



**SYDNEY CENTRAL CITY PLANNING PANEL
COUNCIL ASSESSMENT REPORT**

Panel Reference	2018SWC055
DA Number	DA/613/2016/E
LGA	City of Parramatta
Proposed Development	Section 4.55(1A) modification to an approved mixed use development. Modifications include the reduction of 3 apartments, reconfiguration of parking areas, signage, awnings and apartments, staged occupation and the provision of 2 additional retail tenancies.
Street Address	14 Burroway Road, Wentworth Point (Lot 11 DP270778)
Applicant	Fairmead Business Pty Limited
Owner	Fairmead Business Pty Limited
Date of DA lodgement	18 December 2017
Number of Submissions	None – Notification not required.
Recommendation	Approval subject to revised conditions
Regional Development Criteria (Schedule 4A of the EP&A Act)	Pursuant to Schedule 7 of State Environmental Planning Policy (State and Regional Development) 2011, the proposal is a s4.55(1A) modification to an application with a capital investment value of more than \$30 million.
List of all relevant s79C(1)(a) matters	<ul style="list-style-type: none"> • Environmental Planning and Assessment Act 1979 • Water Management Act 2000 (NSW) • Environmental Planning and Assessment Regulations 2000 • State Environmental Planning Policy No. 55 (Remediation of Land) • State Environmental Planning Policy No. 65 (Design Quality of Residential Apartment Development) • State Environmental Planning Policy (Coastal Management) 2018 • 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

	<ul style="list-style-type: none"> • Sydney Regional Environmental Plan No. 24 • Homebush Bay West DCP 2004 and Amendment No. 1
List all documents submitted with report	<ul style="list-style-type: none"> • Attachment 1 – Modified Conditions • Attachment 2 – Modified Architectural Drawings
Report prepared by	Ferdinando Macri DA Planner, City Significant Development
Report date	24 April 2018

Summary of s79C matters

Yes

Have all recommendations in relation to relevant s79C matters been summarised in the Executive Summary of the assessment report?

Legislative clauses requiring consent authority satisfaction

Yes

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?

Clause 4.6 Exceptions to development standards

N/A

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?

Special Infrastructure Contributions

No

Does the DA require Special Infrastructure Contributions conditions (S94EF)?

Conditions

Yes

Have draft conditions been provided to the applicant for comment?

SECTION 4.55 ASSESSMENT

1. Executive summary

This proposal seeks various modifications to an approved basement car park and 4-tower mixed use development. The modifications include the following:

- The minor amendment of apartment mix on level 20 through the decrease in the total number of apartments from 768 to 765;

- An increase in the overall gross floor area by 204m² from 60,998 to 61,202 +(0.3%) in the accommodation of two additional retail tenancies fronting Waterways Street;
- Retail Basement finished floor levels lowered by 755mm in a sloped configuration, downwards from Wentworth Place;
- Internal reconfiguration of basement parking bays, storage areas, services, stairwells and loading docks.
- Three private roof top terraces added on level 21.
- Parapet height lowered in a sloped arrangement along the eastern elevation.
- Internal reconfiguration of plant facilities, lobbies, along with retail main floor and 'back of house' areas;
- Detailed design of approved signage zones; and
- Changes to external awnings.

Assessment of the application against the relevant planning framework and consideration of matters by Council's technical departments has not identified any fundamental issues or concerns. The application is therefore satisfactory when evaluated against section 4.15 and 4.55(1A) of the Environmental Planning and Assessment Act 1979.

This report recommends that the Panel approve the modification application, subject to the recommended revised conditions.

2. Key Issues

Water Management Act 2000 (NSW):

De-watering License – Retail basement levels have been partially lowered by an additional 755mm and will extend further below the groundwater level.

Environmental Planning and Assessment Regulations 2000:

Staged Occupation Certificates – The applicant has applied for the separation of occupation to allow interim certificates to be issued for a significant portion of residential apartments prior to the retail basement and Wentworth Place road reserve completion.

Sepp 64: Advertising and Signage

Signage – The detailed design of approved signage zones, submitted for assessment.

3. Site description, location and context

3.1 Background

DA-437/2014 Block E Auburn Council	The Joint Regional Planning Panel, at its meeting of 14 August 2015 resolved to approve Development Application No. 437/2014 for the construction of a mixed use development with 768 residential apartments, 10,674m ² of retail space and a 6 level basement car park, landscaping and associated stormwater works. This application was approved (vide a deferred commencement consent) under the former Auburn Council area.
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DA/613/2016 City of Parramatta Council (operative consent)	Following Council amalgamations in May 2016, the deferred commencement conditions were satisfied and City of Parramatta Council issued the operative consent for the original DA on 19 July 2016.
DA/613/2016/A Block E Section 96 City of Parramatta Council	A Section 96(1A) application to amend Condition 149 in regard to the timing of the provision of a lighting design was approved under delegation on 27 October 2016.
DA/613/2016/B Block E Section 96 City of Parramatta Council	A Section 96(1A) application for internal reconfiguration of units, retail areas, car parking and services, modified floor levels, changes to the external appearance of the building, incorporation of hours of operation for the retail component, and provision of a roundabout on Burroway Road was approved under delegation on 31 August 2017.
DA/613/2016/C Block E Section 96 City of Parramatta Council	A Section 96(1) modification to an approved mixed use development to amend Condition 25 to correct the process for roadworks approval was approved under delegation on 29 May 2017.
DA/613/2016/D Block E Section 96 City of Parramatta Council	Section 96(1A) modification to an approved mixed use development. Modifications include increasing the height of the buildings by up to 750mm was approved on 24 November 2017.
DA/613/2016/E Block E Section 4.55 City of Parramatta Council	This is the subject application.

3.2 Site Description

The land, to which this development proposal relates, is contained within the remaining undeveloped stages of Wentworth Point Precinct B formerly known as Lot 10 in DP776611. The land to be developed comprises of Blocks B, C, E, F & H including the dedicated public open space of Block F which totals 7.799ha inclusive of streets and public open space. The site covered by this application inclusive of streets totals 22,831m², while the Block E development parcel is an irregular 'L' shaped allotment, with a site area of 13,066m². The site is legally identified as Lot 11 in DP 270778 and is known as 3 Burroway Road, Wentworth Point.

The proposed development block is located south of Burroway Road adjacent to Blocks D and G to the west and Block B to the south. The site is bounded by Footbridge Boulevard, Burroway Road, Waterways Street and a future road known as Wentworth Place (approved by this original application).

There is a mixture of development in the locality ranging from industrial/warehouse uses to newer multi storey residential flat buildings. Within the wider locality, there is a ferry terminal with access from Burroway Road. To the south there has been significant redevelopment over the past decade where a transition has occurred from industrial uses to medium to high density development. This shift of development is currently taking place to the north of the site where land has been cleared to further accommodate similar development forms.

The site is shown in the map below.

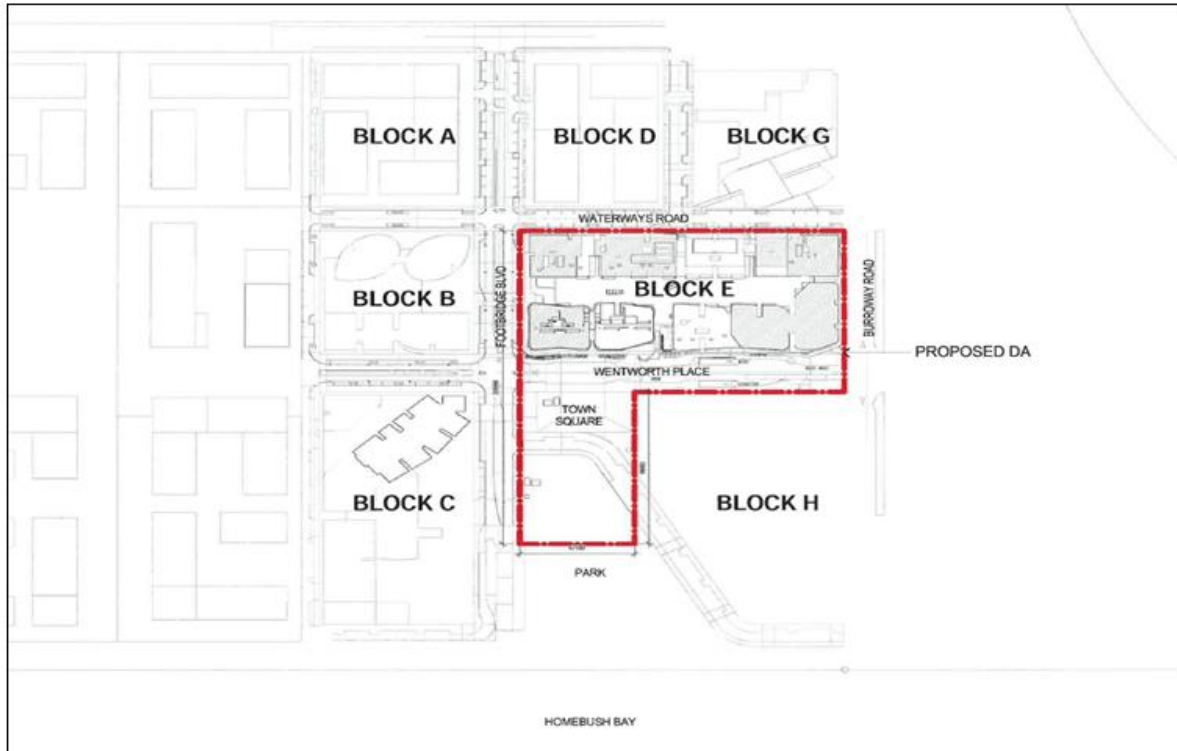


Figure 1: Development land included within the approved DA-437/2014 (Auburn Reference)

The site was inspected in January 2018, this inspection revealed that construction works are well advanced and nearing completion on the residential component and that the town square carpark is at a preliminary excavation stage.



Figure 2: Present status of construction works.

3.3 Related Applications

N/A

4. The Proposal

The applicant has advised of the need for modifications as follows:

Further architectural and technical refinements to the plans as part of the ongoing detailed design development and construction certification.

The modifications requested are to correct a miscalculation of the required adaptable dwellings under condition 16 A.

The retail basement floor levels have been lowered and sloped to reduce the overall height of the basement carpark and ensure that it remains below the adjoining public domain level of Footbridge Boulevard in the improvement of the ground level interface.

The inclusion of signage detail to promote the different retail tenancies and functions contained on the site and enable building identification.

In summary, the modifications sought by the applicant are to:

Condition No.	Reason for amendment
Amend Condition 2 (Drawing List & Document Table)	<p>Retail Basement:</p> <ul style="list-style-type: none">- Finished floor levels lowered by 755mm in a slopped configuration, downwards away from Wentworth Place. Floor levels now transition from: (B1) RL +800 – RL +45 (1) RL +3.65 – RL +2.87 (2) RL +6.5 – RL +5.72 (3) RL +9.475 – RL +8.7- Fire access stairwell relocated from central area to an adjacent external basement wall.- B1 retail lobby area reduced.- Internal modification of plant facilities. <p>Residential Level B1:</p> <ul style="list-style-type: none">- Internal modification of plant facilities.- Basement storage areas added. <p>Residential Level 1:</p> <ul style="list-style-type: none">- Internal modification of plant facilities and building management rooms. <p>Residential Level 2:</p> <ul style="list-style-type: none">- Plant facilities added and modified.- Residential storage areas added.- Stairs removed from mezzanine circulation corridor.- Mezzanine Sample Storage room floor level raised from RL +8.050 to RL +8.550.

	<ul style="list-style-type: none"> - 2 Storerooms facing Waterways Street converted to retail tenancies. This amendment results in an additional 204m² of floor space. <p>Residential Level 3:</p> <ul style="list-style-type: none"> - External awning structures modified. - Residential lobby accessed via Footbridge Boulevard internally modified. - Retail shops and kiosks internally reconfigured. - Additional 'Back of House' areas incorporated within the major supermarket tenancy. Specifications as per Complying Development Certificate No. 17038. <p>Residential Level 4:</p> <ul style="list-style-type: none"> - External awning structures modified. - Plant facilities modified internally and added. - Residential storage areas added. - Retail tenancies internally reconfigured. <p>Residential Level 5:</p> <ul style="list-style-type: none"> - External awning structures modified. - Plant facilities converted to landscaped area. - Residential storage areas added. <p>Residential Level 6:</p> <ul style="list-style-type: none"> - Plant facilities modified internally. - Residential storage areas added and modified. <p>Residential Level 7:</p> <ul style="list-style-type: none"> - Landscaped areas reconfigured. - Gates to separate private open space from the communal courtyard added. - Courtyard apartments sliding glass doors amended to bi-fold doors. - Landscape feature adjacent to skylight increased in size. <p>Residential Level 8-19:</p> <ul style="list-style-type: none"> - Skylight windows incorporated and relocated. - Retail plant area adjusted. - Mechanical riser added to plant rooms. <p>Residential Level 20:</p> <ul style="list-style-type: none"> - (2x) 2 Bedroom + Study Units converted to (2x) 3 Bedroom Units. - (6x) 1 Bedroom Units & 1 Bedroom + Study Units converted to (3x) 3 Bedroom Units. - (1x) 1 Bedroom Unit + Study converted to (1x) 2 Bedroom Unit. - (1x) 2 Bedroom Unit + Study reduced in size to (1x) 2 Bedroom Unit. <p>Residential Level 21-27:</p> <ul style="list-style-type: none"> - Private staircase and roof terrace added (Level 21) - Mechanical riser added to plant rooms.
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	<p>Roof: Parapet lowered along the western elevation extent.</p> <p>Signage:</p> <p><u>Wentworth Place Frontage</u></p> <ul style="list-style-type: none"> • Illuminated wall signage (10.18m x 4.76m), incorporated within the street façade design element, including the “Marina Square” development name and the logo of the major “Coles” tenant. • One illuminated fascia panel sign (5.8m x 1m), affixed to the retail entrance awning for building identification. • One illuminated double-sided wall sign (2.5m x 1.1m), displaying the “Coles” and “Liquorland” Logo above the retail tenancy street entrance. • One illuminated above-awning sign (4.2m x 1.5m), for building identification at the retail lobby. <p><u>Footbridge Boulevard Frontage</u></p> <ul style="list-style-type: none"> • One illuminated double-sided wall sign (2.9m x 1.3m), displaying the “Coles” and “Liquorland” Logo above the retail lobby entrance. • One illuminated above-awning sign (3.3m x 1.4m), for building identification at the retail lobby. <p><u>Waterways Street Frontage</u></p> <ul style="list-style-type: none"> • One illuminated fascia panel sign (7.1m x 0.9m), affixed to the retail entrance awning for building identification. • One illuminated wall sign (3.55m x 3.315m), adjacent to the retail entrance staircase to display building identification and promote the previously referenced major tenancy brands. • One illuminated under awning sign (2.4m x 1.1m), to identify the “Coles Click and Collect” pick-up location. • One illuminated wall sign (11.63m x 1.5m), displaying building identification and the “Coles” brand logo.
Amend Condition 4 (Development Contributions)	The revised dwelling number and mix on level 20 requires the recalculation of development contributions.
Add Condition 104. A (Basement Tanking)	The recommended condition is to ensure that the under construction retail basement is protected from groundwater via tanking to RL 1.6m AHD.
Add Condition 137. A (Signage Illumination)	The submission of a detailed signage schedule has enabled the inclusion of an additional safety measure condition to regulate signage illumination in compliance with the relevant Australian Standards and curfew restrictions.
Amend Condition 107 (Road and Footpath Construction) Amend Condition 108 (Road Construction) Amend Condition 109 (Street Lighting – Internal Roads) Amend Condition 149 (Street Lighting – Public Roads)	<p>The inclusion of additional conditions to manage the safe and timely occupation of the completed residential apartments that have circulation cores and amenities separate from the under construction Wentworth Place road reserve and the retail/commercial basement. Staging has been nominated as follows:</p> <p>Stage 1A: Occupation of residential apartments accessed from circulation cores E6 and E7, which adjoin Waterways Street.</p> <p>Stage 1B: Occupation of residential apartments accessed from circulation core E1 with direct access provided to Footbridge Blvd.</p>

	Stage 2: Occupation of retail tenancies, residential apartments accessed from circulation cores E2 – E5 and the retail car park after the completion of Wentworth Place road works.
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During the course of assessment, the applicant submitted the following additional information and revised drawings in response to concerns raised by Council officers:

- Complying Development Certificate (CD/908/2017) for major supermarket tenancy.
- Revised Architectural Plans to correct various issues.
- Groundwater Levels and Dewatering Letter (Geotechnical Addendum) to confirm additional excavation would not require dewatering.
- Schedule of signage, accompanied by a SEPP 64 Assessment.
- Occupation Staging Diagram to stagger the use of the site over three stages.

5. Referrals

Internal Referrals	Comment
Traffic Engineering	Council's Traffic Engineer outlined that the changes proposed are within the requirements of the DCP and the layout of car parking areas would remain satisfactory. Further recommendations were not necessary as the previous traffic related consent conditions remain satisfactory in this modification proposal.
Urban Design	The proposal was referred to the Urban Design Specialist, who raised no objection to the modifications.
External Referrals	
None required given the scope of modifications proposed.	

6. Environmental Planning and Assessment Act

The sections of this Act which require consideration are addressed below:

Has the consent lapsed? No (Consent has been taken up and Block E is currently under construction) – Refer to Figure 2 above.

Section 4.55(1A) Modification

Minimal Environmental Impact

The proposed modification is of minimal environmental impact as the amendments predominantly relate to minor internal building modifications and do not result in any changes to the overall design of the building or significant impacts upon the streetscape or adjoining properties.

Substantially the same development

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

Notification & Submissions

In accordance with Auburn Council's notification procedures that are contained in Section 3.0 of Auburn DCP 2010, notification is discretionary for a Section 96(1A) application. The

application was not notified as it was considered that no adjoining properties would be significantly impacted by the proposed development.

SECTION 4.15 ASSESSMENT

The proposed modifications have been assessed in accordance with the matters for consideration under Section 4.15 of the EP&A Act, 1979. The modifications and impacts in accordance with relevant legislation and policy is discussed below.

Water Management Act 2000 (NSW)

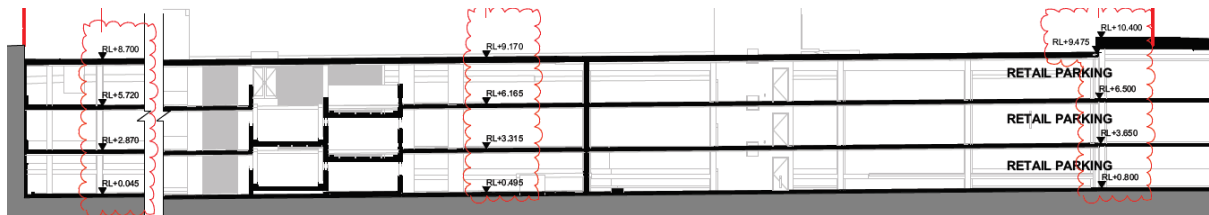


Figure 3: Section of revised retail car park levels

The revision of the retail car park levels allows the above public open space to achieve an on-grade transition from the adjoining public domain footpaths. Additional excavation to RL +0.045m AHD in the retail basement would extend below the water table as measured in the original Geotechnical report (Doc. No 72264.07 Draft 0), 11 December 2014, prepared by Douglas Partners. This would then require referral to DPI – Water to determine if a dewatering licence must be obtained. However, in response the applicant's geotechnical consultant has provided an addendum groundwater advisory letter stating this is not necessary, for the following reasons:

- Current on-site piling excavations undertaken by the proponent to depth of -0.25m AHD, have not encountered the water table to date and that dewatering was not needed throughout any prior excavation works.
- This on-site data has revealed that the ground water level is currently lower than the borehole measurements conducted in 2014 ranging from +0.8m to +1.2m AHD.
- The additional 755mm of partial excavation, is relatively minor and would not require a dewatering licence as the basement is to be fully tanked to RL +1.6m AHD.

On the basis of the consultant's recommendations a new consent condition will be inserted to secure basement tanking specifications and protect these underground levels from the water table, as detailed below:

104.A *The retail basement is to be fully tanked to RL +1.6m AHD. Details of compliance are to be submitted the PCA prior to the issue of the relevant occupation certificate and or any use of this parking area.*

Reason: *To ensure that the basement is protected from rising groundwater levels in the implementation of safety measures recommended by the Geotechnical specialist.*

Notwithstanding, an advisory note is to be attached to consent that will recommended DPI – Water is contacted to determine whether a dewatering license must be obtained. (Refer to recommendation section)

State Environmental Planning Policy (Coastal Management) 2018

The proposed amendments are not considered likely to have a detrimental impact on coastal wetlands, vulnerable areas, or environments.

State Environmental Planning Policy No. 55 – Remediation of Land

The proposed modification includes the lowering of the retail basement car park. Notwithstanding, the additional 755mm of excavation does not alter the previous conclusion of the original consent in terms of contamination and the previously recommended remediation conditions remain sufficient to manage this modification. As such, the proposed modification is considered to be satisfactory with respect to the provisions of SEPP55.

State Environmental Planning Policy No. 64 – Advertising and Signage

Signage zones were previously approved in DA/613/2016, with the detailed specifications include in this modification application.

SEPP 64 aims to ensure that outdoor advertising is compatible with the desired amenity and visual character of an area, provides effective communication in suitable locations and is of high quality design and finish.

Clause 8 of SEPP 64 states the following:

A consent authority must not grant development consent to an application to display signage unless the consent authority is satisfied:

- (a) *that the signage is consistent with the objectives of this Policy as set out in clause 3 (1) (a), and*
- (b) *that the signage the subject of the application satisfies the assessment criteria specified in Schedule 1.*

Aims and Objectives

The proposed signage is compatible with the desired amenity and visual character of the area, namely a Homebush Bay West DCP neighbourhood centre, the existing development in the surrounds and the nearby development expected into the future. A majority of the proposed signage emplacements are located at the developments major pedestrian access points to animate the public domain and assist wayfinding retail uses contained within the mixed use development.

The proposal provides effective communication in suitable locations, is of high quality design and finish, and is therefore consistent with the aims and objectives of Clause 3 of SEPP 64.

Assessment Criteria

The following table outlines the manner in which the proposed signage satisfies the assessment criteria of SEPP 64.

Consideration	Comment
1 Character of the area	
Is the proposal compatible with the existing or desired future character of the area or locality in which it is proposed to be located?	The proposed signage is generally consistent with that expected for a large scale mixed use development.

Is the proposal consistent with a particular theme for outdoor advertising in the area or locality?	The signs are compatible with the existing and future character of a major neighbourhood centre as outlined in the Homebush Bay West DCP. Being that appropriate signage is positioned to animate the public domain through the display of the various functions that comprise the mixed use development, but not at the detriment of surrounding development or the adjacent streetscape.
2 Special areas	
Does the proposal detract from the amenity or visual quality of any environmentally sensitive areas, heritage areas, natural or other conservation areas, open space areas, waterways, rural landscapes or residential areas?	<p>The proposed signage is not visible from Sydney Olympic Parklands, Homebush Bay or the Parramatta River. Consequently, the proposal will not detract from these significant views, vistas or settings, as the site is distanced from these sensitive areas.</p> <p>The future public open space opposite Wentworth Place is only minimally impacted as signage is affixed considerably higher than the range of pedestrian eye level and the implementation low impact diffused illumination.</p>
3 Views and vistas	
Does the proposal obscure or compromise important views?	All of the proposed signage is affixed to the approved building envelope and will not extend above or beyond this envelope in a manner that would compromise any surrounding view corridors / important vistas.
Does the proposal dominate the skyline and reduce the quality of vistas?	
Does the proposal respect the viewing rights of other advertisers?	
4 Streetscape, setting or landscape	
Is the scale, proportion and form of the proposal appropriate for the streetscape, setting or landscape?	<p>The proposed signage is appropriately scaled in respect to the surrounding residential streetscape settings and the size of the mixed use development. Signage is located to address the all adjoining roadways and adequately displays both building identification and wayfinding information.</p> <p>The high quality design ensures that emplacements will animate the streetscape, without creating any visual clutter and that it remains complementary to the previously approved façade, entrances and architectural features.</p>
Does the proposal contribute to the visual interest of the streetscape, setting or landscape?	
Does the proposal reduce clutter by rationalising and simplifying existing advertising?	
Does the proposal screen unsightliness?	
Does the proposal protrude above buildings, structures or tree canopies in the area or locality?	
Does the proposal require ongoing vegetation management?	
5 Site and building	
Is the proposal compatible with the scale, proportion and other characteristics of the site or building, or both, on which the proposed signage is to be located?	The proposed signage is generally consistent with the approved signage zones and respects the design treatment and façade elements of the approved building.

Does the proposal respect important features of the site or building, or both?	
Does the proposal show innovation and imagination in its relationship to the site or building, or both?	
6 Associated devices and logos with advertisements and advertising structures	
Have any safety devices, platforms, lighting devices or logos been designed as an integral part of the signage or structure on which it is to be displayed?	Logos and internal illumination will comprise part of the awning and fascia signage.
7 Illumination	
Would illumination result in unacceptable glare?	The use of internal light boxes and under lighting are diffused in nature. Signage illumination is to comply with the Australian Standard for the Control of the obtrusive effects of outdoor lighting (AS 4282-1197). Conditions to be included in this consent will also secure the dimming of illumination outside of operational retail hours. (Refer to condition 137.A – recommendation below)
Would illumination affect safety for pedestrians, vehicles or aircraft?	
Would illumination detract from the amenity of any residence or other form of accommodation?	
Can the intensity of the illumination be adjusted, if necessary?	
Is the illumination subject to a curfew?	
8 Safety	
Would the proposal reduce the safety for any public road?	The proposed signage will not reduce the safety of the adjoining public road, domain areas or obstruct any critical sight lines of cyclists, pedestrians or motorists.
Would the proposal reduce the safety for pedestrians or bicyclists?	
Would the proposal reduce the safety for pedestrians, particularly children, by obscuring sightlines from public areas?	

State Environmental Planning Policy No. 65 – Design of Residential Flat Buildings

There are minor changes to the approved development that would require assessment under the provisions of SEPP65. The SEPP requires that development take into account the guidelines outlined in the Apartment Design Code (ADG). The relevant matters to consider are discussed below.

(3J) Bicycle and Car Parking: Given that the proposal includes the minor conversion of eight smaller 1 and 2 bedroom apartments, into five larger 3 bedroom apartments the unaltered parking rate is in keeping with the relevant ADG guideline.

(4G) Storage: Additional basement storage area proposed are included to attain the guideline minimum and as such is a welcomed outcome.

(4N) Roof Design: The proposed roof top open space areas are configured to enable acoustic and visual privacy and offer suitable levels of comfort, security and safety. All three of these areas are suitably offset from one another, enclosed by plant facilities, parapet walls and screen plantings.

(4T) Awnings and Signage: Awnings are located over building entries and offer to public domain amenity in adjacent to residential areas. Signage is integrated as a façade design element and/or located on the awnings of entries recessed from the street to allow discrete wayfinding solutions.

State Environmental Planning Policy (Infrastructure) 2007

The proposed internal building modifications will not impact on any matters to be considered under this SEPP, with the total number of parking spaces to remain unmodified.

Sydney Regional Environmental Plan No. 24 – Homebush Bay Area

The proposed modification which relates to minor alterations to the development will not alter the previous conclusions of the original assessment. As such, the proposed modification is considered to be satisfactory with respect to the provisions of the SREP 24.

Homebush Bay West DCP 2004 and Amendment No. 1

The relevant matters to be considered under Homebush Bay West Development Control Plan (as amended) for the proposed development are outlined below.

Control	Proposal and Comment	Comply
4.4.2 Apartment Mix and Affordability	The proposal maintains a variety of dwelling types and accessible / adaptable housing options for people with disabilities, elderly people and families.	Yes
4.4.9 Storage	Compliance with the ADG minimums secured via previously recommended consent condition. Refer SEPP 65 discussion above.	Yes
4.6.1 Awnings and Signage	<p>Signage has been integrated sympathetically within the façade design or located on site entrance awnings for building identification / wayfinding.</p> <p>Under-awning signage is limited to one per building, however most of the proposed signage is above-awning and is adequately recessed from the public domain to alleviate impacts.</p> <p>Signage illumination is to comply with the Australian Standard for the Control of the obtrusive effects of outdoor lighting (AS 4282-1197). Furthermore, the external lighting configuration of internal light boxes and under lighting are covered or diffused in nature. Signage emplacements will also be dimmed outside of retail operation hours to assist in alleviating potential concerns. (Refer to condition 137. A)</p> <p>SEPP 64 assessment detailed above.</p>	Yes
4.6.3 Roof Design	Private open space areas have been proposed for incorporation on the roof top, which is a supported design feature.	Yes
5.3.1 Land Use and Density (Floor Space)	<p><u>Approved floor space:</u> 60,998m² (Block E)</p> <p><u>Proposed floor space:</u> 61,202m² (Block E)</p> <p><u>Cumulative maximum:</u> 220,940m² (Overall Site)</p> <p><u>Cumulative proposed to date:</u> 195,496m² (Overall Site)</p>	Yes

	The addition of two retail tenancies on the ground level of Waterways Street (RT. 203 & RT. 204) totalling 204m ² GFA will improve street activation, passive surveillance and CPTED outcomes. These retail spaces have been incorporated within the approved building envelope, through the conversion of storage areas and will not result in any unacceptable built form impacts.	
5.3.5 General Provisions (Car Parking)	The off street car parking total has not been modified in this proposal.	N/A

In this instance, the proposed modifications are minor in nature (given the scale of the development) and will not result in any significant adverse impact or in an inferior development to that originally approved. Accordingly, the proposed modification is considered to be acceptable and supported by Council.

Staged Occupation

It is proposed to stage the occupation of the residential towers, so that safe access can still be provided whilst construction of the retail car park to the southeast and the Wentworth Place road are finalised.

- **Stage 1A:** Occupation of residential apartments accessed from circulation cores E6 and E7, which adjoin Waterways Street.
- **Stage 1B:** Occupation of residential apartments accessed from circulation core E1 with direct access provided to Footbridge Blvd.
- **Stage 2:** Occupation of retail tenancies, residential apartments accessed from circulation cores E2 – E5 and the retail car park after the completion of Wentworth Place road works.

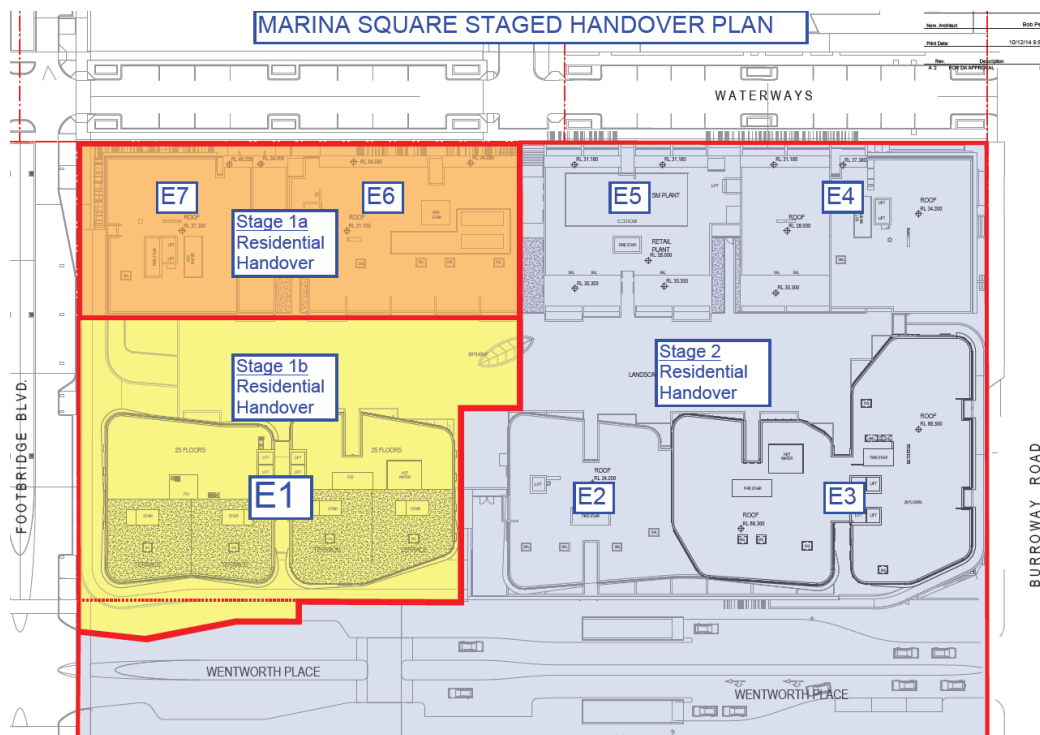


Figure 4: Three Phase Occupation Diagram

Furthermore, the issue of interim occupation certificates would not conflict with pedestrian access to the nominated residential lobbies, waste management procedures, residential parking spaces, services or general accessibility.

Council can support the interim occupation of these residential areas, subject to the inclusion of references that secure the necessary support services and amenities prior to the issue of the relevant occupation certificate. Condition 107, 108, 109 and 149 have been amended in the concluding recommendation accordingly.

Compliance with approved plans

It is noted that certain changes to units were not supported under DA/613/2016/B and the following condition was added to that modification:

2A. *Despite being indicated on the stamped approved modified plans, the following apartment changes are not approved and are to be shown on the Construction Certificate plans as originally approved on plan vide DA/613/2016 (City of Parramatta reference) before the issue of a Construction Certificate:*

- (a) *All 1 bedroom apartments identified as Units E7.503, E7.603, E7.703, E7.803, E7.903, E7.1003)*
- (b) *All Level 7 apartments fronting on to the internal courtyard.*

Reason:- to protect the amenity of the future residents of the site.

[Condition added under DA/613/2016/B]

The plans submitted with this current modification still show the unapproved changes to Units E7.803, E7.903 and E7.1003. It is noted however that Condition 2A will remain on the consent notice and any plans stamped as part of this consent will remain subject to Condition 2A outlined above. The stamping of these plans will not enable the unapproved unit changes.

Miscellaneous Amendments

The changes outlined below were assessed to hold no material planning impact on the quality of the original proposal:

- The addition of three roof top private terraces on level 21.
- Minor amendments to external awnings.
- The relocation of the retail basement car park fire access stairwell and ventilation shafts.
- The internal reconfiguration of retail areas, lobbies, building management rooms and plant facilities.
- The relocation of roof top skylights.
- Parapet sloped and lowered along the western elevation.

SECTION 94 CONTRIBUTIONS

The proposal results in a change to the number and type of units approved on Level 20, and as such modification is required to Section 94 contribution fees.

Unit Type	Approved Dwelling Matrix	Proposed Dwelling Matrix
1 Bedroom	188	181
2 Bedroom	487	486
3 Bedroom	92	97
4 Bedroom	1	1
Total	768	765

Figure 5: Comparison of Level 20 apartment reconfiguration.

On the basis of the updated dwelling mix, the amended S94 contribution has been re-calculated as \$3,387,254.42. As such, condition 4 (development contributions) will be revised accordingly to secure the additional contribution fees.

The suitability of the site for the development

The subject site and locality is not known to be affected by any natural hazards or other site constraints likely to have a significant adverse impact on the proposed modifications. Accordingly, the site is suitable to accommodate the modifications. The proposed modifications have been assessed in regard to their environmental consequences and having regard to this assessment, it is considered that the modifications are suitable in the context of the site and surrounding locality.

The public interest

The public interest is served by permitting the orderly and economic development of land, in a manner that is sensitive to the surrounding environment and has regard to the reasonable amenity expectations of surrounding land users. In view of the foregoing analysis it is considered that the proposed modifications will have no significant adverse impacts on the public interest.

Conclusion

After consideration of the development against the relevant statutory and policy provisions, the proposed modification to the approved mixed use development is acceptable and is not contrary to the public interest. Therefore, it is recommended that the application be approved.

Recommendation

Approval

That the Sydney Central City Planning Panel as the consent authority, modify development consent to Development Application No. DA/613/2016 for the modification of an approved mixed use development including the reduction of 3 apartments, reconfiguration of parking areas, signage, awnings and apartments, staged occupation and the provision of 2 additional retail tenancies on land at 14 Burroway Road, Wentworth Point as shown on the plans submitted with the modification of determination, for a period of five (5) years from the date on the **original** Notice of Determination subject to the following modifications:

A. Condition 2 being modified to read as follows:

Approved Plans – Deferred Commencement

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

Plan Number	Prepared By	Revision No.	Dated
20140117, AD-DA002 Location plan	Scott Carver	A8	27.07.15
20140117, AD-DA003 Site plan	Plus Architecture	A12	26.09.16
20140117, AD-DA004 Demolition plan	Plus Architecture	A8	27.07.15
20140117, AD-DA100 Level B1 Floor Plan – sheet 1/2	Plus Architecture	A14	15.12.17
20140117, AD-DA101 Level B1 Floor Plan – sheet 2/2	Plus Architecture	A14	15.12.17
20140117, AD-DA102 Level 1 Floor Plan – sheet 1/2	Plus Architecture	A11	15.12.17
20140117, AD-DA103 Level 1 Floor Plan – sheet 2/2	Plus Architecture	A15	15.12.17
20140117, AD-DA104 Level 2 Floor Plan – sheet 1/2	Plus Architecture	A14	15.12.17
20140117, AD-DA105 Level 1 Floor Plan – sheet 2/2	Plus Architecture	A14	15.12.17
20140117, AD-DA106 Level 3 Floor Plan – sheet 1/2	Plus Architecture	A15	15.12.17
20140117, AD-DA107 Level 3 Floor Plan – sheet 2/2	Plus Architecture	A14	15.12.17
20140117, AD-DA108 Level 4 Floor Plan	Plus Architecture	A14	15.12.17
20140117, AD-DA109 Level 5 Floor Plan	Plus Architecture	A16	15.12.17
20140117, AD-DA110 Level 6 Floor Plan	Plus Architecture	A16	15.12.17
20140117, AD-DA111 Level 7 Floor Plan	Plus Architecture	A13	15.12.17

20140117, AD-DA112 Level 8 Floor Plan	Plus Architecture	A13	15.12.17
20140117, AD-DA113 Level 9 Floor Plan	Plus Architecture	A13	15.12.17
20140117, AD-DA114 Level 10 Floor Plan	Plus Architecture	A13	15.12.17
20140117, AD-DA115 Level 11 Floor Plan	Plus Architecture	A13	15.12.17
20140117, AD-DA116 Level 12- 19 20-Floor Plan	Plus Architecture	A13	15.12.17
20140117, AD-DA120 Level 20 Floor Plan	Plus Architecture	-	15.12.17
20140117, AD-DA121 Level 21 Floor Plan	Plus Architecture	A12	15.12.17
20140117, AD-DA125 Level 24 22-26 Floor Plan	Plus Architecture	-	15.12.17
20140117, AD-DA131 Level 27 Floor Plan	Plus Architecture	A10	15.12.17
20140117, AD-DA132 Roof Plan	Plus Architecture	A12	15.12.17
20140117, AD-DA201 Elevations – sheet 1	Plus Architecture	A13	08.03.18
20140117, AD-DA202 Elevations – sheet 2	Plus Architecture	A13	08.03.18
20140117, AD-DA203 Elevations – sheet 3	Plus Architecture	A13	08.03.18
20140117, AD-DA204 Elevations – sheet 4	Plus Architecture	A13	08.03.18
20140117, AD-DA211 Sections – sheet 1	Plus Architecture	A11	06.10.17
20140117, AD-DA212 Sections – sheet 2	Plus Architecture	A12	15.02.18
20140117, AD-DA213 Sections - Sheet 3	Plus Architecture	A4	06.10.17
ABSA Certificate 1007126053	Assessor 20047, Integreco P/L	-	11.12.14

ABSA Certificate 1007126053 Sheet 1/33 to 33/33	Assessor 20047, Integreco P/L	-	11.12.14
BASIX Certificate 596769M	Assessor 20047, Integreco P/L	-	11.12.14
BASIX Certificate 563368M	Assessor 20047, Integreco P/L	-	11.12.14
20140117 - LD, DA100 General Arrangement Plan	Scott Carver	G	10.07.17
20140117 - LD, DA101 Detail Ground Floor Landscape Plan	Scott Carver	G	10.07.17
20140117 - LD, DA102 Level 7 Landscape Plan	Scott Carver	B	09.12.14
20140117 - LD, DA103 Roof Top Terrace Plan (Typical)	Scott Carver	C	08.07.15
20140117 - LD, DA401 Ridge Road Section	Scott Carver	B	09.12.14
20140117 - LD, DA402 Typical Planter Section – Footbridge Blvd	Scott Carver	A	10.05.17
20140117 - LD, DA400 Level 7 Indicative Section	Scott Carver	B	09.12.14
20140117 - LD, DA900 Planting Palette	Scott Carver	C	10.05.17
20140117 - LD, DA901 Materials Palette	Scott Carver	B	09.12.14
20140117 – LMS – 01(A) Block E, Landscape Maintenance Strategy	Scott Carver	-	12.12.14
4121-DA-01 Concept Stormwater Plan Block E	Lucas Consulting Engineers	1	1.12.14
4121-DA-02 Ridge Road Long Section	Lucas Consulting Engineers	1	10.12.14
4121-DA-03 Sediment Erosion Plan	Lucas Consulting Engineers	1	10.12.14
20140012, H-DA-000 Cover sheet	Jem design	A	25.11.14

20140012, H-DA-100 Level B1, Floor Plan – Sheet 1 Hydraulic Services	Jem design	A	25.11.14
20140012, H-DA-101 Level B1, Floor Plan – Sheet 2 Hydraulic Services	Jem design	A	25.11.14
20140012, H-DA-102 Level B1, Floor Plan – Sheet 1 Hydraulic Services	Jem design	A	25.11.14
20140012, H-DA-103 Level 1, Floor Plan – Sheet 2 Hydraulic Services	Jem design	A	25.11.14
20140012, H-DA-104 Level 2, Floor Plan – Sheet 1 Hydraulic Services	Jem design	A	25.11.14
20140012, H-DA-105 Level 2, Floor Plan – Sheet 2 Hydraulic Services	Jem design	A	25.11.14
C200, Burroway Rd Design – notes & legend	Taylor Thomson Whitting	P5	17.06.16
C201, Stormwater works plan sheets 1/3 <i>(including any amendments in red)</i>	Taylor Thomson Whitting	P4	08.06.16
C202, Site works plan sheets 2/3 <i>(including any amendments in red)</i>	Taylor Thomson Whitting	P4	08.06.16
C203, Site works plan sheets 3/3 <i>(including any amendments in red)</i>	Taylor Thomson Whitting	P4	08.06.16
C204, Details plan	Taylor Thomson Whitting	P4	08.06.16
C205, Details sheet 2	Taylor Thomson Whitting	P1	08.06.16
C206, Longitudinal section sheet	Taylor Thomson Whitting	P1	08.06.16
Job 20074 Drawing A0245 Civil Sections Sheet 01	Plus Architecture	3	18.04.17
Job 20074 Drawing A0246 Civil Sections Sheet 02	Plus Architecture	3	18.04.17

Job 20074 Drawing A0247 Civil Sections Sheet 03	Plus Architecture	2	18.04.17
Job 20074 Drawing A0248 Civil Sections Sheet 04	Plus Architecture	A	27.01.17
Photomontage Burroway Road			Undated
Marina Staged Handover Plan Drawing 20140117 AD-DA132	Scott Carver	A2	10.12.14
Document Number	Prepared By	Revision No.	Dated
14-165-2 Revised Transport Impact Assessment report	Stanbury & Associates	Revised	July 2015
14183 SAR231 Block E Site Audit Report	Environmental Strategies	0	29.07.15
Access Review	MGAC	v4	3.06.15
Waste Management Plan	Elephants Foot	E	28.03.15
20141163.1 Noise Impact Assessment (Residential)	Acoustic Logic	0	14.10.14
ACG1413800 Noise Impact Assessment (Retail)	WSP	1	10.12.14
610.14519-R1 Environmental Wind Assessment	SLR Global env. solutions	0	09.12.14
067672-03BCA.doc Block E BCA report	Mckenzie Group	C	06.07.15
72264.17.R.003 Advice on Groundwater Levels and Dewatering Wentworth Point Marinas – Block E	Douglas Partners	0	20.02.18
Marina Square Exterior Signage Development Package	Citrus ID	C	January 2018

Except as otherwise provided by the conditions of this determination (Note:- modifications to the approved plans will require the lodgement and consideration by Council of a modification pursuant to Section 96 of the Environmental Planning and Assessment Act).

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

[Condition Modified under DA/613/2016/E on]

B. Condition 4 being modified to read as follows:

4. Auburn DCP 2007 – Homebush Bay West

Development Contributions are payable in accordance with Council's Section 94 Development Contributions Plans, which have been prepared under Section 94 of the

Environmental Planning and Assessment Act 1979, as amended. The appropriate details about the amounts to be paid are set out in the Section 94 Development Contributions Schedule, which is attached to and forms part of this consent.

A sum of ~~\$3,234,569.74~~ **\$3,387,254.42** is to be paid to Council for the purpose of traffic management, community facilities, provision of public open space in the Homebush Bay West area and plan administration.

This payment is to be made **prior to the issue of an Occupation Certificate**. This amount is subject to adjustment based upon the Consumer Price Index (CPI) which is calculated quarterly from 1st July of each year. This adjustment will be made at the payment date and in accordance with Council's Contributions Plan.

The above sum is broken down to the following items:

Item	Amount
Traffic Management	591,799.40 661,493.68
Open Space – District Acquisition and Embellishment	1,451,623.45 1,598,075.80
Community facilities	799,983.66 894,589.31
Plan administration	208,296.62 233,095.63
Employment Generating Development	182,866.61
TOTAL	\$ 3,234,569.74 \$3,387,254.42

Reason:- to provide traffic management, community facilities, provision of public open space in the Homebush Bay West area and plan administration.

[Condition Modified under DA/613/2016/E on]

C. The following condition in relation to basement tanking being added to read as follows:

104.A Basement Tanking

The retail basement is to be fully tanked to RL +1.6m AHD. Details of compliance are to be submitted the PCA prior to the issue of the relevant occupation certificate and or any use of this parking area.

Reason:- To ensure that the basement is protected from rising groundwater levels in the implementation of safety measures recommended by the Geotechnical specialist.

[Condition Added under DA/613/2016/E on]

D. The following condition in relation to signage illumination being added to read as follows:

137.A Illuminated Signage

All illuminated signage is to comply with the Australian Standard for Control of the Obtrusive Effects of Outdoor Lighting and is to be dimmed during the curfew hours of 11pm to 6am.

Reason:- To comply with the relevant Australian Standards and respect the amenity of residential properties.

[Condition Added under DA/613/2016/E on]

E. The following conditions being modified to permit staged occupation and to read as follows:

107. Road and footpath construction.

*Road and footpath surrounding the development shall be constructed in accordance with Council approved plans prior to the issue of any Occupation Certificate. **Other than for residential apartments accessed via core E6 and E7, and core E1 once safe pedestrian access from Wentworth Place is provided, and including waste management, required parking spaces, associated basement services and access ways etc., as shown on the Marina Square Staged Handover Plan (Ref. 20140117 AD-DA132 Rev.A2, dated 10/12/14).***

Reason:- to ensure access to public road is provided.

[Condition Modified under DA/613/2016/E on]

108. Road Construction

*Prior to the release any Occupation Certificate **other than for residential apartments accessed via core E6 and E7, and core E1 once safe pedestrian access from Wentworth Place is provided, and including waste management, required parking spaces, associated basement services and access ways etc., as shown on the Marina Square Staged Handover Plan (Ref. 20140117 AD-DA132 Rev.A2, dated 10/12/14)**, all road networks adjacent to the proposed development shall be constructed in accordance with the Council's standards and specifications.*

In this regard:

- The proposed concept shall be in accordance with the approved plans.
- A detailed design shall be submitted to council for approval. Future traffic generation and traffic loadings shall be incorporated in the detailed design.
- The works shall include road pavement, kerb & Gutter, pedestrian footpath relief drainage and service conduits and necessary pram access.
- All associated cost shall be borne by the applicant.

Reason:- to ensure access to the proposed development.

[Condition Modified under DA/613/2016/E on]

109. Street Lighting – Internal Roads

Prior to the issue of any Occupation Certificate or within 12 months of commencement of any works related to the subject development application whichever comes first, street lighting design for the proposed internal roads together with Energy Australia consent shall be submitted to Principal Certifying Authority. In this regard prior to obtaining consent from Energy Australia, all street lighting shall be designed in consultation with Council in accordance with AS 1158 “Road Lighting” and submitted to Council together with associated running cost, for Council approval. Prior to the lodgement of the street lighting design with Principal Certifying Authority, Council approval for the design shall be obtained. All associated cost shall be borne by the applicant.

*Prior to the issue of any Occupation Certificate **other than for residential apartments accessed via core E6 and E7, and core E1 once safe pedestrian access from Wentworth Place is provided, and including waste management, required parking spaces, associated basement services and access ways etc., as shown on the Marina Square Staged Handover Plan (Ref. 20140117 AD-DA132 Rev.A2, dated 10/12/14)** all the street lighting works shall be completed in accordance with the approved plan and written verification from suitably qualified person shall be obtained stating the works have been completed in accordance with approved plans. Copy of the written verification shall be submitted to Council. Reason:- to ensure appropriate street lighting is provided in accordance with Australian standard AS1158.*

[Condition Modified under DA/613/2016/E on]

149. Street Lighting – Public Roads

Prior to the issue of a Construction Certificate for the footpath and road works, the street lighting design for the Burroway Road frontage, together with Energy Australia consent shall be submitted to the Principal Certifying Authority. In this regard prior to obtaining consent from Energy Australia, all street lighting shall be designed in consultation with Council in accordance with AS 1158 “Road Lighting” and submitted to Council together with associated running costs, for Council approval. Prior to the lodgement of the street lighting design with the Principal Certifying Authority, Council approval for the design shall be obtained. All associated costs shall be borne by the applicant. The street lighting design shall incorporate the four existing street lights on Burroway Road opposite the Block G site and have them converted to the grid from the existing private line.

*Prior to the issue of any Occupation Certificate **other than for residential apartments accessed via core E6 and E7, and core E1 once safe pedestrian access from Wentworth Place is provided, and including waste management, required parking spaces, associated basement services and access ways etc., as shown on the Marina Square Staged Handover Plan (Ref. 20140117 AD-DA132 Rev.A2, dated 10/12/14)** all the street lighting works shall be completed in accordance with the approved plan and written verification from suitably qualified person shall be obtained stating the works have been completed in accordance with approved plans. A copy of the written verification shall be submitted to the City of Parramatta Council’s Manager Development and Traffic Services Unit.*

Reason:- to ensure street lighting is provided in accordance with Australian standard AS1158.

[Condition Modified under DA/613/2016/E on]

F. The following advisory note to be added to read as follows:

ADVISORY NOTE:

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