

## AUBURN CITY COUNCIL

### DA-268/2014 (Block C Proposal)

<b>Applicant</b>	Fairmead Business Pty Limited
<b>Owner</b>	Fairmead Business Pty Limited
<b>Application No.</b>	DA-268/2014
<b>Description of Land</b>	Lot 4 DP 270778, 3 Burroway Road, WENTWORTH POINT NSW 2127
<b>Proposed Development</b>	Construction of 4, 6, 8 and 25 storey mixed use development comprising 699 residential units, 6 commercial/retail units, associated car parking, road construction and foreshore public open space (Block C) - Integrated Development (Water Management Act 2000)
<b>Site Area</b>	78000.00m <sup>2</sup>
<b>Zoning</b>	Sydney Regional Environmental Plan No. 24 – No zoning applicable
<b>Disclosure of political donations and gifts</b>	Nil disclosure
<b>Issues</b>	<ul style="list-style-type: none"> <li>• Minor variations to SREP No. 24</li> <li>• Minor variations to the Homebush Bay West DCP 2004</li> <li>• Minor non-compliances with SEPP 65 (RFDC)</li> </ul>

#### 1. Recommendation

***That Development Application No. DA-268/2014 for Construction of 4, 6, 8 and 25 storey mixed use development comprising 699 residential units, 6 commercial/retail units, associated car parking, road construction and foreshore public open space (Block C) - Integrated Development (Water Management Act 2000) on land at No. 3 Burroway Road, WENTWORTH POINT NSW 2127 be approved subject to conditions listed in the attached scheduled.***

#### **DC1. Submission of waiver letter from NSW Planning and Environment**

***Submission of documentary evidence to Council demonstrating that the requirement under Clause 16 (2) of Sydney Regional Environmental Plan 24 – Homebush Bay Area, to comply with an approved master plan has been waived by the Minister for this site.***

#### 2. Background and related applications

There are a number of historic approvals in the locality made by the New South Wales Department of Infrastructure, Planning and Natural Resources, prior to consent authority status for the Homebush Bay peninsula being returned to Auburn City Council.

The Wentworth Point area is an area undergoing significant redevelopment. Much of the peninsular is reclaimed land historically used for industrial uses. The 1999 Homebush Bay Development Control Plan established a broad direction for the urban structure and design controls which identified the site as suitable for residential and commercial uses.

After the staging of the Olympic Games during September and October 2000, the Department of Planning reviewed the plan to secure the long term viability of the locality. The Homebush Bay West Development Control Plan 2004 was adopted.

All of Wentworth Point is subject to the *Homebush Bay West Development Control Plan*, however the subject development site (former Lot 10) is subject to an additional site specific Development

Control Plan called the *1 Burroway Road Development Control Plan* approved by the Department of Planning.

The 1 Burroway Road DCP sets out a structural design framework to guide development for residential, open space and mixed uses over the site. Within the 1 Burroway Road DCP area, a number of applications have been considered. The applications relevant to this subject application are provided below:

- Subdivision of the site

A development for subdivision (DA-386/2009) was lodged with Council on 30 October 2009. The application proposed the subdivision of the subject site into 5 Torrens title lots, consistent with the Block plan under No. 1 Burroway Road DCP. Following several consultations with the applicant, the application was approved for 4 Torrens title lots on 8 June 2010.

- Development Block "A" South Western corner – 1 Burroway Road DCP area:-

DA-111/2010 was lodged with Council on 16 March 2010 and proposed the construction of a 4 to 8 storey residential flat building consisting of 326 apartments above 2 levels of underground car parking with 435 spaces and associated street, landscaping, stormwater and public domain works. The application was referred to the Joint Regional Planning Panel for consideration and was approved by the Panel on the 5 August 2010.

- Development Block "D" adjacent to Western boundary (central position along Hill Road) – 1 Burroway Road DCP area:-

Development application (DA-38/2011) for the construction of 4 to 8 storey residential flat building consisting of 251 apartments above 2 levels of car parking with 341 spaces with associated landscaping, road, public domain and drainage works was lodged into Council on the 8 February 2011. The application was referred to the Joint Regional Planning Panel for consideration and was approved by the Panel on the 1 December 2011.

- Development Block "G" corner of Hill and Burroway Road

Development application (DA-263/2013) for the construction of 6 to 16 storey mixed use development comprising 330 residential units, 6 retail units and associated car parking, landscaping and drainage works was lodged into Council on 23 August 2013. The application was referred to the Joint Regional Planning Panel for consideration and was granted deferred commencement approval by the Panel on the 26 May 2014. Operational consent was shortly issued on 20 August 2014.

Having regard to the above and in particular the application relating to the development of block G, an amendment was made to the Homebush Bay West DCP 2004 (known as Amendment no. 1). This amendment came into effect on the 31 July 2013 and on 6 December 2013; the VPA linked to DA-263/2013 (Block G) was formally executed by RMS which activated the Homebush Bay West DCP 2004 as amended. Whilst the development is primarily subject to the planning provisions contained within this amended HBW DCP, the amendment also results in various inconsistencies with the planning controls provided under the No. 1 Burroway Road Deemed DCP 2006.

The amendment which sought to revise the planning controls and introduce higher densities and building heights (commonly referred to as the "uplift") was created to support the Planning Agreement for the construction of the Homebush Bay Bridge to link Wentworth Point to the Rhodes Peninsula.

The controls contained within the site specific (No. 1 Burroway Rd) deemed DCP 2006 whilst still technically applicable, is considered to be redundant on the premise that the intent and principle of

the amendment no. 1 to the HBW DCP 2004 controls, have been adapted to supplement the VPA for the construction of the bridge. As such, a variation to the site specific DCP – No.1 Burroway Road 2006) is also required and justified in this instance.

- Development of Block B (DA-113/2014)

Development application (DA-113/2014) for the construction of 8 and 20 storey mixed use retail / residential flat building complex comprising 396 apartments, 11 retail tenancies and associated car parking, landscaping and drainage works (Block B) was lodged into Council on 11 April 2014. The application was referred to the Joint Regional Planning Panel for consideration where a deferred commencement approval was granted on the 19 September 2014.

It should be noted that prior to the determination of DA-113/2014, further discussions were held between Council staff and the applicant regarding a Concept Plan proposal (for the remaining undeveloped portion of Lot 10) and a VPA proposal for a community facility/library. This resulted in a subsequent development application being lodged – being revised Block B proposal discussed below.

- Revised proposal for development of Block B (DA-296/2014) with VPA and staged development with Concept plan

Development application (DA-296/2014) was lodged into Council on the 3 September 2014. The application was accompanied by a Voluntary Planning Agreement (VPA) which also included a staged development proposal with a Concept Plan for the remaining undeveloped stages of Blocks B, C, E, F and H within the Precinct B site (i.e. Lot 10).

The application was referred to the Joint Regional Planning Panel for consideration where a deferred commencement approval was granted on the 11 December 2014 and Council issued operational consent dated 11 March 2014.

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### **3. Site and locality description**

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The land, to which this development proposal relates, is contained within the remaining undeveloped stages of Precinct B formerly known as Lot 10 in DP776611. The land to be developed comprises of Blocks B, C, E, F & H including the dedicated public open space of Block F which totals 7.799 hectares inclusive of streets and public open space.

The site covered by this application inclusive of streets totals 20,333 square metres, while the Block C development parcel has a site area of 11,736 square metres. The site is legally identified as Lot 4 in DP 270778 and is known as 3 Burroway Road, WENTWORTH POINT.

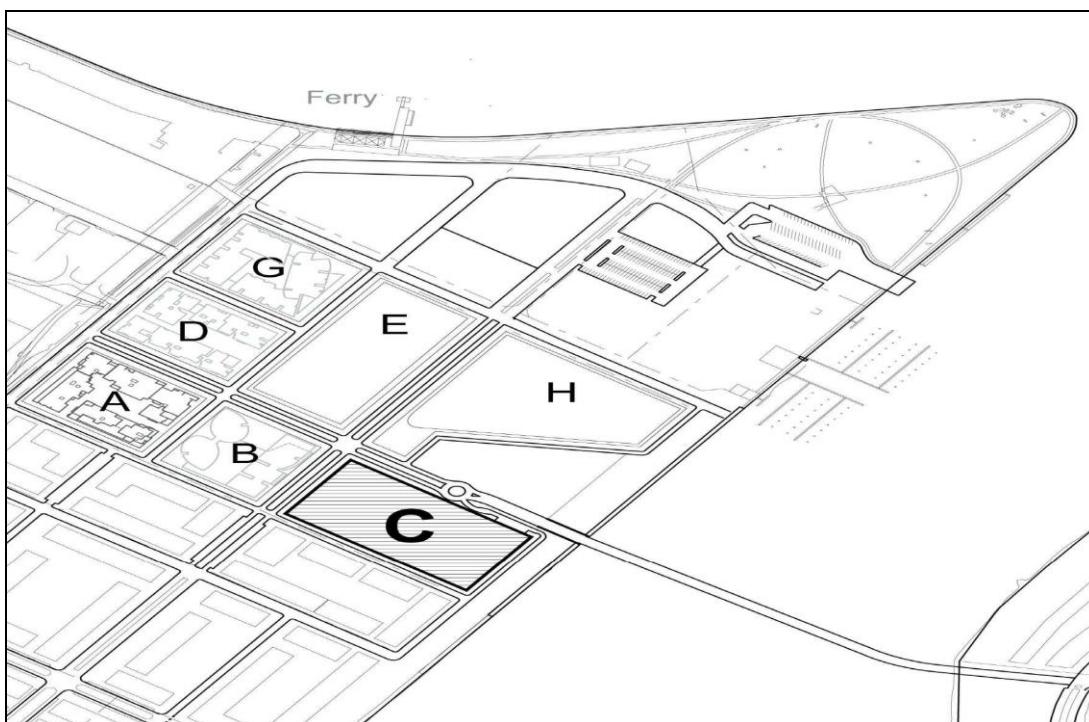
The proposed development block is located at the south eastern corner of the site adjacent to its boundary with Lot 9 and is bounded by Footbridge Boulevard to the north and Ridge Road to the west, Half Street to the south, and Foreshore Place and Homebush Bay to the east.

There is a mixture of development in the locality ranging from industrial / warehouse uses to newer multi storey residential flat buildings. Within the wider locality, there is a ferry terminal with access from Burroway Road. To the south there has been significant redevelopment over the past decade where a transition has occurred from industrial uses to medium to high density living.

The site is shown below:-



Area covered by the recently approved staged development consent (DA-296/2014).



Block C, Stage 2 development proposal – subject application.

#### 4. Description of Proposed Development

The proposal represents the fifth Block C (Stage 2) to be constructed in accordance with the approved staged development (concept plan).

Council has received a development application seeking approval for the following works:

- Construction of 4, 6, 8, and 25 storey mixed use/residential flat buildings containing 699 (as revised from 703) apartments in a mix of 1 and 1+ study, 2 and 2+ study and 3 bedrooms/penthouses;
- 6 commercial tenancies located along the Footbridge Boulevard for shops comprising a GFA of 412 sqm;
- Total 892 basement parking spaces and 29 new on street car parking spaces;
- Foreshore public open space of 1,678 sqm and common open space within the courtyard, plaza and building entrances;
- Extension of Footbridge Boulevard and Half Street, completion of Ridge Road and creation of Foreshore Place;
- Continuance of new topography and landscaping of public and private domain areas;
- Off street garbage collection arrangements; and,
- Civil and associated site infrastructure and drainage service works;

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## 5. Referrals

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### ***Internal Referrals:-***

A number of referrals were undertaken as follows:-

#### Development Engineer

The development application was referred to Council's Development Engineer for comment who has advised that the proposed development is satisfactory due to the provision of adequate car parking and vehicle access to the site; provision of satisfactory loading and waste collection arrangements; and appropriate drainage arrangements. The impact of the development on traffic conditions is found to be acceptable having regard to the development permitted under the planning controls for the site. Appropriate conditions of consent have been included in the consent where appropriate.

### ***External Referrals:-***

#### NSW Office of Water

In accordance with section 91 of the EP&A Act, as the subject development site is located within 40 metres of a watercourse, the development proposal triggers the integrated development provisions under the Act. In this regard, a formal referral was made to the NSW Office of Water on the 17 September 2014 for comment.

On the 9 October 2014, Council received a formal correspondence from the Office of Water advising the following:

*"Following receipt of the above mentioned development information; the Office of Water can advise that a licence for dewatering will not be required. However, should unpredictable groundwater inflows be encountered, then the Office of Water must be further consulted in order to determine if an authorisation would then be necessary. I have attached formal correspondence in that regard for your file."*

Having regard to the above, Council Officers are satisfied with the development proposal; having met the relevant integrated development provisions under the Act, and raises no objection to the development proposal in this regard.

#### Roads and Maritime Services

In accordance with Schedule 3 of the State Environmental Planning Policy “Infrastructure” 2007, the development constitutes a “Traffic generating development”. As a result, the development application was referred to Roads and Maritime Services on 13 October 2014 for advice.

In correspondence of 7 November 2014, the comments provided by the Roads and Maritime Services indicated that no major concerns are raised with respect to the proposed development subject to compliance with the relevant Australian Standards requirements in relation to the layout of the proposed car parking areas and swept paths of the longest service vehicle.

#### Sydney Olympic Park Authority

In accordance with Section 27 of the Sydney Olympic Park Authority Act 2001 and Clause 14 of Sydney Regional Environmental Plan Number 24 Homebush Bay Area, a copy of the development application was referred to Sydney Olympic Park Authority for comment.

In correspondence via Email dated 10 October 2014, the comments received from Sydney Olympic Park Authority indicated that no major concerns are raised with respect to the proposed development.

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### **6. Integrated development provisions Section 91 - (EP& A Act s79C(1)(a)(i))**

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As previously discussed, the development proposal being situated within 40 metres of any watercourse, triggers the integrated development provisions under section 91 of the EP&A Act. In this regard a referral was made to the relevant concurrence authority (i.e. NSW Office of Water) for comment.

The comments received from the NSW Office of Water indicated that the proposed development would not require any licensing to carry out the proposed works and as such no major concerns were envisaged as a result.

Council Officers are satisfied with the proposed development in this regard.

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### **7. Staged Development Applications - Section 83B (EP&A Act 1979)**

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The subject application (Block C development proposal) forms part of a previously approved staged development consent (DA-296/2014) for the entire Lot 10 site/ Precinct B. The proposed Block C represents the third staged to be developed under the staged development application.

In accordance with the relevant provisions under the Act, the proposed Block C proposal is required to be consistent with the staged development consent. The proposal has been assessed in this regard and is found to perform satisfactorily with the staged development consent DA-296/2014 with respect to the built form, height, massing and envelopes, street and block patterns.

The approved built form/street block/pattern is provided below under figure 1 and figure 2 relates to the Block C proposal. The diagrams provided below demonstrate the consistency of the proposed Block C to correspond with the approved stage development consent as required under section 83D(2) of the Act.

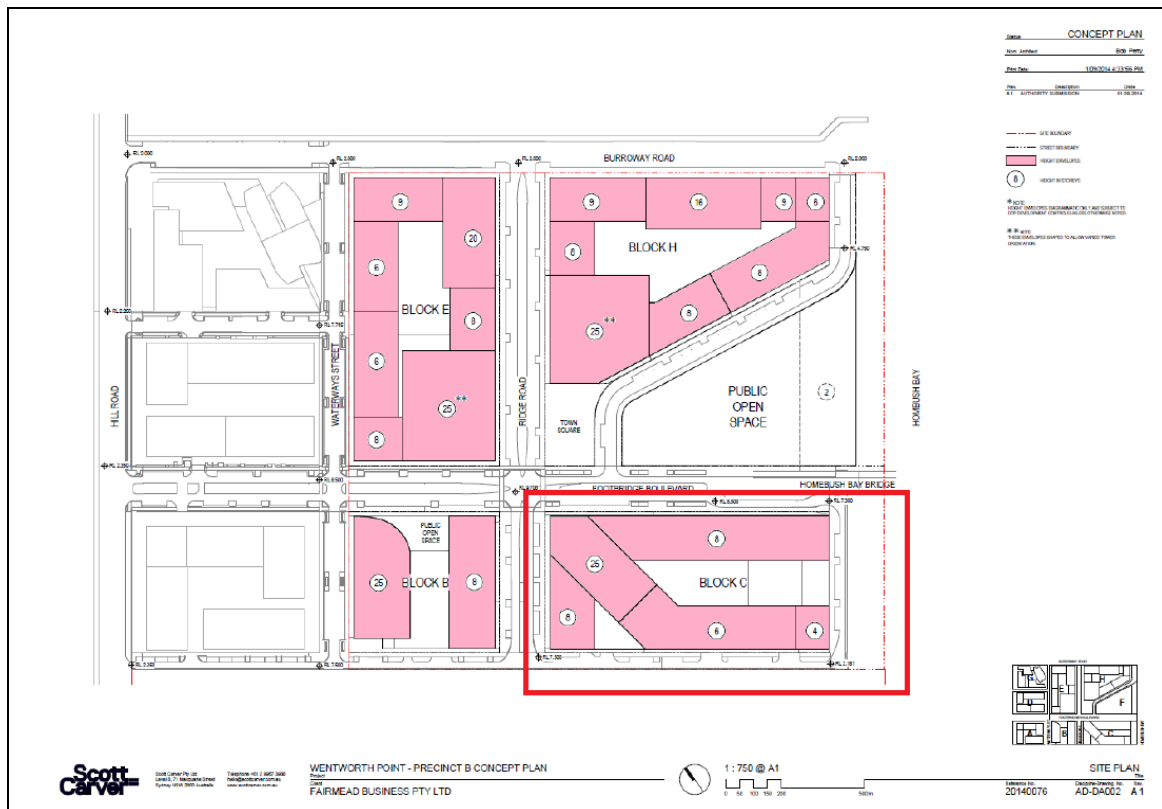


Figure 1. Indicative built form and street/block pattern.



Figure 2. Typical floor plan – Block C proposal

## 8. The provisions of any Environmental Planning Instruments (EP& A Act s79C(1)(a)(i))

### State Environmental Planning Policies

The proposed development is affected by the following State Environmental Planning Policies.

### 8.1 State Environmental Planning Policy No.55 - Remediation of Land

The requirement at Clause 7 of SEPP 55 for Council to be satisfied that the site is suitable or can be made suitable to accommodate the proposed development has been considered in the following table:-

Matter for Consideration	Yes/No
Does the application involve re-development of the site or a change of land use?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
Is the development going to be used for a sensitive land use (e.g. residential, educational, recreational, childcare or hospital)?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
Does information available to you indicate that an activity listed below has ever been approved, or occurred at the site? Acid/alkali plant and formulation, agricultural/horticultural activities, airports, asbestos production and disposal, chemicals manufacture and formulation, defence works, drum re-conditioning works, dry cleaning establishments, electrical manufacturing (transformers), electroplating and heat treatment premises, engine works, explosive industry, gas works, iron and steel works, <b>landfill sites</b> , metal treatment, mining and extractive industries, <b>oil production and storage</b> , paint formulation and manufacture, pesticide manufacture and formulation, power stations, railway yards, scrap yards, service stations, sheep and cattle dips, smelting and refining, tanning and associated trades, waste storage and treatment, wood preservation.	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
Is the site listed on Council's Contaminated Land database?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
Is the site subject to EPA clean-up order or other EPA restrictions?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Has the site been the subject of known pollution incidents or illegal dumping?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Does the site adjoin any contaminated land/previously contaminated land?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
Details of contamination investigations carried out at the site:  A consolidated report prepared by ERM dated July 2014 (ref: 0251403_RP01_Draft) was submitted with the application for the Block C development. The conclusion of the report provides that ERM considers the site not suitable for residential use with minimal soil access, however considers that with further investigation and assessment work, it is likely that the site can be concluded to be suitable for the proposed development.  Having regard to the conclusions of the report, Council's Environmental Health Officer has provided the following advice indicating that <i>"additional investigation be undertaken and/or a section 'b' site audit statement be requested for the site to confirm that the site can/will be made suitable and to provide details regarding any required remediation works"</i> . As such, an appropriate condition has been recommended to be imposed to ensure that a Site Audit Statement and Site Audit Report be provided to the consent authority prior to the issue of any Construction Certificate in which confirms that the site is suitable for the approved use.	
Has the appropriate level of investigation been carried out in respect of contamination matters for Council to be satisfied that the site is suitable to accommodate the proposed development or can be made suitable to accommodate the proposed development?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No

### 8.2 State Environmental Planning Policy No. 64 (Advertising and Signage)

The proposal includes signage for the purposes of business identification for the commercial/retail tenancies and a signage plan has been provided showing indicative locations for the signs. The objectives and relevant provisions of the SEPP 64 have been considered in the assessment of this application and Council is satisfied that the proposal performs satisfactorily and will remain consistent with the relevant provisions of SEPP 64 and schedule 1. The proposed signage is therefore considered to be acceptable in this instance.

### 8.3 State Environmental Planning Policy - BASIX

A BASIX certificate has been submitted to accompany the development. Due to design amendments to the development proposal which resulted in the overall reduction of 703 to 699 apartments, a revised BASIX Certificate was required to be submitted. On the 12 March 2014 the applicant provided the amended BASIX Certificate to ensure consistency and that the construction



of the new building is in accordance with all specified BASIX commitments. The development proposal is considered to satisfy the relevant requirements under the SEPP – BASIX 2004.

#### **8.4 State Environmental Planning Policy (Infrastructure) 2007**

The proposal, consisting of 699 dwellings and 892 basement car parking spaces, constituted a “traffic generating development” in accordance with Schedule 3 of the SEPP. Therefore the application was referred to the Roads and Maritimes Services NSW for consideration. As discussed previously under the referrals section of the report, in a letter received by Council, advisory conditions were provided to be imposed on any consent issued for the development..

#### **8.5 State Environmental Planning Policy No.65 – Quality Design of Residential Flat Development**

The relevant provisions and design quality principles of Part 2 of SEPP 65 have been considered in the assessment of the development application. The proposed development is considered perform satisfactorily having regard to the SEPP 65 design principles as well as the provisions under the RFDC.

Furthermore, the development proposal with regard to its overall built form (height, massing and envelopes) is generally in accordance with the approved staged development (concept plan) under the previous consent DA-296/2014.

The table provided at the end of this report under **(section A-A)** is a summary of compliance to demonstrate the overall design of the development proposal’s consistency with the relevant planning controls that are applicable to the site with respect to SEPP 65, RFDC and HBW DCP amendment 1. A more detailed analysis and comprehensive assessment of the Residential Flat Design Code is provided in **Appendix B** of this report.

#### **8.6 Sydney Regional Environmental Plan No. 24 - Homebush Bay Area**

The relevant requirements and objectives of Sydney Regional Environmental Plan Number 24 have been considered in the assessment of the development application. The proposed development is considered to perform satisfactorily having regard to the provisions under the SREP 24 and a detailed assessment of the development proposal against the SREP is discussed further in the compliance table provided in **Appendix B** of this report.

#### **8.7 Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005**

The subject site is identified as being located within the area affected by the Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005. The proposed development raises no issues as no impact on the catchment is envisaged.

(Note: - the subject site is not identified in the relevant map as ‘land within the *‘Foreshores and Waterways Area’* or *‘Wetland Protection zone’*, is not a *‘Strategic Foreshore Site’* and does not contain any heritage items. Hence the majority of the SREP is not directly relevant to the proposed development).

#### **8.8 Local Environmental Plans**

The provision of the Auburn Local Environmental Plan (ALEP 2010) is not applicable in this instance and the land falls into the “Deferred Matter” as noted on the LEP Map.

Sydney Regional Environmental Plan No. 24 - Homebush Bay Area provides the statutory controls in relation to this land in this instance. See previous section of the report in relation to this matter.

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### **9. The provisions of any Draft Environmental Planning Instruments (EP& A Act**

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**s79C(1)(a)(ii))**

The subject site is identified as a “Deferred Matter” under the recently made Auburn LEP 2010. There are no draft instruments applicable to the development application.

**10. The provisions of any Development Control Plans (EP& A Act s79C(1)(a)(iii))****10.1 Homebush Bay West Development Control Plan 2004 (as amended)**

The relevant design requirements and objectives of the HBWDCP 2004 have been considered in the assessment of the development application. The proposed development is consistent with the relevant requirements and therefore considered to perform satisfactorily with regard to the HBWDCP 2004 as amended.

Furthermore, the development proposal with regard to its overall built form (height, massing and envelopes) is generally in accordance with the approved staged development application established under the previous development consent no. DA-296/2014.

A summary of compliance is provided at the end of this report under **(Section A-A)** which outlines the consistency between the design of the development in accordance with the relevant planning controls of HBWDCP 2004 amendment no. 1. A comprehensive assessment of the compliance with respect to HBWDCP 2004 is found in **(Appendix B)** of this report.

**10.1.a Cumulative Gross Floor Area**

The total cumulative Gross Floor Area (GFA) for the entire site is provided in the below table to demonstrate the breakdown distribution of floor space according to the different stages proposed. The approved and proposed floor space for each stage; to date, is consistent with section 5.3.1 – *Land use and density* controls of the Homebush Bay West Development Control Plan 2004; as amended.

Table 1 Summary of existing and proposed GFA distribution:

<i>Precinct B (Lot 10)</i>					
NB: Max GFA figures are based on the approved staged development consent DA-296/2014 which amended the floor space distribution across the entire site.					
Block/ Stage	Commercial/Ret ail/Maritime/Edu cational GFA: Min. 3,165 + 100	Residential GFA: Max. 202,135	Cumulative total: Max. <u>220,940</u>	Compliance	Public Open Space Min. 10,973
<b>A</b>	Nil	-	18,564	Yes	Nil
<b>D</b>	Nil	-	16,701	Yes	Nil
<b>G</b>	518	20,745	21,723	Yes	300
<b>B</b>	291	30,358	34,199 (3,550*) 30,649	Yes	833
<b>C</b>	412	42,887	43,299	Yes	1,678
<b>E</b>	-	-	-	-	-
<b>H</b>	-	-	-	-	-
<b>Combined total to date</b>			<b>130,936</b>	<b>Yes</b>	<b>2,811</b>

\* (Additional – Library/Community facility = 3550 floor area within Block B development where this portion of the area is excluded from the overall cumulative maximum GFA of 220,940)

As shown in the table provided above, the cumulative total for the overall site to date is 130,936 sqm of developable floor area and is within the maximum cumulative gross floor area permitted for the entire site of precinct B. The proposal is therefore compliant with the land use and density requirements outlined under the relevant sections of HBW DCP.

## 10.2 No. 1 Burroway Road DCP 2006

The No.1 Burroway Road DCP 2006 was prepared and adopted as a more detailed Master Plan for the subject site and as an extension to other planning controls adopted for the precinct as a whole (i.e. the Homebush Bay West DCP, which has been considered above). This site specific DCP contains more detailed controls with respect to street patterns, configuration, floor space and so on as well as the general planning principles and requirements for residential flat development

which are also prevalent in the Homebush Bay West DCP and taken from the Residential Design Code associated with SEPP 65 - Design Quality of Residential Flat Development.

Having regard to the above, it should be noted that an Amendment no. 1 to the Homebush Bay West DCP 2004 which came into effect on the 31 July 2013 has resulted in various inconsistencies with the planning controls provided under the No. 1 Burroway Road Deemed DCP 2006.

Consequently, the amendment which sought to revise the planning controls and introduce higher densities and building heights was created to support the Planning Agreement for the construction of the Homebush Bay Bridge to link Wentworth Point to the Rhodes Peninsula.

The controls contained within the site specific deemed DCP 2006 whilst still technically applicable, is considered to be redundant on the premise that the intent and principle of the amendment no. 1 to the HBW DCP 2004 controls, have been adapted to supplement the VPA for the construction of the bridge. As such, a variation to the site specific control (No. 1 Burroway Road Deemed DCP 2006) is required and justified in this instance.

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## 11. Section 94 Contributions Plan

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*Block C proposal – 2<sup>nd</sup> stage within the Approved Staged Development Concept plan.*

In relation to the Block C proposal, the proposed development would require the payment of contributions in accordance with Part C: Homebush Bay West Precinct, of Council's Auburn Development Contributions Plan 2007. Contributions are collected for traffic management, open space, community facilities and administration in the locality and are calculated based on the number of new 1, 2 and 3 bedroom dwellings.

The Section 94 Contributions will be based upon the following criteria:-

### Residential:

- 342 x 1 bedroom apartments
- 280 x 1 + Study/ 2 bedroom apartments
- 77 x 2 + Study/ 3 bedroom apartments

Total: 699 units.

It should be noted as per the definitions of a bedroom,

*Bedroom means, for the purposes of this Section 94 Contributions Plan, any room which is, in the opinion of Council, by its physical design, capable of being used as a bedroom. Separately accessible rooms designated a bedroom, study, studio, den, attic, home office or the like, including*

*in some circumstances partially enclosed mezzanine levels may be classified as bedrooms for the purposes of this Plan.*

In this instance, a study must be accounted for in the calculation of s.94 fees payable.

Employment generating development:

- 1% of the construction cost for commercial/retail component being \$564,000 (412 sqm) = \$5,640.

As at 26 March 2015, the contribution amount based on the above is calculated at **\$2,500,633.13** which will be subjected to the consumer price index.

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**12. Disclosure of Political Donations and Gifts**

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The NSW Government introduced The Local Government and Planning Legislation Amendment (Political Donations) Act 2008 (NSW). This disclosure requirement is for all members of the public relating to political donations and gifts. The law introduces disclosure requirements for individuals or entities with a relevant financial interest as part of the lodgement of various types of development proposals and requests to initiate environmental planning instruments or development control plans.

No disclosures of any political donations or gifts have been declared by the applicant or any organisation / persons that have made submissions in respect to the proposed development.

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**13. The provisions of the Regulations (EP& A Act s79C(1)(a)(iv))**

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The proposed development raises no concerns as to the relevant matters arising from the EP&A Regulations 2000.

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**14. The Likely Environmental, Social or Economic Impacts (EP& A Act s79C(1)(b))**

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It is considered that the proposed development will have no significant adverse environmental, social or economic impacts in the locality.

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**15. The suitability of the site for the development (EP&A Act s79C(1)(c))**

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The subject site and locality is known to be affected by flooding. Council's Engineering Department have assessed the application and have considered the proposal to be satisfactory, subject to conditions, in relation to flooding.

The subject site is also known to contain reclaimed land and imported fill. Investigations into site conditions identify that ground material contains contamination arising from a number of past DA-296/2014 industrial uses and acid sulphate soils. Further details on the site history are provided in the SEPP 55 assessment above. Suitable investigations and documentation has been provided to demonstrate that the site is or can be made suitable for the proposed development in terms of contamination and acid sulphate soils.

No other natural hazards or site constraints likely to have a significant adverse impact on the proposed development. Accordingly, the site can be said to be suitable to accommodate the proposal. The proposed development has been assessed in regard to its environmental consequences and having regard to this assessment, it is considered that the development is suitable in the context of the site and surrounding locality.

**16. Submissions made in accordance with the Act or Regulation (EP&A Act s79C(1)(d)**

Advertised (newspaper) ☒ Mail ☒ Sign ☒ Not Required ☐

In accordance with Council's Notification of Development Proposals Development Control Plan, the proposal was publicly exhibited and letters sent to adjoining owners/occupiers for a minimum period of thirty (30) days between 1 October 2014 to 3 November 2014. Notification was carried out for another fourteen (14) days with respect of the VPA.

A total of twenty seven (27) submissions including a petition containing 13 signatures were received as a result of notification of the proposed development. Of the 27 submissions, 8 submissions received were in favour of the proposal whilst the remaining 19 were generally against the proposal.

The issues raised by the respondents who were against the proposal are summarised and discussed in further detail below:

Issue: The respondents have primarily raised significant concerns regarding the increased density proposed as well as increased traffic generation in the area and the lack of parking provided by the proposed developments to meet the demand. Other concerns raised by the respondents include:

- Inferior solar access and excessive overshadowing
- Too many 1 bedroom apartments
- Lack of community consultation regarding the overall developments proposed in the area.
- Narrow roads and footpaths with poor location of loading docks
- Inadequate and poor location of garbage bins
- Lack of sufficient facilities and services provided in the area
- Proposal represents an overdevelopment of the area that is even more dense than Rhodes
- Size of apartments too small with unusable balconies

Comment: The subject application has been supported with a traffic report. Council's engineers have reviewed the report and have advised that the impact of the developments on the future traffic conditions is acceptable having regard to the development permitted under the planning controls for the site. The proposed development also provides adequate car parking in accordance with the HBWDCP.

The design rationale of the proposed 25 storey residential tower is based on various architectural design techniques used to ensure that the overall massing of the tower achieves optimal daylight and natural ventilation whilst minimising the bulk and scale of the development. To prevent a wide form tower; that would otherwise result in greater overshadowing of apartments particularly to the south, a slender form connected by a common lobby and core is proposed for the 25 storey tower that is aligned with the sun path to maximise apartments receiving more than 70% of the minimum 2 hours solar access requirement. Vertical slots and insets are also incorporated into the tower forms to break up the base envelope to create slender and taller shapes whilst also facilitating cross ventilation. Further, due to the orientation of the site, some overshadowing is considered to be inevitable and unavoidable, however reasonable building separation distances have been provided together with the proposed slender tower forms which assist to alleviate any significant overshadowing, noise and privacy concerns.

Council has limited control regarding the large number of 1 bedroom apartments proposed as this is a result driven by market demand.

Appropriate notification and exhibition of the development proposal has been carried out in accordance with Council's notification procedure. A public meeting and information session was held on the 8 October to provide additional community consultation and involvement in the process providing residents and any interested parties an opportunity to voice their concerns.

Proposed widths of the roads are consistent with the street and block pattern of the HBW DCP in relation to major and minor roads. Standard conditions indicating that loading and unloading activities are to be carried out within designated loading areas provided within the development are included in the consent. Similarly, appropriate waste storage and collection areas have been proposed within the development and are found to be satisfactory with appropriate conditions attached for proper operational waste management and collection.

The proposed facilities and services in question are to be provided under subsequent applications proposed within the later stages of the Concept Plan for Precinct B.

The development has been assessed on its individual merit and is considered to perform satisfactory with respect to the RFDC and HBWDCP as amended. The development is considered to be design responsive and provides for acceptable levels of amenity for future residents and minimises adverse impacts on the amenity of neighbouring properties. It should also be noted that the redevelopment of the Wentworth Point is in an area undergoing transition in which all future developments have been specifically planned for since the inception of 1999 Homebush Bay DCP which established a broad direction for the urban structure and design controls which identified the site for residential and commercial uses. Subsequent controls made thereafter were approved by the Department of Planning which laid out a structural design framework to guide developments for residential uses across the site.

The 8 submissions received by Council that indicated their support of the proposed development advised that they are generally satisfied with the provision of the additional local retail services as they are required to meet the needs of the local community. The majority of the submissions made by respondents in favour of the proposal have also stated their particular support for the full size supermarket proposed in Block E of the Concept Plan, claiming that it would alleviate many of the residents' concerns for the lack of services in the area. The respondents also encourage the redevelopment of the area from industrial to residential land uses.

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#### **17. The public interest (EP& A Act s79C(1)(e))**

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The public interest is served by permitting the orderly and economic development of land, in a manner that is sensitive to the surrounding environment and has regard to the reasonable amenity expectations of surrounding land users.

In view of the foregoing analysis it is considered that the development, if carried out subject to the conditions set out in the recommendation below, will have no significant adverse impacts on the public interest.

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#### **18. Operational Plan / Delivery Program**

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This assessment and report relates to the Auburn City Council Operational Plan and Delivery Program, Our Places – Attractive and Liveable theme, action “2a.1.1.3 Assess development applications, complying development and construction certificates”.

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## **19. Conclusion**

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The development application has been assessed in accordance with the relevant requirements of the Environmental Planning and Assessment Act 1979.

The proposed development is appropriately located within a locality earmarked for high-density residential redevelopment, however some variations (as detailed above) in relation to State Environmental Planning Policy No.65 - Design Quality of Residential Flat Development and the Homebush Bay Development Control Plan are sought.

Having regard to the assessment of the proposal from a merit perspective, Council may be satisfied that the development has been responsibly designed and provides for acceptable levels of amenity for future residents. It is considered that the proposal successfully minimises adverse impacts on the amenity of neighbouring properties. Hence the development, irrespective of the departures noted above, is consistent with the intentions of Council's planning controls and represents a form of development contemplated by the relevant statutory and non-statutory controls applying to the land.

For these reasons, it is considered that the proposal is satisfactory having regard to the matters of consideration under Section 79C of the Environmental Planning and Assessment Act, 1979.

## (SECTION A-A)

**Summary of Compliance****Block C development**

The compliance table below contains a summary of the applicable development standards and a compliance checklist relative to the subject development application no. DA-268/2014:-

Standard	Requirement	Proposal	Compliance	Percentage variance
<b>SEPP 65 - Residential Flat Design Code:</b>				
<b>Building Depth</b>	Max. 18m (glass line to glass line)	Min. 23.5m to max. 28.5m	Yes, variance permitted under cl. 5.3.5 of HBW DCP Amendment no.1	N/A
<b>Building Separation</b>	Refer to pg. 28 of RFDC	Min. 20m btwn B5 & B2, B3 & B4, 7.5m btwn B1 & B2, 11.5m btwn B1 & B6, 6m btwn B4 & B5, B2 & B3	Yes, locational adjustment permitted (built form is consistent with staged consent DA-296/2014)	N/A
<b>Communal Open Space</b>	Min. 25-30% site area, larger sites – 30%	42% 6108 sqm (incl. Lvl 3,4 forecourt, lvl 6 courtyard & lvl 11 roof terrace)	Yes	N/A
<b>Deep Soil</b>	Min. 25%	Nil	<b>No, difficult to satisfy due to existing site constraints. Refer to discussion under RFDC compliance table (Appendix B)</b>	<b>25%</b>
<b>Apartments Visitable / Adaptable</b>	- Min. 75% barrier free access / Min. 20% of unit dwellings	566 visitable / 141 adaptable	Yes, 81% / 20%	N/A
<b>Single Aspect – depth</b>	Kitchens max. 8m from window, Cross-through width min. 4m	Max. 8m, Min. 4.5m	Yes	N/A
<b>Balcony Depth</b>	Min. 2m – 1BR & 2.4m – 2-3BR	Min. 2m & 2.4m	Yes, Winter Gardens / balcony depths achieved for all units	N/A
<b>Ceiling Heights</b>	Min. 2.7m – Residential, min. 3.3m – Commercial	GFL – 4.15m, Lvl 2-25 – 3.1m	Yes	N/A
<b>Internal Circulation</b>	Max. 8/per lift core		Yes, variance permitted under cl. 5.3.5 of HBW DCP Amendment no. 1	N/A
<b>Storage</b>	Min. 6cum – 1BR, 8cum – 2-3 BR		Yes	N/A



<b>Daylight / Solar Access</b>	Min. 2hr for 70% of apartments;	73% or 512 apartments	Yes	N/A
	Max. 10% south facing single aspect apartments	12.87% or 90 apartments	<b>No, 12.87% (Out of 699 apartments, 90 are single aspect SE/SW facing. Refer to discussion under RFDC compliance table (Appendix B))</b>	<b>2.87%</b>
<b>Natural Ventilation</b>	Min. 60% of apartments	71% or 497 apartments	Yes	N/A
<b>Unit sizes</b>	1 Bed – 50 sqm 2 Bed – 75 sqm 3 Bed – 95 sqm	1 Bed – min. 50 sqm, 2 Bed – min. 75 sqm inclusive of WG, 3 Bed – min. 98 sqm	Yes, (incl. Winter gardens – minimum unit sizes achieved).	N/A
<b>Homebush Bay West Amendment No. 1</b>				
<b>Gross Area</b>	<b>Floor</b> Cumulative total must not exceed 220,940 sqm	Block C: 43,299 sqm, To date: 130,936 sqm	Yes	N/A
<b>Floor Plate for Towers</b>	Max. 950 sqm	Max. 947 sqm	Yes	N/A
<b>Building Height</b>	4, 6, 8 and 25	4, 6, 8 and 25	Yes	N/A
<b>Building Setbacks</b>	Zero setback permitted up to first 4 levels, min. 2.5m setback from Burroway Rd	Nil – 2.5m	Yes	N/A
<b>Parking</b>	1 space /dwelling and 1 in 12 permitted for visitors.  Min. required: 699 spaces + 59 (visitors) + 11 commercial = 769 spaces	887 spaces including street parking. This comprises of 781 resident, 88 visitor, 12 commercial, 1 delivery, 4 car share and 1 car wash.	Yes	N/A