

# COUNCIL ASSESSMENT REPORT

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|---|--|
| <b>Panel Reference</b>                    | PPSSCC-404   |
| <b>DA Number</b>                          | DA/904/2022<br>PAN-276050  |
| <b>LGA</b>                                | City of Parramatta Council   |
| <b>Proposed Development</b>               | Construction of a residential flat building complex (Block C) comprising 4 x buildings ranging in height between 7 storeys and 20 storeys containing a total of 300 dwellings, 445 car parking spaces and associated landscaping. The proposal is Nominated Integrated Development as approval is required under the Water Management Act 2000.  |
| <b>Street Address</b>                     | 37-39 Hill Road – Wentworth Point<br>Pt Lot 8 in DP776611  |
| <b>Applicant Owner</b>                    | Brian Pickering - City Freeholds<br>Homebush Bay Properties Pty Limited  |
| <b>Date of Lodgement</b>                  | 16 November 2022   |
| <b>Number of Submissions</b>              | 1 submission   |
| <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>• SEPP (Precincts – Central River City) 2021</li> <li>• SEPP 65 – Design Quality of Residential Apartment Development</li> <li>• Homebush Bay West DCP and Amendment 1</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>                        | 7 September 2023   |

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

## Clause 4.6 Exceptions to development standards

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

## Special Infrastructure Contributions

Does the DA require Special Infrastructure Contributions conditions (S7.24)?  
*Note: Certain DAs in the Western Sydney Growth Areas Special Contributions Area may require specific Special Infrastructure Contributions (SIC) conditions* **Not Applicable**

## 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 construction of a residential flat building complex (Block C) comprising 4 x buildings ranging in height between 7 storeys and 20 storeys containing a total of 300 dwellings, 445 car parking spaces and associated landscaping. The proposal is Nominated Integrated Development as approval is required under the Water Management Act 2000.

The primary site constraints on the land is contamination. However, it is considered that sufficient evidence has been provided to demonstrate that 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 design review by the Parramatta Design Excellence Panel (DEAP). Two (2) meetings have been held between the applicant and DEAP during the course of the DA assessment.</p> <p>The DEAP final report conditionally supports the proposal, subject to further design development being incorporated in a revised proposal that adequately responds to issues primarily regarding single lift cores, horizontal spandrel banding, tower articulation and landscaping opportunities.</p> <p>It is considered that the matters raised within the report may be either justified or addressed through conditions of consent. This is discussed in more detail within the report.</p> |
| <b>Consistency with Concept Approval</b> | <p>Non-compliances with the Homebush Bay West DCP – including building height, setback variations and height above ground. 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>   |

## 3. Site Context

The subject site is located on the eastern side of Hill Road, between Hill Road and Homebush Bay in Wentworth Point. The entire site is identified as Precinct D within the Homebush Bay DCP 2014. The entire site inclusive of streets and foreshore area totals 62,283m<sup>2</sup>.



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

The following aerial photo indicates the location of the subject site and its relationship to the immediate adjoining properties. Residential high rise apartment buildings are located to the north whilst residential apartment buildings and a warehouse building adjoins to the south.



**Aerial photograph indicating site and immediate surrounding land uses**



## 4. Background

A number of applications have been approved on the subject site and are discussed below.

### CONCEPT APPROVAL (DA/999/2017)

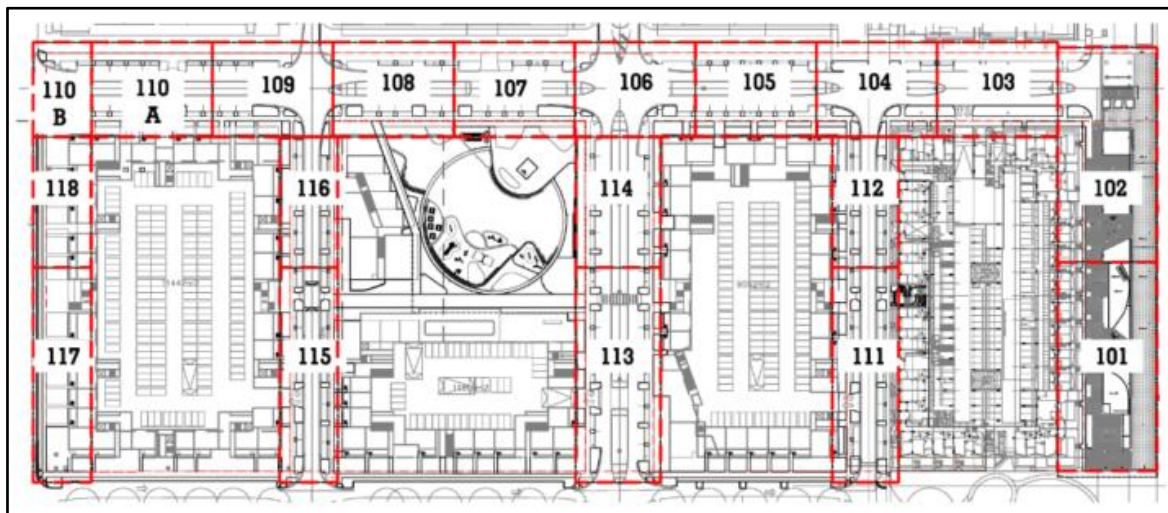
A concept development application for the redevelopment of the site has been approved by the regional planning panel on 5 December 2018. The concept approval establishes lot and road layout, building locations and envelopes on Blocks A-D. Buildings range from 2 storeys to 25 storeys across the site and include the delivery of new streets (private ownership), a foreshore park and a publicly accessible park. This approval was a modification application to a consent granted in March 2016.



This application was modified on 26 September 2022 (DA/999/2017/A) to remove the maximum floorplate requirements of the towers.

### INFRASTRUCTURE APPROVAL (DA/1041/2017)

An infrastructure approval for the demolition, tree removal, construction of roads, provision of site infrastructure, reconstruction of the seawall and public domain and landscaping works was approved by Council on 2 August 2019. The stage 1 works (including the construction of Verona Drive, Marine Drive and the foreshore works) have commenced on site.





## BLOCK D APPROVAL (DA/1040/2017)

Approval for the construction of Block D incorporating a residential flat building 2-9 storeys in height containing 207 dwellings was approved by the regional planning panel on 7 August 2019. Construction of this development has commenced.



**Approved Block D – Level 02 Podium Plan**



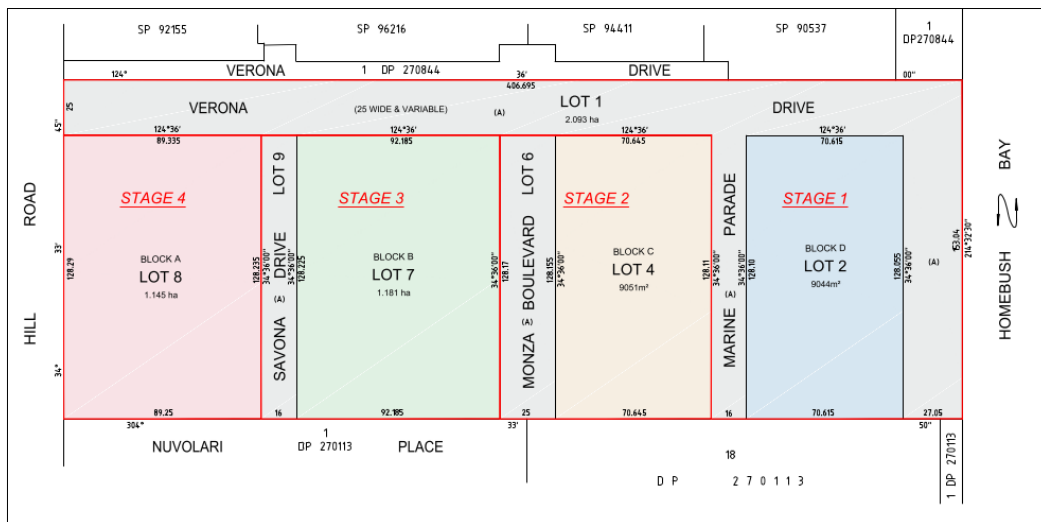
**Approved Block D - View from Homebush Bay**

This application was later modified to convert the building to a build to rent business model. A slight change to the unit mix increased the approved number of dwellings to 211.

## LOT SUBDIVISION (DA/344/2022)

Approval for the staged Community Title subdivision of Lot 8 in DP776611 was approved under delegated authority on 14 July 2022. The final layout of the site will be comprised of the following lots:

| Lot Description | Lot Usage                                    |
|-----------------|--|
| Lot 1           | Community lot (roads and foreshore)          |
| Lot 2           | Residential development lot known as Block D |
| Lot 4           | Residential development lot known as Block C |
| Lot 7           | Residential development lot known as Block B |
| Lot 8           | Residential development lot known as Block A |



**Subdivision Staging Plan**  
(note Lot 6 and Lot 9 will be converted to Lot 1 - community association lot)

## 5. The Proposal

The current development application is for the Phase 2 development of the site – being the development of Block C bounded by Verona Drive, Marine Parade, Nuvolari Place and Monza Boulevard. Block C has a site area of **9052m<sup>2</sup>**.



**Block C outlined in blue above**

The Block C proposed development includes the following:

- Site preparation works including excavation for basement car parking
- Construction of four residential flat buildings, comprising of:
  - 2 storey podium separated by the open-air through site link at ground level
  - 20 storey tower
  - 8 storey apartment building to the west of the site fronting the new park on Monza Boulevard
  - 2 x 7 storey apartment buildings to the east of the site fronting Marine Parade.
- The development will comprise 300 dwellings comprising:
  - 29 x 1 bed apartments
  - 219 x 2 bed apartments
  - 52 x 3 bed apartments

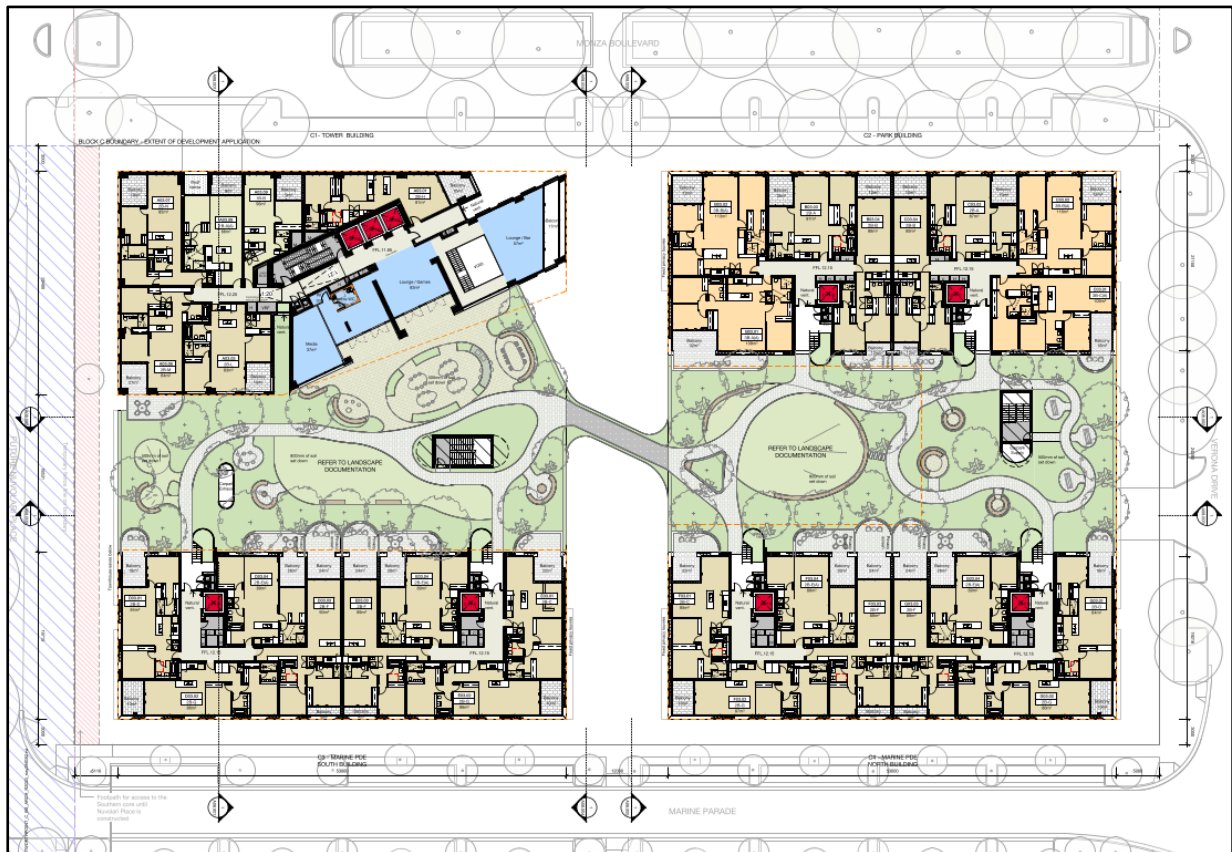
*This includes 28 townhouses (24 x 3 bed + 4 x 2 bed) primarily accessed from the street.*
- A total calculatable floor space of 27,634m<sup>2</sup>
- 445 car spaces for visitors and residents, across a split-level car park, with two levels of basement parking and two levels of in-podium parking, with vehicular access from Verona Drive and Monza Boulevard. A shared loading dock will be provided, accessible from Monza Boulevard.
- A through-site pedestrian 'street' at ground level which will provide residential access into building lobbies, the car park and bicycle parking.
- Two communal landscaped courtyards at podium level (Level 3), linked with a pedestrian bridge.
- Communal facilities including the following:
  - a gym and meeting room/office on the ground floor adjoining the through site link
  - co-working office/meeting rooms and kitchenette on Level 02
  - lounge/games/media rooms on Level 03 (podium)
  - community amenity rooms and a rooftop open space at Level 17.

**Cost of Works = \$135,411,155**

Monza Boulevard (the adjoining western road) and Verona Drive (the adjoining northern road) will need to be constructed and operational before the occupation of Building C. The construction of these roads have been approved under the Infrastructure DA/1041/2017.

It is also noted that the Nuvolari Road extension/public park located adjoining to the south of the site will not be constructed until such time as the site at 6-8 Baywater Drive is developed. Approvals have previously been granted for the redevelopment of this site, however there is no current timing on the development of this site.





**Site Layout – Level 02 Podium Plan**



**Photomontage – Western Elevation - View from Monza Boulevard/Future Park  
(Bates Smart – Drawing A50.004 Rev B)**



## 6. Permissibility

The site is listed as a “deferred matter” under Parramatta LEP 2023.

The site is subject to the provisions of State Environmental Planning Policy (Precincts—Central River City) 2021 which does not include zoning. Permissibility is subject to clause 4.9(1) which states that, “*development of land within the Homebush Bay Area may be carried out for any purpose that the consent authority considers to be consistent with any one or more of the planning objectives for the Homebush Bay Area*”.

### Planning Objectives

The proposed development is consistent with the following planning objective under Clause 4.10 of the SEPP:

- The proposal promotes a type of development and land use other than those relating to public event facilities and is of a type and scale that does not prevent the use or reduce the attractiveness or suitability of the Homebush Bay Area, and Sydney Olympic Park in particular, for public event facilities (Clause 4.10(c)).

It is also noted that **remediation works** are permissible on the site under Clause 4.7 of SEPP (Resilience and Hazards) 2021.

## 7. Public Notification

|                               |   |
|-------------------------------|---|
| Notification Period:          | 25 November 2022 to 11 January 2023                 |
| Submissions received:         | 1 submission  |
| Issues raised in submissions: | Location of the tower, traffic and parking impacts. |

This submission is discussed in further detail in **Attachment A**.

## 8. Referrals

|   |    |
|---|----|
| Any matters arising from internal/external referrals not dealt with by conditions | No |
|---|----|

## 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<br>Approval required<br>under the Water<br>Management Act<br>2000 |
| Are submission requirements within the Regulations satisfied?      | Yes   |

## 10. Consideration of SEPPs

|  |   |
|--|---|
| Key issues arising from evaluation against SEPPs | None - A detailed assessment is provided at <b>Attachment A</b> . |
|--|---|

## 11. State Environmental Planning Policy (Precincts—Central River City) 2021

The following table is a summary assessment against SEPP (Precincts—Central River City) 2021. A detailed evaluation is provided at **Attachment A**.

| SEPP Section – Chapter 4   | Comment or Non-Compliances  |
|--|---|
| Part 4.1<br>Preliminary  | <ul style="list-style-type: none"><li>• Consistent</li></ul>  |
| Part 4.2<br>General provisions relating to development               | <ul style="list-style-type: none"><li>• Permissible in the zone</li><li>• Consistent with zone objectives</li></ul>                 |
| Part 4.3<br>Special provisions relating to development               | <ul style="list-style-type: none"><li>• Consistent with Homebush Bay West DCP</li><li>• All relevant provisions satisfied</li></ul> |
| Part 4.4<br>Protection of the natural environment and heritage items | <ul style="list-style-type: none"><li>• All relevant provisions satisfied</li></ul>   |

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

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

| DCP Section                         | Comment or Non-Compliances                                     |
|-------------------------------------|--|
| Part 1 – Preliminary                | <ul style="list-style-type: none"><li>• Consistent</li></ul>   |
| Part 2 – Background                 | <ul style="list-style-type: none"><li>• Consistent</li></ul>   |
| Part 3 – General Controls           | <ul style="list-style-type: none"><li>• Satisfactory</li></ul> |
| Part 4 – Detailed Design Guidelines | <ul style="list-style-type: none"><li>• Satisfactory</li></ul> |

## 13. Compliance with Concept Approval

The application is a subsequent application to an approved concept development application (DA/999/2017/A). Although there are a number of variations to the detail design, the application is not inconsistent with the concept approval. This is discussed in further detail in **Attachment A**.

## 14. Response to Panel Kick-Off Briefing Minutes

The application was considered at a SCCPP Kick-Off Briefing Meeting held on 23 February 2023.

No significant issues were raised by the Panel.

As discussed within the kick-off briefing, it was not anticipated that a further briefing would be required and that the matter would likely proceed to electronic determination.

## 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/904/2022 subject to the conditions contained within **Attachment B** of the Assessment Report.



# ATTACHMENT A - PLANNING ASSESSMENT

|                         |                                   |
|-------------------------|-----------------------------------|
| <b>SCCPP Reference:</b> | PPSSCC-404                        |
| <b>DA No:</b>           | DA/904/2022<br>PAN-276050         |
| <b>Address:</b>         | 37-39 Hill Road – Wentworth Point |

## 1. Overview

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

### 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        | Not applicable              |
| Section 4.15 (1)(a)(iii) - Development control plans        | Refer to Section 4 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<br>(Traffic Generating) | <p>The application was referred to TfNSW under Clause 2.122 of SEPP (Transport &amp; Infrastructure) 2021 as traffic generating development. Final comments from TfNSW note that the proposed development is located within proximity to the proposed Parramatta Light Rail Stage 2 alignment. Temporary changes to the road network would be undertaken within the immediate vicinity of the development site to facilitate the construction of the light rail project. TfNSW recommended the inclusion of conditions with regard to the following:</p> <ul style="list-style-type: none"> <li>• Preparation of a construction pedestrian and traffic management plan (CPTMP)</li> <li>• No stopping of construction vehicles on Hill Road without prior TfNSW approval.</li> </ul> <p>A condition is included within Appendix B of this report requiring the submission of a CPTMP. This plan will be forwarded to TfNSW for further consultation. As the PLR2 corridor has not as yet been approved, the specific condition regarding stopping on Hill Road should not be imposed. It may however form part of the CPTMP post</p> |

|  | <p>development approval.</p> <p>In addition, TfNSW provided comments for Council's consideration regarding the following:</p> <ul style="list-style-type: none"> <li>• Development should not impact on the safety and efficiency of the Parramatta Light Rail 2 (PLR2) operation</li> <li>• Development must provide adequate loading and service parking within the subject site</li> <li>• Council should ensure additional traffic can be accommodated within the surrounding road network.</li> </ul> <p><b>Comment:</b></p> <p>The PLR2 corridor has not as yet been approved. The infrastructure works for the development site, including the design of all roadworks has already been approved under DA/1041/2017. Any alterations to accommodate the rail corridor will need to be negotiated through a process outside of this application.</p> <p>There is sufficient loading facilities provided for the proposed residential development.</p> <p>Council officers raise no concerns with the traffic generation of the proposal and it is consistent with the generation anticipated under the DCP and concept approval for this site. TfNSW have previously reviewed all relevant traffic reports for this site and have not raised any concerns in this regard.</p> |         |         |  |   |
|--|---|---------|---------|--|---|
| Ausgrid  | <p>Ausgrid were notified of the proposed development and have raised no objections to the proposed development. Conditions of consent regarding compliance with Ausgrid requirements (including construction within proximity to existing network assets and activities within easements) are included within the Recommendation section of this report.</p>  |         |         |  |   |
| Sydney Water   | <p>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 and advisory notes.</p>   |         |         |  |   |
| SOPA   | <p>SOPA were notified of the proposed development as an adjoining landowner and provided the following comments:</p> <table border="1"> <thead> <tr> <th>Concern</th><th>Comment</th></tr> </thead> <tbody> <tr> <td>Long term impacts on riparian system should be considered – for example, water quality and erosion control</td><td> <p>Any long term impacts on the riparian systems are mitigated with appropriate water sensitive design, treatment devices and re-establishment of a mangrove community, much of which has been approved through the infrastructure DA/1041/2017.</p> <p>An erosion and sedimentation control plan has been submitted which is found to be satisfactory. Council's Catchment and Development Engineer has reviewed the application and raises no concerns with any potential long term impacts on the riparian system.</p> </td></tr> </tbody> </table>   | Concern | Comment | Long term impacts on riparian system should be considered – for example, water quality and erosion control | <p>Any long term impacts on the riparian systems are mitigated with appropriate water sensitive design, treatment devices and re-establishment of a mangrove community, much of which has been approved through the infrastructure DA/1041/2017.</p> <p>An erosion and sedimentation control plan has been submitted which is found to be satisfactory. Council's Catchment and Development Engineer has reviewed the application and raises no concerns with any potential long term impacts on the riparian system.</p> |
| Concern  | Comment   |         |         |  |   |
| Long term impacts on riparian system should be considered – for example, water quality and erosion control | <p>Any long term impacts on the riparian systems are mitigated with appropriate water sensitive design, treatment devices and re-establishment of a mangrove community, much of which has been approved through the infrastructure DA/1041/2017.</p> <p>An erosion and sedimentation control plan has been submitted which is found to be satisfactory. Council's Catchment and Development Engineer has reviewed the application and raises no concerns with any potential long term impacts on the riparian system.</p>   |         |         |  |   |

|                                  |  |
|----------------------------------|--|
|                                  | <p>Contamination matters – general commentary</p> <p>The applicant has responded to the general matters raised by SOPA and submitted a supplement to the RAP and interim audit advice regarding the suitability of the site for the proposed development.</p> <p>Council's Environmental Health team have reviewed the information submitted and are satisfied that SOPA matters have been adequately addressed and the proposed development is acceptable.</p>  |
|                                  | <p>It is noted that following the submission of additional information, including a response to concerns raised by SOPA, the application was forwarded to SOPA for review. No further submission in response was received by SOPA.</p>   |
| <b>Internal Referrals</b>        |  |
| ESD Consultant (Flux)            | Council's ESD/Basix consultant has reviewed the DA documentation and raises no objection to the proposal. The Basix and NatHERs certificates are acceptable.   |
| Wind Consultant (Mel Consulting) | Council's Wind consultant has reviewed the application and advises that the potential wind conditions satisfy the 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 outstanding design issues may be addressed through appropriate conditions of consent. This has been discussed in further detail within this report.   |
| Urban Design (Public Domain)     | <p>Council's Public Domain team have reviewed the proposal and raise no objections to the proposal. No specific conditions have been imposed as no public domain works (except for the privately owned through site link) form part of this application.</p> <p>It is noted however that the street levels on Marine Parade and Monza Boulevard are required to be slightly altered partly due to the relocation of the vehicular entry from Marine Parade. Level changes are up to 150mm. The applicant has provided plans indicating the level changes which are reasonably minor and achievable across the site. This will however require a modification to the public domain plans approved through the Infrastructure DA/1041/2017 conditions of consent, which has been included as a recommendation in Appendix B of this report. This will ensure the correct levels have been approved through the CC documentation for the public domain works.</p> |
| Accessibility Officer            | Council's Accessibility Officer is satisfied with the proposed development. Compliance with general matters may be imposed as conditions of consent.   |
| 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.  |
| Traffic                          | Council's Traffic Officer has reviewed the proposed development and raises no significant concerns on traffic or safety grounds.   |



|                                      |   |
|--------------------------------------|---|
|                                      | Conditions have been incorporated within the recommendation section of the report.  |
| Landscape                            | The application was referred to Council's Tree Management & Landscape Officer who raises no concerns with the proposed development. The landscape plan and report submitted demonstrate a comprehensive vision and layout of garden areas which provide cohesion and functionality to the built form and is supported. Conditions have been incorporated within the recommendation section of the report.   |
| Environmental Health (Contamination) | Council's Environmental Health Officer has reviewed the submitted contamination/remediation documentation 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. It is also noted that due to the driveway design, Council indemnity from any kerb damage during garbage vehicle access will need to be provided before occupation. Such indemnity will be included within the Section 88B instrument to be lodged with Council. |

## 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 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 (IDAS1147140 issued 14 February 2023). This approval is referenced in the recommended conditions of consent.

### 2.2 Concept Development Application

A concept development application has been approved for the site (DA/999/2017/A). That application provided concept approval for building locations and envelopes on blocks A-D, including heights, setbacks, parking, new roads and landscaping.

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.*

The proposed development is not inconsistent with the approved concept development application. This is discussed in more detail under **Section 5** of this report.

### 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 (PRECINCTS—CENTRAL RIVER CITY) 2021

##### Chapter 4 Homebush Bay Area

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

| Requirement  | Comment  |
|--|--|
| <b>Clause 4.8<br/>Consent Authorities</b>  | As the cost of works exceeds \$30,000,000, the Sydney Central City Planning Panel is the determining authority.  |
| <b>Clause 4.9<br/>Permissible Uses</b>   | The proposed development is considered to be permissible with consent as it satisfies the requirements of Clause 4.10 (See below).   |
| <b>Clause 4.10<br/>Planning Objectives</b>   | <p>The proposal is considered to satisfy the objectives of the SEPP for the following reasons:</p> <ul style="list-style-type: none"> <li>• The development will facilitate residential development and the redevelopment of the land from industrial use to residential as per the desired future character of the area</li> <li>• The development promotes a co-ordinated, sensitive and high quality development in the Homebush Bay area in terms of urban design and landscaping</li> <li>• The proposed development will not have any significant detrimental impact upon ecological areas or heritage items.</li> </ul> |
| <b>Clause 4.11<br/>Matters for Consideration</b><br>(a) any relevant master plan prepared for the Homebush Bay Area  | The development is generally consistent with the Homebush Bay West Development Control Plan which has been used in the assessment of the development application. See separate comments within this report.  |
| (b) any development control plans prepared for the land to which the application relates   |  |
| (b1) to the extent to which it applies to land within Sydney Olympic Park, the “Environmental Guidelines” within the meaning of the Sydney Olympic Park Authority Act 2001 and any plan of management referred to in Section 34 of that Act, | <p>The site is not within Sydney Olympic Park.</p> <p>The development application was referred to Sydney Olympic Park Authority for comment and matters raised have been addressed and discussed within this report.</p>   |
| (c) the appearance, from the waterway and the foreshores, of the development,  | The subject site is located adjoining Homebush Bay. The views of the proposed development from the water are considered acceptable and within context to the wider   |

| Requirement   | Comment   |
|---|---|
|   | locality in terms of adjoining development along the peninsula.   |
| (c1) the impact of the development on significant views,  | The proposed buildings do not impact upon any significant view lines.   |
| (d) the effect of the development on drainage patterns, ground water, flood patterns and wetland viability  | The proposed development is not expected to have any significant impacts on these matters. The application has been referred to Water NSW and Council's catchment engineer who raise no objections to the proposal.   |
| (e) the extent to which the development encompasses the principles of ecologically sustainable development,   | 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.   |
| (f) the impact of carrying out the development on environmental conservation areas and the natural environment, including flora and fauna and the habitats of the species identified in international agreements for the protection of migratory birds, | The proposed development would not impact on environmental conservation areas and the natural environment.  |
| (g) the impact of carrying out the development on heritage items, heritage conservation areas and potential historical archaeological sites   | The subject site is not a heritage item or within a heritage conservation area.   |
| <b>Clause 4.12</b><br>Temporary Uses  | Not Applicable.   |
| <b>Clause 4.13 – 4.16</b><br>Master Plans   | Not Applicable.   |
| <b>Clause 4.17</b><br>Services  | Appropriate conditions of consent have been recommended to ensure that the development will not commence until arrangements, which are satisfactory to servicing agencies, have been made for the supply of services such as water, sewerage, gas, electricity and drainage.  |
| <b>Clause 4.18</b><br>Flood Prone Land  | Part of the site is predicted to be affected by the probable maximum flood (PMF). All habitable areas and vehicular basement entrances are located above the PMF level. The proposed development will not adversely impact upon: <ul style="list-style-type: none"> <li>• flood flows or flood storage, and no flood mitigation works are required</li> <li>• the ecological significance of Haslam's Creek or Homebush Bay.</li> </ul> |
| <b>Clause 4.19</b><br>Contaminated land   | This issue has been discussed elsewhere within the report (SEPP Resilience and Hazards 2021 assessment).  |
| <b>Clause 4.20</b><br>Acid sulphate soils   | The application was accompanied by an Acid Sulphate Soils Management Plan (ASSMP) prepared by Douglas Partners. The screening tests undertaken indicated that although Potential Acid Sulphate Soils (PASS) was confirmed at the site, there was no indication of Actual  |



| Requirement  | Comment   |
|--|---|
|  | Acid Sulfate Soils (AASS). The plan provides for procedures for the appropriate management/mitigation of environmental impacts that may result from the disturbance of AASS or PASS, and to provide a monitoring program for validating the effectiveness of the management process.  |
| <b>Clause 4.21</b><br>Development of major public facilities   | Not applicable. The application seeks consent for the construction of a residential flat building.  |
| <b>Clause 4.22</b><br>Development in an environmental conservation area  | The subject site is not located within an environmental conservation area.  |
| <b>Clause 4.23</b><br>Development near an environmental conservation area  | The subject site is not located in the immediate vicinity of an environmental conservation area. The SOPA grasslands/wetlands ECA is located on the western side of Hill Road, approximately 300m from the subject development. The proposal is not expected to have any adverse impacts on this identified area.   |
| <b>Clause 4.24</b><br>Protection of heritage items and heritage conservation areas   | The subject site does not contain any items of heritage significance and is not identified as a conservation area. There is no heritage in the immediate vicinity of the site.  |
| <b>Clause 4.25</b><br>Development affecting places or sites of known or potential Aboriginal heritage significance                               | <p>The site is not identified as having Aboriginal significance. The proposed development is unlikely to have any impact upon any identified places or potential places of aboriginal significance or archaeological sites.</p> <p>In addition, the local Aboriginal communities (including the Darug Tribal Aboriginal Corporation and the Metropolitan LALC) were notified of the application and no submissions were received.</p> |
| <b>Clause 4.26</b><br>Development affecting known or potential historical archaeological sites or relics of non-Aboriginal heritage significance | The subject site is not identified as an archaeological or potential archaeological site.   |
| <b>Clause 4.27</b><br>Development in the vicinity of a heritage item   | This has been discussed above.  |
| <b>Clause 4.28</b><br>Development in heritage conservation areas   | The subject site is not identified as being located within a heritage conservation area.  |

### 3.3 SEPP (BIODIVERSITY AND CONSERVATION) 2021

| SEPP Section   | Comment  |
|--|--|
| <b>Chapter 2</b><br><b>Vegetation in non-rural areas</b> | No vegetation removal is required as part of this application. |

|                                      |   |
|--------------------------------------|---|
| <b>Chapter 6<br/>Water 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 6.3 of the policy.</p> |
|--------------------------------------|---|

### 3.4 SEPP (INDUSTRY AND EMPLOYMENT) 2021

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

### 3.5 SEPP (RESILIENCE AND HAZARDS) 2021

| SEPP Section   | Comment   |
|--|---|
| <b>Chapter 2<br/>Coastal Management</b>                  | The site is NOT affected by this map.   |
| <b>Chapter 3<br/>Hazardous and Offensive Development</b> | Not applicable. The application does not involve any hazardous or offensive industries.   |
| <b>Chapter 4<br/>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>This matter was considered and found satisfactory in the assessment of the previous concept approval (Auburn reference: DA-19/2015) and the modification to the concept approval (DA/999/2017). Condition 10 of the concept approval states:</p> <p><b>10. Remediation – future development applications</b></p> <p><i>Any future development application associated with the construction and use of the site(s) shall incorporate the remediation of the site in accordance with the recommendations of the Remediation Action Plan (Project 85836.03) prepared by Douglas Partners dated 21.09.2018.</i></p> <p><i>Where the remedial action has been carried out, a validation report must be submitted to Council and the Principal Certifying Authority stating that the objectives in the RAP have been achieved and the</i></p> |

|  |  |
|--|--|
|  | <p><i>land is remediated to a standard suitable for the proposed land use.</i></p> <p><b>Reason:</b> <i>To ensure the site is suitable for the proposed development.</i><br/>(Condition modified under DA/999/2017)</p> <p>The above 2018 Douglas Partners RAP was submitted with the application. This RAP applies to the entire site, inclusive of Block C.</p> <p>The likely source of contaminants is a result of the historic use of the area and includes, the placement of filling on the site, contaminants associated with industrial use (e.g. hydrocarbon use, chemical storage etc.), and contaminants associated with industrial buildings (e.g. lead, asbestos, PCBs).</p> <p>The report identified traces of lead, TRH (total recoverable hydrocarbons) and PAH (Polycyclic aromatic hydrocarbons) and low levels of metals present within the soil.</p> <p>The RAP states that based on the evaluation of remediation options presented, the preferred remediation strategy for benzene, B(a)P and lead impacted soils at the site, considering the site setting, exposure risk and likely volumes, is excavation and off-site disposal to an appropriately licensed landfill.</p> <p>A RAP Supplement was prepared by ARUP (March 2023) following issues raised by Council officers and SOPA.</p> <p>The RAP and RAP Supplement were reviewed by an independent NSW EPA Accredited Site Auditor (Jason Clay, Senversa) who concludes that:</p> <p><i><b>“The auditor has reviewed the RAP Supplement letter (Arup 2023) and considers the matters raised in IAA03 to have been suitably addressed to make the supplemented RAP suitable for application to Block C. The site can be made suitable for the proposed development on the basis of the supplemented RAP.</b></i></p> <p><i>While the DSI did not indicate that remediation of Block C was required, the site-wide RAP (DP 2018c) and RAP Supplement letter (Arup 2023) apply to this area. The RAP should also be followed for the testing and tracking of material disposed of off-site and for the importation of material to the site.</i></p> <p><i>The 'remedial' process should be audited in accordance with the Contaminated Land Management Act 1997 and a section A site audit statement, certifying site suitability, should be provided prior to occupation of the redeveloped site.”</i></p> <p>Council’s Environmental Health Officer has reviewed the application and supporting documentation and is satisfied with the information submitted with the application.</p> |
|--|--|



|  |   |
|--|---|
|  | <p>It is noted that a different RAP prepared by <i>JK Environments</i> was submitted with the DA (and later “withdrawn” by the applicant). That plan identified that there is potential for unexploded ordnances to be present at the site which will require an assessment prior to development works. Although this RAP is not the plan relied upon for the assessment of this project, it is considered that this matter should still be addressed before works commence.</p> <p>Appropriate conditions have been incorporated within the recommendation section of this report.</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 (including the supplement), the site will be suitable for the proposed development.</p> |
|--|---|

### 3.6 SEPP (TRANSPORT AND INFRASTRUCTURE) 2021

| SEPP Section   | Comment  |
|--|--|
| <b>Chapter 2<br/>Infrastructure</b>  |  |
| Development likely to affect electricity transmission or distribution networks | <p>Based upon the information contained within the submitted survey, the application is not subject to Clause 2.48 of the SEPP as the development does not propose works within the vicinity of electricity infrastructure that would trigger a written referral to the energy authority.</p> <p>A substation does exist on site and underground cables are located along Hill Road, however they are not immediately adjoining the proposed Block C works.</p> <p>Notwithstanding the above, Ausgrid were notified of the proposed development and have raised no objections to the proposed development. A condition requiring compliance with Ausgrid requirements (including construction within proximity to existing network assets and activities within easements) are included within the Recommendation section of this report. It is also noted that the application is subject to the concept plan approval and the relevant Ausgrid conditions on that consent will be imposed upon this consent.</p> |
| Frontage to a Classified Road  | Not Applicable – Hill Road is not a classified road.   |
| Impact of road noise or vibration on non-road development                      | Not Applicable – this part of Hill Road has an annual average daily traffic volume of less than 20,000 vehicles (based on the traffic volume data published on the website of TfNSW).  |

|                                |   |
|--------------------------------|---|
| Traffic Generating Development | <p>Notwithstanding the above, an acoustic report for the proposed development has been submitted that includes an assessment of external noise intrusion and determining noise emission goals to ensure that nearby developments are not adversely impacted.</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. According to the report, 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> <p>The proposal does trigger a referral to TfNSW under Schedule 3 of the SEPP as the proposed development contains more than 200 car parking spaces. TfNSW raise no objection to the proposal subject to the imposition of conditions.</p> <p>With respect to the matters to be carried out before determination of an application in accordance with Clause 2.122(4) of the SEPP, the following is noted:</p> <ul style="list-style-type: none"> <li>• Written notice of the application was given to TfNSW</li> <li>• The contents of the submission of TfNSW has been taken into consideration in the assessment of the application (see <i>Referrals</i> section of the report)</li> <li>• The accessibility of the site has been considered in the assessment of the application and found to be acceptable</li> <li>• Any potential traffic safety, road congestion or parking implications of the development has been considered in the assessment of the application and found to be acceptable (see <i>Referrals</i> section of the report).</li> </ul> |
|--------------------------------|---|

### 3.7 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  |
|--------------------------|---|
| <b>Context</b>           | The design of the proposed building is considered to respond and contribute to its context, especially having regard to the desired future qualities of the area. The scale of building and type of use |

|   | are compatible with the proposed redevelopment of the precinct and is consistent with the requirements of the approved concept plan for the site.  |                 |        |                 |           |               |     |           |                |     |            |               |     |
|---|--|-----------------|--------|-----------------|-----------|---------------|-----|-----------|----------------|-----|------------|---------------|-----|
| 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 and photovoltaic roof panels.   |                 |        |                 |           |               |     |           |                |     |            |               |     |
| 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 an acceptable unit mix and typology 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, 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 generally satisfies these requirements. It is noted that there is no requirement to provide affordable housing on this site.</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>29 apartments</td><td>10%</td></tr><tr><td>2 bedroom</td><td>219 apartments</td><td>73%</td></tr><tr><td>3+ bedroom</td><td>52 apartments</td><td>17%</td></tr></table> <p>It is noted that there are no unit mix requirements contained within the Homebush Bay West DCP. The proposed mix is considered acceptable and consistent with Council's apartment mix preference.</p> | Bedroom Size    | Number | % of Apartments | 1 bedroom | 29 apartments | 10% | 2 bedroom | 219 apartments | 73% | 3+ bedroom | 52 apartments | 17% |
| Bedroom Size  | Number   | % of Apartments |        |                 |           |               |     |           |                |     |            |               |     |
| 1 bedroom   | 29 apartments  | 10%             |        |                 |           |               |     |           |                |     |            |               |     |
| 2 bedroom   | 219 apartments   | 73%             |        |                 |           |               |     |           |                |     |            |               |     |
| 3+ bedroom  | 52 apartments  | 17%             |        |                 |           |               |     |           |                |     |            |               |     |
| Aesthetics  | 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 generally supported by the Parramatta Design Excellence Advisory Panel  |                 |        |                 |           |               |     |           |                |     |            |               |     |

subject to some minor design modifications that may be resolved through conditions of consent.

### Apartment Design Guide (ADG)

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

| PARAMETER   | DESIGN CRITERIA   | PROPOSAL   | COMPLIANCE |
|---|---|--|------------|
| Communal Open Space   | Min 25% of the site area (2263m <sup>2</sup> )  | Podium = 2129m <sup>2</sup><br>Level 17 = 254m <sup>2</sup><br>Total = 2383m <sup>2</sup> or 26%<br><i>This excludes the through site link</i><br><br><i>It is noted that there are also various internal communal areas within the building to maximise amenity</i> | Yes        |
|   | Min 50% of the communal open space is to receive 2 hours direct sunlight between 9.00am and 3.00pm on June 21 | 50% of principal usable open space on Level 3 receives 2 hrs or more   | Yes        |
| Deep soil zone  | Minimum dimension of 6m required<br>7% of the overall site area = 633.6m <sup>2</sup>                         | Nil<br><i>Note: Pocket areas throughout the site are deep soil = 473m<sup>2</sup> (although dimensions &lt; 6m)</i>  | No         |
| <b>Discussion of Non-Compliance</b><br>Deep soil calculated in accordance with the ADG is not provided on site. It is noted that the provision of deep soil was not practically provided for within the Homebush Bay DCP or within the concept plan approval, particularly when considering the perimeter block design, street setbacks of 5m and less, and the recognition that car parking would be provided within aboveground podiums. There are deep soil pocket areas throughout the site (approximately 473m <sup>2</sup> ) however they do not achieve the 6m minimum widths. The ADG acknowledges that the design criteria may not be possible on some sites and advocates alternate forms of planting (such as on structure). In this regard, the proposal provides for a large communal open space on the podium level with planters up to 1.5m in depth and capable of supporting trees to a mature height of between 7-20m in addition to a range of shrubs, ferns/cycads, groundcovers and grasses. The ground level and Level 17 also contain a variety of plantings. The non-compliance with the numerical control is therefore considered acceptable in this circumstance. |   |  |            |



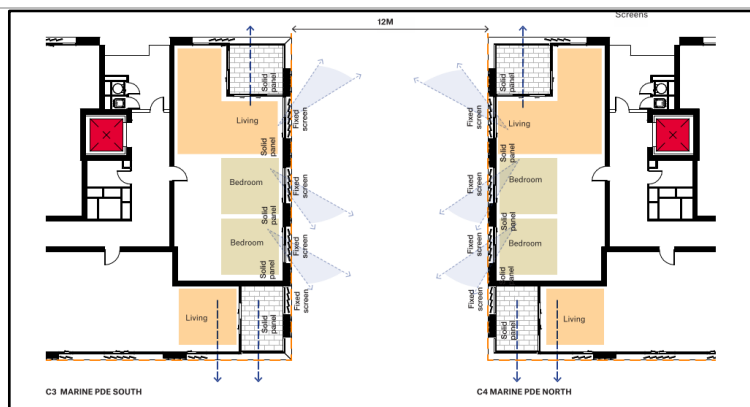


Level 03 Podium Landscaping

| Building Separation | Building Height         | Habitable rooms and balconies | Non-habitable rooms | Up to 4 storeys<br>C1 to C2 = 12m<br>C3 to C4 = 12m<br>C1 to C3 = 18.5m<br>C2 to C4 = 24m | Yes<br><br><br><br><b>No</b><br><b>No</b><br>Yes<br>Yes |
|---------------------|-------------------------|-------------------------------|---------------------|---|---|
|                     | up to 12m (4 storeys)   | 12m                           | 6m                  |   |   |
|                     | up to 25m (5-8 storeys) | 18m                           | 9m                  | 4 to 8 storeys<br>C1 to C2 = 12m<br>C3 to C4 = 12m<br>C1 to C3 = 18.5m<br>C2 to C4 = 24m  |   |
|                     | over 25m (9+ storeys)   | 24m                           | 12m                 |   |   |

### Discussion of Non-Compliance

Where building separations are 12m the building design has ensured primary views and solar access is unobstructed and have developed a facade approach with screening elements to provide angled views perpendicular to the façade line. This was reviewed by DEAP and considered to provide an acceptable amenity for occupants.



|              |  |  |     |
|--------------|--|--|-----|
| Solar Access | At least 70% of living rooms and private open space to receive at least 2 hours direct sunlight between 9.00a.m and 3.00p.m on June 21 | 70% of apartments (210) receive a minimum of 2 hours solar access. | Yes |
|              | A maximum of 15% of apartments are permitted to receive no direct sunlight   | 4 apartments = 1% face south onto the future Nuvolari Place        | Yes |

|                   |   |   |  |
|-------------------|---|---|--|
|                   | between 9.00am and 3.00pm midwinter.  |   |  |
| Cross Ventilation | At least 60% of apartments are to be naturally cross ventilated.  | 130/219 apartments (L09 and below) = 59%<br><br>These units are either corner located or cross-through. There is a potential for reduced effectiveness through the use of building "cuts" – a <i>Natural Ventilation Report</i> has been submitted to justify and is considered acceptable. | Yes                                      |
|                   | Building depth is not to exceed 18m   | <18m  | Yes                                      |
| Ceiling Heights   | 2.7m for habitable, 2.4m for non-habitable  | Sections indicate 3.2m (min) floor to floor heights, with 400mm slabs = 2.8m floor to ceiling heights   | Yes                                      |
| Apartment Size    | Studio – 35m <sup>2</sup><br>1 bed – 50m <sup>2</sup><br>2 bed – 70m <sup>2</sup><br>3 bed – 90m <sup>2</sup><br>(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.   | Complies  | Yes                                      |
|                   | Habitable room depths to be a maximum 2.5 x the ceiling height (=6.75m)   | Majority complies. The Design Report notes " <i>In a few open plan layouts, entry zones adjacent to kitchens are greater than 6.75m from a window or sliding door.</i> "  | In part<br><br>Minor non-compliance only |
|                   | Maximum depth (open plan) 8m from a window.   | Complies  | Yes                                      |
| Bedroom size      | Master bedrooms – 10m <sup>2</sup><br>Other bedrooms – 9m <sup>2</sup><br>Bedroom dimensions – 3m min.<br>Living rooms have a width of: <ul style="list-style-type: none"> <li>• 3.6m for studio/1bed</li> <li>• 4m for 2 or 3 bed</li> </ul> | Complies  | Yes                                      |
| Balconies         | Studio – 4m <sup>2</sup><br>1bd – 8m <sup>2</sup> / 2m<br>2bd - 10m <sup>2</sup> /2m<br>3bd – 12m <sup>2</sup> /2.4m  | Complies  | Yes                                      |
|                   | Ground or podium apartments to have POS of 15m <sup>2</sup> /3m   | Ground apartments Varies 14m <sup>2</sup> (+ 4m <sup>2</sup> ) - 34m <sup>2</sup><br><br>Podium facing  | Yes                                      |

|             |  |   |   |
|-------------|--|---|---|
|             |  | Varies 10m <sup>2</sup> - 26m <sup>2</sup><br>Unit A03.05 balcony is 10m <sup>2</sup> which is still an acceptable size for a 2 bedroom apartment. All other apartment balconies are a minimum of 18m <sup>2</sup> which is greater than the minimum balcony area requirement | In part. Minor compliance only                                  |
| Circulation | Maximum 8 apartments per level   | <u>Lower buildings:</u><br>4 units per core/floor<br><br><u>Tower:</u><br>9 units per floor<br>5 units per floor (above L17)  | Yes<br><br>In part. Minor non-compliance only.                  |
| Storage     | 1bd – 6m <sup>3</sup><br>2bd – 8m <sup>3</sup><br>3bd – 10m <sup>3</sup> | Internal unit storage not indicated.<br><br>210 storage cages have been provided in the car parking areas.  | A condition has been imposed to confirm compliance with the ADG |


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

The proposed development was considered by the DEAP as follows:


|                 |                            |
|-----------------|----------------------------|
| 9 June 2022     | Pre-lodgement meeting      |
| 9 February 2023 | 1 <sup>st</sup> DA meeting |
| 11 May 2023     | 2 <sup>nd</sup> DA meeting |

The DEAP final report conditionally supports the proposal, subject to further design development being incorporated in a revised proposal that adequately responds to issues primarily regarding single lift cores, horizontal spandrel banding, tower articulation and landscaping opportunities. These matters are discussed below.

| DEAP Comment  | Planning Response   | Action |
|---|---|--------|
| The Context plans showing how Block C relates to and integrates with the other stages of the Modified Concept Plan were appreciated.  | Noted.  | N/A    |
| Extensive CGI street views also provided an improved understanding of the public realm relationships between built form and open spaces in this precinct of Wentworth Point, giving greater assurance that an optimum balance between public domain qualities and private or communal outdoor spaces can be achieved. | Noted.  | N/A    |
| Although technically not within the scope of the public domain works the Panel felt that some indication of the   | The details of the public domain have been approved under the Infrastructure DA. The relationship of the proposed development with the approved public domain | N/A    |

|   |  |     |
|---|--|-----|
| proposed ground plane connections to adjacent blocks (eg locations of mid-block and corner crossings) would be helpful in ensuring a coherent and legible public domain within the immediate neighbourhood.   | has been assessed by Council's Urban Design (Public Domain) Team as acceptable.  |     |
| Sections extended across the perimeter streets would be useful to demonstrate how the overall proposal responds beyond site boundaries to satisfy the site specific DCP or Concept DA, and how the proposed materials relate to the other buildings in the street/precinct.   | <p>There are no submission requirements to include sections across adjoining properties for the assessment of a development application. Although sectional diagrams across blocks have not been provided, Appendix 7 of the <i>Architectural Design Report</i> contains a number of photomontages that demonstrate streetscape and building curtilage perspectives across Block C and Block D.</p>  <p><b>Source: Architectural Design Report (Bates Smart)</b></p>  | N/A |
| The street trees and plantings depicted in the architectural CGIs should be coordinated with the landscape plans so as to give more accurate depictions of how the greenery will interface with the built form.   | The applicant has responded by stating that the streetscape views have been cross-checked with the landscape plans and it was found that they accurately indicate the mature street tree height from the Infrastructure Landscape Plant Schedule.  | N/A |
| Resolution of the single lift cores to Buildings A, B and C is still not acceptable for 7-8 storey buildings even with the roof level cross-over proposed. The connection from top floors to the roof link is problematic being accessible only by stair that would still result in amenity loss for residents impacted by any lift being out of action. An internal corridor crossover for lift access would be a better solution through variation to the top floor unit layouts. | <p>The buildings referred to by DEAP are identified on the plans as C2, C3 and C4. The applicant has addressed this matter as follows:</p> <p><i>"Objective 4F-1, Design Criteria 2 of the ADG stipulates 'For buildings of 10 storeys and over, the maximum number of apartments sharing a single lift is 40'. We interpret this criteria as an applied state wide design standard that sets a threshold for where a single lift is acceptable: Firstly, in a building of nine storeys or fewer; and secondly, in a building of ten or more storeys with fewer than 40 apartments.</i></p> <p><i>In the proposed scheme, maximum number of units sharing a single lift is 24 and these are situated within an 8-storey building. We have provided cross over to another lift at ground, first, podium and roof levels. The maximum flights of stairs to be traversed on lift redundancy is 4.</i></p> | N/A |



|   |  |     |
|---|--|-----|
|   | <p><i>We believe that the proposal provides the appropriate balance between lift redundancy and amenity in terms of; number of units per core, length of communal corridor, number of units with solar access 70%, number of units with natural cross ventilation 63%, and minimal single aspect units.</i></p> <p><i>If additional crossover corridors to the low-rise buildings were to be implemented, this would result in a reduction in units with solar access and cross ventilation below that which is required in the ADG and therefore is not considered to demonstrate an improved amenity outcome for residential amenity on site."</i></p> <p>The response provided by the applicant is considered acceptable and supportable.</p>   |     |
| <p>While the alternatives to the strong horizontal spandrel banding for Buildings A, B and C was explored by the Applicant, the Panel considered that the retention of the original proposal with its prominent horizontal emphasis was a sub-optimal outcome that diminished the articulation of individual units.</p> | <p>The applicant has provided a response outlining consistency with the SEPP65 principles (built form &amp; scale and aesthetics). The response includes the following justification for design:</p> <p><i>"Our approach applies a calm simplicity to the scale, bulk, and height. A nuanced approach to the upper floors reduces apparent height through primary horizontal expression which is contrasted with several façade elements in a variety of materials, colours and textures:</i></p> <ul style="list-style-type: none"> <li><i>- A two-storey base, with individually expressed duplex townhouses contributes to a rhythmic street character.</i></li> <li><i>- Individual units and structure are acknowledged with a secondary stacking of balconies and windows.</i></li> <li><i>- Between the horizontals, vertical metal cladding and perforated screens provide a human scaled texture and when lit internally will add a dynamic element to the façade."</i></li> </ul>  <p>The response is considered acceptable and supportable.</p> | N/A |

|  |  |                  |
|--|--|------------------|
| <p>Tower D modifications to address the solar performance of the façade was appreciated. However, the articulation through the solid/void relationships could be further explored in the design to create a less commercial character for this building and its fully glazed foyer access.</p>   | <p>The applicant agrees that further consideration of the entry condition of Tower D would be beneficial in strengthening the residential character of this precinct and have advised that they are able to introduce smaller scaled elements, screening, and integrated landscape to create a transition zone. Notwithstanding this, the entry design is considered acceptable.</p>   | <p>N/A</p>       |
| <p>The possibility of extending the horizontal louvres from Level 2 down to the spandrel of L1 around the foyer is recommended to create a better transitional relationship above this prominent corner, and could also assist with mediation of wind conditions.</p>  | <p>The horizontal louvres on Level 02 may be extended down to the Level 01 spandrel.</p>   | <p>Condition</p> |
| <p><b>LANDSCAPE AND OPEN SPACE</b></p> <p>The integration of the 'design with country' narrative within the development, built form and public domain is a positive direction. The comprehensive landscape and public domain principles are supported. However, the Panel considers the interpretive outcomes and shapes of some of the landscape elements to be still rudimentary, such as the pathway and planters along the through site link.</p> <p>Although the narrative refers to the sinuous lines and abstract geometry of local salt marshes the planters have acquired a more 'amoebic' form and are proposed to be planted out with ferns and other shade loving species.</p> <p>The Panel recommends continuing refinement of the interpretive landscape opportunities in plan and elevation - beyond pattern making - to realise the full potential of this inviting through site link.</p> | <p>The applicant has submitted a Landscape Addendum providing further information which respect to 'design with country' which includes:</p> <ul style="list-style-type: none"> <li>• Expression through the exploration of local ecological systems, such as mudflat, saltmarsh. Crazy paving selection and island boulders have been proposed to clearly define seating hubs and entry points and as a representation of the meandering sandbanks and saltmarsh which once bordered the entry into Wentworth Point. The main ground plane paving, concrete seating and white brick walls, provide the opportunity to tie in with the architectural palette through colours and aggregates selections.</li> </ul> <div data-bbox="593 1258 1241 1675"> </div> <p><b>Source: Landscaping Addendum (Arcadia)</b></p> <ul style="list-style-type: none"> <li>• White and cream textured undulating walls depicting the erosion that once occurred within the Wentworth Point water's edge of the Parramatta River. The variation in colour and texture, ties into the architectural brick materiality while using variation in form, depth and height to demonstrate its connection with place.</li> </ul> | <p>N/A</p>       |

|   |  |            |
|---|--|------------|
|   | <div data-bbox="592 159 1238 797"> <p>Variation in Colour and opportunity to tie into Architectural Palette    Movement in Depth    Exploration with TW Heights    Signage opportunities</p> </div> <p><b>Source: Landscaping Addendum (Arcadia)</b></p> <p>The Applicant has provided plans in response to this matter which demonstrates sufficient quantity of dappled shade created by tree canopy across the podium spaces, paired with shadow diagrams of architectural shade across the podium.</p> <div data-bbox="592 1048 1238 1458"> </div> <p><b>Source: Landscaping Addendum (Arcadia)</b></p> <p>The concept plan has been approved with each lot having a perimeter block design and building setbacks between 3m-5m. The provision of deep soil in accordance with the ADG is therefore unachievable. It is noted that all of the community roads to be built adjoining Block C are unencumbered by basements located underneath and therefore large canopy trees can be provided within the streets (as approved under the Infrastructure DA) to assist in mitigating urban heat impacts.</p> |            |
| <p><b>SUSTAINABLE INITIATIVES</b></p> <p>The Panel appreciated the incorporation of sustainability measures and the extent of BASIX and NatHERS</p> | <p>The subject proposal is accompanied by a BASIX Certificate which addresses issues in relation to consumption of water and thermal performance of the building and demonstrates that the building achieves an acceptable outcome.</p>  | <p>N/A</p> |

|   |   |  |
|---|---|--|
| <p>commitments, but the implied dismissal of ceiling fans as a low energy alternative to use of A/C systems was disappointing.</p> <p>At a time of higher energy and living costs the Panel considers that strategies for minimising use of mechanical systems and electrification of buildings should be a high priority in design excellence.</p> | <p>Further detail is not considered warranted and although such matters may improve the proposal, there are no DCP or ADG requirements that necessitate ceiling fans be provided.</p> <p>Council's ESD consultant has not raised any concerns with the thermal comfort within the residential apartments.</p> <p>The applicant has indicated that they will investigate minimising the use of mechanical systems and reducing the use of electricity during the detailed design development. It is noted however that this is not a mandatory requirement to fulfill.</p> |  |
|---|---|--|

It is considered that 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.

### 3.8 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.

### 3.9 LOCAL ENVIRONMENTAL PLAN

The provisions of the Parramatta Local Environmental Plan 2023 are not applicable in this instance as the land is identified as a “Deferred Matter” on the LEP Map. It is noted that Council is working with the NSW Government to transfer the existing planning controls for this land into the LEP.

## 4. Development Control Plans

### 4.1 Homebush Bay West Development Control Plan 2004 (as amended)

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

| DCP Section  | Comments  |
|--|---|
| <b>Part 2<br/>Background</b><br><br><b>Design<br/>Framework<br/>Principles</b> | <ul style="list-style-type: none"> <li>The proposed development is consistent with the desired street and public domain pattern of the site.</li> <li>The proposed development is consistent with the precinct structure and design framework principles.</li> </ul>  |
| <b>Part 3<br/>General<br/>Controls</b>   | <ul style="list-style-type: none"> <li>The majority of these controls are not applicable as the proposed development is subject to an approved concept plan and the design requirements of the Apartment Design Guide (ADG). Notwithstanding this, the proposal generally complies with the requirements contained within this section of the DCP.</li> </ul> |
| <b>Part 4<br/>Detailed<br/>Design<br/>Guidelines</b>                           | <ul style="list-style-type: none"> <li>The majority of these controls are no longer relevant as the proposed development is subject to an approved concept plan and the design requirements of the Apartment Design Guide (ADG). Notwithstanding this, the proposal generally complies with the requirements contained</li> </ul>                             |



within this section of the DCP. Any non-compliances with the DCP were justified previously within the concept plan approval.

- **Stormwater Management.** Stormwater generated within the proposed block will be treated to the required water treatment rates and discharged to the approved stormwater system in Verona Drive and then into Homebush Bay. The proposed development will also incorporate the use of a 16KL rainwater harvest tank for irrigation purposes.
- **Wind Impacts.** The application is supported by a technical wind tunnel test and report prepared by Vipac which recommends a variety of design changes to minimise wind impacts. These design changes include extension of the entrance lobby, 1.5m high planters and an arbor structure of Level 17. The majority of these design elements have already been incorporated into the plans, but not all have been indicated as yet. Council's wind consultant has reviewed the application and advises that the potential wind conditions satisfy the criteria for safety and comfort and the effectiveness of all wind mitigation strategies have been quantified during the wind tunnel study.
- **Geotechnical Suitability and Contamination.** Contamination has been addressed within this report. A Geotechnical Report prepared by Arup accompanies the subject application and establishes that the site is suitable for the proposed development having regard to its soil and groundwater conditions. An Acid Sulphate Soils Management Plan prepared by Douglas Partners also accompanies the subject application and outlines appropriate testing and management strategies for implementation.
- **Crime Prevention.** The proposed complies with the stipulated performance criteria related to safety and security by enhancing the interface between public and private space and providing a high level of passive surveillance of the public domain surrounding the site. Additional target hardening strategies as required through the concept approval (including CCTV and lighting) are included within the Recommendation section of this report.
- **Vehicle Access.** Combined entry and exit driveways are provided at Monza Boulevard and at Verona Drive. The vehicular access has been reviewed by Council's Traffic & Transport Officer and found to be acceptable. It is noted that the through site link has been designed for pedestrians, however, the access to this from Monza Boulevard and from Marine Parade is wide and motorists may mistake this for vehicular access. Accordingly, suitable bollard devices need to be installed to prevent unauthorised vehicle access to ensure pedestrian safety. A condition is included to this effect.
- **Vehicle Parking.** Vehicle parking for the proposal is discussed under the Concept Plan discussion within this report. The application complies with the motorcycle parking and bicycle parking requirements of the DCP as indicated in the table below.

| Type               | Requirement                   | Required | Proposed   | Comply |
|--------------------|-------------------------------|----------|--|--------|
| Motorcycle Parking | Residential<br>1 per 25 units | 12       | 18<br>The development<br>proposes 18<br>motorcycle spaces of | Yes    |



|                 |   |   |  |            |
|-----------------|---|---|--|------------|
|                 |   |   | which 16 will be for residents and 2 will be for visitors.   |            |
| Bicycle Parking | 1 bed – Nil<br>2 bed – 0.5 spaces<br>3 bed – 0.5 spaces<br>Visitors – 1/15 dwgs<br><b>TOTAL</b> | Nil<br>110<br>26<br>20<br><b>156 spaces min</b> | 156 spaces<br><br>The development provides 136 resident bicycle spaces in the form of racks within secured areas and 20 spaces for visitors in the form of racks in the pedestrian link. | <b>Yes</b> |

• **Building Access.** The buildings and ground floor units contain appropriate pedestrian access from the streets to be delivered via the Infrastructure DA (DA/1040/2017), with the exception of the south facing ground floor south-eastern core apartments which have direct access internally from the through site link and also via the southern boundary. This access from the southern boundary can only be provided when the Nuvolari Street road extension on the adjoining site at 6-8 Baywater Drive is delivered. The proposal has been designed to enable a temporary footpath to be provided within the subject site (between Monza Boulevard and Marine Parade) until the adjoining road is constructed and has legal public access. A covenant is recommended to be created for this temporary footpath to be removed and landscaped once the future road has been delivered.

• **Apartment Mix & Adaptable Housing.** The proposed development provides 61 adaptable apartments representing 20.3% of the total number of apartments, which complies with the DCP requirements. In addition, a mix of apartment types and sizes is proposed with the inclusion of ground floor townhouses and apartments above. The dwelling mix is as follows:

| Dwelling Size   | Number | Percentage (approx) |
|---|--------|---------------------|
| 1 bedroom   | 29     | 10%                 |
| 2 bedroom   | 219    | 73%                 |
| 3+ bedroom  | 52     | 17%                 |
| <i>This includes 28 townhouses (24 x 3 bed + 4 x 2 bed) primarily accessed from the street.</i> |        |                     |

• **Waste Management.** A waste management plan was submitted which outlines measures to minimise waste during the construction phase and details of the operational waste management. Waste storage areas are provided on site and may accommodate Council vehicle collection with access from Monza Boulevard. Appropriate conditions regarding design and easements for access have been included within the recommendation section of this report.

• **Water Conservation.** The application will provide for dual piping to be connected to future recycled water opportunities within the area. It is noted that the infrastructure has been constructed along Hill Road by SOPA. Water fixtures and fittings will be water efficient and a rainwater tank is provided to be used for cooling tower replenishment, car washing and landscaping.

|   | <ul style="list-style-type: none"><li>• <b>Public Art and Design.</b> There is minimal opportunity to provide for public art on the development block due to the building form and setbacks proposed. Public art and design will be provided for in the public domain and future park, which is subject to a separate application.</li></ul>  |                            |   |          |          |        |                           |             |                            |                      |     |            |                         |  |     |        |                         |  |     |       |                            |   |     |  |  |  |  |  |
|---|---|----------------------------|---|----------|----------|--------|---------------------------|-------------|----------------------------|----------------------|-----|------------|-------------------------|--|-----|--------|-------------------------|--|-----|-------|----------------------------|---|-----|--|--|--|--|--|
| <b>Part 5</b><br><b>Homebush Bay</b><br><b>Bridge</b><br><b>Development</b><br><b>(Amendment 1)</b> | <ul style="list-style-type: none"><li>• <b>Land Use and Density</b><br/>The table below outlines the proposed land use and density requirements applicable to Precinct D.</li></ul> <table><tr><th>CONTROL</th><th>DESIGN CRITERIA</th><th>REQUIRED</th><th>PROPOSED</th><th>COMPLY</th></tr><tr><td rowspan="5">Floor space<br/>Precinct D</td><td>Residential</td><td>96,482m<sup>2</sup> (max)</td><td>27,634m<sup>2</sup></td><td>Yes</td></tr><tr><td>Commercial</td><td>405m<sup>2</sup> (max)</td><td>Nil<br/>(this will be provided in future stage Block B)</td><td>N/A</td></tr><tr><td>Retail</td><td>200m<sup>2</sup> (max)</td><td>Nil – however the concept indicated 125m<sup>2</sup> which has been removed (this will have to be provided in future stage Block B)</td><td>Yes</td></tr><tr><td>Total</td><td>97,087m<sup>2</sup> (max)</td><td>27,634m<sup>2</sup><br/><br/><u>Block C + Block D</u><br/>27,634m<sup>2</sup> + 19,485m<sup>2</sup><br/>= 47,119m<sup>2</sup><br/><br/><u>Remaining Future</u><br/><u>Block A + B</u><br/>= 49,968m<sup>2</sup><br/><br/>(however this excludes above ground parking &amp; horizontal corridors in accordance with the concept plan)</td><td>Yes</td></tr><tr><td></td><td></td><td></td><td></td><td></td></tr></table> | CONTROL                    | DESIGN CRITERIA   | REQUIRED | PROPOSED | COMPLY | Floor space<br>Precinct D | Residential | 96,482m <sup>2</sup> (max) | 27,634m <sup>2</sup> | Yes | Commercial | 405m <sup>2</sup> (max) | Nil<br>(this will be provided in future stage Block B) | N/A | Retail | 200m <sup>2</sup> (max) | Nil – however the concept indicated 125m <sup>2</sup> which has been removed (this will have to be provided in future stage Block B) | Yes | Total | 97,087m <sup>2</sup> (max) | 27,634m <sup>2</sup><br><br><u>Block C + Block D</u><br>27,634m <sup>2</sup> + 19,485m <sup>2</sup><br>= 47,119m <sup>2</sup><br><br><u>Remaining Future</u><br><u>Block A + B</u><br>= 49,968m <sup>2</sup><br><br>(however this excludes above ground parking & horizontal corridors in accordance with the concept plan) | Yes |  |  |  |  |  |
| CONTROL   | DESIGN CRITERIA   | REQUIRED                   | PROPOSED  | COMPLY   |          |        |                           |             |                            |                      |     |            |                         |  |     |        |                         |  |     |       |                            |   |     |  |  |  |  |  |
| Floor space<br>Precinct D   | Residential   | 96,482m <sup>2</sup> (max) | 27,634m <sup>2</sup>  | Yes      |          |        |                           |             |                            |                      |     |            |                         |  |     |        |                         |  |     |       |                            |   |     |  |  |  |  |  |
|   | Commercial  | 405m <sup>2</sup> (max)    | Nil<br>(this will be provided in future stage Block B)  | N/A      |          |        |                           |             |                            |                      |     |            |                         |  |     |        |                         |  |     |       |                            |   |     |  |  |  |  |  |
|   | Retail  | 200m <sup>2</sup> (max)    | Nil – however the concept indicated 125m <sup>2</sup> which has been removed (this will have to be provided in future stage Block B)  | Yes      |          |        |                           |             |                            |                      |     |            |                         |  |     |        |                         |  |     |       |                            |   |     |  |  |  |  |  |
|   | Total   | 97,087m <sup>2</sup> (max) | 27,634m <sup>2</sup><br><br><u>Block C + Block D</u><br>27,634m <sup>2</sup> + 19,485m <sup>2</sup><br>= 47,119m <sup>2</sup><br><br><u>Remaining Future</u><br><u>Block A + B</u><br>= 49,968m <sup>2</sup><br><br>(however this excludes above ground parking & horizontal corridors in accordance with the concept plan) | Yes      |          |        |                           |             |                            |                      |     |            |                         |  |     |        |                         |  |     |       |                            |   |     |  |  |  |  |  |
|   |   |                            |   |          |          |        |                           |             |                            |                      |     |            |                         |  |     |        |                         |  |     |       |                            |   |     |  |  |  |  |  |

## 5. Concept Plan Approval

Compliance with the approved concept plan is indicated within the assessment commentary below.

### 5.1 Notice of Determination

| Condition | Requirement            | Comment   | Consistent |
|-----------|------------------------|---|------------|
| 1         | Approved Plans         | There are various elements of the proposed Block C proposal which are not the same as the approved Concept Plan (including basement modification, splitting of the podium, introduction of a ground level through site link, minor redistribution of height, tower reconfiguration, minor height increases, introduction of ground floor townhouse typology, loss of the 125m <sup>2</sup> retail component and relocation of driveways). These variations are discussed in further detail below. | Yes        |
| 2         | Time period of consent | Expiry of concept approval is 16 March 2021 unless physical works have commenced. Works had commenced on both the approved infrastructure works and Block D development before the expiry date.   | Yes        |

|     |   |   |     |
|-----|---|---|-----|
| 3   | No alteration without prior Council approval                        | Not relevant. Consent is sought for the new building.   | N/A |
| 4   | Subsequent applications to comply with Staged Development approval  | <ul style="list-style-type: none"> <li>Development is predominantly contained within the approved building footprint and envelope.</li> <li>Proposed floor space = Block C (27,634m<sup>2</sup>) + Block D (19,485m<sup>2</sup>) = 47,119m<sup>2</sup> is within the maximum permissible 97,087m<sup>2</sup></li> </ul> | Yes |
| 5   | NSW Office of Water General Terms of Approval                       | Not relevant. No activities within waterfront land are proposed as part of this application.  | Yes |
| 5A  | NSW Water General Terms of Approval                                 | Separate GTAs have been issued for this application.  | Yes |
| 6   | Issuing of Construction Certificates – Controlled Activity Approval | Applicable at Construction Certificate stage only   | N/A |
| 7   | Roads and Maritime Services – General Requirements                  | Access, compliance with AS2890.1-2004 and works have been considered by Council's Traffic Officer and found to be acceptable.   | Yes |
| 7A  | Car Parking Requirements  | The application proposes car parking at a rate compliant with the concept plan. Car parking has been provided at the maximum rate and is considered acceptable.   | Yes |
| 8   | Landscaping   | A detailed landscape plan was submitted with the application and is considered to be consistent with the landscape masterplan.  | Yes |
| 9   | Wind Mitigation   | A wind report was submitted with the application  | Yes |
| 10  | Remediation – future development applications                       | A remediation action plan was submitted with the application.   | Yes |
| 11  | Acoustic report – future development applications                   | An acoustic report was submitted with the application   | Yes |
| 12  | Water quality   | Stormwater generated from the development site will be treated within the site prior to discharging to the road infrastructure.   | N/A |
| 13  | Stormwater Disposal - SOPA  | No connection is proposed to stormwater infrastructure located on SOPA land   | Yes |
| 13A | Dual Water Reticulation Piping – future development applications    | To be provided as part of this development. Condition to be imposed on consent.   | Yes |
| 14  | Section 94 Developers Contributions – future stages                 | To be provided as part of this application. Condition to be imposed on consent.   | Yes |
| 15  | Road design   | Relevant to the Infrastructure DA   | N/A |
| 16  | Civil works   | Relevant to the Infrastructure DA   | N/A |
| 17  | Access to Public Road   | To be provided as part of this application. Condition to be imposed on consent.   | Yes |
| 18  | Disabled Access & Facilities  | To be provided as part of this application. Condition to be imposed on consent.   | Yes |
| 19  | Commonwealth Disability Discrimination Act                          | Advisory regarding compliance with the Disability (Access for Premises – Buildings) Standards 2010. To be provided as part of this application. Advisory note to be imposed on consent.   | Yes |

|    |   |   |     |
|----|---|---|-----|
| 20 | Target hardening strategies to reduce crime | To be provided as part of this application. Condition to be imposed on consent. | Yes |
|----|---|---|-----|

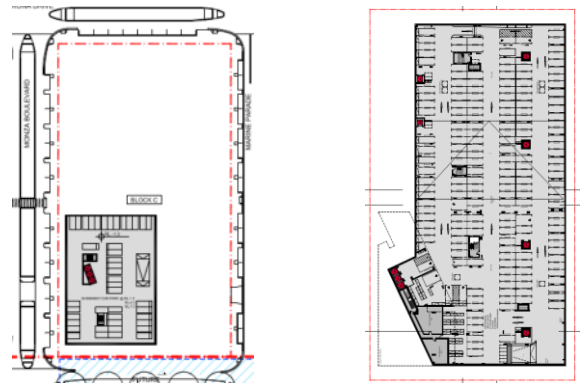
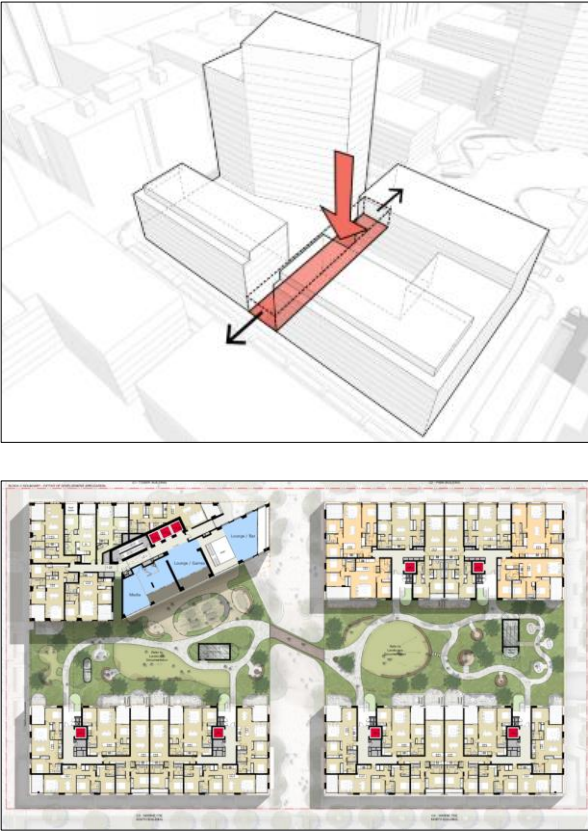
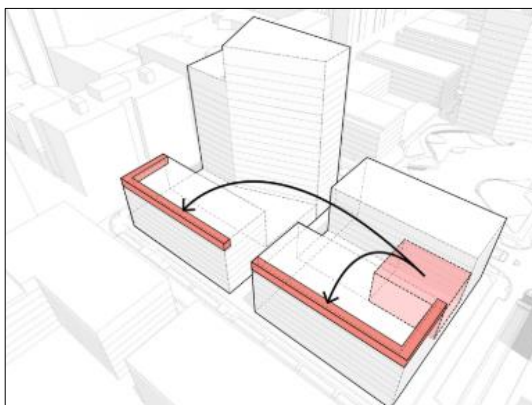
## 5.2 Numerical Requirements

| CONTROL                              | DESIGN CRITERIA   | REQUIRED   | PROPOSED  | COMPLY  |
|--------------------------------------|---|--|---|---|
| <b>Floor Space</b><br>Condition 4(b) | Floor Space Maximum   | 97,087m <sup>2</sup><br>(maximum for the site)   | <u>Block C + Block D</u><br>27,634m <sup>2</sup> + 19,485m <sup>2</sup><br>= 47,119m <sup>2</sup> | Yes   |
| <b>Building Height</b>               | Major E-W Street (Verona Drive)   | 8 – 6 – 7 storeys  | 8 – 2 – 7 storeys   | In part   |
|                                      | Major E-W Street (Nuvolari Place)   | 16 – 2 – 7 storeys   | 16 – 2 – 7 storeys  | Yes   |
|                                      | Secondary N-S Street (Marine Parade)  | 6/7 – 2 – 6/7 storeys  | 7 – 2 – 7 storeys   | In part   |
|                                      | Secondary N-S Street (Monza Boulevard)  | 8 – 2 – 20/16 storeys  | 8 – 2 – 20/16 storeys   | Yes   |
| <b>Setbacks</b>                      | Major E-W Street (Verona Drive)   | 5m (min)   | Majority 5m (min)<br><br>4.5m (ground floor corner unit + wall projections)                       | <b>Majority Complies</b><br><br>Acceptable – minor only |
|                                      | Major E-W Street (Nuvolari Place)   | 5m (min)   | Majority 5m (min)<br>4.6m<br>SE corner apartment unit + wall projections)                         | <b>Majority Complies</b><br><br>Acceptable – minor only |
|                                      | Secondary N-S Street (Marine Parade) (Monza Boulevard)  | 3m (min)   | 3m<br>Balcony projections into setback  | Yes   |
| <b>Car Parking</b><br>Condition 7A   | <b>1 bedroom</b><br>1.0 (min/max)<br><b>2 bedroom</b><br>1.0 (min) – 1.25 (max)<br><b>3 bedroom</b><br>1.0 (min) – 2.0 (max)<br><b>Visitor</b><br>1.0 per 8 dwellings | <b>1 bedroom</b><br>= 29<br><b>2 bedroom</b><br>= 219 - 274<br><b>3 bedroom</b><br>= 52 – 104<br><b>Visitor</b><br>= 38<br><b>TOTAL Residential</b><br>= 338 - 445 | <b>445 spaces</b>   | Yes<br><br>(provided at the maximum rate)               |

## 5.3 Discussion of Variations to the Approved Concept Plan

There are various elements of the proposed Block C proposal which are not the same as the approved Concept Plan (including basement modification, splitting of the podium, introduction of a through site link, minor redistribution of height, tower reconfiguration, minor height increases, introduction of ground floor townhouse typology, loss of the 125m<sup>2</sup> retail component and relocation of driveways).

The differences between the concept approval and the proposed development are listed in the table below.

| Description of Change   | Details of Change   |
|---|---|
| <p>Basement modification – lower basement increased in size and basements above resized and reconfigured</p>  |  <p>Approved Lower Basement      Proposed Lower Basement (B2)</p> |
| <p>Singular podium across the site has been split into 2 x separate podiums to provide for an open east-west through site link.</p> <p>A ground floor pedestrian link is provided to allow for better pedestrian connectivity through the site between the foreshore and public park on Monza Blvd and promote ground floor street activation.</p> <p>The Level 3 communal areas between the podia are connected via a pedestrian bridge.</p> |    |
| <p>The 6 storey northern wing has been reduced to 2 storeys with floor area redistributed to the 7 storey setback area along Marine Parade.</p> <p><i>To improve solar access to communal open space and western facade of Marine Parade buildings. Also better aligns with the Block D 8 storey street wall to the east.</i></p>   |   |

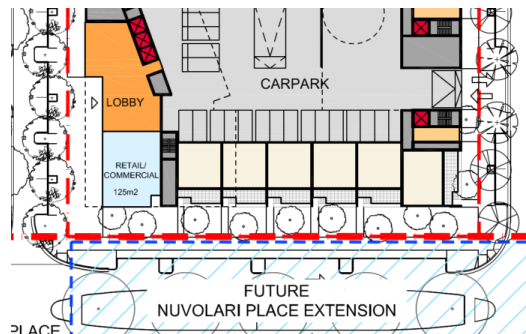


*This also provides two distinct building forms and improves building modulation.*

Introduction of ground floor townhouses instead of apartments.



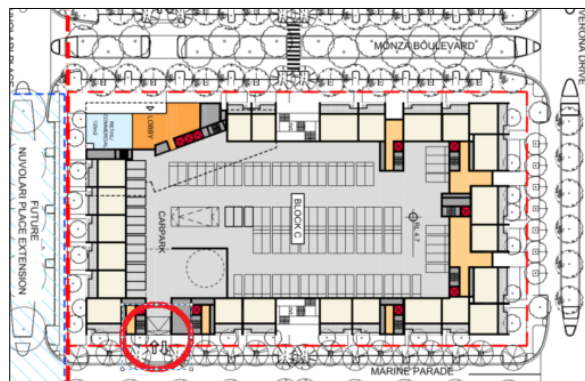
Removal of retail area in ground SW corner and replaced with vehicular access. Retail has not been redistributed in Block C.



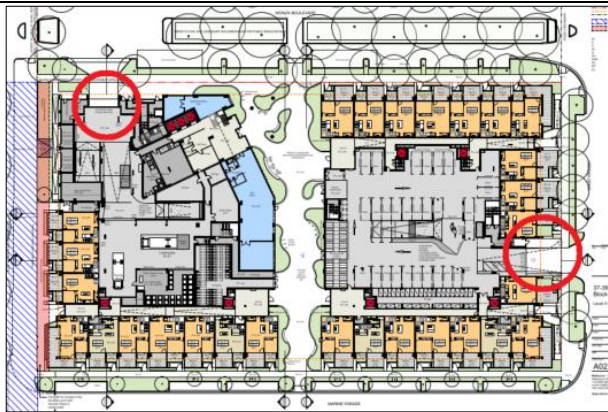
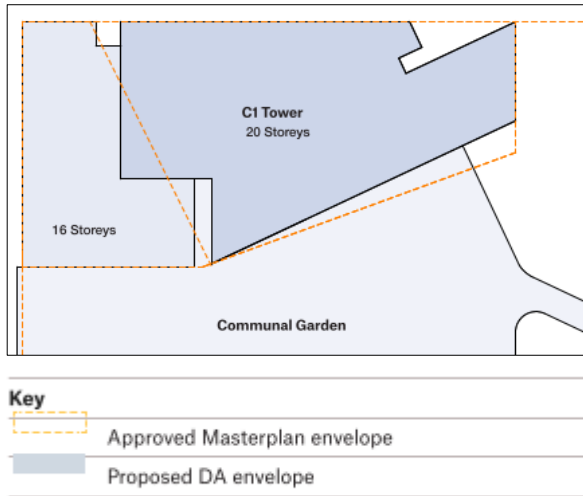
Retail space removed

Vehicular entry removed from Marine Parade.

Vehicular entries now provided from Monza Blvde and Verona Drive to cater for access to the separated podia.



Concept vehicular entrance from Marine Parade

|   |  <p>Proposed vehicular entries from Verona &amp; Monza</p>  |  |  |          |            |                      |  |  |  |                     |   |                                  |                |                              |  |                                   |                  |                             |  |                                   |                  |
|---|---|--|--|----------|------------|----------------------|--|--|--|---------------------|---|----------------------------------|----------------|------------------------------|--|-----------------------------------|------------------|-----------------------------|--|-----------------------------------|------------------|
| <p>Changes to tower configuration:</p> <ul style="list-style-type: none"><li>• The tower's north eastern face has an increased angle to improve solar access to east facing tower units.</li><li>• The southern façade of the tower has been adjusted to improve internal unit layouts, solar access and a more slender tower proportion.</li></ul>   |  <p><b>Key</b></p> <p>Approved Masterplan envelope</p> <p>Proposed DA envelope</p>   |  |  |          |            |                      |  |  |  |                     |   |                                  |                |                              |  |                                   |                  |                             |  |                                   |                  |
| <p>Minor increases in building height (maximum RLs). Height variations are sought to each building for the placement of solar panelling and plant areas.</p> <p>A detailed shadow analysis has been submitted and indicates that the minor height increases do not result in any significant overshadowing impacts upon neighbouring properties.</p> <p><i>Note – there are no development standards (including height) applicable to the site under the provisions of SEPP (Precincts – Central River City) 2021, and therefore no formal variation request is required to be submitted.</i></p> | <table><tr><th>Building</th><th>Approved</th><th>Proposed</th><th>Difference</th></tr><tr><td>C1<br/>Tower Building</td><td>Top of Plant<br/>16S = RL60.20<br/><br/>20S = RL72.80</td><td>Roof<br/>16S = RL60.20<br/><br/>Roof = RL70.3<br/>Lift = RL72.7<br/>Pumps = RL73.85<br/>Cooling = RL74.2</td><td>Nil<br/><br/>-2.5m<br/>-0.1m<br/>+1.05m<br/>+1.4m</td></tr><tr><td>C2<br/>Park Building</td><td>Top of Building<br/>(No plant zone)<br/>= RL34.20</td><td>Roof = RL32.10<br/>Plant = RL35.5</td><td>-2.1m<br/>+1.3m</td></tr><tr><td>C3<br/>Marine Parade<br/>South</td><td>Top of Building<br/>= RL27.80<br/>Top of Plant<br/>= RL31.0</td><td>Roof = RL28.85<br/>Plant = RL31.45</td><td>+1.05m<br/>+0.45m</td></tr><tr><td>C4<br/>Maine Parade<br/>South</td><td>Top of Building<br/>= RL27.80<br/>Top of Plant<br/>= RL31.0</td><td>Roof = RL28.85<br/>Plant = RL31.45</td><td>+1.05m<br/>+0.45m</td></tr></table> | Building   | Approved                                     | Proposed | Difference | C1<br>Tower Building | Top of Plant<br>16S = RL60.20<br><br>20S = RL72.80 | Roof<br>16S = RL60.20<br><br>Roof = RL70.3<br>Lift = RL72.7<br>Pumps = RL73.85<br>Cooling = RL74.2 | Nil<br><br>-2.5m<br>-0.1m<br>+1.05m<br>+1.4m | C2<br>Park Building | Top of Building<br>(No plant zone)<br>= RL34.20 | Roof = RL32.10<br>Plant = RL35.5 | -2.1m<br>+1.3m | C3<br>Marine Parade<br>South | Top of Building<br>= RL27.80<br>Top of Plant<br>= RL31.0 | Roof = RL28.85<br>Plant = RL31.45 | +1.05m<br>+0.45m | C4<br>Maine Parade<br>South | Top of Building<br>= RL27.80<br>Top of Plant<br>= RL31.0 | Roof = RL28.85<br>Plant = RL31.45 | +1.05m<br>+0.45m |
| Building  | Approved  | Proposed   | Difference                                   |          |            |                      |  |  |  |                     |   |                                  |                |                              |  |                                   |                  |                             |  |                                   |                  |
| C1<br>Tower Building  | Top of Plant<br>16S = RL60.20<br><br>20S = RL72.80  | Roof<br>16S = RL60.20<br><br>Roof = RL70.3<br>Lift = RL72.7<br>Pumps = RL73.85<br>Cooling = RL74.2 | Nil<br><br>-2.5m<br>-0.1m<br>+1.05m<br>+1.4m |          |            |                      |  |  |  |                     |   |                                  |                |                              |  |                                   |                  |                             |  |                                   |                  |
| C2<br>Park Building   | Top of Building<br>(No plant zone)<br>= RL34.20   | Roof = RL32.10<br>Plant = RL35.5   | -2.1m<br>+1.3m                               |          |            |                      |  |  |  |                     |   |                                  |                |                              |  |                                   |                  |                             |  |                                   |                  |
| C3<br>Marine Parade<br>South  | Top of Building<br>= RL27.80<br>Top of Plant<br>= RL31.0  | Roof = RL28.85<br>Plant = RL31.45  | +1.05m<br>+0.45m                             |          |            |                      |  |  |  |                     |   |                                  |                |                              |  |                                   |                  |                             |  |                                   |                  |
| C4<br>Maine Parade<br>South   | Top of Building<br>= RL27.80<br>Top of Plant<br>= RL31.0  | Roof = RL28.85<br>Plant = RL31.45  | +1.05m<br>+0.45m                             |          |            |                      |  |  |  |                     |   |                                  |                |                              |  |                                   |                  |                             |  |                                   |                  |

## 5.4 Concept Plan Conclusions

It is considered that although there are differences between the proposed development design and the approved concept plan, the proposal is not inconsistent with the concept plan. Council officers acknowledge that some changes are to be anticipated through the detailed design stages from concept to final delivery. The variations to the concept design have been addressed above and have also been reviewed by the Design Excellence Advisory Panel who raise no concerns with the variations. The variations generally provide for an improved design outcome with more refined building massing, greater site permeability and increased amenity.

## 6. Planning Agreements

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

## 7. Environmental Planning and Assessment Regulation 2021

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.

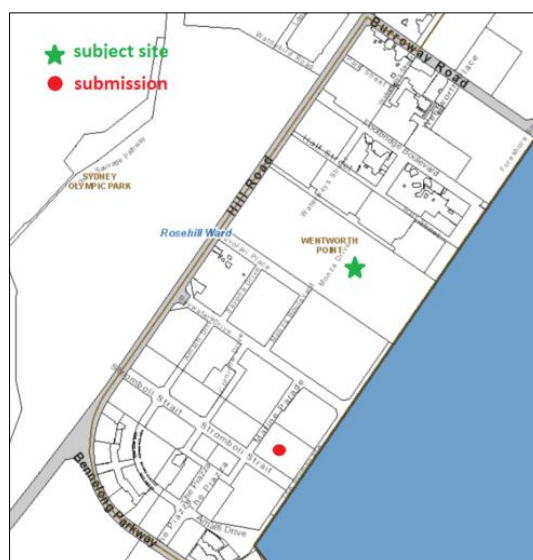
This application is consistent with the directions and priorities of the Central City District Plan.

## 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:

25 November 2022 to 11 January 2023      Notification of the application

In response to the exhibition period, 1 x individual submission was received. The location of the submitter is indicated within the map below.



Locality Map indicating subject site and submission received

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

| Submission                     | Issue Raised  | Planning Comment   |
|--------------------------------|---|--|
| <b>Confidential Submission</b> | <b>Tower Location</b><br>Objection is raised to the location of the proposed residential tower. The location of the tower deviates from the masterplan and it should be located on Block A adjoining Hill Road. | A residential tower (20 storeys) is indicated on the site (Block C) under the provisions of the Homebush Bay West DCP (Amendment 1) and the approved concept plan. Lower buildings are proposed along Hill Road to be more consistent with the existing development.   |
|                                | <b>Traffic</b><br>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 300 units will result in 57 vtpd and 45 vtpd 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. |

|  |   |   |
|--|---|---|
|  |   | It is also noted that the proposed development is consistent with the approved concept masterplan for the site.   |
|  | <b>Parking</b><br>Concern is raised that there is inadequate parking in the area. | The application complies with the required on site car parking requirements under the concept approval. In this regard, the car parking requirements are between 338 (min) - 445 (max) spaces. The application is providing car parking at the maximum rate.<br><br>In addition, the overall precinct will increase the amount of on-street parking with the design and delivery of new roads. Monza Boulevard to be delivered in association with this application (approved through the infrastructure DA/1041/2017) provides for 10 additional spaces (including 2 fire truck zones and 2 car share spaces). |

### Summary of amendments

The plans were amended with minor modifications to address DEAP comments. The amended proposal retains the same building form (height/floor space/apartment mix/parking), however includes the following minor changes:

- Minor basement reconfiguration
- Extension of ground floor lobby on Monza Boulevard
- Inclusion of rooftop pedestrian access links between the cores (all mid-rise buildings - C1, C2 and C3)
- Incorporation of minor design features in response to wind mitigation recommendations
- Inclusion of façade blade features at lower level to respond to DEAP façade articulation comment.
- Inclusion of green roofs on all buildings
- Seating and bump spaces are indicated on the plans.

### Amended Plans re-advertised or re notified

No

### Reason amendments not renotified

In accordance with Appendix 1 (Consolidated Notification Requirements) of Council's Community Engagement Strategy, the application did not require re-notification as the amended application is considered to be substantially the same development and does not result in a greater environmental impact.

### 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 State Environmental Planning Policy (Precincts—Central River City) 2021.
- 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 the provisions of the City of Parramatta (Outside CBD) Development Contributions Plan 2021 (Amendment 1).

The contributions payable are based upon the following unit mix:

- 29 x 1 bed apartments
- 219 x 2 bed apartments
- 52 x 3 bed apartments

It is noted that a credit is to be given as the site previously contained a warehouse. Based on the estimated floor area of the former warehouse at 6560m<sup>2</sup>, a credit based on number of workers (46.5) has been given.

The contributions payable are therefore as follows:

| Works                                  | DA/904/2022 - Contribution Amount |
|--|-----------------------------------|
| Outside CBD Space & Outdoor Recreation | \$ 3,717,042.06                   |
| Outside CBD Indoor Sports Courts       | \$ 343,663.68                     |
| Outside CBD Open Community Facilities  | \$ 451,991.69                     |
| Outside CBD Aquatic facilities         | \$ 105,340.26                     |
| Outside CBD Traffic and Transport      | \$ 987,595.19                     |
| Outside CBD Plan Administration        | \$ 51,357.59                      |
| <b>Total Contributions Payable</b>     | <b>\$ 5,656,990.47</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 the Council's Schedule of Fees and Charges applicable at the time of bond lodgement. The 2022/2023 bond is currently as follows:

| Section      | Type  | Amount      |
|--------------|---|-------------|
| 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 concept masterplan approval 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 State Environmental Planning Policy (Precincts—Central River City) 2021
- 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/904/2022 for the construction of a residential flat building complex (Block C) comprising 4 x buildings ranging in height between 7 storeys and 20 storeys containing a total of 300 dwellings, 445 car parking spaces and associated landscaping on land at 37-39 Hill Road, Wentworth Point 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**.