

Report to Sydney Central City Planning Panel

SWCCP reference	2017SWC154
DA No.	DA/999/2017
Date of receipt	7 December 2017
Proposal	Section 4.55(2) modification application to amend the approved concept plan for the site. The modifications include design refinements incorporating the following: redistribution and realignment of built form, revised location and height of residential towers, repositioning of the public park, reduction in extent of podium car parking, separation of development blocks and confirmation of car parking numbers.
Street address	37-39 Hill Road – Wentworth Point
Property Description	Pt Lot 8 in DP776611
Applicant	Homebush Bay Properties Pty Ltd
Owner	Homebush Bay Properties Pty Ltd
Submissions	50 submissions
List of All Relevant s79C(1)(a) Matters	<ul style="list-style-type: none"> • 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 (Sydney Harbour Catchment) 2005 • 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 Environmental Planning Policy No. 24 – Homebush Bay Area • Homebush Bay West Development Control Plan 2004 and Amendment 1

Summary of Sec 4.15 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?
e.g. Clause 7 of SEPP 55 - Remediation of Land, Clause 4.6(4) of the relevant LEP **Yes**

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 (Sec 7.24)? **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 proposal to modify an approved concept plan for the redevelopment of the site known as 37-39 Hill Road, Wentworth Point. The modifications include design refinements incorporating the following: redistribution and realignment of built form, revised location and height of residential towers, repositioning of the public park, reduction in extent of podium car parking, separation of development blocks and confirmation of car parking numbers.

Assessment of the application against the relevant planning framework and consideration of matters by Council's technical departments has not identified any fundamental issues of concern. The application is therefore satisfactory when evaluated against Section 4.15 of the Environmental Planning and Assessment Act 1979.

This report recommends that the Panel:

- Approve the application, subject to conditions of consent.

2. Key Issues

1. Impacts upon the neighbouring properties
2. Urban design outcome.

3. Site Context

The subject site is located on the eastern side of Hill Road, between Hill Road and Homebush Bay in Wentworth Point. The entire site is identified as Precinct D within the Homebush Bay DCP 2014. This site has not as yet been developed and currently contains industrial/warehousing buildings. The site has approximate dimensions of 153m (frontage to Hill Road and to Homebush Bay), side boundaries of 406.7m and a site area of 62,283m².



Locality Map indicating location of the subject site in Wentworth Point



**Aerial photograph indicating the subject site, development on Wentworth Point and Rhodes peninsula
(Note this was taken prior to completion of the adjacent northern site)**

There is a mixture of development in the locality ranging from industrial / warehouse uses to newer multi storey residential flat buildings. The locality includes a ferry terminal and a recently constructed bus/pedestrian/cycle bridge connecting the Wentworth Point and Rhodes peninsulas. There has been significant redevelopment over the past decade where a transition has occurred from industrial uses to medium to high density living. The SOPA Millennium Parklands is located opposite to the west.

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

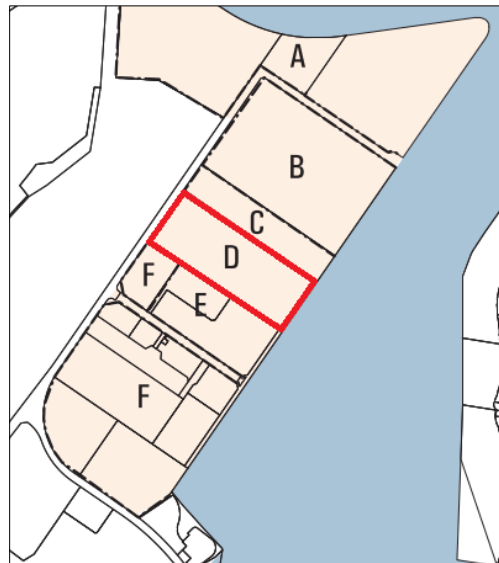


Aerial photograph indicating site and immediate surrounding land uses

4. Background

Wentworth Point 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 (HBW DCP) was adopted. This DCP sets up precincts for development. The subject site is the entirety of Precinct D as indicated below.



Homebush Bay DCP 2004 Precincts

The HBW DCP was amended (known as Amendment 1) in July 2013 and a floor space and height uplift was provided to Precincts B/C/D/E as the funding mechanism under the Voluntary Planning Agreement for the provision of the Bennelong Bridge (the bridge constructed between Wentworth Point and Rhodes).

HISTORY OF APPROVALS:

Concept Approval

DA-19/2015 (Auburn Reference)

A staged development application (concept design) to establish building locations and envelopes on blocks A-D, including heights, setbacks, parking, new roads and landscaping was approved by the Sydney West JRPP on 16 March 2016.

This Concept DA granted approval for the following:

- The layout of building envelopes across Blocks A - D, including heights, setbacks and illustrative layouts
- A maximum GFA of 97,087m² across Blocks A - D comprising:
 - a maximum total residential floor space across Blocks A - D of 96,482m²
 - a notional location for a small amount of commercial floor space (405m²) adjacent to the proposed public open space within Block B
 - 200m² of retail space in Block D adjacent to the foreshore.

- Provision of up to five levels (totalling approximately 77,500m²) of above ground parking flanked by residential uses
- Provision of three new north-south roads within the site, and one new east-west road along the site's northern boundary providing an access point to Hill Road
- Realignment of Marine Parade
- Landscaping and public domain works.



Approved building height and location plan (Concept Approval)

Statement of Reasons

The following reasons for the panel decision were provided by the Sydney West JRPP on 16 March 2016:

1. *The proposed development will facilitate later staged development of the site in a manner that will increase future supply and choice of housing within the West Central Metropolitan Subregion and the Auburn local government area. This location has ready access to metropolitan ferry transport services and upon completion of the bridge now under construction and rail services available at Rhodes Rail Station. This location will also have access to the services amenities available from Sydney Olympic Park.*
2. *While recognising that the concept plan proposed will be refined by later more detailed design development the proposed development is considered to adequately satisfy the relevant State Legislation and State Environmental Planning Policies including the Water Management Act 2000, SREP No. 24, SEPP 65 Design Quality of Residential Flat Development and its associated Residential Flat Design Code, SEPP 55 Remediation of Land, SEPP (Infrastructure) 2007 and SREP (Sydney Harbour Catchment) 2005.*
3. *The proposal adequately satisfies the provisions and objectives of Homebush Bay West DCP 2004 and Wentworth Point Precinct DCP 2014. In this regard, it is noted that the amendment to the DCP made by the Department of Planning & Environment has brought about the new location of the park and redesign of the development on Block B which now, as assessed, still complies with the minimum requirements for solar access under the provisions of the Residential Flat Design Code.*
4. *The proposed development, subject to the conditions imposed, will have no unacceptable adverse impacts on the natural or built environments including Parramatta River, the amenity of nearby residential premises or the operation of the local road system.*
5. *In consideration of conclusions 1-4 above the Panel considers the proposed development is a suitable use of the site and approval of the proposal is in the public interest.*

CURRENT APPLICATIONS FOR THE SITE:

There are currently 3 applications lodged with Council with respect to this site.

DA/999/2017 Amendments to Concept Approval	This application seeks approval to modify the approved concept plan and <u>is the subject of this report</u> .
DA/1041/2017 Infrastructure DA	<p>This application seeks approval for the demolition, tree removal, construction of roads, provision of site infrastructure, reconstruction of the seawall and public domain and landscaping works. This application has a CIV of \$12,882,148 and is to be determined under Council delegation.</p> <p>This application is reliant upon the approval of the Section 4.55(2) concept modification due to changes in road levels and treatment of the foreshore area.</p>
DA/1040/2017 Block D DA	<p>This application seeks approval for the construction of a residential flat building containing 207 apartments. This application has a CIV of \$81,180,590 and is to be determined by the Sydney Central City Planning Panel.</p> <p>This application is reliant upon the approval of the Section 4.55(2) concept modification to allow the building envelope changes, and is also reliant upon the infrastructure DA (both outlined above). This application is likely to be reported to the panel early next year should the above applications be approved.</p>

5. The Proposal

The application seeks to modify the original approved concept plan for the site.

In this regard, the following primary amendments are identified:

- Redistribution of building forms and heights throughout all 4 blocks
- Relocating the 20 storey tower on Block C from the northern to southern boundary and splitting the height 20/16 storeys
- Relocating the tower on Block B to the north-western corner of the site and increasing the height from 16 storeys to 25/19 storeys
- Re-configuration of the park.

These proposed building layout and heights are indicated in the following plan.



Proposed building height and location plan (DA/999/2017 as amended)

Proposed Blocks

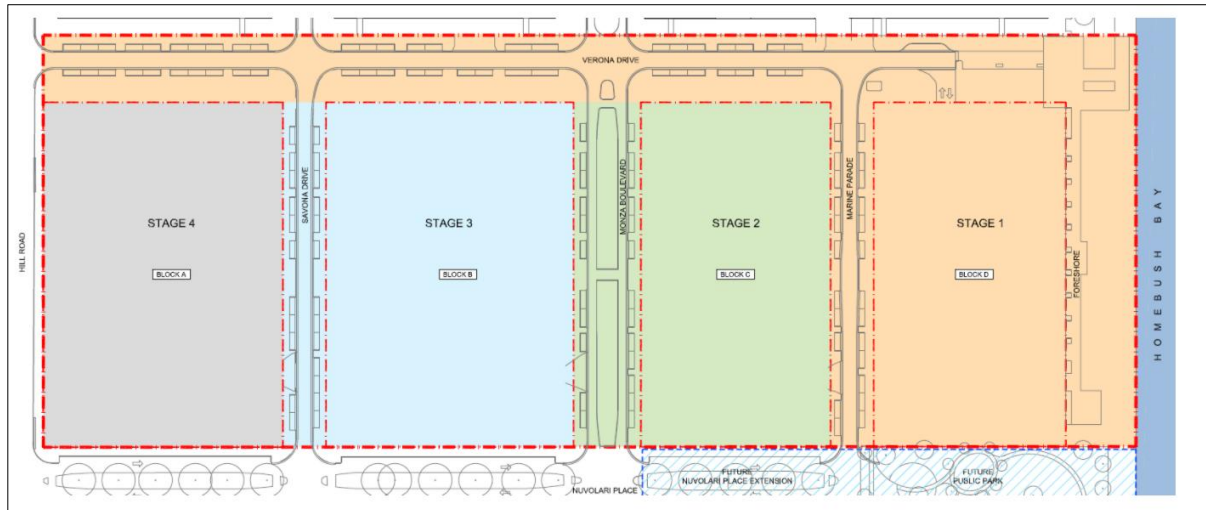
The following table outlines the areas of the proposed blocks:

Overall Site Areas	
Overall Site	62,283m ²
Development Area	41,361m ²
Remainder – Roads and Foreshore	20,922m ²
Development Block Areas	
Block A	11,447m ²
Block B	11,818m ²
Block C	9,052m ²
Block D	9,044m ²
Total Development Block Area	41,361m²

Although no details of the block areas and dimensions were indicated in the original application, the proposed development blocks are the same as determined by the comparison of the alignment with adjoining north-south streets.

Revised Project Staging

The Stage 1 DA is proposed to be modified to remove all car parking located below the streets. The reconfigured basement and podium car parking will ensure that all parking generated within each block is provided for within the individual block boundaries and does not rely on parking within other blocks. This also eliminates the need to develop Blocks C and D simultaneously (as reflected in the existing Condition 4 of the consent).

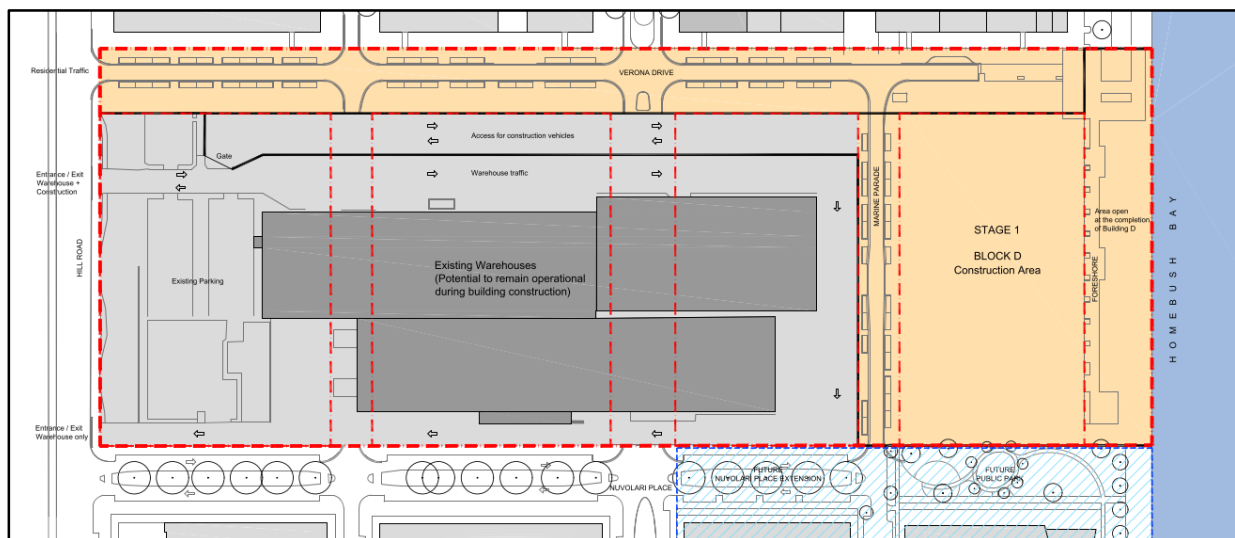


Revised Staging Plan

The proposed staging strategy envisages four stages of development, being:

STAGE	EXTENT OF WORKS
Stage 1:	<ul style="list-style-type: none"> - Block D residential buildings - Foreshore promenade and public open space - Associated infrastructure including road access along Verona Drive and Marine Parade.
Stage 2:	<ul style="list-style-type: none"> - Block C residential buildings - The construction of Monza Boulevard.
Stage 3:	<ul style="list-style-type: none"> - Block B residential and commercial buildings - Public open space - The construction of Savona Drive.
Stage 4:	<ul style="list-style-type: none"> - Block A residential buildings.

The staging strategy allows for separate residential and construction vehicle access to be provided along the northern boundary. This is detailed in the infrastructure application DA/1041/2017 and indicated below.



Indicative Stage 1 Operational Plan (Demolition & Construction Management Plan DA/1041/2017)

6. Permissibility

The site is a *deferred matter* under the Auburn LEP 2010.

The site is subject to the provisions of Sydney Regional Environmental Plan No 24 - Homebush Bay Area (SREP24) which does not include zoning. Permissibility is subject to clause 11 which states that, “*development of land within the Homebush Bay Area may be carried out for any purpose that the consent authority considers to be consistent with any one or more of the planning objectives for the Homebush Bay Area*”.

Planning Objectives

The proposed development is consistent with the following planning objective under Clause 12 of SREP24:

- The proposal promotes a type of development and land use other than those relating to public event facilities and is of a type and scale that does not prevent the use or reduce the attractiveness or suitability of the Homebush Bay Area, and Sydney Olympic Park in particular, for public event facilities (Clause 12(c)).

7. Public Notification

The application was exhibited for a period of 30 days between 11 January and 13 February 2018.

Fifty (50) submissions were received. The issues raised within these submissions are discussed in further detail in **Attachment A**.

8. Referrals

Any matters arising from internal/external referrals not dealt with by conditions	No
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9. 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(2) & 91(3) of the Water Management Act 2000
Are submission requirements within the Regulations satisfied?	Yes

10. Consideration of SEPPs

Key issues arising from evaluation against SEPPs	No - A detailed assessment is provided at Attachment A .
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11. Sydney Regional Environmental Plan 24 – Homebush Bay

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

SREP Section	Comment or Non-Compliances
Part 1 Preliminary	<ul style="list-style-type: none">• Consistent
Part 2 General provisions relating to development	<ul style="list-style-type: none">• Permissible in the zone• Consistent with zone objectives
Part 3 Special provisions relating to development	<ul style="list-style-type: none">• Generally consistent with the Homebush Bay West DCP• All relevant provisions satisfied
Part 4 Protection of the natural environment and heritage items	<ul style="list-style-type: none">• All relevant provisions satisfied

12. Homebush Bay West Development Control Plan 2004 & Amendment 1

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

13. Response to SCCPP briefing minutes

The application was considered at a SCCPP Briefing Meeting held on 28 June 2018.

The key issues discussed at the Panel Briefing Meeting are as follows:

- Panel agreed with s4.55 reasoning - suggest specific child care centre is left as commercial space in this application as a second specific application will be required
- Note substantially same envelope - is clearly demonstrated in report
- Panel supports Council's landscape suggestion for Verona Drive.

Comment: The applicant submitted amended plans deleting the child care centre (and replacing with general commercial) and reconfiguring Verona Drive to comply with Council's road layout preference. The applicant has therefore addressed the key issues discussed at the Panel Briefing Meeting.

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 for approval subject to the imposition of appropriate conditions.

15. Recommendation

- A. **That** the Sydney Central City Planning Panel approve the application DA/999/2017 subject to the modified conditions contained within **Attachment B** of the Assessment Report.

ATTACHMENT A - PLANNING ASSESSMENT

SWCCP Reference:	2017SWC154
DA No:	DA/999/2017
Address:	37-39 Hill Road – Wentworth Point

1. Overview

This Attachment assesses the relevant matters for consideration under Section 4.15 of the Environmental Planning and Assessment Act, as noted in the table below:

Matters for consideration

Provision	Comment
Section 4.15 (1)(a)(i) - Environmental planning instruments	Refer to Section 4 below
Section 4.15 (1)(a)(ii) - Draft planning instruments	Refer Section 5 below
Section 4.15 (1)(a)(iii) - Development control plans	Refer to Section 6 below
Section 4.15 (1)(a)(iiia) - Planning agreements	Refer to Section 7 below
Section 4.15 (1)(a)(iv) - The regulations	Refer to Section 8 below
Section 4.15 (1)(a)(v) - Coastal zone management plan	Not applicable
Section 4.15 (1)(b) - Likely impacts	Refer to Sections 4-11
Section 4.15 (1)(c) - Site suitability	Refer to Section 10 below
Section 4.15 (1)(d) - Submissions	Refer to Section 11 below
Section 4.15 (1)(e) - The public interest	Refer to Section 11 below

Referrals

The following internal and external referrals were undertaken:

External Referrals	
Water NSW	The application is Integrated Development as an aquifer interference activity approval is required under Section 91(3) of the Water Management Act 2000. Water NSW raised no objections to the proposal and have issued their General Terms of Approval (GTAs).
Department of Industry - Water	The application is Integrated Development as a controlled activity approval is required under Section 91(2) of the Water Management Act 2000. The Department of Industry – Water raised no objections to the proposal and advise there are no changes to the previously issued General Terms of Approval (GTAs).
Ausgrid	Ausgrid have raised no objections to the proposed development subject to the imposition of conditions. As Ausgrid have commented in an advisory capacity (rather than as a concurrence authority) and the comments relate to detailed applications, the comments have been included within an advisory note to the consent.
Sydney Water	Sydney Water were notified of the proposed development on 13 December 2017, however no response has been received to date. All future applications for development will also be referred to Sydney Water.
SOPA	SOPA were notified of the proposed development on 13 December 2017, however no correspondence has been received to date. It is noted that the existing SOPA related condition regarding stormwater infrastructure will remain on the consent.

RMS	The application was referred to the RMS as it is a traffic generating development under Schedule 3 of the SEPP (Infrastructure) 2007. The RMS raise no objection to the proposal.
Internal Referrals	
Development Engineer	Council's Development Engineer has reviewed the proposed development and raises no objections to the proposal. The application was found to be satisfactory in terms of civil and drainage design and flooding.
Traffic	Council's Traffic Officer has reviewed the proposed development and raises no concerns on traffic, parking or safety grounds. Based on the analysis and information submitted by the applicant, the proposed development is not expected to have any additional traffic impact on the surrounding road network compared to that already approved for the site.
Urban Design & Public Domain	<p>Urban Design raise no concerns with the proposal and the modified built form of the master plan, with the exception of the height stepping on Block D. Urban Design recommend that the approach taken by the existing Stage 1 envelopes should be maintained, stepping from 8 storeys to 6 storeys at the foreshore to ensure a consistent urban edge to developments with an address to the foreshore. The stepping of Block D heights has been considered by DEAP as part of the detailed DA for Block D (DA/1040/2017) and by the City Architect. In this regard, the City Architect states the following:</p> <p><i>"Councils Design Excellence Advisory Panel (DEAP) were provided an opportunity to review the detailed PL+DA for Block D. In relation to the stepping built form of Block D, the panel "has no issue with the proposed step form of the side wings of their scale relative to the urban context". The City Architect Team view is consistent with Council's DEAP, as we believe the stepping form reduces the overshadowing impact on the foreshore and provide opportunities for an active and varied roofscape."</i></p> <p>The stepping of the height on Block D is therefore considered acceptable from an urban design perspective.</p> <p>Public Domain raise no significant concerns with the proposed development, however have noted the importance of maintaining a high quality park on Block B. In this regard, the following additional requirements should be incorporated within the consent to ensure the future development of Block B provides for optimising the public space:</p> <ul style="list-style-type: none"> • There shall be no building overhang (with the exception of an awning) across the 3m wide pathway located to the east of the tower on Block B • A minimum 1.5m slab set down for soil media is to be provided above the basement carpark within the park on Block B. <p>These above requirements have been included within the Recommendation section of the report.</p>

Environmental Health (Waste)	Council's Waste Officer has reviewed the application and no concerns have been raised. It is noted that future applications for demolition and construction will require the submission of an appropriate waste management plan.
Environmental Health (Contamination)	Council's Environmental Health Officer has reviewed the submitted contamination report and supports the application subject to the imposition of standard conditions. It is noted that some of these conditions are related to specific applications, rather than the concept plan and may be imposed on future detailed applications.
Open Space and Natural Resources	<p>Council's Open Space and Natural Resources Officer has reviewed the proposed public and foreshore parks and is generally supportive as they provide for an improved diversity of recreational opportunities as required to meet the needs of the future community.</p> <p>In particular, the following is noted from the referral:</p> <ul style="list-style-type: none"> • the modification will not result in a loss of useable open space • a minimum soil depth of 1.5m over the portion of basement carparking located under the public park should be provided in the detailed DA to ensure the capacity for large trees to grow • whilst overshadowing of the park does not meet the DCP requirement, no significant objection to the modification is raised as it achieves the ADG solar access requirements for both the public park and communal open space (Blocks A and B), as well as improving summer shade provision for the children's playground within the park. <p>It is also noted that the overshadowing of the park is similar to that approved as part of the original concept, with the exception of between 1pm and 2pm when there is more shadow cast as a result of the relocated tower on Block B. On balance however, there is much greater solar access now provided to the foreshore area all day as a result of the change to the building massing of Block D.</p>

2. Section 4.55 Matters for Consideration

Has the consent lapsed?

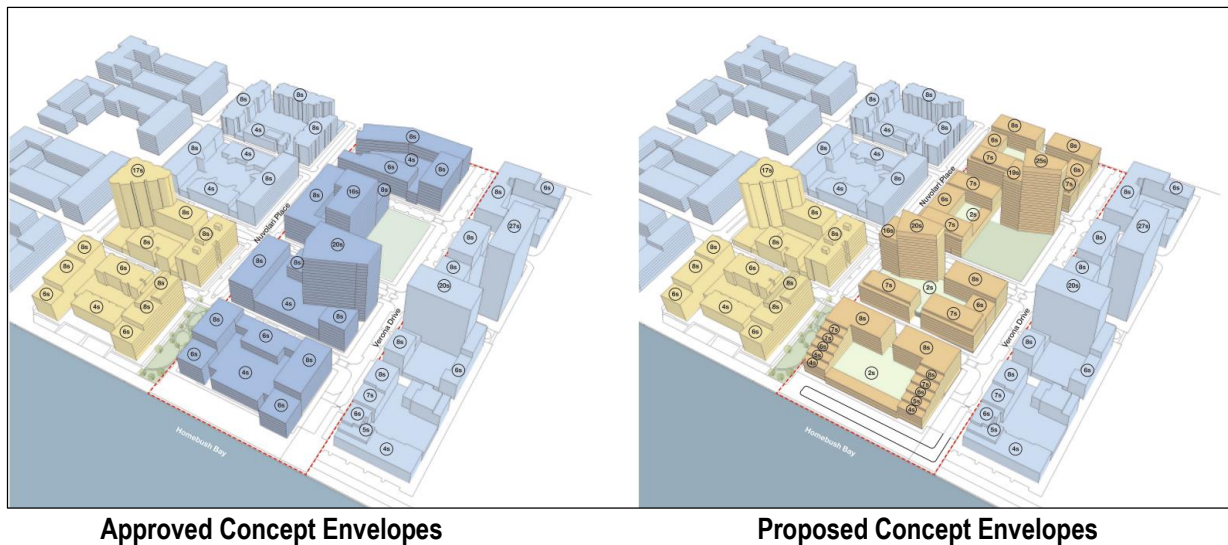
No (the consent will lapse on 16 March 2021 unless commenced)

Section 4.55(2) Modification

Substantially the same development

Section 4.55 anticipates that change to the development is permissible and a comparison does not have to reveal that the before and after situations are the same. It is therefore considered that there is scope for a different form of design. That different form in design may result in changes to the approved development provided that there is no radical transformation of it.

In order to determine whether the application is substantially the same development, the consent authority must comparatively consider the development as currently approved, and the development as proposed to be modified. This involves consideration of the quantitative and qualitative comparisons, and the consideration of the material and essential features of the development to determine whether there is a radical transformation of the approved development. This analysis is indicated below utilising both factual and merit based assessment.



Quantitative Comparison (numerical differences)

The quantitative comparison has been provided in detail by the applicant within the Statement of Environmental Effects submitted with the application.

Some of these feature comparisons are listed below:

Element	Concept Approval	Proposed Modification	Difference
Site area	62,263 m ²	62,263 m ²	0
Residential FS	96,4823 m ²	95,388 m ²	- 1,094m ²
Commercial FS	405 m ²	1,083 m ²	+678 m ²
Retail FS	200 m ²	528 m ²	+328 m ²
Total Floor Space	97,087 m ²	96,999 m ²	-88 m ²
Public Domain	7,840 m ²	8,492 m ²	+652 m ²
Floor Space Ratio	1.6:1	1.6:1	0
Total Dwellings	1244	1121	-123
Car Parking	1683	1683	0
Height	4 – 20 storeys	2 – 25 storeys	2 – 5 storeys
Setbacks to Streets	Front = 8m Foreshore = 20-30m E-W = 5m primarily N-S = 3m	Front = 8m Foreshore = 30m E-W = 5m primarily N-S = 3m	0 +10m 0 0

As can be seen from the table listed above, there are numerous quantitative changes throughout the entire development however they are not considered to be cumulatively substantive changes.

Qualitative Comparison (non-numerical factors)

- The proposed modifications do not result in any additional density and will therefore have no additional impact demand on infrastructure or services or on waste generation.
- The land use remains primarily the same – being residential with a small proportion of retail/commercial. It is noted that the retail/commercial floor space has increased from 605m² to 1611m² however remains a secondary land use representing only 1.66% of the overall floor space.
- The proposed modifications do not result in any additional car parking and will therefore have no additional impact on traffic generation or traffic movements.

- There are no changes to access points into the development site that would create additional traffic conflict or neighbouring amenity impacts.
- The proposed modifications do not impact on the likely removal of trees or impacts on natural features of the site.
- The proposal will not significantly change flooding or overland flow impacts on the site.
- The proposal will not create any further contamination issues on the site.
- The proposed modifications will not significantly change the anticipated construction impacts of the development.
- The scale and form of the built environment when assessed holistically over the whole site and in the context of the wider urban environment remain substantially the same.
- The proposed heights on each block remain within the approved concept plan DA, with the exception of Block B which proposes a taller, more slender tower form to facilitate improved urban design outcomes
- The proposal can still comply with the ADG requirements for future developments (and in fact improves the ability to comply).
- The reconfiguration of the building envelopes will not impact upon the public domain environment and pedestrian useability of the site.
- Impacts on neighbouring properties (privacy, visual bulk, overshadowing, view loss) remain similar in terms of the number of properties affected, albeit different properties will be affected. The View Impact Analysis submitted indicates that these impacts are acceptable.
- The proposed modifications do not give rise to any new significant environmental impacts compared to the approved development in terms of the relevant matters for consideration under section 4.15 of the EP&A Act.

As can be seen from the matters listed above, there are limited qualitative changes throughout the entire development, which would suggest the development may be considered as substantially the same.

Material and Essential Features

It is considered that the material and essential features of this development relate to the following:

Feature	Comment	Difference
Block subdivision	The project involves a 4 block subdivision.	Remains the same.
Road Network	The project provides for a road network including north-south streets and east west streets within the entire site that are landscaped, contain on street parking and are publicly accessible.	Remains the same.
Primary Building Form	The site contains a variety of buildings with differing heights.	Remains the same.
Detailed Building Form	The site is designed as a perimeter block development with street walls primarily 6-8 storeys in height and 2 signature towers. The block design incorporates a landscaped internal podium level with car parking below.	Remains the same. Remains the same however the podium levels have been reduced.
Provision of Public Open	The project delivers a wide landscaped foreshore along Homebush Bay and a public park – all similar in area.	Remains the same – within the general location and similar in

Space/Public Domain		area. It is noted that the park is now 26m ² larger in area.
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Conclusion

When considering the cumulative quantitative and qualitative changes, the retention of the material and essential features of the project across the entire site, the proposed modifications do not 'radically transform' the approved development. It is considered that the proposal is 'essentially or materially the same' as the approved development.

Whilst it is acknowledged that certain parts of the development may be different, particularly if looking at changes to individual blocks (eg. tower relocation on Block B or Block C), the changes must be considered against the context of the entire project with all of its features and not just individualised areas of modifications.

In this regard, the proposed development to be modified is considered to be substantially the same development as to that which the original development consent relates.

It is noted that the Sydney Central City Planning Panel agreed with this assessment at the Panel Briefing Meeting on 28 June 2018.

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. Fifty (50) 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.

3. Environmental Planning & Assessment Act 1979 (EPA Act)

3.1 Integrated Development

The application is Integrated Development under the provisions of the EPA Act as a controlled activity approval (CAA) and aquifer interference activity approval (AIAA) are required under the Water Management Act 2000. The Department of Industry (Water) and Water NSW raise no objections to the proposed development and have both provided their General Terms of Approval.

3.2 Concept Development Application

The subject application seeks to modify an approved concept application.

Division 4.4 of the EPA Act relates to the special procedures concerning concept development applications. In this regard, Section 4.24(2) requires the following:

(2) While any consent granted on the determination of a concept development application for a site remains in force, the determination of any further development application in respect of the site cannot be inconsistent with the consent for the concept proposals for the development of the site.

Notwithstanding the above, Section 4.24(3) reads as follows:

(3) Subsection (2) does not prevent the modification in accordance with this Act of a consent granted on the determination of a concept development application.

The approved concept application may therefore be modified by Section 4.55 of the EPA Act.

4. Environmental Planning Instruments

Compliance with these instruments is addressed below.

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

Clause 7 of this Policy requires the consent authority to consider if land is contaminated and, if so, whether it is suitable, or can be made suitable, for a proposed use.

This matter was considered and found satisfactory in the assessment of the previous concept approval (Auburn reference: DA-19/2015). Notwithstanding this, the proposed development now includes further excavation to enable the provision of car parking below ground.

A detailed site investigation report prepared by Douglas Partners was submitted with the application which identifies the potential contamination sources as follows:

- Filling/reclamation
- Current and previous commercial/industrial land uses
- Off-site sources (landfill)
- Hazardous building materials.

The report identified traces of lead, TRH (total recoverable hydrocarbons) and PAH (Polycyclic aromatic hydrocarbons) and low levels of metals present within the soil. Results for groundwater were below the adopted criteria with the exception of minor exceedances for metals which were considered likely to be indicative of background or diffuse urban source levels and are unlikely to be derived from the subject site. The other exception was ammonia levels which were relatively high but were considered likely to be the result of natural anaerobic degradation of organic materials in the fill and organic clay materials which is typical of this type of environment.

This report recommended the preparation of a remediation action plan.

A remediation action plan (RAP) prepared by Douglas Partners was submitted for Council review. Specifically, the RAP proposes a strategy for remediation of three areas of localised soil contamination within the site. The soil requiring remediation at each of the three areas is impacted by lead, benzo(a)pyrene (B(a)P) and benzene, respectively.

The RAP states that based on the evaluation of remediation options presented, the preferred remediation strategy for benzene, B(a)P and lead impacted soils at the site, considering the site setting, exposure risk and likely volumes, is excavation and off-site disposal to an appropriately licensed landfill. As a contingency, the benzene impacted soils may be landfarmed on site should time and space permit. Any contingency adopted should be formulated in consultation with the project Environmental Consultant.

The RAP concludes as follows:

It is considered that remediation of the site in accordance with the procedures and validation methods outlined in this RAP can render the site suitable for the proposed residential development and appropriately manage potential temporary impacts on the environment.

A HAZMAT survey of buildings and structures on site is recommended prior to demolition to determine if hazardous building materials (such as asbestos) are present.

Council's Environmental Health Officer has reviewed the application and supporting documentation and is satisfied with the information submitted with the application.

Appropriate conditions have been incorporated within the recommendation section of this report.

Accordingly, the development application is satisfactory having regard to the relevant matters for consideration under SEPP 55. Subject to the implementation of the remediation action plan, the site will be suitable for the proposed development.

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

This Policy aims to improve the design quality of residential flat development. This proposal has been assessed against the following matters relevant to SEPP 65 for consideration:

- The 9 SEPP 65 Design Quality Principles
- The Apartment Design Guide (ADG).

Whilst the application is for a concept design only at this stage, sufficient information has been provided to indicate the ability for future applications to comply with the requirements of SEPP65 and the ADG.

Design Quality Principles

SEPP 65 sets 9 design quality principles. The development has adequately addressed the 9 design quality principles in the following way:

Design quality principle	Response
Context	The design of the proposal is considered to respond and contribute to its context, especially having regard to the desired future qualities of the area. The scale of buildings and type of use are compatible with the proposed redevelopment of the precinct and recognises and is consistent with the objectives of the relevant legislation.
Built form	The design achieves an appropriate built form for the site and the building's purpose, in terms of building alignments, proportions, type and the manipulation of building elements. Future development applications for each block will provide more detail in design.
Density	The proposal would 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 is

	slightly lower than that currently approved, with an anticipated reduction of dwellings from 1244 to 1121.
Sustainability, resource, energy & water efficiency	<p>This application is for a concept design only. Future development applications for each block will provide more detail in the provision of a sustainability. The proposed concept provides for sustainable opportunities to be achieved, such as compliance with Basix and the use of water/energy efficient fittings, appliances and lighting.</p> <p>It is noted that in 2016, SOPA completed installation of the recycled water main along the Hill Road to enable future recycled water supply to all properties at Wentworth Point. It is therefore considered that any future development should be required to provide for dual pipe reticulation to reduce the impacts on potable water.</p>
Landscape	The concept landscaping solutions depicted in the proposed modification are considered to be of high quality and appropriately respond to the proposed built environment. Future development applications for each block will provide more detail in design.
Amenity	The proposal is considered to be satisfactory in this regard, optimising internal amenity through appropriate room dimensions and shapes, access to sunlight, natural ventilation, visual and acoustic privacy, storage, indoor and outdoor space, outlook, efficient layouts and service areas. The proposal provides the opportunity to provide for an acceptable unit mix for housing choice as well as access and facilities for people with disabilities.
Safety & security	The proposal is considered to be satisfactory in terms of future residential occupants overlooking public and communal spaces while maintaining internal privacy. The building forms have been designed to be satisfactory in terms of perceived safety in the public domain.
Social dimensions/housing affordability	This principle essentially relates to design responding to the social context and needs of the local community in terms of lifestyles, affordability and access to social facilities and optimising the provision of housing to suit the social mix and provide for the desired future community. A diverse mix of apartment types has been used in the design of residential spaces and additional retail/commercial activities have been located to activate the proposed park on Block B.
Aesthetics	This application is for a concept design only. Future development applications for each block will provide more detail in the provision of aesthetics – including consideration of the composition of building elements, textures, materials and colours and reflect the use, internal design and structure of the resultant building. Future development applications for the residential flat buildings will be reviewed by the Parramatta Design Excellence Advisory Panel.

The proposal is considered to satisfy the aims and objectives of SEPP 65. It is noted that each subsequent stage of the development will incorporate detailed building designs to facilitate the design principles as prescribed by this legislation.

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 generally considers the proposal against key design criteria in the ADG. The assessment is indicative only as this is a concept plan and future detailed developments will need to demonstrate compliance with the ADG for each block.

PARAMETER	DESIGN CRITERIA	PROPOSAL	COMPLIANCE
Communal Open Space	Min 25% of the site area		In part

	<p>Block A = 2862m² Block B = 1749m² <i>(Based on block minus park area = 6998m² devt land)</i> Block C = 2263m² Block D = 2261m²</p>	<p>Block A = 3335m² (29%) Block B = 1025m² (15%) Block C = 1980m² (22%) Block D = 2265m² (25%)</p> <p>Note: Potential Level 06 areas have been identified for additional COS</p>	<p>Block A = Yes Block B = No Block C = No Block D = Yes</p> <p>Additional provision of communal open space will need to be investigated, such as on the rooftop of buildings</p> <p>Satisfied that compliance is possible in the detailed DAs</p>									
	<p>Min 50% of the communal open space is to receive 2 hours direct sunlight between 9.00am and 3.00pm on June 21</p>	<p><u>Approved concept:</u></p> <p>All blocks received less than 50% direct sunlight</p> <p><u>Proposed modification:</u> Blocks A and B will achieve the minimum requirement and Block C is improved.</p> <p>There is opportunity to increase the amount of solar access to communal open space if further investigations are carried out to increase the size of the communal areas on blocks through the use of rooftop areas.</p>	<p>In part</p> <p>Improved outcome compared to the approved concept plan</p>									
<p>Deep soil zone (entire site)</p>	<p>Minimum dimension of 6m required & 7% of the overall site area</p> <p>Block A = 799m² Block B = 827m² <i>(This block contains the public park. Approx. 6790m² devt land = 1697m²)</i> Block C = 633m² Block D = 640m²</p>	<p>Deep soil at grade will be difficult to achieve given the permissible and approved setbacks are less than the required 6m.</p> <p>The opportunity exists for deep planters to be provided within the development blocks.</p>	<p>Unlikely to comply but acceptable in the circumstances</p> <p>It is noted that the entire site will provide for significantly more deep soil within the streets as the basements under the roads have been removed.</p>									
<p>Building Separation</p>	<table><tr><th>Building Height</th><th>Habitable rooms and balconies</th><th>Non-habitable rooms</th></tr><tr><td>up to 12m (4 storeys)</td><td>12m</td><td>6m</td></tr><tr><td>up to 25m (5-8 storeys)</td><td>18m</td><td>9m</td></tr></table>	Building Height	Habitable rooms and balconies	Non-habitable rooms	up to 12m (4 storeys)	12m	6m	up to 25m (5-8 storeys)	18m	9m	<p><u>Within the development</u></p> <p>Internal separation varies from a minimum of 12m.</p> <p>Details of compliance will be assessed at future DA stages when the location of habitable rooms are confirmed.</p>	<p>Yes</p> <p>Satisfied that compliance is possible in the detailed DAs</p>
Building Height	Habitable rooms and balconies	Non-habitable rooms										
up to 12m (4 storeys)	12m	6m										
up to 25m (5-8 storeys)	18m	9m										

	<div> <div>over 25m (9+ storeys)</div> <div>24m</div> <div>12m</div> </div>		
	To adjoining properties: N & S = 24m (to towers)	To adjoining properties: N = 36.5m min (approx) S = 34.5m min (approx)	Yes
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	Information submitted indicates that a minimum of 70% of apartments can receive a minimum of 2 hours solar access.	Yes
	A maximum of 15% of apartments are permitted to receive no direct sunlight between 9.00am and 3.00pm midwinter.	Information submitted indicates that no more than 15% of apartments would receive no solar access.	Yes
Cross Ventilation	At least 60% of apartments are to be naturally cross ventilated.	Information submitted indicates that 60% of apartments are cross ventilated and have a dual aspect. These units are either corner located or cross-through.	Yes
	Apartment depth is not to exceed 18m	Apartment depth is < 18m Building envelope widths are generally provided at 23m to allow for complying apartment depth, balcony depth and articulation.	Yes
Ceiling Heights	2.7m for habitable, 2.4m for non-habitable	The applicant's Section 65 Design Report states that the proposal will comply.	Yes
Apartment Size	Studio – 35m ² 1 bed – 50m ² 2 bed – 70m ² 3 bed – 90m ² (note: minimum internal size increases by 5m ² for additional bathrooms, 10m ² for 4 + bedroom)	The applicant's Section 65 Design Report states that the proposal will comply.	Yes
	All 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.	The applicant's Section 65 Design Report states that the proposal will comply.	Yes
	Habitable room depths to be a maximum 2.5 x the ceiling height (=6.75m)	The applicant's Section 65 Design Report states that the proposal will comply.	Yes
	Maximum depth (open plan) 8m from a window.	The applicant's Section 65 Design Report states that the proposal will 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 bed	The applicant's Section 65 Design Report states that the proposal will comply.	Yes
Balconies	Studio – 4m ² 1bd – 8m ² / 2m 2bd - 10m ² /2m 3bd – 12m ² /2.4m	The applicant's Section 65 Design Report states that the proposal will comply.	Yes
	Ground or podium apartments to have POS of 15m ² /3m	The applicant's Section 65 Design Report states that the proposal will comply.	Yes
Circulation	Maximum 8 apartments per level	The applicant's Section 65 Design Report states that the proposal will comply.	Yes
Storage	1bd – 6m ³ 2bd – 8m ³ 3bd – 10m ³	The applicant's Section 65 Design Report states that the proposal will comply.	Yes

4.3 State Environmental Planning Policy (Infrastructure) 2007

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

Development likely to affect electricity transmission or distribution networks

Based upon the information contained within the submitted survey, the application is subject to Clause 45 of the SEPP as the development does propose works (conceptual only) within the vicinity of electricity infrastructure that would trigger a written referral to the energy authority. In this regard, a substation exists on site and underground cables are located along Hill Road.

The application was referred to Ausgrid. Ausgrid have raised no objections to the proposed development subject to the imposition of conditions.

Impact of road noise or vibration on non-road development

Clause 102 of the SEPP requires the consent authority to consider the impact of road noise or vibration on non-road development, particularly in relation to more sensitive receivers such as residential, hospitals, child care centres and places of public worship.

There are no changes to the proposed approved concept that warrant further investigation into this matter at this stage of redevelopment. Condition 11 of the existing consent requires all subsequent development applications to be submitted with an acoustic report.

4.4 State Environmental Planning Policy – Basix

The application for the residential development is for a concept plan only. Any future development applications for residential development will need to be accompanied with a BASIX certificate that lists commitments by the applicant as to the manner in which the development will be carried out.

4.5 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 Central City Planning Panel is the determining authority for this Section 4.55(2) application.

4.6 State Environmental Planning Policy (Coastal Management) 2018

The site is not affected by the provisions of the Coastal Management SEPP.

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

This policy applies to all of the City of Parramatta local government area. It aims to establish a balance between promoting a prosperous working harbour, maintaining a healthy and sustainable waterway environment and promoting recreational access to the foreshore and waterways by establishing principles and controls for the whole catchment.

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. The nature of this project and the location of the site are such that there are no specific controls which directly apply, with the exception of the objective of improved water quality. That outcome will be achieved through the imposition of suitable conditions on future development applications to address the collection and discharge of water.

4.8 Sydney Regional Environmental Planning Policy No. 24 (Homebush Bay Area)

The site is subject to the provisions of Sydney Regional Environmental Plan No 24 - Homebush Bay Area (SREP24). The relevant requirements and objectives of SREP24 have been considered in the following assessment table.

Requirement	Comment
Clause 10 Consent Authorities	As the cost of works exceeds \$30,000,000, the 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	<p>The proposal is considered to satisfy the objectives of the SREP for the following reasons:</p> <ul style="list-style-type: none">• The development will facilitate residential development and the redevelopment of the land from industrial use to residential as per the desired future character of the area• The development promotes a co-ordinated, sensitive and high quality development in the Homebush Bay Area in terms of urban design and landscaping• The proposed development will not have any significant detrimental impact upon ecological areas or heritage items.
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.

Requirement	Comment
(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 comments were received with respect to the proposal.
(c) the appearance, from the waterway and the foreshores, of the development,	The subject site is located adjoining Homebush Bay. The views of the proposed development from the water are considered acceptable and within context to the wider locality in terms of adjoining development along the peninsula.
(c1) the impact of the development on significant views,	The proposed buildings do not impact upon any significant view lines.
(d) the effect of the development on drainage patterns, ground water, flood patterns and wetland viability	The proposed development is not expected to have any significant impacts on these matters. The application has been referred to both DPI – Industry and Water NSW who raise no objections to the proposal. Detailed drainage designs will be considered in subsequent future development applications on the site.
(e) the extent to which the development encompasses the principles of ecologically sustainable development,	The development provides opportunities in this regard through proposed built form by providing for appropriate façade orientation and separation distances. Further ESD consideration will be carried out within the future detailed development applications.
(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,	The proposed development would not 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.
Clause 19 Flood Prone Land	Part of the site is predicted to be affected by the probable maximum flood (PMF). This will not significantly affect the development of the site.
Clause 20 Contaminated land	This issue has been discussed elsewhere within the report (SEPP55 assessment).
Clause 20A Acid sulphate soils	The application was accompanied by an ASSMP prepared by Douglas Partners. The screening tests

Requirement	Comment
	undertaken indicated that although PASS was confirmed at the site, there was no indication of AASS. The plan provides for procedures for the appropriate management/mitigation of environmental impacts that may result from the disturbance of AASS or PASS, and to provide a monitoring program for validating the effectiveness of the management process.
Clause 23 Development near an environmental conservation area	The subject site is not located in the vicinity of an environmental 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.
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.

4.9 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.

5. Draft Environmental Planning Instruments


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

6. Development Control Plans

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

The relevant objectives and requirements of the Homebush Bay West DCP have been considered in the assessment of the development application and is discussed below. It should be noted that the development is for a concept plan only, outlining building massing/orientation, street layout, setbacks and height. In this regard, the core requirements of HBW DCP are relevant to the conceptual stage and are reflected in this report. It is noted that the majority of controls have been considered in the original assessment of the application, and therefore not necessarily relevant to the proposed modifications. Other detailed performance criteria will be assessed at the future detailed development stages.

DCP Section	Comments
Part 2 Background	
DCP Objectives	<ul style="list-style-type: none"> • The proposed development provides the opportunity to deliver an attractive, high amenity and high quality environment for residents, visitors and workers. • The proposed development is generally consistent with the objectives of the DCP and considerate of the approved concept plan.
Design Framework Principles	<ul style="list-style-type: none"> • The proposed development is generally consistent with the desired land use, street and open space network, building height and precinct structure principles.
Part 3 Precinct Controls	
Public Domain Systems	<ul style="list-style-type: none"> • Pedestrian network performance criteria are achieved including the provision of a continuous foreshore promenade, the provision of a continuous pedestrian network with efficient and regular block layouts and accessible public places. • Cycle networks can be provided for throughout the precinct. • Public transport performance criteria are achievable. • There are no significant changes to the approved street layout. The vehicle network and parking performance criteria are achievable. • The application retains the provision of a publicly accessible park and foreshore. The land and water connection performance criteria are achievable. • The concept landscaping strategy submitted for this application is far more detailed than that considered in the original application. The landscaping strategy is considered to be of a high quality and indicates that the performance criteria for the landscape are achievable. • Public domain elements will be detailed in further applications. The performance criteria are achievable. • Services infrastructure and stormwater management will be detailed in further applications. The performance criteria are achievable.
Streets	<ul style="list-style-type: none"> • There are no changes to the approved street hierarchy on the site. • Hill Road setbacks will remain unchanged at the compliant 8m. • There are no major changes to the approved major east west streets (Verona Drive & Nuvolari Place) • There are no major changes to the approved major north-south street (Monza Boulevard) • There are no major changes to the approved secondary north-south streets (Savona Drive & Marine Parade) • A one way foreshore street has been introduced to provide access between Verona Drive and the foreshore frontage to the site. This foreshore street has been designed generally in accordance with the DCP requirements and is considered satisfactory from a traffic and urban design perspective.
Public Open Space	<ul style="list-style-type: none"> • The foreshore plaza at the Verona Drive foreshore termination has been modified to allow for a one way foreshore road. Although it has been reduced in size it will be designed as a focal activity node. • A continuous public accessway is maintained along the foreshore. • The local park remains within Block B. It is noted that the park has changed configuration, however is an acceptable variation as it is

	slightly larger, receives adequate solar access during the winter months, shading in the summer months and is designed for increased natural surveillance and activation.																												
Built form <i>Parts of this section are revised through Amendment 1 to the HBW DCP</i>	Land Use and Density <ul style="list-style-type: none">The proposal complies with the following land use and density criteria: <table><tr><th>Precinct D</th><th>HBWDCP Control GFA (m²)</th><th>Proposed GFA (m²) total Section 4.55(2)</th><th>Compliance</th></tr><tr><td>Site area</td><td>62,283</td><td>-</td><td>-</td></tr><tr><td>Commercial floor space</td><td>Min. 405</td><td>1083</td><td>Yes</td></tr><tr><td>Retail floor space</td><td>Min. 200</td><td>528</td><td>Yes</td></tr><tr><td>Residential floor</td><td>Max. 96,482</td><td>95,388</td><td>Yes</td></tr><tr><td>Total allowable floor space</td><td>Max. 97,087</td><td>96,999</td><td>Yes</td></tr><tr><td>Public open space</td><td>Min. 6,237</td><td>7,743 (excluding foreshore road)</td><td>Yes</td></tr></table> <p>(Note: The above is as per Amendment 1 to the HBW DCP)</p> <ul style="list-style-type: none">It is noted that the retail/commercial floor space has increased from 605m² to 1611m² in this modification application, however remains a secondary land use representing only 1.66% of the overall floor space, and complies with the minimum requirements of the DCP.The application seeks to confirm the method of calculating floor space for the development. This is discussed within the report. Building Heights <ul style="list-style-type: none">The DCP outlines the allowable building heights:  <p>Extract from HBW DCP 2004 Amendment 1 (subject site outlined in red)</p>	Precinct D	HBWDCP Control GFA (m ²)	Proposed GFA (m ²) total Section 4.55(2)	Compliance	Site area	62,283	-	-	Commercial floor space	Min. 405	1083	Yes	Retail floor space	Min. 200	528	Yes	Residential floor	Max. 96,482	95,388	Yes	Total allowable floor space	Max. 97,087	96,999	Yes	Public open space	Min. 6,237	7,743 (excluding foreshore road)	Yes
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Public open space	Min. 6,237	7,743 (excluding foreshore road)	Yes																										

The table below provides a summary of the proposed buildings demonstrating general compliance with the HBW DCP controls.

Block	HBW DCP Height requirements	Proposed no. of storeys from finished ground level	Compliance
A	6 and 8	6 and 8	Yes
B	6, 8 and 16	6, 7 and 19/25	In part
C	6, 8 and 20	6, 7, 8 and 16/20	Yes
D	4, 6 and 8	2, 4, 5, 6, 7 and 8	Yes

- There are non-compliances with the DCP heights and locations however this is considered acceptable as the development provides for generally lower heights across the blocks and greater physical separation between the buildings internally. The variations result in an improved streetscape appearance as it allows for greater modulation in height and visual breakup of building bulk and massing by reducing the tight perimeter block design and allowing greater spacing between buildings.
- The proposed development exceeds the 20 storey height limitation for this section of Wentworth Point, however is in close proximity to the focal point/town centre which allows for a maximum overall height of 25 storeys.
- The proposal locates the towers in different positions to that indicated within the tower height diagrams of the DCP however the objectives of the height controls are satisfied and provides for an improved urban design outcome as it provides for an improved modulation in building forms and improved separation between towers (both internally and externally). Locational adjustment of towers is permitted under the DCP (Section 5.3.3).
- The DCP indicates tower heights on site to be restricted to between 16-20 storeys. Block B contains a tower which is 19/25 storeys in height. This is considered acceptable as the tower maintains a transition to the southern development. In this regard, Block C has a 16/20 storey tower and the southern adjoining site at 6-8 Baywater Drive has a height of 16 storeys.
- It is noted that the DCP enables the adoption of alternative approaches, including the variation to development controls and performance criteria, to meet the planning or design principles and objectives (Section 5.3.5 Amendment 1). The proposed configuration of the proposed development is considered acceptable to provide for a better urban design outcome.

Topography and Site Integration

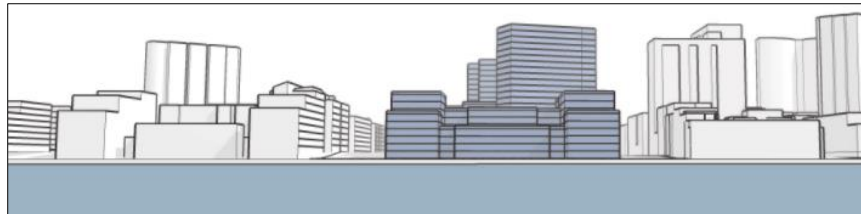
- The proposal minimises the need to raise the streets as car parking is no longer proposed underneath the streets and will be contained wholly within the development blocks. This enables an improved urban design outcome for tree planting opportunities within the public domain, and improved sightlines through streets.
- The site will appropriately match adjoining street levels, with further details to be submitted in future applications for the provision of infrastructure.

Building Depth

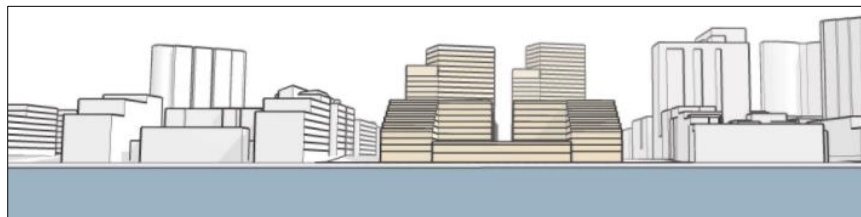
- The proposal has the ability to comply with the requirements of the ADG, which is the overarching applicable guidelines for apartment design.

Building Separation and Bulk

- The maximum floor plate of the towers does not comply with the 950m² maximum allowed within the DCP (Block B + C = 1050m²). This is considered acceptable as they are smaller floor plates to that approved, allow for generous private open space articulation zones and are indicative only.
- The proposal improves permeability and avoids unreasonable visual bulk/continuous built form, particularly from Rhodes, providing an improved outcome, as can be seen by the comparative diagrams below.



Concept Plan Approval/DCP Compliant – View from Rhodes



Proposed Modification to Concept Plan – View from Rhodes

Street Setbacks

- The proposed building setbacks are summarised in the table below:

	Required	Proposed	Comply
Hill Road	8m	8m	Yes
Major E/W Street (Verona/Nuvolari)	5m	5m	Yes
Major N/S Street (Monza)	4m (min)	3m	No ✦
Secondary N/S Street (Savona/Marine)	3m	3m	Yes
Waterfront (Generally)	30m	30m	Yes
Building articulation zones (balconies/terraces)	600mm (max) projection beyond building setback	No projection	Yes

✦ this is as approved within the original concept plan

	<p>Building Articulation</p> <ul style="list-style-type: none">• There are no proposed projections beyond the building line as all articulation can be contained within the building envelopes behind the building line as shown within the submitted indicative floor plans. This provides for an improved visual appearance with greater landscaping opportunities within the front setbacks.• The majority of ground floor apartments have the opportunity for individual street entries to be provided.																																																						
Part 4 Detailed Design Guidelines																																																							
	<ul style="list-style-type: none">• The majority of these detailed design controls are not applicable as the proposed development is for a concept design only. It is considered that the building locations and massing does not restrict the ability of future development to comply with these controls. Notwithstanding this, it is noted that the majority of the guidelines are covered by the ADG assessment, which has already been considered within this report.• Stormwater Management. The proposed stormwater network will match the existing network in that the western half the site will drain into the Hill Road network with the eastern half draining into the Parramatta River. Stormwater generated within the proposed urban blocks will be treated to the required water treatment rates through proprietary treatment devices and measures integrated within the landscape area. The proposed development will also incorporate the use of a rainwater harvest tank to assist with the water treatment requirements. The detailed design of the stormwater management on site will be subject to future applications.• Wind. Designing for wind mitigation will be considered in the future detailed design stages of the site redevelopment.• Vehicle Parking. The application seeks approval to redefine the parking rates and redistribute the car parking on the site. The parking rates under the HBWDCP and proposed rates are indicated in the table below. <table><tr><th>Land Use</th><th>No.</th><th>HBWDCP Rate (max)</th><th>HBWDCP Proposed</th><th>Proposed Rate (max)</th><th>Proposed</th></tr><tr><td>1 bed</td><td>262</td><td>1.0</td><td>262</td><td>1.0</td><td>262</td></tr><tr><td>2 bed</td><td>643</td><td>1.2</td><td>772</td><td>1.25</td><td>804</td></tr><tr><td>3 bed</td><td>216</td><td>1.5</td><td>324</td><td>2.0</td><td>432</td></tr><tr><td>Visitor</td><td>1121</td><td>1 per 8</td><td>140</td><td>1 per 8</td><td>140</td></tr><tr><td>Car Share</td><td>1121</td><td>1 per 200</td><td>6</td><td>1 per 200</td><td>6</td></tr><tr><td>Retail</td><td>528</td><td>2 employee + 1 per 40m²</td><td>15</td><td>2 employee + 1 per 40m²</td><td>15</td></tr><tr><td>Commercial</td><td>1083</td><td>Nil Based on Auburn DCP child care</td><td>24</td><td>Child care Or 1 per 60m² (HBWDCP)</td><td>24 18</td></tr><tr><td>Total</td><td></td><td></td><td>1543</td><td></td><td>1683</td></tr></table>	Land Use	No.	HBWDCP Rate (max)	HBWDCP Proposed	Proposed Rate (max)	Proposed	1 bed	262	1.0	262	1.0	262	2 bed	643	1.2	772	1.25	804	3 bed	216	1.5	324	2.0	432	Visitor	1121	1 per 8	140	1 per 8	140	Car Share	1121	1 per 200	6	1 per 200	6	Retail	528	2 employee + 1 per 40m ²	15	2 employee + 1 per 40m ²	15	Commercial	1083	Nil Based on Auburn DCP child care	24	Child care Or 1 per 60m ² (HBWDCP)	24 18	Total			1543		1683
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	<p>A total of 1683 car parking spaces were approved in the original concept master plan. This was based on a higher apartment yield being provided and at a lower parking rate. As can be seen above, the proposed concept plan proposes the same number of car parking spaces although higher rates are proposed.</p> <p>All residential apartment parking can be accommodated on site within the basement car parks. HBW DCP (Amendment 1) allows for visitor parking requirements to be satisfied by provision on newly created streets. There are approximately 149 on street car parking spaces provided. The application proposes a maximum of 50% of the visitor parking on the streets. Given that the residential parking on site has increased, this should liberate some of the on street parking that residents tend to use as an overflow, thereby allowing improved on street parking availability. The shift to enable a portion of visitor spaces on the street also alleviates the need for raising of the road levels and parking under streets which results in a significantly improved public domain outcome as large trees can grow in unrestricted deep soil. In order to ensure that residents park within their allocated car parking spaces and not on the streets, it is proposed that the on street parking be time restricted. The on street parking is for general public use (including visitor) and should not be allocated to the development. Given the parking constraints in Wentworth Point and the lack of short term on street parking, this is a different approach to car parking provision that has historically been provided by other development undertaken in Wentworth Point. The approach is supported by a traffic impact assessment and by Council's Traffic and Transport Section.</p> <p>Motorcycle parking and bicycle storage can be provided in accordance with the HBWDGP requirements.</p> <ul style="list-style-type: none"> • Pedestrian and Vehicular Access. The concept building arrangement provides full opportunity for compliance with these performance criteria. • Apartment Mix and Affordability. Whilst the application is a concept only, it is anticipated that a variety of apartment types will be provided including an estimated 261 x 1 bed (23%), 606 x 2 bed (54%), 181 x 3 bed (16%) and 73 x townhouses (7%) with 20% of the total apartments being adaptable dwellings. This is considered to be an acceptable housing outcome.
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The relevant objectives and design requirements of the HBW DCP 2004 (including Amendment 1) have been considered in the assessment of the development application. The proposed development is generally consistent with the relevant requirements and therefore considered to perform satisfactorily with regard to the HBWDGP 2004 as amended.

Council's City Architect Team support the proposed development as the built form and design details offer an improved urban design outcome for the site. In this regard, the City Architect reports as follows:

- *The Homebush Bay DCP advocates for a strong perimeter block street wall. The predominant 6-8 storey street wall is well considered, with subtle variations in height and setbacks that allows for varied, visually interesting urban forms and streetscapes that respects the principles of the DCP.*
- *The proposed location of the 2 x residential towers improve building separation, which in turn maximises view sharing and solar access, improving the residential amenity of the development. The improved siting of the towers responds to the existing and approved context, creating a balanced “rhythm” of towers when viewing the Wentworth Point skyline from a distance.*
- *The proposed articulation of residential towers into stepped forms, with heights stepping from 19 to 25 storeys, creates a dynamic urban form that is a positive contribution to the skyline of Wentworth Point.*
- *Councils Design Excellence Advisory Panel (DEAP) were provided an opportunity to review the detailed PL+DA for Block D. In relation to the stepping built form of Block D, the panel “has no issue with the proposed step form of the side wings of their scale relative to the urban context”. The City Architect Team view is consistent with Council’s DEAP, as we believe the stepping form reduces the overshadowing impact on the foreshore and provide opportunities for an active and varied roofscape.*

Floor Space Calculation

The application seeks clarification of the floor space calculation interpretation for this concept approval and future development applications.

There appears to be an historical application of incorrectly calculating floor space within the Wentworth Point peninsula using the HBW DCP. The definition of “floor space” within the HBW DCP includes horizontal corridors and car parking more than 1 level above ground. It appears that much of the development within the peninsula has included more than 1 level of car parking above the ground and the inclusion of all horizontal corridors (which should have been included as floor space in accordance with the definition). This is the case particularly for newer development within the area, and those areas which received a floor space uplift in connection with the delivery of the Bennelong Bridge (being Precincts B to E).

Following the Council amalgamations in May 2016, Council officers had raised concerns with this interpretation of the floor space definition. Given the concerns raised by Council officers, the applicant seeks some certainty regarding the interpretation of floor space for the site. In this regard, the applicant has provided sufficient evidence that the historical application of the floor space definition in relation to this site has excluded the horizontal corridors and the podium parking areas.

Following investigation of this matter for this site in particular, Council officers are satisfied that based on the original Statement of Environmental Effects submitted with the Stage 1 DA, the Section 79C assessment report prepared by Auburn Council and the supporting documentation provided by the applicant, the Concept Plan approval clearly accepted the proposed floor space with the car parking and horizontal corridors excluded.

There is no proposed increase in approved floor space on this site, and as such it would be procedurally prejudicial to apply a different interpretation of the definition at this stage of the redevelopment.

6.2 Amendments to Approved Concept Plan

The approved concept plan consent (DA-19/2015 – Auburn Reference) will need to be modified in the following manner:

No	Condition	Comment
1	Approved Plans	Modify to reflect amended plans
2	Time period of consent	Retain – no change
3	No alteration without prior Council approval	Retain – no change
4	Subsequent applications to comply with Staged Development approval	Modified to confirm floor space calculation and delete section (d) which requires Block C & D to be constructed concurrently. This is no longer required as car parking can be provided for each lot independently. Also includes the recommended public domain requirements for Block B.
5	NSW Office of Water General Terms of Approval	Retain – no change
5A	NSW Water General Terms of Approval	Add condition to include NSW Water general terms of approval
6	Issuing of Construction Certificates – Controlled Activity Approval	Modify to incorporate Water NSW approvals
7	Roads and Maritime Services – General Requirements	Retain – no change
7A	Car Parking Requirements	Add condition to confirm car parking requirements for the site – rates, visitor parking, time restricted on street parking
8	Landscaping	Modify to reflect the concept Landscape Masterplan
9	Wind Mitigation	Retain – no change
10	Contamination Assessment – future development applications	Modify to reflect updated contamination information submitted and reviewed
11	Acoustic report – future development applications	Retain – no change
12	Water quality	Retain – no change
13	Stormwater Disposal - SOPA	Retain – no change
13A	Dual Piping	Add condition to require the provision of dual piping for all future development
14	Section 94 Developers Contributions – future stages	Retain – no change
15	Road design	Retain – no change
16	Civil works	Retain – no change
17	Access to Public Road	Retain – no change
18	Disabled Access & Facilities	Retain – no change
19	Commonwealth Disability Discrimination Act	Retain – no change
20	Target hardening strategies to reduce crime	Retain – no change

7. Planning Agreements

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

8. Environmental Planning and Assessment Regulation 2000

Applicable Regulation considerations including demolition, fire safety, fire upgrades, compliance with the Building Code of Australia, compliance with the Home Building Act, PCA appointment, notice of commencement of works, sign on work sites, critical stage inspections and records of inspection do not need to be addressed as part of any consent granted for this application as the proposal is for a concept plan only and does not involve any construction works at this stage.

These matters will be considered at the future detailed design stages of development.

9. Likely Impacts

The proposed development has the potential to impact upon neighbouring amenity, including overshadowing, privacy and loss of views. These matters have been discussed within Section 11.2 of this report.

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.

10. Site Suitability

The potential constraints of the site have been assessed and it is considered that the site is suitable for the proposed development.

11. Public Interest

11.1 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:

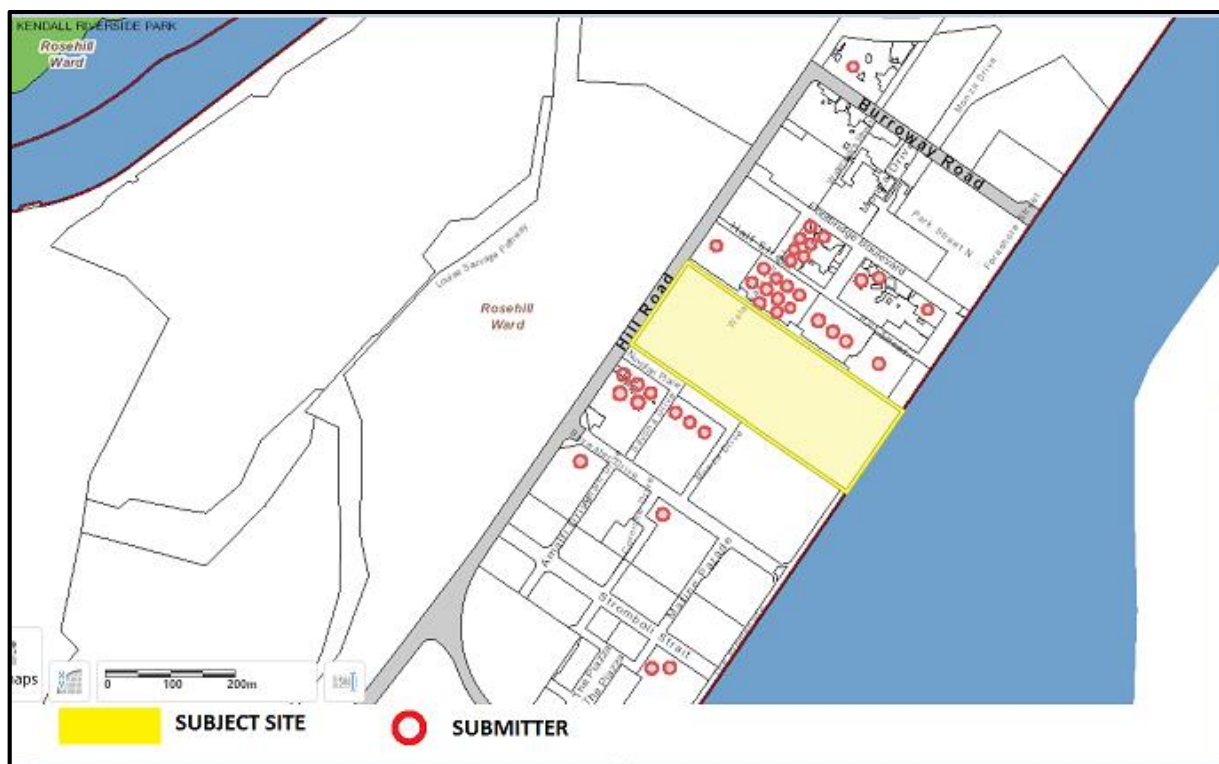
- Support and deliver GPOP
- Encourage employment growth
- Create a more connected District
- Improving housing design and diversity
- Design vibrant and activity centres
- Provide communities with better services
- Showcase the Western Sydney Parklands
- Improve access and health of waterways
- Manage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

11.2 Public Submissions

In accordance with the notification procedures contained in Section 3.0 of Auburn DCP 2010 and legislative requirements, the proposal was advertised in the local paper and a sign placed on the site with owners and occupiers of surrounding properties given notice of the application for a 30 day period between 11 January 2018 and 13 February 2018. In response, fifty (50) submissions were received.

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



Many of the submissions were pro-forma and raised concerns with the increasing density in Wentworth Point in general. The issues raised within these submissions are discussed below.

Issue Raised	Comment
General objection to the current and future density of Wentworth Point – residents feel that the suburb is at its maximum density potential	The density for this subject site has been considered and approved in principle through the approved concept plan. The proposed modification seeks to slightly reduce the number of dwellings proposed from 1244 to 1121 (an anticipated reduction of 123 apartments).
There is a lack of public facilities available (parks and playgrounds) and public transport for the increasing density in the area.	Regional parklands adjoin Wentworth Point. The new peninsula park is under final review and is anticipated to be delivered in 2020. The proposed development will provide for a local park as part of the Block B redevelopment. The provision of public transport is a state government function and outside the scope of this development application.
No high rise should be permitted – the low level 8 storeys of the “older” Wentworth Point should be maintained	The HBW DCP (including Amendment 1) provided for greater heights within the precincts that contributed to the construction of the Bennelong Bridge. High rise development is therefore envisaged for the site through the DCP requirements.
There is insufficient on street parking within the area – people park illegally and unsafely	The proposed development will provide for a slightly higher parking rate than stipulated within the DCP, to provide more on-site parking for residents and reducing the demand for on street parking.
The development will result in increased traffic generation which will impact on the area (congestion, safety)	Increased traffic generation is anticipated as a result of the redevelopment of this site. It is noted however that the proposed modification reduces the number of units from 1244 to 1121 which will reduce the traffic movements slightly to that approved.

	Based upon the RMS Technical Direction 04a (August 2013) the modified development would result in approximately 50 less morning peak vehicle movements and 45 less afternoon peak vehicle movements than that currently approved.
Loss of solar access to existing apartments	<p>The proposed development has the potential to impact upon the solar access to apartments located to the south along Nuvolari Place. The applicant has submitted detailed elevations indicating the impacts of the proposed development on these residential buildings. The shadow analysis indicates the following:</p> <ul style="list-style-type: none"> • that the existing constructed apartments will receive a minimum of 2 hours solar access during the winter solstice, with the majority receiving in excess of 4 hours solar access • that the majority of the approved apartments (not as yet constructed) on 6-8 Baywater Drive (proposed Block A and Block B) will receive a minimum of 2 hours solar access during the winter solstice. Only a minor number of units on the ground floor of proposed Block B will receive slightly less than 2 hours solar access during the winter solstice. <p>The overshadowing impacts are therefore considered acceptable.</p>
Loss of privacy to existing apartments	As the proposed units would be separated from all existing units on adjoining and nearby sites by roadways it is considered that the proposal would not result in the unacceptable loss of privacy to any existing residential occupants in the area. Building separation between the proposed and existing neighbouring buildings exceeds the minimum ADG requirements.
Loss of views to existing apartments	<p>The applicant has submitted a View Impact Analysis (VIA) to determine the impact of the proposal compared to the existing approved masterplan. The VIA has considered views from two key buildings located at Lot 9B and Lot 9C, to the north of the site. These key buildings were identified based on:</p> <ul style="list-style-type: none"> • Their proximity to the site • Their sensitivity of land use • Having a height of more than 8-storeys (the approved building layout would already impact upon the “low rise” buildings in the area and the proposal is generally consistent with these impacts) • The public submission comments received during the exhibition period.

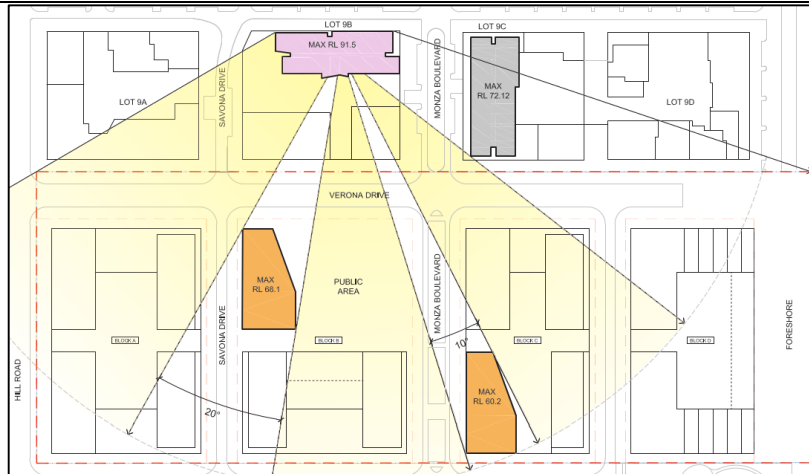


Diagram indicating location of Lot 9B (purple block) and 9C (grey block)
This diagram indicates Lot 9B mid rise views

Analysis of Lot 9B

Lot 9B is located to the immediate north of site, adjacent Block B and Verona Drive.

Level	View Loss Comparison		Comment
	Approved Stage 1 Concept Masterplan	Concept Masterplan (as proposed to be modified)	
Mid-rise RL 33.4m – RL 67.4m	45° view loss	30° view loss	The proposed modifications to the Concept Masterplan will result in 15° view angle increase for dwellings located across 11 mid-rise levels at Lot 9B.
High-rise RL 67.5m – RL 91.5m	22° view loss	27° view loss	The proposed modifications to the Concept Masterplan will result in a 5° view angle decrease for dwellings located across 6 high-rise levels at Lot 9B.

Analysis of Lot 9C

Lot 9C is located to the immediate north of site, adjacent Block C.

Level	View Loss Comparison		Comment
	Approved Stage 1 Concept Masterplan	Concept Masterplan (as proposed to be modified)	
Mid-rise RL 33.4m – RL 67.5m	51° view loss	33° view loss	The proposed modifications to the Block B and C towers result in 18° view angle increase for dwellings located across 11 mid-rise levels at Lot 9C.

Consistency with Planning Principles

The VIA was undertaken in accordance with the planning principle of the Land and Environment Court developed in the judgment of *Tenacity Consulting v Warringah* [2004]. This principle outlines the following steps in the assessment of view loss. Assessment is provided below each of the steps.

1. The view to be affected

The buildings within Lot 9B and Lot 9C are afforded long-distance views over the site towards Homebush Bay, Bicentennial Park, Millennium Park and Sydney Olympic Park and surrounds. Given the existing condition of the site, being low-rise warehouse buildings, these views are largely unobstructed. However, under the approved Concept Masterplan these views would be partially obstructed by the Block B and Block C towers.

	<p>Short-distance and mid-distance views are largely restricted to Homebush Bay and surrounding residential buildings and streets.</p> <p>2. The part of the property from which views are obtained The orientation of the view will be relative to the individual dwelling. Given the nature of development, views over the site from Lot 9B and Lot 9C are understood to be from outdoor and indoor living areas including balconies across the side boundary. It is noted that Applicant has not had access to these properties, and so has not been able to verify the specific viewing locations. Views have been considered holistically from each portion of the building, rather than concentrating only a view from a part of a particular dwelling.</p> <p>3. The extent of the impact When considered holistically the proposed modifications will result in a net view increase for mid-rise views from Lot 9B and Lot 9C. Views over the site will be retained, albeit in a revised configuration i.e. greater views directly south between the Block B and Block C towers. The proposed modifications will result in a minor reduction in high-rise views from Lot 9B, as a result of the proposed modifications to the Block B tower. Notwithstanding, high-rise views are improved as a result of the proposed modifications to the Block C tower. Despite the reduction, the proposed modifications increase visual permeability, with views maintained over the site.</p> <p>The proposed modifications will improve views to Homebush Bay from both Lot 9B and Lot 9C, noting <i>Tenacity</i> considers water views to be valued more highly than land views. Views over the site towards Millennium Park and Sydney Olympic Park and beyond are comparable under the approved and proposed Concept Masterplans.</p> <p>While the view loss may be considered to be moderate in some individual dwellings if considered in isolation, when considered holistically, in relation to the controls that apply to the site, and the desired future character of the area, the extent of the visual impact is considered acceptable.</p> <p>4. The reasonableness of the proposal The proposal is generally consistent with the approved Stage 1 Concept Masterplan and the HBWDGP. It is noted that although the towers are located differently to the HBWDGP (Amendment 1), locational adjustment is permitted under the controls. The proposed building envelope and massing modifications, including the proposed modifications to the Block B and Block C towers will:</p> <ul style="list-style-type: none"> • Define and enhance the spatial quality of streets, open spaces and the foreshore by aligning buildings to the street and to the edges of the parks and plazas • Improve built form and amenity outcomes by refining building separation, solar access, views and cross ventilation
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	<ul style="list-style-type: none"> • Reduce visual bulk when viewed from surrounding areas by ensuring appropriate tower and building separation • Increase visual permeability through the tower zone • Provide views along east-west and north-south streets in accordance with the HBWDCP requirements • Increase visual connections between Millennial Parkland and the foreshore. <p>In light of the above and when considered holistically, the minor view impacts identified are considered reasonable given the resulting urban design and built form improvements and increased view sharing across the site.</p> <p>Conclusion</p> <p>The analysis of the potential impacts on mid-rise and high-rise views from Lot 9B and Lot 9C shows that the proposed built form modifications will result in altered view impacts. Views to Homebush Bay are improved as a result of the Concept Masterplan (as proposed to be modified). Views to other surrounding locations including Bicentennial Park, Millennium Park and Sydney Olympic Park are maintained. The Concept Masterplan (as proposed to be modified) promotes view sharing and visual permeability. The Concept Masterplan (as proposed to be modified) is generally consistent with the Stage 1 Concept Masterplan and the HBW DCP controls that apply to the site and the desired future character of the area. As such, the resulting visual impacts are considered acceptable.</p>
Insufficient separation distances between buildings in Wentworth Point and the streets are too narrow	As mentioned above, the building separation between the proposed and neighbouring existing buildings exceeds the minimum ADG requirements. The roads have been designed in accordance with the HBW DCP requirements and are considered acceptable.
The subject site was previously proposed as a park	The site is earmarked for residential development within the HBW DCP. A local park is to be provided on Block B.
A multi storey car park should be built on the site for residents and visitors in Wentworth Point	The site is privately owned and being privately developed. There is no obligation for developers to provide a car park on the site for surrounding residents. The proposal incorporates the construction of a network of streets that will accommodate 149 publicly accessible on street car parking spaces.
Council should construct a residential gymnasium on the site	<p>The site is privately owned and being privately developed. The site is not a Council asset and therefore Council will not be providing any facilities on the site.</p> <p>The development proposes commercial floor space which may be used for a number of purposes including a gymnasium. Any future commercial uses will be subject to future detailed development applications.</p>
Should minimise density and high rise to protect the skyline and views	The site is earmarked for high density residential development and towers within the HBW DCP. The proposed reconfiguration of the towers, particularly with split heights will provide for a more interesting visual skyline and will create tall slender tower forms to avoid monolithic buildings (in accordance with the building separation and bulk objectives of the HBWDCP). There is a

	proposed reduction of density on the site from an anticipated 1244 dwellings to 1121 dwellings.
Construction impacts	No construction works are proposed as part of this application as it is a concept plan only. Construction impacts will be considered in any future detail development applications for the site.
There has been no timeframe provided on the delivery of the peninsula park, primary school or library	This concern is not related to the proposed development as it relates to separate infrastructure within the locality. Notwithstanding this, the primary school opened in Term 1 in 2018, Landcom envisage the peninsula park completion by early 2020 and it is anticipated that the library and community centre will be complete by mid 2019.
The change in the park location will impact the outlook of apartments	Views to a local park are not considered to be significant or iconic views however do add to the visual amenity of apartments. Some apartments (Lot 9A) that previously received oblique views of the proposed park will lose the view to the park. Some apartments (Lot 9B) will now receive oblique views of the park, although the majority of apartments fronting the park will retain views.
Query as to where the Section 94 contributions go	This is a concept plan only with no construction works proposed as part of this application. Section 94 contributions will be applicable to future development applications on the site and will be used for infrastructure improvements listed under the Auburn Development Contributions Plan 2007.
There is an oversupply of rental properties in the area	There is no evidence to support this claim. Notwithstanding this, the modification seeks to reduce the number of approved apartments within the original approved concept plan.
An increased density and demographic will result in an increased crime rate	There is no evidence to support this claim. The development is designed to accord with the Crime Prevention Through Environmental Design (CPTED) principles, which will be considered in more detail with the future development applications for the site.
The drainage and sewerage issues in Wentworth Point will worsen with an increase in density	The application was forwarded to Sydney Water who have raised no objection to the proposed development. Council's Development Engineer has reviewed the application and has raised no significant drainage concerns. Appropriate infrastructure will need to be constructed in accordance with the relevant authorities requirements for the future construction works.
Increased density will result in a loss of community values	This concern was not discussed in detail. There is no evidence to support this claim.
The development will impact upon available breezes to apartments	It is considered that the proposed buildings would be satisfactorily setback from adjoining properties to ensure the adjoining properties still retain breezes to apartments.
Impacts of wind effects from high buildings	Tower buildings have already been approved on the site as part of the original concept plan. The impacts of wind upon the public domain will be considered on the detailed design as part of future development applications.
The development will block the boundary over Verona Drive and the	All works will be carried out within the boundaries of the subject site. No adjoining vehicular access points will be blocked to adjoining properties.

vehicular access into apartments	
There will be fire related risks due to the proximity of buildings to each other	All buildings constructed will be required to comply with the provisions of the Building Code of Australia, including appropriate separation between occupancies and fire rating provision.
The shadow diagrams do not take into account the shadows cast after 3pm during summer	Accepted planning controls and overshadowing assessment does not consider overshadowing impacts beyond 3pm.
The proposed configuration of Verona Drive does not comply with the DCP	The applicant has amended the plans to redesign Verona Drive in accordance with the design requirements of the HBW DCP.
This should not be a Section 96 application – it is not substantially the same	This issue has been discussed in detail in Section 2 of this report. It is considered that the proposal is substantially the same development as approved.
There is inappropriate solar access to the public domain – particularly the park	<p>Section 4.5.2 of the HBW DCP requires <i>“no more than 50% of the public domain (excluding streets) and communal space areas are overshadowed between 10:00am and 2:00pm between 21 April and 21 August. Provide appropriate shading in summer”</i>.</p> <p>A total of 7,743m² of public domain area is provided, being made up of a 4,820m² Block B public park and a 2,923m² foreshore park.</p> <p>A comparative analysis of solar access and overshadowing of public domain areas for the approved concept masterplan and the proposal was submitted with the application. It is recognised that the development, as proposed to be modified, continues to seek a variation from this DCP requirement. When compared to the approved concept masterplan, the proposal generally results in improved solar access to the foreshore park, however solar access to the Block B public park is reduced in the afternoon hours during winter (although it still receives at least 2 hours of direct sunlight to over 50% of the park area). The increased shadowing of the park is a result of the relocated tower on Block B. Whilst the relocation of the tower increases overshadowing, it results in a number of urban design improvements which are considered to outweigh any additional overshadowing. These benefits include better separation to the tower on Block C, better solar access to apartments, better solar access to communal open spaces and better views.</p> <p>Council's Open Space and Natural Resources Officer raises no significant concerns with the proposal and also notes that the design for the park has located the children's playground in the south west portion of park, which will receive limited direct sunlight during the winter months (April to August) and will also likely be shaded during the afternoon in the summer months. This provides a satisfactory outcome as shade provision for children is important during all months of the year (particularly summer) and also reflects that the park surface is synthetic</p>

	<p>under playground equipment and therefore does not require access to direct sunlight (in contrast to turfed areas).</p> <p>For the reasons above, the proposed solar access is considered satisfactory.</p>
The heights on the foreshore should match the adjoining building heights.	The maximum height of the building adjoining the foreshore is 8 storeys, which is consistent with the maximum height of the adjoining sites to the north and south.

A **conciliation conference** was held on Monday 10 April 2018 between Council officers, the applicant and residents. Issues raised at that meeting largely reflected the issues raised within the submissions.

AMENDED PLANS

Yes

Summary of amendments

The plans were amended with minor modifications to address concerns raised by Council officers. These modifications included the following:

- Revisions to the design of the Block B Public Park including the interface with the proposed Block B buildings
- Revisions to the design of the foreshore promenade to ensure a consistent foreshore treatment
- Reconfiguration of the internal road network, including redesign of the Verona Drive road layout to remove the linear park and provide a central median
- Confirmation of proposed on-street car parking provision
- Amendments to the Block B tower form to remove the stepped façade and colonnade adjacent the Block B Public Park
- Removal of the child care facility.

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.

11.3 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 SREP 24 – Homebush Bay Area and the Homebush Bay West DCP 2004
- The proposal will contribute to the overall housing supply of the local government area
- The proposal does not result in any unreasonable environmental impacts and provides for an improved architectural and urban design outcome.

12. 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.

13. Development Contributions Plan

No contributions are required to be paid at this stage of development as the application involves a concept approval only. No works are proposed as part of this application.

14. Conclusion

The application has been assessed relative to Section 4.15 of the Environmental Planning and Assessment Act 1979, taking into consideration all relevant state and local planning controls. On balance the proposal has demonstrated a satisfactory response to the objectives and controls of the applicable planning framework.

The proposed development is appropriately located within a locality earmarked for high-density residential redevelopment, however some variations (as detailed within the report) in relation to the Homebush Bay DCP 2014 (including Amendment 1) are sought.

Having regard to the assessment of the proposal from a merit perspective, Council officers are 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 minor departures noted above, is consistent with the intentions of the relevant planning controls and represents a form of development contemplated by the relevant statutory and non-statutory controls applying to the land.

It is therefore recommended that the application be approved subject to conditions for the following reasons:

1. The proposal is in accordance with the type of development envisaged for the site under SREP 24 – Homebush Bay and the Homebush Bay West DCP 2004
2. The proposal is generally consistent with the Homebush Bay West DCP 2004 for the redevelopment of the site
3. The proposal will contribute to the overall housing supply of the local government area
4. The proposal does not result in any unreasonable environmental impacts and provides for an improved architectural and urban design outcome.
5. For the reasons given above, approval of the application is in the public interest.

15. Recommendation

That the Sydney Central City Planning Panel, as the determining authority, grant consent to modify Development Application No. DA-19/2015 (Auburn Reference) to amend the approved concept plan for the site, including design refinements incorporating the following: redistribution and realignment of built form, revised location and height of residential towers, repositioning of the public park, reduction in extent of podium car parking, separation of development blocks and confirmation of car parking numbers on land at 37-39 Hill Road, Wentworth Point subject to the conditions contained within **Attachment B**.

ATTACHMENT B - CONDITIONS OF CONSENT

SWCCP Reference:	2017SWC154
DA No:	DA/999/2017
Address:	37-39 Hill Road – Wentworth Point

APPROVAL SUBJECT TO THE FOLLOWING MODIFICATIONS TO THE CONSENT (DA-19/2015 - Auburn Reference):

(A) MODIFY CONDITION 1 TO READ AS FOLLOWS:

1. Approved Plans

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

Plan No	Prepared By	Revision No	Date
Architectural Package			
Survey Plan Project S12088 Drawing A00.01	Bates Smart	C	12.11.2018
Existing Site Plan & Demolition Plan Project S12088 Drawing A00.02	Bates Smart	C	12.11.2018
Indicative Staging Plan Project S12088 Drawing A01.01	Bates Smart	C	12.11.2018
Proposed Block Plan & Setbacks Project S12088 Drawing A01.02	Bates Smart	D	16.11.2018
Proposed Site Plan Project S12088 Drawing A01.03	Bates Smart	C	12.11.2018
Traffic Movement Project S12088 Drawing A01.04	Bates Smart	C	12.11.2018
Envelope Comparison Project S12088 Drawing A02.001	Bates Smart	C	12.11.2018
Block A Envelope Comparison Project S12088 Drawing A02.002	Bates Smart	C	12.11.2018
Block B Envelope Comparison Project S12088 Drawing A02.003	Bates Smart	C	12.11.2018
Block C Envelope Comparison Project S12088 Drawing A02.004	Bates Smart	C	12.11.2018
Block D Envelope Comparison Project S12088 Drawing A02.005	Bates Smart	C	12.11.2018
Public Domain Alignment Project S12088 Drawing A02.006	Bates Smart	D	20.11.2018
Envelope Sections Comparison Project S12088 Drawing A02.101	Bates Smart	C	12.11.2018
Block A Indicative Sections Comparison Project S12088 Drawing A02.102	Bates Smart	C	12.11.2018
Block B Indicative Sections Comparison Project S12088 Drawing A02.103	Bates Smart	C	12.11.2018
Block C Indicative Sections Comparison Project S12088 Drawing A02.104	Bates Smart	C	12.11.2018
Block D Indicative Sections Comparison Project S12088 Drawing A02.105	Bates Smart	C	12.11.2018
Indicative Street Elevation 1 Project S12088 Drawing A02.201	Bates Smart	C	12.11.2018
Indicative Street Elevation 1 Project S12088 Drawing A02.201	Bates Smart	C	12.11.2018

Indicative Street Elevation 2 Project S12088 Drawing A02.202	Bates Smart	C	12.11.2018
Indicative Street Elevation 3 Project S12088 Drawing A02.203	Bates Smart	C	12.11.2018
Indicative Street Elevation 4 Project S12088 Drawing A02.204	Bates Smart	C	12.11.2018
Indicative Street Elevation 5 Project S12088 Drawing A02.205	Bates Smart	C	12.11.2018
Indicative Typical Lower Basement Plan Project S12088 Drawing A03.0B2	Bates Smart	C	12.11.2018
Indicative Basement 01 Plan Project S12088 Drawing A03.0B1	Bates Smart	C	12.11.2018
Indicative Ground Floor Plan Project S12088 Drawing A03.000	Bates Smart	C	12.11.2018
Indicative Level 01 Plan Project S12088 Drawing A03.001	Bates Smart	C	12.11.2018
Indicative Level 02 Plan Project S12088 Drawing A03.002	Bates Smart	C	12.11.2018
Indicative Typical Floor Plan Project S12088 Drawing A03.003	Bates Smart	C	12.11.2018
Indicative Typical Setback Floor Plan Project S12088 Drawing A03.004	Bates Smart	C	12.11.2018
Indicative Typical Tower Floor Plan Project S12088 Drawing A03.005	Bates Smart	C	12.11.2018
Indicative Typical Tower Setback Plan Project S12088 Drawing A03.006	Bates Smart	C	12.11.2018
Indicative Roof Plan Project S12088 Drawing A03.007	Bates Smart	C	12.11.2018
Typical Floor Plan – Area Calculation Project S12088 Drawing A10.001	Bates Smart	C	12.11.2018
Civil Works Package			
Cover Sheet Project 17-477 Drawing DAC1001	AT&L	A	16.10.2018
General Arrangement Project 17-477 Drawing DAC1005	AT&L	A	16.10.2018
Typical Section Sheet 1 Project 17-477 Drawing DAC1007	AT&L	A	16.10.2018
Typical Section Sheet 2 Project 17-477 Drawing DAC1008	AT&L	A	16.10.2018
Siteworks Plan Sheet 1 Project 17-477 Drawing DAC1011	AT&L	A	16.10.2018
Siteworks Plan Sheet 2 Project 17-477 Drawing DAC1012	AT&L	A	16.10.2018
Siteworks Plan Sheet 3 Project 17-477 Drawing DAC1013	AT&L	A	16.10.2018
Siteworks Plan Sheet 4 Project 17-477 Drawing DAC1014	AT&L	A	16.10.2018
Vehicle Turning Path Plan Sheet 1 Project 17-477 Drawing DAC1071	AT&L	A	16.10.2018
Vehicle Turning Path Plan Sheet 2 Project 17-477 Drawing DAC1072	AT&L	A	16.10.2018
Vehicle Turning Path Plan Sheet 3 Project 17-477 Drawing DAC1073	AT&L	A	16.10.2018
Vehicle Turning Path Plan Sheet 4 Project 17-477 Drawing DAC1074	AT&L	A	16.10.2018
Vehicle Turning Path Plan Sheet 5 Project 17-477 Drawing DAC1075	AT&L	A	16.10.2018
Vehicle Turning Path Plan Sheet 6 Project 17-477 Drawing DAC1076	AT&L	A	16.10.2018

Document and Reference No	Prepared By	Revision No	Date
Masterplan Section 96 Design Report	Bates Smart	E	November 2018
Remediation Action Plan Project 85836.03	Douglas Partners	0	21.09.2018
Acid Sulfate Soil Management Plan Project 85836.02	Douglas Partners	0	16.07.2018

except as otherwise provided by the conditions of this determination. Where there is a discrepancy between the architectural plans and other plans/documentation, the architectural plans will prevail.

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.

(B) MODIFY CONDITION 4 TO READ AS FOLLOWS:

4. Subsequent applications to comply with Staged Development approval

The determination of any further development application made in respect of Precinct D, as identified under the Homebush Bay West Development Control Plan Amendment No. 1, cannot be inconsistent with this staged development consent.

The detailed design of the approved envelopes including the location of service areas and future development of Blocks A through D shall be contained within the building footprint and envelopes approved as part of this staged development consent. Any future development application made in respect of the land the subject of this staged development consent shall comply with the following:

- a) To facilitate the construction of the pedestrian promenade and to promote temporary access during all construction processes, the pedestrian promenade, to a width of 5 metres from the Bay and construction of the sea wall to the satisfaction of Council, should form part of any first stage works associated with any subsequent application within the staged works.
- b) **The total cumulative floor space for Precinct D shall not exceed the maximum: 97,087m². This figure excludes horizontal corridors and lobbies on all levels and above ground parking where it is sleeved by active uses.**
- c) The floor plate of each tower within Blocks B and C in Precinct D shall comply with Part 5.3.3 (i) of the Homebush Bay West Development Control Plan (Amendment No. 1) 2013.
- d) **Each block forming part of the Concept Plan shall be subject of a separate development application.**
- e) **The design of Block B shall incorporate the following requirements to optimise the amenity of the park:**
 - (i) **There shall be no building overhang (with the exception of an awning) across the 3m wide pathway located to the east of the tower on Block B**
 - (ii) **A minimum 1.5m slab set down for soil media is to be provided above the basement carpark within the park on Block B**
- f) **The road layouts shall be designed in the manner indicated on the Public Domain Alignment Plan - Project S12088 Drawing A02.006 Issue D dated 20.11.2018 prepared by Bates Smart.**

Reason: To ensure consistency with Division 2A of the EP&A Act 1979.

(C) INSERT CONDITION 5A TO READ AS FOLLOWS:

5A. NSW Water General Terms of Approval

1. A Water Supply Work Approval from WaterNSW must be obtained prior to commencing dewatering activity on the proposed site. Please complete an Application for approval for water supply works. and/or water use.
2. An application for a Water Supply Works Approval will only be accepted upon receipt of supporting documentation, and payment of the applicable fee (see Application fees for New or amended Works and/or Use Approvals). The information required for the processing of the water supply work application may include preparation of a dewatering management plan. Please refer to checklist attached.
3. If approved, the Approval will be issued for a period of up to 24 months to cover the dewatering requirements during the construction phase. It will include conditions to ensure that impacts are acceptable and that adequate monitoring and reporting procedures are carried out. The Approval will be issued subject to the proponent meeting requirements of other agencies and consent authorities. For example, an authorisation by either Sydney Water or the local Council, depending where the water will be discharged. If contaminants are likely, or are found to be present in groundwater, and are being discharged to stormwater, including high salinities, a discharge licence under the Protection of the Environment Operations Act 1997 (NSW) may also be required.
4. WaterNSW prefers "tanking" (ie. total water proofing below the seasonal high water table) of basement excavations, and avoids the ongoing extraction of groundwater after the initial construction phase. It is also advised to adopt measures to facilitate movement of groundwater post construction (eg. a drainage blanket behind the water-proof membrane).
5. If the basement is not "tanked", the proponent will require a Water Access Licence (WAL) and need to acquire groundwater entitlements equivalent to the yearly ongoing take of groundwater. Please note: Acquiring groundwater entitlements could be difficult, and may cause delay in project completion. If a WAL is required, please complete an Application for a new water access licence with a zero share component.

Reason: To ensure the general terms of approval of NSW Water Integrated Approval are incorporated.

(D) MODIFY CONDITION 6 TO READ AS FOLLOWS:

6. Issuing of Construction Certificates – Controlled Activity Approval

The Construction Certificate will not be issued over any part of the site requiring a controlled activity approval or Water Supply Work Approval and if required, a Water Access Licence until a copy of the approval/s have been provided to Council.

Reason: To ensure the appropriate approvals are obtained from the Department of Industry (Land and Water) and Water NSW where required prior to the issuing of a Construction Certificate.

(E) **ADD CONDITION 7A TO READ AS FOLLOWS:**

7A. Car Parking Requirements – future development applications

Car parking for the redevelopment of the site shall be provided as per the following requirements unless otherwise agreed to by Council:

(a) The following car parking rates will apply to all future development applications:

Development Usage	Car Parking Provision
Residential - 1 bedroom	1.0 space per apartment
Residential – 2 bedroom	1.5 spaces per apartment
Residential - 3 bedroom	2.0 spaces per apartment
Residential - Visitor	1 space per 8 apartments
Car Share	1 space per 200 apartments
Retail	2 employee spaces + 1 space per 40m ²
Commercial	1 space per 60m ² (this rate is based on standard commercial office space – more intense land uses such as child care centres will need to be re-evaluated)

- (b) All parking for residential apartment and retail/commercial use (with the exception of a maximum 50% of residential visitor spaces) is to be contained within the respective development block.
- (c) A maximum 50% of the required visitor parking spaces is authorised to be accommodated on street within the site.
- (d) Motorcycle and bicycle parking to be provided in accordance with the Homebush Bay West DCP 2004.
- (e) On-street parking provision within the site is to be time restricted. Details of the parking restrictions are to be illustrated on civil design plans submitted for the future development applications. A separate application is required to be submitted for the proposed parking restrictions to Council's Traffic and Transport Services section for consideration by the Parramatta Traffic Committee for approval. The owner of the road is to enter into an agreement with Council for parking enforcement prior to the issue of an occupation certificate for each future development application.
- (f) On-street parking spaces are to be provided in accordance with AS 2890.5. The proposed zebra crossings are to be removed from the Civil Works Package. Details are to be illustrated on plans submitted for the future development applications.

Reason: To confirm the car parking requirements for the future development of the site.

(F) **MODIFY CONDITION 6 TO READ AS FOLLOWS:**

8. Landscaping

Each future stage is to be supported by a comprehensive landscape plan, prepared by a suitably qualified landscape architect demonstrating compliance with the Homebush Bay West Development Control Plan 2004 (as amended) and the Homebush Bay West Public Domain Manual 2005 **and generally in accordance with the Landscape Master Plan prepared by Arcadia dated October 2018.**

Note: Minor variations to the above may be supported with the approval of Council.

Reason: To ensure a landscape framework which reflects the different scale and function of public streets and functions is provided.

(G) MODIFY CONDITION 10 TO READ AS FOLLOWS:

10. Remediation – future development applications

Any future development application associated with the construction and use of the site(s) shall incorporate the remediation of the site in accordance with the recommendations of the Remediation Action Plan (Project 85836.03) prepared by Douglas Partners dated 21.09.2018.

Where the remedial action has been carried out, a validation report must be submitted to Council and the Principal Certifying Authority stating that the objectives in the RAP have been achieved and the land is remediated to a standard suitable for the proposed land use.

Reason: To ensure the site is suitable for the proposed development.

(H) ADD CONDITION 13A TO READ AS FOLLOWS:

13A. Dual Water Reticulation Piping – future development applications

All future development applications for the buildings on Blocks A to D inclusive shall provide utility services including dual water reticulation piping (lilac pipes) to enable connection to future recycled water via the Sydney Olympic Park Water Reclamation and Management Scheme (WRAMS) or other future Sydney Water recycled water system. The dual reticulation (dual pipe) system is to be installed of sufficient size and capacity to supply all potable and non-potable water uses for the building including single connection point at the boundary of the site for connection to a future recycled water scheme. Details are to be included in the relevant Construction Certificates.

Note: SOPA recycled water main infrastructure currently exists along Hill Road adjoining the site ready for connection.

Reason: To provide for dual water reticulation on the site and improve the sustainability measures of the development.

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 4 of the Act.

Apartment Design Guide Assessment

The detailed plans contained within the approved documentation are noted as being indicative only for the purposes of general assessment of the concept plan. All future developments are expected to comply with the requirements of the Apartment Design Guide. It is noted that certain matters such as communal open space will need further investigation to comply with the minimum guideline requirements, such as incorporating the provision of rooftop communal open space areas. Any areas of non-compliance will be considered on a merit basis during the detailed assessment of future development applications.

Ausgrid Requirements

Any future development application is to comply with the following Ausgrid requirements, unless otherwise notified in writing by Ausgrid:

(a) Method of Electricity Connection

The method of connection will be in line with Ausgrid's Electrical Standard (ES)1 - 'Premise Connection Requirements'.

(b) Supply of Electricity

It is recommended for the nominated electrical consultant/contractor to provide a preliminary enquiry to Ausgrid to obtain advice for the connection of the proposed development to the adjacent electricity network infrastructure. An assessment will be carried out based on the enquiry which may include whether or not:

- The existing network can support the expected electrical load of the development
- A substation may be required on-site, either a pad mount kiosk or chamber style and;
- site conditions or other issues that may impact on the method of supply.

Please direct the developer to Ausgrid's website, www.ausgrid.com.au about how to connect to Ausgrid's network.

(c) Conduit Installation

The need for additional electricity conduits in the footway adjacent to the development will be assessed and documented in Ausgrid's Design Information, used to prepare the connection project design.

(d) Proximity to Existing Network Assets

Underground Cables

There are existing underground electricity network assets in Hill Rd. Special care should also be taken to ensure that driveways and any other construction activities within the footpath area do not interfere with the existing cables in the footpath. Ausgrid cannot guarantee the depth of cables due to possible changes in ground levels from previous activities after the cables were installed. Hence it is recommended that the developer locate and record the depth of all known underground services prior to any excavation in the area.

Should ground anchors be required in the vicinity of the underground cables, the anchors must not be installed within 300mm of any cable, and the anchors must not pass over the top of any cable.

Safework Australia - Excavation Code of Practice, and Ausgrid's Network Standard NS156 outlines the minimum requirements for working around Ausgrid's underground cables.

Substation

There are existing electricity substation assets S3281 that requires removal for the allocation of the proposed buildings onsite.

The substation ventilation openings, including substation duct openings and louvered panels, must be separated from building air intake and exhaust openings, natural ventilation openings and boundaries of adjacent allotments, by separation distances which meet the requirements of all relevant authorities, building regulations, BCA and Australian Standards including AS 1668.2: The use of ventilation and air-conditioning in buildings - Mechanical ventilation in buildings.

In addition to above, Ausgrid requires the substation ventilation openings, including duct openings and louvered panels, to be separated from building ventilation system air intake and exhaust openings, including those on buildings on adjacent allotments, by not less than 6 metres. Any portion of a building other than a BCA class 10a structure constructed from non combustibile materials, which is not sheltered by a non-ignitable blast-resisting barrier and is within 3 metres in any direction from the housing of a kiosk substation, is required to have a Fire Resistance Level (FRL) of not less than 120/120/120. Openable or fixed windows or glass blockwork or similar, irrespective of their fire rating, are not permitted within 3 metres in any direction from the housing of a kiosk substation, unless they are sheltered by a non-ignitable blast resisting barrier.

The development must comply with both the Reference Levels and the precautionary requirements of the Draft Radiation Protection Standard for Exposure Limits to Electric and Magnetic Fields 0 Hz - 3 kHz (ARPANSA, 2006).

For further details on fire segregation requirements refer to Ausgrid's Network Standard 141.

Existing Ausgrid easements, leases and/or right of ways must be maintained at all times to ensure 24 hour access. No temporary or permanent alterations to this property tenure can occur without written approval from Ausgrid. For further details refer to Ausgrid's Network Standard 143.

Pre-lodgement Process

It is strongly recommended that applicants arrange a pre-lodgement meeting (and pre-lodgement design review) with Council prior to lodging a development application for the future development of the blocks on the site. Experience shows that delays in the processing of development applications often occur as a result of inadequate information being submitted or a lack of understanding about the relevant local development controls.

Council officers will provide formal feedback, identify key issues and provide guidance where possible. The meetings are not intended to investigate every detail covered in the formal development assessment process or pre-empt the outcome of your development application.