

Statement of Environmental Effects



Section 4.55(2) Application for Modification (DA/875/2017/B)

9 Burroway Road, Wentworth Point

Prepared on behalf of Landcom

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Document control

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Project summary

Applicant	Landcom
Applicant's address	Level 14, 60 Station Street, Parramatta NSW 2150
Land to be developed	9 Burroway Road, Wentworth Point
Legal description	Lot 1 and Lot 2 DP 1276305
Project description	Modification to DA/875/2017/A to amend the concept allocation of floor space, realign Road and identify the location of active open space

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Executive Summary

Proposed modification

This Modification Application relates to the consent of a development application for land at Wentworth Point, originally being DA-40/2015 granted by the former Auburn Council, as subsequently modified, by DA/875/2017 and DA/875/2017/A (the Consent).

The Consent needs to be modified as a result of the NSW Government's decision in 2020 to construct a high school and associated playing field within the land to which the Consent relates (Site). As a consequence, the Site was subdivided (as exempt development under s2.75(f) of the *State Environmental Planning Policy (Exempt and Complying Development Codes) 2008* (Codes SEPP)) into Lots 1 and 2 in DP1276305 and Lot 1 (9,511sqm) was acquired by the Department of Education for a school (School Site).

This Modification Application seeks to respond to the proposed creation of a new School Site which contains land which was previously proposed under the Consent for parts of the access road, Peninsula Park, and the mixed use development site.

The Modification Application would amend the design of the Peninsula Park to have regard to the new lot configuration and include some active open space (as well as passive open space), and to modify the design of the access road to the Peninsula Park and mixed use development site (in response to the changed lot configuration). The access road would also now provide access to the new Wentworth Point High School.

The modifications proposed in the Modification Application will enable Landcom, on behalf of TfNSW, to complete the delivery of the Peninsula Park and provide local road access to the park, high school and the future mixed use development site.

In summary, this Statement of Environmental Effect (SEE) outlines the following proposed modifications to the Consent:

- Amend the Peninsula Park to increase the approved area of open space by 4,575sqm including the location of the future playing field, noting that embellishment of the playing field would be subject of a future development application.
- Re-align Ridge Road to respond to the proposed location of the future playing field, provide access to the high school and provide an improved street interface to the park.
- Amend the proposed stormwater management and erosion control works to reflect the updated park layout and road alignment.

Background

The Wentworth Point Priority Precinct was rezoned in June 2014 and comprised government owned land at the northern end of Wentworth Point which was previously used for maritime purposes. The Wentworth Point Precinct Development Control Plan (DCP) was subsequently finalised in August 2014 and contains the detailed planning controls which apply to the precinct, including a requirement for a 3.9ha Peninsula Park and landscaped foreshore which is to cater for local recreational needs and a variety of active and passive recreation uses.

The Consent was originally approved on 17 February 2016 by the former Auburn City Council for the following:

- Construction, embellishment and landscaping of a new public open space and access road comprising 4.16ha of land.

- Associated works comprising site preparation and infrastructure works including remediation, bulk earthworks, and utility servicing.
- Concept approval for allocation of permissible mixed use gross floor area across lots 203 (46,283sqm) and 204 (5,000sqm).
- Subdivision of Lot 202 and 203 to create a separate land parcel for Ridge Road.

The Consent was subsequently modified in 2018 (DA/875/2017) (approved by City of Parramatta Council), to amend the approved sea wall design and in 2020 (DA/875/2017/A) to stage remediation works and amend the Peninsula Park and road design.

Works under the Consent were substantially commenced in 2019 through demolition, clearing of the site, earthworks including pre-loading of the road area, associated drainage and remediation. In October 2022, Landcom continued construction of the Peninsula Park in accordance with the Consent, completing earthworks and remediation while progressing subsequent Construction Certificate applications with Council to carry on delivering the Peninsula Park and supporting infrastructure.

The Wentworth Point Public School, located in the eastern neighbourhood of the precinct was constructed and finalised in January 2018.

In 2020, the Minister for Education announced the creation of the Sydney Olympic Park High School adjacent to the existing primary school at Wentworth Point. A new playing field is also proposed to be located alongside the new high school and is proposed to have shared public access arrangements in place out of school hours. A separate State Significant Development Application has been approved for construction of Stage 1 of the high school, with the playing field to be delivered as a subsequent stage.

Subject site

The Consent applies to land at Burroway Road within the Wentworth Point precinct with an area of 76,291sqm.

The Consent originally applied part of Lot 2 DP 859609 which was subsequently subdivided under a separate approval (DA-273/2014) to create the following parcels:

- Lot 202 DP 1216628
- Lot 204 DP 1216628
- Lot 203 DP 1216628.

The Site was subsequently further subdivided (as exempt development under s2.75(f) of the Codes SEPP) into Lots 1 (9,511sqm) which was acquired by the Minister for Education and Early Learning for the high school and Lot 2 being the residual land parcel which is owned by Transport for NSW.

Consideration of independent advice to the Planning Panel

The Sydney Central City Planning Panel has sought an independent advice from The Planning Studio on whether the modification can meet the test of ‘substantially the same’ in accordance with Section 4.55(2)(a) of the *Environmental, Planning and Assessment Act (1979)*.

The independent assessment was provided to the Panel on 1 February 2024 concluded that the application is capable of meeting the ‘substantially the same test’ and recommended a number of conditions.

Landcom is generally supportive of the recommendations of the independent advice as detailed within Section 6 of this report.

Conclusion

The assessment carried out in this SEE demonstrates that the proposed modification is appropriate as summarised below.

- It is consistent with the relevant provisions of Section 4.55 of the *Environmental Planning and Assessment Act 1979* (the Act) which sets out provisions relating to DA modifications.
- It continues to be for the same material elements including a new district scale Peninsula Park, a local access road and residual land to accommodate future mixed development, and accordingly the development as proposed to be modified is substantially the same development as that originally approved.
- It is consistent with the *Parramatta Local Environmental Plan 2023* and all relevant State Environmental Planning Policies.
- It includes deviations from the *Wentworth Point Precinct Development Control Plan 2014* (DCP) structure plan including the proposed location of the playing field, realignment of Ridge Road and the location of the mixed use site. These variations are necessary to accommodate the proposed high school and maintain consistency with the vision, development principles and objectives of the DCP.
- It would not result in any significant environmental impacts including as summarized below:
 - The proposed modification will deliver the same elements as what was originally approved including a peninsula park, Ridge Road and mixed use development and will result in substantially the same development of the land.
 - Remediation of contamination has been addressed through an existing Remediation Action Plan. Further advice has been provided by Geosyntec, who have been working with Landcom to undertake the remediation works, confirming that they are of the opinion the proposed modification application is in line with the 2015 RAP.
 - It would significantly increase the area of the Peninsula Park (excluding Ridge Road) from 3.58ha under the consent to 4.037ha comprising 3.23ha of passive open space and 0.81ha of active open space.
 - The realignment of Ridge Road does not represent a significant change to the existing approved local road network.
 - The proposed modification to the park would not generate additional traffic, compared with the existing approval. Any additional traffic as a result of the high school would be addressed through the State Significant Development Application for the high school.
 - Updated Civil Plans and an updated Stormwater Management Plan have been prepared which outlined revised drainage design and stormwater detention arrangements which respond to the updated road alignment and location of the playing field to meet Council requirements.

1 Background

1.1 Wentworth Point Precinct rezoning

The Wentworth Point Priority Precinct was rezoned in June 2014 and comprised government owned land at the northern end of Wentworth Point which was previously used for maritime purposes. The Wentworth Point Precinct Development Control Plan (DCP) was subsequently finalised in August 2014 and contains the detailed planning controls which apply to the precinct.

The precinct plan included:

- A 3.9ha peninsula park and landscaped foreshore which is to cater for local recreational needs and a variety of active and passive recreation uses
- Three pocket parks of at least 2,000sqm each
- Two residential neighbourhoods located to the east and west of the Ferry Wharf
- A new primary school
- Continuation of the Homebush Bay promenade to include a new maritime plaza with shops and cafes.

1.2 Development consent subject of this application

This Modification Application relates to the consent of a development application for land at Wentworth Point, originally being DA-40/2015 granted by the former Auburn Council, as subsequently modified, by DA/875/2017 and DA/875/2017/A (the Consent).

The Consent was originally approved on 17 February 2016 by the former Auburn City Council for the following:

- Construction, embellishment and landscaping of a new public open space and access road comprising 4.16ha of land.
- Associated works comprising site preparation and infrastructure works including remediation, bulk earthworks, and utility servicing.
- Concept approval for allocation of permissible mixed use gross floor area across lots 203 (46,283sqm) and 204 (5,000sqm).
- Subdivision of Lot 202 and 203 to create a separate land parcel for Ridge Road.

The Consent was subsequently modified in 2018 (DA/875/2017) (approved by City of Parramatta Council), to amend the approved sea wall design and in 2020 (DA/875/2017/A) to stage remediation works and amend the Peninsula Park and road design.

Works under the Consent were substantially commenced in 2019 through demolition, clearing of the site, earthworks including pre-loading of the road area, associated drainage and remediation. In October 2022, Landcom continued construction of the Peninsula Park in accordance with the Consent, completing earthworks and remediation while progressing subsequent Construction Certificate applications with Council to carry on delivering the Peninsula Park and supporting infrastructure.

1.3 Wentworth Point Education Precinct

The Wentworth Point Public School, located in the eastern neighbourhood of the precinct was constructed and finalised in January 2018.

In 2020, the Minister for Education announced the creation of the Sydney Olympic Park High School adjacent to the existing primary school at Wentworth Point. A new playing field is also proposed to be located alongside the new high school and is proposed to have shared public access arrangements in place

out of school hours. A separate State Significant Development Application has been approved for construction of Stage 1 of the high school, with the playing field to be delivered as a subsequent stage.

The Site was subdivided (as exempt development under s2.75(f) of the *State Environmental Planning Policy (Exempt and Complying Development Codes) 2008 (Codes SEPP)*) into Lots 1 and 2 in DP1276305 and Lot 1 (9,511sqm) was acquired for the school (**School Site**).

1.4 Proposed modification

The Consent needs to be modified as a result of the NSW Government's decision in 2020 to construct a high school and associated playing field within the land to which the Consent relates (Site). As a consequence, the Site was subdivided (as exempt development under s2.75(f) of the Codes SEPP) into Lots 1 and 2 in DP1276305 and Lot 1 (9,511sqm) was acquired by the Department of Education for the School Site.

As noted above, the Consent originally proposed a large "Peninsula Park", local access road (Ridge Road) and a mixed use development site. The School Site contains part of the land previously proposed for the access road and Peninsula Park, and part of the land previously proposed for the mixed use development site.

As a consequence, this Modification Application seeks to modify the design of the Peninsula Park to have regard to the new lot configuration and to include some active open space (as well as passive open space), and to modify the design of the access road to the Peninsula Park and mixed use development site (again in response to the changed lot configuration). The access road will also now provide access to the new Wentworth Point High School.

The conceptual allocation of floor space across the Site as approved under the Consent can no longer be achieved and is no longer appropriate, given that the available land for the proposed mixed-use development has reduced in size because of the acquisition of the School Site. Landcom will deal with the distribution of floor space and future built form on the residual land through a Planning Proposal or alternate LEP amendment process which will seek to review the planning controls as they relate to mixed-use development on the Site.

There is also no longer a proposal to create a lot for the former alignment of the access road (Ridge Road), as that alignment needs to be modified to accommodate the School Site (subdivision for public purposes is also exempt development). The approved subdivision to create a separate parcel for Ridge Road no-longer aligns with the reconfigured Site. The Modification Application does not propose further subdivision of the Peninsula Park including the playing field and Ridge Road as that subdivision can proceed without development consent under the Codes SEPP. It is, however, intended to dedicate the Peninsula Park and Ridge Road to Council, and an indicative future proposed lot configuration is shown in the indicative subdivision plan which forms part of the Modification Application.

The changes proposed in the Modification Application will enable Landcom, on behalf of TfNSW, to complete the delivery of the Peninsula Park and provide local road access to the park, high school and the future mixed use development site.

This SEE outlines the proposed modifications to the Consent. A subsequent application will be lodged for the design and embellishment of a future playing field.

A meeting was held with council on 16 March 2022 to discuss the SSDA application for the high school and the existing approval for the park. Council indicated that infrastructure for the operation of the school (including parking, playing field, and new road) could potentially be secured through a DA modification or a new DA, subject to further discussions.

Subsequent meetings have been held with Council on 8 August 2022 and 6 September 2022 where it was agreed that the proposed amendments to this application would be accepted as a modification to the Consent. Council also provided feedback relating to the detail included in the landscape masterplan, earthworks and levels, subdivision, GFA allocation and covenants on the land which has been addressed in this SEE.

The Modification Application was accepted by Council for assessment on 20 October 2022 and publicly notified from 2 November 2022 to 2 December 2022. It was subsequently updated in February 2023 through a response to Council's Request for Further Information (Appendix I). This SEE has been updated to reflect the latest proposal as detailed in the RFI response.

Council prepared a report to the Sydney Central City Planning Panel on the 1 August 2023 recommending refusal of the modification application. Subsequently, the Panel sought an independent advice from The Planning Studio on whether the modification can meet the test of 'substantially the same' in accordance with Section 4.55(2)(a) of the *Environmental, Planning and Assessment Act (1979)*. The independent assessment was provided to the Panel on 1 February 2024 concluded that the application is capable of meeting the 'substantially the same test' and recommended a number of conditions which are considered in Section 6 of this report.

2 Site and context

2.1 Site description

The Consent applies to land at Burroway Road within the Wentworth Point precinct with an area of 76,291sqm.

The Consent originally applied to part of Lot 2 DP 859609 which was subsequently subdivided under a separate approval (DA-273/2014) to create the following parcels:

- Lot 202 DP 1216628
- Lot 204 DP 1216628
- Lot 203 DP 1216628

The Site was subsequently further subdivided (as exempt development under s2.75(f) of the Codes SEPP) into Lots 1 (9,511sqm) which was acquired by the Minister for Education and Early Learning for the high school and Lot 2 being the residual land parcel which is owned by Transport for NSW.

The Modification Application proposes to remove Ridge Road from Lot 1 as the new high school will be constructed on this land. The remainder of the changes under the Modification Application relates to Lot 2 and addresses the changes required to accommodate the new high school and playing field.

The Site is bounded by the Parramatta River to the north, Homebush Bay to the east, Burroway Road to the south and the Wentworth Point Public School to the west.



Figure 1: Subject site (Source: SIX maps)

The site was formed by land reclamations of the Parramatta River mud flats from the late 1800s to facilitate farming, industrial and military uses. It was subsequently used for light industrial and maritime uses. All buildings on the site have previously been demolished and it is largely cleared of vegetation with the exception of scattered trees including:

- Saltmarsh and mangrove endangered ecological communities (EEC) at the very tip of the Wentworth Point peninsula
- Two mid-sized Port Jackson Figs (*Ficus rubiginosa*) are located at the north-east corner of the precinct.

The land is relatively flat and slopes gradually towards the Parramatta River. The existing waters edge along Homebush Bay (eastern edge) is largely hard edge with a mix of rock / rubble revetment and sloped concrete. The Parramatta River (northern) edge is softer and less formed, including a small beach area.

3 Proposed modification

3.1 Proposed modification and justification

The Modification Application seeks to respond to the proposed location of the high school which contains land which was previously proposed under the Consent for parts of the access road, Peninsula Park, and the mixed use development site.

The Modification Application proposes to amend the design of the Peninsula Park to have regard to the new lot configuration and to include some active open space (as well as passive open space), and to modify the design of the access road to the Peninsula Park and mixed use development site (again in response to the changed lot configuration). The access road will also now provide access to the new Wentworth Point High School.

The modifications proposed in the Modification Application will enable Landcom, on behalf of TfNSW, to complete the delivery of the Peninsula Park and provide local road access to the park, high school and the future mixed use development site.

In summary, this SEE outlines the following proposed modifications to the Consent:

- Amend the Peninsula Park to increase the approved area of open space by 4,575sqm including the location of the future playing field, noting that embellishment of the playing field would be subject of a future development application.
- Re-align Ridge Road to respond to the proposed location of the future playing field, provide access to the high school and provide an improved street interface to the park.
- Amend the proposed stormwater management and erosion control works to reflect the updated park layout and road alignment.

The conceptual allocation of floor space across the Site as approved under the Consent can no longer be achieved and is no longer appropriate, given that the available land for the proposed mixed use development has reduced in size as a result of the acquisition of the School Site.

The Modification Application as originally lodged had proposed a reallocation of gross floor area for the mixed use development. At the request of Council, this was removed from the Modification Application, and the Consent, as proposed to be modified, will not include any conceptual allocation of floor space. However, the remaining part of the mixed use development site (after acquisition of part of the School Site) is still proposed for mixed use development (which is permissible under the existing planning controls). The Consent did not authorise the construction of the mixed use development. In that respect the concept has not changed.

Landcom will deal with the distribution of floor space and future built form on the residual land through a Planning Proposal or alternate LEP amendment process which will seek to review the planning controls as they relate to mixed-use development on the Site.

There is also no longer a proposal to create a lot for the former alignment of the access road (Ridge Road), as that alignment needs to be modified to accommodate the School Site. The approved subdivision to create a separate parcel for Ridge Road no-longer aligns with the reconfigured Site. The Modification Application does not propose further subdivision of the Peninsula Park including the playing field and Ridge Road as that subdivision can proceed without development consent under the Codes SEPP. It is, however, intended to dedicate the Peninsula Park and Ridge Road to Council, and an indicative future proposed lot configuration is shown in the indicative subdivision plan which forms part of the Modification Application (Appendix G).

The Modification Application does not propose any change to the delivery mechanisms for the Peninsula Park. Ongoing ownership, management and maintenance will be negotiated with Council separate to the Modification Application. Until such time, the management of the open space remains the responsibility of the State Government and it will remain in public ownership.

The mechanism for dedication of the Peninsula Park by way of a public positive covenant was a condition of consent of a separate development application (DA-273/2014) which was granted consent by the former Auburn City Council on 27 November 2014 to create Lot 202, being the site of the Peninsula Park. This Modification Application does not seek to modify DA-273/2014 and the restrictive covenants on the site would continue to apply. Further detail, including legal advice in relation to this matter, is provided at Section 4.7.1 Subdivision Consent of this SEE.

The proposed modifications to the currently approved configuration and landscape design of the site are shown at Figure 1 below.



Figure 2: Comparison of approved layout and landscaping as modified by DA/875/2017/A (LHS) / proposed (RHS)

3.2 Consideration of substantially the same development

As noted above, the development as proposed to be modified would no longer include the conceptual allocation of floor space or subdivision of Ridge Road and seeks reconfiguration of other components of the approved development to accommodate the high school and playing field. However, the application continues to be for the same material elements including a new district scale Peninsula Park, a local access road and residual land to accommodate future mixed development, and accordingly the development as proposed to be modified is substantially the same development as that originally approved.

Legal advice has been prepared by Lindsay Taylor Lawyers which sets out the tests established by the Courts for determining whether a modified development is substantially the same as the originally approved development. Those tests are to the effect that the modification should not radically transform the nature of the development, causing it to not have essentially or materially the same essence as the development initially approved. The legal advice also notes that whether a modified development is

substantially the same as the originally approved development can also be determined through a comparison of the consequences of the changes, such as the environmental impacts.

The legal advice notes that the modification needs to be considered in the context of intervening events, in this instance being the establishment of a separate parcel for the new high school (comprising 9,511sqm) acquisition of this land by the Department of Education, construction of a new high school and the future playing field.

Table 1 below outlines a quantitative and qualitative analysis of the proposed modifications compared to the originally approved DA.

Table 1: Comparison of original approval and proposed modification

Aspect of development	Originally approved development (DA-40/2015)	As proposed to be modified
Concept approval allocating permissible floor space to the mixed-use site.	<p>The Consent allocated floor space permissible under the Auburn LEP to the parts of the site proposed for mixed use development as follows:</p> <ul style="list-style-type: none"> • Lot 203 – 46,283sqm • Lot 204 – 5,000sqm 	<p>The allocation of floor space is impacted by the location of the new Wentworth Point High School, realigned Ridge Road and future playing field, and is no longer achievable or workable given the current configuration of the site after the acquisition of the School Site.</p> <p>It is noted that whilst the Consent allocated floor space to the mixed use development site, it also did not authorise the carrying out of any mixed use development. The mixed use development was still required to be the subject of further consents.</p> <p>The Modification Application still proposes that the remainder of the site, not used for the proposed open space and road, will be delivered as a mixed use development, and the appropriate floor space allocation will be addressed through a subsequent rezoning process and/or DA.</p> <p>The change to the area of the proposed mixed use development site is a consequence of the acquisition of the School Site.</p>
Subdivision approval	<p>The Consent allowed for subdivision to create a separate allotment for Ridge Road by modifying Lots 202 and 203.</p>	<p>The approved lot configuration is no longer relevant as the proposed alignment of Ridge Road no longer aligns with the approved subdivision plan. The approved subdivision plan was not registered and has since been superseded with the creation of the current allotments at the time of acquisition of the School Site.</p> <p>There is no need for the Modification Application to propose subdivision to create the lot for the new Ridge Road as that can be done as exempt development under Section 2.75 of the <i>State Environmental Planning</i></p>

Aspect of development	Originally approved development (DA-40/2015)	As proposed to be modified
		<p><i>Policy (Exempt and Complying Development Codes) 2008 (Codes SEPP).</i></p> <p>The Modification Application includes an indicative subdivision plan identifying the lot for the proposed future local road, Peninsula Park including the playing field and a future mixed use lot.</p> <p>Ridge Road would still be delivered, albeit in a revised alignment.</p>
Land area of open space (excluding road)	The Consent included a 3.58ha Peninsula Park comprising passive open space.	<p>The application as proposed to be modified includes a 4.037ha Peninsula Park comprising 3.23ha of passive open space and 0.81ha of active open space.</p> <p>This represents an overall increase of 13% of original approved open space and a small reduction of passive open space of 10%.</p> <p>This expanded area would operate as a park, as per the original approval, however part of the park would now be delivered as active rather than passive open space.</p> <p>This is a significant public benefit, noting that demand for active recreation facilities has been identified for Wentworth Point.</p> <p>This is substantially the same development as originally approved.</p>
Configuration and embellishment of Peninsula Park	The original consent included a landscape plan detailing the configuration and embellishment of the Peninsula Park (see Figure 3).	<p>The development as proposed to be modified sets out the revised configuration of the Peninsula Park and the embellishment of the passive open space component of the Peninsula Park as shown at Figure 4.</p> <p>The park has been reconfigured in response to the location of the new high school and expanded to include an area for a future playing field adjoining the school and wider park. The interface between the park and residual mixed use parcel has also been rationalised to provide for an improved interface and to maximise the park area.</p> <p>There are only minor amendments to the design and embellishment of the park around the park entrance to address interface changes with the future playing field and mixed use site and realigned Ridge Road.</p>

Aspect of development	Originally approved development (DA-40/2015)	As proposed to be modified
		<p>The originally approved elements of and embellishments to the park remain the same including the shared-use path, landscaping and play equipment. Earthworks and remediation works have been completed for the park as much as can be achieved under the existing approval.</p> <p>The embellished design of the playing field (active open space) will form part of a separate development application. The modification application seeks approval only for the location and extent of the playing field.</p> <p>The Modification Application would continue to approve construction of a major district park and as such it is considered the embellishment of the Peninsula Park is substantially the same as the embellishment under the Consent.</p>
Land area of local road	<p>The Consent included a local road including car parking comprising an area of 6,206m².</p> <p>However, this was increased to 7,780sqm by a previous modification.</p>	<p>The application as proposed to be modified includes a local road comprising an area of 6,525m².</p> <p>The proposed location and alignment of Ridge Road has been designed to be as similar as possible to the previous design having regard to the location and acquisition of the School Site.</p> <p>This is a minor increase of 319sqm (5%) compared to the Consent and is considered to be substantially the same development.</p>
Configuration and function of local road	<p>Ridge Road was originally approved to provide access to the park from the south western boundary of the site and provide an interface to part of the Peninsula Park.</p> <p>The road was located along the western side of the site as shown at Figure 3.</p>	<p>The approved road sits within the boundary of the high school and proposed playing field. Accordingly, it has been necessary to realign the road to the east. The road will continue to provide the access to the Peninsula Park and the future mixed use site, in addition to the high school.</p> <p>The road maintains its role in forming an interface to the Peninsula Park however this interface has been enhanced compared to the Consent with the road wrapping around the northern extent of the mixed use site providing greater road frontage to the park.</p> <p>Accordingly, this aspect of the development is considered to be substantially the same as under the Consent.</p>

Aspect of development	Originally approved development (DA-40/2015)	As proposed to be modified
Land area and configuration of residual mixed use site.	<p>The Consent included the creation of two parcels of land to accommodate future mixed use development comprising a total area of 34,569sqm as follows:</p> <ul style="list-style-type: none"> • Lot 203 - 25,410sqm of land • Lot 204 - 9,159sqm of land. 	<p>The application as proposed to be modified would result in a residual future mixed use parcel of 19,870sqm which would accommodate future housing and supporting uses.</p> <p>The reduction in area of the mixed use site reflects the significant public benefit associated with the identification of a much needed high school and playing field for Wentworth Point, and the acquisition of the School Site for that purpose.</p> <p>The reduction of the mixed use site has been necessary to maintain and expand the Peninsula Park in light of the location of the School Site and the need to accommodate a playing field within the Peninsula Park. Further, Lot 204 was envisaged to accommodate a dry boat store (which was subsequently approved under DA-644/2017). The dry boat store is no longer able to be delivered as a result of the location of the School Site and playing field which have a much broader greater public benefit than a dry boat store.</p> <p>The remaining mixed use site would be reduced from 25,410sqm to 19,870sqm which is a relatively minor reduction and accordingly this aspect of the development is considered to be substantially the same as under the Consent.</p>
Car parking	<p>The Consent included approximately 59 public car parking spaces located along Ridge Road, including parallel parking and angle parking fronting the park.</p> <p>However, 72 spaces have since been approved by a previous modification.</p>	<p>The application as proposed to be modified comprises:</p> <ul style="list-style-type: none"> • 12 x 90 degree angle car parking spaces adjacent to Ridge Road along the Park interface. • 50 parallel car parking spaces along Ridge Road • 31 car parking spaces within the central median of Ridge Road which are intended to provide shared access parking for the high school. • A total of 93 car parking spaces would be available including 30 which are accessible to the public out of school hours. This represents a 50% increase in overall parking from the original approval providing a significant public benefit through additional car parking available to public accessing the Peninsula Park

Aspect of development	Originally approved development (DA-40/2015)	As proposed to be modified
		<p>during peak times as well as providing parking for the school.</p> <p>Whilst the increase in car parking is not insignificant, within the context of the overall development it is considered to be substantially the same.</p>
Demolition and vegetation removal	The Consent allowed for: Demolition of existing buildings Site clearing and tree removal.	No change is proposed to these components of the development compared to that under the Consent. It is noted that these works have already been completed or commenced.
Bulk Earthworks	The Consent allowed for bulk earthworks across the site which followed the approved configuration and design of the Peninsula Park and road.	<p>The Modification Application outlines changes to the bulk earthworks to accommodate the amended Peninsula Park configuration and road alignment required as a result of the acquisition of the School Site.</p> <p>Earthworks and remediation works have been completed across the park as far as can be completed under the existing approval. The modification application would allow earthworks to complete the Peninsula Park and local road.</p> <p>The extent of bulk earthworks is considered to be substantially the same as the Consent.</p>
Utility infrastructure	The Consent detailed utility infrastructure servicing and stormwater management for the site as per the approved civil plans.	<p>The Modification Application includes amended Civil Plans which detail the proposed servicing and a Stormwater Management Plan which outlined revised drainage design and stormwater detention arrangements which respond to the updated road alignment and location of the playing field required as a result of the acquisition of the school site.</p> <p>These aspects of the proposed development are considered to be substantially the same as that Consent.</p>
Construction of a sea wall	The original consent approved a new sea wall for the eastern foreshore of Wentworth Point as per the approved plans.	<p>The Modification Application does not seek any change to the approved sea wall.</p> <p>However, it is noted that the sea wall design was previously modified as part of DA/875/2017.</p>
Remediation	The Consent requires remediation of the entire site subject of the DA in accordance with the remediation action plan (RAP) prepared by Parsons Brinckerhoff in 2015 (Ref:	The Modification Application does not propose any change to this component of the Consent.

Aspect of development	Originally approved development (DA-40/2015)	As proposed to be modified
	<p>PB, Detailed Remediation Action Plan – Infrastructure Delivery, Wentworth Point Development, dated 9 January 2015).</p>	<p>Remediation works have been completed across the park as far as can be completed under the existing approval. Further advice has been provided by Geosyntec, who have been working with Landcom to undertake the remediation works, confirming that they are of the opinion the proposed modification application is in line with the 2015 RAP.</p>
Area of application of Consent	<p>The Consent applied to part of Lot 2 DP 859609 (76,291sqm), which was subsequently subdivided under a separate approval to create the following parcels:</p> <ul style="list-style-type: none"> • Lot 202 DP 1216628 • Lot 204 DP 1216628 • Lot 203 DP 1216628. 	<p>The area of application of the approval would remain the same as the approved remediation works apply to both Lot 1 and Lot 2 DP1276305.</p> <p>The application seeks to reconfigure the site to remove the access road and part of the mixed use site from the School Site.</p> <p>Accordingly, the area of application of the Consent would remain substantially the same.</p>
Interface with surrounding area	<p>The approved Peninsula Park interfaced with the Parramatta River to the North, Homebush Bay to the east, the Wentworth Point Primary School to the west and Burroway Road to the south.</p>	<p>The proposed modification makes no significant changes to the park interfaces with the exception of the future playing field now interfacing with the Wentworth Point High School and Primary School. Further, the road interface to the park has been enhanced compared to the Consent with the road wrapping around the northern extent of the future mixed use site providing greater road frontage to the park.</p> <p>Accordingly the interfaces of the development will be substantially the same as the Consent.</p>
Accessibility	<p>The approved road access to the park and mixed use site was via Ridge Road.</p> <p>Pedestrian access was via Ridge Road as well as from Homebush Bay Foreshore Promenade and pathways along the Parramatta River.</p>	<p>Under the Modification Application access to the future mixed use site and the park is still proposed to be via Ridge Road, realigned to accommodate the School Site. However, the access to the park would be enhanced through an expanded road interface with Ridge Road wrapping around the northern extent of the future mixed use site.</p> <p>There is also no change to the shared-path around the perimeter of the park which will complete the much needed pedestrian and cycle network around the headland. Accessible movement network paths are</p>

Aspect of development	Originally approved development (DA-40/2015)	As proposed to be modified
		<p>proposed to and within the open space as well accessibility for maintenance vehicles.</p> <p>Accordingly, the accessibility to the site will be substantially the same as the Consent.</p>
Environmental impacts	<p>There are no significant changes to the environmental impacts associated with the proposed modification as follows:</p> <ul style="list-style-type: none"> • Traffic: The proposed modification to the park and spatial reallocation of floor space would not generate additional traffic, compared with the existing approval. Any additional traffic as a result of the high school is not relevant to this Modification Application. • Contamination: There would no change to the remediation strategy which applies across the entire site. Further advice has been provided by Geosyntec, who have been working with Landcom to undertake the remediation works, confirming that they are of the opinion the proposed modification application is in line with the 2015 RAP. • Provision of open space: Overall the modification would increase the available open space and would provide additional active recreation facilities through the delivery of the playing field. Active open space has been identified as a significant local infrastructure need for Wentworth Point. • Stormwater management: Updated Civil Plans and Stormwater Management Plan have been prepared which outlined revised drainage design and stormwater detention arrangements which respond to the updated road alignment and location of the playing field. The Stormwater Management Plan demonstrates compliance with Council's requirement for stormwater drainage design and water quality targets. • Construction impacts: There would no significant change to the management of construction impacts. <p>Given there are no significant changes to the environmental impacts associated with the proposed modification, it is considered that this aspect of the development will be substantially the same.</p>	



Figure 3: Originally approved layout and landscaping (DA-40/2015)



Figure 4: Proposed layout and landscaping

3.3 Change to the approval notice

The proposed changes to the approval notice are outlined in Appendix A.

3.4 Amendments to original DA documentation

The table below shows the proposed updates to documentation submitted with the original DA.

Table 2: Updates to SEE documentation

Original DA document	Updates
Statement of Environmental Effects (JBA Consulting)	This document (prepared by FPD Planning) outlines the Statement of Environmental Effects of the proposed modification to the original DA.
Appendix A – Infrastructure drawings (Brown Smart Consulting)	Updated civil plans have been prepared by Calibre to reflect the revised bulk earth works, road layout, stormwater drainage, erosion and sediment controls and other infrastructure changes associated with the amended site layout (Appendix B).
Appendix B – Landscape Design Report (Context)	An updated landscape design and landscape report has been prepared by Context outlining the proposed changes the Peninsula Park and road alignment (Appendix C).
Appendix C – Sea wall plan and sections (Worley Parsons)	No change
Appendix D – GFA distribution plan (Plus Architecture)	The GFA distribution plan is proposed to be removed from the approval. The Consent as proposed to be modified would no longer include conceptual allocation of floor space.
Appendix E – Detailed site survey (Hard and Forester)	An updated survey plan has been prepared by Craig and Rhodes (Appendix G).
Appendix F – Soil Contamination Assessment (Parsons Brinkerhoff)	No updated required.
Appendix G – Remediation Action Plan (Parsons Brinkerhoff)	Further advice has been provided by Geosyntec (Appendix D), who have been working with Landcom to undertake the remediation works, confirming that they are of the opinion the proposed modification application is in line with the 2015 RAP, and no further changes are required.
Appendix H – Interim Audit Advice (JBS&G)	No updated required
Appendix I – EPA letter (EPA)	No change. Consultation with EPA to be carried out as part of the assessment of the modification.
Appendix J – Ecological Impact Statement (Biosis)	No update required, as areas of vegetation are not affected.
Appendix K – Marine Environmental Assessment (Worsley Parsons)	No update required, as marine areas are not affected.

Original DA document	Updates
Appendix L – Erosion and Sediment Control Plan (Brown Smart Consulting)	The civil plans prepared by Calibre includes and updated erosion and sediment control plan (Appendix B).
Appendix M – Stormwater Management Plan (Brown Smart Consulting)	An updated Stormwater Management Plan has been prepared by Calibre (Appendix E).
Appendix N – Geotechnical investigation (Douglas Partners)	Additional Geotechnical advice has been prepared by Douglas Partners (Appendix F).
Appendix O – Traffic impact statement (Traffix)	No update required. Updated traffic studies are included as part of the SSDA for the high school and traffic studies will be completed as part of a Planning Proposal/alternate LEP amendment process for the wider site.
Appendix P – Construction services risk analysis (Brown Smart Consulting)	No change required.
Appendix Q – Construction environmental management plan (Brown Smart Consulting)	No update required.
Appendix R – CPTED report (Context)	No update required.
Appendix S – Arboricultural report (EcoDesign)	No update required.
Appendix T – Preliminary public art strategy (UrbanGrowth NSW)	No update required.
Appendix U – Acid sulphate soils plan of management outline (Parsons Brinkerhoff)	No update required.
Appendix V – Waste management plan (Brown Smart Consulting)	No update required.

4 Planning context

4.1 Section 4.55 of the Act

Section 4.55 of the *Environmental Planning and Assessment Act 1979* (the Act) sets out provisions relating to DA modifications. The relevant provisions of Section 4.55 are considered and addressed in Table 3 below.

Table 3: Consideration of Section 4.55(2) of the Act

Section 4.55 matter	Consideration
Section 4.55(2)	
(a) it is satisfied that the development to which the consent as modified relates is substantially the same development as the development for which the consent was originally granted and before that consent as originally granted was modified (if at all), and	<p>The development as modified would no longer include the conceptual allocation of floor space or subdivision of Ridge Road and seeks reconfiguration of other components of the approved development to accommodate the high school and future playing field. However, the application continues to be for the same material elements, including a new district scale Peninsula Park, a local access road and residual land to accommodate future mixed use development, and accordingly the development as proposed to be modified is considered to be substantially the same development as that originally approved.</p> <p>A detailed consideration of this matter, including a quantitative and qualitative analysis of the proposed modifications compared to the originally approved DA is provided in Section 3.2 of this SEE.</p>
(b) it has consulted with the relevant Minister, public authority or approval body (within the meaning of Division 4.8) in respect of a condition imposed as a requirement of a concurrence to the consent or in accordance with the general terms of an approval proposed to be granted by the approval body and that Minister, authority or body has not, within 21 days after being consulted, objected to the modification of that consent, and	Any such consultation will be undertaken as part of Council's referral and assessment process.
(c) it has notified the application in accordance with— (i) the regulations, if the regulations so require, or (ii) a development control plan, if the consent authority is a council that has made a development control plan that requires the notification or advertising of applications for modification of a development consent, and	Council notified the application in accordance with all relevant requirements from 2 November 2022 to 2 December 2022.
(d) it has considered any submissions made concerning the proposed modification within any period prescribed by the regulations or provided by the development control plan, as the case may be.	<p>Two submissions were received during the notification period. These raised the following matters:</p> <ul style="list-style-type: none"> • Inconsistency with the Wentworth Point DCP • Whether the modification meets the 'substantially the same development test'

Section 4.55 matter	Consideration
	<ul style="list-style-type: none"> • Suitability of Ridge Road alignment and preference for Ridge Road to be removed from the proposed development. • Detailed design recommendations for the Peninsula Park. <p>These matters are addressed within this SEE.</p>
Section 4.55(3)	
<p>In determining an application for modification of a consent under this section, the consent authority must take into consideration such of the matters referred to in section 4.15(1) as are of relevance to the development the subject of the application. The consent authority must also take into consideration the reasons given by the consent authority for the grant of the consent that is sought to be modified.</p>	<p>See Section 4.5.</p>

4.2 Parramatta Local Environmental Plan 2023

The Planning Controls which apply to the site are located in the *Parramatta Local Environmental Plan 2023* (Parramatta LEP). The following zones apply under the Parramatta LEP:

- RE1 Public Recreation
- E1 Local Centre
- R4 High Density Residential.

This modification proposes to extend the Peninsula Park to accommodate a playing field and realign Ridge Road. These uses (road and recreation area) are permissible within the three zones which apply to the site. Accordingly, the development as modified continues to be permissible under the proposed modification.

The following development controls apply to the E1 Neighbourhood Centre and R4 High Density Residential zones:

- Maximum floor space ratio: 1.25:1
- Maximum height of buildings: 19m, 25m and 88m.

Under the existing FSR control a maximum GFA of 51,283sqm of mixed use residential development would be permissible within the B1 and R4 zone. The Consent allocates this floor space across the previous development site being Lot 203 (46,283m² GFA) and Lot 204 (5,000m² GFA).

The Modification Application would remove the floor space allocation as it is impacted by the location of the new Wentworth Point High School, realigned Ridge Road and future playing field, and is no longer achievable or workable given the current configuration of the site after the acquisition of the high school.

Landcom will deal with the distribution of floor space and future built form on the residual land through a Planning Proposal or alternate LEP amendment process which will seek to review the planning controls as they relate to mixed-use development on the Site.

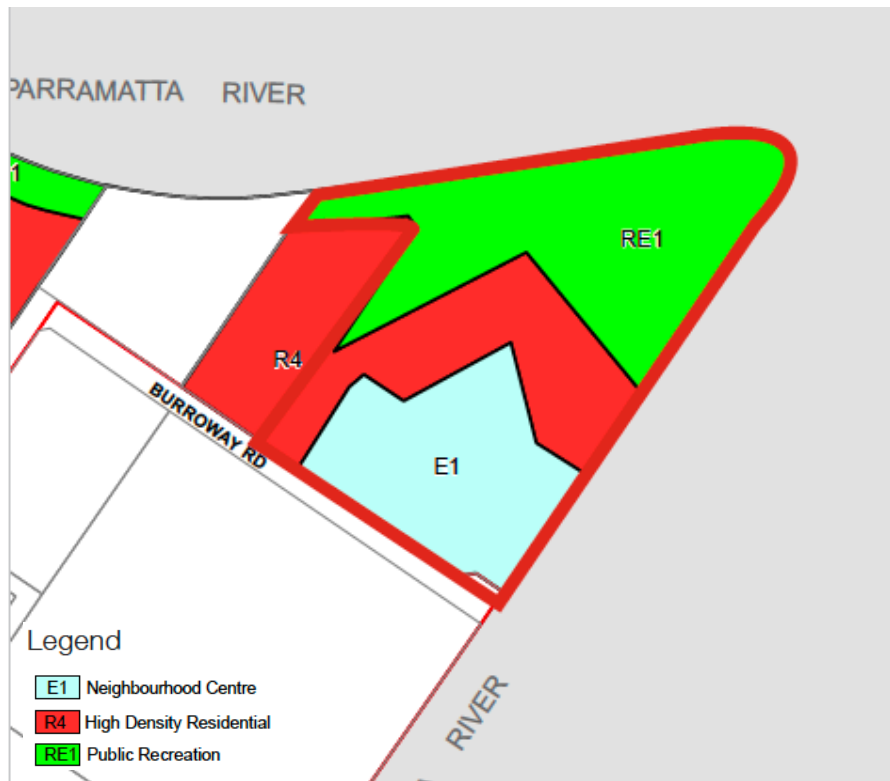


Figure 5: Auburn LEP – zoning map

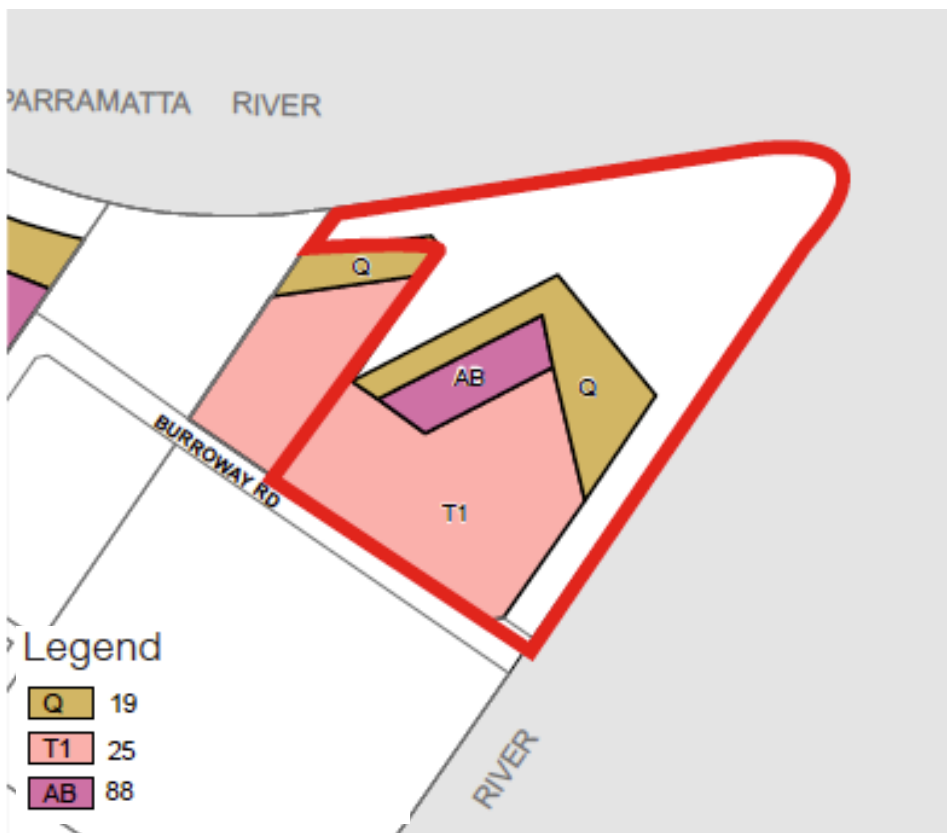


Figure 6: Auburn LEP – height of buildings map

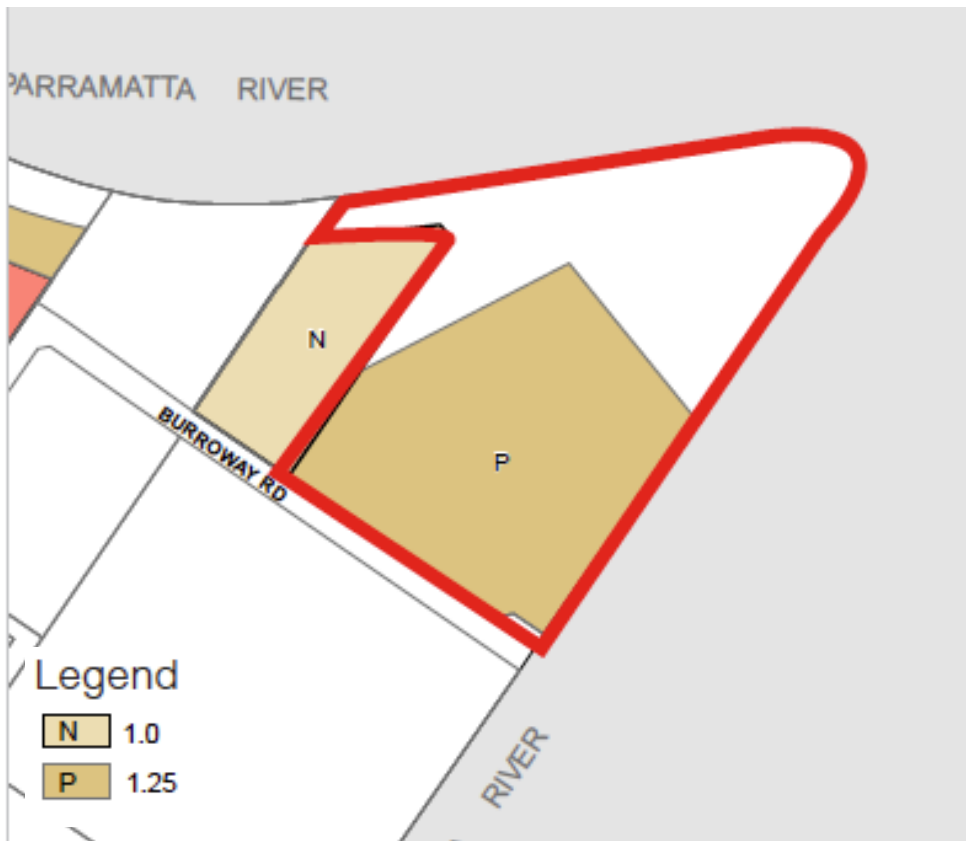


Figure 7: Auburn LEP – floor space ratio map

4.3 Wentworth Point Precinct Development Control Plan 2014

The Wentworth Point Precinct Development Control Plan (DCP) was adopted by the Secretary of the Department of Planning, Industry and Environment following the rezoning of the Wentworth Point Priority Precinct in 2014 and was subsequently amended in October 2021 to make changes to western neighbourhood at Hill Road.

The DCP includes an indicative structure plan (Figure 8) for the Wentworth Point Precinct, which includes the land subject of DA/875/2017 as well as the western neighbourhood. The DCP sets out development controls which apply to the public domain, private domain and sustainability and environmental management.

Key elements outlined in the DCP which relate to the site include:

- Residential community:
 - A high density urban community
 - Two distinct but connected neighbourhoods, being the eastern and western neighbourhoods, focused around the local centre being developed by the Sydney Olympic Park Authority at the ferry wharf and small scale retailing at the north-east corner of the western neighbourhood
 - A range of small scale retail and community uses that serve the needs of the local community
- Open space:
 - A significant peninsula park, with a minimum area of 3.9ha
 - Foreshore park, with an area of approximately 2ha
 - Continuous public access to Parramatta River and Homebush Bay

- Parks and a maritime plaza or similar, that act as focal points and recreation spaces for the local community
- Primary School
 - A new primary school with a site area of approximately 1.5ha adjacent to the local centre and peninsula park
 - School buildings that address Burroway Road with a drop-off/set down facility adjacent to the local centre
 - Playing fields located at the northern end of the school site and be designed to integrate with the peninsula park
- Community facility
 - A community facility and library to be located within close proximity to the village centre
- Maritime:
 - Maritime uses adjacent to Homebush Bay incorporating rowing/kayaking facility, dry boat storage and supporting retail and businesses
 - Upgrade of existing seawalls and creation of a new public promenade along Homebush Bay
- Built form:
 - Building heights ranging from 4 to 40 storeys
 - Six towers in the western neighbourhood
 - Three towers in the eastern neighbourhood
- Movement network:
 - Continuation of both Burroway Road and Ridge Road into the site
 - A series of local streets to enhance connectivity and provide views to the water and the Millennium Marker (Streets can be privately owned but must be publicly accessible and function as a public street)
 - A series of planned improvements to intersections in the wider area to improve traffic flow
 - A publicly accessible foreshore with continuous cycling and walking paths connected to the broader open space network
 - A transport corridor through the western neighbourhood which is capable of accommodating future public transport for buses and/or light rail.



Figure 8: Wentworth Point Precinct DCP – Structure Plan (Source: DPIE)

The proposed modification seeks to vary the DCP structure plan including the proposed location of the playing field and the realignment of Ridge Road and size and configuration of the future mixed use site. These variations are necessary to accommodate the School Site. The Peninsula Park and Ridge Road elements of the Structure Plan identified on the site are still able to be delivered in a modified configuration.

The DCP requires the Peninsula Park to have a minimum area of 3.9ha and is to cater for local recreational needs and a variety of active and passive recreation uses.

The Consent included a 3.58ha Peninsula Park (excluding Ridge Road) comprising passive open space. The application as proposed to be modified includes a 4.037ha Peninsula Park comprising 3.23ha of passive open space and 0.81ha of active open space. Accordingly, the Modification Application is consistent with this aspect of the DCP. The areas of open space as proposed in this modification will provide the active and passive recreation opportunities to address the needs of the community and requirements of the DCP.

The inclusion of the playing field in addition to the Peninsula Park will provide both active and passive open space opportunities addressing the local recreational needs of the community and high school consistent with the intent for open space in the key elements outlined in the DCP.

The DCP was prepared prior to the construction of the Wentworth Point High School which has impacted on the indicative structure plan which forms part of the DCP. The DCP allows for variations to the indicative structure plan where the overall vision, development principles, key elements and objectives can be achieved. The proposed modifications are required to respond to the introduction of the new high school. Any impact on the vision for the Precinct as a result of the School Site is not an impact of this Modification Application and is not relevant to the assessment of this Application.

The Wentworth Point Precinct DCP, including the structure plan is proposed to be amended through a future Planning Proposal or alternative rezoning process to review the planning controls that apply to this area of Wentworth Point.

The vision, development principles and relevant objectives of the DCP are achieved through this modification to the DA as outlined in Table 4 below.

Table 4: Consideration of relevant DCP vision, development principles and objectives

Objectives	Consideration
Section 2.1 Vision	
Wentworth Point is a vibrant urban community that forms a key part of the broader Sydney Olympic Park Specialised Precinct, makes a significant contribution to providing high quality housing for Sydney's diverse and growing population in an environment that embraces its location adjoining Homebush Bay, the Parramatta River and Sydney Olympic Park, Parklands and represents contemporary, high density sustainable living.	The proposed modification maintains consistency with the vision of the DCP as it will support the delivery of future high quality housing to support population growth, whilst embracing its foreshore location through extensive foreshore open space and public access.
Section 2.1 Development Principles	
<p>To achieve the vision, the Wentworth Point Precinct is to:</p> <ul style="list-style-type: none"> a. strengthen the role of Wentworth Point as an integral part of the broader Sydney Olympic Park Specialised Precinct b. create a network of unique, memorable and high quality places c. respond to and enhance its unique natural setting on the Parramatta River d. provide a peninsula park that maximises amenity for the local community e. create a compact, walkable urban community f. provide high density, medium to high rise housing to increase housing choice g. incorporate a network of publicly accessible open spaces h. incorporate a primary school that serves the wider Wentworth Point community i. provide public view corridors to and from the Millennium Marker, Parramatta River and Sydney Olympic Park, Parklands j. create a complete, largely self-contained community k. comprise a diverse and innovative built form that provides a high quality living environment l. be resilient to climate change and sea level rise, and m. incorporate sustainability measures that reduce its impact on the natural environment. 	<p>The proposed modification maintains consistency with the development principles as it will provide a Peninsula Park with a high level of amenity and create a compact walkable urban community through maintaining the intent of the local road network and maximising street frontage and access to the public domain.</p> <p>It also maintains the potential to accommodate high density housing within a self-contained community with access to open space, recreation facilities, primary and high schools and retail / commercial services.</p>
Section 2.3 – Indicative Structure Plan	
<p>Objectives</p> <ul style="list-style-type: none"> a. To ensure that development in the precinct occurs in a coordinated manner consistent with the vision and development principles for the precinct. b. To ensure the key elements of the precinct are delivered whilst providing a degree of flexibility as to the final layout and design of the precinct. 	<p>These objectives provide for a level of flexibility in the layout and design of the precinct provided the key elements, vision and development principles can be addressed.</p> <p>This modification seeks to vary the layout and configuration of the precinct whilst delivering vision</p>

Objectives	Consideration
	<p>and development principles as outlined above and accommodating the key elements in particular:</p> <ul style="list-style-type: none"> • A high density urban community • A range of small scale retail and community uses that serve that needs of the local community • A significant peninsula park, providing just over 4ha of open space exceeding the minimum requirement of 3.9ha • Continuous public access to Parramatta River and Homebush Bay • Continuation of both Burroway Road and Ridge Road into the site • A series of local streets to enhance connectivity and provide views to the water and the Millennium Marker • A publicly accessible foreshore with continuous cycling and walking paths connected to the broader open space network.

Section 3.1 Street network and design

<p>Objectives</p> <p>a. To create a distinct sense of place that responds to natural landscape features.</p> <p>b. To integrate with the surrounding street network by extending the existing alignment of Burroway Road and Ridge Road into the precinct and continuing the future alignment of Ridge Road to the peninsula park.</p> <p>c. To provide a legible, interconnected and permeable local street network, providing convenient opportunities for movement throughout the precinct.</p> <p>d. To prioritise pedestrian and cyclist movement and provide places for people to interact and connect.</p> <p>e. To facilitate the safe and efficient movement of vehicles, pedestrians and cyclists.</p> <p>f. To optimise view lines to the water, Millennium Marker and parklands.</p> <p>g. To coordinate and manage the potential raising of road levels to accommodate on-site parking above the water table in order to avoid intrusion into the ground water table and potential land contamination and achieve acceptable flood protection.</p> <p>h. To create an attractive and comfortable streetscape for pedestrians and cyclists that comprise consistent and high quality paving, street furniture and street tree plantings.</p>	<p>The proposed realignment of Ridge Road is consistent with the objectives of the DCP as it extends Ridge Road into the precinct to the peninsula park.</p> <p>The revised alignment and design of Ridge Road will maintain the permeability of the precinct and facilitate the safe and efficient movement of vehicles, pedestrians and cyclists.</p>
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Section 2.4 – Pedestrian and cycle network

<p>Objectives</p> <p>a. To facilitate convenient movement, with safe and direct connections between key locations including the primary school, ferry terminal, peninsula park, wider Sydney Olympic Park, Parklands and the proposed Homebush Bay Bridge.</p> <p>b. To provide continuous foreshore public access.</p>	<p>The modification will maintain the continuous foreshore public access and provide for safe direct connections between key locations particularly to the high school, Peninsula Park and mixed use site.</p>
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Objectives	Consideration
Section 3.4 – Open space network	
Objectives a. To provide unique, high quality, and memorable places. b. To create an iconic peninsula park at Wentworth Point that reinforces the distinct and valuable landscape character of Parramatta River. c. To create a continuous foreshore park along the precinct's Parramatta River frontage and continuous public open space along the precinct's Homebush Bay frontage providing a range of experiences along the foreshore. d. To provide a network of pocket parks, distributed across the precinct that allow for a diverse range of active and passive recreation uses. e. To integrate with the broader Sydney Olympic Park, Parklands and Wentworth Point open space network. f. To promote an attractive, green and environmentally sensitive character for the precinct. g. To optimise physical access and views to the water. h. To protect and enhance the precinct's ecological values within the open space network. i. To maximise the interface between development and public open space to provide enhanced levels of residential amenity and casual surveillance of the public open space, including through the creation of a wedge of public open space between the school and eastern neighbourhood aligned with the pivot of Ridge Road. j. To locate and design the school's primary open space so that it visually (and potentially functionally) integrates with the peninsula park, including enabling informal community recreational use outside of school hours.	<p>The proposed modification of the Peninsula Park is consistent with the objectives in particular to deliver an iconic peninsula park and provide continuous public foreshore access.</p> <p>The design of Ridge Road also maximises access and interface with the park.</p> <p>The proposed park design is also consistent with the key open space characteristics listed in Section 3.4 of the DCP as follows:</p> <ul style="list-style-type: none"> • Minimum size 3.9ha • Cater for local recreational needs and a variety of active and passive recreation uses in accordance with the following principles: <ul style="list-style-type: none"> – a landmark on the river – a vibrant neighbourhood park – a memorable riverfront journey – a sustainable legacy • Address the following key issues: <ul style="list-style-type: none"> – sea wall condition – landform generation – retention of views – interface with the maritime plaza and housing – wetland and water sensitive urban design (WSUD) opportunities – contamination.

4.4 State Environmental Planning Policies

The proposal complies with all provisions of relevant State Environmental Planning Policies (SEPPs) as outlined in Table 5.

Table 5: Analysis against State Planning Policies

Policy	Assessment
Resilience and Hazards SEPP	<p>Chapter 2 Coastal Management Chapter 2 aims to promote an integrated and coordinated approach to land use Planning in the coastal zone.</p> <p>The site is outside the coastal zone with the exception of the very tip of the peninsular which comprises coastal wetlands and an associated buffer. No changes are proposed within this area of the site, and accordingly the development remains consistent with this chapter.</p> <p>Chapter 4 – Remediation of Land Chapter 4 introduces planning controls for the remediation of contaminated land. It requires that a consent authority must not approve development unless: (a) it has considered whether the land is contaminated, and</p>

Policy	Assessment
	<p>(b) if the land is contaminated, it is satisfied that the land is suitable in its contaminated state (or will be suitable, after remediation) for the purpose for which the development is proposed to be carried out, and</p> <p>(c) if the land requires remediation to be made suitable for the purpose for which the development is proposed to be carried out, it is satisfied that the land will be remediated before the land is used for that purpose.</p> <p>The site has been subject of previous preliminary and detailed site investigations and remediation has been detailed in a remediation action plan (RAP) prepared by Parsons Brinckerhoff in 2015 (Ref: PB, Detailed Remediation Action Plan – Infrastructure Delivery, Wentworth Point Development, dated 9 January 2015).</p> <p>Further advice has been provided by Geosyntec, who have been working with Landcom to undertake the remediation works, confirming that they are of the opinion the proposed modification application is in line with the 2015 RAP, and no further changes are required.</p>
Biodiversity and Conservation SEPP	<p>Chapter 10 Sydney Harbour Catchment</p> <p>Chapter 10 applies to land within the catchment of Sydney Harbour includes the following aims:</p> <ul style="list-style-type: none"> to ensure that the catchment, foreshores, waterways and islands of Sydney Harbour are recognised, protected, enhanced and maintained as an outstanding natural asset, and as a public asset of national and heritage significance, for existing and future generations, to ensure a healthy, sustainable environment on land and water, to achieve a high quality and ecologically sustainable urban environment, to ensure a prosperous working harbour and an effective transport corridor, to encourage a culturally rich and vibrant place for people to ensure accessibility to and along Sydney Harbour and its foreshores, to ensure the protection, maintenance and rehabilitation of watercourses, wetlands, riparian lands, remnant vegetation and ecological connectivity, to provide a consolidated, simplified and updated legislative framework for future planning. <p>The proposed development will enhance public access to the foreshore and the modification does not involve any changes that will create additional biodiversity or water quality impacts. Accordingly, the proposed development remains consistent with this chapter.</p>

4.5 Assessment against Section 4.15 of the EP&A Act

Section 4.15 of the *Environmental Planning and Assessment Act 1979* sets out matters for consideration in determining development applications. These matters are also relevant to modification applications and are addressed in Table 6 below.

Table 6: Assessment against s4.15(1) of the EP&A Act

Section 4.51 matter	Consideration
The provisions of any environmental planning instrument	See Section 4.2 Parramatta Local Environmental Plan 2023
The provisions of any proposed instrument that is or has been the subject of public consultation under	NA

Section 4.51 matter	Consideration
this Act or that has been notified by the consent authority.	
The provisions of any Development Control Plan	See Section 4.3
The provisions of any planning agreement that has been entered into under section 93F, or any draft planning agreement that a developer has offered to enter into under section 93F	Not relevant.
The provisions of the <i>Environmental Planning and Assessment Regulations 2000</i> (the Regulations), to the extent that they prescribe matters for the purposes of this paragraph	Clause 61 of the Regulations set out additional matters for consideration by a consent authority for the purposes of 4.15(1) of the EP&A Act. No matters are relevant to the proposed DA.
The provisions of any coastal zone management plan (within the meaning of the Coastal Protection Act 1979)	Not applicable
The likely impacts of that development, including environmental impacts on both the natural and built environments, and social and economic impacts in the locality	The development will not result in any significant adverse social, environmental or economic impacts as outlined in section 5. The development will deliver a benefit in the form of an increased area of open space and improved foreshore access and connections to the wider Parramatta River and Homebush Bay foreshore. The proposed modification will support the delivery of a new high school at Wentworth Point and associated facilities by amending the Peninsula Park design to accommodate a realigned Ridge Road and a new shared access playing field.
The suitability of the site for the development	The site has been demonstrated to be suitable for the development through original approval.
Any submissions made in accordance with this Act or the regulations	<p>Two submissions were received during the notification period. These raised the following matters:</p> <ul style="list-style-type: none"> • Inconsistency with the Wentworth Point DCP • Whether the modification meets the ‘substantially the same development test’ • Suitability of Ridge Road alignment and preference for Ridge Road to be removed from the proposed development. • Detailed design recommendations for the Peninsula Park. <p>These matters are addressed within this SEE.</p>
The public interest	<p>The Modification Application is seeking to increase the area of open space and access road from 4.16 ha to 4.69 ha to enable the delivery of open space and supporting infrastructure to the community and to support the operation of the high school.</p> <p>The Modification Application was publicly exhibited for 30 days from 2 November 2022 to 2 December 2023 and a total of two submissions were received.</p>

Section 4.51 matter	Consideration
	<p>The proposal is directly in the public interest as it is solely concerned with expediting the delivery of public open space and associated infrastructure by the State Government.</p> <p>Landcom, on behalf of TfNSW, has commenced construction of the open space. Approval of this Modification Application is required for completion of the construction of the open space and supporting infrastructure for the benefit of the community.</p>

4.6 Crown DA

Section 294 of the *Environmental Planning and Assessment Regulation 2021* provides that a development carried out by a public authority (not being a council) is a Crown development. Transport for NSW (TfNSW) is a public authority (as is Landcom). Given this DA is made on behalf of TfNSW, the development is a Crown development for the purposes of Division 4.6 of the EP&A Act.

Under the special provisions for Crown developments, the DA cannot be refused (except with the approval of the Minister for Planning); Council cannot impose conditions of consent without the applicant's approval; the applicant has the opportunity to review the draft conditions; and, if the consent authority fails to determine the application within the prescribed period, the application may be referred to the Minister for approval.

4.7 Relationship to other development consents

4.7.1 Subdivision consent

In addition to the Consent, development application (DA-273/2014) was granted consent by the former Auburn City Council on 27 November 2014 to create Lot 202, being the site of the Peninsula Park approved by the Consent and residual Lots 203 and 204. DA-273/2014 included conditions requiring the registration of restrictive covenants over the Site (including that part now comprised in the high school site) including to require dedication of the Peninsula Park.

Those restrictions on use and public positive covenants burden the former Lot 202 and require the construction of the Peninsula Park on Lot 202 and dedication of Lot 202 to Council. However, part of Lot 202 is now contained in the School Site. The covenants and restrictions cannot now operate as intended.

Further, legal advice has been sought which advises that it is not legally possible to impose a condition on an approval requiring dedication of the Peninsula Park. Delivery should be through a planning agreement, as the dedication of the park cannot be required under s7.11 of the EPA Act, as it is not proposed in a contributions plan.

The 'substantially the same' test is concerned with development, not with land ownership and dedication. Covenants were imposed unlawfully on the land as part of DA-273/2014 and since the time of the approval the land titles have changed to establish the school site.

The Modification Application does not seek to modify DA-273/2014 and the restrictive covenants on the site would continue to apply.

There is no way, absent a VPA or condition validly imposed pursuant to s7.11 of the EPA Act, to require the dedication of land free of cost by way of a condition of consent. As a result, no condition can be imposed on any approval to the Modification Application requiring dedication of the reconfigured park, such a condition would be unlawful.

It would be more appropriate for dedication of the open space to be addressed through a Planning Agreement entered into in connection with a future Planning Proposal or alternate LEP amendment process to review the planning controls as they relate to mixed-use development on the Site.

4.7.2 Maritime precinct consents

The following development consents relating to the maritime precinct at Wentworth Point also apply to the land subject of the Consent:

- DA-644/2017: for construction of a new marina consisting of wet berths and dry boat storage with ancillary parking and boat launching channel. The dry boat store includes 198 car spaces, 20 bicycle spaces, 4 motorbike spaces, loading and waste facilities.
- DA-643/2017: for construction and operation of an overwater licensed rowing club and ancillary uses including a café, restaurant, gym, boat launching ramp and pontoon. The approval requires 100 of the car parking spaces approved under DA-644/2017 to be made available for the rowing club and associated uses.

The proposed location of Ridge Road will intersect with the location of the dry boat store component of DA-644/2017. However this component of the DA is no longer planned to be delivered. Notwithstanding, car parking which formed part of the dry boat store would still need to be provided to support the rowing club and marina. Both DA-644/2017 and DA-643/2017 include conditions which allow for interim car parking arrangement to be agreed with Council.

A separate application would need to be prepared to modify the consent which applies to DA-644/2017 to:

- Remove the dry boat store component of the approval.
- Identify temporary at grade car parking arrangements for the marina and rowing club with car parking to be accommodated within the mixed use development in the longer term.
- Make associated changes to the landscaping and public domain.

There will be no change to the marina and over water component of DA-644/2017 as a result of this modification.

The development application for the rowing club (DA-634/2017) is not impacted by the new alignment of Ridge Road with the exception of the requirement for car parking to be provided as part of the dry boat store which will be addressed through the modification of the marina and dry boat store approval (DA-644/2017).

5 Consideration of environmental effects

5.1 Provision of open space

The proposed modification seeks to increase the area of the Peninsula Park to accommodate a future playing field which is part of the shared open space with the future High School, with public access arrangements in place out of school hours.

The Consent approved the Peninsula Park with a land area of 3.58 hectares (excluding the area of Ridge Road).

The application as proposed to be modified includes a 4.037ha Peninsula Park (excluding Ridge Road) comprising 3.23ha of passive open space and 0.81ha of active open space. This represents an overall increase of 13% of original approved open space and a small reduction of passive open space of 10%.

This expanded area would operate as a park, as per the original approval, however part of the park would now be delivered as active rather than passive open space.

This is in addition to the 4,000sqm extension to the Homebush Bay Promenade which will be delivered as part of the mixed use site and will be publicly accessible.

Overall, the modification would increase the available open space and would provide additional active recreation facilities through the delivery of the playing field.

It is noted the embellishment of the playing field and any associated changes to interface with the park would require a further modification to the development consent. This could be required as a condition of consent on this modification. This approach was discussed and agreed with Council during meetings on 8 August 2022 and 6 September 2022.

5.2 Contamination

The entire site subject of DA/875/2017 is subject to a remediation action plan (RAP) prepared by Parsons Brinckerhoff in 2015 (Ref: PB, Detailed Remediation Action Plan – Infrastructure Delivery, Wentworth Point Development, dated 9 January 2015).

Further advice has been provided by Geosyntec, who have been working with Landcom to undertake the remediation works, confirming that they are of the opinion the proposed modification application is in line with the 2015 RAP.

Geosyntec advise that:

- In 2019, following development consent, Stage 1 remediation works were undertaken on a part of the proposed parkland area which involved the placement of a marker layer and cap to up to 2 metres in depth. The Stage 1 remediation works were conducted to enable the construction of parkland and an access road to the parklands known as Ridge Road. These works were signed off by the site auditor.
- The modification to DA/875/2017 to realign ridge road and include the playing field includes land which is still being remediated under the RAP
- discussions with the site auditor indicate that additional investigation will be required on this remaining triangular portion of land which forms part of the playing field (see Figure 9) and if required an addendum to the RAP prepared, if deemed necessary. Subsequent conversations have been had with Council and the site auditor in relation to this portion of land and Landcom has commenced testing this land and preparing an addendum to the RAP.
- Given that the relocation only involves a repositioning to another part of the site, Geosyntec are of the opinion that the remediation strategy associated with this roadway relocation is still in line with that

presented in PB (2015), consisting of placing a marker layer and cap which will be managed into the future under a Long Term Environmental Management Plan.



Figure 9: Remediation staging

5.3 Traffic

The Modification Application would not generate additional traffic, compared with the existing approval. Any additional traffic as a result of the high school is addressed through the State Significant Development Application for the high school.

The realignment of Ridge Road does not represent a significant change to the existing approved local road network and will provide the same function providing access to the Peninsula Park and mixed-use development site from Burroway Road.

5.4 Stormwater management

Updated Civil Plans (Appendix B) and an updated Stormwater Management Plan (Appendix E) have been prepared to support this modification application which outlined revised drainage design and stormwater detention arrangements which respond to the updated road alignment and location of the playing field.

The Stormwater Management Plan demonstrates compliance with Council's requirement for stormwater drainage design and water quality targets.

6 Consideration of independent advice to the Planning Panel

The Sydney Central City Planning Panel has sought independent advice from The Planning Studio on whether the modification can meet the test of 'substantially the same' in accordance with Section 4.55(2)(a) of the *Environmental, Planning and Assessment Act (1979)*.

The independent assessment was provided to the Panel on 1 February 2024 concluded that the application is capable of meeting the 'substantially the same test' and recommended the following condition:

- Modify Condition 1 to reflect the updated drawings and civil reports referenced;
- Delete Condition 2, which relates to maximum GFA allocation for Lots 203 and 204. As these lots no longer exist, the condition could be retained, but would have no relevance. Deletion of the condition would remove a redundant condition, and would still ensure that any future mixed use development on the site complies with the height and FSR controls in the LEP; and
- Insert a condition to amend 644/2017 to delete the Dry Boat Store area. I would recommend the particular wording of this condition be confirmed with Legal to ensure it meets the obligations of Section 4.24 of the Act.
- Consider inclusion of a note along the lines of: "Note: Parramatta Council acknowledges that the requirement to register a restriction/covenant as prescribed by this condition, may be varied or extinguished, subject to Council's written consent, should Council enter into a Planning Agreement with the developer for the delivery of a Peninsula Park."

Landcom is generally supportive of the recommendations as detailed below:

- The changes to Condition 1 and 2 are supported and these have been updated at Appendix A as per the recommendation to reflect the current proposal.
- Landcom supports the intent of the proposed condition to amend 644/2017 to delete the Dry Boat Store area noting that further legal advice is recommended to be sought and there would need to be further discussion on the details of the condition.
- Further clarification is required of the intent of the recommended inclusion of a note relating to the condition requiring registration of a restriction or covenant. There is currently no condition of the Consent which requires registration of a restriction or covenant so it is unclear how this note would be incorporate in the approval and what function it would serve.

7 Conclusion

Section 4.55(2) of the EP&A Act allows for modifications to existing development consents where: *The consent authority is satisfied that the development to which the consent as modified relates is substantially the same development as the development for which consent was originally granted.*

This Modification Application relates to the consent of a development application for land at Wentworth Point, originally being DA-40/2015 granted by the former Auburn Council, as subsequently modified, by DA/875/2017 and DA/875/2017/A. The Consent was for the following:

- Construction, embellishment and landscaping of a new public open space and access road comprising 4.16ha of land.
- Associated works comprising site preparation and infrastructure works including remediation, bulk earthworks, and utility servicing.
- Concept approval for allocation of permissible mixed use gross floor area across lots 203 (46,283sqm) and 204 (5,000sqm).
- Subdivision of Lot 202 and 203 to create a separate land parcel for Ridge Road.

The Consent needs to be modified as a result of the NSW Government's decision in 2020 to construct a high school and associated playing field within the land to which the Consent relates. As a consequence, the Site was subdivided (as exempt development under s2.75(f) of the Codes SEPP) and the School Site was acquired by the Department of Education.

This Modification Application seeks to respond to the proposed creation of the new School Site which contains land which was approved by the Consent for parts of the access road, Peninsula Park, and the mixed use development site.

The modifications proposed in the Modification Application are listed below and will enable Landcom, on behalf of TfNSW, to complete the delivery of the Peninsula Park and provide local road access to the park, high school and the future mixed use development site.

In summary, the proposed modifications to the Consent include:

- Amend the Peninsula Park to increase the approved area of open space by 4,575sqm from 3.58ha to 4.037ha including the location of the future playing field, noting that embellishment of the playing field would be subject of a future development application.
- Re-align Ridge Road to respond to the proposed location of the future playing field, provide access to the high school and provide an improved street interface to the park.
- Amend the proposed stormwater management and erosion control works to reflect the updated park layout and road alignment.

The conceptual allocation of floor space across the Site as approved under the Consent can no longer be achieved and is no longer appropriate, given that the available land for the proposed mixed use development has reduced in size as a result of the acquisition of the School Site. Landcom will deal with the distribution of floor space and future built form on the residual land through a Planning Proposal or alternate LEP amendment process which will seek to review the planning controls as they relate to mixed-use development on the Site.

There is no longer a proposal to create a lot for the former alignment of Ridge Road, as that alignment needs to be modified to accommodate the School Site. The Modification Application does not propose further subdivision of the Peninsula Park including the playing field and Ridge Road as that subdivision can

proceed without development consent under the Codes SEPP. An indicative future proposed lot configuration is shown in the indicative subdivision plan at Appendix G of this SEE.

It is still intended to dedicate the Peninsula Park and Ridge Road to Council. The mechanism for dedication of the Peninsula Park by way of a public positive covenant was a condition of consent of a separate development application (DA-273/2014) which was granted consent by the former Auburn City Council to create Lot 202, being the site of the Peninsula Park. This Modification Application does not seek to modify DA-273/2014 or propose any change to the delivery mechanisms for the Peninsula Park, the restrictive covenants on the site would continue to apply.

Ongoing ownership, management and maintenance will be negotiated with Council separate to the Modification Application. Until such time, the management of the open space remains the responsibility of the State Government and it will remain in public ownership.

The assessment carried out in this SEE demonstrates that the proposed modification is appropriate as summarised below.

- It is consistent with the relevant provisions of Section 4.55 of the *Environmental Planning and Assessment Act 1979* (the Act) which sets out provisions relating to DA modifications.
- It continues to be for the same material elements including a new district scale Peninsula Park, a local access road and residual land to accommodate future mixed development, and accordingly the development as proposed to be modified is considered to be substantially the same development as that originally approved.
- It is consistent with the *Parramatta Local Environmental Plan 2023* and all relevant State Environmental Planning Policies.
- It includes deviations from the *Wentworth Point Precinct Development Control Plan 2014* (DCP) structure plan including the proposed location of the playing field, realignment of Ridge Road and the location of the mixed use site. These variations are necessary to accommodate the proposed high school and maintain consistency with the vision, development principles and objectives of the DCP.
- It would not result in any significant environmental impacts including as summarized below:
 - The proposed modification will deliver the same elements as what was originally approved including a large peninsula park, Ridge Road and future mixed use development and will result in substantially the same development of the land.
 - Remediation of contamination has been addressed through an existing Remediation Action Plan. Further advice has been provided by Geosyntec, who have been working with Landcom to undertake the remediation works, confirming that they are of the opinion the proposed modification application is in line with the 2015 RAP.
 - The Modification Application would significantly increase the area of the Peninsula Park (excluding Ridge Road) from 3.58ha under the Consent to 4.037ha comprising 3.23ha of passive open space and 0.81ha of active open space.
 - The realignment of Ridge Road does not represent a significant change the existing approved local road network.
 - The proposed modification to the park would not generate additional traffic, compared with the existing approval. Any additional traffic as a result of the high school would be addressed through the State Significant Development Application for the high school.
 - Updated Civil Plans and an updated Stormwater Management Plan have been prepared which outlined revised drainage design and stormwater detention arrangements which respond to the updated road alignment and location of the playing field to meet Council requirements.

The Sydney Central City Planning Panel has sought an independent advice from The Planning Studio on whether the modification can meet the test of 'substantially the same' in accordance with Section 4.55(2)(a) of the *Environmental, Planning and Assessment Act (1979)*.

The independent assessment was provided to the Panel on 1 February 2024 concluded that the application is capable of meeting the 'substantially the same test' and recommended a number of conditions.

Landcom is generally supportive of the recommendations of the independent advice as detailed within Section 6 of this report.

Appendix A Proposed changes to approval instrument

The following amendments are proposed to the conditions of consent (shown by strikethrough / bold underlined text).

Condition 1 – Approved plan

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

Plan number	Prepared by	Revision number	Dated
14082 SK012 GFA Allocation Burroway Road (including amendments in red)	Conybeare Morrison International P/L	03	Feb 2016
Plan of subdivision X13308SK91	Calibre Consulting	-	2.2.2016
Road and Drainage Design (Project No. 18-000416)			
000 Cover sheet	Calibre Consulting		
001 General layout plan	Calibre Consulting	2 6	09.10.2019 31.01.2023
002 Sheet layout plan	Calibre Consulting	2 6	09.10.2019 31.01.2023
003 General notes and legend	Calibre Consulting	2 6	09.10.2019 31.01.2023
101 Soil and water management plan <i>(to be confirmed at CC)</i>	Calibre Consulting	2 6	09.10.2019 31.01.2023
102 Soil and water management notes and details	Calibre Consulting	2 6	09.10.2019 31.01.2023
201 Bulk earthworks plan sheet 01 of 02	Calibre Consulting	2 6	09.10.2019 31.01.2023
202 Bulk earthworks plan sheet 02 of 02	Calibre Consulting	2 6	09.10.2019 31.01.2023
203 Bulk earthworks site sections A & B	Calibre Consulting	2 6	09.10.2019 31.01.2023
204 Bulk earthworks site sections C & D	Calibre Consulting	2	09.10.2019
301 Engineering plan sheet 01 of 02 <i>(to be confirmed at CC)</i>	Calibre Consulting	2 6	09.10.2019 31.01.2023
302 Engineering plan sheet 02 of 02	Calibre Consulting	2 6	09.10.2019 31.01.2023
303 Car park plan	Calibre Consulting	6	31.01.2023
401 Ridge Road longitudinal section carpark access No. 01 Long & Typical Cross Section	Calibre Consulting	2 6	09.10.2019 31.01.2023
402 Ridge Road typical section Carpark access No.02, 03 & 04, Long and Typical Cross Section	Calibre Consulting	2 6	09.10.2019 31.01.2023
501 Ridge Road Cross Sections	Calibre Consulting	6	31.01.2023
801 Bio Retention Bain Plan	Calibre Consulting	2 6	09.10.2019 31.01.2023
Landscape Masterplan Package (Project No. 18527)			
L 0001 Cover Page and Package List	Context	2	25.05.2020

Plan number	Prepared by	Revision number	Dated
<u>L_0002 General Notes</u>	<u>Context</u>	<u>1</u>	<u>25.10.2019</u>
<u>L_1000 Overall Site Plan</u>	<u>Context</u>	<u>2</u>	<u>25.05.2020</u>
<u>L_1011 Materials Schedule – Master</u>	<u>Context</u>	<u>2</u>	<u>25.05.2020</u>
<u>L_1021 Planting Schedule – Master</u>	<u>Context</u>	<u>1</u>	<u>25.10.2019</u>
<u>L_1022 Planting Schedule – Master</u>	<u>Context</u>	<u>1</u>	<u>25.10.2019</u>
<u>L_1023 Planting Schedule – Master</u>	<u>Context</u>	<u>1</u>	<u>25.10.2019</u>
<u>L_1024 Planting Schedule – Master</u>	<u>Context</u>	<u>1</u>	<u>25.10.2019</u>
Promenade Design Package (Project No. 18527)			
L_2001 Key Plan & Drawing List <i>(not all drawings listed on this plan are approved – only those below)</i>	Context	1	25.10.2019
L_2202 General Arrangement Plan 2 of 5	Context	1	25.10.2019
L_2203 General Arrangement Plan 3 of 5	Context	1	25.10.2019
L_2204 General Arrangement Plan 4 of 5	Context	1	25.10.2019
L_2701 Section Key Plan	Context	1	25.10.2019
L_2702 Sections	Context	1	25.10.2019
L_2831 Typical Details – Planting 1 of 1	Context	1	25.10.2019
<u>Ridge Road Landscape Package (Project No. 18527)</u>			
<u>L_3001 Key Plans & Drawing List</u>	<u>Context</u>	<u>2</u>	<u>25.05.2020</u>
<u>L_3201 General Arrangement Plan 1 of 6</u>	<u>Context</u>	<u>1</u>	<u>25.10.2019</u>
<u>L_3202 General Arrangement Plan 2 of 6</u>	<u>Context</u>	<u>1</u>	<u>25.10.2019</u>
<u>L_3203 General Arrangement Plan 3 of 6</u>	<u>Context</u>	<u>1</u>	<u>25.10.2019</u>
<u>L_3204 General Arrangement Plan 4 of 6</u>	<u>Context</u>	<u>1</u>	<u>25.10.2019</u>
<u>L_3205 General Arrangement Plan 5 of 6</u>	<u>Context</u>	<u>1</u>	<u>25.10.2019</u>
<u>L_3206 General Arrangement Plan 6 of 6</u>	<u>Context</u>	<u>1</u>	<u>25.10.2019</u>
<u>L_3601 Planting Plan 1 of 6</u>	<u>Context</u>	<u>1</u>	<u>25.10.2019</u>
<u>L_3602 Planting Plan 2 of 6</u>	<u>Context</u>	<u>1</u>	<u>25.10.2019</u>
<u>L_3603 Planting Plan 3 of 6</u>	<u>Context</u>	<u>1</u>	<u>25.10.2019</u>
<u>L_3604 Planting Plan 4 of 6</u>	<u>Context</u>	<u>1</u>	<u>25.10.2019</u>
<u>L_3605 Planting Plan 5 of 6</u>	<u>Context</u>	<u>1</u>	<u>25.10.2019</u>
<u>L_3606 Planting Plan 6 of 6</u>	<u>Context</u>	<u>1</u>	<u>25.10.2019</u>
<u>L_3701 Sections Key Plan</u>	<u>Context</u>	<u>1</u>	<u>25.10.2019</u>
<u>L_3702 Sections 1 of 2</u>	<u>Context</u>	<u>1</u>	<u>25.10.2019</u>

Plan number	Prepared by	Revision number	Dated
<u>L_3703 Sections 2 of 2</u>	<u>Context</u>	<u>1</u>	<u>25.10.2019</u>
<u>L_3704 Sections 3 of 3</u>	<u>Context</u>	<u>1</u>	<u>25.10.2019</u>
<u>L_3801 Typical Hardscape details</u>	<u>Context</u>	<u>1</u>	<u>25.10.2019</u>
<u>L_3802 Typical Interface Details</u>	<u>Context</u>	<u>1</u>	<u>25.10.2019</u>
<u>L_3803 Typical Interface Details</u>	<u>Context</u>	<u>1</u>	<u>25.10.2019</u>
<u>L_3804 Typical Interface Details</u>	<u>Context</u>	<u>1</u>	<u>25.10.2019</u>
<u>L_3805 Typical Interface Details</u>	<u>Context</u>	<u>1</u>	<u>25.10.2019</u>
<u>L_3806 Typical Interface Details</u>	<u>Context</u>	<u>1</u>	<u>25.10.2019</u>
<u>L_3831 Typical details – softworks</u>	<u>Context</u>	<u>1</u>	<u>25.10.2019</u>
<u>L_3832 Typical details – softworks</u>	<u>Context</u>	<u>1</u>	<u>25.10.2019</u>
<u>L_3901 Details – Amenities Block 1 of 3</u>	<u>Context</u>	<u>1</u>	<u>25.10.2019</u>
<u>L_3902 Details – Amenities Block 2 of 3</u>	<u>Context</u>	<u>1</u>	<u>25.10.2019</u>
<u>L_3903 Details – Amenities Block 3 of 3</u>	<u>Context</u>	<u>1</u>	<u>25.10.2019</u>
<u>Open Space Design Package (Project No. 18527)</u>			
<u>L_5001 Key Plan and Drawing List</u>	<u>Context</u>	<u>2</u>	<u>25.05.2020</u>
<u>L_5201 General Arrangement Plan 1 of 6</u>	<u>Context</u>	<u>1</u>	<u>25.10.2019</u>
<u>L_5202 General Arrangement Plan 2 of 6</u>	<u>Context</u>	<u>1</u>	<u>25.10.2019</u>
<u>L_5203 General Arrangement Plan 3 of 6</u>	<u>Context</u>	<u>1</u>	<u>25.10.2019</u>
<u>L_5204 General Arrangement Plan 4 of 6</u>	<u>Context</u>	<u>1</u>	<u>25.10.2019</u>
<u>L_5205 General Arrangement Plan 5 of 6</u>	<u>Context</u>	<u>1</u>	<u>25.10.2019</u>
<u>L_5206 General Arrangement Plan 6 of 6</u>	<u>Context</u>	<u>1</u>	<u>25.10.2019</u>
<u>Point Landscape Design Package (Project No. 18527)</u>			
<u>L_6001 Key plans and drawing list</u>	<u>Context</u>	<u>2</u>	<u>25.05.2020</u>
<u>L_6201 General Arrangement Plan 1 Of 5</u>	<u>Context</u>	<u>1</u>	<u>25.10.2019</u>
<u>L_6202 General Arrangement Plan 2 Of 5</u>	<u>Context</u>	<u>1</u>	<u>25.10.2019</u>
<u>L_6203 General Arrangement Plan 3 Of 5</u>	<u>Context</u>	<u>2</u>	<u>25.05.2020</u>
<u>L_6204 General Arrangement Plan 4 Of 5</u>	<u>Context</u>	<u>1</u>	<u>25.10.2019</u>
<u>L_6205 General Arrangement Plan 5 Of 5</u>	<u>Context</u>	<u>2</u>	<u>25.05.2020</u>
<u>L_6701 Sections Key Plan</u>	<u>Context</u>	<u>2</u>	<u>25.02.2020</u>
<u>L_6702 Sections</u>	<u>Context</u>	<u>1</u>	<u>25.10.2019</u>

Plan number	Prepared by	Revision number	Dated
L_6703 Sections	Context	2	25.02.2020
L_6704 Sections	Context	2	25.02.2020
Amenities Architectural Design Package (Project No. 1841)			
WD-110 Floor Plan — Ground Floor	Kennedy Associates Architects	B	25.11.2019
WD-111 Floor Plan — Roof Terrace	Kennedy Associates Architects	B	25.11.2019
WD-201 Elevations-01	Kennedy Associates Architects	B	25.11.2019
WD-202 Elevations-02	Kennedy Associates Architects	B	25.11.2019
WD-401 Internal Storage	Kennedy Associates Architects	B	25.11.2019
WD-402 Internal Staff Bathroom & Typical WC	Kennedy Associates Architects	B	25.11.2019
WD-404 Service 1 & Change Room	Kennedy Associates Architects	B	25.11.2019
WD-405 Internal Breezeway	Kennedy Associates Architects	B	25.11.2019
Seawall Arrangement (Project No. 30105-03972)			
30105-03972-MA-DWG-005 General Arrangement (to be amended as per conditions)	Advisian	D	12.12.2018
General Plans			
DA 003 Demolition plan	Brown Smart Consulting	6	30.01.15
DA-702 Proposed potable water services	Brown Smart Consulting	6	30.01.15
DA-703 Proposed pressure sewer	Brown Smart Consulting	6	30.01.15
DA-704 Proposed communications	Brown Smart Consulting	6	30.01.15
DA-705 Proposed electricity	Brown Smart Consulting	6	30.01.15
DA-706 Proposed gas	Brown Smart Consulting	6	30.01.15
DA-707 Sediment & erosion control plan Note: – refer also to Road and Drainage Design 101 – Callibre Consulting Plan 18-000416-101 V02-9 October 2019 (to be confirmed at CC).	Brown Smart Consulting	6	30.01.15
DA-708 Sediment & erosion control notes & details	Brown Smart Consulting	6	30.01.15
SK70A	Calibre consulting	5	12.10.15
SK90	Calibre consulting	00	02.12.15

Plan number	Prepared by	Revision number	Dated
Public Domain Alignment Plan L-1001 Seawall Alignment Only – markup by D. Mansfield. Context dated 20.12.2017	Context	B	24.10.17
Approved documentation			
Detailed Remediation Action Plan – Infrastructure delivery 2207004B-ES-REP-001	Parsons Brinckerhoff	C	09.01.15
Remediation Action Plan Addendum	Zoic	-	07.05.2019
Vegetation Management Plan Project 26747	Biosis	1	10.11.2018
Section 4.55 Application – Landscape Report	Context	I	09.02.2023

except as otherwise provided by the conditions of this determination (Note:- modifications to the approved plans will require the lodgement and consideration by Council of a modification pursuant to Section **4.55 96** of the Environmental Planning and Assessment Act).

1B. Staging Strategy

~~The staging of works are to be generally in accordance with the Indicative Staging Plan Project No. 18527 Drawing L 101 Issue B prepared by Context dated 21 September 2018 unless otherwise agreed by Council in writing.~~

Condition 2 – Gross floor area allocation

~~Lot 203 shall not exceed a maximum GFA of 46,283m²~~

~~Lot 204 shall not exceed a maximum GFA of 5,000m²~~

Condition 4 Submission of Plan of with subdivision certificate application

~~The subdivision certificate application is to be supported by the submission of an original plan of subdivision together with seven (7) copies to be submitted to Council.~~

~~Note: A Subdivision Certificate fee is payable to Council on lodgement of the plans and an inspection fee may be required before collection of the final signed plan of subdivision.~~

Condition 9 Landscaping of Peninsula Park

The following items shall be incorporated within the Peninsula Park landscape plan and submitted to City of Parramatta Council for approval prior to the commencement of any works on the site.

General Landscape Requirements

- Grading and Drainage – demonstrate there is adequate drainage and soil depths above the impervious capping layer that maintains vegetation health and stability during periods of dry

weather. At a minimum the soil depths should be provided across the structural root zone of trees at maturity and achieve the following (including drainage layer):

- Turf and Shrubs - 500mm
- Trees - 1000mm
- b) Seawall – demonstrate the viable retention of existing mangroves and protection of tidal flows to coastal saltmarsh. The seawall plan (30105-03972-MA-DWG-005 General Arrangement) is to be amended to remove the beach area and replace with the Type C seawall treatment and provide details of the Type B1 and Type B2 treatments.
- c) Lighting – to be consistent with Australian Standards and Council’s Public Domain Guidelines. Solar bollards are to be replaced with solar light poles that have CityTouch enabled lighting fixtures with NEMA sockets (LoRaWAN capable).
- d) Furniture and Equipment – demonstrate all park furniture (seats, tables, BBQ, bubblers) and play equipment meet accessibility and safety standards. An ‘imported topsoil data sheet’ is to be submitted to Council for approval prior to the commencement of works to ensure adequate soil quality.

General Amendments

The approved plans shall be amended as follows:

- Provide scour protection (e.g. stones embedded in mortar) in locations of garden beds/tree pits with castellated kerb
- Replace decomposed granite pavement with coloured concrete and exposed aggregate finish
- Provision of low edge/wall at the interface of the sloped garden bed and concrete path
- HR1 handrail finish to be marine grade Stainless Steel Concrete to replace synthetic turf under picnic tables and platforms
- Main shared path (circulation path) to be constructed to Council Standard Drawing DS6 Type 2 Heavy Vehicles
- Concrete edges to replace steel between synthetic grass and softworks
- Larger format pavers to replace stone set pavers
- All seating blocks to have chamfered edges
- E1 Steel Edge to comprise Duragal
- Minimum 3m mowing clearance between trees, paths and garden beds in turfed areas
- Maximum mound grades of 1:6 (Turf) and 1:4 (Garden Beds)
- Provision of ‘Santa Ana Couch’ turf species.

Provision and design requirements

- **Furniture**
 - i) A minimum, four (4) additional seats are to be installed along water edge walkway in positions that enable long vistas across the water ways.
 - ii) A minimum, four (4) additional seats are to be installed along other pathways.
 - iii) A minimum of one (1) bubbler and water refill stations adjacent to the playground area and each fitness station area.

- **Fitness Stations**

- Provision of fitness stations as follows:

- i) Equipment certified to comply with AS 4685
- ii) Equipment shall be high quality designed equipment suitable for a range of skill levels from beginners to advance.
- iii) Equipment shall include both Static and Mechanical equipment at each fitness station.
- iv) A hard wearing surface shall be provided under each piece of equipment.
- v) Equipment shall be installed on a level surface.
- vi) All equipment shall include appropriate signage for correct use of equipment.

- **Playground**

- All playground equipment and safety surfacing to comply to the following standards;

- i) AS 4685:2014 Playground Equipment and Surfacing
- ii) Australian and New Zealand Standard AS/NZS 4486.1: Playgrounds and playground equipment Part 1: Development, installation, inspection, maintenance and operation.
- iii) Australian Standard AS 4685: Playground equipment
- iv) Australian Standard AS 1428: Design for access and mobility

All equipment shall cater in the majority for 5-12 year olds with some facilities for 2-5 year olds, unless the demographics of Wentworth Point suggest otherwise.

The landscape plan detail design, materials and finishes of works incorporating proposed seating, shelter, shade and observation areas for parents and carers. The plan shall identify the type of equipment to be included and the preferred location of each item including rubber softfall or equivalent materials in high wear areas of the playground.

- **Lighting Strategy** – All lights shall be made of marine grade materials resistant to salt air and salt water erosion.

- **Bio-basins**

- i) A safe vehicle access route shall be provided to where trash racks or gross pollutant traps are located adjacent bio-basins.
- ii) A plant palette for bio-basin areas shall be included together with an suitable landscape management plan.

9A. Before Issue of Commencement Certificate – Public Domain Matters

Prior to the issue of the Commencement Certificate for any construction work relating to the ground floor, including slab pour, public domain works or any other above ground structure, a set of detailed **Public Domain Construction Drawings** must be submitted to and approved by Council's Development and Traffic Services Unit (DTSU) Manager. The drawings shall address, but not be limited to, the following areas:

- All the frontages of the development site between the gutter and building line, including footpath, drainage, front setback embankments, landscaped edge to Peninsular Park, amenities block and lookout, promenade paving and design.
- Any publicly accessible areas; any works in carriageway, and onsite landscape work.

The Public Domain Construction Drawings and specifications shall be prepared in accordance with:

- The latest City of Parramatta Public Domain Guidelines 2017 (PDG)
- Homebush Bay West Development Control Plan 2014 (HBWDCP)
- Homebush Bay West Development Control Plan Volume 2: Public Domain Manual 2005 (HBWPDM)
- ~~Wentworth Point Development Control Plan 2014 (WPDCP)~~
- All the conditions listed in this consent.

The Public Domain Construction Drawings must be prepared to include the following (unless otherwise agreed to by Council):

~~Road Retaining Structure~~

- ~~a) The embankment's stabilising application is to have a landscape finish – preferably planting.~~
- ~~b) The top of embankment must be off set from the boundary by at least 500mm to mitigate slumping at the top of embankment and undermining of the footway.~~

~~Footpath / Verge~~

~~Alternatives to a balustrade within Section EE and Elevation GG (which show a wall height up to 1500mm above the pathway) are to be investigated. This may include the provision of another wall with a set down to achieve a maximum slope of 1:3 and maximum wall height of 1m.~~

Ridge Road Footpath

The standard concrete paving, as per Council's Public Domain Guidelines, shall be applied to Ridge Road. Detailed design spot levels and designed contour lines are required. The pedestrian footpath shall comply with the following requirements:

- a) The footpaths must achieve a cross fall of minimum 1% - maximum 2.5%.
- b) The footpaths should positively drain away from the property boundary/ building line
- c) Localised flattening of public footpath at building doorways and property entries is not permitted. Any change of level required to provide compliant access to the building must be achieved behind the property boundary line.
- d) Localised ramps are not permitted in the footway. Longitudinal grading must follow the gradient of the top of kerb line unless agreed otherwise with Council. Ramping of the footway to suit adjacent building entry/access requirements will not be accepted.
- e) A footpath width of 1800mm minimum is required.

Promenade Paving

- a) The extent of promenade is to be asphalt with a strip of grey concrete unit pavers edging the seawall and single row banding at regular intervals of approximately 10m.
- b) The materials to be used are to be as follows: AC5 wearing course (with high percentage Carborundum admixture) over AC10 intermediate course) - Concrete base course for maximum

stability and durability. With 200mm wide flush concrete (exposed aggregate) upstand to edge the western side of the promenade.

- c) The footpaths must achieve a cross fall of minimum 1% - maximum 2.5%.

Kerb Ramps

Kerb ramps must be designed and located in accordance with Council's design standards (DS40 sheet 1-3), using insitu concrete, natural grey, broom finish concrete. Ramps are to be aimed to the ramp on the opposite side of the road. A copy of the Design Standard (DS) Drawings referenced above can be obtained from Council's Customer Service Department on 9806 5050, Mon – Fri (8:30am-4:30pm).

Pit lids and grates

A schedule of proposed pit lid and grate finishes is to be submitted. Drainage grates on an accessible path of travel and within common areas, are to have slots or circular openings with a maximum width of 13mm. Slots are to be laid with the long dimension at right angles to the paths of travel.

Tactile Indicators (TGSIs)

TGSIs must be used on the public footpath and comply with the requirements in the Public Domain Guidelines. ~~The TGSIs must be installed in the locations as shown on the approved Public Domain Construction Drawings.~~

TGSI's must comply as follows.

- a) TGSI's are required at the top and base of each flight/ramp, to comply with AS1428.4.1 (2009) as amended.
- b) TGSI's are not required on a landing where handrails continue through the landing.

Street Furniture

Street furniture selection and detail shall be to Council's requirements where the furniture is to be located in publicly owned land. Street furniture in the public domain must be aligned with Council's Public Domain Guidelines and Homebush Bay West Development Control Plan Volume 2: Public Domain Manual 2005.

Cycle racks

Public bike racks shall be supplied and distributed to destinations across the site. Cycle racks are to be located so that bicycles do not encroach onto the public footway.

Lighting

Pedestrian and street lighting shall be indicated on plans and to Council's requirements and Australian Standards. All new LED luminaires shall include 7pin NEMA socket.

Multi-media conduit

A conduit for Council's multi-media facilities shall be installed to the full length of the street frontages on Ridge Road. The conduit must be positioned and installed in accordance with Council's design standard drawing and specifications.

Street Tree Specifications

Street trees are to be provided in accordance with the approved plans and planting schedule. Specific tree requirements are required to be agreed with Council prior to CC.

The required street tree species, quantities and supply stocks are:

Street name	Botanical Name	Common name	Pot size/ quantity/ average spacing
Ridge Road	Corymbia maculata	Spotted Gum	As shown on the approved drawings or as agreed by Council's DTSU Manager

~~Note: Large trees are currently in short supply and preordering of stock at a very early stage of the project to secure the specified size is required. Size and species adjustments based on lack of project co-ordination will not be permissible.~~

All trees supplied must be grown in accordance with AS2303:2018 (Tree stock for landscape use). Certification is to be forwarded to the relevant certifier upon completion of the planting, certifying the trees have been grown in accordance with AS2303:2018. A copy of this certificate is to be forwarded to Council with the Occupation Certificate.

The requirements for height, calliper and branch clearance for street trees should be in accordance with AS2303:2018.

Consistent tree pit size and construction is to be used throughout the public domain areas around the site for the street tree planting. The street tree must be planted in accordance with Council's design standard with adequate clearances to other street elements in accordance with the Public Domain Guidelines.

A structural pavement system is required around proposed street trees in paved areas in the footway and publicly accessible pedestrian areas to mitigate against soil compaction and to maximise aeration and porosity in the tree root zone. Suitable systems include structural cells such as strata cells. Tree grates may be required depending on the detailed design of the selected pavement structure system.

The base of all tree pits shall incorporate a drainage layer and pipe that connects to nearest stormwater pit and must be indicated on the plans. The invert level of the storm water pit receiving the drainage water from the tree pits is also to be shown on the plans.

8B. Before Issue of Commencement Certificate – Traffic Related Matters

The following matters are to be satisfied before the issue of any Commencement Certificate:

- On-street parking spaces are to be provided in accordance with the approved plans and AS 2890.5. Adequate clearance between the parking bay and the nearest moving traffic lane is to be provided for parallel parking in accordance with Section 2.4 (a) of AS2890.5-1993. Details are to be illustrated on plans submitted with the commencement certificate.
- The dimensions of the motorcycle spaces are to comply with Section 4.4 and Figure 4.1 of AS 2890.5-1993. Details are to be illustrated on plans submitted with the commencement certificate.
- The applicant is to submit a separate application for the proposed line markings and signage along the road to Council's Traffic and Transport Services section for being considered by the Parramatta Traffic Committee for approval. The construction of the approved treatment is to be carried out by

the applicant and all costs associated with the supply and construction of the traffic facility and appropriate signage are to be paid for by the applicant at no cost to Council.

- d) Prior to the issue of a construction certificate, the applicant is to submit a plan, showing the design envelope around a parked vehicle (as shown in Figure 5.2 of the AS2890.1:2004) for all on-street parking spaces, to the satisfaction of Council's Traffic and Transport Manager in order to illustrate that the provision of the tree pits will not have impact on the use of the parking spaces. Note: tree pits may be required to be relocated as a result of this condition. Details of any changes to the on-street parking spaces and the tree pits are to be illustrated on plans submitted with the commencement certificate.

~~41. Road retaining structure~~

~~Prior to commencement of any works, a detailed retaining wall design shall be submitted to City of Parramatta Council for approval to support the elevated road structure to comply with relevant standards. The support structure shall be clear from the proposed road boundary.~~

ADVISORY NOTES

~~Ridge Road Construction and Future Dedication~~

~~At this point in time Council is not supportive of the dedication of an incomplete road and this matter will need to be further investigated and agreed to by Council.~~

~~Any dedication of road to Council will likely require a future partial boundary adjustment of Lot 203 to accommodate the entire road on a separate lot of land.~~

Appendix B Updated Civil Plans

Appendix C Updated Landscape Plans

Appendix D Additional contamination advice

Appendix E Stormwater Management Plan

Appendix F Additional Geotechnical advice

Appendix G Indicative subdivision plan

Appendix H Updated survey plan

Appendix I RFI response