



Waterloo Metro Quarter Over Station Development – Amending Concept

State Significant Development Assessment
SSD 10441

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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, TfNSW
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 (SSD) application (SSD 10441) for an Amending Concept Application for the Waterloo Metro Quarter Over Station Development.

The SSDA seeks approval to:

- replace the approved 29 storey building envelopes within the Northern Precinct of the site with new building envelopes up to 17 storeys
- change the use of the Northern Precinct building envelopes from residential to office and retail premises
- amend the podium level of the Central Precinct building envelope.

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 \$160 million and would generate 463 construction jobs and 3,436 operational jobs.

Engagement

The Department publicly exhibited the 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, three submissions from special interest groups and eight submissions from the public.

Council did not object to the final proposal but it raised comments about affordable housing, wind comfort criteria and car parking.

The key issues raised in the public submissions included traffic, overshadowing, building bulk and scale, and affordable housing.

The Applicant's Response to Submissions (RtS) provided further justification in relation to design excellence, solar impact assessment, wind impact assessment and Design Guidelines (refer to **Section 6**).

Government agencies provided further comments and advice which informed the Department's recommended conditions in **Appendix D**.

Assessment

The Department has considered the merits of the proposal in accordance with relevant matters for consideration under section 4.15(1) of the *Environmental Planning and Assessment Act 1979* (EP&A Act), the objects of the EP&A Act, the principles of Ecologically Sustainable Development (ESD), issues raised in submissions and the Applicant's response to those submissions.

The Department considers the proposal is acceptable and achieves design excellence for the following reasons:

- it is consistent with the State's strategic planning objectives for the site as set out in the Region Plan and Eastern City District Plan as it would deliver integrated land use and public transport and provide employment generating floorspace to improve the economic strength of the region
- the proposal fully complies with the Sydney LEP 2012 controls relating to density, land use and height

- the proposal would not increase the overall gross floor area of the Waterloo Metro Quarter when compared to the Concept Approval
- changing the use of the proposed Northern Precinct building envelope from residential to commercial floor space would provide more jobs at this highly accessible location
- the proposed Northern Precinct building envelope is 26.5 m lower than the approved Concept building envelope and would result in improvements to solar access to the Alexandria Park Conservation Area
- the proposed additions to the Central Precinct building envelope would improve pedestrian connection across the site and its interface with Cope Street Plaza.
- the proposal achieves a high standard of design, is appropriate within its urban context and is supported by the Design Review Panel.

Conclusion

Following its detailed assessment, the Department supports the proposal as it is responsive to the context of the site and is consistent with the SLEP development standards and objectives. In particular, the Department is satisfied that the proposal would deliver increased employment generation, reduced building heights, less overshadowing and improved pedestrian connections compared to the original approval.

The Department is also satisfied that the RtS appropriately addresses the remaining concerns raised in submissions about design excellence, design guidelines and wind mitigation, together with the recommended conditions of approval.

The Department's assessment therefore concludes the proposal is in the public interest and recommends that the application be approved subject to the conditions of consent.

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1 Introduction

This report provides the Department's assessment of a State significant development (SSD) application (SSD 10441) for an Amending Concept Application at the Waterloo Metro Quarter Over Station Development.

The proposal seeks approval to replace the approved building envelopes for a 29 storey residential tower under Concept Approval (SSD 9393) with new building envelopes up to 17 storeys, for office and retail uses, at the Northern Precinct of the Waterloo Metro Quarter Over Station Development.

The proposal also involves additions to the approved building envelope for the Central Precinct at the podium level to accommodate additional outdoor space for a community facility.

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**). The application was lodged by WL Developer (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.

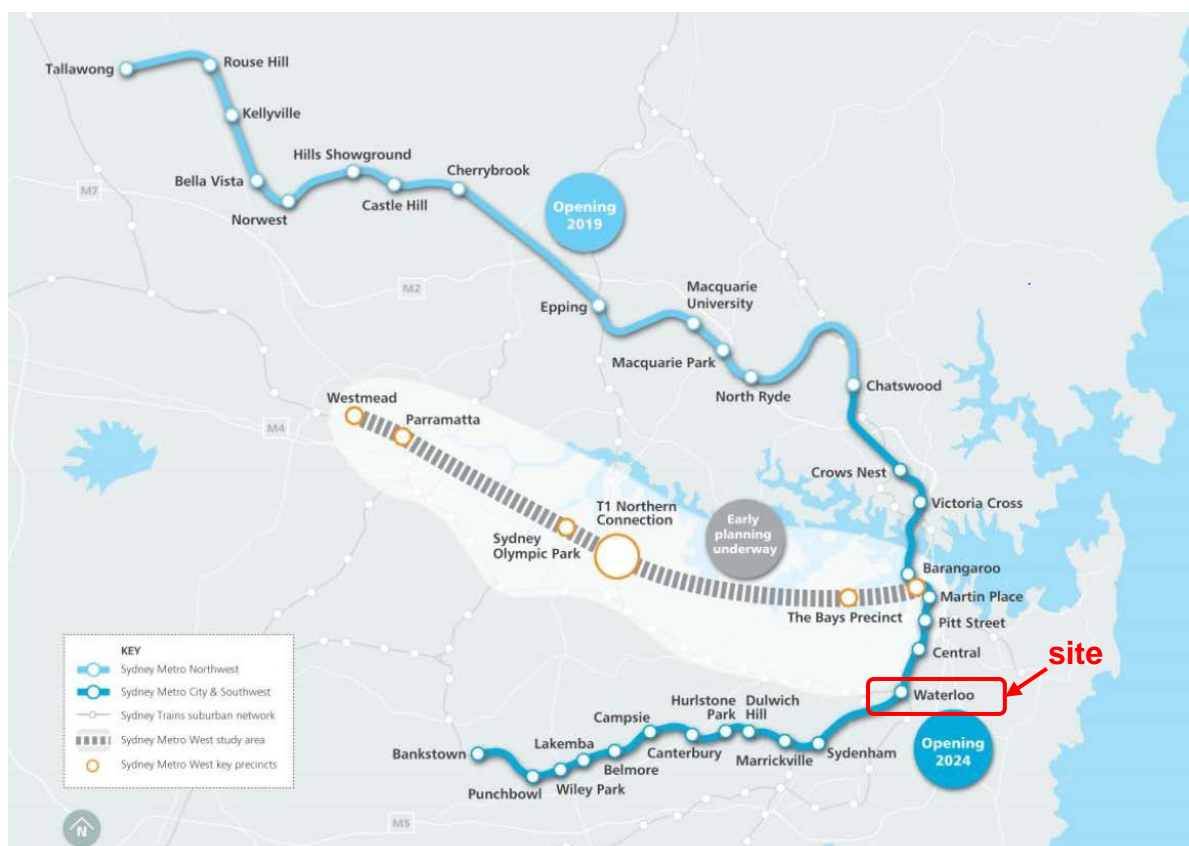


Figure 1 | Regional context (source: Applicant's EIS)

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 regional 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 to 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.

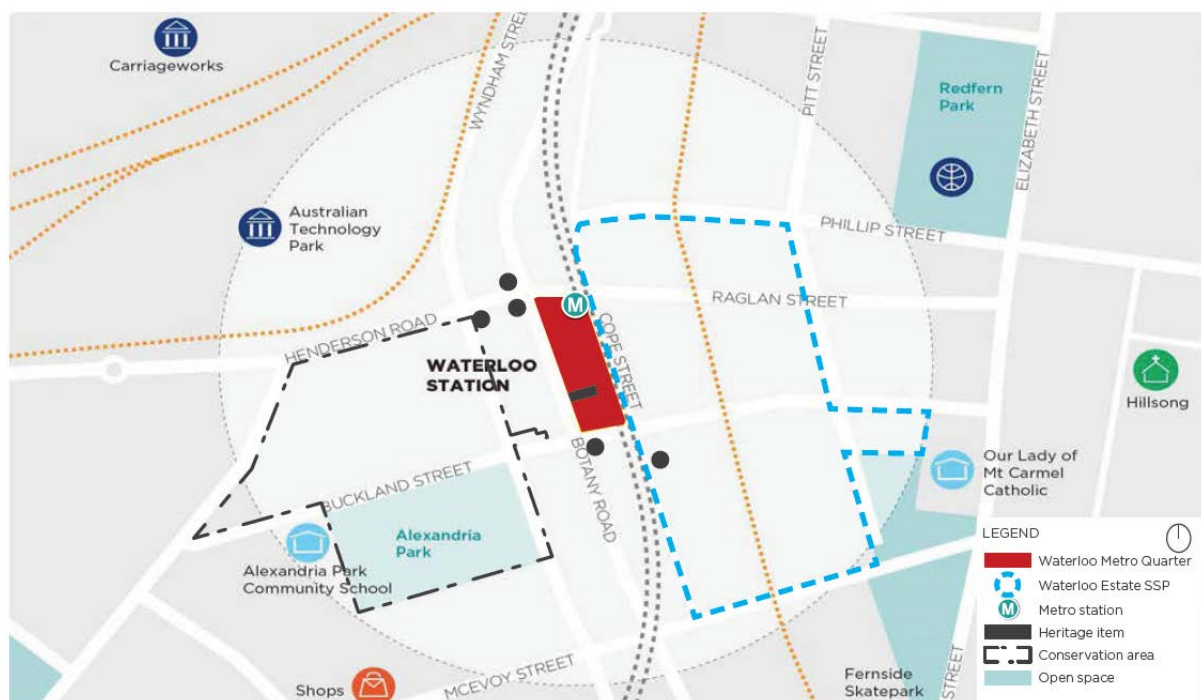


Figure 2 | Surrounding context (source: Applicant's EIS)

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 site 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 by the Waterloo Metro Quarter site on three of its boundaries but does not form part of the site. The approved station works extend up to the Church boundaries.

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

The new 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 eastern edge of the site will accommodate an above ground metro station box, comprising the station entrance, spaces for retail and commercial opportunities as well as the station plant room and other servicing areas. Approval for construction of the station box was subject to the CSSI approval (SSI 7740).



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

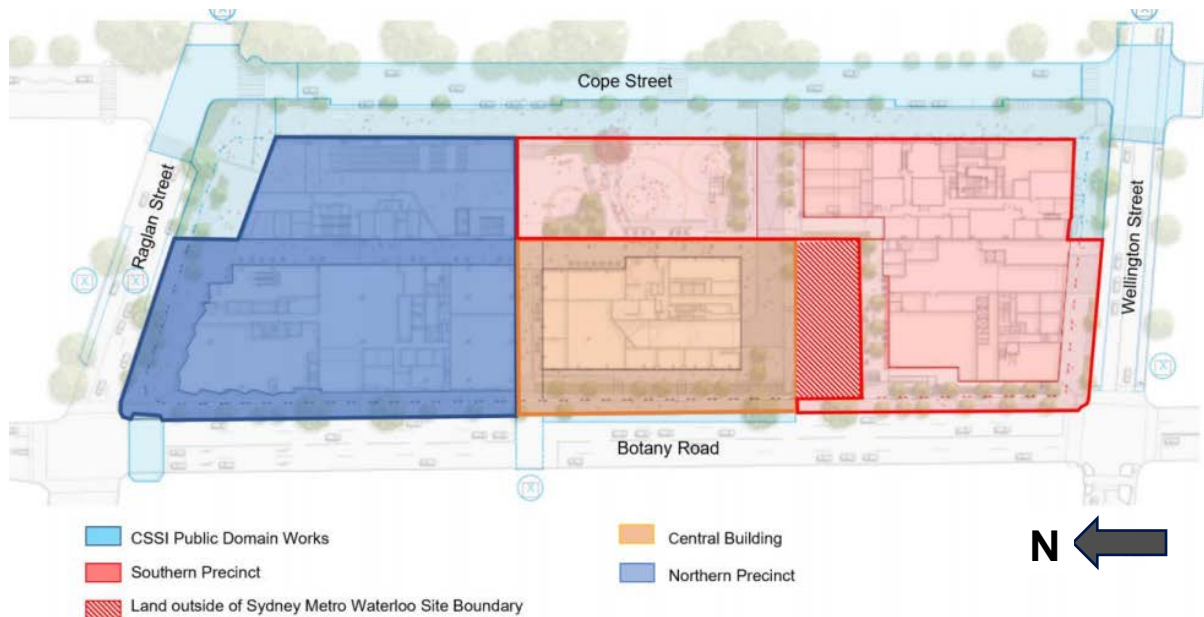


Figure 4 | Site plan of the Precincts within the site (Source: Applicant's EIS)

Surrounding developments

Beyond the site, 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 on the opposing side of Raglan Street are 1 and 2 storey retail and commercial premises mostly accommodated in former terraces or other buildings (**Figure 5**). 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.

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 on west 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)

1.3 Related Applications and Previous Approvals

State Significant Precinct

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

As part of the SSP process, the planning controls that applied to Waterloo Metro Quarter site were amended through a State led rezoning, enabling its development into the future over station 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 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 Amending SSD seeks approval to replace the approved 29 storey residential building envelopes within the Northern Precinct of the Waterloo Metro Quarter with new building envelopes up to 17 storeys, for office and retail uses.

The proposal also involves additions to the approved building envelope for the Central Precinct at the podium level to accommodate additional outdoor space for a community facility.

Waterloo Metro Quarter Over Station Development

The Applicant has also lodged the following Stage 2 Detailed Design SSDs (**Figure 11**) for the Waterloo Metro Quarter, which are currently being assessed by the Department:

- Basement Car Park Detailed Design SSDA (SSD 10438)
- Northern Precinct Detailed Design SSDA (SSD10440)
- Southern Precinct Detailed Design SSDA (SSD 10437)
- Central Precinct Detailed Design SSDA (SSD 10439)

The Amending Concept Application must be determined prior to the determination of Stage 2 Detailed Design SSDs for the Northern and Central Precincts and the Basement, because it sets out new building envelopes and land uses.

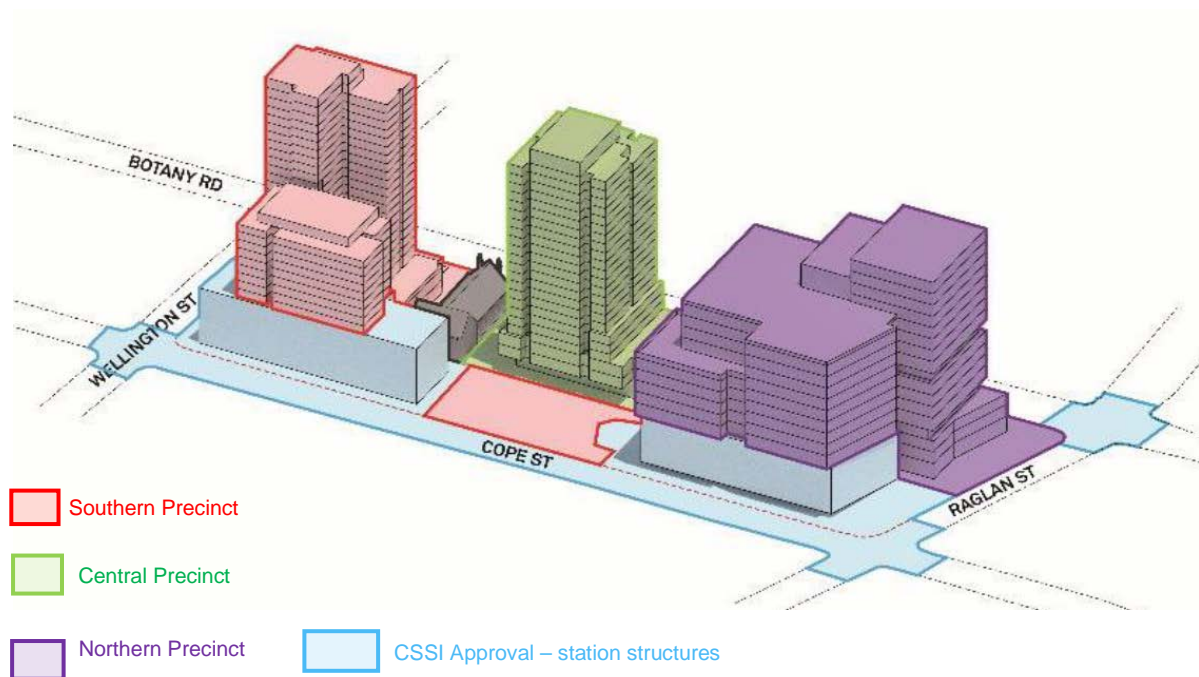


Figure 11 | The Waterloo Metro Quarter and sub-precincts (source: Applicant's EIS)

2 Project

The key components of the proposal 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

SSD Components		
Aspect	Description	Change from Concept Approval
Built form	<ul style="list-style-type: none"> new building envelopes at the northern end of the site, allowing for commercial premises comprising office premises (indicatively 16 storeys) and retail premises (ground floor) additions to podium building envelope for the central building 	<ul style="list-style-type: none"> -9 storeys for Northern Precinct larger podium for Central Precinct
GFA	<ul style="list-style-type: none"> total GFA of 68,750sqm, excluding floor space approved by the CSSI 	<ul style="list-style-type: none"> no change
Land Use	<ul style="list-style-type: none"> use of the Northern building envelopes for office premises and retail premises 	<ul style="list-style-type: none"> Northern Precinct altered from residential to office use
Employment	<ul style="list-style-type: none"> 463 construction jobs 3,436 operational jobs 	<ul style="list-style-type: none"> no change to construction jobs +3,000 operational jobs
Capital Investment Value (CIV)	<ul style="list-style-type: none"> \$159,653,775 relating to the Northern Precinct and Central Precinct 	<ul style="list-style-type: none"> no comparison to be made

The Department notes the detailed fitout and operation of the commercial / retail tenancies within the CSSI approved metro boxes will be sought under separate approvals.

2.1 Physical layout and design

The Amending Concept proposal when considered in conjunction with the Concept Approval would result in reduction in maximum height from RL 116.9 (approximately 100m) to RL 90.4 (approximately 74m). There would be no change in approved gross floor area allocated to the Northern Precinct, or the overall gross floor area of the Concept Approval (see **Figure 12 to Figure 15**).

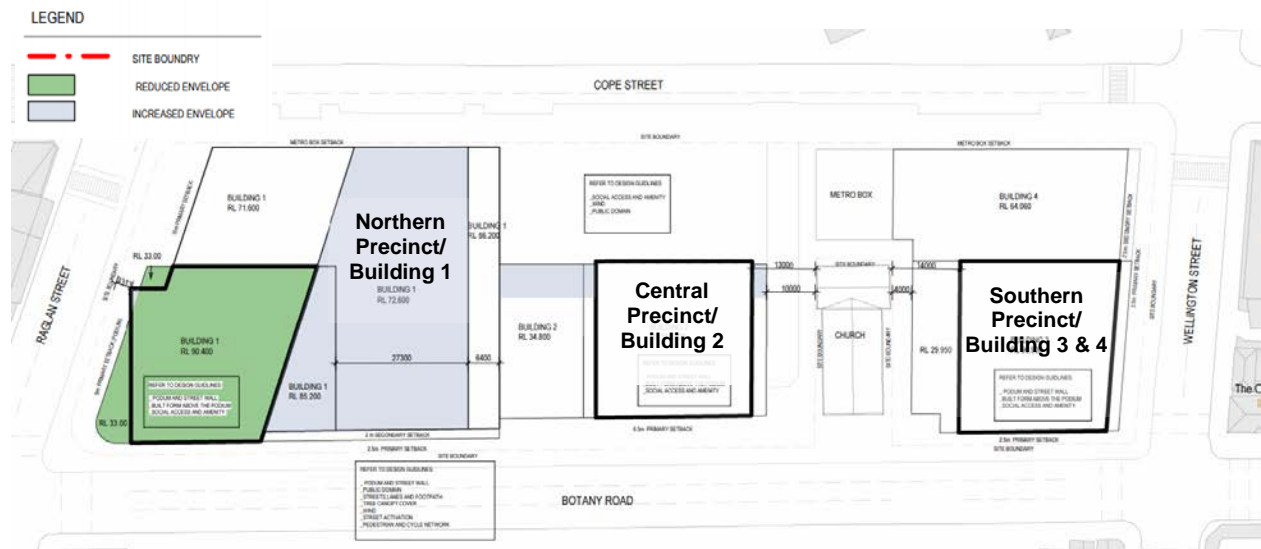


Figure 12 | Proposed building envelopes showing a comparison with Concept Approved envelopes - green shading where new envelope is relatively smaller, light blue where new envelope is larger (source: Applicant's EIS)

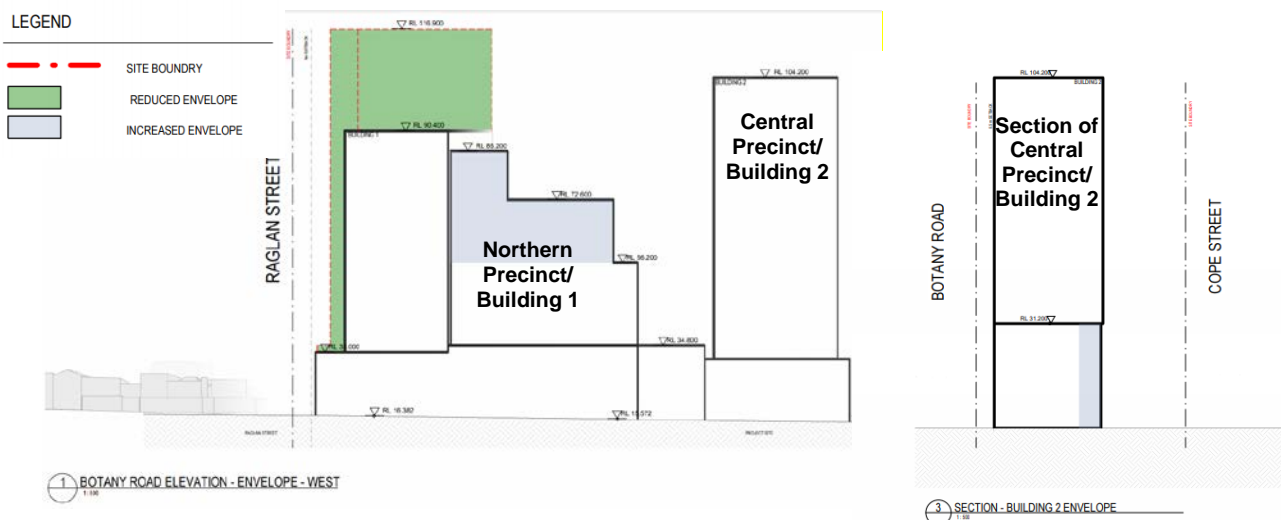


Figure 13 | Elevation and section of proposed building envelopes showing a comparison with Concept Approved envelopes - green shading where new envelope is relatively smaller, light blue where new envelope is larger (source: Applicant's EIS)

The proposal also includes an addition to the building envelope of the Central Precinct building by extending the podium to the east, fronting Cope Street.

SSD-9393

Approved envelope, view from south-west

WMQ OSD Concept Application SSD-9393-
Approved Building Envelope.

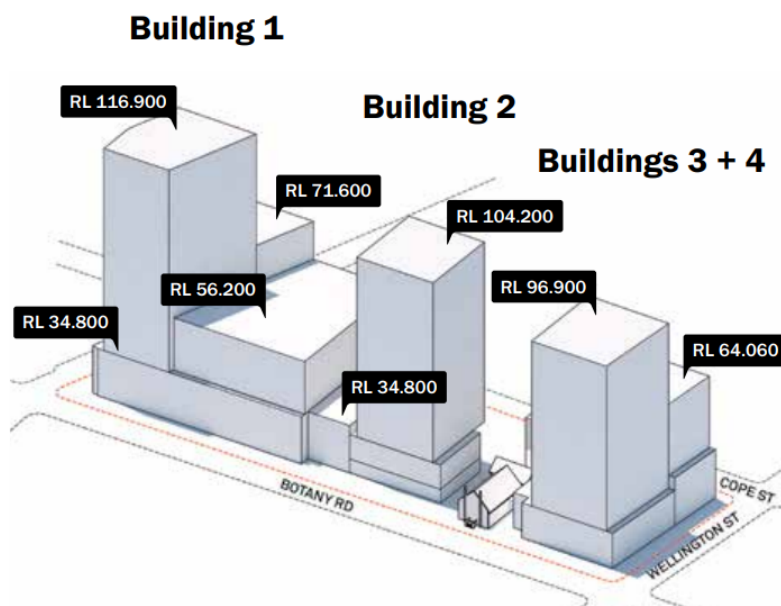


Figure 14 | 3D model of Concept Approval building envelopes (source: Applicant's EIS)

SSD-10441

Amended envelope, view from south-west

WMQ OSD Concept Application SSD-9393-
Amended Building Envelope.

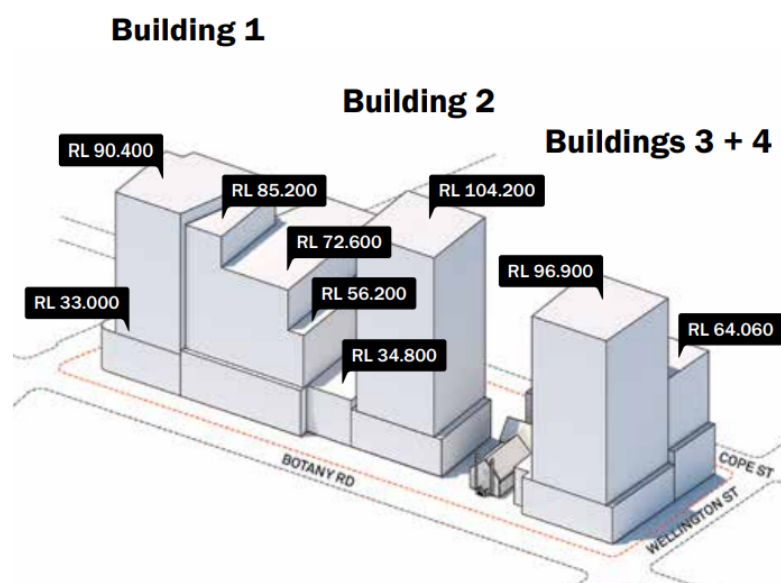


Figure 15 | 3D model of proposed building envelopes (source: Applicant's EIS)

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 over station development (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 be invited 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 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, GPOP and Western Economic Corridors are better connected and more competitive)
- the proposal will provide 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 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 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 Metro Quarter 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 E5 - Providing housing supply, choice and affordability with access to jobs, services and public transport
- 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 commercial premises that:

- forms part of the 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.
- takes advantage of proximity to the innovation and tech precinct from Central Station to Eveleigh and increases investment opportunities along the emerging innovation corridor.

On completion of development under the Concept Approval and Amending Concept, the wider Waterloo Metro Quarter will contribute towards the area's housing diversity, replenish affordable and social housing stock in the area, provide student housing and deliver new public open space.

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 Metro 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 and residential accommodation 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 for the application.

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

- there have been less than 15 public 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 proposal is 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 (**Appendix D**).

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 D** 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, 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.

4.7 Relationship with SSD 9393

Section 4.17(1)(b) of the EP&A Act confirms a condition of consent may be imposed if it requires the modification of a consent granted under the Act and/or modification of a development carried out on land.

This application seeks approval for development consent for a new building envelope for the Northern Precinct and to alter and extend the building envelope for the Central Precinct. The Applicant seeks the imposition of conditions on the development consent that modify the SSD 9393 development consent and the approved development.

The Department has recommended conditions be imposed on the development consent requiring the modification of the SSD 9393 consent in order to incorporate the new and extended building envelopes proposed under this application.

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.

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 (7 objecting, 1 supporting and 12 providing comments), including:

- eight from Government agencies
- one submission from Council
- three from special interest groups
- eight 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 is provided in **Table 2**.

Table 2 | Summary of Government agency submissions

Environmental Protection Agency (EPA)

EIS

EPA did not object to the proposal, however provided the following comments:

- 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 from the EPA's Rail Infrastructure Guidelines and Assessing Vibration: A Technical Guideline
- as the Applicant is a private developer, the EPA would not be the appropriate regulatory authority under the POEO Act for the environmental performance of the development.

Environment, Energy and Science Group (EESG)

EIS

EESG did not object and made the following comments:

- the proposal is unlikely to impact on biodiversity values. A Biodiversity Development Assessment Report (BDAR) waiver was issued on 1 April 2020
- no comments on flooding – their detailed comments on flooding are provided with each Detailed SSD under assessment.

Transport for NSW (TfNSW)

EIS TfNSW did not object and had no specific comments on the application. Their comments related to the Stage 2 Detailed Design SSDs.

Sydney Metro Corridor Protection Team

EIS Sydney Metro had no comments, other than advising that concurrence is not required.

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 SSDs 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
- access to car parking, bike parking and car share should be equitable across social housing, affordable housing and private housing
- 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.
Noted a previous controlled activity approval has been issued up to RL 116.9 and the proposed development is less than this limit.

Civil Aviation Safety Authority

EIS	No objection. As with Sydney Airport, noted a previous controlled activity approval has been issued up to RL 116.9 and the proposed development is less than this limit.
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Fire and Rescue NSW

EIS	No comments were received
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NSW Police

EIS	No comments were received
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5.4 Key Issues – Council

A summary of Council's submissions is provided in **Table 3**.

Table 3 | Summary of Council submission

City of Sydney Council (Council)

EIS	Council initially objected to the proposal and it raised the following concerns: <ul style="list-style-type: none">• affordable housing must be provided in perpetuity as required by the Concept Approval and SLEP• community infrastructure should be coordinated with the Waterloo Estate to avoid duplication• wind comfort within Cope Street Plaza and surrounding retail tenancies• extent and design of deep soil landscaping• car parking is excessive and should be constrained or zero to reduce conflict between people walking and people driving through shared zone.
RtS	Council advised it had no further comments beyond the content of its EIS submission and withdrew its objection.

5.5 Key Issues – Community and public interest groups

The Department received a total of eight submissions from the community and three from special interest groups, comprising six objections, one in support and four providing comments.

A summary of the key issues raised in submissions is provided in **Table 5** below. As each issue is unique to each submission (i.e. no two submissions said the same thing), each issue represents 12.5% of submissions made.

Table 5 | Summary of submissions

Issue

Increased traffic and more difficult to access surrounding properties

Loss of sunlight to apartment

Increased pedestrian activity needs to be allowed for

Widen Botany Road to create a permanent bus lane

Office building has large aggregated bulk

Options should be looked at for an office building with the desired floor space, but with a reduced height

Office tower is a cultural and visual clash with the 19th century buildings on the adjacent corners – further design is required to relate the tower to the neighbourhood

Office floorspace replacing residential units is used to justify reducing the number of affordable housing across the site from 35 to 24 apartments

Concept would be improved by eliminating Building 2 (Central Precinct tower) and instead constructing an enlarged public square

Project ruins the character of Waterloo

Less demand for office space than the proposal can sustain

Retain trees in Cope Street

More affordable and social housing is necessary

Support reduced building height

Support introduction of Raglan Walk through the Northern Precinct building

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 24 March 2021, the Applicant submitted its Response to Submissions (RtS) which provided further justification and clarification for the proposed development. The RtS was accompanied by supplementary Design Guidelines, Design Integrity Report and Wind Impact Assessment.

The RtS was made publicly available on the Department's website and was referred to relevant Government agencies and Council. No additional submissions were received from Government agencies and one submission was received from Council.

Council no longer objected to the proposal and re-stated the grounds of their earlier submission, with no further comments.

6 Assessment

The Department has considered the EIS, the issues raised in submissions and the Applicant's RtS in its assessment of the proposal. The Department considers the key assessment issues associated with the proposal are:

- built form
- land use
- affordable housing
- amenity impacts
- parking and traffic

All other issues associated with the proposal have been considered in **Section 6.5**.

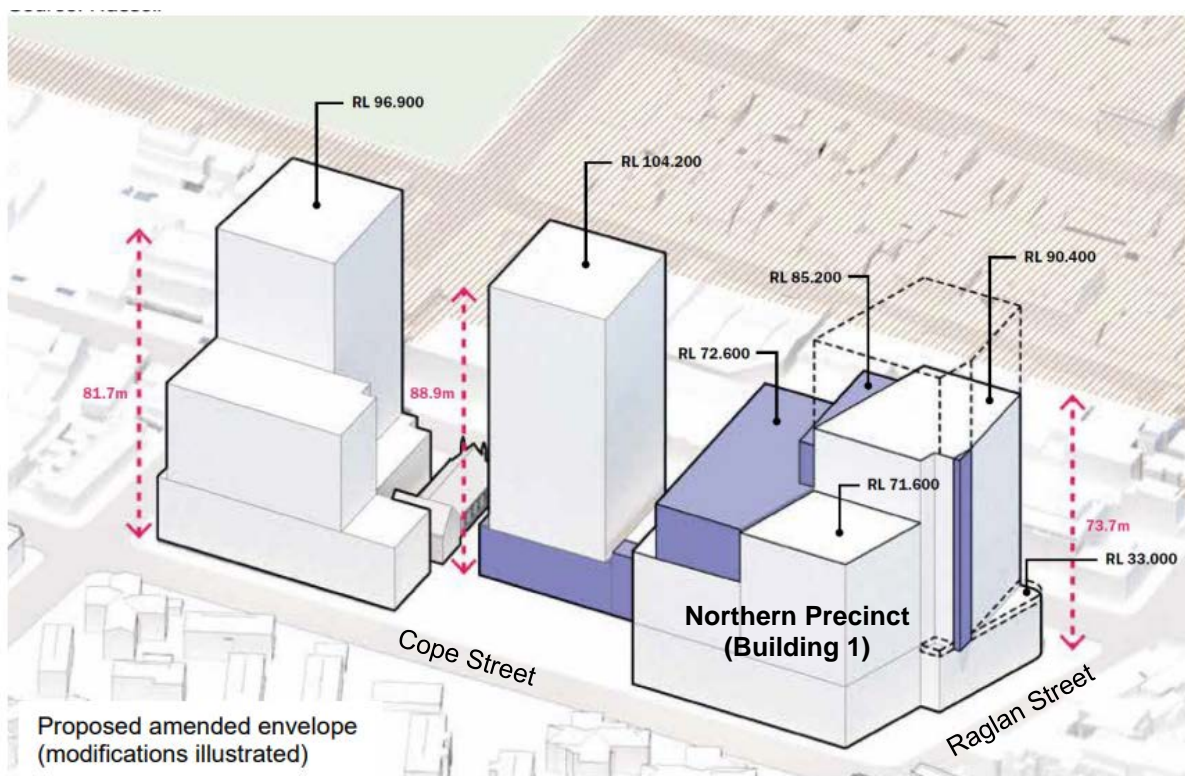
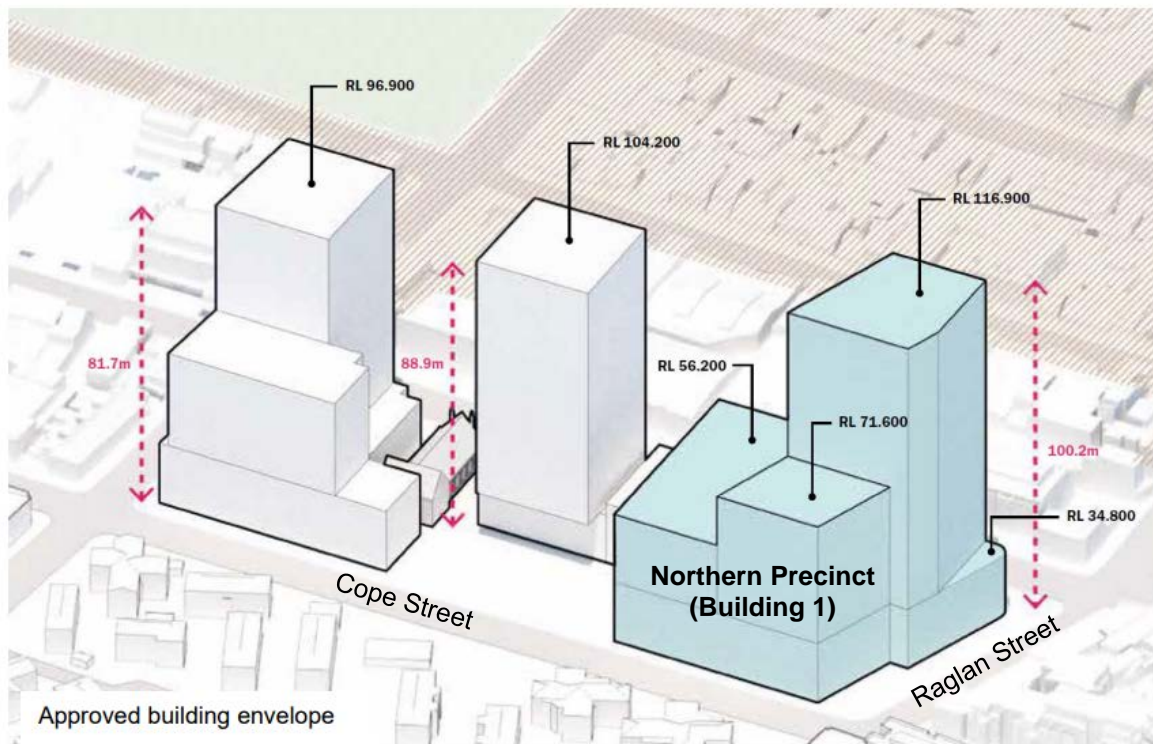
6.1 Built form

Northern Building Envelopes

The application seeks approval for new building envelopes at the Northern Precinct of the Waterloo Metro Quarter, with a maximum height of RL 90.4 (approximately 17 storeys) for office and retail uses. The proposed building envelopes are modulated in height as illustrated in **Figure 16** below.

The proposed building envelopes would replace the Concept Approval building envelopes which have a maximum height up to RL 116.9 (approximately 29 storeys) (**Figure 16**). The Concept Approval identified the approved envelopes would accommodate a residential tower above a commercial podium and either residential or office uses within the mid-rise buildings.

The Amending Concept proposal would reduce the maximum height of the northern precinct building envelope by 26m from RL 116.9 (approximately 100m) to RL 90.4 (approximately 74m). There would be no change in the approved gross floor area allocated to the Northern Precinct, or the overall gross floor area of the Concept Approval, as the floor space has been reallocated from the taller tower to the lower mid-rise buildings as shown in **Figure 16**.



Source: Hassell

Figure 16 | View from north-east of approved envelopes (above) and proposed building envelopes with increase in building envelope in comparison to Concept Approval identified in purple and relative reduction shown in dotted outline (Source: Applicant's EIS)

Council raised no concerns about the built form of the new Northern Precinct envelopes. Council commented on the content of the Detailed SSD for the Northern Precinct with respect to character of the facades, materials and finishes, active frontages, and other design matters. These matters would be considered and addressed in the assessment of the Detailed SSD for the Northern Precinct (SSD 10440).

The Sydney Metro Design Review Panel (DRP) supported the reduction in envelope height compared to the Concept Approval but was concerned about the potential visual bulk and massing of the building due to the larger building floorplate and façade proportions. The Panel recommended further design development of the treatment of the building and floorplate sizes in order to break down the visual mass of the facades, improve occupant amenity, access to natural daylight and improve the ability to divide the floors into multiple small tenancies.

In response to the DRP comments, the Applicant amended its Detailed SSD for the Northern Precinct, by reducing the height of the tallest portion of the building by 5.3m, consolidating and enlarging internal voids for greater daylight and divisibility, clarifying performance of the selected glazing system and its detailed choices of materials and finishes.

The DRP subsequently advised it accepted the bulk and scale of the proposed building based on the detailed design of the SSD. The DRP recommended a condition of consent to ensure the internal voids are kept as a permanent element and are not infilled in the future to ensure sufficient daylight is provided for the interior of the building.

While the visual bulk of the proposed building envelopes has increased, particularly when viewed from the corner of Botany Road and Raglan Street, the Department accepts the DRP's advice and is satisfied these matters can be addressed through appropriate architectural responses in the detailed design to break down the visual bulk of the building (**Figures 17 and 18**).



Figure 17 | Artist's impression of detailed design of Northern Precinct at lodgement of Stage 2 SSD, prior to DRP feedback (source: SSD 10440 EIS)



Figure 18 | Artist's impression of detailed design of Northern Precinct at RtS stage, as supported by the DRP (source: SSD 10440 RtS)

The Department notes the Amending Concept is also supported by an updated Design Guidelines for the Waterloo Metro Quarter Over Station Development, providing additional criteria and guidance for the design of buildings for the Northern Precinct. This includes guidelines to:

- articulate the upper levels of the northern building to break down the building mass, improve amenity and allow for flexibility for a range of tenants
- incorporate external design features in the podiums of buildings to reflect on the character of the surrounding developments such as terrace houses, workshops and factories
- provide a richness of detailing and materiality in retail shopfronts
- create a north-south public link between Raglan Street and Cope Street Plaza.

The Department therefore considers the proposed building envelopes for the Northern Precinct are appropriate, because they:

- would result in reduction of approximately 26.5 m in building height when compared to the Concept Approval's building envelopes
- provide a large and flexible floor plate to support a wider range of commercial uses and increased employment generation (See Section 6.2)
- result in reduced overshadowing of properties to west, comprising dwellings in a heritage conservation area, compared to the Concept Approval (See Section 6.4)
- provide modulated building heights breaking up the building mass into four distinctive built forms.
- are to be guided by additional Design Guidelines with appropriate design parameters.

The Department also supports the DRP's suggested conditions and has included conditions requiring permanent void space through the centre of the building envelope to provide daylight within the interior of the building.

Additions to Central Building Envelope

The approved building envelope for the Central Precinct allows the tower to project over the Cope Street Plaza, resulting in a 16m high undercroft space.

The Amending Concept proposal seeks to extend the podium levels fronting the Cope Street Plaza, which would reduce the height of the undercroft to 5m as shown in **Figures 19 and 20**.

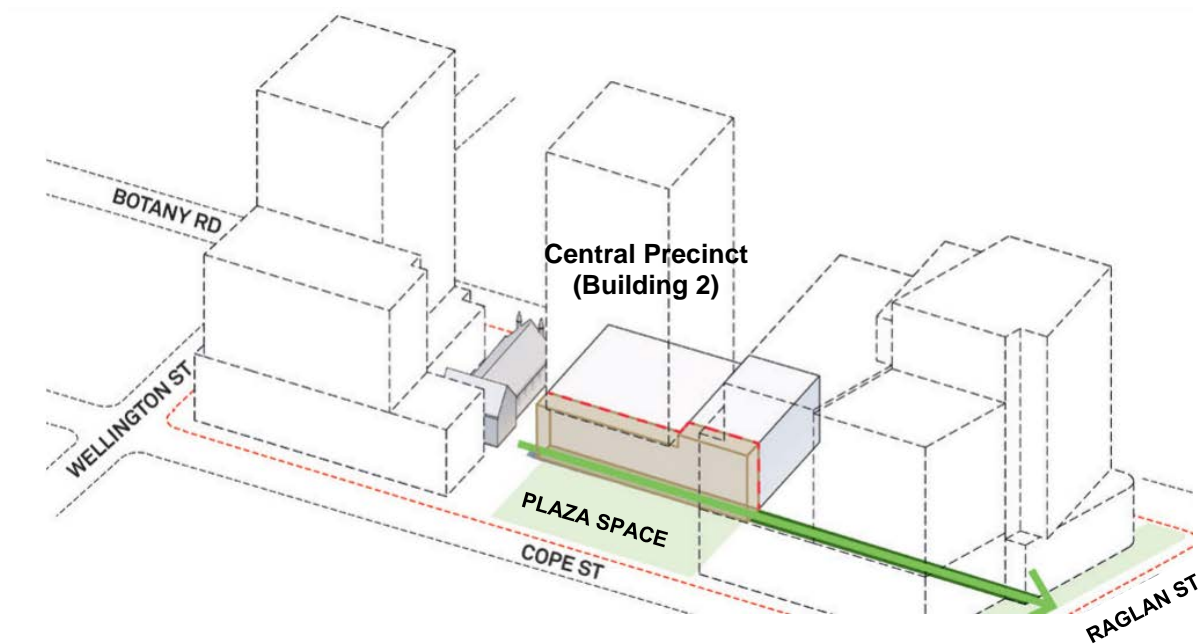


Figure 19 | Area affected by the proposed additions to the podium building envelope at the Central Precinct identified in brown (Source: Applicant's EIS).

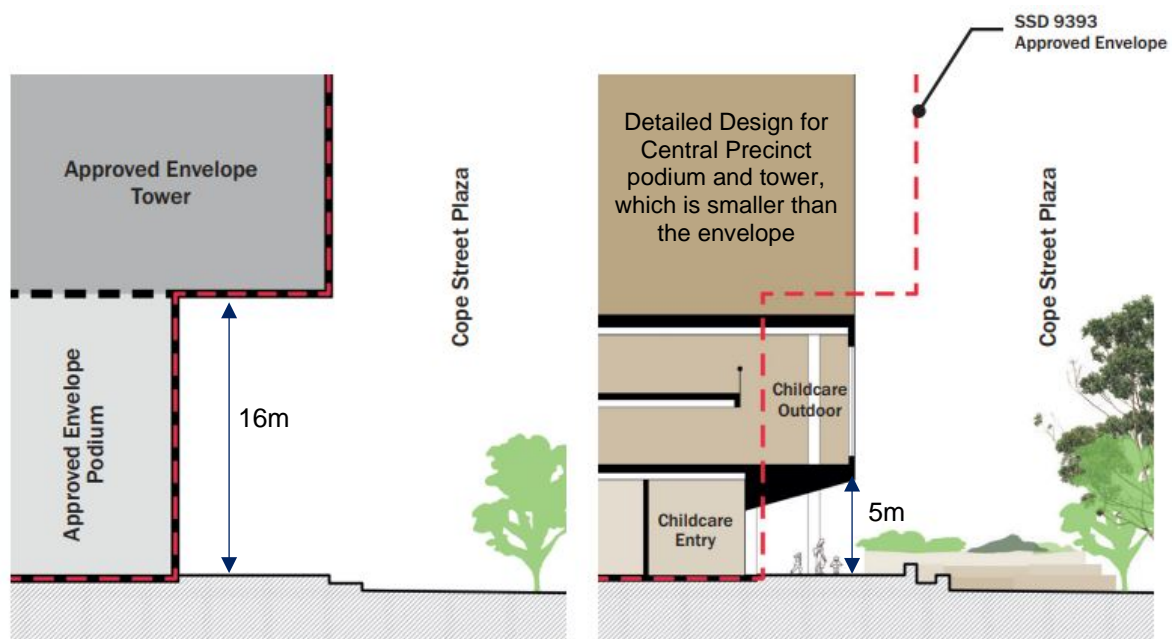


Figure 20 | Comparison of approved podium building envelope, left, and proposed envelope, right (Source: Applicant's EIS)

The Applicant states the extension is required to provide outdoor space for the community facility for the Central Precinct and to provide a pedestrian colonnade at ground level below the podium as proposed in the Detailed Design (SSD 10439) (**Figure 20**).

Council did not raise any issues with the extended podium envelope.

The Sydney Metro Design Review Panel (DRP) supported the extension of the podium envelope. The DRP commended the associated Stage 2 Detailed Design of the podium and its response to the Cope

Street Plaza, because it provides a pedestrian scale, greater sense of activation of the Plaza and would be used for community purposes.

The Department supports the extended podium envelope because:

- it improves the interfaces between the building and Cope Street Plaza by providing a better transition between the Plaza and the entrance to the proposed community facilities
- it reduces the scale of the undercroft area making it more suitable for pedestrians
- it complements the proposed pedestrian connection from Raglan Street as a colonnade
- it allows the extension of Cope Street Plaza with a covered pedestrian colonnade and provides an additional 150m² of publicly accessible open space.

The Department therefore supports the extended podium envelope as it would improve the interface of the proposal with the Cope Street Plaza compared to the Concept Approval.

6.2 Land use

The proposal seeks to change the use of the Northern Precinct building envelopes from residential to office and retail premises. This would increase the amount of non-residential floorspace within the Northern precinct from between 12,000m² and 20,000m² up to 34,715m². The proposal would also increase non-residential floorspace within the Central precinct by 130m² GFA. The revised land use mix is outlined in Table 6 below.

Table 6 | Revised land use mix

Land Use	Concept Approval reference scheme (GFA)	Amending Concept reference scheme (GFA)
Non-residential (commercial and other)	12,000m ² up to 20,000m ² (with a commensurate reduction in residential GFA if a higher proportion of commercial floor space is provided)	Approximately 35,000m ² office premises (34,715m ² is proposed in Northern Precinct SSD) Plus approximately 4,000m ² retail, community and podium tenancies
Residential	Approximately 57,000m ² (if a minimum commercial floorspace of 12,000 is provide) (approximately 450 dwellings)	Approximately 29,750m ² (220 dwellings and 474 student housing beds)
Total Gross Floor Area	68,750m ²	68,750m ²
Total Floor Space Ratio (FSR)	5.34:1	5.34:1

Public submissions raised concerns that the proposed land uses are imbalanced and would reduce the residential vision for Waterloo Metro Quarter.

Council raised no objection to the proposed increase in commercial floor space.

The Applicant states that the proposed increase in commercial floor space is supported by market analysis and demand assessment. The Applicant contends that the proposed office use will deliver employment generation and connect the future workforce of 3,440 people and their visitors with new high frequency public transport.

The Sydney LEP 2012 (SLEP) requires a minimum of 12,000m² of non-residential floor space to be provided within the Waterloo Metro Quarter. Whilst there are no objectives within the relevant SLEP clause, the intention of the requirements is to ensure the Waterloo Metro Quarter would support employment generating uses around the new Metro station. The Department also notes that requiring a minimum 12,000m² of non-residential uses would encourage non-residential uses within the base and podiums of buildings, where road traffic noise make it unsuitable for residential uses.

The Department accepts the proposed 37,000m² of non-residential floor space is consistent with the intent and requirements of the SLEP to provide jobs and a mix of uses on the site. The Department also notes the Concept Approval provides for a minimum of 12,000m² but anticipated up to 20,000m² of commercial floor space would be accommodated.

The Department notes the proposal would not increase the overall GFA or FSR for Waterloo Metro Quarter, and the overall development would continue to have an FSR of 5.34:1 and remain below the maximum of 6:1 permitted under the SLEP.

The Department is therefore satisfied the proposed floorspace and land use mix are appropriate because:

- the increase in employment generating floorspace is in keeping with State and Regional strategic planning strategies aimed at encouraging jobs in major transport corridors
- the proposed employment use 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.
- the proposal satisfies SLEP requirements in relation to overall FSR and the minimum amount of non-residential floorspace.
- there is no change in overall floor space compared with the Concept Approval.

6.3 Affordable Housing

The SLEP requires a minimum of 5% of total residential gross floor area (GFA) across Waterloo Metro Quarter to be provided as affordable housing.

The Amending Concept Application would reduce the total residential floor space from 56,750m² to 30,000m², generating a minimum of 1,500m² of floor space (reduced from 2,837m² anticipated under the Concept Approval) as affordable housing.

This would result in 20 affordable apartments being required rather than up to 35 affordable apartments anticipated in the Concept Approval.

However, the Applicant proposes to provide 24 affordable apartments, which is 6% of the total residential floor space.

Public submissions considered that the number of affordable housing dwellings should be maintained in line with the Concept Approval because the area is experiencing housing stress.

Council raised concerns the Amending Concept only committed to provide affordable housing for 10 years which is inconsistent with the Concept Approval and Sydney LEP 2012. Council did not raise any issues in relation to the amount of affordable housing being provided.

In response, the RtS clarified that the proposed affordable housing will be dedicated in perpetuity and that the revised proposal would still comply with the requirements of the SLEP.

The Department acknowledges the proposed land use mix in the Amending Concept would reduce the total number of affordable housing dwellings on the site. However, the Department considers the proposal is acceptable as it would still comply with the SLEP requirement of providing a minimum of 5% of total residential gross floor area (GFA) across Waterloo Metro Quarter as affordable housing.

The Department notes there is 1,781m² of affordable housing, representing 24 affordable apartments proposed in the Detailed Design Application for the Central Precinct (SSD 10439) currently under assessment. This represents 6% of the total residential floor space across Waterloo Metro Quarter which exceeds the minimum 5% required under the SLEP. The Department is also satisfied that the affordable housing would be secured in perpetuity, in accordance with the SLEP.

6.4 Amenity impacts

Solar Access to Alexandria Park

The Amending Concept Application is supported by solar analysis to identify the potential overshadowing impacts of the proposed building envelopes.

Council raised concerns that the proposal provides minimal improvements to solar access to Alexandria Park compared to the Concept Approval.

The Concept Approval requires the Waterloo Metro Quarter development to limit its overshadowing impacts to Alexandria Park to a maximum of 30% after 9am in midwinter and no shadows to be cast on the Park after 10am in midwinter.

The submitted shadow diagrams identified the overshadowing impacts from the Waterloo Metro Quarter are cast by the upper to mid-levels of the proposed buildings in the Central and Southern Precincts only. The proposed building envelopes at the Northern Precinct do not cast any shadow onto Alexandria Park. The Department notes the proposed additions to the lower podium levels of the building envelope in the Central Precinct would not affect overshadowing impacts to Alexandria Park (**Figure 21**).

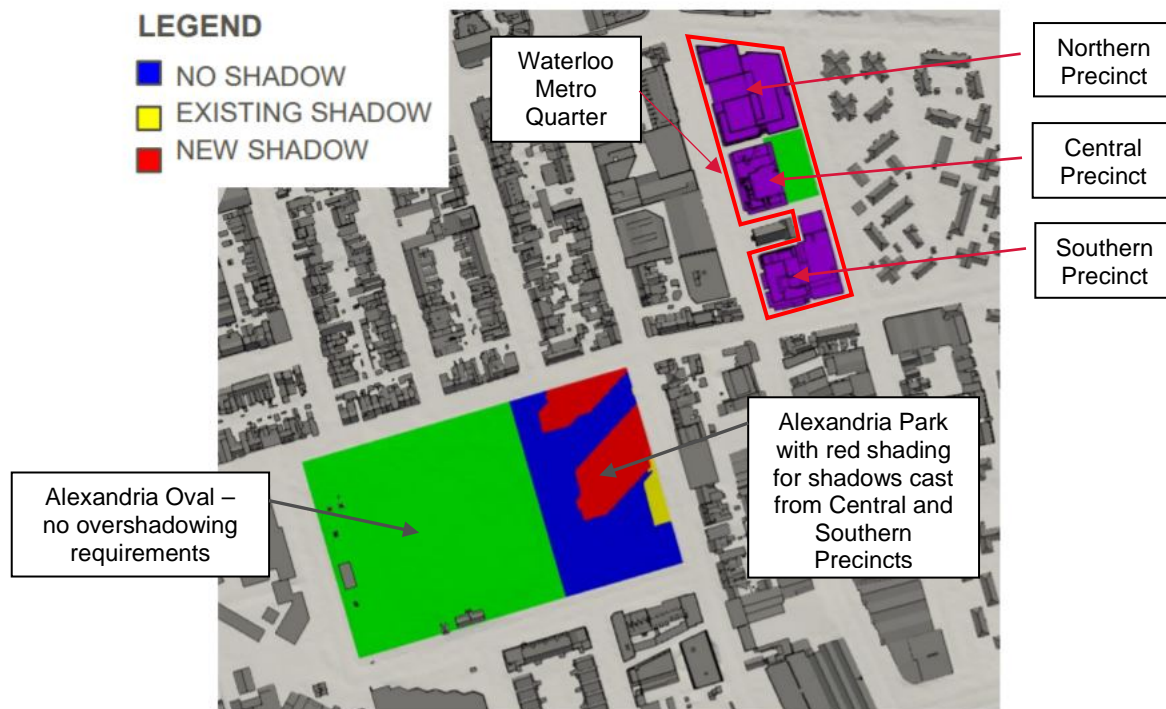


Figure 21 | Overshadowing analysis on Alexandria Park showing impact caused from Central and Southern Precinct buildings at 9:30am in midwinter (Source: Applicant's EIS)

The Department therefore is satisfied that the Amending Concept Application would not result in any additional overshadowing impact to Alexandria Park beyond those already assessed and approved.

Solar access to surrounding properties

The Applicant submitted a solar analysis to illustrate the shadows cast by the proposed building envelopes compared to the approved building envelopes. The analysis show that the proposal would result in less overshadowing of properties in the Alexandria Park Heritage Conservation Area, but some additional overshadowing to properties in the block to the immediate west (**Figure 22**). Overall, the Analysis found that properties to the west, including those where additional shadows occur, will continue to receive more than two hours solar access to their living rooms and private open space

Council acknowledged improvement to solar access to residential properties in the Heritage Conservation Area due to the reduced building envelope height. However, Council raised concern that the Applicant's solar analysis did not demonstrate that specific criteria in the Design Guidelines endorsed with the Concept Approval had been met with respect to analysis of both 'at grade' areas and living rooms windows and did not consider impacts to residential properties further to the south.



Figure 22 | Solar access to Alexandria Park Heritage Conservation Area at 10am (Source: Applicant's EIS)

The Department agrees with the findings of the submitted solar analysis, which found the proposed building envelopes for the Northern Precinct would have acceptable overshadowing impacts to the properties in the Heritage Conservation Areas and a number of properties along Botany Road, opposite the site.

The Department also notes the overshadowing impacts to residential properties further to the south of the site along Wellington Street and beyond relate to the buildings proposed in the Central and Southern Precincts and not the proposed building envelopes at the Northern Precinct.

The Department acknowledges the concerns raised by Council but notes the criteria in the Design Guidelines of the Concept Approval would continue to apply to the Detailed Design Applications currently being assessed by the Department. The Department notes the building heights proposed in these applications all represent further reduction from the proposed building envelopes under the Amending Concept Application and the approved building envelopes in the Concept Approval, would result in further reduction in overshadowing impacts to surrounding residential properties in the Alexandria Park Conservation Area and properties to the west.

The Department therefore concludes that the Amending Concept has acceptable overshadowing impacts to surrounding residential properties.

6.5 Parking and traffic

Traffic generation

The Applicant's Traffic, Transport and Parking Assessment (TTPA) identifies the proposal is estimated to generate 47 vehicle trips per hour in peak periods for the commercial uses for the Northern Precinct and a total of 56 vehicles trips for the overall Waterloo Metro Quarter.

The Concept Approval was predicted to generate 98 vehicle trips per hour in the peak based on SLEP car parking rates.

The Department engaged an independent traffic consultant to peer review the Applicant's assessment of traffic generation. The consultant agreed with the traffic generation rates outlined in the submitted TTPA and noted the proposal would generate less traffic compared to the Concept Approval because it includes additional commercial floor spaces which has a lower traffic generation rate than residential development and it now includes less car parking spaces than the approved concept proposal.

The Department agrees with the findings of the independent traffic consultant and is satisfied that the amending concept proposal would not result in any additional traffic impacts, given the overall traffic generation rate has reduced.

Servicing and Loading facilities

The proposal seeks to increase the number of loading spaces from seven to nine due to the office floorspace generating greater demand, compared to the approved concept.

No other changes to the approved loading or access arrangements are proposed.

Transport for NSW recommended a Freight and Servicing Management Plan to regulate access and congestion at the loading dock spaces.

The Department's independent traffic consultant acknowledged the 10 total loading docks across the Waterloo Metro Quarter is less than the Sydney DCP loading dock rates (which would require 13 spaces). The consultant, however, accepted a site-wide Freight and Servicing Management Plan would be appropriate and sufficient, in this case, to manage the available spaces and prevent on-street kerbside parking and loading.

The Department agrees with the advice and recommendation of its independent traffic consultant and TfNSW. The Department considers sufficient loading and servicing facilities can be accommodated within Waterloo Metro Quarter to service the Amending Concept proposal, noting the final design of the servicing and loading facilities would be determined in Detailed Design Application for the Basement (SSD 10438).

The Department also recommends a condition of consent requiring a Freight and Servicing Management Plan to be prepared in consultation with TfNSW prior to the occupation of any of the proposed buildings at the Waterloo Metro Quarter.

Parking

The Amending Concept seeks to adopt the same car parking rates as the Concept Approval.

However, Council states that the proposal should have zero or absolute minimum car parking in order to reduce impacts on the congested road network, support a transit-oriented development and achieve mode shift from private car usage to public and active transport. Council noted that the Waterloo Metro Quarter State Significant Precinct Study prepared for the 2019 rezoning process identified that car parking could be constrained to 65 spaces, whereas the Stage 2 Detailed Design SSDs, collectively, have 155 spaces.

In response, the Applicant noted that the proposal would provide less car parking than currently permitted under the LEP. The Applicant outlined that the basement levels proposed in the Basement Detailed Design SSD (SSD 10438) contain 155 car parking spaces, whereas 272 spaces would be permitted under Sydney LEP 2012.

The Department's independent traffic consultant considered the residential and commercial parking proposed within the Basement Detailed Design SSD are reasonable. The consultant noted residential parking is less than the Sydney LEP rates and equals 0.45 spaces per dwelling and commercial car parking would cater for less than 2% of the projected 3,200 workforce. The consultant also considered that having no parking, or severely restricted parking, may result in residents and workers undesirably parking on-street within the surrounding road network.

The Department supports the Amending Concept in adopting the same maximum car parking rates as the Concept Approval. The Department notes these car parking rates are already lower than the SLEP maximum car parking rates and are aimed to reduce private vehicle dependence and encourage active and sustainable modes of transport.

The Department also accepts the adopted car parking rates are maximum rates and it is open for the Detailed Design Applications to consider car parking provision below these rates. The Department notes the Basement Detailed Design SSD (SSD 10438) in this case is proposing less car spaces than permitted under the Concept Approval.

6.6 Other issues

The Department's consideration of other issues is summarised in **Table 7** below. These are issues raised by Council or in agency of public submissions which are otherwise not key issues addressed above.

Table 7 | Response to other assessment issues

Issue	Findings	Recommendations
Pedestrian wind impacts	<p>The submitted Wind Impact Assessment modelled impacts against wind criteria in the Design Guidelines endorsed by the Concept Approval for the public domain, publicly accessible open spaces and private open spaces. Council raised concerns the Cope Street Plaza would achieve a standing, rather than sitting, wind comfort criteria. Council also said it appears none of the areas around retail tenancies are suitable for sitting/outdoor dining.</p> <p>The Sydney Metro Design Review Panel (DRP) requested the Applicant to provide additional wind mitigation to Cope Street Plaza. However, the DRP accepted not to plant additional trees along the Cope Street entrance as wind conditions were already acceptable and any minor improvement did not outweigh visual, wayfinding and overshadowing impediments.</p> <p>The Applicant's RtS was accompanied by further wind impact assessment. It noted the wind criteria are generally achieved under the Amending Concept, subject to suitable mitigation measures including awnings and tree planting. It</p>	No conditions are necessary in relation to this issue.

confirmed 60% of Cope Street Plaza will achieve sitting criteria for 90% of the year, and pedestrian crossings and bus stop areas along Botany Road, will achieve standing criteria throughout the year. Cope Street Plaza will achieve sitting criteria all year with proposed detailed design elements including raised planters, bench seating, soil mounds and mature trees.

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

Ecologically Sustainable Development (ESD)

The amending concept proposal seeks to maintain the ESD targets established by the Concept Approval. The ESD Report submitted provides information on the detailed ESD measures proposed for each subsequent precinct.

Conditions to adopt ESD requirements from Concept Approval.

Council supported the adopted energy rating scores and methodologies proposed to achieve the rating efficiencies, as well as the onsite rainwater harvesting.

However, Council recommended additional initiatives for the detailed design phase comprising photovoltaic array or green roof on the social housing building, larger rainwater detention systems be investigated and use of the Green Star Buildings Tool rather than Green Star Design and As-Built Rating Tool.

In response, the Applicant's RtS for the Detailed Design SSDs argued that the proposal includes best practice and exceedance of minimum targets, reaffirmed the proposal will register for Green Star Design and As-Built as a transitional project, argued the social housing building does not have sufficient space for additional photovoltaics over and above the Level 23 roof and rainwater collection tanks have been maximised.

The Department is satisfied suitable ESD measures have been incorporated into the project, recognising the Green Star rating system allows applicant to use As-Built tool under transitional provisions. The Department recommends ESD requirements for the Concept Approval also be adopted for the Amending Concept.

Design Excellence

The Concept Approval requires the detailed design SSDs to be reviewed by the Sydney Metro Design Review Panel (DRP) in accordance with the approved Design Excellence Strategy. The Amending Concept proposal is adopting the same design excellence strategy and have been reviewed by the DRP.

Conditions to require the Amending Concept to adopt the submitted Design Excellence Strategy.

The Department has also assessed the amending concept proposal against the Design Excellence requirements contained in the SLEP at **Appendix C**.

The Department is satisfied the proposal has responded to the advice of the DRP and the DRP supports the proposal for the reasons outlined in **Section 6.1**.

The Department accepts the advice of the DRP and is satisfied the proposal is capable of achieving Design Excellence.

Construction Impacts	<p>The EIS addressed construction impacts and was accompanied by a Construction Management Plan and a Construction Traffic and Pedestrian Management Plan.</p> <p>The Department notes the EIS addressed construction staging and management strategies for noise, vibration, dust, soil, water, works zones, waste management, work near a heritage item and the like. The Department is satisfied the construction impacts can be appropriately managed subject to relevant conditions of consent.</p>	<p>Conditions sets out requirements for detailed construction impact assessments with future Stage 2 SSDs.</p>
Site Suitability	<p>The Department notes the site is currently used for the construction of the new Waterloo Metro station. A number of site suitability matters such as flooding, archaeology, and contamination have been addressed under the infrastructure approval, CSSI 7400 and previously considered under the Concept Proposal.</p> <p>As the site circumstances remain unchanged, the Department is satisfied the site is suitable for the Amending Concept proposal. The Department also notes additional investigation and assessment have carried out with the Detailed Design Applications currently being assessed by the Department. These further assessments are to ensure the Detailed Design Applications would be suitably designed and constructed to address any site constraints such as flooding and contamination.</p>	<p>Conditions to be recommended on requiring future developments to consistent with the submitted Flood Management Plan, Stormwater Assessment, Archaeological Reports, Geotechnical Report and Contamination Strategy.</p>
State Public Infrastructure	<p>Clause 6.46 of the Sydney LEP states 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> <p>On 24 November 2019, the Planning Secretary's delegate certified that satisfactory arrangements have been made in relation to the concept proposals in SSD 9393 (the Concept Approval).</p> <p>The Amending Concept SSD (SSD 10441) does not trigger the requirement for a new or amended certification in relation to Clause 6.46 because there is no residential accommodation proposed in this application. As such, the Planning Secretary's existing certification remains in place for the purposes of Clause 6.46.</p> <p>The Minister may grant consent to the application as Clause 6.46 of the Sydney LEP has been satisfied.</p>	<p>No conditions are necessary in relation to this issue.</p>

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.

Overall, the Department considers the proposal is acceptable for the following reasons:

- it is consistent with the objects of the EP&A Act and the State's strategic planning objectives for the site as set out in the Region Plan and Eastern City District Plan
- the proposal fully complies with the Sydney LEP 2012 in relation to, density, land use and height controls
- the proposal would not increase the overall gross floor area for the Waterloo Metro Quarter when compared to the Concept Approval
- the proposal would increase the commercial floor space for the Waterloo Metro Quarter from between 12,000 to 20,000m² to 35,000 to 40,000m² to provide more jobs at this highly accessible location
- the proposed building envelope for the Northern Precinct is 26.5 m lower in height compared to the approved building envelope in the Concept Approval and would result in improvements to solar access to the Alexandria Park Conservation Area.
- the proposed additions to the Central Precinct building envelope would improve pedestrian connection across the site and the proposed building interface with Cope Street Plaza
- the proposal achieves a high standard of design. It is appropriate within its urban context and is supported by the Design Review Panel.

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

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 to approve SSD 10441
- **agrees** with the key reasons for approval listed in the notice of decision (**Appendix B**)
- **grants consent** for the application in respect of SSD 10441, subject to the conditions in the attached development consent (**Appendix D**)
- **signs** the attached development consent (**Appendix D**).

Recommended by:



Russell Hand
Principal Planning Officer
Key Sites Assessments

Recommended by:



Annie Leung
Team Leader
Key Sites Assessments

9 Determination

The recommendation is **Adopted** by:



Anthony Witherdin
Director
Key Sites Assessments

Appendices

Appendix A – List of documents

1. Environmental Impact Statement
2. Submissions
3. Applicant's Response to Submissions

<https://www.planningportal.nsw.gov.au/major-projects/project/29586>

Appendix B – Community Views for Draft Notice of Decision

Issue	Consideration
Built Form <ul style="list-style-type: none"> support reduced building height of Northern Precinct support increased pedestrian permeability through buildings Northern Precinct has large bulk. Northern Precinct building is out of character with surrounding buildings. Northern Precinct building should have further reduced height and bulk. eliminate the Central Precinct from the Concept and construct a large public square instead. project ruins the character of Waterloo. However, further explanation of this objection was not provided. 	<ul style="list-style-type: none"> The Department notes that public submissions contained mixed views on the built form of the proposal. The Department's assessment finds the new Northern Precinct building envelopes and extension of the Central Precinct building envelope acceptable as the built form complies with the Sydney LEP and the envelopes have been modulated in height and massing. The detailed design phase is subject to Concept Approval conditions, the recommend conditions and updated Design Guidelines. Recommended conditions include a requirement for Stage 2 Detailed Design applications to demonstrate consistency with the Design Guidelines (Condition B3) and incorporate internal voids to the Northern Precinct to break up the size of the available floorspace (Condition B7).
Land use <ul style="list-style-type: none"> support for office land use there is no demand for large office space due to Covid-19 pandemic. 	<ul style="list-style-type: none"> The Department notes there are differing views in submissions. The Department considers the proposed land uses within the Amending Concept are suitable as the uses are permissible with consent and the Northern Precinct will enable a significant amount of employment (3,436 full time employees) directly above a rapid and connected Metro public transport system.

<p>Affordable housing</p> <ul style="list-style-type: none"> • more affordable and social housing is required • there is a reduction in affordable housing dwellings 	<ul style="list-style-type: none"> • The Department notes the revised land use mix would reduce the amount of affordable housing to be provided compared to the Concept Approval. Affordable housing is required to be provided as 5% of the total residential floorspace. The Concept Approval involved 35 affordable housing apartments and the Amending Concept involves 24. • The Department notes that Amending Concept would secure four more affordable housing apartments than the requirements in the Sydney LEP and Concept Approval (24 rather than the 20 required). • The Department considers that the proposed amount of affordable housing complies with the requirements for the site and is acceptable.
<p>Parking and traffic</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 is noted to have minimal contribution to pedestrian demands compared to the Station infrastructure. • The Department is satisfied the proposal will have acceptable parking and traffic impacts. • Existing Concept Approval conditions limit car parking, and therefore traffic generation, to the maximum parking rates in the Sydney LEP 2012.
<p>Street trees and landscaping</p> <ul style="list-style-type: none"> • project should retain existing trees in Cope Street. • project should preserve existing trees in the Waterloo Estate (to the east, on the opposite side of Cope Street) • extent and design of deep soil landscaping is questioned 	<ul style="list-style-type: none"> • The Amending Concept has no impact on street trees, including along Cope Street and in the Waterloo Estate, and has no impact on the deep soil areas or design
<p>Coordination with Waterloo Estate</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"> • The Department considers this is an issue for Sydney Metro and the Applicant (for Waterloo Metro Quarter), and Land and Housing Corporation and private landowners (for Waterloo Estate) to work together to coordinate the exact nature of tenants and uses to suit the needs and wants of the local and wider community.
<p>Solar access</p> <ul style="list-style-type: none"> • proposal will reduce sunlight to author's apartment within 138 Botany Road. 	<ul style="list-style-type: none"> • The Department notes that the Amending Concept's new building envelopes for the Northern Precinct and Central Precinct do not impact on shadows to 138 Botany Road. Shadows cast on that building arise from the Central Precinct tower and Southern Precinct tower which are governed by the Design Guidelines of the Concept Approval and subject to assessment of the Stage 2 Detailed Design SSDs.

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
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 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 in Section 4.
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.
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 commercial development 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.
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 imposed on Detailed Design SSDs. 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 6 Star Green Star Design and As-Built and 5 Star NABERS Energy rating.

Furthermore, the commercial office tower is committed to delivering a building capable of a Gold WELL Core - Building Standard rating.

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 4 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, as referenced in the table.

Table 4 | Section 4.15 Evaluation

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	Not applicable.
(a)(iii) and development control plan (DCP)	Under clause 11 of the SRD SEPP, DCPs do not apply to SSD. Notwithstanding, the Sydney DCP 2012 contains highly detailed controls and guidance which is not directly relevant to the Department's consideration of the Amending Concept.
(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 new building envelopes will provide employment generating uses enabling the Waterloo Metro Quarter to become a high quality mixed use development supported by rapid public transport and urban services. Refer to **Section 6**.

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
- 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 also constitutes traffic-generating development under Clause 104 and was referred to Transport for NSW for review and comment. Transport for NSW recommended several condition 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.

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.

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.

The Department has considered the EPA's comments and will incorporate their recommendations into the recommended conditions of the Detailed Design SSDs as these set the land uses for each Precinct.

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

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 To achieve high quality urban form through design excellence. 	<p>The proposal is in keeping with the aims of the Plan in that the land use is compatible with the desire to ensure the site has high employment generating uses and compliance is achieved with standards governing bulk and scale, protection of solar access to public space and residential properties.</p>
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. 	<p>The proposal is permissible with consent and consistent with the objectives of the zone. It provides a mix of compatible uses in a highly accessible location and does not take away from the viability of retail or commercial centres.</p>
4.3 – Height of buildings	<p>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.</p>	<p>The proposal complies with the maximum height standards applying to the site.</p>

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>	<p>The proposal complies with the maximum FSR standard applying to the site. A cumulative tally of GFA will be required for Concept Approval and subsequent proposals to determine the overall FSR.</p>
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>	<p>The site does not contain any heritage items. However, the site is near the Alexandria Park Heritage Conservation Area and shares three boundaries with Alexandria Congregational Church.</p> <p>A Heritage Impact Assessment has been lodged and the Department has considered this assessment.</p> <p>The Department finds the proposal is acceptable in relation to heritage impacts.</p>
6.21 - Design Excellence	<p>Consent must not be granted unless, in the opinion of the consent authority, the proposal exhibits design excellence.</p>	<p>The Department finds that the Minister's delegate may form the opinion that the proposal exhibits design excellence.</p> <p>The Concept Approval Design Excellence Strategy incorporates an independent design review panel (DRP) process in lieu of a competitive design process under SLEP to allow better integration between the over station development and metro station.</p> <p>The NSW Government Architect endorsed the Sydney Metro DRP as an alternative to the State DRP. The Department notes the endorsement and also that the Sydney Metro DRP is providing advice on the design of the Waterloo Metro Station.</p>

		<p>The Sydney Metro DRP has reviewed the proposal and advised that it supports the new building envelopes.</p> <p>The Department is satisfied the proposal responded to the advice of the DRP and accepts the advice and recommendations of the Panel, including to break up the floorspace of the Northern Precinct building.</p> <p>Overall, the Department concludes the proposal satisfies the Design Excellence Strategy, the design excellence requirements of the SLEP and the proposal would deliver a high standard of architectural, urban and landscape design for the site.</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>(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) it is satisfied that no dwelling used for the purposes of affordable housing on land</p>	<p>Subsequent Stage 2 Detailed Design SSDs, where land uses and open space are proposed, will be assessed for compliance against Clauses 6.45(1) and 6.45(2)(a) and (b).</p> <p>Clause 6.45(2)(c-d) are relevant to the Amending Concept and the Department notes as follows respectively:</p> <ul style="list-style-type: none"> the Amending Concept distributes land uses other than residential accommodation and passenger transport facilities across the site new Design Guidelines are proposed with the Amending Concept to provide direction and criteria for subsequent Stage 2 Detailed Design SSDs. The Design Guidelines

	<p>at the Waterloo Metro Quarter will have a gross floor area of less than 50 square metres.</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>are considered appropriate and acceptable.</p>
6.46 – Waterloo Metro Quarter – State public infrastructure	<p>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>	<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 Amending Concept SSD (SSD 10440) does not trigger the requirement for fresh or amended certification in relation to Clause 6.46. As such, the Planning Secretary's existing certification remains in place for the purposes of Clause 6.46.</p> <p>The Minister may grant consent to the application as Clause 6.46 of the Sydney LEP has been satisfied</p>
7.1-7.9 – Car parking	<p>Maximum car parking rates apply to the proposal including residential rates, business premises rates and retail premises rates.</p>	<p>The Amending Concept does not seek consent to replace existing car parking rates in the Concept Approval with new rates.</p> <p>The Department is satisfied the Amending Concept complies with LEP rates.</p>

7.16 – Airspace Operations

The consent authority must consult with the relevant Commonwealth body for any application which penetrates the Limitation or Operations Surface (OLS).

The consent authority may grant consent for the development if the relevant Commonwealth body advises that it has no objections to its construction.

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 Concept Approval building envelopes.

Sydney Airport advised that as the Amending Concept has new building envelopes with less height than the Concept Approval, they have no issue with the proposal.

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, the relevant controls under SDCP are highly detailed and are relevant as guidance to consideration of the subsequent Stage 2 Detailed Design SSDs.

Appendix D – Recommended Development Consent