precinct and the overall Waterloo Metro Quarter.

3. Has the consent authority considered a written request demonstrating compliance with the development standard is unreasonable or unnecessary in the circumstances of the case?

The Applicant has submitted a written request seeking a variation to the active street frontage standard that applies to the site under the SLEP.

In summary, the Applicant's clause 4.6 request demonstrates that compliance with the active street frontage standard is unreasonable and unnecessary in the circumstance of the case as the development is consistent with the objectives of the standard, in keeping with the first test of the five-part tests in *Wehbe v Pittwater Council [2007] NSWLEC 827*.

The Applicant's written request provides the following reasons to demonstrate that the development is consistent with the objectives of the active street frontage standard:

- whilst there are portions of non-active street frontage, there is a focus on creating a highly activated urban streetscape within the Northern Precinct. Retail premises have been proposed along Botany Road and Raglan Street, as well as internal walkways.
- without adhering to the standard, the objective is still achieved. Pedestrian traffic is encouraged by promoting active uses on street frontages and ground floor spaces.

For the reasons provided above, the Department accepts that compliance with the active street frontage standard is unreasonable or unnecessary given the circumstances of the case.

4. Has the consent authority considered a written request that demonstrates there are sufficient environmental planning grounds to justify contravening the development standard?

The Department considers there are sufficient environmental planning grounds to justify the development's contravention of the development standard in the circumstances of the case as provided in the Applicant's written request and as summarised below:

- the development is consistent with the objectives of the B4 Mixed Use Zone by providing a genuine mix of uses across the Waterloo Quarter site. Proposed ground floor retail premises will support upper level commercial and residential uses within the broader precinct, creating an integrated precinct with compatible uses.
- the proposal achieves the objective of the clause 7.27 active street frontage standard to attract pedestrian traffic along the ground floor street frontages. The minor variation to the standard is considered in keeping with the desired future character of the site and broader surrounds. It still enables activated uses to attract pedestrian traffic and connect the precinct to its surrounding area.

- strict compliance with clause 7.27 of the SLEP 2012 would result in the illogical and inefficient location of critical building infrastructure away from the street frontage as desired by energy authorities.
- there is no public benefit to strictly maintaining the active street frontage standard as the introduction of active uses internal to the development balances the portion of street frontage on Botany Road that have not been activated.

The Department considers the Applicant's arguments above to be well founded. In supporting the above environmental planning grounds to vary the development standard, the Department considers that the development will deliver a better planning outcome for the site.

The Department also considers the proposed active street frontage variation is acceptable because:

- the proposed development achieves the objectives of the land use zoning and active street frontage development standard
- the proposal maximises the activation of the site by promoting uses that encourage pedestrian movement along street frontages, as prescribed by the SLEP and additional internal activated spaces. The Applicant has demonstrated the provision of additional commercial and retail premises provides a high level of internal activation at a human scale, which encourages pedestrians to move within the site as well as along primary road frontages
- the relocation of infrastructure and services located along the street frontage, that are not considered active uses under clause 7.27, would not significantly benefit the outcome, functionality or overall activation of the site. There would be greater disbenefits to the relocation of this infrastructure associated with logistics, costs and pedestrian circulation.

Conclusion

Having considered the written request, the Department is satisfied the Applicant has provided sufficient environmental planning grounds to justify the contravention to the extent of ground floor active street frontage required to be demonstrated under clause 4.6 have been adequately addressed. The Department concludes the proposed development is in the public interest and the variation to the active street frontage standard results in a better development outcome.

Appendix E – Consistency with Concept Approval

Concept Approval Condition	Department's Assessment
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: <ul style="list-style-type: none"> (e) a minimum 5% of approved residential gross floor area dedicated or transferred to a Registered Community Housing Provider as affordable housing (f) 70 social housing dwellings dedicated or transferred as agreed by NSW Land and Housing Corporation (g) publicly accessible open space provision of minimum 2,200m² across the Metro Quarter site including its final area, design and ongoing management, noting 	The Applicant has demonstrated that the Project Delivery Agreement (PDA) with Sydney Metro for the construction of the Waterloo Metro Quarter includes securing the required open space and social housing. The affordable housing and community facility public benefits are proposed to be provided in the Central Precinct under SSD 10439.

<p>partial provision of this publicly accessible open space may also be delivered under the CSSI Approval</p> <p>(h) 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.</p>	
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Maximum Building Envelopes

<p>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.</p> <p>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:</p> <ul style="list-style-type: none"> (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) <p>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.</p>	<p>The Detailed Design SSD is fully contained within the approved building envelopes.</p> <p>The gross floor area of the Waterloo Metro Quarter is calculated across all Detailed Design SSDs and a final tally will need to be made with the last SSD. The concurrent SSDs under assessment have less than 68,750m².</p>
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Built Form and Urban Design

<p>B5. The detailed development applications shall address compliance with:</p> <ul style="list-style-type: none"> (e) the Design Guidelines as endorsed by the Planning Secretary pursuant to Condition A14 (f) the Design Excellence Strategy as endorsed by the Planning Secretary pursuant to Condition A15 (g) the conditions of this consent. <p>B6. The following elements are not inconsistent with the consent proposal but are subject to further assessment with the relevant detailed development application:</p> <ul style="list-style-type: none"> (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. <p>B7. Future development applications shall address the following:</p> <ul style="list-style-type: none"> (h) <i>not relevant to this application.</i> (i) 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: <ul style="list-style-type: none"> (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. 	<p>The application addresses compliance with:</p> <ul style="list-style-type: none"> • with the Design and Amenity Guidelines in the EIS and RtS; • the Design Excellence Strategy in the EIS, RtS and Design Integrity Report • the conditions of consent in the EIS. <p>The Department has addressed the Design Guidelines in Appendix F, the Design Excellence Strategy in Section 6.6 and the conditions in this table.</p> <p>The proposal includes land uses, signage and subdivision and is consistent with the Concept Approval inclusions.</p> <p>The requirements in Condition B7 are satisfied.</p>
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(j) 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.	
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Car Parking and Bicycle Parking

<p>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:</p> <ul style="list-style-type: none"> (k) 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. (l) the allocation of residential car parking spaces, up to the maximum of 170 spaces must not exceed the following maximum rates: <ul style="list-style-type: none"> (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 (m) non-residential car parking to be provided in accordance with the following: <ul style="list-style-type: none"> (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. <p>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:</p> <ul style="list-style-type: none"> (n) accessible car parking spaces provided as per Sydney DCP 2012 rates (o) motorcycle parking spaces provided as per Sydney DCP 2012 rates <p>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.</p>	<p>The proposal fully complies with the car parking and bike parking rates applied.</p>
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Consultation with Waterloo Congregational Church

<p>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:</p> <ul style="list-style-type: none"> (a) potential for Church gathering space (b) wedding and funeral cars (c) waste and servicing (d) building maintenance 	<p>The application includes a Consultation Report demonstrating the owners of the Church have been consulted and the proposal responds to the matters required.</p>
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(e) design of the public domain around and within the Church property including safe access and passive surveillance in the setbacks.	
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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.	The application includes a Heritage Impact Statement and Heritage Interpretation Strategy prepared in consultation with Council.
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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.	The application includes Wind Impact Assessment as required. This includes modelling of the adjacent pedestrian crossings.
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.	The application includes a Traffic and Transport Impact Assessment and a CTMP as required.
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: <ul style="list-style-type: none"> (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.	The Applicant submits that road safety audits will be undertaken prior to the issue of a Construction Certificate. The Department's independent traffic consultant finds this approach acceptable. Conditions are recommended.

Environmental Performance / ESD

B18. Future development applications must demonstrate how the principles of ecologically sustainable development (ESD)	The application includes a ESD and Sustainability
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<p>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.</p> <p>B19. The minimum performance targets for environmental performance are:</p> <ul style="list-style-type: none"> (i) Precinct overall: <ul style="list-style-type: none"> (i) 6 star Green Star Communities Rating Tool (ii) Endorsed under One Living Planet framework (j) Commercial / office uses: <ul style="list-style-type: none"> (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 (k) Residential uses: <ul style="list-style-type: none"> (i) 5 Star Green Star Design and As-Built Rating Tool (ii) more than BASIX 40 Water (iii) BASIX 30 Energy. 	<p>Strategy documenting how the proposed measures have been incorporated into the design, construction and operational phases. The documentation lodges demonstrates the relevant ESD targets will be met by the development. Conditions are recommended requiring compliance with the targets.</p>
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Security and Crime Assessment

<p>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.</p>	<p>The application includes a CPTED Assessment prepared in accordance with the requirements.</p>
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Construction Impact Assessment

<p>B21. Future development applications shall provide analysis and assessment of the impacts of construction works and include:</p> <ul style="list-style-type: none"> (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. 	<p>The application includes a CEMP prepared in accordance with the requirements. The CEMP incorporates the sub-plans required. Conditions of consent are recommended for a final CEMP to be prepared and submitted prior to the issue of a Construction Certificate.</p>
<p>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).</p>	

Noise and Vibration Assessment

<p>B23. Future development applications shall be accompanied by a Noise and Vibration Impact Assessment that demonstrates the following requirements are met:</p>	<p>The application includes a Noise and Vibration Impact</p>
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<p>(a) vibration from construction activities does not exceed the vibration limits established in British Standard <i>BS7385-2:1993 Excavation and measurement for vibration in buildings. A guide to damage levels from groundborne vibration</i>.</p> <p>(f) 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.</p> <p>(g) 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.</p> <p>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.</p> <p>B25. The Noise and Vibration Assessment must address the conclusions and recommendations of the Concept Acoustic Assessment Report, SLR Consulting dated 9 November 2019.</p>	Assessment addressing the requirements.
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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.	The application includes a Flood and Stormwater Impact Assessment addressing the requirements.
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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	The application includes a Reflectivity Assessment addressing the requirements,
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Archaeological and Aboriginal Cultural Heritage

<p>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:</p> <p>(a) Artefact 2016, Sydney Metro City and Southwest, Chatswood to Sydenham: Aboriginal Cultural Heritage Assessment</p> <p>(b) Artefact 2016, Sydney Metro City and Southwest, Chatswood to Sydenham: Aboriginal Heritage – Archaeological Assessment.</p> <p>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</p>	The Department is satisfied that archaeological and Aboriginal cultural heritage issues have been considered in the Basement SSD (SSD 10438) and that the Northern Precinct does not have any excavation.
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<p>may include consultation with the Registered Aboriginal Parties for the project and may include further field study. The AMS must:</p> <ul style="list-style-type: none"> (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. 	
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Airspace Protection

<p>B30. Future detailed development applications for aboveground works must comply with the following requirements:</p> <ul style="list-style-type: none"> (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) <i>obstacle lighting – not applicable</i> (c) <i>obstacle lighting – not applicable</i> (d) <i>advisory condition</i> (e) <i>advisory condition</i> (f) <i>advisory condition</i> (g) <i>advisory condition</i> 	<p>The maximum height of RL116.9 relates to the Northern Precinct. The proposed building is well below that height at RL 84.</p>
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Appendix F – Consistency with Design Guidelines

The Guidelines were created to guide the design of development on the site. The Guidelines were updated and approved by the Department in satisfaction of Condition A14 of the Concept Approval.

Conditions B3 and B5 provides that future applications shall address compliance with the Design Guidelines. The Applicant's EIS and Design Integrity Report provides a comprehensive assessment of the proposal against the guidelines. The following provides a summary assessment against the key guidelines applicable to this proposal.

Relevant Design and Amenity Guideline	Department's Assessment
<p>3C Public domain</p> <ul style="list-style-type: none"> • provide 2,200m of publicly accessible open space • achieve solar access to 50% of Cope Street Plaza between 9am and 3pm in midwinter • meet the requirements of City of Sydney Urban Forest Strategy • design publicly accessible spaces to be used for people of all abilities • provide awnings along street frontages • provide public domain lighting per City of Sydney Code. Provide private space lighting per Australian Standards. 	<p>The proposal includes Raglan Street Plaza which contributes to providing 2,200m of publicly accessible open space across the Waterloo Metro Quarter.</p> <p>The application demonstrates the Plaza receives sunlight to more than 50% of its area in midwinter.</p> <p>The landscape design for terraces and roof gardens is consistent with the Urban Forest Strategy.</p> <p>Accessibility requirements are satisfactory as demonstrated in the Access Report.</p>

	<p>Awnings above footpaths have been designed to comply with Sydney DCP</p> <p>Lighting along Botany Road and Raglan Street are smartpoles as per Council standards</p> <p>Publicly accessible space lighting will comply with Australian Standards.</p>
3D Streets, laneways and footpaths <ul style="list-style-type: none"> • Provide a through-site link from Cope Street to Botany Road. • Ensure east – west laneways are primarily open to the sky. • Provide building setbacks as required by section diagrams in the Guidelines. 	<p>This application addresses a pedestrian laneway within the adjacent Central Precinct from Cope Street to Botany Road. The frontage has been designed as per the Design Guideline criteria and guidance and subject to the advice of the Design Review Panel.</p> <p>The proposed building fully complies with the required setbacks from Botany Road and Raglan Street.</p>
3E Tree canopy cover <ul style="list-style-type: none"> • Achieve 23% overall canopy cover over the site • Achieve 50% street tree canopy cover 	<p>Together with other Detailed Design SSDs, the proposal contributes to the achievement of 25.7% overall tree canopy cover and 54.8% street canopy cover.</p>
3F Tree planting specifications <ul style="list-style-type: none"> • Detailed requirements are listed for protecting existing trees, undergrounding services, minimum tree size when planted and long term maintenance. 	<p>Suitable detail has been provided in the Arborists Report and Landscape Plans regarding satisfaction of the detailed requirements on tree planting.</p>
3G Wind <ul style="list-style-type: none"> • At least 50% of publicly accessible open space meet wind comfort criteria for sitting. Dining areas should correspond with these areas. • Not to exceed wind safety standard of 24m/s 	<p>Section 6.4 of this report reviews compliance against the wind criteria contained in the Design Guidelines.</p>
3H Building uses <ul style="list-style-type: none"> • provide a diverse range of business activities • support the Metro station as a destination and gateway to surrounding neighbourhoods 	<p>The proposal provides retail, business premises and office premises of a range of sizes to suit small and large business activities.</p>
3I Street activation <ul style="list-style-type: none"> • Provide fine grain activation at ground level. • Provide frequent building entries that face and open to the street. 	<p>Building entries and retail spaces in the proposal provide fine grain and address the Botany Road and Raglan Street frontages.</p>
3J Podium and street wall <ul style="list-style-type: none"> • Articulate podiums as a separate element from towers above. • Relate materials and finishes in the podium to the local character. 	<p>The podium is articulated to appear as a separate element from the tower above.</p> <p>The brick and bronze podium materials relate strongly to the character of surrounding buildings.</p> <p>The CPTED Assessment lodged demonstrates the proposal is designed</p>

<ul style="list-style-type: none"> Adopt CPTED measures in and around the Waterloo Metro Quarter and also the Church, 	to mitigate crime and safety management issues.
3K Built form above the podium <ul style="list-style-type: none"> Tower buildings should not be identical in appearance. Architectural diversity is encouraged. Residential towers have a maximum floorplate size of 900sqm. Wind mitigation is achieved through building form with reliance on wind devices as secondary measures. Identify opportunities to improve solar access to Alexandria Park between 9am and 10am in midwinter compared to the indicative scheme lodged with the Concept Application. 	<p>The proposed buildings in each Detailed Design SSD have been designed by separate architects and do not appear the same as each other.</p> <p>The application has demonstrated that suitable wind conditions will be achieved by building design and wind mitigation measures.</p> <p>Solar access to Alexandria Park is discussed in Section 6.4 and it is concluded that an improvement is achieved compared to the Concept's indicative design.</p>
3L Residential amenity <ul style="list-style-type: none"> Adopt relevant noise criteria from <i>Development Near Rail Corridors and Busy Roads</i> and the <i>Sydney DCP 2012</i> Fully comply with the requirements of the Apartment Design Guide (ADG) for natural ventilation, solar amenity, communal open space and private open space. Condition wind impacts and incorporate mitigation measures. 	Not applicable.
3M Solar access and amenity <ul style="list-style-type: none"> No overshadowing of Alexandria Park after 10am in midwinter. No more than 30% Proposed apartments and neighbouring development to achieve min. 2 hours sunlight between 9am and 3pm to living room windows and open space. 	Overshadowing of Alexandria Park, overshadowing of surrounding development and solar access to the proposed apartments are discussed in Section 6.4.
3N Pedestrian and cycle network <ul style="list-style-type: none"> Provide generous footpath widths that can accommodate pedestrian flows from Metro users. 	The application demonstrates suitable footpath widths are provided to accommodate the future demands from rail users.
3O Car parking and access <ul style="list-style-type: none"> Car parking and bike parking is provided as per Sydney LEP and DCP rates. 	The proposal complies with all car parking and bicycle parking requirements.
3P Service vehicles and waste collection <ul style="list-style-type: none"> Access the site in a forward direction. Separate service vehicles from car parking spaces. 	<p>The loading dock is designed for vehicles travelling in a forward direction only.</p> <p>The loading dock is separate from any car parking.</p>

<ul style="list-style-type: none"> Locate waste servicing in a basement preferable, then at grade if necessary. 	Waste servicing is at grade within the loading dock, but sleeved by retail uses so that the frontage is limited to the driveway width.
3Q Integration with metro station <ul style="list-style-type: none"> Coordinate structures, services, car parking, lift cores, The station and over station development must have functional autonomy in relation to matters such as building services, emergency egress and access, maintenance and utilities. 	The Applicant has a Project Delivery Agreement with Sydney Metro which provides for the station and over station development to function independently in relation to the matters listed in the Design Guidelines. For example, emergency responders do not need to traverse through any over station development to access the station.
3R Sustainability <ul style="list-style-type: none"> Comply with the performance targets in the Concept Approval. 	Appendix C above demonstrates the proposal has been designed to comply with the sustainability targets of the conditions of consent to the Concept Approval.
3S Stormwater and flooding <ul style="list-style-type: none"> Provide on site stormwater detention Achieve water quality targets Flood planning levels should be adopted. 	The Water Quality, Flooding and Stormwater Report lodged with the EIS demonstrates the detailed requirements of the Design Guidelines have been satisfied.
3T Waste Management <ul style="list-style-type: none"> Comply with Council's guidelines Detailed requirements as then listed for waste systems and management devices. 	The Waste Management Plan lodged with the EIS responds to each design criteria and guideline appropriately.
3U Culture <ul style="list-style-type: none"> Develop measures to improve employment, empowerment and economic development for Aboriginal and Torres Strait Islander peoples. 	The EIS includes commitments to participation in construction and promoting First Nations enterprise and employment in the Waterloo Metro Quarter placemaking, activation and retail strategy.
3V Public art <ul style="list-style-type: none"> Deliver public art that is coordinated with the design and considers connection, safety, landscaping, wayfinding, key movement corridors and early involvement of artists. 	The Public Art Strategy lodged with the EIS demonstrates the public art opportunities are capable of satisfying the design guidance.

Appendix G – Recommended Development Consent

<https://www.planningportal.nsw.gov.au/major-projects/project/29601>