

## Greater Sydney, Place and Infrastructure

### Gateway determination report

<b>LGA</b>	City of Parramatta
<b>PPA</b>	City of Parramatta Council
<b>NAME</b>	14-16 Hill Road, Wentworth Point (0 homes, 166 jobs)
<b>NUMBER</b>	PP_2019_COPAR_011_00
<b>LEP TO BE AMENDED</b>	Auburn Local Environmental Plan 2010
<b>ADDRESS</b>	14-16 Hill Road, Wentworth Point
<b>DESCRIPTION</b>	Lot 3 DP 859608
<b>RECEIVED</b>	3 October 2019
<b>FILE NO.</b>	IRF19/6620
<b>POLITICAL DONATIONS</b>	There are no donations or gifts to disclose and a political donation disclosure is not required.
<b>LOBBYIST CODE OF CONDUCT</b>	There have been no meetings or communications with registered lobbyists with respect to this proposal.

## 1. INTRODUCTION

### 1.1 Description of planning proposal

The planning proposal (**Attachment A**) seeks to amend the development controls for land at 14-16 Hill Road, Wentworth Point, by amending the Auburn Local Environment Plan (LEP) 2010 as follows:

- expand the proposed public open space and land subject to acquisition for public open space within the site by increasing the RE1 Public Recreation zone and reducing the R4 High Density Residential zone;
- rezone land within the north-eastern corner of the site from R4 High Density Residential to B4 Mixed Use;
- amend the maximum Height of Buildings (HOB) to provide a range of heights from part 19m and part 88m to a range of heights between 44m and 134m (up to 40 storeys);
- amend the FSR from part 1.25:1 and part 2.6:1 to a range of FSRs ranging from 1.9:1 to 7:3:1, noting that this is not intended to exceed the existing approved GFA on the site of 188,800m<sup>2</sup> GFA;
- amending the Land Acquisition Map to increase the public open space and exclude the foreshore wharf from public acquisition to facilitate its refurbishment and operation as a café under the existing community title;
- introduce an additional permitted use under Schedule 1 to permit 'food and drink premises' as a permissible use in the RE1 zone where the existing café is located within the site; and

- introducing site specific provisions to restrict the application of clause 4.6 of Auburn LEP 2010 relating to FSR.

The planning proposal seeks to enable redevelopment for high-density residential development, introduce a mix of uses and facilitate an increase in open space. It is not seeking an uplift in density on the site, rather the planning proposal seeks to redistribute the approved 188,800m<sup>2</sup> GFA across the site by amending the Height of Building (HOB) controls and FSR controls. Therefore, no additional homes will be provided and there is potential for the number of dwellings on the site to be reduced through the introduction of the B4 Mixed Use zone. It is anticipated that approximately 166 additional jobs will be provided as a result of the introduction of the B4 Mixed Use zoning.

Council has advised that a Voluntary Planning Agreement (VPA) will be negotiated with the proponent to facilitate the construction of the new foreshore park within the RE1 Public Recreation zone and dedicated to Council at an appropriate time. Furthermore, Council have advised that changes are proposed to the Wentworth Point DCP 2014 to enhance urban design and public amenity and provide further development controls.

The proposal would redistribute the approved 188,800m<sup>2</sup> GFA across the site with the intended outcomes to:

- achieve greater publicly accessible foreshore open space;
- secure a new transport corridor allowing potential light rail alignment through the site;
- improve the efficiency of the future road network throughout the site;
- provide greater variation of built form and heights;
- introduce non-residential uses within the north-eastern component of the land to create synergy with the adjoining non-residential uses and to improve street activation; and
- restrict further variation of FSRs at the development application stage.

## **1.2 Site description**

The site is defined as Lot 3 DP859608, with an approximate area of 94,580m<sup>2</sup> (Figure 1).

The former industrial buildings originally located on the northern end have been demolished and replaced by a carpark and associated landscaping works. Some construction activities are already occurring at the south-eastern corner along Hill Road to activate Stage 1 of the development.

An electricity substation is located to the south of the site on Hill Road and is separated from the site by dense vegetation. There is a shared pedestrian and cycle link on the northern portion of the site adjacent to the Parramatta River.




 Subject site

Figure 1: Subject site at 14-16 Hill Road, Wentworth Point (Source: Nearmaps)

### 1.3 Surrounding area

The subject site is located at the northern edge of the Wentworth Point peninsula on the western side of Hill Road, with a frontage to Parramatta River to the north. It is adjacent to the Sydney Olympic Park ferry wharf, approximately 2.3km from Rhodes train station to the east (via the Bennelong footbridge), 3.1km from Sydney Olympic Park train station to the south and 3.9km from the M4 Motorway.

To the east there are existing apartment buildings with ground floor retail and residential apartments above. The Wentworth Point Public School is also located 150m to the east of the site.

Newington Armory Heritage Conservation Area is located to the west of the site which is of state heritage significance under Part 23 of the State Environmental Planning Policy (State Significant Precincts 2005) – Sydney Olympic Park. This Reserve also contains the Newington Nature Reserve Wetland and is largely restricted from public access but does contain a limited number of bike and pedestrian paths. The Silverwater Marker and Millennium Parklands are located to the south of the site (Figure 2).



Figure 2: Surrounding land (Source: Planning Proposal)

## 1.4 Background

The subject site was rezoned in June 2014 under the Urban Activation Precinct program, as part of a package to increase housing delivery and jobs in broader Sydney. At the time, the Wentworth Point Urban Activation Precinct comprised of two land parcels in Government ownership totalling 18.6ha land, one of which is the subject site. The rezoning provided for high density redevelopment with new foreshore public open space and three smaller pocket parks (Figure 3) with a total area of approximately 13,610m<sup>2</sup> of public open space identified for the site.





Figure 3: 2014 Precinct Structure Plan (Source: DPIE). The Subject Site is edged orange.

In February 2016, the Sydney West Joint Regional Planning Panel approved a Stage 1 Development Application. The approval (DA-41/2015) granted the allocation of 188,800m<sup>2</sup> of residential Gross Floor Area (GFA) across the site, the demolition of existing buildings, tree removal, earthworks, site remediation, construction of roads, and public domain works.

During 2017 to early 2019, the landowner carried out consultation with the City of Parramatta Council, who became the consent authority following Council amalgamations in 2016, to develop a new master plan for the site. This included discussions with Transport for NSW (TfNSW) to reserve a potential transport corridor for Parramatta Light Rail (PLR) Stage 2 through the site.

In October 2018, the landowner submitted a Planning Proposal seeking an additional 40,000m<sup>2</sup> of GFA above the previously approved 188,800m<sup>2</sup> of GFA.

After negotiation with Council, the landowner lodged a revised master plan in February 2019 that retains the approved GFA whilst providing an alternative zoning and height distribution across the site and increased public open space. This revised master plan has now been translated into the subject planning proposal.

## 1.5 Existing planning controls

The Auburn Local Environmental Plan (LEP) 2010, zones the site part R4 High Density Residential and part RE1 Public Recreation (Figure 4).

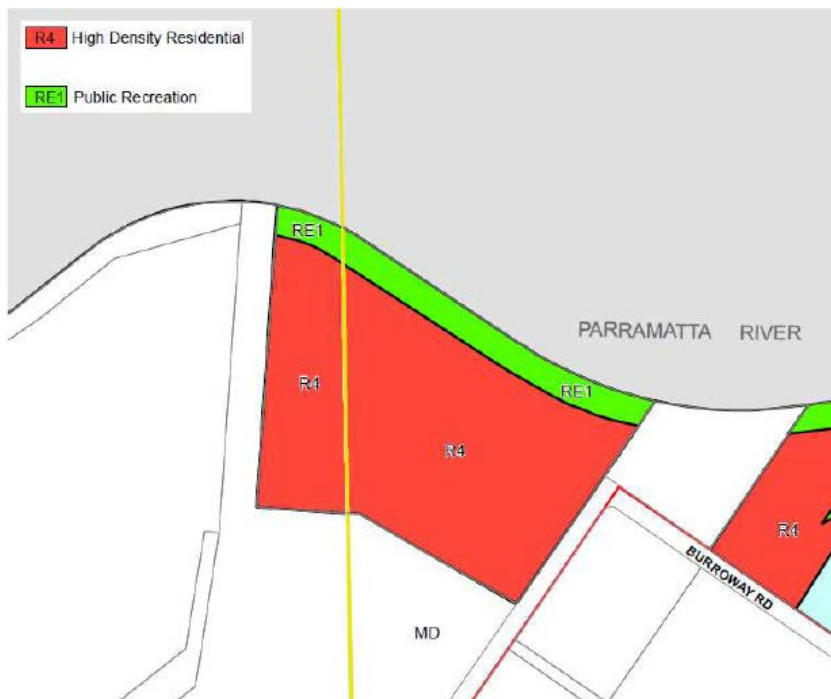


Figure 4: Existing Land Zoning controls (Source: ALEP 2011)

Within the R4 zoned portion of the land, it is also subject to a maximum building height of part 19 metres and part 88 metres with the corresponding maximum floor space ratios of 1.25:1 and 2.6:1 (see Figures 5 & 6).

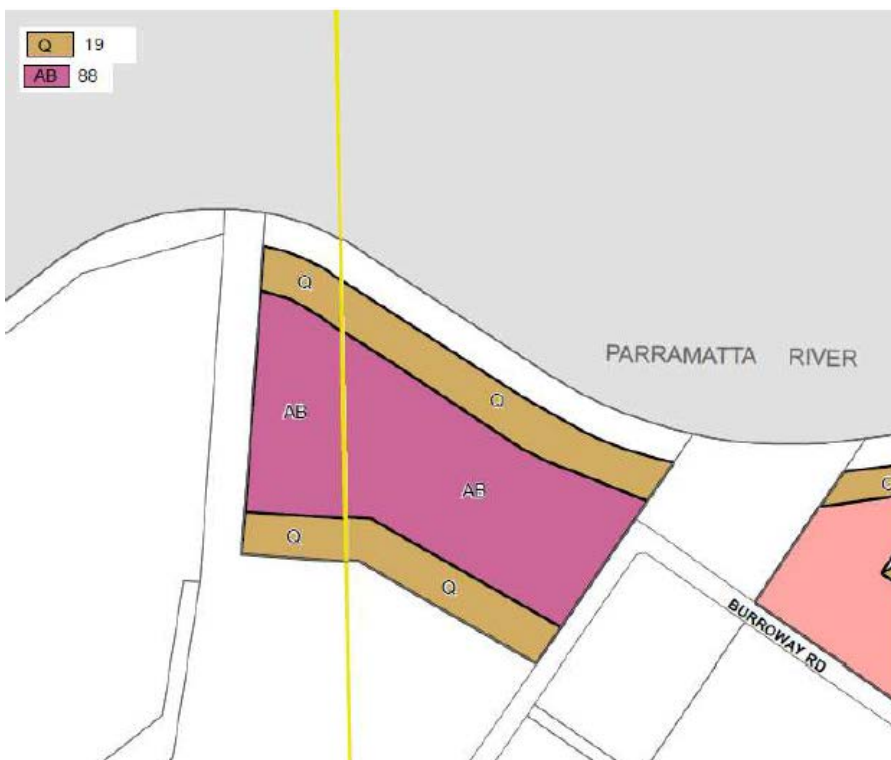


Figure 5: Existing Height of Buildings controls (Source: ALEP 2011)

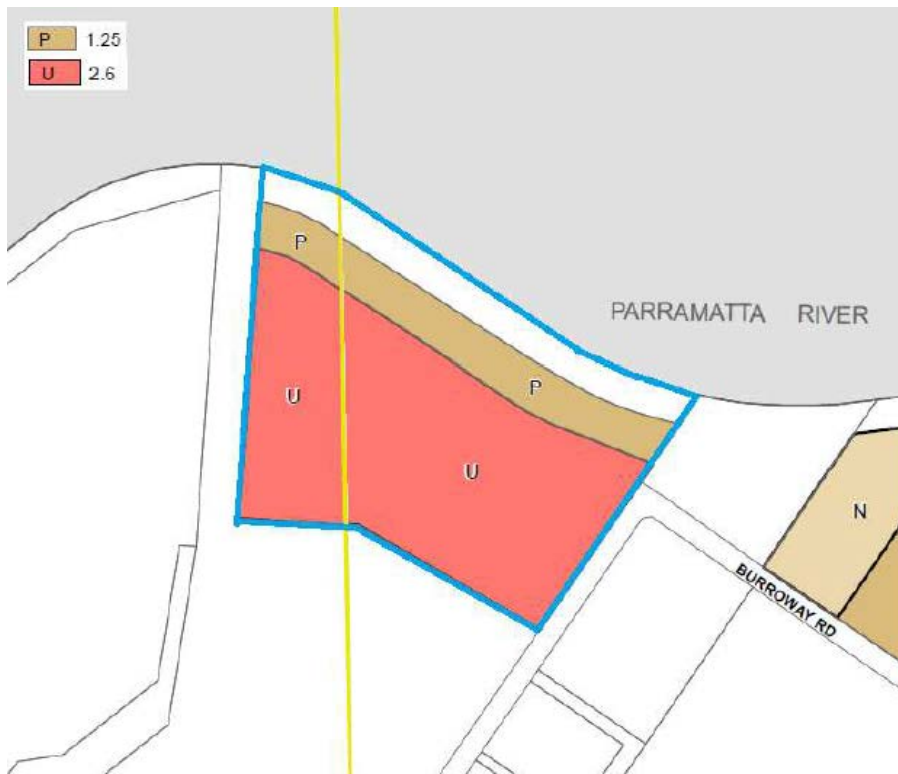


Figure 6: Existing Floor Space Ratio controls (Source: ALEP 2011)

The northern part of the site (with frontage to the Parramatta River foreshore) is also currently subject to land acquisition for Local Open Space (RE1) purpose (Figure 7).

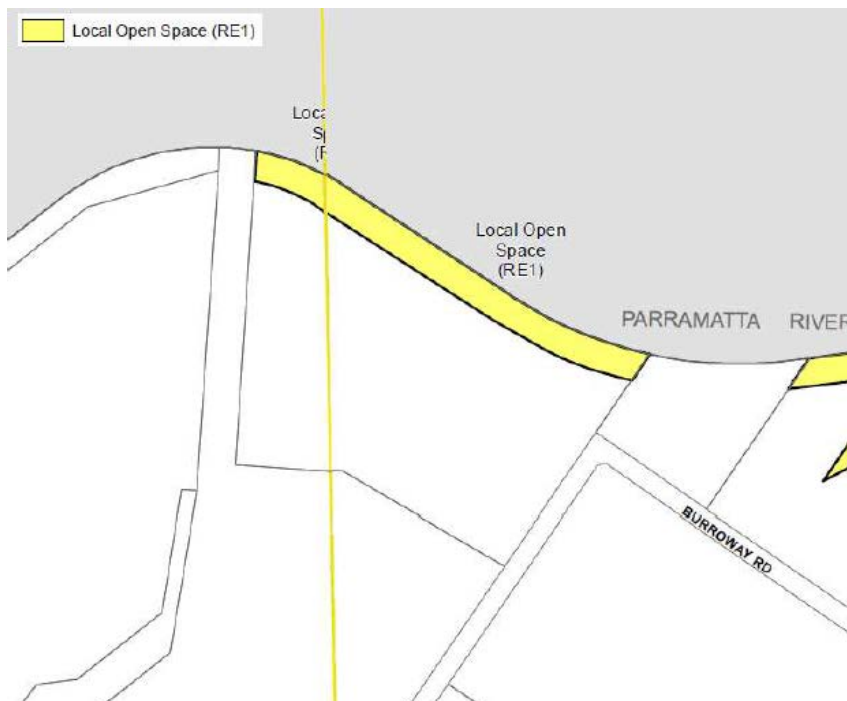


Figure 7: Existing Land Acquisition controls (Source: ALEP 2011)

## **1.6 Summary of recommendation**

It is recommended that the planning proposal proceed with conditions to exhibition as it has the ability to provide an improved public benefit outcome on the site through an increase in publicly accessible foreshore public open space and a potentially improved transport corridor outcome for Parramatta Light Rail Stage 2, while maintaining density outcomes. Amendment is required to the planning proposal in accordance with the recommended Gateway conditions, as outlined in this report.

## **2. PROPOSAL**

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### **2.1 Objectives or intended outcomes**

The purpose of this planning proposal is to redistribute the approved 188,800m<sup>2</sup> GFA across the site with the intended outcomes being to:

- identify a 'park side' character to distinguish the site from the existing 'grid side' outcomes on the eastern side of hill road which responds to the parkland context;
- achieve an enhanced open space outcome;
- to preserve a potential future transport corridor with potential to accommodate light rail;
- to enable an improvement to the efficiency, connectivity and design of the road network through accompanying DCP amendments;
- to introduce significantly greater variation in built forms and heights that ranges from 28 storeys to 40 storeys; and
- to add non-residential uses at the north-eastern portion of the site to achieve street activation, improved service offering and connectivity with nearby non-residential uses.

The objectives of the planning proposal are clear.

### **2.2 Explanation of provisions**

This planning proposal seeks to amend Auburn LEP 2010 as follows:

- rezone the northern portion of the land from R4 High Density Residential to RE1 Public Recreation and B4 Mixed Use (Land Zoning Map Sheet LZN\_005 and Sheet LZN\_009);
- increase the maximum building height on the Height of Buildings Map (Sheet HOB\_005 and Sheet HOB\_009) from part 19 metres and part 88 metres to a range of heights from 44 metres (15 storeys) to 134 metres (40 storeys);
- amend the Floor Space Ratio Map (Sheet FSR\_005 and Sheet FSR\_009) from part 1.25:1 and part 2.6:1 to a range of FSRs from 1.9:1 to 6.72:1 to redistribute the approved gross floor area of 188,800m<sup>2</sup>;
- amend the Land Reservation and Acquisition Map (Sheet LRA\_005 and Sheet LRA\_009) in line with the additional RE1 Public Recreation zone excluding the foreshore wharf from public acquisition;
- add 'food and drink premises' as a permissible use of the subject land in the RE1 Public Recreation zone under the Schedule 1 of the instrument; and



- remove the ability to use clause 4.6 to vary floor space ratio.

Each of the provisions are discussed in greater detail throughout this report.

## 2.3 Mapping

The planning proposal includes maps to demonstrate the existing and proposed controls. These maps are required to be updated in accordance with the gateway determination conditions. The height and FSR maps are proposed to be amended so that the specific height and FSR is identified for each future 'block' within the site. The Department considers that the FSR mapping should be amended to provide an FSR across the whole site, as per standard mapping conventions with a GFA cap applied to the site. This is discussed further in this report. The mapping will require amendment prior to public exhibition.

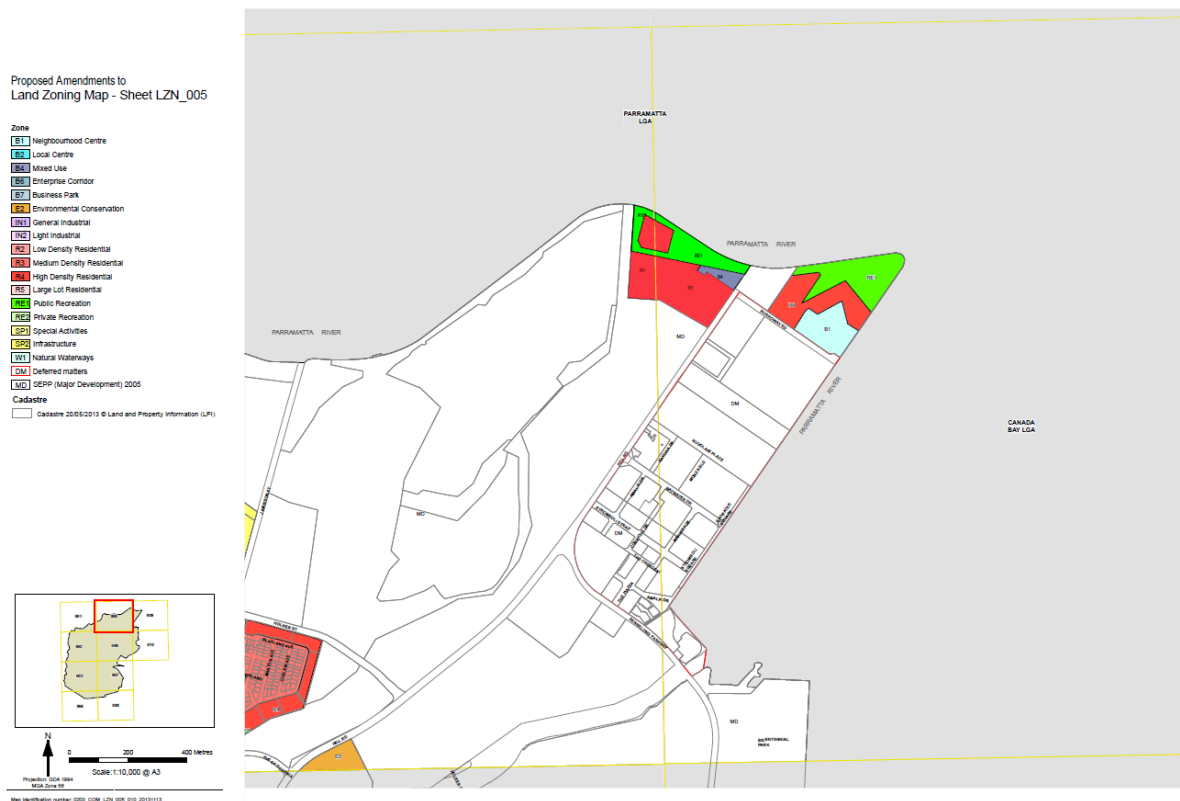
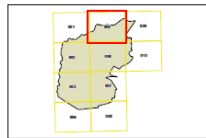
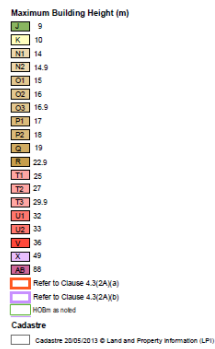


Figure 8: Proposed Land Zoning map (Provided by City of Parramatta)

Proposed Amendments to  
Height of Buildings Map -  
Sheet HOB\_005

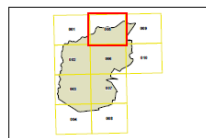
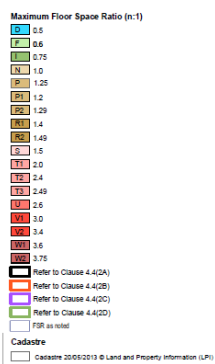


Project: 2013-1000  
Map Scale: 1:10,000 @ A3  
Map Identification Number: 005\_HOB\_005\_010\_20130113



Figure 9: Proposed Height of Buildings map (Provided by City of Parramatta)

Proposed Amendments to  
Floor Space Ratio Map -  
Sheet FSR\_005



Project: 2013-1000  
Map Scale: 1:10,000 @ A3  
Map Identification Number: 005\_FSR\_005\_010\_20130113

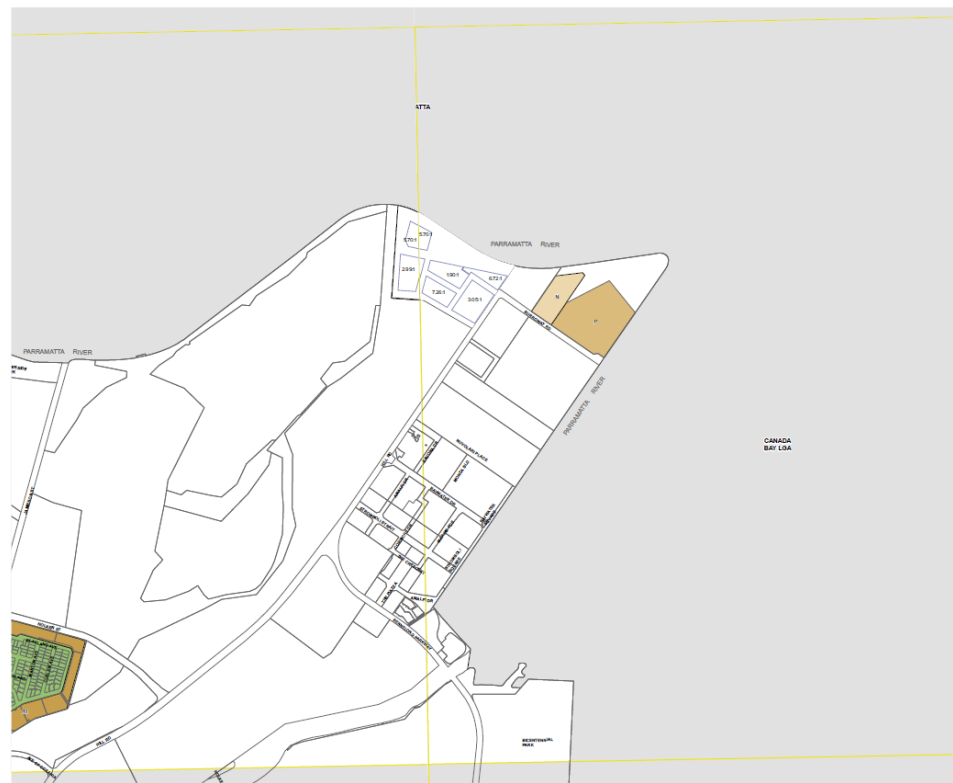


Figure 10: Proposed Floor Space Ratio map (Provided by City of Parramatta)

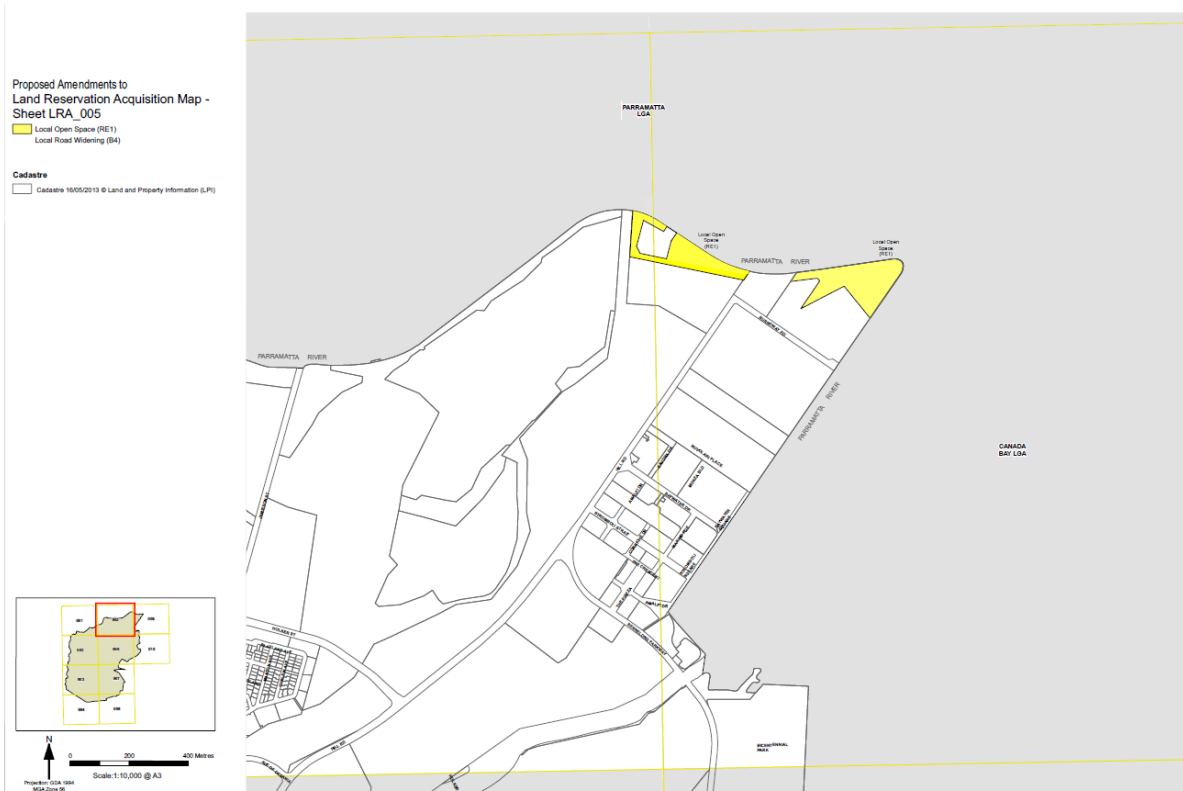


Figure 11: Proposed Land Acquisition map (Provided by City of Parramatta)

### 3. NEED FOR THE PLANNING PROPOSAL

The planning proposal is not a result of any site-specific study or report and is a landowner-initiated planning proposal with a request to vary the zoning, heights and FSR.

The proposal is located within the Wentworth Point Urban Activation Precinct which is intended to provide significant housing growth strategically located within the broader Sydney Olympic Park precinct.

The proposal seeks to facilitate the redevelopment of the site with redistribution of the approved GFA to achieve improved built form outcomes. This will also increase the size of public foreshore open space.

Council has advised that changes are also proposed to the Wentworth Point DCP 2014 to enhance urban design and public amenity, giving effect to the master plan which informs the planning proposal. The primary changes relate to the new street layout, identification of building heights and redistribution of the 188,800m<sup>2</sup> GFA across the site.

Furthermore, Council has indicated a Voluntary Planning Agreement (VPA) will be negotiated to deliver public benefits.

## 4. STRATEGIC ASSESSMENT

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### 4.1 District

#### Central City District Plan

The Central City District Plan provides a 20-year plan to manage growth to achieve the vision of Greater Sydney. It is a guide for implementing the Greater Sydney Metropolitan Plan at a district level and forms a line of sight between metropolitan and local planning.

The planning proposal is broadly consistent with the key Planning Priorities as outlined in the District Plan:

- **C1 Planning for a city supported by infrastructure** – The proposal has the potential to facilitate improved infrastructure and public domain outcomes by redistributing FSR across the site to provide for the potential revised alignment of Parramatta Light Rail Stage 2 resulting in improved integration of the future alignment with development. It also proposes to increase the size of Parramatta River foreshore public open space.
- **C5 Providing housing supply, choice and affordability, with access to jobs, services and public transport** – The proposal will deliver housing in close proximity to the Sydney Olympic Park strategic centre and the proposed Parramatta Light Rail Stage 2. The proposal seeks to reconfigure the site to provide residents with better access to public transport and better walking and cycling connections through Wentworth Point.
- **PP C6 Creating and renewing great places and local centres, and respecting the District's heritage** – Responding to the unique site context (e.g. interfacing with the Parramatta River and Newington Natural Reserve), the revised built form intends to enhance the urban design outcomes by redistributing the density to create a sense of openness and improve connectivity. The introduction of the B4 Mixed Use zone will also extend the service offering within the locality and integrate with the adjoining local centre.
- **PP C9 Delivering integrated land use and transport planning and a 30-minute city** – The proposal has the potential to accommodate the light rail alignment which will link Parramatta and Sydney Olympic Park that underpins the 30-minute city vision for Central City. The site is also serviced by existing public transport, including bus services along Hill Road and Sydney Olympic Park ferry services.
- **PP C16: Increasing urban tree canopy cover and delivering Green grid connections** – The proposal will create opportunity for more urban tree canopy through the provision of additional public foreshore open space. It also contributes to and enhances the connection of Parramatta River Foreshore that is identified as one of the Greater Sydney Green Grid priority corridors.
- **PP C17: Delivering high quality open space** – The proposed public open space to be delivered on the site excluding the potential road reserves is 32,295m<sup>2</sup> (approximately 3.2ha). This comprises the following open space areas:
  - Foreshore Park – 19,970m<sup>2</sup> (1.99ha);
  - Neighbourhood Green – 3,085m<sup>2</sup> (0.30ha);



- Linear Park/Foreshore Boulevard – 8,230m<sup>2</sup> (0.82ha); and
- Southern Park – 1,010m<sup>2</sup> (0.10ha).

Although this includes the land identified for the PLR Stage 2 corridor, due to uncertainties around its delivery it is being considered as potential open space at this stage. Should the entire corridor be required for PLR Stage 2 (or equivalent) then the amount of open space provided on the site will reduce to 24,065m<sup>2</sup>. Nonetheless, an estimate of the open space provision that could be achieved under the current controls is approximately 13,610m<sup>2</sup>. On this basis, the proposal will increase open space provision on the site by an additional 10,454m<sup>2</sup> even if the land identified for the PLR Stage 2 corridor (or equivalent) is required.

It is considered that this outcome is also consistent with the Premier's Priorities to improve access to quality open space and improve tree canopy.

## 4.2 Local

### Parramatta 2038 Community Strategic Plan

The planning proposal is considered to be consistent with the vision and the strategic objectives identified in Parramatta 2038 by creating liveable, sustainable and productive communities. The proposal is intended to provide enhanced open space and urban design outcome whilst is supported by existing and planned transport infrastructure in the area.

### Local Planning Panel

The planning proposal and assessment report (**Attachment K**) were considered by the City of Parramatta Local Planning Panel on 16 July 2019. The Panel unanimously recommended that Council endorse the proposal.

## 4.3 Section 9.1 Ministerial Directions

### Direction 1.1 – Business and Industrial Zones

This direction seeks to protect business and industrial zones to encourage employment generation. The planning proposal is considered to be consistent with this direction as it will provide additional 166 jobs opportunity in the proposed B4 Mixed Use zone. It will also enable certain retail land use (i.e. food and drink premises) as an additional permitted use within the RE1 Public Recreation zone for the existing cafe.

### Direction 2.1 – Environment Protection Zones

This direction seeks to protect and conserve environmentally sensitive areas. The subject site is located is surrounded by the 47ha Newington Nature Reserve which is zoned as E1 National Parks and Nature Reserves. It contains remnant woodland and estuarine communities which are of high ecological value.

The planning proposal is supported by an ecological assessment prepared by Ecological Consultants Australia (**Attachment D**) to assess and to address the environmental and biodiversity impacts of the proposal as a result of the planning proposal.

Early consultation with Environment, Energy and Science Group (EES) (formerly known as Office of Heritage and Environment) was undertaken in March 2019 by Council. EES indicates that the primary concern of the proposal relates to the potential

indirect impacts on the significant biodiversity values of the adjacent Newington Reserve. A summary of the EES submission associated with the site-specific impacts is provided in section 5.2.1 below.

#### Direction 3.1 – Residential Zones

This direction applies where a planning proposal will affect an existing or proposed residential zone. This planning proposal is inconsistent with this direction as the size of the residential zone is reduced to increase the size of the foreshore open space and to introduce commercial floor space in the proposed B4 mixed use zone.

This inconsistency is of minor significance as the loss of residential density will be marginal and the increase of open space land will contribute to the enhanced amenity of the subject site and surrounding areas. The introduction of non-residential floor space is also justified by a socio-economic impact assessment study, demonstrating the market demand and the need to serve the new residents in the subject site.

It is therefore recommended that the Secretary's delegate agree that any inconsistency with this direction is of minor significance.

#### Direction 3.4 – Integrating Land Use and Transport

This direction seeks to ensure that the urban structure, built forms and land use locations, development designs, subdivision and street layouts all collectively achieve a superior planning outcome.

This planning proposal has the potential to be consistent with this Direction as it proposes to reserve a future public transport corridor traversing the site to activate the foreshore open space and the precinct. It also has the capacity to accommodate the potential light rail alignment.

The proposed Parramatta Light Rail (PLR) Stage 2 will connect the subject site to Camellia, Rydalmere and Melrose Park and the proposed Metro West rail line, which will provide a fast connection to the Parramatta and Sydney CBDs.

However, PLR Stage 2 project is still under investigation by Transport for NSW (TfNSW) and yet to be committed and funded by State government. Given the current premature status, neither TfNSW nor Council want to be named as acquisition authority at this stage for the purpose of future transport.

The proposed zoning for this potential public transport corridor is RE1 Public Recreation to be consistent with the adjoining RE1 Open Space zoning. Council is comfortable with nominating this land on the Land Reservation and Acquisition map.

It is recommended that further consultation with TfNSW occur as part of the public exhibition to ensure appropriate mechanisms are in place to the satisfaction of TfNSW and Council regarding the future transport corridor. It is recommended that this direction remain unresolved.

#### Direction 4.1 – Acid Sulfate Soils

This direction seeks to avoid significant adverse environmental impacts resulting from any proposals that containing acid sulfate soils. The subject site is affected by Class 2 on the Acid Sulfate Soils Map in the Auburn LEP 2010. The proposal is inconsistent with this direction as an acid sulfate soils study was not submitted with the planning proposal.

However, the proposal does not propose intensification of land uses above and beyond the approved GFA under the existing planning controls. Future development applications would still require the preparation of an acid sulfate soils management plan to outline the management strategies to Council's satisfaction under the clause 6.1 of Auburn LEP 2010.

Therefore, the inconsistency is of minor significance as this matter can be appropriately considered and addressed at the development application stage. It is recommended that the Secretary's delegate agree that any inconsistency with this direction is of minor significance.

#### Direction 4.3 – Flood Prone Land

This direction seeks to ensure appropriate level of consideration be given to flood affectation, commensurate with its flood hazard level and potential impact. Due to the extensive fill that has occurred within the precinct, the site is above the Probable Maximum Flood level for the Parramatta River.

According to Council, the subject site is not flood affected and any potential impact on flood behaviour (e.g. storm water overland flow path) would be appropriately considered and addressed at the future Development Application stage. Hence, this planning proposal is broadly consistent with this direction and no further action is required.

#### Direction 6.2 – Reserving Land for Public Purposes

This direction seeks to facilitate the provision and reservation of land for public purposes. The planning proposal significantly increases the RE1 Public Recreation zoned foreshore open space and Council is identified as the acquisition authority, as required by this Direction. It also proposes a minor reduction in the Land Acquisition map to exclude the old wharf to enable the retention and refurbishment of the facility to be used for a food and drink premise. Hence, this planning proposal is consistent with this direction.

#### Direction 7.5 – Implementation of Greater Parramatta Priority Growth Area Interim Land Use and Infrastructure Implementation Plan (LUIP)

The proposal has the potential to be consistent with the Greater Parramatta Priority Growth Area Interim LUIP. Wentworth Point precinct is forecasted for additional 7,316 homes and 300 jobs by 2036. The planning proposal will contribute to the housing and employment targets set by the interim LUIP. It is recommended that the planning proposal be amended to address the Interim LUIP to demonstrate consistency with this Direction.

### **4.4 State environmental planning policies (SEPPs)**

#### SEPP No.55 Remediation of Land

Previous environmental investigations have identified contamination at the site, including soil contamination and the presence of ground gases including methane and carbon dioxide. To address this concern, the Department prepared concept remediation action plans to identify how contamination will be managed across the precinct as part of Wentworth Point Urban Activation Precinct planning investigations in 2013. Site audit statements have also been issued against the concept remediation action plans.

In this context, the Planning Proposal does not have adverse impact under this SEPP, because:

- the land contamination matter has been considered at the Department's rezoning in 2014; and
- the subject land already permits residential use and public recreation zones.

Detailed remediation action plans, consistent with the relevant concept remediation action plan will need to be prepared for future development.

#### SEPP No.65 Design Quality of Residential Apartment Development

SEPP 65 aims to improve the design quality of residential apartments. A proposed Concept Master Plan has been prepared with consideration of SEPP 65. Council notes that detailed compliance with SEPP 65 will be demonstrated at the future development application stage facilitated by this planning proposal. During the design development phase, detailed testing against SEPP 65 and the Residential Flat Design Code was carried out and the indicative scheme is capable of demonstrating compliance with the SEPP.

### **5. SITE-SPECIFIC ASSESSMENT**

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#### **5.1 Social**

The planning proposal will likely generate a number of positive social outcomes including employment opportunities for the community through the provision of non-residential floor space.

The proposal will also increase the size of the foreshore open space to be dedicated to Council, connecting with the surrounding open space network. These open space proposals will create opportunities for existing and new residents to interact socially and improve the liveability in the precinct. Additionally, the increased open space provisions will broadly support the health and wellbeing of the community.

The potential re-alignment of the light rail may also bring social benefits. Compared to the alignment running around the perimeter of the site, the alternative alignment of the light rail corridor through the site enhances access to the Ferry Wharf and enables a more centrally located future light rail stop within this precinct

As the proposal does not seek an uplift to the 188,800m<sup>2</sup> GFA which is already approved on this site, there is no additional demand on social infrastructure as a result of this planning proposal.

Council also notes that should an uplift be sought in the future, additional community facilities will need to be provided within the subject site to address the existing and future demand.

#### **5.2 Environmental**

##### 5.2.1 Impacts on biodiversity

The site is surrounded by Newington Nature Reserve on the southern and western boundaries. The Reserve contains remnant woodland and estuarine communities which are of high ecological value.

In 2013, Roads and Maritime Services engaged Biosis to undertake a detailed ecological assessment based on its desktop and field-based survey.



Recommendations were provided below regarding the identified areas of ecological significance, relevant to the subject planning proposal area:

- Mangroves and Coastal Saltmarsh – along the Western drainage line (see Figure 12 below) should be protected by ensuring that there is a vegetated buffer of approximately 10 m between the Mangroves and any development;
- Planted Swamp Oak – where possible areas currently landscaped with Swamp Oak Flood Plain Forest TEC along foreshore walk/cycle way and Hill Road (see Figure 12 below) species should be retained as part of the landscape design; and
- White-bellied Sea-eagle – the seasonal timing of construction activities should avoid its breeding season in consultation with Council and Birdlife Australia.

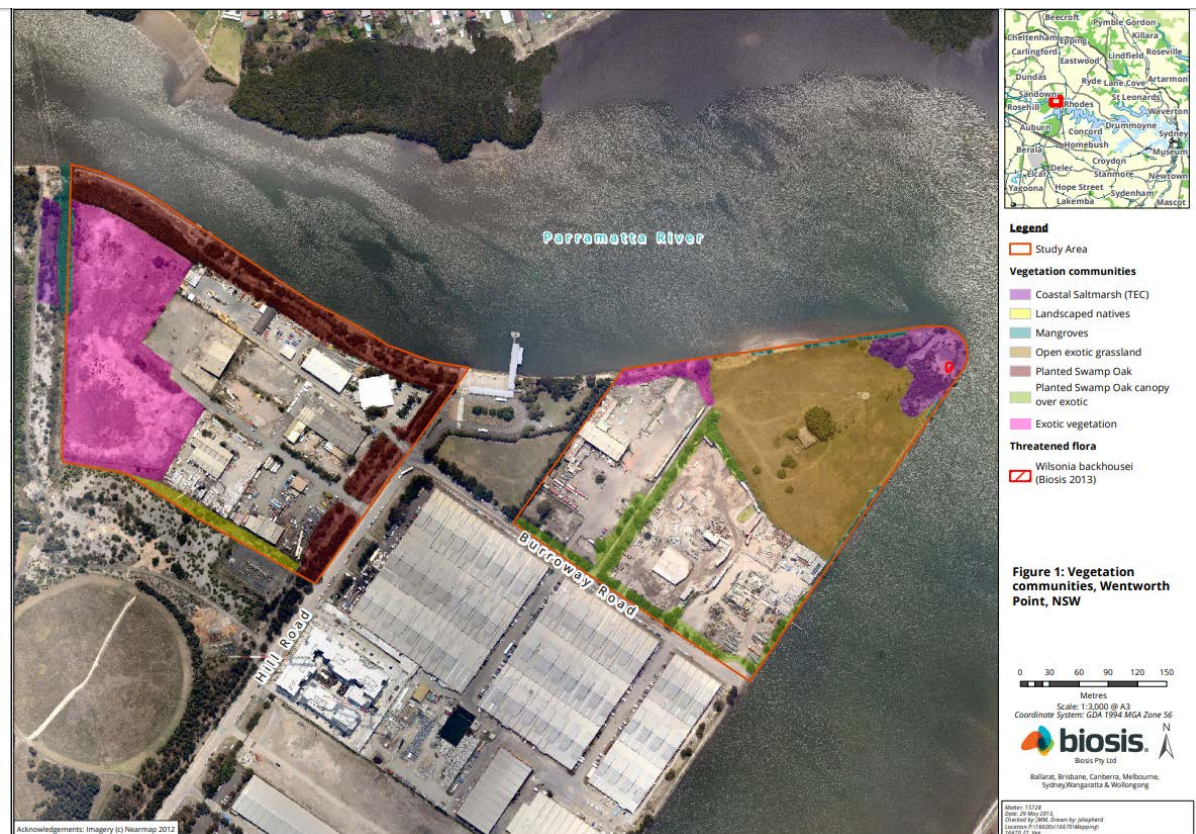


Figure 12: Location of vegetation communities in Wentworth Point (source: Biosis, 2013)

Whilst the planning proposal maintains the 188,800m<sup>2</sup> GFA cap, it proposes to increase the maximum tower heights from 25 storeys (88m) to 40 storeys (134m). The proposal's supporting Ecological Assessment (**Attachment D**), identifies that the key area of consideration is the shadowing of native vegetation particularly on Saltmarsh (Newington Nature Reserve Wetlands). Further, the report reiterates that the development and timing of construction must be planned to not impact Sea-Eagle breeding time.

During the early consultation with EES in March 2019, EES's primary concern related to the potential indirect impacts on the significant biodiversity values of the adjacent Newington Reserve. The Reserve includes threatened ecological communities, threatened plants, migratory bird habitats and habitats of several other threatened fauna, such as frogs, bats and waterbirds.

Concerns were raised in relation to:

- the lack of detail provided by the proponent in relation to overshadowing impacts on the adjacent saltmarsh, potential increases in ground water levels and surface runoff from the new development. Saltmarsh is a threatened ecological community and is particularly sensitive to environmental changes;
- the likely impacts on Sea Eagles, microbats and flying foxes from the proposed towers being located near nesting areas and wind funnelling effects, with potential impacts not identified or addressed by proponent;
- the preferred E2 Environmental Conservation zoning for the riparian corridor (separate to the foreshore park) commensurate with the conservation value of the corridor as the objectives in the RE1 zone does not adequately protect the riparian corridor; and
- some discrepancies between the proponent's Ecological Assessment and EES's record / database.

A Gateway condition is proposed to require the proponent to submit a new ecological study prepared in accordance with the *Biodiversity Conservation Act* and *Environmental Protection and Biodiversity Conservation Act* to address the impact of the additional height of the towers on the adjoining threatened species and communities (particularly overshadowing, illumination, wind tunnel and increased recreational impacts). The revised assessment must be to the satisfaction of EES to ensure that all of the concerns previously raised have been adequately addressed by the proponent prior to the commencement of exhibition.

It is also recommended to consult with the Sydney Olympic Park Authority (the owner of Newington Nature Reserve) in relation to the potential adverse biodiversity impacts and mitigation measures, such as façade treatments and reflectivity to reduce impacts and conflicts with the flight patterns of birds.

#### 5.2.2 Built form and heights

##### *Building heights and tower distribution*

An Urban Design Report (**Attachment E**) has been prepared in support of the planning proposal. The report outlines the design philosophies, design evolution process and design strategies that achieve enhanced urban design outcomes through the planning proposal.

The proposal seeks to redistribute the approved 188,800m<sup>2</sup> GFA across the site through a range of building heights, noting that the planning proposal identifies the merits in introducing a range of building heights to differentiate the built form and enable an increase in public open space. The supporting masterplan (see Figure 13) proposes the redistribution of building heights and tower locations.





Figure 13: Proposed Master Plan (source: Turner, 2019)

Council has provided further advice subsequent to the lodgement of the planning proposal that the proposal distributes additional height by reducing the number and size of building footprints in a manner that:

- creates a variety of built forms;
- improves view sharing for building occupants;
- secures land centrally for the potential light rail transport corridor;
- minimises environmental impacts upon the Newington Reserve (subject to further investigations identified above);
- offers a larger consolidated on-site open space provision along the foreshore and SOPA parkland edges of the site and improves the usability of these spaces for recreation; and
- enables an increased foreshore setback in comparison to previous scheme iterations and improves the accessibility of the riverfront.

On this basis it is considered acceptable that the proposal proceeds to public exhibition in the manner proposed with regard to building heights.

#### *FSR and the Clause 4.6 Variation Request*

The planning proposal seeks to apply FSR's to each individual future 'block' in the masterplan and also requests that the ability to utilise Clause 4.6 be turned off in the assessment of future DAs.

Council has identified that the current height of building and floor space ratio controls on the submitted maps offer the proponent flexibility to modulate floor plates and the building envelopes. This flexibility was flagged by Council as a risk that if the proponent decides to construct buildings with larger floor plates (consistent with the FSR allocation/map) that do not reach the corresponding height limit, they could attempt to

use Clause 4.6 to attain the heights identified by the Planning proposal and result in GFA creep which contravenes the objective of the planning proposal.

The Department does not agree with the methodology to control floor space across the site. The Gateway determination has been conditioned to instead require Council to review the FSR controls to ensure they respond to the building heights, but also introduce a GFA cap across the site consistent with the approved DA. The FSR mapping and controls will therefore need to be recalibrated to reflect this outcome and the planning proposal updated.

### 5.2.3 Traffic impacts

#### *Traffic generation*

A Traffic Impact Assessment (**Attachment F**) has been prepared in support of the planning proposal. It should be noted that the proposal does not seek any density uplift above the approved 188,800m<sup>2</sup>, rather it proposes density redistribution across the site. Hence, the proposal would not generate additional traffic impacts than what has already been approved.

#### *Parramatta Light Rail Stage 2*

In October 2017, the NSW Government announced the preferred route (see Figure 14) for the second stage of the Parramatta Light Rail, which will connect Stage 1 and Parramatta CBD to Ermington, Melrose Park, Wentworth Point and Sydney Olympic Park.

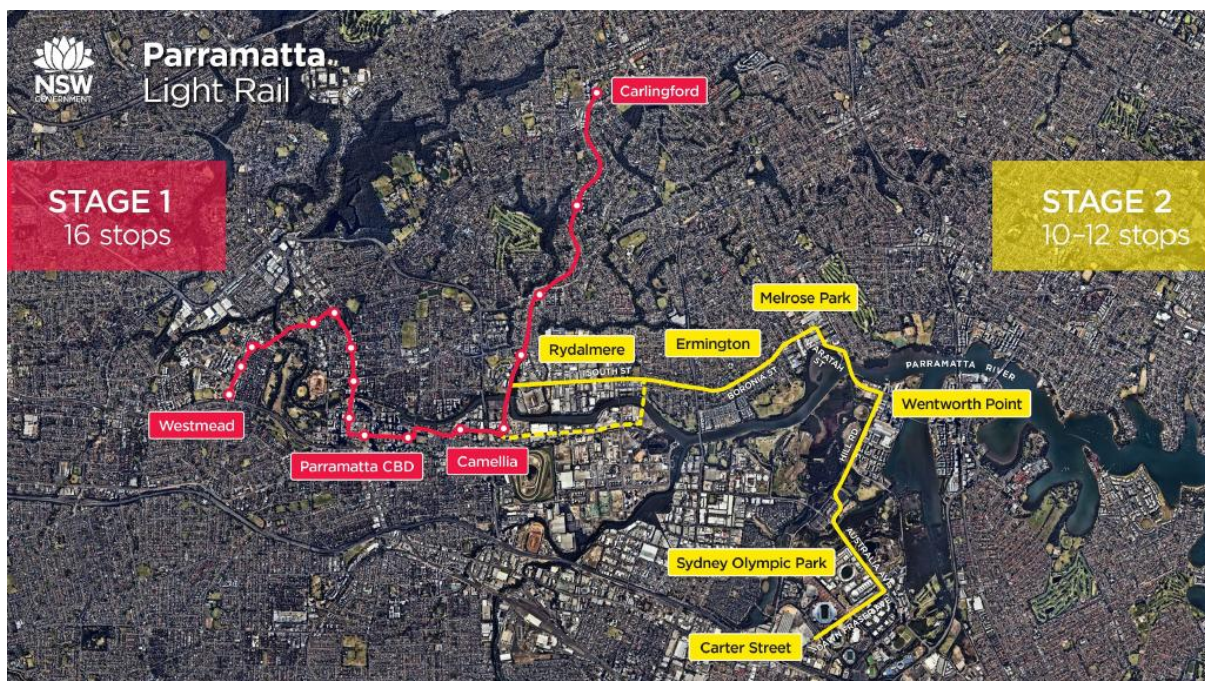


Figure 14: Parramatta Light Rail Route Map (source: TfNSW, 2017)

This proposal allows for a potential public transport corridor through the site to accommodate a future light rail alignment.

Council has indicated that the proposed public transport corridor is currently identified as open space / foreshore boulevard on the Master Plan (see Figure 13). However, it has been included on the Land Acquisition Map as open space (not an infrastructure corridor) as TfNSW does not want to be nominated as the acquisition authority at



present. The proposed RE1 Public Recreation zoning for the potential transport corridor land reflects the adjoining RE1 zoned foreshore open space.

It is noted that initial consultation with TfNSW has been undertaken by the proponent, including a design workshop process regarding the potential for the site to accommodate a transport corridor for the proposed light rail corridor should this be required in the future.

Further consultation with TfNSW is recommended as part of the planning proposal public exhibition.

#### 5.2.4 Open Space

A Masterplan Public Domain and Landscape Report (**Attachment G**) has been prepared in support of the planning proposal. The proposal identifies some 32,295m<sup>2</sup> of public open space including a Foreshore Park, Neighbourhood Green, Southern Park and two linear parks along the potential light rail alignment (see Figure 15). Expansion of the foreshore park is supported to proceed to public exhibition.



Figure 15: Public Domain and Landscape Structure Plan (Turf, 2019)

#### 5.2.5 Heritage

The subject site is located in close proximity to the Newington Armory heritage conservation area which is of state significance under Part 23 of the State Environmental Planning Policy (State Significant Precincts 2005) – Sydney Olympic Park.

It is recommended that consultation be undertaken with Department of Premier and Cabinet - Heritage to determine if any further investigation of this issue is warranted as part of the planning proposal process.

### 5.3 Economic

A Socio-Economic Impact Assessment report (**Attachment H**) has been prepared in support of the planning proposal. The report provides an economic assessment on the future likely demand for retail floorspace on the subject site.

Generally, the future residents on the subject site will generate greater demand for retail goods and services. Based on likely level of spending and reasonable levels of capture rates (against spending in other major centres), there will be a forecasted demand for 1,150m<sup>2</sup> – 1,400m<sup>2</sup> of shop front space by 2031 on the subject site.

Whilst the report suggests that a cap of 2,000m<sup>2</sup> retail floorspace in the proposed B4 zone, the planning proposal does not adopt the floorspace cap suggestions in the proposed planning controls.

Council should consider introducing a maximum retail floorspace amount, as a minimum within the associated Development Control Plan to protect the strategic centre of Rhodes and Sydney Olympic Park precincts. These two Strategic Centres are considered to be the preferred locations for commercial land uses.

### 5.4 Infrastructure

#### 5.4.1 Local Infrastructure

Local infrastructure that will be provided as part of the redevelopment includes areas of public open space, local road and intersection upgrades.

As the proposal does not seek additional density uplift from what has been approved, it will not create a nexus for additional funding of local or state infrastructure as a result of the proposed development. It is noted that Council is negotiating a Voluntary Planning Agreement, to deliver the increase in RE1 land within the site

The subject site will continue to be subject to Auburn Development Contributions Plan 2007 (Amendment No.1).

## 6. CONSULTATION

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### 6.1 Community

Council proposes that the planning proposal be publicly exhibited by the following means:

- Newspaper advertisement;
- Display on the Council's website; and
- Written notification to adjoining landowners.

These consultation methods are considered appropriate and an exhibition of 28 days is recommended.

### 6.2 Agencies

As addressed within this report, it is recommended the following agencies are to be consulted:

- Transport for NSW;
- Sydney Olympic Park Authority;
- Environment, Energy and Science Group;

- Department of Premier and Cabinet – Heritage.

## **7. TIME FRAME**

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Council has requested nine months to finalise the proposal. It is recommended that 12 months to finalise the proposal is considered appropriate given the scale and nature of the project. The project timeline in this planning proposal is required to be updated prior to community consultation in response to this recommended timeframe.

## **8. LOCAL PLAN-MAKING AUTHORITY**

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Council has requested to be the local plan-making authority in accordance with the Council resolution dated 26 August 2019. However, the proposal is potentially of state significance and may have implications on the Parramatta Light Rail Stage 2, therefore it is recommended that Council not be given authorisation to make the plan.

## **9. CONCLUSION**

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The planning proposal is recommended to proceed, subject to conditions, as it is considered to have strategic and site-specific merits and has the potential to give effect to the Central City District Plan. The proposal will facilitate redevelopment of the site to provide homes and additional jobs with the increased public accessible foreshore open space that has the potential to deliver a liveable neighbourhood in the Wentworth Point Precinct.

## **10. RECOMMENDATION**

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It is recommended that the delegate of the Secretary:

1. agree that any inconsistency with section 9.1 Directions 3.1 Residential Zones, 4.1 Acid Sulfate Soils and 7.5 Implementation of Greater Parramatta Priority Growth Area Interim Land Use and Infrastructure Implementation Plan are of minor significance; and
2. note that the consistency with section 9.1 Directions 2.1 Environmental Zones and 3.4 Integrating Transport and Land Use are unresolved and will require justification.

It is recommended that the delegate of the Minister determine that the planning proposal should proceed subject to the following conditions:

1. Prior to community consultation, Council is to amend the planning proposal and supporting documentation as follows:
  - (a) address consistency with section 9.1 Direction 2.1 Environmental Zones and 3.4 Integrating Transport and Land Use;
  - (b) apply FSR that responds to the building heights across the site and insert a GFA cap of 188,800m<sup>2</sup>;
  - (c) remove the intent to exempt the site from the use of Clause 4.6 – Exemption to Development Standards;
  - (d) update the mapping to reflect the gateway conditions;
  - (e) ensure the supporting documentation is consistent with the planning proposal outcomes; and

- (f) provide an updated Ecological Report in accordance with the provisions of the *Biodiversity Conservation Act* and *Environmental Protection and Biodiversity Conservation Act*, having regard to the impact of the intended development outcomes on the adjoining Nature Reserve and threatened species and habitats.
2. The planning proposal should be made available for community consultation for a minimum of 28 days.
  3. Consultation is required with the following public authorities:
    - Transport for NSW;
    - Sydney Olympic Park Authority;
    - Environment, Energy and Science; and
    - Department of Premier and Cabinet – Heritage.Each public authority is to be provided with a copy of the updated planning proposal and any relevant supporting material and given at least 21 days to comment on the proposal.
  4. The timeframe for completing the LEP is to be 12 months from the date of the Gateway determination.
  5. Given the nature of the planning proposal, Council should not be authorised to be the local plan-making authority to make this plan.



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21/03/2020

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