

AUBURN CITY COUNCIL

DA-437/2014 (Block E Proposal)

Applicant	Mr S Moran & J Kinsella
Owner	Fairmead Business Pty Limited
Application No.	DA-437/2014
Description of Land	Lot 4 DP 270778, 3 Burroway Road, WENTWORTH POINT NSW 2127
Proposed Development	Construction of mixed use development with 771 residential units, 10,674sqm of retail space and a 6 storey basement car park, landscaping and associated stormwater works
Site Area	78000.00m ²
Zoning	Sydney Regional Environmental Plan No. 24 – No zoning applicable
Disclosure of political donations and gifts	Nil disclosure
Issues	<ul style="list-style-type: none">• Minor variations to SREP No. 24• Minor variations to the Homebush Bay West DCP 2004• Minor non-compliances with SEPP 65 (RFDC)

1. Recommendation

That Development Application No. DA-437/2014 for Construction of mixed use development with 771 residential units, 10,674sqm of retail space and a 6 storey basement car park, landscaping and associated stormwater works (Block E), 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.

DC2. Amended stormwater plans

Amended stormwater drainage plans shall be submitted to Council, incorporating the details of the proposed pipe extension up to the seawall. In this regard:

- a) All stormwater runoff generated from the subject development shall be addressed***
- b) All general conditions of consent outlined in this determination are to be addressed and implemented in the amended stormwater drainage plans;***
- c) Any approved amendments to the architectural plan shall be incorporated in the amended storm water drainage plans;***
- d) All invert levels shall be shown on the plans up to the discharge point.***
- e) Stormwater plan shall show the details of the proposed pipe extension up to the seawall. The pipe shall be designed cater for the storm water runoff from the future development in the vicinity. This analysis shall include the tidal tail water levels to ensure that that the proposed stormwater disposal in to the Hill Road system will not create localised ponding in Burroway Road and other internal roads.***
- f) Longitudinal section of the proposed stormwater pipe system shall be submitted.***
- g) Hydraulic grade line calculations shall be submitted.***

In the event that amplification of the existing drainage lines is required, the applicant shall bear the cost of the provision of such facility and all works outside the property boundary.

2. Background and related applications to date

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.

Subsequent applications have since been submitted to Council for further subdivision of Lot 10 to create stage lots/super lots Blocks for B, C, E and H. This includes:

- DA-246/2014 for Community title subdivision of Lot 10 into 3 allotments – to create Stage Lots 11, 12 and 13 for Blocks B, C and E/H and;
- DA-203/2015 for Community title subdivision of Lot 10 into 2 allotments – to create Stage Lots 11 and 12
- Development of Block “C” (DA-268/2014)

Development application (DA-268/2014) was lodged into Council on the 15 August 2014 for the construction of 4, 6, 8 and 25 storey mixed use development comprising of 699 residential units, 6 commercial/retail units, associated car parking, landscaping, road construction and foreshore public open space. The application was referred to the Joint Regional Planning Panel for consideration where a deferred decision was made on the 7 May 2015 whereby approval would be granted subject to a further contamination assessment report being provided in which concludes that the site is suitable to accommodate the proposed development so as to satisfy the requirements under clause 7 of SEPP 55.

The applicant provided a supplementary report for contamination on the 7 May 2015 to accompany the development application. An addendum report which included advice from Council's Environmental Health Officer was prepared and subsequently referred back to the Panel on the 25 May 2015 for final consideration and the application was eventually approved on the 30 July 2015.

3. Site and locality description

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 22,831 square metres, while the Block E development parcel has a site area of 13,066 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 south of Burroway Road adjacent Blocks D and G to the west and Block B to the south. The site is bounded by Footbridge Boulevard, Burroway Road, Waterways Street and future road known as Wentworth Place covered by this application.

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:-

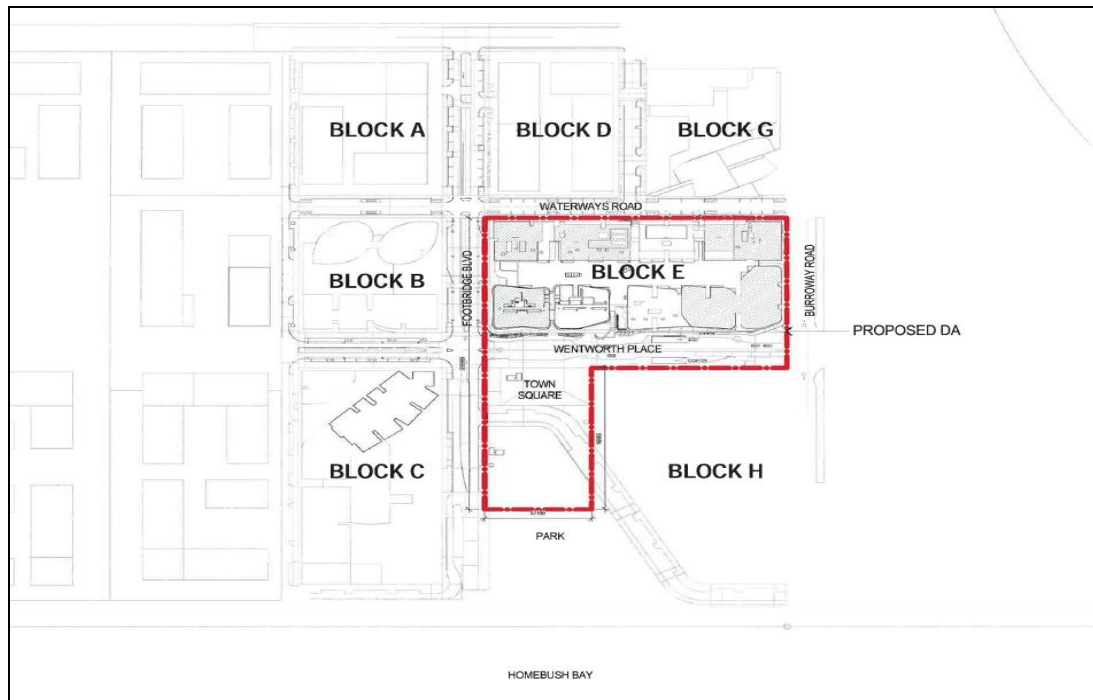


Figure 1. Block E, Stage 3 development proposal – subject application.

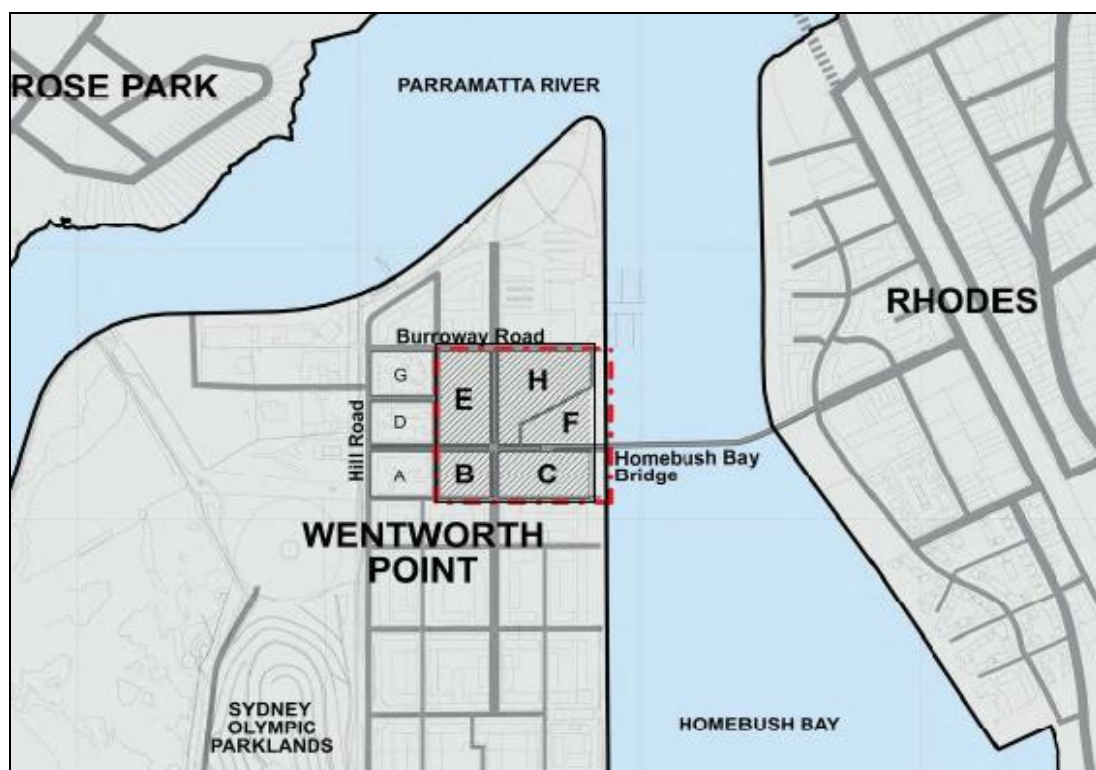


Figure 2. Area covered by the recently approved staged development consent (DA-296/2014).

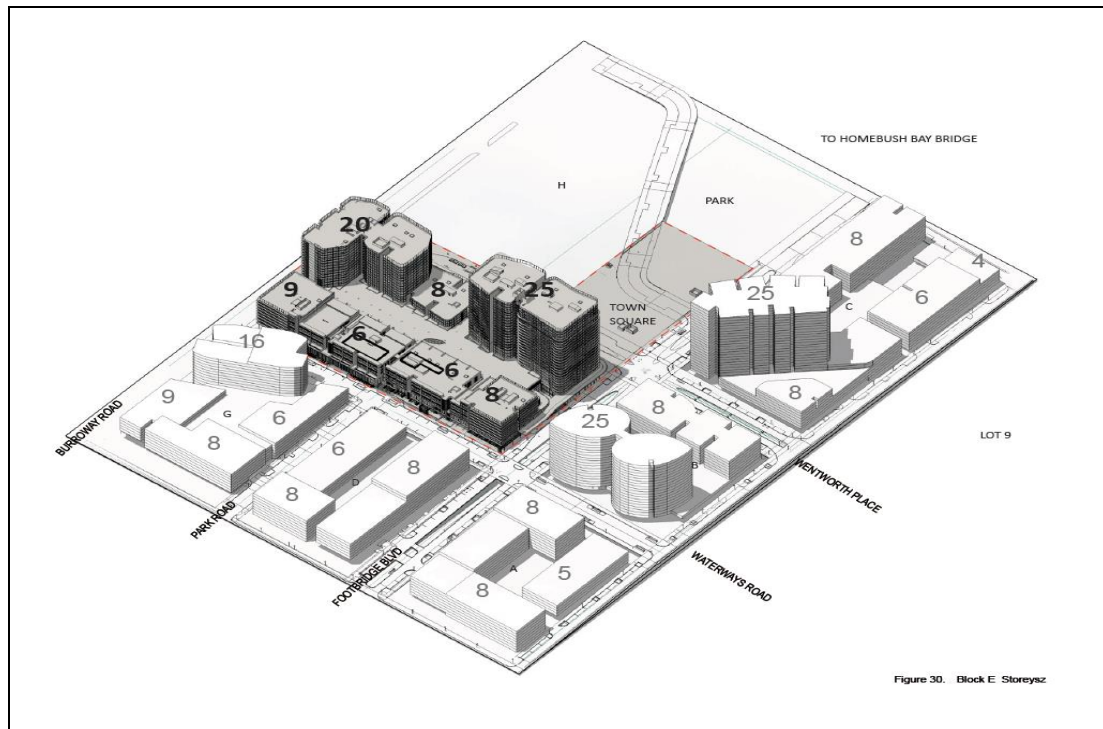


Figure 3. Contextual diagram showing relationship of buildings relative to number of storeys proposed.

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 6, 8, 9, 20 and 25 storey mixed use/residential flat buildings containing 768 (as revised from 771) residential apartments in a mix of Studio/1, 1+ study, 2 and 2+ study and 3 bedrooms/penthouses;
- 10,671 sqm of GFA for full line supermarket retail and speciality shops over two levels located at ground and first floor level podium, with street frontages to Waterways Street, Footbridge Boulevard and Wentworth Place;
- Total 1546 basement parking spaces comprising of 984 residential spaces (inclusive of disabled and visitor spaces) and 562 retail spaces (inclusive of disabled spaces).
- Provision of common and public open space within the elevated courtyard, accessible street setbacks and building entrances comprising a total of 3,413 sqm;
- Extension of Wentworth Place from Block B to Burroway Road inclusive of bus stops, taxi stands, parking and entrances to retail car parking (which forms part of basement for retail parking for Block E which extends into Block F and H under the area for a future urban plaza);
- Continuance of new topography and landscaping of public and private domain areas;
- Off street truck delivery and garbage collection arrangements with 6 separate loading bays;
- Civil and associated site infrastructure and drainage service works;

5. Referrals

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:-

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 16 February 2015 for advice.

In correspondence of 11 March 2015, 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 26 February 2015, the comments received from Sydney Olympic Park Authority indicated that no major concerns are raised with respect to the proposed development.

6. Staged Development Applications - Section 83B (EP&A Act 1979)

The subject application (Block E 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 E represents the 3rd stage to be developed under the staged development application.

In accordance with the relevant provisions under the Act, the proposed Block E 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 E proposal. The diagrams provided below demonstrate the consistency of the proposed Block E to correspond with the approved stage development consent as required under section 83D(2) of the Act.

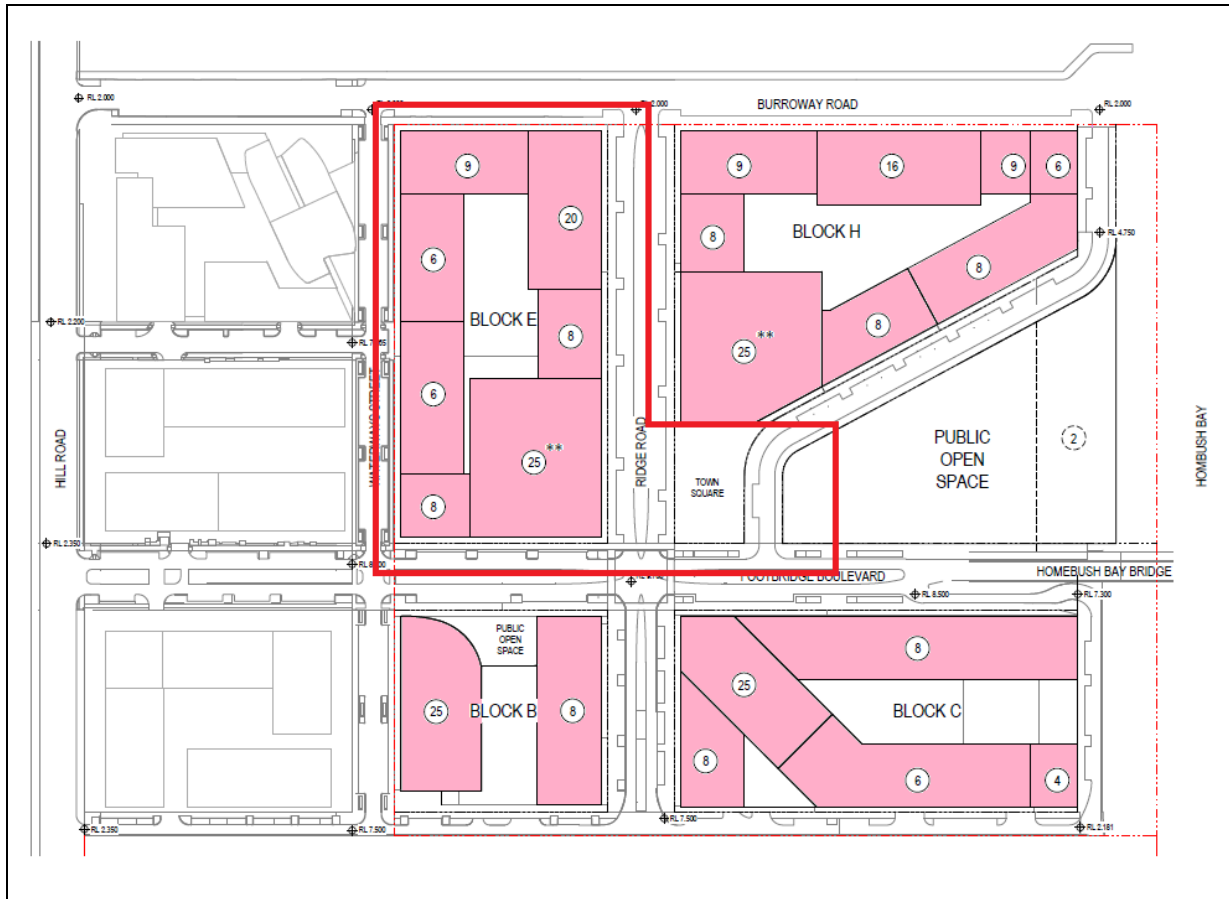


Figure 4. Indicative built form and street/block pattern approved under staged DA-296/2014.

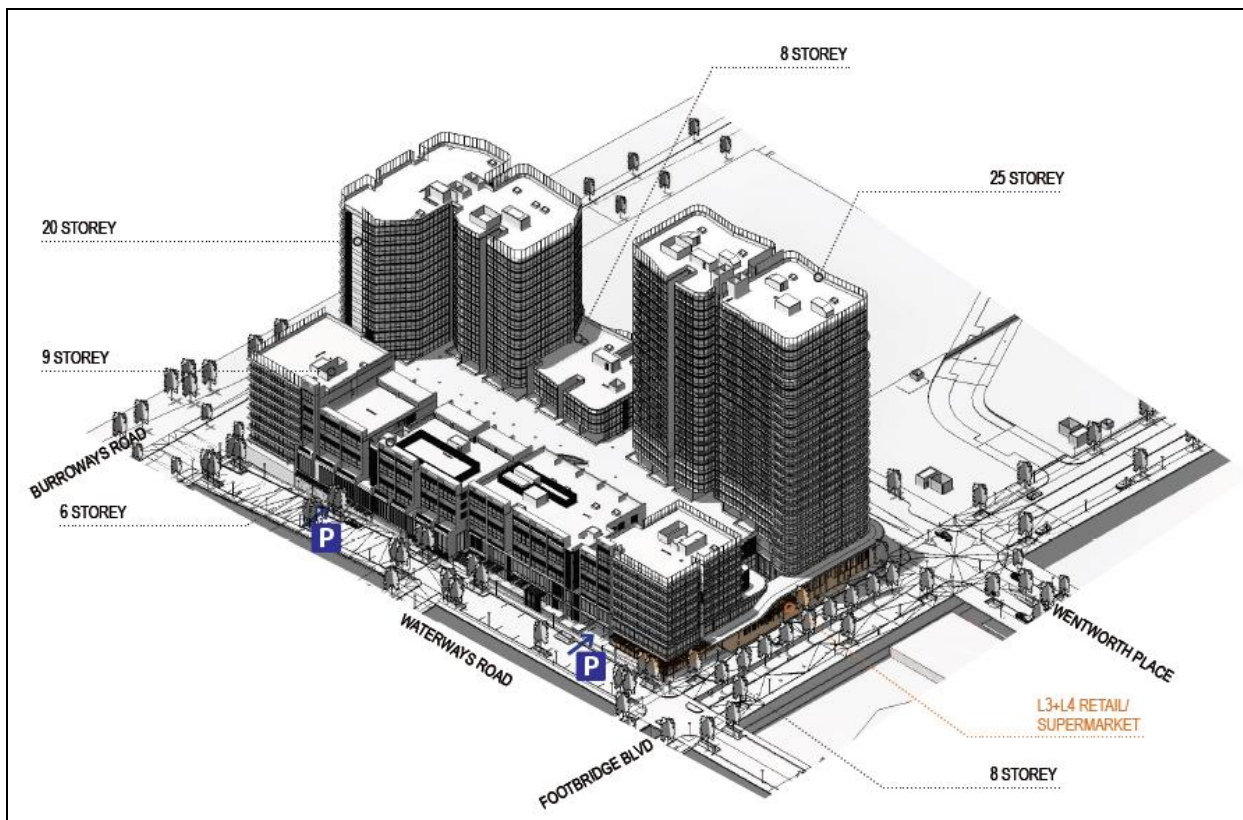


Figure 5. Proposed Block E development

7. 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.

7.1 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, landfill sites , metal treatment, mining and extractive industries, oil production and storage , 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 November 2014 (ref: 0263003_RP02_ESA) was submitted with the application for the following stages of the development (Blocks B, C, E and H). The conclusion of the report provides that ERM considers the site is suitable for the proposed mixed use development which includes high density residential use. A further SAS (no. 231-Block E conducted by Environmental Strategies P/L) and accompany SAR, ref 14183, prepared by Environmental Strategies P/L, revision 0, dated 29 July 2015 was submitted to Council to confirm and validate that the site is suitable for the use. The report was reviewed by Council's Environmental Health Officer and the advice provided on the 30 July raised no concerns with the proposal subject to the imposition of conditions relating to the recommendations provided by the SAR.	
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

7.2 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.

7.3 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.

7.4 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..

7.5 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 below 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 and the RFDC. A more detailed analysis and comprehensive assessment of the Residential Flat Design Code is provided in **Appendix B** of this report.

SEPP 65 - Residential Flat Design Code:				
Standard	Requirement	Proposal	Compliance	Percentage variance
Building Depth	Max. 18m (glass line to glass line)	Varies between buildings – max depth: approximately 30m	Yes, variance permitted under cl. 5.3.5 of HBW DCP Amendment no.1	N/A
Building Separation	Refer to pg. 28 of RFDC	Generally 17m btw B1 and B7 - B66 and B2 - B5 and B3 (running parrallel), 9m btw B1 and B2, 17m btw B1/B2 and B6/B5, 37m btw B1 and B3, 53m btw B6 and B4	Yes, locational adjustment permitted (built form is consistent with staged consent DA-296/2014)	N/A
Communal Open Space	Min. 25-30% site area, larger sites – 30%	20% 2579 sqm	No, However this is considered acceptable as each unit is also provided with its own private open space in the form of a balcony,	5%

Deep Soil		Min. 25%	Nil	courtyard/terrace. No, difficult to satisfy due to existing site constraints. Refer to discussion under RFDC compliance table (Appendix B)	25%
Apartments Visitable Adaptable	- / 	Min. 75% barrier free access / Min. 20% of unit dwellings	583 visitable / 161 adaptable	Yes, 76% / 20%	N/A
Single Aspect – depth		Kitchens max. 8m from window, Cross-through width min. 4m	Max. 8m, Min. 4.5m	Yes	N/A
Balcony Depth		Min. 2m – 1BR & 2.4m – 2-3BR	Min. 2m & 2.4m	Yes, Winter Gardens / Sun room balcony depths achieved for all units	N/A
Ceiling Heights		Min. 2.7m – Residential, min. 3.3m – Commercial	GFL – 5.7m, Lvl 1 – 4.2m, Lvl 2-25 – 3.1m	Yes	N/A
Internal Circulation		Max. 8/per lift core	Average 4 units per lift. Total 7 main entry lobbies with a total of 13 lift cores, 3 service lifts and 2 retail lifts.	Yes, variance permitted under cl. 5.3.5 of HBW DCP Amendment no. 1	N/A
Storage		Min. 6cum – 1BR, 8cum – 2-3 BR	To be conditioned. 50% of storage located within Basement level podiums.	Yes	N/A
Daylight / Solar Access		Min. 2hr for 70% of apartments;	70% or 537 apartments	Yes	N/A
		Max. 10% south facing single aspect apartments	Nil. Given the design of the development proposed, all units either face the north, east or west and dual aspect apartments are maximised where possible. There are no single southeast or southwest facing apartments.	Yes	N/A
Natural Ventilation		Min. 60% of apartments	61% or 468 apartments	Yes	N/A
Unit sizes		1 Bed – 50 sqm 2 Bed – 75 sqm 3 Bed – 95 sqm	- 1 Br (min. 50 m ²) - 2 Br (min. 70 m ²) - 3 Br (min. 123 m ²) - 4 Br (min. 128 m ²) All unit areas exclude the associated balcony/courtyard areas.	Yes, Minimum unit sizes achieved.	N/A

7.6 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. A detailed assessment of the development proposal against the SREP is discussed further in the compliance table provided in **Appendix B** of this report.

7.7 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).

7.8 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.

8. The provisions of any Draft Environmental Planning Instruments (EP& A Act 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.

9. The provisions of any Development Control Plans (EP& A Act s79C(1)(a)(iii))

9.1 Homebush Bay West Development Control Plan 2004 (as amended)

The relevant design requirements and objectives of the HBWDPC 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 HBWDPC 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.

The compliance table below 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 HBW DCP amendment 1. A detailed assessment of the development proposal against the SREP is discussed further in the compliance table provided in **Appendix B** of this report.

Table 1. – HBW Compliance Summary:

Homebush Bay West Amendment No. 1

Standard	Requirement	Proposal	Compliance	Percentage variance
Gross Floor Area	Cumulative total must not exceed 220,940 m ²	Block E: 60,073 m ² To date: 194,367 m ²	Yes	N/A
Floor Plate for Towers	Max. 950 m ²	Max. 950 m ²	Yes	N/A
Building Height	4, 6, 8 and 25	4, 6, 8, 9, 20 and 25 storeys	Yes	N/A
Building Setbacks	Zero setback permitted up to first 4 levels, min. 2.5m setback from Burroway Rd	Nil – 2.5m	Yes	N/A
Parking	1 space /dwelling and 1 in 12 permitted for visitors. Min. required: 699 spaces + 59 (visitors) + 11 commercial = 769 spaces	1549 spaces disabled and visitor spaces. This comprises of 886 resident, 98 visitor, 562 retail including car wash space.	Yes	N/A

9.1A Cumulative Gross Floor Area

The total cumulative Gross Floor Area (GFA) for the entire site is provided in Table 1.1 below 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 1.1 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/Retail/Maritime/Educational GFA: Min. 3,165 + 100	Residential GFA: Max. 202,135	Cumulative total: Max. <u>220,940</u>	Compliance	Public Open Space Min. 10,973
A	Nil	-	18,564	Yes	Nil
D	Nil	-	16,701	Yes	Nil
G	518	20,745	21,723	Yes	300
B	291	30,358	34,199 (3,550*) 30,649	Yes	833
C	412	42,887	43,299	Yes	1,678
E	10,671	49,402	60,073	Yes	-
H	-	-	-	-	-
Combined total to date			194,367	Yes	2,811

* (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 194,800 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.

9.2 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.

10. Section 94 Contributions Plan

Block E proposal – 3rd 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:

- 188 x 1 bedroom apartments including studios
- 487 x 1 + Study/ 2 bedroom apartments
- 92 x 2 + Study/ 3 bedroom apartments
- 1 x 4 bedroom apartment

Total: 768 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.

Total section 94 fees calculated for the residential component based on the above number of bedroom units = \$3,051,703.13

Employment generating development:

Based on 1% of the construction cost for commercial/retail component being \$18,286,661 (10,671m²), the total section 94 fees calculated for the commercial component = \$182,866.61

As at 30 July 2015, the contribution amount based on the above residential and commercial components (3,051,703.13 + 182,866.61) combined is calculated at **\$3,234,589.74** which will be subjected to the consumer price index.

11. Disclosure of Political Donations and Gifts

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.

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

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

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

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

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

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.

15. 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 28 January 2015 to 11 February 2015.

A total two (2) submissions were received as a result of notification of the proposed development. The issues raised by the respondents are summarised and discussed in further detail below:

Issue: The respondents have primarily raised significant concerns regarding the increased height and density proposed and objects to the development as a whole due to the overdevelopment of the area.

Comment: 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.

In this regard, the development has been assessed on its individual merit and is considered to perform satisfactory with respect to the RFDC and HBWDGP 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.

16. The public interest (EP& A Act s79C(1)(e))

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.

17. Operational Plan / Delivery Program

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”.

18. Conclusion

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.