

Report to Sydney Central City Planning Panel

SWCCP reference	2016SYW195
DA No.	DA/667/2016/A
Date of receipt	22 September 2016
Proposal	Section 4.55(2) to the approved Stage 1 residential flat building development
Street address	23 Bennelong Parkway – Wentworth Point
Property Description	Lot 3 in DP 776611
Applicant	Alain Assoum
Owner	Wentworth Point 1 Pty Ltd
Submissions	13 submissions
List of All Relevant s79C(1)(a) Matters	• Environmental Planning and Assessment Act and Regulations • State Environmental Planning Policy No. 55 • State Environmental Planning Policy No. 65 (Design Quality of Residential Apartment Development) • State Environmental Planning Policy (Building Sustainability Index: BASIX) • State Environmental Planning Policy (State and Regional Development) 2011 • State Environmental Planning Policy (Coastal Management) 2018 • State Regional Environmental Planning Policy (Sydney Harbour Catchment) 2005 • Sydney Regional Environmental Planning Policy No. 24 (Homebush Bay Area) • Homebush Bay West DCP 2004

Summary of s4.15 matters

Have all recommendations in relation to relevant s4.15 matters been summarised in the Executive Summary of the assessment report? **Yes**

Legislative clauses requiring consent authority satisfaction

Have relevant clauses in all applicable environmental planning instruments where the consent authority must be satisfied about a particular matter been listed, and relevant recommendations summarized, in the Executive Summary of the assessment report? **Yes**
e.g. Clause 7 of SEPP 55 - Remediation of Land, Clause 4.6(4) of the relevant LEP

Clause 4.6 Exceptions to development standards

If a written request for a contravention to a development standard (clause 4.6 of the LEP) has been received, has it been attached to the assessment report? **Not Applicable**

Special Infrastructure Contributions

Does the DA require Special Infrastructure Contributions conditions (S94EF)? **Not Applicable**
Note: Certain DAs in the Western Sydney Growth Areas Special Contributions Area may require specific Special Infrastructure Contributions (SIC) conditions

Conditions

Have draft conditions been provided to the applicant for comment? **Yes**
Note: in order to reduce delays in determinations, the Panel prefer that draft conditions, notwithstanding Council's recommendation, be provided to the applicant to enable any comments to be considered as part of the assessment report

Recommendation	Approval subject to conditions
Report by	Kate Lafferty, Executive Planner

1. Executive Summary

This report considers a Section 4.55 application to an approved Stage 1 residential development. The application seeks consent for a range of amendments to the buildings as a result of design refinement including a conversion of 40 x 1 bedroom apartments into 40 x two bedroom apartments. The amendments to achieve the change are predominantly contained within the same footprints as the approved development with minor variations and result in an increase in floor area by 971m². The additional floor space is primarily gained through reducing lobby sizes, extending over lobby voids, enclosing voids between balconies and extending apartments into balconies.

Assessment of the application against the relevant planning framework and consideration of matters by Council's technical departments has not identified any significant issues of concern. It is however noted that Council's Urban Design Unit have raised issues with the lobby design and appropriate conditions have been incorporated into the Recommendation to resolve these matters. The application is therefore satisfactory when evaluated against Section 79C of the Environmental Planning and Assessment Act 1979.

This report recommends that the Panel:

- Approve the application, subject to the recommended conditions.

2. Key Issues

- Urban design issues regarding lobby changes.

3. Site Context

The site is located at the entrance to Wentworth Point and is situated on the north eastern corner of the Hill Road intersection with Bennelong Parkway. The site has a curved frontage to this intersection (approximately 278m to Bennelong Parkway).

Site Area = 25,570m²

The site is adjoined by high density residential flat buildings. There is a mixture of development in the locality ranging from industrial and warehouse uses to more recently constructed multi storey residential flat buildings. Within the wider locality, there is a ferry terminal with access from Burroway Road. To the north there has been significant redevelopment over the past decade where a transition has occurred from industrial uses to high density living.

The site is opposite land under the ownership and control of the Sydney Olympic Park Authority (SOPA). This land contains a park and wetlands (Nuwi Wetlands) within close proximity to the proposed development.

The following aerial image indicates the location of the subject site and its relationship to adjoining properties.



Aerial Location Map (subject site is outlined in red)
Source: Nearmaps 22.02.2018



Street View Subject Site – Source: Nearmaps 22.02.2018
(view looking north-east from the corner of Hill Road and Bennelong Parkway)

4. Background

The table below indicates the primary planning approvals for this site.

Major Project MP09_0160 (Department of Planning)	The concept plan (MP 09_0160) was approved by the Minister for Planning covering the entire Lot 3 (forming part of the remaining Precinct F) on June 2010 to permit residential development comprising of 3 separate buildings A-C over a single podium with basement levels encompassing a maximum floor area of 44,730m². The approval includes provisions for indicative building envelopes with maximum building heights, public domain, landscaping works, a neighbourhood park and pedestrian link with a minimum area of 6,060m². The approval for the site generally relies on vehicular access being provided on Amalfi Drive via The Piazza. The concept plan has been modified (Modification 2) which approved an increased height, density and car parking on the site - approved by the Department of Planning in July 2013. Consequently, the maximum GFA permitted for the site was amended to 50,045m² for the entire Lot 3.  Concept Plan General Site Layout
DA-48/2012 (Auburn Council)	The demolition and decommissioning fuel storage facility and backfill of the land and remediation was approved by Auburn City Council on 23 April 2012.
DA-201/2015 (Auburn Council)	The demolition of the building and above ground structures was approved by Auburn City Council on 6 July 2015.
DA-329/2015 (Auburn Council) <i>CoP Reference: DA/667/2016</i>	Stage 1 development - demolition and construction of five residential buildings containing 273 apartments, above 3 levels of basement parking including provision of a new public road and park. Integrated Development (Water Management Act 2000 - CIV \$117,979,000 (Auburn DA/329/2015). Approved by the Sydney West JRPP on 21 July 2016.

DA/667/2016/B	Section 96(1A) modification to the approved Stage 1 redevelopment of the site including the construction of five residential buildings and the provision of a new public road and park. The modifications include changes to the car space dimensions and stormwater requirements. Approved under delegated authority on 1 December 2016.
DA/759/2016 (City of Parramatta Council)	Construction of two (2) x six (6) storey residential flat buildings containing 150 dwellings over three (3) levels of basement car parking (Stage 2). The proposal is Nominated Integrated Development under the Water Management Act 2000. The proposal will be determined by the Sydney West Joint Regional Planning Panel. This application is currently pending determination.

5. The Proposal

Approval is sought to modify the approved Stage 1 redevelopment of the site in the following manner:

Overview

The application seeks consent for a range of amendments to the buildings including the conversion of 40 x 1 bedroom apartments into 40 x 2 bedroom apartments. The amendments to achieve the change are predominantly contained within the same footprints as the approved development with minor variations which result in an increase in floor area by 971m². The additional floor space is mainly gained through reducing lobby sizes, extending over lobby voids, enclosing voids between balconies and extending apartments into balconies.

The unit mix has changed to the following:

Approved Unit Mix	Proposed Unit Mix
97 x 1 bedroom apartments (35%)	57 x 1 bedroom apartments (21%)
175 x 2 bedroom apartments (64%)	215 x 2 bedroom apartments (78%)
1 x 3 bedroom apartments (1%)	1 x 3 bedroom apartments (1%)

Renaming of Blocks

The blocks are proposed to be renamed as follows:

Original reference	Amended Reference
Block A1	Block A
Block B4	Block B
Block B2	Block D
Block C1	Block E
Block C3	Block G

Note: Block C and Block F are part of the future Stage 3 development.

Correction to Floor Space Discrepancies

The application seeks approval to resolve floor space calculation discrepancies made within the original application (discrepancy between the SEE 18,130m² and apartment schedule

18,168m²). The floor space should relate to the apartment schedule and therefore is actually slightly higher than appearing in the original Auburn Council assessment report.

Detailed Description of Amendments

- The basement and residential floor to floor levels have been reduced
- The basement shoring wall footprint has been revised
- The basement car park under Building A which previously extended under the new park has been substantially reduced with a resulting increase in deep soil and the basement 'future stage excavation' void has been deleted and the basement slab extended in this area to accommodate the displaced car parking
- The split level car park for Building A has been consolidated so that there is no longer a split level
- The pedestrian basement link in Building A has been deleted
- The apartment layouts for Building A have been revised
- The ground level forecourt to the park of Building A has been revised
- The 'Club One' layout in Building A has been revised
- The loading dock area and associated services in Building B have been revised
- The entry lobby layout, lower ground and ground level apartments and the lift and stair core in Building B have been revised
- The entry lobby layout, lower ground and ground level apartments and the lift and stair core in Building D have been revised
- The apartment layouts for Building D have been revised
- The entry lobby layout, lower ground and ground level apartments and the lift and stair core in Building E have been revised
- The apartment layouts for Building E have been revised
- The entry lobby layout, lower ground and ground level apartments and the lift and stair core in Building G have been revised.

6. Public Notification

The application was exhibited between 13 October 2016 to 14 November 2016.

Thirteen (13) individual submissions were received. The issues raised within these submissions are discussed in further detail in **Attachment A**.

7. Referrals

Any matters arising from internal/external referrals not dealt with by conditions	No
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8. Environmental Planning and Assessment Act 1979

Does Section 1.7 (Significant effect on threatened species) apply?	No
Does Section 4.10 (Designated Development) apply?	No
Does Section 4.46 (Integrated Development) apply?	Yes Section 91(3) of the Water Management Act 2000
Are submission requirements within the Regulations satisfied?	Yes

9. Consideration of SEPPs

Key issues arising from evaluation against SEPPs	No - A detailed assessment is provided at Attachment A .
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10. SREP 24 – Homebush Bay Area

The following table is a summary assessment against this SREP. A detailed evaluation is provided at **Attachment A**.

SREP Section	Comment or Non-Compliances
Part 1 Preliminary	• Consistent
Part 2 General provisions relating to development	• Permissible in the zone • Consistent with zone objectives
Part 3 Special provisions relating to development	• Consistent with Homebush Bay West DCP • All relevant provisions satisfied
Part 4 Protection of the natural environment and heritage items	• All relevant provisions satisfied

11. Homebush Bay West DCP 2004

The following table is a summary assessment against this DCP. A detailed evaluation is provided at **Attachment A**.

DCP Section	Comment or Non-Compliances
Part 1 – Preliminary	Consistent
Part 2 – Background	Consistent
Part 3 – General Controls	Satisfactory
Part 4 – Detailed Design Guidelines	Satisfactory

The majority of controls for this proposal are contained within the ADG or the approved concept plan for the site. There are limited controls contained within the HBWDGP that would apply to this application. This is discussed further within the assessment report.

12. Compliance with Concept Plan

The Department of Planning approved a site specific concept plan for the residential redevelopment of the subject site (MP 09_0160) on June 2010. The proposed modifications are consistent with this concept plan. A detailed evaluation is provided at **Attachment A**.

13. Response to SWCPP briefing minutes

The application was considered at a JRPP Briefing Meeting held on 25 January 2016.

The key issues discussed at the Panel Briefing Meeting are addressed below:

- Modification application to change 40 x 1 bedroom units to 40 x 2 bedroom units
- Changes to plans
- More FSR, but within limits
- Different massing
- Loss of shops
- Amended plans

Planning Comment: No significant issues were raised at the Briefing meeting. It is noted that the issue relating to the loss of shops was included in error as no shops were contained within the original approval.

14. Conclusion

On balance the proposal has demonstrated a satisfactory response to the objectives and controls of the applicable planning framework.

The application is recommended suitable for approval subject to the imposition of appropriate modified and new conditions.

RECOMMENDATION

- A. That the Sydney Central City Planning Panel approve the application DA/667/2016/A subject to the conditions contained within Attachment B of the Assessment Report.

ATTACHMENT A - PLANNING ASSESSMENT

SWCCP Reference:	2016SYW195
DA No:	DA/667/2016/A
Address:	23 Bennelong Parkway – Wentworth Point

1. Overview

This Attachment assesses the relevant matters for consideration under section 79C of the Environmental Planning and Assessment Act, as noted in the table below:

Matters for consideration

Provision	Comment
Section 79(1)(a)(i) - Environmental planning instruments	Refer to Section 2 below
Section 79C(1)(a)(ii) - Draft planning instruments	Refer Section 3 below
Section 79C(1)(a)(iii) - Development control plans	Refer to Section 4 below
Section 79C(1)(a)(iiia) - Planning agreements	Refer to Section 5 below
Section 79C(1)(a)(iv) - The regulations	Refer to Section 6 below
Section 79C(1)(a)(v) - Coastal zone management plan	Not applicable
Section 79C(1)(b) - Likely impacts	Refer to Sections 2-7 below
Section 79C(1)(c) - Site suitability	Refer to Section 8 below
Section 79C(1)(d) - Submissions	Refer to Section 9 below
Section 79C(1)(e) - The public interest	Refer to Section 9 below

Referrals

The following internal and external referrals were undertaken:

External Referrals	
WaterNSW	The application was originally considered as an Integrated Development as a controlled activity approval (CAA) was required under the Water Management Act 2000 (distance to Nuwi wetlands). The former Auburn Council assumed concurrence from Water NSW and no General Terms of Approval (GTAs) were issued for the original application. Water NSW have provided comments on the Section 4.55 application that the previous GTAs issued for the aquifer interference activity (AIA) remain applicable to the development. It is noted that no GTAs for an AIA were issued for the original application. This has been conveyed to Water NSW who have raised no further issue. Notwithstanding this, the applicant contends that they have obtained the appropriate approvals from Water NSW however this has not been confirmed. Any consent granted therefore should incorporate an advisory note regarding the need to obtain the appropriate approvals under the Water Management Act 2000.
Ausgrid	The application was referred to Ausgrid who raised no objections to the modifications subject to conditions relating to Ausgrid approvals.

	It is noted that these requirements are already imposed on the existing consent notice (refer to Condition 151).
Sydney Olympic Park Authority (SOPA)	In accordance with 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. Correspondence was received from SOPA who raise no issues with the proposed development.
Internal Referrals	
Development Engineer	Council's Development Engineer raises no significant concerns with the proposed development. It is assumed that no significant changes have been made to the already approved drainage disposal system and therefore the proposed modifications will not significantly impact on the previously approved drainage disposal systems. Notwithstanding this, a condition is recommended to be imposed requiring further Council approval should the drainage system be modified.
Traffic	Council's Traffic Officer has reviewed the proposed development and raises no concerns on traffic or safety grounds. Given that the connected basement access between Block A and Block B has been removed, it is important that Block A maintain an adequate number of car, bicycle and motorcycle parking spaces within the associated basement. Recommended modified conditions are included to ensure this is provided.
Heritage	The subject site is not a heritage item or within a heritage conservation area, however is in close proximity to the Millennium Parklands heritage precinct. Council's Heritage Advisor has reviewed the proposal and raises no concerns with any impacts upon the heritage precinct as the current proposal is a S.96 modification and will have a similar degree of impact on heritage values, as per the previously approved proposal.
Environmental Health (Waste)	Council's Waste Officer has reviewed the application and raises no issues as the existing waste management conditions of DA/667/2016 will continue to be sufficient to address waste management concerns.
Urban Design	Council's Urban Design Officer has reviewed the application and raises concerns with respect to the modified entry lobbies to the building. The applicant has not responded to the request to redesign the lobbies to achieve a desirable outcome, and therefore a condition of consent is recommended to be imposed with respect to the redesign of these lobbies. The applicant has not raised any objection to the imposition of this condition at this point in time.

2. Section 4.55 Matters for Consideration

Has the consent lapsed?

No (the consent has been taken up and the development is currently under construction)

Section 4.55(2) Modification

Substantially the same development

The proposed development to be modified is considered to be substantially the same development as to that which the original development consent relates as the minor amendments do not change the nature of the original approval, being the construction of a

residential flat building complex. It is considered that the proposed modification maintains the material essence of the approval and there are no significant changes to the visual appearance or impacts upon the streetscape or neighbouring properties.

Consultation with Minister, public authority or approval body

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 SOPA for comment. This matter has been discussed under the 'Referrals' section within this report.

Notification & Submissions

The application has been notified in accordance with the Auburn DCP2010 notification procedures. Thirteen (13) submissions were received. The matters raised within these submissions have been discussed within the assessment report. The issues raised do not warrant the refusal of the application. The proposal is not contrary to the public interest.

Threatened Species

The modification does not relate to development consent referred to in section 4.13(3), or in respect of which a biobanking statement has been issued under Part 7A of the Threatened Species Conservation Act 1995.

Section 4.15 Assessment

The proposed modifications have been assessed in accordance with the relevant matters for consideration under Section 4.15 of the EP&A Act, 1979. This assessment is contained within this report.

2. Environmental Planning Instruments

Compliance with these instruments is addressed below.

2.1 State Environmental Planning Policy No. 55 – Remediation of land

The original application had addressed the matter of contamination and remediation. There are no further investigations required as a result of the proposed modifications.

2.2 State Environmental Planning Policy No. 65 – Design Quality of Residential Apartment Development

The relevant provisions and design quality principles of SEPP 65 have been considered in the assessment of the development application. The proposed development is considered to perform satisfactorily having regard to the 9 design principles of the SEPP as well as the core requirements under the Apartment Design Guidelines (ADG).

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 ADG.

Design Quality Principles

SEPP 65 sets 9 design quality principles. The development has generally addressed the 9 design quality principles as the development has not been changed significantly from the original approved design. The following 2 principles in particular however should be considered:

Design quality principle	Response
Density	The proposal would still result in a density appropriate for the site and its context, in terms of floor space yield, number of units and potential number of new residents. The proposed density of the development has been determined by the approved Concept Plan and Stage 1 delivers only a proportion of the overall dwelling numbers. It is noted that the proposed modifications will change the unit mix of the Stage 1 development by providing less 1 bedroom units and more 2 bedroom units. The unit mix will even out to comply with the concept approval through the delivery of the future Stage 2 and Stage 3 developments.
Amenity	The proposal is considered to be generally satisfactory in this regard, optimising internal amenity through acceptable room dimensions and shapes, access to sunlight, natural ventilation, visual and acoustic privacy, storage, indoor and outdoor space, outlook, efficient layouts and service areas. Concern however is raised with the proposed changes to the entrance lobbies which is discussed below. Modifications to Entry Lobbies The application proposes modifications to the entry lobbies to some of the buildings. Concern is raised with respect to the loss of the lobby entrances and the impact on the legibility of entries, and amenity to the residents and visitors of the development. In this regard, the modified apartments have now taken large areas of the lobbies and enclosed the voids above the lobbies. This changes the entire environment and useability of the main building entrances. In this regard, it is considered that the compromised entries result in a sub-optimal outcome. It is also considered that the amended lobby areas do not comply with the common circulation and spaces section of Part 4F of the Apartment Design Guide. Council's Urban Design Team have reported as follows: <i>Urban design does not support the entry lobbies in buildings:</i> • Block B, buildings B and D drawing DA121 Issue C • Block C, buildings E and G drawing DA141 Issue C <i>A re-design is recommended to improve the internal amenity, usability and, legibility in the streetscape. The entry lobbies have lost their welcoming and generous nature.</i> <i>Buildings B & G</i> • The entry lobbies to these two buildings has been reduced by approximately 50% potentially making it difficult to locate in the streetscape. The lobbies are not of adequate size nor do they offer the internal amenity expected for a building of 9 storeys. • Visitors are presented with a long narrow corridor when entering the building with no natural light or ventilation, this corridor will not provide adequate amenity to residents or visitors. • The location of the lift will not be obvious to visitors, to enter the lift residents and visitors will have to go back on themselves. • Entry lobbies, associated corridors and lifts should be designed in such a way as to make it easy rather than convoluted for people to use.

Buildings D & E

- *The entry lobby to this building has been reduced by approximately 50%, the court next to the foyer has been deleted. These two changes have reduced the size and importance of the entrance foyer making it potentially difficult to locate in the streetscape and affording very poor amenity to residents and visitors*
- *In building D the reconfiguration of the entry lobby narrows down before becoming wider this looks very awkward on plan, the corridor should not narrow at this point but be of consistent width.*

The applicant did not agree to amend the plans to reinstate the lobbies. Further revised design advice was provided to improve the lobbies, however the applicant has not responded to these recommendations. In this regard, it is considered that minor changes could be carried out to improve the lobbies without substantially altering the dwelling design. A condition has been imposed to reflect these changes. The applicant has been made aware of the design changes proposed by Council.

It is noted that the design changes will result in the loss of 3 bedrooms in 3 of the proposed 2 bedroom units. The proposed development will therefore result in the addition of 37 additional bedrooms rather than the original 40 bedrooms sought through this Section 4.55 application.

The proposed unit mix (with the lobby changes) will be as follows:

Proposed Unit Mix
60 x 1 bedroom apartments (22%)
212 x 2 bedroom apartments (77%)
1 x 3 bedroom apartments (1%)

Apartment Design Guide (ADG)

The SEPP requires consideration of the ADG which supports the 9 design quality principles by giving greater detail as to how those principles might be achieved. The table below considers the proposal against key design criteria in the ADG:

PARAMETER	DESIGN CRITERIA			PROPOSAL	COMPLIANCE
Communal Open Space (entire site)	Min 25% of the site area (6393m ²)			No changes to the communal open space	N/A
Deep soil zone (entire site)	Minimum dimension of 6m required 7% of the overall site area = 1790m ² to 15% of the overall site area = 3835m ²			No changes to the original deep soil provision. <i>Note: Overall site deep soil has been increased by 1905m² due to the removal of the basement from under the park.</i>	N/A
Building Separation	Building Height	Habitable rooms and balconies	Non-habitable rooms	No changes to building separation or relationship between habitable/non-habitable rooms.	N/A
	up to 12m (4 storeys)	6m	3m		

	<table><tr><td>up to 25m (5-8 storeys)</td><td>9m</td><td>4.5m</td></tr><tr><td>over 25m (9+ storeys)</td><td>12m</td><td>6m</td></tr></table>	up to 25m (5-8 storeys)	9m	4.5m	over 25m (9+ storeys)	12m	6m		
up to 25m (5-8 storeys)	9m	4.5m							
over 25m (9+ storeys)	12m	6m							
Solar Access	At least 70% of living rooms and private open space to receive at least 2 hours direct sunlight between 9.00a.m and 3.00p.m on June 21	70% achieved (as per original)	Yes						
Cross Ventilation	At least 60% of apartments are to be naturally cross ventilated.	60% achieved	Yes						
	Building depth is not to exceed 18m	No change to building depth	N/A						
Ceiling Heights	2.7m for habitable, 2.4m for non-habitable	The amendments include minor building height reductions (up to 0.11m) however 3.08m (min) floor to floor heights are provided for the residential apartments	Yes						
Apartment Size	Studio – 35m ² 1 bd – 50m ² 2 bd – 70m ² 3 bd – 90m ² (note: minimum internal size increases by 5m ² for additional bathrooms, 10m ² for 4 + bedroom)	All minimum apartment sizes have been achieved	Yes						
	All habitable rooms to have a window in an external wall with a total minimum glass area not less than 10% of the floor area of the room.	Complies.	Yes						
	Habitable room depths to be a maximum 2.5 x the ceiling height (=6.75m)	All comply	Yes						
	Maximum depth (open plan) 8m from a window.	All comply.	Yes						
Bedroom size	Master bedrooms – 10m ² Other bedrooms – 9m ² Bedroom dimensions – 3m min. Living rooms have a width of: - 3.6m for studio/1bd - 4m for 2 or 3 bd	All comply.	Yes						
Balconies	Studio – 4m ² 1bd – 8m ² /2m 2bd - 10m ² /2m 3bd – 12m ² /2.4m	All comply.	Yes						
	Ground or podium apartments to have POS of 15m ² /3m	Ground apartments all have large terraces.	Yes						

Circulation	Maximum 8 apartments per level	No further increases beyond that permissible or approved	Yes
Storage	1bd – 6m ³ 2bd – 8m ³ 3bd – 10m ³	Appear to comply. Condition 8 of consent requires the provision of storage cages within the basement.	Yes

Design Verification Statement

A Design Verification Statement prepared by Frank Stanisic, Registered Architect (Registration No. 4480) was submitted with the application.

2.3 State Environmental Planning Policy (Infrastructure) 2007

The provisions of SEPP (Infrastructure) 2007 have been considered in the assessment of the original development application.

The proposed modifications do not impact upon the original assessment outcomes.

2.4 State Environmental Planning Policy – Basix

The application has been accompanied with amended BASIX certificates that lists commitments by the applicant as to the manner in which the development will be carried out. The requirements outlined in the BASIX certificates have been satisfied in the design of the proposal.

2.5 State Environmental Planning Policy (State and Regional Development) 2011

The original development application has a capital investment value greater than \$30 million. This application is captured by Part 4 of this policy which provides that the Sydney West Central Planning Panel is the consent authority for this Section 4.55(2) application.

2.6 State Environmental Planning Policy (Coastal Management) 2018

The site is affected by the following sections under the Coastal Management SEPP:

- Coastal Environmental Area Map (Division 3)
- Coastal Use Area Map (Division 4)
- Proximity Area for Coastal Wetlands (Division 5).

The proposed development involves the construction of residential flat buildings on a site identified for high density residential development. These works are considered acceptable under the provisions of the SEPP as the development:

- is not likely to cause adverse impacts on the biophysical, hydrological (surface and groundwater) and ecological environment or geological and geomorphological coastal processes
- is not likely to have an adverse impact on the water quality of the marine estate or native vegetation and fauna habitats
- will not adversely impact Aboriginal cultural heritage and places
- will not adversely impact on the use of the surf zone
- will not impact upon safe public access

- will not adversely impact on view loss, visual and scenic amenity
- is not likely to cause increased risk of coastal hazards on that land or other land
- is not subject to a coastal management plan or coastal management program.



Blue – Coastal Wetlands Blue Hatched – Proximity Area for Coastal Wetlands

The area on site affected by the coastal wetlands proximity is also affected by the coastal use and coastal environment map

2.7 Deemed State Environmental Planning Policy (Sydney Harbour Catchment) 2005

The provisions of the deemed SEPP have been considered in the assessment of the original development application. The proposed modifications do not impact upon the original assessment outcomes.

2.8 Sydney Regional Environmental Plan No. 24 - Homebush Bay Area

The relevant requirements and objectives of Sydney Regional Environmental Plan 24 – Homebush Bay Area 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 in the table below.

Requirement	Comment
Clause 10 Consent Authorities	• Section 4.55(2) application to a JRPP determined development with original CIV exceeding \$20,000,000 • Sydney Central City Planning Panel is the determining authority.
Clause 11 Permissible Uses	The proposed development is considered to be permissible with consent as it satisfies the requirements of Clause 12 (See below).
Clause 12 Planning Objectives	The proposal is considered to satisfy the objectives of the SREP for the following reasons: • The proposed development will not have any significant detrimental impact upon wetlands and woodlands. • The development application will facilitate residential

Requirement	Comment
	development and the redevelopment of the land from industrial use to residential as per the desired future character of the area. • The development includes new public open space. • There are no heritage listed sites situated adjacent or adjoining to the site.
Clause 13 Matters for Consideration (a) any relevant master plan prepared for the Homebush Bay Area	The development is generally consistent with the Homebush Bay West Development Control Plan which has been used primarily in the assessment of the development application. See separate comments below.
(b) any development control plans prepared for the land to which the application relates	
(b1) to the extent to which it applies to land within Sydney Olympic Park, the "Environmental Guidelines" within the meaning of the Sydney Olympic Park Authority Act 2001 and any plan of management referred to in section 34 of that Act,	The development application was referred to Sydney Olympic Park Authority for comment and no concerns were raised with respect to the proposal.
(c) the appearance, from the waterway and the foreshores, of the development,	The subject site is not located near the waterway or foreshore.
(c1) the impact of the development on significant views,	The proposed changes to the approved plans do not impact upon any significant view lines.
(d) the effect of the development on drainage patterns, ground water, flood patterns and wetland viability	There are no significant changes to the approved stormwater system.
(e) the extent to which the development encompasses the principles of ecologically sustainable development,	There are no changes to the approved application in terms of ecological sustainability. An amended Basix has been submitted to address the design modifications sought.
(f) the impact of carrying out the development on environmental conservation areas and the natural environment, including flora and fauna and the habitats of the species identified in international agreements for the protection of migratory birds,	There are no changes to the approved application that would further impact on the natural environment.
(g) the impact of carrying out the development on heritage items, heritage conservation areas and potential historical archaeological sites	The subject site is not a heritage item or within a heritage conservation area, however it is in close proximity to the Millennium Parklands heritage precinct. There are no changes to the approved application in which would further impact on the nearby heritage precinct.
Clause 19 Flood Prone Land	The site is not identified as being flood affected.
Clause 20 Contaminated land	Contamination has already been addressed as part of previous applications on the site. The proposed modifications do not warrant any further investigations in this regard.
Clause 20A Acid sulphate soils	The impacts upon acid sulfate soils has already been addressed as part of previous applications on the site. The proposed modifications do not warrant any further investigations in this regard.
23 Development near an environmental conservation area	The subject site is located in the vicinity of the Millennium Parklands and Nuwi wetlands. There are no changes to the

Requirement	Comment
	approved application in which would further impact on the nearby conservation area.
Clause 24 Protection of heritage items and heritage conservation areas	The subject site does not contain any items of heritage and is not identified as a conservation area under Schedule 4.
Clause 27 Development affecting places or sites of known or potential Aboriginal heritage significance	The proposed development will not have any impact upon any identified places or potential places of aboriginal significance or archaeological sites.
Clause 28 Development affecting known or potential historical archaeological sites of relics of non-Aboriginal heritage significance	The subject site is not identified as an archaeological or potential archaeological site.
Clause 29 Development in the vicinity of a heritage item	This has been discussed above.
Clause 30 Development in heritage conservation areas	The subject site is not identified as being located within a heritage conservation area.

2.9 Auburn Local Environmental Plan 2010

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

3. Draft Environmental Planning Instruments

There are no specific draft environmental planning instruments that apply to the development site.

4. Development Control Plans

4.1 Concept Plan

The Department of Planning approved a site specific concept plan for the residential redevelopment of the subject site (MP 09_0160) on June 2010.

An assessment of the current proposal has been considered against the Concept Plan approval as modified, and overall consistency of the proposal considered against the plan is demonstrated in the assessment table below.

PARAMETER	DESIGN CRITERIA	PROPOSAL	COMPLIANCE
Floor Space	50,045m ²	Stage 1 = 19,139m ² (note this is based upon the Department/former Auburn Council definition of floor space)	Yes
Heights	Varies from 5-9 storeys	No changes to the approved heights	N/A
Building Footprint	Various setbacks and building footprints	No changes to the approved footprints	N/A
Unit Mix	1 bed = 209 2 bed = 405 3 bed = 27	Stage 1 1 bed = 57 2 bed = 215 3 bed = 1	Yes

	Total = 641	Total = 273	
Parking	<u>Residential units:</u> Total minimum = 273 Total maximum = 382 <u>Visitor spaces:</u> Total minimum = 0 Total maximum = 55 <i>(Based on HBWDCP rates)</i>	<u>Residential units:</u> Total = 273 <u>Visitor spaces:</u> Total = 35 81 spaces for future stages (this was allowed for in the original DA) No change. Condition 56 stipulates allocation of car parking.	No change. Yes for Stage 1.
Landscaping	Deep Soil = 6030m ² Park = 4910m ² Communal = 3379m ² Total Open Space = 15068m ² (DA07-Rev R)	7112m ² or 27.8% Deep soil has been increased by 1905m ² due to the removal of the basement from under the park. Public = 6106m ² (including 4860m ² park) Communal = 9590m ² (private communal only including street setback landscaping) Total Open Space = 15950m²	Yes
Public Open Space	6,060m ² publicly accessible open space – pedestrian site link and park	6,106m ² No change to public open space	Yes
Privacy	Future Development Applications shall demonstrate that the buildings and apartments are arranged and designed to minimise acoustic and visual privacy impacts between: - Building A and the existing Portofino Building; - Building B and the existing Capri Building; - Buildings B and C; and - Building C and the existing Sorrento Building,	No further impacts proposed to adjoining buildings as a result of the modifications	Yes

	in accordance with the provisions of State Environmental Planning 65 - Design Quality of Residential Flat Development (SEPP 65) and the accompanying Residential Flat Design Code 2002.		
Architectural Quality	Future Development Applications shall demonstrate high architectural quality breaking the overall mass of the building down into smaller building elements and through the use of a variety of textures, materials and colours to articulate the surface and reduce the visual scale of the nine storey component of Building B and improve its appearance from the street.	No significant visual changes to the approved development.	Yes
Submission Requirements	Various documents to be submitted eg. CPTED, Wind Report, Traffic etc	Appropriate documentation has been submitted	Yes

4.2 Homebush Bay West Development Control Plan 2004

The majority of controls for this proposal are contained within the ADG or the approved concept plan for the site. The relevant general considerations and remaining additional controls contained within the HBW DCP that would apply to this application are outlined below.

DCP Section	Comments
Part 2 Background Design Framework Principles	• No change is proposed to the approved street layout, public domain and public park areas as approved within the Concept Plan. • The proposal is consistent with the accessibility, sustainability, built form, housing choice and residential amenity provisions of the DCP.
Part 3 General Controls	• The majority of these controls are not applicable as the proposed development is subject to an approved concept plan and the design requirements of the Apartment Design Guide (ADG). Notwithstanding this, the proposal generally complies with the requirements contained within this section of the DCP.
Part 4 Detailed Design Guidelines	• The majority of these controls are not applicable as the proposed development is subject to an approved concept plan and the design requirements of the Apartment Design Guide (ADG). Notwithstanding this, the proposal generally complies with the requirements contained within this section of the DCP. • Vehicle Parking. The application complies with the required car parking, motorcycle parking and bicycle parking requirements of the DCP.

	• Wind Impacts. No changes to the original assessment in this regard. • Geotechnical Suitability and Contamination. No changes to the original assessment in this regard. • Crime Prevention. No changes to the original assessment in this regard. • Adaptable Housing. The proposed development does not impact upon the approved provision of adaptable housing.
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5. Planning Agreements

The proposed development is not subject to a planning agreement entered into under Section 7.4 of the EPAA.

6. Environmental Planning and Assessment Regulation 2000

Applicable Regulation considerations have been included on the original consent for the Stage 1 development. No additional matters are required to be considered as part of the Section 4.55 application.

7. Likely Impacts

The likely impacts of the development have been considered in this report and it is considered that the impacts are consistent with those that are to be expected given the applicable planning framework. The impacts that arise are acceptable.

8. Site Suitability

The potential constraints of the site have been assessed as part of the original application and it is considered that the site is suitable for the proposed development. The proposed modifications do not impact on the suitability of the site for the development.

9. Public Interest

9.1 Draft District Plans – West Central District

The draft District Plan sets out opportunities, priorities and actions and provides the means by which the Greater Sydney Region Plan, *A Plan for Growing Sydney* can be put into action at a local level. Broadly, the priorities and actions within the draft plan for the West Central District are:

- Support and deliver GPOP
- Encourage employment growth
- Create a more connected District
- Improving housing design and diversity
- Design vibrant and activity centres
- Provide communities with better services
- Showcase the Western Sydney Parklands
- Improve access and health of waterways
- Manage growth with eco-friendly planning

This application is consistent with the specific controls introduced by the Department of Planning and Environment and therefore accords with the draft West Central District Plan.

9.2 Public Submissions

Advertised (newspaper) ☒

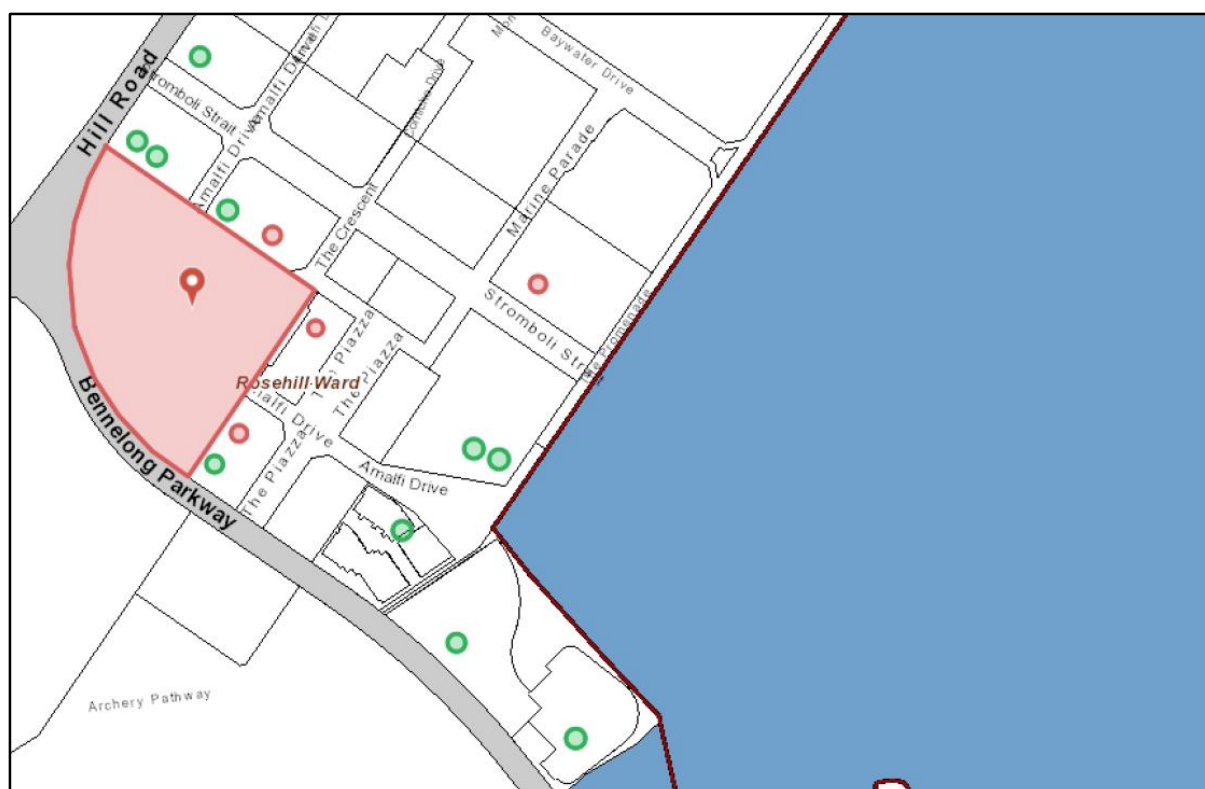
Mail ☒

Sign ☒

Not Required ☒

In accordance with the notification procedures that are contained in Section 3.0 of Auburn DCP 2010, the proposal was publicly exhibited with owners and occupiers of surrounding properties given notice of the application for a 30 day period between 13 October 2016 to 14 November 2016. In response, 13 individual submissions were received.

A map indicating the location of the submitters is provided below.



SUBMISSIONS MAP

Red Circle = Strata Management Submission & Green Circle = Individual Submission

Note: 1 submission received has no address

The issues raised within these submissions are discussed below.

Issue Raised	Planning Comment
Parking & Traffic Generation - Affects the unit mix – from 1 bedroom to 2 bedroom – particularly impacts on parking demand and traffic generation - Alternative traffic routes are required due to the impacts on local streets. The development should have access to Bennelong and Hill Road	There are no changes to the overall unit numbers and the proposal is consistent with the unit mix approved under the Concept Plan approval. The RMS Traffic Generating Guidelines outline the average trips per unit which would not change under the proposed modifications.

• The existing access points on Hill Road and Bennelong Parkway to the site should be used for the development. Objections to the vehicular access via the existing Amalfi Drive • The location of the buildings (and their access points) will create traffic congestion on Amalfi Drive • Peak hour congestion on Stromboli Strait, The Piazza and Amalfi Drive will be worsened • Increase in 2 bedroom units will increase number of cars and car movements – places significant pressure on the intersection roundabout of The Piazza • Safety implications as more vehicles pass Bay Park which will be used by children	The proposed development provides for sufficient parking within the basement. The concept approval and approved Stage 1 application have approved the vehicular access points. The application does not propose to change these approved access points.
Continuous applications provides uncertainty for the community. One single application should be submitted.	This application is a modification for an approved Stage 1 development. It is not a new development application. Notwithstanding this, the applicant may lodge separate applications in stages for development under the provisions of the EP&A Act.
There is a lack of infrastructure in the area to accommodate the increase in density.	The proposed density is consistent with that already approved within the Concept plan. Despite the increase in 40 bedrooms for the Stage 1 application, there is no overall increase in density on the overall development site.
Object to the building height of 6 storeys for Buildings A4 and A5 adjoining Portofino – loss of solar access/loss of privacy/height inconsistency	There are no proposed changes to the height of buildings adjoining Portofino.
Ratio of dwellings to open space is inadequate	The proposed development complies with the open space requirements of the concept approval and the ADG requirements.
There are already too many apartments in the area – do not need another 273 apartments	The approved Stage 1 development provides for 273 apartments. There are no changes to the proposed number of units in Stage 1.
The developers are increasing the height to 25-30 storeys and yet there is no additional benefit to the community	There is no proposed increase in height as part of this application.

AMENDED PLANS

Yes

Summary of amendments

Modifications were made to the basement to identify future parking stages.

Amended Plans re-advertised or re notified

No

Reason amendments not renotified

In accordance with Clause 3.4.1 of the Auburn DCP 2010 notification procedures entitled "*Amended Applications*" the application did not require re-notification as the amended application is considered to be substantially the same development and does not result in a greater environmental impact.

9.3 Conciliation Process

Council adopted a policy in December 2017 which states that if more than 7 unique submissions are received over the whole LGA in the form of an objection relating to a development application during a formal notification period, Council will host a conciliation conference at Council offices. Given that the subject application has received 13 submissions, this triggers the need for a conciliation conference to be held.

It is noted that the participation in the conciliation process is not a statutory requirement for either party and in the event that either party chooses not to attend, the conciliation conference would not proceed.

The applicant has been contacted in writing on numerous occasions to determine their interest in attending a conciliation conference with other interested parties. The applicant has not formally responded, however has verbally advised that they do not wish to participate in a conciliation meeting. A conciliation conference therefore has not been held for this application.

9.4 Conclusion

Having regard to the assessment within this report, the proposal is considered to be in the public interest for the following reasons:

- The proposal is in accordance with the type of development envisaged for the site under SREP24 – Homebush Bay Area and the Homebush Bay West DCP
- The proposal will contribute to the overall housing supply of Wentworth Point
- The proposal does not result in any unreasonable environmental impacts and provides for an acceptable quality architectural and urban design outcome, subject to minor changes to the entry lobbies.

10. Disclosure of Political Donations and Gifts

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.

11. Development Contributions Plan

Development Contributions

Section 94 contributions were required to be paid for the original Stage 1 development application. The contribution amount will change due to the modification of the unit mix.

An additional contribution amount of \$94,963.53 will be required to be paid for the additional density proposed. This has been reflected in the recommended modified Condition 3.

12. Conclusion

After consideration of the development against Section 79C of the Environmental Planning and Assessment Act 1979, and the relevant statutory and policy provisions, the proposal is suitable for the site and is in the public interest. Therefore, it is recommended that the application be approved subject to the imposition of appropriate conditions.

ATTACHMENT B - CONDITIONS OF CONSENT

SWCCP Reference:	2016SYW195
DA No:	DA/667/2016/A
Address:	23 Bennelong Parkway – Wentworth Point

Condition 1 being modified to read as follows:

1. Approved Plans

The development is to be carried out in accordance with the approved stamped plans as numbered below.

<i>Plan Number</i>	<i>Prepared By</i>	<i>Revision No.</i>	<i>Dated</i>
DA000 – Cover Page/Drawing List	Stanisic architects	B	25.01.16
DA002 – Site plan	Stanisic architects	A	11.09.15
DA011 – Communal Open Space Diagram	Stanisic architects	C	25.01.16
DA048 – Overall plan, Basement plan 3	Stanisic architects	C	25.01.16
DA049 – Overall plan, Basement plan 2	Stanisic architects	C	25.01.16
DA050 – Overall plan, Basement plan 1	Stanisic architects	C	25.01.16
DA051 – Overall plan, Lower ground	Stanisic architects	C	25.01.16
DA052 – Overall plan, Level 1/Ground	Stanisic architects	C	25.01.16
DA101 – Block A, Lower ground plan	Stanisic architects	C	25.01.16
DA102 – Block A, Level 1/Ground floor plan	Stanisic architects	C	25.01.16
DA103 – Block A, Level 2 plan	Stanisic architects	C	25.01.16
DA104 – Block A, Level 3 plan	Stanisic architects	C	25.01.16
DA105 – Block A, Level 4 plan	Stanisic architects	C	25.01.16
DA106 – Block A, Level 5 plan	Stanisic architects	C	25.01.16
DA107 – Block A, Roof plan	Stanisic architects	A	11.09.15
DA118 – Block B, Basement 3 plan	Stanisic architects	C	25.01.16
DA119 – Block B, Basement 2 plan	Stanisic architects	C	25.01.16
DA120 – Block B, Basement 1 plan	Stanisic architects	C	25.01.16
DA121 – Block B, Lower ground plan	Stanisic architects	C	25.01.16
DA122 – Block B, Ground floor plan	Stanisic architects	C	25.01.16
DA123 – Block B, Level 2 plan	Stanisic architects	C	25.01.16
DA124 – Block B, Level 3 plan	Stanisic architects	C	25.01.16
DA125 – Block B, Level 4 plan	Stanisic architects	C	25.01.16
DA126 – Block B, Level 5 plan	Stanisic architects	C	25.01.16
DA127 – Block B, Level 6 plan	Stanisic architects	C	25.01.16
DA128 – Block B, Level 7 plan	Stanisic architects	C	25.01.16
DA129 – Block B, Level 8 plan	Stanisic architects	C	25.01.16
DA130 – Block B, Level 9 plan	Stanisic architects	C	25.01.16
DA131 – Block B, Roof plan	Stanisic architects	B	26.08.16
DA138 – Block C, Basement 3 plan	Stanisic architects	C	25.01.16
DA139 – Block C, Basement 2 plan	Stanisic architects	C	25.01.16
DA140 – Block C, Basement 1 plan	Stanisic architects	C	25.01.16
DA141 – Block C, Lower ground plan	Stanisic architects	C	25.01.16
DA142 – Block C, Level 1/Ground floor plan	Stanisic architects	C	25.01.16
DA143 – Block C, Level 2 plan	Stanisic architects	C	25.01.16

DA144 – Block C, Level 3 plan	Stanisic architects	C	25.01.16
DA145 – Block C, Level 4 plan	Stanisic architects	C	25.01.16
DA146 – Block C, Level 5 plan	Stanisic architects	C	25.01.16
DA147 – Block C, Level 6 plan	Stanisic architects	C	25.01.16
DA148 – Block C, Level 7 plan	Stanisic architects	C	25.01.16
DA149 – Block C, Level 8 plan	Stanisic architects	C	25.01.16
DA150 – Block C, Level 9 plan	Stanisic architects	C	25.01.16
DA151 – Block C, Roof plan	Stanisic architects	B	26.08.16
DA200 – Block A, Elevations sheet 1	Stanisic architects	B	26.08.16
DA220 – Block B, Elevations sheet 1	Stanisic architects	B	26.08.16
DA221 – Block B, Elevations sheet 2	Stanisic architects	B	26.08.16
DA222 – Block B, Elevations sheet 3	Stanisic architects	B	26.08.16
DA240 – Block C, Elevations sheet 1	Stanisic architects	B	26.08.16
DA241 – Block C, Elevations sheet 2	Stanisic architects	B	26.08.16
DA242 – Block C, Elevations sheet 3	Stanisic architects	B	26.08.16
DA260 – Block A+B, Sections	Stanisic architects	B	26.08.16
DA261 – Block C, Sections	Stanisic architects	B	26.08.16
LDA-1451-01 Landscape plan	Stuart Noble	A	16.09.15
LDA-1451-02 Bay Park and Through site link	Stuart Noble	A	16.09.15
LDA-1451-03 Planting concept plan	Stuart Noble	A	16.09.15
LDA-1451-04 Planting schedule	Stuart Noble	A	16.09.15
LDA-1451-05 Typical lobby landscape plan	Stuart Noble	A	16.09.15
LDA-1451-06 Sky park landscape plan	Stuart Noble	A	16.09.15
C0-01-DD – Site plan, civil works	Calibre	C	15.01.16
C0-02-DD – General notes	Calibre	A	22.12.15
C1-10-DD – Erosion & sediment control	Calibre	A	22.12.15
C1-15-DD – Erosion & sediment control notes & details	Calibre	A	22.12.15
C2-00-DD – General arrangement, Amalfi Drive	Calibre	E	22.04.16
C2-01 – General arrangement, Bennelong Parkway	Calibre	E	22.04.16
C3-00-DD – Pavement types Amalfi Drive	Calibre	A	22.12.15
C3-01-DD – Pavement types Bennelong Parkway	Calibre	A	22.12.15
C3-10 – Typical sections	Calibre	B	22.12.15
C3-20-DD – Amalfi Drive Road Longitudinal Section	Calibre	A	22.12.15
C3-80-DD – Civil works details	Calibre	A	22.12.15
C4-00-DD – Stormwater longitudinal section	Calibre	C	22.04.16
C4-20-DD – Stormwater Drainage Details	Calibre	C	22.04.16
C4-60-DD – Stormwater Drainage Catchment Plan 1 of 2	Calibre	C	22.04.16
C4-61-DD – Stormwater Drainage Catchment Plan 2 of 2	Calibre	C	22.04.16

Document	Prepared by	Revision	Date
SEPP 65 Design statement	Frank Stanisic	-	12.09.15
Landscape Maintenance specifications	Stuart Noble	-	19.08.15
Pedestrian Wind Environmental Statement W382-56AF02	WindTech	1	15.09.15
Solar Light Reflectivity Analysis report W382-56AF04	WindTech	0	26.08.15

Geotechnical Investigation report	Coffey	-	7.09.15
Ground water assessment GEOTLCOV25459AA-AC	Coffey	-	19.08.15
Phase 2 Detailed Environmental Assessment DL2906_0001-1	DLA Environmental Services	-	15.08.15
DL3662_S003289	DLA Environmental Services	-	19.08.15
Crime Risk Assessment & Security Plan	Sutherland & Associates	-	Sept 15
Transport Impact Assessment Ref 15-162-2	Thompson Stanbury Associates	-	Sept 15
Supplementary Traffic Modelling Assessment Statement	Thompson Stanbury Associates	-	18.11.15
Access Assessment report 106277- Accessr3	BCA Logic	3	31.08.15
BCA Assessment report 106277-BCA-r2	BCA Logic	2	31.08.15
BASIX Certificate 652334M_03	-	-	20.09.16
Waste Management Plan	Elephants Foot	C	17.09.15
Acoustic report 20150970.1/0909A/R2/YK	Acoustic Logic	2	09.09.15

except as otherwise provided by the conditions of this determination (Note:- modifications to the approved plans will require the lodgement and consideration by Council of a modification pursuant to Section 4.55 of the Environmental Planning and Assessment Act).

Reason:- to confirm and clarify the terms of Council's approval.

[Condition modified under DA/667/2016/A & DA/667/2016/B]

Condition 3 being modified to read as follows:

3. Auburn DCP 2007 – Homebush Bay West

The amounts payable will be adjusted in accordance with the index set out in the relevant Section 94 Development Contribution Plans. Payment ***must*** be made in accordance with Council resolution dated 19 May 2016 ***prior to the issue of any Construction Certificate.***

Failure to pay prior to Construction Certificate will result in Council taking action but not limited to Penalty Infringement Notice, Land and Environment Court Action and/or reporting the certifier to the Building Professionals Board.

A sum of **\$1,105,390.90** is to be paid to Council for the purpose of traffic management, community facilities, provision of public open space in the Homebush Bay West area and plan administration

The above sum is broken down to the following items:

Item	Amount
Traffic Management	216,003.80
Open Space – District Acquisition and Embellishment	521,837.76
Community facilities	291,433.71

Plan administration	76,115.63
TOTAL	1,105,390.90

Note:- An amount of **\$1,010,427.36** has already been paid in relation to the above.

Reason:- to assist in the provision of amenities and services in the area.

[Condition modified under DA/667/2016/A]

Condition 9 being modified to read as follows:

9. **Bicycle storage/parking**

Bicycle storage/parking spaces shall be provided within the Car Park levels as per the following:

- 88 bicycle spaces for residents (with a minimum of 15 spaces to be provided in Block A);
- 19 bicycle spaces for visitors (with a minimum of 3 spaces to be provided in Block A).

Total = 107 bicycle spaces

Details demonstrating compliance with this requirement shall be submitted to the Principal Certifying Authority prior to the issue of any Construction Certificate.

Reason:- to ensure compliance with the Residential Flat Design Code.

[Condition modified under DA/667/2016/A]

Condition 9A being added to read as follows:

9A. **Motorcycle Parking**

Motorcycle parking spaces shall be provided within the Car Park levels as per the following:

- 1 space per 50 car parking spaces
(Block A is to have a minimum of 2 motorcycle spaces within the basement of Block A).

Details demonstrating compliance with this requirement shall be submitted to the Principal Certifying Authority prior to the issue of any Construction Certificate.

Reason:- to ensure compliance with the Residential Flat Design Code.

[Condition modified under DA/667/2016/A]

Condition 56 being modified to read as follows:

56. **Car Parking Allocation within Development**

A plan shall be provided as part of the Construction Certificate documentation indicating the location of car parking spaces and their allocation to individual units within the development. In this regard, the number of spaces to be provided to the building is as follows:

- Minimum 273 Residential parking spaces (this includes a minimum of 36 car parking spaces to be provided in Block A)
- Minimum 35 Visitor parking spaces

- c) Minimum 81 parking spaces for future stages

Reason:- to ensure sufficient car parking spaces are provided for the intended use of units.
[Condition modified under DA/667/2016/A]

Condition 4A being added to read as follows:

- 4A. In order to improve the design of the lobby areas, the following modifications shall be made to the plans to the satisfaction of the PCA before the issue of a Construction Certificate for the modified design:
- (a) Building B (Block B)
Unit 6021 is to be reverted to the original approved 1 bedroom apartment design under DA/613/2016, and the lobby redesigned to match the original lobby design.
 - (b) Building D (Block B)
Unit 6066 is to be redesigned to a 1 bedroom or studio apartment to enable the internal lobby width to be increased. In this regard, the bedroom and bathroom projection into the lobby is to be reduced by 800mm in width to align with the balcony/bedroom wall adjoining the lobby.
 - (c) Building E (Block C)
Unit 6096 is to be redesigned to enable the courtyard/lobby width to be increased. In this regard, the northern bedroom and balcony wall is to be reduced by 1.1m to align with the study nook adjoining the lobby. The lobby is to be widened and the lobby entrance is to be located a minimum 6m towards forward of the existing position towards the front boundary.
 - (d) Building G (Block C)
Unit 6111 is to be redesigned to remove the bedroom, bathroom and entry foyer adjoining the lobby. The wall to this unit is to align with the corridor wall adjoining the car parking area.
 - (e) Building B and Building G
The ground floor lobby lift is to be rotated 90° to allow people to access the lift straight from the corridor and relocate the riser to the side of the lift.

All apartments must comply with the minimum apartment size requirements within the Apartment Design Guide.

Amended elevations reflecting the above changes are to be prepared and submitted to the satisfaction of the PCA.

Reason: To improve the design of the building lobby areas.
[Condition added under DA/667/2016/A]

Condition 4B being added to read as follows:

- 4B. Any changes to the stormwater drainage system approved under DA/667/2016 are to be approved by Council before the issue of a Construction Certificate for the modified works.
- Reason: To ensure no substantial changes are made to the stormwater management system.
- [Condition added under DA/667/2016/A]**

ADVISORY NOTES

The following information is provided for your assistance to ensure compliance with the Environmental Planning and Assessment Act 1979, Environmental Planning and Assessment Regulation 2000, other relevant legislation and Council's policies and specifications. This information does not form part of the conditions of development consent pursuant to Section 80A of the Act.

- A. The proposed development involves excavation which may require an Aquifer Interference Activity Approval or Dewatering License from Water NSW. You are advised to contact Water NSW to determine whether separate approvals are required for these works.