

DETERMINATION AND STATEMENT OF REASONS
SYDNEY CENTRAL CITY PLANNING PANEL

DATE OF DETERMINATION	3 May 2024
DATE OF PANEL DECISION	3 May 2024
PANEL MEMBERS	Steve Murray (Acting Chair), Cinnamon Dunsford, Brian Kirk, Richard Thorp
APOLOGIES	None
DECLARATIONS OF INTEREST	None

Papers circulated electronically on 13 March 2024.

MATTER DETERMINED

PPSSCC-481 – LGA – DA/875/2017/B - 7 – 9 Burroway Road, Wentworth Point - Lot 1 and Lot 2 in DP1276305 Section 4.55(2) modification to amend DA/875/2017/A for the proposed infrastructure works on the site and concept GFA allocation. The proposed modifications include the reconfigured subdivision of the site, redistribution of GFA, changes to the location and design of Ridge Road and the modified design of the proposed park (including the provision of active open space).

PANEL CONSIDERATION AND DECISION

The panel considered: the matters listed at item 6, the material listed at item 7 and the material presented at briefings and the matters listed at item 8 in Schedule 1.

Modification application

The panel determined to approve the development application pursuant to section 4.55 of the *Environmental Planning and Assessment Act 1979*.

The decision was unanimous.

REASONS FOR THE DECISION

The Panel noted the merits of the proposal, given that the modification will facilitate the development of public open space opportunities for the Wentworth Point community.

The panel determined to approve the application given:

- (a) The Panel 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 and before that consent as originally granted was modified (if at all), and
- (b) The Panel is satisfied that Council 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
- (c) The application has been notified in accordance with the regulations, if the regulations so require, or a development control plan, and
- (d) The Panel has considered any submissions made concerning the proposed modification within the period prescribed by the regulations or provided by the development control plan, as the case may be.

CONDITIONS

The development application was approved subject to the conditions provided by Council titled "WITHOUT PREJUDICE DRAFT CONDITIONS 15 APRIL 2024" with the following amendments:

- Condition 1A to be modified to read:

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 or modification application.
- c) the design of the amenities building is to be approved through a separate development application or modification application.

Reason: To confirm the details of the application.

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

- Deletion of Condition 4, shown struck through as follows:

~~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 DP1276305Rev06 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]*~~





- Deletion of part of Condition 9, shown struck through as follows:
- ~~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 hard stand. 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.~~

CONSIDERATION OF COMMUNITY VIEWS

In coming to its decision, the panel considered written submissions made during public exhibition. The panel notes that issues of concern included:

- Inconsistencies with DCP
- The incorrect submission of the application as a modification
- Concerns with construction of Ridge Road over potential greenspace
- Comments on recommended design elements for incorporation into park design

The panel considers that concerns raised by the community have been adequately addressed in the assessment report, through the Substantially the Same Development Planning Advice or through reports and documentation provided as part of the modification application by the proponent.

PANEL MEMBERS	
Steve Murray (Acting Chair) 	Cinnamon Dunsford 
Brian Kirk 	Richard Thorp 

SCHEDULE 1		
1	PANEL REF – LGA – DA NO.	PPSSCC-481 – LGA – DA/875/2017/B
2	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
3	STREET ADDRESS	7 – 9 Burroway Road, Wentworth Point
4	APPLICANT/OWNER	Applicant: File Planning & Development Services Pty Ltd Owner: Transport for NSW
5	TYPE OF REGIONAL DEVELOPMENT	Section 4.55(2) Modification Application
6	RELEVANT MANDATORY CONSIDERATIONS	<ul style="list-style-type: none"> Environmental planning instruments: <ul style="list-style-type: none"> State Environmental Planning Policy (Resilience and Hazards) 2021 State Environmental Planning Policy (Biodiversity and Conservation) 2021 State Environmental Planning Policy (Planning Systems) 2021 Parramatta Local Environmental Plan 2023 Draft environmental planning instruments: Nil Development control plans: <ul style="list-style-type: none"> Wentworth Point Precinct Development Control Plan 2014 Planning agreements: Nil Provisions of the <i>Environmental Planning and Assessment Regulation 2021</i>: Nil Coastal zone management plan: Nil The likely impacts of the development, including environmental impacts on the natural and built environment and social and economic impacts in the locality The suitability of the site for the development Any submissions made in accordance with the <i>Environmental Planning and Assessment Act 1979</i> or regulations The public interest, including the principles of ecologically sustainable development
7	MATERIAL CONSIDERED BY THE PANEL	<ul style="list-style-type: none"> Council assessment report: 1 August 2023 Council addendum report received: 13 March 2024 Written submissions during public exhibition: 2 Total number of unique submissions received by way of objection: 2 Substantially the Same Development Planning Advice
8	MEETINGS, BRIEFINGS AND SITE INSPECTIONS BY THE PANEL	<ul style="list-style-type: none"> Briefing: 17 August 2023 <ul style="list-style-type: none"> <u>Panel members</u>: Steve Murray (Acting Chair), Cinnamon Dunsford, Brian Kirk, Richard Thorp <u>Council assessment staff</u>: Kate Lafferty, Myfanwy McNally <u>Applicant representatives</u>: Anna Johnston, Megan Hawke, Kate Denney Final briefing to discuss council's recommendation: 14 March 2024 <ul style="list-style-type: none"> <u>Panel members</u>: Steve Murray (Acting Chair), Cinnamon Dunsford, Brian Kirk, Richard Thorp <u>Council assessment staff</u>: Kate Lafferty, Myfanwy McNally <u>Applicant representatives</u>: Anna Johnston, Megan Hawke, Kate Denney
9	COUNCIL RECOMMENDATION	Refusal
10	DRAFT CONDITIONS	Without Prejudice Draft Conditions 15 April 2024