

**INNOVATIVE**

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<b>ITEM NUMBER</b>	6.1
<b>SUBJECT</b>	Planning Proposal for land at 14-16 Hill Road, Wentworth Point
<b>REFERENCE</b>	RZ/1/2018 - D06843517
<b>REPORT OF</b>	Senior Project Officer
<b>APPLICANT:</b>	SEKISUI HOUSE AUSTRALIA PTY LTD
<b>LANDOWNER:</b>	SEKISUI HOUSE AUSTRALIA PTY LTD

**PURPOSE:**

The purpose of this report is to seek the Local Planning Panel's (LPP) endorsement to proceed with the Planning Proposal for land at 14-16 Hill Road, Wentworth Point and recommend that Council forward it to the Department of Planning and Environment for Gateway determination.

**RECOMMENDATION**

**That** the Local Planning Panel recommend to Council:

- (a) **That** Council resolve to proceed with the Planning Proposal for land at 14-16 Hill Road, Wentworth Point (provided at **Attachment 1**) which seeks the following amendments to Auburn Local Environmental Plan (ALEP) 2010:
  - 1) Increase the RE1 Public Recreation zone area with a corresponding reduction of the R4 High Density Residential zone (refer to **Attachment 11**)
  - 2) Introduce the B4 Mixed Use zone at the north-eastern corner of the site
  - 3) Amending the Height of Buildings Map to provide a range of heights across the site from 44m (approximately 15 storeys) to 134m (approximately 40 storeys) (refer to **Attachment 12**).
  - 4) Amend the FSR map to provide individual FSRs for the development parcels to reflect the previously approved gross floor area (GFA) of 188,800m<sup>2</sup> (refer to **Attachment 13**).
  - 5) Add 'food and drink premises' as an Additional Permitted Use within the RE1 Public Recreation zone on the site of the existing cafe.
  - 6) Amend the Land Acquisition Map to reflect the larger RE1 Public Recreation area and exclude the foreshore wharf from public acquisition to allow it to be retained, refurbished and operated as a café under the existing community title (refer to **Attachment 14**).
- (b) **That** Council include in this planning proposal a site specific provision that prevents the use of clause 4.6 in relation to floor space ratio.
- (c) **That** proposed amendments to the Wentworth Point Development Control Plan 2014 to support the planning proposal be prepared and reported to Council.
- (d) **That** delegated authority be given to the Acting CEO to negotiate the Voluntary Planning Agreement (VPA) on behalf of Council in addition to

Section 7.12 contributions payable, and that the outcomes of negotiations be reported back to Council prior to its concurrent exhibition with the draft amendments to the Wentworth Point DCP 2014 and Planning Proposal.

- (e) **That** the Planning Proposal be forwarded to the Department of Planning and Environment for Gateway determination.
- (f) **That** Council advises the Department of Planning and Environment that the Acting CEO will be exercising the plan-making delegations for this Planning Proposal as authorised by Council on 26 November 2012.
- (g) **Further, that** Council authorise the Acting CEO to correct any minor policy inconsistencies and any anomalies of an administrative nature relating to the Planning Proposal that may arise during the amendment process.

## BACKGROUND

1. In March 2016, the State government announced Wentworth Point as a Planned Precinct (previously referred to as an Urban Activation Precinct) to facilitate redevelopment of 18.6ha of government land over the next 20 years. This process provided for high density development with a floor space ratio (FSR) of 2.6:1 and up to 25 storeys along with a new peninsula park and three smaller pocket parks.
2. This process was enabled via amendments to the Auburn LEP 2010 and the adoption of the Wentworth Point Precinct Development Control Plan (DCP), which were both finalised in 2014.
3. Sekisui House then purchased the site at 14-16 Hill Road and subsequently lodged a development application (DA) with (then) Auburn City Council providing for an infrastructure site layout and GFA allocation which was approved in late 2015. Works subject to this DA have not commenced.
4. In February 2016, a further DA was approved by (then) Auburn City Council relating to demolition and remediation works as well as open space and other public domain works. The approved DA also allowed for a gross floor area (GFA) of 188,800m<sup>2</sup> across the site.
5. In May 2016, Wentworth Point became part of the City of Parramatta Local Government Area (LGA) as a result of the local government amalgamation.
6. In December 2017, a planning proposal was lodged seeking to facilitate an alternative distribution of the approved 188,800m<sup>2</sup> GFA on the site proposing building heights up to 40 storeys, in addition to introducing open space, defining the internal road network and the provision of a community facility near the foreshore.
7. In June 2018, a development consent was issued by the City of Parramatta Council for the first stage of development of the site located in the south-eastern corner along Hill Road. The approved DA allowed for community title subdivision into three (3) lots, remediation, construction of a road around the proposed lot (Lot 101), construction of a residential sleeve podium containing internal car parking with four (4) residential flat buildings above ranging in height from 3 to 25 storeys and a total of 364 units.
8. Over the course of 2017 to early 2019, ongoing consultation between the applicant and Council officers occurred to develop a new master plan for the

site. Discussions have also taken place with Transport for NSW (TfNSW) throughout the process in relation to the announced Parramatta Light Rail (PLR) Stage 2 alignment and its interaction with the site.

9. In October 2018, the Applicant submitted a revised planning proposal seeking an additional 40,000m<sup>2</sup> of GFA on the site to enable a maximum of 228,800m<sup>2</sup> of GFA to be achieved.
10. However, in February 2019, the applicant lodged a revised master plan (refer to **Figure 5**) and planning proposal that no longer sought the additional 40,000m<sup>2</sup> of GFA and kept the maximum GFA at 188,800m<sup>2</sup> in accordance with the approved DA. The planning proposal only seeks changes to zoning and height distribution across the site. The revised planning proposal is the subject of this report and is included in **Attachment 1**.

## THE SITE

11. The site comprises one (1) lot and is legally described as Lot 3 DP859608 with a site area of 94,580m<sup>2</sup> (refer to **Figure 1**).
12. The subject site is located at the northern edge of the Wentworth Point Peninsula on the western side of Hill Road. It is adjacent to the Sydney Olympic Park ferry wharf, approximately 2.3km from Rhodes train station to the east, 3.1km from Sydney Olympic Park train station to the south and 3.9km from the M4 Motorway.
13. The site currently contains some former industrial buildings at the northern end with the remainder of the site being vacant except for some remnant hardstand areas. 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.
14. The Wentworth Point peninsula is located on reclaimed land which has historically been occupied by industrial uses. The peninsula is experiencing urban renewal, with a combination of mixed use and high density residential development, especially on the eastern side of Hill Road.
15. The site is surrounded by Newington Nature Reserve on the southern and western boundaries. The 47ha reserve is managed by the Sydney Olympic Park Authority (SOPA) under a Memorandum of Understanding with NSW National Parks and Wildlife Service and contains remnant woodland and estuarine communities which are of high ecological value.



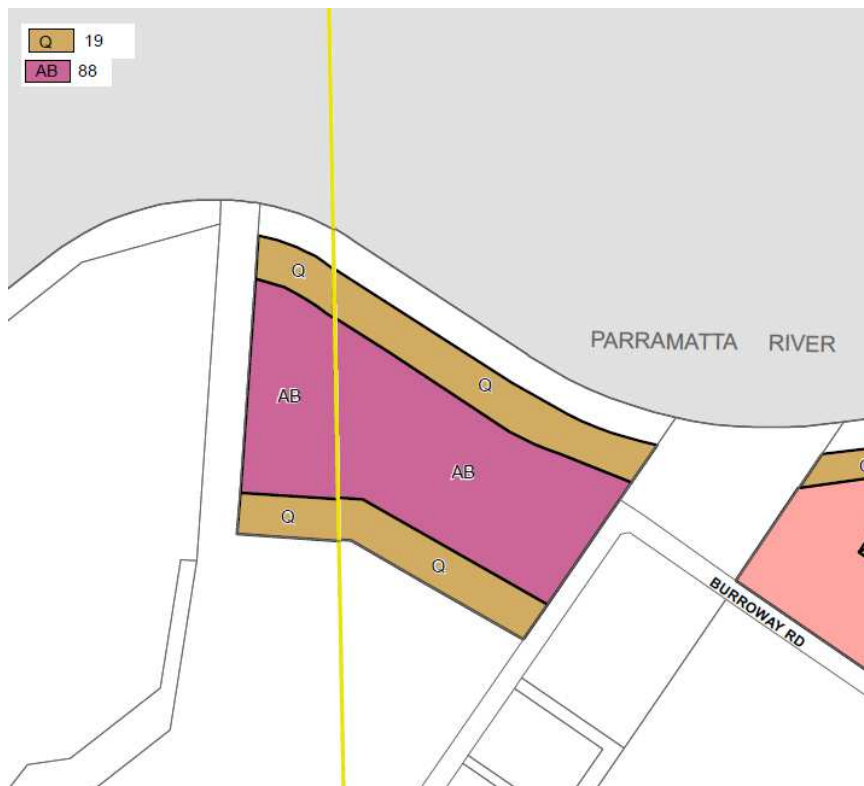
**Figure 1.** Subject site location outlined in red

### **CURRENT PLANNING CONTROLS**

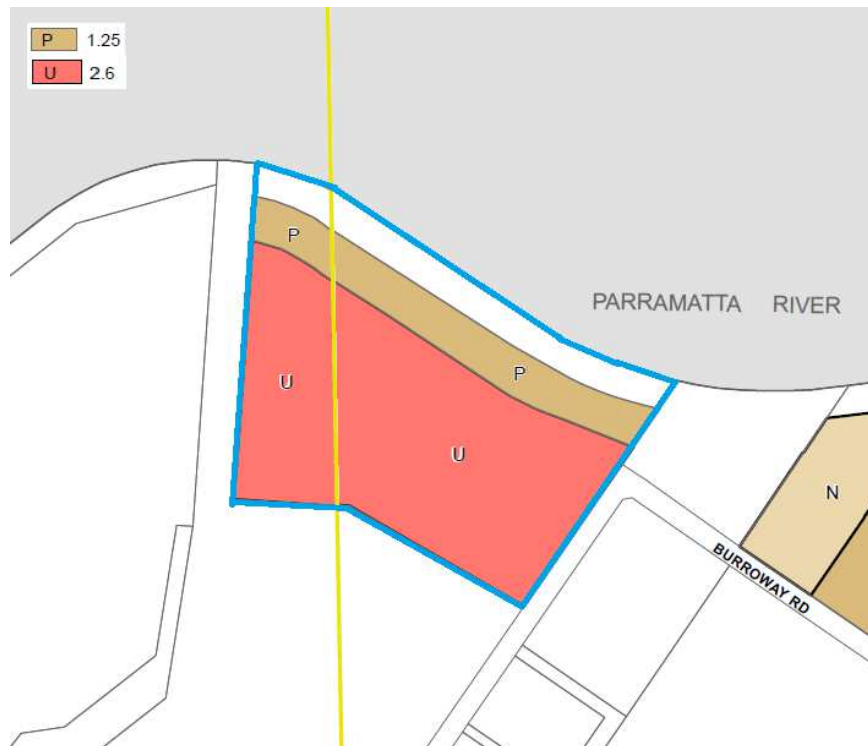
16. The site is currently predominantly zoned R4 High Density Residential and RE1 Public Recreation along the foreshore under Auburn LEP (ALEP) 2010. Refer to **Figure 2**.
17. Two building height controls apply to the site, being 19m (approx. 6 storeys) along the foreshore and southern boundary adjacent to the Newington Nature Reserve and 88m (approx. 25 storeys) for the remainder of the site as shown in **Figure 3**.
18. The site is subject to two floor space ratio (FSR) controls, being 1.25:1 along the foreshore and 2.6:1 for the remainder of the site as shown in **Figure 4**. The GFA approved on this site in 2015 of 188,800m<sup>2</sup> as part of a concept plan can be delivered on this site within the allocated FSR.
19. The site is subject to land reserved for acquisition for the purposes of open space along the foreshore as identified in **Figure 5**.



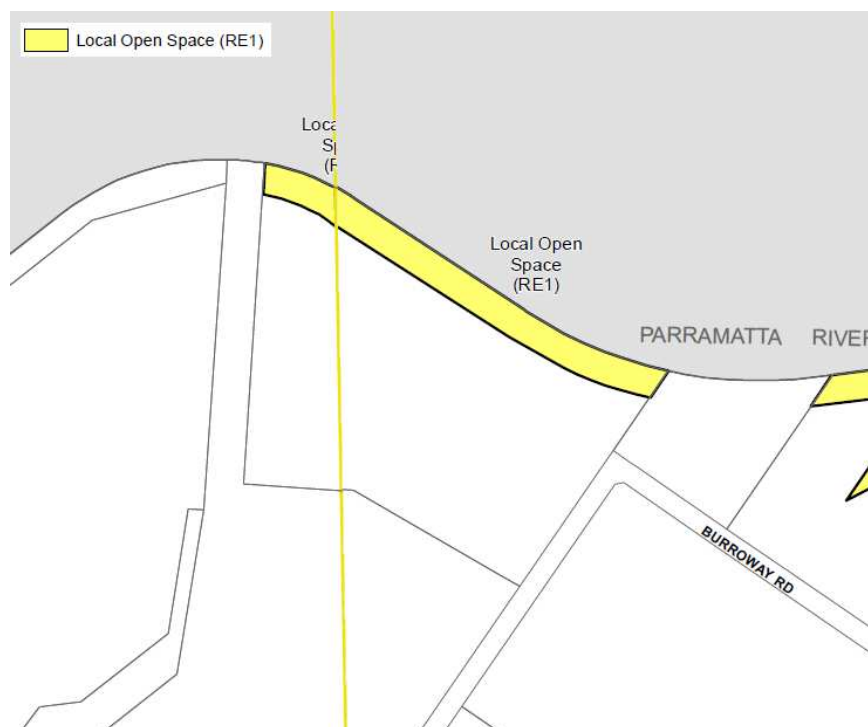
**Figure 2.** Current land use zones applicable on the site. Yellow line indicates that the site is located across two ALEP map sheets.



**Figure 3.** Current building heights applicable to the site. Yellow line indicates that the site is located across two ALEP map sheets.



**Figure 4.** Current FSR applicable to the site. Yellow line indicates that the site is located across two ALEP map sheets.



**Figure 5.** Current applicable land reserved for acquisition identified on the site. Yellow line indicates that the site is located across two ALEP map sheets.

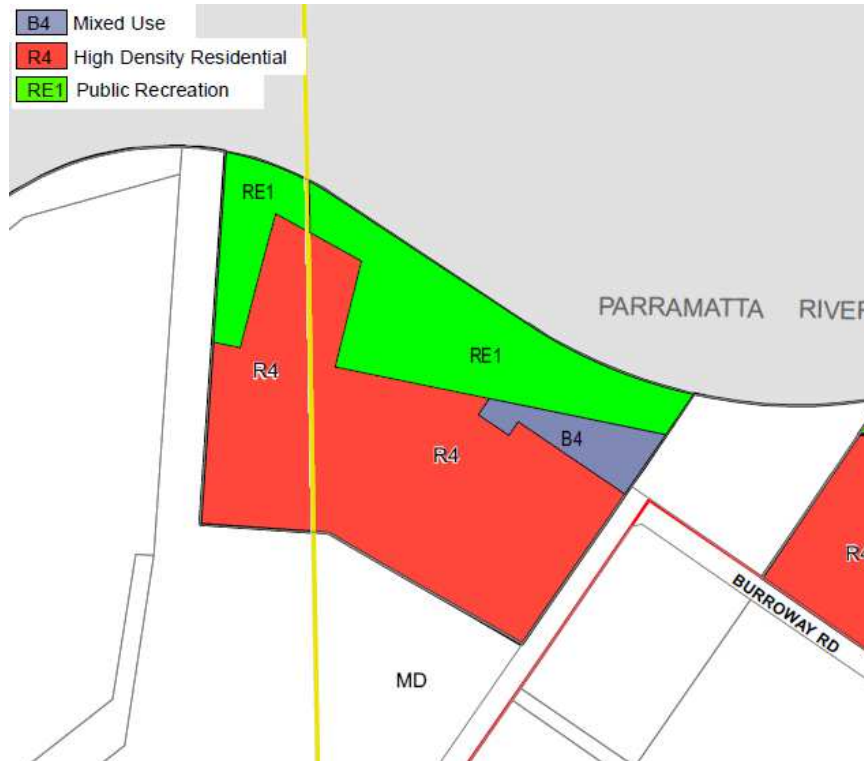
20. The subject site is not identified as a heritage item nor is it located within a heritage conservation area under Schedule 5 of ALEP 2010.
21. The site is subject to clause 6.1 of ALEP 2010 that relates to acid sulfate soils. The objective of the clause is to ensure development does not disturb acid sulfate soils and cause environmental damage. The site is identified as Class 2 land which means that these soils are likely to be found below the ground level

and any works beneath the natural ground surface or works that are likely to reduce the water table will trigger the need for an assessment and possible management. This will be addressed in detail at the DA stage.

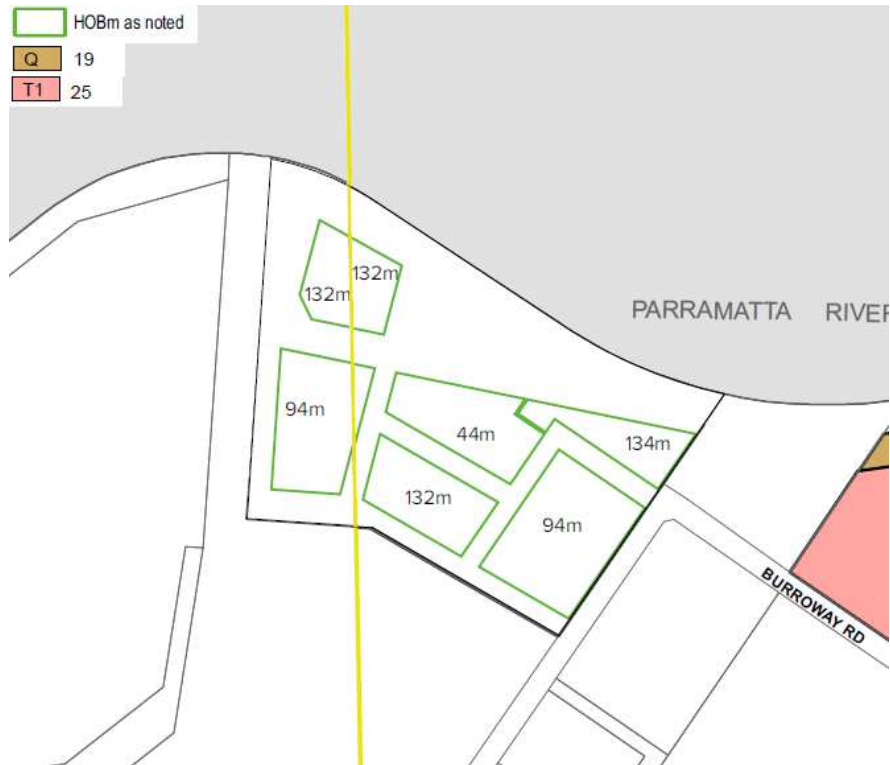
22. Despite its location, the site is not affected by the foreshore building line on the Foreshore Building Line Map.

### THE PLANNING PROPOSAL

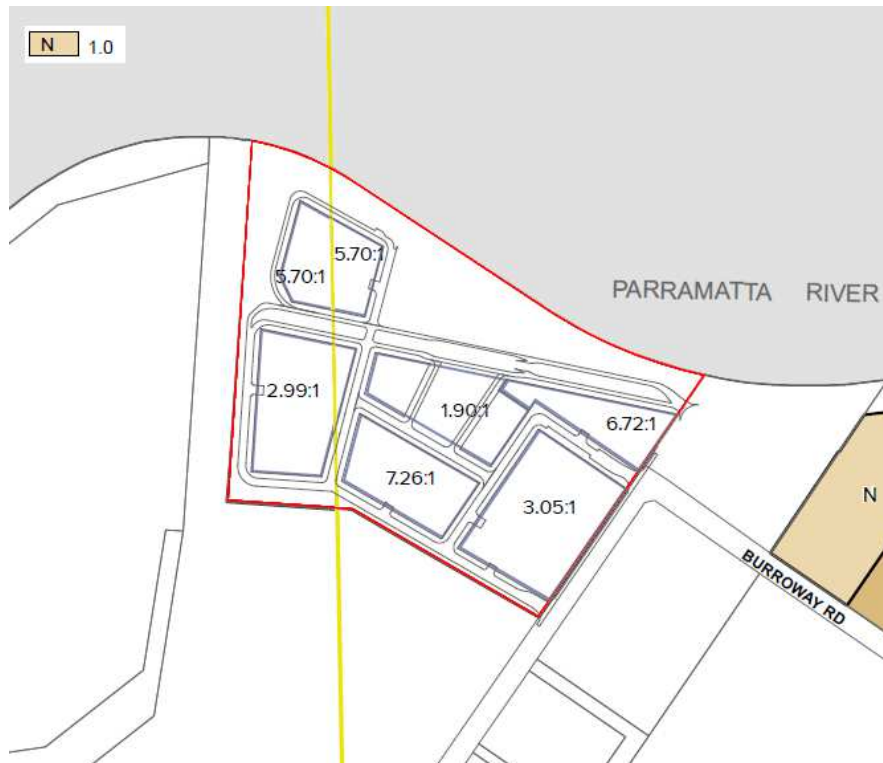
23. The planning proposal prepared by Sutherland and Associates on behalf of landowner, Sekisui House, seeks to amend ALEP 2010 by:
- 7) Increasing the RE1 Public Recreation zone with a corresponding reduction of the R4 High Density Residential zone (refer to **Figure 6**).
  - 8) Introducing the B4 Mixed Use zone at the north-eastern corner of the site.
  - 9) Amending the Height of Buildings Map to provide a range of heights across the site from 44m to 134m (up to 40 storeys) (refer to **Figure 7**).
  - 10) Amending the FSR map to provide individual FSRs for the development parcels to reflect the previously approved gross floor area (GFA) of 188,800m<sup>2</sup> (refer to **Figure 8**).
  - 11) Amending the Land Acquisition Map to reflect the larger RE1 Public Recreation area and exclude the foreshore wharf from public acquisition to facilitate its refurbishment and operation as a café under the existing community title (refer to **Figure 9**).
  - 12) Introducing an additional permitted uses under Schedule 1 to permit 'food and drink premises' as a permissible use in the RE1 Public Recreation zone where the café is located within the site.



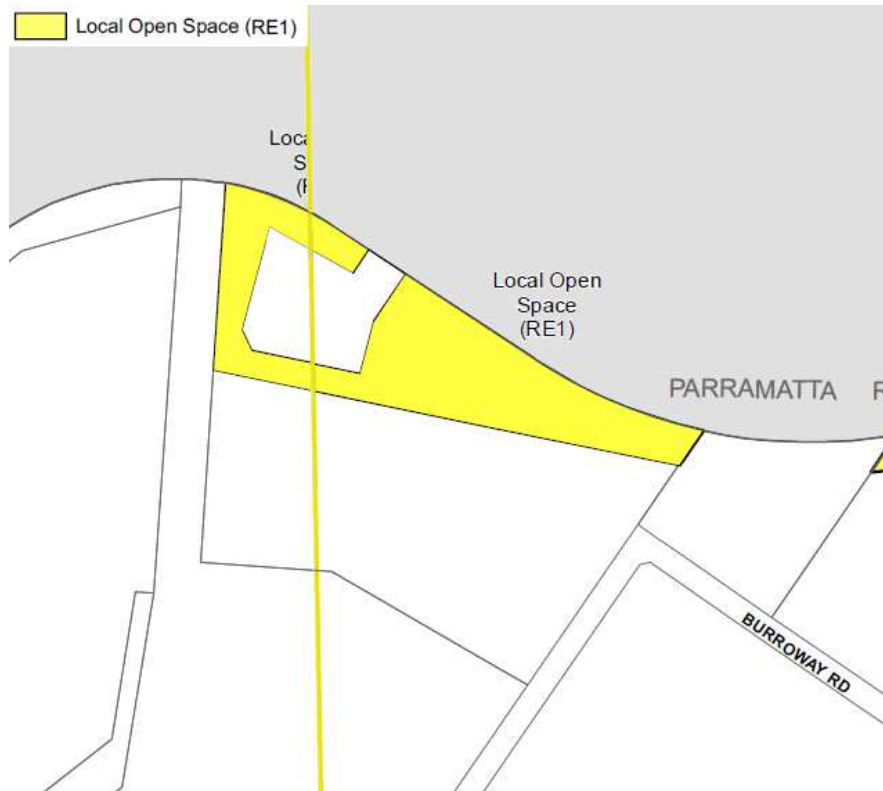
**Figure 6.** Proposed land use zones on the site. Yellow line indicates that the site is located across two LEP map sheets.



**Figure 7.** Proposed height of buildings provisions on the site. Yellow line indicates that the site is located across two LEP map sheets.



**Figure 8.** Proposed FSR provisions on the site. Yellow line indicates that the site is located across two LEP map sheets.



**Figure 9.** Proposed land reserved for acquisition areas. Yellow line indicates that the site is located across two LEP map sheets.

24. The planning proposal seeks to enable redevelopment of the site for primarily high density residential uses with a portion of mixed use development and open space uses. As mentioned previously, the proposal is not seeking an uplift in density and proposes to utilise the GFA of 188,800m<sup>2</sup> that was approved on the site in 2016 by (then) City of Auburn Council.
25. The intent of the planning proposal is to redistribute the approved GFA across the site through a range of building heights ranging from 2 to 12 storeys up to 28 to 40 storeys. The dwelling yield that could potentially be delivered under this scheme is approximately 2,300 units. Based on the average household size used by Council for high density residential development in Wentworth Point of 1.85 persons per household, this could result in approximately 4,200 additional residents on this site.
26. The Applicant's Planning Proposal (contained in **Attachment 1**) is accompanied by the following supporting documents (**Attachments 2-10**):
  - Urban Design Study prepared by Turner Architects
  - Urban Design Peer Review prepared by Roberts Day
  - Landscape Concept Design prepared by Turf
  - Ecological Assessment prepared by Kingfisher Urban Ecology and Wetlands
  - Socio-economic Impact Assessment prepared by Hill PDA
  - Traffic Assessment prepared by Ason Group
  - Wind Report prepared by CPP
  - Public Art Strategy prepared by Environmental Art and Design

- Site Survey prepared by LTS Lockley
- The planning proposal provides approximately 3.2ha of public open space on the site in the form of new public parks including an increased Foreshore Park area and other usable open space areas across the site. In addition to public open space, private/communal open space is proposed to be provided within the development lots in the form of landscaping on the podiums and private courtyards.
  - A concept master plan has been prepared by the Applicant to support the planning proposal (refer to **Figure 10**) that demonstrates that the proposed changes to the planning provisions can be achieved on the site.



**Figure 10.** Applicant's proposed master plan

## ASSESSMENT OF PLANNING PROPOSAL

### Strategic Merit

- The planning proposal has been prepared in accordance with the DPE's 'Guide to Preparing Planning Proposals' and addresses the relevant State government planning policies as detailed below.
- Council officers consider this proposal to have sufficient strategic merit to proceed to redevelop taller residential buildings with an increase in the provision of public open space within the site.

*A Metropolis of Three Cities - Greater Sydney Region Plan*

31. In March 2018, the State government released the *A Metropolis of Three Cities – Greater Sydney Region Plan*, setting a 40-year vision to 2056 and establishes a 20-year plan to manage growth and change for Greater Sydney. The Plan sets out ten (10) directions that encompass infrastructure provision and collaboration, liveability, productivity and sustainability, and are supported by 38 objectives to help deliver these directions. The planning proposal is considered to be generally consistent with these directions and objectives and further detail on the proposal's consistency with these is provided in section 5.4.2 of **Attachment 1** to this report.

*Central City District Plan*

32. The Central City District Plan, prepared in March 2018 by the Greater Sydney Commission, covers the Central City District which includes Blacktown, Cumberland, City of Parramatta and The Hills LGAs. The role of this Plan is to help deliver the ten directions of the overarching Greater Sydney Region Plan *A Metropolis of Three Cities* as mentioned above.
33. The Plan is intended to manage growth in the context of economic, social and environmental matters to achieve the 40-year vision for Greater Sydney. The key outcomes relevant to the planning proposal are:
- The site is located within the Greater Parramatta to the Olympic Peninsula (GPOP) Urban Renewal Area and is within close proximity to Sydney Olympic Park which is identified as a Strategic Centre.
  - The Plan includes the Parramatta Light Rail (PLR) Stage 2 Camellia to Olympic Park corridor, which is indicated to traverse the site under TfNSW's current preferred route option. The proposed PLR Stage 2 will connect the 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, at this stage neither PLR Stage 2 or Metro West are funded State government projects.
  - The site is located immediately adjacent to the Parramatta River foreshore which is identified as a priority green grid project including development of a continuous open space corridor along both side of the river, connecting Westmead and Parramatta. The proposal intends to increase the public open space provision along the river.
34. The planning proposal is generally consistent with intentions of the District Plan by providing for housing in an area anticipated to become better supported by public transport in the future, has access to recreation facilities and provides some employment opportunities within the B4 Mixed Use zone. Refer to section 5.4.2 of **Attachment 1** to this report for further details on how the proposal is consistent with the District Plan.

*Greater Parramatta to the Olympic Peninsula*

35. The GPOP document was prepared in 2016 by the Greater Sydney Commission. It comprises four distinct quarters, one of which is identified as Quarter 4 'Olympic Park Lifestyle Super Precinct' in which Wentworth Point is located.
36. GPOP identifies this quarter as having a focus on sustainable transport, green living and wellbeing, and providing for a mix of residential and commercial spaces. The proposal is largely consistent with these aims by providing for housing, some employment opportunities and increased open space.

*Section 9.1 Directions (Formerly 117 Directions)*

37. Section 9.1 of the *Environmental Planning and Assessment Act 1979* sets out the range of matters that need to be considered when the Relevant Planning Authority (in this instance City of Parramatta Council) is preparing an amendment to an LEP. Council officers are satisfied that the planning proposal largely meets these requirements of these Directions set by the Minister for Planning. Refer to Section 5.4.2 of the attached planning proposal (**Attachment 1**) for an assessment of the consistency with the proposal and relevant section 9.1 directions.

*Local Strategic Planning Statement and Housing Strategy*

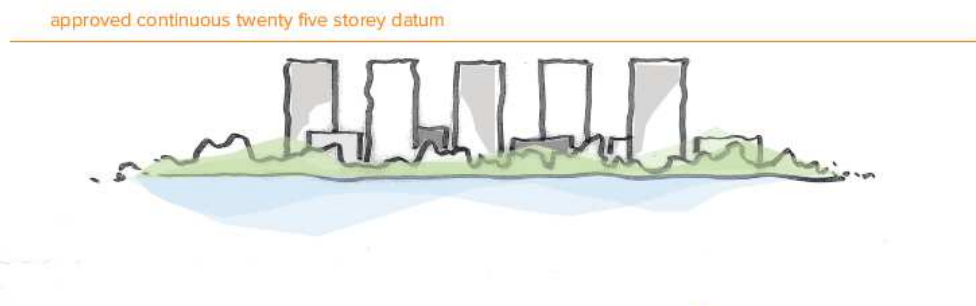
38. All councils are currently required by the State Government to prepare a Local Strategic Planning Statement (LSPS) and Housing Strategy (HS) to guide future development within their respective LGA. Both the LSPS and HS are still being prepared by the City of Parramatta Council and those documents will have regard to future growth proposed in the Wentworth Point precinct. However, given the planning proposal for the subject site is not seeking an increase in density above what could be achieved under the existing planning provisions, it will not impact the preparation of the LSPS and HS.

**Density**

39. The primary purpose of this planning proposal is to redistribute the approved GFA of 188,800m<sup>2</sup> across the site by identifying building heights and FSRs to each development lot.
40. Analysis of the submitted concept indicates that the proposed FSR distribution across the site does not result in an increase in the potential GFA yield. However, the proposed building envelopes can accommodate a greater amount of GFA than the proposed FSR on each lot would allow. This effectively means that more density than the approved 188,800m<sup>2</sup> GFA could be accommodated within the proposed height controls. The implication for the inconsistency in height and FSR controls of this nature is that as part of a staged development of the site, initial DAs may seek to utilise the full building envelope through taking up a greater proportion of the approved density that currently envisaged for that part of the site. When the latter stages of development are seeking approval, there may not be sufficient GFA allocation remaining to allow development to occur without a significant variation to the approved 188,800m<sup>2</sup>. This may ultimately result in a greater amount of GFA being approved on the site through the approval of such variations.
41. In response, the Applicant stated that the building forms and proposed building heights are indicative and are intended to allow for sufficient tolerance to accommodate the approved GFA on the site and allow for an average efficiency rate to be used. It is acknowledged that some flexibility needs to be applied at the planning proposal stage, however there are concerns that additional density will be sought on the site in future to “fill” up the identified building envelopes.
42. As a result, to ensure the additional density cannot be achieved at a later date, unless through another planning proposal, it is recommended that clause 4.6 Exceptions to Development Standards within Auburn LEP 2010 not apply to the application of FSR on the site. This in effect means that variations to the applied FSR standard cannot be sought as part of any future DA on the site. Clause 4.6(2) allows councils to approve development applications that exceed a development standard where applicants can demonstrate that compliance is

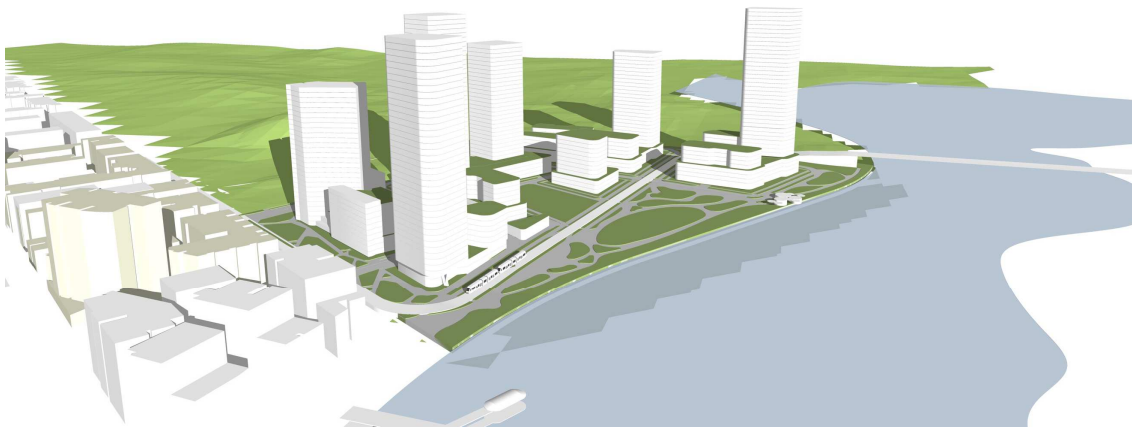
unreasonable or unnecessary and it is commonly requested through the DA process. Refer to **Figure 8** for the proposed FSRs for each development parcel within the site.

43. In order to prevent variations of this nature from being sought, it is possible to restrict the application of this clause on specific parcels of land and this has been successfully applied to sites within the Parramatta CBD and is proposed to be introduced in the Epping town centre. Restrictions on the use of this clause are able to be applied to specific development standards, which in this case would be the FSR, therefore not preventing the developer from seeking minor variations to other standards, where appropriate.
44. The previous scheme (refer **Figure 11**) utilising the existing controls on the site results in a monotonous built form consisting of multiple towers of 25 storeys and less open space. Under the current controls, this scheme provides the only mechanism for the approved GFA to be achieved on the site. This type of scheme results in less open space being provided on the site as more land area is required to accommodate the larger building footprints needed to fit the GFA into the 25 storey height limit.



**Figure 11.** Applicant's previous scheme using current height limit

45. To accommodate the increased open space on the site, amendments to the heights of building controls are necessary to maintain the existing GFA allocation on the site. Building heights of up to 40 storeys are proposed on the site, however, these will only occur in specific locations and will not result in all buildings being this height. Building heights will be controlled via the FSR allocated to each lot which and will provide for a variation in heights and ensure appropriate, lower building heights are achieved along the foreshore and will not impact on the ecologically sensitive vegetation within the adjacent Newington Reserve. Given building heights of up to 35 storeys can already be achieved in other parts of Wentworth Point, these proposed heights are not considered excessive. The revised scheme results in an improved open space outcome on the site as it enables the foreshore area to be increased and improves accessibility to the riverfront and therefore justifies the increased building heights in this instance. An indicative built form under the Applicant's proposed scheme is provided at **Figure 12** below.



**Figure 12.** Applicant's indicative revised scheme with increased heights

## **Traffic Impacts and Light Rail**

### *Traffic Impacts*

46. Due to the level of current and proposed development within Wentworth Point, current limited public transport services and existing traffic related issues, potential traffic impacts arising from this proposal require close scrutiny.
47. It is acknowledged that traffic congestion is an existing problem within the peninsula with Hill Road being the primary entry/exit to and from the precinct. A Traffic Impact Assessment (TIA) was undertaken by Traffix in 2013 to support the original iteration of the planning proposal which reflected the 188,800m<sup>2</sup> of GFA that is approved on the site. The TIA adopted a peak hour trip rate of 0.35 trips per unit which was based on the available trip rate data and guidance at the time (2013) from the RMS's *Guide to Traffic Generating Developments*, 2002. However, application of this rate to the anticipated dwelling yield of 2,300 units indicates that there is capacity on the site to support the proposed density providing any necessary road improvements are undertaken.
48. A further Traffic Impact Statement (TIS) was prepared in 2014 to support the development applications for the site and related to the proposed signalisation of the Hill Road and Burroway Road intersection. This survey adopted updated RMS traffic data of 0.19 trips during the AM peak and 0.15 trips during the PM peak. These trip rates were subsequently endorsed for additional traffic studies in the precinct, with these rates consistent with the findings of these studies and the RMS rates. In summary, the 2014 TIS concluded that the proposed signalisation of Hill Road and Burroway Road would satisfactorily accommodate the approved GFA of 188,800m<sup>2</sup> on the site and that up to 2,736 dwellings could be achieved on this basis.
49. A further Traffic Assessment (TA) was prepared by Ason Group (**Attachment 7**) to address the relevant traffic, access and parking implications of the Proposal. It noted that the Proposal is not seeking additional GFA on the site above the approved 188,800m<sup>2</sup> but is rather redistributing density across the site. The TA concluded that based on the approved RMS trip generation rate, the estimated residential yield of 2,300 units can be supported on traffic grounds as it is below the 2,736 unit threshold and would therefore not be expected to increase the amount of traffic generated from the site compared to the previous proposal to increase the GFA on the site.

50. In conclusion, given the trip generation rates that have been endorsed by the RMS, and the fact that the planning proposal is not seeking to increase the approved GFA on the site, there are no grounds to refuse the planning proposal in relation to increased traffic impacts.

### *Parramatta Light Rail Stage 2*

51. In October 2017, the State government announced the preferred route for the second stage of the Parramatta Light Rail (PLR) which will connect Stage 1 and Parramatta CBD to Ermington, Melrose Park, Wentworth Point and Sydney Olympic Park, starting at Camellia. Although the route is still under investigation, the alignment is identified as running through the subject site in **Figure 13** below.



**Figure 13.** PLR Stage 2 preferred alignment identified in yellow. Subject site outlined in red. Source: [www.parramattalightrail.nsw.gov.au/maps](http://www.parramattalightrail.nsw.gov.au/maps)

52. The Applicant, Council and TfNSW will continue to work together to ensure the provision of the light rail can be accommodated and incorporated into the planning proposal should Stage 2 proceed.

### **Open Space**

53. The Master Plan Public Domain and Landscape Report, prepared by Turf Design Studio (**Attachment 4**) for the site identifies approximately 34% (32,295m<sup>2</sup>) of the site area for use as public open space, comprising of the Foreshore Park of approximately 2 ha, Neighbourhood Green, Linear Park/Foreshore Boulevard and Southern Park (refer to **Figure 14**). These spaces will be publicly accessible and provide for informal active and passive recreation use by the community, and are proposed to include dedicated walking paths, a dog play area, seating and water feature area. With the exception of the Foreshore Park which will be dedicated to Council, the public parks will remain part of the community title with maintenance the responsibility of the strata. This approach is consistent with the remainder of the Wentworth Point precinct.



**Figure 14.** Proposed open space areas on the site

54. Council officers raise no concern regarding the quantum of open space proposed to be provided within the site and support the increase in RE1 Public Recreation zoned land to accommodate the Foreshore Park. It is noted that the linear park through the site is subject to the proposed transport corridor and could accommodate light rail. However, as noted, this route is still under investigation by TfNSW and no formal funding commitment for PLR Stage 2 has been made by the State Government. Should this corridor be required for infrastructure purposes, the overall provision of open space will be reduced.
55. The site will also accommodate a component of private open space for use by residents in the form of landscaped podiums and private courtyards. Further refinements will be incorporated into the amendment to the Wentworth Point DCP that will accompany the planning proposal and during the development assessment phase.

## Environment

56. An Ecological Consideration of the Masterplan (ECoM), prepared by Kingfisher Urban Ecology (**Attachment 5**) for the site was also prepared to support the planning proposal. The applicant provided the ECoM to the Office of Environment and Heritage (OEH) who provided a response in relation to the proposed changes and their potential implications on the adjacent Newington Nature Reserve. The OEH acknowledges that the subject site has little remnant native vegetation remaining and identifies the primary concerns relate to the potential indirect impacts on the biodiversity values of the adjacent Reserve. The Reserve is located to the west and south of the site and includes threatened ecological communities, threatened plants, migratory bird habitats and habitats of several other threatened fauna such as frogs, bats and water birds.
57. The OEH raised concerns in relation to biodiversity, riparian corridor, land zoning, site landscaping and the potential impact of PLR Stage 2 with key points summarised below. Refer to the OEH submission at **Attachment 11** for full details.

58. There are discrepancies between the Applicant's ECoM report and OEH records relating to species identification and numbers within the Newington Nature Reserve and mapping of vegetation within the reserve. These discrepancies will require clarification and can be resolved post-Gateway should the planning proposal proceed.
59. The OEH raised concern regarding potential impacts from the redevelopment on the flora and fauna within the nature reserve. These relate to the impacts on Sea Eagles, microbats and flying foxes from nearby buildings being located near nesting areas and wind funneling effects, with potential impacts not identified or addressed in the ECoM report.
60. Concern was also raised regarding the lack of detail provided by the Applicant 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. Consideration is also required in relation to the impact that an increase in population will have on the surrounding reserve as this may have negative impacts on the flora and fauna with increased usage of these spaces. In addition, potential impacts on the riparian corridor along the river foreshore require further consideration.
61. The OEH indicated that further consideration should be given to the applicable land use zoning along the foreshore area. Although the RE1 Public Recreation zone is appropriate, it is suggested that a portion of E2 Environmental Conservation be applied to the riparian corridor to ensure this land has the appropriate future protection and management. Should this not be achievable, it is suggested that the Objectives of the RE1 Public Recreation zone be amended to increase the level of protection of this vegetation. The RE1 Public Recreation zone within the ALEP 2010 currently includes two objectives relating to the protection of open space. These include:

- *To protect and enhance the natural environment for recreational purposes*
- *To protect open space at riparian and foreshore locations*

It is considered that these objectives provide sufficient protection for vegetation in this zone. However, further environmental consideration will be included in future amendments to the Wentworth Point DCP as part of this planning proposal.

62. The OEH also recommended that a diversity of local native plant species which have been propagated from locally sourced seeds be planted on the site. These suggestions will also be considered further as part of the drafting of proposed amendments to the Wentworth Point DCP and will be reported separately to Council to support the planning proposal at a later date.
63. The OEH also provided comments regarding flood risk and noted that due to the nature of the planning proposal, no further consideration of flooding matters from their perspective is required.
64. Due to the extensive fill that has occurred within the precinct, the site is above the Probable Maximum Flood level for the Parramatta River. The storm water overland flow path through the site is likely to be affected, however, due to the nature of this planning proposal and the fact that the site is subject to an approved DA for the GFA, it is considered that this matter can be given further consideration as part of amending the Wentworth Point DCP to support this planning proposal and any requirements will be addressed as part of future DAs on this site.

65. It is noted that the Applicant's planning proposal identifies that it is consistent with the Section 9.1 Ministerial Directions number 4.3 - Flood Prone Land, stating that the planning proposal is not introducing a new zone onto the site. However, the proposal is seeking to introduce the B4 Mixed Use onto the site and therefore further information will need to be provided regarding any potential impacts on the flood affectation of this site and how these can be resolved. It is considered that this matter can be addressed post-Gateway determination should Council resolve to proceed in this manner and a gateway determination be issued.

### **Social Infrastructure**

66. The proposal has the potential to introduce an additional 4,000 people into the Wentworth Point precinct and therefore place additional demand on current and planned infrastructure. This includes community and library spaces, child care and Out of School Hours (OOSH) places. The industry benchmarks for these facilities are identified in the Table 1 below:

<b>Infrastructure</b>	<b>Benchmarks</b>	<b>Potential demand generated by this proposal</b>
<b>Community Space</b>	80m <sup>2</sup> per 1,000 people	Up to 329m <sup>2</sup>
<b>Library Space</b>	35m <sup>2</sup> per 1,000 people + 20% circulation space	Up to 173m <sup>2</sup>
<b>Child care places</b>	1 for every 3 children 0-4 years	103 places
<b>OOSH places</b>	1 place per 2.7 children 5-11 years	56 places

**Table 1.** Social infrastructure benchmarks

67. In addition, the Applicant's Social Infrastructure Strategy prepared by Hill PDA (**Attachment 6**) identifies the need for multi-purpose indoor courts within the Wentworth Point precinct. As the proposal is not seeking an uplift in GFA from that which is already approved on the site, it is difficult to require a contribution towards the provision of social infrastructure as part of a VPA. However, Part C – Homebush Bay West of the Auburn Development Contributions Plan 2007 (Amendment 1) identifies that due to the predicted population growth in this area, there is the need for additional community facilities and infrastructure to be provided and should this proposal proceed, additional demand will be experienced on existing facilities and services. Should the Applicant seek to increase the uplift on the site as part of a future planning proposal, it is recommended that provision for these facilities be incorporated into an on-site community facility to address the existing and potential future demand.

### **DEVELOPMENT CONTROL PLAN**

68. As part of the Planning Proposal, changes are proposed to the Wentworth Point DCP 2014 to give effect to the master plan which forms the basis of the planning proposal. The primary amendments relate to the following:
- New street layout
  - Identification of heights of buildings
  - Distribution of the 188,800m<sup>2</sup> GFA across the site
69. Further amendments to the Wentworth Point DCP based on the planning proposal and supporting concept plan including detailed block controls,

sections, setback, parking and environmental controls will also be prepared to support development on the site.

70. Amendments to the Wentworth Point DCP will be reported to Council separately should the planning proposal be submitted for Gateway determination.

### **VOLUNTARY PLANNING AGREEMENT**

71. The Applicant has indicated a willingness to enter into a Voluntary Planning Agreement (VPA) with Council and provided a letter of offer with the planning proposal for the construction of the foreshore park and dedication to Council at an agreed time.
72. This report seeks Council's endorsement to commence VPA negotiations with the Applicant in relation to the Planning Proposal in accordance with Council's Planning Agreements Policy adopted on 26 November 2018. Under section 2.5.3 of the Policy, VPA negotiations are to be based on capturing 50% of the value uplift, which is the rate applicable for Planning Proposals outside the CBD, which have not received Gateway determination at the time the Policy was adopted by Council. However, as the Applicant is not seeking any uplift in density on the site, the amount that Council can expect the Applicant to contribute towards public benefits will be limited.
73. Notwithstanding, the planning proposal will allow for a redistribution of density across the site and has the potential to provide a better built form outcome. In this regard, the provision of the foreshore park will add a significant piece of open space into a high density environment whether the provision of open space is at a premium. In addition, as part of the previously approved DA on the site, a condition of consent requires the signalisation of the Hill Road / Burroway Road intersection. Given the uncertainty around the provision of PLR Stage 2 and its final alignment, this condition of consent has been removed as any signals may need to be replaced if impacted by the alignment. It is therefore recommended that the provision of these signals be included in the Voluntary Planning Agreement (VPA) for the site under two scenarios. Scenario 1 involves PLR Stage 2 not proceeding and delivery of the signalised intersection being fully funded by the developer. Scenario 2 involves PLR Stage 2 proceeding and the level of contribution towards the signalisation of this intersection by the developer being negotiated. This is considered an appropriate approach as it enables the timing of the signalisation to be linked to the ultimate alignment of PLR Stage 2. This will be included in a separate report to Council should the planning proposal proceed to Gateway.

### **PLAN-MAKING DELEGATIONS**

74. New delegations were announced by the then-Minister for Planning and Infrastructure in October 2012, allowing councils to make LEPs of local significance. On 26 November 2012, Council resolved to accept the delegation for plan-making functions. Council has resolved that these functions be delegated to the CEO.
75. Should Council resolve to proceed with the planning proposal, it is recommended that Council make a request to the Department of Planning and Environment to exercise its plan-making delegations. This means that once the planning proposal has been to Gateway, undergone public exhibition and been adopted by Council, Council officers will deal directly with the Parliamentary Counsel Office on the legal drafting and mapping of the amendment. The LEP amendment is then signed by the CEO before being notified on the NSW

Legislation website and finished. Council will advise the DPE that it will be requesting to exercise its delegation.

## **CONCLUSION**

76. It is considered that this planning proposal has strategic merit to proceed. However, Council officers maintain concern over the potential ability of the site to achieve a greater density than identified within the proposal due to the discrepancy between the allocated FSRs and building envelopes for each site. It is recommended that the application of Clause 4.6 in the ALEP 2010 in relation to the FSR be restricted to ensure the existing GFA is maintained. Consideration of additional GFA could be considered as part of a future planning proposal.

## **CONSULTATION / NEXT STEPS**

77. Should Council resolve to endorse this planning proposal, it (and all related information) will be submitted to the Department of Planning and Environment for Gateway determination. Community consultation will be undertaken as required by the Gateway determination.

## **FINANCIAL IMPLICATION FOR COUNCIL**

78. Should Council resolve to proceed with the planning proposal, costs will be incurred as part of the public exhibition process if a Gateway determination is issued. These costs will be funded from the City Strategy budget.

Amberley Moore

**Senior Project Officer Land Use Planning**

Michael Rogers

**Manager Land Use Planning**

Jennifer Concato

**Director City Strategy and Development**

## **ATTACHMENTS:**

<b>1</b>	Applicant's Planning Proposal - 14-16 Hill Road, Wentworth Point	71 Pages
<b>2</b>	Urban Design Report	37 Pages
<b>3</b>	Urban Design Peer Review	62 Pages
<b>4</b>	Landscape Concept Design	54 Pages
<b>5</b>	Ecological Assessment	48 Pages
<b>6</b>	Socio-economic Impact Assessment	61 Pages
<b>7</b>	Traffic Assessment Report	41 Pages
<b>8</b>	Wind Assessment	26 Pages
<b>9</b>	Public Art Strategy	70 Pages
<b>10</b>	Site Survey	5 Pages
<b>11</b>	OEH submission	8 Pages

## **REFERENCE MATERIAL**