



**CITY OF
PARRAMATTA**

SYDNEY CENTRAL CITY PLANNING PANEL ADDENDUM ASSESSMENT REPORT

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| Panel Reference | PPSSCC-481 |
| DA Number | DA/875/2017/B PAN-248718 |
| LGA | City of Parramatta Council |
| Proposed Development | Section 4.55(2) modification to amend DA/875/2017/A for the proposed infrastructure works on the site and concept GFA allocation |
| Street Address Property Description | 7-9 Burroway Road – Wentworth Point (Lot 1 and Lot 2 in DP1276305) |
| Applicant | Anna Johnson (File Planning & Development Services Pty Ltd) |
| Owner | Minister For Education And Early Learning Transport For NSW |
| Date of DA lodgement | 20 October 2022 |
| Number of Submissions | 2 |
| Recommendation | Refusal |
| Regional Development Criteria | N/A - The application is being referred to the regional panel under Section 4.33 of the EP&A Act (Determination of Crown development applications) as the recommendation of the consent authority is for refusal of the application. |
| List of all relevant s4.15(1)(a) matters | The application fails to pass the jurisdictional threshold as to whether it is substantially the same development. Assessment under Section 4.15 of the EPA Act is not required. |
| Documents submitted with report for Panel's consideration | <ul style="list-style-type: none">• Attachment 1 – Original Officer Assessment Report• Attachment 2 – Applicant Revised SEE dated 26.02.2024• Attachment 3 – Without Prejudice Conditions |
| Clause 4.6 requests | None |
| Report prepared by | Kate Lafferty Executive Planner, City Significant Development |
| Report date | 11 March 2024 |

Summary of s4.15 matters

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

Legislative clauses requiring consent authority satisfaction

Have relevant clauses in all applicable environmental planning instruments where the consent authority must be satisfied about a particular matter been listed, and relevant recommendations summarized, in the Executive Summary of the assessment report? Yes

Clause 4.6 Exceptions to development standards

If a written request for a contravention to a development standard (clause 4.6 of the LEP) has been received, has it been attached to the assessment report? N/A

Special Infrastructure Contributions

Does the DA require Special Infrastructure Contributions conditions (S7.24)? No

Conditions

Have draft conditions been provided to the applicant for comment? No

1. Executive Summary

The proposal seeks approval for a Section 4.55(2) modification to amend DA/40/2015 as modified by DA/875/2017/A for the proposed infrastructure works on the site and concept GFA allocation. The proposed modifications include the changes to the location and design of Ridge Road and the modified design of the proposed park (including the provision of active open space).

The modification application was reported to the Sydney Central City Planning Panel (the Panel) on the 1 August 2023 with a recommendation for refusal (see **Attachment 1**). The Panel held a briefing on the 17 August. The Panel's briefing report noted the following (amongst other matters):

- *The Panel encourages both Council and the applicant to continue this work post briefing to attempt to facilitate an agreeable outcome for all parties.*
- *The Panel invite both the Applicant and Council (at their discretion) to provide the Panel with their respective legal advice. The Panel will consider any advice provided and intend on making a request to DPE's Legal Team for their position.*
- *The Panel indicated that they wish to be briefed again in approximately 6 weeks (28 September 2023), following receipt of legal advice and DPE's position and to hear the outcome of further negotiation and collaboration undertaken by the applicant and Council.*

The Panel sought independent planning advice on the matter.

The Panel forwarded a copy of the independent planning report to Council on 1 February 2024 and requested Council provide an addendum report and draft conditions of consent. A revised SEE was submitted by the applicant on 26 February 2024.

Notwithstanding the draft without prejudice conditions, Council officers maintain their recommendation of refusal for the reasons outlined in the original assessment report (reasons 1 – 4).

Timeline

The following timeline outlines events since the original officer assessment report was issued to the Panel.

| Date | Description |
|------------------|--|
| 1 August 2024 | Assessment report uploaded to the planning panel |
| 17 August 2023 | Briefing meeting held with the planning panel |
| 1 February 2024 | Council receipt of independent planning advice obtained by the Panel (The Planning Studio dated 01.02.2024) with the following request: <i>It is requested that following receipt of any revised information from the applicant that Council prepare an addendum assessment report and without prejudice conditions for consideration by the Panel, allowing for electronic determination of the application following the final briefing on the 14th [March].</i> |
| 26 February 2024 | Applicant lodged information, including a revised SEE to the planning portal |
| 1 March 2024 | Applicant confirmed that no design changes all plans and appendices are unchanged. The applicant stated: |

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| | <i>DPHI asked us to update the SEE to reflect current status, there are no material changes it just reflects the amendments to the proposal that occurred after lodgement and some discussion on recent process.</i> |
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Review of Submitted Information

Substantially the Same Development Planning Advice (The Planning Studio – 01.02.2024)

Council officers have reviewed the independent planning advice obtained by the Panel.

General Comments

Council officers are unable to provide a full review of the planning report submitted. The planning report is based on various documentation, including the following:

- Letter to Sydney Central City Planning Panel from Landcom dated 5 October 2023
- Legal Advice from Lindsay Taylor Lawyers to Landcom dated 28 September 2023 as to whether the modification can meet the 'substantially the same' test in accordance with Section 4.55(2) of the Act
- Planning Report from FPD dated October 2023 regarding 'substantially the same' planning analysis.

Council officers have not been provided with the opportunity to view or consider these documents so are not in a position to comprehensively respond to matters raised within the planning report.

Insofar as general commentary on the planning report, the following points are raised:

- Section 3.3 of the report states that the application seeks to amend the subdivision plan to reflect the new land configuration and retain the intent of the existing covenants. This has not been sought in the Statement of Environmental Effects provided by the Applicant.
- Section 5.1 of the report recommends the insertion of a condition to delete the dry boat store area. It is not considered appropriate to include this condition. The dry boat store is a separate application not related to this application. It is also noted that the deletion of the dry boat store impacts on the other marina applications as it provides for parking for both the wet berth marina and the rowing club. It is not appropriate to make recommendations on these applications as part of this modification application.

Statement of Environmental Effects (FDP Planning – 26.02.2024)

Council officers have reviewed the revised Statement of Environmental Effects submitted by the Applicant.

Insofar as general commentary on the revised SEE, the following points are raised:

- The SEE is also based on legal advice that Council have not had the opportunity to review.
- It is noted that a subsequent application will be lodged for the design and embellishment of the active open space. This should be imposed as a condition of any

consent granted if the Panel are of the mind to support the application. Section 5.1 of the SEE supports this imposition of such a condition.

- Discussion on the “substantially the same’ matter (Section 3.2) considers each aspect individually however does not consider the cumulative impact of the changes.

Assessment

The proposed modifications have only been briefly assessed in accordance with the relevant matters for consideration under Section 4.15 of the EP&A Act, 1979.

It is considered that a full merit based assessment was not required for the proposed development. In this regard, it is noted that Section 4.55(2)(a) of the Act is a jurisdictional threshold. The consent authority must be satisfied that the development is substantially the same as a pre-condition to consideration of the merits of the application.

Since it is the Council officers’ view that the application is not deemed to be substantially the same development as that originally granted, the pre-condition has not been met and a merit based assessment is therefore not warranted.

Notwithstanding the above, a certain level of merit assessment and consideration of impacts had been undertaken to determine whether the application is substantially the same development. These matters have been addressed within the original report at **Attachment 1**.

The consent authority when determining an application is required to take into consideration the evaluation matters under Section 4.15 of the Environmental Planning and Assessment Act 1979. In this regard, it is noted that Council officers have not carried out a full assessment of the application for the reasons listed above. This is a matter that the Panel (as the consent authority) will need to consider when determining the application.

Without Prejudice Draft Conditions

The Panel has requested that Council provide without prejudice draft conditions.

It is noted that Council officers have not carried out a full merit based assessment of the application as the opinion that the application is not substantially the same as the original application is maintained. Therefore, a fully informed comprehensive list of draft conditions cannot be provided based upon the limited assessment of the application.

Notwithstanding the above, consideration has been given to the applicant’s requested condition changes and referral comments received from internal technical specialists through the application assessment process.

Should the Panel be of the mind to approve the application, suggested ‘without prejudice’ draft condition modifications (based upon the above commentary) are contained within **Attachment 3** to assist the Panel with their determination.

Each draft modified condition contains a summary table outlining the reason for the modification. This is for information purposes only and should not form part of the draft conditions.

Recommendation

That the Sydney Central City Planning Panel as the consent authority request the approval of the Minister for Planning to **refuse consent** to Development Application No. DA/875/2017/B for the modification to amend DA/875/2017/A for the proposed infrastructure works on the site and concept GFA allocation, including changes to the location and design of Ridge Road and the modified design of the proposed park (including the provision of active open space) on land at 7-9 Burroway Road, Wentworth Point for the following reasons:

1. The proposed development cannot be approved as a Section 4.55(2) application as the proposed development is not “substantially the same” as the approved development for the purposes of Section 4.55 of the Environmental Planning and Assessment Act, 1979. The cumulative quantitative and qualitative changes to elements of the proposed development radically transform the approved development so that the proposed development is not essentially or materially the same as the approved development.
2. The proposed development does not comply with the objects of the Environmental Planning and Assessment Act, 1979 in that the proposal:
 - (a) does not promote the social and economic welfare of the community and a better environment by the proper management, development and conservation of the State’s natural and other resources,
 - (b) does not promote the orderly and economic use and development of land.
3. The proposed development does not align with the existing covenants and restrictions on the land which will result in the loss of the delivery mechanism for the provision of important community infrastructure in the locality, including a public park, community facility and cul-de-sac.
4. The proposed development is not in the public interest.

ATTACHMENT 3 - WITHOUT PREJUDICE DRAFT CONDITIONS

In the event that the Panel are of the mind to approve the modification application DA/875/2017/B, it is recommended that the following conditions of consent be modified.

A. AMEND CONDITION 1 TO READ AS FOLLOWS:

1. Approved Plans

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

| Plan Number | Prepared By | Revision No. | 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 | 2 6 | 09.10.2019 31.01.2023 |
| 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 & 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 & 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 6 | 09.10.2019 31.01.2023 |
| 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 Cross Sections Carpark access No.02, 03 & 04 Long & 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 Basin 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 |
| L_0002 General Notes | Context | 4 | 25.10.2019 |
| L_1000 Overall Site Plan | Context | 2 | 25.05.2020 |
| L_1011 Materials Schedule – Master | Context | 2 | 25.05.2020 |
| L_1021 Planting Schedule – Master | Context | 4 | 25.10.2019 |
| L_1022 Planting Schedule – Master | Context | 4 | 25.10.2019 |
| L_1023 Planting Schedule – Master | Context | 4 | 25.10.2019 |
| L_1024 Planting Schedule – Master | Context | 4 | 25.10.2019 |
| 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 |
| Ridge Road Landscape Package (Project No. 18527) | | | |
| L_3001 Key Plans & Drawing List | Context | 2 | 25.05.2020 |
| L_3201 General Arrangement Plan 1 of 6 | Context | 4 | 25.10.2019 |
| L_3202 General Arrangement Plan 2 of 6 | Context | 4 | 25.10.2019 |
| L_3203 General Arrangement Plan 3 of 6 | Context | 4 | 25.10.2019 |
| L_3204 General Arrangement Plan 4 of 6 | Context | 4 | 25.10.2019 |
| L_3205 General Arrangement Plan 5 of 6 | Context | 4 | 25.10.2019 |

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|---|---------|---|------------|
| L_3206 General Arrangement Plan 6 of 6 | Context | 4 | 25.10.2019 |
| L_3601 Planting Plan 1 of 6 | Context | 4 | 25.10.2019 |
| L_3602 Planting Plan 2 of 6 | Context | 4 | 25.10.2019 |
| L_3603 Planting Plan 3 of 6 | Context | 4 | 25.10.2019 |
| L_3604 Planting Plan 4 of 6 | Context | 4 | 25.10.2019 |
| L_3605 Planting Plan 5 of 6 | Context | 4 | 25.10.2019 |
| L_3606 Planting Plan 6 of 6 | Context | 4 | 25.10.2019 |
| L_3701 Sections Key Plan | Context | 4 | 25.10.2019 |
| L_3702 Sections 1 of 2 | Context | 4 | 25.10.2019 |
| L_3703 Sections 2 of 2 | Context | 4 | 25.10.2019 |
| L_3704 Sections 3 of 3 | Context | 4 | 25.10.2019 |
| L_3801 Typical Hardscape details | Context | 4 | 25.10.2019 |
| L_3802 Typical Interface Details | Context | 4 | 25.10.2019 |
| L_3803 Typical Interface Details | Context | 4 | 25.10.2019 |
| L_3804 Typical Interface Details | Context | 4 | 25.10.2019 |
| L_3805 Typical Interface Details | Context | 4 | 25.10.2019 |
| L_3806 Typical Interface Details | Context | 4 | 25.10.2019 |
| L_3831 Typical details--softworks | Context | 4 | 25.10.2019 |
| L_3832 Typical details--softworks | Context | 4 | 25.10.2019 |
| L_3901 Details—Amenities Block 1 of 3 | Context | 4 | 25.10.2019 |
| L_3902 Details—Amenities Block 2 of 3 | Context | 4 | 25.10.2019 |
| L_3903 Details—Amenities Block 3 of 3 | Context | 4 | 25.10.2019 |
| Open Space Design Package (Project No. 18527) | | | |
| L_5001 Key Plan and Drawing List | Context | 2 | 25.05.2020 |
| L_5201 General Arrangement Plan 1 of 6 | Context | 4 | 25.10.2019 |
| L_5202 General Arrangement Plan 2 of 6 | Context | 4 | 25.10.2019 |
| L_5203 General Arrangement Plan 3 of 6 | Context | 4 | 25.10.2019 |
| L_5204 General Arrangement Plan 4 of 6 | Context | 4 | 25.10.2019 |
| L_5205 General Arrangement Plan 5 of 6 | Context | 4 | 25.10.2019 |
| L_5206 General Arrangement Plan 6 of 6 | Context | 4 | 25.10.2019 |
| Point Landscape Design Package (Project No. 18527) | | | |

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|--|-------------------------------|---|------------|
| L_6001 Key plans and drawing list | Context | 2 | 25.05.2020 |
| L_6201 General Arrangement Plan 1 Of 5 | Context | 4 | 25.10.2019 |
| L_6202 General Arrangement Plan 2 Of 5 | Context | 4 | 25.10.2019 |
| L_6203 General Arrangement Plan 3 Of 5 | Context | 2 | 25.05.2020 |
| L_6204 General Arrangement Plan 4 Of 5 | Context | 4 | 25.10.2019 |
| L_6205 General Arrangement Plan 5 Of 5 | Context | 2 | 25.05.2020 |
| L_6701 Sections Key Plan | Context | 2 | 25.02.2020 |
| L_6702 Sections | Context | 4 | 25.10.2019 |
| 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 <i>Note:- refer also to Road and Drainage Design 101 – Calibre Consulting Plan 18-000416-101-V02-9 October 2019 (to be confirmed at CC).</i> | 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 |
| 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 96 of the Environmental Planning and Assessment Act).

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

[Condition modified under DA/875/2017/A and DA/875/2017/B]

Reason for Modification:

To update the revised documentation submitted with the modification application.

B. MODIFY CONDITION 1A TO READ AS FOLLOWS:

1A. Extent of Works

This consent does not grant approval for the following:

- (a) construction of a boardwalk within the salt marsh area. Separate approval will be required for any future boardwalk in this area.
- (b) the design and embellishment of the active open space identified on the stamped approved plans. The design and embellishment of the active open space shall be the subject of a separate development application.

Reason: To confirm the details of the application.

[Condition added under DA/875/2017/A and modified under DA/875/2017/B]

Reason for Modification:

To confirm the details of the application. It is noted within the revised Statement of Environmental Effects that this may be imposed as a condition of the consent (FPD Planning, 26.02.2024, p39)

C. DELETE CONDITION 1B

~~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.~~

~~**Reason:** To provide flexibility on staging of works.~~

~~***[Condition added under DA/875/2017/A and deleted under DA/875/2017/B]***~~

Reason for Modification:

Request of the applicant. It is presumed that staging is no longer required for the development.

D. DELETE CONDITION 2

~~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~~

~~**Reason:** To ensure compliance with approved GFA distribution.~~

~~***[Condition deleted under DA/875/2017/B]***~~

Reason for Modification:

Request of the applicant. The conceptual allocation of floor space can no longer be achieved and is no longer appropriate. The application seeks to remove this provision of the consent.

E. REPLACE CONDITION 4 TO READ AS FOLLOWS:

~~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.~~

~~**Reason:** To ensure an application is made for a subdivision certificate.~~

4. **Creation of public access easements**

Before the occupation or use of the site, unrestricted public rights of access shall be created over the proposed Lot 1 of the indicative plan of subdivision of Lot 2 DP1276305 Rev06 dated 06 February 2023.

The terms of the restrictions are to be generally in accordance with Council's "standard terms" available on Council's website, under Development Forms. All Covenants/Restrictions created as part of this consent are to contain a provision that they cannot be released, varied or modified except with the written consent of the City of Parramatta Council. The terms are to be submitted to Council for approval prior to lodgement with NSW Land Registry Services.

Registered title documents showing the covenants and restrictions must be submitted to Council's Manager Development and Traffic Services Unit (DTSU) prior to the occupation or use of the site.

Reason: To ensure legal public access is available over the park and the road.

[Condition replaced under DA/875/2017/B]

Reason for Modification:

As the application involves the delivery and access to the park and road which will be under the ownership and management of the State government, legal public access should be created across the relevant lots to enable unrestricted public access.

F. MODIFY CONDITION 9 TO READ AS FOLLOWS:

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.

Detailed Landscape Plans

Detailed landscape plans of the park are required to be submitted. These plans are to include existing and proposed finished levels, planting details (location, species selection, numbers), soil depths, pathways, irrigation systems, location of services, finishes and materials and the like. The landscape plan is to be prepared by a professionally qualified landscape architect or landscape designer.

General Landscape Requirements

- (a) 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

- Public Toilet - an Exeloo Automated Unisex Toilet or equivalent, shall be installed and located near both alfresco and playground area.
- Storage Facility - A Storage Facility is required to ensure quality maintenance of the Park. The storage facility shall be minimum 42m² (6m x 7m) internally plus provision for a staff member to park a vehicle and take delivery of materials on a hardstand. The Storage Facility shall be easily accessible from Ridge Road. Internally, the facility shall be separated into the following 3 areas;
 - i) Plant storage area accessed by a roller door minimum 3.14m wide single garage size,
 - ii) Amenity room with wash up facilities,
 - iii) Toilet.
- 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.

[Condition modified under DA/875/2017/A and DA/875/2017/B]

Reason for Modification:

The sub-heading "General Amendments" has been removed as requested by the applicant.

The application proposes to delete all references to the detailed landscape plans that have previously been approved. There is insufficient information provided with the modification application to assess the landscaping proposed on the site. The only information provided is the landscape report prepared by Context. This contains no landscaping details and is a general masterplan only. Detailed landscape plans are required to be submitted.

As the details of the public toilet and storage facility have not been provided within this modification application package, the original requirements of the consent are proposed to be reinstated.

G. MODIFY CONDITION 9A TO READ AS FOLLOWS:

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

Prior to the issue of the Commencement Certificate for any work relating to the ground levels, road construction, 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):

Ridge Road

- (a) The road corridor is to be 20m wide, the configuration of which shall be as follows:
 - Two travel lanes of 3.5m width each
 - Both parking lanes to be 2.3m width each
 - Footway being 4.2m wide on each side, of which the pedestrian pathway shall be 1.8m wide each side with the verge 2.4m wide (including the kerb).
- (b) Clarification on the type and number of trees.
- (c) All street trees must be provided in the verge at a distance of 8-10m. These trees must be able to grow to a mature height of 15m or more.
- (d) Street trees are to be located on both sides of the street in a symmetrical manner.
- (e) Clarification of the levels of the school adjoining and its interface with Ridge Road and the proposed active open space, and how any retaining structures will be provided.
- (f) The street edge to the park (northern part of Ridge Road, aligning the southern edge of the park) shall read the same as the remainder of Ridge Road. It shall have a public footpath and street trees on both sides similar to Ridge Road moving north.

Maintenance Access to the Park

A maintenance access road loop into the park is to be provided. At a minimum, a 3.2m wide maintenance driveway for maintenance vehicles directly connecting to Ridge Road, providing loop access around the park, and accessing the active open space is required. This is to be provided via the perimeter shared pathway and may also service emergency access and egress requirements.

Universal Access

All aspects of the design must be delivered to best practice universal design. It must be demonstrated that all features of the park are universally accessible and follow the requirements of the BCA and AS1428.

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 (TGSi)

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 public domain construction drawings. Specific tree requirements are to be agreed with Council prior to commencement of work.

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

| Street Name | Botanical Name | Common name | Pot Size | Qty | Average Spacing |
|--------------------|--------------------------|--------------------|---|------------|------------------------|
| Ridge Road | <i>Corymbia maculata</i> | 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 pre-ordering 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.

Reason: To ensure an appropriate public domain is achieved for the site.

[Condition added under DA/875/2017/A and modified under DA/875/2017/B]

Reason for Modification:

In order to carry out a comprehensive assessment of the public domain -

- A comprehensive set of Public Domain Alignment Drawings is ordinarily required to support any approval of the proposed vertical and horizontal alignments and appointment of public domain finishes and fixtures as per the specific requirements of the Parramatta Public Domain Guidelines.
- Through-site and localised detailed cross sections are required at all interfaces with adjacent sites. Currently there is insufficient information to ascertain if all interface levels work.
- Details of the design of Ridge Road, maintenance access and the provision of universal access is required to be submitted and therefore has been added to the condition.

This information is still insufficiently provided in the currently submitted drawings. Although this is not the preferred way to address this matter – the condition has been amended to incorporate the basic information that was required during the assessment stage.

H. MODIFY CONDITION 8B TO READ AS FOLLOWS:

9B. Before Issue of Commencement Certificate – Traffic Related Matters

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

- (a) On-street parking spaces are to be provided in accordance with the approved plans and AS 2890.5:2020. Parking bays, including the motorcycle parking areas, are not to be linemarked. All on-street parking restrictions are to have signposted time restrictions to prevent all day parking during the day time. ~~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.~~

- ~~(b) 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.~~
- (c) 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.~~
- (e) Revised Civil Design Plans are to be submitted to Council's Traffic and Transport Manager and are to address the following:
- Swept path diagrams are to be provided for a 12.5m long Heavy Rigid Vehicle (HRV) turning into Ridge Road from Burroway Road and performing a u-turning at the turning head in Ridge Road. If this design vehicle requires to undertake a 3-point turn at the turning head, the centre island is not to be provided and the Civil Design Plans are to be updated accordingly. Swept path diagrams for a B99 vehicle are to be provided at the turning head in Ridge Road to ensure that the vehicle can perform a u-turn in one manoeuvre.
 - A footpath to Council's standards is to be installed along the western side of Ridge Road adjacent to the proposed carpark to link with the proposed park.
 - All vehicle access points for the proposed at grade off street carparks are to be designed as a driveway in accordance with Council standards to ensure pedestrians have priority.

Reason: To comply with the Australian Standards and to comply with the Roads Act 1993.
[Condition added under DA/875/2017/A and amended under DA/875/2017/B]

Reason for Modification:

Comments from Council's Traffic & Transport Investigations Engineer include the following:

- It is noted that since the approval for DA/875/2017/A, a new on-street parking standard has been released. Accordingly, Condition 8B is to be revised to include the updated reference to the standards.
- Council's current approach to on-street parking is to not have them in marked bays. The reason for this is as follows:
 - Vehicles vary in length and bays are marked to accommodate large sedan vehicles and turning paths, thus restricting the number of standard vehicles that can be parked in the area.
 - Linemarking is for guidance only unless additional regulatory signage is installed which can add to visual pollution.
- Swept path diagrams are to be provided for a 12.5m long HRV turning into Ridge Road from Burroway Road and u-turning at the turning head in Ridge Road. If the design vehicle requires to undertake a 3-point turn at the turning head, the centre island is not to be provided. Swept path diagrams for a B99 vehicle are to be provided

at the turning head in Ridge Road to ensure that the vehicle can u-turn in one manoeuvre.

- A separate application is required to be submitted to Council's Traffic and Transport Services section for considering for approval by the Parramatta Traffic Committee. The signs and linemarking plan is to be revised such that:
 - The linemarking of parking bays is to be removed.
 - Give Ways signs are not to be installed at the exits of the carparks with all car park access points to be in the form of driveways.
 - All parking restrictions are to be signposted as timed parking restrictions similar to other areas of Wentworth Point.
 - All regulatory signage is to be shown on the plans including all dimensions.
- The entrances to the carpark are currently designed as standard road intersections. This is not suitable for this location as it takes away from a pedestrian friendly environment. Accordingly, all entrances to the carpark are to be designed as standard driveways to create a safer pedestrian environment.
- Given that Ridge Road will provide access to the proposed park, it is likely that there will be a high number of pedestrians in the area. The current design however does not provide a footpath between Ridge Road and the at grade off-street carpark on the western side of the road. As such, it is likely that pedestrians that are walking to their vehicles parked along the western side of the road, will either be walking on the grassed naturestrip or on the road carriageway which is not desirable.

Accordingly, the design should be revised such that for the full length of Ridge Road, there is a footpath on both sides of the road for better pedestrian connectivity. It is noted that there is a footpath along the western side of the at-grade carpark, however, this footpath will be a detour for some pedestrians and therefore, may not be utilised by all.

I. MODIFY CONDITION 26B TO READ AS FOLLOWS:

26B. Oversize vehicles permit

Oversize vehicles using local roads require Council's approval from the National Heavy Vehicle Regulator (NHVR). The applicant is to be required to submit an application for an Oversize Vehicle Access Permit through Council's Traffic and Transport Services NHVR's portal (www.nhvr.gov.au/about-us/nhvr-portal), prior to driving through local roads within the City of Parramatta LGA.

Reason: To ensure maintenance of Council's assets.

[Condition added under DA/875/2017/A and amended under DA/875/2017/B]

Reason for Modification:

Condition revised to reflect the updated application and approval process for oversize vehicle permits.

J. MODIFY CONDITION 41 TO READ AS FOLLOWS:

41. Road retaining structure

In the event that the road structure is elevated, a detailed retaining wall design shall be submitted to **City of Parramatta Council** for approval to support any elevated road structure

to comply with relevant standards prior to commencement of any works. The support structure shall be clear from the proposed road boundary.

Reason: To ensure the support of constructed infrastructure.

[Condition modified under DA/875/2017/A and DA/875/2017/B]

Reason for Modification:

The detailed design of the road structure is unclear from the plans submitted. The condition has been amended to apply only if the road structure is elevated. The purpose is to ensure that no road retaining structures are located within the roadway.

K. DELETE 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.~~

[Advisory notes added under DA/875/2017/A and deleted under DA/875/2017/B]

Reason for Modification:

The road location and design has been modified since the approved application and this advisory note is no longer relevant.