

# COUNCIL ASSESSMENT REPORT

<b>Panel Reference</b>	PPSSCC-276
<b>DA Number</b>	<b>DA/623/2021</b> PAN-115341
<b>LGA</b>	City of Parramatta Council
<b>Proposed Development</b>	Development of proposed Sub-Precinct 4 including subdivision into 4 lots, remediation, construction of a perimeter road, and construction of a residential flat building comprising 3 x basement car parking levels, a 3 x level sleeved podium and 3 buildings (9-40 storeys) containing 390 apartments.
<b>Street Address</b>	14-16 Hill Road – Sydney Olympic Park Lot 3 DP 271278
<b>Applicant Owner</b>	SH Hill Road Development Pty Ltd SH Hill Road Development Pty Ltd
<b>Date of Lodgement</b>	12 July 2021
<b>Number of Submissions</b>	6 submissions (6 x households)
<b>Recommendation</b>	Approval subject to conditions
<b>Regional Development Criteria</b>	General Development >\$30 million
<b>List of All Relevant s4.15 Matters</b>	<ul style="list-style-type: none"> <li>• Environmental Planning and Assessment Act and Regulations</li> <li>• SEPP (Planning Systems) 2021</li> <li>• SEPP (Biodiversity and Conservation) 2021</li> <li>• SEPP (Resilience and Hazards) 2021</li> <li>• SEPP (Transport and Infrastructure) 2021</li> <li>• Auburn LEP 2010</li> <li>• Wentworth Point Precinct DCP 2014</li> <li>• Auburn DCP 2010</li> </ul>
<b>List of Relevant Documents</b>	As appearing in Condition 1 of Attachment B
<b>Report Prepared By</b>	Kate Lafferty – Executive Planner
<b>Report Date</b>	10 November 2022

## Summary of S4.15 matters

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

## Legislative clauses requiring consent authority satisfaction

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

## Clause 4.6 Exceptions to development standards

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

## Special Infrastructure Contributions

Does the DA require Special Infrastructure Contributions conditions (S7.24)? **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*

# EXECUTIVE SUMMARY

## 1. Summary

This report considers a proposal for the development of proposed Sub-Precinct 4 comprising subdivision into 4 lots, remediation, construction of a perimeter road, and construction of a residential flat building comprising 3 x basement car parking levels, a 3 x level sleeved podium and 3 buildings (9 storey - 40 storey) containing 390 apartments.

The primary site constraints on the land include contamination, catchment management and proximity to Newington Nature Reserve. However, it is considered that sufficient evidence has been provided to demonstrate that these risks can be managed appropriately.

The amenity impacts on adjoining and nearby properties are considered to be reasonable based on the high-density character of the area and the built forms envisaged by the planning controls. It is considered that the proposed increase in traffic would not compromise the function of the local road network.

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

<b>Design Excellence</b>	<p>The proposed development has undergone significant design review by the Parramatta Design Excellence Panel (DEAP). Three (3) meetings and a design workshop have been held between the applicant and DEAP.</p> <p>The DEAP final report notes that only minor changes are required and provided these changes are incorporated, the panel does not need to review this application again. This is discussed in more detail within the report.</p>
<b>Wentworth Point Precinct DCP</b>	<p>Non-compliances with the Wentworth Point DCP – including building alignment, heights and setbacks. As mentioned above, the application has been through extensive review by DEAP and the minor variations to the DCP are found to be acceptable.</p>
<b>Catchment Management</b>	<p>Given the size and location of the site and the extent of earthworks proposed, consideration of the catchment of the site is a key issue. The applicant has provided Council with various modelling and data including DRAINS, TUFLOW and MUSIC models to appropriately assess the proposed catchment flows and impacts upon the development and adjoining properties. Council's development and catchment engineers have reviewed the information submitted and are generally satisfied that the site is appropriately drained. Some detailing will be required to be submitted before the issue of any construction certificate.</p>

### 3. Background and Site Context

#### Background

The Wentworth Point Urban Activation Precinct is part of a NSW government initiative established in 2013 to facilitate housing supply and increase housing choice and affordability in the broader Sydney metropolitan region.

The precinct to be developed comprises of 2 parcels of land known as the **Burroway Road Site** and the **Hill Road Site**. The two parcels are located at the northern end of Wentworth Point precinct with a total combined land area of approximately 18.6 hectares. These precincts are indicated in the aerial photograph below.



The subject application is located within the **Hill Road Site** which is at the western end of Hill Road adjoining the Parramatta River.

The land has a street frontage to Hill Road and is surrounded to the west and south by SOPA parklands, including the millennium marker directly south of the site. The site is bounded by the Parramatta River to the north and Hill Road to the east. The site has an area of 77,240m<sup>2</sup> and is currently vacant.

The subject application site excludes the Phase 1 development which has been constructed and is separately subdivided (Lot 1 and Lot 2 in DP271278). The terms and conditions of the land restrictions of Lot 1, being the community title land are included in the consideration of the subject application primarily as they involve roads that are accessed by the remainder of the site.

The site is opposite high density residential flat buildings with a general height of 9 storeys along Hill Road then leading up to high-rise residential towers to the east towards Homebush Bay. There is still a mixture of development in the locality ranging from industrial and warehouse uses to the more recently constructed multi storey residential flat buildings. The site is in walking distance to the Wentworth Point ferry terminal at the end of Hill Road.

The following aerial photo indicates the location of the subject site and its relationship to adjoining properties, including the already built Phase 1 development.



Aerial photograph indicating the subject site and surrounding land uses

### Phase 1 Development – DA/763/2017

The Phase 1 development of the site (Sub-Precinct 1) has been approved and constructed. This development was approved under the previous LEP and DCP controls (prior to the 2021 amendments). This application was approved by the regional panel on 6 June 2018. The Phase 1 development includes 4 x buildings above a 2-3 level sleeved podium and contains 364 apartments.



Phase 1 Plan and Building Layout



Photomontage Phase 1 Buildings

### Planning Proposal - DCP Amendment – VPA (RZ/1/2018)

- Planning Proposal and DCP Amendment

A planning proposal was lodged with Council to amend the heights and floor space distribution across the site. This was based upon revised master planning of the site within a revised draft DCP. The changes involved a different street and lot pattern, redistribution of floor space across the site (facilitating an alternative distribution of the approved gross floor area for the site of 188,800m<sup>2</sup>), increase in heights and the provision of a large foreshore park adjoining the river.



*Auburn Local Environmental Plan 2010 – Amendment No.33 and Wentworth Point Development Control Plan 2014 – Amendment No.1* came into effect on 23 December 2021.

- Voluntary Planning Agreement

A voluntary planning agreement accompanied the planning proposal and has been endorsed by Council. The agreement incorporates the following key deliverables:

- Construction and dedication of the Foreshore Park (in 2 stages)
- Construction and dedication of the transit corridor.

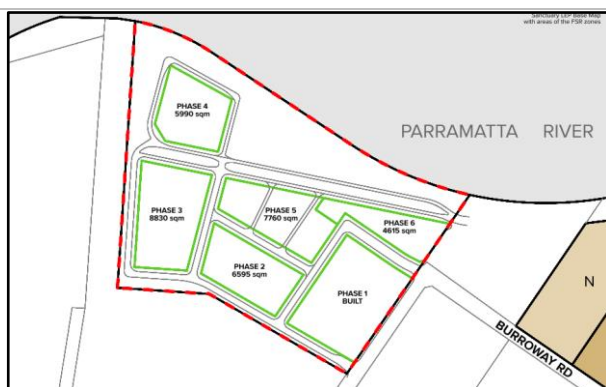
The VPA has been executed and registered on the land title.

### **Concept Subdivision and Infrastructure (DA/586/2021)**

A concept development application for site layout, infrastructure and subdivision was approved under delegation on 29 July 2022. This application included the following:

- Site layout and road network which establishes 5 new development sub-precincts as well as a foreshore public open space.
- Conceptual infrastructure design for the site comprising earthworks, construction of roads, stormwater works, and utility services.
- Future subdivision including staging of construction and subdivision of lots across the site.

No consent was sought or granted for any physical works. Each subsequent detailed development application associated with the redevelopment of the site will include the relevant and required elements of infrastructure necessary to serve that component of the overall development.



**Sub-precinct lots established in accordance with the Auburn LEP 2010 mapping**

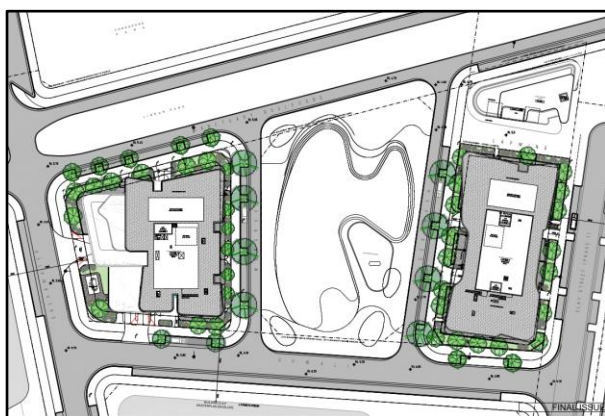


**Concept Public Domain Streetscape Masterplan**

### **Phase 2 Development – Sub-Precinct 5/Part 6 (DA/588/2021)**

The Phase 2 development of the site (Sub-Precinct 5 and part Sub-Precinct 6) was recently approved by the regional planning panel on 16 August 2022. This development was approved under the current LEP and DCP controls. The Phase 2 development includes subdivision into 5 lots, remediation, construction of roads, construction of two residential flat buildings (8 storey and 13 storey) containing a total of 171 apartments, a separate two storey building for use as

a gym with swimming pool for the residents, above common basement, with publicly accessible park between the residential buildings.



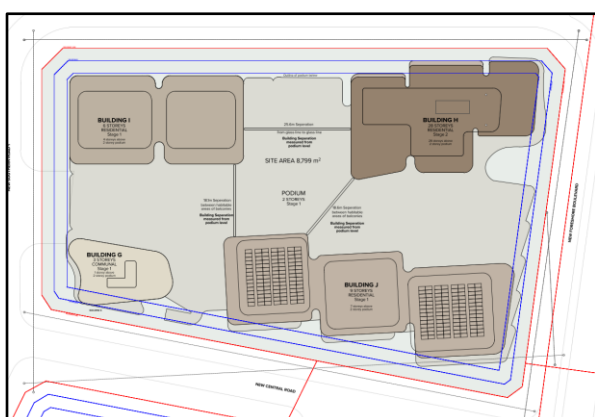
Phase 2 Plan and Building Layout



Photomontage Phase 2 Buildings

### Phase 3 Development – Sub-Precinct 3 (DA/587/2021)

The Phase 3 development of the site (Sub-Precinct 3) was recently approved by the regional planning panel on 16 August 2022. This development was approved under the current LEP and DCP controls. The Phase 3 development includes subdivision into 6 lots, remediation, construction of roads and pocket park, and construction a residential flat development containing 323 apartments.



Phase 3 Plan and Building Layout



Photomontage Phase 3 Buildings

## 4. Project Overview

There are currently 4 applications on this site lodged with Council which are under assessment or pending determination.

DA/622/2021	Development of proposed <b>Sub-Precinct 2</b> including remediation and construction of a residential flat building comprising 3 x basement car parking levels, a 4 x level sleeved podium and 2 buildings (39 storey tower and 32 storey tower) containing 537 apartments. The application will be determined by the Sydney Central City Planning Panel.
DA/623/2021	Development of proposed <b>Sub-Precinct 4</b> including subdivision into 4 lots, remediation, construction of a perimeter road, and construction of a residential flat building comprising 3 x basement car parking levels, a 3 x level sleeved podium and 3 buildings (9-40 storey) containing 390 apartments. The application will be determined by the Sydney Central City Planning Panel. <b>This is the subject development application.</b>

<b>DA/624/2021</b>	Development of proposed <b>Sub-Precinct 6</b> including subdivision into 3 lots, remediation, roadworks and construction of a mixed use building comprising 8 x basement car parking levels, a 2 x level sleeved podium and 2 buildings (40 storey and 12 storey) containing 331 apartments and ground floor retail tenancies. The application will be determined by the Sydney Central City Planning Panel.
<b>DA/420/2022</b>	Staged construction of the <b>foreshore park</b> comprising of a central lawn, children's playground, picnic area, foreshore walk, western entry, associated amenity facilities and seawall upgrade. The proposal is Nominated Integrated Development under the Water Management Act 2000 and Integrated Development under the Fisheries Management Act 1994.

The current development applications seek to develop the remainder of the development lots on the site – being the 5 sub-precincts identified as sub-precincts 2 to 6 and the foreshore park.



**Sub-Precincts identified in Auburn LEP & Wentworth Point Precinct DCP**

### **Transit Corridor**

The redevelopment project includes the detailed design of an E-W transit corridor which is to be delivered to Council as part of the voluntary planning agreement associated with the planning proposal. This transit corridor has been designed to accommodate the proposed Stage 2 light rail corridor proposed to traverse the site. TfNSW have provided referral comments and raise no concerns with the proposal, noting at this stage that the section of the PLR2 alignment through the subject site reflects the current strategy and accommodates the proposed options.

### **Foreshore Park**

The redevelopment project includes the design and delivery of a new foreshore park which is to be delivered to Council as part of the voluntary planning agreement associated with the planning proposal. The foreshore park has a total area of 18,160m<sup>2</sup>. A separate application for the staged construction of this park has been submitted and is currently under assessment.

## Overall Project Statistics

The table below indicates the number of dwellings and the estimated cost of the development.

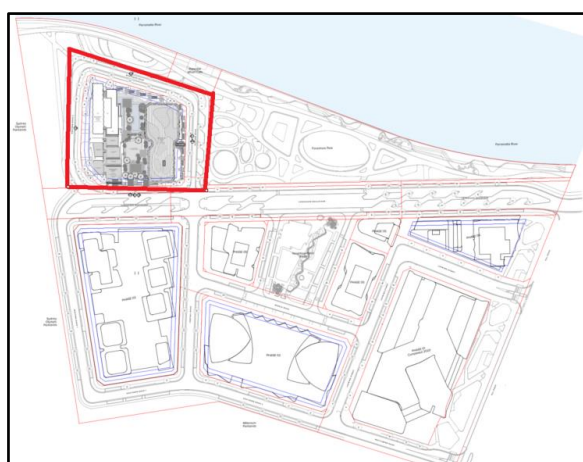
	Current DAs	Current DAs + Phase 1	Entire Site (including park)
<b>Total number of dwellings</b>	1752 dwellings	2116 dwellings	2116 dwellings
<b>Total estimated cost of development</b>	\$829,097,502	\$959,897,502	\$ 979,897,502 <i>(based on estimated cost for construction and delivery of park \$20m)</i>

## 5. The Proposal

The subject application is for the Phase 4 development of the site which is located on Sub-Precinct 4. The proposal will occur within superlot 12 which will be created upon the registration of the approved plan of subdivision under the development consent of the third phase of development of the site (DA/587/2021).



**Sub-Precincts reflected in the LEP and DCP**



**Phase 4 location outlined in red**

Consent is sought for the following:

- Subdivision of superlot 16 into 4 allotments representing the new portions of community titled road, a future foreshore reserve to be transferred to Council at the completion of the park works, the site containing the proposed development, and an allotment which contains an existing wharf on the site which will be proposed to be redeveloped at the same time as the foreshore park.
- Remediation works.
- A new perimeter road which connects to the roads which will be completed as part of the second and third phases of redevelopment. The road will remain in private ownership with public access secured on title. Minor works to the proposed Foreshore Boulevard (future Council ownership) are required where the local streets intersect.
- Three basement levels are proposed across the entire site within the boundaries created by the perimeter road network (excluding the southern road to be dedicated to Council).



- Construction of a 3 level sleeved podium across the site, with 3 buildings above the podium located around a central common open space area, comprising:

Building K 9 storey

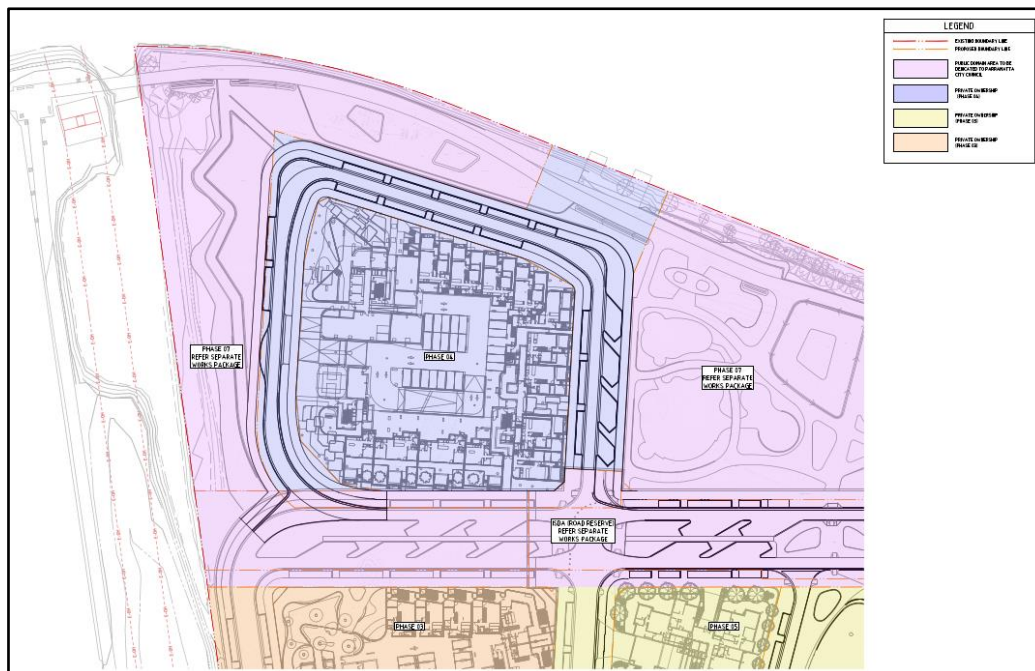
Building L 40 storey

Building M Part 9/11/12 storey

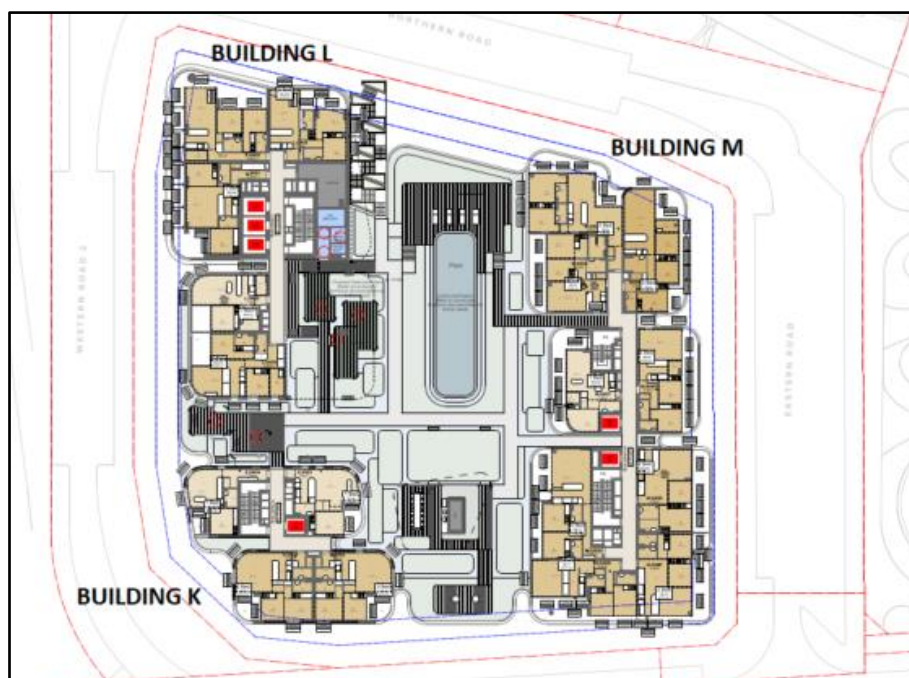
(Note: The storeys are inclusive of the 3 storey podia).

The proposal contains 390 dwellings (apartments and townhouses) and 511 off street car parking spaces.

**Cost of Works = \$179,630,000**



**Proposed extent of works and delineation between the development site/future road ownership**



**Sub-Precinct 4 – Building Layout (Buildings K/L/M)**



**Photomontage - northern view of proposed development (from Parramatta River)**



**Photomontage - north-eastern view of proposed development**

## 6. Permissibility

### Auburn Local Environmental Plan 2010

The proposed development is defined as the following under Auburn LEP 2010:

**residential flat building** means a building containing 3 or more dwellings, but does not include an attached dwelling or multi dwelling housing.

This use is permissible with consent within the R4 High Density Residential zoning applying to the land.

**Subdivision** is permissible with development consent under Clause 2.6 of Auburn LEP 2010.

The infrastructure works are not defined as an encompassing development type, however are ancillary works associated with the permissible uses on the land.

It is also noted that:

- remediation works are permissible under Clause 4.7 of SEPP (Resilience and Hazards) 2021
- consent is required for earthworks in accordance with Clause 6.2 of Auburn LEP 2010.

## 7. Public Notification

Notification Period:	6 August to 3 September 2021
Re-notification Period:	26 August to 23 September 2021 (due to an error in the original property description)
Re-notification Period:	5 October to 3 November 2022 (amended plans)
Submissions received:	6 submissions
Issues raised in submissions:	Inappropriate heights, inadequate parking, traffic impacts, overshadowing, wind impacts, less green space, overdevelopment, view loss, height of Tower R (SP6).

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
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 <b>Attachment A</b> .
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## 11. Auburn Local Environmental Plan 2010

LEP Section	Comment or Non-Compliances
Part 1 – Preliminary	<ul style="list-style-type: none"> <li>Consistent</li> </ul>
Part 2 – Permitted or Prohibited Development	<ul style="list-style-type: none"> <li>Permissible in the zone</li> <li>Consistent with zone objectives</li> </ul>
Part 3 – Exempt & Complying Development	<ul style="list-style-type: none"> <li>Not Applicable</li> </ul>
Part 4 – Principal Development Standards	<ul style="list-style-type: none"> <li>Compliant</li> </ul>
Part 5 – Miscellaneous Provisions	<ul style="list-style-type: none"> <li>All relevant provisions satisfied</li> </ul>
Part 6 – Additional Local Provisions	<ul style="list-style-type: none"> <li>All relevant provisions satisfied</li> </ul>

## 12. Wentworth Point Precinct Development Control Plan 2014

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 – Introduction	<ul style="list-style-type: none"> <li>Consistent</li> </ul>
Part 2 – Vision, Principles & Indicative Structure	<ul style="list-style-type: none"> <li>Consistent</li> </ul>
Part 3 – Public Domain	<ul style="list-style-type: none"> <li>Generally consistent</li> </ul>
Part 4 – Private Domain	<ul style="list-style-type: none"> <li>Generally consistent</li> </ul>
Part 5 – Sustainability & Environmental Management	<ul style="list-style-type: none"> <li>Consistent</li> </ul>

## 13. Compliance with Concept Approval

The application is a subsequent application to an approved concept subdivision and infrastructure development application (DA/586/2021). The application is not inconsistent with the concept. This is discussed in further detail in Attachment A.

## 14. Response to Panel Briefing Minutes

The application was considered at a SCCPP Briefing Meeting held on 4 November 2021.

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

Key Issue Discussed	Planning Comment
<b>Planning framework:</b> The Panel received a comprehensive briefing and presentation from Council regarding the planning framework including the current Planning Proposal and VPA, which are nearing resolution.	Auburn Local Environmental Plan 2010 – Amendment No.33 and Wentworth Point Precinct Development Control Plan 2014 – Amendment No.1 came into effect on 23 December 2021.
<b>Public domain:</b> Extension of the public domain in relation to the foreshore was discussed, with the Panel noting the supplementation of this key open space by the applicant, who will also deliver the parklands in cooperation with Council. Ongoing maintenance and management of public spaces was discussed, and the Panel	The design and delivery of the foreshore park is contained within the VPA. The approval for the construction of the foreshore park is subject to a separate



<p>noted that requirements in this regard are addressed in the VPA, with parklands to be dedicated to Council.</p>	<p>development application which is currently under assessment.</p>
<p><b>Staging:</b> The Panel was advised of the proposed staging of the development and phasing of DA's for determination, noting that this may change due to some phases still being under design development through a workshopping process with Council's DEAP. Moreover, the subdivision and infrastructure DA needs to be determined first. The applicant has also identified two priority precincts.</p>	<p>The subdivision and infrastructure DA (DA/586/2021) was approved under delegation on 29 July 2022.</p> <p>This current application is one of the two priority applications as advised by the applicant.</p>
<p><b>Traffic and public transport:</b> Panelists queried traffic and parking implications of the proposal. Council explained that because the proposal did not exceed the planning controls for the area, the applicant had not been required to undertake traffic studies in addition to those undertaken when the planning framework for the area was put in place.</p> <p>Panelists also queried the status of the Parramatta Light Rail (PLR) proposal, and how the timing of this may affect the development. The applicant advised that they were strongly in support of the PLR, and that their planning for the area was being undertaken in such a way as to accommodate light rail, and enable its installation. It was noted however that final approval of the PLR has not yet been obtained from State Government, with a Final Business Case anticipated to be submitted to Cabinet around March next year.</p> <p>The applicant observed that a ferry stop was already in place adjacent to their site, and that although they would strongly welcome light rail, if it were not to proceed, their proposal was able to be adapted for other public transport modes e.g. bus.</p>	<p>Noted.</p> <p>Traffic impacts are discussed further within this report.</p> <p>To date there is no formal proposed timing of the delivery of the Parramatta Light Rail Stage 2.</p> <p>The provision of a transit corridor through the site secures any long term alternative transport nodes through the site (based on a bridge between Melrose Park and the site).</p>
<p><b>Urban design and architecture:</b> The applicant provided a detailed presentation regarding the overall urban design intentions for the area, the character proposed for each sub-precinct, and the range of architecture. It was noted that a number of architectural teams are working across the masterplan to ensure diversity of built form within a coordinated framework. Panelists expressed support for this approach, and observed that it was responsive to the wider Sydney context, which is characterized by a range of 'villages' with different characters.</p> <p>Panelists also expressed support for the attention paid to ground level activation of the proposal and the interface of buildings with the public domain.</p> <p>Panelists queried the project architect's response to the ADG, regarding which the architects replied that the site benefited from a northerly aspect towards the water, which had enabled largely north, west and east facing apartments to be proposed for optimal solar access in addition to a water view.</p> <p>Wind impacts were discussed with regard to ground level impacts and pedestrian comfort. The architects noted that both winds resulting from the new buildings and winds from the surrounding parkland had been investigated and addressed in the design proposal.</p>	<p>The application has been the subject of numerous design meetings with Council's Design Excellence Advisory Panel (DEAP), who are satisfied that the proposal has achieved design excellence and ADG requirements have been adequately met.</p> <p>Council's Urban Design Team have reviewed the public domain and raise no significant issues. The proposal provides for satisfactory ground level activation and integration with the public domain.</p> <p>An independent wind assessment has been carried out and the wind conditions for safety and comfort within this</p>

<p>Landscaping was raised, regarding which the applicant advised that they had committed to provide one tree on the site per apartment. The Panel observed that Council is strongly in support of optimizing the tree canopy in Parramatta, and expressed support for this approach.</p>	<p>sub-precinct are considered acceptable.</p> <p>Landscaping of the site and the public domain has been considered by DEAP, Urban Design and Council's Tree and Landscape Officer, and is found to be satisfactory.</p>
<p><b>Site contamination:</b> Panelists queried the status of site contamination. Council advised that the appropriate contamination investigations had been undertaken, with remedial actions planned and undertaken, and sign-off from an independent site auditor to be achieved.</p>	<p>Council's Environmental Health Officer has reviewed the documentation submitted and is satisfied that the site can be made suitable for the development subject to the imposition of appropriate conditions.</p>
<p><b>Procedural matters going forward:</b> The Panel noted the proposed timing of applications for determination, which it is recognised may be required to be varied as some DA's are further advanced than others. The Panel requested further briefings as part of the determination process. The Panel Secretariat will liaise with Council in this regard.</p> <p>The Chair requested that insofar as possible the same Panel members as participated in this briefing should be party to the determination.</p>	<p>Noted.</p>

## 15. 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.

## 16. Recommendation

**That** the Sydney Central City Planning Panel approve the application DA/623/2021 subject to the conditions contained within **Attachment B** of the Assessment Report.

# ATTACHMENT A - PLANNING ASSESSMENT

<b>SCCPP Reference:</b>	PPSSCC-276
<b>DA No:</b>	DA/623/2021 PAN-115341
<b>Address:</b>	14-16 Hill Road – Sydney Olympic Park

## 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:

### 1.1 Matters for consideration

Provision	Comment
Section 4.15 (1)(a)(i) - Environmental planning instruments	Refer to Section 3 below
Section 4.15 (1)(a)(ii) - Draft planning instruments	Refer Section 4 below
Section 4.15 (1)(a)(iii) - Development control plans	Refer to Section 5 below
Section 4.15 (1)(a)(iiia) - Planning agreements	Refer to Section 6 below
Section 4.15 (1)(a)(iv) - The regulations	Refer to Section 7 below
Section 4.15 (1)(a)(v) - <i>Repealed</i>	Not applicable
Section 4.15 (1)(b) - Likely impacts	Refer to Sections 3-8 below
Section 4.15 (1)(c) - Site suitability	Refer to Section 9 below
Section 4.15 (1)(d) - Submissions	Refer to Section 10 below
Section 4.15 (1)(e) - The public interest	Refer to Section 10 below

### 1.2 Referrals

The following external and internal referrals were undertaken:

External Referrals	
TfNSW (Light Rail)	<p>The application was referred to TfNSW as the site contains a transit corridor which is envisaged to become the route of the Parramatta Light Rail 2 (PLR2). TfNSW raise no objections to the proposed development subject to the imposition of conditions. TfNSW state that the conditions commit the Applicant to engage with the agency if the timelines of the development and the proposed project align, otherwise the Applicant would be subjected to the provisions of the Roads Act 1993 if the agency proceeds with the project akin to Stage 1 of PLR. The conditions provide protection for the Transport Corridor and provides the opportunity for further consultation with TfNSW to ensure congruity between the development and future corridor requirements.</p> <p>The proposed conditions of consent have been included as requested, with one exception. TfNSW originally requested:</p> <p><i>The developer shall not install any utilities or other works within the Transport Corridor. To the extent that utilities are within the Transport Corridor, the developer is responsible for all public utility adjustment/relocation works in accordance with any requirements of public utility authorities and/or their agents to ensure that there are no utilities within the Transport Corridor.</i></p> <p><b>Reason:</b> To comply with TfNSW requirements.</p>

	Condition 68 of the draft set of conditions has been altered to allow for some services in the transit corridor. The request for no services in the transit corridor is not considered to be reasonable.						
TfNSW (Traffic Generating)	The application was referred to TfNSW as the proposal is traffic generating development under Schedule 3 of SEPP (Transport and Infrastructure) 2021. Recommendations include the imposition of conditions relating to construction works, car park design and the provision of a freight servicing management plan. These matters have been included within the Recommendation section of this report where appropriate. It is noted that some conditions are covered by the recommendations of Council's Traffic Officer.						
Ausgrid	Ausgrid were notified of the proposed development and have raised no objections to the proposed development. Advisory notes regarding construction within proximity to existing network assets are included within the Recommendation section of this report.						
Sydney Water	Sydney Water were notified of the proposed development and correspondence received does not raise any objections to the proposed development subject to the imposition of appropriate conditions.						
SOPA	<p>SOPA were notified of the proposed development as an adjoining landowner. SOPA provided comments which did not specifically address the subject development application, however requested that the submission lodged for the planning proposal, draft DCP amendment and VPA be considered in this assessment. The issues raised within the submission were considered in the assessment of the strategic matters. Notwithstanding this, the following comments are provided:</p> <table border="1"> <thead> <tr> <th>Concern</th><th>Comment</th></tr> </thead> <tbody> <tr> <td>Zoning impacts</td><td>Not relevant to this application. The zoning has been approved through the planning proposal and the issue does not warrant re-examination.</td></tr> <tr> <td>Shadowing</td><td> <p>The application was accompanied by an ecological report which assessed the shadowing impact on the adjoining SOPA parklands. This report states:</p> <ul style="list-style-type: none"> <li>• Winter shadowing is in the early morning with shadowing largely on mangroves with only 145m<sup>2</sup> on saltmarsh and 95% full sun on these communities by 10am. The vegetated areas of the Nature Reserve are in full sun from 11am.</li> <li>• The maximum amount of shading will occur in mid-winter at 8am, approximately 2.3ha of saltmarsh will be shaded. By 9am, approximately 0.14ha will be shaded by the buildings with less than 5% of the saltmarsh in shade by 10am and shadowing is gone by 11am.</li> <li>• Ecologically the shading is deemed not significant to cause irreparable damage to the structure and function of Saltmarsh vegetation community. It may influence the distribution of the individual species within the community in shaded areas.</li> </ul> </td></tr> </tbody> </table>	Concern	Comment	Zoning impacts	Not relevant to this application. The zoning has been approved through the planning proposal and the issue does not warrant re-examination.	Shadowing	<p>The application was accompanied by an ecological report which assessed the shadowing impact on the adjoining SOPA parklands. This report states:</p> <ul style="list-style-type: none"> <li>• Winter shadowing is in the early morning with shadowing largely on mangroves with only 145m<sup>2</sup> on saltmarsh and 95% full sun on these communities by 10am. The vegetated areas of the Nature Reserve are in full sun from 11am.</li> <li>• The maximum amount of shading will occur in mid-winter at 8am, approximately 2.3ha of saltmarsh will be shaded. By 9am, approximately 0.14ha will be shaded by the buildings with less than 5% of the saltmarsh in shade by 10am and shadowing is gone by 11am.</li> <li>• Ecologically the shading is deemed not significant to cause irreparable damage to the structure and function of Saltmarsh vegetation community. It may influence the distribution of the individual species within the community in shaded areas.</li> </ul>
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	Contaminated land	SOPA requested a 3m easement along the southern boundary for maintenance access to the leachate drains on SOPA land. This matter has been addressed in the previous application containing the road which adjoins the southern boundary (DA/587/2021). In that application it was noted that no access across the subject site is available currently and access will not be possible due to the height differences between the sites.
	Light spill	Concern was raised regarding the impacts of lightspill into the adjoining ecological areas. The ecological report submitted advised that lighting designs will follow Best Practice Lighting Design as outlined in the National Light Pollution Guidelines for Wildlife (Migratory Shorebirds). Lighting design/management should be undertaken by appropriately qualified personnel. Light management plans should be developed and reviewed by appropriately qualified lighting practitioners who should consult with an appropriately qualified marine biologist or ecologist. Conditions requiring the preparation of appropriate lighting plans have been included within Attachment B.
	Landscape planting	SOPA requested consideration of landscaping which is compatible with the surrounding parklands. The proposed landscaping on and off site has been considered by Council's public domain team and landscape officer and found to be satisfactory.
	Urban design	Consideration should be given to the interface between the proposed perimeter roads and the adjoining SOPA land. No boundary walls are indicated at the interface with the adjoining SOPA lands as part of this application. The proposed perimeter road is located 18m-45m from the boundary. The interface area will form part of the foreshore park.
	Traffic	Concern was raised regarding the additional impacts of introducing mixed use zoning and non-residential uses. The zoning has been approved through the planning proposal and the issue does not warrant re-examination. Traffic impacts of the proposed development have been reviewed by Council's Traffic Officer and found to be acceptable.
DPIE (EES)	The Biodiversity and Conservation Team of DPIE requested consideration of impacts on biodiversity values within the area. An ecological report was submitted which addresses impacts upon the adjoining parklands. This has been discussed further within this report.	
Internal Referrals		
External Surveyors (Land Partners)	Council's independent surveyor (Land Partners) have reviewed the application and raise no significant issues with the proposed development. The detail of easements and the like may be considered at the separate subdivision certificate stages of the development. Conditions are recommended to be imposed.	

ESD Consultant (Flux)	Council's ESD/Basix consultant has reviewed the documentation and raises no objection to the proposal. The Basix certificates are acceptable and recommended ESD conditions have been provided.
Wind Consultant (Mel Consulting)	Council's Wind consultant has reviewed the application and advises that the wind conditions within this sub-precinct satisfy the appropriate criteria for safety and comfort and the effectiveness of all wind mitigation strategies have been quantified during the wind tunnel study.
DEAP	The application was referred to the Design Excellence Advisory Panel (DEAP). Issues raised by DEAP have been addressed and no further design issues are outstanding. This has been discussed in further detail within this report.
Urban Design (Public Domain)	Council's Public Domain team have reviewed the proposal and raise no objections subject to the imposition of appropriate conditions, including the requirement to submit detailed public domain construction drawings.
Accessibility Officer	Council's Accessibility Officer is generally satisfied with the proposed development. Minor issues may be imposed as conditions.
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 drainage design, water sensitive urban design and flooding subject to the imposition of appropriate conditions.
Catchment Infrastructure	Council's Infrastructure team have reviewed the proposal and recommended conditions be imposed relating to stormwater management details before the issue of a CC, inspections during work and final works sign off.
Infrastructure Alignment	Council's infrastructure (roads) team have reviewed the application and raised no significant issues with the proposal. Conditions regarding road design and inspections have been recommended and imposed.
Infrastructure Roads & Pavement	
Traffic	Council's Traffic Officer has reviewed the proposed development and raises no concerns on traffic or safety grounds. Conditions have been incorporated within the recommendation section of the report.
Infrastructure Planning & Design	The application was referred to the Infrastructure Planning & Design team as the concept proposes an E-W transit corridor that is designed to accommodate the potential PLR2 corridor. No comments or objections were received.
Landscape	The application was referred to Council's Tree Management & Landscape Officer who raises no concerns with the proposed development. Conditions have been incorporated within the recommendation section of the report.
Open Space & Natural Resources	Council's Open Space & Natural Resources team have reviewed the application and the ecological report submitted and advise they are satisfied that the proposed development will not be likely to significantly impact threatened species, ecological communities or their habitats.
Environmental Health (Contamination)	Council's Environmental Health Officer has reviewed the submitted contamination report and supports the application subject to the imposition of appropriate conditions.
Environmental Health (Acoustic)	Council's Environmental Health Officer has reviewed the submitted acoustic report and supports the application subject to the imposition of appropriate conditions.
Environmental Health (Waste)	Council's Environmental Health Officer has reviewed the submitted waste management plan and supports the application subject to the imposition of appropriate conditions.

Operational Waste	Consideration has been given to the operational waste requirements of the site and the proposal is satisfactory in terms of waste storage and vehicular access to the waste collection areas. Appropriate conditions including the provision of access easements have been included in the recommendation section of this report.
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## 2. Environmental Planning & Assessment Act 1979 (EPA Act)

### 2.1 Integrated Development

The application has been lodged as Integrated Development under the provisions of the EPA Act as follows:

- a water supply work approval under the Water Management Act 2000 is required to be obtained. **Water NSW** have issued their General Terms of Approval (IDAS1141560 issued 07 November 2022).
- a controlled activity approval under the Water Management Act 2000 is required to be obtained. **Natural Resources Access Regulator (NRAR)** have issued their General Terms of Approval (IDAS-2021-10048 issued 17 September 2021).

These approvals are referenced in the recommended conditions of consent

### 2.2 Concept Development Application

A concept development application has been approved for the site (DA/586/2021). That application provided concept approval for subdivision and infrastructure works.

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.*

Compliance with the approved concept plan is indicated within the table below.

Condition	Requirement	Comment	Consistent
1	Approved Plans	The application is generally consistent with the approved concept plans and documentation.	Yes
2	<i>No Works Approved</i>	Noted. This DA seeks approval for works.	Yes
3	<i>Compliance with Concept</i>	The application is not inconsistent with the concept approval.	Yes
4	<i>Detailed Plans</i>	Detailed civil, landscaping, public domain and subdivision plans have been submitted with this application.	Yes
5	<i>Indicative Approval – Stratum</i>	Not applicable. No stratum is proposed as part of this application.	Yes
6	<i>Indicative Approval – Foreshore Park</i>	Not applicable. The foreshore park does not form part of this application.	Yes
7	<i>Natural Resources Access Regulator General Terms of Approval</i>	The application has received General Terms of Approval from NRAR.	Yes

8	<i>Public Domain</i>	These requirements (where relevant) have been reflected within the Recommendation section of this consent.	Yes
9	<i>Public Access over Roads</i>	These requirements (where relevant) have been reflected within the Recommendation section of this consent.	Yes
10	<i>Easements for Services</i>	These requirements (where relevant) have been reflected within the Recommendation section of this consent.	Yes
11	<i>Compliance with Voluntary Planning Agreement (VPA)</i>	Noted. The application reflects the requirements of the VPA.	Yes
12	<i>Public Art Plans</i>	These requirements (where relevant) have been reflected within the Recommendation section of this consent.	Yes
13	<i>Remediation Documents to be Submitted</i>	This requirement has been satisfied. A detailed report, remediation action plan and site audit statement has been submitted with the application.	Yes
14	<i>Traffic Related Requirements – Future DAs</i>	These requirements (where relevant) have been reflected within the Recommendation section of this consent.	Yes
15	<i>Assumed PMF Level</i>	Noted. The application is compliant.	Yes
16	<i>Overland Flow</i>	This has been considered with additional detailing addressed through conditions of consent.	Yes
17	<i>Pollution Impacts</i>	This has been considered with additional detailing addressed through conditions of consent.	Yes
18	<i>Water Sensitive Urban Design Measures</i>	This has been considered with additional detailing addressed through conditions of consent.	Yes
19	<i>Erosion and Sediment Control Measures</i>	An ESCP was submitted with the application and found to be satisfactory by Council's Environmental Health Officer.	Yes

It is therefore considered that the proposed development is consistent with the approved concept plan.

### 3. Environmental Planning Instruments

#### 3.1 SEPP (PLANNING SYSTEMS) 2021

##### Clause 2.19 Declaration of regionally significant development

The development has a capital investment value greater than \$30 million. This application is captured by Part 2.4 of this policy which provides that the Sydney Central City Planning Panel is the determining authority for this application.

#### 3.2 SEPP (BIODIVERSITY AND CONSERVATION) 2021

SEPP Section	Comment
<b>Chapter 2 Vegetation in non-rural areas</b>	No vegetation removal is required as part of this application.
<b>Chapter 6 Bushland in urban areas</b>	The site does not contain any bushland to be protected and no vegetation removal is required as part of this application.




<b>Chapter 10 Sydney Harbour Catchment</b>	<p>This chapter of the 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.</p> <p>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 to address the collection and discharge of water.</p> <p>The site is not located within a Foreshores and Waterways Area identified under Part 10.3 of the policy.</p>
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### 3.3 SEPP (INDUSTRY AND EMPLOYMENT) 2021

SEPP Section	Comment
<b>Chapter 3 Advertising and signage</b>	<p>Not applicable. No advertising or signage is proposed as part of this application.</p>

### 3.4 SEPP (RESILIENCE AND HAZARDS) 2021

SEPP Section	Comment
<b>Chapter 2 Coastal Management</b>	<p>The western portion of the site is affected by the <i>proximity area for coastal wetlands</i> as identified within the policy map (see below extract). Sub-Precinct 4 is affected by this map.</p>  <p>Clause 2.8 requires the consent authority to be satisfied that the proposed development will not significantly impact on the following:</p> <ul style="list-style-type: none"> <li>(a) the biophysical, hydrological or ecological integrity of the adjacent coastal wetland or littoral rainforest, or</li> </ul>

	<p>(b) the quantity and quality of surface and ground water flows to and from the adjacent coastal wetland or littoral rainforest.</p> <p>The subject site is in proximity to the Newington Nature Reserve and wetlands. A Flora and Fauna report prepared by Ecological Consultants Australia was submitted with the application. This report assesses the likely impacts of the proposed development on the values of this area. Findings include the following:</p> <ul style="list-style-type: none"> <li>• It is expected that there will be no significant impact on threatened species or migratory shorebirds as listed under the EPBC Act.</li> <li>• The proposed development will not directly remove habitat (foraging/roosting or other).</li> <li>• The proposed development will have a minor (to negligible) shading influence on the Saltmarsh and Mangroves. Thus, the shading will not significantly degrade areas of foraging/roosting or other habitat such that they lose their current habitat value.</li> <li>• Direct (collision) and indirect impacts associated with the proposal are expected to be negligible.</li> <li>• Indirect impacts can be appropriately managed during the design and construction stage.</li> <li>• Lighting designs will follow Best Practice Lighting Design as outlined in the National Light Pollution Guidelines for Wildlife (Migratory Shorebirds).</li> <li>• Effective stormwater management is possible on site and the design leads freshwater away from the reserve and saltmarsh ecological communities within.</li> </ul> <p>The application has been reviewed by Council's Biodiversity Officer who is satisfied that the proposed development will not be likely to significantly impact threatened species, ecological communities or their habitats, and has included recommended conditions to further minimise potential ecological impacts.</p>
<b>Chapter 3 Hazardous and Offensive Development</b>	Not applicable. The application does not involve any hazardous or offensive industries.
<b>Chapter 4 Remediation of Land</b>	<p>Clause 4.6 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.</p> <p>A RAP prepared by EI Australia was submitted with the application. This RAP describes the works required to remediate the site, thereby rendering it suitable for the proposed (residential) use.</p> <p>The following indicates the contaminants of concern for remediation:</p> <ul style="list-style-type: none"> <li>• Interception of acid sulfate soils</li> <li>• Asbestos hotspot</li> </ul>

	<ul style="list-style-type: none"> <li>• Ground gases (methane, carbon dioxide and hydrogen sulfide)</li> </ul> <p>The source of contaminants is a result of the historic use of the area and includes, importation of unknown fill, storage and use of petroleum based products (oils, fuels, lubricants), weathering of structures containing hazardous materials and migration of mobile ground contaminants (on site and off site).</p> <p>The selected remediation strategy is a combination of excavation and off-site disposal of impacted materials to licensed waste landfill facilities, followed by capping and containment.</p> <p>The Revised RAP was reviewed by an independent NSW EPA Accredited Site Auditor (Tim Chambers, Phreatic Consulting) who concludes that ... <i>"The Auditor is satisfied that the proposed remedial strategy is appropriate to address the identified contamination at the site. The report adequately meets the NSW EPA reporting requirements."</i></p> <p><i>The Auditor is satisfied that implementation of the remediation proposed in the RAP (Eiaustralia (08.10.2021) Revised Remediation Action Plan, Sanctuary Phase 4, 14-16 Hill Road, Wentworth Point, NSW. Report E25144.E06_Rev1) by suitably competent consultants will make the site suitable for the proposed high density residential use."</i></p> <p>At the completion of remediation and validation works, a validation report will be prepared in general accordance with the NSW EPA (2020a) Guidelines for Consultants Reporting on Contaminated Land and other relevant guidance endorsed by the NSW EPA. The site validation report will be submitted for Council and a NSW EPA-accredited Site Auditor review at the completion of the remediation works program.</p> <p>Accordingly, the development application is satisfactory having regard to the relevant matters for consideration under Chapter 4 of the SEPP (Resilience and Hazards) 2021. Subject to the implementation of the remediation action plan, the site will be suitable for the proposed development.</p>
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### 3.5 SEPP (TRANSPORT AND INFRASTRUCTURE) 2021

SEPP Section	Comment
<b>Chapter 2 Infrastructure</b>	
Development likely to affect electricity transmission or distribution networks	Based upon the information contained within the submitted survey, the application is subject to Clause 2.48 of the SEPP as the development does propose works within the vicinity of electricity infrastructure that would trigger a written referral to

Development Adjacent to Rail Corridors	<p>the energy authority. It is noted that the site is within proximity to the high power transmission lines located to the west of the site.</p> <p>Ausgrid were notified of the proposed development and have advised that no objections are raised. Advisory notes relating to works within the proximity of existing network assets have been recommended.</p> <p>The subject site is not adjacent to a rail corridor. Although Parramatta Light Rail (Stage 2) is proposed through the site, this is not a formally identified or declared rail corridor. Notwithstanding this, TfNSW have provided comments which are discussed within this report.</p> <p>Clause 2.99 of the SEPP requires the consent authority to consider the impact of rail noise or vibration on residential development. An acoustic report for the proposed development has been submitted that includes an assessment of exiting environmental noise including road traffic noise and ferries using the Sydney Olympic Park wharf as well as future possible noise and vibration impacts from the proposed light rail which will be located on the site.</p> <p>This report details the required acoustic construction of the building's façade, including external windows, to ensure that the future internal noise levels comply with the relevant noise levels of the Australian Standard AS2107:2016. Providing the recommended constructions detailed in this report are included in the construction of the project the required internal noise levels will be achieved.</p>
Frontage to a Classified Road	<p>The subject site has frontage to Hill Road, which is not a classified road.</p>
Traffic Generating Development	<p>The proposal does trigger a referral to TfNSW under Schedule 3 of the SEPP as the proposed development contains more than 300 apartments and more than 200 car parking spaces. TfNSW raise no objection to the proposal subject to the imposition of conditions.</p>

### 3.6 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).

#### 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 proposed buildings is considered to respond and contribute to its context, especially having regard to the current qualities of the area and the applicable planning controls on the site. The scale of buildings and type of use are compatible with the proposed redevelopment of the precinct.															
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.															
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 regarded as sustainable and consistent with the envisaged yield on the site.															
Sustainability, resource, energy & water efficiency	The development provides opportunities in this regard, as reflected within the submitted Basix Certificate. Energy efficiency is also aided by the use of water/energy efficient fittings, appliances and lighting and WSUD measures. The proposal also provides for dual piping.															
Landscape	The landscaping solutions depicted in the detailed landscape plans are considered to be of high quality and appropriately respond to the proposed built environment.															
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 for a limited but acceptable unit mix (in terms of number of bedrooms) for housing choice and provides 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 has been designed to be satisfactory in terms of perceived safety in the public domain.															
Social dimensions/housing affordability	<p>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. It is considered that the proposal satisfies these requirements.</p> <p>The proposed unit mix is as follows:</p> <table><tr><th>Bedroom Size</th><th>Number</th><th>% of Apartments</th></tr><tr><td>1 bedroom</td><td>129 apartments</td><td>33%</td></tr><tr><td>2 bedroom</td><td>242 apartments</td><td>62%</td></tr><tr><td>3 bedroom</td><td>17 apartments</td><td>4.5%</td></tr><tr><td>4 bedroom</td><td>2 apartments</td><td>0.5%</td></tr></table> <p>Council would ordinarily expect a higher percentage of 3 bedroom units within the development (minimum 10%) and has encouraged the applicant to provide a greater diversity of unit sizes. It is noted that there are no unit mix requirements in either the Wentworth Point Precinct DCP or the Auburn DCP. The applicant has not amended the unit mix however has shown how apartments are</p>	Bedroom Size	Number	% of Apartments	1 bedroom	129 apartments	33%	2 bedroom	242 apartments	62%	3 bedroom	17 apartments	4.5%	4 bedroom	2 apartments	0.5%
Bedroom Size	Number	% of Apartments														
1 bedroom	129 apartments	33%														
2 bedroom	242 apartments	62%														
3 bedroom	17 apartments	4.5%														
4 bedroom	2 apartments	0.5%														

	capable of being amalgamated to provide larger units should the market demand this type of accommodation.
<b>Aesthetics</b>	The proposed development is considered to be appropriate in terms of the composition of building elements, textures, materials and colours and reflect the use, internal design and structure of the resultant building. The proposed buildings aesthetically respond to the environment and context, contributing to the desired future character of the area. The design has been reviewed and supported by the Parramatta Design Excellence Advisory Panel.

### Apartment Design Guide (ADG)

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

Site area for ADG = 5910m<sup>2</sup>

PARAMETER	DESIGN CRITERIA	PROPOSAL	COMPLIANCE												
Communal Open Space	Min 25% of the site area  = 1478m²	= 2087m² or 35.3%  • Large podium communal open space contains central lawn, pool, seating areas, covered communal area • Rooftop L9 Building M contains landscaped outdoor seating	Yes												
	Min 50% of the communal open space is to receive 2 hours direct sunlight between 9.00am and 3.00pm on June 21	66% of principal usable space	Yes												
Deep soil zone	7% of the overall site area Minimum dimension of 6m required  = 414m²	Nil No deep soil is provided across the entire site	<b>No</b> <i>However soil depths on slab range between 500mm-2.4m which can maintain appropriate landscaping</i>												
Building Separation	<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><tr><td>over 25m (9+ storeys)</td><td>24m</td><td>12m</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	over 25m (9+ storeys)	24m	12m	<b>Up to 4 storeys</b> = 9m (L & K) = 18.9m (K & M) = 25m (L & M)  <b>5-8 storeys</b> = 9m (L & K) = min 19m (K & M) = min 22m (L & M)  <b>9+ storeys</b> = 9m (L & K) = 29m (K & M) = 26m (L & M)	<b>No</b> Yes Yes  <b>No</b> Yes Yes  <b>No</b> Yes Yes
	Building Height	Habitable rooms and balconies	Non-habitable rooms												
	up to 12m (4 storeys)	12m	6m												
	up to 25m (5-8 storeys)	18m	9m												
over 25m (9+ storeys)	24m	12m													

			<i>The intention is that windows on Building K are secondary windows and will have opaque glazing to address privacy. This may be conditioned.</i>
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	Living rooms = 291 apartments = 75%  Private open space = 276 apartments = 71%	Yes  Yes
	A maximum of 15% of apartments are permitted to receive no direct sunlight between 9.00am and 3.00pm midwinter.	24 apartments = 6%  Total 330 apartments = 84%	Yes
Cross Ventilation	At least 60% of apartments are to be naturally cross ventilated.	92 (first 9 storeys) = 61%	Yes
	Apartment depth is not to exceed 18m	Appears to comply	Yes
Ceiling Heights	2.7m for habitable, 2.4m for non-habitable	3.15m floor to floor (2.7m therefore achievable)	Yes
Apartment Size	Studio – 35m <sup>2</sup> 1 bd – 50m <sup>2</sup> 2 bd – 70m <sup>2</sup> 3 bd – 90m <sup>2</sup> (note: minimum internal size increases by 5m <sup>2</sup> for additional bathrooms, 10m <sup>2</sup> for 4 + bedroom)	Complies	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.	Appears to comply	Yes
	Habitable room depths to be a maximum 2.5 x the ceiling height (=6.75m)	Appears to comply	Yes
	Maximum depth (open plan) 8m from a window.	Appears to comply	Yes
Bedroom size	Master bedrooms – 10m <sup>2</sup> Other bedrooms – 9m <sup>2</sup> Bedroom dimensions – 3m min.  Living rooms have a width of: <ul style="list-style-type: none"> <li>• 3.6m for studio/1bd</li> <li>• 4m for 2 or 3 bd</li> </ul>	Appears to comply	Yes
Balconies	Studio – 4m <sup>2</sup> 1bd – 8m <sup>2</sup> / 2m 2bd - 10m <sup>2</sup> /2m 3bd – 12m <sup>2</sup> /2.4m	Complies	Yes

	Ground or podium apartments to have POS of 15m <sup>2</sup> /3m	Ground apartments all have large terraces/balconies (range = 37m <sup>2</sup> to 97m <sup>2</sup> )	Yes
Circulation	Maximum 8 apartments per level	<b>Buildings K/L/M</b> Separate street entries  <b>Building K</b> = 4 apartments (1 x lift) <b>Building L</b> = 3 x lifts = 8 apartments <b>Building M</b> = 2 x lifts = 5-9 apartments	Yes  Yes  <b>No</b> <i>DEAP agreed this was not an issue given the relative length of corridor access and lift provisions</i>
Storage	1bd – 6m <sup>3</sup> 2bd – 8m <sup>3</sup> 3bd – 10m <sup>3</sup>	Internal and basement storage provided. 390 storage units in basement	Yes

#### Parramatta Design Excellence Advisory Panel (DEAP)

The application was considered by the DEAP as follows:

19 August 2021	DEAP meeting
25 November 2021	DEAP-Sekisui workshop
17 February 2022	Pre-final DEAP meeting
23 September 2022	Final DEAP meeting

The DEAP final report notes that only minor changes are required and provided these changes are incorporated, the panel does not need to review this application again. These matters are discussed below.

DEAP Comment	Planning Response	Action
<p>West elevation has improved with refinement of the street expression and activation through and additional entry to Tower L foyer but would benefit from some casual bench type seating to create occasional bump spaces.</p> <p>There is still scope for social and casual bump spaces at foyer entries to be integrated as part of landscape expression through low height wall seating in entry forecourts.</p>	Additional bench type seating at the foyer entries can be required through a condition of consent.	Condition
The integration of solar P/V panels in various locations was appreciated and suggested there was scope for further installation above podium and roof terrace pergolas (L9 and 12) that would also provide some shading benefit.	Council's independent ESD consultant has recommended that solar photovoltaic generation must be installed for a roof area of not less than 127m <sup>2</sup> . This may be addressed through condition of consent.	Condition
Inclusion of ceiling fans to living areas and bedrooms is still not adopted and is still recommended and likely to become a mandatory provision as an optional	There are no policy requirements to provide ceiling fans within the development. Notwithstanding this, the	Nil

alternative to more energy demanding a/c systems.	applicant advises they will consider this during the detailed CC stage.	
With the increasing moves for electrification a clear commitment should be made to no gas appliances or hot water systems	There are no policy requirements to require this commitment. Notwithstanding this, the applicant advises they will consider this during the detailed CC stage.	Nil
A rainwater reuse strategy for SP4 water bodies and associated irrigated landscape areas should be confirmed.	A 10KL rainwater tank is proposed for irrigation, water features and car washing.	Nil
<p>The Panel noted that an internal privacy audit be carried out of all key communal areas interface with private courtyards and apartment windows in order to satisfy effective architectural screening and plant material buffers provide adequate short- and long-term privacy. See below.</p> <p>The Panel noted that there were potential noise impacts on some podium level apartments, in particular on the north eastern Podium roof top-level apartments located along the edge of the pool decking. Separation is proposed via landscaping and a pond however the inclusion of decorative acoustic screening may be required to ensure an adequate level of amenity. The 3D renders show low level planting along this edge however denser and higher plant selections for these zones where proposed by the landscape architect in the Panel session and this should be clarified in any resubmission.</p>	In regard to this comment, particular concern was raised with the potential privacy impacts between the raised deck on the podium and the adjoining apartment/s, and whether suitable screening had been provided. This may be addressed through condition of consent.	Condition
<p><b>DEAP Summary:</b></p> <p><i>The Panel appreciates the extent of commitment to ongoing improvements through the evaluation of this project and considers that SP4 now shows the qualities of design excellence in the urban character, built form and landscape that will contribute to an optimum outcome for the overall precinct.</i></p>		

There are no outstanding design matters on this application which require resolution before determination. Appropriate conditions may be imposed to address matters raised as discussed above, and are included within Appendix B of this report.

### 3.7 STATE ENVIRONMENTAL PLANNING POLICY – BASIX

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

### 3.8 AUBURN LOCAL ENVIRONMENTAL PLAN 2010

The relevant requirements and objectives of this LEP have been considered in the following assessment table.

Requirement	Comment
<b>Part 1 Preliminary</b>	Noted.



Requirement	Comment		
Part 2 Permitted or Prohibited Development	The proposed development is permissible with consent. See Section 5 of the Executive Summary for further detail.		
Part 3 Exempt and Complying Development	Not applicable. The development requires consent.		
Part 4 Principal Development Standards	Requirement	Proposed	Compliance
	Lot Size Not applicable		N/A
	Height 132m (max)	Building L = 131.2m Building K = 117.5m Building M = 43m	Yes
	Floor Space Ratio 5.7:1 (maximum) = 34,143m <sup>2</sup> Based on 5990m <sup>2</sup> site area (excluding roads)	= 34,143m <sup>2</sup> or 5.7:1	Yes
	Exceptions	None	N/A
Part 5 Miscellaneous Provisions	<b>Clause 5.6 Architectural roof features</b> Architectural roof features are all located below the maximum height permissible.		
	<b>Clause 5.10 Heritage Conservation</b> The site of proposed development is not individually heritage listed however it is in the vicinity of the Millenium Parklands Heritage Precinct (listed under SREP24 – Homebush Bay). It is considered that due to the separation between sites, the nature of significance of the item, and the current planning controls, the impact on heritage values of the item and the area will be within acceptable limits. The site is also not identified as being of European or Aboriginal archaeological significance.		
Part 6 Additional Local Provisions	<b>Clause 6.1 Acid sulfate soils</b> An Acid Sulfate Soils Management Plan (ASSMP) was submitted with the application which identifies potential acid sulfate soils may be encountered during the basement excavation and localised groundwater extraction (if required). The ASSMP includes treatment, monitoring and disposal options to manage the impacts.		
	<b>Clause 6.2 Earthworks</b> Council’s engineer has considered the proposed earthworks and raises no objection to the works. It is noted that these earthworks are anticipated within the DCP, with sites being raised due to the contamination of the land.		
	<b>Clause 6.4 Foreshore building line</b> The site is not affected by a foreshore building line.		
	<b>Clause 6.5 Essential services</b> Essential services can be provided to the site (water, electricity, sewage, drainage and road access).		
	<b>Clause 6.2 Development of certain land at 14–16 Hill Road, Sydney Olympic Park</b>		
	<ul style="list-style-type: none"><li>The Phase 4 development will not result in the gross floor area of all buildings on the land exceeding 188,800m<sup>2</sup>.</li></ul>		

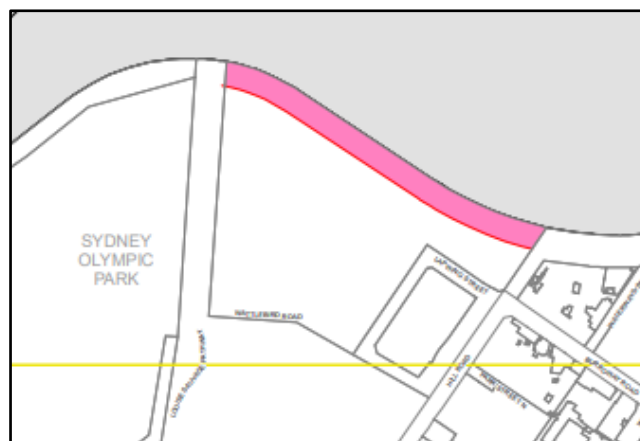
Requirement	Comment																																								
	<p>The precinct floor space is indicated in the table below.</p> <table><tr><th>SUB-PRECINCT</th><th>DA NUMBER</th><th>DCP</th><th>FLOOR SPACE</th><th>STATUS</th></tr><tr><td>1</td><td>DA/763/2017</td><td>34,625 m<sup>2</sup></td><td>34,625m<sup>2</sup></td><td>Complete</td></tr><tr><td>2</td><td>DA/622/2021</td><td>47,875m<sup>2</sup></td><td>47,863m<sup>2</sup></td><td>Pending</td></tr><tr><td>3</td><td>DA/587/2021</td><td>26,400m<sup>2</sup></td><td>26,398m<sup>2</sup></td><td>Approved</td></tr><tr><td>4</td><td>DA/623/2021</td><td>34,150m<sup>2</sup></td><td>34,143m<sup>2</sup></td><td>Pending</td></tr><tr><td>5</td><td>DA/588/2021</td><td>14,750m<sup>2</sup></td><td>14,748m<sup>2</sup> <i>Note – DA included the separate 612m<sup>2</sup> (for SP6) – see below</i></td><td>Approved</td></tr><tr><td>6</td><td>DA/624/2021</td><td>31,000m<sup>2</sup></td><td>30,374m<sup>2</sup> (add 612m<sup>2</sup> approved under SP5 DA = 30,986m<sup>2</sup>)</td><td>Pending</td></tr><tr><td>TOTAL</td><td></td><td>188,800m<sup>2</sup></td><td>188,763m<sup>2</sup></td><td>Complies with LEP &amp; DCP</td></tr></table> <ul style="list-style-type: none"><li>The development will not result in more than 2,000m<sup>2</sup> of the gross floor area of all buildings on the land being used for the purposes of commercial premises.</li></ul> <p>In this regard, no floor space for commercial premises has been approved to date on the site or proposed as part of this application. The commercial premises floor space is proposed to be accommodated within the mixed use building in SP6.</p>	SUB-PRECINCT	DA NUMBER	DCP	FLOOR SPACE	STATUS	1	DA/763/2017	34,625 m <sup>2</sup>	34,625m <sup>2</sup>	Complete	2	DA/622/2021	47,875m <sup>2</sup>	47,863m <sup>2</sup>	Pending	3	DA/587/2021	26,400m <sup>2</sup>	26,398m <sup>2</sup>	Approved	4	DA/623/2021	34,150m <sup>2</sup>	34,143m <sup>2</sup>	Pending	5	DA/588/2021	14,750m <sup>2</sup>	14,748m <sup>2</sup> <i>Note – DA included the separate 612m<sup>2</sup> (for SP6) – see below</i>	Approved	6	DA/624/2021	31,000m <sup>2</sup>	30,374m <sup>2</sup> (add 612m <sup>2</sup> approved under SP5 DA = 30,986m <sup>2</sup> )	Pending	TOTAL		188,800m <sup>2</sup>	188,763m <sup>2</sup>	Complies with LEP & DCP
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## 4. Draft Environmental Planning Instruments

### 4.1 Draft Parramatta Local Environmental Plan 2020

Council has prepared a planning proposal for a new local environmental plan. The focus of the planning proposal is harmonisation (or consolidation) of existing LEP controls. The planning proposal does not propose major changes to zoning or increases to density controls. The planning proposal has been publicly exhibited and is currently with the Department for finalisation.

There are no changes proposed to the existing controls except that the draft LEP introduces a foreshore building line (30m wide) along the northern edge of the site.



Extract - Draft Parramatta LEP – Foreshore Building Line/Area

No part of the proposed development falls within the foreshore building line.

## 5. Development Control Plans

### 5.1 Wentworth Point Precinct Development Control Plan 2014

The relevant requirements and objectives of this DCP have been considered in the following assessment table.

Requirement	Comment
<b>Section 1.0 Introduction</b>	<ul style="list-style-type: none"> <li>This DCP applies to the subject site.</li> <li>This DCP prevails over the Auburn DCP in terms of any inconsistencies.</li> </ul>
<b>Section 2.0 Vision, Principles and Indicative Structure</b>	<p>The development achieves the vision, development principles and indicative structure. It is noted that the proposed development:</p> <ul style="list-style-type: none"> <li>makes a significant contribution to providing high quality housing for Sydney's diverse and growing population in an environment that embraces its location adjoining Homebush Bay, the Parramatta River and Sydney Olympic Park, Parklands and represents contemporary, high density sustainable living.</li> <li>ensures that development in the precinct occurs in a coordinated manner consistent with the vision and development principles for the precinct.</li> <li>complies with the indicative structure plan (see below) and provides for an appropriate residential community, built form and movement network in accordance with that plan.</li> </ul> <div data-bbox="450 1052 1388 1742"> <p>The map illustrates the Wentworth Point Precinct Indicative Structure Plan. It shows the precinct's location relative to the Parramatta River, Sydney Olympic Park, and Homebush Bay. Key features include the Sydney Olympic Park ferry wharf, Peninsula park, Maratime plaza, and Homebush Bay foreshore path. The map also shows the layout of roads, including Hill Road, Burroughway Road, and Future Road. A legend at the bottom provides a key for the map's symbols and colors, including site boundaries, roads, parks, and various precincts.</p> </div> <p style="text-align: center;"><b>Wentworth Point Precinct Indicative Structure Plan</b></p> <p><b>Proposed Subdivision:</b></p> <ul style="list-style-type: none"> <li>The subdivision component of the application proposes to create 4 allotments with the proposed building on Lot 16</li> <li>The subdivision represents the new portions of community titled road, a future foreshore reserve to be transferred to Council at the completion of the park works, the site containing the proposed development, and an allotment which contains an existing wharf on</li> </ul>





Requirement	Comment																		
	<ul style="list-style-type: none"><li>There are no proposed changes to the existing pedestrian and cycle network along the foreshore as part of this application.</li></ul>																		
	<b>Landform and Contamination</b> <ul style="list-style-type: none"><li>The site is to be raised as identified within the DCP. The existing landform and internal roads are raised to accommodate parking above the water table. Notwithstanding this, the buildings are designed with apartment sleeving to engage and activate the streets.</li></ul>																		
	<b>Open Space Network</b> <ul style="list-style-type: none"><li>This application does not propose publicly accessible open space. There is no public open space required on Sub-Precinct 4 within the DCP.</li></ul>																		
	<b>Public Art</b> <ul style="list-style-type: none"><li>The Art Strategy approved via the infrastructure and subdivision development application (DA/586/2021) identifies a proposed art work to be provided within this sub-precinct. Details have not as yet been provided regarding this particular art work. A condition is included within Appendix B which requires details to be submitted and approved by Council before the issue of a CC for the building on the site.</li></ul>																		
<b>Section 4.0 Private Domain</b>	<b>Land Use and Floor Space Distribution</b> <ul style="list-style-type: none"><li>The proposal complies with the distribution of land use as indicated in the indicative structure plan (Section 1.0).</li><li>Sub-Precinct 4 has a maximum floor space of 34,150m<sup>2</sup> in the DCP and the proposed floor space is 34,143m<sup>2</sup>.</li></ul>																		
	<b>Building Height and Form</b> <table><tr><th>Requirement</th><th>Proposed</th><th>Comply</th></tr><tr><td>Perimeter block building forms generally encircle a central communal open space</td><td>Buildings to the east and west only above podium. Provides for ample surveillance of communal open space.</td><td>Yes</td></tr><tr><td>Buildings to provide for visual connections between streets and communal open spaces</td><td>Visual connections are provided to the north, west and south from the podium.</td><td>Yes</td></tr><tr><td>Perimeter block &amp; podia consistent in height</td><td>3 storey podia proposed – generally consistent</td><td>Yes</td></tr><tr><td>Alignment with street</td><td>Northern townhouses and apartments are not aligned/oriented with street</td><td>No</td></tr><tr><td><u>Heights</u> <b>Building K</b> = 3-8 storeys <b>Building L</b> = 40 storeys <b>Building M</b> = 3-8 storeys</td><td><u>Heights</u> <b>Building K</b> = 9 storeys <b>Building L</b> = 40 storeys <b>Building M</b> = 8/11/12 storeys <i>The above heights are including podium levels. Heights must be taken from the street under the DCP</i></td><td>No  Yes  No</td></tr></table>	Requirement	Proposed	Comply	Perimeter block building forms generally encircle a central communal open space	Buildings to the east and west only above podium. Provides for ample surveillance of communal open space.	Yes	Buildings to provide for visual connections between streets and communal open spaces	Visual connections are provided to the north, west and south from the podium.	Yes	Perimeter block & podia consistent in height	3 storey podia proposed – generally consistent	Yes	Alignment with street	Northern townhouses and apartments are not aligned/oriented with street	No	<u>Heights</u> <b>Building K</b> = 3-8 storeys <b>Building L</b> = 40 storeys <b>Building M</b> = 3-8 storeys	<u>Heights</u> <b>Building K</b> = 9 storeys <b>Building L</b> = 40 storeys <b>Building M</b> = 8/11/12 storeys <i>The above heights are including podium levels. Heights must be taken from the street under the DCP</i>	No  Yes  No
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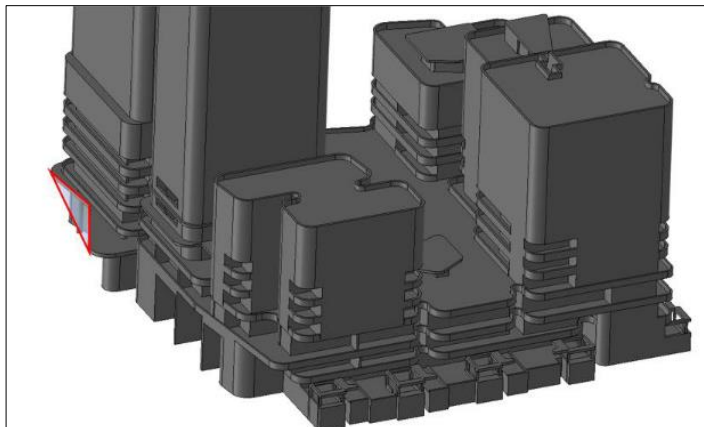
Requirement	Comment		
	Max Length 65m	North (42m), East (55m), South (60m)	Yes
	>30m bldg. separated or significant recess/project	Articulated walls	Yes
	<b>Discussion on non-compliance/s:</b>  <b>Building Alignment.</b> Northern townhouses and apartments are not aligned/oriented with street. The proposed alignment is considered acceptable given the buildings have been articulated to reinforce the streetscape and provide fine grain detailing that creates visual interest and variety along the public domain.		
	 <p style="text-align: center;"><b>Photomontage of ground floor townhouses</b></p> <p><b>Height Controls.</b> Building K and Building M exceed the height controls within the DCP. Under the provisions of the DCP these buildings are to be between 3-8 storeys in height, however are proposed to range from 9-12 storeys. The heights were amended during design development to address DEAP concerns with massing issues with the proposed tower. As a result of changes to the tower element, floor space was redistributed on the site. The proposed distribution of height still conforms to the desired character of low-rise, mid-rise and tower form of development and it is considered that the proposed distribution of heights remains consistent with the urban design vision for the site as expressed in the DCP. Furthermore, the proposal meets the objective for building height to create a visually interesting, modulated skyline comprised of perimeter block development supported by a small number of taller towers. The heights are also compliant with the maximum height controls within Auburn LEP 2010.</p> <p>These non-compliances were considered by DEAP and found to be acceptable.</p>		
	Requirement	Proposed	Comply
	<b>Tower Building</b>	<b>Tower Building</b>	
	40 storey (NW location)	40 storey (NW location)	Yes

Requirement	Comment		
	Max footprint = 750m <sup>2</sup>	= 560m <sup>2</sup> approx. (exc. balconies)	Yes
	Tower façade length = 50m (max)	= 38m (max)	Yes
<b>Setbacks and Public Domain Interface</b>			
Requirement	Proposed	Comply	
Other = 3-5m	Minimum 3m achieved	Yes	
Tower above podium Setback 6m from boundary	Building L –projections in part into N + NW setback	No	
Outermost building projections = 3-5m (600mm projection permitted for articulation)	Significant balcony projections on Level 1 (N/E/S) and above ground landscape walling projections (E) project beyond 600mm	No	
Above ground car-parking to be suitably sleeved with active frontages	All above ground parking is appropriately sleeved with residential uses	Yes	
Building setbacks to Sydney Olympic Park, Parklands are to be generally in accordance with Figure 15 and enable emergency vehicle access and incorporate landscaping to reduce the visual impact of buildings	Building setbacks and local roads are acceptable in design	Yes	
Residential uses at ground level to have main entry from street at grade or raised 600mm	All have access. Levels for majority of townhouses along the north and east do not comply – up to 1.1m	In part	
<b>Discussion on non-compliance/s:</b>			
<b>Setback Variations/Projections.</b> There are encroachments with balcony projections on the ground floor to accommodate adequate private open space for the ground floor apartments. Part of the NW corner of Building L encroaches to highlight the prominent corner to improve the architectural outcome. The overall development is within the setback requirements with a minor encroachment for the solar shading projection on the tower with a maximum of 580mm from level 3 to level 9. Under the DCP, partial variations may be considered to enable an improved architectural outcome and to provide visual interest in the façade. The proposal has been presented to DEAP who			

Requirement	Comment
	<p>are supportive of the articulation of the prominent tower corner and raise no concerns with the minor setback encroachments.</p> <div data-bbox="470 291 1284 952"> </div> <p style="text-align: center;"><b>Minor projections into setback areas</b></p> <p><b>Height Above Ground.</b> Some of the apartments located along the eastern elevation are up to 1m above finished street level. This is mainly due to the finished fall of the land to accommodate parking above natural ground level. The treatment of this interface with the street includes decorative stepped wall element and terraced landscaping to minimise impacts on the streetscape. Direct access is maintained to these dwellings from the street. Council's DEAP considered this issue and concluded that the height above street level was acceptable given the treatment proposed.</p> <div data-bbox="470 1355 1372 1848"> </div> <p style="text-align: center;"><b>Ground level building interface with street</b></p>
	<p><b>Private Open Space</b></p> <ul style="list-style-type: none"> <li>The proposed development provides for balconies in accordance with the ADG requirements.</li> </ul>

Requirement	Comment
	<ul style="list-style-type: none"> <li>• The proposal provides communal open space which exceeds the ADG and DCP requirements. The common open space areas are distributed across the site and includes a large podium communal open space (containing central lawn, pool facilities, seating areas and covered communal area), and rooftop terrace on Level 9 in Building M (containing landscaped outdoor seating).</li> <li>• The common open space areas will include soft and hard landscaping features and will provide a high level of amenity for the dwellings and will have a high standard of finish and design. The common open space areas will receive adequate levels of solar access and air flow.</li> </ul>  <p style="text-align: center;"><b>Photomontage of Podium communal open space</b></p>
	<p><b>Deep Soil Zones and Landscaping</b></p> <ul style="list-style-type: none"> <li>• It is noted in the DCP that the opportunities for providing deep soil are limited.</li> <li>• Deep soil is provided within the road in accordance with Figure 16 of the DCP.</li> </ul>  <p style="text-align: center;"><b>DCP Figure 16 - Deep Soil and Street Planting</b></p> <ul style="list-style-type: none"> <li>• Appropriate soil volumes have been provided on structures to optimise landscaping within the site.</li> </ul>



Requirement	Comment																														
	<p><b>Building Design and Materials</b></p> <ul style="list-style-type: none"><li>• The proposed development provides for a varied and well articulated built form with varying heights to create a visual interest, whilst maximising amenity through appropriate separation distances and access to sunlight.</li><li>• The application was considered by the Design Excellence Advisory Panel who are satisfied that the development achieves the design principles of SEPP 65.</li></ul> <p><b>Wind Effects</b></p> <ul style="list-style-type: none"><li>• A Wind Effects report was submitted with the application which concludes that wind conditions at the site will be compliant with the relevant safety and comfort criterion. Some minor screening on the podium and ground floor will be required for mitigation purposes. Council’s Wind consultant has reviewed the application and advises that the wind conditions for safety and comfort within this sub-precinct are considered acceptable.</li></ul> <div></div> <p>Indicative layout of extended awning</p>																														
	<p><b>Vehicular Access and Car Parking</b></p> <ul style="list-style-type: none"><li>• Car parking is provided in accordance with the DCP requirements as follows:</li></ul> <table><tr><th>Dwelling Type</th><th>Required</th><th>Proposed</th><th>Comply</th></tr><tr><td>Studio (1.0)</td><td>Nil</td><td>Nil</td><td>N/A</td></tr><tr><td>1 bedroom (1.0)</td><td>129</td><td rowspan="3">Not stated</td><td>•</td></tr><tr><td>2 bedroom (1.1)</td><td>266.2</td><td>•</td></tr><tr><td>3 bedroom or greater (2.0)</td><td>38</td><td>•</td></tr><tr><td><b>TOTAL RESIDENTIAL</b></td><td>433</td><td>472</td><td>Yes</td></tr><tr><td><b>Visitors (0.1)</b></td><td>39</td><td>39</td><td>Yes</td></tr><tr><td><b>Total Parking</b></td><td><b>472</b></td><td><b>511</b></td><td><b>Yes</b></td></tr></table> <ul style="list-style-type: none"><li>• Car parking is not permitted underneath the streets (except for shareways). The proposed development does not provide for any parking under the streets and it is entirely contained within the development block.</li><li>• A loading dock has been provided on the western side of the building with satisfactory access for Council waste collection vehicles. It is considered that a loading dock management plan should be prepared to allow for resident use of this area for removalist vans and the like. This requirement is contained within Attachment B of this report.</li></ul>	Dwelling Type	Required	Proposed	Comply	Studio (1.0)	Nil	Nil	N/A	1 bedroom (1.0)	129	Not stated	•	2 bedroom (1.1)	266.2	•	3 bedroom or greater (2.0)	38	•	<b>TOTAL RESIDENTIAL</b>	433	472	Yes	<b>Visitors (0.1)</b>	39	39	Yes	<b>Total Parking</b>	<b>472</b>	<b>511</b>	<b>Yes</b>
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Requirement	Comment
	<ul style="list-style-type: none"> <li>On-street parking spaces are provided on the perimeter roads.</li> <li>The application provides for 2 car share spaces on the eastern road. A covenant is to be registered with the subdivision plan advising of the car share parking spaces and is to include provisions that the car share parking spaces cannot be revoked or modified without prior approval of Council.</li> <li>Although not required by the DCP, 2 x electric vehicle visitor parking spaces and a car wash bay have been provided</li> <li>A Travel Access Guide approved by Council prior to occupation is to be made available to residents and non-residential tenants of development.</li> </ul> <p><b>Safety and Security</b></p> <ul style="list-style-type: none"> <li>The buildings have been designed to maximise opportunities for casual surveillance of the public and communal domain and building entries are clearly visible and identifiable from the street.</li> <li>A Crime Risk Assessment and Security Management Plan was submitted with the application. This report identifies opportunities for crime and mitigation and management strategies to avoid situational crime. A list of recommendations is provided, including the following: <ul style="list-style-type: none"> <li>Introduction of way finding signage to reinforce legibility</li> <li>Provision of appropriate lighting within the area</li> <li>Provision of restricted electronic access to secure gates of the car park</li> <li>Provision of an intercom and restricted electronic access to secure residential lobbies</li> <li>Ensure a prompt response to environmental maintenance is prioritised in maintenance procedures</li> </ul> </li> </ul> <p>Appropriate conditions requiring compliance with the recommendations of the CPTED report are included in Attachment B.</p> <p><b>Adaptable Housing</b></p> <ul style="list-style-type: none"> <li>The development provides for a sufficient proportion of dwellings that include accessible layouts and features to accommodate changing requirements of residents.</li> </ul>
<b>Section 5.0 Sustainability and Environmental Management</b>	<p><b>Sustainability</b></p> <ul style="list-style-type: none"> <li>The application complies with Basix requirements and aims to include energy efficient fixtures and fittings.</li> <li>Dual reticulation has been included as part of the proposed development. It is noted that the WRAMS infrastructure has already been provided along Hill Road and is easily accessible by the subject site.</li> <li>A waste storage room and loading dock for waste collection has been provided on the ground floor. Council's Waste Management Officer has reviewed the application and raises no concerns with the waste facility subject to standard conditions of consent.</li> </ul> <p><b>Water Management</b></p> <ul style="list-style-type: none"> <li>The DCP requires that future development incorporate water management measures. The proposed development drainage solution includes water sensitive urban design measures such as rainwater tanks and bio-retention gardens.</li> </ul> <p><b>Ecology</b></p> <ul style="list-style-type: none"> <li>The objectives of the section of the DCP are to ensure that development does not impact on the ecological values of the</li> </ul>

Requirement	Comment
	<p>adjoining Newington Nature Reserve and Homebush Bay and to protect and enhance the ecological values of the precinct.</p> <ul style="list-style-type: none"> <li>An ecological report was submitted with the application which contains recommendations to ensure the development has a minimal and acceptable impact on local ecology (for example, minimising sedimentation and stormwater impacts during construction).</li> <li>Council's Biodiversity Officer has reviewed the report and raises no objections to the proposal subject to the imposition of appropriate conditions.</li> </ul>

## 5.2 Auburn Development Control Plan 2010

The relevant requirements and objectives of this DCP have been considered in the following assessment table.

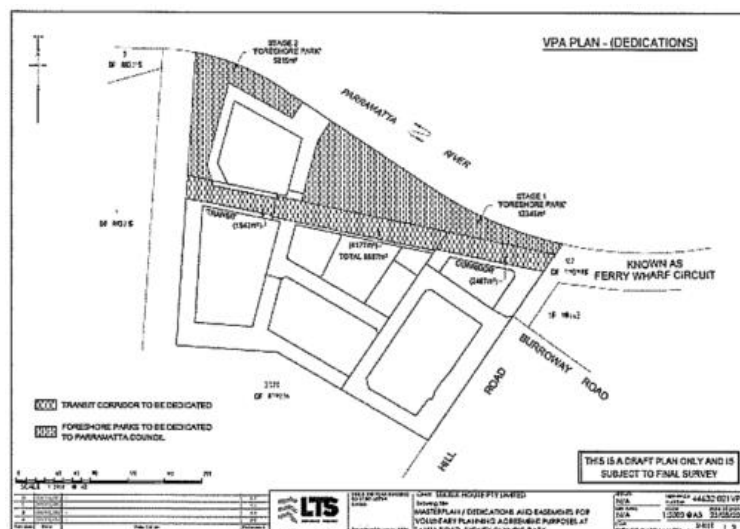
The majority of controls for this proposal are contained within the ADG or the WPPDCP. The following controls would however also apply to this application.

PARAMETER	DESIGN CRITERIA	PROPOSAL	COMPLIANCE
Bicycle Spaces	Required to be provided although no specific rates  Recommend (CoP) 1/2 units = 195 spaces	196 spaces	Yes
Adaptable Units	10% of apartments = 39	40 apartments	Yes

## 6. Planning Agreements

The proposed development is subject to a planning agreement entered into under Section 7.4 of the EPA Act. The planning agreement primarily includes the following:

- Construction and dedication of a foreshore park
- Construction and dedication of a transit corridor (potential future PLR route).



VPA – Annexure B – Plan Showing Dedication Land

Part of the proposal incorporates the design and construction of a section of road which is part of the transit corridor. Any consent granted should incorporate a condition regarding compliance with this planning agreement.

The implications of the VPA upon this development application is addressed within the table below.

Column 1	Column 2	Column 3	Column 4	Implications for this Application
Item/Contribution	Public Purpose	Manner & Extent	Timing	
Construction of Stage 1 Foreshore Park Works	Provision of public open space	Embellishment of new public open space, such as landscaping, amenities, furniture, seating, and BBQ areas.	Prior to issue of Occupation Certificate for Stages 5, 6, or 7 (whichever is the earlier) of the Development (In accordance with staging plan attached at annexure C) or 3 years from the date of Development Consent for the Stage 1 Foreshore Park Works, whichever is earlier	<b>Potential Impact</b> Construction to occur prior to OC for SP2, SP4, or SP6 whichever is the earlier – or 3 years from park DA consent whichever is the earlier
Construction of Stage 2 Foreshore Park Works	Provision of public open space	Embellishment of new public open space, such as landscaping, amenities, furniture, seating, and BBQ areas.	Prior to issue of Occupation Certificate for Stage 5 of the Development (in accordance with staging plan at annexure C).	<b>Potential Impact</b> Construction to occur prior to OC for SP4
Construction of Transit Corridor	Provision of public infrastructure	Construction of Public Road in accordance with relevant Australian Standards Council guidelines	Prior to issue of Occupation Certificate for Stage 7 of the Development (In accordance with staging plan attached at annexure C)	<b>Not Impacted</b> Construction to occur prior to OC for SP6
Dedication of Land	Dedication	Dedication of Stage 1 of the Foreshore Park	Within 12 months from the date of Practical Completion for the Stage 1 Foreshore Park, unless Council informs the Developer that dedication is not required in accordance with clause 7.5(d) of this Agreement	<b>Potential Impact</b> (refer Stage 1 Construction above)
Dedication of Land	Dedication	Dedication of Stage 2 of the Foreshore Park	Within 12 months from the date of Practical Completion for the Stage 2 Foreshore Park, unless Council informs the Developer that dedication is not required in accordance with clause 7.5(d) of this Agreement	<b>Potential Impact</b> This is linked to the OC of SP4
Dedication of Land	Dedication	Dedication of the Transit Corridor	Prior to issue of Occupation Certificate for Stage 7 of the Development (whichever is the earlier) (In accordance with staging plan attached at annexure C)	<b>Not Impacted</b> Dedication to occur prior to OC for SP6

**Table - Schedule 1 Contributions (VPA) and Implications for DA/623/2021**

*It is noted that the stages referred to in the VPA are not the same as the stages referred to in the DAs*

A condition is proposed regarding compliance with this planning agreement.

## **7. Environmental Planning and Assessment Regulation 2000**

Applicable Regulation considerations including compliance with the Building Code of Australia, PCA appointment, notice of commencement of works, sign on work sites, critical stage inspections and records of inspection are addressed as part of recommended conditions of consent.

## **8. Likely Impacts**

The likely impacts of the development have been discussed within this report and it is considered that the impacts are consistent with those that are to be expected given the applicable planning framework and previous approvals on the site. The impacts that arise are acceptable, subject to the imposition of appropriate conditions.

## **9. Site Suitability**

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

## **10. Public Interest**

### **10.1 Central City District Plan**

This *Central City District Plan* is a 20-year plan to manage growth in the context of economic, social and environmental matters to achieve the 40-year vision of Greater Sydney. It is a guide for implementing the Greater Sydney Region Plan, *A Metropolis of Three Cities*, at a district level and is a bridge between regional and local planning.

The 10 directions of the plan comprise the following:

- Infrastructure supporting new developments
- Working together to grow a Greater Sydney
- Celebrating diversity and putting people at the heart of planning
- Giving people housing choices
- Designing places for people
- Developing a more accessible and walkable city
- Creating the conditions for a stronger economy
- Valuing green spaces and landscape
- Using resources wisely
- Adapting to a changing world.

This application is consistent with the directions and priorities of the Central City District Plan.

### **10.2 Public Submissions**

The application was notified and advertised in accordance with Appendix 1 (Consolidated Notification Requirements) of Council's Community Engagement Strategy as follows:

6 August to 3 September 2021      Notification of the application when submitted

26 August to 23 September 2021      The application was re-notified to correct an error in the

original property description

5 October to 3 November 2022

Notification of amended plans

In response to the exhibition periods, 6 individual submissions (from 6 households) were received. The location of the submitters is indicated within the map below.




Locality Map indicating subject site and submissions received



The issues raised within the submissions are discussed in the table below.

Submission	Issue Raised	Planning Comment
4 Waterways Street Wentworth Point	<b>Traffic</b> Concern is raised with the increased traffic as a result of the application.	Council's Traffic Officer has reviewed the application in detail. It is noted that the Transport Assessment report submitted with the application estimated the traffic generation for the proposed development based on 537 units will result in 70 vtp and 86 vtp during the morning and afternoon peak periods respectively. The generation of additional vehicle trips during weekday peak hours by the proposed development is consistent with the anticipated development of the area and is not expected to have a significant traffic impact on the surrounding road networks.
	<b>Parking</b> Concern is raised that there is inadequate parking in the area.	The application complies with the required on site car parking requirements under the DCP. In addition, the overall precinct will increase the amount of on street parking with the design and delivery of new roads (approximately 248 car parking spaces).
	<b>Height</b> Concern is raised that 40 storeys is an eyesore and will set a precedent for other development	The proposed height complies with the maximum height restrictions under Auburn LEP 2010. The height was assessed as being appropriate under the recently exhibited and adopted planning proposal for the site.



<b>10 Burroway Road Wentworth Point</b>	<b>Higher Density Impacts</b> Concerns is raised that there will be an increase in negative impacts as a result of the higher density – including additional vehicle noise, less green space available, more garbage and garbage dumping	It is inevitable that higher densities will result in potential impacts, however these impacts are minimised as part of the application. Sufficient waste collection areas have been provided on site for future occupants of the building. The overall precinct will be delivering additional green space in the form of a new neighbourhood park, linear park along Hill Road and a foreshore park.
	<b>Height and Scale</b> Concern is raised that the height should be a more reasonable scale.	See previous commentary regarding this issue.
	<b>Parking &amp; Traffic</b> Concern is raised with respect to the insufficient parking in the area and the additional traffic	See previous commentary regarding these issues.
	<b>Overshadowing of Apartment</b> Concern is raised with the overshadowing on the objector's apartment	<p>There will be no overshadowing of the objector's apartment in Burroway Road as a result of this application. The shadow diagrams submitted indicate that the 3pm shadow (closest to the objector's property) will fall onto Hill Road.</p>  <p>Shadow diagram indicating that the shadows at 3pm during the Winter Solstice fall on Hill Road</p>
	<b>Wind Impacts along Foreshore</b> Concern is raised that there will be additional wind tunnelling along the foreshore	It is noted that wind tunnel testing of the proposed new foreshore park has been carried out as part of the separate DA for the design and delivery of the new foreshore park and no issues of concern are raised with respect to that wind assessment.
<b>14 Hill Road Sydney Olympic Park (Phase 1)</b>	<b>Traffic Impacts</b> Concern is raised with the increased traffic as a result of the application.	See previous commentary regarding this issue.
	<b>Overdevelopment will impact land values</b> Concern is raised that the increased density will reduce the attractiveness of the area and will affect the land price and economic potential of the area.	The application complies with the maximum floor space permissible under the statutory legislation. No evidence has been provided that suggests that the suburb will become less attractive or impact on the economic potential of the area.

	<b>Building Quality</b> Concern is raised with structural integrity, maintenance and energy consumption.	The applicant will be required to construct the buildings in accordance with the BCA and construction code requirements, addressing structural engineering compliance for the development site. Energy consumption impacts are assessed as part of the application which includes compliance with Basix requirements and the provision of ESD features including the provision of dual piping.
	<b>Insufficient Open Space</b> Concern is raised with the lack of open space proposed which is insufficient for the proposal.	The overall precinct will be delivering additional green space in the form of a new neighbourhood park, linear park along Hill Road and a foreshore park. This provision of open space is significantly greater than the previously approved masterplan for the site despite no increase in density proposed on the site.
	<b>Tower R</b> Opposition is raised to the proposed Tower R for reasons including view loss, overshadowing and restriction of access to the foreshore.	Tower R is contained within Sub-Precinct 6 (DA/624/2021) and does not form part of the subject application. This issue is not relevant to the assessment of the subject application.
<b>53 Hill Road</b>	<b>Impact on Amenity of Foreshore Public Space</b> Concern is raised that the proposal will not only make the foreshore area overpopulated but will also block many natural views from the area.	The proposed redevelopment of the site will change the views from the foreshore. However, as a result of this redevelopment, a substantial foreshore park will be provided which will significantly increase the area of open space and enhance the usability of the foreshore area.
<b>2 Wattlebird Road (Phase 1)</b>	<b>Increase in Height</b> Concern is raised that the heights are not needed and are a result of greed. Impacts on parking, waste, density and wildlife.	See previous commentary regarding this issue.
	<b>View Impacts</b> Concern is raised that the buildings will affect the landscape and horizontal sky views.	Apartments located on lower levels of the Phase 1 development will in general have restricted views given the DCP controls and expected building locations and heights across the site. Notwithstanding this, and based upon the location of the objector's property, views appear to be primarily west and south west which are not impacted by the proposed development.
	<b>Foreshore Landscape</b> Concern that the proposal will impact on the foreshore landscape.	See previous commentary regarding this issue.
<b>14 Hill Road (Phase 1)</b>	<b>Density</b> Objection is raised to the density proposed. There should be more open space provided.	See previous commentary regarding this issue.
	<b>View Impacts</b> Concern is raised with view loss.	Apartments located on the higher levels of the Phase 1 development will in general have view sharing

		<p>opportunities given the DCP controls and expected building locations and heights across the site. Notwithstanding this, and based upon the location of the objector's property, current views appear to be primarily east from Hill Road which are not impacted by the proposed development.</p>  <p><b>View Analysis indicating unobstructed views from Levels 14-28 in Phase 1</b></p>
	<p><b>Overdevelopment will impact land values</b> Concern is raised that the increased density will reduce the attractiveness of the area and will affect the land price and economic potential of the area.</p>	<p>See previous commentary regarding this issue.</p>
	<p><b>Parking</b> Concern is raised with respect to the insufficient parking in the area.</p>	<p>See previous commentary regarding these issues.</p>
	<p><b>Impacts on School</b> Concern is raised that the proposal will overshadow the nearby school and the school playground</p>	<p>There will be no overshadowing of the Wentworth Point Primary School in Burroway Road as a result of this application. The shadow diagrams submitted indicate that the 3pm shadow (closest to the school property) will fall onto Hill Road. The school is located approximately 460m east of the proposed development.</p>  <p><b>Shadow diagram indicating that the shadows at 3pm during the Winter Solstice fall on Hill Road</b></p>

## AMENDED PLANS

Yes

### Summary of amendments

The plans were amended with modifications to address DEAP comments. The amendments included the following:

- Slight reduction in number of apartments from 393 to 390.
- Amended building massing including:
  - split the tower (Building L) and modify for differing heights (40/36 storeys)
  - increased height of Building M from 8/9 storeys to 9/11/12 storeys
  - Building K designed as a separated building and increased height of Building K from 8 to 9 storeys
- Changes to communal open space – deletion of Building L terraces but increase in podium communal open space and addition of Building M rooftop communal open space

### Amended Plans re-advertised or re notified

Yes

#### Reason amendments were renotified

In accordance with Appendix 1 (Consolidated Notification Requirements) of Council's Community Engagement Strategy, the application did require re-notification as the amended application contained substantial changes to the built form.

### 10.3 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 Auburn LEP 2010 and the Wentworth Point Precinct DCP 2014
- 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 acceptable architectural and urban design outcome.

## 11. 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.

## 12. Development Contributions and Bonds

### 12.1 Development Contributions

The development contributions required for the proposed development fall under Clause 7.10 of the Voluntary Planning Agreement. In this regard, contributions will be payable in accordance with the Auburn Development Contributions Plan 2007 (Amendment 1) which is contained within Annexure F of the VPA.

The contributions payable are based upon the following unit mix:

- 129 x 1 bedroom apartments
- 242 x 2 bedroom apartments
- 17 x 3 bedroom apartments
- 2 x 4 bedroom apartment

The contributions payable are as follows:

<b>Works</b>	<b>DA/623/2021 - Contribution Amount</b>
Plan Administration (HBW)	\$ 133,599.87
Community Facilities (HBW)	\$ 512,733.35
Open Space (HBW)	\$ 915,934.46
Traffic Management (HBW)	\$ 379,133.33
<b>Total Contributions Payable</b>	<b>\$ 1,941,401.01</b>

This figure is subject to the consumer price index and will be imposed under the subject application.

## 12.2 Development Bonds

A development bond will be payable to Council for the protection of the adjacent road pavement and public assets during construction works. The development bond will be imposed in accordance with Council's Schedule of Fees and Charges 2021/2022 as follows:

<b>Section</b>	<b>Type</b>	<b>Amount</b>
Section 9.43	Residential Class 2 for works valued over \$1,000,000	\$25,750.00

## 13. 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 Apartment Design Guide and the Wentworth Point Precinct DCP 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 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.

The application is recommended for approval subject to the imposition of appropriate conditions.

### Reasons for Approval

Having regard to the assessment within this report, the proposal is considered to be suitable for approval for the following reasons:

- The proposal is in accordance with the type of development envisaged for the site under Auburn Local Environmental Plan 2010
- 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 a high quality architectural and urban design outcome.
- For the reasons given above, approval of the application is in the public interest.

## 14. Recommendation

**That** the Sydney Central City Planning Panel, as the determining authority, grant consent to Development Application No. DA/623/2021 for the development of proposed Sub-Precinct 4 including subdivision into 4 lots, remediation, construction of a perimeter road, and construction of a residential flat building comprising 3 x basement car parking levels, a 3 x level sleeved podium and 3 buildings (9 to 40 storey) containing 390 apartments on land at 14-16 Hill Road, Sydney Olympic Park for a period of five (5) years from the date on the Notice of Determination for physical commencement to occur subject to the conditions contained within **Attachment B**.